

City Council  
Agenda Memo



City Council  
Meeting Date: 5/19/2014

**TO:** Larry D. Gilley, City Manager

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

**SUBJECT:** First reading on an ordinance for Case No. Z-2014-17, a request from David & Rhonda Webb, to rezone property from LI (Light Industrial) to PD (Planned Development) zoning, located at 2442 Industrial Blvd; and setting a public hearing for June 12, 2014.

**GENERAL INFORMATION**

The City issued a certificate of occupancy (C.O.) for a light manufacturing use for a lease space located on the subject property. It has since been converted to include a physical fitness use. The LI zoning does not permit the physical fitness use. Industrial Blvd is transitioning into more of a commercial/retail area. The requested PD zoning is intended to maintain the LI zoning but include the physical fitness uses as a permitted use on the property. The physical fitness is permitted in the GC & HC zoning districts.

The City reviewed the zoning along Industrial Blvd last year and several properties were rezoned to either GC or HC zoning. The surrounding area is developed generally with residential & school uses to the north and more traditional industrial uses to the south. Single-family residential homes exist directly to the north of this property.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating along the corridor ranging from personal service, office, retail, and commercial uses. Industrial Blvd is transitioning into more of a commercial/retail area. The requested zoning would maintain the LI zoning district and include the physical fitness use.

Due to the single-family homes directly adjacent to the north, staff has determined that the GC zoning would be more appropriate. The LI zoning is not compatible with the surrounding uses, and no longer is appropriate with the development trends along Industrial Blvd. However, even with GC zoning the existing industrial uses would be allowed to continue.

**STAFF RECOMMENDATION**

Staff recommends approval of GC zoning.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval of the PD zoning based on the LI district that would also include all GC uses by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, and Famble) and none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps  
Letter from Tenant

Prepared by:  Name: <u>Ben Bryner</u>  Title: <u>Planning Services Manager</u>  May 6, 2014	Item No. <u>06-05</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____  _____ City Secretary
---	-----------------------	---

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-143 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 19<sup>th</sup> day of May A.D. 2014.

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 18<sup>th</sup> day of April, 2014, 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 p.m., on the 12<sup>th</sup> day of June, 2014, 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 June, A.D. 2014.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From LI (Light Industrial) to PD (Planned Development) zoning.

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.

