



City of Abilene

Planning and Zoning Commission Agenda

Notice is hereby given of a meeting of the Planning & Zoning Commission of City of Abilene to be held on January 2, 2024, 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 December 5, 2023

PLATS

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

2. **9623-FP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on the Bel Air Addition.
3. **7123-FP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Summit View Estates Amendment

ZONING

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

4. **Z-2023-36: (Tabled)** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owners, Represented By Jacob Martin, To Change The Zoning Of Approximately 7.07 Acres From PD 96A To General Retail. Located On The East Side Of The 5300 Block Buffalo Gap Road. Legal Description Being Lots 202, 203, And 206, Mindy Morris Subdivision, Abilene, Taylor County, Texas. **(Adam Holland)**
5. **Z-2023-39:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From HD Development Properties LP (D/B/A The Home Depot), Represented By Cassie Permenter, To Amend The Terms Of The Planned Development District 75 To Allow Outdoor Retail Sales/Rental And Display Within The Track "The Home Depot". Located At 4590 Southwest Dr, Abilene, TX 79606. Legal Description Being Lot 1, Block 1, Home Depot Addition, Abilene, Taylor County, Texas. **(Clarissa Ivey)**
6. **Z-2024-01:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, Represented By Jacob Martin, To Change The Zoning Of Approximately 14.6 Acres From Agricultural Open To Planned Development District 185.

Specifically, To Allow Residential Single-Family Uses On 5,000 Sq. Ft. Lots. Located At The 6500-6800 Block Of Fairway Oaks Blvd, Abilene, TX 79606. Legal Description Being 14.6 Acres Of Survey 11 Lunatic Asylum Lands, Abilene, Taylor County, Texas. (Adam Holland)

7. **Z-2024-02:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, To Change The Zoning Of 0.47 Of An Acre From Agricultural Open To Multi-Family. Located On 2900 Block Of Old Anson Rd, Block A, Portion Of Lot 1 Of The Robert Rasberry Subdivision, Abilene Texas 79606. (Kiley Hannah)
8. **OAM-2023-01: (Tabled)** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The City Of Abilene To Amend The Land Development Code (LDC) To Create The Rebuild ABI Infill Overlay (RAI) District To Promote Infill Development And Redevelopment In Targeted Neighborhoods. (Randal Anderson)

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 29th day of December, 2023, at 2:15 p.m.

Shawna Atkinson, City Secretary



Planning and Zoning Commission MINUTES

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

Commissioners Present:

Mr. Clint Rosenbaum, Chairman	Ms. Shawnte' Fleming
Mr. Mitch Barnett	Rev. Iziar Lankford, Secretary

Commissioners Absent:

Mr. Brad Benham, Chairman Pro Tem	Ms. Alex Russell, Sergeant-at-Arms
Mr. Kevin Halliburton	

Staff Present:

Mr. Michael Rice, Assistant City Manager
Mr. 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, Planner I
Ms. Melissa Farr, Executive Assistant
Ms. Kiley Hannah, Planner I

Others Present:

Mr. Steve Carrigan	Mr. Mike Wilder	Mr. Van Jones
Ms. Denise Jones	Mr. Scott Jacks	Mr. Charles Carter
Mr. Larry Irvin	Ms. Rachel Stasser	Mr. Fred Stasser
Ms. Kaley Garner		

The Planning and Zoning Commission convened in a regular meeting and was called to order at 1:32 p.m.

INVOCATION

Reverend Lankford delivered the invocation.

APPROVAL OF MINUTES FOR THE PREVIOUS MEETING

Mr. Rosenbaum opened the public hearing. Seeing no one present and desiring to be heard, the public hearing was closed. Reverend Lankford moved to approve the minutes from the previous meeting, which was held on November 7, 2023. Ms. Fleming seconded the motion. The motion to **approve** with any revisions as discussed prevailed by the following vote:

AYES: Barnett, Fleming, Lankford, Rosenbaum

NAYS: None

PLATS

FP-8423: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Final Plat of Lots 101-104, Block C, The Denali Addition

Mr. Adam Holland presented the proposed plat. This plat is consistent with Chapter 3, Article 2 of Land Development Code. (Subdivision Standards)

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

STAFF RECOMMENDATION: Approval with conditions

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

Mr. Barnett moved to **approve the plat as presented with conditions**. Ms. Fleming seconded the motion. The motion to approve prevailed by the following vote:

AYES: Barnett, Lankford, Fleming, Rosenbaum

NAYS: None

ZONING

CUP-2023-07: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Charles A. Doby Represented By Shawn Garrett, To Apply A Conditional Use Permit To Approximately 2.67 Acres To Allow For A Trade School Within General Retail (GR) Zoning. Located At 2449 South Willis Street, Suite 204. Legal Description Being Block A, Lot 302 Of The Chimney Square Subdivision, Abilene, Taylor County, Texas.

Ms. Mason Teegardin presented this request. The subject property is located in the Chimney Square Subdivision. The applicant is currently using Suite 204 at 2449 South Willis Street as a Massage School. The applicant did not know that a Conditional Use Permit is required to allow a massage school at this location. The applicant was also unaware that a Certificate of Occupancy was required prior to operating. As a result, staff cannot determine how long this school has been operating. A detailed Plan of Operation describing the proposed trade school was included in the packet for review.

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

Property owners within a 200-foot radius were notified of this request. One (1) response was received in favor, with none (0) in opposition.

STAFF RECOMMENDATION: Staff recommends approval subject to compliance with the Plan of Operation.

Ms. Fleming moved to **approve the Plan of Operations; therefore, approving this request.** Mr. Barnett seconded the motion. The motion to approve prevailed by the following vote:

AYES: Barnett, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-36: Tabled Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From 3w Brands LLC, Represented By Jacob Martin, To Change The Zoning Of Approximately 7.07 Acres From PD 96A To General Retail. Located On The East Side Of The 5300 Block Buffalo Gap Road. Legal Description Being Lots 202, 203, And 206, Mindy Morris Subdivision, Abilene, Taylor County, Texas.

Reverend Lankford moved to **remove this request from the table.** Mr. Barnett seconded the motion.

Mr. Adam Holland presented this request. The subject property was zoned as PD-96A in 2004 to create a mixed-use development that allowed specific higher intensity uses along the frontage of the property and less intense uses, primarily educational uses to the rear where the PD abuts residential zoning districts on 3-sides. The property did not have a base zoning

district assigned, but is similar to uses allowed in the General Retail or Neighborhood Retail district. This request, if approved, would eliminate the PD zoning of the site and replace it with a standard zoning district classification.

Mr. Rosenbaum opened the public hearing. Those who stepped forward to address this request were:

Mr. Tal Fillingim, Ms. Denise Jones, Mr. Steve Carrigan, Mr. Charles Carter, Mr. Mike Wilder, Mr. Van Jones

Discussion was had regarding the agenda, legal notices and the correct owner of the property. Mr. Robert Hanna was present to share his concerns. He made the recommendation to table this item until everyone is in agreement that all details are correct.

Property owners within a 200-foot radius were notified of this request. There were no (0) responses received in favor, with 22 in opposition. Staff received a petition from many of the surrounding homeowners in opposition.

STAFF RECOMMENDATION: Staff recommends the approval of General Retail on Lot 203 and downzoning the request from General Retail (GR) to Neighborhood Retail (NR) on Lots 202 and 206.

Reverend Lankford moved to place this request on the table until the regular meeting scheduled for January 2024. Ms. Fleming seconded the motion. The motion to table prevailed by the following vote:

AYES: Barnett, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-37: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Cospo Properties LLC, Represented By Jacob Martin, To Change The Zoning Of Approximately 2.2 Acres From Agricultural Open To General Retail. Located At 3509 Beltway, Abilene, TX 79606. Legal Description Being Survey 104 Wm E Vaughn, Tract 3 West, Abilene, Taylor County, Texas.

Ms. Kiley Hannah presented this request. The Commission, after conducting a public hearing, approved this request as submitted. It was discovered by staff that a technical error regarding the legal notice occurred, meaning that the owners who were entitled to notice were not notified. For that reason, new notice was completed to allow this item to be reheard by the Commission.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim stepped forward to address 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

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

AYES: Barnett, Lankford, Fleming, Rosenbaum

NAYS: None

Z-2023-40: 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 11.14 Acres From Agricultural Open To General Commercial. Located At 7542x S Clack St, Abilene, TX 79606. Legal Description Being South East Quarter Of Survey 12 Of Lunatic Asylum Land Tract 6, Abilene, Taylor County, Texas.

Ms. Kiley Hannah presented this request. The subject property is currently zoned Agricultural Open (AO) requesting to rezone to General Commercial (GC). The property is located adjacent to a regional highway in an area where commercial uses are emerging. The requested zoning is appropriate at this location.

Mr. Rosenbaum opened the public hearing. Mr. Tal Fillingim stepped forward to address 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. Ms. Fleming seconded the motion. The motion to approve prevailed by the following vote:

AYES: Barnett, Lankford, Fleming, Rosenbaum

NAYS: None

OAM-2023-01 (Tabled): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The City Of Abilene To Amend The Land Development Code (LDC) To Create The Rebuild ABI Infill Overlay (RAI) District To Promote Infill Development And Redevelopment In Targeted Neighborhoods.

Reverend Lankford made the motion to remove this item from the table. Ms. Fleming seconded the motion.

Chairman Rosenbaum shared his reservations about moving forward with this presentation without all commissioners being in attendance. He and Mr. Randy Anderson agreed it was an option for the Commission to place the item on the table for another month.

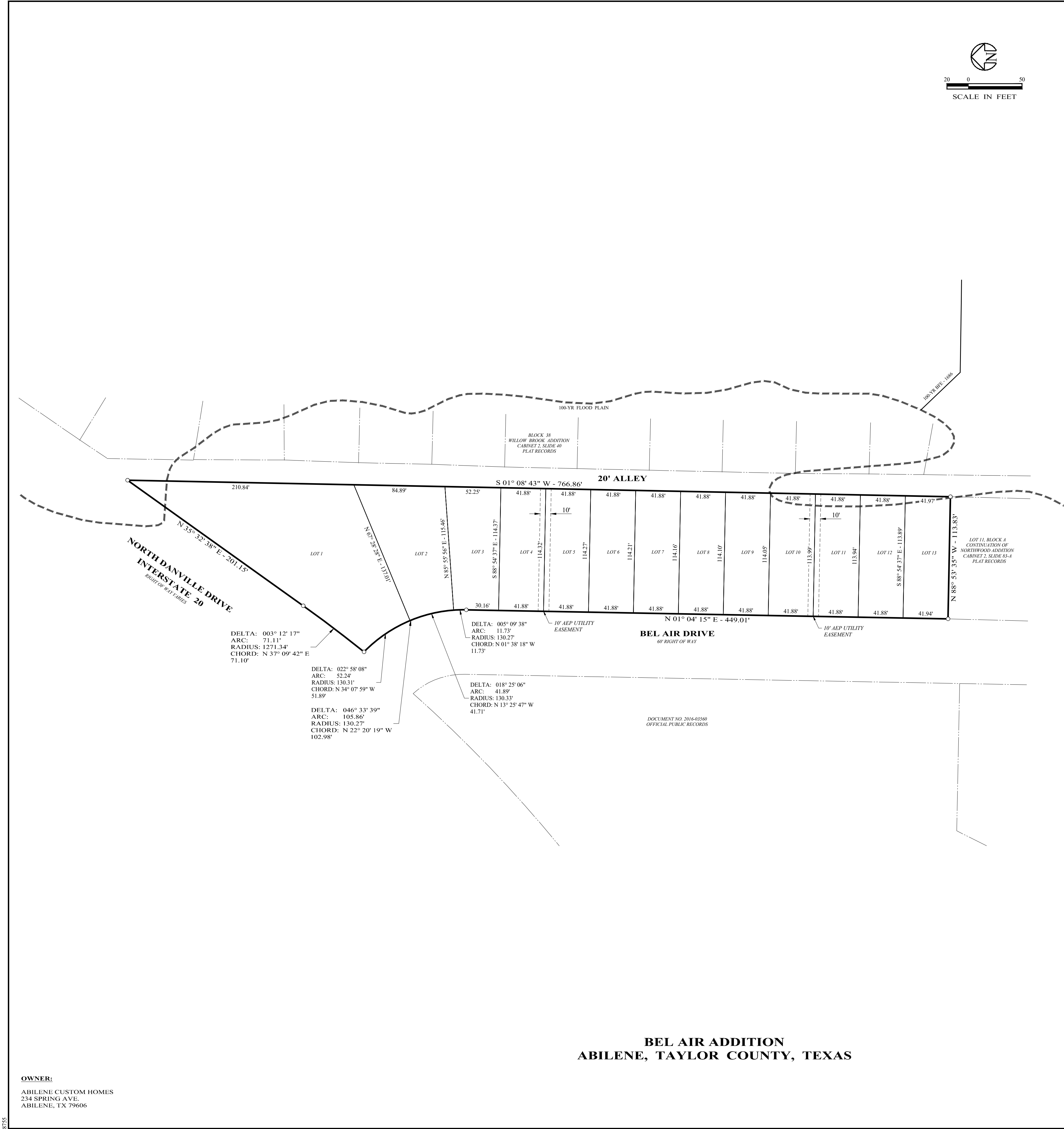
Ms. Fleming made the motion to **place this item on the table until the regular scheduled meeting in January.** Reverend Lankford seconded the motion.

ADJOURNMENT

There being no further discussion, Mr. Rosenbaum adjourned the meeting at 2:38 p.m.

APPROVED

Mr. Clint Rosenbaum, Chairman



**BEL AIR ADDITION
ABILENE, TAYLOR COUNTY, TEXAS**

OWNER:
ABILENE CUSTOM HOMES
234 SPRING AVE.
ABILENE, TX 79606

BEING BEL AIR ADDITION, CITY OF ABILENE, TAYLOR COUNTY, TEXAS, SAME BEING ALL OF TRACT TWO, A 1.861 ACRE TRACT, RECORDED IN DOCUMENT NO. 2016-3560, OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

BEGINNING AT A FOUND BENT 3/8 INCH IRON ROD ON THE EAST RIGHT OF WAY OF BEL AIR DRIVE AT THE SOUTHWEST CORNER OF THIS TRACT AND SAID 1.861 ACRE TRACT, WHERE A FOUND 3/8 INCH IRON ROD AT THE BEGINNING OF A CURVE ON THE WEST LINE OF LOT 11, BLOCK A, CONTINUATION OF NORTHWOOD ADDITION, CITY OF ABILENE, TAYLOR COUNTY, TEXAS, RECORDED IN CABINET 2, SLIDE 83-A, PLAT RECORDS, TAYLOR COUNTY, TEXAS, BEARS 28.87° S 01°27'39" W;

THENCE NORTH 01 DEGREES 04 MINUTES 15 SECONDS EAST, ALONG THE EAST RIGHT OF WAY OF BEL AIR DRIVE, A DISTANCE OF 449.01 FEET TO A FOUND 3/8 INCH IRON ROD AT A CORNER OF SAID 1.861 ACRE TRACT AND THIS TRACT;

THENCE, ALONG THE EAST RIGHT OF WAY OF BEL AIR DRIVE, WITH A CURVE TURNING TO THE LEFT HAVING A DELTA ANGLE OF 46 DEGREES 33 MINUTES 39 SECONDS, A RADIUS OF 130.27 FEET, AN ARC LENGTH OF 105.86 FEET, AND A CHORD BEARING NORTH 22 DEGREES 20 MINUTES 19 SECONDS WEST A DISTANCE OF 102.98' TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "4130" AT THE INTERSECTION OF THE EAST RIGHT OF WAY OF BEL AIR DRIVE AND THE SOUTH RIGHT OF WAY OF NORTH DANVILLE DRIVE, A.K.A. INTERSTATE 20, AT THE NORTHWEST CORNER OF SAID 1.861 ACRE TRACT AND THIS TRACT;

THENCE, ALONG THE SOUTH RIGHT OF WAY OF NORTH DANVILLE DRIVE, WITH A CURVE TURNING TO THE LEFT HAVING A DELTA ANGLE OF 03 DEGREES 12 MINUTES 17 SECONDS, A RADIUS OF 1271.34 FEET, AN ARC LENGTH OF 71.11 FEET, AND A CHORD BEARING NORTH 37 DEGREES 09 MINUTES 42 SECONDS EAST A DISTANCE OF 71.10' TO A FOUND BROKEN CONCRETE RIGHT OF WAY MONUMENT AT A CORNER OF SAID 1.861 ACRE TRACT AND THIS TRACT;

THENCE NORTH 35 DEGREES 32 MINUTES 38 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY OF NORTH DANVILLE DRIVE, A DISTANCE OF 201.15 FEET TO A SET 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY OF NORTH DANVILLE DRIVE AND THE WEST RIGHT OF WAY OF A TWENTY (20) FEET WIDE ALLEY AT THE NORTHEAST CORNER OF SAID 1.861 ACRE TRACT AND THIS TRACT, WHERE A FOUND 3/8 INCH IRON ROD AT THE NORTHERN CORNER OF LOT 18, BLOCK 38, REPLAT OF LOTS 27-41, BLOCK 39 & LOTS 3-15, BLOCK 38, CONTINUATION OF SECTION 1 OF WILLOW BROOK ADDITION, ABILENE, TAYLOR COUNTY, TEXAS, RECORDED IN CABINET 2, SLIDE 40, PLAT RECORDS, TAYLOR COUNTY, TEXAS, BEARS 180.03° N 35°32'38" E;

THENCE SOUTH 01 DEGREES 08 MINUTES 43 SECONDS WEST, ALONG THE WEST RIGHT OF WAY OF SAID 20' WIDE ALLEY, AT A DISTANCE OF 317.26 FEET PASSING A FOUND BENT 3/8 INCH IRON ROD ON THE EAST RIGHT OF WAY OF THE ALLEY OF SAID BLOCK 38, AT A DISTANCE OF 707.28 PASSING A FOUND 1/2 INCH IRON ROD ON THE EAST RIGHT OF WAY OF THE ALLEY OF SAID BLOCK 38, CONTINUING FOR A TOTAL DISTANCE OF 766.86 FEET TO A POINT AT THE NORTHEAST CORNER OF SAID LOT 11, AND BEING THE SOUTHEAST CORNER OF SAID 1.861 ACRE TRACT AND THIS TRACT;

THENCE NORTH 88 DEGREES 53 MINUTES 35 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 113.83 FEET TO THE POINT OF BEGINNING CONTAINING AN AREA OF 1.846 ACRES, SURVEYED IN DECEMBER 2023.

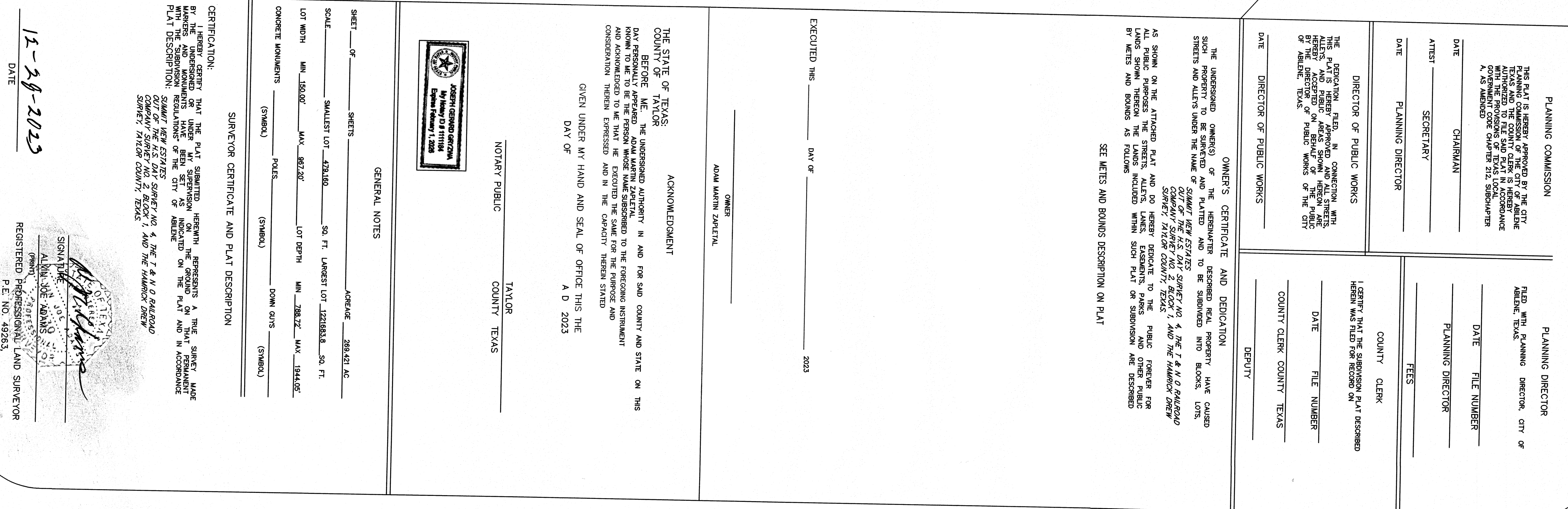
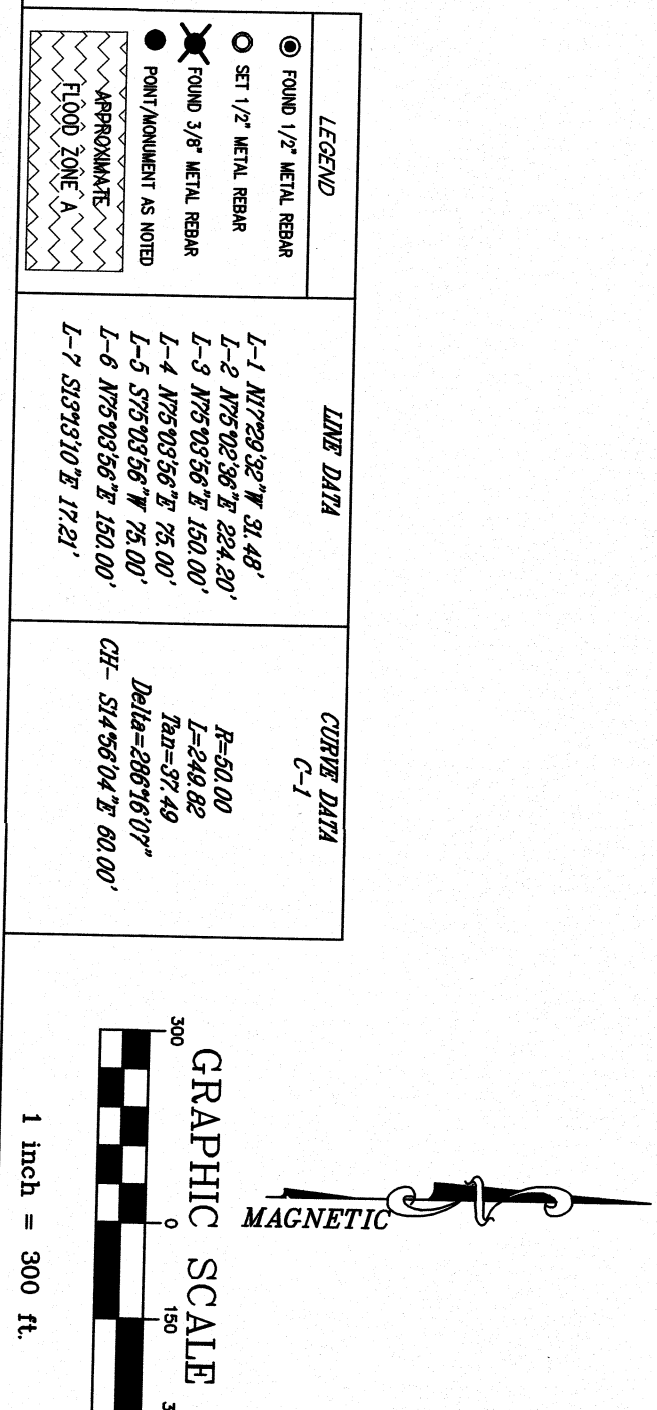
NOTES

- AS PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 485450, MAP NUMBER 48441C0207F MAP REVISED JANUARY 6, 2012; PART OF THIS PROPERTY IS LOCATED IN A FEDERALLY DESIGNATED FLOOD AREA.
- BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF ABILENE ZONING REGULATIONS.
- 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.
- THIS ADDITION IS LOCATED WITHIN THE CITY LIMITS OF ABILENE, TAYLOR COUNTY, TEXAS.

