

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-2015-12, a request from DRD Development, agent Blake Howard, to amend PD-74 (Planned Development) zoning, being generally the southeast corner of Buffalo Gap Rd & Beltway S. including the Bella Vista subdivision; and setting a public hearing for May 14, 2015.**

**GENERAL INFORMATION**

Currently, the parcel is developed with the Bella Vista subdivision. Several portions within the PD boundary are vacant. The purpose of the amendment is to combine the previous ordinances and modify the maximum number of multi-family dwellings and the maximum height allowed for multi-family structures. The current regulation limits the total number of multi-family dwellings to 400 units within the entire PD boundary. The applicant is proposing to construct apartments on the south side of Sierra Sunset with approximately 430 units. The area on the north side of Sierra Sunset allows for multi-family residential development as well. Eliminating the maximum unit number would permit apartments on both sides of Sierra Sunset. Additionally, the maximum height allowed for apartment buildings is 40 feet. The amendment would change the regulation to allow for a maximum height of 45 feet. The maximum density allowed would remain at 24 units per acre.

The Future Land Use section of the Comprehensive Plan designates this area as part 'commercial' and 'low density residential'. The requested amendment does not alter the permitted uses but will allow for the development of more apartments than currently permitted. The requested zoning is compatible with the Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff recommends approval as requested.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval with 3 modifications (1. Limit to 432 multi-family (apartment) units; 2. Allow a 45' maximum height for apartments; and, increase the size of Areas 6 & 7 to match the proposed site where the apartments will be allowed) 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. 6.6

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 PDD-74(a), (b), & (c) AND ORDINANCE NO. 35-2001, 36-2001 & 27-2002 A PLANNED DEVELOPMENT DISTRICT; 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 Ordinance No. 35-2001, 36-2001 & 27-2002, 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

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 20<sup>th</sup> 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 14<sup>th</sup> 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 14<sup>th</sup> day of May, A.D. 2015.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

Exhibit "A"

1<sup>st</sup> Amendment to Ordinance No. 35-2001, 36-2001 & 27-2002

AMEND: Part 5: Legal Description.

ADD: The legal description of this Planned Development (PD) district shall be the combination of property described in PD ordinances PDD-74(a), PDD-74(b), and PDD-74(c) thus creating one (1) PD ordinance.

AMEND: Part 6: Specific Regulations.

REVISE: Combine the previous ordinances and modify the maximum number of multi-family dwellings and the maximum height allowed for multi-family structures.

A. This PDD is to be developed as set forth in this Part, and any variation therefrom shall require an amendment to this ordinance.

B. Regulations pertaining to all areas

1. All development of non-single-family residential uses shall meet such requirements for setbacks, height limitations, circulation, floor-area ratios, buffers and berms, lot dimensions, performance standards, screening, landscaping, lighting, open space and other design amenities in accordance with a site plan to be approved by the Site Plan Review Committee or its successor entity. These requirements shall be negotiated between the developer and the City of Abilene. If the parties are unable to agree on the requirements or any part thereof, the developer may apply for one or more amendments to this PDD ordinance as provided in Section ~~23-332~~2.3.4.5 Planned Development (PD) District, et seq. of the City of Abilene ~~Zoning Ordinance~~Land Development Code (LDC).
2. A maximum of ~~400~~432 multi-family dwelling units (apartments) may be placed in the PDD ~~(a and b)~~. This is not intended to restrict duplex units in allowable areas as listed in the PD. The maximum height allowed for multi-family residential buildings shall be 45 feet. The multi-family dwelling units shall be allowed in areas 6 & 7 in the attached exhibits.
3. All developed properties (excluding duplexes and single-family residences) shall provide a minimum 20' wide landscape buffer along the public right-of-way. Driveways and sidewalks may pass through the said buffer.
4. Driveway along FM 707 and along Buffalo Gap Road shall be in compliance with Section ~~23-345~~2.3.4.1(f) Corridor Overlay (COR) District: Driveway Access of the ~~Zoning Ordinance~~LDC.
5. No single-family residences or duplexes shall front on or have direct access to FM 707 or Buffalo Gap Road.

6. *Parking Requirement:* As stated in the City of Abilene ~~Zoning Ordinance~~ **LDC**.
  7. Setback for single-family residential development shall meet the following setbacks:
    - From property lines adjacent to arterial streets = 30 feet.
    - From property lines adjacent to all other streets = 20 feet.
    - Rear: 20 feet
    - Interior Side: 6 feet
  8. Setbacks for primary structures from property lines adjacent to a park shall be a minimum of 25 feet.
- C. Area 1: Use and development of this area shall be in accordance with the provisions of Section ~~23-3452.3.4.1~~ **3.4.1 Corridor Overlay (COR) District** of the City of Abilene ~~Zoning Ordinance~~ **LDC**, including the following:

*Permitted Uses:*

Residential

Duplexes  
Motel/hotel  
Multi-family dwellings  
Patio Homes  
Townhomes

Accessory & Incidental

Accessory Buildings  
Fences, walls, hedges  
Field Office/Construction Office (Temporary)  
Recreation Building (for common use by multiple residences)  
Recreation Equipment, Mobile (Storage and parking)  
Satellite Dish Antenna  
Swimming Pools  
Tennis Courts

Cultural & Recreational Uses

Arcade  
Art Gallery  
Ballfields and Ballparks  
Boat Rental  
Bowling Lanes  
Civic, Social and Fraternal Organizations  
Golf Driving Range  
Golf Course (including miniature golf and pitch & putt)  
Library  
Museum  
Park  
Planetarium  
Pool/Billiard Hall

Skating Rink  
Theater/Playhouse (excluding no drive-in)

Government, Health, Safety & Welfare

Ambulance Service  
Blood Bank  
Fire Station  
Government Administrative Office  
Hospital  
Medical/Dental Office or Lab  
Optical Shop  
Police Station  
Post Office  
Social Service Organization (facilities and offices)  
Special Education/Rehabilitation Center  
Surgical Center

Educational & Religious

Art, Music and Dancing Schools  
Business/Trade Schools  
Church or Place of Worship  
Driving School  
Educational/Scientific Research  
Kindergarten/Child Care  
University/College  
Youth Organizations/Centers

