

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-2014-53, a request from James & Carody Bell to rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family Residential/Historic Overlay), located at 4001 Potomac Ave.

GENERAL INFORMATION

Currently the property is zoned RS-12 and is developed with a house. The surrounding area is developed generally with single-family residential uses. The Henderson/ Williams House was built by George Henderson, a local building contractor, in 1959 in the French or Mansard Eclectic style of the Neoeclectic movement. The purpose of the zoning is to place the Historic Overlay on the property in order to protect the home and provide tax incentives for the home owner.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Landmarks Commission recommends approval by a vote of 5 in favor (Butman, McClellan, Miller, Minter, & Weatherl) and none opposed.

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

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 22, 2014

Item No. 7.5

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 18th 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 14th 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 8th 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 8th day of January, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

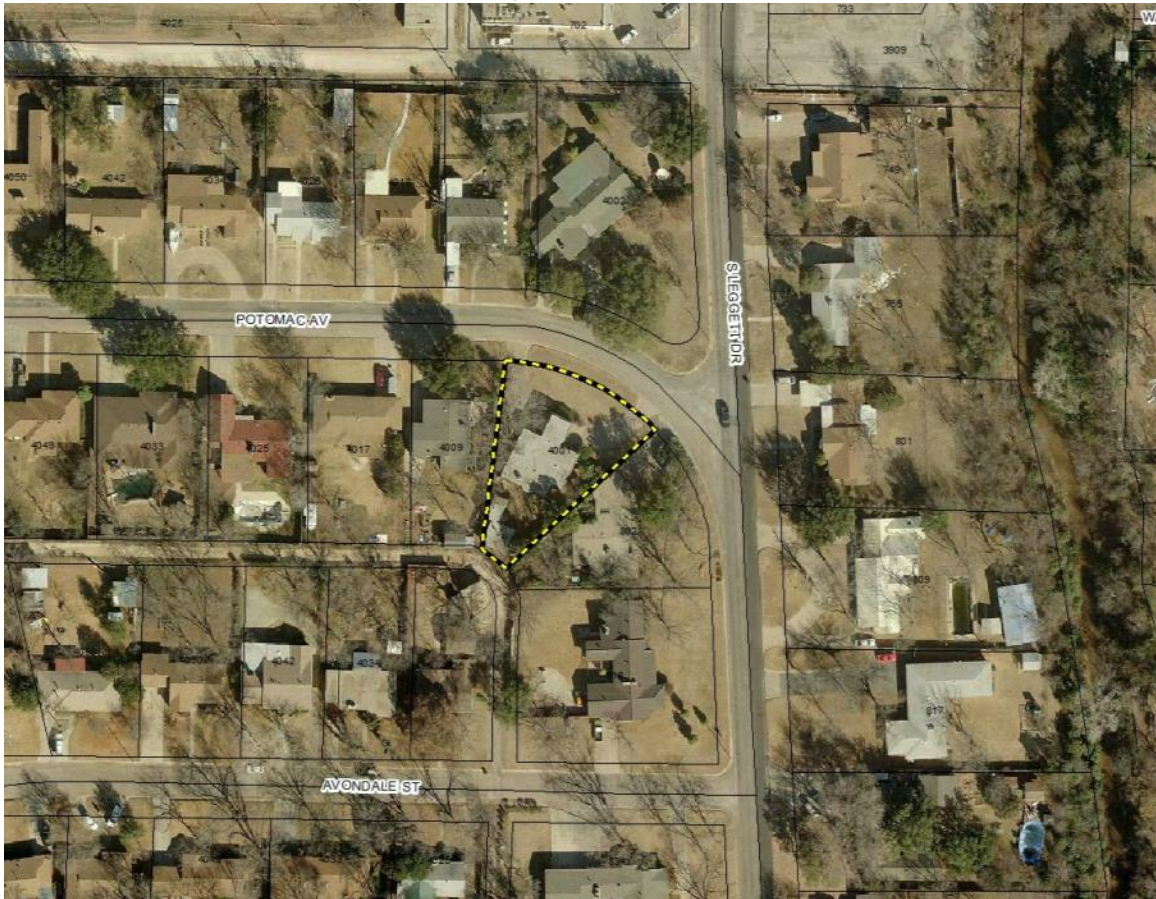
ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family Residential/Historic Overlay) zoning.