LEGEND

- MONUMENTS AS DESCRIBED IN FIELD NOTES
- SUBDIVISION BOUNDARY
- SUBDIVISION LOT LINES
- ADJACENT BOUNDARY LINES
- EASEMENT 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. DATE CHAIRMAN ATTEST SECRETARY DATE PLANNING DIRECTOR		PLANNING DIRECTOR FILED WITH PLANNING DIRECTOR. CITY OF ABILENE, TEXAS DATE FILE NUMBER 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. DATE DIRECTOR OF PUBLIC WORKS		COUNTY CLERK I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON DATE FILE NUMBER COUNTY CLERK COUNTY, TEXAS DEPUTY	
OWNER'S CERTIFICATE AND DEDICATION THE UNDERSIGNED OWNER(S) OF THE HEREINAFTER DESCRIBED REAL PROPERTY HAVE CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCKS, LOTS, STREETS, ALLEYS, UNDER THE NAME OF BEL AIR ADDITION 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_____ CHASE KISER PRINTED NAME SIGNATURE			
ACKNOWLEDGMENT THE STATE OF TEXAS; COUNTY OF TAYLOR BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED CHASE KISER, MANAGING PARTNER 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 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 1 OF 1 SHEETS _____ ACREAGE 1.846 SCALE 1" = 50' SMALLEST LOT 4770 SQ FT LARGEST LOT 19550 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: BEL AIR ADDITION ABILENE, TAYLOR COUNTY, TEXAS _____ SIGNATURE 12/22/2023 DATE 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			



ORDINANCE NO. _____

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

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

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

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 11th day of January, 2023.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of December, 2023, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 25th day of January, 2024, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 25th day of January, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

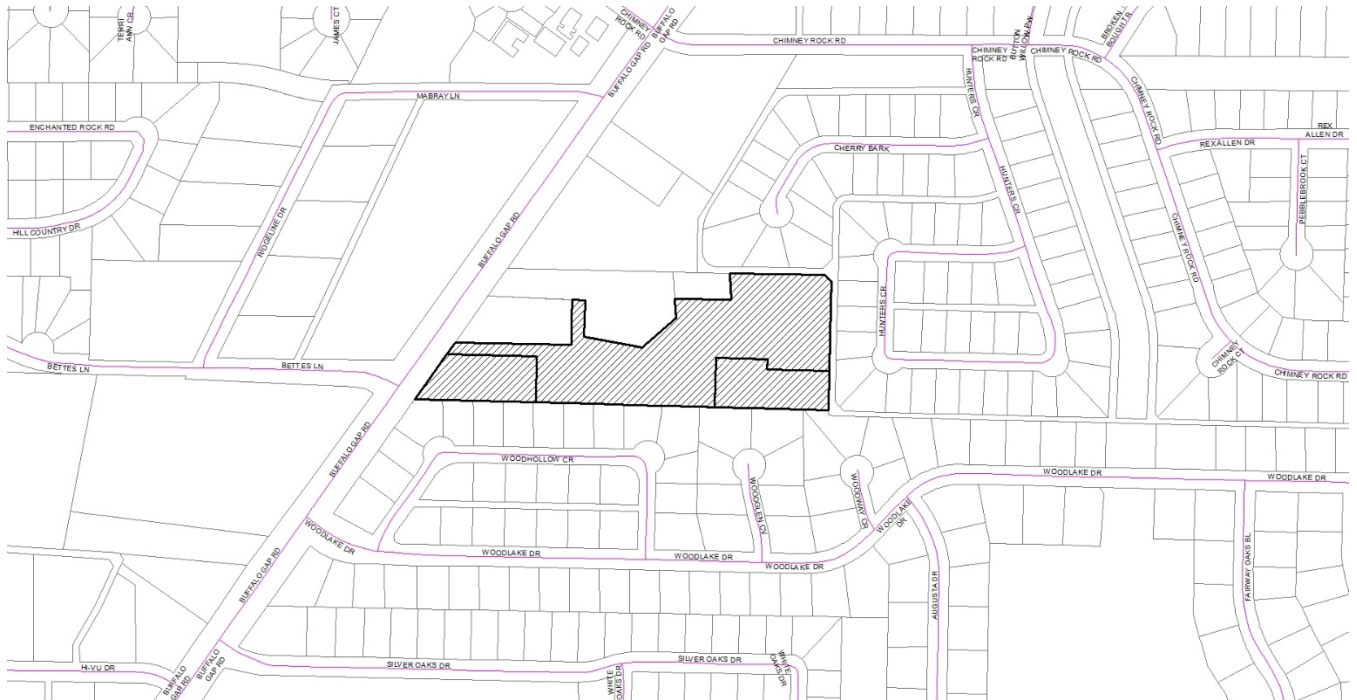
CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from Planned Development district (PD-96A) District to a General Retail (GR) District:

Location: 5333 Buffalo Gap Road

Lots 202, 203, and 206 Mindy Morris Addition



PROJECT OVERVIEW

Project Type: Zoning Application | **Project Title:** Z-2023-36 PD-96A to GR

ID # 23-000181 | **Started** 10/02/2023 at 4:13 PM



Address

5333 Buffalo Gap Rd, Abilene, TX USA 79606

Legal

Mindy Morris Blk Block A Lot Pt Of Lot
Mindy Morris, Block A, Lot Nw/pt Of 102 Rep, Acres
0.946

Description

Rezone from PD to GR

PROPERTY DETAILS

Property ID	1087056
GEO ID	47370
Enforcement Area	Chimney Rock Area

PROPERTY ADDITIONAL INFORMATION

Account Number	47558000100
Property ID	47370, 47164
Land Use	Vacant
High School	CHS
Middle School	Clack
Elementary School	Ward
Super Neighborhood	CHIMNEY ROCK AREA
AID #	47164, 47370
County	Taylor
Courier - Building Square Feet	5221

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
3w Brands Llc	-	Po Box 3101 Abilene, TX 79604-3101	-	Property Owner
Clayton Farrow	cfarrow@jacobmartin.com 3256951070	3465 Curry Lane Abilene, TX 79606-2287	Engineer	APPLICANT

INFORMATION FIELDS

Owner Name

PAK HARRIS ENTERPRISES LTD

Agent Name

-

Block

-

Lot

-

Acreage

-

Legal Description of property

MINDY MORRIS, BLOCK A, LOT 202 REP, ACRES 5.049

Subdivision Name

-

Current Zoning

PD

Proposed Zoning

GR

Agree to Terms

Clayton Farrow, 10-02-2023

Issued By:

CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY
P O BOX 1800
1534 S TREADAWAY
ABILENE, TX 79604

Property Information

Property ID: 1087056 Geo ID: 47558000500
Legal Acres: 7.0710
Legal Desc: MINDY MORRIS, BLOCK A, LOT PT OF 102 REP,
ACRES 7.071
Situs: 5333 BUFFALO GAP RD TX
DBA:
Exemptions:

Owner ID: 162164 100.00%
PAK HARRIS ENTERPRISES LTD
PO BOX 5615
ABILENE, TX 79608-5615

For Entities

Value Information

ABILENE ISD	Improvement HS:	0
CITY OF ABILENE	Improvement NHS:	0
TAYLOR COUNTY	Land HS:	0
	Land NHS:	743,850
	Productivity Market:	0
	Productivity Use:	0
	Assessed Value	743,850

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year	Entity	Taxable	Tax Due	Disc./P&I	Attorney Fee	Total Due
Totals:			0.00	0.00	0.00	0.00

Effective Date: 03/31/2023

Total Due if paid by: 03/31/2023

0.00

ATTACHED TO PLAT
IN CABINET 4
SLIDE 112

Tax Certificate Issued for:

CITY OF ABILENE
TAYLOR COUNTY
ABILENE ISD

Taxes Paid in 2022

5,668.88
4,221.34
8,995.37

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 03/31/2023
Requested By: Miscellaneous Customer
Fee Amount: 10.00
Reference #:

Page: 1

Andrea Anosta
Signature of Authorized Officer of Collecting Office

Issued By:

CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY
P O BOX 1800
1534 S TREADAWAY
ABILENE, TX 79604

Owner ID: 162164 100.00%
PAK HARRIS ENTERPRISES LTD
PO BOX 5615
ABILENE, TX 79608-5615

Property Information

Property ID: 1087056 Geo ID: 47558000500
Legal Acres: 7.0710
Legal Desc: MINDY MORRIS, BLOCK A, LOT PT OF 102 REP,
ACRES 7.071
Situation: 5333 BUFFALO GAP RD TX
DBA:
Exemptions:

For Entities

Value Information

ABILENE ISD	Improvement HS:	0
CITY OF ABILENE	Improvement NHS:	0
TAYLOR COUNTY	Land HS:	0
	Land NHS:	743,850
	Productivity Market:	0
	Productivity Use:	0
	Assessed Value	743,850

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year	Entity	Taxable	Tax Due	Disc./P&I	Attorney Fee	Total Due
Totals:			0.00	0.00	0.00	0.00

Effective Date: 05/02/2023

Total Due if paid by: 05/31/2023

0.00

ATTACHED TO PLAT
IN CABINET 4
SLIDE 772

Tax Certificate Issued for:

CITY OF ABILENE
TAYLOR COUNTY
ABILENE ISD

Taxes Paid in 2022

5,668.88
4,221.34
8,995.37

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

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May Be Subject to Court Costs if Suit is Pending

Date of Issue: 05/02/2023
Requested By: Miscellaneous Customer
Fee Amount: 10.00
Reference #:

Page: 1

Signature of Authorized Officer of Collecting Office

FEE RECEIPT

5/2/2023 4:34:24PM

2023 07617 V: 4 P: 772 Page 4 of 8

Tax Office

Receipt Number

3495388

CENTRAL APPRAISAL DISTRICT OF TAYLOR
COUNTY
P O BOX 1800
1534 S TREADAWAY
ABILENE, TX 79604

Payer Name and Address

Miscellaneous Customer
None
Abilene, TX 79604

Fee ID	Fee Description		Fee Date	Year	Amount Due	Amount Paid
179040	TAX CERTIFICATE		5/2/2023	2023	10.00	10.00
Operator	Batch ID	Batch Description	Date Paid	Payment Type	Total Paid	
andreaa	12577	MAY 2023 TAX CERTS	5/2/2023	P	10.00	
Tender Type		Details	Description		Amount	
Cash					10.00	

ATTACHED TO PLAT
IN CABINET 4
SLIDE 772.

Unofficial Copy

Issued By:

CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY
P O BOX 1800
1534 S TREADAWAY
ABILENE, TX 79604

Property Information

Property ID: 103784 Geo ID: 47558000100
Legal Acres: 0.9460
Legal Desc: MINDY MORRIS, BLOCK A, LOT NW/PT OF 102 REP,
ACRES 0.946
Situation: 5317 BUFFALO GAP RD TX
DBA: GOLDEN CHICK
Exemptions:

Owner ID: 386975
3W BRANDS LLC
PO BOX 3101
ABILENE, TX 79604-3101

100.00%

For Entities

Value Information

ABILENE ISD	Improvement HS:	0
CITY OF ABILENE	Improvement NHS:	791,801
TAYLOR COUNTY	Land HS:	0
	Land NHS:	99,517
	Productivity Market:	0
	Productivity Use:	0
	Assessed Value	891,318

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year	Entity	Taxable	Tax Due	Disc./P&I	Attorney Fee	Total Due
Totals:			0.00	0.00	0.00	0.00

Effective Date: 05/02/2023

Total Due if paid by: 05/31/2023

0.00

ATTACHED TO PLAT
IN CABINET 4
SLIDE 772

Tax Certificate Issued for:

CITY OF ABILENE
TAYLOR COUNTY
ABILENE ISD

Taxes Paid in 2022

6,792.73
5,058.22
10,778.71

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

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May Be Subject to Court Costs if Suit is Pending

Date of Issue: 05/02/2023
Requested By: Miscellaneous Customer
Fee Amount: 10.00
Reference #:

Page: 1

Signature of Authorized Officer of Collecting Office

FEE RECEIPT

5/2/2023 4:39:59PM

2023-07517 V. 4 P. 772 Page 7 of 8

Tax Office

Receipt Number 3495389

CENTRAL APPRAISAL DISTRICT OF TAYLOR
COUNTY
P O BOX 1800
1534 S TREADAWAY
ABILENE, TX 79604

Payer Name and Address

Miscellaneous Customer
None
Abilene, TX 79604

Fee ID	Fee Description		Fee Date	Year	Amount Due	Amount Paid
179041	TAX CERTIFICATE		5/2/2023	2023	10.00	10.00
Operator	Batch ID	Batch Description	Date Paid	Payment Type	Total Paid	
andreaa	12577	MAY 2023 TAX CERTS	5/2/2023	P	10.00	
Tender Type		Details	Description		Amount	
Cash					10.00	

ATTACHED TO PLAT
IN CABINET 4
SLIDE 772

Unofficial Copy

THE STATE OF TEXAS

COUNTY OF TAYLOR

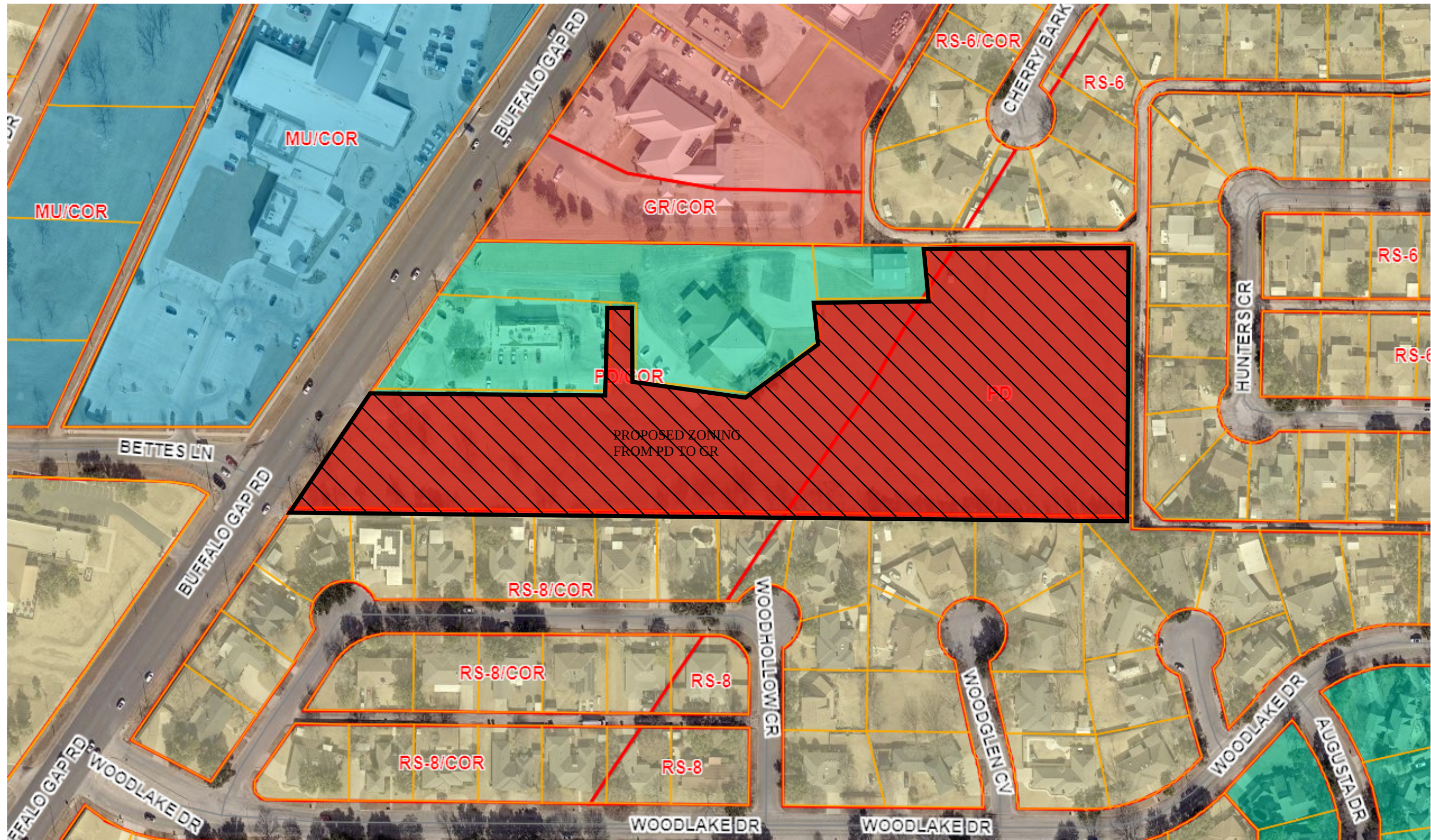
I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Official Public Records of Taylor County

2023-07517 PL
05/10/2023 03:11:57 PM Total Fees: \$175.00



Brandi DeRemer

Brandi DeRemer, County Clerk
Taylor County, TX



NO.

REVISION

SEQ.

SHEET

DATE

PROJECT #

SCALE

PROJECT #

SCALE

ABILENE, TEXAS

5333 BUFFALO GAP ROAD REZONING

GR REZONING REQUEST

JACOB
MARTIN

TBPE FIRM
2448

TBPE FIRM
1014493

NORTH

PROJECT #

SCALE

PROJECT #

SCALE

BAR IS ONE INCH IN LENGTH ON ORIGINAL DRAWING.

CHECK SCALE AND ADJUST ACCORDINGLY.

N.T.S.

Page 24 of 151

- SURVEYOR'S NOTES:
1. The Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202).
 2. No encroachments were observed in the course of the survey.
 3. The surveyor has relied upon that commitment for title insurance as prepared by Fidelity National Title Insurance Company, GF Number FT-44122-9001222203155, having an effective date of November 23, 2022 and issued date of January 18, 2023, in the preparation of this survey. The property shown hereon is all of that property described in said commitment.
 4. Per FEMA Flood Insurance Rate Map Number 48441C0219F, dated January 06, 2012, the subject property lies within Zone X (unshaded), designated as those areas outside the 0.2% annual chance floodplain.
 5. The subject property has direct access to Buffalo Gap Road, a public right-of-way.
 6. Elevations and contours shown hereon are based upon the NAVD88 vertical datum.
 7. The purpose of this plat is to create a single lot addition for commercial development.
 8. This plat lies within the City of Abilene's City Limits.

OWNERS CERTIFICATE AND DEDICATION

THE UNDERSIGNED OWNER OF 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: **LOT 203, BLOCK A, BUFFALO GAP ADDITION**

WHEREAS CJ Real Estate II, LLC are the owners of a 1.0146 acre of land situated in the John Smith Survey, Abstract Number 99, Abilene, Taylor County, Texas, and being part of Lot 102, Block A, Mindy Morris Subdivision, a replat of the remainder of Lot 1, Block A, Mindy Morris Subdivision, as recorded in Cabinet Number 4, Slide 237 of the Plat Records, Taylor County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod with a yellow plastic cap stamped "GEONAV" (hereinafter referred to as "with cap") set on the common east right-of-way line of Buffalo Gap Road (120' right-of-way) and the west line of said Lot 102;

THENCE South 88 degrees 35 minutes 17 seconds East, departing said common line and over and across said Lot 102, a distance of 269.72 feet to a 1/2-inch iron rod with cap set for the northeast corner of the herein described tract;

THENCE South 01 degree 28 minutes 43 seconds West, continuing over and across said Lot 102, a distance of 139.45 feet to a 1/2-inch iron rod with cap set for the southeast corner of the herein described tract, said corner being on the south line of said Lot 102;

THENCE North 88 degrees 35 minutes 17 seconds West, along said south line, a distance of 364.15 feet to a 5/8-inch iron rod with cap stamped "HIBBS" found for the southwest corner of the herein described tract and southwest corner of said Lot 102, said corner being on the aforementioned common east line of said Buffalo Gap Road;

THENCE North 35 degrees 34 minutes 00 seconds East, along the common said east line and said west line of Lot 102, a distance of 168.49 feet to the POINT OF BEGINNING AND CONTAINING 44,195 square feet or 1.0146 acres of land, more or less.

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 LANADS SHOWN THERON THE LANDS INCLUDED WITHIN SUCH PLAT OR SUBDIVISION ARE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

EXECUTED THIS _____ DAY OF _____ A.D. 2023

OWNER/MANAGER _____

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 SAID _____, AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH _____, FOR THE PURPOSES AND CONSIDERATION THERIN EXPRESSED AND IN THE CAPACITY THEREIN STATES.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ A.D. 2023

NOTARY PUBLIC _____
COUNTY TEXAS

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION

CERTIFICATION:

I HEREBY CERTIFY THAT THE PLAT SUBMITTED HEREWITHIN REPRESENTS A TRUE SURVEY MADE BY THE UNDERSIGNED OR UNDER MY SUPERVISION OF 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 203, BLOCK A BUFFALO GAP ADDITION

SIGNATURE _____

REGISTERED PROFESSIONAL LAND SURVEYOR

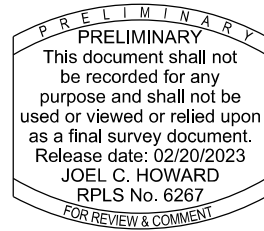
DATE _____

THE STATE OF TEXAS:
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED **Joel C. Howard**, 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 SAID **JOEL C. HOWARD**, A LAND SURVEYOR, AND THAT HE EXECUTED THE ACT OF SUCH SURVEYOR FOR THE PURPOSES AND CONSIDERATION THERIN EXPRESSED AND IN THE CAPACITY THEREIN STATES.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ A.D. 2023

NOTARY PUBLIC _____
COUNTY TEXAS



LEGEND

D.R.T.C.T.	DEED RECORDS OF TAYLOR COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TAYLOR COUNTY, TEXAS
SIR	SET 1/2" IRON ROD WITH YELLOW CAP STAMPED "GEONAV"
FIR(C)	FOUND IRON ROD (WITH CAP STAMPED)
SO.FT.	SQUARE FEET
DOC	DOCUMENT
NO	NUMBER

OWNER:

CJ REAL ESTATE II, LLC
MATT JAMESON
m.jameson@cjrealty.com
PH: 817-665-2343

0 15' 30' 60'
1" = 30'



VICINITY MAP
(NOT TO SCALE)

PLANNING DIRECTOR

FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS.

DATE _____ FILE NUMBER _____

PLANNING DIRECTOR _____

FEES _____

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 _____

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 _____

GEONAV

SURVEYING • MAPPING • SCANNING

3410 MIDCOURT RD., STE 110: CARROLLTON, TEXAS 75006
SCALE: 1"=30' (972)243-2409 PROJECT #2932
TBPLS FIRM NO. 10194205

DATED: FEBRUARY 20, 2023 DRAWN BY: JCH

AMENDING PLAT
LOT 203, BLOCK A
BUFFALO GAP ADDITION
BEING A REPLAT OF
PART OF LOT 102, BLOCK A
MINDY MORRIS SUBDIVISION
JOHN SMITH SURVEY,
ABSTRACT NUMBER 99
CITY OF ABILENE,
TAYLOR COUNTY, TEXAS

ZONING CASE Z-2023-36

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: November 7, 2023 (Tabled)
December 5, 2023 (Tabled)
January 2, 2024
City Council 1st Reading: January 11, 2024
City Council 2nd Reading: January 25, 2024

Applicant

Pak Harris Enterprises LTD
Agent: Jacob Martin

Case Manager

Adam Holland – Planner

Request

Change the zoning of approximately 5.04 acres from PD-96A to GR.

Location

5333 Buffalo Gap Road

Background

The subject property was zoned as PD-96A in 2004 to create a mixed-use development that allowed specific higher intensity uses along the frontage of the property and less intense uses, primarily educational uses to the rear where the PD abuts residential zoning districts on 3-sides. The property did not have a base zoning district assigned, but is similar to uses allowed in the General Retail or Neighborhood Retail district.

Zoning, Existing and Proposed Land Use

The existing PD allows multi-family, light commercial, educational uses, and specialty retail uses. This request, if approved, would eliminate the PD zoning of the site and replace it with a standard zoning district classification.

Properties south and east of the subject property are zoned RS-8 and RS-6 respectively. Properties to the north are zoned GR, RS-6, and the remainder of PD-96A northwest. Hendrick Emergency Care Center Plaza is located to the west of the subject property across Buffalo Gap Road.

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 Comprehensive Plan and FLUM identify this area as Low Density Residential with additional uses of General Retail allowed, Staff believes that downzoning the property towards

the east of this development provides an appropriate buffer between the higher intensity General Retail use and the current Low density residential uses.

(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 original Planned Development District allows specialized retail, office, and low-density residential use. Staff believes that the Neighborhood Retail classification will strike the right balance between the needs of neighborhood to minimize the impacts of commercial development and those of the property owner to fully develop the PD.

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

The subject property has access to all required utilities.

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

None known.

Addendum (11/28/23)

A public hearing was conducted on November 7, 2023. Action on the item was tabled at the request of the applicant to allow additional time to consider possible amendments to the request to address the concerns of the area residents and because three P&Z members were absent for the meeting.

Staff received a petition from many of the surrounding homeowners in opposition to this request. That petition is included in the P&Z packet.

Staff Recommendation

Staff recommends **approval** of GR in Lot 203 and downzoning the request from General Retail (GR) to Neighborhood Retail (NR) on Lots 202 and 206.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

OWNER

Owner	Property ID	Situs	Response
3W BRANDS LLC	1087056	5333 BUFFALO GAP RD	
AYCOCK ROBERT D & PAMELA D	64069	3258 WOODHOLLOW CR	o
BEARD DANIEL ANTHONY &	68896	3117 CHERRY BARK	
BRIDGESTOCK ALAN N &	70761	5349 HUNTERS CR	o
BUTLER SHARRON	59426	3265 WOODHOLLOW CR	
CARRIGAN STEPHEN & TRACEY E	64698	3218 WOODHOLLOW CR	o
CARTER CHARLES E & CATHY L	67300	3010 WOODWAY CR	o
CHORN RONALD J & ROBERTA DIANE	70519	5357 HUNTERS CR	o
COLWELL RONALD G	71015	5341 HUNTERS CR	o
Confidential Owner	71394	5329 HUNTERS CR	
Confidential Owner	63557	3290 WOODHOLLOW CR	
EDICK LEROY III & CYNTHIA	68789	3125 CHERRY BARK	
EVERSON ALLEN TODD & STEPHANIE	66911	3034 WOODWAY CR	
FIORENZA JOSEPH A REV	58922	5442 BUFFALO GAP RD	
FIORENZA JOSEPH A REV	58922	3849 BETTES LN	
FIRST FINANCIAL BANK NA	67041	5257 BUFFALO GAP RD	
FLORES RODOLFO	59129	3281 WOODHOLLOW CR	
FUNK MICHAEL A & IRENE L	63805	3274 WOODHOLLOW CR	o
GARNER AUSTIN & KALEY	64444	3234 WOODHOLLOW CR	o
GOTCHER CHRIS & GENA	63303	3298 WOODHOLLOW CR	
HARRIS JUDY L	64318	3242 WOODHOLLOW CR	
HENDRICK MEDICAL CENTER	1005437	5310 BUFFALO GAP RD	
HERMAN JOSH WADE	64573	3226 WOODHOLLOW CR	
HOLLOWELL CODIE C	68554	3134 CHERRY BARK	o
IRVIN ALTON LARRY &	67171	3018 WOODWAY CR	o
ITSON JOE & MINNIE	65328	3142 WOODGLEN CV	o
JAMISON KELLY W & LEANN G	69013	3101 CHERRY BARK	
JONES VAN M & DENISE D	59698	3249 WOODHOLLOW CR	
LINDLEY JERRY THOMAS & J'DANA LEA	59830	3241 WOODHOLLOW CR	
MASSIE WILBUR W	71137	5337 HUNTERS CR	
MC DANIEL ROY LEE	65706	3118 WOODGLEN CV	o
OBRIEN SUSAN K	70885	5345 HUNTERS CR	
OWEN MARLENE	67557	2958 WOODLAKE DR	
PRD OWNER LLC	993705	5309 BUFFALO GAP RD	

RANDOLPH G B III	74846	5322 HUNTERS CR	
RENEAU STEVEN HAYES	71516	5325 HUNTERS CR	
RICHARDSON DANIEL & DEBORAH	65582	3126 WOODGLEN CV	o
ROBERTSON EARL & MARY	1002362	5355 HUNTERS CR	o
ROSE JIMMIE & CONSTANCE	63935	3266 WOODHOLLOW CR	
ROSTVOLD STEVE	63431	3294 WOODHOLLOW CR	
S J JACKS LIVING TRUST	64191	3250 WOODHOLLOW CR	o
SAUNDERS ROY E	68666	3133 CHERRY BARK	O
SMITH ALTON	67029	3026 WOODWAY CR	O
SMITH NATHAN W & JESSICA APRIL	59557	3257 WOODHOLLOW CR	O
STASSER FREDRICK & RACHEL	65458	3134 WOODGLEN CV	O
TOWNE GERALD R & ALICE JANE	74720	5362 HUNTERS CR	
TOWNSEND SEAN ANDRE &	59292	3273 WOODHOLLOW CR	o
VELA RICARDO J	71269	5333 HUNTERS CR	
WEATHERMAN SCOTT D &	63672	3282 WOODHOLLOW CR	o
WILDER MICHAEL R & DIANNE	68431	3126 CHERRY BARK	o

