

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. Z-2013-27, a request from Development Corporation of Abilene, agent Richard Burdine, to amend the PD-73 (Planning Development) zoning regarding allowable industrial-related uses, at Five Points Business Park in the vicinity of N. Arnold Blvd; and setting a public hearing for September 12, 2013.

**GENERAL INFORMATION**

Currently the property is zoned PD and has been developed with large scale industrial type uses. There are several commercial and industrial uses in the surrounding area.

The Future Land Use section of the Comprehensive Plan designates this general area as business/industrial as well as a Gateway into the City. The requested PD amendment would allow for repair & maintenance services and power generation within the PD. The existing developments are all large scale industrial buildings. The amendment would permit these uses while still requiring the uses to meet the development standards of the zoning so as not to detract from the overall aesthetic quality of the development within the PD.

**STAFF RECOMMENDATION**

Staff recommends approval.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Glenn, McClarty, Rosenbaum, Yungblut, and Famble), none opposed, and 1 abstained (Todd).

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

August 13, 2013

Item No. 6.9

Disposition by City Council

- Approved Ord/Res# \_\_\_\_\_
- Denied \_\_\_\_\_
- Other \_\_\_\_\_

\_\_\_\_\_  
City Secretary

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

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, PART "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, AMENDING PD-73 A PLANNED DEVELOPMENT; 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.

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"

PAGE 1

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

Exhibit "A"

5<sup>th</sup> Amendment to Ordinance No. 30-2000

Amend PART 7: Specific Modifications. A

*{Add 'Repair and Maintenance Services' & 'Power Generation' as permitted uses}*

AMEND: The use of the land shall be restricted to Assembly/Manufacturing/Warehousing, Product Research and Development, Distribution, Petroleum/Gas Wells, Repair and Maintenance Services, and Power Generation. In addition, the following commercial uses are permitted: convenience stores, fast food restaurants, copy centers, cleaners, and childcare. These commercial uses are restricted to the commercial zone within the Park as designated in the attached site plan. A hiking, biking, jogging trail may be located in the Park. The trail may include a picnic and water feature area.

- END -



**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of the proposed amendment.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Glenn, McClarty, Rosenbaum, Yungblut, and Famble), none opposed, and 1 abstained (Todd).

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
ZOLTEK PROPERTIES INC	1121 FULWILER RD	
DEVELOPMENT CORP OF ABL	618 POLARIS DR	In Favor
DEVELOPMENT CORP OF ABL	718 POLARIS DR	In Favor
DEVELOPMENT CORP OF ABL	348 ARNOLD BL	In Favor
CITY OF ABILENE	6949 MARIGOLD ST	
HARRIS JEAN FULWILER ETAL	6402 MARIGOLD ST	
TOOMBS BILLY BOB		
STATE OF TEXAS		
T & P RY CO		
HABITAT FOR HUMANITY-ABILENE	101 FULWILER RD	
BLUE BELL OPERATING LP	525 FULWILER RD	
SCHWANS HOME SERVICE INC	425 FULWILER RD	
WEST TEXAS UTILITIES CO	6657 MARIGOLD ST	
CITY OF ABILENE	6449 FIVE POINTS PW	
BT-OH LLC	365 FULWILER RD	
	6358 N 1ST ST	
ZOLTEK PROPERTIES INC	1221 FULWILER RD	
STATE OF TEXAS		
DEVELOPMENT CORP OF ABL	6450 FIVE POINTS PW	In Favor
DEVELOPMENT CORP OF ABL	601 N ARNOLD BL	In Favor
DEVELOPMENT CORP OF ABL	1149 N ARNOLD BL	In Favor
ATMOS ENERGY CORP	1101 N ARNOLD BL	
DEVRON ABILENE LLC	801 N ARNOLD BL	
TEXAS HEALTHCARE LINEN LLC	1349 N ARNOLD BL	
DEVELOPMENT CORP OF ABL	733 POLARIS DR	In Favor
TEXAS DEPARTMENT OF TRANSPORTATION	1350 N ARNOLD BL	
DEVELOPMENT CORP OF ABL		In Favor
DEVELOPMENT CORP OF ABL	6558 FIVE POINTS PW	In Favor
DEVELOPMENT CORP OF ABL	6557 FIVE POINTS PW	In Favor
SHELURN RICHARD E & CAROLYN J	7734 W HWY 80	
TOWER TECH SYSTEMS INC	1126 N ARNOLD BL	

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









