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 May 4, 2021, at 1:30 p.m., at City Hall, 555 Walnut Street, Council Chambers, 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 April 6, 2021

PLATS

Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the following plats:

2. **FRP-3121:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a plat for Williams Estates Subdivision, Block 25, Lot 1, Abilene, Taylor County, Texas.

ZONING

Public Hearing & Action on Zoning Cases

3. **Z-2021-09:** Receive a Report and Hold a Discussion and Public Hearing on a request from Bethany and Kaden Connell to change zoning from a Residential Single-Family (RS-6) to an Agricultural Open Space (AO) District and located at 1802-1810 Huckleberry Lane, approximately 300-700 feet west from Grape Street. Legal description being approximately 6.58 acres out of L. Bowerman Survey 83 in Abilene, Taylor County, Texas

4. **Z-2021-10:** Receive a Report and Hold a Discussion and Public Hearing on a request from Sitzes APB LP, agent Enprotec/Hibbs & Todd Inc., to change zoning from a Heavy Industrial (HI) to a Heavy Commercial (HC) District and located at 2249 Butternut Street, on the northeast corner of Butternut and South 23rd Streets. Legal description being all of Lot 101 in Sitzes Subdivision, Abilene, Taylor County, Texas

5. **TC-2021-05:** Receive a Report and Hold a Discussion and Public Hearing on a request from ACCO Feeds Inc. and AEP Texas North Company, agent Erick Paul Johnson, to abandon the complete 80-foot width of public right-of-way available for South 9th Street as it extends 140 feet east from South Treadaway Boulevard's right-of-way,

approximately 300 feet south from and parallel to South 8th Street in south central Abilene

6. **TC-2021-06:** Receive a Report and Hold a Discussion and Public Hearing on a request from Hardin-Simmons University, agent Enprotec/Hibbs & Todd Inc., to abandon the complete 60-foot-width of public right-of-way available for Beech Street as it extends 160 feet south from Sandefer Street's right-of-way, and 152.5 to 312.5 feet north from right-of-way presently available for Ambler Avenue in north central Abilene

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 30th day of April, 2021 at 3:00 p.m.

_____

Kaitlin Richardson, Deputy City Secretary

CITY OF ABILENE

Planning and Zoning Commission
MINUTES

The Planning and Zoning Commission of the City of Abilene, Texas met in a Regular Meeting on April 6, 2021 at 1:30 p.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas.

Commissioners Present:

Mr. Clint Rosenbaum, Pro Tem
Ms. Alex Russell, Sergeant-at-Arms
Mr. Brad Benham
Mr. Mitch Barnett
Mr. Bill Noonan, Secretary
Rev. Iziar Lankford
Ms. Shawnte' Fleming

Staff Present:

Mr. Michael Rice, Assistant City Manager
Mr. Tim Littlejohn, 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. Brad Stone, Planner III
Ms. Melissa Farr, Executive Assistant

Others Present:

Mr. Clayton Farrow
Mr. Tal Fillingim
Ms. Fallen Busenlehner
Ms. Stacy Benavides
Mr. David Todd
Mr. Weston Conder
Ms. Erika Vela

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.

AGENDA ITEM

Election of Chairman

Reverend Lankford made the motion to elect Mr. Clint Rosenbaum as the chairman. Mr. Noonan seconded the motion.

AYES: Barnett, Russell, Benham, Noonan, Lankford, Fleming, Rosenbaum
NAYS: None

APPROVAL OF MINUTES FOR THE PREVIOUS MEETING

Mr. Benham moved to approve the minutes from the previous meetings held on March 2, 2021. Ms. Russell seconded the motion. The motion to approve prevailed by the following vote:

AYES: Barnett, Russell, Benham, Noonan, Lankford, Fleming, Rosenbaum
NAYS: None

PLATS

Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the following plats:

PP-2021: Plat for Forrest Hill Retail Development, Abilene, Taylor County, Texas (Jared Smith)
PP-2221: Plat for Elm Creek at Wylie, Phase 3, Abilene, Taylor County, Texas (Jared Smith)
PP-2621: Plat for Carriage Hills, Section 4, Abilene, Taylor County, Texas (Jared Smith)
PP-2721: Plat for The Harvest, Section 1, Abilene, Taylor County, Texas (Jared Smith)

FP-2121: Plat for Forrest Hill Retail Development, Block 1, Lot 1, Abilene, Taylor County, Texas (Jared Smith)

Conditions:

- Prior to recording the final plat, City staff must be furnished with a title opinion or title commitment letter issued by a title insurance company confirming ownership of the property.
- Construction Plans detailing required public improvements must be submitted to the Public Works Department and approved by the City Engineer.
- Drainage Plan must be submitted and approved by the City Engineer, Drainage and/or Detention improvements shall be constructed in accordance with the approved Drainage Plan.
- Prior to recording the final plat all public improvements must be completed and inspected for acceptance or the public works department must be furnished with a financial guarantee in order to secure the obligations of all public improvements prior to recording.

FP-4820: Plat for The Tributes at Double Eagle Section 2, Abilene, Taylor County, Texas (Jared Smith)

Condition:

- Prior to recording the final plat all public improvements must be completed and inspected for acceptance or the public works department must be furnished with a financial guarantee in order to secure the obligations of all public improvements prior to recording.

Mr. Rosenbaum opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed.

Reverend Lankford moved to **approve** the proposed plats with the conditions for each as noted. Mr. Noonan seconded the motion. The motion to **approve** prevailed by the following vote:

AYES: Russell, Benham, Noonan, Lankford, Fleming, Rosenbaum

NAYS: None

ZONING

Z-2021-06: Receive a Report and Hold a Discussion and Public Hearing a request from all five owners of the subject properties, represented by Jacob & Martin LLC, to amend terms and conditions of Planned Development District Number 82 (PD 82) specifically as they affect certain commercial properties located directly north of Lone Star Drive and east of Loop 322, to allow use and development in compliance with requirements of General Retail (GR) zoning, instead of specific uses and standards now required by PD 82. Legal description being all of the following six tracts in Lone Star Ranch Section One in Abilene, Taylor County, Texas: Lot 101 in Block A (Cont.1), Lot 102 in Block A (Cont. 2), Lot 1 in Block A (Cont. 2), Lots 1 and 2 in Block A (Cont. 4) and Lot 1 in Block A (Cont. 5). (Jared Smith)

Mr. Jared Smith presented this request. The appeal is to amend Planned Development District 82 (PD-82) to remove all current development standards and restrictions applicable to Tract 1 and allow all development standards applicable within General Retail (GR) zoning.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim spoke in favor, sharing the purpose of this request is to provide more flexibility to the property owners. Seeing no one else present and desiring to be heard, the public hearing was closed.

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

PLANNING STAFF RECOMMENDATION: Approval

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

AYES: Russell, Benham, Noonan, Lankford, Fleming, Rosenbaum
NAYS: None

Z-2021-07: Receive a Report and Hold a Discussion and Public Hearing on a request from Heart of Texas Hearing Centers, represented by Fallen Perrie Busenlehner, to rezone property from a Neighborhood Office (NO) to a Planned Development (PD) District intended to allow retail sale of apparel and related accessories, in addition to all uses ordinarily allowed in NO Districts. Legal description being a certain 0.558-acre tract out of A. Greenwall Survey 100 in Abilene, Taylor County, Texas. Located at 5919 Buffalo Gap Road. (Brad Stone)

Mr. Brad Stone presented this request. The purpose of this request is to keep the existing base zoning classification of Neighborhood Office zoning, with an additional allowance for retail sales of apparel and related accessories.

Mr. Rosenbaum opened the public hearing. Ms. Fallen Busenlehner spoke in favor. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius were notified of this request. Two (2) responses were received in favor, with three (3) received in opposition.

PLANNING STAFF RECOMMENDATION: Approval

Ms. Russell moved to **approve** this request. Mr. Noonan seconded the motion. The motion to **approve** prevailed by the following vote:

AYES: Russell, Benham, Noonan, Lankford, Fleming, Rosenbaum
NAYS: None

Z-2021-08: Receive a Report and Hold a Discussion and Public Hearing on a request from Cimarron Meadows Development Corporation, represented by Jacob & Martin LLC, to rezone property from a Residential Medium-Density (MD) to a Planned Development (PD) District intended to allow duplex dwellings as well as townhomes (with no more nor fewer than two dwellings in any one row of attached buildings) on approximately 14 acres of now-vacant land located on the 2000 block (east side) of Maple Street and directly north from the Abilene State-Supported Living Center in southeast Abilene. Legal description being the south 320 feet of Lot 102 in Block A of the Parkview Addition to Abilene, Taylor County, Texas. (Jared Smith)

Mr. Jared Smith presented this request. The purpose of this request is to allow the construction of townhome and duplex dwellings. Residential Townhome zoning requires a minimum of three contiguous units.

Mr. Rosenbaum opened the public hearing. Mr. Clayton Farrow spoke in favor of this request, explaining the original intent for this request is to allow for duplexes. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius were notified of this request. One (1) response was received in favor with none (0) in opposition.

PLANNING STAFF RECOMMENDATION: Approval

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

AYES: Russell, Benham, Noonan, Lankford, Fleming, Rosenbaum
NAYS: None

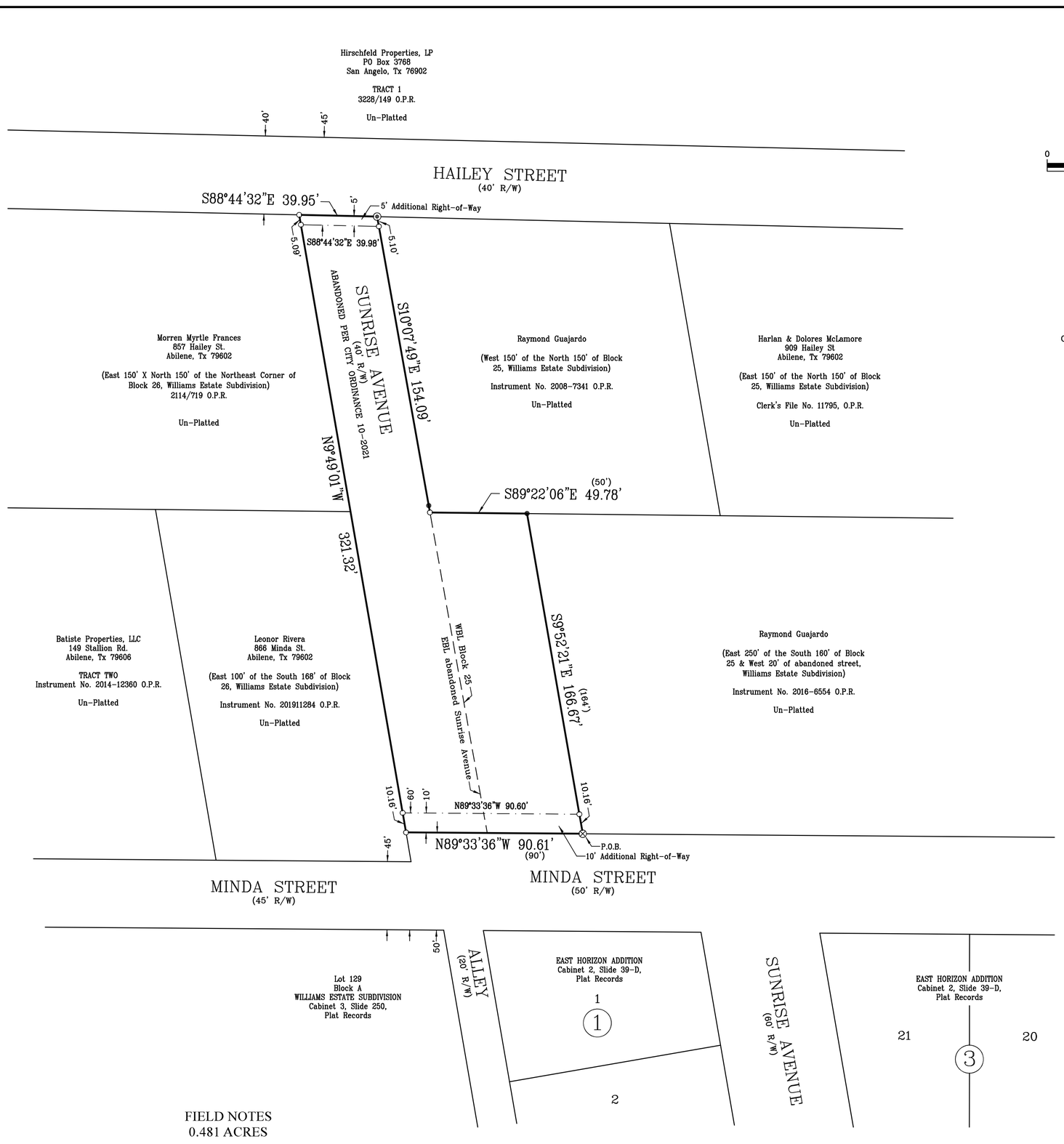
ADJOURNMENT

There being no further discussion, Mr. Rosenbaum adjourned the meeting at 2:06 p.m.

