

City Council
Agenda Memo



City Council
Meeting Date: 9/11/2014

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-2014-36, a request from MC Real Estate Holdings, LLC, agent EHT, to rezone property from LI (Light Industrial) to GC (General Commercial) zoning, being the front ±1.5 acres of the property located at 4100 S. Danville Dr.

GENERAL INFORMATION

Currently, the property is developed and is the old site for the Golden Corral restaurant. The southern ±1.5 acres of the property is zoned LI which does not allow for restaurant uses. GC zoning exists on the remaining part of the property and the adjacent properties along Hwy 83-84. The applicant is requesting to rezone the front portion of the property to the GC zoning in order to provide more options for commercial and retail development.

The Future Land Use section of the Comprehensive Plan designates this area as adjacent to a 'Major Commercial/Business Center'. Highway 83-84 is designated as an 'expressway'. The requested zoning is for GC zoning on the front ±1.5 acres. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 4 in favor (Glenn, McClarty, Rosenbaum, and Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Response

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

August 15, 2014

Item No. 7.4

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 28th day of August, 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 18th day of July, 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 11th day of September, 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 11th day of September, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from LI (Light Industrial) to GC (General Commercial) zoning.

Legal Description:

C W KENNER SUB, LOT 506 REP, FRONT ±1.5 ACRES



Location:

Being the front ±1.5 acres of the property located at 4100 S. Danville Dr.

-END-

ZONING CASE Z-2014-36

STAFF REPORT



APPLICANT INFORMATION:

MC Real Estate Holdings, LLC
Agent: EHT

HEARING DATES:

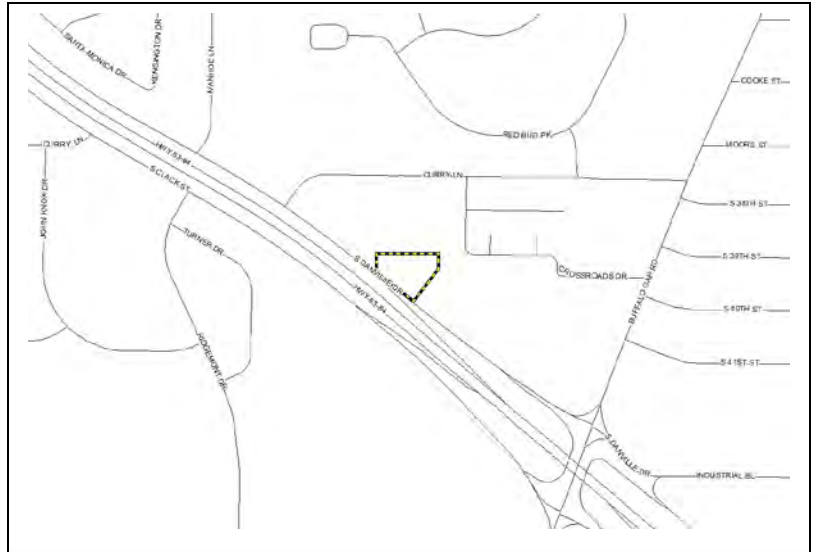
Planning & Zoning Commission: August 4, 2014
City Council 1st Reading: August 28, 2014
City Council 2nd Reading: September 11, 2014

LOCATION:

Being the front ± 1.5 acres of the property located at 4100 S. Danville Dr

REQUESTED ACTION:

Rezone property from LI (Light Industrial) to GC (General Commercial) zoning



SITE CHARACTERISTICS:

The subject parcel totals 3.69 acres with the front approximately 1.5 acres currently zoned LI and the remainder being zoned GC. The parcel is developed and is the old site for the Golden Corral restaurant. The adjacent properties are zoned GC to the west, GC & PD (Planned Development) to the east, and O (Office) & MD (Medium Density Residential) to the north. Highway 83-84 exists to the south.

ZONING HISTORY:

The property annexed in 1957 and was zoned LI sometime after. The adjacent GC zoning was approved in 1981.

ANALYSIS:

- Current Planning Analysis
Currently, the property is developed and is the old site for the Golden Corral restaurant. The southern ± 1.5 acres of the property is zoned LI which does not allow for restaurant uses. GC zoning exists on the remaining part of the property and the adjacent properties along Hwy 83-84. The applicant is requesting to rezone the front portion of the property to the GC zoning in order to provide more options for commercial and retail development.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates this area as adjacent to a 'Major Commercial/Business Center'. Highway 83-84 is designated as an 'expressway'. The requested zoning is for GC zoning on the front ± 1.5 acres. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

