

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-2013-33, a request from the City of Abilene to rezone property from AO (Agricultural Open Space) to PD (Planned Development) zoning, located at 435 College Dr.

**GENERAL INFORMATION**

Currently the property is zoned AO and is developed with a home. The properties to the north, south, and northeast are zoned RS-6 & RS-12 (Single-Family Residential) and are developed with single-family homes. The property to the east is zoned CU (College University) and developed with an apartment complex. The property owner has been using the residence and grounds as a commercial event center for receptions and parties. This is not a permitted use in the AO zoning district. The proposed zoning would allow the use to continue while providing for conditions to make the use compatible in the area. However, there are several concerns with the proposed use to include parking, noise, and traffic added to the area. The proposed PD zoning attempts to minimize the impacts of these externalities.

The Future Land Use section of the Comprehensive Plan designates the area as low density residential. The building was built as a single-family residence. The area is located in the middle of a large residential area. The requested zoning is not compatible with the adjacent uses and the Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff does not provide a recommendation.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval of the PD zoning with an amendment to the hours of operation, requiring events to end by 11 pm on Friday & Saturday and 10:30 pm for the rest of the week, 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. 7.7

Disposition by City Council

- Approved Ord/Res# \_\_\_\_\_
- Denied \_\_\_\_\_
- Other \_\_\_\_\_

\_\_\_\_\_  
City Secretary

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-139\_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 26<sup>th</sup> 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 16<sup>th</sup> 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 5:30 p.m., on the 7<sup>th</sup> 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 7<sup>th</sup> day of October, A.D. 2013.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space) to PD (Planned Development).

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.

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

PAGE 2

PART 5: Legal Description. The legal description of this PD is as follows:

A0664 SUR 34 B A L SW/4, ACRES 3.0



Location:

435 College Dr

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for commercial development and related activities of a tract, which generally is not allowed under present zoning and development procedures.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the RS-12 (Residential Single Family) zoning district, except as modified below.

**A. PERMITTED USES**

A 'Commercial Event Center' use shall be permitted.

**B. SITE DEVELOPMENT**

When used as a 'Commercial Event Center', the following regulations shall apply:

**1. Parking:**

- a. Off-street parking shall be required at a minimum of at 1 space per 4 guests at maximum occupancy.

**2. Hours of Operation/Noise:**

- a. No event may continue past 11 p.m. on Friday and Saturday or 10:30 p.m. on any other day.
- b. All outdoor speakers must be directed away from single-family homes.

**3. Site Development Standards:** Use and development of this Planned Development District shall generally comply with standards of Chapter 4 (Site Development Standards) of Abilene's Land Development Code.

-END-



# ZONING CASE Z-2013-33

## STAFF REPORT

### APPLICANT INFORMATION:

City of Abilene

### HEARING DATES:

Planning & Zoning Commission: September 3, 2013

City Council 1<sup>st</sup> Reading: September 26, 2013

City Council 2<sup>nd</sup> Reading: October 7, 2013

### LOCATION:

435 College Dr

### REQUESTED ACTION:

AO to PD (Planned Development)



### SITE CHARACTERISTICS:

The subject parcel totals approximately 3.0 acres. The property is currently zoned AO (Agricultural Open Space) and is developed with a single-family residence.

### ZONING HISTORY:

The area was annexed in 1951 and zoned AO at that time.

### ANALYSIS:

- Current Planning Analysis

Currently the property is zoned AO and is developed with a home. The properties to the north, south, and northeast are zoned RS-6 & RS-12 (Single-Family Residential) and are developed with single-family homes. The property to the east is zoned CU (College University) and developed with an apartment complex. The property owner has been using the residence and grounds as a commercial event center for receptions and parties. This is not a permitted use in the AO zoning district. The proposed zoning would allow the use to continue while providing for conditions to make the use compatible in the area. However, there are several concerns with the proposed use to include parking, noise, and traffic added to the area. The proposed PD zoning attempts to minimize the impacts of these externalities.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as low density residential. The building was built as a single-family residence. The area is located in the middle of a large residential area. The requested zoning is not compatible with the adjacent uses and the Comprehensive Plan.

### PLANNING STAFF RECOMMENDATION:

Staff does not provide a recommendation.

Case # Z-2013-33

Updated: September 16, 2013

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of the PD zoning with an amendment to the hours of operation, requiring events to end by 11 pm on Friday & Saturday and 10:30 pm for the rest of the week, 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 |
|-------------------------------|---------------------|----------|
| FH REALTY LLC                 | 1517 CEDAR CREST DR |          |
| DMS PROPERTIES LLC            | 1465 CEDAR CREST DR |          |
| NORFOLK IAN & KAREN R         | 402 COLLEGE DR      |          |
| SHEWMAKER STEPHEN & JENNIFER  | 450 COLLEGE DR      |          |
| LANGFORD JAMES D & MARGARET M | 1618 CEDAR CREST DR |          |
| ABILENE CHRISTIAN UNIVERSITY  | 1602 CEDAR CREST DR |          |
| ABILENE CHRISTIAN UNIVERSITY  | 420 COLLEGE DR      | In Favor |
| WOODY ALLEN REED              | 501 EN 16TH ST      | Opposed  |
| STEELE THERESA M              | 509 EN 16TH ST      |          |
| WEST STANLEY                  |                     |          |
| REESE JACK R & JEANENE P      | 1601 CEDAR CREST DR |          |
| ABILENE CHRISTIAN UNIV        | 401 COLLEGE DR      |          |
| ABILENE CHRISTIAN UNIV        | 1402 CEDAR CREST DR |          |
| WEST STANLEY                  | 435 COLLEGE DR      |          |
| HESTER BILLY W II & TRICIA J  | 1617 CEDAR CREST DR |          |



1 in Favor- **Y**  
1 Opposed- **N**













