

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 4th day of December, 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 14th day of November, 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 18th day of December, 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 18th day of December, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from LI (Light Industrial) to GC (General Commercial) zoning for the southeastern portion only as shown below.

Legal Description:

Abilene Industrial District Sec 2, Block J, Lot 203 REP, Acres 5.89



Location:
3250 S. Treadaway Blvd

-END-

ZONING CASE Z-2014-47

STAFF REPORT



APPLICANT INFORMATION:

RGP Enterprises, Inc.
Agent: Derek Peterson

HEARING DATES:

P & Z Commission: December 1, 2014
City Council 1st Reading: December 4, 2014
City Council 2nd Reading: December 18, 2014

LOCATION:

3250 S. Treadaway Blvd

REQUESTED ACTION:

Rezone property from LI (Light Industrial) to
GC (General Commercial) zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 5.89 acres and is currently zoned LI. The adjacent properties are zoned LI to the north, south and east. There is some HI (Heavy Industrial) and RS-6 (Single-Family Residential) zoned properties to the north as well. The properties to the west are zoned MF (Multi-Family Residential).

ZONING HISTORY:

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

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned LI and is developed with a several businesses and some self-storage units. The surrounding area is developed generally with similar industrial uses and farm implement/heavy equipment businesses. There are some single-family residential uses to the north and west that are close by. This property has frontage along and gains primary access directly from S. Treadaway Blvd. There is a use that has frontage along S. 32nd Street. The applicant is requesting the GC zoning to allow for personal service uses, specifically a beauty salon, to locate in the buildings fronting S. Treadaway Blvd. The business fronting on S. 32nd St utilizes big trucks and is not compatible with GC zoning and therefore that portion of the property is proposed to remain LI.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as 'heavy commercial/light industrial'. S. Treadaway Blvd is designated as an 'enhancement corridor' as well. The requested zoning would allow for personal service uses, including a beauty salon. Although this zoning would be in the vicinity of industrial uses, the requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval except for the north ±235 feet adjacent to S. 32nd St as the business utilizes big trucks and is not compatible with GC zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval of GC for the southeastern portion only by a vote of 7 in favor (Bixby, Calk, Ellinger, Glenn, McClarty, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
COLES CALVIN	3209 S TREADAWAY BL	
STUERZENBERGER PAUL A & SUSAN E	1702 S 32ND ST	
MC NEA FRANK B & TERESA L	3126 VINE ST	Opposed
BURCHETT RUSSELL O	3125 VINE ST	Opposed
GRIFFIN LENETA	1710 S 32ND ST	
ALESCH JAMES J & KATELYN	3126 JACKSON ST	
SCHLEWINSKY KYLE S	3134 VINE ST	
COLES OTIS C III	3201 S TREADAWAY BL	
BURNS ALICE CARLENE	3133 VINE ST	
INGRAM CARL LYNN & LINDA	3189 JACKSON ST	
GIBBS PAINT & BODY LLC	3232 S TREADAWAY BL	
BT REED PROPERTIES LLC	3526 S TREADAWAY BL	
CITY OF ABILENE		
RGP ENTERPRISES INC	3250 S TREADAWAY BL	
WILSON JAMES R	3403 S TREADAWAY BL	
ABILENE CITY OF	3302 VINE ST	
LECOMA INVESTMENT PROPERTIES LP	3202 S TREADAWAY BL	[letter received]
TAYLOR COUNTY FARM BUREAU	3402 S TREADAWAY BL	
AUTOZONE INC	3373 S TREADAWAY BL	
ABILENE CITY OF	1758 S 36TH ST	
THORNTON MIKE	1701 S 32ND ST	
WILSON JAMES R	3401 S TREADAWAY BL	
STATE HIGHWAY		
ABILENE CITY OF	1825 S 32ND ST	





Rainbow, Zack

From: MCNEA, FRANK B GS-11 USAF ACC 7 MXG/7 MXG/AFETS <frank.mcnea@us.af.mil>
Sent: Friday, November 28, 2014 11:08 AM
To: Reports, Planning
Subject: RE: Rezoning Application Number Z-2014-47

We received a second rezoning letter with this same case number, Z-2014-47, what is the reason for sending out this second letter? I thought you already had the hearing in November, did that not happen? Just to restate our position on this rezoning, "We are opposed to this rezoning". Can you send me a confirmation email to let me know you received my response to this rezoning?

Thank You for your help!!

McNea Frank B & Teresa L
3126 Vine St
Abilene TX 79602-6637

-----Original Message-----

From: MCNEA, FRANK B GS-11 USAF ACC 7 MXG/7 MXG/AFETS
Sent: Monday, October 27, 2014 9:55 AM
To: 'planning@abilenetx.com'
Subject: Rezoning Application Number Z-2014-47

We are opposed to the rezoning in case#: Z-2014-47.

McNea Frank B & Teresa L
3126 Vine St
Abilene TX 79602-6637

Rainbow, Zack

From: Franklins <frankos@abilene.com>
Sent: Monday, October 27, 2014 4:48 PM
To: Reports, Planning
Cc: frankos@abilene.com; 'T Franklin'
Subject: Z-2014-47 Attn: Brad Stone

Mr. Stone:

We'd like to ask you to confirm our telephone conversation of earlier today by email.

We discussed that the pending zoning, Z-2014-47 will not affect the side yard or rear yard setbacks for our adjoining property located at 3202 So. Treadaway. We would have no objection to the proposed zoning change should our current setbacks not be affected as a result.

Sincerely,

Terry T Franklin
President of FREG, Inc.
General Partner
LECOMA Inv. Properties, LP



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.