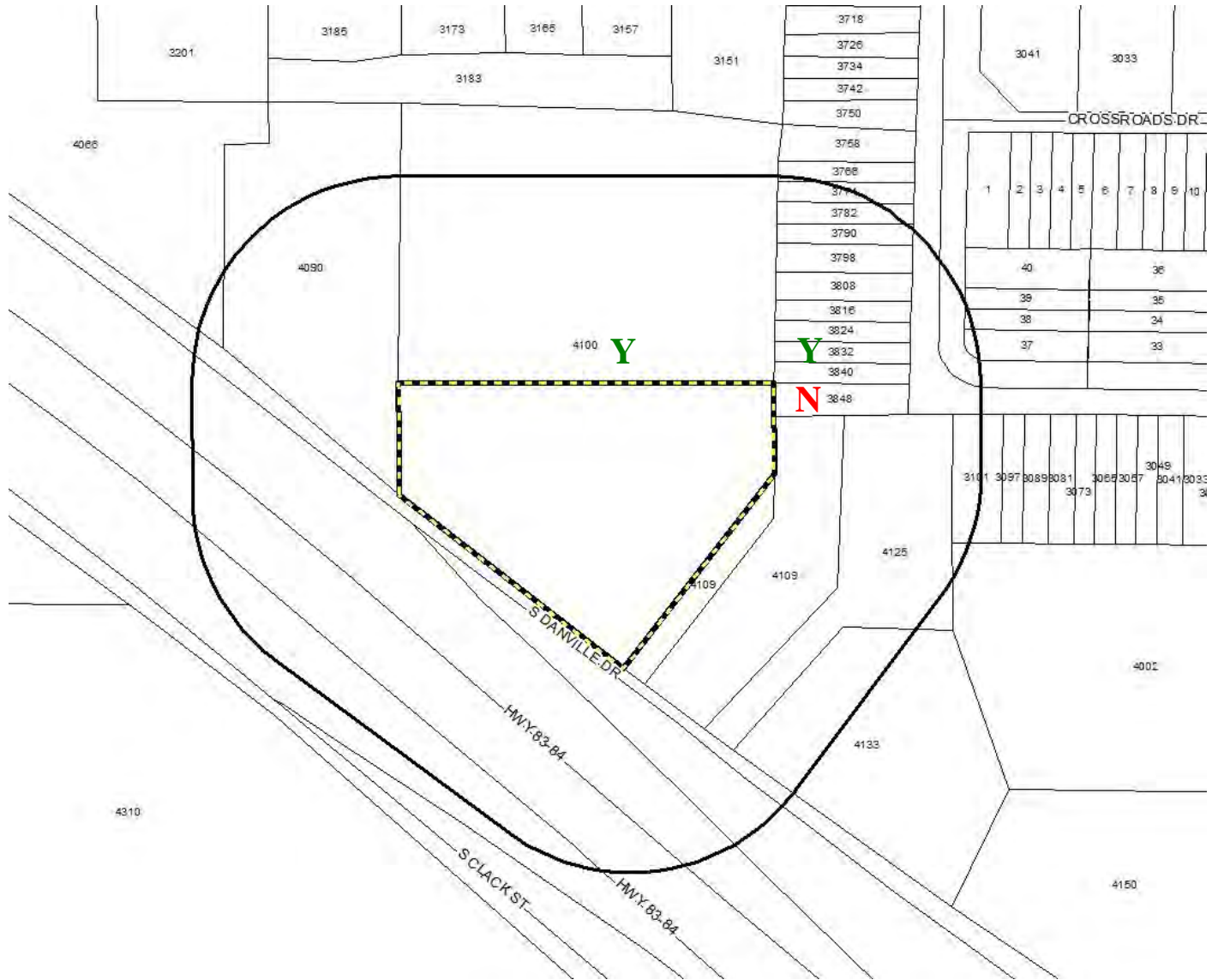
The Planning and Zoning Commission recommends approval as requested by a vote of 4 in favor (Glenn, McClarty, Rosenbaum, and Famble) and none opposed.

