



City of Abilene

Planning and Zoning Commission Agenda

Notice is hereby given of a meeting of the Planning & Zoning Commission of City of Abilene to be held on Tuesday, May 3, 2022 at 1:30 PM at the South Branch Library, 4310 Buffalo Gap Road, Mall of Abilene, Abilene, Texas, for the purpose of considering the following agenda items.

CALL TO ORDER

INVOCATION

MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Minutes from the Regular Meeting Held on April 5, 2022.

PLATS

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

2. **FP-3022:** Receive a Report and Hold a Discussion and Public Hearing on Lot 1, Block A, Western International Plaza Addition
3. **FP-3222:** Receive a Report and Hold a Discussion and Public Hearing on Oldham Oaks Addition, Section 2

ZONING

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

4. **Z-2022-09:** Receive a Report and Hold a Discussion and Public Hearing on A Request From Gregory And Marcia Straughn Within The Subdivision Known As The Hillview Addition To Change Zoning Of Approximately 3.906 Acres From Agricultural Open (AO) To Residential Single-Family District-12 (RS-12) On Lot 12 And The East 50 Feet Of Lot 11, Block 11, Hillview Addition, City Of Abilene, Taylor County, Texas. **(Adam Holland)**
5. **Z-2022-10:** Receive a Report and Hold a Discussion and Public Hearing on A Request From The Collective Owners Of Property Within The Subdivision Known As The Green Acres Addition To Change The Zoning Of .909 Acres From General Retail (GR) To A Planned Development District (PD-176) On Lot 112, Block 22, 2100 Block Of N Willis St., Abilene, Taylor County, Texas. **(Adam Holland)**
6. **Z-2022-11:** Receive a Report and Hold a Discussion and Public Hearing on A Request From Patrick Cowen To Change Zoning From Light Industrial (LI) To Heavy Commercial (HC) On Approximately 3 Acres At The 4200 Block Of Burl Harris Dr. Legal Description Being Lot 508,

Block B, Industrial Trade Center, Abilene In Taylor County, Texas. (Adam Holland)

7. **CUP-2022-02:** Receive a Report and Hold a Discussion and Public Hearing on A Request From The Collective Owners Of Property Within The Subdivision Known As Original Town Of Abilene To Allow The Use Of Automobile Repair And Maintenance Services-Minor Within The Central Business (CB) District, On Lot 8, Block 130, 633 Oak Street, Abilene, Taylor County, Texas. (Adam Holland)
8. **CUP-2022-05:** Receive a Report and Hold a Discussion and Public Hearing on A Request From The Collective Owners Of Property Within The Subdivision Known As Original Town Of Abilene To Allow The Use Of Wholesaling & Storage-Indoor Within The Central Business (CB) District, On Lots 17-18, Block 4, 149 Oak Street, Abilene, Taylor County, Texas. (Adam Holland)
9. **CUP-2022-04:** Receive a Report and Hold a Discussion and Public Hearing on A Request From Windmill Circle Apartments LLC (Represented By Enprotec/Hibbs & Todd, Engineering Consultants) For Approval Of A Conditional Use Permit Allowing Multi-Family Residential Buildings On Approximately 15 Acres Of Now-Vacant Land In A General Retail (GR) District At 28 Thru 36 Windmill Circle And At 5601 Memorial Drive In South Abilene. Legal Description Being Lots 304, 305, 107, 108 And 109 In Block B Of Windmill Acres, Abilene, Taylor County, Texas. (Adam Holland)

ADJOURNMENT

Notice

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 29th day of April, 2022, at 4:05 p.m.

*Kaitlin Richardson, Deputy City
Secretary*



Planning and Zoning Commission MINUTES

The Planning and Zoning Commission of the City of Abilene, Texas met in a Regular Meeting on April 5, 2022 at 1:30 p.m. at the Abilene Public Library, South Branch, Mall of Abilene, 4310 Buffalo Gap Road, Abilene, Texas.

Commissioners Present:

Mr. Clint Rosenbaum, Chairman
Mr. Bill Noonan, Secretary
Ms. Shawnte' Fleming

Mr. Brad Benham, Chairman Pro Tem
Ms. Alex Russell, Sergeant-at-Arms
Mr. Mitch Barnett

Commissioners Absent:

Rev. Iziar Lankford

Staff Present:

Mr. Michael Rice, Assistant City Manager
Mr. Tim Littlejohn, Director of Planning and Development Services
Ms. Kelley Messer, First Assistant City Attorney
Mr. Adam Holland, Planner I
Ms. Melissa Farr, Executive Assistant

Others Present:

Ms. Suzanne Fulkerson
Ms. Renate Beasley
Mr. James Sulliman
Mr. Fred Johnson
Mr. Timothy Harless
Mr. Gavyn Hardegree
Mr. Colby Marcee
Mr. Tal Fillingim

Ms. Bailey Hyde
Mr. Tim Smith
Mr. BJ Prichard
Mrs. Cathy Johnson
Mr. Ben Williams
Ms. Victoria Carter
Dr. Daniel Vaughan

CALL TO ORDER

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

INVOCATION

Mr. Benham delivered the invocation.

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. Ms. Russell moved to approve the minutes from the previous meeting, which was held on March 1, 2022. Ms. Fleming seconded the motion. The motion to **approve** prevailed by the following vote:

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

NAYS: None

PLATS

PP-2722: Receive a Report and Hold a Discussion and Public Hearing on a plat for Hampton Hills, Section 9, Abilene, Taylor County, Texas

FP-0422: Receive a Report and Hold a Discussion and Public Hearing on a plat for Waterside at Cedar Creek, Taylor County, Texas

FP-1422: Receive a Report, Hold a Discussion and Take Action on a plat for Mill Ridge Estates Subdivision, Abilene, Taylor County, Texas

FP-1922: Receive a Report and Hold a Discussion and Public Hearing on a plat for PLK SamMac Addition, Jones County, Texas

FP-2122: Receive a Report and Hold a Discussion and Public Hearing on Waterside at Cedar Creek, Taylor County, Texas

FP-2422: Receive a Report and Hold a Discussion and Public Hearing on a plat for Butterfield Meadows, Section 5, City of Abilene, Taylor County, Texas

FP-2522: Receive a Report and Hold a Discussion and Public Hearing on a plat for Heritage Parks Addition, Section 12, City of Abilene, Taylor County, Texas

Mr. Adam Holland presented the proposed plats to the Commission. Planning Staff recommends approval for the preliminary plat, but conditions for approval were attached to the final plats.

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

PLANNING STAFF RECOMMENDATION: Approval with conditions.

Mr. Barnett made the motion to **approve** the plats **with the specified conditions** for each plat. Mr. Benham seconded the motion. The motion to approve with conditions prevailed by the following vote:

AYES: Barnett, Benham, Russell, Noonan, Fleming

NAYS: None

RECUSAL: Rosenbaum (Waterside at Cedar Creek Plats)

ZONING

CUP-2022-01: Receive a Report and Hold a Discussion and Public Hearing on a request from the collective owner of property within the subdivision known as Original Town of Abilene to allow the use of a tattoo studio within the Central Business (CB) district, on Lots 1-6, Block 74, 536 Hickory Street, Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. According to information provided within the application, the owner intends to establish an upscale tattoo parlor within the subject properties.

Mr. Rosenbaum opened the public hearing. Those who spoke in *favor* were:

Mr. Gavyn Hardegree read a letter from a friend, Ms. Renate Beasley, Mr. Tim Smith, Mr. Fred Johnson, Mr. Colby Marcee, Mr. Ben Williams

Those who spoke in *opposition* were:

Dr. James (Jim) Sulliman, Dr. Daniel Vaughan, Ms. Victoria Carter

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. Ms. Fleming seconded the motion. The motion to approve prevailed by the following vote:

AYES: Benham, Noonan, Fleming, Rosenbaum

NAYS: None

RECUSALS: Barnett and Russell

Z-2022-07: Receive a Report and Hold a Discussion and Public Hearing on a request from the collective owner of properties within the subdivision known as Windmill Acres (Represented by Jacob & Martin LLC) to amend the zoning from Planned Development District (PDD 156)

to add self-storage as a permitted use on Lots 111 & 112 Block A of Windmill Acres in the City of Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. The applicant is requesting to amend the PD language that affects both lots 111 and 112 of Windmill Acres. The applicant is requesting an additional use be added to the PD to include "Storage Self-Service Units."

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim spoke in favor of this request.

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. Noonan seconded the motion. The motion to approve prevailed by the following vote:

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

NAYS: None

Z-2022-08: Receive a Report and Hold a Discussion and Public Hearing on a request from the collective owner of property within the subdivision known as Mill Ridge Estates to change the zoning of 27.859 acres from Residential Single-Family District-6 (RS-6) to Residential Single-Family Patio Home District (PH) on Lots 1-84, Blocks A-D, 200 Block of Hardison Lane, Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. The subject property was annexed around 2018-2019 and Single-family Residential (RS-6) zoning was applied to the property. The applicant would now like to zone this property to PH (Patio Home) in order to maximize the buildable area of the current lot sizes.

Mr. Rosenbaum opened the public hearing. Mr. Fred Johnson requested information about an easement that is against his property, or inside the fence.

Mr. BJ Prichard stated the lots are typical lot sizes, not patio home sized lots. They are restricted by gas lines, so they are trying to make the best use of the land. The construction plans are currently being reviewed by Public Works.

Mr. Timothy Harless expressed his concern of gas lines crossing with utilities. He also asked if the pond would remain in place and how it might affect the water table.

Mr. Prichard explained the uncertainty of whether or not pipelines would be crossed. He added that the retention pond, or stock tank, will stay with slight modifications.

Property owners within a 200-foot radius were notified of this request. There were no (0) responses received in favor, with none in opposition.

PLANNING STAFF RECOMMENDATION: Approval

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

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

NAYS: None

Adjournment

There being no further discussion, Mr. Rosenbaum adjourned the meeting at 3 p.m.

APPROVED

Mr. Clint Rosenbaum, Chairman

DEVELOPER/SUBDIVIDER:
W.I. REALTY ACQUISITION CORP.
15275 QUORUM DRIVE
ADDISON, TEXAS 75001



LEGEND

- FOUND 3/8 INCH REBAR ROD WITH PLASTIC CAP STAMPED "ESTES 5003"
- ✱ FOUND 1/2 INCH REBAR ROD (UNLESS NOTED OTHERWISE)
- SET 1/2 INCH REBAR ROD WITH PLASTIC CAP STAMPED "J&M BOUNDARY"
- P.R. OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY, TEXAS
- D.R. DEED RECORDS, TAYLOR COUNTY, TEXAS
- P.R. PLAT RECORDS, TAYLOR COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- U.E. UTILITY EASEMENT
- C.A.E. CROSS ACCESS EASEMENT
- R.O.W. RIGHT-OF-WAY
- T.T.E. TEMPORARY TURN-AROUND EASEMENT
- RF38 FOUND 3/8 INCH REBAR ROD
- RF12 FOUND 1/2 INCH REBAR ROD WITH PLASTIC CAP
- SUBDIVISION BOUNDARY LINE
- EXISTING EASEMENT BOUNDARY
- FEMA FLOOD ZONES
- CREEK CENTERLINE (APPROX. PER FEMA)

BASIS OF BEARINGS:

BEARINGS, DISTANCES, AND COORDINATES SHOWN HEREON ARE BASED ON GRID NORTH REFERENCE TO 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 1.000149155. ACREAGE OF THIS SUBDIVISION SHOWN HEREON IS SURFACE.

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 = 4.202 ACRES. THERE ARE NO PUBLIC R.O.W. DEDICATIONS FOR THIS PLAT.
2. NO PORTION OF THIS SUBDIVISION LIE WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO TAYLOR COUNTY FEMA FIRM MAP NO. 48441C0219-F, EFFECTIVE JANUARY 6, 2012.
3. NO LAND WITHIN THIS SUBDIVISION WILL BE DEDICATED FOR PARKS, OR OPEN SPACE.
4. THIS SUBDIVISION IS LOCATED ENTIRELY WITHIN THE CITY LIMITS OF THE CITY OF ABILENE, TEXAS.
5. BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF ABILENE ZONING REGULATIONS.

METES & BOUNDS DESCRIPTION - 4.202 ACRES:

BEING a 4.202 acre tract of land out of the J.E. Shepherd Survey No. 96, Abstract No. 243, City of Abilene, Taylor County, Texas, and being all of the current remainder of that certain 4.9230 acre tract (called "Tract 4") conveyed in a Special Warranty Deed to Abilene Cedar Run, LLC recorded in Instrument No. 2015-00007564, Official Public Records, Taylor County, Texas. Said 4.9230 acre tract being further described in a Correction Instrument (Special Warranty Deed) to the Public recorded in Instrument No. 2015-00014987 of said Official Public Records, and being the same 4.9230 acre tract described in a Warranty Deed conveyed to Kenneth B. Martin recorded in Volume 2785, Page 312 of said Official Public Records. Said 4.202 acre tract also being out of the remainder portion of Lot 3, Block B, Continuation No. 5, Curry Park Addition, as shown per plat recorded in Cabinet 3, Slide 302, Plat Records, Taylor County, Texas, with said remainder portion (called 0.586 acres) being shown per plat of Lot 103, Block B, Continuation No. 5, Curry Park Addition recorded in Cabinet 3, Slide 290 of said Plat Records. Said 4.202 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at a found 1/2 inch rebar rod (N=6,832,113.19', E=1,576,387.89') at the southeast corner of said 4.9230 acre tract, and being at the southwest corner of Lot 4, Block B, Continuation No. 5, Curry Park Addition, as shown per plat recorded in Cabinet 3, Slide 309 of said Plat Records, and being at the most southerly southeast corner of said Lot 3, Block B, and being in the north right-of-way line of Cedar Run Road (60 feet wide) as shown per said plat recorded in Cabinet 3, Slide 309 and per plat of Lot 1, Block A, Section 1, Continuation 3, Curry Park Addition recorded in Cabinet 1, Slide 230 of said Plat Records, for the southeast corner of the herein described tract, from which a bent 3/8 inch rebar rod found in the south line of said Lot 4, Block B, bears S89°14'45"E 228.22 feet;

THENCE N89°19'14"W along the south line of said 4.9230 acre tract, and along the north right-of-way line of said Cedar Run Road (BASIS OF BEARINGS LINE), at a distance of 50.03 feet, pass a 1/2 inch rebar rod found at the most southerly southwest corner of said Lot 3, Block B, and continuing on for a total distance of 326.11 feet to a found 3/8 inch rebar rod at the southwest corner of said 4.9230 acre tract, some being the southeast corner of said Lot 1, Block A, for the southwest corner of the herein described tract;

THENCE N01°26'05"E along the west line of said 4.9230 acre tract, some being the east line of said Lot 1, Block A, for a distance of 618.46 feet, to a set 1/2 inch rebar rod with plastic cap stamped "J&M BOUNDARY" at the southwest corner of Lot 301, Block A, Continuation 5, Curry Park Addition, as shown per plat recorded in Cabinet 2, Slide 349-A of said Plat Records, for the northwest corner of the herein described tract, from which a 3/8 inch rebar rod found at the northwest corner of said Lot 301, Block A, same being the northeast corner of said Lot 1, Block A, bears N01°26'05"E 474.21 feet;

THENCE S88°34'03"E along the south line of said Lot 301, Block A, for a distance of 115.01 feet, to a set chiseled "X" in concrete sidewalk at the intersection of the most southerly southeast corner of said Lot 301, Block A, with the south right-of-way line of Hi Tech Place (50 feet wide, 50 feet cul-de-sac radius length) for corner of the herein described tract, and being at the beginning of a curve to the left, said curve having a radius of 50.00 feet, a delta angle of 90°04'48", and a long chord which bears N46°23'33"E 70.76 feet;

THENCE along the south right-of-way line of said Hi Tech Place, and along said curve to the left, for an arc length distance of 78.61 feet, to a set 1/2 inch rebar rod with plastic cap stamped "J&M BOUNDARY" at the end of said curve, and being in the most southerly west line of said Lot 103, Block B, and being in an east line of said 4.9230 acre tract, for the north corner of the herein described tract, from which a 1/2 inch rebar rod found at the most westerly northwest corner of said Lot 103, Block B, and being in the east right-of-way line of said Hi Tech Place, bears N01°24'02"E 149.29 feet;

THENCE S01°24'02"W along an east line of said 4.9230 acre tract, same being the most southerly west line of said Lot 103, Block B, for a distance of 154.63 feet, to a bent 1/2 inch rebar rod found at an interior corner of said 4.9230 acre tract, same being the southwest corner of said Lot 103, Block B, for an interior corner of the herein described tract;

THENCE S88°39'54"E along the most easterly north line of said 4.9230 acre tract, same being the most westerly south line of said Lot 103, Block B, at a distance of 104.22 feet, pass a 1/2 inch rebar rod found at the northwest corner of the remainder of said Lot 3, Block B, and continuing on for a total distance of 154.32 feet, to a found 1/2 inch rebar rod at the most easterly northeast corner of said 4.9230 acre tract, and being at the most southerly southeast corner of said Lot 103, Block B, and being at the northeast corner of the remainder of said Lot 3, Block B, for the most easterly northeast corner of the herein described tract, from which a 1/2 inch rebar rod found at an interior corner of said Lot 103, Block B, same being the northwest corner of Lot 102, Block B, Continuation No. 5, Curry Park Addition, as shown per plat recorded in Cabinet 3, Slide 309 of said Plat Records, bears N00°40'32"E 41.96 feet;

THENCE S00°40'32"W along the most southerly east line of said 4.9230 acre tract, and along the west line of said Lot 102, Block B, for a distance of 139.60 feet to a found 1/2 inch rebar rod at the southwest corner of said Lot 102, Block B, same being the northwest corner of said Lot 4, Block B, for a slight angle point of the herein described tract;

THENCE S00°41'24"W and continuing along the most southerly east line of said 4.9230 acre tract, and along the west line of said Lot 4, Block B, for a distance of 370.31 feet to the POINT OF BEGINNING and containing 4.202 acres of land, more or less.

LOT 1, BLOCK A,
WESTERN INTERNATIONAL PLAZA ADDITION
A REPLAT OF THE 0.586 ACRE REMAINDER PORTION OF
LOT 3, BLOCK B, CONTINUATION NO. 5, CURRY PARK ADDITION,
AS SHOWN PER PLAT RECORDED IN
CABINET 3, SLIDE 302, PLAT RECORDS, TAYLOR COUNTY, TEXAS
AND 3.616 ACRES OUT OF THE
J.E. SHEPHERD SURVEY NO. 96, ABSTRACT NO. 243,
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 874A, VERNON'S ANNOTATED CIVIL STATUTES, AND ARTICLE 927B PENAL CODE OF TEXAS, AS AMENDED.

DATE _____ CHAIRMAN _____
ATTEST _____ SECRETARY _____

DATE _____ PLANNING DIRECTOR _____

COUNTY CLERK

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

DATE _____ FILE NUMBER _____

COUNTY CLERK _____ COUNTY TEXAS _____

DEPUTY _____

PLANNING DIRECTOR

FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS.

DATE _____ FILE NUMBER _____

PLANNING DIRECTOR

FEES

DIRECTOR OF PUBLIC WORKS

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

DATE _____ DIRECTOR OF PUBLIC WORKS _____

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 _____

LOT 1, BLOCK A,
WESTERN INTERNATIONAL PLAZA ADDITION
A REPLAT OF THE 0.586 ACRE REMAINDER PORTION OF
LOT 3, BLOCK B, CONTINUATION NO. 5, CURRY PARK ADDITION,
AS SHOWN PER PLAT RECORDED IN
CABINET 3, SLIDE 302, PLAT RECORDS, TAYLOR COUNTY, TEXAS
AND 3.616 ACRES OUT OF THE
J.E. SHEPHERD SURVEY NO. 96, ABSTRACT NO. 243,
CITY OF ABILENE, TAYLOR COUNTY, TEXAS

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

SEE ATTACHED METES & BOUNDS DESCRIPTION

EXECUTED THIS _____ DAY OF _____ MARCH _____ A.D. 2022

??NAME??

W.I. REALTY ACQUISITION CORP.

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 _____

??NAME??

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 _____

A LIMITED LIABILITY 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 STATES.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____

DAY OF _____ MARCH _____ A.D. 2022

TAYLOR
COUNTY TEXAS

GENERAL NOTES

ACREAGE: 4.202 ACRES

SCALE: 1"=60' SMALLEST LOT: 4.202 ACRES LARGEST LOT: 4.202 ACRES

LOT WIDTH: MIN. 115.01' MAX. 326.11' LOT DEPTH: MIN. 509.91' MAX. 618.46'

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION

CERTIFICATION

I HEREBY CERTIFY THAT THE PLAT SUBMITTED HERewith REPRESENTS A TRUE SURVEY MADE BY THE UNDERSIGNED OR UNDER MY SUPERVISION ON THE GROUND AND THAT PERMANENT MARKERS AND MONUMENTS HAVE BEEN SET AS INDICATED ON THE PLAT AND IN ACCORDANCE WITH THE "SUBDIVISION REGULATIONS" OF THE CITY OF ABILENE.

PLAT DESCRIPTION:

LOT 1, BLOCK A,
WESTERN INTERNATIONAL PLAZA ADDITION
A REPLAT OF THE 0.586 ACRE REMAINDER PORTION OF
LOT 3, BLOCK B, CONTINUATION NO. 5, CURRY PARK ADDITION,
AS SHOWN PER PLAT RECORDED IN
CABINET 3, SLIDE 302, PLAT RECORDS, TAYLOR COUNTY, TEXAS
AND 3.616 ACRES OUT OF THE
J.E. SHEPHERD SURVEY NO. 96, ABSTRACT NO. 243,
CITY OF ABILENE, TAYLOR COUNTY, TEXAS

PRELIMINARY
This document shall not be
recorded for any purpose.

