



City of Abilene Planning and Zoning Commission Agenda

Notice is hereby given of a meeting of the Planning & Zoning Commission of City of Abilene to be held on February 4, 2020 at 1:30 p.m., at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items.

CALL TO ORDER

INVOCATION

PUBLIC COMMENTS

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

MINUTES

1. Approval of minutes from previous meeting held on January 7, 2020

PLATS

2. FP-4118: Elm Creek at Wylie, Section 2, City of Abilene, Taylor County, Texas.
3. FP-4919: Lake Ft. Phantom, Section 6, City of Abilene, Jones County, Texas.
4. FP-5119: A Plat of Antilley Road West Subdivision, Section 3, Abilene, Taylor County, Texas.

ZONING

5. **Z-2020-04:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Bryan Pope to rezone property from Heavy Commercial (HC) to Heavy Industrial (HI) District; Legal description being the north 180 feet of the west 140 feet of Lot 9 in J. McAllister Stevenson's Subdivision of Outlot Nos. 2 and 3 and North 140 feet of Outlot No. 4 in Block 209 of Abilene's Original Townsite, Abilene, Taylor County, and located at 1401 Cherry Street on southeast corner of Dimmitt and Cherry Streets.

6. **Z-2020-05:** Public hearing and possible vote to recommend approval or denial to City Council on a request from KPLB LLC, agent Jacob & Martin Engineering, to rezone property from Residential Medium-Density (MD) to Residential Single-Family Patio Home (PH) District; Legal description being a certain 5.85-acre tract of vacant land out of southwest quarter of Lunatic Asylum Lands Section 8 in City of Abilene, Taylor County, Texas and located at 1826 Colony Hill Road approximately 500 to 800 feet east from its intersection with Maple Street.
7. **TC-2020-02:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Homer Hills, agent Riley Griffith of Enprotec/Hibbs & Todd, to abandon an unimproved west margin (0.0469 acre) of right-of-way available for Lytle Acres Drive and adjacent to vacant building site at 1208 Lytle Acres Drive occupying Block D of Lytle Lake Gardens.
8. **OAM-2019-03: (TABLED FROM MEETING IN JANUARY)** Public hearing and possible vote to recommend approval or denial to City Council on proposed amendments to Land Development Code for the City of Abilene, removing the entire text of existing Section 2.4.4.2 in Chapter 2 (Zoning Regulations) and which specifically concerns carports and patio covers, replacing said existing text with a new Section 2.4.4.2 regulating the size, height, placement and architectural character of certain carports and patio covers; and adopting new definitions of both “carport” and “patio cover” as those terms appear in Chapter 5 (Definitions) of the Land Development Code

DIRECTORS REPORT

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

AGENDA ITEMS

9. Election of Officers

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 31st day of January, 2020, at 4:30 p.m.

Shawna Atkinson, City Secretary

ZONING CASE Z-2020-04

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Bryan Pope

HEARING DATES:

P & Z Commission: February 4, 2020

City Council 1st Reading: February 27, 2020

City Council 2nd Reading: March 12, 2020

LOCATION:

- 1401 Cherry St.

Legal description(s):

- North 180 feet of the west 140 feet of Lot 9 in J. McAllister Stevenson's Subdivision of Outlot Nos. 2 and 3 and North 140 feet of Outlot No. 4 in Block 209 of Abilene's Original Townsite

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone from Heavy Commercial (HC) to Heavy Industrial (HI) in order to utilize the location for processing, fabrication, and storage of rebar for a wide range of construction services.

APPLICATION REVIEW:

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

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

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as a mixture of commercial uses along S. Treadway near S. 14th Street. The proposed rezoning would promote commercial activity on a previously vacant tract of land, thereby facilitating the Comprehensive Plan's objective of infill and development within older established areas of Abilene.

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

The commercial uses permitted by the proposed zone change would be appropriate in the immediate area. The potential uses permitted with this zone change will not appear out of place as the subject property is located in close proximity to other Heavy Industrial (HI)

zoning districts which provide existing commercial uses that are industrial in nature.

Prior to the previous zone change to Heavy Commercial (HC) in November of 2019, the subject lot was zoned Heavy Industrial (HI) since at least 1974. The lots to the north and west are currently zoned Heavy Industrial (HI) and the lots to the south and east are currently zoned Heavy Commercial (HC).

Zoning		Existing Land Use
North	HI	Heavy Equipment Rental
South	HC	Automotive Repair Services
East	HC	Vacant Warehouse
West	HI	Vacant Land

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

The subject property currently has access to existing utilities and public amenities. No additional development of said infrastructure will be required for the development of this subject property.

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

It is the opinion of the staff that there are no other factors which will substantially affect the public health, safety, morals, or general welfare of the City of Abilene.

STAFF COMMENTS:

According to the Future Land Use and Development Plan Map of the Comprehensive Plan, this location is designated to provide a mixture of commercial uses. Recently the subject property, along with six other lots in the immediate area were rezoned to Heavy Commercial (HC) zoning, the proposed use for the subject property during this time was to be utilized as an automobile storage yard, a use which is permitted in Heavy Commercial (HC) zoning. Since being rezoned, a potential tenant has shown interest in utilizing the lot for fabrication, processing and storage of rebar. Most of the activities associated with processing rebar must take place outdoors, a land use such as this requires Heavy Industrial (HI) zoning, which necessitates rezoning the property back to its original Heavy Industrial (HI) zoning. This area of Abilene is generally industrial in nature and as a result the proposed use would be compatible. The change in zoning will further the Comprehensive Plan's objective of infill and development of a lot which is believed to have been vacant since being annexed in 1911. Lastly, the subject lot is located within the Neighborhood Empowerment Zone (78-2018), a zone designed to promote redevelopment in "economically distressed" areas.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request was reviewed pursuant Section 1.4.1.4 (Criteria for Approval) of the Land Development Code.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission will hear this case on February 4, 2020.

NOTIFICATION:

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

Owner	Situs	Response
ABILENE AG FORD	1358 S TREADAWAY BL	
ABILENE AUTO GLASS INC	1428 CHERRY ST	
ABILENE NEW HOLLAND LTD	1396 CHERRY ST	
ARMSTRONG JEROLD R	1442 S TREADAWAY BL	
ARMSTRONG JEROLD R	1402 S TREADAWAY BL	
CLARK JOHN MICHAEL	1433 CHERRY ST	
FERGUSON BYRD DENA	1410 CHERRY ST	
GAMEZ RAYMOND GOMEZ	1412 CHERRY ST	
POPE BRYAN	1401 CHERRY ST	
POPE BRYAN	534 S 14TH ST	
POPE BRYAN EDMOND	1450 S TREADAWAY BL	
SKINNYS INC	1458 S TREADAWAY BL	
VALLEY CREEK HOMES LLC	1402 CHERRY ST	

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

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

Project Name: A-1 Building Supply
 Address: 1401 Cherry St No. of lots: 1 Acreage: .5785
 Legal Description: N180 W 1/2 LT 9 209 OT ABL 2+3 + N 140 OF 4
 Subdivision Name: South Treadaway Block: _____ Lot: _____
 Current Zoning: HC Proposed Zoning (if applicable): HI

OWNER AND AUTHORIZATION

Owner Name: Bryan Pope
 Address: 1450 S. Treadaway Blvd
 City, State, Zip: Abilene, TX 79602 Fax: _____
 Phone: 325-721-5880 Email: Bryan.Pope38@yahoo.com

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

Agent Name: _____
 Address: _____
 City, State, Zip: _____
 Phone: _____ Email: _____

north 180 feet of west 140 feet of
Lot 9 in J. McAllister Stevenson's
Subdivision of Outlot Nos. 2 and 3 and North 140
feet of Outlot No. 4, in Block 209 of Abilene's
Original Town *

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: 12-27-19

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____
 Case No.: Z-2020-04 Reviewed By: _____

* as said subdivision is shown on Pages 111-114 in
 Volume 2 of Plat Records for Taylor County,
 Texas

Case: Z-2020-04

Owner: Bryan Pope

Agent: CJ Chaney, Caldwell Banker

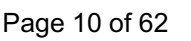
Request: Rezone from Heavy Industrial (HI) to Heavy Commercial (HC) zoning.

Notification: 0 in Favor, 0 Opposed

Planning & Zoning Date: February 4, 2020

City Council Hearing Dates: February 27, 2020
March 12, 2020





Z-2020-04 ZONING MAP



Z-2020-04 NOTIFICATION AREA MAP





Southern views of Subject Property





Neighboring property to the west



Neighboring property to the north



- Consistent with the *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Staff Recommendation of **Approval**, the rezoning request was reviewed pursuant to section 1.4.1.4 (Criteria for Approval) of the Land Development Code.



ZONING CASE Z-2020-05

STAFF REPORT



REQUEST: Rezoning to PH District, from existing MD zone.

