City of Abilene
Planning and Zoning Commission Agenda

Notice is hereby given of a meeting of the Planning & Zoning Commission of City of Abilene to be held on January 7, 2020 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

PUBLIC COMMENTS

There will be no votes or any formal actions taken on subjects presented during public comment. The public comment period will only allow members of the public to present ideas and information to city officials and staff.

MINUTES

1. Approval of minutes from previous meeting on December 3, 2019

PLATS

2. **FP-5319:** A Plat of Antilley Road Subdivision, Section 4, Abilene, Taylor County, Texas

ZONING

3. **Z-2020-02:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Windmill Circle Partners and Oldham Partners, agents Tony Conder and Don Whitehead, to rezone property from Agricultural Open Space (AO) to General Commercial (GC) District; Legal description being a certain 17.252-acre tract of vacant land out of southeast quarter of Blind Asylum Lands Section 62 in City of Abilene, Taylor County, Texas and located near northeast corner of Loop 322 and Industrial Boulevard

4. **CUP-2020-02:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Windmill Circle Partners and Oldham Partners, agents Tony Conder and Don Whitehead, for Conditional Use Permit allowing retail sale and rental of trucks and other large vehicles and equipment in a General Commercial District; Legal Description being approximately 12 acres of vacant land out of southeast quarter of Blind Asylum Lands Section 62 in City of Abilene, Taylor County, Texas and located near northeast corner of Loop 322 and Industrial Boulevard

5. **Z-2020-03:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Parramore Square LLC, agent John Scott, to amend existing Planned Development (PD) District Number 159A, specifically by increasing the density of semi-detached dwellings allowed therein; Legal description being all of Block A in Parramore's Subdivision in City of Abilene, Taylor County, Texas and occupying all of block bounded by Beech, Orange, Parramore and North 7th Streets

6. **TC-2020-01:** Public hearing and possible vote to recommend approval or denial to City Council, on a request from the City of Abilene to abandon 80-foot-wide segment of right-of-way dedicated for Cherry Street and extending 80 to 100 feet south from right-of-way for South 14th Street

7. **OAM-2019-03: (TABLED FROM MEETING IN DECEMBER)** Public hearing and possible vote to recommend approval or denial to City Council on proposed amendments to Land Development Code for the City of Abilene, removing the entire text of existing Section 2.4.4.2 in Chapter 2 (Zoning Regulations) and which specifically concerns carports and patio covers, replacing said existing text with a new Section 2.4.4.2 regulating the size, height, placement and architectural character of certain carports and patio covers; and adopting new definitions of both "carport" and "patio cover" as those terms appear in Chapter 5 (Definitions) of the Land Development Code

DIRECTORS REPORT

There will be no votes or any formal actions taken on subjects presented during public comment. The public comment period will only allow members of the public to present ideas and information to city officials and staff.

8. Recent City Council decisions regarding items recommended by the Planning and Zoning Commission

ADJOURNMENT

Notice

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 3rd day of January, 2019, at 3:15 p.m.

Shawna Atkinson, City Secretary

ZONING CASE Z-2020-02
STAFF REPORT

REQUEST: Rezoning

APPLICANT:
Owner: Windmill Circle Partners and Oldham Partners
Agent: Tony Conder and Don Whitehead

HEARING DATES:
P & Z Commission: January 7, 2020
City Council 1st Reading: January 23, 2020
City Council 2nd Reading: February 13, 2020

LOCATION:
- 17.25 acres situated approximately 1,000 feet along the eastern frontage road of Loop 322. Between E. Industrial Boulevard and Gateway Street.
- Legal description(s): 17.25 acres out of Blind Asylum Lands Survey Number 62

PROPOSAL AND REQUESTED ACTION:
The applicant is requesting to rezone from Agricultural Open Space (AO) to General Commercial (GC) in order to utilize the location for a wide range of commercial activities. In addition to the permitted uses in General Commercial (GC), the applicant will be seeking a Conditional Use Permit to allow the retail sale/rental of trucks and other large vehicles and equipment.

APPLICATION REVIEW:
According to Section 1.4.1.4, Criteria for Approval, of the City of Abilene Land Development Code, 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 of the Comprehensive Plan designates this general area as a major commercial/business activity center. General Commercial (GC) zoning promotes the goal of the future land use plan as it intends to provide a wide range of retailing activities, personal and business services, and other commercial activities. Furthermore, the proposed zone change will promote the Comprehensive Plan's goal of achieving a mixture of land uses which will encourage a variety of activities, shorten automobile trips and promote pedestrian and bicycle accessibility.

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

The retail and commercial uses permitted by the proposed zone change would be appropriate in the immediate area. Rezoning this property will provide an opportunity for a wide range of commercial and retail opportunity, which will encourage the Comprehensive Plan's objective for providing a mixture of mutually supportive and integrated residential and non-residential land uses within a major commercial business center as designated on the Future Land Use and Development Plan Map.

The subject lot has been Agricultural Open Space (AO) since 1968. West of this lot is Loop 322, east of the subject property the lots are zoned Office (O) and Medium Density Residential (MD), north and south of the subject property are General Commercial (GC) zoned lots.

	Zoning	Existing Land Use
North	GC	Vacant Acreage
South	GC	Cisco Community College
East	O/MD	Office Suites and Residential Homes
West	N/A	Loop 322 Expressway

(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 access to existing water mains and sewer mains. Therefore water and sewer capacity should not be a limiting factor to the development of these properties.

According to the Land Development Code good automobile accessibility within General Commercial (GC) districts is essential. The subject property is located near the intersection of Loop 322 and East Industrial Boulevard. Traditional planning considers intersections of freeways and major arterial roads such as this to be customarily appropriate for commercial purposes.

STAFF COMMENTS:

The subject lot has been zoned Agricultural Open Space (AO) since at least 1968, when the property was annexed by the City of Abilene. The Agricultural Open Space (AO) district is typically used as a "holding zone", until an applicant requests and the City considers a more intensive zoning district of the land. Over the years the properties surrounding this tract of land have undergone rezoning and development that is consistent with the Future Land Use and Development Plan's goal of creating a major commercial business center in the area. Major commercial business centers are designed to provide mutually supportive activities in a single, integrated regional destination. General Commercial (GC) zoning will continue this trend by promoting a mix of mutually supportive uses within this designated major commercial/business activity center.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request complies with Section 1.4.1.4 (Criteria for Approval).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On January 7, 2020, the Planning and Zoning Commission will meet to review this request.

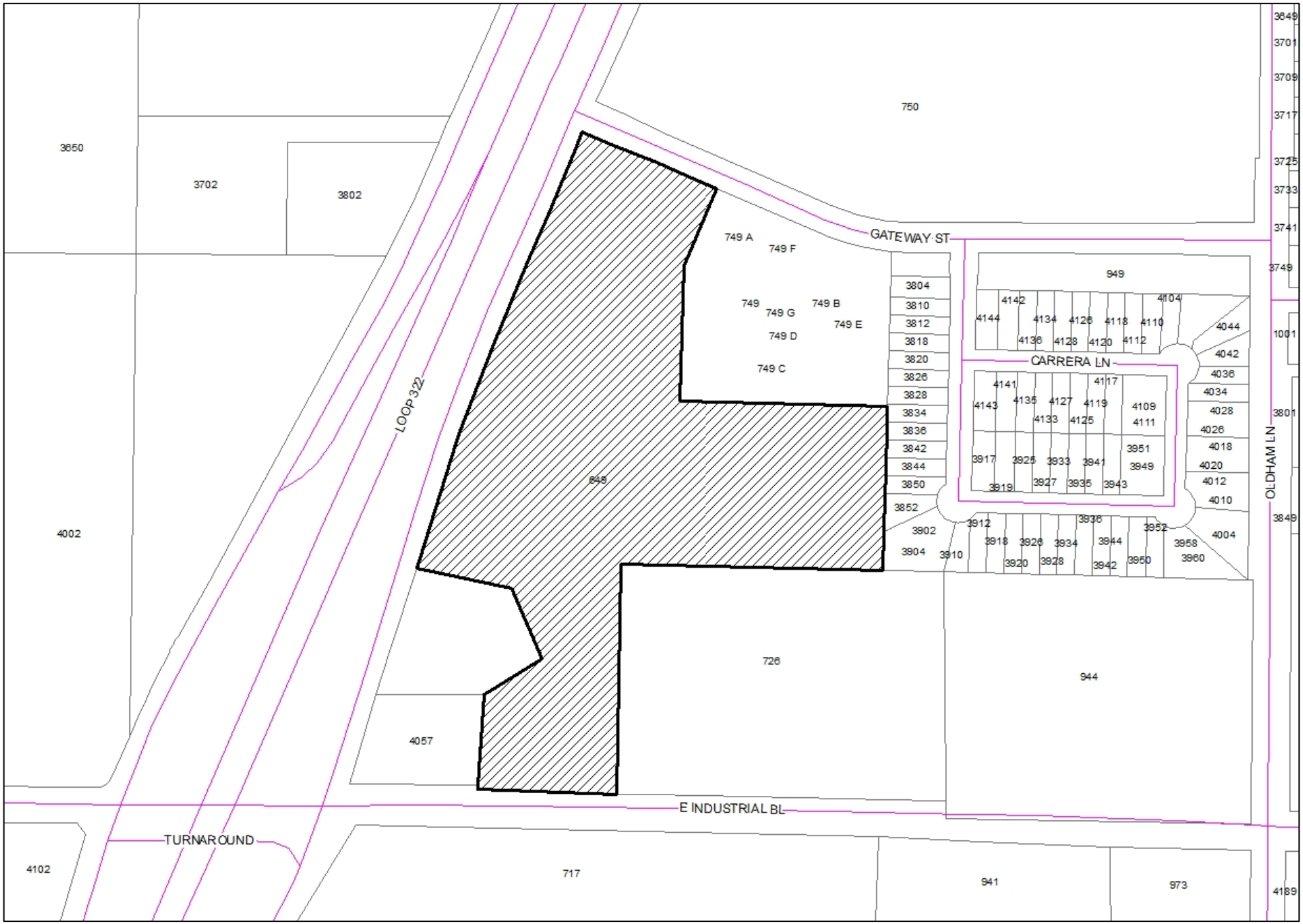
NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

Owner	Situs	Response
ABILENE STATE SCHOOL	726 E INDUSTRIAL BL	
ABILENE TUSCANY LLC	749 G GATEWAY ST	
ABILENE TUSCANY LLC	749 F GATEWAY ST	
ABILENE TUSCANY LLC	749 A GATEWAY ST	
ABILENE TUSCANY LLC	749 GATEWAY ST	
ABILENE TUSCANY LLC	749 E GATEWAY ST	
ABILENE TUSCANY LLC	749 B GATEWAY ST	
ABILENE TUSCANY LLC	749 C GATEWAY ST	
ABILENE TUSCANY LLC	749 D GATEWAY ST	
CISCO JUNIOR COLLEGE	717 E INDUSTRIAL BL	
Confidential Owner	3917 CARRERA LN	
HANDLEY GARY & DIANA FAMILY		
HART ANDY D & ANNETTA R	3902 CARRERA LN	
HART ANDY D & ANNETTA R	3904 CARRERA LN	
KUMAR KRISHNA P	3912 CARRERA LN	
KUMAR KRISHNA P	3910 CARRERA LN	
MASSENGILL CHESTER & SHERRY	3828 CARRERA LN	
MASSENGILL CHESTER & SHERRY	3826 CARRERA LN	
MC DONALD JIMMY E JR & ANNETTE	3834 CARRERA LN	
MC DONALD JIMMY E JR & ANNETTE	3844 CARRERA LN	
MC DONALD JIMMY E JR & ANNETTE	3836 CARRERA LN	
MC DONALD JIMMY E JR & ANNETTE	3842 CARRERA LN	
MERCER JANICE P	4143 CARRERA LN	
NOBLES ROBERT R II &	3812 CARRERA LN	
OVERBY ZACHARY R	3852 CARRERA LN	
OVERBY ZACHARY R	3850 CARRERA LN	
RED ARMADILLO HOLDINGS LLC	944 E INDUSTRIAL BL	
TEUBL DAVID W	3818 CARRERA LN	
TEUBL DAVID W	3820 CARRERA LN	
TEXAS REM INVESTMENTS LLC	4057 LOOP 322	
WINDMILL CIRCLE PARTNERS LP &	750 GATEWAY ST	
WINDMILL CIRCLE PARTNERS LP &	649 GATEWAY ST	

ATTACHMENTS:

- Application
- PowerPoint


3650
3702
3802
750
GATEWAY ST
749 A
749 F
749
749 G
749 B
749 E
749 D
749 C
649
LOOP 322
3804
3810
3812
3818
3820
3826
3828
3834
3836
3842
3844
3850
3852
3902
3904
3910
949
4142
4144
4134
4126
4118
4110
4104
4136
4128
4120
4112
4044
4042
4036
4034
4028
4026
4018
4020
4012
4010
CARRERA LN
4141
4143
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3928
3942
3950
4004
OLDHAM LN
4002
726
944
4057
E INDUSTRIAL BL
TURNAROUND
4102
717
941
973
3649
3701
3709
3717
3725
3733
3741
3749
1001
3801
3849
4189

Development Application

CITY OF ABILENE

Planning

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

Project Name: OLDHAM PARTNERS

Address: 649 GATEWAY ST. No. of lots: 1 Acreage: _____

Legal Description: ATTACHED EXHIBIT: METES AND BOUNDS 17.855 Acres

Subdivision Name: UNPLATTED Block: _____ Lot: _____

Current Zoning: AO Proposed Zoning (if applicable): GC and Conditional Uses

OWNER AND AUTHORIZATION

Owner Name: WINDMILL CIRCLE PARTNERS AND OLDHAM PARTNERS, Gen. Partnership

Address: 4150 SOUTHWEST DR #210

City, State, Zip: ABILENE, TX 79606 Fax: 3256929321

Phone: 3256929141 Email: tconder@condercompany.com

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

Agent Name: Tony Conder or Don Whitehead

Address: 4150 Southwest Dr #210

City, State, Zip: Abilene, TX 79606 Fax: 3256929321

Phone: 3256929141 Email: tconder@condercompany.com

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

Signature Owner: _____ Date: 12-9-19

FOR OFFICE USE ONLY

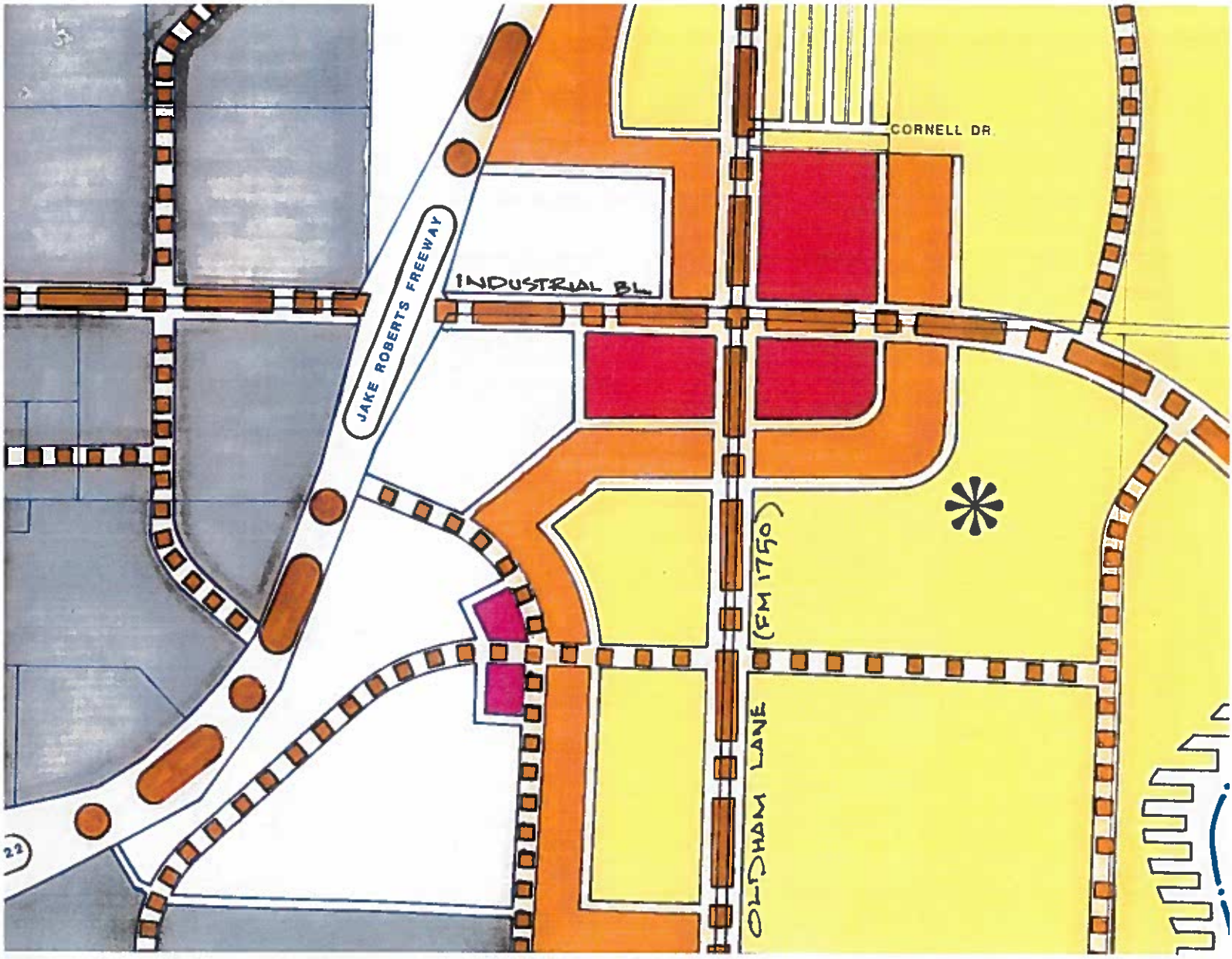
Received: 12/09/19 Fee: $ $1,500.00 Receipt No.: _____

Case No.: Z-2020-02 Reviewed By: _____

However, if faced with the choice of having to recommend **either** HC or LI zoning, I urge City staff to suggest HC zoning because of screening requirements applicable to outdoor storage of materials and equipment parts therein..

