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 January 4, 2022 at 1:30 p.m. at the Abilene Public Library, South Brand, Mall of Abilene, 4310 Buffalo Gap Road, Abilene, Texas, 79606, 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 December 7, 2021

PLATS

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

2. **PP-9021:** "Cimarron Meadows, Section 2"

ZONING

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

3. **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 modify the requirement for screening along or near the north and east boundaries of a tract occupied by an existing restaurant building at 3001 South Danville Drive. Legal description being Lots 1 and 102 in Block A of a subdivision known as FD Abilene in the City of Abilene, Taylor County, Texas ***(Jared Smith)***

4. **Z-2022-01:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Lien Jung and Yi-Chien (represented by Jacob & Martin LLC) to change zoning from Agricultural Open Space (AO) to a Planned Development (PD) District allowing landscape contractor services, in addition to uses commensurate with General Retail zoning, on approximately 12.94 acres of now-vacant land at the southwest corner of Antilley Road and Fairway Oaks Boulevard in south Abilene.

Legal description being a certain 12.94 acres (approximately) out of the C.A. Donavan Survey in Abilene, Taylor County, Texas ***(Jared Smith)***

5. **Z-2022-02:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Houston Polasek (represented by Heath Polasek) to change zoning from Agricultural Open Space (AO) to a Residential Single-Family Patio Home (PH) District, on 46.25 acres of existing agricultural land at the southwest corner of Maple and East South 27th Streets in southeast Abilene. Legal description being a certain 46.25 acres (approximately) out of the east half of Blind Asylum Lands Section 63 in Abilene, Taylor County, Texas ***(Brad Stone)***

ADJOURNMENT

Notice

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 30th day of December, 2021, at 3:15 p.m.

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Kaitlin Richardson, Deputy City Secretary

Planning and Zoning Commission MINUTES

The Planning and Zoning Commission of the City of Abilene, Texas met in a Regular Meeting on December 7, 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
Ms. Shawnte' Fleming
Mr. Bill Noonan, Secretary
Mr. Brad Benham, Chairman Pro Tem
Rev. Iziar Lankford

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. Alonso Garcia
Mr. Jeff Goodin
Mr. John Harris
Mr. Larry Browning
Mr. David Todd
Mr. Bobby Brown
Mr. Michael Burton
Ms. Paula Browning
Ms. Cheryl Graf
Mr. Clayton Farrow

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. Mr. Benham requested silent time to acknowledge National Pearl Harbor Remembrance Day.

APPROVAL OF MINUTES FOR THE PREVIOUS MEETING

Mr. Rosenbaum opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed. Mr. Benham moved to approve the minutes from the previous meeting, which was held on November 2, 2021. The motion to **approve** prevailed by the following vote:

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

PLATS

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

Mr. Smith presented the final plat for consideration. There are no conditions related to this request; therefore, staff recommends approval.

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

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

ZONING

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

Mr. Smith presented this request. According to information provided within the application, the owner wishes to establish a Vacation Travel Trailer/Recreational Vehicle Park on this subject property.

Mr. Rosenbaum opened the public hearing. Mr. David Todd spoke in favor of this request. He stated the RV Park is a good use of this property. 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: Approval

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

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

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

Mr. Watts presented this request. The applicants are requesting to continue the development of vacant tracts of land that were rezoned to residential zoning districts in the past.

Mr. Rosenbaum opened the public hearing. Mr. Clayton Farrow spoke in favor of this request stating it is the second phase of the subdivision. 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. Twenty-one (21) responses were received in favor, with none (0) in opposition.

PLANNING STAFF RECOMMENDATION: Approval

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

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

Mr. Watts presented this request. The applicant is requesting to amend/remove one section of the PD language that affects Tract 1. 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.

Mr. Rosenbaum opened the public hearing. Mr. Larry Browning spoke in opposition, stating the area without hedges can be used as a shortcut by employees and customers. Mrs. Browning also confirmed her opposition.

Mr. Michael Burton explained that the freeze in February killed the bushes. After trying to save the bushes, they were pulled by the roots. He shared his opinion, along with that of several customers, the area is an improved look without the bushes.

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 two (2) received in opposition.

PLANNING STAFF RECOMMENDATION: Denial

Discussion among the Commission included the request for more options, and the need for landscaping and possibility for a fence.

Mr. Noonan made the motion to **table** this request until the meeting in January. Mr. Benham seconded the motion. The motion to table prevailed by the following vote:

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

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

Mr. Stone presented this request. 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.

Mr. Rosenbaum opened the public hearing. Mr. Bobby Brown is the owner of the properties. He stood at the lectern to answer any questions that the Commission might have. 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. Benham made the motion to **approve** this request. Mr. Barnett seconded the motion. The motion to approve this request prevailed by the following vote:

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

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

Mr. Stone presented this request. He said the focus of the request is on the northern dead end of Benbrook Street, extending west from Baker Street. The request is directed by the owner of the property to the north, who plans to subdivide his acreage. 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.

Mr. Rosenbaum opened the public hearing. Mr. Alonso Garcia spoke to represent his father. He shared the reason they want to close the alley is so they can build their dream homes. 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 none (0) in opposition.

PLANNING STAFF RECOMMENDATION: Approval

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

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

Adjournment

There being no further discussion, Mr. Rosenbaum adjourned the meeting at 2:45 p.m.

APPROVED

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Mr. Clint Rosenbaum, Chairman

BASIS OF BEARINGS:

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

FINISHED FLOOR ELEVATION:

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

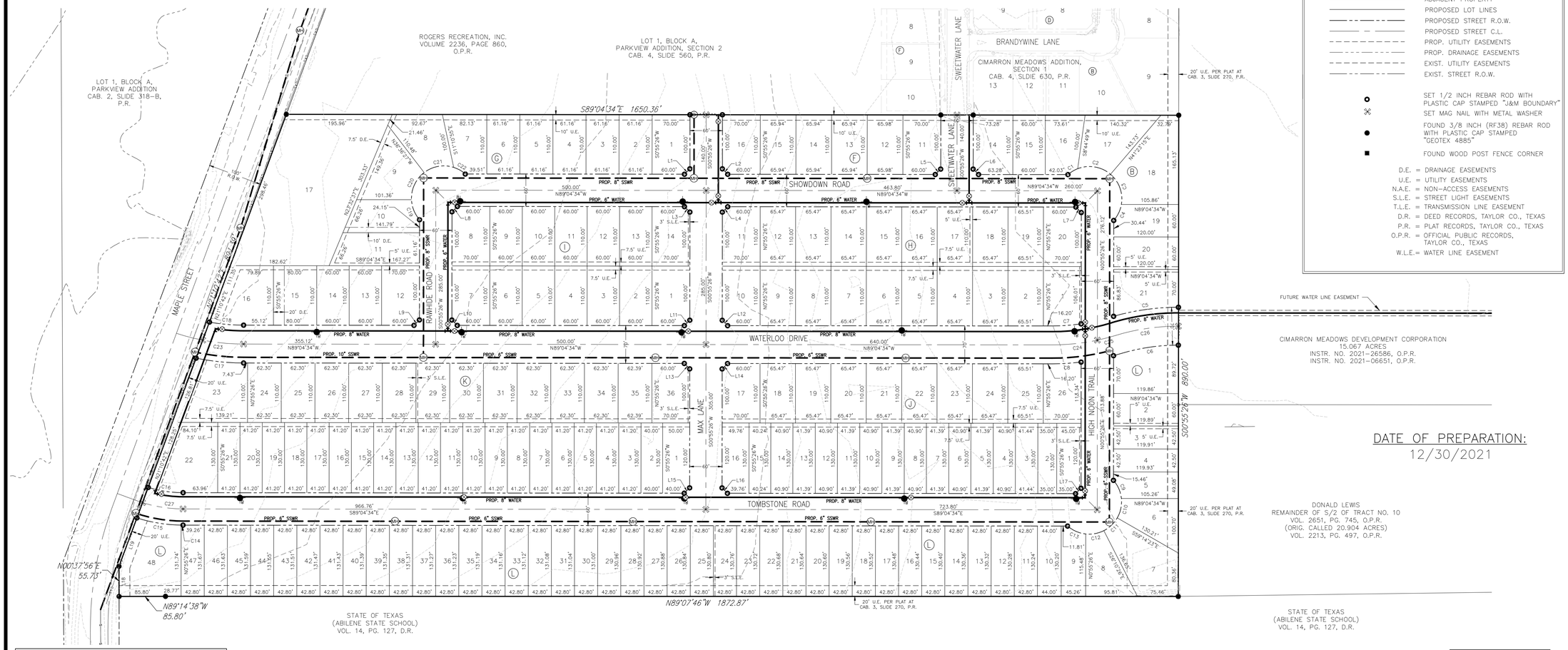
PLAT NOTES:

1. AREA OF SUBDIVISION = 37.103 ACRES.
2. AREA OF ALL PUBLIC R.O.W. DEDICATIONS = 9.354 ACRES.
3. BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF ABILENE ZONING REGULATIONS.
4. MONUMENTATION: A 1/2" REBAR ROD WITH CAP MARKED "J&M BOUNDARY" IS SET AT EACH SUBDIVISION CORNER, LOT CORNER, AND AT EACH P.C., P.T. AND P.I. IN THE PROPOSED STREET RIGHT-OF-WAY LINES SHOWN.
5. A VERY SMALL PORTION OF THIS SUBDIVISION LIES WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO TAYLOR COUNTY FEMA FIRM MAP NOS. 48441-C-0355-F EFFECTIVE JANUARY 6, 2012.
6. NO LAND WITHIN THIS SUBDIVISION WILL BE DEDICATED FOR PARKS, OPEN SPACE OR FLOODWAY.
7. THIS SUBDIVISION IS LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE CITY OF ABILENE, TEXAS.

NORTH

GRAPHIC SCALE 1"=100'

100 0 100 200



LEGEND

- SUBDIVISION BOUNDARY
- ADJACENT PROPERTY
- PROPOSED LOT LINES
- PROPOSED STREET R.O.W.
- PROPOSED STREET C.L.
- PROP. UTILITY EASEMENTS
- PROP. DRAINAGE EASEMENTS
- EXIST. UTILITY EASEMENTS
- EXIST. STREET R.O.W.
- SET 1/2 INCH REBAR ROD WITH PLASTIC CAP STAMPED "J&M BOUNDARY"
- SET MAG NAIL WITH METAL WASHER
- FOUND 3/8 INCH (RF38) REBAR ROD WITH PLASTIC CAP STAMPED "GEOTEX 4885"
- FOUND WOOD POST FENCE CORNER

D.E. = DRAINAGE EASEMENTS
U.E. = UTILITY EASEMENTS
N.A.E. = NON-ACCESS EASEMENTS
S.L.E. = STREET LIGHT EASEMENTS
T.L.E. = TRANSMISSION LINE EASEMENT
D.R. = DEED RECORDS, TAYLOR CO., TEXAS
P.R. = PLAT RECORDS, TAYLOR CO., TEXAS
O.P.R. = OFFICIAL PUBLIC RECORDS, TAYLOR CO., TEXAS
W.L.E. = WATER LINE EASEMENT

DATE OF PREPARATION:

12/30/2021

CURVE TABLE

CURVE NO.	ARC LENGTH	RADIUS	Δ ANGLE	TANGENT	CHORD BEARING	CHORD LENGTH
C1	21.14'	60.00'	20°11'12"	10.68'	N59°36'27"E	21.03'
C2	64.60'	60.00'	61°41'13"	35.83'	S79°27'21"E	61.52'
C3	62.05'	60.00'	59°15'18"	34.12'	S18°59'06"E	59.32'
C4	33.19'	60.00'	31°41'27"	17.03'	S26°29'17"W	32.77'
C5	121.39'	435.00'	15°59'21"	61.09'	S82°55'45"W	121.00'
C6	108.17'	365.00'	16°58'45"	54.48'	N82°26'03"E	107.77'
C7	53.99'	365.00'	8°28'32"	27.05'	N86°41'10"E	53.94'
C8	53.93'	435.00'	7°06'14"	27.00'	N87°22'18"E	53.90'
C9	37.29'	60.00'	35°36'25"	19.27'	N22°40'56"W	36.69'
C10	37.32'	60.00'	35°38'21"	19.29'	N12°56'26"E	36.72'
C11	34.63'	60.00'	33°03'58"	17.81'	N47°17'36"E	34.15'
C12	34.63'	60.00'	33°03'58"	17.81'	N80°21'33"E	34.15'
C13	37.11'	60.00'	35°26'28"	19.17'	S65°23'14"E	36.53'
C14	3.54'	280.00'	0°43'30"	1.77'	S88°42'49"E	3.54'
C15	83.17'	280.00'	17°01'11"	41.90'	S79°50'29"E	82.87'
C16	65.50'	220.00'	17°03'31"	32.99'	S80°32'46"E	65.26'
C17	88.49'	435.00'	11°39'18"	44.40'	N83°14'56"W	88.33'
C18	63.64'	365.00'	9°59'21"	31.90'	S84°04'54"E	63.56'
C19	40.68'	60.00'	38°50'58"	21.16'	N21°03'40"W	39.91'
C20	57.63'	60.00'	55°01'44"	31.25'	N25°52'41"E	55.44'
C21	57.63'	60.00'	55°01'44"	31.25'	N80°54'25"E	55.44'
C22	25.04'	60.00'	23°54'43"	12.71'	S59°37'21"E	24.86'
C23	76.07'	400.00'	10°53'45"	38.15'	N83°37'42"W	75.95'
C24	84.42'	400.00'	12°05'33"	42.37'	S84°52'39"W	84.27'
C25	34.11'	400.00'	4°53'12"	17.07'	S76°23'16"W	34.10'
C26	118.54'	400.00'	16°58'45"	59.71'	S82°26'03"W	118.10'
C27	76.11'	250.00'	17°26'35"	38.35'	S80°21'17"E	75.82'

