



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 December 7, 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 Take Action on Approving the Minutes from the Regular Meeting Held on November 2, 2021

PLATS

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

2. Receive a Report, Hold a Discussion and Take Action on the Following Plat:

FP-7621: Palmetto at Griffith Lake, A Subdivision of 2.78 acres Out of the Southeast 1/4 of Section 33, Blind Asylum Lands, City of Abilene, Taylor County, Texas

ZONING

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

3. **CUP-2021-02:** Public Hearing and Possible Vote to Recommend Approval or Denial to City Council on a Request from Thomas Paul Anthony (Represented by Enprotec/Hibbs & Todd, Engineering Consultants) for Approval of a Conditional Use Permit Allowing a Vacation Travel Trailer/Recreational Vehicle Park on 60.01 Acres Bordering the 2600-2700 Blocks (West Side) of West Lake Road in North Central Abilene. Legal Description Being 60.01 Acres Out of Block Nos. 7, 8 20 and 21 (As Well As Intervening and Adjacent Abandoned Segments of Plum and Lowden Streets) in the North Park Addition to Abilene, Taylor County, Texas
4. **Z-2021-37:** Public Hearing And Possible Vote To Recommend Approval Or Denial To City Council On A Request From Abilene Forrest Hill LLC (Represented By Jacob & Martin, Civil Engineering) To Change Zoning On Approximately 10.6 Acres Of Now-Vacant Land From Residential Single-Family (RS-6) To A Residential Medium-Density

(MD) District, And To Change Zoning On Approximately 22 Acres Of Now-Vacant Land From Residential Single-Family (RS-8) To A Residential Single-Family (Rs-6) District, All Approximately 32.6 Acres Of Which Are Located Approximately 1000 Feet East From The 6900 Block Of Old Forrest Hill Road And 1200-2200 Feet West From The 7100 Block Of Hardwick Road In South Abilene. Legal Description Being Approximately 32.6 Acres Out Of The T.C. Garner Survey In The City Of Abilene, Taylor County, Texas

5. **Z-2021-38:** Public Hearing And Possible Vote To Recommend Approval Or Denial To City Council On A Request From Exceptional Holdings LP (Represented By Michael Burton) To Amend Terms And Conditions Of Planned Development District Number 122 (A.K.A. Pd 122) Specifically To Remove The Requirement For A Solid Evergreen Hedge Along The North And East Boundaries Of A Tract Occupied By An Existing Restaurant Building At 3001 South Danville Drive. Legal Description Being A Certain Lot 102 In Block A Of A Subdivision Known As FD Abilene In The City Of Abilene, Taylor County, Texas
6. **Z-2021-39:** Public Hearing And Possible Vote To Recommend Approval Or Denial To City Council On A Request From Bobby Brown To Change Zoning From Residential Single-Family (RS-6) To A Neighborhood Retail (NR) District On Approximately 0.308 Acre Of Land At 2549 And 2601 Ross Street In South Central Abilene. Legal Description Being The West 78 Feet Of The North 172 Feet Of Lot 4 In Block 1 Of The Over Place Addition To The City Of Abilene, Taylor County, Texas
7. **TC-2021-07:** Public Hearing And Possible Vote To Recommend Approval Or Denial To City Council On A Request From Severo Garcia (Represented By Geotex Property Solutions LLC) To Abandon Certain Segments Of Unimproved Right-Of-Way Dedicated For Benbrook Street Extending As Much As 500 Feet West From Baker Street In Western Abilene, Leaving At Least A 30-Foot Width Of Right-Of-Way Therein To Function As An Alleyway

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 3rd day of December, 2021, at 4:10 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary



Planning and Zoning Commission MINUTES

The Planning and Zoning Commission of the City of Abilene, Texas met in a Regular Meeting on November 2, 2021 at 1:30 p.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas.

Commissioners Present:

Mr. Clint Rosenbaum, Chairman
Ms. Alex Russell, Sergeant-at-Arms
Mr. Mitch Barnett

Mr. Bill Noonan, Secretary
Mr. Brad Benham, Chairman Pro Tem
Rev. Iziar Lankford

Commissioner Absent:

Ms. Shawnte' Fleming

Staff Present:

Mr. Tim Littlejohn, Interim Director of Planning and Development Services/Chief Building Official
Ms. Kelley Messer, First Assistant City Attorney
Mr. Brad Stone, Planner III
Mr. Jared Smith, Planner II
Mr. Nick Watts, Planner I/Historic Preservation Officer
Ms. Melissa Farr, Executive Assistant

Others Present:

Mr. David Todd
Mr. Charles Snead
Mr. Kyle Tamez
Mr. Zane Sitzes

Mr. Tal Fillingim
Mr. Alex Whitten
Ms. Wendy Tamez

Mr. Ken Trevathan
Mr. Jeff Jackson
Mr. Wes Terry

CALL TO ORDER

The Planning and Zoning Commission convened in a regular meeting and was called to order at 1:32 p.m.

INVOCATION

Reverend Lankford delivered the invocation.

APPROVAL OF MINUTES FOR THE PREVIOUS MEETING

Ms. Russell moved to approve the minutes from the previous meeting held on October 5, 2021, with the revision to include her vote as NAY for item Z-2021-28. Mr. Benham seconded the motion. The motion to **approve** prevailed by the following vote:

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

NAYS: None

PLATS

FRP-7121: Arthur Sears Park Addition, Block 11, Lots 101 – 108

No Condition

PP-7321: Hardison Estates

No Conditions

PP-7421: Faculty Row Addition

No Conditions

FP-5021: Cross Development Addition, Block A, Lot 1

- Prior to recording, Construction Plans detailing required public improvements must be submitted to the Public Works Department and approved by the City Engineer.
- Prior to recording, all public improvements must be completed in accordance with approved construction plans 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-3019: Carriage Hills, Section 3

- Prior to recording, all public improvements must be completed in accordance with approved construction plans 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. Smith presented the proposed plats for consideration. The Development Review Committee has determined that the following plats meet all requirements outlined within Abilene's Land Development Code and is recommending approval with the noted conditions.

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

Reverend Lankford made the motion to approve the plats as presented. Mr. Benham seconded the motion. The motion to **approve** prevailed by the following vote:

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

NAYS: None

ZONING

Z-2021-30: Public Hearing and Possible Vote to Recommend Approval or Denial to City Council on a Request from Hit Ventures LLC to Change Zoning from Agricultural Open Space (AO) to a Neighborhood Retail (NR) District on Approximately 4.51 acres at 3250 Beltway South and out of W.J. Reddell Survey in Abilene, Taylor County, Texas.

Mr. Stone presented this request. This property was annexed to the City limits of Abilene during 1980 and has been embraced within an Agricultural Open Space (AO) zoning district ever since. The subject property was long owned by a church congregation which completed the existing building there in 1982. Churches are allowed in every zoning district of Abilene, including AO Districts. This particular congregation has since moved elsewhere. The building and surrounding property (4.51 acres) are now vacant.

Mr. Rosenbaum opened the public hearing. Mr. Alex Whitten spoke on behalf of Mr. Arnett, stating that he is unfamiliar with Medium density zoned projects. They are in favor of the Neighborhood Retail zoning, as that is the best fit. 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) in opposition.

PLANNING STAFF RECOMMENDATION: City staff recommends denying the requested zone change to a Neighborhood Retail (NR) District and, instead, recommends approving a zone change to a Residential Medium-Density (MD) District with a Conditional-Use Permit, specifically allowing a day care center therein.

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

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

NAYS: None

Z-2021-31: Public Hearing and Possible Vote to Recommend Approval or Denial to City Council on a Request from Jeffrey C. Snead to Change Zoning from Agricultural Open Space (AO) to a General Commercial (GC) District on Approximately 36 Acres of Land at 3658 East Highway 80 in East Abilene. Legal Description Being 35.89 Acres Out of Blind Asylum Lands Section 45 in Abilene, Taylor County, Texas.

Mr. Stone presented this request. The subject property's new owner desires to develop as-yet undetermined portions of this acreage for:

- Self-service storage (outdoors or under roof) of boats and other recreational vehicles; and
- A recreational vehicle park.

The only one of Abilene's conventional zoning classifications that can accommodate both these uses is General Commercial (GC) zoning.

Mr. Rosenbaum opened the public hearing. Seeing no one 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 none (0) in opposition.

PLANNING STAFF RECOMMENDATION: Approval

Reverend Lankford made the motion to approve this request. Ms. Russell seconded the motion. The motion to **approve** prevailed by the following vote:

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

NAYS: None

Z-2021-32: Public Hearing And Possible Vote To Recommend Approval Or Denial To City Council On A Request From Weatherbee Construction Inc. (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) To Change Zoning From Agricultural Open Space (AO) To A Residential Medium-Density (MD) District On Approximately 14 Acres Of Land at 665 East South 27th Street In Southeast Abilene. Legal Description Being A Certain 14.34 Acres Out Of The Northeast Quarter Of Blind Asylum Lands Section 62 In Abilene, Taylor County, Texas.

Mr. Smith presented this request. The subject property was annexed into the City of Abilene in 1963. These tracts of land have remained vacant since this time. The applicant is requesting to rezone these tracts of land in order to develop duplexes and single-family residences.

Mr. Rosenbaum opened the public hearing. Mr. David Todd 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. There were no (0) responses received in favor nor in opposition.

PLANNING STAFF RECOMMENDATION: Approval

Mr. Benham made the motion to approve this request. Mr. Noonan seconded the motion. The motion to **approve** prevailed by the following vote:

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

NAYS: None

Z-2021-33: Public Hearing And Possible Vote To Recommend Approval Or Denial To City Council On A Request From Sitzes Brothers LLC (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) To Change Zoning From Residential Multi-Family (MF) To A Planned Development (PD) District Allowing Uses Commensurate With Residential Multi-Family (MF) Zoning As Well As Self-Service Storage, On Approximately 1¼ Acre Of Now-Vacant Land At 3750 Rolling Green Drive, In South Abilene. Legal Description Being A Certain 1.219-Acre Tract Out Of J. E. Sheppard Survey No. 96 In Abilene, Taylor County, Texas.

Mr. Stone presented this request. This property was annexed to the City limits of Abilene during 1963. This property remained in an AO (previously RA) zoning district until the early 21st Century, when it was embraced within the same Residential Multi-Family (MF) zoning district as the Tylor Grand Apartments.

All buildings in the Tylor Grand complex are connected to a sewer main existing adjacent to the northwest corner of that complex, at least 500 feet from the subject property of the current proposed zone change. Another sewer main does exist closer to the subject property, only approximately 75 feet to the south and across the width of Rolling Green Drive. But this existing sewer main is too shallow to be extended any further and expect wastewater to flow, according to the City's Utility Engineer.

Mr. Rosenbaum opened the public hearing. Mr. David Todd spoke in favor, stating this will be a totally conditioned storage facility where everything is inside. 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.

PLANNING STAFF RECOMMENDATION: Approval

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

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

NAYS: None

Z-2021-34: Public Hearing And Possible Vote To Recommend Approval Or Denial To City Council On A Request From Christopher Blake Howard (Represented By Jacob & Martin LLC) To Change Zoning From Residential Single-Family (Rs-6) To A Residential Single-Family Patio Home (PH) District On Approximately 2.78 Acres Of Now-Vacant Land At 1633 Griffith Road. Legal Description Being All Of Lot 1 In HBMS Roppe Estates, Abilene, Taylor County, Texas.

Mr. Smith presented this request. The intention for this rezoning, according to a draft subdivision plat received by staff, is to create seven (7) single-family home sites that are fronting onto Griffith Road.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim spoke in favor, saying the developer's intent is to construct a new development of patio homes, which are a different product than Griffith Lake Estates. 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. There were no (0) responses received in favor, with one (1) in opposition.

PLANNING STAFF RECOMMENDATION: Approval

Mr. Barnett made the motion to approve this request. Mr. Noonan seconded the motion. The motion to approve prevailed by the following vote:

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

NAYS: None

Z-2021-35: Public Hearing And Possible Vote To Recommend Approval Or Denial To City Council On A Request From Broadview Baptist Church (Represented By Les Campbell) To Change Zoning From Residential Single-Family (RS-6) To A Neighborhood Retail (NR) District On 0.3271 Acre Of Land At 2414 South 27th Street In South Central Abilene. Legal Description Being The South 104 Feet Of The West 137 Feet Of Lot 4 In Block 1 Of The Over Place Addition To Abilene, Taylor County, Texas.

Mr. Watts presented this request. The subject property was zoned Residential Single Family (RS-6) District in 1974. The subject property is a portion of lot 4 within Block 1 of the Over Place Addition. Broadview Baptist Church has owned the property since 2014. According to

information included within the application, Broadview Baptist Church would like to rezone the subject property to attract buyers interested in a retail district.

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

Property owners within a 200-foot radius were notified of this request. There were no (0) responses received in favor nor in opposition.

PLANNING STAFF RECOMMENDATION: Approval

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

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

NAYS: None

Z-2021-36: Public Hearing And Possible Vote To Recommend Approval Or Denial To City Council On A Request From Abilene Majestic LLC (Represented By Jacob & Martin LLC) To Amend Terms And Conditions Of Planned Development District Number 77 (PD 77) Specifically As They Affect 1.98 Acre Of Now-Vacant Land At 3850 Catclaw Drive In South Abilene, Expanding The Range Of Allowed Uses There To Include (Minor) Repair And Maintenance Of Automobiles And Small Trucks. Legal Description Of Said 1.98 Acre Being All Of Lot 201 In Block A Of The Pak Addition To Abilene, Taylor County, Texas.

Mr. Watts presented this request. There are no automotive related uses indicated as a permitted use within this entire PD district. The applicant is requesting this amendment to operate an automobile oil change business on this lot.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim 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 one (1) in opposition.

PLANNING STAFF RECOMMENDATION: Approval with the following conditions:

- Alter the permitted use language to include “Automobile/small truck oil change.”
- Add a limit to the hours of operation for the permitted use “automobile small/truck oil change” from 7 AM to 7 PM C.S.T.

Mr. Benham made the motion to approve this request with the condition to specify “small auto” oil change services. Mr. Noonan seconded the motion. The motion to approve prevailed by the following vote:

AYES: Barnett, Benham, Noonan, Lankford, Rosenbaum

NAYS: None

ABSENT: Russell

Adjournment

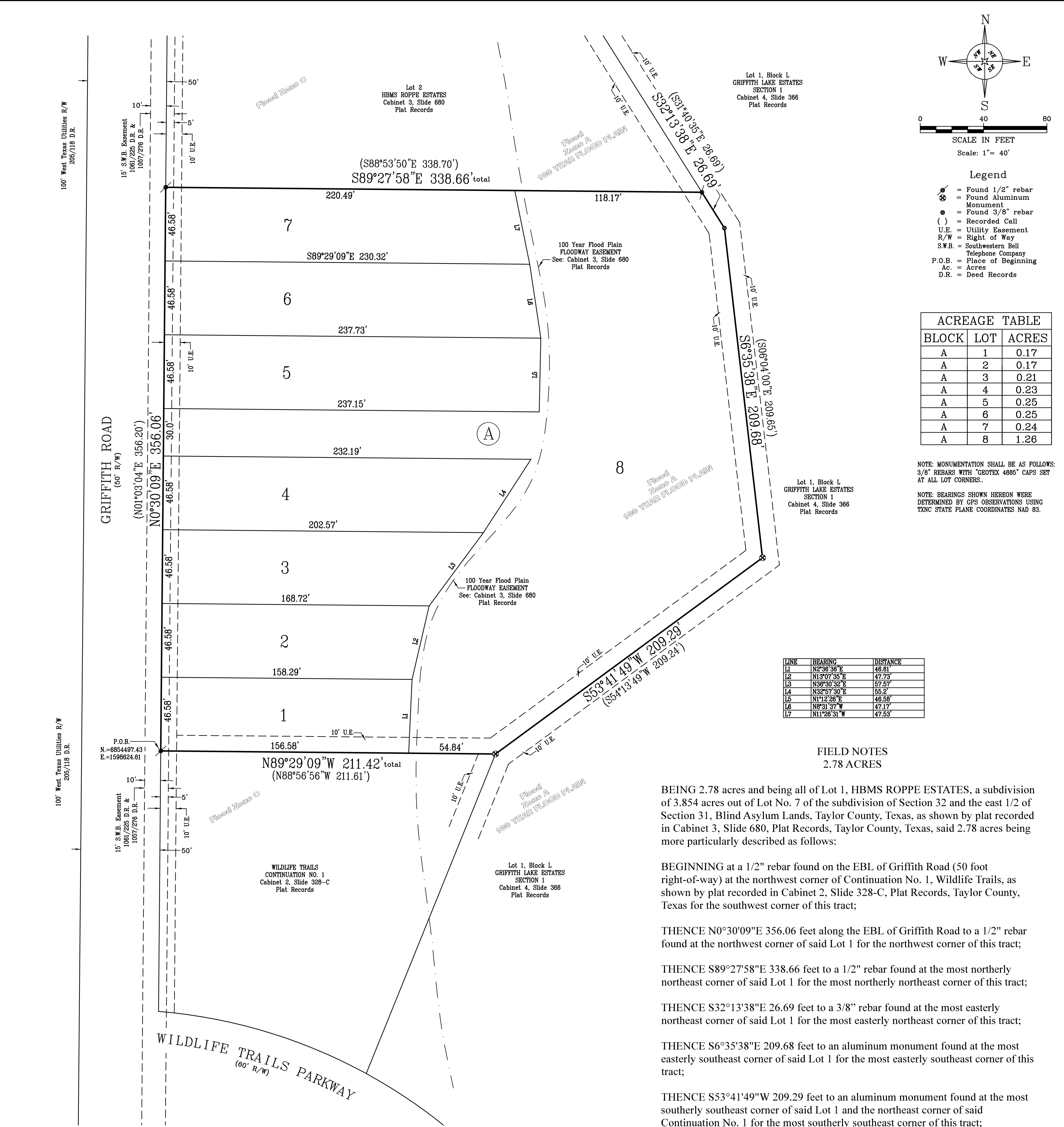
There being no further discussion, Mr. Rosenbaum adjourned the meeting at 2:54 p.m.

APPROVED

Mr. Clint Rosenbaum, Chairman

Owner: Christopher Blake Howard
1633 Griffith Road
Abilene, Texas 79601

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



ACREAGE TABLE		
BLOCK	LOT	ACRES
A	1	0.17
A	2	0.17
A	3	0.21
A	4	0.23
A	5	0.25
A	6	0.25
A	7	0.24
A	8	1.26

NOTE: MONUMENTATION SHALL BE AS FOLLOWS:
3/8" REBARs WITH "GEOTEX 4885" CAPS SET AT ALL LOT CORNERS.

NOTE: BEARINGS SHOWN HEREON WERE DETERMINED BY GPS OBSERVATIONS USING TXNC STATE PLANE COORDINATES NAD 83.

LINE	BEARING	DISTANCE
L1	N2°36'38"E	46.61'
L2	N13°07'35"E	47.73'
L3	N36°30'32"E	57.57'
L4	N32°57'30"E	55.2'
L5	N1°12'28"E	46.58'
L6	N8°31'37"W	47.17'
L7	N11°26'31"W	47.53'

FIELD NOTES 2.78 ACRES

BEING 2.78 acres and being all of Lot 1, HBMS ROPPE ESTATES, a subdivision of 3.854 acres out of Lot No. 7 of the subdivision of Section 32 and the east 1/2 of Section 31, Blind Asylum Lands, Taylor County, Texas, as shown by plat recorded in Cabinet 3, Slide 680, Plat Records, Taylor County, Texas, said 2.78 acres being more particularly described as follows:

BEGINNING at a 1/2" rebar found on the EBL of Griffith Road (50 foot right-of-way) at the northwest corner of Continuation No. 1, Wildlife Trails, as shown by plat recorded in Cabinet 2, Slide 328-C, Plat Records, Taylor County, Texas for the southwest corner of this tract;

THENCE N0°30'09"E 356.06 feet along the EBL of Griffith Road to a 1/2" rebar found at the northwest corner of said Lot 1 for the northwest corner of this tract;

THENCE S89°27'58"E 338.66 feet to a 1/2" rebar found at the most northerly northeast corner of said Lot 1 for the most northerly northeast corner of this tract;

THENCE S32°13'38"E 26.69 feet to a 3/8" rebar found at the most easterly northeast corner of said Lot 1 for the most easterly northeast corner of this tract;

THENCE S6°35'38"E 209.68 feet to an aluminum monument found at the most easterly southeast corner of said Lot 1 for the most easterly southeast corner of this tract;

THENCE S53°41'49"W 209.29 feet to an aluminum monument found at the most southerly southeast corner of said Lot 1 and the northeast corner of said Continuation No. 1 for the most southerly southeast corner of this tract;

THENCE N89°29'09"W 211.42 feet along the NBL of said Continuation No. 1 and the SBL of said Lot 1 to the place of beginning and containing 2.78 acres of land.

PALMETTO AT GRIFFITH LAKE
a Subdivision of 2.78 acres out of the Southeast
1/4 of Section 33, Blind Asylum Lands, City of
Abilene, Taylor County, Texas.

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 HEREBY CERTIFY THAT THE SUBDIVISION ON 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 CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCKS, LOTS, STREETS, AND ALLEYS UNDER THE NAME OF

PALMETTO AT GRIFFITH LAKE

a Subdivision of 2.78 acres out of the Southeast

1/4 of Section 33, Blind Asylum Lands, 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 FIELD NOTES SHOWN HEREON"

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 _____
KNOWN TO ME TO BE THE PERSON _____ WHOSE NAME _____ SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT _____ 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 _____ DAY OF _____ A D 20_____
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 2.78 acres

SCALE 1" = 40' SMALLEST LOT 0.18 acres LARGEST LOT 1.10 acres

LOT WIDTH MIN 50.84' MAX 50.87' LOT DEPTH MIN 156.58' MAX 238.19'

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 :

PALMETTO AT GRIFFITH LAKE
a Subdivision of 2.78 acres out of the Southeast
1/4 of Section 33, Blind Asylum Lands, City of Abilene, Taylor County, Texas.

December 2, 2021
DATE

James L. Williams, Jr.

SIGNATURE

PLAT PREPERATION DATE: December 2, 2021

James L. Williams, Jr. R.P.L.S. #4885
REGISTERED PROFESSIONAL LAND SURVEYOR

ZONING CASE CUP-2021-02

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: December 7, 2021

City Council 1st Reading: December 17, 2021

City Council 2nd Reading: January 13, 2022

Applicant

Owner: Thomas Paul Anthony

Agent: Enprotec Hibbs and Todd, LLC

Request

Add a Conditional Use Permit (CUP) to approximately 59.36 acres of vacant property zoned Agricultural Open (AO).

Location

2600-2700 blocks (west side) of West Lake Road in north central Abilene. Legal description being 59.36 acres out of Block Nos. 7, 8, 20, and 21 (as well as intervening and the adjacent abandoned segments of Plum and Lowden Streets) in North Park Addition to Abilene, Taylor County, Texas.

Background

This subject property was annexed into the City Limits of Abilene in 1957. The subject property has been zoned Agricultural Open (AO) zoning since at least 1974. This property was vacant up until 2009 at which time permits were issued for the agricultural buildings which currently reside on the property.

According to information provided within the application, the owner wishes to establish a Vacation Travel Trailer/Recreational Vehicle Park on this subject property. According to the Land Use Matrix located in Section 2.4.2.1 of the City of Abilene's Land Development Code; vacation travel trailer/recreational vehicle parks are only permitted in Agricultural Open (AO) zoning with the approval of a Conditional Use Permit.

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 to the north consists of Agricultural Open (AO) and Heavy Industrial (HI) zoning, within these districts are single-family residences. West of the subject property is Light Industrial (LI) and Agricultural Open (AO) zoning districts that are presently vacant. South and east of the subject property are Agricultural Open (AO) zoning districts that are currently vacant.

Criteria Assessment

Staff has reviewed the request based upon the factors established in Section 1.4.3.5, Criteria for Approval, of the Land Development Code. These factors are identified and addressed below:

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.

The Future Land Use and Development Plan Map identifies this area as low-density residential. The proposed use of this site will function much like a residential land use; however, it will house temporary residences and visitors to the City of Abilene. The planned use of this property will achieve the goal of the Comprehensive Plan for infill development by promoting the use of a large tract of vacant land that is predominately inundated by the floodway and therefore presents challenges to development.

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

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations

No, Agricultural Open (AO) zoning and applicable regulations are designed to preserve valuable agricultural land and to preserve open space. However, Agricultural Open zoning is also utilized as a “holding zone” for land that is annexed into the City of Abilene until a request for a more intense zoning classification or conditional use is sought after. The purpose of a Conditional Use Permit is to allow the establishment of uses that may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses. The extensive floodplains and floodways in this vicinity present a development challenge to the subject property and limit the development potential of surrounding properties. Taking this into consideration, the planned use of a vacation travel trailer/RV park is desirable given the temporary nature of the recreational vehicles that will be placed at this location.

3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.

It is the opinion of the staff that the proposed use is appropriate in the immediate area of the land to be reclassified. The area is predominately undeveloped and will likely remain undeveloped due to the extensive amount of floodways in the immediate area.

It is the opinion of the staff that the proposed use of this site will not create adverse impacts regarding traffic, noise, or odors.

4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

Yes, the proposed use will not generate pedestrian and vehicular traffic that will be hazardous or conflict with existing and anticipated traffic. West Lake Road is a major arterial road. Roadways such as this are designed to carry large volumes of traffic and built to a standard that can withstand heavy vehicle traffic.

5. **The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.**

The development of this site will require an official Site Plan review by the City of Abilene's Development Review Committee. Prior to the approval of this site plan, the owner of the property will be required to formally plat the property. Prior to the subdivision plat being approved public improvements will be required. Said public improvements are to include but not be limited to the expansion in the width of the street pavement for West Lake Road.

