

City Council  
Agenda Memo



City Council  
Meeting Date: 5/8/2014

**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-2014-15, a request from Gerald Johnson, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, located at 5050 Oldham Ln.

**GENERAL INFORMATION**

Currently the property is zoned AO and is undeveloped. The properties to the north and west are zoned RS-6 (Single-Family Residential). The properties to the south and east are zoned AO and includes a mix of farmland, residential homes, and a church. The requested zoning would allow for single-family residential development consistent with the adjacent properties.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The requested zoning would allow for single-family residential development. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff recommends approval as requested.

**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 none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

April 25, 2014

Item No. \_\_\_\_\_

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 24<sup>th</sup> day of April, 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 21<sup>st</sup> day of March, 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 8<sup>th</sup> day of May, 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 8<sup>th</sup> day of May, A.D. 2014.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning.

Legal Description:

A1461 SUR 67 B A L E/2 OF SE/4



Location:  
5050 Oldham Ln

-END-

# ZONING CASE Z-2014-15

## STAFF REPORT



### APPLICANT INFORMATION:

Gerald Johnson  
Agent: Tal Fillingim

### HEARING DATES:

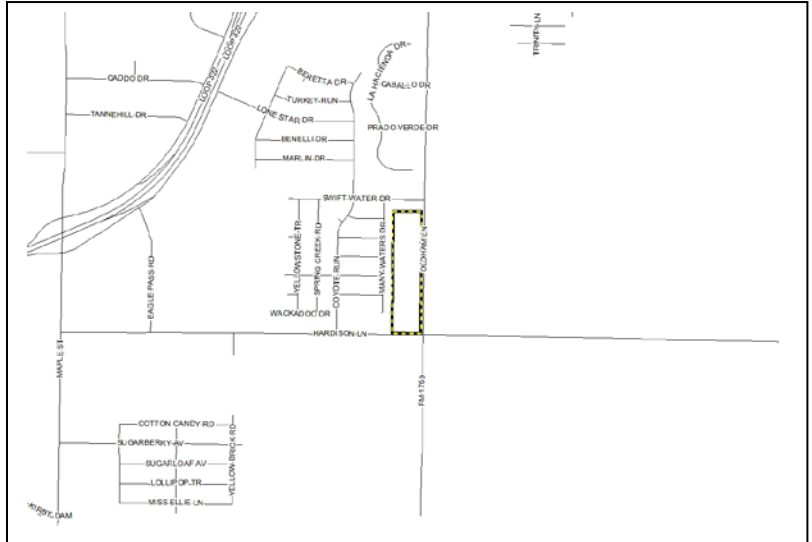
Planning & Zoning Commission: April 7, 2014  
City Council 1<sup>st</sup> Reading: April 24, 2014  
City Council 2<sup>nd</sup> Reading: May 8, 2014

### LOCATION:

5050 Oldham Ln

### REQUESTED ACTION:

Rezone from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 17.54 acres. The property is currently zoned AO and is undeveloped.

### ZONING HISTORY:

The area was annexed in 1980 and zoned AO at that time.

### ANALYSIS:

- Current Planning Analysis  
Currently the property is zoned AO and is undeveloped. The properties to the north and west are zoned RS-6 (Single-Family Residential). The properties to the south and east are zoned AO and includes a mix of farmland, residential homes, and a church. The requested zoning would allow for single-family residential development consistent with the adjacent properties.
- Comprehensive Planning Analysis  
The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The requested zoning would allow for single-family residential development. The requested zoning would be 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 none opposed.

