

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-2013-30, a request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GC (General Commercial), GR (General Retail), and NR (Neighborhood Retail) zoning, being approximately 45.4 acres located at 750 Gateway St to include the property north.

GENERAL INFORMATION

Currently the property is zoned AO and is undeveloped. The applicant has future plans to use the property for retail development. The property to the south is zoned O (Office) and MD (Medium Density). An office complex is about to begin construction. A duplex neighborhood also exists to the south. The properties to the east are zoned AO and RS-6 (Single-Family Residential) which is the Lytle South neighborhood. The properties to the northwest (across Loop 322) are zoned PD (Planned Development). The PD allows for commercial/retail development along the freeway frontage and transitions to residential uses away from the freeway. The proposed zoning will be at a major intersection and bounded by a major arterial street on the east. Additionally, the applicant is proposing NR (Neighborhood Retail) & GR (General Retail) zoning in the area closest to the nearby residential zoning which will provide a transition to the proposed GC (General Commercial) zoning along the freeway frontage.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential but authorizes non-residential development at intersections of major roadways or nodes. The property is at the intersection of Loop 322 and Oldham Lane which already includes commercial development on the north side of the freeway. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval of PD zoning. Development along the Loop 322 corridor has been intended for higher standards to include regulations for building materials and signage.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested (GC, GR & NR) by a vote of 5 in favor (McClarty, Rosenbaum, Todd, Yungblut, and Famble), none opposed, and 1 abstained (Bixby).

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

September 24, 2013

Item No. 7.4

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 26nd day of September, 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"

Rezone property from AO (Agricultural Open Space) to GC (General Commercial), GR (General Retail), and NR (Neighborhood Retail) district.

Legal Description:

