

City Council
Agenda Memo



City Council
Meeting Date: 11/7/2013

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-2013-36, a request from Kelly Buford, agent Matthew Muzechenko/Paul Johnson & Associates, to rezone property from CB (Central Business) to PD (Planned Development) zoning to allow contractor services with incidental manufacturing, located at 242 Sycamore St.

GENERAL INFORMATION

Currently the property is zoned CB and is developed with a single-story building. The properties to the north, south, east and west are zoned CB as well. The adjacent properties are developed with a wide mix of uses. The proposed PD zoning would maintain the central business district zoning and would also allow for light carpentry as a permitted use, to include cabinet making. The building was once used as a mattress sales and warehousing business.

The Future Land Use section of the Comprehensive Plan designates the area as Central Business District. The area is located on the west side of the South Downtown Area with a focus on commercial and office uses. The requested zoning is incompatible with the adjacent uses and the Comprehensive Plan. Staff has concerns of noise, debris, and odorous matter associated with manufacturing.

STAFF RECOMMENDATION

Staff recommends denial. Staff does not recommend manufacturing in the Central Business area.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 4 in favor (Glenn, Rosenbaum, Todd, and McClarty), none opposed, and 1 abstained (Bixby).

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

October 25, 2013

Item No. 7.3

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-140_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 24th day of October 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 20th day of September, 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 7th day of November, 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 November, 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 CB (Central Business) 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:

OT ABILENE TIF #1, BLOCK 27, LOT 5 & 6



Location:

242 Sycamore St

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 3

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 CB (Central Business) zoning district, except as modified below.

A. PERMITTED USES

Light Carpentry, to include cabinet making, shall be permitted.

-END-

ZONING CASE Z-2013-36

STAFF REPORT



APPLICANT INFORMATION:

Kelly Buford
Agent: Matthew Muzechenko/Paul Johnson & Associates

HEARING DATES:

Planning & Zoning Commission: October 7, 2013
City Council 1st Reading: October 24, 2013
City Council 2nd Reading: November 7, 2013

LOCATION:

242 Sycamore St

REQUESTED ACTION:

CB to PD (Planned Development)



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.32 acres. The property is currently zoned CB (Central Business) and is developed with a single-story building.

ZONING HISTORY:

The area was part of the original town in 1895 and zoned CB in 1985.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned CB and is developed with a single-story building. The properties to the north, south, east and west are zoned CB as well. The adjacent properties are developed with a wide mix of uses. The proposed PD zoning would maintain the central business district zoning and would also allow for light carpentry as a permitted use, to include cabinet making. The building was once used as a mattress sales and warehousing business.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates the area as Central Business District. The area is located on the west side of the South Downtown Area with a focus on commercial and office uses. The requested zoning is incompatible with the adjacent uses and the Comprehensive Plan. Staff has concerns of noise, debris, and odorous matter associated with manufacturing.

PLANNING STAFF RECOMMENDATION:

Staff recommends denial. Staff does not recommend manufacturing in the Central Business area.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval by a vote of 4 in favor (Glenn, Rosenbaum, Todd, and McClarty), none opposed, and 1 abstained (Bixby).

NOTIFICATION:

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

| OWNER | ADDRESS | RESPONSE |
|---------------------------------|-----------------|----------|
| MUSGRAVE KENNETH L | 1115 S 3RD ST | |
| MATTHEW HARRISON LLC | 1081 S 2ND ST | |
| INGALSBE LYNN | 1065 S 3RD ST | In Favor |
| CITY OF ABILENE | 1135 S 3RD ST | |
| CITY OF ABILENE | 1189 S 2ND ST | |
| CITY OF ABILENE | 1189 S 2ND ST | |
| CORPIAN GARY LEE & MARILU LEE | 317 SYCAMORE ST | |
| REEDER MARIAN JO TR OF FARREL G | 241 SYCAMORE ST | |
| 3736 LIMITED PARTNERSHIP | 1059 S 3RD ST | In Favor |
| CITY OF ABILENE | 1189 S 2ND ST | |
| BIXBY BRUCE D | 326 SYCAMORE ST | |
| BIXBY BRUCE | 319 ELM ST | |
| MC DANIEL JACK R & JENNIFER | 1061 S 3RD ST | |
| PIERCE JOE M | 242 SYCAMORE ST | In Favor |
| PRICE RICHARD M ETAL | 1057 S 3RD ST | |
| WILLIAMS JAMES L JR & | 226 SYCAMORE ST | |
| BIXBY BRUCE D | 309 ELM ST | |

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







