



City of Abilene

Planning and Zoning Commission Agenda

Notice is hereby given of a meeting of the Planning & Zoning Commission of the City of Abilene to be held on Tuesday, September 6, 2022 at 1:30 PM at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items.

CALL TO ORDER

INVOCATION

MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Minutes from the Regular Meeting Held on August 2, 2022

PLATS

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

2. **FP-2421:** Elm Creek at Wyie Section 4
3. **FP-2521:** Elm Creek at Wylie Section 5
4. **FP-5822:** Venugopala Addition
5. **FP-6722:** Woodland Acres

ZONING

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

6. **TC-2022-02:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Hardin Simmons University, Represented by Enprotech Hibbs & Todd, to Abandon Simmons Avenue Between Ambler Avenue and University Boulevard; Hickory Street Between North 26th Street and Vogel Avenue; Cedar Street Between North 26th Street; and Vogel Avenue Between Hickory Street and Pine Street Located in the City of Abilene, Taylor County, Texas. (**Adam Holland**)
7. **Z-2022-20:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Choi Fser Ventures, LLC to Change the Zoning of Approximately 3.37 Acres from Agricultural Open (AO) to General Commercial (GC). Legal Description Being Approximately 3.37 Acres out of The North Half of Survey 61 Blind Asylum Lands, City of Abilene, Taylor County, Texas. (**Clarissa Ivey**)
8. **Z-2022-21:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a

Request from Pak Harris Enterprises Ltd, Represented by Harris Acoustics Ltd, to Change the Zoning of Approximately 4.76 Acres from Heavy Commercial (HC) to General Commercial (GC). Legal Description Being Lot 401, Block A, Industrial Trade Center, Abilene in Taylor County, Texas. (Adam Holland)

DISCUSSION

9. **Discussion:** Receive a Report and Hold a Discussion and Public Hearing on Residential Single-Family-5 (RS-5) Zoning Designation (Minimum 5,000-square foot lots)

AGENDA ITEMS

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 2nd day of September, 2022, at 11:00 a.m.

Shawna Atkinson, TRMC, CMC
City Secretary

Planning and Zoning Commission MINUTES

The Planning and Zoning Commission of the City of Abilene, Texas met in a Regular Meeting on August 2, 2022 at 1:30 p.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas

Commissioners Present:

Mr. Clint Rosenbaum, Chairman

Ms. Shawnte' Fleming

Rev. Iziar Lankford

Ms. Alex Russell, Sergeant-at-Arms

Mr. Bill Noonan, Secretary

Mr. Mitch Barnett

Mr. Brad Benham, Chairman Pro Tem

Staff Present:

Mr. Michael Rice, Assistant City Manager

Mr. Tim Littlejohn, Director of Planning and Development Services

Mr. Stanley Smith, City Attorney

Mr. Adam Holland, Planner I

Ms. Melissa Farr, Executive Assistant

Others Present:

Mr. Paul Engel

Mr. Kyle

CALL TO ORDER

The Planning and Zoning Commission convened in a regular meeting and was called to order at 1:30 p.m.

INVOCATION

Reverend Lankford delivered the invocation.

APPROVAL OF MINUTES FOR THE PREVIOUS MEETING

Mr. Rosenbaum opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed. Reverend Lankford moved to approve the minutes from the previous meeting, which was held on July 5, 2022. Mr. Noonan seconded the motion. The motion to approve prevailed by the following vote:

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

NAYS: None

PLATS

FP-2321: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Elm Creek at Wylie, Section 3

STAFF RECOMMENDATION: Approval with conditions:

- City staff must be furnished with a title opinion or title commitment letter issued by a title insurance company confirming ownership of the properties.
- All public improvements must be completed in accordance with approved plans and inspected for acceptance or the public works department must be furnished with a financial guarantee in order to secure the obligations of all public improvements prior to recording.

FP-8121: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Headwaters Estates, Section 1

STAFF RECOMMENDATION: Approval with conditions:

- City staff must be furnished with a title opinion or title commitment letter issued by a title insurance company confirming ownership of the properties.
- All public improvements must be completed in accordance with approved plans and inspected for acceptance or the public works department must be furnished with a financial guarantee in order to secure the obligations of all public improvements prior to recording.

FP-6821: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Sandy Creek Village, Section 2

STAFF RECOMMENDATION: Approval with conditions:

- Princess Drive must be changed to Princess Lane.
- Street Light Easements be placed in intersections and curves.
- City staff must be furnished with a title opinion or title commitment letter issued by a title insurance company confirming ownership of the properties.
- All public improvements must be completed in accordance with approved plans and inspected for acceptance or the public works department must be furnished with a financial guarantee in order to secure the obligations of all public improvements prior to recording.

PP-5422: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Sendero Ranch

STAFF RECOMMENDATION: Approval with conditions:

- Font size must be increased for curve data.
- Remove Signature Blocks.

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

Reverend Lankford moved to approved the proposed plats, with conditions as presented. Mr. Benham seconded the motion. The motion to **approve** prevailed by the following vote:

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

NAYS: None

ZONING

TC-2022-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Griffith Lake Estates, LLC Represented by Jacob & Martin to Abandon the Entirety of the Existing Scottish Road in Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. The owner of the acreage north and south of the subject road proposes to replat this property and to rezone the property to allow general retail and multi-family residential uses.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim spoke in favor stating the sewer line will be rerouted.

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

STAFF RECOMMENDATION: Staff recommends approval with conditions.

Ms. Russell moved to approve this request, with conditions as presented. Ms. Fleming seconded the motion. The motion to approve prevailed by the following vote:

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

NAYS: None

ABSTAINED: Barnett

Z-2022-12: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Griffith Lake Estates Represented by Jacob & Martin, LLC to Change Zoning Of Approximately 30.7 Acres from Agricultural Open (AO) and Residential Multi-Family (MF) to Residential Multi-Family (MF) and General Commercial (GC), Legal Description Being Approximately 27.2 Acres out of the Northeast Quarter Of Survey 33 Blind Asylum Lands and the East Part of Lot 1, Block E Scottish Inns Addition, City of Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. The proposal is to add additional Multi-Family west and south of the existing multi-family zoning and to change the eastern portion of the property to retail. The submitted concept plan proposes a total of 300 units of multi-family development in 6 buildings including an amenity center with pool and approximately 67,000 square feet of leasable retail space in four buildings.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim spoke in favor. Seeing no one else present and desiring to be heard, the public hearing was closed.

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

STAFF RECOMMENDATION: Approval

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

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

NAYS: None

ABSTAINED: Barnett

Z-2022-19: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from Rondo Properties PTSH, Represented by Anderson Engineering Inc. to Change Zoning of Approximately .8249 Acres from Residential Single-Family (RS-6) to General Commercial (GC). Legal Description Being a Remainder of East Part of Lot 4, Block 1, Over Place Subdivision, Abilene in Taylor County, Texas.

Mr. Adam Holland presented this request. The applicant has filed a Minor Plat to add the subject to property on which an auto part store is located.

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

Property owners within a 200-foot radius were notified of this request. One (1) response was received in favor, with none in opposition.

STAFF RECOMMENDATION: Approval

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

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

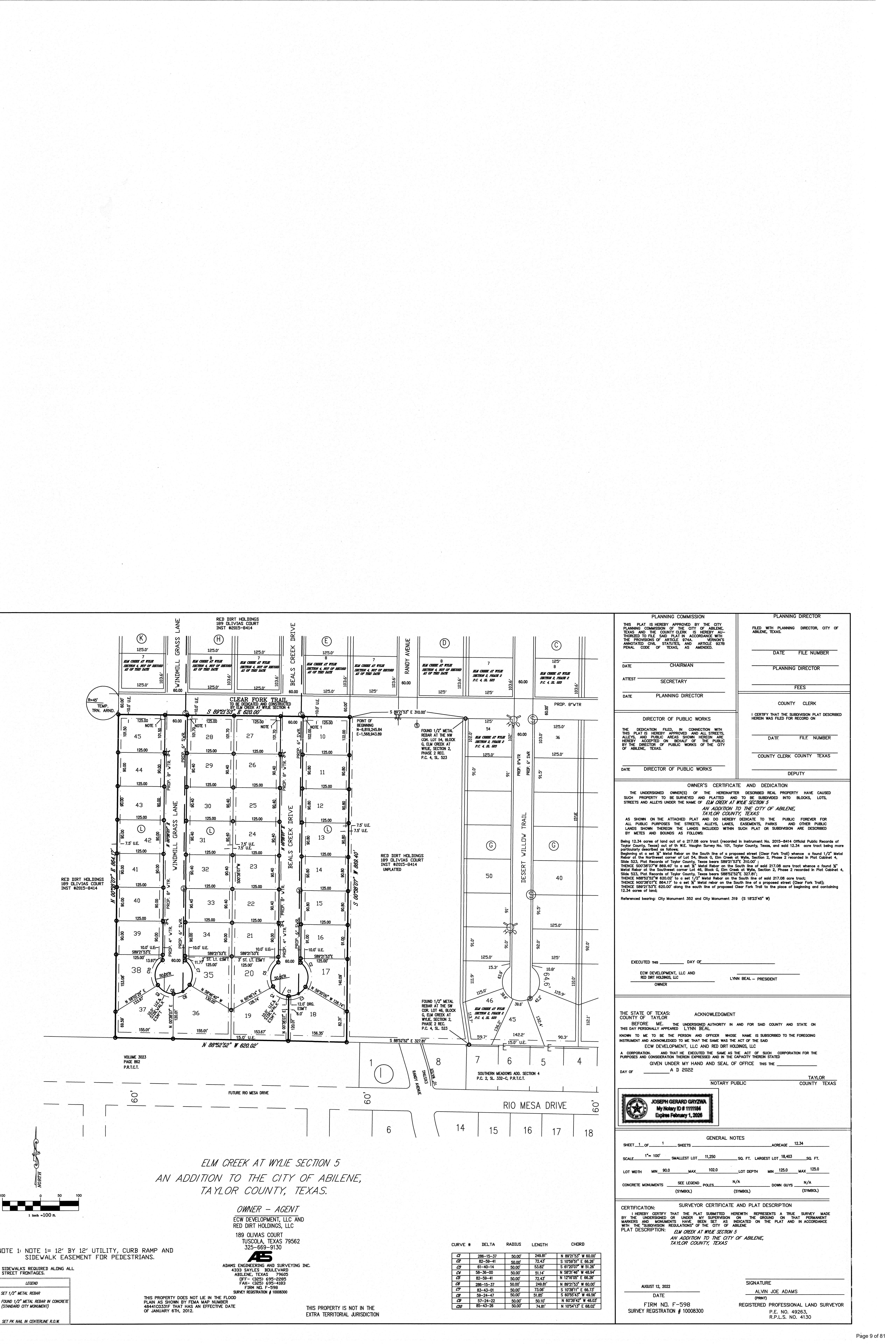
NAYS: None

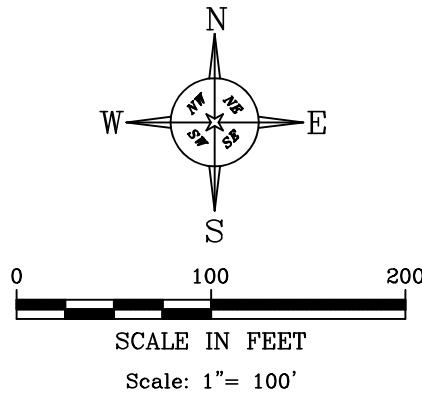
Adjournment

There being no further discussion, Mr. Rosenbaum adjourned the meeting at 1:55 p.m.

APPROVED

Mr. Clint Rosenbaum, Chairman





FIELD NOTES
17.22 ACRES

BEING 17.22 acres out of the Lots 3 and 4, Steffens Subdivision of Merchant Pasture out of the J.R. Shipman Survey No. 85, City of Abilene, Taylor County, Texas, said 17.22 acres being part of a 169.87 acre tract recorded as Tract One in Instrument No. 2021-11998, Official Public Records, Taylor County, Texas, said 17.22 acres being more particularly described as follows:

BEGINNING at an existing 6" pipe fence corner post on the WBL of said Lot 3 and the EBL of said Lot 4 at the southwest corner of Lot 2, Block A, Anson Park Addition, as shown by plat recorded in Cabinet 3, Slide 763, Plat Records, Taylor County, Texas;

THENCE S89°06'20"E at 1518.10 feet pass a set 3/8" rebar at continue along for a total distance of 1548.10 feet to an existing 6" pipe fence corner post on the WBL of Old Anson Road (70 foot right-of-way) at the southeast corner of a 1.786 acre tract recorded in Volume 2908, Page 553, Official Public Records, Taylor County, Texas for the northeast corner of this tract;

THENCE S0°53'21"W 157.46 feet along the WBL of Old Anson Road to an existing 6" pipe fence corner post at the northeast corner of a 0.90 acre tract recorded in Instrument No. 2017-11916, Official Public Records, Taylor County, Texas for the most easterly southeast corner of this tract;

THENCE N88°26'07"W 216.62 feet to a 1/2" rebar found on the NBL of said 0.90 acre tract;

THENCE N88°26'07"W 93.83 feet to a 1/2" rebar found at the northwest corner of said 0.90 acre tract for an interior corner of this tract;

THENCE S1°51'40"W 127.53 feet at the southwest corner of said 0.90 acre tract, on the NBL of Lot 2, Section 1, Shady Oaks Addition, as shown by plat recorded in Cabinet 2, Slide 123-A, Plat Records, Taylor County, Texas for an interior corner of this tract;

THENCE N89°12'W 347.17 feet to a 3/8" rebar found at the northwest corner of said Lot 2 for an interior corner of this tract;

THENCE S1°09'55"W 269.77 feet to a 3/8" rebar found on the WBL of said Lot 2, for the most southerly southeast corner of this tract, whence a 3/8" rebar found at the southwest corner of said Lot 2 bears S2°28'01"E 10.08 feet;

THENCE N89°06'W 381.94 feet to a 3/8" rebar found;

THENCE S0°24'49"W 10.39 feet to a 3/8" rebar found;

THENCE N89°07'47"W at 504.13 feet pass a 3/8" rebar found on the WBL of said Lot 3 and the EBL of said Lot 4, at 557.23 feet pass a 3/8" rebar set and continue along for a total distance of 612.75 feet to a point in catclaw creek for the southwest corner of this tract;

THENCE N24°53'42"W 170.0 feet along catclaw creek to a point at the beginning of a curve to the right;

THENCE along said curve, having a radius of 459.88 feet, an arc length of 424.15 feet and a chord bearing and distance of N1°45'50"E 409.27 feet to a point in catclaw creek for the northwest corner of this tract;

THENCE S89°06'20"E at 57.21 feet pass a 3/8" rebar set and continue along for a total distance of 175.26 feet to the place of beginning and containing 17.22 acres of land.

Legend

- = Set 3/8" rebar
- = Existing 6" Pipe
- = Found 3/8" rebar
- = Found 1/2" rebar
- = Found 3/4" Iron Rod
- E.B.L. = East Boundary Line
- W.B.L. = West Boundary Line
- U.E. = Utility Easement
- Ch. = Chord
- R. = Radius
- L. = Length
- O.P.R. = Official Public Records
- D.R. = Deed Records
- Ac. = Acres
- () = Record
- P.O.B. = Place of Beginning

PLANNING COMMISSION THIS PLAT IS HEREBY APPROVED BY THE CITY OF ABILENE, TEXAS, AND THE COUNTY CLERK OF ABILENE, TEXAS, IN ACCORDANCE WITH THE PROVISIONS OF THE ANNOTATED CIVIL STATUTES AND ARTICLE 927B, PENAL CODE OF TEXAS, AS AMENDED.	PLANNING DIRECTOR FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS.
DATE _____ CHAIRMAN _____ ATTEST _____ SECRETARY _____ DATE _____ PLANNING DIRECTOR _____	FILE NUMBER _____ PLANNING DIRECTOR _____ FEES _____
DIRECTOR OF PUBLIC WORKS THE DEDICATION FILED IN CONNECTION WITH THIS PLAT IS HEREBY APPROVED AND ALL ALLEYS, EASEMENTS, PARKS AND OTHER PUBLIC LANDS SHOWN THEREON ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF ABILENE, TEXAS.	COUNTY CLERK I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON _____ DATE _____ FILE NUMBER _____ COUNTY CLERK _____ COUNTY TEXAS _____ DEPUTY _____

OWNER'S CERTIFICATE AND DEDICATION

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

Lot 202, Block A,
VENUGOPALA ADDITION
a Subdivision of 17.22 acres out of Lots 3 and 4, Steffens Subdivision of Merchant Pasture out of the J. R. Shipman Survey No. 85, City of Abilene, Taylor County, Texas.

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

"SEE FIELD NOTES SHOWN HEREON"

EXECUTED THIS _____ DAY OF _____

SOWMYA VENUGOPALA
OWNER

_____ 20
OWNER SIGNATURE
OWNER

ACKNOWLEDGMENT

THE STATE OF TEXAS :
COUNTY OF _____
BEFORE ME, _____ THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____ WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT _____ EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ A.D. 20____

NOTARY PUBLIC _____ COUNTY TEXAS

THE STATE OF TEXAS :
COUNTY OF _____
BEFORE ME, _____ THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____ WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID _____ A CORPORATION, AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH CORPORATION FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ A.D. 20____

NOTARY PUBLIC _____ COUNTY TEXAS

GENERAL NOTES

SHEET 1 OF 1 SHEETS _____ ACREAGE 17.220 acres

SCALE 1" = 100' SMALLEST LOT 17.110 acres LARGEST LOT 17.110 acres

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION

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

PLAT DESCRIPTION :

Lot 202, Block A,
VENUGOPALA ADDITION
a Subdivision of 17.22 acres out of Lots 3 and 4, Steffens Subdivision of Merchant Pasture out of the J. R. Shipman Survey No. 85, City of Abilene, Taylor County, Texas.

September 1, 2022
DATE

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

PLAT PREPARATION DATE: September 1, 2022

Owner: Sowmya Venugopala
209 Lockhart Loop
Georgetown, Texas 78628
954-830-9123

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

Lot 202, Block A,
VENUGOPALA ADDITION
a Subdivision of 17.22 acres out of Lots 3 and 4, Steffens Subdivision of Merchant Pasture out of the J. R. Shipman Survey No. 85, City of Abilene, Taylor County, Texas.