Legal Description:

ELMWOOD WEST SEC 1, BLOCK D, LOT 14



Location:
4001 Potomac Ave

-END-

ZONING CASE Z-2014-53

STAFF REPORT



APPLICANT INFORMATION:

James & Carody Bell

HEARING DATES:

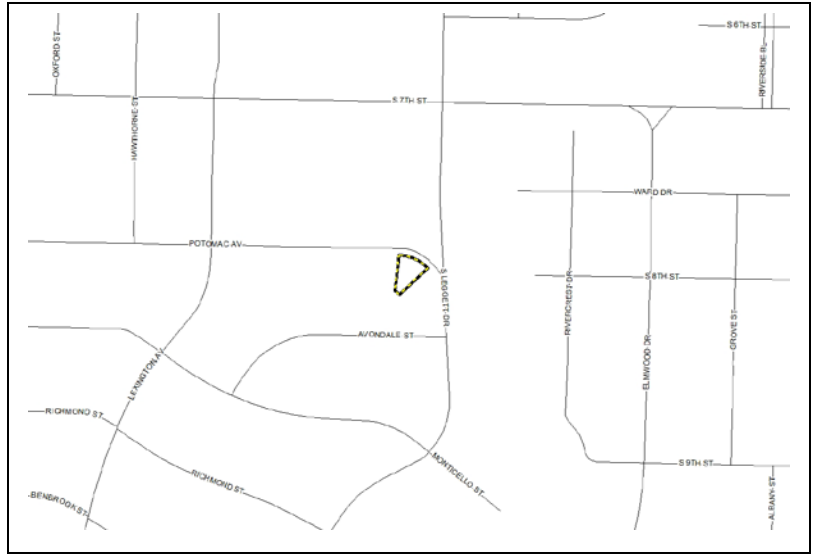
P & Z Commission: December 1, 2014
City Council 1st Reading: December 18, 2014
City Council 2nd Reading: January 8, 2015

LOCATION:

4001 Potomac Ave

REQUESTED ACTION:

Rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family Residential/Historic Overlay) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.27 acres and is currently zoned RS-12. The adjacent properties are zoned RS-12 to the north, south & east and RS-8 (Single-Family Residential) to the west.

ZONING HISTORY:

The property was annexed in 1948 and zoned RS-12 sometime after.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned RS-12 and is developed with a house. The surrounding area is developed generally with single-family residential uses. The Henderson/ Williams House was built by George Henderson, a local building contractor, in 1959 in the French or Mansard Eclectic style of the Neoeclectic movement. The purpose of the zoning is to place the Historic Overlay on the property in order to protect the home and provide tax incentives for the home owner.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

LANDMARKS COMMISSION RECOMMENDATION:

The Landmarks Commission recommends approval by a vote of 5 in favor (Butman, McClellan, Miller, Minter, & Weatherl) and none opposed.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

