



City of Abilene City Council Agenda

Shane Price, Council Member
Bruce Kreidler, Council Member
Kyle McAlister, Council
Member
Robert Hanna, City Manager

Norm Archibald,
Mayor

Anthony Williams, Mayor Pro-tem
Jay Hardaway, Council Member
Steve Savage, Council Member
Stanley Smith, City Attorney
Danette Dunlap, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on Thursday, November 3, 2016 at 8:30 AM at 555 Walnut Street, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION

1. Councilman Shane Price

3. PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

4. PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

1. Employee Service Awards

Lewis Washburn	Fire Fighter	35 Years
Don Estes Jr.	Fire Lieutenant III	35 Years

2. Presentation of Community Economic Development Award (Kent Sharp)

3. Proclamation - CRPS/RSD Awareness Month (November) Complex Regional Pain Syndrome

5. MINUTES

1. Approval of the Minutes from the Workshop Meeting of October 25th and the Regular Meeting of October 27th, 2016.

6. CONSENT AGENDA

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately.

1. **Resolution:** Finding a Public Purpose and Approving Bicycle and Clothing Donations to Various Local Charities Through the End of the 2016/2017 Fiscal Year. *(Doug Wrenn)*
 2. **Resolution:** Designating a Public Information Coordinator for the Purposes of Receiving Training on the Responsibilities for the City of Abilene concerning the Public Information Act and Designating the City Secretary as the City Official to receive Public Information Requests pursuant to the Public Information Act for the City of Abilene. *(Danette Dunlap)*
7. **REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS**
1. **Ordinance & Public Hearing:** *(Final Reading)* **Case Z-2016-40** a request from Abilene RBC Properties LLC to rezone property from an AO (Agricultural Open Space) zone to a MD (Residential Medium Density) district located at 6109 Jennings Dr. *(Dana Schoening)*
 2. **Ordinance & Public Hearing:** *(Final Reading)* **Case Z-2016-41** a request from Windmill Circle Partners LP & Oldham Partners LP to rezone property from an AO (Agricultural Open Space) zone to a GC (General Commercial) district located at 944 E. Industrial Blvd. Northwest Corner of Oldham Ln. and E. Industrial Blvd *(Dana Schoening)*
 3. **Ordinance & Public Hearing:** *(Final Reading)* **Case Z-2016-43** a request from PAK Harris Enterprises, Ltd. to rezone property from an LI (Light Industrial) zone to a CB (Central Business) district located at 370 Mesquite Street. *(Dana Schoening)*

8. **EXECUTIVE SESSION**

The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code Sections

1. 551.071 (Consultation with Attorney)

The following pending litigation subjects which may be discussed are:

1. City of Abilene, Texas v. Aurora Bumgarner; 104th Judicial District Court, Taylor County, Texas; filed November 17, 2011
2. Chad Carter v. City of Abilene, Texas; Cause No. 10138-D, In the 350th Judicial District Court, Taylor County, Texas, filed June 17, 2014
3. Gary Lee and Marilu Lee Corpian v. City of Abilene, Cause No. 48,766-A in the 42nd District Court, filed August 7, 2014
4. Margarita Mitchell, et al. v. The City of Abilene, et al., filed in the 350th Judicial District Court, Taylor County, Texas, on October 21, 2015
5. Susan Lewis King & Austin King MD vs Ken Paxton, Attorney General of Texas and the City of Abilene. Cause No. D-1-GN-16-001160, filed March 16, 2106.
6. Abilene Matera LLC v. Board of Building Standards for the City of Abilene and City of Abilene, Cause No. 10696-D. March 17, 2016.
7. Ruby Flores and Cory Almanza v. Jesus Verastegui, Alfredo Verastegui, Rosalva Verastegui, and City of Abilene, Cause No. 49368-A, 42nd District

Court, Abilene, Taylor County, Texas, filed April 13, 2016
8. E.G., et al. v. Barry Bond, City of Abilene, and Abilene Independent School District, Case 1:16-cv-00068-BL, U.S. District Court, Northern District, Abilene Division, filed April 28, 2016
9. Gary Corpian and Marilu Lee Corpian v. City of Abilene, Texas, Cause No. 49451-A, In the 42nd Judicial District Court, Taylor County, Texas, filed June 24, 2016
10. Mike Rodriguez, Lauren Rodriguez, Laura Gentry Edwards, Mike Gentry, and Lucy Gentry v. City of Abilene, Case No. 1-16CV-080-BL; In the United States District Court, Northern District of Texas, Abilene Division, filed May 17, 2016, served September 2, 2016
11. Daniel Ruchinski v. City of Abilene, Texas, et al., Case No. 1:16-cv-00165-BL, U.S. District Court, Northern District of Texas, Abilene Division, filed September 12, 2016.
12. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016

2. 551.072 (Deliberations about Real Property)

3. 551.073 (Deliberations about Gifts and Donations)

4. 551.074 (Personnel Matters)

City Council may consider appointment, employment, reassignment, duties, discipline, or dismissal of public officers or employees, City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members.

The following Boards and Commissions may be discussed:

Abilene Economic Development Company, Inc.
Abilene Health Facilities Development Corp.
Abilene Higher Education Facilities Corporation
Abilene-Taylor County Events Venue District
Board of Adjustments
Board of Building Standards
Civic Abilene, Inc.
Civil Service Commission
Development Corporation of Abilene, Inc.
Firemen's Pension Fund Board
Friends of Safety City Board
Frontier Texas! Board of Directors
Abilene Housing Authority
Landmarks Commission
Library Board
Mechanical/Plumbing/Electrical & Swimming Pool Board of Appeals
Mental Health-Mental Retardation Board of Trustees
9-1-1 Emergency Communications District Board of Managers
Parks & Recreation Board
Planning and Zoning Commission
Taylor County Appraisal District
West Central Texas Municipal Water District
Tax Increment Reinvestment Zone Board

5. 551.087 (Business Prospect/Economic Development)

6. 551.076 (Deliberations about Security Devices)

9. RECONVENE

1. Action if needed from Executive Session.

10. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Danette Dunlap, City Secretary, at 325-676-6202.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the _____ day of October, 2016, at _____.

Danette Dunlap, City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 11/3/2016

TO: Robert Hanna, City Manager

FROM: Doug Wrenn, Asst. Chief of Police

SUBJECT: Resolution: Finding a Public Purpose and Approving Bicycle and Clothing Donations to Various Local Charities Through the End of the 2016/2017 Fiscal Year. (Doug Wrenn)

GENERAL INFORMATION

Throughout the year, the Police Department acquires a large number of unclaimed bicycles and used clothing through the normal course of police business. The Department seeks approval to donate some of these used items to local charities as the items are accumulated. The items that are never claimed are either sold in a City auction or donated to non-profit organizations.

SPECIAL CONSIDERATIONS

The Texas Constitution requires that before a City can make a donation to a private non-profit there must be a finding by City Council that such a donation constitutes a legitimate public purpose. This authorization is intended to include all items donated from the date of passage of this resolution through the 2016/2017 fiscal year.

FUNDING/FISCAL IMPACT

The items would likely be sold in a lot during an auction if not donated. Therefore, donation of the items will result in the loss of those sales, albeit with minimal budgetary impact.

STAFF RECOMMENDATION

Staff recommends the Council finds there is a legitimate public purpose in a donation of bicycles and clothing from Police Property to local non-profit organizations and authorize such donations through the end of the 2016/2017 fiscal year.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description		Type
▣	Resolution	Resolution Letter
▣	Presentation	Presentation

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING DONATION OF BICYCLES AND CLOTHING DURING FISCAL
YEAR 2016-2017.**

WHEREAS, the Abilene Police Department acquires a large number of unclaimed bicycles and used clothing through the normal course of police business; and

WHEREAS, the Texas Constitution, Art. III, § 52(a) and Art. XI, § 3 generally prohibit the donation or gift of property by a municipality to a private entity or person; and

WHEREAS, a municipality may make a donation or gift of property if (1) the conveyance will serve a predominantly public purpose of the city; (2) the city will retain sufficient control to ensure the public purpose is carried out; and (3) the city will receive return benefit; and

WHEREAS, the unclaimed bicycles and used clothing have minimal monetary value to the City of Abilene, and the public is better served if the unclaimed bicycles and used clothing are donated to local non-profit organizations for distribution to the public; and

WHEREAS, the City Council, City of Abilene, finds that the donation of the unclaimed bicycles and used clothing to local non-profit organizations will serve a predominately public purpose, the city will retain sufficient control to ensure the public purpose is carried out, and the city will receive a benefit.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF ABILENE, TEXAS:**

Part 1: That the Abilene Police Department is authorized to donate unclaimed bicycles and used clothing during fiscal year 2016-2017 to local non-profit organizations to serve the public purpose.

Part 2. That this Resolution takes effect immediately upon its adoption.

ADOPTED this 3rd day of November, 2016.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney

Donations to Charities

Asst. Chief Doug Wrenn



Donations

- **The Texas Constitution requires that before a city can make a donation to a private non-profit there must be a finding by City Council that such a donation constitutes a legitimate public purpose.**
- **Requests infrequently come from CUADD and Kiwanis.**
- **The most requested items are bicycles, which are given to children or adults in under-served neighborhoods. In spite of efforts to give them back to the owners, the Police Department stores dozens of unclaimed bicycles every month.**

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 11/3/2016

TO: Mayor & Council

FROM: Danette Dunlap, City Secretary

Resolution: Designating a Public Information Coordinator for the Purposes of Receiving Training on the Responsibilities for the City of Abilene concerning the Public

**SUBJECT: Information Act and Designating the City Secretary as the City Official to receive Public Information Requests pursuant to the Public Information Act for the City of Abilene.
(*Danette Dunlap*)**

GENERAL INFORMATION

The Texas Legislative amended the Texas Government Code Section 552 " Texas Public Information Act" effective January 1, 2006. Section 552 provides that the City may designate a city official to be the person to who open records should be sent pursuant to the Public Information Act.

Section 552.012 of the Texas Government Code also requires each elected official and the officer for public information, to complete one to two hours of training on the Public Information Act, but it allows for the designation of a public information coordinator to complete these training requirements on behalf of the public officials.

This Resolution will designate the City Secretary as the Public Information Coordinator for the purpose of receiving training. It will also designate the City Secretary as the City Official to receive Public Information Requests pursuant to the Public Information Act for the City of Abilene.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Staff Recommends approval of the Resolution.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
☐ Resolution	Resolution Letter
☐ Presentation	Presentation

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DESIGNATING THE CITY SECRETARY AS THE PUBLIC INFORMATION COORDINATOR FOR THE PURPOSE OF RECEIVING TRAINING ON THE RESPONSIBILITIES CONCERNING PUBLIC INFORMATION REQUESTS UNDER THE PUBLIC INFORMATION ACT; DESIGNATING THE CITY SECRETARY AS THE CITY OFFICIAL TO RECEIVE PUBLIC INFORMATION REQUESTS FOR THE CITY OF ABILENE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Public Information Act, Section 552.301(c), Texas Government Code, provides that the City of Abilene may designate a city official to be the person to whom open records requests made by electronic mail or facsimile must be sent; and

WHEREAS, Section 552.012(c) of the Texas Government Code, requires each elected official and the officer for public information, said person being the City Secretary, to complete one to two hours of training on the Public Information Act, but allows for the designation of a public information coordinator to complete these training requirements on behalf of the public officials; and

WHEREAS, the Abilene City Council, and City Manager desire that the City Secretary be designated as the public information officer for purposes of receiving public information requests pursuant to the Public Information Act; and

WHEREAS, the Abilene City Council and City Manager desire that the City Secretary be designated as the public information coordinator to receive the public information training as required by Section 552.012 of the Texas Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY TEXAS, THAT:

PART 1: The City Council hereby designates the City Secretary as the public information coordinator for the purposes of receiving training on the responsibilities of the City of Abilene, Texas concerning the Public Information Act.

PART 2: The City Secretary is designated as the public information officer for purposes of receiving public information requests pursuant to the Public Information Act.

PART 3: This Resolution shall be effective immediately upon its passage.

PASSED AND APPROVED this 3rd day of November, 2016.

ATTEST:

Danette Dunlap, City Secretary

Norm Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney

Resolution – Designating a Public Information Coordinator

- Texas Public Information Act, Section 552, Texas Government Code, provides that the City may designate a city official to be the person to whom open records requests made by electronic mail or facsimile must be sent
- Section 552.012(c) of the Texas Government Code, requires each elected official and the officer for public information, said person being the City Secretary, to complete one to two hours of training on the Public Information Act, but allows for the designation of a public information coordinator to complete these training requirements on behalf of the public officials



Resolution – Designating a Public Information Coordinator

- Designate the City Secretary to be the public information officer for purposes of receiving all public information pursuant to the Public Information Act
- The City Secretary will be designated as the public information coordinator to receive the public information training as required by Section 552.012 of the Texas Government Code.





**City Council
Agenda Memo**

City Council Meeting Date: 11/3/2016

TO: Robert Hanna, City Manager

FROM: Dana Schoening, Director, Planning & Development Services

Ordinance & Public Hearing: (Final Reading) Case Z-2016-40 a request from Abilene RBC Properties LLC to rezone property from an AO (Agricultural Open Space) zone to
SUBJECT: a MD (Residential Medium Density) district located at 6109 Jennings Dr. (Dana Schoening)

GENERAL INFORMATION

Currently, the subject property is zoned AO, and is vacant. The applicants would like to build duplexes on the property. In order to do this, they have applied to change the zoning to MD (Medium Density) which allows for various multiplexes. There are other residential zones, including MD, north of the subject property, making this a viable proposal.

The subject parcel totals approximately 7.66 acres and is currently zoned AO (Agricultural Open Space). The adjacent properties are zoned AO directly to the east, south, and west, a PDD (Planned Development District) to the west, northeast, and northwest, and RS-6 (Single Family Residential) and MD (Medium Density) to the north.

The Future Land Use section of the Comprehensive Plan designates this property as 'low density residential'. The AO zoning is typically designated as a "holding zoning", until an applicant desires to rezone to a compatible zoning classification with the adjacent zoning districts. The requested zoning is compatible with the Future Land Use Map and the adjacent properties.

SPECIAL CONSIDERATIONS

As provided for in City of Abilene Land Development Code Article 4, Division 1, Section 1.4.1.3(I)(1), when a written protest against the amendment is signed by the owners of twenty percent (20%) or more of either the area of the lots or land covered by the proposed change, or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from that area, a zoning amendment shall not become effective except by the favorable vote of three fourths of all members of the City Council.

Regarding this particular rezoning item, five (5) property owners have opposed the rezoning. Together these property owners constitute 22.39% of the land area within the radius area. The 200' radius area is the legally defined public notification area as provided for in Land Development Code and Texas State Statutes for rezoning applications. Therefore, because opposition is from 20% or more of land area in the public

notification area, a super-majority vote of the City Council is required to approve an ordinance for this rezoning item.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning & Zoning Commission recommends approval of this request by a vote of seven (7) in favor (Smith, Dunnahoo, Bixby, Famble, Rosenbaum, Calk and McClarty) and none opposed.