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

Southeast Area Study (1980) excerpt.pdf
121K



EXCERPT FROM SOUTHEAST AREA STUDY ADOPTED BY ABILENE CITY COUNCIL ON 11/20/1980

SCALE: 1" = 1000'

DARK GREY = "UNPROTECTED" INDUSTRIAL USE
LIGHT GREY = "PROTECTED" INDUSTRIAL USE

Development Application

CITY OF ABILENE

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

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

SEE ATTACHED

JACOB & MARTIN, LTD.
CONSULTING ENGINEERS

3465 Curry Lane Abilene, Texas 79606
325-695-1070 FIRM # 10024300
www.jacobmartin.com

METES AND BOUNDS DESCRIPTION
17.855 ACRE TRACT
PAGE 1 of 2

CITY OF ABILENE
COUNTY OF TAYLOR
STATE OF TEXAS

LANDOWNER:
MUSGRAVE AND MUSGRAVE, LLP

BEING 17.855 acres of land situated in Taylor County, Texas and being out of the southeast quarter of Section 62 of the Blind Asylum Lands, Abstract No. 679, and being the remainder of that certain tract described as 98.33 acres conveyed to Musgrave and Musgrave, LLP and recorded in Volume 3151, Page 821 of the Official Public Records of said Taylor County, Texas. Said 17.855 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at a found ¾ inch aluminum rod with a 2 inch, aluminum, Jacob & Martin, Ltd. cap (henceforth called a standard monument) located at the intersection of the southwesterly right-of-way line of Gateway Street, dedicated per plat of Tuscany Village Addition, Section 1 recorded in Cabinet 2, Slide 351-A of the Plat Records of said Taylor County, Texas and the easterly right-of-way line of Loop 322, and being the northwest corner of this tract;

THENCE along said southwesterly right-of-way line of Gateway Street, same being the north line of this tract the following bearings;

- S66°33'55"E 66.50 feet to a found standard monument,
- S68°28'32"E 120.00 feet to a found standard monument,
- S66°33'55"E 153.08 feet to a set ½ inch rebar rod with cap marked "J&M BOUNDARY", henceforth called a "set ½ inch rebar rod" for the northwest corner of said Tuscany Village Addition, Section 2 and being the most northerly northeast of this tract;

THENCE along the common boundary line of said Tuscany Village Addition, Section 2 and of this tract the following bearings;

- S23°26'05"W 195.14 feet to a set ½ inch rebar rod,
- S01°27'45"W 316.82 feet to a set ½ inch rebar rod for a common "L" corner of this tract of said Section 2;
- S88°32'15"E, at 482.04 feet pass a set ½ inch rebar rod for reference, and continuing a total distance of 483.04 feet to a found standard monument on the west line of Tuscany Village Section 1, Replat as shown per plat recorded in Cabinet 2, Slide 369-D of said Plat Records;

THENCE S01°27'45"W 380.49 feet along said common line of said Tuscany Village Section 1 and of this tract to a found standard monument for the most easterly and northerly southeast corner of this tract and being the southwest corner of said Section 1 and being on the north line of the Abilene State School Cemetery, a portion of the remainder of the land conveyed from the City of Abilene to the State of Texas in a deed recorded in Volume 14, Page 127 of the Deed Records of said Taylor County, Texas;

THENCE N88°32'31"W 598.43 feet along the common line of said Abilene State School Cemetery and the most easterly south line of this tract to a found standard monument for the northwest corner of said Abilene State School Cemetery and an interior corner of this tract;

THENCE S04°11'08"W along the west line of said cemetery and most southerly east line of this tract, at 511.78 feet pass a found standard monument in the north line of an "Easement Deed" to the City of Abilene "for all street and waterline purposes", recorded in Volume 1246, Page 394, Deed Records, Taylor County, Texas, at 571.99 feet pass the south line of said "street and waterline" easement, and continuing a total distance of 590.11 feet to a point in on the approximate south line of said Section 62 (the location of said survey line was determined from highway right-of-way maps);

THENCE N88°55'59"W 304.84 feet along the south line of this tract, same being said south line of Section 62 to a point for the southwest corner of this tract;

THENCE N04°13'43"E, along the most southerly west line of this tract , at 78.81feet pass a "X" set in a concrete sidewalk in the north line of said "street and waterline" easement, same being the north line of Industrial Boulevard, at 88.80 feet pass a point for the southeast corner of the southeast corner of Tuscany Village Addition, Section 2, Lot 1, Block A as shown on the plat thereof recorded in Cabinet 2, Slide 372-A of said Plat Records, and continuing a total distance of 299.00 feet to a found 5/8 inch capped iron rod for the northeast corner of said Lot 1, Block A, Section 2, same being the southeast corner of a called 1.893 acre tract to Handley Family Trust as described in a deed recorded in Volume 3212, Page 302 of said Official Public Records;

THENCE along the east line of said 1.893 acre tract the following bearings;

- N58°03'26"E 159.98 feet to a found standard monument,
- N22°12'25"W 177.95 feet to a found standard monument for the northeast corner of said 1.893 acre tract and an interior corner of this tract;

THENCE N77°41'43"W 231.93 feet along the north line of said 1.893 acre tract and most westerly south line of this tract to a set ½ inch rebar rod for the northwest corner of said 1.893 acre tract and being on said easterly right-of-way line of Loop 322;

THENCE along said easterly right-of-way line, same being the westerly line of this tract the following bearings;

- N17°19'59"E 326.98 feet to a set ½ inch rebar rod for an angle point,
- N21°41'22"E 289.91 feet to a found concrete right-of-way marker,
- N23°24'23"E 445.59 feet to the **POINT OF BEGINNING** and containing 17.855 acres of land with 0.549 acre located in the right-of-way of said Industrial Boulevard leaving a **net area of 17.306 acres**, more or less.

This date, November 7, 2014, the foregoing field note description was prepared from a survey made on the ground under my supervision August thru November, 2014. Bearings and distances are grid and referenced to the Texas State Plan Coordinate System, North Central Zone, NAD83. Distances can be converted to surface by multiplying each by the combined scale factor of the site which is 1.000133278.

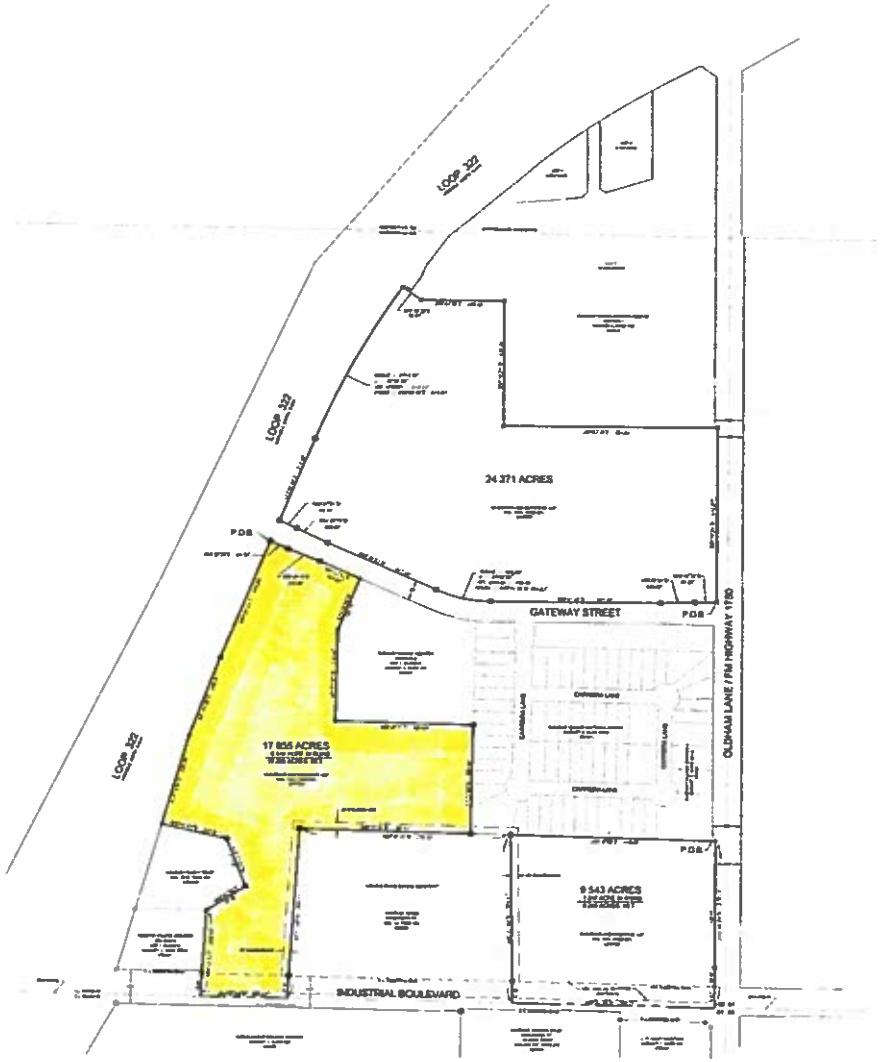
Mark T. Brown, R.P.L.S. No. 4247

See attached Survey Drawing of equal date.

JACOB & MARTIN, LTD.
CONSULTING ENGINEERS

SURVEYED FOR TONY CONDER

LANDOWNER MUSGRAVE AND MUSGRAVE, LLP



SURVEY DRAWING
3 TRACTS AS FOLLOWS:
A 9.543 ACRE TRACT (NET OF 9.298 ACRES),
A 17.855 ACRE TRACT (NET OF 17.306 ACRES),
A 24.371 ACRE TRACT,
ALL OUT OF 96.33 ACRES OUT OF
THE S&M OF SECTION 62, LUNATIC ASYLUM LANDS,
ABSTRACT NO. 676,
CITY OF ABILENE, TAYLOR COUNTY, TEXAS

11-7-2014

December 9, 2019

To: Planning and Zoning Department, Abilene, TX

From: Windmill Circle Partners and Oldham Partners, a general partnership

Re: Zoning request

To whom it may concern:

It is the desire of the proponent to zone the 17.855 acre tract for General Commercial (GC) uses with a conditional use on the southern twelve acres of the tract to create a zoning use that would allow for construction of a retail sales and service facility specializing in all facets of equipment ranging from small machine hand held devices to larger agriculture oriented machines, such as tractors and related machines and implements.

The property is located along Loop 322 with high traffic and affords access for such a facility to both Industrial Blvd and Loop 322 access roads. There are varied uses surrounding the tract including a full service convenience store and associated fueling services as well as a cemetery that is owned and operated by the state of Texas.

It is the proponent's belief that a new retail sales and service center will be complimentary to the area and would request staff support.

Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

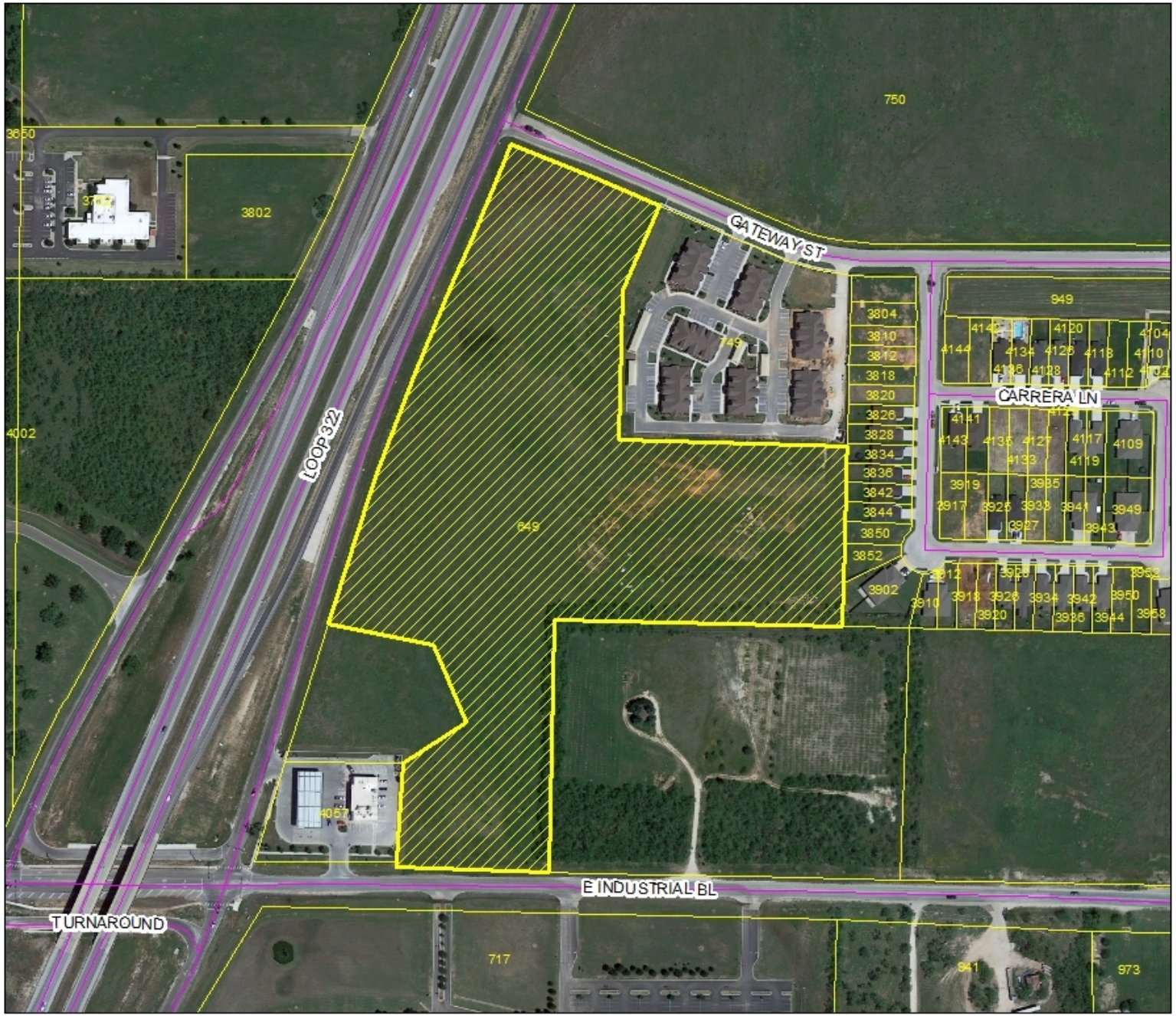
The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of $120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____ DATE: 12-9-19

Case: Z-2020-02
Owner: Windmill Circle & Oldham Partners
Agent: Tony Conder & Don Whitehead
Request: Rezone from AO to GC
Location: 12 acres on the eastern frontage road of LP 322, between East Industrial & Gateway St.
Notification: 0 in Favor, 0 Opposed
Planning & Zoning: January 7, 2020
City Council Hearing: January 23, 2020
February 13, 2020

Z-2020-02 AERIAL LOCATION MAP



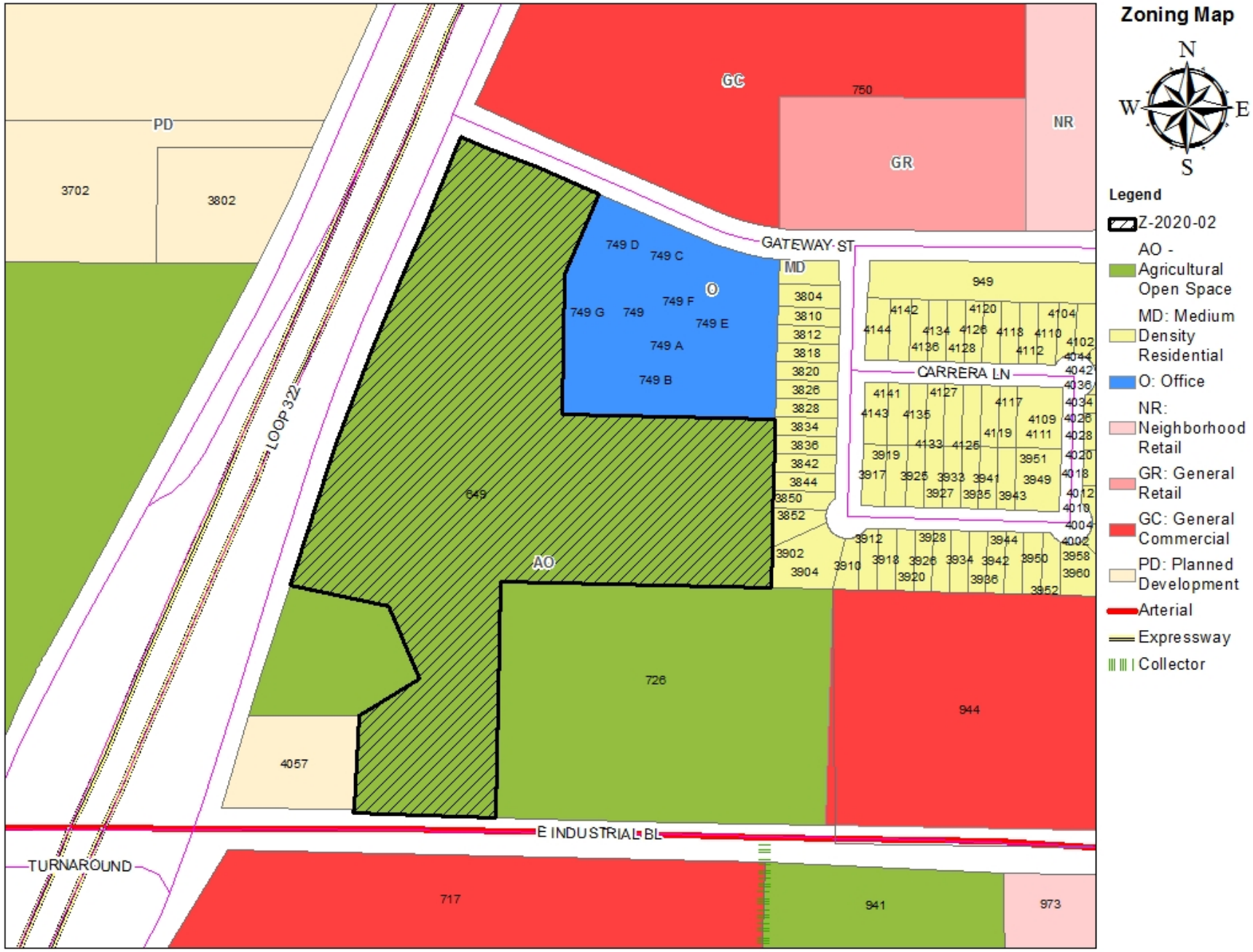
Location Map

N
W E
S

Legend

Z-2020-02

Z-2020-02 ZONING MAP



Zoning Map

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Legend

- Z-2020-02
- AO - Agricultural Open Space
- MD: Medium Density Residential
- O: Office
- NR: Neighborhood Retail
- GR: General Retail
- GC: General Commercial
- PD: Planned Development
- Arterial
- Expressway
- Collector

Permitted Uses in GC Zoning

RESIDENTAL 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, 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

