

City Council  
Agenda Memo



City Council  
Meeting Date: 6/11/2015

**TO: Robert Hanna, 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-2015-02, a request from Star Towers, LLC, agent Alec Broadus, for a Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned PD (Planned Development), being the south side of the 600-700 block of E. Stamford St.**

**GENERAL INFORMATION**

Currently the property is zoned PD and is undeveloped but was recently rezoned to allow for an RV park. The surrounding area is developed generally with single-family residential uses to the south and proposed multi-family residential zoning to the east. The request is to allow for an 'Antenna Tower - Commercial' for a new cell tower. The PD zoning defaults to the AO zoning which requires approval of a Conditional Use Permit for a cell tower. The approved concept plan for the RV park identified an area for a future cell tower lease pad.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested CUP request will maintain the PD zoning and allow for a cell tower at this site. The requested CUP is compatible with the Future Land Use Map and the adjacent residential uses in the area.

**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, Dunnahoo, McClarty, Rosenbaum, & Famble) and none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

May 29, 2015

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 28<sup>th</sup> day of May 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 17<sup>th</sup> day of April, 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 11<sup>th</sup> day of June, 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 11<sup>th</sup> day of June, A.D. 2015.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

Approve a Conditional Use Permit for 'Antenna Tower - Commercial' on property zoned PD (Planned Development).

Location:

Being the south side of the 600-700 block of E. Stamford St

Legal Description:

A0580 SUR 84 T & P RY CO, BLOCK 14, ACRES 27.15



With the following conditions:

- none.

-END-

# ZONING CASE CUP-2015-02

## STAFF REPORT



### APPLICANT INFORMATION:

Star Towers, LLC  
Agent: Alec Broadus

### HEARING DATES:

Planning & Zoning Commission: May 4, 2015  
City Council 1<sup>st</sup> Reading: May 28, 2015  
City Council 2<sup>nd</sup> Reading: June 11, 2015

### LOCATION:

The south side of the 600-700 block of E. Stamford St

### REQUESTED ACTION:

Conditional Use Permit to allow for 'Antenna Tower - Commercial' on property zoned PD (Planned Development)



### SITE CHARACTERISTICS:

The subject parcel is a 60' x 70' lease space and is currently zoned PD. The property is currently undeveloped but was recently rezoned to allow for an RV park. The adjacent properties are zoned GC (General Commercial) to the north, PD to the east, AO (Agricultural Open Space) to the west, and RS-8 (Single-Family Residential) to the south.

### ZONING HISTORY:

The property was annexed in 1957 and zoned AO at that time. The PD zoning was approved early this year. The properties to the north and west were recently rezoned last year.

### ANALYSIS:

- Current Planning Analysis  
Currently the property is zoned PD and is undeveloped but was recently rezoned to allow for an RV park. The surrounding area is developed generally with single-family residential uses to the south and proposed multi-family residential zoning to the east. The request is to allow for an 'Antenna Tower - Commercial' for a new cell tower. The PD zoning defaults to the AO zoning which requires approval of a Conditional Use Permit for a cell tower. The approved concept plan for the RV park identified an area for a future cell tower lease pad.
- Comprehensive Planning Analysis  
The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested CUP request will maintain the PD zoning and allow for a cell tower at this site. The requested CUP is compatible with the Future Land Use Map and the adjacent residential uses in the area.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