ATTACHMENTS:

Description	Type
❑ Ordinance Cover	Ordinance
❑ Ordinance Exhibit	Ordinance
❑ Z-2016-40 CC Staff Report	Exhibit
❑ Public Notifications	Exhibit
❑ Public Notifications	Exhibit
❑ Neighborhood Replies	Backup Material
❑ Signed Replies	Backup Material
❑ PowerPoint Presentation	Presentation

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 27th day of October, A.D. 2016.

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 16th day of September, 2016, 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 3rd day of November, 2016 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 3rd day of November, A.D. 2016.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to MD (Medium Density) zoning.

Legal Description:

A0018 SUR 43 WILLIAM BISHOP, TRACT OUT OF M NEEB 52.04 ACRES, ACRES
7.182



Location:
6109 Jennings Drive

-END-

ZONING CASE Z-2016-40

STAFF REPORT



APPLICANT INFORMATION:

Abilene RBC Properties LLC
Agent: Edgar Benito Cordova

HEARING DATES:

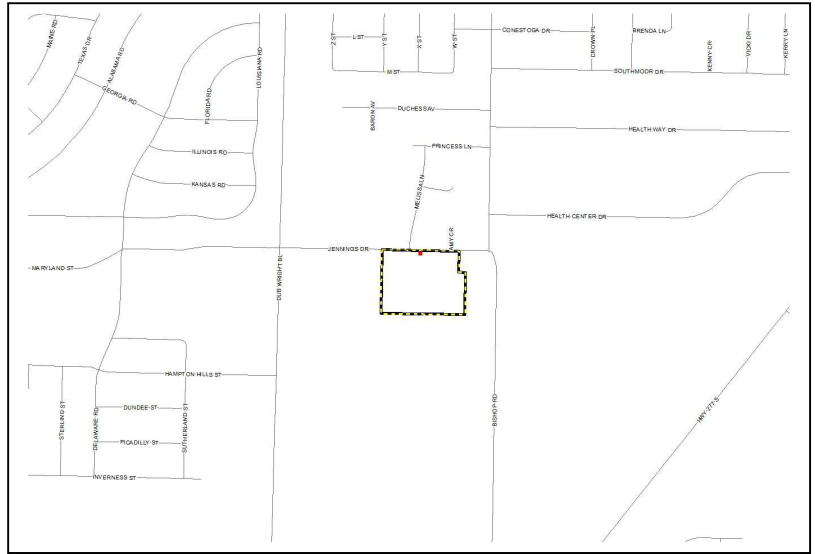
P & Z Commission: October 3, 2016
City Council 1st Reading: October 27, 2016
City Council 2nd Reading: November 3, 2016

LOCATION:

6109 Jennings Dr.

REQUESTED ACTION:

Rezone property from an AO (Agricultural Open Space) zone to a MD (Residential Medium Density) district



SITE CHARACTERISTICS:

The subject parcel totals approximately 7.66 acres and is currently zoned AO (Agricultural Open Space). The adjacent properties are zoned AO directly to the east, south, and west, a PDD (Planned Development District) to the west, northeast, and northwest, and RS-6 (Single Family Residential) and MD (Medium Density) to the north.

ANALYSIS:

Current Planning Analysis

Currently, the subject property is zoned AO, and is vacant. The applicant is wanting to build duplexes on the property. In order to do this, they have applied to change the zoning to MD (Medium Density) which allows for various multiplexes. There are other residential zones, including MD, north of the subject property, making this a viable proposal.

Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this property as 'low density residential'. The AO zoning is typically designated as a "holding zoning", until an applicant desires to rezone to a compatible zoning classification with the adjacent zoning districts. The requested zoning is compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

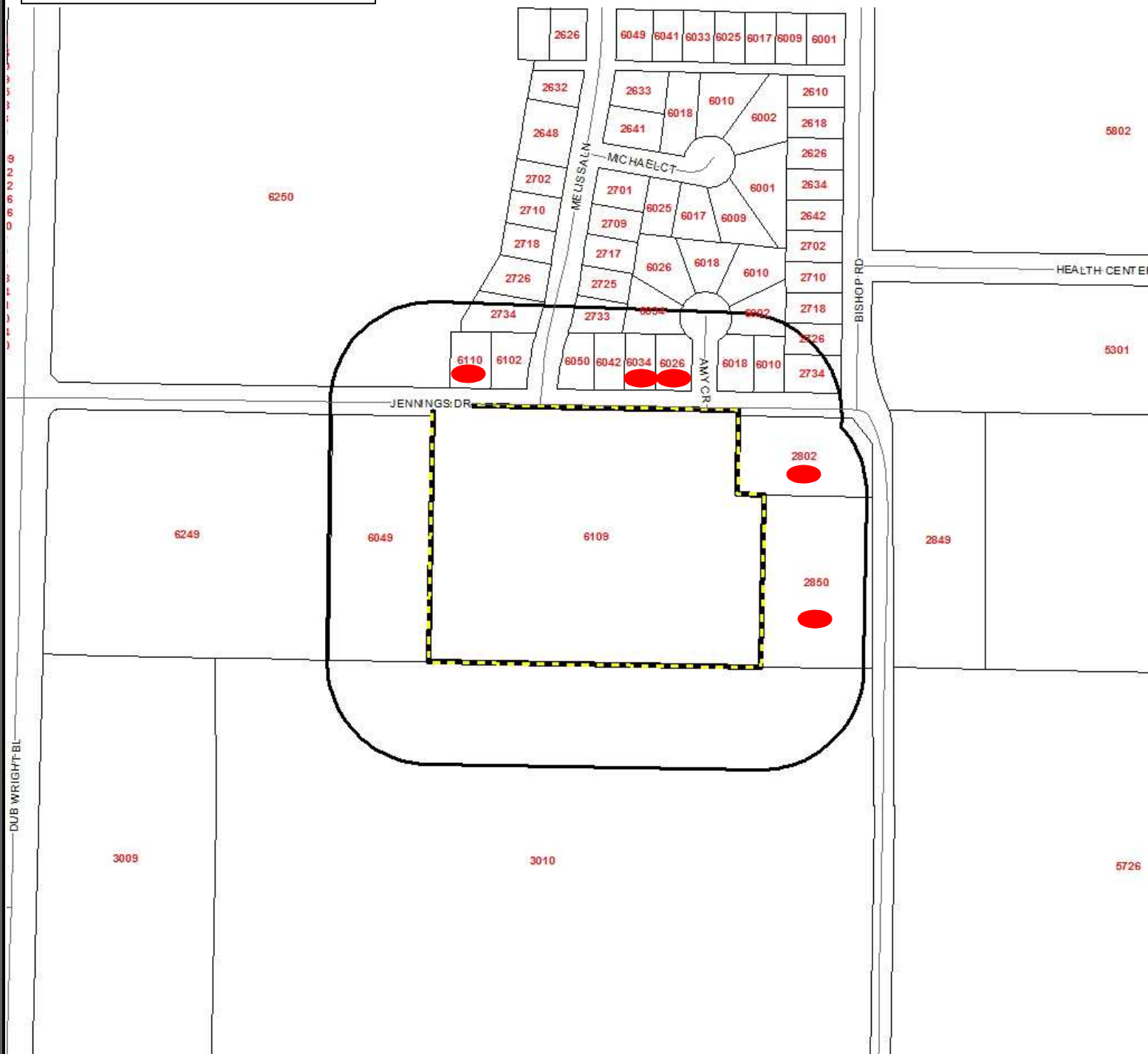
The Planning & Zoning Commission recommends approval of this request by a vote of seven (7) in favor (Smith, Dunnahoo, Bixby, Famble, Rosenbaum, Calk and McClarty) and none opposed.

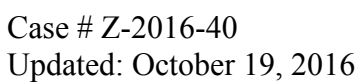
NOTIFICATION:

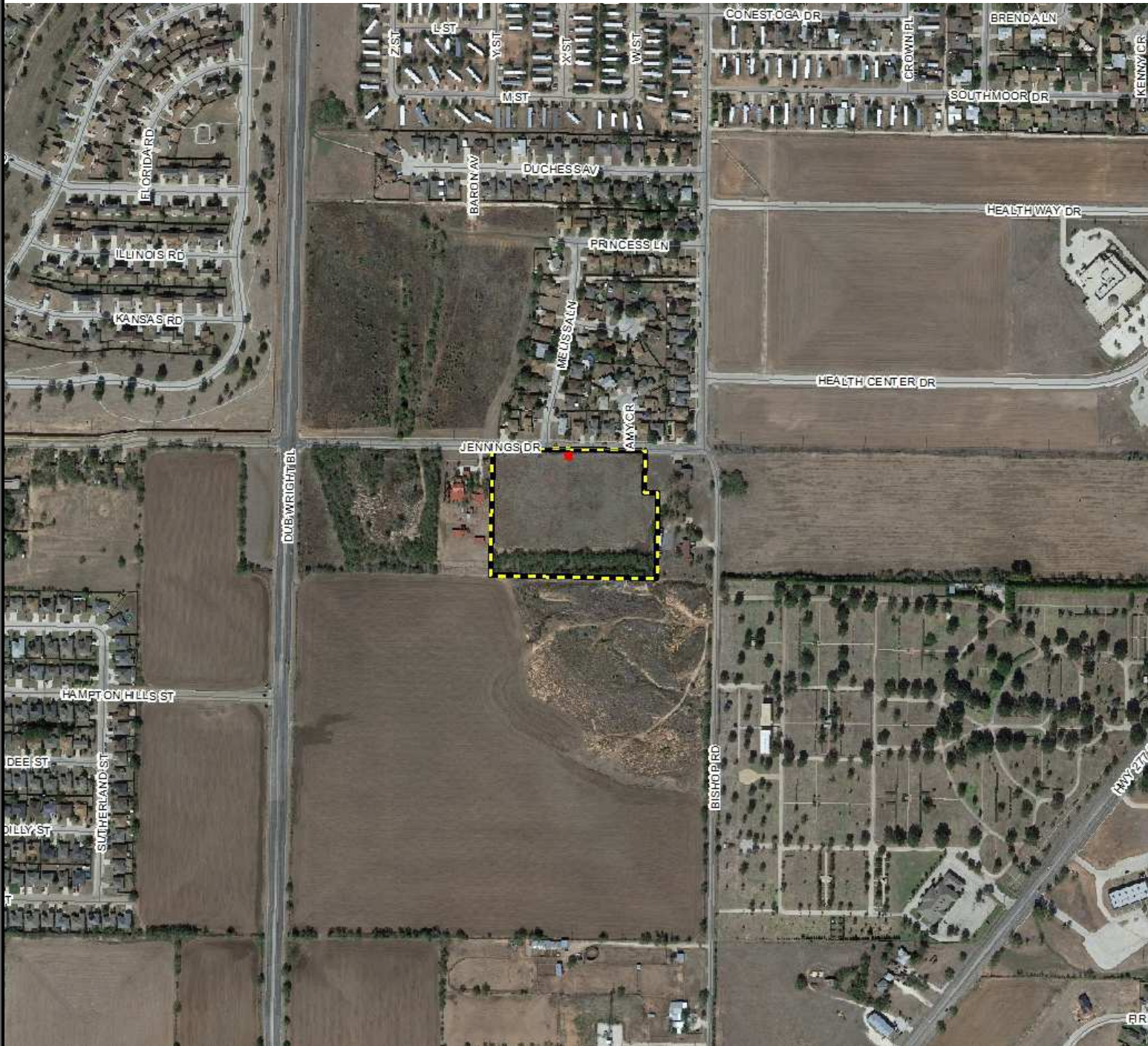
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
WELLS KENNETH JR & TINA	2734 BISHOP RD	
ROCHA ROBERT G	2850 BISHOP RD	Opposed
MLADAN TONI LEANN	2726 BISHOP RD	
RUSH EDWIN L & ELIZABETH A	2802 BISHOP RD	Opposed
CLARK JAMES RONALD & YONG C	6049 JENNINGS DR	
RAMON ERIC A & VIVIAN E	6109 JENNINGS DR	
MC GOWAN ROBERT J & HUONG T	2734 MELISSA LN	
BRUMLEY JEFFREY D & LISA M	6026 JENNINGS DR	Opposed
SHEPHERD ASSETT MGMT LLC	6002 AMY CR	
BURD SKYLA	6102 JENNINGS DR	
MORENO CASSANDRA C	6050 JENNINGS DR	
SCHULDT EVAN	2733 MELISSA LN	
WALKER NORMA JEAN	6034 AMY CR	
SKELTON GORDON S	6018 JENNINGS DR	
PEREZ MODESTO LUE	6034 JENNINGS DR	Opposed
ALCASAS VICTOR & REYNA L	6042 JENNINGS DR	
PENDLEY JAMES D & MARY T	6110 JENNINGS DR	Opposed
KIDD JEFFREY RANDALL	6010 JENNINGS DR	
WEATHERBEE CONSTRUCTION INC	6250 JENNINGS DR	
LEGACY FUNERAL HOLDINGS LLC	3010 BISHOP RD	

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









For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2016-40

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: PEREZ MODESTO LUE

Address: 6034 JENNINGS DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

SEP 29 AM10:58

For the ,
Please call at

ZONING COMMISSION
237 if you have any questions about this notice.

CASE #: Z-2016-40

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: ROCHA ROBERT G

Address: 2850 BISHOP RD

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

Bishop Road & Jennings could not handle all the extra traffic. Apt or Duplex use would be hard for me to watch as my land would run 300ft along their border. I might consider approving with a cushion between our properties and a wall.

Robert Rocha

9-20-16

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2016-⁴⁰~~49~~

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: BRUMLEY JEFFREY D & LISA M
Address: 6026 JENNINGS DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

JEFF LISA @ Suddenlink.net
invalid email

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2016-40

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: PENDLEY JAMES D & MARY T
Address: 6110 JENNINGS DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

Mary T. Pendley
James D Pendley

SEP 27 AM 10:23

Case Z-2016-40

OWNER	ADDRESS	RESPONSE
ALCASAS VICTOR & REYNA L	6042 JENNINGS DR	Opposed
BRUMLEY JEFFREY D & LISA M	6026 JENNINGS DR	
BURD SKYLA	6102 JENNINGS DR	
CLARK JAMES RONALD & YONG C	6049 JENNINGS DR	
KIDD JEFFREY RANDALL	6010 JENNINGS DR	
LEGACY FUNERAL HOLDINGS LLC	3010 BISHOP RD	Opposed
MC GOWAN ROBERT J & HUONG T	2734 MELISSA LN	
MLADAN TONI LEANN	2726 BISHOP RD	
MORENO CASSANDRA C	6050 JENNINGS DR	
PENDLEY JAMES D & MARY T	6110 JENNINGS DR	
PEREZ MODESTO LUE	6034 JENNINGS DR	Opposed
RAMON ERIC A & VIVIAN E	6109 JENNINGS DR	Opposed
ROCHA ROBERT G	2850 BISHOP RD	
RUSH EDWIN L & ELIZABETH A	2802 BISHOP RD	
SCHULDT EVAN	2733 MELISSA LN	
SHEPHERD ASSETT MGMT LLC	6002 AMY CR	
SKELTON GORDON S	6018 JENNINGS DR	Opposed
WALKER NORMA JEAN	6034 AMY CR	
WEATHERBEE CONSTRUCTION INC	6250 JENNINGS DR	
WELLS KENNETH JR & TINA	2734 BISHOP RD	

Rainbow, Zack

From: ed rush <e2k3rush@aol.com>
Sent: Wednesday, September 28, 2016 9:31 PM
To: Reports, Planning
Subject: Opposed to Z-2016-40

We have the house at 2802 Bishop Rd.
Edwin and Elizabeth Rush.
We are opposed to Z-2016-40

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2016-40

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: PENDLEY JAMES D & MARY T
Address: 6110 JENNINGS DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

*Mary D. Pendley
James D. Pendley*

SEP 27 AM10:23

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2016-40

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: PEREZ MODESTO LUE
Address: 6034 JENNINGS DR

Mailing To:

Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

SEP 29 AM 10:58

X *Modesto Lue*

For the PLANNING & ZONING COMMISSION
Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2016-40

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: BRUMLEY JEFFREY D & LISA M
Address: 6026 JENNINGS DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

Jeff-Lisa @ Suddenlink.net

invalid email

~~X~~ Abilene TX

~~Single~~ Single Over Homes only Residential. only

No Duplex or Apartments or ~~Businesses~~

For the,
Please call at
ZONING COMMISSION
237 if you have any questions about this notice.