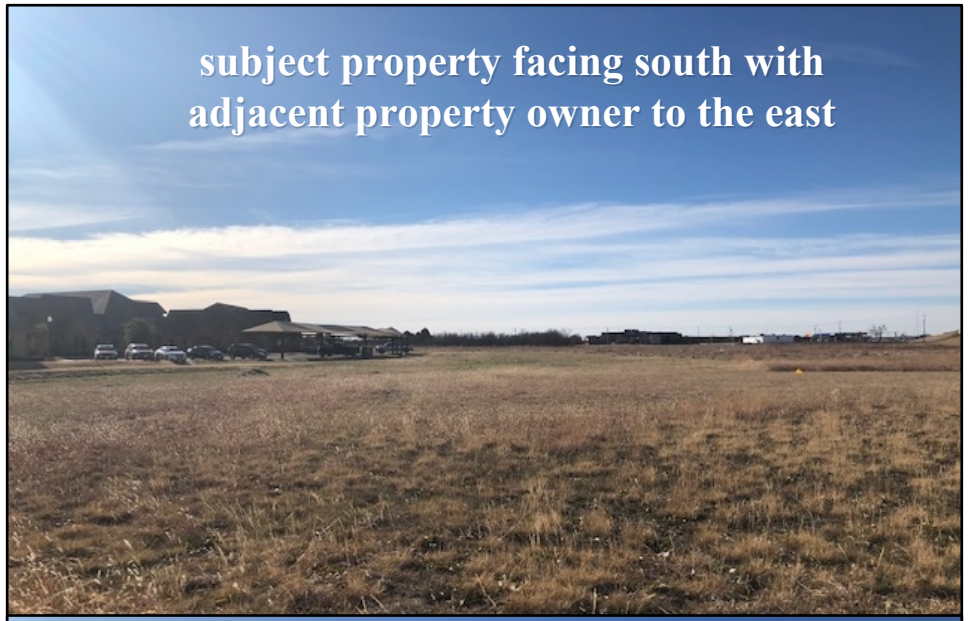
RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well
P	Urban Garden

LEGEND

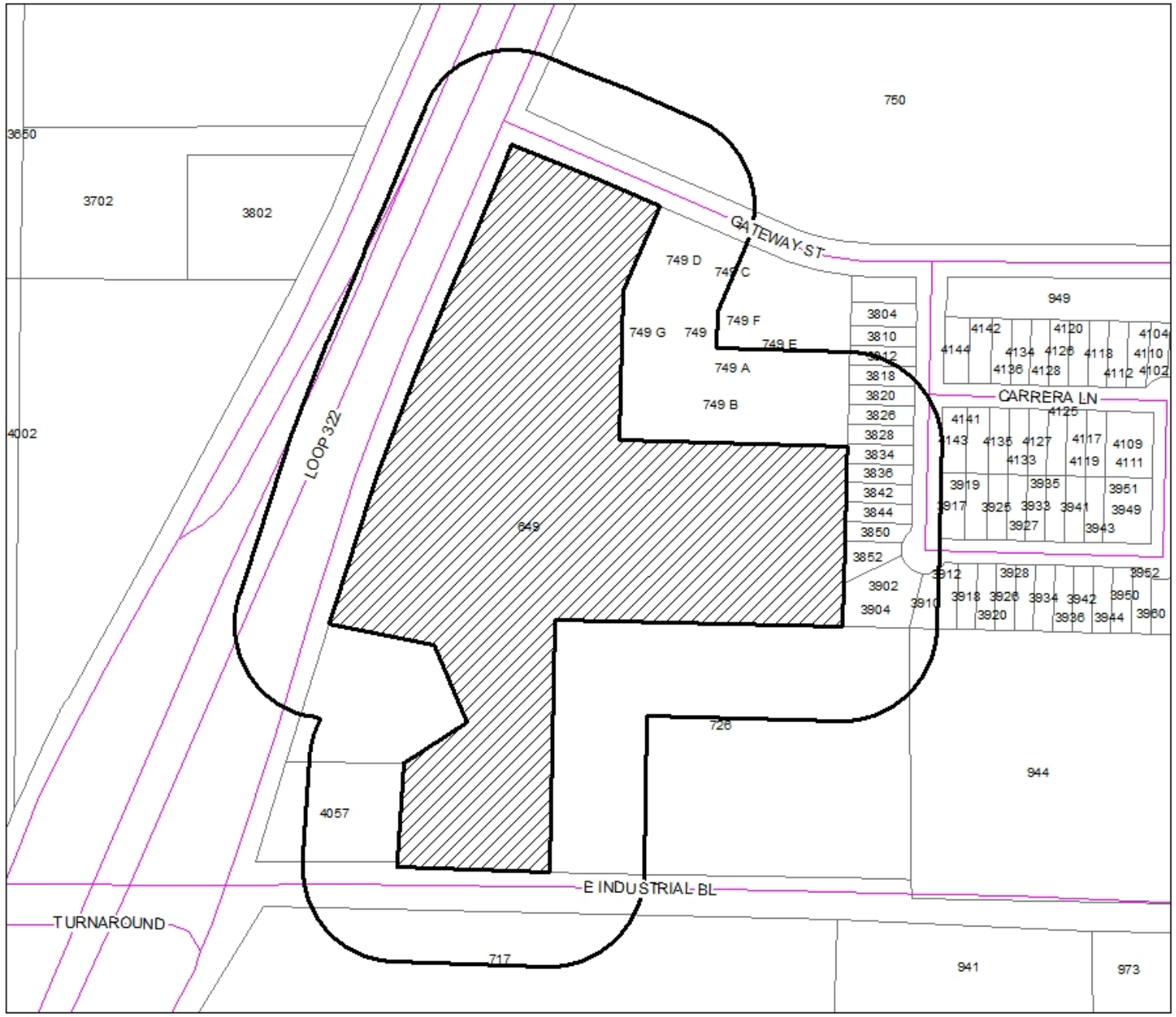
P	**Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)**
C	**Permitted as a Conditional Use Permit, Requiring Approval by City Council**
TP	**Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment**

Z-2020-02 VIEWS OF SUBJECT PROPERTY



- Consistent with *Comprehensive Plan* and *Future Land Use* and *Development Plan Map*
- Consistent with General Land Use and Zoning Character of Immediate Area (Section 2.3.3.9)
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval

Z-2020-02 NOTIFICATION AREA MAP



Notification Map

N
W E
S

Legend

200' Buffer

Z-2020-02

0- In Favor-

0- Opposed-

Questions?

ZONING CASE CUP-2020-02
STAFF REPORT

REQUEST: Conditional Use Permit

APPLICANT:
Owner: Windmill Circle Partners and Oldham Partners
Agent: Tony Conder and Don Whitehead

HEARING DATES:
P & Z Commission: January 7, 2020
City Council 1st Reading: January 23, 2020
City Council 2nd Reading: February 13, 2020

LOCATION:
- 12 acres situated approximately 400 feet along the eastern frontage road of Loop 322, between East Industrial and Gateway Street.
- Legal description: 12 acres out of Blind Asylum Lands Survey Number 62

PROPOSAL AND REQUESTED ACTION:
The applicant is requesting a Conditional Use Permit to allow retail sale/rental of trucks and other large vehicles and equipment in General Commercial (GC) Zoning.

BACKGROUND:
The subject property has been zoned Agricultural Open Space (AO) since at least 1968, when the property was annexed by the City of Abilene. This property has remained vacant since being annexed into the City of Abilene. Agricultural Open Space (AO) zoning is typically used as a "holding zone", until an applicant requests a more intensive zoning district for the land. One such request is being reviewed concurrent to this proposed Conditional Use Permit. Approval of this Conditional Use Permit shall be subject to the approval of the requested zone change to this parcel from Agricultural Open Space (AO) to General Commercial (GC) zoning. This Conditional Use Permit will allow the retail sale/rental of large vehicles and equipment by John Deere at this location.

ANALYSIS:
Criteria Analysis:
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.**
   Yes, the Comprehensive Plan designates the property to be located within a "Major Commercial Business Center." The Comprehensive Plan details this area to "Provide the highest level of commercial, service, and employment concentration outside of downtown."

2. **The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.**
   Yes, subject to approval of the proposed zone change from Agricultural Open Space (AO) to General Commercial (GC) Zoning. General Commercial (GC) zoning is intended to provide a wide range of retailing activities, personal and business services, and other commercial activities. General Commercial (GC) district regulations are designed to permit development of commercial activities which are generally not appropriate within other commercial districts, such as NR and CB districts. (Section 2.3.3.9)

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.**
   The proposed use may be of concern to the character and integrity of adjacent developments and neighborhoods. However, it should be noted a site plan will be required prior to development of the lot. Assuming General Commercial (GC) zoning is approved for the property, a type "B" land use buffer will be required to alleviate possible adverse impacts created by commercial development between the subject property and neighboring residential lots to the east.

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

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.**
   No, the proposed use will not incorporate roadway adjustments, traffic control devices, mechanisms and access restrictions. However, there should be no increased traffic generated by the proposed use of the site.

6. **The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.**
   If approved, at the time of development the General Commercial (GC) zoning applied to this lot will necessitate a Type "B" land use buffer between the subject property and the existing Medium Density (MD) residential subdivision to the east. This required land use buffer shall minimize adverse effects created by commercial development.

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, if the requested change of zoning to General Commercial (GC) is approved, the proposed use meets the standards for the zoning district.

Comprehensive Planning Analysis

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as a major commercial/business activity center. Approval of the Conditional Use Permit promotes the goal of the future land use plan as it intends to provide a wide range of retailing activities, employment opportunities as well as personal and business services within the major commercial business center. Additionally, the subject property is located at the intersection of a major arterial road and expressway. Traditional planning considers locations such as this ideal for commercial activity as this optimizes public access and exposure necessary for success.

Location	Zoning	Existing Land Use
North	GC	Vacant Acreage
South	GC	Cisco Community College
East	O/MD	Office Suites and Residential Homes
West	N/A	Loop 322 Expressway

Existing Land Use

STAFF RECOMMENDATION:

Staff recommends approval.

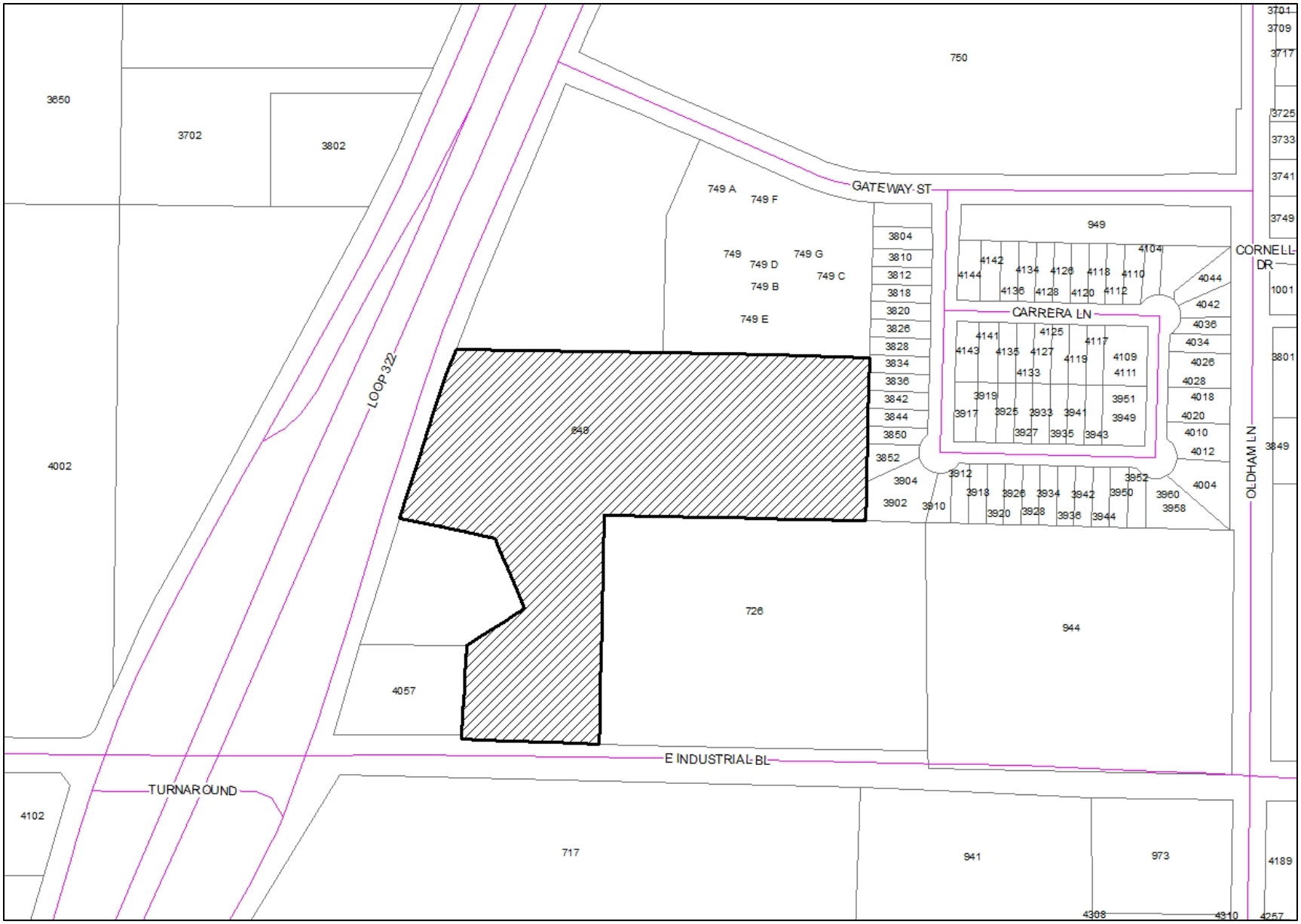
PLANNING AND ZONING COMMISSION RECOMMENDATION:

On January 7, 2020, the Planning and Zoning Commission will meet to review this Conditional Use Permit request.

NOTIFICATION:

The Planning Services Division sent public notices, with a certificate of mailing, to the applicant and to owners of property within a 200-foot radius of the subject property.

Owner	Situs	Response
ABILENE STATE SCHOOL	726 E INDUSTRIAL BL	
ABILENE TUSCANY LLC	749 D GATEWAY ST	
ABILENE TUSCANY LLC	749 F GATEWAY ST	
ABILENE TUSCANY LLC	749 A GATEWAY ST	
ABILENE TUSCANY LLC	749 GATEWAY ST	
ABILENE TUSCANY LLC	749 C GATEWAY ST	
ABILENE TUSCANY LLC	749 G GATEWAY ST	
ABILENE TUSCANY LLC	749 E GATEWAY ST	
ABILENE TUSCANY LLC	749 B GATEWAY ST	
CISCO JUNIOR COLLEGE	717 E INDUSTRIAL BL	
Confidential Owner	3917 CARRERA LN	
HANDLEY GARY & DIANA FAMILY		
HART ANDY D & ANNETTA R	3904 CARRERA LN	
HART ANDY D & ANNETTA R	3902 CARRERA LN	
KUMAR KRISHNA P	3912 CARRERA LN	
KUMAR KRISHNA P	3910 CARRERA LN	
MASSENGILL CHESTER & SHERRY	3828 CARRERA LN	
MASSENGILL CHESTER & SHERRY	3826 CARRERA LN	
MC DONALD JIMMY E JR & ANNET	3834 CARRERA LN	
MC DONALD JIMMY E JR & ANNET	3844 CARRERA LN	
MC DONALD JIMMY E JR & ANNET	3836 CARRERA LN	
MC DONALD JIMMY E JR & ANNET	3842 CARRERA LN	
MERCER JANICE P	4143 CARRERA LN	
NOBLES ROBERT R II &	3812 CARRERA LN	
OVERBY ZACHARY R	3852 CARRERA LN	
OVERBY ZACHARY R	3850 CARRERA LN	
RED ARMADILLO HOLDINGS LLC	944 E INDUSTRIAL BL	
TEUBL DAVID W	3818 CARRERA LN	
TEUBL DAVID W	3820 CARRERA LN	
TEXAS REM INVESTMENTS LLC	4057 LOOP 322	
WINDMILL CIRCLE PARTNERS LP &	649 GATEWAY ST	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GATEWAY ST
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CARRERA LN
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CORNELL DR
1001
3801
3849
OLDHAM LN
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726
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4057
E INDUSTRIAL BL
TURNAROUND
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941
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4189
4308
4310
4257

5

Development Application

CITY OF ABILENE

Planning

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

Project Name: OLDHAM PARTNERS

Address: 649 GATEWAY ST. No. of lots: 1 Acreage: _____

Legal Description: ATTACHED EXHIBIT: METES AND BOUNDS 17.855 Acres

Subdivision Name: UNPLATTED Block: _____ Lot: _____

Current Zoning: AO Proposed Zoning (if applicable): GC and Conditional Uses

OWNER AND AUTHORIZATION

Owner Name: WINDMILL CIRCLE PARTNERS AND OLDHAM PARTNERS, Gen. Partnership

Address: 4150 SOUTHWEST DR #210

City, State, Zip: ABILENE, TX 79606 Fax: 3256929321

Phone: 3256929141 Email: tconder@condercompany.com

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

Agent Name: Tony Conder or Don Whitehead

Address: 4150 Southwest Dr #210

City, State, Zip: Abilene, TX 79606 Fax: 3256929321

Phone: 3256929141 Email: tconder@condercompany.com

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

Signature Owner: _____ Date: 12-9-19

FOR OFFICE USE ONLY

Received: 12/09/19 Fee: $ $1,500.00 Receipt No.: _____

Case No.: Z-2020-02 Reviewed By: _____

Development Application

CITY OF ABILENE

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

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

SEE ATTACHED

JACOB & MARTIN, LTD.
CONSULTING ENGINEERS

3465 Curry Lane Abilene, Texas 79606
325-695-1070 FIRM # 10024300
www.jacobmartin.com

METES AND BOUNDS DESCRIPTION
17.855 ACRE TRACT
PAGE 1 of 2

CITY OF ABILENE
COUNTY OF TAYLOR
STATE OF TEXAS

LANDOWNER:
MUSGRAVE AND MUSGRAVE, LLP

BEING 17.855 acres of land situated in Taylor County, Texas and being out of the southeast quarter of Section 62 of the Blind Asylum Lands, Abstract No. 679, and being the remainder of that certain tract described as 98.33 acres conveyed to Musgrave and Musgrave, LLP and recorded in Volume 3151, Page 821 of the Official Public Records of said Taylor County, Texas. Said 17.855 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at a found ¾ inch aluminum rod with a 2 inch, aluminum, Jacob & Martin, Ltd. cap (henceforth called a standard monument) located at the intersection of the southwesterly right-of-way line of Gateway Street, dedicated per plat of Tuscany Village Addition, Section 1 recorded in Cabinet 2, Slide 351-A of the Plat Records of said Taylor County, Texas and the easterly right-of-way line of Loop 322, and being the northwest corner of this tract;

THENCE along said southwesterly right-of-way line of Gateway Street, same being the north line of this tract the following bearings;

- S66°33'55"E 66.50 feet to a found standard monument,
- S68°28'32"E 120.00 feet to a found standard monument,
- S66°33'55"E 153.08 feet to a set ½ inch rebar rod with cap marked "J&M BOUNDARY", henceforth called a "set ½ inch rebar rod" for the northwest corner of said Tuscany Village Addition, Section 2 and being the most northerly northeast of this tract;

THENCE along the common boundary line of said Tuscany Village Addition, Section 2 and of this tract the following bearings;

- S23°26'05"W 195.14 feet to a set ½ inch rebar rod,
- S01°27'45"W 316.82 feet to a set ½ inch rebar rod for a common "L" corner of this tract of said Section 2;
- S88°32'15"E, at 482.04 feet pass a set ½ inch rebar rod for reference, and continuing a total distance of 483.04 feet to a found standard monument on the west line of Tuscany Village Section 1, Replat as shown per plat recorded in Cabinet 2, Slide 369-D of said Plat Records;

THENCE S01°27'45"W 380.49 feet along said common line of said Tuscany Village Section 1 and of this tract to a found standard monument for the most easterly and northerly southeast corner of this tract and being the southwest corner of said Section 1 and being on the north line of the Abilene State School Cemetery, a portion of the remainder of the land conveyed from the City of Abilene to the State of Texas in a deed recorded in Volume 14, Page 127 of the Deed Records of said Taylor County, Texas;

THENCE N88°32'31"W 598.43 feet along the common line of said Abilene State School Cemetery and the most easterly south line of this tract to a found standard monument for the northwest corner of said Abilene State School Cemetery and an interior corner of this tract;

THENCE S04°11'08"W along the west line of said cemetery and most southerly east line of this tract, at 511.78 feet pass a found standard monument in the north line of an "Easement Deed" to the City of Abilene "for all street and waterline purposes", recorded in Volume 1246, Page 394, Deed Records, Taylor County, Texas, at 571.99 feet pass the south line of said "street and waterline" easement, and continuing a total distance of 590.11 feet to a point in on the approximate south line of said Section 62 (the location of said survey line was determined from highway right-of-way maps);

THENCE N88°55'59"W 304.84 feet along the south line of this tract, same being said south line of Section 62 to a point for the southwest corner of this tract;

THENCE N04°13'43"E, along the most southerly west line of this tract , at 78.81feet pass a "X" set in a concrete sidewalk in the north line of said "street and waterline" easement, same being the north line of Industrial Boulevard, at 88.80 feet pass a point for the southeast corner of the southeast corner of Tuscany Village Addition, Section 2, Lot 1, Block A as shown on the plat thereof recorded in Cabinet 2, Slide 372-A of said Plat Records, and continuing a total distance of 299.00 feet to a found 5/8 inch capped iron rod for the northeast corner of said Lot 1, Block A, Section 2, same being the southeast corner of a called 1.893 acre tract to Handley Family Trust as described in a deed recorded in Volume 3212, Page 302 of said Official Public Records;

THENCE along the east line of said 1.893 acre tract the following bearings;

- N58°03'26"E 159.98 feet to a found standard monument,
- N22°12'25"W 177.95 feet to a found standard monument for the northeast corner of said 1.893 acre tract and an interior corner of this tract;

THENCE N77°41'43"W 231.93 feet along the north line of said 1.893 acre tract and most westerly south line of this tract to a set ½ inch rebar rod for the northwest corner of said 1.893 acre tract and being on said easterly right-of-way line of Loop 322;

THENCE along said easterly right-of-way line, same being the westerly line of this tract the following bearings;

- N17°19'59"E 326.98 feet to a set ½ inch rebar rod for an angle point,
- N21°41'22"E 289.91 feet to a found concrete right-of-way marker,
- N23°24'23"E 445.59 feet to the **POINT OF BEGINNING** and containing 17.855 acres of land with 0.549 acre located in the right-of-way of said Industrial Boulevard leaving a **net area of 17.306 acres**, more or less.

