

City Council  
Agenda Memo



City Council  
Meeting Date: 1/8/2015

**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-2014-49(b), a request from Don Hardin, agent Paul Johnson & Associates, Erik Johnson, to rezone property from GR (General Retail) & RS-6 (Single-Family Residential) to GC (General Commercial) zoning, located at 1357, 1365, & 1373 Portland Ave and 2526 S. 14th St.**

**GENERAL INFORMATION**

Currently the property is zoned GR & 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. 14<sup>th</sup> St. McMurry University exists nearby to the southeast. The applicant is requesting a change to the GC zoning which would allow for retail uses similar to those already existing along S. 14<sup>th</sup> St. The P&Z Commission recommended GR zoning on 1357 & 1365 Portland Ave keeping the existing GC zoning. However, the City Council approved GR zoning on all properties except 1357 Portland Ave.

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. 14<sup>th</sup> Street thoroughfare is also classified as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map along the S. 14<sup>th</sup> St frontage. The area to the north consists of single-family residential uses. The frontage along S. 14<sup>th</sup> 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 denial. However, staff could support a PD (Planned Development) zoning on the entire property with sufficient protections for adjacent residential properties.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval of GC zoning as requested by a vote of 7 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, Rosenbaum, & Famble) and none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps  
Surrounding Property Owner Response

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 22, 2014

Item No. 7.2

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 18<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 8<sup>th</sup> day of January, 2015 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 8<sup>th</sup> day of January, A.D. 2015.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

Rezone property from RS-6 (Single-Family Residential) & GR (General Retail) to GC (General Commercial) 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  
CAREY PLACE ADDN, BLOCK 4, LOT W73 S/2 OF 10 & W73 OF 11  
CAREY PLACE ADDN, BLOCK 4, LOT E83.4 S/2 OF 10 & E83.4 OF 11



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

-END-

# ZONING CASE Z-2014-49(b)

## STAFF REPORT



### APPLICANT INFORMATION:

Donald Hardin

Agent: Paul Johnson & Associates, Erik Johnson

### HEARING DATES:

P & Z Commission: December 1, 2014

City Council 1<sup>st</sup> Reading: December 18, 2014

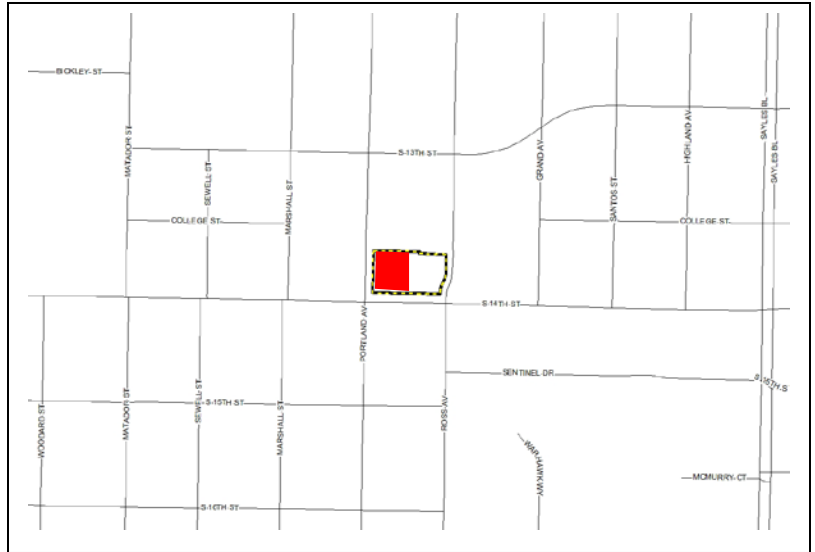
City Council 2<sup>nd</sup> Reading: January 8, 2015

### LOCATION:

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

### REQUESTED ACTION:

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



### SITE CHARACTERISTICS:

The subject parcel totals approximately 0.67 acres and is currently zoned GR, 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. The GR zoning was approved by the City Council on October 9, 2014.

### ANALYSIS:

#### • Current Planning Analysis

Currently the property is zoned GR & 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. 14<sup>th</sup> St. McMurry University exists nearby to the southeast. The applicant is requesting a change to the GC zoning which would allow for retail uses similar to those already existing along S. 14<sup>th</sup> St. The P&Z Commission recommended GR zoning on 1357 & 1365 Portland Ave keeping the existing GC zoning. However, the City Council approved GR zoning on all properties except 1357 Portland Ave.

