

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-2014-40, a request from Warren Harkins, agent Jeanne Shaw, to rezone property from PD (Planned Development) to HC (Heavy Commercial) zoning, located at 3701 & 3725 W. Lake Rd.

GENERAL INFORMATION

Currently the property is zoned PD and is developed with multiple buildings that were previously used for oilfield services that existed on the property prior to annexation. The purpose of the zoning change request is to allow for outdoor display and rental of equipment and machinery on the property. The current zoning is restrictive and does not permit for this use. Specifically, a PD district was created to limit the uses on the property to be compatible with the adjacent residential uses. Any other uses would be required to conform to the GC (General Commercial) zoning regulations. The surrounding area is developed generally with manufactured homes to the north and east. The applicant is requesting a change to the HC zoning which would allow for the propose use.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential development. The requested zoning would be to specifically allow for outdoor display and rental of equipment and machinery not allowed in the existing PD zoning. The area has developed with manufactured homes to the north and east. The requested HC zoning in this location is deemed incompatible with the Future Land Use Map and the adjacent uses in the area.

STAFF RECOMMENDATION

Staff recommends denial.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of modifying the existing PD zoning to allow for the "heavy equipment sales, rental, repair & display" use with several added regulations 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:

Name: Ben Bryner

Title: Planning Services Manager

September 26, 2014

Item No. 7.7

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, CONCERNING PD-30 AND ORDINANCE NO. 37-1985, A PLANNED DEVELOPMENT DISTRICT; 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 Ordinance No. 37-1985, 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.

PASSED ON FIRST READING this 25th 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 16th 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 9th 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 9th day of October, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

1st Amendment to Ordinance No. 37-1985

An ordinance to amend the Northern Heights Planned Development zoning district (Ordinance number 37-1985) in the following manner:

DELETE: Part 6: Purpose, Letter A & B:

- A. Make conforming the existing manufacturing and oilfield service activity having existing at the site since prior to its annexation in 1980.
- B. Allow for new construction and expansion of buildings for those above-mentioned activities, within prescribed limits defined in the following Part 7.

ADD: Part 6: Purpose, Letter A:

- A. Allow for heavy equipment sales, rental, repair & display within the boundary of this PD, within prescribed limits defined in the following Part 7.

DELETE: Part 7: Specific Modifications, Letter A, numbers 1 - 3:

1. On Lot 1, ongoing activity for light fabrication and assembly shall be permitted and may even expand their facilities, within limits prescribed further below.
2. On Lot 2, ongoing activity for oilfield services shall be permitted and may even expand their facilities, within limits prescribed further below.
3. One or more buildings for retail sales (of goods manufactured onsite) shall be permitted on Lot 1.

ADD: Part 7, Specific Modifications, Letter A, number 1 & 2:

1. On Lot 1 & Lot 2, heavy equipment sales, rental, repair & display shall be permitted, within limits prescribed further below.
2. The following regulations shall apply to the heavy equipment sales, rental, repair & display use:
 - a. The hours of operation shall be limited from 7 a.m. to 7 p.m.
 - b. All outdoor lighting shall be shielded per the Land Development Code (LDC).
 - c. There shall be a 15' buffer zone from the east property line where no outdoor display is allowed.
 - d. A 7' tall opaque fence shall be required along the east property line.

-END-

ZONING CASE Z-2014-40

STAFF REPORT



APPLICANT INFORMATION:

Warren Harkins
Agent: Jeanne Shaw

HEARING DATES:

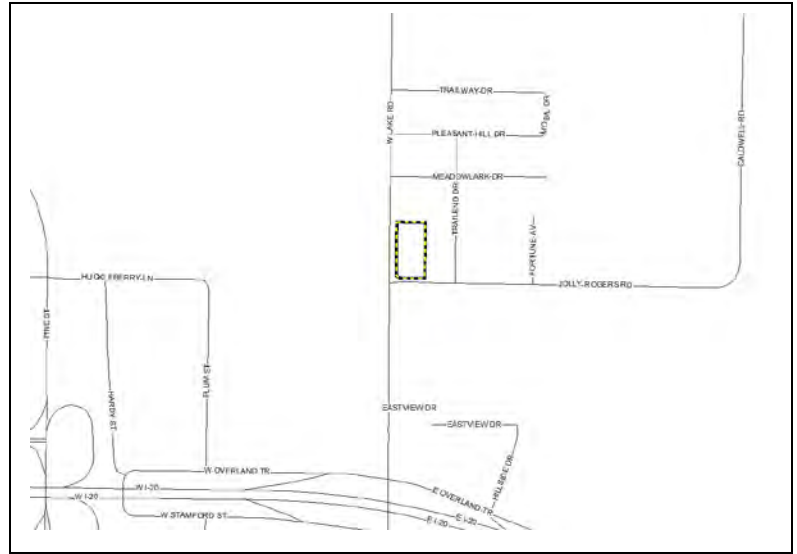
P & Z Commission: September 2, 2014
City Council 1st Reading: September 25, 2014
City Council 2nd Reading: October 9, 2014

LOCATION:

3701 & 3725 W. Lake Rd

REQUESTED ACTION:

Rezone property from PD (Planned Development)
to HC (Heavy Commercial) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 1.96 acres and is currently zoned PD. The parcel is developed with multiple buildings that were previously used for oilfield services that existed on the property prior to annexation. The adjacent properties are zoned NR (Neighborhood Retail) to the north, MH (Manufactured Home/Mobile Home) to the east, MD (Medium Density) to the south, AO (Agricultural Open Space) to the west.

ZONING HISTORY:

The property was annexed in 1980 and was zoned PD in 1985.

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned PD and is developed with multiple buildings that were previously used for oilfield services that existed on the property prior to annexation. The purpose of the zoning change request is to allow for outdoor display and rental of equipment and machinery on the property. The current zoning is restrictive and does not permit for this use. Specifically, a PD district was created to limit the uses on the property to be compatible with the adjacent residential uses. Any other uses would be required to conform to the GC (General Commercial) zoning regulations. The surrounding area is developed generally with manufactured homes to the north and east. The applicant is requesting a change to the HC zoning which would allow for the propose use.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential development. The requested zoning would be to specifically allow for outdoor display and rental of equipment and machinery not allowed in the existing PD zoning. The area has developed with manufactured homes to the north and east. The

requested HC zoning in this location is deemed incompatible with the Future Land Use Map and the adjacent uses in the area.

PLANNING STAFF RECOMMENDATION:

Staff recommends denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

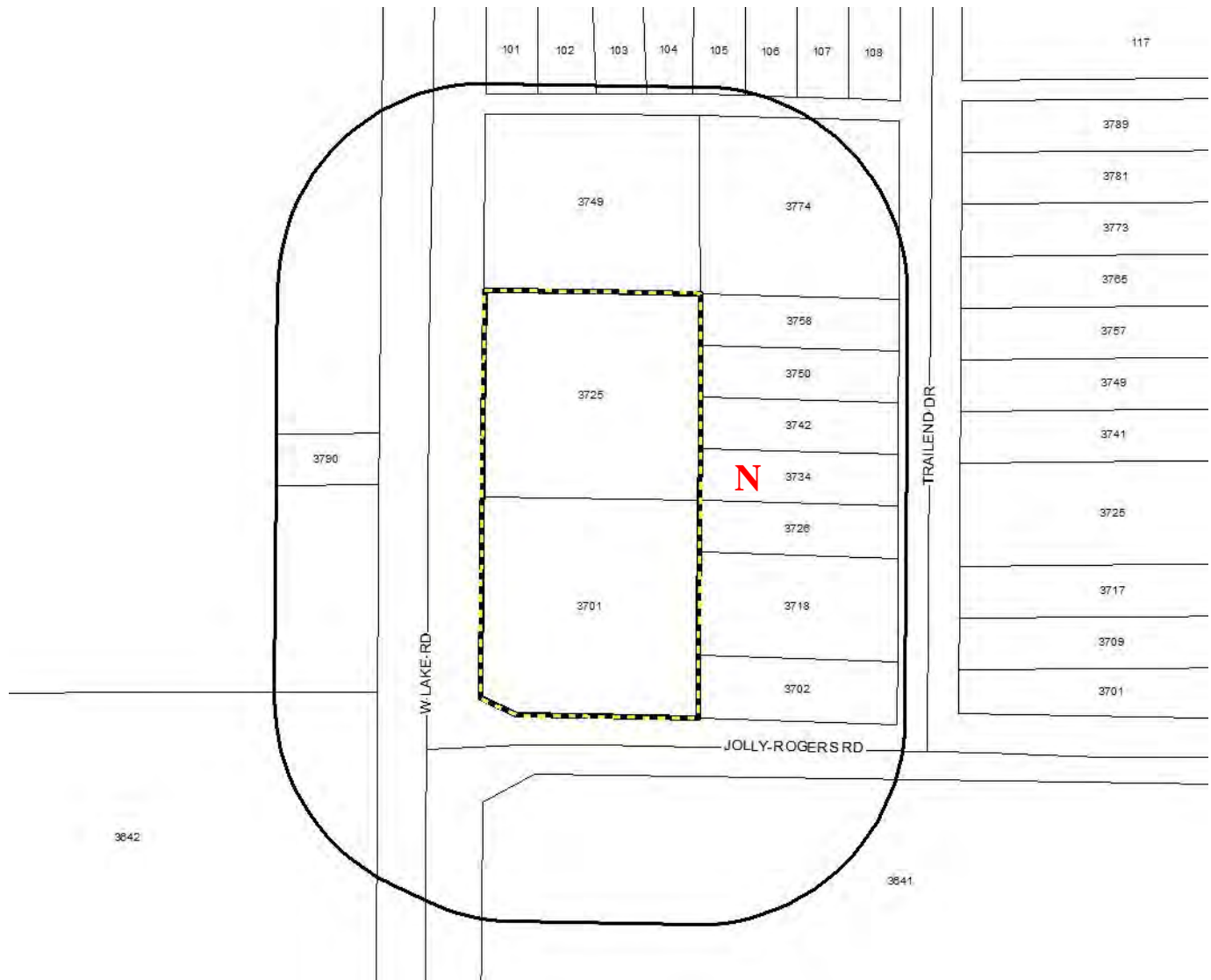
The Planning and Zoning Commission recommends approval of modifying the existing PD zoning to allow for the “heavy equipment sales, rental, repair & display” use with several added regulations by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
HANTMAN JOSEPH	105 MEADOWLARK DR	
HARCOM LAND & CATTLE CO	3749 W LAKE RD	
HANTMAN JOSEPH	106 MEADOWLARK DR	
HANTMAN JOSEPH	101 MEADOWLARK DR	
HANTMAN JOSEPH	3758 TRAIEND DR	
HANTMAN JOSEPH M TR	3774 TRAIEND DR	
WORTHAN A D	104 MEADOWLARK DR	
HANTMAN JOSEPH	102 MEADOWLARK DR	
DANKWORTH DAN & SHELIA	3790 W LAKE RD	
HANTMAN JOSEPH	103 MEADOWLARK DR	
PEREZ LARRY	3734 TRAIEND DR	Opposed
HARKINS WARREN	3725 W LAKE RD	
EDWARDS BRUCE LYNN	3641 W LAKE RD	
FAIRCLOTH DEBORAH KAY	3718 TRAIEND DR	
HANTMAN JOSEPH	3726 TRAIEND DR	
CLARK MARY FRAZIER	3642 W LAKE RD	
DANKWORTH DAN & SHELIA		
HARKINS WARREN	3701 W LAKE RD	
GILMORE MYRIAL	3750 TRAIEND DR	
SCHOW RICHARD E & JANICE M	3742 TRAIEND DR	
WAGGONER NATTHAN	3702 TRAIEND DR	

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









For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2014-40

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: PEREZ LARRY
Address: 3734 TRAIEND DR

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

Additional Comments:

I am opposed

Due to the loud noise
of heavy equipment when turned on,
in the mornings. My Home has
thin walls and I'm right next
to the lot, ~~to~~ that is mentioned.