



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 August 1, 2023, 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

MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Minutes from the Regular Meeting Held on July 5, 2023.

PLATS

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

2. **MP-3023:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Lot 101, Greater Abilene Industrial District
3. **FP-4123:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on McCoy's Abilene Subdivision
4. **FP-4623:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Cimarron Meadows, Section 2A
5. **FP-4723:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Carriage Hills, Section 4A

ZONING

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

6. **CUP-2023-05:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Alan Wartes, Represented By Jovon Christophe, To Apply A Conditional Use Permit To Approximately 0.17 Acres To Allow For A Daycare Within Residential Single Family (RS-6) Zoning For Up To 12 Children. Located At 3236 Ambler Avenue. Legal Description Being Lot 20, Block 36, Green Acres Section 2, Abilene, Taylor County, Texas. **(Clarissa Ivey)**
7. **Z-2023-24:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Amazing Grace True Grit, LLC, Represented By Sara Trammel, To Change The Zoning Of Approximately 0.68 Acres From Residential Single Family (RS-12) To A Planned Development District (PDD-183) To Allow For A Medical Spa. Located At 642 Sayles

Boulevard. Legal Description Being The East 26' Of Lot A And All Of Lots B And C, Block 9, Highland Addition, Abilene, Taylor County, Texas. (Mason Teegardin)

8. **Z-2023-26:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From KKP Investments, LLC, Represented By Jacob & Martin, To Amend The Terms Of Planned Development District 172 To Allow Single-Family Residential Uses With No Through Connection To East Stamford Street. Located At 2668 Garfield Avenue. Legal Description Being The Hillcrest Addition Section 4, Block 10, Lots 4 And 5, Hillcrest Addition Section 4, Block 11, And 12.04 Acres Out Of Survey 84, T&P Railway Company, Block 14, Abilene, Taylor County, Texas. (Mason Teegardin)
9. **Z-2023-28:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Darin Albergucci, represented by e-HT, to change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC). Legal description being Lot 21-23, Block B, Section 3, Continuation No. 2, H&W Tool Company Addition, Abilene, Taylor County, Texas. (Clarissa Ivey)
10. **Z-2023-29:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Moore Abilene Holdings, LP, represented by Alex Moore, to change the zoning of approximately 0.64 acres from Heavy Industrial (HI) to Heavy Commercial (HC). Located at 2222, 2234, 2250 Butternut Street. Legal description being Lot 3-6, Block 6, Bowyer Addition, Abilene, Taylor County, Texas. (Adam Holland)

EXECUTIVE SESSION

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

- 551.071 Consultation with Attorney

ADJOURNMENT

Notice

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 28th day of July, 2023, at 3:25 p.m.

*Kaitlin Richardson, Deputy City
Secretary, TRMC*



Planning and Zoning Commission MINUTES

The Planning and Zoning Commission of the City of Abilene, Texas met in a Regular Meeting on July 5, 2023 at 1:30 p.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas

Commissioners Present:

Mr. Clint Rosenbaum, Chairman	Rev. Iziar Lankford, Secretary
Mr. Brad Benham, Chairman Pro Tem	Ms. Shawnte' Fleming
Mr. Mitch Barnett	Mr. Kevin Halliburton

Commissioners Absent:

Ms. Alex Russell, Sergeant-at-Arms

Staff Present:

Mr. Michael Rice
Mr. Tim Littlejohn, Director of Planning and Development Services
Mr. Randy Anderson, Assistant Director of Planning and Development Services
Ms. Kelley Messer, First Assistant City Attorney
Mr. Adam Holland, Planner I
Ms. Clarissa Ivey
Ms. Mason Teegardin, Planner I
Ms. Melissa Farr, Executive Assistant
Mr. Scott Chandler
Mr. Blake Tulloch

Others Present:

Ms. Gwynne McDonald	Ms. Debbie Oliver	Ms. Kim Graves
Mr. Darin Alberqucci	Mr. John Pugsley	Ms. Rebecca Pugsey
Ms. Karen Barbour	Mr. John Reed	Mr. B.J. Prichard
Ms. Sara Trammell	Mr. Eric Emerson	Mr. Ed Emerson
Mr. Jake Gravell	Mr. Taylor Routon	Mr. Nathan McCraey
Ms. Sherry Stansbury	Mr. Matthew Muzechenko	Ms. Cassidy Coddell
Mr. Allan Meador	Mr. Darrell Stansbury	The McNeill's
Mr. Shannon Couch	Ms. Kelly Couch	Ms. Liad Flores
Mr. Scott Senter	Mr. Riley Griffith	Mr. Tal Fillingim

The Planning and Zoning Commission convened in a regular meeting and was called to order at 1:31 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. Mr. Benham moved to approve the minutes from the previous meeting, which was held on June 6, 2023. Mr. Barnett seconded the motion. The motion to **approve** prevailed by the following vote:

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

NAYS: None

PLATS

3123-PP: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Preliminary Plat for Abilene Regional Airport Addition

3223-FP: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Final Plat for The Harvest Section 2

3723-MP: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Final Plat for the Bright Addition

2323-MRP: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a vacation of two previous plats and a minor replat of Lots 302, 303, and 304 Block A, Mall of Abilene Addition

Mr. Adam Holland presented the first two plats. Mr. Rosenbaum opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed.

Mr. Halliburton made the motion to approve PP-3123 and FP-3223 as presented. Mr. Benham seconded the motion.

Mr. Adam Holland presented MP-3723. Staff recommends denial, as Staff's comments were not addressed. Reverend Lankford made the motion to deny the proposed plat. Mr. Halliburton seconded the motion.

Mr. Halliburton made the motion to approve MRP-2323. Mr. Benham seconded the motion. All motions prevailed by the following votes:

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

NAYS: None

ZONING

CUP-2023-06: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Public Hearing And Possible Vote To Recommend Approval Or Denial To City Council On A Request From WV Meridian, LLC To Apply A Conditional Use Permit To Approximately 1.09 Acres On A Site Zoned PDD-130 To Allow An Automobile Wash Which Was Previously Abandoned To Be Reopened. Located At 5190 Buffalo Gap Road. Legal Description Being Lot 10, Block A, Countryside South Section 3, Abilene, Taylor County, Texas.

Ms. Mason Teegardin presented this request. The applicant proposes to use the existing self-service carwash and vacuums in same manner that it historically operated. The applicant does propose to install an automatic drive through car wash in one of the existing wash bays.

Mr. Rosenbaum opened the public hearing. Mr. Eric Emerson addressed this item. 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 (0) responses received in favor, nor in opposition.

STAFF RECOMMENDATION: Staff recommends approval, subject to:

1. Compliance with the proposed Plan of Operation.
2. Approval of a site plan that indicates the location and dimensions of the proposed automatic wash bay.

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

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

NAYS: None

SNC-2023-04: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Kalla Family LP, Represented By Jacob Martin, To Change The Name Of Tin Cup Drive To Phoenix Drive. Located At The Intersection Of Forrest Meadows Drive And Phoenix Drive At The 7100 Block Of Tin Cup Drive, Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. Forest Meadows Section 1 was recorded showing a segment of Tin Cup immediately east of Forrest Meadows Drive that would eventually connect to an existing segment of Tin Cup to the north. The Preliminary Plat of Forest Meadows Section 2 was approved with a design that would not the proposed southern segment of Tin Cup with the existing segment of Tin Cup to the north. This resulted in two disconnected street segments named Tin Cup.

As a condition of approval of the Final Plat of Forest Meadows Section 2 requires that southern segment of Tin Cup be renamed as Phoenix Drive to match the existing street name west of the intersection of Forest Meadow Drive and Tin Cup.

Mr. Rosenbaum opened the public hearing. Those who spoke for this item were:

Mr. Blake Tulloch

Mr. John Pugsley

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. One (1) response was received in favor, with three (3) in opposition.

STAFF RECOMMENDATION: Staff recommends approval with the following condition:

1. All address changes shall be completed through the 911/Addressing Department prior to the issuance of permits for any affected property and for all addresses within one year of the effective date of approval.

Reverend Lankford made the motion to **deny** this request. Ms. Fleming seconded the motion. The motion to deny prevailed by the following vote:

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

NAYS: None

TC-2023-04: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Southside Baptist Church To Abandon An Alley Located At 1425 South 7th Street. Legal Description Being The Alley Of Block 161, Original Town Of Abilene, Abilene, Taylor County, Texas.

Ms. Clarissa Ivey presented this request. This alleyway located in Original Town Abilene is an active alley between two buildings owned by Southside Baptist Church built in 1960. Currently a non-conforming structure connects the two buildings across the alley, the agent for the applicant reached out to the Planning Department proosing to fence off this area, but was advised by staff that abandonment of the alley would negate the need for a fence and would, if approved, eliminate the non-nonconformity.

Mr. Rosenbaum opened the public hearing. Speaking on behalf of Southside Baptist Church was Mr. Taylor Routon. 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 (0) responses received in favor, nor in opposition.

STAFF RECOMMENDATION: Staff would not object to this request subject to the following conditions:

1. The subject alley right-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 abandonment of the subject right-of-way shall be void.
3. Any utilities that may be located in the subject alley right-of-way shall be covered by a utility easement or relocated at the owners' expense.

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

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

NAYS: None

TC-2023-05: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Brandon Lee And Mirran Cassidy Caddell To Abandon A Cul-De-Sac Located At 2301 Hilton Head, Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. Hilton Head is a cul-de-sac in The Villages of Abilene Subdivision which was platted in 2005. The owner intends to gate off the property and address the property off of Memorial Drive.

Mr. Rosenbaum opened the public hearing. Those who addressed this item were:

Mr. John
B.J. Prichard

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 (0) responses received in favor, nor in opposition.

STAFF RECOMMENDATION: Staff would not object to this request subject to the following conditions:

1. The subject right-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 abandonment of the subject right-of-way shall be void.
3. Any utilities that may be located in the subject right-of-way shall be covered by an easement or relocated at the owners' expense.
4. All accompanying address changes must be completed within two (2) months of the granting of this request through the 911 Addressing Department.
5. The placement and design of the proposed gate shall be subject to approval by the Public Works Department and the Fire Marshal.

6. The owners shall be fully responsible for the maintenance of the pavement, curb, and gutter of the former Hilton Head right-of-way upon the approval of the abandonment ordinance.

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

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-14: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Jose Valenzuela To Change The Zoning Of Approximately 1.95 Acres From Residential Single Family-6 (RS-6) To General Commercial (GC). Located At 1925 Henson Street. Legal Description Being Tract 1 & 2 Out Of The John Jarmon Survey No. 82, Abilene, Taylor County, Texas.

Ms. Mason Teegardin presented this request. The subject property is located within John Jarmon Survey No. 82. The lot has never been developed since annexation in 1963. The applicant is requesting a zoning change to allow a shop and a commercial business on the lot.

Mr. Rosenbaum opened the public hearing. Speaking in opposition was Ms. Sherry Stansbury. 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 (0) responses received in favor, with one (1) in opposition.

STAFF RECOMMENDATION: Approval

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

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-21: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From CKG Rentals, LLC, Represented By Jacob & Martin, To Change The Zoning Of Approximately 2.00 Acres From Agricultural Open (AO) To General Commercial (GC). Located At 6010 Highway 277 South. Legal Description Being Lot 1, Block A, First Evangelical Methodist Church Addition, Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. The subject lot has been used as a church near the time of its annexation in 1986. The applicant is requesting a zoning change to allow self-storage units.

Mr. Rosenbaum opened the public hearing. Tal Fillingim spoke in favor of this item. 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. One (1) response was received in favor, with none (0) in opposition.

STAFF RECOMMENDATION: Approval

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

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-22: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Teartex, LLC To Change The Zoning Of Approximately 6.0 Acres From Heavy Commercial (HC) To Planned Development District 182 To Allow A Vacation Travel Trailer Park In Addition To The Existing Uses Of The Property. Located At 1075 East Highway 80. Legal Description Being Lot 101, Block 1 Bailey Industrial District No. 1, Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. The owner proposes to convert covered storage spaces that were rented as storage into a vacation travel trailer park, which would include RVs, in the southern portion of the property. The applicant intends to continue the use of his business on the north portion of the lot which includes an office and indoor manufacturing space.

The applicant proposes to install a fence to divide the commercial uses of the property from the proposed vacation travel trailer park. No additional buildings or structures are proposed.

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. There were no (0) responses received in favor, nor in opposition.

STAFF RECOMMENDATION: Approval

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

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-23: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Industrial Blocks, LLC, Paul Grohman, And Frenchman's Creek Townhome Owners Association, Represented By Jacob & Martin, To Change The Zoning Of Approximately 2.21 Acres From Medium Density Residential (MD) And PDD-45 To Medium Density Residential (MD). Located At 45, 61, And 71 Rue Maison Street. Legal Description Being The Northeast Part Of Lot 401, Block 2, Section 2, Frenchman's Creek, Abilene, Taylor County, Texas.

Mr. Adam Holland presented this request. The subject property is included in the "Frenchman's Creek PDS" District when it was created in 1986. The Frenchman's Creek PDS allowed general retail uses and self-storage units. This request, if approved, would allow the owner to create additional units in the Frenchman's Creek Subdivision.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim spoke in favor of this request. 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. One (1) response was received in favor, with one (1) in opposition.

STAFF RECOMMENDATION: Approval

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

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-24: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Amazing Grace True Grit, LLC, Represented By Sara Trammell, To Change The Zoning Of Approximately 0.68 Acre From Residential Single Family (RS-12) To Neighborhood Office (NO). Located At 642 Sayles Boulevard. Legal Description Being The East 26' Of Lot A And All Of Lots B And C, Block 9, Highland Addition, Abilene, Taylor County, Texas.

Ms. Mason Teegardin presented this request. The subject property is located within the Highland Addition. The lot has been used as a residential lot since 1889. The residence is currently being used as a Bed and Breakfast (Ordinance No. 53-2011), as well as an event space. This property was zoned Historic Overlay (H) in July 1985.

Mr. Rosenbaum opened the public hearing. Those who addressed this item were:

Ms. Sara Trammell

Ms. Tracy McNeill

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 (0) responses received in favor, with two (2) received in opposition.

STAFF RECOMMENDATION: Denial

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

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-25: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From PB 6950, LLC, Represented By Jacob & Martin, To Change The Zoning Of Approximately 3.6 Acres From Medium Density Residential (MD) And Patio Home (PH) To General Retail (GR). Located At 6817x Horse Head Crossing. Legal Description Being The East 250' Of Lot 8, Block C, Denali Addition, Abilene, Taylor County, Texas.

Ms. Clarissa Ivey presented this request. The subject property has remained vacant since it's annexation in 1980. The properties surrounding the subject site portion of a lot are primarily residential. Property to the north is zoned Residential Single-Family 8 (RS-8). Property to the south is zoned Multi-Family (MF). Properties to the west across Memorial Drive are zoned Medium Density (MD) residential. Properties to the west are zoned Patio Home (PH) and MD.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim spoke in favor of this request. 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. One (1) response was received in favor, with none (0) in opposition.

STAFF RECOMMENDATION: Based on the criteria listed above, staff recommends denial of the request to rezone the subject property to General Retail (GR).

If the request is downzoned to Neighborhood Retail (NR), it would still not be consistent with the Comprehensive Plan, but may be appropriate because:

1. The site is located on an arterial street;
2. Neighborhood Retail zoning is compatible with residential zoning; and
3. The LDC "Criteria for Approval" would be satisfied.

Staff recommends approval if the request is downed to Neighborhood Retail (NR).

Mr. Benham made the motion to **approve** this request to rezone the subject property to **General Retail (GR)**. Ms. Fleming seconded the motion. The motion to approve prevailed by the following vote:

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-27: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Melinda Hill And Rebecca King Represented By Matthew Musechenko To Change The Zoning Of Approximately 3.4 Acres From Agricultural Open To Multi-Family (MF). Located At 2349 And 2333 Huckleberry Lane. Legal Description Being 3.4 Acres Of Lot 1 W. T. McQuary Of North Park, Abilene, Taylor County, Texas.

Ms. Clarissa Ivey presented this request. The subject property has remained vacant since it's annexation in 1959. The properties surrounding this portion of a lot are primarily zoned Agricultural Open (AO), with a mobile home park zoned MH to the east, a lot to the north zoned General Commercial (GC), and a single-family residence to the south on a lot zoned Single-Family Residential (RS-6).

Mr. Rosenbaum opened the public hearing. Those who addressed this item were:

Mr. Shannon Couch

Mr. Matthew Musechenko

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 (0) responses received in favor, nor in opposition.

STAFF RECOMMENDATION: Approval

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

AYES: Barnett, Benham, Halliburton, Lankford, Fleming, Rosenbaum

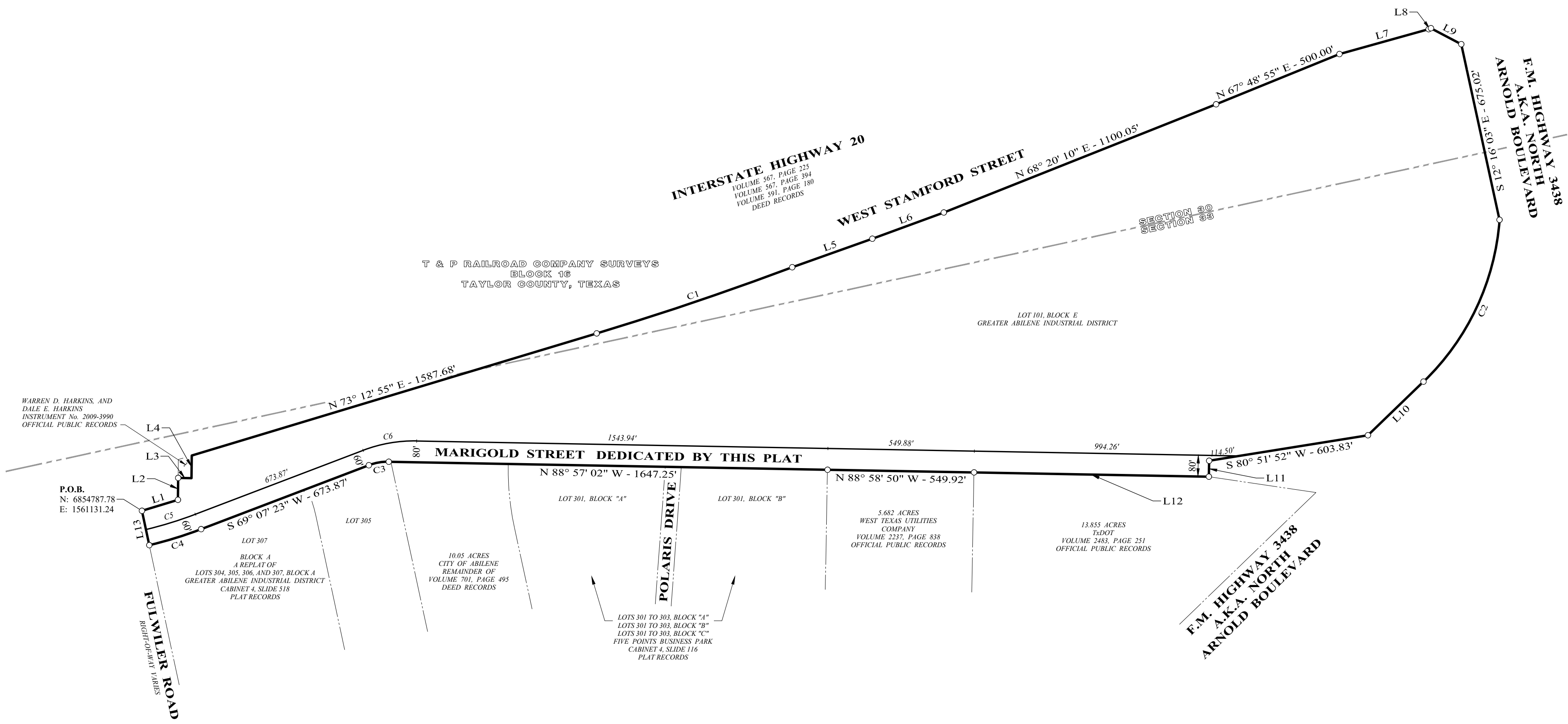
NAYS: None

Adjournment

There being no further discussion, Mr. Rosenbaum adjourned the meeting at 3:46 p.m.