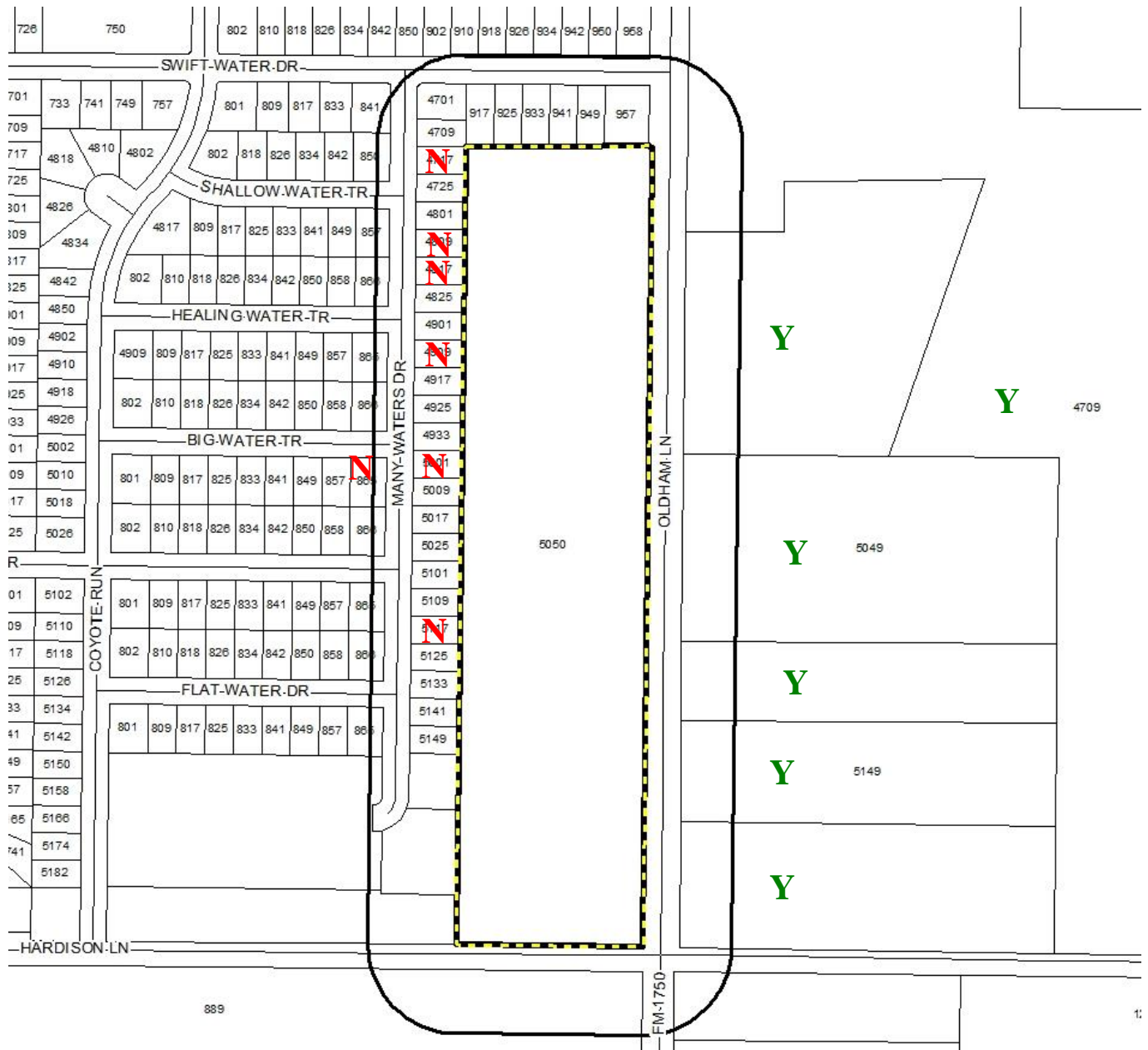
**NOTIFICATION:**

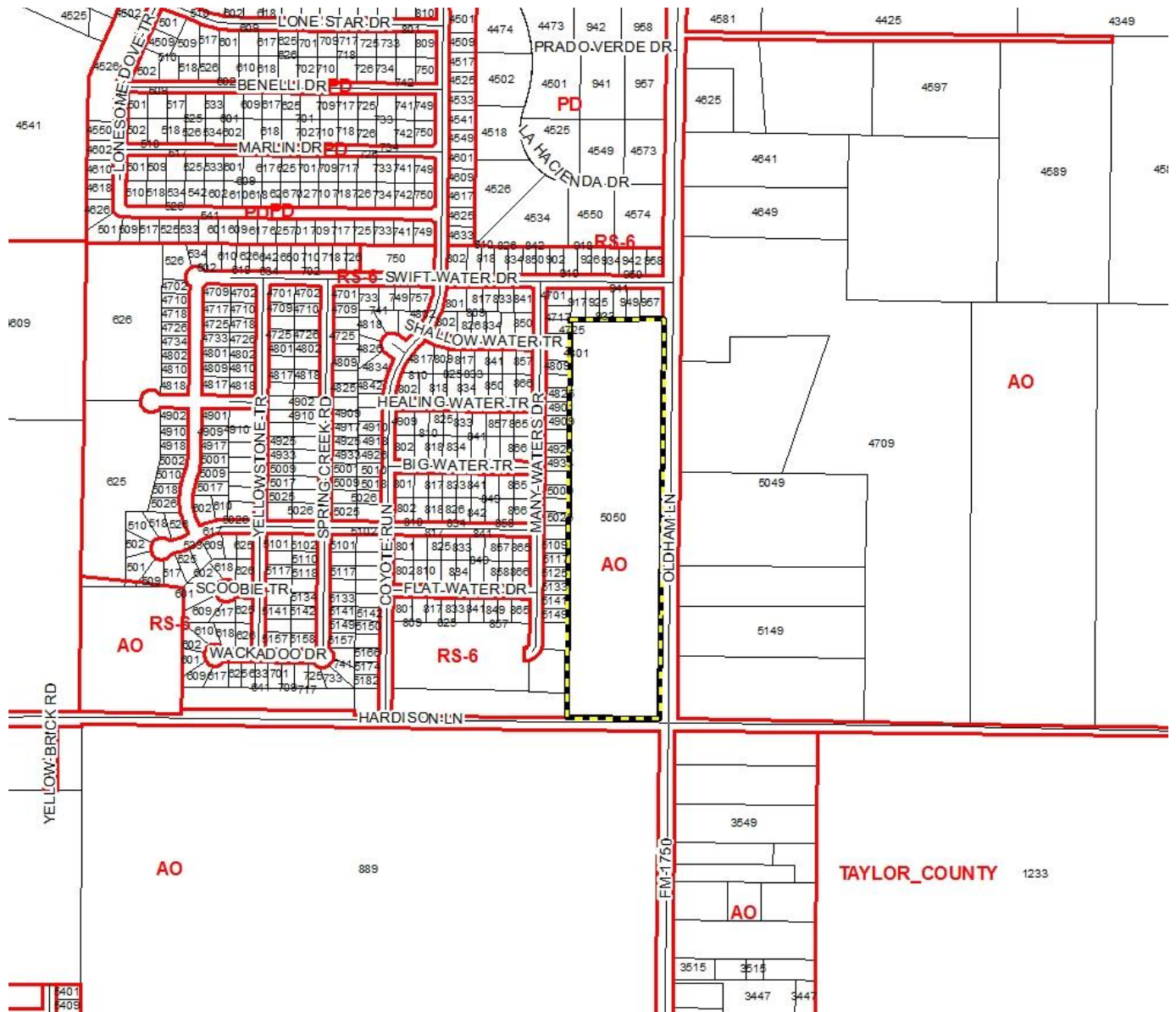
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
CAMPBELL JIMMY WAYNE &	5149 OLDHAM LN	In Favor
PARDO JOSHUA V	949 SWIFT WATER DR	
HARRUFF ANDREW B	4801 MANY WATERS DR	
ROBERSON LISA S	4817 MANY WATERS DR	Opposed
GEORGE KIRK A & J MICHELLE	866 HEALING WATER TR	
OLDHAM LANE CHURCH		In Favor
GARCIA ROBERT & STEPHANIE	902 SWIFT WATER DR	
PEREZ JIMMY LEE	958 SWIFT WATER DR	
MORROW TASHEKA	4701 MANY WATERS DR	
CITY OF ABILENE	957 SWIFT WATER DR	
GREENHAW JANICE D	4901 MANY WATERS DR	
