

**City Council
Agenda Memo**



**City Council
Meeting Date: 3/12/2015**

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-2015-05, a request from Jimmy & Jeff Williams to rezone property from RS-6 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at the southwest corner of S. Willis St & Russell Ave.

GENERAL INFORMATION

Currently the property is zoned RS-6 and is vacant. The surrounding area is developed generally with a retail use to the north and residences to the south, east & west. The immediate property to the south is zoned for office uses but is currently vacant. The purpose of the zoning is to allow for neighborhood retail uses similar to the site across the street to the north. The NR zoning is deemed compatible adjacent to residential uses. S. Willis St is designated as a 'collector' street. Typically, retail zoning would be located at intersections or in nodes designated for retail/commercial activity. There is existing NR zoning to the north with similar uses to what is being proposed.

The Future Land Use section of the Comprehensive Plan designates the block as 'low density residential'. The NR zoning is similar to the current NR zoning to the north. This area transitions from an area of GC (General Commercial) zoning on the block to the north to the office and residential uses to the south. 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 by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS

Ordinance

Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

February 27, 2015

Item No. 7.1

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 26th day of February, 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 17th day of January, 2015, 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 12th day of March, 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 March, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from RS-6 (Single-Family Residential) to NR (Neighborhood Retail) zoning.

Legal Description:

SCOTT HIGHWAY PLACE, BLOCK 21, LOT N 1/2 OF LT 1



Location:

Being the southwest corner of S. Willis St & Russell Ave

-END-

ZONING CASE Z-2015-05

STAFF REPORT



APPLICANT INFORMATION:

Jimmy & Jeff Williams

HEARING DATES:

P & Z Commission: February 2, 2015

City Council 1st Reading: February 26, 2015

City Council 2nd Reading: March 12, 2015

LOCATION:

Southwest corner of S. Willis St & Russell Ave

REQUESTED ACTION:

Rezone property from RS-6 (Single-Family Residential) to NR (Neighborhood Retail) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 0.79 acres and is currently zoned RS-6. The adjacent properties are zoned RS-6 to the east & west, NR to the north, and O (Office) to the south.

ZONING HISTORY:

The property was annexed in 1927 and zoned RS-6 sometime after.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned RS-6 and is vacant. The surrounding area is developed generally with a retail use to the north and residences to the south, east & west. The immediate property to the south is zoned for office uses but is currently vacant. The purpose of the zoning is to allow for neighborhood retail uses similar to the site across the street to the north. The NR zoning is deemed compatible adjacent to residential uses. S. Willis St is designated as a 'collector' street. Typically, retail zoning would be located at intersections or in nodes designated for retail/commercial activity. There is existing NR zoning to the north with similar uses to what is being proposed.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the block as 'low density residential'. The NR zoning is similar to the current NR zoning to the north. This area transitions from an area of GC (General Commercial) zoning on the block to the north to the office and residential uses to the south. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

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

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ALVAREZ DOROTEO	3342 S 3RD ST	
FERNANDEZ ANASTACIO & LYDIA	3326 S 3RD ST	
BILBREY LARRY	249 CLYDE ST	
FLORES RODOLFO	241 CLYDE ST	
GARNER JAMES	241 S WILLIS ST	
THAMEZ DAVID & ANGELICA	3258 RUSSELL AV	
GARVIN DIONILA	3234 RUSSELL AV	
BALDERAS JOHNNY	3333 RUSSELL AV	
GARCIA JESS FLORES	3340 RUSSELL AV	
CITY OF ABILENE	249 S WILLIS ST	
MARSHALL MARY ELIZABETH PEIPER	233 S WILLIS ST	
JORDAN EVANGELINE L	3250 RUSSELL AV	In Favor
RILEY OLEN JOHN	3350 S 3RD ST	
	257 CLYDE ST	
CARNEY MAUDELL	265 CLYDE ST	
HABITAT FOR HUMANITY ABL INC	3310 S 3RD ST	
VAN STEENBURG DIANE	3234 S 3RD ST	
PRINCE DAVID D	3257 RUSSELL AV	
MARSHALL MARY ELIZABETH PEIPER	225 S WILLIS ST	
HONG ETH	210 S WILLIS ST	
LEWIS LARRY R	3241 RUSSELL AV	
JORDAN EVANGELINE	3334 RUSSELL AV	In Favor
GRISSOM W E MRS	3326 RUSSELL AV	
VILLARREAL JAMIE	3233 RUSSELL AV	
MILLER DONNIE		
BARBER JIMMIE T	233 CLYDE ST	
DEVORA FERMIN	3249 RUSSELL AV	
MILLER DONNIE	273 CLYDE ST	
HABITAT FOR HUMANITY ABL INC	234 S WILLIS ST	
PURSLEY ERNEST		
NIBLO SYDNEY E	3325 RUSSELL AV	

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







