



**City Council
Agenda Memo**

City Council Meeting Date: 9/22/2015

TO: Robert Hanna, City Manager

FROM: Gordon Browning Interim Director of Planning and Development Services

SUBJECT: First reading on an ordinance for Case No. Z-2015-22, a request from Terry & Susan Lankford to rezone property from RS-6 (Single-Family Residential) to HC (Heavy Commercial) zoning, located at 442, 450, & 460 N. 11th St and 1109 & 1127 Ash St; and setting a public hearing for October 22, 2015.

GENERAL INFORMATION

Currently the property is undeveloped. The applicant also owns 2 lots to the east that currently have the HC zoning. The surrounding area is developed with single-family homes to the north, west, and south. The old location of the Day Nursery of Abilene exists to the northwest of the subject property. There are some existing businesses along N. Treadaway Blvd to the north & south. The eastern lots have been used as storage for cedar wood waiting to be used and turned into furniture. However, the use is being removed. The purpose of the rezoning is to have a consistent zoning for all the lots owned by the applicant to help market the property for a single user.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The property is just north of the Central Business District. Just to the east, N. Treadaway Blvd is designated as an 'enhancement corridor'. The area transitions quickly east to west from the HC zoning to residential zoning. Due to the presence of residential uses, many of which are single-family homes, commercial zoning would not be appropriate for all of the lots. The requested zoning is deemed incompatible with the Future Land Use Map and the adjacent properties for the western lots.

The 2nd reading for this item will be held on October 22, 2015 due to the Planning staff attending a conference out of town for the October 8, 2015 meeting. The applicant was contacted about the conflict and agreed to delay the final reading to the 2nd meeting in October.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval as requested for 442 & 450 N. 11th St only and recommends MD (Medium Density Residential) zoning for 460 N. 11th St and 1109 & 1127 Ash St.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of HC zoning on all properties by a vote of 6 in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS:

Description	Type
☐ Ordinance	Ordinance
☐ Ordinance Exhibit	Exhibit
☐ Staff Report with Maps	Backup Material

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 22nd day of September, 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 21st day of August, 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 22nd day of October, 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 22nd day of October, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from RS-6 (Single-Family Residential) to HC (Heavy Commercial) zoning.

Legal Description:

Lots 2-3, Block 199, 4-A STEVENSON ABL OT
W40' of Lot 15 199 4 1 L C SHARP ABL OT
Lots 16-18, Block 199, 4-1 SHARP



Location:
442, 450, & 460 N. 11th St and 1109 & 1127 Ash St

-END-

ZONING CASE Z-2015-22

STAFF REPORT



APPLICANT INFORMATION:

Terry & Susan Lankford

HEARING DATES:

P & Z Commission: September 8, 2015
City Council 1st Reading: September 22, 2015
City Council 2nd Reading: October 22, 2015

LOCATION:

442, 450, & 460 N. 11th St and 1109 & 1127 Ash St

REQUESTED ACTION:

Rezone property from RS-6 (Single-Family Residential) to HC (Heavy Commercial) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.85 acres and is currently zoned RS-6. The adjacent properties are zoned MD (Medium Density Residential) & HC to the north, RS-6 & HC to the south, HC to the east, and RS-6 zoning to the west.

ZONING HISTORY:

The property was part of the original City incorporated in 1895 and zoned RS-6 sometime after.

ANALYSIS:

- Current Planning Analysis
Currently the property is undeveloped. The applicant also owns 2 lots to the east that currently have the HC zoning. The surrounding area is developed with single-family homes to the north, west, and south. The old location of the Day Nursery of Abilene exists to the northwest of the subject property. There are some existing businesses along N. Treadaway Blvd to the north & south. The eastern lots have been used as storage for cedar wood waiting to be used and turned into furniture. However, the use is being removed. The purpose of the rezoning is to have a consistent zoning for all the lots owned by the applicant to help market the property for a single user.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The property is just north of the Central Business District. Just to the east, N. Treadaway Blvd is designated as an 'enhancement corridor'. The area transitions quickly east to west from the HC zoning to residential zoning. Due to the presence of residential uses, many of which are single-family homes, commercial zoning would not be appropriate for all of the lots. The requested zoning is deemed incompatible with the Future Land Use Map and the adjacent properties for the western lots.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested for 442 & 450 N. 11th St only and recommends MD (Medium Density Residential) zoning for 460 N. 11th St and 1109 & 1127 Ash St.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval of HC zoning on all properties by a vote of 6 in favor (Bixby, Calk, Dunnahoo, Ellinger, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
OWENS MACK	1125 N TREADAWAY BL	
ABILENE CONCEPTS IN STONE LLC	1131 N TREADAWAY BL	
FRIDAY HORTENSE JEANETTE	557 N 11TH ST	
FRIDAY HORTENSE JEANETTE	541 N 11TH ST	
WORD HAROLD EDWARD	1034 ASH ST	
MUNSON JAMES C	602 N 11TH ST	In Favor
DANSBY MARY JAMES	1217 ASH ST	
VILLARREAL DOTTY M	1209 ASH ST	
LEDDYS LEGACY LLC	1220 N TREADAWAY BL	
LANKFORD TERRY & SUSAN	460 N 11TH ST	
NANCE FELIX K	1030 ASH ST	
NANCE FELIX K	1040 ASH ST	
STEVENSON BERTHA	1118 ASH ST	
MATTEA ROGER W	1042 ASH ST	
ALLMAND MIKAELA	1218 N TREADAWAY BL	
OWENS MACK N	1141 N TREADAWAY BL	
LANKFORD TERRY & SUSAN	1109 ASH ST	
LANKFORD TERRY & SUSAN	1102 N TREADAWAY BL	
ABILENE CONCEPTS IN STONE LLC	1142 N TREADAWAY BL	
LANKFORD KELLY CLINT	1138 N TREADAWAY BL	
PITTS JAMES	437 N 11TH ST	
RICHARDSON LUCY A	1201 ASH ST	
GRAY BETTY	1216 ASH ST	
ROBINSON GEORGE	1126 ASH ST	
J M M TRUST %DAN CASTLE	1137 ASH ST	
GLOVER QUINCY MRS	1110 ASH ST	
DAY NURSERY OF ABL INC	1142 ASH ST	
DAY NURSERY OF ABILENE	1205 ASH ST	
LANKFORD TERRY & SUSAN	450 N 11TH ST	
MUNSON JAMES C	610 N 11TH ST	
LANKFORD KELLY CLINT	1127 ASH ST	
LANKFORD TERRY & SUSAN	1042 COTTONWOOD ST	
PITTS JAMES	1042 N TREADAWAY BL	
DAY NURSERY OF ABL INC	1202 ASH ST	
LANKFORD TERRY & SUSAN	442 N 11TH ST	
LANKFORD TERRY & SUSAN	434 N 11TH ST	
OWENS MACK	1125 N TREADAWAY BL	

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







