

City Council
Agenda Memo



City Council
Meeting Date: 10/7/2013

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-2013-28, a request from David Phillips, to rezone property from RS-6 (Single-Family Residential) to PD-55 (Planned Development) zoning & to amend PD-55 (Planning Development) zoning regarding allowable uses, located at 6156 & 6164 Hartford St.

GENERAL INFORMATION

Currently the property is zoned RS-6 & PD-55. A home exists at 6164 Hartford St. The remaining property is vacant. The adjacent properties to the north are zoned RS-6 to the north and east and developed with residences. The properties to the south include PD, RR-1 (Rural Residential), & AO (Agricultural Open Space) zoning. A gas station exists on the corner with residences nearby. The property to the west is zoned PD and is Dyess Air Force Base. The property owner is requesting to include 6156 Hartford St as part of PD-55. Additionally, the property owner is requesting to amend the PD zoning in order to use the property for auto sales and self-storage. The current PD zoning does not allow for these types of uses. The amendment would add these uses as permitted uses.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The entrance to Dyess Air Force Base is located at this intersection. The intersection is considered a node and is supported by a mix of uses that are connected and of a high quality design. The approved PD zonings in the area have placed an emphasis on high-quality design. The applicant is requesting the zone change to bring 6156 Hartford St into the existing PD-55 zoning. The applicant is also requesting to amend PD-55 to allow for auto sales and self-storage to the already approved office and retail uses. The requested rezoning would be compatible with the adjacent uses and the existing uses allowed in the PD zonings. However, the requested amendment to allowable uses would not be compatible.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning request and denial of the amendment request.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

September 24, 2013

Item No. 7.2

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, PART "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, AMENDING PD-55 A PLANNED DEVELOPMENT; 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.

PASSED ON FIRST READING this 26th 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 16th day of August, 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 7th day of October, 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 7th day of October, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 1

ORDINANCE NO. _____

Exhibit "A"

1st Amendment to Ordinance No. 15-1994

Amend PART 5: Legal Description.

AMEND: Include 6156 Hartford St into the PD boundary.



- END -

ZONING CASE Z-2013-28

STAFF REPORT



APPLICANT INFORMATION:

David Phillips

HEARING DATES:

Planning & Zoning Commission: September 3, 2013

City Council 1st Reading: September 26, 2013

City Council 2nd Reading: October 7, 2013

LOCATION:

6156 & 6164 Hartford St

REQUESTED ACTION:

RS-6 to PD-55

Amend PD-55



SITE CHARACTERISTICS:

The subject parcel totals approximately 3.74 acres. The property at 6156 Hartford St is currently zoned RS-6 (Single-Family Residential) and the property at 6164 Hartford St is zoned PD-55 (Planned Development) district. A home exists at 6164 Hartford St.

ZONING HISTORY:

The area was annexed in 1959 and zoned RS-6 sometime after. The PD zoning was approved in 1994 for 6164 Hartford St.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned RS-6 & PD-55. A home exists at 6164 Hartford St. The remaining property is vacant. The adjacent properties to the north are zoned RS-6 to the north and east and developed with residences. The properties to the south include PD, RR-1 (Rural Residential), & AO (Agricultural Open Space) zoning. A gas station exists on the corner with residences nearby. The property to the west is zoned PD and is Dyess Air Force Base. The property owner is requesting to include 6156 Hartford St as part of PD-55. Additionally, the property owner is requesting to amend the PD zoning in order to use the property for auto sales and self-storage. The current PD zoning does not allow for these types of uses. The amendment would add these uses as permitted uses.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The entrance to Dyess Air Force Base is located at this intersection. The intersection is considered a node and is supported by a mix of uses that are connected and of a high quality design. The approved PD zonings in the area have placed an emphasis on high-quality design. The applicant is requesting the zone change to bring 6156 Hartford St into the existing PD-55 zoning. The applicant is also requesting to amend PD-55 to allow for auto

sales and self-storage to the already approved office and retail uses. The requested rezoning would be compatible with the adjacent uses and the existing uses allowed in the PD zonings. However, the requested amendment to allowable uses would not be compatible.

PLANNING STAFF RECOMMENDATION:

Staff recommends **approval** of the rezoning request and **denial** of the amendment request.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval per the staff recommendation by a vote of 6 in favor (Bixby, 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
JACKSON KARL L & ANITA L	6150 HARTFORD ST	
CENICEROS ARIEL	6143 WALDEMAR ST	
DOWNTOWN BINGO INC	6149 WALDEMAR ST	
TRIGG LANA	6141 HARTFORD ST	Opposed
COOK RAYBURN ET UX	6216 WALDEMAR ST	
TRIGG LANA	6149 HARTFORD ST	Opposed
COOK CRYSTAL M & COOK RICHARD P & NICOLE L	6133 HARTFORD ST	
HALF LTD	1409 DUB WRIGHT BL	
PHILLIPS DAVID	6164 HARTFORD ST	
PHILLIPS DAVID L	6156 HARTFORD ST	
COOK RAYBURN & AIKO	6202 WALDEMAR ST	
MATTHEWS SHANE W & BLANCA	6134 WALDEMAR ST	

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