APPROVED

_____

Mr. Clint Rosenbaum, Pro Tem



FIELD NOTES
0.481 ACRES

BEING 0.481 acres, being the west 50 feet of the south 164 feet of Block 25, Williams Estate Subdivision, as shown by plat recorded in Cabinet 1, Slide 512, Plat Records, Taylor County, Texas and a portion of Sunrise Avenue lying between Blocks 25 and 26 of said subdivision (abandoned by City of Abilene Ordinance No. 10-2021), said 0.481 acres being more particularly described as follows:

BEGINNING at an "X" found in concrete on the NBL of Minda Street (50 foot right-of-way) at the southwest corner of a tract of land recorded in Instrument No. 2016-6554, Official Public Records, Taylor County, Texas for the southeast corner of this tract;

THENCE N89°33'36"W 90.61 feet along the NBL of Minda Street to a 3/8" rebar set on the WBL of Sunrise Avenue (abandoned) at the southeast corner of said Block 26 for the southwest corner of this tract;

THENCE N9°49'01"W 321.32 feet along the WBL of Sunrise Avenue (abandoned) to a 3/8" rebar set on the SBL of Hailey Street (40 foot right-of-way) at the northeast corner of said Block 26 and the for the northwest corner of this tract;

THENCE S88°44'32"E 39.95 feet along the SBL of Hailey Street to a 3/8" rebar set at the northwest corner of said Block 25 for the most northerly northeast corner of this tract;

THENCE S10°07'49"E 154.09 feet to a 3/8" rebar set on the EBL of Sunrise Avenue (abandoned) for an interior corner of this tract;

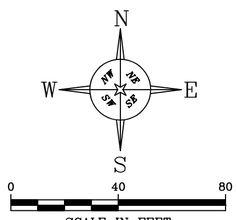
THENCE S89°22'06"E 49.78 feet to a 3/8" rebar found for the most easterly northeast corner of this tract;

THENCE S9°52'21"E 166.67 feet to the place of beginning and containing 0.481 acres of land.

GEOTEX PROPERTY SOLUTIONS
209 s. Pioneer Drive, Suite 2
Abilene, Texas 79605
325-677-6712
Firm Registration No. 10194134

Owner: Leonor Rivera
866 Minda Street
Abilene, Texas 79602

68-36-21 Z:\auto cad\A-SUBDIVISIONS\890Minda\890 Minda Final



SCALE IN FEET
Scale: 1"= 40'

Legend

- ● = Found 3/8" rebar
- ○ = Set 3/8" rebar
- ⊗ = Found "X" in Concrete
- ◉ = Existing 4" Pipe Fence Corner Post
- ( ) = Recorded Call
- R/W = Right of Way
- EBL = East Boundary Line
- WBL = West Boundary Line
- O.P.R. = Official Public Records
- D.R. = Deed Records

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.

DATE CHAIRMAN

ATTEST SECRETARY

DATE PLANNING DIRECTOR

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

PLANNING DIRECTOR

FILED WITH PLANNING DIRECTOR. CITY OF ABILENE, TEXAS.

DATE FILE NUMBER

PLANNING DIRECTOR

FEES

COUNTY CLERK

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

DATE FILE NUMBER

COUNTY CLERK COUNTY TEXAS

DEPUTY

OWNER'S CERTIFICATE AND DEDICATION

THE UNDERSIGNED OWNER(S) OF THE HEREINAFTER DESCRIBED REAL PROPERTY HAVE CAUSE SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCKS, LOTS STREETS, AND ALLEYS UNDER THE NAME OF

Lot 1, Block 25,
WILLIAMS ESTATE SUBDIVISION
a Replat of the West 50 feet of the South 164 feet of Block 25, Williams Estate Subdivision and a portion of Sunrise Avenue, Lying between Blocks 25 and 26, Williams Estate Subdivision, City of 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:

"SEE ATTACHED FIELD NOTES"

EXECUTED THIS _____ DAY OF _____ 20 _____

OWNER OWNER

OWNER OWNER

ACKNOWLEDGMENT

THE STATE OF TEXAS :
COUNTY OF

BEFORE ME. THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED Leonor Rivera

KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 29TH DAY OF APRIL A D 2021

NOTARY PUBLIC COUNTY TEXAS

THE STATE OF TEXAS :
COUNTY OF

BEFORE ME. THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED

KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID

A CORPORATION. AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH CORPORATION 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 1 OF 1 SHEETS _____ ACREAGE 0.481 acres

SCALE 1" = 40' SMALLEST LOT 0.481 acres LARGEST LOT 0.481 acres

LOT WIDTH MIN 39.95' MAX 90.61' LOT DEPTH MIN 154.09' MAX 321.32'

CONCRETE MONUMENTS _____ POLES _____ DOWN GUYS _____

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 :

Lot 1, Block 25,
WILLIAMS ESTATE SUBDIVISION
a Replat of the West 50 feet of the South 164 feet of Block 25, Williams Estate Subdivision and a portion of Sunrise Avenue, Lying between Blocks 25 and 26, Williams Estate Subdivision, City of Abilene, Taylor County, Texas.

April 29, 2021
DATE

PLAT PREPERATION DATE: April 28, 2021

SIGNATURE
Rex D. Haas
RPLS #4378
REGISTERED PROFESSIONAL LAND SURVEYOR

Lot 1, Block 25,
WILLIAMS ESTATE SUBDIVISION
a Replat of the West 50 feet of the South 164 feet of Block 25, Williams Estate Subdivision and a portion of Sunrise Avenue, Lying between Blocks 25 and 26, Williams Estate Subdivision, City of Abilene, Taylor County, Texas.

This Property lies within Flood Zone "X" (areas of minimal flooding) according to FEMA Flood Map No. 48441C0229F.

ZONING CASE Z-2021-09
STAFF REPORT

Scheduled Hearings
Planning & Zoning Commission: May 4, 2021
City Council 1st Reading: May 27, 2021
City Council 2nd Reading: June 10, 2021

Applicant
Owner: Kaden and Bethany Connell

Request
Rezone 6.58 acres of currently vacant land, from Single-Family Residential (RS-6) to Agricultural Open Space (AO). Based upon the information provided in the application, the purpose of this request is to allow the use of the property for quartering a small amount of livestock; as well as potentially construct livestock shelter(s).

Location
The subject property is located at 1802-1810 Huckleberry Lane, approximately 300-700 feet west of Grape Street. The property is bound to the south by Huckleberry Lane; to the west by vacant property zoned for Mobile Homes (MH); to the north by a vacant lot utilized as a regional detention pond for the City of Abilene; and to the east by a City of Abilene Fire Station as well as a single-family residence.

Background
The subject property was annexed in 1963, and was zoned Single-Family Residential (RS-6) since at least 1974. One single family residence was located at 1810 Huckleberry Lane, which existed prior to annexation. In December 2019, this existing residence was condemned by the City of Abilene and in January 2020, a demolition permit was issued for the removal of this residence. The two subject properties have remained vacant since this time. The proposed use of this property as an animal lot as defined in Section 5.1.1.3 of the Land Development Code is not permitted under the current Single-Family (RS-6) Zoning. If the property is rezoned to Agricultural Open Space; as many as thirteen (13) animals may be quartered on the property subject to the criteria outlined in Section 2.4.3.3 of the Land Development Code.

Zoning and Existing Land Use
Current zoning and existing land use of properties adjacent to and in the subject property's immediate area are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of vacant Single-Family (RS-6) and Mobile Home (MH) tracts directly north; to the east are two Single-Family (RS-6) tracts, one occupied by a fire station and the other occupied by a single family home; immediately west are vacant Mobile Home (MH) tracts; on the opposite side of Huckleberry Lane are Single-Family (RS-6) Tracts that are occupied by single-family residences.

Criteria Assessment
Section 1.4.1.4 of the Land Development Code states that, in making a determination 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;

It is the opinion of staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan, and Future Land Use and Development Plan Map. The Future Land Use and Development Plan Map identifies the subject property to be in the restricted open space just north of Interstate Highway-20, and surrounded by properties located within the 100-year and 500-year flood plain. Agricultural Open Space zoning often used to preserve open space within the City Limits of Abilene; by requiring a minimum lot size of five (5) acres or more. This ability to preserve open space within the City Limits of Abilene achieves the Comprehensive Plan's objective of preserving natural resources by providing habitat for a wide range of animals and plants found in the region.

(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.

It is the opinion of staff that the uses permitted by the proposed zone change are consistent with the surrounding properties in the immediate vicinity, which are primarily residential but mostly vacant due to the FEMA flood models and restrictions on building in those areas. Furthermore, there are existing properties located along Huckleberry Lane less than ¼ mile west of the subject properties which are currently zoned Agricultural Open Space (AO) and are presently utilized for quartering livestock.

(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 properties currently have access to existing utilities and public amenities adequate for the proposed uses. This request presents no apparent conflicts with existing or proposed plans for community facilities and related infrastructure.

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

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

Staff Recommendation
City staff recommends approving this proposed rezoning request.

Planning and Zoning Commission Action
The Planning and Zoning Commission will hear this request on May 4, 2021.

Notification

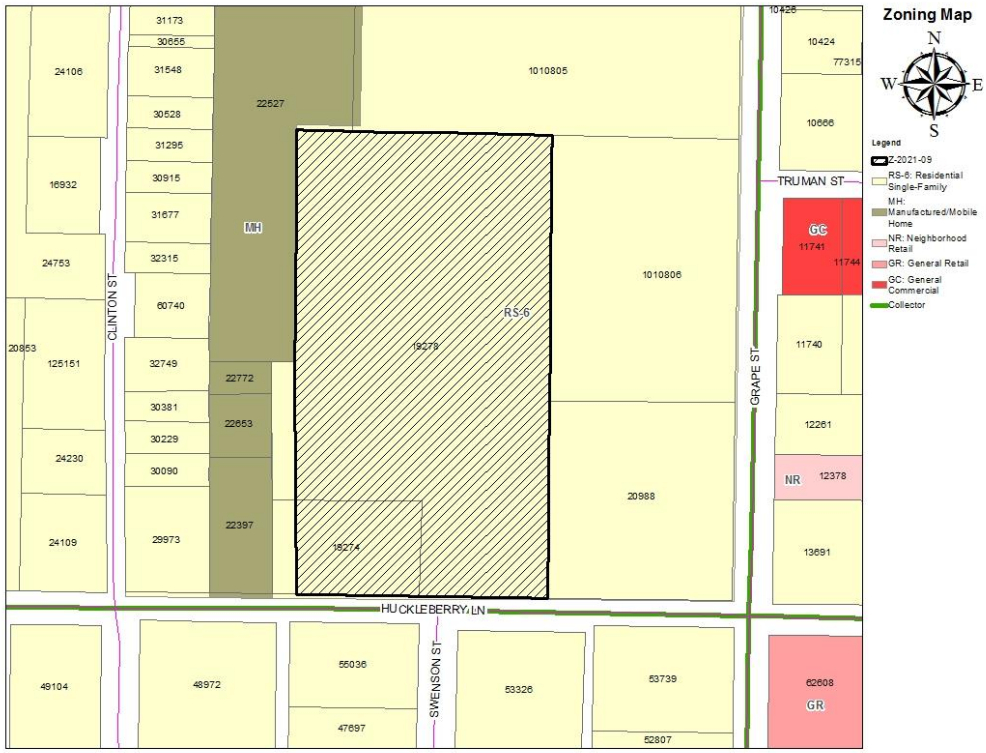
Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 20, 2021 (via certified mail) to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated addresses are identified in Table 1.

