| | City Council Agenda Memo |
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| CITY OF ABILENE | |
| ABILENE | 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-2014-38, a request from |
| | Donald Hardin, to rezone property from GC (General Commercial) & RS-6 (Single-Family |
| | Residential) to GR (General Retail) zoning, located at 2526 S. 14th St & 1357, 1365, & 1373 |
| | Portland Ave. |

GENERAL INFORMATION

Currently the property is zoned GC & RS-6 and is developed with a commercial use and 3 residential homes. The purpose of the zoning is to allow for retail uses on the property. The surrounding area is developed generally with single-family residential uses to the north and retail uses to the east & west along S. 14th St. McMurry University exists nearby to the southeast. The applicant is requesting a change to the GR zoning which would allow for retail uses similar to those already existing along S. 14th St.

The Future Land Use section of the Comprehensive Plan designates this general area as 'commercial' and is near a 'Local Community Center' node. The S. 14th Street thoroughfare is also classified as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map along the S. 14th St frontage. The area to the north consists of single-family residential uses. The frontage along S. 14th St would be more suitable for retail development with the northernmost property transitioning to residential uses. Maintaining the RS-6 zoning on the northernmost property would provide the transition to single-family residential uses to the north.

STAFF RECOMMENDATION

Staff recommends approval of \overline{GR} (General Retail) zoning for all but the northernmost property (1357 Portland Ave).

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of GR on the 2 north lots and keeping GC zoning on the south lot 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 Response

| Prepared by: | Disposition by City Council | |
|----------------------------------|-----------------------------|---------------------|
| | | □ Approved Ord/Res# |
| Name: <u>Ben Bryner</u> | | Denied |
| Title: Planning Services Manager | Item No. 7.5 | □ Other |
| September 26, 2014 | | 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 <u>25th</u> day of <u>September</u>, A.D. <u>2014</u>.

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 <u>16th</u> day of <u>August</u>, <u>2014</u>, 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 <u>9th</u> day of <u>October</u>, <u>2014</u> 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 <u>9th</u> day of <u>October</u>, A.D. <u>2014</u>.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO.

EXHIBIT "A"

Rezone property from RS-6 (Single-Family Residential) to GR (General Retail) zoning.

Legal Description:

CAREY PLACE ADDN, BLOCK 4, LOT S/2 OF 8 & N/2 OF 9 CAREY PLACE ADDN, BLOCK 4, LOT S/2 OF 9 & N/2 OF 10



Location: 1357 & 1365 Portland Ave

-END-

BETTY J ShERRell 13411 PORTLAND Que 79605 For the PLANNING & ZONING COMMISSION Please call at (325) 676-6237 if you have any questions about this notice. CASE #: Z-2014-38 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: SHERRELL BETTY J LIFE ESTATE Address: 1341 PORTLAND AV Fax #: (325) 676-6242 Mailing To: Planning and Development Services email: planning@abilenetx.com P.O. Box 60, Abilene TX 79604 address above. I have been in ill realth sur m Heart Surgery on 3/25/14, I am apposed to the Reg Additional Comments: a friend Foliens 1318 1342 350 1358 1386 1326 2002 1418 1426 TH-ST-1317 1373 1325 1333 1341 1349 1357 1365 2638 425 2041 1441 TS JJAHSHAM Ule have enought business ane now with olet adding et v busines oth

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APPLICANT INFORMATION: Donald Hardin

HEARING DATES:

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

LOCATION:

2526 S. 14th St & 1357, 1365, & 1373 Portland Ave

REQUESTED ACTION:

Rezone property from GC (General Commercial) & RS-6 (Single-Family Residential) to GR (General Retail) zoning

SITE CHARACTERISTICS:

The subject parcel totals approximately 0.67 acres and is currently zoned GC & RS-6. The adjacent properties are zoned RS-6 (Single-Family Residential) to the north, GC to the west & east, and CU (College University) to the south.

ZONING HISTORY:

The property was annexed in 1923 and was zoned GC & RS-6 sometime after.

ANALYSIS:

<u>Current Planning Analysis</u>

Currently the property is zoned GC & RS-6 and is developed with a commercial use and 3 residential homes. The purpose of the zoning is to allow for retail uses on the property. The surrounding area is developed generally with single-family residential uses to the north and retail uses to the east & west along S. 14th St. McMurry University exists nearby to the southeast. The applicant is requesting a change to the GR zoning which would allow for retail uses similar to those already existing along S. 14th St.

• <u>Comprehensive Planning Analysis</u>

The Future Land Use section of the Comprehensive Plan designates this general area as 'commercial' and is near a 'Local Community Center' node. The S. 14th Street thoroughfare is also classified as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map along the S. 14th St frontage. The area to the north consists of single-family residential uses. The frontage along S. 14th St would be more suitable for retail development with the northernmost property transitioning to residential uses. Maintaining the RS-6 zoning on the northernmost property would provide the transition to single-family residential uses to the north.





PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GR (General Retail) zoning for all but the northernmost property (1357 Portland Ave).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval of GR on the 2 north lots and keeping GC zoning on the south lot 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 |
|-------------------------------|------------------|----------|
| HARDIN DONALD D | 1357 PORTLAND AV | In Favor |
| KKTHAX INVESTMENTS LLC | 1326 PORTLAND AV | |
| MC ALLISTER CURTIS K | 1333 PORTLAND AV | |
| FAVOR JUDY | 1342 PORTLAND AV | |
| HAYNES MARK | 1350 PORTLAND AV | |
| SHERRELL BETTY J LIFE ESTATE | 1341 PORTLAND AV | Opposed |
| HUNT ZELMA WADE | 1325 PORTLAND AV | Opposed |
| WEST TEXAS UTILITIES CO | 1402 ROSS AV | |
| MC MURRY UNIVERSITY | 1426 ROSS AV | |
| MUELLER DOYLE | 1334 PORTLAND AV | Opposed |
| STONEHENGE INVESTMENTS LLC | 1358 PORTLAND AV | |
| HARDIN DONALD DEAN JR | 1365 PORTLAND AV | In Favor |
| DUNCAN RANDY & DIANA | 1349 PORTLAND AV | |
| HILL PEARL FRANCES | 1366 PORTLAND AV | |
| HARDIN DONALD D | 1373 PORTLAND AV | In Favor |
| PRITCHETT NATHANIEL & JESSICA | 1342 ROSS AV | |
| WORRELL MATT & BETH | 1410 PORTLAND AV | |
| HARDIN DONALD D | 2526 S 14TH ST | In Favor |
| MC MURRY UNIVERSITY | 2525 S 14TH ST | |
| WHITTEN LARRY | 2602 S 14TH ST | In Favor |
| WATSON MOON SHIRLEY | 1326 ROSS AV | |
| LAIRD LISA ANN | 2510 S 14TH ST | In Favor |
| HARRELL SHERYL | 1350 ROSS AV | |
| FRAZIER JOLEENA P | 1334 ROSS AV | |
| WTG FUELS INC | 2450 S 14TH ST | |

6 in Favor- ${f Y}$

3 Opposed- N



Case # Z-2014-38 Updated: September 15, 2014