6. **The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.**

There are no plans to incorporate features to minimize adverse effects, including visual impacts that the proposed use may have on adjacent properties. However, due to the substantial amount of floodways in the immediate vicinity, the majority of the surrounding properties are vacant and will likely remain so for the foreseeable future. The two residences located immediately north of the subject property are north of an existing drainage channel; along this drainage channel is significant vegetation that may serve as a natural land use buffer.

7. **The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.**

Yes, the variations from the standards for the zoning district will promote a form of residential land use on a property that is otherwise unfit for much else due to the existing flood plains and floodways that intersect the subject property.

Staff Recommendation

Staff recommends approval.

Notification

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

TABLE 1

Owner	Parcel ID	Situs	Response
BASHFORD DAVID H	32365	789 ANSON AV	
BASHFORD DAVID H	32363	749 ANSON AV	
CRYSTAL CITY RAILROAD INC	31725	801 ANSON AV	
FULLERTON GAYLA	976212	2826 W LAKE RD	
FULLERTON GAYLA	41835	2749 W LAKE RD	
FULLERTON GAYLA D	981929	601 ANSON AV	
GOGGANS & SONS INC	53114		
GOODIN MARION J JR	42213	2801 W LAKE RD	
HERMANN RUTH	68541	104 E AMBLER AV	
JOHNSON WILLIAM	41969	2701 W LAKE RD	
PELTON ROBERT	65541		
STEPHENS PEGGY CAROLYN	32236	349 ANSON AV	
THOMAS PAUL ANTHONY	64271	2648X W LAKE RD	
THOMAS PAUL ANTHONY	106790	2502 W LAKE RD	

Attachments

Application

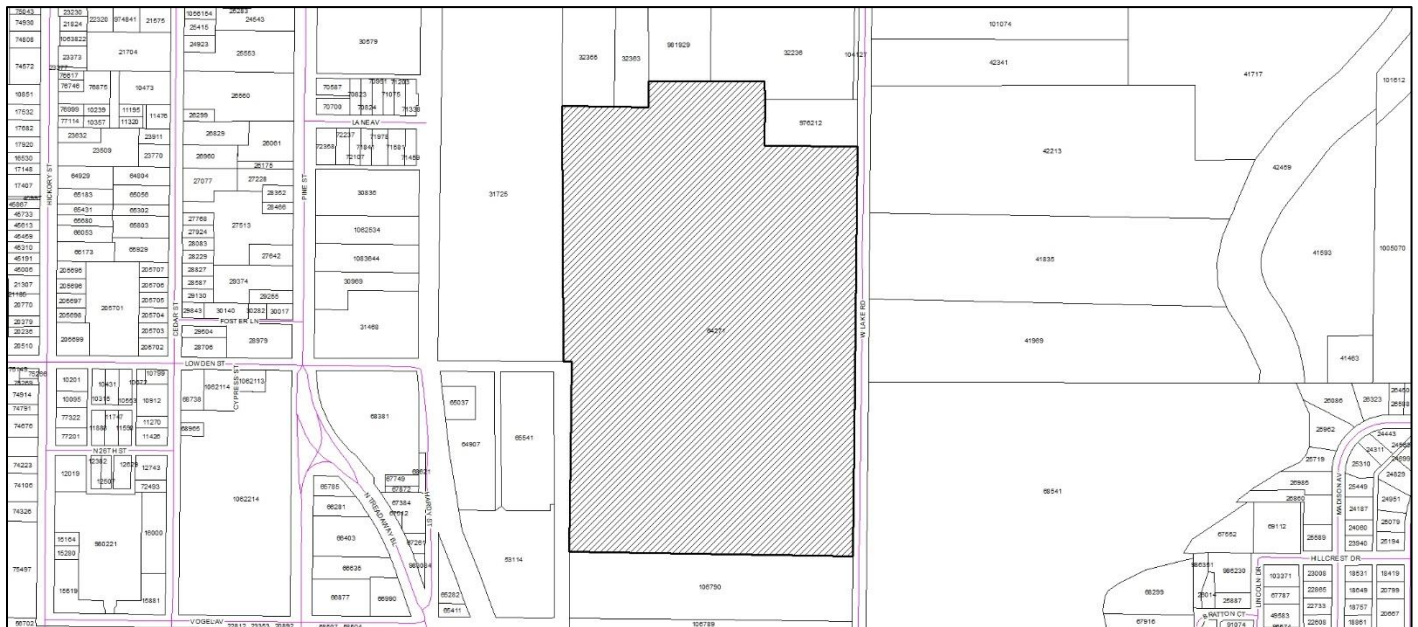
Draft Site Exhibit

PowerPoint Presentation

ZONING MAP



LOCATION MAP





Development Application

Planning

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

Project Name: Grapevine Farms RV Park
 Address: West Lake Road No. of lots: 1 Acreage: 59.4
 Legal Description: Lot 1 Block 8 North Park Addition
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: AO Proposed Zoning (if applicable): Conditional use to allow RV Park

OWNER AND AUTHORIZATION

Owner Name: Thomas Paul Anthony
 Address: 601 Ansen Ave
 City, State, Zip: Abilene, Tex 79601 Fax: _____
 Phone: 665-7810 Email: paul@customprivateequity.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) EAT will act as my agent before the Planning and Zoning Commission.

Agent Name: EAT
 Address: 402 Cedar
 City, State, Zip: Abilene, Tex 79601 Fax: _____
 Phone: 698-5560 Email: david.todd@e-lit.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: Paul Anthony Date: 11-3-21

FOR OFFICE USE ONLY

Received: 10/26/21 Fee: \$ 1500.00 Receipt No.: 0001065553
 Case No.: CUP-2021-02 Reviewed By: [Signature]

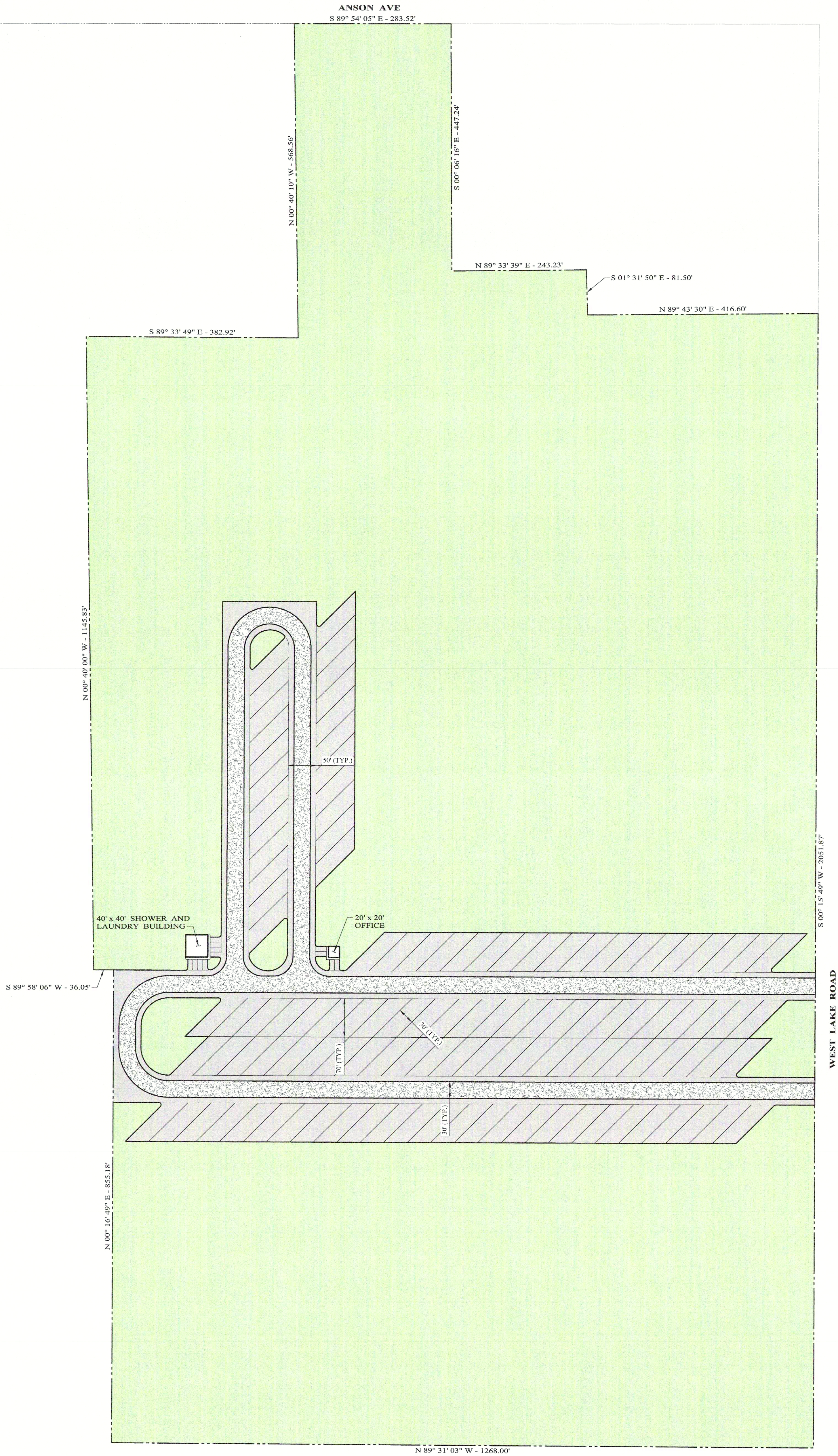
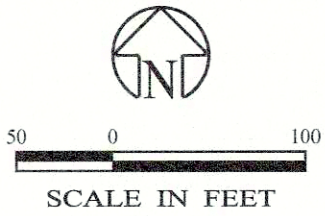


Development Application

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

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

1. Allow an RV park in an AO
zone



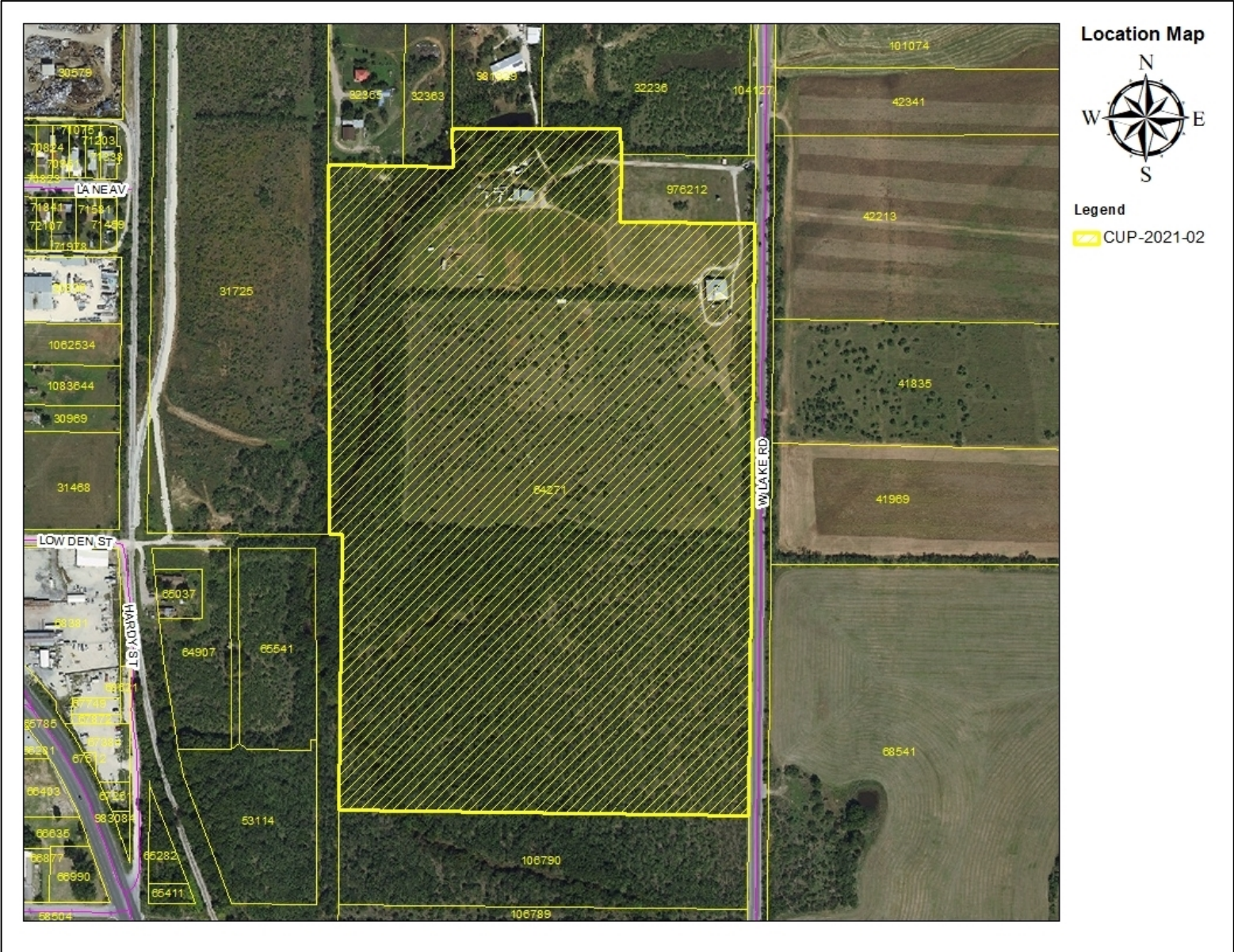


Enprotec | Hibbs & Todd
402 Cedar Street • Abilene, Texas 79601 • T: (325) 698-5560 • F: (325) 690-3240 • www.e-ht.com
PE Firm Registration No. 1151 • PG Firm Registration No. 50103 • RPLS Firm Registration No. 10011900

**CONCEPTUAL SITE PLAN
FOR
GRAPEVINE FARMS RV PARK
ABILENE, TAYLOR COUNTY, TEXAS**

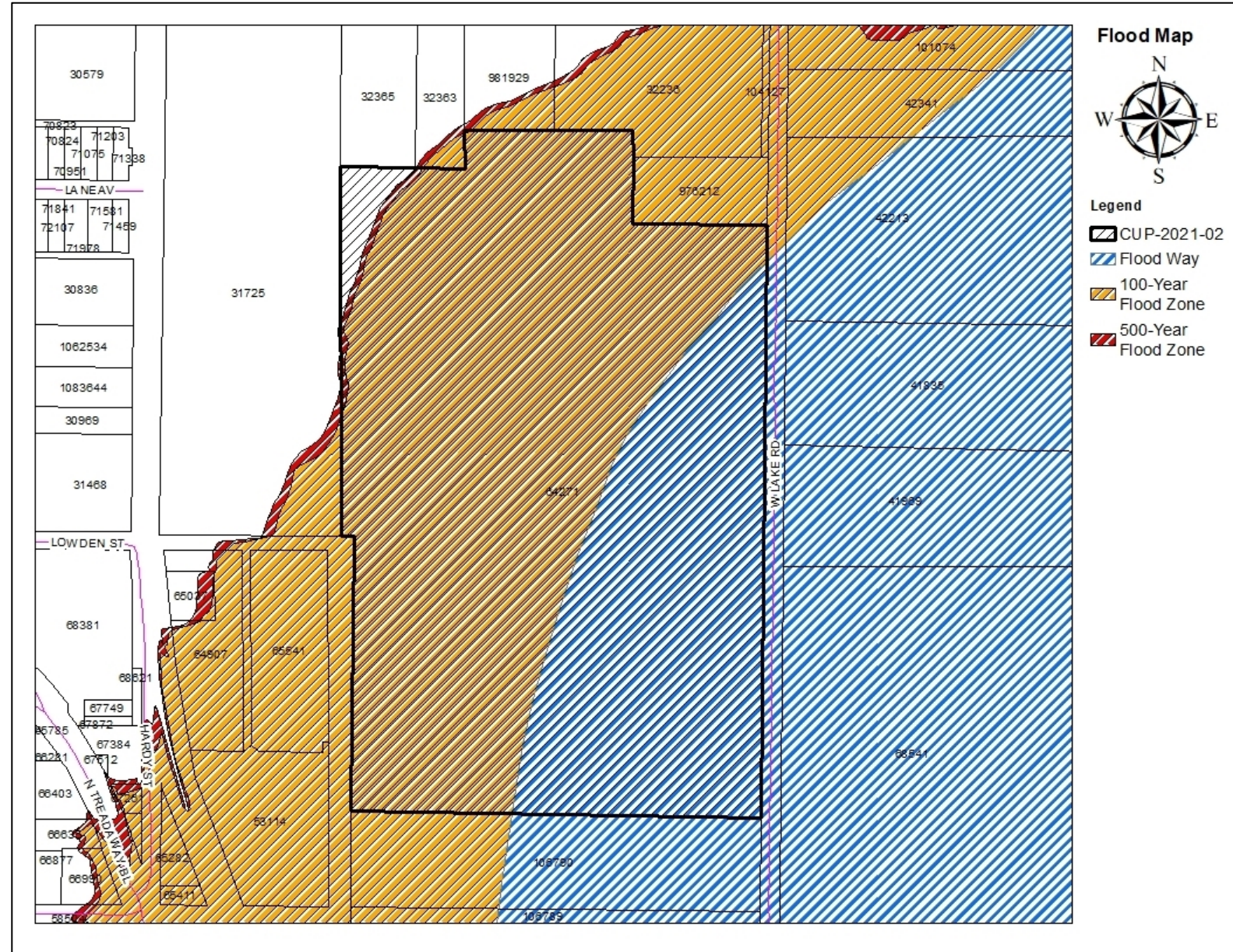
8081
PROJECT NO.
10/27/2021
DATE
J.D.T.
DESIGNED BY:
D.B.H.
DRAWN BY:
J.D.T.
CHECKED BY:
1 OF 1

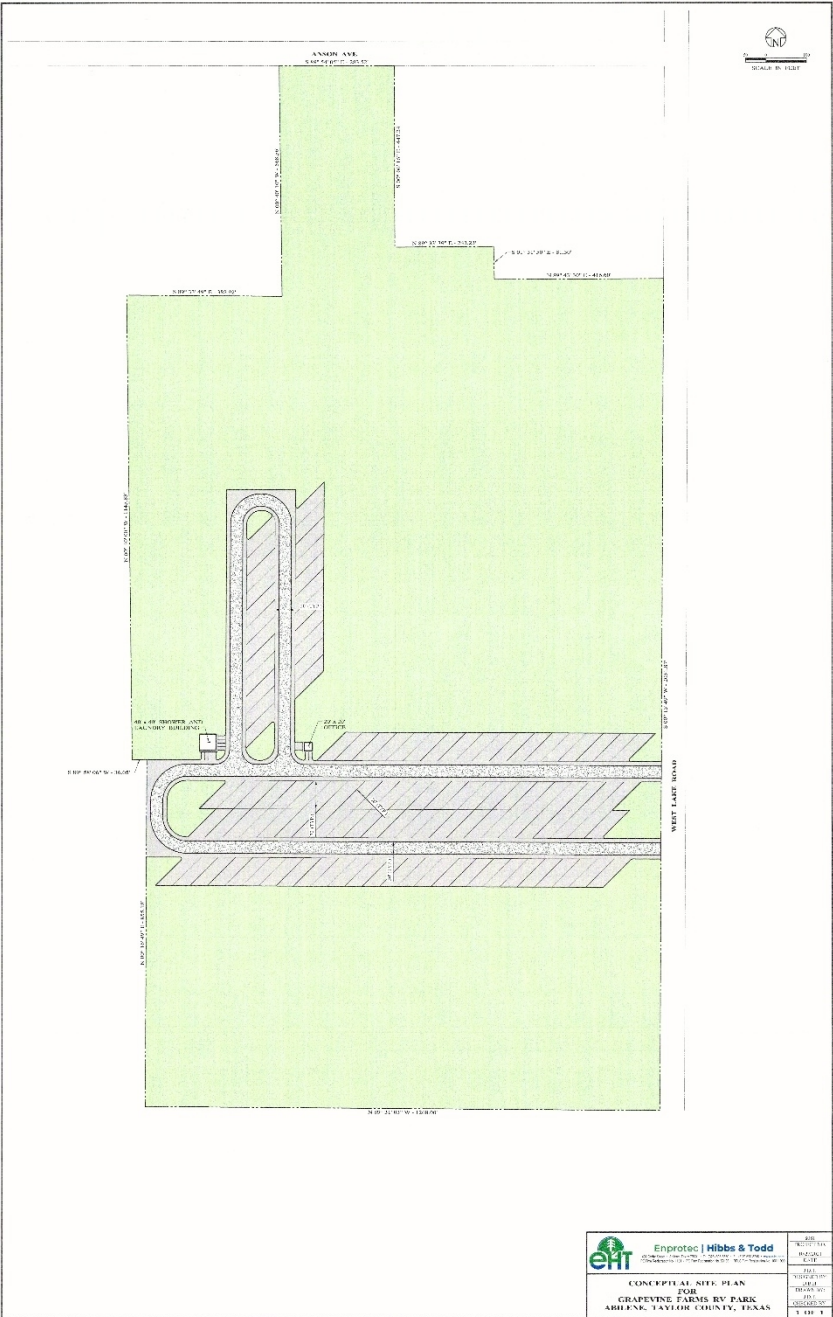
Case:	CUP-2021-02
Owner:	Thomas Paul Anthony
Agent:	Enprotec Hibbs and Todd, LLC
Request:	Conditional Use Permit to allow a Vacation Travel Trailer/RV park on 59.36 acres of vacant property zoned Agricultural Open (AO)
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	December 7, 2021
City Council Hearings:	1 st December 17, 2021 2 nd : January 13, 2022



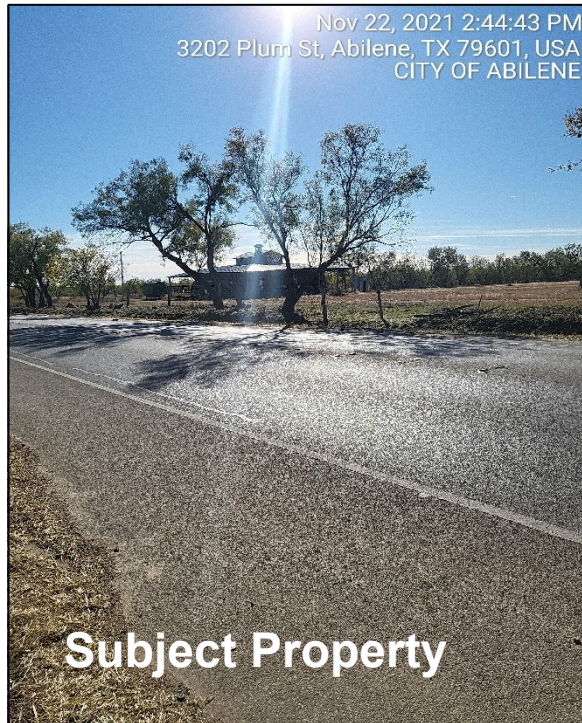
CUP-2021-02 ZONING MAP

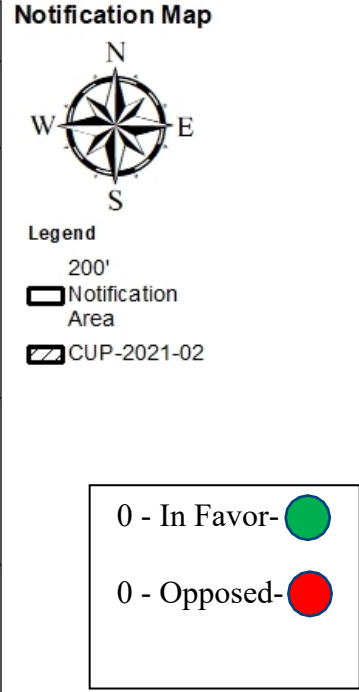






CUP-2021-02 VIEWS OF SUBJECT & ADJACENT PROPERTIES





- Consistent with the *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.3.5 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval

Questions?

PROJECT OVERVIEW

Project Type: Zoning Application | **Project Title:** Rezoning to Combination of RS-6 & MD
ID # 21-000164 | **Started** 11/05/2021 at 9:25 AM



Address

Abilene, TX USA 79606

Legal

A1366 T C Garner Blk
Tract E Pa Lot Acres 45.3
A1366 T C Garner, Tract
E Part 1 & 2, Acres 63.95

Property Info

Property ID: 10258

Description

Rezoning of RS-6 land to MD, and rezoning of adjacent RS-8 land to RS-6

INFORMATION FIELDS

Owner Name

Abilene Forrest Hill, LLC.