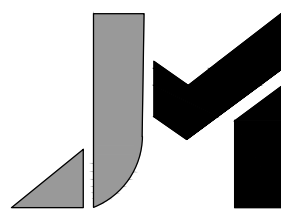
SIGNATURE

LEE W. ROSENBAUM

(PRINT)
REGISTERED PROFESSIONAL LAND SURVEYOR

APRIL 27, 2022

DATE



JACOB
MARTIN

TBPELS FIRM # 10194493

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

METES AND BOUNDS DESCRIPTION:

BEING 16.964 acres of land out of the southeast quarter of Section 51, Blind Asylum Lands, Abstract No. 636, City of Abilene, Taylor County, Texas, and being the southerly portion of a tract of land called to have 33.039 acres in a certain Deed Without Warranty to Valley Creek Investments LLC, recorded in Instrument No. 2012-4225, Official Public Records of said Taylor County, Texas. Said 16.964 acres is more particularly described in metes and bounds as follows:

BEGINNING at a found 1/2 inch rebar rod with cap marked "J&M BOUNDARY" (N=6,837,516.27 feet & E=1,595,628.0 feet) in the west right-of-way line of Oldham Lane (a.k.a. FM Highway 1750), some being the east line of said 33.039 acres, for the southeast corner of OLDHAM OAKS ADDITION, Section 1, an addition to the City of Abilene, Taylor County, Texas as shown on the corrected plot of said addition recorded in Cabinet 4, Slide 213, Plot Records, Taylor County, Texas, whence a found standard Type II Txdot marker (bronze disk) at the point of intersection of said west right of way line of Oldham Lane and the apparent north right-of-way line of East South 27th/ Street bears S00°00'01"W 1026.61 feet and the northwest corner of the south half of said Section 51 is calculated from calls to bear approximately North 1604 feet and West 5166 feet;

THENCE S00°00'01"W 1026.61 feet along said west right-of-way line of Oldham Lane, some being the east line of said 33.039 acres, to said found Type II Txdot marker (bronze disk) for the southeast corner of this tract, and for the intersection of said westerly right-of-way line of Oldham Lane and the northerly right-of-way line of said East South 27th/ Street;

THENCE S89°56'03"W 326.03 feet along said northerly right-of-way line to a found 1/2 inch rebar rod with cap marked "J&M BOUNDARY" (said found 1/2 inch rebar rod with cap henceforth referred to as FOUND REBAR) for corner and at the beginning of a curve to the left which is concave to the south-southeast;

THENCE along said northerly right-of-way line and southerly line of said 33.039 acre tract and said curve to the left which has an arc length of 389.97 feet, a radius of 1373.35 feet, a delta angle of 16°16'24", and is subtended by a chord with a bearing of S81°47'02"W and a length of 388.75 feet, to a found 1/2 inch rebar rod with cap for the southwest corner of said 33.039 acres and the southeast corner of a called 158.32 acre tract being the remainder of a tract conveyed to the Texas Department of Mental Health and Mental Retardation in a deed recorded in Volume 14, Page 127, Deed Records, Taylor County, Texas;

THENCE N00°00'02"W 1112.55 feet along the west line of said 33.039 acre tract and the east line of said 158.32 acre tract to a FOUND REBAR at the southwest corner of said OLDHAM OAKS ADDITION, Section 1 for corner;

THENCE leaving said westerly line of said 33.039 acre tract and proceeding over and across the interior of said 33.039 acres, along the southerly line of said OLDHAM OAKS ADDITION, Section 1 the following calls:

- S89°59'59"E 154.80 feet to a FOUND REBAR for corner;
- S00°00'01"W 23.00 feet to a FOUND REBAR;
- S89°59'59"E 202.00 feet to a FOUND REBAR;
- S00°00'01"W 14.00 feet to a FOUND REBAR;
- N89°59'59"W 202.00 feet to FOUND REBAR;
- N00°00'01"E 23.00 feet to a FOUND REBAR;
- N89°59'59"W 154.80 feet to the POINT OF BEGINNING and containing 16.964 acres of land, more or less. Bearings, distances and coordinates shown herein are based on the Texas State Plane Coordinate System, North Central Zone, NAD 83 as determined from GPS survey data. Distances can be converted to surface by multiplying each by the combined scale factor of the site which is 1.000138878.

BASIS OF BEARINGS:

BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED ON GRID NORTH REFERENCING THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD 83 AS DETERMINED FROM GPS SURVEY DATA. DISTANCES CAN BE CONVERTED TO SURFACE BY MULTIPLYING EACH BY THE COMBINED SCALE FACTOR OF 1.000142119.

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.

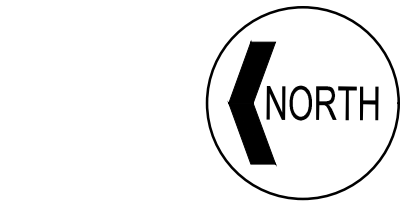
PLAT NOTES:

1. AREA OF SUBDIVISION = 16.964 ACRES, AREA OF ALL PUBLIC R.O.W. DEDICATIONS IS 2.676 ACRES.
2. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO TAYLOR COUNTY FEMA FIRM MAP NO. 48441C0237F EFFECTIVE JANUARY 6, 2012.
3. NO LAND WITHIN THIS SUBDIVISION WILL BE DEDICATED FOR PARKS, OR OPEN SPACE.
4. THIS SUBDIVISION IS LOCATED ENTIRELY WITHIN THE CITY LIMITS OF THE CITY OF ABILENE, TEXAS.
5. BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF ABILENE ZONING REGULATIONS.
6. 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"
7. 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.

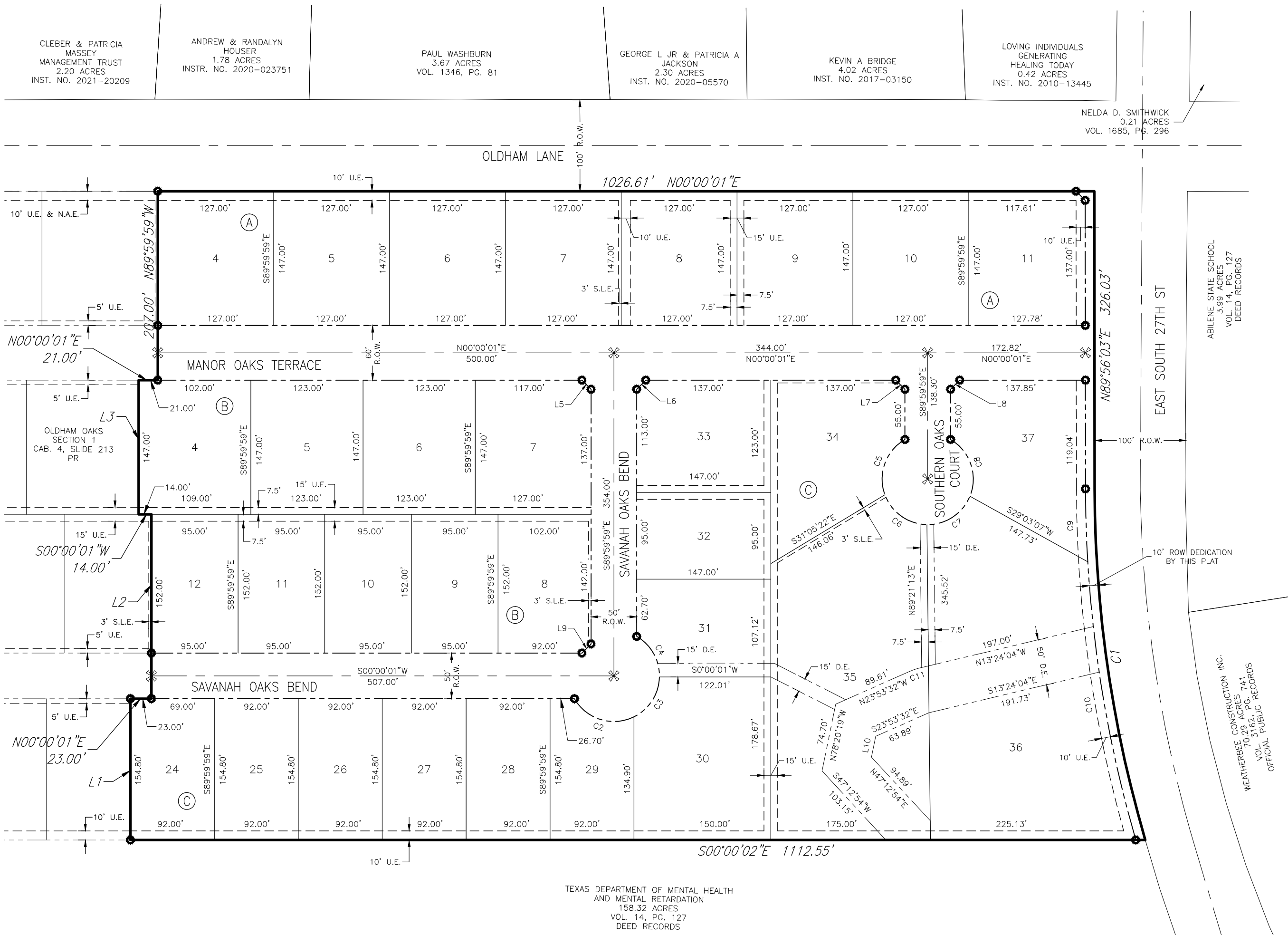
BLOCK A			BLOCK B			BLOCK C		
LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE		
LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	LOT NO.	AREA (SQ.FT.)	AREA (ACRES)
4	18,669	0.429	4	18,081	0.415	24	14,242	0.327
5	18,669	0.429	5	18,081	0.415	25	14,242	0.327
6	18,669	0.429	6	18,081	0.415	26	14,242	0.327
7	18,669	0.429	7	18,619	0.427	27	14,242	0.327
8	18,669	0.429	8	15,454	0.355	28	14,241	0.327
9	18,669	0.429	9	14,440	0.331	29	12,960	0.298
10	18,669	0.429	10	14,440	0.331	30	25,932	0.595
11	18,722	0.430	11	14,440	0.331	31	14,951	0.343
			12	14,440	0.331	32	13,965	0.321
						33	18,031	0.414
						34	21,945	0.504
						35	59,582	1.368
						36	66,260	1.521
						37	22,080	0.507

LINE TABLE		
LINE NO.	LENGTH	DIRECTION
L1	154.80'	N89°59'59"W
L2	202.00'	N89°59'59"W
L3	147.00'	N89°59'59"W
L4	14.14'	N45°00'01"E
L5	14.14'	S44°59'59"E
L6	14.14'	S44°59'59"E
L7	14.14'	S45°00'01"W
L8	14.14'	S44°59'59"E
L9	14.14'	S44°59'59"E
L10	23.26'	S78°20'19"E

CURVE TABLE					
CURVE NO.	ARC LENGTH	RADIUS	ANGLE	TANGENT	CHORD BEARING
C1	390.06'	1373.35'	16°16'24"	196.35'	N81°47'02"E
C2	75.14'	50.00'	86°06'14"	46.71'	S16°56'54"W
C3	54.64'	50.00'	62°36'27"	30.41'	S57°24'27"E
C4	53.48'	50.00'	61°17'19"	29.62'	N60°38'40"E
C5	70.00'	50.00'	80°12'51"	42.11'	N70°06'24"W
C6	60.00'	50.00'	68°45'18"	34.21'	S35°24'31"W
C7	60.00'	50.00'	68°45'18"	34.21'	S33°20'46"E
C8	71.80'	50.00'	82°16'34"	43.68'	N71°08'18"E
C9	80.00'	1383.36'	3°18'48"	40.01'	N88°19'50"E
C10	309.97'	1383.36'	12°50'18"	155.64'	N80°11'17"E
C11	9.16'	50.00'	10°29'27"	4.59'	N18°38'48"W



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
	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
	G.L.E. = GAS LINE EASEMENT



DEVELOPER/SUBDIVIDER:
OLDHAM OAKS LLC.
418 SAVANAH OAKS
ABILENE, TX 79602
(325) 267-0288

OLDHAM OAKS ADDITION, SECTION 2
BEING 16.964 ACRES OUT OF THE
SW/4 OF SECTION NO. 51,
BLIND ASYLUM LANDS, ABSTRACT NO. 636,
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 574A, VERNON'S ANNOTATED CIVIL STATUTES, AND ARTICLE 927B PENAL CODE OF TEXAS, AS AMENDED.	PLANNING DIRECTOR FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS.
DATE _____ CHAIRMAN _____ ATTEST: _____ SECRETARY _____ DATE _____ PLANNING DIRECTOR _____	DATE _____ FILE NUMBER _____ PLANNING DIRECTOR _____ FEES _____
COUNTY CLERK I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON _____ DATE _____ FILE NUMBER _____ COUNTY CLERK _____ COUNTY TEXAS _____ DEPUTY _____	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 _____

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 OLDHAM OAKS ADDITION, SECTION 2 16.964 ACRES OUT OF THE SW/4 OF SECTION 51, BLIND ASYLUM LANDS ABSTRACT NO. 636, TAYLOR COUNTY, TEXAS AS SHOWN ON THE ATTACHED PLAT AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER FOR ALL PUBLIC PURPOSES THE STREETS, ALLEYS, LANES, EASEMENTS, PARKS AND OTHER PUBLIC LANDS SHOWN THEREON. THE LANDS INCLUDED WITHIN SUCH PLAT OR SUBDIVISION ARE DESCRIBED BY METES AND BOUNDS AS FOLLOWS: SEE ATTACHED METES & BOUNDS DESCRIPTION EXECUTED THIS _____ DAY OF _____ A.D. 2022 [SIGNER NAME] [OLDHAM OAKS, 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 [SIGNER NAME] 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 OLDHAM OAKS, LLC A LIMITED LIABILITY 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 STATES. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ A.D. 2022 TAYLOR COUNTY TEXAS NOTARY PUBLIC _____

GENERAL NOTES	ACREAGE: 16.964 ACRES
SCALE: 1" = 100'	SMALLEST LOT: 0.298 ACRES LARGEST LOT: 1.521 ACRES
LOT WIDTH: MIN. 92.00' MAX. 127.78'	LOT DEPTH: MIN. 122.01' MAX. 345.52'
CONCRETE MONUMENT FOUND (SYMBOL)	CENTERLINE MARKER SET (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 OF 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: OLDHAM OAKS ADDITION, SECTION 2 16.964 ACRES OUT OF THE SW/4 OF SECTION 51, BLIND ASYLUM LANDS ABSTRACT NO. 636, TAYLOR COUNTY, TEXAS SIGNATURE _____ (PRINT) REGISTERED PROFESSIONAL LAND SURVEYOR APRIL 25, 2022 DATE
--

JACOB MARTIN
TBPELS FIRM # 10194493

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

ZONING CASE Z-2022-09

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: May 3, 2022

City Council 1st Reading: May 26, 2022

City Council 2nd Reading: June 9, 2022

Applicant

Owner: Gregory and Marcia Straughn

Agent: Kelsey Williams

Request

Rezone approximately 3.9 acres of Agricultural Open Space (AO) zoning to Residential Single-Family District-12 (minimum 12,000 square-foot lots) (RS12) zoning. The intention, according to the application received by staff is to create 12,000 square feet family home sites.

Location

The subject property is approximately 3.9 acres of vacant land in the Hillview addition, lot 112, Block 11, Abilene, Taylor County, Texas.

Background

The subject property was annexed around 1980 and Agricultural Open Space (AO) zoning was applied to the property. The applicant would now like to zone this property to Residential Single-Family District-12 (minimum 12,000 square-foot lots) (RS12) zoning in order to maximize the buildable area using 12,000 square-foot lots.

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the immediate area of the subject property are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of RS-12, AO, RR-1 districts. Currently single-family residences are to the west, north and east of the subject property, and vacant land is to the South.

Criteria Assessment

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

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

It is the opinion of the staff that the proposed zoning map amendment will serve to implement the goals, objectives, and policies of the Comprehensive Plan and Future Land Use and Development Plan Map. The proposed zone change is consistent with single-family residential land use located nearby on the future land use map.

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

It is the opinion of the staff, that the uses permitted by the proposed zone change are consistent with the surrounding properties in the immediate vicinity. The surrounding properties are residential with RS-12 district adjacent to the site on the west.

(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 future development of the subject property will not necessitate the extension of water and sewer utilities to service the future subdivision.

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

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

Staff Recommendation

Staff recommends approval

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 21, 2022, via certified mail to the applicant and other property owners within a 200-foot radius of the subject property. These property owners and associated addresses are identified in Table 1.

TABLE 1

Owner	Property ID	Situs	Response
ALLEN CHARLES D & KAREN C	25669	1701 HILLVIEW RD	
COOKE CYNTHIA L	25384	1601 HILLVIEW RD	
JOHNSTON LOWELL A	24388	1700 HILLVIEW RD	
KASPER ROBERT BLAKE	1011242		
MC GREW OREN S	24514	1618 HILLVIEW RD	
MC GREW STACEY & PAULA	24648	1602 HILLVIEW RD	
STRAUGHN GREGORY B & MARCIA R	25524	1633 HILLVIEW RD	
THOMAS MARK A & LILLIE M	24255	1710 HILLVIEW RD	
WOFFORD CHRISTOPHER EUGENE	1011243		

Attachments

Application
PowerPoint Presentation
Location Map
Zoning Map

LOCATION MAP



ZONING AND EXISTING LAND USE MAP



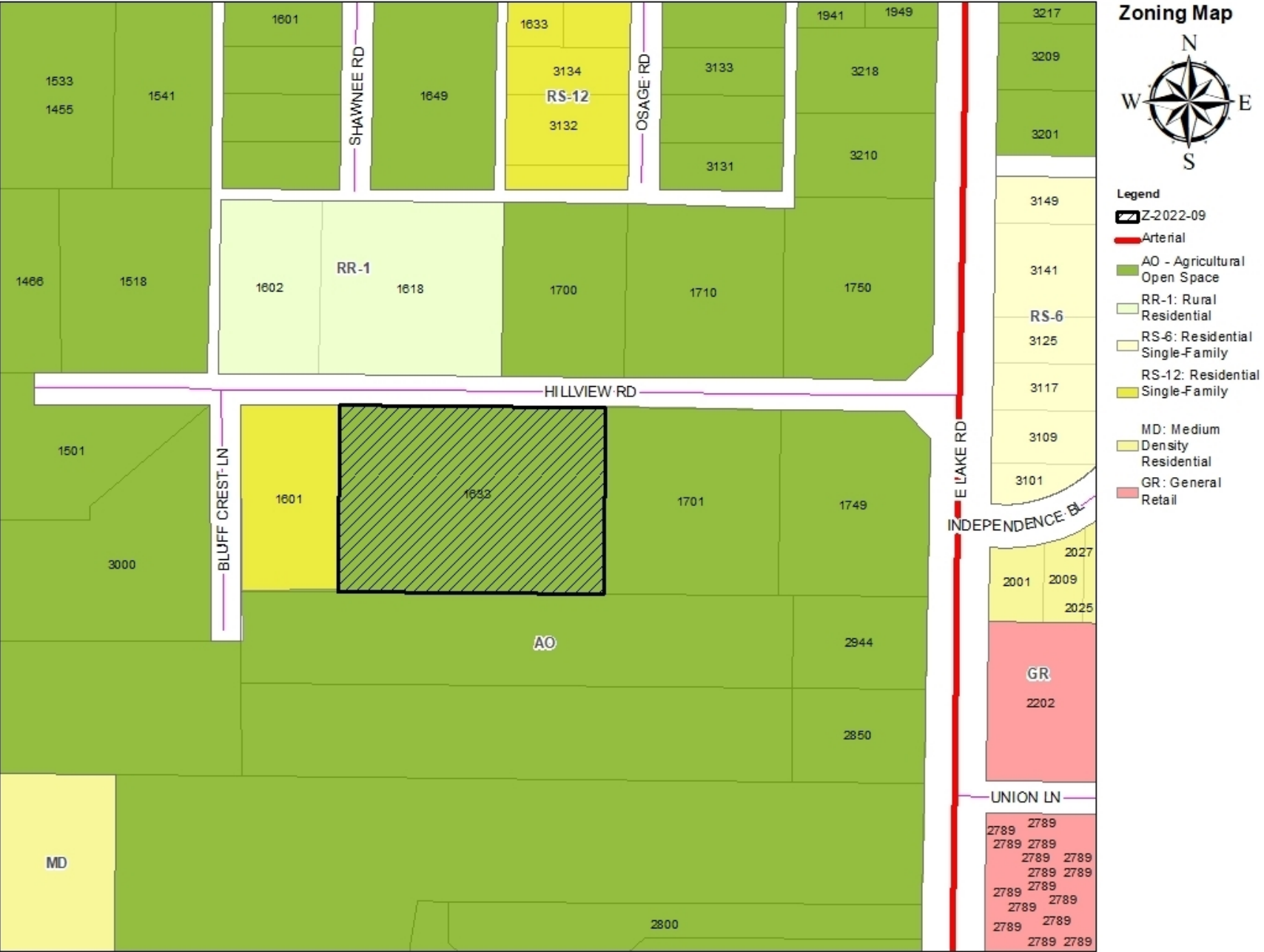
Case:	Z-2022-09
Owner:	Gregory and Marcia Straughn
Agent:	Kelsey Williams-Geotex Property Solutions
Request:	Zoning request for “AO” Agricultural Open Space to “RS-12” Residential
Location:	3.9 Acres of land at 1633 Hillview Road.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearings:	1 st : May 26, 2022 2 nd : June 9, 2022



Z-2022-09 LOCATION MAP



Z-2022-09 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

Z-2022-09 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Subject Property (Center)



Neighboring Property (Northeast)



Subject Property (East Side)



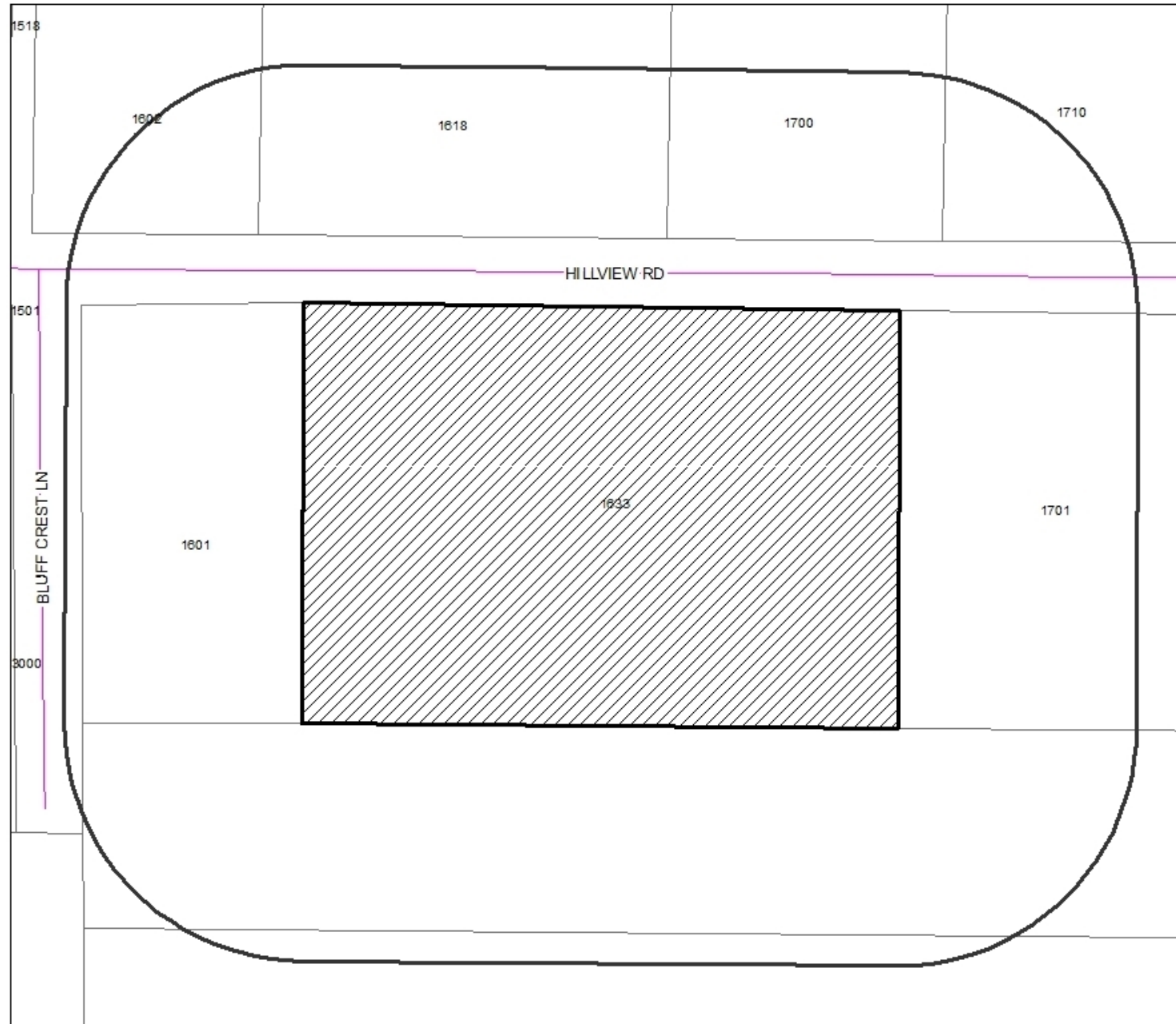
Subject Property (West Side)



Neighboring Property (East)



Z-2022-09 NOTIFICATION AREA MAP



Notification Map



Legend

- 200' Notification Buffer
- Z-2022-09

0 - In Favor-

0- Opposed-

0% in 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)
- P&Z Recommends:
- Staff Recommendation: Staff recommends approval.