APPROVED

Mr. Clint Rosenbaum, Chairman



LINE TABLE			CURVE TABLE				
LINE #	LENGTH	DIRECTION	CURVE #	LENGTH	RADIUS	DELTA	CHORD
L1	141.43'	N72° 59' 33"E	C1	775.07'	11609.16'	3°49'31"	N71° 18' 09"E - 774.93'
L2	82.15'	N0° 34' 52"E	C2	686.38'	941.73'	41°45'37"	S25° 08' 33"W - 671.29'
L3	50.00'	S88° 58' 15"E	C3	76.48'	200.00'	21°54'32"	S80° 04' 39"W - 76.01'
L4	85.29'	N0° 34' 53"E	C4	203.77'	1560.00'	7°29'03"	S72° 51' 55"W - 203.63'
L5	319.35'	N70° 23' 49"E	C5	194.57'	1500.00'	7°25'55"	N72° 50' 21"E - 194.43'
L6	285.67'	N69° 49' 17"E	C6	205.31'	536.49'	21°55'35"	N80° 05' 10"E - 204.06'
L7	347.31'	N74° 25' 43"E					
L8	9.65'	N66° 30' 40"E					
L9	128.67'	S62° 13' 36"E					
L10	289.91'	S46° 01' 20"W					
L11	59.76'	S0° 54' 17"W					
L12	881.67'	N88° 57' 22"W					
L13	131.87'	N12° 05' 17"W					

**LOT 101, BLOCK E
GREATER ABILENE INDUSTRIAL DISTRICT
TAYLOR COUNTY, TEXAS**

OWNER:
DEVELOPMENT CORPORATION OF ABILENE, INC
P.O. BOX 60
ABILENE, TEXAS 79604
(325)676-4390

FIELD NOTES

BEING LOT 101, BLOCK E, GREATER ABILENE INDUSTRIAL DISTRICT, ABILENE, TAYLOR COUNTY, TEXAS, SAME BEING A 92.33 ACRE TRACT OUT OF SECTIONS 30 AND 33, BLOCK 16, TEXAS & PACIFIC RAILROAD COMPANY SURVEY, TAYLOR COUNTY, TEXAS, SAME BEING THE UNIMPROVED

• ALL OF LOT 1, BLOCK E, AND THAT PART OF MARIGOLD STREET AS SHOWN ON A REPEAT OF LOTS 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076

BASIS OF BEARINGS IS GRID NORTH, NAD 83 TEXAS NORTH CENTRAL ZONE
BASED ON GPS OBSERVATIONS

BEGINNING AT A FOUND INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE INTERSECTION OF THE EAST RIGHT OF WAY OF FULMIRER ROAD AND THE SOUTH RIGHT OF WAY OF INTERSTATE HIGHWAY 10, A DISTANCE OF 141.43 FEET TO A FOUND TxDOT CONCRETE RIGHT OF WAY MONUMENT AT A CORNER OF SAID TRACT, THENCE NORTH 72 DEGREES 59 MINUTES 33 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY OF I-20, A DISTANCE OF 141.43 FEET TO A FOUND TxDOT CONCRETE RIGHT OF WAY MONUMENT AT A CORNER OF SAID TRACT, THENCE NORTH 00 DEGREES 34 MINUTES 52 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY OF I-20, A DISTANCE OF 82.15 FEET TO A FOUND 1/2 INCH IRON ROD AT A CORNER OF SAID LOT 1 AND THIS POINT BEING THE CORNER OF SAID TRACT, THENCE SOUTH 88 DEGREES 58 MINUTES 15 SECONDS EAST A DISTANCE OF 50.00 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE NORTHEAST CORNER OF SAID LOT 1, CONTINUING ALONG THE SOUTH RIGHT OF WAY OF I-20, A DISTANCE OF 16.00 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE NORTHEAST CORNER OF SAID LOT 1, CONTINUING ALONG THE SOUTH RIGHT OF WAY OF I-20 FOR A CORNER OF THIS SUBDIVISION, THENCE NORTH 73 DEGREES 12 MINUTES 55 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY OF I-20, A DISTANCE OF 16.00 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE NORTHEAST CORNER OF SAID LOT 1, CONTINUING ALONG THE SOUTH RIGHT OF WAY OF I-20 FOR A CORNER OF THIS SUBDIVISION, THENCE NORTH 73 DEGREES 12 MINUTES 55 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY OF I-20, A DISTANCE OF 16.00 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE NORTHEAST CORNER OF SAID LOT 1, CONTINUING ALONG THE SOUTH RIGHT OF WAY OF I-20 FOR A CORNER OF THIS SUBDIVISION, THENCE ALONG THE SOUTH RIGHT OF WAY OF I-20, WITH A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 175.07 FEET, AN ARC LENGTH OF 77.57 FEET, AND A CHORD BEARING NORTH 71 DEGREES 18 MINUTES 09 SECONDS EAST A DISTANCE OF 77.93 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT AN ANGLE OF 100 DEGREES 00 MINUTES 00 SECONDS TO THE CHORD, CONTINUING ALONG THE SOUTH RIGHT OF WAY OF I-20, A DISTANCE OF 77.93 FEET TO A FOUND TxDOT CONCRETE RIGHT OF WAY MONUMENT BEARS 1.19° N 93°14'1" E;

SECONDS EAST A DISTANCE OF 3.35 FEET TO A FOUND TxDOT CONCRETE RIGHT OF WAY MONUMENT AT AN ANGLE POINT IN THE NORTH LINE OF SAID 84.257 ACRD TRACT AND THIS SUBDIVISION;
THENCE, ALONG THE SOUTH RIGHT OF WAY OF 1-20, NORTH 68 DEGREES 20 MINUTES 10 SECONDS EAST A DISTANCE OF 100.05 FEET TO A FOUND TxDOT CONCRETE RIGHT OF WAY MONUMENT AT AN ANGLE POINT IN THE SOUTH LINE OF SAID 84.257 ACRD TRACT AND THIS SUBDIVISION;
THENCE, ALONG THE SOUTH RIGHT OF WAY OF 1-20, NORTH 67 DEGREES 48 MINUTES 55 SECONDS EAST A DISTANCE OF 285.67 FEET TO A FOUND TxDOT CONCRETE RIGHT OF WAY MONUMENT AT AN ANGLE POINT IN THE SOUTH LINE OF SAID 84.257 ACRD TRACT AND THIS SUBDIVISION;
THENCE, ALONG THE SOUTH RIGHT OF WAY OF 1-20, NORTH 74 DEGREES 25 MINUTES 43 SECONDS EAST A DISTANCE OF 9.65 FEET TO A FOUND TxDOT BRONZE DISC RIGHT OF WAY MONUMENT AT AN ANGLE POINT IN THE NORTH LINE OF SAID 84.257 ACRD TRACT AND THIS SUBDIVISION;
THENCE, ALONG THE SOUTH RIGHT OF WAY OF 1-20, NORTH 74 DEGREES 25 MINUTES 43 SECONDS EAST A DISTANCE OF 9.65 FEET TO A FOUND TxDOT BRONZE DISC RIGHT OF WAY MONUMENT AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY OF 1-20, AND THE WEST BOUNDARY LINE OF FM HIGHWAY 3438, SOUTH 12 DEGREES 46 MINUTES 46 SECONDS EAST A DISTANCE OF 289.91 FEET TO A SET 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "X" AT AN ANGLE POINT IN THE EAST LINE OF SAID 84.257 ACRD TRACT AND THIS SUBDIVISION;
THENCE, ALONG WEST BOUNDARY LINE OF FM HIGHWAY 3438, SOUTH 12 DEGREES 46 MINUTES 46 SECONDS EAST A DISTANCE OF 289.91 FEET TO A SET 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "X" AT AN ANGLE POINT IN THE EAST LINE OF SAID 84.257 ACRD TRACT AND THIS SUBDIVISION;
THENCE, ALONG WEST BOUNDARY LINE OF SAID 84.257 ACRD TRACT AND THIS SUBDIVISION, TO THE RIGHT OF THE INTERSECTION OF THE SOUTH RIGHT OF WAY OF 1-20, AND THE WEST BOUNDARY LINE OF FM HIGHWAY 3438, HAVING A DELTA ANGLE OF 41 DEGREES 45 MINUTES 37 SECONDS, A RADIUS OF 941.73 FEET, AN ARC OF 100.05 FEET TO A FOUND TxDOT CONCRETE RIGHT OF WAY MONUMENT AT AN ANGLE POINT IN THE SOUTH LINE OF SAID 84.257 ACRD TRACT AND THIS SUBDIVISION;
THENCE, ALONG THE SOUTH RIGHT OF WAY OF 1-20, NORTH 68 DEGREES 20 MINUTES 10 SECONDS EAST A DISTANCE OF 671.29 FEET TO A FOUND TxDOT BRONZE DISC RIGHT OF WAY MONUMENT AT AN ANGLE POINT IN THE EAST LINE OF SAID 84.257 ACRD TRACT AND THIS SUBDIVISION;
THENCE, ALONG THE SOUTH RIGHT OF WAY OF 1-20, NORTH 68 DEGREES 20 MINUTES 10 SECONDS WEST A DISTANCE OF 289.91 FEET TO A SET 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "X" AT AN ANGLE POINT IN THE EAST LINE OF SAID 84.257 ACRD TRACT AND THIS SUBDIVISION;
THENCE, ALONG WEST BOUNDARY LINE OF FM HIGHWAY 3438, SOUTH 80 DEGREES 51 MINUTES 52 SECONDS WEST A DISTANCE OF 603.83 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "X" AT AN ANGLE POINT IN THE EAST LINE OF SAID 84.257 ACRD TRACT AND THIS SUBDIVISION;
THENCE, ALONG WEST BOUNDARY LINE OF SAID 84.257 ACRD TRACT AND THIS SUBDIVISION, TO THE SOUTHEAST CORNER OF SAID 84.257 ACRD TRACT, SAME BEING A CORNER OF MARGOLD STREET AT THE SOUTHEAST CORNER OF SAID 84.257 ACRD TRACT, SAME BEING A CORNER

[illegible]

NOTES

1. AS PER FLOODINSURANCE RATE MAP, COMMUNITY PANEL NUMBER 485450, MAP NUMBER 4844IC0227F MAP REVISED JANUARY 6, 2012; THIS PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD AREA.
2. BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF ABILENE ZONING REGULATIONS.
3. UPON COMPLETION OF THE CONSTRUCTION OF THE SUBDIVISION STREETS, ALLEYS, AND BURIED UTILITIES THE FINAL SUBDIVISION MONUMENTATION WILL BE SET AS FOLLOWS: 1/2" IRON RODS WITH PLASTIC CAPS, STAMPED "H&T", WILL BE SET AT ALL OF THE LOT CORNERS.
4. THIS ADDITION IS LOCATED WITHIN THE CITY LIMITS OF ABILENE, TAYLOR COUNTY, TEXAS.



00 0 3

LEGEND

- MONUMENTS AS DESCRIBED
IN FIELD NOTES
- SUBDIVISION BOUNDARY
- RIGHT OF WAY LINE
- · — · — ADJACENT BOUNDARY LINES

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 TEXAS LOCAL GOVERNMENT CODE CHAPTER 212, SUBCHAPTER A, AS AMENDED.		PLANNING DIRECTOR FILED WITH PLANNING DIRECTOR. CITY OF ABILENE, TEXAS	
DATE	CHAIRMAN	DATE	FILE NUMBER
ATTEST	SECRETARY		PLANNING DIRECTOR
DATE	PLANNING DIRECTOR		FEES
DIRECTOR OF PUBLIC WORKS THE DEDICATION FILED, IN CONNECTION WITH THIS PLAT IS HEREBY APPROVED AND ALL STREETS, ALLEYS, AND PUBLIC AREAS SHOWN HEREON ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF ABILENE, TEXAS.		COUNTY CLERK I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON	
		DATE	FILE NUMBER
DATE	DIRECTOR OF PUBLIC WORKS	COUNTY CLERK	COUNTY, 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

**LOT 101, BLOCK E
GREATER ABILENE INDUSTRIAL DISTRICT
ABILENE, TAYLOR COUNTY, TEXAS**

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

"FIELD NOTES HEREON"

OWNER'S CERTIFICATE AND DEDICATION

EXECUTED THIS _____ DAY OF _____ 20____

SIGNATURE

MISTY MAYO
CHIEF EXECUTIVE OFFICER

THE STATE OF TEXAS;
COUNTY OF **TAYLOR**

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY

PERSONALLY APPEARED **MISTY MAYO**, CHIEF EXECUTIVE OFFICER

KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND
ACKNOWLEDGED TO ME THAT THE SAME ACT OF THE SAID

DEVELOPMENT CORPORATION OF ABILENE

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

GENERAL NOTES

SHEET <u>1</u> OF <u>1</u>	SHEETS _____	ACREAGE <u>92.33</u>
SCALE <u>1" = 300'</u>	SMALLEST LOT <u>X</u> SQ FT	LARGEST LOT <u>4021990</u> SQ FT

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION

CERTIFICATION:

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

PLAT DESCRIPTION:

**LOT 101, BLOCK E
GREATER ABILENE INDUSTRIAL DISTRICT
ABILENE, TAYLOR COUNTY, TEXAS**



SIGNATURE

05/30/2023

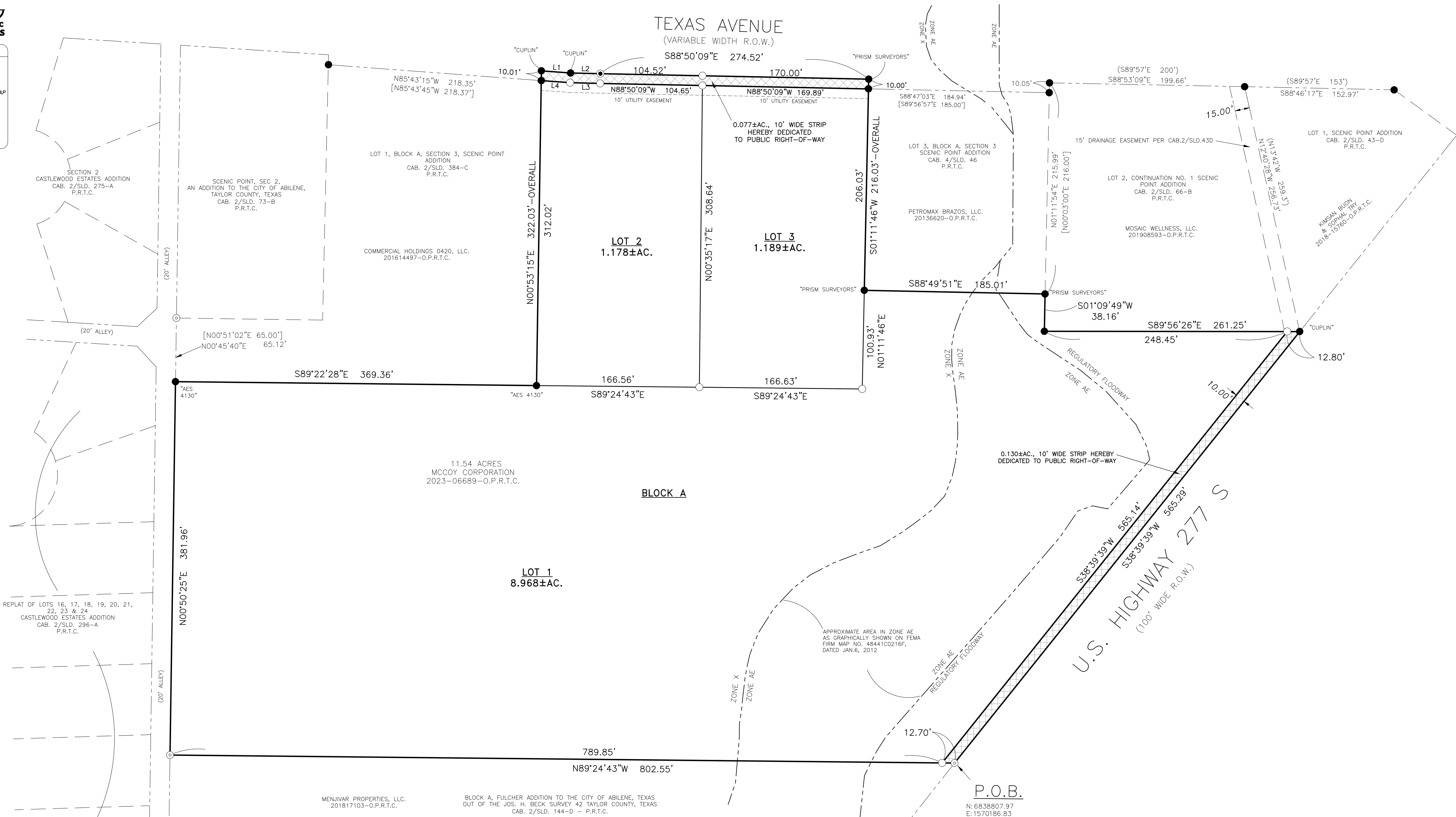
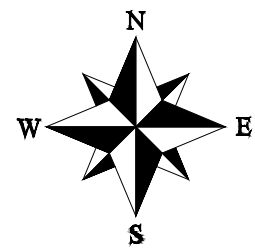
RILEY ELMER GRIFFITH
REGISTERED PROFESSIONAL LAND SURVEYOR



Enprotec | Hibbs & Todd

402 Cedar Street • Abilene, Texas 79601 • T: (325) 698-5560 • F: (325) 690-3240 • www.e-ht.com
PE Firm Registration No. 1151 • PG Firm Registration No. 50103 • RPLS Firm Registration No. 10011900

LEGEND	
●	1/2" IRON PIN FOUND (UNLESS NOTED)
⊙	3/4" IRON PIPE FOUND
○	SET 1/2" IRON PIN WITH CUPLIN PROPERTY CAP
...	VOLUME/PAGE
D.R.T.C. DEED RECORDS TAYLOR CO.	
O.P.R.T.C. OFFICIAL PUBLIC RECORDS TAYLOR COUNTY	
()	RECORD INFO/SUBJECT
[]	RECORD INFO/ADJOINER



LEGAL DESCRIPTION:
BEING AN 11.542 ACRE TRACT SITUATED IN THE J.M. BECK SURVEY NO. 42, ABILENE, TAYLOR COUNTY, TEXAS, FURTHER BEING DESCRIBED IN A SPECIAL WARRANTY DEED FROM B. SENTER PROPERTIES, LTD. TO MCCOY CORPORATION, RECORDED IN DOCUMENT NO. 2023-06689 OF THE OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY, TEXAS, SAID 11.542 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/4" IRON PIPE FOUND, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 277, BEING THE NORTHEAST CORNER OF BLOCK A, FULCHER ADDITION TO THE CITY OF ABILENE, OUT OF THE J.O.S. H. BECK SURVEY NO. 42 TAYLOR COUNTY, TEXAS, AS SHOWN ON PLAT RECORDED IN CABINET 2, SLIDE 144-D, PLAT RECORDS OF TAYLOR COUNTY, TEXAS, BEING THE SOUTHEAST CORNER OF SAID 11.54 ACRE TRACT, AND HEREOF;

THENCE NORTH 89°24'43" WEST, ALONG THE NORTHERLY LINE OF SAID FULCHER ADDITION, ALONG THE SOUTHERLY LINE OF SAID 11.54 ACRE TRACT, AND HEREOF, A DISTANCE OF 802.55' TO A 3/4" IRON PIPE FOUND AT THE NORTHWESTERLY CORNER OF SAID FULCHER ADDITION, ALONG THE EASTERLY LINE OF A 20' ALLEY OF SECTION 2, CASTLEWOOD ESTATES ADDITION, OUT OF THE J.M. BECK SURVEY NO. 42, ABILENE, TAYLOR COUNTY, TEXAS, AS SHOWN ON PLAT RECORDED IN CABINET 2, SLIDE 275-A, PLAT RECORDS OF TAYLOR COUNTY, TEXAS, AT THE SOUTHWEST CORNER OF SAID 11.54 ACRE TRACT, AND HEREOF;

THENCE NORTH 00°50'25" EAST, ALONG THE EASTERLY LINE OF SAID 20' ALLEY, ALONG THE WESTERLY LINE OF SAID 11.54 ACRE TRACT, AND HEREOF, A DISTANCE OF 381.96' TO A 1/2" IRON PIN FOUND WITH "AES 4130" CAP ALONG THE EASTERLY LINE OF SAID 20' ALLEY, AT THE SOUTHWESTERLY CORNER OF LOT 1, BLOCK A, SECTION 3 SCENIC POINT ADDITION TO THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AS SHOWN ON PLAT RECORDED IN CABINET 2, SLIDE 384-C, PLAT RECORDS OF TAYLOR COUNTY, TEXAS, AT THE MOST WESTERLY NORTHWEST CORNER OF SAID 11.54 ACRE TRACT, AND HEREOF;

THENCE ALONG THE OUT BOUNDS OF SAID LOT 1, THE OUT BOUNDS OF SAID 11.54 ACRE TRACT, AND HEREOF THE FOLLOWING COURSES AND DISTANCES:
1) SOUTH 88°22'28" EAST, A DISTANCE OF 369.36' TO A 1/2" IRON PIN FOUND WITH "AES 4130" CAP;
2) NORTH 00°53'15" EAST, PASSING A FOUND 1/2" IRON PIN AT A DISTANCE OF A DISTANCE OF 312.02', FOR A TOTAL DISTANCE OF 322.03' TO 1/2" IRON PIN FOUND WITH "CUPLIN" PROPERTY CAP AT THE NORTHEAST CORNER OF SAID LOT 1, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF TEXAS AVENUE, AT THE MOST NORTHERLY NORTHWEST CORNER OF SAID 11.54 ACRE TRACT, AND HEREOF;

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID TEXAS AVENUE, THE NORTHERLY LINE OF SAID 11.54 ACRE TRACT, AND HEREOF THE FOLLOWING COURSES AND DISTANCES:
1) SOUTH 85°47'27" EAST, A DISTANCE OF 30.00' TO A 1/2" IRON PIN FOUND WITH "CUPLIN" PROPERTY CAP;
2) SOUTH 88°35'37" EAST, A DISTANCE OF 30.42' TO A 3/8" IRON PIN FOUND;
3) SOUTH 88°50'09" EAST, A DISTANCE OF 274.52' TO A 1/2" IRON PIN FOUND WITH "PRISM SURVEYORS" PROPERTY CAP, AT THE NORTHWESTERLY CORNER OF LOT 3, BLOCK A, SECTION 3 SCENIC POINT ADDITION, AS SHOWN ON PLAT RECORDED IN CABINET 2, SLIDE 668 OF THE PLAT RECORDS OF TAYLOR COUNTY, TEXAS, AT THE MOST NORTHEASTERLY CORNER OF SAID 11.54 ACRE TRACT, AND HEREOF;

THENCE ALONG THE OUT BOUNDS OF SAID LOT 3, THE OUT BOUNDS OF SAID 11.54 ACRE TRACT, AND HEREOF THE FOLLOWING COURSES AND DISTANCES:
1) SOUTH 01°11'46" WEST, PASSING A 1/2" IRON PIN FOUND AT A DISTANCE OF 9.94', FOR A TOTAL DISTANCE OF 216.03' TO A 1/2" IRON PIN FOUND WITH "PRISM SURVEYORS" PROPERTY CAP;
2) SOUTH 88°49'51" EAST, A DISTANCE OF 185.01' TO A 1/2" IRON PIN FOUND WITH "PRISM SURVEYORS" PROPERTY CAP, ALONG THE WESTERLY LINE OF LOT 2, CONTINUATION NO. 1 SCENIC POINT ADDITION AS SHOWN ON PLAT RECORDED IN CABINET 2, SLIDE 668 OF THE PLAT RECORDS OF TAYLOR COUNTY, TEXAS, BEING A NORTHEASTERLY CORNER OF SAID 11.54 ACRE TRACT, AND HEREOF;

THENCE ALONG THE OUT BOUNDS OF SAID LOT 2, THE OUT BOUNDS OF SAID 11.54 ACRE TRACT, AND HEREOF THE FOLLOWING COURSES AND DISTANCES:
1) SOUTH 01°09'49" WEST, A DISTANCE OF 38.16' TO A 1/2" IRON PIN FOUND;
2) SOUTH 89°56'26" EAST, A DISTANCE OF 261.25' TO A 1/2" IRON PIN FOUND WITH "CUPLIN" PROPERTY CAP, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY 277, BEING THE MOST NORTHEASTERLY CORNER OF SAID 11.54 ACRE TRACT, AND HEREOF;

THENCE SOUTH 38°39'39" WEST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY 277, THE EASTERLY LINE OF SAID 11.54 ACRE TRACT, AND HEREOF A DISTANCE OF 565.29' TO POINT OF BEGINNING, CONTAINING 11.542 ACRES, MORE OR LESS. ALL DISTANCES SHOWN HEREON ARE BASED ON GRID DISTANCES. TO OBTAIN SURFACE VALUES, USE A SCALE FACTOR OF 1.00010280726602. THE HEREIN DESCRIBED TRACT INCLUDED A 0.130 OF AN ACRE, 10' WIDE STRIP TO BE DEDICATED TO PUBLIC RIGHT-OF-WAY ALONG U.S. HIGHWAY 277 AND A 0.077 OF AN ACRE, 10' WIDE STRIP TO BE DEDICATED TO PUBLIC RIGHT-OF-WAY ALONG TEXAS AVENUE.