PROPERTY ID

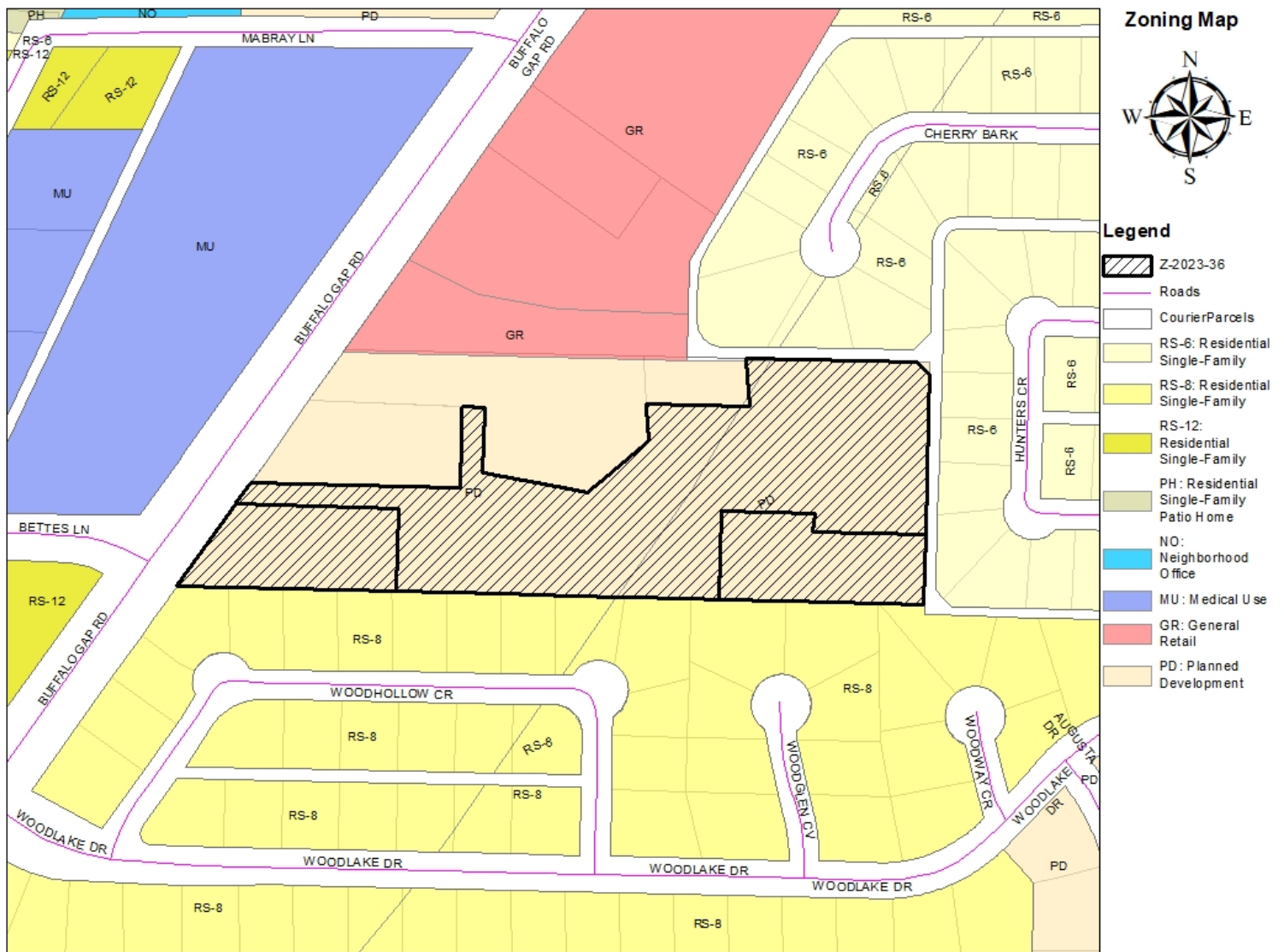
Owner	Property ID	Situs	Response
FIORENZA JOSEPH A REV	58922	5442 BUFFALO GAP RD	
FIORENZA JOSEPH A REV	58922	3849 BETTES LN	
FLORES RODOLFO	59129	3281 WOODHOLLOW CR	
TOWNSEND SEAN ANDRE &	59292	3273 WOODHOLLOW CR	o
BUTLER SHARRON	59426	3265 WOODHOLLOW CR	
SMITH NATHAN W & JESSICA APRIL	59557	3257 WOODHOLLOW CR	O
JONES VAN M & DENISE D	59698	3249 WOODHOLLOW CR	
LINDLEY JERRY THOMAS & J'DANA LEA	59830	3241 WOODHOLLOW CR	
GOTCHER CHRIS & GENA	63303	3298 WOODHOLLOW CR	
ROSTVOLD STEVE	63431	3294 WOODHOLLOW CR	
Confidential Owner	63557	3290 WOODHOLLOW CR	
WEATHERMAN SCOTT D &	63672	3282 WOODHOLLOW CR	o
FUNK MICHAEL A & IRENE L	63805	3274 WOODHOLLOW CR	o
ROSE JIMMIE & CONSTANCE	63935	3266 WOODHOLLOW CR	
AYCOCK ROBERT D & PAMELA D	64069	3258 WOODHOLLOW CR	o
S J JACKS LIVING TRUST	64191	3250 WOODHOLLOW CR	o
HARRIS JUDY L	64318	3242 WOODHOLLOW CR	
GARNER AUSTIN & KALEY	64444	3234 WOODHOLLOW CR	o
HERMAN JOSH WADE	64573	3226 WOODHOLLOW CR	
CARRIGAN STEPHEN & TRACEY E	64698	3218 WOODHOLLOW CR	o
ITSON JOE & MINNIE	65328	3142 WOODGLEN CV	o
STASSER FREDRICK & RACHEL	65458	3134 WOODGLEN CV	O
RICHARDSON DANIEL & DEBORAH	65582	3126 WOODGLEN CV	o

MC DANIEL ROY LEE	65706	3118 WOODGLEN CV	o
EVERSON ALLEN TODD & STEPHANIE	66911	3034 WOODWAY CR	
SMITH ALTON	67029	3026 WOODWAY CR	O
FIRST FINANCIAL BANK NA	67041	5257 BUFFALO GAP RD	
IRVIN ALTON LARRY &	67171	3018 WOODWAY CR	o
CARTER CHARLES E & CATHY L	67300	3010 WOODWAY CR	o
OWEN MARLENE	67557	2958 WOODLAKE DR	
WILDER MICHAEL R & DIANNE	68431	3126 CHERRY BARK	o
HOLLOWELL CODIE C	68554	3134 CHERRY BARK	o
SAUNDERS ROY E	68666	3133 CHERRY BARK	O
EDICK LEROY III & CYNTHIA	68789	3125 CHERRY BARK	
BEARD DANIEL ANTHONY &	68896	3117 CHERRY BARK	
JAMISON KELLY W & LEANN G	69013	3101 CHERRY BARK	
CHORN RONALD J & ROBERTA DIANE	70519	5357 HUNTERS CR	o
BRIDGESTOCK ALAN N &	70761	5349 HUNTERS CR	o
OBRIEN SUSAN K	70885	5345 HUNTERS CR	
COLWELL RONALD G	71015	5341 HUNTERS CR	o
MASSIE WILBUR W	71137	5337 HUNTERS CR	
VELA RICARDO J	71269	5333 HUNTERS CR	
Confidential Owner	71394	5329 HUNTERS CR	
RENEAU STEVEN HAYES	71516	5325 HUNTERS CR	
TOWNE GERALD R & ALICE JANE	74720	5362 HUNTERS CR	
RANDOLPH G B III	74846	5322 HUNTERS CR	
PRD OWNER LLC	993705	5309 BUFFALO GAP RD	
ROBERTSON EARL & MARY	1002362	5355 HUNTERS CR	o
HENDRICK MEDICAL CENTER	1005437	5310 BUFFALO GAP RD	
3W BRANDS LLC	1087056	5333 BUFFALO GAP RD	

LOCATION MAP



ZONING MAP





REZONE REQUEST – Tabled

Case: Z-2023-36

Requestor: Owners

Agent: Jacob Martin

Request: Change the zoning of approximately 7.07 acres from PD 96A to GR

Location: 5333 Buffalo Gap Road

Notification: 0 in Favor, 22 Opposed

Planning & Zoning: January 2, 2024

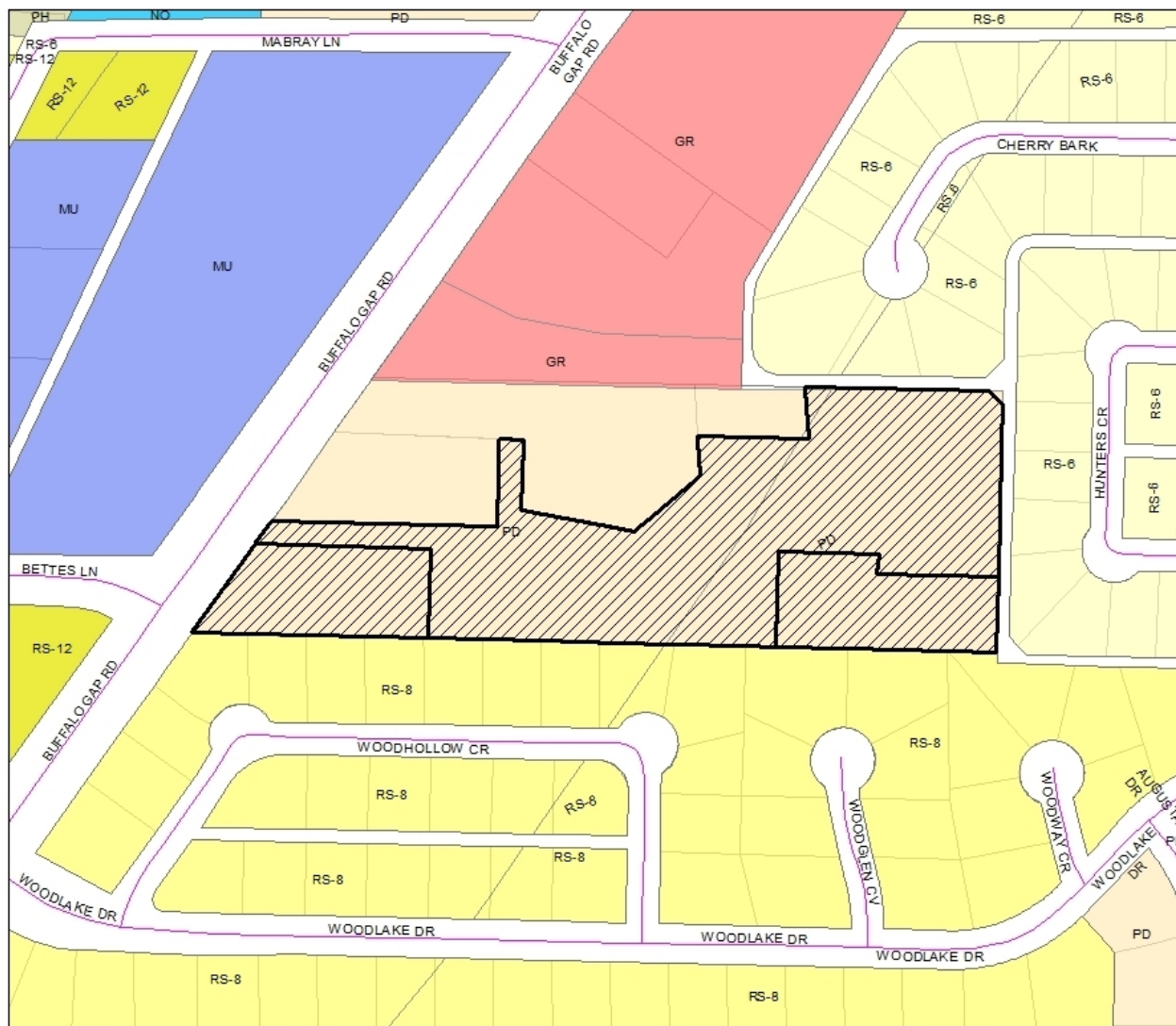
Council Hearing: January 11, 2024
January 25, 2024







ZONING MAP

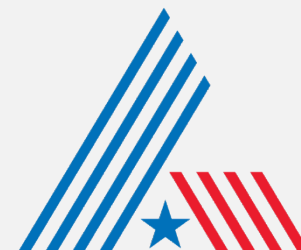


Zoning Map



Legend

- Z-2023-36
- Roads
- Courier Parcels
- RS-6: Residential Single-Family
- RS-8: Residential Single-Family
- RS-12: Residential Single-Family
- PH: Residential Single-Family Patio Home
- NO: Neighborhood Office
- MU: Medical Use
- GR: General Retail
- PD: Planned Development



CITY OF
ABILENE
TEXAS



VIEWS OF SUBJECT PROPERTY



Subject Property



North Neighboring Property



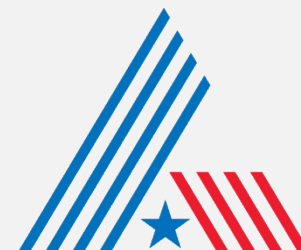
South Neighboring Property



Subject Property



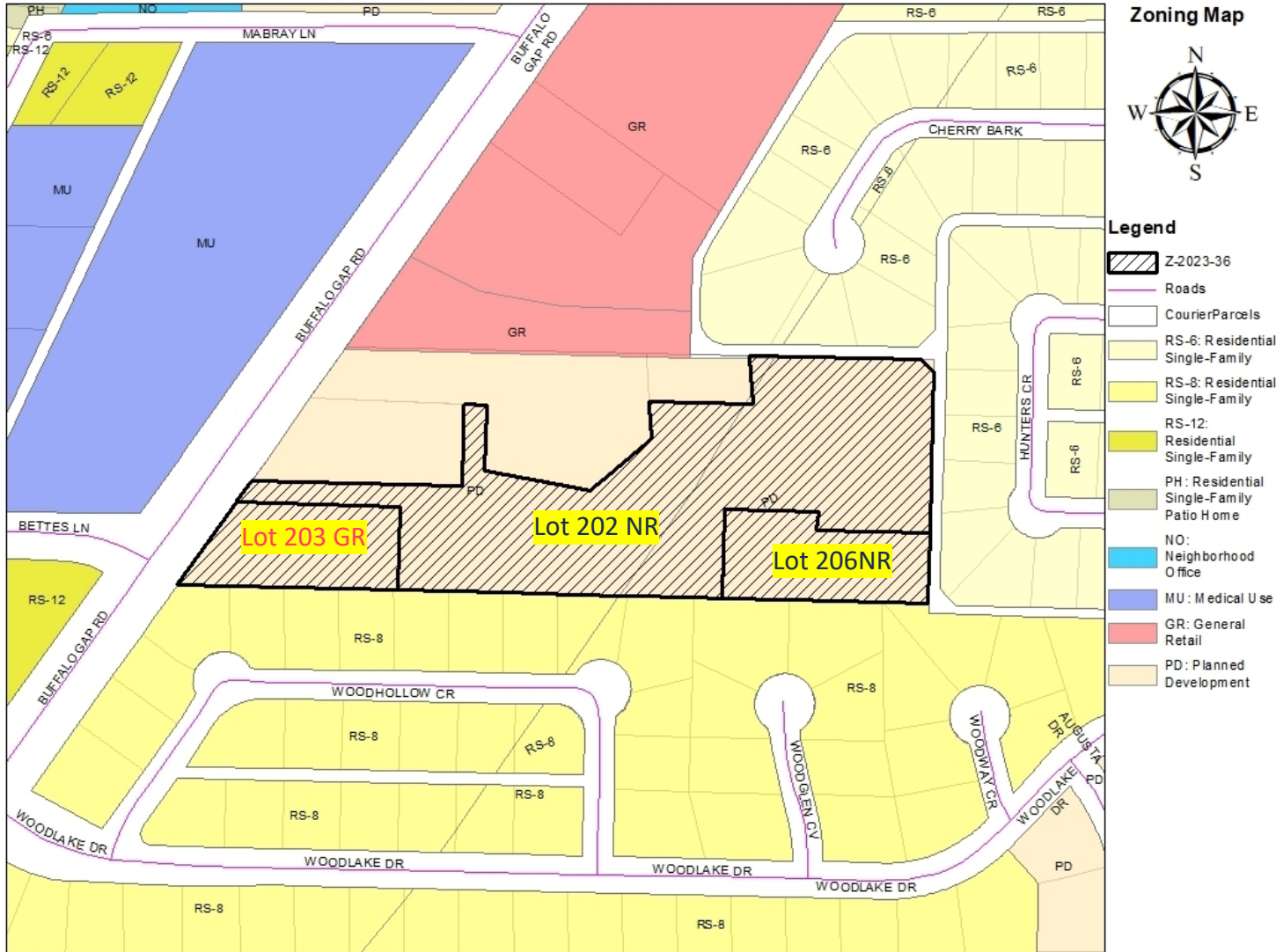
South Neighboring Property



CITY OF
ABILENE
TEXAS

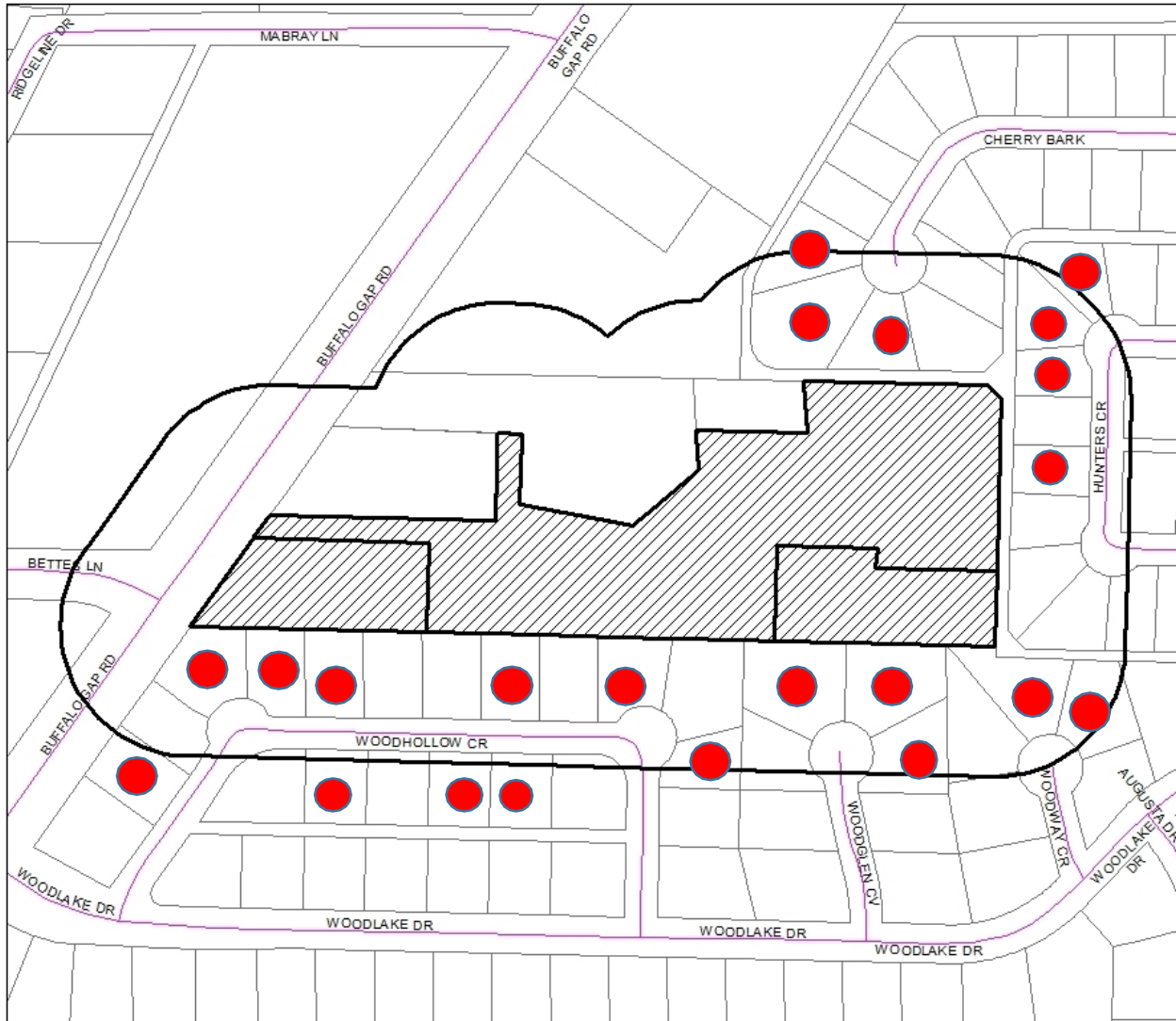


PROPOSED STAFF RECOMENDATION





NOTIFICATION AREA MAP



Notification Map



Legend

- Notification Buffer
- Z-2023-36
- Roads
- CourierParcels

0- In Favor-

22- Opposed-

29.35 % OPPOSITION





FINDINGS

The proposed request for GR zoning for the front portion of the site onto Buffalo Gap Road is *consistent* with:

- Comprehensive Plan;
- Generally accepted planning principals;
- The surrounding uses and zoning of properties fronting on Buffalo Gap; and
- The Criteria for Approval in the LDC.

The downzoning of Lots 202 & 206 to NR zoning would be consistent with the Comprehensive Plan and be a more appropriate buffer for the surrounding residences.





RECOMMENDATION

Staff Recommendation:

Approval of General Retail on Lot 203 and downzoning the request from General Retail (GR) to Neighborhood Retail (NR) on Lots 202 and 206.





Questions?



● ● ●

PAK HARRIS ENTERPRISES, LTD.

December 12, 2023

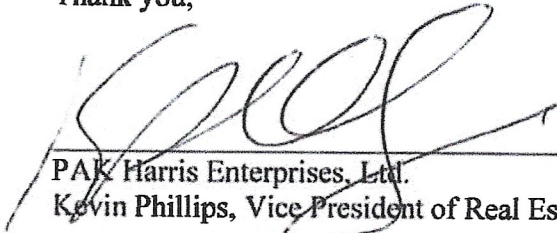
City of Abilene

RE: Plat of Land – 5333 Buffalo Gap Road

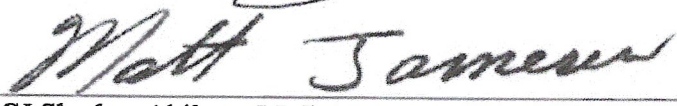
To Whom it May Concern:

This letter is to inform you that Jacob & Martin will be representing all the Owners of the 3 parcels of land located on Buffalo Gap Road per the Rezoning Request.

Thank you,

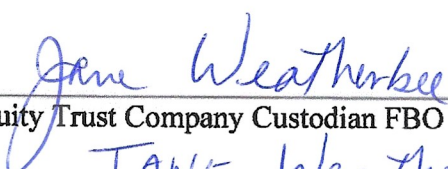


PAK Harris Enterprises, Ltd.
Kevin Phillips, Vice President of Real Estate and Development



CJ Sharbro Abilene, LLC

Matt Jamesen Manager
Printed Name and Title of Signature



Equity Trust Company Custodian FBO Jane Weatherbee IRA

JANE Weatherbee owner
Printed Name and Title of Signature

ZONING CASE Z-2023-39

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: January 2, 2024
City Council 1st Reading: January 25, 2024
City Council 2nd Reading: February 8, 2024

Applicant

HD Development Properties LP (D/B/A The Home Depot)
Agent: Cassie Permenter

Case Manager

Clarissa Ivey – Planner

Request

To amend the terms of the Planned Development District 75 (PDD-75) to allow outdoor retail sales/rental and display within the track designated as “The Home Depot”.

Location

The property is located at 4590 Southwest Drive, on Lot 1, Block 1, Home Depot Addition, Abilene, Taylor County, Texas.

Background

The property was rezoned from AO to PDD-75 in April 2002. The PDD-75 was created with the intent of locating the Home Depot and the Tractor Supply store. In September 2006, an amendment was approved to allow the display of goods within a specific area in front of Tractor Supply.

Existing Zoning and Land Uses

The Home Depot tract is currently in violation of the Land Development Code and the requirements of PDD-75 by having outdoor display of storage buildings and parking rental equipment on required parking spaces. PDD-75 does not allow outdoor display on this lot. The proposed amendment, if approved, would allow outdoor display in designated areas.

Currently, portable buildings are stored on the west side of the parking lot. Outdoor equipment is seasonally displayed along the entire length of the front of the parking lot. The applicant now proposes to display rental trucks and heavy equipment on the east side of the parking lot and to limit outdoor display to only the locations shown on the proposed site plan.

Analysis and Concerns

The subject property has adequate area available to satisfy the off-street parking requirements and to allow designated areas in the parking lot for outdoor display. The proposed site plan shows the proposed display areas near the east property, storage buildings and water tanks near the west property line, seasonal sales parallel to the existing garden center area, and a significantly reduced amount of trailer sales along the front of the parking lot. The intent of the applicant is to limit outdoor display to only predetermined areas within their site. These changes will improve the appearance of the site from the right-of-way, maintain fire lanes, and prevent the tract from becoming a nuisance.

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.**

This development is consistent with the Comprehensive Plan and Future Land Use 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 use is appropriate at this location provided that the extent of the outdoor display areas is limited to the sides of the parking in locations that will not obstruct parking lot aisles, fire lanes, or required off-street parking spaces.

- (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 utility services.

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

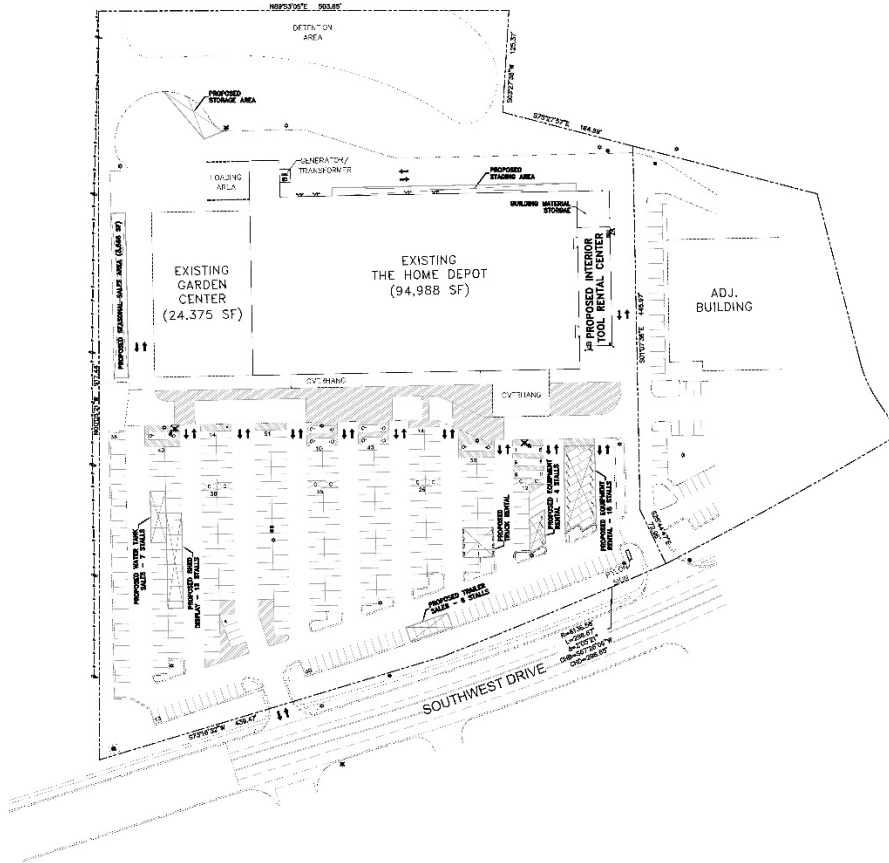
None known.