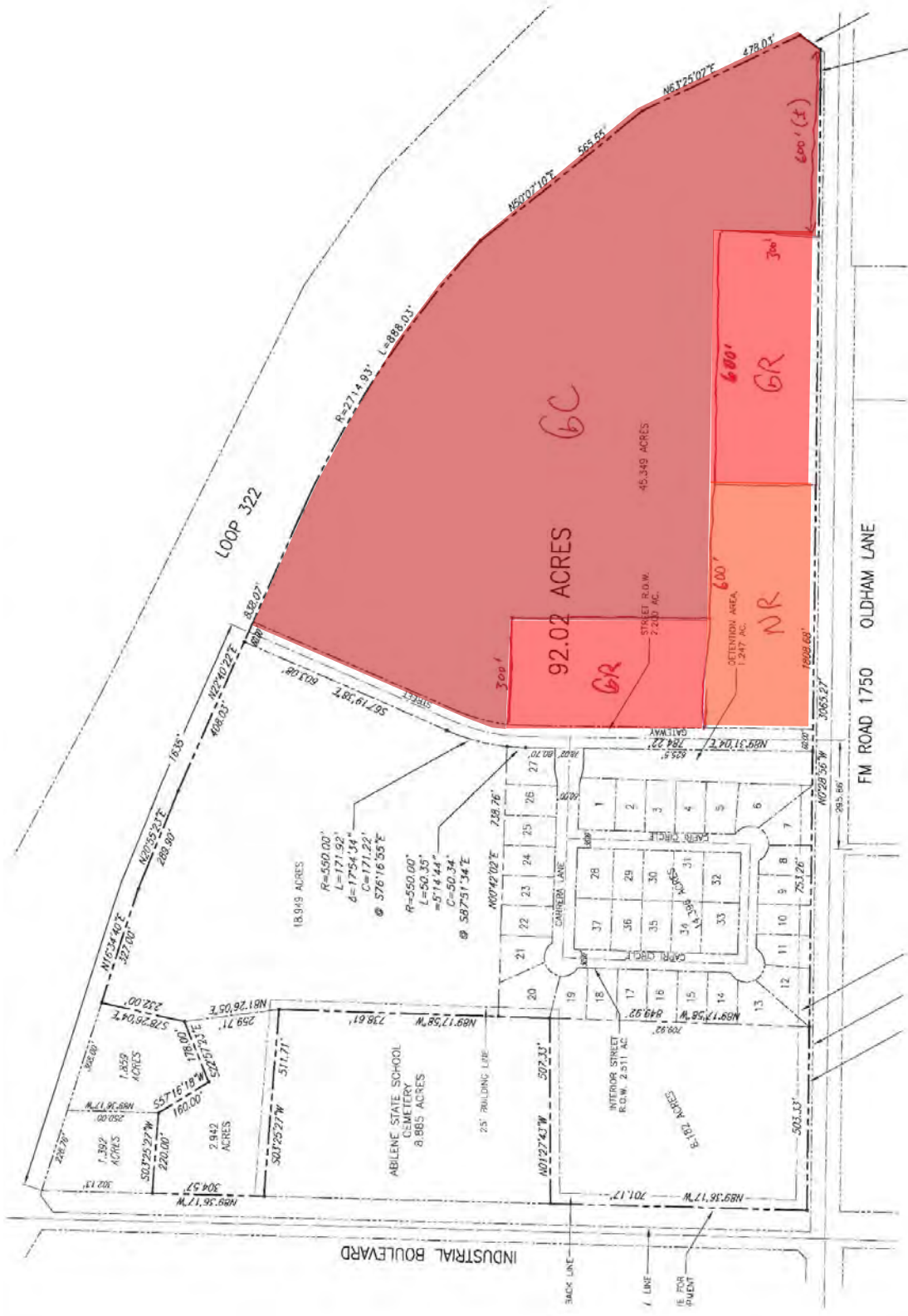
A0781 SUR 62 B A L NE/4, ACRES 8.237

A0679 SUR 62 B A L SE/4, ACRES 38.83



Location:

750 Gateway St to include the property north



-END-

ZONING CASE Z-2013-30

STAFF REPORT



APPLICANT INFORMATION:

Musgrave Enterprises
Agent: Tal Fillingim

HEARING DATES:

Planning & Zoning Commission: September 3, 2013
City Council 1st Reading: September 26, 2013
City Council 2nd Reading: October 7, 2013

LOCATION:

45.4 acres located at 750 Gateway St,
to include the property north

REQUESTED ACTION:

AO to GC, GR, and NR



SITE CHARACTERISTICS:

The subject parcel totals approximately 45.4 acres. The property is currently zoned AO (Agricultural Open Space) and is undeveloped.

ZONING HISTORY:

The area was annexed in 1968 and zoned AO at that time.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned AO and is undeveloped. The applicant has future plans to use the property for retail development. The property to the south is zoned O (Office) and MD (Medium Density). An office complex is about to begin construction. A duplex neighborhood also exists to the south. The properties to the east are zoned AO and RS-6 (Single-Family Residential) which is the Lytle South neighborhood. The properties to the northwest (across Loop 322) are zoned PD (Planned Development). The PD allows for commercial/retail development along the freeway frontage and transitions to residential uses away from the freeway. The proposed zoning will be at a major intersection and bounded by a major arterial street on the east. Additionally, the applicant is proposing NR (Neighborhood Retail) & GR (General Retail) zoning in the area closest to the nearby residential zoning which will provide a transition to the proposed GC (General Commercial) zoning along the freeway frontage.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential but authorizes non-residential development at intersections of major roadways or nodes. The property is at the intersection of Loop 322 and Oldham Lane which already includes commercial development on the north side of the freeway. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of PD zoning. Development along the Loop 322 corridor has been intended for higher standards to include regulations for building materials and signage.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested (GC, GR & NR) by a vote of 5 in favor (McClarty, Rosenbaum, Todd, Yungblut, and Famble), none opposed, and 1 abstained (Bixby).

