

City Council  
Agenda Memo



City Council  
Meeting Date: 9/12/2013

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

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

**SUBJECT:** Final reading and public hearing of an ordinance for Case No. Z-2013-22, a request from Joe Hawkins, agent Aaron Wesson, to rezone property from HI (Heavy Industrial) to GC (General Commercial) zoning, located at 1001 Energy Dr.

**GENERAL INFORMATION**

Currently the property is zoned HI and is developed with a building. The adjacent properties in all directions are zoned HI and developed with industrial uses. The owner plans to use the building as a personal fitness use. The property does not appear to have sufficient parking for such a use. Additionally, it would be the only property in the area not zoned HI. The proposed zoning change would restrict the types of uses that are currently expected in this area.

The Future Land Use section of the Comprehensive Plan designates this general area for industrial uses. The applicant is requesting the zone change to allow for a personal fitness use in the existing building. The requested zoning would not be compatible with the adjacent industrial uses as well as the Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff recommends **denial**.

**BOARD OR COMMISSION RECOMMENDATION**

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

**ATTACHMENTS**

Ordinance  
Staff Report with Maps  
Surrounding Property Owner Responses

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

August 30, 2013

Item No. 7.5

Disposition by City Council

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

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

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

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; 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.

PART 3: 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.

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"

Rezone property from HI (Heavy Industrial) to GC (General Commercial) district.

Legal Description:

S Treadaway & Industrial Blvd Plaza, Sec 1, Block D, Lot 3



Location:  
1001 Energy Dr

-END-

# ZONING CASE Z-2013-22

## STAFF REPORT



### APPLICANT INFORMATION:

Joe Hawkins  
Agent: Aaron Wesson

### 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:

1001 Energy Dr

### REQUESTED ACTION:

HI to GC zoning



### SITE CHARACTERISTICS:

The subject parcel totals approximately 0.61 acres and is currently zoned HI (Heavy Industrial). The subject property is currently developed with a building. The adjacent properties in all directions are zoned HI and are developed with industrial uses.

### ZONING HISTORY:

The area was annexed in 1963 and zoned HI in 1980.

### ANALYSIS:

- Current Planning Analysis

Currently the property is zoned HI and is developed with a building. The adjacent properties in all directions are zoned HI and developed with industrial uses. The owner plans to use the building as a personal fitness use. The property does not appear to have sufficient parking for such a use. Additionally, it would be the only property in the area not zoned HI. The proposed zoning change would restrict the types of uses that are currently expected in this area.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for industrial uses. The applicant is requesting the zone change to allow for a personal fitness use in the existing building. The requested zoning would not be compatible with the adjacent industrial uses as well as the Comprehensive Plan.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends **Denial**.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

