City Council Agenda Memo



City Council Meeting Date: 8/14/2014

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-2014-10, a request from Abilene Housing Authority, agent Diana McIver & Associates, & the City of Abilene to rezone property from MD (Medium Density) to MF (Multi-Family Residential) zoning, located at 2001 & 2121 N. 6th St.

GENERAL INFORMATION

Currently, the property is undeveloped. It previously was the site of a small apartment complex. The property is being considered for apartments again. The current MD zoning does not allow for apartment complexes, rather smaller duplexes, triplexes, and quad-plexes. The surrounding properties are developed generally with single-family homes. The requested zoning would allow for development of apartments.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential development. The requested zoning would be to specifically allow for development of apartments. The existing MD zoning allows for multi-family residential uses, but limits the number of units per structure. The MF zoning would allow for up to 24 units per acre. However, the size of the property will limit the total number of units developed. North 6^{th} Street is designated as a 'minor arterial' street on the Master Thoroughfare Plan. Due to the previous use as apartments, the size of the property, and the N. 6^{th} St designation, the requested zoning is 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, Calk, Ellinger, Glenn, Rosenbaum, and Famble) and none opposed.

ATTACHMENTS

Ordinance Staff Report with Maps Surrounding Property Owner Responses

| Prepared by: | | Disposition by City Council | |
|----------------------------------|----------------|-----------------------------|--|
| | | □ Approved Ord/Res# | |
| Name: <u>Ben Bryner</u> | | Denied | |
| Title: Planning Services Manager | Item No. 7.4 | □ Other | |
| August 1, 2014 | | 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 <u>24th</u> day of <u>July</u>, A.D. <u>2014</u>.

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 20^{th} day of June, 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 14^{th} day of August, 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 <u>14th</u> day of <u>August</u>, A.D. <u>2014</u>.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO.

EXHIBIT "A"

Rezone property from MD (Medium Density Residential) to MF (Multi-Family Residential) zoning.

Legal Description:

PT LTS 1 THRU 6 205 1 F FLETCHER ABL OT HARRIS ADDN OUTLOT 1 BARRETT OF HARRIS, BLK 24, LOT 1, ACRES 2.955



Location: 2001 & 2121 N. 6th St

-END-

ZONING CASE Z-2014-10 STAFF REPORT

APPLICANT INFORMATION:

Abilene Housing Authority Agent: Diana McIver & Associates & the City of Abilene

HEARING DATES:

Planning & Zoning Commission: July 7, 2014 City Council 1st Reading: July 24, 2014 City Council 2nd Reading: August 14, 2014

LOCATION:

2001 & 2121 N. 6th St

REQUESTED ACTION:

Rezone property from MD (Medium Density Residential) to MF (Multi-Family Residential) zoning

SITE CHARACTERISTICS:

The subject parcel totals approximately 3.22 acres and is currently zoned MD. The parcel is undeveloped. It previously was the site of a small apartment complex. The adjacent properties are zoned MD to the west, south, and RS-6 (Single-Family Residential) to the north.

ZONING HISTORY:

The property was part of the original City of Abilene incorporated in 1895 and was zoned MD in 1985.

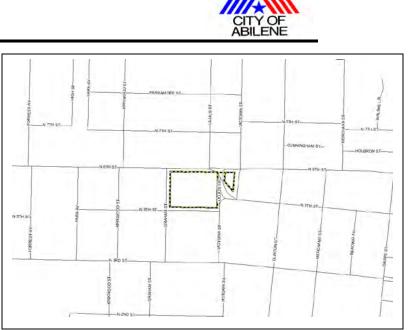
ANALYSIS:

• Current Planning Analysis

Currently, the property is undeveloped. It previously was the site of a small apartment complex. The property is being considered for apartments again. The current MD zoning does not allow for apartment complexes, rather smaller duplexes, triplexes, and quad-plexes. The surrounding properties are developed generally with single-family homes. The requested zoning would allow for development of apartments.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential development. The requested zoning would be to specifically allow for development of apartments. The existing MD zoning allows for multi-family residential uses, but limits the number of units per structure. The MF zoning would allow for up to 24 units per acre. However, the size of the property will limit the total number of units developed. North 6th Street is designated as a 'minor arterial' street on the Master Thoroughfare Plan. Due to the previous use as apartments, the size of the property, and the N. 6th St designation, the requested zoning is compatible with the adjacent uses and the Comprehensive Plan.