TABLE 1

Owner	Property ID	Response
CARNEVALI ALEX A &	22772	
CITY OF ABILENE	1010806	
CITY OF ABILENE	1010805	
CONNELL KADEN & BETHANY	19274	
CONNELL KADEN & BETHANY	19278	
DAVILA HENRY JR	31677	
ESTES RENTALS LLC	31548	
JEFFERSON MICHAEL & PAULA	53326	
JONES EVELYN DIANN	32749	
LEIJA DAVID & SYLVIA	48972	
LOPEZ ERLINDA	30655	
LOPEZ ERLINDA	31173	
LOZANO JUAN M	32315	
MARTINEZ LLOLANDA	29973	
PULIDO LUIS SOTELO	53739	
RODRIQUEZ SANTIAGO JR & REBECCA J	47697	
RODRIQUEZ SANTIAGO JR & REBECCA J	55036	
ROOS KELLY RENE ET AL	22527	
TAYLOR MAXIE DWIGHT	22653	
TOMAZ SYLVIA ET AL	30528	
TOMAZ SYLVIA ET AL	31295	
TOMAZ SYLVIA ET AL	30915	
TORRES CHAVARRIA JOSE ANGEL &	20988	
VALADEZ ESTELLA	60740	
VELASQUEZ ROBERT V & ALICIA R	30381	
VELASQUEZ TONY & SUZANNA	30229	
VELASQUEZ TONY & SUZANNA	30090	
WALTON CHRISTOPHER & LAURA	22397	

LOCATION MAP

ZONING MAP



Attachments

Development Application

CITY OF ABILENE

Planning

☐ Conditional Use ☐ Easement Release ☒ Rezoning ☐ Other

☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment

Other: _____

Project Name: Connell Land

Address: 1802 Huckleberry LN, 1810 Huckleberry LN Abilene TX 79603 No. of lots: 2 Acreage: 6.58

Legal Description: _____

Subdivision Name: L Bowerman Sec 83 Block: A Lot: 1

Current Zoning: Single Residential (RS) Proposed Zoning (if applicable): Agricultural Open (AO)

OWNER AND AUTHORIZATION

Owner Name: Kaden and Bethany Connell

Address: 1025 S 15th

City, State, Zip: Abilene TX 79602 Fax: _____

Phone: 325-660-2215 325-660-0378 Email: KadenleeC@Gmail.com Bmc10b@gmail.com

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

Agent Name: Kaden Connell

Address: 1025 S 15th

City, State, Zip: Abilene TX 79602 Fax: _____

Phone: 325-660-0378 Email: KadenleeC@gmail.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: Kaden Connell Bethany Connell Date: 3/28/2021

FOR OFFICE USE ONLY

Received: 03/31/2021 Fee: $ 1500 Receipt No.: 0002095592

Case No.: Z-2021-09 Reviewed By: _____

Development Application

CITY OF ABILENE

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 property at 1810 and 1802 Huckleberry has been untouched and undeveloped for years. The new owners (Kaden and Bethany Connell) have already cleaned and fenced in the property since purchasing it six months ago. The property neighbors a fire station and city parkway, we are lifelong Abilene residents and aim to improve the area. The reason for the zoning request is to allow for a small amount of livestock on the property to help maintain control of the vegetation. By submitting this we hope to meet city ordinances and obtain permits for further development. *Per applicant, they ~~intend~~ to construct a barndominium, as well as other structures to house animals.

*Spoke with Mr. Connell over the phone regarding plans for future building permits. (4/20/2021)

all of the following described tract:

BEING 5.89 acres out of the L. Bowerman Survey No. 83, City of Abilene, Taylor County, Texas, said 5.89 acres being part of Tracts 1 and 2 and all of Tract 3 recorded in Volume 2511, Page 815, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the northeast corner of said Tract 1 and the northwest corner of Lot 2, Block A, Grape Street Fire Station Addition, as shown by plat recorded in Cabinet 4, Slide 287, Plat Records, Taylor County, Texas for the northeast corner of this tract;

THENCE S0°30'20"W 409.91 feet to a 1" iron rod found on the EBL of said Tract 1 at the southwest corner of said Lot 2;

THENCE S0°30'20"W 305.23 feet to a 3/8" rebar set on the NBL of Huckleberry Lane (40 foot right-of-way) at the southeast corner of said Tract 1 for the southeast corner of this tract;

THENCE N89°25'04"W 204.34 feet along the NBL of Huckleberry Lane to a 3/8" rebar set on the SBL of said Tract 1 for the most southerly southwest corner of this tract;

THENCE N0°30'20"E 150.0 feet to a 3/8" rebar set for an interior corner of this tract;

THENCE N89°25'04"W 200.0 feet to a 3/8" rebar set on the WBL of said Tract 2 for the most westerly southwest corner of this tract;

THENCE N0°30'20"E 569.0 feet to a point at the northwest corner of said Tract 3 for the northwest corner of this tract, whence an existing 4" wood fence corner post bears N0°30'20"E 1.8 feet;

THENCE S88°51'45"E 399.94 feet along the NBL of said Tract 3 and Tract 1 to the place of beginning and containing 5.89 acres of land.

plus

the south 150' of the west 200' of the Combination of the following two tracts:

TRACT ONE:

Being 5 acres of land more or less out of the L. Bowerman Survey No. 83, situated in Taylor County, Texas, more particularly described as follows:

Beginning at a point in the South boundary line of Survey, 103 yards West of the SE corner of a 42 acre tract of land described in Deed recorded in Volume 135, Page 269, Deed Records, Taylor County, Texas, to which reference is made, same being the SW corner of a 10 1/3 acre tract theretofore conveyed to J.I. Moore by R.E. Davis by deed recorded in Volume 138, Page 160, Deed Records of Taylor County, Texas;

THENCE North with the West boundary line of said 10 1/3 acre tract and parallel with the East boundary line of said 42 acre tract to a point in the North boundary line of said 42 acre tract, the NW corner of said 10 1/3 acre tract and NE corner of this tract;

THENCE West with the North boundary line of said 42 acre tract 100 yards for NW corner of this tract;

THENCE South parallel with the East boundary line of said 42 acre tract to a point in the South boundary line of said tract and SW corner of this tract;

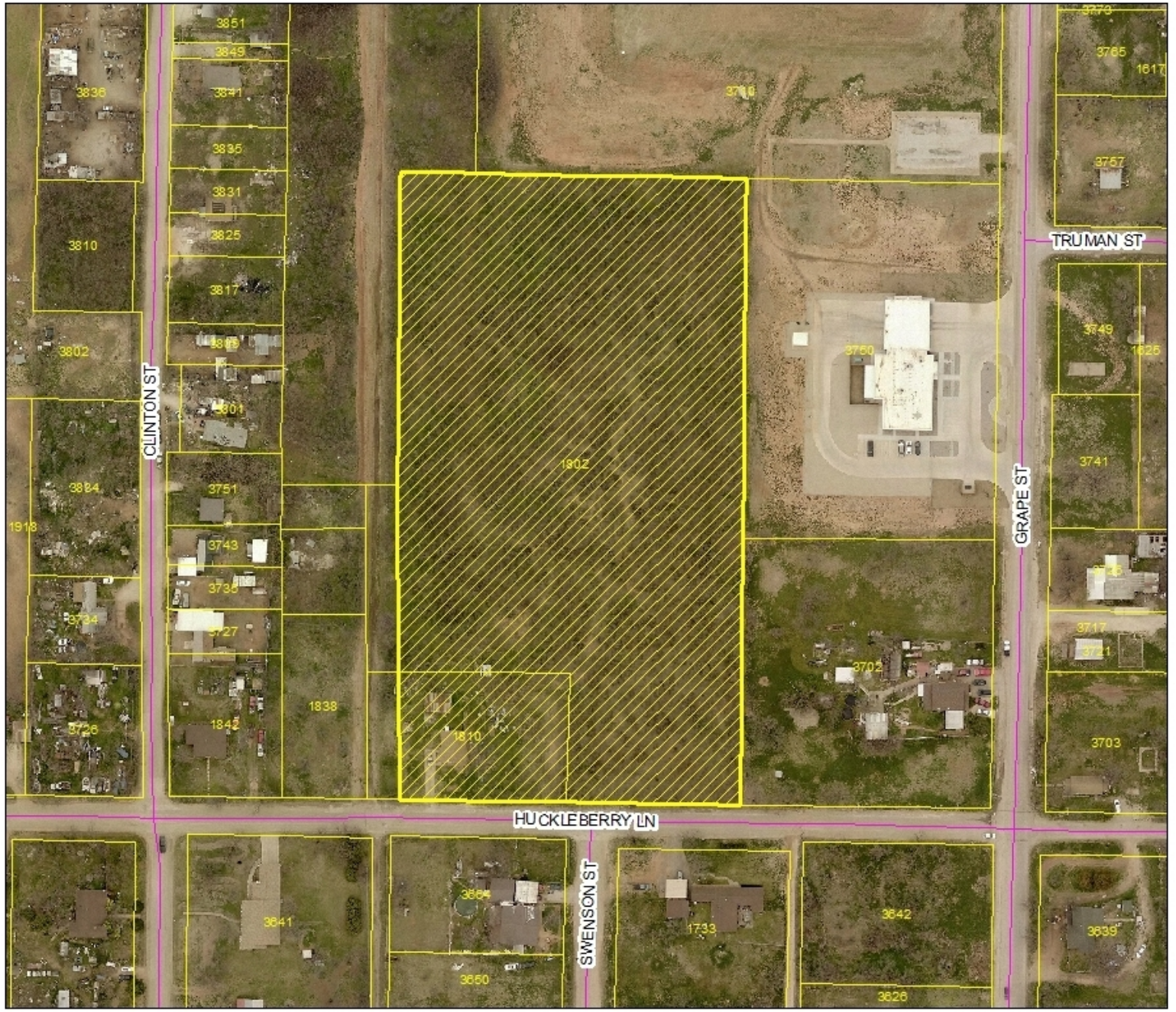
THENCE East with South boundary line of said 42 acre tract 100 yards to the place of beginning, containing 10 acres of land, the South 5 acres of which is hereby conveyed.

TRACT TWO:

Being a 1 acre tract out of the L. Bowerman Survey No. 83, Taylor County, Texas, described by metes and bounds in a Warranty Deed dated July 24, 1936, from E.J. Mackey and wife, Lillie Mackey, and recorded in Volume 268, Page 435, Deed Records of Taylor County, Texas, to which deed reference is here made for a metes and bounds description of the same.

Case:	Z-2021-09
Owner:	Bethany and Kaden Connell
Request:	Rezone from Residential Single-Family (RS-6) to Agricultural Open Space (AO)
Location:	1802-1810 Huckleberry Lane
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	May 4, 2021
City Council Hearing:	May 27, 2021 June 10, 2021

Z-2021-09 LOCATION MAP



Location Map

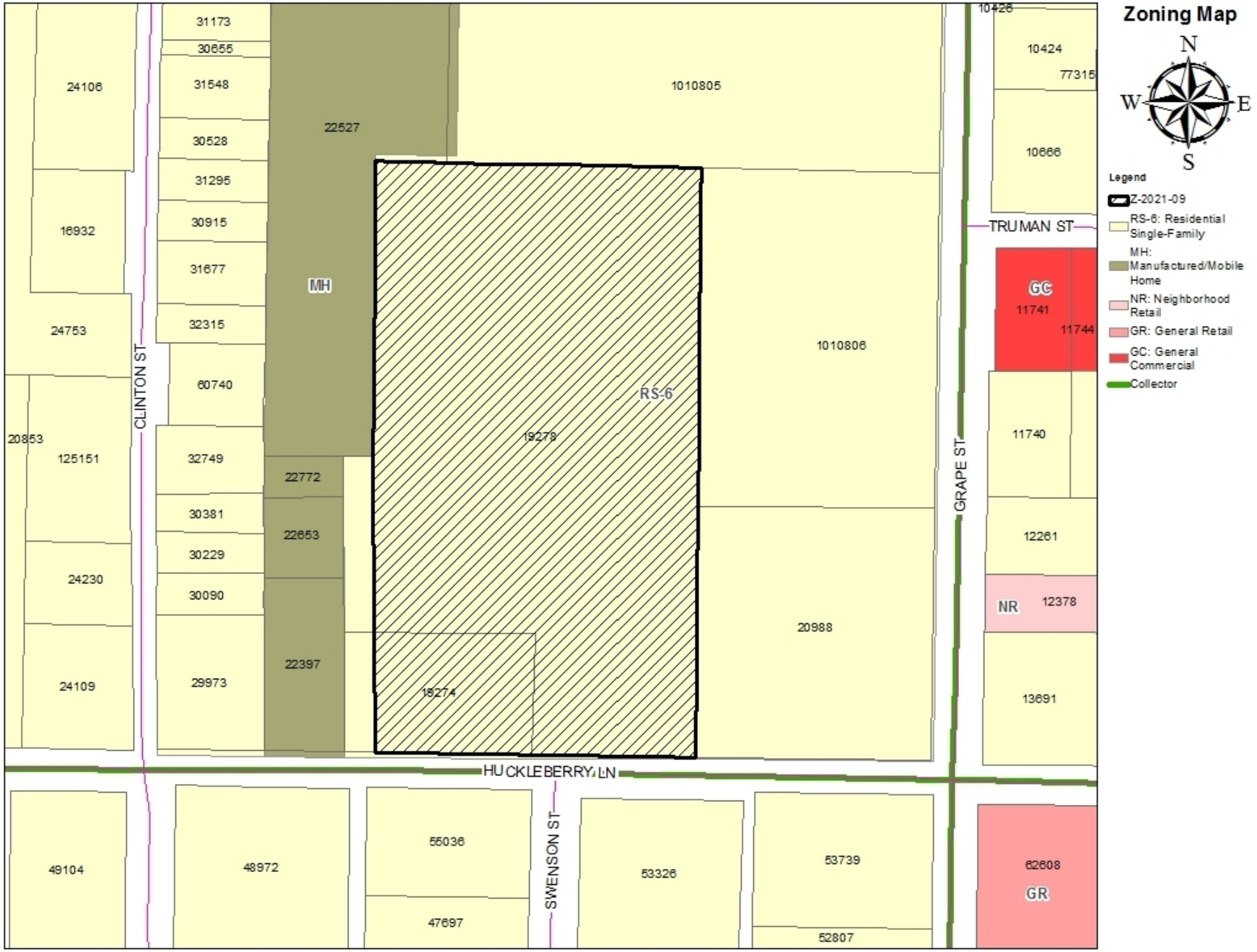
N
W E
S

Legend

Z-2021-09

Z-2021-09 FLOOD MAP

Z-2021-09 ZONING MAP



AGRICULTURAL OPEN SPACE (AO) PERMITTED USES

RESIDENTAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

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

Z-2021-09 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Subject Property

Subject Property

Neighboring Property (west)

