



City of Abilene

Planning and Zoning Commission Agenda

Notice is hereby given of a meeting of the Planning & Zoning Commission of City of Abilene to be held on Tuesday, February 2, 2021 at 1:30 PM at the Abilene Public Library, South Branch Conference Room, Mall of Abilene, 4310 Buffalo Gap Road, Abilene, Texas, for the purpose of considering the following agenda items.

CALL TO ORDER

INVOCATION

MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing on the Minutes from the Regular Meeting Held on January 5, 2021

PLATS

2. **FP-6120:** Receive a Report, Hold a Discussion and Public Hearing on a plat for A.C.U. Addition, Section 3, Lot 1 Block A, Abilene, Taylor County, Texas
3. **PP-6320:** Receive a Report, Hold a Discussion and Public Hearing on a plat for The South End Addition, Abilene, Taylor County, Texas
4. **MRP-0521:** Receive a Report, Hold a Discussion and Public Hearing on a plat for McNairy's Subdivision, Block H & Block I, Lot 2, Block 201 Original Town of Abilene, Abilene, Taylor County, Texas

ZONING

5. **Z-2021-03:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Abi Harvest, LLC to rezone property from Agricultural Open Space (AO) to a mixture of both General Commercial (GC) and Residential Single Family (RS-6) District and located on approximately 172.98 acres near the northwest corner of FM 707 & FM 89. Legal description being approximately 150 acres in Tract 1 and 22.98 acres in Tract 2 out of Mathew Talbot Section 103, in Abilene, Taylor County, Texas.
6. **Z-2021-04:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Kickapoo Land Company and 5KLM Properties, LP to rezone property from Agricultural Open Space (AO) to General Commercial (GC) and located on approximately 82.3 acres near the northwest corner of FM 707 & FM 89. Legal description being approximately 82.3 acres out of Mathew Talbot Section 103, in Abilene, Taylor County, Texas.

7. **Z-2021-05:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Hardin-Simmons University to rezone property from Residential Single Family (RS-6) District to General Retail (GR) and located on approximately 1.203 acres at the 1500 and 1600 blocks (north side) of Ambler Avenue in north Abilene. Legal description being all of lots 5 & 6 of Block C in Darby of North Park Subdivision and all of Lot 14 and the easternmost 25-feet of Lot 13 of Block B in Darby of North Park Subdivision.
8. **TC-2021-03:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Hardin-Simmons University to abandon an approximately 60-foot-width of public right-of-way available for Beech Street wedged between the westernmost boundary of Block C in Darby of North Park Subdivision and the easternmost boundary of Block B in Darby of North Park Subdivision. Extending approximately 150-feet north from northernmost right-of-way boundary for Ambler Avenue. Additionally the request is to abandon the 20-foot-wide alley north of lots 5 & 6 of Block C in Darby of North Park Subdivision extending approximately 98-feet from the easternmost right-of-way boundary of Beech Street in Abilene, Taylor County, Texas.

DIRECTOR'S REPORT

9. Recent City Council decisions regarding items recommended by the Planning and Zoning Commission and upcoming meeting reminders

ADJOURNMENT

Notice

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received forty-eight (48) hours prior to scheduled meetings. Please contact the City Secretary's Office at 325-676-6208. Telecommunication device for the deaf is 325-676-6360.

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 29th day of January, 2021, at 4:25 p.m.

*Kaitlin Richardson, Deputy City
Secretary*



Planning and Zoning Commission MINUTES

The Planning and Zoning Commission of the City of Abilene, Texas met in a Regular Meeting on January 5, 2021 at 1:30 p.m. in the Council Chambers at 555 Walnut Street.

Commissioners Present:

Mr. Fred Famble, Chairman
Mr. Bill Noonan, Secretary
Mr. Mitch Barnett

Mr. Clint Rosenbaum, Pro Tem
Rev. Izlar Lankford
Mr. Brad Benham

Commissioners Absent:

Ms. Alex Russell, Sergeant-at-Arms

Staff Present:

Mr. Michael Rice, Assistant City Manager
Mr. Michael Warrix, Director of Planning and Development Services
Mr. Zack Rainbow, Assistant Director of Planning and Development Services
Ms. Cheryl Sawyers, Planning Services Manager
Ms. Kelley Messer, First Assistant City Attorney
Mr. Jared Smith, Planner II
Mr. Nick Watts, Planner I and Historic Preservation Officer
Ms. Melissa Farr, Executive Assistant

Others Present:

Mr. Clayton Farrow
Ms. Francesca Barnett
Ms. Shawna Abernathy
Mr. Lane Miller

Ms. Pattie Hollingsworth
Mr. James Penney
Ms. Amy Whitmer
Mr. Mark Miller

Mr. Anton Barnett
Ms. Julie Johncox
Ms. Brook Brown

CALL TO ORDER

The Planning and Zoning Commission convened in a regular meeting and was called to order at 1:30 p.m.

INVOCATION

Reverend Lankford delivered the invocation.

APPROVAL OF MINUTES FOR THE PREVIOUS MEETING

Mr. Rosenbaum noted a necessary revision to the minutes for the previous Planning and Zoning Commission regular meeting held on December 1, 2020. The motion for the last item on the agenda, TC-2020-06, was absent from the minutes document.

Upon the addition of this revision, Mr. Rosenbaum moved to approve the minutes. Mr. Noonan seconded the motion. The motion to **approve** prevailed by the following vote:

AYES: Barnett, Benham, Rosenbaum, Noonan, Lankford, Famble

NAYS: None

PLATS

MP-3820: Receive a Report, Hold a Discussion and Public Hearing on a plat for Wuske Addition, a Subdivision of 5.94 acres out of Lot 5 of the Anderson and Berry Subdivision of the A. Thompson Survey No. 37, City of Abilene, Taylor County, Texas

PP-6920: Receive a Report, Hold a Discussion and Public Hearing on a plat for Denali Addition, preliminary plat of Lots 1-9 The Denali Addition, Abilene, Taylor County, Texas

FP-7420: Receive a Report, Hold a Discussion and Public Hearing on a plat for Denali Addition, final plat of Lots 1-9 of the Denali Addition, Abilene, Taylor County, Texas

PP-7320: Receive a Report, Hold a Discussion and Public Hearing on a plat for Peterson Subdivision, Lots 1-5, Peterson Subdivision, Abilene, Taylor County, Texas

PP-7520: Receive a Report, Hold a Discussion and Public Hearing on a plat for Access Business Park, preliminary plat of Access Business Park Addition formerly preliminary plat of Development Plan, Section 1, Abilene, Taylor County, Texas

FP-7220: Receive a Report, Hold a Discussion and Public Hearing on a plat Access Business Park, final plat of Access Business Park Addition, Abilene, Taylor County, Texas

Ms. Cheryl Sawyers presented the proposed plats to the Commission. She announced a slight change in the presentation format for plats and stated that conditions will be explained in detail for approval. The conditions should be considered in any motions. Staff recommends approval.

Mr. Famble opened the public hearing. Mr. Clayton Farrow spoke in favor of approving the plats, but asked for two requests being:

1. There be no conditions based upon the construction plans for preliminary plats.
2. A financial guarantee may be accepted up front in place of completing all public improvements.

Ms. Sawyers was asked to explain the requests heard from Mr. Farrow. She confirmed the recommendation as being that public improvements are both completed and accepted, or they are completed to an extent deemed acceptable by Public Works. The remainder is a financial guarantee. The Commission may choose to allow the financial guarantee up front before the recording of the plat. The Commission has the authority as the final approver of the plat, so the condition of final approval and recording would be they put up a financial guarantee for the entire thing as long as construction plans were approved.

Seeing no one else present and desiring to be heard, Mr. Famble closed the public hearing.

Mr. Rosenbaum made the motion to **approve** the plats to include the condition for financial guarantee. Mr. Benham seconded the motion.

The motion to **approve** prevailed by the following vote:

AYES: Barnett, Benham, Rosenbaum, Noonan, Lankford, Famble

NAYS: None

ZONING

Z-2021-01: Receive a Report and Hold a Discussion and Public Hearing on a request from Lane Miller to rezone property from a Planned Development (PD) District primarily limited to residences, to a Neighborhood Office (NO) District and located at 3702 Antilley Road, approximately 0.2 mile east from Buffalo Gap Road. Legal description being all of Lot 1 in Block A of the Antilley Road Addition in Abilene, Taylor County, Texas

Mr. Jared Smith presented this request. The applicant is requesting to rezone from Planned Development District 4 (PD 4) to Neighborhood Office (NO). The applicant would like to occupy the existing residence as an Edward Jones financial services office.

The subject property was embraced within the boundaries of PD 4 in 2016 to promote the development of patio homes at this location. The residence which currently exists on this property has existed since 1957. Since being embraced within PD 4; there has been no expressed interest in demolishing the existing residence in order to develop patio homes.

Mr. Famble opened the public hearing. Speaking in opposition was Ms. Brook Brown. Ms. Brown spoke on behalf of the property at 3666, which she and her brother both own. She also spoke for Ms. Felty, who was unable to attend the meeting.

Speaking in favor were Mr. Lane Miller, the applicant, and Mr. Mark Miller, his father. Also speaking in favor was Ms. Shawna Abernathy. Seeing no one else present and desiring to be heard, Mr. Famble closed the public hearing.

Property owners within a 200-foot radius were notified of this request. One (1) response was received in favor, with three (3) received in opposition.

PLANNING STAFF RECOMMENDATION: Approval

Discussion among the Commission included:

1. The rezoning of the subject property to Neighborhood Office (NO) is appropriate.
2. It will serve as an appropriate transitional “buffer” zoning district from the more intense commercial zoning districts located at the intersection of Buffalo Gap Road and Antilley Road. The buffer should include “Type A” land use buffer.

Mr. Benham moved to approve the request. Mr. Barnett seconded the motion. The motion to approve prevailed by the following vote:

AYES: Barnett, Benham, Rosenbaum, Noonan, Famble

NAYS: Lankford

Z-2021-02: Receive a Report and Hold a Discussion and Public Hearing on a request from Pattie Hollingsworth and Matthew Gjerstad to rezone property from an Agricultural Open Space (AO) to a Residential Single-Family (RS-6) District and located on approximately 0.79 acre at 5526 and 5534 Highway 277, approximately 0.62 mile southwest from Texas Avenue’s intersection with Highway 277. Legal description being approximately 0.79 acre out of William Bishop Survey 43 in Abilene, Taylor County, Texas

Ms. Sawyers presented this request. Owners of the subject two properties seek approval of their application to change the zoning of both properties, from Agricultural Open Space (AO) to a Residential Single-Family (RS-6) District. A change to RS-6 zoning will make these two properties conform to minimum lot size requirements of local zoning regulations.

Mr. Famble opened the public hearing. Ms. Pattie Hollingsworth, the applicant, spoke in favor. She would like to have a home built on the land. Seeing no one else present and desiring to be heard, Mr. Famble closed the public hearing.

Property owners within a 200-foot radius were notified of this request. Two (2) responses were received in favor, with none (0) received in opposition.

PLANNING STAFF RECOMMENDATION: Approval

Mr. Benham moved to approve this request. Mr. Rosenbaum seconded the motion. The motion prevailed by the following vote:

AYES: Barnett, Benham, Rosenbaum, Noonan, Lankford, Famble

NAYS: None

TC-2021-01: Receive a Report and Hold a Discussion and Public Hearing on a request from Leonor Rivera, agents Anton and Francesca Barnett, to abandon the public right-of-way (40-feet) of Sunrise Avenue extending between Minda Street (on the south) and Hailey Street (on the north) and located approximately 650 feet east from T&P Lane in east central Abilene

Mr. Nick Watts presented this request. This 40-foot unimproved right-of-way is located between Blocks 25 and 26 of the Williams Estate Subdivision, a part of sections 37 and 38 of Blind Asylum Lands, Taylor County, Texas (filed in 1937). The applicants would like to abandon this right-of-way to incorporate the land within their properties.

Mr. Famble opened the public hearing. Ms. Francesa Barnett spoke in favor of this request as the agent for Leonor Rivera, who is her grandmother. Ms. Barnett said all neighbors are in favor of this request, but the issue was the cost for application. Her intention is to develop the land and place a home on the property.

Mr. James Penney also spoke in favor to support this request so a modular home may be placed on the property. He stated that it would be an upgrade to the area.

Seeing no one else present and desiring to be heard, Mr. Famble closed the public hearing.

Property owners within a 200-foot radius were notified of this request. Two (2) responses were received in favor, with none (0) received in opposition.

PLANNING STAFF RECOMMENDATION: **Approval** of the requested abandonment subject to approval and subsequent recording of a re-plat showing how the right-of-way (authorized to be abandoned) will be integrated with one or more adjacent new lot(s).

Reverend Lankford moved to approve this request. Mr. Benham seconded the motion. The motion prevailed by the following vote:

AYES: Barnett, Benham, Rosenbaum, Noonan, Lankford, Famble

NAYS: None

DIRECTOR'S REPORT

Mr. Warrix announced recent decisions made by City Council on items recommended from the Commission.

ADJOURNMENT

Mr. Famble announced his resignation as a commissioner. He will relocate to Trent, Texas to answer his call for full-time ministry.

There being no further discussion, Mr. Famble adjourned the meeting at 2:47 p.m.

APPROVED

Mr. Fred Famble, Chairman

OWNERS:
ABILENE CHRISTIAN UNIVERSITY
1705 CAMPUS COURT
ABILENE, TEXAS 79699
(325) 674-2000

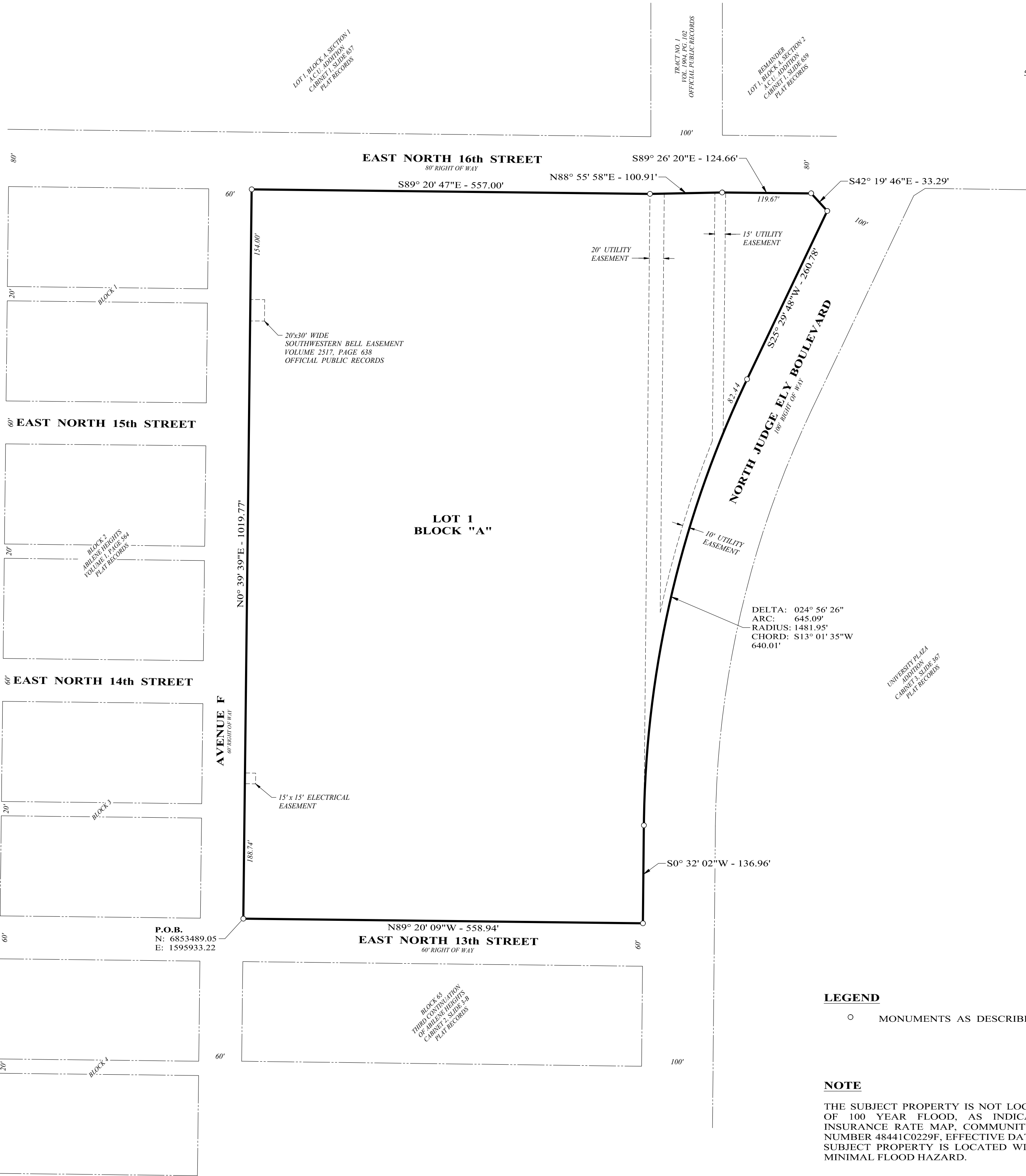
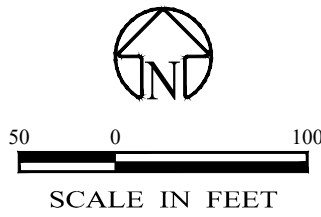
A PLAT OF
SECTION 3
A.C.U. ADDITION
ABILENE, TAYLOR COUNTY, TEXAS

LEGEND

○ MONUMENTS AS DESCRIBED IN FIELD NOTES.

NOTE

THE SUBJECT PROPERTY IS NOT LOCATED WITHIN AN AREA OF 100 YEAR FLOOD, AS INDICATED ON THE FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 485450, MAP NUMBER 48441C0229F, EFFECTIVE DATE: JANUARY 6, 2012, THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X, AREA OF MINIMAL FLOOD HAZARD.