NOTES:

- 1) BASIS OF BEARINGS ARE TO THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE. UNLESS NOTED BEARINGS AND DISTANCES MATCH THOSE OF RECORD AS SHOWN ON DOC. NO. 2023-06689 OF THE OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY, TEXAS.
- 2) DISTANCES SHOWN ARE GRID VALUES, FOR SURFACE APPLY A SCALE OF 1.0001028072660.
- 3) BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF ABILENE ZONING REGULATIONS.
- 4) UPON COMPLETION OF CONSTRUCTION, ALL MONUMENTS TO BE SET WITH 1/2" REBAR WITH "CUPLIN" PROPERTY CAP.
- 5) PORTIONS OF SUBJECT PROPERTY IS LOCATED WITHIN THE ZONE AE (AREAS LOCATED WITHIN THE 100 YR FLOOD LINE) AND THE REGULATORY FLOODWAY AS GRAPHICALLY IDENTIFIED ON FEMA F.I.R.M. MAP NO. 48441C0216F, EFFECTIVE 01/06/2012.
- 6) THIS SUBDIVISION IS LOCATED WITHIN THE CITY LIMITS OF ABILENE, TAYLOR COUNTY, TEXAS.
- 7) THE PROPERTY IS ZONED GENERAL COMMERCIAL (GC) AND SHALL BE SUBJECT TO THE ZONING AND SUBDIVISION REQUIREMENTS CURRENTLY ADOPTED AT THE TIME OF THIS PLAT.
- 8) ALL APPLICABLE IMPACT FEES WILL BE BASED UPON RATES AT THE TIME OF THIS PLAT.
- 9) A MINIMUM 40' JOINT ACCESS EASEMENT SHALL BE DEDICATED BY SEPARATE INSTRUMENT ALONG THE COMMON PROPERTY LINE BETWEEN LOT 2 AND LOT 3 PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR EITHER LOT.
- 10) A MINIMUM 5' SIDEWALK SHALL BE INSTALLED ALONG TEXAS AVENUE FRONTAGE OF LOT 2 AND LOT 3 BEFORE A CERTIFICATE OF OCCUPANCY FOR EACH LOT SHALL BE ISSUED.
- 11) A CITY FLOODPLAIN/FLOODWAY DEVELOPMENT PERMIT IS REQUIRED PRIOR TO DEVELOPMENT WITHIN THE FLOODPLAIN/FLOODWAY

MCCOY'S ABILENE SUBDIVISION

OWNER:
MCCOY CORPORATION
P.O. BOX 1028
SAN MARCOS, TEXAS 78667

PROJ. NO. 221308
PREPARED FOR: MCCOY CORPORATION
TECH: C. CUPLIN
APPROVED: K.C. LUST
FIELDWORK PERFORMED ON: 01/03/2023-01/05/2023
COPYRIGHT: 2023
PROFESSIONAL FIRM NO: 10128900

1500 OLLIE LANE
MARBLE FALLS, TX. 78654
PH. 325-388-3300/830-693-8815
WWW.CUPLINASSOCIATES.COM

SCALE 1" = 60'
0 30 60

2	1
DATE	NO.
DESCRIPTION	REVISIONS

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 TEXAS LOCAL GOVERNMENT CODE CHAPTER 212, SUBCHAPTER A, AS AMENDED.	
DATE	CHAIRMAN
ATTEST	SECRETARY
DATE	PLANNING DIRECTOR

PLANNING DIRECTOR	
FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS.	
DATE	FILE NUMBER
PLANNING DIRECTOR	
FEES	

COUNTY CLERK	
I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON	
DATE	FILE NUMBER
COUNTY CLERK	COUNTY TEXAS
DEPUTY	

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

OWNER'S CERTIFICATE AND DEDICATION

THE UNDERSIGNED OWNER(S) REPRESENTED BY THE SENIOR VICE PRESIDENT OF MCCOY CORPORATION, THE HEREINAFTER DESCRIBED REAL PROPERTY HAS CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCKS, LOTS, STREETS AND ALLEYS UNDER THE NAME OF

MCCOY'S ABILENE SUBDIVISION

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

SEE METES & BOUNDS DESCRIPTION HEREON

EXECUTED THIS _____ DAY OF _____ A.D. 2023

SENIOR VICE PRESIDENT

ACKNOWLEDGEMENT

THE STATE OF TEXAS: _____
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____

KNOWN TO ME TO BE THE PERSON AND OFFICER 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. 2023

NOTARY PUBLIC: _____ COUNTY TEXAS

GENERAL NOTES

ACREAGE: 11.542 ACRES

SCALE: 1"=60' SMALLEST LOT: 1.178 ACRES LARGEST LOT: 8.968 ACRES

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION

CERTIFICATION

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

PLAT DESCRIPTION: MCCOY'S ABILENE SUBDIVISION

PRELIMINARY
PURSUANT TO THE STATE OF TEXAS ADMINISTRATIVE CODE SECTION 138.33(e), THIS DOCUMENT IS "PRELIMINARY," THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY INSTRUMENT

(PRINT)
REGISTERED PROFESSIONAL LAND SURVEYOR

DATE

1 OF 1
SHEET

ZONING CASE CUP-2023-05

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant

Owner: Alan Wartes
Agent: Jovon Christophe

Case Manager

Clarissa Ivey – Planner

Request

Apply a Conditional Use Permit to approximately 0.17 acres to allow for a Daycare within Residential Single Family (RS-6) zoning for up to 12 children.

Location

Lot 20, Block 36, Green Acres Section 2, at 3236 Ambler Avenue.

Background

The subject property has been used as a single family residence since 1958. Currently the property is being used as a single family residence with the accessory use of day-care with less than six children, which is an allowed home occupation.

Issues/Concerns

1. The property is located on an arterial street. The dropping off and picking up of children could be problematic for the safety of children and for parents backing out into Ambler Avenue and could result in congestion.
2. Since adequate off-street parking may not be available at peak drop off periods, parents may resort to parking on Ambler Avenue, which would create congestion.
3. The site plan does not satisfy the requirements of the LDC. However, the applicant does not propose any site improvements.
4. If the CUP is granted to allow six (6) additional children, a new day-care license would be required.
5. The applicant submitted a Plan of Operation to address the issues cited above.

Zoning, Existing and Proposed Land Use

The properties lies in the middle of an established Residential Single-Family (RS-6) neighborhood.

Criteria Assessment

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

1. **The proposed use at the specified location is consistent with the policies embodied in the**

adopted Comprehensive Plan.

The Future Land Use Map designates the site as Very Low Density Residential. The proposed use is consistent with the Comprehensive Plan.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations

The proposed use of the subject site as a home- based daycare exceeds the limitation of 6 children being allowed in a residence.

3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.

The proposed use is compatible and preserves the character and integrity of the neighborhood. The added parking area is consistent with the neighborhood.

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

Although the proposed use will generate additional traffic, the applicant states that measure will be implemented to reduce the number of vehicles at the home at one time. There will be a two hour period in which the parents will need to drop off their children.

5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.

The applicant plans on implementing a two-hour window to drop-off/pick-up children, which may minimize the amount of traffic at the home at any one time.

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

The proposed use will not be incorporating any features that makes will make the home look different from the surrounding properties.

7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

The proposed use exceeds the standards for the zoning district, which only allows 6 children, but may not adversely affect the surrounding neighborhood is the Plan of Operation is followed.

Staff Recommendation

Staff recommends **approval** subject to:

1. Compliance with the proposed Plan of Operation.
2. The issuance of any required local and state licenses for 6 additional children.
3. A copy of all required licenses shall be provided to the Building Official.
4. The issuance of a Certificate of Occupancy prior to expanding the size of the day-care for up to 12 children.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
RICHARDS JOSHUA	21644	3236 SANDEFER ST	
REYES MARTIN & ERICA	21767	3224 SANDEFER ST	
O NEAL KASSIE	23179	3260 SANDEFER ST	
DIAZ MOSAIC &	23311	3248 SANDEFER ST	
FAUGHT COLLENE	24224	3173 SANDEFER ST	
BURGER DONALD L	24353	3201 SANDEFER ST	
BALLOU SHERRY	24481	3213 SANDEFER ST	
ZACHRY BARBARA J CASSELBERRY	24614	3225 SANDEFER ST	
WHITAKER JIMMIE R &	24745	3237 SANDEFER ST	
UNIQUE3 SOLUTIONS LLC	24866	3249 SANDEFER ST	
EDWARDS CARLA	24988	3261 SANDEFER ST	
JIMENEZ JUAN	25112	3273 SANDEFER ST	
RODRIGUEZ SYLVIA	25228	3285 SANDEFER ST	
RICKARD FORREST GENE & TRISTEN MARIE	25348	3284 AMBLER AV	
FAUGHT JOHNNY MARK	25492	3272 AMBLER AV	
WALLS ROBIN C ET AL	25634	3260 AMBLER AV	
LOZA VICTOR &	25753	3248 AMBLER AV	
WARTES ALAN	25871	3236 AMBLER AV	
LARSEN VIRGINIA LF EST	25999	3224 AMBLER AV	
HERRERA JACQUELINE	26119	3212 AMBLER AV	
FAUGHT COLLENE	26238	3200 AMBLER AV	
SUDDENDORF LONNY D LF EST	26356	3172 AMBLER AV	
CABALLERO DANIEL & CANO MARIA	52602	2157 MIMOSA DR	
BABER SCOT &	52730	2168 WESTVIEW DR	
LOPEZ EDWARD	52867	2152 WESTVIEW DR	
BUTLER EGYPT ROBERTA	57455	2159 WESTVIEW DR	
BECKER STACI M	57570	2169 WESTVIEW DR	
PENNS TIMOTHY &	57703	2168 BRIARWOOD ST	

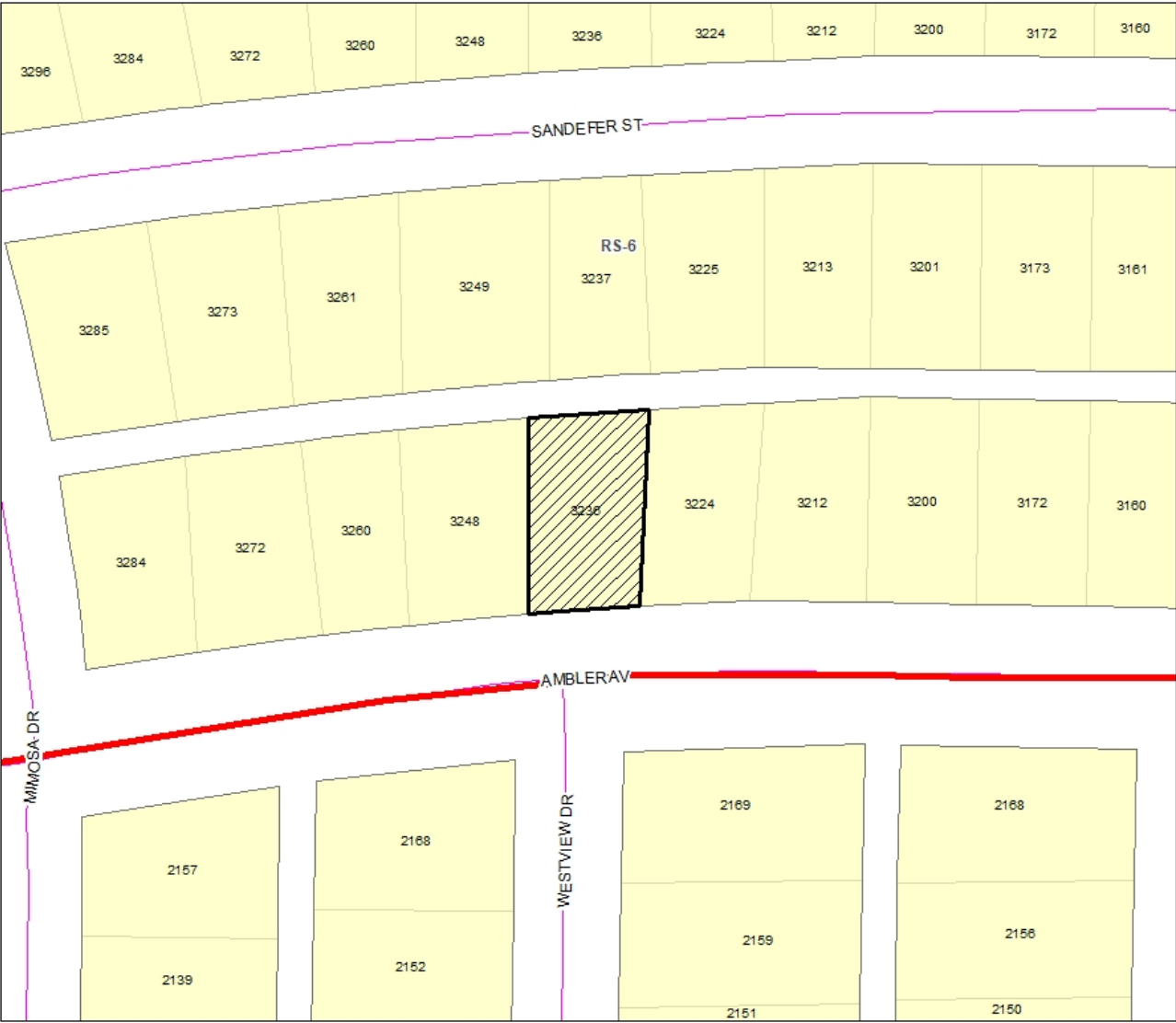
PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
BABER SCOT &	52730	2168 WESTVIEW DR	
BALLOU SHERRY	24481	3213 SANDEFER ST	
BECKER STACI M	57570	2169 WESTVIEW DR	
BURGER DONALD L	24353	3201 SANDEFER ST	
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DIAZ MOSAIC &	23311	3248 SANDEFER ST	

EDWARDS CARLA	24988	3261 SANDEFER ST	
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WARTES ALAN	25871	3236 AMBLER AV	
WHITAKER JIMMIE R &	24745	3237 SANDEFER ST	
ZACHRY BARBARA J CASSELBERRY	24614	3225 SANDEFER ST	

LOCATION MAP



ZONING MAP



Zoning Map



- Legend
- CUP-2023-05
 - Arterial
 - RS-6:
 - Residential Single-Family

Exhibit 1

*Staff requested a more detailed site plan. The attached plan is the best applicant could provide.

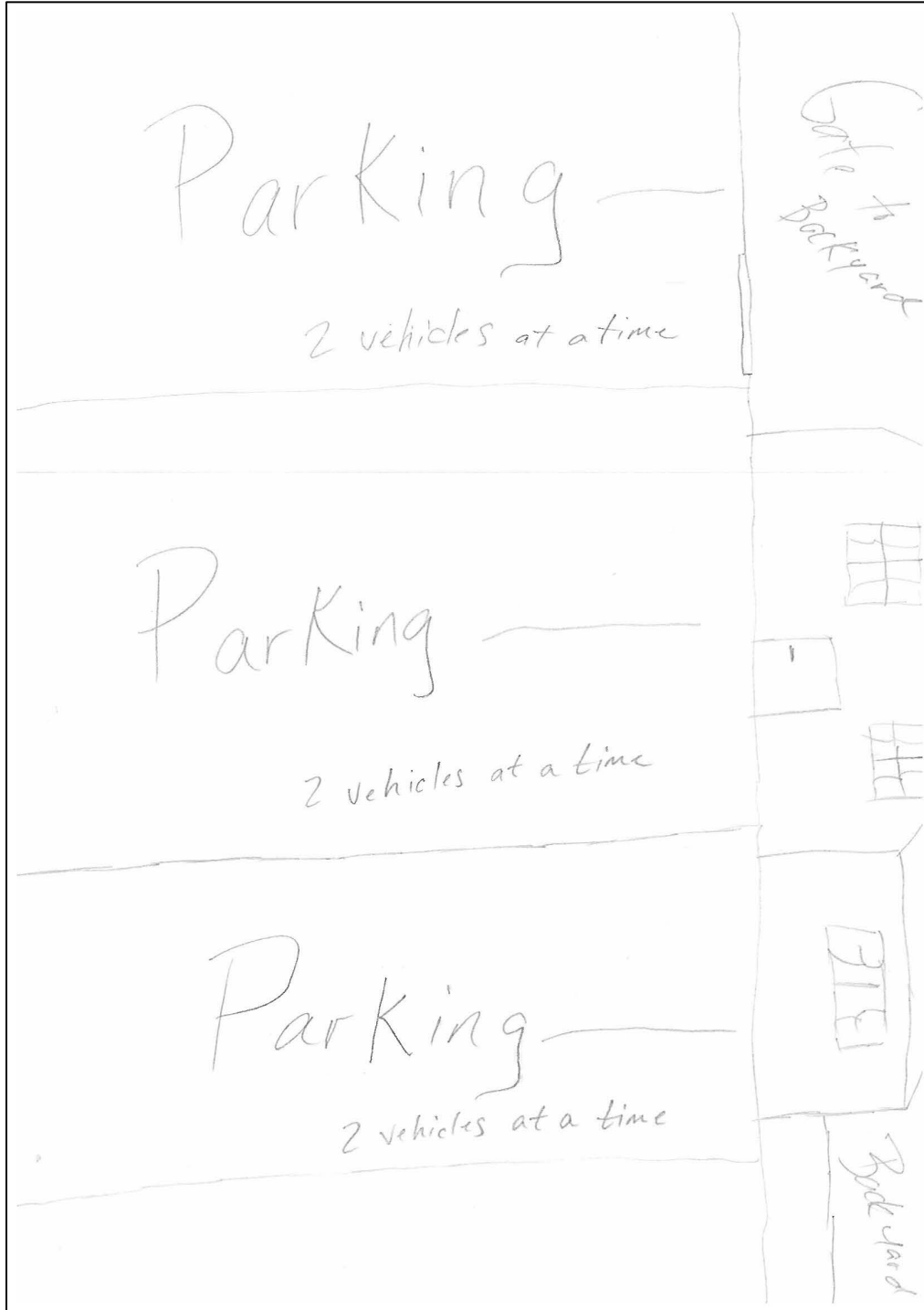


Exhibit 2



Parking area is adequate for four vehicles. The added spaces to west do not have a curb cut/ approach onto the street.



CONDITIONAL USE PERMIT

Case: CUP-2023-05

Owner: Alan Wartes

Agent: Jovon Christophe

Request: A CUP to allow a Daycare for up to 12 children.

Location: 3236 Ambler Avenue

Notification: 0 in Favor, 0 Opposed

Planning & Zoning: August 1, 2023

Council Hearing: August 24, 2023
September 14, 2023

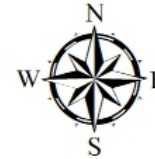




AERIAL LOCATION MAP

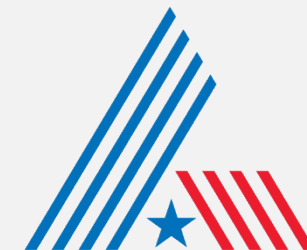


Aerial Map



Legend

- CUP-2023-05
- CourierParcels



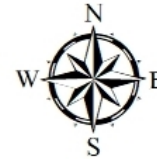
CITY OF
ABILENE
TEXAS



ZONING MAP

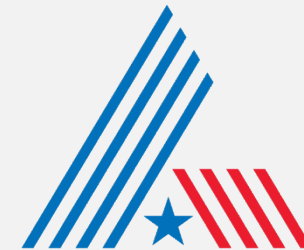


Zoning Map



Legend

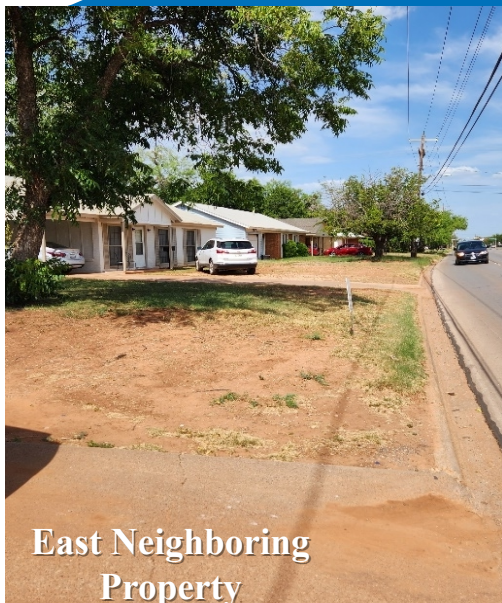
- CUP-2023-05
- Arterial
- RS-6:
Residential
Single-Family



CITY OF
ABILENE
TEXAS



VIEWS OF SUBJECT PROPERTY



East Neighboring
Property



West Neighboring
Property



South Neighboring
Property



Subject Property



Subject Property



Subject Property

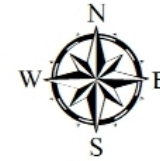




NOTIFICATION AREA MAP



Notification Map



Legend

- Notification Area
- CUP-2023-05

0- In Favor- 
0- Opposed- 





FINDINGS AND RECOMMENDATIONS

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** subject to:

1. Compliance with the proposed Plan of Operation.
2. The issuance of any required local and state licenses for six additional children.
3. A copy of all required licenses shall be provided to the Building Official.
4. The issuance of a Certificate of Occupancy prior to expanding the size of the day-care for up to 12 children.





Questions?



2023 Development Application

Zoning Application Page 1 of 3

Planning

- ☒ Conditional Use
 ☐ Special Exceptions
 ☐ Rezoning
 ☐ Variance
☐ PDD Amendment
 ☐ Street Name Change
 ☐ Thoroughfare Abandonment
☐ Easement Release

Relief Procedures

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

Project Name: Expanding childcare ratio
 Address: 3236 Ambler Ave Number of Lots: _____ Acreage: _____
 Legal Description: Green Acres section 2
 Subdivision Name: Willow Brook, Green Acres Block: 36 Lot 20 Lot: _____
 Current Zoning: RS6 Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: ALAN WARTES
 Address: 41 TAMARISK Circle
 City, State, Zip: Abilene TX 79606 Fax: _____
 Phone: 325-665-8942 Email: airitout1990@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 of Owner: Alan Wartes Date: 4-27-23

FOR OFFICE USE ONLY

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

2023 Development Application

Zoning Application Page 2 of 3

Existing Zoning

- | | | | |
|---|--|-----------------------------|------------------------------|
| ☐ AO | Agricultural Open Space | ☐ GR | General Retail |
| ☐ RR | Rural Residential RR-5 & RR-1 | ☐ MU | Medical Use |
| ☒ RS-12 | Residential Single-Family – 12,000 sq. ft lots | ☐ CB | Central Business |
| ☐ RS-8 | Residential Single-Family – 8,000 sq. ft lots | ☐ MX | Mixed Use |
| ☒ RS-6 | Residential Single-Family – 6,000 sq. ft lots | ☐ GC | General Commercial |
| ☐ PH | Single-Family Residential Patio Home | ☐ HC | Heavy Commercial |
| ☐ TH | Residential Townhouse | ☐ LI | Light Industrial |
| ☒ MD | Residential Medium Density | ☐ HI | Heavy Industrial |
| ☐ MH | Manufactured/Mobile Home | ☐ PD | Planned Development District |
| ☐ CU | College & University | ☐ | Empowerment Overlay |
| ☐ NO | Neighborhood Office | | |
| ☐ O | Office | | |
| ☐ NR | Neighborhood Retail | | |

Reason for Zoning Change

Fees

FOR DEVELOPMENT FEES CTRL & CLICK LINK BELOW AND CHOOSE "Z"

<https://abilenetx.gov/563/Fee-Schedule>

Fees can be paid online with credit card.