This date, November 7, 2014, the foregoing field note description was prepared from a survey made on the ground under my supervision August thru November, 2014. Bearings and distances are grid and referenced to the Texas State Plan Coordinate System, North Central Zone, NAD83. Distances can be converted to surface by multiplying each by the combined scale factor of the site which is 1.000133278.

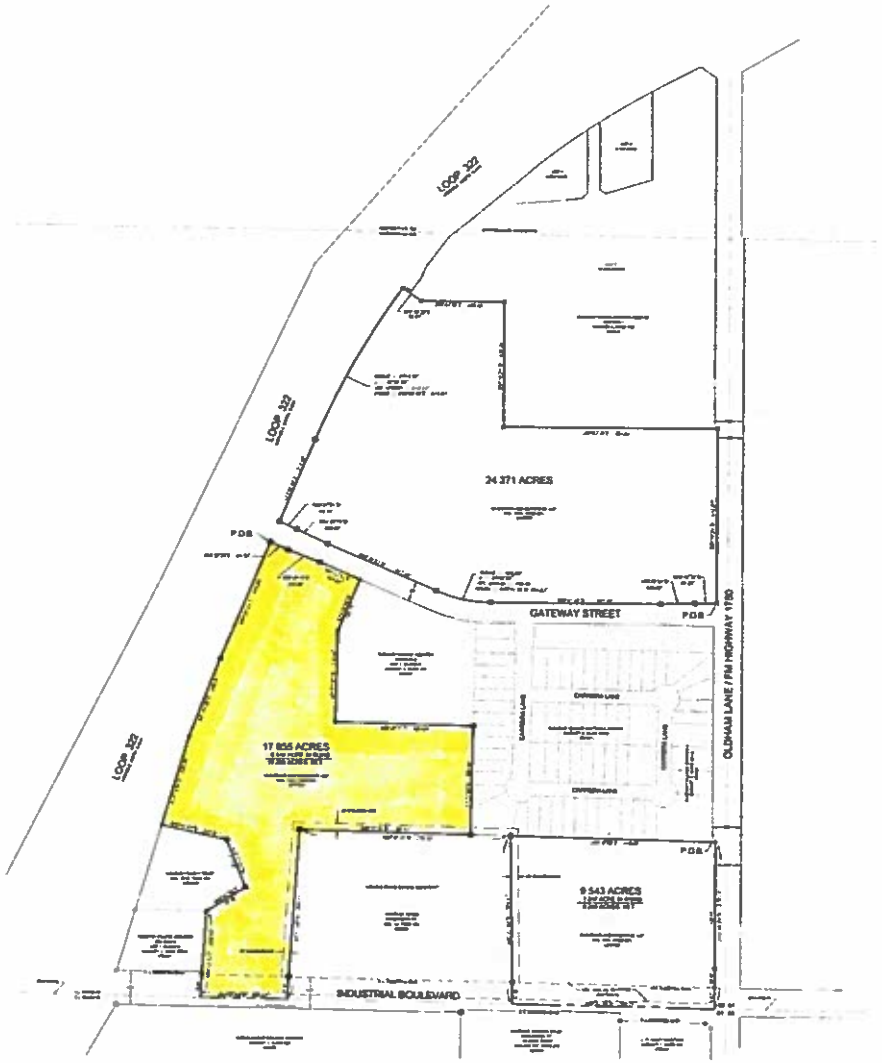
Mark T. Brown, R.P.L.S. No. 4247

See attached Survey Drawing of equal date.

JACOB & MARTIN, LTD.
CONSULTING ENGINEERS

SURVEYED FOR TONY CONDER

LANDOWNER MUSGRAVE AND MUSGRAVE, LLP



SURVEY DRAWING
3 TRACTS AS FOLLOWS:
A 9.543 ACRE TRACT (NET OF 9.298 ACRES),
A 17.855 ACRE TRACT (NET OF 17.306 ACRES),
A 24.371 ACRE TRACT,
ALL OUT OF 96.33 ACRES OUT OF
THE S&M OF SECTION 62, LUNATIC ASYLUM LANDS,
ABSTRACT NO. 670,
CITY OF ABILENE, TAYLOR COUNTY, TEXAS

11-7-2014

December 9, 2019

To: Planning and Zoning Department, Abilene, TX

From: Windmill Circle Partners and Oldham Partners, a general partnership

Re: Zoning request

To whom it may concern:

It is the desire of the proponent to zone the 17.855 acre tract for General Commercial (GC) uses with a conditional use on the southern twelve acres of the tract to create a zoning use that would allow for construction of a retail sales and service facility specializing in all facets of equipment ranging from small machine hand held devices to larger agriculture oriented machines, such as tractors and related machines and implements.

The property is located along Loop 322 with high traffic and affords access for such a facility to both Industrial Blvd and Loop 322 access roads. There are varied uses surrounding the tract including a full service convenience store and associated fueling services as well as a cemetery that is owned and operated by the state of Texas.

It is the proponent's belief that a new retail sales and service center will be complimentary to the area and would request staff support.

Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of $120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____ DATE: 12-9-19

CITY OF ABILENE TEXAS

Stone, Brad <brad.stone@abilenetx.gov>

"John Deere" dealer revisited

1 message

Stone, Brad <brad.stone@abilenetx.gov> Mon, Oct 14, 2019 at 2:20 PM
To: Mike Warrix <mike.warrix@abilenetx.gov>
Cc: Cheryl Sawyers <cheryl.sawyers@abilenetx.gov>

Mike:

Here is a "new-and-improved" summary of facts and conclusions about the prospect of a local "John Deere" dealer relocating to a site at Loop 322 and Industrial Boulevard:

Sales and service of "John Deere" equipment currently occurs at Quality Implement Company, 3526 South Treadaway Boulevard in Abilene. This location lies in a Light Industrial (LI) zoning district which is suitable for such use, including all unscreened storage of material, parts and equipment there.

I believe this use is most appropriately categorized as **a combination of** the following two entries in the Land Use Matrix of Abilene's Zoning Regulations:

Retail Sales/Rental (trucks and other large vehicles and equipment)
-**and**-
Repair and Maintenance Service (trucks and other large vehicles).

Both above-described uses are allowed, by right, in both Heavy Commercial (HC) and Light Industrial (LI) zoning districts of Abilene. However, if located in an HC District, any outdoor storage of material and equipment (not for sale) will be allowed only if completely screened by a combination of fences, walls and/or landscaping. My experience with farm implement dealers is they are typified by significant outdoor storage of various materials and equipment parts. Effective enforcement of screening requirements is likely to prove futile. On the other hand, Light Industrial (LI) zoning routinely allows unscreened outdoor storage of materials and equipment parts.

Approximately 17.25 acres of vacant land adjoin the east side of Loop 322, stretched between Industrial Boulevard (on the south) and Gateway Street (on the north). This acreage now lies in an AO zoning district.

- The Future Land Use and Development Plan adopted with Abilene's 2004 Comprehensive Plan shows all four corners at the intersection of Loop 322 and Industrial Boulevard to be a "Major Commercial/Business Center." To me, this implies consumer-oriented retail trade or, perhaps, similar such users dependent on both the traffic-carrying capacity and exposure available at or near the intersection of these major roadways. Loop 322 is a freeway, and Industrial Boulevard is classified as a major arterial street although not presently improved as such.

- An earlier land use study adopted (by City Council) in 1980 does suggest that some form of industrial use might be suitable on property north and south of Industrial Boulevard, east of Loop 322. See attached excerpt from Southeast Area Study (circa 1980). Since that time, however, a number of land use trends make heavy commercial or industrial zoning undesirable there:

- To the south, Cisco College has built a significant educational facility exhibiting a high degree of "architectural aesthetic."

- To the northeast, an office complex was completed earlier this decade, which also exhibits a high degree of "architectural aesthetic."

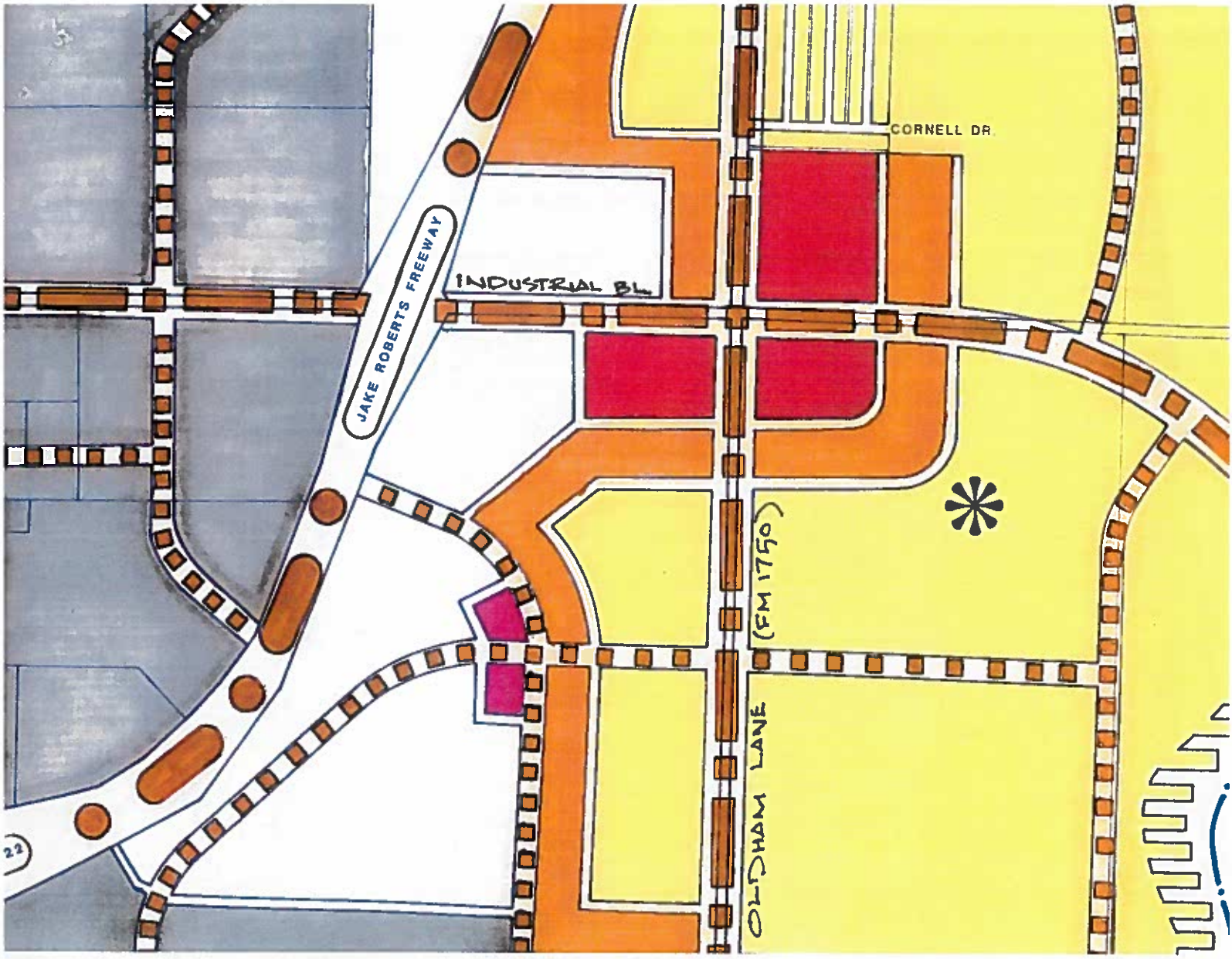
- Still farther north, WalMart Real Estate has acquired (and subdivided) land for development of a Supercenter retail store.

These trends, together with recommendations of Abilene's Future Land Use and Development Plan, suggest to me that **neither Heavy Commercial (HC) nor Light Industrial (LI) zoning would be appropriate at or near the northeast corner of Loop 322 and Industrial Boulevard. This acreage is instead better-suited for General Retail or General Commercial zoning.** Outdoor display of "large vehicles and equipment" combined with outdoor storage characteristic of equipment dealers (and repair services) is likely to prove incompatible with nearby educational, office and retail users, contributing to premature demise of those properties..

However, if faced with the choice of having to recommend **either** HC or LI zoning, I urge City staff to suggest HC zoning because of screening requirements applicable to outdoor storage of materials and equipment parts therein..

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

Southeast Area Study (1980) excerpt.pdf
121K



EXCERPT FROM SOUTHEAST AREA STUDY ADOPTED BY ABILENE CITY COUNCIL ON 11/20/1980

SCALE: 1" = 1000'

DARK GREY = "UNPROTECTED" INDUSTRIAL USE
LIGHT GREY = "PROTECTED" INDUSTRIAL USE

Case: CUP-2020-02

Owner: Windmill Circle & Oldham Partners

Agent: Tony Conder & Don Whitehead

Request: Conditional Use Permit to allow retail sale/rental of trucks and other large vehicles and equipment.

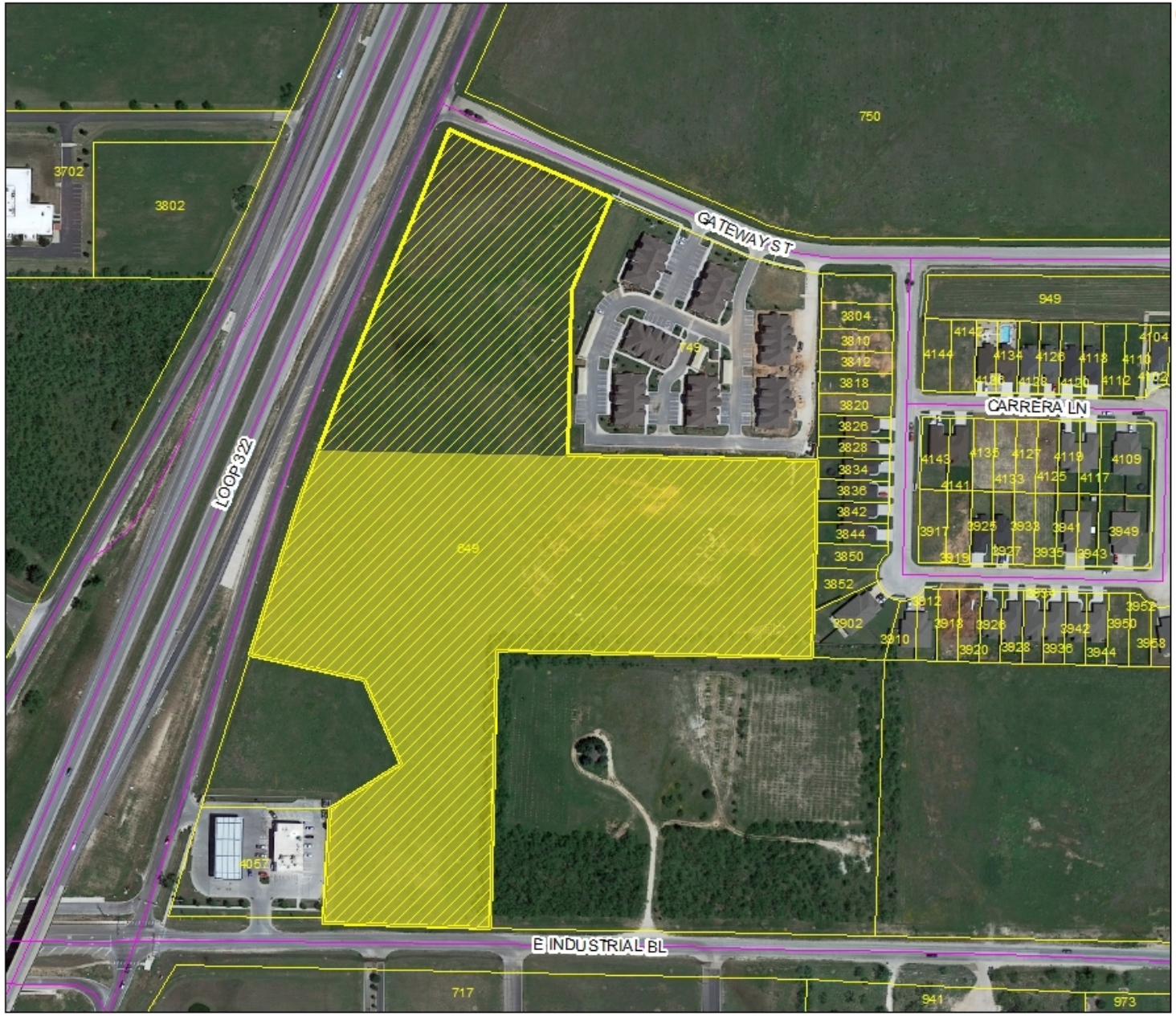
Location: 12 acres on the eastern frontage road of LP 322, between East Industrial & Gateway St.