Agent Name

Jacob & Martin

Block

-

Lot

-

Acreage

-

Legal Description of property

A1366 T C GARNER, TRACT E PART 1 & 2, ACRES 36.638

Subdivision Name

-

Current Zoning

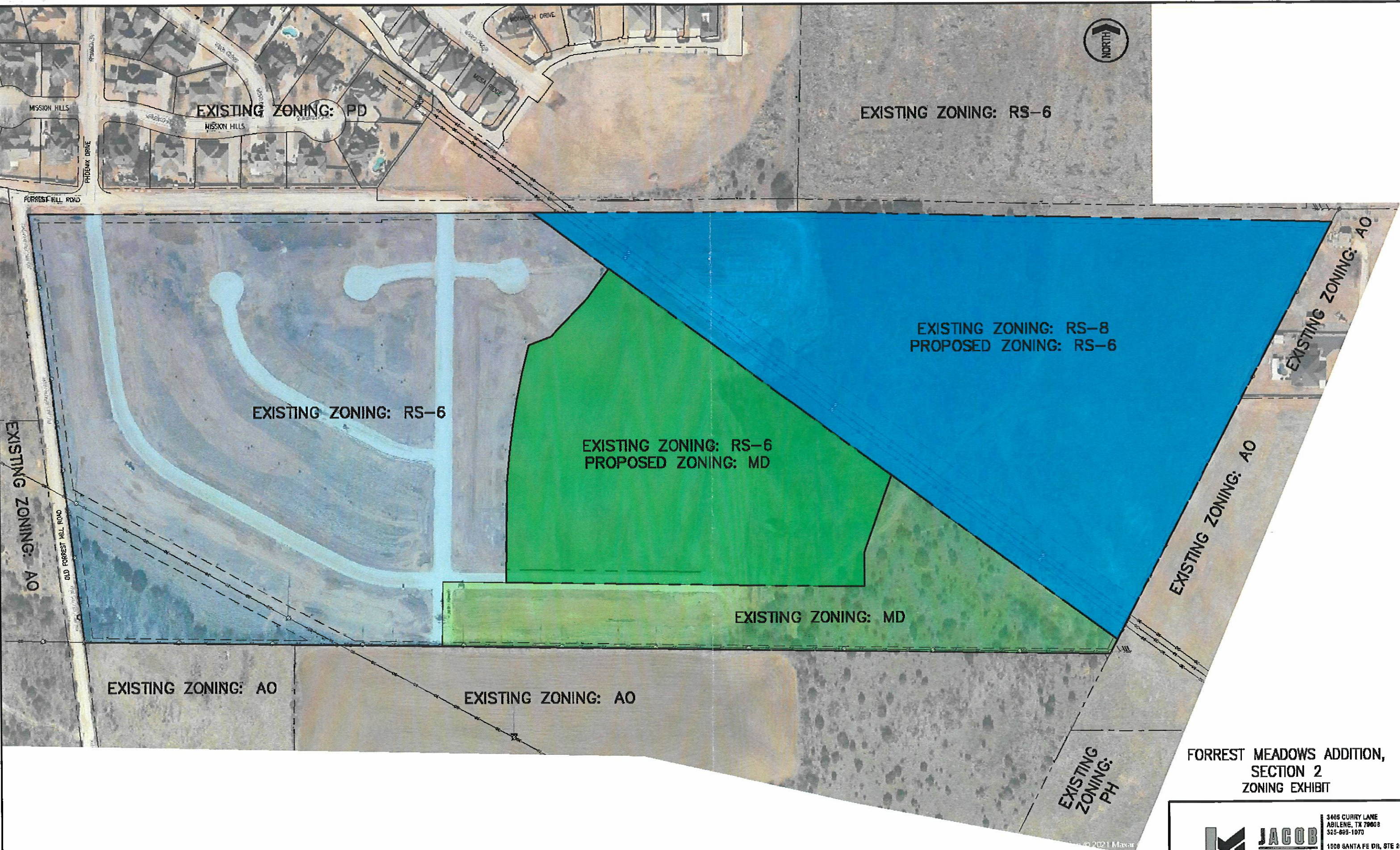
RS-6 & RS-8

Proposed Zoning

MD & RS-6 (respectively)

Agree to Terms

Clayton Farrow 11-5-2021



EXISTING ZONING: PD

EXISTING ZONING: RS-6

EXISTING ZONING: RS-8
PROPOSED ZONING: RS-6

EXISTING ZONING: RS-6

EXISTING ZONING: RS-6
PROPOSED ZONING: MD

EXISTING ZONING: MD

EXISTING ZONING: AO

EXISTING ZONING: AO

EXISTING ZONING: AO

EXISTING ZONING: AO

EXISTING ZONING: PH

FORREST MEADOWS ADDITION,
SECTION 2
ZONING EXHIBIT



3466 CURRY LANE
ABILENE, TX 79603
325-695-1070
1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76086
817-584-9820
TBPLS FIRM# 10024300

ZONING CASE Z-2021-37

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: December 7, 2021

City Council 1st Reading: December 17, 2021

City Council 2nd Reading: January 13, 2022

Applicant

Owner: Abilene Forest Hill LLC

Agent: Jacob & Martin - Civil Engineering

Request

Rezone from Residential Single-Family (RS-6) District to Medium-Density (MD) District and Residential Single-Family (RS-8) District to a Residential Single-Family (RS-6) District

Location

1000 feet east from the 6900 block of Old Forrest Hill Road and 1200-2200 feet west from the 7100 block of Hardwick Road in south Abilene.

Background

In 1980, these two tracts of land, including others tracts of land along Buffalo Gap Road, were annexed into Abilene City Limits and given a base zoning of Agricultural Open Space (AO) District (53-1980). In 1997, these two tracts were rezoned to Residential Single-Family (RS-8) District and Old Forrest Hill Road was renamed to Forrest Hill Road (08-1997). In 2019, 35.408 acres were rezoned from RS-8 to RS-6 District (26-2019). Section 1 of Forrest Meadows Addition was formally platted in March of 2021 (FP-1421). The applicants are now requesting to continue the development of these vacant tracts of land.

Criteria Assessment

Section 1.4.1.4 of Abilene's 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.

The Future Land Use and Development Plan Map identifies this area as mixture of single-family and multi-family land uses. 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

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

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

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

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

Staff Recommendation

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

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on November 26 of 2021, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1

Owner	Parcel ID	Situs	Response
ABILENE FORREST HILL LLC	1063981	7117 TIN CUP	
ABILENE FORREST HILL LLC	1063980	7125 TIN CUP	
ABILENE FORREST HILL LLC	1063980	7127 TIN CUP	
ABILENE FORREST HILL LLC	1063979	7133 TIN CUP	
ABILENE FORREST HILL LLC	1063978	7141 TIN CUP	
ABILENE FORREST HILL LLC	1063978	7143 TIN CUP	
ABILENE FORREST HILL LLC	1063977	7149 TIN CUP	
ABILENE FORREST HILL LLC	1063913	7150 PHOENIX DR	
ABILENE FORREST HILL LLC	1063931	7149 PHOENIX DR	
ABILENE FORREST HILL LLC	1063932	3601 YAMINI DR	
ABILENE FORREST HILL LLC	1063953	3606 YAMINI DR	
ABILENE FORREST HILL LLC	1063968	3517 HARI TEXAN CT	
ABILENE FORREST HILL LLC	1063963	3518 HARI TEXAN CT	
ABILENE FORREST HILL LLC	1063964	3510 HARI TEXAN CT	
ABILENE FORREST HILL LLC	10258		
ABILENE FORREST HILL LLC	1063976	7025 FORREST MEADOWS DR	
ABILENE FORREST HILL LLC	1063975	7017 FORREST MEADOWS DR	
ABILENE FORREST HILL LLC	1063974	7009 FORREST MEADOWS DR	
ABILENE FORREST HILL LLC	1063973	7001 FORREST MEADOWS DR	
ABILENE FORREST HILL LLC	1063972	6947 FORREST MEADOWS DR	
ABILENE FORREST HILL LLC	1063971	6939 FORREST MEADOWS DR	
ABILENE FORREST HILL LLC	1063970	6931 FORREST MEADOWS DR	
ABILENE FORREST HILL LLC	1063969	6923 FORREST MEADOWS DR	
ABILENE FORREST HILL LLC	1063967	3509 HARI TEXAN CT	
ABILENE FORREST HILL LLC	1063966	3501 HARI TEXAN CT	
ABILENE FORREST HILL LLC	1063965	3502 HARI TEXAN CT	
ABILENE FORREST HILL LLC	1063982	7109 TIN CUP	
BYRD MIKE	23442		
BYRD MIKE	101424	7128 HARDWICK RD	
BYRD MIKE	23697	6328 HARDWICK RD	
BYRD MIKE	23299		
BYRD MIKE	23569		
BYRD MIKE	32416	6542 FAIRWAY OAKS BL	
CROWN MONEY LLC	10149		
MESA RIDGE ESTATES INC	14753		
STOCKARD INVESTMENTS INC	1012813		

Attachments

Application

PowerPoint Presentation

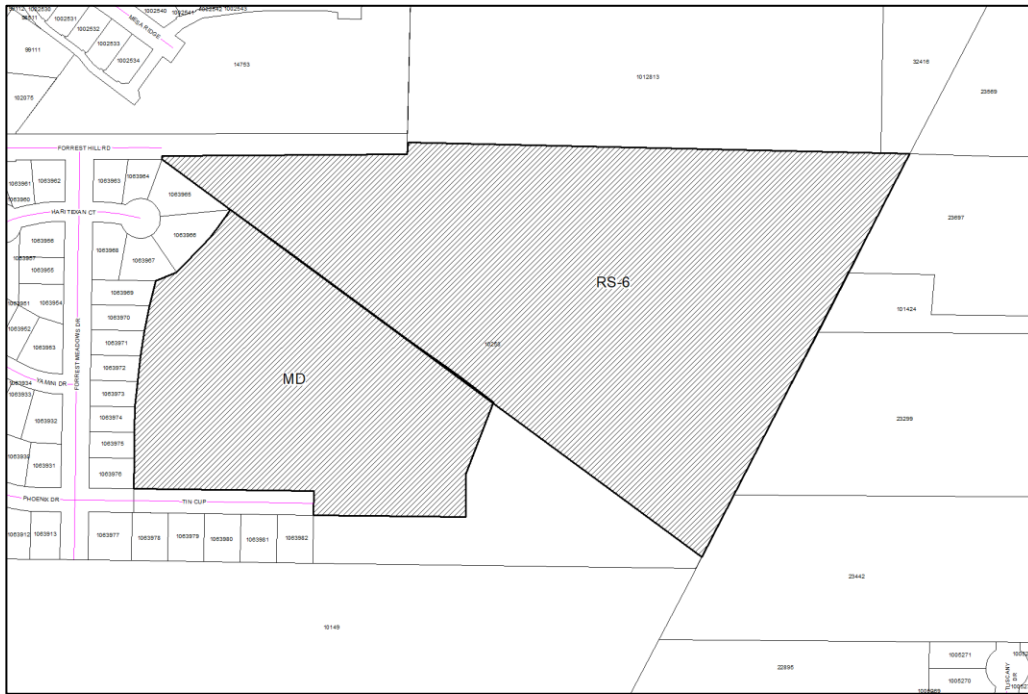
Ordinance NO. 26-2019

Ordinance NO. 8-1997

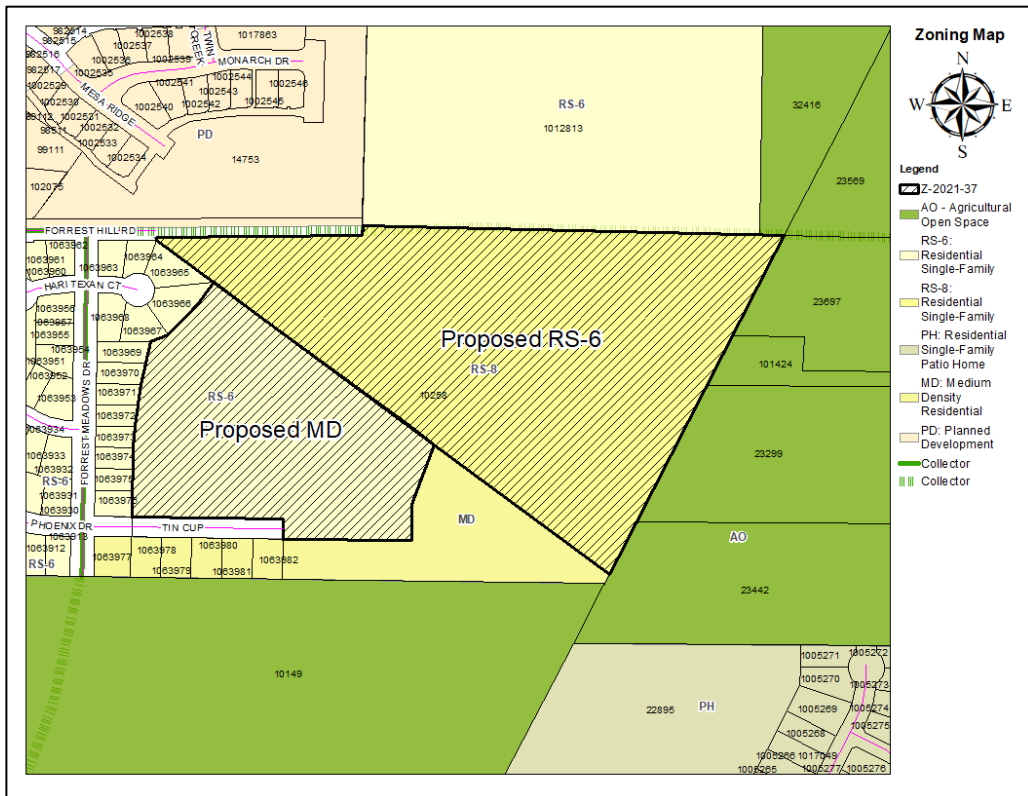
Ordinance NO. 53-1980

FP-1421 (Forrest Meadows Addition, Section 1)

LOCATION MAP



ZONING MAP



ORDINANCE NO. 26-2019

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto. PASSED ON FIRST READING the 25th day of April, 2019.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of March, 2019, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 9th day of May, 2019, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 9th day of May, 2019.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 26-2019

EXHIBIT A

Rezone 41.94 acres of now-vacant land, from Residential Single-Family (RS-8) zoning to a combination of Residential Single-Family (RS-6) and Residential Medium Density (MD), zoning districts, specifically as follows:

Legal description being Tract One

BEING a 35.408 acre tract of land out of Lots 1 & 2 of the T.C. Garner Survey Subdivision recorded in Cabinet 4, Slide 11, Plat Records, Taylor County, Texas, and being out of the T.C. Garner Survey, Abstract No. 1366, Taylor County, Texas. Said 35.408 acre tract also being out of that certain 63.95 acre tract of land described in a Warranty Deed with Vendor's Lien to Abilene Forrest Hill, L.L.C. recorded in Instrument No. 201901397, Official Public Records, Taylor County, Texas. Said 35.408 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the northwest corner of this described tract and of said 63.95 acre tract;

THENCE N89°55'51"E along the north line of this described tract and the north line of said 63.95 acre tract, a distance of 1175.05 feet to a point for the most northerly northeast corner of this described tract;

THENCE S53°46'44"E along the northeasterly line of this described tract and over and across said 63.95 acre tract, a distance of 1037.68 feet to a point for the most easterly northeast corner of this described tract;

THENCE S19°39'03"W along an easterly line of this described tract and over and across said 63.95 acre tract, a distance of 188.89 feet to a point for an interior corner of this described tract;

THENCE S00°48'13"W along an easterly line of this described tract and over and across said 63.95 acre tract, a distance of 81.39 feet to a point for the most easterly southeast corner of this described tract;

THENCE N89°11'47"W along a southerly line of this described tract and over and across said 63.95 acre tract, a distance of 985.00 feet to a point for an interior corner of this described tract;

THENCE S00°48'13"W along the an easterly line of this described tract and over and across said 63.95 acre tract, a distance of 150.00 feet to a point for the most southerly southeast corner of this described tract, and being in the south line of said 63.95 acre tract;

THENCE N89°11'47"W along a southerly line of this described tract and the south line of said 63.95 acre tract, a distance of 339.23 feet to a slight angle point of this described tract and of said 63.95 acre tract;

THENCE N89°17'45"W along a southerly line of this described tract and said south line of said 63.95 acre tract, a distance of 495.21 feet to a point for the southwest corner of this described tract and of said 63.95 acre tract;

THENCE N07°12'59"W along the west line of this described tract and of said 63.95 acre tract, a distance of 1004.30 feet to the POINT OF BEGINNING and containing 35.408 acres of land, more or less.

Tract Two now in an MD District

BEING a 6.532 acre tract of land out of Lots 1 & 2 of the T.C. Garner Survey Subdivision recorded in Cabinet 4, Slide 11, Plat Records, Taylor County, Texas, and being out of the T.C. Garner Survey, Abstract No. 1366, Taylor County, Texas. Said 6.532 acre tract also being out of that certain 63.95 acre tract of land described in a Warranty Deed with Vendor's Lien to Abilene Forrest Hill, L.L.C. recorded in Instrument No. 201901397, Official Public Records, Taylor County, Texas. Said 35.408 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the southeast corner of this described tract and the southeast corner of said 63.95 acre tract;

THENCE N89°11'47"W along the south line of this described tract and the south line of said 63.95 acre tract, a distance of 1559.29 feet to a point for the southwest corner of this described tract;

THENCE N00°48'13"E along the most southerly west line of this described tract and over and across said 63.95 acre tract, a distance of 150.00 feet to a point for the northwest corner of this described tract;

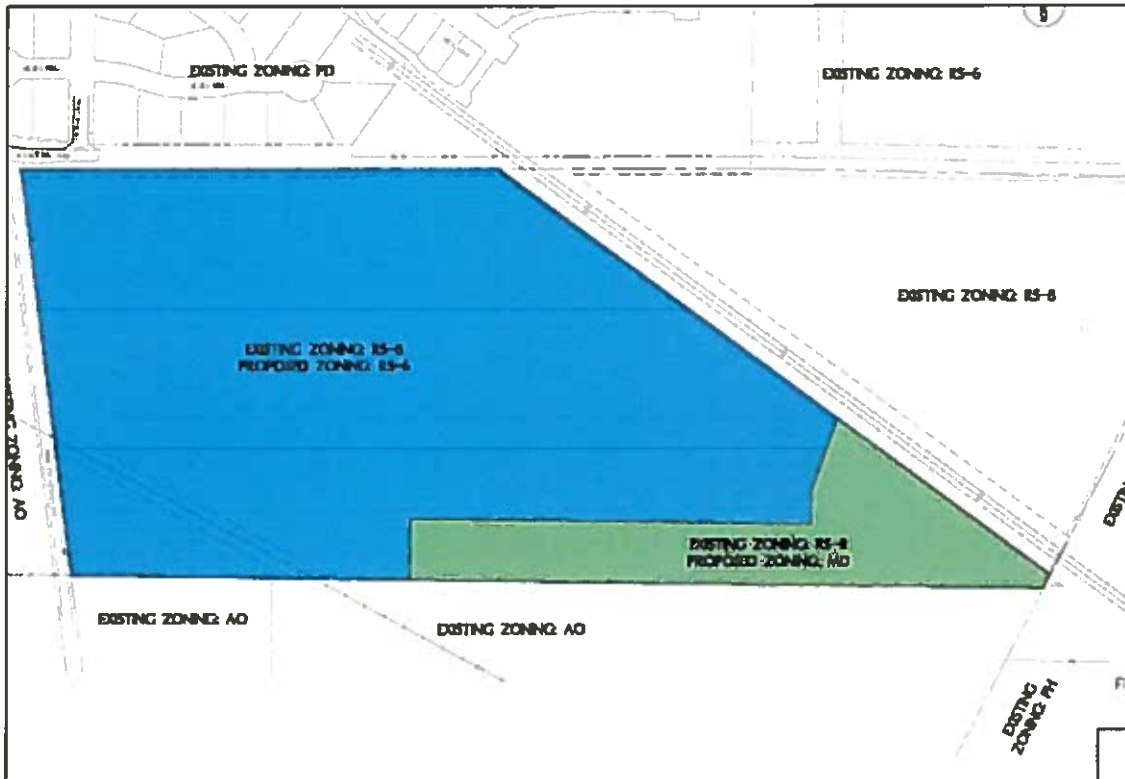
THENCE S89°11'47"E along the northerly line of this described tract and over and across said 63.95 acre tract, a distance of 985.00 feet to a point for an interior corner of this described tract;

THENCE N00°48'13"E along a westerly line of this described tract and over and across said 63.95 acre tract, a distance of 81.39 feet to a point for an angle point of this described tract;

THENCE N19°39'03"E along the northwesterly line of this described tract and over and across said 63.95 acre tract, a distance of 188.89 feet to a point for the north corner of this described tract;

THENCE S53°46'44"E along the northeasterly line of this described tract and over and across said 63.95 acre tract, a distance of 650.26 feet to a point for the east corner of this described tract, and being in the southeast line of said 63.95 acre tract;

THENCE S27°23'10"W along the southeast line of this described tract and of said 63.95 acre tract, a distance of 37.24 feet to the POINT OF BEGINNING and containing 6.532 acres of land, more or less.



-END-

Location: 42 acres of now-vacant land bordering east side of Old Forrest Hill Road, south from Forrest Hill Road.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CHANGING THE NAME OF **FORREST HILL ROAD TO OLD FORREST HILL ROAD.**

WHEREAS, it is the recommendation of the Planning and Zoning Commission of the City of Abilene that Forrest Hill Road, in the City of Abilene, which is from the south right-of-way line of the east-west street called Forrest Hill Road, south to the north right-of-way line of F.M. 707 (Beltway South) and being a distance of approximately 4,978 feet, should be renamed; and,

WHEREAS, it is the opinion of the City Council that this street should be renamed; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Forrest Hill Road from the south right-of-way line of the east-west street called Forrest Hill Road, south to the north right-of-way line of F.M. 707 (Beltway South), as described above, be renamed and will hereafter be known as Old Forrest Hill Road.

PART 2: That the City Engineer be and is hereby authorized and directed to change his maps, plats, and records to include such name to be the proper name of the street described above.

PART 3: That the Planning Department, be and is hereby authorized and directed to change its maps, plats, and records to reflect such name change, and further that the Planning Department shall provide notice of the renaming of such street to all other City departments including the Fire and Police Departments.

PART 4: A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 2 day of February, 19 97, the same being more than twenty-four (24) hours prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 9:00 a.m., on the 27 day of February, 19 97, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FIRST READING this 13 day of February A.D. 19 97.

PASSED ON SECOND AND FINAL READING THIS 27 day of February, A.D. 19 97.

ATTEST:

[Signature]
CITY SECRETARY

[Signature]
MAYOR
APPROVED:

[Signature]
CITY ATTORNEY

00019

(43) 5-29-80
ORDINANCE NO. 53-1980

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF ABILENE, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY LYING ADJACENT TO AND ADJOINING THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE, TEXAS.

WHEREAS, Section 4 of the Charter of the City of Abilene, Texas, provides that the City shall have the power, by ordinance, to fix and change the boundaries and limits of the City and to provide for the extension of said boundaries and limits and the annexation of additional territory lying adjacent to the City with or without the consent of the territory and inhabitants thereof annexed; and,

WHEREAS, notice of a public hearing, pursuant to Article 970a, the Texas Municipal Annexation Act, was published in the Abilene Reporter News, a newspaper having a general circulation in the property to be annexed and in the City of Abilene, Texas, on the 29th day of March, 1980, which date was not more than twenty (20) nor less than ten (10) days prior to the date of a public hearing on said annexation; and,

WHEREAS, a public hearing before the City Council of the City of Abilene, Texas, where all interested persons were provided with an opportunity to be heard on said proposed annexation, was held at City Hall on the 10th day of April, 1980, which date was not more than twenty (20) nor less than ten (10) days prior to the institution of annexation proceedings (first reading of this Ordinance); and,

WHEREAS, said territory lies adjacent to and adjoins the present boundaries of the City of Abilene, Texas; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the following described land and territory lying adjacent to and adjoining the present boundaries of the City of Abilene, Texas, is hereby added and annexed to the City of Abilene, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Abilene, Texas, and the present boundary limits of the City of Abilene, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Abilene, Texas, to-wit:

2A

PART 2: That upon passage hereof, the property hereinabove annexed shall be zoned as AO (Agricultural Open Space) District, and that any fireworks display presently in existence shall be allowed to continue until August 1, 1981.

PART 3: That, upon final passage hereof, the above described annexed territory shall be a part of the City of Abilene, Texas, and the property situated therein shall bear its pro rata portion of the taxes levied by the City of Abilene, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Abilene.

PASSED ON FIRST READING, this 24th day of April, A.D. 1980.

PART 4: That upon passage of this ordinance on first reading, the City Secretary is hereby directed to publish this ordinance at least one (1) time in the Abilene Reporter News on April 25 or April 26, 1980. This ordinance shall not be considered for final passage until at least thirty (30) days have elapsed after said publication thereof in accordance with Section 4 of the Charter of the City of Abilene, Texas.

PART 5: That upon passage of this ordinance on first reading, the City Secretary is hereby directed to have published at least one (1) time in the Abilene Reporter News, a notice on May 19, 20 or 21, 1980, that a public hearing will be held in the Council Chambers of the City Hall in Abilene, Texas, at 9:00 A.M. on the 29th day of May, 1980, to permit the public to be heard prior to the consideration of this ordinance for second and final reading.

PASSED ON SECOND AND FINAL READING, this 29th day of May,
A.D. 1980.