FIELD NOTES

BEING SECTION 3, A.C.U. ADDITION, ABILENE, TAYLOR COUNTY, TEXAS, SAME BEING OUT OF THE SOUTHWEST QUARTER OF SECTION 33, BLIND ASYLUM LANDS, TAYLOR COUNTY, TEXAS, SAME BEING COMPRISED OF A 0.4039 ACRE TRACT ABANDONED IN CITY OF ABILENE ORDINANCE NO. 06-2021, A 13.06 ACRE TRACT RECORDED IN DOCUMENT NO. 2020-20580, OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY, TEXAS, A 0.805 ACRE TRACT RECORDED IN VOLUME 1904, PAGE 102, OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY, TEXAS, AND A REMAINDER OF LOT 101, BLOCK A, SECTION 1, UNIVERSITY HILLS ADDITION, RECORDED IN VOLUME 1470, PAGE 373, DEED RECORDS, TAYLOR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS IS GRID NORTH, NAD 83 TEXAS NORTH CENTRAL ZONE
BASED ON GPS OBSERVATIONS

BEGINNING AT A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE INTERSECTION OF THE NORTH RIGHT OF WAY OF EAST NORTH 13th STREET AND THE EAST RIGHT OF WAY OF AVENUE F AT THE SOUTHWEST CORNER OF THIS TRACT AND SAID 13.06 ACRE TRACT;

THENCE NORTH 00 DEGREES 39 MINUTES 39 SECONDS EAST, ALONG THE EAST RIGHT OF WAY OF AVENUE F, A DISTANCE OF 1019.77 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE INTERSECTION OF THE EAST RIGHT OF WAY OF AVENUE F AND THE SOUTH RIGHT OF WAY OF EAST NORTH 16th STREET AT THE NORTHWEST CORNER OF SAID 13.06 ACRE TRACT AND THIS TRACT;

THENCE SOUTH 89 DEGREES 20 MINUTES 47 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY OF EAST NORTH 16th STREET, A DISTANCE OF 557.00 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE NORTHEAST CORNER OF SAID 13.06 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SAID 0.805 ACRE TRACT, AND BEING AN ANGLE POINT IN THE NORTH LINE OF THIS TRACT OF THIS TRACT;

THENCE NORTH 88 DEGREES 55 MINUTES 58 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY OF EAST NORTH 16th STREET, A DISTANCE OF 100.91 FEET TO A SET CHISELED X FOR THE NORTHEAST CORNER OF SAID 0.805 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF THE SAID REMAINDER OF LOT 101, AND BEING AN ANGLE POINT IN THE NORTH LINE OF THIS TRACT OF THIS TRACT, WHERE A FOUND 3/8 INCH IRON ROD AT THE NORTHWEST CORNER OF SAID LOT 101 BEARS 7.50' N 00°33'06" E;

THENCE SOUTH 89 DEGREES 26 MINUTES 20 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY OF EAST NORTH 16th STREET, A DISTANCE OF 124.66 FEET TO A SET CHISELED X AT THE WEST RIGHT OF WAY OF JUDGE ELY BOULEVARD, A.K.A. METROPOLITAN HIGHWAY 25 AND FM HIGHWAY 1234, FOR THE NORTHERN NORTHEAST CORNER OF SAID REMAINDER OF LOT 101 AND THIS TRACT;

THENCE SOUTH 42 DEGREES 19 MINUTES 46 SECONDS EAST, ALONG THE WEST RIGHT OF WAY OF JUDGE ELY BOULEVARD, A DISTANCE OF 33.29 FEET TO A SET CHISELED X FOR THE EASTERN NORTHEAST CORNER OF SAID REMAINDER OF LOT 101 AND THIS TRACT, WHERE A FOUND TXDOT BRASS DISK RIGHT OF WAY MONUMENT BEARS 1342.31' N 25°29'48" E;

THENCE SOUTH 25 DEGREES 29 MINUTES 48 SECONDS WEST, ALONG THE WEST RIGHT OF WAY OF JUDGE ELY BOULEVARD, A DISTANCE OF 260.78 FEET TO A FOUND TXDOT BRASS DISK RIGHT OF WAY MONUMENT FOR A CORNER OF SAID REMAINDER OF LOT 101 AND THIS TRACT;

THENCE, ALONG THE WEST RIGHT OF WAY OF JUDGE ELY BOULEVARD, WITH A CURVE TURNING TO THE LEFT HAVING A DELTA ANGLE OF 24 DEGREES 56 MINUTES 26 SECONDS, A RADIUS OF 1481.95 FEET, AT AN ARC LENGTH OF 96.12 FEET PASSING THE SOUTH CORNER OF SAID REMAINDER OF LOT 101, SAME BEING THE SOUTHEAST CORNER OF SAID 0.805 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF SAID 0.4039 ACRE TRACT, CONTINUING FOR A TOTAL ARC LENGTH OF 645.09 FEET, WITH A CHORD BEARING SOUTH 13 DEGREES 01 MINUTES 35 SECONDS WEST A DISTANCE OF 640.01' TO A FOUND TXDOT BRASS DISK RIGHT OF WAY MONUMENT ON THE EAST LINE OF SAID 13.06 ACRE TRACT AT A CORNER OF THIS TRACT;

THENCE SOUTH 00 DEGREES 32 MINUTES 02 SECONDS WEST, ALONG THE WEST RIGHT OF WAY OF JUDGE ELY BOULEVARD, A DISTANCE OF 136.96 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE INTERSECTION OF THE WEST RIGHT OF WAY OF JUDGE ELY BOULEVARD AND THE NORTH RIGHT OF WAY OF EAST NORTH 13th STREET AT THE SOUTHEAST CORNER OF SAID 13.06 ACRE TRACT AND THIS TRACT;

THENCE NORTH 89 DEGREES 20 MINUTES 09 SECONDS WEST A DISTANCE OF 558.94 FEET TO THE POINT OF BEGINNING CONTAINING AN AREA OF 14.89 ACRES. SURVEYED ON JANUARY 11, 2020.

PLANNING COMMISSION THIS PLAT IS HEREBY APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF ABILENE, TEXAS AND THE COUNTY CLERK IS HEREBY AUTHORIZED TO FILE SAID PLAT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 974A, VERNON'S ANNOTATED CIVIL STATUTES, AND ARTICLE 927B, PENAL CODE OF TEXAS, AS AMENDED.	PLANNING DIRECTOR FILED WITH PLANNING DIRECTOR. CITY OF ABILENE, TEXAS
DATE _____ CHAIRMAN _____	DATE _____ FILE NUMBER _____
ATTEST _____ SECRETARY _____	PLANNING DIRECTOR _____
DATE _____ PLANNING DIRECTOR _____	FEES _____
DIRECTOR OF PUBLIC WORKS _____	COUNTY CLERK _____
THE DEDICATION FILED, IN CONNECTION WITH THIS PLAT IS HEREBY APPROVED AND ALL STREETS, ALLEYS, AND PUBLIC AREAS SHOWN HEREON ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF ABILENE, TEXAS.	I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON _____
DATE _____ DIRECTOR OF PUBLIC WORKS _____	DATE _____ FILE NUMBER _____
	COUNTY CLERK _____ COUNTY, TEXAS _____
	DEPUTY _____

OWNER'S CERTIFICATE AND DEDICATION	
THE UNDERSIGNED OWNER(S) OF THE HEREINAFTER DESCRIBED REAL PROPERTY HAVE CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCKS, LOTS, STREETS, ALLEYS, UNDER THE NAME OF	
SECTION 3 A.C.U. ADDITION ABILENE, TAYLOR COUNTY, TEXAS	
AS SHOWN ON THE ATTACHED PLAT AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER FOR ALL PUBLIC PURPOSES THE STREETS, ALLEYS, LANES, EASEMENTS, PARKS AND OTHER PUBLIC LANDS SHOWN THEREON THE LANDS INCLUDED WITHIN SUCH PLAT OR SUBDIVISION ARE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:	
"FIELD NOTES HEREON"	
OWNER'S CERTIFICATE AND DEDICATION	
EXECUTED THIS _____ DAY OF _____, 20____	
KEVIN CAMPBELL SENIOR VICE PRESIDENT FOR OPERATIONS	

ACKNOWLEDGMENT	
THE STATE OF TEXAS; COUNTY OF TAYLOR	
BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY	
PERSONALLY APPEARED KEVIN CAMPBELL, SENIOR VICE PRESIDENT FOR OPERATIONS	
KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME ACT OF THE SAID	
ABILENE CHRISTIAN UNIVERSITY	
A PRIVATE INSTITUTION, AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH PRIVATE INSTITUTION FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED	
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____	
DAY OF _____, A.D. 20____	
NOTARY PUBLIC _____ COUNTY TEXAS _____	

GENERAL NOTES		
SHEET <u>1</u> OF <u>1</u>	SHEETS _____	ACREAGE <u>14.89</u>
SCALE <u>1" = 100'</u>	SMALLEST LOT _____ SQ. FT.	LARGEST LOT <u>648,550</u> SQ. FT.
SURVEYOR CERTIFICATE AND PLAT DESCRIPTION		

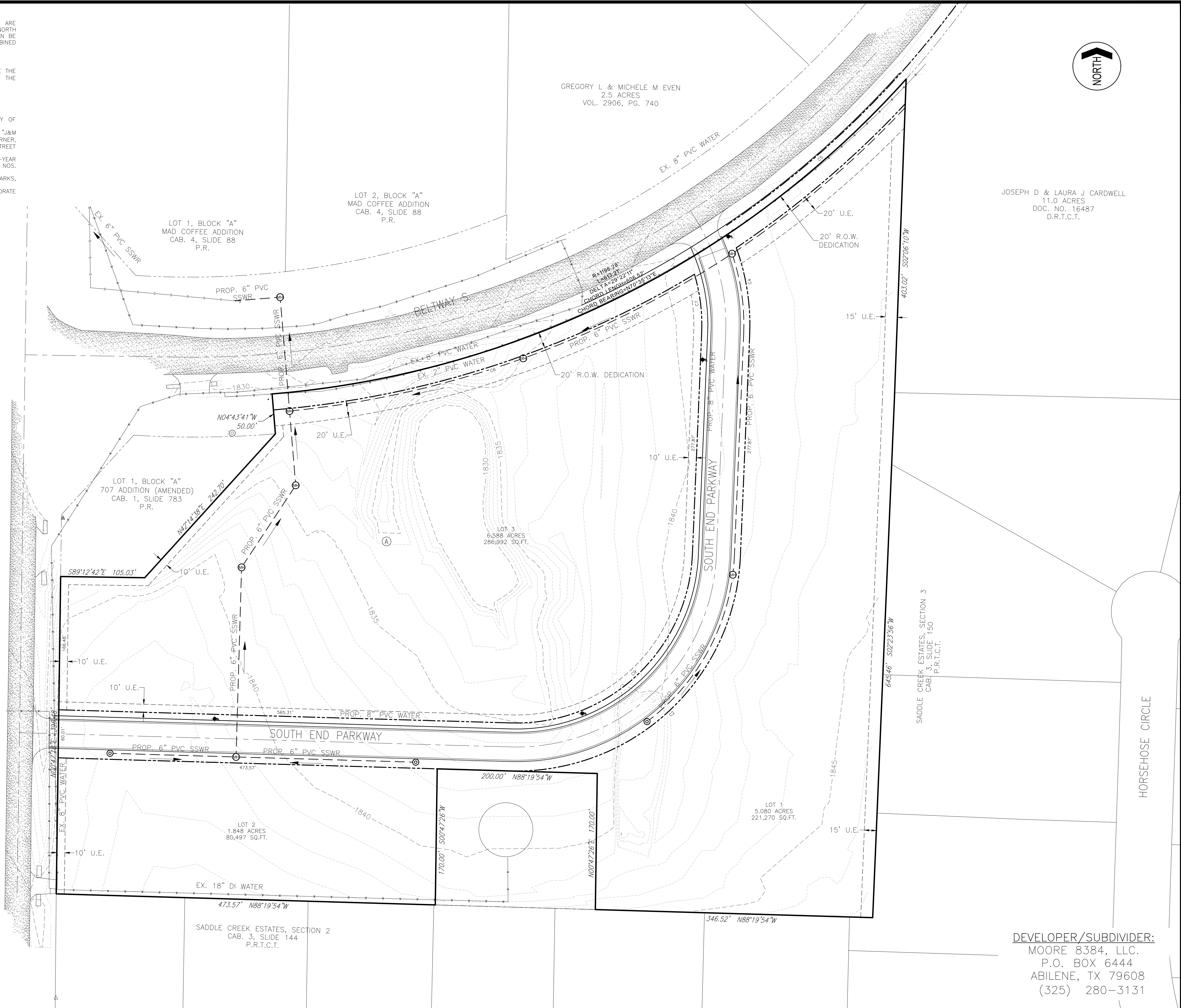
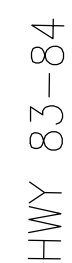
CERTIFICATION: I HEREBY CERTIFY THAT THE PLAT SUBMITTED HERewith REPRESENTS A TRUE SURVEY MADE BY THE UNDERSIGNED OR UNDER MY SUPERVISION ON THE GROUND AND THAT PERMANENT MARKERS AND MONUMENTS HAVE BEEN SET AS INDICATED ON THE PLAT AND IN ACCORDANCE WITH THE "SUBDIVISION REGULATIONS" OF THE CITY OF ABILENE	
PLAT DESCRIPTION: SECTION 3 A.C.U. ADDITION ABILENE, TAYLOR COUNTY, TEXAS	
	SIGNATURE _____
01/28/2021 DATE	RILEY ELMER GRIFFITH REGISTERED PROFESSIONAL LAND SURVEYOR

SURVEYOR:
ENPROTEC/HIBBS & TODD, INC.
402 CEDAR STREET
ABILENE, TEXAS 79601
(325)698-5560

BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD83 AND GPS OBSERVATIONS. DISTANCES CAN BE CONVERTED TO SURFACE BY MULTIPLYING EACH BY THE COMBINED SCALE FACTOR OF THE TRACT WHICH IS 1.000142485.

ALL FINISHED FLOOR ELEVATIONS SHALL BE 18" MINIMUM ABOVE THE HIGHEST ADJACENT STREET CURB AND 12" MINIMUM ABOVE THE HIGHEST ADJACENT GROUND ELEVATION.

2. AREA OF SUBDIVISION = 15,622 ACRES.
3. AREA OF ALL PUBLIC R.O.W. DEDICATIONS = 2,807 ACRES.
4. BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF TAYLOR ZONING REGULATIONS.
5. MONUMENTATION SHALL BE 10" REBAR ROD WITH CAP MARKED "JRM" BOUNDARY" IS SET AT EACH SUBDIVISION CORNER, LOT CORNER, AND AT EACH P.C., P.T. AND P.I. IN THE PROPOSED STREET RIGHT-OF-WAY LINES SHOWN.
6. NO PART OF ANY SUBDIVISION LIES WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO TAYLOR COUNTY FEMA FIRM MAP NOS. 48441-C-0355-F EFFECTIVE JANUARY 6, 2012.
7. NO LAND WITHIN THIS SUBDIVISION WILL BE DEDICATED FOR PARKS, OPEN SPACE OR FLOODPLAIN PROTECTION.
8. THIS SUBDIVISION IS LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE CITY OF ABILENE, TEXAS.



DEVELOPER/SUBDIVIDER:
MOORE 8384, LLC.
P.O. BOX 6444
ABILENE, TX 79608
(325) 280-3131

ABILENE, TEXAS

THE SOUTH END ADDITION

CONSTRUCTION DRAWINGS

PRELIMINARY PLAT

NO.	REVISION	DATE	SCALE	1" = 60'
			PROJECT # 20169	
			DESIGNED	C.F.
			DRAWN	C.F.
			CHECKED	C.F.

BAR IS ONE INCH IN LENGTH ON ORIGINAL DRAWING.
CHECK SCALE & ADJUST ACCORDINGLY.

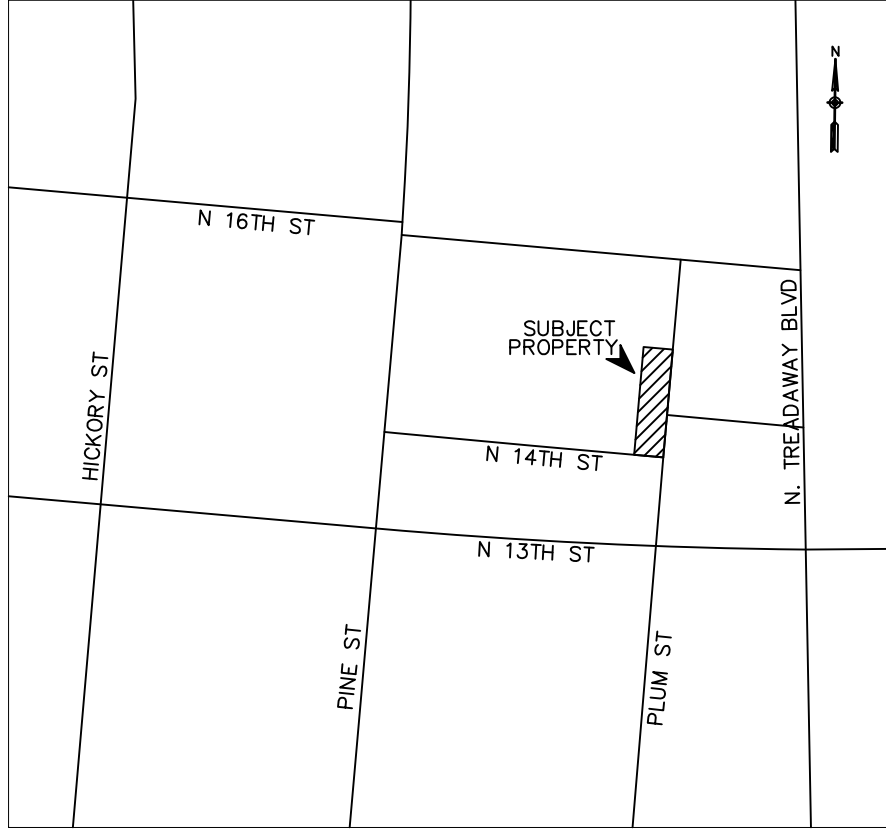
PRELIMINARY
This document shall not be
recorded for any purpose.

