

**City Council
Agenda Memo**



**City Council
Meeting Date: 4/10/2014**

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-2014-04, a request from Don Bledsoe, Agent Chris Barnett, to rezone property from AO (Agricultural Open Space), AO/COR (Agricultural Open Space/Corridor Overlay), and RS-8/COR (Single-Family Residential/Corridor Overlay) to PD/COR (Planned Development/Corridor Overlay) zoning, being 41.118 acres located on the west side of the 6600-7000 block of Buffalo Gap Rd.

GENERAL INFORMATION

Currently the property is zoned AO & RS-8 with Corridor Overlay and is undeveloped. The property to the west is zoned AO & RS-8 and is being developed with a residential subdivision. The properties to the east are zoned GR (General Retail), AO & RS-8 and include a mix of retail, office and some residential development. The property to the south is zoned AO and is undeveloped. The property to the north was recently rezoned to RS-6 (Single-Family Residential). The previously proposed PD zoning allowed for multi-family residential and retail development. The applicant has revised the PD to allow for medium density residential, retail, and office development.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to the intersection with Antilley Rd which is considered a commercial node and is supported by a mix of retail, office, and institutional uses of a high quality design. The Buffalo Gap Corridor study indicates that retail zoning is allowable in nodes at intersections of major thoroughfares. An exhibit (included in the proposed PD zoning) was provided showing the extension of Velta Dr from the neighborhood to the west to intersect with Buffalo Gap Rd. The requested zoning would extend the retail zoning southward away from the intersection in more of a strip development. The requested zoning would be a transitional zoning from the retail development along Buffalo Gap Rd to the single-family residential zoning to the west. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval of the amended PD zoning request.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of the amended PD zoning by a vote of 4 in favor (Bixby, Glenn, McClarty, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

ATTACHMENTS

Ordinance

Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 31, 2014

Item No. 7.1

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-142 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 27th day of March A.D. 2014.

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 18th day of January, 2014, 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 p.m., on the 10th day of April, 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 10th day of April, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 1

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), AO/COR (Agricultural Open Space/Corridor Overlay), and RS-8/COR (Single-Family Residential/Corridor Overlay) 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:

A portion of A0417 SUR 101 WM E VAUGHN



Location:

Being 41.118 acres located on the west side of the 6600-7000 block of Buffalo Gap Rd

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 3

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for multi-family residential, 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 following:

Tract 1: The area designated as Tract 1 shall be subject to the requirements of the GR (General Retail) zoning district.

