



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 July 5, 2022 at 1:30 PM at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items.

CALL TO ORDER

INVOCATION

MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Minutes from the Regular Meeting Held on June 7, 2022.

PLATS

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

2. **FRP-4721:** "Severo Garcia Addition"

ZONING

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

3. **Z-2022-14:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Weatherbee Construction Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 104 Specifically To Add 50 Feet Of Residential Zoning As A Use To All Tracts. Located On 14.34 Acres In The Northeast Quarter Of Survey 62 Blind Asylum Lands City Of Abilene, Taylor County, Texas. (**Adam Holland**)
4. **Z-2022-15:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Cimarron Meadows Development Corp. Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 170 Specifically To Add Approximately 23 Acres Of Existing Residential Medium Density (Md) And Approximately 15 Acres Of Agricultural Open Space (Ao) Zoning And Amending Them To Allow For 5,000 Square Foot Lots With 5 Foot Side Setbacks And 50 X 100 Foot Lot Dimensions. Located On The South Half Of Tract 10, Lakeland Farm, Abilene, Texas (**Adam Holland**)
5. **Z-2022-16:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Arete Interests, LLC Represented By Jacob & Martin To Amend The Terms And Conditions Of Planned Development District Number 159a Specifically To Amend The Concept

Plan To Allow For More Residential Uses. Legal Description Being Lots 101-109, Block A, Parramore's Subdivision, Abilene In Taylor County, Texas. (Adam Holland)

6. **Z-2022-17:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Grace Tabernacle Church Represented By Nancy Brown And Gene Dezell To Change Zoning From Residential Single Family (Rs-6) To Neighborhood Retail (Nr), On Approximately .62 Acres In South Abilene. Legal Description Being Lots 5-8, Block 15, Campus Addition, Abilene, Taylor County, Texas. (Clarissa Ivey)
7. **Z-2022-18:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Sugar Agua #1 Ltd Represented By Matthew Muzechenko To Change Zoning On Approximately 7.15 Acres In Southwest Abilene From Agricultural Open (Ao) To General Commercial (Gc). Legal Description Being 7.15 Acres Out Of Joseph Beck Survey 42, Abilene, Taylor County, Texas. (Clarissa Ivey)
8. **CUP-2022-06:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Patrick Batten Represented By Rylie Batten For Approval Of A Conditional Use Permit Allowing A Group Home (A.K.A. Halfway House) On Approximately .16 Acres Of Residential Medium Density (Md) District At 1242 Orange St In North Abilene. Legal Description Being Lot 12 In Block F Of Steffens & Lowden, Abilene, Taylor County, Texas. (Adam Holland)

EXECUTIVE SESSION

9. **The Planning & Zoning Commission of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:**

- **551.071 Consultation with Attorney**

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 1st day of July, 2022, at 4:55 p.m.

*Kaitlin Richardson, Deputy City
Secretary, TRMC*



Planning and Zoning Commission MINUTES

The Planning and Zoning Commission of the City of Abilene, Texas met in a Regular Meeting on June 7, 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
Rev. Izlar Lankford

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

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. Scott Chandler, City Engineer
Mr. Adam Holland, Planner I
Ms. Clarissa Ivey, Planner I
Ms. Melissa Farr, Executive Assistant

Others Present:

Ms. Carol Bringhurst	Terrye Johnson	Mr. Jon Ponder
Ms. Cindy Ramsey	Mr. Ron Poston	Ms. Lorraine Poston
Ms. Marjorie Abendschan	Ms. Debbie Riggs	Mr. Cory Aguilar
Mr. Bruce A. Love	Ms. Ellen D. Love	Mr. Delbert Jones
Mr. Tony Bauman	Ms. Robin Bauman	Ms. Shanna Vida
Ms. Laynie Cogburn	Mr. Ryan Holmes	Mr. Don Summers
Ms. Sharon Summers	Mr. Carl Castleberry	Ms. Juanell Castleberry
Ms. Katherine Buckner	Ms. Lori Beale	Ms. Judy Lanman
Ms. Kristina McDonough	Mr. Wallace Hauschild	Mr. Randy Turner
Mr. Trevor Rupe	Ms. Abby Speed	Mr. Randal Crosswhite
Ms. Linda Griggs	Ms. Lisa Dews	Mr. BJ Prichard
Mr. Harold Moniz	Ms. Lesa Crosswhite	Mr. David Bustos
Ms. Nadene Smith	Ms. Jesslyn Davis	Ms. Allison Cowling
Mr. Bob House	Ms. Barbara House	Mr. Ed Farnsworth
Ms. Christy Farnsworth	Mr. Charles Davis	Mr. Bill Robbins
Ms. Cynthia Webb	Mr. Rod Robertson	Mr. Andrew Dews

Mr. Henry Beiro
Ms. Kirsty Teel
Mr. James Parker
Ms. Karene Neill
Ms. Betty Hines
Mr. Jack Cowen
Mr. Gary Christeson

Ms. Brenda Huffly
Ms. Marta A. Gomez
Ms. Connie MacSkaggs
Ms. Jecilly Varghese
Mr. Mark Spurlock
Mr. Jay C. Alexander

Mr. Jennings Teel
Ms. Carole Parker
Mr. Donmark Nickson
Ms. Frances Roach
Ms. Yurika Boulware
Ms. Sydney M. Alexander

CALL TO ORDER

The Planning and Zoning Commission convened in a regular meeting and was called to order at 1:35 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. Mr. Noonan moved to approve the minutes from the previous meeting, which was held on May 3, 2022. Mr. Benham seconded the motion. The motion to **approve** prevailed by the following vote:

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

NAYS: None

PLATS

Mr. Adam Holland presented the proposed plats.

PP-2226: "Forrest Meadows Section 2"

PLANNING STAFF RECOMMENDATION: Staff recommends approval with the following conditions:

- Change the name of "Glen Abbey Street" to "Glen Abbey."
- Change the name of "Laxmi Drive" to "Tin Cup."

FP-4022: "Lot 201, Block 2, Johnston's Subdivision"

PLANNING STAFF RECOMMENDATION: Approval with conditions:

- City staff must be furnished with a title opinion or title commitment letter issued by a title insurance company confirming ownership of the properties.
- All public improvements must be completed in accordance with approved plans and inspected for acceptance or the public works department must be furnished with a financial guarantee in order to secure the obligations of all public improvements prior to recording.
- The 20' "Utility Easement" be dedicated as a public alley which connects the existing alley to Elm Street.

PP-4722: "Iberis Estates"**PLANNING STAFF RECOMMENDATION:** Approval

Mr. Rosenbaum opened the public hearing. Discussion took place to clarify the abandonment of the alley in regards to FP-4022. Mr. Ron Poston spoke in opposition to the approval of this plat, stating the current activity taking place in the alley.

Ms. Lorraine Poston also spoke to provide the current activity in the alley. Seeing no one else present and desiring to be heard, the public hearing was closed.

Mr. Adam Holland was asked to clarify the alley abandonment process. The owner owns both sides of the alley, so they can claim the alley.

Ms. Russell made the motion to approve PP-2226 and PP-4722 with conditions. Mr. Benham seconded the motion. The motion to **approve** prevailed by the following vote:

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

NAYS: None

Mr. Rosenbaum reopened the public hearing. Mr. Bustos asked for clarification. Ms. Poston assisted Mr. Bustos. Mr. Rosenbaum closed the public hearing.

Chairman Rosenbaum made the motion to approve FP-4022 with the indicated conditions and the inclusion that the easement will be a minimum of 30'. Mr. Benham seconded the motion. The motion **failed** by the following vote:

AYES: Barnett, Benham, Rosenbaum

NAYS: Russell, Noonan, Fleming, Lankford

ZONING

Z-2022-12: Receive a Report, Hold a Discussion and Public Hearing, And Take Action on A Request From Griffith Lake Estates Represented By Jacob & Martin, LLC To Change Zoning Of Approximately 27.2 Acres From Agricultural Open (AO) And Residential Multi-Family (MF) To Residential Multi-Family (MF) And General Commercial (GC) Legal Description Being 27.2 Acres Out Of The Northeast Quarter Of Survey 33 Blind Asylum Lands, City Of Abilene, Taylor County, Texas.

Ms. Clarissa Ivey presented this request to rezone vacant land south of Scottish Road between Griffith Road and East Stamford Street. The proposal is to add additional Multi-Family west and south of the existing multi-family zoning and change the eastern portion of the property to retail space.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim was available to answer questions.

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

STAFF RECOMMENDATION: Approval

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

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

NAYS: None

RECUSED: Barnett

Z-2022-13: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From PB 6950, LLC Represented By Jacob & Martin, LLC To Change The Zoning Of Approximately 36.5 Acres From Residential Multi-Family (MF), Office (O), And Agricultural Open (AO) To General Retail (GR), Residential Multi-Family (MF) And General Commercial (GC) Legal Description Being Lot 9, Block D, Denali Addition, And 23.4 Acres Out Of The Southeast Quarter Of Survey 12 Lunatic Asylum Lands, Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. The property is located at 7450 Hwy. 83-84, being 41.3417 acres of now-vacant land on the south side of McKinley Dr. and a tract of land either side of Horse Head Crossing between Memorial Drive and State Highway 83-84. An extension of Horsehead Crossing will bisect the subject property.

Mr. Rosenbaum opened the public hearing. Mr. Clayton Farrow was available to answer questions. Seeing no one else present and desiring to be heard, the public hearing was closed.

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

STAFF RECOMMENDATION: Approval

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

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

NAYS: None

ABSENT: Benham

CUP-2022-04: Receive a Report, Hold a Discussion and Take Action 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.

Mr. Adam Holland presented this request. According to information provided within the application, the owner intends to establish an apartment complex within the subject properties. This is currently vacant land with businesses located to the east. An ordinance was approved in 2017 allowing MF zoning. The recommended concept plan uses Memorial Drive as an emergency exit, as Windmill Circle would be the main entrance/exit.

Mr. Rosenbaum opened the public hearing. Ms. Brenda Huffty spoke on behalf of Weidner Apartment Homes. She stated there is a demand for housing in the Abilene area, and the development will be “higher-end housing” with estimated rentals at \$1,100 to \$1,300.

Mr. Harold Moniz confirmed there will be approximately 260 units within the development.

Those who spoke in opposition were:

Ms. Nadene Smith
Ms. Cindy Ramsey
Mr. Jimmy B.
Mr. Glen Shed
Mr. Tony Bauman

Ms. Marjorie Abendschan
Ms. Allison Cowling
Mr. Henry Beiro
Mr. Jack Cowen
Ms. Lisa Dews

Ms. Lisa Crosswhite
Ms. Lori Beale
Ms. Susan Bradshaw

Ms. Abby Speed
Mr. Callahan
Ms. Christy Farnsworth

Property owners within a 200-foot radius were notified of this request. There were no responses received in favor, with five (5) received in opposition.

38 responses were received in opposition for property owners outside of the 200' radius, with three (3) received in favor.

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. A “Type A” buffer installed along the northern property line. Furthermore, the only allowed public entrance shall be on Windmill Circle. The entrance on Memorial Drive shall only be used for emergency access purposes.

Ms. Fleming made the motion to approve this request with the following conditions:

- The proposed Multiple-Family dwellings that are adjacent to Memorial Drive and the dwellings that are adjacent to the northern property line shall have a height restriction of two (2) stories. A Type A buffer will be installed along the northern property line.
- Additionally, the inclusion of a seven feet (7') high masonry fence to serve as a barrier on the Memorial Drive side of the property.

Mr. Benham seconded the motion. The motion to **approve** with conditions prevailed by the following vote:

AYES: Barnett, Benham, Russell, Fleming, Rosenbaum

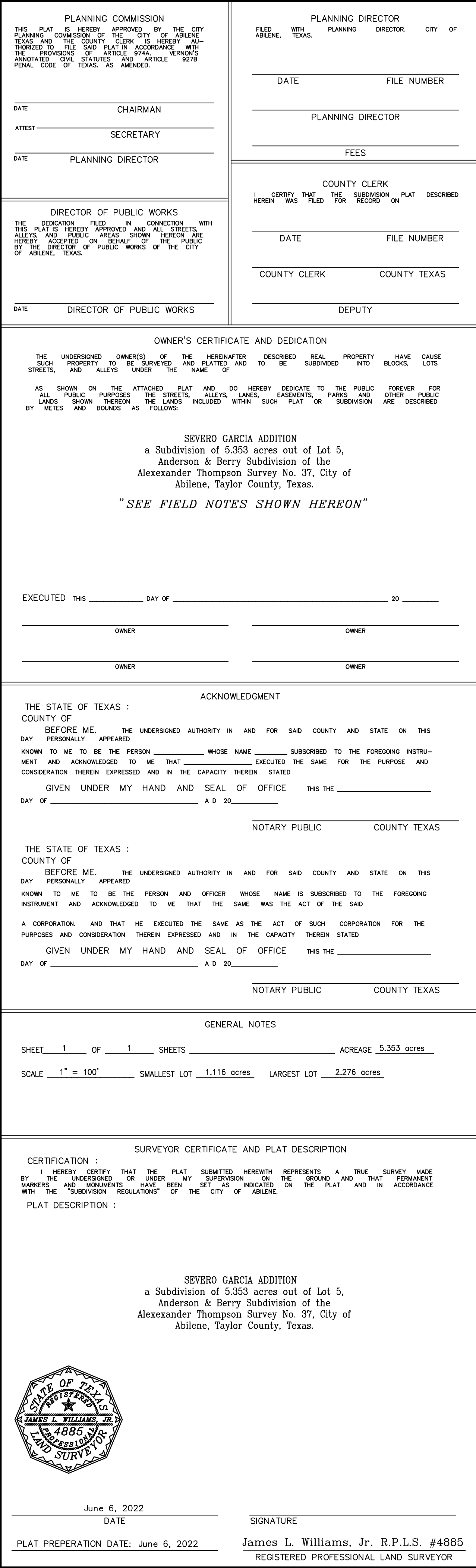
NAYS: Noonan, Lankford

Adjournment

There being no further discussion, Mr. Rosenbaum adjourned the meeting at 3:53 p.m.

APPROVED

Mr. Clint Rosenbaum, Chairman



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ZONING CASE Z-2022-14 PD-104

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: July 5, 2022

City Council 1st Reading: July 28, 2022

City Council 2nd Reading: August 11, 2022

Applicant

Owner: Weatherbee Construction, Inc.

Agent: Jacob & Martin, LLC

Request

Rezone approximately 98.63 acres from Planned Development (PD) and Medium Density to Plan Development (PD) District modifying PD-104 to add 50' wide residential lot potential to the residential mix as a use in all districts that allow residential uses.

Location

This tract is located at the northwest corner of State Highway Loop 322 with Oldham Lane.

Background

This property was annexed in 1968 and is currently vacant. The property is an amendment to an existing planned development (PD -104) that included shopping center, self storage, office uses and residential uses up to 18 units per acre. East South 27th Street and Oldham Lane are slated to be major arterial streets in 120 feet of right-of-way. State Highway Loop 322 is a major TXDOT limited access facility. An 8-inch water line is adjacent to the property on the east in Oldham Lane and a 12-inch water line exists on the north along East S 27th Street. 10-inch sewer lines exists on the north, west, and south side of the property.

Zoning, Existing and Proposed Land Use

This request is to amend the existing PD 104 to add approximately 14.34 acres (currently a farming operation) into the PD and modify all the land in the PD by adding the potential of 50 feet wide single-family units to the development mix. The adding of the 50 feet wide lots will be throughout the development. The new 14.34 acres will have a base zoning of RS-6 Residential Single-Family. Both East S 27th Street and Oldham Lane are within Community Enhancement Corridors.

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 an area designated as low density residential and partially within Community Enhancement Corridor.

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

The uses that are being proposed are consistent with the current zoning. Given the existing zoning on the property the request is inline with the residential densities of the area.

(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.

(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

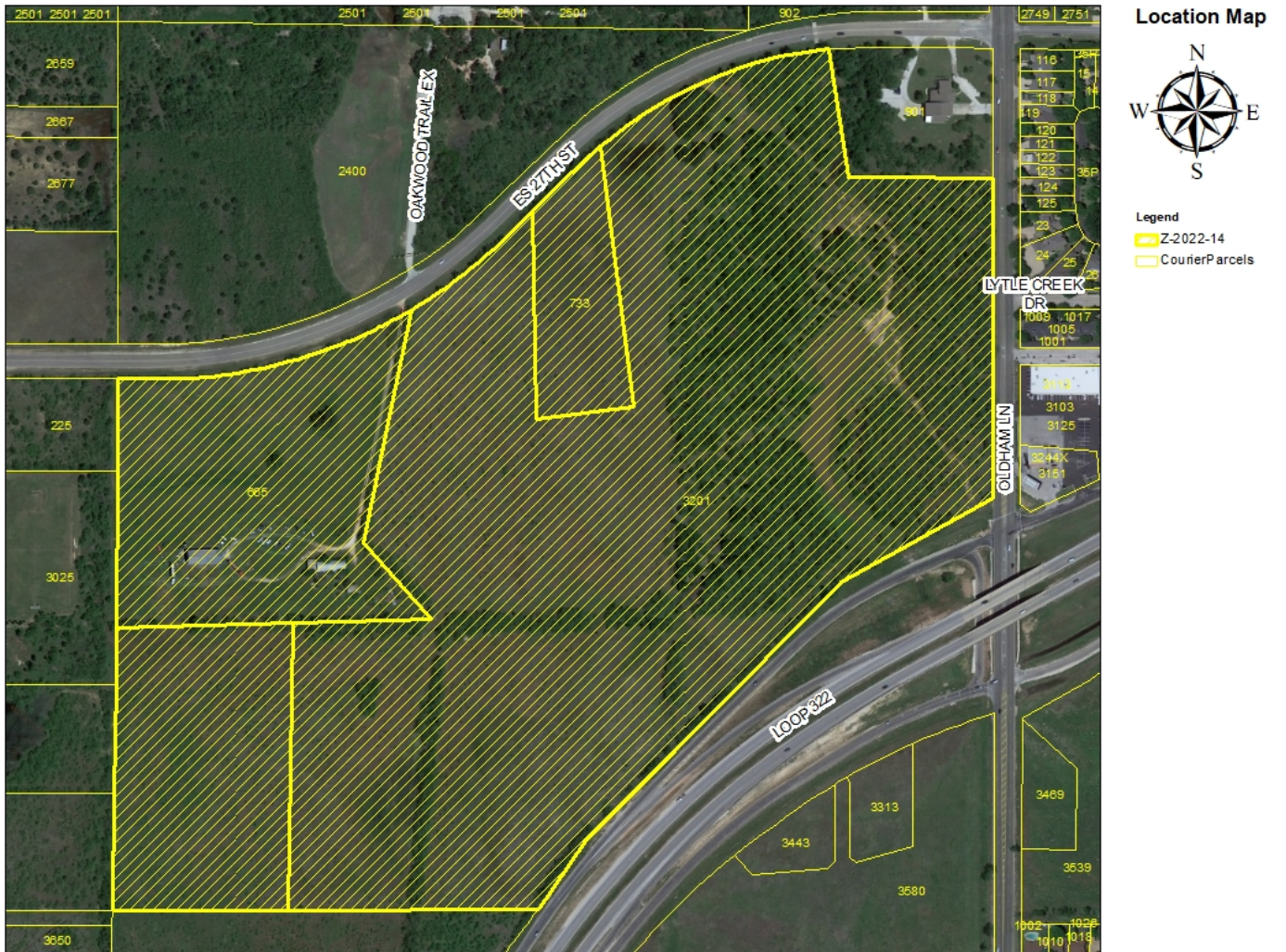
Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on June 21st, of 2022, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1
Owner/Property ID