BLOCK B

LOT AREA TABLE

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
14	8,011	0.184	360.70'
15	6,600	0.152	340.00'
16	7,163	0.164	346.78'
17	10,394	0.239	448.65'
18	14,839	0.341	509.56'
19	6,941	0.159	349.49'
20	7,200	0.165	360.00'
21	9,061	0.208	398.22'

BLOCK F

LOT AREA TABLE

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
11	7,650	0.176	354.14'
12	7,257	0.167	351.95'
13	7,253	0.167	351.88'
14	7,253	0.167	351.88'
15	7,253	0.167	351.88'
16	7,650	0.176	354.14'

BLOCK G

LOT AREA TABLE

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
1	7,650	0.176	354.14'
2	6,728	0.154	342.32'
3	6,728	0.154	342.32'
4	6,728	0.154	342.32'
5	6,728	0.154	342.32'
6	6,728	0.154	342.32'
7	7,599	0.174	356.69'
8	8,522	0.196	382.23'
9	9,450	0.217	418.83'
10	7,524	0.173	374.24'
11	9,451	0.217	436.47'
12	7,650	0.176	354.14'
13	6,600	0.152	340.00'
14	6,600	0.152	340.00'
15	8,800	0.202	380.00'
16	10,898	0.250	420.00'
17	53,002	1.217	980.37'

BLOCK H

LOT AREA TABLE

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
1	7,629	0.175	356.21'
2	7,206	0.165	351.01'
3	7,202	0.165	350.94'
4	7,202	0.165	350.94'
5	7,202	0.165	350.94'
6	7,202	0.165	350.94'
7	7,202	0.165	350.94'
8	7,202	0.165	350.94'
9	7,202	0.165	350.94'
10	7,650	0.176	354.14'
11	7,650	0.176	354.14'
12	7,202	0.165	350.94'
13	7,202	0.165	350.94'
14	7,202	0.165	350.94'
15	7,202	0.165	350.94'
16	7,202	0.165	350.94'
17	7,202	0.165	350.94'
18	7,202	0.165	350.94'
19	7,206	0.165	351.01'
20	7,650	0.176	354.14'

BLOCK I

LOT AREA TABLE

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
1	7,650	0.176	354.14'
2	6,600	0.152	340.00'
3	6,600	0.152	340.00'
4	6,600	0.152	340.00'
5	6,600	0.152	340.00'
6	6,600	0.152	340.00'
7	7,650	0.176	354.14'
8	7,650	0.176	354.14'
9	6,600	0.152	340.00'
10	6,600	0.152	340.00'
11	6,600	0.152	340.00'
12	6,600	0.152	340.00'
13	6,600	0.152	340.00'
14	7,650	0.176	354.14'

BLOCK J

LOT AREA TABLE

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
1	5,799	0.133	344.13'
2	4,551	0.104	330.01'
3	5,388	0.124	342.89'
4	5,317	0.122	341.81'
5	5,380	0.124	342.77'
6	5,317	0.122	341.81'
7	5,380	0.124	342.77'
8	5,317	0.122	341.81'
9	5,380	0.124	342.77'
10	5,317	0.122	341.81'
11	5,380	0.124	342.77'
12	5,317	0.122	341.81'
13	5,380	0.124	342.77'
14	5,317	0.122	341.81'
15	5,231	0.120	340.48'
16	6,419	0.147	353.66'
17	7,650	0.176	354.14'
18	7,202	0.165	350.94'
19	7,202	0.165	350.94'
20	7,202	0.165	350.94'
21	7,202	0.165	350.94'
22	7,202	0.165	350.94'
23	7,202	0.165	350.94'
24	7,202	0.165	350.94'
25	7,206	0.165	351.01'
26	7,760	0.178	363.48'

BLOCK K

LOT AREA TABLE

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
1	6,450	0.148	354.14'
2	5,200	0.119	340.00'
3	5,356	0.123	342.40'
4	5,356	0.123	342.40'
5	5,356	0.123	342.40'
6	5,356	0.123	342.40'
7	5,356	0.123	342.40'
8	5,356	0.123	342.40'
9	5,356	0.123	342.40'
10	5,356	0.123	342.40'
11	5,356	0.123	342.40'
12	5,356	0.123	342.40'
13	5,356	0.123	342.40'
14	5,356	0.123	342.40'
15	5,356	0.123	342.40'
16	5,356	0.123	342.40'
17	5,356	0.123	342.40'
18	5,356	0.123	342.40'
19	5,356	0.123	342.40'
20	5,356	0.123	342.40'
21	5,356	0.123	342.40'
22	13,828	0.317	471.82'
23	13,357	0.307	471.93'
24	6,853	0.157	344.60'

BLOCK L

LOT AREA TABLE

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
25	6,853	0.157	344.60'
26	6,853	0.157	344.60'
27	6,853	0.157	344.60'
28	6,853	0.157	344.60'
29	6,853	0.157	344.60'
30	6,853	0.157	344.60'
31	6,853	0.157	344.60'
32	6,853	0.157	344.60'
33	6,853	0.157	344.60'
34	6,853	0.157	344.60'
35	6,863	0.158	344.79'
36	7,650	0.176	354.14'

BLOCK L

LOT AREA TABLE

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
1	9,956	0.229	401.52'
2	7,193	0.165	359.76'
3	5,096	0.117	324.80'
4	5,097	0.117	324.84'
5	5,569	0.128	327.02'
6	7,505	0.172	373.50'
7	12,197	0.280	457.31'
8	7,712	0.177	382.57'
9	5,577	0.128	339.86'
10	5,730	0.132	348.43'
11	5,575	0.128	346.11'
12	5,577	0.128	346.19'
13	5,578	0.128	346.27'
14	5,580	0.128	346.35'
15	5,582	0.128	346.43'
16	5,584	0.128	346.51'
17	5,585	0.128	346.59'
18	5,587	0.128	346.67'
19	5,589	0.128	346.75'
20	5,590	0.128	346.83'
21	5,592	0.128	346.91'
22	5,594	0.128	346.99'
23	5,595	0.128	347.07'
24	5,597	0.128	347.15'

BLOCK L

LOT AREA TABLE

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
25	5,599	0.129	347.23'
26	5,601	0.129	347.31'
27	5,602	0.129	347.39'
28	5,604	0.129	347.47'
29	5,606	0.129	347.55'
30	5,607	0.129	347.63'
31	5,609	0.129	347.71'
32	5,611	0.129	347.79'
33	5,613	0.129	347.87'
34	5,614	0.129	347.95'
35	5,616	0.129	348.03'
36	5,618	0.129	348.11'
37	5,619	0.129	348.19'
38	5,621	0.129	348.27'
39	5,623	0.129	348.35'
40	5,625	0.129	348.43'
41	5,626	0.129	348.51'
42	5,628	0.129	348.59'
43	5,630	0.129	348.67'
44	5,631	0.129	348.75'
45	5,633	0.129	348.83'
46	5,635	0.129	348.91'
47	5,637	0.129	349.01'
48	14,468	0.332	480.70'

LINE TABLE

LINE NO.	LENGTH	DIRECTION
L1	14.14'	N45°55'26"E
L2	14.14'	N44°04'34"W
L3	14.14'	N44°04'34"W
L4	14.14'	S45°55'26"W
L5	14.14'	S45°55'26"W
L6	14.14'	S44°04'34"E
L7	14.14'	N44°04'34"W
L8	14.14'	S45°55'26"W
L9	14.14'	N45°55'26"E
L10	14.14'	S44°04'34"E
L11	14.14'	N45°55'26"E
L12	14.14'	S44°04'34"E
L13	14.14'	N44°04'34"W
L14	14.14'	S45°55'26"W
L15	14.14'	N45°55'26"E
L16	14.14'	S44°04'34"E
L17	14.14'	N45°55'26"E
L18	55.73'	S00°37'56"W
L19	95.49'	S21°10'42"W

DEVELOPER/SUBDIVIDER:

CIMARRON MEADOWS
DEVELOPMENT CORPORATION
13209 VILLA MONTANA WAY
AUSTIN, TX 78732

PRELIMINARY
This document shall not be recorded for any purpose.

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

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

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

JACOB MARTIN
TBPLS FIRM # 10194493

ABILENE, TX
CIMARRON MEADOWS, SECTION 2
CONSTRUCTION DRAWINGS
PRELIMINARY PLAT

SCALE 1" = 100'	PROJECT # 21174	DESIGNED S.M.	DRAWN W.H.	CHECKED C.F.

NO.	REVISION	DATE

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

SHEET 1
SEQ. 1 OF 1

ZONING CASE Z-2021-38
STAFF REPORT

Scheduled Hearings
Planning & Zoning Commission: January 4, 2022
City Council 1st Reading: January 27, 2022
City Council 2nd Reading: February 10, 2022

Applicant
Owner: Exceptional Holdings LP
Agent: Michael Burton

Request
Amendment to the Terms and Conditions of Planned Development District 122 (PDD 122)

Location
2901, and 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 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."*

The applicant is now requesting that Part 7; II; D;2 within the Planned Development District ordinance be amended to instead require a 36-inch tall continuous hedge, fence, wall, berm, or combination of these along property boundaries where parking lot areas are visible from residentially zoned districts.

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 no other factors are present that would substantially affect the public health, safety, morals, or general welfare.

Staff Recommendation

Staff recommends approval, the requested revisions to the screening requirement are in compliance with the screening standards ordinarily applicable regarding the screening of commercial parking lots from residential zoning districts (LDC Section 4.2.4.2 (c))

Notification
Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on December 17 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	OPPOSED
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	OPPOSED
SMITH DAVID & BRENDA	53434	5 WISTERIA CR	
SMITH JERRY DON & SHARON SUE	51993	10 GARDENIA CR	FAVOR
SMITH KYLE & CAROLYN	53295	15 WISTERIA CR	FAVOR
WISTERIA HEALTH HOLDINGS LLC	49399	3917 WISTERIA WY	
WISTERIA HEALTH HOLDINGS LLC	51224	3934 WISTERIA WY	

Attachments

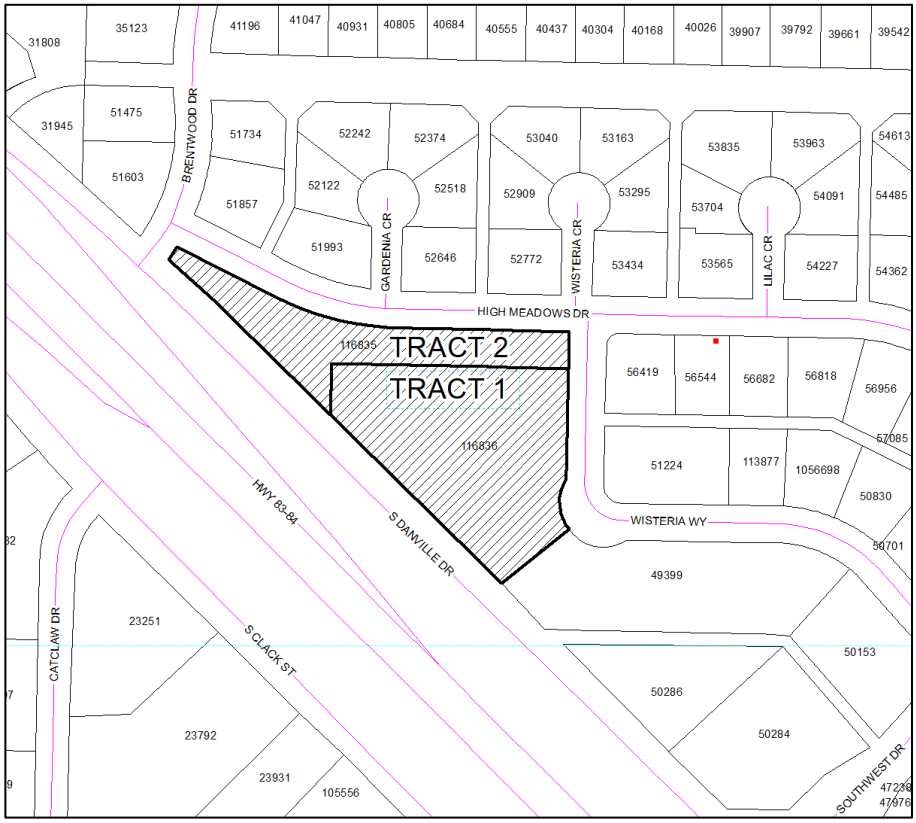
Application

PowerPoint Presentation

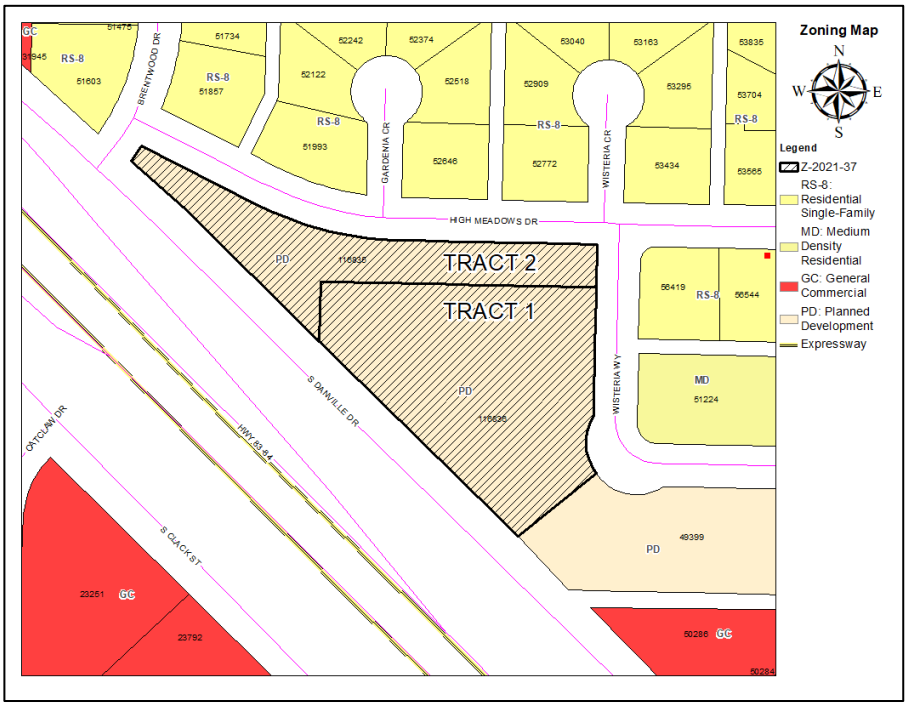
Ordinance 02-2008

Land Development Code Section 4.2.4.2 (c)