APPLICANT:

Owner: Kyle Paul Construction
Agent: Jacob & Martin Engineering

HEARING DATES:

P & Z Commission: February 4, 2020
City Council 1st Reading: February 27, 2020
City Council 2nd Reading: March 12, 2020

LOCATION:

- 1826 Colony Hill Road
- Legal description(s): 5.85 acres of vacant land out of Southwest quarter of Lunatic Asylum Lands Section 8

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone from Residential Medium-Density (MD) to Residential Single-Family Patio Home (PH) since Abilene's Land Development Code prohibits the patio home development in Medium-Density (MD) zoning. The owner's intent is to develop the area to address the growing demand for smaller residential single-family units.

APPLICATION REVIEW:

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

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

When the Future Land Use and Development Plan Map of the Comprehensive Plan was developed in 2004, this subject property had not yet been annexed to the City limits of Abilene. Therefore, the Future Land Use and Development Plan provides no real guidance in regard to the zoning of the subject property. However, the City's Thoroughfare Plan identifies both Colony Hill Road and Maple Street to be future "Arterial" streets which are intended to carry major traffic between large areas of the city. Proposed PH zoning of the subject property may offer an effective transition in the intensity of urban use and carrying-capacity characteristic of arterial streets by separating anticipated retail development to the West and lower density residential development to the East.

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

The Patio Home (PH) zoning classification is designed to accommodate the development of detached single-family dwellings on lots smaller than those in even the most compact RS-6 single family housing districts. The Medium Density (MD) zoning classification, however, is intended to accommodate the development of duplex, triplex, and quadraplexes which could increase overall subdivision density. Furthermore, Patio Home zoning typically allows densities of 7 ½ units per acre whereas Medium

Density Zoning allows density of 9 units per acre. Where these zoning districts differ, however, is that Medium-Density zoning does not permit the construction of Patio homes due to land subdivision characteristics peculiar to patio home development. If land is subdivided into lots small enough for Patio homes, then the public must be assured that Patio homes will actually be built on those lots.

	Zoning	Existing Land Use
North	AO	Single Family Residential Large Lots
South	AO	Wylie ISD East Elementary
East	RS-6	Single Family Residential Vacant Acreage
West	AO	Single Family Residential Large Lot

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

The subject property has access to existing water mains and sewer mains. Therefore, water and sewer capacity should not be a limiting factor to the development of these properties. The patio home (PH) zoning will decrease the number of units allowed on the property and therefore create less traffic to the elementary school to the south.

STAFF COMMENTS:

The subject property was annexed in 2009 and zoned Agricultural Open Space (AO) classification. In January of 2016, a request to rezone the subject property to Residential Medium-Density (MD) was approved by the Planning and Zoning Commission and City Council. Since approval, a plan and/or subdivision plat was never provided for the planning staff to review. Staff finds that the intended development of this vacant tract of land for Patio Homes (PH) is more appropriate for the size of this tract of land.

STAFF RECOMMENDATION:

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

PLANNING AND ZONING COMMISSION RECOMMENDATION:

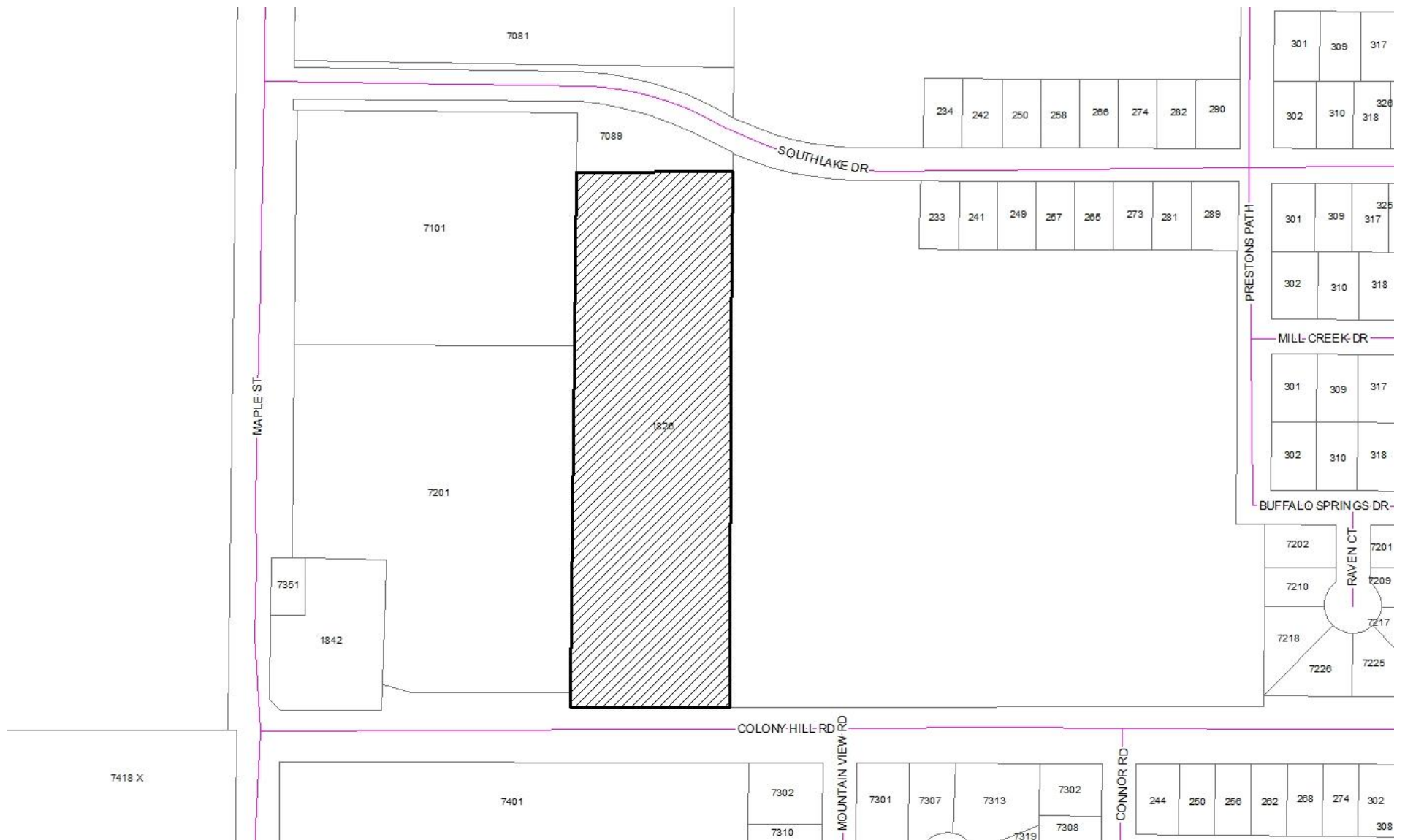
On February 4, 2020, the Planning and Zoning Commission will meet to review this request.

NOTIFICATION:

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

Owner	Situs	Response
JOHNSTON TYLER	7302 MOUNTAIN VIEW RD	
KPLB LLC	1826 COLONY HILL RD	
LIVELY LEVI & MINDY	7081 MAPLE ST	
MC LEOD PROPERTY DEV LLC		
MC LEOD PROPERTY DEV LLC		
MC LEOD PROPERTY DEV LLC	7089 MAPLE ST	
MC LEOD PROPERTY DEV LLC		
NEWQUIST DENNIS M & AMY A	7201 MAPLE ST	
WEEKS ROBERT MCKAY	7101 MAPLE ST	
WYLIE INDEPENDENT SCHOOL DISTRICT	7401 MAPLE ST	

ATTACHMENTS: 1) Application 2) PowerPoint



Development Application

Planning

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

Project Name: Colony Hill Road Development
Address: 1826 Colony Hill Road No. of lots: _____ Acreage: 5.85
Legal Description: A0806 SUR 8 L A L SW/4, ACRES 5.85
Subdivision Name: Colony Hill Road Development Block: _____ Lot: _____
Current Zoning: MD Proposed Zoning (if applicable): PH

OWNER AND AUTHORIZATION

Owner Name: KPLB, LLC
Address: 3409 S. 14TH Street, Suite 204
City, State, Zip: Abilene, TX 79605 Fax: _____
Phone: 325-260-6935 Email: _____

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

Agent Name: Jacob & Martin
Address: 3465 Curry Lane
City, State, Zip: Abilene, TX 79606 Fax: 325-691-5134
Phone: 325-695-1070 Email: cfarrow@jacobmartin.com

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

Signature Owner: Kyle Paul Date: 1/6/2020

FOR OFFICE USE ONLY

Received: 1-6-20 Fee: \$ \$1,500 Receipt No.: _____
Case No.: 2-2020-05 Reviewed By: [Signature]



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

This zoning request is to support a new residential development of the Colony Hill Road development on the north side of Colony Hill Road across from the new Wylie East Elementary School. KPLB, LLC has seen the success and need for PH in the Abilene area, and would like to bring them to this area to give a diverse type of home. Despite similar lot densities, the current zoning of MD does not allow for patio home construction.