CASE #: Z-2016-40

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: ROCHA ROBERT G
Address: 2850 BISHOP RD

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

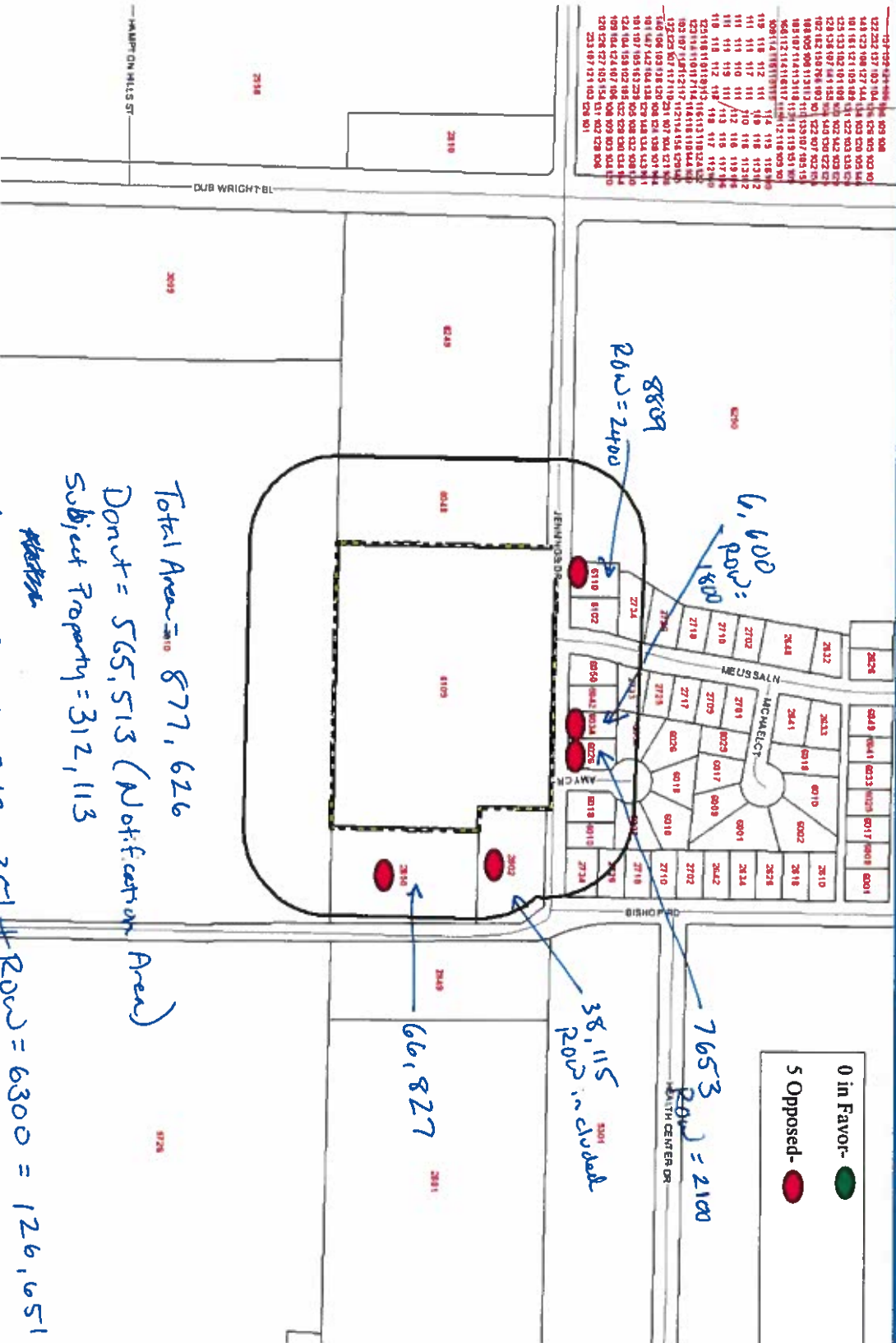
I am opposed ☒

Additional Comments:

Bishop Road a Turninics could not handle All the extra Traffic. Apt on Duplex use would be hard for me to watch as my land would run 300ft along their border. I might consider approving with a cushion between our properties and a wall.

Walt Hall 8-20-16

Z-2016-40



Z-2016-40

Request: Rezone from AO to MD zoning

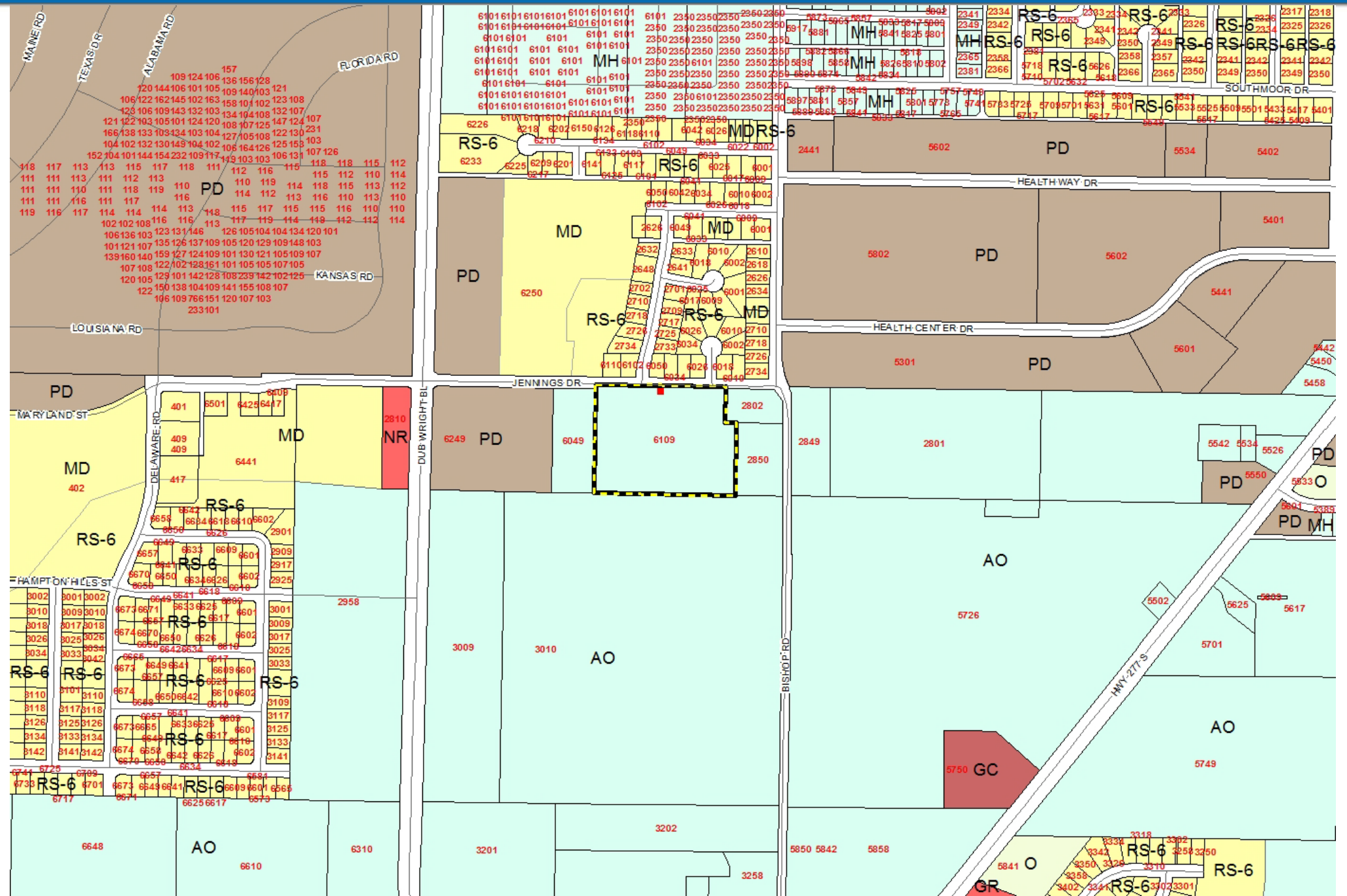
Location: 6109 Jennings Dr.

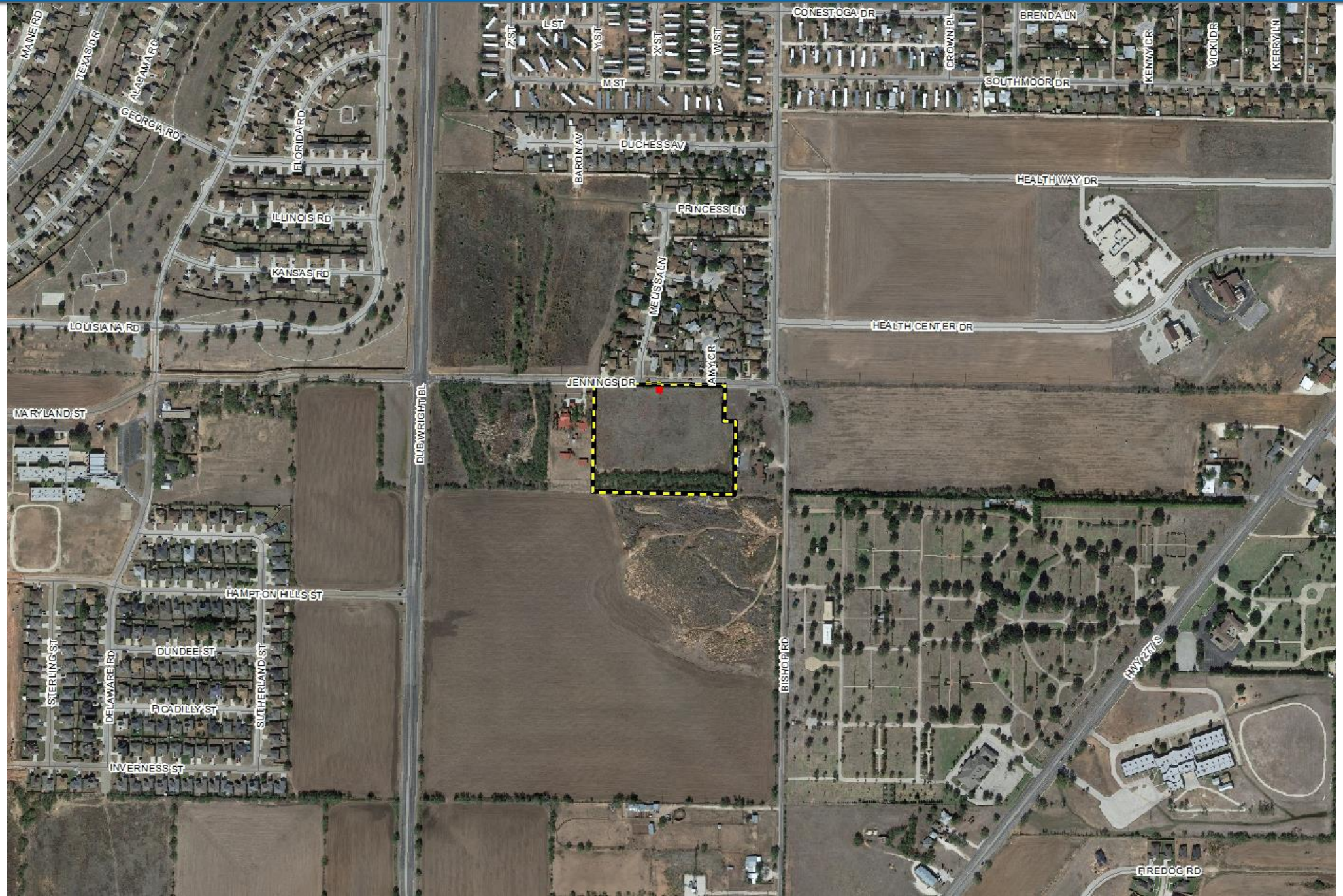
Notification: 0 in favor; 5 opposed

Staff Recommendation: Approval

P & Z Commission Recommendation: Approval









View looking south toward subject property on Jennings Dr.



View looking southeast toward subject property



View looking south of west portion of subject property



View looking southwest on Jennings Dr.



View looking east along Jennings Dr.



View looking north across from subject property on Jennings Dr.



View looking west along Jennings Dr.