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

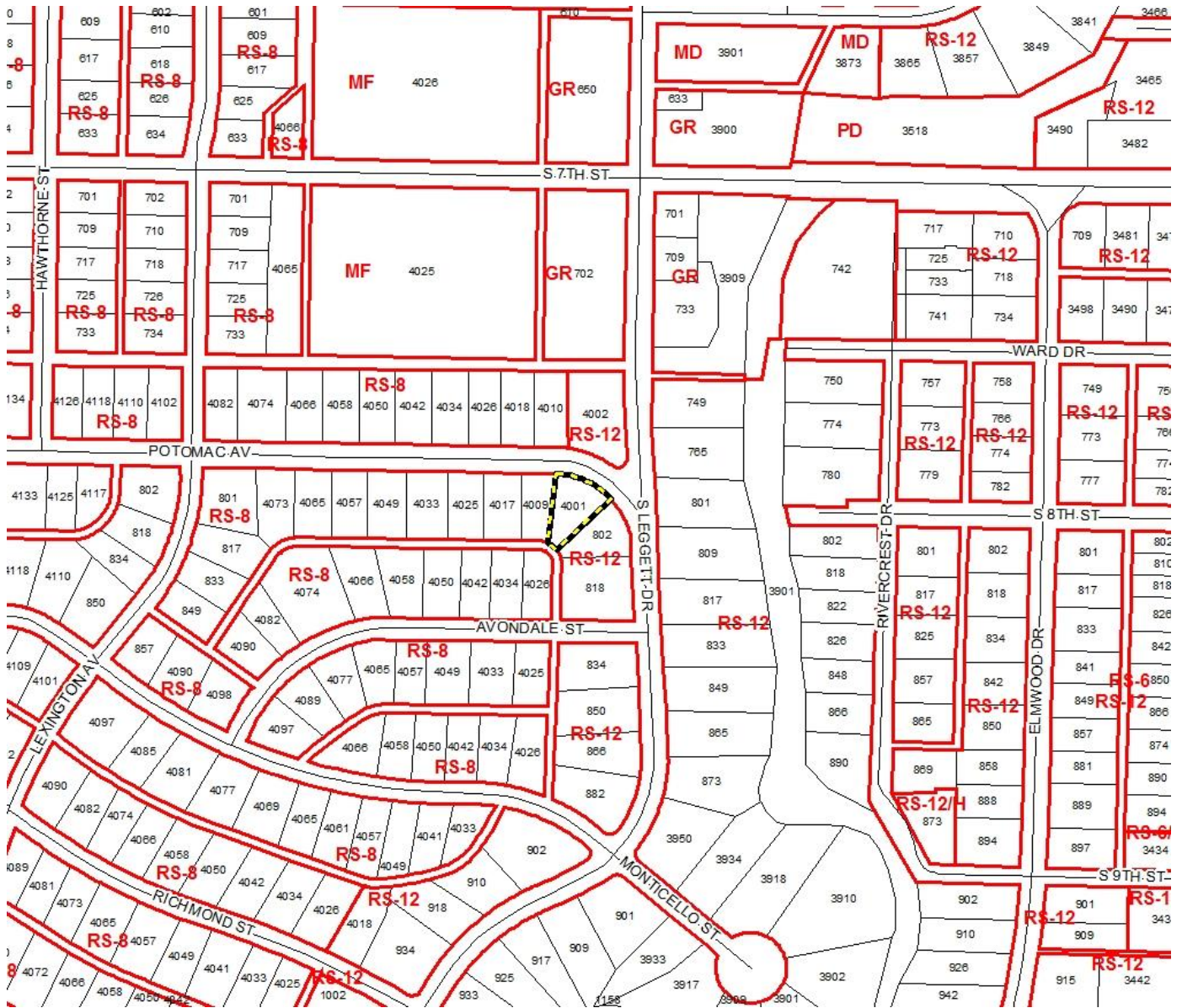
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
BELL JAMES DALE & BELL CARODY RAE	4001 POTOMAC AV	
RUMLEY ADELE C	4042 AVONDALE ST	
GARRETT DONALD C	809 S LEGGETT DR	
WEATHERBY ANDREW & MARTHA	4025 POTOMAC AV	
BLESSING DONALD S JR	765 S LEGGETT DR	
LETZ STEVEN DWAIN	4018 POTOMAC AV	
SCHNAIBLE JONATHAN T & ASHLEY M	4026 AVONDALE ST	
CHACON SERGIO	801 S LEGGETT DR	
AGUILAR SERVANDO & MARGARITA	4026 POTOMAC AV	
THOMAS GARY L JR & KATHY L	749 S LEGGETT DR	
CLARK RICHARD A & CHRISTINE M	818 S LEGGETT DR	
MAXWELL MEREDITH BRUCE	4002 POTOMAC AV	
MC CLURE RAYMOND B & JULIE A	802 S LEGGETT DR	
NANNY BEN J	4009 POTOMAC AV	In Favor
BURNS BUFFORD & VERNA LF EST	4010 POTOMAC AV	
VERBECK DAVID & PAMELA	4017 POTOMAC AV	
SIRATT LESLIE	4034 AVONDALE ST	
JOHNSON GWYNELLE	4050 AVONDALE ST	

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









Case # Z-2014-53
Updated: December 5, 2014