Development Application

RECOMMENDATIONS

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

PUBLIC NOTIFICATION

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

PLEASE READ BEFORE SIGNING

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

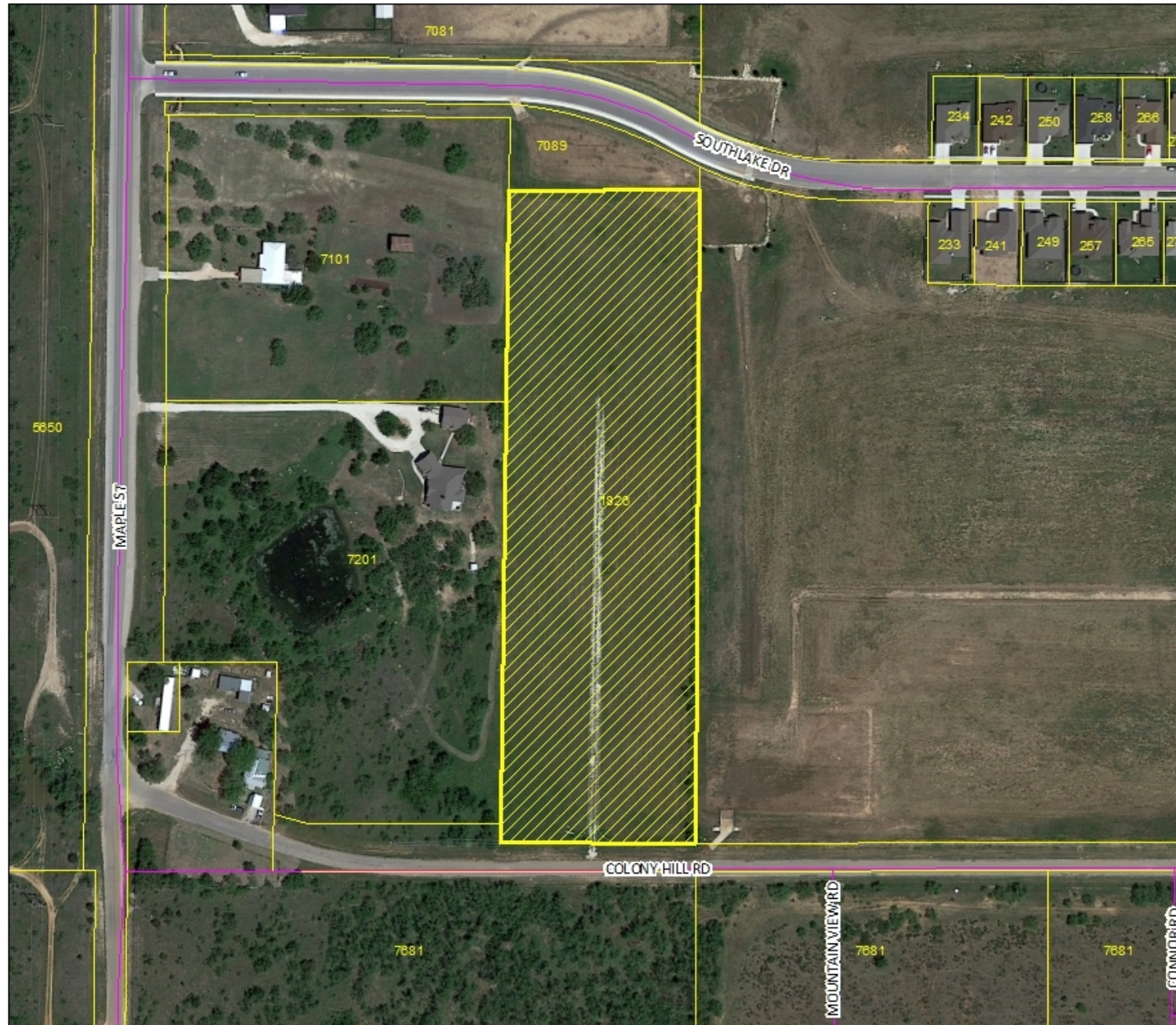
I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of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

SIGNED: Kyle Paul DATE: 1/6/2020

Case: Z-2020-05
Owner: Kyle Paul Construction
Agent: Jacob & Martin Engineering
Request: Rezone from MD to PH
Location: 1826 Colony Hill Rd.
Notification: 0 in Favor, 0 Opposed
Planning & Zoning: February 4, 2020
City Council Hearing: February 27, 2020
March 12, 2020



