

City Council
Agenda Memo



City Council
Meeting Date: 8/22/2013

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading of an ordinance for Case No. CUP-2013-01, a request from Acme Commercial Properties, LLC, agent Mike O'Neal, for a Conditional Use Permit to allow a Commercial Antenna Tower on property zoned GC (General Commercial), located at 4074 N. Clack St; and setting a public hearing for September 12, 2013.

GENERAL INFORMATION

Currently the property is zoned GC and has been developed with small office building. The property to the south has been developed as self-storage. To the north, there is a convenience store and a bank. The properties to the west are developed with manufactured homes. The request is to allow for an 'Antenna Tower – Commercial' to provide better cell coverage in the area. The tower is needed as the existing nearby towers are either full or are not able to support additional antennas due to existing usage of the towers. The tower will be designed for co-location in the future.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity along the freeway. The applicant proposes to add a new cell tower to the property. The request would be compatible with the surrounding uses.

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 (Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

August 13, 2013

Item No. _____

Disposition by City Council

- Approved Ord/Res# _____
 Denied
 Other

City Secretary

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart B, "Land Development Code," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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 22nd day of August A.D. 2013.

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 19th day of July, 2013, 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 September, 2013, 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 September, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Approve a Conditional Use Permit for a Commercial Antenna Tower on property zoned GC (General Commercial).

Location:

4074 N. Clack St

Legal Description:

Sunlake Village Addn, Sec 1, Block D, Lot part of 102 replat



With the following conditions:

- none.

-END-

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

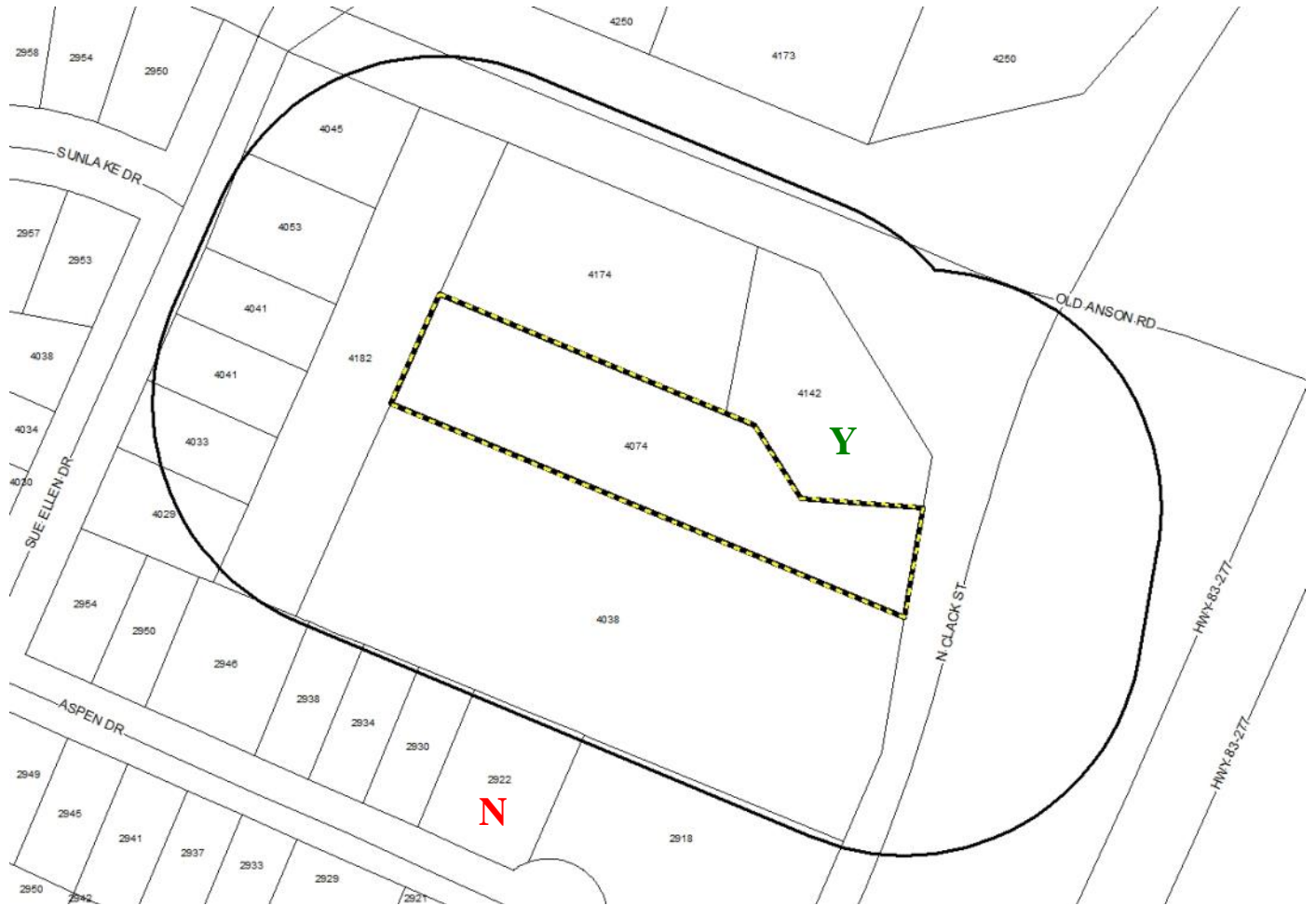
The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ELLIOTT JOSEPH & STEPHANIE	2918 ASPEN DR	
WOOD JOE & SHIRLEY	2922 ASPEN DR	Opposed
BATTEN KEVIN	2946 ASPEN DR	
KNOETGEN PAUL J & FRANCES H	2930 ASPEN DR	
KNOETGEN KENNETH A & MARGARET A	4041 SUE ELLEN DR	
KLOZINSKI PAUL E	4029 SUE ELLEN DR	
LOGSTON DONALD R & KAY L	4053 SUE ELLEN DR	
KLOZINSKI PAUL E	4033 SUE ELLEN DR	
A HABITAT FOR LEARNING	4182 OLD ANSON RD	
ACME COMMERCIAL PROPERTIES LLC	4074 N CLACK ST	
TXDOT CREDIT UNION	4174 OLD ANSON RD	
SANDOVAL ISMAEL A & GRICELDA H	4045 SUE ELLEN DR	
WYATT DEANNA	2938 ASPEN DR	
WYATT DEANNA C	2934 ASPEN DR	
KNOETGEN KENNETH A & MARGARET A	4041 SUE ELLEN DR	
BARTLETT RICHARD D & JANET A	4038 N CLACK ST	
HARCOM LAND & CATTLE CO	4142 N CLACK ST	In Favor