Permitted Uses in AO Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P Animal Lot
- P Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (permanent security residence)
- C Mobile Home (temporary security residence)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

LEGEND

- | | |
|-----------|---|
| P | Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code) |
| C | Permitted as a Conditional Use Permit, Requiring Approval by City Council |
| TP | Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment |

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Farming, Ranching & Livestock, Hatchery
- C Mining
- C Petroleum or Gas Well



Permitted Uses in MD Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- C Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single-Family Detached
- C Group Home

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P Day Care Operation – Home-Based
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage & parking)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- C Civic, Social, and Fraternal Organization
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Homeless/Emergency Shelter
- C Rehabilitation Facility
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- C Day-Care Operation - Center-Based
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

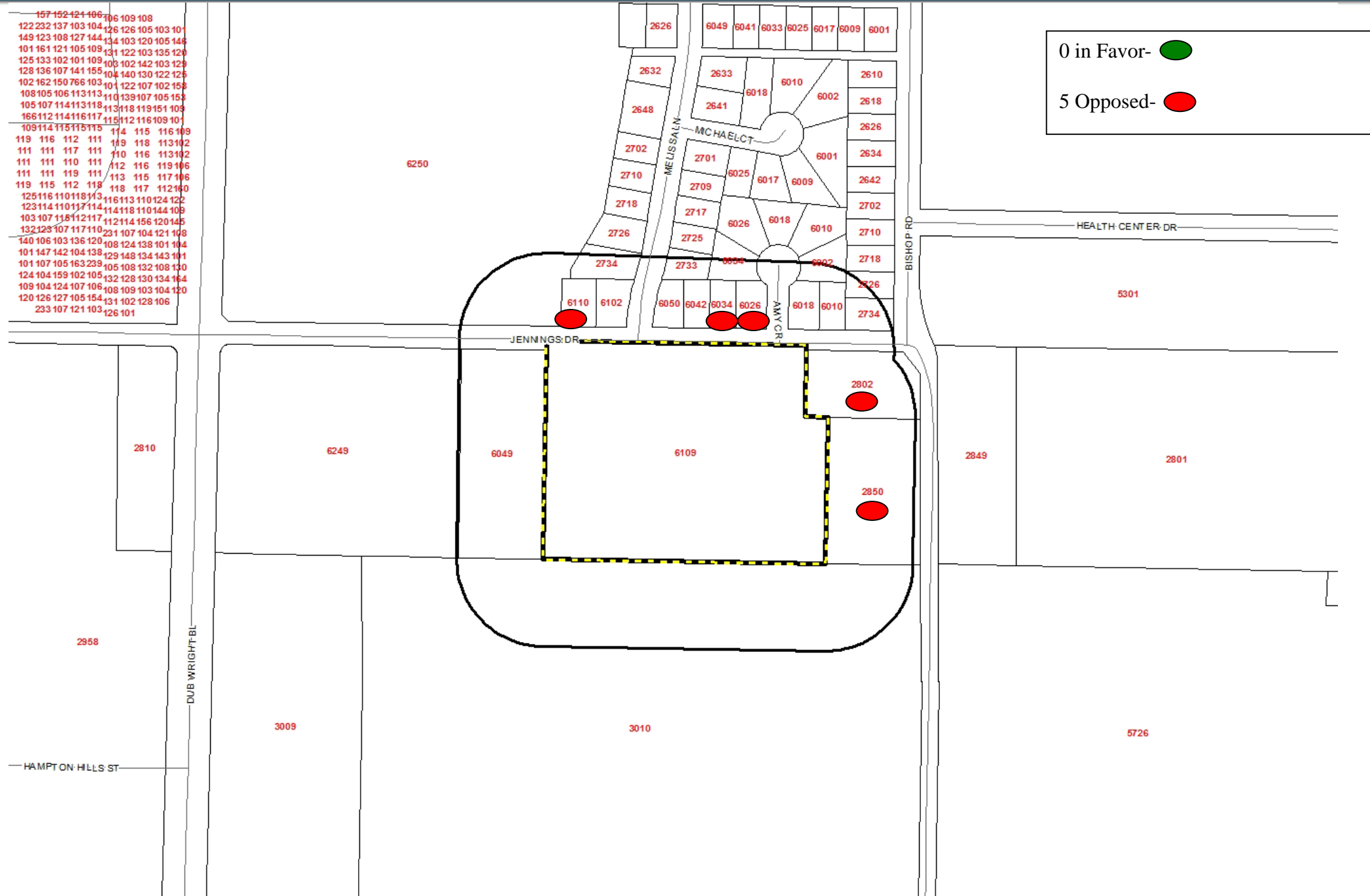
RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)
- C Permitted as a Conditional Use Permit, Requiring Approval by City Council
- TP Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment







**City Council
Agenda Memo**

City Council Meeting Date: 11/3/2016

TO: Robert Hanna, City Manager

FROM: Dana Schoening, Director, Planning & Development Services

Ordinance & Public Hearing: (Final Reading) Case Z-2016-41 a request from Windmill Circle Partners LP & Oldham Partners LP to rezone property from an AO (Agricultural Open Space) zone to a GC (General Commercial) district located at 944 E. Industrial Blvd. Northwest Corner of Oldham Ln. and E. Industrial Blvd (Dana Schoening)

GENERAL INFORMATION

The subject parcel totals approximately 8.87 acres and is currently zoned AO (Agricultural Open Space). The adjacent properties are a mix of NR, GC, AO, and residential.

The property has been AO zoning since the zoning map was initially adopted in 1974.

Currently, the subject property is zoned AO, and is vacant. The applicant is wanting to develop the property as a yet unspecified commercial use. In order to do this, they are wanting to change the zoning to GC (General Commercial) which allows for various commercial uses. There are residential zones, including MD to the north of the subject property, and AO to the west and south of the subject property. There are also commercially zoned properties around the subject property. With GC zoning across Oldham Lane to the east and NR zoning across Industrial Boulevard to the south. However, staff feels that GR would be better than GC due to the adjacent residentially zoned properties and the more intensive uses that could potentially locate in a GC zoned property. These uses would include automotive related uses, contractor services and some outdoor storage to name a few. These are generally not considered compatible adjacent to residential zoning districts.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of rezoning of the property. However, staff is recommending that the property be rezoned AO to GR (General Retail) rather than to GC (General Commercial).

BOARD OR COMMISSION RECOMMENDATION

The Planning & Zoning Commission recommends approval of the request to rezone property from AO to GC by a vote of seven (7) in favor (Smith, Bixby, Dunnahoo, Famble, Rosenbaum, Calk and McClarty) and none opposed.

ATTACHMENTS:

Description	Type
▣ Ordinance Cover	Exhibit
▣ Ordinance Exhibit	Ordinance
▣ Z-2016-41 CC Staff Report	Exhibit
▣ Neighborhood Replies	Backup Material
▣ PowerPoint Presentation	Presentation

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 27th day of October, A.D. 2016.

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 16th day of September, 2016, 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 3rd day of November, 2016 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 3rd day of November, A.D. 2016.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

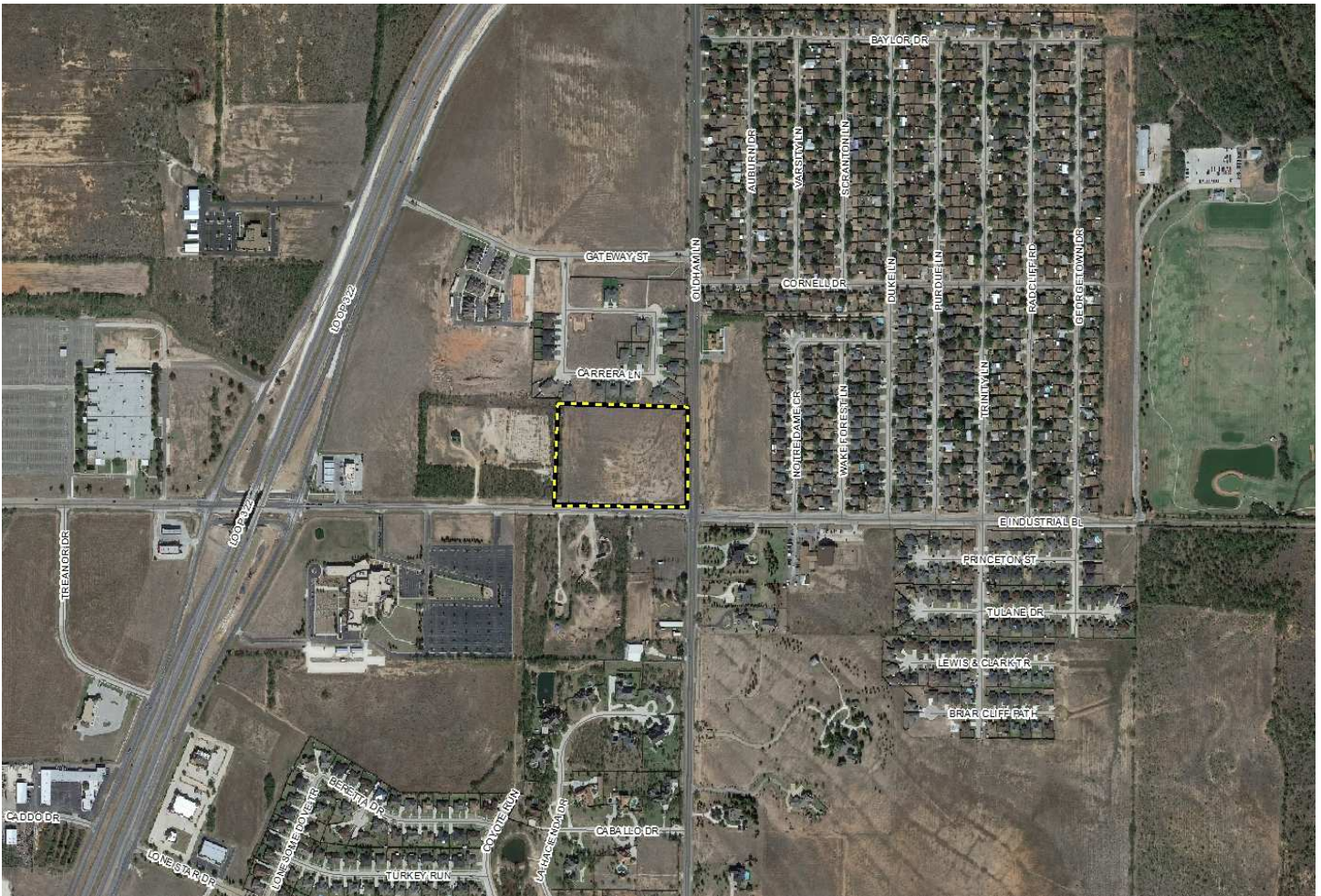
ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning.

Legal Description:

A0679 SUR 62 B A L SE/4, ACRES 8.87



Location:

944 E. Industrial Blvd. Northwest Corner of Oldham Ln. and E. Industrial Blvd.

-END

ZONING CASE Z-2016-41

STAFF REPORT



APPLICANT INFORMATION:

Windmill Circle Partners LP & Oldham Partners LP
Agent: Tal Fillingim of Jacob & Martin Ltd.

HEARING DATES:

P & Z Commission: October 3, 2016
City Council 1st Reading: October 27, 2016
City Council 2nd Reading: November 3, 2016

LOCATION:

944 E. Industrial Blvd.
Northwest Corner of Oldham Ln. and E. Industrial Blvd.



REQUESTED ACTION:

Rezone property from an AO (Agricultural Open Space) zone to a GC (General Commercial) district.

SITE CHARACTERISTICS:

The subject parcel totals approximately 8.87 acres and is currently zoned AO (Agricultural Open Space). The adjacent properties are a mix of NR, GC, AO, and residential.

ZONING HISTORY:

The property has been AO zoning since the zoning map was initially adopted in 1974.

ANALYSIS:

• Current Planning Analysis

Currently, the subject property is zoned AO, and is currently vacant. The applicant is wanting to develop the property as a yet unspecified commercial use. In order to do this, they are wanting to change the zoning to GC (General Commercial) which allows for various commercial uses. There are residential zones, including MD to the north of the subject property, and AO to the west and south of the subject property. There are also commercially zoned properties around the subject property. With GC zoning across Oldham Lane to the east and NR zoning across Industrial Boulevard to the south. However, staff feels that GR would be better than GC due to the adjacent residentially zoned properties and the more intensive uses that could potentially locate in a GC zoned property. These uses would include automotive related uses, contractor services and some outdoor storage to name a few. These are generally not considered compatible adjacent to residential zoning districts.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential with open space. Industrial and Oldham are both designated as 'arterial' on the Master Thoroughfare Plan. It is anticipated that this area will develop as a

retail/commercial node. The intersection of the 2 arterial street creates a node that lends itself to future office & retail uses. Staff feels the General Retail zoning would be deemed more compatible with the Future Land Use Map and the adjacent properties.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of rezoning of the property. However, staff is recommending that the property be rezoned to GR (General Retail) rather than GC (General Commercial).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission recommends approval of the request to rezone property from AO to GC by a vote of seven (7) in favor (Smith, Bixby, Dunnahoo, Famble, Rosenbaum, Calk and McClarty) and none opposed.

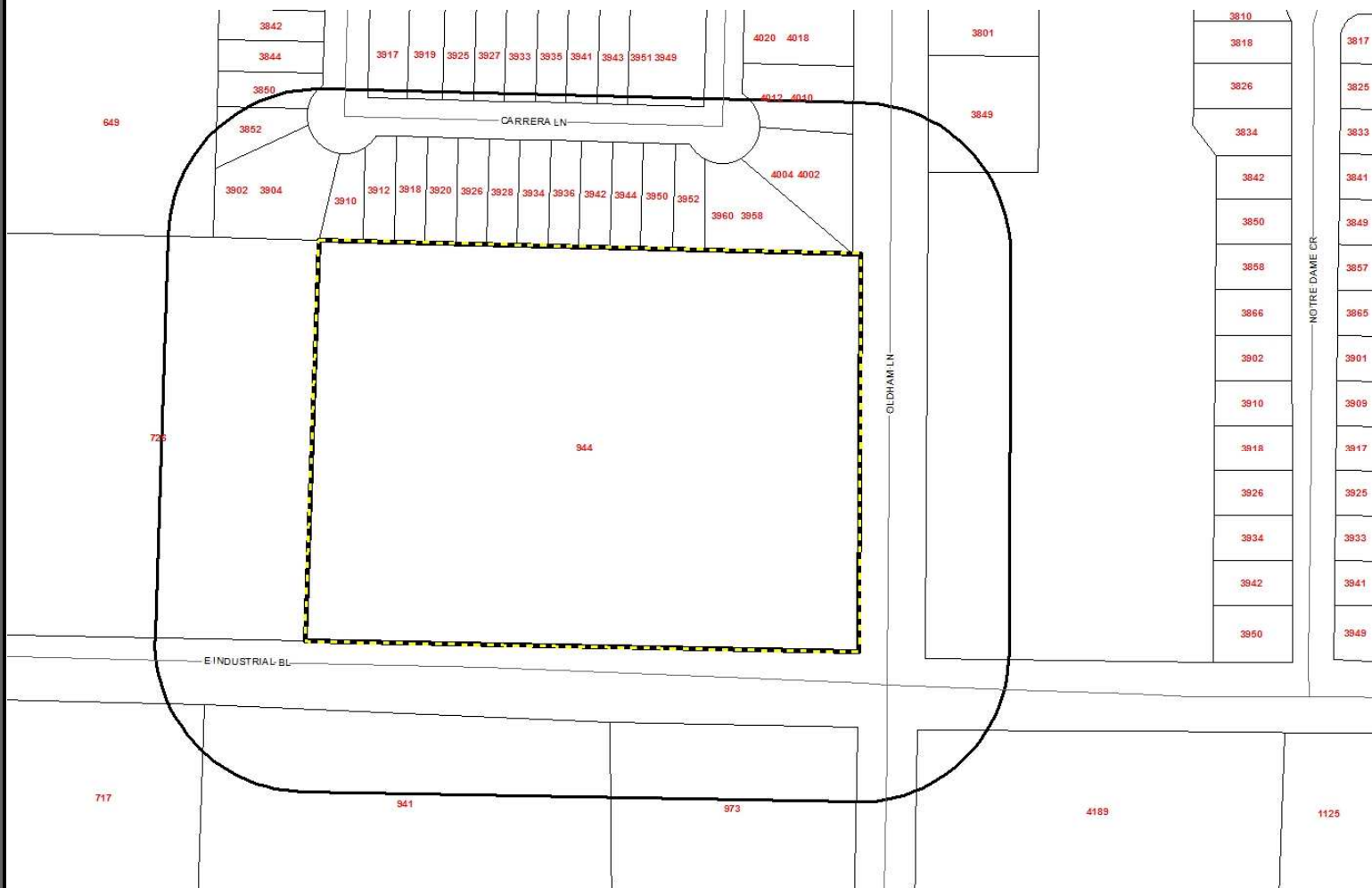
NOTIFICATION:

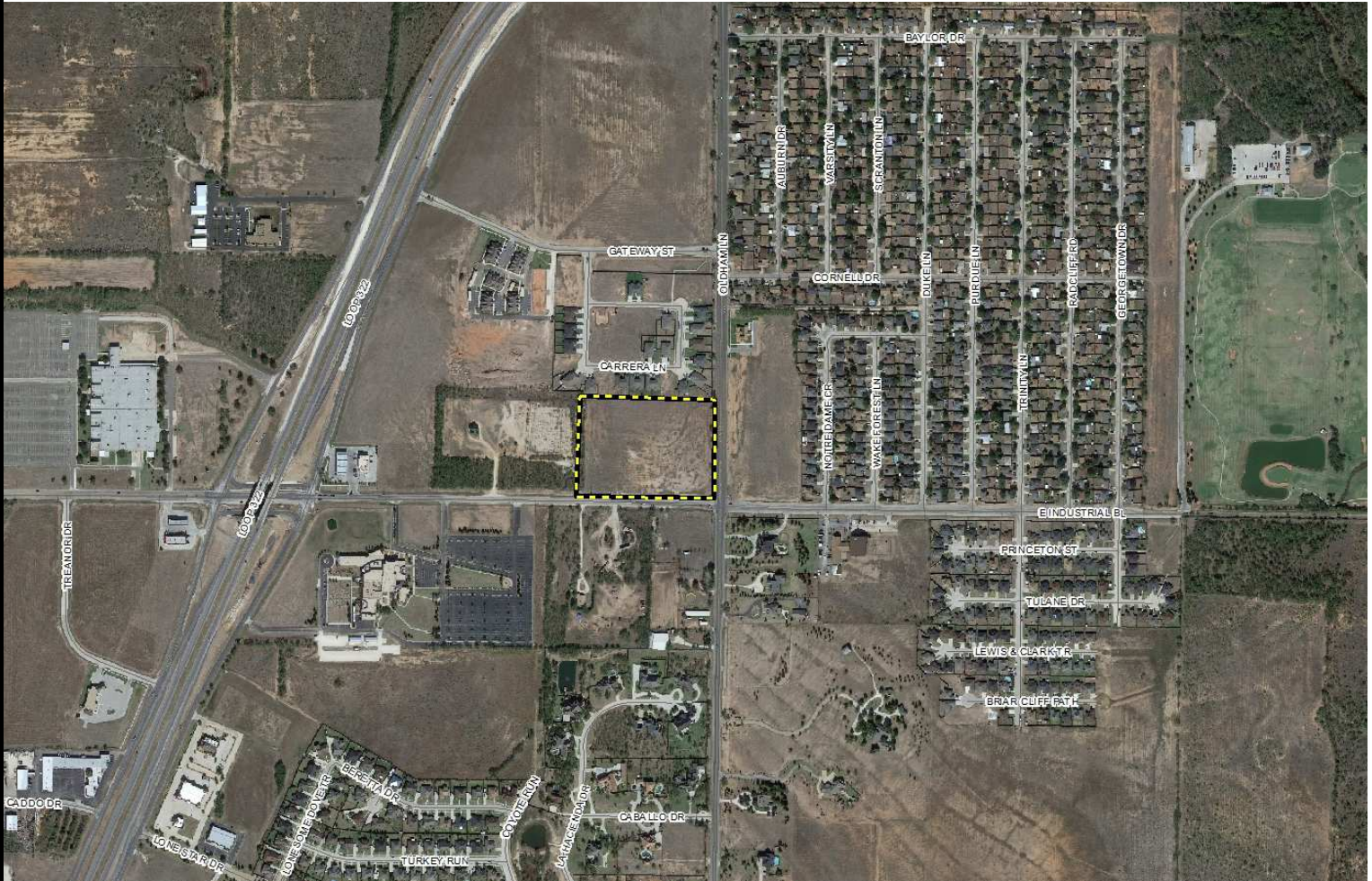
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
BLAKELEE BUILDERS INC	3935 CARRERA LN	
CARIECO PROPERTIES LLC	3949 CARRERA LN	
CARIECO PROPERTIES LLC	3951 CARRERA LN	
MC LEAN MITCHELL	3944 CARRERA LN	
RICH RACHEL	3928 CARRERA LN	
BLAKELEE BUILDERS INC	3933 CARRERA LN	
HART ANDY D & ANNETTA R	3904 CARRERA LN	
HART ANDY D & ANNETTA R	3902 CARRERA LN	
MC LEAN MITCHELL	3952 CARRERA LN	
OLDHAM LANE DEVELOPMENT LLC		
MERCER JANICE P	3919 CARRERA LN	
MC LEAN MIKE & MICHELLE	3934 CARRERA LN	
WILSON ANNETTE F	4002 CARRERA LN	
WILSON ANNETTE F	4004 CARRERA LN	
BLAKELEE BUILDERS INC	3852 CARRERA LN	
MERCER JANICE P	3917 CARRERA LN	
WINDMILL CIRCLE PARTNERS LP &	649 GATEWAY ST	
FIRST FIN TR & ASSET MGMT CO	973 E INDUSTRIAL BL	
WICHNER JUSTIN A & TIMEA	3920 CARRERA LN	
BLAKELEE BUILDERS INC	3850 CARRERA LN	
KUMAR KRISHNA K	3941 CARRERA LN	
MC LEAN MITCHELL	3942 CARRERA LN	
HOGAN PATRICIA GAIL	941 E INDUSTRIAL BL	
BAKER DELORES LF EST	3943 CARRERA LN	
MC LEAN MITCHELL	3950 CARRERA LN	
ABILENE STATE SCHOOL	726 E INDUSTRIAL BL	
FOREMAN ANN M	3958 CARRERA LN	
FOREMAN ANN M	3960 CARRERA LN	

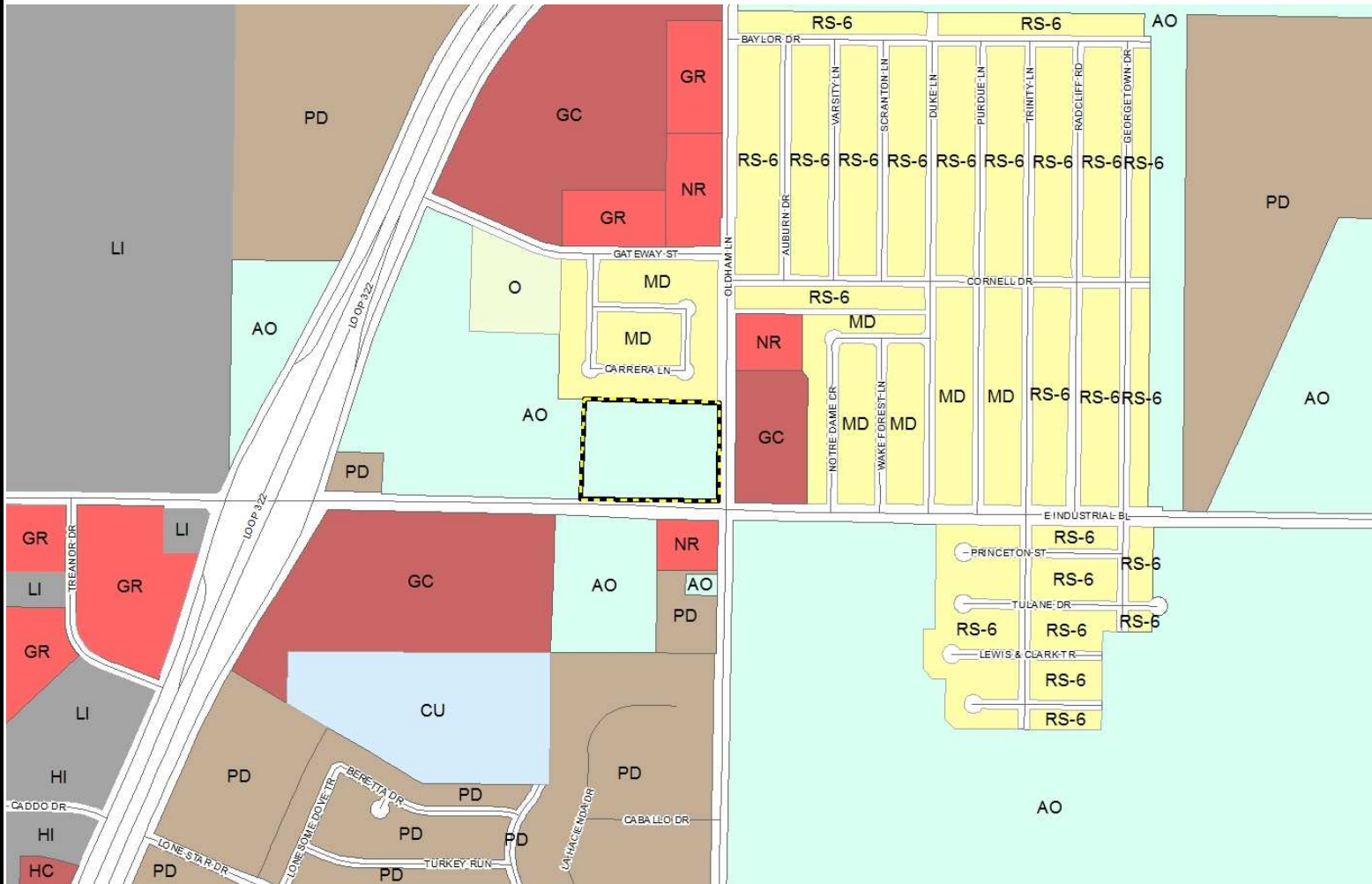
MC LEAN MIKE & MICHELLE	3936 CARRERA LN
CISCO JUNIOR COLLEGE	717 E INDUSTRIAL BL
KUMAR KRISHNA P	3912 CARRERA LN
HOTCHKISS PHILIP M &	4012 CARRERA LN
HOTCHKISS PHILIP M &	4010 CARRERA LN
WICHNER JUSTIN A & TIMEA	3918 CARRERA LN
LAMBERT STANDARD D & DEBORAH K	3927 CARRERA LN
MILLER MARK & NINA JAN	3849 OLDHAM LN
LAMBERT STANDARD D & DEBORAH K	3925 CARRERA LN
WEST WILLIAM S & JENNIFER	4189 OLDHAM LN
RICH RACHEL	3926 CARRERA LN
WINDMILL CIRCLE PARTNERS LP &	944 E INDUSTRIAL BL
KUMAR KRISHNA P	3910 CARRERA LN

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









Case Z-2016-41

OWNER	ADDRESS	RESPONSE
ABILENE STATE SCHOOL	726 E INDUSTRIAL BL	
BAKER DELORES LF EST	3943 CARRERA LN	
BLAKELEE BUILDERS INC	3935 CARRERA LN	
BLAKELEE BUILDERS INC	3933 CARRERA LN	
BLAKELEE BUILDERS INC	3852 CARRERA LN	
BLAKELEE BUILDERS INC	3850 CARRERA LN	
CARIECO PROPERTIES LLC	3949 CARRERA LN	
CARIECO PROPERTIES LLC	3951 CARRERA LN	
CISCO JUNIOR COLLEGE	717 E INDUSTRIAL BL	
FIRST FIN TR & ASSET MGMT CO	973 E INDUSTRIAL BL	
FOREMAN ANN M	3958 CARRERA LN	
FOREMAN ANN M	3960 CARRERA LN	
HART ANDY D & ANNETTA R	3904 CARRERA LN	
HART ANDY D & ANNETTA R	3902 CARRERA LN	
HOGAN PATRICIA GAIL	941 E INDUSTRIAL BL	
HOTCHKISS PHILIP M &	4012 CARRERA LN	
HOTCHKISS PHILIP M &	4010 CARRERA LN	
KUMAR KRISHNA K	3941 CARRERA LN	
KUMAR KRISHNA P	3912 CARRERA LN	
KUMAR KRISHNA P	3910 CARRERA LN	
LAMBERT STANDARD D & DEBORAH K	3927 CARRERA LN	
LAMBERT STANDARD D & DEBORAH K	3925 CARRERA LN	
MC LEAN MIKE & MICHELLE	3934 CARRERA LN	
MC LEAN MIKE & MICHELLE	3936 CARRERA LN	
MC LEAN MITCHELL	3944 CARRERA LN	
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MERCER JANICE P	3917 CARRERA LN	
MILLER MARK & NINA JAN	3849 OLDHAM LN	
OLDHAM LANE DEVELOPMENT LLC		
RICH RACHEL	3928 CARRERA LN	
RICH RACHEL	3926 CARRERA LN	
WEST WILLIAM S & JENNIFER	4189 OLDHAM LN	
WICHNER JUSTIN A & TIMEA	3920 CARRERA LN	
WICHNER JUSTIN A & TIMEA	3918 CARRERA LN	
WILSON ANNETTE F	4002 CARRERA LN	
WILSON ANNETTE F	4004 CARRERA LN	
WINDMILL CIRCLE PARTNERS LP &	649 GATEWAY ST	
WINDMILL CIRCLE PARTNERS LP &	944 E INDUSTRIAL BL	

Z-2016-41

Request: Rezone from AO to GC zoning

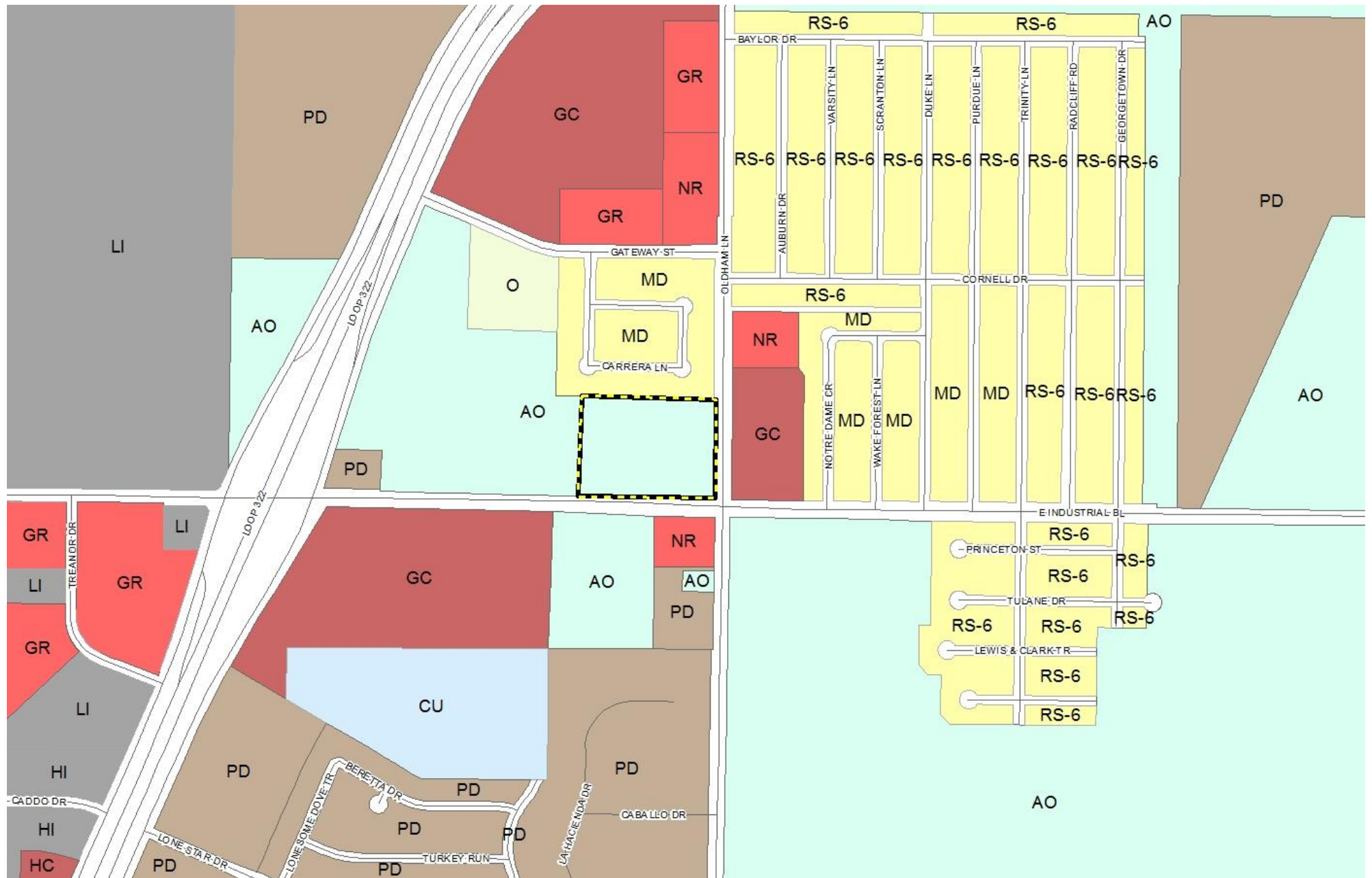
Location: 944 E. Industrial Blvd.

