

City Council
Agenda Memo



City Council
Meeting Date: 9/12/2013

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-2013-24, a request from the City of Abilene to rezone property from CB/H (Central Business/Historic Overlay) to CB (Central Business) zoning, located at 101 Oak St.

GENERAL INFORMATION

The subject property is currently vacant due to a fire destroying the historic Matera Paper Company building. The Historic Overlay no longer applies to the property since the resource no longer exists. The property owner has indicated that the parcel is to be redeveloped in the future. The removal of the Historic Overlay will allow the property to redevelop under the existing CB zoning.

The Future Land Use section of the Comprehensive Plan designates this general area Central Business. The city is requesting removal of the Historic Overlay Zoning to allow for redevelopment since the resource no longer exists.

STAFF RECOMMENDATION

Staff recommends approval.

LANDMARKS COMMISSION RECOMMENDATION:

The Landmarks Commission recommends approval by a vote of 6 in favor (Lee, McClellan, Butman, Calk, Weatherl, & Minter) to none opposed.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

August 30, 2013

Item No. 7.7

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 22nd day of August, 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 19th day of July, 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 12th day of September, 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 12th day of September, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from CB/H (Central Business/Historic Overlay) to CB (Central Business) district.

Legal Description:

OT Abilene, Block 4, Lots 4-12



Location:
101 Oak St

-END-

ZONING CASE Z-2013-24

STAFF REPORT



APPLICANT INFORMATION:

City of Abilene

HEARING DATES:

Planning & Zoning Commission: August 5, 2013

City Council 1st Reading: August 22, 2013

City Council 2nd Reading: September 12, 2013

LOCATION:

101 Oak Street

REQUESTED ACTION:

CB/H to CB zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.67 acres and is currently zoned CB/H (Central Business with Historic Overlay). The subject property is currently vacant due to a fire destroying the historic Matera Paper Company building. The owner plans to redevelop the property.

ZONING HISTORY:

The area is part of Old Town Abilene South that was settled in 1895 and granted Historic Overlay Zoning in 1997.

ANALYSIS:

- Current Planning Analysis

The subject property is currently vacant due to a fire destroying the historic Matera Paper Company building. The Historic Overlay no longer applies to the property since the resource no longer exists. The property owner has indicated that the parcel is to be redeveloped in the future. The removal of the Historic Overlay will allow the property to redevelop under the existing CB zoning.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area Central Business. The city is requesting removal of the Historic Overlay Zoning to allow for redevelopment since the resource no longer exists.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

LANDMARKS COMMISSION RECOMMENDATION:

The Landmarks Commission recommends approval by a vote of 6 in favor (Lee, McClellan, Butman, Calk, Weatherl, & Minter) to none opposed.

Case # Z-2013-24

Updated: August 13, 2013

PLANNING & ZONING COMMISSION:

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

NOTIFICATION:

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

Owner	Address	Response
BLAY FAMILY LLC	126 PECAN ST	
ABILENE PLUMBING SUPPLY CO	742 S 2ND ST	
PAMY HOLDINGS INC	806 S 2ND ST	
ABILENE PLUMBING SUPPLY	741 S 1ST ST	
CRAIN GARY L	149 OAK ST	
WHITENER FAMILY LIMITED PTSHP 1	901 S 1ST ST	
SONJOHN PROPERTY LLC	137 OAK ST	
CRAIN GARY	141 OAK ST	
CITY OF ABILENE		
ABILENE PLUMBING SUPPLY	801 S 1ST ST	
ABILENE MATERA LLC	101 OAK ST	

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