Z-2020-05 AERIAL LOCATION MAP



Location Map



Legend

 Z-2020-05



Z-2020-05 ZONING MAP



Subject Property Facing North



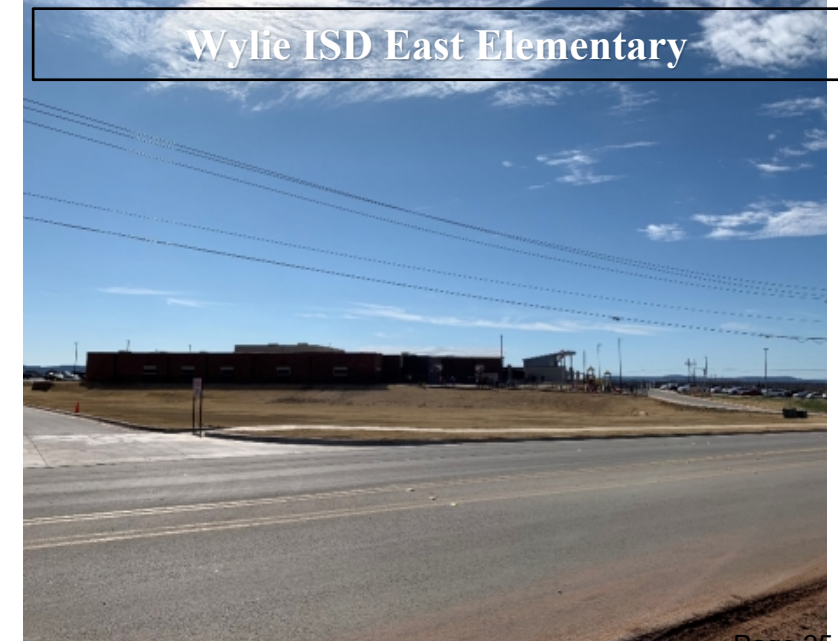
Vacant land to the West



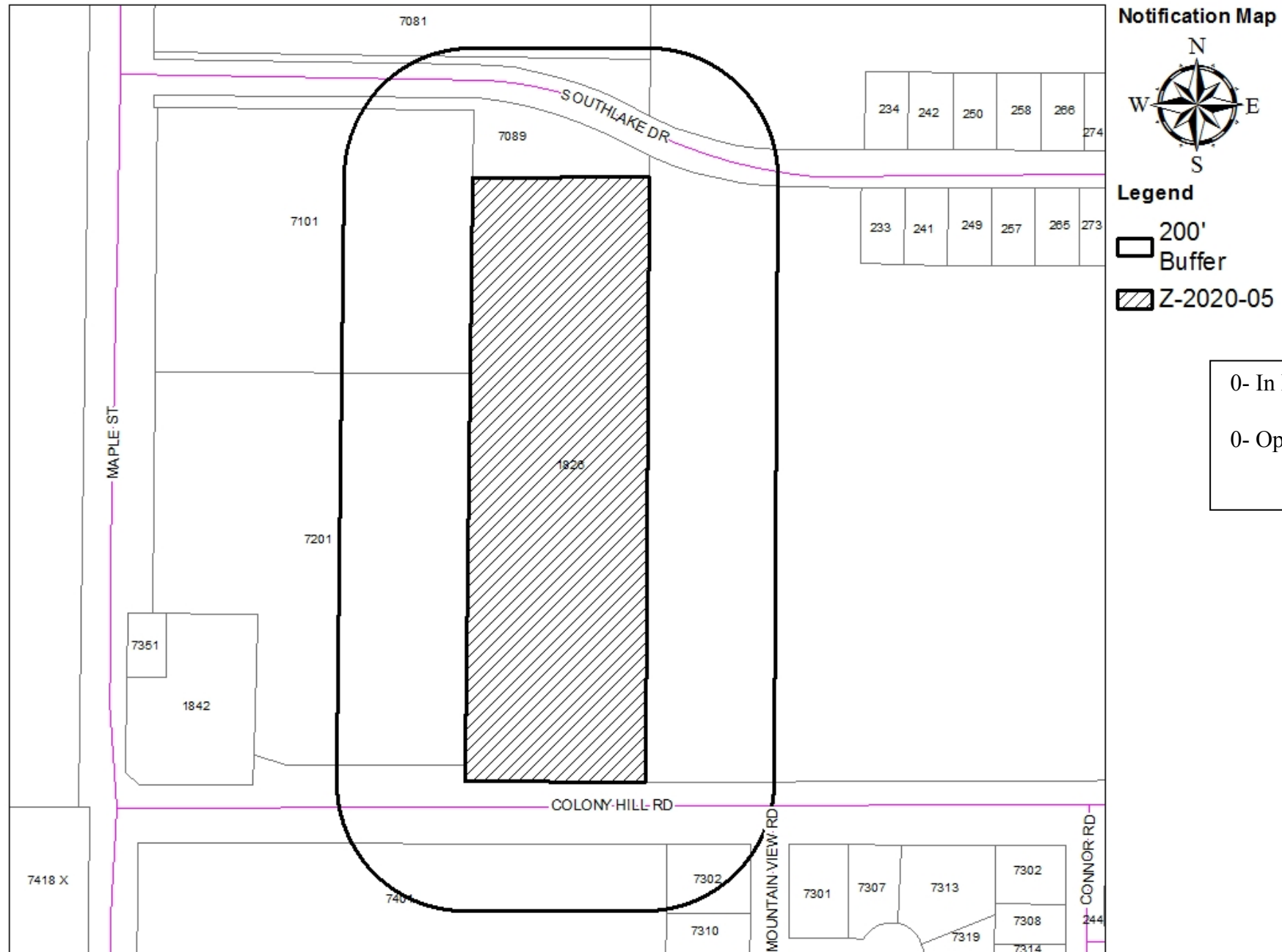
Subject Property Eagle View



Wylie ISD East Elementary



Z-2020-02 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Consistent with General Land Use and Zoning Character of Immediate Area (Section 2.3.2.6)
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval



Questions?



TC-2020-02

STAFF REPORT

REQUEST: Abandon the unimproved west margin (0.0469 acre) of right-of-way available for Lytle Acres Drive, adjacent to vacant building site at 1208 Lytle Acres Drive.

APPLICANT: Homer Hills, represented by Riley Griffith of Enprotec/Hibbs & Todd

HEARING DATES:

P & Z Commission: February 4, 2020

City Council 1st Reading: February 27, 2020

City Council 2nd Reading: March 12, 2020

BACKGROUND AND REQUESTED ACTION:

Lytle Acres Drive extends for a distance of 0.4 mile between East South 11th Street (on the north) and Berry Lane (on the south) in east central Abilene. Except at its intersection with East South 11th Street, all land along Lytle Acres Drive remains in a Residential Single-Family (RS-6) zoning district.

A triangular-shaped segment on the west margin of right-of-way for Lytle Acres Drive is proposed to be formally and officially abandoned for use by the public. If abandoned, ownership of the triangular-shaped segment (comprising 0.0469 acre) will revert to the adjoining private property.

The proposed abandonment of right-of-way lies adjacent to an approximately 0.7-acre tract of vacant land planned to be re-subdivided into as many as three new single-family home sites.

When the subdivision plat creating this 0.7-acre tract was initially filed for record in 1948, an awkwardly-shaped street right-of-way was dedicated in front of that tract. This tract is identified as “Block D” on the subdivision plat of Lytle Lake Gardens Addition, and the street right-of-way in front of that tract (originally labeled as McGowen Drive) has since been renamed Lytle Acres Drive. See the subdivision plat of Lytle Lake Gardens Addition which accompanies this report.

The awkwardly-shaped street right-of-way (in front of Block D) exceeds the ordinary 60-foot-width typical of many residential streets in Abilene. Subsequent subdivision and re-subdivision of land along Lytle Acres Drive has left a consistent 60-foot-wide right-of-way for Lytle Acres Drive except in front of the approximately 0.7-acre tract at 1208 Lytle Acres Drive. At this location, right-of-way for Lytle Acres Drive exceeds the ordinary 60-foot width, by as much as 19½ feet.

The owner of vacant land at 1208 Lytle Acres Drive seeks to abandon the triangular-shaped segment on the west margin of this right-of-way, directly in front of that vacant land. This marginal right-of-way ranges in width from 0 feet (at the triangle’s apex) up to 19.46 feet near the southeast corner of this tract at 1208 Lytle Acres Drive.

REQUEST ANALYSIS:

If this triangular segment of right-of-way is abandoned, then the new west line of remaining right-of-way will lie at least 10 feet west from and parallel to pavement on Lytle Acres Drive. This is consistent with residential streets elsewhere in Abilene.

The proposed abandonment is not intersected by existing utility mains, nor is this right-of-way required for any future utility placement. Plans for proposed abandonment were shared with the City of Abilene's Development Review Committee (DRC) whose members include representatives from locally franchised utility services as well as the City's Water Utilities Department. There were no objections from members of the DRC.

STAFF RECOMMENDATION:

City staff recommends approving the requested abandonment, subject to approval and subsequent recording of a replat showing how the right-of-way (authorized to be abandoned) will be integrated with one or more adjacent new lot(s). Abandoning this right-of-way will help promote re-subdivision and redevelopment of adjoining property, with as many as three new single-family home sites in an attractive wooded setting.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission will consider this requested right-of-way abandonment, during a meeting scheduled for Tuesday, February 4 of 2020.

NOTIFICATION:

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

Owner	Situs	Response
BRIGGS KENNETH	1318 LYTLE ACRES DR	
COLLIS EVELYN E	602 OLDHAM CT W	
ELGIN SUSAN	1208 LYTLE ACRES DR	
FUTRELLE ERIC & LISA	1149 LYTLE ACRES DR	
FUTRELLE ERIC & LISA	1157 LYTLE ACRES DR	
GARTMAN DON & LOUISE	550 BYNUM ST	
HADLOCK FREDRICK JACKSON &	1209 LYTLE ACRES DR	
HINES BRET ROBERT &	634 OLDHAM CT W	
LE MAY LINDA M	1158 LYTLE ACRES DR	
LE MAY LINDA M	1202 LYTLE ACRES DR	
LEMAY PEARL LF EST	1142 LYTLE ACRES DR	
LEWIS CHARLES A	1302 LYTLE ACRES DR	
MULLEN ROSA JANE KUYKENDALL	1341 GRIGGS ST	
TEAGUE EDDIE & TINA ANN	1309 GRIGGS ST	
TOLLETT CHRISTOPHER ROY & ALANA JEAN	601 OLDHAM CT W	

ATTACHMENTS:

- Power Point





Development Application

Planning

☐ Conditional Use

☐ Easement Release

☐ Rezoning

☐ Other

☐ PDD

☐ Street Name Change

☒ Thoroughfare Abandonment

☐ PDD Amendment

Other: _____

Project Name: Lytle Acres Drive partial ROW abandonment

Address: 1208 Lytle Acres Drive

No. of lots: _____ Acreage: 0.0469 ac.

Legal Description: Lytle Acres Drive in front of Block D

Subdivision Name: Lytle Lake Gardens Addition

Block: D

Lot: _____

Current Zoning: _____ Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: Homer Hillis

Address: 1242 Canterbury Drive

City, State, Zip: Abilene, Texas 79602

Fax: _____

Phone: 829-0340

Email: _____

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

Agent Name: eHT

Attn: Riley Griffith

Address: 402 Cedar Street

City, State, Zip: Abilene, Texas 79601

Fax: _____

Phone: 698-5560

Email: riley.griffith@e-ht.com

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

Signature Owner: [Signature]