LOCATION MAP



ZONING MAP



ORDINANCE NO. 02-2008

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:

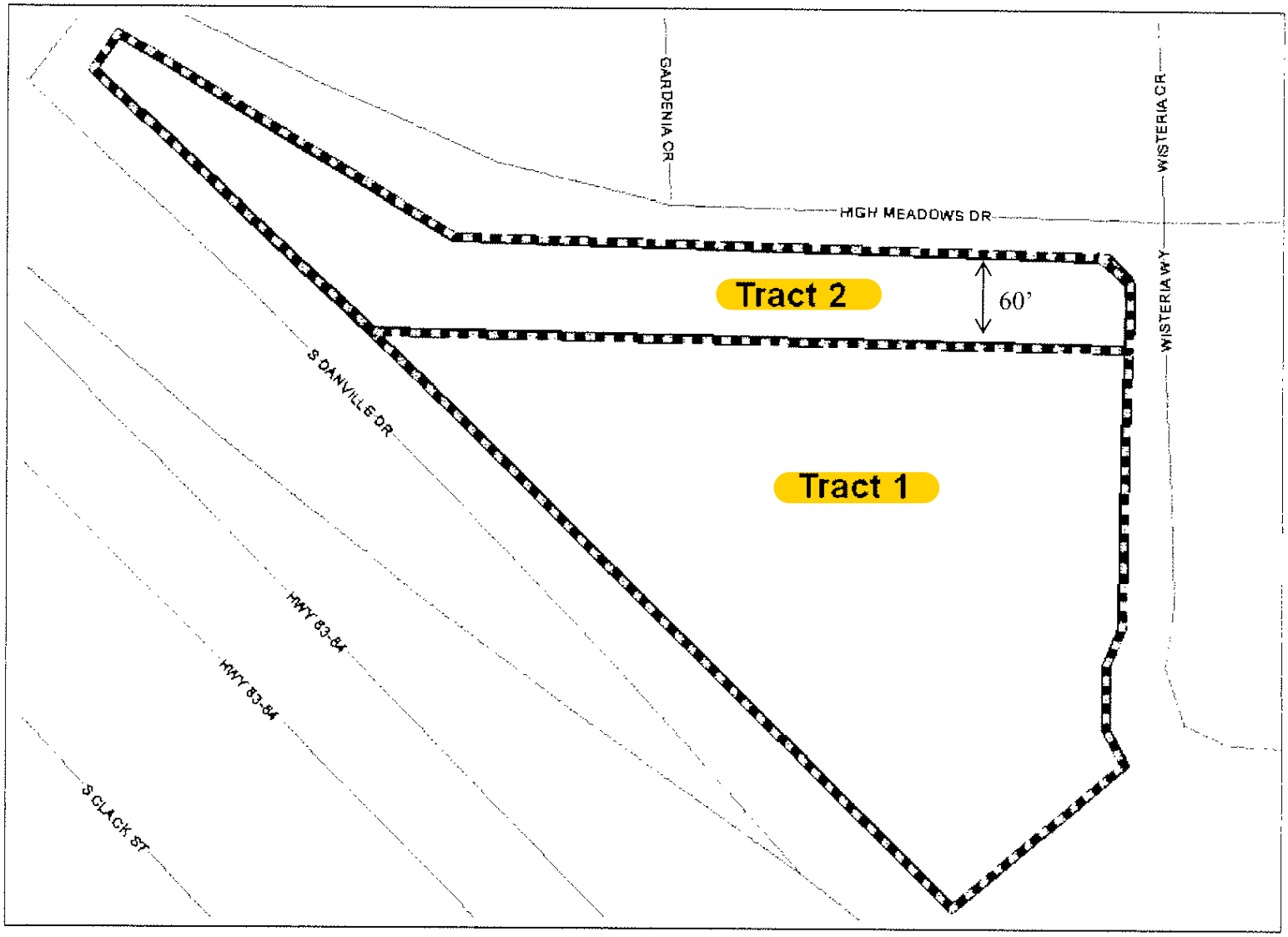
CITY SECRETARY

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.

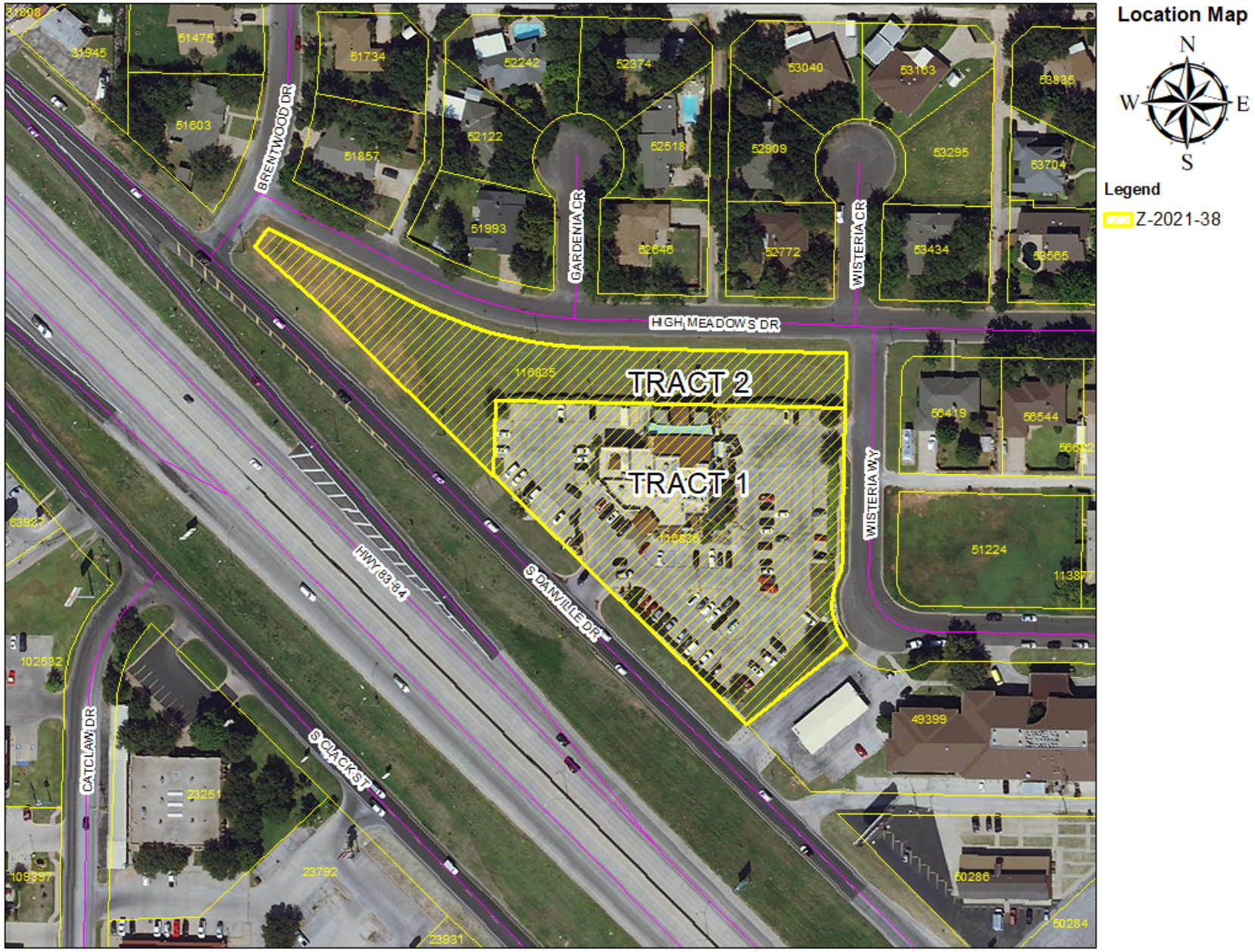
(d) Open space in buffer yards shall be planted in grass or other vegetative ground cover, except for authorized driveways across the buffer yard or approved pedestrian facilities.

(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.

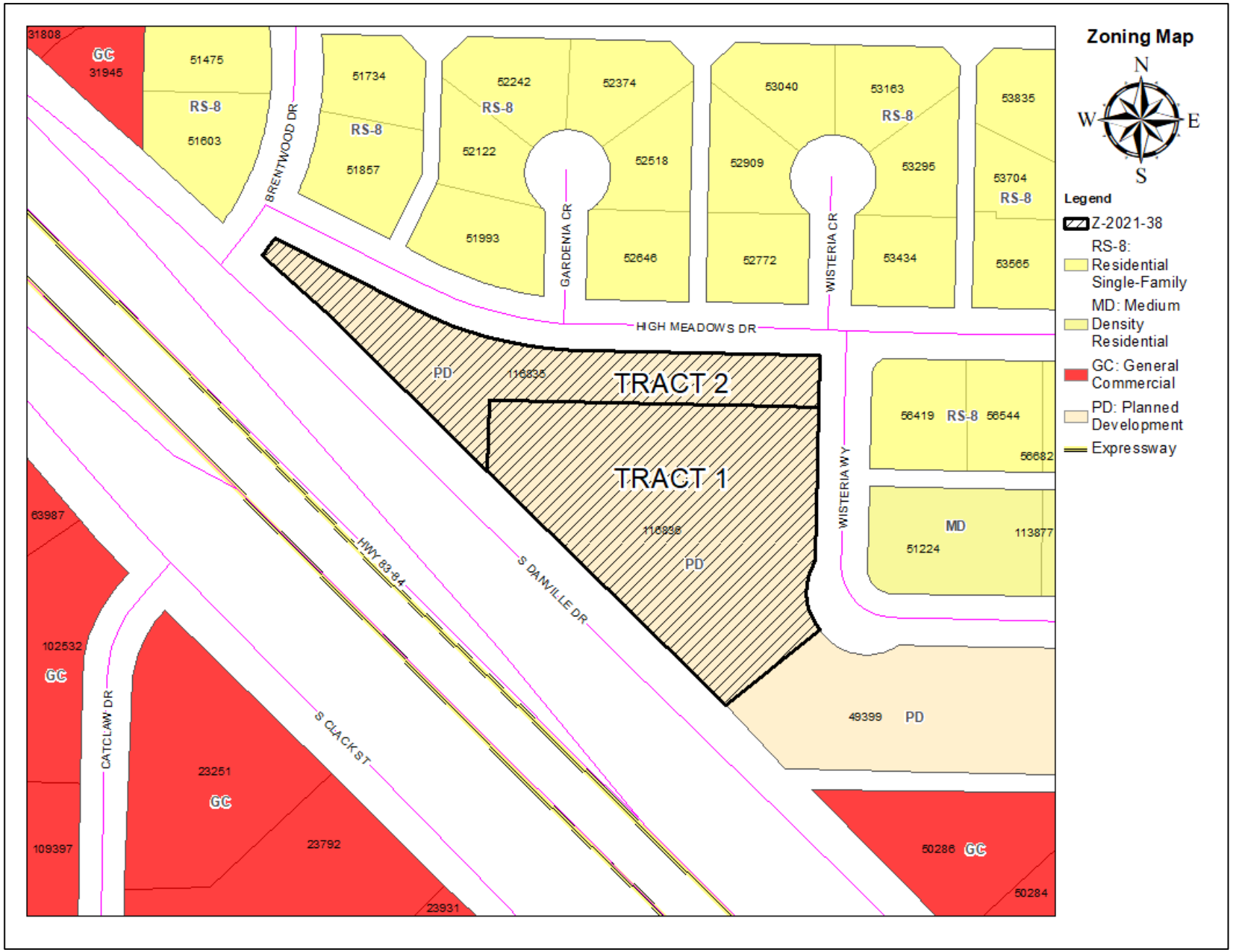
(Ord. No. 8-2010, pt. 1 (Exh. A), 4-22-10; Ord. No. 14-2015, pt. 1 (Exh. A, 4), 3-12-15)

Case:	Z-2021-38
Owner:	Exceptional Holdings LP
Agent:	Michael Burton
Request:	Amendment to the Terms and Conditions of Planned Development 122
Location:	2901 and 3001 S. Danville Drive
Notification:	2 in Favor, 2 Opposed
Planning & Zoning:	January 4, 2022
City Council Hearings:	1st: January 27, 2022 2nd: February 10, 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".