Neighboring Property (south)

Z-2021-09 NOTIFICATION AREA MAP

Notification Map

N
W E
S

Legend

200' Notification Area

Z-2021-09

0- In Favor-

0- Opposed-

Percent Opposition: 0%

- 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-2021-10
STAFF REPORT

Scheduled Hearings
Planning & Zoning Commission: May 4, 2021
City Council 1st Reading: May 27, 2021
City Council 2nd Reading: June 10, 2021

Applicant
Owner: Sitzes APB LP
Agent: David Todd, Enprotec/Hibbs & Todd Inc.

Request
Rezone from Heavy Industrial (HI) to Heavy Commercial (HC) District.

Location
The subject property is located at 2249 Butternut Street.

Background
The subject property has been zoned Heavy Industrial (HI) since at least 1974. The building inspection file indicates that a "Portable Buildings and Carport" manufacturer and retail-sales business has occupied this subject property since at least 1976. Based on information provided in the application, the applicant intends to operate a temperature-controlled self-storage facility. The proposed use of "Storage-Self-Service units" as identified in Section 5.1.1.3 of the Land Development Code is not permitted within a Heavy Industrial (HI) district.

Zoning and Existing Land Use
Current zoning and existing land use of properties adjacent to and in the subject property's immediate area are illustrated on the map included in this report. As indicated on the map, all adjacent zoning is Heavy Industrial (HI).

Criteria Assessment
Section 1.4.1.4 of the Land Development Code states that, in making a determination 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;

It is the opinion of staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan, and Future Land Use and Development Plan Map.

(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.

It is the opinion of staff that the uses permitted by the proposed zone change are consistent with the surrounding properties in the immediate vicinity as this area has slowly transitioned away from more intensive uses (manufacturing) to less intensive uses (retail sales).

(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 currently has access to existing utilities and public amenities adequate for the proposed uses. This request presents no apparent conflicts with existing or proposed plans for community facilities and related infrastructure.

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

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

Staff Recommendation
City staff recommends approving this proposed rezoning request

Planning and Zoning Commission Action
The Planning and Zoning Commission will hear this request on May 4, 2021.

Notification
Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 20, 2021 (via certified mail) to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated addresses are identified in Table 1.

TABLE 1

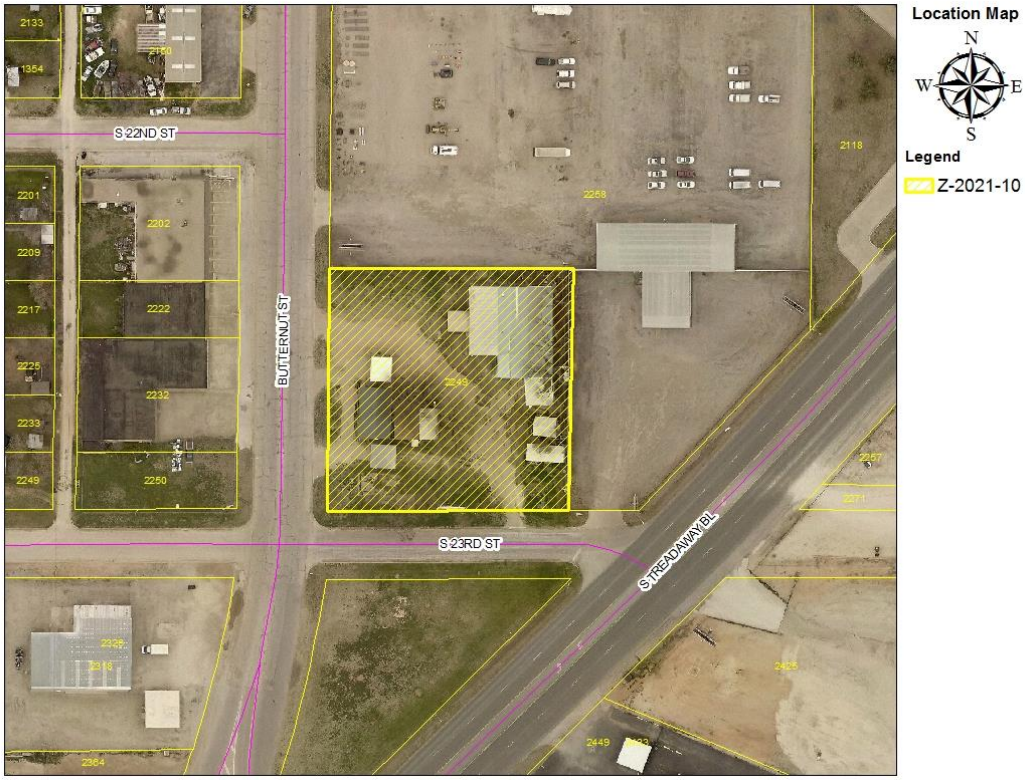
Owner	Property ID	Response
MHS LLC	1062220	
PINNACLE PARTNERS ABILENE LLC	1062219	
CAF REALTY LLC	980411	
CAF REALTY LLC	980411	
HALL PAUL A & DEVEN M	43945	
HIT VENTURES LLC	109554	
PHOENIX COLLISION INC.	41962	
SITZES APB LP	46658	
SITZES STEVEN O	46784	
SITZES STEVEN O	46784	
TRUONG MINH KIEN	44381	In Favor
TRUONG MINH KIEN	44257	
TRUONG MINH KIEN	44137	

Attachments

Application

PowerPoint Presentation

LOCATION MAP



ZONING MAP

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

CASE #: Z-2021-10

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

Name: TRUONG MINH KIEN
Parcel I.D.: 44381
Address: 2250 BUTTERNUT ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: _____

APR 28 AM 11:18

555 WALNUT STREET • P.O. BOX 60 • ABILENE, TEXAS 79604-0060

We work together to build and maintain a community of the highest quality for present and future generations.

Development Application

Planning

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

Project Name: Sitzes APB

Address: 2249 Butternut No. of lots: 1 Acreage: 1.0

Legal Description: Sitzes Sub, Block 22, Lot 101

Subdivision Name: Sitzes Sub Block: 22 Lot: 101

Current Zoning: Heavy Industrial Proposed Zoning (if applicable): Heavy Commercial

OWNER AND AUTHORIZATION

Owner Name: Sitzes APB LP

Address: 2433 Butternut

City, State, Zip: Abilene, TX 79602 Fax: _____

Phone: 325-673-7123 Email: steve.sitzes59@gmail.com

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

Agent Name: David Todd

Address: 402 Cedar

City, State, Zip: Abilene, TX 79601 Fax: _____

Phone: 325-698-5560 Email: david.todd@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: _____ Date: 3-30-21

FOR OFFICE USE ONLY

Received: _____ Fee: $ 1500.00 Receipt No.: _____

Case No.: _____ Reviewed By: _____

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.

2249 Butternut, currently owned by Sitzes APB LP, previously operated as a portable building manufacturer, Abilene Por Portable Buildings, and is zoned Heavy Industrial. The owners are currently seeking to rezone the property to Heavy Commercial in order to construct a temperature-controlled self storage facility.

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: _____ DATE: 5-30-21

Case:	Z-2021-10
Owner:	Sitzes APB
Agent:	Enprotec Hibbs & Todd Inc.
Request:	Rezone from Heavy Industrial (HI) to Heavy Commercial (HC)
Location:	2249 Butternut Street
Notification:	1 in Favor, 0 Opposed
Planning & Zoning:	May 4, 2021
City Council Hearing:	May 27, 2021 June 10, 2021

Z-2021-10 LOCATION MAP

Location Map

N
W E
S

Legend

Z-2021-10

Z-2021-10 ZONING MAP

HEAVY COMMERCIAL (HC) PERMITTED USES

RESIDENTAL USES:

C	Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

P	Liquor, Wholesale/Distribution
P	Wholesaling and Storage (indoor)
C	Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

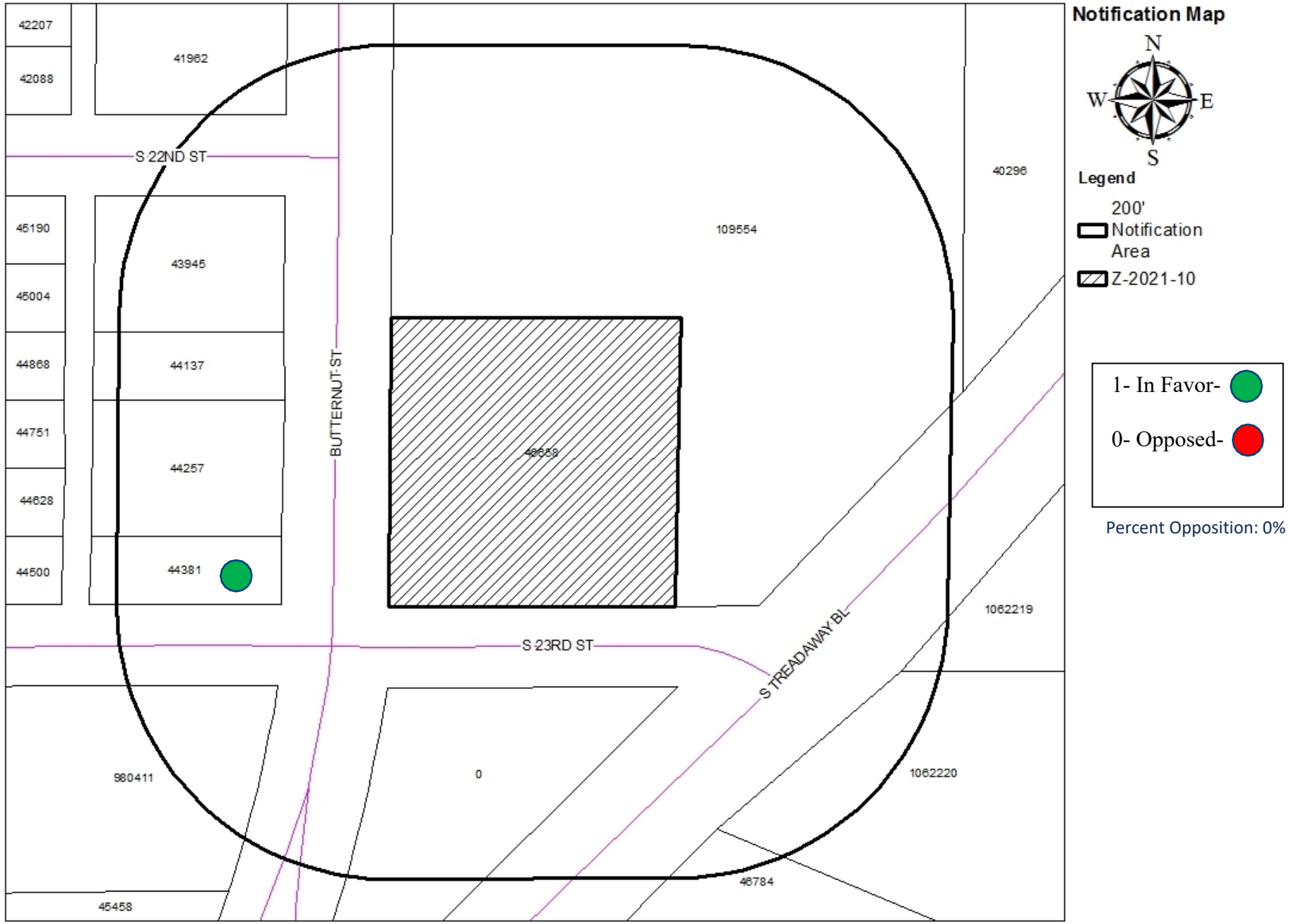
P	Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
C	Antenna Tower - Commercial
P	Automobile Parking Lot or Structure - Commercial
P	Broadcast Studio
P	Passenger Ground Transportation Terminal
P	Pressure Control Station
P	Public Utility Facility
C	Utility Generation,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

RESOURCE PRODUCTION AND EXTRACTION USES:

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

Z-2021-10 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Z-2021-10 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-2021-05
STAFF REPORT

Scheduled Hearings
Planning & Zoning Commission: May 4, 2021
City Council 1st Reading: May 27, 2021
City Council 2nd Reading: June 10, 2021

Applicant
ACCO Feeds, Inc. and AEP Texas North Company
Agent: Erik Paul Johnson

Request
Abandon the complete 80-foot width of public right-of-way available for South 9th Street as it extends 140-feet east from South Treadaway Boulevard's right-of-way.

