

**City Council
Agenda Memo**



**City Council
Meeting Date: 8/08/2013**

TO: Larry D. Gilley, City Manager

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

SUBJECT: Final reading and public hearing of an ordinance for Case No. Z-2013-18, a request from Aaron Waldrop, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, located at 601 Swift Water Dr.

GENERAL INFORMATION

Currently the property is zoned AO and is undeveloped. The adjacent properties to the east are zoned RS-6 and is developed as the Dakota Springs subdivision. The owner plans to develop the property as the next phase of the Dakota Springs subdivision.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting the zone change to allow for development of the next phase of a single-family residential subdivision. The requested zoning would be compatible with the adjacent residential uses as well as the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Bixby, Glenn, Rosenbaum, Todd, and Famble) and none opposed.

ATTACHMENTS

Ordinance

Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

July 26, 2013

Item No. _____

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 July, A.D. 2013.

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 18th day of June, 2013, 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 8th day of August, 2013 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 8th day of August, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) District.

Legal Description:

A0642 SUR 67 B A L W/2 OF SE/4



Location:
601 Swift Water Dr

-END-

ZONING CASE Z-2013-18

STAFF REPORT



APPLICANT INFORMATION:

Aaron Waldrop
Agent: Tal Fillingim

HEARING DATES:

Planning & Zoning Commission: July 1, 2013
City Council 1st Reading: July 25, 2013
City Council 2nd Reading: August 8, 2013

LOCATION:

601 Swift Water Dr

REQUESTED ACTION:

AO to RS-6 zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 23 acres and is currently zoned AO (Agricultural Open Space). The subject property is currently vacant. The adjacent properties to the east are zoned RS-6 and is developed as the Dakota Springs subdivision. The property to the north is developed as the Lone Star Ranch subdivision. The properties to the west and south are zoned AO and developed with a gas utility company and other AO uses. The owner plans to develop the property as the next phase of the Dakota Springs subdivision.

ZONING HISTORY:

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

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned AO and is undeveloped. The adjacent properties to the east are zoned RS-6 and is developed as the Dakota Springs subdivision. The owner plans to develop the property as the next phase of the Dakota Springs subdivision.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting the zone change to allow for development of the next phase of a single-family residential subdivision. The requested zoning would be compatible with the adjacent residential uses as well as the Comprehensive Plan.

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 (Bixby, Glenn, Rosenbaum, Todd & Famble) to none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
TAYLOR CO SHERIFF POSSE	4609 LOOP 322	
RAMIREZ LEE ROY DBA	5018 YELLOWSTONE TR	
MENDEZ DAVID & SHERRY FRASIER	4718 YELLOWSTONE TR	
RAMIREZ LEE ROY DBA	5010 YELLOWSTONE TR	
MORRIS GEORGE W & JANE A	4910 YELLOWSTONE TR	
LANTRIPS CUSTOM HOMES INC	4802 YELLOWSTONE TR	
DEAL DAVID WALTER & CASSANDRA LYNN	4702 YELLOWSTONE TR	
YOUNG NATHAN & ALYSON	4918 YELLOWSTONE TR	
YANEZ ROBERT JOHNATHAN	4810 YELLOWSTONE TR	
TAYLOR JONNIE R & WILLIAM J	4710 YELLOWSTONE TR	
GUNN JUSTIN & MEGAN N	626 SWIFT WATER DR	
WELLS KENNETH A JR & TINA R	618 SWIFT WATER DR	
FARIES JEREMY B & CHRISTAL M	5026 YELLOWSTONE TR	
TRUSTY BILLY	4926 YELLOWSTONE TR	
LONG COREY D & ASHLEY B	4818 YELLOWSTONE TR	In Favor
WEST TEXAS GULF PIPE LINE CO	502 HARDISON LN	
GARCIA ALEXIS	625 SCOOBIE TR	
WEST TEXAS GULF PIPE LINE CO		
CRUZ JUAN CARLOS & SHERIDAN	5102 YELLOWSTONE TR	
BULLOCKS MALLORY L	626 SCOOBIE TR	
WARD MIKE DBA	601 SCOOBIE TR	
SMITH TAYLOR A DBA	618 SCOOBIE TR	
WARD MIKE DBA	609 SCOOBIE TR	
DAKOTA SPRINGS LLC	602 SCOOBIE TR	In Favor
WAGLEY JUSTIN F & PEARL V	617 RUNNING WATER TR	
HOMES BY G LLC	610 RUNNING WATER TR	
HANSEN RONALD	610 WACKADOO DR	
HANSEN RONALD	602 WACKADOO DR	
SMITH TAYLOR A DBA	617 SCOOBIE TR	
VOORHEES RANDY		In Favor
NEWMAN PHILLIP	5002 YELLOWSTONE TR	
LANTRIPS CUSTOM HOMES INC	4726 YELLOWSTONE TR	
STOCKARD INVESTMENTS INC		In Favor
DAKOTA SPRINGS LLC	601 SWIFT WATER DR	In Favor

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