Notification: 2 in favor; 0 opposed

Staff Recommendation: Approval of GR

P & Z Commission Recommendation: Approval of GC





View looking north toward subject property on E. Industrial Blvd.



View looking northwest toward subject property on E. Industrial Blvd.



View looking east along E. Industrial Blvd. toward Oldham



View looking south across from subject property



View looking west along E. Industrial Blvd.



View looking east across Oldham from subject property



View looking southeast across Oldham



Permitted Uses in AO Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P Animal Lot
- P Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (permanent security residence)
- C Mobile Home (temporary security residence)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

LEGEND

- | | |
|-----------|---|
| P | Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code) |
| C | Permitted as a Conditional Use Permit, Requiring Approval by City Council |
| TP | Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment |

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Farming, Ranching & Livestock, Hatchery
- C Mining
- C Petroleum or Gas Well



Permitted Uses in GC Zoning

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Freight Container
- P Fuel Sales
- TP Itinerant Business
- P Manufacturing (incidental)
- C Mobile Home (permanent security residence)
- TP Mobile Home (temporary security residence)
- C Mobile Home or Temporary Building (office for sales and service)
- P Recycling Collection Point
- C Travel Trailers (accessory to hospitals)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- P Drive-in Theater
- P Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Recreation and Commercial Entertainment – Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Fire/Police Station
- C Homeless/Emergency Shelter
- P Hospital
- P Medical/Dental Laboratory
- P Post Office
- C Rehabilitation Facility
- P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and Scientific Research
- P School: Public/Private
- P Trade/Business School
- P University/College

SERVICE

- P/C Automobile Wash
- C Contractor Services
- P Funeral Home/ Mortuary/Morgue
- C Kennel (With Outdoor Pens)
- P Kennel (Without Outdoor Pens)
- P Laundry, Dry Cleaning, Dyeing, and Linen Service (no retail customers)
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- P Printing, Copying, Reproduction, Publishing
- C Recycling Collection and Processing Center
- P Repair and Maintenance Services - Automobile/Small Truck (major)
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Repair and Maintenance Services (outdoors)
- P Storage - Self-Service Units
- P Tattoo Parlor
- P Taxidermist
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- C Aircraft and Accessories
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (automobile/small truck)
- P Retail Sales/Rental (indoor)
- P Retail Sales/Rental (outdoors, non-vehicle)
- C Retail Sales/Rental (trucks and other large vehicles and equipment)

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)

C

Permitted as a Conditional Use Permit, Requiring Approval by City Council

TP

Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Permitted Uses in GR Zoning

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single Family Detached
- P Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Day Care Operation – Home Based
- P Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Freight Container
- P Fuel Sales
- P Garage Sales
- P Home Occupation
- TP Itinerant Business
- P Manufacturing (incidental)
- TP Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage and parking)
- P Recycling Collection Point
- P Subdivision Sales Office (temporary)
- P Swimming Pools, Private (accessory to residential use)
- P Tennis Courts, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- C Ambulance Service
- P Fire/Police Station
- P Medical/Dental Laboratory
- P Post Office
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and Scientific Research
- P School: Public/Private
- C Trade/Business School
- P University/College

SERVICE

- P/C Automobile Wash
- C Funeral Home/ Mortuary/Morgue
- P Kennel (Without Outdoor Pens)
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Tattoo Parlor
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (indoor)
- C Retail Sales/Rental (outdoors, non-vehicle)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower- Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Public Utility Facility

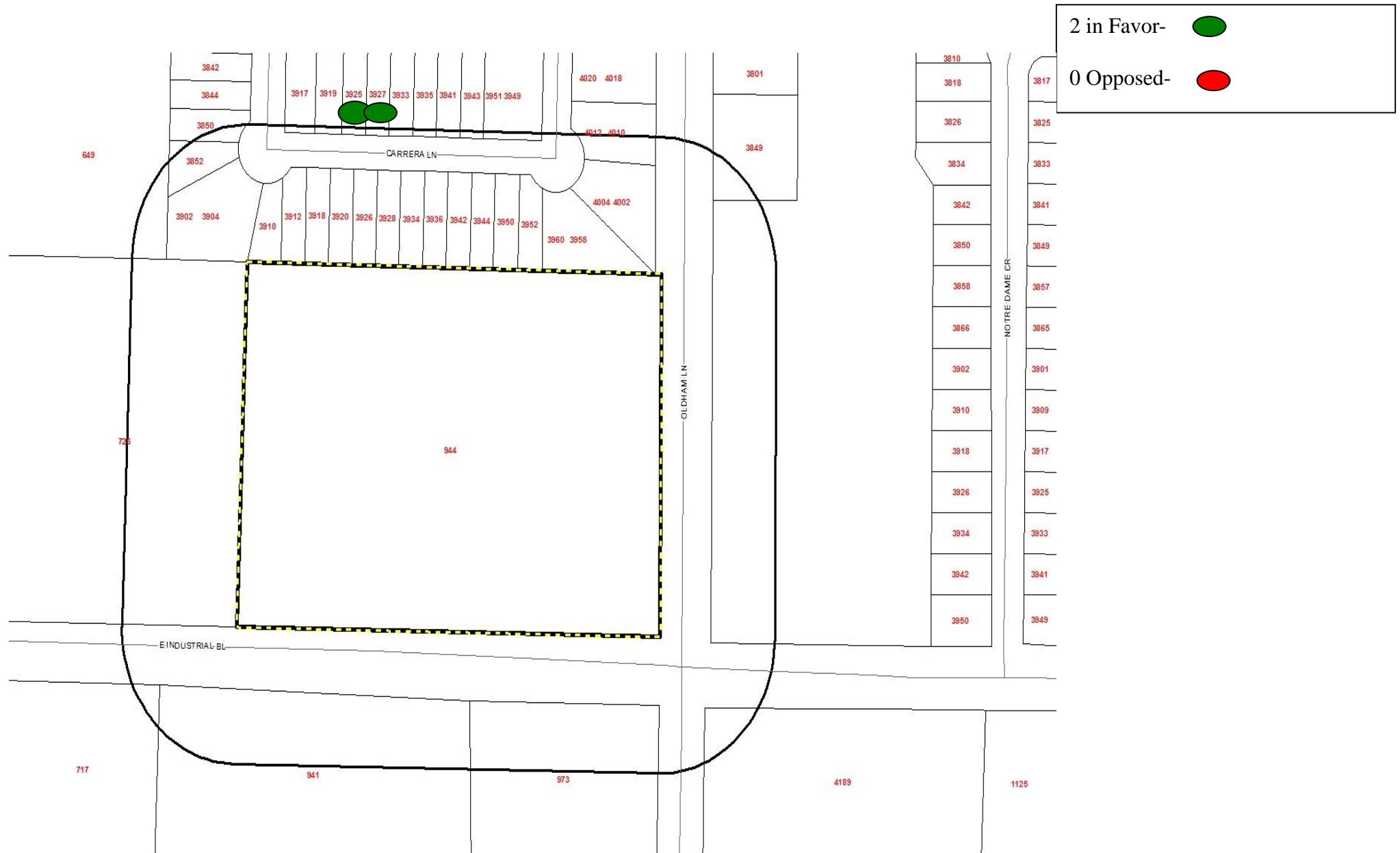
RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P
- C
- TP

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Permitted as a Conditional Use Permit, Requiring Approval by City Council
Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment





**City Council
Agenda Memo**

City Council Meeting Date: 11/3/2016

TO: Robert Hanna, City Manager

FROM: Dana Schoening, Director, Planning & Development Services

SUBJECT: Ordinance & Public Hearing: (Final Reading) Case Z-2016-43 a request from PAK Harris Enterprises, Ltd. to rezone property from an LI (Light Industrial) zone to a CB (Central Business) district located at 370 Mesquite Street. (Dana Schoening)

GENERAL INFORMATION

The subject parcel totals approximately .241 acres and is currently zoned LI (Light Industrial). The adjacent properties are zoned LI to the north, south, and east, and CB (Central Business) to the west, northwest, and southwest.

Currently, the subject property is zoned LI. The property is being used as an office and warehouse building, which does not maximize the potential of this space. The zoning change to CB (Central Business) would allow for the property to be reused more appropriately given its downtown location. CB allows for uses including residences and restaurants that LI does not, making CB a more appealing zone for the downtown area. The majority of Downtown Abilene is currently zoned CB, including the properties directly to the west of the subject property.

The Future Land Use section of the Comprehensive Plan designates this property as the 'Central Business District'. Thus, the requested zoning is compatible with the Future Land Use Map and the adjacent properties. It is believed that the rezoning from LI to CB will support the revitalization and adaptive reuse goals for the downtown area.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning & Zoning Commission recommends approval of this request by a vote of seven (7) (Smith, Dunnahoo, Bixby, Famble, Rosenbaum, Calk and McClarty) and none opposed.

ATTACHMENTS:

Description	Type
▣ Ordinance Cover	Exhibit
▣ Ordinance Exhibit	Ordinance
▣ Z-2016-43 CC Staff Report	Cover Memo
▣ Neighborhood Replies	Backup Material
▣ PowerPoint Presentation	Presentation

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 27th day of October, A.D. 2016.

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 16th day of September, 2016, 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 3rd day of November, 2016 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 3rd day of November, A.D. 2016.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

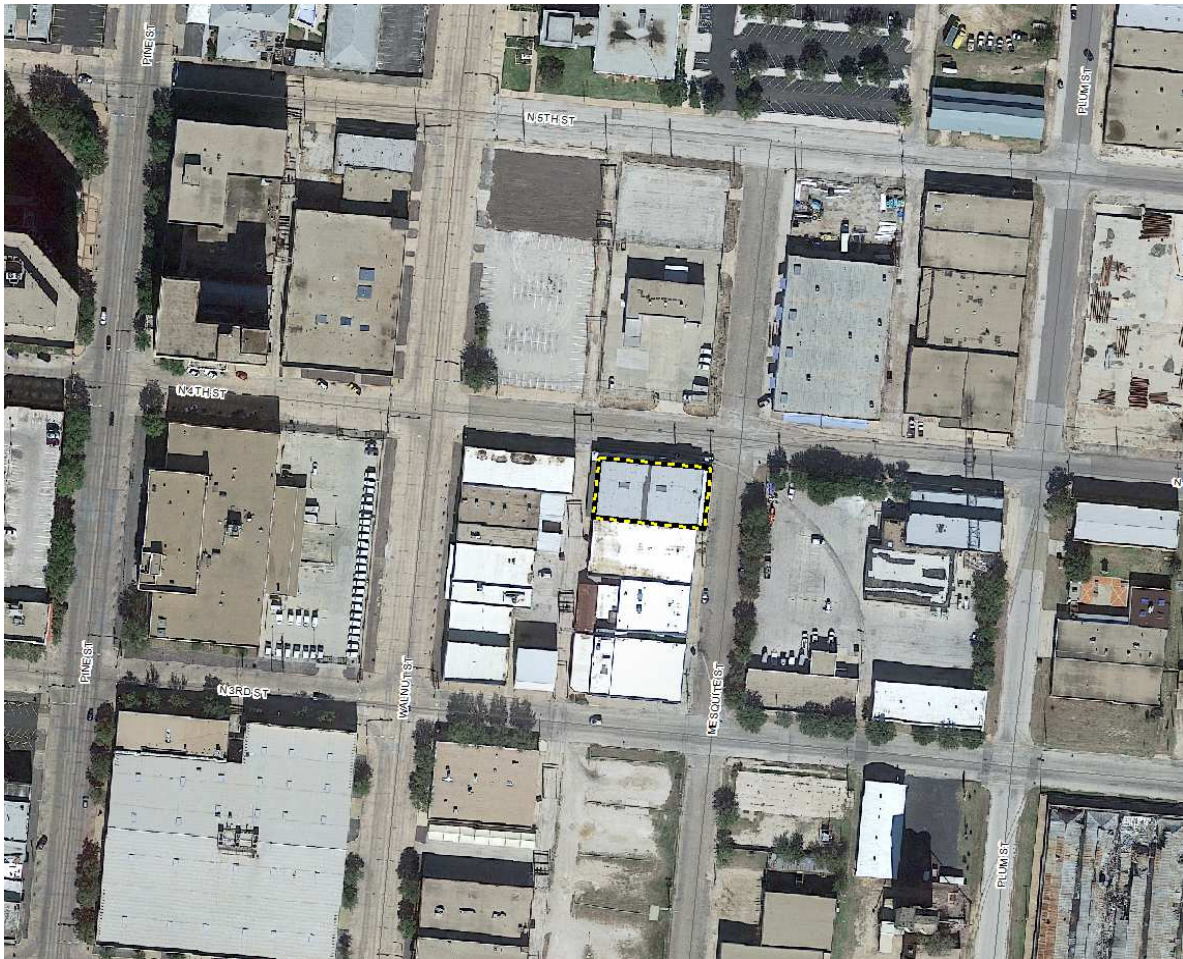
ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from Rezone property from an LI (Light Industrial) zone to a CB (Central Business) district.

Legal Description:

OT ABILENE TIF #1, BLOCK 19, LOT 1 & N1/2 LT 2



Location:

370 Mesquite Street

ZONING CASE Z-2016-43

STAFF REPORT



APPLICANT INFORMATION:

PAK Harris Enterprises, Ltd.