ATTEST:

Ruth B. Hodgkin
CITY SECRETARY

[Signature]
MAYOR PRO TEMPORE

APPROVED:

[Signature]
CITY ATTORNEY

ANNEXATION

South Tract

BEGINNING at a point on the existing City Limits Line 100 feet East of U.S. Highway 83-84 and on the North Right of Way Line of Antilley Drive if extended;

THENCE South along the existing City Limits a distance of approximately one (1) mile to a point;

THENCE East along the existing City Limits to a point in the East Line of the Southwest 1/4 of Section 14 Lunatic Asylum Land in Taylor County, Texas;

THENCE South to a point 500 feet South and measured at right angles to the South Right of Way Line of F.M. Highway 707;

THENCE West along a line 500 feet South and parallel to the South Right of Way Line of F.M. Highway 707 a distance of approximately 5.7 miles to a point in the Centerline of Elm Creek;

THENCE Northerly, following the meanders of the Centerline of Elm Creek to a point 500 feet North of the Centerline of Antilley Drive;

THENCE East along a line 500 feet North of the Centerline of Antilley Drive to a point in the existing City Limits;

THENCE South with the Existing City Limits Line a distance of 1000 feet;

THENCE East with the Existing City Limits Line to the Centerline of Catclaw Creek;

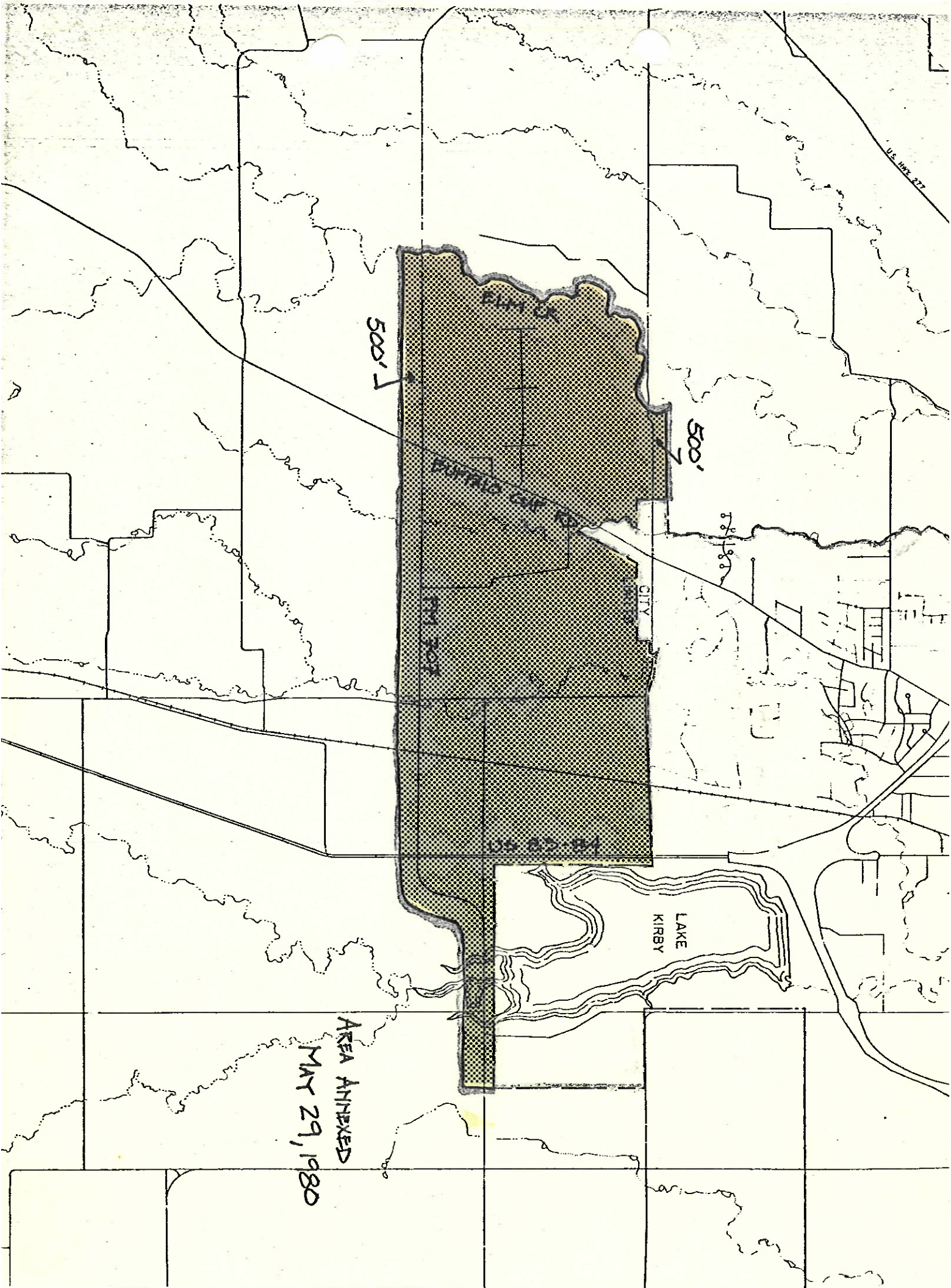
THENCE continuing in a Southerly direction with the Existing City Limits Line being the meanders of the Centerline of Catclaw Creek to a point 500 feet East of and measured at right angles to the East Right of Way Line of Buffalo Gap Road;

THENCE continuing with the Existing City Limits Line in a Northeasterly direction parallel to and 500 feet East of measured at right angles to the East Right of Way Line of Buffalo Gap Road to a point 500 feet South of and measured at right angles to the South Right of Way Line of a County Road known as Antilley Drive;

THENCE East and continuing with the existing City Limits Line along a line 500 feet South of and measured at right angles to the South Right of Way Line of the County Road known as Antilley Drive to a point in the East Line of W. E. Vaughn Survey No. 101 in Taylor County, Texas;

THENCE continuing North with the existing City Limits Line being the East Line of the W. E. Vaughn Survey No. 101 in Taylor County, Texas, to the North Right of Way Line of an East-West County Road known as Antilley Drive;

THENCE continuing with the existing City Limits being the North Right of Way Line of an East-West County Road known as Antilley Drive to the place of beginning.



3-4 Slide 584

CURVE TABLE				
CURVE NO.	ARC LENGTH	RADIUS	Δ ANGLE	TANGENT
C1	54.70'	330.00'	9°29'52"	27.41'
C2	62.00'	330.00'	10°45'53"	31.09'
C3	62.00'	330.00'	10°45'53"	31.09'
C4	62.00'	330.00'	10°45'53"	31.09'
C5	62.00'	330.00'	10°45'53"	31.09'
C6	11.31'	330.00'	1°57'47"	5.65'
C7	70.90'	330.00'	12°18'34"	35.59'
C8	70.90'	330.00'	12°18'34"	35.59'
C9	16.37'	330.00'	2°50'30"	8.18'
C10	29.41'	270.00'	6°14'28"	14.72'
C11	90.30'	270.00'	19°09'45"	45.58'
C12	110.21'	270.00'	23°23'17"	55.88'
C13	26.99'	270.00'	5°43'41"	13.51'
C14	97.40'	270.00'	20°40'12"	49.24'
C15	32.00'	270.00'	6°47'26"	16.02'
C16	71.12'	270.00'	14°49'04"	35.76'
C17	58.44'	275.00'	12°10'32"	29.33'
C18	2.24'	275.00'	0°28'02"	1.12'
C19	1.32'	275.00'	0°16'30"	0.66'
C20	58.19'	275.00'	12°07'24"	29.20'

CURVE TABLE				
CURVE NO.	ARC LENGTH	RADIUS	Δ ANGLE	TANGENT
C21	58.39'	275.00'	12°09'54"	29.30'
C22	57.35'	275.00'	11°56'53"	28.78'
C23	56.46'	275.00'	11°45'49"	28.33'
C24	29.97'	275.00'	6°14'40"	15.00'
C25	25.39'	50.00'	29°05'25"	12.97'
C26	54.70'	50.00'	62°41'07"	30.45'
C27	50.18'	50.00'	57°30'17"	27.43'
C28	59.21'	50.00'	67°51'03"	33.63'
C29	62.16'	50.00'	71°13'42"	35.82'
C30	10.16'	50.00'	11°38'27"	5.10'
C31	75.19'	225.00'	19°08'50"	37.95'
C32	111.05'	225.00'	28°16'41"	56.68'
C33	27.86'	225.00'	7°05'39"	13.95'
C34	107.84'	225.00'	27°27'38"	54.98'
C35	110.26'	375.00'	16°50'46"	55.53'
C36	13.05'	50.00'	14°57'31"	6.56'
C37	72.45'	50.00'	8°30'13"	44.26'
C38	50.24'	50.00'	57°34'06"	27.47'
C39	53.08'	50.00'	60°49'18"	29.35'
C40	66.69'	50.00'	76°24'57"	39.36'

CURVE TABLE				
CURVE NO.	ARC LENGTH	RADIUS	Δ ANGLE	TANGENT
C41	6.21'	50.00'	7°06'41"	3.11'
C42	51.33'	425.00'	6°50'10"	25.69'
C43	76.52'	425.00'	10°18'57"	38.36'
C44	59.34'	425.00'	7°59'58"	29.72'
C45	11.03'	425.00'	1°29'11"	5.51'
C46	98.45'	50.02'	86°57'14"	33.98'
C47	56.08'	50.02'	64°14'21"	31.40'
C48	54.05'	50.02'	61°54'50"	30.63'
C49	66.29'	50.02'	75°56'03"	39.63'
C50	26.94'	50.02'	3°05'11"	13.81'
C51	59.48'	375.00'	9°05'16"	29.80'
C52	34.95'	280.00'	7°09'06"	17.50'
C53	27.46'	220.00'	5°38'26"	13.75'
C54	31.21'	250.00'	7°09'06"	15.62'
C55	285.46'	300.00'	54°31'10"	154.57'
C56	143.78'	300.00'	27°27'38"	73.30'
C57	119.82'	250.00'	27°27'38"	61.08'
C58	237.89'	250.00'	54°31'10"	128.81'
C59	162.35'	400.00'	23°15'19"	82.31'
C60	108.23'	400.00'	15°30'09"	54.45'

LINE TABLE		
LINE NO.	LENGTH	BEARING
L1	87.82'	S36°13'16"W
L2	121.02'	S44°05'53"W
L3	55.00'	S88°35'57"W
L4	64.76'	S14°11'46"W
L5	64.13'	S11°35'16"W
L6	63.64'	S8°56'01"W
L7	64.38'	S7°02'44"W
L8	64.20'	S5°16'14"W
L9	64.00'	S1°15'04"W
L10	142.00'	S0°48'13"W
L11	451.50'	S89°11'47"E
L12	485.21'	N89°17'45"W
L13	1004.30'	N7°12'59"W
L14	1181.86'	N89°55'51"E
L15	50.00'	S0°04'09"E
L16	212.83'	S53°46'44"E
L17	5.12'	S0°03'53"E
L18	5.12'	N0°03'53"W
L19	12.93'	N89°11'47"W
L20	12.93'	N89°11'47"W

PLAT NOTES:

- AREA OF SUBDIVISION = 27.312 ACRES, AREA OF ALL PUBLIC R.O.W. DEDICATIONS IS 6.095 ACRES.
- NO PORTION OF THIS SUBDIVISION LIES WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO TAYLOR COUNTY FEMA FIRM MAP NO. 48441-C-0332-F EFFECTIVE JANUARY 6, 2012.
- NO LAND WITHIN THIS SUBDIVISION WILL BE DEDICATED FOR PARKS, OR OPEN SPACE.
- THIS SUBDIVISION IS LOCATED ENTIRELY WITHIN THE CITY LIMITS OF THE CITY OF ABILENE, TEXAS.
- BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF ABILENE ZONING REGULATIONS.
- UPON COMPLETION OF THE SUBDIVISION STREETS, BURIED UTILITIES, AND FINAL GRADING, MONUMENTATION WILL BE SET AS FOLLOWS: CENTERLINE MARKERS ARE MAG-NAILS WITH WASHERS; LOT CORNERS ARE 1/2" REBAR RODS WITH PLASTIC CAPS STAMPED "J&M BOUNDARY".
- IF OBSTACLES (FENCES, TRANSFORMERS, OPEN TRENCHES, ETC.) ARE ENCOUNTERED DURING THE COURSE OF SETTING MONUMENTATION, THOSE AFFECTED LOT CORNERS WILL BE SET AT AN OFFSET ALONG THEIR RESPECTIVE LOT LINES AT A WHOLE FOOT INTERVAL BETWEEN 1 AND 6 FEET. SURVEYOR WILL SET SAID OFFSET AS CLOSE AS PRACTICAL TO ACTUAL LOT CORNER AND WILL KEEP RECORD OF THE FINAL STAKED LOCATION.
- THE R.O.W. WIDTH OF THIS PORTION OF FORREST HILL ROAD IS COMPOSED OF A CALLED 30' STRIP DEDICATED TO THE CITY OF ABILENE IN VOL. 2127, PG. 351, O.P.R. ON THE SOUTH SIDE ALONG WITH VARIOUS R.O.W. DEDICATIONS (OF 30' TYPICALLY, SOME GREATER) DURING THE SEQUENCE OF MULTIPLE PLATS FOR THE VISTA RIDGE ADDITION (NUMEROUS SECTIONS) ON THE NORTH SIDE.

BASIS OF BEARINGS:

BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED ON GRID NORTH REFERENCING THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, AND NAD 83 AS DETERMINED FROM GPS SURVEY DATA. DISTANCES CAN BE CONVERTED TO SURFACE BY MULTIPLYING EACH BY THE COMBINED SCALE FACTOR OF 1.000143527.

FINISHED FLOOR ELEVATION:

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

DEVELOPER/SUBDIVIDER:
ABILENE FORREST HILL, LLC
545 SOUTH US HIGHWAY 83,
APT D
ABILENE, TX 79602
325-690-9991

BLOCK A

LOT AREA TABLE		
LOT NO.	AREA (SQ.FT.)	AREA (ACRES)
1	8,717	0.200
2	6,820	0.157
3	6,820	0.157
4	6,820	0.157
5	6,820	0.157
6	6,820	0.157
7	7,972	0.183
8	9,310	0.214
9	12,440	0.281
10	12,342	0.283
11	10,484	0.241
12	6,864	0.159
13	8,370	0.192
14	8,370	0.192
15	8,370	0.192
16	8,370	0.192
17	8,370	0.192
18	8,697	0.200
19	10,440	0.240
20	12,408	0.285
21	9,002	0.207
22	97,163	2.231

BLOCK B

LOT AREA TABLE		
LOT NO.	AREA (SQ.FT.)	AREA (ACRES)
1	8,901	0.204
2	6,613	0.152
3	6,621	0.152
4	6,629	0.152
5	6,636	0.152
6	6,245	0.189
7	9,316	0.214
8	10,554	0.242
9	7,567	0.174
10	6,641	0.152
11	6,641	0.152
12	6,641	0.152
13	6,734	0.155
14	7,195	0.165
15	7,860	0.180
16	9,209	0.211
17	9,367	0.215
18	11,067	0.254
19	9,085	0.208
20	7,708	0.177
21	7,661	0.176
22	7,661	0.176
23	7,661	0.176
24	8,638	0.198

LOT AREA TABLE		
LOT NO.	AREA (SQ.FT.)	AREA (ACRES)
25	10,442	0.240
26	9,766	0.224
27	9,507	0.218
28	7,842	0.180
29	9,732	0.223
30	17,766	0.408
31	16,300	0.374
32	9,035	0.207
33	9,689	0.222
34	11,076	0.254
35	8,566	0.197
36	7,559	0.174
37	7,535	0.173
38	7,512	0.172
39	11,797	0.271
40	8,996	0.207
41	7,542	0.173
42	9,575	0.220
43	10,452	0.240
44	12,404	0.285
45	17,168	0.394
46	10,778	0.247
47	8,712	0.199
48	8,712	0.200

BLOCK C

LOT AREA TABLE		
LOT NO.	AREA (SQ.FT.)	AREA (ACRES)
1	8,595	0.197
2	7,596	0.174
3	14,686	0.337
4	15,721	0.361
5	11,618	0.267
6	11,048	0.254
7	9,671	0.222
8	8,820	0.202
9	8,159	0.187
10	7,776	0.179
11	7,392	0.170
12	7,216	0.166
13	7,312	0.168
14	8,663	0.199

BLOCK D

LOT AREA TABLE		
LOT NO.	AREA (SQ.FT.)	AREA (ACRES)
1	13,080	0.300
2	10,920	0.251
3	10,920	0.251
4	10,920	0.251
5	10,920	0.251
6	10,920	0.251

FORREST MEADOWS ADDITION, SECTION 1
BEING 27.312 ACRES, A REPLAT OF
A PART OF LOTS 1 & 2, OF THE T.C. GARNER
SURVEY SUBDIVISION, AND BEING OUT OF THE
T.C. GARNER SURVEY, ABSTRACT NO. 1366,
CITY OF ABILENE,
TAYLOR COUNTY, TEXAS

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: 3/9/21

ATTEST: [Signature]

DATE: 3/9/21

PLANNING DIRECTOR

PLANNING DIRECTOR

FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS.

DATE: 3-9-21

FILE NUMBER: FP 1421

PLANNING DIRECTOR

FEES

COUNTY CLERK

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

DATE: 3/9/21

FILE NUMBER: 2021-04811

Larry G. Bevil Taylor

COUNTY CLERK

Candlyn Flow

DEPUTY

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.

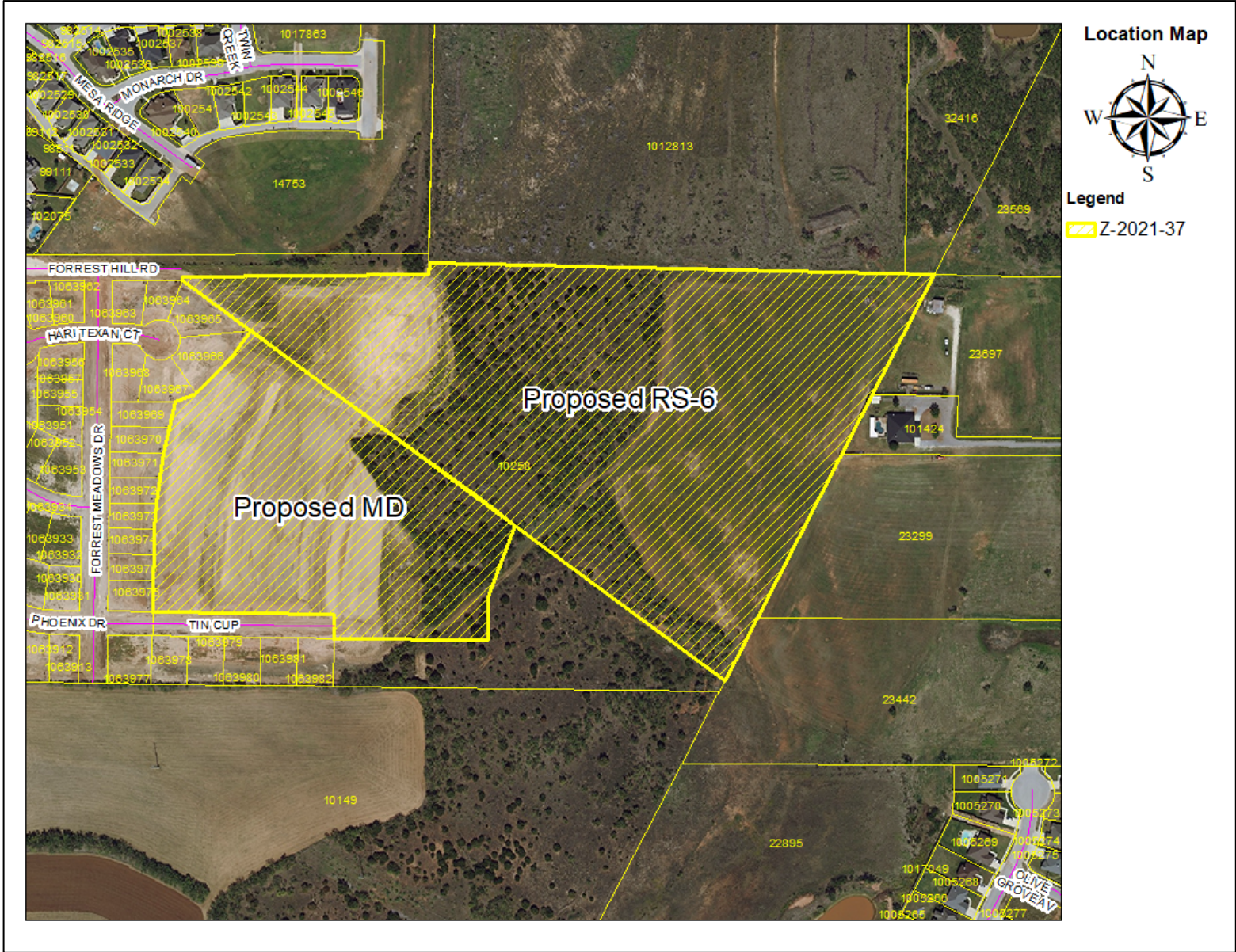
DATE: 3/9/21

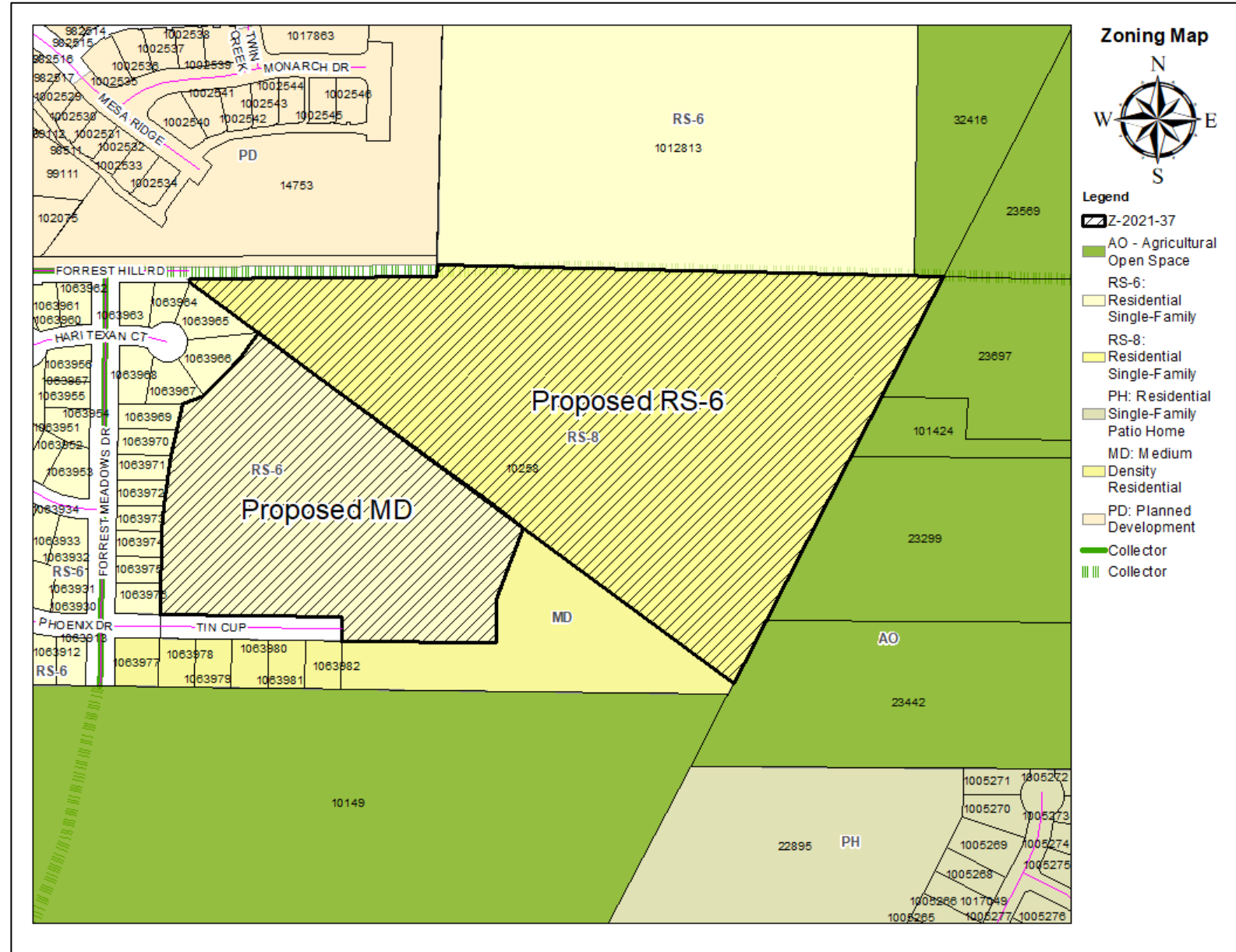
DIRECTOR OF PUBLIC WORKS

OWNER'S CERTIFICATE AND DEDICATION

THE UNDERSIGNED MANAGER OF THE HEREINAFTER DESCRIBED REAL PROPERTY HAS CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCKS, LOTS, STREETS AND ALLEYS UNDER THE NAME OF:
FORREST MEADOWS ADDITION, SECTION 1
BEING 27.312 ACRES, A REPLAT OF
A PART OF LOTS 1 & 2, OF THE T.C. GARNER SURVEY
SUBDIVISION, AND BEING OUT OF THE
T.C. GARNER SURVEY, ABSTRACT NO. 1366,
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, LINES, 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 METES & BOUNDS DESCRIPTION
EXECUTED THIS 9th DAY OF MARCH, A.D. 2021
K. Hari Krishna
HARI KALLA
ABILENE FORREST HILL, LLC
ACKNOWLEDGEMENT
THE STATE OF TEXAS:
COUNTY OF TAYLOR:
BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED
HARI KALLA
KNOWN TO ME TO BE THE PERSON AND MANAGER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID
ABILENE FORREST HILL, LLC
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 9th DAY OF MARCH, A.D. 2021
RACHEL VASSAR
Notary Public, State of Texas
Comm. Expires 10-28-2024
Notary ID: 132751413
GENERAL NOTES
SCALE: 1"=100'
SMALLEST LOT: 0.152 ACRES
LARGEST LOT: 2.231 ACRES
LOT WIDTH: MIN. 60.00' MAX. 212.83'
LOT DEPTH: MIN. 105.00' MAX. 177.21'
CENTERLINE MARKER SET (SIN80)
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:
FORREST MEADOWS ADDITION, SECTION 1
BEING 27.312 ACRES, A REPLAT OF
A PART OF LOTS 1 & 2, OF THE T.C. GARNER SURVEY
SUBDIVISION, AND BEING OUT OF THE
T.C. GARNER SURVEY, ABSTRACT NO. 1366,
CITY OF ABILENE,
TAYLOR COUNTY, TEXAS
2.W. Mc
SIGNATURE
LEE W. ROSENBAUM
(PRINT)
REGISTERED PROFESSIONAL LAND SURVEYOR
MARCH 3, 2021
DATE
3465 CURRY LANE
ABILENE, TX 79606
325-695-1070
1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76086
817-594-9880
4920 S. LOOP 289, STE 104
LUBBOCK, TX 79414
806-368-6375
JACOB MARTIN
TBPELS FIRM # 10194493