Questions?

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTY; 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 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 26th day of May, 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 16th day of April, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers of the City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 9th day of June, 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 FINAL READING THIS 9th day of June, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

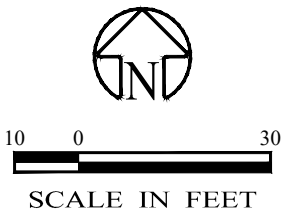
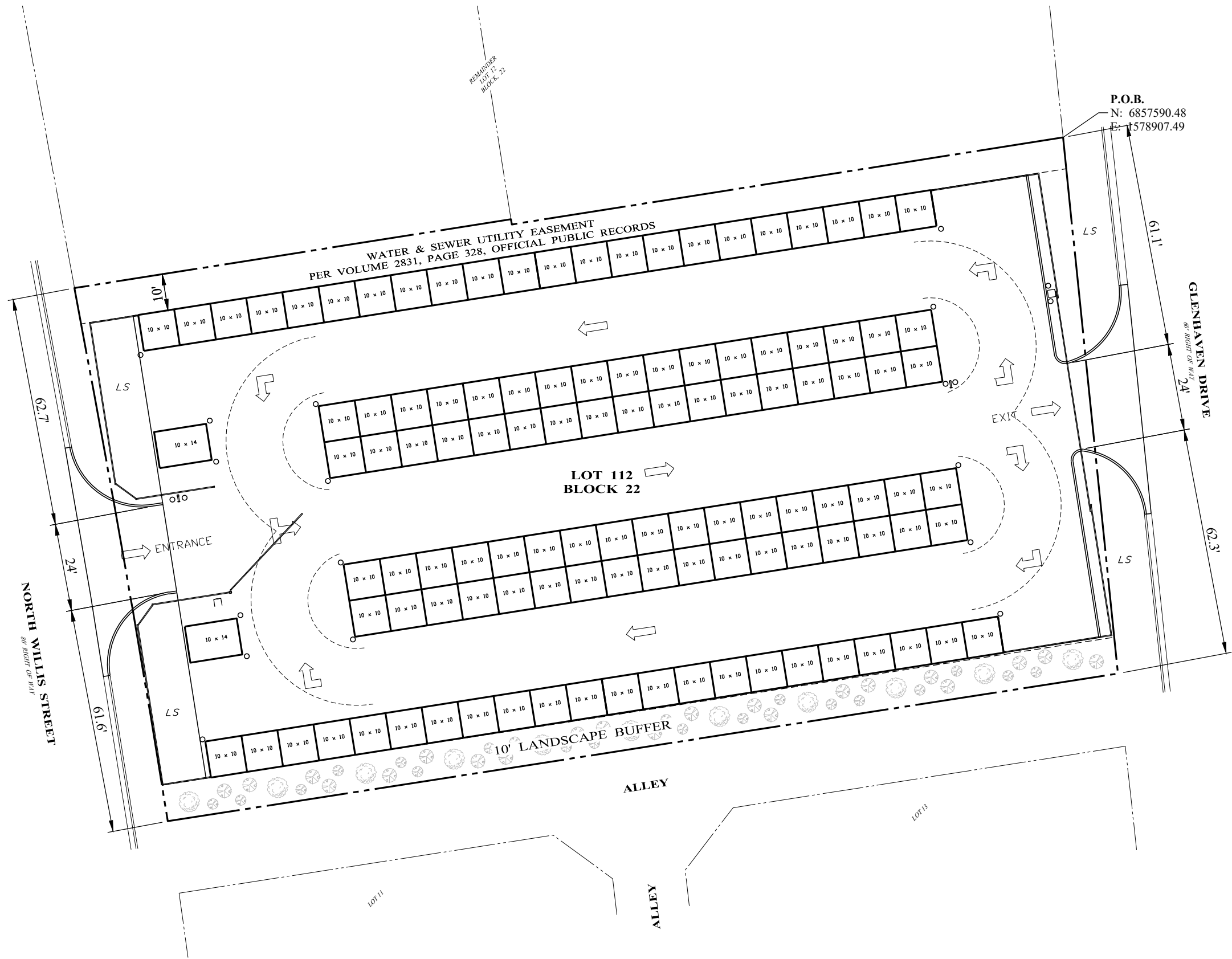
Change the zoning classification of the following described land, from Agricultural Open Space (AO) to a Residential Single-Family (RS-12) zoning district:

Lot 12 and the East 150 Feet of Lot 11 of Block 11 within the Hillview Addition.



-END-

P:\Projects\Private Developers\2022 Projects\8219 - North Willis Replat (Justice)\10. CAD\8. MISC\8219 - LAYOUT (2022-04-27).dwg



 Enprotec Hibbs & Todd 402 Cedar Street • Abilene, Texas 79601 • T: (325) 698-5560 • F: (325) 698-3240 • www.eht.com PE Firm Registration No. 1151 • PG Firm Registration No. 50103 • RPLS Firm Registration No. 1001900	8219 PROJECT NO.
	04/27/2022 DATE
	R.R.P. DESIGNED BY:
	D.B.H. DRAWN BY:
	R.R.P. CHECKED BY:
CONCEPTUAL PLAN FOR PROPOSED SELF STORAGE FACILITY ABILENE, TAYLOR COUNTY, TEXAS	
1 OF 1	

ZONING CASE Z-2022-10

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: May 3, 2022

City Council 1st Reading: May 26, 2022

City Council 2nd Reading: June 9, 2022

Applicant

Owner: Steven & Amy Justice

Agent: BJ Prichard – Enprotec/Hibbs & Todd, Inc.

Request

Rezone from General Retail (GR) to create a Planned Development (PDD-176) District allowing self-storage units with a base zoning of GR.

Location

.9 acres of vacant land at 2109 N Willis St legal description being Lot 112, Block 22 Section 2, Green Acres Addition.

Background

This property was annexed in 1956 and has remained mostly vacant with the exception of some pavement on the property. This lot has been zoned GR (or SC) since The City adopted zoning in 1974.

Zoning, Existing and Proposed 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 are zoned GR and are currently a laundromat, church, and a fast food restaurant (Show Cones) East of the subject property is zoned MD and is an apartment complex. West of the subject property is more General retail with offices and retail sales on the properties.

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 to be in a "Commercial" use district. This property is also within a "Community Enhancement Corridor" which encourages revitalizing private properties and

making site improvements. The 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.

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 N Willis St and residences West of Beechwood Lane, each of these adjacent residential land uses are separated by an approximate 80-foot-wide and 60-foot-wide right-of-way respectively. Furthermore, the commercial activity at this location will not appear out of character due to the existing office buildings located north of the subject property.

(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 appears well-integrated with the City's system of sewer and water utilities. The subject property also lies adjacent to a fully-improved collector road (N Willis St.)

(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 approval subject to all development standards being complied with (Conceptual Plan has not been reviewed for ordinance compliance).

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on April 21, 2022, 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	Property ID	Situs	Response
ABILENE IMPACT GROUP LP	48062	2101 GLENHAVEN DR	
BEARDSHAW ALICE	44073	1973 N WILLIS ST	
DEEBLE BEEBLE LLC	44330	2023 N WILLIS ST APT 2	
DEEBLE BEEBLE LLC	44330	2023 N WILLIS ST APT 3	
DEEBLE BEEBLE LLC	44330	2023 N WILLIS ST APT 1	
FLORES EMILIO C JR	41665	2002 N WILLIS ST	
FLORES EMILIO C JR	41665	1974 N WILLIS ST	
FLORES MICHAEL & ANGIE	47822	2013 GLENHAVEN DR	
JUSTICE STEPHEN P & AMY E	44450	2109 N WILLIS ST	
LANDEROS JESSE F	45254	2002 GLENHAVEN DR	
MANSELL RICHARD LEE &	47698	2001 GLENHAVEN DR	
MUSQUIZ DANIEL	44947	2024 GLENHAVEN DR	
NANCE FELIX K	44209	2001 N WILLIS ST	
PORTILLO RAYMOND & ANDREA	45100	2014 GLENHAVEN DR	
SHOWCONES LLC	44813	3375 AMBLER AV	
SKINNYS INC	41149	3425 AMBLER AV	
SKINNYS INC	41149	3429 AMBLER AV	
SKINNYS INC	41149	3413 AMBLER AV	
SKINNYS INC	41149	3401 AMBLER AV	
SKINNYS INC	44701	3351 AMBLER AV	
SKINNYS INC	44701	3351 B AMBLER AV	
THOMAS RANDY HAROLD	1002750	2025 GLENHAVEN DR	
THOMAS RANDY HAROLD	1002750	2023 GLENHAVEN DR	
THOMPSON BLAINE	41402	2024 N WILLIS ST APT 1	
THOMPSON BLAINE	41402	2024 N WILLIS ST APT 2	
THOMPSON BLAINE	41402	2024 N WILLIS ST APT 3	
TMAD PROPERTIES LLC	42920	2111 BEECHWOOD LN	
TMAD PROPERTIES LLC	42920	2110 N WILLIS ST	

Attachments

Application

PowerPoint Presentation

Conceptual Plan

This is a detailed plat map of a portion of the City of Minneapolis. The map shows several streets: AMBLER AV running horizontally across the top, N WILLIS ST running vertically on the left, GLENVIEW DR running vertically on the right, BECHWOOD LN running vertically on the far left, and MINNOSA DR running vertically on the far right. Various lots are numbered, including 3429, 3413, 3426, 2110, 2111, 2023, 2024, 2001, 1974, 1955, 3376, 3351 B, 3351, 2108, 2101, 2023, 2025, 2013, 2001, 1973, 1955, 2138, 2120, 2102, 2066, 2038, 2020, 2002, 1974, and 1956. A specific lot, 2108, is highlighted with a thick black border and diagonal hatching. The map also shows lot areas and other details such as easements and boundaries.

Page 29 of 152



Development Application

ZONING IMPACT ANALYSIS

Please answer these questions in order to assist Staff with the processing of your Zoning request.

1. Is 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?

Yes. Applicant is requesting to create a Planned Development District (PDD) and change the current GR zoning to the new PDD zoning. The PDD will be based on the General Retail (GR) zoning classification and its requirements / permitted uses, amended to specifically allow the construction and operation of a self storage facility. Per the LDC, self storage facilities are only permitted in GC, HC, LI, MX, and CB zone classifications. The Central Business (CB) zone classification does not apply to this location. Only one existing parcel (located at 3426 Ambler Ave) is zoned for General Commercial (GC). All other surrounding parcels are current zoned at GR or some form of residential zoning. The current GR zoning makes the most sense for this location, thus the intent is to maintain that level of zoning, with the caveat of allowing a self storage facility.

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

Yes. The proposed PDD will be based on a GR zoning classification (current property zoning). The PDD will amend the GR permitted uses to allow for self-storage units.

-
3. Is 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 proposed self-storage facility will have minimal utility requirements and can be served from existing water/sewer facilities in the area. The proposed project will have no foreseeable impact on schools or other public services/facilities.

4. Are there other factors which will substantially affect the public health, safety, morals, or general welfare?

No, the proposed facility will be a privately operated self storage business. It will be gated and secured at all times with other security measures as appropriate.



Development Application

Planning

- | | | | |
|--|---|---|---|
| ☐ Conditional Use | ☐ Special Exceptions | ☒ Rezoning | ☐ Variance |
| ☒ PDD Amendment | ☐ Street Name Change | ☐ Thoroughfare Abandonment | ☐ Easement Release |
| ☐ Historic Certification of Appropriateness | ☐ Historic Project Tax Reduction | | |

Relief Procedures

- | | | | |
|--|---|---|---------------------------------|
| ☐ Petition for Relief | ☐ Proportionality Appeal | ☐ Vested Rights Petition | ☐ Appeal |
|--|---|---|---------------------------------|
- Other: _____

Project Name: _____

Address: **2109 N. Willis Street** No. of lots: **1** Acreage: **0.9117**

Legal Description: **Refer to attached Plat**

Subdivision Name: **Green Acres Addition, Section 2** Block: **22** Lot: **112**

Current Zoning: **General Retail (GR)** Proposed Zoning (if applicable): **Planned Development Dist. (PDD)**

OWNER AND AUTHORIZATION

Owner Name: **Stephen P. Justice & Amy E. Justice**

Address: **108 Jamestown Road**

City, State, Zip: **Abilene, Texas** Fax: **N/A**

Phone: **N/A** Email: **N/A**

Agent Name: **BJ Prichard - Enprotec / Hibbs & Todd, Inc. (eHT)**

Address: **402 Cedar Street**

City, State, Zip: **Abilene, Texas 79601** Fax: **325-690-3240**

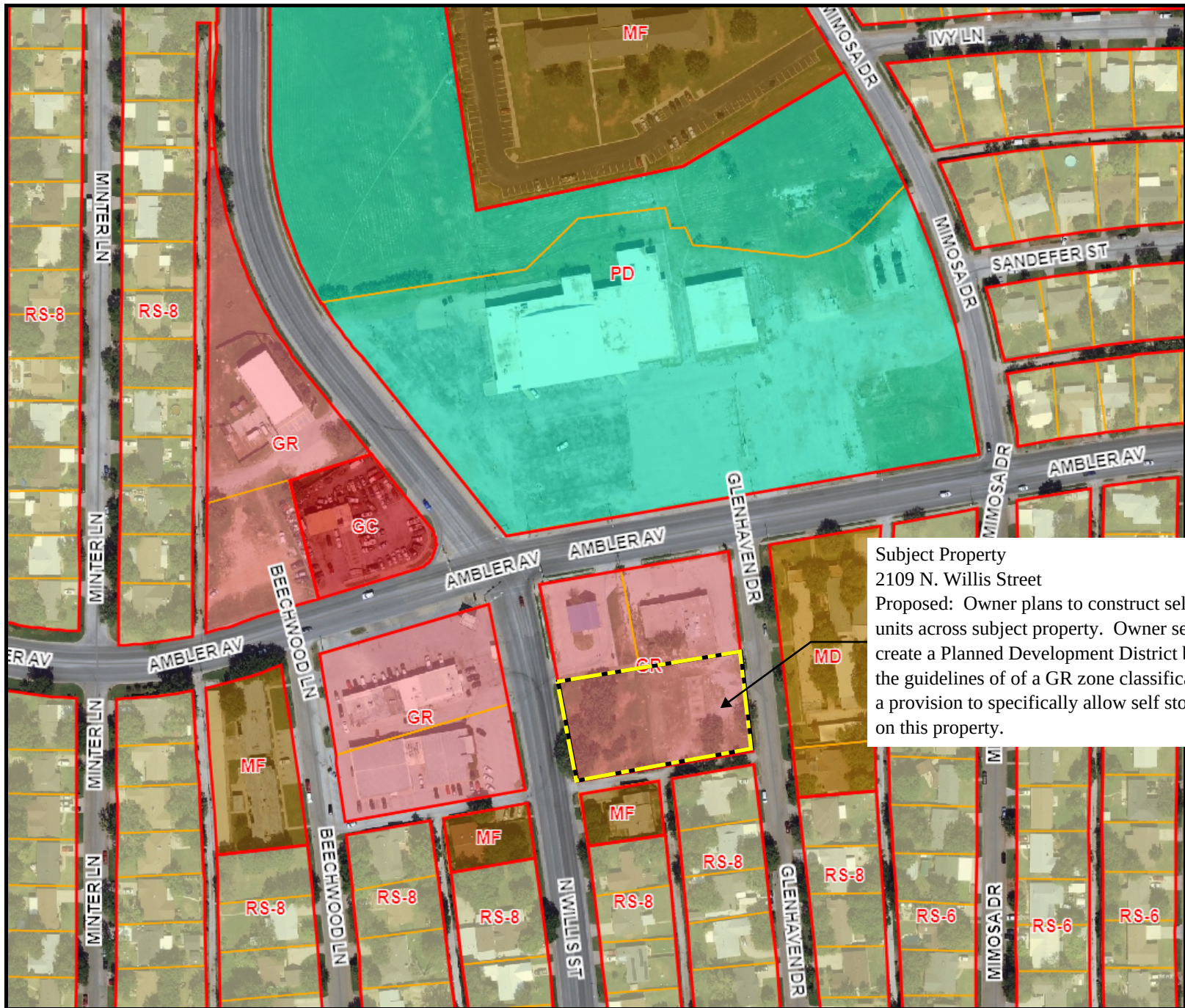
Phone: **325-698-5560** Email: **bj.prichard@e-ht.com**

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

Signature Owner: _____ Date: **4/4/2022**

FOR OFFICE USE ONLY

Received: _____	Fee: \$ _____	Receipt No.: _____
Case No.: _____	Reviewed By: _____	



Subject Property
2109 N. Willis Street
Proposed: Owner plans to construct self-storage units across subject property. Owner seeking to create a Planned Development District based on the guidelines of a GR zone classification with a provision to specifically allow self storage units on this property.

