

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-2014-26, a request from Lytle-85 Joint Venture, agent Scott Senter, to rezone property from a combination of MD (Medium Density Residential) and GC (General Commercial) to entirely GC (General Commercial) zoning, being approximately 7.6 acres located at the southwest corner of ES 11th St and Lytle Way.

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**GENERAL INFORMATION**

Currently, the property is undeveloped. The southernmost area is zoned MD and provides a transition from the existing GC zoning on the remaining part of the property. However, the applicant is requesting to rezone all of the property to the GC zoning in order to provide more options for commercial development on the corner. The current GC zoning allows for retail development, but also allows for auto sales and repair. With the adjacent single-family homes to the south, staff recommends GR (General Retail) zoning on the property.

The Future Land Use section of the Comprehensive Plan designates this area as a 'Local Community Center'. Lytle Way is designated as a 'collector' street while ES 11<sup>th</sup> St is designated as an 'arterial' street. A node for commercial/office development has been designated for this intersection. The requested zoning is for GC zoning on the entire property. Commercial zoning is generally compatible with the adjacent uses and the Comprehensive Plan. However, staff recommends GR zoning due to the single-family homes adjacent to the south.

**STAFF RECOMMENDATION**

Staff recommends approval of GR zoning.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval of GC zoning by a vote of 4 in favor (Ellinger, Glenn, Rosenbaum, and Famble), none opposed, and 2 abstained (Bixby and Calk).

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

August 1, 2014

Item No. 7.7

Disposition by City Council

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

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

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

EXHIBIT "A"

Rezone property from a combination of MD (Medium Density Residential) and GC (General Commercial) to entirely GC (General Commercial) zoning.

Legal Description:

ABSTRACT A1149 SUR 47 B A L SW/4, ACRES 7.597



Location:

The southwest corner of ES 11<sup>th</sup> St and Lytle Way

-END-

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

# ZONING CASE Z-2014-26

## STAFF REPORT



### APPLICANT INFORMATION:

Lytle-85 Joint Venture  
Agent: Scott Senter

### 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:

Being approximately 7.6 acres located at the southwest corner of ES 11<sup>th</sup> St and Lytle Way

### REQUESTED ACTION:

Rezone property from a combination of MD (Medium Density Residential) and GC (General Commercial) to entirely GC (General Commercial) zoning

### SITE CHARACTERISTICS:

The subject parcel totals approximately 7.6 acres and is currently zoned MD & GC. The parcel is undeveloped. The adjacent properties are zoned RS-12 (Single-Family Residential) to the west & south, GR (General Retail) to the east, and GC & MF (Multi-Family Residential) to the north.

### ZONING HISTORY:

The property annexed in 1959 and was zoned MD & GC in 1983.

### ANALYSIS:

- Current Planning Analysis

Currently, the property is undeveloped. The southernmost area is zoned MD and provides a transition from the existing GC zoning on the remaining part of the property. However, the applicant is requesting to rezone all of the property to the GC zoning in order to provide more options for commercial development on the corner. The current GC zoning allows for retail development, but also allows for auto sales and repair. With the adjacent single-family homes to the south, staff recommends GR (General Retail) zoning on the property.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this area as a 'Local Community Center'. Lytle Way is designated as a 'collector' street while ES 11<sup>th</sup> St is designated as an 'arterial' street. A node for commercial/office development has been designated for this intersection. The requested zoning is for GC zoning on the entire property. Commercial zoning is generally compatible with the adjacent uses and the Comprehensive Plan. However, staff recommends GR zoning due to the single-family homes adjacent to the south.



**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of GR zoning.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of GC zoning by a vote of 4 in favor (Ellinger, Glenn, Rosenbaum, and Famble), none opposed, and 2 abstained (Bixby and Calk).

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
ESFANDIARY ALI & PATRICIA	1202 CANTERBURY DR	
FERGUSON CURTIS P & KELLI P	20 BAY BRIDGE CR	In Favor
CORPIAN GARY LEE & MARILU LEE		
WHITTENBURG CODY	30 BAY BRIDGE CR	
SKINNYS INC	965 ES 11TH ST	
HORN CHRISTOPHER MARK & JANA BROOKE	1165 LYTLE WY	
LYTLE LAKE WATER DISTRICT		
LYTLE LAKE WATER DISTRICT	1301 OLDHAM LN	
ALLEN THOMAS R & JUDY K	40 BAY BRIDGE CR	
MC DONALD A J PROPERTIES INC	1000 JUSTICE WY	
SENER SCOTT	1101 ES 11TH ST	
CORPIAN GARY & MARILU	70 CASTLE DR	
TOWN & COUNTRY FOOD STORES INC	1058 S JUDGE ELY BL	
CROWE TIMOTHY E & TAMMY J	12 BAY BRIDGE CR	In Favor
MACKEY JACQUELINE ANN	926 ES 11TH ST	
LIU WEN PING	52 BAY BRIDGE CR	
LYTLE 85 JOINT VENTURE		

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









