

City Council
Agenda Memo



City Council
Meeting Date: 11/06/2014

TO: David A. Vela, Interim City Manager

**FROM: Jon James, AICP
Director of Planning and Development Services**

SUBJECT: APPEALED ITEM - Final reading and public hearing on an ordinance for Case No. Z-2014-43, a request from Rissan, Inc, to rezone property from RS-8 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at 2352 S. 33rd St.

GENERAL INFORMATION

Currently the property is zoned RS-8 and is developed with a home. The surrounding area is developed generally with residential uses to the north, south, & east. The properties across Buffalo Gap Rd are developed with an elderly care facility, a health spa, and a bank. Buffalo Gap Rd is designated as an arterial street. The applicant is requesting the NR zoning for development of a neighborhood retail store or office building. Staff has concerns about the traffic that the potential uses would generate. Typically, retail zoning would be located at intersections or in nodes designated for retail/commercial activity. Although other retail/commercial property exists nearby, this property is more of a mid-block location that is not suitable for this zoning.

The Future Land Use section of the Comprehensive Plan designates this area as 'low-density residential'. Buffalo Gap Rd is also designated as an "enhancement corridor" north of Winters Freeway. The general area on the east side of Buffalo Gap Rd is developed with single-family homes. The request is deemed incompatible with the Future Land Use Map.

STAFF RECOMMENDATION

Staff recommends denial.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

- Appeal Letter
- Ordinance
- Staff Report with Maps
- Surrounding Property Owner Responses

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

October 27, 2014

Item No. 7.4

Disposition by City Council

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

City Secretary

Ressan, Inc.

P.O. Box 5387, Abilene, Texas 79608

October 14, 2014

City Council of City Abilene
City Hall
555 Walnut Street
Abilene, Texas 79604

**RE: Request an Appeal of Planning and Zoning Commission Decision on
Case: Z-2014-43
Property Address: 2352 S. 33rd Street, Abilene, Texas 79605**

Dear Honorable Mayor Archibald and Council Members;

I respectfully request to file a formal appeal of the Planning and Zoning Commission's decision to decline a request to change the zoning on the above referenced property from RS-8 to Neighborhood Office from the October 6, 2014 meeting.

I look forward to the opportunity to present my appeal to City Council.

If there is any additional information that you may require, please let me know. I can be reached at 325.669.3453 or by email at ressan32@gmail.com.

Sincerely,



Daniel M. Nasser
President/CEO
Ressan, Inc.

Real Estate Management – Development - Investments

Cell: 325.669.3453 E-mail: ressan32@gmail.com

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 23rd day of October, 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 19th day of September, 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 6th day of November, 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 6th day of November, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from RS-8 (Single-Family Residential) to NR (Neighborhood Retail) zoning.

Legal Description:

MOUNTAIN VIEW ADDN, BLOCK 1, LOT 1



Location:
2352 S. 33rd St

-END-

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2014-43

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: ELAM CONNIE SMITH &
Address: 2344 S 33RD ST

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 NOT I am opposed

Additional Comments:

Providing a minimum 8 FT privacy
Fence is constructed between
them & us ; EXTENDING TO
CRAVET

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2014-43

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: BIEBERLY BARBARA JEAN
Address: 2349 S 33RD ST

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:

I don't think this would be a street
for a business due to the 3 schools that use
this street for students walking and driving to
them.

Thank you
Mrs. Barbara Beebeily
2349 S 33rd Street

ZONING CASE Z-2014-43

STAFF REPORT



APPLICANT INFORMATION:

Ressan, Inc.

HEARING DATES:

P & Z Commission: October 6, 2014

City Council 1st Reading: October 23, 2014

City Council 2nd Reading: November 6, 2014

LOCATION:

2352 S. 33rd St

REQUESTED ACTION:

Rezone property from RS-8 (Single-Family Residential) to NR (Neighborhood Retail) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.42 acres and is currently zoned RS-8. The adjacent properties are zoned RS-8 to the north, south, and east. The properties to the west are zoned PD (Planned Development).

ZONING HISTORY:

The property was annexed in 1957 and was zoned RS-8 sometime after.

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned RS-8 and is developed with a home. The surrounding area is developed generally with residential uses to the north, south, & east. The properties across Buffalo Gap Rd are developed with an elderly care facility, a health spa, and a bank. Buffalo Gap Rd is designated as an arterial street. The applicant is requesting the NR zoning for development of a neighborhood retail store or office building. Staff has concerns about the traffic that the potential uses would generate. Typically, retail zoning would be located at intersections or in nodes designated for retail/commercial activity. Although other retail/commercial property exists nearby, this property is more of a mid-block location that is not suitable for this zoning.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this area as 'low-density residential'. Buffalo Gap Rd is also designated as an "enhancement corridor" north of Winters Freeway. The general area on the east side of Buffalo Gap Rd is developed with single-family homes. The request is deemed incompatible with the Future Land Use Map.

PLANNING STAFF RECOMMENDATION:

Staff recommends denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

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

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ELAM CONNIE SMITH & DANNY WAYNE	2344 S 33RD ST	In Favor
GALLION GIULIA	2328 S 33RD ST	
HARRIS BOYD ELLSWORTH	2336 S 33RD ST	Opposed
HERBST RONALD J & VICKI K	3349 BUFFALO GAP RD	
OSBORNE ED A	12 ERIE CR	Opposed
PATE GRANT & LORI	10 ERIE CR	Opposed
BOCANEGRA ARMANTINA & AGUSTIN	2333 S 33RD ST	
PROEUN YAN & KIMEANA HONG	3217 BUFFALO GAP RD	
DOBY ARLEY M	3247 BUFFALO GAP RD	
AKIN LUANN C	3301 BUFFALO GAP RD	In Favor
DEATHERAGE JAMES BURL	2341 S 33RD ST	
RESSAN INC	2352 S 33RD ST	In Favor
BIEBERLY BARBARA JEAN	2349 S 33RD ST	Opposed
TEXAS HCP AL LP	3234 BUFFALO GAP RD	
HASKELL NATIONAL BANK	3202 BUFFALO GAP RD	
CHILDRESS CODY & ANGELA	3226 BUFFALO GAP RD	

3 in Favor- **Y**
4 Opposed- **N**







