

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-2013-31, a request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, being approximately 11 acres on the south side of Scottish Rd east of Musgrave Blvd.

GENERAL INFORMATION

Currently the property is zoned AO and is undeveloped. The applicant has future plans to use the property for retail development. The properties to the north, south and east are zoned AO and are undeveloped. The properties to the west are zoned PD (Planned Development) and developed with a hotel and commercial/retail uses. The proposed zoning will continue the commercial/retail development in the area.

The Future Land Use section of the Comprehensive Plan designates the area as business/industrial. The area is adjacent to a Major Commercial/Business Center located at the intersection of Highway 351 and Interstate 20. The adjacent development to the west is planned to be a major retail development. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval 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 23, 2013

Item No. 7.5

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) district.

Legal Description:

A portion of A1396 SUR 32 B A L NW/4, ACRES 35.32 &
A portion of A1396 SUR 32 B A L NW/4, ACRES 38.55



As shown in Exhibit 'A'

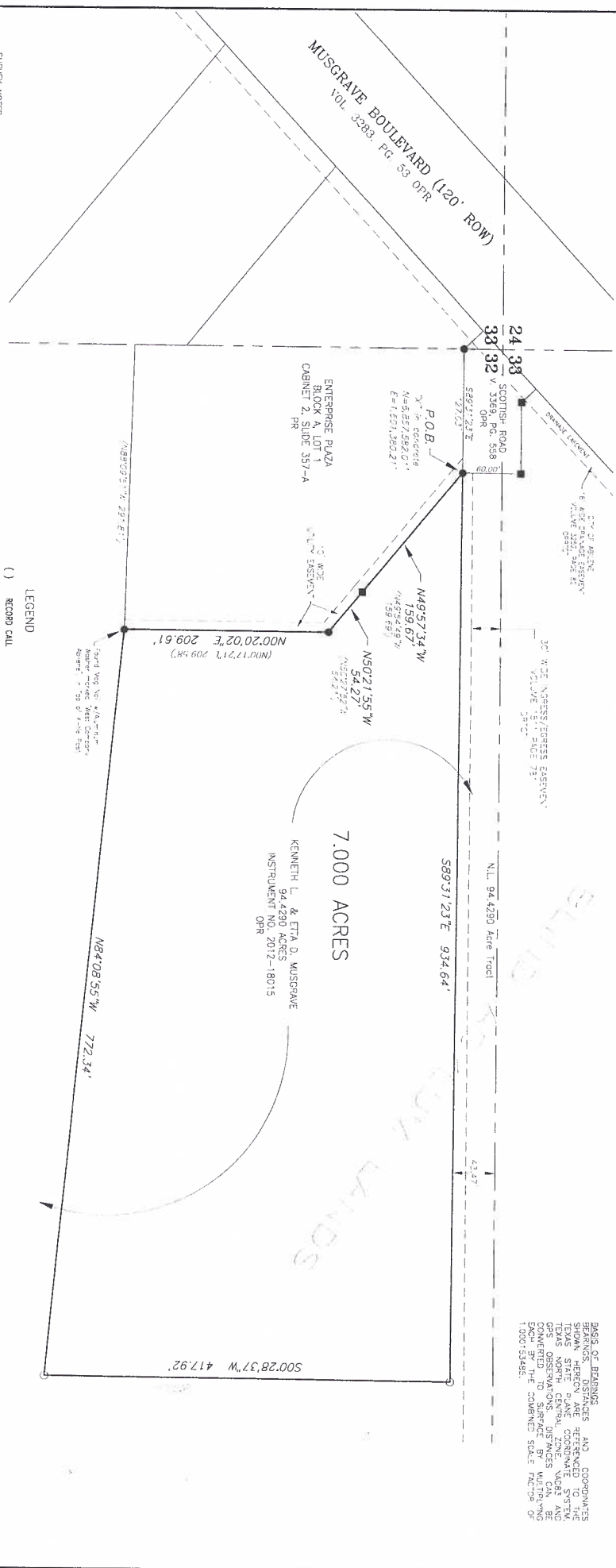
Location:

Being approximately 11 acres on the south side of Scottish Rd east of Musgrave Blvd

-END-



BASIS OF BEARINGS AND DISTANCES
BEARINGS ARE TO THE NEAREST
SECONDS, DISTANCES TO THE NEAREST
TENTHS OF FEET. THE PLANE COORDINATE
SYSTEM IS THE 1983 NAD 83 STATE PLANE
COORDINATE SYSTEM, ZONE 14N, FIPS
1000. THE CURVED DISTANCES ARE
ALONG THE CENTERLINE OF THE
CURVED BOUNDARY. THE CURVED DISTANCE OF
EACH BY THE CURVED STATE FACTOR OF
1.000153485.



