

ORDINANCE NO. 35-2023

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING A CERTAIN PROPERTY; 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 of the Land Development Code of the City of Abilene, is hereby amended by approving a Conditional Use Permit (CUP) 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 Two Thousand Dollars (\$2,000.00). 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** the 22<sup>nd</sup> day of June, 2023.

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 May, 2023, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 22<sup>nd</sup> day of June, 2023, 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 FINAL READING THIS** 13<sup>th</sup> day of July, 2023.

ATTEST:

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

  
\_\_\_\_\_  
MAYOR

APPROVED:

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

## EXHIBIT A

Approve a Conditional Use Permit (CUP) to allow a Trade School on a property zoned General Retail (GR).

The Conditional Use Permit is subject to:

1. Compliance with the attached Plan of Operation (Exhibit B); and
2. Is limited to Suite 35A.

Legal description being Section 1, Block Remainder 1 of the Wychwood Addition, Abilene, Taylor County, Texas.

Located at 3301 South 14th Street, #35A, Abilene, Taylor County, Texas.



## EXHIBIT B



### **Texas Massage Academy CUP Plan of Operation**

Texas Massage Academy plans to operate a Massage School located at 3301 S 14<sup>th</sup> Street Unit 35A.

Expected Hours of Operation: Monday to Sunday 9 am to 10 pm.

Expected Class size: 20 students with 2 instructors.

All operations will be conducted within the facility.

Texas Massage Academy has been licensed as a Massage School since 2011 in Brownwood Texas and is looking to expand into the Abilene area by bringing a 2<sup>nd</sup> licensed facility closer to many of their students. This will allow the many residents of Abilene and the surrounding areas that are wanting to become a massage therapist an opportunity to achieve this dream.

In 2022 27% of all American Adults received at least 1 massage, this is up from 23% the year prior. 45% of all Americans have received a professional massage during their life. With the growing number of people seeking massages, there is a growing need for professional massage therapy education programs.

At this location, student will be taught all aspects of the massage program, including classroom and lab instruction, instruction in various massage modalities and services, and being required to perform massage services on the general public. Additionally, Texas Massage Academy will provide retail items available to the public and students, CPR Classes to the students and public, and CE classes to currently licensed Massage Therapists.

**END**