#### • Comprehensive Planning Analysis

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. 14<sup>th</sup> Street thoroughfare is also classified as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map along the S. 14<sup>th</sup> St frontage. The area to the north consists of single-family residential uses. The frontage along S. 14<sup>th</sup> 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 denial. However, staff could support a PD (Planned Development) zoning on the entire property with sufficient protections for adjacent residential properties.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of GC zoning as requested by a vote of 7 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, Rosenbaum, & 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	
STONEHENGE INVESTMENTS LLC	1358 PORTLAND AV	
HARDIN DONALD DEAN JR	1365 PORTLAND AV	In Favor
MC MURRY UNIVERSITY	1426 ROSS AV	
HAYNES MARK	1350 PORTLAND AV	
MUELLER DOYLE	1334 PORTLAND AV	
FAVOR JUDY	1342 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	
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	
MC MURRY UNIVERSITY	2525 S 14TH ST	
MURPHY MELISSA S	1317 ROSS AV	
BORDEN JAMES ROLAND	1325 ROSS AV	
WHITTEN LARRY	2602 S 14TH ST	
WATSON MOON SHIRLEY	1326 ROSS AV	
KEMP DAVID B & MARY LUCILLE	1341 ROSS AV	
2442 S 14TH LLC	2442 S 14TH ST	
FRAZIER JOLEENA P	1334 ROSS AV	
WTG FUELS INC	2450 S 14TH ST	
BARNHILL TIMOTHY A & DEBRA A	1333 ROSS AV	
WORRELL MATT & BETH	1410 PORTLAND AV	
MC MURRY COLLEGE	1400 SAYLES BL	
HARRELL SHERYL	1350 ROSS AV	
LAIRD LISA ANN	2510 S 14TH ST	
HARDIN DONALD D	2526 S 14TH ST	In Favor
JIMENEZ MONICA & JESUS I VERA	1349 ROSS AV	

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











**From:** Zelma Hunt <zandchunt@yahoo.com>  
**Sent:** Friday, November 21, 2014 8:12 PM  
**To:** Reports, Planning  
**Subject:** Case Z-2014-49 We are opposed

November 21, 2014

To: the Planning and Zoning Commission of Abilene

My husband and I own our home at 1325 Portland. We received a notice of the public hearing to rezone the property at the end of our block. (1357, 1365 and 1373 Portland and 2510 and 2526 South 14<sup>th</sup>). We attended the public hearing and city council meeting where the property was being changed from residential to general retail and voiced our complaints. The property at 2526 South 14<sup>th</sup> along with 1365 and 1373 were changed to general retail with 1357 being left residential. We were satisfied with that.

Now Mr. Hardin is asking to change the properties to general commercial along with the church property at 2510 South 14<sup>th</sup>. We still oppose changing the property at 1357 from residential. We don't want a business so close to our home (especially since we don't know what type of business it will be.)

We will be out of town on Monday, December 1 or we would personally attend the meeting to voice our objection.

We do not understand why Mr. Hardin wants to reverse the earlier ruling to go back to GC since he received your approval to change it to GR.

You have sent out letters for approval or disapproval for this change. For fairness to all, it is our opinion that no votes from property addresses that Mr. Hardin has already purchased and the church property for the change be counted since Mr. Hardin is requesting the change and everyone knows he would not vote against it.

Mr. Hardin has already taking up your valuable time in requesting a change which he received and again taking up your valuable time to seek a reversal of this change. If Mr. Hardin still refuses to disclose the reason for the change request, we sincerely urge the P&C members refuse to allow the change. No one knows if in another six weeks Mr. Hardin will decide he wants another change if whatever he plans on doing does not come to pass.

We request that the above be submitted to each member at least five days prior to the meeting.

We are very concerned about the reduction in our property value. Our fear is that Mr. Hardin will again come back and want to close the alley between 2510 and 2526 South 14<sup>th</sup>. We have a garage opening in our alley along with several others. We definitely do not want that to happen!!

Thank you for reading about our concerns in the above matter.

Zelma and Cullen