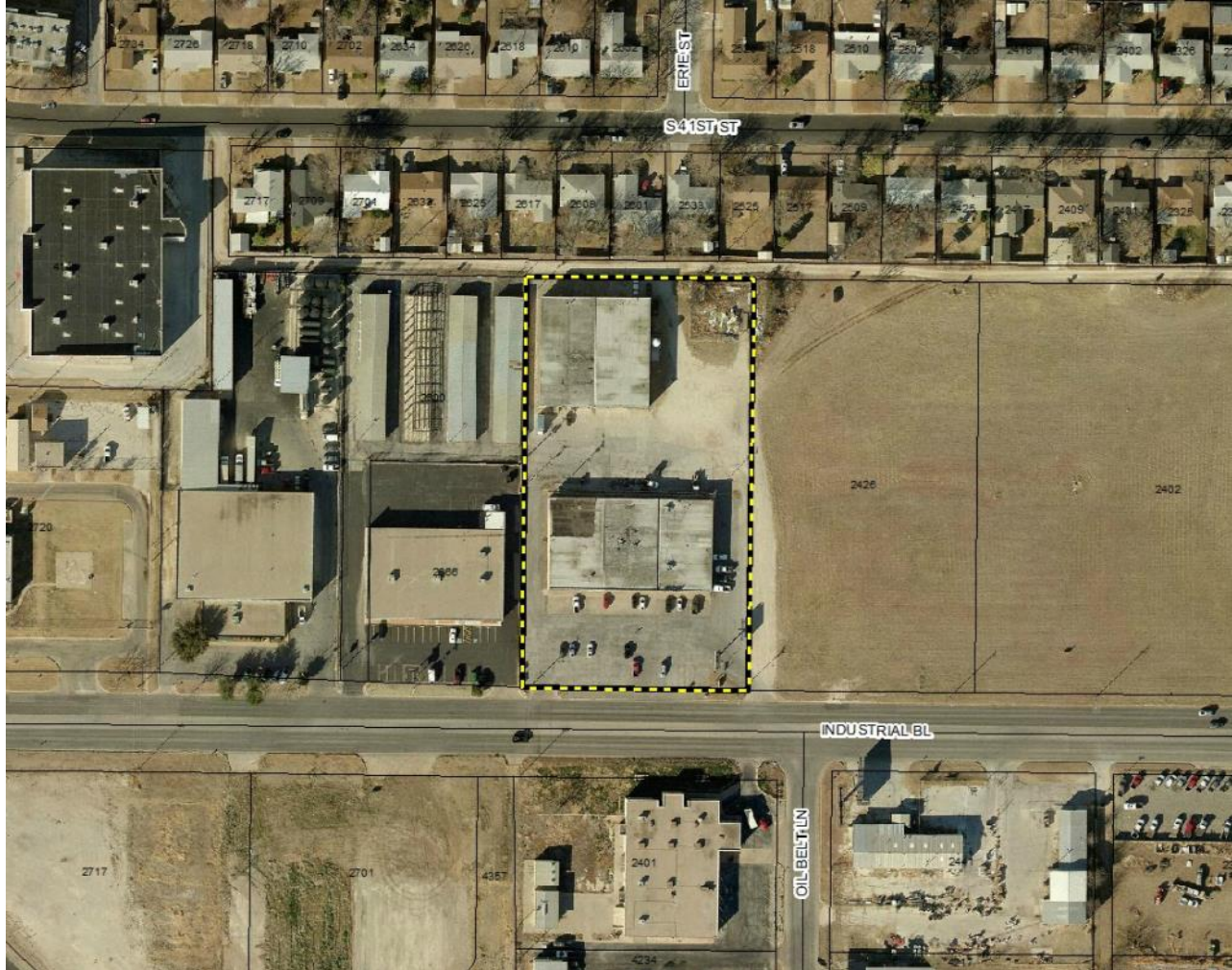
ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

PAGE 2

PART 5: Legal Description. The legal description of this PD is as follows:

CRAWFORD AUSTIN CO SUB, BLOCK 1, LOT 202 REP, ACRES 2.943



Location:

2442 Industrial Blvd

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

EXHIBIT "A"

PAGE 3

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for a commercial use which generally is not allowed under present zoning and development procedures.

PART 7: Specific Modifications. This Planned Development shall be subject to the following:

**PERMITTED USES:** The property shall be subject to the requirements of the LI (Light Industrial) zoning district with the following modification:

- 1) **ADDITIONAL PERMITTED USE:** The property shall also allow the uses permitted in the GC (General Commercial) zoning district.

-END-

# ZONING CASE Z-2014-17

## STAFF REPORT



### APPLICANT INFORMATION:

David & Rhonda Webb

### HEARING DATES:

Planning & Zoning Commission: May 5, 2014  
City Council 1<sup>st</sup> Reading: May 19, 2014  
City Council 2<sup>nd</sup> Reading: June 12, 2014

### LOCATION:

2442 Industrial Blvd

### REQUESTED ACTION:

Rezone property from LI (Light Industrial) to PD (Planned Development) zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 2.94 acres and is currently zoned LI. The parcel is developed with 2 buildings with multiple lease spaces. The adjacent property is zoned GC (General Commercial) to the west, RS-6 (Single-Family Residential) to the north, and LI to the east and south. The Industrial Blvd corridor is currently transitioning from industrial uses to commercial and personal service uses.

### ZONING HISTORY:

The property was annexed in 1957 and was zoned LI sometime after. Several adjacent properties along Industrial Blvd have been rezoned from LI to both HC (Heavy Commercial) & GC zoning in the recent past.

### ANALYSIS:

- Current Planning Analysis  
The City issued a certificate of occupancy (C.O.) for a light manufacturing use for a lease space located on the subject property. It has since been converted to include a physical fitness use. The LI zoning does not permit the physical fitness use. Industrial Blvd is transitioning into more of a commercial/retail area. The requested PD zoning is intended to maintain the LI zoning but include the physical fitness uses as a permitted use on the property. The physical fitness is permitted in the GC & HC zoning districts.