Staff Recommendation

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

1. Outdoor display of equipment, rental trucks, general merchandise, or any other materials on a permanent or seasonal basis shall be prohibited at all other locations on the site.

PROPOSED CONCEPTUAL SITE PLAN

[illegible]

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

OWNER

OWNER	PROP_ID	SITUS	RESPONSE
COLEMAN COUNTY STATE BANK	970919	4609 SOUTHWEST DR	
HD DEVELOPMENT PROPERTIES LP	104890	4590 SOUTHWEST DR	
HOPPER DEVELOPMENT CORP	104891	4450 SOUTHWEST DR	
LITHIA REAL ESTATE INC	109783	4449 SOUTHWEST DR	
SVC ABS LLC	101067	4597 SOUTHWEST DR	
TARGET SPORTS INC	111393	4625 SOUTHWEST DR	
TARGET SPORTS INC	111342		
WAL-MART STORES #DIVISION STORE	91092	4350 SOUTHWEST DR	
WEST TEXAS REALTY LLP	993309	4702 SOUTHWEST DR	

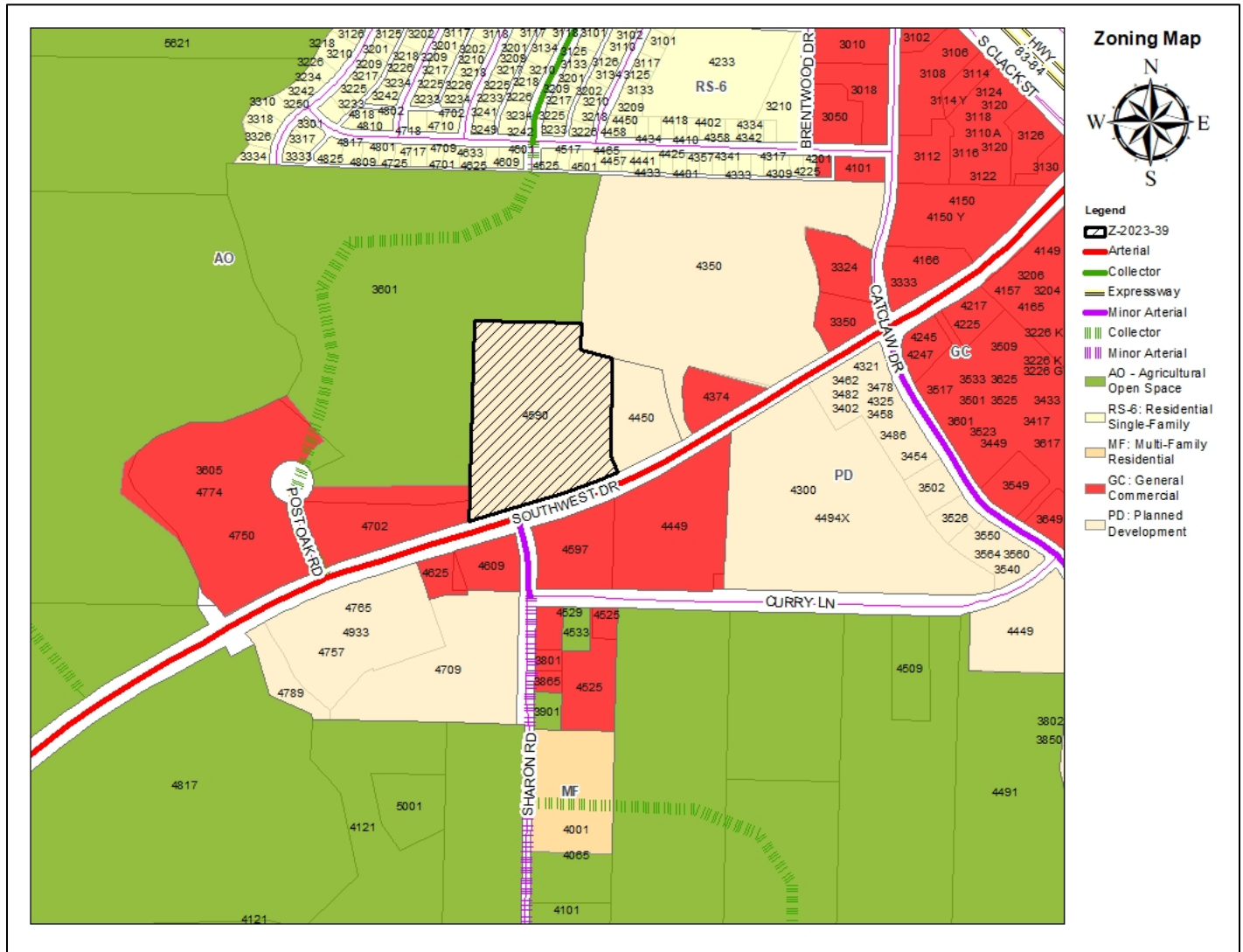
PROPERTY ID

OWNER	PROP_ID	SITUS	RESPONSE
WAL-MART STORES #DIVISION STORE	91092	4350 SOUTHWEST DR	
SVC ABS LLC	101067	4597 SOUTHWEST DR	
HD DEVELOPMENT PROPERTIES LP	104890	4590 SOUTHWEST DR	
HOPPER DEVELOPMENT CORP	104891	4450 SOUTHWEST DR	
LITHIA REAL ESTATE INC	109783	4449 SOUTHWEST DR	
TARGET SPORTS INC	111342		
TARGET SPORTS INC	111393	4625 SOUTHWEST DR	
COLEMAN COUNTY STATE BANK	970919	4609 SOUTHWEST DR	
WEST TEXAS REALTY LLP	993309	4702 SOUTHWEST DR	

LOCATION MAP



ZONING MAP



Compact Power Rental Equipment

Tractor Loader Backhoe

- Used for loading, carrying, and transporting materials
- Electrical, plumbing, and irrigation installation or repairs
- Grading and leveling



Skid Steer

- Grading and leveling
- Load, carry and spread materials
- Landscaping, construction and property improvement
- Light demolition work



Mini Excavator

- Property improvement and landscape projects
- Irrigation installation and drainage projects
- Plumbing and electrical installation or repairs



Aerial Equipment

- Tree care and maintenance
- Facility maintenance, painting, HVAC, electrical
- Sign and lighting repair



Light Tower

- Job site illumination
- Sports activities
- Event setups



Material Handling

- Transport concrete, stone, materials and aggregate
- Construction and demo site clean up



Dump Trailer

- Demolition removal and yard maintenance
- Carrying landscape materials
- Hauling aggregate



Tree Care (Chipper Rental/Stump Grinder)

- Tree care and maintenance
- Landscaping and property improvements



Mini Skid Steer

- Load, carry and spread materials
- Landscape and property improvement
- Grading and leveling



Trencher

- Installing irrigation and drainage projects
- Landscape and property improvement



Tractor Loader Backhoe

- Load, carry and transport materials
- Electrical, plumbing, and irrigation installation or repairs
- Grading and leveling



Skid Steer

- Grading and leveling
- Load, carry and spread materials
- Landscaping, construction and property improvement
- Light demolition work



Home Depot Project Description Home Depot Abilene, TX

Home Depot is proposing to convert a portion of the existing store to a Tool Rental Center (TRC). The general operations for the Tool Rental Center (TRC) are the rental of tools associated with general construction, which could range from a drill to a larger power equipment. This operation is utilized by both our general customers and contractors. Additionally, there are other areas throughout the Site Plan that we would like to accommodate with this request, Below is a list of the changes Home Depot would like to implement.

Equipment Rental

In conjunction with the TRC, Home Depot is requesting to utilize approximately twenty-two (22) parking stalls shown on the proposed Site Plan to display of HD Rental Equipment that can be rented through the Tool Rental Center (TRC). It should be noted that this operation is owned and operated by Home Depot and Home Depot Associates are the designated staff for transactions. The HD Rental Equipment is stored in the designated stalls 24-hours and are placed on trailers, ready for customers to easily tow away. The trailer hitch is locked and chained to where the trailer cannot be hooked up to a vehicle without a Home Depot Associate unlocking it. There are no third-party vendors for this operation. Home Depot does not maintain or repair this equipment on-site, as they are sent to a designated repair location off-site. It should be noted that the off-site repair centers are also owned and operated by Home Depot. See the attached file for a list of example HD Rental Equipment, see attached sample rental equipment document. Development of this area would involve re-striping of stalls to angled parking. The angled parking provides easier access for customer to hook up and tow away the rental equipment, and for easier back up to return the items. These stalls will be marked as “Reserved” and have designated signage marking that the stalls are only mean for HD Rental Equipment.

Truck Rental

The proposed Site Plan includes eight (8) parking stalls to be designated for Rental Truck parking only. The benefit that the Rental Truck Program provides to the community is the ability to easily obtain a moving vehicle at an accessible store location. This program is based on customer orders through the Internet or made in person at the Home Depot store. The Rental Trucks will be delivered to the designated parking area for pick up by the customer – there is typically three to six trucks parked on-site at a time. The paperwork and key pick up and drop off are handled inside the existing TRC. No semi-trucks or tractor trailer type vehicles are included in this program. The trucks being rented have box enclosures varying in size from twelve (12’) feet to twenty-six (26’) feet and are the type of vehicles that can be driven with a normal driver’s license. No fueling, servicing or maintenance of the trucks will take place onsite.

Shed Display Areas

An area for shed display will be located within the parking area, as depicted on the Site Plan. The proposed location of the shed display area is near the garden center. Sheds are up to 9’ tall.

Trailer Display Area

This area is designated for permanent parking of Home Depot tow-behind trailers for sale. Trailer for Sale area is designated for use all-year, with trucks being rotated in/out as rental sales occur.

Seasonal Sales

The Home Depot store proposes to display and sell various seasonal items from an area along the front of the Garden Center, including a special events area in the parking lot. Certain events require tents or awnings to protect both merchandise and customers. Included among these items are expected to be trees, plants, rugs, nursery materials, barbecues, and Christmas trees.

This seasonal area will not be used to store building materials or home improvement items. The operational timeframe for seasonal sales is March 1st through July 31st and November 1st through December 24th. This area would contain a temporary 6' tall fence to define the Seasonal Sales area. In conjunction with the Seasonal Sales area, the Site Plan identifies four (4) stalls to be utilized for sod that is for sale.

Water Tank Sales

In this region, there are several Customers that need Water Storage from their domestic wells and these Water Tanks provide a benefit to our customers along with additional sales for supporting items such as piping, pumps, and equipment for installation.



REZONE REQUEST

Case: Z-2023-39

Applicant: HD Development Properties LP (D/B/A The Home Depot)

Agent: Cassie Permente

Request: Amend the terms of PDD-75

Location: 4590 Southwest Drive

Notification: 0 in Favor, 0 Opposed

Planning & Zoning: January 2, 2024

Council Hearing: January 25, 2024
February 8, 2024





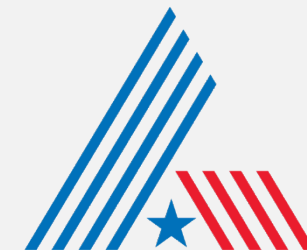
AERIAL LOCATION MAP



Aerial Map



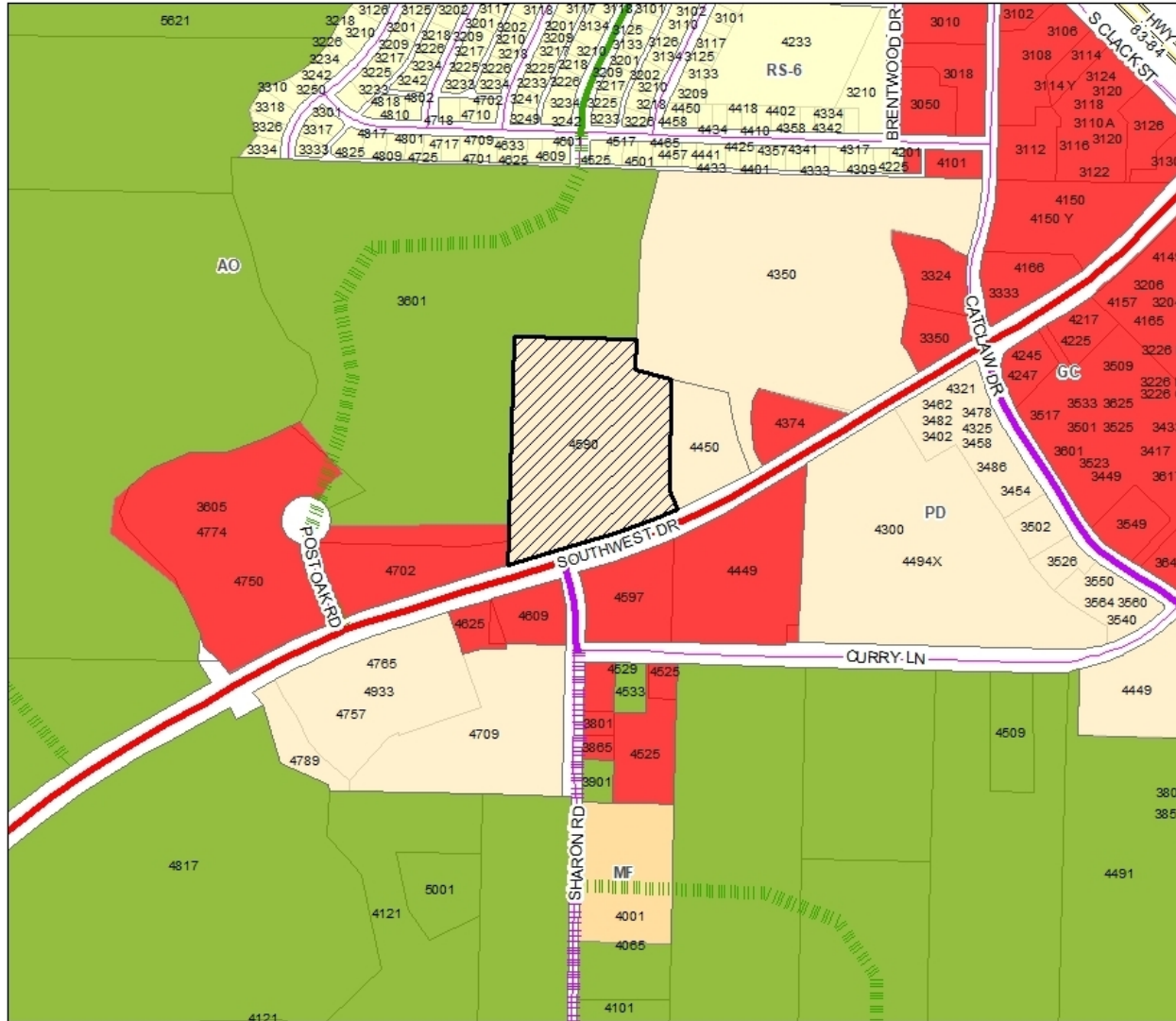
Legend
Z-2023-39
CourierParcels



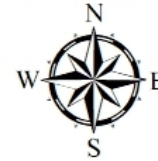
CITY OF
ABILENE
TEXAS



ZONING MAP



Zoning Map



Legend

- Z-2023-39
- Arterial
- Collector
- Expressway
- Minor Arterial
- Collector
- Minor Arterial
- AO - Agricultural
- Open Space
- RS-6: Residential Single-Family
- MF: Multi-Family Residential
- GC: General Commercial
- PD: Planned Development



CITY OF
ABILENE
TEXAS



VIEWS OF NEIGHBORING PROPERTIES



Subject Property



East Neighboring Property



Southwest Neighboring Property



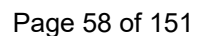
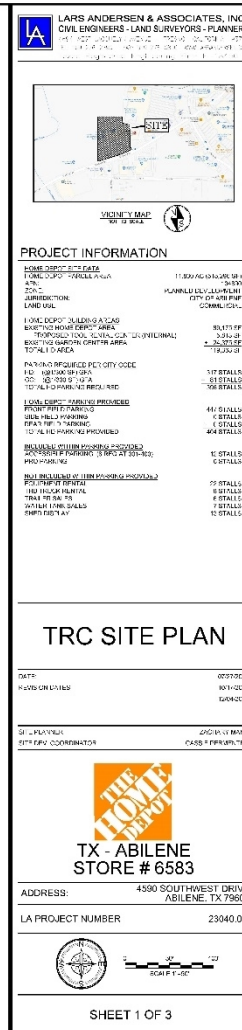
South Neighboring Property





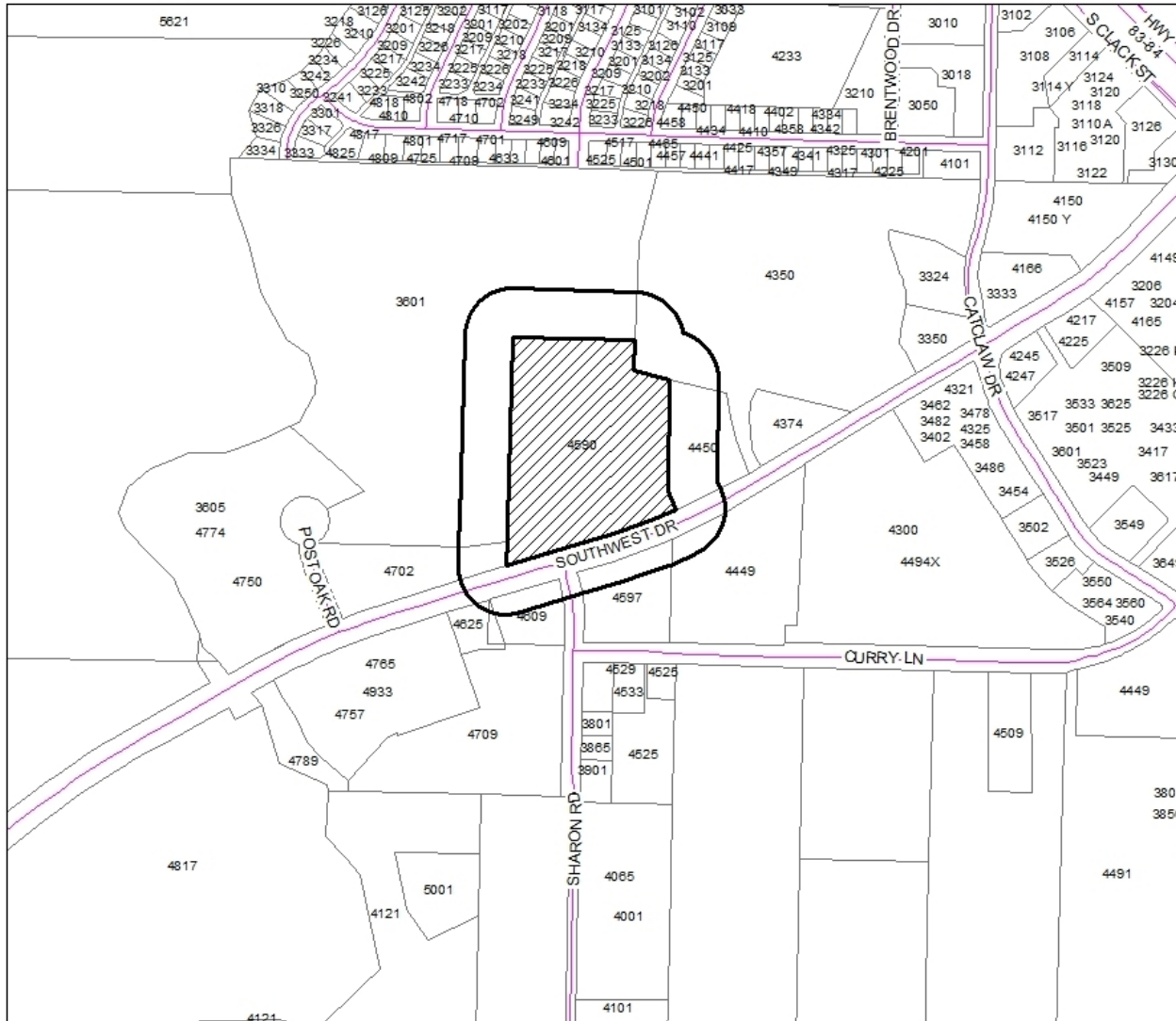
VIEWS OF SUBJECT PROPERTY



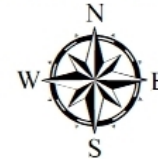




NOTIFICATION AREA MAP

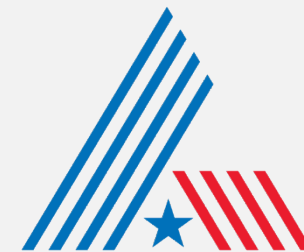


Notification Map



Legend
Z-2023-39
Notification Area

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



CITY OF
ABILENE
TEXAS



FINDINGS

The proposed request is consistent with:

- The spirit and intent of PDD-74;
- Comprehensive Plan;
- The surrounding uses and zoning;
- Generally accepted planning principals; and
- The Criteria for Approval in the LDC.





RECOMMENDATION

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

1. Outdoor display of equipment, rental trucks, general merchandise, or any other materials on a permanent or seasonal basis shall be prohibited at all other locations on the site.





Questions?



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD-75 AND ORDINANCE NO. 16-2002 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 16-2002, as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 25th day of January, 2024.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of December, 2023, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 25th day of January, 2024, 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.

ORDINANCE NO. _____

PASSED ON FINAL READING THIS 8th day of February, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

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

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with the maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance.

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

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

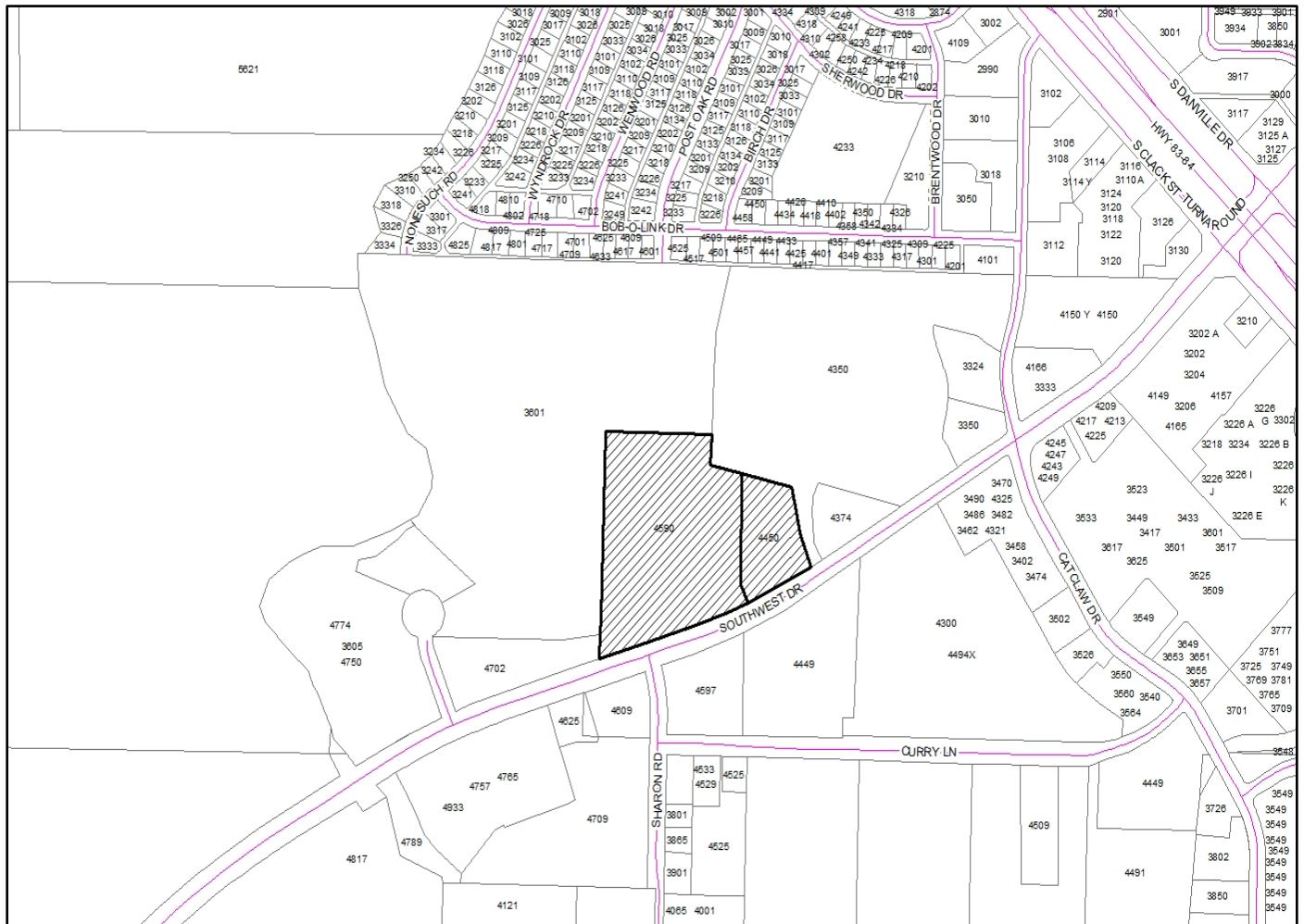
PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space) District to PDD (Planned Development) District.

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

PART 5: Legal Description. Lot 1 &2, Block 1, Home Depot Addition, Abilene, Taylor County, Texas.

