## 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-2013-20, a request from

CAF Realty, LLC, agent Cecil Fain, to rezone property from HI (Heavy Industrial) to GC (General Commercial), on all except the west 140 feet of the parcel located at 2318

**Butternut St.** 

#### **GENERAL INFORMATION**

Currently the property is zoned HI and is developed with 2 separate buildings. The properties along Butternut St and S. Treadaway Blvd are zoned HI and there is a mix of industrial uses in the area. The owner is requesting a change of zoning to GC (General Commercial) to allow for a 'personal service' use in the smaller building in front. The requested zoning would only be in the front part of the lot to allow for use of the smaller building as a salon.

The Future Land Use section of the Comprehensive Plan designates this general area as commercial. The applicant is requesting the zone change on the front of the property only to allow for development of a salon in the front building. The requested zoning would be compatible with the adjacent industrial/commercial 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:		Dis	Disposition by City Council		
			Approved	Ord/Res#	
Name: Ben Bryner			Denied		
Title: <u>Planning Services Manager</u>	Item No.		Other		
July 26, 2013			City Sec	retary	

ORDINANCE NO.	
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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 <u>25<sup>th</sup></u> day of <u>July</u>, A.D. <u>2013</u>.

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  $18^{th}$  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  $8^{th}$  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  $8^{th}$  day of <u>August</u>, A.D. <u>2013</u>.

ATTEST:	
CITY SECRETARY	MAYOR
	APPROVED:
	CITY ATTORNEY

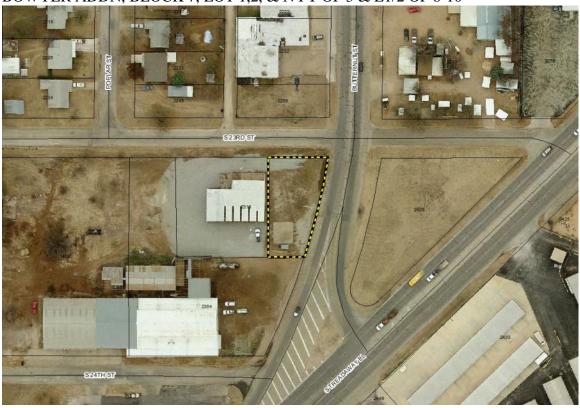
ORDINANCE NO.
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# EXHIBIT "A"

Rezone property from HI (Heavy Industrial) to GC (General Commercial) District.

# Legal Description:

BOWYER ADDN, BLOCK 7, LOT 1,2, & N PT OF 3 & E1/2 OF 8-10



# Location:

2318 Butternut St, all except the west 140 feet

# ZONING CASE Z-2013-20 STAFF REPORT



#### **APPLICANT INFORMATION:**

CAF Realty, LLC Agent: Cecil Fain

#### **HEARING DATES:**

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

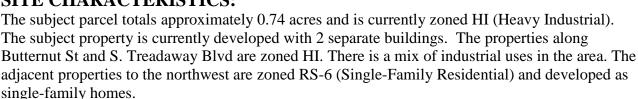
#### **LOCATION:**

2318 Butternut, all except the west 140 feet

## **REQUESTED ACTION:**

HI to GC zoning

# SITE CHARACTERISTICS:



#### **ZONING HISTORY:**

The area was annexed in 1951 and zoned HI in 1977.

#### **ANALYSIS:**

#### Current Planning Analysis

Currently the property is zoned HI and is developed with 2 separate buildings. The properties along Butternut St and S. Treadaway Blvd are zoned HI and there is a mix of industrial uses in the area. The owner is requesting a change of zoning to GC (General Commercial) to allow for a 'personal service' use in the smaller building in front. The requested zoning would only be in the front part of the lot to allow for use of the smaller building as a salon.

#### • Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as commercial. The applicant is requesting the zone change on the front of the property only to allow for development of a salon in the front building. The requested zoning would be compatible with the adjacent industrial/commercial uses as well as the Comprehensive Plan.

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## 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
TRUONG MINH KIEN	2232 BUTTERNUT ST	
RIVERA MARIANNA ARRAZOLA	2225 POPLAR ST	
SIERRA RUBEN & IRMA	2233 POPLAR ST	
TRUONG MINH KIEN	2250 BUTTERNUT ST	
SIERRA RUBEN & IRMA	2249 POPLAR ST	
SITZES STEVE	2249 BUTTERNUT ST	
R G P ENTERPRISES INC	2364 BUTTERNUT ST	
CAF REALTY LLC	2318 BUTTERNUT ST	In Favor
	2426 S TREADAWAY BL	

Case # Z-2013-20 2 1 in Favor- **Y**0 Opposed- **N** 

