

City Council  
Agenda Memo



City Council  
Meeting Date: 12/18/2014

**TO: David A. Vela, Interim 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-2014-48, a request from Danville O5, agent Tom Niblo, to rezone property from PD (Planned Development) to MU (Medical Use) zoning, located at 3434 Mabray Ln.**

**GENERAL INFORMATION**

Currently the property is zoned PD-26 and is undeveloped. This is part of a larger PD boundary that is developed with offices to the east and single-family residential lots to the north. This property is currently zoned to allow for more single-family residential lots. The applicant is requesting the MU zoning similar to the zoning on the south side of Mabray Ln. The MU zoning district allows for medical offices, surgery centers, as well as a hospital. The NO (Neighborhood Office) was created to allow for office uses, but with maximum building size and hours of operation regulations to protect adjacent residential uses.

The Future Land Use section of the Comprehensive Plan designates the area as 'low density residential'. The requested zoning would allow for medical office uses, including a hospital. Although this zoning would allow for office uses, the requested zoning allows for more intense uses that would not be compatible with the adjacent uses and the Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff recommends approval of NO (Neighborhood Office) zoning to allow for office uses but provide the protections to adjacent residential uses.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval of NO zoning by a vote of 6 in favor (Bixby, Ellinger, Glenn, McClarty, Rosenbaum & Famble), none opposed, and 1 abstained (Calk).

**ATTACHMENTS**

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

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 5, 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 4<sup>th</sup> day of December, 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 14<sup>th</sup> day of November, 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 18<sup>th</sup> 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 18<sup>th</sup> day of December, A.D. 2014.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

Rezone property from PD (Planned Development) to NO (Neighborhood Office) zoning.

Legal Description:

COUNTRYSIDE SOUTH SEC 3, BLOCK B, LOT REM OF 201 REP, ACRES 2.006



Location:  
3434 Mabray Ln

-END-

# ZONING CASE Z-2014-48

## STAFF REPORT



### APPLICANT INFORMATION:

Danville O5

Agent: Tom Niblo

### HEARING DATES:

P & Z Commission: December 1, 2014

City Council 1<sup>st</sup> Reading: December 4, 2014

City Council 2<sup>nd</sup> Reading: December 18, 2014

### LOCATION:

3434 Mabray Ln

### REQUESTED ACTION:

Rezone property from PD (Planned Development) to MU (Medical Use) zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 1.93 acres and is currently zoned PD-26. The adjacent properties are zoned LI to the north & east, PH (Patio Home) to the west, and RS-12 (Single-Family Residential) & MU to the south. A part of this property and the properties to the east are within the Buffalo Gap Corridor Overlay.

### ZONING HISTORY:

The property was annexed in 1963 and was zoned PD-26 in 1984. The PD zoning originally allowed for office development on this property but was amended to allow single-family residential development only.

### ANALYSIS:

#### • Current Planning Analysis

Currently the property is zoned PD-26 and is undeveloped. This is part of a larger PD boundary that is developed with offices to the east and single-family residential lots to the north. This property is currently zoned to allow for more single-family residential lots. The applicant is requesting the MU zoning similar to the zoning on the south side of Mabray Ln. The MU zoning district allows for medical offices, surgery centers, as well as a hospital. The NO (Neighborhood Office) was created to allow for office uses, but with maximum building size and hours of operation regulations to protect adjacent residential uses.

#### • Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as 'low density residential'. The requested zoning would allow for medical office uses, including a hospital. Although this zoning would allow for office uses, the requested zoning allows for more intense uses that would not be compatible with the adjacent uses and the Comprehensive Plan.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of NO (Neighborhood Office) zoning to allow for office uses but provide the protections to adjacent residential uses.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of NO zoning by a vote of 6 in favor (Bixby, Ellinger, Glenn, McClarty, Rosenbaum & Famble), none opposed, and 1 abstained (Calk).