SURVEY NOTES:

1. CURRENT LAND OWNER OF THIS TRACT IS KENNETH L. AND ETTA D. MUSGRAVE PER WARRANTY DEED DESCRIBED AND RECORDED IN PUBLIC RECORDS OF TAYLOR COUNTY, TEXAS.
2. THIS SURVEY WAS DONE WITHOUT THE SUPERVISION OF A LICENSED SURVEYOR. THERE MAY BE ERRORS, OMISSIONS OR RESTRICTIONS THAT ENGINEER SAID PROPERTY RESPONSIBILITY THIS SURVEY HOLDS NO RESPONSIBILITY.

LEGEND

- () RECORD CALL
- END DISK MONUMENT WITH JAM CAP
- SET 1/2" BEAR WITH JAM CAP
- END 1/2" BEAR WITH JAM CAP UNLESS NOTED
- BOUNDARY OF 5.000 ACRE TRACT (BND)
- SURVEY LINE
- FLOOD PLAIN BOUNDARY
- ESTABLISH BOUNDARY
- OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY, TX
- PLAT RECORDS, TAYLOR COUNTY, TX

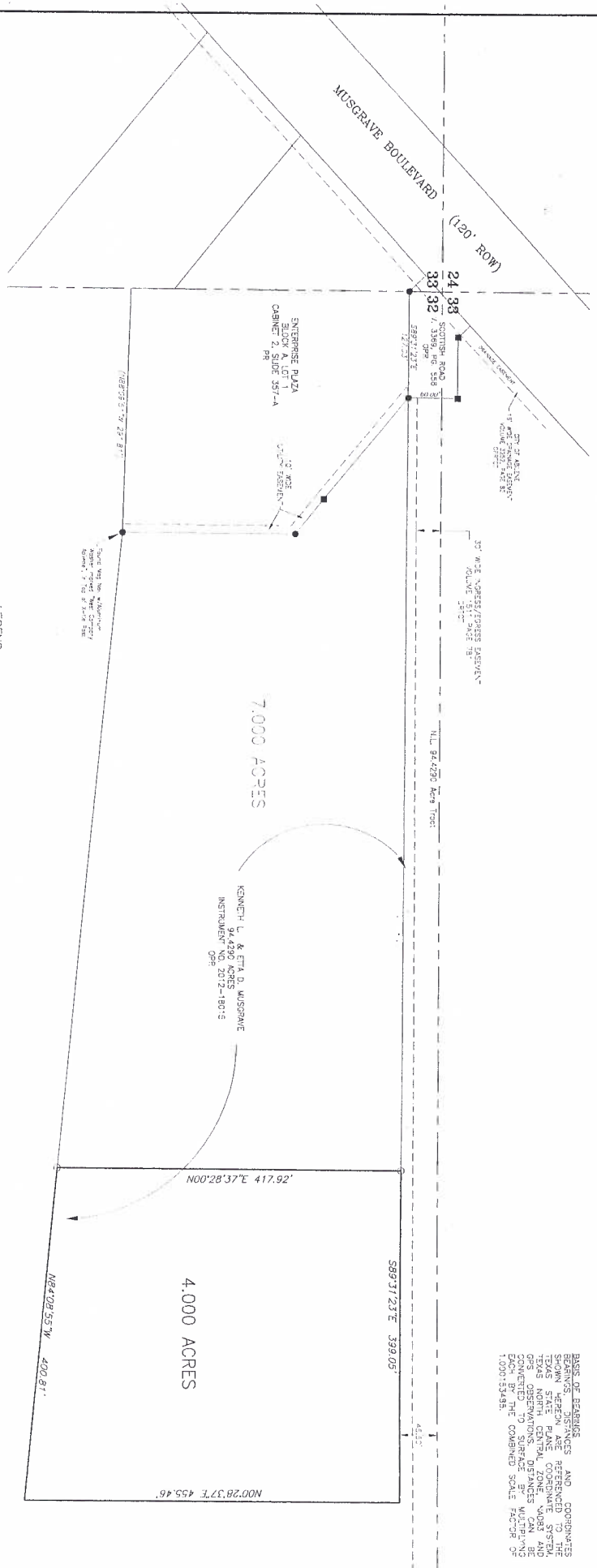
SURVEY DRAWING
OF A 7.000 ACRE TRACT
OUT OF THE NW/4 OF SECTION 32,
BLIND ASYLUM LANDS, ABSTRACT NO. 1396
CITY OF ABILENE,
TAYLOR COUNTY, TEXAS
DRAWN: JULY 26, 2013