Location
Approximately 300-feet south from and parallel to South 8th Street in south central Abilene.

Background
In 1906, all of Outlot Number 2 in Block 190 of Abilene's Original Townsite was divided into 30 lots and segments of two street rights-of-way.* These dedicated streets included an 80-foot wide right-of-way for what is now known as South 9th Street extending east from South Treadaway Boulevard.

Two (2) of this subdivision's 30 lots directly adjoin the segment of South 9th Street extending east from South Treadaway Boulevard; one to the north is now owned by AEP Texas North, and one to the south is owned by ACCO Feeds.

Assessment
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). The DRC determined this request to be satisfactory with conditions to be addressed during the re-plat process upon approval of the abandonment.

Both lots adjoining this proposed thoroughfare closure of South 9th Street have primary frontage on S. Treadaway Boulevard, a fully-improved arterial street. Additionally, this segment of South 9th Street extends no further east than the two adjacent lots that are directly north and south. The property located east from this dead-end segment of South 9th Street has approximately 300-feet of frontage on South 8th Street. As a result, this entire segment of South 9th Street right-of-way could be abandoned without jeopardizing public street access to any existing property.

The far eastern end of South 9th Street intersects a north-south alleyway. If this entire segment of South 9th Street is abandoned as proposed, then the north-south alleyway would be left a dead end

* See J. Stoddard Johnston's Subdivision of Lot 2, Block 190, Abilene Original Town.

with no outlet to another alley or street right-of-way. Appropriate easements or dedicated rights-of-way are required to ensure an outlet for the alley and provide for access to two utilities located there; an underground sewer main and overhead power lines. An east-west right-of-way reserved from South 9th Street should, furthermore, be wide enough to accommodate solid waste and other service trucks servicing the remaining north-south alleyway.

Staff Recommendation
City staff recommends abandoning only the southern 40-feet of the western 130-feet of South 9th Street right-of-way east from S. Treadaway Boulevard. See accompanying graphic illustration of City staff's recommendation in "Exhibit A". On that graphic, diagonal striping highlights the limited area that City staff recommends for abandonment, subject to the following conditions:

1. Reserving a 20-foot-wide water line easement along the entire south boundary of right-of-way authorized to be abandoned.
2. Approval and subsequent recording of a re-plat showing how this abandoned right-of-way will be integrated with adjacent property.

Reserving certain critical segments of South 9th Street's right-of-way is necessary to ensure continued access to existing public and private utilities.

Planning and Zoning Commission Recommendation
The Planning and Zoning Commission will hear this request on May 4, 2021.

Notification
Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 20, 2021 (via certified mail) to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated addresses are identified in Table 1.

Table 1

Owner	Property ID	Response
902 S TREADAWAY LLC	16218	
ABILENE HOPE HAVEN INC	100182	
ACCO FEEDS INC	15854	
ACCO FEEDS INC	21491	
ACUNA DAVID	18093	
BETHEL ROBERT	20152	
HOEMKE ROBERT	18327	
LONE STAR RAILROAD INC	15610	
LONE STAR RAILROAD INC	15494	
MK POWELL PROPERTIES LLC	16823	
PARKS GREGORY L	17199	
POPE BRYAN	16689	
POPE BRYAN E	16098	
SMITH LARRY C & KRISTY K	16946	
WEST TEXAS UTILITIES CO	15733	

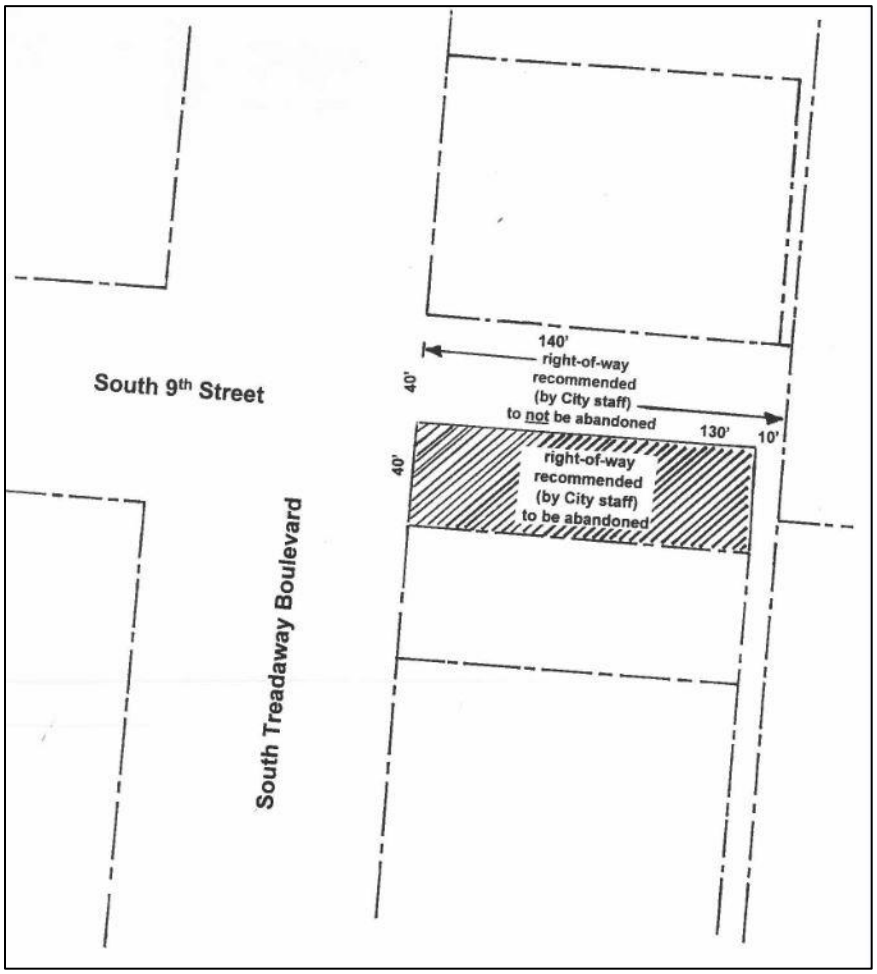
Attachments

- DRC Comments

- Application
- PowerPoint

Location map

Exhibit A


South 9th Street
South Treadaway Boulevard
140'
right-of-way
recommended
(by City staff)
to not be abandoned
40'
130'
10'
40'
right-of-way
recommended
(by City staff)
to be abandoned

Smith, Jared <jared.smith@abilenetx.gov>

abandoning S. 9th Street (TC-2021-05)

1 message

Stone, Brad <brad.stone@abilenetx.gov> Fri, Mar 12, 2021 at 4:53 PM
To: Jared Smith <jared.smith@abilenetx.gov>
Cc: Cheryl Sawyers <cheryl.sawyers@abilenetx.gov>

Jared:

Cargill Animal Nutrition has made application to abandon a dead-end segment of right-of-way for South 9th Street projecting 140 feet east from the east right-of-way line for South Treadaway Boulevard.

I will **not** be able to attend the Development Review Committee meeting on Wednesday, March 17, when this matter will be discussed.

However, I cannot conscientiously recommend that this entire 80' x 140' portion of South 9th Street's right-of-way be abandoned. My aim is to prevent a dead-end alley from being left in the wake of this abandonment:

- The eastern 10 feet of this right-of-way (proposed to be abandoned) lies in the exact alignment of a 10-foot-wide alley projecting to the south, all the way to South 11th Street.* If the entire 140-foot length of this right-of-way is abandoned, as requested, then this alley would be left as an undesirable dead end. The eastern 10 feet of this right-of-way (proposed to be abandoned) is also the location of a 6-inch-wide sewer main. Due to the combination of these circumstances, City staff should recommend **not** abandoning the eastern 10 feet of that segment of South 9th Street's right-of-way proposed to be abandoned.

- Even if these eastern 10 feet are **not** abandoned, as recommended above, then this 10-foot-wide alley would still be left as an undesirable dead end, with no access to South Treadaway Boulevard. City staff should thereby urge that **at least** the northern 30 feet of South 9th Street's right-of-way **not** be abandoned. Keeping this portion of that right-of-way will provide a suitable perpendicular outlet (to South Treadaway Blvd.) for what would otherwise be a dead end alley remaining at the east end of South 9th Street's existing right-of-way. Furthermore, these northern 30 feet (recommended **not** to be abandoned) are already occupied by electric power poles and guy wires to stabilize them.** Due to these power poles and guy wires, the width of right-of-way recommended to be reserved should probably be expanded to 35 feet (instead of just 30 feet) to ensure that service trucks will be able to traverse this alley outlet, alongside the existing power poles and guy wires.

Finally, a 10-inch-wide water main extends east-to-west through the south portion of this 80-foot-wide right-of-way requested to be abandoned. A suitable easement must be reserved to ensure adequate access to this water main. The Water Utilities Department must inform us of the following:

- How wide should this easement be?

- Where should this easement be located in space, to ensure continued access to the water main?

Bradley Stone,
for the City of Abilene's
Planning Services Division

*150 feet farther south from the right-of-way proposed to be abandoned, this 10-foot-wide alley expands to a 20-foot width for additional 500+ feet before intersecting South 11th Street.

I thereby hope that AEP will concur in my recommendation for reserving **at least the northern 30 feet of this right-of-way as an alley outlet.

Comments List

Project Type: Thouroghfare Closure Application | **ID** # 21-000041

CITY OF ABILENE

Athan Himmelstein

Planning Division, Mar 16, 2021 at 5:07 PM ago

Athan Himmelstein

AEP Texas Abilene Distribution

325.674.7290 & adhimmelstein@aep.com

AEP Texas Disitrbution has an existing overhead line on the east side of the abandonement and down guys and anchoring that we will need to keep utility rights for or need utility easements to cover us.

Also will need to reach to the AEP Transmission group as they also have overhead lines and down guying and anchoring in this road abandonement.

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

3/12/2021 CASE # TC-2021-05

THOROUGHFARE LOCATION: 80-foot-wide right-of-way of S. 9th Street extending east approximately 140-linear feet from the eastern most right-of-way boundary of S Treadaway Blvd.

CITY DEPARTMENT/PVT. UTILITY CO.: Water Administration

REPRESENTATIVE: Kevin Jaeger

TITLE: Utility Engineer

I HAVE REVIEWED THE ABOVE THOROUGHFARE CLOSURE REQUEST AND FIND IT TO BE:

☐ **SATISFACTORY** ☐ **UNSATISFACTORY** (explain below:

X **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

The portion of South 9th Street east of S. Treadaway Blvd. currently contains active water and sewer utilities including a 6 inch PVC water line located along the east side of S. Treadaway Blvd., a 10 inch Cast Iron water line located along the southern Right of Way of S. 9th Street, and a 6 inch Vitrified Clay sewer line (running generally north to south) located along the eastern boundary of the lots fronting S. Treadaway Blvd. The applicant has two options. The applicant can provide the City with a utility easement for each of the existing utilities. If the existing utilities conflict with the intended use of the applicant, the applicant can obtain the services of a Civil Engineer to evaluate the possibility of abandoning or relocating the existing utilities. Should the Civil Engineer determine that the existing utilities can be abandoned or relocated, engineering plans would need to be created showing the relocation of those utilities. These engineering plans would need to be submitted to the City Engineer for review and approval prior to the utilities being relocated.

