

City Council
Agenda Memo



City Council
Meeting Date: 4/9/2015

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-2015-07, a request from Aubrey Hotel Investments, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) & RS-6 (Single-Family Residential) to PH (Patio Home) zoning, located at 3902 Bettes Ln & adjacent tracts totaling approximately 6.88 acres.

GENERAL INFORMATION

Currently the property is zoned AO & RS-6. The main property has an existing house. The overall request includes several smaller adjacent tracts. The total area is approximately 6.88 acres. The surrounding area is developed generally with single-family residences to the north, east & west. The immediate property to the south is zoned AO and is currently vacant. The purpose of the zoning is to allow for patio homes. There is some existing PH zoning to the north off of Chimney Rock Rd. Both Catclaw Dr and Bettes Ln will be extended as this property develops. Both are designated as a 'collector' street. With the amount of right-of-way and improvements needed, the PH zoning would allow for greater flexibility and yield on the property.

The Future Land Use section of the Comprehensive Plan designates the area as 'low density residential'. The PH zoning is similar to the existing PH zoning to the north off of Chimney Rock Rd. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent properties.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Responses

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 27, 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 26th day of March, 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 13th day of February, 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 9th day of April, 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 9th day of April, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) & RS-6 (Single-Family Residential) to PH (Patio Home) zoning.

Legal Description:

A0248 SUR 99 JOHN SMITH, ACRES .791
A0248 SUR 99 JOHN SMITH, ACRES 5.17
A0248 SUR 99 JOHN SMITH, ACRES .287
GREYSTONE ESTATES, BLOCK B, LOT 129, OPEN SPACE, ACRES 0.603



Location:
3902 Bettes Ln & adjacent tracts totaling approximately 6.88 acres

-END-

ZONING CASE Z-2015-07

STAFF REPORT



APPLICANT INFORMATION:

Aubrey Hotel Investments, LLC
Agent: Tal Fillingim

HEARING DATES:

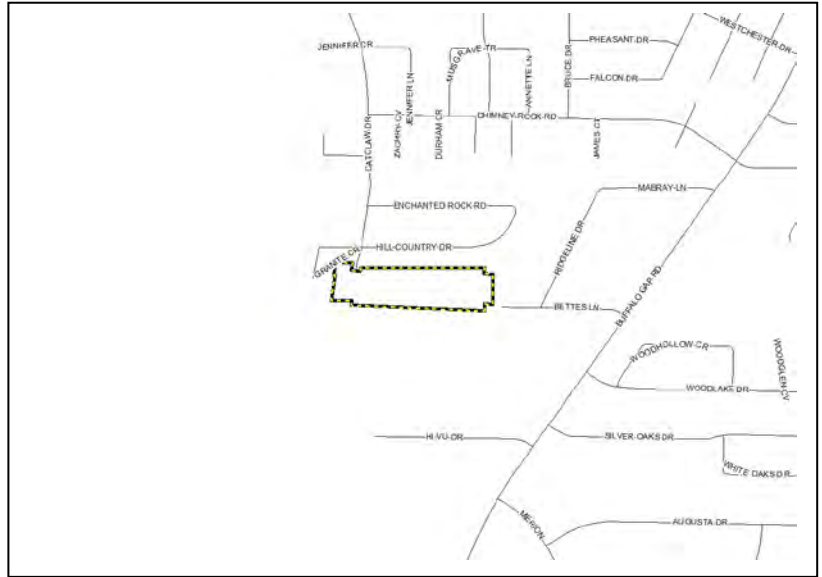
P & Z Commission: March 2, 2015
City Council 1st Reading: March 26, 2015
City Council 2nd Reading: April 9, 2015

LOCATION:

3902 Bettes Ln & adjacent tracts totaling approximately 6.88 acres

REQUESTED ACTION:

Rezone property from AO (Agricultural Open Space) & RS-6 (Single-Family Residential) to PH (Patio Home) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 6.88 acres and is currently zoned AO & RS-6. The adjacent properties are zoned AO to the south and RS-6 to the north, east, & west. There is some RS-12 (Single-Family Residential) zoning to the east as well.