Office

All types of office uses

Service

Auction  
Automobile Glass, Muffler, Seat Cover & Upholstery  
Automobile and Small Truck Repair and Servicing  
Automobile Wash  
Banking/Financial  
Beauty and Barber  
Printing/Blueprinting/Photocopying  
Building Construction (General Contracting Services)  
Cabinet Making  
Catering  
Clairvoyant/Soothsayer/Pronostication  
Delivery  
TV/Radio/Electrical Appliance Repair  
Employment  
Food Locker  
Funeral Home  
Furniture Repair

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EXHIBIT "B"

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Fur Repair/Storage & Taxidermy  
Health/Physical Fitness  
Interior Decoration  
Key & Lock Repair  
Labor Union  
Landscaping  
Laundering/Dry Cleaning  
Office Equipment/Business Machine Rental  
Painting/Paperhanging  
Photoengraving  
Photographic  
Shoe Repair/Shining  
Self-Storage Units  
Tailoring  
Tool & Equipment Rental  
Trading Stamps  
Travel Arranging  
Typesetting  
Upholstering  
Veterinarian (small animal)  
Watch/Clock/Jewelry Repair

Retail Trade

Antiques  
Appliances  
Automobile Parts/Supplies  
Bakery  
Bicycles  
Book/Stationary  
Camera/Photographic Supplies  
China/Glassware/Metalware  
Christmas Trees  
Clothing  
Coins/Stamps  
Dairy Products  
Department Store  
Pharmacy  
Electrical/Electronic Supplies  
Farm/Garden Supplies  
Floor Covering  
Furniture/Home Furnishings  
Gasoline  
Gifts/Novelties/Souvenirs  
Grocery Store (Supermarket & convenience)  
Hardware  
Hobby/Craft Supplies  
Jewelry  
Keys/Locks

Marine Craft/Accessories  
Meat/Fish  
Military Surplus  
Monuments  
Music Supplies/Records  
Periodicals  
Office Supplies/Equipment  
Paint/Glass/Wallpaper  
Plant Material (flowers & household plants)  
Plumbing Equipment  
Restaurant (standard/drive-in/fast-food)  
Shoes  
Sporting Goods  
Tobacco Products  
Variety Store

Wholesale

Medical/Dental Supplies  
Tobacco Products  
Vending Machine/Merchandise

Transportation, Communication & Utilities

Automobile Parking Lot or Structure  
Gas Line Regulating or Compression Station  
Petroleum Pressure Control Station  
Radio/Television Studio (without Broadcast Tower)  
Sewage Pressure Control and Lift Station  
Taxi Terminal  
Telegraph Office  
Water Pressure Control Station  
Water Storage

Resource Production & Extraction

Petroleum/Gas Well

Manufacturing

Books/Periodical (publishing & printing)  
Bookbinding

*Signs:* Shall comply with the provisions of Section ~~23-345~~2.3.4.1 Corridor Overlay (COR) District of the ~~Zoning Ordinance~~LDC. Portable signs and off-site advertising signs shall be prohibited.

D. Areas 2 & 5: Use and development of this area shall be in accordance with the following:

*Permitted Uses:*

Duplexes

Multi-Family Dwellings (~~maximum density of 24 units per acres~~)  
Patio Homes  
Townhomes  
Single-Family Detached Dwellings  
Accessory and Incidental Uses as permitted in Section ~~23-306.4~~2.4.4 Accessory  
Uses and Structures of the City of Abilene ~~Zoning Ordinance~~LDC  
Fire Stations  
Church and Place of Worship  
Kindergarten and Child Care Center  
School: Public or Private (elementary, junior, and high school)

*Signs:* As stated in City of Abilene Sign Regulations under the RM District.

Exceptions:

- No motion allowed
- No portable signs

E. Area 3: Use and development of this area shall be in accordance with the following:

*Permitted Uses:*

Single-Family Detached Dwellings  
Accessory and Incidental Uses as permitted in Section ~~23-306.4~~2.4.4 Accessory  
Uses and Structures of the City of Abilene ~~Zoning Ordinance~~LDC  
Park and/or Playground  
Play Lots or Tot Lots  
Church or Place of Worship  
School: Public or Private (elementary, junior, and high school)

*Signs:* As stated in City of Abilene Sign Regulations under the RS District.

Exceptions:

- No portable signs

F. Area 4: Use and development of this area shall be in accordance with the following:

*Permitted Uses:*

Duplexes  
Multi-Family Dwellings (maximum density of 8 units per acres)  
Patio Homes  
Single-Family Detached Dwellings  
Accessory and Incidental Uses as permitted in Section ~~23-306.4~~2.4.4 Accessory  
Uses and Structures of the City of Abilene ~~Zoning Ordinance~~LDC  
Church and Place of Worship  
Kindergarten and Child Care Center  
School: Public or Private (elementary, junior, and high school)

*Signs:* As stated in City of Abilene Sign Regulations under the MF District.

Exceptions:

- No illumination allowed
- No motion allowed



No portable signs

- G. Area 6: Use and development of this area shall be in accordance with the provisions of Section ~~23-3452~~3.4.1 Corridor Overlay (COR) District of the City of Abilene ~~Zoning Ordinance~~LDC, including the following:

*Permitted Uses:*

Residential

Duplexes  
Motel/hotel  
Multi-Family Dwellings  
Patio Homes  
Townhomes

Accessory & Incidental

Accessory Buildings  
Fences, walls, hedges  
Field Office/Construction Office (Temporary)  
Recreation Building (for common use by multiple residences)  
Recreation Equipment, Mobile (Storage and parking)  
Satellite Dish Antenna  
Swimming Pools  
Tennis Courts

Cultural & Recreational Uses

Arcade  
Art Gallery  
Ballfields and Ballparks  
Boat Rental  
Bowling Lanes  
Civic, Social and Fraternal Organizations  
Golf Driving Range  
Golf Course (including miniature golf and pitch & putt)  
Library  
Museum  
Park  
Planetarium  
Pool/Billiard Hall  
Skating Rink  
Theater/Playhouse (excluding no drive-in)

Government, Health, Safety & Welfare

Ambulance Service  
Blood Bank  
Fire Station  
Government Administrative Office  
Hospital  
Medical/Dental Office or Lab

Optical Shop  
Police Station  
Post Office  
Social Service Organization (facilities and offices)  
Special Education/Rehabilitation Center  
Surgical Center