03/12/2021 Kevin Jaeger
DATE SIGNED: DIRECTOR / REPRESENTATIVE

Development Application

Planning

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

Project Name: Cargill and AEP

Address: S 9th and S Treadaway east side No. of lots: _____ Acreage: TBD

Legal Description: SEE ATTACHED

Subdivision Name: _____ Block: _____ Lot: _____

Current Zoning: HI Proposed Zoning (if applicable): N/A

OWNER AND AUTHORIZATION

Owner Name: ACCO FEEDS INC Attn: Jayson Bates

Address: 1025 CHINA ST

City, State, Zip: Abilene, TX 79602 Fax: _____

Phone: (217) 778-0869 Email: jayson_bates@cargill.com

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

Agent Name: Erik Paul Johnson

Address: 4633 S 14th

City, State, Zip: Abilene,TX 79605 Fax: 325 692-8508

Phone: 325 439-0186 Email: erik@pauljohnsonrealtors.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: 01/28/2021

FOR OFFICE USE ONLY

Received: 02/23/2021 Fee: $ 1500 + 1252.20 Receipt No.: 0001058673

Case No.: TC-2021-05 Reviewed By: _____

10% OF THE ESTIMATED VALUE OF LAND IN THAT SEGMENT OF SOUTH 9TH STREET PROPOSED TO BE ABANDONED, AND WHICH EXCEEDS THE $1500 BASIC APPLICATION FEE

Paul Johnson & Associates
Commercial Real Estate

4633 South 14th ~ Abilene, TX 79605 ~ (325) 698-5661 Phone ~ (325) 692-8508 Fax

THOROUGHFARE ABANDONMENT REQUEST

Case:	TC-2021-05
Owner:	ACCO Feeds Inc. & AEP Texas North
Agent:	Erik Paul Johnson
Request:	Complete 80-foot width of public right-of-way for South 9th Street as it extends 140 feet east from South Treadaway Boulevard
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	May 4, 2021
City Council Hearing:	May 27, 2021 June 10, 2021

TC-2021-05 LOCATION MAP

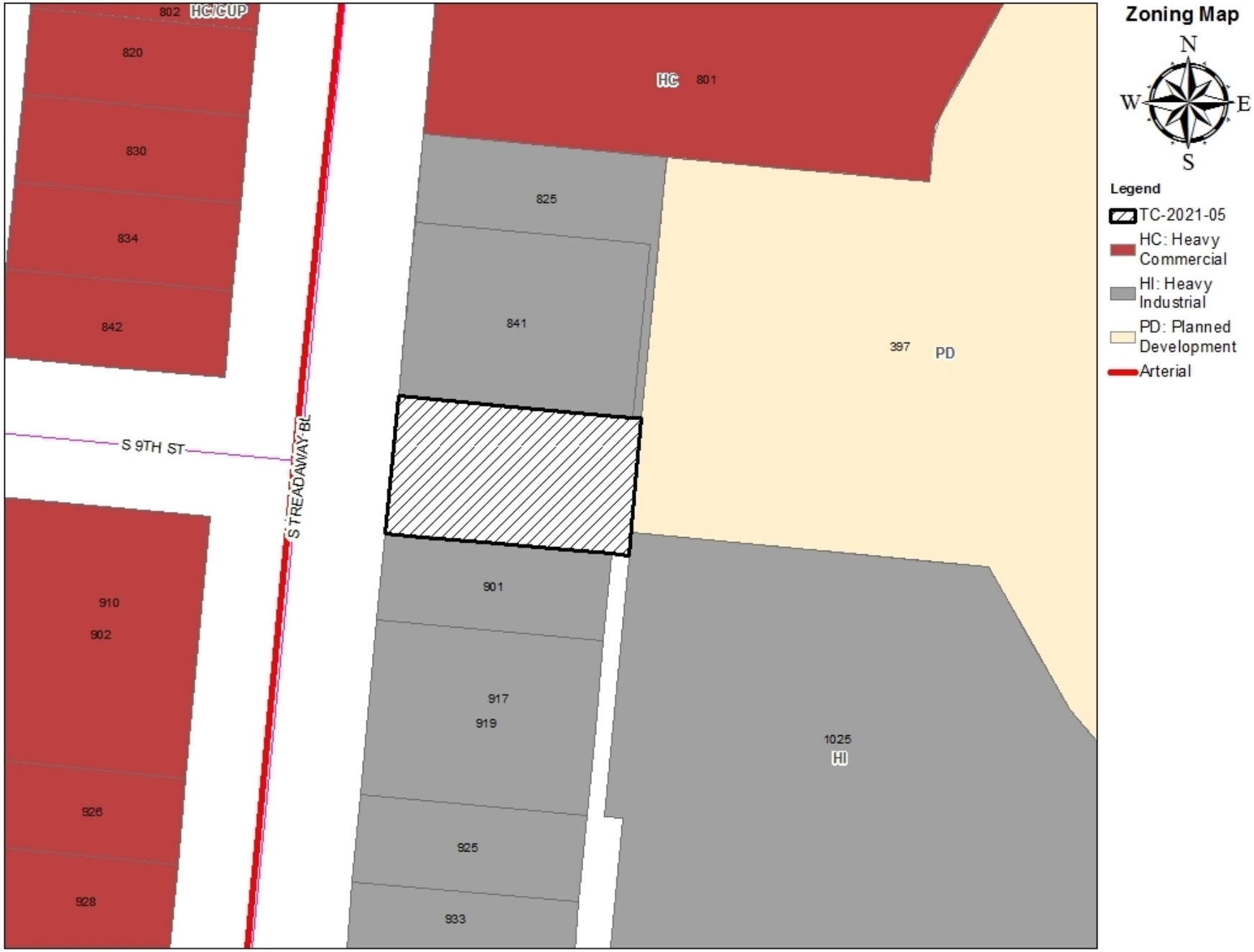
Location Map

N
W E
S

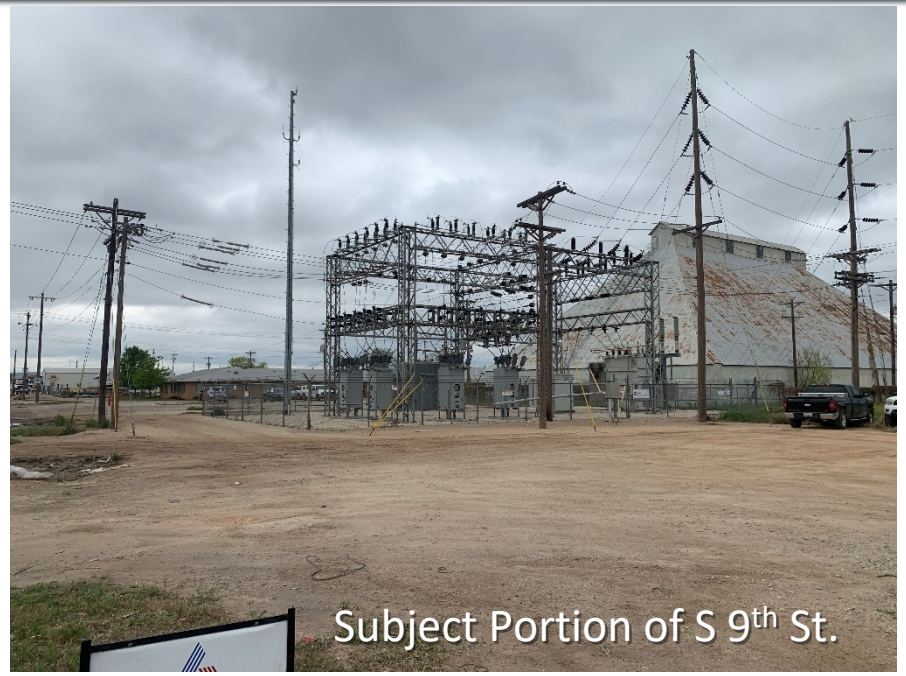
Legend

TC-2021-05

TC-2021-05 ZONING MAP



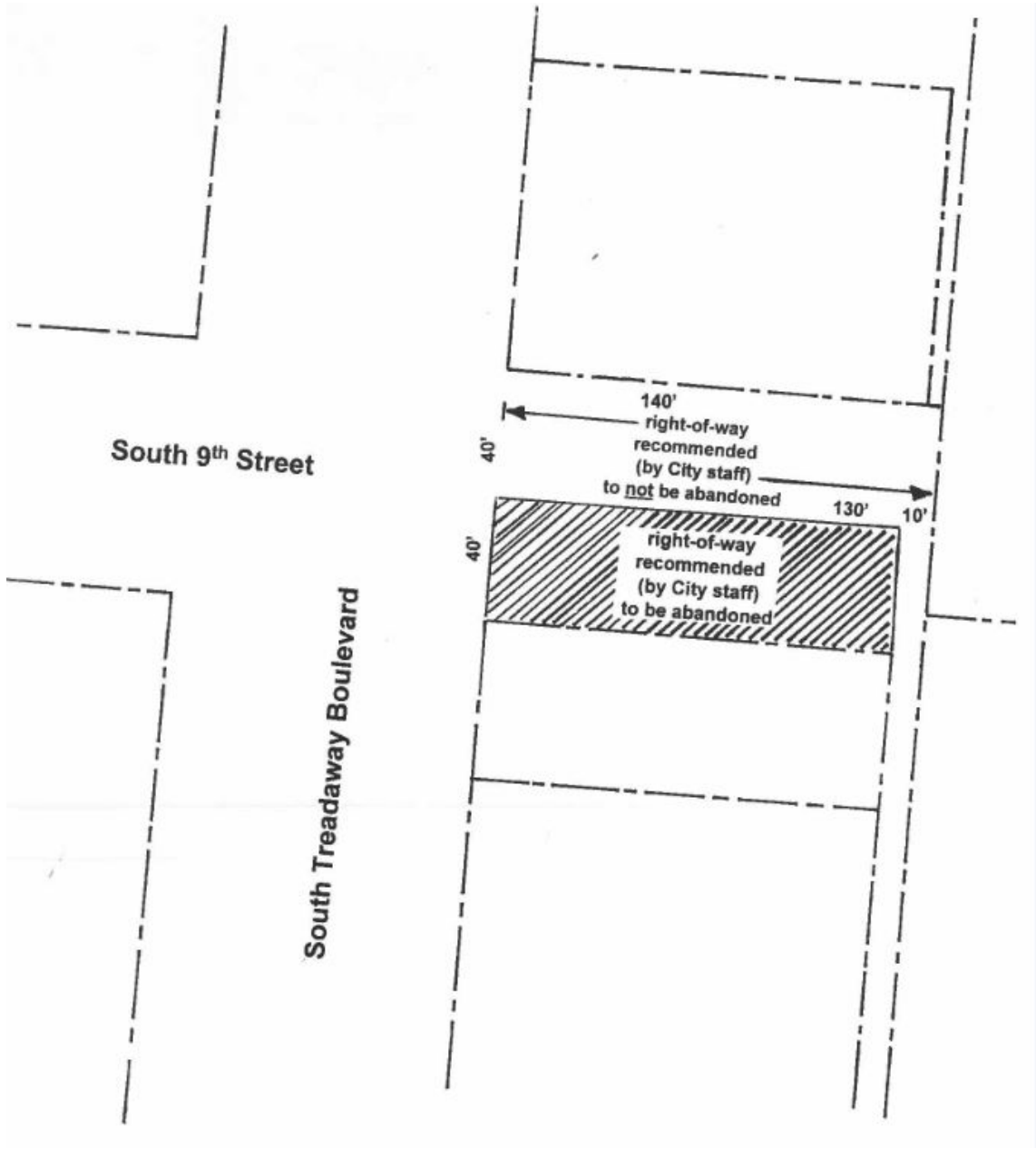
TC-2021-05 VIEWS OF SUBJECT RIGHT-OF-WAY AND NEIGHBORING PROPERTIES


Subject Portion of S 9th St.