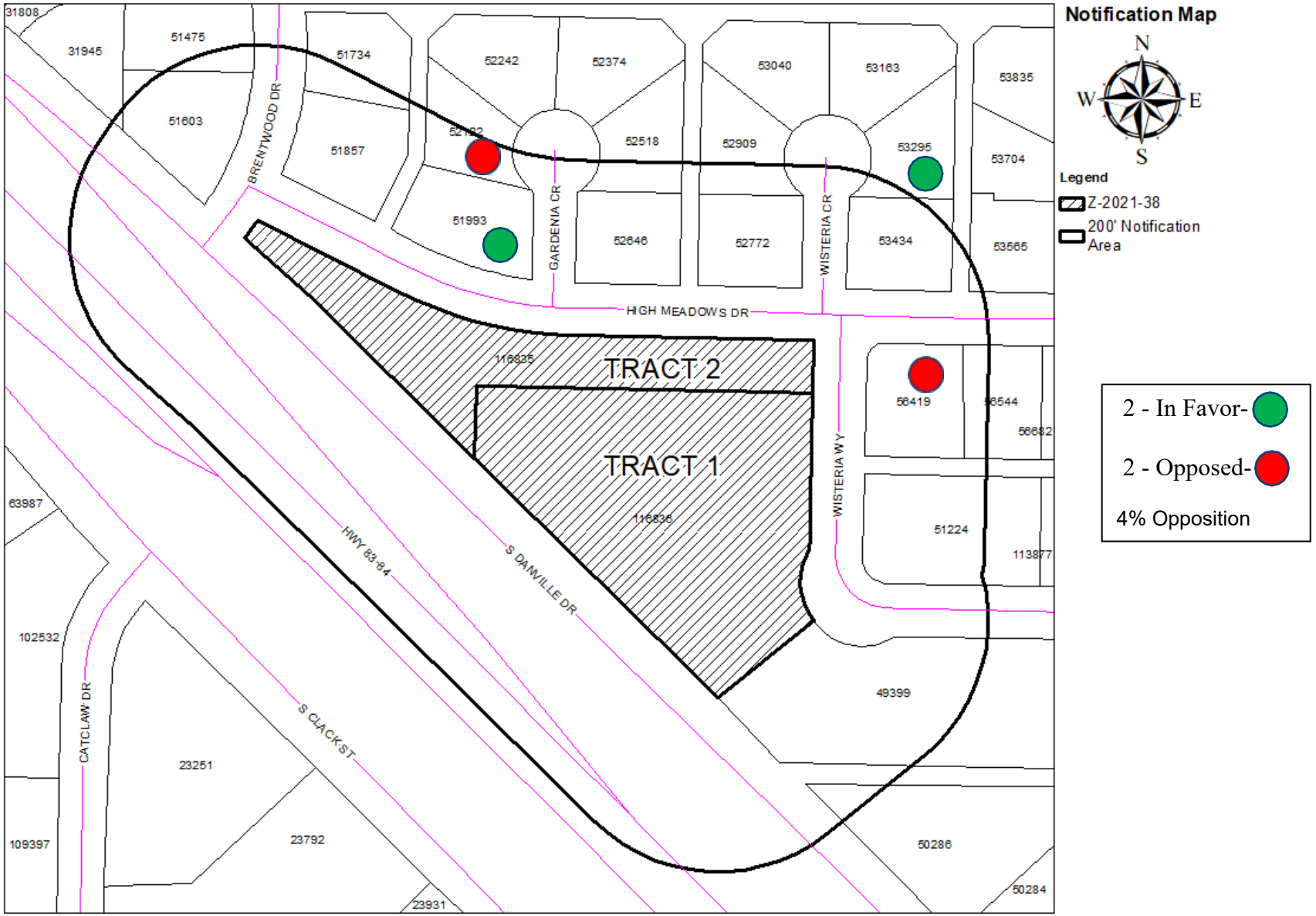
PD-122 AMENDMENT:

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

"Parking lots, driving lanes, loading areas, or other similar areas of vehicular access shall be screened from residentially zoned properties, whether adjacent or across a street, by a continuous hedge, fence, wall, berm, or combination of these, with a minimum height of 36 inches. Said screening must be provided along the property boundary separating Tract 1 and Tract 2 in the provided exhibit as well as along the eastern property boundary of Tract 1."

Z-2021-38 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Z-2021-38 NOTIFICATION AREA MAP



FINDINGS AND RECOMMENDATIONS

- 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?

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE AND CONCERNING PD-122, A PLANNED DEVELOPMENT DISTRICT, AND ORDINANCE NUMBER 02-2008; 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 the Land Development Code of the City of Abilene is hereby amended by changing Ordinance Numbers 02-2008; specifically, 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 ordinance 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 27th day of January, 2022.

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 18th day of December, 2021, the same being more than fifteen (15) days prior to a public hearing held at the Abilene Public Library's South Branch in the Mall of Abilene at 4310 Buffalo Gap Road in Abilene, Texas, at 8:30 a.m. on the 10th day of February, 2022, 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 February, 2022.

ATTEST:

_____
Shawna Atkins,
CITY SECRETARY

_____
Anthony Williams,
MAYOR

APPROVED:

_____
Stanley Smith,
CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

1st Amendment to Ordinance No. 02-2008.

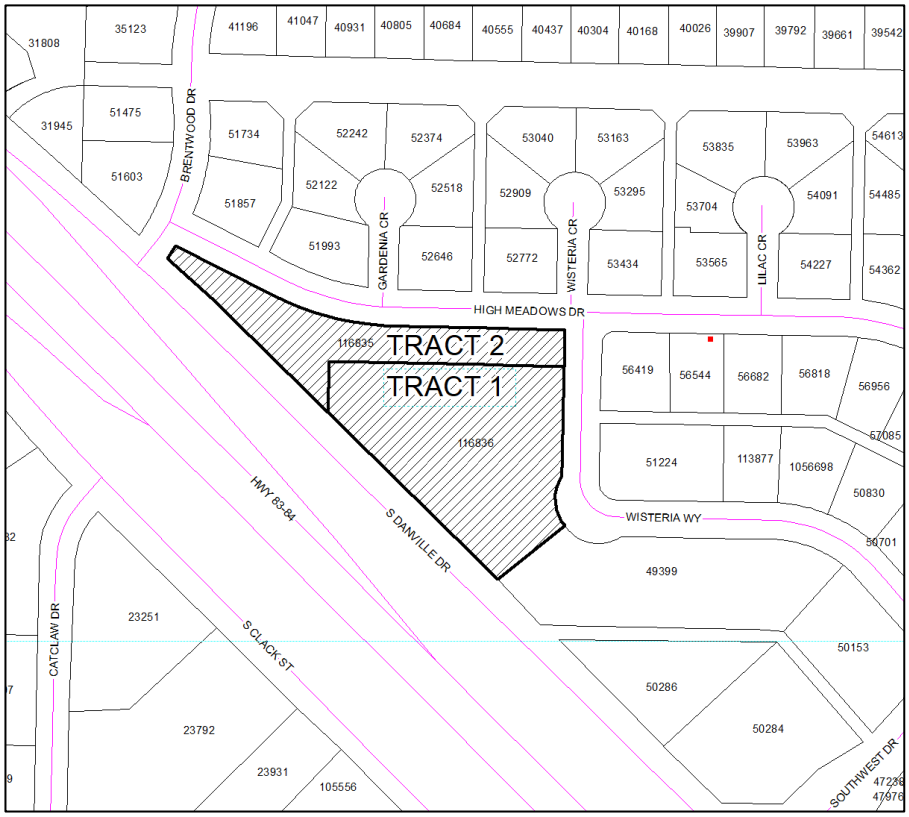
PART 7:Specific Modifications: The following regulations shall govern the use and development of this Planned Development District:

DELETE: D. Screening and Fencing:

(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.

ADD: D. Screening and Fencing:

(2). Parking lots, driving lanes, loading areas, or other similar areas of vehicular access shall be screened from residentially zoned properties, whether adjacent or across a street, by a continuous hedge, fence, wall, berm, or combination of these, with a minimum height of 36 inches. Said screening must be provided along the property boundary separating Tract 1 and Tract 2 in the provided exhibit as well as along the eastern property boundary of Tract 1.



Location: 2901, and 3001 S. Danville Drive, Abilene, Texas

END

ZONING CASE Z-2022-01
STAFF REPORT

Scheduled Hearings
Planning & Zoning Commission: January 4, 2022
City Council 1st Reading: January 27, 2022
City Council 2nd Reading: February 10, 2022

Applicant
Owner: Lien Jung C & Yi Chien
Agent: Jacob & Martin

Request
Rezone from Agricultural Open (AO) to a Planned Development (PD) District allowing uses commensurate with General Retail (GR) zoning as well as landscaping contractor services.

Location
6325 Fairway Oaks Blvd, being 12.94 acres of now-vacant land at the southwest corner of Antilley Road and Fairway Oaks Boulevard in south Abilene. Legal description being a certain 12.94 acres (approximately) out of the C.A. Donavan Survey in Abilene, Taylor County, Texas.

Background
This property was annexed to the City limits of Abilene during 1980. This property has remained vacant since being annexed into the City of Abilene. The subject property is intersected by Buttonwillow Creek which subsequently leads to a majority of this property being inundated by flood hazard areas.

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, properties to the north across the width of Antilley Road are residences and office buildings located within Planned Development District 4 (PDD-4); commonly referred to as the Fairways PD. East of the subject property and across Fairway Oaks Boulevard is a subdivision of patio homes within a Patio Home (PH) zoning district. South and west of the subject property are Agricultural Open (AO) zoning districts; west of the subject property is a single-family residence and south of the subject property is currently vacant 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 displayed in Abilene's Comprehensive Plan identifies the subject property and its surroundings to be in a "Gateway/Mixed-Use" area. According to the Comprehensive Plan; mixed-use areas should develop with a mix of mutually supportive and integrated residential and non-residential land uses, allowing an appropriate blend of residential, retail, and employment activities in close proximity to one another. This proposed rezoning will achieve the goal of integrating multiple land uses and encouraging a variety of activities. According to the Comprehensive Plan, this encouragement of mixed land uses will create a more interesting and dynamic urban environment. This proposed PD District seems generally consistent with the land-use policies of Abilene's Comprehensive Plan.

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

The vast majority of this site is inundated by the floodway. This presents challenges to development on the majority of the site. Due to the existence of this floodway, the most useful portion of this property is the northeastern most corner of the site, which is located at the intersection of a major arterial street (Antilley Road) and collector street (Fairway Oaks Boulevard.). Traditional planning considers locations such as this to be desirable for commercial activity as it optimizes public access and provides the exposure necessary for success; while providing convenient access to activities that may serve nearby neighborhoods.

Given that allowed nonresidential use will be limited to General Retail (GR) activities, which are customarily appropriate at the intersections of major arterial and collector streets. This proposed PD District seems generally compatible with existing residential land uses east of Fairway Oaks Boulevard, which are separated by a landscaped median, and residences north of Antilley Road, each of these adjacent residential land uses are separated by an approximate 100-foot-wide right-of-way. Furthermore, the commercial activity at this location will not appear out of character due to the existing office buildings located north of Antilley Road.

Additionally, with the allowance of landscaping contractor services in this PD, there will be additional screening requirements for the storage of equipment and materials associated with landscaping contractor services (i.e. equipment must be stored indoors, or by opaque fences/walls). Said screening requirement will apply to all equipment that is not displayed for sale in order to mitigate the appearance of the contractor service activity at this location; all other outdoor storage of materials not for sale will be prohibited. The outdoor display of merchandise for sale shall be subject to the following requirements which are ordinarily applicable within General Retail (GR) zoning. Outdoor display of merchandise is not allowed within 10-feet of a property line adjacent to a street. Outdoor display of merchandise shall be limited to 5% of the total site area, up to 15% if any excess over 5% is completely screened from view from rights-of-way and adjacent properties. Outdoor display of merchandise is limited to the rear and interior side yards or within 20-feet of the front of the principal building.

(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 lies at the intersection of a fully-improved arterial street (Antilley Road) and a fully improved collector street (Fairway Oaks Boulevard). Furthermore, the subject property has direct access to 8" and 6" sanitary sewer mains and a 12" water main. The development of this site will not require additional public improvements.

(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.

Staff Recommendation

City staff recommends **approving** this requested zone change to a Planned Development (PD) District incorporating the features described earlier in this report and as shown on an accompanying graphic concept plan.