Notification: 1 in Favor, 1 Opposed

Planning & Zoning: January 7, 2020

City Council Hearing: January 23, 2020
February 13, 2020

CUP-2020-02 AERIAL LOCATION MAP



CUP-2020-02 ZONING MAP

Notification Map

N
W E
S

Legend

- CUP-2020-02
- AO - Agricultural Open Space
- MD: Medium Density Residential
- O: Office
- GC: General Commercial
- PD: Planned Development
- Arterial
- Expressway
- Collector

Permitted Uses in GC Zoning

RESIDENTAL 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, 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

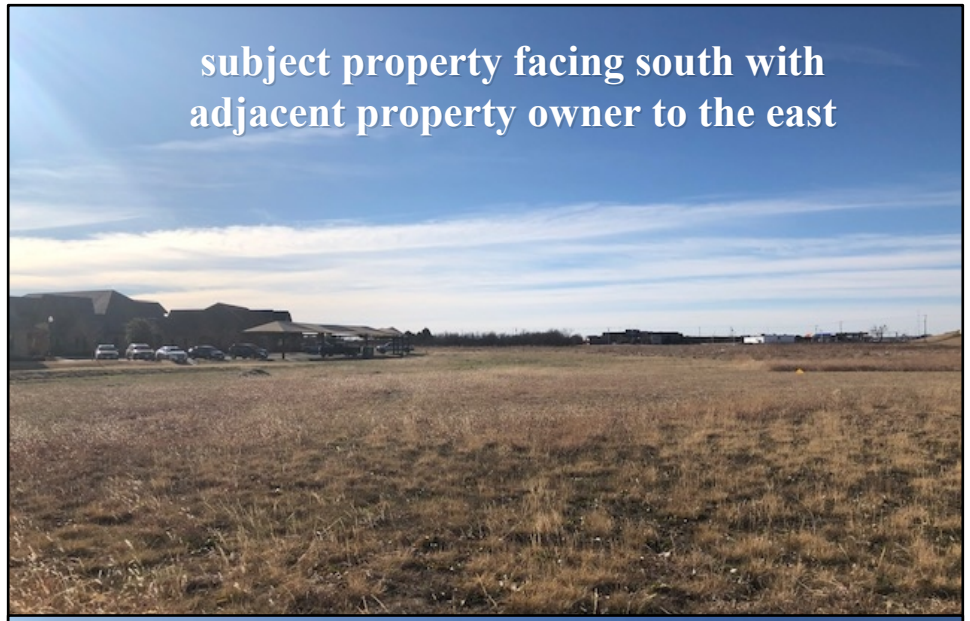
RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well
P	Urban Garden

LEGEND

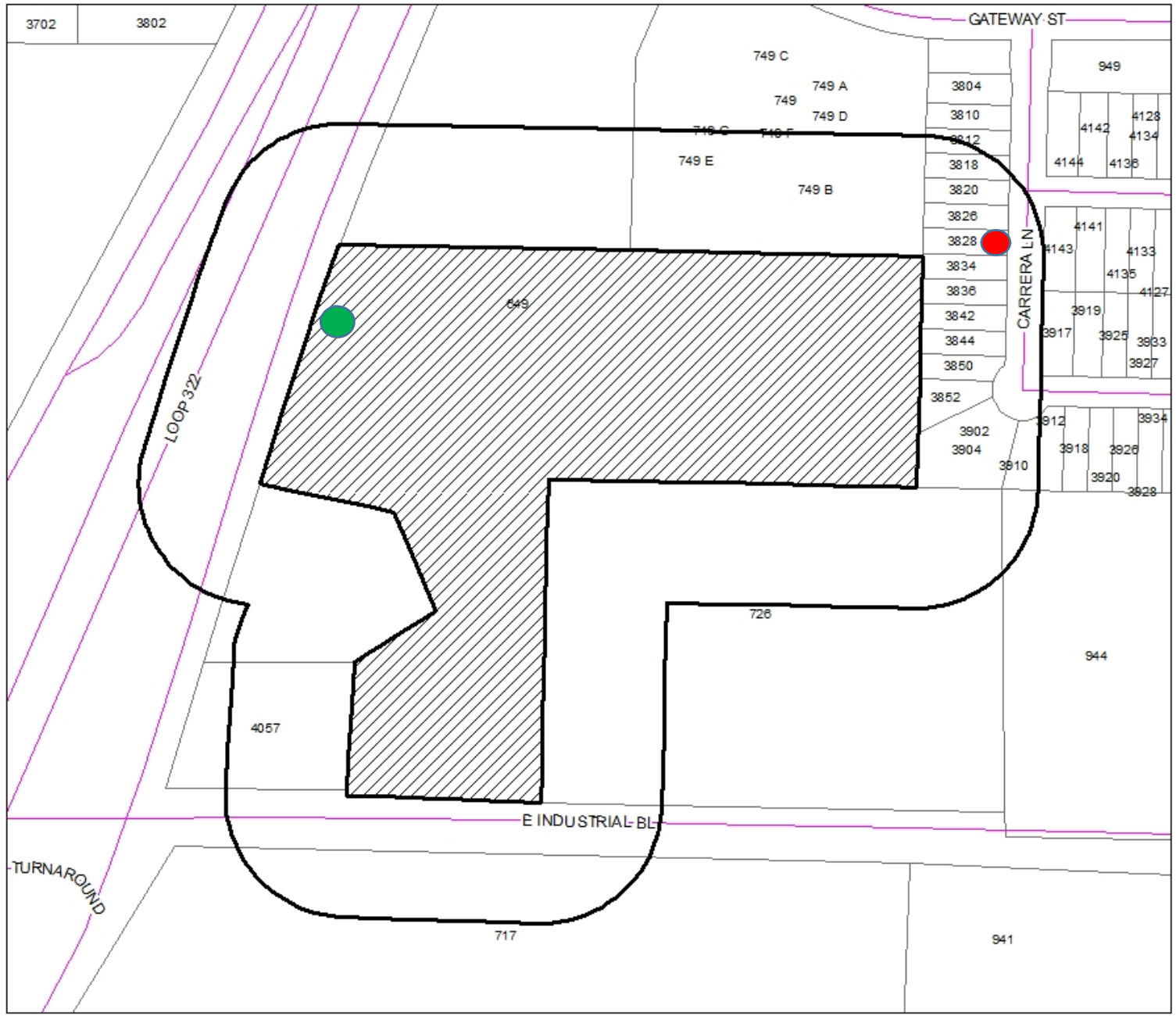
P	**Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)**
C	**Permitted as a Conditional Use Permit, Requiring Approval by City Council**
TP	**Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment**

CUP-2020-02 VIEWS OF SUBJECT PROPERTY



- Consistent with *Comprehensive Plan* and *Future Land Use* and *Development Plan Map*
- Consistent with General Land Use and Zoning Character of Immediate Area (Section 2.3.2.1)
- Reviewed Pursuant to Section 1.4.3.5 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval

CUP-2020-02 NOTIFICATION AREA MAP



Notification Map

N
W E
S

Legend

200' Buffer

CUP-2020-02

1- In Favor-

1- Opposed-

Questions?

ZONING CASE Z-2020-03
STAFF REPORT

REQUEST: Amend existing Planned Development District Number 159A (a.k.a. PD 159A)

APPLICANT:
Owner: Parramore Square, LLC
Agent: John Scott

HEARING DATES:
P & Z Commission: January 7, 2020
City Council 1st Reading: January 23, 2020
City Council 2nd Reading: February 13, 2020

LOCATION:
Entire city block bounded by Orange, Parramore, Beech and North 7th Streets, near northwest corner of Abilene's central business district.

LEGAL DESCRIPTION:
All of Block A in Parramore's Subdivision, City of Abilene, Taylor County, Texas

BACKGROUND:
In Abilene's Land Development Code, a Planned Development (PD) District is a custom-made zoning classification tailored to meet the unique demands and limitations of some particular proposed development and its specific environment.

During April of 2018, City Council approved Planned Development District Number 159A, encompassing the entire city block described above. This PD District allows patio homes and semi-detached dwellings on both the east and west ends of this block, facing Orange and Beech Streets, respectively. The center portion of this city block is reserved for a row of townhomes as well as common open space for use and enjoyment by all residents in this planned development. The accompanying graphic concept plan is an integral part of the ordinance governing PD 159A.

Since April of 2018, a row of five (5) patio homes have been built and now occupy the east end of this development, facing Orange Street. These five patio homes are each fully detached from one another. The remainder of this city block is still vacant.

PROPOSAL AND REQUESTED ACTION:
The project's developers (Parramore Square, LLC) have turned their attention to subdividing land on the west side of this city block, for construction of semi-detached dwellings facing Beech Street. For the purpose of this PD 159A, a semi-detached dwelling (a.k.a. twin-home) is specifically defined as follows:

> "A building which contains two attached dwelling units sharing a common wall at the lot line but remain on separate lots."

City Council's ordinance governing the use and development of PD 159A goes on to identify standards for minimum lot width as well as minimum total lot area required of home sites planned for occupancy by semi-detached dwellings. Those standards effectively limit the number of such dwellings to no more than six (6) units on the west side of this city block, that is, no more than three (3) pairs of two (2) units apiece.

This project's developers now seek to amend these terms and conditions, to allow as many as eight (8) semi-detached dwellings on the west side of this city block, that is, four (4) pairs of two (2) units a piece:

- Specifically, a minimum 40-foot lot width is now required; the proponent seeks an amendment to allow a minimum 28-foot lot width.
- Also, a minimum 2600-square-foot total lot size is now required; the proponent seeks an amendment to allow a minimum 1960-square-foot total lot size.

APPLICATION REVIEW:

According to Section 1.4.1.4 (Criteria for Approval) in the City of Abilene Land Development Code, the Planning & Zoning Commission and City Council may consider the following factors in making a determination regarding requested zoning changes:

(1) Whether the proposed zoning 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 embraced within Abilene's Comprehensive Plan (circa 2004) identifies this city block and its surroundings to be within a "central business district" where one may expect to find higher densities of housing than in neighborhoods outside of Abilene's urban core.

(2) Whether the proposed zoning amendment will be appropriate in the immediate area of this subject property.

City blocks situated south and east of this subject property are characterized by a mix of single- and multi-family residences as well as a variety of commercial uses including a restaurant, offices and clinics. City blocks situated north and west of this subject property are instead characterized by conventional single-family residences. Even with the increased density afforded by proposed amendments to PD 159A, residences planned on this subject property offer a useful "transition" between these two contrasting environments.

	Zoning	Existing Land Use
North	MD	single-family residences
South	MD and CB	single- and multi-family residences
East	CB	single- and multi-family residences; parking
West	MD (with H overlay)	single-family residences

(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 city block is surrounded by paved streets on all four sides. Municipal water mains also surround this entire city block. A sewer main must be extended to serve semi-detached home sites planned on the subject property's west side, but project developers are aware of their obligation to make such sewer main extension. Otherwise, proposed new development on the west side of this subject property poses no extraordinary burden to public services and facilities in this vicinity.

STAFF COMMENTS:

Proposed amendments to PD 159A will increase the allowable number of semi-detached dwellings on the west side of this city block, from 6 to 8 units. This would be accomplished by decreasing the minimum required lot width, from 40 feet to 28 feet, and by adjusting the minimum required total lot size accordingly.

As now allowed, overall residential density is approximately 7½ units per acre. As proposed, allowable

overall residential density would increase to approximately 10 units per acre. By contrast, maximum overall density allowable in conventional Residential Single-Family (RS-6) zoning districts is approximately 6 units per acre.

As mentioned above, PD 159A encompasses an entire city block wedged between a residential/commercial mix of uses on one side, and lower densities of single-family homes on the other side. Proposed densities of semi-detached dwellings on this subject property offer an appropriate transition (in the overall intensity of development) between these two different environments. Even as proposed to be amended, PD 159A provides both an economic and environmentally-compatible framework for effective redevelopment of what, until recently, had been a long-vacant property.

STAFF RECOMMENDATION:

City staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission will consider this requested amendment, during a meeting scheduled for Tuesday, January 7, 2020.

NOTIFICATION:

The Planning Services Division sent written notice (with certificate of mailing) to the applicant and to all owners of property within a 200-foot radius of this subject property:

Owner	Situs	Response
ABILENE IMPACT GROUP LP	623 BEECH ST	
ABILENE IMPACT GROUP LP	625 BEECH ST	
ABILENE IMPACT GROUP LP	1330 N 7TH ST	
ABILENE REGIONAL M H M R	765 ORANGE ST	
ABILENE REGIONAL MHMR CENTER	725 ORANGE ST	
ADAMS ANNIE RUTH	750 BEECH ST	
ALLISON DAVID & BETTY	710 ORANGE ST	
BECKHAM GUY R & AGNES		
BENNETT BRAD	633 BEECH ST	
BENNETT BRADLEY W & WENDY JO	641 BEECH ST	
BROOKS CHRISTOPHER JAMES	702 ORANGE ST	
GLOVER BARRY	634 BEECH ST	
HANNA BOB	642 BEECH ST	
HORTON THOMAS MICHAEL	760 ORANGE ST	
KENNEDY TIMOTHY P	1442 PARRAMORE ST	
MARTINEZ ISAIAH ROBERT	1342 N 7TH ST	
MARTINEZ ISAIAH ROBERT	709 ORANGE ST	
MARTINEZ ROBERT	1341 N 7TH ST	
MARTINEZ ROBERT	1331 N 7TH ST	
MARTINEZ ROBERT & BECKY V	609 ORANGE ST	
MC MILLAN MARK ET AL	1443 N 8TH ST	
MC MILLAN MARK ET AL	1449 N 8TH ST	
MC MILLAN MARK ET AL	1441 N 8TH ST	
MC MILLAN MARK ET AL	1451 N 8TH ST	
MYSTICAL ROSE SERVICES LLC	1317 N 8TH ST	
PARRAMORE SQUARE LLC	718 ORANGE ST	
PARRAMORE SQUARE LLC	726 ORANGE ST	
PARRAMORE SQUARE LLC	734 ORANGE ST	
PARRAMORE SQUARE LLC		
POPE KENNETH & THERESA PATTON	772 BEECH ST	
REED CARSON E & VICKIE L	704 BEECH ST	
SEGURA BALDOMERO	640 ORANGE ST	
SEGURA BALDOMERO	1417 N 7TH ST	
SPENCER ROBERT FRANK	726 BEECH ST	
WALKE-MULLINS TALITHA	790 ORANGE ST	
WALKE-MULLINS TALITHA	790 B ORANGE ST	
WIER DAVID & CINDY	630 1/2 ORANGE ST	
WIER DAVID & CINDY	630 ORANGE ST	

ATTACHMENTS:

- application
- graphic concept plan adopted with PD 159A
- PowerPoint

1535
1546
1518
1530
772
750
1451
1449
1443
1441
1442
790 B
790
760
1317
765
PARRAMORE ST
1547
1533
1542
726
704
BEECH ST
734
718
716
ORANGE ST
725
744
709
1342
1330
702
N 7TH ST
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642
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634
1538
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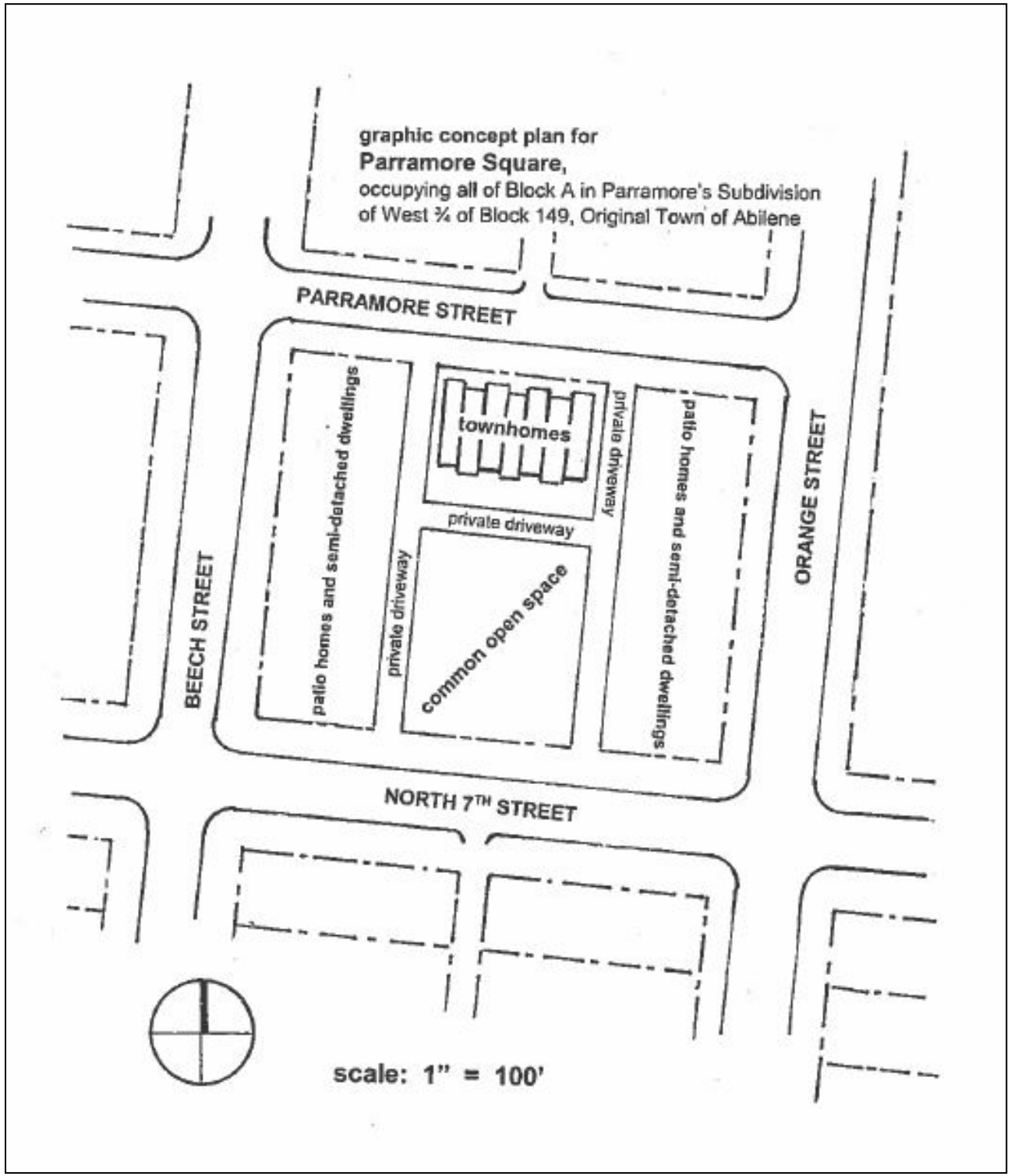
630 1/2
602
610
1341
1331
644
609
626


graphic concept plan for
Parramore Square,
occupying all of Block A in Parramore's Subdivision
of West ¾ of Block 149, Original Town of Abilene
PARRAMORE STREET
BEECH STREET
ORANGE STREET
NORTH 7TH STREET
townhomes
private driveway
private driveway
private driveway
patio homes and semi-detached dwellings
common open space
patio homes and semi-detached dwellings
scale: 1" = 100'

Development Application

CITY OF ABILENE

Planning

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

Project Name: Parramore Square

Address: N. 7th and Beech St., Abilene, TX 79601 No. of lots: 1 Acreage: 1.1528

Legal Description: Lot 6, Block A, of Parramore's Subdivision of the West ¾ of Block No. 149, Original Town of Abilene

Subdivision Name: Parramore's Subdivision Block: A Lot: 6

Current Zoning: PD Proposed Zoning (if applicable): PD, as amended

OWNER AND AUTHORIZATION

Owner Name: Parramore Square, LLC

Address: P.O. Box 992

City, State, Zip: Baird, TX 79504 Fax: n/a

Phone: 325-665-5289 Email: jod.scott@gmail.com

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

Agent Name: John Scott

Address: 104 Pine St., Ste. 502

City, State, Zip: Abilene, TX 79601 Fax: n/a

Phone: 325-665-5289 Email: jod.scott@gmail.com

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

Signature Owner: Parramore Square, LLC, by Member John Scott Date: 12/10/2019

FOR OFFICE USE ONLY

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

Case No.: _____ Reviewed By: _____

Development Application

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

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

We would like to amend the PD so as to accommodate the planned construction of semi-detached dwellings and townhomes on the remainder of the Paramount block.