Educational & Religious

Art, Music and Dancing Schools  
Business/Trade Schools  
Church or Place of Worship  
Driving School  
Educational/Scientific Research  
Kindergarten/Child Care  
University/College  
Youth Organizations/Centers

Office

All types of office uses

Service

Auction  
Automobile Glass, Muffler, Seat Cover & Upholstery  
Automobile and Small Truck Repair and Servicing  
Automobile Wash  
Banking/Financial  
Beauty and Barber  
Printing/Blueprinting/Photocopying  
Building Construction (General Contracting Services)  
Cabinet Making  
Catering  
Clairvoyant/Soothsayer/Pronostication  
Delivery  
TV/Radio/Electrical Appliance Repair  
Employment  
Food Locker  
Funeral Home  
Furniture Repair  
Fur Repair/Storage & Taxidermy  
Health/Physical Fitness  
Interior Decoration  
Key & Lock Repair  
Labor Union  
Landscaping  
Laundering/Dry Cleaning  
Office Equipment/Business Machine Rental  
Painting/Paperhanging  
Photoengraving

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Photographic  
Shoe Repair/Shining  
Self-Storage Units  
Tailoring  
Tool & Equipment Rental  
Trading Stamps  
Travel Arranging  
Typesetting  
Upholstering  
Veterinarian (small animal)  
Watch/Clock/Jewelry Repair

Retail Trade

Antiques  
Appliances  
Automobile Parts/Supplies  
Bakery  
Bicycles  
Book/Stationary  
Camera/Photographic Supplies  
China/Glassware/Metalware  
Christmas Trees  
Clothing  
Coins/Stamps  
Dairy Products  
Department Store  
Pharmacy  
Electrical/Electronic Supplies  
Farm/Garden Supplies  
Floor Covering  
Furniture/Home Furnishings  
Gasoline  
Gifts/Novelties/Souvenirs  
Grocery Store (Supermarket & convenience)  
Hardware  
Hobby/Craft Supplies  
Jewelry  
Keys/Locks  
Marine Craft/Accessories  
Meat/Fish  
Military Surplus  
Monuments  
Music Supplies/Records  
Periodicals  
Office Supplies/Equipment  
Paint/Glass/Wallpaper  
Plant Material (flowers & household plants)  
Plumbing Equipment

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Restaurant (standard/drive-in/fast-food)  
Shoes  
Sporting Goods  
Tobacco Products  
Variety Store

Wholesale  
Medical/Dental Supplies  
Tobacco Products  
Vending Machine/Merchandise

Transportation, Communication & Utilities  
Automobile Parking Lot or Structure  
Gas Line Regulating or Compression Station  
Petroleum Pressure Control Station  
Radio/Television Studio (without Broadcast Tower)  
Sewage Pressure Control and Lift Station  
Taxi Terminal  
Telegraph Office  
Water Pressure Control Station  
Water Storage

Resource Production & Extraction  
Petroleum/Gas Well

Manufacturing  
Books/Periodical (publishing & printing)  
Bookbinding

*Signs:* Shall comply with the provisions of Section ~~23-345~~2.3.4.1 Corridor Overlay (COR) District of the ~~Zoning Ordinance~~LDC. Portable signs and off-site advertising signs shall be prohibited.

H. Area 7: Use and development of this area shall be in accordance with the following:

*Permitted Uses:*

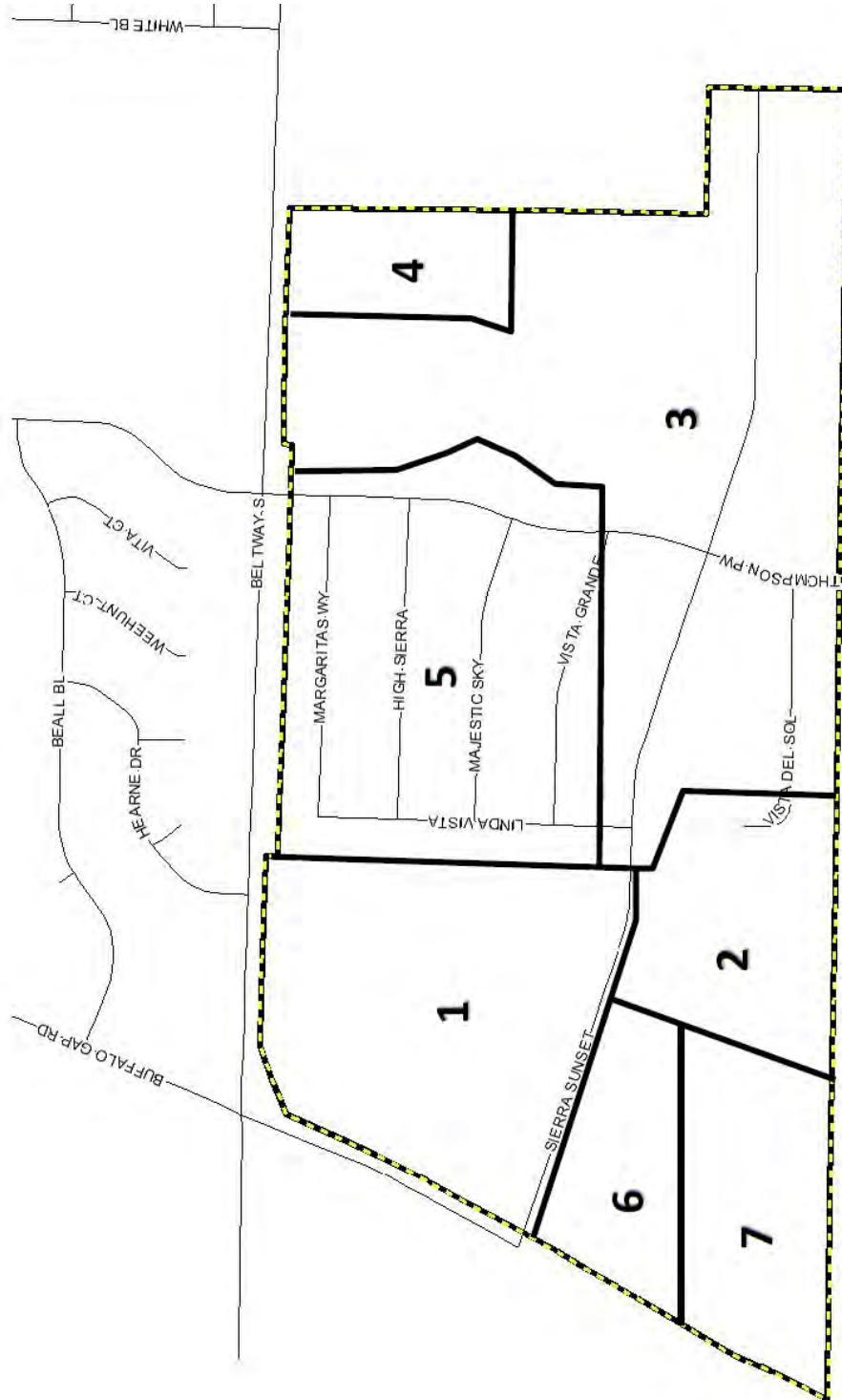
Duplex  
Multi-Family Dwellings (~~maximum density of 24 units per acre~~)  
Patio Homes  
Townhomes  
Single-Family Detached Dwellings  
Accessory and Incidental Uses as permitted in Section ~~23-306.4~~2.4.4 Accessory Uses and Structures of the City of Abilene ~~Zoning Ordinance~~LDC  
Fire Stations  
Church and Place of Worship  
Kindergarten and Child Care Center  
School: Public or Private (elementary, junior, and high school)  
Water Storage