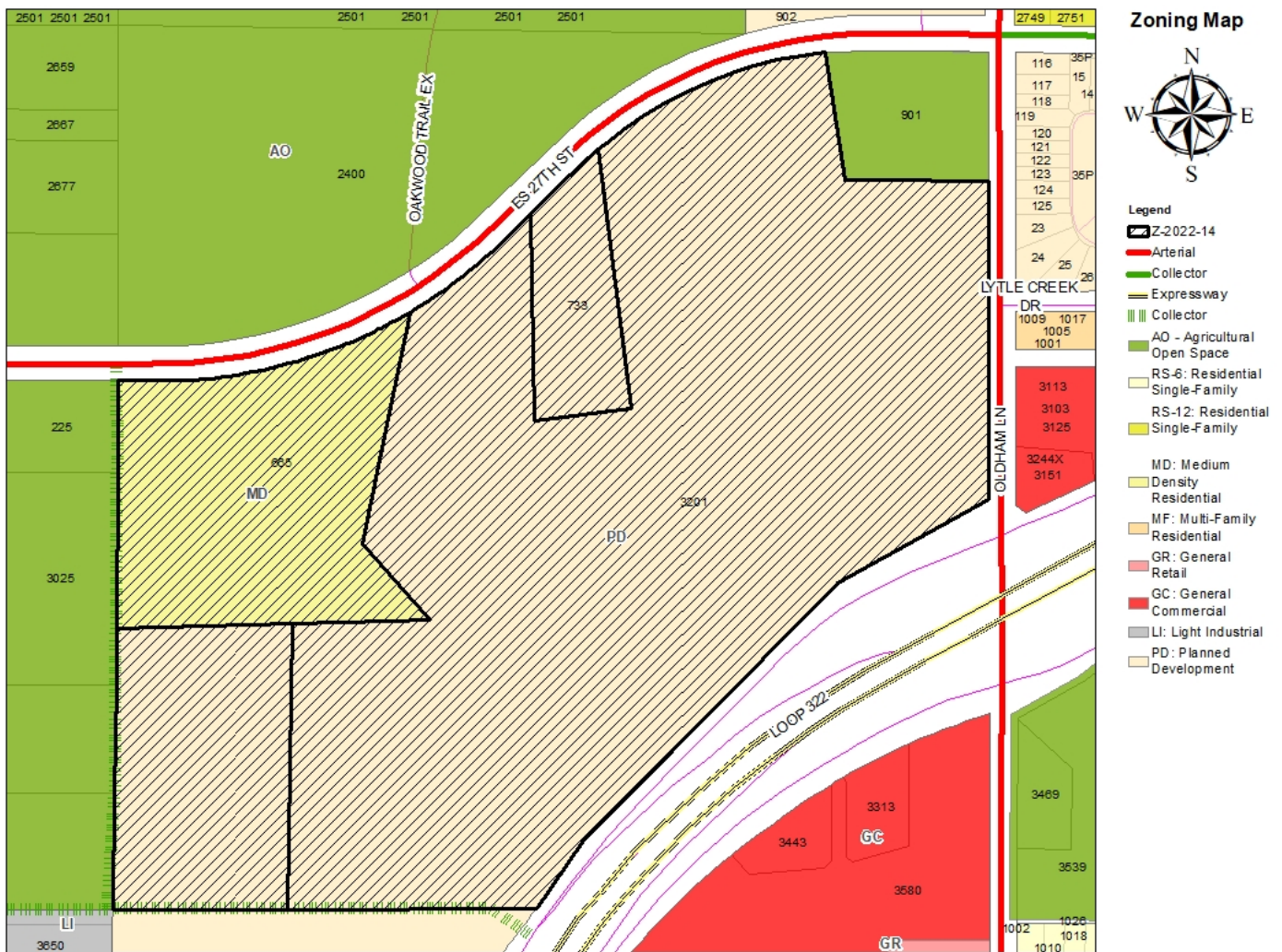
OWNER	PROP_ID	SITUS	RESPONSE
108 REAL ESTATE LLC	115052		
108 REAL ESTATE LLC	41496		
ABILENE BIBLE CONFERENCE ASSO	40123	3125 OLDHAM LN	
ABILENE NATIONAL SOCCER	969057	3025 MAPLE ST	
ABILENE STATE SCHOOL	106963	901 ES 27TH ST	
AGUIRRE GILBERT B & DOMINIQUE R	32441	23 LYTLE PLACE DR	
ANDERSON MARTHA	31668	119 LYTLE PLACE DR	
BAUGHMAN KENNETH L &	31793	120 LYTLE PLACE DR	
CITY OF ABILENE	109802		
CUYAHOGA INVESTMENTS LLC	32182	123 LYTLE PLACE DR	
DAVIS LEONARD E & DIANA K	32437	125 LYTLE PLACE DR	
HODGE LANELLE E	31930	121 LYTLE PLACE DR	
KNOWLES ROY D & PEGGY J	32305	124 LYTLE PLACE DR	
MARTIN SCOT A & AMY	35905	1005 LYTLE CREEK DR	
MATHIS LOYD WENDELL & SHIRLEY	32448	25 LYTLE PLACE DR	
MC DANIEL JACK RUSSELL	40350		
OLDHAM OAKS LLC	983854	902 ES 27TH ST	
SKINNYS INC	39994	3151 OLDHAM LN	
SPRINGER NORMA H	32446	24 LYTLE PLACE DR	
TITAN TOWERS LP	40474	225 ES 27TH ST	
TRINITY BAPTIST CHURCH	1005693		
WEATHERBEE CONSTRUCTION INC	106962	665 ES 27TH ST	
WEATHERBEE CONSTRUCTION INC	106800	3201 OLDHAM LN	
WEATHERBEE CONSTRUCTION INC	1063832	733 ES 27TH ST	
WEST CENTRAL TEXAS COUNCIL	67052	3650 LOOP 322	
WEST CENTRAL TEXAS COUNCIL	974626		
WILLIAMS TOMMY	32056	122 LYTLE PLACE DR	

OWNER	PROP_ID	SITUS	RESPONSE
ANDERSON MARTHA	31668	119 LYTLE PLACE DR	
BAUGHMAN KENNETH L &	31793	120 LYTLE PLACE DR	
HODGE LANELLE E	31930	121 LYTLE PLACE DR	
WILLIAMS TOMMY	32056	122 LYTLE PLACE DR	
CUYAHOGA INVESTMENTS LLC	32182	123 LYTLE PLACE DR	
KNOWLES ROY D & PEGGY J	32305	124 LYTLE PLACE DR	
DAVIS LEONARD E & DIANA K	32437	125 LYTLE PLACE DR	
AGUIRRE GILBERT B & DOMINIQUE R	32441	23 LYTLE PLACE DR	
SPRINGER NORMA H	32446	24 LYTLE PLACE DR	
MATHIS LOYD WENDELL & SHIRLEY	32448	25 LYTLE PLACE DR	
MARTIN SCOT A & AMY	35905	1005 LYTLE CREEK DR	
SKINNYS INC	39994	3151 OLDHAM LN	
ABILENE BIBLE CONFERENCE ASSO	40123	3125 OLDHAM LN	
MC DANIEL JACK RUSSELL	40350		
TITAN TOWERS LP	40474	225 ES 27TH ST	
108 REAL ESTATE LLC	41496		
WEST CENTRAL TEXAS COUNCIL	67052	3650 LOOP 322	
WEATHERBEE CONSTRUCTION INC	106800	3201 OLDHAM LN	
WEATHERBEE CONSTRUCTION INC	106962	665 ES 27TH ST	
ABILENE STATE SCHOOL	106963	901 ES 27TH ST	
CITY OF ABILENE	109802		
108 REAL ESTATE LLC	115052		
ABILENE NATIONAL SOCCER	969057	3025 MAPLE ST	
WEST CENTRAL TEXAS COUNCIL	974626		
OLDHAM OAKS LLC	983854	902 ES 27TH ST	
TRINITY BAPTIST CHURCH	1005693		
WEATHERBEE CONSTRUCTION INC	1063832	733 ES 27TH ST	

LOCATION MAP



ZONING MAP

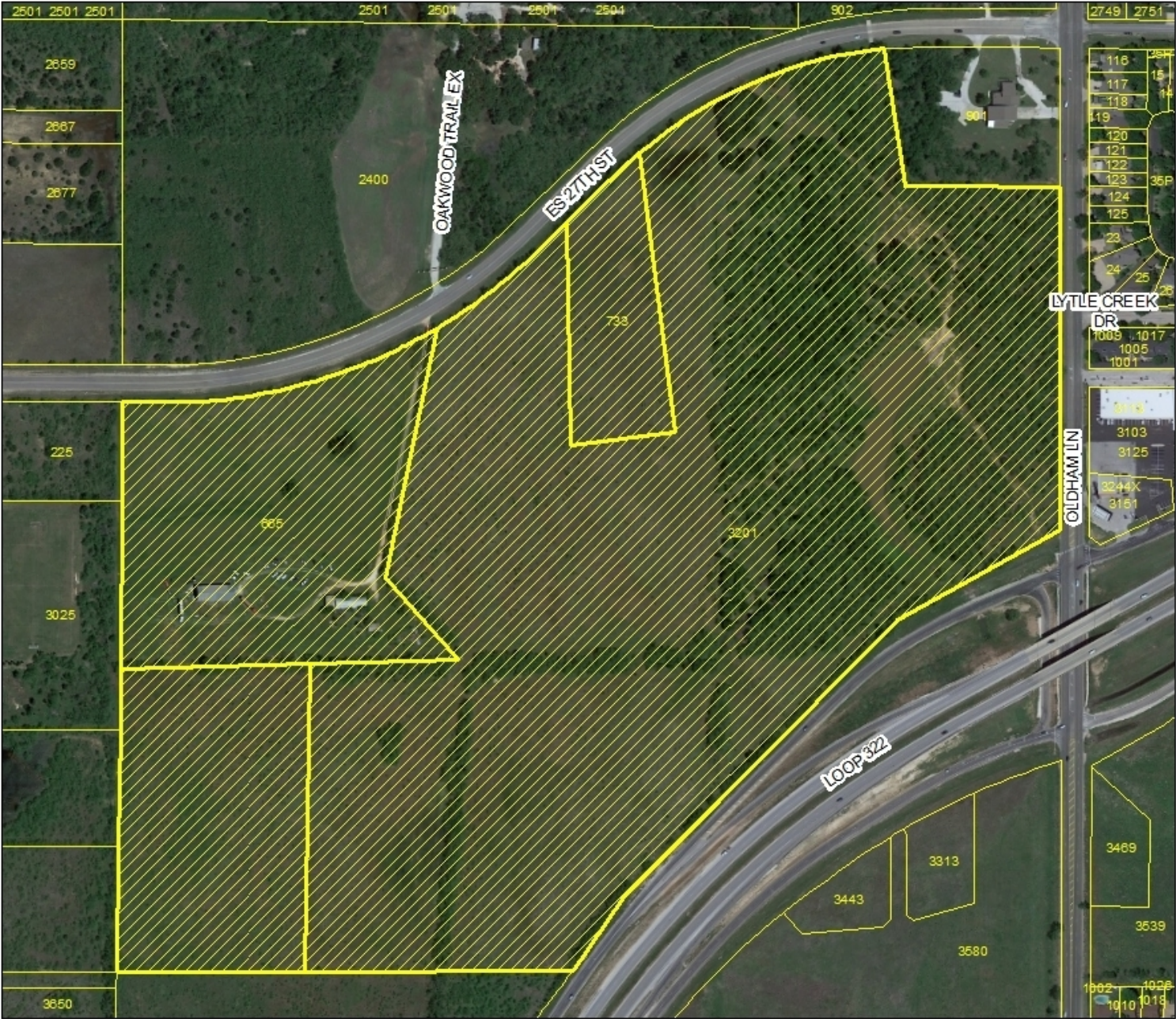


Attachments

Application

PowerPoint Presentation

Case:	Z-2022-14 PD-104
Owner:	Weatherbee Construction, Inc.
Agent:	Jacob & Martin, LLC
Request:	Zoning request to change approximately 23 Acres zoned “MD” Residential Medium Density and to “PD” Planned Development District and add 50’ Residential lots as a permitted use to all tracts.
Location:	98.63 Acres of land northwest corner of State Highway Loop 322 and Oldham Lane.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	July 5, 2022
City Council Hearings:	1 st : July 28th, 2022 2 nd : August 11 th , 2022



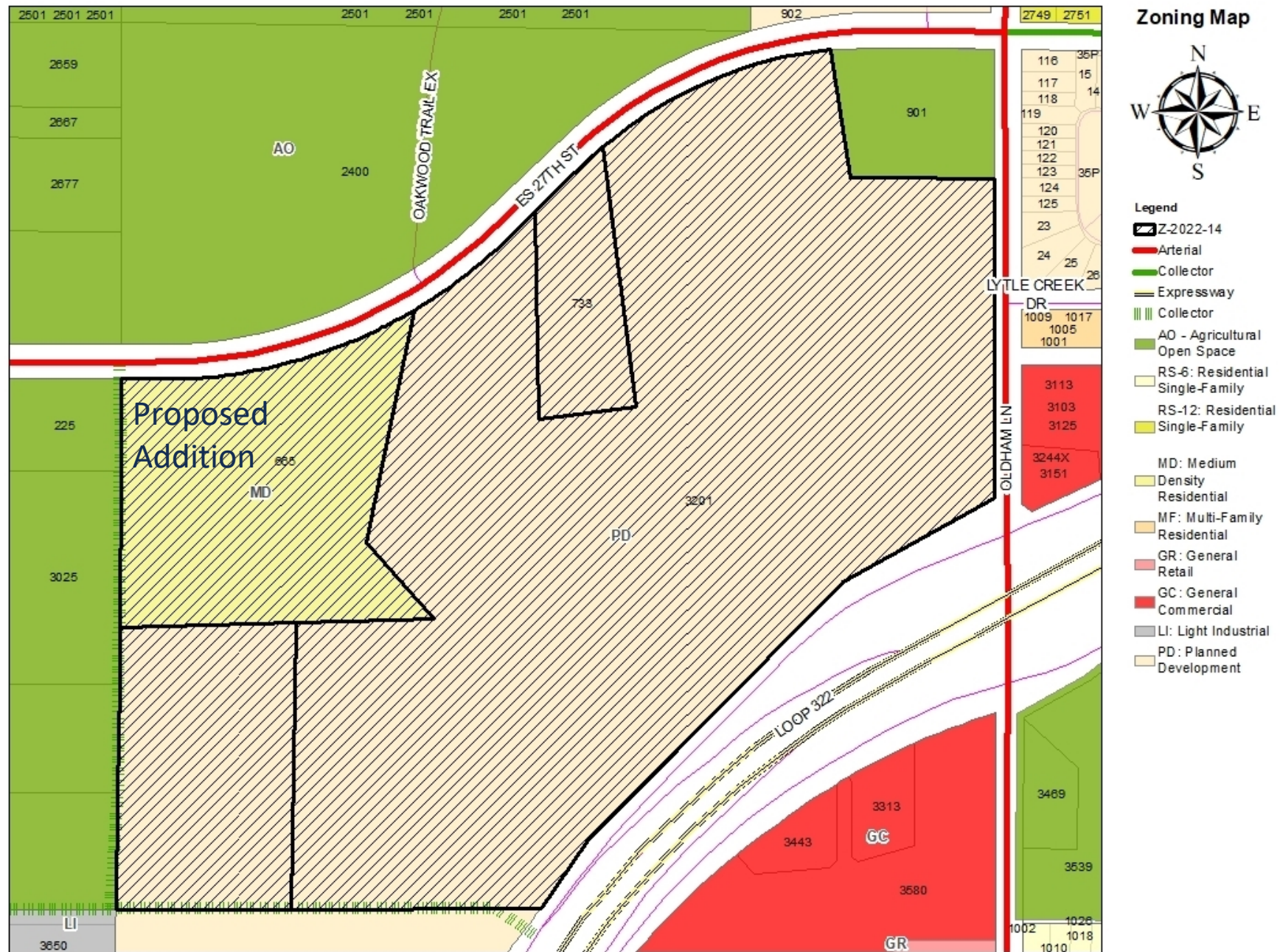
Location Map



Legend

- Z-2022-14
- CourierParcels

Z-2022-14 PD-104 ZONING MAP



Permitted Uses in MD Zoning (FORMERLY RM-3)

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

Permitted Uses in GR Zoning (Formerly SC)

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

Permitted Uses in O Zoning

RESIDENTIAL USES:

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

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
- 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)
- P Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing

TRADE – RETAIL USES

- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P/C Restaurant, Fast Food
- P/C Restaurant, Standard

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION & EXTRACTION

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

Permitted Uses in RS Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

Permitted Uses in MF Zoning (FORMERLY RM-2)

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

South View



South View



East View

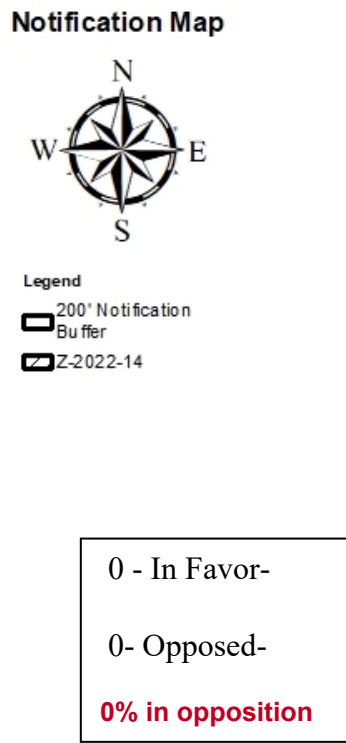


Neighboring Property (East)



Neighboring Property (North)





- 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?

ORDINANCE NO. _____

PAGE 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE AND CONCERNING PD-104, A PLANNED DEVELOPMENT DISTRICT, AND ORDINANCE NUMBER 24-2006; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That the Land Development Code of the City of Abilene is hereby amended by changing Ordinance Numbers 24-2006; specifically, as set out in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.

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

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

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of June, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chamber at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 11th day of August, 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 11th day of August, 2022.

ATTEST:

Shawna Atkinson,
CITY SECRETARY

Anthony Williams,
MAYOR

APPROVED:

Stanley Smith,
CITY ATTORNEY

ORDINANCE NO. _____
EXHIBIT "A"
PAGE 2

ORDINANCE NO. _____

Exhibit "A"

3rd Amendment to Ordinance No. 24-2006.

PART 5: Legal Description:

ADD: Legal description of property ID 106962 to be added before first City Council Reading

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

ADD: **A. Permitted Uses:**

6. Tract 6:

Shall develop under the provisions of RS-6 zoning district, except as modified in Part 7.B.14 of this ordinance.

7. All Tracts Save and except lot 1, Block A, Trails of Abilene Addition:

Uses permitted within the RS-6 Zoning district with the following modifications:

1. Minimum lot size shall be 50 feet by 100 feet.

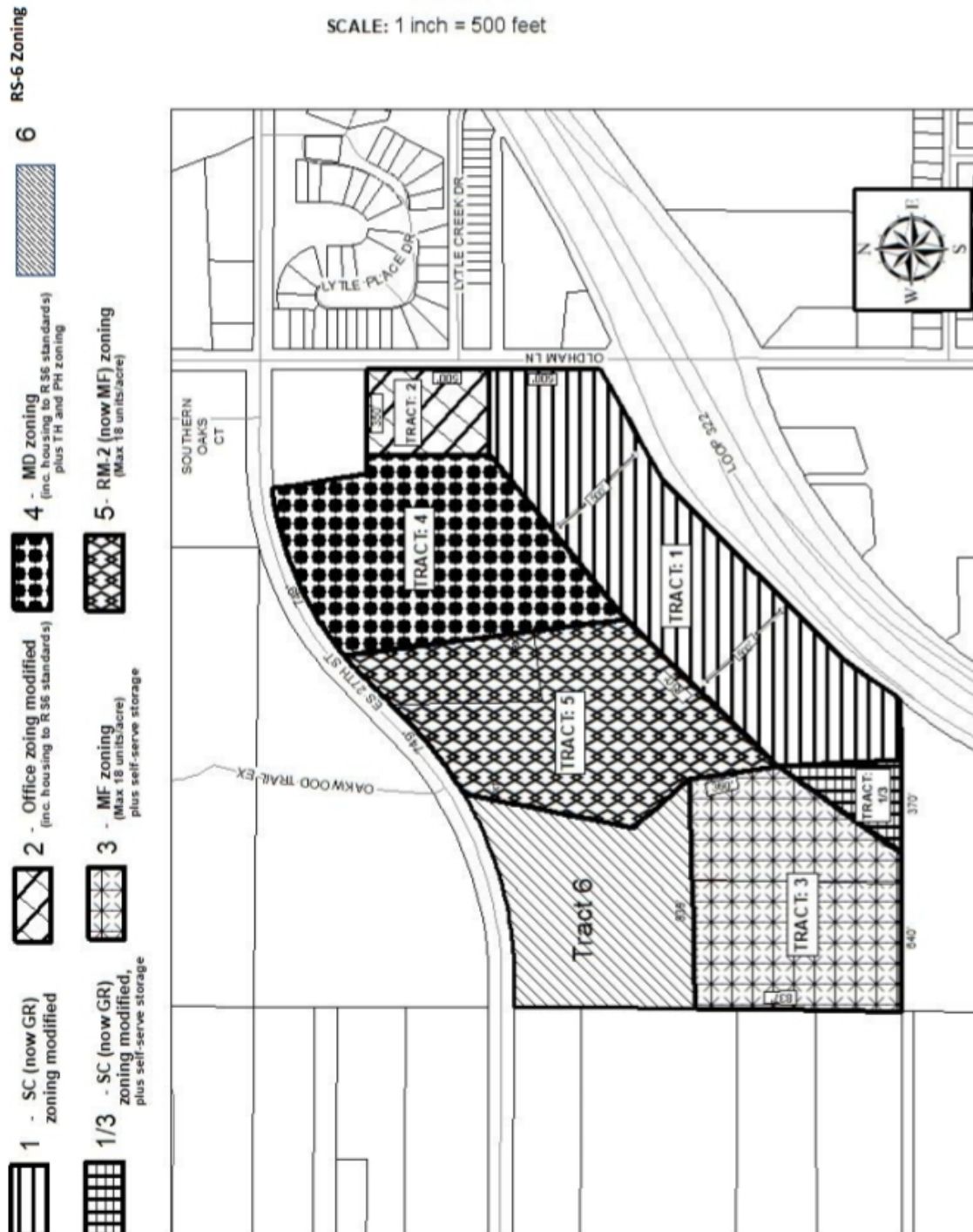
DELETE: **B.1.c** All others setbacks 10 feet

END

Exhibit B (PD 104)*

*AS AMENDED IN 2021

SCALE: 1 inch = 500 feet



ORDINANCE NO. 24-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-104 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

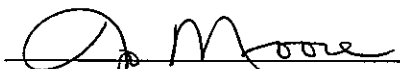
PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue,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

PASSED ON FIRST READING this 13th day of April A.D. 2006.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of March, 2006, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 27th day of April, 2006, 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.

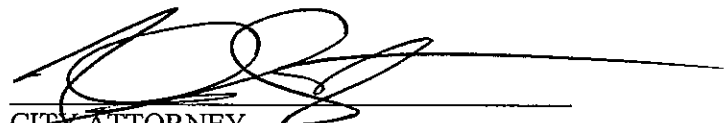
PASSED ON SECOND AND FINAL READING THIS 22nd day of June, A.D. 2006.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY
T. Daniel Santee II
First Assistant 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 District shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance.

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

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

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space to PDD (Planned Development District).