ZONING HISTORY:

The property was annexed in 1963 and zoned AO at that time. The RS-6 zoning was approved sometime after.

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned AO & RS-6. The main property has an existing house. The overall request includes several smaller adjacent tracts. The total area is approximately 6.88 acres. The surrounding area is developed generally with single-family residences to the north, east & west. The immediate property to the south is zoned AO and is currently vacant. The purpose of the zoning is to allow for patio homes. There is some existing PH zoning to the north off of Chimney Rock Rd. Both Catclaw Dr and Bettes Ln will be extended as this property develops. Both are designated as a 'collector' street. With the amount of right-of-way and improvements needed, the PH zoning would allow for greater flexibility and yield on the property.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as 'low density residential'. The PH zoning is similar to the existing PH zoning to the north off of Chimney Rock Rd. 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 5 in favor (Bixby, Calk, McClarty, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:

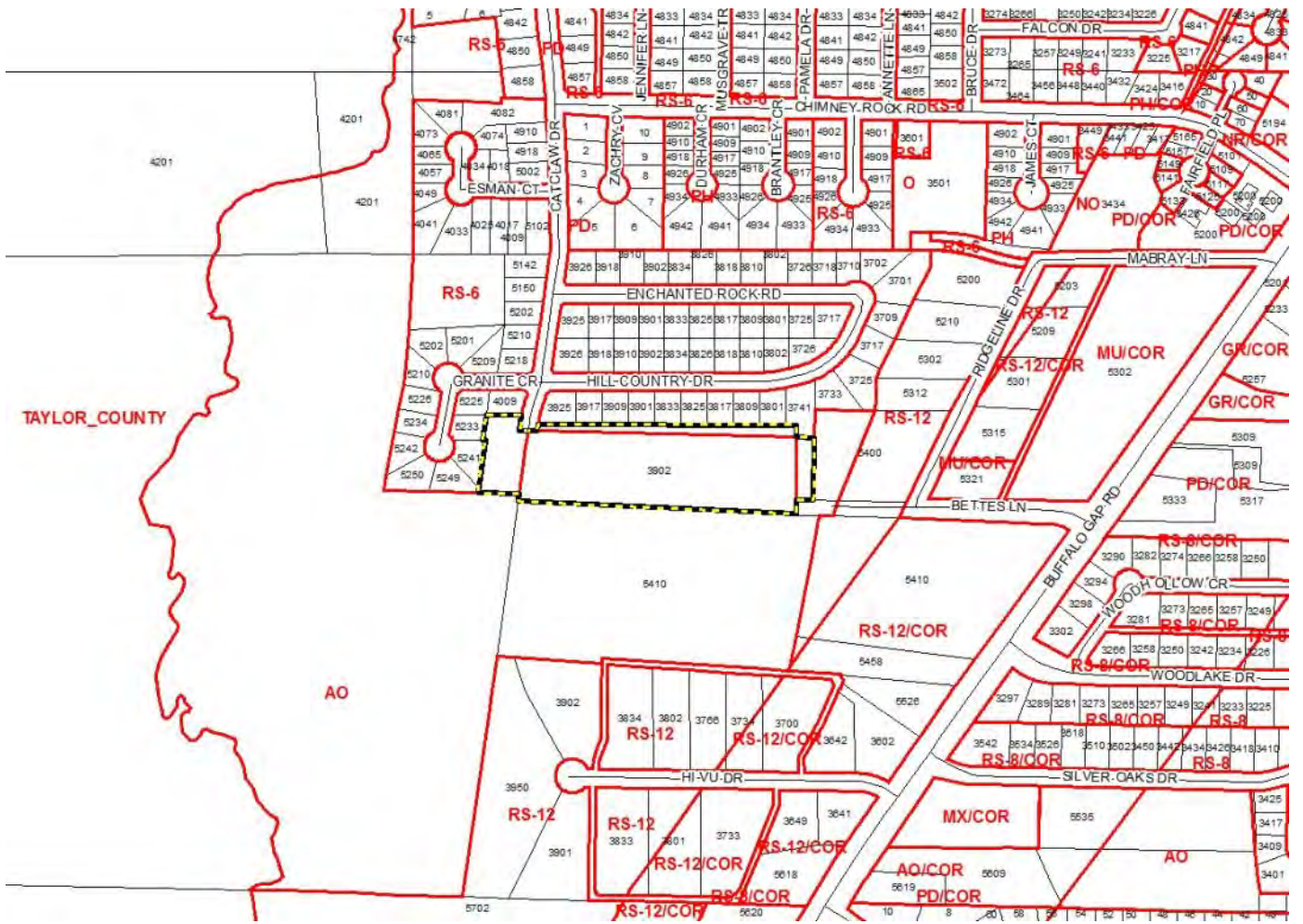
Property owners within a 200-foot radius were notified of the request.

