



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 23<sup>rd</sup> day of July, 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 19<sup>th</sup> day of June, 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 13<sup>th</sup> day of August, 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 13<sup>th</sup> day of August, A.D. 2015.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to GR (General Retail) zoning.

Legal Description:

BEING 1.35 ACRES OUT OF A1006 SUR 25 B A L SW/4, ACRES 27.652



Location:

Being ±1.35 acres located directly south of 2642 E. Lake Rd

-END-

# ZONING CASE Z-2015-18

## STAFF REPORT



### APPLICANT INFORMATION:

PAK Harris Enterprises, Ltd.

### HEARING DATES:

P & Z Commission: July 6, 2015

City Council 1<sup>st</sup> Reading: July 23, 2015

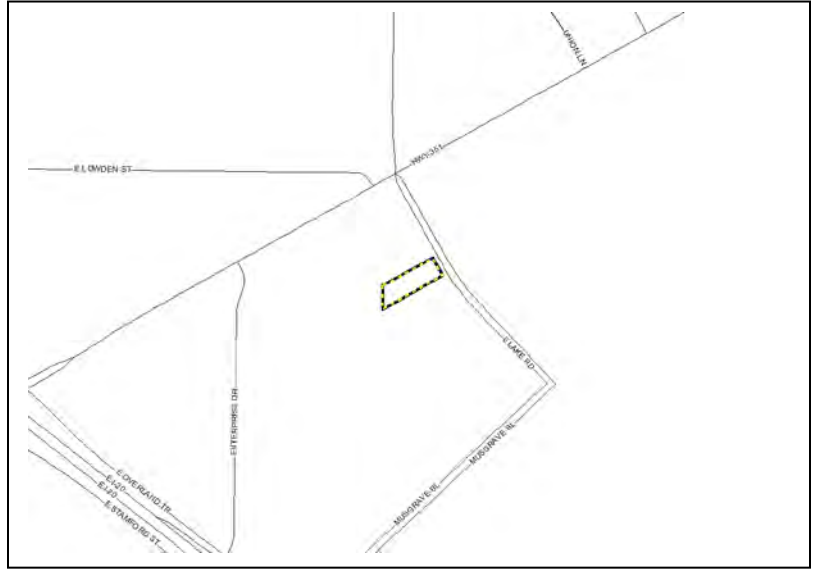
City Council 2<sup>nd</sup> Reading: August 13, 2015

### LOCATION:

Being approximately 1.35 acres located directly south of 2642 E. Lake Rd

### REQUESTED ACTION:

Rezone property from AO (Agricultural Open Space) to GR (General Retail) zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 1.35 acres and is currently zoned AO. The adjacent properties are zoned AO to the south & east, LI (Light Industrial) to the west, and GR to the north.

### ZONING HISTORY:

The property was annexed in 1980 and zoned AO at that time.

### ANALYSIS:

- Current Planning Analysis

Currently the property is undeveloped. The surrounding area is developed with the Coca-Cola bottling facility to the west and the new Golden Chick & Heff's Burgers restaurants to the north. The Lowe's exists nearby to the southwest. The purpose of the zoning is to accommodate for a new restaurant.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The intersection of Hwy 351 with I-20 is identified as a "Major Commercial/Business Center". The City has recently adopted the Highway 351 Development Plan to help define the goals of the corridor. One of the goals of the plan includes: "Ensure the long-term economic viability of a vital retail and service hub serving this sector of the community and outlying communities." Additionally, this area was included in the concept plan for a major retail area with frontage on both I-20 and Highway 351. An initial Planned Development (PD-113) district was approved along I-20 for the Lowe's with plans to continue development to Hwy 351. Part of the initial development included the construction of E. Lake Rd south of Hwy 351. The PD zoning was intended to continue in order to maintain continuity in the development. Staff has determined that continuation of the PD zoning is the appropriate course of action.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends denial as requested and approval of PD-113 zoning.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of GR zoning by a vote of 4 in favor (Calk, Dunnahoo, Ellinger, & Rosenbaum), 1 opposed (McClarty), and 1 abstained (Bixby).

**NOTIFICATION:**

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

<b>OWNER</b>	<b>ADDRESS</b>	<b>RESPONSE</b>
MUSGRAVE CHILDREN'S TRUST	#1	In Favor
HORNE RE-ABILENE LLC	#2	
TEXAS COCA COLA BOTTLING	1849 HWY 351	
GFC LEASING CORP LLC	2642 E LAKE RD	
HORNE RE-ABILENE LLC	#3	

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