Case:	Z-2021-37
Owner:	Abilene Forrest Hill, LLC.
Agent:	Jacob & Martin - Civil Engineering
Request:	Rezone from Residential Single-Family (RS-6) District to Medium-Density (MD) District and Residential Single-Family (RS-8) District to a Residential Single-Family (RS-6) District
Location:	1000 feet east from the 6900 block of Old Forrest Hill Road and 1200-2200 feet west from the 7100 block of Hardwick Road in south Abilene
Notification:	21 in Favor, 0 Opposed
Planning & Zoning:	December 7, 2021
City Council Hearings:	1 st December 17, 2021 2 nd : January 13, 2022





Permitted Uses in RS Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)
Permitted as a Conditional Use Permit, Requiring Approval by City Council
Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Permitted Uses in MD Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

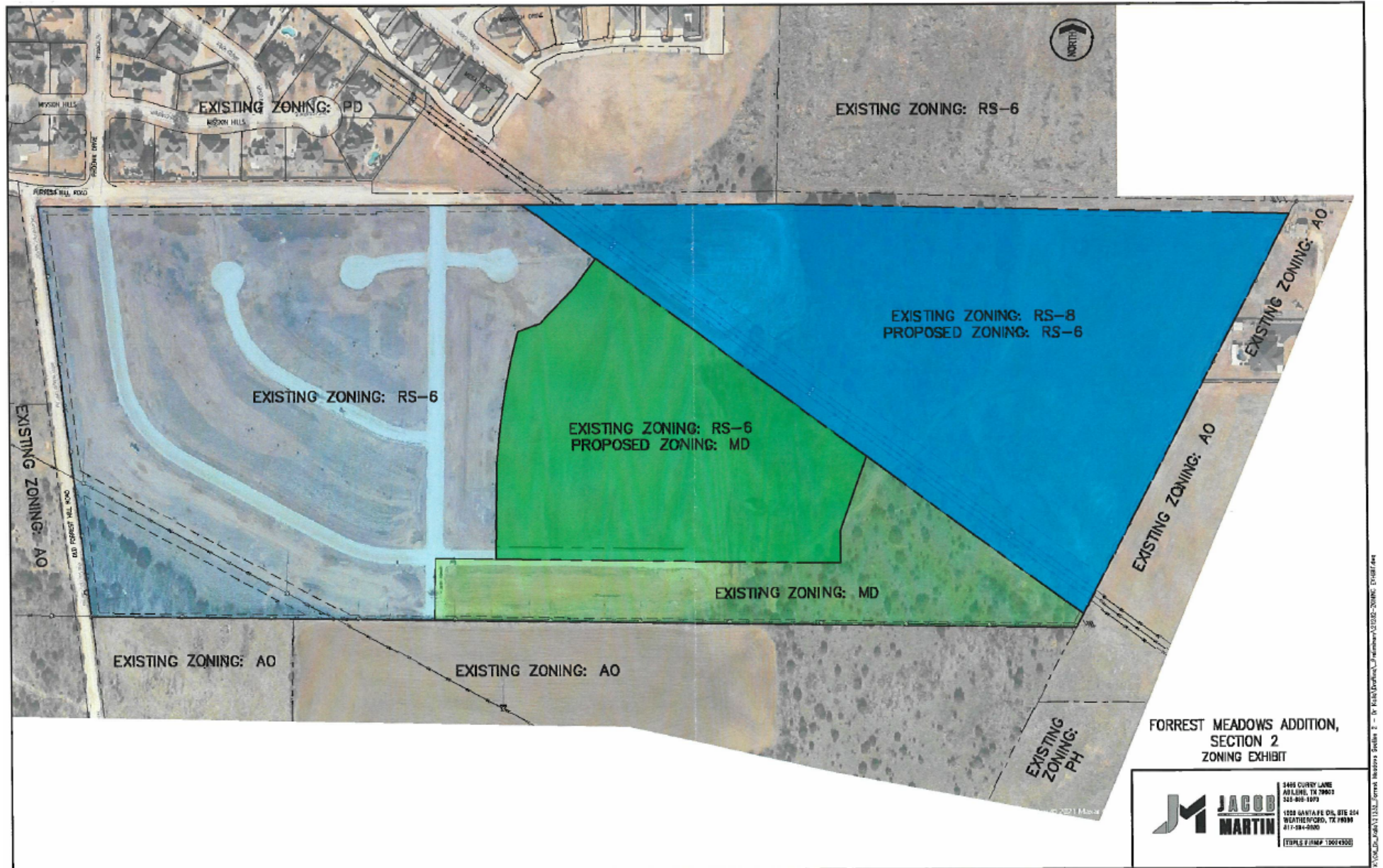
RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

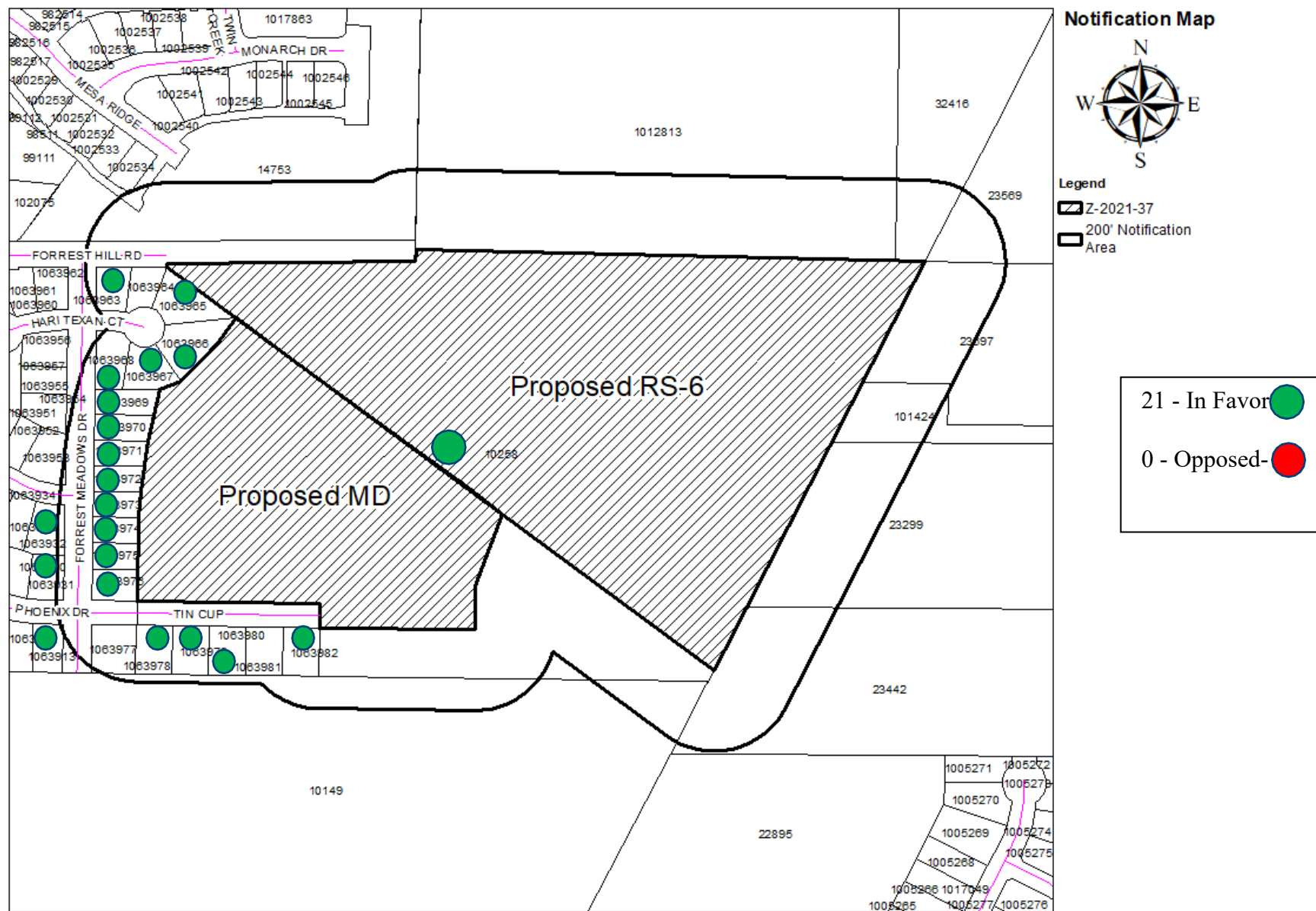
P
C
TP

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)
Permitted as a Conditional Use Permit, Requiring Approval by City Council
Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment



Z-2021-37 VIEWS OF SUBJECT & ADJACENT PROPERTIES





- Consistent with the *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?



Development Application

Planning

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

Project Name: Miguel's Mex Tex Cafe
 Address: 3001 S Danville Drive Abilene, TX No. of lots: _____ Acreage: _____
 Legal Description: ID 116836, F D ABILENE, BLOCK A, LOT 102 REP, ACRES 2.116 (FROM CITY CODE COMPLIANCE NOTICE)
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: PDD Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: Exceptional Holdings, LP
 Address: 1902 Industrial Blvd
 City, State, Zip: Abilene, TX 79602 Fax: _____
 Phone: 325-698-2600 Email: mburton@exbrandstx.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) Michael Burton will act as my agent before the Planning and Zoning Commission.

Agent Name: Michael Burton
 Address: 1902 Industrial Blvd
 City, State, Zip: Abilene, TX 79602 Fax: 325-698-2355
 Phone: 325-698-2600 Email: mburton@exbrandstx.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: 10/18/21

FOR OFFICE USE ONLY

Received: 10/18/2021 Fee: \$ 1000 Receipt No.: 0001065383 (11/09/2021)
 Case No.: Z-2021-38 Reviewed By: NW



Development Application

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

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

This is being submitted in reference to PDD-122, Ordinance No 02-2008, Exhibit A Part 7, II, D, 2.

We request the removal of Number 2 under section D Screening and Fencing from the Ordinance. "There shall be a solid evergreen hedge along the northern and eastern boundary of Tract 1."

The primary reason for this request is the safety of our team members and guests. On two separate occasions we have had attempted assaults/robberies by an individual using the bushes as cover. In one instance the individual was carrying a knife. Thankfully in both cases someone was able to see the person from the street and notify the police. Either of these incidents could have led to serious injury or death. We take the safety of team members and guests very seriously.

The bushes that were present died during the February 2021 freeze. In lieu of leaving dead bushes in place we paid to have the bushes removed, have the ground leveled and put in new sod. The overall property is meticulously maintained and has a park like feel. Many of the residents of the neighborhood bordering the property use the field and our parking to enjoy a walk or walk their dogs.

Due to the layout of the neighborhood and orientation of houses and yards behind us, we do not feel that any neighbor is adversely affected in any way by the removal of the bushes. We strongly feel that the property is safer, and more aesthetically pleasing from the neighborhood side and the restaurant side without the bushes in place. We will be happy to explain further as this request is considered.



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: 10/18/21

ZONING CASE Z-2021-38

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: December 7, 2021

City Council 1st Reading: December 17, 2021

City Council 2nd Reading: January 13, 2022

Applicant

Owner: Exceptional Holdings LP

Agent: Michael Burton

Request

Amendment to the Terms and Conditions of Planned Development District 122

Location

3001 S. Danville Drive, Abilene, Texas.

Background

Planned Development (PD) District 122 was created in 2008 (02-2008). This PD is split into two (2) tracts of land, Tract 1 being Lot 102, Block A, of FD Abilene and Tract 2 being Lot 1, Block A, FD Abilene. The applicant owns both tracts. The current specific modifications of this PD permit Tract 1 to have a base zoning of a General Retail District, whereas Tract 2 is restricted to Residential Single Family (RS-6) district standards, however, this tract it is to remain undeveloped and can only be used as green space for passive recreational purposes.

The applicant is requesting to amend/remove one section of the PD language that affects Tract 1. This section is specifically listed under *Site Development requirements, Screening and Fencing* (Part 7; II; D; 2):

"There shall be a solid evergreen hedge along the northern and eastern boundary of Tract 1. Plant materials selected shall be of a variety to achieve a minimum height of 8 feet within 3 years of planting and shall be spaced to provide an effective visual barrier to properties along High Meadows Drive and Wisteria Way. Visibility corners at driver entrances shall be maintained."

According to information provided within the application, the "primary reason for this request is the safety of the staff" whom are employed at Miguel's Restaurant, located on Tract 1. The applicant also stated that "on two separate occasions we have had attempted assaults/robberies by an individual using the bushes as cover". The applicant also stated that "the solid-row of hedges died during a freeze in February 2021 so they removed all of the hedges that died and planted sod instead of replacing/planting new hedges".

Criteria Assessment

Section 1.4.1.4 of Abilene's 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.

This requested amendment does not affect the Comprehensive Plan nor the 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.

This amendment does not affect the permitted uses nor the standards applicable to such uses in the immediate area of the land.

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

The subject properties currently have access to existing utilities and public amenities, which are adequate for servicing the development. The request presents no apparent conflict 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 City staff that the proposed amendment would substantially affect the general welfare of the surrounding neighbors as this screening requirement, also referred to as a Land Use Buffer, is ordinarily required between a residentially zoned district and a parking lot located within an adjacent commercial district.

Staff Recommendation

Staff recommends denial due to:

- This screening requirement is ordinarily required between a residentially zoned lot and commercial parking lot (LDC Section 4.2.4.2 (d))

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on November 26 of 2021, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1

Owner	Parcel ID	Situs	Response
AUGUSTUS ANTHONY & ADRIANNA	51475	2834 BRENTWOOD DR	
BENIVAMONDEZ FABIAN & JACQUELINE	51603	2842 BRENTWOOD DR	
BOYD LINDA JO	52518	15 GARDENIA CR	
BRENNAN RICHARD S SR	51734	2833 BRENTWOOD DR	
BROWNING LARRY & PAULA	52772	10 WISTERIA CR	
CANON TIMOTHY R	52646	5 GARDENIA CR	
CHAPAPOTE INVESTMENTS LLC	31945	2601 S DANVILLE DR	
DUDLEY R MICHAEL	52122	20 GARDENIA CR	
EXCEPTIONAL HOLDINGS LP	116836	3001 S DANVILLE DR	
EXCEPTIONAL HOLDINGS LP	116835	2901 S DANVILLE DR	
LIVING CHIC HOMES LLC	52909	20 WISTERIA CR	
MCBRIDE LISA SHERENE	56544	3933 HIGH MEADOWS DR	
MONHOLLON MICHAEL L & RACHEL	53565	10 LILAC CR	
NEWTON JOSEPH ADAM	51857	2841 BRENTWOOD DR	
PCKC LLC	50286	3117 S DANVILLE DR	
SECHRIST TIMOTHY R & JORI	56419	3949 HIGH MEADOWS DR	
SMITH DAVID & BRENDA	53434	5 WISTERIA CR	
SMITH JERRY DON & SHARON SUE	51993	10 GARDENIA CR	
SMITH KYLE & CAROLYN	53295	15 WISTERIA CR	
WISTERIA HEALTH HOLDINGS LLC	49399	3917 WISTERIA WY	
WISTERIA HEALTH HOLDINGS LLC	51224	3934 WISTERIA WY	

Attachments

Application

PowerPoint Presentation

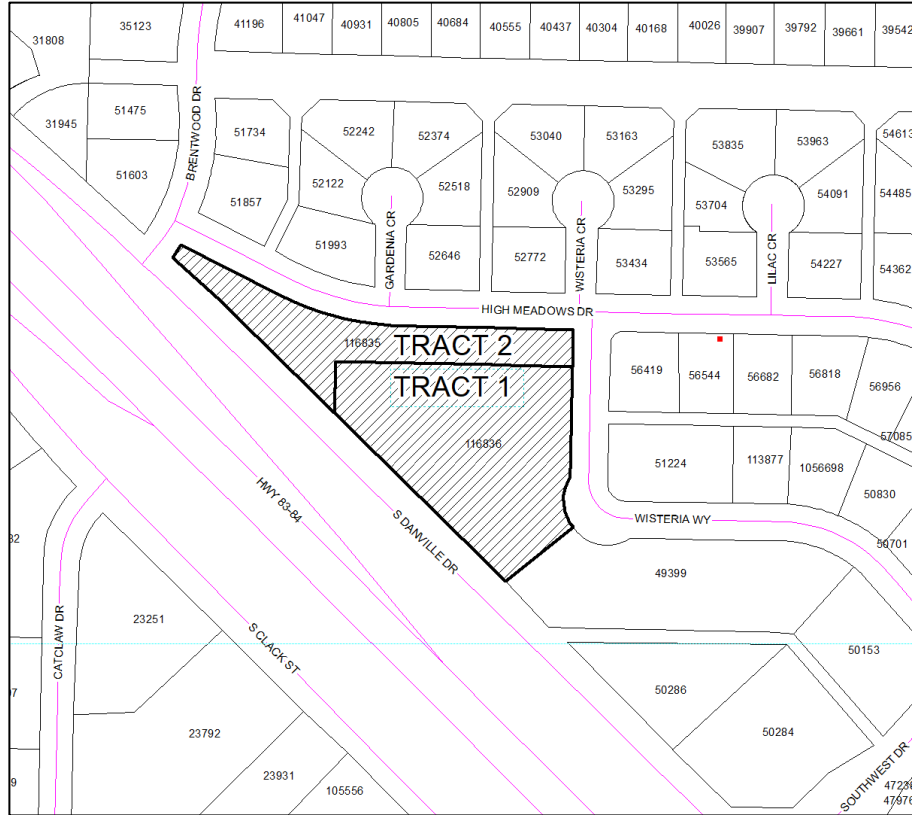
Ordinance 02-2008

Land Development Code Section 4.2.4.2 (c)

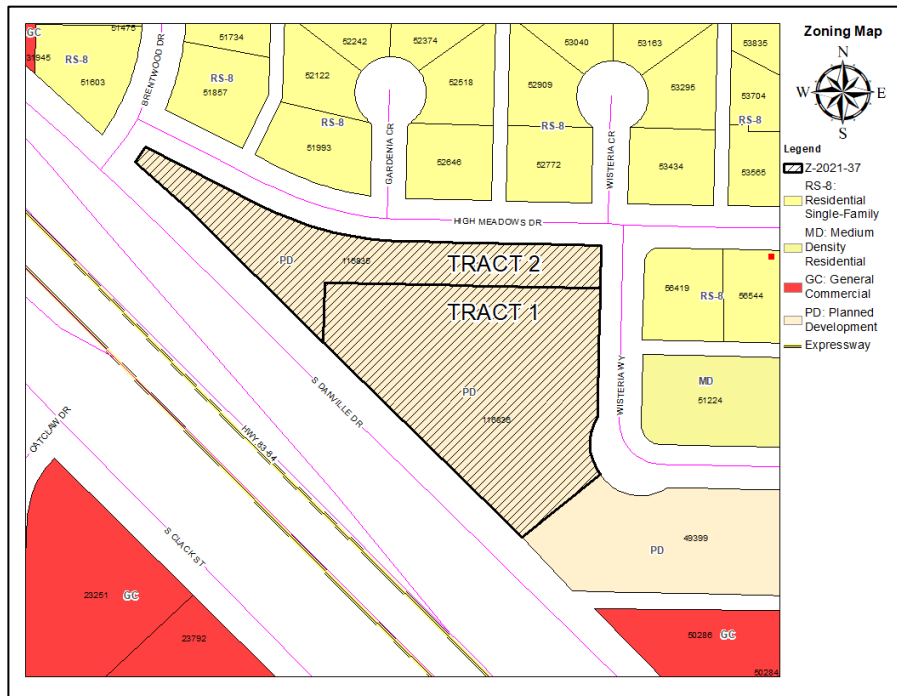
Plat - FD Abilene

Plat - MRP-0214

LOCATION MAP



ZONING MAP



AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-122 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

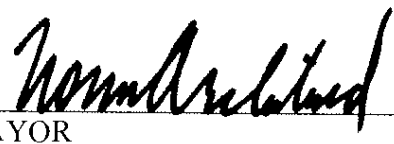
PASSED ON FIRST READING this 20th day of December A.D. 2007.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of November, 2007, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 10th day of January, 2008, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 10th day of January, A.D. 2008.

ATTEST:

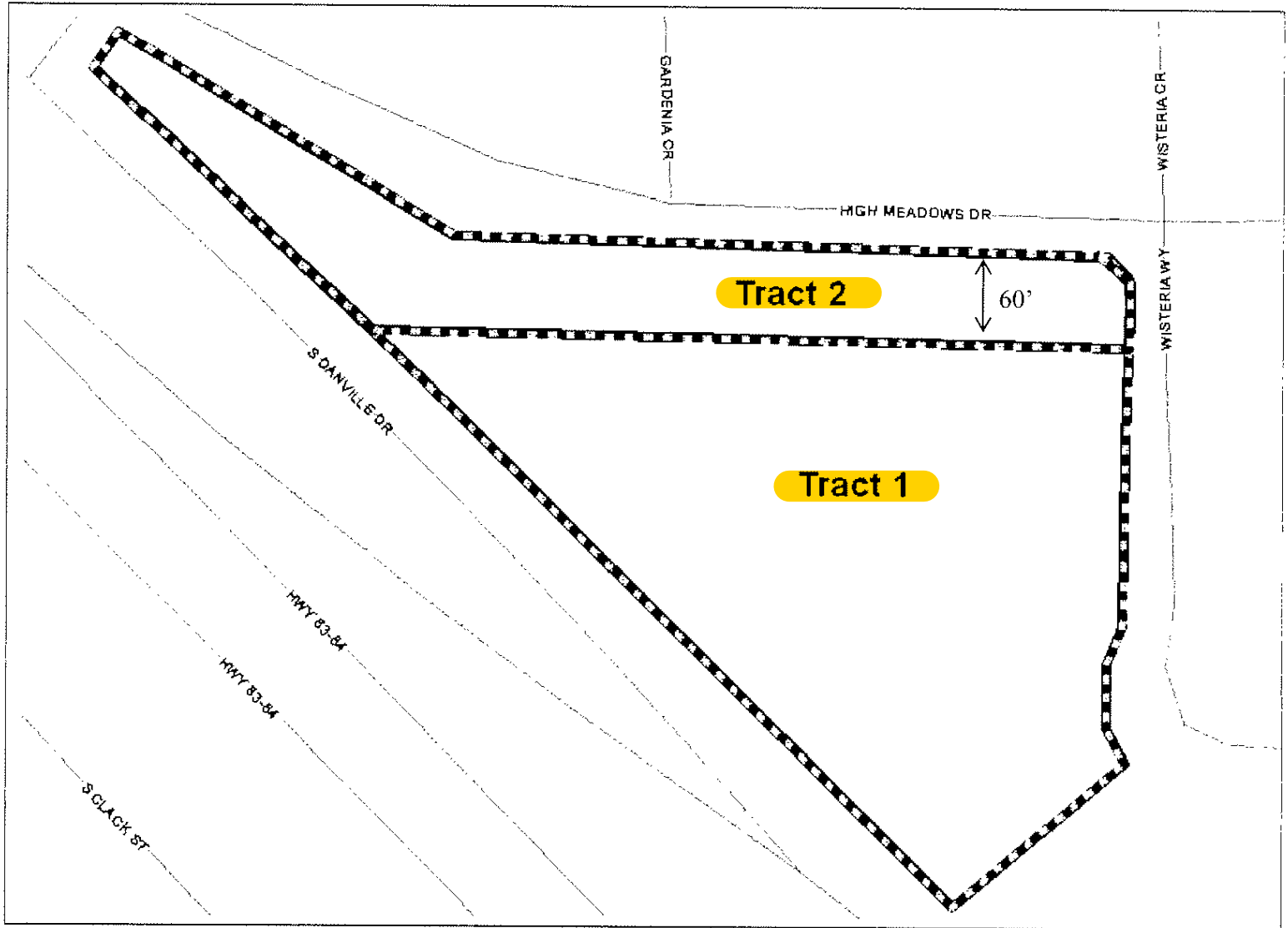

CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

Ordinance No. 02-2008
Exhibit "B"



ORDINANCE NO. 02-2008

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development District must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From LC (Limited Commercial) and RM-3 (Multi-Family Residential) to PDD (Planned Development District).

That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PART 5: Legal Description. The legal description of this PDD is as follows:

Hedges Addition, Section 4, Block 3, Lots 320-301, and 208.

Tract 1: See "Exhibit B"

Tract 2: See "Exhibit B"

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for mix of commercial and residential development: and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The following regulations and the attached concept plan shall govern the use and development of this Planned Development District. Where there is a conflict between the ordinance text and concept plan, the ordinance text shall apply. The standards of the Shopping Center zoning district shall apply within Tract 1 of this Planned Development District and the standards of the RS-8 district shall apply within Tract 2 of this Planned Development District, unless specifically modified below.

I. PERMITTED USES:

A. Tract 1:

All uses allowed within Shopping Center zoning.

B. Tract 2:

Shall be regulated by the RS-6 zoning district standards.

- 1) The tract shall be replatted and remain as a single lot fronting on Wisteria Way.
- 2) This tract shall remain undeveloped except that it may be used as a green space or for passive recreational purposes including such facilities as gazebos, picnic tables and similar uses in no case shall the tract be covered by more than 25% impervious cover.