2023 Development Application

Zoning Application Page 3 of 3

Zoning Impact Analysis

Please answer these questions in order to assist staff with the processing of your zoning request.

1. Does the proposed zoning map amendment implement the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map?

N/A, No changes to existing landscape or property

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

N/A, Childcare use still in effect, Only to increase childcare availability.

3. Are the proposed changes in agreement 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 / N/A

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

No / N/A

Other Required Forms - Disclosure of Interest (See Attached)

2023 Development Application

Owner Authorization and Representative Designation

Property Description

Subdivision: _____ Total Number of Acres: _____
 Zoning Classification(s): _____ Total Number of Lots: _____
 Location: _____

Property Owner Information & Authorization

Name/Company: ALAN WARTES
 Address: 41 TAMARISK CIRCLE
 City: ABILENE State: TX Zip Code: 79606
 Phone: 325-665-8942 Email: airitout1990@gmail.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate JOVON CHRISTOPHE (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. 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 request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Abilene.

Property Owner's Signature: [Signature] Date: 4-27-23

STATE OF: TEXAS

COUNTY OF: TAYLOR

BEFORE ME, a Notary Public, on this day personally appeared Alan Wartes
 (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN before me, this the 27th day of April, 2023



[Signature]
 NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other(specify): _____

Name: _____ Company: _____
 Address: _____ City: _____ State: _____
 Zip Code: _____ Number: _____ Email: _____

2023 Development Application

Disclosure of Interest

Disclosure Questions

Every question must be answered. If the question is not applicable, answer with "N/A".

NOTE: If the Project Representative is not the Property Owner, this form must be filled out by both the Property Owner and the Project Representative.

- A. Do you believe that a City official* or City employee** may have a conflict of interest in the property or application referenced on the reverse side? ☐ Yes ☒ No
- B. If so, state the name of each City official or employee of the City of Abilene known by you that may have a conflict of interest in the property or application referenced on reverse side.
N/A
- C. State all information upon which you base the belief (use additional paper, if necessary).

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Abilene, Texas, as changes occur.

Name of Certifying Person (print): _____

Property Owner ☐ Project Representative ☐

Signature of Certifying Person: _____

*Mayor, City Council members, Planning and Zoning Commission members, and Zoning Board of Adjustment members

**City Manager, City Secretary, City Attorney, and all department heads

2023 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: _____

04/28/2023

JC's Spot for Tots Daycare
3236 Ambler Avenue
Abilene, TX 79603
325-725-6731
Jovon Christophe

Dear City of Abilene,

My name is Jovon Christophe, and I am a Registered Childcare Provider going on 14 years. I am located at 3236 Ambler Avenue, and I am interested in becoming a Licensed childcare home where I will care for no more than 12 children with ages ranging from 18 months to 12 years old. I will determine my own program services, hours, and parent fees.

My hours of operation are Monday through Friday 7:30am to 5:30pm. Parents work schedules are different, and the children usually arrive over a period of two hours in the morning, and leave during a similar period in the late afternoon. This will reduce the number of vehicles at my home at one time. Parents escort their children safely to and from their vehicles to my home. By implementing these measures, my business will not increase traffic congestion on the street.

While children are in my care, my assistant and I are responsible for the supervision at all times including indoor activities, outdoor play in a fenced in back yard 1 to 2 hours a day, on walks, or vehicle trips away from my home.

If you have questions or concerns, or if you would like to consider other impact to the neighborhood please contact me at any time. Gathering your input now will help me to better plan my program, and prevent issues that might arise in the future.

Thank you for your time,

Jovon Christophe

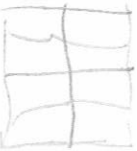
Parking

2 vehicles at a time

Gate to backyard

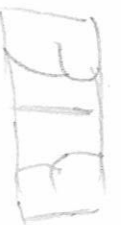
Parking

2 vehicles at a time



Parking

2 vehicles at a time



Back yard

ZONING CASE Z-2023-24

STAFF REPORT - AMENDED

Scheduled Hearings

Planning & Zoning Commission: July 5, 2023
August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant

Owner: Amazing Grace True Grit, LLC
Agent: Sara Trammell

Case Manager

Mason Teegardin – Planner

Request

The applicant originally requested the rezoning of 0.68 acre from Residential Single Family (RS-12/H) to Neighborhood Office (NO/H). The applicant now requests the rezoning of this property to PD-184, with a base zoning district of RS-12/H, with a medical spa.

Location

Located within the Highland Addition Subdivision, the east 26' of Lot A and all of lots B and C, Block 9, at 642 Sayles Boulevard, Abilene, Taylor County, Texas.

Background

The subject property is located within the Highland Addition. The lot has been used as a residential lot since 1889. The residence is currently being used as a Bed and Breakfast (Ordinance No. 53-2011), as well as an event space. This property was zoned Historic Overlay (H) in July 1985.

At the July 5, 2023 Commission meeting, a neighbor testified that the current use of the property as a bed and breakfast and event center was having an adverse impact on the surrounding neighborhood due to noise, late hours of operation, and guest parking/traffic in the neighborhood. The applicant testified that the bed and breakfast/event center would no longer operate if the request is approved.

New notice was published and provided to the surrounding owners entitled to notice.

Zoning, Existing and Proposed Land Use

The surrounding properties are all zoned residential, with a mix of RS-6 and RS-12 districts. zoning. No surrounding property has Historic Overlay zoning (HO), there are properties across Sayles Boulevard and South 7th Street that are zoned HO. The applicant proposes to use the home as a med-spa to offer injectable services, laser hair removal, facials, body care, and lash and brow services.

A proposed Plan of Operation was submitted by the applicant describing the proposed use and how it will operate. A key provision of the plan is that the business would by appointment only between 9:00 a.m. to 6:00 p.m. on Monday through Saturday.

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 proposed request is not consistent with the Comprehensive Plan or the Future Land Use Map. The Future Land Use Map proposes this area as "very low density residential", which is consistent with the existing zoning of the subject site. However, limited commercial uses were allowed at this location when a CUP was approved to allow a bed and breakfast and event center. If this request is approved to allow a medical spa, the intensity of use of this site would be reduced.

(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.

All of the surrounding properties have historically been utilized for single-family residential purposes. Businesses and commercial zoning is not located in the vicinity of this site. Limited commercial use of this site was introduced when the CUP described above was granted. If the request is approved, the bed and breakfast/event center would no longer be permitted. The proposed use, per the Plan of Operation, should be less intensive than the current use.

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

This property has access to all required utilities.

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

None known.

Staff Recommendation

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

1. The base zoning shall be PD-183/H, with a medical spa being a permitted use, subject to the attached Plan of Operation.
2. A Certificate of Occupancy (CO) shall be obtained from the Building Inspection Division prior to commencing business.
3. The property may continue to be used as a bed and breakfast and event center until a CO is issued to allow the proposed medical spa. Upon the issuance of the CO, the use of the property as a bed and breakfast or an event center shall be prohibited.
4. The exterior appearance of the home shall not be altered in a manner that diminishes the historic character of the home.

Proposed Plan of Operation

Proposed use of space for 642 Sayles Blvd as a Medical Spa

My goal is to maintain the home and property in its current state. As a current homeowner in the Sayles Corridor, I value the history of this area, and I want to maintain the historic overlay, not altering the outside appearance of the structure. It will serve as my established medical aesthetic practice and day spa.

Our general classification as a medical spa would include the following:

- We function by appointment only Monday- Saturday 9 am – 6 pm.
- Our general practice has a cosmetic licensure for facial treatments.
- We perform laser treatments and other minimally invasive techniques, such as: laser hair removal, facial laser treatments, and peels. Other non-surgical treatments include injectables, such as Botox and fillers.
- We offer wellness services such as sauna treatments, dietary consultations, vitamin injections.
- We do have a tattoo license for permanent makeup of eyebrows and lips.
- We do not propose to use the residence as a bed and breakfast or an event center after all scheduled events are concluded, which will be approximately November 2023.

NOTIFICATIONS

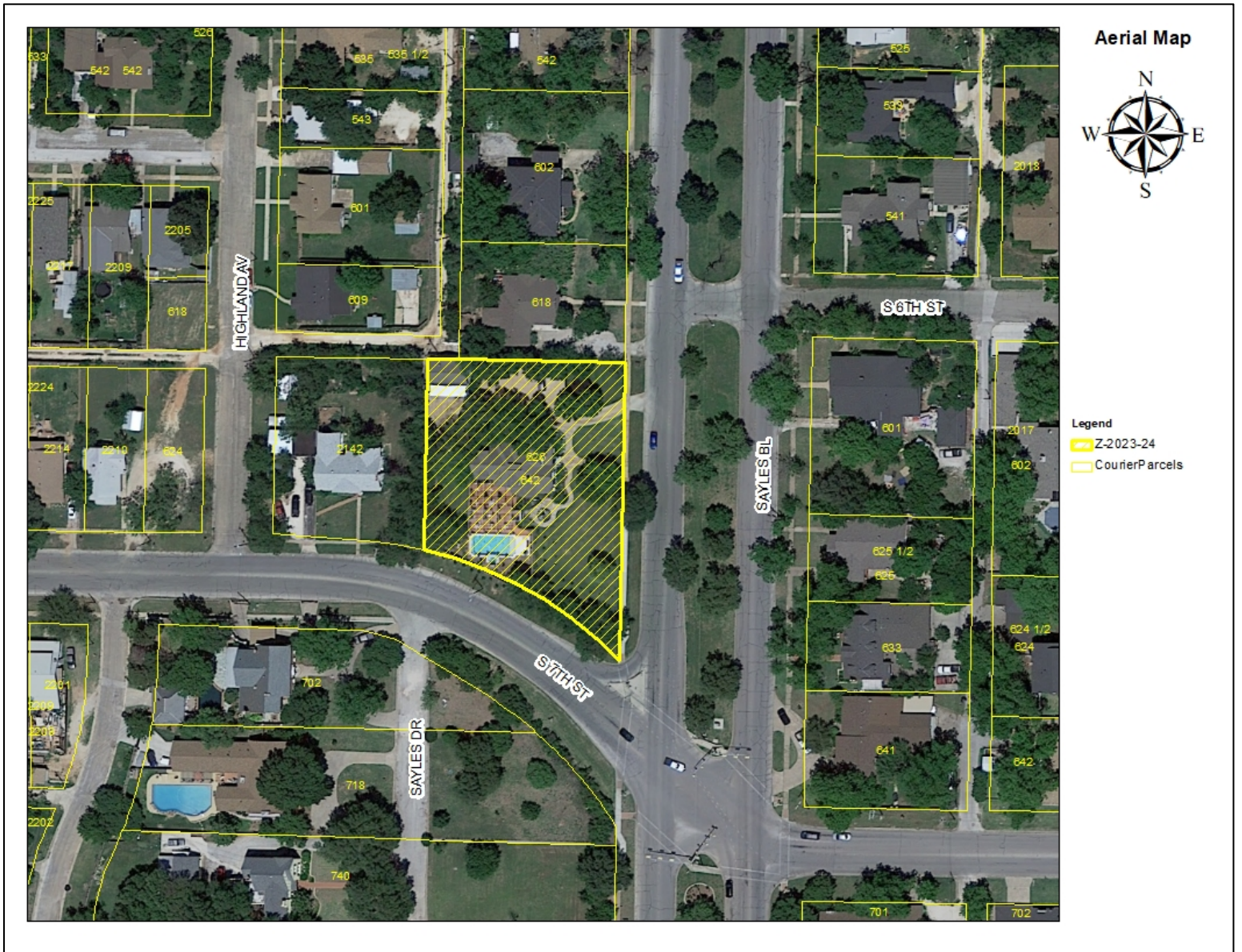
Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
AMAZING GRACE TRUE GRIT LLC	22507	642 SAYLES BL	F
AMAZING GRACE TRUE GRIT LLC	22507	626 SAYLES BL	
BILES JOE GRADY & AMANDA BELLE	23159	602 SAYLES BL	
CONLEY EDWARD A &	18669	633 SAYLES BL	
DAVID MARIA LF EST	18323	601 SAYLES BL	
FULLER KRISTI R	22377	2142 S 7TH ST	
GARRETT BRYANT & DAWN	18553	625 1/2 SAYLES BL	
GARRETT BRYANT & DAWN	18553	625 SAYLES BL	
HALL GLEN D & CAROL K	76313	740 SAYLES DR	O
HALL MICHAEL	23281	618 SAYLES BL	
HISCOCK CAREY C & SLINA M	18776	641 SAYLES BL	
KAPPEL MARK T & JANA S	76197	718 SAYLES DR	
KEY CITY MANAGEMENT LLC	23826	543 HIGHLAND AV	
MC NEILL DAN STEVEN & TRACY A MORGAN	76070	702 SAYLES DR	O
MILLER BONNIE H LF EST	25615	618 HIGHLAND AV	
SNOW JOSEPH H III &	23687	601 HIGHLAND AV	
TAMCKE JAIDEN D & VICTORIA M	23560	609 HIGHLAND AV	
TEMPLIN BONELL	18207	541 SAYLES BL	
VALERIO HECTOR	27008	624 HIGHLAND AV	

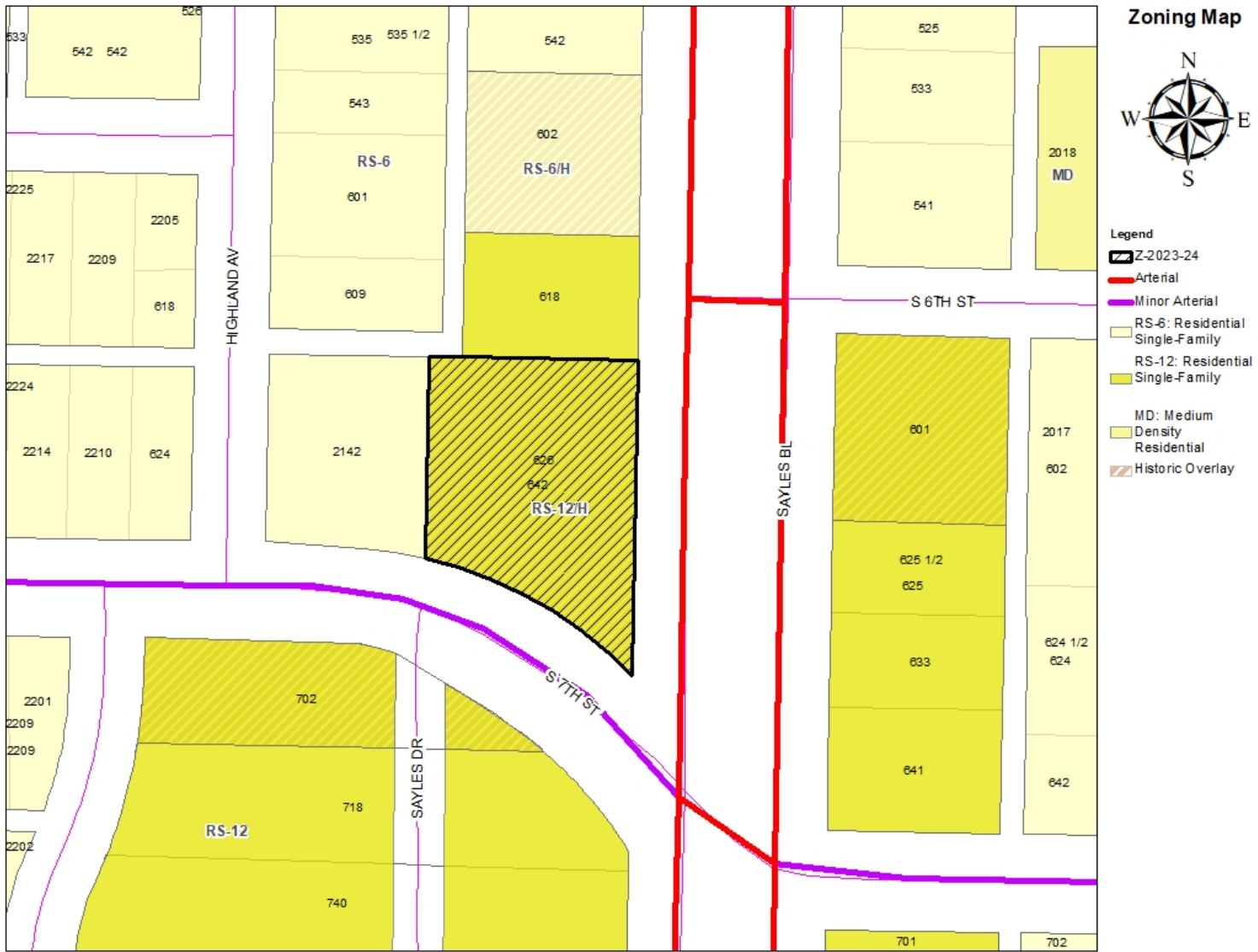
PROPERTY ID

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HALL GLEN D & CAROL K	76313	740 SAYLES DR	O

LOCATION MAP



ZONING MAP





REZONE REQUEST

Case: Z-2023-24

Owner: Amazing Grace True Grit, LLC

Agent: Sara Trammell

Request: Rezone from RS-12/H to PDD-183/H

Location: 642 Sayles Boulevard

Notification: 0 in Favor, 2 Opposed

Planning & Zoning: July 5, 2023
August 1, 2023

Council Hearing: August 24, 2023
September 14, 2023





AERIAL LOCATION MAP

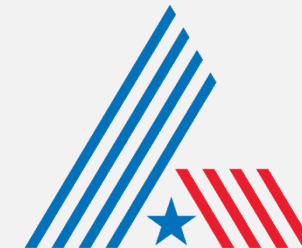


Aerial Map



Legend

- Z-2023-24
- CourierParcels



CITY OF
ABILENE
TEXAS



ZONING MAP





VIEWS OF SUBJECT PROPERTY



Subject Property



East Neighboring
Property



South Neighboring
Property



CITY OF
ABILENE
T E X A S



PERMITTED USES IN RESIDENTIAL ZONING

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P 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 NEIGHBORHOOD OFFICE ZONING

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P/C Day Care Operation – Home-Based
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
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- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

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

TRADE – RETAIL USES

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

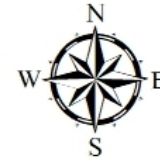
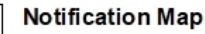
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2- Opposed-

7.23 % OPPOSITION

Legend

☐ Notification Area

Z-2023-24





PROPOSED PLAN OF OPERATION

Proposed Plan of Operation

Proposed use of space for 642 Sayles Blvd as a Medical Spa

My goal is to maintain the home and property in its current state. As a current homeowner in the Sayles Corridor, I value the history of this area, and I want to maintain the historic overlay, not altering the outside appearance of the structure. It will serve as my established medical aesthetic practice and day spa.

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- We offer wellness services such as sauna treatments, dietary consultations, vitamin injections.
- We do have a tattoo license for permanent makeup of eyebrows and lips.
- We do not propose to use the residence as a bed and breakfast or an event center after all scheduled events are concluded, which will be approximately November 2023.





FINDINGS

The proposed request is consistent with:

- Comprehensive Plan;
- The surrounding uses and zoning; and is a less intensive use than the current B&B and Event Center.
- Generally accepted planning principals; or
- The Criteria for Approval in the LDC.





RECOMMENDATION

Staff Recommendation: **Approval**, subject to the following conditions:

1. The base zoning shall be PD-183/H, with a medical spa being a permitted use, subject to the attached Plan of Operation.
2. A Certificate of Occupancy (CO) shall be obtained from the Building Inspection Division prior to commencing business.
3. The property may continue to be used as a bed and breakfast and event center until a CO is issued to allow the proposed medical spa. Upon the issuance of the CO, the use of the property as a bed and breakfast or an event center shall be prohibited.
4. The exterior appearance of the home shall not be altered in a manner that diminishes the historic character of the home.





Questions?



Proposed use of space for 642 Sayles Blvd as a Medical Spa

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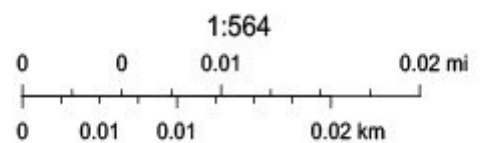
We do have a tattoo license for permanent makeup of eyebrows and lips.

642 Sayles Blvd. - PD-183 Concept Plan



7/12/2023, 12:02:35 PM

- Road Centerlines
- Courier Parcels



City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Proposed Plan of Operation

Proposed use of space for 642 Sayles Blvd as a Medical Spa

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- We offer wellness services such as sauna treatments, dietary consultations, vitamin injections.
- We do have a tattoo license for permanent makeup of eyebrows and lips.
- We do not propose to use the residence as a bed and breakfast or an event center after all scheduled events are concluded, which will be approximately November 2023.

ZONING CASE Z-2023-26

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant

Owner: KKP Investments, LLC
Agent: Jacob & Martin

Case Manager

Mason Teegardin – Planner

Request

Amend the terms of PDD-172 by allowing Single Family Residential (RS-6) as a permitted use within Tract 1. There will also be no through connection to East Stamford Street.

Location

2668 Garfield Avenue, in the Hillcrest Addition Subdivision, Section 4, Block 10, Lots 4 and 5; Hillcrest Addition Section 4, Block 11 and; 12.04 acres out of Survey 84, T&P Railway Company, Block 14, Abilene, Taylor County, Texas.

Background

In 2021, Planned Development District Number 172 (PDD-172) was approved by Ordinance No. 38-2021 to allow for Single Family Residential (RS-6) zoning on Tracts 2 and 3 and Medium Density (MD) zoning on Tract 1 with a “Development Regulation” that prohibits any street connection between the boundaries Tract 1 the boundaries of Tract 2 and 3. Ordinance 38-2021 is included in the P&Z packet.

Existing Uses/Zoning

Properties to the east are zoned Multi-Family (MF) and Single Family Residential (RS-6). Properties to the south are zoned Single Family Residential (RS-6). Properties to the west are located in a Planned Development District (PDD-148), which allows an RV Park. To the north is General Commercial (GC) zoning.

Proposed Modification

The applicant proposes to amend PDD-172 by:

- Changing the base zoning of Tract 1 from Medium Density (MD) to Single Family Residential (RS-6); and
- Eliminating the “Development Regulation” cited above and replacing it “No road connection between Garfield Avenue and East Stamford Street”.

