

City Council  
Agenda Memo



City Council  
Meeting Date: 10/24/2013

**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-2013-03, a request from Sam's Real Estate Business Trust, Agent Fehr Foods Inc., for a Conditional Use Permit to allow for Manufacturing (Light) on property zoned HC (Heavy Commercial), located at 5301 S. 1st St; and setting a public hearing for November 7, 2013.

**GENERAL INFORMATION**

Currently the property is zoned HC and has been developed with a large retail building. The adjacent properties are a mix of hotel, industrial, and residential uses. The property was previously occupied by the Sam's Club retail use. The proposed business is a bakery, Fehr Foods. The request is to allow for 'Manufacturing (Light)' to allow for the baking and packaging of their product on-site. The baking and packaging 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 area as a 'Major Commercial/Business area. 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 5 in favor (Bixby, Glenn, Rosenbaum, Todd, and McClarty) and none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

October 11, 2013

Item No. 6.7

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 24<sup>th</sup> day of October 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 20<sup>th</sup> day of September, 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 7<sup>th</sup> day of November, 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 7<sup>th</sup> day of November, 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:

5301 S. 1<sup>st</sup> Street

Legal Description:

ALAMEDA ADDN SEC 1, BLOCK A, LOT 301 LESS .06 AC



With the following conditions:

- none.

-END-

# ZONING CASE CUP-2013-03

## STAFF REPORT



### APPLICANT INFORMATION:

Sam's Real Estate Business Trust  
Agent: Fehr Foods Inc.

### HEARING DATES:

Planning & Zoning Commission: October 7, 2013  
City Council 1<sup>st</sup> Reading: October 24, 2013  
City Council 2<sup>nd</sup> Reading: November 7, 2013

### LOCATION:

5301 S. 1<sup>st</sup> St

### REQUESTED ACTION:

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



### SITE CHARACTERISTICS:

The subject parcel totals approximately 14.65 acres and is currently zoned HC (Heavy Commercial). The property is the previous site of the Sam's Club. The adjacent properties have HC zoning to the east, LI (Light Industrial) to the west, and RS-6 (Single-Family Residential) zoning to the south. The railroad right-of-way exists on the north side of S. 1<sup>st</sup> St.

### ZONING HISTORY:

The property was annexed in 1957 and was zoned HC sometime after.

### ANALYSIS:

- Current Planning Analysis

Currently the property is zoned HC and has been developed with a large retail building. The adjacent properties are a mix of hotel, industrial, and residential uses. The property was previously occupied by the Sam's Club retail use. The proposed business is a bakery, Fehr Foods. The request is to allow for 'Manufacturing (Light)' to allow for the baking and packaging of their product on-site. The baking and packaging 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 area as a 'Major Commercial/Business area. 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 5 in favor (Bixby, Glenn, Rosenbaum, Todd, and McClarty) and none opposed.

**NOTIFICATION:**

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

<b>OWNER</b>	<b>ADDRESS</b>	<b>RESPONSE</b>
DE LA CRUZ JOE	5337 LAMESA AV	
GUTIERREZ ROSA	5331 LAMESA AV	
CASTRO JUSTO P & SONIA Q	5338 LAMESA AV	
CEDILLO JAIME G & JOANN	5355 LAMESA AV	
FRY ROY C	5313 LAMESA AV	
SCOTT JOHN P &	5326 LAMESA AV	
JACKSON JOHN D &	5307 LAMESA AV	
SIX HOWARD EUGENE	5343 LAMESA AV	
PATTERSON ARCHIE T &	5349 LAMESA AV	
RODRIQUEZ HENRY C	5308 LAMESA AV	
MEYER DEANNE	5350 LAMESA AV	
BUCHANAN PATRICIA I	5325 LAMESA AV	
BROOKS ROY LEE	5319 LAMESA AV	
TRAWEEK GENE B	5361 LAMESA AV	
SHAVER GUY M	5332 LAMESA AV	
CAMPBELL LOIS I LIFE ESTATE	5320 LAMESA AV	In Favor
PANDLEY RAYFIELD & TIKSHEA C	5314 LAMESA AV	
REGAN DENNIS & DONNA	5362 LAMESA AV	
ROMO TRACEY LYNCH	5302 LAMESA AV	
TARANGO ARTURO &	5344 LAMESA AV	
MACK CHRISTOPHER G	320 PRESIDIO DR	
HERNANDEZ ISAAC	302 PRESIDIO DR	
VEGA MARY ANN ET AL	314 PRESIDIO DR	
MILLIORN TOMMY E	308 PRESIDIO DR	
JACKSON GARY A & LAURETTA J	5367 LAMESA AV	
POWERS CARL & DEANN	5356 LAMESA AV	
REGAN DENNIS M & DONNA L	5368 LAMESA AV	
HPD REAL ESTATE LTD	5209 S 1ST ST	
HPD REAL ESTATE LTD	5217 S 1ST ST	
WALMART STORES# DIVISION STORE	5249 S 1ST ST	
NOBLES ROBERT R II & CINDY	5401 S 1ST ST	

ABILENE BOWLING LN		
WALMART STORES# DIVISION STORE	5301 S 1ST ST	

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









