

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-2014-25, a request from Can-Doo Budget Rentals, agent Louis J. Paulsen, to rezone property from HC (Heavy Commercial) to PD (Planned Development) zoning, located at 101 Goliad Dr.

**GENERAL INFORMATION**

Currently, the property is undeveloped. It has been used for some unauthorized outdoor storage. The property has been purchased by the Can-Doo Budget Rental business located to the north. The applicant is proposing to utilize this area for expansion of the business, specifically for outdoor storage of port-a-potties. The current HC zoning allows for outdoor storage, but only as an accessory use. The requested zoning would allow for the site to be under the same regulations found within PD-110 approved for the site to the north. The PD zoning will require screening along the rear property line adjacent to the single-family homes to the east.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial/office development. The requested zoning would be to specifically allow for outdoor storage accessory to an existing business. The existing PD-110 zoning to the north requires screening from the adjacent single-family residential homes and prevents outdoor storage in the front 42 feet of the property. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff recommends approval of PD-110 zoning.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval with a regulation that no outdoor storage be allowed within 20 feet of the rear (east) property line by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, Rosenbaum, and Famble) and none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

August 1, 2014

Item No. 7.6

Disposition by City Council

- Approved Ord/Res# \_\_\_\_\_
- Denied \_\_\_\_\_
- Other \_\_\_\_\_

\_\_\_\_\_  
City Secretary

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-110\_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.

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 p.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"

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

Exhibit "A"

Rezone property from HC (Heavy Commercial) to PD #110 (Planned Development) zoning district.

Legal Description:

JUDGE ELY NORTH SEC 3, BLOCK C, LOT 102 REP LTS 1 & 2 LESS N39'



Location:  
101 Goliad Dr

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

EXHIBIT "A"

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PART 4: Specific Modifications. This Planned Development shall be subject to the requirements of the PD-110 (Planned Development) zoning district, except as modified below:

**OUTDOOR STORAGE:** The storing of material and equipment out-of-doors within the rear (eastern) 20 feet of the property shall be prohibited.

-END-

# ZONING CASE Z-2014-25

## STAFF REPORT



### APPLICANT INFORMATION:

Can-Doo Budget Rentals  
Agent Louis J. Paulsen

### 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:

101 Goliad Dr

### REQUESTED ACTION:

Rezone property from HC (Heavy Commercial)  
to PD (Planned Development) zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 1.69 acres and is currently zoned HC. The parcel is undeveloped. It has been used for some unauthorized outdoor storage. The adjacent properties are zoned HC to the west & south, PD to the north, and RS-6 (Single-Family Residential) to the east.

### ZONING HISTORY:

The property annexed in 1957 and was zoned HC in 1990.

### ANALYSIS:

- Current Planning Analysis  
Currently, the property is undeveloped. It has been used for some unauthorized outdoor storage. The property has been purchased by the Can-Doo Budget Rental business located to the north. The applicant is proposing to utilize this area for expansion of the business, specifically for outdoor storage of port-a-potties. The current HC zoning allows for outdoor storage, but only as an accessory use. The requested zoning would allow for the site to be under the same regulations found within PD-110 approved for the site to the north. The PD zoning will require screening along the rear property line adjacent to the single-family homes to the east.
- Comprehensive Planning Analysis  
The Future Land Use section of the Comprehensive Plan designates this general area for commercial/office development. The requested zoning would be to specifically allow for outdoor storage accessory to an existing business. The existing PD-110 zoning to the north requires screening from the adjacent single-family residential homes and prevents outdoor storage in the front 42 feet of the property. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of PD-110 zoning.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval with a regulation that no outdoor storage be allowed within 20 feet of the rear (east) property line 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
ROY ROBERT	360 PENROSE DR	
MC CREARY BILLY C	376 PENROSE DR	
MC CREARY BILL	384 PENROSE DR	
GREATER ST PAUL COMMUNITY CHURCH	1710 PASADENA DR	
MC CREARY B C DBA & TKC-SCA TRUST	359 PENROSE DR	
MC SHAN LEWIS & IRENE E	344 PENROSE DR	
ROY ROBERT	352 PENROSE DR	
DILL PROPERTY MANAGEMENT LP	1402 E HWY 80	
BREWSTER EFFIE LIFE ESTATE	1701 PASADENA DR	
BCRR INC	1357 TRACY LYNN DR	
PAULSEN LOUIS J	101 GOLIAD DR	
FLETCHER CLYDE & CHERYL LF EST	1396 TRACY LYNN DR	
D & J RENTALS	1700 E HWY 80	
PAULSEN LOUIS J	301 GOLIAD DR	
MC SHAN IRENE	336 PENROSE DR	
GL PETERSON PROPERTIES LTD	1350 TRACY LYNN DR	
HAMILTON SUPPLY CO INC	1364 E HWY 80	
MC CREARY BILL	368 PENROSE DR	

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

**Y**











