

City Council
Agenda Memo



City Council
Meeting Date: 6/12/2014

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-2014-17, a request from David & Rhonda Webb, to rezone property from LI (Light Industrial) to PD (Planned Development) zoning, located at 2442 Industrial Blvd.

GENERAL INFORMATION

The City issued a certificate of occupancy (C.O.) for a light manufacturing use for a lease space located on the subject property. It has since been converted to include a physical fitness use. The LI zoning does not permit the physical fitness use. Industrial Blvd is transitioning into more of a commercial/retail area. The requested PD zoning is intended to maintain the LI zoning but include the physical fitness uses as a permitted use on the property. The physical fitness is permitted in the GC & HC zoning districts.

The City reviewed the zoning along Industrial Blvd last year and several properties were rezoned to either GC or HC zoning. The surrounding area is developed generally with residential & school uses to the north and more traditional industrial uses to the south. Single-family residential homes exist directly to the north of this property.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating along the corridor ranging from personal service, office, retail, and commercial uses. Industrial Blvd is transitioning into more of a commercial/retail area. The requested zoning would maintain the LI zoning district and include the physical fitness use.

Due to the single-family homes directly adjacent to the north, staff has determined that the GC zoning would be more appropriate. The LI zoning is not compatible with the surrounding uses, and no longer is appropriate with the development trends along Industrial Blvd. However, even with GC zoning the existing industrial uses would be allowed to continue.

STAFF RECOMMENDATION

Staff recommends approval of GC zoning.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of the PD zoning based on the LI district that would also include all GC uses by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, and Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps
Letter from Tenant

Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> May 30, 2014	Item No. <u>7.2</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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AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-143 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 19th day of May 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 April, 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 12th day of June, 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 12th day of June, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

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 LI (Light Industrial) to PD (Planned Development) zoning.

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"

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PART 5: Legal Description. The legal description of this PD is as follows:

CRAWFORD AUSTIN CO SUB, BLOCK 1, LOT 202 REP, ACRES 2.943



Location:

2442 Industrial Blvd

ORDINANCE NO. _____

EXHIBIT "A"

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PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for a commercial use which generally is not allowed under present zoning and development procedures.

PART 7: Specific Modifications. This Planned Development shall be subject to the following:

PERMITTED USES: The property shall be subject to the requirements of the LI (Light Industrial) zoning district with the following modification:

- 1) **ADDITIONAL PERMITTED USE:** The property shall also allow the uses permitted in the GC (General Commercial) zoning district.

-END-

ZONING CASE Z-2014-17

STAFF REPORT



APPLICANT INFORMATION:

David & Rhonda Webb

HEARING DATES:

Planning & Zoning Commission: May 5, 2014
City Council 1st Reading: May 19, 2014
City Council 2nd Reading: June 12, 2014

LOCATION:

2442 Industrial Blvd

REQUESTED ACTION:

Rezone property from LI (Light Industrial) to PD (Planned Development) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 2.94 acres and is currently zoned LI. The parcel is developed with 2 buildings with multiple lease spaces. The adjacent property is zoned GC (General Commercial) to the west, RS-6 (Single-Family Residential) to the north, and LI to the east and south. The Industrial Blvd corridor is currently transitioning from industrial uses to commercial and personal service uses.

ZONING HISTORY:

The property was annexed in 1957 and was zoned LI sometime after. Several adjacent properties along Industrial Blvd have been rezoned from LI to both HC (Heavy Commercial) & GC zoning in the recent past.

ANALYSIS:

• Current Planning Analysis

The City issued a certificate of occupancy (C.O.) for a light manufacturing use for a lease space located on the subject property. It has since been converted to include a physical fitness use. The LI zoning does not permit the physical fitness use. Industrial Blvd is transitioning into more of a commercial/retail area. The requested PD zoning is intended to maintain the LI zoning but include the physical fitness uses as a permitted use on the property. The physical fitness is permitted in the GC & HC zoning districts.

The City reviewed the zoning along Industrial Blvd last year and several properties were rezoned to either GC or HC zoning. The surrounding area is developed generally with residential & school uses to the north and more traditional industrial uses to the south. Single-family residential homes exist directly to the north of this property.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating along the corridor

ranging from personal service, office, retail, and commercial uses. Industrial Blvd is transitioning into more of a commercial/retail area. The requested zoning would maintain the LI zoning district and include the physical fitness use. Due to the single-family homes directly adjacent to the north, staff has determined that the GC zoning would be more appropriate. The LI zoning is not compatible with the surrounding uses, and no longer is appropriate with the development trends along Industrial Blvd. However, even with GC zoning the existing industrial uses would be allowed to continue.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GC zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval of the PD zoning based on the LI district that would also include all GC uses by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
CASEY TERRY & TIMMY	2441 INDUSTRIAL BL	
BEALL BLANCA L	2525 S 41ST ST	
KANE MICHAEL & TRISHA	2526 S 41ST ST	
WW3 REAL ESTATE LLC	2442 INDUSTRIAL BL	
EGBERT RODNEY L & MICHELLE L	2601 S 41ST ST	
BRIDGEWATER GAY & RUSSELL SUSAN	2610 S 41ST ST	
BAGLEY ANDREW J & NATALIE	2609 S 41ST ST	
VEAL JERRY & MELODY	2533 S 41ST ST	
MOORE BROTHERS COMPANY	2702 INDUSTRIAL BL	
GRAVES JUDY C	2701 S 41ST ST	
HANNA DARRELL G ETAL	2625 S 41ST ST	
CONDER TONY	2666 INDUSTRIAL BL	
MARSH ROB ROY	2517 S 41ST ST	
HUMMEL MARILYN J TRUST	2501 S 41ST ST	
BLANTON RANDY	2600 INDUSTRIAL BL	
LABRENZ RYAN & CYNTHIA	2633 S 41ST ST	
DOWNING BILLIE W	2618 S 41ST ST	
DOZIER KENNETH BLAKE	2602 S 41ST ST	
2401 INDUSTRIAL LLC	2401 INDUSTRIAL BL	
FUSCO FAMILY TRUST	4357 S DANVILLE DR	
TRAVIS KENNETH JEREMY	2701 INDUSTRIAL BL	
RANDOLPH JANET SUZANNE	2617 S 41ST ST	
BRENNER HOLLANDE	2509 S 41ST ST	
MASSEY CLEBER & KIRK	2426 INDUSTRIAL BL	

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

Y
N