NOTE: This Property is partly within Flood Plain according to FEMA Flood Map 48441C0207F, having an effective date of 01/06/2012

PLANNING COMMISSION THIS PLAT IS HEREBY APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF ABILENE TEXAS AND THE COUNTY CLERK IS HEREBY AUTHORIZED TO FILE SAID PLAT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 974A, VERNON'S ANNOTATED CIVIL STATUTES, AND ARTICLE 927B PENAL CODE OF TEXAS, AS AMENDED. DATECHAIRMAN ATTESTSECRETARY DATEPLANNING DIRECTOR	PLANNING DIRECTOR FILED WITH PLANNING DIRECTOR. CITY OF ABILENE, TEXAS DATEFILE NUMBER PLANNING DIRECTOR FEESE DEPUTY
DIRECTOR OF PUBLIC WORKS THE DEDICATION FILED, IN CONNECTION WITH THIS PLAT IS HEREBY APPROVED AND ALL STREETS, ALLEYS, AND PUBLIC AREAS SHOWN HEREON ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF ABILENE, TEXAS. DATEDIRECTOR OF PUBLIC WORKS	COUNTY CLERK ICERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON DATEFILE NUMBER TAYLOR COUNTY CLERKCOUNTY TEXAS DEPUTY

OWNER'S CERTIFICATE AND DEDICATION

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

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

EXECUTED THIS _____ DAY OF _____ 20 _____

OWNEROWNER

OWNER:

WOOD LAND COMPANY, LLC.
KEVIN WOOD: 469-200-9791
KYLE WOOD: 325-214-1644
301 WEST SECOND STREET,
COLEMAN TEXAS, 76834

AGENT

ESTES SURVEYING, FIRM *10064600
DIEHL ESTES RPLS *5003
© ALL RIGHTS RESERVED
162 CADDO DRIVE, STE 132, ABILENE TEXAS, 79602
PO BOX 1044, CLYDE TX, 79510
(325) 893-2822; 325-704-3054
estessurveying@outlook.com

0 250 500

SCALE 1" = 250'

(*)=RECORD CALL
E=OVERHEAD ELECTRIC
T=ELEC. TRANS.
●=FOUND REBAR
⊙=FOUND PIPE
⊙=SET 1/2" REBAR W/CAP
"ESTES 5003"

BEING 132.067 ACRES OUT OF A 134.15 ACRE TRACT OUT OF THE SOUTHWEST PART OF THE SOUTHEAST QUARTER OF SECTION 12, BLIND ASYLUM LANDS SURVEY, AND BEING 98.973 ACRES OUT OF JONES COUNTY, ABSTRACT 1421, AND 44.094 ACRES OUT OF TAYLOR COUNTY, ABSTRACT 1952, AND SAID 132.067 ACRES BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND 1/2" REBAR WITH A CAP, ON THE NORTH LINE OF COUNTY ROAD NO 503 FOR THE SOUTHEAST CORNER OF THIS TRACT FROM WHICH THE SOUTHEAST CORNER OF SAID 134.15 ACRE TRACT BEARS OF RECORD S01°35'39"W 39.7'; THENCE N89°17'49"W ALONG THE NORTH LINE OF SAID COUNTY ROAD 503, A DISTANCE OF 2205.28' TO A FOUND 4 1/2" PIPE CORNER POST FOR THE SOUTHWEST CORNER OF THIS TRACT, THENCE N00°07'00"E A DISTANCE OF 2608.26' TO A FOUND 4 1/2" PIPE POST FOR THE NORTHWEST CORNER OF THIS TRACT; THENCE S89°20'31"E A DISTANCE OF 3704.03' TO A FOUND 3/8" REBAR FOR THE NORTHEAST CORNER OF THIS TRACT; THENCE S00°34'15"E A DISTANCE OF 2165.44' TO A FOUND 3 1/2" PIPE POST FOR AN EXTERIOR CORNER OF THIS TRACT; THENCE S01°35'39"W A DISTANCE OF 444.99' TO THE POINT OF BEGINNING AND CONTAINING 132.067 ACRES OF LAND.

NOTES:

1. THIS PROPERTY IS IN ZONE "X" AS PER THE FOLLOWING: 48441C0120F, DATED JANUARY 6, 2012.

2. BEARING ARE BASED ON STATE PLAIN COORDINATES, TX. 4202 N, AS DETERMINED BY RTK GPS OBSERVATIONS.

3. UPON COMPLETION OF THE CONSTRUCTION OF THE SUBDIVISION STREETS, ALLEYS AND BURIED UTILITES, THE FINAL SUBDIVISION MONUMENTATION WILL BE SET, THE MONUMENTATION WHICH WILL BE 1/2" REBAR WITH PLASTIC CAPS, MARKED "ESTES 5003" AT ALL LOTS CORNERS.

4. SETBACKS SHALL BE IN CONFORMANCE TO TAYLOR COUNTY, TEXAS.

5. THIS ADDITION IS LOCATED IN THE ETJ LIMITS OF ABILENE, TAYLOR COUNTY, TEXAS.

6. TAYLOR AND JONES COUNTY LINE SHOWN FROM TIES ON COUNTY LINE MARKER ON F.M. HIGHWAY 1082 AND COUNTY ROAD 504.

GENERAL NOTES

SHEET 1 OF 1 SHEETS 132.067 ACREAGE

SCALE 1" = 50' SMALLEST LOT 7.0 ACRE LARGEST LOT 41.511 ACRE

LOT WIDTH MIN 302 MAX 1094.98' LOT DEPTH MIN 1009.67' MAX 1599.45'

POLES DOWN GUYS

(SYMBOL)(SYMBOL)(SYMBOL)

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION

CERTIFICATION :

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

PLAT DESCRIPTION :

WOOD LAND ACRES

A SUBDIVISION OF 132.067 ACRES OUT OF 134.15 ACRES OUT OF SECTION NO.12, BLIND ASYLUM LANDS SURVEY, ABSTRACT 1421, JONES COUNTY AND ABSTRACT 1952, TAYLOR COUNTY, TEXAS.

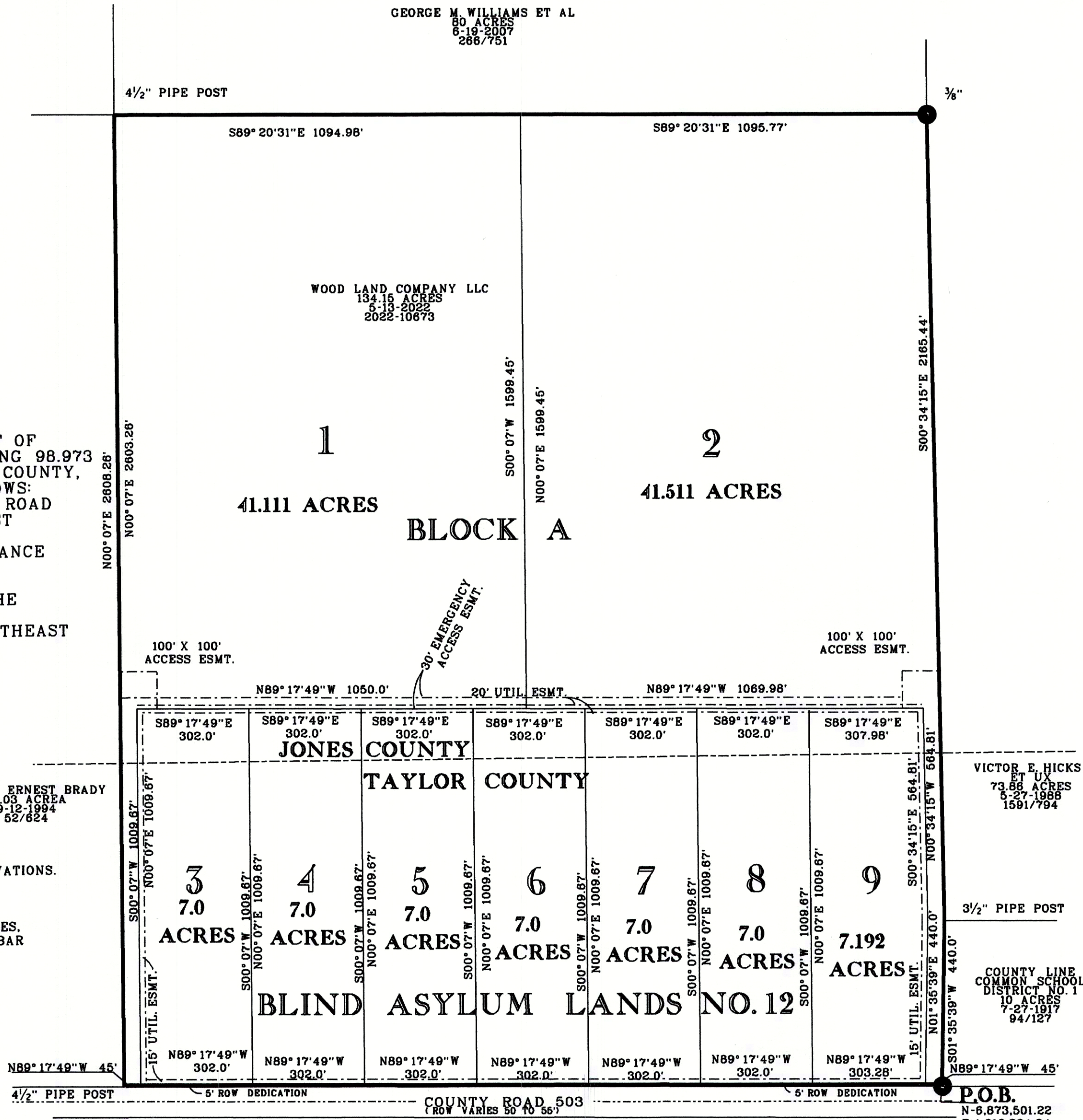
SIGNATURE

DIEHL ESTES RPLS 5003

(PRINT)

REGISTERED PROFESSIONAL LAND SURVEYOR

DATE



BLIND ASYLUM LANDS NO.15

FINAL PLAT WOOD LAND ACRES

A SUBDIVISION OF 132.067 ACRES OUT OF
134.15 ACRES OUT OF SECTION NO. 12,
BLIND ASYLUM LANDS SURVEY, ABSTRACT 1421,
JONES COUNTY AND ABSTRACT 1952,
TAYLOR COUNTY, TEXAS.

TC-2022-02

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: September 06, 2022

City Council 1st Reading: September 22, 2022

City Council 2nd Reading: October 13, 2022

Applicant

Owner (of adjacent property): Hardin Simmons

Agent: Enprotec Hibbs & Todd

Request

Abandon the following rights-of-way on the Hardin Simmons University campus:

1. Simmons Avenue between Ambler Avenue and University Boulevard (677 Feet)
2. Hickory Street between North 26th Street and Vogel Avenue (709 Feet)
3. Cedar Street between North 26th Street and Vogel Avenue (717 Feet)
4. Vogel Avenue between Hickory Street and Pine Street (1,140 Feet)

Background

HSU proposes to leave each of these roadways in place, but to convert each segment into a private street that can be gated restrict motorized traffic from cutting through the campus. All existing public utilities within each right-of-way will be placed in an easements and remain accessible to the City for maintenance as needed. The proposed gated entrances will be designed to allow for fire and emergency vehicle access to the campus. The primary goal is to limit vehicular traffic on campus to improve pedestrian and bicycle safety.

Assessment

The Development Review Committee reviewed this request and found that:

1. The gates can be approved if the proposed gated entrances allow fire department access.
2. Upon abandonment, maintenance, repair, and refurbishment of any stormwater structural controls that fall under these abandoned streets shall be the responsibility of Hardin Simmons University.
3. The approval of the request should be contingent upon the submittal and approval of plans of the gate design to ensure a safe design with illumination, reflective materials, signage, and other safeguards to ensure that motorists have ample time to recognize the gate entrance and realize they need to turn.
4. On Simmons Street at Ambler Avenue, the property at the northwest corner is not currently owned by Hardin Simmons. Therefore, the abandonment cannot take place right at Ambler Avenue, but rather short distance north of the property at the northwest corner.
5. A replat will be required to showing the extension of University Blvd. to Simmons Avenue, with roadway being built to City of Abilene standards.

Staff Recommendation

Staff recommends **approval** subject to the following conditions:

1. The subject rights-of-way, and all adjoining properties, shall be platted within one year of the effective date of the abandonment ordinance.
2. If a replat is not approved and recorded within one year, the granting of the abandonments of all of subject rights-of-way shall be void.
3. All existing utilities within the affected rights-of-way shall be covered by a utility easement or rerouted.
4. Gates may not installed to restrict access to the abandoned street rights-of-way until plans for the design, illumination, and operation of the gates have been approved by the Fire, Police, Emergency Management, and Public Works Departments.
5. It shall be the responsibility of Hardin Simmons University to install all required lighting, reflective tape, signage, and equipment necessary to allow emergency access to ensure safe operations at all gate locations.

Notification

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

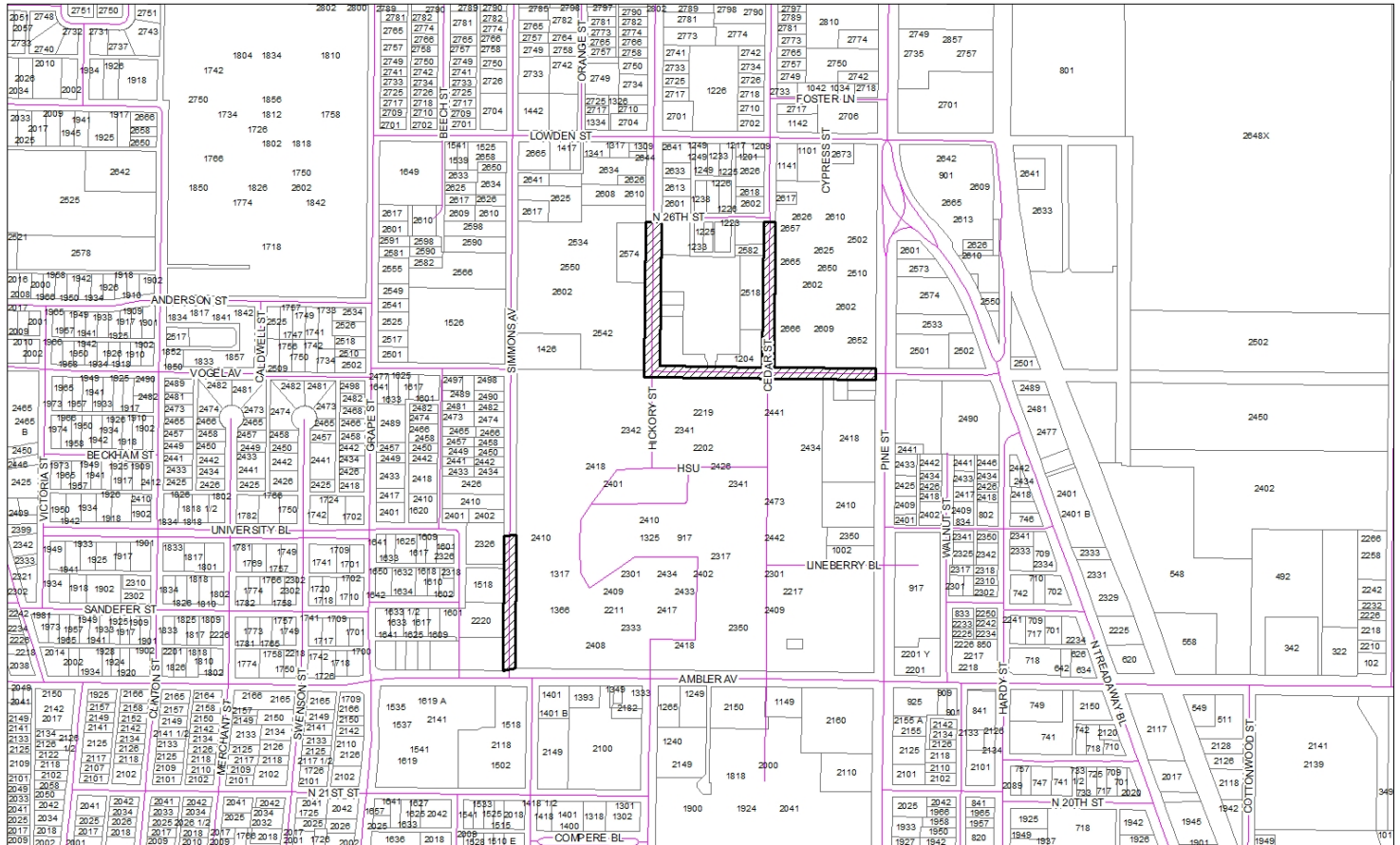
Owner	Property ID	Situs	Response
CORPIAN GARY LEE & MARILU	11270	2618 CEDAR ST	
DENNIS JO ANN	52792	2410 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	53863	2326 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	58507		
HARDIN SIMMONS UNIVERSITY	77322	2613 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	74791	2626 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	21029		
HARDIN SIMMONS UNIVERSITY	15164		
HARDIN SIMMONS UNIVERSITY	15280		
HARDIN SIMMONS UNIVERSITY	11426	2602 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	66635	2533 PINE ST	
HARDIN SIMMONS UNIVERSITY	12743		
HARDIN SIMMONS UNIVERSITY	52931	2402 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	1062214	2626 PINE ST	
HARDIN SIMMONS UNIVERSITY	12382	1233 N 26TH ST	
HARDIN SIMMONS UNIVERSITY	12629	1223 N 26TH ST	
HARDIN SIMMONS UNIVERSITY	72493	2582 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	20892		
HARDIN SIMMONS UNIVERSITY	52928	2401 BEECH ST	
HARDIN SIMMONS UNIVERSITY	15881	1204 VOGEL AV	
HARDIN SIMMONS UNIVERSITY	56702	2410 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	75497	2542 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	23353		
HARDIN SIMMONS UNIVERSITY	74676	2608 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	22812	2418 PINE ST	
HARDIN SIMMONS UNIVERSITY	74106	2574 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	980221		
HARDIN SIMMONS UNIVERSITY	11888	1238 N 26TH ST	
HARDIN SIMMONS UNIVERSITY	54258	1518 SANDEFER ST	
HARDIN SIMMONS UNIVERSITY	53194	2220 SIMMONS AV	
HARDIN SIMMONS UNIVERSITY	10912	2626 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	77201	2601 HICKORY ST	
HARDIN SIMMONS UNIVERSITY	66877	2501 PINE ST	
HARDIN-SIMMONS UNIV	15519		
HARDIN-SIMMONS UNIV	16000	2518 CEDAR ST	
HARDIN-SIMMONS UNIVERSITY	12019		
HENDRICK MEDICAL	31165	1401 AMBLER AV	O
HENDRICK MEDICAL	31165	1401 B AMBLER AV	O
HENDRICK MEDICAL CENTER	1006185	1518 N 21ST ST	O
OLIVO RAMIRO J JR &	68965	2617 CEDAR ST	
RETAIL BUILDINGS INC	53598		
STOIC PROPERTY INVESTMEN	11590	1226 N 26TH ST APT B	
STOIC PROPERTY INVESTMEN	11590	1226 N 26TH ST APT A	
WALMART REAL ESTATE	1006184	1535 AMBLER AV	

Owner	Property ID	Situs	Response
HARDIN SIMMONS UNIVERSITY	10912	2626 CEDAR ST	
CORPIAN GARY LEE & MARILU	11270	2618 CEDAR ST	
HARDIN SIMMONS UNIVERSITY	11426	2602 CEDAR ST	
STOIC PROPERTY INVESTMEN	11590	1226 N 26TH ST APT B	
STOIC PROPERTY INVESTMEN	11590	1226 N 26TH ST APT A	
HARDIN SIMMONS UNIVERSITY	11888	1238 N 26TH ST	
HARDIN-SIMMONS UNIVERSITY	12019		
HARDIN SIMMONS UNIVERSITY	12382	1233 N 26TH ST	
HARDIN SIMMONS UNIVERSITY	12629	1223 N 26TH ST	
HARDIN SIMMONS UNIVERSITY	12743		
HARDIN SIMMONS UNIVERSITY	15164		
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HARDIN SIMMONS UNIVERSITY	20892		
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HARDIN SIMMONS UNIVERSITY	52928	2401 BEECH ST	
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OLIVO RAMIRO J JR &	68965	2617 CEDAR ST	
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WALMART REAL ESTATE	1006184	1535 AMBLER AV	
HENDRICK MEDICAL CENTER	1006185	1518 N 21ST ST	O
HARDIN SIMMONS UNIVERSITY	1062214	2626 PINE ST	