PLANNING STAFF RECOMMENDATION:

Staff recommends approval of MF zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, Rosenbaum, and Famble) and none opposed.

NOTIFICATION:

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

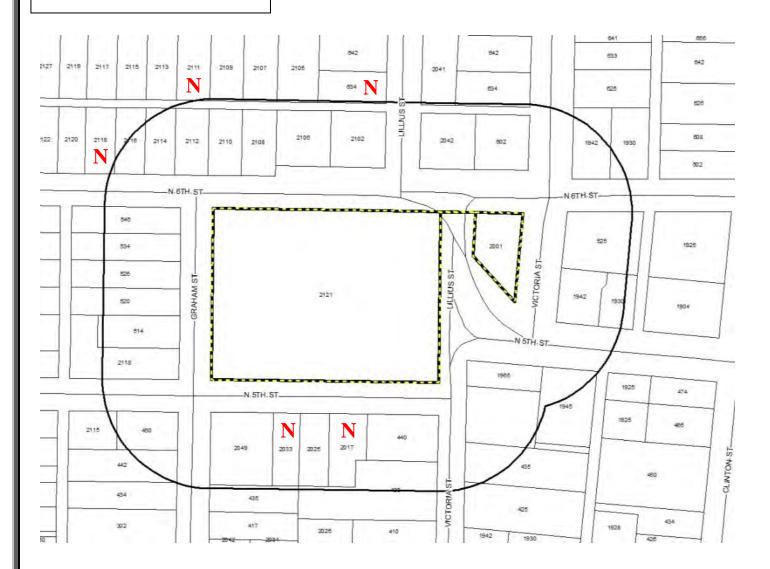
| OWNER | ADDRESS | RESPONSE |
|-------------------------------------------|-----------------|----------|
| CITY OF ABILENE | 2001 N 6TH ST | |
| CONTRERAS ROSENDO | 546 GRAHAM ST | |
| ABRAM TOMMIE M TR | 526 GRAHAM ST | |
| CUESTA JOZUE & MARIA | 1945 N 5TH ST | |
| BLANTON RONNIE WAYNE & WILLIE MAY | 520 GRAHAM ST | |
| SERRANO ISAUL & OLGUIN SONJA | 534 GRAHAM ST | |
| GONZALEZ MIGUEL & ANA L | 514 GRAHAM ST | |
| GONZALEZ MIGUEL & ANA L | 2118 N 5TH ST | |
| SMITH MARY ANN | 2115 N 5TH ST | |
| HOOPER AARON ISAIAH & CATON TERRI WHITNEY | 2107 N 7TH ST | |
| HAWKINS JODY F & MARY ANN | 2118 N 6TH ST | Opposed |
| ALCANTAR ARNOLDO F & CARMEN H | 2114 N 6TH ST | |
| SCARBOROUGH JOHN F & JANE | 440 VICTORIA ST | |
| BOWER LUKE | 430 VICTORIA ST | |
| OCON REBECCA SANCHEZ | 2033 N 5TH ST | Opposed |
| LOPEZ JOSE A | 2105 N 7TH ST | |
| HB EQUITY LLC | 2116 N 6TH ST | |
| ALCANTAR MICHELLE MENDOZA | 2112 N 6TH ST | |
| SANDS TRUMAN BARKLEY | 435 VICTORIA ST | |
| SIMINGTON CASEY | 442 GRAHAM ST | |
| SMITH JOY B | 2049 N 5TH ST | |
| VILLARREAL J D | 1942 N 6TH ST | |
| MALEA LLC SERIES M | 1930 N 6TH ST | |
| JOHNSON RONNY D | 634 LILLIUS ST | Opposed |
| CASEY LOLITA M | 2106 N 6TH ST | |
| MORENO JESSE D & HERMINIA A | 1930 N 5TH ST | |
| DEARMAN DON L & MARY ANN | 1942 N 5TH ST | |
| EARP HOMER S & SHARON E | 2109 N 7TH ST | |
| ESTRADA TONY | 2102 N 6TH ST | |
| NEW FRONTIER DEVELOPMENT | | |
| SANDS KATHERINE MARIE | 425 VICTORIA ST | |
| PITTMAN RUSTY & BETTY | 435 GRAHAM ST | |
| SMITH GREGG & MARY ANN | 450 GRAHAM ST | |
| WAITS JEFFREY A | 2111 N 7TH ST | Opposed |
| DALZELL DAVID E | 2025 N 5TH ST | |
| BOMAR DARWINNA JUNE | 2041 N 7TH ST | |

