

City Council
Agenda Memo



City Council
Meeting Date: 2/12/2015

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-2014-56, a request from Southwest Housing Providers, LLC & First Baptist Church, agent EHT, to rezone property from AO (Agricultural Open Space) to PD (Planned Development) zoning, located on the south side of the 600-700 Blk of E. Stamford St. **TABLED FROM 1/22/2015**

GENERAL INFORMATION

Currently the property is zoned AO and is undeveloped. The surrounding area is developed generally with single-family residential uses to the south and proposed multi-family residential zoning to the east. The purpose of the zoning is to allow for a Vacation Travel Trailer (RV) Park. The current AO zoning requires a Conditional Use Permit in order to allow for the proposed use. In reviewing the regulations for Travel Trailer Parks, the use must be a minimum of 300 feet from residentially zoned properties. The applicant is proposing a PD zoning to request modifications to this regulation as well as regulations dealing with setbacks and paving. The proposed use will have access onto E. Stamford St only.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested PD zoning will maintain the AO zoning and allow for a Travel Trailer (RV) Park. The requested zoning is compatible with the Future Land Use Map and the adjacent residential uses in the area.

When a written protest against the amendment is signed by the owners of twenty percent (20%) or more of either the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, a zoning amendment shall not become effective except by the favorable vote of three fourths of all members of the City Council. The opposition from the surrounding property owners equals approximately 37%; therefore, a super-majority vote is required for this item.

STAFF RECOMMENDATION

Staff recommends approval of the PD with exception of the proposed paving regulation. Staff recommends that the entrance roadway from the public street to the main office plus the parking for the office and all uses accessible by the general public be paved.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval with conditions that the main drive may remain stone until development occurs on either side and that a 6-foot screen or fence shall be provided along the south property line by a vote of 5 in favor (Calk, Ellinger, Glenn, McClarty, & Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

January 30, 2015

Item No. 7.1

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

City Secretary

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-148 A PLANNED DEVELOPMENT; 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.

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 26th 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 p.m., on the 12th day of February, 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 12th day of February, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space) to PD (Planned Development) zoning.

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.

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 2

PART 5: Legal Description. The legal description of this PD is as follows:

Being approximately 20.2 acres: A0580 SUR 84 T & P RY CO, BLOCK 14



Location:

The south side of the 600-700 Blk of E. Stamford St

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for Vacation Travel Trailer Park development and related activities.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the AO (Agricultural Open Space) zoning district, except as modified below:

- 1) **ADDITIONAL PERMITTED USE:** A Vacation Travel Trailer Park shall be permitted as represented on the attached concept plan.
- 2) **SITE DEVELOPMENT:** The development shall comply with the requirements of the Land Development Code and the regulations for Vacation Travel Trailer, Recreation Vehicle Parks (found in Section 4.2.11) with the following exceptions and additions:
 - a) The Vacation Travel Trailer Park use shall be exempt from the required 300' distance from any residential zoning district.
 - b) Setbacks for vacation travel trailers:
 - i) The setback from the front property line for vacation travel trailers in a Vacation Travel Trailer Park use shall be zero feet (0').
 - ii) The setback from the west property line for vacation travel trailers in a Vacation Travel Trailer Park use shall be zero feet (0').
 - c) Paving shall not be required except for the main drive into the park. However, the main drive may remain stone until development occurs on either side. Base material shall be allowed for all other drive lanes and parking.
 - d) A 6-foot screen or fence shall be provided along the south property line



-END-

ZONING CASE Z-2014-56

STAFF REPORT



APPLICANT INFORMATION:

Southwest Housing Providers & First Baptist Church
Agent: EHT

HEARING DATES:

P & Z Commission: December 15, 2014
City Council 1st Reading: January 8, 2014
City Council 2nd Reading: January 22, 2015
-Tabled to February 12, 2015

LOCATION:

600-700 Blk of E. Stamford St

REQUESTED ACTION:

Rezone property from AO (Agricultural Open Space) to PD (Planned Development) zoning

SITE CHARACTERISTICS:

The subject parcel totals approximately 20.14 acres and is currently zoned AO. The adjacent properties are zoned GC (General Commercial) to the north, PD to the east, AO to the west, and RS-8 (Single-Family Residential) to the south.