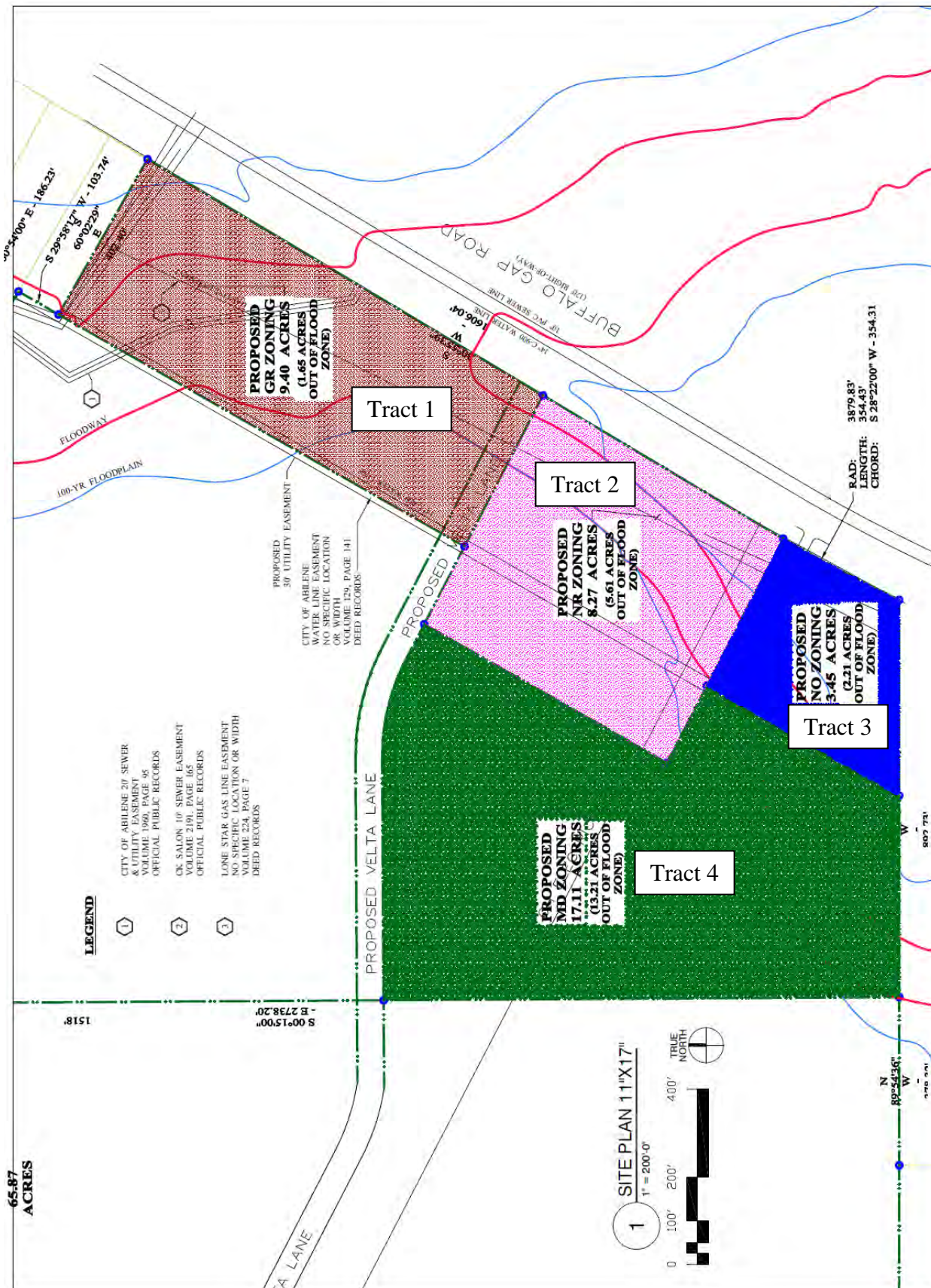
Tract 2: The area designated as Tract 2 shall be subject to the requirements of the NR (Neighborhood Retail) zoning district with the following modification:

- 1) **MAXIMUM BUILDING SIZE:** The maximum building coverage of a structure or structures on a single lot shall not exceed 30,000 square feet.

Tract 3: The area designated as Tract 3 shall be subject to the requirements of the NO (Neighborhood Office) zoning district.

Tract 4: The area designated as Tract 4 shall be subject to the requirements of the MD (Medium-Density Residential) zoning district with the following modifications:

- 1) **ADDITIONAL PERMITTED USES:** Tract 4 shall also allow for Patio Home & Townhouse development. If developed as one of these uses, the property shall comply with the appropriate development standards for such zoning districts.



-END-

ZONING CASE Z-2014-04

STAFF REPORT



APPLICANT INFORMATION:

Don Bledsoe
Agent: Chris Barnett

HEARING DATES:

Planning & Zoning Commission: February 3, 2014

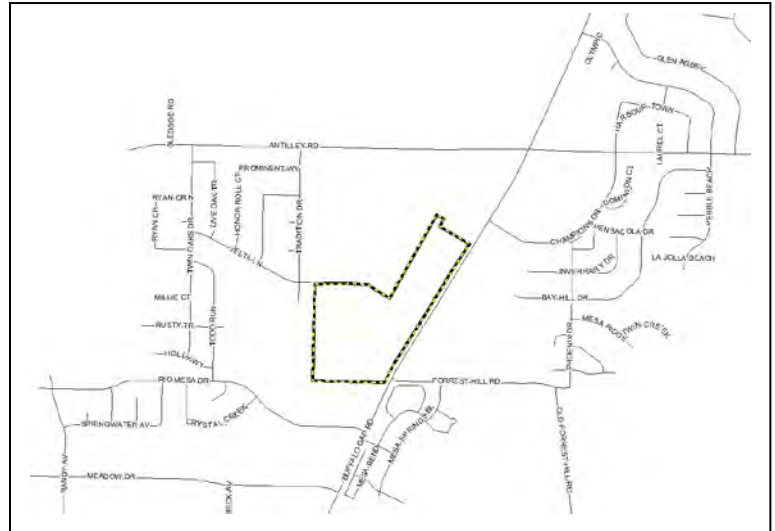
Tabled to March 3, 2014

City Council 1st Reading: March 27, 2014

City Council 2nd Reading: April 10, 2014

LOCATION:

