

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-2013-26, a request from Region 14 Education Service Center, agent Richard Burdine, to rezone property from AO (Agricultural Open Space) & LI (Light Industrial) to GR (General Retail) zoning, located at 1842 & 1850 Hwy 351.

GENERAL INFORMATION

Currently the property is zoned AO & LI and is developed with the Region 14 education building. The adjacent properties are a mix of residential (north), retail & restaurant (west) and industrial (south) uses. A street connection from Lowden St to Enterprise Dr is planned to cross the west portion of the Region 14 property. A plat is required to take care of this action. The minimum lot size for AO zoning is 5 acres, which the new lot would not meet. The proposed zoning change is to match the development trend in the area would allow for the plat to be approved.

The Future Land Use section of the Comprehensive Plan designates this general area as a Major Commercial/Business Center. The applicant is requesting the zone change to allow for a plat to dedicate a new street connection between Lowden St and Enterprise Dr. The requested zoning would be compatible with the adjacent 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 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. 7.9

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 AO (Agricultural Open Space) & LI (Light Industrial) to GR (General Retail) district.

Legal Description:

LITTLE ACRES, BLOCK A, LOT 1 & 2



Location:
1842 & 1850 Hwy 351

-END-

ZONING CASE Z-2013-26

STAFF REPORT



APPLICANT INFORMATION:

Region 14 Education Service Center
Agent: Richard Burdine

HEARING DATES:

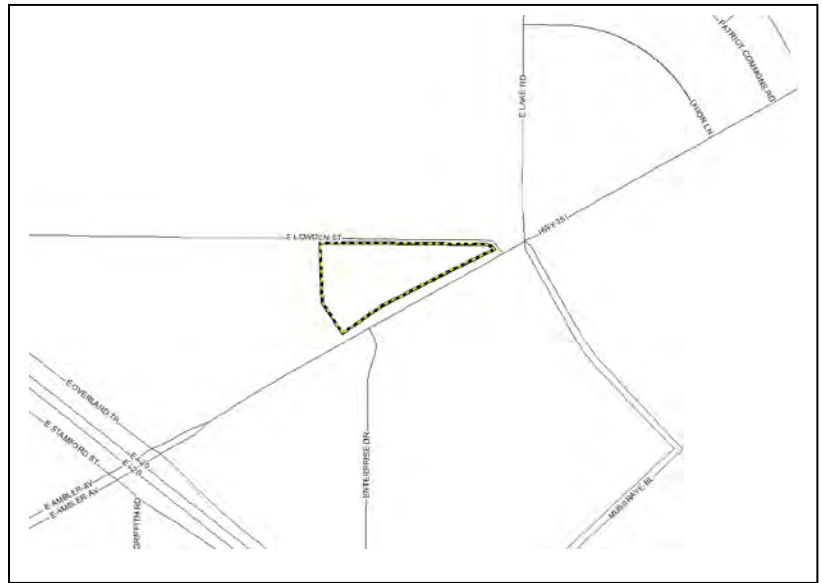
Planning & Zoning Commission: August 5, 2013
City Council 1st Reading: August 22, 2013
City Council 2nd Reading: September 12, 2013

LOCATION:

1842 & 1850 Hwy 351

REQUESTED ACTION:

AO & LI to GR zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 10.15 acres and is currently zoned AO (Agricultural Open Space) and LI (Light Industrial). The subject property is currently developed with the Region 14 Education Service Center. The properties to the north are zoned AO and are developed with residential uses and 1 agricultural use. The properties to the west are developed with retail and restaurant uses. The property across the street to the south is the Coca-Cola bottling plant.

ZONING HISTORY:

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

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned AO & LI and is developed with the Region 14 education building. The adjacent properties are a mix of residential (north), retail & restaurant (west) and industrial (south) uses. A street connection from Lowden St to Enterprise Dr is planned to cross the west portion of the Region 14 property. A plat is required to take care of this action. The minimum lot size for AO zoning is 5 acres, which the new lot would not meet. The proposed zoning change is to match the development trend in the area would allow for the plat to be approved.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as a Major Commercial/Business Center. The applicant is requesting the zone change to allow for a plat to dedicate a new street connection between Lowden St and Enterprise Dr. The requested zoning would be compatible with the adjacent uses as well as the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING 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.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ABILENE GROUP LLC	1766 HWY 351	
B & L HOMES LLC	1926 E LOWDEN ST	
WAL-MART REAL ESTATE BUSINESS TRUST	1650 HWY 351	
REGION 14 EDUCATION	1842 HWY 351	In Favor
LOPEZ JOE TRUSTEE	1990 E LOWDEN ST	
EDUCATION SERVICE CTR	1850 HWY 351	In Favor
CHICK FIL A INC	1750 HWY 351	
HILL LARRY	1850 E LOWDEN ST	
LEWIS DAVID E & MARILYN K		
CFT DEVELOPMENTS LLC	1749 HWY 351	
REGION XIV EDUCATION SERV		
HILL LARRY		
BHAKTA BHARAT M	1950 E LOWDEN ST	
GFC LEASING CORP	2642 E LAKE RD	
TEXAS COCA COLA BOTTLING	1825 HWY 351	
STONEHENGE INVESTMENTS LLC	1801 HWY 351	
TEXAS COCA COLA BOTTLING	1849 HWY 351	

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