II. SITE DEVELOPMENT

A. Parking and ingress/ egress:

- 1) Streets and driveways shall comply with all applicable City of Abilene and State of Texas access management regulations, in addition to the following.
- 2) A maximum of one driveway shall be permitted from Wisteria Way to serve the entire PDD, and signage shall be installed to restrict delivery vehicles from using this drive.
- 3) A maximum of two drive connections shall be allowed onto S. Danville Drive.
- 4) There shall be no drive access to High Meadows Drive to/from any tract within this PDD.

B. Signage:

Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following:

1) Freestanding Signs:

- a. There shall be 1 (one) pole sign for the entire PDD with a maximum height of 43' and a maximum of 225 square feet.
- b. Sign lighting shall be shielded from the view of residential properties. In addition, internally lit signs must use lighting and colors to avoid excessive spillover lighting on residential properties.
- c. Temporary signs and freestanding banners, are only permitted for real estate signs, including a "Coming Soon" sign, and a "grand opening" event within 30 days of the issuance of a Certificate Occupancy.
- d. Electronic message boards or movable LED type signage utilizing scrolling or animation are only permitted if the message or text does not change for a minimum of 15 seconds.

- 2) Wall signs:
Wall signage may not exceed 10% of the area of any wall on which the signs are located.
- 3) Banners:
 - a. Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.
- 4) Prohibited signs:
 - a. Portable signs
 - b. Streamers, pennants, balloons, and similar devices

C. Landscaping:

- 1) Landscaping in the PDD must comply with the requirements of the City's Landscaping Ordinance.

D. Screening and Fencing:

- 1) Facilities for power, air conditioning, mechanical equipment, including rooftop equipment, and solid waste handling shall be screened from view of publicly accessible areas.
- 2) There shall be a solid evergreen hedge along the northern and eastern boundary of Tract 1. Plant materials selected shall be of a variety to achieve a minimum height of 8 feet within 3 years of planting and shall be spaced to provide an effective visual barrier to properties along High Meadows Drive and Wisteria Way. Visibility corners at drive entrances shall be maintained

E. Sidewalks:

All development must comply with the requirements of the Sidewalk Master Plan except that no sidewalk shall be required along Tract 2.

F. Outdoor Storage and Display:

- 1) Outdoor storage and display is prohibited.
- 2) Freight containers are prohibited.
- 3) Outside speakers shall be limited to the building façade(s) facing S. Danville Dr.

G. Lighting:

All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Zoning Ordinance. Additionally, all lighting shall be fully shielded and directed away from residential areas.

H. Traffic Control:

- 1) The property owner shall be responsible for the construction of 2 (two) speed humps along High Meadows Dr., if the speed humps are warranted by a traffic analysis conducted by the City of Abilene.
- 2) If the speed humps are not required at the time of development, a second traffic analysis will be conducted within 1 (one) year of the issuance of a Certificate of Occupancy, to determine

whether or not speed humps are warranted at that time. If warranted, the property owner is responsible for the construction costs of the speed humps.

- 3) If speed humps are required, the property owner shall only be responsible for costs up to \$6,000.00 (six thousand dollars) of the construction costs, with the City of Abilene responsible for the remainder, if necessary.

1. Building Materials:

- 1) A minimum of 10% of the exterior face of any building visible from publicly accessible areas, such as streets, driveways, parking lots, and walkways (loading areas are not included) shall be composed of brick, stone, decorative block, or similar materials.
- 2) The remaining area of the building face shall be limited to glass, EIFS, stucco, stucco-like finishes, or other similar materials.
- 3) Elevation plans shall be submitted with the Site Plan for review and approval by the Planning Director prior to site plan approval. Any variation in design or materials will be subject to review and may be permissible at the discretion of the Planning Director.

PART 8:

Development Schedule. If a building permit is not approved within 18 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designation.

- END -

Section 4.2.4.2 Land Use Buffers

(a) Buffer yards consisting of a minimum width landscaping area, landscape plantings, and/or walls or fencing are required between land uses of different intensities for the purpose of mitigating negative impacts such as noise, trash, light, and visual appearance.

(1) Type A Buffer is required between Residential Multifamily (MD and MF), Office (NO and O), College-University (CU), Medical Use (MU), or Neighborhood Retail (NR) districts and any lower intensity residential district. A Type A Buffer shall consist of a 5-foot wide buffer yard plus at least 15 points based on the points listed in subsection (3) below.

(2) Type B Buffer is required between Heavy Commercial (HC), General Commercial (GC), or General Retail (GR) districts and a residential district or between any Industrial district and any other non-industrial district other than Heavy Commercial (HC) and General Commercial (GC). A Type B Buffer shall consist of a 5-foot wide buffer yard plus at least 25 points based on the points listed in subsection (3) below.

(3) Points.

a. Opaque masonry wall with 6 foot minimum height = 15 points.

b. Opaque fence with 6 foot minimum height = 5 points.

c. An existing, continuous fence or wall on the adjacent property = 1/2 the points of a fence or wall on the subject property.

d. Each additional 5 feet of buffer yard = 5 points (maximum of 15 points).

e. One tree with a mature height of at least 20 feet and height of at least 8 feet at time of planting per 25 lineal feet of buffer yard = 10 points.

f. Three smaller trees per 25 lineal feet of buffer yard = 10 points.

(b) Buffer yards are required between adjacent uses as indicated. For purposes of this section adjacent includes properties separated by an alley, but does not include properties separated by a street.

(c) Parking lots, driving lanes, loading areas, or other similar areas of vehicular access shall be screened from residentially zoned property, whether adjacent or across a street, by a continuous hedge, fence, wall, berm, or combination of these, with a minimum height of 36 inches. This requirement shall not be required on expressways and major arterial roads.

(d) Open space in buffer yards shall be planted in grass or other vegetative ground cover, except for authorized driveways across the buffer yard or approved pedestrian facilities.

(e) Alternative buffering may be allowed through the site plan review process as long as the buffering and aesthetic intent of these requirements are met.

(Ord. No. 8-2010, pt. 1 (Exh. A), 4-22-10; Ord. No. 14-2015, pt. 1 (Exh. A, 4), 3-12-15)

CAB. 2 Slide 362-D

DEVELOPMENT PERMIT # 020108

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 <u>4-8-2008</u> <i>Paul Krippel</i> CHAIRMAN ATTEST <u>4-8-2008</u> <i>Jan Jann</i> SECRETARY DATE <u>4-8-2008</u> <i>Jan Jann</i> PLANNING DIRECTOR	PLANNING DIRECTOR FILED WITH PLANNING DIRECTOR. CITY OF ABILENE, TEXAS DATE <u>4-8-2008</u> FILE NUMBER <i>Jan Jann</i> PLANNING DIRECTOR FEES
DIRECTOR OF PUBLIC WORKS THE DEDICATION FILED, IN CONNECTION WITH THIS PLAT IS HEREBY APPROVED AND ALL STREETS, ALLEYS, AND PUBLIC AREAS SHOWN HEREON ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF ABILENE, TEXAS. DATE <u>4-8-08</u> <i>Paul Krippel</i> DIRECTOR OF PUBLIC WORKS	COUNTY CLERK I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON DATE <u>April 8, 2008</u> FILE NUMBER <u>2008-0005743</u> <i>Jacely J. Bevil, Taylor</i> COUNTY CLERK <i>Jan Jann</i> DEPUTY

OWNER'S CERTIFICATE AND DEDICATION

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

F.D. ABILENE
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, LANS, EASEMENTS, PARKS AND OTHER PUBLIC LANDS SHOWN THEREON ON THE LANDS INCLUDED WITHIN SUCH PLAT OR SUBDIVISION ARE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

"FIELD NOTES ATTACHED"

EXECUTED THIS 3 DAY OF April 2008

David E. Ohre, Manager OWNER
Exceptional Brands, LLC, General Partner of Exceptional Holdings, L.P., by David E. Ohre, Manager OWNER

ACKNOWLEDGMENT

THE STATE OF TEXAS: COUNTY OF Taylor

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED David E. Ohre, Manager KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE 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 3rd DAY OF April A.D. 2008

Judy Drinnon NOTARY PUBLIC COUNTY TEXAS

GENERAL NOTES

SHEET 1 OF 1 SHEETS ACREAGE 3.178

SCALE 1" = 100' SMALLEST LOT 46,248 SQ. FT. LARGEST LOT 92,172 SQ. FT.

LOT WIDTH MIN _____ MAX _____ LOT DEPTH MIN _____ MAX _____

POLES (SYMBOL) _____ DOWN GUYS (SYMBOL) _____

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION

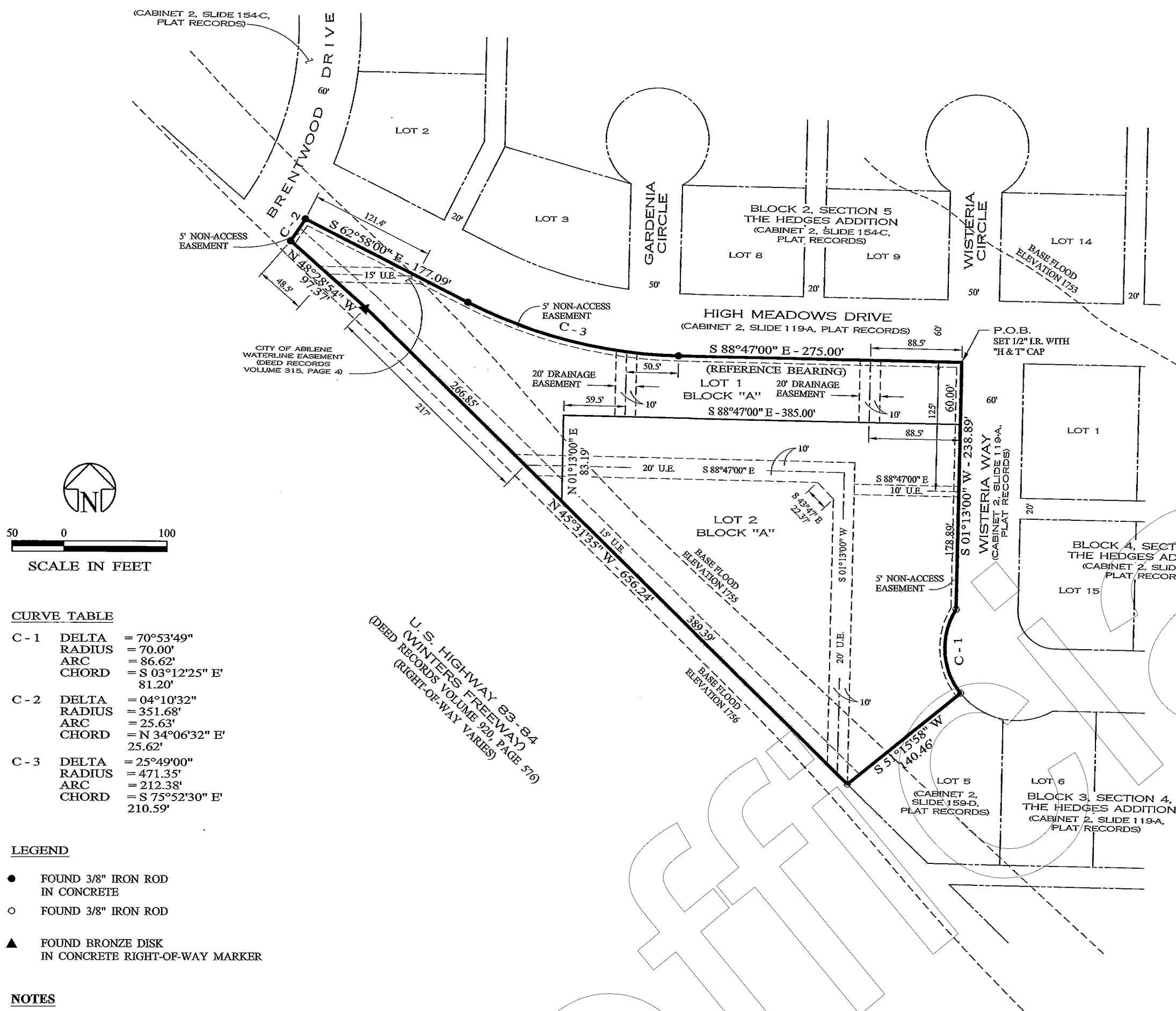
CERTIFICATION:

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:

F.D. ABILENE
ABILENE, TAYLOR COUNTY, TEXAS
April 3, 2008

George A. Forbis-Stokes (PRINT)
 REGISTERED PROFESSIONAL LAND SURVEYOR



CURVE TABLE

C-1	DELTA	= 70°53'49"
	RADIUS	= 70.00'
	ARC	= 86.62'
	CHORD	= S 03°12'25" E' 81.20'
C-2	DELTA	= 04°10'32"
	RADIUS	= 351.68'
	ARC	= 25.63'
	CHORD	= N 34°06'32" E' 25.62'
C-3	DELTA	= 25°49'00"
	RADIUS	= 471.35'
	ARC	= 212.38'
	CHORD	= S 75°52'30" E' 210.59'

- LEGEND**
- FOUND 3/8" IRON ROD IN CONCRETE
 - FOUND 3/8" IRON ROD
 - ▲ FOUND BRONZE DISK IN CONCRETE RIGHT-OF-WAY MARKER

- NOTES**
- AS PER FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 485450 0035, MAP REVISED SEPTEMBER 5, 1990: THIS PROPERTY IS LOCATED IN A FEDERALLY DESIGNATED FLOODWAY AREA.
 - THIS ADDITION IS LOCATED WITHIN THE CITY LIMITS OF ABILENE, TAYLOR COUNTY, TEXAS.

F.D. ABILENE
ABILENE, TAYLOR COUNTY, TEXAS

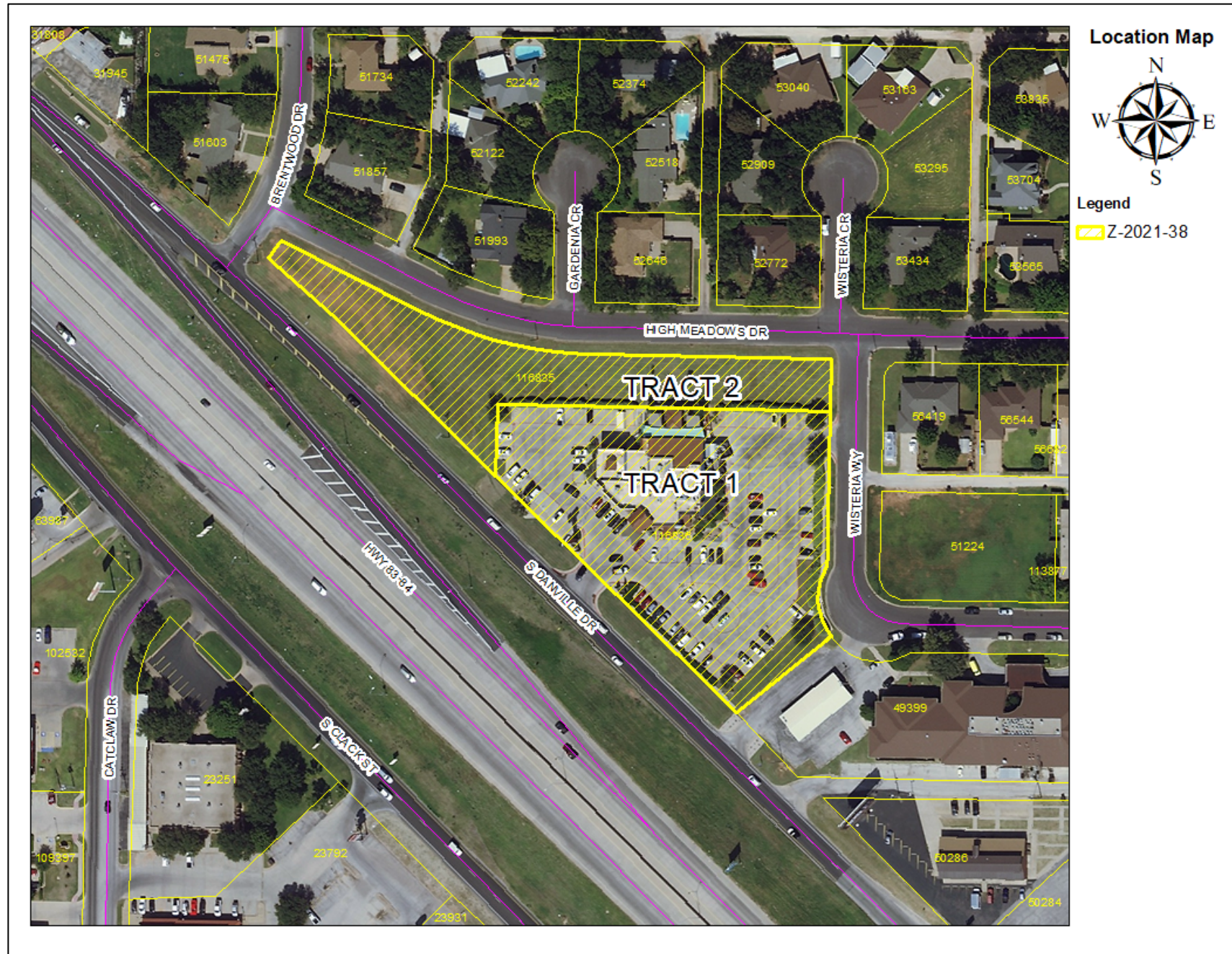
A REPLAT OF
 LOT 208, AND LOTS 301-320,
 BLOCK 3, SECTION 4,
 THE HEDGES ADDITION,
 ABILENE, TAYLOR COUNTY, TEXAS

OWNER:
 EXCEPTIONAL HOLDINGS, LP
 1902 INDUSTRIAL BOULEVARD
 ABILENE, TEXAS 79602

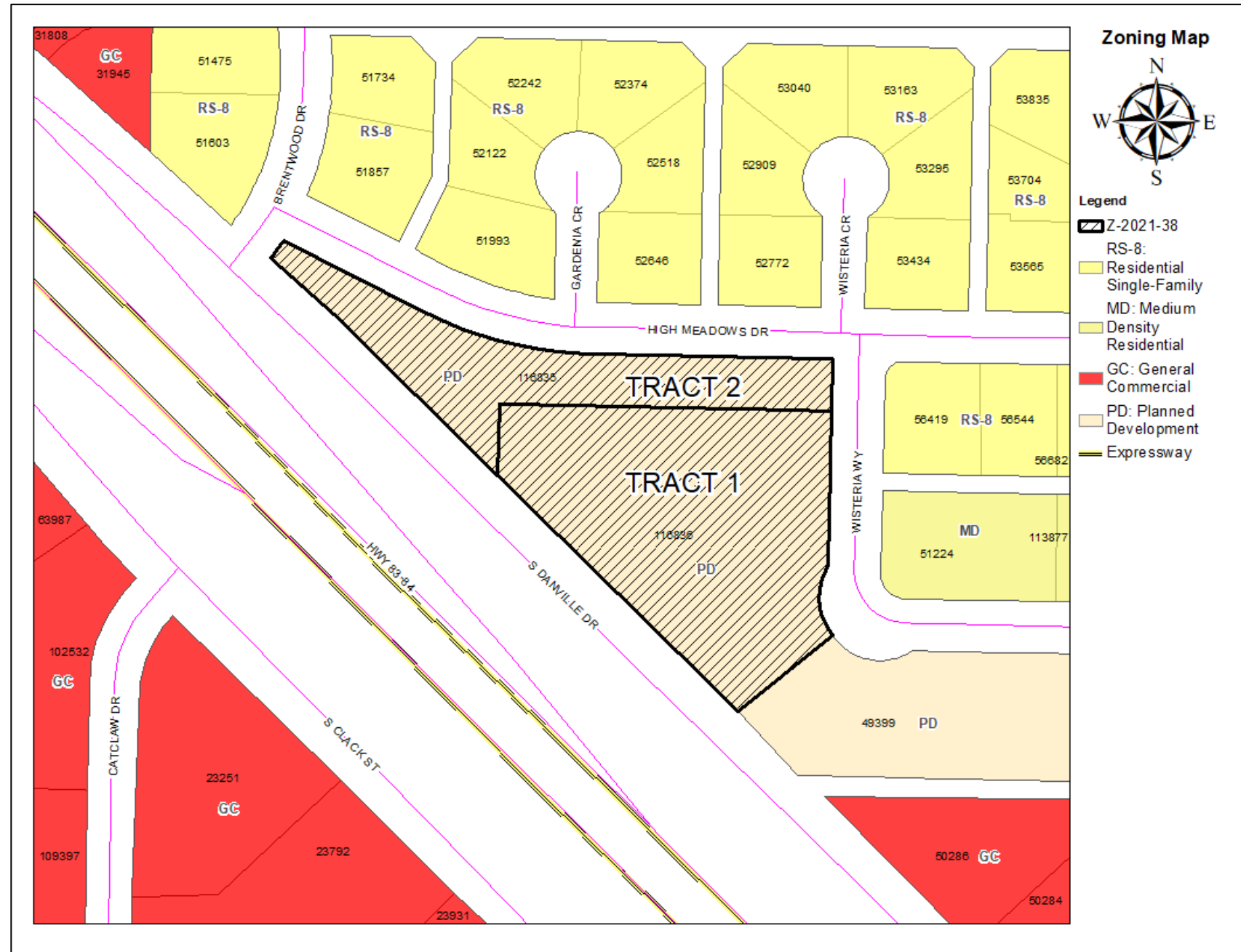
ENGINEER:
 ENPROTEC/HIBBS & TODD, INC.
 402 CEDAR STREET
 ABILENE, TEXAS 79601
 (325) 698-5560

Case:	Z-2021-38
Owner:	Exceptional Holdings LP
Agent:	Michael Burton
Request:	Amendment to the Terms and Conditions of Planned Development 122
Location:	3001 S. Danville Drive
Notification:	2 in Favor, 0 Opposed
Planning & Zoning:	December 7, 2021
City Council Hearings:	1 st December 17, 2021 2 nd : January 13, 2022

Z-2021-38 LOCATION MAP



Z-2021-38 ZONING MAP



Ordinance 02-2008

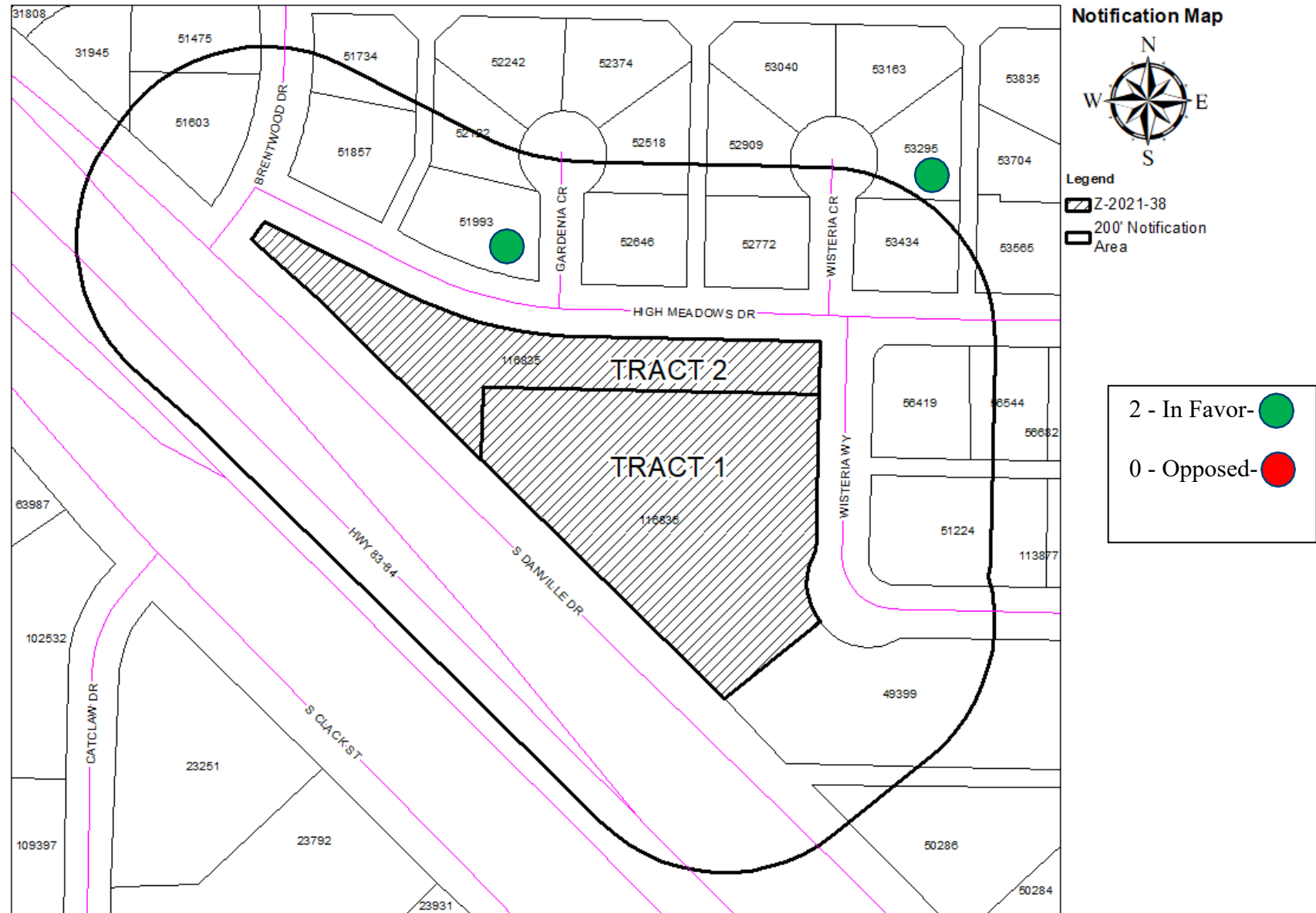
PART 7; (II.) SITE DEVELOPMENT; (D.) SCREENING AND FENCING

“There shall be a solid evergreen hedge along the northern and eastern boundary of Tract 1. Plant materials selected shall be of a variety to achieve a minimum height of 8 feet within 3 years of planting and shall be spaced to provide an effective visual barrier to properties along High Meadows Drive and Wisteria Way. Visibility corners at drive entrances shall be maintained”.