3465 CURRY LANE
ABILENE, TX 79606
325-695-1070

1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76086
817-594-9880

4920 S. LOOP 289, STE 104
LUBBOCK, TX 79414
806-368-6375



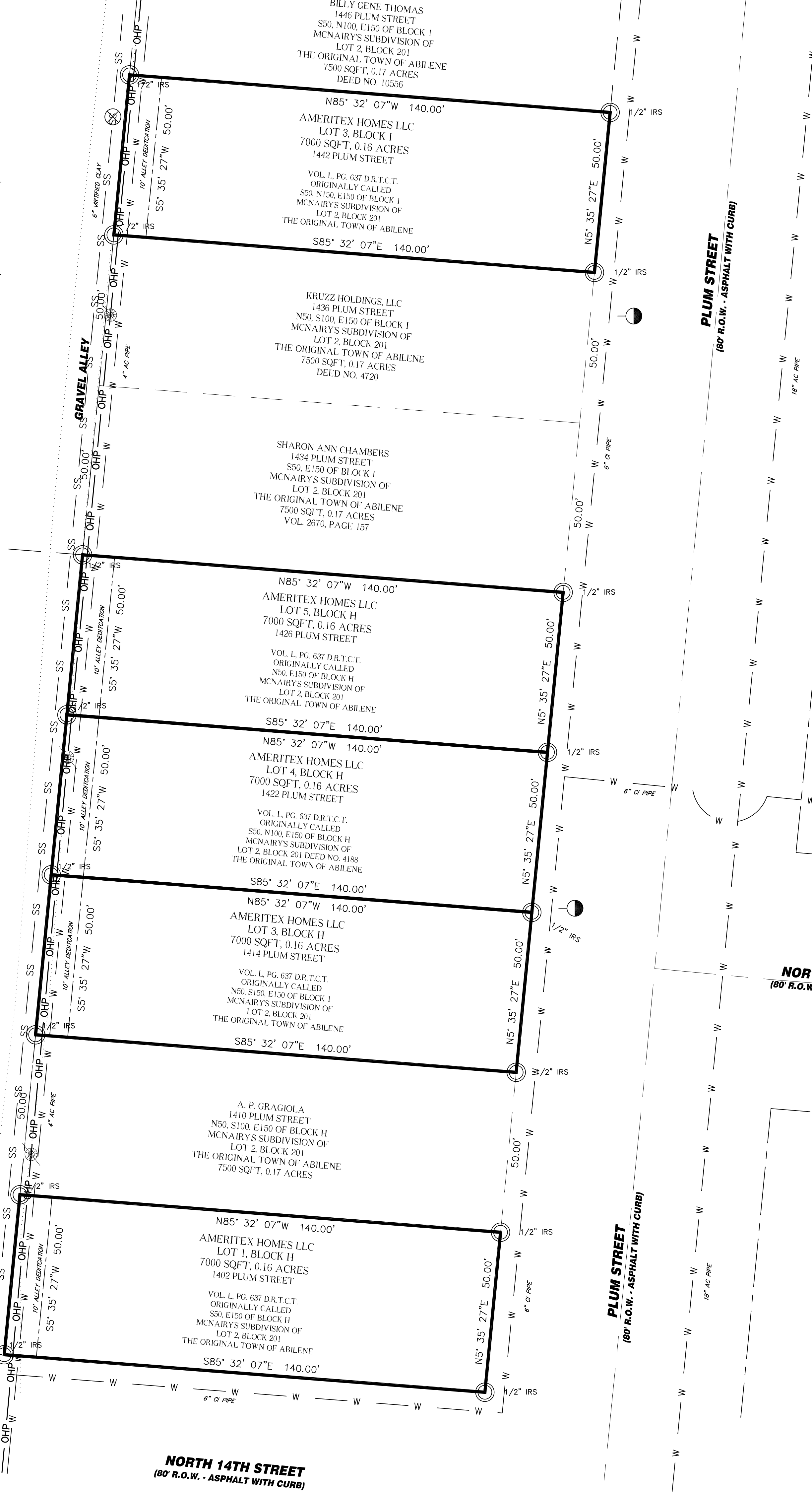


VICINITY MAP
N.T.S.

REMAINDER OF
BLOCK I IN THE MCNAIRY'S SUBDIVISION

REMAINDER OF
BLOCK H IN THE MCNAIRY'S SUBDIVISION

PROPERTY OWNER/ DEVELOPER
AMERITEX HOMES, LLC
14643 DALLAS PARKWAY
SUITE 1050
DALLAS, TX 75254
972.853.9191



NORTH 14TH STREET
(80' R.O.W. - ASPHALT WITH CURB)

PLUM STREET
(80' R.O.W. - ASPHALT WITH CURB)

NORTH 14TH STREET
(80' R.O.W. - ASPHALT WITH CURB)

State of Texas

County of Taylor

Before me, the undersigned, a notary public for said County and State, appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN MY HAND AND SEAL OF OFFICE this the _____ day of _____ 2021.

Notary Public in and for the County of Taylor, Texas.

OWNER'S CERTIFICATE AND DEDICATION

THE UNDERSIGNED OWNER OF THE HEREINAFTER DESCRIBED REAL PROPERTY HAS CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO LOTS UNDER THE NAME OF

PARTS OF BLOCK H AND BLOCK I
MCNAIRY'S SUBDIVISION OF
LOT 2, BLOCK 201, ORIGINAL TOWN OF ABILENE
CITY OF ABILENE
TAYLOR COUNTY, TEXAS
AS SHOWN PER PLAT
RECORDED IN VOLUME L, PAGE 637
DEED RECORDS, TAYLOR COUNTY, TEXAS

AS SHOWN ON THE ATTACHED PLAT AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER FOR ALL PUBLIC PURPOSES THE STREETS, ALLEYS, LANES, EASEMENTS, PARKS AND OTHER PUBLIC LANDS SHOWN THEREIN THE LANDS INCLUDED WITHIN SUCH PLAT OR SUBDIVISION ARE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

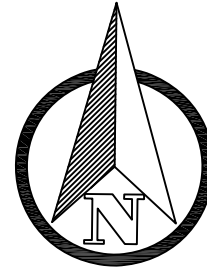
SEE THE METES AND BOUNDS DESCRIPTION HEREON

EXECUTED THIS _____ DAY OF _____

FOR AMERITEX HOMES, LLC

GENERAL NOTES

- 1) Bearings are based on State Plane Coordinate System, North Central Texas Zone 4202, North American Datum 1983(2011) and GPS observations
- 2) Subject property is located within an area having a zone designation of X by the Secretary of Housing & Development on Flood Insurance Rate Map No. FEMA-MAP 48441C 0228F, effective date of 01-06-2012, for Community Panel No. 485450, Taylor County, Texas
- 3) Build Lines shall comply with current regulations according to the City of Abilene, Texas
- 4) This Subdivision lies completely within the City Limits of Abilene, Taylor County, Texas
- 5) Monumentation: A 1/2" rebar rod with plastic cap stamped "ELD ENG. RPLS 3940" is set at each remaining lot corner
- 6) Utility locations are approximate and were taken from field surveys and information provided by the City of Abilene.



0 20 40
Feet
SCALE 1" = 20'

LEGEND

- PROPERTY CORNER
- UTILITY POLE
- ⊗ SANITARY SEWER MANHOLE
- ⊙ GAS UTILITY RISER
- OHP — OVERHEAD POWER LINE
- ⊗ WATER VALVE
- SS — SANITARY SEWER LINE
- W — WATER LINE
- IRS IRON ROD SET WITH ORANGE CAP "ELD ENG. RPLS 3940"

REPLAT OF
PARTS OF BLOCK H & BLOCK I
MCNAIRY'S SUBDIVISION OF
LOT 2, BLOCK 201
ORIGINAL TOWN OF ABILENE
CITY OF ABILENE
TAYLOR COUNTY, TEXAS
SITUATED IN J. KING SURVEY A-0772

PLANNING COMISSION
THIS PLAT IS HEREBY APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF ABILENE, TEXAS, AND THE COUNTY CLERK IS HEREBY AUTHORIZED TO FILE SAID PLAT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 974A, VERNON'S ANNOTATED CIVIL STATUTES, AND ARTICLE 927B PENAL CODE OF TEXAS, AS AMMENDED.

DATE CHAIRMAN

ATTEST SECRETARY

DATE PLANNING DIRECTOR

COUNTY CLERK

I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON

DATE FILE NUMBER

COUNTY CLERK COUNTY TEXAS

DEPUTY

PLANNING DIRECTOR
FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS

DATE FILE NUMBER

PLANNING DIRECTOR

FEES

DIRECTOR OF PUBLIC WORKS

THE DEDICATION FILED, IN CONNECTION WITH THIS PLAT IS HEREBY APPROVED AND ALL STREETS, ALLEYS, AND PUBLIC AREAS SHOWN HEREON ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF ABILENE, TEXAS.

DATE DIRECTOR OF PUBLIC WORKS

METES AND BOUNDS DESCRIPTION

TRACT 1

BEING a tract of land situated in the J. King Survey A-0772, city of Abilene, Taylor county, Texas, and being the Ameritex Homes L.L.C. Lot 1, Block H, 0.17 acre tract of land originally described as the South 50 feet, East 150 feet of Block H in the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene, recorded in Volume L, Page 637 deed records of Taylor county, Texas and being more particularly described as follows:

BEGINNING at a 1/2" IRS at the Southeast corner of said tract, being in the North right-of-way line of North 14th street and in the West right-of-way line of Plum street.

THENCE N 05 deg. 35 min. 27 sec. E a distance of 50.00 feet with the West right-of-way line of Plum street, to a 1/2" IRS at the Northeast corner of said tract and the Southeast corner of the A.P. Gragliola, 0.17 acre tract described as the North 50 feet, South 100 feet, East 150 feet of Block H of the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene.

THENCE N 85 deg. 32 min. 07 sec. W a distance of 150.00 feet with a common line to a 1/2" IRS at the Northwest corner of said tract and the Southwest corner of the A.P. Gragliola, 0.17 acre tract described as the North 50 feet, South 100 feet, East 150 feet of Block H of the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene.

THENCE S 05 deg. 35 min. 27 sec. W a distance of 50.00 feet with the East side of an alley to a 1/2" IRS at the Southwest corner of said tract and in the North right-of-way of North 14th street.

THENCE S 85 deg. 32 min. 07 sec. E a distance of 150.00 feet with the North right-of-way of North 14th street, to the POINT OF BEGINNING and containing 0.17 acres of land, more or less.

TRACT 2

BEING a tract of land situated in the J. King Survey A-0772, city of Abilene, Taylor county, Texas, and being the Ameritex Homes L.L.C. Lot 3, Lot 4, and Lot 5, Block H, 0.51 acre tract of land from Block H in the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene, recorded in Volume L, Page 637 deed records of Taylor county, Texas and being more particularly described as follows:

BEGINNING at a 1/2" IRS at the Southeast corner of said tract, being in the West right-of-way line of Plum street and being the Northeast corner of the A.P. Gragliola, 0.17 acre tract described as the North 50 feet, South 100 feet, East 150 feet of Block H of the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene.

THENCE N 05 deg. 35 min. 27 sec. E a distance of 150.00 feet with the West right-of-way line of Plum street, to a 1/2" IRS at the Northeast corner of said tract and the Southeast corner of the Sharon Ann Chambers, 0.17 acre tract described as the South 50 feet, East 150 feet of Block H of the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene, recorded in Volume 2670, Page 157 D.R.T.C.T.

THENCE N 85 deg. 32 min. 07 sec. W a distance of 150.00 feet with a common line to a 1/2" IRS at the Northwest corner of said tract and the Southwest corner of the Sharon Ann Chambers, 0.17 acre tract described as the South 50 feet, East 150 feet of Block H of the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene, recorded in Volume 2670, Page 157 D.R.T.C.T.

THENCE S 05 deg. 35 min. 27 sec. W a distance of 150.00 feet with the East side of an alley to a 1/2" IRS at the Southwest corner of said tract and the Northwest corner of the A.P. Gragliola, 0.17 acre tract described as the North 50 feet, South 100 feet, East 150 feet of Block H of the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene, recorded in Volume L, Page 637 deed records of Taylor county, Texas and being more particularly described as follows:

TRACT 3

BEING a tract of land situated in the J. King Survey A-0772, city of Abilene, Taylor county, Texas, and being the Ameritex Homes L.L.C. Lot 3, Block I, 0.17 acre tract of land originally described as the South 50 feet, North 150 feet, East 150 feet of Block I in the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene, recorded in Volume L, Page 637 deed records of Taylor county, Texas and being more particularly described as follows:

BEGINNING at a 1/2" IRS in the West right-of-way line of Plum street, being at the Southeast corner of said tract and the Northeast corner of the Kruzz Holdings, L.L.C. 0.17 acre tract described as the North 50 feet, South 100 feet, East 150 feet of Block I of the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene, recorded in Deed No. 4720 D.R.T.C.T.

THENCE N 05 deg. 35 min. 27 sec. E a distance of 50.00 feet with the West right-of-way line of Plum street, to a 1/2" IRS at the Northeast corner of said tract and the Southeast corner of the Billy Gene Thomas, 0.17 acre tract described as the South 50 feet, North 100 feet, East 150 feet of Block I of the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene, recorded in Deed No. 10556 D.R.T.C.T.

THENCE N 85 deg. 32 min. 07 sec. W a distance of 150.00 feet with a common line to a 1/2" IRS at the Northwest corner of said tract and the Southwest corner of the Billy Gene Thomas, 0.17 acre tract described as the South 50 feet, North 100 feet, East 150 feet of Block I of the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene, recorded in Deed No. 10556 D.R.T.C.T.

THENCE S 05 deg. 35 min. 27 sec. W a distance of 50.00 feet with the East side of an alley to a 1/2" IRS at the Southwest corner of said tract and the Northwest corner of the Kruzz Holdings, L.L.C. 0.17 acre tract described as the North 50 feet, South 100 feet, East 150 feet of Block I of the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene, recorded in Deed No. 4720 D.R.T.C.T.

THENCE S 85 deg. 32 min. 07 sec. E a distance of 150.00 feet with the North line of the Kruzz Holdings, L.L.C. 0.17 acre tract described as the North 50 feet, South 100 feet, East 150 feet of Block I of the McNairy's Subdivision of Lot 2, Block 201, the original town of Abilene, recorded in Deed No. 4720 D.R.T.C.T. to the POINT OF BEGINNING and containing 0.17 acres of land, more or less.

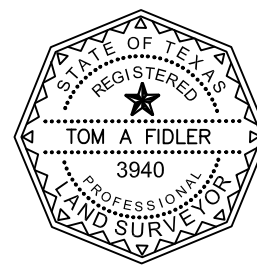
SURVEYORS CERTIFICATE

I, Tom A. Fidler. A Registered Professional Land Surveyor, licensed by the State of Texas, do hereby certify that I have prepared this plat from an actual survey of the land and that the corner monuments shown hereon were found and/or properly placed under supervision in accordance with the platting rules and regulations of the City of Abilene, Taylor County, Texas. WITNESS MY HAND AT KAUFMAN COUNTY, TEXAS this 25th day of January, 2021.

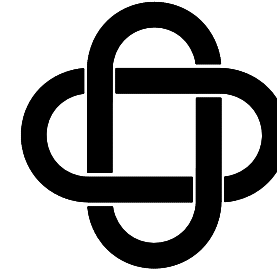
PLAT DESCRIPTION
PARTS OF BLOCK H & BLOCK I
MCNAIRY'S SUBDIVISION OF
LOT 2, BLOCK 201
ORIGINAL TOWN OF ABILENE
CITY OF ABILENE
TAYLOR COUNTY TEXAS

TOM A. FIDLER

Texas Registered Professional Land Surveyor # 3940



ERIC L. DAVIS ENGINEERING, INC.
FIRM NO. 10194489
TBPLS FIRM # 10194489
120 East Main Street
Forney, Texas 75126
972/564-0592 Fax 972/564-6523
E-Mail ericdavis@eldengineering.com



ZONING CASE Z-2021-03

STAFF REPORT



REQUEST:

Rezone approximately 6.9 acres of vacant land from Agricultural Open Space (AO) to General Commercial (GC) and the adjacent 169.4 acres of vacant land from AO to Residential Single-Family (RS-6).

APPLICANT:

Owners: Abi Harvest, LLC.

Agents: Jacob & Martin

HEARING DATES:

P & Z Commission: February 2, 2021

City Council 1st Reading: February 25, 2021

City Council 2nd Reading: March 11, 2021

LOCATION & LEGAL DESCRIPTION:

Located on approximately 172.98 acres near the northwest corner of Beltway South (FM 707) and Buffalo Gap Road (FM 89). Legal description being approximately 150 acres in Tract 1 and 22.98 acres in Tract 2 out of Mathew Talbot Section 103, in Abilene, Taylor County, Texas.

BACKGROUND:

This request encompass three (3) parcels of land, all of which were annexed into the city limits in 1980 and zoned Agricultural Open Space (AO). The proposed RS-6 zoning is compatible with the single-family residences to the north in the Willow Ridge Addition. These properties do not fall within the Buffalo Gap Corridor.

EVALUATION CRITERIA:

According to Section 1.4.1.4, Criteria for Approval, of the City of Abilene Land Development Code, in making a recommendation regarding a requested zone change, the Planning and Zoning Commission and City Council should consider the following factors:

(1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property as shown on the Future Land Use and Development Plan map, as amended.

The Future Land Use and Development Plan Map of the Comprehensive Plan designates the subject properties for use as single-family residential. Therefore, the rezoning of the majority of the vacant land to RS-6 is generally appropriate. Additionally, Beltway South is included in the extended thoroughfare plan as a proposed expressway and is not suitable for single-family residential use. The majority of the expressways within the City of Abilene are surrounded by General Commercial (GC) zoning. The proposed rezoning of the vacant land along the proposed expressway of Beltway South (FM 707) to General Commercial (GC) is generally appropriate as it also promotes a wider range of activities along this expressway that promote the Comprehensive Plan's objective of creating a mixture of land uses to support the development close to the Buffalo Gap Corridor.

(2) Whether the uses permitted by the proposed change in zoning classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The proposed single-family residential development is compatible with the residential subdivision to the north. The proposed General Commercial zoning is consistent with the zoning and uses of the neighboring properties to the east surrounding Beltway South (FM 707) and Buffalo Gap Road intersection.

	Zoning	Existing Land Use
North	RS-6	Single-Family Residences
South	AO	Vacant Land
East	AO	Vacant Land
West	County ETJ 2001	Vacant Land

(3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.

It is the opinion of the staff that this application is in accord with existing plans for public services and any public improvements will be addressed during the platting process.

(4) Any other factors, which will substantially affect the public health, safety, morals, or general welfare.

It is the opinion of the staff that there are no other factors present that substantially affect the public health, safety, morals, or general welfare of the City of Abilene.

STAFF RECOMMENDATION:

City staff recommends approval of the request. The rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval) of the Land Development Code.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will meet to review this request on February 2, 2021.