| OWNER | ADDRESS | RESPONSE |
|-------------------------------------|----------------------|----------|
| FIORENZA JOSEPH A REV | 5410 BUFFALO GAP RD | |
| RAINEY CHRISTY DAWN | 3810 HILL COUNTRY DR | |
| DYER ROCKY B & SHARON A | 3834 HILL COUNTRY DR | Opposed |
| PABLICO RAMIL | 3826 HILL COUNTRY DR | Opposed |
| SCALIA JENNIFER L | 3802 HILL COUNTRY DR | Opposed |
| COUNTS W DAVID & MARY | 3926 HILL COUNTRY DR | Opposed |
| JOHNS ALEXANDER D & MARICEL L | 3910 HILL COUNTRY DR | |
| CITY OF ABILENE | | |
| BAILEY KEVIN M & KATHLEEN M | 3818 HILL COUNTRY DR | Opposed |
| HERMES PHILLIP E & NATALIE R | 3918 HILL COUNTRY DR | In Favor |
| BREWER KATHRYN KAY | 3902 HILL COUNTRY DR | Opposed |
| PONTZER SCOTT AUSTIN & AMANDA LEE | 3917 HILL COUNTRY DR | |
| STEVE ARTHUR DEVELOPMENT LTD | | |
| CLEMENTS CHRISTOPHER M & DANIELLE J | 3817 HILL COUNTRY DR | Opposed |
| SIMS REX A & SUKANYA J | 3741 HILL COUNTRY DR | Opposed |
| LOUTHER ALVIN & PATRICIA | 3809 HILL COUNTRY DR | Opposed |
| FERNANDEZ CARLO A & EMIELY B | 3801 HILL COUNTRY DR | |
| HUFF JOHNNY MILTON & RENEE T | 5400 RIDGELINE DR | |
| VILLALOVAS CONSTRUCTION INC | 3733 HILL COUNTRY DR | |
| BROWN MATTHEW C & MOLINA MONICA | 3925 HILL COUNTRY DR | Opposed |
| CRANE JASON H & CARA E | 3901 HILL COUNTRY DR | Opposed |
| PEZELLA LLC SERIES C | 3725 HILL COUNTRY DR | |
| HUDSON OLIN | 3909 HILL COUNTRY DR | Opposed |
| LEIBEL JOSHUA M | 3833 HILL COUNTRY DR | Opposed |
| SWIERC LIVING TRUST W | 3825 HILL COUNTRY DR | Opposed |
| ZUYUS ANGELA & STEVE ARTHUR DEV LTD | | |
| DEBLIECK SCOTT G & CHRISTYLEE | 3726 HILL COUNTRY DR | |
| STEVE ARTHUR DEVELOPMENT LTD | 5226 GRANITE CR | |
| STEVE ARTHUR DEVELOPMENT LTD | 5249 GRANITE CR | |
| STEVE ARTHUR DEVELOPMENT LTD | 5209 GRANITE CR | |
| LOWRY HENRY N & POLLYE C TRUST | | |
| STEVE ARTHUR DEVELOPMENT LTD | 5241 GRANITE CR | |
| STEVE ARTHUR DEVELOPMENT LTD | 5233 GRANITE CR | |
| STEVE ARTHUR DEVELOPMENT LTD | 5225 GRANITE CR | |
| STEVE ARTHUR DEVELOPMENT LTD | | |
| STEVE ARTHUR DEVELOPMENT LTD | 5250 GRANITE CR | |