CURRENT PROPERTY ZONING MAP
(ABILENE GIS)

Case:	Z-2022-10
Owner:	Steven & Amy Justice
Agent:	BJ Prichard – Enprotec/Hibbs & Todd, Inc.
Request:	Zoning request from “GR” General Retail to create “PDD 176” with a base zoning of “GR” to allow for self-storage units.
Location:	0.9117 Acres of land at 2109 N. Willis Street.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearings:	1 st : May 26, 2022 2 nd : June 9, 2022

Z-2022-10 LOCATION MAP



Location Map



Legend

- Z-2022-10
- CourierParcels

Z-2022-10 LOCATION MAP



Z-2022-10 ZONING MAP



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
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-2022-10 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Subject Property



Neighboring Property (East)



Neighboring Property (North)



Neighboring Property (West)

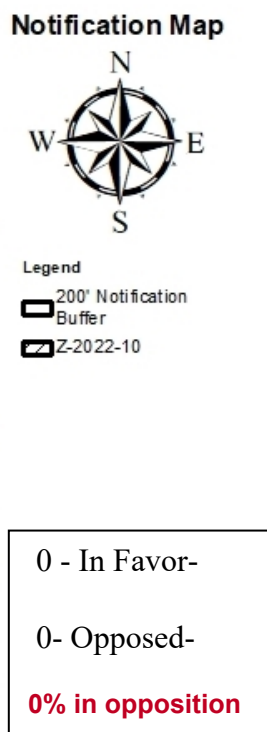


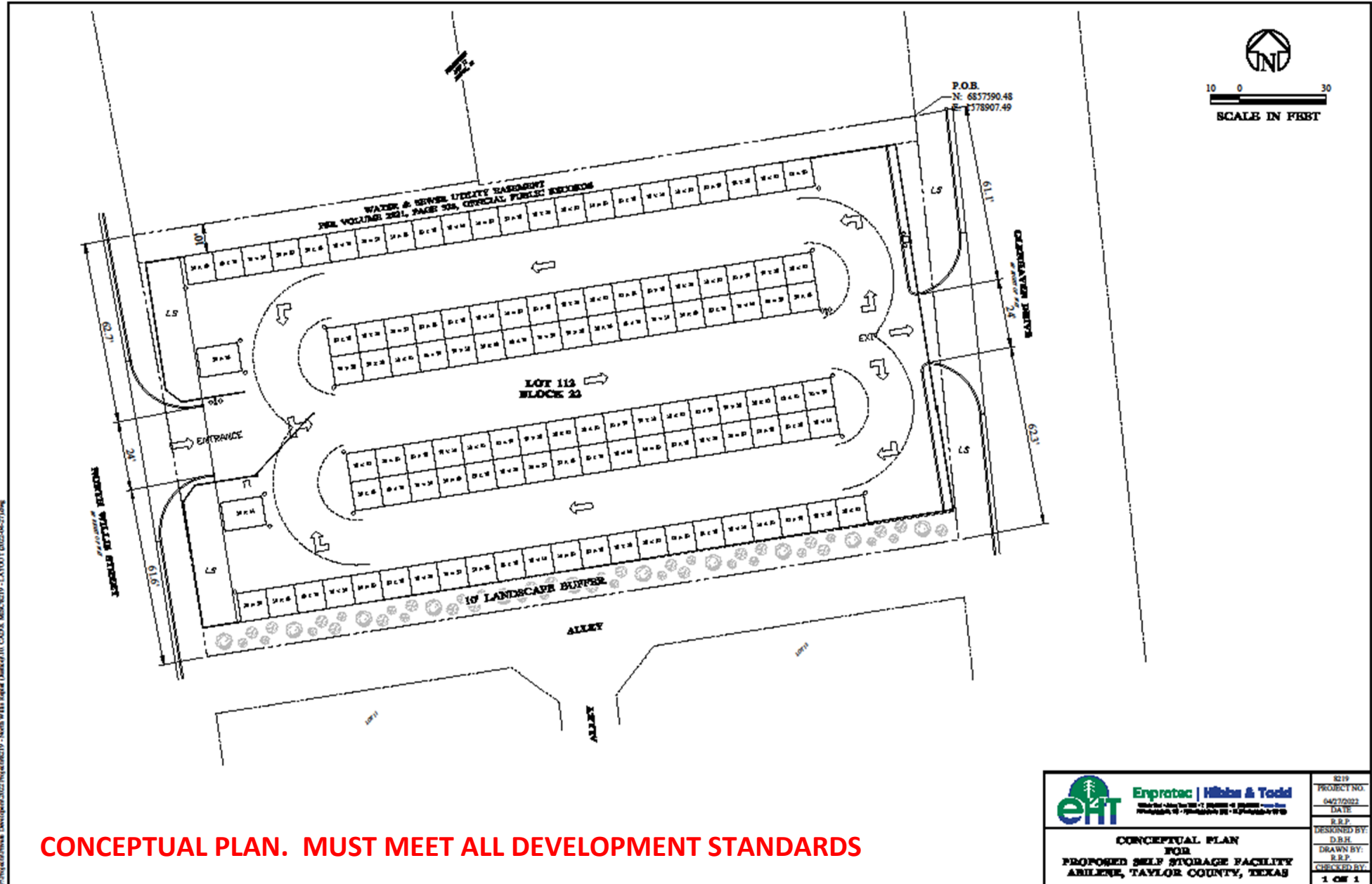
Neighboring Property (South)



Neighboring Property (North)







CONCEPTUAL PLAN. MUST MEET ALL DEVELOPMENT STANDARDS

 Enprotec Hibbs & Todd Enprotec, Inc. 10000 Highway 100, Suite 100, Dallas, TX 75243 Hibbs & Todd, Inc. 10000 Highway 100, Suite 100, Dallas, TX 75243	8219
	PROJECT NO:
	04272022
	DATE
	R.P.P.
DESIGNED BY: D.B.H. DRAWN BY: R.P.P. CHECKED BY:	1 OF 1

- 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)
- P&Z Recommends:
- Staff Recommendation: Staff recommends approval subject to all development standards being complied with.

Questions?

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-176 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 3rd day of May, 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 16th day of April, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers at 555 Walnut St. Abilene, Texas, at 8:30 a.m. on the 9th day of June, 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 9th day of June, 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 General Retail (GR) to Planned Development (PD) District.

PART 5: Legal Description. The legal description of this PD District is as follows: Lot 112, Block 22, Section 2, Green Acres Addition, Abilene, Taylor County, Texas



Location: .909 acres in the 2100 block of N. Willis St. in North Abilene, Taylor County, Texas

PART 6: Purpose. The purpose of this Planned Development District is to allow Storage-self-service units 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, Storage-self-service units shall also be permitted:

1. For the purpose of this ordinance, the term “Storage-self-service units” shall be construed to mean STORAGE, SELF-SERVICE UNITS: {x} Small individual storage units for rent or lease, restricted solely to the storage of items, such as motor vehicles, trailers, boats, bulky household goods, and sundry personal property. There is no conduct of sales, business or any other activity within the individual storage units.

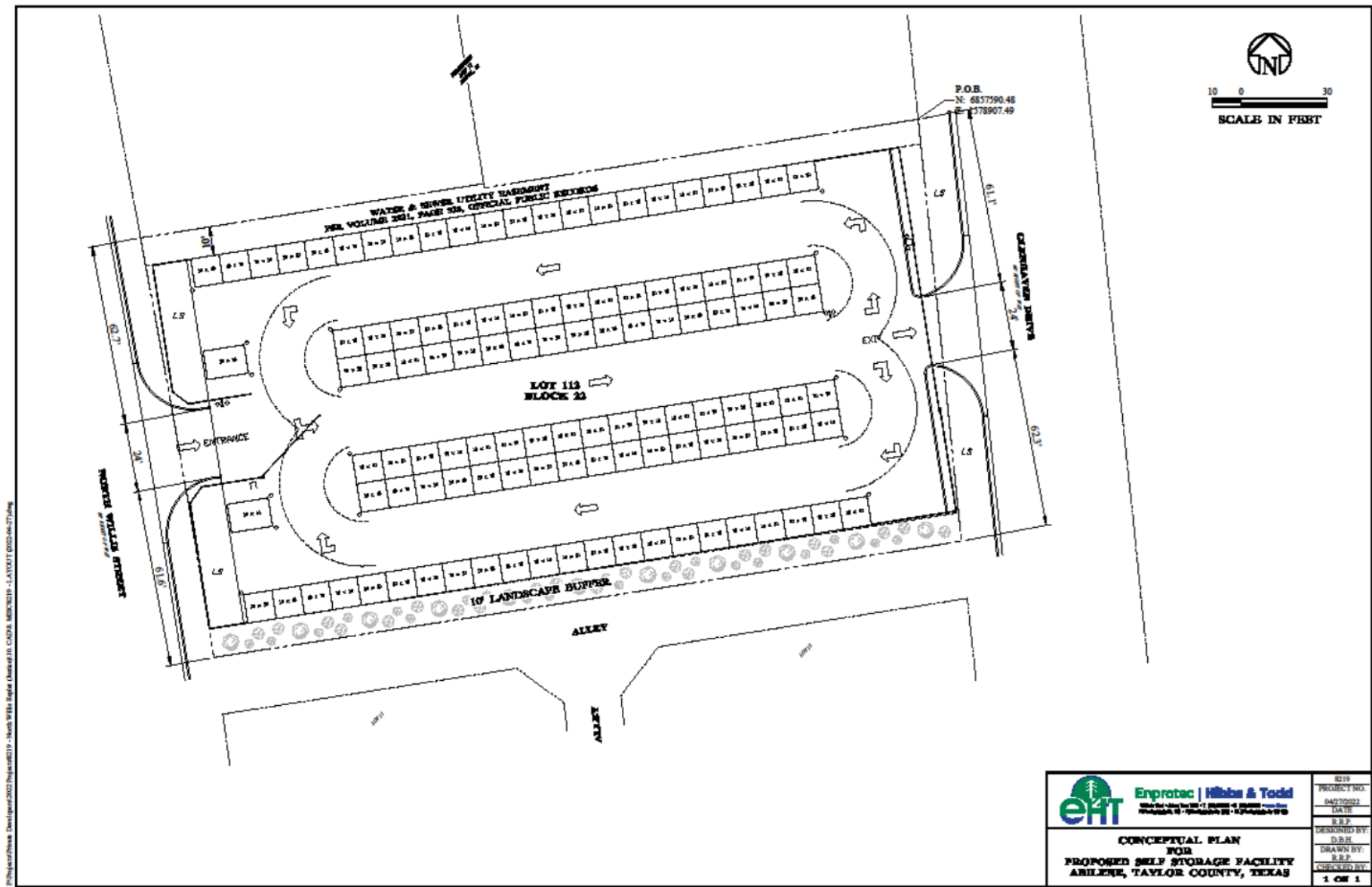
B. Screening Requirements:

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. 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 below.
 - 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 = $\frac{1}{2}$ 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.

ORDINANCE NO. _____

EXHIBIT "B" GRAPHIC CONCEPT PLAN



ZONING CASE Z-2022-11

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: May 3, 2022

City Council 1st Reading: May 26, 2022

City Council 2nd Reading: June 9, 2022

Applicant

Owner: Patrick Cower

Agent: ACI Enterprises Inc.

Request

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

Location

3 acres of vacant land at 4249 Burl Harris Drive, approximately 560 feet South Industrial Boulevard, specifically encompassing the southern portion of lot 508, block B in the Industrial Trade Center Subdivision.

Background

The plat of Industrial Trade Center lot 508 block B was recently approved and recorded on March 25, 2022. The subject property is vacant. The rezone request is to clean up this particular lot where the lot line was moved during the plat process thus creating two zoning districts on one lot.

Zoning, Existing and Proposed Land Use

Current zoning on the tract is split between Heavy Industrial on the south and Heavy Commercial on the north part of the property. Instead of having the property split between two zoning categories the applicant wants to have consistent zoning when they bring forth their site plan for warehouse uses and retail sales. Many of the retail sales uses are excluded in the Heavy Industrial District making it necessary to downzone the portion of the property zoned as Heavy Industrial.

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.

According to the map of Future Land Use and Development in Abilene's Comprehensive Plan, the subject property is located in and adjacent to an area designated as "Community Enhancement Corridor" which are along key arterials that will unify the city, establish a sense of place, and provide enhanced physical and visual links between Activity Centers. This development can facilitate this action.

(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.

While not allowed in Heavy Industrial (HI) Districts, the activities allowed in Heavy Commercial (HC) Districts will not necessarily suffer* from close proximity to HI Districts. Nor will offensive uses allowed exclusively in HI Districts suffer from their close proximity to HC Districts.

(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 appears well-integrated with the City's system of sewer and water utilities.

The subject property also lies adjacent to a paved roadway, albeit a dead end. However, uses allowed in Heavy Commercial Districts (and not also in less-intensive commercial zones) tend to generate lower volumes of consumer traffic. In other words, an automotive repair shop, building contractor or wholesale supplier (all typical of HC Districts) will generate substantially less traffic than do most consumer retail sales. The existing dead-end street may thereby suffice for an indefinite period of time.

(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 approval.

Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on **April 22, 2022, 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

* in property value or user comfort

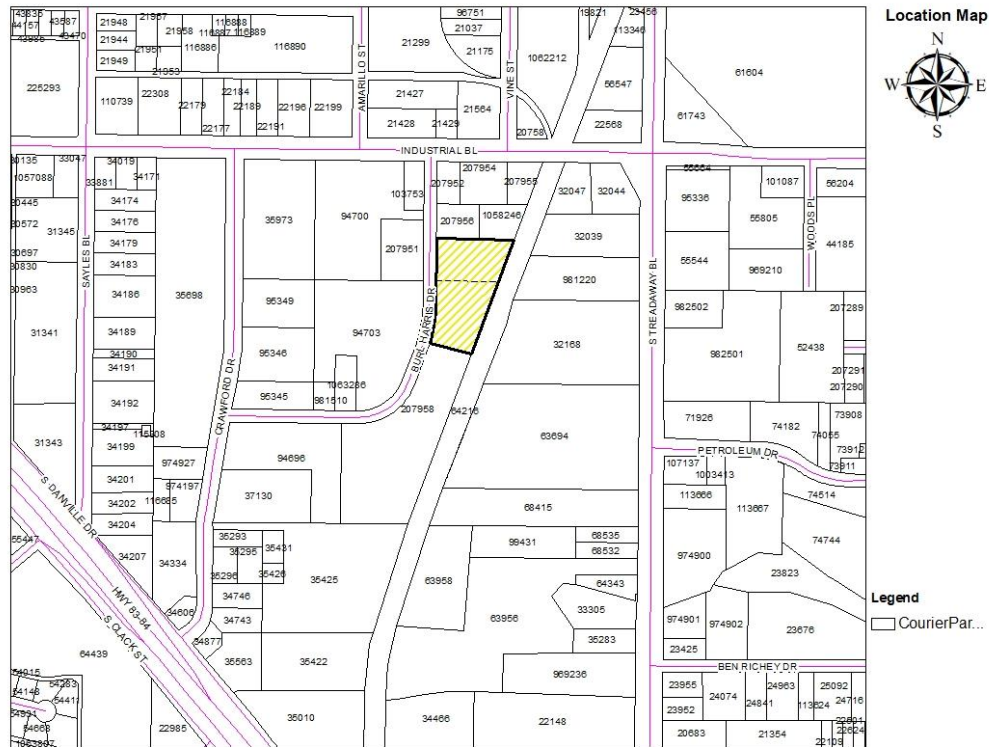
Owner	Property ID	Situs	Response
CHAPPELL JOHN	103753	1885 INDUSTRIAL BL	
GARNAN LLC	207956		
GARNAN LLC	1058246	4249 BURL HARRIS DR	
GARNAN LLC	207952	1845 INDUSTRIAL BL	
GARNAN LLC	207952	1849 INDUSTRIAL BL	
HARPER & LANGHAM ENTERPRISES LLC	32168	4290 S TREADAWAY BL	
HARPER & LANGHAM ENTERPRISES LLC	32168	4290 1/2 S TREADAWAY BL	
HARRIS ACOUSTICS LTD	981220	4266 S TREADAWAY BL	A
MAC DONALD JAMES & KELLY &	207955	1789 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207954	1821 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207954	1825 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207954	1801 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207954	1813 INDUSTRIAL BL	A
PAK HARRIS ENTERPRISES LTD	207954	1829 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94703	4326 BURL HARRIS DR	A
PAK HARRIS ENTERPRISES LTD	207958	4325 BURL HARRIS DR	A
PAK HARRIS ENTERPRISES LTD	94700	2009 INDUSTRIAL BL	A
PAK HARRIS ENTERPRISES LTD	94700	1893 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1969 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1945 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1917 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1961 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1901 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1959 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	2001 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1977 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1953 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1949 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1991 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207951	4250 BURL HARRIS DR	A
PAK HARRIS ENTERPRISES LTD	207951	4266 BURL HARRIS DR	
PAK HARRIS ENTERPRISES LTD	207951	1939 INDUSTRIAL BL	
RGP ENTERPRISES INC	32047	1773 INDUSTRIAL BL	
UNION PACIFIC SYSTEM	64216		
WESTAIR GAS & EQUIPMENT LP	32039	4258 S TREADAWAY BL	

Attachments

Application

PowerPoint Presentation

LOCATION MAP



ZONING MAP



Case:	Z-2022-11
Owner:	Patrick & Tamara Cowen
Agent:	ACI Enterprises Inc.
Request:	Zoning request from “HI” Heavy Industrial to “HC” Heavy Commercial.
Location:	3.0 Acres of land at 4249 Burl Harris Drive.
Notification:	6 in Favor, 0 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearings:	1 st : May 26, 2022 2 nd : June 9, 2022

ArcGIS Web Map



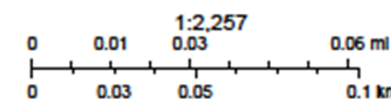
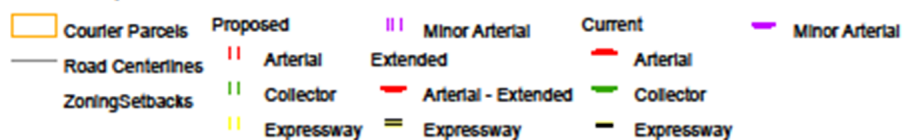
Location Map



Legend

Courier Parcels

4/21/2022, 5:00:33 PM

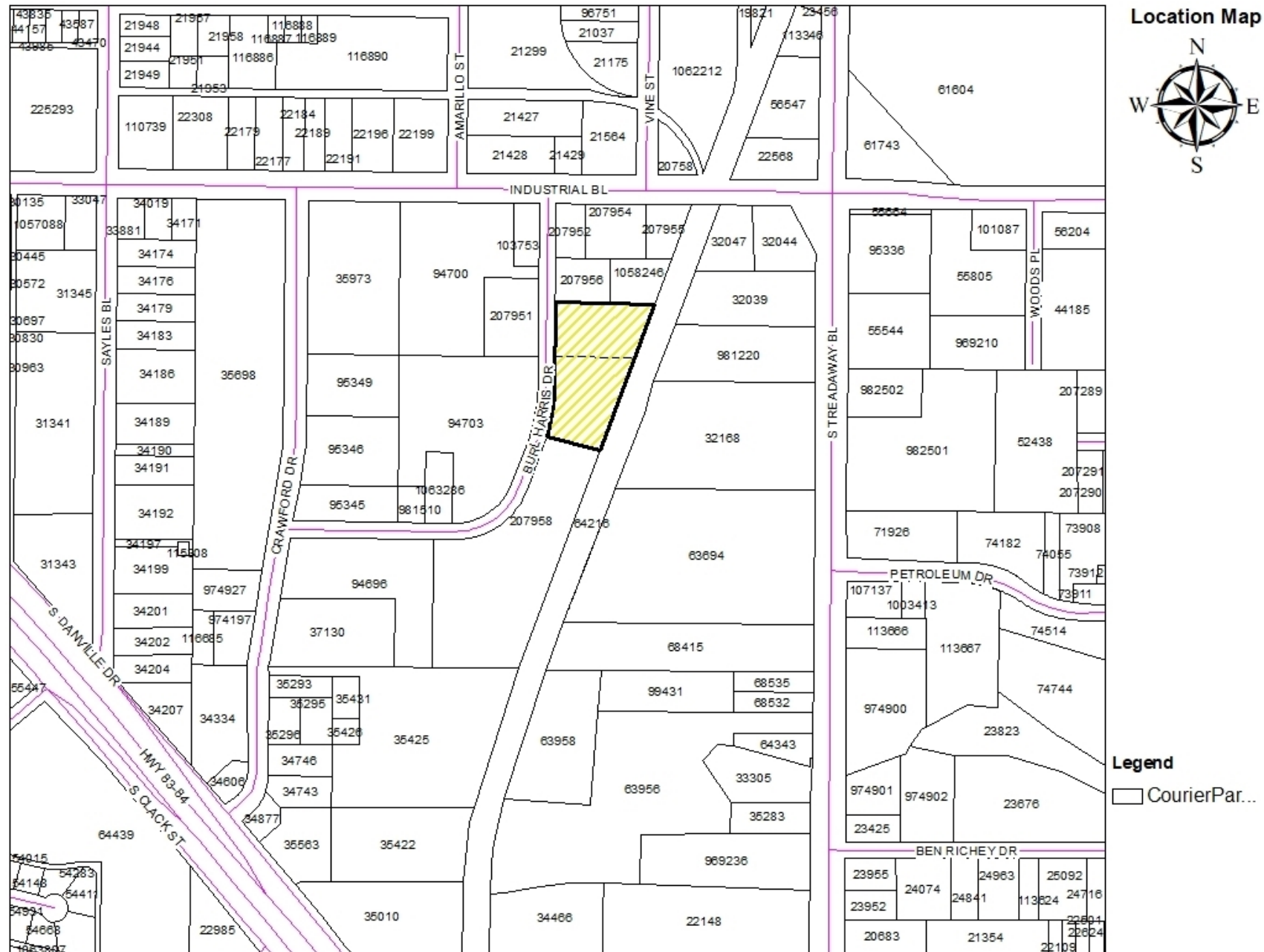


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri

ArcGIS Web AppBuilder

City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

Z-2022-11 LOCATION MAP



Z-2022-11 ZONING MAP



Permitted Uses in HC Zoning

RESIDENTIAL USES:

C Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

P Accessory Structure (Also see Division 4 of this article)
P Antenna, Non-Commercial/Amateur
P ATM's, Self-Serve Kiosks, and Similar Facilities
P Drive-Through Facility
TP Field Office or Construction Office (temporary)
P Freight Container
P Fuel Sales
TP Itinerant Business
P Manufacturing (incidental)
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TP Mobile Home (temporary security residence)
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C Adult Entertainment Enterprise
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P Cultural Facilities
P Drive-in Theater
C Motorized Racing
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P Recreation and Commercial Entertainment - Indoor

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

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

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

Subject Property



Neighboring Property (Northwest)



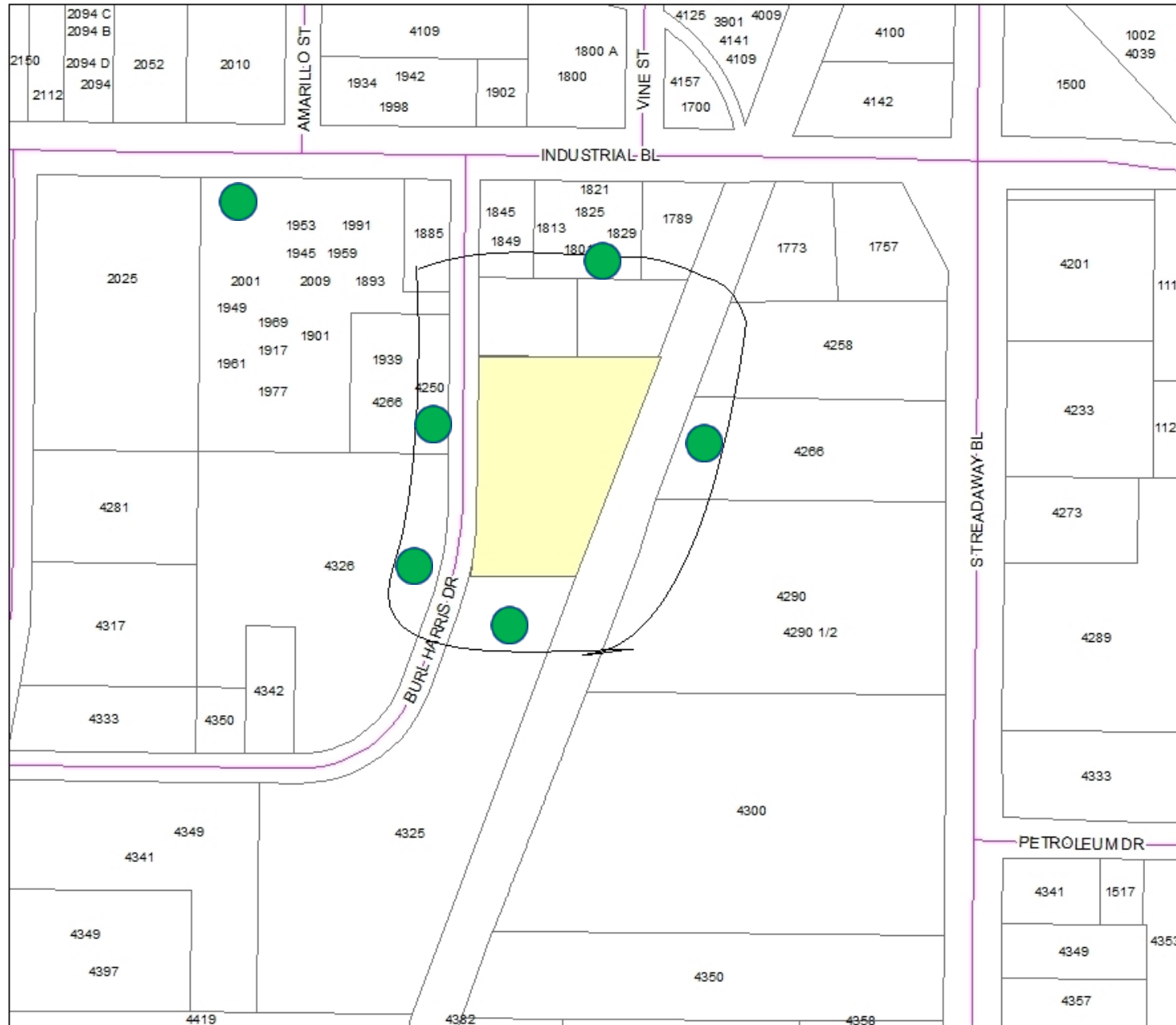
Neighboring Property (North)



Neighboring Property (West)



Z-2022-11 NOTIFICATION AREA MAP



Location Map



Legend

Z-2022-11 
200' Notification Buffer



6 - In Favor-

0- Opposed-

0% in 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)
- P&Z Recommends:
- Staff Recommendation: Staff recommends approval.