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

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

BEING 84.29 acres of land and being out of the Northeast 1/4 of Section 62, Abstract 781, Blind Asylum Lands, Taylor County, Texas, said Northeast 1/4 being part of that same tract conveyed unto the State of Texas from the City of Abilene and recorded in Volume 14, Page 127, Deed Records, Taylor County, Texas, said 84.29 acre tract being more particularly described as follows:

BEGINNING at a 3/8" rebar found at the Southwest corner of the Northeast 1/4 of said Section 62 for the Southwest corner of this tract, the Northeast corner of a 48.37 acre tract recorded in Volume 3010, Page 154, Official Public Records, Taylor County, Texas and the Northwest corner of a 13.37 acre tract surveyed by Williams Surveying Company on June 22, 2005, said point of beginning also bears S19°50'W 1756.95 feet from City of Abilene Survey Marker # 48 which has a posted position by the City of Abilene as: Texas Plane Coordinates, N. C. Zone, X = 1316698.83, Y = 278803.50.

THENCE N0°05'23"W 836.78 feet to a 1/2" rebar set;

THENCE N87°54'18"E 939.06 feet to a 1/2" rebar set;

THENCE N41°31'05"W 300.67 feet to a 1/2" rebar set;

THENCE N10°59'00"E 699.0 feet to a 1/2" rebar set in a curve to the left on the SBL of South 27th Street for the most Northerly Northwest corner of this tract;

THENCE along the SBL of South 27th Street and said curve to the left having a radius of 1498.53 feet, a length of 375.04 feet and a chord bearing and distance of N51°47'58"E 374.06 feet to a 1/2" rebar set at the end of said curve to the left;

THENCE N44°37'47"E (N45°20'E = record bearing) 253.10 feet along the SBL of said street to a 1/2" rebar set at the beginning of a curve to the right;

THENCE along the SBL of said street and said curve to the right having a radius of 1274.55 feet, a length of 854.82 feet, and a chord bearing and distance of N63°50'36"E 838.89 feet to a 1/2" rebar set for the most Northerly Northeast corner of this tract;

THENCE S9°19'31"E 383.10 feet to a 1/2" rebar set;

THENCE S89°48'14"E 426.27 feet to a 1/2" rebar set on the WBL of F. M. Highway 1750 (A.K.A. Oldham Lane) for the most Easterly Northeast corner of this tract;

THENCE S0°31'24"E (S0°30'E = record bearing) along the WBL of said highway at 215.07 feet pass an existing concrete highway monument and continue along for a total distance of 939.58 feet to an existing concrete highway monument on the Northwest boundary line of State Highway Loop 322;

THENCE S60°24'04"W (S40°40.7'W = record bearing) 513.45 feet (513.51 = record distance) along the Northwest boundary line of said Loop 322 to an existing concrete highway monument;

THENCE S44°05'09"W (S44°11.9'W = record bearing) 1079.66 feet along the Northwest boundary line of said Loop 322 to an existing concrete highway monument;

THENCE S33°34'19"W (S33°25.9'W = record bearing) 238.20 feet along the Northwest boundary line of said Loop 322 to a 1/2" rebar found at the Northeast corner of said 13.37 acre tract and the Southeast corner of this tract;

THENCE S89°13'35"W (S89°13'20"W = record bearing) 1263.47 feet (Bearing Basis Line, Bearings determined by GPS observations using Trimble 4700 receivers.) along the NBL of said 13.37 acre tract to the place of beginning and containing 84.29 acres of land.

Location:

The west side of Oldham Lane between S. 27th Street and Loop 322

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

PART 7: Specific Modifications. The following regulations and the attached concept plan (Exhibit B) shall govern the use and development of this Planned Development District.

A. PERMITTED USES:

1. Tract 1:

- a. Uses permitted in the Shopping Center district as modified (See Exhibit C)
- b. Education Research
- c. Catering Service
- d. Delivery Services
- e. Office equipment and business machine rental
- f. Printing (Commercial)
- g. Medical and Dental Supply Sales
- h. Newspaper, periodical and book publishing, binding and printing
- i. Pet Stores with the following provisions:
 - No external grooming or kennels
 - All related activities must occur indoors within the pet store business
- j. Hotel (including swimming pools and tennis courts) with the following provisions:
 - May only face Loop 322
 - No exterior entry to rooms
 - Rooftop mechanical items must be screened

2. Tract 2:

- a. Uses permitted in the Office District as modified (See Exhibit D).
- b. All mechanical equipment, such as HVAC and power units, and refuse containers shall be located within a fenced area that is screened from view.

3. Tract 3:

Self Storage units are permitted in Tract 3, subject to the following limitations:

- a. Front exterior facades must be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
- b. Any exterior facade other than the front that is visible from any public right-of-way shall be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
- c. All building materials, including doors, that are visible from a public right-of-way shall be of a neutral color.
- d. Outside storage (including RV storage) is not permitted.
- e. Fencing requirements:
 - 1. Chain link fencing may be used on the north side and/or the west side
 - 2. No barbed or razor wire fencing may be used.
 - 3. Masonry or wrought iron fencing may be used in any area.
- f. Sufficient refuse containers must be provided and shall be fully screened from view of the public right-of-way or any roadway.
- g. Buildings must be on concrete foundations and all parking and maneuvering areas

shall be concrete and/or asphalt.

4. Tract 4:

Shall develop under the provisions of the RS-8 and/or the RM-3 zoning districts, except as modified in Part 7.B.14 of this ordinance. Development under the RM-3 standards shall be limited to the following uses only:

- Townhomes
- Patio Homes
- Duplexes

5. Tract 5:

Shall develop under the provisions of the RM-2 district with the following exceptions:

- The maximum density shall be 18 units per acre
- Must meet the requirements of Part 7.B.14 of this ordinance

B. SITE DEVELOPMENT

1. Minimum Building Setbacks - Commercial Development and Residential:

- a. Along S. 27th St, Oldham Lane., Loop 322 and any future collector streets:
 - (1) 15 feet if entirely landscaped except for sidewalks and permitted driveways crossing perpendicular across the 15 feet
 - (2) 30 feet if parking is located in the front of the building
- b. Along interior streets: 20 feet
- c. All others setbacks: 10 feet

2. Maximum Structure Height: 35 feet and no more than 2 stories

3. Controlled ingress and egress:

- a. Maximum of two (2) driveways (curb cuts) off Oldham Lane
- b. Maximum of three (3) driveways (curb cuts) off Loop 322

4. Building Materials:

- a. This section does not apply to single-family residences or self-storage (see Section A.3 for self-storage requirements).
- b. A minimum of 80% of the exterior face of all structures shall be composed of brick, stone, or EIFS
- c. The remaining area of the building face shall be limited to glass, stucco, EIFS finishes, decorative block, or other similar materials.
- d. No metal panels of any kind used on exterior facade.
- e. Elevation plans shall be submitted, with the Site Plan, for review and approval by the Planning Director. Any variation from the materials listed above will be subject to review and may be permissible at the discretion of the Planning Director.
- f. Development of Tract 1 must have consistent and similar façades throughout the Tract.
- g. Development in Tract 2 must have a residential character to include the following:
 - A minimum roof pitch of 3:1
 - No metal roofing

- Overhead doors may not be visible from Oldham Lane

5. Off-street parking and Circulation:

- a. All parking areas shall comply with the provisions specified in the Zoning Ordinance.
- b. Truck loading areas shall be screened from street-side lot boundaries by an opaque wall or barrier at least 8 feet in height either of which must be constructed of solid materials compatible with the exterior face of the building. Such screening shall extend the full length of the loading areas, exclusive of maneuvering areas for trucks.
- c. Internal circulation of vehicular and pedestrian traffic shall be required between parcels within the development.

6. Driveway Access and Spacing

- a. Direct driveway access for lots developed with single-family, duplex, townhome, and patio home residential uses shall be prohibited onto any arterial street or the Loop 322 frontage road.
- b. Driveways along S. 27th St. shall be a minimum of 150' from the nearest street intersection (measured from the right-of-way line) and separated from the nearest driveway on either side of the same street by a minimum of 100 feet, unless they are located directly across from existing driveways.

7. Signage

- a. Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- b. Freestanding:
 - (1) Monument Signs: Each parcel that is less than one acre may have a maximum of one free-standing sign. Parcels of one or more acres may have a maximum of two free-standing signs. Such signs must be monument signs with a maximum height of 10 feet and a maximum area of 80 square feet.
 - (2) Group Pole Signs: In addition to any allowable monument signs, two group pole signs may be erected only along the Loop 322 frontage with a maximum height of 30 feet and a maximum area of 150 square feet.
- c. Wall Signs: Wall signage may not exceed 10% of the area of any wall on which the sign(s) is (are) located and cannot be attached to required screening.
- d. Banners: Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage. These shall only be allowed until permanent wall signage is installed, but in no case for more than 60 days.
- e. Prohibited Signs:
 - (1) Portable Signs
 - (2) Off-site Advertising
 - (3) Pennants, streamers, balloons, and similar devices

8. Landscaping and buffers

- a. This section does not apply to single-family residential development.
- b. Landscaping and buffering within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- c. A minimum 15-foot wide landscaped area shall be provided along all street-side boundaries of the PDD. The landscaped area shall be located entirely on private property.
- d. In addition to the landscaped strip along the street-side boundaries, no less than five

- (5) percent of the remaining lot area shall be landscaped, which may include parking lot landscaping and grass areas. The remaining area shall be calculated by subtracting the area of the required landscaped strip from the total area of the PDD.
- e. Landscaping within the required 15-foot wide strip must consist of living materials and shall include at least 1 commercially balled tree and 2 shrubs per 40 linear feet of required landscaping area.
- f. Landscaping within the remaining required area must consist of living materials and shall include at least 2 commercially balled trees and 4 shrubs per 1000 square feet of landscape area.
- g. Landscaped islands within parking lots are required at a rate of 1 per 20 parking spaces in a row. At least half of these islands shall include a commercially balled tree.
- h. All parkways shall be landscaped.

9. Screening and Fencing

- a. This section does not apply to single-family residential.
- b. Any fencing on site that is for required screening must be constructed from masonry materials. Other fencing for security or other non-screening purposes may be wrought iron. Chain-link fencing shall be permitted only along the west boundaries of the PDD, but not along the Loop 322 frontage or Oldham Lane.
- c. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be fully screened from view outside the tract in question by an opaque wall or fence constructed of materials consistent with those of the primary building(s).
- d. Barbed wire and razor wire fencing shall be prohibited.
- e. A masonry wall six feet in height shall be provided along the eastern boundary of Tract 4, separating Tract 4 from Tract 2 and the existing fire station.

10. Sidewalks

- a. Sidewalks are required along all arterials, frontage roads, and collector streets within or adjacent to the PDD and must be placed in the right-of-way at least one foot from the property line.
- b. Internal sidewalks are required to connect the public sidewalks with the primary entrances of all buildings other than single-family residences. Sidewalks and walkways should be designed to promote safe and convenient pedestrian routes within the development.
- c. All sidewalks along collector and arterial streets must be a minimum of five (5) feet wide.
- d. All internal sidewalks must be a minimum of four (4) feet wide.
- e. Internal circulation of vehicular and pedestrian traffic shall be required within the entire PDD and to adjacent tracts.
- f. All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan, as well as applicable state and federal accessibility standards.

11. Outdoor Storage and Display

- a. Outdoor display of merchandise is not permitted
- b. Outdoor storage is not permitted

12. Freight Containers are prohibited

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

14. Residential Specs: The following standards shall apply to all residential development:

1. No Carports in any residential area
2. All residential structures shall have at least 80% brick facades
3. All garages for residential structures shall have side or rear entries (no front-facing)
4. All streets shall be curbed
5. No industrial metal roofs
6. Fences shall be wrought iron, masonry, or wood

PART 10: Development Schedule. If a building permit is not approved within 18 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designation.

- END -

 Uses with Modifications

 SC Uses and/ or Self Storage

 Self Storage and Residential 18 Units/ Acre

 2

Office Uses with Modifications

 4

Residential RM-3 and/ or RS-8

 5

Residential RM-3 18 Units/ Acre

Exhibit B

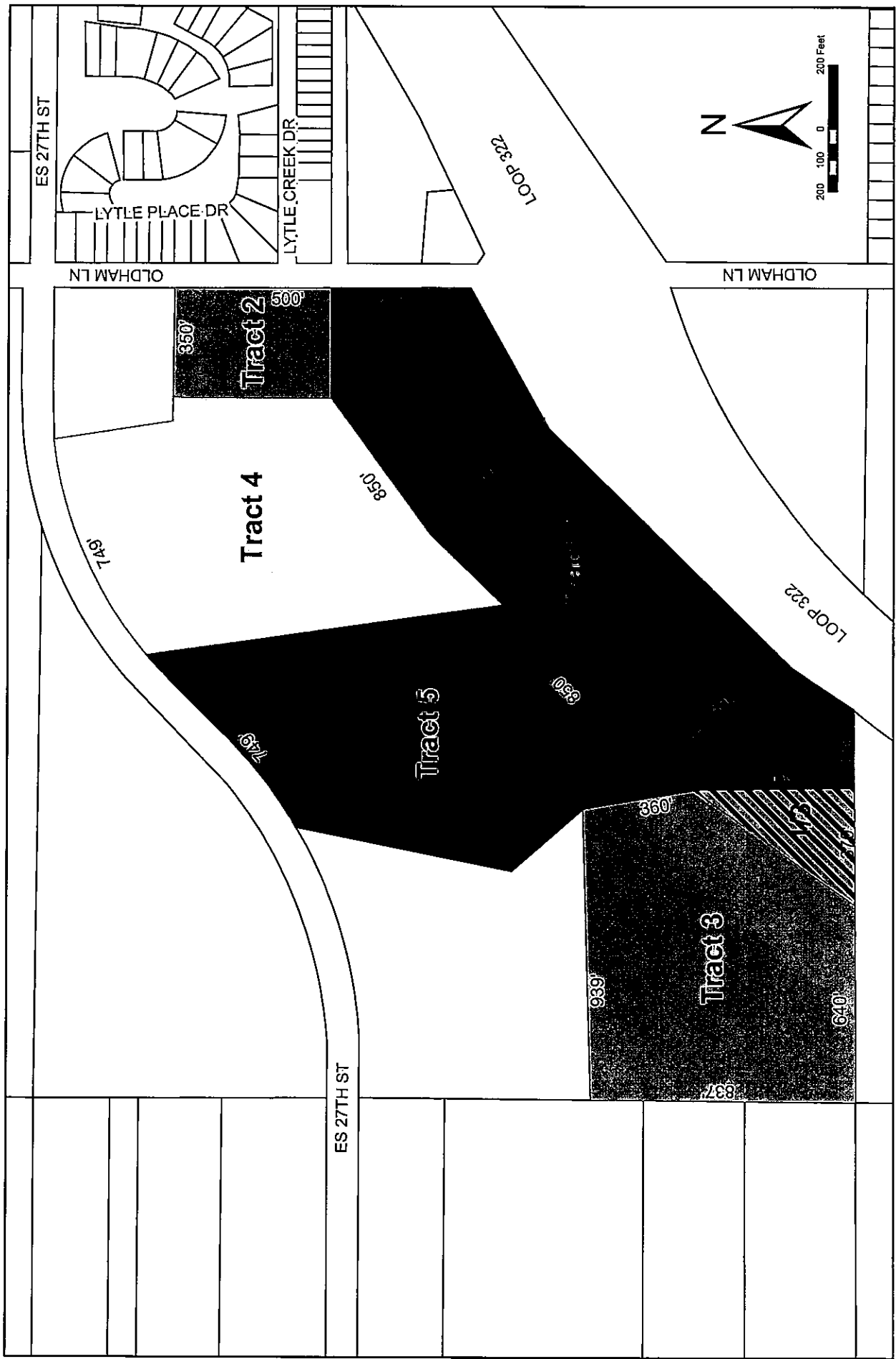


EXHIBIT C

SHOPPING CENTER USES

ACCESSORY AND INCIDENTAL USES:

Accessory Building
Fences, Walls, and Hedges
Field Office or Construction Office (temporary)
Mobile Home (temporary security residence)
Satellite Dish Antenna (maximum diameter of 24 inches)

CULTURAL AND RECREATIONAL USES

Art Galleries
Libraries
Museums
Theaters and Playhouses

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES

Fire Station
Governmental Administrative Offices
Medical and Dental Clinic or Office - *No 24/7 Minor Emergency Clinic*
Optical Shop
Post Office

EDUCATIONAL AND RELIGIOUS USES:

Church or Place of Worship

OFFICE-TYPE USES:

Accounting, Auditing, Tax and Bookkeeping Services
Adjustment and Collection Services
Advertising Services
Appraisal Services
Architectural and Planning Services
Business Associations
Consumer and Mercantile Credit Reporting
Detective Services
Engineering Services
Educational Research Offices
Government Administrative Offices
Insurance Agents, Carriers, and Brokers
Legal Services
Medical or Dental Office or Clinic - *No 24/7 Minor Emergency Clinic*
Office Space (general/unspecified)
Protective and Security Services
Real Estate Agent, Brokers, and Management
Security and Commodity Brokers, Dealers, and Exchanges
Stenographic, Duplicating and Mailing Services
Telephone Answering
Title Abstractors

SERVICE (OTHER THAN OFFICE-TYPE)

Banking Services
Banking Services (remote automatic)
Beauty and Barber Services
Blueprinting and Photocopying Services
Credit Unions
Interior Decorating Services
Key and Lock Repair
Laundry and Dry Cleaning Services, Including Pressing, Alteration, and Garment Repair (does not accept
Items from pick-up stations)
Photographic Services
Savings and Loan Associations
Tailoring (custom)
Trading Stamp Services
Travel Arranging and Ticket Services
Watch, Clock and Jewelry Repair Service

TRADE-RETAIL USES: [No Drive-Thru Windows]

Appliances (household)
Bakery Products (on premise sales)
Book and Stationery
Cameras and Photographic Supplies
China, Glassware, and Metalware
Clothing and Apparel Accessories
Coins and Stamps
Department Stores
Drug Store/Pharmacy
Floor Coverings
Furniture and Home Furnishings
Furriers and Fur Apparel
Gifts, Novelties, Souvenirs
Hardware
Hobby and Craft Supplies
Jewelry
Keys and Locks
Liquor Store Off-Premise Consumption (unrestricted)
Music Supplies and/or Records
Office Supplies and Equipment
Optical Goods
Paint, Glass, and Wallpaper
Pets and Pet Supplies [*No grooming and no outdoor kennel*]
Radios and Televisions
Restaurants, Standard
Shoes
Sporting Goods and Athletic Equipment
Variety Stores

- END -

EXHIBIT D
OFFICE USES

RESIDENTIAL USES:

Single Family Detached Dwellings - RS8 or better to be compatible with the neighborhood

ACCESSORY AND INCIDENTAL USES:

Swimming Pools, Private (accessory to residential use) - only if RS8 or larger

Tennis Courts, Private (accessory to residential use) - only if RS8 or larger

CULTURAL AND RECREATIONAL USES

Art Galleries

Libraries

Museums

EDUCATIONAL AND RELIGIOUS USES:

Church or Place of Worship

OFFICE-TYPE USES:

Accounting, Auditing, Tax and Bookkeeping Services

Adjustment and Collection Services

Advertising Services

Appraisal Services

Architectural and Planning Services

Business Associations

Customer and Mercantile Credit Reporting Services

Detective Services

Engineering Services

Educational Research Offices

Government Administrative Offices

Insurance Agents, Carriers, and Brokers

Legal Services

Medical or Dental Office or Clinic -No 24/7 Minor Emergency Clinic

Office Space (general/unspecified)

Protective and Security Services

Real Estate Agent, Brokers, and Management

Security and Commodity Brokers, Dealers, and Exchanges

Stenographic, Duplicating and Mailing Services

Telephone Answering

Title Abstractors

SERVICE (OTHER THAN OFFICE-TYPE)

Banking Services (remote automatic)

Credit Unions

Savings and Loan Associations

Travel Arranging and Ticket Services

- END -

ORDINANCE NO. 57-2015

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-104 AND ORDINANCE NO. 24-2006 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 24-2006, 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 22nd day of October A.D. 2015.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of September, 2015, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 p.m., on the 5th day of November, 2015, 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 5th day of November, A.D. 2015.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

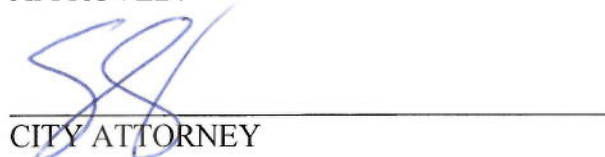

CITY ATTORNEY

Exhibit "A"

1st Amendment to Ordinance No. 24-2006

AMEND: PART 7: Specific Modifications. Sub-part (A) (3) as follows:

ADD: Add the MD (Medium Density Residential) district to define permitted uses

3. Tract 3:

- Uses permitted in the MD (Medium Density Residential) district. Development under the MD standards must meet the requirements of Part 7.B.14 of this ordinance.
- Self Storage units are permitted in Tract 3 subject to the following limitations:
 - a. Front exterior facades must be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
 - b. Any exterior facade other than the front that is visible from any public right-of-way shall be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
 - c. All building materials, including doors, that are visible from a public right-of-way shall be of a neutral color.
 - d. Outside storage (including RV storage) is not permitted.
 - e. Fencing requirements:
 - 1. Chain link fencing may be used on the north side and/or the west side
 - 2. No barbed or razor wire fencing may be used.
 - 3. Masonry or wrought iron fencing may be used in any area.
 - f. Sufficient refuse containers must be provided and shall be fully screened from view of the public right-of-way or any roadway.
 - g. Buildings must be on concrete foundations and all parking and maneuvering areas shall be concrete and/or asphalt.

-END-

ORDINANCE NO. 62-2021

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, LAND DEVELOPMENT CODE OF THE ABILENE CITY CODE, SPECIFICALLY BY AMENDING TERMS AND CONDITIONS OF PLANNED DEVELOPMENT DISTRICT NUMBER 104 (PD 104) AS WELL AS ORDINANCE NUMBERS 24-2006 AND 57-2015; 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 specifically by modifying certain terms and conditions of Ordinance Numbers 24-2006 and 57-2015 concerning PD 104 (a Planned Development District) as set out in accompanying Exhibits concerning the same said PD 104, 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.