S 9th St. West of S. Treadaway

Alley Adjoining S 9th Street ROW

TC-2021-05 STAFFS RECOMMENDATION FOR EXTENT OF ABANDONMENT



TC-2021-05 NOTIFICATION AREA MAP

Notification Map

N
W E
S

Legend

200' Notification Area

TC-2021-05

0- In Favor-

0- Opposed-

0% Opposed

- DRC Recommendation: Satisfactory with conditions
- Staff Recommendation: Approval with conditions

Questions?

THOROUGHFARE CLOSURE TC-2021-06
STAFF REPORT

Scheduled Hearings
Planning & Zoning Commission: May 4, 2021
City Council 1st Reading: May 27, 2021
City Council 2nd Reading: June 10, 2021

Applicant
Owner: Hardin Simmons University
Agent: Enprotec/Hibbs & Todd Inc. (eHT)

Request
Abandon the complete 60-foot-width of improved public right-of-way available for Beech Street as it extends 160-feet south from Sandefer Street's right-of-way, and 152.5 to 312.5 feet north from the right-of-way presently available for Ambler Avenue in north central Abilene.

Location
The 60-foot-wide improved right-of-way for Beech Street between the westernmost boundary Block C and the easternmost boundary of Block B in Darby of North Park Addition, extending approximately 160-feet south from the southernmost right-of-way boundary of Sandefer Street.

Background
This 60-foot-wide right-of-way for Beech Street was 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.

In March 2021, Abilene's City Council approved ordinance #14-2021, authorizing the abandonment of approximately 150-linear-feet of this existing 60-foot-wide right-of-way extending north from the northernmost boundary of Ambler Avenue. The authorization of this abandonment was subject to the conditions of a re-plat illustrating how this portion of the Beech Street right-of-way would be integrated with one or more adjacent new lot(s) and subject to public improvements that would provide an adequate vehicle turnaround where the remaining portion of Beech Street would "dead end."

Following design considerations for this required turn-around, the applicant determined that the required cul-de-sac or hammerhead arrangement necessary to provide vehicle turnaround would substantially encroach into the desired site they plan to create along Ambler Avenue for a future Braums restaurant.

The applicant is now requesting to abandon the remaining 160-feet of the 60-foot-wide right-of-way presently available for Beech Street between Ambler Avenue and Sandefer Street. If approved, the applicant intends to re-plat this subject portion of Beech Street into an improved alley. By doing so this will alleviate the creation of a dead-end street; thereby relieving the applicant from the requirement to create a permanent vehicle turnaround pursuant to Section 3.2.7.9 of the Land Development Code. Additionally, by dedicating this remaining portion of Beech Street as an alley it will alleviate the creation of a dead-end at the easternmost extent of this existing alley that extends in a generally east and west direction thru Block B in the Darby of North Park Subdivision.

Assessment
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). The DRC determined this request to be satisfactory with conditions to be addressed during the re-plat 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 re-plat, the improved portion of Beech Street shall be dedicated as a 30-foot-wide improved alley; to alleviate the creation of a dead end alley and provide adequate solid waste and emergency vehicle accessibility. Additionally, the southernmost extent of the Sandefer Street right-of-way where intersected by Beech Street; a standard alley approach must be installed to visually "break up" the appearance of a through street.
3. On the required re-plat, suitable easements must be reserved for continued access to all existing utility facilities planned to remain within the otherwise abandoned street 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 right-of-way will be integrated.

Planning and Zoning Commission Action
The Planning and Zoning Commission will hear this request on May 4, 2021.

Notification
Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 20, 2021 (via certified mail) to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated addresses are identified in Table 1.

TABLE 1

Owner	Property ID	Response
CARTER MICHAEL LEE & MARSHA	50988	
CROCKETT JOSEPH B & CAROL	51118	
HARDIN SIMMONS UNIVERSITY	51380	In Favor
HARDIN SIMMONS UNIVERSITY	52018	In Favor
HARDIN SIMMONS UNIVERSITY	51887	In Favor
HARDIN SIMMONS UNIVERSITY	51627	In Favor
HARDIN SIMMONS UNIVERSITY	51498	In Favor
HARDIN SIMMONS UNIVERSITY	51754	In Favor
HARDIN SIMMONS UNIVERSITY	54258	In Favor
HARDIN SIMMONS UNIVERSITY	53076	In Favor
HARDIN SIMMONS UNIVERSITY	53194	In Favor
HARDIN SIMMONS UNIVERSITY	53598	In Favor
HARDIN-SIMMONS UNIVERSITY	52943	In Favor
LEMOND SHEILA D ET AL	51247	
PCKC LLC	52676	
PCKC LLC	52804	

LOCATION MAP

Attachments

- DRC comments
- Application
- PowerPoint Presentation

Comments List

Project Type: Thouroghfare Closure Application | **ID** # 21-000048

CITY OF ABILENE

Kevin Jaeger

Planning Division, Apr 08, 2021 at 4:19 PM ago PRIVATE

An existing 6" water line is located along the eastern right of way along Beech Street. An existing 4" water line runs down the alley south of Sandefer Street. An existing 6" sewer line is located near the center of Beech Street. The developer may choose to dedicate an easement specific to each of the utilities present within the area to be abandoned. The developer may choose to enlist the services of a Civil Engineer for the purpose of determining if the utilities can be either rerouted or abandoned. If utilities are to be relocated, engineering plans must be submitted, reviewed and approved prior to abandonment approval.

Wayne Terrell

Permits & Inspections, Apr 12, 2021 at 10:14 AM ago PRIVATE

Wayne Terrell

Engineering Technician III

Water Utilities Mapping

wayne.terrell@abilenetx.gov

325-676-6425

An existing 6" V.C. sewer main is in the center of Beech Street and an exsiting 6" C-900 water main is in the east right-of-way of Beech Street. The deeveloper has the option of keeping the utilities and utility easement as they are or utilizing a Texas licensed Engineer for the rerouting and abandonment of the water and sewer utilities to continue to provide services to this area. The relocation of these utilties must be approved prior to the approval of the throughfare closure and the abandonment of any utilties.

GIS Team

Permits & Inspections, Apr 14, 2021 at 8:15 AM ago PRIVATE

Blake Tulloch

GIS/Addressing Technician

Abilene/Taylor County 9-1-1 District

blake.tulloch@abilenetx.gov|(325) 676-6239

Comments:

- Sandefer ST does not extend into the parking lot, please end Sandefer before the parking lot

---

Athan Himmelstein

Planning Division, Apr 14, 2021 at 11:09 AM ago

Athan Himmelstein

AEP Texas Abilene Distribution

adhimmelstein@aep.com & 325.674.7290

"Satisfactory with Conditions"

Will need to kepp Utility rights for down guy and anchoring for streetlight pole off Sandefer.

AEP also has has a low voltage 120/240V overhead line crossing over the southern part of the alley abandonement. Either will need to retain utility rights for this line or get with AEP about re-location/retirement of this line.

David Mundschenk

Permits & Inspections, Apr 14, 2021 at 3:30 PM ago

Will need to build an alley approach on the south side of Sandefer St and Beech St.

Steve Keith
Permits & Inspections, Apr 14, 2021 at 3:40 PM ago PRIVATE

Steve Keith

Traffic Services

If Braums plans on using this alley for ingress and egress they will be responsible for maintaining the alley.

Jared Smith
Planning Division, Apr 15, 2021 at 4:32 PM ago PRIVATE

Planning & Zoning
325-676-6490
Jared.smith@abilenetx.gov

APPROVAL WITH THE FOLLOWING CONDITIONS:

(1) This abandonment cannot result in a dead end alley running through Block B in Darby of North Park Subdivision.

(2) Approval and subsequent recording of a re-plat showing how the street right-of-way will be integrated with one or more adjacent new lot(s).

(3) On the required replat, right-of-way must be reserved and/or dedicated for suitable solid waste and emergency vehicle ingres and egress from the alley running east and west through Block B in Darby of North Park Subdivision.

(4) 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 right-of-way.

(5) Relocate any affected existing facilities not remaining in place, at the expense of the property owner(s) within whose land the abandoned street will be integrated.

(6) Provide City staff with documentation from an appropriate official of each affected utility provider (having facilities remaining in the subejct street right-of-way) and which indicates that such facilities have either already been relocated or that suitable financial arrangements have been made for the timely reolocation of these affected utilities.

Cc: Cheryl Sawyers <cheryl.sawyers@abilenetx.gov>, Tim Littlejohn <tim.littlejohn@abilenetx.gov>, Nickie Plaisance <ngplaisance@aep.com>

Hey Jared,

These condi ons are good with us. Thanks for sending.

Thanks,

Athan

From: Smith, Jared <jared.smith@abilenetx.gov>
Sent: Wednesday, April 21, 2021 10:37 AM
To: Athan D Himmelstein <adhimmelstein@aep.com>
Cc: Cheryl Sawyers <cheryl.sawyers@abilenetx.gov>; Tim Li lejohn <tim.littlejohn@abilenetx.gov>
Subject: [EXTERNAL] Thoroughfare Closure (TC-2021-06 Condi ons for Approval)

This is an **EXTERNAL** email. **STOP**. **THINK** before you CLICK links or OPEN attachments. If suspicious please click the '**Report to Incidents**' button in Outlook or forward to incidents@aep.com from a mobile device.

[Quoted text hidden]

Will need to keep utility rights for existing down guy and anchor guying existing street light pole.

SANDEFER STREET

60'-0"

160'-0"

PORTION OF BEECH TO BE ABANDONED INCLUDES:

ALL OF BEECH STREET BETWEEN THE SOUTH RIGHT OF WAY OF THE ALLEYS IN BLOCKS B & C AND THE SOUTH RIGHT OF WAY OF SANDEFER STREET, OUT OF 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.

PROPOSE TO ABANDON 160'-0"x60' WIDE SECTION OF THE RIGHT OF WAY DEDICATED FOR BEECH STREET

AEP has existing 120/240V OH line crossing this abandonement. either retain utility rights or contact AEP for re-route of line

EXISTING 20' ALLEY ROW TO REMAIN

PREVIOUSLY APPROVED ROW ABANDONMENT (MARCH 11, 2021)

N

10 0 30

SCALE IN FEET

ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING
402 Cedar Street
Abilene, Texas 79601
325-698-5560
PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration No. 10011900

BEECH STREET ROW ABANDONMENT REQUEST FOR BRAUM'S ICE CREAM AND DAIRY STORE EXHIBIT A

20-7780	PROJECT NO.
04/06/2021	DATE
R.B.P.	DESIGNED BY:
J.C.	DRAWN BY:
R.B.P.	CHECKED BY:
1 OF 2	

N

10 0 30

SCALE IN FEET

ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING
402 Cedar Street
Abilene, Texas 79601
325-698-5560
PE Firm Registration No. 1151
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RPLS Firm Registration No. 10011900

BEECH STREET ROW
ABANDONMENT REQUEST
FOR
BRAUM'S ICE CREAM AND DAIRY STORE
EXHIBIT A

20-7780	PROJECT NO.
04/06/2021	DATE
R.B.P.	DESIGNED BY:
J.C.	DRAWN BY:
R.B.P.	CHECKED BY:
2 OF 2	

Smith, Jared <jared.smith@abilenetx.gov>

Thoroughfare Closure (TC-2021-06 Conditions for Approval)

2 messages

Smith, Jared <jared.smith@abilenetx.gov> Wed, Apr 21, 2021 at 10:37 AM
To: Ezequiel Herrera <ezequiel.herrera@abilenetx.gov>
Cc: Cheryl Sawyers <cheryl.sawyers@abilenetx.gov>, Tim Littlejohn <tim.littlejohn@abilenetx.gov>

Zeq,

Please see the attached document outlining the conditions for approval that the Planning Department will be recommending to the Planning & Zoning Commission meeting scheduled for May 4, 2021.

Please let me know if you have any questions or concerns with these conditions.

Thank you!

--

CITY OF ABILENE

Jared Smith, CNU-A
Planner II
Planning & Development Services
(325) 676-6490 (Office)
555 Walnut Street, Suite 100
Abilene, Texas 79601-5254

2 attachments

TC-2021-06 Conditions for Thoroughfare Closure Approval (05-04-21).doc
177K

TC-2021-06 Graphic Exhibit.pdf
921K

Herrera, Ezequiel <ezequiel.herrera@abilenetx.gov> Thu, Apr 22, 2021 at 6:26 AM
To: Jared Smith <jared.smith@abilenetx.gov>

---------- Forwarded message ---------
From: **Chandler, Gary** <gary.chandler@abilenetx.gov>
Date: Thu, Apr 22, 2021 at 5:42 AM
Subject: Re: Thoroughfare Closure (TC-2021-06 Conditions for Approval)
To: Herrera, Ezequiel <ezequiel.herrera@abilenetx.gov>

ok provided the alley remains open

On Wed, Apr 21, 2021 at 12:10 PM Herrera, Ezequiel <ezequiel.herrera@abilenetx.gov> wrote:

> [Quoted text hidden]
> --

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Application Number TC-2021-06 **04/19/2021**

The Planning and Zoning Commission will hold a public hearing on **May 4, 2021** at **1:30 PM**, in City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Hardin-Simmons University, agent Enprotec/Hibbs & Todd Inc., to abandon the complete 60-foot-width of public right-of-way available for Beech Street as it extends 160 feet south from Sandefer Street's right-of-way, and 152.5 to 312.5 feet north from right-of-way presently available for Ambler Avenue in north central Abilene.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for abandonment. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with public hearing on **June 10,** 2021 at 8:30 AM in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Jared Smith, Planner II at telephone 325-676-6490 or by email address Jared.smith@abilenetx.gov.