Questions?

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTY; 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 26th day of May, 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 15th day of April, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers of the City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 9th day of June, 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 FINAL READING THIS 9th day of June, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY



Development Application

Planning

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

Project Name: The Shootin Shop LLC / Caroline Colt Company
 Address: 4249 Burl Harris No. of lots: 1 Acreage: 3
 Legal Description: See Attachment
 Subdivision Name: Industrial Trade Center Block: B Lot: 508
 Current Zoning: Light Industrial Proposed Zoning (if applicable): Heavy Commercial

OWNER AND AUTHORIZATION

Owner Name: Patrick Cowen
 Address: 4409 Crawford Dr
 City, State, Zip: Abilene, TX, 79602 Fax: 325-704-5430
 Phone: 325-704-5426 Email: PCOW420@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) ACI Enterprises will act as my agent before the Planning and Zoning Commission.

Agent Name: ACI Enterprises INC.
 Address: 1233 D Tracy Lynn St
 City, State, Zip: Abilene, TX, 79601 Fax: _____
 Phone: 325-676-5751 Email: Contact@aci-ent.net

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: Patrick Cowen Date: 4-1-2022

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____
 Case No.: _____ Reviewed By: _____



Development Application

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

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

Zoning Changes in middle of property



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: Arzon Clark DATE: 4-1-2022



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

PAK HARRIS ENTERPRISES LTD
PO BOX 5615
ABILENE, TX 79608-5615

NOTICE OF PUBLIC HEARING

RE: Conditional Use Permit Application Number Z-2022-11

04/20/2022

The Planning and Zoning Commission will hold a public hearing on **May 3, 2022 at 1:30 PM**, in an auditorium at the South Branch of the Abilene Public Library located in Suite 1246 at the Mall of Abilene, 4310 Buffalo Gap Road in Abilene, Texas, to recommend approval or denial to City Council on a request from Patrick Cowen to change zoning from Light Industrial (LI) to Heavy Commercial (HC) on approximately 3 acres at the 4200 block of Burl Harris Dr. Legal description being Lot 508, Block B, Industrial Trade Center, Abilene in Taylor County, Texas.

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

The attached map shows the area of this request. Only the area highlighted by striped lines shown on that map is being considered for a change of zoning. The solid boundary line surrounding this subject area is only a notification area. If approved by the Planning and Zoning Commission, or if denied and promptly appealed to Abilene's City Council, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **June 9, 2022 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2022-11

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

Name: PAK HARRIS ENTERPRISES LTD

Parcel I.D.: 207951

Address: 4250 BURL HARRIS DR

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

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: _____

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

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



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

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Name: PAK HARRIS ENTERPRISES LTD

Parcel I.D.: 207958

Address: 4325 BURL HARRIS DR

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

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: _____

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

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CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

PAK HARRIS ENTERPRISES LTD
PO BOX 5615
ABILENE, TX 79608-5615

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Name: PAK HARRIS ENTERPRISES LTD

Parcel I.D.: 207954

Address: 1821 INDUSTRIAL BL

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

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: 

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

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



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

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Name: PAK HARRIS ENTERPRISES LTD
Parcel I.D.: 94703
Address: 4326 BURL HARRIS DR

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

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: _____

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

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CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

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Name: PAK HARRIS ENTERPRISES LTD

Parcel I.D.: 94700

Address: 2009 INDUSTRIAL BL

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

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments

Signature: _____

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

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CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HARRIS ACOUSTICS LTD
PO BOX 5615
ABILENE, TX 79608-5615

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Name: HARRIS ACOUSTICS LTD

Parcel I.D.: 981220

Address: 4266 S TREADAWAY BL

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

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: _____

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

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

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING CERTAIN PROPERTY; 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 approving a Conditional Use Permit (CUP) 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 26th day of May, 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 16th day of April, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers in City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 9th day of June, 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 FINAL READING THIS 9th day of June, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Conditional Use Permit (CUP) to allow Automobile Repair and Maintenance Services-Minor on the following described property in a Central Business (CB) zoning district with the conditions as follows:

Condition:

1. No outside storage of parts or non-functioning vehicles shall be permitted.

Lot 8 of block 130 within the Original Town of Abilene subdivision.



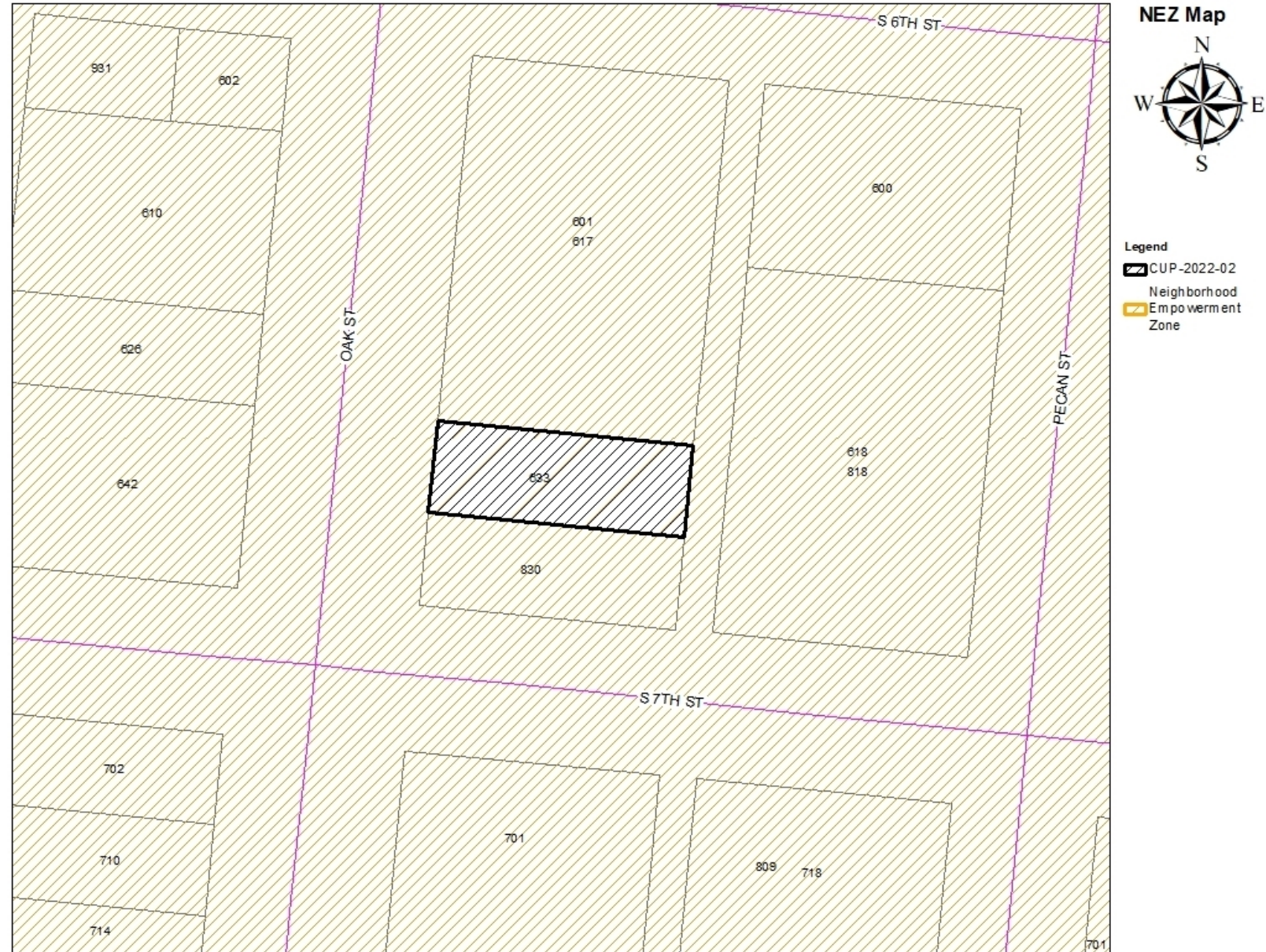
-END-

Case:	CUP-2022-02
Owner:	Sunshine 9 Properties, LLC
Agent:	Clint Cheek
Request:	Condition Use Permit to allow Automobile repair and maintenance services (minor).
Location:	0.1607 Acres of land at 633 Oak Street.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearings:	1 st : May 26, 2022 2 nd : June 9, 2022



CUP-2022-02 LOCATION MAP







Permitted Uses in CB Zoning

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single-Family Detached
- 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
- C Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Fuel Sales
- P Garage Sale
- 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 Subdivision Sales Office (Temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- C Travel Trailers (accessory to hospitals)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

- P Funeral Home/ Mortuary/Morgue
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- P Printing, Copying, Reproduction, Publishing
- C Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Storage - Self-Service Units
- C Tattoo Parlor*
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- P ATM's, Self-Serve Kiosks, and Similar Facilities
- 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)

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- 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

Subject Property



Neighboring Property (South)



Neighboring Property (Southwest)



Neighboring Property (North)



Neighboring Property (West)



CUP-2022-02 NOTIFICATION AREA MAP



- 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)
- P&Z Recommends:
- Staff Recommendation: Staff recommends approval with the condition that no outdoor storage of parts or non-functioning vehicles be permitted.

Questions?

ZONING CASE CUP-2022-02

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: May 3, 2022

City Council 1st Reading: May 26, 2022

City Council 2nd Reading: June 9, 2022

Applicant

Owner: Sunshine 9 Properties, LLC

Agent: Clint Cheek

Request

Add a Conditional Use Permit (CUP) to permit Automobile repair and maintenance services (minor) on .16 acres of vacant property zoned Central Business (CB).

Location

633 Oak St. (Lot 8, Block 130, OT Abilene Subdivision)

Background

This zone change request incorporates one lot of the Original Town of Abilene Subdivision; originally platted in 1881, This lot has been zoned as Central Business since adopting zoning in 1974.

According to information provided within the application, the owner intends to establish a motorcycle repair shop within the subject property. Prior to 2010, automobile repair and maintenance services were permitted in a CB district by right. In 2010, a new Land Development Code (LDC) was adopted to permit Automobile repair and maintenance services (minor) with specific requirements in CB districts with the approval of a Conditional Use Permit (CUP).

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the subject property's immediate area are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of Central District to the North, East, West, and immediate South. Further south is a Heavy Commercial District. Current land use for adjacent properties are a contractor's service to the North, an automobile repair shop to the South, a restaurant to the West, and an automotive detailing shop to the East.

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 Central Business/Local Center. The Comprehensive Plan encourages infill and redevelopment of existing 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

Yes, Central Business (CB) Districts are intended to accommodate a wide range of retail trade, services and activities that are needed to serve the community. This district is designed to discourage warehousing and manufacturing and other uses which tend to generate heavy traffic or require open storage of materials.

It is the opinion of staff that the inclusion of purpose and intent of the applicable zoning district regulations to permit Automobile repair and maintenance services (minor) within a CB district with the approval of a conditional use permit accomplishes this criteria for approval.

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 as there are multiple automotive repair services to the North, South, and East.

It is the opinion of staff that the proposed use of this site will not create adverse impacts regarding noise or odors. This use proposed is expected to be of similar intensity or less than adjacent automotive repair facilities to the South.

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. South 7th is a minor arterial and Oak St. is a collector which are designed to carry heavy traffic. Traffic impacts will be mitigated as the infrastructure is already in place.

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.

Currently, no roadway adjustments, traffic control devices or mechanisms are requiring. However, the proposed use will incorporate access restrictions (driveway spacing standards) to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets. The subject properties currently have access to existing utilities and public amenities adequate for the proposed uses. This request presents no apparent conflicts with existing or proposed plans for community facilities and related infrastructure.

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

A Land-use buffer is not required for this site. All repairs are required to be indoors which will mitigate any adverse effects of the proposed use.

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 are necessary to render the use compatible with adjoint development and the neighborhood.

Staff Recommendation

Staff recommends approval with the condition that no outdoor storage of parts or non-functioning vehicles be permitted.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 21, 2022 (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.

Attachments

Application

Conceptual Plan

Owner	Property ID	Situs	Response
ABILENE INDUSTRIAL SERVICES INC	1015070	718 PECAN ST	
ABILENE INDUSTRIAL SERVICES INC	1015070	809 S 7TH ST	
CLARK JIM DBA	39804	702 OAK ST	
CORPIAN GARY LEE	53112	617 OAK ST	
CORPIAN GARY LEE	53112	601 OAK ST	
GAMA MARIBEL AREVALO	51160	642 OAK ST	
PHILLIPS DAVID	52307	618 PECAN ST	
PHILLIPS DAVID	52307	818 S 7TH ST	
RISTER PHILIP & MARY	52587	830 S 7TH ST	
RV HIDEOUT LLC	50776	610 OAK ST	
RV HIDEOUT LLC	50505	602 OAK ST	
SIMONS TOMMY	52389	701 OAK ST	
SUMRALL CALVIN L	51038	626 OAK ST	
SUNSHINE 9 PROPERTIES LLC	1083856	633 OAK ST	
TAYLOR COUNTY	52189	600 PECAN ST	

Prop ID			
Owner	Property ID	Situs	Response
CLARK JIM DBA	39804	702 OAK ST	
RV HIDEOUT LLC	50505	602 OAK ST	
RV HIDEOUT LLC	50776	610 OAK ST	
SUMRALL CALVIN L	51038	626 OAK ST	
GAMA MARIBEL AREVALO	51160	642 OAK ST	
TAYLOR COUNTY	52189	600 PECAN ST	
PHILLIPS DAVID	52307	618 PECAN ST	
PHILLIPS DAVID	52307	818 S 7TH ST	
SIMONS TOMMY	52389	701 OAK ST	
RISTER PHILIP & MARY	52587	830 S 7TH ST	
CORPIAN GARY LEE	53112	617 OAK ST	
CORPIAN GARY LEE	53112	601 OAK ST	
ABILENE INDUSTRIAL SERVICES INC	1015070	718 PECAN ST	
ABILENE INDUSTRIAL SERVICES INC	1015070	809 S 7TH ST	
SUNSHINE 9 PROPERTIES LLC	1083856	633 OAK ST	

ZONING MAP



LOCATION MAP



ZONING CASE CUP-2022-05

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: May 3, 2022

City Council 1st Reading: May 26, 2022

City Council 2nd Reading: June 9, 2022

Applicant

Owner: Robert "Lucas" Gibbs

Agent: Robert "Lucas" Gibbs

Request

Add a Conditional Use Permit (CUP) to approximately .16 acres of vacant property zoned Central Business (CB) to allow for inside storage of materials not related to retail sales.

Location

149 Oak St. (Lot 17-18, Block 4, OT Abilene Subdivision)

Background

This zone change request incorporates two lots of the Original Town of Abilene Subdivision; originally platted in 1881, This lot has been zoned as Central Business since adopting zoning in 1974.

According to information provided within the application, the owner intends to establish a residential design/building firm within the subject property and would like to use a new addition to the building as storage. Storage is allowed when used for retail sales inventory.

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the subject property's immediate area are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of Central District to the North, East, West, and South. Further East is a Light industrial district where wholesaling and storage-indoor is allowed by right. Current land use for adjacent properties are a dance studio to the North, a church to the South, and restaurants to the East.

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 Central Business/Local Center. The Comprehensive Plan encourages infill and redevelopment of existing 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

Yes, Central Business (CB) Districts are intended to accommodate a wide range of retail trade, services and activities that are needed to serve the community. The applicant intends to use the proposed business as a residential design firm and a furniture shop and requires the CUP to allow for storage of materials pertaining to residential design and furniture.

It is the opinion of staff that the inclusion of purpose and intent of the applicable zoning district regulations to permit within a CB district with the approval of a conditional use permit accomplishes this criteria for approval.

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 staff that the proposed use of this site will not create adverse impacts regarding noise or odors. This use proposed is expected to be of similar intensity or less than adjacent restaurants to the East.

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. Oak St. is a collector which is designed to carry heavier traffic. Traffic impacts will be mitigated as the infrastructure is already in place.

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.

Currently, no roadway adjustments, traffic control devices or mechanisms are required. However, the proposed use will incorporate access restrictions (driveway spacing standards) to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets. The subject properties currently have access to existing utilities and public amenities adequate for the proposed uses. This request presents no apparent conflicts with existing or proposed plans for community facilities and related infrastructure.

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

A Land-use buffer is not required for this site. All repairs are required to be indoors which will mitigate any adverse effects of the proposed use.

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 are necessary to render the use compatible with adjoint development and the neighborhood.

Staff Recommendation

Staff recommends approval with the condition that no outdoor storage be permitted and to allow up to 50% percent of building to be used as storage.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on April 21, 2022 (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.