Location:

4450 & 4590 Southwest Drive



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

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

1. Permitted Uses:

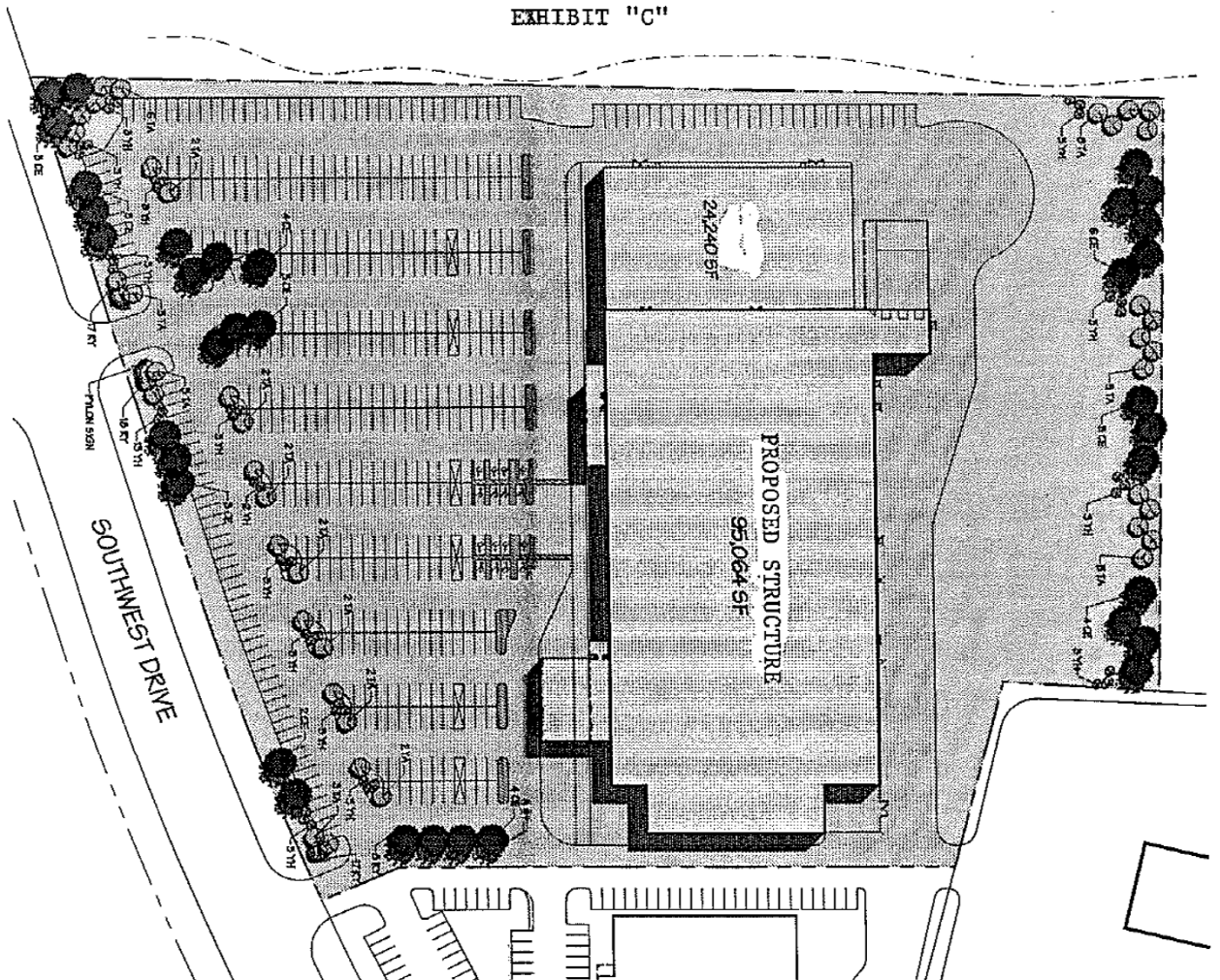
- A. Wholesale and retail sale of building materials and lumber
- B. Retail trade with the following exceptions:
 - Aircraft and accessories
 - Auctions
 - Automobiles and trucks
 - Marine craft

Mobile homes
Travel trailers and motor homes
Motorcycles
Pawn Shops
Scrap and waste material
Secondhand merchandise - including flea markets

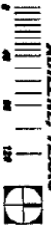
2. Site Development shall be in accordance with the following regulations and as generally depicted on the site plan attached hereto as Exhibit B.
 - A. The southwestern most building shall be in the general location as indicated in Exhibit B. The northeastern most building shall be located a minimum of 80 feet from the front property line and a minimum of 20 feet from all other lot lines. Lot coverage by structures shall not exceed 25 percent.
 - B. Buildings shall be limited in height to 35 feet, excluding architectural exceptions generally allowed by the Zoning Ordinance of the City of Abilene.
 - C. Off-street parking spaces shall be provided in accordance with the Zoning Ordinance of the City of Abilene, as a minimum.
 - D. Off-street loading requirements shall consist of 3 spaces or the southwestern most structure and 1 space for each additional structure.
 - E. The number of driveways shall be limited to 2 along Southwest Drive and shall meet the City of Abilene's standards for width, and return radii.
 - F. Wall signage shall be limited to one wall per building. Wall signs shall not cover more than 20 percent of the wall on which they are located.
 - G. One freestanding sign shall be permitted on each lot. Freestanding signs shall not exceed 35 feet in height or 200 square feet in area.
 - H. Portable signs and off-site advertising signs are prohibited.
 - I. Banners shall only be permissible when attached to and flat against a building.
 - J. Landscaping shall be provided along the street side boundary of the lot, in general accordance with Exhibit "C". Landscaping of the northeastern lot shall be similar to that shown in Exhibit "C". Specific landscaping of the northeastern site shall be approved by the City of Abilene in the site plan review for that site. Such landscaping shall be located entirely on private property. Landscaping shall be defined as the planting and maintenance of living materials such as plants, trees and shrubs. Landscaping shall be installed prior to the issuance of a Certificate of Occupancy.
 - K. In ground irrigation shall be required for all required landscaped areas.
 - L. Display of goods shall be prohibited in landscaped and parking area, except where shown on Exhibit "D" and "E" of this ordinance with the following conditions:
 1. The display be limited to one example of each product;
 2. There be no more than 10 different products displayed;
 3. If this area is used for outdoor display, a minimum of 4 trees must be planted and maintained in the display area; and
 4. Outdoor display of equipment, rental trucks, general merchandise, or any other materials on a permanent or seasonal basis shall be prohibited at all other locations on the site.

3. Development Schedule: If a building permit for at least one building has not been issued within two years of the approval of this Ordinance by the City Council, the Planning Director shall initiate rezoning of the property back to the zoning classification in place prior to the approval of this Ordinance.

EXHIBIT "C"



THE HOME DEPOT
ARILENE, TEXAS

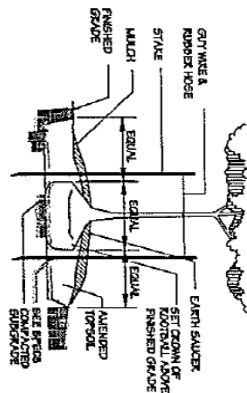


LANDSCAPE PLAN

PLANT LIST

COUNTRY		CITY		NAME		AGE		EDUCATION	
1	USA	2	NY	3	John Doe	4	35	5	High School
6	USA	7	CA	8	Jane Smith	9	28	10	College
11	USA	12	TX	13	Bob Johnson	14	42	15	Graduate School
18	USA	19	FL	20	Alice Brown	21	30	22	High School
25	USA	26	IL	27	Charlie Davis	28	45	29	College
32	USA	33	OH	34	Diana White	35	25	36	High School
39	USA	40	PA	41	Frank Green	42	38	43	College
46	USA	47	MD	48	Grace Black	49	22	50	High School
53	USA	54	VA	55	Henry Blue	56	40	57	College
60	USA	61	NC	62	Ivy Red	63	32	64	High School
67	USA	68	SC	69	Jack Yellow	70	20	71	College
74	USA	75	GA	76	Karen Purple	77	27	78	High School
81	USA	82	LA	83	Leo Brown	84	33	85	College
88	USA	89	AK	90	Mia Green	91	24	92	High School
95	USA	96	HI	97	Noah Blue	98	37	99	College
102	USA	103	MT	104	Olivia Red	105	21	106	High School
109	USA	110	WY	111	Peter Yellow	112	39	113	College
116	USA	117	NM	118	Quinn Purple	119	26	120	High School
123	USA	124	UT	125	Rachel Brown	126	31	127	College
130	USA	131	CO	132	Sam Green	133	23	134	High School
137	USA	138	WV	139	Tina Blue	140	36	141	College
144	USA	145	DE	146	Uma Red	147	29	148	High School
151	USA	152	NE	153	Victor Yellow	154	34	155	College
158	USA	159	KS	160	Wendy Purple	161	28	162	High School
165	USA	166	OK	167	Xavier Brown	168	32	169	College
172	USA	173	MO	174	Yara Green	175	25	176	High School
179	USA	180	ND	181	Zoe Blue	182	30	183	College
186	USA	187	SD	188	Adam Red	189	27	190	High School
193	USA	194	OR	195	Bella Yellow	196	35	197	College
200	USA	201	WA	202	Carl Green	203	22	204	High School
207	USA	208	ME	209	Dora Blue	210	38	211	College
214	USA	215	NH	216	Ethan Red	217	29	218	High School
221	USA	222	VT	223	Fiona Yellow	224	33	225	College
228	USA	229	RI	230	Gavin Purple	231	26	232	High School
235	USA	236	MA	237	Helen Brown	238	31	239	College
242	USA	243	CT	244	Ian Green	245	24	246	High School
249	USA	250	NY	251	Jessica Blue	252	36	253	College
256	USA	257	PA	258	Kyle Red	259	28	260	High School
263	USA	264	OH	265	Laura Yellow	266	32	267	College
270	USA	271	IL	272	Mark Green	273	21	274	High School
277	USA	278	TX	279	Nancy Blue	280	37	281	College
284	USA	285	CA	286	Oscar Red	287	25	288	High School
291	USA	292	FL	293	Pamela Yellow	294	30	295	College
298	USA	299	MI	300	Quinn Purple	301	23	302	High School
305	USA	306	IN	307	Rachel Brown	308	34	309	College
312	USA	313	WI	314	Sam Green	315			

TREE PLANTING DETAIL



SHRUB/GROUNDCOVER PLANTING DETAIL

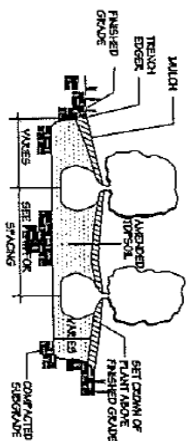
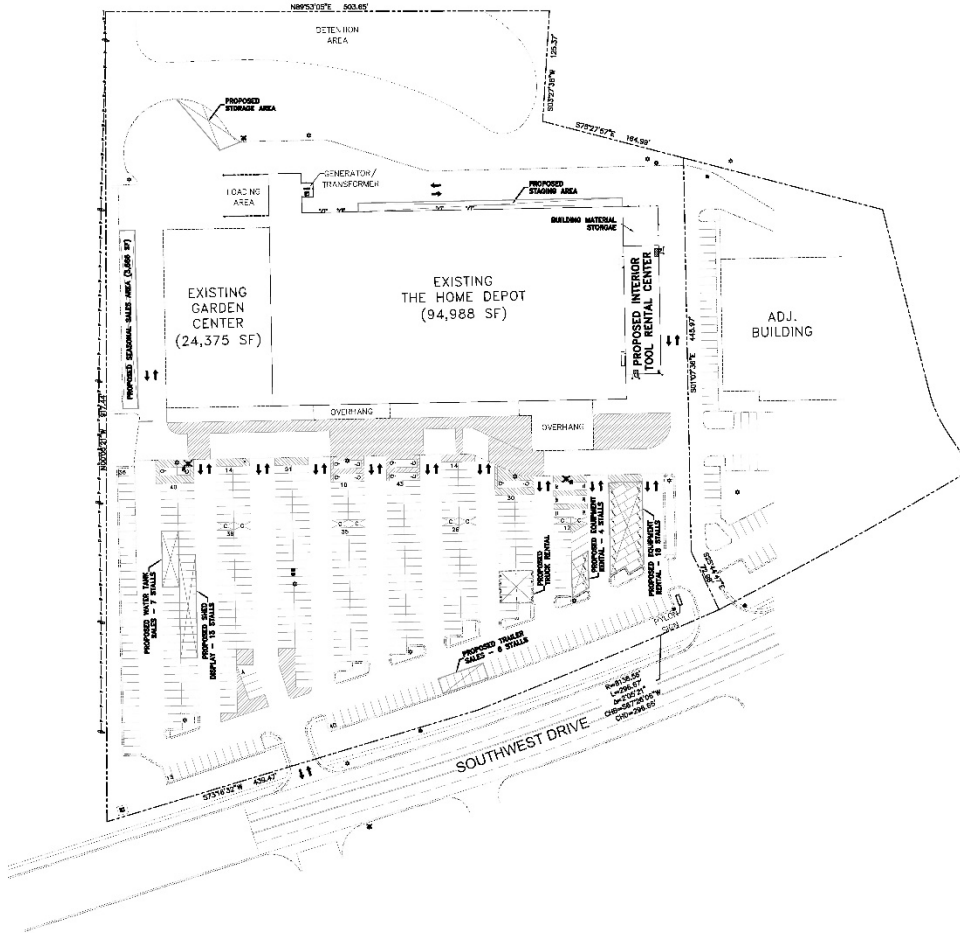


EXHIBIT D Permitted Outdoor Display Areas



LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
1001 W. 10TH STREET, SUITE 100, ABILENE, TEXAS 79610
PHONE: (817) 693-1111 FAX: (817) 693-1112
WWW.LARSANDERSEN.COM



PROJECT INFORMATION

PROJECT NAME	TX - ABILENE STORE #6583
PROJECT ADDRESS	4580 SOUTHWEST DRIVE, ABILENE, TX 79606
PROJECT NUMBER	23040.00
DATE	11/03/2010
BY	J. ANDERSEN
CHECKED BY	J. ANDERSEN
SCALE	AS SHOWN
PROJECT DESCRIPTION	EXISTING GARDEN CENTER (24,375 SF), EXISTING THE HOME DEPOT (94,988 SF), 2nd PROPOSED INTERIOR TOOL RENTAL CENTER, ADJ. BUILDING, OVERHANG, PROPOSED WATER LAKE, PROPOSED TRAILER SALES & STORAGE, PROPOSED TRAILER SALES & STORAGE
TOTAL AREA	11,833.40 SQ. FT.
EXISTING AREA	118,375.00 SQ. FT.
PROPOSED AREA	11,833.40 SQ. FT.
TOTAL AREA	130,208.40 SQ. FT.
EXISTING PAVED AREA	118,375.00 SQ. FT.
PROPOSED PAVED AREA	11,833.40 SQ. FT.
TOTAL PAVED AREA	130,208.40 SQ. FT.
EXISTING UNPAVED AREA	118,375.00 SQ. FT.
PROPOSED UNPAVED AREA	11,833.40 SQ. FT.
TOTAL UNPAVED AREA	130,208.40 SQ. FT.
EXISTING TOTAL AREA	118,375.00 SQ. FT.
PROPOSED TOTAL AREA	11,833.40 SQ. FT.
TOTAL TOTAL AREA	130,208.40 SQ. FT.

TRC SITE PLAN

DATE: 11/03/2010
PROJECT NAME: TX - ABILENE STORE #6583
PROJECT ADDRESS: 4580 SOUTHWEST DRIVE, ABILENE, TX 79606

BY: J. ANDERSEN
CHECKED BY: J. ANDERSEN



**TX - ABILENE
STORE #6583**

ADDRESS: 4580 SOUTHWEST DRIVE, ABILENE, TX 79606

LA PROJECT NUMBER: 23040.00

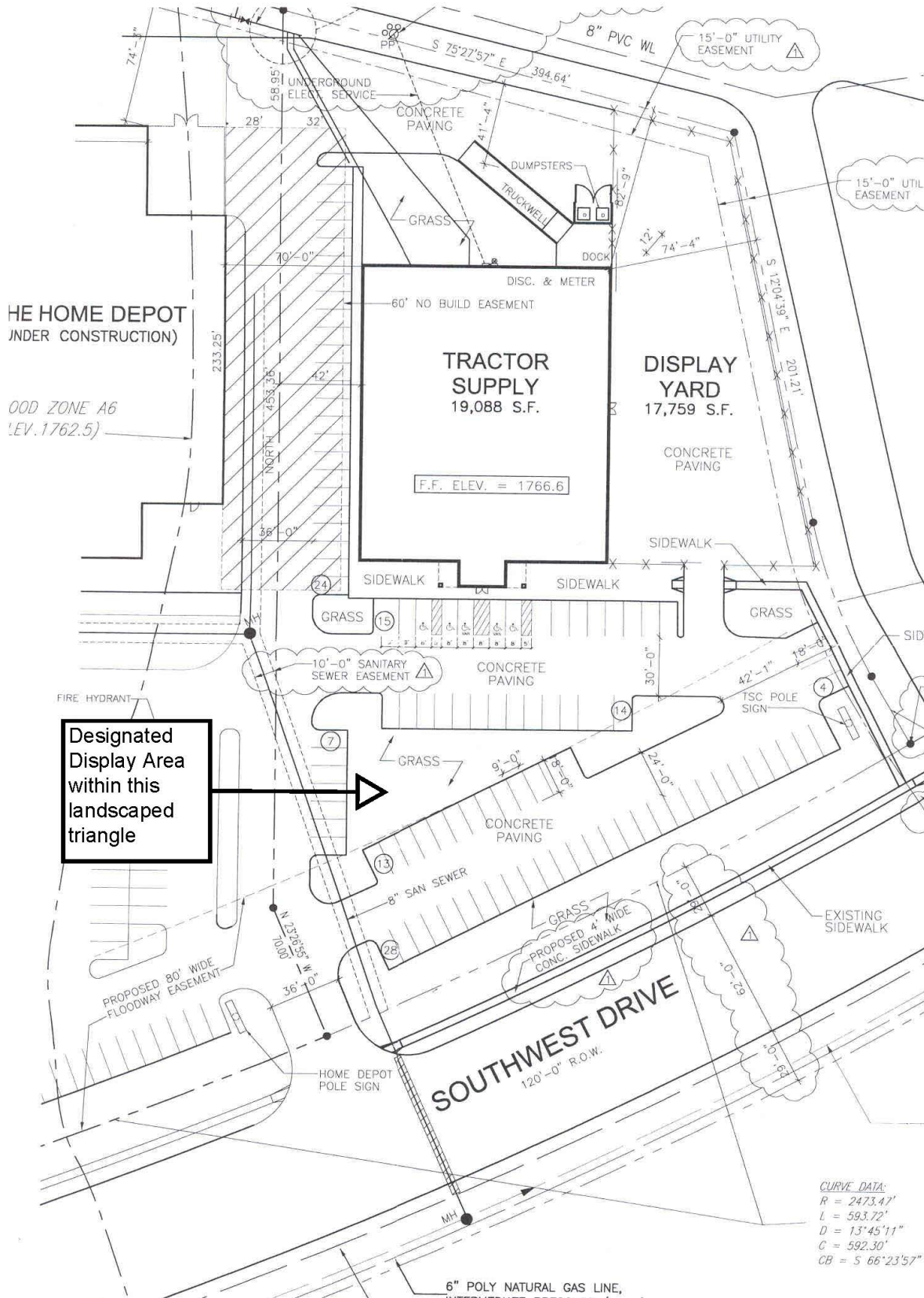


SCALE: 1" = 40'

SHEET 1 OF 3

EXHIBIT E

Permitted Outdoor Display Areas



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD-75 AND ORDINANCE NO. 16-2002 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 16-2002, as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 25th day of January, 2024.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of December, 2023, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 8th day of February, 2024, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 8th day of February, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

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

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with the maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance.

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

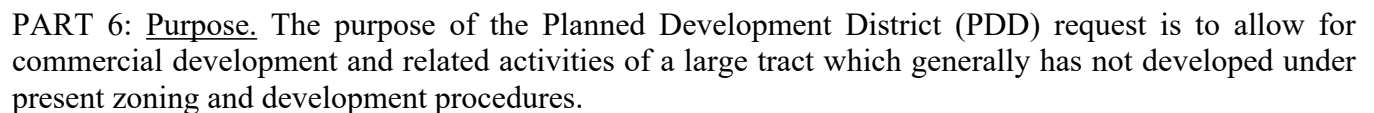
PART 3: Building Specifications. All structures in the herein said Planned Development District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

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

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

PART 5: Legal Description. Lot 1 &2, Block 1, Home Depot Addition, Abilene, Taylor County, Texas.

4450 & 4590 Southwest Drive

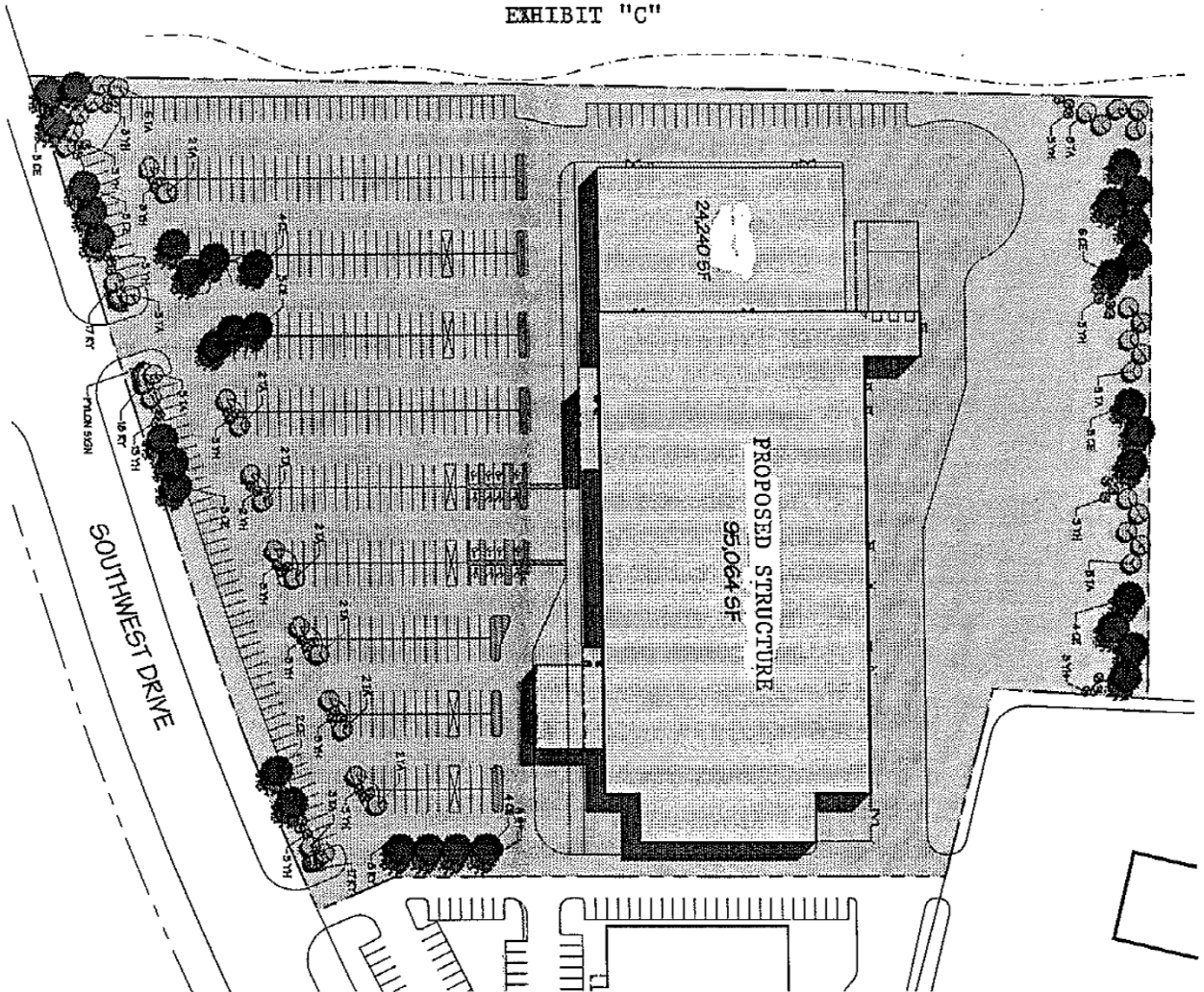


1. Permitted Uses:

- A. Wholesale and retail sale of building materials and lumber
- B. Retail trade with the following exceptions:
- Aircraft and accessories
 - Auctions
 - Automobiles and trucks
 - Marine craft
 - Mobile homes
 - Travel trailers and motor homes
 - Motorcycles
 - Pawn Shops
 - Scrap and waste material
 - Secondhand merchandise - including flea markets

2. Site Development shall be in accordance with the following regulations and as generally depicted on the site plan attached hereto as Exhibit B.
 - A. The southwesternmost building shall be in the general location as indicated in Exhibit B. The northeasternmost building shall be located a minimum of 80 feet from the front property line and a minimum of 20 feet from all other lot lines. Lot coverage by structures shall not exceed 25 percent.
 - B. Buildings shall be limited in height to 35 feet, excluding architectural exceptions generally allowed by the Zoning Ordinance of the City of Abilene.
 - C. Off-street parking spaces shall be provided in accordance with the Zoning Ordinance of the City of Abilene, as a minimum.
 - D. Off-street loading requirements shall consist of 3 spaces or the southwesternmost structure and 1 space for each additional structure.
 - E. The number of driveways shall be limited to 2 along Southwest Drive and shall meet the City of Abilene's standards for width, and return radii.
 - F. Wall signage shall be limited to one wall per building. Wall signs shall not cover more than 20 percent of the wall on which they are located.
 - G. One freestanding sign shall be permitted on each lot. Freestanding signs shall not exceed 35 feet in height or 200 square feet in area.
 - H. Portable signs and off-site advertising signs are prohibited.
 - I. Banners shall only be permissible when attached to and flat against a building.
 - J. Landscaping shall be provided along the street side boundary of the lot, in general accordance with Exhibit "C". Landscaping of the northeastern lot shall be similar to that shown in Exhibit "C". Specific landscaping of the northeastern site shall be approved by the City of Abilene in the site plan review for that site. Such landscaping shall be located entirely on private property. Landscaping shall be defined as the planting and maintenance of living materials such as plants, trees and shrubs. Landscaping shall be installed prior to the issuance of a Certificate of Occupancy.
 - K. In ground irrigation shall be required for all required landscaped areas.
 - L. ~~Display of goods shall be prohibited in landscaped and parking area.~~ Display of goods shall be prohibited in landscaped and parking area, except where shown on Exhibit "D" and "E" of this ordinance with the following conditions:
 1. The display be limited to one example of each product;
 2. There be no more than 10 different products displayed;
 3. If this area is used for outdoor display, a minimum of 4 trees must be planted and maintained in the display area; and
 4. Outdoor display of equipment, rental trucks, general merchandise, or any other materials on a permanent or seasonal basis shall be prohibited at all other locations on the site.
3. Development Schedule: If a building permit for at least one building has not been issued within two years of the approval of this Ordinance by the City Council, the Planning Director shall initiate rezoning of the property back to the zoning classification in place prior to the approval of this Ordinance.

