

**City Council
Agenda Memo**



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

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-2013-19, a request from Josh Ensor, agent Caleb Ensor, to rezone property from AO (Agricultural Open Space) to RR-1 (Rural Residential) zoning, being approximately 15.13 acres located on the south side of Waldrop Dr east of 1849 Waldrop Dr.

GENERAL INFORMATION

Currently the property is zoned AO and is undeveloped. The adjacent properties to the east are a mix of zonings to include AO, O (Office), & GR (General Retail) and are either developed as single-family homes or are vacant. The property to the west is developed as large estate property. The properties to north are zoned AO and undeveloped. The subdivision is developed to the south. The owner plans to develop the property as a small subdivision with large lots. The RR-1 zoning requires a minimum lot size of 1-acre per lot.

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 a small subdivision with large lots. 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 RR-1 (Rural Residential) District.

Legal Description:

A0980 SUR 23 L A L NE/4, ACRES 12.88

A0980 SUR 23 L A L NE/4, ACRES 2.25



Location:

Being approx. 15.13 acres, located on the south side of Waldrop Dr, east of 1849 Waldrop Dr

-END-

ZONING CASE Z-2013-19

STAFF REPORT



APPLICANT INFORMATION:

Josh Ensor

Agent: Caleb Ensor

HEARING DATES:

Planning & Zoning Commission: July 1, 2013

City Council 1st Reading: July 25, 2013

City Council 2nd Reading: August 8, 2013

LOCATION:

Being approximately 15.13 acres located on the south side of Waldrop Dr east of 1849 Waldrop Dr

REQUESTED ACTION:

AO to RR-1 zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 15.13 acres and is currently zoned AO (Agricultural Open Space). The subject property is currently vacant. The adjacent properties to the east are a mix of zonings to include AO, O (Office), & GR (General Retail) and are either developed as single-family homes or are vacant. The property to the west is developed as large estate property. The properties to north are zoned AO and undeveloped. The subdivision is developed to the south. The owner plans to develop the property as a small subdivision with large lots.

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 a mix of zonings to include AO, O (Office), & GR (General Retail) and are either developed as single-family homes or are vacant. The property to the west is developed as large estate property. The properties to north are zoned AO and undeveloped. The subdivision is developed to the south. The owner plans to develop the property as a small subdivision with large lots. The RR-1 zoning requires a minimum lot size of 1-acre per lot.

• 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 a small subdivision with large lots. 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, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ROZEBOOM DAVID J & DEENA R	7917 STARLIGHT DR	
DUTROW DAVID M & LORI M	1842 MOONLIGHT DR	
VOIGTS BOBBY L JR & KACIE	1826 MOONLIGHT DR	
BEASLEY STEVE R & NEILDA L	7902 SKYLINE DR	
DAVIS DAN E & BRENDA J	1818 MOONLIGHT DR	
HOULE ALBERT L	7734 HWY 83-84	
CHOPRA PUNEET	7910 STARLIGHT DR	
NORTHCOTT JERRY L & JANET L	7902 STARLIGHT DR	Opposed
ENSOR JOSH & PATTI	1849 WALDROP DR	
RIVERA EDWARD T & BRYNN L	1810 MOONLIGHT DR	
MORTON JOSEPH D & ASHLEY N	1834 MOONLIGHT DR	
MASON TRENDSETTERS	7850 HWY 83-84	
MASON TRENDSETTERS		
GILL ROBERT F & JUNE J	1964 BELTWAY S	In Favor
ENSOR JOSH & PATTI		
STIVASON HUBERT R & MARIE K	1701 WALDROP DR	
HAMMACK TREVOR J & STACY R	1802 MOONLIGHT DR	
DREISTADT JOEL & GENA	7901 SKYLINE DR	
MASON TRENDSETTERS	7918 HWY 83-84	
STIVASON HUBERT R & MARIE K		
WEST TEXAS UTILITIES CO		
HOULE ALBERT	7750 HWY 83-84	

1 Opposed- **N**







