

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-2015-13, a request from Taylor Electric Coop, agent Tal Fillingim, to rezone property from GC (General Commercial), GR (General Retail), and O (Office) to PD (Planned Development) zoning, located at 7850, 7918, 7966, & 7982 S. Clack St and the 5.55 acres to the north; and setting a public hearing for May 14, 2015.

GENERAL INFORMATION

Currently, the majority of the property is undeveloped. An office building exists on the southern GR lot. This property exists along S. Clack St which is the western frontage road for Highway 83/84. The proposed development will be to include a main office with service yard for a public utility agency. The Skyline Estates subdivision exists to the west. Typically this type of use is not considered appropriate adjacent to residential property. However, potential issues with outside storage and parking of large vehicles are proposed to be mitigated by buffering and a screening. Additionally, the applicant has provided a concept plan for the development and the site will be required to substantially comply with the concept plan.

The Future Land Use section of the Comprehensive Plan designates this area as part of a 'Gateway/Mixed Use' area. The requested zoning will allow for the development of a main office with service yard for a public utility agency. The requested zoning is compatible with the Comprehensive Plan. The proposed PD has been created to minimize impacts on the adjacent residential uses.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 4 in favor (Calk, McClarty, Rosenbaum, & Famble) and 2 opposed (Bixby & Ellinger).

ATTACHMENTS

- Ordinance
- Staff Report with Maps
- Surrounding Property Owner Response

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

April 10, 2015

Item No. 6.7

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-150 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 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 p.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"

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 GC (General Commercial), GR (General Retail), and O (Office) 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:

SKYLINE ESTATES SEC 2, BLOCK A, LOTS 1 THROUGH 3

A0980 SUR 23 L A L NE/4, ACRES 1.686

A0980 SUR 23 L A L NE/4, ACRES 5.555



Location:

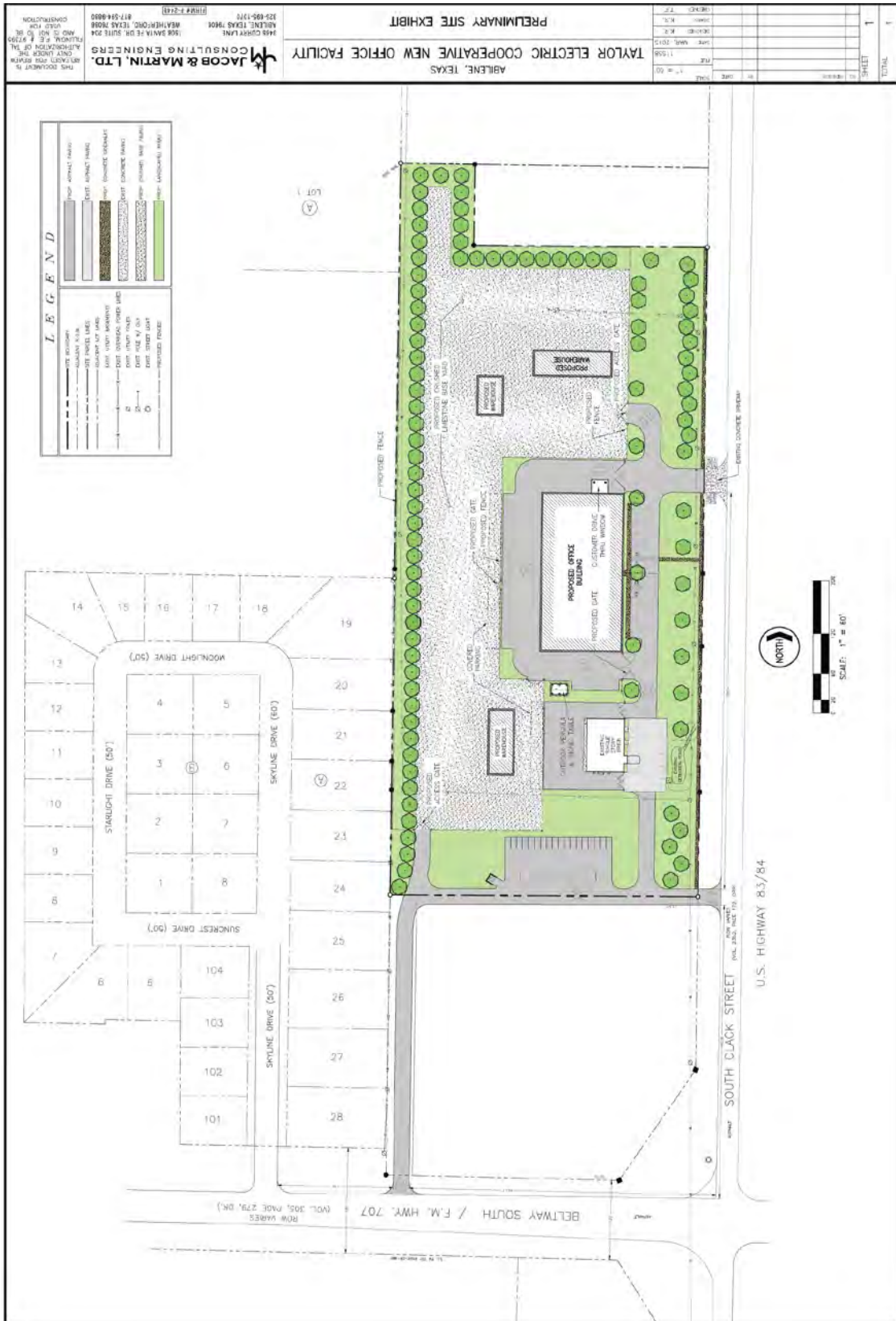
7850, 7918, 7966, & 7982 S. Clack St and the 5.55 acres to the north

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for general retail development and related activities to include a main office with service yard for a public utility agency.