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

CASE #: TC-2021-06
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 54258
Address: 1518 SANDEFER ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature:

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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For the PLANNING & ZONING COMMISSION
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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 53598
Address: 1530 AMBLER AV

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: _____

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Application Number TC-2021-06 **04/19/2021**

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

CASE #: TC-2021-06
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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 53194
Address: 2220 SIMMONS AV

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature:

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Application Number TC-2021-06 **04/19/2021**

The Planning and Zoning Commission will hold a public hearing on **May 4, 2021** at **1:30 PM**, in City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Hardin-Simmons University, agent Enprotec/Hibbs & Todd Inc., to abandon the complete 60-foot-width of public right-of-way available for Beech Street as it extends 160 feet south from Sandefer Street's right-of-way, and 152.5 to 312.5 feet north from right-of-way presently available for Ambler Avenue in north central Abilene.

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If you have any questions, please contact Jared Smith, Planner II at telephone 325-676-6490 or by email address Jared.smith@abilenetx.gov.

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

CASE #: TC-2021-06
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 53076
Address: 1602 AMBLER AV

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: _____

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN-SIMMONS UNIVERSITY
ATTN HAROLD PRESTON
PO BOX 16005
ABILENE, TX 79698-0001

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Name: HARDIN-SIMMONS UNIVERSITY
Parcel I.D.: 52943
Address: 1608 AMBLER AV

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: Jodie McLaughlin

as: VP for Finance

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

NOTICE OF PUBLIC HEARING

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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 52018
Address: 1625 SANDEFER ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: _____

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 51887
Address: 1617 SANDEFER ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: _____

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 51754
Address: 1609 SANDEFER ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: _____

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 51627
Address: 1601 SANDEFER ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: _____

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 51498
Address: 2318 BEECH ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature:

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARDIN SIMMONS UNIVERSITY
ATTN: BRENDA ALEXANDER
2200 HICKORY ST
ABILENE, TX 79601-2345

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Name: HARDIN SIMMONS UNIVERSITY
Parcel I.D.: 51380
Address: 1602 SANDEFER ST APT C

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: _____

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: 0.220 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: _____ Date: April 5, 2021

FOR OFFICE USE ONLY

Received: _____ **Fee: $** _____ **Receipt No.:** _____

Case No.: _____ **Reviewed By:** _____

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.

In order to remove an inadvertent dead-end street created under the previous Beech Street Abandonment Request, Braum's Ice Cream is seeking to abandon approximately 160' of additional existing Beech Street ROW. Braum's will re-route and provide appropriate easements for 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. Refer to the attached Metes and Bounds description and Exhibt highlighting portion of the street to be abandoned. The intention with this request to eliminate the dead-end street section.

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: _____ DATE: January 5, 2021

N

10 0 30

SCALE IN FEET

ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING
402 Cedar Street
Abilene, Texas 79601
325-698-5560
PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration No. 10011900

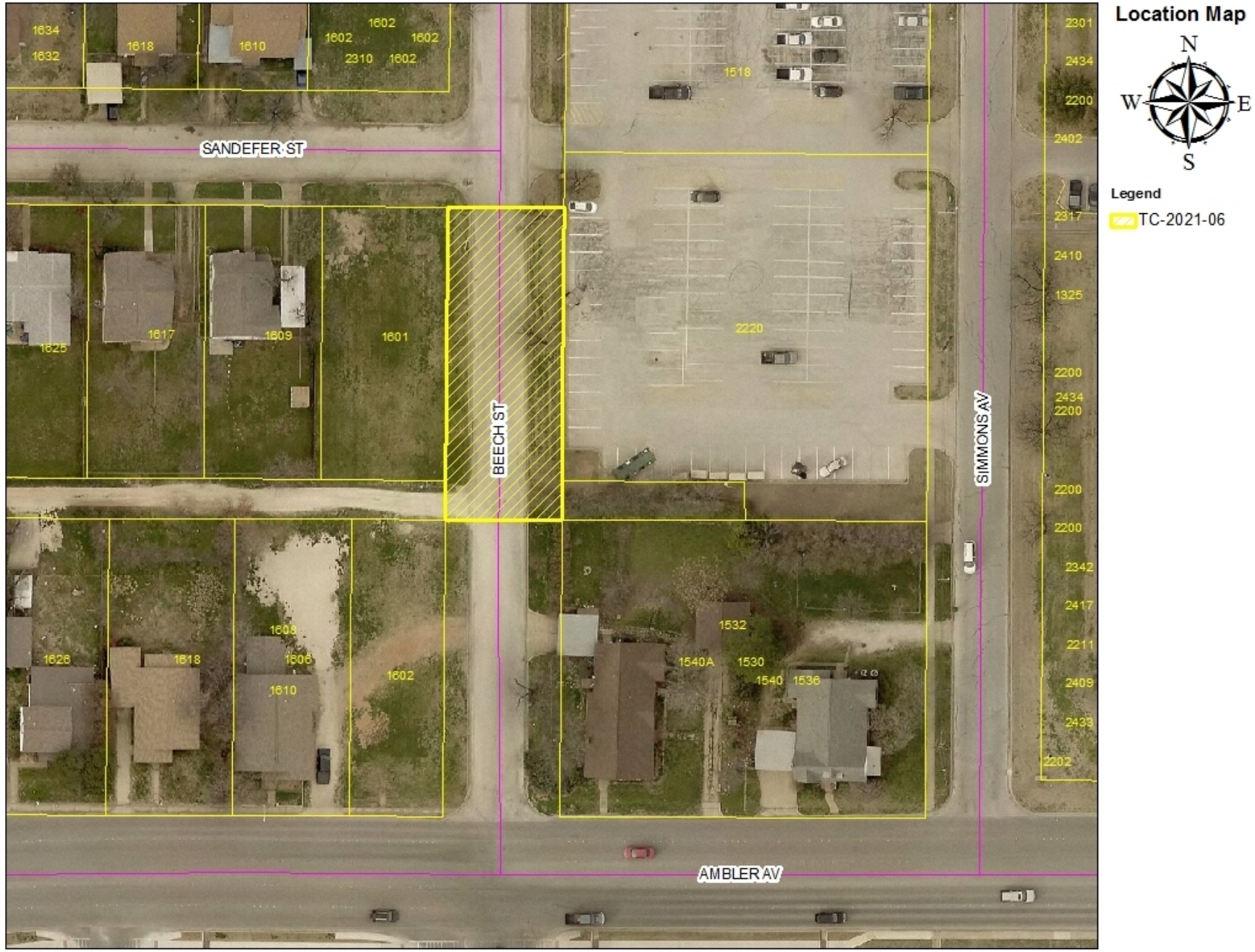
BEECH STREET ROW
ABANDONMENT REQUEST
FOR
BRAUM'S ICE CREAM AND DAIRY STORE
EXHIBIT A

20-7780	PROJECT NO.
01/05/2020	DATE
R.B.P.	DESIGNED BY:
J.C.	DRAWN BY:
R.B.P.	CHECKED BY:
1 OF 1	

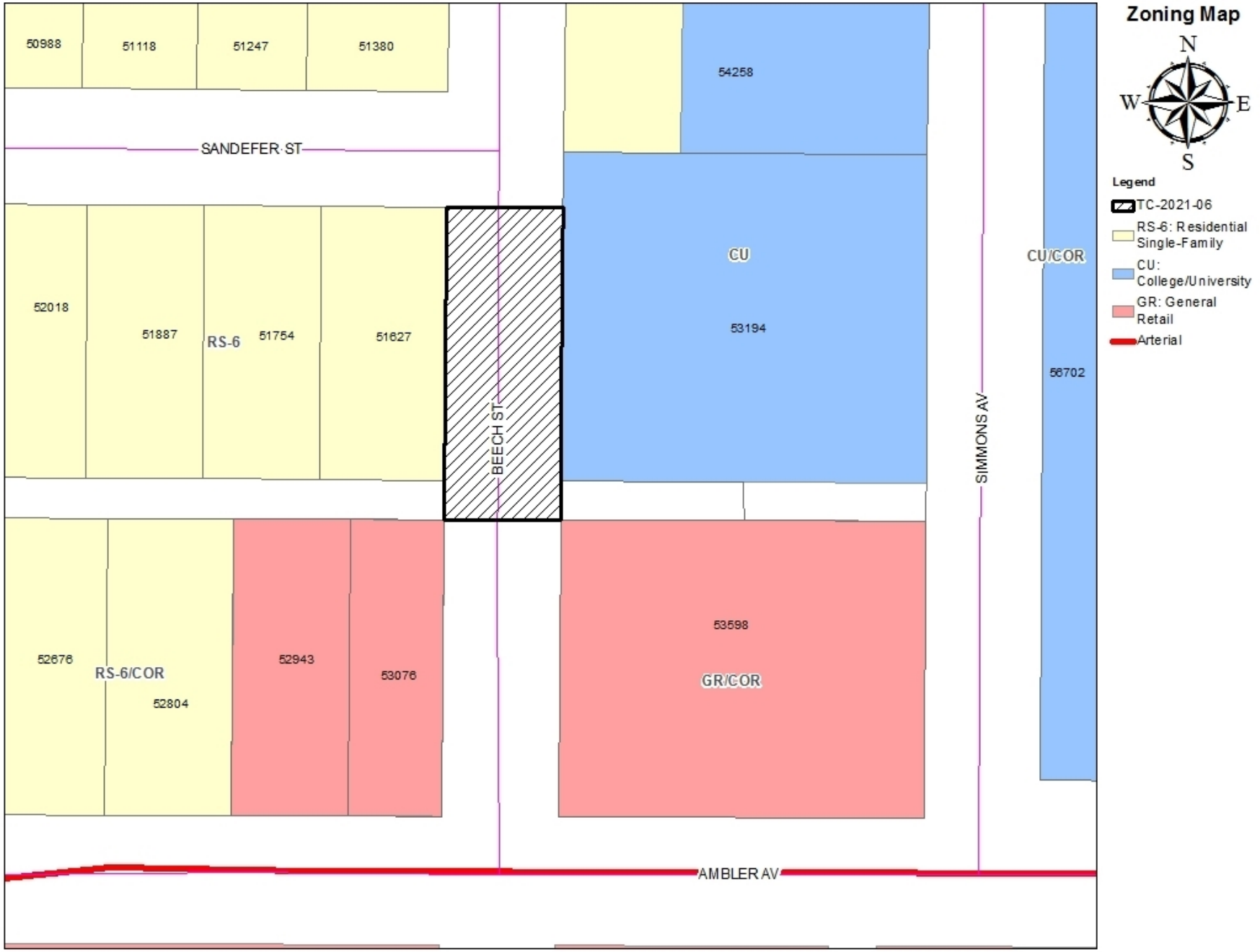
THOROUGHFARE ABANDONMENT REQUEST

Case:	TC-2021-06
Owner:	Hardin-Simmons University
Agent:	Enprotec Hibbs & Todd (eHT)
Request:	Complete 60-foot-width of public right-of-way for Beech Street as it extends 160-feet south from Sandefer Street
Notification:	11 in Favor, 0 Opposed
Planning & Zoning:	May 4, 2021
City Council Hearing:	May 27, 2021 June 10, 2021

TC-2021-06 LOCATION MAP



TC-2021-06 ZONING MAP



TC-2021-06 VIEWS OF SUBJECT RIGHT-OF-WAY AND NEIGHBORING PROPERTIES

TC-2021-06 NOTIFICATION AREA MAP

Notification Map

N
W E
S

Legend

200' Notification Area

TC-2021-06

11- In Favor-

0- Opposed-

0% Opposed

- DRC Recommendation: Satisfactory with conditions
- Staff Recommendation: Approval with conditions

Questions?