ZONING HISTORY:

The property was annexed in 1957 and zoned AO at that time. The properties to the north and west were recently rezoned earlier this year.

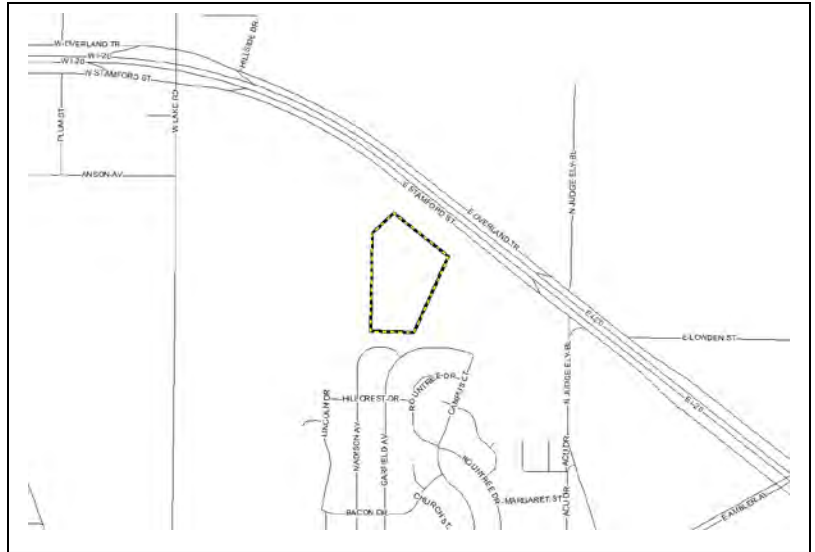
ANALYSIS:

• Current Planning Analysis

Currently the property is zoned AO and is undeveloped. The surrounding area is developed generally with single-family residential uses to the south and proposed multi-family residential zoning to the east. The purpose of the zoning is to allow for a Vacation Travel Trailer (RV) Park. The current AO zoning requires a Conditional Use Permit in order to allow for the proposed use. In reviewing the regulations for Travel Trailer Parks, the use must be a minimum of 300 feet from residentially zoned properties. The applicant is proposing a PD zoning to request modifications to this regulation as well as regulations dealing with setbacks and paving. The proposed use will have access onto E. Stamford St only.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested PD zoning will maintain the AO zoning and allow for a Travel Trailer (RV) Park. The requested zoning is compatible with the Future Land Use Map and the adjacent residential uses in the area.



PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the PD with exception of the proposed paving regulation. Staff recommends that the entrance roadway from the public street to the main office plus the parking for the office and all uses accessible by the general public be paved.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval with conditions that the main drive may remain stone until development occurs on either side and that a 6-foot screen or fence shall be provided along the south property line by a vote of 5 in favor (Calk, Ellinger, Glenn, McClarty, & Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
HOLLOWAY PATTI LYNN JONES		
CITY OF ABILENE		
LEE BRANDON S	2666 MADISON AV	
PETERSON DEMPSEY & TERRI	2650 MADISON AV	Opposed
LEE BRANDON S	2658 MADISON AV	
HOLLOWAY PATTI LYNN JONES		
CAWOOD ELIZABETH MARION TR	2650 GARFIELD AV	
PRAIRIE SONG LLC	2660 GARFIELD AV	Opposed
BLACKBURN INC CO LLC	2674 MADISON AV	
PRAIRIE SONG LLC		Opposed
PLOCHECK RUSSELL E & SHIRLENE J	2654 GARFIELD AV	Opposed
PRAIRIE SONG LLC	2668 GARFIELD AV	Opposed
HARRISON AMY R	2682 MADISON AV	
LITTLE BETTY ANN	2690 MADISON AV	
RAMSEY LEASING INC	501 E STAMFORD ST	Opposed
SOUTHWEST HOUSING PROVIDERS LLC		
FIRST BAPTIST CHURCH		

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