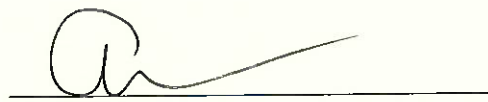
PASSED ON FIRST READING the 28th day of October, 2021.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of September, 2021, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 4th day of November, 2021, 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 in the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 4th day of November, 2021.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

EXHIBIT A

AMEND PART 7: Specific Modifications, Subpart A.3 therein concerning uses permitted in Tract 3, specifically as follows:

DELETE: all existing Subpart 7.A.3 which presently reads as follows:

3. Tract 3

- Uses permitted in the MD (Residential Medium-Density) zoning district. Development under the MD standards must meet the requirements of Part 7.B.14 of this ordinance.
- Self-storage units are permitted in Tract 3 subject to the following limitations:
 - a. Front exterior facades must be at least 75% masonry, brick, stone, stucco, EIFS or any combination of the preceding.
 - b. Any exterior façade other than the front that is visible from any public right-of-way shall be at least 75% masonry, brick, stone, stucco, EIFS or any combination of the preceding.
 - c. All building materials, including doors, that are visible from a public right-of-way shall be of a neutral color.
 - d. Outside storage (including RV storage) is not permitted.
 - e. Fencing requirements:
 - 1. Chain-link fencing may be used on the north side and/or the west side.
 - 2. No barbed or razor wire fencing may be used.
 - 3. Masonry or wrought-iron fencing may be used in any area.
 - f. Sufficient refuse containers must be provided and shall be fully screened from view of the public right-of-way or any roadway.
 - g. Buildings must be on concrete foundations and all parking and maneuvering areas shall be concrete and/or asphalt.

ADD: the following replacement description of uses permitted in Tract 3 of PD 104:

3. Tract 3

- a. Uses allowed in Residential Multi-Family (MF) zoning districts, subject to all standards ordinarily required thereof and of Part 7.B.14 of this ordinance, except the overall density of housing (on any one lot) shall not exceed 18 dwelling units per acre.
- b. Self-service storage units, subject to all ordinary building and site development standards required thereof, as well as the following limitations:
 - (1) Outside storage (including storage of boats and other recreational vehicles) is not allowed.
 - (2) Fencing requirements:
 - (a) Chain-ink fencing may be used on north and west sides only.
 - (b) No barbed or razor wire fencing may be used.
 - (c) Masonry or wrought-iron fencing may be used in any area.
 - (3) Sufficient containers for solid waste disposal must be provided and shall be fully screened from view of public rights-of-way or any roadway.

- (4) Self-service storage building must be on concrete foundations, and all vehicle parking and maneuvering areas shall be improved with asphaltic or portland cement binder pavement.

AMEND PART 7: Specific Modifications. Subpart A.4 therein concerning permitted uses in Tract 4, specifically as follows:

DELETE: all existing Subpart 7.A.4, which presently reads as follows:

4. Tract 4

Shall develop under the provisions of the RS-8 and/or the RM-3 zoning districts, except as modified in Part 7.B.14 of this ordinance. Development under the RM-3 standards shall be limited to the following uses only:

- townhomes,
- patio homes,
- duplexes.

ADD: the following replacement description of uses permitted in Tract 4 of PD 104:

4. Tract 4

- a. The use and development of land in Tract 4 shall be generally governed by the following three zoning classifications as well as by provisions expressed in Part 7.B.14 of this ordinance:
- (1) Residential Medium-Density (MD) District, with allowances for development of conventional single-family housing to ordinary standards of RS-6 zoning districts, and with a restriction that no more than two (2) dwelling units are allowed on any one lot;
 - (2) Residential Townhome (TH) District, provided that any final subdivision plat (or replat) embracing lots intended for townhome dwellings must specifically identify and restrict those lots for such housing; and
 - (3) Residential Single-Family Patio Home (PH) District, provided that any final subdivision plat (or replat) embracing lots intended for patio home dwellings must specifically identify and restrict those lots for such housing.

AMEND PART 7: Specific Modifications. Subpart B.14 therein addressing standards applicable to all residential development in PD 104, specifically as follows:

DELETE: Item 3 therein which stipulates that “All garages for residential structures shall have side or rear entries (no front-facing)” and renumber the remaining items in Subpart B.14 accordingly.

AMEND EXHIBIT D: OFFICE USES specifically as follows:

DELETE: RESIDENTIAL USES:

Single-Family Detached Dwellings – RS-8 or better, to be compatible with the neighborhood.

ADD: RESIDENTIAL USES:

Single-Family Detached Dwellings – to standards of RS-6 zoning districts.

AMEND the graphic concept plan originally attached as Exhibit B to Ordinance No. 24-2006, specifically as follows:

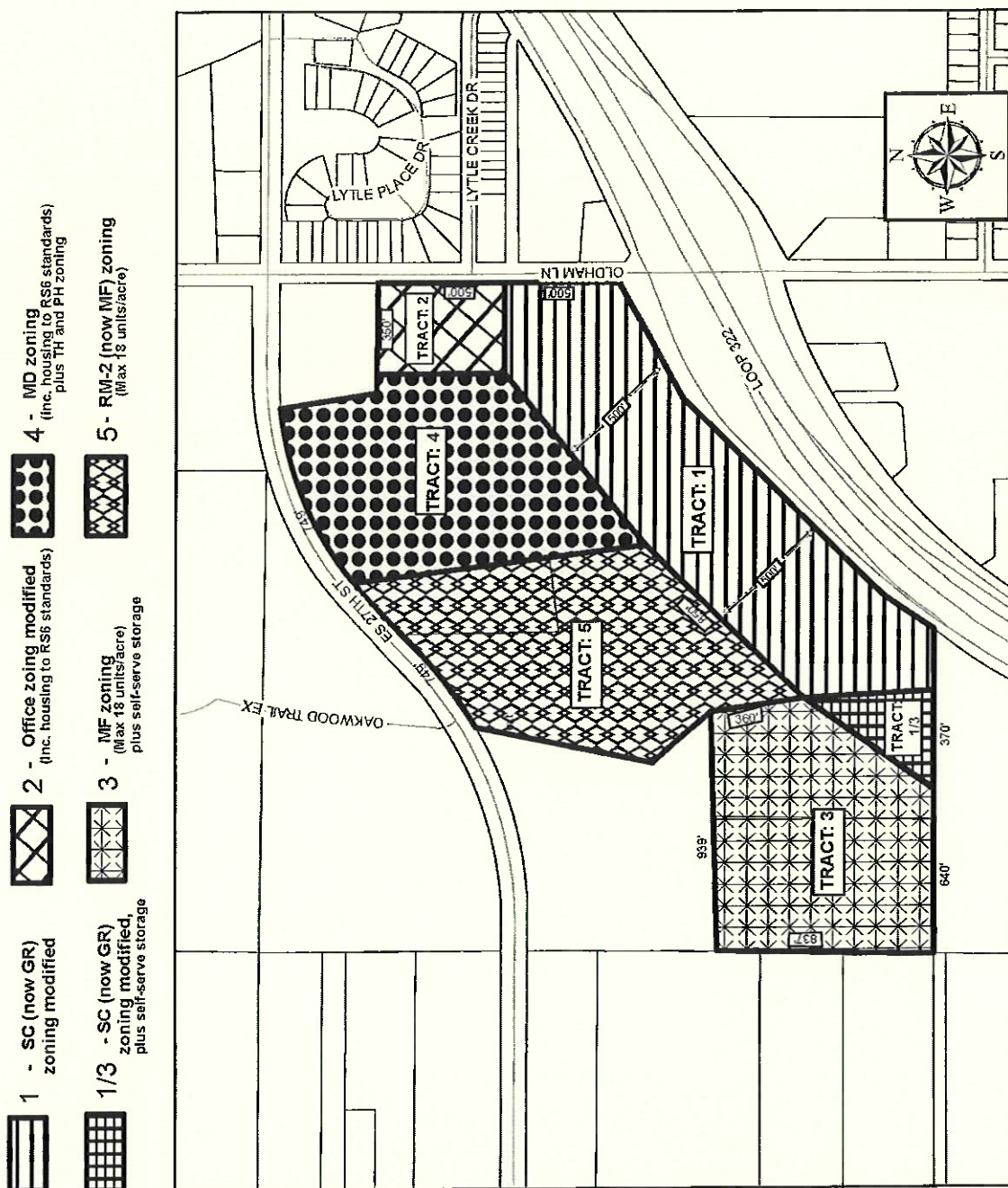
DELETE: said graphic concept plan attached as Exhibit B to Ordinance No. 24.2006.

ADD: the following graphic concept plan identified as Exhibit B and attached to this ordinance.

Exhibit B (PD 104)*

*AS AMENDED IN 2021

SCALE: 1 inch = 500 feet



ZONING CASE Z-2022-15 PD-170

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: July 5, 2022

City Council 1st Reading: July 28, 2022

City Council 2nd Reading: August 11, 2022

Applicant

Owner: Cimarron Meadows Development Corp

Agent: Jacob & Martin, LLC

Request

Rezone approximately 15.067 acres from Agricultural Open (AO), Medium Density (MD), and Planned Development (PD) to Plan Development (PD) District and adding the property to PD-170 with a Townhome base zoning. Applicant is requesting to develop 50 foot wide residential single family lots with a base zoning of RS-6 within the extension of PD 170.

Location

15.067 acres of vacant land between Maple Street and Lakeside Drive and approximately 1,700 feet south of Berry Lane at the south terminus of Sweetwater Lane.

Background

This property was annexed in 1957 and has been vacant since annexation. Currently this property is zoned Agricultural Open and Residential Medium Density. Maple Street that borders the western edge of the property is shown as a major arterial street and Lakeside Drive on the east side of the property is shown as a collector street on the Thoroughfare Plan. An 8-inch water line and a 6-inch sewer line currently stubs into the property from the north in Sweetwater Lane. Additionally, a 10-inch sewer exists adjacent to the subject property in Maple Street. The property is not platted.

Zoning, Existing and Proposed Land Use

This request is to amend the existing PD 170 to add approximately 23 acres of existing Residential Medium Density (MD) and approximately 15 acres of Agricultural Open Space (AO) zoning as shown in attached graphic. This planned development zoning district as proposed is a copy of the standard RS-6 zoning district with a few modifications detailed here: 50'x100' minimum lot dimensions, 5000 sq. ft. lot area, 5' side setbacks with the same allowable land uses as RS-6 zoning district.

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 an area designated as low density residential but a majority of the property is zoned as Residential Medium Density (MD). Under the MD classification when being developed as single-family lots will use RS-6 standards. The minimum lot square feet is 6,000. The request is to add this property to PD-170 (south of subject property) and change the single-family standard to 5,000 square feet lot potential. If developed under the proposed PD the density would be less than what is available now.

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

The uses that are being proposed are consistent with the current zoning patterns. It should be noted that the property to the north of the subject property along Maple Street is zoned PD with the uses restricted to sporting activities such as football, baseball/softball and soccer fields; volleyball courts; batting cages, golf driving ranges; paintball ranges and uses permitted in the Agricultural Open Space district. East of the sporting complex PD is developed RS-6 residential lots. The eastern portion of the subject property is zoned AO with undeveloped AO property to the north and south. South of the subject property is the existing zoned PD-170 with the uses being allowed as Townhome and Duplex.

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

This subject property has water and sewer stubbing into it from the north via Sweetwater Ln., however, the overall adequacy for the site is questionable. It is anticipated that extension of existing water and sewer facilities will be necessary to adequately service the property and water system looping.

(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 June 21st, of 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.

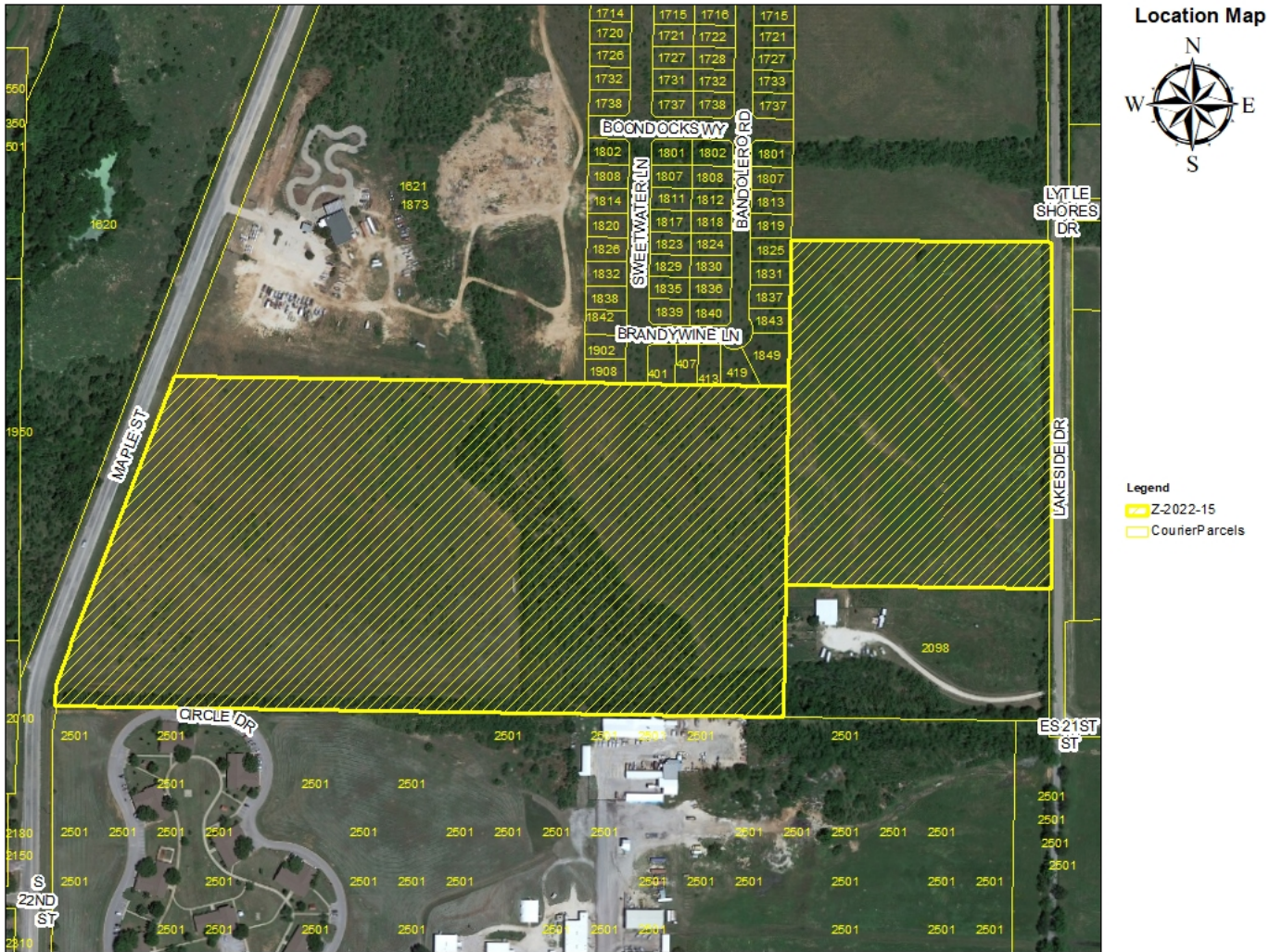
TABLE 1

Owner/Property ID

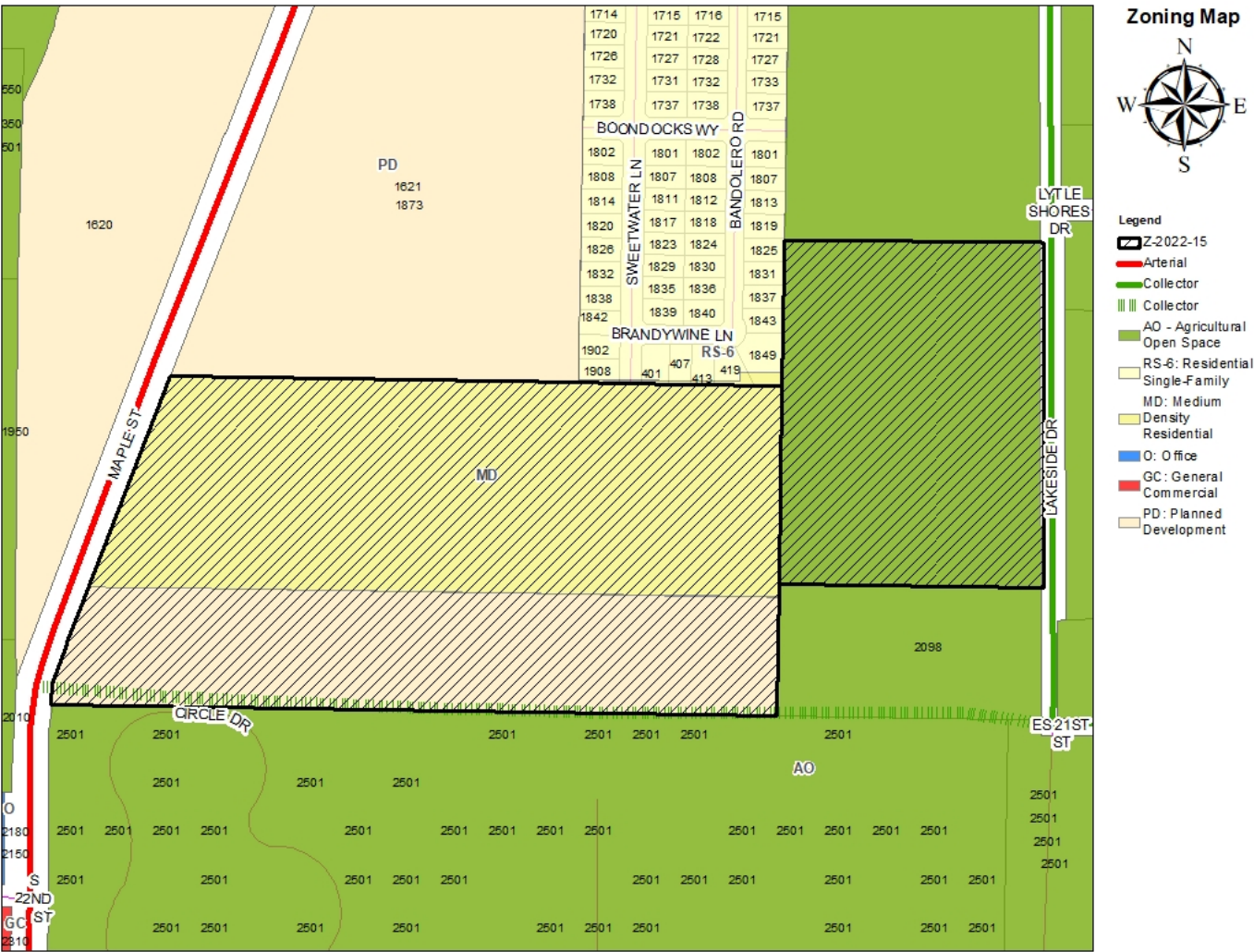
OWNER	PROP_ID	SITUS	RESPONSE
ABILENE IND SCHOOL DIST	33283	641 MATTHEW CT	
ABILENE STATE SCHOOL	12623	2501 MAPLE ST BLDG 549	
BRENNER GREGORY	91320	642 TAMY CT	O
DRISKILL CORY & MEGAN	91321	642 MATTHEW CT	
GOTTSCHALL GLENN P & KAREN E	975716	641 CYNTHIA CT	
LEWIS DONALD	74501	1843 BANDOLERO RD	
MC COLUM ANTHONY & SHERRY	968710	1620 MAPLE ST	
MILLER MARK & JAN	968451		
MOORE DELORES F	109400	680 CAMRI LN	
ODLE MARK L & LAUREL K	100676		
OLDHAM FORBES ESTATES	116935	1950 MAPLE ST	
ROGERS RECREATION INC	95952	2501 MAPLE ST BLDG 641	
SCHWERTNER WESLEY KAYE TRUST	52606	641 TAMY CT	
STOWE JOHN & SUZANNE	91324	1908 SWEETWATER LN	
TORRES QUIRICO U & CYNTHIA M	74621	1621 MAPLE ST	
TURQUOISE DOG PROPERTIES SERIES T	32761	419 BRANDYWINE LN	

OWNER	PROP_ID	SITUS	RESPONSE
ABILENE STATE SCHOOL	12623	2501 MAPLE ST BLDG 549	
TURQUOISE DOG PROPERTIES SERIES T	32761	419 BRANDYWINE LN	
ABILENE IND SCHOOL DIST	33283	641 MATTHEW CT	
SCHWERTNER WESLEY KAYE TRUST	52606	641 TAMY CT	
LEWIS DONALD	74501	1843 BANDOLERO RD	
TORRES QUIRICO U & CYNTHIA M	74621	1621 MAPLE ST	
BRENNER GREGORY	91320	642 TAMY CT	O
DRISKILL CORY & MEGAN	91321	642 MATTHEW CT	
STOWE JOHN & SUZANNE	91324	1908 SWEETWATER LN	
ROGERS RECREATION INC	95952	2501 MAPLE ST BLDG 641	
ODLE MARK L & LAUREL K	100676		
MOORE DELORES F	109400	680 CAMRI LN	
OLDHAM FORBES ESTATES	116935	1950 MAPLE ST	
MILLER MARK & JAN	968451		
MC COLUM ANTHONY & SHERRY	968710	1620 MAPLE ST	
GOTTSCHALL GLENN P & KAREN E	975716	641 CYNTHIA CT	