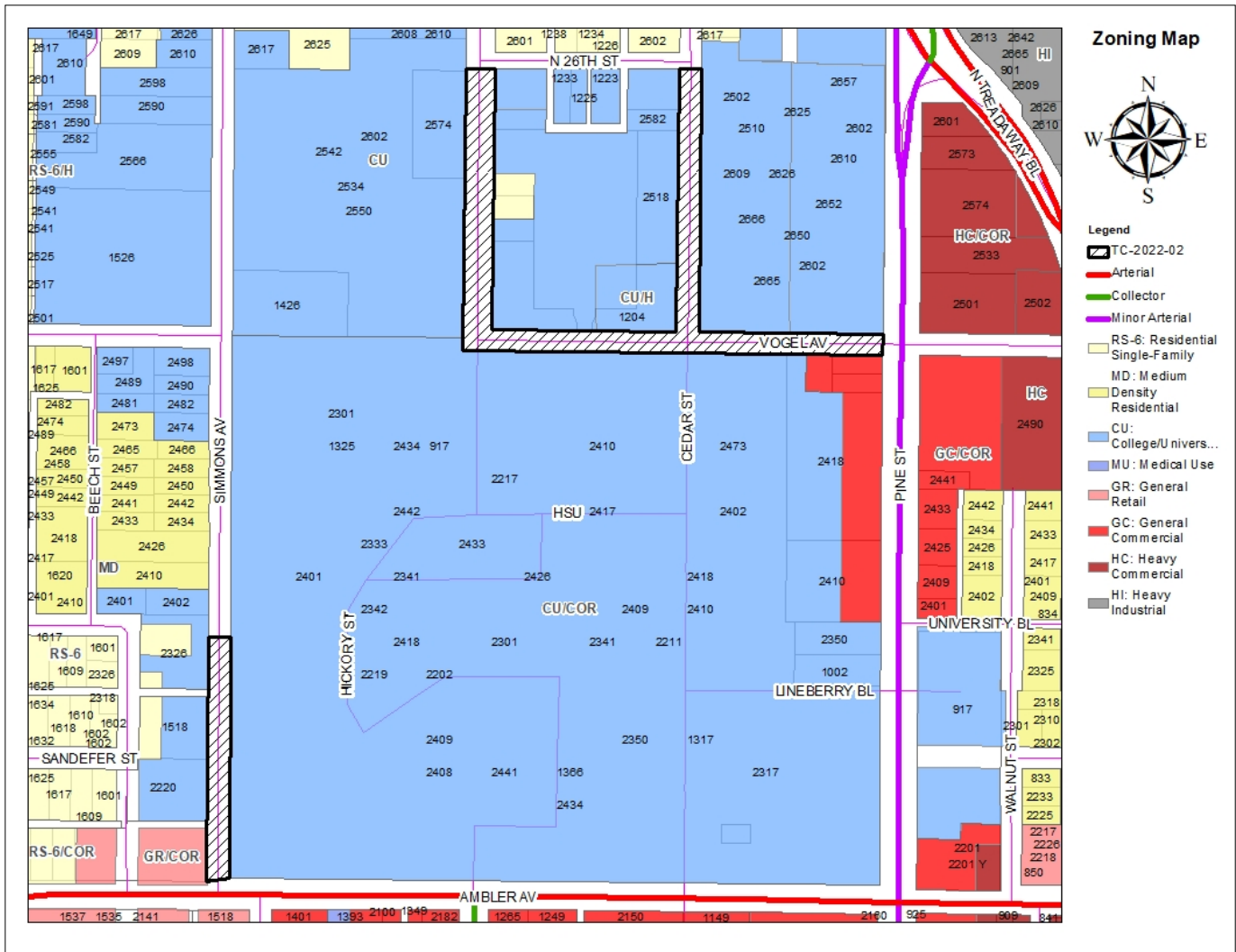
Attachments

- Application
- PowerPoint

LOCATION MAP



ZONING MAP



Comments List

Project Type: Thoroughfare Closure Application | ID # 22-000147



Adam Holland

Planning Division, Aug 15, 2022 at 4:34 PM ago

See exhibit in Attached Documents



Jeremy Williams

Permits & Inspections, Aug 17, 2022 at 10:15 AM ago

Approved, as long as the gated entrances are provided as stated in the proposal, to allow fire department access.



Srini Valavala

Permits & Inspections, Aug 17, 2022 at 11:02 AM ago

Srini Valavala

Stormwater Services/Public Works

325-676-6280

srini.valavala@abilenetx.gov

Comment: Upon approval of this abandonment - Maintenance, repair and refurbishment of stormwater structural controls, if any, that fall under these abandonment areas shall be the responsibility of Hardin Simmons University.

**Steve Keith***Permits & Inspections, Aug 17, 2022 at 11:20 AM ago* PRIVATE

Steve Keith

Traffic Services

I only partially approved this because we need to see a design of how these gated areas are going to look. There has to be safeguards put in place so that vehicle operators have ample time to recognize the gated entrance and know they have to turn. The gates must be illuminated with a reflective material and lighting.

On Simmons Street at Ambler, the property on the NW corner is not currently owned by Hardin Simmons. Therefore the abandonment can't take place at Ambler Ave. It will have to start just north of this property.

There will also need to be a replat showing the extension of University Blvd to Simmons. This roadway shall be built to City of Abilene standards.

PROPOSED PROPERTY BOUNDARY
HARDIN SIMMONS UNIVERSITY
ABILENE, TAYLOR COUNTY, TEXAS

EXHIBIT 1
OVERALL RIGHT-OF-WAY
ABANDONMENT MAP

REFER TO EXHIBIT 3

**PREVIOUSLY
ABANDONED**

REFER TO EXHIBIT 2

**PREVIOUSLY
ABANDONED**

**PREVIOUSLY
ABANDONED**

Google Earth

Image Landsat / Copernicus

Proposed New Dedication of 60' ROW
to extend University Boulevard between
Beech Street and Simmons Avenue
(light blue shaded area)

Proposed extension of University
Blvd. Construction Plans for
proposed extension will be presented
to Public Works for review/approval

Sandfer Street
(60' ROW)

Portion of Beech Street ROW
previously abandoned

***Note:**
While HSU is proposing to abandon the public
ROW(s) as shown, the intention is leave the paved
streets in place as private roads for access to the
various campus facilities. The ultimate goal is to
reduce the amount "cut-through" traffic moving
through the campus each day to increase safety for
pedestrians and pedestrian access to the campus
facilities.

Proposed gated entrance to the
campus for traffic control.

Mabee Athletic Complex

REQUEST TO ABANDON 655'-0" X 60'
WIDE SECTION OF RIGHT-OF-WAY
DEDICATED FOR SIMMONS AVENUE
BETWEEN AMBLER AVENUE AND
UNIVERSITY BLVD.

Proposed gated entrance to the
campus for traffic control.

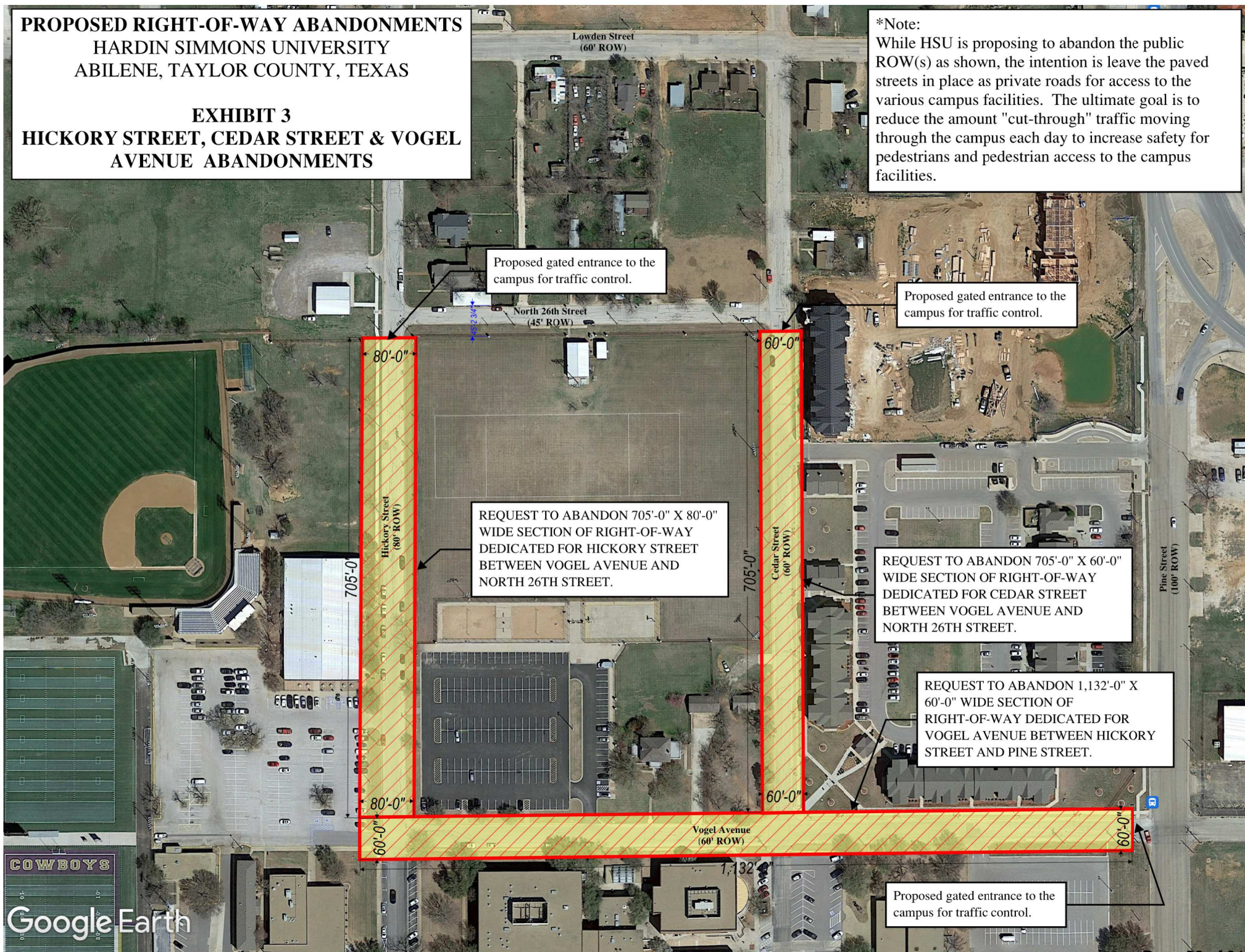
**PROPOSED RIGHT-OF-WAY ABANDONMENTS
HARDIN SIMMONS UNIVERSITY
ABILENE, TAYLOR COUNTY, TEXAS**

**EXHIBIT 2
SIMMONS AVENUE ABANDONMENT**

PROPOSED RIGHT-OF-WAY ABANDONMENTS
HARDIN SIMMONS UNIVERSITY
ABILENE, TAYLOR COUNTY, TEXAS

EXHIBIT 3
HICKORY STREET, CEDAR STREET & VOGEL
AVENUE ABANDONMENTS

***Note:**
While HSU is proposing to abandon the public ROW(s) as shown, the intention is leave the paved streets in place as private roads for access to the various campus facilities. The ultimate goal is to reduce the amount "cut-through" traffic moving through the campus each day to increase safety for pedestrians and pedestrian access to the campus facilities.



Proposed gated entrance to the campus for traffic control.

Proposed gated entrance to the campus for traffic control.

REQUEST TO ABANDON 705'-0" X 80'-0" WIDE SECTION OF RIGHT-OF-WAY DEDICATED FOR HICKORY STREET BETWEEN VOGEL AVENUE AND NORTH 26TH STREET.

REQUEST TO ABANDON 705'-0" X 60'-0" WIDE SECTION OF RIGHT-OF-WAY DEDICATED FOR CEDAR STREET BETWEEN VOGEL AVENUE AND NORTH 26TH STREET.

REQUEST TO ABANDON 1,132'-0" X 60'-0" WIDE SECTION OF RIGHT-OF-WAY DEDICATED FOR VOGEL AVENUE BETWEEN HICKORY STREET AND PINE STREET.

Proposed gated entrance to the campus for traffic control.

PROPOSED PROPERTY BOUNDARY
HARDIN SIMMONS UNIVERSITY
ABILENE, TAYLOR COUNTY, TEXAS

EXHIBIT 4
ANTICIPATED HSU BOUNDARY
LINE AFTER PROPOSED
ABANDONMENTS

PROPOSED GATED ENTRY

PROPOSED GATED ENTRY

PROPOSED GATED ENTRY

PREVIOUSLY ABANDONED

PROPOSED GATED ENTRY

Google Earth

Image Landsat / Copernicus

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR ABANDONMENT OF CERTAIN PORTIONS OF PUBLIC RIGHTS-OF-WAY FOR SIMMONS AVENUE EXTENDING APPROXIMATELY 670 FEET NORTH FROM AMBLER AVENUE; HICKORY STREET EXTENDING APPROXIMATELY 714 FEET SOUTH FROM NORTH 26TH STREET; CEDAR STREET EXTENDING APPROXIMATELY 721 FEET SOUTH FROM NORTH 26TH STREET, AND VOGEL AVENUE EXTENDING APPROXIMATELY 1,138 FEET WEST FROM PINE STREET, PROVIDING FOR TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

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

PART 1: That the following described portions of public right-of-way for Simmons Avenue, Cedar Street, Vogel Avenue, and Hickory Street, as described on Exhibit "A" attached hereto and made part of this ordinance for all purposes, be and the same are hereby abandoned, vacated and closed insofar as the right, title or easement of the City of Abilene is concerned, subject to conditions expressed also in attached Exhibit "A".

PART 2: That said portion of public right-of-way is not needed for public purposes, and it is in the public interest to abandon the above described portion of public right-of-way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tract of land specifically described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING THE 22nd day of September, 2022.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of August, 2022, the same being more than fifteen (15) days prior to a public hearing to be held at the Council Chambers in City Hall at 555 Walnut St. Abilene, Texas, at 8:30 a.m. on the 13th day of October, 2022, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 13th day of October, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

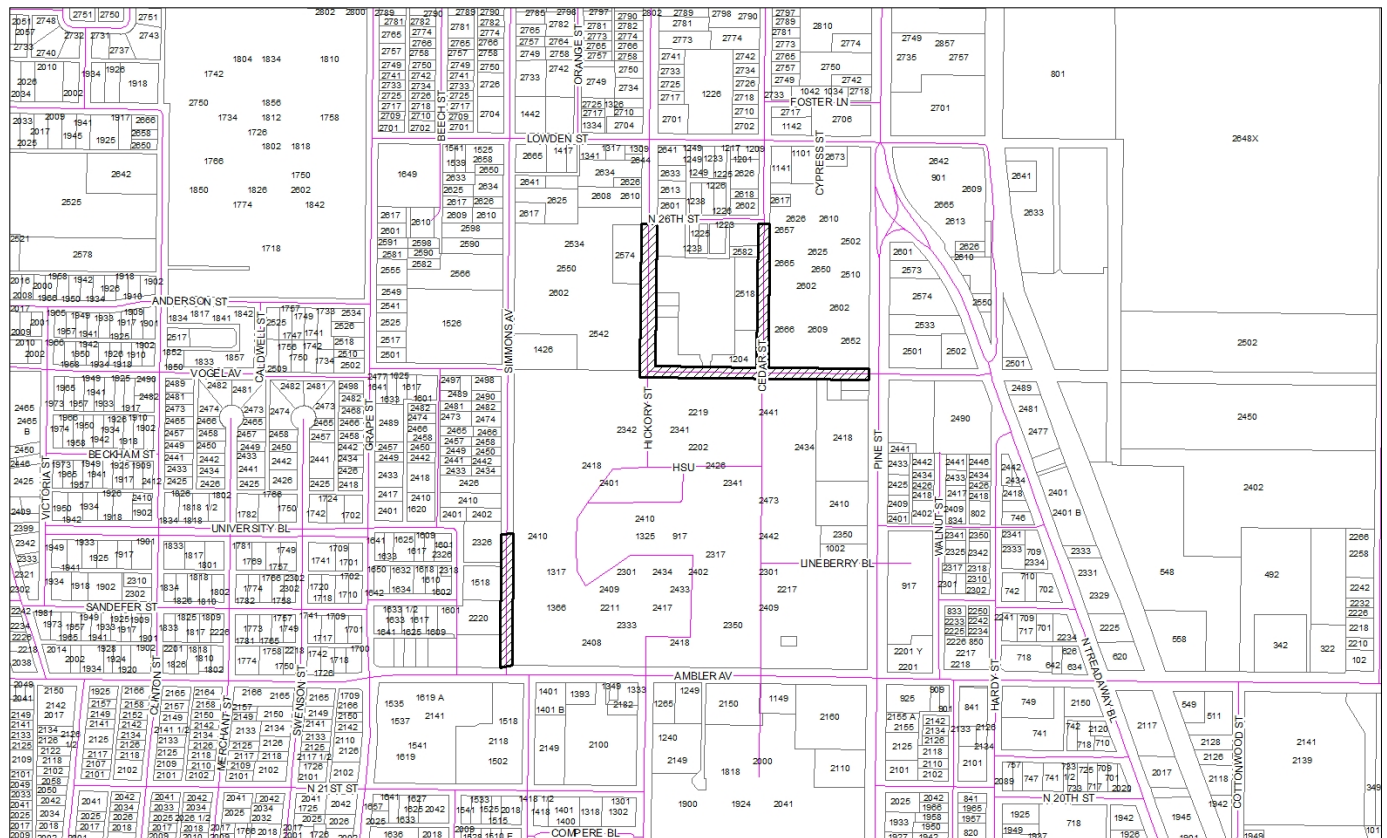
ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons the following portions of rights-of-way:

The rights-of-way for Simmons Avenue extending approximately 670 feet north from Ambler Avenue; Hickory Street extending approximately 714 feet south from North 26th Street; Cedar Street extending approximately 721 feet south from North 26th Street; and Vogel Avenue extending approximately 1,138 feet west from Pine Street, subject to the following conditions:

1. The subject rights-of-way, and all adjoining properties, shall be platted within one year of the effective date of the abandonment ordinance.
2. If a replat is not approved and recorded within one year, the granting of the abandonments of all of subject rights-of-way shall be void.
3. All existing utilities within the affected rights-of-way shall be covered by a utility easement or rerouted.
4. Gates may not installed to restrict access to the abandoned street rights-of-way until plans for the design, illumination, and operation of the gates have been approved by the Fire, Police, Emergency Management, and Public Works Departments.
5. It shall be the responsibility of Hardin Simmons University to install all required lighting, reflective tape, signage, and equipment necessary to allow emergency access to ensure safe operations at all gate locations.



-END-

Case: TC-2022-02

Applicant: Hardin Simmons

Agent: Enprotec Hibbs & Todd

Request: Abandon certain Right-of-Ways on the
Hardin Simmons University Campus

Locations:

- Simmons Ave. from Ambler Ave. to University Blvd.
- Hickory St. from North 26th St. to Vogel Ave.
- Cedar St. from North 26th St. to Vogel Ave.
- Vogel Ave. from Hickory St. to Pine St.