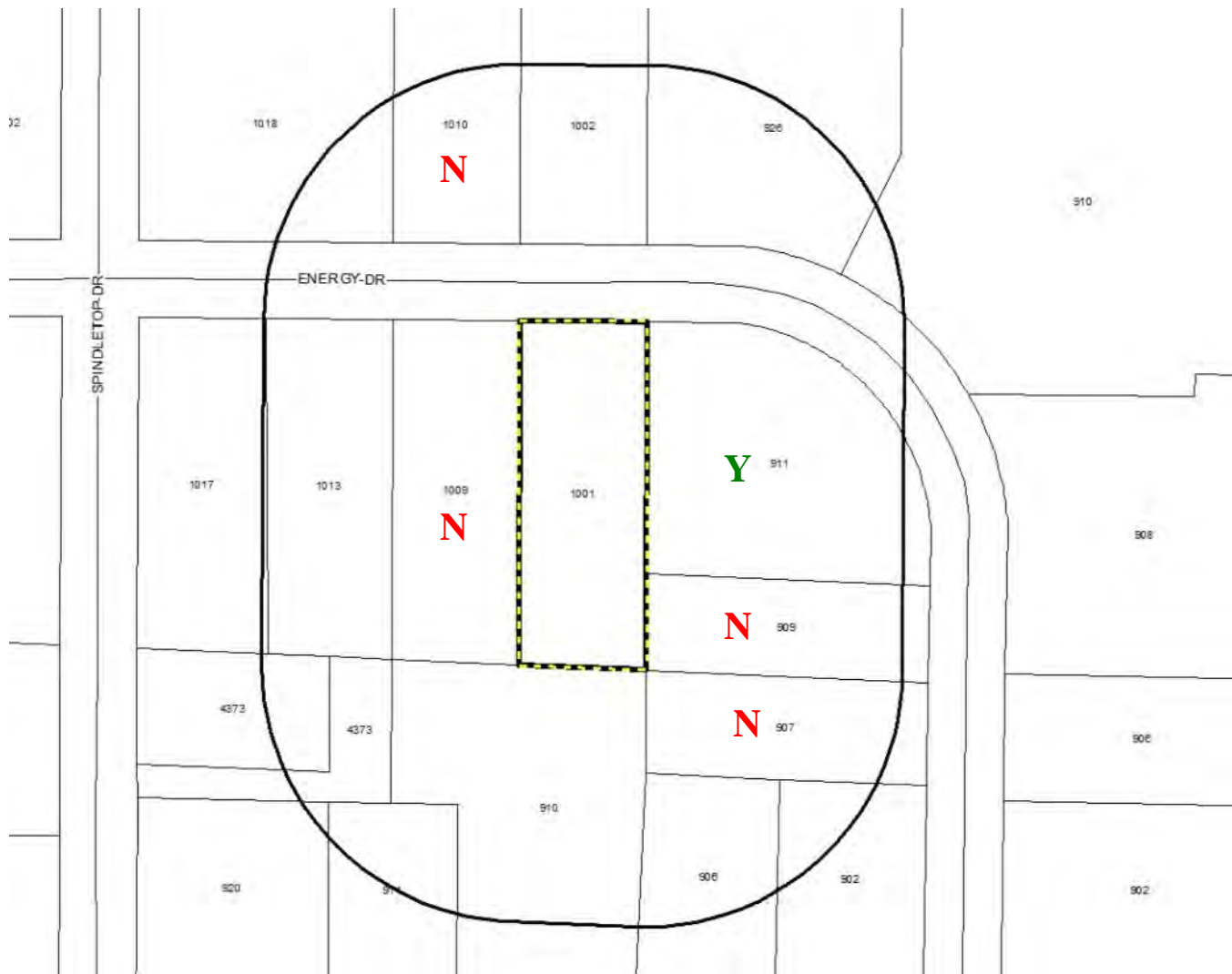
The Planning and Zoning Commission recommends approval of GC by a vote of 6 in favor (Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
J & B WELL SERVICE INC	1002 ENERGY DR	
VMB PROPERTIES LLC	1010 ENERGY DR	Opposed
DIBKEY DAVID MICHAEL & LORNA SUE	926 ENERGY DR	
VMB PROPERTIES LLC	907 ENERGY DR	Opposed
PAK HARRIS ENTERPRISES LTD	911 ENERGY DR	In Favor
BLANTON RANDY & WILLIAM H	1018 ENERGY DR	
HAWKINS JOE N & HAWKINS WAYNE K	1001 ENERGY DR	
VMB PROPERTIES LLC	909 ENERGY DR	Opposed
MORRIS HENDERSON TARYN NINI	920 PETROLEUM DR	
WEATHERBEE GLENN & ONE EMPIRE INC	4373 SPINDLETOP DR	
TENN-TEX INC	1009 ENERGY DR	Opposed
EDWARDS ROSEMARY	910 PETROLEUM DR	
TAYLOR JOSEPH A & LOIS L	914 PETROLEUM DR	
WEATHERBEE GLENN & ONE EMPIRE INC	4373 SPINDLETOP DR	
WEST TEXAS UTILITIES CO	910 ENERGY DR	
EDWARDS ROSEMARY	906 PETROLEUM DR	
CARY FAMILY INVESTMENTS LP	902 PETROLEUM DR	
RATLIFF DAVID	1017 ENERGY DR	
SHEPPARD SURVEYING CO INC	1013 ENERGY DR	

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











For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

**CASE #: Z-2013-22**

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: TENN-TEX INC  
Address: 1009 ENERGY DR

Mailing To: Planning and Development Services  
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242  
email: [planning@abilenetx.com](mailto:planning@abilenetx.com)

I am in favor

I am opposed

Additional Comments:

*Concerned about not being able to lease or sell  
building in the future to heavy industrial type interest.*