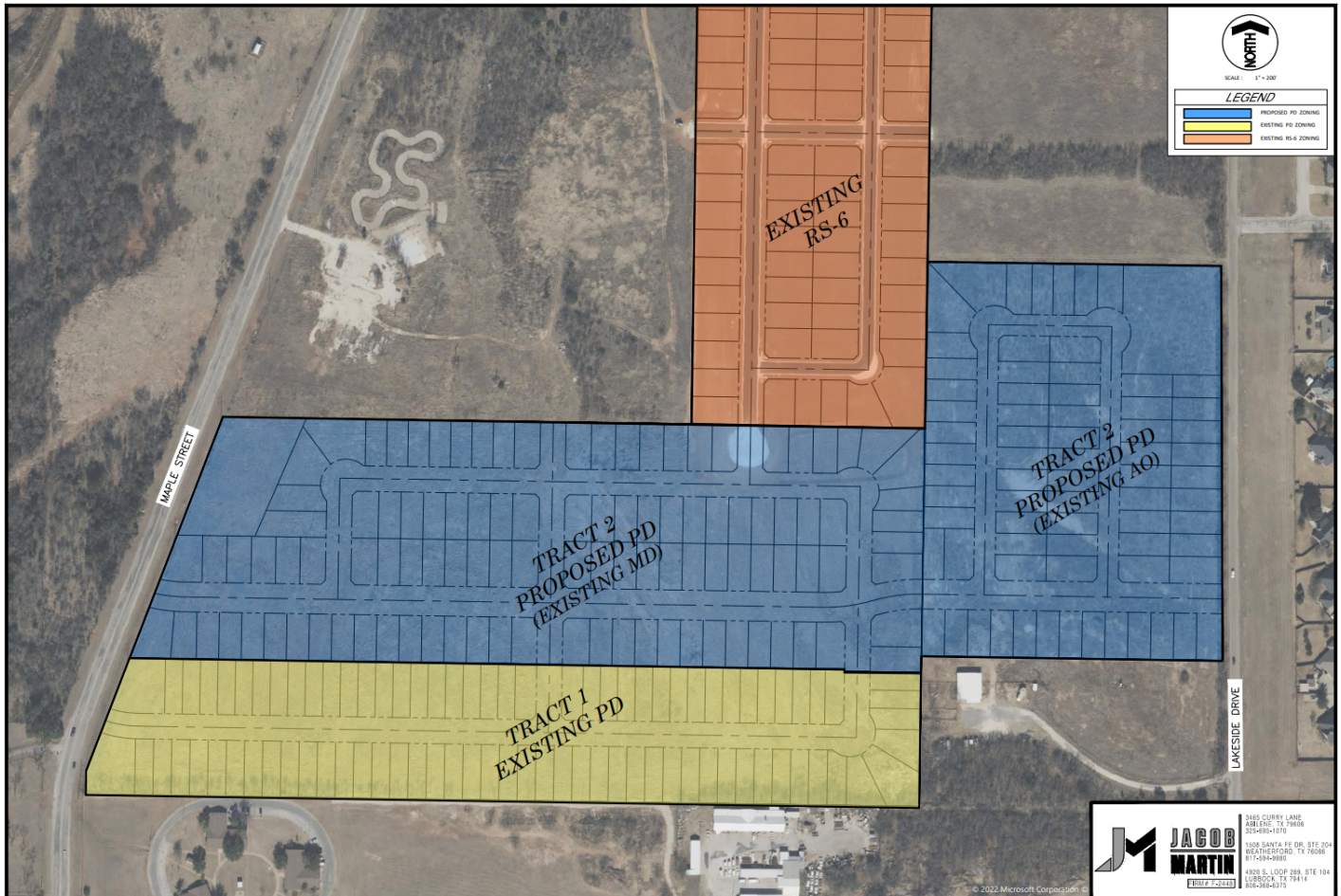
LOCATION MAP



ZONING MAP



CONCEPT PLAN



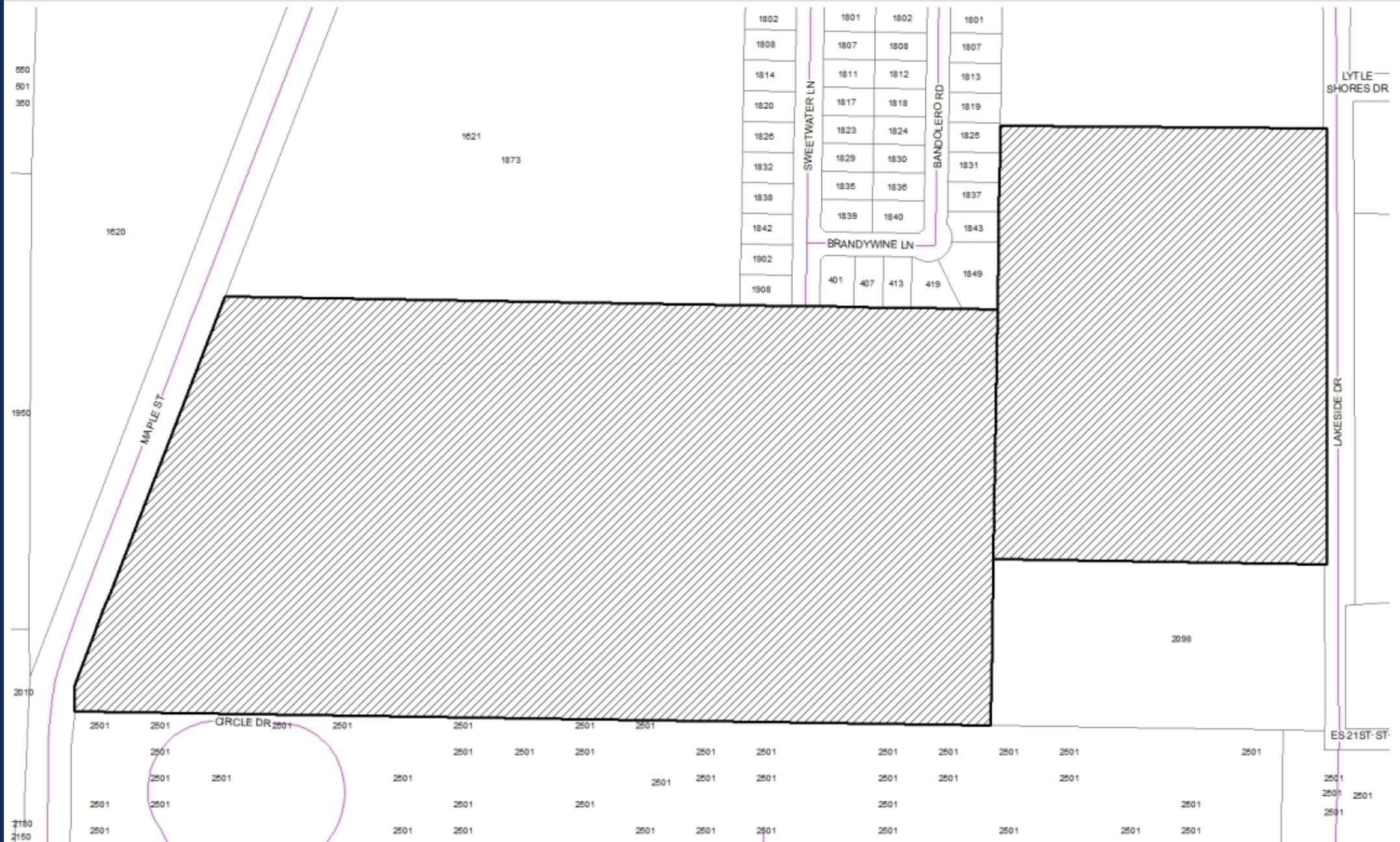
Attachments

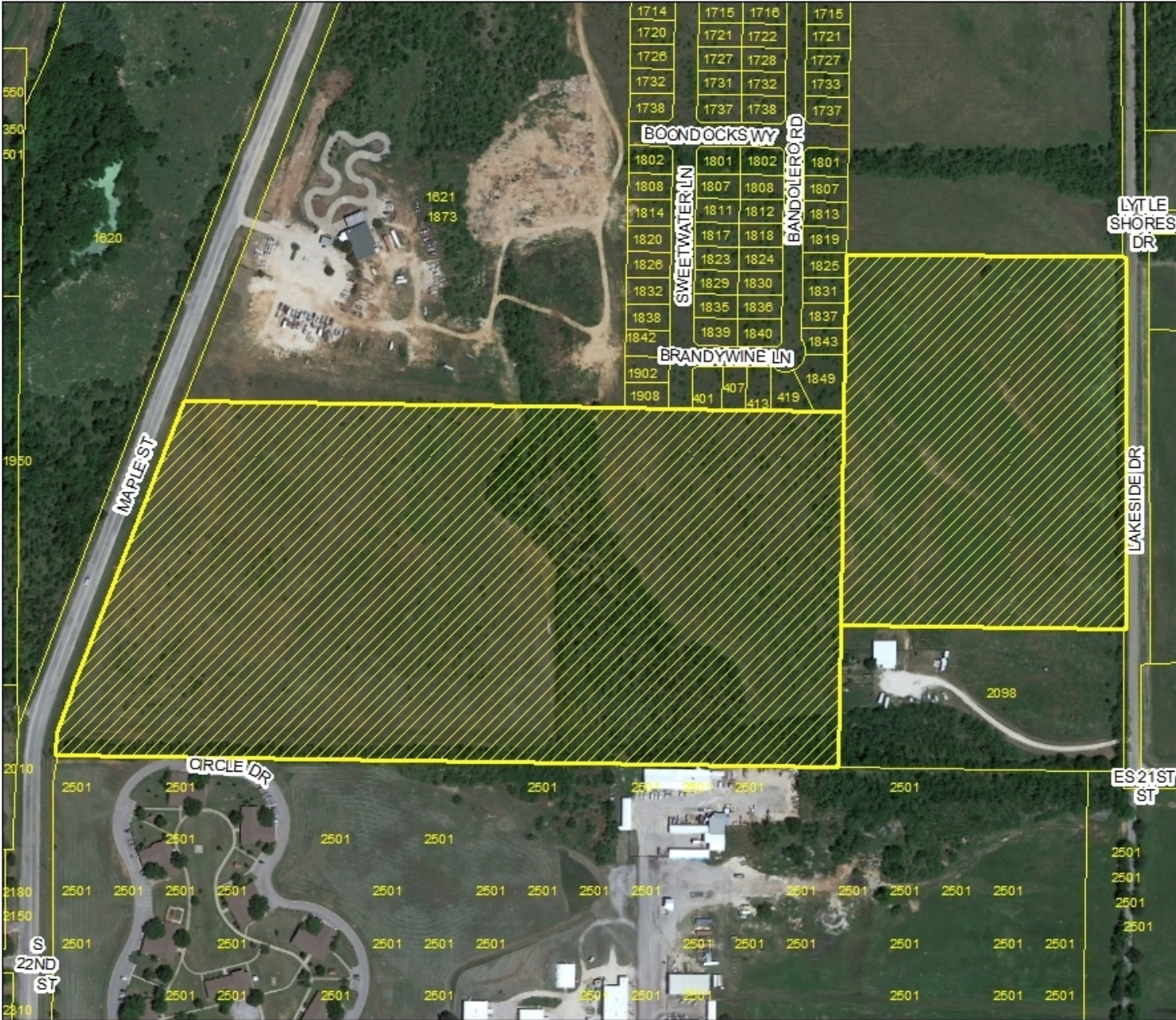
Concept Plan
PowerPoint Presentation

Case # Z-2022-15 PD-170
June 1, 2022

Case:	Z-2022-15 PD-170
Owner:	Cimarron Meadows Development Corp
Agent:	Jacob & Martin, LLC
Request:	Zoning request from “MD” Residential Medium Density and “AO” Agriculture Open to expand PD 170 to allow 50’ single family residential lots with a base zoning of RS-6.
Location:	15.067 Acres of land of land between Maple Street and Lakeside Dr. and approximately 1,700 feet south of Berry Lane at the south terminus of Sweetwater Lane.
Notification:	0 in Favor, 1 Opposed
Planning & Zoning:	July 5, 2022
City Council Hearings:	1 st : July 28th, 2022

Z-2022-15 PD-170 LOCATION MAP





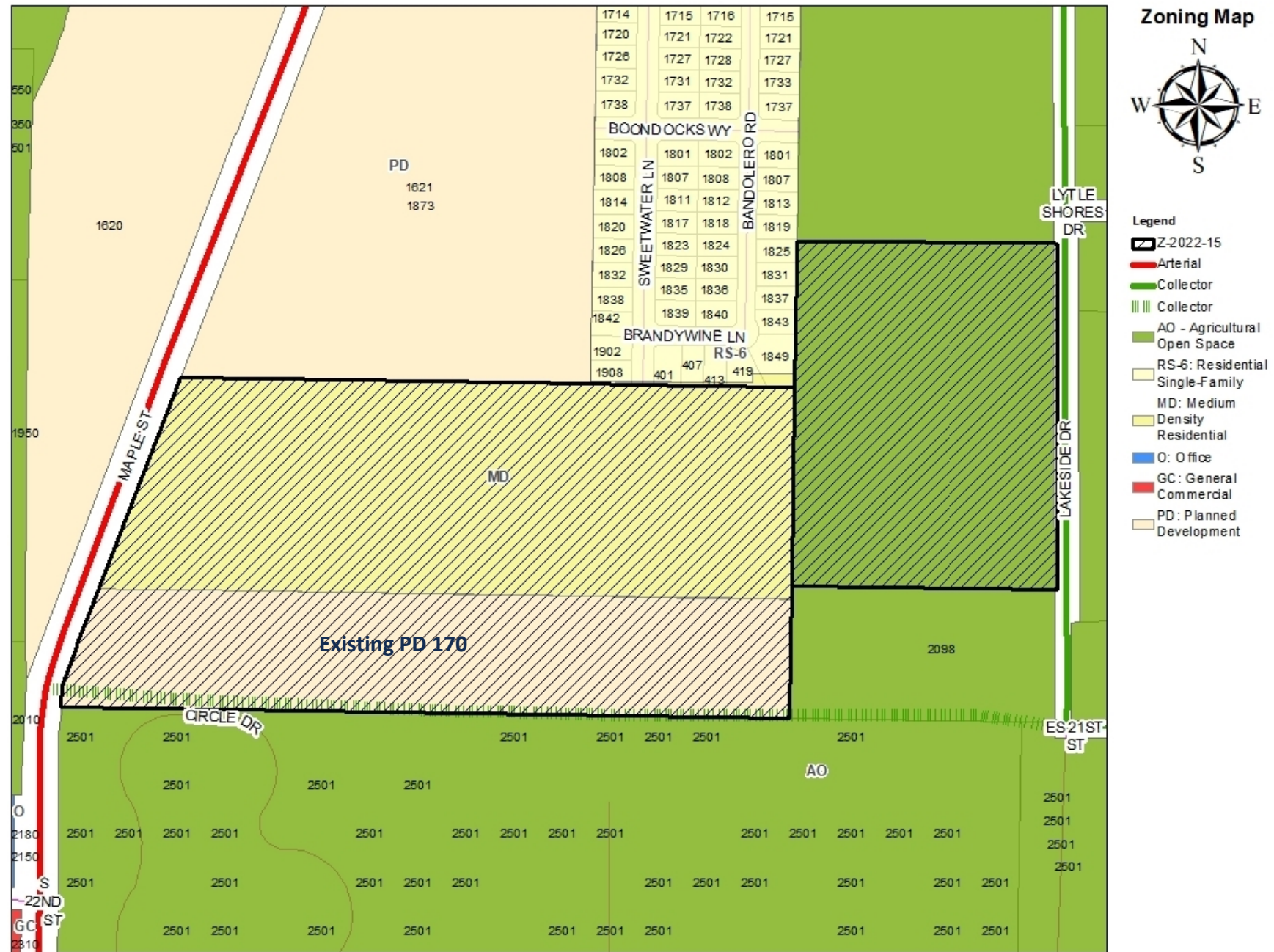
Location Map



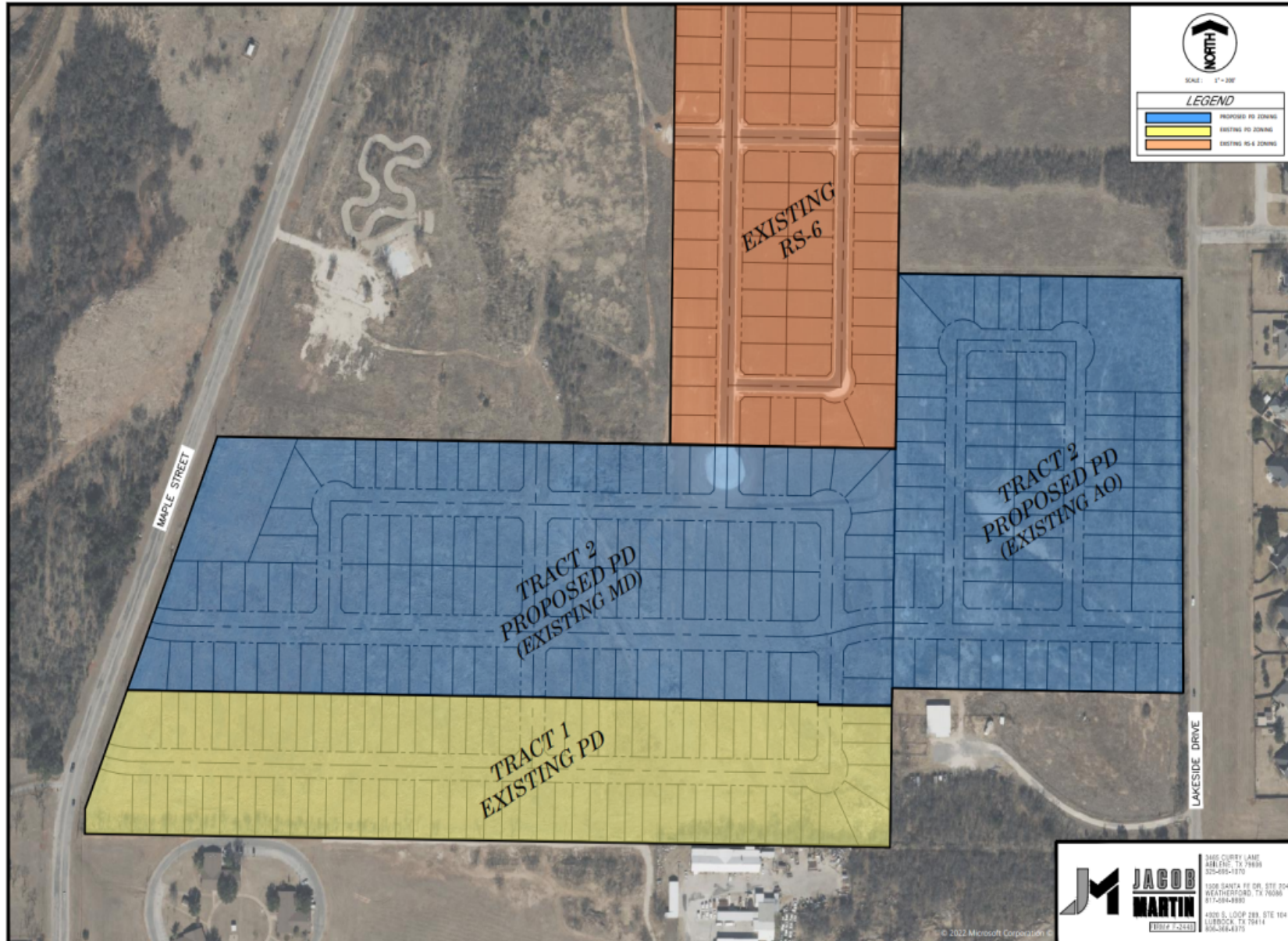
Legend

- Z-2022-15
- Courier Parcels

Z-2022-15 PD-170 ZONING MAP



Z-2022-15 PD-170 CONCEPTUAL PLAN



CONCEPTUAL PLAN. MUST MEET ALL DEVELOPMENT STANDARDS

Permitted Uses in TH Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
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

East View



South View



West View



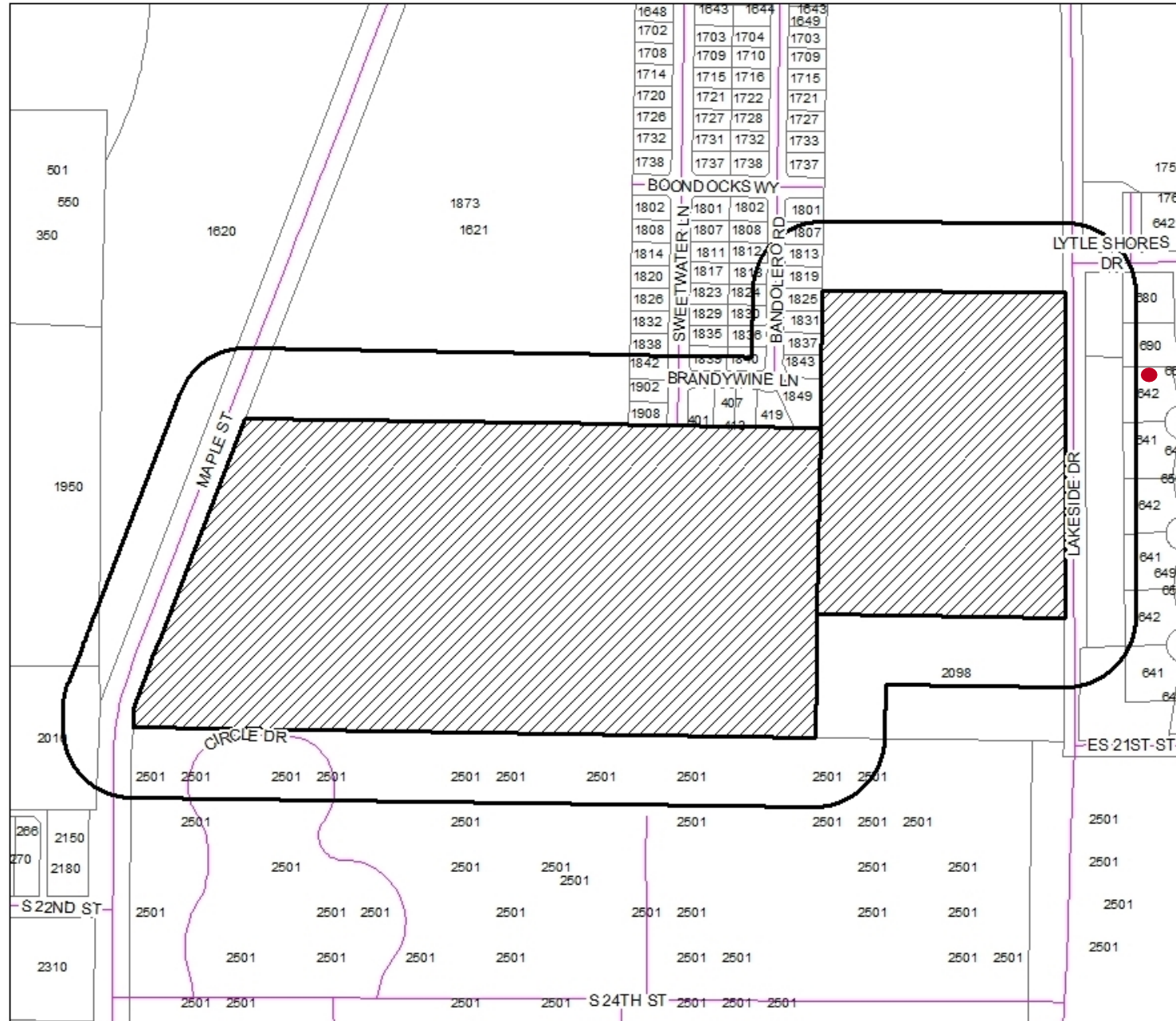
Neighboring Property (East)



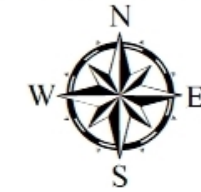
North View



Z-2022-15 PD-170 NOTIFICATION AREA MAP



Notification Map



Legend

- 200' Buffer
- Z-2022-15

0 - In Favor-

1 - Opposed-

3.38% 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?