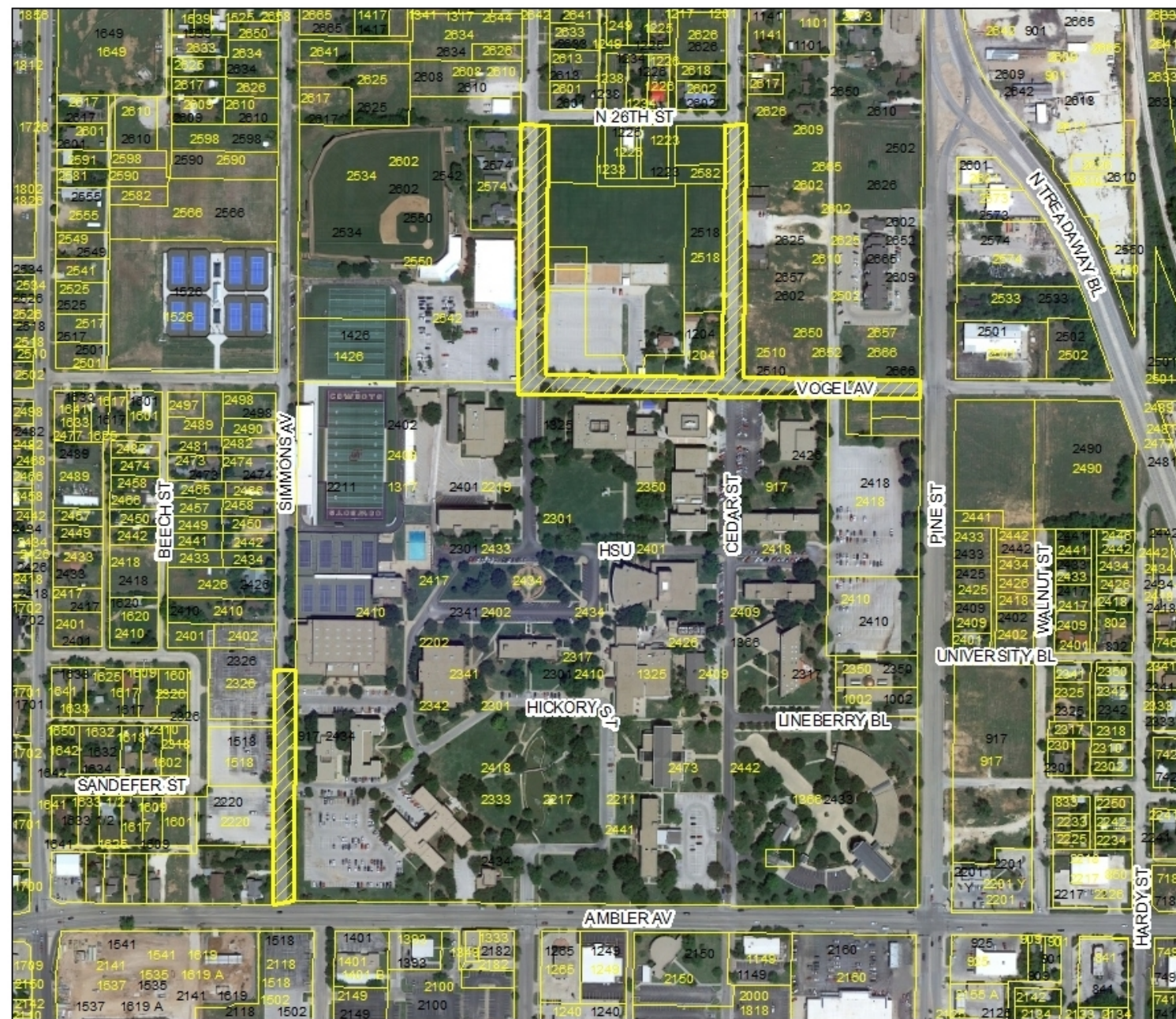
Notification: 1 in Favor, 0 Opposed

Planning & Zoning: September 6, 2022

City Council Hearings: 1st September 22, 2022

2nd: October 13, 2022

TC-2022-02 LOCATION MAP



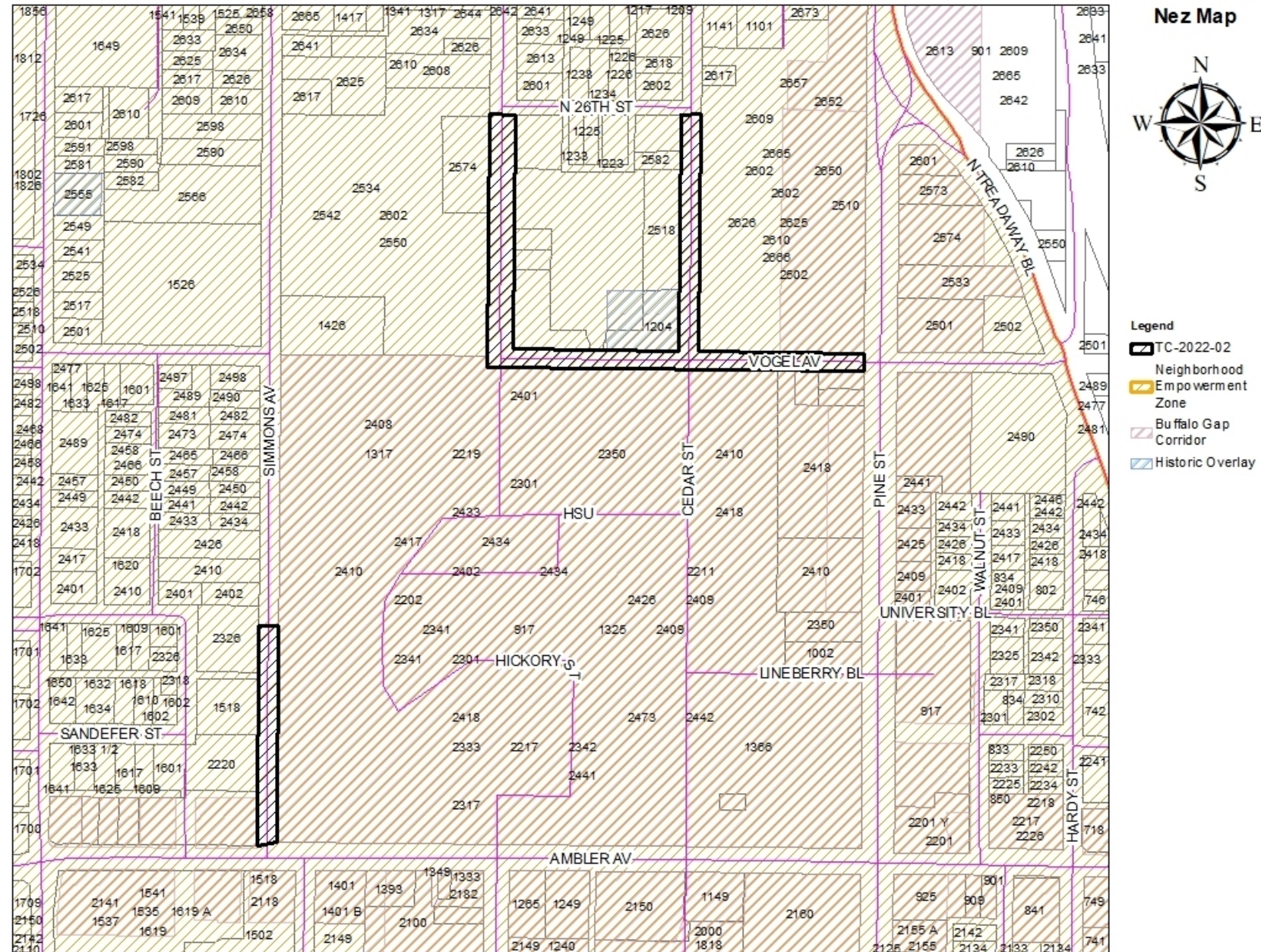
Location Map
Aerial

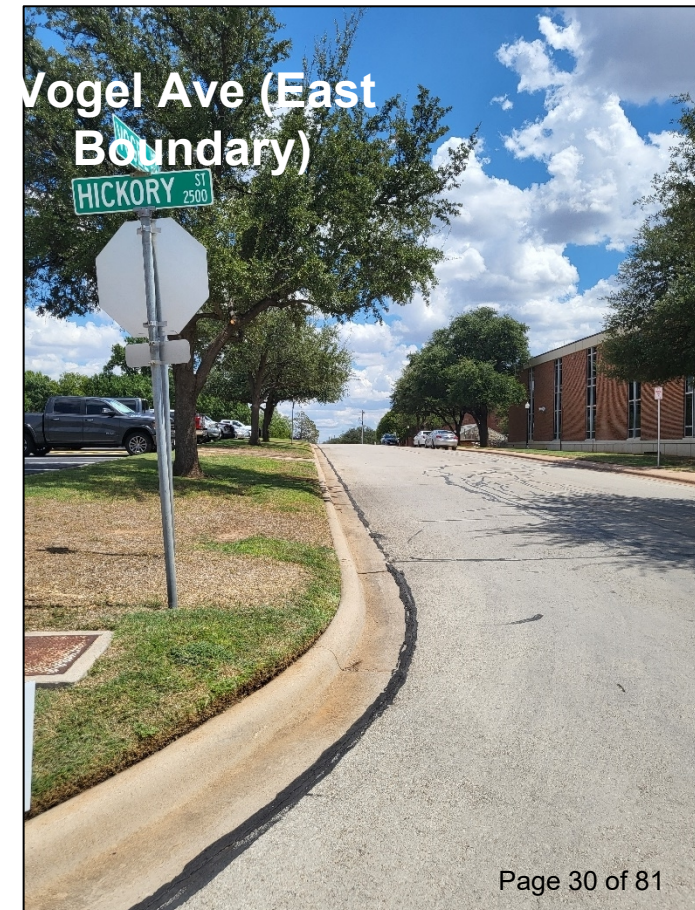


Legend

- TC-2022-02
- CourierParcels

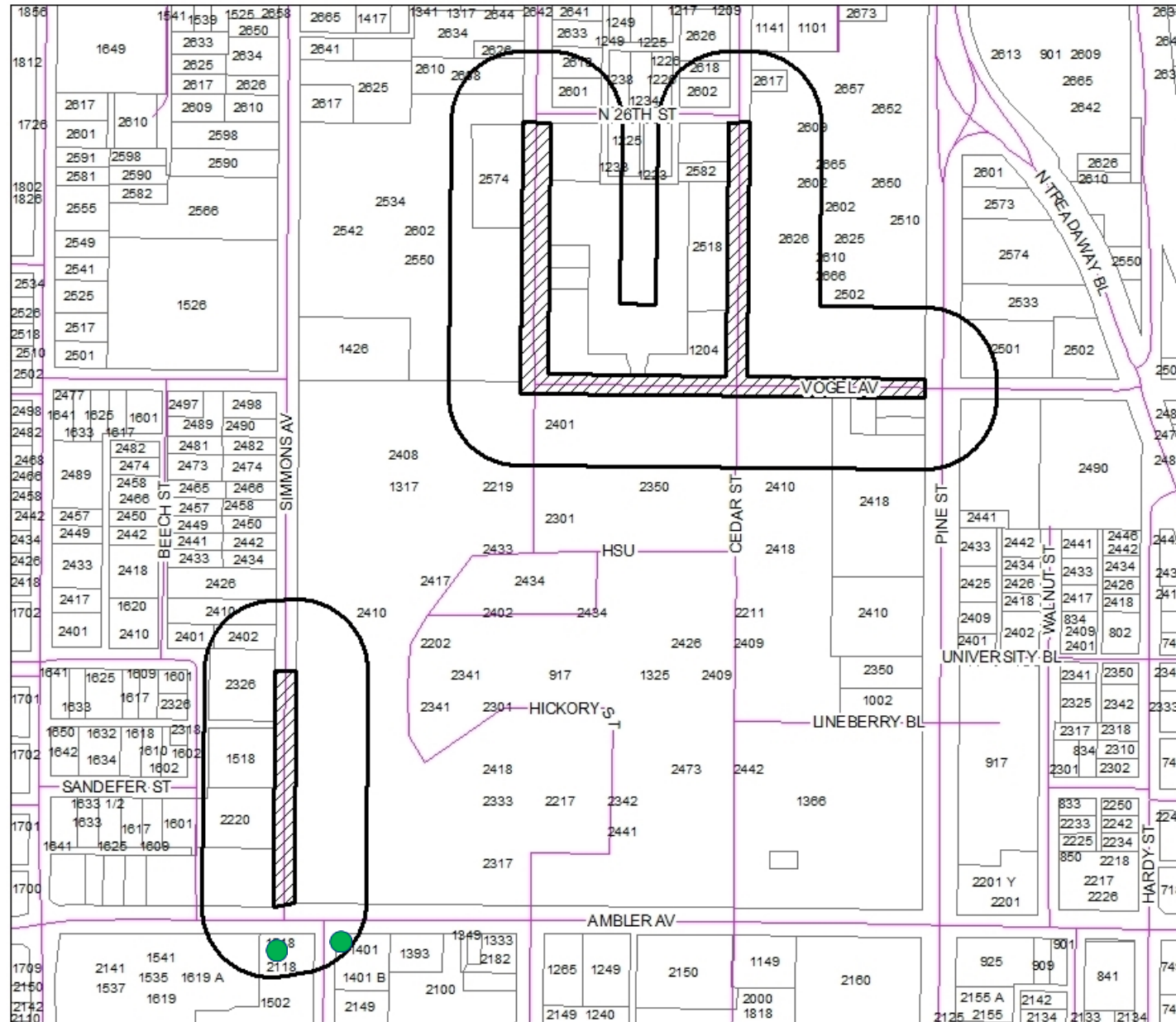




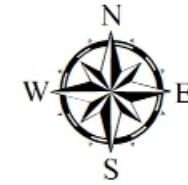




TC-2022-01 NOTIFICATION AREA MAP



Notification Map



Legend

-  TC-2022-02
-  200' Notification buffer

0 - In Favor- 

0 - Opposed- 

Staff Recommendation: Approval subject to:

1. The subject rights-of-way, and all adjoining properties, shall be platted within one year of the effective date of the abandonment ordinance.
2. If a replat is not approved and recorded within one year, the granting of the abandonments of all of subject rights-of-way shall be void.
3. All existing utilities within the affected rights-of-way shall be covered by a utility easement or rerouted.
4. Gates may not installed to restrict access to the abandoned street rights-of-way until plans for the design, illumination, and operation of the gates have been approved by the Fire, Police, Emergency Management, and Public Works Departments.
5. It shall be the responsibility of Hardin Simmons University to install all required lighting, reflective tape, signage, and equipment necessary to allow emergency access and provide safe operations at all gate locations.

Questions?

ORDINANCE NO. _____

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

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

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

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto. PASSED ON FIRST READING the 22nd day of September, 2022

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of August 2022, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 13th day of October 2022, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 13th day of October, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from an Agricultural Open (AO) district to a General Commercial (GC) District:

Location:

BEING a 3.375 acre tract out of the North One-Half of Section 61, Blind Asylum Lands Survey, Taylor County, Texas, same being comprised of:

- Part of a 10.000 acre tract recorded in Document No. 2015-1957, Official Public Records, Taylor County, Texas, and
- All of a 1.1478 acre tract recorded in Document No. 2016-8111, Official Public Records, Taylor County, Texas

Said 3.375 acre tract being more particularly described as follows:

Basis of Bearings is Grid North, NAD 83 Texas North Central Zone based on GPS observations

BEGINNING at a found broken concrete right of way monument for the northwest corner of this tract, said 10.000 acre tract, and said 1.1478 acre tract, and being at the intersection of the south right of way of Loop 322 and the east right of way of FM Highway 1750, a.k.a. Oldham Lane;

THENCE North 60 degrees 11 minutes 56 seconds East, along the south right of way of Loop 322, a distance of 232.24 feet to a found broken concrete right of way monument for a corner of this tract;

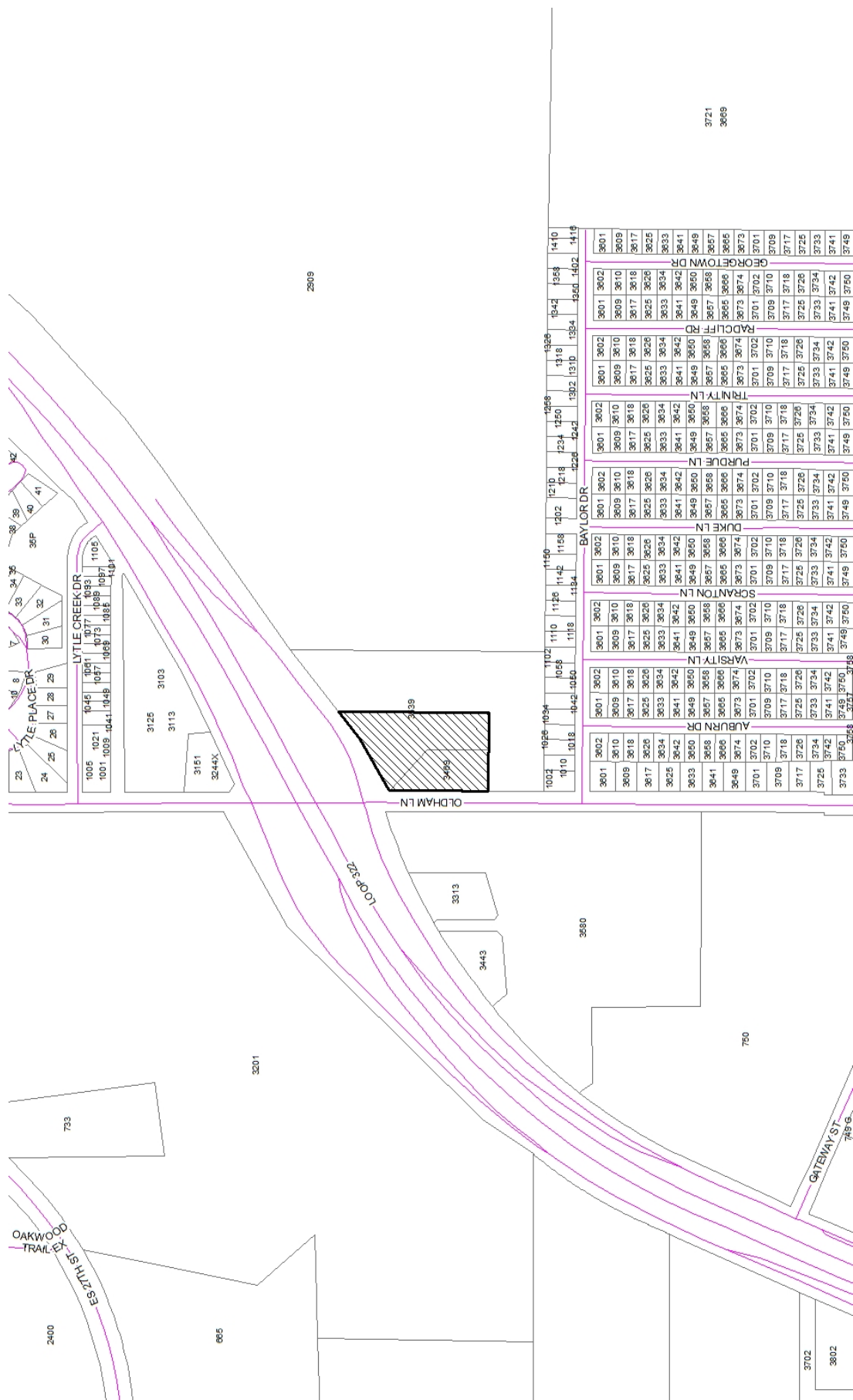
THENCE North 52 degrees 03 minutes 15 seconds East, along the south right of way of Loop 322, a distance of 136.97 feet to a set 1/2 inch iron rod with plastic cap marked "H&T" for the northeast corner of this tract, where a found 1/2 inch iron rod with plastic cap marked "H&T" at the northeast corner of said 10.000 acre tract bears 309.44' N 52°03'15" E;

THENCE South 00 degrees 17 minutes 52 seconds West a distance of 585.33 feet to a set 1/2 inch iron rod with plastic cap marked "H&T" for the southeast corner of this tract;

THENCE North 89 degrees 39 minutes 45 seconds West, at a distance of 147.68 feet passing a found 1/2 inch iron rod with plastic cap marked "J&M" at the southeast corner of said 1.1478 acre tract, continuing for a total distance of 307.83 feet to a found 1/2 inch iron rod with plastic cap marked "J&M" on the east right of way of FM Highway 1750 at the southwest corner of said 1.1478 acre tract and this tract, where a found 1/2 inch iron rod with yellow plastic cap at the southwest corner of said 10.000 acre tract bears 224.79' S 00°18'53" W;

THENCE North 00 degrees 18 minutes 53 seconds East, along the east right of way of FM Highway 1750, a distance of 254.97 feet to a set 1/2 inch iron rod with plastic cap marked "H&T" for a corner of said 10.000 acre tract, said 1.1478 acre tract and this tract;

THENCE North 00 degrees 02 minutes 10 seconds West a distance of 128.89 feet to the Point of Beginning containing an area of 3.375 acres. Surveyed in July 2022.