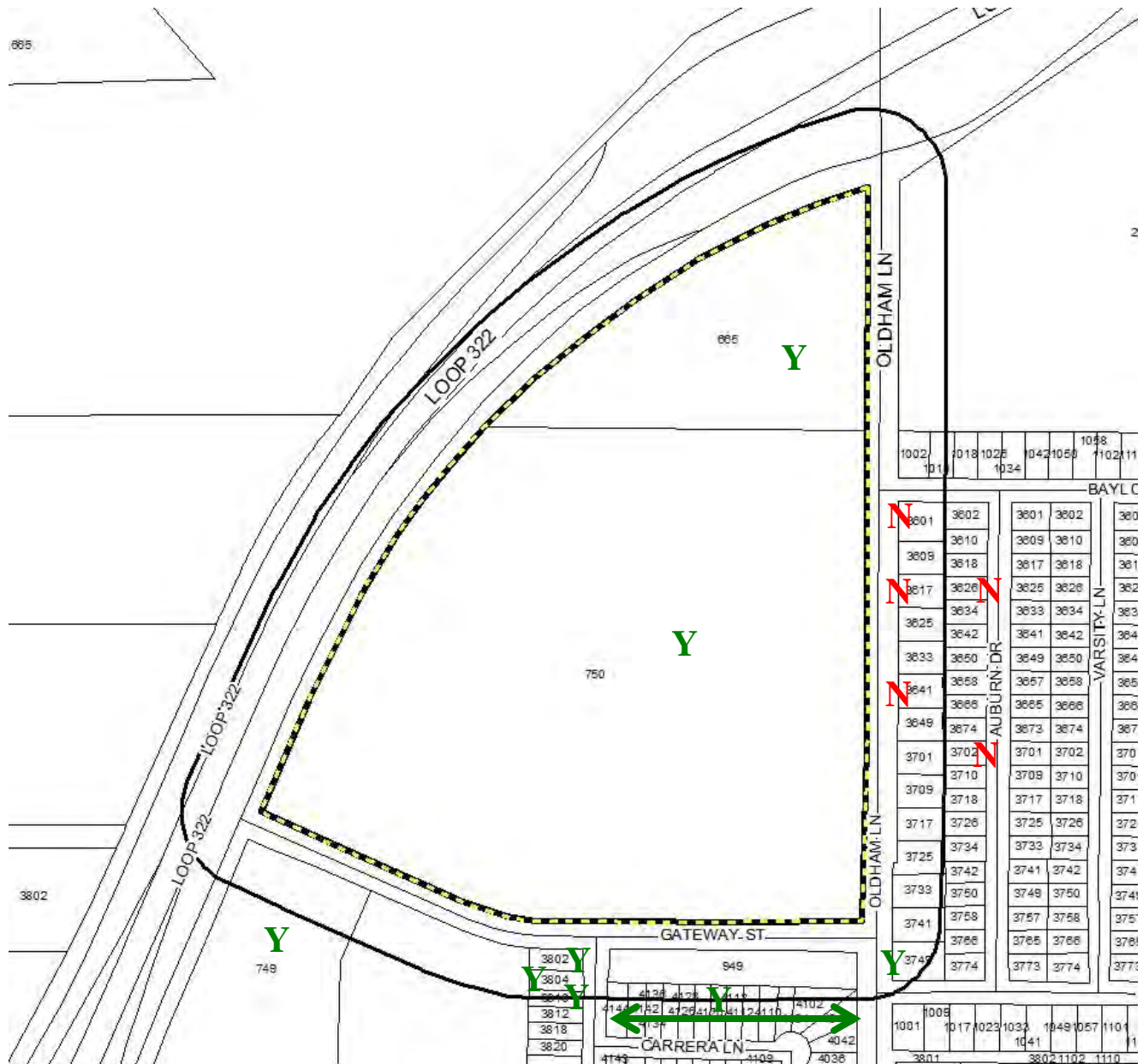
NOTIFICATION:

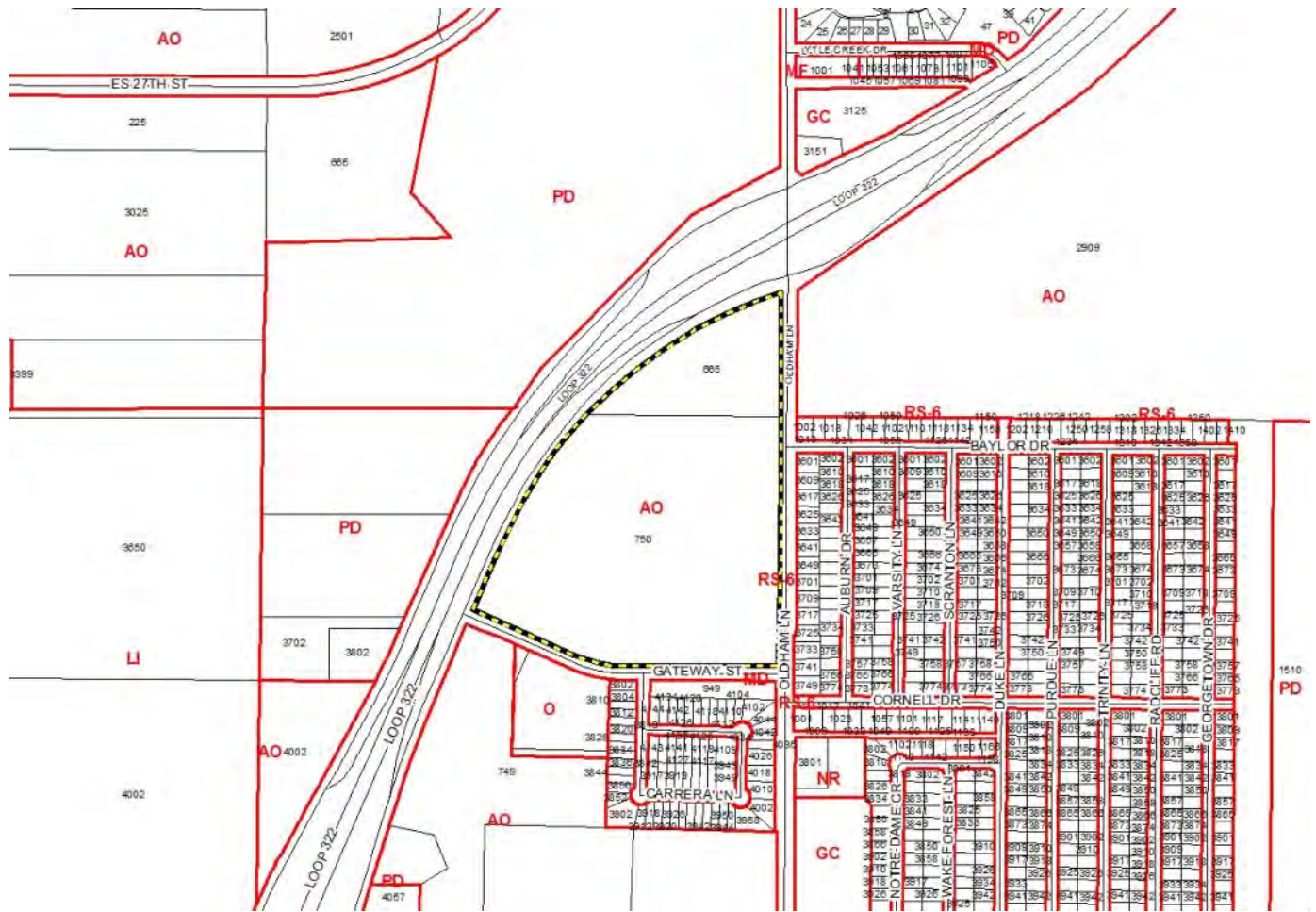
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
MARTIN GRADY LYNN	3701 OLDHAM LN	
BALLOW DANIELLE	3609 OLDHAM LN	
HAMILTON WALTER J II	3709 OLDHAM LN	
STREET MICHAEL EUGENE	3717 OLDHAM LN	
GANN WELDON ANDREW & SHARON	3634 AUBURN DR	
HAMILTON SARAH A	3617 OLDHAM LN	Opposed
WESTERMAN RAYMOND E JR	3718 AUBURN DR	
SNOW MICHAEL S & GORMAN JESSICA D	3741 OLDHAM LN	
DOBBS JIM	3733 OLDHAM LN	
HUD	3725 OLDHAM LN	
WYATT JESSE A & TINA L	3749 OLDHAM LN	In Favor
ZHANG XIANGLING	3726 AUBURN DR	
REYNA EDUARDO & SOLEDAD	3625 OLDHAM LN	
GACKE JACK L & SHERRILL L	3626 AUBURN DR	Opposed
WELCH GARY W	3710 AUBURN DR	
GAUTHIER DEBRA L	3618 AUBURN DR	
SWANSON KENNETH W & SHARON E	3641 OLDHAM LN	Opposed
FESTEJO CHARLEMAGNE F & MIRIAM E	3658 AUBURN DR	
ALLEN ROBERT G	3649 OLDHAM LN	
RAUGHTON PAMELA K	1002 BAYLOR DR	
MACE ROBERT & DENISE	3601 OLDHAM LN	Opposed
DAVIS CURTIS LEE	3642 AUBURN DR	
BODINE SIDNEY L	3674 AUBURN DR	
WILKINSON CLYDE C & GLENNA S	3702 AUBURN DR	Opposed
CLACK EDWARD KERRY	2909 LOOP 322	
MUSGRAVE & MUSGRAVE LLP	750 GATEWAY ST	In Favor
VAUGHN CHRIS L & WHITNEY L WALDREP	3666 AUBURN DR	
PERRY CRAIG	3602 AUBURN DR	
PANNELL RONALD LYNN	3610 AUBURN DR	
MUSGRAVE & MUSGRAVE LLP	665 ES 27TH ST	In Favor
GARRETT MICHAEL & MILADY	3633 OLDHAM LN	
MUSGRAVE & MUSGRAVE LLP	3810 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	4120 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	4144 CARRERA LN	In Favor