*Signs:* As stated in City of Abilene Sign Regulations under the MF District.

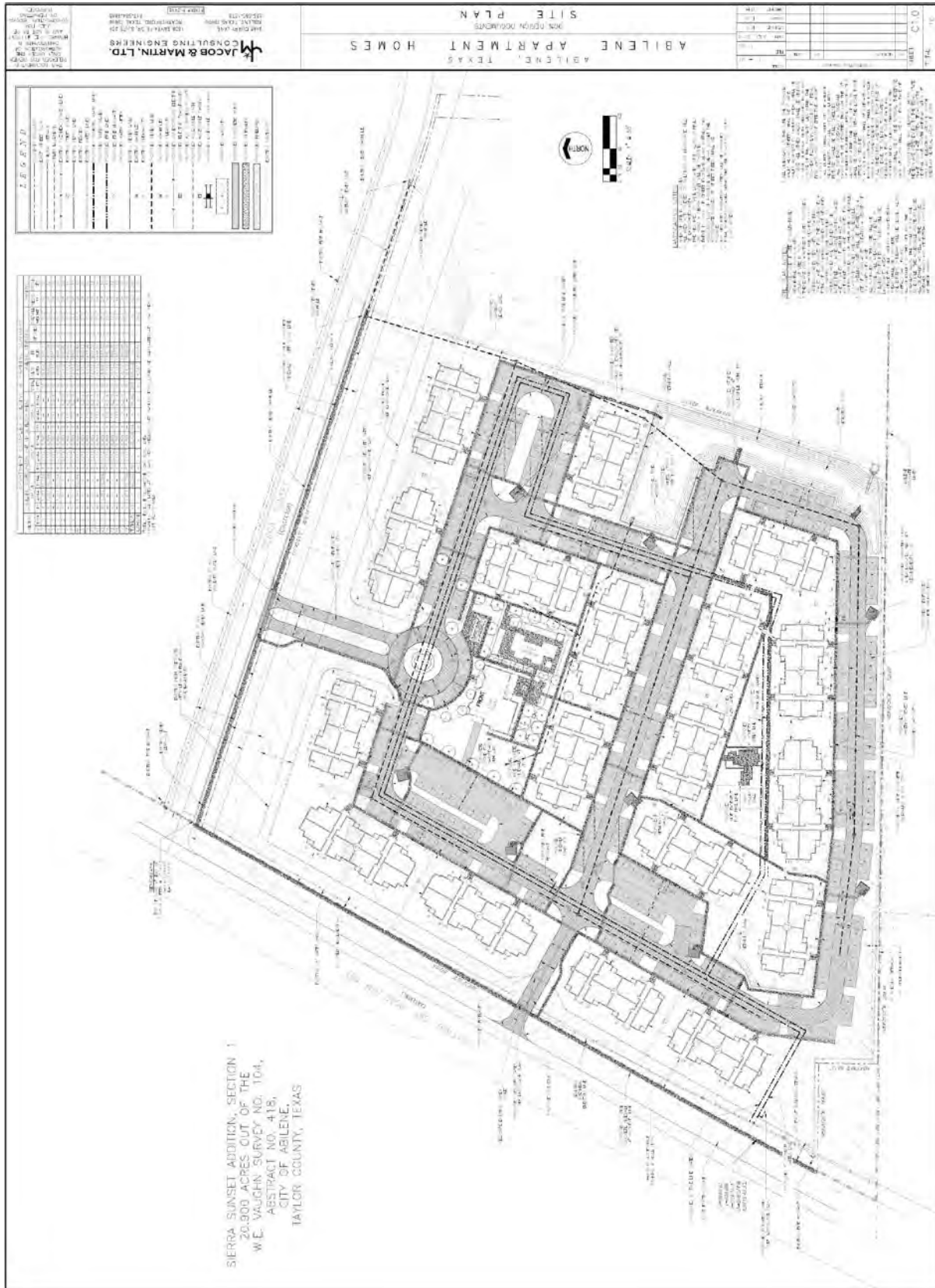
Exceptions:

No motion allowed

No portable signs



**PROPOSED SITE EXHIBIT**



-END-



FOR THE PLANNING & ZONING COMMISSION  
Please call at (325) 676-6237 if you have any questions about this notice.

**CASE #: Z-2015-12**

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: GILLINGHAM BRIAN DAVID &  
Address: 4501 VISTA DEL SOL

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

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

I am in favor

I am opposed

Additional Comments:

We Do not want the 400 unit Multi-Family Dwellings to be built.

**For the PLANNING & ZONING COMMISSION**

Please call at (325) 676-6237 if you have any questions about this notice.

**CASE #: Z-2015-12**

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Name: HAYES ORVILLE SCOTT &  
Address: 4410 VISTA GRANDE

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

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

I am in favor

I am opposed

Additional Comments:

We would like for it to be zoned for more houses like we have in our area, and No Apartments.

**For the PLANNING & ZONING COMMISSION**

Please call at (325) 676-6237 if you have any questions about this notice.