NOTIFICATION:

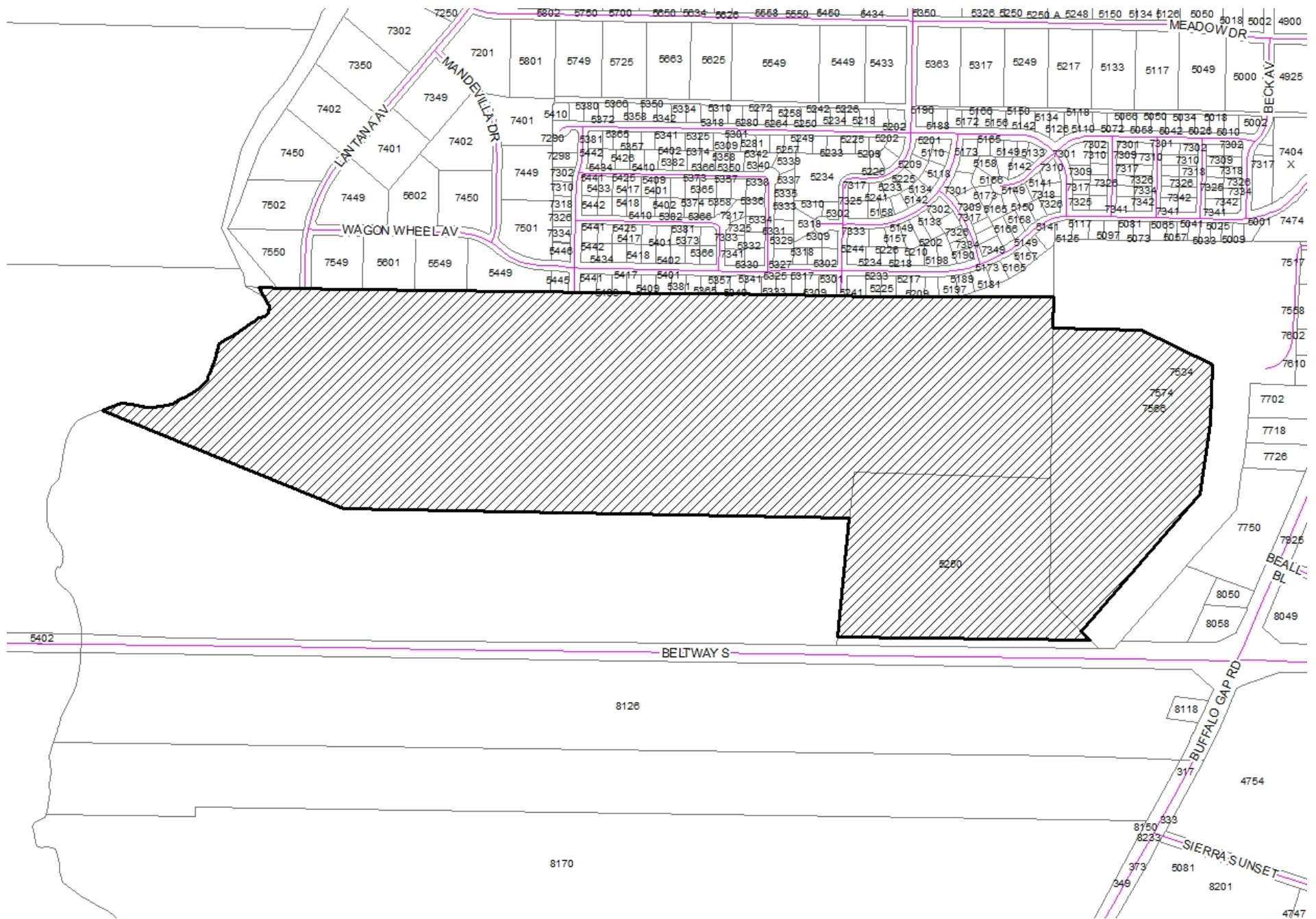
The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and owners of property within a 200-foot radius of this subject property:

Owner	Situs	Response
ALBERT JAMES & LISA	5202 WAGON WHEEL AV	
AMILINENI VENKATA K	5601 WAGON WHEEL AV	
ARRINGTON CAREY	5374 WAGON WHEEL AV	
BELANGER MOODEY & KIMBERLY	5426 WAGON WHEEL AV	
BOUNDS MICHAEL & DANITA	7549 LANTANA AV	
BRADEN BARBARA A	5402 WAGON WHEEL AV	
BRADY MARK LANCE & JOAN A	5442 WAGON WHEEL AV	
CALLAHAN JOHN P SR & SUSAN DIANE	5173 WAGON WHEEL AV	
CANTWELL NED & ROBERTA	7341 WILLOW VIEW RD	
CITY OF ABILENE		
CITY OF ABILENE		
CITY OF ABILENE	7534 PENNEY LN	
CITY OF ABILENE	7566 PENNEY LN	
CITY OF ABILENE	7574 PENNEY LN	
COOK AARON & TONIA	5301 WAGON WHEEL AV	
COOK ROEL ANGEL	5201 WAGON WHEEL AV	
COOKSEY ROBBIE & KIMBERLY	5549 WAGON WHEEL AV	
DUNCAN CARI SUE	5433 WAGON WHEEL AV	
EUREK ANDREW THOMAS & KACIE BERUTTI	5441 WAGON WHEEL AV	
EVANS CASEY DON	5381 WAGON WHEEL AV	
FARR DAVID ELMO &		
FARR DAVID ELMO &		
FIERRO MICHAEL	5244 WAGON WHEEL AV	
FINN VELMA LORENE	5341 WAGON WHEEL AV	
FORS MATTHEW L & MAYA DENISE	5325 WAGON WHEEL AV	
GIST DAVID & DONNA C	5330 WILLOW RIDGE RD	
GLASS FORREST P & BETTY J	5365 WAGON WHEEL AV	
HEATON RONALD W & DENA R	5165 WAGON WHEEL AV	
HOLBROOK STEPHANIE	5218 WAGON WHEEL AV	
HOLLAND REGGIE L & REBECCA A	5302 WAGON WHEEL AV	
HORRELL BILLY R & KATHY S	5445 WAGON WHEEL AV	
JACKSON TREVOR R & FRANCES Y	5333 WAGON WHEEL AV	
JARRELL BRYANT M	5417 WAGON WHEEL AV	
JOHNSON JAMISON C & REINA Y	5181 WAGON WHEEL AV	
KELLEY MICHAEL J & JACQUELINE S	5157 WAGON WHEEL AV	
KICKAPOO LAND CO	5250 BELTWAY S	
KICKAPOO LAND CO		
KIRSCHBAUM JOSEPH L & MARY A	5309 WAGON WHEEL AV	
KOPER STEVEN & LEAH	5241 WAGON WHEEL AV	
LANGHAM AARON & AMY	5317 WAGON WHEEL AV	
LONGORIA LEROY & JUDY	5373 WAGON WHEEL AV	
LYLE KENNETH R & ANITA W	5410 WAGON WHEEL AV	
LYNN TAMMIE RUTH EDMONDSON &	8126 BUFFALO GAP RD	
MARTINEZ ROBERT	5434 WAGON WHEEL AV	
MC EVOY PATRICK D	5310 WAGON WHEEL AV	
NELSON ROBERT C & TONI	5401 WAGON WHEEL AV	
PARKER C W & LOIS	5382 WAGON WHEEL AV	
PERKINS MATTHEW W & REBECCA J	5210 WAGON WHEEL AV	
PLACKER BILLY & JOANN	5233 WAGON WHEEL AV	
QINAMI ADMONDA	5327 WILLOW RIDGE RD	
RANDELL DAVID J AND ROSEMARY	7550 LANTANA AV	
ROBERTS SUMMER	5198 WAGON WHEEL AV	
ROWE CHRISTOPHER L	5366 WAGON WHEEL AV	
ROWE CHRISTOPHER L	5446 WAGON WHEEL AV	
SIGLOCK STEPHEN DEAN & AURORA	5425 WAGON WHEEL AV	
SIMPSON BRADFORD J & KARI J	5418 WAGON WHEEL AV	
SMITH JAMES LEE &	5318 WAGON WHEEL AV	
STEPP CRYSTAL LYNN	5190 WAGON WHEEL AV	
STEPP CURTIS A	5225 WAGON WHEEL AV	
SULLIVAN EUGENE P & SUSAN	5349 WAGON WHEEL AV	
TAYLOR ELECTRIC COOP INC		
TAYLOR ROBERT O & CAROL D	5357 WAGON WHEEL AV	
THOMPSON JACK H & HELEN C	5217 WAGON WHEEL AV	
TOWQEER MOHAMMAD	5234 WAGON WHEEL AV	
TRIBOLET SCOTT A	5409 WAGON WHEEL AV	
VOORHEES RANDY & MARION	7501 MANDEVILLA DR	
VOSWINKEL KEITH A & TAMMY	5449 WAGON WHEEL AV	
WARRIX JOSEPH & KRISTINA	5209 WAGON WHEEL AV	
WESSON JEFFERSON M & ALLISON J	5197 WAGON WHEEL AV	
WHEELER PHILIP & LAURA	5226 WAGON WHEEL AV	
WHITEHEAD LARRY J & PAM L	5189 WAGON WHEEL AV	

Case # Z-2021-03
January 25, 2021

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

- ☐ Conditional Use ☐ Easement Release ☒ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: The Harvest

Address: NW Corner of FM 707 & FM 89 No. of lots: _____ Acreage: 150.0 (Tract 1) and 22.98 acres (Tract 2)
A0319 SUR 103 MATHEW TALBOT, ACRES 150.0 (Tract 1) & 22.98 Acres of Land Out Of M. Talbot Survey No. 103, Taylor County, Texas, Said 22.98 Acres Being Part of a 40.8 Acre Tract Described In Volume 207, Page 41, Deed Records, Taylor County, Texas (Tract 2)

Subdivision Name: The Harvest, Phase 1

Block: _____ Lot: _____

Current Zoning: AO

Proposed Zoning (if applicable): GC & RS-6

OWNER AND AUTHORIZATION

Owner Name: Abi Harvest, LLC

Address: 3409 S. 14th St, Suite 204

City, State, Zip: Abilene, TX 79605

Fax: _____

Phone: _____ Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Jacob & Martin will act as my agent before the Planning and Zoning Commission.

Agent Name: Jacob & Martin

Address: 3465 Curry Lane

City, State, Zip: Abilene, TX 79606

Fax: 325-691-5134

Phone: 325-695-1070

Email: cfarrow@jacobmartin.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: _____ Date: _____

FOR OFFICE USE ONLY

Received: 1/5/21

Fee: \$ 1,500.00

Receipt No.: 0001057700

Case No.: 2-2021-03

Reviewed By: [Signature]



Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

This zoning request is to support a new single family residential neighborhood near the NW corner of FM 89 and FM 707. This use is prevalent in the neighborhoods immediately to the north, and we believe it matches the city's current comprehensive plan for this area. GC is requested along the frontage of FM 707 as is found elsewhere along the same corridor for future development along the frontage. Depth has been provided so that future commercial development can have appropriate buffering from the residential as is required in the Land Development Code.



Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

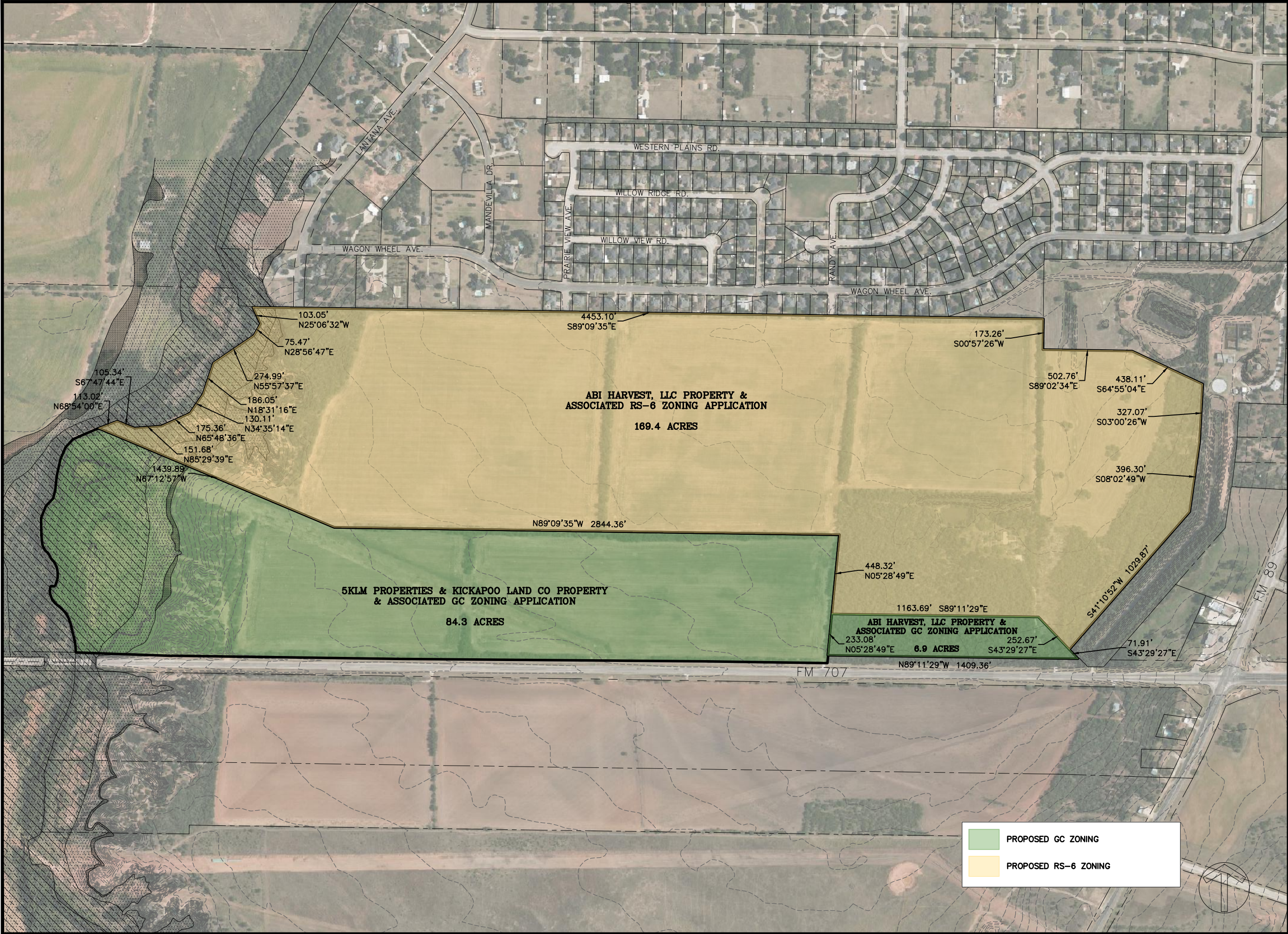
I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____

A handwritten signature, possibly "KQ", written in black ink over a horizontal line.

DATE: _____

January 5, 2020



3465 CURRY LANE
ABILENE, TX 79606
325-695-1070

JACOB

1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76086
817-594-9880

MARTIN

1014 BROADWAY STREET
LUBBOCK, TX 79401
806-368-6375

FRW# F-2448

CITY OF ABILENE, TEXAS

THE HARVEST

PLANNING

ZONING CONCEPT PLAN

NO. REVISION

DATE

SCALE 1"=500'

SHEET

PROJECT # 20152

DESIGNED CSF

DRAWN KFR

CHECKED CSF

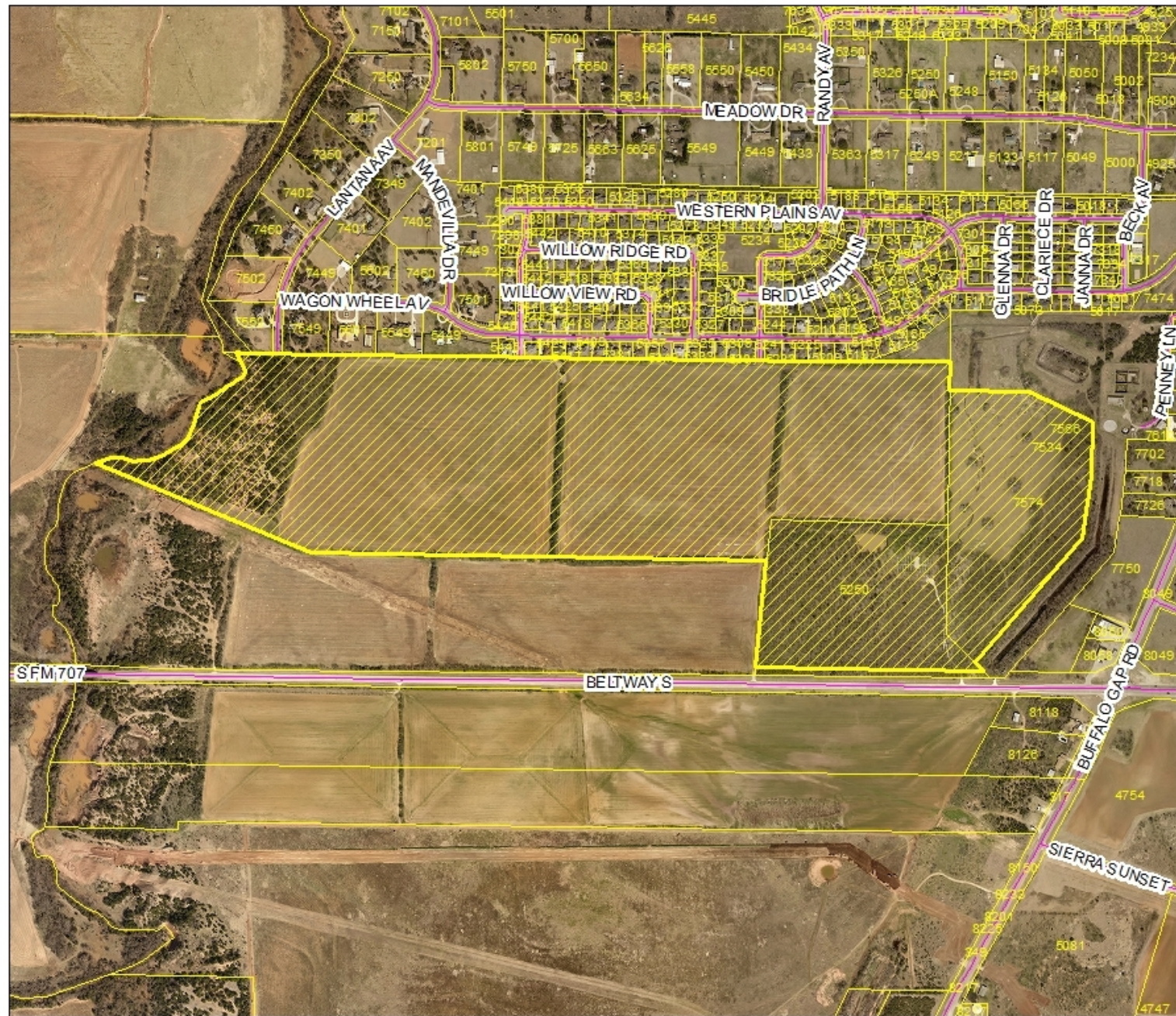
BAR IS ONE INCH IN LENGTH ON ORIGINAL DRAWING.
CHECK SCALE & ADJUST ACCORDINGLY.