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on December 17 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

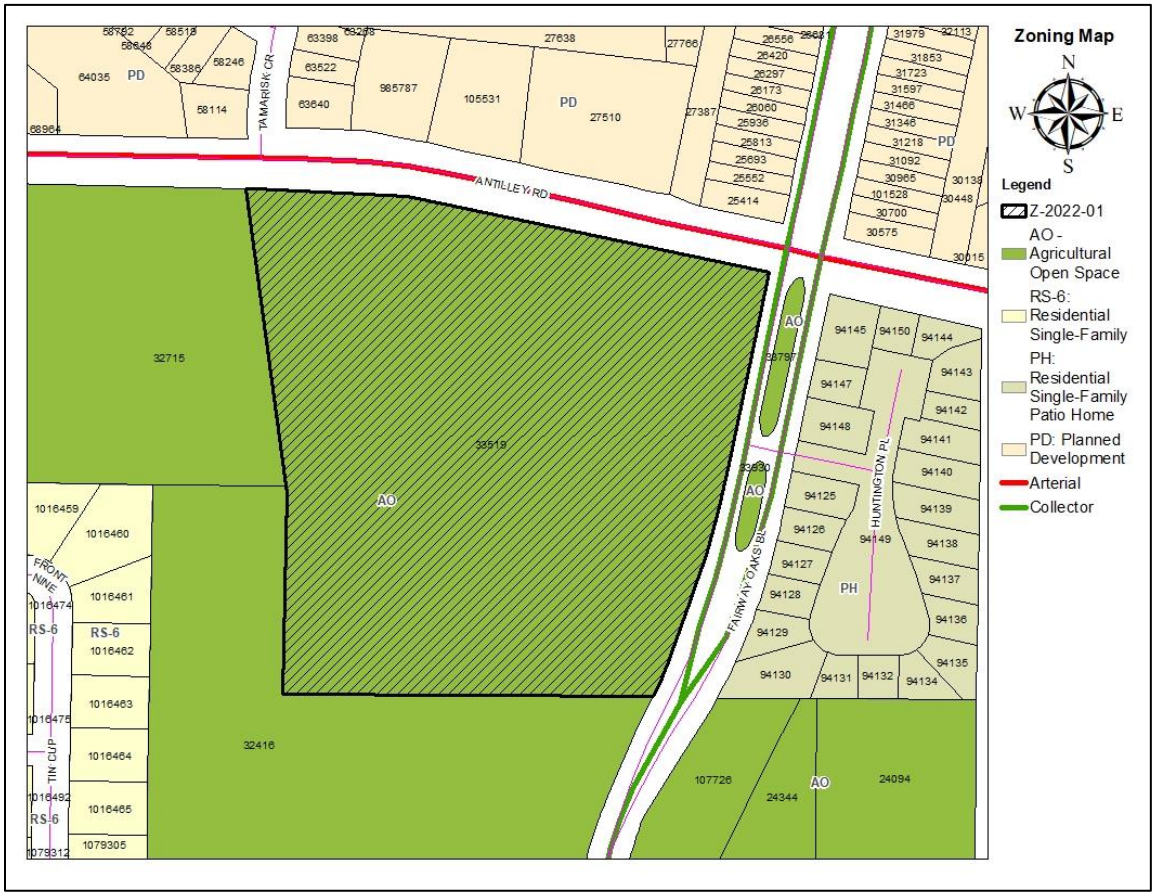
Owner	Parcel ID	Situs	Response
ABILENE COUNTRY CLUB INC	64035		
ABILENE HUNTINGTON RIDGE	94149		
ABILENE URBAN PROPERTIES LP	27510	3190 ANTILLEY RD	
ARDOYNO JUSTIN D	25552	80 FAIRWAY OAKS BL	
BRADSHAW DAVID T	58246	81 TAMARISK CR	
BYRD MIKE	32416	6542 FAIRWAY OAKS BL	
CACERES ALFREDO	94148	6326 HUNTINGTON PL	
CAMPBELL BONNIE L	58386	79 TAMARISK CR	
DELAGARZA RUBEN JR & STARLA	94150	6302 HUNTINGTON PL	
DENNIS STEPHEN CHASE &	32715	3469 ANTILLEY RD	
DOBY KYLE R	25414	3152 ANTILLEY RD	
FITZHUGH CINDY G BURLESON	63640	1 TAMARISK CR	
GREEN OAKS TOWN HOMES	27387		
HELMSTADTER JOSHUA L & AIMEE R	94129	6374 HUNTINGTON PL	
LEE JOSHUA & STACY	94145	6310 HUNTINGTON PL	
LIEN JUNG C & YI-CHIEN	33519	6325 FAIRWAY OAKS BL	
LIN YEH ENTERPRISES LTD	105531	3210 ANTILLEY RD	
LONG INVESTMENTS LLC	58114	83 TAMARISK CR	
LOYOLA FAMILY LTD	107726		
MILLER JAMES P & BARBARA L	30700	77 FAIRWAY OAKS BL	
MURPHY KENNETH T	30575	79 FAIRWAY OAKS BL	
ONYX PROPERTIES INC	33930		
ONYX PROPERTIES INC	33797		
ORREN SHIRLEY A	63522	3 TAMARISK CR	
POOLE RYAN V	94128	6366 HUNTINGTON PL	
PREMIER PROPERTIES ABILENE LLC	25693	78 FAIRWAY OAKS BL	
RAMOLIA PARAS	985787	3226 ANTILLEY RD	
ROBINSON LEAH P	94126	6350 HUNTINGTON PL	
SCOTT WILLIAM V & RHONDA L	94127	6358 HUNTINGTON PL	
THORNQVIST LENORE	101528	75 FAIRWAY OAKS BL	
TINDELL MARY HELEN LIFE ESTATE	25813	76 FAIRWAY OAKS BL	
TULL MATTHEW WARREN &	94130	6382 HUNTINGTON PL	
WILLIAMSON ROBERT A & DONNA	94125	6342 HUNTINGTON PL	
WOOD JERRY W & JOAN E	94147	6318 HUNTINGTON PL	

Attachments

Application
PowerPoint Presentation
Graphic Concept Plan
PD Ordinance

LOCATION MAP

ZONING MAP



Graphic Concept Plan

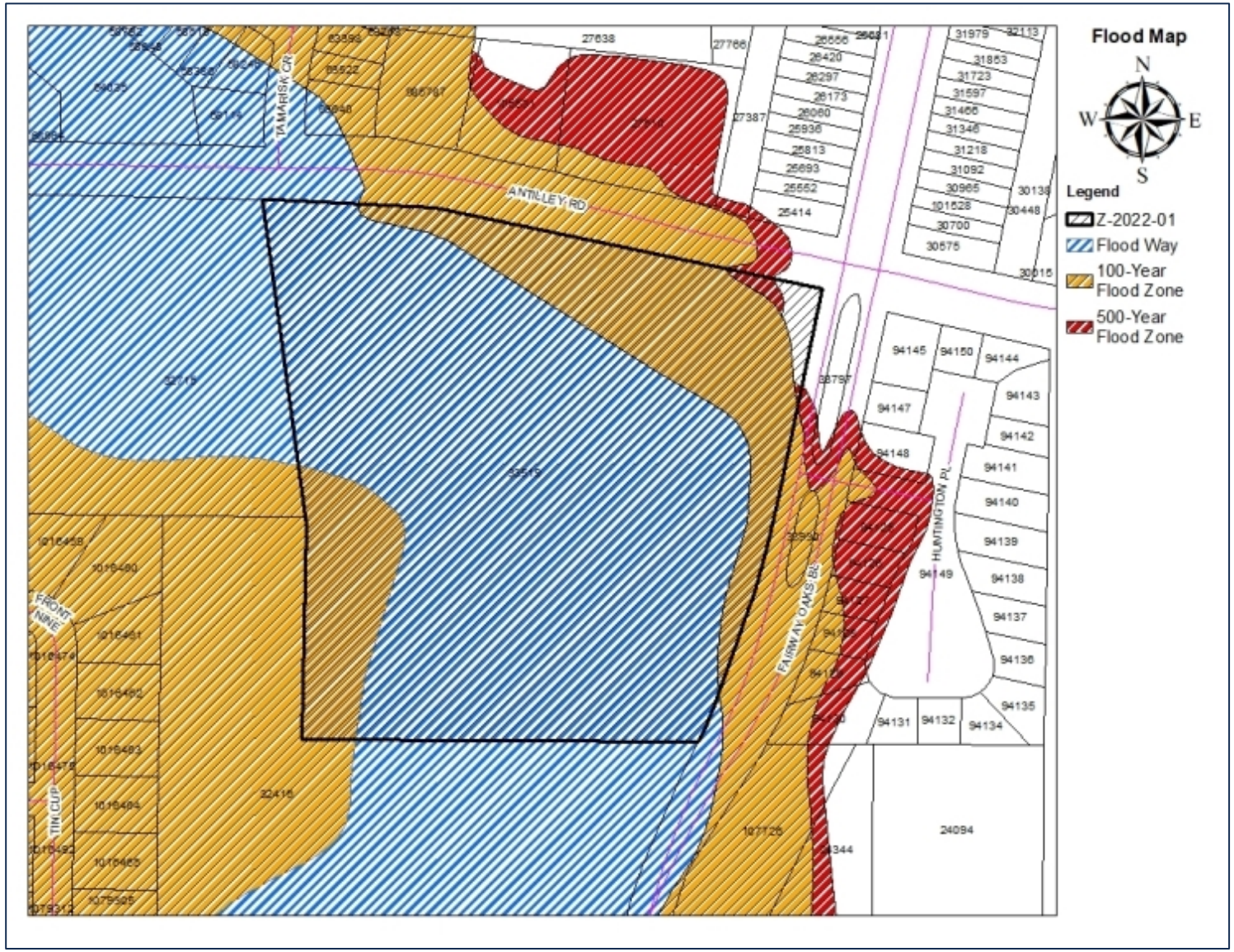
REZONE

Case:	Z-2022-01
Owner:	Lien Jung & Yi Chien
Agent:	Jacob & Martin
Request:	Rezone from Agricultural Open (AO) to a Planned Development (PD) District allowing uses commensurate with GR zoning as well as landscaping contractor services
Location:	6325 Fairway Oaks Blvd.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	January 4, 2022
City Council Hearings:	1st: January 27, 2022 2nd: February 10, 2022

Z-2022-01 LOCATION MAP

Z-2022-01 ZONING MAP

Z-2022-01 FLOOD MAP



Permitted Uses in AO Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

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

LEGEND

P	**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)**
C	**Permitted as a Conditional Use Permit, Requiring Approval by City Council**
TP	**Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment**

Permitted Uses in GR Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well
P	Urban Garden

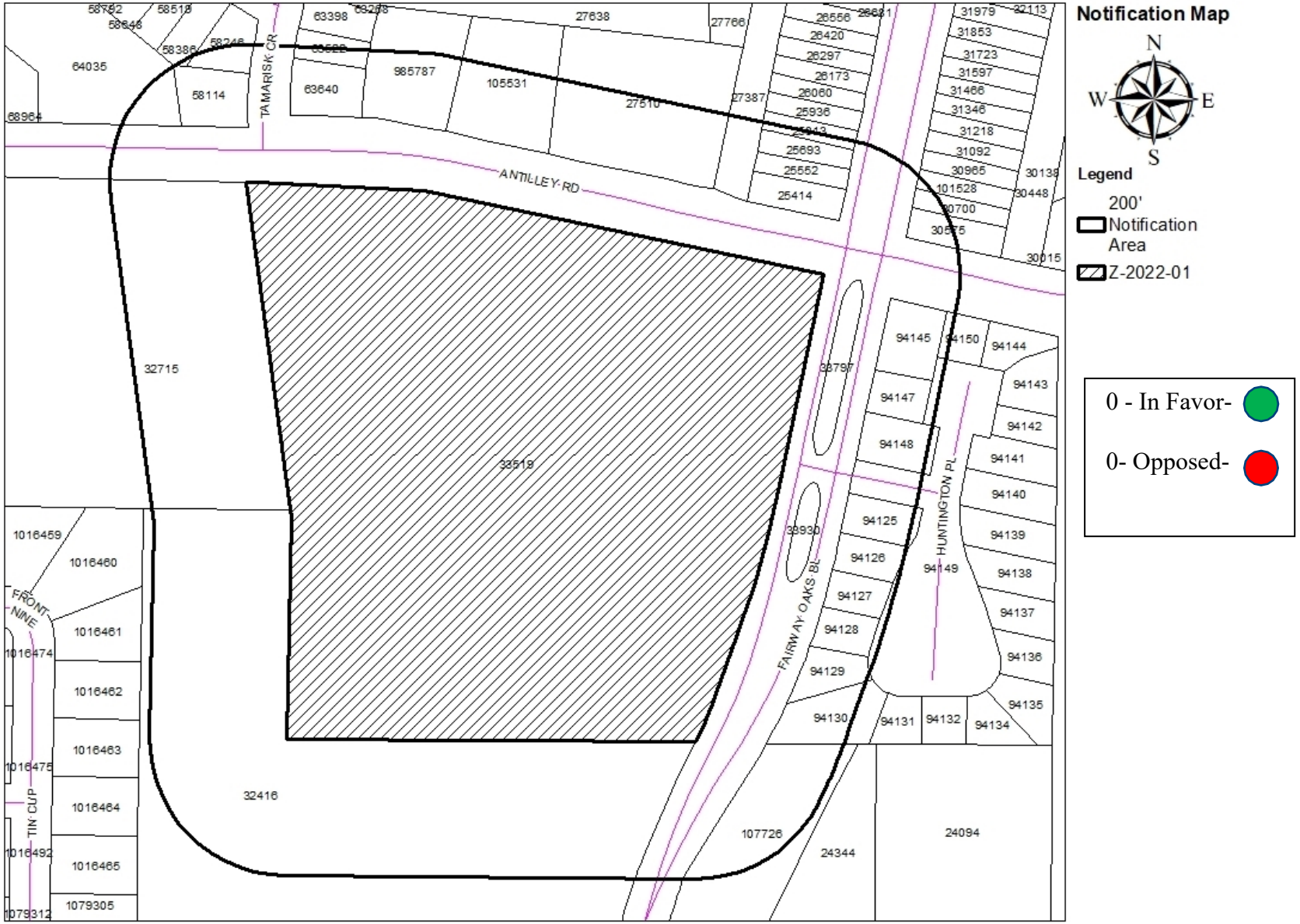
LEGEND

P	**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)**
C	**Permitted as a Conditional Use Permit, Requiring Approval by City Council**
TP	**Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment**

Z-2022-01 GRAPHIC EXHIBIT

Z-2022-01 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Z-2022-01 NOTIFICATION AREA MAP



FINDINGS AND RECOMMENDATIONS

- 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?