CAMPBELL JIMMY WAYNE &		In Favor
KOCH DONALD S & PATSY E	925 SWIFT WATER DR	
ST CLAIR MICHAEL ALLEN	933 SWIFT WATER DR	
HEHN ROBERT J & JULIA N	917 SWIFT WATER DR	
MONTES MICHAEL & DENESE	4909 MANY WATERS DR	Opposed
RIPPY LUTHER R JR & JESSICA E	4809 MANY WATERS DR	Opposed
OLSON NICHOLAS J & MANDY D	934 SWIFT WATER DR	
LEVENS CARLA J	942 SWIFT WATER DR	
MC LESTER LAWSON P	950 SWIFT WATER DR	
NELSON BRANDON & RAMONA	850 SHALLOW WATER TR	
STRZELEC ROBERT	4717 MANY WATERS DR	Opposed
WALTON ANDRE M	941 SWIFT WATER DR	
YOUNG TANNER L	910 SWIFT WATER DR	
BRYAN DAVID C	4709 MANY WATERS DR	
CARLETON LINDA L	4825 MANY WATERS DR	
DYER MICHAEL C & DANIELLE R	857 SHALLOW WATER TR	
CORRALES GABRIEL	865 HEALING WATER TR	
CAMPBELL JIMMY WAYNE &		
PETSCHOW CHARLES W & CAROL J	5009 MANY WATERS DR	
DRASHER TROY A & SAMANTHA A	866 BIG WATER TR	
BRADSHAW DAVID LEE & SANDRA KAY	5001 MANY WATERS DR	Opposed
LANGHAM JEFFREY M & DANY	4925 MANY WATERS DR	
BENNETT ROBERT NEIL	5025 MANY WATERS DR	
MORENO THOMAS GREGORY &	865 BIG WATER TR	Opposed
JORDAN ROYCE E & KIM	865 RUNNING WATER TR	
OLDHAM LANE CHURCH	4709 OLDHAM LN	In Favor
MANN KELLY & ALANA	4917 MANY WATERS DR	
JARZOMBEK JOHN P & JUDY E	5117 MANY WATERS DR	Opposed