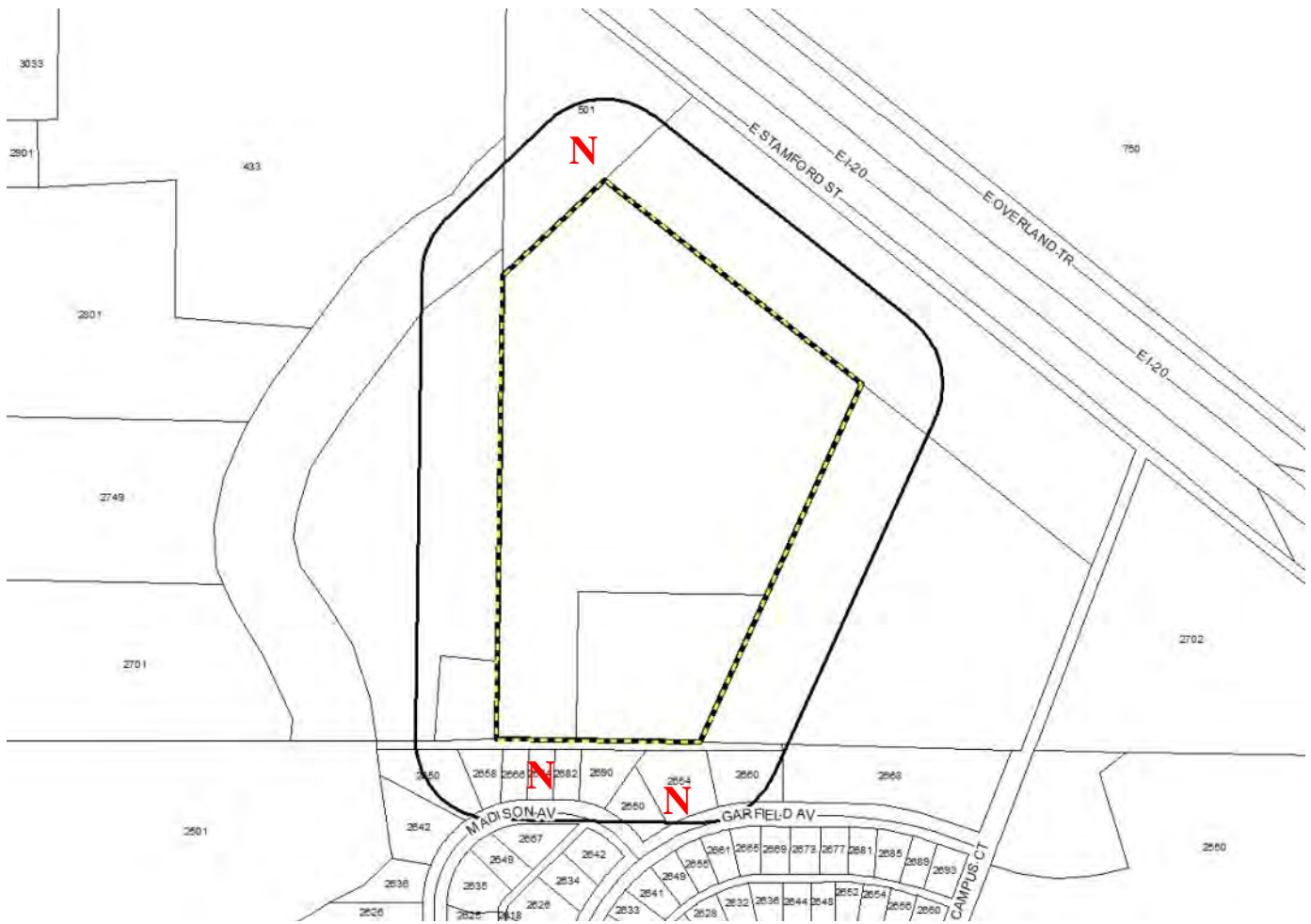
The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Dunnahoo, McClarty, Rosenbaum, & Famble) and none opposed.