1 in Favor- **Y**
1 Opposed- **N**









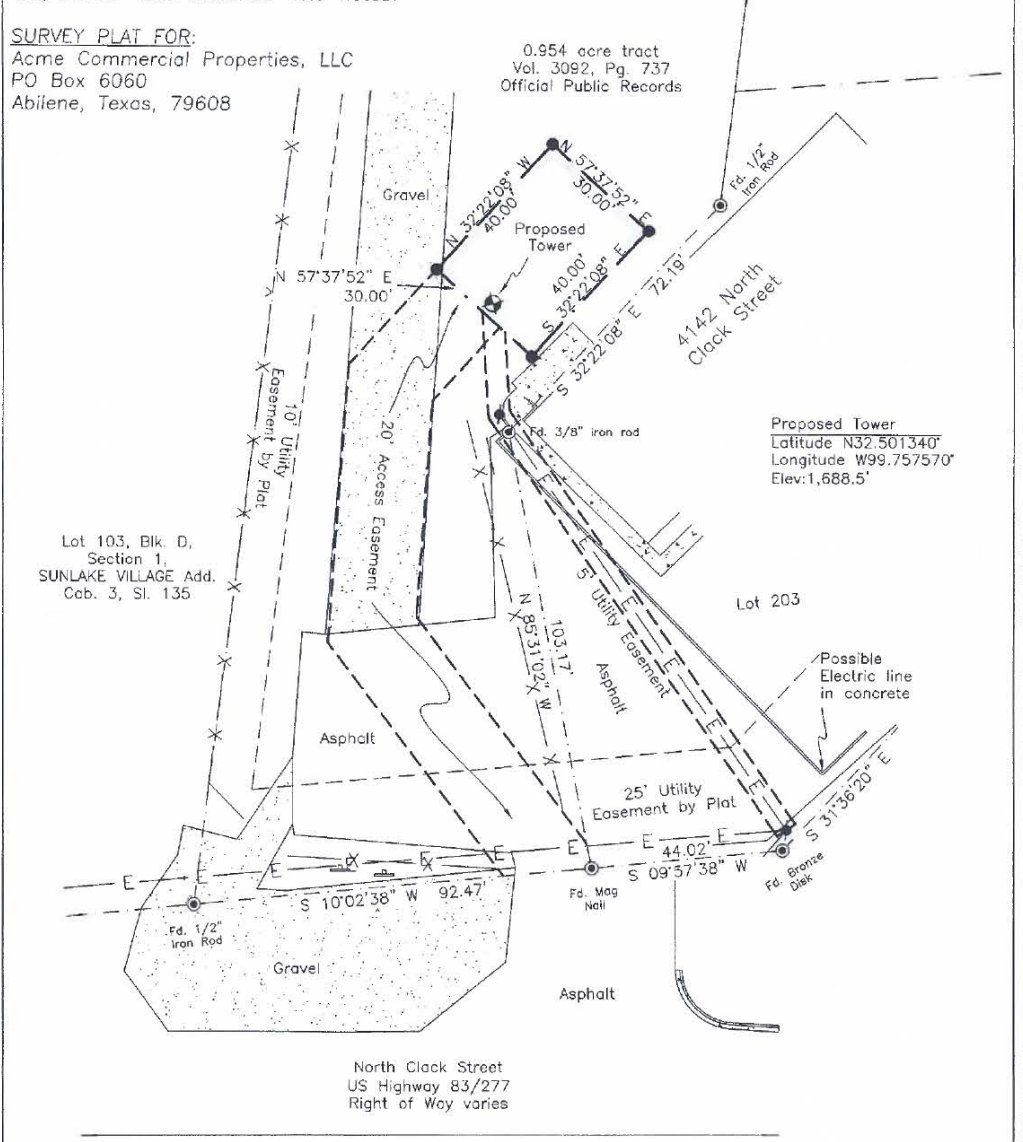
Proposed Site Exhibit

Legal Description:

I hereby certify to Acme Commercial Properties, LLC the following to be a correct plat showing the location of a 0.0275 acre tract out of Lot 102, Block D, Section 1, Sunlake Village Addition to the City of Abilene, Taylor County, Texas, as shown by Plat recorded in Plat Cabinet No. 3, Slide No. 135, Plat Records, Taylor County, Texas. Surveyed on June 4th, 2013. See attached field notes.

SURVEY PLAT FOR:

Acme Commercial Properties, LLC
 PO Box 6060
 Abilene, Texas, 79608



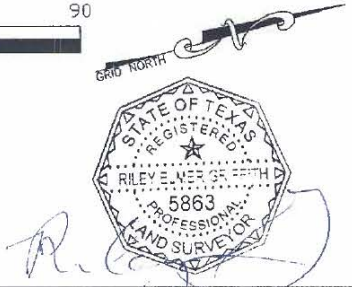
LEGEND

- Found Monument
- Set 1/2" Iron Rod
- Power Pole
- Boundary
- - - Easements
- - - Adjoiners
- - - Electric Line
- - - Fence Line

NO VISIBLE ENCROACHMENTS FOUND EXCEPT THOSE SHOWN ON DRAWING.

NOTE: A COMPANION PLAT X:\Data\Data 2013\13A0033 Sunlake Village\Drawings\2013-A-0033.dwg REG IS FILED IN THE OFFICE OF THIS SURVEYOR AND FURTHER DESCRIBES THE RECONSTRUCTION OF THIS LOT.

WEST COMPANY OF ABILENE
 2401 S. WILSON ST., STE. 110
 ABILENE, TEXAS, 79605
 (325) 437-8118 - FAX: (325) 437-8119



RILEY ELMER GRIFFITH
 TEXAS R.P.L.S. No. 5863
 OKLAHOMA P.L.S. No. 1662
 Dated: June 12, 2013

X:\Data\Data 2013\13A0033 Sunlake Village\Drawings\2013-A-0033.dwg

2013-A-0033