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, as amended.**

The proposed changes are consistent with the Comprehensive Plan and Future Land Use Map and the intent of PDD-172, which was to allow residential development without any connection to the interstate frontage road (East Stamford Street).

- (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 amendment to the base zoning to RS-6 in Tract 1 would be compatible with the surrounding neighborhoods.

- (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 area will require a Final Plat to be approved, with streets and utilities provided.

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

None known.

Staff Recommendation

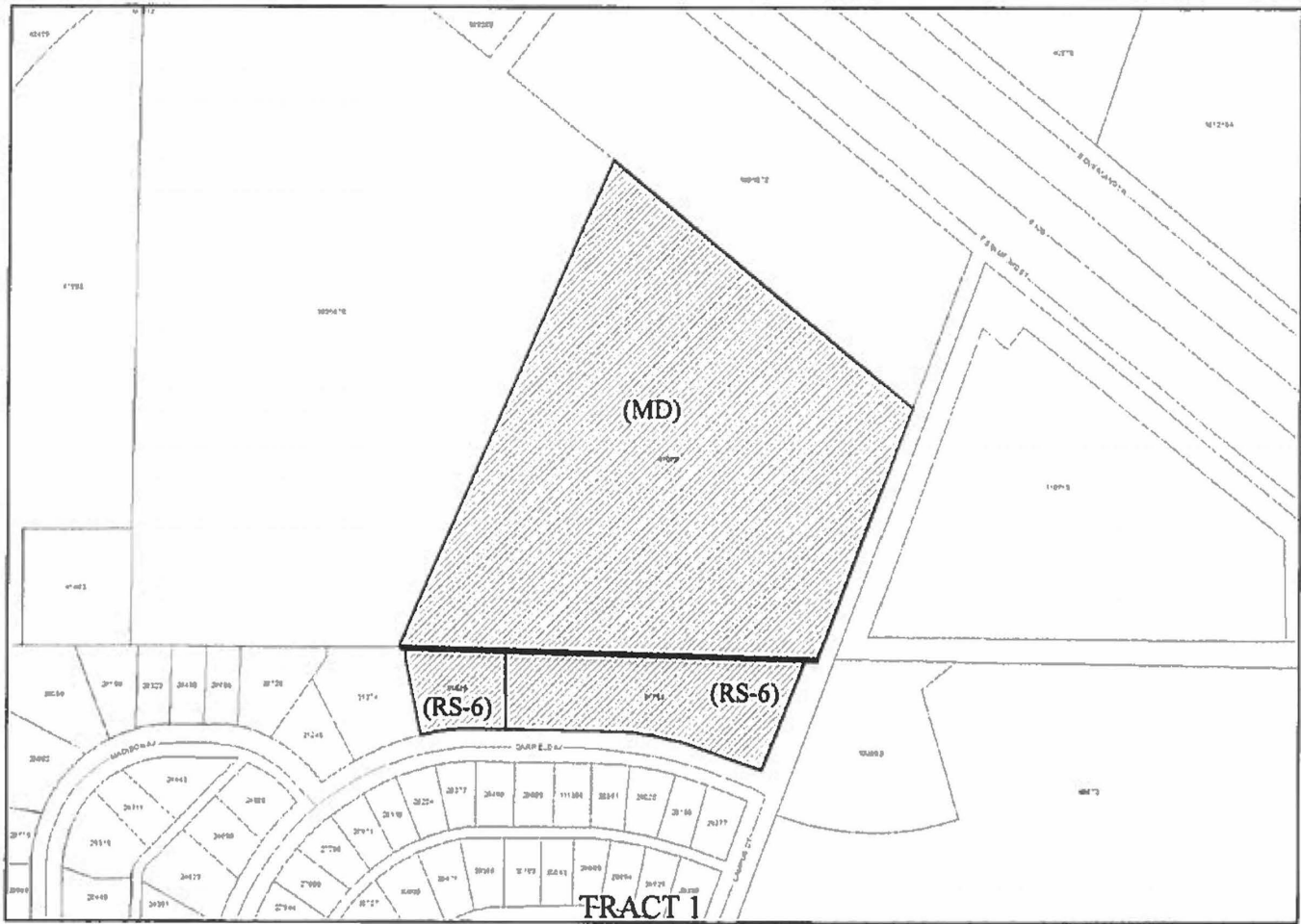
Staff recommends **approval**.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
WALKER EDWARD & TAMMY	28377	2665 GARFIELD AV	
WHISTLE STOP RV RESORT LLC	1005070	597 E STAMFORD ST	
RICHARDSON NANCY	29529	2656 ROUNTREE DR	
KKP INVESTMENTS LLC	41069		F
CLARK DONALD W	30163	2644 ROUNTREE DR	O
BD INVESTMENTS LLC SERIES 1	29277	2693 GARFIELD AV	F
CARTER TIMOTHY	29889	2652 ROUNTREE DR	
SOUTHWEST HOUSING PROVIDERS LLC	1005072	721 X E STAMFORD ST	
JACKSON DELTON J & JOYCE	30043	2648 ROUNTREE DR	
JOY HUT LLC	30308	2636 ROUNTREE DR	F
YOUNG AARON & ELIZABETH	28490	2669 GARFIELD AV	
WHITWELL JAMES L	27971	2649 GARFIELD AV	
NUGGET DOG VENTURES LP	111388	2677 GARFIELD AV	
BD INVESTMENTS LLC SERIES 2	29150	2689 GARFIELD AV	F
WILSON EMILY N	29025	2685 GARFIELD AV	
THOMAS TOMMY FAY	29694	2654 ROUNTREE DR	
VILLAFRANCA RODOLFO M &	28609	2673 GARFIELD AV	
COCO MALCOLM P & JUDY	28115	2655 GARFIELD AV	
ALLISON REBECCA ANN	30471	2632 ROUNTREE DR	
PLOCHECK RUSSELL E & SHIRLENE J	31374	2654 GARFIELD AV	
CAMPUS CREST AT ABILENE LP	110513	2702 N JUDGE ELY BL	
LITTLE BETTY ANN	26720	2690 MADISON AV	
KKP INVESTMENTS LLC	31753	2668 GARFIELD AV	F
ABILENE CHRISTIAN SCHOOLS	100563		
JOY HUT LLC	28851	2681 GARFIELD AV	
KISER DAVID F	28254	2661 GARFIELD AV	
NGOTT LLC	31245	2650 GARFIELD AV	
KKP INVESTMENTS LLC	31625	2660 GARFIELD AV	F
ABILENE CHRISTIAN SCHOOLS	46673	2550 N JUDGE ELY BL	F
CARTER TIMOTHY G	29396	2660 ROUNTREE DR	

ORIGINAL CONCEPT PLAN



Location: 2668 Garfield Ave and the approximately 12.04 Acres to the north

PROPOSED ZONING CONCEPT PLAN



PROPOSED CONCEPT PLAN



LOCATION MAP



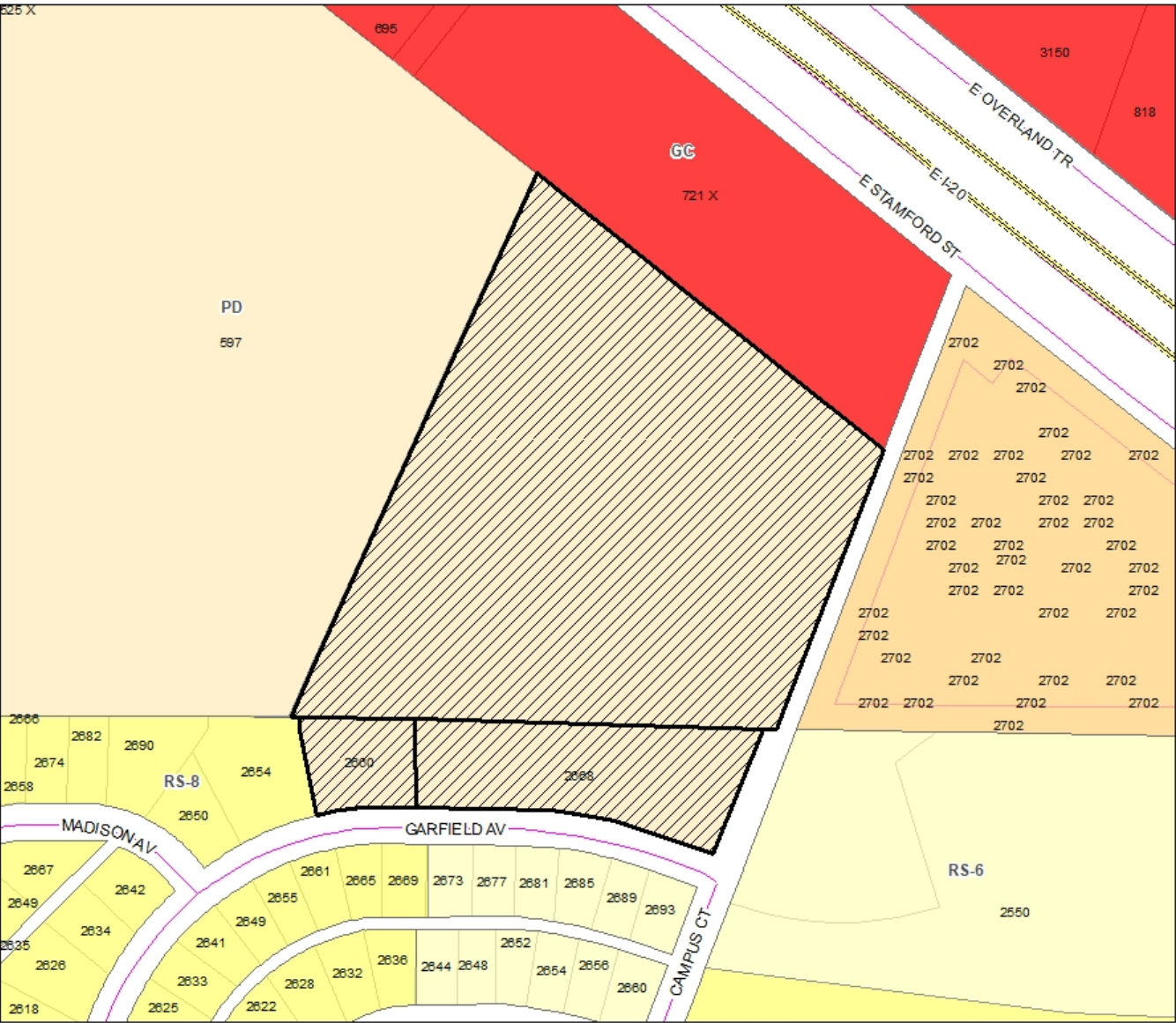
Aerial Map



Legend

- Z-2023-26
 CourierParcels

ZONING MAP



Zoning Map



- Legend**
- Z-2023-26
 - Expressway
 - RS-6: Residential Single-Family
 - RS-8: Residential Single-Family
 - MF: Multi-Family Residential
 - GC: General Commercial
 - PD: Planned Development



PLANNED DEVELOPMENT AMENDMENT

Case: Z-2023-26

Owner: KKP Investments, LLC

Agent: Jacob & Martin

Request: Amend PDD-172 to allow RS-6 base zoning and a condition specifying “No through connection to East Stamford Street”.

Location: 2668 Garfield Avenue

Notification: 4 in Favor, 1 Opposed

Planning & Zoning: August 1, 2023

Council Hearing: August 24, 2023
September 14, 2023





AERIAL LOCATION MAP

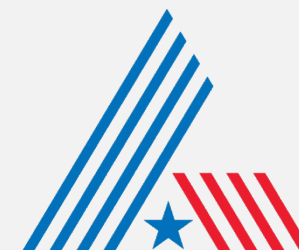


Aerial Map



Legend

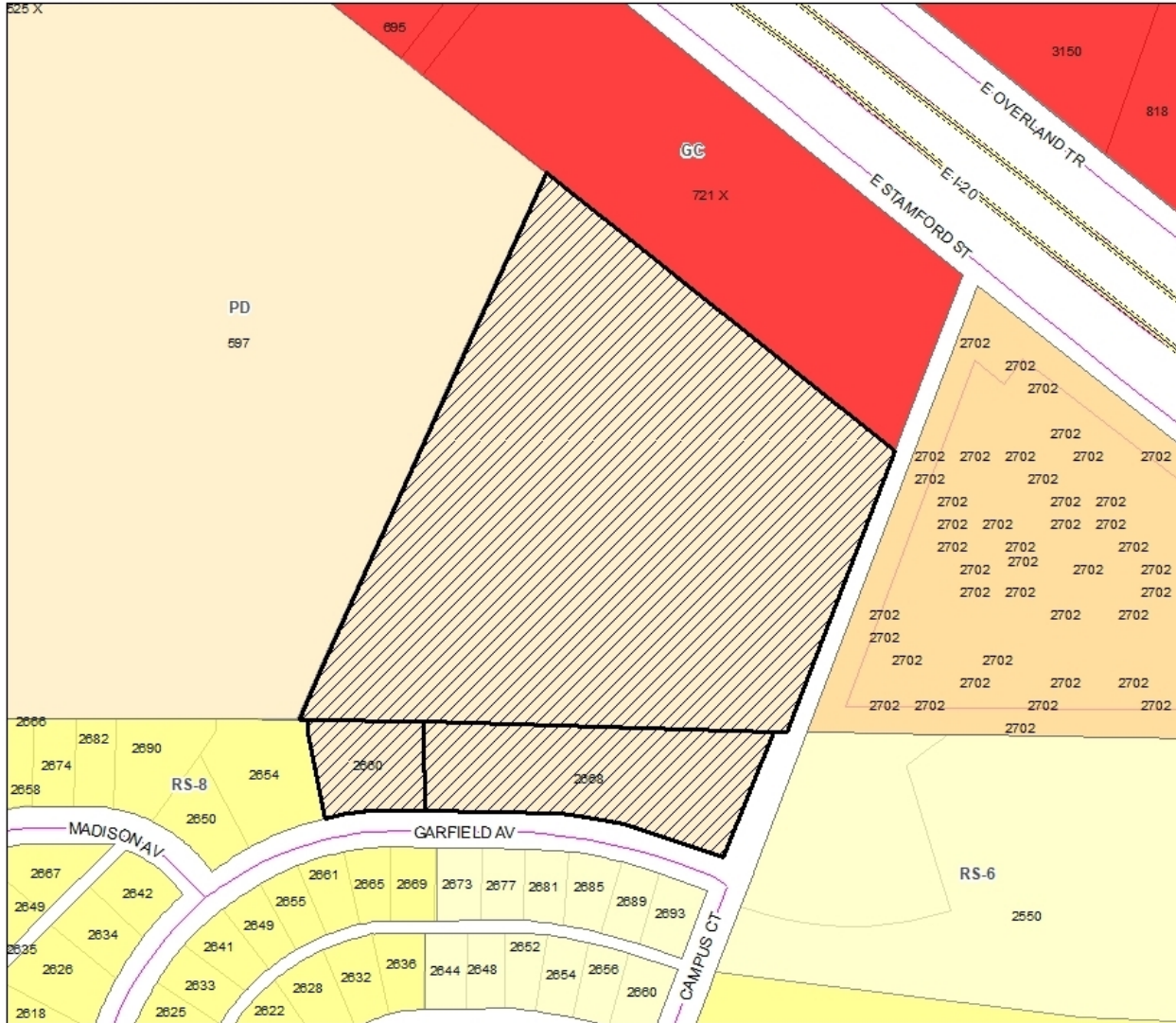
- Z-2023-26
- CourierParcels



CITY OF
ABILENE
TEXAS



ZONING MAP

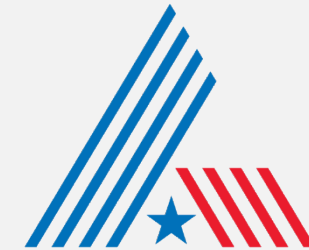


Zoning Map



Legend

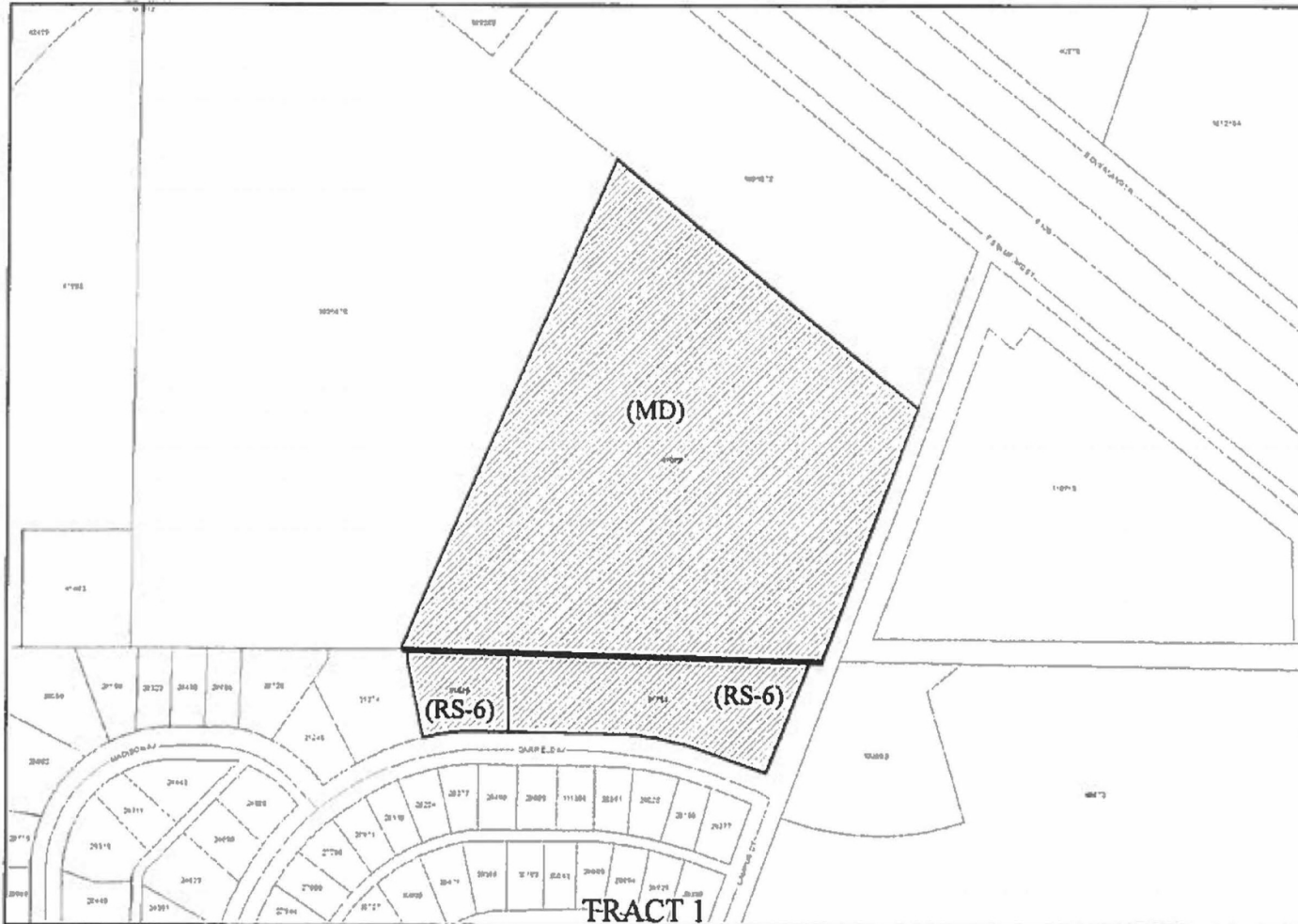
- Z-2023-26
- Expressway
- RS-6:
 Residential Single-Family
- RS-8:
 Residential Single-Family
- MF: Multi-Family Residential
- GC: General Commercial
- PD: Planned Development



CITY OF
ABILENE
TEXAS



EXISTING CONCEPT PLAN



Location: 2668 Garfield Ave and the approximately 12.04 Acres to the north





PROPOSED ZONING CONCEPT PLAN





PROPOSED CONCEPT PLAN





USES IN MEDIUM DENSITY ZONING

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
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- P Garage Sale
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CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P

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)

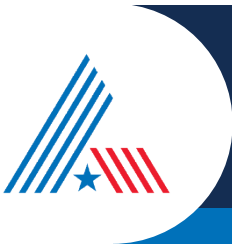
C

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

TP

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





USES IN SINGLE FAMILY RESIDENTIAL ZONING

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P 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





VIEWS OF SUBJECT PROPERTY



East Neighboring Property



Subject Property



Subject Property



West Neighboring Property

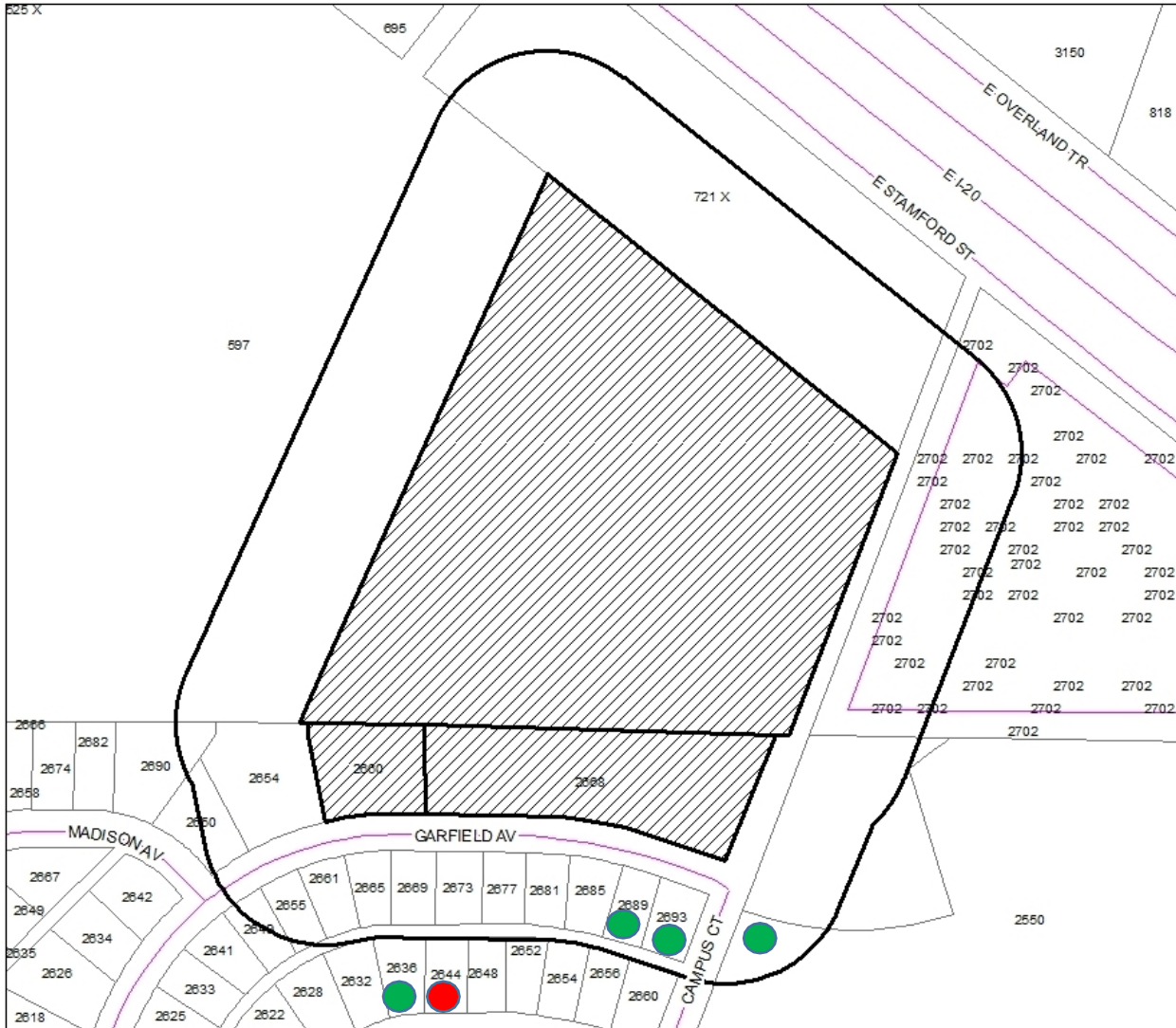


South Neighboring Property

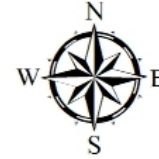




NOTIFICATION AREA MAP



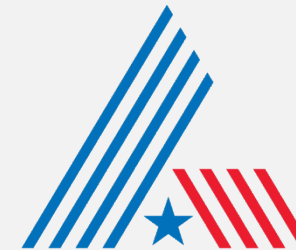
Notification Map



Legend

- Notification Area
- Z-2023-26

- 4- In Favor-
- 1- Opposed-



CITY OF
ABILENE
TEXAS



FINDINGS AND RECOMMENDATIONS

The proposed request is consistent with:

- The *Comprehensive Plan*;
- The surrounding uses and zoning;
- The spirit and intent PD-172;
- Generally accepted planning principals; and
- The Criteria for Approval in the LDC.

