

**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-2014-08, a request from South Pointe Church, agent Trace Bailey, to rezone property from RS-6 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at 2934 Buffalo Gap Rd & 2419 Edgemont Dr.

GENERAL INFORMATION

Currently the properties are zoned RS-6 and a home is developed on 1 of the properties. The properties to the north, south, & west are zoned RS-6 and is developed with residential uses. There is a small area of MD (Medium Density) zoning to the north along Buffalo Gap Rd and is developed with duplexes. The properties to the east are zoned RS-8 (Single-Family Residential) and developed with residential uses as well. The South Pointe Church building is located nearby on a property to the south. The subject parcels are no longer needed by the church. The requested zoning is to help market the property for sale. The NR (Neighborhood Retail) zoning is intended to be compatible when adjacent to single-family zoning, but more intended as a transition from higher intensity zoning to residential uses. The requested zoning would be the only non-residential zoning in the immediate area. Staff recommends the NO (Neighborhood Office) zoning as a more suitable zoning for the subject parcels.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is in proximity to the intersection of Buffalo Gap Rd and S. 27th St, but not part of the node that exists at the intersection.

STAFF RECOMMENDATION

Staff recommends approval NO (Neighborhood Office) zoning instead of the requested NR (Neighborhood Retail) zoning.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of NO zoning by a vote of 5 in favor (Bixby, McClarty, Todd, Yungblut, and Famble) and 1 opposed (Glenn).

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Responses

Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> March 31, 2014	Item No. <u>7.4</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ _____ City Secretary
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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 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 14th day of February, 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 a.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"

Rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office) zoning.

Legal Description:

JONES & LEGGETT, BLOCK 1, LOT N132.7 W100 N158.5 ON S LT 3
JONES & LEGGETT, BLOCK 1, LOT N130.5E233 ON N BY 181 S LT 3



Location:
2934 Buffalo Gap Rd & 2419 Edgemont Dr

-END-

CASE #: Z-2014-08

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: SCHOFIELD RICHARD E &

Address: 2502 EDMONT DR

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:

We are recently retired. Commercial rezoning could increase traffic congestion, and we don't want to look at a parking lot across the street.
Thanks, Richard Schofield and Jane Schofield

If you have any questions about this notice.

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Name: LEWIS NANCY JEAN

Address: 1 EDMONT CT

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:

The additional traffic in our alley will tear it up. This is a neighborhood - residential - no need for neighborhood retail zoning.
Nancy Lewis Means

For the PLANNING & ZONING COMMISSION

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

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Name: HELMS SANDY

Address: 5 EDMONT CT

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:

Sandy Helms
5 Edgemont Court
Abilene, TX
79605

Please don't do this -
I will not be able
to drive into my
garage. I VOTE
"NO"

Bryner, Ben

From: Reports, Planning
Sent: Monday, March 03, 2014 9:22 AM
To: Bryner, Ben
Subject: FW: Case #:Z-2014-08
Attachments: Rezoning letter 2-28-14.pdf

From: Joe Tucker [mailto:joe.tucker@cityofedgemont.com]
Sent: Friday, February 28, 2014 11:24 AM
To: Reports, Planning
Subject: Case #:Z-2014-08

From: Tucker, Joe C. & Patricia D.
14 Edgemont Ct.

We are opposed to rezoning the area in the above case for two reasons: (1) The retail business will increase what is at times a very heavy traffic flow. The two schools, the little league and soccer games, along with the park traffic, keep the streets busy for a residential area. there is a four way stop at Edgemont and Marshall, but traffic largely ignores it and the 30 mile speed zone. We feel strongly that and increase in traffic would not be in the best interests of the school kids that walk along that street. (2) We are part of a small subdivision that backs up to the property in question and feel that there would be a significant reduction in property values for us. This would affect the resale and property tax values for the neighborhood. Please deny the application and keep the neighborhood safer for the school kids.

Thank you,
Joe & Pat Tucker

For the PLANNING & ZONING COMMISSION

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

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Name: BAINBRIDGE JAMES LEONARD & SHERRY

Address: 2842 BUFFALO GAP RD

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:

PLEASE STOP THIS!!

TOO MANY SCHOOL KIDS' FOOT TRAFFIC, 2 TRAFFIC
DEATHS THIS INTERSECTION LAST 5 YRS.
ALREADY A DIFFICULT INTERSECTION TO NAVIGATE
WITHOUT HAVING MORE TRAFFIC TO DEAL WITH!