The City reviewed the zoning along Industrial Blvd last year and several properties were rezoned to either GC or HC zoning. The surrounding area is developed generally with residential & school uses to the north and more traditional industrial uses to the south. Single-family residential homes exist directly to the north of this property.

- Comprehensive Planning Analysis  
The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. There are several different businesses operating along the corridor

ranging from personal service, office, retail, and commercial uses. Industrial Blvd is transitioning into more of a commercial/retail area. The requested zoning would maintain the LI zoning district and include the physical fitness use. Due to the single-family homes directly adjacent to the north, staff has determined that the GC zoning would be more appropriate. The LI zoning is not compatible with the surrounding uses, and no longer is appropriate with the development trends along Industrial Blvd. However, even with GC zoning the existing industrial uses would be allowed to continue.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of GC zoning.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of the PD zoning based on the LI district that would also include all GC uses by a vote of 6 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, and Famble) and none opposed.

**NOTIFICATION:**

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

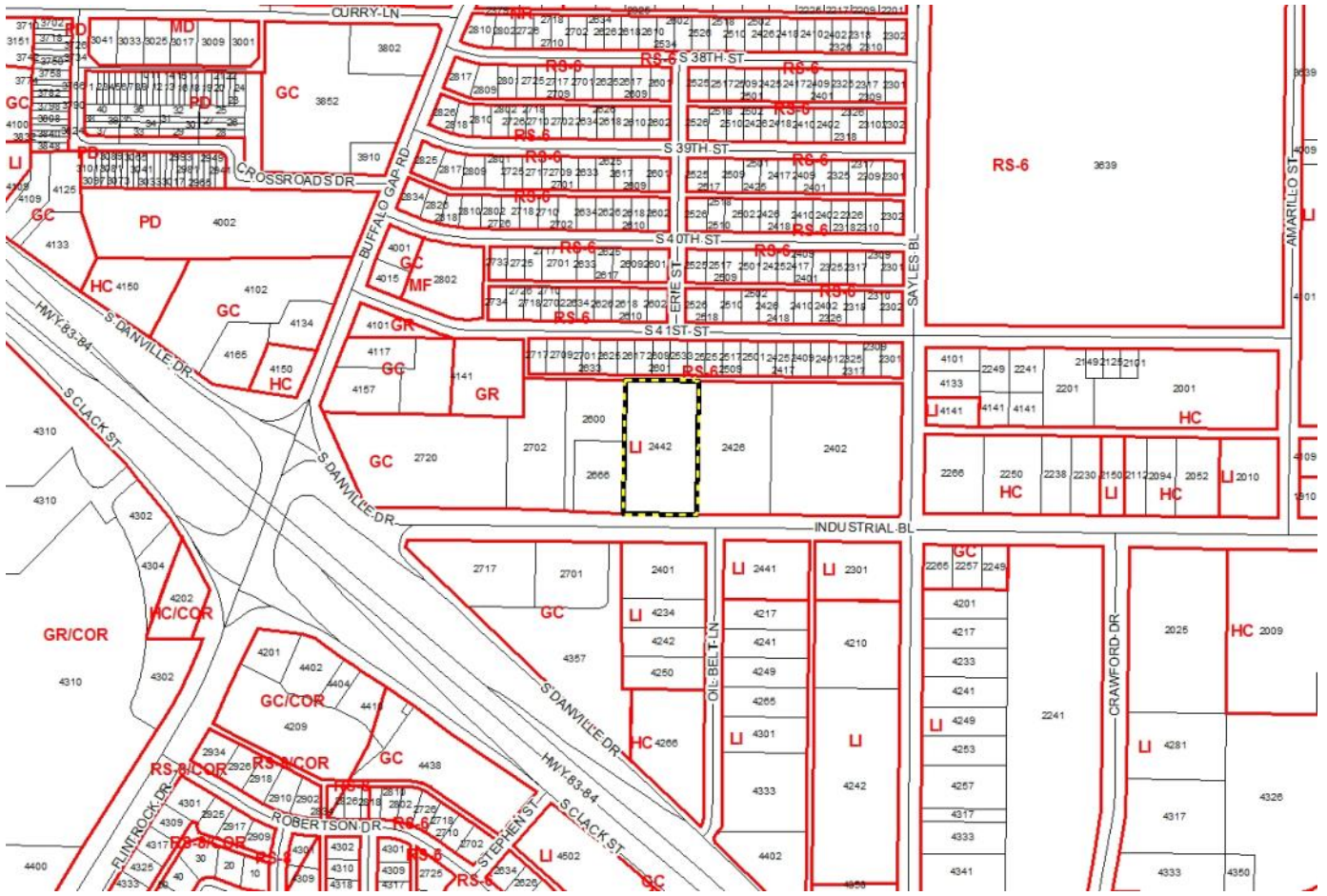
OWNER	ADDRESS	RESPONSE
CASEY TERRY & TIMMY	2441 INDUSTRIAL BL	
BEALL BLANCA L	2525 S 41ST ST	
KANE MICHAEL & TRISHA	2526 S 41ST ST	
WW3 REAL ESTATE LLC	2442 INDUSTRIAL BL	
EGBERT RODNEY L & MICHELLE L	2601 S 41ST ST	
BRIDGEWATER GAY & RUSSELL SUSAN	2610 S 41ST ST	
BAGLEY ANDREW J & NATALIE	2609 S 41ST ST	
VEAL JERRY & MELODY	2533 S 41ST ST	
MOORE BROTHERS COMPANY	2702 INDUSTRIAL BL	
GRAVES JUDY C	2701 S 41ST ST	
HANNA DARRELL G ETAL	2625 S 41ST ST	
CONDER TONY	2666 INDUSTRIAL BL	
MARSH ROB ROY	2517 S 41ST ST	
HUMMEL MARILYN J TRUST	2501 S 41ST ST	
BLANTON RANDY	2600 INDUSTRIAL BL	
LABRENZ RYAN & CYNTHIA	2633 S 41ST ST	
DOWNING BILLIE W	2618 S 41ST ST	
DOZIER KENNETH BLAKE	2602 S 41ST ST	
2401 INDUSTRIAL LLC	2401 INDUSTRIAL BL	
FUSCO FAMILY TRUST	4357 S DANVILLE DR	
TRAVIS KENNETH JEREMY	2701 INDUSTRIAL BL	
RANDOLPH JANET SUZANNE	2617 S 41ST ST	
BRENNER HOLLANDE	2509 S 41ST ST	
MASSEY CLEBER & KIRK	2426 INDUSTRIAL BL	