Date: 01/07/20

FOR OFFICE USE ONLY

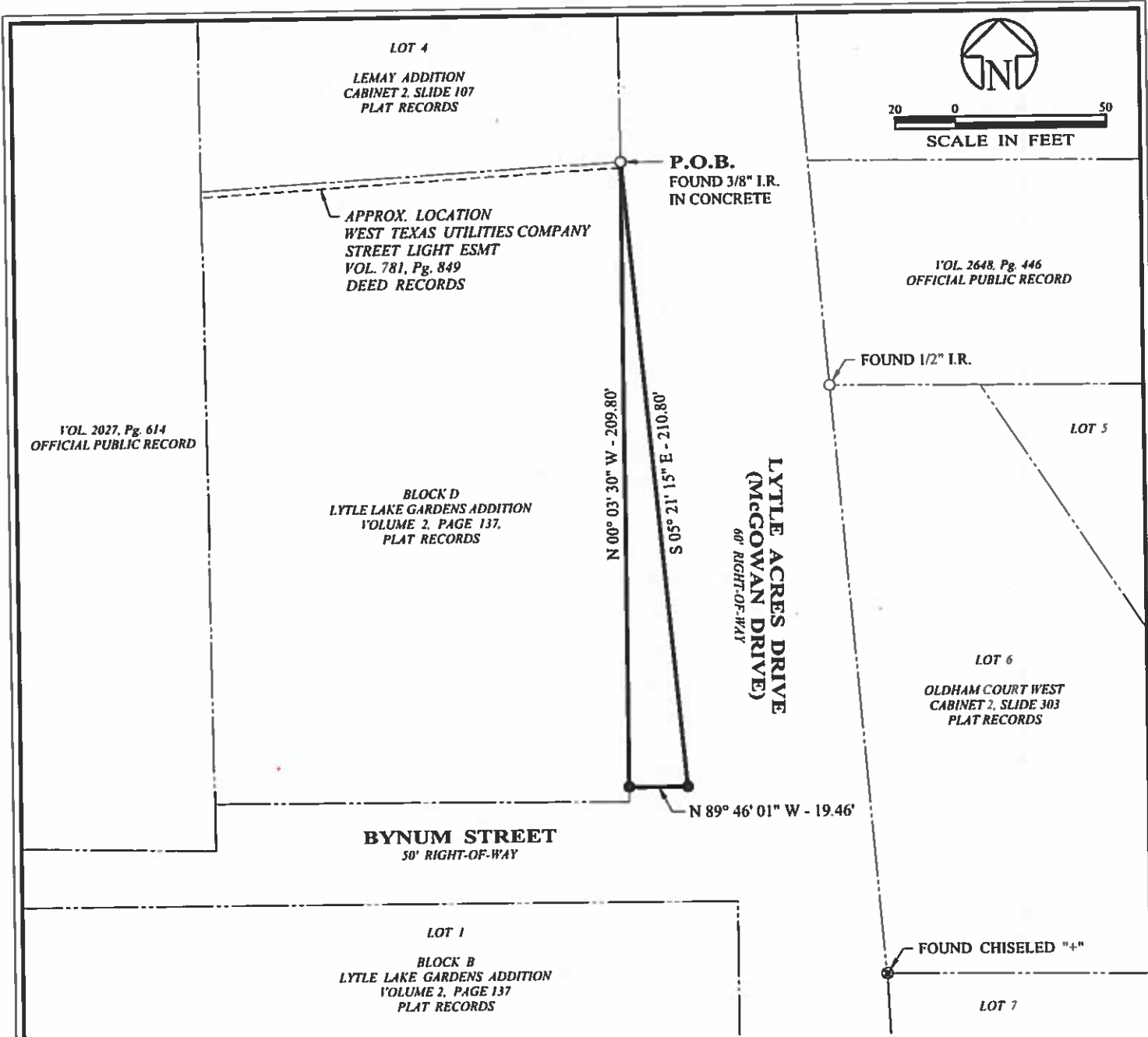
Received: _____

Fee: \$ _____

Receipt No.: _____

Case No.: _____

Reviewed By: _____



BEING A 0.0469 ACRE TRACT OUT OF LYTLE LAKE GARDENS ADDITION TO THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AS RECORDED IN VOLUME 2, PAGE 137, PLAT RECORDS, TAYLOR COUNTY, TEXAS, SAID 0.0469 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 3/8 INCH IRON ROD IN CONCRETE AT THE NORTHEAST CORNER OF BLOCK D, SAID LYTLE LAKE GARDENS ADDITION, SAME BEING THE SOUTHEAST CORNER OF THE LEMAY ADDITION, RECORDED IN CABINET 2, SLIDE 107, PLAT RECORDS, TAYLOR COUNTY, TEXAS, AND BEING ON THE WEST RIGHT OF WAY OF LYTLE ACRES DRIVE, A.K.A. MCGOWAN DRIVE, FOR THE NORTH CORNER OF THIS TRACT;

THENCE SOUTH 05 DEGREES 21 MINUTES 15 SECONDS EAST, AT 81.80 FEET PASSING A FOUND 1/2 INCH IRON ROD 61.27' TO THE LEFT AT THE NORTHWEST CORNER OF LOT 6, BLOCK A, OLDHAM COURT WEST, RECORDED IN CABINET 2, SLIDE 303, PLAT RECORDS, TAYLOR COUNTY, TEXAS, CONTINUING FOR A TOTAL DISTANCE OF 210.80 FEET TO A SET 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" THIRTY (30') FEET NORTH OF, AND PERPENDICULAR TO, THE MIDDLE OF BYNUM STREET AS OCCUPIED FOR THE SOUTHEAST CORNER OF THIS TRACT, WHERE A FOUND CHISELED X IN CONCRETE AT THE SOUTHWEST CORNER OF SAID LOT 6 BEARS 60.00' N 85°12'37" E, AND 68.66' S 04°47'23" E;

THENCE NORTH 89 DEGREES 46 MINUTES 01 SECONDS WEST, PARALLEL TO, AND THIRTY (30') FEET PERPENDICULAR TO, THE MIDDLE OF SAID BYNUM STREET, A DISTANCE OF 19.46 FEET TO A SET 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" IN THE EAST LINE OF SAID BLOCK D FOR THE SOUTHWEST CORNER OF THIS TRACT, WHERE THE SOUTHEAST CORNER OF SAID BLOCK D IS CALCULATED TO BEAR 5.00' S 00°03'30" E;

THENCE NORTH 00 DEGREES 03 MINUTES 30 SECONDS WEST, ALONG THE EAST LINE OF SAID BLOCK D, SAME BEING THE WEST RIGHT OF WAY OF SAID LYTLE ACRES DRIVE, A DISTANCE OF 209.80 FEET TO THE POINT OF BEGINNING CONTAINING AN AREA OF 0.0469 ACRES. SURVEYED IN JANUARY 2020.

LEGEND

- FOUND 1/2" IRON ROD UNLESS NOTED OTHERWISE
- SET 1/2" IRON ROD WITH CAP STAMPED "H&T"
- ⊗ SET CHISELED "+"

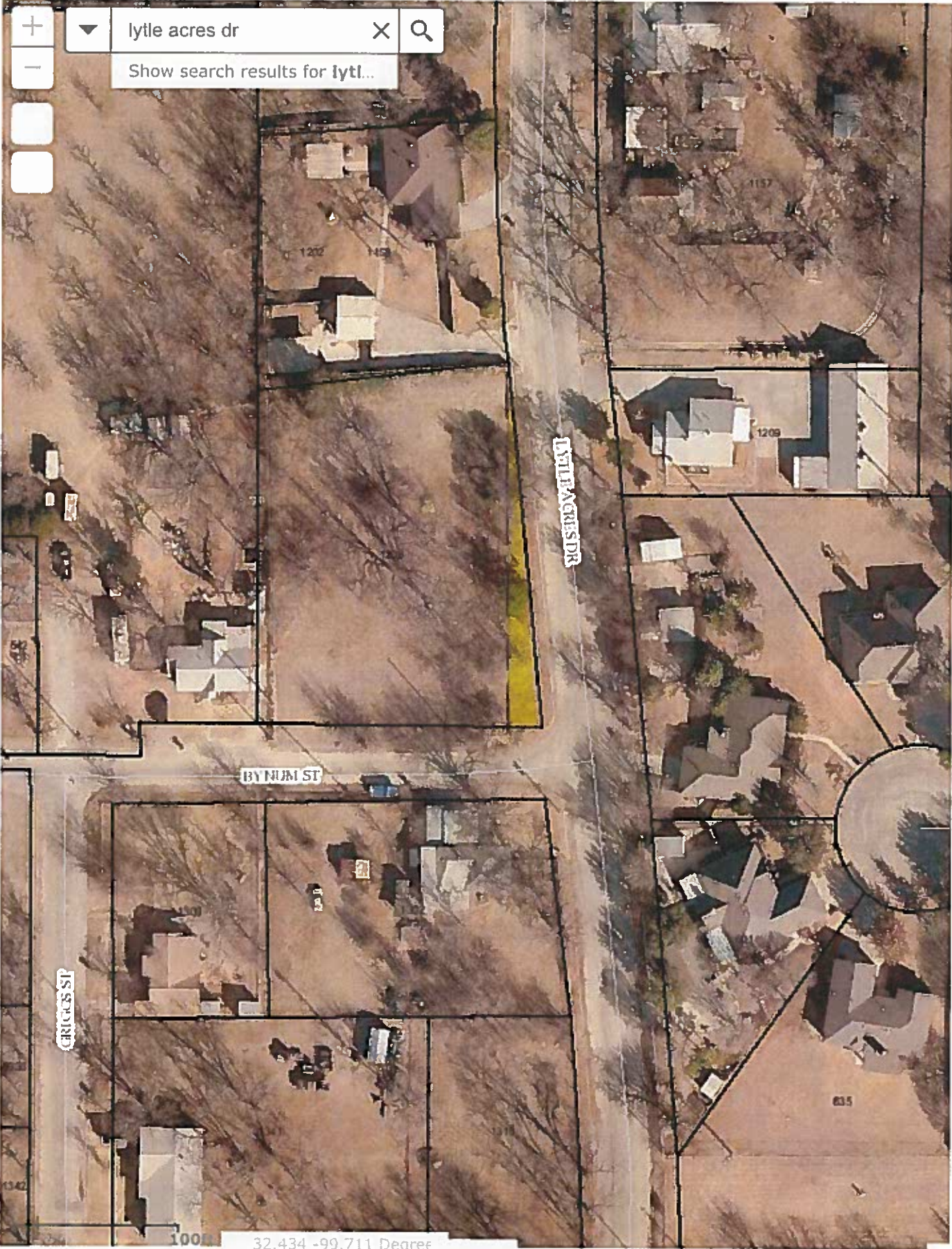
I, RILEY ELMER GRIFFITH, R.P.L.S. #5863 DO HEREBY CERTIFY THAT THE PLAT HEREON WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND DURING THE MONTH OF JANUARY 2020


