

ORDINANCE NO. 42-2023

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 27th day of July, 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 17th day of June, 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 27th day of July, 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 10th day of August, 2023.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT A

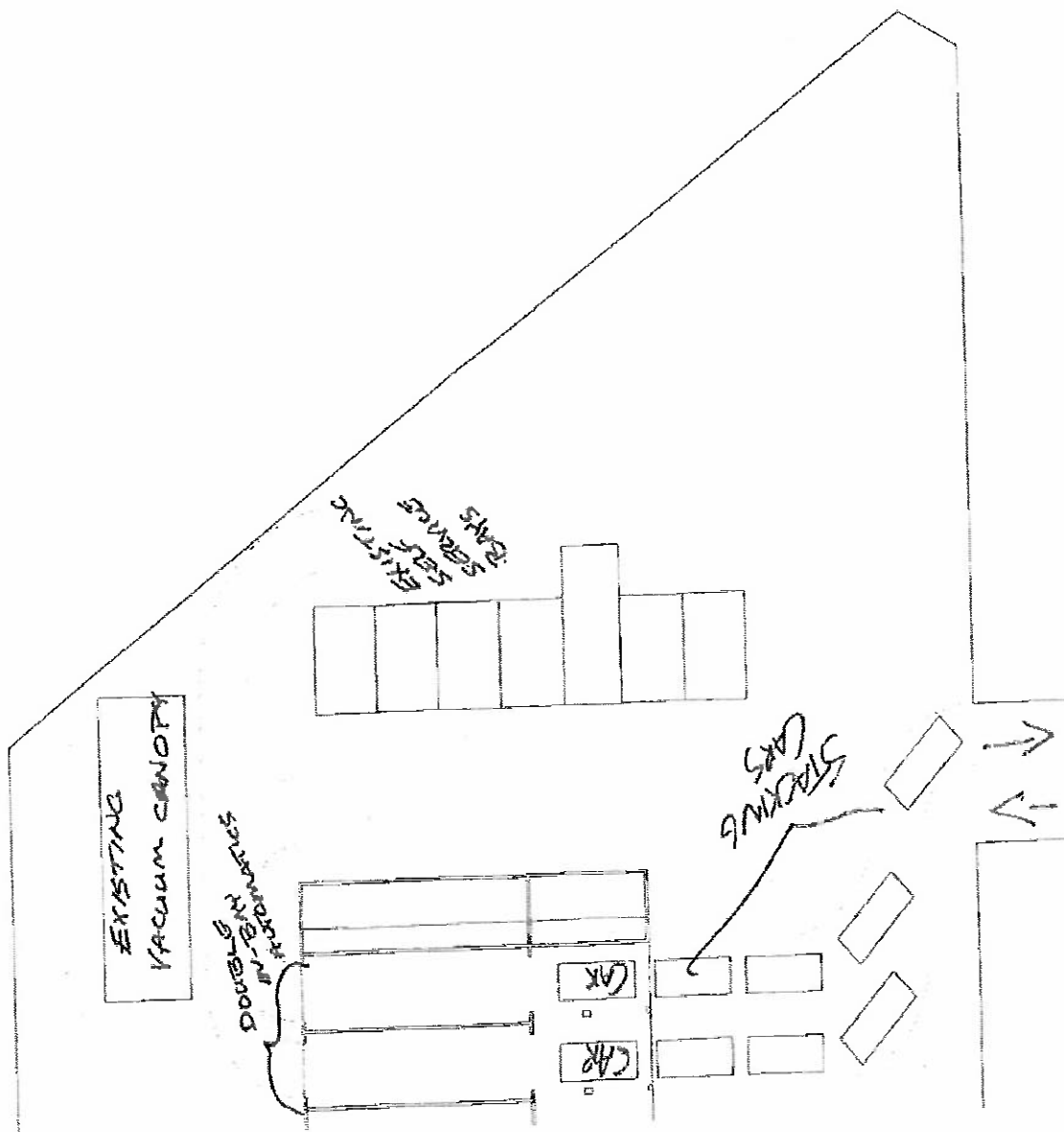
Approve a Conditional Use Permit (CUP) to allow a Car Wash on a property within a Planned Development District (PDD-130/COR).