Owner	Property ID	Situs	Response
	1060912	214 PECAN ST	
	1060910	202 PECAN ST	
	1060911	208 PECAN ST	
BDST INVESTMENTS LLC	58259	141 OAK ST	
BDST INVESTMENTS LLC	58259	141 1/2 OAK ST	
BDST INVESTMENTS LLC	58259	822 S 2ND ST	
BLAY FAMILY LLC	58659	126 PECAN ST	
BLAY FAMILY LLC	57419	801 S 1ST ST	
CITY OF ABILENE	101038		
GIBBS LUCAS	58400	149 OAK ST	
MATERA GARDENS LLC	57538	101 OAK ST	
MATERA GARDENS LLC	57538	833 S 1ST ST	
NORTH FIRST COMM CHURCH OF ABILENE	70726	221 OAK ST	
SMITH TIMOTHY R & PAMELA K	70235	817 S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806 S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806A S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806B S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806C S 2ND ST	
T&P ARBOR LLC	58127	137 OAK ST	
T&P ARBOR LLC	58127	137 B OAK ST	
TAYLOR COUNTY	70112	300 OAK ST	
WHITENER FAMILY LIMITED PTSH 1	57132	901 S 1ST ST	
WHITENER FAMILY LIMITED PTSH 1	57132	901 1/2 S 1ST ST	
Owner	Property ID	Situs	Response
WHITENER FAMILY LIMITED PTSH 1	57132	901 S 1ST ST	
WHITENER FAMILY LIMITED PTSH 1	57132	901 1/2 S 1ST ST	
BLAY FAMILY LLC	57419	801 S 1ST ST	
MATERA GARDENS LLC	57538	101 OAK ST	
MATERA GARDENS LLC	57538	833 S 1ST ST	
T&P ARBOR LLC	58127	137 OAK ST	
T&P ARBOR LLC	58127	137 B OAK ST	
BDST INVESTMENTS LLC	58259	141 OAK ST	
BDST INVESTMENTS LLC	58259	141 1/2 OAK ST	
BDST INVESTMENTS LLC	58259	822 S 2ND ST	
GIBBS LUCAS	58400	149 OAK ST	
SODA DISTRICT WAREHOUSE LLC	58531	806 S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806A S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806B S 2ND ST	
SODA DISTRICT WAREHOUSE LLC	58531	806C S 2ND ST	
BLAY FAMILY LLC	58659	126 PECAN ST	
TAYLOR COUNTY	70112	300 OAK ST	
SMITH TIMOTHY R & PAMELA K	70235	817 S 2ND ST	
NORTH FIRST COMM CHURCH OF ABILENE	70726	221 OAK ST	
CITY OF ABILENE	101038		
	1060910	202 PECAN ST	
Case # CUP-2022-05 May 3 rd , 2022	1060911	208 PECAN ST	
	1060912	214 PECAN ST	

ZONING MAP



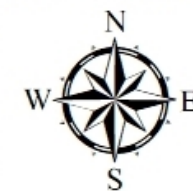
LOCATION MAP



Case:	CUP-2022-05
Owner:	Robert “Lucas” Gibbs
Agent:	Robert “Lucas” Gibbs
Request:	Condition Use Permit to allow for storage space for the items needed for a residential design/build firm not related to retail sales.
Location:	0.1607 Acres of land at 149 Oak Street.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearings:	1 st : May 26, 2022 2 nd : June 9, 2022



Location Map



Legend

- CUP-2022-05
- CourierParcels

CUP-2022-05 LOCATION MAP







Permitted Uses in CB Zoning

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single-Family Detached
- 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
- C Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Fuel Sales
- P Garage Sale
- 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 Subdivision Sales Office (Temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- C Travel Trailers (accessory to hospitals)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

- P Funeral Home/ Mortuary/Morgue
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- P Printing, Copying, Reproduction, Publishing
- C Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Storage - Self-Service Units
- C Tattoo Parlor*
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- P ATM's, Self-Serve Kiosks, and Similar Facilities
- 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)

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- 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

Subject Property



Subject Property Looking East



Neighboring Property (East)



Neighboring Property (North)



Neighboring Property (West)



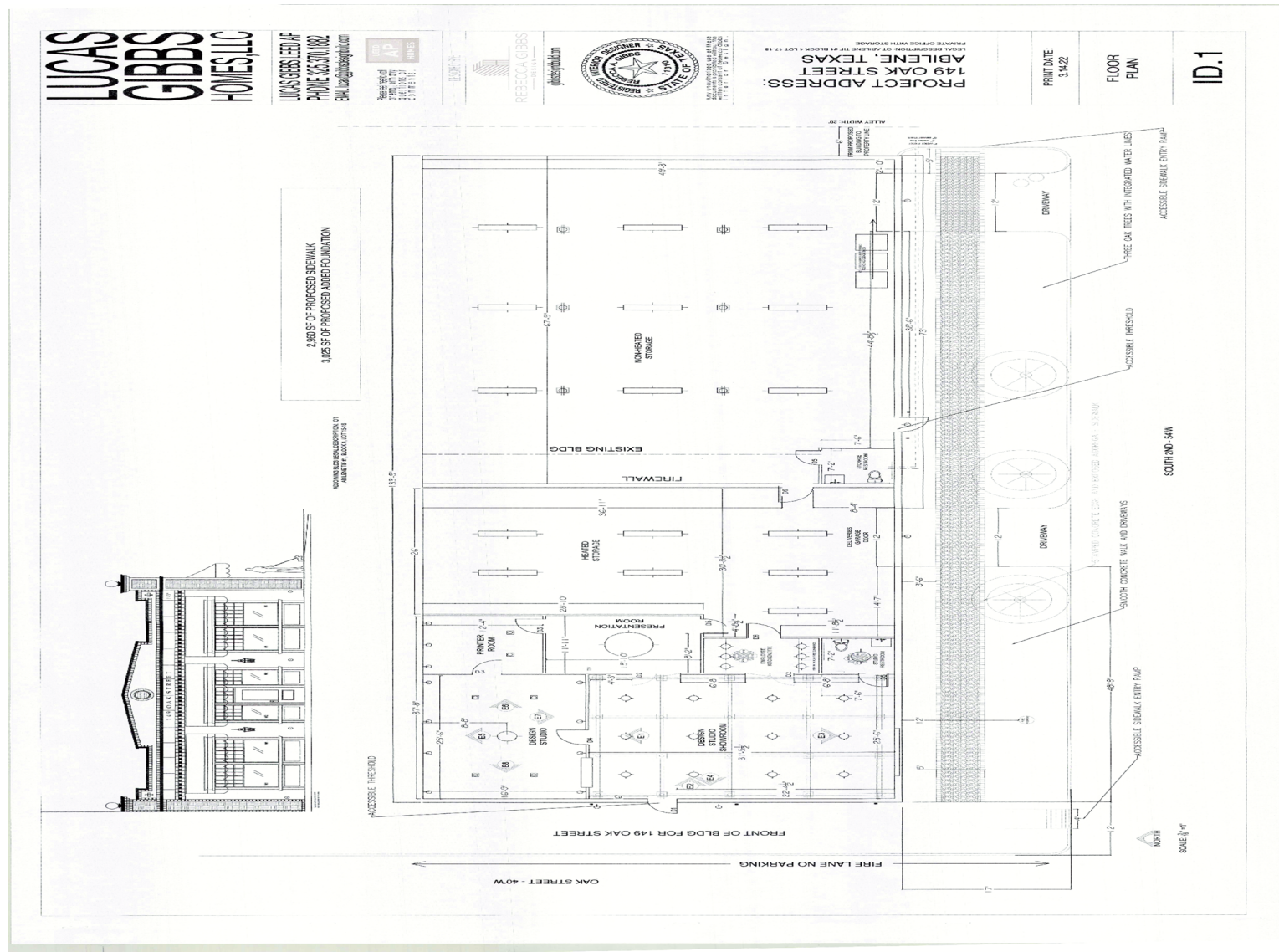
Subject Property Looking South



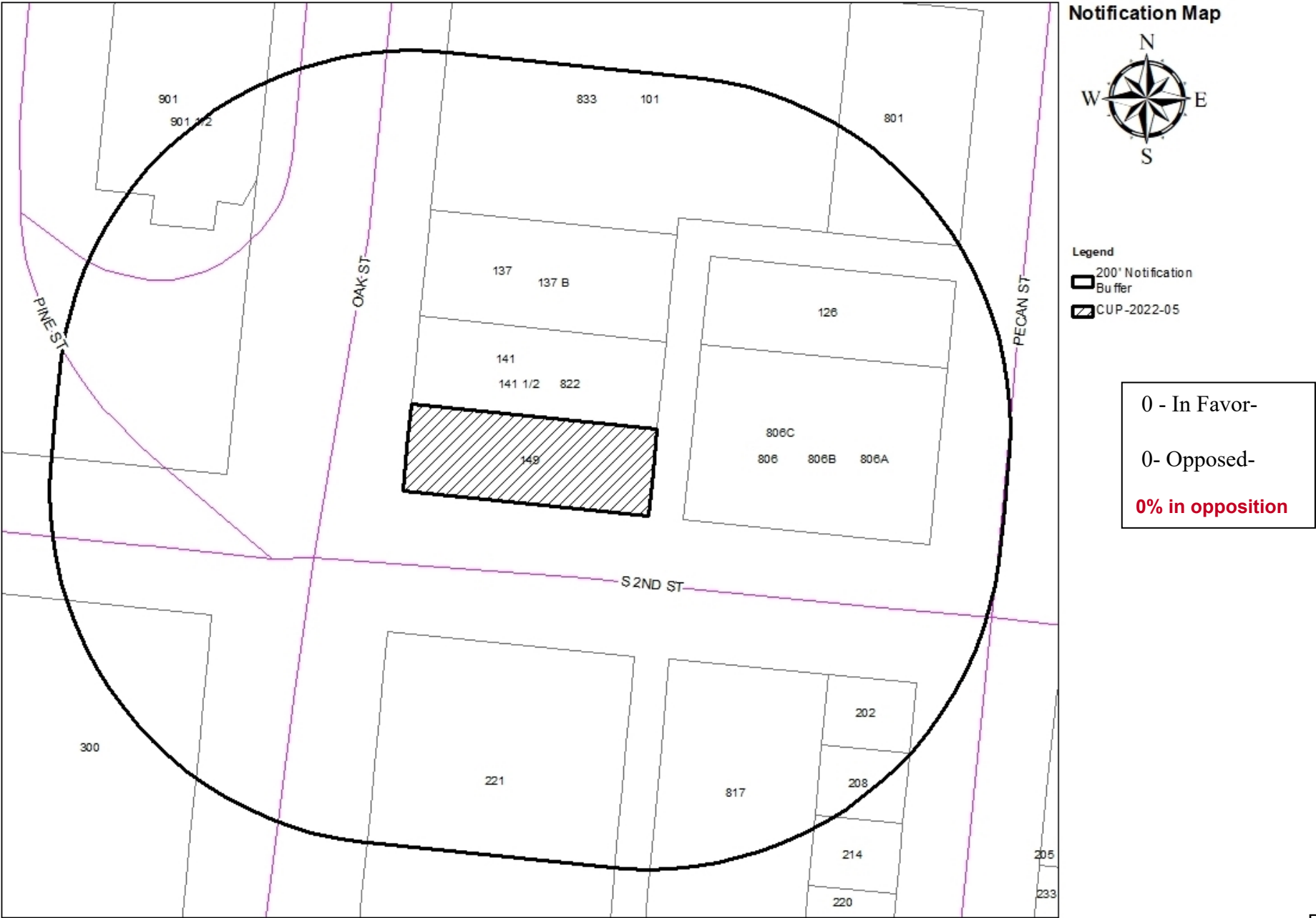
Neighboring Property (East)



- Site Plan



CUP-2022-05 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)
- P&Z Recommends:
- Staff Recommendation: Staff recommends approval.

Questions?



Development Application

Planning

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

Project Name: Oak Street Shoppe
Address: 149 Oak No. of lots: 2 ^{* Being replatted into one currently by Estes Surveying} Acreage: .1607
Legal Description: OT ABILENE TIF#1, BLOCK 4, LOT 17-18 Property ID: 58400
Subdivision Name: Downtown South Block: 4 Lot: 17-18
Current Zoning: CB Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: Robert "Lucas" Gibbs
Address: 6742 Goodnight Loving Tr
City, State, Zip: Abilene, Tx 79606 Fax: _____
Phone: (325) 370-1882 Email: gibbs.lucas@gmail.com

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

Agent Name: _____
Address: _____
City, State, Zip: _____ Fax: _____
Phone: _____ 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: Robert J Gibbs Date: 4/19/22

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____
Case No.: _____ Reviewed By: _____

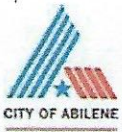


Development Application

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

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

Additional space being added on to an existing building and cladding entirety in masonry. Storage space needed for the items pertaining to a residential Design/Build firm. Will have front facing (Oak St.) public design studio, retail/furniture shop. Improvement to existing structure to make it look like an old brick building that has always been there.
Note: Currently being replatted from 2 to 1 lots by Estes Surveying.



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: Rolf J. Zell DATE: 4/19/22

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING CERTAIN PROPERTY; 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 approving a Conditional Use Permit (CUP) 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 26th day of May, 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 16th day of April, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers in City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 9th day of June, 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 FINAL READING THIS 9th day of June, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Conditional Use Permit (CUP) to allow Automobile Repair and Maintenance Services-Minor on the following described property in a Central Business (CB) zoning district with the conditions as follows:

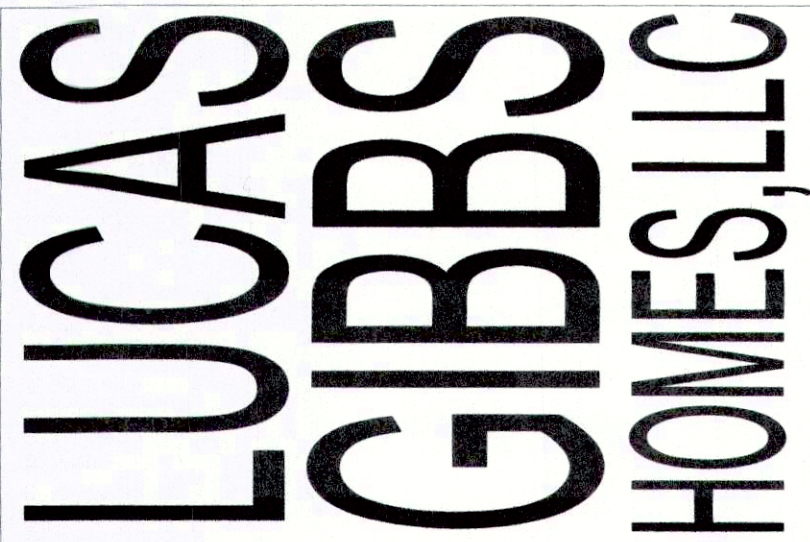
Condition:

1. No outside storage of parts or non-functioning vehicles shall be permitted.

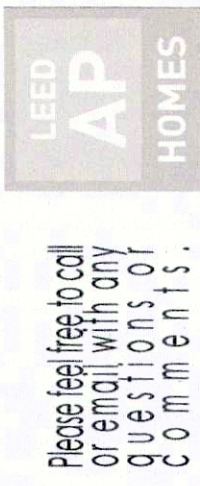
Lot 8 of block 130 within the Original Town of Abilene subdivision.



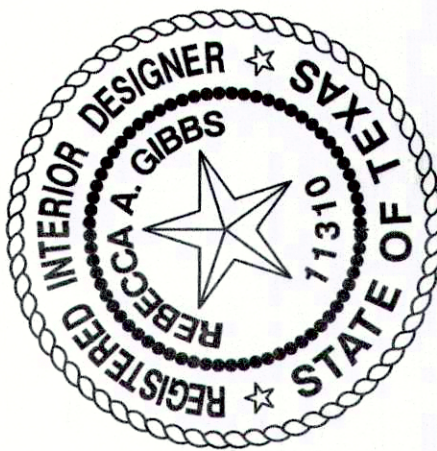
-END-



LUCAS GIBBS, LEED AP
PHONE 325.370.1882
EMAIL lucas@gibbsdesignbuild.com



gibbsdesignbuild.com



Any unauthorized use of these documents is prohibited without the written consent of Rebecca Gibbs Interior Design.

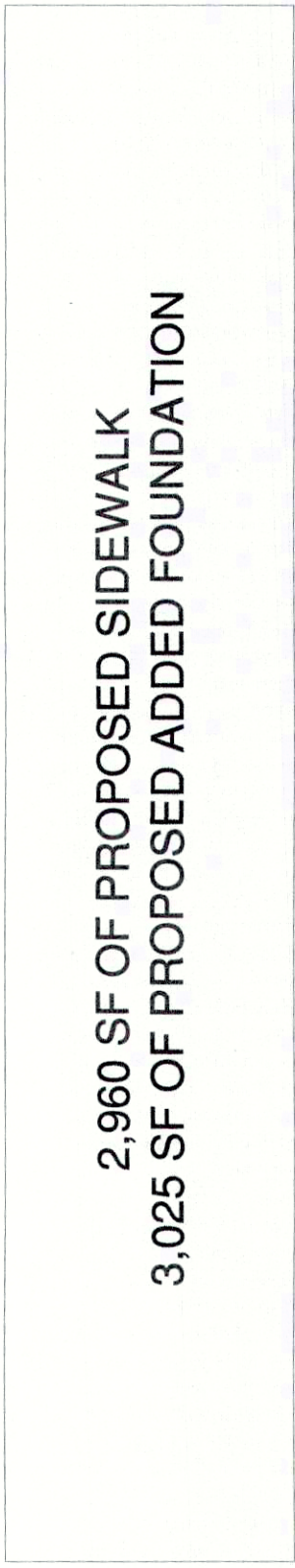
PROJECT ADDRESS:
149 OAK STREET
ABILENE, TEXAS
LEGAL DESCRIPTION: OT ABILENE TIF #1 BLOCK 4 LOT 17-18
PRIVATE OFFICE WITH STORAGE

LEGAL DESCRIPTION: OT ABILENE TIF #1 BLOCK 4 LOT 17-18
PRIVATE OFFICE WITH STORAGE

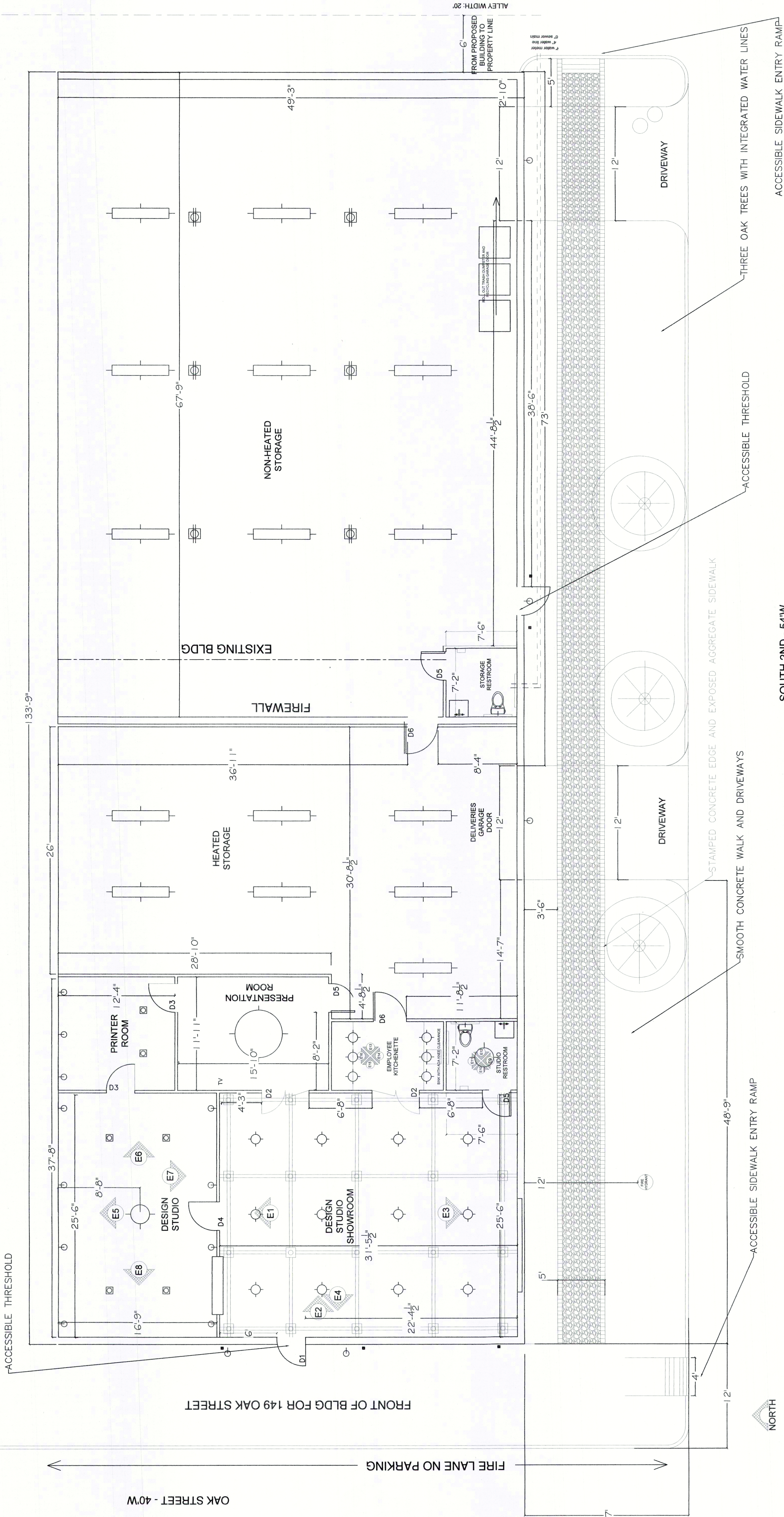
PRINT DATE:
3.14.22

FLOOR
PLAN

ר.מ.



ADJOINING BLDG LEGAL DESCRIPTION: OT
ABILENE TIF #1, BLOCK 4, LOT 15-16



SOUTH 2ND - 54"W



SCALE: $\frac{3}{16}'' = 1'$

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING CERTAIN PROPERTY; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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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 26th day of May, 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 16th day of April, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Abilene City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 9th day of June, 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 FINAL READING THIS 9th day of June, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

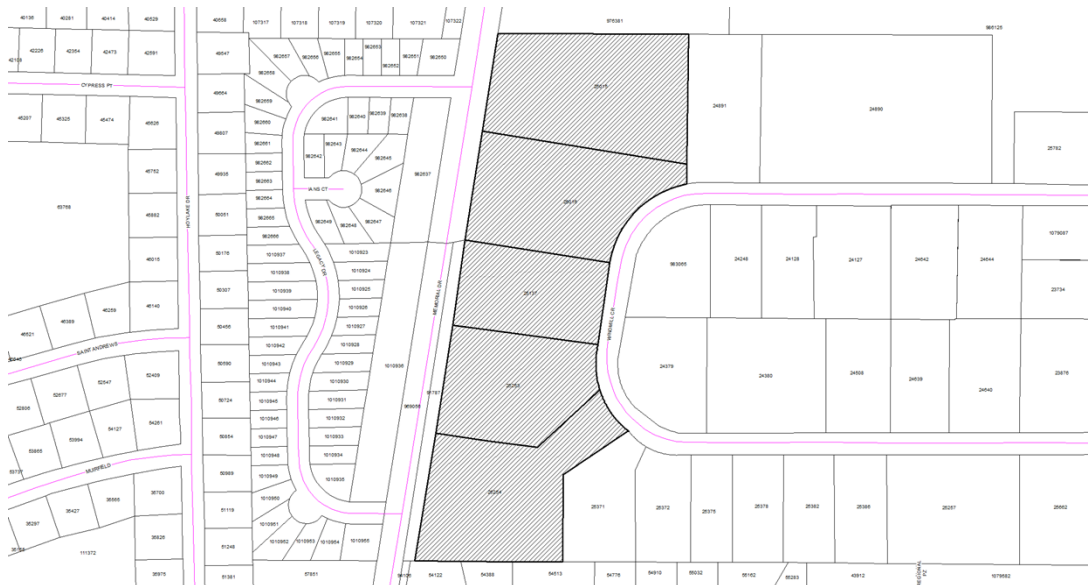
EXHIBIT A

Conditional Use Permit (CUP) to allow Multi-Family Residential on the following described property in a General Retail (GR) zoning district with conditions:

Conditions:

1. Multi-Family dwellings shall be limited to two stories in height along Memorial Drive and the existing dwellings adjacent to the north property line.
2. A Type A buffer is required along the northern property line.

Lots 304, 305, 107, 108, and 109 of Block B within the Windmill Acres subdivision.



