

**City Council
Agenda Memo**



**City Council
Meeting Date: 7/9/2015**

TO: Robert Hanna, 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-2015-14, a request from Carla Varner Knight, to rezone property from GC (General Commercial) & MF (Multi-Family Residential) to GR (General Retail) zoning, located at 3450 N. 10th St.

GENERAL INFORMATION

Currently the property is undeveloped. It is zoned MF on the north portion of the lot & GC on the south portion of the lot. The surrounding area is developed generally with retail uses to the south & east, multi-family and single-family uses to the west, and churches to the north. The purpose of the zoning is to have a consistent zoning on the entire lot and to allow for retail uses to include a 'washateria'. The GR zoning is requested as it provides a better transition to the residential uses to the west than the GC zoning while still permitting the desired uses.

The Future Land Use section of the Comprehensive Plan designates the property as 'commercial'. It is near a 'Local Community Center' designated at the intersection of N. 10th St and N. Mockingbird Ln. North 10th St is designated as an 'enhancement corridor'. A retail node currently exists at the intersection of N. 10th St and N. Willis St, of which this is a contributing part. The area is primarily developed with retail uses and 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 6 in favor (Bixby, Calk, Dunnahoo, Ellinger, McClarty, & Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> June 26, 2015	Item No. <u>7.1</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ _____ City Secretary
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ORDINANCE NO. [REDACTED]

Comment [RGG1]: Page: 1
To be filled in by the City Secretary's office.

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 25th day of June, 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 16th day of May, 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 July, 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 July, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from GC (General Commercial) & MF (Multi-Family Residential) to GR (General Retail) zoning.

Legal Description:

WESTLAWN ADDN, BLOCK 11, LOT 5, REP BLK 7 EXT



Location:
3450 N. 10th St

-END-

ZONING CASE Z-2015-14

STAFF REPORT



APPLICANT INFORMATION:

Carla Varner Knight

HEARING DATES:

P & Z Commission: June 1, 2015

City Council 1st Reading: June 25, 2015

City Council 2nd Reading: July 9, 2015

LOCATION:

3450 N. 10th St

REQUESTED ACTION:

Rezone property from GC (General Commercial) & MF (Multi-Family Residential) to GR (General Retail) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 1.63 acres and is currently zoned GC & MF. The adjacent properties are zoned MF & MD (Medium Density) to the north, GC & GR zoning to the south, MF zoning to the west and GC & GR zoning to the east.

ZONING HISTORY:

The property was annexed in 1957 and zoned RM-2 (now MF zoning) in 1981 and GC in 1983.

ANALYSIS:

• Current Planning Analysis

Currently the property is undeveloped. It is zoned MF on the north portion of the lot & GC on the south portion of the lot. The surrounding area is developed generally with retail uses to the south & east, multi-family and single-family uses to the west, and churches to the north. The purpose of the zoning is to have a consistent zoning on the entire lot and to allow for retail uses to include a 'washateria'. The GR zoning is requested as it provides a better transition to the residential uses to the west than the GC zoning while still permitting the desired uses.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the property as 'commercial'. It is near a 'Local Community Center' designated at the intersection of N. 10th St and N. Mockingbird Ln. North 10th St is designated as an 'enhancement corridor'. A retail node currently exists at the intersection of N. 10th St and N. Willis St, of which this is a contributing part. The area is primarily developed with retail uses and 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, Dunnahoo, Ellinger, McClarty, & Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
SPIRIT MASTER FUNDING LLC	920 N WILLIS ST	
ABILENE DIAGNOSTIC CLINIC P LLC	3449 N 10TH ST	
LARC MANAGEMENT LCL	985 MINTER LN	In Favor
LARC MANAGEMENT LLC	3457 N 10TH ST	In Favor
LARC MANAGEMENT LCL	975 MINTER LN	In Favor
LYON MARK DBA ML PROPERTIES	1001 MINTER LN	
EPWORTH METHODIST CHURCH	1102 N WILLIS ST	
CALVARY BAPTIST CHURCH	1033 MINTER LN	
CALVARY BAPTIST CHURCH	1165 MINTER LN	
SCAD LLC	1034 N WILLIS ST	
JAYKAY WILLIS ABILENE LLC	1010 N WILLIS ST	
VARNER CARLA ANN	3450 N 10TH ST	

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







