

City Council  
Agenda Memo



City Council  
Meeting Date: 4/24/2014

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

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

**SUBJECT:** Final reading and public hearing on an ordinance for Case No. CUP-2014-02, a request from Gary L. Peterson for a Conditional Use Permit to allow for an 'Antenna Tower – Commercial' on property zoned HC (Heavy Commercial), located at 1350 Tracy Lynn Dr. [TABLED FROM THE APRIL 10, 2014 MEETING]

**GENERAL INFORMATION**

Currently the property is zoned HC and has been developed with self-storage warehousing. The property to the south has been developed as self-storage/small office use. To the north, there is an old Wal-Mart building that is vacant. The properties to the west and east are developed with contractor service uses. The request is to allow for an 'Antenna Tower – Commercial' to provide a connection between the site and the operator's home for remote viewing of the security camera system on the property. The tower is needed in order for his system to be broadcast the long distance to his home. The tower will be designed for co-location in the future.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. The applicant proposes to add a new tower to the property. The 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 as requested by a vote of 6 in favor (Bixby, Glenn, McClarty, Todd, Yungblut, and Famble) and none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

April 11, 2014

Item No. 7.1

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 27<sup>th</sup> day of March 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 14<sup>th</sup> day of February, 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 a.m., on the 10<sup>th</sup> day of April, 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 24<sup>th</sup> day of April, A.D. 2014.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

Approve a Conditional Use Permit for an 'Antenna Tower – Commercial' on property zoned HC (Heavy Commercial).

Location:  
1350 Tracy Lynn Dr

Legal Description:

JUDGE ELY NORTH SEC 3, BLOCK A, LOT 305 REP, ACRES 5.09



With the following conditions:

- none.

-END-

# ZONING CASE CUP-2014-02

## STAFF REPORT



### APPLICANT INFORMATION:

Gary L. Peterson

### HEARING DATES:

Planning & Zoning Commission: March 3, 2014

City Council 1<sup>st</sup> Reading: March 27, 2014

City Council 2<sup>nd</sup> Reading: April 10, 2014

### LOCATION:

1350 Tracy Lynn Dr

### REQUESTED ACTION:

Conditional Use Permit to allow for an 'Antenna Tower – Commercial' on property zoned HC



### SITE CHARACTERISTICS:

The subject parcel totals approximately 5.09 acres and is currently zoned HC (Heavy Commercial). The property has been developed with self-storage warehousing. The adjacent properties have HC zoning to the south & east, GC (General Commercial) zoning to the west, and PD (Planned Development) zoning to the north.

### ZONING HISTORY:

The property was annexed in 1957 and was zoned HC in 1990.

### ANALYSIS:

- Current Planning Analysis

Currently the property is zoned HC and has been developed with self-storage warehousing. The property to the south has been developed as self-storage/small office use. To the north, there is an old Wal-Mart building that is vacant. The properties to the west and east are developed with contractor service uses. The request is to allow for an 'Antenna Tower – Commercial' to provide a connection between the site and the operator's home for remote viewing of the security camera system on the property. The tower is needed in order for his system to be broadcast the long distance to his home. The tower will be designed for co-location in the future.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. The applicant proposes to add a new tower to the property. The 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 as requested by a vote of 6 in favor (Bixby, Glenn, McClarty, Todd, Yungblut, and Famble) 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>
BCRR INC	1357 TRACY LYNN DR	Opposed
PAULSEN LOUIS J	101 GOLIAD DR	
ANDERSON ROBERT L & BARBARA P	1133 TRACY LYNN DR	
GL PETERSON PROPERTIES LTD	1350 TRACY LYNN DR	
FLETCHER CLYDE & CHERYL LF EST	1396 TRACY LYNN DR	Opposed
BCRR DBA BIG COUNTRY	1349 TRACY LYNN DR	Opposed
CLARK DWAYNE CORP	1233 TRACY LYNN DR	
KROENKE E STANLEY	401 GOLIAD DR	
TKG SAN JACINTO PL DEV L P	425 N JUDGE ELY BL	
PAULSEN LOUIS J	301 GOLIAD DR	
TKG SAN JACINTO PL DEV L P	465 N JUDGE ELY BL	
ACI SELF STORAGE CORP	1134 TRACY LYNN DR	
NEW FELLOWSHIP BAPTIST CH	1142 TRACY LYNN DR	
TKG SAN JACINTO PL DEV L P		
ANDERSON ROBERT L & BARBARA P	1141 TRACY LYNN DR	

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









