

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 4th day of December, 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 4th day of December, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

10/16/14

CITY OF ABILENE

To whom it may concern,

I would like to appeal the rezoning decision regarding 2126 Campus Court from residential to neighborhood retail. Thank you for your consideration.

Sincerely,



Caleb Ensor

CASE #: Z-2014-44

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: OLIVER WM GARY &
Address: 657 EN 22ND 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:

We are concerned about property devaluation, noise, parking and safety. Cars parked on Campus Ct near the corner of 62nd make pulling out onto Campus Ct. dangerous

Ray
Deborah S. Oliver 10/1/2014

You may attach additional sheets if needed below. All correspondence must include your name and address.

Name: CHILDERS LINDA
Address: 665 EN 22ND 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:

The noise, business activity, and traffic would be detrimental to surrounding residences and the neighborhood. Tight spacing around the limited, T-intersection means that additional activity and parking would further limit visibility, disrupt pedestrians, and affect safety in the area.

Jeff Childers
Linda Childers

CASE #: Z-2014-44

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Name: HARDEGREE ERIC L & ROBBIN L
Address: 666 EN 22ND 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:

We have several concerns:
1) The streets in our neighborhood are not suitable to handle the amount of traffic that would be generated. There is not sufficient parking space, nor is the width of the street wide enough to permit two-way traffic when cars are parked on both sides.
2) People of all ages walk, jog and ride bikes up and down our street. The parking problems and excess traffic would pose a danger and increased potential for accidents.
3) Our property values would decrease.
4) This venue would generate loud music, which would be unwelcome to the neighborhood to listen to it. We ask that this request be refused.

Eric Hardegree
Robbin Hardegree

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Name: SCUDDER JAMES M & MANDY
Address: 658 EN 22ND 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:

- ① If he'd like to open a coffee shop, he should purchase Bitsy's Flowers.
- ② Parking is a major issue on the corner of Campus Court and E.N. 22nd Street, blocking school buses and Citylink.

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Name: SUSAN PIGEON 2200 Campus Ct
Address: 4 CYPRESS POINT ABILENE, TX 79606

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:

SP RENTALS, L.L.C
Susan Pigeon

Parking concerns - unknown of what future business will be there? RETAIL
Safety - for cars + walkers -
where do people park ?? TO MUCH UNKNOWN

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Name: Norma Jean DuBose
Address: 642 E.N. 21ST - Ab, TX 79601

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 believe this would cause too much extra traffic, as well as take extra parking spaces. This area is already heavily traveled and home owners in that area will be overrun with too many extra cars, etc. Please consider these long time home owners + oppose this request.

M... 1 D. R

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: ABILENE CHRISTIAN UNIV
Address: 2118 CAMPUS CT

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:

ACU is concerned that this potential rezoning will hurt the residential neighborhood due to lack of parking, increased traffic, increased noise and lighting at night. In addition, it appears that the zoning code of NR could allow a liquor store in this location, which would be undesirable.

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Name: ABILENE CHRISTIAN UNIV
Address: 1600 CAMPUS CT

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:

ACU is concerned that this potential rezoning will hurt the residential neighborhood due to lack of parking, increased traffic, increased noise and lighting at night. In addition, it appears that the zoning code of NR could allow a liquor store in this location, which would be undesirable.

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Name: ABILENE CHRISTIAN UNIVERSITY
Address: 666 EN 21ST 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:

ACU is concerned that this potential rezoning will hurt the residential neighborhood due to lack of parking, increased traffic, increased noise and lighting at night. In addition, it appears that the zoning code of NR could allow a liquor store in this location, which would be undesirable.

Bryner, Ben

From: Reports, Planning
Sent: Monday, October 13, 2014 1:11 PM
To: Bryner, Ben
Subject: FW: Rezoning Application Number Z-2014-44

-----Original Message-----

From: D&T Agnew [mailto:txconchfr@sbcglobal.net]
Sent: Thursday, October 2, 2014 3:02 PM
To: Reports, Planning
Subject: Rezoning Application Number Z-2014-44

I am going to start by saying I am opposed to the rezoning of the house at 2126 Campus Ct. to Neighborhood Retail. I am a registered voter living three houses north at 2218 Campus Ct. I am also extremely angry that I did not receive notice of the rezoning application. How would YOU feel if a bar or smoke shop type of business was zoned THREE houses from your home and you were not notified that it was going to happen. To me, this is almost criminal and typically bureaucratic. We in this neighborhood were not notified what business is being planned. Rumors are that it is a coffee shop for ACU students. There is a coffee shop three blocks south in the dorm on Campus Ct. Ambler Blvd. is three blocks north and zoned for business and Judge Ely is one block east and zoned for business. Walmart and all kinds of businesses are one mile east down Hwy. 351. I would venture to say that almost every student has a car or a friend that does. I think that if you take one house from the neighborhood for business, then more will follow. Leave the neighborhood alone for families. I am not able to attend the meeting due to the short notice of the hearing and prior commitments but my neighbors know of this e-mail and I ask that it be read into the record. Again I say that I am strongly AGAINST this rezoning.