Z-2021-38 VIEWS OF SUBJECT & ADJACENT PROPERTIES



Z-2021-38 NOTIFICATION AREA MAP



- Consistent with the *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: Denial due to:
 - This screening requirement is ordinarily required between a residentially zoned lot and commercial parking lot (LDC Section 4.2.4.2 (d))

Questions?



Development Application

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

Project Name: Bobby Brown
 Address: 2549 Ross Ave. & 2601 Ross Ave. Abilene, TX No. of lots: 2 Acreage: _____
 Legal Description: Over place block 1, Lot N50 W78 L1 & Over place block 1, Lot W78 S1 22 of N 172
 Subdivision Name: Overplace Block: 1 Lot: N50 W78 L1 & W78 S1 22 of Lot 4
 Current Zoning: R56/COR Proposed Zoning (if applicable): NR

OWNER AND AUTHORIZATION

Owner Name: Bobby Brown
 Address: 4049 Inverrary Drive
 City, State, Zip: Abilene, Texas 79606 Fax: _____
 Phone: 325-721-3998 Email: brownproperties24@yahoo.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) Bobby Brown will act as my agent before the Planning and Zoning Commission.

Agent Name: Bobby Brown
 Address: 4049 Inverrary Drive
 City, State, Zip: Abilene, Tx 79606 Fax: _____
 Phone: 325-721-3998 Email: brownproperties24@yahoo.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: Bobby Brown Date: October 29, 2021

FOR OFFICE USE ONLY

Received: 10/30/2021 Fee: \$ 1500

Receipt No.: 0001065455

Case No.: _____

Reviewed By: P.S.

* NOTE: The legal description for each of these two properties is as follows:

2549 Ross Avenue includes the north 50 feet of the west 78 feet of Lot 4 in Block 1 of the Over Place Addition to the City of Abilene, Texas;
2601 Ross Avenue includes the west 78 feet of the north 122 feet of the north 172 feet of Lot 4 in Block 1 of the Over Place Addition to the City of Abilene, Texas.



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.

My name is Bobby Brown. I am the owner of the property at 2549 Ross Avenue, Abilene, Texas. Over twenty years ago I bought this vacant lot at the same time I bought the joining property at 2601 Ross Avenue to be rental property. I am now wanting to sell the property. The property has O'Reilly's on the east side and is zoned general retail. The block on which the lot sits is full of general retail zoning. The property at 2417 South 27th street to the south of my property is in the process of changing its zoning to general retail. I think this being a fact will make my property more attractive to retail buyers. There are no liens or other obligations that keep me from moving forward. Now is the time to move on it. Please change zoning to neighborhood retail.

Thank you,
Bobby Brown



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.

My name is Bobby Brown. I am the owner of the property at (2601 Ross Avenue), Abilene, Texas. Over twenty years ago I bought the house for rental property. The property has O'Reilly's on the east side and is zoned general retail. The block on which the house sits is full of general retail zoning. The property joining my property on the south is in the process of changing their zoning to general retail. I think this being a fact will make my property more attractive to retail buyers rather than residential buyers. There are no liens or other obligations that keep me from moving forward. Now is the time to move on it. The current state of the housing market, along with the interest rates and business growth in Abilene, makes this a good time to act. Please change zoning to neighborhood retail.

Thank you,
Bobby Brown

ZONING CASE Z-2021-39

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: December 7, 2021

City Council 1st Reading: December 17, 2021

City Council 2nd Reading: January 13, 2022

Applicant

Owner: Bobby Brown

Request

Rezone from Single-Family Residential (RS-6) to a Neighborhood Retail (NR) District.

Location

2549 and 2601 Ross Avenue, including approximately 0.31 acre on the east side of Ross Avenue and extending approximately 115 to 285 feet north from South 27th Street

Background

This property has been embraced within an RS-6 zoning district since 1960. A single-family home remains within the approximate center of this 0.31 acre of land.

Until 1985, the entire city block where this property is located (bounded by Ross Avenue, Buffalo Gap Road, South 25th and 27th Streets) was embraced within an RS-6 District. It was during 1985 that this city block began commercializing. The greater part of this city block was then embraced within a Planned Development District for retail commercial use, extending approximately 400 feet north and west from the northwest corner of Buffalo Gap Road and South 27th Street.

Buffalo Gap Road and South 27th Street are both classified (and fully improved) as major arterial streets. It is generally appropriate for intensive retail commercial use to be clustered at strategic intersections of major streets, to maximize exposure of commercial use to passing motorists, while minimizing negative impacts on residents.

More recently, the following other rezoning efforts have occurred on this same city block where the subject property (at 2549-2601 Ross Avenue) is situated:

- In 1996, the Planned Development District approved eleven years earlier (on the northwest corner of Buffalo Gap Road and South 27th Street) was converted to a conventional General Commercial District.
- In 2019, land at the northwest corner of this city block (and specifically on the southeast corner of Ross Avenue and South 25th Street) was embraced within a General Retail District. A 48-unit apartment building is now under construction there.
- At its meeting on November 2 of 2021, Abilene's Planning & Zoning Commission recommended approving a Neighborhood Retail District on 0.33 acre of land located directly south of the subject property and situated on the northeast corner of Ross Avenue and South 27th Street. This property is occupied by a residence at 2414 South 27th Street.

Nearby Zoning and Land Use (Existing)

The current zoning of properties adjacent to (and in the immediate area of) this proposed zone change are illustrated on a map included with this report:

- To the east of this subject property is a vacant tract of less than one acre which remains primarily in the same RS6 District as the subject property. Still farther to the east (by a distance of 120 feet) is an auto parts store followed by an automated car wash and a dry cleaning store. All these commercial facilities are located in a General Commercial District extending (a distance of approximately 500 feet) to Buffalo Gap Road.
- To the south of this subject property is a single-family home site that, as of this writing, remains in the same RS-6 District as the subject property. On December 2, Abilene's City Council will be considering a request to change the zoning of this adjoining home site, to a Neighborhood Retail (NR) District. This prospective NR District lies at the northeast corner of Ross Avenue and South 27th Street.
- To the west of this subject property (across the width of Ross Avenue) is a church building and parking lot. This church campus and the entire city block where it is located lies in a Single-Family Residential (RS-6) District.
- To the north of this subject property is a single-family home site which lies in the same RS-6 District as the subject property. Still farther to the north, separated by a distance of 66 feet, is yet another single-family home site. This other single-family home, however, lies in a Neighborhood Retail (NR) zoning district.

Proposed Zoning and Land Use

The owner of this subject property (at 2549-2601 Ross Avenue) seeks its rezoning to a Neighborhood Retail District. The applicant has offered no specific indication of how this property is planned to be used. However, as its name implies, Neighborhood Retail zoning is intended to accommodate a limited range of retail trade and services needed to serve a neighborhood area.

The level of intensity and scale of development permissible in NR Districts are designed for more compatibility with nearby residences, as compared to most commercial zoning. In NR Districts, maximum coverage by any one or more building(s) on a lot cannot exceed 15,000 square feet. Nonresidential uses allowed in NR Districts may not operate before 6:00 AM, nor after 11:00 PM.

Criteria Assessment

Section 1.4.1.4 of Abilene's Land Development Code states that, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council may consider the following factors:

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

The Future Land Use and Development Plan Map displayed in Abilene's Comprehensive Plan (circa 2004) identifies the subject property and its surroundings to be in an area dominated by low-density residential use. Even within such areas, some localized retail districts should still be created to efficiently serve nearby residential districts. These land use arrangements help maximize convenience (for nearby residents) and minimize traffic congestion. Residents need not drive so far to obtain frequently-used goods and services.

(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.

This subject property (at 2549-2601 Ross Avenue) lies at the west end of a city block that extends all the way east to Buffalo Gap Road, directly north from its intersection with South 27th Street. As mentioned earlier above, both these thoroughfares are major arterial streets, and clusters of intensive retail zoning are generally appropriate at or near the intersection of such streets. Accordingly, almost all the land located within a 500-foot radius north and west from the intersection of Buffalo Gap Road and South 27th Street lies within either a General Commercial (GC) or General Retail (GR) zoning district.

This subject property lies on the same city block as these GC and GR Districts, but outside the 500-foot reach of these intensive commercial zoning classifications. As a result, it is appropriate for the remainder of this city block (outside the existing GC and GR Districts) to be included within some transitional zoning classification, to provide a useful and effective separation between intensive commercial use (closer to Buffalo Gap Road) and the single-family residential environment remaining to the west. The Neighborhood Retail (NR) zoning classification offers just such a transition in the allowed intensity of use.

(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 adjoins Ross Avenue, a subcollector street that is fully-improved with a 36-foot-wide pavement as well as curb-and-gutter. This subject property also lies less than 120 feet from South 27th Street, a fully improved arterial. This arterial street can accommodate increased traffic flow stemming from future commercial use of the subject property, with little or no additional traffic flow through the residential fabric of the adjoining neighborhood.

Suitable water and sewer mains also exist in the adjoining right-of-way for Ross Avenue, directly accessible to this subject property.

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

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

Staff Recommendation

City staff recommends approving this requested zone change to a Neighborhood Retail (NR) District. As mentioned above, such commercial zoning can provide a useful and effective transition between an intensive retail environment (existing to the east) and a low-density residential neighborhood remaining to the west.

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on November 22 of 2021, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1

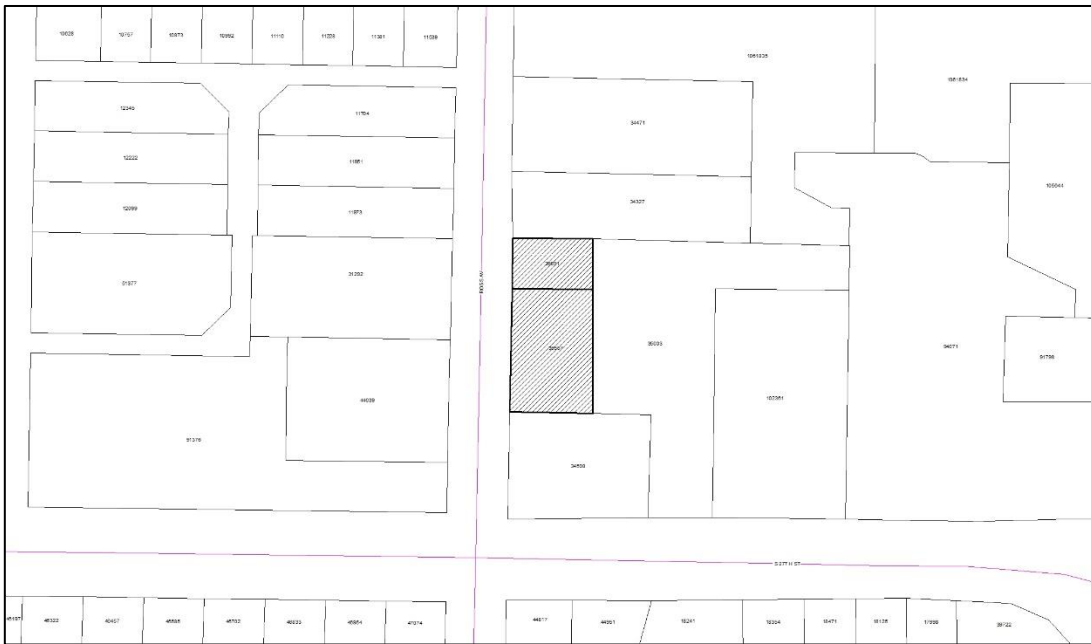
Owner	Parcel ID	Situs	Response
ADKISSON RICHARD L & MARSHA A	34327	2541 ROSS AV	
ADKISSON RICHARD L & MARSHA A	34471	2525 ROSS AV	
BAZE JUSTIN DAVID	11539	2501 S 25TH ST	
BROADVIEW BAPTIST CHURCH	51376	2500 S 27TH ST	
BROADVIEW BAPTIST CHURCH	11973	2542 ROSS AV	
BROADVIEW BAPTIST CHURCH	11704	2526 ROSS AV	
BROADVIEW BAPTIST CHURCH	31292	2602 ROSS AV	
BROADVIEW BAPTIST CHURCH	44639	2618 ROSS AV	
BROADVIEW BAPTIST CHURCH	34598	2414 S 27TH ST	
BROWN BOBBY	35557	2601 ROSS AV	
BROWN BOBBY	35691	2549 ROSS AV	
BRYAN BENNY DEAN JR	18241	2409 S 27TH ST	
HONG ANG	44951	2441 S 27TH ST	
LANDEROS JUAN	47074	2501 S 27TH ST	
O REILLY AUTO ENTERPRISES LLC	102361	2366 S 27TH ST	
ORTIZ ADAM DARREN	11851	2534 ROSS AV	
RONDO PROPERTIES PTSH	35003		
TORRES BEATRIZ	44817	2449 S 27TH ST	
WESTERN BANK	1061835	2501 ROSS AV	

Attachments

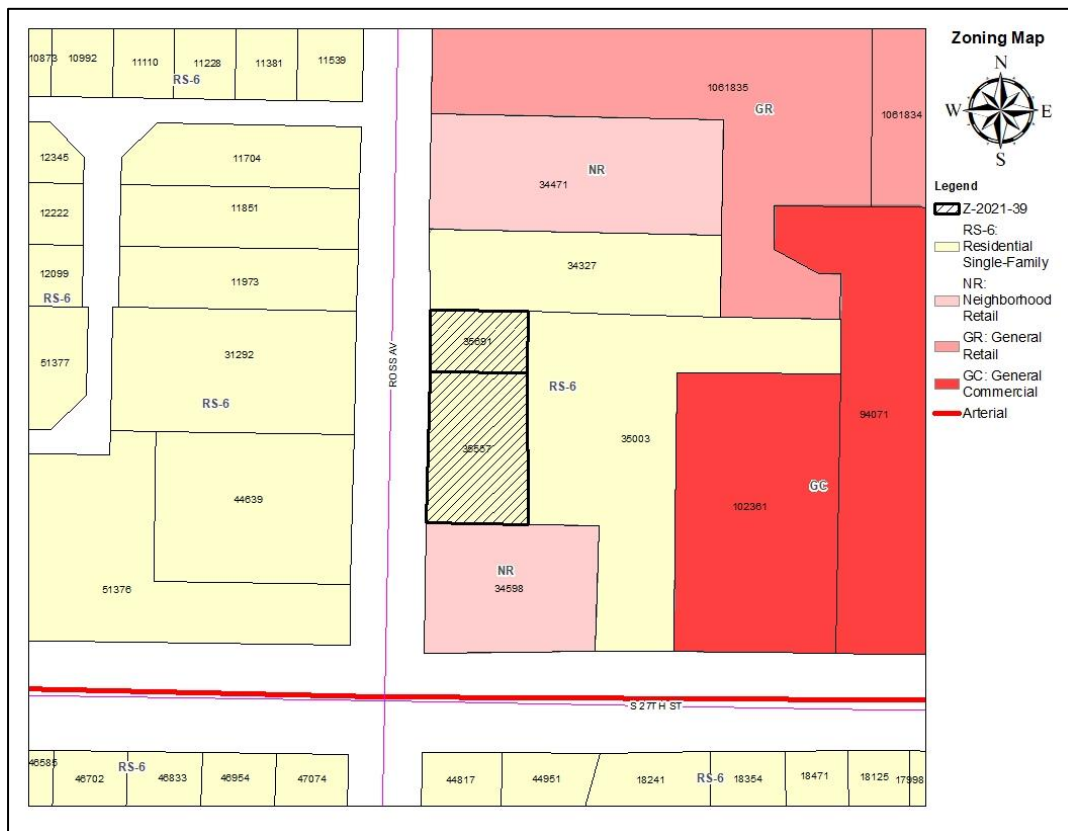
Application

PowerPoint Presentation

LOCATION MAP



ZONING MAP

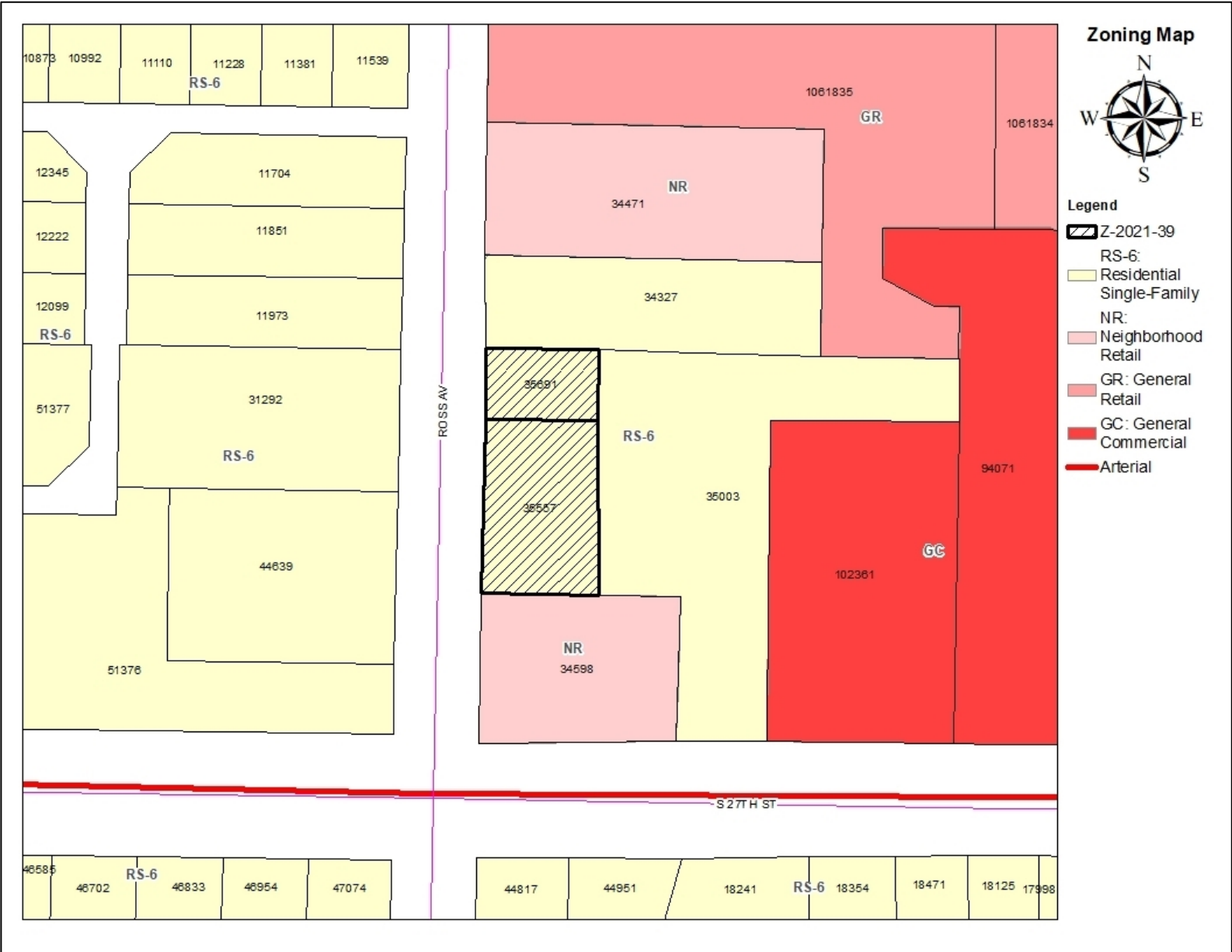


Case:	Z-2021-39
Owner:	Bobby Brown
Request:	Rezone from Residential Single-Family (RS-6) District to Neighborhood Retail (NR) District
Location:	2549 & 2601 Ross Avenue
Notification:	0 in Favor, 1 Opposed
Planning & Zoning:	December 7, 2021
City Council Hearings:	1 st December 17, 2021 2 nd : January 13, 2022

Z-2021-39 LOCATION MAP



Z-2021-39 ZONING MAP



Permitted Uses in RS Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)
Permitted as a Conditional Use Permit, Requiring Approval by City Council
Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Permitted Uses in NR Zoning

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling - Duplex
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- C Dwelling – Multiple-Family
- P Dwelling – Single Family Detached
- 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/C Day Care Operation – Home Based
- C Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Fuel Sales
- P Garage Sales
- P Home Occupation
- C Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage and parking)
- C Recycling Collection Point
- P Subdivision Sales Office (temporary)
- P Swimming Pools, Private (accessory to residential use)
- P Tennis Courts, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

- C Automobile Wash
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing
- P Repair and Maintenance Services (indoor)
- C Tattoo Parlor
- P Veterinary Service (small animals)

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Broadcast Studio
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

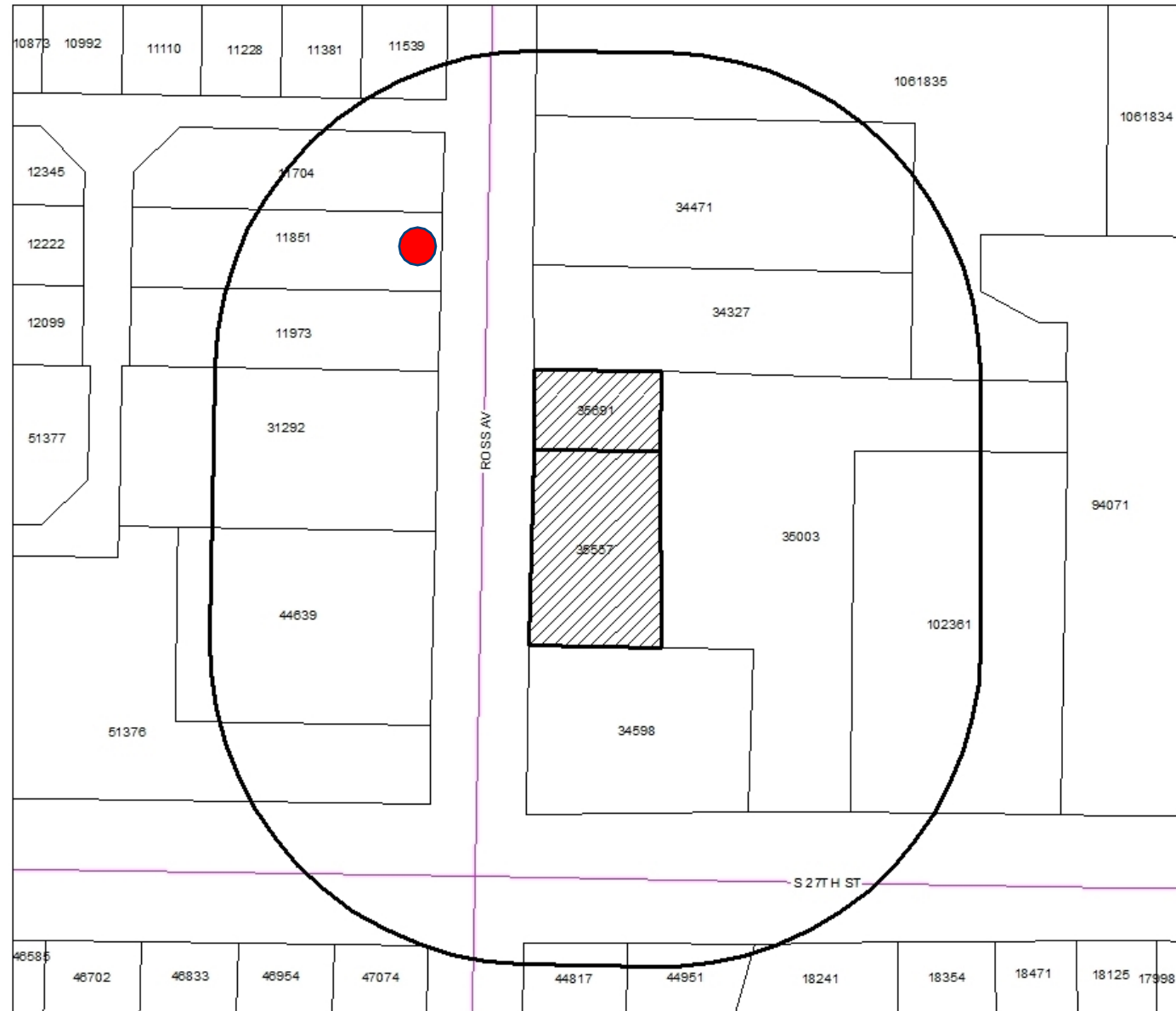
P
C
TP

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)
Permitted as a Conditional Use Permit, Requiring Approval by City Council
Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

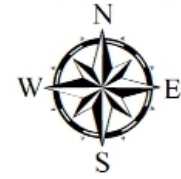
Z-2021-39 VIEWS OF SUBJECT & ADJACENT PROPERTIES



Z-2021-39 NOTIFICATION AREA MAP



Notification Map



Legend

- 200'
- Notification Area
- Z-2021-39

- 0 - In Favor- ●
- 1 - Opposed- ●
- 2.7 % Opposition

- Consistent with the *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?