ORDINANCE NO. _____

EXHIBIT "A"
PAGE 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-175 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 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.

PASSED ON FIRST READING this 27th day of January, 2022.

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 18th day of December, 2021, the same being more than fifteen (15) days prior to a public hearing held at the Abilene Public Library's South Branch in the Mall of Abilene at 4310 Buffalo Gap Road in Abilene, Texas, at 8:30 a.m. on the 10th day of February, 2022, 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 February, 2022.

ATTEST:

_____
Shawna Atkins,
CITY SECRETARY

_____
Anthony Williams,
MAYOR

APPROVED:

_____
Stanley Smith,
CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

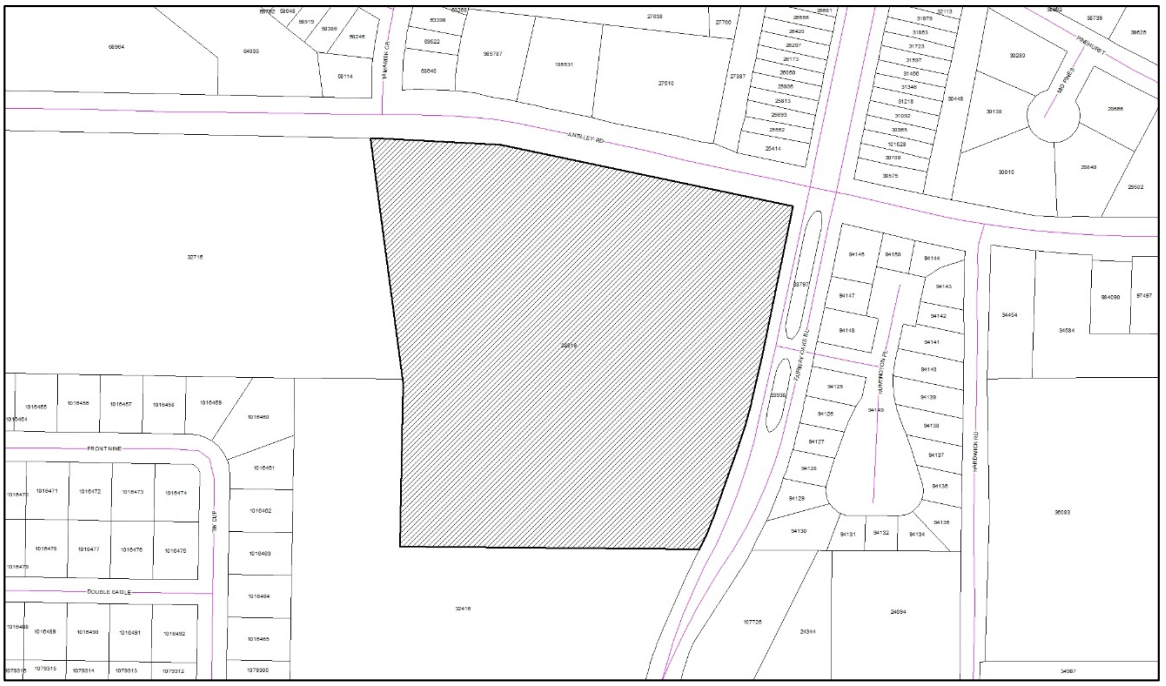
PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City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

PART 2: Development Specifications. All development in the Planned Development 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, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the Land Development Code of the City of Abilene except as otherwise specifically provided herein.

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

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries ask hereinafter set forth: from Agricultural Open (AO) to Planned Development (PD) District.

PART 5: Legal Description. The legal description of this PD District is as follows: 12.94 acres out of the C.A. Donavan Survey in Abilene, Taylor County, Texas and being more particularly described by metes-and-bounds as follows:



Location: 12.94 acres at the southwest corner of Antilley Road and Fairway Oaks Boulevard in south Abilene, Taylor County, Texas

PART 6: Purpose. The purpose of this Planned Development District is to allow landscaping contractor services on land which is otherwise reserved for general retail (GR) uses.

PART 7. Specific Modifications. The use and development of land and buildings in this Planned Development District shall generally be subject to requirements of the General Retail (GR) zoning classification, except as modified below:

A. Permitted Uses:

In addition to uses ordinarily allowed within General Retail (GR) Districts, landscaping contractor services shall also be permitted:

1. For the purpose of this ordinance, the term "landscaping contractor services" shall be construed to mean a business or enterprise engaged in altering or ornamenting an existing outdoor environment, specifically with living plant material such as lawn, groundcover, trees, shrubs, and flowers; and also including accessory outdoor elements such as fountains, pools, paved or decorative surfaces (excluding driveways, parking, loading or storage areas) as well as sculptural elements. Continued maintenance of all above-described features shall also be embraced by the term "landscaping contractor services", but not the production of plant material.

B. <u>Screening Requirements:</u>

All requirements for screening, buffering and fencing (including limitations on outside storage and display) that are ordinarily applicable in General Retail zoning districts shall be applicable in this Planned Development District, as well as the following additional requirements:

1. Storage of tools and equipment (not displayed for sale) commonly associated with landscaping contractor services must be enclosed indoors and out-of-view from beyond the bounds of this district; or completely screened from view outside the bounds of this district, by a solidly opaque fence or wall at least six feet (6') high or higher if necessary for complete screening but, in no circumstance, higher than ten feet (10'). This includes any type of trailer or semi-trailer, any type of motorized equipment for earthmoving or dredging, and any commercial vehicle having a rated capacity of more than two-and-a-half tons.
2. Bulk storage of landscaping ground covers and fillers (including but not to be limited to soil, sand, sod, mulch, gravel, granite, caliche, etc.) shall be screened from view outside the bounds of this district, by a solidly opaque fence or wall at least six feet (6') high or higher if necessary for complete screening but, in no circumstance, higher than ten feet (10'). This restriction is applicable even to temporary and/or staging of such materials, in preparation for individual off-site work efforts.
3. All other outdoor storage of materials and equipment not for sale shall be prohibited.
4. Storage of materials and equipment and/or the construction of solid fencing/walls, shall be prohibited within the floodway.
5. All internal areas utilized for vehicle parking and maneuvering, and which are not screened by a solidly opaque fence or wall, shall have an all-weather surface composed of hot-mix asphaltic or Portland cement binder pavement.
6. Use and development of the land within this Planned Development District shall generally conform to the graphic concept plan shown as Exhibit "B" attached hereto and made a part of this ordinance for all purposes. Subdividing of the subject property in the Planned Development District into lots or tracts smaller than that shown on such graphic concept plan shall be allowed only with an amendment to this ordinance.

ORDINANCE NO. _____

EXHIBIT "B" GRAPHIC CONCEPT PLAN

ZONING CASE Z-2022-02
STAFF REPORT

Scheduled Hearings
Planning & Zoning Commission: January 4, 2022
City Council 1st Reading: January 27, 2022
City Council 2nd Reading: February 10, 2022

Applicant
Owner: Houston Polasek
Agent: Heath Polasek

Request
Rezone from Agricultural Open Space (AO) to a Residential Single-Family Patio Home (PH) District.

Location
46¼ acres of agricultural land at southwest corner of Maple and South 27th Streets in southeast Abilene

Background
The subject property of 46¼ acres is composed primarily of agricultural land, in the center of which is an approximately 4700-square-foot residence and an equally as large barn. This property was annexed to the City limits of Abilene in 1963 and has been located in an Agricultural Open Space District (or its predecessor, the Residence-Agriculture District) ever since then.

Along its entire western boundary, the subject property adjoins Maxwell Municipal Golf Course, through which Cedar Creek wends its way northward. The designated floodway for Cedar Creek encroaches onto the westernmost five (5) acres of the subject property's complete 46¼ acres.

The subject property has significant frontage on both Maple and South 27th Streets. Each of these thoroughfares is categorized as a major arterial street, according to Abilene's Thoroughfare Plan.

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:

- As mentioned earlier above, all land located directly west of these 46¼ acres is occupied by Maxwell Municipal Golf Course, in the same AO zoning district as the subject acreage of proposed PH zoning.
- To the south of this subject property (and extending for a distance of at least 450 feet) lies more agricultural land and single-family homes on tracts of at least one acre. This land, too, is located in the same AO District as the subject property of proposed PH zoning.
- To the east of this subject property (across Maple Street) is an area of almost one-half square mile, which has long been viewed as suitable for commercial or industrial use. Land located directly across Maple Street from the proposed PH District includes a combination of Light Industrial (LI), Heavy Commercial (HC) and General Commercial (GC) zoning districts, as well

as remnants of AO zoning. Some of the uses located there include sports facilities for baseball practice and soccer competitions.

- To the north of this subject property is a small (1¼-acre) city block of General Commercial zoning occupied by four single-family home sites as well as a vacant tract. An approximately ten-acre home site (in AO zoning) also lies across South 27th Street from the subject property.

Proposed Zoning and Land Use

The owner of these subject 46¼ acres seeks to change this property's zoning to a Residential Single-Family Patio Home (PH) District. PH zoning is potentially more dense than any of several other local zoning classifications intended primarily for detached, single-family residences:

zone	minimum lot size	minimum lot width	min. separation between houses
PH	4,000 sq. ft.	40 feet	10 feet
MH	5,000 sq. ft.	50 feet	15 feet
RS-6	6,000 sq. ft.	60 feet	12 feet
RS-8	8,000 sq. ft.	70 feet	15 feet
RS-12	12,000 sq. ft.	80 feet	20 feet
RR-1	43,560 sq. ft.	100 feet	50 feet

RS-6 Districts comprise the most extensive single-family residential zoning classification in Abilene. Overall densities of 5.5 dwellings/acre are typical of RS-6 Districts. Meanwhile, overall densities of 6.0 dwellings/acre are typical of PH Districts.

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.

A 1986 plan* for future land use and development in southeast Abilene identifies the greater part of this subject property to be most suitable for multi-family residential use. Higher densities of residential use may make an effective transition between open space at Maxwell Municipal Golf Course and future industrial use planned to the east, across Maple Street.

That same 1986 plan also designates approximately 1½ acres of this subject property for future commercial use, directly at the intersection of Maple and South 27th Streets. Retail commercial use is most appropriate at or near intersections of such arterial streets, to maximize exposure of retailers to motorists, while minimizing impacts on nearby residences.

The Future Land Use and Development component of Abilene's most recent Comprehensive Plan designates this intersection of Maple and South 27th Streets to be the focus of a local activity center. Within the text of that 2004 plan document, local activity centers are described as "*containing a mix of shopping, employment, entertainment and civic uses for a number of surrounding neighborhoods*." That same text goes on to state that, "*A local activity center*

* adopted by Abilene's City Council as well as the Planning & Zoning Commission

could contain a supermarket, chain retail/discount stores, specialty shops, churches and mid-size offices. Local activity centers should be surrounded by higher-density housing."

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

While not multi-family in character, proposed PH zoning is the most potentially intensive of all local zoning classifications intended for detached, single-family residences. Construction of patio homes on this particular property can still provide an effective transition (in the intensity of use) between open space at Maxwell Municipal Golf Course and future industrial activity planned farther east, across Maple Street. The 100-foot width of Maple Street's right-of-way can itself offer some measure of buffering between proposed residences (west of Maple Street) and future industrial use (east of Maple Street).

(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.

This subject property has considerable frontage on two major arterial streets:

- 1700+ feet of frontage on Maple Street,
- 750+ feet of frontage on S. 27th Street.

Neither of these adjacent streets is now fully improved to urban arterial standards; however, each now has at least a 40-foot-wide pavement. The City of Abilene has short-term plans to expand and improve pavement on Maple Street, in front of this subject property and for at least one mile in each direction (north and south). These circumstances assure nearby accessibility of proposed patio home sites to Abilene's arterial street system.

City water and sewer mains (each at least six inches wide) lie within adjoining rights-of-way for both Maple and South 27th Streets. Extensions of these mains may be made to and from future development on this subject property, providing access for new home sites there.

(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 generally recommends **approving** the proposed PH District, **except** for **at least** a 250' x 250' portion from the northeast corner of this subject property, adjacent to the intersection of Maple and South 27th Streets. This northeast corner of the subject property lies at the intersection of these two arterial streets and is best suited for retail commercial activity.

- As mentioned earlier above, such high-profile locations maximize retailers' exposure, while minimizing impacts on nearby residents.