**CASE #: Z-2015-12**

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Name: AMAECHI STANLEY NNAMDI &  
Address: 4610 SIERRA SUNSET

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

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

I am in favor

I am opposed

Additional Comments:

Please we can not afford to have a 400+ unit in this subdivision. Wylie is well known as an area with great school system, which is why we bought the house here. Having such a large capacity of families will increase student to teacher ratio lead to a bad school system that we are so proud of. Thank you

## Boarts, Donna

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**From:** Alvarez, Robert L <robert.alvarez@abileneisd.org>  
**Sent:** Monday, April 6, 2015 10:21 AM  
**To:** Reports, Planning  
**Subject:** APARTMENT COMPLEX

I am emailing with concerns for the apartment complex that is proposed to go up. My concerns are as follows:

- The streets are already at full capacity and there are no lights or stop signs to help with this. It will only make it worse.
- The schools are just about at capacity, with the rapid increase in students with two (2) complexes going up, the school will not be in a position to handle all the new students.
- One of the reasons I moved out here after retiring from the Marine Corps, was the smaller school district and the fact that there were strict zoning rules about the amount and type of houses that were allowed to be in Wylie.

Thank you for your time.

s/f

Robert Alvarez  
5409 Willow View  
Abilene, TX 79606



**For the PLANNING & ZONING COMMISSION**

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**CASE #: Z-2015-12**

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Name: STRANGE JEFFREY P  
Address: 4202 SIERRA SUNSET

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

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

I am in favor

I am opposed

Additional Comments:

*I am in favor of eliminating the multifamily  
allowings & allowing a maximum height of 45 feet  
for any future residential buildings.*

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2015-12

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Name: BERNHART LESLIE  
Address: 4502 VISTA GRANDE

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

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

I am in favor

I am opposed

Additional Comments:

We have significant concerns about household views, additional traffic (400+) on streets, highways + intersections, and property values.

Sincerely,  
Leslie + John  
BERNHART

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

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Name: PABLO GEMMA & JULIAN JR  
Address: 4818 HIGH SIERRA

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

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

I am in favor

I am opposed

Additional Comments:

We strongly opposed this for multiple reasons. As it has been proven + facts in other places that it will certainly increase activity in crime, they need to relocate to build in a appropriate not in a single family area and also the value + price of our mortgagor will decrease.

For the PLANNING & ZONING COMMISSION

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Name: FRAMPTON JOSEPH B & SABRINA W  
Address: 4518 MAJESTIC SKY

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

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

I am in favor

I am opposed

Additional Comments:

*Please don't ruin our subdivision.*

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2015-12

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: GOLDIE DAVID & MARLENE  
Address: 8310 LINDA VISTA

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

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

I am in favor

I am opposed

Additional Comments:

*I am opposed To any multi-family dwellings, APT or Town Houses. THIS AREA SHOULD REMAIN a single dwelling subdivision. THIS is going to TANk OUR PROPERTY VALUES. Rene Goldie*

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

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Name: CENIGLIS TOM & ANGIE  
Address: 4601 SIERRA SUNSET

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

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

I am in favor

I am opposed

Additional Comments:

*We have good property values now and would hate to see this destroy it. I am also afraid of the traffic issues it could cause.*

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2015-12

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: LONG ROBERT K & LISA RENEE  
Address: 4425 SIERRA SUNSET

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

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

I am in favor

I am opposed

Additional Comments:

We bought a home out here because of the view. Please don't obstruct our view with a 45 foot apartment complex!

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2015-12

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: BURROUGHS DAVID M & BONNIE W  
Address: 8101 THOMPSON PW

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

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

I am in favor

I am opposed

Additional Comments:

New apartments will add lots of new congestion in an already congested traffic area. New apartments usually decline in 5-10 years causing devaluation in next door areas and increased crime. I don't know anyone in our neighborhood who favors this.

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2015-12

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: BISHOP ELIJAH N & DIANA R  
Address: 4426 MARGARITAS WY

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

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

I am in favor

I am opposed

Additional Comments:

Allowing this rezone would impact the property values at 5 round Bella Vista. I'm highly opposed to such a plan and hope the City Council agrees!

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2015-12

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: CHAPMAN CHARLES L &  
Address: 4618 SIERRA SUNSET

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

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

I am in favor

I am opposed

Additional Comments:

*See attached letter*

April 1, 2015

Planning & Zoning Commission  
City of Abilene  
P. O. Box 60  
Abilene, Texas 79604

Dear Commission Members:

My wife and I are vehemently opposed to the request from DRD Development to eliminate the 400-unit maximum number of multi-family dwellings and to allow a height over 45 feet on the property located at the corner of Buffalo Gap Road and FM 707.

We live in the Bella Vista addition and feel this type of development would drastically change the character of our neighborhood. It would turn it from almost rural suburb to a high density urban setting. This would mean much more traffic and noise and such a change would negatively affect our property value.

We urge this commission to deny the request of DRD Development.

Respectfully submitted,



Charles & Judith Chapman

CC/jb

## Boarts, Donna

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**From:** Brian & Christi <bcstark@gmail.com>  
**Sent:** Friday, March 27, 2015 7:28 PM  
**To:** Reports, Planning  
**Subject:** Case Z-2015-12 - Bella Vista

To the Planning & Zoning Commission:

We strongly oppose the rezoning of our subdivision. Apartments with 400+ units would bring a lot of traffic to an already overrun Buffalo Gap and Beltway South intersection, and the rezoning also has the potential to devalue our homes. Buildings with heights of 45 feet would essentially hem in the neighborhood and block the vista that the subdivision is named for.

We are sending in our position via mail as well, and will be in attendance at the public hearing. Are there any steps we can take beyond voicing opposition? Many in our neighborhood have already been in communication about the letters that arrived today and no one is in favor of this rezoning. We would like to know what actions we as residents can take to try and prevent this from happening.

Thank you for your time in reading this.

Best,  
Christi & Brian Stark 4502 Majestic Sky

## Bryner, Ben

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**From:** Reports, Planning  
**Sent:** Friday, April 03, 2015 3:56 PM  
**To:** Bryner, Ben  
**Subject:** FW: Case Z-2015-12 - Opposed  
**Attachments:** 1AAF26AD-CDDF-4B13-871B-BB987E406C1D.png  
  
**Importance:** High

-----Original Message-----

**From:** Dawson, Brian [mailto:bdawson@hsutx.edu]  
**Sent:** Friday, April 3, 2015 11:10 AM  
**To:** Reports, Planning  
**Subject:** Case Z-2015-12 - Opposed  
**Importance:** High

I am responding to the consideration of the zoning request for Case Z-2015-12.