END

ZONING CASE Z-2022-20

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: September 6, 2022

City Council 1st Reading: September 22, 2022

City Council 2nd Reading: October 13, 2022

Applicant

Owner: CHOI FSER VENTURES LLC

Request

Rezone approximately 3.37 acres from Agricultural Open (AO) to General Commercial (GC) for the purpose of building a convenience store after the site is platted.

Location

The 3400 block of Oldham Lane at the southeast corner of Oldham Lane and Loop 322.

Background

This property was annexed in 1968 and has remained vacant. The property is unplatted and zoned Agricultural Open (AO).

Zoning, Existing and Proposed Land Use

A General Commercial (GC) district is west of the subject property. Residential Single-Family (RS-6) is to the South. Property to the east is undeveloped. Properties to north across Loop 322 are zoned GC and PD-104. The applicant has applied for a Minor Plat for this property.

Criteria Assessment

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

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

The Future Land Use Map shows the subject site in a "Community Enhancement Corridor" and is designated for commercial use.

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

The proposed use is consistent with the current zoning patterns is appropriate at this location and in conformance with generally accepted urban planning principals.

- (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.

Adequate utilities and street access are available to serve this site.

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

None.

Staff Recommendation

Staff recommends **approval**.

Notification

TABLE 1

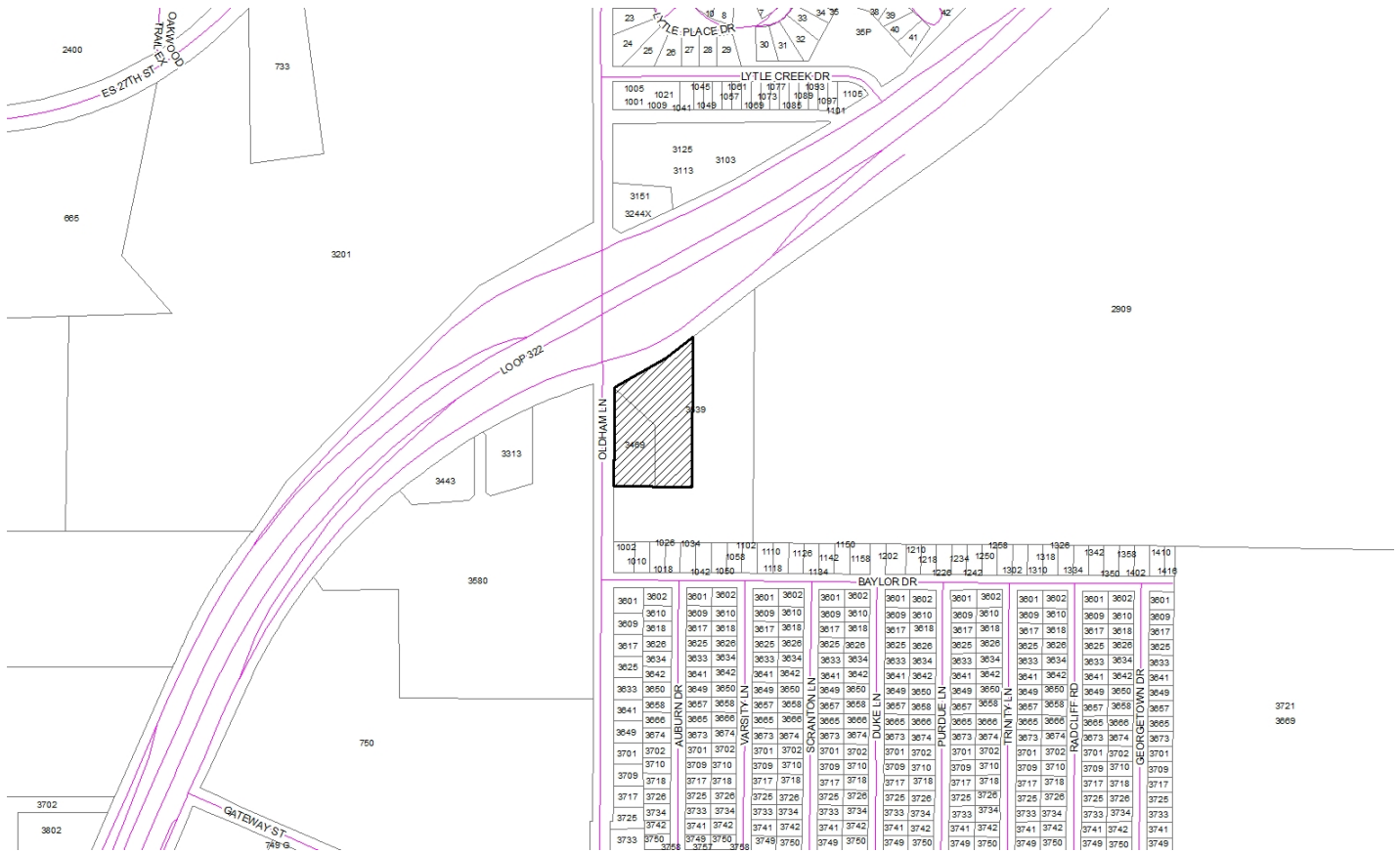
Owner

Owner	Property ID	Situs	Response
CHOI FSER VENTURES LLC	1008114	3469 OLDHAM LN	
LYTLE CREEK VENTURES LTD	1002133	3539 OLDHAM LN	
WALMART REAL ESTATE	1001183	3580 OLDHAM LN	

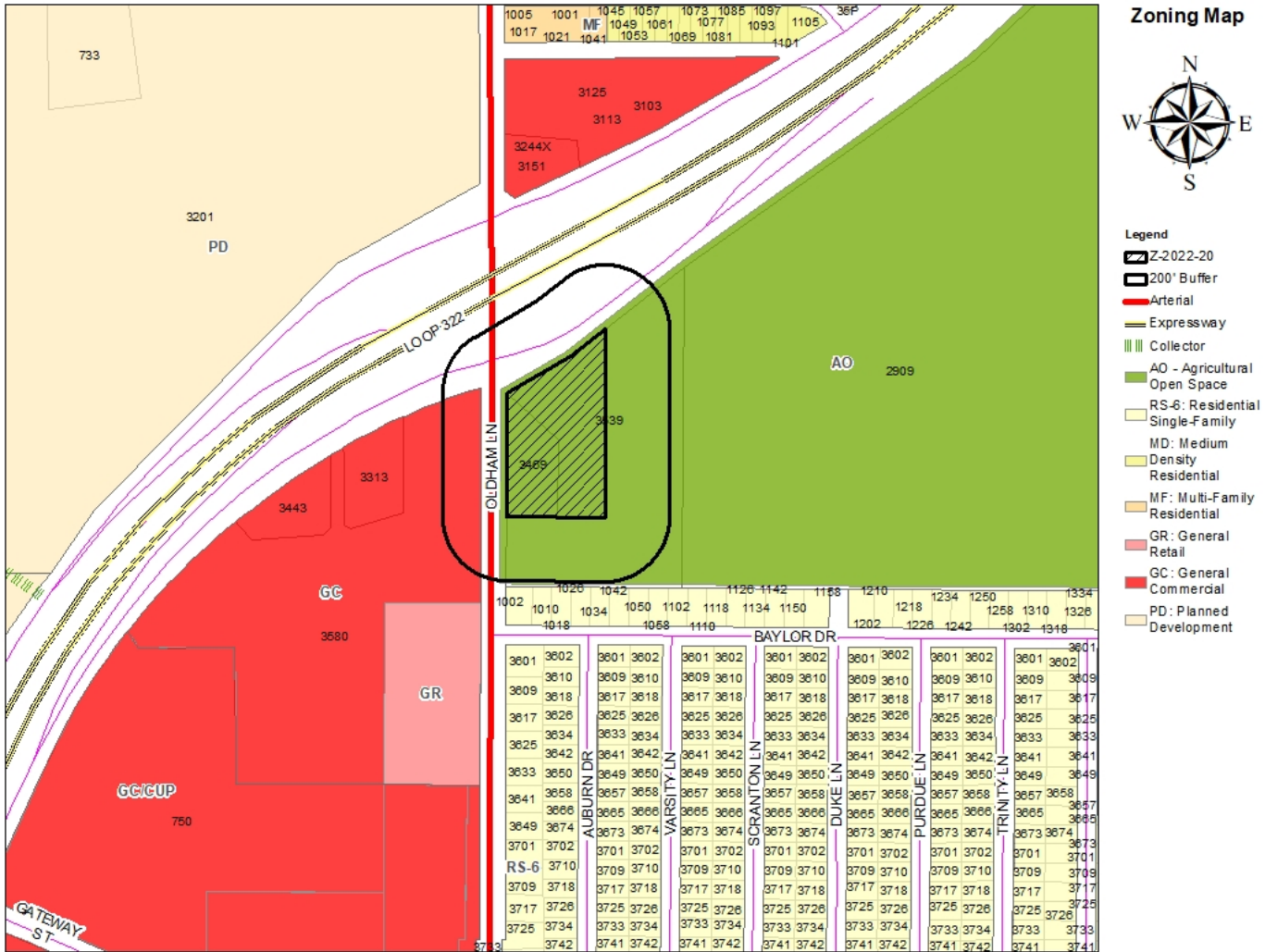
Property ID

Owner	Property ID	Situs	Response
WALMART REAL ESTATE	1001183	3580 OLDHAM LN	
LYTLE CREEK VENTURES LTD	1002133	3539 OLDHAM LN	
CHOI FSER VENTURES LLC	1008114	3469 OLDHAM LN	

LOCATION MAP

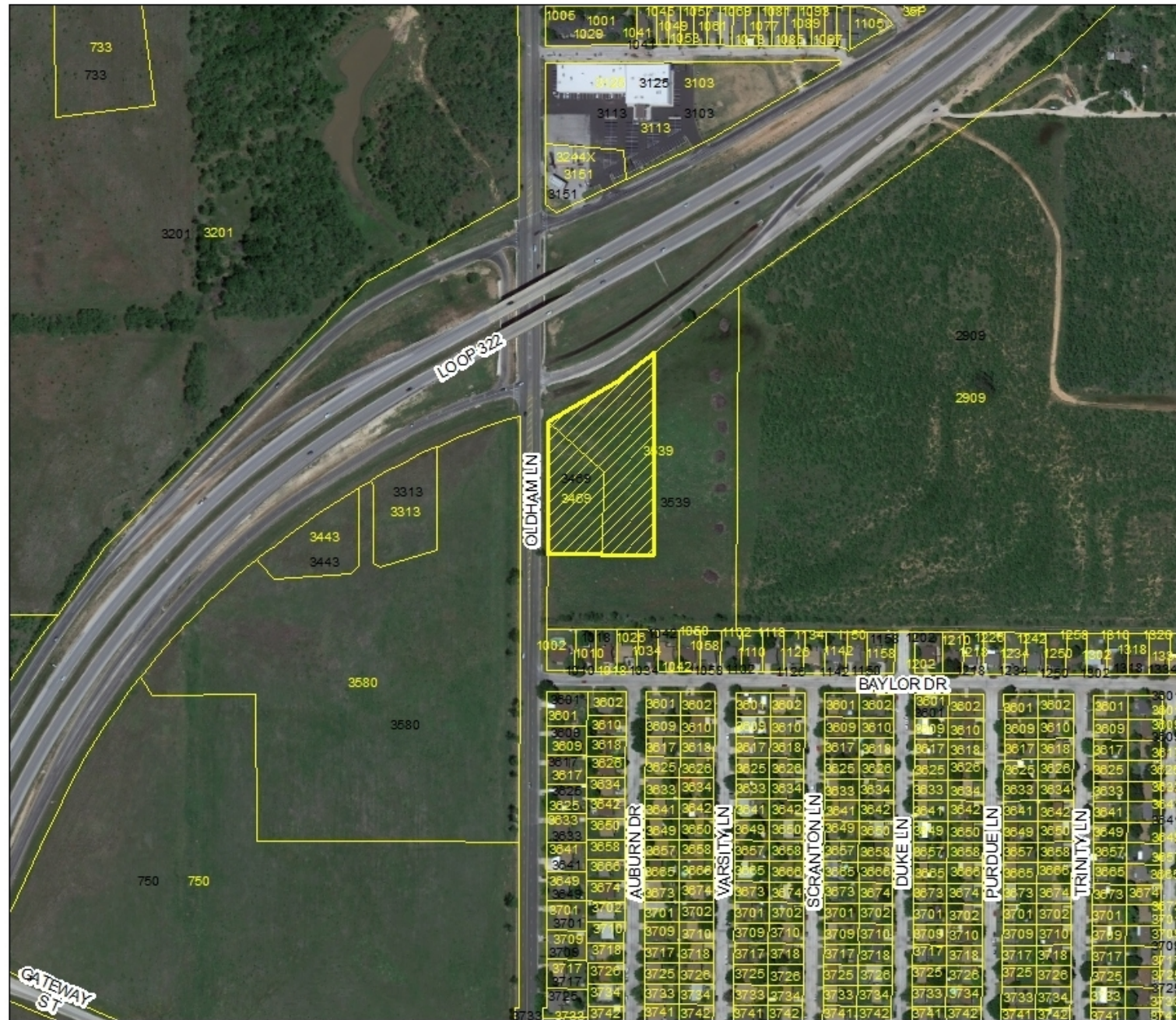


ZONING MAP



Case:	Z-2022-20
Owner:	CHOI FSER Ventures LLC
Request:	Rezone from AO to GC
Location:	3400 Block of Oldham, SE corner of Oldham Road and Loop 322
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	September 6, 2022
City Council Hearing:	September 22, 2022 October 13, 2022

Z-2022-20 LOCATION MAP



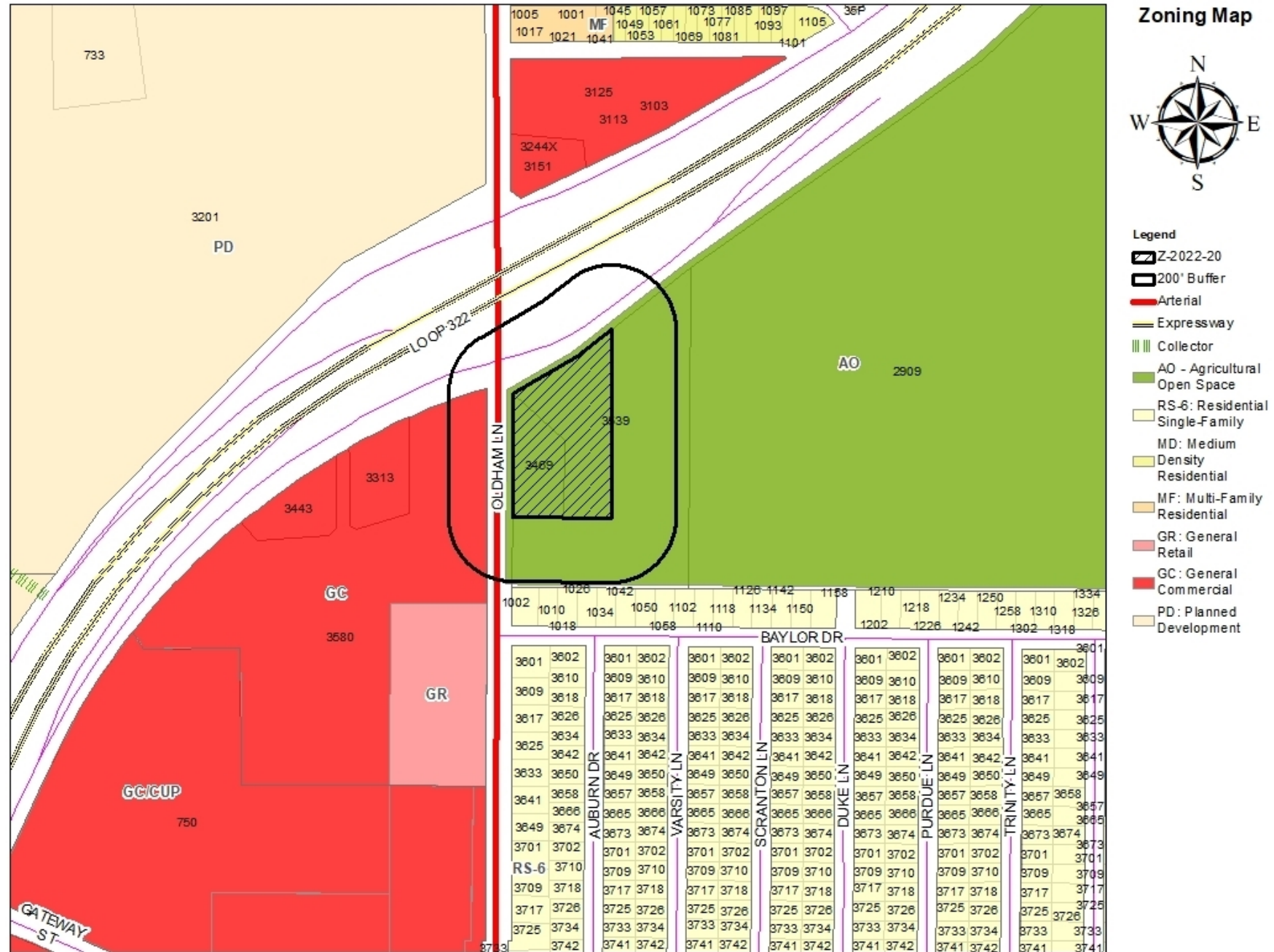
Location Map



Legend

- ☒ Z-2022-20
☐ Courier Parcels

Z-2022-20 ZONING MAP



Permitted Uses in GC Zoning

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P
- C
- TP

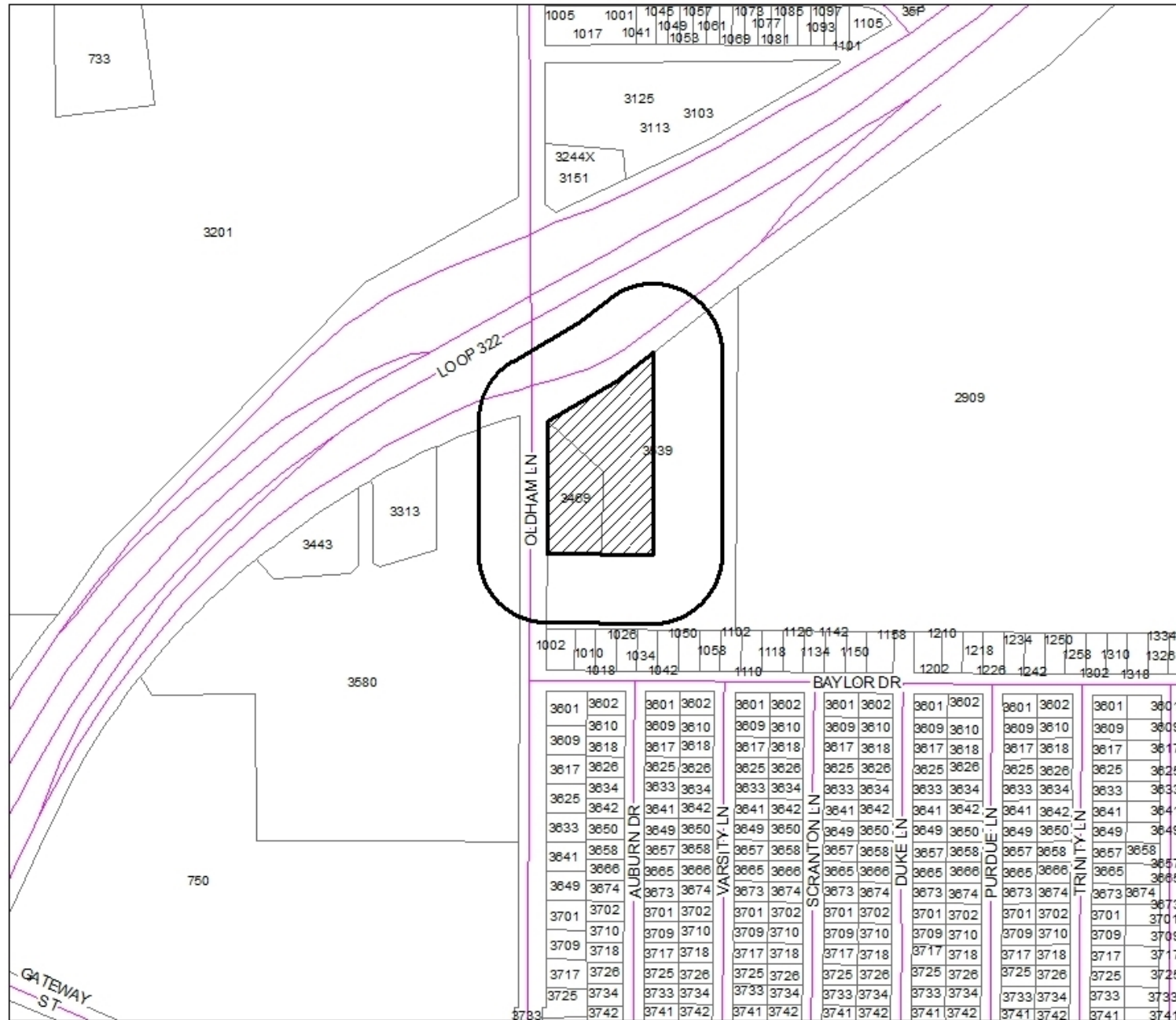
Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)