TOTAL 1 OF 1

Page 20 of 82

Case:	Z-2021-03
Owner:	Abi Harvest, LLC.
Agent:	Jacob & Martin
Request:	Rezone from Agricultural Open Space (AO) to Single-Family Residential (RS-6) and General Commercial (GC)
Location:	172.98 acres near the northwest corner of Beltway South (FM 707) and Buffalo Gap Road (FM 89)
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	February 2, 2021
City Council Hearing:	February 25, 2021 March 11, 2021

Z-2021-03 LOCATION MAP



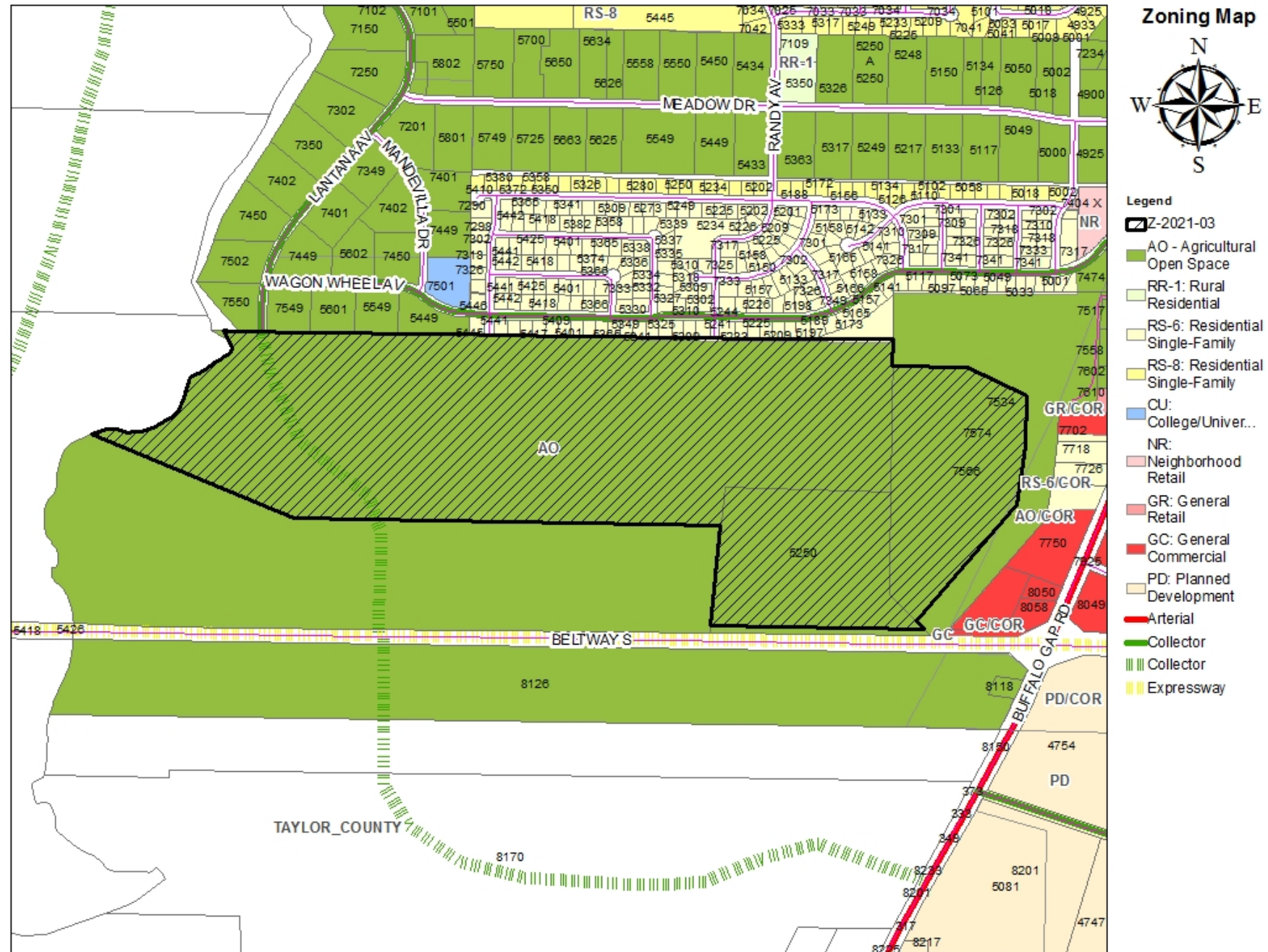
Location Map



Legend

 Z-2021-03

Z-2021-03 ZONING MAP





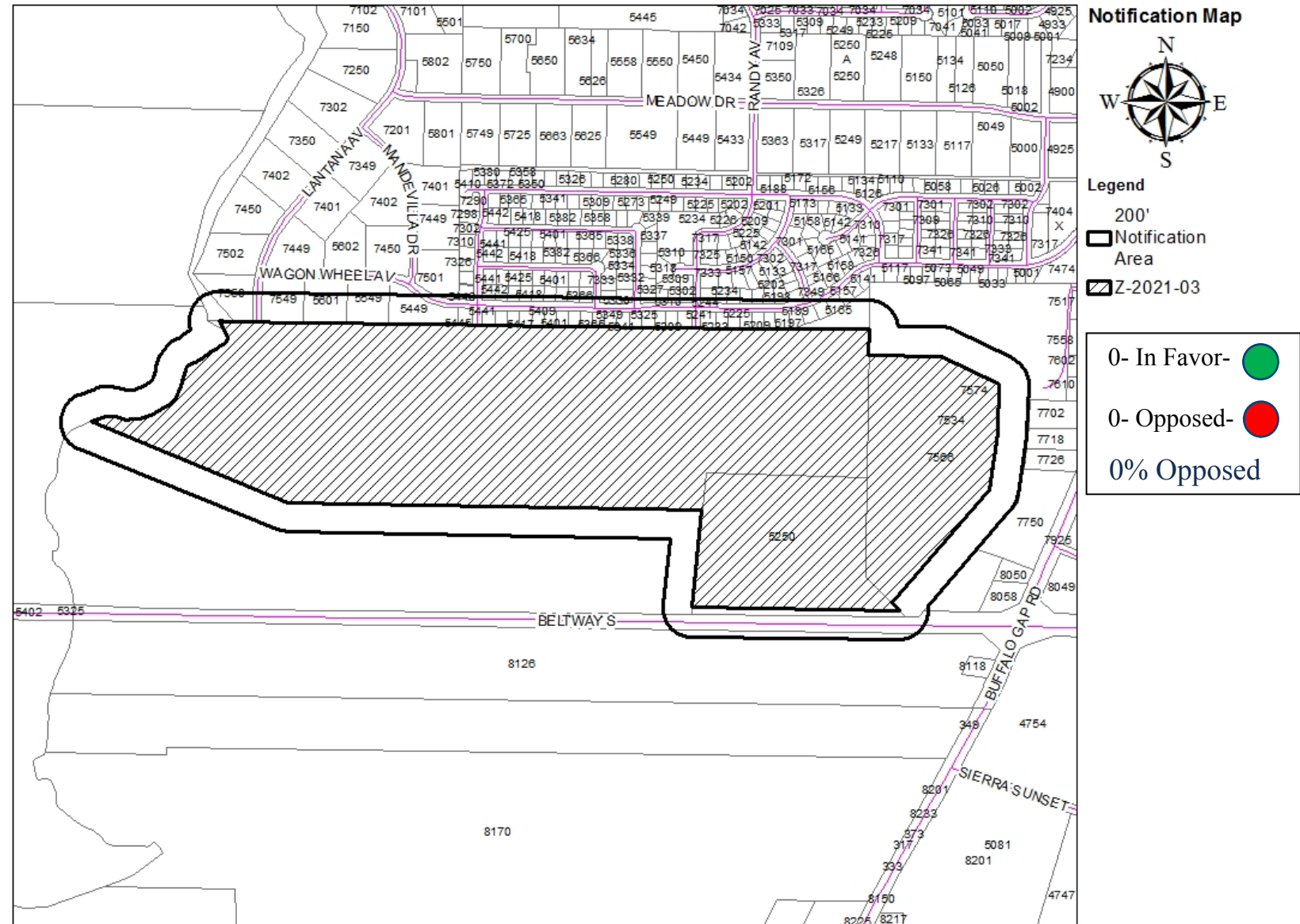
Subject Property



South Neighboring Property



Z-2021-03 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval

Questions?

ZONING CASE Z-2021-04

STAFF REPORT



REQUEST:

Rezone approximately 82.3 acres of vacant land from Agricultural Open Space (AO) to General Commercial (GC).

APPLICANT:

Owners: Kickapoo Land Co. & 5KLM Properties, LP
Agent: David Todd

HEARING DATES:

P & Z Commission: February 2, 2021
City Council 1st Reading: February 25, 2021
City Council 2nd Reading: March 11, 2021

LOCATION & LEGAL DESCRIPTION:

Located on approximately 82.3 acres of vacant land, 2030 feet east of Beltway South (FM 707) and Buffalo Gap (FM 89) intersection. Legal description being approximately 82.3 acres out of Mathew Talbot Section 103, in Abilene, Taylor County, Texas.

BACKGROUND:

The subject property was annexed into the city limits in 1980 and zoned Agricultural Open Space (AO). The applicants are requesting to rezone this parcel to General Commercial (GC).

APPLICATION REVIEW:

According to Section 1.4.1.4, Criteria for Approval, of the City of Abilene Land Development Code, in making a recommendation regarding a requested zone change, the Planning and Zoning Commission and City Council should consider the following factors:

(1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property as shown on the Future Land Use and Development Plan map, as amended.

The Future Land Use and Development Plan Map of the Comprehensive Plan designates the subject property for use as single-family residential. However, Beltway South (FM 707) is included in the proposed thoroughfare plan as an expressway, which is not suitable for single-family residential. The majority of the expressways within the City of Abilene are surrounded by General Commercial (GC) districts. The proposed rezoning of the vacant land along the proposed expressway of Beltway South (FM 707) to General Commercial (GC) is generally appropriate. Commercial zoning will also promote a wider range of activities along this expressway that will promote the Comprehensive Plan's objective of creating a mixture of land uses to support the development close to the Buffalo Gap Corridor.

(2) Whether the uses permitted by the proposed change in zoning classification (and the standards applicable to such uses) will be appropriate in the immediate area of the land to be reclassified.

The proposed General Commercial (GC) zoning is consistent with the zoning and uses of the neighboring properties to the east surrounding the intersection of Beltway South (FM 707) and Buffalo Gap Road.

	Zoning	Existing Land Use
North	AO	Vacant Land
South	AO	Vacant Land
East	AO	Vacant Land
West	County ETJ 2001	Vacant Land

(3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.

It is the opinion of the staff that this application is in accord with existing plans for public services and any public improvements will be addressed during the platting process.

(4) Any other factors, which will substantially affect the public health, safety, morals, or general welfare.

It is the opinion of the staff that there are no other factors present that substantially affect the public health, safety, morals, or general welfare of the City of Abilene.

STAFF RECOMMENDATION:

City staff recommends approval of the request. The rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval) of the Land Development Code.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will meet to review this request on February 2, 2021.

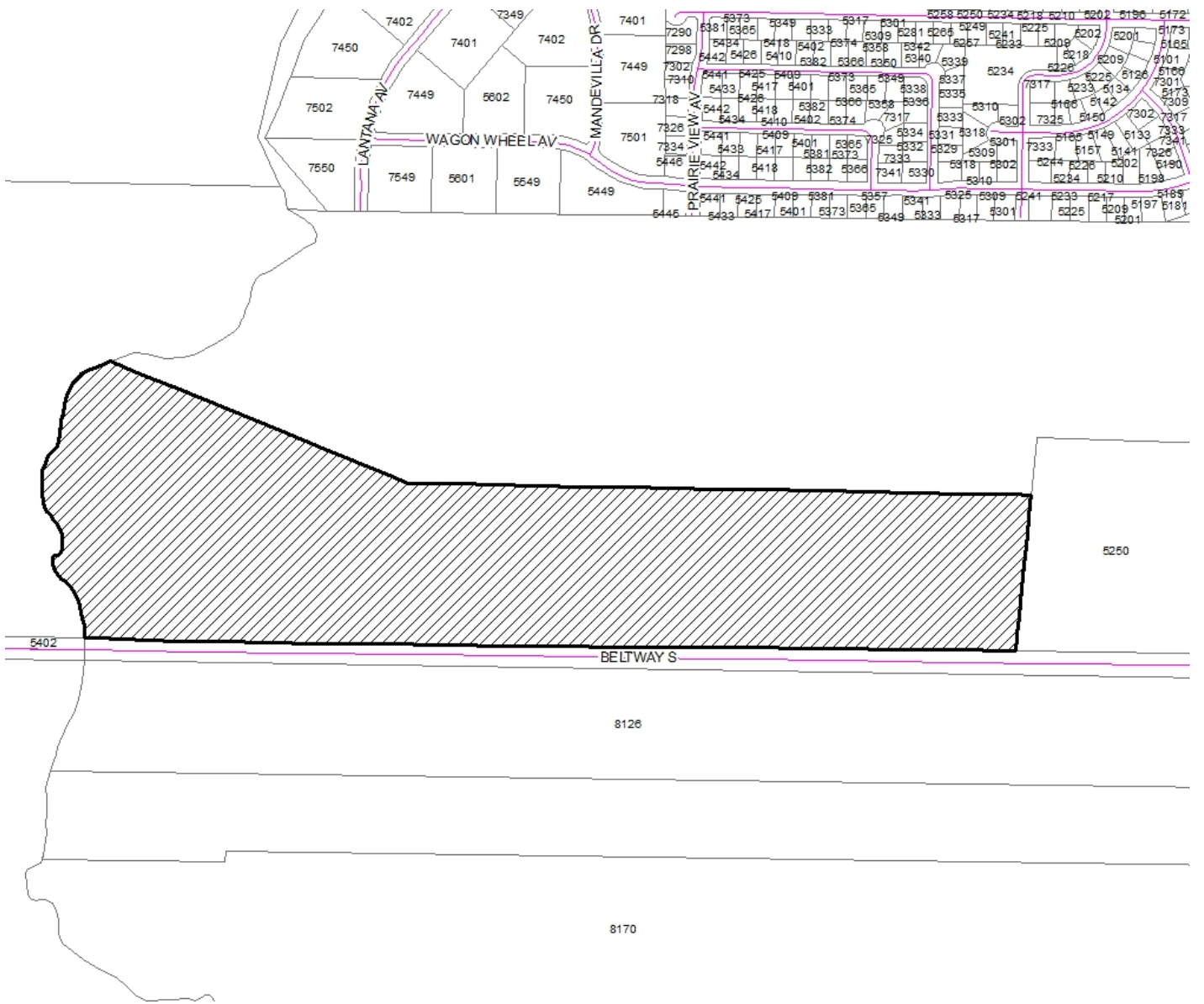
NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and owners of property within a 200-foot radius of this subject property:

Owner	Situs	Response
FARR DAVID ELMO &		
FARR DAVID ELMO &		
KICKAPOO LAND CO	5250 BELTWAY S	
KICKAPOO LAND CO		
LYNN TAMMIE RUTH EDMONDSON &	8126 BUFFALO GAP RD	

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

☐ Conditional Use

☐ Easement Release

☒ Rezoning

☐ Other

☐ PDD

☐ Street Name Change

☐ Thoroughfare Abandonment

☐ PDD Amendment

Other: _____

Project Name: The Harvest

Address: NW Corner of FM 707 & FM 89

No. of lots: _____

150.0 (Tract 1) and
Acreage: 22.98 acres (Tract 2)

Legal Description: A0319 SUR 103 MATHEW TALBOT, ACRES 150.0 (Tract 1) & 22.98 Acres of Land Out Of M. Talbot Survey No. 103, Taylor County, Texas, Said 22.98 Acres Being Part of a 40.8 Acre Tract Described In Volume 207, Page 41, Deed Records, Taylor County, Texas (Tract 2)

Subdivision Name: The Harvest, Phase 1

Block: _____

Lot: _____

Current Zoning: AO

Proposed Zoning (if applicable): GC & RS-6

OWNER AND AUTHORIZATION

Owner Name: Abi Harvest, LLC

Address: 3409 S. 14th St, Suite 204

City, State, Zip: Abilene, TX 79605

Fax: _____

Phone: _____

Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Jacob & Martin will act as my agent before the Planning and Zoning Commission.

Agent Name: Jacob & Martin

Address: 3465 Curry Lane

City, State, Zip: Abilene, TX 79606

Fax: 325-691-5134

Phone: 325-695-1070

Email: cfarrow@jacobmartin.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: _____

Date: _____

FOR OFFICE USE ONLY

Received: 1/5/21

Fee: \$ 1,500.00

Receipt No.: 0001057700

Case No.: 2-2021-03

Reviewed By: [Signature]



Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

This zoning request is to support a new single family residential neighborhood near the NW corner of FM 89 and FM 707. This use is prevalent in the neighborhoods immediately to the north, and we believe it matches the city's current comprehensive plan for this area. GC is requested along the frontage of FM 707 as is found elsewhere along the same corridor for future development along the frontage. Depth has been provided so that future commercial development can have appropriate buffering from the residential as is required in the Land Development Code.



Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

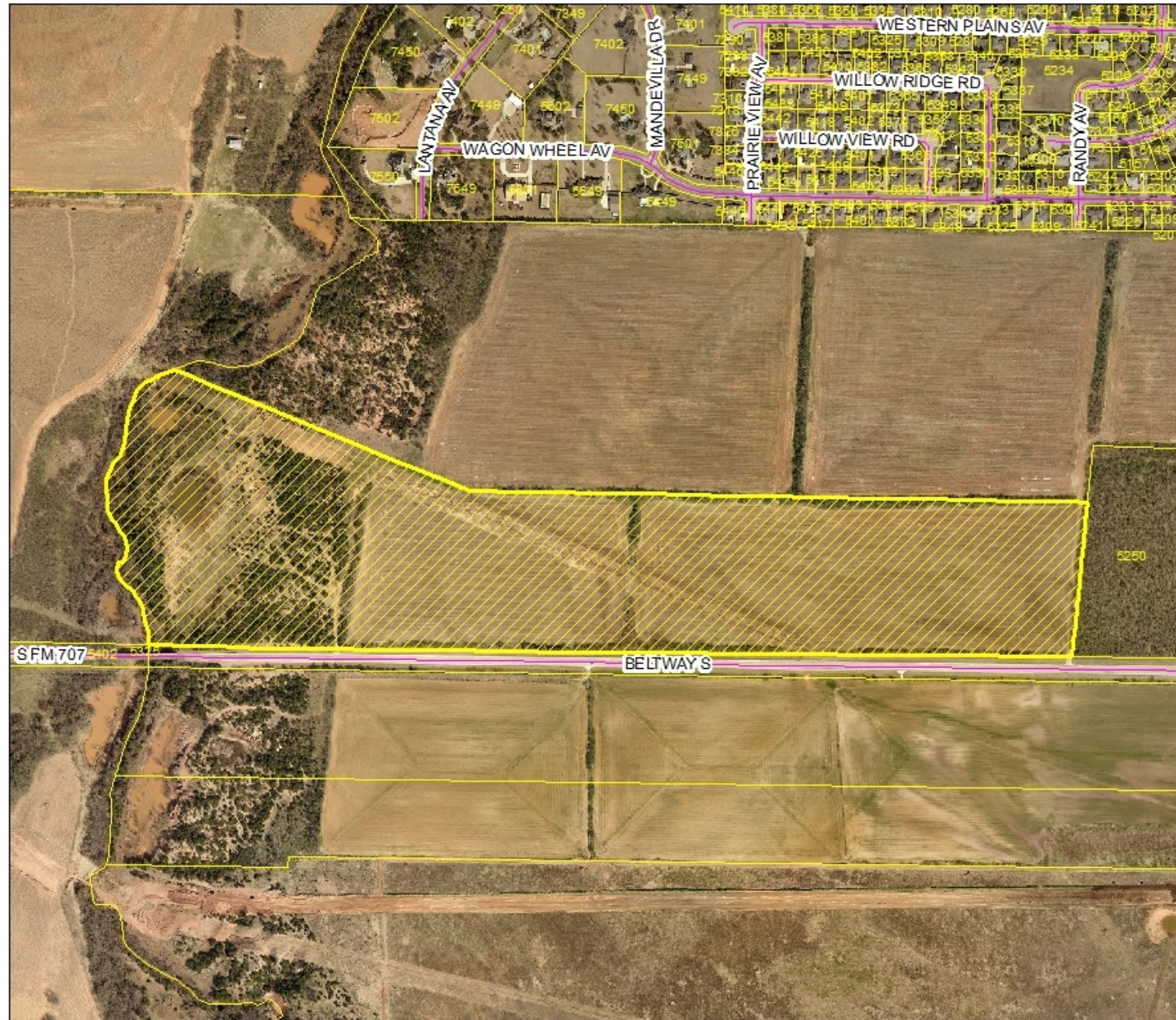
SIGNED: _____

A handwritten signature, possibly "KQ", written in black ink over a horizontal line.