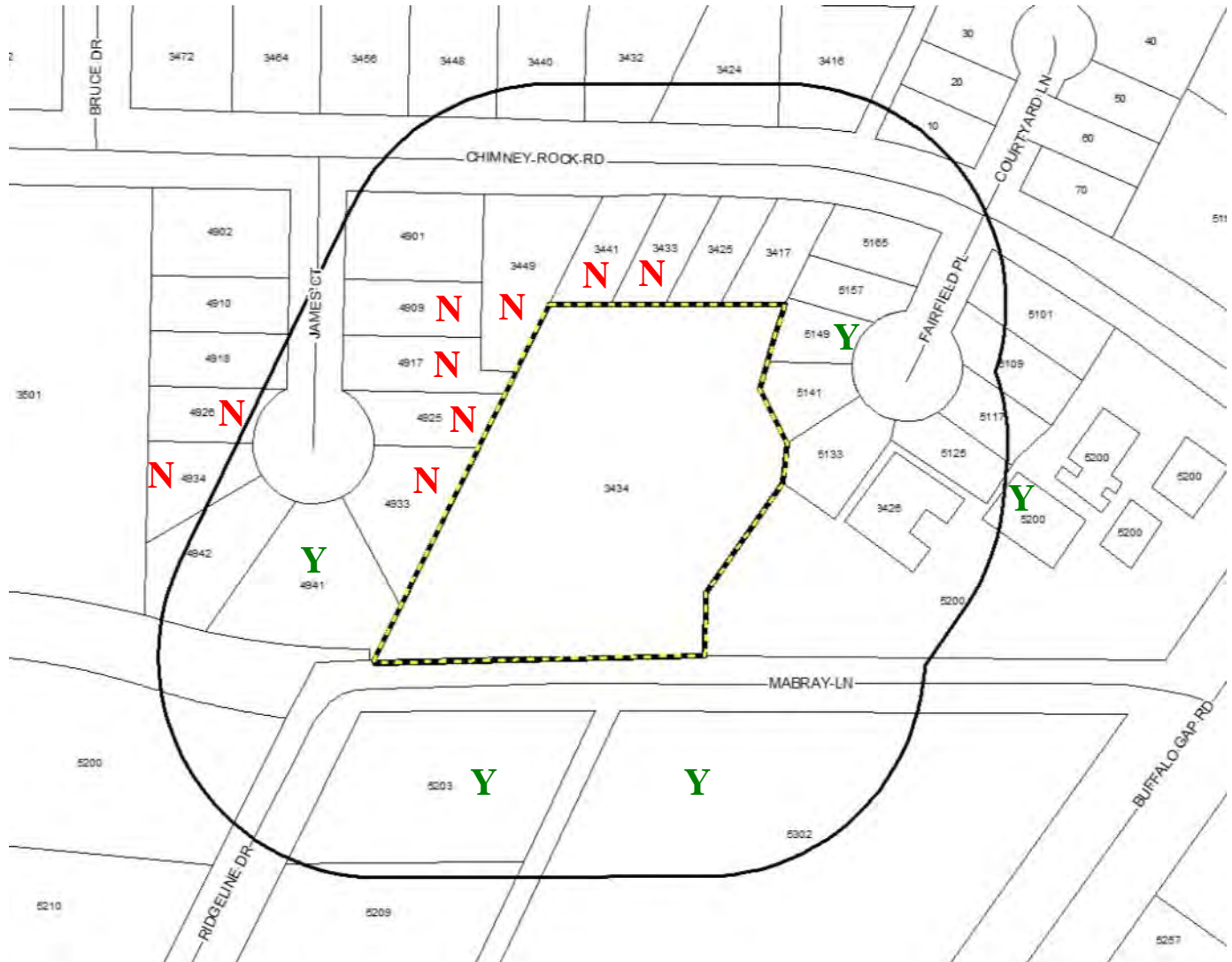
**NOTIFICATION:**

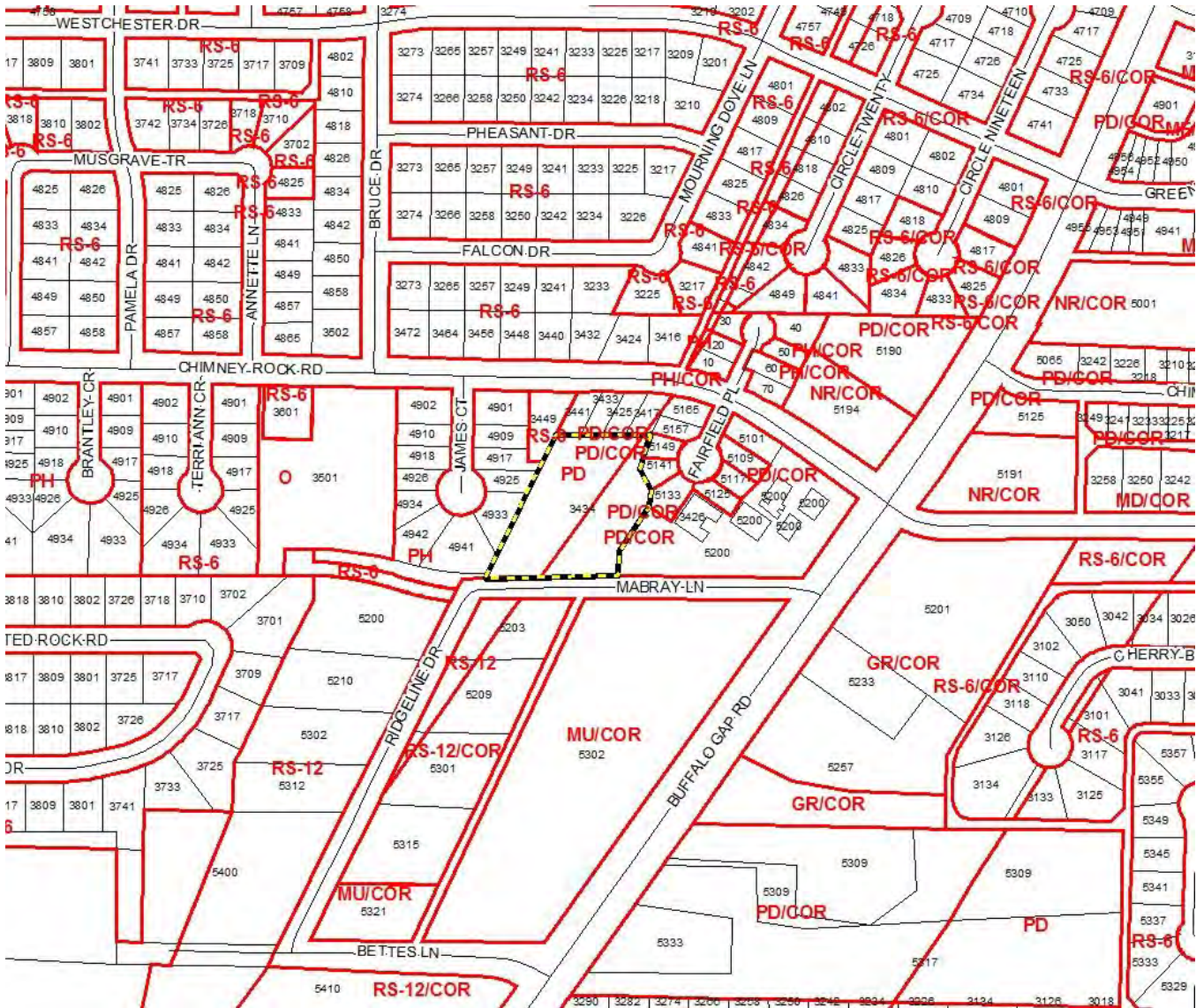
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
LINN GARY G & LISA M	5200 BUFFALO GAP RD	
RENT CITY PROPERTIES LP	5200 BUFFALO GAP RD	In Favor
TAYLOR CHARLES M III	3426 MABRAY LN	
WEAVER HAZEL N TR	3433 CHIMNEY ROCK RD	Opposed
SPICER CYNTHIA J	3425 CHIMNEY ROCK RD	
BEALE MILTON DERRICK & AKIKO	3417 CHIMNEY ROCK RD	
SORRELS DALE S & PAULA J AUSTIN	5101 FAIRFIELD PL	
STOCKTON JEAN C	5149 FAIRFIELD PL	In Favor
HENDERSON BETTY	5117 FAIRFIELD PL	
AUSTIN GREG	5200 RIDGELINE DR	
MORGAN BILLYE H	5157 FAIRFIELD PL	
MC SHAN JAMES & DIANE	3448 CHIMNEY ROCK RD	
HARRISON DONNA D	3432 CHIMNEY ROCK RD	
WHITE MARTHA ANN	3440 CHIMNEY ROCK RD	
CARLTON JACOB & DEBRA	3424 CHIMNEY ROCK RD	
CRUMPTON JIMMY DAVID & EVELYN YVONNE	3416 CHIMNEY ROCK RD	
LOOMIS HARRISON C & JORDAN	4901 JAMES CT	
DANVILLE 05	3434 MABRAY LN	
COATES MARCIA M	4917 JAMES CT	Opposed
HAYNES PAULA	4918 JAMES CT	
BLAKELY ADELL	5133 FAIRFIELD PL	