END-

REZONE

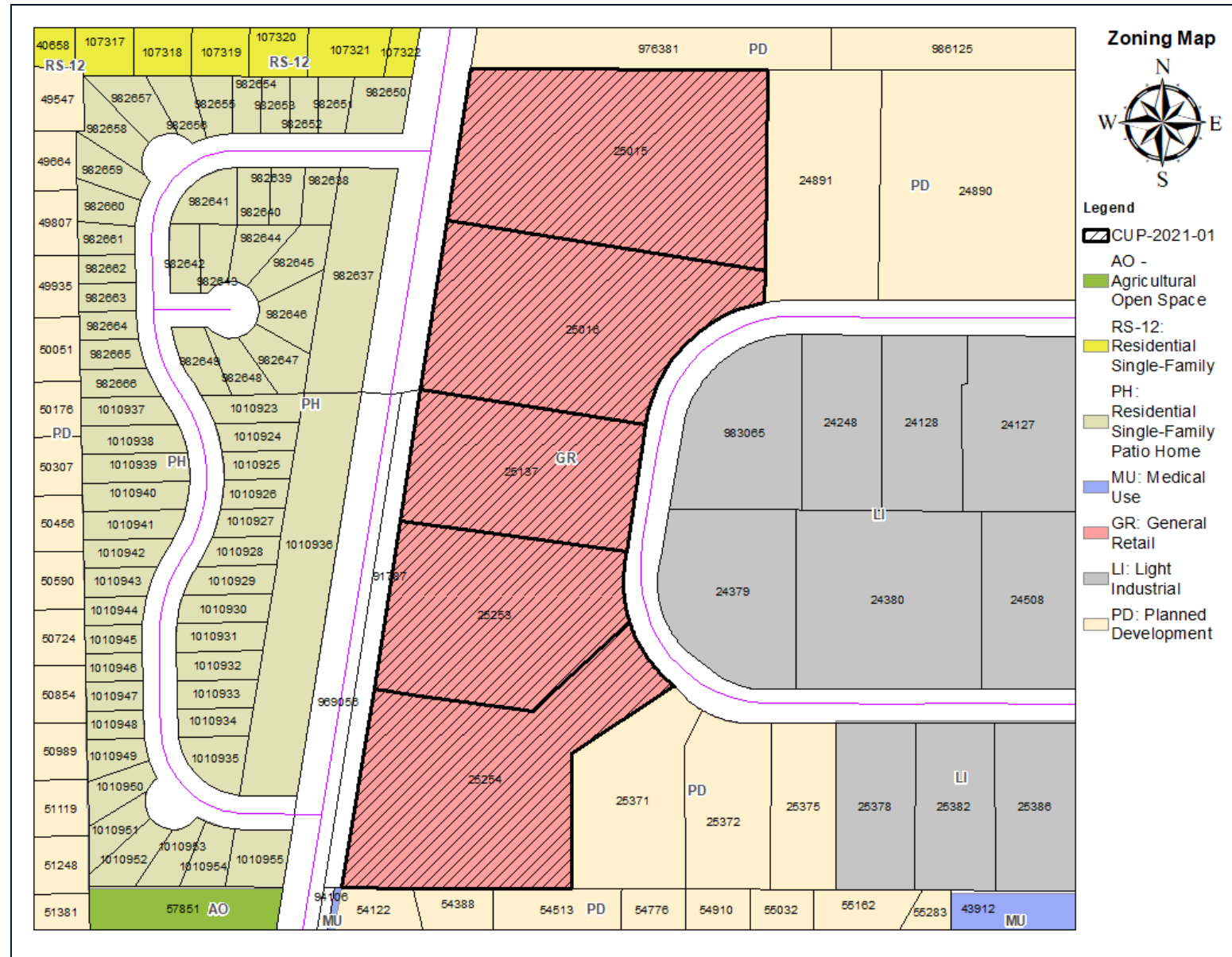
Case:	CUP-2022-04
Owner:	Windmill Circle Apartments LLC
Agent:	Enprotec Hibbs and Todd, LLC
Request:	Add a Conditional Use Permit (CUP) to allow Multiple-Family (MF) dwellings on approximately 14.95 acres of vacant property zoned General Retail (GR).
Location:	5601 Memorial Drive
Notification:	0 in Favor, 1 Opposed
Planning & Zoning:	May 3, 2022
City Council Hearing:	May 26, 2022 June 9, 2022



CUP-2022-04 LOCATION MAP



CUP-2022-04 ZONING MAP



CUP-2022-04 PHOTOS

North view of Subject Properties



South view along Memorial
DR. at North Legacy Village Dr.
Entrance



Legacy Village Dr.
North Entrance



South view along Memorial
DR. at South Legacy Village Dr
Entrance



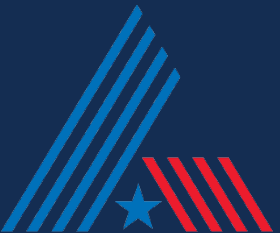
North neighboring property



East neighboring property



East neighboring property



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

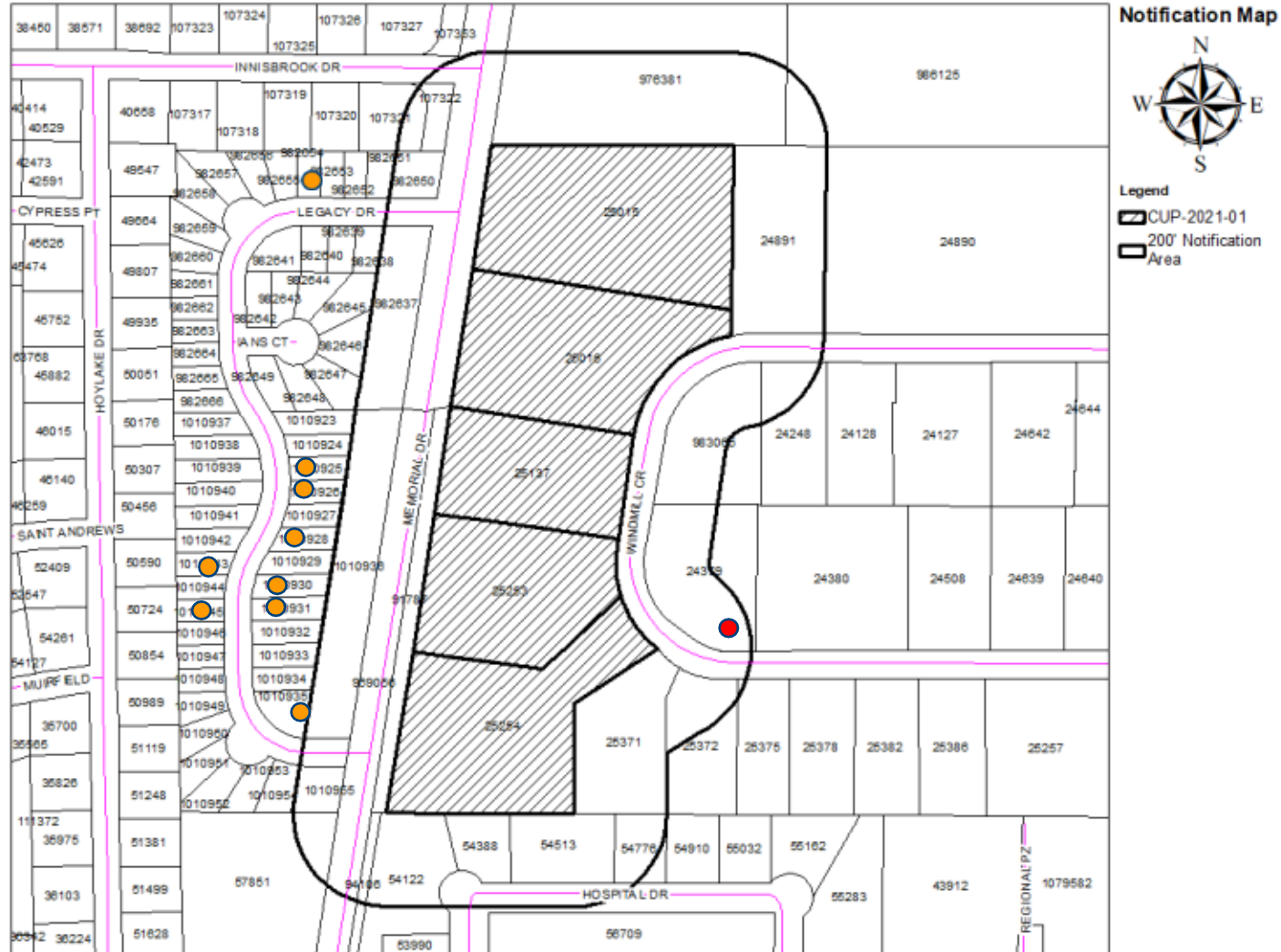
P
C
TP

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

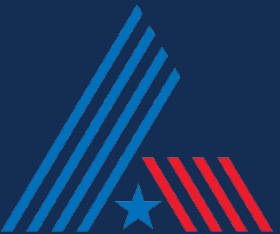
CUP-2022-04 CONCEPT PLAN



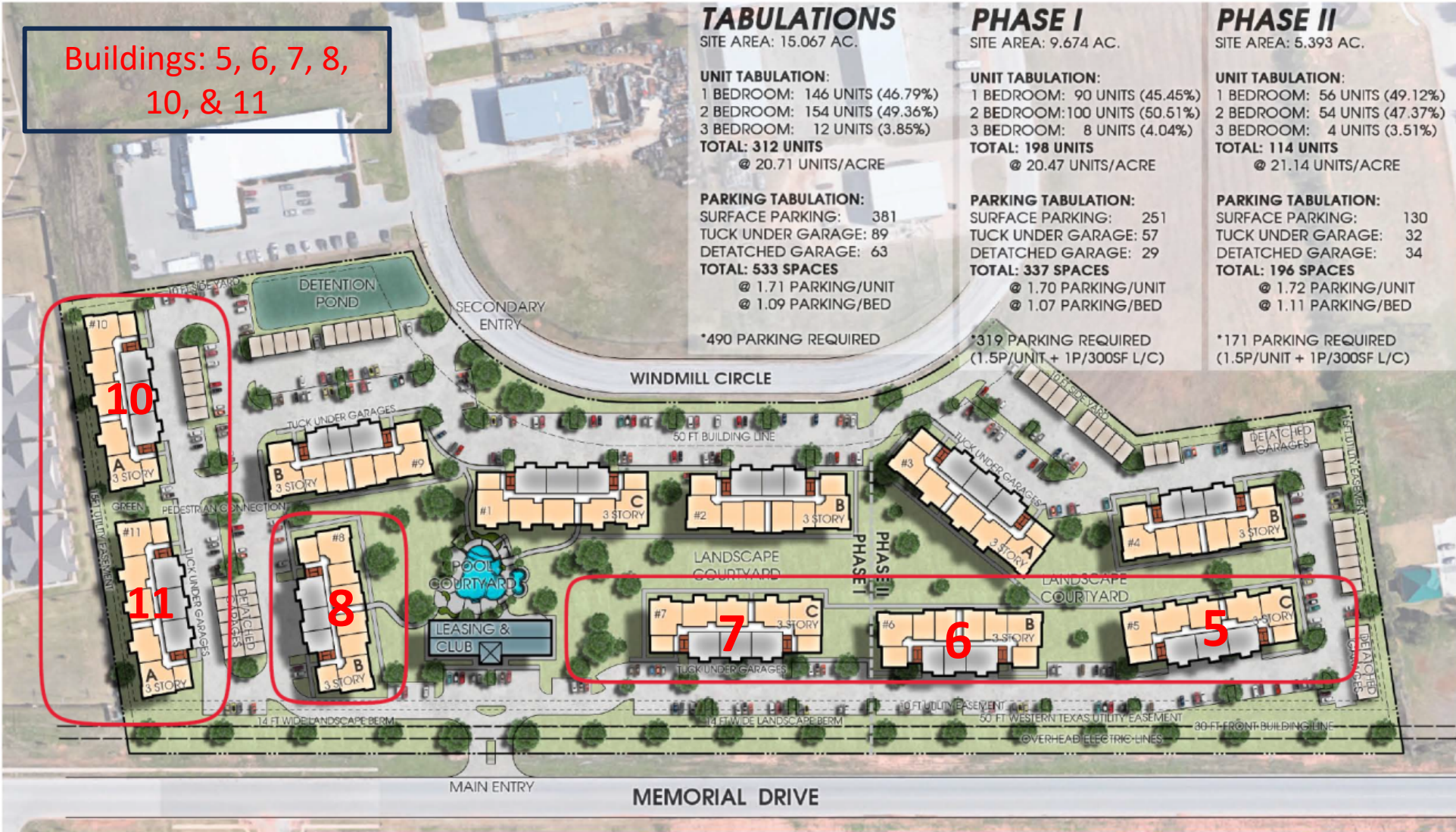
CUP-2022-04 NOTIFICATION MAP



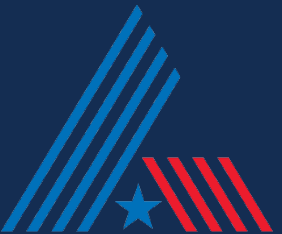
- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.3.5 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval with conditions:
 - The proposed Multiple- Family dwellings that are adjacent to Memorial Drive and the dwellings that are adjacent to the north property line shall have a height restriction of two (2) stories. Type A buffer installed along the northern property line.



CUP-2022-04 CONCEPT PLAN (RECOMMENDATION)



Questions





Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Re: 15-acre "affordable housing" apartment complex on Memorial Drive at Windmill Acres

1 message

'Joe Alexander' via Planning Services <planning@abilenetx.gov>

Tue, Apr 26, 2022 at 4:51 PM

Reply-To: Joe Alexander <joealexander@icloud.com>

To: planning@abilenetx.gov

Cc: anthony.williams@abilenetx.gov, shane.price@abilenetx.gov, lynn.beard@abilenetx.gov, donna.albus@abilenetx.gov, weldon.hurt@abilenetx.gov, kyle.mcalister@abilenetx.gov, travis.craver@abilenetx.gov

Ladies & Gentlemen:

I wish I could attend this hearing in person, but my time does not permit attending during my patient hours.

I am a homeowner is Waterside at Wyndham. I am concerned about the potential development of the 15 acres on Windmill Circle for Affordable housing (or for that matter, any housing project.). The current zoning of this location does not permit any residential development for a good reason. It is commercial property and should stay that way. Current ingress and egress to Windmill Circle is via Clack St. The western side of the proposed development fronts Memorial Drive. If access to Memorial Drive is included in the project (which only makes sense), this will put the majority of the traffic taking a winding route through residential street that were not engineered for the amount of current traffic, much less any additional traffic. Currently, this route is used in excess of original planning due to the construction of Sam's Club. Lynbrook Drive is the only street that allows connection to Buffalo Gap Road and points north. Foot traffic and bicycle traffic is already at danger with current traffic. The streets are too narrow to allow street parking (which is often present during the day) and for 2 cars to be able to pass.

I urge the Council to consider current residents safety before making any decisions on the development. At the very least, if approval is considered, divert all access onto Clack Street and not Memorial Drive. The land on Windmill Circle should, in my opinion, remain industrial/commercial and not be changed to any type of residential development.

Thank you for your consideration.

Joe Alexander, MD
 5258 Wyndham Ct.
 Abilene, TX 79606
joealexander@icloud.com
 325-668-7474

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 To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/B47FC5FB-563C-477A-A2A4-1120821FA5CF%40icloud.com>.



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Fwd: Rezoning Case # CUP - 2022-04

1 message

'Carol' via Planning Services <planning@abilenetx.gov>

Tue, Apr 26, 2022 at 10:18 AM

Reply-To: Carol <cbringhurst1971@yahoo.com>

To: travis.carver@abilenetx.gov

Cc: planning@abilenetx.gov

Sent from my iPhone

Begin forwarded message:

From: Carol <cbringhurst1971@yahoo.com>**Date:** April 26, 2022 at 10:13:32 AM CDT**To:** anthony.williams@abilenetx.gov**Cc:** shane.price@abilenetx.gov**Subject: Rezoning Case # CUP - 2022-04**

Dear Mayor, Councilmen, and Councilwomen,

Thank you for your leadership on housing affordability and many other issues of great importance to our community. I'm writing you today to express my concern and strong opposition to the zoning change for the following locations:

5601 Memorial
28 Windmill Cir
32 Windmill Cir
34 Windmill Cir
36 Windmill Cir

Housing affordability, supply, and security are among the nation's top concerns. However, these should not come at the expense of those residing around Memorial Dr. We bought in this area because of safety and security. Fortunately, the commercial buildings in this area create a "sleepy" feeling after a particular time of day because the streets only house those who live in the area. Yet, with this proposed change, our life will be altered drastically.

Concerns with multifamily development include school overcrowding, a surge in crime, increased traffic, and overall degradation of neighborhood appearance. There is also the uniformity of the surrounding areas to consider. Apartment complexes are usually multiple stories, which does not fit the other buildings in the area.

I ask that you deny this request.

Carol Bringhurst
5749 Legacy Dr
Abilene, TX 79606

--

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To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/026360C7-036B-471F-B3CA-8596562E6BCB%40yahoo.com>.

April 25, 2022

Dear Mayor, Councilmen and Councilwomen:

We are writing to express our concern and strong opposition to the zoning changes for the following locations:

5601 Memorial
28 Windmill Cir
32 Windmill Cir
34 Windmill Cir
36 Windmill Cir

Housing affordability, supply and security are among the nation's top concerns. However, these should not come at the expense of those residing around Memorial Drive. We bought and built in this area because of safety and security. Fortunately, the commercial buildings in this area create a "sleepy" feeling after a particular time of day because the streets only house those who live in the area. Yet, with this proposed change, our life will be altered drastically.

Concerns with multi-family development include school overcrowding, a surge in crime, increased traffic and overall degradation of our neighborhood appearance. There is also the uniformity of the surrounding areas to consider. Apartment complexes are usually multiple stories, which does not fit the other buildings in the area. Property values are likely to go down in this area if multi-family apartments are built.

We urge you to disapprove and deny the proposed rezoning. After recent meetings and discussions with my neighbors, I know our opinions are shared by many who live in this area of Abilene.

Thank you for your leadership and continued service and support of our communities.

Best regards,



William and Patricia Robbins
5809 Legacy Drive
Abilene, TX 79606



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] CUP-2022-04

1 message

'terrye johnson' via Planning Services <planning@abilenetx.gov>

Tue, Apr 26, 2022 at 12:00 PM

Reply-To: terrye johnson <tljohnson3@yahoo.com>

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, Planning Services <planning@abilenetx.gov>

Dear Mayor, City Council Members and Planning Staff,

I am writing to express my strong opposition to allowing a large multi-family residential building to be built at 5601 Memorial Drive.

Please do not allow a structure of this size to be built in this area. A multi-family residential structure is not consistent with the surrounding houses. It is not a fit for this neighborhood.

I am concerned about the effects of the greatly increased amount of traffic on Memorial Drive (and other neighborhood streets), and the safety of this area. In addition, my home is also an investment. Allowing this structure to be built will most likely decrease the value of my property at 5818 Legacy Drive.

Many of my neighbors are retired and decided to live on Legacy Drive due to it's serene, quiet and beautiful qualities. Please do not take this away!

I vigorously urge you to deny this request for a Conditional Use Permit. Please allow this neighborhood to retain the tranquility and safety it enjoys now.

Thank you for your service and support of the Abilene Community.

Sincerely,

Terrye Johnson
[5818 Legacy Drive](#)
 325-428-9519

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Zoning change on Memorial

2 messages

coweb1 via Planning Services <planning@abilenetx.gov>

Mon, Apr 25, 2022 at 3:49 PM

Reply-To: coweb1@verizon.net

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, "planning@abilenetx.gov" <planning@abilenetx.gov>

Dear Mayor, Councilmen and Councilwomen,

Thank you for your leadership on housing affordability and many other issues of great importance to our community. I'm writing you today to express my concern and strong opposition to the zoning change for the following locations:

5601 Memorial
28 Windmill Cir
32 Windmill Cir
34 Windmill Cir
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Housing affordability, supply, and security are among the nation's top concerns. However, these should not come at the expense of those residing around Memorial Dr. We bought in this area because of safety and security. Fortunately, the commercial buildings in this area create a "sleepy" feeling after a particular time of day because the streets only house those who live in the area. Yet, with this proposed change, our life will be altered drastically.

Concerns with multifamily development include school overcrowding, a surge in crime, increased traffic, and overall degradation of neighborhood appearance. There is also the uniformity of the surrounding areas to consider. Apartment complexes are usually multiple stories, which does not fit the other buildings in the area.

I ask that you deny this request.

Thank you for your time,

Cynthia Webb
5833 Legacy Dr.

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Farr, Melissa <melissa.farr@abilenetx.gov>

Mon, Apr 25, 2022 at 3:55 PM

To: coweb1@verizon.net, Planning Services <planning@abilenetx.gov>

Thank you for your response. The letter has been received and noted for **CUP-2022-04**.



Melissa E. Farr, Executive Assistant

555 Walnut Street, Suite 110
Abilene, Texas 79601-5254

Post Office Box 60
Abilene, Texas 79604-0060

(325) 676-6237 (Office)

<https://www.abilenetx.gov/424/Planning-Development-Services>

[Quoted text hidden]



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Windmill Apartment rezoning request

1 message

'Carl Castleberry' via Planning Services <planning@abilenetx.gov>

Mon, Apr 25, 2022 at 4:29 PM

Reply-To: Carl Castleberry <castlebubba@yahoo.com>

To: "planning@abilenetx.gov" <planning@abilenetx.gov>

I understand that there is a rezoning request for a 15 acre apartment complex on Memorial Dr directly across from my subdivision. As a homeowner in Legacy Village, I strongly oppose this rezoning request.

I grew up in Abilene and moved around the US during my career. After recently retiring from Phillips 66 in Oklahoma, we decided to move back home to Abilene. We took great care in finding a place to live. Our neighborhood butts up next to Fairway Oaks and is filled with many other retirees and also some working families. It is quiet, with most of those working doing so during the day, so people aren't coming and going and making noise all night. I knew that land across Memorial was commercial property, so it would be developed some day, but I was thinking offices or maybe even a restaurant or retail. If I knew apartments were going in across the street, we certainly would not have chosen to live here and to pay what we did based on the prime location.

The severity of my first major concern depends on what kind of apartments these are, and what is the density, etc.. Regardless, I can see the desirability of my neighborhood dropping like a rock. Even worse, the prospect of neighbors leaving en masse and property values dropping like a rock too.