ORDINANCE NO. 17-2021

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-170 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: 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 22nd day of April, 2021.

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 20th day of March, 2021, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 13th day of May, 2021, 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 13th day of May, 2021.

ATTEST:


Shawna Atkinson, City Secretary


Anthony Williams, Mayor



APPROVED:


Stanley Smith, City Attorney

Exhibit
"A"

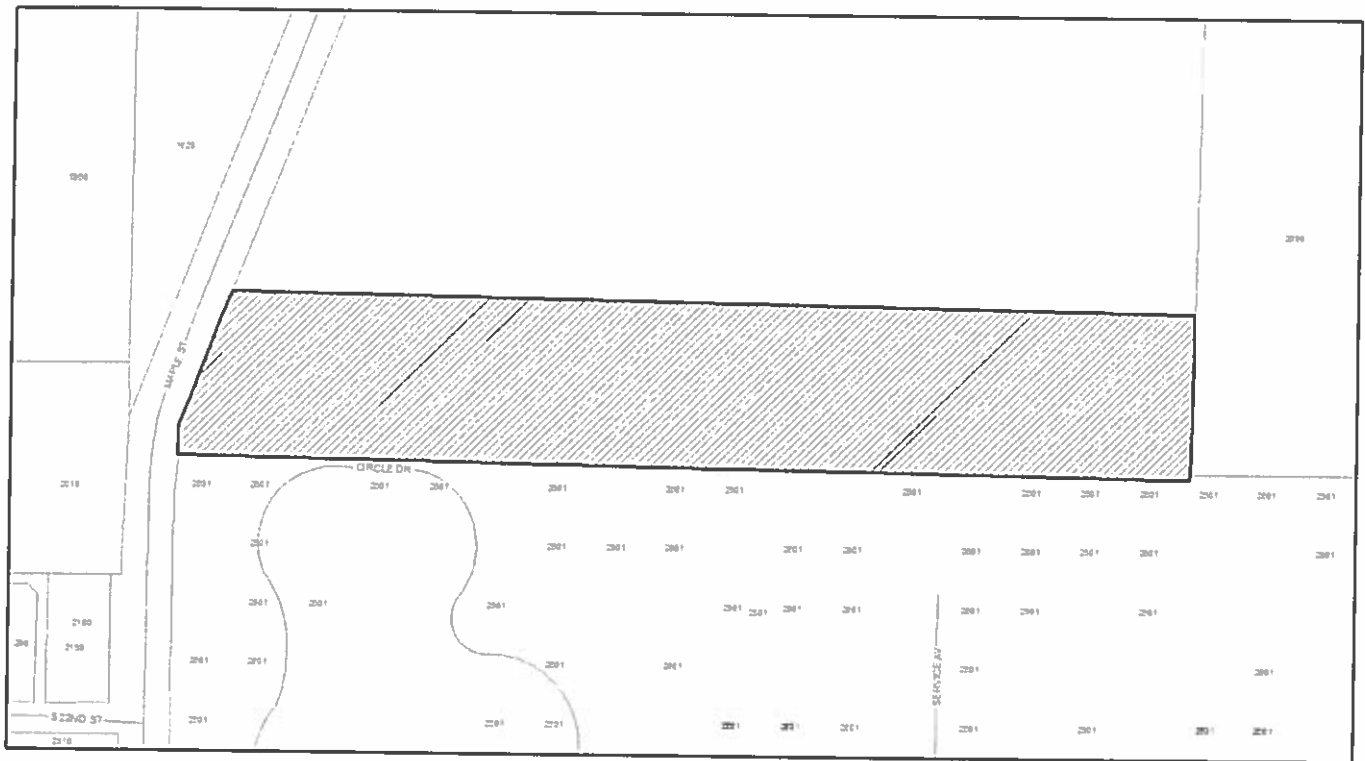
PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City 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 general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development 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, as hereinafter set forth: from Medium Density (MD) District to Planned Development (PD) District.

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



PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for development of townhomes with only two units instead of the usual three or more; as well as traditional duplex developments.

PART 7: Specific Modifications. This Planned Development District shall be subject to the requirements of the Residential Town Home (TH) zoning district, except as modified below:

A. Permitted uses and Specific Regulations

1. All residential uses ordinarily permitted within Residential Town Home (TH) Zoning in addition to the following modifications:
 - a. DWELLING – TOWNHOME
 - i. The definition of DWELLING – TOWNHOME amended to be “one of a group of no less than two (2) nor more than two (2) attached dwelling units, separated by a fire-rated wall.” NOTE: Ordinarily, no less than three (3) attached dwelling units are required.
 - b. DWELLING – DUPLEX
2. Site Layout and Building Requirements:
 - a. DWELLING – TOWNHOME
 - i. All site layout and building requirements ordinarily applicable within Residential Townhome (TH) Districts, except as otherwise specified within this section.
 - ii. A contiguous row of attached townhome dwellings shall have a minimum length of two (2) dwelling units and a maximum length of two (2) dwelling units. NOTE: Ordinarily, a contiguous row of attached townhome dwellings must have a minimum length of three (3) dwelling units.
 - iii. Townhome developments of no more than two units shall be exempt from the requirement of major Site Plan review by Abilene’s Development Review Committee.
 - iv. Setbacks:
 - Minor Street: 10-feet
 - Collector Street: 20-feet
 - Arterial Street: 30-feet
 - Side Yard: 6-feet
 - Rear Yard: 20-feet
 - b. DWELLING – DUPLEX
 - i. All site layout and building requirements ordinarily applicable within Medium Density (MD) Districts shall apply.

Except as otherwise specified in and allowed by this ordinance, the use and development of this subject property shall be governed by regulations applicable to the Town Home (TH) zoning classification.

ZONING CASE Z-2022-16 PD-159A

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: July 5, 2022

City Council 1st Reading: July 28, 2022

City Council 2nd Reading: August 11, 2022

Applicant

Owner: Arete Interests, LLC

Agent: Jacob & Martin, LLC

Request

Modify the existing concept plan for PDD-159A to allow for more single family attached and patio home development within the district.

Location

1.15 acres of vacant land bounded by Beech Street, Parramore Street, Orange Street and N 7th Street.

Background

This property was annexed in 1895 and is currently vacant. The property is part of an existing planned development that included townhomes, patio homes, semi-detached single-family dwelling, and a common open space. All of the streets surrounding the tract are in 80 feet of right-of-way but are all considered as local streets and are not on the adopted Thoroughfare Plan. A 6-inch water line is adjacent to the property on the north, south and west while a 6-inch sewer line exists on the west side of the property and an 8-inch line on the south side. The property is platted and is adjacent to the northwest corner of the Central Business District. The site is also within the Neighborhood Empowerment Zone.

Zoning, Existing and Proposed Land Use

This request is to amend the existing PD 159A make the entire limits of the property available for patio homes and semi-detached dwellings instead of limiting portions of the property to just townhomes and common open space.

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 an area designated as part of the Central Business District.

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

The uses that are being proposed are consistent with the current zoning. Given the existing zoning on the property the request is inline with the residential densities of the area.

(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.

(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

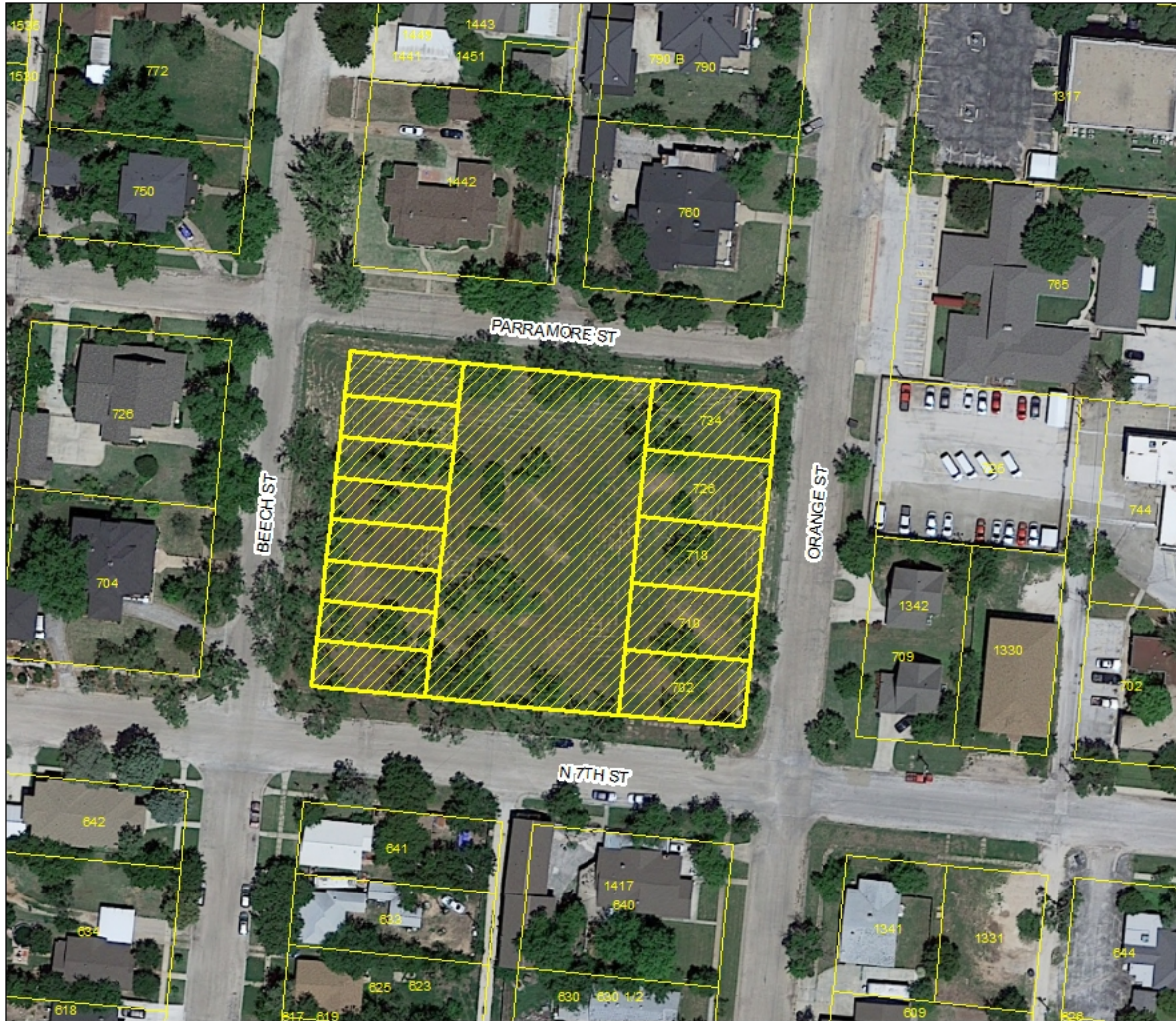
Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on June 21st, of 2022, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1**Owner/Property ID**

OWNER	PROP_ID	SITUS	RESPONSE
642 BEECH STREET LLC	30058	642 BEECH ST	
ABILENE IMPACT GROUP LP	15305	1330 N 7TH ST	
ABILENE REGIONAL M H M R	14707	765 ORANGE ST	
ABILENE REGIONAL MHMR CENTER	15425	725 ORANGE ST	
ADAMS ANNIE RUTH	16388	750 BEECH ST	
ALLISON DAVID & BETTY	1017281	710 ORANGE ST	
ARETE INTERESTS LLC	1062081		
BECKHAM GUY R & AGNES	15663		
BENNETT BRAD	29711	633 BEECH ST	
BENNETT BRADLEY W & WENDY JO	29913	641 BEECH ST	
BROOKS CHRISTOPHER JAMES	1017280	702 ORANGE ST	
COOKE JONATHAN & EMILY	1017284	734 ORANGE ST	
GLOVER BARRY	30326	634 BEECH ST	
HASS KELLI L	1017283	726 ORANGE ST	
HORTON THOMAS MICHAEL	16023	760 ORANGE ST	
KENNEDY TIMOTHY P	15902	1442 PARRAMORE ST	
MAGDEFRAU HARRISON J &	1017282	718 ORANGE ST	
MARTINEZ ISAIAH ROBERT	15186	1342 N 7TH ST	
MC MILLAN MARK ET AL	15660	1441 N 8TH ST	
MYSTICAL ROSE SERVICES LLC	14706	1317 N 8TH ST	
POPE KENNETH & THERESA PATTON	16512	772 BEECH ST	
REED CARSON E & VICKIE L	17004	704 BEECH ST	
SEGURA BALDOMERO	28622	1417 N 7TH ST	
SPENCER ROBERT FRANK	16876	726 BEECH ST	
VALDEZ JUAN & ROSA ADRIANA	28268	609 ORANGE ST	
WALKE-MULLINS TALITHA	15783	790 ORANGE ST	
WIER DAVID & CINDY	28743	630 ORANGE ST	

OWNER	PROP_ID	SITUS	RESPONSE
MYSTICAL ROSE SERVICES LLC	14706	1317 N 8TH ST	
ABILENE REGIONAL M H M R	14707	765 ORANGE ST	
MARTINEZ ISAIAH ROBERT	15186	1342 N 7TH ST	
ABILENE IMPACT GROUP LP	15305	1330 N 7TH ST	
ABILENE REGIONAL MHMR CENTER	15425	725 ORANGE ST	
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WIER DAVID & CINDY	28743	630 ORANGE ST	
BENNETT BRAD	29711	633 BEECH ST	
BENNETT BRADLEY W & WENDY JO	29913	641 BEECH ST	
642 BEECH STREET LLC	30058	642 BEECH ST	
GLOVER BARRY	30326	634 BEECH ST	
BROOKS CHRISTOPHER JAMES	1017280	702 ORANGE ST	
ALLISON DAVID & BETTY	1017281	710 ORANGE ST	
MAGDEFRAU HARRISON J &	1017282	718 ORANGE ST	
HASS KELLI L	1017283	726 ORANGE ST	
COOKE JONATHAN & EMILY	1017284	734 ORANGE ST	
ARETE INTERESTS LLC	1062081		

LOCATION MAP



Location Map



Legend

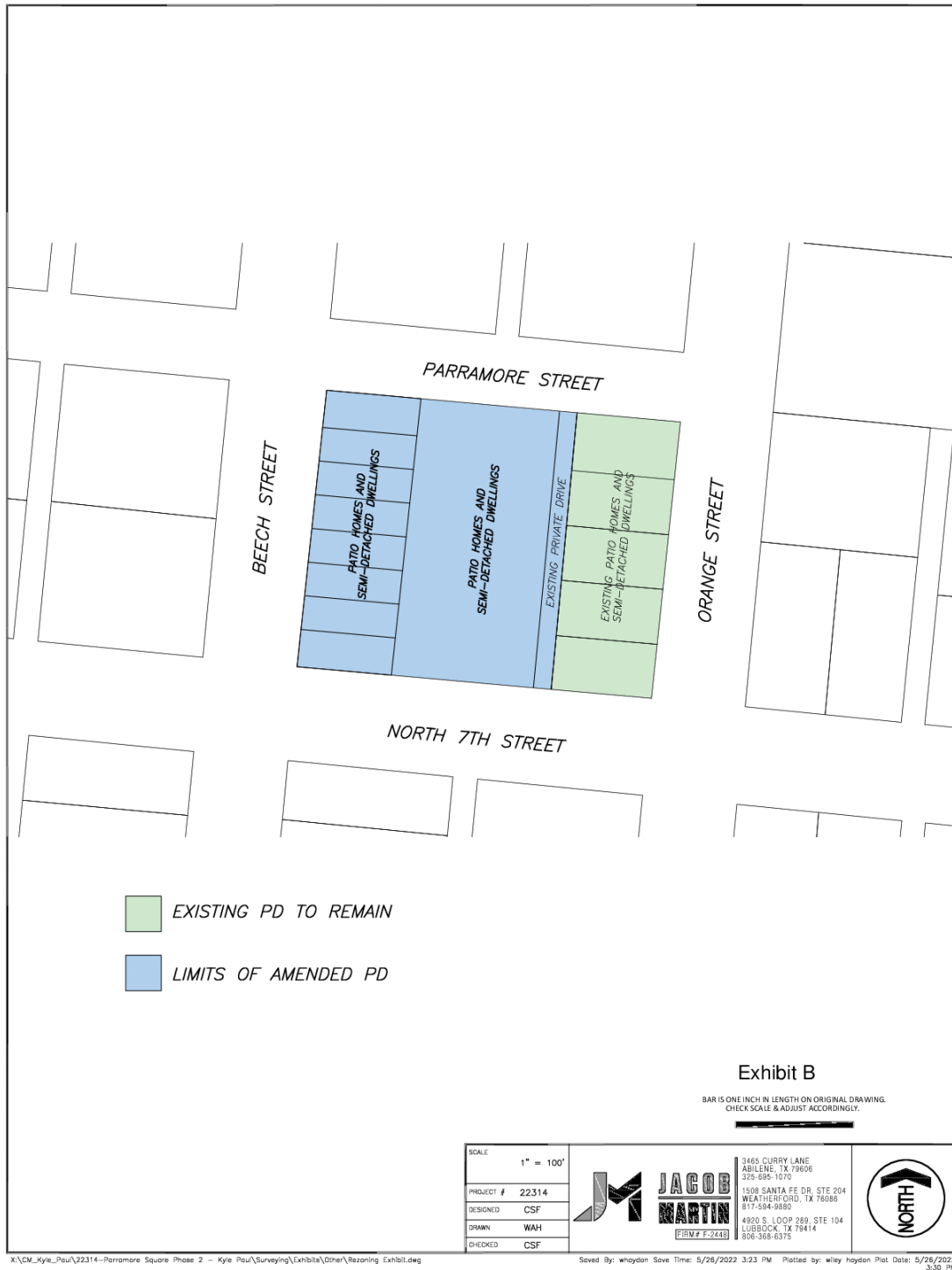
Z-2022-16

CourierParcels

ZONING MAP



DETAILED ZONING MAP



Attachments

Application

PowerPoint Presentation

Case # Z-2022-16 PD-159A
June 1, 2022

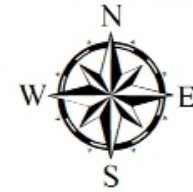
Case:	Z-2022-16 PD-159A
Owner:	Arete Interests, LLC
Agent:	Jacob & Martin, LLC
Request:	Zoning request to amend concept plan to allow single-family attached and patio home development
Location:	1.15 acres of vacant land bounded by Beech Street, Parramore Street, N 7 th Street and West of lots adjacent to Orange Street.
Notification:	0 in Favor, 1 Opposed
Planning & Zoning:	July 5, 2022
City Council Hearings:	1 st : July 28th, 2022 2 nd : August 11 th , 2022