Staff Recommendation: **Approval**





Questions?



ORDINANCE NO. 38-2021

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-172 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

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

PASSED ON FIRST READING this 29th day of July, 2021.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of June, 2021, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 12th day of August, 2021, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 12th day of August, 2021.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:


CITY ATTORNEY

Exhibit
"A"

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

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

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

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: from Planned Development (PD) 144 to Planned Development (PD) District 172.

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

PART 5: Legal Description

TRACT 1

BEING a 14.478-acre tract comprised of a 12.04-acre tract out of Fractional Section 84, Block No. 14, T&P Railway Company Lands in Taylor County, Texas, conveyed to Abilene Independent School District and recorded on Page 132 in Volume 542 of Deed Records for Taylor County, Texas (legal description does not form a mathematically closed figure) together with Lots 4 and 5, Block 10 and all of Block 11, Section 4 on the Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas, conveyed to Abilene Independent School District by deed recorded on Page 461 in Volume 542 of Deed Records for Taylor County, Texas, said 14.478-acre tract being more particularly described as follows:

BEGINNING at a found 3/8-inch iron rod in concrete at the northwest corner of right-of-way for Campus Court, on the south line of said 12.04-acre tract, for the northeast corner of the said Block 11;

THENCE South 21° 01' 41" West, along the west right-of-way line of Campus Court, for a distance of 220.77 feet (called 221.8') to a found, damaged 3/8-inch iron rod at the intersection of the west line of right-of-way for Campus Court and the north line of right-of-way for Garfield Avenue, for the southeast corner of the said Block 11;

THENCE North 69° 07' 40" West, along the north line of right-of-way for Garfield Avenue, for a distance of 32.77 feet, to a found 3/8-inch iron rod for a point-of-curvature;

THENCE along the north right-of-way for Garfield Avenue, being along a curve to the left having a radius of 950.00 feet (called 929.3') and an arc length of 335.25 feet (called 332.7') being subtended by a chord bearing North 79° 14' 15" West for a distance of 333.51 feet to a found 3/8-inch iron rod for a point-of-tangency;

THENCE North 89° 20' 50" West along the north line of right-of-way for Garfield Avenue, for a distance of 157.33 feet to a found 3/8-inch iron rod, for a point-of-curvature;

THENCE along the north line of right-of-way for Garfield Avenue, being along a curve to the left having a radius of 530.00 feet and an arc length of 135.80 feet, being subtended by a chord bearing South 83° 18' 44" West for a distance of 135.43 feet, to a set 1/2-inch iron rod with cap stamped "H&T" for the southwest corner of Lot 4 in Block 10 of said Hillcrest Addition, same being the southeast corner of Lot 102 in A Replat of Lots 1, 2 and 3, Section 4, Hillcrest Addition to the City of Abilene, Taylor County, Texas and recorded on Slide 289D in Cabinet 2 of Plat Records for Taylor County, Texas;

THENCE North 11° 58' 00" West for a distance of 138.66 feet (called 140') to a set 1/2-inch iron rod with cap stamped "H&T" on the south line of a 20' wide alley, for the northwest corner of said Lot 4 and from where a found 3/8-inch iron rod bears 1.71 feet South 74° 55' 26" West;

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THENCE North 89° 04' 03" West for a distance of 31.94 feet to the Point of Beginning and containing 14.478 acres or 630,642 square feet of land;

SAVE AND EXCEPT for all of Block 11 as well as Lots 4 and 5 in Block 10, Section 4, as said lots and blocks are shown on a Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, and which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas.

TRACT 2

BEING all of Block 11 in Section 4, as said block is shown on a Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, and which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas.

include tracts 1, 2, and 3 here as
residential single family (RS-6)

TRACT 3

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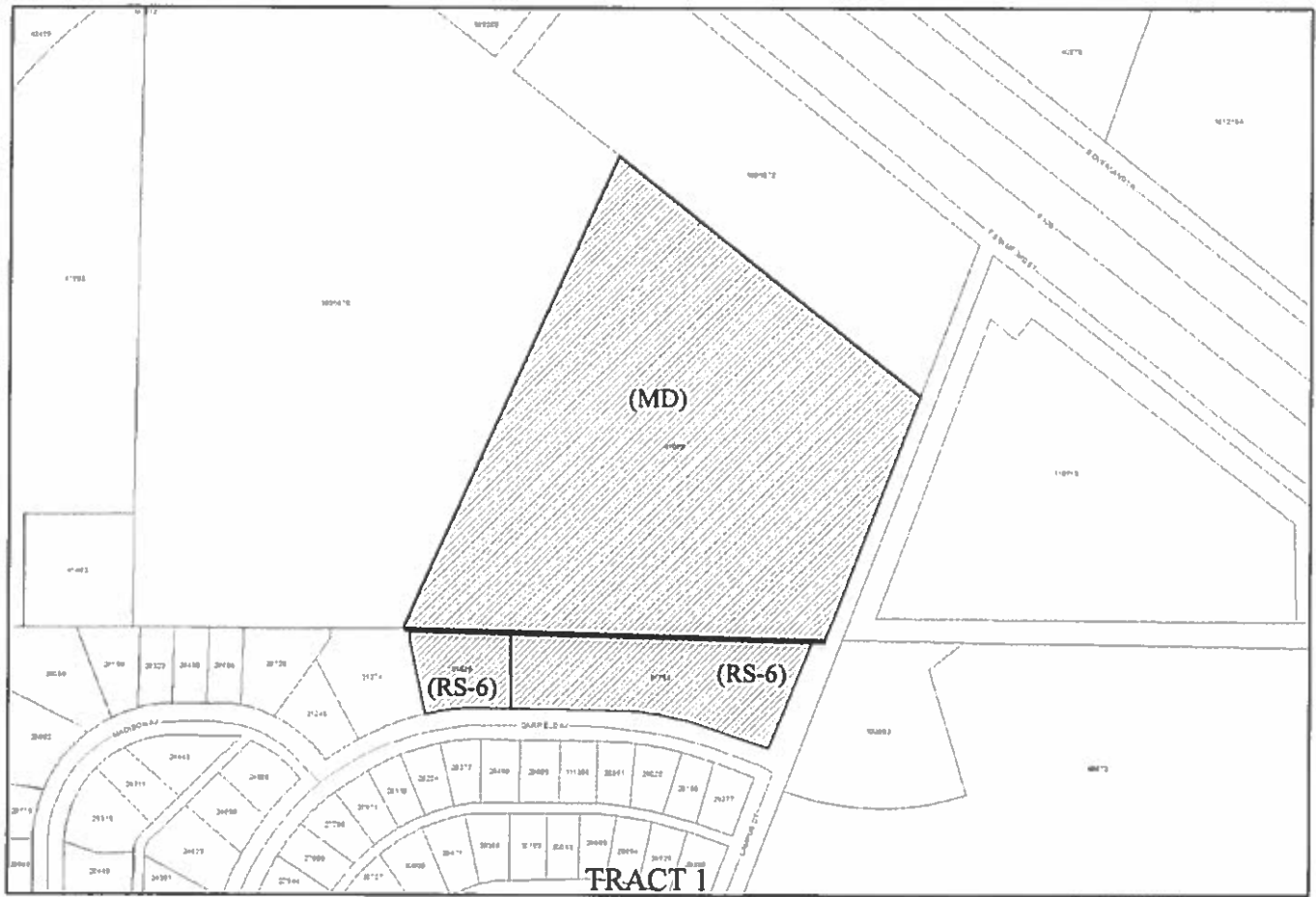
PART 6: Purpose. The purpose of this Planned Development (PD) request is to allow for Residential Single-Family base zoning on ~~both TRACTS 2 and 3 and Medium Density base zoning on TRACT 1~~

PART 7: Specific Modifications.

1. Development Regulations.

- a. ~~No street connection shall be allowed between Tract 1 Medium Density (MD) boundaries and Tract 2 and 3 Residential Single-Family (RS-6) boundaries.~~

Strike modification 1(a) entirely and replace with "No road
connection between Garfield Ave and E Stamford St"



Location: 2668 Garfield Ave and the approximately 12.04 Acres to the north

TRACT 2

TRACT 3

ORDINANCE NO. 38-2021

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-172 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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ATTEST:



CITY SECRETARY



MAYOR

APPROVED:


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TRACT 3

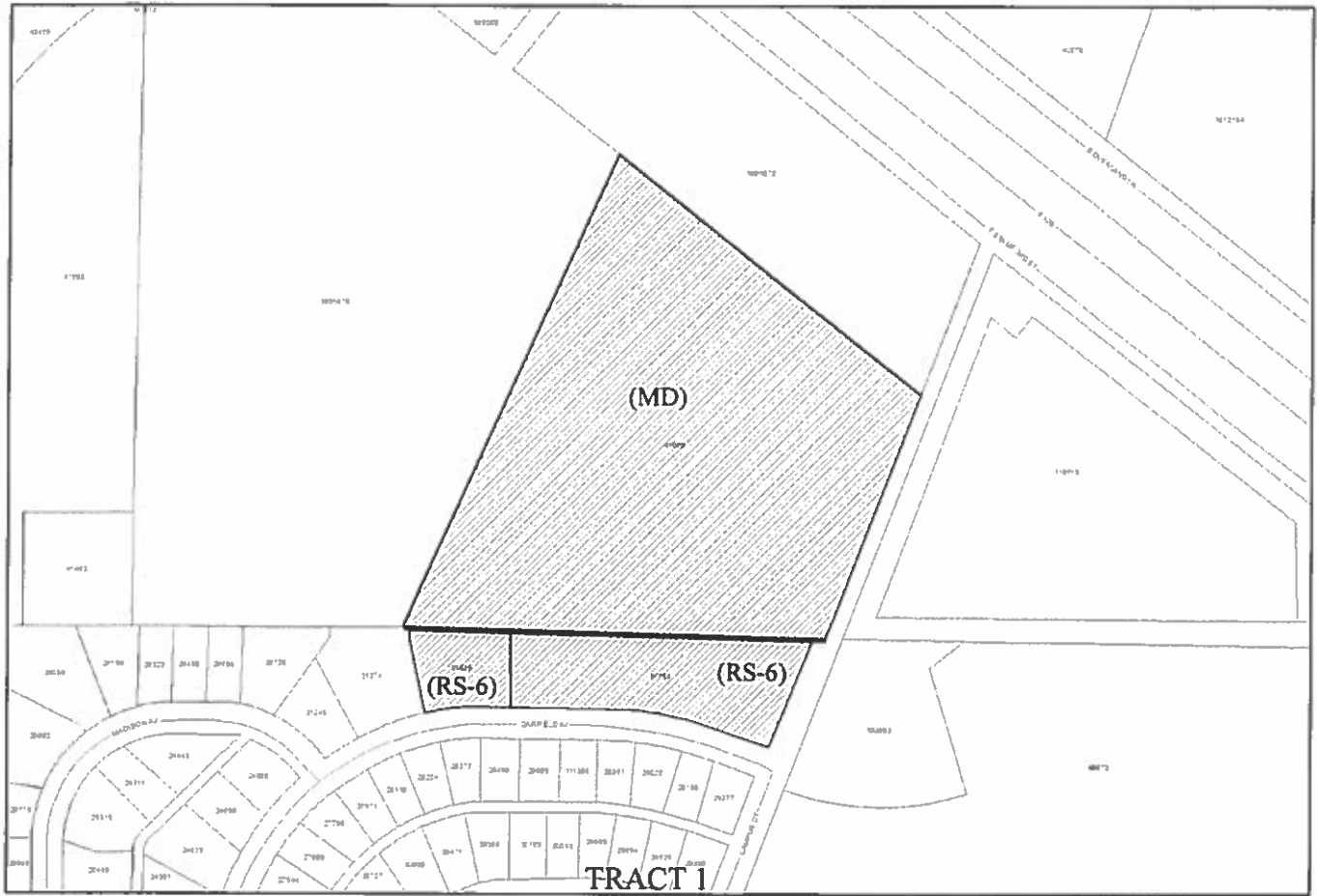
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PART 7: Specific Modifications.

1. Development Regulations:

- a. No street connection shall be allowed between Tract 1 Medium Density (MD) boundaries and Tract 2 and 3 Residential Single-Family (RS-6) boundaries.



Location: 2668 Garfield Ave and the approximately 12.04 Acres to the north

TRACT 2

TRACT 3



ZONING CASE Z-2023-28

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant

Owner: Darin Albergucci
Agent: e-HT

Case Manager

Clarissa Ivey – Planner

Request

Change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC).

Location

Lot 21-23, Block B, Section 3, Continuation No. 2, H&W Tool Company Addition, at 910 Bandera Park Drive.

Background

The subject property has remained vacant since it's annexation in 1964.

Zoning, Existing and Proposed Land Use

The properties directly to the north are zoned General Commercial (GC) and Heavy Industrial (HI). The zoning of properties to the south, east, and west are Light Industrial (LI) and Heavy Industrial (HI).

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 proposed request is not consistent with the Comprehensive Plan and Future Land Use Map (FLUM), which both recommend Heavy Industrial uses at this location due the proximity of this site to regional highway (US 80) and railroad access.

(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 of a baseball training facility is compatible with the current uses in the immediate area. Those uses are mostly retail, non-intensive uses, and vacant properties. There are other properties zoned GC in the immediate vicinity of the subject site.

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

This property has access to all required utilities.

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

None known.

Staff Recommendation

Staff recommends **approval**.

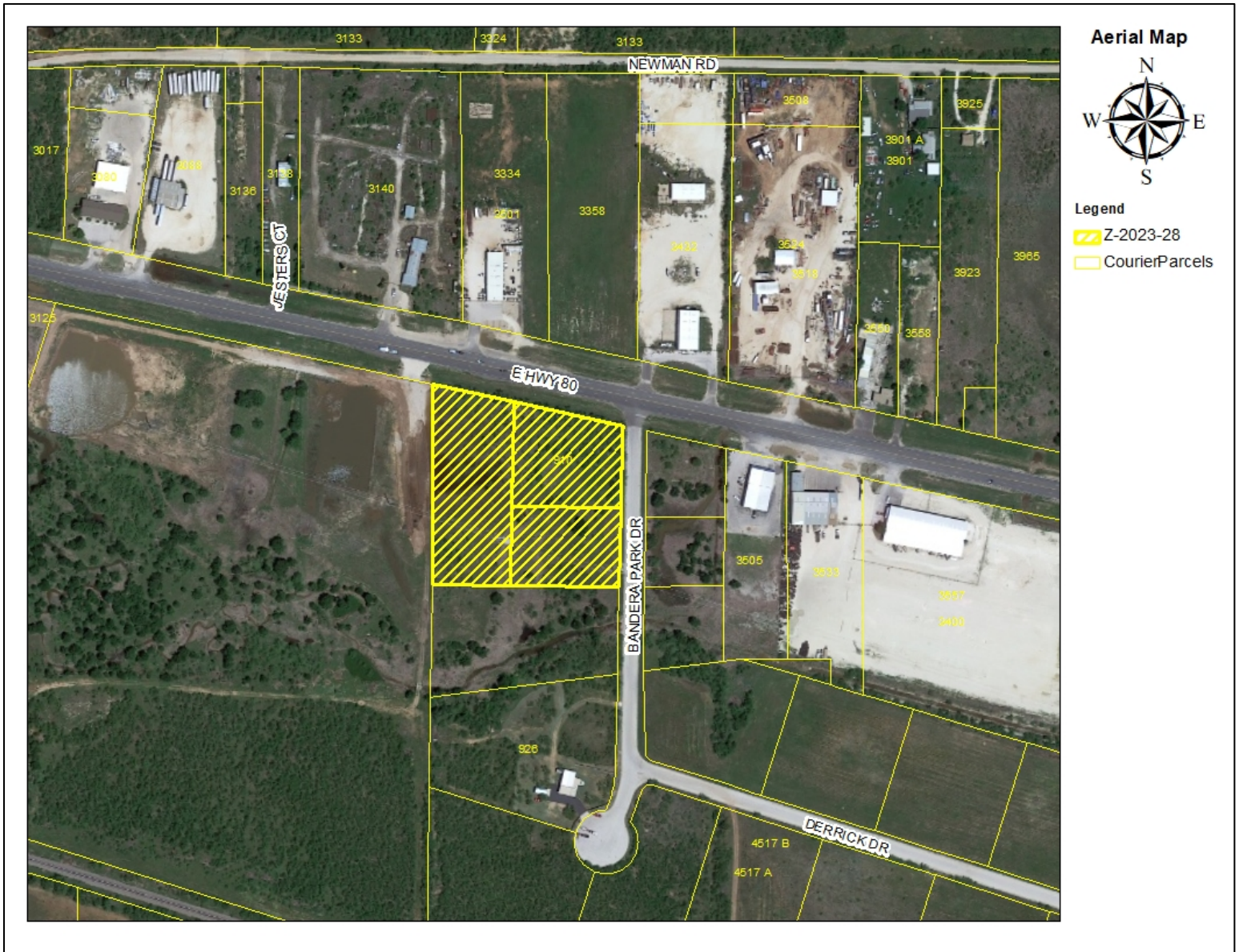
NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

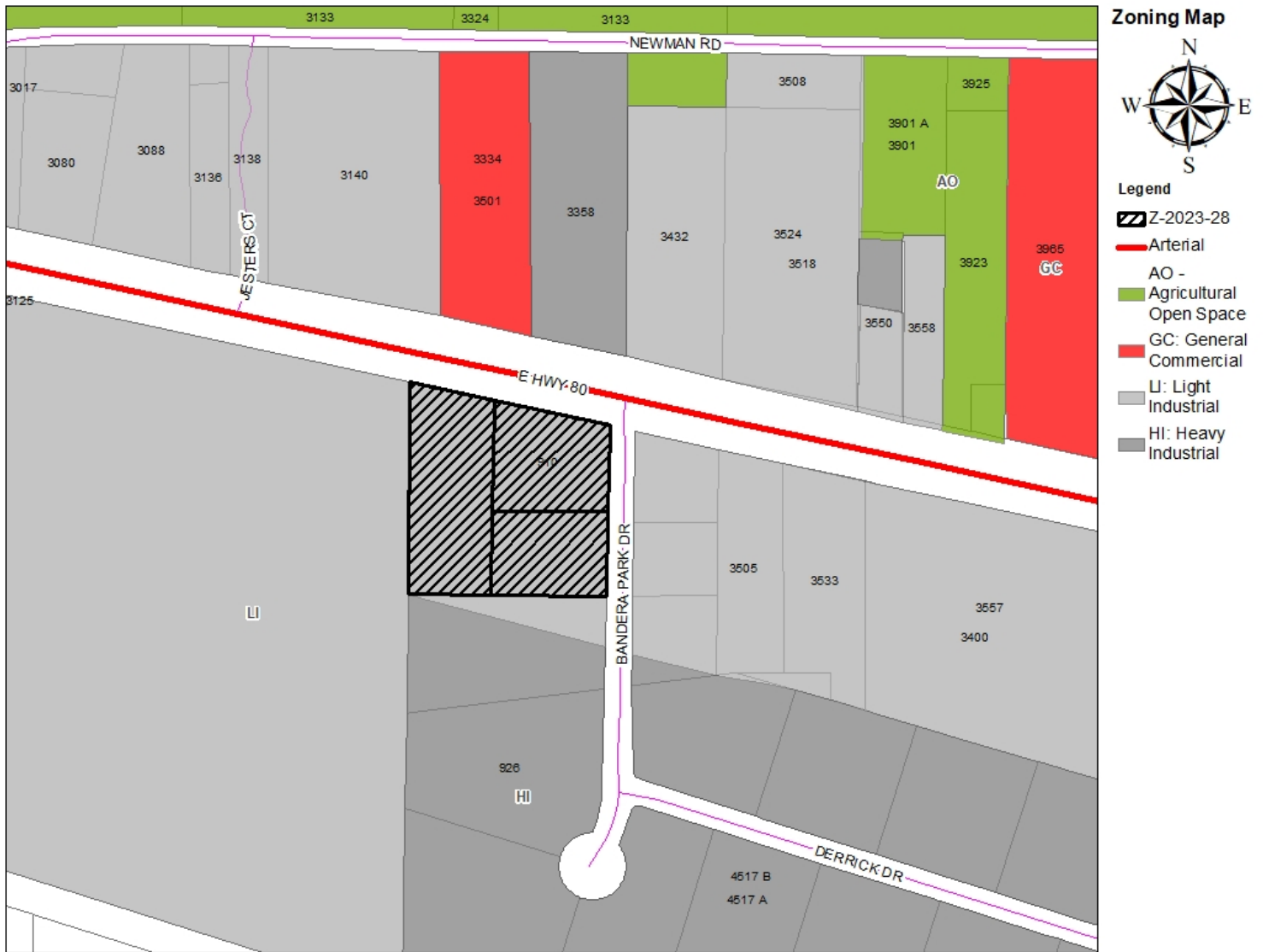
PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
CSS PROPERTIES LLC	15290	3140 E HWY 80	
MOBILE HOME CONCEPTS	38939		F
MOBILE HOME CONCEPTS	39058		F
ALBERGUCCI DARIN	39403		F
ALBERGUCCI DARIN	39517	910 BANDERA PARK DR	F
ALBERGUCCI DARIN	39629		F
JOHNSON BOB WAYNE	54976		
SMITHWICK DONALD	54980	3358 E HWY 80	
CITY OF ABILENE	57337		X
CITY OF ABILENE	57337		X
KEY CITY SEPTIC SERVICE INC	58241	3432 E HWY 80	
GOLF CARS OF WEST TEXAS LLC	112028	3501 NEWMAN RD	
GOLF CARS OF WEST TEXAS LLC	112028	3334 E HWY 80	

