

City Council
Agenda Memo



City Council
Meeting Date: 1/9/2014

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: Final reading and public hearing on an ordinance for Case No. Z-2013-39, a request from Amos B. Lewallen, agent Brian Rumsey, to rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning, located at 4001 Sharon Rd.

GENERAL INFORMATION

Currently the property is zoned AO and is undeveloped. The surrounding properties are also zoned AO and are being used with a few residential homes. The subject property is south of Southwest Drive that has been developed with commercial uses, i.e. Kohl's, a bank, and Ashley's Furniture. Currently, Sharon Rd is underdeveloped and does not continue to the south except to provide access to a couple of homes but is planned to be a 'minor arterial' street in the future. The requested zoning would allow for multi-family residential (apartment) development.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to Southwest Drive, which is considered a retail thoroughfare. The requested zoning would be a transitional zoning from the retail development along Southwest Drive to the potential single-family zoning to the south and the surrounding areas. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd and Famble) and 1 opposed (Yungblut).

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Response

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 27, 2013

Item No. 7.1

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 19th day of December, 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 15th day of November, 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 9th day of January, 2014 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 9th day of January, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) district.

Legal Description:

A0243 SUR 96 JNO E SHEPPARD, ACRES 5.0



Location:
4001 Sharon Rd

-END-

ZONING CASE Z-2013-39

STAFF REPORT



APPLICANT INFORMATION:

Amos B. Lewallen
Agent: Brian Rumsey

HEARING DATES:

Planning & Zoning Commission: December 2, 2013
City Council 1st Reading: December 19, 2013
City Council 2nd Reading: January 9, 2014

LOCATION:

4001 Sharon Rd

REQUESTED ACTION:

AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 5.0 acres. The property is currently zoned AO and is undeveloped.

ZONING HISTORY:

The area was annexed in 1986 zoned AO at that time.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned AO and is undeveloped. The surrounding properties are also zoned AO and are being used with a few residential homes. The subject property is south of Southwest Drive that has been developed with commercial uses, i.e. Kohl's, a bank, and Ashley's Furniture. Currently, Sharon Rd is underdeveloped and does not continue to the south except to provide access to a couple of homes but is planned to be a 'minor arterial' street in the future. The requested zoning would allow for multi-family residential (apartment) development.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to Southwest Drive, which is considered a retail thoroughfare. The requested zoning would be a transitional zoning from the retail development along Southwest Drive to the potential single-family zoning to the south and the surrounding areas. 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 6 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd and Famble) and 1 opposed (Yungblut).

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
GREER JAMES		In Favor
CROSSAN ANNETTE	4065 SHARON RD	
KEEN JAMES D & H CANDACE	3901 SHARON RD	
B SENTER PROPERTIES LTD		
LEWALLEN AMOS BENNIE	4001 SHARON RD	In Favor
BRITTEN JEREMY B & JENNIFER A	3865 SHARON RD	
BILBREY BENNIE L		
BIGGS FREDDIE MOVILINE		
TARGET SPORTS INC	4709 SOUTHWEST DR	

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









GREER JAMES
6326 RYAN CIR
ABILENE TX 79606-5927

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2013-39

11/22/2013

The Planning and Zoning Commission will hold a public hearing on **Monday, December 2, 2013, at 1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from Amos B. Lewallen, agent Brian Rumsey, to rezone property from AO (Agricultural Open Space) to MF (Multi-Family Residential) zoning, located at 4001 Sharon Rd.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to the City Council within the specified ten day period, this case will be heard by the City Council for 2nd and Final Reading with a public hearing on **January 9, 2014**, at 8:30 a.m., City Council Chambers, 2nd Floor, City Hall.

For the **PLANNING & ZONING COMMISSION**

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

CASE #: Z-2013-39

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: GREER JAMES
 Address:

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:

I am in favor of developing this area. It is near to some of the most heavily trafficked areas in Abilene. Many retail stores as well as eating establishments are near to this location. It seems like a great plan. Hopefully in the near future Sharon Road will be expanded to Rebecca Lane to add another outlet to this area.