MC COLLUM CHARLENE	5203 RIDGELINE DR	In Favor
MC ELFRESH DENNIS EARL	5209 RIDGELINE DR	
BAKER JAMES R & CHRISTINA R	3449 CHIMNEY ROCK RD	Opposed
CAMPBELL FAMILY TRUST	4909 JAMES CT	Opposed
SAIA GAYTAN J & CAROL	5165 FAIRFIELD PL	
MC GEE AMY	5109 FAIRFIELD PL	
FRANKLIN JANET	4933 JAMES CT	Opposed
STEVE ARTHUR DEVELOPMENT LTD		
SMITH HOWARD & JOY	4926 JAMES CT	Opposed
DAVIS JUDY	4934 JAMES CT	Opposed
PRUITT PAMLA	4925 JAMES CT	Opposed
NAYLOR BEVERLEY J	4941 JAMES CT	In Favor
ARTHUR VICKI L	5141 FAIRFIELD PL	
LAUGHLIN ROY M & MARGARET B	5125 FAIRFIELD PL	
HENDRICK MEDICAL CENTER	5302 BUFFALO GAP RD	In Favor
MC KINNEY G C & ZELLA M	3441 CHIMNEY ROCK RD	Opposed
ROGERS MAJOR J	10 COURTYARD LN	
KITCHELL SARAH & KITCHELL CHARLES	4942 JAMES CT	



5 in Favor- **Y**  
9 Opposed- **N**













CASE #: Z-2014-48

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: MC KINNEY G C & ZELLA M  
Address: 3441 CHIMNEY ROCK RD

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:

Security, lighting property maintenance  
How many employees?