The amendments we are requesting to be made to Ordinance No. 18-2018 are as follows:

(1) For semi-detached dwellings, the minimum width of each dwelling site to be changed from 40 feet to 28 feet;

(2) For semi-detached dwellings, the minimum overall area of each dwelling site to be changed from 2,600 square feet to 1,960 square feet.

Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of $120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: John Ford, Member Parramore Square, LLC DATE: 12/10/2019

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

only these changes

Minimum depth required of each such dwelling site = 65 feet. Minimum width required of each such dwelling site = ~~40 feet~~ 28'
Minimum overall area required of each such dwelling site = ~~2600~~ square feet. 1960 sf

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.

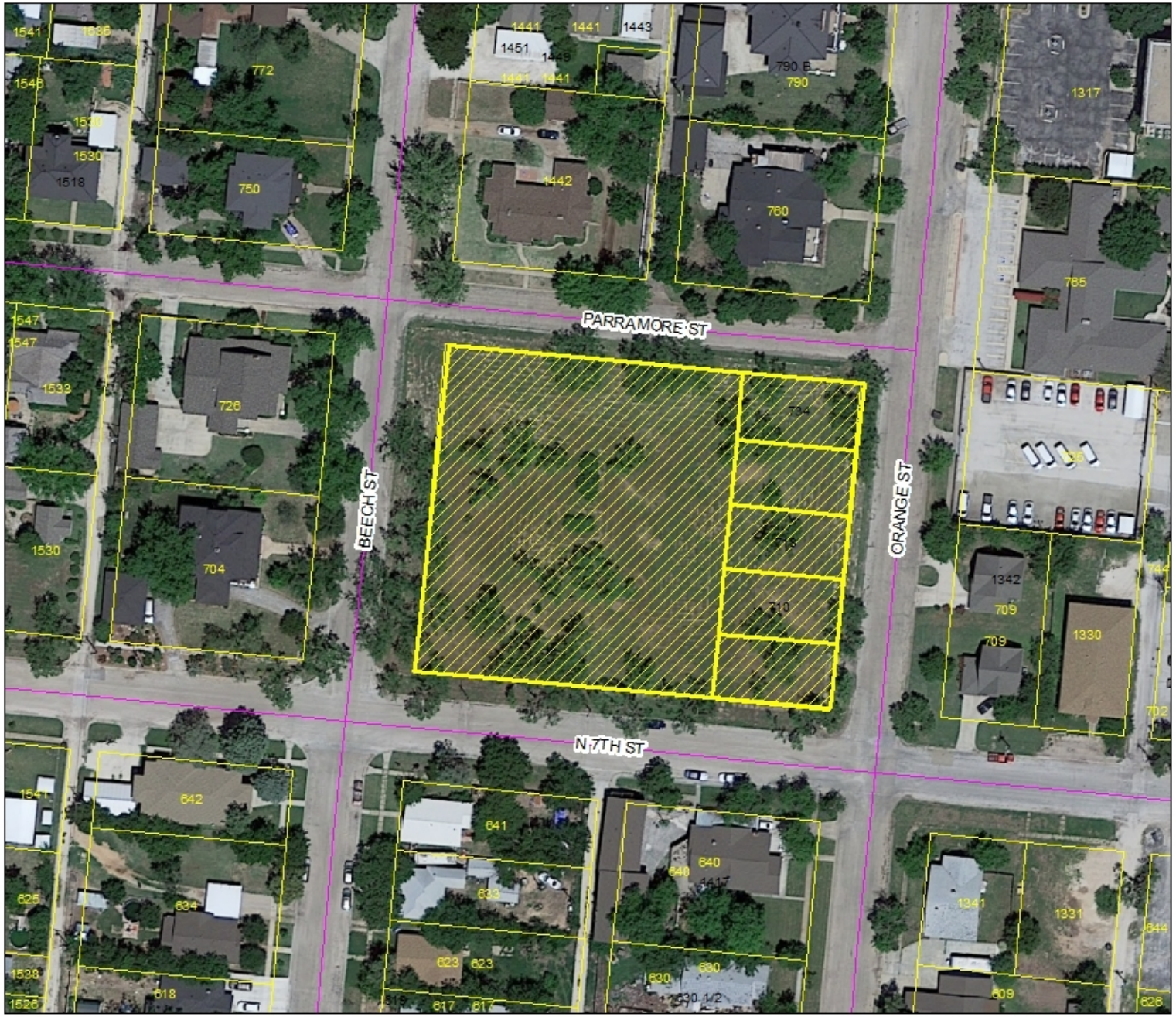
---

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

REZONING REQUEST

Case:	Z-2020-03
Applicant:	Parramore Square LLC
Agent:	John Scott
Request:	Amend Planned Development District 159 A (Parramore Square)
Location:	All of block A in Parramore Square Subdivision bounded by Beech, Orange, Parramore, and North 7th.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	January 7, 2020
City Council Hearing:	January 23, 2020 February 13, 2020

Z-2020-03 AERIAL LOCATION MAP



Location Map

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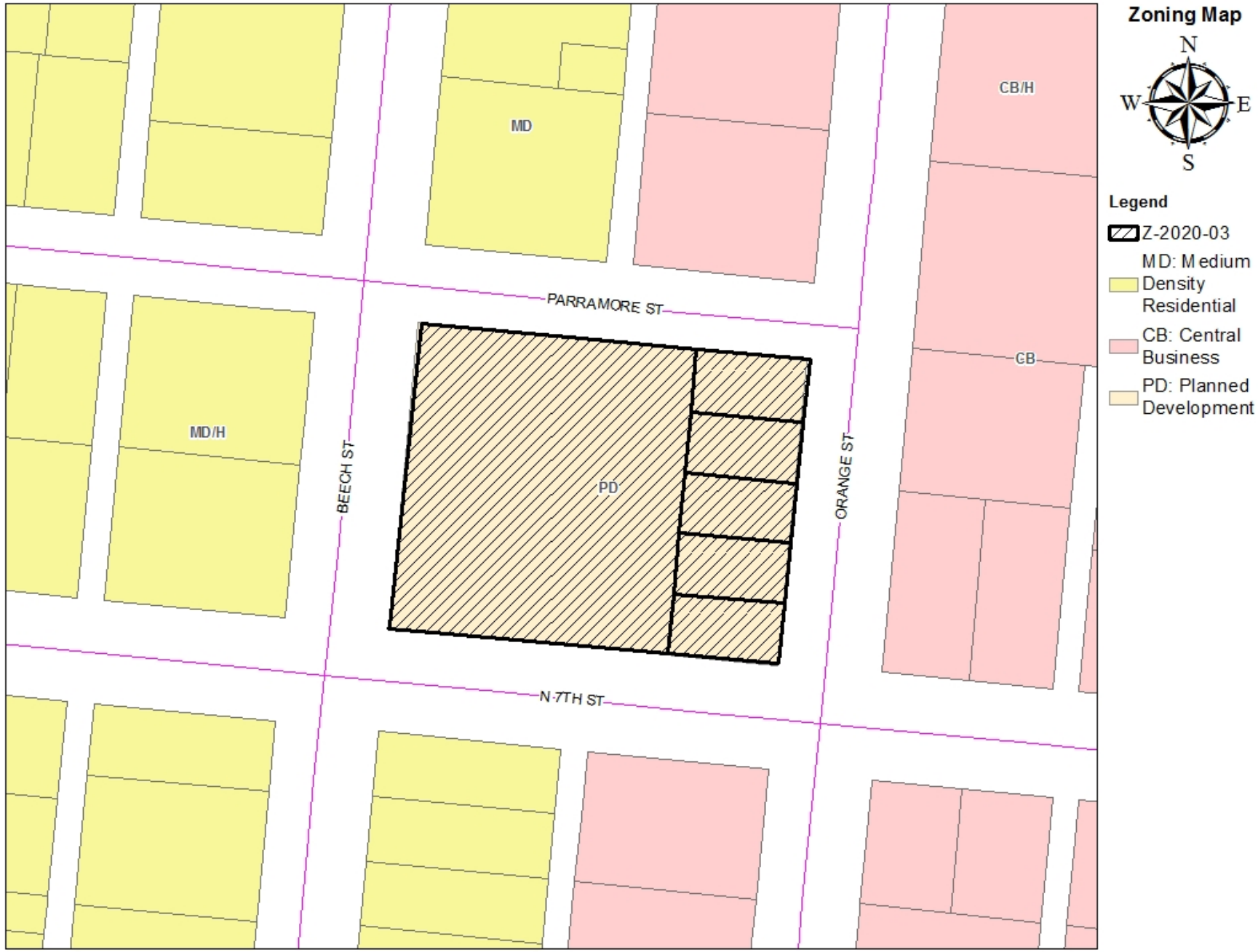
Legend

Z-2020-03

Z-2020-03 ZONING MAP



Zoning Map

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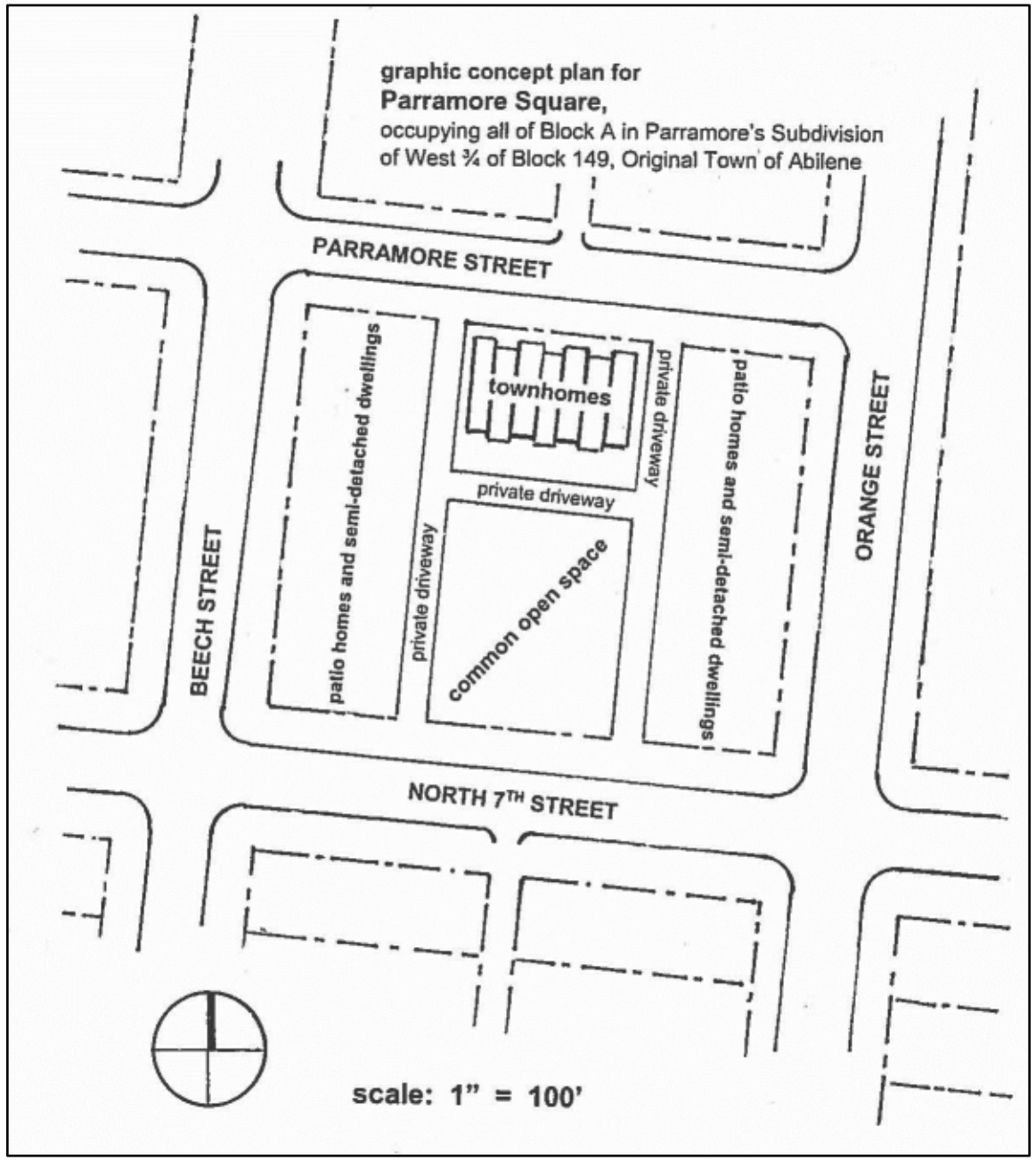
Legend

- Z-2020-03
- MD: Medium Density Residential
- CB: Central Business
- PD: Planned Development

Z-2020-03 GRAPHIC CONCEPT PLAN

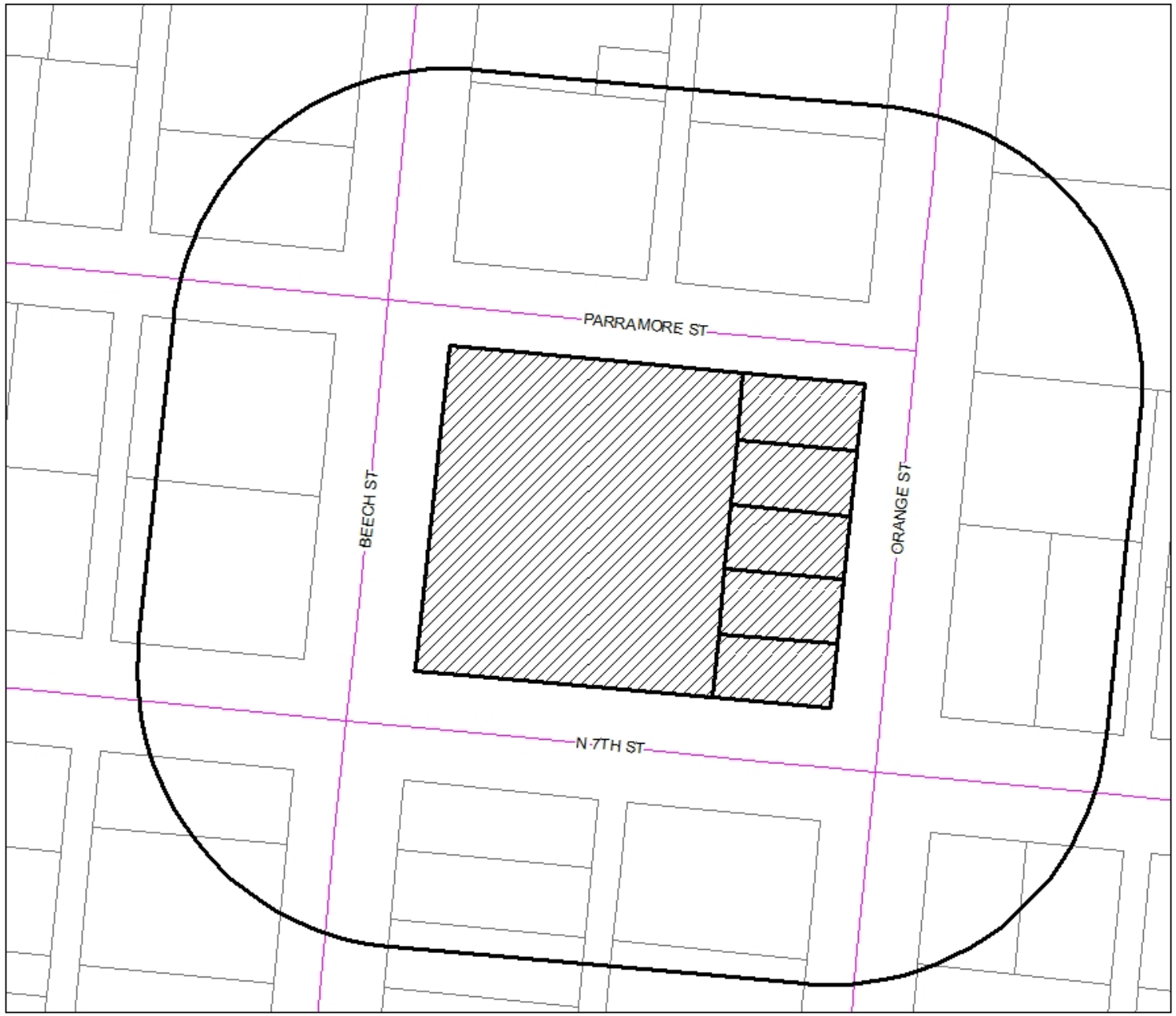


Z-2020-03 GRAPHIC RENDERING

Z-2020-03 VIEWS OF SUBJECT PROPERTY

- Consistent with *Comprehensive Plan* and *Future Land Use* and *Development Plan Map*
- Consistent with General Land Use and Zoning Character of Immediate Area (Section 2.3.4.5)
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval

Z-2020-03 NOTIFICATION AREA MAP



Notification Map

N
W E
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Legend

200' Buffer

Z-2020-03

0- In Favor-

0- Opposed-

Questions?

TC-2020-01
STAFF REPORT

REQUEST: Abandon right-of-way for dead-end segment of Cherry Street south from South 14th Street

APPLICANT: City of Abilene

HEARING DATES:
P & Z Commission: January 7, 2020
City Council 1st Reading: January 23, 2020
City Council 2nd Reading: February 13, 2020

BACKGROUND:
An 80-foot-wide right-of-way for Cherry Street extends 80 to 100 feet south from right-of-way for South 14th Street, one block west of South Treadaway Boulevard. The 80-foot-wide right-of-way for Cherry Street was dedicated with the subdivision plat for Abilene's original townsite, in 1881.