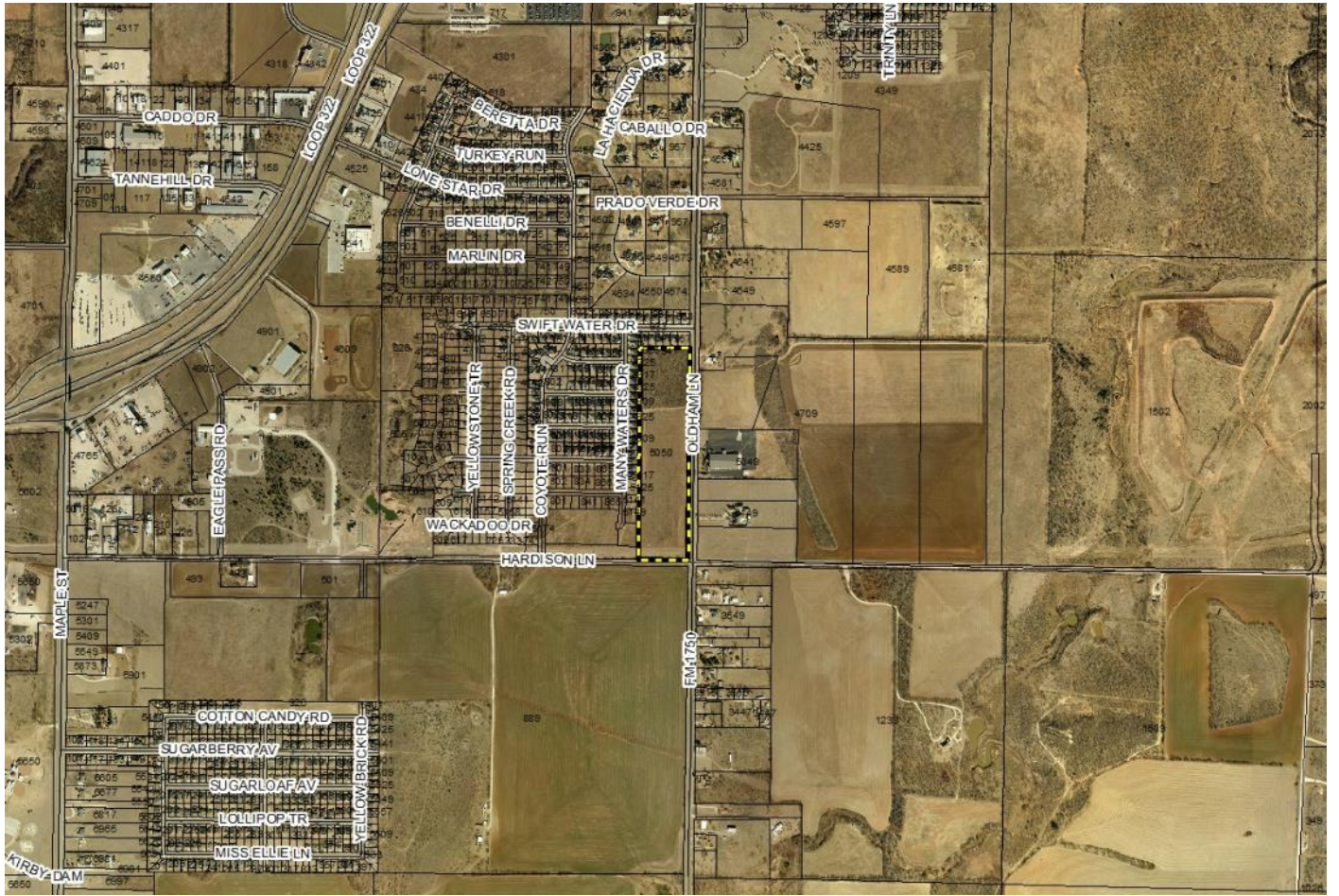
BURROWS WILLIAM JOSHUA	866 RUNNING WATER TR	
HUDSON LAWRENCE M & DONNA F		
STEVE WEST HOMES LLC	5017 MANY WATERS DR	
OLDHAM LANE CHURCH	5049 OLDHAM LN	In Favor
FITZGERALD M LEON & WANDA B	918 SWIFT WATER DR	
MC CABE STEVEN N & KIMBERLEE	926 SWIFT WATER DR	
COWAN KAIPO G & VANESSA D	841 SWIFT WATER DR	
LESLEY CLINTON G JR	4725 MANY WATERS DR	
LANTRIPS CUSTOM HOMES INC	5149 MANY WATERS DR	
FLORES MAXIMO	5125 MANY WATERS DR	
WEST WILLIAM STEVEN	5133 MANY WATERS DR	
WHITE DANIEL O & SHELBY L	866 FLAT WATER DR	
JOHNSON GERALD L	5050 OLDHAM LN	
MC LEOD WANDA	889 HARDISON LN	
ARNOLD CHARLES R & LOVELLA E	4933 MANY WATERS DR	
NOBLES ROBERT M	5109 MANY WATERS DR	
RICHEY STEPHEN L &	5101 MANY WATERS DR	
CITY OF ABILENE		
WEST WILLIAM STEVEN		
STEVE WEST HOMES LLC		
LANTRIPS CUSTOM HOMES INC	5141 MANY WATERS DR	
PALMER DANIEL R	865 FLAT WATER DR	
STEVE WEST HOMES LLC		

6 in Favor- **Y**  
 7 Opposed- **N**











## For the PLANNING & ZONING COMMISSION

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

### CASE #: Z-2014-15

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: STRZELEC ROBERT

Address: 4717 MANY WATERS DR

Mailing To: Planning and Development Services  
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242

email: [planning@abilenetx.com](mailto:planning@abilenetx.com)

I am in favor

I am opposed

Additional Comments:

The property under consideration is very valuable as Agricultural Open Space. It has several trees, offering an appealing view, which was a major reason for the purchase of my home. The demolition of these trees and replacement with residential property would be detrimental to the land in question as well as the surrounding area, and I am strongly opposed to the rezoning.