

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-2013-02, a request from Clavel Corporation, for a Conditional Use Permit to allow for Manufacturing (Light) on property zoned HC (Heavy Commercial), located at 4150 E. Overland Tr; and setting a public hearing for September 12, 2013.

**GENERAL INFORMATION**

Currently the property is zoned HC and has been developed with small office building and a larger warehouse/storage building. The adjacent properties are largely undeveloped. The property was originally developed to showcase manufactured homes. The current business was permitted as a beauty product retail store. The request is to allow for 'Manufacturing (Light)' to allow for the business to compound their product on-site. The compounding of the product is considered light manufacturing and is only allowed with approval of a Conditional Use Permit in the HC zoning.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and is part of a Business-Industrial Gateway. The light manufacturing 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. 6.2

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 22<sup>nd</sup> 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 19<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> day of September, A.D. 2013.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

Approve a Conditional Use Permit for a Manufacturing (Light) on property zoned HC (Heavy Commercial).

Location:

4150 E. Overland Tr

Legal Description:

Ryan Park, Block A, Lot 1



With the following conditions:

- none.

-END-

# ZONING CASE CUP-2013-02

## STAFF REPORT



### APPLICANT INFORMATION:

Clavel Corporation

### HEARING DATES:

Planning & Zoning Commission: August 5, 2013

City Council 1<sup>st</sup> Reading: August 22, 2013

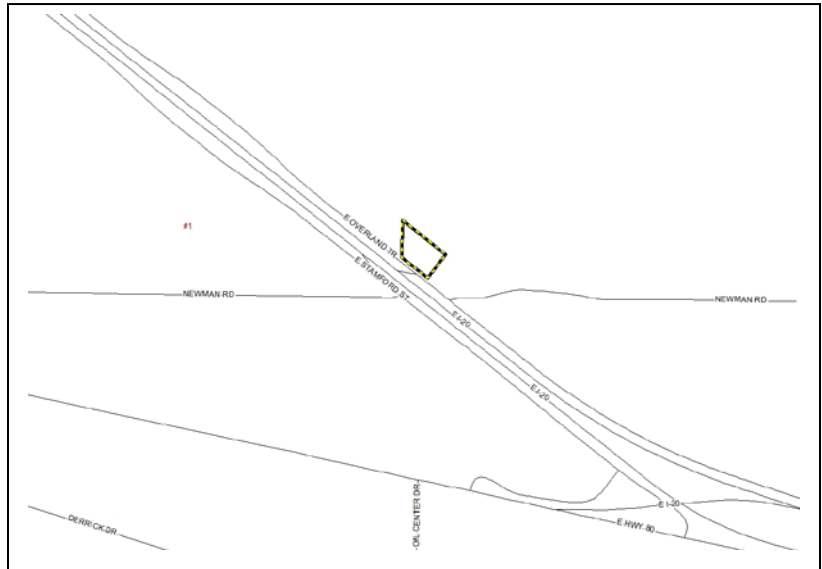
City Council 2<sup>nd</sup> Reading: September 12, 2013

### LOCATION:

4150 E. Overland Tr

### REQUESTED ACTION:

Conditional Use Permit to allow for 'Manufacturing (Light)' on property zoned HC



### SITE CHARACTERISTICS:

The subject parcel totals approximately 2.12 acres and is currently zoned HC (Heavy Commercial). The property has been developed with a small office building and a larger warehouse/storage building. The adjacent properties have HC zoning to the north & east and AO (Agricultural Open Space) zoning to the west. Interstate 20 exists along the south frontage.

### ZONING HISTORY:

The property was annexed in 1964 and was zoned HC in 1984.

### ANALYSIS:

- Current Planning Analysis  
Currently the property is zoned HC and has been developed with small office building and a larger warehouse/storage building. The adjacent properties are largely undeveloped. The property was originally developed to showcase manufactured homes. The current business was permitted as a beauty product retail store. The request is to allow for 'Manufacturing (Light)' to allow for the business to compound their product on-site. The compounding of the product is considered light manufacturing and is only allowed with approval of a Conditional Use Permit in the HC zoning.
- Comprehensive Planning Analysis  
The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity and is part of a Business-Industrial Gateway. The light manufacturing request would be compatible with the surrounding uses.

**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
WASHBURN PAUL	4174 E OVERLAND TR	
DSH REAL ESTATE LLC	4150 E OVERLAND TR	In Favor
ATKINS BROS EQUIP CO INC		In Favor
WASHBURN PAUL		

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