- Also as mentioned above, Abilene's 2004 Comprehensive Plan recommends a local activity center at this location, "*containing a mix of shopping, employment, entertainment and civic uses*."
- Such an area reserved for future commercial use should extend at least 250 feet in depth from South 27th Street, to accommodate modern retailers who demand plenty of customer parking and drive-thru service.
- An area reserved for future commercial use should likewise extend at least 250 feet from Maple Street, and, possibly, even the entire approximately 765 feet of this property's frontage on South 27th Street. Even such an extensive area would still remain within the "sphere of commercial attraction" surrounding the intersection of two arterial streets.

Otherwise, proposed patio home development of this subject property will provide an effective transition in the intensity of allowed nearby use. Proposed patio home construction will separate the open environment at Maxwell Municipal Golf Course (to the west) from future industrial use located east of Maple Street.

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on December 17 of 2021, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners are identified in the following Table 1.

TABLE 1

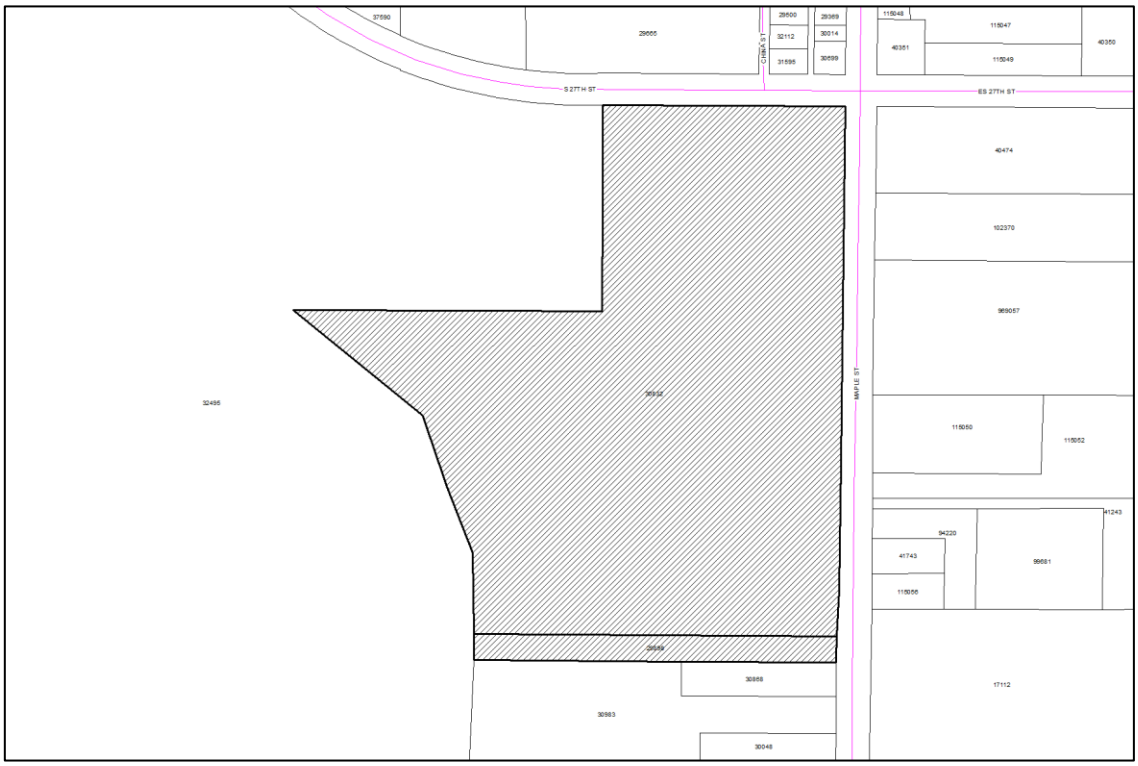
Owner	Parcel ID	Situs	Response
108 REAL ESTATE LLC	115050	3325 MAPLE ST	
108 REAL ESTATE LLC	115052		
ABILENE NATIONAL SOCCER	102370	2717 MAPLE ST	
ABILENE NATIONAL SOCCER	969057	3025 MAPLE ST	
CANO RICHARD	40351	2691 MAPLE ST	
CHAMBERLAIN ERIC DEAN	41243	3359 MAPLE ST	
CITY OF ABILENE	32495	1002 S 32ND ST	
CLARK JAMES ROBERT	30983		
CLARK RUSSELL ANDREW &	30868	3400 MAPLE ST	
DICK L D LF EST	31595	2697 CHINA ST	
HARKINS WARREN	41743		
HARKINS WARREN	94220	3481 MAPLE ST	
HARKINS WARREN	115056	3489 MAPLE ST	
NICHOLS KENNETH R	40474	225 ES 27TH ST	
POLASEK HOUSTON G	29898		
POLASEK HOUSTON G	30832	3210 MAPLE ST	
PRYOR EDWARD	29665	400 S 27TH ST	
SCHOPF WILLIAM & MELISSA	32112	2691 CHINA ST	
TARGET SPORTS INC	17112	3501 MAPLE ST	
VALLEY CREEK HOMES LLC	30699	2698 MAPLE ST	