ORDINANCE NO. 16-2002
EXHIBIT "C"



PLANTING

QUANTITY	TYPE	SIZE	LOCATION
10	Small trees	10' x 10'	Along SW side of lot
10	Small trees	10' x 10'	Along NW side of lot
10	Small trees	10' x 10'	Along SE side of lot
10	Small trees	10' x 10'	Along SW side of lot

QUANTITY	TYPE	SIZE	LOCATION
10	Small trees	10' x 10'	Along SW side of lot
10	Small trees	10' x 10'	Along NW side of lot
10	Small trees	10' x 10'	Along SE side of lot
10	Small trees	10' x 10'	Along SW side of lot

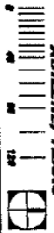
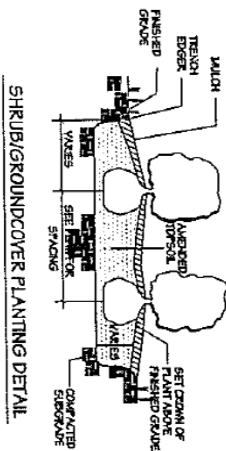
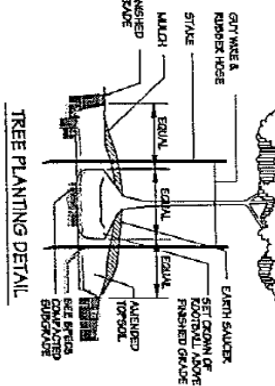


EXHIBIT D
Permitted Outdoor Display Areas

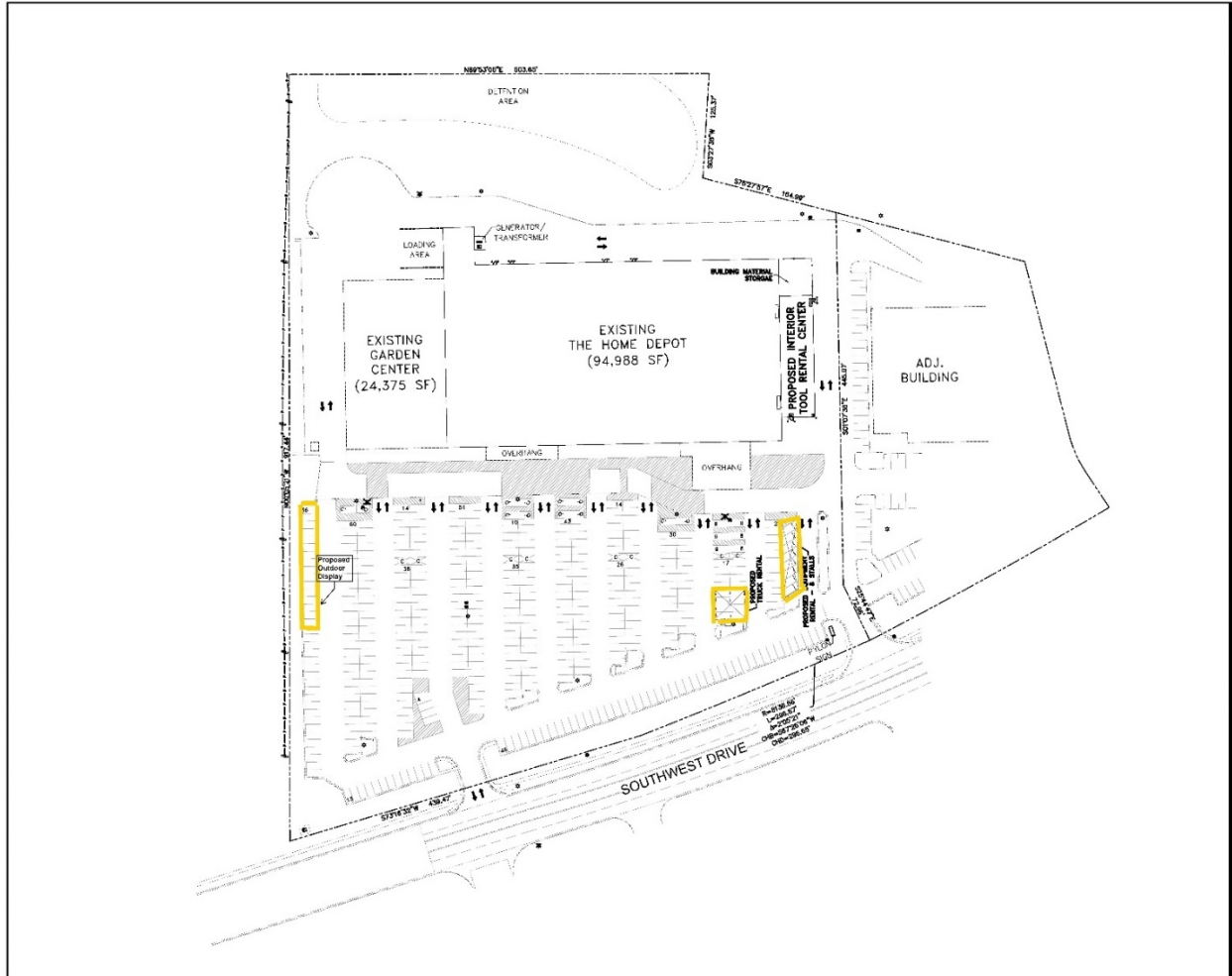
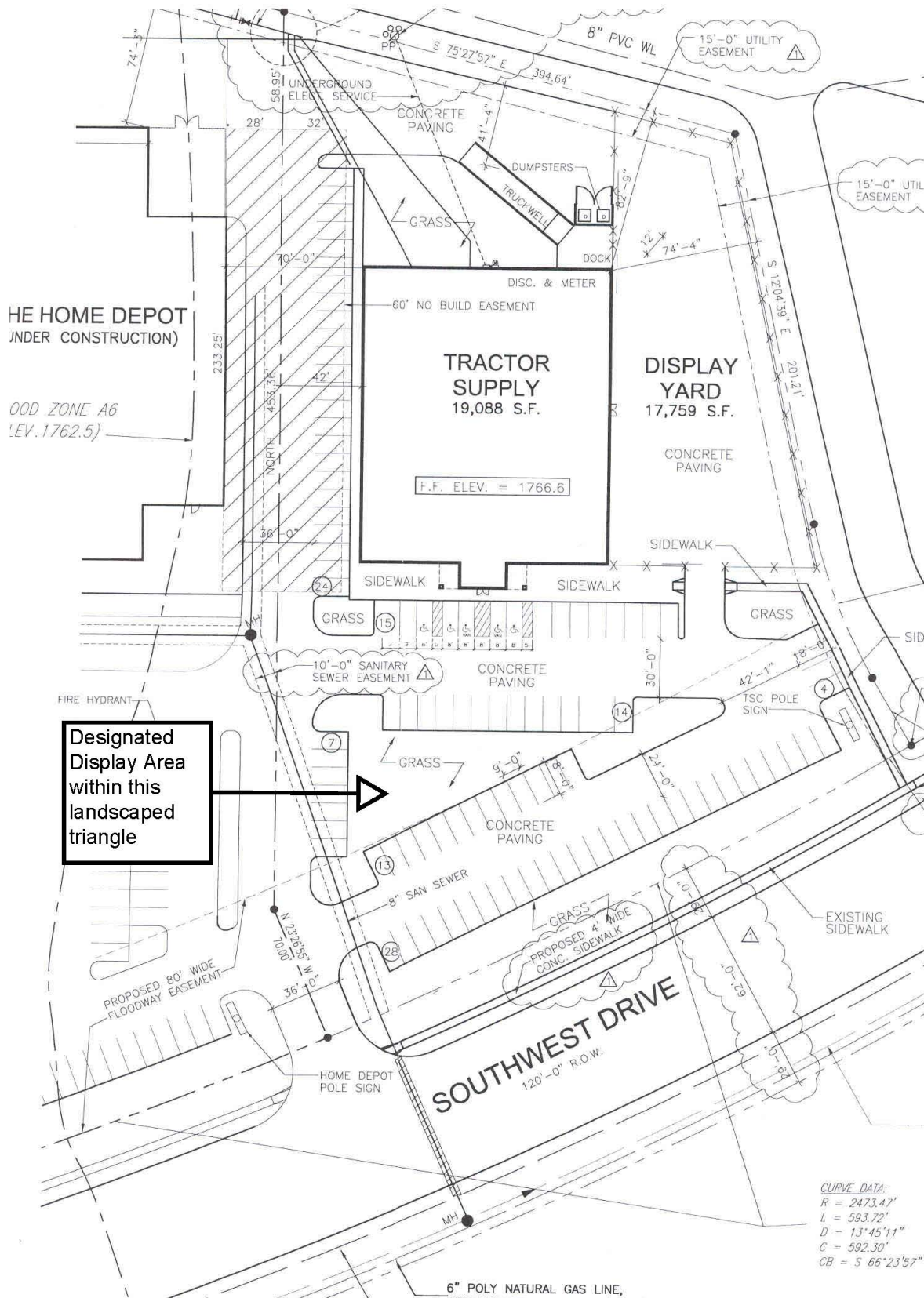


EXHIBIT DE

Permitted Outdoor Display Areas



ZONING CASE Z-2024-01

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: January 2, 2024
City Council 1st Reading: January 25, 2024
City Council 2nd Reading: February 8, 2024

Applicant

Applicant: Owner
Agent: Jacob Martin

Case Manager

Adam Holland – Planner

Request

Change the zoning of approximately 14.8 acres from AO to PDD.

Location

6500-6800 Block of Fairway Oaks Blvd.

Background

The subject property was annexed in 1980 and has remained vacant and zoned as AO since. The owner would like to change the zoning from AO to a Planned Development District (PDD) to allow lots with a minimum area of 5,000 square feet, a minimum width (frontage) of 50 feet, and five-foot (5') interior side setbacks. The base zoning of the property would be RS-6.

Zoning, Existing and Proposed Land Use

Currently the property is zoned Agricultural Open. Property to the north was rezoned to Patio Home zoning. The property east of the subject site was rezoned to RS-8 in 2016.

Several single-family detached residences are located on parcels adjacent to the site and across Hardwick Road.

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 Comprehensive Plan and FLUM designate this area for neighborhood commercial and higher intensity single-family detached residential uses. The proposed use of this Planned Development District is consistent with the 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.**

Single-family residential uses exist in the immediate area. The proposed use matches the intensity of the development to the north of the subject property.

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

The subject property will need to extend a sewer line to serve the proposed development. All other utilities necessary to serve the development are available.

(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 Concept Plan attached with this report.

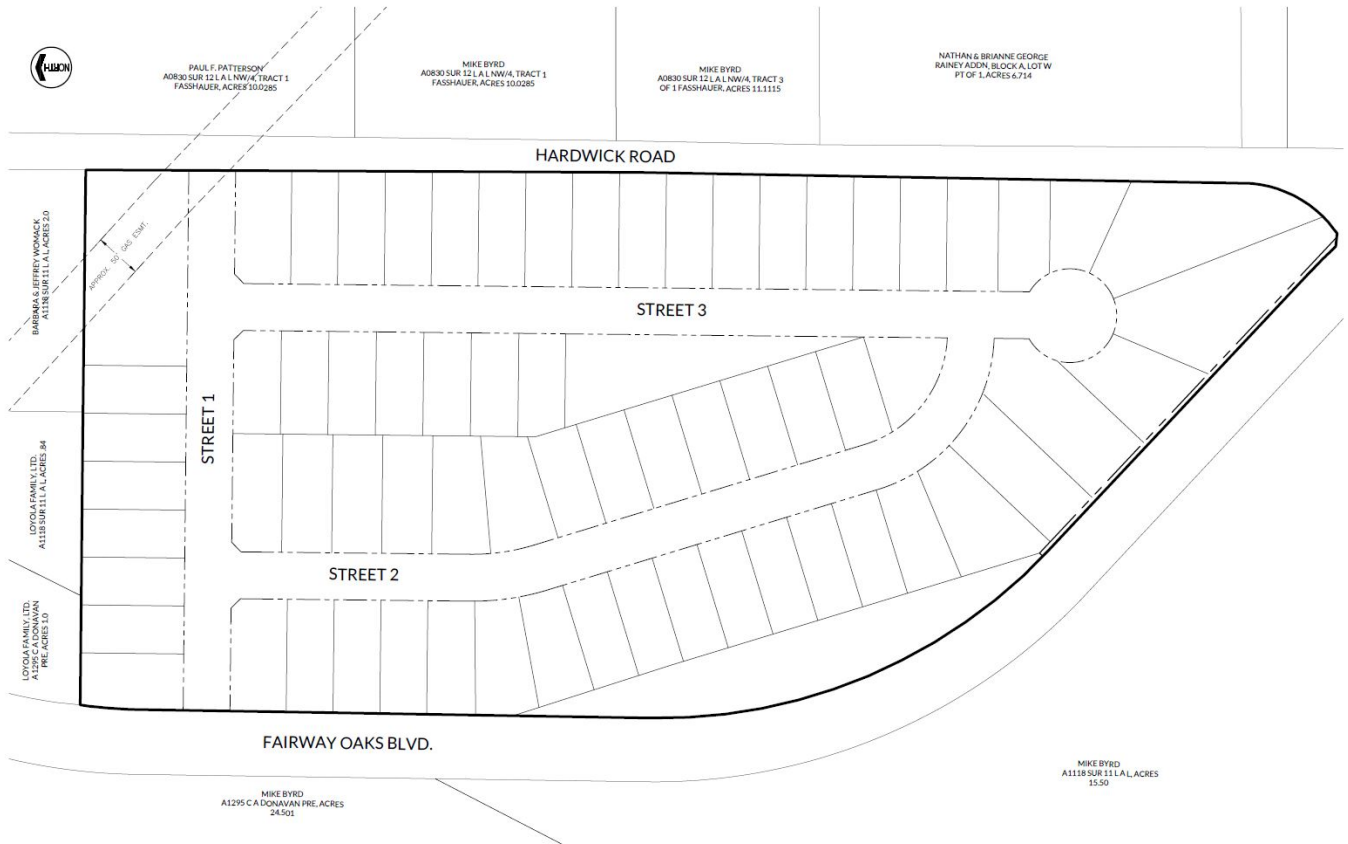
NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

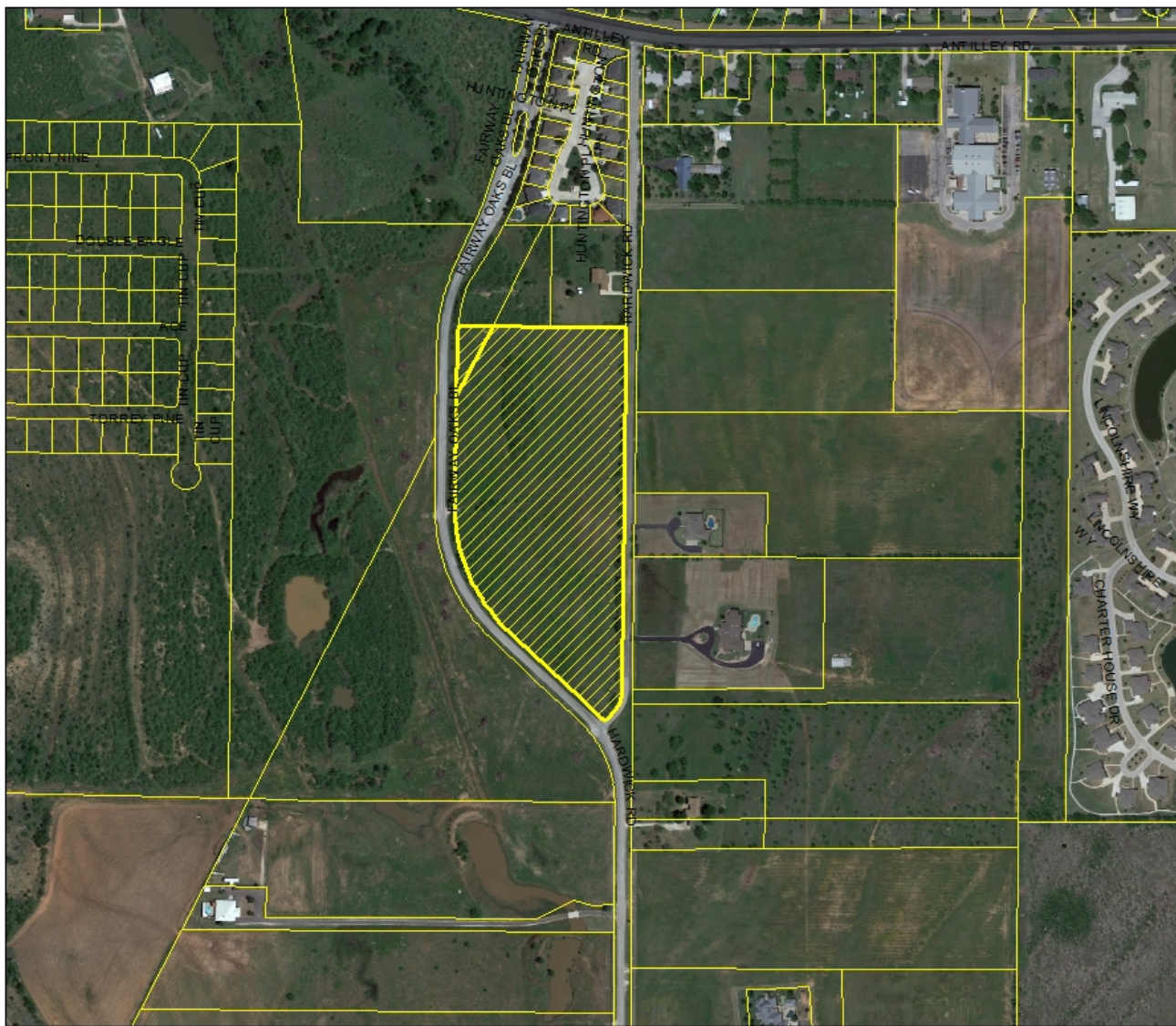
OWNER

OWNER	PROP_ID	SITUS	RESPONSE
BYRD MICHAEL	1003766		
BYRD MIKE	34987	6449 HARDWICK RD	
COWLTON DEVELOPMENTS LLC	971117		
GEORGE NATHAN S & BRIANNE	103979	6815 HARDWICK RD	
KING JAMES T & HEIDI L	110261	6749 HARDWICK RD	
LOYOLA FAMILY LTD	107726		
PATTERSON PAUL F JR	36083	6333 HARDWICK RD	
WOMACK BARBARA &	24094	6450 HARDWICK RD	

CONCEPT PLAN



LOCATION MAP



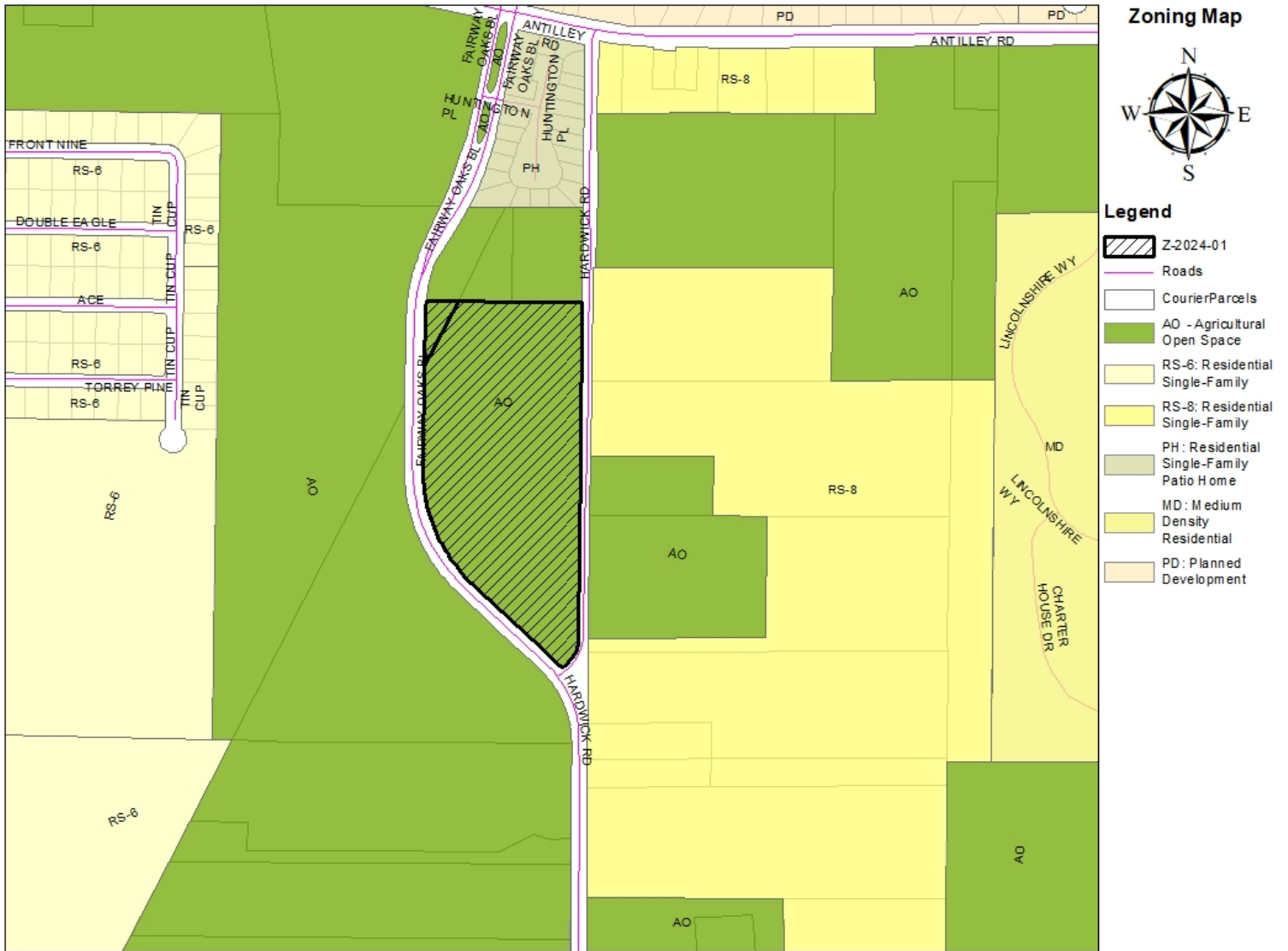
Aerial Map



Legend

-  Z-2024-01
-  Roads

ZONING MAP

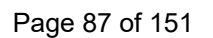




REZONE REQUEST

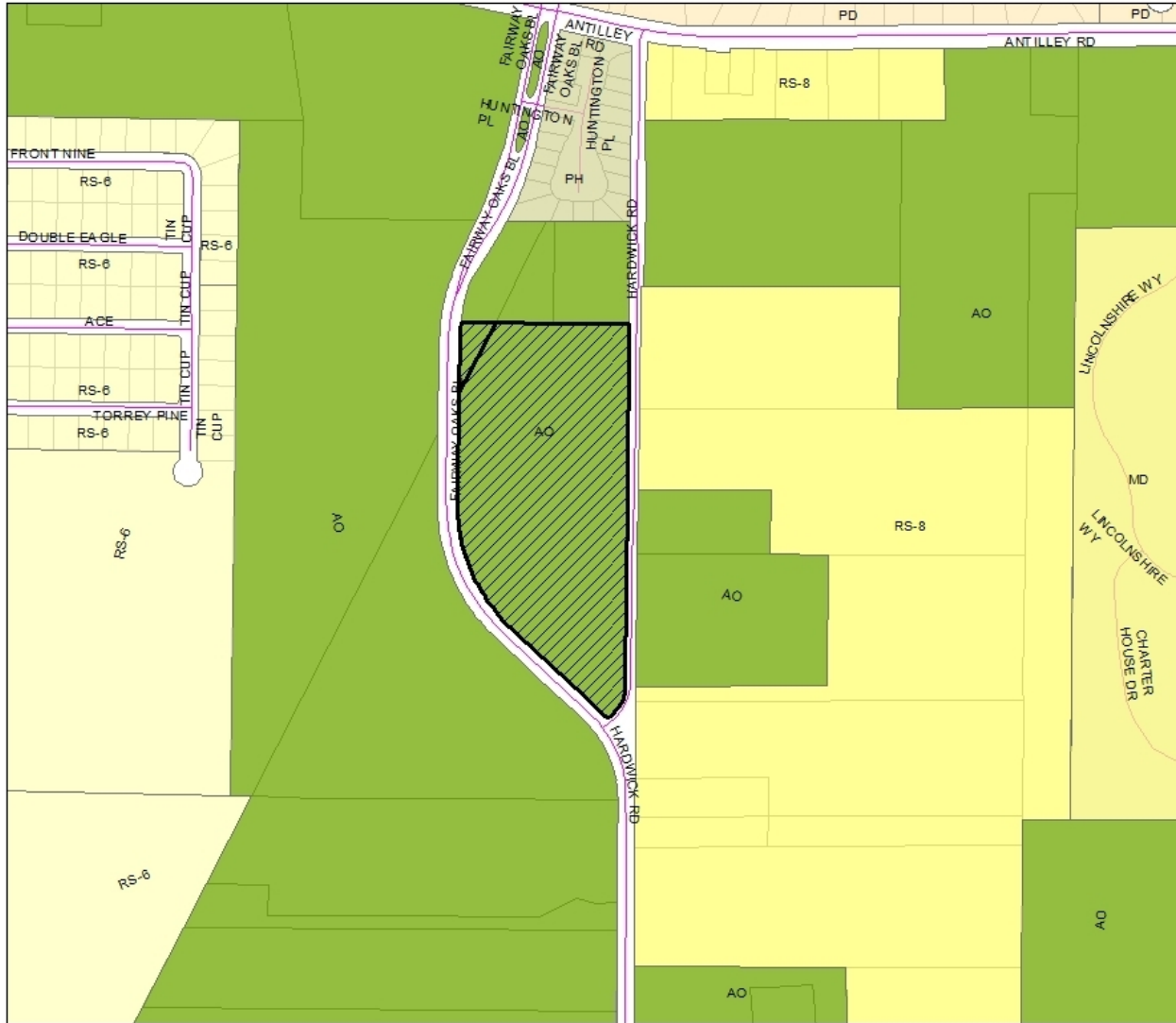
Case:	Z-2024-01
Requestor:	Owners
Agent:	Jacob Martin
Request:	Change the zoning of approximately 14.8 acres from AO to PDD-185
Location:	6500-6800 Block of Fairway Oaks Blvd
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	January 2, 2024
Council Hearing:	January 25, 2024 February 8, 2024







ZONING MAP

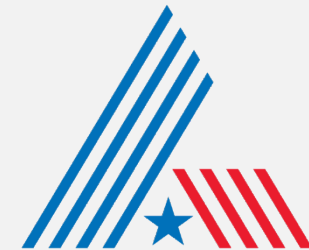


Zoning Map



Legend

- Z-2024-01
- Roads
- CourierParcels
- AO - Agricultural Open Space
- RS-6: Residential Single-Family
- RS-8: Residential Single-Family
- PH: Residential Single-Family Patio Home
- MD: Medium Density Residential
- PD: Planned Development