I am opposed as I do not think the area needs to be more dense with housing or higher in building height. There are too many units for sale now that are not selling well, and adding more density could lower the value of the houses already built here.

Sincerely,  
[1159\_001 (2)]  
Resident of 4417 High Sierra, Abilene, TX 79606

Brian Dawson, Dean of Students  
Hardin-Simmons University | 2200 Hickory, Box 16090 | Abilene, TX 79698  
Office: 325-670-1250 Email: [BDawson@hsutx.edu](mailto:BDawson@hsutx.edu)<mailto:BDawson@hsutx.edu>

## Boarts, Donna

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**From:** swandabby@aol.com  
**Sent:** Saturday, March 28, 2015 10:31 AM  
**To:** Reports, Planning  
**Subject:** Case #: Z2015-12 (Rezoning Bella Vista Subdivision)

We appreciate the opportunity to have input into the rezoning of Bella Vista Subdivision. We wish we could attend this meeting in person, but do not have child care that day. As homeowners with a small child, we are absolutely against the rezoning of our subdivision. We bought our house two years ago because it was a safe neighborhood. Adding multi-family residential buildings around an already congested area with no sidewalks will be a nightmare for our subdivision. Had we known this was a possibility when we bought our house...we would have never bought here.

There are numerous families who enjoy walking with their families, dogs, etc. Children ride their bikes and there are no sidewalks in our subdivision. Traffic is already terribly congested with the Beltway Church located in our neighborhood and on Sundays is a mess. I can not imagine how crowded it would be with these apartments close to our neighborhood. We recently had a speed limit sign added to our neighborhood because of the speeders and traffic.

While safety is our number one concern, we also would like to point out the fact that multi-dwelling residential buildings close to our homes will lower the values of our homes. We pay close to \$6K yearly in our taxes. That is a lot of money. Look at how much money homeowners in this subdivision pay to Abilene for property taxes. We contribute alot! Multi-family dwellings increase crime, lower safety and cause more traffic congestion. The intersection is going to be a safety concern when you look at the number of people already living in our neighborhood and add a multi-housing neighborhood to this existing one.

Please consider the families that already live in this area when considering the rezoning of our neighborhood and vote no to this rezoning request.

Thank you for your time,  
Sabrina and Joe Framptom  
(and our dog, Murphy and young son)



## Boarts, Donna

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**From:** bjorn40 . <shrinkers@gmail.com>  
**Sent:** Sunday, March 29, 2015 8:23 PM  
**To:** Reports, Planning  
**Subject:** RE: Bella Vista rezoning request--revised

To Whom It May Concern:

I am writing to express my opposition to our neighborhood being re-zoned for inclusion of apartments, etc (anything other than houses that follow current size, style, etc. The intersection of 707 and Buffalo Gap is already busy and allowing for multi-family unit (s) to be built would not only create more traffic but likely decrease property values. (Perception is reality and no one wants a multi-unit apartment built in their existing neighborhood) I've already heard from friends who are looking for a house that passing of this proposal would cause them to look elsewhere.

Our street (Sierra Sunset) has already been subjected to being a thoroughfare for Beltway Church. There is ample land further WEST on 707 and other areas within Wylie where a multi unit apartment type complex would not impinge upon existing neighborhoods or create increased traffic around the intersection.

Thank you for preserving the neighborhood that we all bought in to.

R. Scott Brown, Psy.D.  
4418 Sierra Sunset

## Boarts, Donna

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**From:** Michelle Hillock <mhillock68@gmail.com>  
**Sent:** Monday, March 30, 2015 11:16 AM  
**To:** Reports, Planning  
**Subject:** Rezoning of Buffalo Gap and 707

As a resident of Bella Vista, we would like to express our concern and opposition for the potential rezoning of this area. We bought our home in Bella Vista in August of 2014 and part of the appeal was the area. This is a quiet residential neighborhood and the addition of a large apartment complex will increase traffic in an area that is at times already congested. The schools in Wylie are busting at the seams and this would increase enrollment with nowhere to house the students. There is also concern about the value of the homes in the Bella Vista subdivision and the impact that a large apartment complex would have on the resale value. My family has been involved in residential and commercial real estate for many years and I am aware of the decrease in home values and increase in crime when an apartment complex is put in a residential "home" area. Please take into consideration the many families and homeowners who are opposed to this measure. We have all worked very hard to live in this neighborhood and our voices deserve to be heard. WE ARE VOTING NO!!!

Sincerely,

Darrell & Michelle Hillock  
4509 Majestic Sky  
Bella Vista

## Boarts, Donna

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**From:** Tom Shaw <rooshaw@gmail.com>  
**Sent:** Saturday, April 4, 2015 2:13 PM  
**To:** Reports, Planning  
**Subject:** Case # Z-2015-12

I wanted to voice my opposition to the rezoning application number Z-2015-12 at Buffalo Gap Road and Beltway South. While I am not opposed to apartments there as such, I am opposed to a LARGE apartment complex there. I am a resident of Bella Vista subdivision, on Sierra Sunset, which would incur a huge increase in traffic if megaplex apartments were built there. Bella Vista is a very nice, upper middle income neighborhood. It is quiet (except for Sundays when Beltway Church lets out), full of families and children who enjoy walks and bike rides. The area is experiencing growth with new homes being built in the subdivision and in a new neighborhood on the other side of Beltway Church, yet we continue to maintain the integrity and charm of the neighborhood. My concerns if a large apartment complex is allowed to be built adjacent to our neighborhood are decreased property values (and therefore decreased tax assessment values), increased crime, increased traffic, and a burden on our already near-capacity school system. If apartments go in adjacent to Bella Vista, they should be smaller and limited to 2 stories so that don't block the lovely view of Steamboat Mountain and the Buffalo Gap area.

