

City Council  
Agenda Memo



City Council  
Meeting Date: 5/14/2015

**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-2015-11, a request from Butterfield Meadows, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, being a portion of 4810 Southwest Dr at the end of Butterfield Meadows Pkwy.**

**GENERAL INFORMATION**

Currently, the property is undeveloped. This is located at the east end of Butterfield Meadows Pkwy and will be an extension for the next phase of the Butterfield Meadows subdivision. The development has a mix of single-family, duplex, and patio homes with areas for commercial, retail and office development along Hwy 277 S. The Quail Hollow apartment complex exists to the south of this subdivision. The requested RS-6 zoning would allow for the next phase of the development.

The Future Land Use section of the Comprehensive Plan designates this area low-density development. The requested zoning will allow for the development of single-family homes consistent with the existing homes in the subdivision. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff recommends approval as requested.

**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

May 1, 2015

Item No. 7.4

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 23<sup>rd</sup> day of April, 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 20<sup>th</sup> day of March, 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 14<sup>th</sup> day of May, 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 14<sup>th</sup> day of May, A.D. 2015.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

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

Legal Description:

A PORTION OF A0003 SUR 44 JOHN ADAMS, ACRES 6.72



Location:

A portion of 4810 Southwest Dr at the end of Butterfield Meadows Pkwy

-END-

# ZONING CASE Z-2015-11

## STAFF REPORT



### APPLICANT INFORMATION:

Butterfield Meadows, LLC  
Agent: Tal Fillingim

### HEARING DATES:

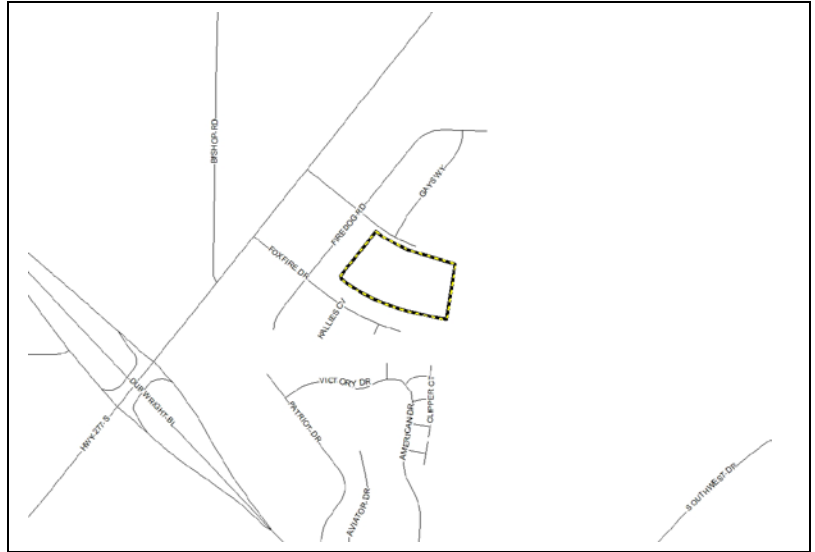
Planning & Zoning Commission: April 6, 2015  
City Council 1<sup>st</sup> Reading: April 23, 2015  
City Council 2<sup>nd</sup> Reading: May 14, 2015

### LOCATION:

A portion of 4810 Southwest Dr, located at the east end of Butterfield Meadows Pkwy

### REQUESTED ACTION:

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



### SITE CHARACTERISTICS:

The subject parcel totals approximately 6.72 acres and is currently zoned AO. The parcel is undeveloped. The adjacent properties are zoned RS-6 to the north, AO to the east, and PH (Patio Home) to the south & west.

### ZONING HISTORY:

The property annexed in 1986 and was zoned AO at that time.

### ANALYSIS:

- Current Planning Analysis  
Currently, the property is undeveloped. This is located at the east end of Butterfield Meadows Pkwy and will be an extension for the next phase of the Butterfield Meadows subdivision. The development has a mix of single-family, duplex, and patio homes with areas for commercial, retail and office development along Hwy 277 S. The Quail Hollow apartment complex exists to the south of this subdivision. The requested RS-6 zoning would allow for the next phase of the development.
- Comprehensive Planning Analysis  
The Future Land Use section of the Comprehensive Plan designates this area low-density development. The requested zoning will allow for the development of single-family homes consistent with the existing homes in the subdivision. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

**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
MIZZONI NICHOLAS ROCCO	3557 FIREDOG RD	
PATEL SUNIL S LTD	3533 FIREDOG RD	
HUETHER JEREMY RYAN	3465 FIREDOG RD	
HARDEGREE GREG	3509 FIREDOG RD	In Favor
SMEDLEY TWILA	3549 FIREDOG RD	In Favor
HOOVER SUMIKO	3541 FIREDOG RD	
HUNT MICHELLE	3573 FIREDOG RD	
DURAN JESUS	3565 FIREDOG RD	
DAVIS CATHERINE	3501 FIREDOG RD	
WILDER CANDACE B & RICKY A	3601 FIREDOG RD	
CHRISTIE LESKA S	3517 FIREDOG RD	In Favor
DANIEL MARTY V	3457 FIREDOG RD	
REED VERONICA	3525 FIREDOG RD	
ADAMS GARY A & GAYLA S	3473 GAYS WY	
BUTTERFIELD MEADOWS LLC	3474 GAYS WY	
KUMAR KRISHNA P	3482 GAYS WY	
EWEST WILLIAM	3702 KALLIES CV	
ABILENE FINE HOMES LLC	5842 FOXFIRE DR	In Favor
ABILENE FINE HOMES LLC	5802 FOXFIRE DR	In Favor
THOMPSON CLAY E & JAMMIE Y	5874 FOXFIRE DR	
ABILENE FINE HOMES LLC	5850 FOXFIRE DR	In Favor
ABILENE FINE HOMES LLC	5810 FOXFIRE DR	In Favor
ABILENE FINE HOMES LLC	5818 FOXFIRE DR	In Favor
ADAMS LAUREN & ADAMS BILLY W & TAMMY	5866 FOXFIRE DR	
BROWN MARIANNE	5858 FOXFIRE DR	
ABILENE FINE HOMES LLC	3702 ARTHURS CR	
DE LA CRUZ ERWIN B & JENNIEFER MARIANO	3701 KALLIES CV	
ABILENE FINE HOMES LLC	3701 ARTHURS CR	
ABILENE FINE HOMES LLC	5826 FOXFIRE DR	In Favor
ABILENE FINE HOMES LLC	5834 FOXFIRE DR	In Favor
BUTTERFIELD MEADOWS LLC	4810 SOUTHWEST DR	
VERA AUTUMN G	3481 GAYS WY	

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



