

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-2013-43, a request from Morgan D. & Cynthia H. Green and the City of Abilene to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 881 & 893 E. Hwy 80.

GENERAL INFORMATION

Currently the properties are zoned LI and is developed with a cleaners and a fast-food restaurant. The properties to the south and east are zoned LI and are developed with the City of Abilene auto shop and a liquor store. The properties to the west and north are zoned HC and are developed with restaurants, a commercial event center, and hotels. The subject property is requesting a change in zoning to allow for a new physical fitness facility at 881 E. Hwy 80. The property at 893 E. Hwy 80 is a fast-food restaurant. This use is no longer allowed in the LI zoning district. It was included in the zoning request in order to eliminate the legal, non-conforming status and comply with zoning. The requested zoning would allow for the proposed and existing uses in compliance with zoning.

The Future Land Use section of the Comprehensive Plan designates the area as commercial. The requested zoning would allow a physical fitness facility similar to uses that currently exist on adjacent properties. The requested zoning would also allow correct the zoning to allow for the fast-food restaurant. 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, Todd, Yungblut, and Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Response

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 27, 2013

Item No. 7.5

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 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 LI (Light Industrial) to HC (Heavy Commercial) district.

Legal Description:

RADFORD HILLS SEC 3 CONT 1, BLOCK 3, LOT W100 OF 8
RADFORD HILLS SEC 3 CONT 1, BLOCK 3, LOT 108 REP



Location:
881 & 893 E. Hwy 80

-END-

ZONING CASE Z-2013-43

STAFF REPORT



APPLICANT INFORMATION:

Morgan D. & Cynthia H. Green &
The City of Abilene

HEARING DATES:

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

LOCATION:

881 & 893 E. Hwy 80

REQUESTED ACTION:

LI (Light Industrial) to HC (Heavy Commercial)



SITE CHARACTERISTICS:

The property is currently zoned LI and is developed with a commercial uses. The surrounding properties are zoned LI & HC and are developed with commercial and industrial uses.

ZONING HISTORY:

The property was annexed incorporated in 1957 and was zoned LI sometime after.

ANALYSIS:

- Current Planning Analysis

Currently the properties are zoned LI and is developed with a cleaners and a fast-food restaurant. The properties to the south and east are zoned LI and are developed with the City of Abilene auto shop and a liquor store. The properties to the west and north are zoned HC and are developed with restaurants, a commercial event center, and hotels. The subject property is requesting a change in zoning to allow for a new physical fitness facility at 881 E. Hwy 80. The property at 893 E. Hwy 80 is a fast-food restaurant. This use is no longer allowed in the LI zoning district. It was included in the zoning request in order to eliminate the legal, non-conforming status and comply with zoning. The requested zoning would allow for the proposed and existing uses in compliance with zoning.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as commercial. The requested zoning would allow a physical fitness facility similar to uses that currently exist on adjacent properties. The requested zoning would also allow correct the zoning to allow for the fast-food restaurant. 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, Todd, Yungblut, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
TEXAS TIERRA III LTD	893 E HWY 80	Opposed
CITY OF ABILENE	701 E HWY 80	
PINKIES INC	925 E HWY 80	
AMARPREM LLC	840 E HWY 80	
GREEN MORGAN D & CYNTHIA H	881 E HWY 80	
CITY OF ABILENE	701 E HWY 80	
RILEY SHARON	875 E HWY 80	
C & W LEASING INC		

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











CITY OF ABILENE

TEXAS TIERRA III LTD
PO BOX 8610
MIDLAND TX 79708-8610

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2013-43 ~~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 Morgan D. & Cynthia H. Green and the City of Abilene to rezone property from LI (Light Industrial) to HC (Heavy Commercial) zoning, located at 881 & 893 E. Hwy 80.

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-2013-43

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: TEXAS TIERRA III LTD
Address: 893 E HWY 80

Mailing To: Planning and Development Services
P.O. Box 80, Abilene TX 79604

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

I am in favor

I am opposed

Additional Comments:

This zoning change could have an adverse effect on business in this area.
432-682-6002