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
ALBERGUCCI DARIN	39403		F
ALBERGUCCI DARIN	39517	910 BANDERA PARK DR	F
ALBERGUCCI DARIN	39629		F
CITY OF ABILENE	57337		X
CITY OF ABILENE	57337		X
CSS PROPERTIES LLC	15290	3140 E HWY 80	
GOLF CARS OF WEST TEXAS LLC	112028	3501 NEWMAN RD	
GOLF CARS OF WEST TEXAS LLC	112028	3334 E HWY 80	
JOHNSON BOB WAYNE	54976		
KEY CITY SEPTIC SERVICE INC	58241	3432 E HWY 80	
MOBILE HOME CONCEPTS	38939		F
MOBILE HOME CONCEPTS	39058		F
SMITHWICK DONALD	54980	3358 E HWY 80	

LOCATION MAP



ZONING MAP





REZONE REQUEST

Case: Z-2023-28

Owner: Darin Albergucci

Agent: e-HT

Request: Rezone from LI to GC

Location: 910 Bandera Park Drive, Lots 21-23

Notification: 2 in Favor, 0 Opposed

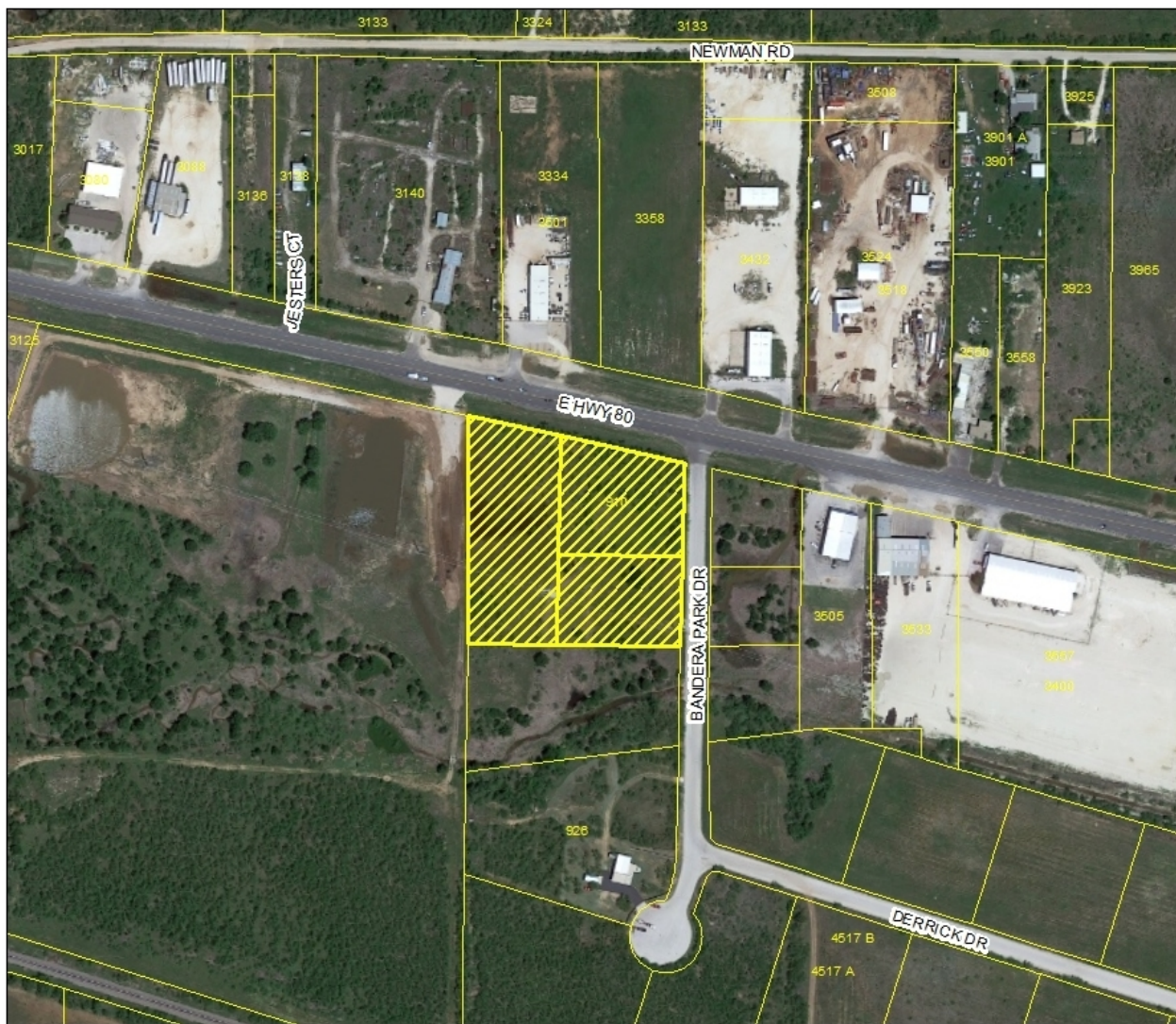
Planning & Zoning: August 1, 2023

City Council Hearing: August 24, 2023
September 14, 2023





AERIAL LOCATION MAP



Aerial Map



Legend

- Z-2023-28
- CourierParcels



CITY OF
ABILENE
TEXAS



ZONING MAP

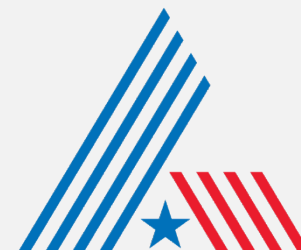


Zoning Map



Legend

- Z-2023-28
- Arterial
- AO - Agricultural Open Space
- GC: General Commercial
- LI: Light Industrial
- HI: Heavy Industrial



CITY OF
ABILENE
TEXAS



PERMITTED USES IN LI ZONING

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 Recreation Building, Multipurpose
P Recycling Collection Point
P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

P Adult Entertainment Enterprise
C Cultural Facilities
P Drive-in Theater
C Motorized Racing
P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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 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
C Livestock – Wholesale or Auction
P Wholesaling and Storage (indoor)
P Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
P 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
P Railroad Switching and Marshaling Yard
P Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

C Mining
P Petroleum or Gas Well
P Liquor
P 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)

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

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

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





VIEWS OF SUBJECT PROPERTY



Subject Property



Property to the East



Property to the North



Property to the West

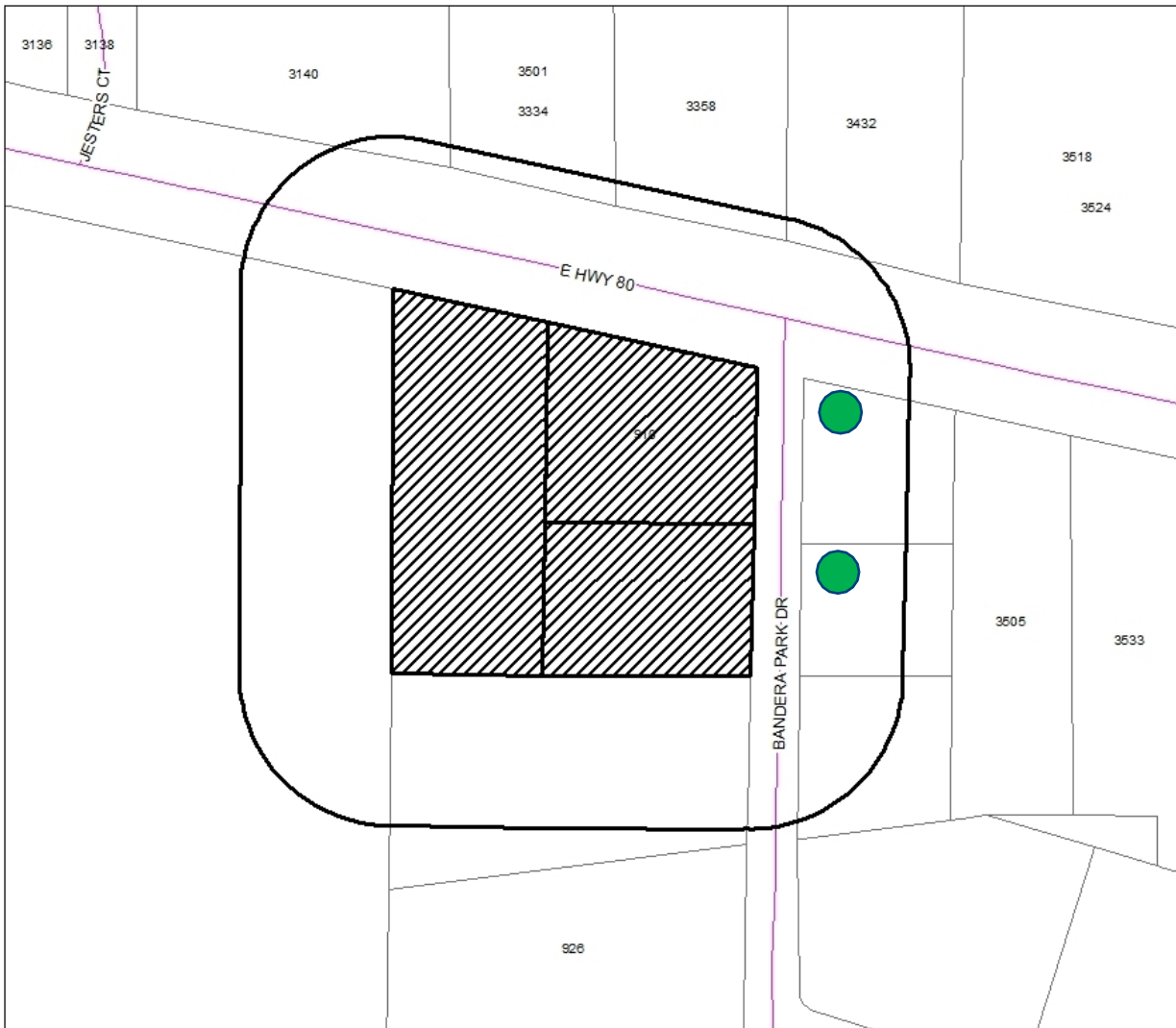


Property to the South

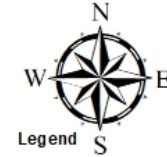




NOTIFICATION AREA MAP



Notification Map



Legend
Z-2023-28
Notification Area

2- In Favor-



0- Opposed-



0% Opposed





FINDINGS AND RECOMMENDATIONS

The proposed request for GC rezoning 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?





Development Application

Zoning Application Page 1 of 3

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: Baseball Training Facility - E HWY 80

Address: Baseball Training Facility - E HWY 80 No. of lots: 3 Acreage: 4.805

Legal Description: Lot 21-23, Block B, Section 3, Continuation No. 2, H&W Tool Company Addition

Subdivision Name: H&W Tool Company Addition Block: Block B Lot: 21, 22, and 23

Current Zoning: Light Industrial (LI) Proposed Zoning (if applicable): General Commercial (GC)

OWNER AND AUTHORIZATION

Owner Name: Darin Albergucci

Address: 2101 E HWY 80

City, State, Zip: Abilene, TX, 79601 Fax: _____

Phone: (325) 665-4289 Email: Noah@AlbergucciSED.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: _____ Date: _____

FOR OFFICE USE ONLY

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



2022 Development Application

Zoning Application-Page 2 of 3

Existing Zoning

- | | | | |
|--------------------------------|---|--|------------------------------|
| ☐ AO | Agricultural Open Space | ☐ GR | General Retail |
| ☐ RR | Rural Residential RR-5 & RR1 | ☐ MU | Medical Use |
| ☐ RS-12 | Residential Single-Family – 12,000 lots | ☐ CB | Central Business |
| ☐ RS-8 | Residential Single-Family - 8,000 lots | ☐ MX | Mixed Use |
| ☐ RS-6 | Residential Single-Family - 6,000 lots | ☐ GC | General Commercial |
| ☐ PH | Single-Family Residential Patio Home | ☐ HC | Heavy Commercial |
| ☐ TH | Residential Townhouse | ☒ LI | Light Industrial |
| ☐ MD | Residential Medium Density | ☐ HI | Heavy Industrial |
| ☐ MH | Manufactured/Mobile Home | | |
| ☐ CU | College & University | ☐ PD | Planned Development District |
| ☐ NO | Neighborhood Office | | |
| ☐ O | Office | ☐ | Empowerment Overlay |
| ☐ NR | Neighborhood Retail | | |

Reason for Zoning Change

Baseball Training Facility is not authorized for use in current Light Industrial (LI) zoning. Development is authorized for use under proposed General Commercial (GC)

Fees

FOR DEVELOPMENT FEES CTRL & CLICK LINK BELOW AND CHOOSE "Z"

<https://abilenetx.gov/563/Fee-Schedule>

Fees can be paid online with credit card.



2022 Development Application

Zoning Application-Page 3 of 3

ZONING IMPACT ANALYSIS

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

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

YES

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

YES

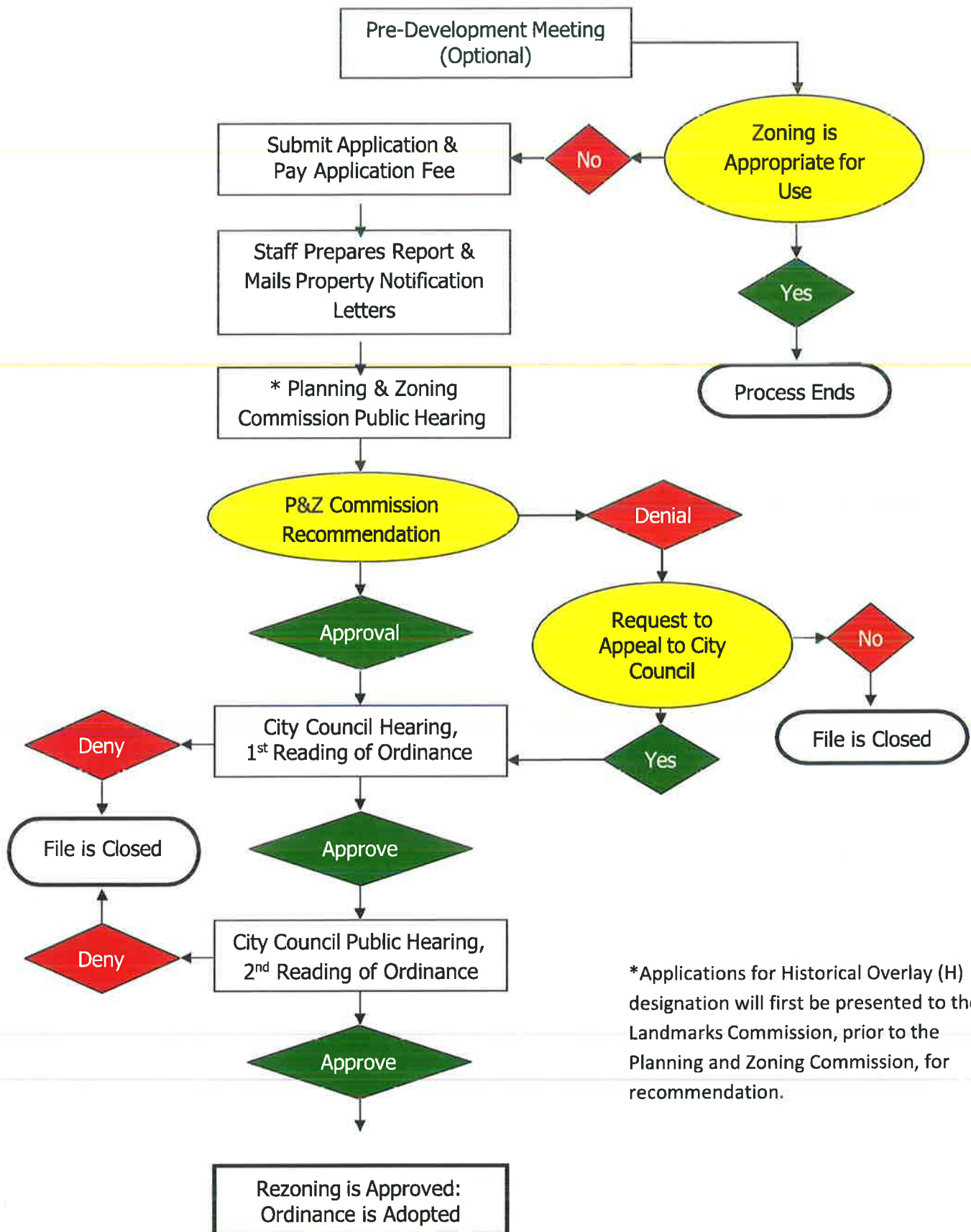
3. Is the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area?

YES. Private Baseball Training Facility is provided access from Adjacent Bandera Park Dr. from E HWY 80 Frontage Road. Adjacent roadways do not require improvements for development. Existing Utilities extend beyond the extents of property boundary and do not require improvements for development.

4. Are there other factors which will substantially affect the public health, safety, morals, or general welfare? No

Development Application

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



Plats and Other submittals Page 1 of 1

Submittal

- | | |
|--|---|
| ☐ Preliminary Plat/Replat | ☐ Civil Plans |
| ☐ Final Plat/Replat | ☒ Site Plan/Revised Site Plan |
| ☐ Combination Preliminary and Final Plat* | ☐ Landscape Plan |
| ☐ Amended Plat | ☐ Tree Preservation |
| ☒ Minor Plat/Replat | ☐ Lighting Plan |
| ☐ Development Plat | ☐ Concept Plan |

**Prior approval required*

Submittal Type

- ☐ Pre-Submittal: all required documents are present excluding fees. I understand that the project information presented to the City at this time is not filed, and therefore the City is not required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority. This Pre-Submittal will be changed to a Submittal following the receipt of written notice and payment of fees. I am requesting this of my own volition and not at the request of the City of Abilene.
- ☒ Submittal: all required documents are present including fees. I understand that the project information presented to the City at this time is filed and therefore, the City is required to approve, approve with conditions, or disapprove the plat(s) within 30 days by the approval authority.

Acreage

Round decimals up to the nearest whole number.

Appx 5 acre(s)

Fees

FOR DEVELOPMENT FEES CTRL & CLICK LINK BELOW AND CHOOSE "P"

<https://abilenetx.gov/563/Fee-Schedule>

Fees can be paid online with credit card.

The application fee of \$ 2,000, to be paid to the City of Abilene within 5 days of being accepted.

NOTE: Additional costs may accrue during review by City consultants of any facilities agreement and/or civil construction plans.

Submittals

- Site plans or conceptual site plans, plats, except Engineering Construction Sets, shall be 24" x 36" and folded, with two (2) hard copies. If applicable, please provide survey plat of property. Plats and Engineering plans shall be GEO Referenced and in DWG format.

Other required Documents Required are attached (Owner Authorization, and Disclosure of Interest)



Development Application

Owner Authorization and Representative Designation

Property Description

Subdivision: H&W Tool Co, SEC 3, CONT 2 Total Number of Acres: 4.805
 Zoning Classification(s): LI Rezoned to GC Total Number of Lots: 3 Replat into 1
 Location: E HWY 80 Frontage Road and Bandera Park Drive

Property Owner Information & Authorization

Name/Company: Darin Albergucci
 Address: 2101 E HWY 80
 City: Abilene State: TX Zip Code: 79601
 Phone: (325) 665-4289 Email: Noah@AlbergucciSED.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate e-HT (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. 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 request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Abilene.

Property Owner's Signature: [Signature] Date: _____

STATE OF: TEXAS

COUNTY OF: TAYLOR

BEFORE ME, a Notary Public, on this day personally appeared Darin Albergucci (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 22nd day of May, 2023



[Signature]
 NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

Engineer ☒ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: Jake Gravell Company: e-HT
 Address: 402 Cedar Street City: Abilene State: Texas
 Zip Code: 79601 home: (325) 998-6137 Email: jake.gravell@e-ht.com



Development Application

Disclosure of Interest

Every question must be answered. If the question is not applicable, answer with "N/A".

NOTE: If the Project Representative is not the Property Owner, this form must be filled out by **both** the Property Owner and the Project Representative.

Disclosure Questions

- A. Do you believe that a City official* or City employee** may have a conflict of interest in the property or application referenced on the reverse side? Yes ☐ No ☒
- B. If so, state the name of each City official or employee of the City of Abilene known by you that may have a conflict of interest in the property or application referenced on reverse side.

- C. State all information upon which you base the belief (use additional paper, if necessary).

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Abilene, Texas, as changes occur.

Name of Certifying Person (print): Jake Gravell

Property Owner ☐ Project Representative ☒

Jake Gravell

Digitally signed by Jake Gravell
DN: C=US, E=jake.gravell@e-ht.com, CN=Jake Gravell
Date: 2023.05.10 11:05:47-05'00'

Signature of Certifying Person: _____

*Mayor, City Council members, Planning and Zoning Commission members, and Zoning Board of Adjustment members.

**City Manager, City Secretary, City Attorney, and all department heads

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.