Permitted as a Conditional Use Permit, Requiring Approval by City Council

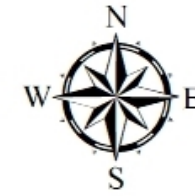
Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment



Z-2022-20 NOTIFICATION AREA MAP



Notification Map



Legend

- Z-2022-20
- 200' Buffer

- 0- In Favor-
- 0- Opposed-
- 0% Opposed

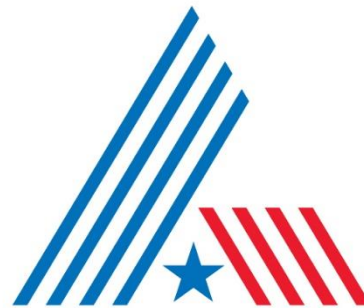
The proposed request is consistent with:

- The *Comprehensive Plan*;
 - The surrounding uses and zoning;
 - Generally accepted planning principals; and
 - The Criteria for Approval in the LDC.
-
- Staff Recommendation: Approval

Questions?

Conditional Use • Special Exceptions •
Rezoning • Variance • PDD Amendment •
Street Name Change • Thoroughfare
Abandonment • Easement Release •
Historic Certification of Appropriateness •
Historic Project Tax Reduction • Petition for
Relief • Proportionality Appeal • Vested
Rights Petition • Appeal

Development Application



CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES



Development Application

PLANNING & DEVELOPMENT SERVICES

The Planning & Development Services Department serves as an information resource and as the point for coordinating development functions for the public and other City departments. The Planning staff provides expertise and policy advice to citizens and staff alike and also works to create new standards for community enhancement. The Department serves a unique role in balancing the needs of the development industry with the interests of the public. It is housed with the Building Inspection Department in the Development Service Center in order to facilitate permit processing and questions from the public.

Land development works best when the property owner and Planning & Development Services staff communicate openly about the nature of the proposal and the regulations that affect it. To provide you with the best service possible, we highly recommend that you take the time to meet with a planner in advance of submitting your application. Please call 325.676.6237 to make an appointment with one of our staff members.

DOCUMENTS & MAPS

Reports, Plans, Ordinances, Maps, and other documents are often available on the City's website (www.abilenetx.com) at no charge. Copies of these will be provided at the reproduction cost, currently 10 cents per page for black and white copies and \$1 per page for color copies. In addition, any other actual materials costs will be assessed.

Requests for the creation of maps or other documents not already existing will only be available based on availability of staff and will be billed at a rate of \$25 per hour, plus the cost of reproduction and/or materials.

INFILL DEVELOPMENT INCENTIVE

Projects located within the designated "infill area" are eligible for a fee reduction of 50% in accordance with the City's infill Development Strategy. This does not apply to any portion of a fee that is based on actual costs to the City, such as filing plats, photocopies, notifications, etc.

SUBMITTAL INFORMATION

- INCOMPLETE APPLICATIONS AND SUBMITTALS WILL BE REJECTED or will be returned; an application may be deemed incomplete after initial staff review.
- Prior to submittal, we strongly recommend setting up and attending a pre-submittal meeting.
- A meeting with the Home Owners' Association (HOA) is recommended for all project types, and is required for Zoning, Planned Development, Special Use Permit requests. Meeting(s) with the representatives of adjacent HOA's are necessary prior to scheduling of a public hearing date.
- Please refer to Development Handbook or Land Development Code for questions or concerns in respect to site development and development standards.
- Plans for Conditional Use, Special Exceptions, Rezoning, Variance and Planned Development District Amendment shall be on 8.5" x 11" paper with four (4) copies.
- Site plans or conceptual site plans, except Engineering Construction Sets, shall be 24" x 36" and folded, with six (6) hard copies. If applicable, please provide survey plat of property.
- PDF copies can be emailed to planning@abilenetx.com.
- If a case is withdrawn or delayed at the request of the applicant after notifications have been sent and/or public notice has been posted, the applicant will be responsible for the cost of re-notifications and re-posting of notice.
- All other questions may be directed to the following:

Planning and Development Services Department
555 Walnut Street, Suite 100
325.676.6237
planning@abilenetx.gov



Development Application

Fee Schedule

Filing/Application Fees

Board of Adjustment	\$400
---------------------	-------

Zoning

Zone Change Request/Conditional Use	\$1,500
Planned Development District	\$2,000
Planned Development District, Amendment	\$1,000
Site Plan	\$500
Minor Site Plan	\$250
Zoning Determination/Verification Letter	\$100
Voluntary Annexation	\$600
Landmarks Commission Application	\$50
Appeal to City Council	\$250
Airport Zoning Permit	\$100
Sidewalk Waiver or Deviation (Site Plan)	\$250
Misc. Zoning-related Application ¹	\$100

Subdivision

Preliminary Development Plan	\$0
Plat, Preliminary (the applicant will also be responsible for actual filing costs)	\$500 ²
Plat, Final (the applicant will also be responsible for actual filing costs)	\$500 ²
Plat, Minor (the applicant will also be responsible for actual filing costs)	\$500 ²
Plat, Replat (the applicant will also be responsible for actual filing costs)	\$500 ²
Easement Release	\$400
Thoroughfare Abandonment (based on land value)	\$1,500 ³
Street Name Change (applicant also responsible for notification costs)	\$800
Proportionality Appeal	\$500
Sidewalk Waiver or Deviation (Plat)	\$250
Sidewalk Deferral Agreement	\$100
Misc. Subdivision-related Application ¹	\$100

Signs

Sign Permit – Billboard (based on sign value)	\$500 ⁴
Sign Permit – Non-Billboard ⁵ (based on sign value)	\$200 ⁴
Sign Permit – Portable	\$50

Other

Itinerant Business Permit	\$100
Misc. Other Permit/Application ¹	\$100

Documents & Maps

Ordinances, Minutes	See below
Publications, Reports, Other Documents	See below
Maps	See below

Notes:

¹Misc. permit fee is for new permits/processes/applications established by ordinance to be applied until such time that a specific fee is established.

²Plat fees are \$500 for first 4 lots, plus \$20 per lot thereafter. See RECORDING FEES for actual filing costs with Taylor County Clerk's Office.

³Thoroughfare Abandonment Fee 10% of the calculated land value of the ROW area to be abandoned, based on the average square footage value of adjacent properties, per the most recent official Appraisal District valuation. Minimum fee is \$1,500. *Any portion over the minimum fee is refundable if the abandonment is not approved.*

⁴Sign Permit Fee, other than for portable signs, is 2% of the sign value OR the minimum fee noted above, whichever is greater.

⁵Multiple wall signs submitted as a single application will only be assessed one fee for all signs. However, each freestanding sign requires an individual permit.



Development Application

PLANNING & ZONING COMMISSION

The members of the Planning & Zoning Commission (also referred to as the Commission) are appointed by the City Council. In making appointments to the Commission, the City Council shall seek to ensure broad representation and expertise among the membership.

According to Section 1.1.3.3. Powers & Duties, of the City of Abilene Land Development Code (LDC), the Planning and Zoning Commission shall:

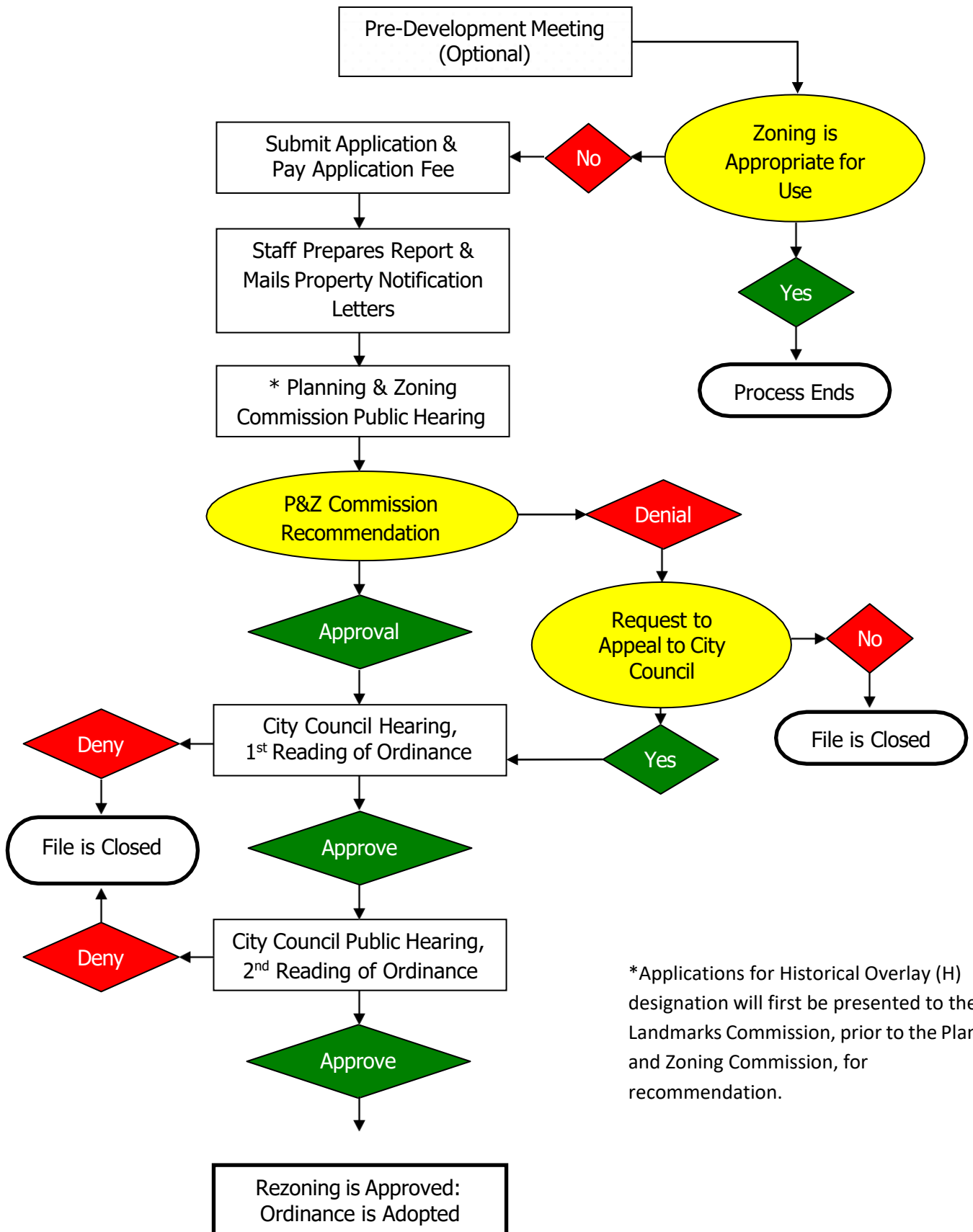
1. Make recommendations on a Comprehensive Plan or amendments thereto related to the physical development, growth, improvement, and beautification of the City.
2. Make recommendations on other types of City plans that are related to the physical development, growth, improvement, and beautification of the City, including Neighborhood Plans and Corridor Plans.
3. Recommend to the City Council approval or denial of proposed changes in the zoning districts and/or ordinance.
4. Approve or disapprove the platting or subdividing of land within the corporate limits of the City and within adjacent areas as permitted by law.
5. Recommend to the City Council approval or disapproval of requests for street name changes and street closures within the corporate limits of the City.
6. Submit annually to the City Manager, not less than ninety (90) business days prior to the beginning of the budget year, a list of recommended capital improvements, if any, which in the opinion of the Commission, are necessary or desirable during the forthcoming five (5) year period.
7. Recommend to the City Council approval or disapproval of plans for housing clearance, public housing, and urban redevelopment and renewal projects.
8. Perform such additional duties and exercise such additional powers as may be prescribed by ordinance not inconsistent with the provisions of the City Charter.
9. Advise the City Council on applications and petitions for legislative decisions as authorized by the Land Development Code, such as:
 - a. Petition for amending the Comprehensive Plan;
 - b. Petition for a zoning map amendment, including a petition for creation of an overlay district, Conditional Use Permit (CUP), or Planned Development (PD) district;
 - c. Amendments to the text of the Land Development Code (LDC) as authorized by City Charter; and
 - d. Others as assigned by City Council.

The Planning and Zoning Commission shall finally decide appeals filed in accordance with Article 3 of the Land Development Code (Relief Procedures). Also, the Commission shall finally decide the following petitions for relief:

1. The Planning and Zoning Commission shall finally decide any variance petition on an application for a Preliminary Plat, Final Plat or replat, except when such variance is for relief from a dedication or construction requirement, in which case Section 1.1.4.3 shall apply; and
2. The Planning and Zoning Commission shall initially decide any vested rights petition for any decision for which it is the initial decision-maker.

Development Application

Zoning • Conditional Use • PDD Amendment • Street Name Change • Thoroughfare Abandonment
Flowchart



*Applications for Historical Overlay (H) designation will first be presented to the Landmarks Commission, prior to the Planning and Zoning Commission, for recommendation.



Development Application

ZONING IMPACT ANALYSIS

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

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

Currently the land is zoned as AO - Agricultural Open Space District, and Per the City of Abilene Future Land Use is envisaged as being an Low Density Residential District, near a major commercial Business District. We are applying for rezoning of the Parcel ID/Prop ID: 1008114 to be rezoned to GC - General Commercial district to serve the following future and current uses as an Convenience Store/ Fueling Station for the local Zoning Districts.

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

The intent of the design is to comply with City Of Abilene, TX Land Development Code in order to meet and exceed Zoning Regulations pertaining to the amended zoning district (GC).

Also per the adopted comprehensive plan we would like to explore also if the parcel can be infill site as the site is near the the 322 loop system.

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

NO

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

NO

Development Application

BOARD OF ADJUSTMENT

The Board of Adjustment is organized to have all the powers and authority as set forth in the Charter of the City of Abilene, Texas, and as authorized by Chapter 211 of the Texas Local Government Code.

The Board of Adjustment has authority of applications to decide the following types of applications:

1. An application for a Special Exception pursuant to Section 1.4.4.1;
2. An application for a Variance pursuant to Section 1.4.4.2;
3. A sign permit or an interpretation of Sign Regulations related to development within the City limits (refer to Chapter 4, Article 1, Division 3, Section 4.1.3.6 or Chapter 4, Article 2, Division 8, respectively); and
4. An application for a change in the status of a non-conformity pursuant to Section 1.4.4.3.

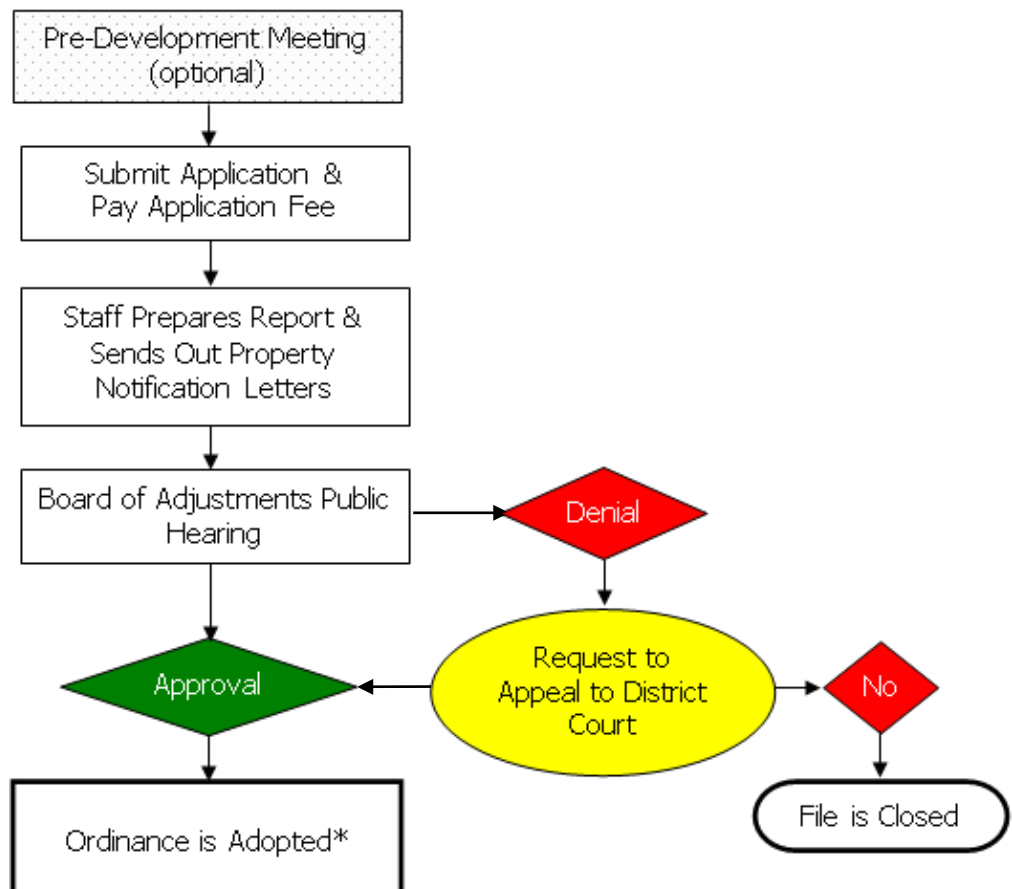
The Board of Adjustment shall finally decide appeals on the following matters of an appeal of any official's interpretation of the requirements of Chapters 2 or 4 of this LDC in which the requirement applies to development within the City limits of Abilene, unless a separate appeals process is otherwise defined within this LDC.