CITY OF
ABILENE
TEXAS



VIEWS OF SUBJECT PROPERTY



Subject Property



West Neighboring Property



East Neighboring Property

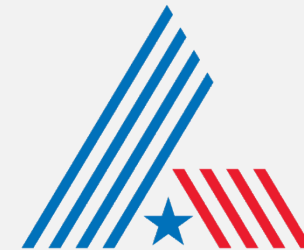
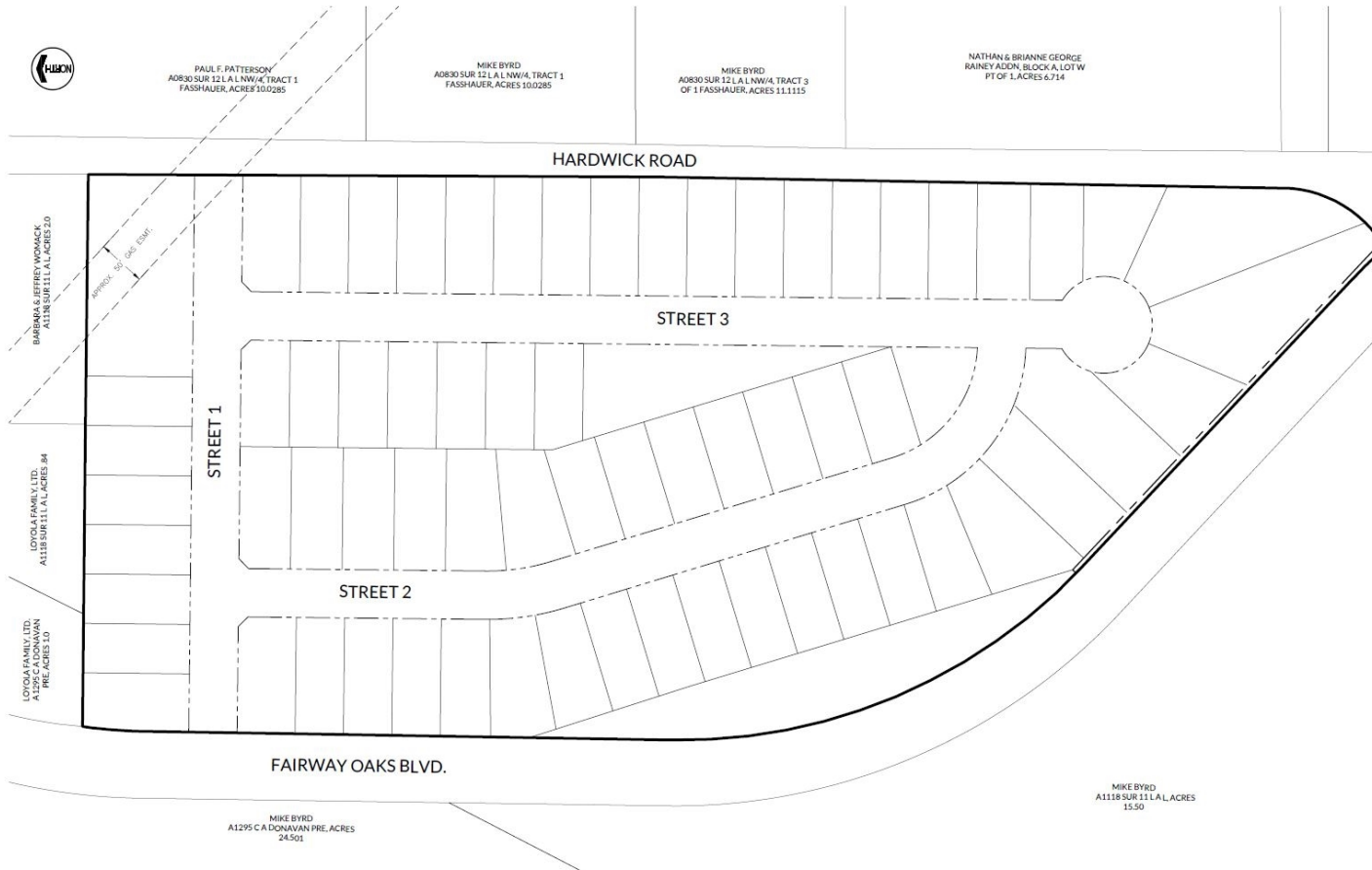


Subject Property





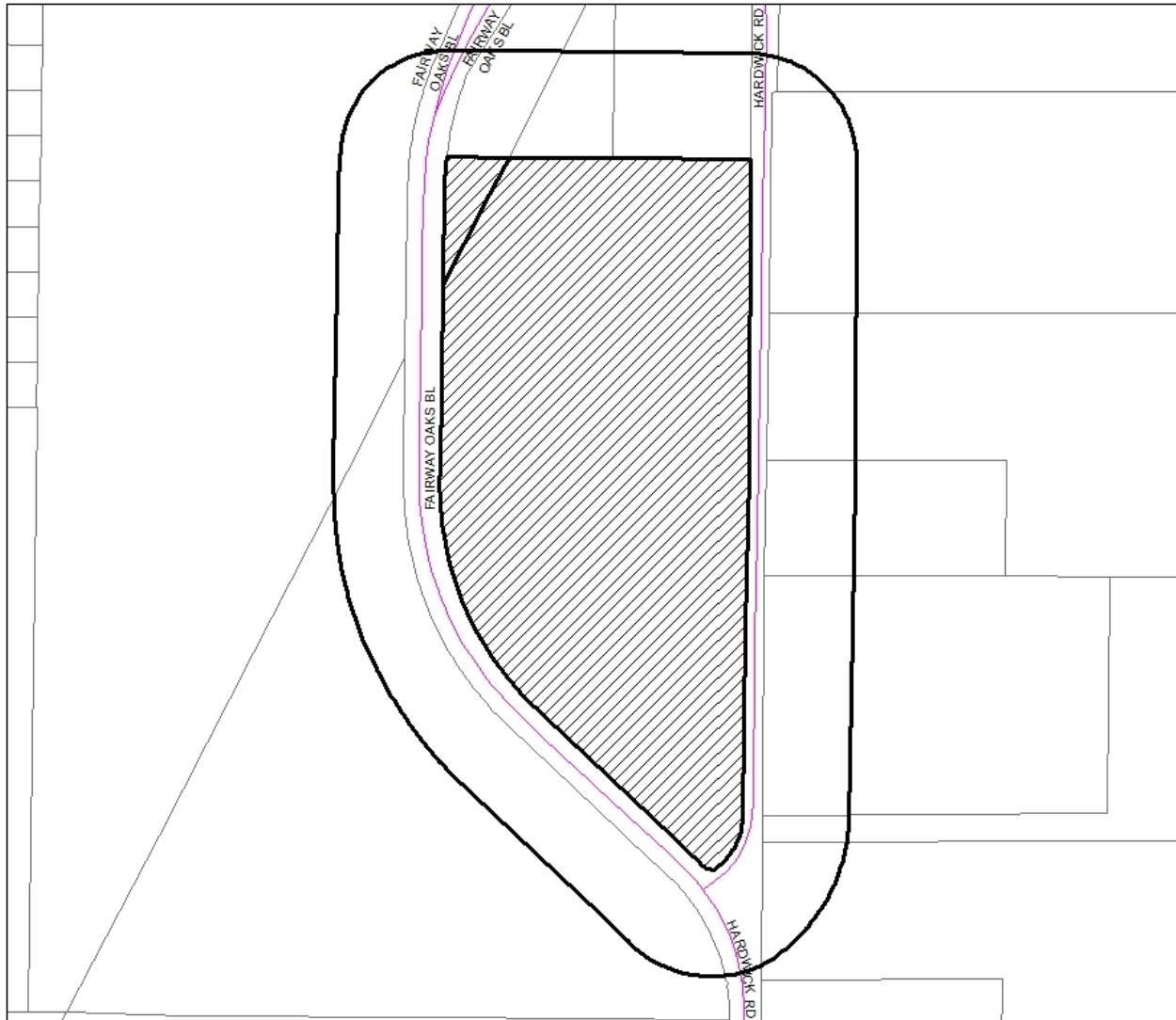
PROPOSED CONCEPT PLAN



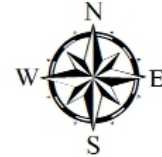
CITY OF
ABILENE
TEXAS



NOTIFICATION AREA MAP



Notification Map



Legend

- Notification Buffer
- Z-2024-01
- Roads
- CourierParcels

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





FINDINGS AND RECOMMENDATION

The proposed request for PD zoning is *consistent* with:

- Comprehensive Plan;
- Generally accepted planning principals;
- The surrounding uses and zoning of properties fronting on Buffalo Gap; and
- The Criteria for Approval in the LDC.

Staff Recommendation:

Approval subject to the Concept Plan and proposed ordinance.





Questions?



ORDINANCE NO. _____

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

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

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

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 25th day of January, 2024.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of December, 2023, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 8th day of February, 2024, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 8th day of February, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land, from Agricultural Open (AO) District to a Planned Development District (PDD-185):

Location: 6500-6800 Block of Fairway Oaks Blvd

Being 14.790 acres of land out of a 150.217 acre tract recorded in Volume 2432, Page 807, Official Public Records, Taylor County, Texas. Said 14.790 acre tract being out of Fractional Section 11, Lunatic Asylum Lands, (the W.P Benson Survey) and the C. Donovan Survey, Survey, Taylor County, Texas and being more particularly described as follows.

Beginning at a set 1/2" metal rebar on the East line of Fairway Oaks Boulevard (60' right-of-way, being a 3.082 acre tract recorded in Volume 2312, Page 295, Official Public Records, Taylor County, Texas, recorded in Plat Cabinet 3, Slide 225, Plat Records, Taylor County, Texas bears N25° 39'32"E 379.10';

Thence S89°53'25"E 577.89' to a point on the East line of said 151.217 acre tract and the West line of Hardwick Road, whence a found 3/8" metal rebar bears N89°53'28"W 0.65,' said point being the Northeast corner of this tract, from aid point a found 5/8" aluminum rod with cap at the Southeast corner of said Huntington Ridge Addition bears N00°29'30"E 342.03';

Thence S00°29'30"W, with the East line of said 150.217 acre tract and the West line of said Hardwick Road, 1235.77' to a found 1/2" metal rebar at the North most Southeast corner of said 3.082 acre right -of-way tract and at the beginning of a curve to the right;

Thence with the North and East lie said 3.082 acre right-of-way tract as follows;

-With said curve to the right, having a radius of 125.00' and a chord bearing S26°29'5"W 109.27' with an arc distance of 113.09' to a found 1/2" metal rebar at the end of curve;

-S51°50'03"W 5.24 to a point whence the center of a 4.5" pipe fence corner post bears N06°18'39"W 0.66';

-N84°21'28"W 14.63' to a point whence the center of a 4.5" pipe fence corner post bears N14°21'38"E 0.31' said point being the beginning of a curve to the left;

-With said curve to the left having a radius of 430.00', a chord bearing N44°46' 18"W 37.63', an arc distance of 37.64' to a found 1/2" metal rebar for the end of curve, whence a found cotton spindle in the center of Fairway Oaks Boulevard bears S43°10'03"W 29.95';

-N47°16'45"W 406.82' to a point whence a 4.5" pipe fence corner post bears S03°03'14"E 0.34', from said point a found cotton spindle in the center of Fairway Oaks Boulevard bears S42°42'51"W 30.00'. Said point being the beginning of a curve to the right;

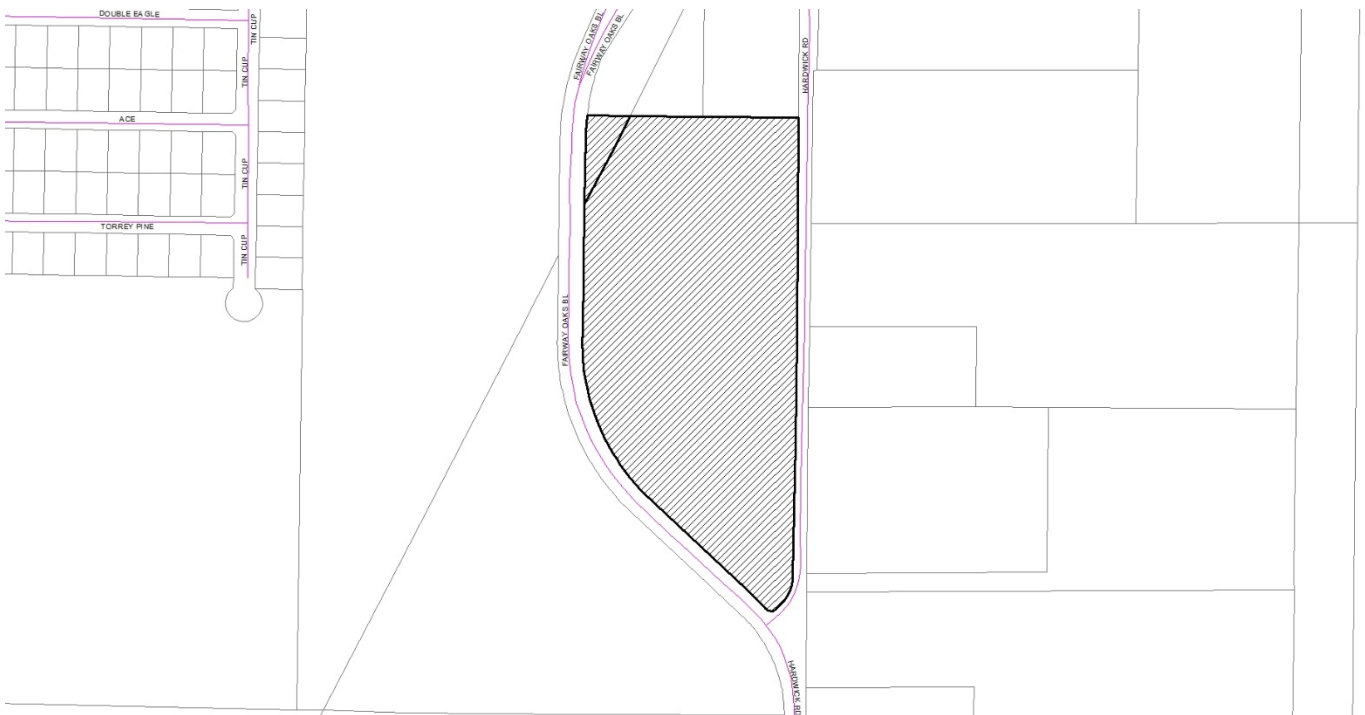
-With said curve to the right, having a radius of 570.00', a chord bearing N23°23'49"W 461.21', an arc distance of 474.82' to a found 1/2" metal rebar for the end of curve, whence a found 1/2" metal rebar on the West line of said Fairway Oaks Boulevard bears N89°31'04"W 60.22;

ORDINANCE NO. _____

-N00°26'10"E 545.38' to a point whence a 4.5" pipe fence corner post bears N74°19'28"E 0.85', from said point a found cotton spindle in the center of Fairway Oaks Boulevard bears N88°33'43"W 30.00', said ½" metal rebar being the beginning of a curve to the right;

-With said curve to the right, having a radius of 570.00', a chord bearing N03°58'20"E 65.21', an arc distance of 65.25' to the point of beginning and containing 14.790 acres of land.

Bearing basis- found Aluminum rod with cap and found ½" metal rebar on the West right-of-way line of Hardwick road. S00°29'30"W.



ORDINANCE NO. _____

EXHIBIT B

Purpose. The purpose of the Planned Development (PD) District is to allow single-family residential development, similar to what would be found within Residential Single Family (RS-6) zoning districts.

Specific Modifications. The use and development of land and buildings in this Planned Development (PD) District shall generally be subject to requirements of the Residential Single Family (RS-6) zoning classification, except as modified below:

A. Site Layout and Building Requirements:

1. Lot Size:

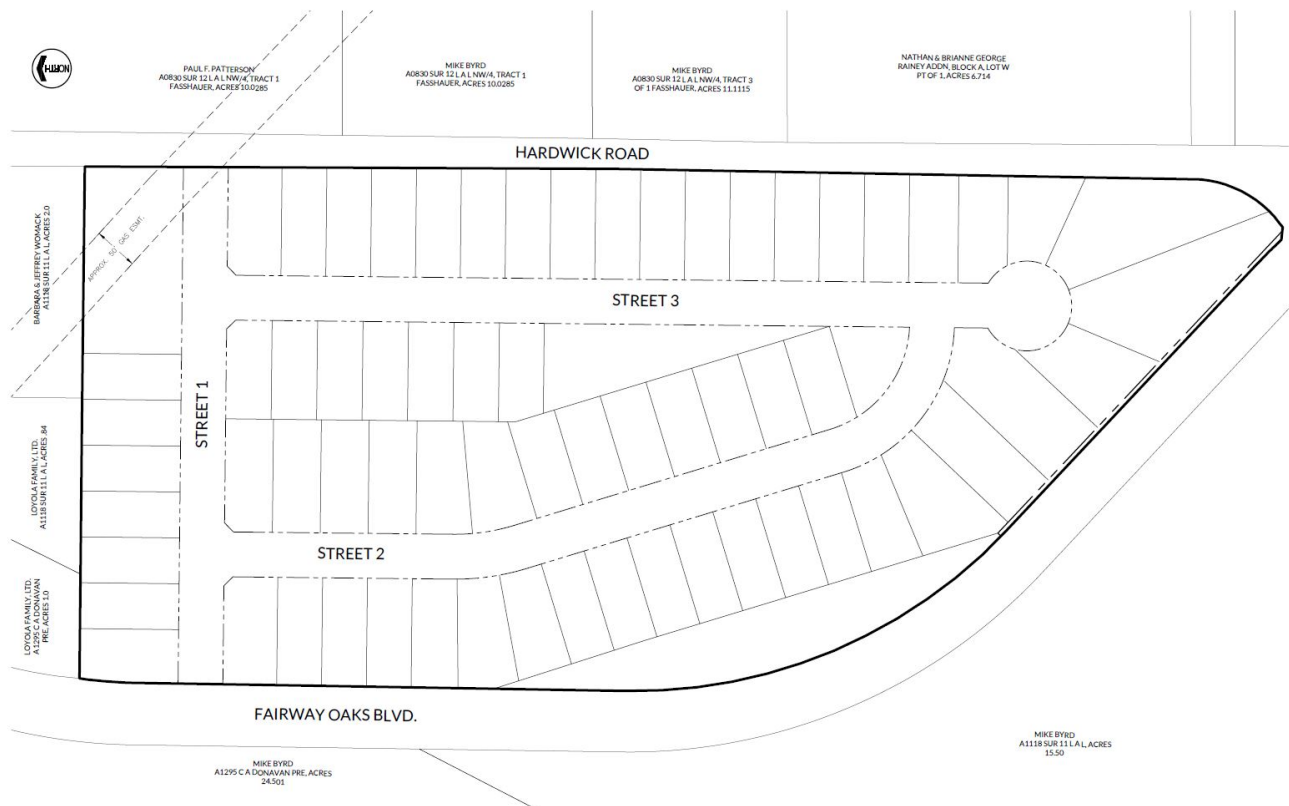
- a. Platted lots in this PD must have a minimum lot area of 5,000 square feet.
- b. Minimum lot width shall be 50 feet.

2. Setbacks:

- a. Interior Side Yard: 5-feet

B. Concept Plan Requirements:

- 1. The subject property shall be platted in general accordance with Concept Plan shown below.



END



PAUL F. PATTERSON
A0830 SUR 12 L A L NW/4, TRACT 1
FASSHAUER, ACRES 10.0285

MIKE BYRD
A0830 SUR 12 L A L NW/4, TRACT 1
FASSHAUER, ACRES 10.0285

MIKE BYRD
A0830 SUR 12 L A L NW/4, TRACT 3
OF 1 FASSHAUER, ACRES 11.1115

NATHAN & BRIANNE GEORGE
RAINEY ADDN, BLOCK A, LOT W
PT OF 1, ACRES 6.714

HARDWICK ROAD

STREET 3

STREET 2

STREET 1

FAIRWAY OAKS BLVD.

APPROX. 50' GAS ESMT.

BARBARA & JEFFREY WOMACK
A1118 SUR 11 L A L, ACRES 2.0

LOYOLA FAMILY, LTD.
A1118 SUR 11 L A L, ACRES .84

LOYOLA FAMILY, LTD.
A1295 C A DONAVAN
PRE, ACRES 1.0

MIKE BYRD
A1295 C A DONAVAN PRE, ACRES
24.501

MIKE BYRD
A1118 SUR 11 L A L, ACRES
15.50

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 3

PART 6: Purpose. The purpose of the Planned Development (PD) District is to allow single-family residential development, similar to what would be found within Residential Single Family (RS-6) zoning districts.

PART 7: Specific Modifications. The use and development of land and buildings in this Planned Development (PD) District shall generally be subject to requirements of the Residential Single Family (RS-6) zoning classification, except as modified below:

A. Site Layout and Building Requirements:

1. Lot Size:

- a. Platted lots within this Planned Development District must be a minimum of 5,000 square feet in area.
- b. Minimum lot width within this Planned Development District must be a minimum of 50 feet in width.

2. Setbacks:

- a. Interior Side Yard: 5-feet

PROJECT OVERVIEW

Project Type: Zoning Application | **Project Title:** Z-2024-01 - Planned Development - Fairway Oaks Blvd
ID # 23-000213 | **Started** 11/06/2023 at 3:12 PM



Address

Abilene, TX USA 79606

Legal

A1118 Sur 11 L A L
Abstract A1118 Sur 11 L A L, Acres 14.61

Description

Planned Development with base zoning RS-6 with modifications per included attachment.

PROPERTY DETAILS

Property ID	971118
Enforcement Area	Far Southside

PROPERTY ADDITIONAL INFORMATION

Account Number	A1118001600
Property ID	
Land Use	Vacant
High School	Wylie
Middle School	Wylie
Elementary School	Wylie
Super Neighborhood	Far Southside

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
Arthur John Steven % Austin Trust Company	-	336 S Congress Ave Austin, TX 78704-1265	-	Property Owner
Clayton Farrow	cfarrow@jacobmartin.com 3256951070	3465 Curry Lane Abilene, TX 79606-2287	Engineer	APPLICANT

INFORMATION FIELDS

Owner Name

Cowlbon Developments, LLC.

Agent Name

Jacob & Martin

Block

-

—

—

—

TOTALS

231321A

WARRANTY DEED

Date: August 31, 2023

Grantor: Arthur Legacy, LLC, a Texas limited liability company

Grantor's Mailing Address: 2409 Spyglass Hill Court
Abilene, TX 79606

Grantee: Cowlbon Developments, LLC, a Texas limited liability company

Grantee's Mailing Address: 1333 South Danville
Abilene, TX 79605

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) cash, and other good and valuable consideration.

Property:

Being 14.790 acres of land out of a 150.217 acre tract recorded in Volume 2432, Page 807, Official Public Records, Taylor County, Texas. Said 14.790 acre tract being out of Fractional Section 11, Lunatic Asylum Lands, (the W.P Benson Survey) and the C. Donovan Survey, Taylor County, Texas and being more particularly described as follows.

BEGINNING at a set $\frac{1}{2}$ " metal rebar on the East line of Fairway Oaks Boulevard (60' right-of-way, being a 3.082 acre tract recorded in Volume 2312, Page 295, Official Public Records, Taylor County, Texas), for the Northwest corner of this tract, whence a found $\frac{1}{2}$ " metal rebar on a North line of said 150.217 acre tract at the Southwest corner of Huntington Ridge Addition, City of Abilene, Taylor County, Texas, recorded in Plat Cabinet 3, Slide 225, Plat Records, Taylor County, Texas, bears N25°39'32"E 379.10';

THENCE S89°53'28"E 577.89' to a point on the East line of said 151.217 acre tract and the West line of Hardwick Road, whence a found $\frac{3}{8}$ " metal rebar bears N89°53'28"W 0.65,' said point being the Northeast corner of this tract, from said point a found $\frac{5}{8}$ " aluminum rod with cap at the Southeast corner of said Huntington Ridge Addition bears N00°29'30"E 342.03';

THENCE S00°29'30"W, with the East line of said 150.217 acre tract and the West line of said Hardwick Road, 1235.77' to a found $\frac{1}{2}$ " metal rebar at the North most Southeast corner of said 3.082 acre right-of-way tract and at the beginning of a curve to the right;

THENCE with the North and East line said 3.082 acre right-of-way tract as follows;

-With said curve to the right, having a radius of 125.00' and a chord bearing S26°29'52"W 109.27', an arc distance of 113.09' to a found $\frac{1}{2}$ " metal rebar at the end of curve;

-S51°50'03"W 5.24' to a point whence the center of a 4.5" pipe fence corner post bears N06°18'39"W 0.66';

-N84°21'28"W 14.63' to a point whence the center of a 4.5" pipe fence corner post bears N14°21'38"E 0.31' said point being the beginning of a curve to the left;

-With said curve to the left having a radius of 430.00', a chord bearing N44°46'18"W 37.63', an arc distance of 37.64' to a found ½" metal rebar for the end of curve, whence a found cotton spindle in the center of Fairway Oaks Boulevard bears S43°10'03"W 29.95';

-N47°16'45"W 406.82' to a point whence a 4.5" pipe fence corner post bears S03°03'14"E 0.34', from said point a found cotton spindle in the center of Fairway Oaks Boulevard bears S42°42'51"W 30.00'. Said point being the beginning of a curve to the right;

-With said curve to the right, having a radius of 570.00', a chord bearing N23°23'49"W 461.21', an arc distance of 474.82' to a found ½" metal rebar for the end of curve, whence a found ½" metal rebar on the West line of said Fairway Oaks Boulevard bears N89°31'04"W 60.22';

-N00°26'10"E 545.38' to a point whence a 4.5" pipe fence corner post bears N74°19'28"E 0.85', from said point a found cotton spindle in the center of Fairway Oaks Boulevard bears N88°33'43"W 30.00', said ½" metal rebar being the beginning of a curve to the right;

-With said curve to the right, having a radius of 570.00', a chord bearing N03°58'20"E 65.21', an arc distance of 65.25' to the point of beginning and containing 14.790 acres of land.

Bearing basis- Found Aluminum rod with cap and found ½" metal rebar on the West right-of-way line of Hardwick road. S00°29'30"W.

Reservations from Conveyance:

None.