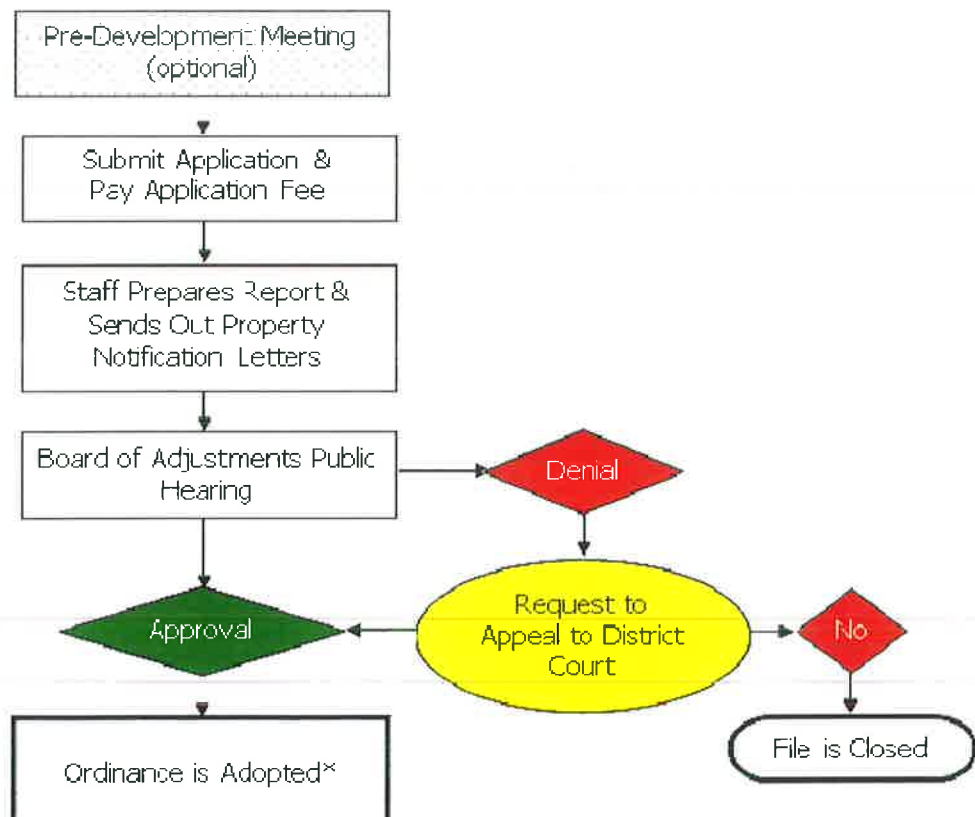
The Board of Adjustment shall finally decide appeals on the following matters of an appeal of any official's interpretation of the requirements of Chapters 2 or 4 of this LDC in which the requirement applies to development within the City limits of Abilene, unless a separate appeals process is otherwise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

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

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: **Jake Gravell**

Digitally signed by Jake Gravell
DN: C=US, E=jake.gravell@e-ht.com, CN=Jake Gravell
Date: 2023.05.10 11:07:37-05'00'

DATE: **05/10/2023**



Development Application

THE STATE OF TEXAS)
)
COUNTY OF TAYLOR)

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.

Witness my hand this day of May 22, 2023



Elizabeth Beam

*(cross out the inapplicable phrase)

ZONING CASE Z-2023-29

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant

Owner: Moore Abilene Holdings, LP
Agent: Alex Moore

Case Manager

Adam Holland – Planner

Request

Change the zoning of four lots from Heavy Industrial (HI) to Heavy Commercial (HC).

Location

2222, 2234, and 2250 Butternut Street Lots 3-6, Block 6, Bowyer Addition.

Background

The subject property was previously used for warehousing/retail sales. The owner proposes to expand the permitted uses for these properties by down zoning the lots to less intensive HC zoning classification.

Existing Uses/Zoning

- Property to the north is zoned Heavy Industrial (HI) and used for retail sales and for repair and maintenance services.
- Property to the east is zoned Heavy Commercial (HC).
- General Commercial (GC) and HI zoning districts are south of the subject property.
- Properties to the west, across an alley, are zoned Residential Single-Family (RS-6).

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, as amended.

The Comprehensive Plan identifies the subject property as being located in a transitional character area where retail/light industrial uses are recommended. The Future Land Use Map (FLUM) recommends retail use and lower intensity commercial use. The proposed request is consistent with the recommendations of the FLUM and Comprehensive Plan.

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

The proposed zone change would be less intense than the existing Heavy Industrial zoning and would be more appropriate adjoining residential zoning to the west and adjacent commercial zoning districts.

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

This area is adequately served by utilities.

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

None known.

Staff Recommendation

Staff recommends **approval**.

NOTIFICATIONS

Owner

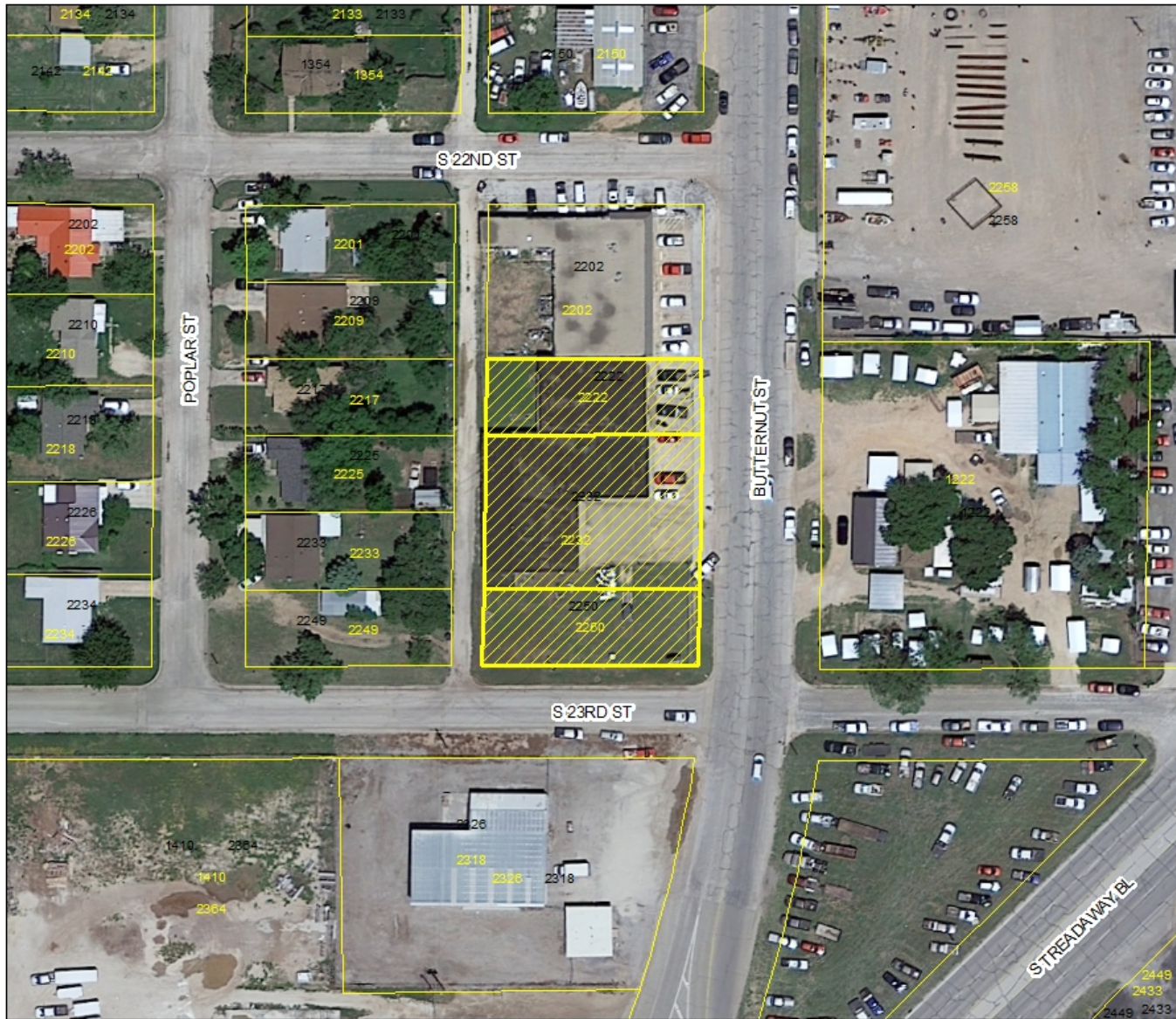
Legend:
O- Opposed
F- In Favor

Owner	Property ID	Situs	Response
CAF REALTY LLC	980411	2326 BUTTERNUT ST	
CAF REALTY LLC	980411	2318 BUTTERNUT ST	
CAMARILLO BRIDGET	44500	2249 POPLAR ST	
CAMARILLO BRIDGET	44628	2233 POPLAR ST	
DIMAS DE LA TORRE JOSE TOMAS	42088	1354 S 22ND ST	
HALL PAUL A & DEVEN M	43945	2202 BUTTERNUT ST	
HIT VENTURES LLC	109554	2258 S TREADAWAY BL	
MARTIN TIMOTHY BLAZE	45004	2209 POPLAR ST	
MARTINEZ RAYMOND R	45190	2201 POPLAR ST	
MC COOL SELENA	44868	2217 POPLAR ST	
MOORE ABILENE HOLDINGS LP	44381	2250 BUTTERNUT ST	
MOORE ABILENE HOLDINGS LP	44137	2222 BUTTERNUT ST	
MOORE ABILENE HOLDINGS LP	44257	2232 BUTTERNUT ST	
PHOENIX COLLISION INC.	41962	2150 BUTTERNUT ST	
RIVERA MARIANNA ARRAZOLA	44751	2225 POPLAR ST	
SITZES APB LP	46658	1222 S 23RD ST	
XTERRA CONSTRUCTION LLC	45458	1410 S 24TH ST	
XTERRA CONSTRUCTION LLC	45458	2364 BUTTERNUT ST	

Property ID

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PHOENIX COLLISION INC.	41962	2150 BUTTERNUT ST	
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HIT VENTURES LLC	109554	2258 S TREADAWAY BL	
CAF REALTY LLC	980411	2326 BUTTERNUT ST	
CAF REALTY LLC	980411	2318 BUTTERNUT ST	

LOCATION MAP



Aerial Map



Legend

- Z-2023-29
- Roads
- Courier Parcels

ZONING MAP



Zoning Map



Legend

- Z-2023-29
- Roads
- CourierP parcels



REZONE REQUEST

Case: Z-2023-29

Owner: Moore Abilene Holdings, LP

Agent: Alex Moore

Request: Rezone from HI to HC

Location: 2222, 2234, and 2250 Butternut Street

Notification: 0 in Favor, 0 Opposed

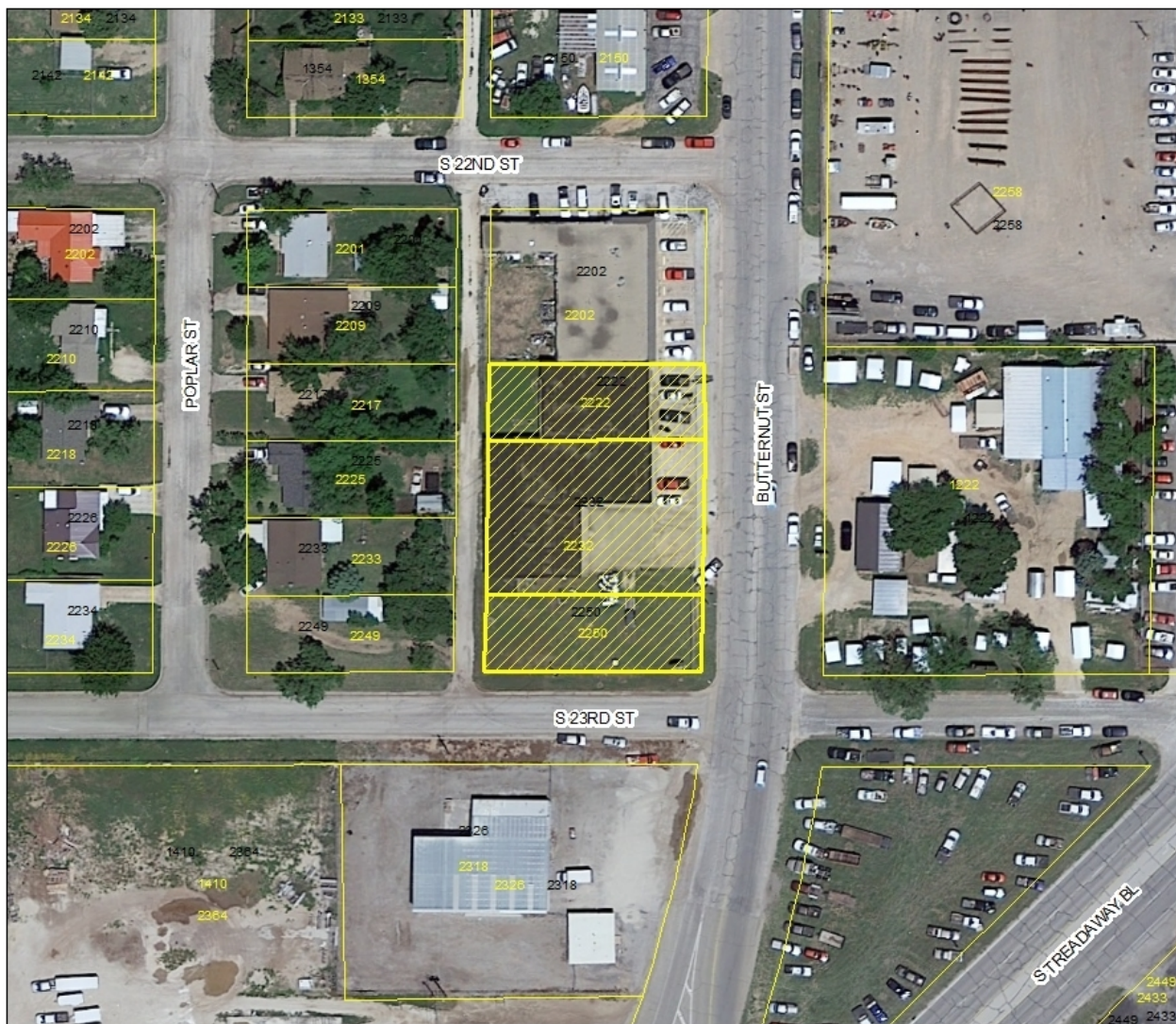
Planning & Zoning: August 1, 2023

City Council Hearing: August 24, 2023
September 14, 2023





AERIAL LOCATION MAP



Aerial Map



Legend

-  Z-2023-29
-  Roads
-  CourierParcels





ZONING MAP



Zoning Map



Legend

- Z-2023-29
- Roads
- Courier Parcels





Existing Uses in HI Zoning

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
- TP Field Office or Construction Office (temporary)
- P Freight Container
- P Manufacturing (incidental)
- C Mobile Home (permanent security residence)
- TP Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recycling Collection Point
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Adult Entertainment Enterprise
- C Motorized Racing

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Fire/Police Station
- P Homeless/Emergency Shelter
- P Post Office
- P Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- P Educational and Scientific Research
- P School: Public/Private

SERVICE

- P Contractor Services
- P Recycling Collection and Processing Center
- P Scales (public)
- P Wrecker/Towing

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

TRADE – RETAIL USES

- P Head Shop
- C Scrap and Waste Material

TRADE – WHOLESALE USES

- C Livestock – Wholesale or Auction
- P Wholesaling and Storage (indoor)
- P Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
- P Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Pressure Control Station
- P Public Utility Facility
- P Railroad Switching and Marshaling Yard
- P Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Mining
- P Petroleum or Gas Well
- P Liquor
- P Manufacturing (light)
- P Manufacturing (heavy)
- P Urban Garden





Permitted Uses in HC Zoning

RESIDENTIAL USES:

C	Hotel/Motel
<u>ACCESSORY AND INCIDENTAL USES:</u>	
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





VIEWS OF SUBJECT PROPERTY



South Neighboring
Property



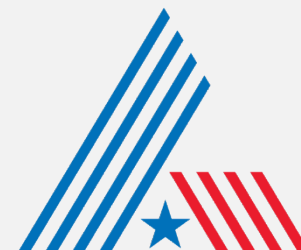
North Neighboring
Property



East Neighboring
Property



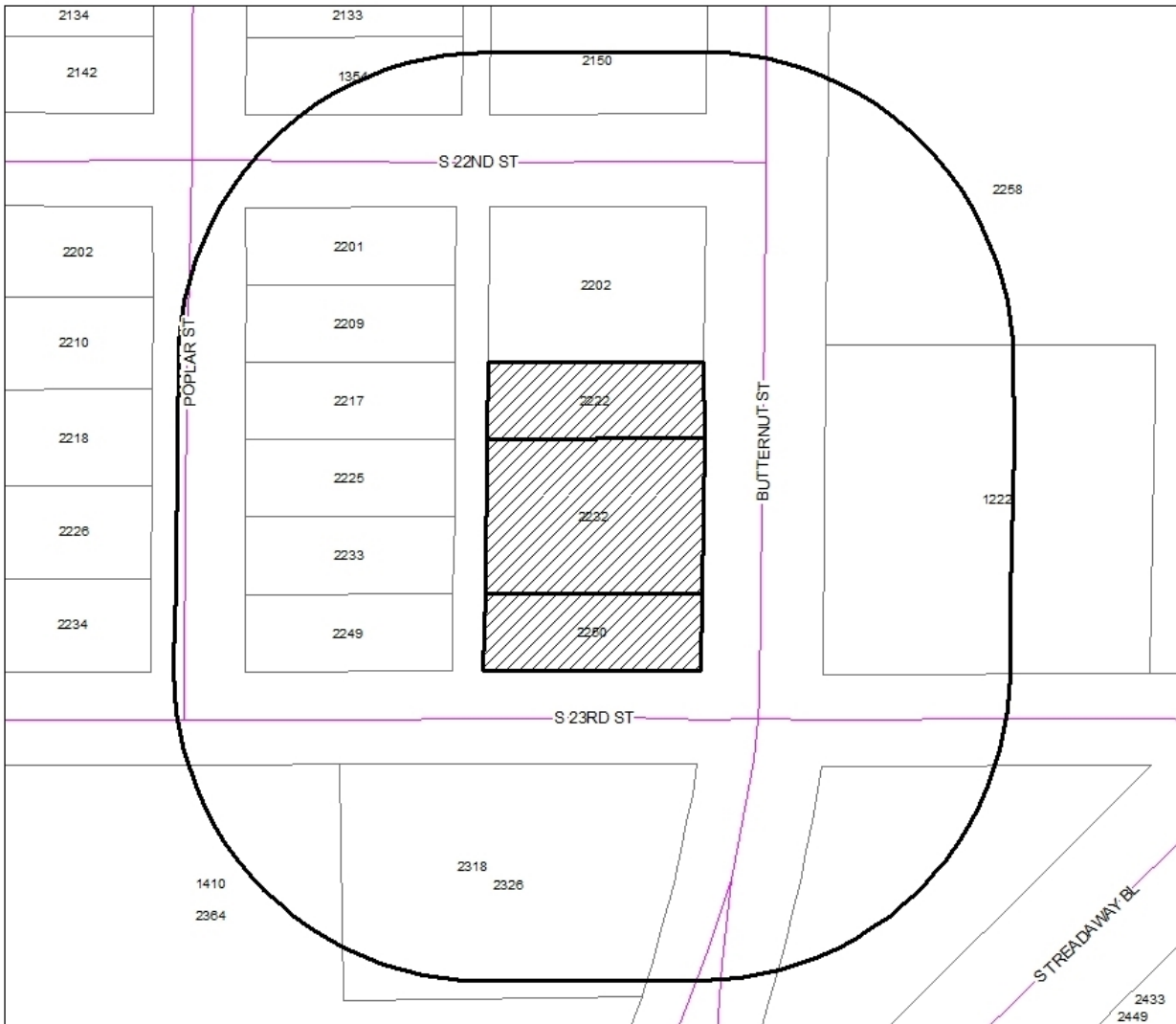
Subject Property



CITY OF
ABILENE
TEXAS



NOTIFICATION AREA MAP



Notification Map



Legend

- Notification Area
- Z-2023-29
- Roads
- Courier Parcels

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





FINDINGS AND RECOMMENDATIONS

The proposed request for HC rezoning 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?



2023 Development Application

Zoning Application Page 1 of 3

Planning

- ☐ Conditional Use ☐ Special Exceptions ☒ Rezoning ☐ Variance
☐ PDD Amendment ☐ Street Name Change ☐ Thoroughfare Abandonment
☐ Easement Release

Relief Procedures

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

Project Name: **MPG Butternut**
 Address: **2222,2234, 2250 Butternut St** Number of Lots: **4** Acreage: **0.6428 Total**
 Legal Description: **Boyer Addition, Block 6, Lots 3,4,5,6**
 Subdivision Name: **Boyer Addition** Block: **6** Lot: **3,4,5, and 6**
 Current Zoning: **HI** Proposed Zoning (if applicable): **HC**

OWNER AND AUTHORIZATION

Owner Name: **Moore Abilene Holdings, LP**
 Address: **P.O. Box 6444**
 City, State, Zip: **Abilene, TX 79608** Fax: **325-695-1922**
 Phone: **325-437-1010** Email: **moorepropertygroup@gmail.com**
 Agent Name: **Alex Moore**
 Address: **P.O. Box 6444**
 City, State, Zip: **Abilene, TX 79608** Fax: **325-694-1922**
 Phone: **325-437-1010** Email: **moorepropertygroup@gmail.com**

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

Signature of Owner: *Alex Moore* Date: 6/20/23

FOR OFFICE USE ONLY

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

2023 Development Application

Zoning Application Page 2 of 3

Existing Zoning

- | | | | |
|--------------------------------|--|--|------------------------------|
| ☐ AO | Agricultural Open Space | ☐ GR | General Retail |
| ☐ RR | Rural Residential RR-5 & RR-1 | ☐ MU | Medical Use |
| ☐ RS-12 | Residential Single-Family – 12,000 sq. ft lots | ☐ CB | Central Business |
| ☐ RS-8 | Residential Single-Family – 8,000 sq. ft lots | ☐ MX | Mixed Use |
| ☐ RS-6 | Residential Single-Family – 6,000 sq. ft lots | ☐ GC | General Commercial |
| ☐ PH | Single-Family Residential Patio Home | ☐ HC | Heavy Commercial |
| ☐ TH | Residential Townhouse | ☐ LI | Light Industrial |
| ☐ MD | Residential Medium Density | ☒ HI | Heavy Industrial |
| ☐ MH | Manufactured/Mobile Home | ☐ PD | Planned Development District |
| ☐ CU | College & University | ☐ | Empowerment Overlay |
| ☐ NO | Neighborhood Office | | |
| ☐ O | Office | | |
| ☐ NR | Neighborhood Retail | | |

Reason for Zoning Change

**We believe Heavy Commercial is more appropriate for the area than the current zoning of Heavy Industrial
This property has been operated as S&S Furniture for over 40 years.**

Fees

FOR DEVELOPMENT FEES CTRL & CLICK LINK BELOW AND CHOOSE "Z"

<https://abilenetx.gov/563/Fee-Schedule>

Fees can be paid online with credit card.

2023 Development Application

Zoning Application Page 3 of 3

Zoning Impact Analysis

Please answer these questions in order to assist staff with the processing of your zoning request.

1. Does the proposed zoning map amendment implement the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map?

No.

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

Yes.

3. Are the proposed changes in agreement with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area?

Yes

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

No

Other Required Forms - Disclosure of Interest (See Attached)