

City Council
Agenda Memo



City Council
Meeting Date: 6/25/2015

TO: Robert Hanna, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an ordinance for Case No. Z-2015-15, a request from LWMW Management, LLC, agent Harris Acoustics, Ltd., to rezone property from LI (Light Industrial) to GR (General Retail) zoning, located at 981 E. Hwy 80; and setting a public hearing for July 9, 2015.

GENERAL INFORMATION

Currently the property is zoned LI and is developed with a car wash. The surrounding area is developed generally with commercial uses. The purpose of the zoning is to allow for retail uses. The GR zoning is requested as it provides a wide range of allowable uses and is compatible with the adjacent properties.

The Future Land Use section of the Comprehensive Plan designates the property as 'commercial'. Both E. Hwy 80 and Judge Ely Blvd are designated as an 'enhancement corridor'. A commercial node currently exists at this intersection. The other 3 corners are zoned for commercial uses. The area is primarily developed with retail & commercial uses and 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, Dunnahoo, Ellinger, McClarty, & Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

June 12, 2015

Item No. 6.2

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 25th day of June, 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 16th day of May, 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 July, 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 July, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from LI (Light Industrial) to GR (General Retail) zoning.

Legal Description:

ANDYS FRIED CHICKEN INC, BLOCK A, LOT 1
A0794 SUR 38 B A L SW/4, ACRES .23



Location:
981 E. Hwy 80

-END-

ZONING CASE Z-2015-15

STAFF REPORT



APPLICANT INFORMATION:

LWMW Management, LLC
Agent: Harris Acoustics, Ltd.

HEARING DATES:

P & Z Commission: June 1, 2015
City Council 1st Reading: June 25, 2015
City Council 2nd Reading: July 9, 2015

LOCATION:

981 E. Hwy 80

REQUESTED ACTION:

Rezone property from LI (Light Industrial) to
GR (General Retail) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.74 acres and is currently zoned LI. The adjacent properties are zoned HC (Heavy Commercial) to the north, west, & east and LI zoning to the south.

ZONING HISTORY:

The property was annexed in 1957 and zoned LI sometime after.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned LI and is developed with a car wash. The surrounding area is developed generally with commercial uses. The purpose of the zoning is to allow for retail uses. The GR zoning is requested as it provides a wide range of allowable uses and is compatible with the adjacent properties.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates the property as 'commercial'. Both E. Hwy 80 and Judge Ely Blvd are designated as an 'enhancement corridor'. A commercial node currently exists at this intersection. The other 3 corners are zoned for commercial uses. The area is primarily developed with retail & commercial uses and 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, Dunnahoo, Ellinger, McClarty, & Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
LWMW MANAGEMENT LLC	981 E HWY 80	
SKINNYS INC	1001 E HWY 80	
LWMW MANAGEMENT LLC		
KNOWLES ROY D & KERI DENISE KNOWLES ST JOHN	1075 E HWY 80	In Favor
PINKIES INC	925 E HWY 80	
DURSID PROPERTIES INC	982 E HWY 80	
CITY OF ABILENE	701 E HWY 80	

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