ZONING CASE Z-2014-08

STAFF REPORT



APPLICANT INFORMATION:

South Pointe Church
Agent: Trace Bailey

HEARING DATES:

Planning & Zoning Commission: March 3, 2014
City Council 1st Reading: March 27, 2014
City Council 2nd Reading: April 10, 2014

LOCATION:

2934 Buffalo Gap Rd & 2419 Edgemont Dr

REQUESTED ACTION:

RS-6 to NR zoning



SITE CHARACTERISTICS:

The subject parcels total approximately 0.87 acres. The properties are currently zoned RS-6 (Single-Family Residential) and a home is developed on 1 of the properties.

ZONING HISTORY:

The area was annexed in 1951 and zoned RS-6 sometime after.

ANALYSIS:

• Current Planning Analysis

Currently the properties are zoned RS-6 and a home is developed on 1 of the properties. The properties to the north, south, & west are zoned RS-6 and is developed with residential uses. There is a small area of MD (Medium Density) zoning to the north along Buffalo Gap Rd and is developed with duplexes. The properties to the east are zoned RS-8 (Single-Family Residential) and developed with residential uses as well. The South Pointe Church building is located nearby on a property to the south. The subject parcels are no longer needed by the church. The requested zoning is to help market the property for sale. The NR (Neighborhood Retail) zoning is intended to be compatible when adjacent to single-family zoning, but more intended as a transition from higher intensity zoning to residential uses. The requested zoning would be the only non-residential zoning in the immediate area. Staff recommends the NO (Neighborhood Office) zoning as a more suitable zoning for the subject parcels.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is in proximity to the intersection of Buffalo Gap Rd and S. 27th St, but not part of the node that exists at the intersection.

PLANNING STAFF RECOMMENDATION:

Staff recommends NO (Neighborhood Office) zoning instead of the requested NR (Neighborhood Retail) zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval of NO zoning by a vote of 5 in favor (Bixby, McClarty, Todd, Yungblut, and Famble) and 1 opposed (Glenn).

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ASHBY HAROLD G & MICHELLE	2917 ROSS AV	
WELCH GARY W	2949 BUFFALO GAP RD	
BAINBRIDGE JAMES LEONARD & SHERRY	2842 BUFFALO GAP RD	Opposed
KRIEGER KATHY HARKEY	2373 EDMONT DR	
NICHOLS BOBBIE G & ET UX	2909 ROSS AV	
TUCKER JOE C & PATRICIA D	14 EDMONT CT	Opposed
PULLIN RICHARD P & JO ELLEN	7 EDMONT CT	
GALBREATH RENTAL PROPERTIES LP	2824 BUFFALO GAP RD	
NIBLO SYDNEY	2526 EDMONT DR	
BYRD DAVID K & BOBBIE L	2510 EDMONT DR	Opposed
THORNTON M J & RUTH L	2925 BUFFALO GAP RD	
MC GRAW GLEN KEVIN JR & SARAH A	2925 ROSS AV	
WHITE DONOVAN SHANE	2959 BUFFALO GAP RD	
LEWIS NANCY JEAN	1 EDMONT CT	Opposed
HALL MARY CARMAN	11 EDMONT CT	Opposed
MC CLURE FRANCES INC	2850 BUFFALO GAP RD	Opposed
WELCH GARY W	2933 BUFFALO GAP RD	
HERITAGE BAPTIST CHURCH	2419 EDMONT DR	In Favor
HERITAGE BAPTIST CHURCH	3000 BUFFALO GAP RD	In Favor
COOTS PAULA	2381 EDMONT DR	
HERITAGE BAPTIST CHURCH	3050 BUFFALO GAP RD	In Favor
ST CLAIR LONNIE & GLORIA	9 EDMONT CT	
HELMS SANDY	5 EDMONT CT	Opposed
CLAUDE PARKER LLC	2525 EDMONT DR	
EMERSON JANICE C	3 EDMONT CT	Opposed
DEAN JERRY D & DELISA D	2518 EDMONT DR	Opposed
HERITAGE BAPTIST CHURCH	2934 BUFFALO GAP RD	In Favor
SCHOFIELD RICHARD E & JANE A	2502 EDMONT DR	Opposed
DE RUSHA GERTRUDE	2533 EDMONT DR	
TATOM MARQUIS E & LAURIE A	2517 BENNETT DR	
WILLIAMS BARTON R	2509 BENNETT DR	Opposed
ISELL BEVERLY JO	2501 BENNETT DR	

4 in Favor- **Y**
 11 Opposed- **N**