The authority delegated to the Board of Adjustment under this Land Development Code shall not be construed to affect any of the following:

1. Approval of a petition for a zoning map amendment;
2. Approval of a Conditional Use Permit; and
3. Authorization of a use not authorized in the zoning district in which the applicant's property is located, except to the extent necessary to decide a special exception or a petition for a change in status of a non-conformity.

Also, the Board of Adjustment shall not render any decision on an application, appeal or relief petition while a petition for a zoning amendment, application for a Conditional Use Permit, or plat application for the same land is pending and until such petition or application has been finally decided pursuant to procedures in Chapter 1 of the LDC.

Special Exception • Variance Flowchart



*If the request is approved, the owner or agent will have 180 days from the hearing date to obtain a building permit, if one is required.



Development Application

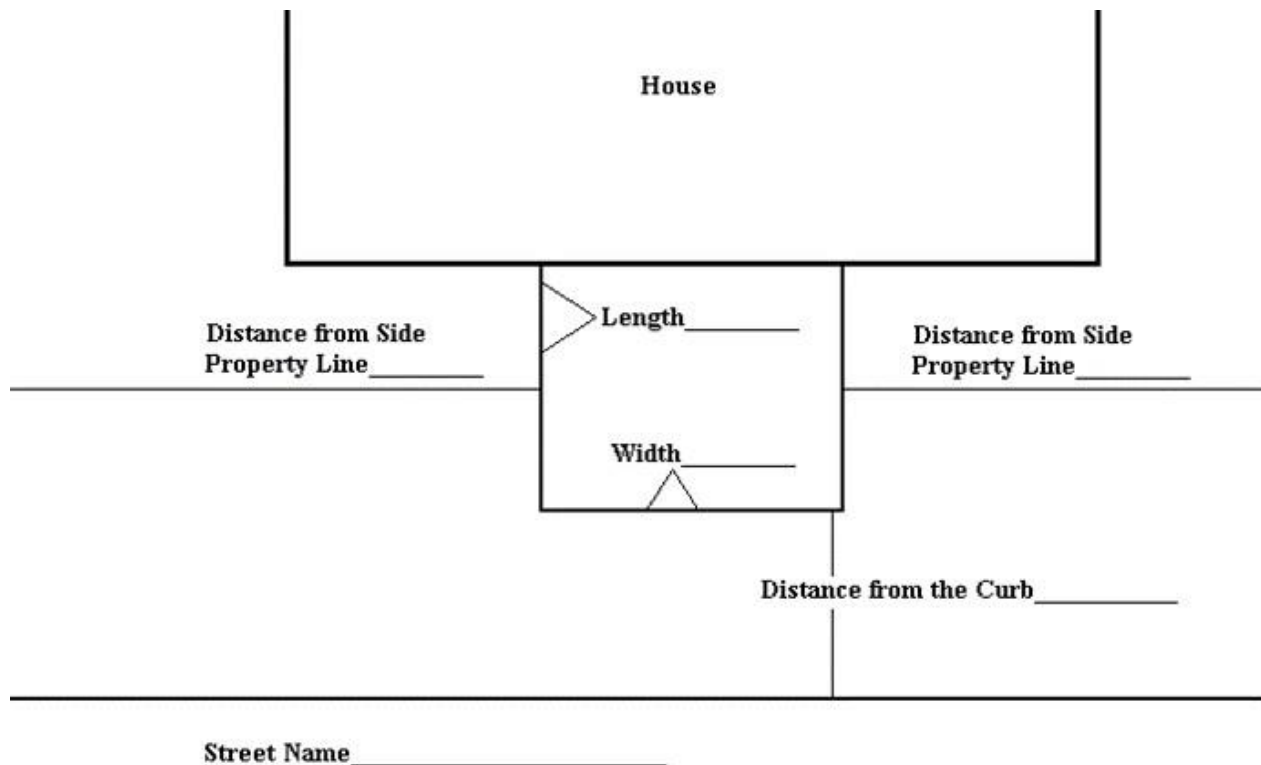
Special Exception • Variance

Please answer these questions in order to assist Staff with the processing of your Special Exception or Variance request. Please use additional sheet(s), if necessary.

1. Fully describe the unique circumstances or peculiarities of the land or improvements in question that do not allow the desired use to conform to the provisions in the Ordinance and the intent.

2. Are there other locations on the property that could accommodate the use while still complying with the Ordinance and, if so, why have you chosen the proposed location?

3. If this application is for a Special Exception to allow a carport in the front yard setback, please fill-in the diagram below.



Development Application

The City Council created the Landmarks Commission in 1983 with the purpose of administering the provisions of the City Code relating to the protection and preservation of structures and lands deemed by the Abilene community to be of unique historical, architectural, and cultural value. The Landmarks Commission has the following powers and duties regarding development applications:

- Review all completed applications for designation of a Historic Overlay zoning district and forward its recommendations to the Planning and Zoning Commission;
- Review and approve or deny all completed applications for Certificates of Appropriateness in accordance with Section 2.3.4.4(f) of the Land Development Code;
- Review and approve or deny all completed applications requesting a Historic Project Tax Reduction in accordance with Section 30-41 of the City Code.

Historic Overlay (H) District

The City of Abilene, Texas, recognizes the importance of historically, architecturally and culturally significant sites and structures to the community. Regulations of the Historic Overlay (H) District are intended for the enhancement, perpetuation and use of areas, sites, structures, buildings, properties, and objects which typify the community's past through recognizable characteristics. The City of Abilene further declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public.

It is recognized that the City of Abilene represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. It is further recognized that the unapproved demolition of historic resources could constitute a public nuisance.

Certificate of Appropriateness

The Landmarks Commission shall determine, from the data submitted and other pertinent information made available at the public hearing, the appropriateness of all undertakings for which a Certificate of Appropriateness is required. The Landmarks Commission shall have the power to approve or deny an application for Certificate of Appropriateness, or to approve a request with such conditions as the Landmarks Commission deems necessary to carry out the purposes of the Historic Overlay District.

In considering an application for a Certificate of Appropriateness, the Landmarks Commission shall be guided by the *District Standards*, any adopted design guidelines, and where applicable, the Secretary of the Interior's "*Standards for the Rehabilitation of Historic Buildings*." A copy of the *District Standards*, any adopted design guidelines, and the Secretary of the Interior's Standards shall be made available to the property owner(s) of historic landmarks or within a Historic Overlay District upon request.

Historic Project Tax Reduction

The City Council offers a reduction in the city property taxes when a project is done that improve a property in the Historic Overlay (H) zoning district. The historic project tax reduction is a financial incentive for property owners who place their property in (H) zoning and undertake project in accordance with a certificate of appropriateness required by the (H) zoning. For these projects that improve a historic property, the City compensates the property owner for part of the eligible costs by reducing the owner's property taxes for a period of up to a maximum of ten (10) years.

The Landmarks Commission shall determine if the completed project is substantially in compliance with the property proposal or the Certificate of Appropriateness. The Commission may postpone the public hearing on an application if additional information is necessary. The Landmarks Commission shall have the authority to approve or disapprove an application for a project tax reduction, or to approve a request with such conditions as the Commission deems necessary for compliance.



Development Application

Planning

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

Relief Procedures

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

Project Name: Abilene, TX (Oldham)

Address: 3469 Oldham Lane No. of lots: 1 Acreage: 3.37

Legal Description: Parcel ID: 1008114

Subdivision Name: A1872 SUR 61 B A L N/2 Block: _____ Lot: _____

Current Zoning: Agricultural Open Space District Proposed Zoning (if applicable): General Commercial District

OWNER AND AUTHORIZATION

Owner Name: CHOI FSEER VENTURES, LLC

Address: 19 N. Horseshoe Bend

City, State, Zip: Odessa, TX 79763 Fax: _____

Phone: (432) 556-9979 Email: erdocchoi65@gmail.com

Agent Name: _____

Address: _____

City, State, Zip: _____ Fax: _____

Phone: _____ Email: _____

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

Signature Owner: [Signature] Date: 07-08-2022

FOR OFFICE USE ONLY

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



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 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: _____



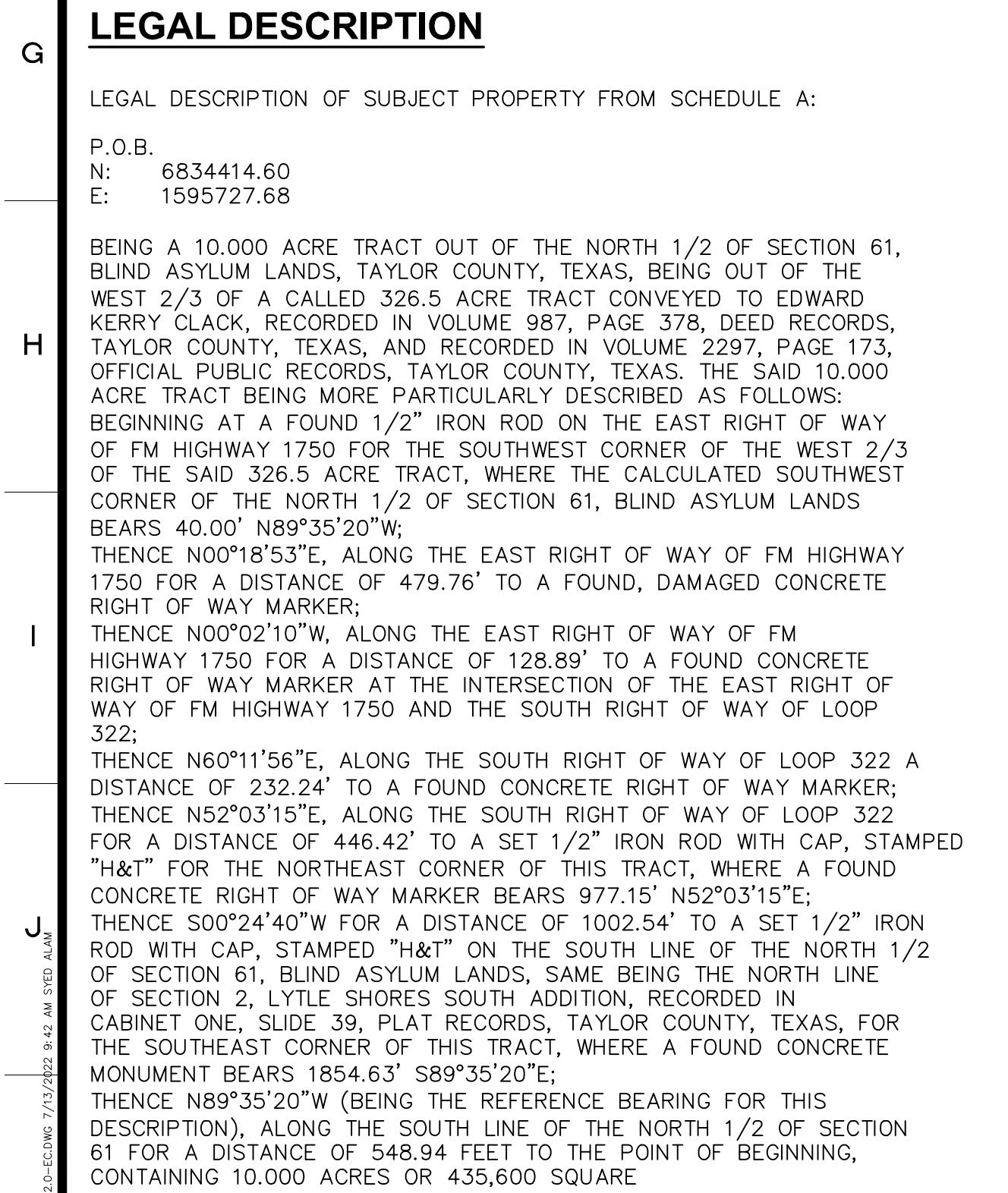
Know all men by these presents that the undersigned owner of the real property described on the reverse side hereof, has made, constituted and appointed, and by these presents does make, constitute and appoint, my true and lawful attorney, for me in my name, place and stead, to (1) file an application for a zone change, plat, street closure, alley closure, (appeal to the Board of Adjustment)* concerning such property and (2) appear on my behalf at all necessary meetings of the appropriate board or commission or City Council, as the case may be; and the undersigned further agrees that this power of attorney may be voluntarily revoked only by written revocation filed with the Planning & Development Services Division for the City of Abilene, Texas.

*(cross out the inapplicable phrase)

(b) Specific Zoning Districts. The City of Abilene, Taylor County, Texas, is hereby divided into distinct zoning districts, upon which one or a number of overlay zones may be superimposed. These districts and overlay zones herein established shall be known and cited as listed in Table 2-1.

TABLE 2-1: ZONING DISTRICT LISTING

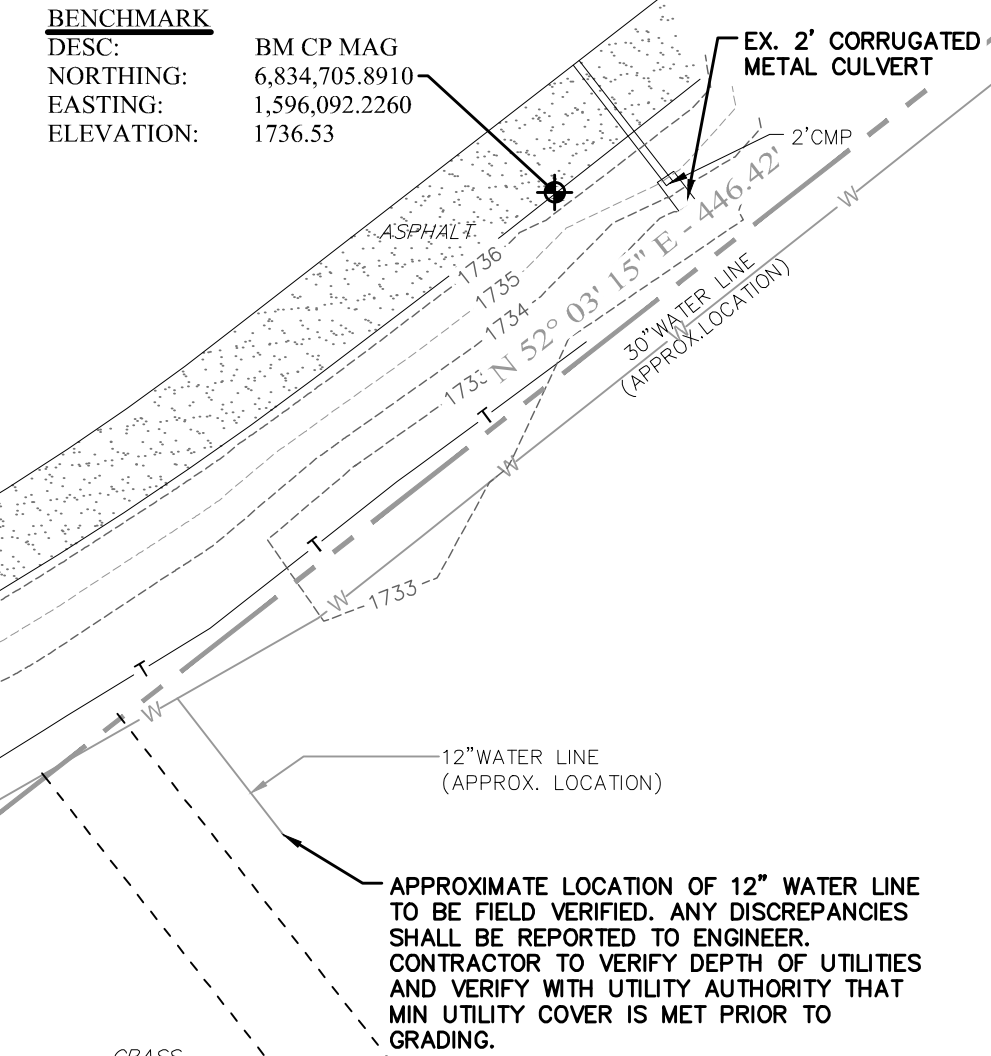
Abbreviated Designation	Zoning District Name
Residential Districts	
AO	Agricultural Open Space District
RR	Rural Residential District
RS-12	Residential Single-Family District-12 (minimum 12,000-square-foot lots)
RS-8	Residential Single-Family District-8 (minimum 8,000-square-foot lots)
RS-6	Residential Single-Family District-6 (minimum 6,000-square-foot lots)
PH	Residential Single-Family Patio Home District (minimum 4,500-square-foot lots)
TH	Residential Townhome District (minimum 2,500-square-foot lots)
MD	Residential Medium Density (maximum 12 units per acre)
MF	Residential Multiple-Family-2 (maximum 24 units per gross acre)
MH	Manufactured/Mobile Home District
Nonresidential Districts	
CU	College & University District
NO	Neighborhood Office District
O	Office District
NR	Neighborhood Retail District
GR	General Retail District
MU	Medical Use District
CB	Central Business District
MX	Mixed Use District
GC	General Commercial District
HC	Heavy Commercial District
LI	Light Industrial District
HI	Heavy Industrial District



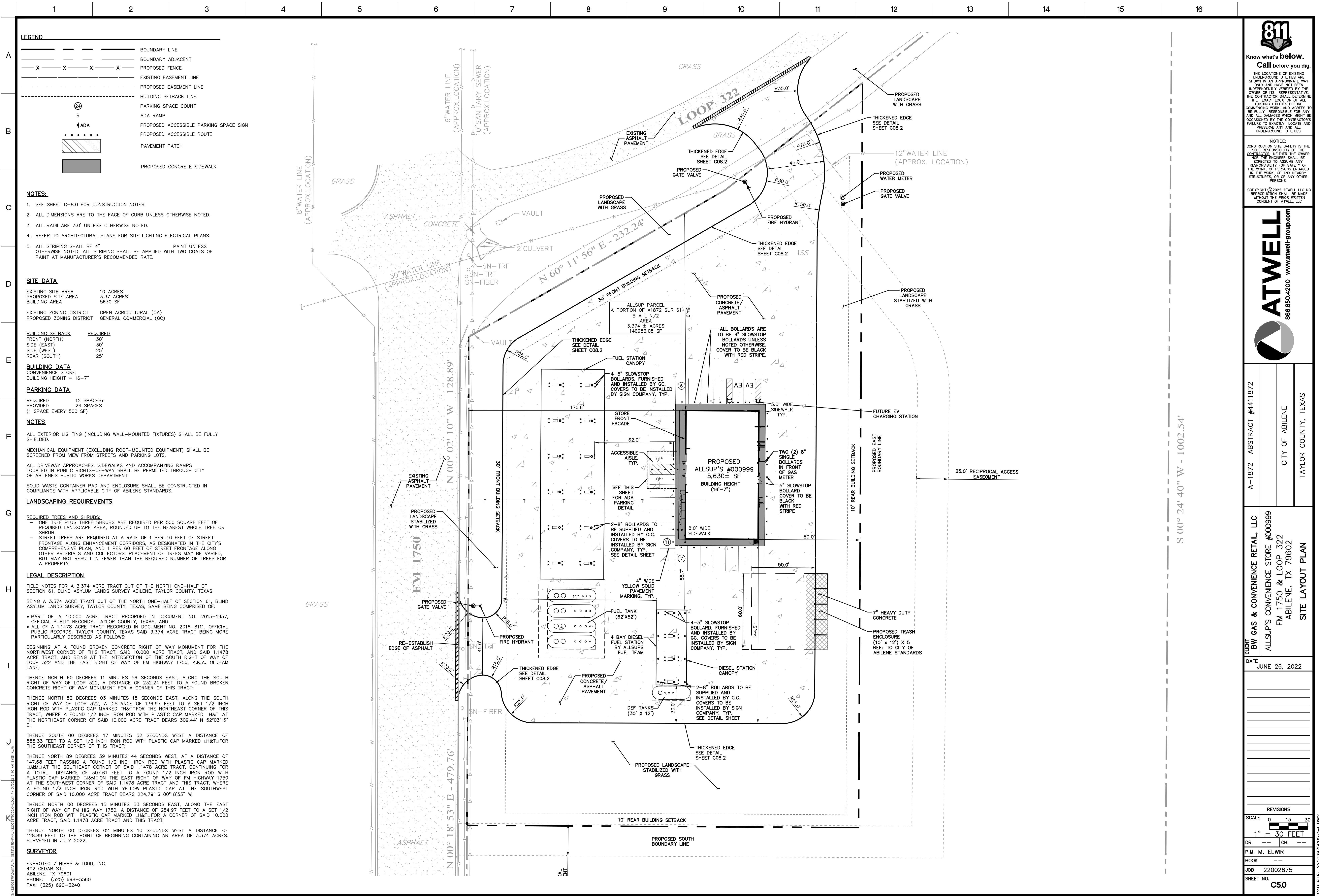
<u>BENCHMARK 1</u>		<u>BENCHMARK 2</u>	
DESC:	BM CP X	DESC:	BM CP MAG
NORTHING:	6,833,937.1400	NORTHING:	6,834,705.8910
EASTING:	1,595,718.6380	EASTING:	1,596,092.2260
ELEVATION:	1735.16	ELEVATION:	1736.53