RILEY ELMER GRIFFITH, R.P.L.S. #5863

DATE JANUARY 07, 2020



A PLAT OF
A 0.0469 ACRE TRACT
OUT OF
LYTLE LAKE GARDENS ADDITION
ABILENE, TAYLOR COUNTY, TEXAS
01/07/2020



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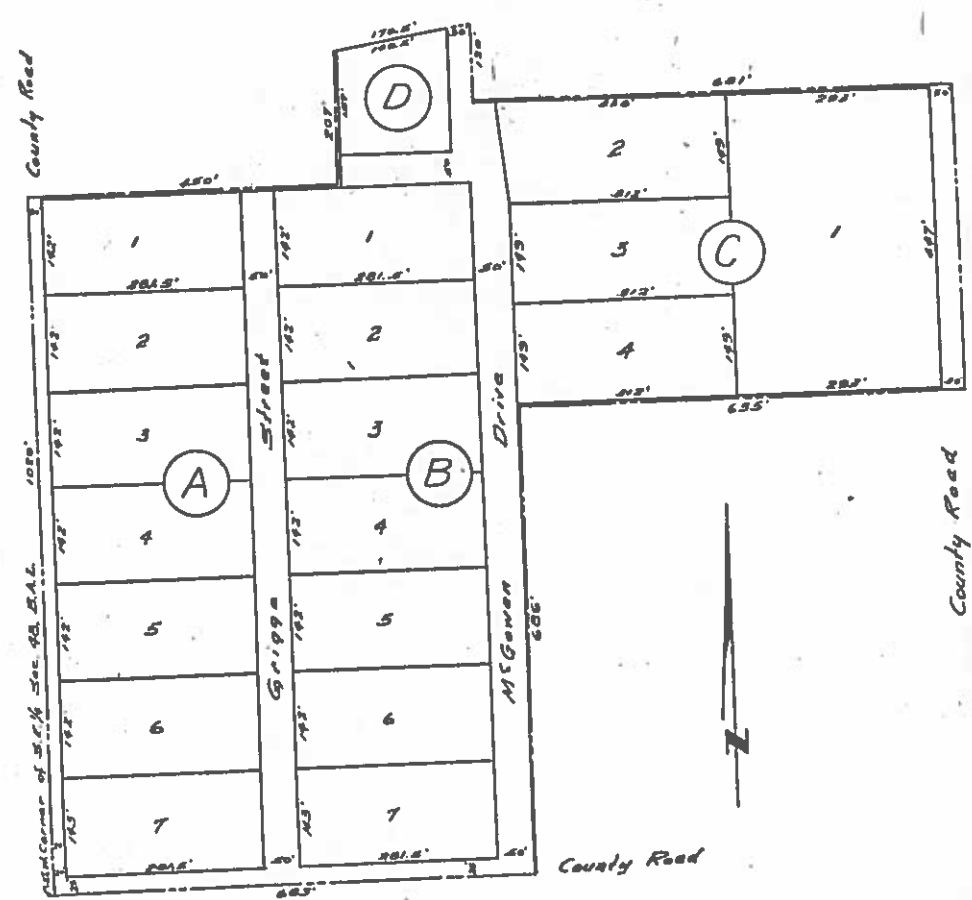


All Rights Reserved

THE STATE OF TEXAS
COUNTY OF _____
Before me, the undersigned authority, a notary public in and for said county and State, on this day personally appeared Mrs. H. C. McGowen, a widow, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.
Given under my hand and seal of office, this 17th day of September A. D. 1947.
A.P. Craig
Notary Public, Dallas County, Texas.

(SEAL)
THE STATE OF TEXAS
COUNTY OF TAYLOR
Before me, the undersigned authority, a notary public in and for said County and State, on this day personally appeared W. Willis Cox and Virginia C. Cox, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Virginia C. Cox, wife of the said W. Willis Cox, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Virginia C. Cox acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.
Given under my hand and seal of office, this 17th day of September A.D. 1947.
Thelma Roberts
Notary Public, Taylor County, Texas.

(SEAL)
LYTLE LAKE GARDENS An addition to the City of Abilene, Texas
A Subdivision of a tract of land out of the S. E. Quarter Section No. 48, Blind Asylum Lands, Taylor County, Texas. Meas and Bounds are: Beginning at the Southwest corner of the Southeast 1/4 Section 48, Blind Asylum Lands; Thence North 1020 feet to a stake; Thence East 450 feet to a stake; Thence North 207 feet to a stake; Thence East 81 degrees and 15 minutes East 170.5 feet to a stake; Thence South 120 feet to a stake; Thence East 681 feet to a stake; Thence South 447 feet to a stake; Thence West 635 feet to a stake; Thence South 686 feet to a stake; Thence West 683 feet to the place of beginning.



I certify that the above subdivision was staked and that this is a true and correct plat of the Lytle Lake Gardens Addition to the City of Abilene, Taylor County, Texas.

French Engineering Co.
Leslie French
March 15, 1947.

(SEAL)
This is to certify that the accompanying map of Lytle Lake Gardens, a tract out of the Southeast Quarter of Section 48, Blind Asylum Lands, Taylor County, Texas, was approved by the Commissioners' Court of Taylor County, Texas, at a meeting held by said Court on the 27th day of October A. D. 1947.

Mrs. Chester Hutcheson, County Clerk
& Ex Officio Clerk of the Commissioners' Court of Taylor Co, Texas.

(SEAL)
FILED FOR RECORD FEBRUARY 10, 1948 at 10:00 PM
RECORDED FEBRUARY 17, 1948 at 1:20 PM

Mrs. Chester Hutcheson, County Clerk
By: Birdie Wilson, Deputy

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

1/15/2020

CASE # TC-2020-02

THOROUGHFARE LOCATION: 0.0469-acre segment on west margin of Lytle
Acres Drive (see attached exhibit)

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

REPRESENTATIVE: Athan Himmelstein

TITLE: Distribution Engineer

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



SATISFACTORY



UNSATISFACTORY (explain below:



SATISFACTORY WITH CONDITIONS

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

AEP Distribution line is clear of this closure location.

1/14/2020

DATE



SIGNED: DIRECTOR / REPRESENTATIVE

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

1/15/2020

CASE # TC-2020-02

THOROUGHFARE LOCATION: 0.0469-acre segment on west margin of Lytle Acres Drive (see attached exhibit)

CITY DEPARTMENT/PVT. UTILITY CO.: TAYLOR CAD

REPRESENTATIVE: David Gonzalez

TITLE: GIS Coordinator

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

☐

SATISFACTORY

☐

UNSATISFACTORY (explain below:

☒

SATISFACTORY WITH CONDITIONS

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

Need P.O.B in Feet Placed on Plans/SURVEY

15 Jan 2020
DATE

[Signature]
SIGNED: DIRECTOR / REPRESENTATIVE

ABILENE/TAYLOR COUNTY 9-1-1 DISTRICT

555 WALNUT STREET

ABILENE, TEXAS 79601

(325) 676-6674

FAX: (325) 676-6050

☐ EASEMENT RELEASE

DATE: 14 JAN 2020

☐ PLAT REVIEW

REF. NO.: TC-2020-02

☐ PRELIMINARY DEVELOPMENT PLAN

☐ SITE PLAN REVIEW

☐ STREET NAME

☐ SUBDIVISION

☒ THOROUGHFARE CLOSURE

TITLE/LOCATION: 0.0469-acre segment on west margin of Lytle Acres Drive

I have reviewed the above and find it to be:

☒ SATISFACTORY

☐ SATISFACTORY WITH CONDITIONS

☐ UNSATISFACTORY

The following conditions and/or changes are recommended:

NONE.



BLAKE H. TULLOCH

GIS/Addressing Technician

Abilene/Taylor County 9-1-1 District

Date: 14 JAN 2020

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

01/13/2020

CASE # TC-2020-02

THOROUGHFARE LOCATION: 0.0469-acre segment on west margin of Lytle
Acres Drive (see attached exhibit)

CITY DEPARTMENT/PVT. UTILITY CO.: TRAFFIC SERVICES

REPRESENTATIVE: STEVE KEITH

TITLE: ENGINEERING ASST.