We moved to Abilene last year from Franklin, TN, a lovely suburb of Nashville. I have to be honest that my first impressions of Abilene were not positive. Many neighborhoods had a run-down, weathered look that lacked pride of ownership. As an outsider looking in, it did not make a good first impression. However, Bella Vista (and many of the neighborhoods in this part of town) DID make a good first impression. Every home in the neighborhood is well-maintained (without having to have a homeowner's association). People are proud of their homes here. It's family friendly without having to be gated. This is the type of community you want people's first impression of Abilene to be. Please do not ruin it by letting growth in this area be done at an unchecked, unplanned pace.

I am not a snob; I am not rich. My husband works full time, and I work two part-time jobs. Our cars are 12 and 8 years old. I value the equity we have in our home, and I value the quality of life we have in the neighborhood. I hope members of the Planning and Zoning Commission can appreciate the value of those things for the citizens of this neighborhood as well and act judiciously and with care.

Sincerely,  
Tom and Sherri Shaw  
4402 Sierra Sunset

## Boarts, Donna

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**From:** David Goldie <cccdag@gmail.com>  
**Sent:** Saturday, April 4, 2015 1:37 PM  
**To:** Reports, Planning  
**Subject:** Rezoning App # Z-1015-12

My name is David Goldie, I'm an 8 year resident of Abilene. My family has lived in Bella Vista estates for 5 years. We built our home here as I was retiring from the US Air Force after more than 29 years of service, and many moves.

I, along with many of my neighbors, think granting this rezoning request as proposed would be a big mistake for this community. It is not just about the plummeting housing values and decreased tax revenues in the immediate area that concern me. This area simply does not have the service base or infrastructure to deal with what is being proposed here today.

Every plot within a city has different zoning statutes. Our particular plot has a statute pertaining to multifamily facilities. Currently, it is a maximum of 400 family units and the proposal wants to extend it to 400+ units. It is also a maximum of 40' high structures with the proposal wanting to extend to 45'; this number is including the height of the roof. This 400 is what is already allowed.

The complex that they are proposing will consist of 18 apartment buildings, each 3 stories tall containing 8 apartments per floor or 24 apartments per building equaling 432 apartments. The engineering firm stated that this complex is going to be on the south side of Sierra Sunset. It would extend from Buffalo Gap Rd. to the houses at the bottom of the hill. They are to be "high end" apartments and should not detract from the surrounding area.

They cannot build a 600-unit facility if the statute says 400 MAX. They cannot build a skyscraper if the statute says 45 feet MAX. But let there be no mistake. If the zoning commission grants the request of DRD Development, many more apartments will be built, way beyond 400.

Several critical questions must be addressed: 1. What plans are there to widen roads or how is TxDOT and the city of Abilene prepared to deal with traffic increases in the area. It is already out of control, especially during the school year. 2. As of this past Friday, the enrollment for WISD was at 3,956 between Pre-K and 12th grade. What plans are there to deal with this population explosion? There have been talks of purchasing a piece of property on the east end of 707 for expansion, but that will not be in work for at least another 5 years. The school district also plan on adding buildings to the high school to deal with the influx that they expect to receive just from the junior high, not including these new complexes. However, that is still just talk at this point. 3. Finally, if you look at a crime map of Abilene, it is clear that there is a marked increase in crime around apartment complexes all across the city.

I believe there is a viable solution. Allow for re-zoning in the areas being proposed from commercial to residential, but only allow for single-family structures on lots similar in size to the lots currently in Bella Vista estates. This will provide for sustainable growth and a much better balance in the number of multi-family and single family units in that area. I do not care to live in a housing area surrounded by three enormous apartment complexes.

So what I ask of you today is to really take the concerns of your citizens into consideration, put your community first, and put the profit margins of a large real estate developer with no vested interest in the future of this community second.

THANK YOU.

DAVID A. GOLDIE CMSgt (Ret), USAF

**Boarts, Donna**

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**From:** Bill Dailey <billdailey72@yahoo.com>  
**Sent:** Sunday, April 5, 2015 8:43 PM  
**To:** Reports, Planning  
**Subject:** Refining

I live in Bella Vista Estates of of 707 and I am very concerned about the rezoning off of Buffalo Gap for Apartments. I vote NO on this for sure Thank You,  
Bill Dailey

## Boarts, Donna

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**From:** Gabe Flores <gdjflores@aol.com>  
**Sent:** Saturday, April 4, 2015 11:37 AM  
**To:** Reports, Planning  
**Subject:** Wylie area Proposed Apartment complex

Proposed large apartment complex @ FM 707 and Buffalo Gap road. I live in the area and disagree greatly. We moved out here for the country outside of Abilene feeling. We are hard working pay check to paycheck folks Veteran 12 years regular Army. I wanted our small children in a smaller school district. This is why I am willing to pay higher taxes out here. Its agricultural land keep it that way. Homes slowly being built I understand. But to flood the area greatly adding change to 1. School district large addition of students to an already full school district, 2. Roads not improved to handle extra traffic 3. Crime that WILL increase, again why I moved out here and pay extra taxes for the low crime in our area. 4. Traffic increase suddenly because of the all of a sudden flood of increased residents from a large apartment complex. To conclude a gradual increase of controlled growth of homes we can understand and except. Keep apartments in the city. Allow us to keep our suburb feeling that we pay extra taxes to keep it that way. We moved out here for a reason. Your consideration heavily appreciated. Please study hard on what great change will be coming to our area with changing the area from agricultural to residential.

Sincerely,

SGT Gabriel Flores BS.

Sent from my Samsung Epic™ 4G Touch

## Boarts, Donna

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**From:** Roger Connell <skunkjuicer@gmail.com>  
**Sent:** Saturday, April 4, 2015 10:48 AM  
**To:** Reports, Planning  
**Cc:** tcsmith@egmresources.com  
**Subject:** monday meeting

Why do you have a meeting when the decision has already been made? This seems so unfair to current residents. Did anyone on the committee get paid by the developer ahead of time? Extremely ignorant decision. Will the developer or, the state pay to have the Buffalo Gap Highway widened.

Roger Connell



My name is David Goldie, I'm an 8 year resident of Abilene. My family has lived in Bella Vista estates for 5 years. We built our home there as I was retiring from the US Air Force after more than 29 years of service, and many moves.

I, along with many of my neighbors, think granting this rezoning request as proposed would be a big mistake for this community. It's not about the plummeting housing values and decreased property tax revenues in the immediate area that concern me. This area simply does not have the service base or infrastructure to deal with what is being proposed here today.