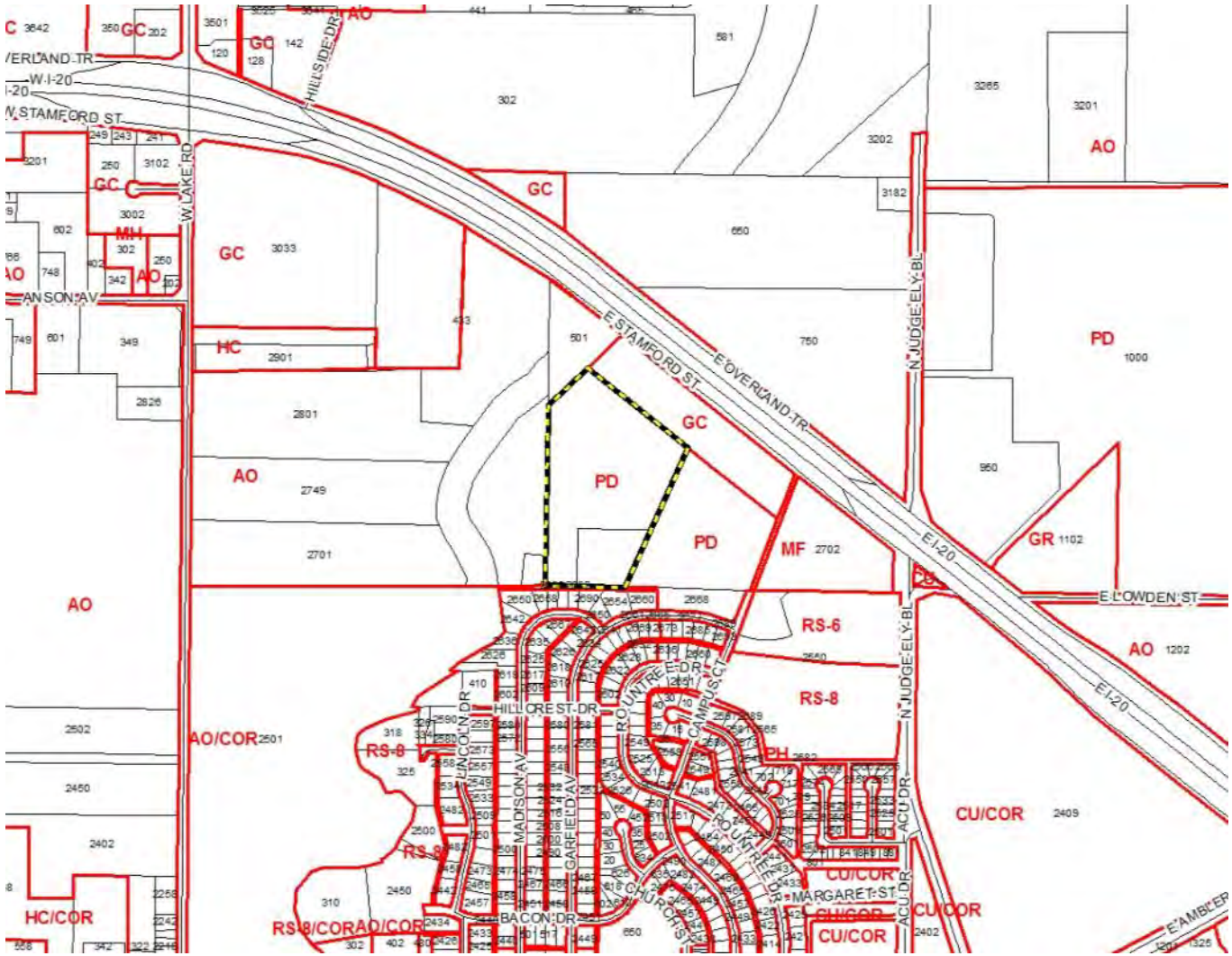
**NOTIFICATION:**

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

<b>OWNER</b>	<b>ADDRESS</b>	<b>RESPONSE</b>
CITY OF ABILENE		
HOLLOWAY PATTI LYNN JONES		
HOLLOWAY PATTI LYNN JONES		
LEE BRANDON S	2658 MADISON AV	
LEE BRANDON S	2666 MADISON AV	
PETERSON DEMPSEY & TERRI	2650 MADISON AV	
CAWOOD ELIZABETH MARION TR	2650 GARFIELD AV	
HARRISON AMY R	2682 MADISON AV	
LITTLE BETTY ANN	2690 MADISON AV	
PLOCHECK RUSSELL E & SHIRLENE J	2654 GARFIELD AV	Opposed
FIRST BAPTIST CHURCH		
PRAIRIE SONG LLC	2660 GARFIELD AV	
PRAIRIE SONG LLC	2668 GARFIELD AV	
SOUTHWEST HOUSING PROVIDERS LLC		
RAMSEY LEASING INC	501 E STAMFORD ST	Opposed
BLACKBURN INC CO LLC	2674 MADISON AV	Opposed
PRAIRIE SONG LLC		