BENCHMARK 2

DESC:	BM CP MAG
NORTHING:	6,834,705.8910
EASTING:	1,596,092.2260
ELEVATION:	1736.53



CAD FILE: 22002875C02.0-EC.DWG





Know what's below.
Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCURRED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE: CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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ATWELL
866.850.4200
www.atwell-group.com

A-1872 ABSTRACT #4411872

CITY OF ABILENE
TAYLOR COUNTY, TEXAS

CLIENT BW GAS & CONVENIENCE RETAIL, LLC
ALLSUP'S CONVENIENCE STORE #000999
FM 1750 & LOOP 322
ABILENE, TX 79602
SITE LAYOUT PLAN

DATE JUNE 26, 2022

REVISIONS

SCALE 0 15 30
1" = 30 FEET
DR. --- CH. ---
P.M. M. ELWIR
BOOK ---
JOB 22002875
SHEET NO. C50

CAD FILE: 22002875C50-LWS

ORDINANCE NO. _____

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

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

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

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto. PASSED ON FIRST READING the 22nd day of September, 2022

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of August 2022, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 13th day of October 2022, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 13th day of October, 2022.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from a Heavy Commercial (HC) district to a General Commercial (GC) District:

Lot 401, Block A, Industrial Trade Center Addition



END

ZONING CASE Z-2022-21

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: September 6, 2022

City Council 1st Reading: September 22, 2022

City Council 2nd Reading: October 13, 2022

Applicant

Owner: PAK Harris Enterprises, LTD

Request

Rezone approximately 4.76 acres from Heavy Commercial (HC) to General Commercial (GC). The applicant prefers the diversity of uses allowed in the GC district.

Location

Lot 401, Block A, Industrial Trade Center, in the 1900 Block of Industrial Boulevard.

Background

This property was annexed in 1957 and has been commercially developed. The property is zoned Heavy Commercial (HC).

Zoning, Existing and Proposed Land Use

A General Commercial (GC) district is located north of the subject property. Light Industrial (LI) zoning is located to the south and west. Properties to east across Burl Harris Drive are zoned HC and GC. Currently the subject property is used for a variety of retail and services, which the applicant would like to expand.

Criteria Assessment

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

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

The Future Land Use Map shows the subject site in a "Community Enhancement Corridor" and is designated for commercial use.

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

The proposed use is consistent with the current zoning patterns is appropriate at this located.

(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.**
 Adequate utilities are available to serve this site.

(4) **Any other factors, which will substantially affect the public health, safety, morals, or general welfare.**
 None.

Staff Recommendation
 Staff recommends **approval**.

Notification

TABLE 1

Owner			
Owner	Property ID	Situs	Response
BMCW SOUTH CENTRAL L P	35973	2025 INDUSTRIAL BL	
CHAPPELL JOHN	103753	1885 INDUSTRIAL BL	
ELLIOTT PARTNERS LTD	95349	4281 CRAWFORD DR	
FAIN TOMMY	22199	2010 INDUSTRIAL BL	
GARNAN LLC	207956		
GARNAN LLC	207954	1821 INDUSTRIAL BL	
GARNAN LLC	207954	1825 INDUSTRIAL BL	
GARNAN LLC	207954	1801 INDUSTRIAL BL	
GARNAN LLC	207954	1813 INDUSTRIAL BL	

GARNAN LLC	207954	1829 INDUSTRIAL BL	
GARNAN LLC	207952	1845 INDUSTRIAL BL	
GARNAN LLC	207952	1849 INDUSTRIAL BL	
GARNAN LLC	1085087	4249 BURL HARRIS DR	
GARNAN LLC	1085087	4253 BURL HARRIS DR	
JIM NED ISD	22196	2052 INDUSTRIAL BL	
OHRE PROPERTIES	21429	1902 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94703	4326 BURL HARRIS DR	
PAK HARRIS ENTERPRISES LTD	94700	2009 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1893 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1969 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1945 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1917 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1961 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1901 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1959 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	2001 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1977 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1953 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1949 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	94700	1991 INDUSTRIAL BL	
PAK HARRIS ENTERPRISES LTD	207951	4250 BURL HARRIS DR	
PAK HARRIS ENTERPRISES LTD	207951	4266 BURL HARRIS DR	
PAK HARRIS ENTERPRISES LTD	207951	1939 INDUSTRIAL BL	
PETERSON ROYCE G & JOANN	21428	1942 INDUSTRIAL BL	
PETERSON ROYCE G & JOANN	21428	1998 INDUSTRIAL BL	
PETERSON ROYCE G & JOANN	21428	1934 INDUSTRIAL BL	

Property ID

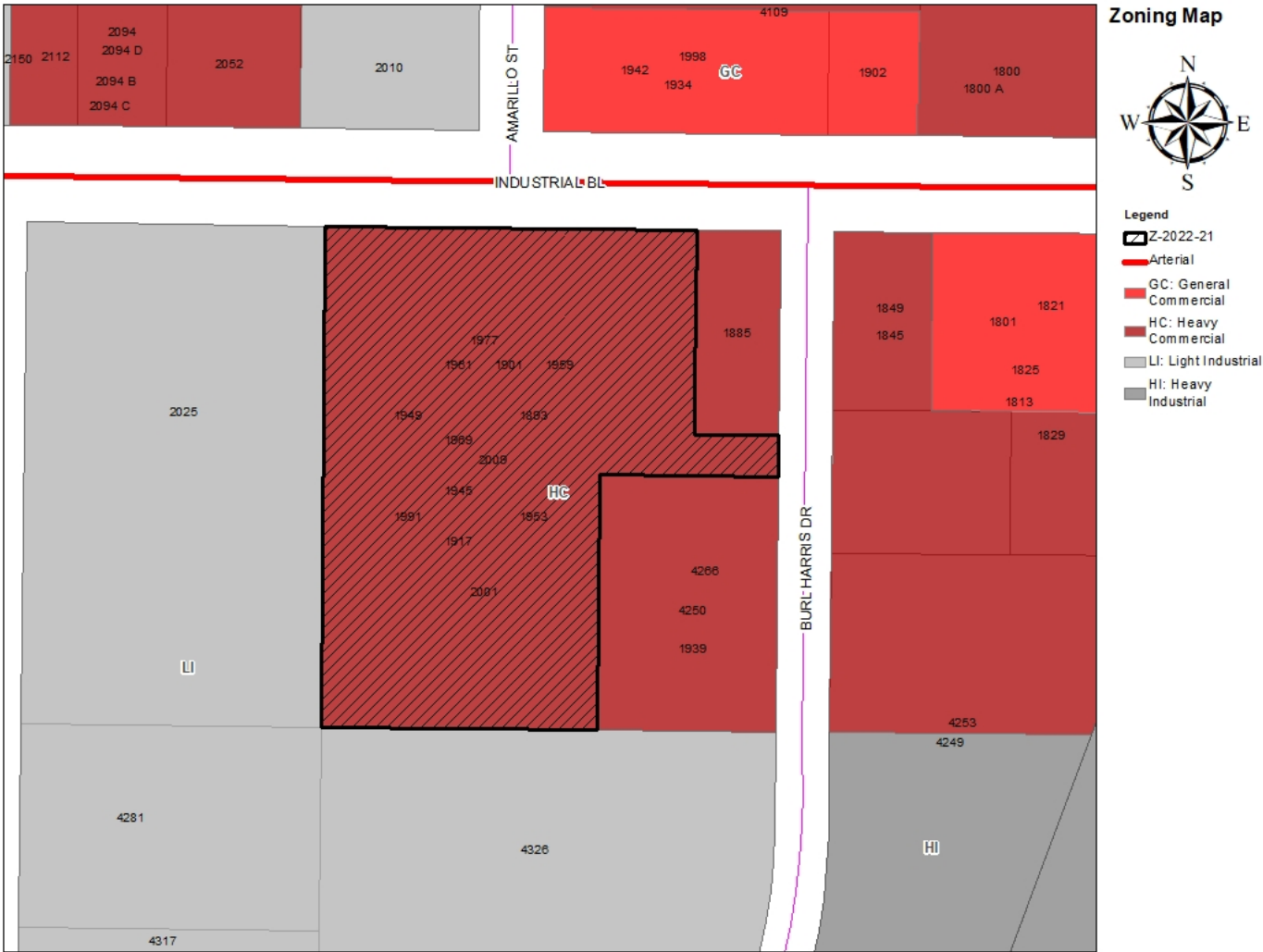
Owner	Property ID	Situs	Response
PETERSON ROYCE G & JOANN	21428	1942 INDUSTRIAL BL	
PETERSON ROYCE G & JOANN	21428	1998 INDUSTRIAL BL	
PETERSON ROYCE G & JOANN	21428	1934 INDUSTRIAL BL	
OHRE PROPERTIES	21429	1902 INDUSTRIAL BL	
JIM NED ISD	22196	2052 INDUSTRIAL BL	
FAIN TOMMY	22199	2010 INDUSTRIAL BL	
BMCW SOUTH CENTRAL L P	35973	2025 INDUSTRIAL BL	
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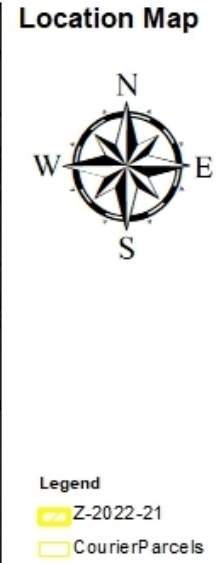
LOCATION MAP



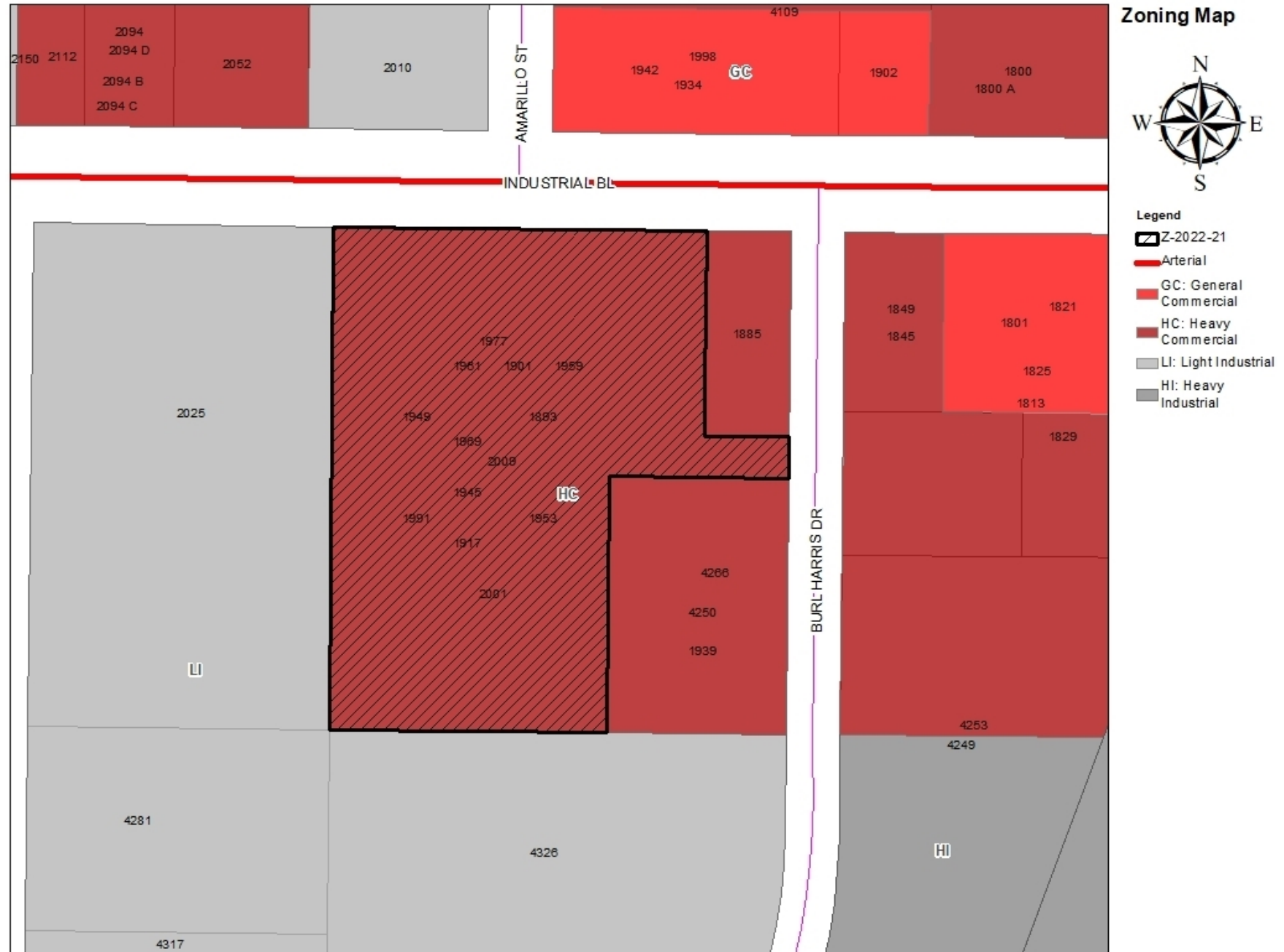
ZONING MAP



Case:	Z-2022-21
Owner:	PAK Harris Enterprises LTD
Agent:	Kevin Phillips
Request:	Rezone from HC to GC
Location:	Lot 401, Block A, Industrial Trade Center
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	September 6, 2022
City Council Hearing:	September 22, 2022 October 13, 2022



Z-2022-21 ZONING MAP



Permitted Uses in HC Zoning

RESIDENTIAL USES:

C Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

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

C Adult Entertainment Enterprise
P Civic, Social, and Fraternal Organization
P Cultural Facilities
P Drive-in Theater
C Motorized Racing
P Recreation – Outdoors (active)
P Recreation – Outdoors (passive)
P Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

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

LEGEND

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

Permitted Uses in GC Zoning

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P
- C
- TP

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)

Permitted as a Conditional Use Permit, Requiring Approval by City Council

Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment



East neighboring property



Subject property

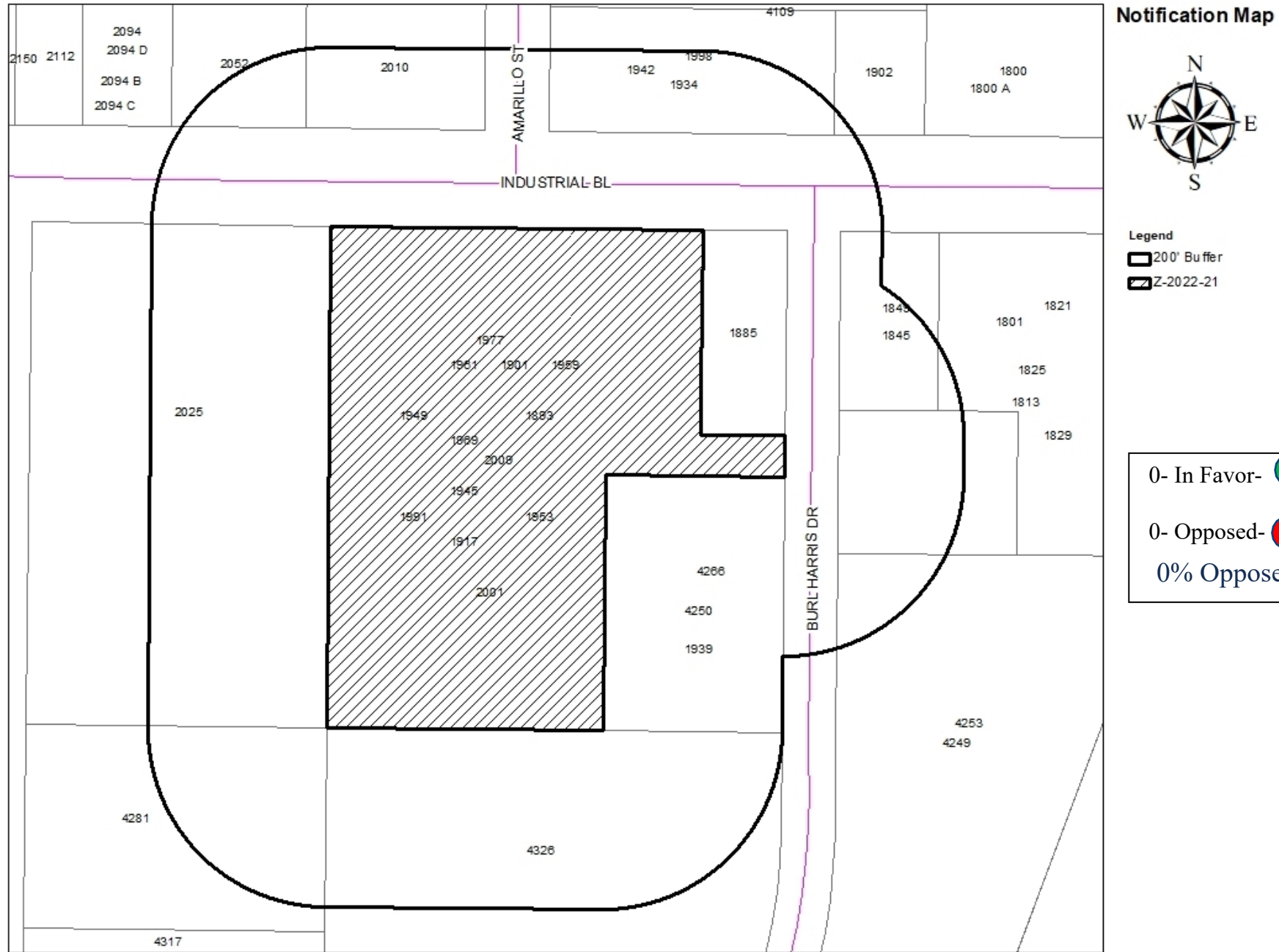


West neighboring property



North neighboring property

Z-2022-21 NOTIFICATION AREA MAP



The proposed request is consistent with:

- The *Comprehensive Plan*;
 - The surrounding uses and zoning;
 - Generally accepted planning principals; and
 - The Criteria for Approval in the LDC.
-
- P&Z Recommendation: Approval

Questions?