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



SATISFACTORY



UNSATISFACTORY (explain below:



SATISFACTORY WITH CONDITIONS

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

01/13/2020



THOROUGHFARE CLOSURE FEE CALCULATIONS: s.f. \$

1 Total area of adjacent properties:	24585	6454
2 Total value of adjacent properties	6454	
3 Square footage value: (#2/#1)	0.26	
4 Area if ROW		
length:	209	
width:	9.73	
Total:	2034	
5 Value of ROW: (#3*#4)	\$528.73	
6 Factored Value: (5*0.10)	\$52.87	
7 Fee: (#6+1500)	\$1,553	

24585 6454

Case: TC-2020-02

Owner: City of Abilene

Requests: Abandon the unimproved west margin (0.0469 acre) of right-of-way available for Lytle Acres Drive, adjacent to vacant building site at 1208 Lytle Acres Drive.

Notification: 0 in Favor, 0 Opposed

Staff Recommendation: Approval

City Council Hearing Dates: February 12, 2020
March 12, 2020



TC-2020-02 LOCATION MAP



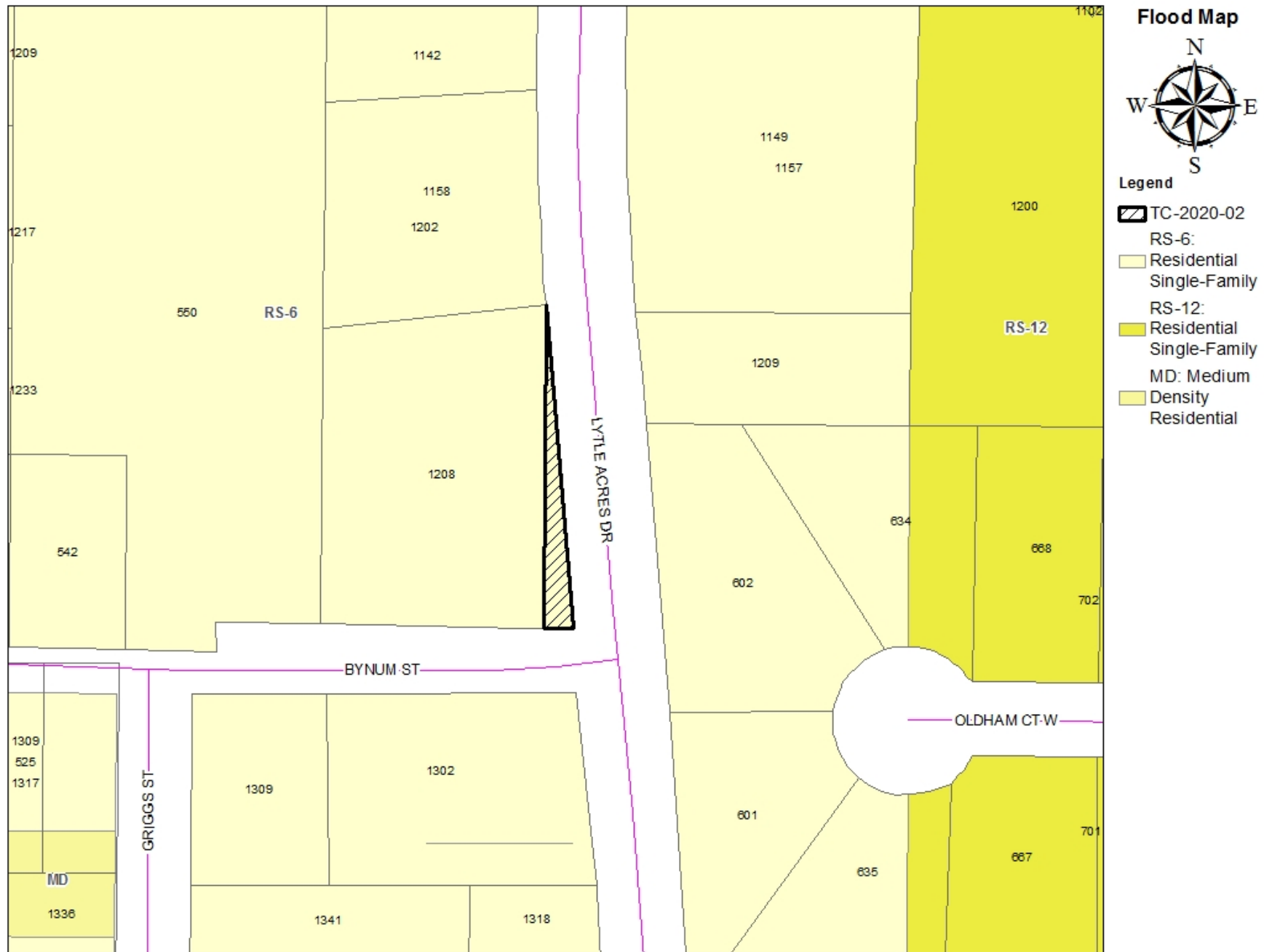
Location Map



Legend

 TC-2020-02





North View of Subject Property



East View of Property and Neighbor



Right-of-Way



Adjacent Property to the West



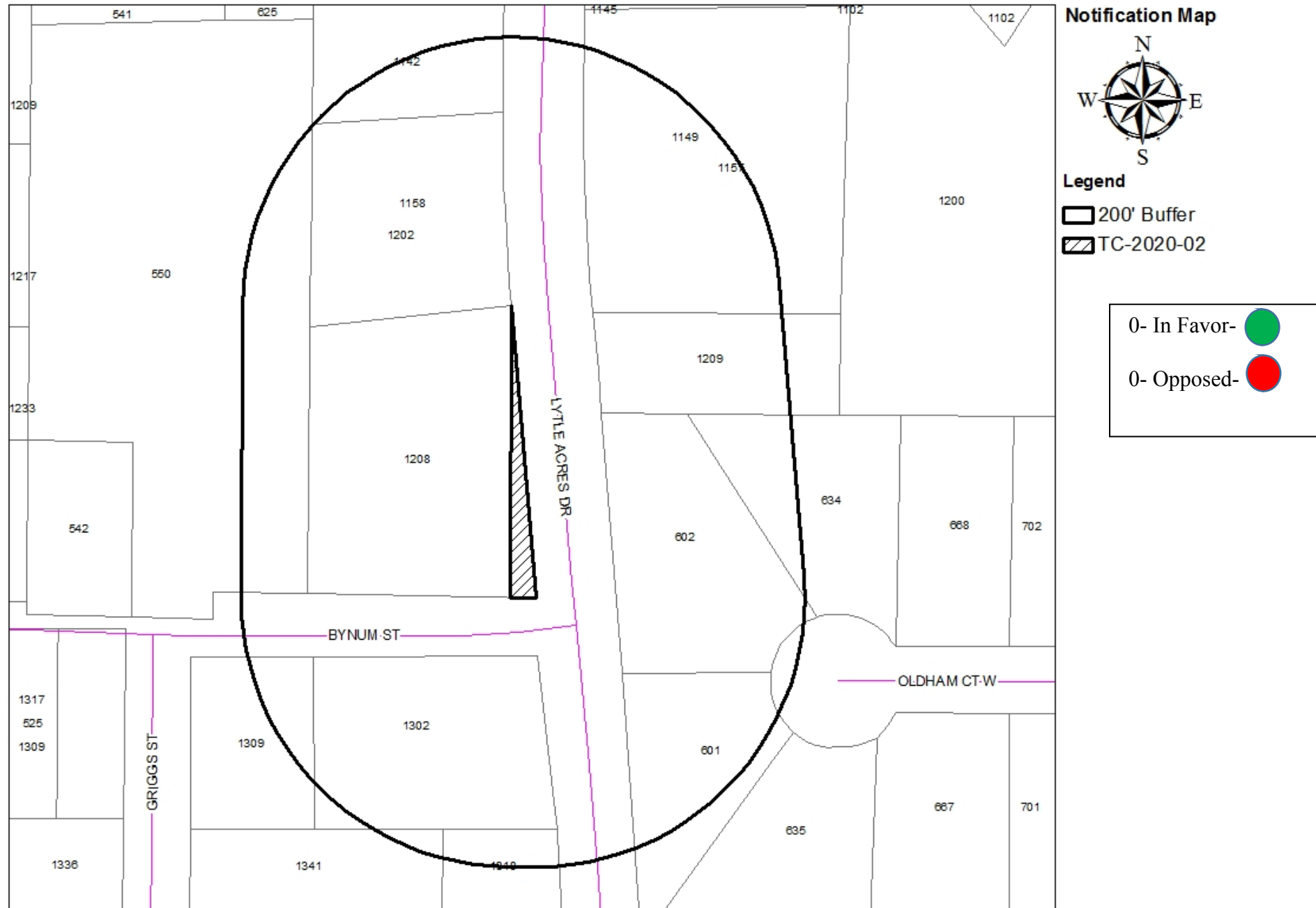
South Neighbor



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



TC-2020-02 NOTIFICATION AREA MAP



Questions?