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

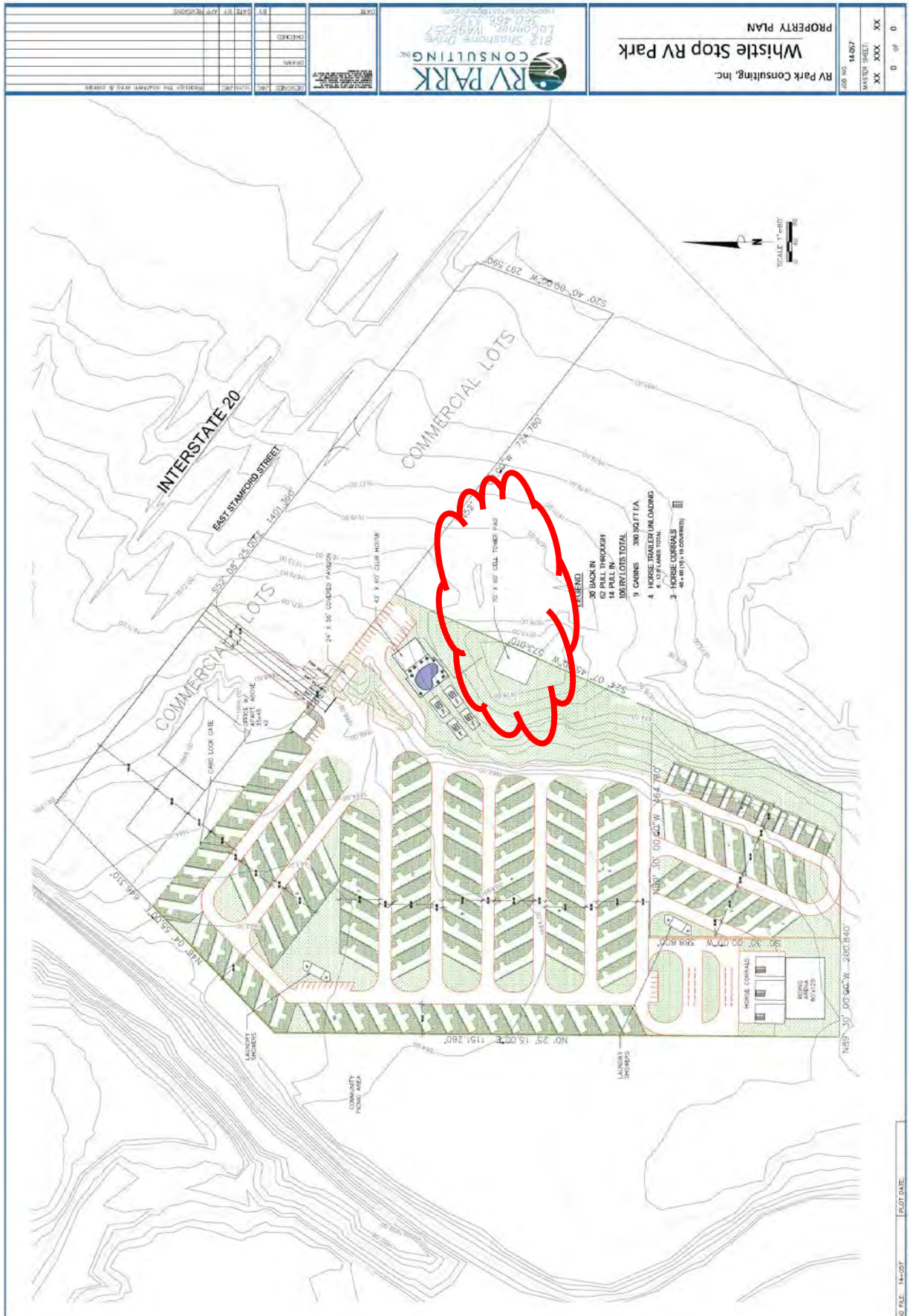












Case # CUP-2015-02  
Updated: May 15, 2015