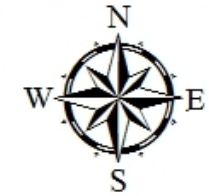
DATE: _____

January 5, 2020

Case:	Z-2021-04
Owner:	Kickapoo Land Co. & 5KLM Properties, LP
Agent:	David Todd
Request:	Rezone from Agricultural Open Space (AO) to General Commercial (GC)
Location:	82.3 acres of vacant land approximately 2030 feet east of Beltway South (FM 707) and Buffalo Gap intersection
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	February 2, 2021
City Council Hearing:	February 25, 2021 March 11, 2021



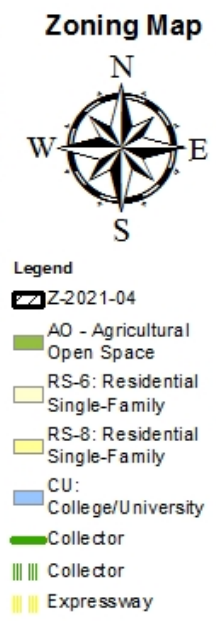
Location Map



Legend

 Z-2021-04

Z-2021-04 ZONING MAP



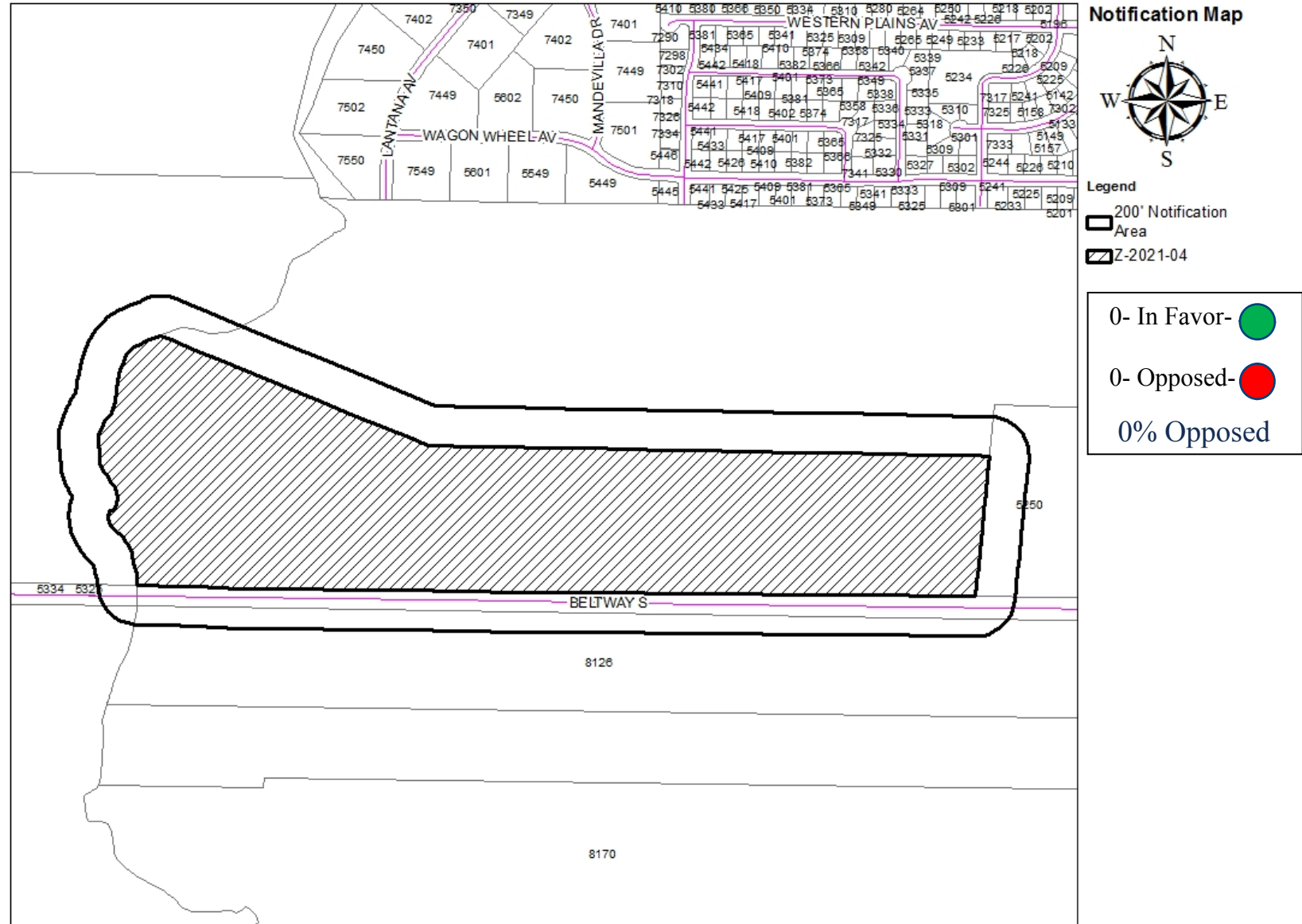
Subject Property



South Neighboring Property



Z-2021-04 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval

Questions?

ZONING CASE Z-2021-05

STAFF REPORT



REQUEST:

Rezone approximately 1.2 acres from Single Family Residential with Ambler Avenue Corridor Overlay (RS-6/AMB-COR) to General Retail (GR/AMB-COR).

APPLICANT:

Owner: Hardin Simmons University
Agent: Enprotec Hibbs & Todd (eHT)

HEARING DATES:

P & Z Commission: February 2, 2021
City Council 1st Reading: February 25, 2021
City Council 2nd Reading: March 11, 2021

LOCATION & LEGAL DESCRIPTION:

Approximately 1.2 acres located at the 1500 and 1600 blocks (north side) of Ambler Avenue. Legal description being all of Lots 5 and 6 of Block C in Darby of North Park Subdivision and all of Lot 14 and the easternmost 25-feet of Lot 13 of Block B in Darby of North Park Subdivision.

BACKGROUND:

The subject properties were annexed in 1925. One of these homes pre-dates annexation, but the remaining homes were constructed between 1925 and 1931. In 1974, the subject properties were zoned Single Family Residential (RS-6). The subject properties are located within the Ambler Avenue Corridor Overlay (AMB-COR) which was adopted by City Council in April 2013. The corridor overlay is intended to promote high quality development representing the “first impression” of Abilene for visitors to Abilene Christian University, Hardin-Simmons University, and Hendrick Medical Center. According the Abilene’s Land Development Code, uses within this corridor overlay should include restaurants, services, medical, office, research, educational, and related uses. Additionally, the subject property is located within the Neighborhood Empowerment Zone (NEZ) which is a special zone adopted by City Council targeted to promote the revitalization and redevelopment of economically distressed areas of Abilene. The applicant is requesting the rezoning to construct a Braum’s restaurant and convenience grocery store on the subject properties.

EVALUATION CRITERIA:

According to Section 1.4.1.4, Criteria for Approval, of the City of Abilene Land Development Code, in making a recommendation regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

- (1) Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended;**

The Future Land Use and Development Plan Map of the Comprehensive Plan show the subject properties near a “Special Activity Center” which embraces Hedrick Medical Center and Hardin-Simmons University. The Comprehensive Plan identifies the need to fully develop the economic potential of this special activity center by promoting a mixture of land uses in support the activity center, such as offices and restaurants. General Retail zoning will promote a wider range of activities and is consistent with the Comprehensive Plan’s objective of creating a mixture of land uses.

(2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The land use permitted within the proposed zoning is generally appropriate with the surrounding properties. The subject properties are located near the intersection of Grape Street and Ambler Avenue, both of which are identified in Abilene's thoroughfare plan as arterial roads. Locations which are in proximity to intersections of arterial roads are traditionally considered appropriate for commercial activities. Intersections such as this provide the exposure and volume of traffic necessary for commercial businesses to succeed. Furthermore, the majority of properties along this section of Ambler Avenue are within commercial zoning districts.

	Zoning	Existing Land Use
North	RS-6 & CU	Single Family Residences/Hardin Simmons
South	GR/AMB-COR	Walmart Neighborhood Market
East	CU/AMB-COR	Hardin Simmons University
West	RS-6/AMB-COR	Single Family Residence

(3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.

The subject property is currently served with a variety of existing utilities and public amenities that are considered adequate.

(4) Any other factors, which will substantially affect the public health, safety, morals, or general welfare.

It is the opinion of the staff that there are no other factors present that substantially affect the public health, safety, morals, or general welfare of the City of Abilene.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval) of the Land Development Code.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will meet to review this request on February 2, 2021.

NOTIFICATION:

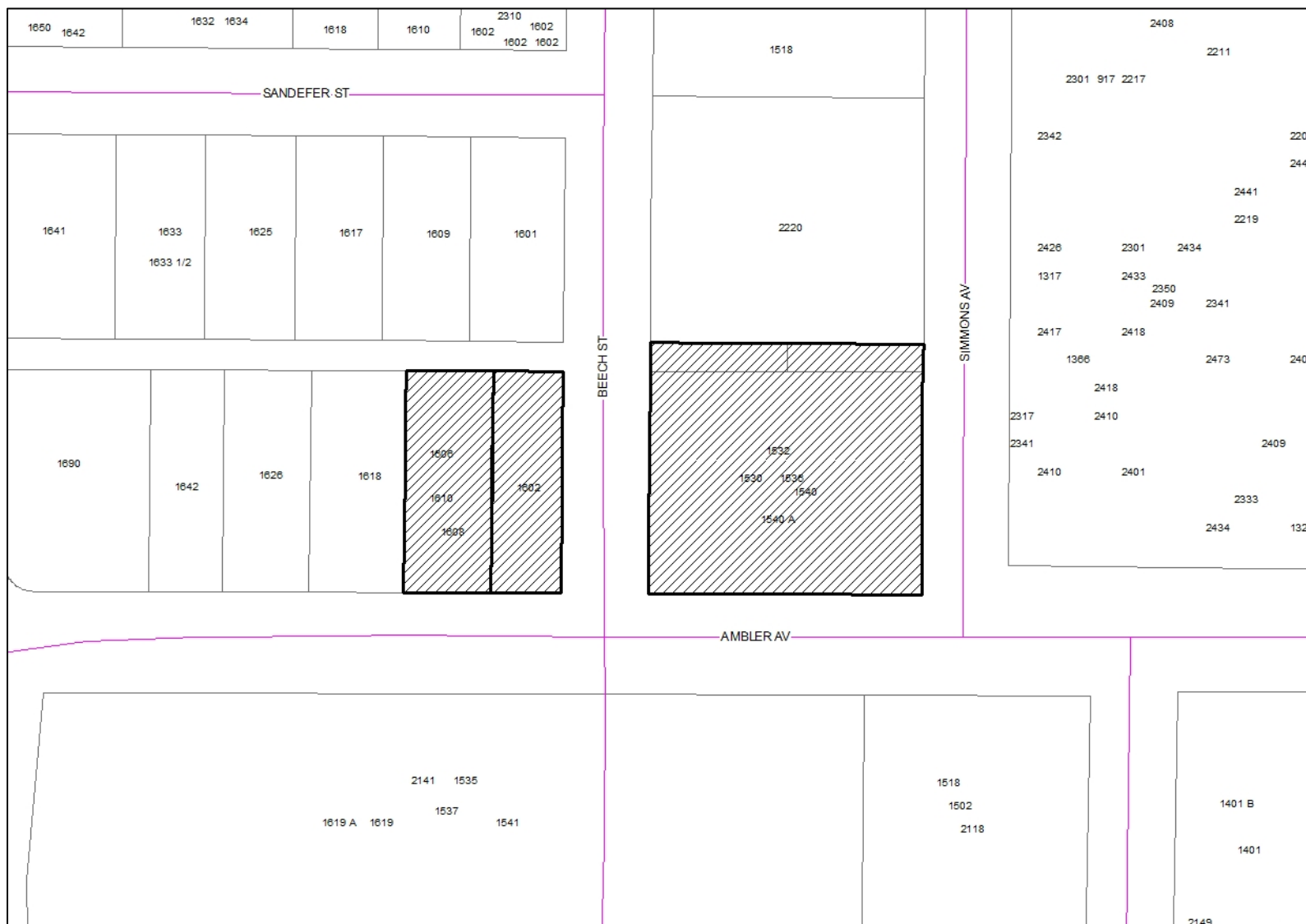
The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

Owner	Situs	Response
HARDIN SIMMONS UNIVERSITY	1625 SANDEFER ST	
HARDIN SIMMONS UNIVERSITY	1617 SANDEFER ST	
HARDIN SIMMONS UNIVERSITY	1601 SANDEFER ST	
HARDIN SIMMONS UNIVERSITY	1609 SANDEFER ST	
HARDIN SIMMONS UNIVERSITY	1518 SANDEFER ST	
HARDIN SIMMONS UNIVERSITY	1602 AMBLER AV	
HARDIN SIMMONS UNIVERSITY	2220 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	2410 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2434 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	1325 VOGEL AV	
HARDIN SIMMONS UNIVERSITY	2317 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2434 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2402 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2301 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2426 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2341 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2401 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	2433 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2301 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	2202 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2409 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2418 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2417 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2341 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2473 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	2442 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2217 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2342 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2211 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2409 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2333 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2219 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2350 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	1317 VOGEL AV	
HARDIN SIMMONS UNIVERSITY	2441 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	1366 AMBLER AV	

HARDIN SIMMONS UNIVERSITY	2418 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2410 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2408 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	917 LINEBERRY BL	
HARDIN SIMMONS UNIVERSITY	1530 AMBLER AV	
HARDIN SIMMONS UNIVERSITY	1540 AMBLER AV	
HARDIN SIMMONS UNIVERSITY	1540 A AMBLER AV	
HARDIN SIMMONS UNIVERSITY	1532 AMBLER AV	
HARDIN SIMMONS UNIVERSITY	1536 AMBLER AV	
HARDIN-SIMMONS UNIVERSITY	1608 AMBLER AV	
HARDIN-SIMMONS UNIVERSITY	1606 AMBLER AV	
HARDIN-SIMMONS UNIVERSITY	1610 AMBLER AV	
HENDRICK MEDICAL CENTER	1518 N 21ST ST	
HENDRICK MEDICAL CENTER	2118 SIMMONS AV	
HENDRICK MEDICAL CENTER	1502 N 21ST ST	
HENDRICK MEDICAL EXEMPT	1401 AMBLER AV	
HENDRICK MEDICAL EXEMPT	1401 B AMBLER AV	
PCKC LLC	1642 AMBLER AV	
PCKC LLC	1626 AMBLER AV	
PCKC LLC	1618 AMBLER AV	
PCKC LLC	1690 AMBLER AV	
PETTY MARY JO	1633 SANDEFER ST	
PETTY MARY JO	1633 1/2 SANDEFER ST	
WALMART REAL ESTATE	1535 AMBLER AV	
WALMART REAL ESTATE	1541 AMBLER AV	
WALMART REAL ESTATE	2141 GRAPE ST	
WALMART REAL ESTATE	1537 AMBLER AV	
WALMART REAL ESTATE	1619 AMBLER AV	
WALMART REAL ESTATE	1619 A AMBLER AV	

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

☐ Conditional Use
 ☐ Easement Release
 ☒ Rezoning
 ☐ Other
☐ PDD
 ☐ Street Name Change
 ☐ Thoroughfare Abandonment
 ☐ PDD Amendment
 Other: _____

Project Name: Braum's Ice Cream and Dairy Store
 Address: Ambler Avenue and Simmons Street No. of lots: 3 Acreage: 1.203 Acres
 Legal Description: See Attached Exhibit A
 Subdivision Name: North Park Addition Block: S/2 of Block 1 Lot: See Exhibit A
 Current Zoning: RS6 Proposed Zoning (if applicable): General Retail (GR)

OWNER AND AUTHORIZATION

Owner Name: Hardin Simmons University
 Address: PO Box 16005
 City, State, Zip: Abilene, Texas 79698-0001 Fax: N/A
 Phone: N/A Email: N/A

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) _____ eHT _____ will act as my agent before the Planning and Zoning Commission.

Agent Name: BJ Prichard, PE / eHT
 Address: 402 Cedar
 City, State, Zip: Abilene, Texas, 79601 Fax: 325-698-3241
 Phone: 325-698-5560 Email: bj.prichard@e-ht.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: [Signature] Date: January 5, 2021

FOR OFFICE USE ONLY

Received: 1/5/21 Fee: \$ 1,500.00 Receipt No.: 0001057702
 Case No.: 2-2021-05 Reviewed By: [Signature]



Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____

A handwritten signature in blue ink, appearing to be "M. B. D.", written over a horizontal line.

DATE: January 5, 2021



Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

Braum's Ice Cream is proposing to purchase the three tracts land from Hardin Simmons University (located on either side of Beech Street) for the purposes of constructing a new ice cream restaurant / grocery store facility. Presently, these three parcels are zoned RS6 (single family residential) and have have all previously held single family homes. The existing structures on these lots are in the process of being abated and demolished. In order to accommodate a fast food type restaurant, Baum's respectfully requests that the City of Abilene amend the current zoning on the identified tracts as well as the abandoned Beech Street ROW from RS6 to General Retail (GR). In reference to Exhibit A, the requested General Retail (GR) zone classification fits well with the surrounding development. The newly constructed Walmart facility and the Hendrick Medical facility directly across the street from the proposed project site are both zoned General Retail. The Wild Bills pawn on the northeast corner of Ambler Avenue and Grape Street is currently zoned general commercial.