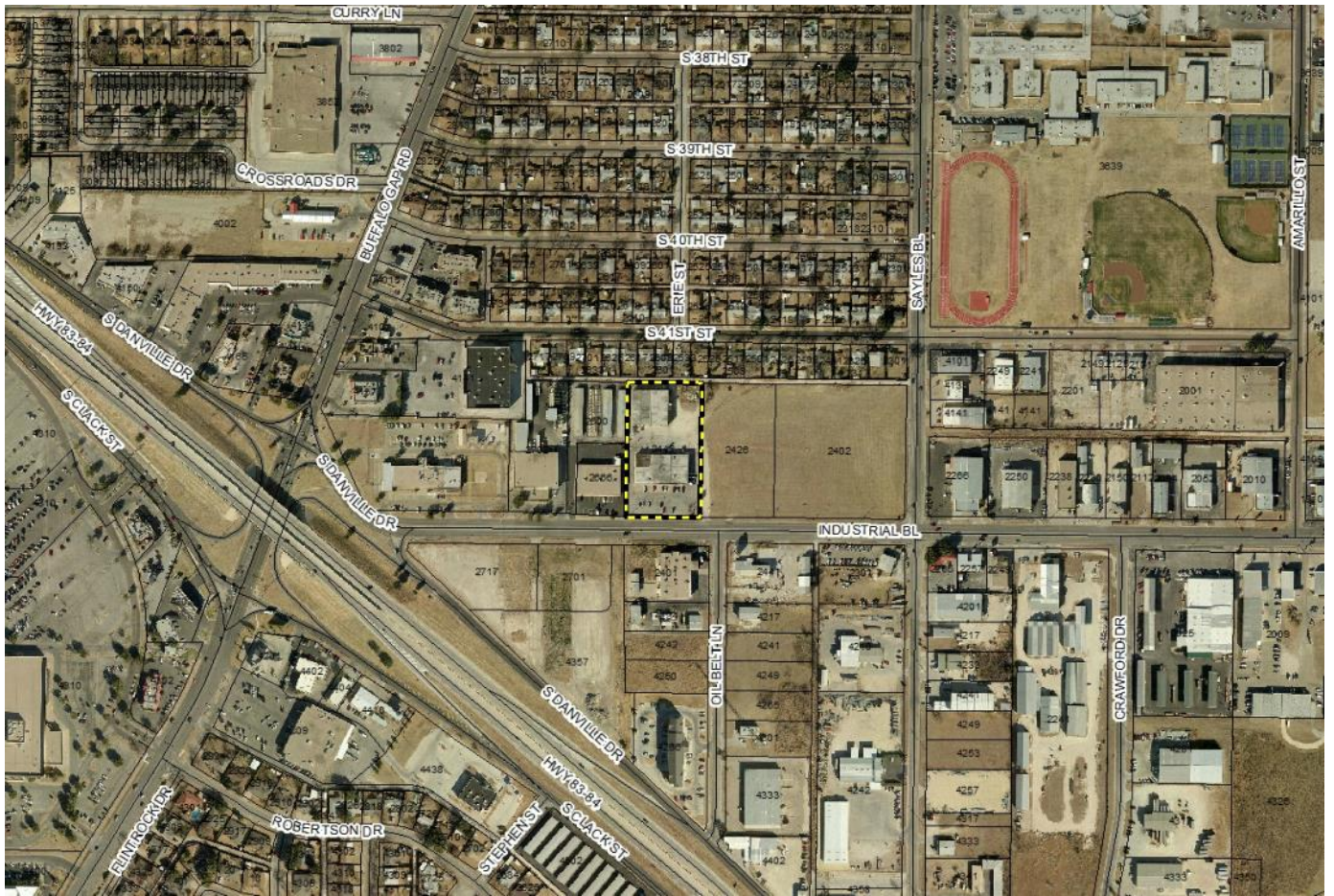
0 in Favor- **Y**  
 0 Opposed- **N**

**Y**  
**N**











To whom it may concern,

My name is Kristin Avery and I have a new business located at 2452 Industrial Blvd. in Abilene TX.. My business started with my love for physical fitness and training for the known and unknown demands of everyday life. After a recent Reebok Spartan race I participated in I began researching business opportunities. I enrolled in a Spartan coaching certification. I studied all pre work, attended on location the weekend class, and post rigorous test in October 2013. I was the first and only Reebok Spartan coach in the state of Texas.

I then had a vision of trying to help people train in and around different elements they were not use to training around. I built a mobile multipurpose flat bed trailer for training others at different locations. The trailer is a 18 foot long 82 inch wide flat bed trailer with many uses for training people for different challenges. After featuring my trailer at different locations I had interest build from others on how they could have one made for them and teach them how to use the trailer and minimal equipment for multipurpose full body training and demands of overcoming obstacles.

I looked for three months to find a place I could pull indoors a trailer like mine to train on, construct them for others and incorporate real life obstacles to train on every day. I found this location to fit all the needs for training individuals and house my trailer.

My gym(training facility it what I like to call it) does not supply your standard gym equipment that you can fit into an office type space. For instance our cargo wall needs to be secure and big enough to make the training mock an obstacle course as well as safe. In addition, a traverse, 20+ ft rope climb, and rig that needed a solid structure along with height. Our needs to build the structures needed for training plus the large garage doors to pull in and out trailers can not be found in commercial areas.

I felt I had taken the proper steps thru zoning, before I spent a rather large sum of money. Elevate is here to provide a respectable service to the people of Abilene.

Thanks,  
Kristin Avery