Agent: Kevin Phillips

HEARING DATES:

P & Z Commission: October 3, 2016

City Council 1st Reading: October 27, 2016

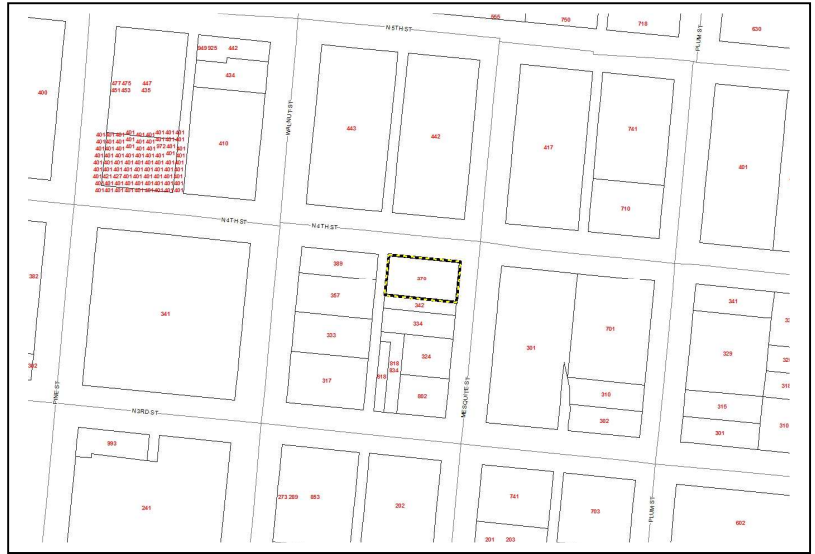
City Council 2nd Reading: November 3, 2016

LOCATION:

370 Mesquite Street

REQUESTED ACTION:

Rezone property from an LI (Light Industrial) zone to a CB (Central Business) district



SITE CHARACTERISTICS:

The subject parcel totals approximately .241 acres and is currently zoned LI (Light Industrial). The adjacent properties are zoned LI to the north, south, and east, and CB (Central Business) to the west, northwest, and southwest.

ANALYSIS:

- Current Planning Analysis

Currently, the subject property is zoned LI. The property is being used as an office and warehouse building, which does not maximize the potential of this space. The zoning change to CB (Central Business) would allow for the property to be reused more appropriately given its downtown location. CB allows for uses including residences and restaurants that LI does not, making CB a more appealing zone for the downtown area. The majority of Downtown Abilene is currently zoned CB, including the properties directly to the west of the subject property.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this property as the 'Central Business District'. Thus, the requested zoning is compatible with the Future Land Use Map and the adjacent properties. It is believed that the rezoning from LI to CB will support the revitalization and adaptive reuse goals for the downtown area.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission recommends approval of this request by a vote of seven (7) (Smith, Dunnahoo, Bixby, Famble, Rosenbaum, Calk and McClarty) and none opposed.

Case # Z-2016-43

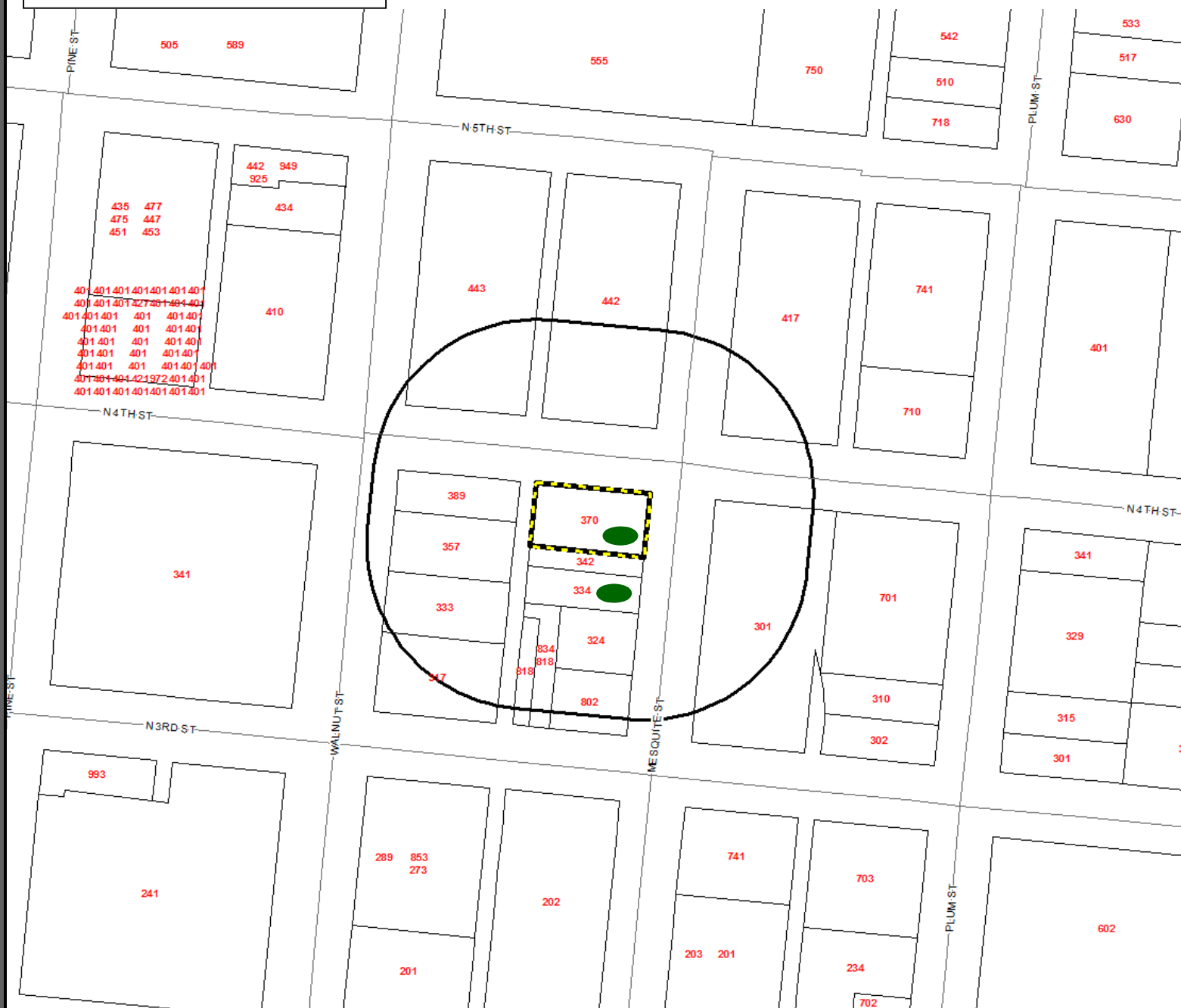
Updated: October 19, 2016

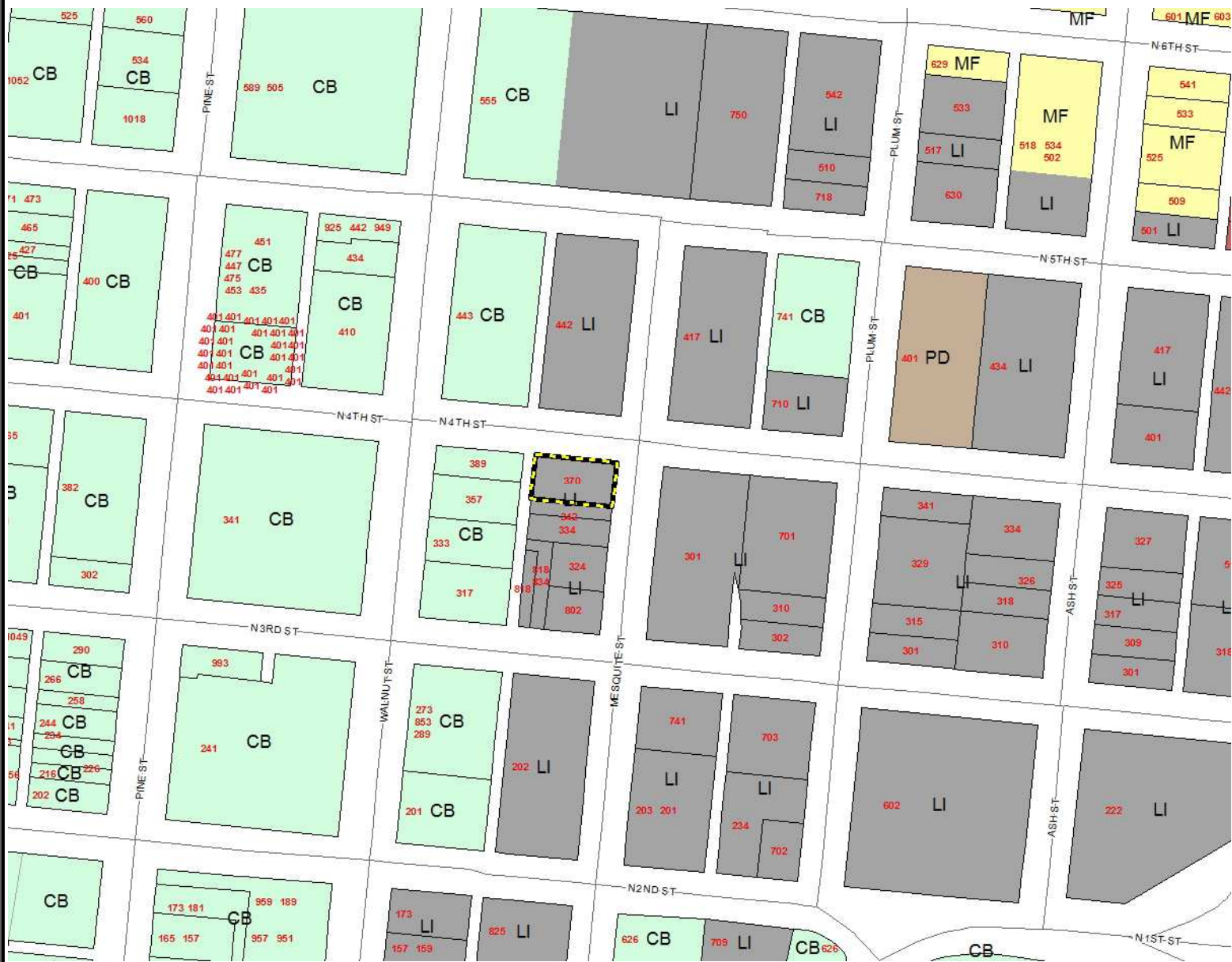
NOTIFICATION:

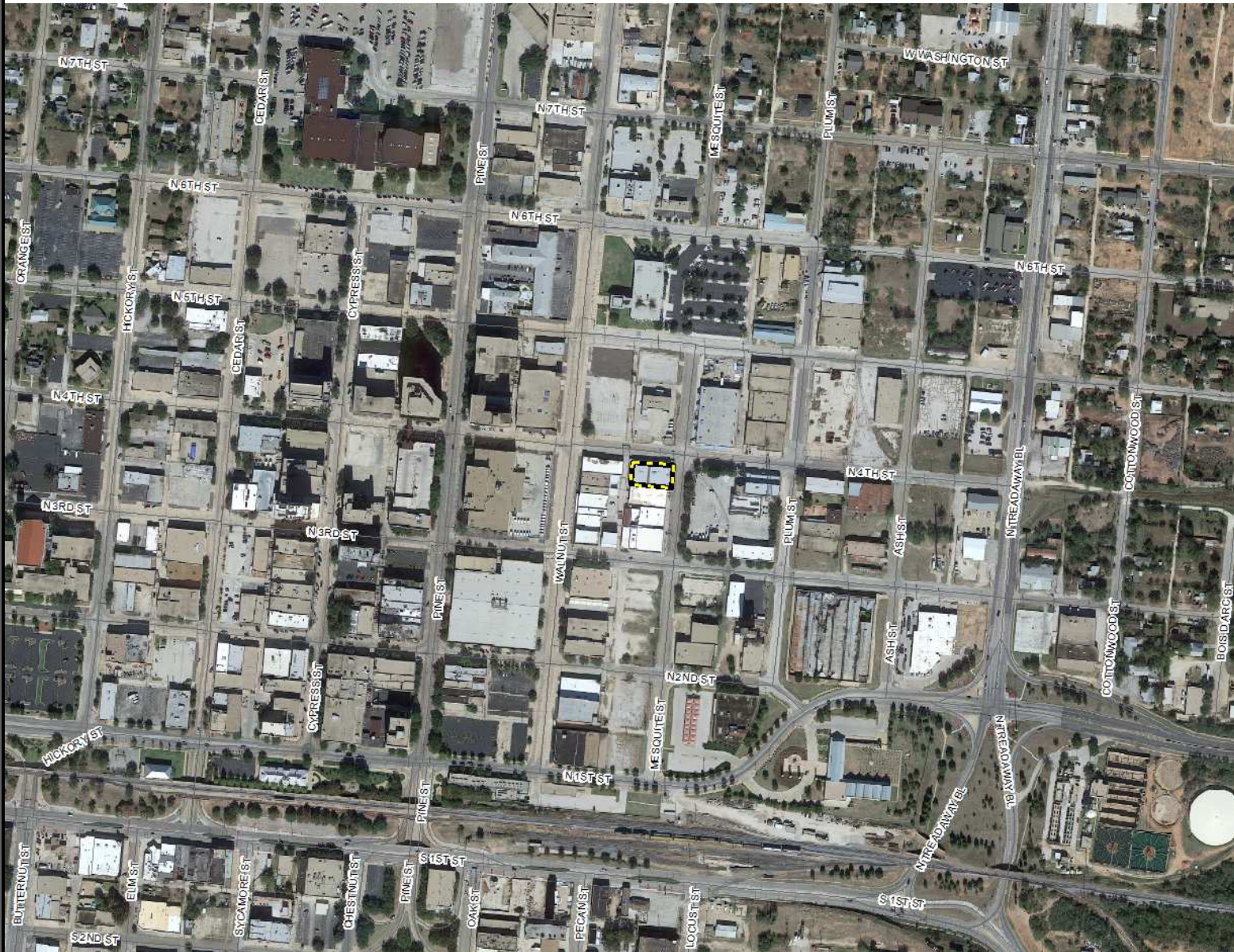
Property owners within a 200-foot radius were notified of the request.