LEGAL DESCRIPTIONS:

TRACT 1
EAST 25' OF LOT 13 & WEST 35' OF LOT 14, BLOCK B, DARBY SUBDIVISION OF THE S/2 OF BLOCK 1, NORTH PARK ADDITION (PAGE 368, PLAT RECORDS, TAYLOR COUNTY, TEXAS)

TRACT 2
EAST 50' OF LOT 14, BLOCK B, BLOCK B, DARBY SUBDIVISION OF THE S/2 OF BLOCK 1, NORTH PARK ADDITION (PAGE 368, PLAT RECORDS, TAYLOR COUNTY, TEXAS)

TRACT 3
LOTS 5 & 6, BLOCK C, DARBY SUBDIVISION OF THE S/2 OF BLOCK 1, NORTH PARK ADDITION (PAGE 368, PLAT RECORDS, TAYLOR COUNTY, TEXAS)

BEECH STREET ROW
ALL OF BEECH STREET BETWEEN THE NORTH RIGHT OF WAY OF AMBLER AVENUE AND THE SOUTH RIGHT OF WAY OF THE ALLEYS IN BLOCKS B & C, DARBY SUBDIVISION OF THE SOUTH ONE HALF OF BLOCK NO. ONE OF NORTH PARK ADDITION TO ABILENE, RECORDED IN VOLUME 1, PAGE 368, PLAT RECORDS, TAYLOR COUNTY, TEXAS



 ENPROTEC/HIBBS & TODD, INC. ENVIRONMENTAL AND CIVIL ENGINEERS 201 South Street Abilene, Texas 79701 (817) 692-1100 FAX (817) 692-1101	20-7166 PROJECT NO.
	01/25/2020 DATE
	R.H.P. DESIGNED BY
	J.C. DRAWN BY
RE-ZONING REQUEST FOR BRAUN'S ICE CREAM AND DAIRY STORE EXHIBIT A	
1 OF 2	



 ENPROTEC/HIBBS & TODD, INC. ENVIRONMENTAL AND CIVIL ENGINEERING 2500 N. Highway 100, Suite 1000 P.O. Box 1000, Suite 1000 Dallas, Texas 75201-1000 (214) 343-1000 www.enr.com	20-7780
	PROJECT NO.
	01/01/2020
	DATE
	R.H.P.
RE-ZONING REQUEST FOR BRAUN'S ICE CREAM AND DAIRY STORE EXHIBIT A	DESIGNED BY
	J.C.
	DRAWN BY
	R.H.P.
	CHECKED BY
	2 OF 2

ORDINANCE NO. 11-2013

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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, Subpart E, 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 28th day of March, A.D. 2013.

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 15th day of February, 2013, 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 11th day of April, 2013 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.

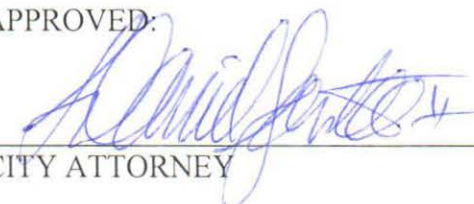
PASSED ON SECOND AND FINAL READING THIS 11th day of April, A.D. 2013.

ATTEST:


CITY SECRETARY


MAYOR

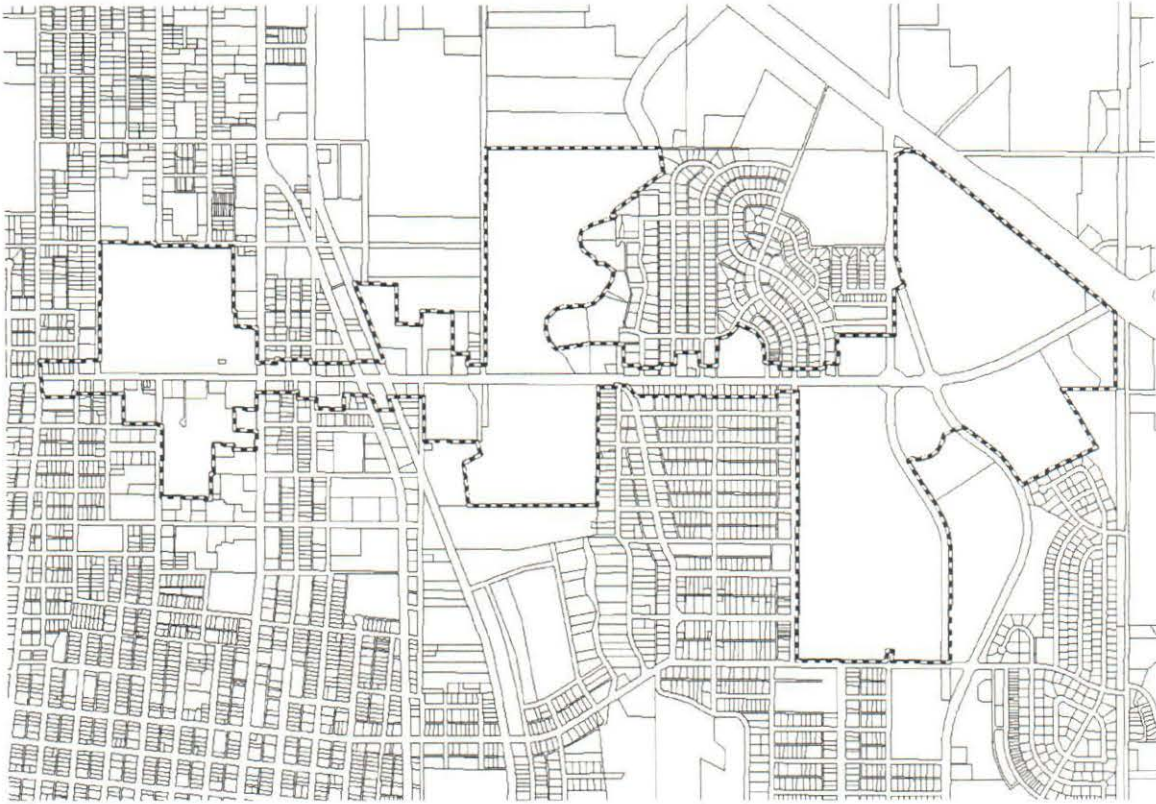
APPROVED:


CITY ATTORNEY

ORDINANCE NO. 11-2013

EXHIBIT "A"

Rezone property to apply the Ambler Avenue Corridor Overlay to specific properties.



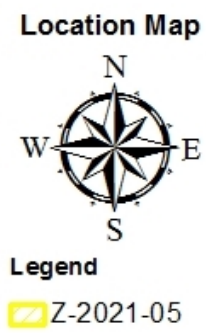
Location:

All properties fronting on Ambler Avenue from Grape Street to Interstate 20.

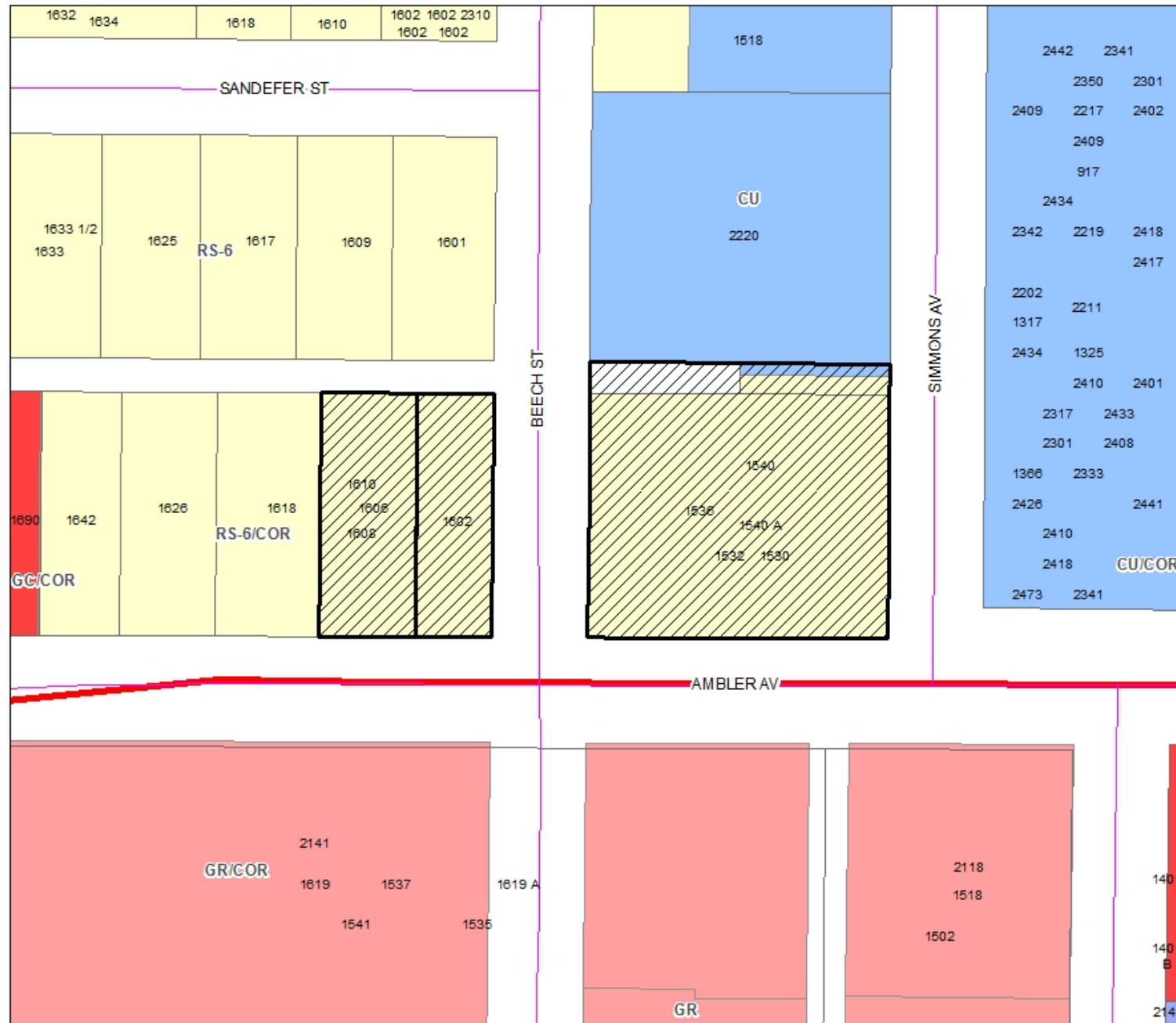
-END-

Case:	Z-2021-05
Owner:	Hardin-Simmons University
Agent:	Enprotec Hibbs & Todd (eHT)
Request:	Rezone from Residential Single-Family (RS-6/AMB-COR) to General Retail (GR/AMB-COR)
Location:	Lots 5 & 6 of Block C, Lot 13 & 14 of Block B in Darby of North Park Subdivision
Notification:	5 in Favor, 0 Opposed
Planning & Zoning:	February 2, 2021
City Council Hearing:	February 25, 2021 March 11, 2021

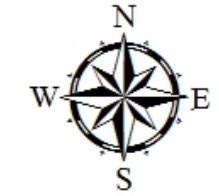
Z-2021-05 LOCATION MAP



Z-2021-05 ZONING MAP



Zoning Map



Legend

- Z-2021-05
- RS-6: Residential Single-Family
- CU: College/University
- MU: Medical Use
- GR: General Retail
- GC: General Commercial
- Arterial

East neighboring property



Subject property



West neighboring property



Subject property



Z-2021-05 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval

Questions?

TC-2021-03

STAFF REPORT



REQUEST:

Abandon approximately 150-feet of the improved 60-foot-wide public right-of-way for Beech Street extending north from the northern right-of-way boundary for Ambler Avenue and the 20-foot-wide alley north of Lots 5 & 6, Block C in Darby of North Park Addition.

APPLICANT:

Owner: Hardin-Simmons University
Agent: Enprotec Hibbs & Todd (eHT)

HEARING DATES:

P & Z Commission: February 2, 2021
City Council 1st Reading: February 25, 2021
City Council 2nd Reading: March 11, 2021

LOCATION & LEGAL DESCRIPTION:

The 60-foot-wide improved right-of-way for Beech Street between the westernmost boundary of Block C and the easternmost boundary of Block B in Darby of North Park Addition, extending approximately 150-feet north from the northernmost right-of-way boundary for Ambler Avenue.

The 20-foot-wide alley north of Lots 5 & 6, Block C in Darby of North Park Addition extending approximately 98-feet from the easternmost right-of-way boundary of Beech Street in Abilene, Taylor County, Texas.

BACKGROUND:

The 60-foot-wide right-of-way for Beech Street and the 20-foot-wide alley requested for abandonment were originally dedicated by the Darby of North Park Addition in October 1925. The right-of-way for Beech Street is fully improved with approximately 30-feet of pavement width, complete with curb and gutter. The alley is currently unmaintained and overgrown and is not utilized for solid waste collection. The only purpose of this alley is to house a 6-inch Vitrified Clay sewer main which extends approximately 100-feet eastward from the easternmost right-of-way boundary for Beech Street. This sewer line does not extend all the way through the alley to service any lots further east of Block C in Darby of North Park Addition. The applicant is requesting to abandon these two rights-of-way to construct a Braum's restaurant and convenience grocery store within the adjacent lots.

EVALUATION CRITERIA:

Pursuant to Section 3.2.7.4, Street, Alley Abandonment, and Closure Policy, of the Land Development Code, any closure or abandonment shall follow the same public hearing process as required for a zoning change.

The proposed abandonment was reviewed by the City of Abilene's Development Review Committee (DRC) and determined this request is satisfactory with conditions to be addressed during the replat process upon approval of the abandonment.

STAFF RECOMMENDATION:

City staff recommends approving the requested abandonment subject to the following conditions:

1. Approval and subsequent recording of a re-plat showing how the street and alley rights-of-way will be integrated with one or more adjacent new lot(s).
2. On the required replat, right-of-way must be reserved and/or dedicated for a suitable vehicle turnaround at the termination of the remaining dead-end segment of Beech Street as a result of this abandonment. Such turnaround may be either a “cul-de-sac” or “hammerhead” type, but must be designed and improved to allow routine movement of utility service and refuse collection vehicles.
3. On the required replat, suitable easements must be reserved for continued access to all existing utility facilities planned to remain within the otherwise abandoned street and alley rights-of-way.
4. Relocate any affected existing facilities not remaining in place, at the expense of the property owner(s) within whose land the abandoned street and alley will be integrated.
5. Provide City staff with documentation from an appropriate official of each affected utility provider (having facilities remaining in the subject street and alley rights-of-way) and which indicates that such facilities have either already been relocated or that suitable financial arrangements have been made for the timely relocation of these affected utilities.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will meet to review this request on February 2, 2021.

NOTIFICATION:

The Planning Services Division sent written notice of this request (with certificate of mailing) to all owners of property within a 200-foot radius of this subject property.

Owner	Situs	Response
HARDIN SIMMONS UNIVERSITY	1625 SANDEFER ST	
HARDIN SIMMONS UNIVERSITY	1617 SANDEFER ST	
HARDIN SIMMONS UNIVERSITY	1601 SANDEFER ST	
HARDIN SIMMONS UNIVERSITY	1609 SANDEFER ST	
HARDIN SIMMONS UNIVERSITY	1518 SANDEFER ST	
HARDIN SIMMONS UNIVERSITY	1602 AMBLER AV	
HARDIN SIMMONS UNIVERSITY	2220 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	2410 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2434 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	1325 VOGEL AV	
HARDIN SIMMONS UNIVERSITY	2317 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2434 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2402 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2301 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2426 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2341 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2401 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	2433 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2301 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	2202 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2409 HICKORY ST	

HARDIN SIMMONS UNIVERSITY	2418 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2417 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2341 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2473 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	2442 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2217 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2342 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2211 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2409 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2333 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2219 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2350 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	1317 VOGEL AV	
HARDIN SIMMONS UNIVERSITY	2441 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	1366 AMBLER AV	
HARDIN SIMMONS UNIVERSITY	2418 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	2410 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	2408 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	917 LINEBERRY BL	
HARDIN SIMMONS UNIVERSITY	1530 AMBLER AV	
HARDIN SIMMONS UNIVERSITY	1540 AMBLER AV	
HARDIN SIMMONS UNIVERSITY	1540 A AMBLER AV	
HARDIN SIMMONS UNIVERSITY	1532 AMBLER AV	
HARDIN SIMMONS UNIVERSITY	1536 AMBLER AV	
HARDIN-SIMMONS UNIVERSITY	1608 AMBLER AV	
HARDIN-SIMMONS UNIVERSITY	1606 AMBLER AV	
HARDIN-SIMMONS UNIVERSITY	1610 AMBLER AV	
HENDRICK MEDICAL CENTER	1518 N 21ST ST	
HENDRICK MEDICAL CENTER	2118 SIMMONS AV	
HENDRICK MEDICAL CENTER	1502 N 21ST ST	
PCKC LLC	1626 AMBLER AV	
PCKC LLC	1618 AMBLER AV	
WALMART REAL ESTATE	1535 AMBLER AV	
WALMART REAL ESTATE	1541 AMBLER AV	
WALMART REAL ESTATE	2141 GRAPE ST	
WALMART REAL ESTATE	1537 AMBLER AV	
WALMART REAL ESTATE	1619 AMBLER AV	
WALMART REAL ESTATE	1619 A AMBLER AV	

ATTACHMENTS:

- 1) Application
- 2) PowerPoint



CITY OF ABILENE

SUBDIVISION COMMENT FORM

1/19/2021

REFERENCE No.: **TC-2021-03 (Beech St.)**

SUBDIVISION TITLE/LOCATION: 60-foot-width of public right-of-way for Beech Street wedged between the westernmost boundary of Block C in Darby of North Park Subdivision and the easternmost boundary of Block B in Darby of North Park Subdivision. Extending approximately 150-feet north from the northernmost right-of-way boundary for Ambler Avenue. Additionally, the request is to abandon the 20-foot-wide alley north of lots 5 & 6 of Block C in Darby of North Park Subdivision extending approximately 98-feet from the easternmost right-of-way boundary of Beech Street in Abilene, Taylor County Texas.

CITY DEPARTMENT/PVT. UTILITY CO.: TRAFFIC SERVICES

REPRESENTATIVE: JAMES ROGGE P.E.

TITLE: TRAFFIC ENGINEER

I HAVE REVIEWED THE ABOVE PLAT AND FIND IT TO BE:

SATISFACTORY

UNSATISFACTORY (explain below)

X

SATISFACTORY WITH CONDITIONS

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

Traffic Services is good with the closure only if the following requirements are met.

- New curb and gutter will need to be install along Ambler Ave across the opening of Beech St.
- A cul-de-sac will need to be constructed at the mouth of the closure to provide a turnaround for traffic.
- It may be easier for them to just close the whole street rather than just a part of it.

DATE

SIGNED: Director/Representative

CITY OF ABILENE
SUBDIVISION COMMENT FORM

1/21/2021

REFERENCE No.: **TC-2021-03 (Beech St.)**

SUBDIVISION TITLE/LOCATION: 60-foot-width of public right-of-way for Beech Street wedged between the westernmost boundary of Block C in Darby of North Park Subdivision and the easternmost boundary of Block B in Darby of North Park Subdivision. Extending approximately 150-feet north from the northernmost right-of-way boundary for Ambler Avenue. Additionally, the request is to abandon the 20-foot-wide alley north of lots 5 & 6 of Block C in Darby of North Park Subdivision extending approximately 98-feet from the easternmost right-of-way boundary of Beech Street in Abilene, Taylor County Texas.