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) **DEVELOPMENT REGULATIONS:** If used by a public utility agency, the following regulations shall apply:
 - a) **Concept Plan:** When developed as a main office with service yard for a public utility agency, the site shall substantially conform to the attached Concept Plan. An amendment to this PD ordinance shall be required for substantial changes to the Concept Plan. Substantial change includes an increase in size (building or yard) greater than 10% and/or a change in orientation or location of buildings and/or yard.
 - b) **Outdoor Storage:** An outdoor storage yard shall be allowed as shown on the Concept Plan.
 - c) **Fencing:** An 8' solid, opaque metal fence shall be required as screening of the outdoor storage yard area.
 - d) **Signage:** All signage shall comply with the City's Sign Regulations with the following exception:
 - i) A total of 3 freestanding signs shall be allowed, 2 of which shall be monument signs.

CONCEPT PLAN



-END-

ZONING CASE Z-2015-13

STAFF REPORT



APPLICANT INFORMATION:

Taylor Electric Cooperative, Inc.
Agent: Tal Fillingim

HEARING DATES:

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

LOCATION:

7850, 7918, 7966 & 7982 S. Clack St and the
5.55 acres to the north

REQUESTED ACTION:

Rezone property from GC (General Commercial),
GR (General Retail) & O (Office) to PD (Planned Development) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 10.79 acres and is currently zoned GC, GR & O districts. The parcel is developed with an office building on the southern GR lot. The adjacent properties are zoned AO (Agricultural Open Space) to the north & east, RR-1 (Rural Residential) & MF (Multi-Family Residential) to the west, and GC to the south.

ZONING HISTORY:

The property annexed in 1980 and was zoned GC in 1983 and GR & O in 2007.

ANALYSIS:

• Current Planning Analysis

Currently, the majority of the property is undeveloped. An office building exists on the southern GR lot. This property exists along S. Clack St which is the western frontage road for Highway 83/84. The proposed development will be to include a main office with service yard for a public utility agency. The Skyline Estates subdivision exists to the west. Typically this type of use is not considered appropriate adjacent to residential property. However, potential issues with outside storage and parking of large vehicles are proposed to be mitigated by buffering and a screening. Additionally, the applicant has provided a concept plan for the development and the site will be required to substantially comply with the concept plan.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this area as part of a 'Gateway/Mixed Use' area. The requested zoning will allow for the development of a main office with service yard for a public utility agency. The requested zoning is compatible with the Comprehensive Plan. The proposed PD has been created to minimize impacts on the adjacent residential uses.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested by a vote of 4 in favor (Calk, McClarty, Rosenbaum, & Famble) and 2 opposed (Bixby & Ellinger).

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
HOULE ALBERT	7750 HWY 83-84	
TAYLOR ELECTRIC COOP INC		In Favor
PEARL JASON W	7909 SKYLINE DR	
HOULE ALBERT L	7734 HWY 83-84	
TAYLOR ELECTRIC COOP INC	7918 HWY 83-84	In Favor
HAMMACK TREVOR J & STACY R	1802 MOONLIGHT DR	
BROOKS DANTE L & LAKISHA Y	8001 SKYLINE DR	
HATHORN MARK S & KELLEY L	7917 SKYLINE DR	
SANCHEZ MERRY	8009 SKYLINE DR	
HARTMANN BRADLEY JAY	8017 SKYLINE DR	
ILTERIS MICHAEL & SHANNON	7925 SKYLINE DR	
TAYLOR ELECTRIC COOP INC	7982 HWY 83-84	In Favor
TURNER FAMILY REVOCABLE TR	7933 SKYLINE DR	
DREISTADT JOEL & GENA	7901 SKYLINE DR	
STIVASON HUBERT R & MARIE K	1701 WALDROP DR	
TAYLOR ELECTRIC COOP INC	7966 HWY 83-84	In Favor
RIVERA EDWARD T & BRYNN L	1810 MOONLIGHT DR	
ENSOR JOSH & PATTI		In Favor
TAYLOR ELECTRIC COOP INC	7850 HWY 83-84	In Favor
TAYLOR ELECTRIC COOP INC		In Favor

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











CITY OF
ABILENE

ENSOR JOSH & PATTI
PO BOX 725
ABILENE TX 79604-0725

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2015-13

3/26/2015

The Planning and Zoning Commission will hold a public hearing on **Monday, April 6, 2015**, at **1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from Taylor Electric Coop, agent Tal Fillingim, to rezone property from GC (General Commercial), GR (General Retail), and O (Office) to PD (Planned Development) zoning, located at 7850, 7918, 7966, & 7982 S. Clack St and the 5.55 acres to the north. The purpose of the PD is to allow for a public utility agency to develop the site with a main office and service yard.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to the City Council within the specified ten day period, this case will be heard by the City Council for 2nd and Final Reading with a public hearing on **May 14, 2015**, at 8:30 a.m., City Council Chambers, 2nd Floor, City Hall.

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2015-13

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: ENSOR JOSH & PATTI
Address:

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:

I support TAYLOR ELECTRIC AND their REZONING REQUEST. IS A FIRST CLASS ORGANIZATION.

Josh ENSOR