Bryner, Ben

From: Robbin Hardegree <robbinlouise@suddenlink.net>
Sent: Tuesday, November 04, 2014 8:33 AM
To: McAlister, Kyle; Hardaway, Jay; shane.price@abilentx.com; Spano, Joe; Williams, Anthony; Archibald, Norm; Vela, David; Bryner, Ben
Subject: Rezoning of 2126 Campus Court

City Council,

On this Thursday you will meet to consider the request to rezone the house at 2126 Campus Court from Residential to Neighborhood Retail zoning. I live in close proximity to this property and ask that you deny this request. I, as well as my neighbors, will be in attendance at the meeting. Please consider our arguments against the rezoning of this property. Thank you.

Robbin Hardegree
robbinlouise@suddenlink.net

Bryner, Ben

From: James, Jon
Sent: Tuesday, November 04, 2014 1:12 PM
To: Bryner, Ben
Subject: FW: Rezoning 2126 Campus Ct.

FYI

From: Vela, David
Sent: Tuesday, November 4, 2014 1:04 PM
To: James, Jon; Dunlap, Danette
Subject: FW: Rezoning 2126 Campus Ct.

FYI

David A. Vela
Interim City Manager
City of Abilene

*“We work together to provide a community of the highest quality
for present and future generations.”*

From: Jeff Childers [<mailto:childersj@acu.edu>]
Sent: Tuesday, November 04, 2014 11:39 AM
To: Vela, David
Subject: Rezoning 2126 Campus Ct.

Dear David,

I am writing to let you know of my opposition to the following rezoning proposal, which is scheduled to be read before the City Council this week:

Z-2014-44: to rezone property at 2126 Campus Ct. from RS-8 (Single-Family Residential) to NR (Neighborhood Retail) zoning

I live at 665 E.N. 22nd, adjacent to the property under consideration.

We are a residential neighborhood, with one of the highest ratios of resident-owned properties in this area. I and my family are opposed to changing one of the residences into a small business and thereby disrupting the tone of the neighborhood. Whether we are talking about a coffee shop or any of a host of other businesses that could be installed under NR, the impact on the neighborhood would be detrimental to a significant degree. I am thinking especially of parking and traffic. Visibility at the T-intersection of 22nd and Campus Ct. is already hindered by parked vehicles, creating a safety hazard that would only be intensified with the installation of a business at the corner. The street is narrow and often only one line of traffic can get through as it is. We have

many pedestrians, including young children, moving along this street towards the park at the west end or the ACU campus at the east end, and the prospect of more parked vehicles and increased traffic flow poses safety issues. Especially if students are a major clientele, there will be a substantial need for additional parking and space for traffic flow than presently exists anywhere near the property in question. We anticipate that a business, if even marginally successful, would consume residential parking that homeowners need and also block alleyway access that many residents require.

We look forward to being present at the meeting this week and presenting our views in the public hearing.

Thank you for listening! I appreciate your service to the city.

All the best,

Jeff Childers

Each of us is an allegory, embodying in a particular tale and clothed in the garments of time and place, universal truth and everlasting life.
J.R.R. Tolkien (7 June 1955)

From: Sawyer Reed [<mailto:sawyer.reed@tomjames.com>]
Sent: Tuesday, November 25, 2014 7:40 PM
To: Vela, David
Subject: Campus Court Rezoning

David,

In light of the current decisions to be made regarding the rezoning of the Campus Court area, I just wanted to voice my opinion as to why this area should be changed to Neighborhood Retail.

If you would please pass this along to the City Council members and other decision makers alike:

I am a recent ACU graduate, and my family owns the home located at [2210 Campus Court](#) (a few houses North of proposed site). I lived in this house for three years, so I know firsthand the pros/cons of having property adjacent to ACU. The proximity was a luxury getting around campus, but it was also a very popular street with a lot going on, which I will discuss below.

1.) Considering Campus Court is already one of the busiest streets in NE Abilene, it is hard to believe that other residents in the Campus Court area are complaining that a coffee shop will cause too much traffic. Campus Court residents are accustomed to traffic! On the street alone you have three different dormitories, the Brown Library, ACUPD, Pura Vida Salon, Moody Coliseum, ACU Press, Hardin Administration Building, and not to mention the new sports facilities being built that will forever change the dynamic of the ACU campus. These facilities will allow ACU to host a numerous amount of additional sporting and entertainment events each year bringing in thousands of city residents and out of town guests. I can definitely see how a football stadium would increase traffic tremendously in the Campus Court area - but not a small coffee shop.

2.) Having lived across the street from campus during my undergrad, I can honestly say I drove my car to class less than ten times in three years. Unless you lived in Heritage Park or some other off campus housing, you walked to and from class. I say this because the proposed coffee shop's main target audience is college students. The same students who either walk or ride a bike 90% of the time around campus. The majority of the "traffic" the coffee shop would see, would primarily be from students on foot or bike - not causing parking problems a few of the other residents are fearful of.