Development Application

Planning

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

Project Name: Severo Garcia Addition
 Address: 1034 Baker Street No. of lots: 1 Acreage: 5.11 Ac.
 Legal Description: Lot 5 Anderson & Berry
 Subdivision Name: Severo Garcia Block: _____ Lot: 5
 Current Zoning: RS-6 Proposed Zoning (if applicable): N/A

OWNER AND AUTHORIZATION

Owner Name: Severo Garcia
 Address: 1034 Baker St
 City, State, Zip: Abilene TX Fax: _____
 Phone: (325) 518-2742 Email: _____

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

Agent Name: Geotex Property Solutions, LLC
 Address: 209 S. Pioneer Dr., Ste. 2
 City, State, Zip: Abilene, TX 79605 Fax: _____
 Phone: 325-677-6712 Email: _____

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

Signature Owner: [Signature] Date: 11-8-21

FOR OFFICE USE ONLY

Received: 11/08/2021 Fee: \$ 1500 Receipt No.: 0001065456
 Case No.: TC-2021-07 Reviewed By: P. S.

* Specifically, the north 10 feet of a 40-foot-wide right-of-way dedicated for Benbrook Street extending 184.88 feet directly west from Baker Street and the north 30 feet of at least a 60-foot-wide right-of-way for Benbrook Street extending 184.88 to 497.98 feet west from Baker Street



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.

a 413.2-Foot ROW of

This is for the abandoning of ↓ Benbrook Street West of
Baker Street ^{adjacent to} ~~out of~~ the property owned by Severo Garcia.

Contact Alonso Garcia at 325-518-2742 or

Geotex Property Solutions, LLC at 325-677-6712

Trying to close down street to be able to build two
houses (one for myself other is for my son).

02, Block 2,
1 Subdivision
t 4, Slide 267
at Records

ck 1,

y City rdinance No.
ity Easement
P.O.B.
BROOK STREET
(R/W Varies)

lock A,
on No. 1
bdivision
Slide 190
ords

TEI D NOTES

VPW Post 6873
(12.910 Ac.)
2966/496 O.P.R.
Un-Platted

Richmond Street abandoned by
City Ordinance No. 30-2013,
recorded in Instrument No.
2013-15710 O.P.R.
Retained for Access and Accessible
Utility Easement

EAST 497.78' total
EAST 487.78'

Lot 1
(A)

RIGHT-OF-WAY PROPOSED
TO BE ABANDONED

313.1

WEST 487.78'
WEST 497.98'

ALLEY

RIGHT-OF-WAY
PROPOSED TO
REMAIN

Lot 2, Block 1,
BOWMAN SUBDIVISION
Cabinet 2, Slide 128-D
Plat Records

Block A
EDITH HARRIS SUBDIVISION
Cabinet 2, Slide 264-C
Plat Records

BAKER STREET (R/W Varies)

SOUTH 447.42' total

BAKER STREET (R/W Varies)

Charles & Leta Barbee
(2 Ac.)
950/488 & 450 D.R.
Un-Platted

RICHMOND
(R/W Vari

Linda Mae & Eugene Hudm
(2 Ac.)
1748/69 O.P.R.
Un-Platted

BENBROOK
(R/W Varies

Andrea & Juan Sanchez
(2 Ac.)
Instrument No. 2008-1275
Un-Platted

TC-2021-07

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: December 7, 2021

City Council 1st Reading: December 17, 2021

City Council 2nd Reading: January 13, 2021

Applicant

Owner (of adjacent property): Severo Garcia

Agent: Geotex Property Solutions, LLC

Request

Abandon certain north portions of existing unimproved right-of-way for Benbrook Street projecting west from Baker Street, leaving at least a 30-foot wide right-of-way to someday function as an alleyway there.

Location

Portions of right-of-way for Benbrook Street proposed to be abandoned extend approximately 500 feet west from Baker Street in far west Abilene.

Background

Abilene has two separate and distinct segments of Benbrook Street:

- One segment extends $\frac{1}{4}$ mile between Presidio Drive and Corsicana Avenue. This first segment of Benbrook Street is fully-improved with pavement and completely lined with single-family homes. No portion of this segment of Benbrook Street is proposed to be abandoned.
- The other segment of Benbrook Street extends west from Redbird Lane in far west Abilene, at 1000 feet crossing Baker Street, after which it “dead ends” in a cul-de-sac turnaround approximately 500 feet west from Baker Street. No portion of this second segment of Benbrook Street is now improved with pavement or even gravel. Until 1992, this second segment of Benbrook Street extended even farther west to Veterans Drive (formerly Vapor Trail). But the western 420+ feet of Benbrook Street was officially abandoned in June of 1992. The land within that already-abandoned segment of Benbrook Street is now incorporated within a parking lot for the VFW Post at 1049 Veterans Way.

An owner of land on the west side of Baker Street has applied to have abandoned certain north portions of unimproved right-of-way for Benbrook Street extending west from Baker Street. With approval of this requested abandonment, the applicant (Severo Garcia) will be able to expand the land available for existing and future home site(s) on his property.

Assessment

The applicant is seeking to have abandoned only certain portions of right-of-way* on the north side of Benbrook Street projecting west from Baker Street. If this abandonment is approved, the leftover

* specifically, the north 10 feet of a 40-foot-wide right-of-way dedicated for Benbrook Street extending 184.88 feet directly west from Baker Street’s right-of-way, as well as the north 30 feet of at least a 60-foot-wide right-of-way for Benbrook Street extending 184.88 to 497.98 feet west from Baker Street’s right-of-way

portions of Benbrook Street's right-of-way will remain wide enough (at least 30 feet) to someday function as a useful alleyway. This alleyway will come complete with enough right-of-way for a suitable turnaround at its otherwise dead end, located approximately 500 feet west of Baker Street.

Also, if approved as requested, this abandonment will leave no existing lot or parcel of land with access only to the remaining alley right-of-way, and without access to a street.

No utilities (underground or overhead) are now located within the unimproved right-of-way proposed to be abandoned, or within the leftover right-of-way which would remain west of Baker Street.

Staff Recommendation

City staff recommends approving the current request to abandon certain north portions of Benbrook Street's unimproved right-of-way west of Baker Street, leaving at least a 30-foot-wide right-of-way to someday function as an alleyway.

- With 1992's abandonment of the western 420+ feet of Benbrook Street's original right-of-way extending to Veteran's Way, the remaining 500 feet of Benbrook Street (west of Baker Street) was left a dead end with little or no prospects for future extension.
- The applicant's plan for subdividing his property north of this dead end street does not include creating any new lots with access only to Benbrook Street.

Given these circumstances, the only prospective use for this dead-end right-of-way will be as an alley, for which only a 20- to 30-foot-wide right-of-way is necessary. The remaining right-of-way (after abandonment) will be at least 30 feet wide and terminated by a useful turnaround (already dedicated) at its dead end.

City staff also urges that any ordinance authorizing this abandonment be made subject to the following two conditions:

1. That a suitable graphic resubdivision (replat) is prepared by a registered surveyor, approved by the City of Abilene and, then, recorded with the Taylor County Clerk. Such replat must illustrate how the affected right-of-way (authorized to be abandoned) will be integrated with adjoining property.
2. That drainage and utility easements is reserved within the otherwise abandoned right-of-way, if for no other reason than similar such easements were reserved with the earlier (1992) abandonment of Benbrook Street's western right-of-way extending to Veteran's Way.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on November 22 of 2021 (via certified mail) to the applicant and to other owners of property within a 200-foot radius of the subject street right-of-way. These property owners and associated parcel identification numbers are identified below:

Owner	Parcel ID	Situs	Response
GARCIA ISAAC & PETRINA	56562	6126 FAIRMOUNT ST	
GARCIA SEVERO & MARTA	72843	1026 BAKER ST	
GARCIA SEVERO & MARTA	24520	1034 BAKER ST	
HUDMAN LINDA M & E VICTOR	73260	1065 BAKER ST	
MARTIN D DENSON POST	91120		
SANCHEZ JUAN JR & ANDREA	74075	1117 BAKER ST	
VFW POST #6873	73939	1110 BAKER ST	
VFW POST 6873	24523	1049 VETERANS DR	

Attachments

- Application
- PowerPoint

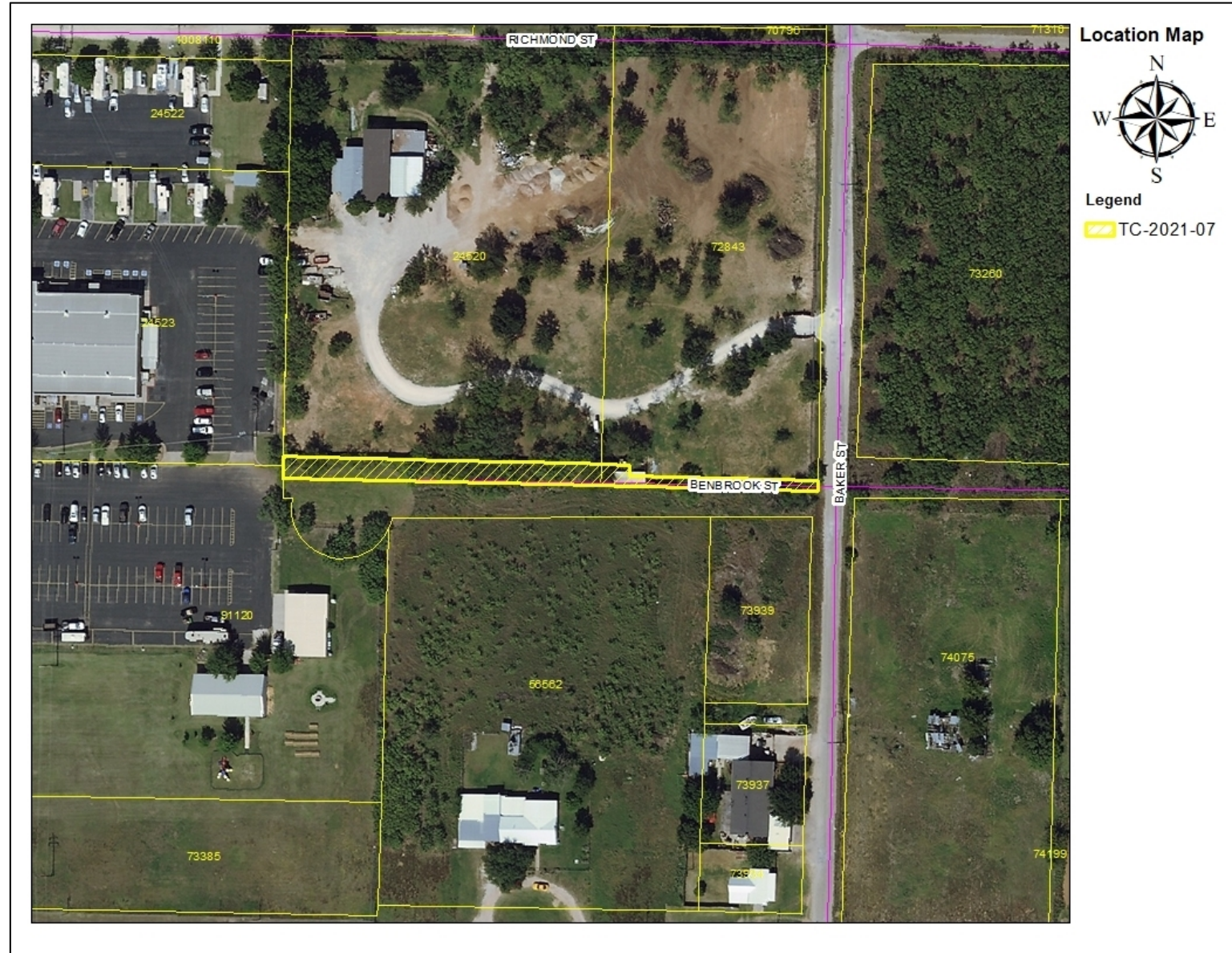
LOCATION MAP

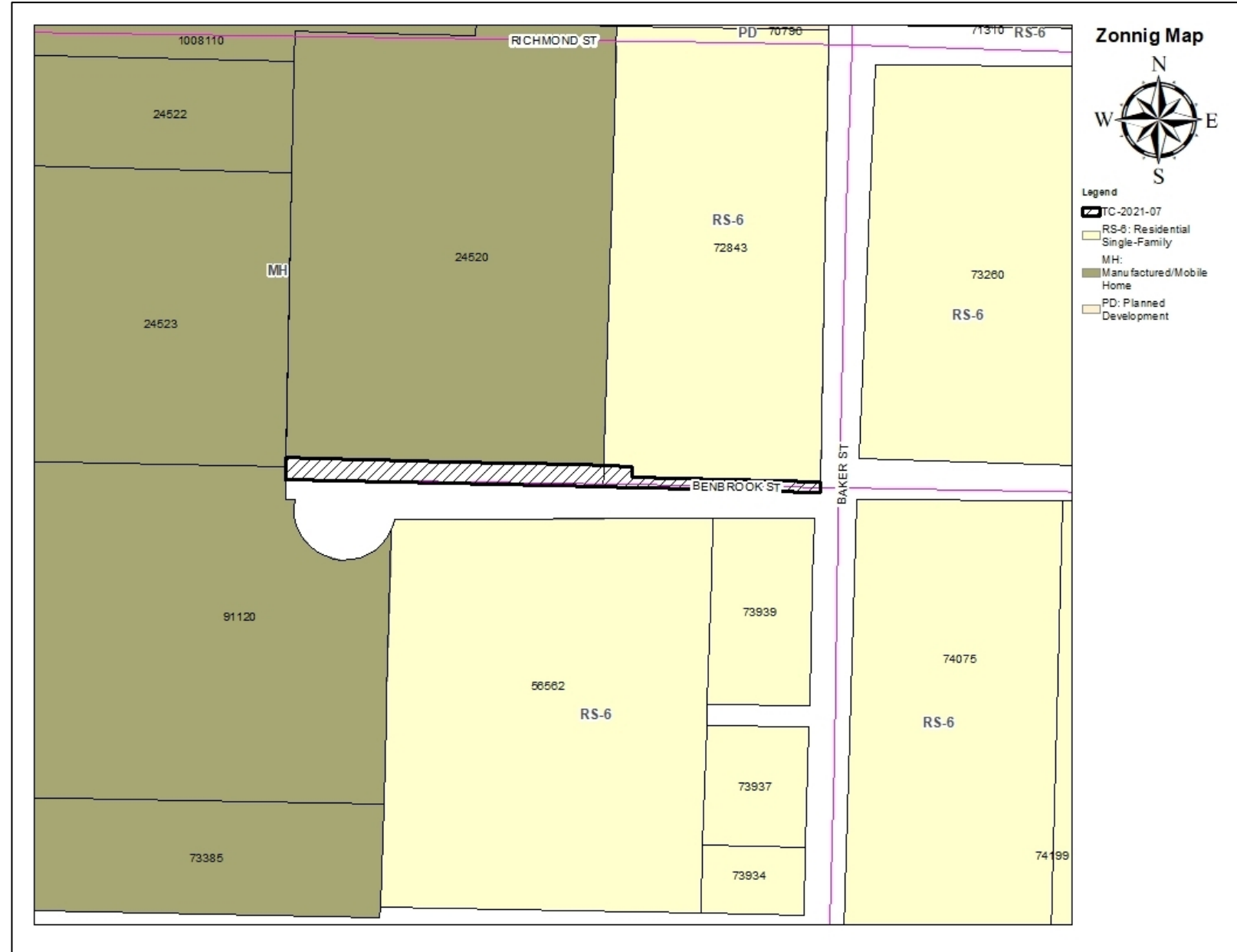


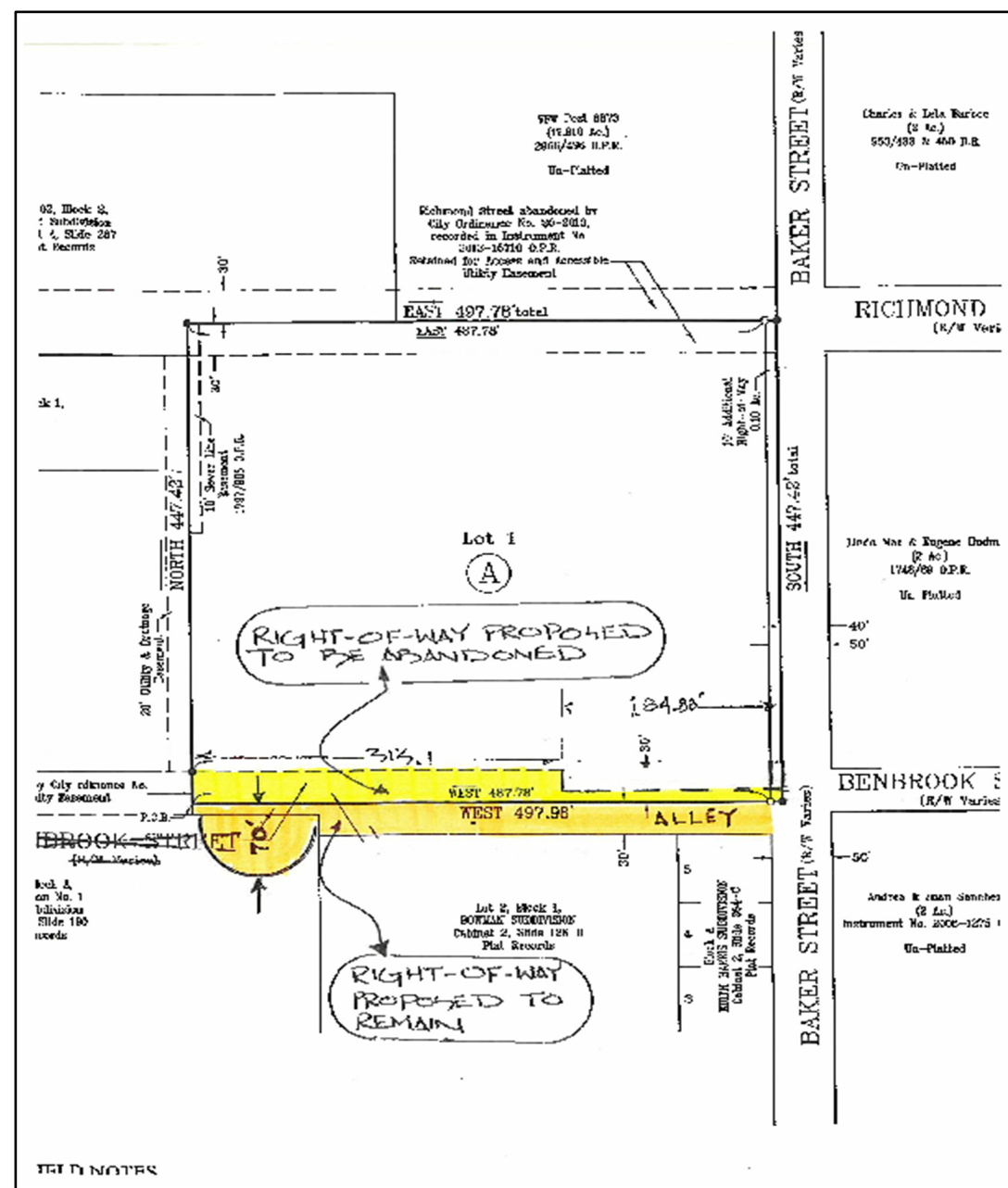
ZONING MAP

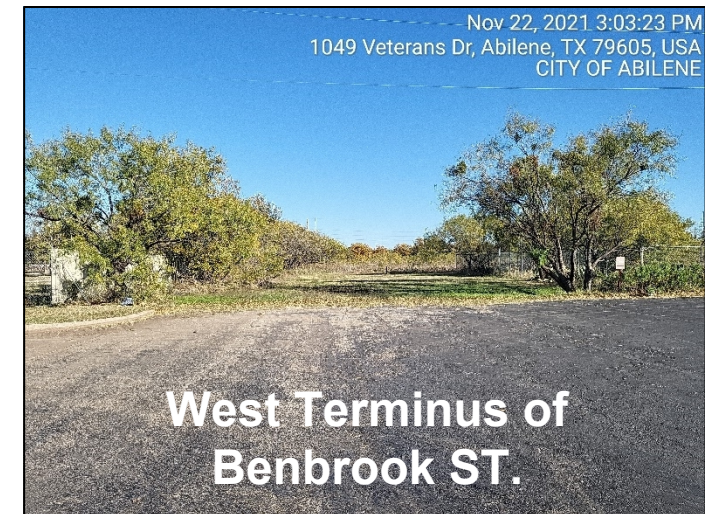
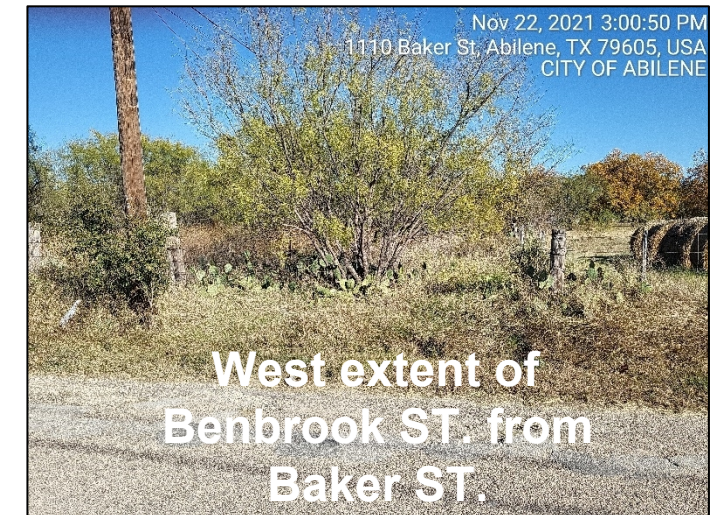


Case:	TC-2021-07
Applicant:	Severo Garcia
Agent:	Geotex Property Solutions, LLC.
Request:	Abandon certain north portions of existing unimproved right-of-way for Benbrook Street
Location:	Approximately 500 feet west from Baker Street in far west Abilene
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	December 7, 2021
City Council Hearings:	1 st December 17, 2021 2 nd : January 13, 2022

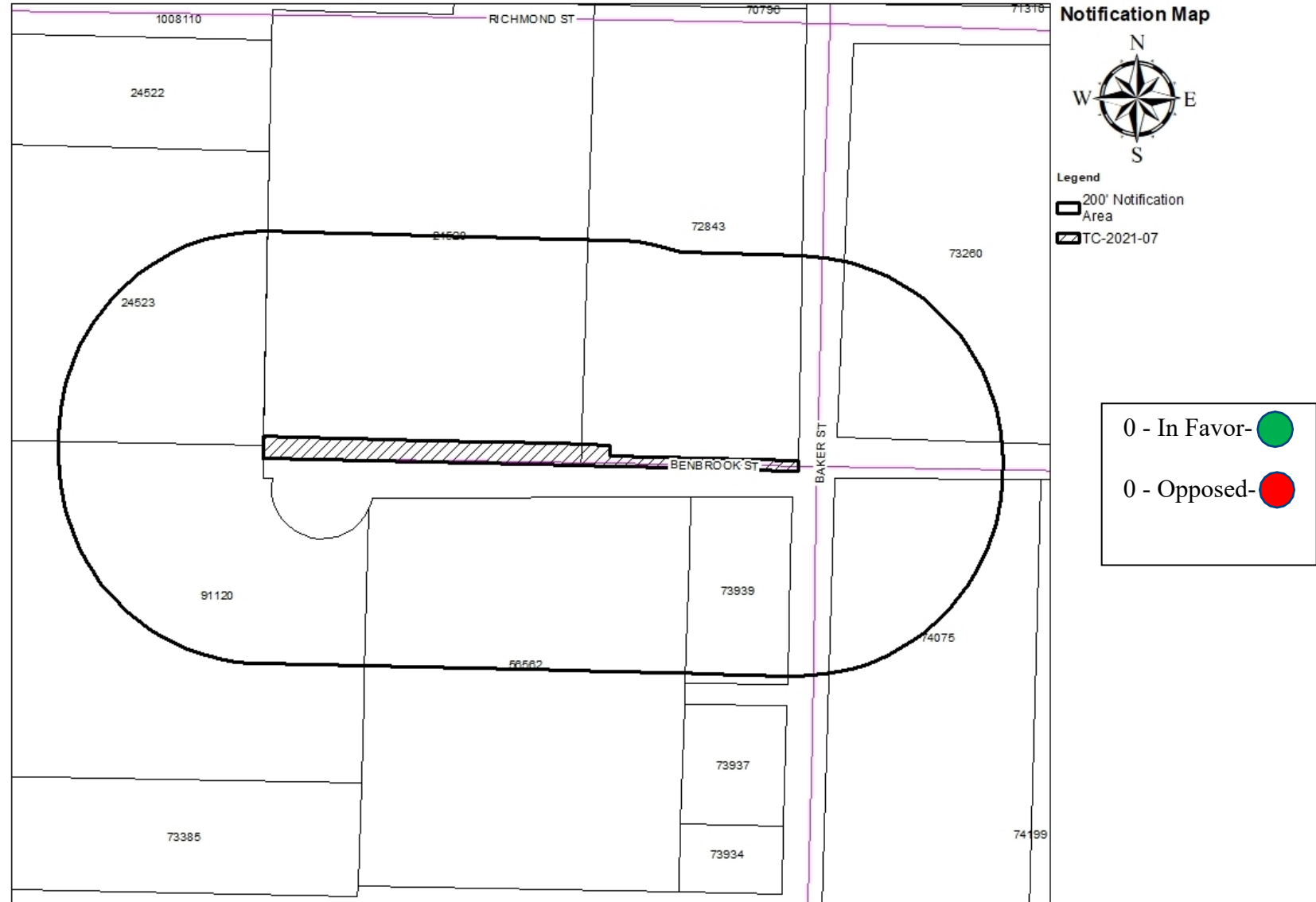








TC-2021-07 NOTIFICATION AREA MAP



- Consistent with the *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?