MUSGRAVE & MUSGRAVE LLP	4126 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	4118 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	4134 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	4112 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	3804 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	3802 CARRERA LN	In Favor
MATTHEW WILLIAM M & NANCY A	3650 AUBURN DR	
STOVER TRAVIS ANDREW & HEATHER NICOLE ROBERTS	1010 BAYLOR DR	
MUSGRAVE & MUSGRAVE LLP	4142 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	4136 CARRERA LN	In Favor
CITY OF ABILENE	949 GATEWAY ST	
MUSGRAVE & MUSGRAVE LLP	4104 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	4102 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	4128 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	4110 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	4044 CARRERA LN	In Favor
MUSGRAVE & MUSGRAVE LLP	749 GATEWAY ST	In Favor

20 in Favor- **Y**
 5 Opposed- **N**









For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2013-30

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: MACE ROBERT & DENISE
Address: 3601 OLDHAM LN

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

We Live Right across the street, and ~~and~~ businesses will increase traffic. we prefer housing only. The speed limit is 50mph which is to high. People always speed. We have lived here 21 years and have already had our privacy taken away when all the trees were cut down. If we wanted to live by bussiness we would have lived by the mall, This is a Residential neighbor and would like for it to stay that way.

Thank you Denise mace

For the PLANNING & ZONING COMMISSION

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Name: HAMILTON SARAH A
Address: 3617 OLDHAM LN

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

This is already becoming a loud & busy street w/out the addition of more shopping/businesses in the area. This should remain a neighborhood. I have no desire to live in a business district and do not want my property value to plummet. Please keep this a neighborhood, we cannot afford to move.

1/1

BlueCross BlueShield Claims 32579394279

Aug/26/2013 12:02:39 PM

For the PLANNING & ZONING COMMISSION

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Name: SWANSON KENNETH W &
Address: 3641 OLDHAM LN

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor
Additional Comments:

I am opposed

~~PLANNING~~ Oldham CN is so busy.

People are always spending the value
I believe ~~it~~ this will lower the value
of my home and the ability to sell.