| | | |
|--------------------------------|----------------------|----------|
| STEVE ARTHUR DEVELOPMENT LTD | 5210 GRANITE CR | |
| STEVE ARTHUR DEVELOPMENT LTD | 5242 GRANITE CR | |
| STEVE ARTHUR DEVELOPMENT LTD | 5234 GRANITE CR | |
| BRUNO EDWIN M & IVETTE M | 4009 HILL COUNTRY DR | |
| STEVE ARTHUR DEVELOPMENT LTD | 5201 GRANITE CR | |
| FIORENZA JOSEPH A REV | 5410 BUFFALO GAP RD | |
| AUBREY HOTEL INVESTMENTS LLC | 3902 BETTES LN | In Favor |
| FLOERSCH BRANDON DAVID & LAURA | 5218 CATCLAW DR | Opposed |

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







Rainbow, Zack

From: Natalie Hermes <natalie.hermes@suddenlink.net>
Sent: Sunday, March 1, 2015 6:13 PM
To: Reports, Planning
Subject: Re: Rezoning application Z 2015-07

My husband and I live at 3918 Hill Country Drive. We are in favor of the re-zoning request to allow patio homes on the property immediately south of Hill Country Drive. We currently enjoy a lot of peace and quiet in Greystone subdivision. If the land immediately to the south is developed, the most desirable development is single-family homes – regardless of whether they are standard lots or patio homes.

Connecting Catclaw with Bette’s Lane will create more traffic through our subdivision. But, we always knew that Catclaw would eventually be extended and that would create more traffic. We selected our lot with that in mind.

I would encourage the Planning and Zoning Commission to approve the requested re-zoning.

Natalie Hermes

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2015-07

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: AUBREY HOTEL INVESTMENTS LLC
Address: 3902 BETTES LN

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

Excellent infill project that will provide a much needed additional access to developments on Catclaw Dr.

Table 1

| Name | Signature | Address | Notified (Y/N) | Approve (Y/N) | Reasons? |
|---------------|--------------------|-------------------|----------------|---------------|--|
| CLIN HUDSON | <i>[Signature]</i> | 3909 Hill Country | N | N | STAY SAME FEEL AS CURRENT NOTIFICATION |
| MONICA MOLINA | <i>[Signature]</i> | 3925 Hill Country | Y | N | too much congestion |
| ROCKY DYER | <i>[Signature]</i> | Hill Country | Y | N | congestion |
| ALVIN KOUTHER | <i>[Signature]</i> | 3809 Hill Country | Y | N | |

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Name: DYER ROCKY B & SHARON A
Address: 3834 HILL COUNTRY DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

*single family homes only
over 2500 sq ft
\$250,000 @*

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2015-07

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: SIMS REX A & SUKANYA J
Address: 3741 HILL COUNTRY DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

The building of smaller homes will adversely effect our property value

CASE #: Z-2015-07

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: FLOERSCH BRANDON DAVID & LAURA
Address: 5218 CATCLAW DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

*Prefer Single-Family Residential vs
Patio Home in that area - JAA*

Rainbow, Zack

From: JASON CRANE <jcbcrane4@yahoo.com>
Sent: Saturday, February 28, 2015 3:09 PM
To: Reports, Planning
Subject: CASE# Z-2015-07

We received the notice of public hearing about our home in Abilene, TX. We currently live in Alaska and are unable to attend. We are most definitely OPPOSED to the request. Our home backs up to the property requested for patio homes. We feel this would greatly reduce the value of our home. There being no neighbors behind our home is a great feature of our home. We are not understanding if this will be apartments or what but that would be detrimental to the neighborhood. Thank you.

Jason and Cara Crane
3901 Hill Country Dr.

Rainbow, Zack

From: Kathy Brewer <kathyb314@att.net>
Sent: Wednesday, February 25, 2015 3:53 PM
To: Reports, Planning
Subject: ReZoning Application #Z-2015-07

I am opposed to this zoning change due to increased traffic, housing congestion, reduced quality of life affecting current residents.

Kathryn Kay Brewer
3902 Hill Country Drive
Abilene, Tx 79606