Z-2022-16 PD-159A LOCATION MAP





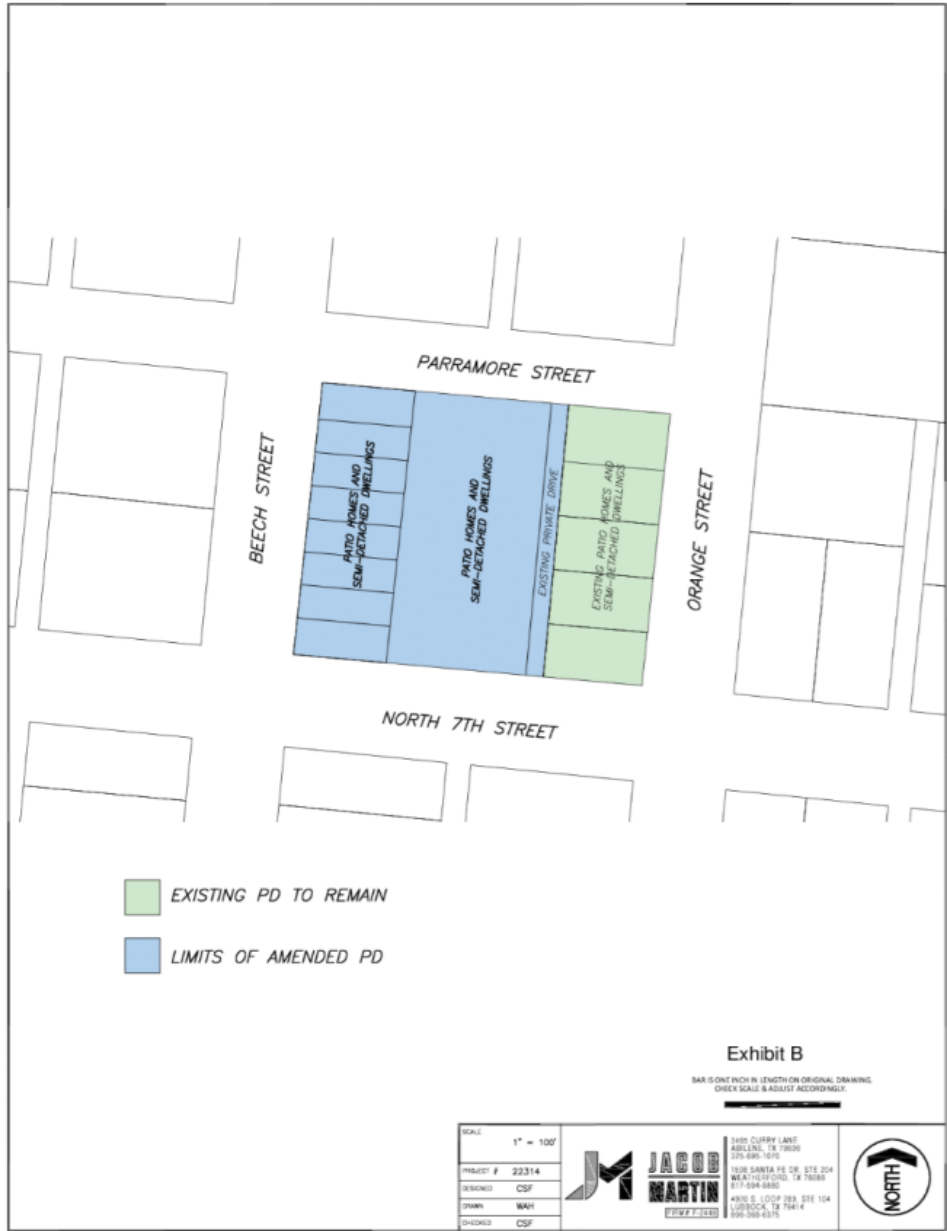
Location Map



Legend

- Z-2022-16
- CourierParcels





CONCEPTUAL PLAN. MUST MEET ALL DEVELOPMENT STANDARDS

Permitted Uses in TH Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
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

East View



North View



West View



Neighboring Property (West)



Neighboring Property (North)

Z-2022-16 PD-159A NOTIFICATION AREA MAP



Notification Map



Legend

- Z-2022-16
- 200' Buffer

0 - In Favor-

1- Opposed-

0.51% 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?

ORDINANCE NO. 18-2018

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-159 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 I: 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.

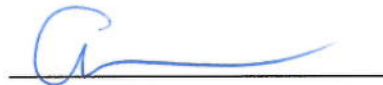
PASSED ON FIRST READING this 22nd day of March A.D. 2018.

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 February, 2018, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 4:30 p.m., on the 12th day of April, 2018 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.

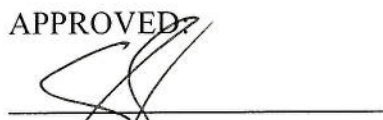
PASSED ON SECOND AND FINAL READING THIS 12th day of April A.D. 2018.

ATTEST:


CITY SECRETARY


MAYOR



APPROVED

CITY ATTORNEY

ORDINANCE NO. 18-2018

Exhibit "A"

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

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with the 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 Mixed Use District and are hereby incorporated by reference and included as part of this ordinance.

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

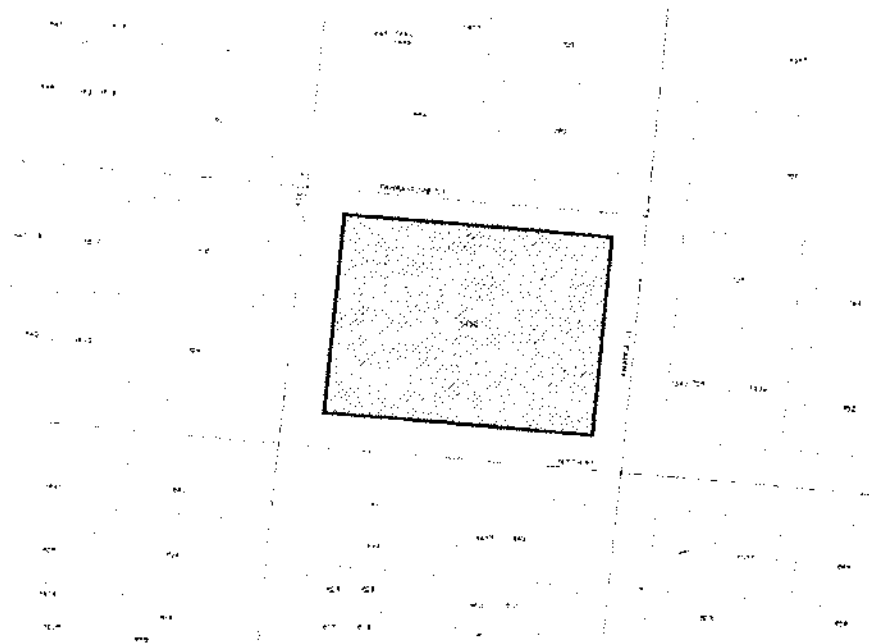
PART 3: Building Specifications. All structures in the herein said Planned Development Mixed Use District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From Central Business (CB) District to Planned Development (PD) District. That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

ORDINANCE NO. 18-2018
PAGE 3
EXHIBIT "A"

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

All of Block A, in Parramore's Subdivision of the West $\frac{3}{4}$ of Block No. 149, Original Town of Abilene, City of Abilene, Taylor County, Texas.



Location:

An entire city block bounded by Orange, Beech, Parramore and North 7th Streets, at a location near the northwest corner of Abilene's traditional downtown core. This city block measures 235' x 300'

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for development of patio homes, semi-detached dwellings and townhomes, according to a graphic concept plan and certain development standards.

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

A. The property shall be developed to generally comply with the attached graphic concept plan labeled Exhibit B.

B. Permitted Uses and Specific Regulations

1. Permitted Use. Only three types of dwellings shall be permitted within this Planned Development zoning district, which said three dwelling types are specifically defined as follows:

Patio Home: a type of detached, single-family dwelling on a lot separate from any other dwelling, and which permits the construction of such dwelling with one side wall (of that dwelling) placed on one side property line, so long as the walls of each such dwelling are at least ten feet from the wall of any other dwelling.

Semi-Detached Dwelling: a building containing two attached dwelling units that share a common wall at the lot line and that are on separate lots.

Townhome Dwelling: One of a group of not less than three (3) and no more than twelve (12) attached dwelling units, each located on a separate lot, and being separated from the adjoining unit by an approved wall extending from the foundation through the roof and structurally independent of the corresponding wall of the adjoining unit.

Except as otherwise specified in and allowed by this ordinance, the use and development of this subject property shall be governed by regulations applicable to the Single-Family Residential (RS-6) zoning classification.

2. Specific Regulations. The following special development standards are applicable to each above-described dwelling type, within the Planned Development zoning district.

For patio homes

Minimum depth required of each patio home site = 65 feet. Minimum width required of each patio home site = 40 feet.

Minimum overall area required of each patio home site = 2600 square feet.

Minimum residential building setback required from street side lot boundaries = ten feet (10'). Minimum residential building setback required from rear lot boundary = seven feet (7').

At least one (1) off-street parking space must be provided on each patio home site, and such parking space may be made available inside an enclosed garage or underneath an open carport.

The minimum setback required of any enclosed garage, storage building or open carport (from interior side or rear lot boundaries) is three feet measured from any point (fascia or projection) on such structure.

The fascia on or projection from any enclosed garage, storage building or open carport may extend all the way to any street side lot boundary.

The exterior wall of any detached accessory building must be minimum six feet (6') from the exterior wall of any other building on the same lot or an adjoining lot,

For semi-detached dwellings

Minimum depth required of each such dwelling site = 65 feet. Minimum width required of each such dwelling site = 40 feet.

Minimum overall area required of each such dwelling site = 2600 square feet.

Minimum residential building setback required from street side lot boundaries = ten feet (10').

If not contiguous to another dwelling unit, semi-detached dwellings must be set back a minimum of five feet (5') from any interior side lot boundary.

Minimum residential building setback required from rear lot boundary = five feet (5').

At least one (1) off-street parking space must be provided on each dwelling site, and such parking space may be made available inside an enclosed garage or underneath an open carport.

An enclosed garage, storage building or roof on an open carport may extend all the way to the same interior side boundary as the one sidewall of the dwelling,¹ so long as any point (fascia or projection) on such structure extends no closer than three feet (3') from the other side boundary except a street side lot boundary.

The fascia on or projection from an enclosed garage, storage building or open carport may extend all the way to any street side lot boundary.

The minimum setback required of any enclosed garage, storage building or open carport (from rear lot boundaries) is three feet measured from any point (fascia or projection) on such structure.

The exterior wall of any detached accessory building must be minimum six feet (6') from exterior wall of any other building on the same lot or an adjoining lot.

For townhome dwellings

Minimum depth required of each townhome site = 65 feet. Minimum width required of each townhome site = 18 feet.

Minimum overall area required of each townhome site = 1800 square feet.

Minimum residential building setback required from street side lot boundaries = ten feet (10').

If not contiguous to another townhouse unit, townhome dwellings must be set back a minimum of five feet (5') from any interior side lot boundary.

Minimum residential building setback required from rear lot boundary = five feet (5')

At least one (1) off-street parking space must be provided on each townhome site, and such parking space may be made available inside an enclosed garage or underneath an open carport.

¹ notwithstanding requirements of applicable Building Code adopted by City of Abilene

An enclosed garage, storage building or roof on an open carport may extend all the way to the same interior side boundary (or boundaries) as the townhome dwelling itself, ¹ so long as any point (fascia or projection) on such structure extends no closer than three feet from an interior side boundary other than that to which the dwelling itself extends.

The minimum setback required of any enclosed garage, storage building or open carport (from rear lot boundaries) is three feet measured from any point (fascia or projection) on such structure.

The exterior wall of any detached accessory building must be minimum six feet (6') from exterior wall of any other building on the same lot or an adjoining lot.

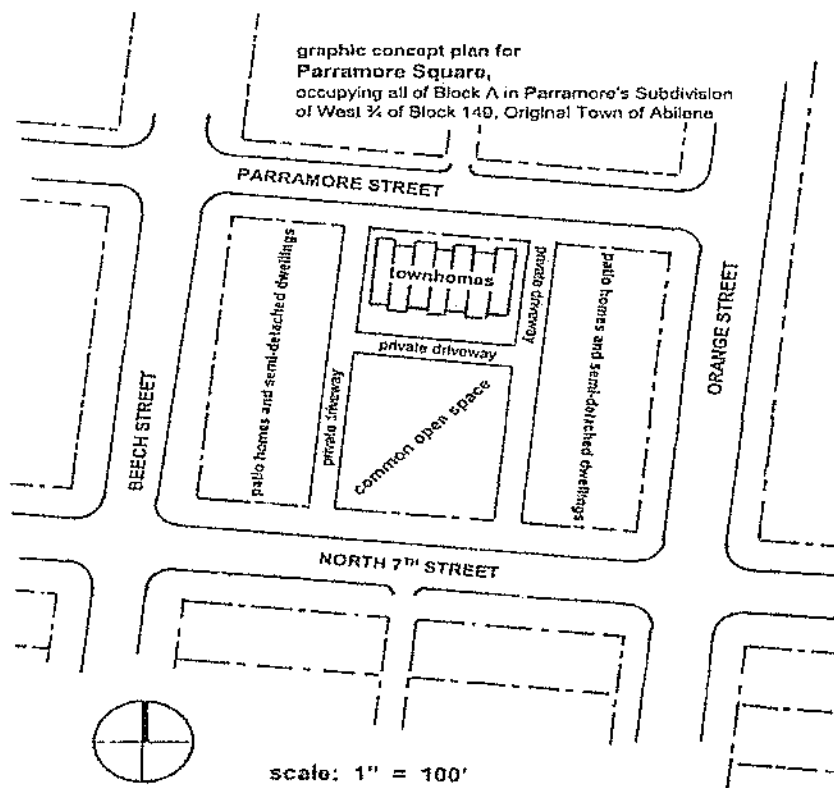
Private Driveways

Vehicle access to and from the rear of home sites may be made available by and through a network of private driveways shared and maintained by adjoining property owners.

Fence separation from sidewalks

Fences on private property must be separated a minimum of two feet (2') from the edge of parallel public sidewalk improvements in rights-of-way for adjoining streets.

ORDINANCE NO.
18-2018
PAGE 7
EXHIBIT "A"
Site Exhibit "B"



ORDINANCE NO. 05-2020

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PD-159A AND ORDINANCE NO. 18-2018, 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 Ordinance No. 18-2018, specifically as set out in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollard (\$2,000.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING THE 23rd day of January, A.D. 2020.

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 20th day of December, 2019, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 13th day of February, 2020, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 13th day of February, A.D. 2020.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

EXHIBIT "A"

1st Amendment to Ordinance No. 18-2018

AMEND PART 7: Specific Modifications, Sub-part B.2 as follows:

Underneath the heading For semi-detached dwellings, DELETE the following statements:

Minimum depth required of each such dwelling site = 65 feet. Minimum width required of each such dwelling site = 40 feet.

Minimum overall area required of each such dwelling site = 2600 square feet.

Underneath the heading For semi-detached dwellings, ADD the following statements:

Minimum depth required of each such dwelling site = 65 feet. Minimum width required of each such dwelling site = 28 feet.

Minimum overall area required of each such dwelling site = 1960 square feet.

-END-

ZONING CASE Z-2022-17

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: July 5, 2022

City Council 1st Reading: July 28, 2022

City Council 2nd Reading: August 11, 2022

Applicant

Owner: Grace Tabernacle Church

Agent: Nancy Brown and Gene Dezell

Request

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

Location

1434 and 1452 Marshall St.

Background

This property was annexed to the City limits of Abilene in 1946. The northern property has remained vacant since being annexed into the City of Abilene and the South subject property was built as a church in 1981. The subject property is bounded by Marshall St. on the East and S 15th St. on the South. The owner of the property is rezoning to allow for a daycare-center based operation.

Zoning and Existing Land Use

Current zoning and existing land use of properties adjacent to and in the subject property's immediate area are illustrated on the map included in this report. As indicated on the map, properties to the north are zoned General Commercial (GC). Currently there is a nonconforming single-family dwelling and a daycare further north. To the west is a Multi-Family (MF) Residential district with an apartment complex. East and south of the property is Single-Family Residential (RS-6) with vacant land and single-family residences respectively. The McMurry campus exists one block to the east.

Criteria Assessment

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

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

The Future Land Use and Development Plan Map displayed in Abilene's Comprehensive Plan identifies the subject property and its surroundings to be in a Community Enhancement Corridor along the frontage of S 14th Street. This proposed zoning request 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.**

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.

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

The subject property has direct access to a 6" sanitary sewer mains and a 6" water main that is in the alley between S. 14th Street and S 15th Street that is adjacent to the west side of the property. No other utilities or public improvements are anticipated for the site.

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

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

Staff Recommendation

City staff recommends **approving** this requested zone change to Neighborhood retail (NR).

Notification

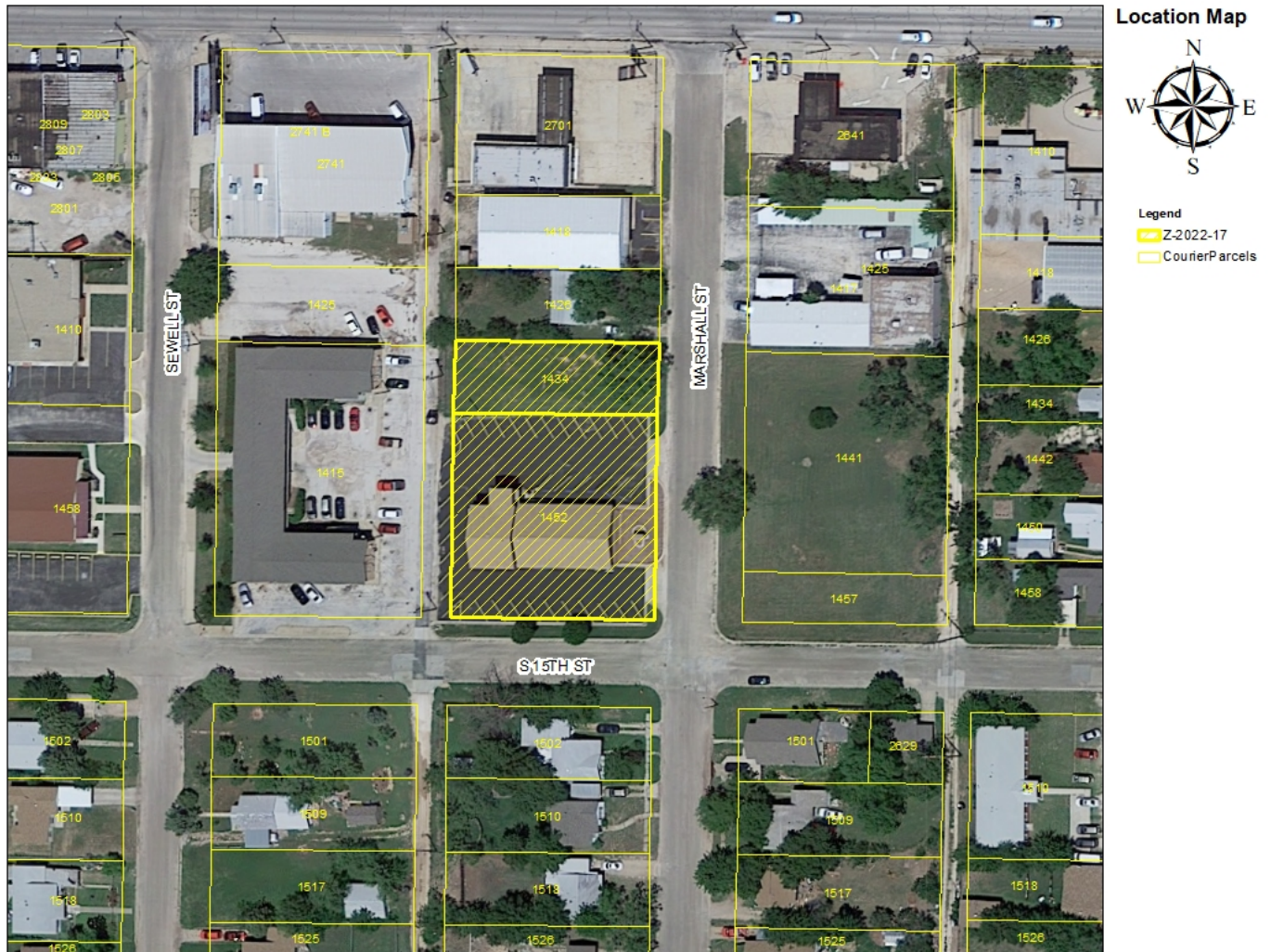
Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on June 21st, of 2022, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1**Owner/Property ID**

OWNER	PROP_ID	SITUS	RESPONSE
COLLAZO MARIA G	43337	1509 SEWELL ST	
COLLAZO MARIA GUADALUPE	43451	1501 SEWELL ST	
GGTP LLC	40181	2741 B S 14TH ST	
GRACE MINISTRIES OF ABILENE	39801	1452 MARSHALL ST	
GRACE TABERNACLE CHURCH	39671	1434 MARSHALL ST	
HILL JOHN A	97032	1425 SEWELL ST	
HILL JOHN A & MOLLY	40036	1415 SEWELL ST	
JANNAHS REAL ESTATE LLC & AL WAHBAN	38976	2641 S 14TH ST	
JGN PROPERTIES LLC - SERIES F1	37243	1517 MARSHALL ST	
LAYTON MARK E & DIANA S	38720	1417 MARSHALL ST	
MADORE DAVID	39317	2701 S 14TH ST	
MAVERICK RIP LLC SERIES G	38603	1441 MARSHALL ST	
MAVERICK RIP LLC SERIES G	38472	1457 MARSHALL ST	
MC LEOD JON COLE	43218	1517 SEWELL ST	
MILNE ALAN L	37377	1509 MARSHALL ST	
OLSEN KIRSTIAN	39551	1426 MARSHALL ST	
OVERLAND CAROL	41583	1502 MARSHALL ST	
RCD HOLDINGS LLC	41826	1518 MARSHALL ST	
SONSHINE KIDS CHILD CARE CENTER LLC	39438	1418 MARSHALL ST	
SPINKS BB	41711	1510 MARSHALL ST	
STEVENS JOHN W	37493	2629 S 15TH ST	
STONEHENGE LLC	100805	1501 MARSHALL ST	

OWNER	PROP_ID	SITUS	RESPONSE
JGN PROPERTIES LLC - SERIES F1	37243	1517 MARSHALL ST	
MILNE ALAN L	37377	1509 MARSHALL ST	
STEVENS JOHN W	37493	2629 S 15TH ST	
MAVERICK RIP LLC SERIES G	38472	1457 MARSHALL ST	
MAVERICK RIP LLC SERIES G	38603	1441 MARSHALL ST	
LAYTON MARK E & DIANA S	38720	1417 MARSHALL ST	
JANNAHS REAL ESTATE LLC & AL WAHBAN	38976	2641 S 14TH ST	
MADORE DAVID	39317	2701 S 14TH ST	
SONSHINE KIDS CHILD CARE CENTER LLC	39438	1418 MARSHALL ST	
OLSEN KIRSTIAN	39551	1426 MARSHALL ST	
GRACE TABERNACLE CHURCH	39671	1434 MARSHALL ST	
GRACE MINISTRIES OF ABILENE	39801	1452 MARSHALL ST	
HILL JOHN A & MOLLY	40036	1415 SEWELL ST	
GGTP LLC	40181	2741 B S 14TH ST	
OVERLAND CAROL	41583	1502 MARSHALL ST	
SPINKS BB	41711	1510 MARSHALL ST	
RCD HOLDINGS LLC	41826	1518 MARSHALL ST	
MC LEOD JON COLE	43218	1517 SEWELL ST	
COLLAZO MARIA G	43337	1509 SEWELL ST	
COLLAZO MARIA GUADALUPE	43451	1501 SEWELL ST	
HILL JOHN A	97032	1425 SEWELL ST	
STONEHENGE LLC	100805	1501 MARSHALL ST	

LOCATION MAP



ZONING MAP



Attachments

Application
PowerPoint Presentation
Graphic Concept Plan

ZONING REQUEST

Case:	Z-2022-17
Owner:	Grace Tabernacle Church
Agent:	Nancy Brown and Gene Dezell
Request:	Rezone from Residential Single-Family (RS-6) to Neighborhood Retail (NR).
Location:	1434 and 1452 Marshall Street
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	July 5, 2022
City Council Hearings:	1 st : July 28 th , 2022 2 nd : August 11 th , 2022

Z-2022-17 LOCATION MAP WITH AERIAL



Location Map



Legend

- Z-2022-17
- CourierP parcels

Z-2022-17 CURRENT ZONING MAP



Permitted Uses in NR Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Broadcast Studio
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

Z-2022-17 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Subject Property East View



Subject Property South View



Neighboring Property West



Neighboring Property North



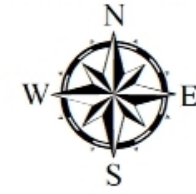
Neighboring Property West View



Z-2022-17 NOTIFICATION AREA MAP



Notification Map



Legend

- 200' Buffer
- Z-2022-17

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?

