

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-2014-29, a request from Ken Musgrave, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) zoning, being 27.60 acres located at 6301 Arapaho Trail, at the south end of Traditions Way.

GENERAL INFORMATION

Currently, the property is undeveloped. This is located at the south end of Tradition Drive and will be an extension for the next phase of the Wylie Legacies subdivision. The adjacent properties to the north, south, and west are generally developed with single-family homes. The Wylie High School exists to the north of this subdivision across Antilley Rd. The requested RS-8 zoning would allow for the next phase of the development.

The Future Land Use section of the Comprehensive Plan designates this area low-density development. The requested zoning will allow for the development of single-family homes consistent with the existing homes in the subdivision and the general area. 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 5 in favor (Calk Ellinger, Glenn, Rosenbaum, and Famble), none opposed, and 1 abstained (Bixby).

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Responses

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

August 1, 2014

Item No. 7.10

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

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 24th 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 20th 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 14th 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 14th day of August, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) zoning.

Legal Description:

A0417 SUR 101 WM E VAUGHN, ACRES 27.604



Location:

6301 Arapaho Trail, at the south end of Traditions Way

-END-

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Calk Ellinger, Glenn, Rosenbaum, and Famble), none opposed, and 1 abstained (Bixby).

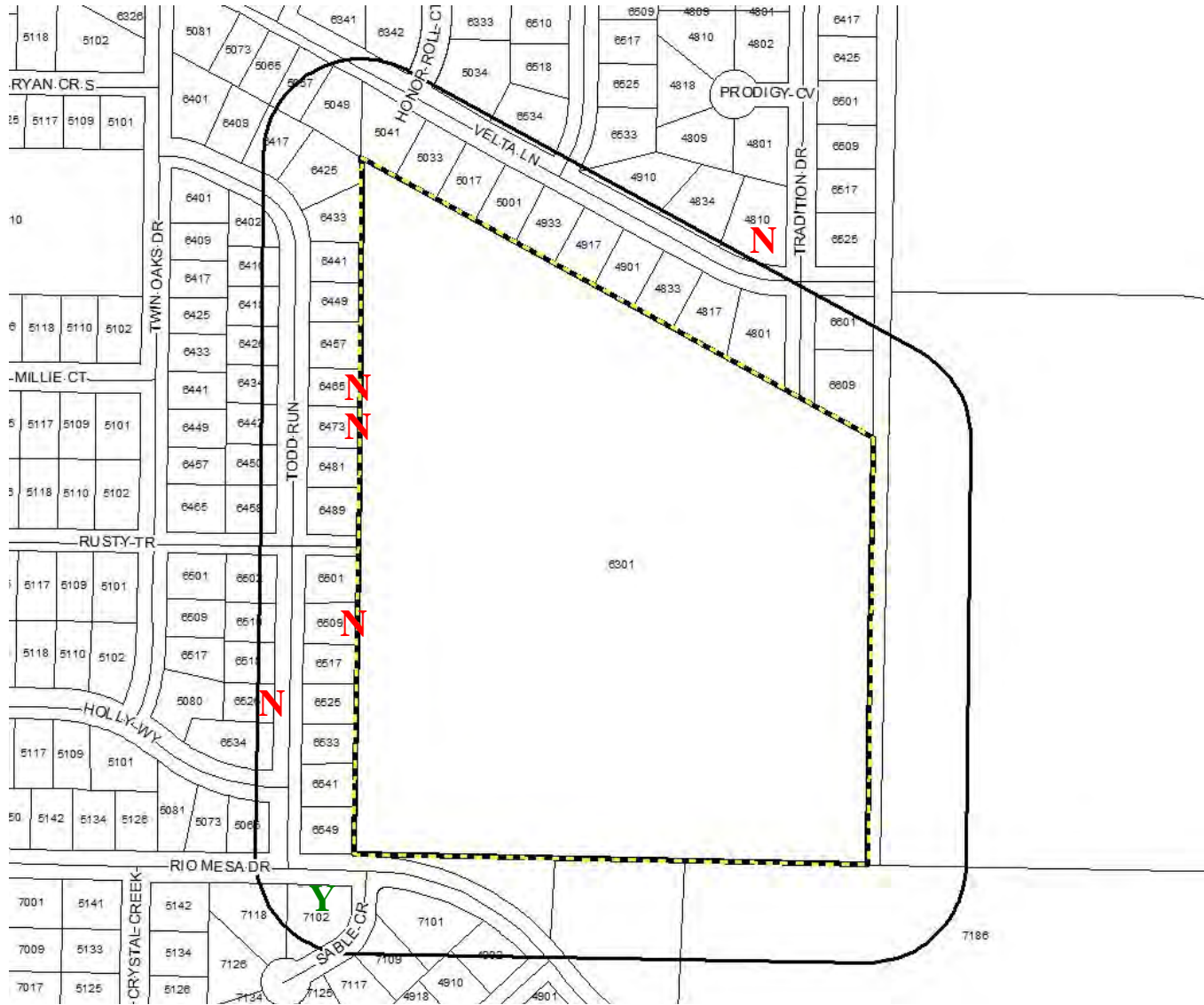
NOTIFICATION:

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

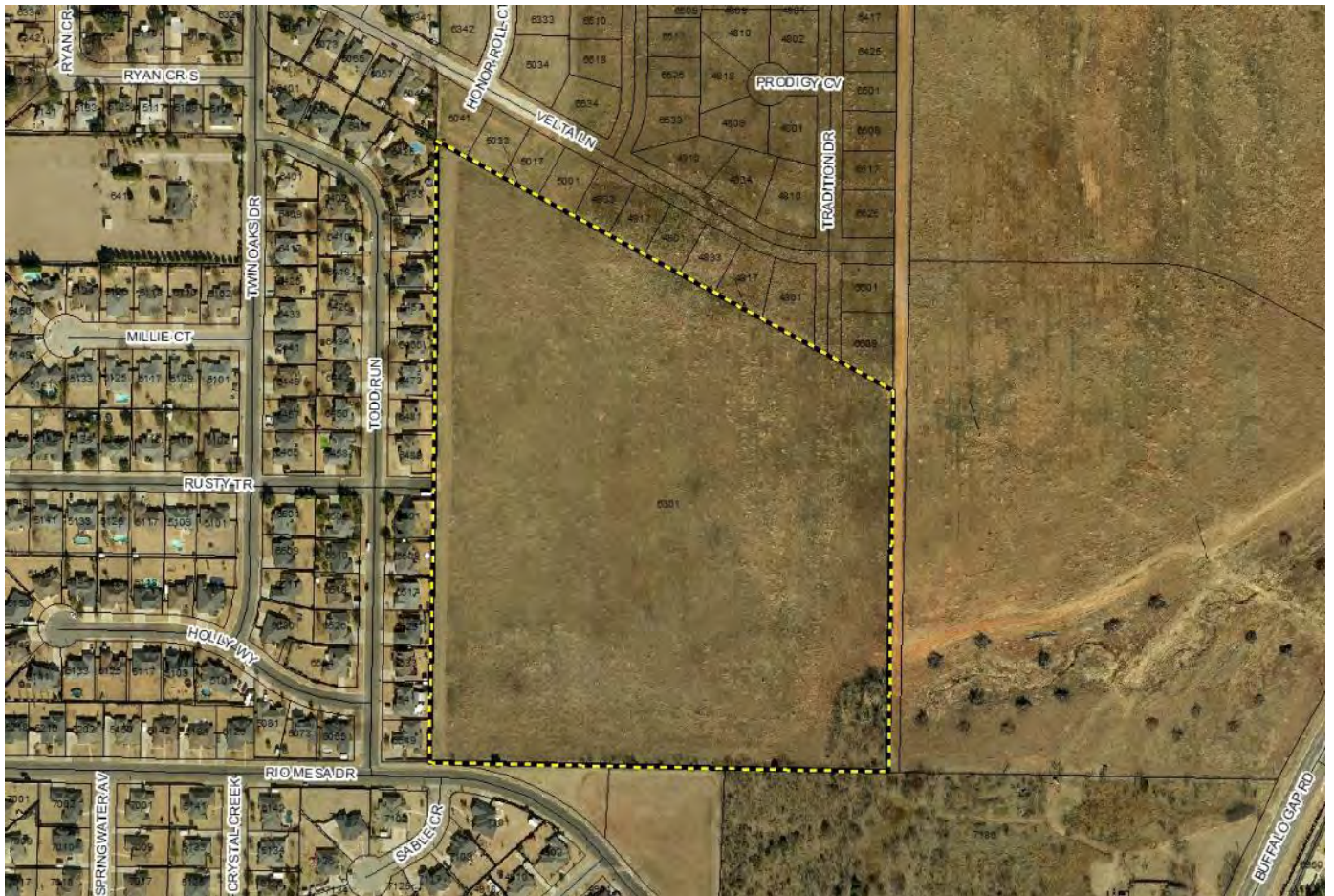
OWNER	ADDRESS	RESPONSE
CAMPBELL PAUL S	6418 TODD RUN	
RENFRO-GREENFIELD RENEE	6525 TODD RUN	
COOK THOMAS & KATHLEEN	6518 TODD RUN	
KELLEY CODY M & MELISSA K	6481 TODD RUN	
MEDLOCK WALTER N & KAREN M	6402 TODD RUN	
HENDERSON STEVE SR	5057 VELTA LN	
HOUSE CLINTON D & CORA E	6426 TODD RUN	
SEIDENSTICKER JOHN K & DONNA E	6458 TODD RUN	
ADAMS ROBERT HOWARD III	6501 TODD RUN	
SIMMONS CATHERINE J KAERWER TRUST	6434 TODD RUN	
MITCHELL JERRY & MARGARET	6449 TODD RUN	
LA VILLA BRITTEN HOMES LLC	4917 VELTA LN	
MUSGRAVE & MUSGRAVE LLP	4834 VELTA LN	
MC BRIDE JOE P JR	6509 TODD RUN	Opposed
ARDETH REAL ESTATE LLC	6457 TODD RUN	
TORRES RICARDO & YESENIA A	6533 TODD RUN	
CITY OF ABILENE		
LANE KIMBERLY S	6410 TODD RUN	
FOWLER JAMES JACKSON & FOWLER MARY SMITH	6433 TODD RUN	
DARROW JON A	7186 BUFFALO GAP RD	
DILLARD FRANK THOMAS	7109 SABLE CR	
MORENO ALEXANDER M & M LOUISE	7118 SABLE CR	
CITY OF ABILENE		
CARTER CHAD W & CARI L	6442 TODD RUN	
FARBER DOUGLAS S	6549 TODD RUN	
MUSGRAVE & MUSGRAVE LLP	6601 TRADITION DR	
MUSGRAVE & MUSGRAVE LLP	5017 VELTA LN	
SMITH BENJAMIN & SAMANTHA D	6417 TODD RUN	
LUCAS CHRISTOPHER M & KIMBERLY R	6473 TODD RUN	Opposed
BRANCH ROBERT A & MARY J	6526 TODD RUN	Opposed
SANDBERG LARRY & THEANA	5065 HOLLY WY	
WADLEY MARK M & CYNTHIA A	6534 TODD RUN	
LEONHART ROBERT E JR & ROSE M	4902 CRYSTAL CREEK	
THORUP SCOTT ISOM & MEGAN	6342 HONOR ROLL CT	
MUSGRAVE & MUSGRAVE LLP	5033 VELTA LN	
ANDERS ROBERT H & SAMMIE	5049 VELTA LN	