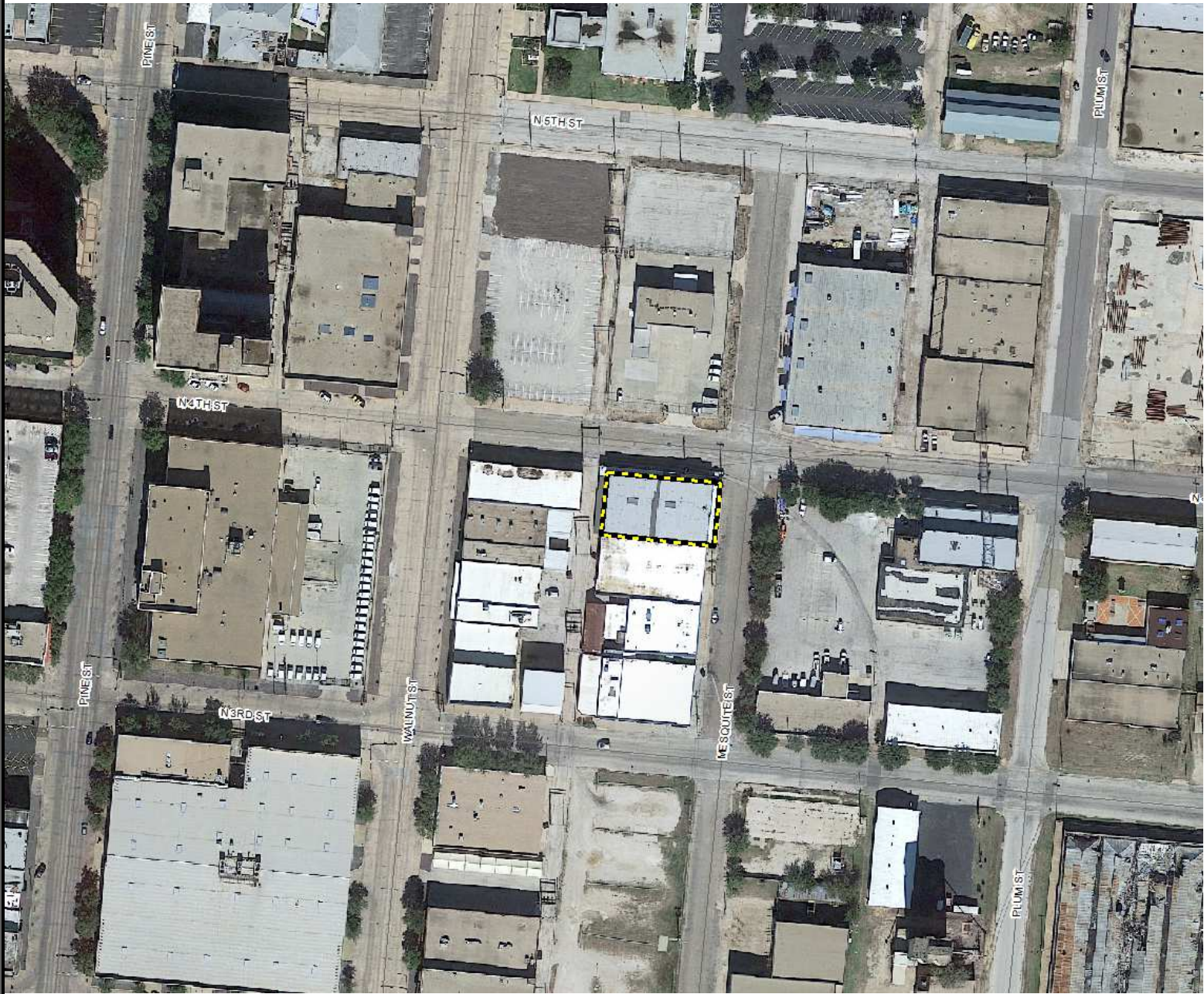
OWNER	ADDRESS	RESPONSE
NIBLO EVELYN THOMAS	342 MESQUITE ST	
BRIGHT BOBBY L	317 WALNUT ST	
WEST TEXAS UTILITIES CO	301 MESQUITE ST	
HBWJ PARTNERSHIP LTD	417 MESQUITE ST	
CHAPMAN STANLEY B	802 N 3RD ST	
UNITED STATES POSTAL SERV	442 MESQUITE ST	
BRIGHT BOBBY L	333 WALNUT ST	
CHAPMAN STANLEY B	834 N 3RD ST	
CHAPMAN STANLEY B	818 N 3RD ST	
FIRST FINANCIAL BANK NA	443 WALNUT ST	
ABILENE ARRANGEMENT LLC	389 WALNUT ST	
ABILENE ARRANGEMENT LLC	357 WALNUT ST	
PAK HARRIS ENTERPRISES LTD	370 MESQUITE ST	In Favor
BAILEY BOB	334 MESQUITE ST	In Favor
CHAPMAN STAN	324 MESQUITE ST	
BIBLE HARDWARE INC	818 N 3RD ST	

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









Case Z-2016-43

OWNER	ADDRESS	RESPONSE
ABILENE ARRANGEMENT LLC	389 WALNUT ST	
ABILENE ARRANGEMENT LLC	357 WALNUT ST	
BAILEY BOB	334 MESQUITE ST	In Favor
BIBLE HARDWARE INC	818 N 3RD ST	
BRIGHT BOBBY L	317 WALNUT ST	
BRIGHT BOBBY L	333 WALNUT ST	
CHAPMAN STAN	324 MESQUITE ST	
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NIBLO EVELYN THOMAS	342 MESQUITE ST	
PAK HARRIS ENTERPRISES LTD	370 MESQUITE ST	In Favor
UNITED STATES POSTAL SERV	442 MESQUITE ST	
WEST TEXAS UTILITIES CO	301 MESQUITE ST	

Z-2016-43

Request: Rezone from LI to CB zoning

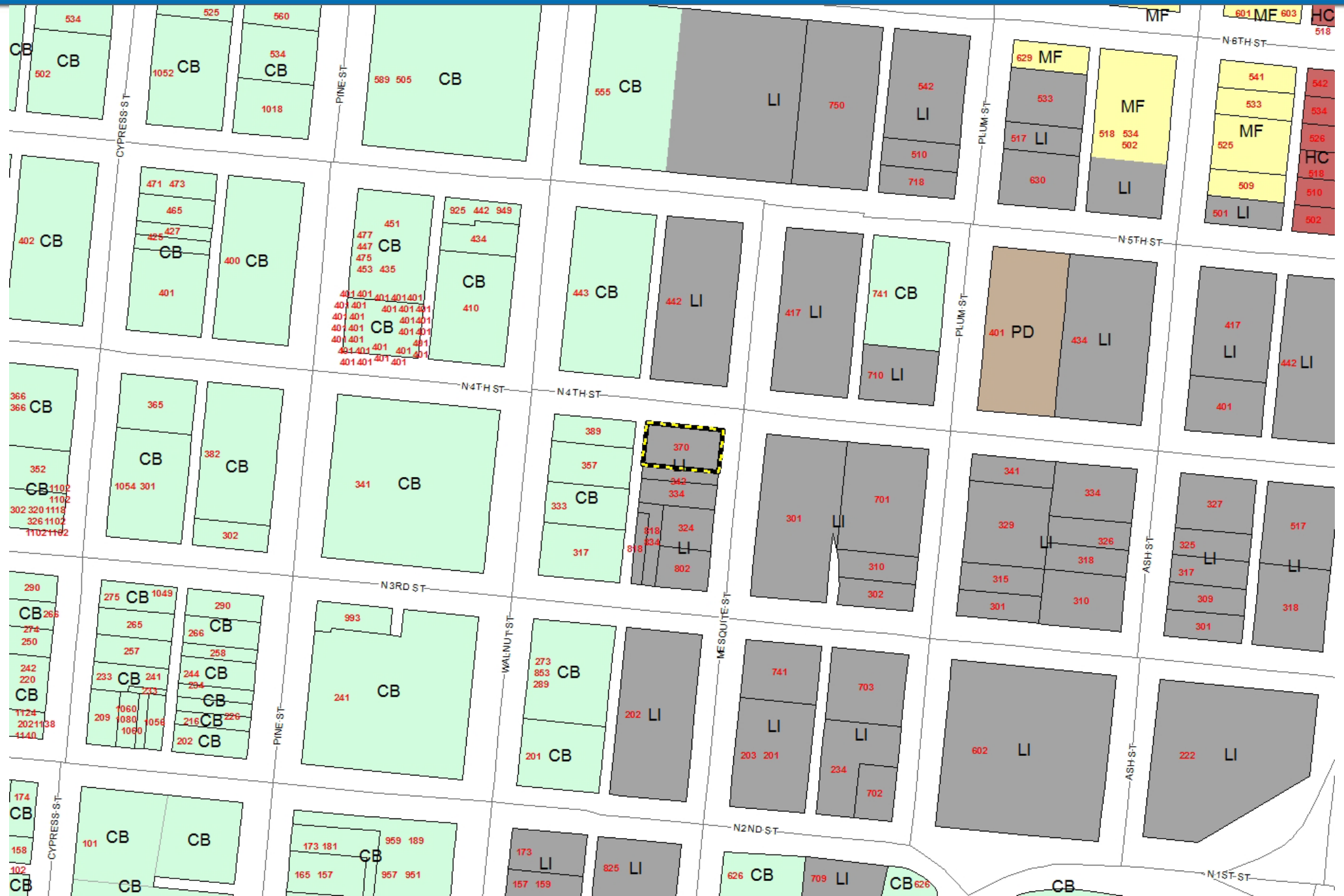
Location: 370 Mesquite St.

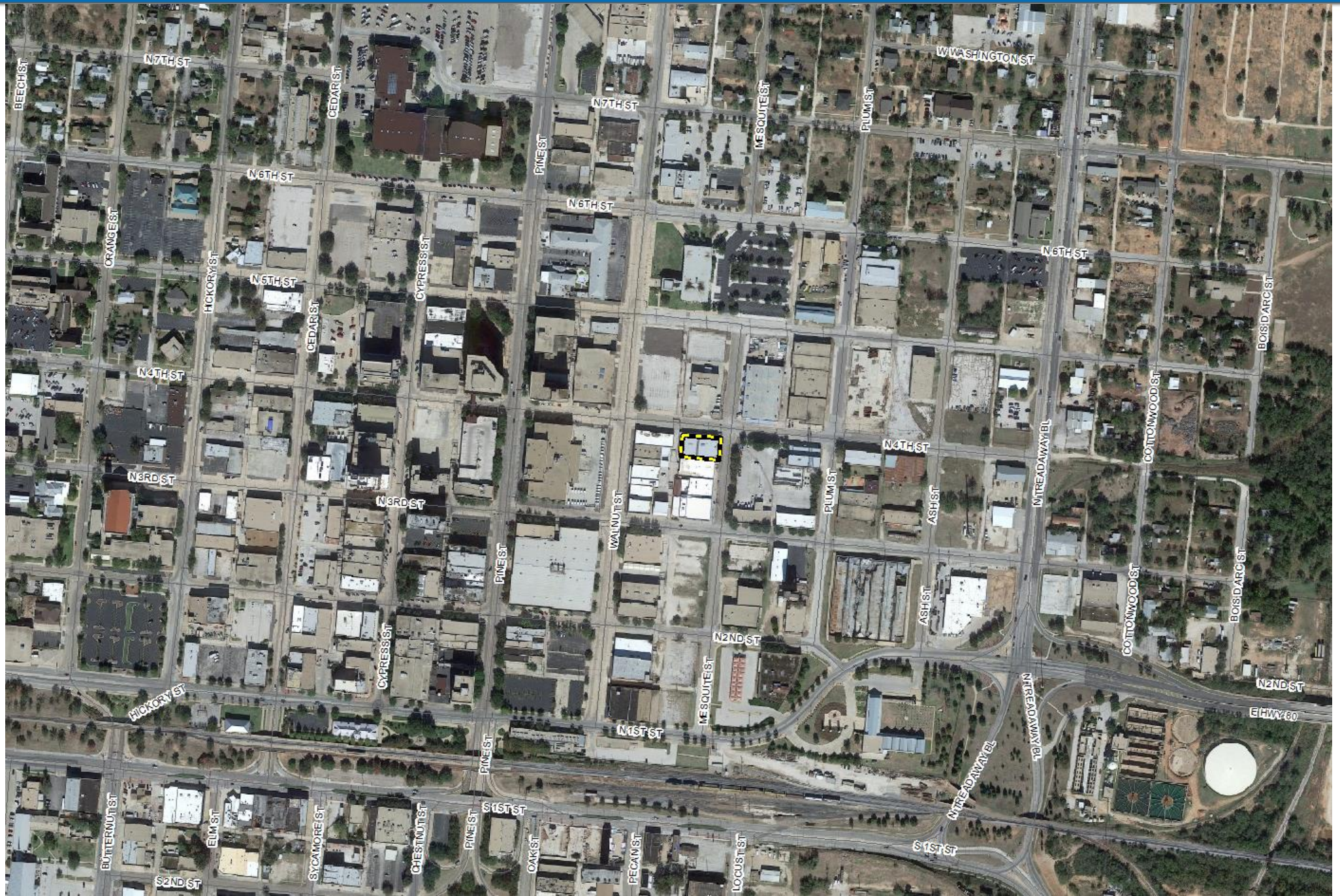
Notification: 2 in favor; 0 opposed

Staff Recommendation: Approval of request

P & Z Recommendation: Approval of request









View looking west toward subject property



View looking west toward subject property



View looking west along N 4th St.



View looking south along Mesquite St.



View looking north along Mesquite St.



View looking east across Mesquite St. from subject property



View looking south toward subject property



View looking east along N 4th St.



View looking north across N 4th St. from subject property



View looking southeast looking down the alley for the subject property



Permitted Uses in LI Zoning

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Drive-Through Facility
- TP Field Office or Construction Office (temporary)
- P Freight Container
- P Fuel Sales
- TP Itinerant Business
- P Manufacturing (incidental)
- C Mobile Home (permanent security residence)
- TP Mobile Home (temporary security residence)
- P Mobile Home or Temporary Building (office for sales and service)
- P Recreation Building, Multipurpose
- P Recycling Collection Point
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Adult Entertainment Enterprise
- C Cultural Facilities
- P Drive-in Theater
- C Motorized Racing
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Correction, Detention, or Penal Facilities
- P Fire/Police Station
- P Homeless/Emergency Shelter
- P Medical/Dental Laboratory
- P Military and Armed Forces Reserve Center
- P Post Office
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P Educational and Scientific Research
- P School: Public/Private
- P Trade/Business School

SERVICE

- P/C Automobile Wash
- P Contractor Services
- P Funeral Home/ Mortuary/Morgue
- P Kennel (With Outdoor Pens)
- P Kennel (Without Outdoor Pens)
- P Laundry, Dry Cleaning, Dyeing, and Linen Service (no retail customers)
- P Laundry/Dry Cleaning Services & Facilities

- P Office (general, professional, financial)
- P Printing, Copying, Reproduction, Publishing
- P Recycling Collection and Processing Center
- P Repair and Maintenance Services - Automobile/Small Truck (major)
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- P Repair and Maintenance Services (outdoors)
- P Repair and Maintenance Services (truck and other large vehicles)
- P Scales (public)
- P Storage - Self-Service Units
- P Tattoo Parlor
- P Taxidermist
- P Veterinary Service (all size animals)
- P Veterinary Service (small animals)
- P Wrecker/Towing

TRADE – RETAIL USES

- P Aircraft and Accessories
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Head Shop
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Retail Sales/Rental (automobile/small truck)
- P Retail Sales/Rental (indoor)
- P Retail Sales/Rental (outdoors, non-vehicle)
- P Retail Sales/Rental (trucks and other large vehicles and equipment)

TRADE – WHOLESALE USES

- P Liquor, Wholesale/Distribution
- C Livestock – Wholesale or Auction
- P Wholesaling and Storage (indoor)
- P Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
- P Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility
- P Railroad Switching and Marshaling Yard
- P Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- C Mining
- P Petroleum or Gas Well
- P Liquor
- P Manufacturing (light)
- P Urban Garden

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)
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Permitted Uses in CB Zoning

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single-Family Detached
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- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- C Travel Trailers (accessory to hospitals)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
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- P Hospital
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- P Post Office
- C Rehabilitation Facility
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