ZONING CASE Z-2022-18

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: July 5, 2022

City Council 1st Reading: July 28, 2022

City Council 2nd Reading: August 11, 2022

Applicant

Owner: SUGAR AGUA #1 LTD

Agent: Matthew Muzechenko

Request

Rezone from Agriculture Open Space (AO) to General Commercial (GC).

Location

5309 Highway 277

Background

This property was annexed to the City limits of Abilene in 1959. The property has remained vacant since being annexed. The subject property is approximately 180 wide with South Highway 277 forming its western boundary. The property contains 7.15 acres of land in the Joseph Beck Survey Abstract 42.

Zoning and Existing Land Use

The property lies between two areas that are currently zoning as "GC" General Commercial. The property is vacant and heavily vegetated. A significant portion of the property is within the floodway and flood plain. Both the frontage (west end) and eastern portion are within the floodways of Little Elm Creek and Elm Creek respectively. Frenchman's Creek Self Storage exists north of the subject property while south of the subject property is vacant and the OST Business Office.

Criteria Assessment

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

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

The Future Land Use and Development Plan Map displayed in Abilene's Comprehensive Plan identifies the subject property and its surroundings to be in a Business/Industrial area. This proposed zoning request 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.

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.

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

The subject property has direct access to a 15" sanitary sewer main and an 8" water main that adjacent to the western edge of the property adjacent to Highway 277. No other utilities or public improvements are anticipated for the site.

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

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

Staff Recommendation

City staff recommends **approving** this requested zone change to General Commercial (GC).

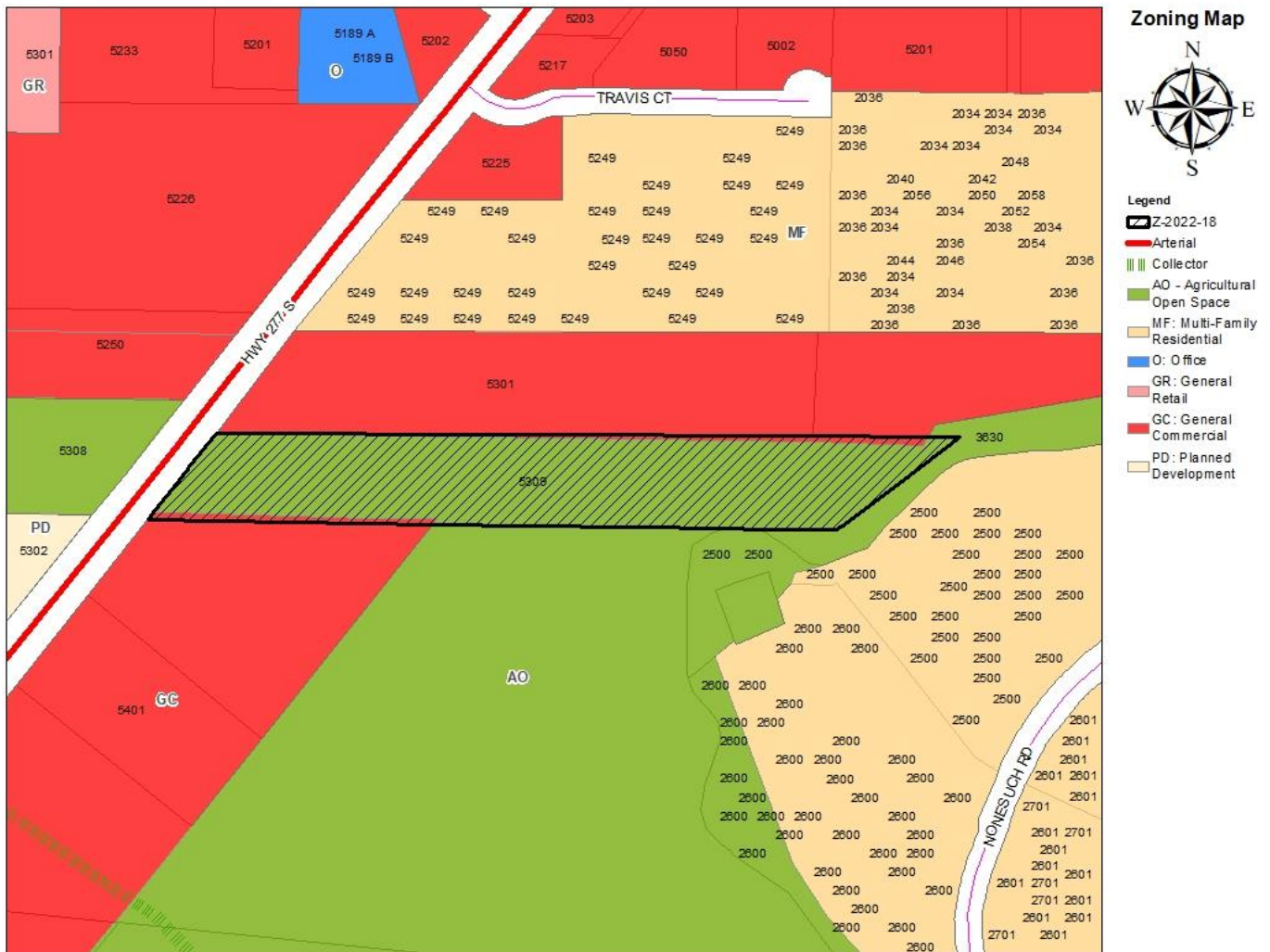
Notification

Pursuant to Section 1.2.2.2 of Abilene's Land Development Code, City staff mailed personal notices on June 21st, of 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

OWNER	PROP_ID	SITUS	Response
PATEL SUNIL S	76296		
B SENTER PROPERTIES LTD &	61367	5250 HWY 277 S	
CAPX VENTURES FUND I LLC	58812	2500 NONESUCH RD	
CITY OF ABILENE	59276	3630 S CLACK ST	
FL20 INC	61244	5308 HWY 277 S	
PATEL SUNIL S	109556		
SUGAR AGUA #1 LTD	58192	5309 HWY 277 S	
WHITNEY ENTERPRISE LLC	970054	5302 HEALTH CENTER DR	
WILLOWCREST APARTMENTS OF ABL	58957	2600 NONESUCH RD	

ZONING MAP



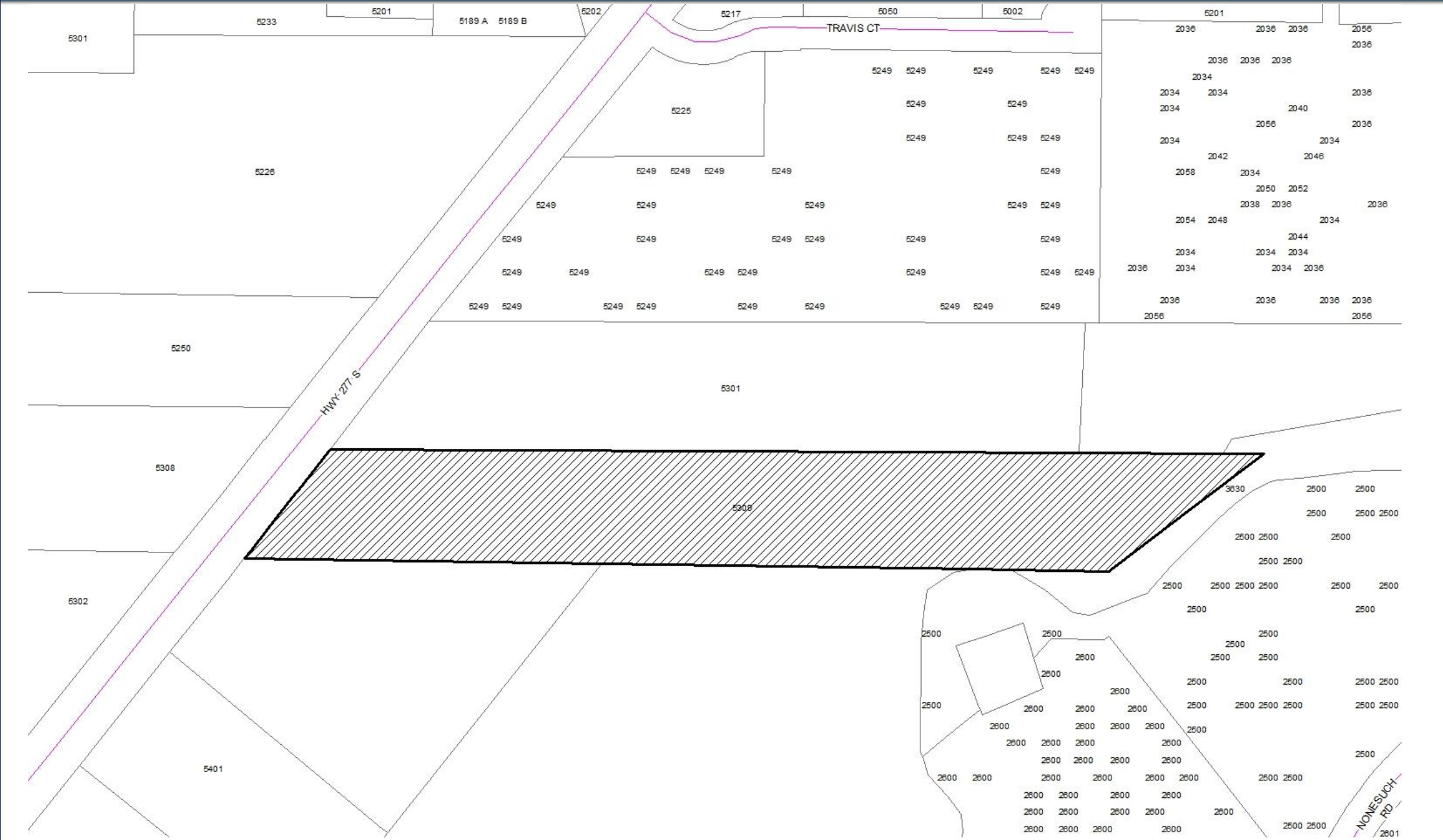
Attachments

Application
PowerPoint Presentation
Graphic Concept Plan

ZONING REQUEST

Case:	Z-2022-18
Owner:	SUGAR AGUA #1 LTD
Agent:	Matthew Muzechenko
Request:	Rezone from Agricultural Open Space (AO) to General Commercial (GC).
Location:	5309 Highway 277
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	July 5, 2022
City Council Hearings:	1 st : July 28 th , 2022 2 nd : August 11 th , 2022

Z-2022-18 LOCATION MAP



Z-2022-18 LOCATION MAP WITH AERIAL



Z-2022-18 CURRENT ZONING MAP



Permitted Uses in GC Zoning

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- P Drive-in Theater
- P Recreation – Outdoors (active)
- 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
- C Cemetery, Crematorium, and Mausoleum
- 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/C Automobile Wash
- C Contractor Services
- P Funeral Home/ Mortuary/Morgue
- C 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 Personal Services
- P Printing, Copying, Reproduction, Publishing
- C 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)
- C Repair and Maintenance Services (outdoors)
- P Storage - Self-Service Units
- P Tattoo Parlor
- P Taxidermist
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- C Aircraft and Accessories
- 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 (automobile/small truck)
- P Retail Sales/Rental (indoor)
- P Retail Sales/Rental (outdoors, non-vehicle)
- C Retail Sales/Rental (trucks and other large vehicles and equipment)

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- 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

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-2022-18 VIEWS OF SUBJECT & ADJACENT PROPERTIES

Subject Property East View



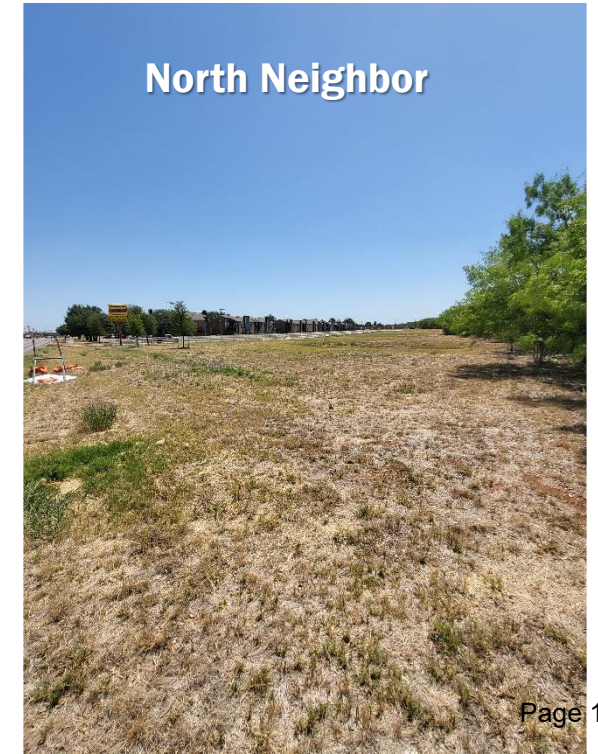
West Neighbor



South Neighbor



North Neighbor



Z-2022-18 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?

ZONING CASE CUP-2022-06

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: July 5, 2022

City Council 1st Reading: July 28, 2022

City Council 2nd Reading: August 11, 2022

Applicant

Owner: Patrick Batten

Agent: Rylie Batten

Request

Add a Conditional Use Permit (CUP) to allow for a Halfway House (Group Home) on .16 acres of land zoned Residential Medium Density (MD).

Location

1242 Orange Street. The site is on Lot 12, Block F of the Steffens & Lowden Addition.

Background

This zone change request incorporates one lot of the Steffens & Lowden subdivision originally annexed in 1895. This lot is in the Neighborhood Empowerment Zone.

According to information provided within the application, the owner intends to establish a halfway house. A halfway house/group home facility is allowed in the Residential Medium Density (MD) District with 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 Residential Medium Density in all direction. The predominant use in the area is residential and vacant land uses. The current structure appears to have two units.

Criteria Assessment

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

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

The Future Land Use and Development Plan Map identifies this area as Low Density Residential. The 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, Residential Medium Density Districts are intended to accommodate a wide range of residential uses and activities that are needed to serve the community.

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. 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 uses.

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. N 13th Street adjacent to the site on the north is designated as a collector street in 80 feet of right-of-way and are designed to carry heavier traffic. Orange Street adjacent to the property is also in 80 feet of right-of-way but is not designated on the thoroughfare as a collector.

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. 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.

No Land-use buffer are required for this site.

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, no 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.

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, staff mailed personal notices on June 23, 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.

TABLE 1**Owner/Property ID**

OWNER	PROP_ID	SITUS	RESPONSE
ABOR JEROME	45122	1301 ORANGE ST	
BATTEN PATRICK & ERICA	48713	1242 ORANGE ST APT 1	
CANO GABINO & ELIA	46331	1342 N 12TH ST	
DALZELL DAVID E	45826	1233 ORANGE ST	
DAVILA DANIEL GUARJARDO	41548	1317 BEECH ST	
DELEON THELMA E	44588	1309 BEECH ST	
DUARTE YENI M	47586	1217 BEECH ST	
ELROD JAMES T & ELOIS E LF EST	45697	1241 ORANGE ST	
FLORES RICKY V	44715	1442 N 13TH ST	
GIRTZ HERMAN ROBERT	47712	1209 BEECH ST	
JGN PROPERTIES LLC SERIES D1	46084	1217 ORANGE ST	
JOHNSON RON L	47469	1225 BEECH ST	
JONES RODERICK L	48437	1226 ORANGE ST	
JUAREZ JOSIE	44960	1310 ORANGE ST	
LANDEROS ROSIE	48308	1218 ORANGE ST	
LARRAGA ANGEL ORTIZ &	48073	1202 ORANGE ST	
OKELLO BRENDA JOSIE	48586	1234 ORANGE ST	
PEREZ MARY ANN	45954	1225 ORANGE ST	
PISTOLE JAMES J	39877	1317 ORANGE ST	
R & P RENTAL PROPERTIES LLC	47213	1241 BEECH ST	
REVELL TOMIE G	41675	1318 ORANGE ST	
ROBERSON CLAYTON TYLER &	48191	1210 ORANGE ST	
RODRIQUEZ MARIA ROSARIO	46465	1334 N 12TH ST	
TORRES JOSE A	47348	1233 BEECH ST	
VALENZUELA JUANITA F	44826	1302 ORANGE ST	

OWNER	PROP_ID	SITUS	RESPONSE
PISTOLE JAMES J	39877	1317 ORANGE ST	
DAVILA DANIEL GUARJARDO	41548	1317 BEECH ST	
REVELL TOMIE G	41675	1318 ORANGE ST	
DELEON THELMA E	44588	1309 BEECH ST	
FLORES RICKY V	44715	1442 N 13TH ST	
VALENZUELA JUANITA F	44826	1302 ORANGE ST	
JUAREZ JOSIE	44960	1310 ORANGE ST	
ABOR JEROME	45122	1301 ORANGE ST	
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DALZELL DAVID E	45826	1233 ORANGE ST	
PEREZ MARY ANN	45954	1225 ORANGE ST	
JGN PROPERTIES LLC SERIES D1	46084	1217 ORANGE ST	
CANO GABINO & ELIA	46331	1342 N 12TH ST	
RODRIGUEZ MARIA ROSARIO	46465	1334 N 12TH ST	
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TORRES JOSE A	47348	1233 BEECH ST	
JOHNSON RON L	47469	1225 BEECH ST	
DUARTE YENI M	47586	1217 BEECH ST	
GIRTZ HERMAN ROBERT	47712	1209 BEECH ST	
LARRAGA ANGEL ORTIZ &	48073	1202 ORANGE ST	
ROBERSON CLAYTON TYLER &	48191	1210 ORANGE ST	
LANDEROS ROSIE	48308	1218 ORANGE ST	
JONES RODERICK L	48437	1226 ORANGE ST	
OKELLO BRENDA JOSIE	48586	1234 ORANGE ST	
BATTEN PATRICK & ERICA	48713	1242 ORANGE ST APT 1	

ZONING MAP



LOCATION MAP



Attachments

Application
Conceptual Plan

CONDITIONAL USE PERMIT REQUEST

Case:	CUP-2022-06
Owner:	Patrick Batten
Agent:	Rylie Batten
Request:	Conditional Use Permit in a Residential Medium Density District (MD) to allow a Group Quarters facility (Halfway House).
Location:	1242 Orange Street
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	July 5, 2022
City Council Hearings:	1 st : July 28 th , 2022 2 nd : August 11 th , 2022

CUP-2022-06 LOCATION MAP



CUP-2022-06 LOCATION MAP WITH AERIAL



Location Map
(Aerial)



Legend

- CUP-2022-06
- CourierParcels

CUP-2022-06 CURRENT ZONING MAP





- Legend
- CUP-2022-06
 - Neighborhood Empowerment Zone

Permitted Uses in MD Zoning

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

***Occupancy: Every bedroom shall contain not less than 70 sq.ft. and every bedroom occupied by more than one person shall contain not less than 50 sq.ft. of floor area for each occupant thereof.**

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

Subject Property East View



Subject Property South View



East Neighbor



South Neighbor



CUP-2022-06 NOTIFICATION AREA MAP



Notification Map



Legend

- 200' Notification Buffer
- CUP-2022-06

0 - In Favor-

1- Opposed-

7.87% 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?