

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.**

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**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<sup>th</sup> 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<sup>th</sup> 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:<br><br>Name: <u>Ben Bryner</u><br><br>Title: <u>Planning Services Manager</u><br><br>August 1, 2014 | Item No. <u>7.4</u> | Disposition by City Council<br><input type="checkbox"/> Approved      Ord/Res# _____<br><input type="checkbox"/> Denied<br><input type="checkbox"/> Other<br><br>_____<br>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 July, 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 20<sup>th</sup> 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<sup>th</sup> 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 14<sup>th</sup> day of August, A.D. 2014.

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. 6<sup>th</sup> 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 1<sup>st</sup> Reading: July 24, 2014  
City Council 2<sup>nd</sup> Reading: August 14, 2014

### LOCATION:

2001 & 2121 N. 6<sup>th</sup> 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 6<sup>th</sup> 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<sup>th</sup> 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   |          |



|                                 |                 |         |
|---------------------------------|-----------------|---------|
| 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- **Y**  
5 Opposed- **N**















7-3-14

Dear Sirs,

I am a surviving spouse of a Veteran on a fixed income. The last time we had apartments on this lot we had delinquent kids & adults slitting tires, stealing and setting fires. Please do not approve this motion.

Thank you,  
Mary Ann Lawless  
218 W. 6th, Abilene

UNWAVERING SUPPORT FOR UNCOMMON HEROES™

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 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:  
I Am opposed to having low rent housing Authority lpts next to my house. IF they were like Apts on Hwy 351 (Nice - working occupants - Apts) yes, but not Apts that will be run down - non working occupants I will be out of town or I would be there.