Every plot within a city has different zoning statutes. Our particular plot has a statute pertaining to multifamily facilities. Currently, it's a maximum of 400 family units. This is what is already allowed and the proposal wants to extend it to 400+ units. It also allows a maximum of 40' high structures with the proposal wanting to extend to 45'; this number is including the height of the roof. The complex that they are proposing will consist of 18 apartment buildings, each 3 stories tall containing 8 apartments per floor or 24 apartments per building equaling 432 apartments. The engineering firm stated that this complex is going to be on the south side of Sierra Sunset. It would extend from Buffalo Gap Rd. to the houses at the bottom of the hill. They are to be "high end" apartments and should not detract from the surrounding area. They cannot build a 600-unit facility if the statute says 400 MAX. They cannot build a skyscraper if the statute says 45 feet MAX. But let there be no mistake. If the zoning commission grants the request of DRD Development, many more apartments will be built, way beyond 400.

Several critical questions must be addressed that ensure the standards necessary to protect the general public's health, safety and welfare are being met: 1. What plans are there to widen roads or how is TxDOT and the city of Abilene prepared to deal with dramatic traffic increases in the area. It is already out of control, especially during the school year. 2. As of this past Friday, the enrollment for WISD was at 3,956 between Pre-K and 12th grade. What plans are there to deal with this population explosion? There have been talks of purchasing a piece of property on the east end of 707 for expansion, but that will not be in work for at least another 5 years. The school district also plan on adding buildings to the high school to deal with the influx that they expect to receive just from the junior high, not including these new complexes. However, that is still just talk at this point. 3. Finally, if you look at a crime map of Abilene, it is clear that there is a marked increase in crime around apartment complexes all across the city. What plans are there for an increased law enforcement presence in our neighborhoods, where almost none exists today?

I believe there is a viable solution. Allow for re-zoning in the areas being proposed from commercial to residential, but only allow for single-family structures on lots similar in size to the lots currently in Bella Vista estates. This will provide for sustainable growth and a much better balance in the number of multi-family and single family units in that area. I personally do not care to live in a housing area surrounded by three enormous apartment complexes. But more important to our discussion here today, the planned development must conform to adequate standards necessary to protect the general public's health, safety and welfare. So what I ask of you today is to really take the concerns of your citizens into consideration, put the health, safety and welfare your community first, and put the profits of a large real estate developer second. THANK YOU.



## Boarts, Donna

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**From:** David Goldie <cccdag@gmail.com>  
**Sent:** Monday, April 6, 2015 5:34 PM  
**To:** Reports, Planning  
**Subject:** Rezoning App # Z-2015-12

Hello Zoning Commission,

Thanks for giving us a chance to speak today and voice our concerns.

The reason I was there was because of the language in your letter, dtd 26 Mar 2015. It said "the purpose of the amendment was to eliminate the 400-unit number of multi-family dwellings within the PD..." This statement is very wide open.

I walked out of the meeting today with this understanding. The MAX is now 432 for the "Entire" PD which includes all 7 areas depicted on the map, from BG Road to the Beltway South church. Is this correct?

If yes, this is acceptable, at least to me. I knew the 400 was a done deal and already allowed anyway. I was VERY concerned that just lifting the 400 MAX for the entire PD without clearly stating a new MAX number, would invite hundreds of more apartments into this area in the future. That is what I was trying to articulate.

Is there a way I can obtain a copy of what the amendment says and how this entire PD will be zoned once when/if city council approves it.

Also, HUGE fan of the suggestion by one of the commissioners to put a green zone or park between the west end of Bella Vista and the commercial area in Area 1 depicted on the map. How does something like that get presented to the zoning commission or city council? A small park and bike or walking paths would be great.

Thanks Again.

Dave Goldie  
8310 Linda Vista, Abilene TX

# ZONING CASE Z-2015-12

## STAFF REPORT



### APPLICANT INFORMATION:

DRD Development  
Agent: Blake Howard

### HEARING DATES:

Planning & Zoning Commission: April 6, 2015  
City Council 1<sup>st</sup> Reading: April 23, 2015  
City Council 2<sup>nd</sup> Reading: May 14, 2015

### LOCATION:

Generally the southeast corner of Buffalo Gap Rd & Beltway S. including the Bella Vista subdivision



### REQUESTED ACTION:

Amend PD-74 (Planned Development) zoning

### SITE CHARACTERISTICS:

The subject parcel totals approximately 163 acres and is currently zoned PD-74 (a), (b), & (c) districts. The parcel is developed with the Bella Vista subdivision. Several portions within the PD boundary are vacant. The adjacent properties are zoned AO (Agricultural Open Space) & RS-6 (Single-Family Residential) to the east, GC (General Commercial) & RS-6 to the north, and a small portion of AO to the west. The majority of the properties to the west and all the property to the south are outside the city limits.

### ZONING HISTORY:

The property along Beltway S. was annexed in 1980 and was zoned PD in 2001. The majority of the property was annexed in 2001 & 2002 and was zoned PD at the time of annexation.

### ANALYSIS:

- Current Planning Analysis

Currently, the parcel is developed with the Bella Vista subdivision. Several portions within the PD boundary are vacant. The purpose of the amendment is to combine the previous ordinances and modify the maximum number of multi-family dwellings and the maximum height allowed for multi-family structures. The current regulation limits the total number of multi-family dwellings to 400 units within the entire PD boundary. The applicant is proposing to construct apartments on the south side of Sierra Sunset with approximately 430 units. The area on the north side of Sierra Sunset allows for multi-family residential development as well. Eliminating the maximum unit number would permit apartments on both side of Sierra Sunset. Additionally, the maximum height allowed for apartment buildings is 40 feet. The amendment would change the regulation to allow for a maximum height of 45 feet. The maximum density allowed would remain at 24 units per acre.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this area as part 'commercial' and 'low density residential'. The requested amendment does not alter the permitted uses but will allow for the development of more apartments than currently permitted. The requested zoning is compatible with the Comprehensive Plan.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval with 3 modifications (1. Limit to 432 multi-family (apartment) units; 2. Allow a 45' maximum height for apartments; and, increase the size of Areas 6 & 7 to match the proposed site where the apartments will be allowed) 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. A total of 234 notices were sent. Due to the large number, the list of property owners is not listed.

5 in Favor- **Y**  
42 Opposed- **N**











