

City Council  
Agenda Memo



City Council  
Meeting Date: 7/23/2015

**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-2015-20, a request from Wal-Mart Stores East, LP, agent Kimley-Horn & Associates, Inc., to rezone property from MD (Medium Density Residential) & O (Office) to GR (General Retail) zoning, being all property between Grape St & Simmons Ave and Ambler Ave & N. 21st St; and setting a public hearing for August 13, 2015.**

**GENERAL INFORMATION**

Currently the property is zoned MD & O and is developed University Baptist Church as well as some parking lots developed and used for the Hendrick Hospital campus. The surrounding area is developed generally with residential uses. However, the campuses for Hendrick Hospital and Hardin-Simmons University are located just to the east of this property. Additionally, the intersection of Grape St & Ambler Ave is a commercial node with retail uses located on two of the existing corners. The purpose of the zoning change is to allow for retail development. The church and adjacent properties will be demolished and the site developed with a neighborhood Wal-Mart to include fuel sales.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential' with an existing church use. Ambler Ave is classified as an 'arterial' street. Grape St is classified as a 'minor arterial' street. Both Ambler Ave & Grape St are designated as 'enhancement corridors'. The recently adopted Ambler Corridor Plan's primary purpose is to encourage high-quality development and redevelopment within a corridor along Ambler Ave from Grape Street to Interstate 20. Development in the area should be of high quality with well-designed buildings and attractive landscaping in a pedestrian friendly setting. This intersection creates a node for retail and office development. The proposed zoning is deemed compatible with the Future Land Use Map, the Ambler Corridor Plan, 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 5 in favor (Calk, Dunnahoo, Ellinger, Rosenbaum, & McClarty) and 1 opposed (Bixby).

**ATTACHMENTS**

Ordinance  
Staff Report with Maps  
Surrounding Property Owner Responses

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

July 13, 2015

Item No. 6.5

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 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 MD (Medium Density Residential) & O (Office) to GR (General Retail) zoning.

Legal Description:

COLLEGE HEIGHTS, BLOCK 3, LOTS 1-20  
COLLEGE HEIGHTS, BLOCK 4, & 60' OF ABANDONED ROAD  
COLLEGE HEIGHTS, BLOCK 5, LOTS 1-11 (LESS STREET)  
COLLEGE HEIGHTS, BLOCK 5, LOT N50 OF 12-15  
COLLEGE HEIGHTS, BLOCK 5, LOT S90 OF 12-15



Location:  
Being all property between Grape St & Simmons Ave and Ambler Ave & N. 21st St

-END-

# ZONING CASE Z-2015-20

## STAFF REPORT



### APPLICANT INFORMATION:

Wal-Mart Stores East, LP  
Agent: Kimley-Horn & Associates, Inc.

### 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:

All property between Grape St & Simmons Ave  
and Ambler Ave & N. 21st St

### REQUESTED ACTION:

Rezone property from MD (Medium Density Residential) & O (Office) to GR (General Retail) zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 8.33 acres and is currently zoned MD & O zoning. The adjacent properties are zoned MD & GC (General Commercial) to the west, GC & MU (Medical Use) to the east, GC, RS-6 (Single-Family Residential), & CU (College & University) to the north, and MD to the south. This is the site of the University Baptist Church as well as some parking lots developed and used for the Hendrick Hospital campus.

### ZONING HISTORY:

The property was annexed in 1911 and zoned O in 1981 & MD in 1985. The Ambler Corridor Overlay was approved in 2013.

### ANALYSIS:

- Current Planning Analysis  
Currently the property is zoned MD & O and is developed University Baptist Church as well as some parking lots developed and used for the Hendrick Hospital campus. The surrounding area is developed generally with residential uses. However, the campuses for Hendrick Hospital and Hardin-Simmons University are located just to the east of this property. Additionally, the intersection of Grape St & Ambler Ave is a commercial node with retail uses located on two of the existing corners. The purpose of the zoning change is to allow for retail development. The church and adjacent properties will be demolished and the site developed with a neighborhood Wal-Mart to include fuel sales.
- Comprehensive Planning Analysis  
The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential' with an existing church use. Ambler Ave is classified as an 'arterial' street. Grape St is classified as a 'minor arterial' street. Both Ambler Ave & Grape St are designated as 'enhancement corridors'. The recently adopted Ambler Corridor Plan's

primary purpose is to encourage high-quality development and redevelopment within a corridor along Ambler Ave from Grape Street to Interstate 20. Development in the area should be of high quality with well-designed buildings and attractive landscaping in a pedestrian friendly setting. This intersection creates a node for retail and office development. The proposed zoning is deemed compatible with the Future Land Use Map, the Ambler Corridor Plan, 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 5 in favor (Calk, Dunnahoo, Ellinger, Rosenbaum, & McClarty) and 1 opposed (Bixby).

**NOTIFICATION:**

Property owners within a 200-foot radius and within the existing PD boundaries were notified of the request.