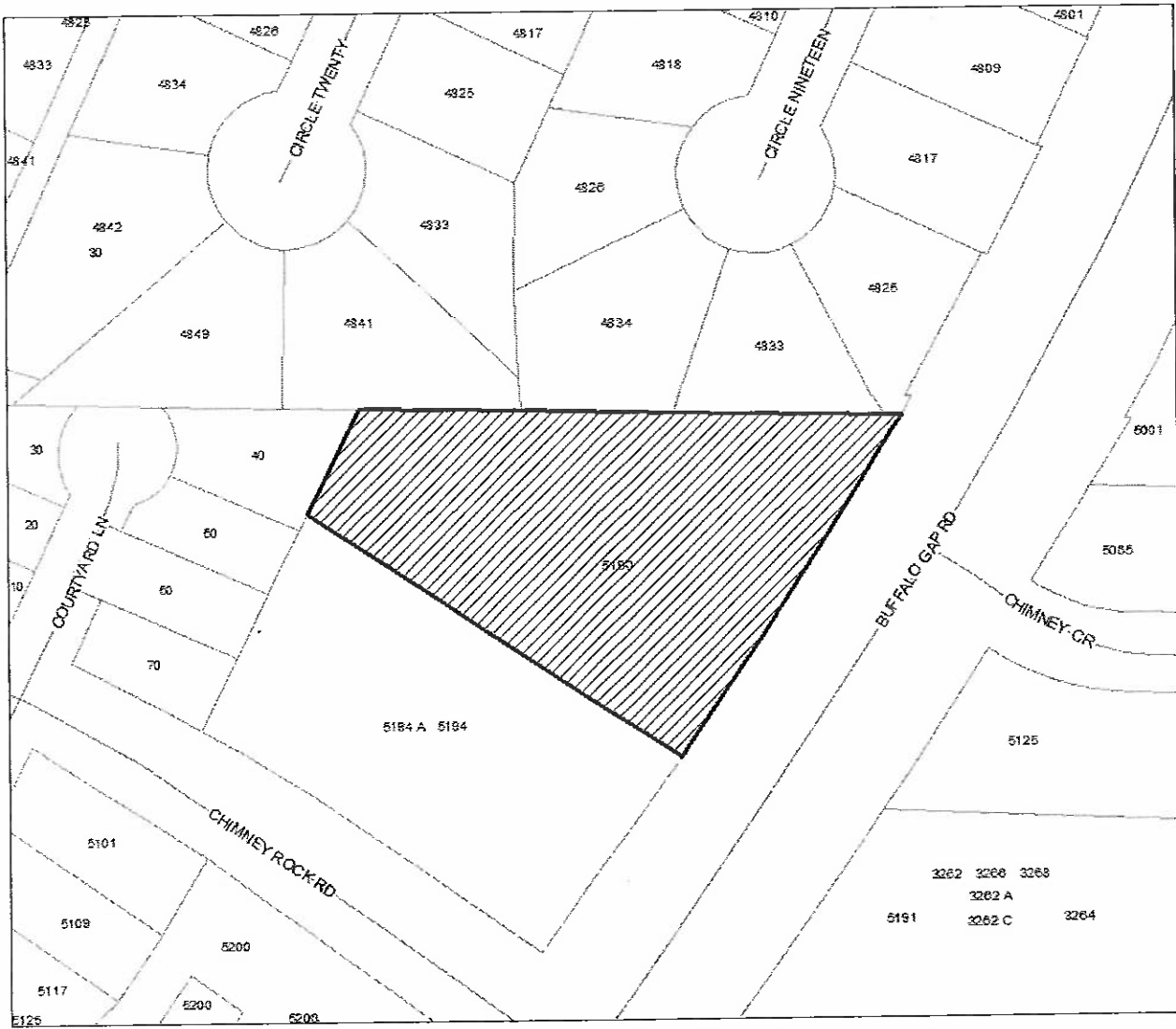
The Conditional Use Permit is subject to:

1. Compliance with the attached Plan of Operation (Exhibit B).
2. Approval of a site plan that indicates the location and dimensions of the proposed automatic wash bay.

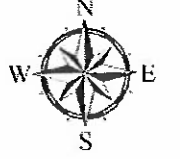
Legal description being Lot 10, Block A, Countryside South Section 3, Abilene, Taylor County, Texas.

Located at 5190 Buffalo Gap Road, Abilene, Taylor County, Texas.





Location Map




Legend
 CUP-2023-06

EXHIBIT B

5190 Buffalo Gap Rd CUP Plan of Operation

The Conditional Use Permit (CUP) is being requested for the operation of a car wash. To the best of our knowledge, this wash has already existed and operated for 25+ years at this site. The CUP is necessary because the car wash has been closed for over six months due to COVID-19 ramifications in 2021. As this location has historically operated as a car wash for decades, we believe re-granting a CUP for this site is appropriate. It is our belief that there is a need for a well-operated self-service car wash in this area. In addition, we are excited to offer a "touch-free" in-bay automatic as a differentiator from any other wash in the entire Abilene car wash market. We currently operate self-service and in-bay washes at 5 locations in Abilene as Super Suds Car Wash.

The plan is to revitalize and re-open the existing self-service car wash on the site. We envision using 6 of the 8 existing self-service bays for customers to hand wash their cars. We plan to remove the 2 bays closest to Buffalo Gap Road to facilitate traffic flow due to the Buffalo Gap Road renovation and the combining of the two existing ingress/egresses into one new drive. We plan to maintain self-service vacuums where they are currently housed under the canopy at the back of the site.

In addition, the existing tire shop on the property will be renovated to house two in-bay automatics within the structure. The planned renovations include removing the retail front of the store and approximately 15' from the back of the building. These two in-bay automatics will be fully contained within the building, including all blowers for drying the car. Each in-bay automatic will have entrance and exit openings of approximately 12'x12'.

The largest potential issue of a car wash is noise. The dryers of the in-bay automatics are the largest sound generators. We will place the dryers inside the building to muffle the noise level. The manufacturer's dryer literature says our set-up will produce 95 decibels at 10 ft from the building, dropping to 76 decibels at 60 ft. We have measured dimensions and anticipate our building being 120 ft from the back of the property line, at which dryer noise will be negligible at most. We do not believe our other equipment will generate noise levels higher than the wash and tire shop have generated in the past and will not add to the traffic noise of Buffalo Gap Road that neighboring lots already experience. We will install appropriate signage concerning radio volume and monitor customers' radio volume when staff is on site. Fences and trees are effective sound barriers, and all houses backing up to the site have existing 6-8' wooden fencing, as well as large trees along the fence line. Therefore, the noise of the normal operation of both the in-bay automatics and self-service bays will not materially alter the existing noise pollution of surrounding lots.

The self-service and in-bay car wash models necessitate the site to be well-lit. We will seek to use directional LED lighting that does not create undue light pollution for residential neighbors.

In conclusion, this site has already functioned as a self-service car wash for many years, and we believe that re-approving a CUP for operations is appropriate. The rehabilitation of the existing wash, as well as an update and redesign of the tire shop building, will be a positive contribution to Buffalo Gap's thriving commercial corridor, and the effect on neighboring lots will be minimal and within the bounds of what the site has historically produced.

END