3.) As a former ACU student and Campus Court resident, I would love to see this property rezoned to Neighborhood retail. There is no denying the Campus Court area is a changing one with exciting days ahead, primarily due to the new sports facilities being built. To hinder other beneficial projects along with it, like a coffee shop, would be a shame. If it is denied it will discourage other entrepreneur/developers from spending their time, money and efforts in an area that the city council will veto.

Thank you.

Sawyer Reed

Tom James of Abilene

[\(806\) 433-4989](tel:(806)433-4989)

www.tomjames.com

Click [HERE](#) to see my LinkedIn page

ZONING CASE Z-2014-44

STAFF REPORT



APPLICANT INFORMATION:

Caleb Ensor

HEARING DATES:

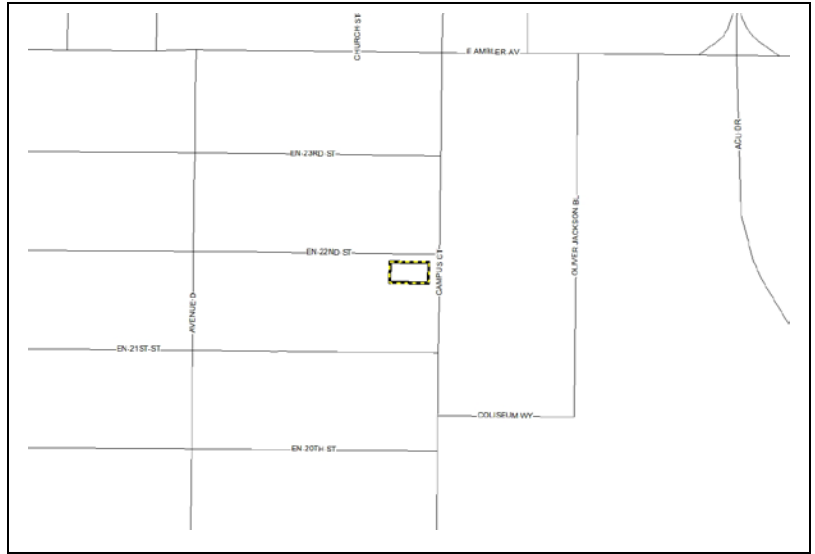
P & Z Commission: October 6, 2014
City Council 1st Reading: October 23, 2014
City Council 2nd Reading: November 6, 2014
-Tabled to December 4, 2014

LOCATION:

2126 Campus Ct

REQUESTED ACTION:

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



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.24 acres and is currently zoned RS-8. The adjacent properties are zoned RS-8 to the north, south, and west. The property to the east is Abilene Christian University and is zoned CU (College University).

ZONING HISTORY:

The property was annexed in 1952 and was zoned RS-8 at that time.

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, & west. The property across Campus Ct to the east is Abilene Christian University. Campus Ct is designated as a 'collector' street. The applicant is requesting the NR zoning for development of a neighborhood retail store, such as a coffee shop. 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. However being adjacent to the university, this neighborhood has a greater pedestrian population as students walk to and from school. This property is oriented toward Campus Ct. An alley separates it from the adjacent lot to the west. Additionally, there are other properties with similar uses further south on Campus Ct.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this area as 'low-density residential'. The general area on the west side of Campus Ct is developed with single-family homes. Abilene Christian University exists to the east across Campus Ct. This area has seen some mixed-use development on properties further south.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

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
CLIFFORD PATRICIA RUTH	649 EN 22ND ST	
CHILDERS JEFFERY W & LINDA D	665 EN 22ND ST	Opposed
PALMER PHILIP D & ELAINE	650 EN 21ST ST	Opposed
HAMBY ELEANOR RUTH	658 EN 21ST ST	Opposed
STRADER REBECCA W	650 EN 22ND ST	Opposed
SCUDDER JAMES M & MANDY	658 EN 22ND ST	Opposed
ABILENE CHRISTIAN UNIVERSITY	666 EN 21ST ST	Opposed
OLIVER WM GARY & DEBORAH S	657 EN 22ND ST	Opposed
HARDEGREE ERIC L & ROBBIN L	666 EN 22ND ST	Opposed
ABILENE CHRISTIAN UNIV	2118 CAMPUS CT	Opposed
REED THOMAS & LISA W & REED SHAYLI	2210 CAMPUS CT	Opposed
ENSOR CALEB	2126 CAMPUS CT	In Favor
ABILENE CHRISTIAN UNIV	1600 CAMPUS CT	Opposed
CAMPUS COURT PARTNERSHIP	2110 CAMPUS CT	
G & H LEWIS HOLDINGS LTD	2102 CAMPUS CT	
SP RENTALS LLC	2202 CAMPUS CT	Opposed

1 in Favor- **Y**
 15 Opposed- **N** (3 outside 200')









