

City Council  
Agenda Memo



City Council  
Meeting Date: 10/9/2014

**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-2014-34, a request from Housing Providers, LLC, agent EHT, to rezone property from AO (Agricultural Open Space) and PD (Planned Development) to GC (General Commercial) zoning, being 27.15 acres located on the south side of the 600-700 block of E. Stamford St.

**GENERAL INFORMATION**

Currently the property is zoned AO & PD and is undeveloped. The purpose of the zoning is to allow for a mix of commercial uses on the property. The surrounding area is developed generally with single-family residential uses to the south and proposed multi-family residential zoning to the east. The existing PD zoning allows for apartments. The applicant is requesting a change to the GC zoning which would allow for commercial uses.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested zoning is deemed incompatible with the Future Land Use Map and the adjacent residential uses in the area. The frontage along I-20 would be more suitable for retail development with the remainder of the property transitioning to residential uses. The applicant has indicated a possibility of developing a travel trailer park on the rear portion of the site. Maintaining the AO zoning on the rear would provide an option of requesting a Conditional Use Permit for said use in the future.

**STAFF RECOMMENDATION**

Staff recommends approval of GR (General Retail) zoning along the front ±300 feet and rezoning to AO on the remainder of the property.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval of the staff recommendation by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, and Famble) and none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps  
Surrounding Property Owner Responses

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

September 26, 2014

Item No. 7.3

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 25<sup>th</sup> day of September, 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 16<sup>th</sup> day of August, 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 9<sup>th</sup> day of October, 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 9<sup>th</sup> day of October, A.D. 2014.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

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

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) & PD (Planned Development) to GC (General Commercial) & AO (Agricultural Open Space) zoning.

Legal Description:

A0580 SUR 84 T & P RY CO, BLOCK 14, ACRES 27.15

A0580 SUR 84 T & P RY CO, BLOCK 14, ACRES 3.25



Location:

Located on the south side of the 600-700 block of E. Stamford St

-END-

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2014-34

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: LITTLE BETTY ANN  
Address: 2690 MADISON AV

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:

*This property has been on the 100-yr flood plain and flooded at the time of the Columbus Day flood about 30 yrs. ago. Development could cause flooding to adjacent property. Ann Little*

# ZONING CASE Z-2014-34

## STAFF REPORT



### APPLICANT INFORMATION:

Southwest Housing Providers, LLC  
Agent: EHT

### HEARING DATES:

P & Z Commission: September 2, 2014  
City Council 1<sup>st</sup> Reading: September 25, 2014  
City Council 2<sup>nd</sup> Reading: October 9, 2014

### LOCATION:

Being 27.15 acres located on the south side of the 600-700 block of E. Stamford St

### REQUESTED ACTION:

Rezone property from AO (Agricultural Open Space) and PD (Planned Development) to GC (General Commercial) zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 27.15 acres, is undeveloped, and is currently zoned AO & PD. The adjacent properties are zoned RS-8 (Single-Family Residential) to the south, and AO to the west & east, as well as MF (Multi-Family Residential) to the east. Interstate 20 exists to the north.

### ZONING HISTORY:

The property was annexed in 1957 and zoned AO then. The PD zoning was approved in 2003.

### ANALYSIS:

- Current Planning Analysis  
Currently the property is zoned AO & PD and is undeveloped. The purpose of the zoning is to allow for a mix of commercial uses on the property. The surrounding area is developed generally with single-family residential uses to the south and proposed multi-family residential zoning to the east. The existing PD zoning allows for apartments. The applicant is requesting a change to the GC zoning which would allow for commercial uses.
- Comprehensive Planning Analysis  
The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested zoning is deemed incompatible with the Future Land Use Map and the adjacent residential uses in the area. The frontage along I-20 would be more suitable for retail development with the remainder of the property transitioning to residential uses. The applicant has indicated a possibility of developing a travel trailer park on the rear portion of the site. Maintaining the AO zoning on the rear would provide an option of requesting a Conditional Use Permit for said use in the future.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of GR (General Retail) zoning along the front ±300 feet and rezoning to AO on the remainder of the property.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of the staff recommendation by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, 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		
HOLLOWAY PATTI LYNN JONES		
FIRST BAPTIST CHURCH		
HOLLOWAY PATTI LYNN JONES		
PRAIRIE SONG LLC	2668 GARFIELD AV	
PRAIRIE SONG LLC		
LEE BRANDON S	2666 MADISON AV	
HARRISON AMY R	2682 MADISON AV	
PRAIRIE SONG LLC	2660 GARFIELD AV	
BLACKBURN INC CO LLC	2674 MADISON AV	
LEE BRANDON S	2658 MADISON AV	
LITTLE BETTY ANN	2690 MADISON AV	Opposed
SOUTHWEST HOUSING PROVIDERS LLC		
PLOCHECK RUSSELL E & SHIRLENE J	2654 GARFIELD AV	Opposed
RAMSEY LEASING INC	501 E STAMFORD ST	
PETERSON DEMPSEY & TERRI	2650 MADISON AV	
CAWOOD ELIZABETH MARION TR	2650 GARFIELD AV	
CAMPUS CREST AT ABILENE LP	2702 N JUDGE ELY BL	

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