Zella McKinney  
3441 Chimney Rock Rd

P.S. The City Council Seaters (members) were unable to be heard

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Name: BAKER JAMES R & CHRISTINA R  
Address: 3449 CHIMNEY ROCK RD

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:

I would not welcome 24 HR Medical Services in my backyard. I feel my fence does not provide adequate protection or insulation from the comings & going of emergency vehicles, etc. As medical facilities also produce hazardous waste materials such as needles, etc I feel there could be a health concern for those of residing in such close proximity in the form of ~~an~~ improper disposals and general littering by patients or refuse disposal companies.

Baker  
3449 Chimney Rock Rd  
79606

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Name: WEAVER HAZEL N TR  
Address: 3433 CHIMNEY ROCK RD

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:

I have small back yard, my fence will not block, noise lights. I do not want to look out my back door & it be blocked by buildings.

**For the PLANNING & ZONING COMMISSION**

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

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Name: CAMPBELL FAMILY TRUST  
Address: 4909 JAMES CT

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:

*Do not want that much noise  
and light in my back yard.  
Built a patio home so that I  
could retire and live peacefully -  
in a quiet ~~at~~ cul. de sac. Bonnie Campbell*

**For the PLANNING & ZONING COMMISSION**

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Name: SMITH HOWARD & JOY  
Address: 4926 JAMES CT

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:

*We bought our home on James Ct. because it was  
a quiet, pleasant place to retire. We do not  
need any offices, bright lights, etc. located at the  
back doors of our neighbors' homes on James Ct. and  
on Chimney Rock. Thank you - Howard and Joy Smith*



For the PLANNING & ZONING COMMISSION

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Name: PRUITT PAMLA  
Address: 4925 JAMES CT

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:

my bedroom, living room and dining room will be effected by the lights and noise, not to mention my lovely back yard where I sit and garden!! Please help!  
Pamla Pruitt

For the PLANNING & ZONING COMMISSION

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Name: ~~PRUITT PAMLA~~ MARCIA COATES  
Address: ~~4925 JAMES CT~~ 4917 JAMES CT.

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:

We were told to begin with that there was going to remain vacant. This effects our living and enjoyment of our home and yards. Please give us the consideration we deserve.  
Marcia Coates

Janet Franklin  
4933 James Court  
Abilene, Texas 79606  
December 1, 2014

To: Members of the Abilene City Council  
Re: Planned re-zoning of land behind James Court

Thanks to all city council members for allowing us to speak to the future of land behind our backyards. Since we first learned of the planned zoning change, we have been very concerned. We like to think of Abilene as having a high quality of life in many ways. I've lived off of Chimney Rock Road to the west of Buffalo Gap Road since 1987, the last four of which have been on James Court. During that time I have seen many changes in our neighborhood: vast increase of traffic on Chimney Rock, much of it at higher than posted speeds; more traffic on Buffalo Gap Road with accompanying increased noise at all hours; proliferation of businesses infringing upon housing areas, again increasing traffic and noise in the area as well as commercial lights at night.

Before we bought lots on James Court we were told there would always be open land behind our back fences because of the pipelines that run through the area. Our lots are small but most of us spend a lot of time in our backyards morning and evening. Since Hendrick Hospital began building their huge complex we have been assaulted by lights all night long and noise of banging steel that begins at 6:45 in the morning. Now we've been told we'll have medical offices, lights, and parking lots up to our back fences. It gives one pause to wonder how this will affect our quality of life. We have no desire for more traffic, noise, and light around our homes. We pay increased property taxes by being in the Wylie school district. Now we question how this new development will affect our property values (because we know our taxes won't decrease).

We have heard about special arrangements being made to shield some neighborhoods from infringement of new businesses. We ask that the same considerations be made in our situation, perhaps in the form of high fence barricades, tall tree landscaping, lighting directioned away from our houses. We like our neighborhood and would like to continue to be proud of our property, and we look to all of you to defend our way of life in this congested area of Abilene. Thank you for your time and consideration in this matter. Sincerely,

*Janet Franklin*