TO: Planning and Zoning Commissioners

FROM: Planning Services staff

DATE: January 28, 2020

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

BACKGROUND:

Since Abilene's first zoning ordinance in 1946, a minimum front yard has been required on every lot outside the central business district. Within required front yards, all buildings are generally prohibited, including open-sided carports and patio covers.

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

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

SUMMARY HIGHLIGHTS:

1. Routinely allow open carports and patio covers within 5 feet from front lot boundaries, and at least 15 feet from street surface.
 - In residential zoning districts and for residential uses allowed elsewhere, open carports and patio covers located in minimum front yards must demonstrate architectural compatibility with principal residential building. Meeting at least two of the three options for compatibility.

2. Routinely allow open carports and patio covers within 5 feet from “exterior” side boundaries on corner lots, and at least 15 feet from street surface.
 - No architectural compatibility is required of open carports and patio covers allowed in “exterior” side yards otherwise required on corner lots.
3. Substantially open carports and patio covers (attached to or detached from principal buildings) are allowed to extend within 3 feet from interior side lot boundaries.
 - In some commercial districts as well as in Residential Townhome (TH) and Residential Single-Family Patio Home (PH) zoning districts, open carports and patio covers may sometimes extend all the way to an interior side lot boundary, the same as the principal building.
4. Except in certain nonresidential zoning districts and/or with certain specific architectural exceptions, the maximum allowable height of carports and patio covers shall remain at 12 feet and a minimum height of 7 feet from the finished floor of the carport.
5. In all residential zoning districts and for residential uses allowed in any nonresidential zoning district, carports and patio covers or portions thereof shall not project more than 22 feet from the abutting principal building.
6. Abilene’s Board of Adjustment will no longer have authority to approve Special Exceptions from any of these standards. Any allowed variation from such standards will necessitate the Board’s approval of a variance.

PROPOSED CHANGES TO LOCAL ZONING REGULATIONS CONCERNING CARPORTS AND PATIO COVERS (Substantive modifications made after January 7, 2020 are highlighted in yellow.)

Remove existing 2.4.4.2 concerning Carports and Patio Covers, replacing it with following new Section 2.4.4.2:

Section 2.4.4.2 Carports and Patio Covers

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

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

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

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

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

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

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

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

- b. Carports or patio covers extending in front of the minimum building setback otherwise required (from a lot boundary on a public or private street) shall be open-sided. A minimum 7 vertical feet from the finished floor level of any carport or patio cover shall be open and unencumbered by any structure, walls, screening or ornamental components of any kind except for posts, columns or piers supporting the roof and which are no greater than 24 inches in width or diameter. Portions of a carport or patio cover situated behind the minimum required setback of the principal building may be partially enclosed.
- c. On a lot or tract of land occupied exclusively (save and except for accessory buildings) by dwellings categorized as either single-family detached, duplex, patio home, townhome, mobile or manufactured home, a carport or patio cover extending in front of the minimum setback required for the principal residence must be attached to or abutting the principal residence. In no circumstance shall such open carport or patio cover project more than 22 feet from the structure to which it is attached or abuts. Such carports and patio covers must furthermore be architecturally compatible with the principal residential building on that same lot or tract of land. Compliance with at least two of the following three architectural standards is required:
 - (i) pitch or slope of the roofline must be physically integrated or otherwise visually consistent with the appearance of the roofline on the principal residence (including attached garage) to which the carport or patio cover is attached or abuts;
 - (ii) roof covering on the carport or patio cover must be similar in color and material composition to roof covering on the principal residential building; and/or
 - (iii) beams or rafters supporting the roof covering must be made of wood or, if made of metal, covered from exterior view by wood (or cementitious fiber) fascia board.
- d. For the purpose of enforcing above-stated standards for architectural compatibility, an applicant for permit to build a carport or patio cover shall submit one or more elevation drawings which show exterior side and front views as well as materials planned to be used in constructing the proposed carport or patio cover. Drawings must illustrate how the proposed improvement will relate architecturally with the residential building to which that carport or patio cover is attached or abuts. Drawings and specifications shall be submitted to the Building Official or his/her designee, in addition to whatever information is ordinarily required with application for permit to build a carport or patio cover.

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

- a. *In all nonresidential, Residential Townhome (TH), and Residential Single-Family Patio Home (PH) zoning districts, carports and patio covers attached to or abutting an enclosed structure may extend as close to an interior side lot boundary as allowed for the principal building from that same side lot boundary. Within these same zoning districts, carports and patio covers that are detached by more than six inches from an enclosed building shall extend no closer than 3 feet from an interior side lot boundary. In the absence of a solid wall, this measurement shall be made from the leading edge or face of the roof on that carport or patio cover.*
- b. *In all other residential zoning districts, carports and patio covers which extend closer to an interior side lot boundary than the minimum setback otherwise required of the principal building shall be open-sided on at least 2½ of 3 sides projecting therein. A minimum 7 vertical feet from the finished floor level of any such carport, patio cover or portion thereof shall be open and unobstructed by any structure, walls, screening or ornamental components of any kind except for posts, columns or piers supporting the roof and which are no greater than 24 inches in width or diameter. Such open-sided carports and patio covers which extend closer to an interior side lot boundary than the minimum setback (otherwise required of the principal building) shall extend no closer than 3 feet from that interior side lot boundary unless said boundary is adjacent to an alley, in which case only a minimum 1-foot setback is required. In the absence of a solid wall, these measurements shall be made from the leading edge or face of the roof on that carport or patio cover.*

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

- a. *In all nonresidential zoning districts, carports and patio covers attached to or abutting an enclosed building may extend as close to the rear lot boundary as allowed by the minimum rear setback required (in that zoning district) for the enclosed building to which that carport or patio cover is attached or abutting. Carports and patio covers that are detached by more than six inches from an enclosed building shall extend no closer than 5 feet from a rear lot boundary, as measured from the leading edge or face of the roof.*
- b. *In all residential zoning districts, carports and patio covers attached to or abutting the principal building and which extend closer to a rear lot boundary than the minimum rear setback otherwise required of the principal building shall be open-sided on at least 2½ of 3 sides. A minimum 7 vertical feet from*

the finished floor (platform) level of any such carport, patio cover or portion thereof shall be open and unobstructed by any structure, walls, screening or ornamental components of any kind except for posts, columns or piers supporting the roof and which are no greater than 24 inches in width or diameter. Open-sided carports and patio covers that are detached by more than six inches from an enclosed building shall extend no closer than 3 feet from a rear lot boundary unless said rear boundary adjoins an alley, in which case only a minimum 1-foot building setback is required. In the absence of a solid wall, these measurements shall be made from the leading edge or face of the roof on that carport or patio cover.

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

- (1) where built into the roofline of the principal building and with the same roofing materials thereof, in which case the height shall not exceed the height of that principal building; or*
- (2) where detached from the principal building and built with a pitched roof utilizing similar materials and colors to that of the roof covering the principal building, and the lowest horizontal feature (beam) of the roof structure does not exceed 12 feet in height above the finished floor (platform) level.*

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

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

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

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

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

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

OPEN-SIDED: having a side or sides open.

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

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

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

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



Summary Highlights:

Allow open carports/patio covers:

- 5 ft. from streetside lot boundaries, 15 ft. from street surface
 - For single-family and two-family residential use, must be architecturally compatible with principal residence. Architectural compatibility meets two of three requirements.
- 3 ft. from interior side boundary
 - In some commercial as well as in TH and PH zoning districts, open carports/patio covers may extend all the way to interior side boundary.
- Carports/Patio Covers must be no more than 12ft. high
 - Except in certain nonresidential districts and/or with specific architectural exceptions.
- Carports/Patio Covers no more than 22 ft. from abutting principal building
 - For residential use, except when accessory to a multi-family residential building.
- Carports/Patio covers a minimum of 7 ft from the finished floor level
- Board of Adjustment no longer authorized to approve “Special Exceptions” from any carport-related standards
 - Board may still approve “Variance” with finding of special conditions unique to site or surroundings, creating unnecessary hardship.



Chapter 5 Definitions

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



Examples of Carports in Abilene



Examples of Carports in Abilene



Examples of Carports

A



B



C



In this example Carport “A” would **not** be architecturally compatible with the proposed ordinance amendments.



Other Regulatory Options Presented in January 2020

- Routinely allow open-sided carports and patio covers within 5 feet from any streetside boundary, with no requirement for architectural compatibility, so long as such structures are at least 15 feet from street surface.
- Allow no encroachment of open-sided carports and patio covers into any required yard along any streetside lot boundary. This was applicable standard as recently as 2001.
- No change to existing regulations.
 - Board of Adjustment authorized to approve Special Exceptions allowing open carports and patio covers within 5 feet from front boundary.
 - Routinely allow architecturally-compatible open carports and patio covers within 5 feet from front property lines, if other carport or patio cover already encroaches into front yard of nearby property on same block face.
 - Routinely allow open carports and patio covers within 5 feet from “exterior” side boundaries on corner lots.