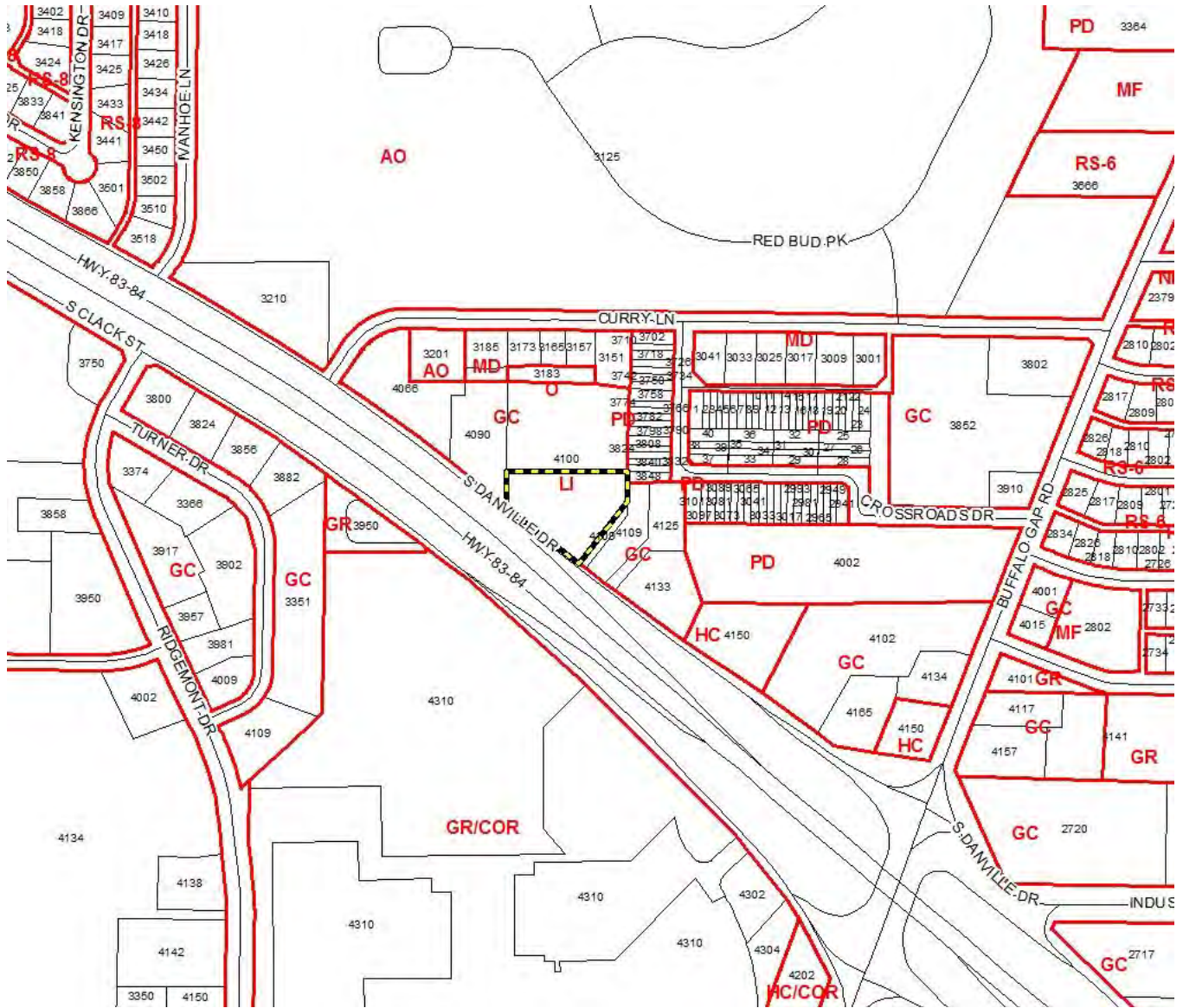
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ALVERTOS ANGEL H	3824 CROSSROADS DR	
RAWLINGS JOSIAH P	3840 CROSSROADS DR	
A DUMB E CORP	4125 S DANVILLE DR	
SIEWERT ALVIN A	3832 CROSSROADS DR	In Favor
ELLIS ANNE	3808 CROSSROADS DR	
R K RUNNION ENTERPRISES INC	3798 CROSSROADS DR	
EARP JERRY	3816 CROSSROADS DR	
MITCHELL TYLER W & CARRIE L	3101 CROSSROADS DR	
WILLIAMS BRENDA S	3774 CROSSROADS DR	
BROWN DOUGLAS D & KARIN S	3782 CROSSROADS DR	
HARRELL RONALD J & RONNA	3848 CROSSROADS DR	Opposed
BARTLETT DAVID & DENISE	39 CROSSROADS DR	
YATES DEEDRA R	3790 CROSSROADS DR	
SUMNER EUGENE & ELLA	38 CROSSROADS DR	
SPEGO PROPERTIES INC	4109 S DANVILLE DR	
SPEGO PROPERTIES INC	4109 S DANVILLE DR	
NATIONAL RETAIL PROPERTIES LP	4002 BUFFALO GAP RD	
FOWLER SAMMI RUTH	37 CROSSROADS DR	
DENSYL PROPERTIES LTD	4066 S DANVILLE DR	
A DUMB E CORP	4133 S DANVILLE DR	
POLSTON BRENDA O	3766 CROSSROADS DR	
MC REAL ESTATE HOLDINGS LLC	4100 S DANVILLE DR	In Favor
SUNSHINE INVESTMENTS INC	4090 S DANVILLE DR	

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









From: Ron <[REDACTED]>

To: planning <planning@abilenetx.com>

Subject: Case #Z-2014-36

Date: Mon, Jul 28, 2014 3:15 pm

Gentlemen:

Regarding the subject pending case, I am opposed UNTIL I can learn more about the owner's plans following successful re-zoning of the property. My wife & I own the townhome located at 3848 Crossroads Drive. The former Golden Corral was a good neighbor. However, the former Illusion nightclub and current grey caboose weren't and aren't as good. In addition, we've had issues with the carwash and the former K Mart (currently Home Zone) owners from time to time. A lot depends on the intended (and permitted) use as well as how the owner and/or tenant take care of their property.

In addition to owning the townhome at 3848 Crossroads Dr., I also serve as manager for The Crossing Homeowners' Association, representing 63 of the 80 townhomes in the project. Their interests will be a consideration in my ultimate decision to either favor or oppose the matter.

Ron Harrell
[REDACTED]