However, this particular segment of Cherry Street (south from South 14th Street) does not appear to have ever been improved for vehicle access, except for a gravel drive in front of a wooden garage located in this dedicated right-of-way for Cherry Street. That garage sits in the very center of this dead-end segment of Cherry Street's right-of-way proposed to be abandoned. Aerial photos indicate the garage has been located there since at least 1964 and, perhaps, much longer.

REQUESTED ACTION:
Because this dead-end segment of Cherry Street's right-of-way has never been improved or used for traffic movement, the City of Abilene now seeks to abandon it as a public street. However, this 80-foot wide right-of-way is used as a conduit for a variety of water utilities. Even if abandoned as a public street, this entire right-of-way should still be reserved as an open and unobstructed easement for water utilities.

REQUEST ANALYSIS:
Among the water facilities located within this otherwise unused segment of Cherry Street's right-of-way are:

- 20-inch-wide trunk main extending north-to-south through the center of this right-of-way;
- 12-inch-wide trunk main extending laterally eastward;
- 6-inch-wide main extending laterally to a fire hydrant on the west margin of this right-of-way; and
- 20-inch-wide pipeline for effluent (non-potable) water flow to Kirby Lake.

As mentioned above, an existing garage sits in the middle of Cherry Street's right-of-way and atop some of these water lines. But so long as a suitable easement remains in this otherwise abandoned right-of-way, then access to these water lines is assured. Repairing or replacing those pipelines may necessitate having to demolish the existing garage there.

There is no apparent evidence of any other utilities located within this segment of Cherry Street's right-of-way.

STAFF RECOMMENDATION:

City staff recommends approving the abandonment of this dead-end segment of right-of-way for Cherry Street, south from South 14th Street's right-of-way, subject to reserving an open and unobstructed easement for water utilities over the entire width and depth of this otherwise abandoned right-of-way.

This particular segment of Cherry Street's right-of-way has never been used for vehicle access, except to one adjacent property on either side of it. Both these adjacent properties have considerable street frontage elsewhere along South 14th Street, a fully-improved arterial.

Reserving a water line easement over this otherwise abandoned right-of-way is necessary to ensure continued access to all the municipal water facilities (including a fire hydrant) already located there.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission will consider this requested right-of-way abandonment, during a meeting scheduled for Tuesday, January 7, 2020.

NOTIFICATION:

The Planning Services Division sent written notice of this request (with certificate of mailing) to all owners of property within a 200-foot radius of this subject property:

Owner	Situs	Response
ABILENE AUTO GLASS INC	1428 CHERRY ST	
CLARK JOHN MICHAEL	1433 CHERRY ST	
HILLIS INVESTMENTS INC	1502 S TREADAWAY BL	
INGRAM CARL LYNN & LINDA L	1514 S TREADAWAY BL	
MAYFIELD AMY MARCELE	1510 CHERRY ST	
MAYFIELD AMY MARCELE	1502 CHERRY ST	
MAYFIELD AMY MARCELE	625 S 14TH ST	
MAYFIELD AMY MARCELE	617 S 14TH ST	
POPE BRYAN	534 S 14TH ST	
POPE BRYAN	628 S 14TH ST	
POPE BRYAN	626 S 14TH ST	
SKINNYS INC	1458 S TREADAWAY BL	

ATTACHMENTS:

- Power Point

1425
630
626
628
1428
CHERRY ST
1401
1433
534
1442
1450
1458
1449
S 14TH ST
S TREADAWAY BL
625
617
1510
1502
1505
1514
1511
1517

City of Abilene

February 8, 2018

1:1,128

0 0.0075 0.015 0.03 mi

0 0.015 0.03 0.06 km

Streets

ZONING

Thoroughfare Changes

Closed

Name Change

Parcel Labels

Parcels

Taylor & Jones Co Flood Zones

0.2 PCT ANNUAL CHANCE FLOOD HAZARD,

A, ; AE, ; AO,

AE, FLOODWAY

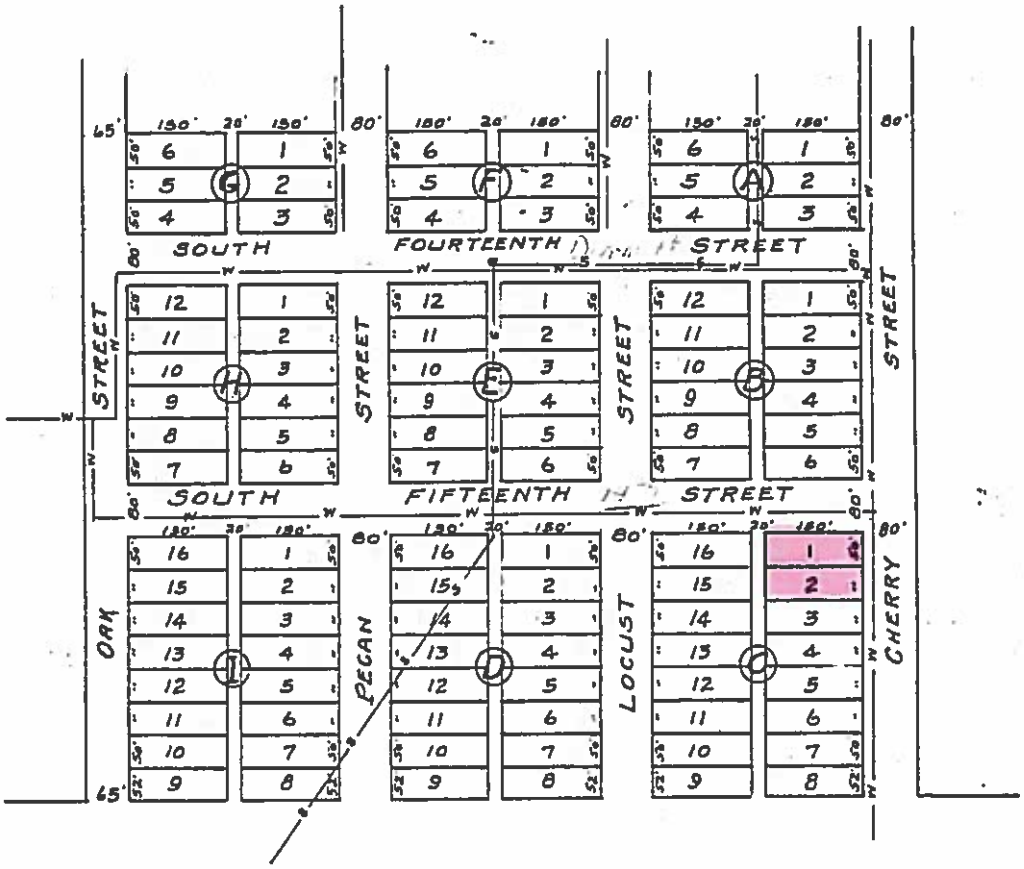
X

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

CoA Planning and Zoning

File No: 1518

John Tuohys Subdivision of Lots Numbers Three and Four, Block Number 208, City of Abilene, Taylor County, Texas.



This is to certify that this is a correct plat of John Tuohy's Subdivision of Lots Numbers 3 and 4, of Block Number 208, Surveyed and located by me on the ground, August 30th, 1944.

(seal) John A. White
County Surveyor, Taylor County, Texas

Filed for record Mar. 25, 1945 at 11:00 A.M.
Recorded May 12, 1945 at 3:00 P.M
Mrs. Chester Hutcheson, County Clerk,
Taylor County, Texas.

1502 Cherry St.

S. 12TH ST.
S. 13TH ST.
S. 14TH ST.
S. 15TH ST.
CHESNUT
OAK
PECAN
LOCUST
CHERRY
49
74
73
KENNERS SUB-DIV'N LOT
JOHN TUJHY
JOHN SAYLES SUB-DIV'N
F. C. DIGBY ROBERTS SUB-DIV'N
BETHEL MISSIONARY BAPTIST CHURCH
GLAD TIDINGS ASSEMBLY OF GOD CHURCH
ABILENE CONC. PRODUCTS CO.

CIRCA 1954

Rainbow, Zack <zack.rainbow@abilenetx.gov>

Plat and Thoroughfare Closure

Rogge, James <james.rogge@abilenetx.gov> Fri, Dec 20, 2019 at 1:28 PM
To: "Rainbow, Zack" <zack.rainbow@abilenetx.gov>, Steve Keith <steve.keith@abilenetx.gov>

Traffic has no comments.

James M. Rogge, P.E.

CITY OF ABILENE

Traffic Engineer
325-676-6279

FYI:
In 2018 there were an estimated 6,734,000 police-reported motor vehicle traffic crashes in the United States, resulting in 36,560 fatalities and 2,710,000 people injured.

On Fri, Dec 20, 2019 at 10:21 AM Rainbow, Zack <zack.rainbow@abilenetx.gov> wrote:
[Quoted text hidden]

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

12/20/2019 CASE # TC-2020-01

THOROUGHFARE LOCATION: A request from the City of Abilene to abandon 80-foot-wide segment of right-of-way dedicated for Cherry Street and extending 80 to 100 feet south from right-of-way for South 14th Street.

CITY DEPARTMENT/PVT. UTILITY CO.: **WATER UTILITIES MAPPING**

REPRESENTATIVE: **WAYNE TERRELL**

TITLE: **ENGINEER TEHCNICIAN III**

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

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

☐ **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

The easement along with the existing City of Abilene 20" Cast Concrete effluent, 20" Cast Iron water main, 12" Cast Iron water main and 6" Cast Iron water main to the existing fire hydrant will need to remain within easement and continued to be owned and maintained by the City of Abilene.

12/20/2019
DATE

SIGNED: DIRECTOR / REPRESENTATIVE

Rainbow, Zack <zack.rainbow@abilenetx.gov>

Plat and Thoroughfare Closure

Keith, Steve <steve.keith@abilenetx.gov> Fri, Dec 20, 2019 at 11:27 AM
To: "Rainbow, Zack" <zack.rainbow@abilenetx.gov>

Traffic Services has no comments on any of these.

Steve Keith

CITY OF ABILENE

Engineering Asst.

[Quoted text hidden]

ABILENE/TAYLOR COUNTY 9-1-1 DISTRICT

555 WALNUT STREET ABILENE, TEXAS 79601 (325) 676-6674 FAX: (325) 676-6050

- ☐ EASEMENT RELEASE
- ☐ PLAT REVIEW
- ☐ PRELIMINARY DEVELOPMENT PLAN
- ☐ SITE PLAN REVIEW
- ☐ STREET NAME
- ☐ SUBDIVISION
- ■ THOROUGHFARE CLOSURE

DATE: 20 DEC 2019

REF. NO.: **TC-2020-01**

TITLE/LOCATION: A request from the City of Abilene to abandon 80-foot-wide segment of right-of-way dedicated for Cherry Street and extending 80 to 100 feet south from right-of-way for South 14th Street.

I have reviewed the above and find it to be:

- ■ SATISFACTORY
- ☐ SATISFACTORY WITH CONDITIONS
- ☐ UNSATISFACTORY

The following conditions and/or changes are recommended:

NONE.

MICHAEL T. SAXTON
Program Coordinator
Abilene/Taylor County 9-1-1 District

Date: 20 DEC 2019

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

12/23/2019 CASE # TC-2020-01

THOROUGHFARE LOCATION: A request from the City of Abilene to abandon 80-foot-wide segment of right-of-way dedicated for Cherry Street and extending 80 to 100 feet south from right-of-way for South 14th Street.

CITY DEPARTMENT/PVT. UTILITY CO.: ENGINEERING

REPRESENTATIVE: DAVID MUNDSCHENK

TITLE: ENGINEERING TECH III

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

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

☐ **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

DATE

SIGNED: DIRECTOR / REPRESENTATIVE

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

12/20/2019 CASE # TC-2020-01

THOROUGHFARE LOCATION: A request from the City of Abilene to abandon 80-foot-wide segment of right-of-way dedicated for Cherry Street and extending 80 to 100 feet south from right-of-way for South 14th Street.

CITY DEPARTMENT/PVT. UTILITY CO.: Atmos Energy

REPRESENTATIVE: Earla Abron

TITLE:

Sr. Bojct Specialist

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

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

☐ **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

12/20/2019 CASE # TC-2020-01

THOROUGHFARE LOCATION: A request from the City of Abilene to abandon 80-foot-wide segment of right-of-way dedicated for Cherry Street and extending 80 to 100 feet south from right-of-way for South 14th Street.

CITY DEPARTMENT/PVT. UTILITY CO.: AEP Texas Abilene Distribution

REPRESENTATIVE: Athan Himmelstein

TITLE: Distribution Engineer

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

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

☐ **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

12/20/2019
DATE

SIGNED: DIRECTOR / REPRESENTATIVE

CITY OF ABILENE

SUBDIVISION COMMENT FORM

12/20/2019

REFERENCE No.: **MRP-5719**

SUBDIVISION TITLE/LOCATION: Lot 101, an Amended Plat of Lots 11 and, Block 10, Scott Highway Place, City of Abilene, Taylor County, Texas.

CITY DEPARTMENT/PVT. UTILITY CO.: AEP Texas Abilene Distribution

REPRESENTATIVE: Athan Himmelstein

TITLE: Distribution Engineer

I HAVE REVIEWED THE ABOVE PLAT AND FIND IT TO BE:

☒ **SATISFACTORY** ☐ **UNSATISFACTORY (explain below)**

☐ **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

12/20/2019
DATE

SIGNED: Director/Representative

THOROUGHFARE ABANDONEMENT REQUEST

Case: TC-2020-01

Owner: City of Abilene

Requests: Abandon right-of-way for dead-end segment of Cherry Street south from South 14th Street

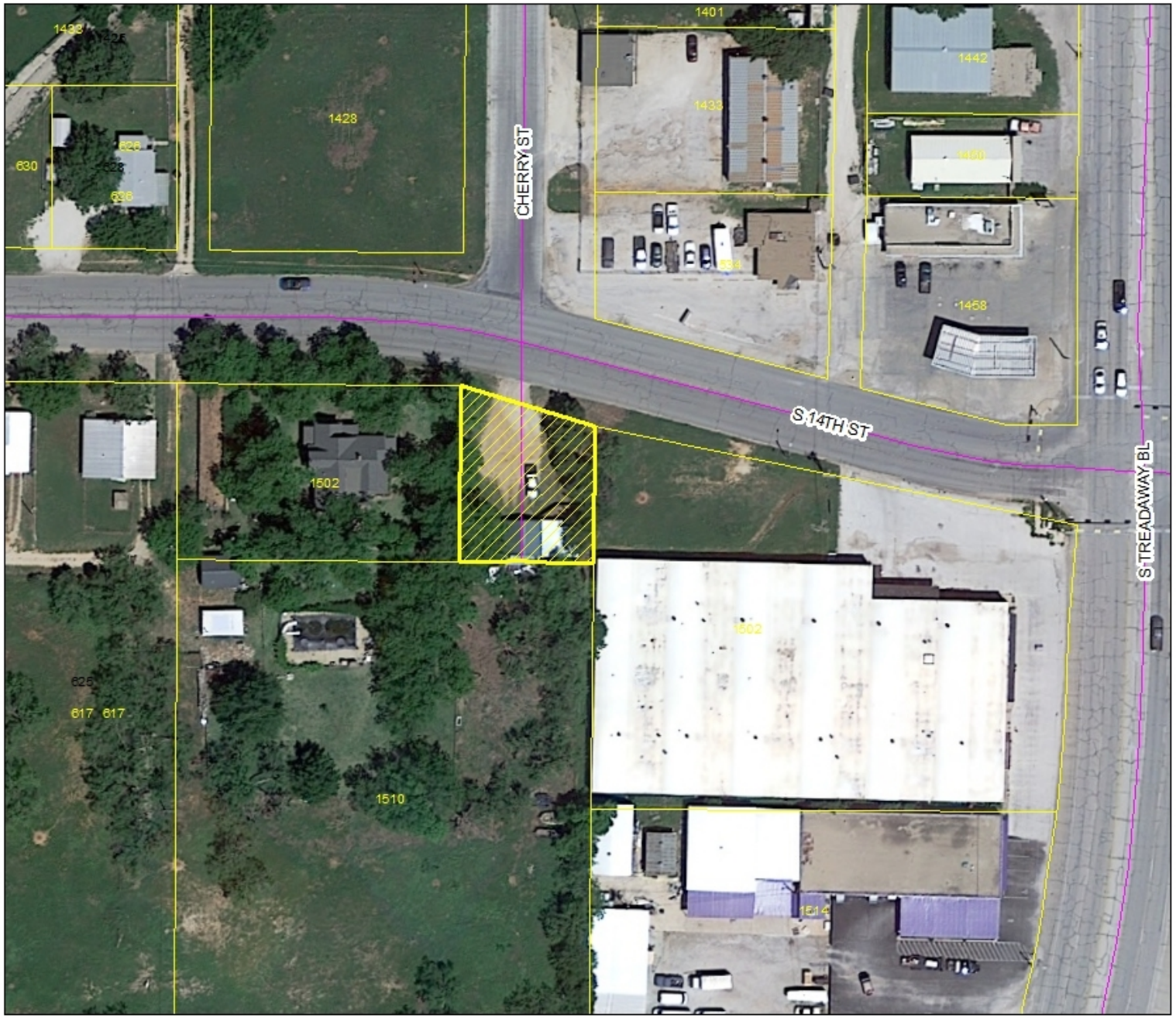
Notification: 0 in Favor, 0 Opposed

Staff Recommendation: Approval

City Council Hearing Dates: January 23, 2020

February 13, 2020

TC-2020-01 LOCATION MAP



Location Map

N
W
E
S

Legend

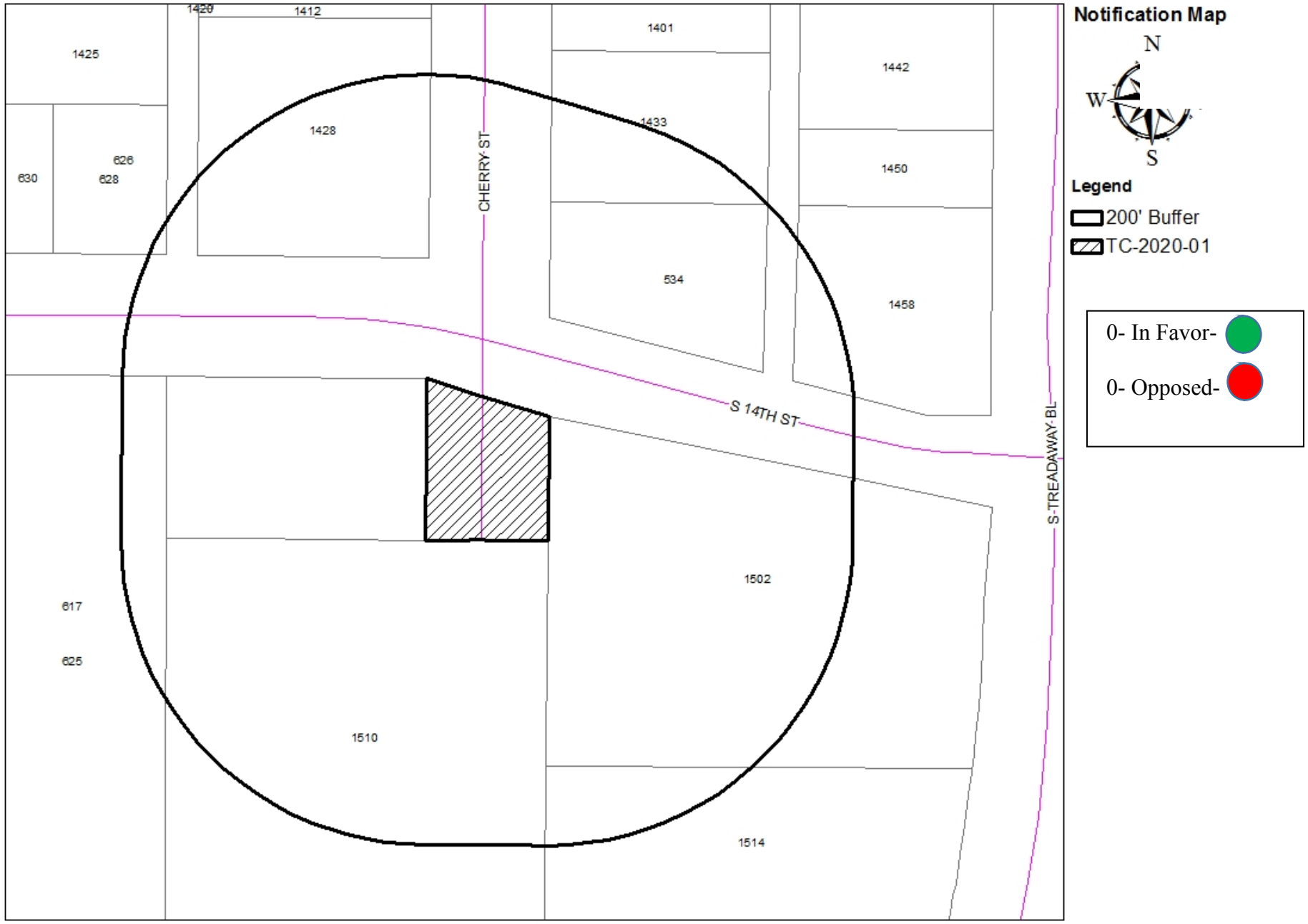
TC-2020-01

TC-2020-01 ZONING MAP

TC-2020-01 VIEWS OF SUBJECT PROPERTY AND ADJACENT PROPERTIES

- Consistent with *Comprehensive Plan* and *Future Land Use* and *Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- DRC Recommendation: Satisfactory with comments
- Staff Recommendation: Approval

TC-2020-01 NOTIFICATION AREA MAP



Questions?

