

City Council
Agenda Memo



City Council
Meeting Date: 1/22/2015

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-2015-01, a request from Reunion Enterprises, Inc., agent James Griffith, to rezone property from GC (General Commercial) to GR (General Retail) zoning, located at 2826 S. 2nd St.

GENERAL INFORMATION

Currently the property is zoned GC and is developed with a residence. The surrounding area is developed generally with commercial and retail uses to the north, east, & west. Residences exist on the properties to the south. The home on the subject parcel appears to be the last remaining residence on the north side of the block. Residential uses are no longer permitted in the GC zoning district. The purpose of the zoning is to bring the site into conformance with a zoning district that permits residential uses; therefore, the applicant has requested to rezone the property to allow for single-family residential uses. The original request was for RS-6 zoning; however, the GR zoning district does permit residential uses and is more compatible with the surrounding zoning. The GR zoning has similar permitted uses as the GC zoning and can be considered compatible to the zoning. Therefore, staff has notified for GR zoning to allow for the most flexibility.

The Future Land Use section of the Comprehensive Plan designates the block as 'commercial'. The GR zoning is similar to the current GC zoning but does allow for residential uses. 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 Planning and Zoning Commission recommends approval of GR zoning by a vote of 5 in favor (Bixby, Calk, Ellinger, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

January 12, 2015

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

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 December, 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 22nd 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 22nd day of January, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from GC (General Commercial) to GR (General Retail) zoning.

Legal Description:

SCOTT HIGHWAY PLACE, BLOCK 6, LOT 13



Location:
2826 S. 2nd St

-END-

ZONING CASE Z-2015-01

STAFF REPORT



APPLICANT INFORMATION:

Reunion Enterprises, Inc.
Agent: James Griffith

HEARING DATES:

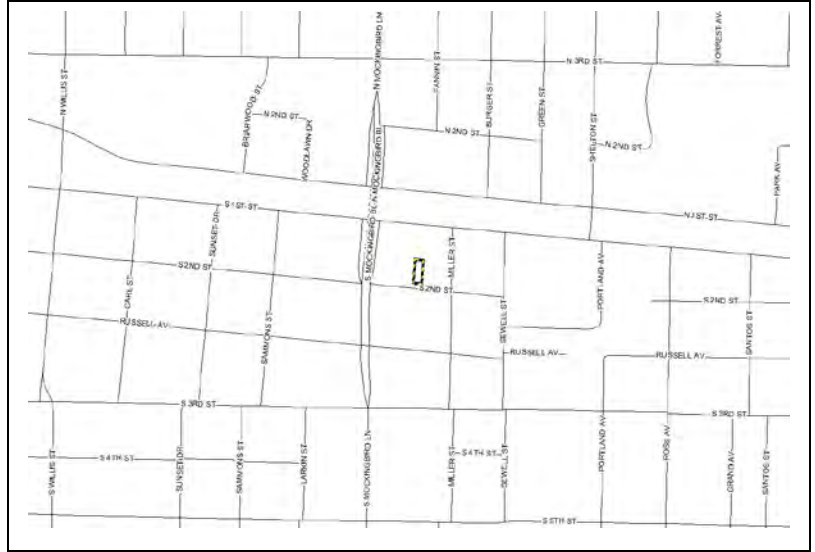
P & Z Commission: January 5, 2015
City Council 1st Reading: January 8, 2015
City Council 2nd Reading: January 22, 2015

LOCATION:

2826 S. 2nd St

REQUESTED ACTION:

Rezone property from GC (General Commercial)
to GR (General Retail) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.16 acres and is currently zoned GC. The adjacent properties are zoned GC to the north, east & west and MD (Medium Density Residential) to the south.

ZONING HISTORY:

The property was annexed in 1927 and zoned GC sometime after.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned GC and is developed with a residence. The surrounding area is developed generally with commercial and retail uses to the north, east, & west. Residences exist on the properties to the south. The home on the subject parcel appears to be the last remaining residence on the north side of the block. Residential uses are no longer permitted in the GC zoning district. The purpose of the zoning is to bring the site into conformance with a zoning district that permits residential uses; therefore, the applicant has requested to rezone the property to allow for single-family residential uses. The original request was for RS-6 zoning; however, the GR zoning district does permit residential uses and is more compatible with the surrounding zoning. The GR zoning has similar permitted uses as the GC zoning and can be considered compatible to the zoning. Therefore, staff has notified for GR zoning to allow for the most flexibility.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates the block as 'commercial'. The GR zoning is similar to the current GC zoning but does allow for residential uses. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GR zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval of GR zoning by a vote of 5 in favor (Bixby, Calk, Ellinger, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
HOLZBERLEIN JAMES & GRETA	2841 S 1ST ST	
REUNION ENTERPRISES INC	2826 S 2ND ST	
HOLZBERLEIN JAMES & GRETA	101 S MOCKINGBIRD BL	
BL & LB WOLFE PROPERTIES LTD	2801 S 1ST ST	
LEAL FRED & STEPHANIE	2849 S 2ND ST	
MARTIN DANIEL RAY	2825 S 2ND ST	
BL & LB WOLFE PROPERTIES LTD	134 MILLER ST	
Confidential Owner	2801 S 2ND ST	
CUMMINGS CHRIS	2821 S 1ST ST	
TEDFORD L D	2829 S 2ND ST	
CUMMINGS CHRIS	2834 S 2ND ST	In Favor
HAMILTON TYLER KENT	2818 S 2ND ST	
AVILA MARIA M	2817 S 2ND ST	
HOLZBERLEIN JAMES & GRETA	109 S MOCKINGBIRD BL	
LARRY BOBBY JR & KATHY A	201 S MOCKINGBIRD BL	
WEST TEXAS REHAB CTR INC	217 S MOCKINGBIRD BL	

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