SCALE: 1" = 120'



BASED ON BEARINGS AND DISTANCES
BEARINGS REFERENCED TO THE
NATIONAL GRID SYSTEM OF THE
TEXAS STATE PLANE COORDINATE SYSTEM
AND THE NORTH CENTRAL ZONE, NAD83 AND
CONVERTED TO SURFACE BY MULTIPLYING
EACH BY THE COMBINED SCALE FACTOR OF
1.000153495.



SUBJECT NOTES:
1. CURRENT AND OWNER OF THIS TRACT IS KENNETH L. & ETIA D. MUSGRAVE PER WARRANTY DEED ASSIGNED AND RECORDED IN INSTRUMENT NO. 2012-1875, OFFICIAL RECORDS, TAYLOR COUNTY, TEXAS.
2. THIS SURVEY WAS DONE WITHOUT THE PRESENCE OF ANY ADJACENT OWNERS. THE SURVEY WAS CONDUCTED BY THE SURVEYOR AND THE SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES.
3. THE SURVEY WAS CONDUCTED ON 05/28/2013.

LEGEND
 () RECORD CALL
 PND DISK MONUMENT WITH LAW CAP
 SET 1/2" BEARS WITH LAW CAP
 PND 1/2" BEARS WITH LAW CAP UNLESS NOTED
 BOUNDARY OF 5,000 ACRE TRACT (BOLD)
 SLOPE LINE
 FLOOD PLAIN BOUNDARY
 EASEMENT BOUNDARY
 OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY, TX
 PLAT RECORDS, TAYLOR COUNTY, TX

SURVEY DRAWING
OF A 4.000 ACRE TRACT
OUT OF THE NW/4 OF SECTION 32,
BLIND ASYLUM LANDS, ABSTRACT NO. 1396
CITY OF ABILENE,
TAYLOR COUNTY, TEXAS
DATE: 05/28/2013

ZONING CASE Z-2013-31

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:

Approximately 11 acres on the south side of Scottish Rd, east of Musgrave Blvd

REQUESTED ACTION:

AO (Agricultural Open Space) to GC (General Commercial)



SITE CHARACTERISTICS:

The subject parcel totals approximately 11 acres. The property is currently zoned AO (Agricultural Open Space) and is undeveloped.

ZONING HISTORY:

The area was annexed in 1980 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 properties to the north, south and east are zoned AO and are undeveloped. The properties to the west are zoned PD (Planned Development) and developed with a hotel and commercial/retail uses. The proposed zoning will continue the commercial/retail development in the area.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates the area as business/industrial. The area is adjacent to a Major Commercial/Business Center located at the intersection of Highway 351 and Interstate 20. The adjacent development to the west is planned to be a major retail development. The requested zoning is compatible with the adjacent uses and 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 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
RI ABILENE PROPERTY LP	1641 MUSGRAVE BL	
HORNE RE-ABILENE LLC	1717 MUSGRAVE BL	
MUSGRAVE KENNETH L & ETTA D	2101 SCOTTISH RD	In Favor
MUSGRAVE KENNETH L & ETTA D		In Favor
MUSGRAVE KENNETH L & ETTA D		In Favor
HORNE RE-ABILENE LLC		

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