OWNER	ADDRESS	RESPONSE
OUTLAW TERRY L & TAMMI L	1700 AMBLER AV	
LOYA JOEL T	1718 AMBLER AV	
HENDRICK MEDICAL CENTER	2142 SIMMONS AV	In Favor
MARIANO NANCY F	2102 BEECH ST	
HENDRICK MEDICAL CENTER	1518 N 21ST ST	
HENDRICK MEDICAL CENTER	1400 COMPERE BL	
HALIBURTON WILLIAM R	1618 AMBLER AV	
HENDRICK MEDICAL CENTER	1502 N 21ST ST	In Favor
HENDRICK MEDICAL CENTER	1505 N 21ST ST	
HENDRICK MEDICAL CENTER	1501 AMBLER AV	In Favor
HARDIN-SIMMONS UNIVERSITY	1608 AMBLER AV	
ORTIZ RACHEL	2025 GRAPE ST	
UNIVERSITY BAPTIST CHURCH	2141 GRAPE ST	
URBINA DESTINY TOPAZIO	1642 AMBLER AV	
MAJKUT KENNETH P & LINDA	1515 N 21ST ST	In Favor
SELF VALVRIE HONEA	2118 BEECH ST	
HENDRICK MEDICAL CENTER	2118 SIMMONS AV	
HENDRICK MEDICAL CENTER	2126 SIMMONS AV	In Favor
HARDIN SIMMONS UNIVERSITY	1602 AMBLER AV	
HENDRICK MEDICAL CENTER	1418 COMPERE BL	
DONOVAN B KYLE GROUP LLC	1626 AMBLER AV	
YOUNG GEORGE R & MARY F	1525 N 21ST ST	In Favor
HENDRICK MEDICAL CENTER	1633 N 21ST ST	In Favor
HENDRICK MEDICAL CENTER	1541 AMBLER AV	
HENDRICK MEDICAL CENTER	2150 SIMMONS AV	In Favor
HUERTA RICHARD THOMAS & MARIA	1641 N 21ST ST	
GREGORY QUINTIN H	1625 N 21ST ST	
PCKC LLC	1690 AMBLER AV	

ESCOBAR LUIS A & IRMA	2042 GRAPE ST	
LUMBUR DOROTHY M	1657 N 21ST ST	Opposed
HENDERSON COLLETTE IRENE	1541 N 21ST ST	Opposed
ABILENE SUNRISE PROPERTIES	2142 GRAPE ST	In Favor
SEGURA BALDOMERO & CELINA	2150 GRAPE ST	
REEDER MARIAN JO TR OF FARREL G	1709 AMBLER AV	
BRAZIL DEJA ATIRA & TALIAN C	2026 GRAPE ST	
HENDRICK MEDICAL CENTER	2149 BEECH ST	
SIMMONS ROBERT W & AMPARO	2110 GRAPE ST	
HENDRICK MEDICAL CENTER	1535 AMBLER AV	
AUSTIN PERRY J & RUTH A	2042 BEECH ST	
HENDRICK MEDICAL CENTER	2134 SIMMONS AV	In Favor
HENDRICK MEDICAL CENTER	2125 BEECH ST	
SMITH JAMES WELTON & YVONNE ADAIR	1533 N 21ST ST	
HENDRICK MEDICAL CENTER	2149 SIMMONS AV	In Favor
UNIVERSITY BAPTIST CHURCH	2141 GRAPE ST	
UNIVERSITY BAPTIST CHURCH	2141 GRAPE ST	
HARDIN SIMMONS UNIVERSITY	1540 AMBLER AV	
HENDRICK MEDICAL EXEMPT	1401 AMBLER AV	In Favor
HENDRICK MEDICAL CENTER	1542 N 21ST ST	
HUEY RANDALL HAWKINS	2102 GRAPE ST	Opposed
HENDRICK MEDICAL CENTER	2133 BEECH ST	
HARDIN SIMMONS UNIVERSITY	2200 HICKORY ST	

12 in Favor- **Y**  
 3 Opposed- **N** (+ 3 outside 200')











For the PLANNING & ZONING COMMISSION

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

*Property*

CASE #: Z-2015-20

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: HENDERSON COLLETTE IRENE  
Address: 1541 N 21ST ST 79601

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:

*This address has been our family home for 46 years. Have any of you actually come to our block to see the damage done by Hendricks. Every house & tree removed from what was a good & lovely neighborhood. And now we 3 remaining homes are to face a Wal Mart or similar? Is Abilene so desperate that we residents come last? Since when has that happened?  
Iris Henderson*

July 2, 2015

Planning and Zoning Commission  
Abilene, Texas

I want to put in my vote for disapproval  
of the zoning change for the property  
on Grape Street from north 21<sup>st</sup> to Lombler  
and two blocks east of Grape.

Abilene does not need another Wal-mart  
with gas pumps in a residential area.

Please consider disapproval of this  
zoning change.

Thank you,  
Jean Pierson

July 8, 2015

Mrs. Collette Henderson  
1541 N 21<sup>st</sup> Street  
Abilene, Tx 79601-2231

City of Abilene  
Planning and Zoning Commission  
PO Box 60  
Abilene, Tx 79604



To Whom It May Concern:

Just look at this pretty place to live. My recently deceased husband created this and maintained it with pride. I've tried to do the same. We've been here 46 years and have dwindled from a lovely neighborhood of homes to only 3 on our block and we look out on busy Ambler Avenue from my front door broken only by a sprawling vacant lot. Now you want to make that lot a WalMart parking lot! Have any of you lived across the street from a lighted commercial parking lot?

I'm now 83 years old and can't get to your meetings but this was wrapped up before we knew what was happening, I think. Let the church people sell their corner lot, but please reconsider what you're doing to the few of us residents left here by abandoning Beech Street and the East Alley.

Sincerely,

Mrs. Collette Henderson

cc: Abilene City Council