Attachments

Application

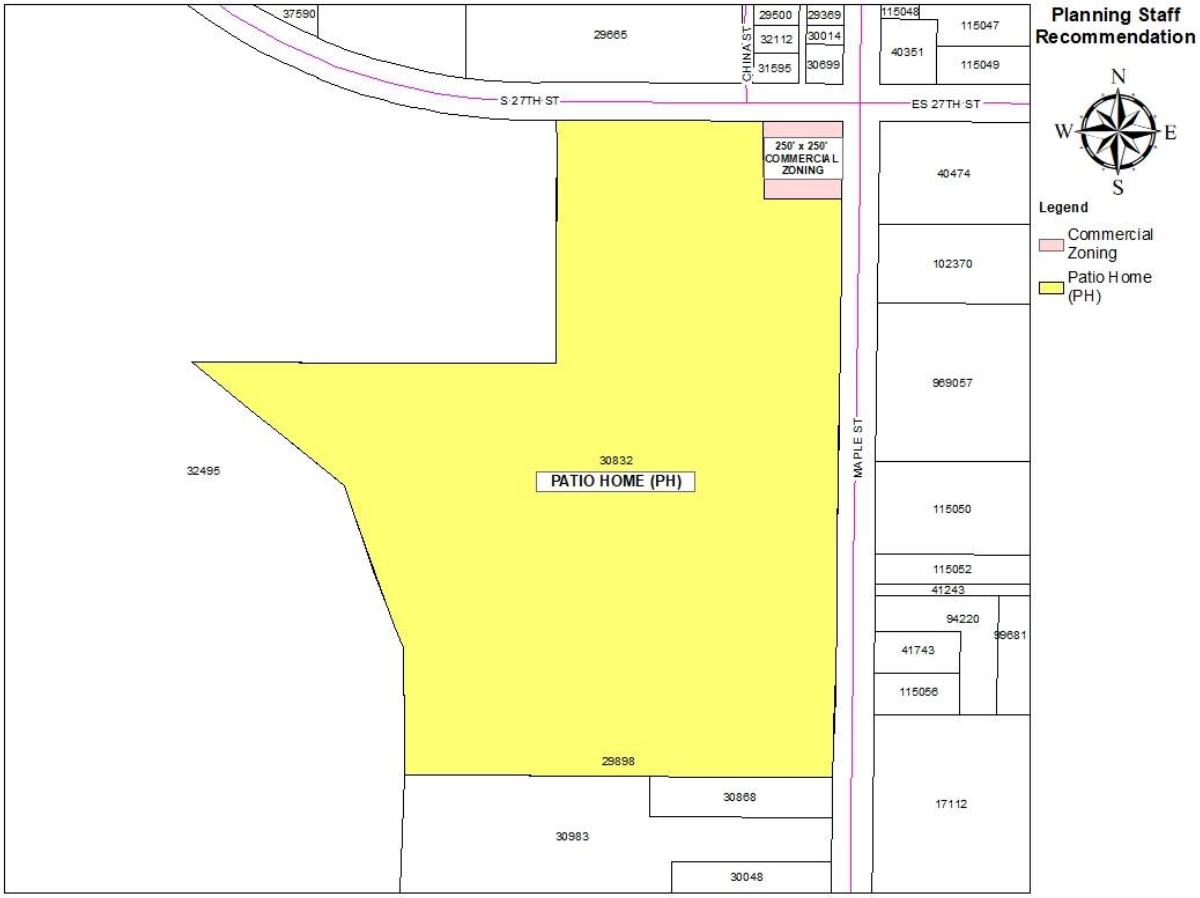
PowerPoint Presentation

LOCATION MAP



ZONING MAP

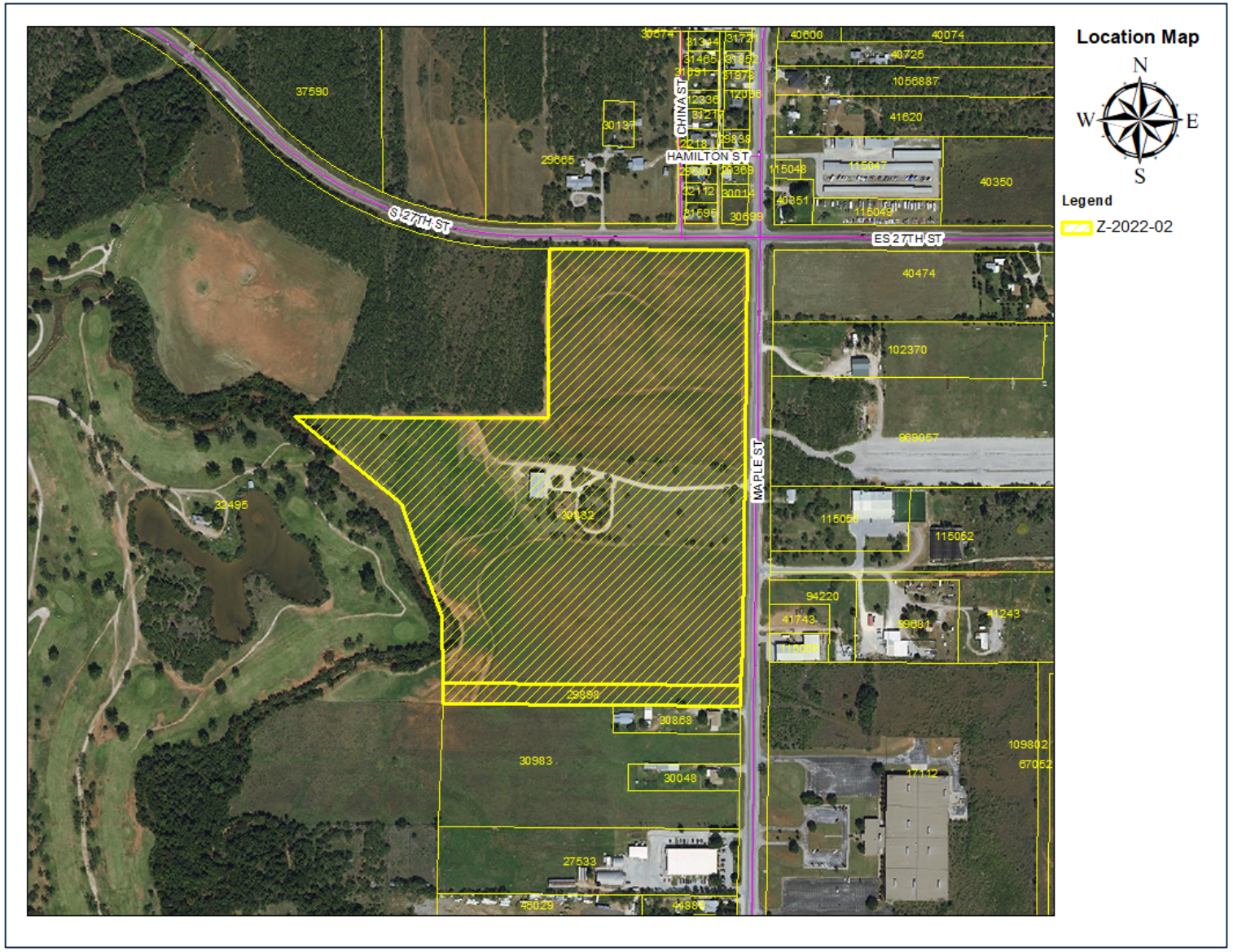
PLANNING STAFF RECOMMENDED ZONING MAP



REZONE

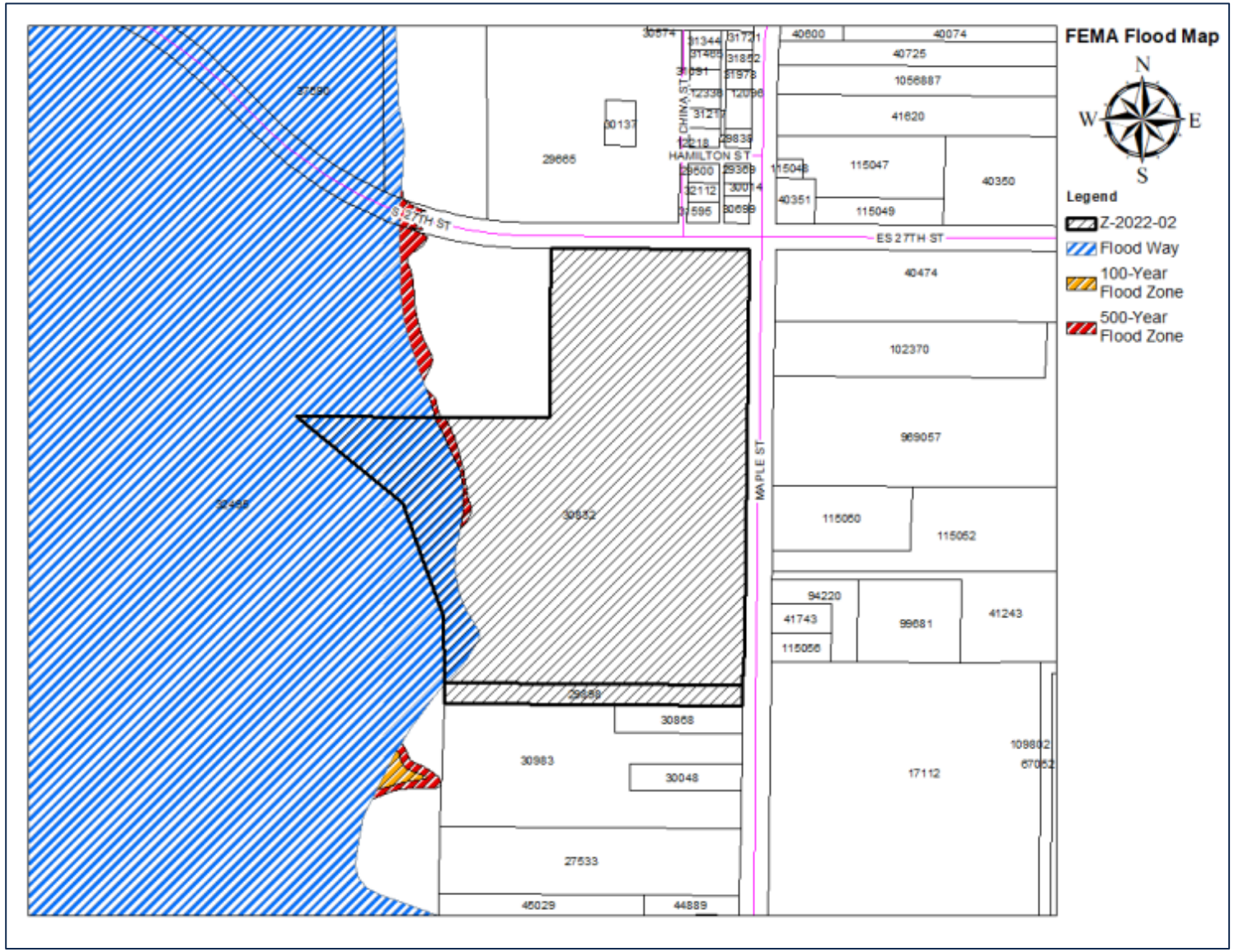
Case:	Z-2022-02
Owner:	Houston Polasek
Agent:	Heath Polasek
Request:	Rezone from Agricultural Open (AO) to Patio Home (PH)
Location:	3210 Maple St.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	January 4, 2022
City Council Hearings:	1st: January 27, 2022 2nd: February 10, 2022

Z-2022-02 LOCATION MAP

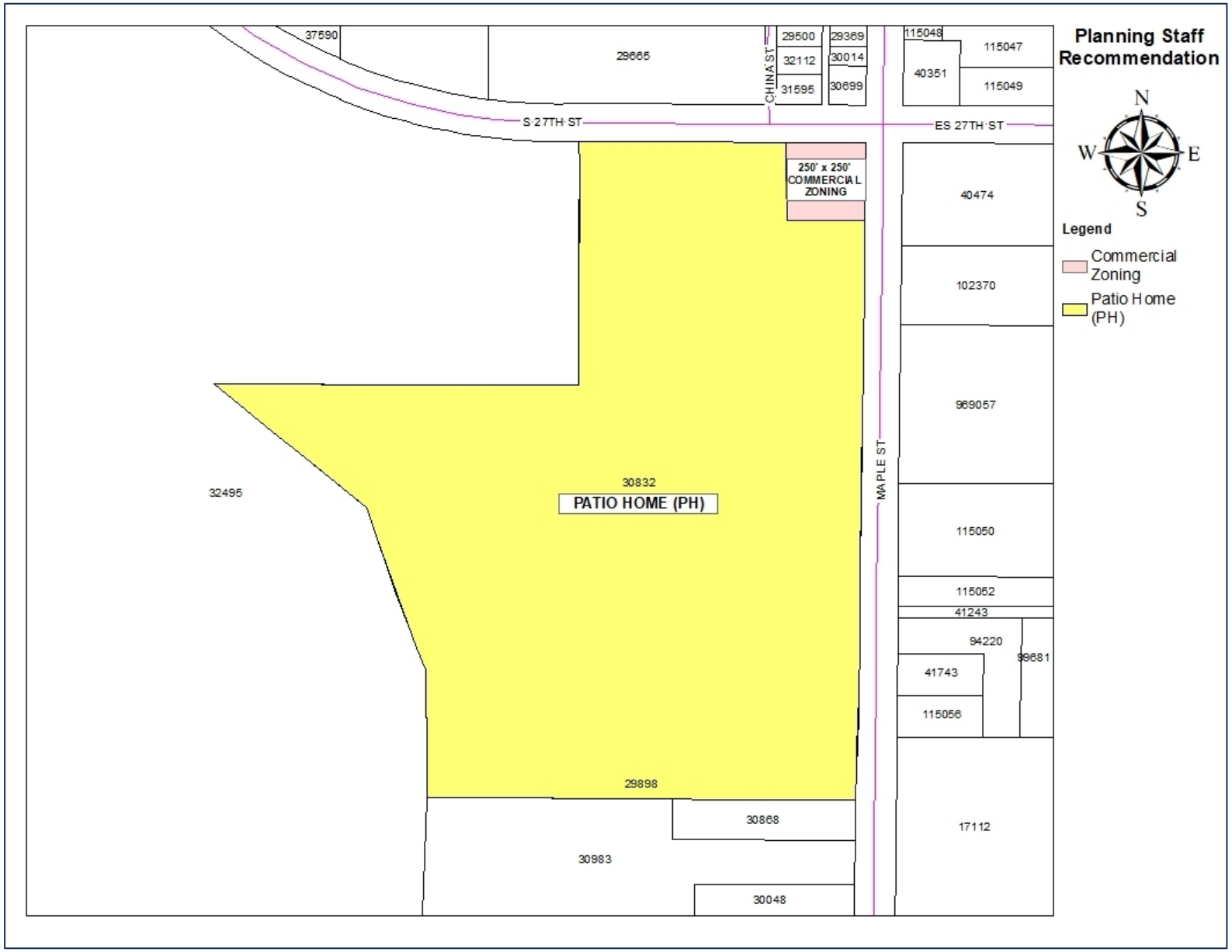


Z-2022-02 ZONING MAP

Z-2022-02 FLOOD MAP



Z-2022-02 PLANNING STAFF RECOMMENDATION MAP



Permitted Uses in AO Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

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

LEGEND

P	**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)**
C	**Permitted as a Conditional Use Permit, Requiring Approval by City Council**
TP	**Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment**

Permitted Uses in PH Zoning

RESIDENTIAL USES:

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

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
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	Recreation – Outdoors (active)
P	Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P	Community Home
P	Fire/Police Station

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P	Public Utility Facility

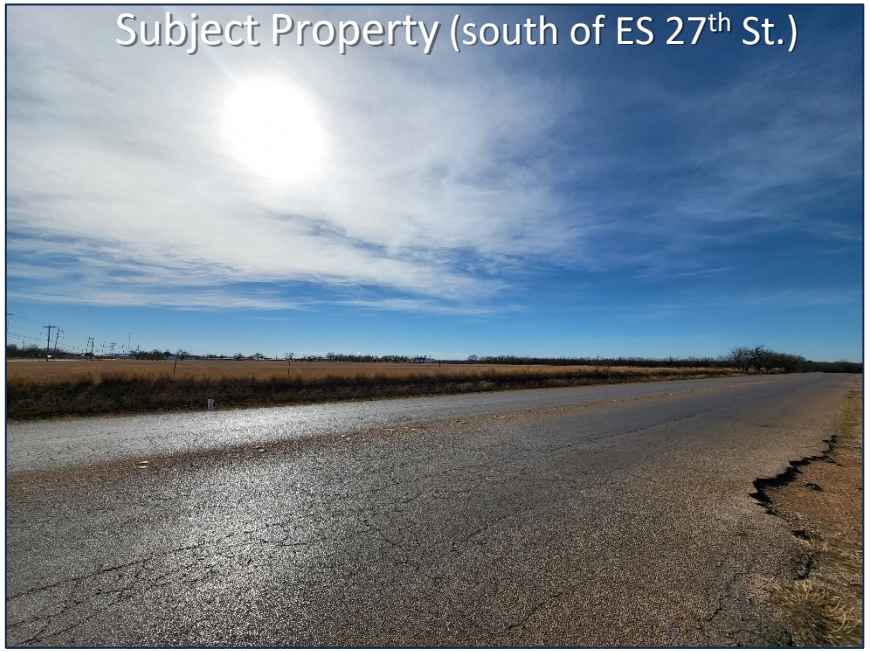
RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well
P	Urban Garden

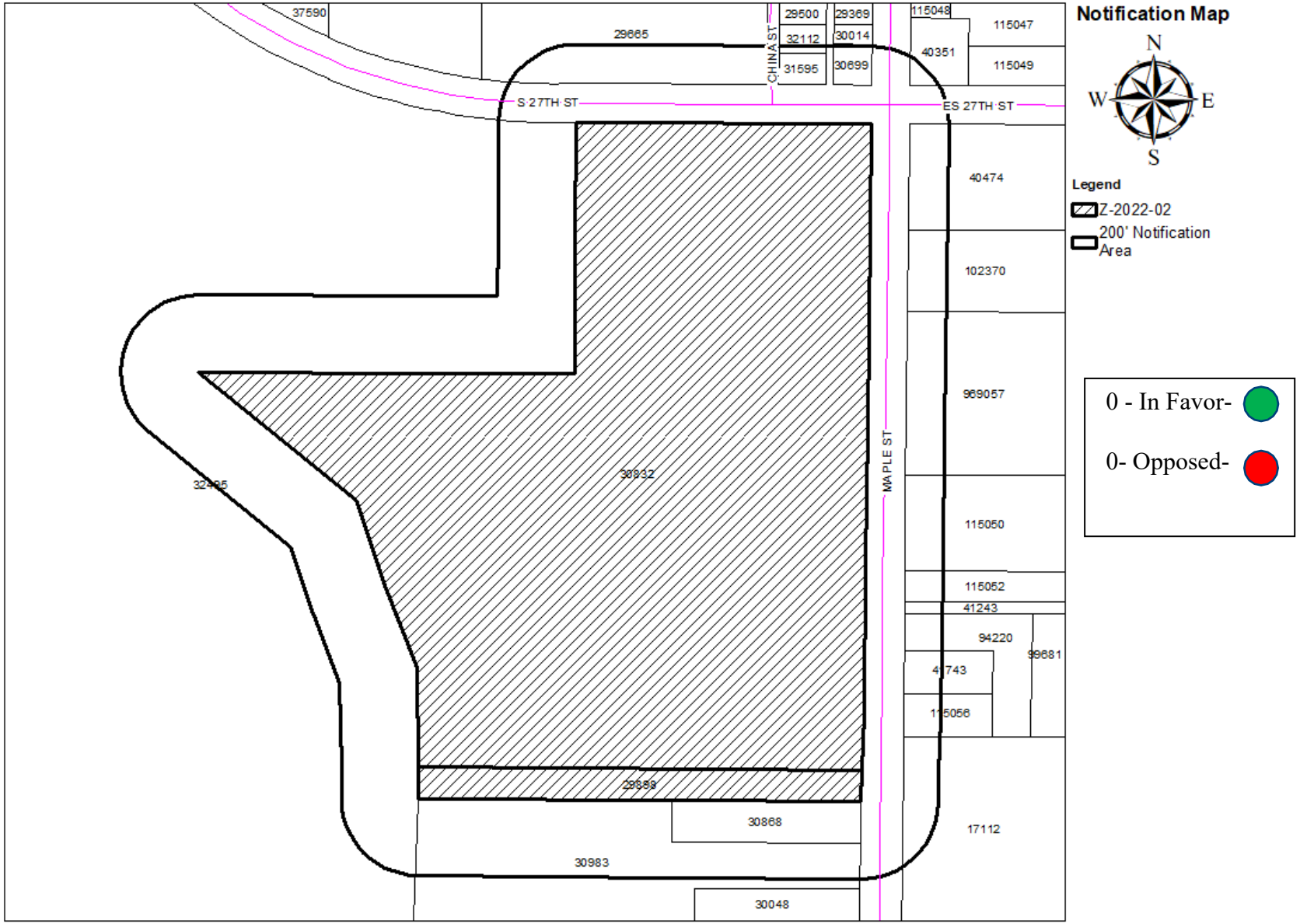
LEGEND

P	**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)**
C	**Permitted as a Conditional Use Permit, Requiring Approval by City Council**
TP	**Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment**

Z-2022-02 VIEWS OF SUBJECT & ADJACENT PROPERTIES



Z-2022-02 NOTIFICATION AREA MAP



FINDINGS AND RECOMMENDATIONS

- 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, except northeast corner reserved for future commercial zoning.

Questions?