CITY DEPARTMENT/PVT. UTILITY CO.: WATER UTILITIES MAPPING

REPRESENTATIVE: WAYNE TERRELL

TITLE: ENGINEER TECHNICIAN III

I HAVE REVIEWED THE ABOVE PLAT AND FIND IT TO BE:

SATISFACTORY



UNSATISFACTORY (explain below)

SATISFACTORY WITH CONDITIONS

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

The existing City of Abilene water and sewer utilities will need to remain and continued to be owned and maintained by the City of Abilene Water Utilities. There needs to be a written acknowledgement that the water and sewer utilities will remain at this location and under the ownership by the City of Abilene Water Utilities.

01/21/2021
DATE


SIGNED: Director/Representative

CITY OF ABILENE
SUBDIVISION COMMENT FORM

01/25/2021

REFERENCE No.: **TC-2021-03 (Beech St.)**

SUBDIVISION TITLE/LOCATION: 60-foot-width of public right-of-way for Beech Street wedged between the westernmost boundary of Block C in Darby of North Park Subdivision and the easternmost boundary of Block B in Darby of North Park Subdivision. Extending approximately 150-feet north from the northernmost right-of-way boundary for Ambler Avenue. Additionally, the request is to abandon the 20-foot-wide alley north of lots 5 & 6 of Block C in Darby of North Park Subdivision extending approximately 98-feet from the easternmost right-of-way boundary of Beech Street in Abilene, Taylor County Texas.

CITY DEPARTMENT/PVT. UTILITY CO.: _____Solid Waste_____

REPRESENTATIVE: _____Jim Winward_____

TITLE: _____Public Works Operations Manager_____

I HAVE REVIEWED THE ABOVE PLAT AND FIND IT TO BE:

☐ **SATISFACTORY**

☐ **UNSATISFACTORY (explain below)**

X **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

Southernmost alley to the west of Beech Street should remain open, we can adjust our route at this location.

1/22/2021
DATE

Jim Winward
SIGNED: Director/Representative



Development Application

Planning

- ☐ Conditional Use
 ☐ Easement Release
 ☐ Rezoning
 ☐ Other
☐ PDD
 ☐ Street Name Change
 ☒ Thoroughfare Abandonment
 ☐ PDD Amendment
 Other: _____

Project Name: Braum's Ice Cream and Dairy Store - Beech Street ROW Abandonment Request

Address: Beech Street and Ambler Ave No. of lots: 1 Acreage: 0.199 Acres

Legal Description: See Attached Exhibit

Subdivision Name: North Park Addition Block: See attached Lot: See attached

Current Zoning: Right of Way Proposed Zoning (if applicable): General Retail (GR)

OWNER AND AUTHORIZATION

Owner Name: Hardin Simmons University

Address: PO Box 16005

City, State, Zip: Abilene, Texas 79698-0001 Fax: N/A

Phone: N/A Email: N/A

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) eHT will act as my agent before the Planning and Zoning Commission.

Agent Name: BJ Prichard, PE / eHT

Address: 402 Cedar

City, State, Zip: Abilene, Texas, 79601 Fax: 325-698-3241

Phone: 325-698-5560 Email: bj.prichard@e-ht.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: [Signature] Date: January 5, 2021

FOR OFFICE USE ONLY

Received: 1/5/21 Fee: \$ 1,500.00

Receipt No.: 1000000001057703

Case No.: TC-2021-03

Reviewed By: [Signature]



Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

Braum's Ice Cream is proposing to purchase the three tracts land from Hardin Simmons University (located on either side of Beech Street) for the purposes of constructing a new ice cream restaurant / grocery store facility. In order to facilitate the proposed project, Braum's is seeking to abandon approximately 150' of the existing Beech Street ROW. Braum's will re-route affected water and sewer utilities as may be required and will work with other franchise utility providers (Atmos, AEP, AT&T, etc.) to address utilities that may be located in the project area. This ROW abandonment also includes an existing alley running between Simmons and Beech. This alley does not appear to have ever been constructed. The City of Abilene GIS Map currently shows this Alley extending approximately half the distance between Beech and Simmons, though the current legal description suggests it runs the full length. Braum's is requesting to abandon any remaining length of this existing alley segment.



Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of \$120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____

A handwritten signature in blue ink, appearing to be "J. R. [unclear]".

DATE: January 5, 2021



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▼

Find address or place

🔍

40ft

32.474 -99.736 Degrees

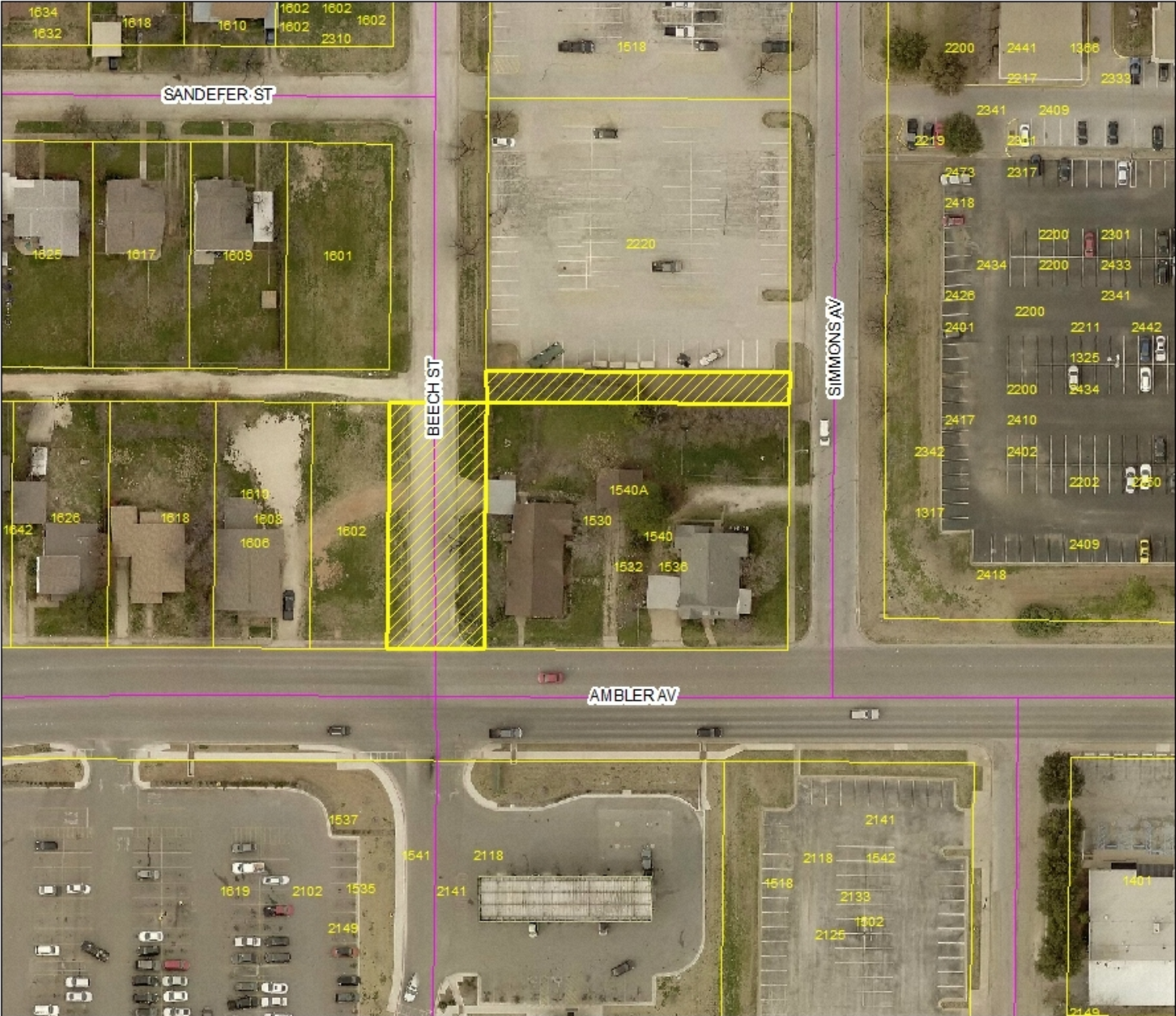
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<https://gis.abilenetx.com/portal/apps/webappviewer/index.html?id=d682e6cdb8f5437aa2236f75684665c6&level=16>

Page 73 of 82

Case:	TC-2021-03
Owner:	Hardin-Simmons University
Agent:	Enprotec Hibbs & Todd (eHT)
Request:	The 150-foot improved 60-foot-wide right-of-way for Beech Street and 20-foot-wide alley north of Lots 5 & 6, Block C in Darby of North Park Addition
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	February 2, 2021
City Council Hearing:	February 25, 2021 March 11, 2021

TC-2021-03 LOCATION MAP

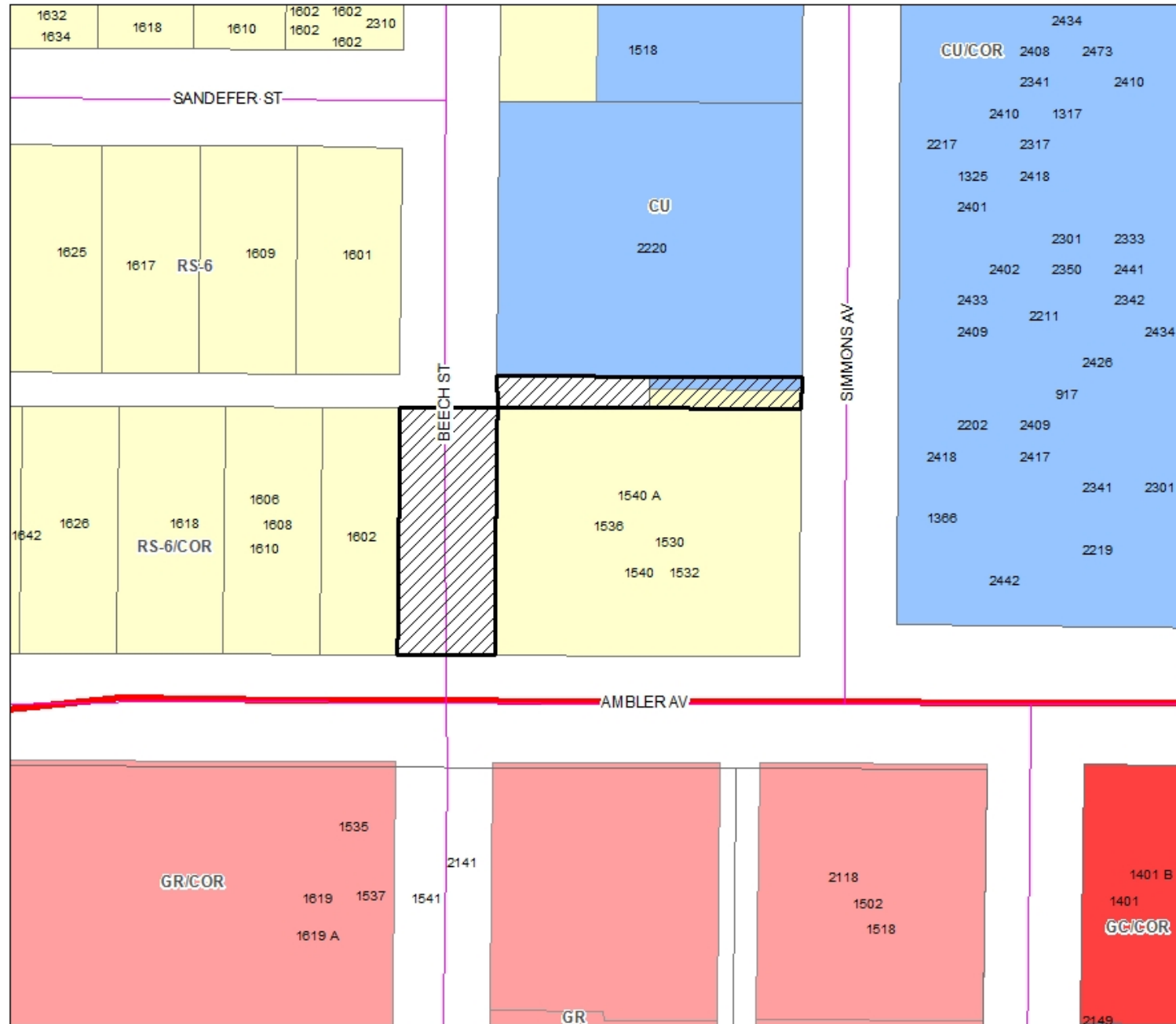


Location Map

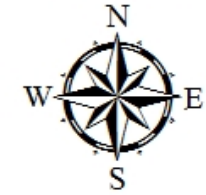


Legend

TC-2021-03



Zoning Map



Legend

TC-2021-03

RS-6:
Residential
Single-Fa...

CU:
College/U...

MU: Medical
Use

GR: General
Retail

GC: General
Commercial

Arterial



North View of Beech Street



South View of Beech Street

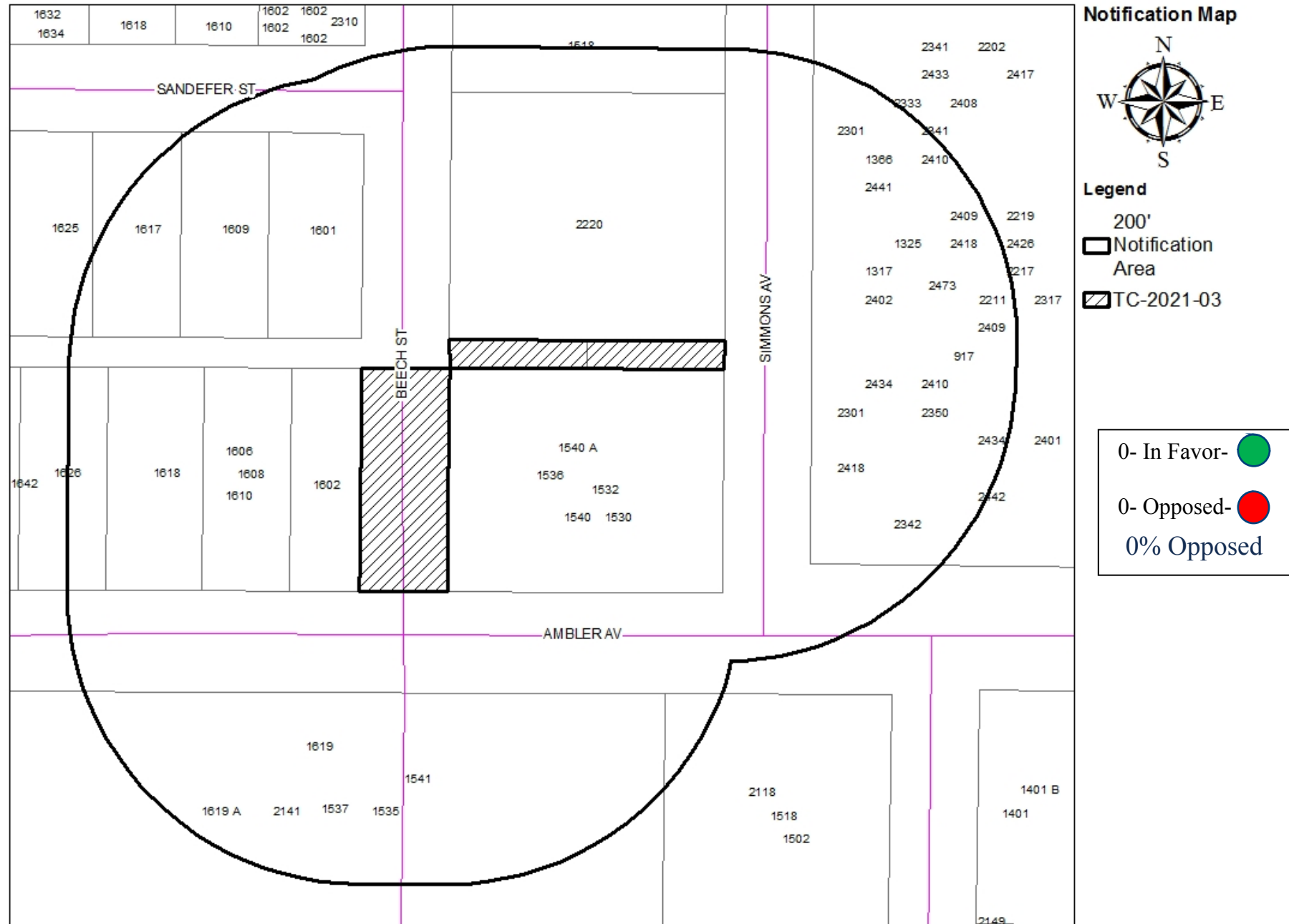


West View of the alleyway



East View of the alleyway

TC-2021-03 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- DRC Recommendation: Satisfactory with conditions
- Staff Recommendation: Approval with conditions

Questions?



MEMORANDUM

January 5, 2021

TO: Planning and Zoning Commission

FROM: Mr. Mike Warrix, Director/Planning & Development Services

SUBJECT: Recent Council Actions and Upcoming Meeting Reminders

Below are recent decisions made by City Council on items recommended from the Commission:

CITY COUNCIL MEETING

January 14, 2021 at 8:30 AM

Item	Motion	Vote
Z-2020-22: Rezone property from a combination of Manufactured/Mobile Home (MH) and General Commercial (GC) to Planned Development (PD) District allowing occupancy by recreational vehicles and vacation travel trailers as well as mobile and manufactured homes on property at 6101 South 7 th Street in western Abilene	Approved	7-0
Z-2020-23: Rezone property from Agricultural Open Space (AO) to Rural Residential (RR-1) District on one acre of land located at 1949 Beltway South (F.M. Highway 707)	Approved	7-0
Z-2020-24: Rezone approximately 0.6 acre of land (120 feet wide) located behind the restaurant building at 4801 Buffalo Gap Road, from Agricultural Open Space (AO) to Neighborhood Retail (NR) District	Approved	7-0
Z-2020-25: Rezone property from Residential Single-Family Patio Home (PH) to a Residential Medium-Density (MD) District on 5.85 acres of now-vacant land at 1826 Colony Hill Road in southeastern Abilene	Approved	7-0
Z-2020-26: Rezone 13.05 acres (occupied since 1955 by Taylor Elementary School) at 916 East North 13th Street, from Residential Medium-Density (MD) to a College University (CU) District	Approved	4-0
TC-2020-07: Abandon the public right-of-way within a 0.4039-acre tract of presently unpaved land initially dedicated for what is now known as North Judge Ely Boulevard and located northeast from the original campus of Taylor Elementary School at 916 E.N. 13 th Street in northeast Abilene	Approved	4-0

TC-2020-06: Abandon the public right-of-way within the complete 418-foot length of Crow Street as it extends north from right-of-way for East South 5 th Street, approximately 765 feet west from and parallel to T&P Lane in southeast central Abilene	Approved	7-0
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Upcoming Meeting Reminders

*The Joint Comprehensive Planning Advisory Committee (CPAC) meeting will be held Tuesday, February 9th at 6 PM in the Convention Center.

*Please be prepared to provide nominations for the chair of the commission position at the next regular scheduled meeting, March 2, 2021.