Being 41.118 acres located on the west side of the 6600-7000 block of Buffalo Gap Rd



REQUESTED ACTION:

AO (Agricultural Open Space), AO/COR (Agricultural Open Space/Corridor Overlay), and RS-8/COR (Single-Family Residential/Corridor Overlay) to PD/COR (Planned Development/Corridor Overlay) zoning

SITE CHARACTERISTICS:

The subject parcel totals approximately 41.118 acres. The property is currently zoned AO , AO/COR & RS-8 and is undeveloped.

ZONING HISTORY:

The area was annexed in 1963 & 1980 and zoned AO & RS-8 sometime after. The Buffalo Gap Corridor Overlay was approved in 1995.

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned AO & RS-8 with Corridor Overlay and is undeveloped. The property to the west is zoned AO & RS-8 and is being developed with a residential subdivision. The properties to the east are zoned GR (General Retail), AO & RS-8 and include a mix of retail, office and some residential development. The property to the south is zoned AO and is undeveloped. The property to the north was recently rezoned to RS-6 (Single-Family Residential). The previously proposed PD zoning allowed for multi-family residential and retail development. The applicant has revised the PD to allow for medium density residential, retail, and office 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 the intersection with Antilley Rd which is considered a commercial node and is supported by a mix of retail, office, and institutional uses of a high quality design. The Buffalo Gap Corridor study indicates that retail zoning is allowable in

nodes at intersections of major thoroughfares. An exhibit (included in the proposed PD zoning) was provided showing the extension of Velta Dr from the neighborhood to the west to intersect with Buffalo Gap Rd. The requested zoning would extend the retail zoning southward away from the intersection in more of a strip development. The requested zoning would be a transitional zoning from the retail development along Buffalo Gap Rd to the single-family residential zoning to the west. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the amended zoning request.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval of the amended PD zoning by a vote of 4 in favor (Bixby, Glenn, McClarty, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
DARROW JON A	7186 BUFFALO GAP RD	Opposed
CENTRAL PARK 91 LTD	6601 BUFFALO GAP RD	In Favor
WOLFF LARRY C TRUST	6617 BUFFALO GAP RD	In Favor
CASEY TERRY & MARY CATHRYN	6458 BUFFALO GAP RD	
HAMIL ROBERT ELLIOTT	6501 BUFFALO GAP RD	In Favor
CENTRAL PARK 91 LTD	6525 BUFFALO GAP RD	In Favor
POWELL OLAN BISHOP	6466 BUFFALO GAP RD	
REKG INVESTMENTS LLC	6449 BUFFALO GAP RD	In Favor
WEST TEXAS UTILITIES CO	6625 BUFFALO GAP RD	
BLED SOE DONALD D		
KEMP CYNTHIA YVETTE	6502 BUFFALO GAP RD	
SEARS CAPROCK RETIREMENT CORP	6950 MESA SPRINGS BL	
AJWO INC	4250 FORREST HILL RD	
CITY OF ABILENE	6633 BUFFALO GAP RD	
MUSGRAVE & MUSGRAVE LLP	6301 ARAPAHO TR	Opposed
MUSGRAVE & MUSGRAVE LLP	6601 TRADITION DR	Opposed
MUSGRAVE & MUSGRAVE LLP	6525 TRADITION DR	Opposed
MUSGRAVE & MUSGRAVE LLP	6609 TRADITION DR	Opposed
MUSGRAVE & MUSGRAVE LLP	6517 TRADITION DR	Opposed

5 in Favor- Y 6 Opposed- N