MUSGRAVE & MUSGRAVE LLP	5001 VELTA LN	
GRAHAM GARY JASON & RACHEL ANN	5034 VELTA LN	
LA VILLA BRITTEN HOMES LLC	4833 VELTA LN	
MUSGRAVE & MUSGRAVE LLP	4933 VELTA LN	
MUSGRAVE & MUSGRAVE LLP	5041 VELTA LN	
LACY JIM & KATHY	4810 VELTA LN	Opposed
MUSGRAVE & MUSGRAVE LLP	6533 MILESTONE DR	
MUSGRAVE & MUSGRAVE LLP	4801 VELTA LN	
MUSGRAVE & MUSGRAVE LLP	4817 VELTA LN	
GREGORY BETTY C	6450 TODD RUN	
BROWN ARTHUR T & ESTHER G	6502 TODD RUN	
KEELS GREGORY W & MARIA HELENA	6441 TODD RUN	
CORNFORTH SEAN C & MALINDA S	6517 TODD RUN	
DANIELS DONNIE R & MELISSA C	6541 TODD RUN	
BROWN NATHANAEL L & ADINA J	4910 CRYSTAL CREEK	
GRODEY ROBERT E & JOAN M	6425 TODD RUN	
MUSGRAVE & MUSGRAVE LLP	4910 VELTA LN	
MUSGRAVE & MUSGRAVE LLP	6609 TRADITION DR	
LA VILLA BRITTEN HOMES LLC	4901 VELTA LN	
BLEDSOE DONALD D		
NERF GABRIEL A & KIMBERLY M	6489 TODD RUN	
DAVIS WILLIAM B & LINDA K	6465 TODD RUN	Opposed
NEW RUDY L & PAULA	6510 TODD RUN	
KAUFMAN RANDY L & SANDRA B	7101 SABLE CR	
BROOKS WESLEY ALAN & MARY FRANCES	7102 SABLE CR	In Favor
MUSGRAVE & MUSGRAVE LLP	6534 MILESTONE DR	
MUSGRAVE & MUSGRAVE LLP	6301 ARAPAHO TR	
CAMPBELL PAUL S	6418 TODD RUN	

1 in Favor- **Y**
 5 Opposed- **N**







For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2014-29

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: BRANCH ROBERT A
Address: 6526 TODD RUN

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

This parcel of land should be left as an open area. The City should consider developing a much-needed neighborhood park. The existing neighborhood is very quiet + peaceful. A new subdivision would cause much traffic + congestion.

From: Nancy McBride <[redacted]>
Sent: Saturday, July 05, 2014 2:54 PM
To: Reports, Planning
Subject: New housing development behind Todd Run

We live at 6509 Todd Run and understand there will be a new housing development built behind our home. We're asking that the developer be required to put an alley behind the Todd Run homes to service power lines and serve as a buffer between us and the new homes. Thank you for considering this request.

Joe and Nancy McBride

Rainbow, Zack

From: BL Davis <[redacted]>
Sent: Sunday, July 06, 2014 10:36 AM
To: Reports, Planning
Subject: Case # Z-2014-29

I am opposed to rezoning unless the developer allows for an alley behind the Todd Run homes so that the power lines can be maintained with less disruption. This would also provide a reasonable buffer against homes being built too close to ours and diminishing our property values. I believe it would benefit the developer also, by making his lots more desirable.

Davis, William B & Linda K
6465 Todd Run