TO: Planning and Zoning Commissioners

FROM: Planning Services staff

DATE: December 30, 2019

SUBJECT: Proposed new zoning regulations pertaining to open carports (and patio covers) in minimum required yards

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BACKGROUND:
Since Abilene's first zoning ordinance in 1946, a minimum yard has been required along every streetside boundary on every lot outside the central business district. Within required yards, all building structures are generally prohibited, including open-sided carports and patios.

During the past thirty years, though, open carports and patio covers have proliferated in front yards of more-than-a-few Abilene neighborhoods. Since 2001, Abilene's Board of Adjustment has been authorized to approve Special Exceptions allowing open-sided structures within as few as 5 feet from front property lines. But many such structures built before and after 2001 are unlawful, having been built without permits. The criteria for approving such Special Exceptions is a determination that, "*the proposed carport or patio cover is not detrimental to the visual environment or character of the area*." Special Exceptions are routinely approved wherever similar carports exist nearby, even if these existing carports are built unlawfully and without permits.

At several separate meetings during 2019, Planning and Zoning Commission members discussed this matter and furnished City staff with generalized guidance on how to amend local zoning regulations. In response, City staff has drafted proposed amendments to Abilene's Zoning Regulations as described in attached DRAFT CHANGES TO CARPORT AND PATIO COVER ZONING REGULATIONS.

SUMMARY HIGHLIGHTS:

1. Routinely allow open carports and patio covers within 5 feet from any streetside lot boundary, so long as such structures remain at least 15 feet from street surface.

    a. At single-family and two-family (duplex) home sites, open carports and patio covers located in minimum front yards must demonstrate architectural compatibility with principal residential building.

2. Substantially open carports and patio covers (attached to or detached from principal buildings) are allowed to extend within 3 feet from interior side lot boundaries.

a. In some commercial districts as well as in Residential Townhome (TH) and Residential Single-Family Patio Home (PH) zoning districts, open carports and patio covers may sometimes extend all the way to an interior side lot boundary, if the principal building is also allowed as close to the same side boundary.

3. Except in certain nonresidential zoning districts and/or with certain specific architectural exceptions, the maximum allowable height of carports and patio covers shall remain at 12 feet.

4. In all residential zoning districts and for residential uses allowed in any nonresidential zoning district, carports and patio covers or portions thereof shall not project more than 22 feet from the abutting principal building.

5. Abilene's Board of Adjustment will no longer have authority to approve Special Exceptions from any of these standards. Any deviation from such standards will necessitate the Board's approval of a variance.

OTHER AVAILABLE OPTIONS:
Other regulatory options available to Planning & Zoning Commission members include:

- Recommend routinely allowing open-sided structures within 5 feet from any streetside lot boundary (so long as it remains at least 15 feet from street surface) but **with no requirement for architectural compatibility**. Other above-stated summary highlights would be the same.

- Allow no encroachment of open-sided structures into any required yard along any streetside lot boundary. [NOTE: This was applicable standard as recently as 2001.] Other above-stated summary highlights would be the same. Any deviation from these standards would necessitate the Board of Adjustment's approval of a variance.

- Recommend no change to existing regulations which include but are not limited to:

  - Board of Adjustment authorized to approve Special Exceptions allowing open carports and patio covers within 5 feet from front boundary, if "*proposed carport or patio cover is not detrimental to visual environment or character of the area*."

  - Routinely allowing architecturally compatible carports and patio covers within 5 feet from front property lines, if another carport or patio cover already encroaches into front yard of other property on same block face.

  - Routinely allow open carports and patio covers within 5 feet from "exterior" side boundaries on corner lots.

DRAFT CHANGES TO CARPORT AND PATIO COVER ZONING REGULATIONS

Remove existing 2.4.4.2 concerning Carports and Patio Covers, replacing it with the following new Section 2.4.4.2: Removal of paragraphs and definitions are highlighted.

Section 2.4.4.2 Carports and Patio Covers

(a) General. Carports and patio covers that are not attached to or abutting the principal building, or by breezeway, as defined in Chapter 5, shall not be considered part of the principal building and shall instead be considered an accessory structure. It is the continuing obligation of the owner or occupant to ensure the area underneath that structure continues to comply with the described standards for openness. Use of the structure for storage of non-motor vehicles is prohibited. Neither the roof nor any vertical support (posts, columns or piers) on a carport or patio cover shall encroach into any right-of-way or easement reserved for any purpose.

(b) Permits. Construction or installation of any carport or patio cover shall require a building permit.

(c) Methods and materials of construction. Construction or installation of carports and patio covers shall be in compliance with City of Abilene Code of Ordinances Chapter 8, Construction Regulations.

(d) Size. Carports and patio covers shall count in the maximum square footage allowed for accessory buildings in residential zoning districts, where detached from a principal residence. Carports and patio covers attached to or abutting a principal residence shall not count toward allowable accessory building square footage.

(e) Measurement. When measuring setbacks of carports and patio covers, measurement shall be from the leading edge or face of the roof.

(f) Setbacks. Carports and patio covers shall adhere to all minimum building setbacks ordinarily required in the applicable zoning district, except as follows:

(1) Streetside building setback. For carports and patio covers as described below, the leading edge or face of the roof may extend as close as five feet (5') from any lot boundary adjacent to a public or private street, provided that all the following conditions are met.

a. The leading edge or face of the roof shall be separated at least 15 feet from the back of street curb or, if a curb does not exist there, from the edge of any street surface.

b. Carports or patio covers extending in front of the minimum building setback otherwise required (from a lot boundary on a public or private street) shall

be open-sided. A minimum 8 vertical feet from the finished floor level of any carport or patio cover shall be open and unencumbered by any structure, walls, screening or ornamental components of any kind except for posts, columns or piers supporting the roof and which are no greater than 24 inches in width or diameter. Portions of a carport or patio cover situated behind the minimum required building setback may be partially enclosed.

c. *On a lot or tract of land occupied exclusively by a single-family, duplex, patio home or townhome dwelling as well as any allowed accessory buildings, carports and patio covers extending in front of the minimum required building setback shall be architecturally compatible with the principal residential building on that same lot or tract of land. Compliance with the following architectural standards is required:*

   (i) The carport or patio cover must be attached to or abutting a principal residence. In no circumstance, shall such open carport or patio cover project more than 22 feet from the structure to which it is attached or abuts. Pitch or shape of the roofline must be integrated with or otherwise consistent with the character and appearance of the roofline on the residential building (including attached garage) to which the carport or patio cover is accessory.

   (ii) The affected carport or patio cover must be similar in color and material composition to the principal residential building, with visible vertical supports made of wood, or, if metal, wrapped in wood or brick to a height of at least 4 feet. Likewise, the horizontal beams or joists shall be made of wood, or, if metal, covered from exterior view by wooden (or cementitious fiber board) fascia board.

   (iii) For the purpose of enforcing these standards for architectural compatibility, an applicant for permit to build a carport or patio cover shall submit at least one drawing of exterior elevation views as well as an indication of materials planned to be used in constructing the proposed carport or patio cover. The drawing must show how the proposed improvement will relate architecturally to the residential building to which that carport or patio cover is accessory. Such drawings and specifications shall be submitted to the Building Official or his/her designee, in addition to whatever information is ordinarily required with application for permit to build a carport or patio cover.

(2) *Interior side building setback. The following minimum building setback from interior side lot boundaries (not adjacent to a street) shall apply to carports and patio covers:*

a. *In all nonresidential, Residential Townhome (TH), and Residential Single-Family Patio Home (PH) zoning districts, carports and patio covers attached to or abutting an enclosed structure to which that carport or patio cover is attached or abutting. Within these same zoning districts, carports and patio covers that are detached by more than six inches from an enclosed building shall extend no closer than 3 feet from an interior side lot boundary. In the absence of a solid wall, this measurement shall be made from the leading edge or face of the roof on that carport or patio cover.*

b. *In all other residential zoning districts, carports and patio covers which extend closer to an interior side lot boundary than the minimum setback otherwise required of the principal building shall be open-sided on at least 2½ of 3 sides projecting therein. A minimum 8 vertical feet from the finished floor level of any such carport, patio cover or portion thereof shall be open and unobstructed by any structure, walls, screening or ornamental components of any kind except for posts, columns or piers supporting the roof and which are no greater than 24 inches in width or diameter. Open-sided carports and patio covers which extend closer to an interior side lot boundary than the minimum setback (otherwise required of the principal building) shall extend no closer than 3 feet from that interior side lot boundary unless said boundary is adjacent to an alley, in which case only a minimum 1-foot setback is required. In the absence of a solid wall, this measurement shall be made from the leading edge or face of the roof on that carport or patio cover.*

(3) *Rear building setback. The following minimum building setbacks from rear lot boundaries shall apply to carports and patio covers:*

a. *In all nonresidential zoning districts, carports and patio covers attached to or abutting an enclosed building may extend as close to the rear lot boundary as allowed by the minimum rear setback required (in that zoning district) for the enclosed building to which that carport or patio cover is attached or abutting. Carports and patio covers that are detached by more than six inches from an enclosed building shall extend no closer than 5 feet from a rear lot boundary, as measured from the leading edge or face of the roof.*

b. *In all residential zoning districts, carports and patio covers attached to or abutting the principal building and which extend closer to a rear lot boundary than the minimum rear setback otherwise required of the principal building shall be open-sided on at least 2½ of 3 sides. A minimum 8 vertical feet from the finished floor (platform) level of any such carport, patio cover or portion thereof shall be open and unobstructed by any structure, walls, screening or ornamental components of any kind except for posts, columns or piers*

supporting the roof and which are no greater than 24 inches in width or diameter. Open-sided carports and patio covers that are detached by more than six inches from an enclosed building shall extend no closer than 3 feet from a rear lot boundary unless said rear boundary adjoins an alley, in which case only a minimum 1 foot building setback is required. In the absence of a solid wall, said measurement shall be made from the leading edge or face of the roof on that carport or patio cover.

(f) Maximum height. In all residential, Office, Neighborhood Office, Neighborhood Retail and Mixed Use Districts, the total height of a carport or patio cover (open on at least 2½ sides) shall not exceed 12 feet, with the following architectural exceptions allowed in all zoning districts where this 12-foot height limit is otherwise applicable:

(1) where built into the roofline of the principal building, in which case the height shall not exceed the height of that principal building; and

(2) where detached and from the principal building, and where the distance between grade and the lowest horizontal feature (beam) of the roof structure does not exceed 12 feet in height.

Remove existing definition of carport from Chapter 5 (Definitions) of Land Development Code, replacing it with the following simplified definition:

CARPORT: A roof-covered structure designed and used for storing motor vehicles.

Add the following definitions to Chapter 5 (Definitions) of Land Development Code:

PATIO COVER: A roof-covered and often open-sided platform usually attached to or part of and with direct access to the principal building on a lot or tract of land.

ATTACHED CARPORT or PATIO COVER: A carport or patio cover fastened or affixed to the principal building.

ABUTTING CARPORT or PATIO COVER: A carport or patio cover situated within six inches measured edge to edge of respective roof coverings.

OPEN-SIDED: having a side or sides open.

Remove Paragraph (12) from Subsection 1.4.4.1(d) concerning Special Exceptions in the Land Development Code and renumber subsequent Paragraphs (13) and (14) accordingly. Said Paragraph (12) presently reads as follows:

(12) To allow a carport in a zoning district wherein a carport would otherwise be prohibited and/or to allow a carport on a lot upon which required front, side or rear setbacks would otherwise be violated.

Amend sections related to carports and patio covers in Land Development Code:

- Section 2.4.4.2 Carport and Patio Covers
- Section 1.4.4.1 Special Exceptions Outlined
- Chapter 5 Definitions

Summary Highlights:

Allow open carports/patio covers:

- 5 ft. from front lot boundaries, 15 ft. from street surface
  - (For residential use, must be architecturally compatible with principle residence)
- 5 ft. from exterior side boundaries, 15 ft. from street surface
  - (For residential use, open carports in exterior side yards need ***not*** be architecturally compatible with principle residence)
- 3 ft. from interior side boundary
  - (In some commercial, TH, and PH zoning districts, open carports/patio covers extend all the way to interior side boundary)
- Carports/Patio Covers must be no more than 12ft. high
  - (Except in certain nonresidential districts and/or with specific architectural exceptions)
- Carports/Patio Covers no more than 22 ft. from abutting principal building
  - (For residential use, except when accessory to a multi-family residential building)
- Board of Adjustment no longer authorized to approve “Special Exceptions” from any carport-related standards
  - (Unless a finding of special or unique conditions, by which literal enforcement of regulations will create unusual hardship for use and development of property)

Chapter 5 Definitions

- **Remove** existing definition of carport, replacing it with:
  - CARPORT: A roof-covered structure (often open-sided) designed and used for storing motor vehicles.
- **Add** definition of patio cover:
  - PATIO COVER: A roof-covered (often open-sided) platform usually attached to or part of and with direct access to the principal building on a lot or tract of land.
  - ATTACHED CARPORT or PATIO COVER: A carport or patio cover fastened or affixed to the principal building.
  - ABUTTING CARPORT or PATIO COVER: A carport or patio cover situated within six inches measured edge to edge of respective roof coverings.
  - OPEN-SIDED: having a side or sides open.
- **Remove** Paragraph (12) from Subsection 1.4.4.1 (d)(12) concerning Special Exceptions in the Land Development Code and renumber subsequent Paragraphs (13) and (14) accordingly.
  - Paragraph (12) presently reads:
    - *(12) To allow a carport in zoning district wherein a carport would otherwise be prohibited and/or allow a carport on a lot upon which required front, side or rear setback would otherwise be violated.*

Carport Ordinance Amendment

Carport Ordinance Amendment

Carport Ordinance Amendment

Carport Ordinance Amendment

Carport Ordinance Amendment

CITY OF ABILENE

M E M O R A N D U M

January 7, 2020

TO: **Planning and Zoning Commission**

FROM: **Mr. Mike Warrix, Director/Planning & Development Services**

SUBJECT: **Recent Council Actions**

Below are recent decisions made by City Council on items recommended from the Commission:

CITY COUNCIL MEETING
December 5, 2019 at 8:30 AM

Item	Motion	Vote
Ordinance (Final Reading) **CUP-2019-09**: A request from Hudman Investment Group, agent Phillip Hill, for Conditional Use Permit North to allow contractor services in General Commercial (GC) zoning district and located specifically at 118 Pioneer Drive	**Approved**	7-0
Ordinance (Final Reading) **CUP-2019-10**: A request from Reynaldo and Ixel Smith, for Conditional Use Permit to allow a home- based daycare for more than six children (other than caregivers' own children) in Agricultural Open Space (AO) zoning district and located specifically at 6605 Maple Street	**Approved**	7-0
Ordinance (Final Reading) **Z-2019-27**: A request from Sam Daggubati, agent Lauren Montgomery, to arnend the existing Planned Development District Number 116, specifically by amending the graphic site plan (Exhibit B) guiding development on western 6.207 acres of this district including former Anson Jones Elementary School at 2002 Jameson Street	**Approved**	7-0
Ordinance (Final Reading) **Z-2019-28**: A request from Stan Chapman, Ron Fogle, Bobby Bright, Carol Purser and Mesquite Gate Properties to rezone property from Light Industrial (LI) with Historic (H) Overlay, to Central Business (CB) with Historic (H) Overlay located at 802, 818, 826, 834 and 842 North 3rd Street as well as at 324 Mesquite Street	**Approved**	7-0

Ordinance (Final Reading) **Z-2019-29**: A request from Three JB Properties to rezone property from a Heavy Industrial (HI) District to a Planned Development (PD) District allowing industrial use but with no site-related or boundary Street improvements required by terms of Chapter 3 (Subdivision) in Abilene's Land Development Code, on properties at 749 China Street, 750 Rose Street and 397 South 8th Street	**Approved**	7-0
Ordinance (Final Reading) **TC-20l9-02**: A request from, Lone Star Railroad Inc./Jeff Basket, agent John Hill, to abandon all of the 20' wide alley right-of-way (ROW) running north-south beginning at S. 8th Street, and heading north 531' terminating at the ROW of S. 7th Street. Additionally, request to abandon a portion of S. 8th Street, beginning at the easternmost extent of China Street ROW and heading east 300' to the westernmost extent of Southern Switching Railroad ROW, Abilene, Taylor County, Texas	**Approved**	7-0