

**City Council
Agenda Memo**



**City Council
Meeting Date: 3/12/2015**

TO: David A. Vela, Interim 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-2015-01, a request from Hawley Water Supply Corp, agent Tim Ferrall, for a Conditional Use Permit to allow for 'Utility Generation, Production, Treatment' on property zoned AO (Agricultural Open Space), being 1 acre located at the northeast corner of W. Lake Rd & Johnson Rd.

GENERAL INFORMATION

Currently the property is zoned AO and is undeveloped. The adjacent properties are also undeveloped. The request is to allow for 'Utility Generation, Production, Treatment' for a new chlorine injection facility and a future pump station. The Hawley Water Supply Corporation will receive water from the City of Abilene at this location. Chlorine is injected into the system to maintain appropriate chlorine levels throughout their entire system. A pump station is also proposed for the site but will be developed at a future date.

The Future Land Use section of the Comprehensive Plan designates this general area for 'low density residential'. The applicant proposes to add a new chlorine injection facility and a future pump station on the property. These types of utility facilities are necessary for property functionality of the overall system and are located at appropriate locations such as this.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

February 27, 2015

Item No. 7.2

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 26th day of February A.D. 2015.

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 17th day of January, 2015, 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 12th day of March, 2015, 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 12th day of March, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Approve a Conditional Use Permit for 'Utility Generation, Production, Treatment' on property zoned AO (Agricultural Open Space).

Location:

Being 1 acre located at the northeast corner of W. Lake Rd & Johnson Rd

Legal Description:



With the following conditions:

- none.

-END-

ZONING CASE CUP-2015-01

STAFF REPORT



APPLICANT INFORMATION:

Hawley Water Supply Corp
Agent: Tim Ferrall

HEARING DATES:

Planning & Zoning Commission: February 2, 2015
City Council 1st Reading: February 26, 2015
City Council 2nd Reading: March 12, 2015

LOCATION:

The northeast corner of W. Lake Rd & Johnson Rd

REQUESTED ACTION:

Conditional Use Permit to allow for 'Utility Generation, Production, Treatment' on property zoned AO



SITE CHARACTERISTICS:

The subject parcel totals approximately 1.0 acre and is currently zoned AO (Agricultural Open Space). The property is currently undeveloped. The adjacent properties have AO zoning to the north, south & east. The property is adjacent to the city limits along the western edge of the property.

ZONING HISTORY:

The property was annexed in 1956 and was zoned AO at that time.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned AO and is undeveloped. The adjacent properties are also undeveloped. The request is to allow for 'Utility Generation, Production, Treatment' for a new chlorine injection facility and a future pump station. The Hawley Water Supply Corporation will receive water from the City of Abilene at this location. Chlorine is injected into the system to maintain appropriate chlorine levels throughout their entire system. A pump station is also proposed for the site but will be developed at a future date.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area for 'low density residential'. The applicant proposes to add a new chlorine injection facility and a future pump station on the property. These types of utility facilities are necessary for property functionality of the overall system and are located at appropriate locations such as this.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, & Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
HUDSON DAVID & CAROL	#1	
MORRELL WR	#2	
NO INFO	#3	
CITY OF ABILENE	#4	
NO INFO	#5	

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