Traffic is my other major concern. The increase in traffic from dense apartment housing sounds like a nightmare. Not only that, the nature of apartment living will change the traffic patterns as people will be coming and going all night.

My last concern is crime could increase. I know people have to have a place to live and most apartment dwellers are law abiding citizens, but I do worry about increased crime.

Please DO NOT approve this rezoning request. Thanks for all you do for our fine city. I plan to be at the meeting on May 4th.

Carl Castleberry
5834 Legacy Dr
806-310-7135

Sent from Yahoo Mail on Android

--

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CASE #: CUP-2022-04

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

Name: PARISH TARRANCE & KIMBERLY D
Parcel I.D.: 1010933
Address: 5849 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: _____

APR 29 AM 11:53

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

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

For the PLANNING & ZONING COMMISSION

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

CASE #: CUP-2022-04

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

Name: ANDERSON JEFFREY & ANGIE

Parcel I.D.: 1010934

Address: 5901 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: Angie Anderson

APR 28 AM 11:46

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

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

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

CASE #: CUP-2022-04

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

Name: BRINGHURST CAROL
Parcel I.D.: 1010926
Address: 5749 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:

Carol Bringhurst

APR 27 AM 10:43

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

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

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

CASE #: CUP-2022-04

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

Name: NORTHCOTT JERRY L & JANET L
Parcel I.D.: 1010925
Address: 5741 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature:

Jerry Northcott

APR 27 AM 10:43

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

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

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

CASE #: CUP-2022-04

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

Name: BARNER MATTHEW C
Parcel I.D.: 1010935
Address: 5933 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: Matthew Barner

APR 27 AM 10:43

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

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

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

CASE #: CUP-2022-04

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

Name: ROBBINS WILLIAM LYNN &
Parcel I.D.: 1010928
Address: 5809 LEGACY DR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: William Robbins
Patricia Ann Robb

APR 27 AM 10:43

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

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

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

CASE #: CUP-2022-04

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

Name: TSCHAAR MIKE HEATING &
Parcel I.D.: 24379
Address: 25 WINDMILL CR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: Mike Tschaar

APR 27 AM 10:43

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

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



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Fw: Opposition to 15 acre Apartment Complex Across Memorial

3 messages

Jimmy Boulware <jimmy_b84@hotmail.com>

Sun, Apr 24, 2022 at 7:48 PM

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, "planning@abilenetx.gov" <planning@abilenetx.gov>, Yurika Boulware <yurika_mcgill@yahoo.com>

Good Afternoon Abilene City Officials,

I recently moved to Abilene, Texas and purchased a house in Legacy Village.

After being stationed in Alaska for 6.5 years, we were moved to San Antonio. That was one of the worst places I have ever lived, and was even worse trying to raise a family in and provide a safe environment. Once promotion results were released, I was given the option of 4 bases, Dyess being one of them. My family and I immediately picked Dyess for our #1 because I have always heard how much of a hidden gem it is and how highly our friends spoke of it.

Upon arriving, we realized how right they were. We were happy to purchase a house to have our daughters in the famed Wylie School district, and become part of the community. Our family loves how safe and quiet it is, along with the lack of traffic, and actually feel safe going on walks and letting our kids play outside.

With an apartment complex going up behind our place, that would drastically change. I am more than likely on the final assignment of my career, and bought a house as an investment opportunity, the apartments would destroy that.

I am a Combat Wounded Active Duty Service member with a Purple Heart, and don't do the best with crowds, noise, traffic, and the thought of folks watching me.... Well, apartments behind my house would not help that.

We walk our kids to the bus stop each morning and enjoy the walk and how safe it is.... Apartment traffic will destroy that

Each morning I enjoy my drive to work with the lack of traffic, wave at the neighbors walking, and the small town feel... Once again, the apartments will destroy that

I humbly ask that you vote no on the rezoning of the empty lot on Memorial Drive. Please don't let Abilene turn into San Antonio/Austin.

I would hate for our little slice of Heaven be destroyed and ruin what Abilene has been hyped to be.

Thank you for your time and consideration.

Jimmy Boulware

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Jimmy Boulware <jimmy_b84@hotmail.com>

Sun, Apr 24, 2022 at 8:39 PM

To: "anthony.williams@abilenetx.gov" <anthony.williams@abilenetx.gov>, "shane.price@abilenetx.gov" <shane.price@abilenetx.gov>, "lynn.beard@abilenetx.gov" <lynn.beard@abilenetx.gov>, "donna.albus@abilenetx.gov" <donna.albus@abilenetx.gov>, "weldon.hurt@abilenetx.gov" <weldon.hurt@abilenetx.gov>, "kyle.mcalister@abilenetx.gov" <kyle.mcalister@abilenetx.gov>, "travis.craver@abilenetx.gov" <travis.craver@abilenetx.gov>, "planning@abilenetx.gov" <planning@abilenetx.gov>, Yurika Boulware <yurika_mcgill@yahoo.com>

Unfortunately, I will not be able to attend due to being in Alabama for temporary duty. I ask that you put yourselves in our shoes.... Would you want that behind your house? After purchasing a nice house, would you want a multi-level apartment complex being built by your house in a nice area? Apartments would be an eyesore, nowhere near the same architectural design, and unfortunately brings in undesirable people and activities.

Thank you again for your time and consideration.

Get [Outlook for iOS](#)

From: Jimmy Boulware <jimmy_b84@hotmail.com>

Sent: Sunday, April 24, 2022 7:48:34 PM

To: anthony.williams@abilenetx.gov <anthony.williams@abilenetx.gov>; shane.price@abilenetx.gov <shane.price@abilenetx.gov>; lynn.beard@abilenetx.gov <lynn.beard@abilenetx.gov>; donna.albus@abilenetx.gov <donna.albus@abilenetx.gov>; weldon.hurt@abilenetx.gov <weldon.hurt@abilenetx.gov>; kyle.mcalister@abilenetx.gov <kyle.mcalister@abilenetx.gov>; travis.craver@abilenetx.gov <travis.craver@abilenetx.gov>; planning@abilenetx.gov <planning@abilenetx.gov>; Yurika Boulware <yurika_mcgill@yahoo.com>

Subject: Fw: Opposition to 15 acre Apartment Complex Across Memorial

Good Afternoon Abilene City Officials,

I recently moved to Abilene, Texas and purchased a house in Legacy Village.

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--

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Farr, Melissa <melissa.farr@abilenetx.gov>

Mon, Apr 25, 2022 at 3:59 PM

To: Jimmy boulware <jimmy_b84@hotmail.com>, Planning Services <planning@abilenetx.gov>

Thank you for your response. The letter has been received and noted for **CUP-2022-04**.



Melissa E. Farr, Executive Assistant

555 Walnut Street, Suite 110
Abilene, Texas 79601-5254

Post Office Box 60
Abilene, Texas 79604-0060

(325) 676-6237 (Office)

<https://www.abilenetx.gov/424/Planning-Development-Services>

[Quoted text hidden]



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] Fwd: P&Z Case#CUP-2022-04

1 message

Julianna Nickson <juliannanickson@gmail.com>
Bcc: planning@abilenetx.gov

Thu, Apr 28, 2022 at 2:29 PM

Regarding Case#CUP-2022-04

Windmill Acres - Approval of a Conditional Use Permit Allowing Multi-Family Residential Buildings on Approximately 15 Acres of Now-Vacant Land in a General Retail (GR) District

I would like to express that I am adamantly against the development of Apartments on the lots on Windmill.

It should continue to stay General Retail. I am not against an office/medical office. As is it currently zoned is the appropriate use. General Retail is what surrounds the other lots in that area.

This change would only damage the neighborhood.

It would lower the current homeowners property values.

That not only affects the current homeowners, but the tax dollars that the city will receive.

Please vote NO to this proposal.

Thank you,

Julianna Nickson

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Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] a 15 acre apartment complex on Memorial Drive (5650-5660 Memorial Drive)

2 messages

Randy Wilson <rwilson@randywilsonlaw.com>

Mon, Apr 25, 2022 at 8:34 AM

To: kyle.mcalister@abilenetx.gov, donna.albus@abilenetx.gov, anthony.williams@abilenetx.gov, shane.price@abilenetx.gov, lynn.beard@abilenetx.gov, weldon.hurt@abilenetx.gov, travis.craver@abilenetx.gov, planning@abilenetx.gov

As residents of Wyndham Court and Waterside @ Wyndham, we all oppose the project for apartments at the above location.

1

The traffic on Memorial, Lynbrook, is already too heavily traveled, even by vehicles which are supposed to be prohibited from traveling on Lynbrook, Innisbrook Covenant, and Peppermill streets. Memorial has become a "raceway" and backdoor to Sam's Club. This project will only add to the problems facing the residents who already live next to Memorial as well as the residents in the neighborhood who walk their dogs, walk, jog, walk the children in strollers, ride bicycles both adult and children along Memorial and adjacent streets.

With kindest regards, I remain
Very truly yours,
Randy Wilson

rwilson@randywilsonlaw.com

The information contained in this communication is a transmission from the Law Offices of Randy Wilson and Kristin Postell, PLLC and is information protected by the attorney/client and/or attorney/work product privilege. It, along with any attachments hereto, is also covered by the Electronic communications Privacy Act, 18 U.S.C. Sections 2510-2512. This e-mail is intended only for the personal and confidential use of the recipient(s) named in the communication, and the privileges are not waived by virtue of this having been sent by electronic mail. Recipient named herein has indicated consent to receive communications via electronic medium. Should the recipient change their mind, and want further communication to be sent in a different fashion, please contact my office immediately. If the person actually receiving this communication is not the named recipient, any use, dissemination, distribution or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, (325)677-4678, and delete the original message from your system. Thank you

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Farr, Melissa <melissa.farr@abilenetx.gov>

Mon, Apr 25, 2022 at 3:57 PM

To: Randy Wilson <rwilson@randywilsonlaw.com>, Planning Services <planning@abilenetx.gov>

Thank you for your response. The message has been received and noted for **CUP-2022-04**.



Melissa E. Farr, Executive Assistant

555 Walnut Street, Suite 110
Abilene, Texas 79601-5254

Post Office Box 60
Abilene, Texas 79604-0060

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ZONING CASE CUP-2022-04

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: May 3, 2022

City Council 1st Reading: May 26, 2022

City Council 2nd Reading: June 9, 2022

Applicant

Owner: Windmill Circle Apartments, LLC

Agent: Enprotec Hibbs and Todd, LLC

Request

Add a Conditional Use Permit (CUP) to allow Multiple-Family (MF) dwellings on approximately 14.95 acres of property zoned General Retail (GR).

Location

5601 Memorial Drive (Lots 107,108,109, 304 & 305, Block B, Windmill Acres Subdivision)

Background

This zone change request incorporates five (5) total lots of the Windmill Acres Subdivision; originally platted in 1980 (3174-0). Lots 107, 108, and 109 were re-platted in 1981 (RP-4481). Lots 304 and 305 were re-platted in 2011(MRP-4611). These subject properties were rezoned from a Planned Development District (PD-34) to General Retail (GR) District in 2012 (Ordinance No. 61-2012).

According to information provided within the application, the owner intends to establish an apartment complex within the subject properties. Prior to 2017, Multiple-Family Dwellings were permitted in a GR district. In 2017, the Land Development Code (LDC) was altered to permit Multiple-Family dwellings with specific requirements in GR districts with the approval of a Conditional Use Permit (CUP) (Ordinance No. 35-2017). The language within the LDC regarding these specific requirements was altered again in 2020 (Ordinance No. 54-2020). The specific requirements are that *multiple-family dwellings shall be subject to limitations on overall residential density, and building setback, the same as if such dwellings were located in a Residential Multiple-Family (MF) District.*

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the subject property's immediate area are illustrated on the map included in this report. As indicated on the map, adjacent zoning consists of PD-33 District (Abilene Senior Living) to the north, a mixture of PD-34 and Light Industrial (LI) District to the east, PD-32 to the south, and Patio Home (PH) District to the West (Legacy Village Subdivision Section 1 & 2).

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. However, a special activities center is located in close proximity to the south which includes one (1) of two (2) Abilene Hospitals. The Comprehensive Plan suggests that higher density housing should support activity centers and transition the density to the surrounding residential area (Strategy 12; Page 20). The proposed Conditional Use Permit to permit multiple-family dwellings within this district could serve as an effective and appropriate use to supplement the economic development of the special activities center.

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, General Retail (GR) Districts are intended to accommodate a wide range of retail trade, services and activities that are needed to serve the community. However, the purpose of a Conditional Use Permit is to allow the establishment of uses of which may be suitable only in certain location in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses.

It is the opinion of staff that the inclusion of purpose and intent of the applicable zoning district regulations to permit multiple family dwellings within a GR district with the approval of a conditional use permit accomplishes this criteria for approval.

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 as there are multiple-family dwellings immediately to the north and the proposed use can provide a suitable zoning district buffer from the more intensive districts to the east from the low intensity residential district to the west along Memorial Drive.

It is the opinion of 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. Memorial Drive is a minor arterial that is designed to carry heavy traffic. Traffic impacts will be mitigated as the infrastructure is already in place.

- 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.**

Currently, no roadway adjustments, traffic control devices or mechanisms are required. However, the proposed use will incorporate access restrictions (driveway spacing standards) to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets. The subject properties currently have access to existing utilities and public amenities adequate for the proposed uses. This request presents no apparent conflicts with existing or proposed plans for community facilities and related infrastructure.

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

A Land-use buffer is not required for this site; however, the proposed site plan illustrates a 14-foot landscape berm that extends along the western property line adjacent to Memorial Drive. It is the opinion of staff that this landscape berm will mitigate adverse effects of the development from the lower intensity residential-district to the west.

- 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 are necessary to render the use compatible with adjoining development and the neighborhood.

Staff Recommendation

Staff recommends approval with the condition that the proposed Multiple-Family Dwellings that are adjacent to Memorial Drive and the dwellings adjacent to the north property line shall have a height restriction of two (2) stories. This height restriction can provide an effective “protection of view” and a “protection of the character of the neighborhood”; based on the principle purposes of height regulations in residential districts as outlined by the American Planning Association Planning Advisory Service (PAS Report 237).

Staff also recommends the condition of a Type-A land-use buffer along the north property line.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on August 27, 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.

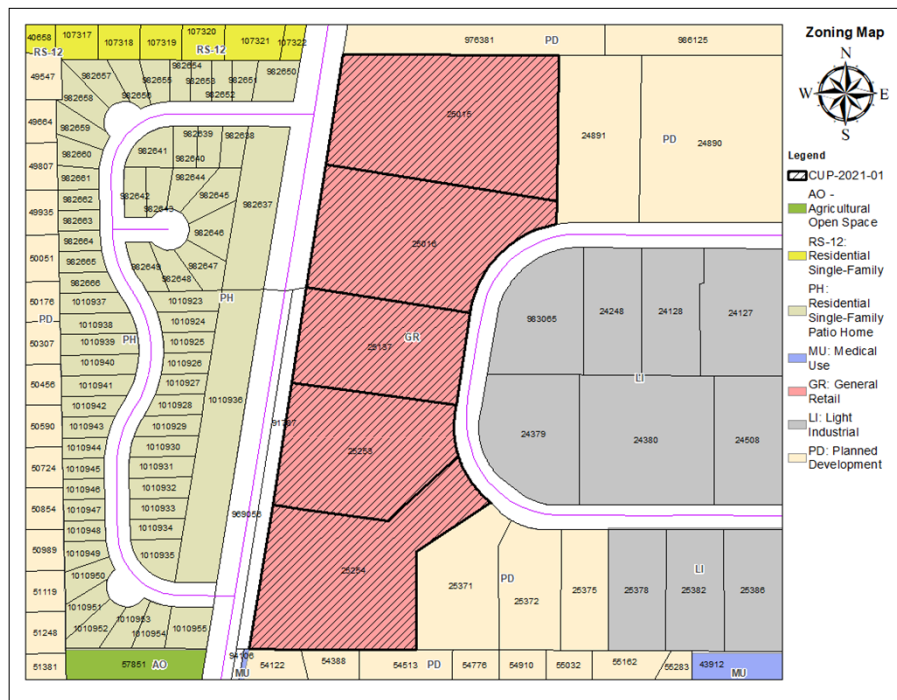
Owner	Property ID	Situs	Response
ABILENE CHARGER PROPERTIES LP	976381	2225 COVENANT DR	
ANDERSON JEFFREY & ANGIE	1010934	5901 LEGACY DR	O
BARNER MATTHEW C	1010935	5933 LEGACY DR	O
BEIRO HENRY & REBECCA	1010930	5825 LEGACY DR	
BIXBY BROOKE	1010924	5733 LEGACY DR	
BRINGHURST CAROL	1010926	5749 LEGACY DR	O
BROOKS KEVIN CONRAD &	1010929	5817 LEGACY DR	
CIC INVESTMENTS INC	57851	2342 ANTILLEY RD	
CITY OF ABILENE	91787		
CITY OF ABILENE	94106		
CITY OF ABILENE	969056		
DAVIS CHARLES M & COLLEEN M	982647	2309 IANS CT	
FOSTER TIMOTHY	1010927	5801 LEGACY DR	
HENDERSON CHERYL L	982646	2301 IANS CT	
HOMEOWNERS OF LEGACY VILLAGE	982637	5650 MEMORIAL DR	
HOMEOWNERS OF LEGACY VILLAGE	982650	5566 MEMORIAL DR	
HOMEOWNERS OF LEGACY VILLAGE	1010936		
HOMEOWNERS OF LEGACY VILLAGE	1010955	5966 LEGACY DR	
LATOUR VINCENT & DAWN	54388	13 HOSPITAL DR	
M2B ABILENE LLC	24890	18 WINDMILL CR	
NORTHCOTT JERRY L & JANET L	1010925	5741 LEGACY DR	O
PAIGE MARY ANN	982638	5609 LEGACY DR	
PARISH TARRANCE & KIMBERLY D	1010933	5849 LEGACY DR	
RAMSEY CYNTHIA	982651	5602 LEGACY DR	
RICH COLDEN S & DANLEE N	107321	2301 INNISBROOK DR	
ROBBINS WILLIAM LYNN &	1010928	5809 LEGACY DR	O
SAMS REAL ESTATE BUSINESS TR	986125	5610 S CLACK ST	
SAMS REAL ESTATE BUSINESS TR	986125	A B S CLACK ST	
SAMS REAL ESTATE BUSINESS TR	986125	5550 S CLACK ST	
SELBY VIRGINIA	25371	38 WINDMILL CR	
SELBY VIRGINIA	25372	40 WINDMILL CR	
SELBY VIRGINIA	25375	42 WINDMILL CR	
SHERROD PAUL BLAKE JR &	24891	24 WINDMILL CR	
SIZEMORE DUSTIN & APRIL	982645	2302 IANS CT	
SMITH KEVIN A & CONNIE F	24248	21 WINDMILL CR	
SMITH KEVIN A & CONNIE F	983065	23 WINDMILL CR	
SMITH NADENE	1010932	5841 LEGACY DR	
TSCHAAR MIKE HEATING &	24379	25 WINDMILL CR	O
VILLAGES OF ABILENE MEADOWS LP	107322	5550 MEMORIAL DR	
VILLAGES OF ABILENE MEADOWS LP	107353	5502 MEMORIAL DR	
WEBB CYNTHIA L	1010931	5833 LEGACY DR	O
WINDMILL CIRCLE APARTMENTS LLC	25015	5601 MEMORIAL DR	
WINDMILL CIRCLE APARTMENTS LLC	25016	28 WINDMILL CR	
WINDMILL CIRCLE APARTMENTS LLC	25137	32 WINDMILL CR	
WINDMILL CIRCLE APARTMENTS LLC	25253	34 WINDMILL CR	
WINDMILL CIRCLE APARTMENTS LLC	25254	36 WINDMILL CR	
WOLVERTON MICHAEL KENT & CHERYL L	1010923	5725 LEGACY DR	
Y2Z LLC	54513	14 HOSPITAL DR	
Y2Z LLC	54776	16 HOSPITAL DR	
Y2Z LLC	54910	17 HOSPITAL DR	
ZACHRY H C STUDIO/GALLERY INC	54122	11 HOSPITAL DR	
ZACHRY H C STUDIO/GALLERY INC	54122	12 HOSPITAL DR	
ZACHRY H C STUDIO/GALLERY INC	54122	6001 MEMORIAL DR	
ZEIGLER JAY ROBERT &	1010954	5950 LEGACY DR	

Prop ID			
Owner	Property ID	Situs	Response
SMITH KEVIN A & CONNIE F	24248	21 WINDMILL CR	
TSCHAAR MIKE HEATING &	24379	25 WINDMILL CR	○
M2B ABILENE LLC	24890	18 WINDMILL CR	
SHERROD PAUL BLAKE JR &	24891	24 WINDMILL CR	
WINDMILL CIRCLE APARTMENTS LLC	25015	5601 MEMORIAL DR	
WINDMILL CIRCLE APARTMENTS LLC	25016	28 WINDMILL CR	
WINDMILL CIRCLE APARTMENTS LLC	25137	32 WINDMILL CR	
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SELBY VIRGINIA	25372	40 WINDMILL CR	
SELBY VIRGINIA	25375	42 WINDMILL CR	
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ZACHRY H C STUDIO/GALLERY INC	54122	12 HOSPITAL DR	
ZACHRY H C STUDIO/GALLERY INC	54122	6001 MEMORIAL DR	
LATOUR VINCENT & DAWN	54388	13 HOSPITAL DR	
Y2Z LLC	54513	14 HOSPITAL DR	
Y2Z LLC	54776	16 HOSPITAL DR	
Y2Z LLC	54910	17 HOSPITAL DR	
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BRINGHURST CAROL	1010926	5749 LEGACY DR	○
FOSTER TIMOTHY	1010927	5801 LEGACY DR	
ROBBINS WILLIAM LYNN &	1010928	5809 LEGACY DR	○
BROOKS KEVIN CONRAD &	1010929	5817 LEGACY DR	
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ZEIGLER JAY ROBERT &	1010954	5950 LEGACY DR	
HOMEWONERS OF LEGACY VILLAGE	1010955	5966 LEGACY DR	

Attachments
Proposed Site Plan with Conditions Exhibit



ZONING MAP



LOCATION MAP