Case # Z-2014-10 Updated: August 1, 2014

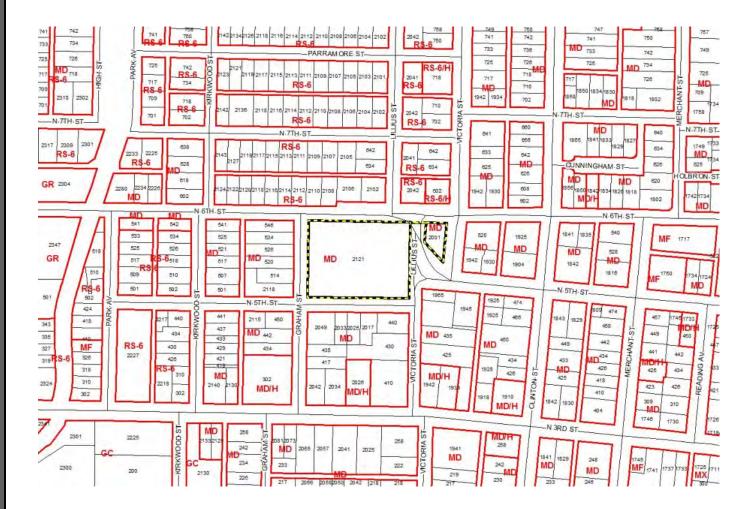
| NEW FRONTIER DEVELOPMENT | 1965 N 5TH ST | |
|---------------------------------|-----------------|---------|
| ARTHUR VICKI L | 434 GRAHAM ST | |
| RICH KENNETH GRANT | 2110 N 6TH ST | |
| AVALOS PASCUAL JAIME | 2108 N 6TH ST | |
| MAXWELL BOBBY D | 525 VICTORIA ST | |
| TRICE DELICIOSA | 634 VICTORIA ST | |
| CLEMENTS FREDERICK L & SANDRA J | 2017 N 5TH ST | Opposed |
| BIBLE WAY CHURCH | 2121 N 6TH ST | |
| BRADLEY THOMAS & JUDIE | 602 VICTORIA ST | |
| BAILEY WILLIS E | 2042 N 6TH ST | |

0 in Favor- ${f Y}$

5 Opposed- N



Case # Z-2014-10 Updated: August 1, 2014







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CASE #: Z-2014-10

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: JOHNSON RONNY D

Address: 634 LILLIUS ST Mailing To: Planning and Development Services Fax #: (325) 676-6242 P.O. Box 60, Abilene TX 79604 email: planning@abilenetx.com I am opposed 🗾 I am in favor Additional Comments: d to having how rent housing Authority to my house. IF they were like apts on e-working Occupants- apts) yes, but Am opposed mert orking Occupants-apts (Nice Will be run down - non working occupants apts that be Would will be out DF 7.4 Page 10