Exceptions to Conveyance and Warranty:

All presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, water interests or wind interests outstanding in persons other than Grantor, and other presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and any state of facts that an accurate survey of the Property would show. If a separate written agreement between Grantor and Grantee calls for the language in this paragraph to be narrower in scope than what is stated herein, then the narrower language applies and is incorporated herein by reference.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all of the following unless specifically reserved elsewhere herein: (i) any and all rights and appurtenances belonging or appertaining to the Property; (ii) any and all appurtenant easements and rights of way affecting the Property, and all rights of ingress and egress to and from the Property, and any of Grantor's rights to use same; (iii) any and all mineral, wind, and water rights and interests of Grantor relating to the Property; (iv) any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water, or other utility facilities to the extent they pertain to or benefit the Property; (v) any and all rights and interest of Grantor in and to any leases covering all or any portion of the Property; and (vi) all right, title and interest of Grantor, if any, in and to (a) any and all roads, streets, alleys and ways, whether open or closed, affecting the Property, (b) any and all strips, gores, or pieces of property abutting, bounding, or which are adjacent or contiguous to the Property, whether owned or claimed by deed, limitations, or otherwise, (c) any walls or fences situated on a common boundary line, and (d) any and all reversionary interests in and to the Property.

TO HAVE AND HOLD the Property to Grantee and Grantee's heirs, successors and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors and assigns against every person whomsoever lawfully claiming or to claim the same

or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

This instrument may be executed in any number of identical counterparts, each of which shall be deemed an original for all purposes. If signatories to this instrument sign different counterparts, the original signature pages and corresponding acknowledgement pages may be detached from each counterpart and all attached together to form one instrument and/or duplicate original instrument.

When the context requires, singular nouns and pronouns include the plural.

Arthur Legacy LLC

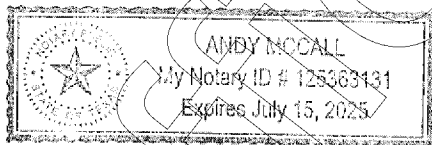
By: 
Allison Arthur Cowling, Manager

STATE OF TEXAS }

COUNTY OF TAYLOR }

This instrument was acknowledged before me on this the 31st day of August, 2023 by Allison Arthur Cowling, Manager of Arthur Legacy, LLC, a Texas-limited liability company, on behalf of said company.

(AFFIX NOTARY SEAL HERE)




Notary Public, State of Texas
(Notary's printed name)

(Notary's commission expires)

PREPARED IN THE LAW OFFICE OF:
Bradshaw, McCall & Westbrook, PLLC
3417 Curry Lane
Abilene, Texas 79606

AFTER RECORDING RETURN TO:
Cowlbon Developments, LLC
1333 South Danville
Abilene, TX 79605

**THE STATE OF TEXAS
COUNTY OF TAYLOR**

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Official Public Records of Taylor
County, Texas.

2023-14724 DE
Number of Pages: 4
09/01/2023 08:12:47 AM Total Fees: \$34.00

Brandi DeRemer, County Clerk
Taylor County, Texas

Brandi DeRemer



ZONING CASE Z-2024-02

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: January 2, 2024
City Council 1st Reading: January 25, 2024
City Council 2nd Reading: February 8, 2024

Applicant

Fuad Hamed

Case Manager

Kiley Hannah – Planner

Request

Rezone approximately 0.47 acres from Agricultural Open (AO) to Multi-Family (MF).

Location

2900 Block of Old Anson Road

Background

This property was annexed in 1957 and has remained vacant and zoned as AO since annexation.

On October 4, 2022, the Planning and Zoning Commission recommended approval of Z-2022-23 to rezone the subject property to Multi-Family (MF) after finding that the request satisfied the criteria set out in Sec. 1.4.1.4 of the LDC. The City Council, on November 3, 2022, on a Super Majority Vote required, determined that the request did not satisfy the criteria set out in Sec. 1.4.1.4 of the LDC.

Since one year has lapsed since Z-2022-23 was filed and denied, this new application can be considered by the Commission and City Council.

Zoning, Existing and Proposed Land Use

A Multi-Family (MF) zoning and land uses are located north and west of the subject property. Single-family residences are located parcels zoned Agricultural Open (AO) east and south of the subject property. Single-family (RS-6) residences are located to the east across Old Anson Road.

The proposed land use and zoning district would match the land uses and zoning district of the properties immediately north and west of the subject site.

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 amendment is consistent with the Comprehensive Plan and the Future Land Use Map.

(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 MF zoning is consistent with the use and zoning of properties immediately west and north of the subject property and would be an appropriate use for the area.

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

Adequate utilities are available to serve this site for the proposed use of the site.

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

None known.

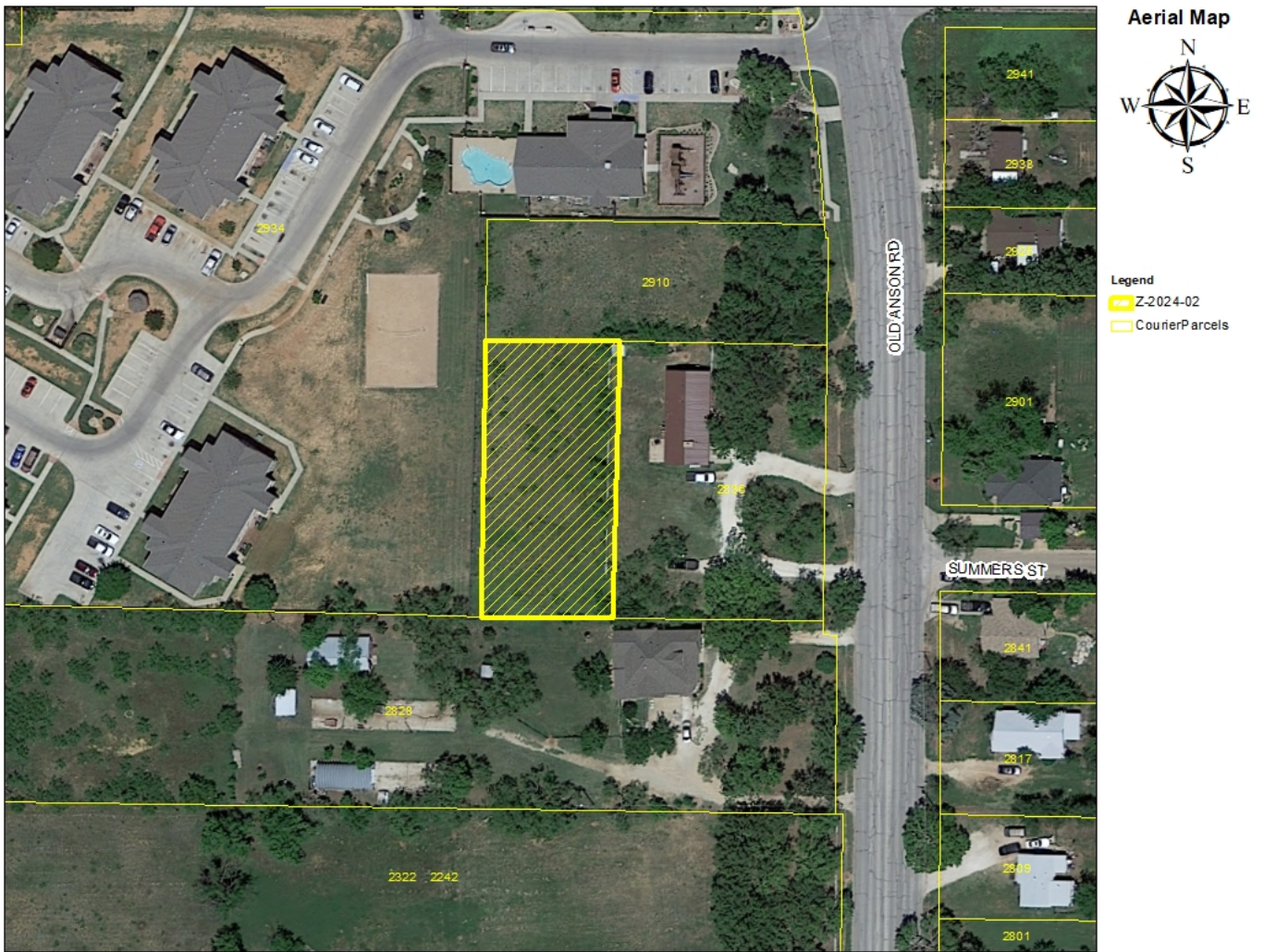
Staff Recommendation

Staff recommends **approval**

Notification:

OWNER	PROP_ID	SITUS	RESPONSE
STOWE TODD & KATERYNA	91073	2841 OLD ANSON RD	
JWDW PROPERTIES II LLC	1084626	2934 OLD ANSON RD	
HAMED FAUD	969335	2910 OLD ANSON RD	
HOWISON DAVID & DENISE	117139	2836 OLD ANSON RD	
HAMED FAUD	969334		
DULANEY DALLAS DAVID &	47114	2901 OLD ANSON RD	
ROE CALEB CARSON	46630	2925 OLD ANSON RD	
VILLA RAYMOND MARTINEZ	46746	2933 OLD ANSON RD	
JIMENEZ LUIS &	46499	2941 OLD ANSON RD	
WESTBROOK GARY W & DEBRA K	40266	2828 OLD ANSON RD	
JWDW PROPERTIES II LLC	1084608		
	1087731	2322 OAKLAND DR	
	1087731	2242 OAKLAND DR	

LOCATION MAP



Zoning Map





REZONE REQUEST

Case: Z-2024-02

Applicant: Hamad Fuad

Request: Rezoning 0.47 acre from Agricultural Open(AO) to Multi Family(MF).

Location: 2900 block of Old Anson Road

Notification: 0 in Favor, 0 Opposed

P&Z: January 2, 2024

City Council: January 25, 2024
February 8, 2024





Z-2024-02 AERIAL LOCATION MAP



Aerial Map



Legend

- Z-2024-02
- CourierParcels





Z-2024-02 ZONING MAP





PERMITTED USES IN AO ZONING

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- 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 Animal Lot
- P/C Day Care Operation – Home-Based*
- P Dwelling – Accessory*
- TP Field Office or Construction Office (temporary)*
- P Freight Container*
- P Garage Sale
- P Home Occupation
- C Mobile Home (permanent security residence)
- C Mobile Home (temporary security residence)
- 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:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Farming, Ranching & Livestock, Hatchery
- C Mining
- C 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 MF ZONING

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P 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





Z-2024-02 VIEWS OF SUBJECT PROPERTY



Subject Property



Neighboring Property



Neighboring Property

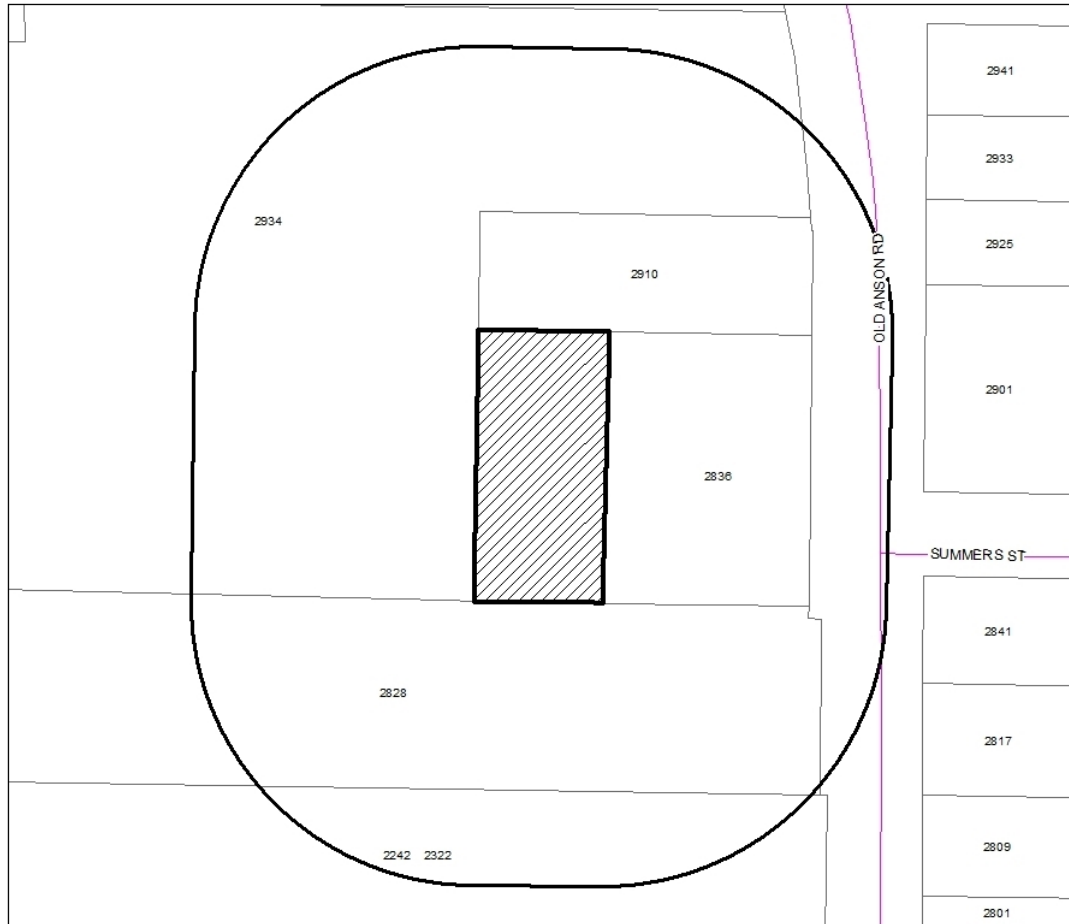


East Neighboring Property

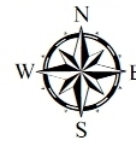




Z-2024-02 NOTIFICATION AREA MAP



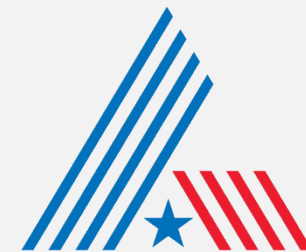
Zoning Map



Legend
□ Notification
○ Z-2024-02

0- In Favor-

0- Opposed-



CITY OF
ABILENE
TEXAS



FINDINGS AND RECOMMENDATIONS

The proposed request is consistent with:

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

Staff Recommendation: **Approval**





Questions?



ORDINANCE NO. _____

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

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

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

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 25th day of January, 2024.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of December, 2024, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 2nd day of January, 2024, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 8th day of February, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from Agricultural Open (AO) District to a Multi Family (MF) District:

Location: 2900 Block of Old Anson Road, Abilene Texas



END

ZONING CASE OAM-2023-01

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: January 2, 2024
City Council 1st Reading: January 25, 2024
City Council 2nd Reading: February 8, 2024

Applicant

City of Abilene

Case Manager

Randal Anderson – Assistant Director

Request

An amendment to the Land Development Code (LDC) to repeal Section 2.3.4.3 Neighborhood Conservation Overlay (NCO) and to replace that section with Section 2.3.4.3 Rebuild ABI Infill Overlay (RAI) District to promote infill development and redevelopment in targeted neighborhoods.

Background

In 2010, the City Council created the Neighborhood Conservation Overlay (NCO) District. The goal of that district was to maintain the character and original development patterns of the original City neighborhoods that surround the Central Business (CB) District. The NCO district is not depicted on the Official Zoning Map, which means that each, or group of lots, must be rezoned to NCO. Since 2010, no property has been zoned as NCO. The NCO District regulations are attached as Exhibit A.

The most likely reasons why the NCO District has not been utilized are:

1. NCO District boundaries are not designated on the Official Zoning Map.
2. The NCO district regulations are geared toward maintaining existing residences that are unique and of public interest but that do not satisfy the Historic Overlay (HO) District criteria. The purposes of the NCO district are aligned with infill development but the development standards are aligned with the Historic Overlay district, which has hindered infill development.
3. The creation of NCO Districts requires owner collaboration to develop an NCO Concept Plan, similar to a PUD Concept Plan, for the affected properties to be rezoned to NCO, as well as owner collaboration to rezone the affected properties.
4. Development in the NCO district requires Landmarks Commission approval.
5. The process is time consuming, expensive, subjective, and likely exceeds the means of many of the owners in the target neighborhoods.

Since the NCO District has not achieved its intended purposes, it would be appropriate to replace the NCO district with a new overlay district that will promote infill development in a manner that will respect the traditional flavor of the existing neighborhoods.

The Connect Abilene 2040 Comprehensive Plan prioritizes single-family residential infill in the original neighborhoods of the City to fully buildout the existing inventory of undeveloped single-family residential lots to utilize the existing infrastructure of the City and to provide affordable housing opportunities for all socio-economic classes of residents.

Proposed Amendment

Staff proposes to repeal the NCO District and to replace it with the Rebuild ABI Infill Overlay (RAI) District. The advantages of the proposed RAI regulations are:

1. Relaxed RS-6 development standards for platted lots and structures will remove the stigma of a nonconforming lot or structure and eliminate the need for one or more variances to allow development.
2. Setback averaging will provide flexibility for developers and staff allow infill development that maintain the character and continuity of the surrounding residences and neighborhoods without the need variances.
3. Regulations that would only apply to the RS-6 and MD districts for single-family detached residential development. All other RS-6 and MD district uses would continue to follow the standard development standards of the RS-6 and MD districts.
4. Showing the RAI Overlay on the Official Zoning Map will mean that owners will no longer need to rezone their property. The proposed regulations would no longer require Landmarks Commission approval.
5. Variances from the relaxed RS-6 development standards would be prohibited;
6. The NCO regulations target neighborhoods in close proximity to the CBD. The proposed regulations would apply to several other neighborhoods beyond the CBD that have similar development challenges; and
7. By eliminating the need for rezoning, variances, Landmarks Commission approval, applicants will only need to apply for a building permit for a single-family detached residence.

The following neighborhoods are proposed to be included within the RAI Overlay District:

1. Alameda Addition
2. Holiday Hills
3. Butternut/Chestnut
4. College Heights
5. Stevenson / Sancudo
6. Sears
7. North Sayles
8. Carver
9. Pasadena Heights
10. Old Town Abilene

The proposed RAI District regulations and proposed Official Zoning Map amendment are attached with this report as Exhibits B and C, respectively.

Staff Recommendation

Staff recommends **approval**.

EXHIBIT A

Section 2.3.4.3 Neighborhood Conservation Overlay (NCO) District

- (a) *Purpose.* Although each Neighborhood Conservation Overlay (NCO) District will be unique, the general purposes of creating such districts in older Abilene residential neighborhoods are described in the following:
- (1) To protect and strengthen desirable and unique physical features, design characteristics, historic characteristics, and recognized identity and charm;
 - (2) To reduce the potential for land use conflicts;
 - (3) To promote new compatible development;
 - (4) To stabilize property values;
 - (5) To provide residents and property owners with a tool for conservation of their neighborhoods;
 - (6) To promote and retain affordable housing;
 - (7) To encourage and strengthen civic pride;
 - (8) To regulate demolition; and
 - (9) To encourage harmonious and compatible redevelopment that conforms to the size, orientation and setting of the buildings of the neighborhood.
- (b) *Criteria.* An area suitable for an NCO designation would be one that has a significant number of unique homes or areas that are in the public interest to preserve, but that do not meet the criteria for the establishment of a Historic Overlay (HO) District (refer to Section 2.4.4.4 [2.3.4.4]). To be designated as an NCO District, the area must meet the following criteria:
- (1) The area must contain a minimum of one block face, meaning all the lots on one side of a block;
 - (2) The area must have been platted or developed at least twenty-five (25) years previous; and
 - (3) The area must possess one or more of the following distinctive features that create a cohesive identifiable setting, character, or association:
 - a. Scale, size, type of construction, or distinctive building materials;
 - b. Lot layouts, setbacks, street layouts, alleys or sidewalks;
 - c. Special natural or streetscape characteristics, such as creek beds, parks, gardens or street landscaping;
 - d. Land use patterns, including mixed or unique uses or activities; or
 - e. Abuts or links designated historic landmarks.
 - (4) The area must be predominantly residential in use and character.
- (c) *Applicability.* As an overlay zoning district, the NCO District is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards which are more restrictive. In the event of a conflict between the standards of the NCO District and the regulations of the underlying zoning district, the standards described herein will prevail. Regulations of the underlying zoning district not augmented or otherwise supplemented by the NCO District shall continue to apply.
- (d) *Application Procedures.*
- (1) *Who May Initiate.* A proposal for designation as an NCO District may be initiated:
 - a. At the direction of City Council; or
 - b. By City staff; or
 - c. At the request of owners representing fifty-one percent (51%) of the land area within the proposed district; or
 - d. At the request of fifty-one percent (51%) of property owners in a proposed district.

- (2) *Neighborhood Conservation Plan Required.* Following initiation for designation of an NCO District, the Planning Department shall develop supporting documentation in the form of a Neighborhood Conservation Overlay Plan for the proposed district that includes:
 - a. A map(s) indicating the boundaries, age of structures and land use of the proposed district;
 - b. Graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed district, such as identification of recognized historic structures/areas; and
 - c. Design standards for new construction, additions or alterations to the street facades of existing buildings or structures within the proposed district.
 - (3) *Neighborhood Participation.* All property owners within the proposed district shall be afforded the opportunity to participate in drafting a Neighborhood Conservation Overlay Plan that will serve as the planning basis for the applicable NCO; there will be at least one (1) neighborhood meeting for this purpose. A Neighborhood Conservation Overlay Plan shall be approved as part of the zoning amendment that creates an NCO District.
- (e) *Design Standards.*
- (1) *Neighborhood Conservation Overlay Plan as Part of the Ordinance.* A Neighborhood Conservation Overlay Plan shall be approved as part of the ordinance creating a Neighborhood Conservation Overlay District. The Plan shall include design standards for new construction or placement of any building, structure, foundation, sign, public art or outdoor apparatus or equipment (including visible utility boxes or mechanical equipment; trucks; playground equipment; or sports equipment), and any additions, alterations, relocation or rehabilitation to the street facades of existing buildings, structures, foundations, sign, public art, or outdoor apparatus or equipment.
 - (2) *Ordinary Repair & Maintenance.* The Neighborhood Conservation Overlay Plan and requisite design standards shall not apply to those activities which constitute ordinary repair and maintenance, which shall be defined for the purpose of these regulations as:
 - a. The maintenance and/or replacement of materials located on the external portion of a building or structure with materials that are the same in terms of appearance, quality, design, and color. The replacement of a sign, building, object or structure in its entirety does not constitute ordinary repair and maintenance.
 - (3) *Design Standards Required.* The design standards for the NCO District shall, at a minimum, include the following elements in order to effectively oversee the physical characteristics and features of all property within the NCO District:
 - a. Building height, number of stories;
 - b. Building size, massing (frontage, entrance location/features);
 - c. Lot size, coverage;
 - d. Front and side yard setbacks;
 - e. Off-street parking and loading requirements;
 - f. Roof line and pitch;
 - g. Paving.
 - (4) *Design Standards Optional.* In addition, the design standards may include the following elements:
 - a. Building orientation;
 - b. General site planning (primary, accessory structures);
 - c. Density;
 - d. Floor area ratio;
 - e. Signage;
 - f. Architectural style and details;
 - g. Building materials;
 - h. Garage entrance location;

- i. Size and location of windows and/or dormers;
- j. Landscaping;
- k. Fences and walls;
- l. Driveways and sidewalks;
- m. Satellite dishes, utility boxes;
- n. Street furniture;
- o. Demolition (see Subsection (e)(2) [(f)(2)] below).

(f) *Design Plan & Certificate of Appropriateness.* Following the adoption of an ordinance creating a Neighborhood Conservation Overlay District, new construction and alterations to buildings within the NCO District shall require approval of a Design Plan and issuance of a Certificate of Appropriateness, as described in the following:

- (1) No building permit shall be issued for new construction or an alteration or addition to the street facade of an existing building or structure within a designated Neighborhood Conservation District without the submission and approval of a Design Plan and the issuance of a Certificate of Appropriateness by the Landmarks Commission.
- (2) No permit shall be issued for the following specific activities within a Neighborhood Conservation District without issuance of a Certificate of Appropriateness:
 - a. Demolition;
 - b. Construction of a primary or accessory building, structure or other additions to real estate;
 - c. The addition of space to an existing primary or accessory building.
- (3) If the Landmarks Commission determines that the Design Plan is in conformance with the Neighborhood Conservation Overlay Plan adopted as part of the related NCO District, the following shall subsequently occur:
 - a. The Landmarks Commission shall approve the Design Plan;
 - b. The Landmarks Commission shall issue a Certificate of Appropriateness within thirty (30) days, certifying that the Design Plan is appropriate for completion within the NCO District;
 - c. The Building Official may issue a building permit.
- (4) If the Landmarks Commission determines that the Design Plan is not in conformance with the Neighborhood Conservation Overlay Plan adopted for the district, the Design Plan shall be denied, and the applicant shall be informed of the specific design standards that were not adequately met.
- (5) The applicant may appeal the Landmark Commission's denial to the Planning and Zoning Commission following the procedures set forth within the Historic District Overlay for such appeals, specifically within Section 2.4.4.4(i) [2.3.4.4(j)].

(g) *Designation.* The zoning designation for property located within a Neighborhood Conservation Overlay District shall consist of the overlay district symbol (NCO) as a prefix. NCO Districts shall be numbered sequentially to distinguish among different districts, such as NCO-1, NCO-2, etc. Each separate NCO District area may also include the neighborhood name in its description for further delineation, such as NCO-1 Old Town Neighborhood.

(Ord. No. 8-2010, pt. 1 (Exh. A), 4-22-10)

EXHIBIT B

Section 2.3.4.3 Rebuild ABI Infill Overlay (RAI) District

(a) **Purpose.** The purpose of the Rebuild ABI Infill Overlay (RAI) District is to provide reasonable opportunities for affordable single-family detached residential infill development, and redevelopment, in targeted established single-family residential neighborhoods without the need for variances. This district is also designed to achieve the following:

- (1) Protect the residential character of existing single-family detached residences and neighborhoods;
- (2) Maintain the historic context of established single-family neighborhoods in terms of lot area, width, depth, and building placement;
- (3) Encourage reinvestment in targeted neighborhoods that have vacant lots and cannot be developed without one or more variances;
- (4) Provide additional affordable single-family detached residential housing opportunities for all socio-economic populations of Abilene; and
- (5) Fully utilize existing utility and transportation assets to improve the functionality and efficiency of Abilene.

(b) **General Applicability.**

- (1) The requirements of this section shall only apply if the following criteria are satisfied:
 - A. The subject property shall be a lawfully platted lot;
 - B. The subject property shall be located within the boundaries of the RAI District;
 - C. The subject property shall be zoned RS-6 or MD, on which one single-family residence is proposed; and
 - D. The subject lot shall be legally non-conforming in terms of lot width, depth, area, and any other applicable development standard(s), relative to the development requirements of the RS-6 zoning district, which would require one or more variances.
- (2) The development standards set out in this district shall not apply to any accessory buildings or structures, unless expressly stated in this Section.

(c) **Infill Overlay Location.**

- (1) The locations and boundaries of the Rebuild ABI Infill Overlay District (RAI) shall be shown on the Official Zoning Map of the City of Abilene.
- (2) The boundaries of the RAI may be modified as necessary to satisfy the purposes of the RAI in accordance with the Zoning Map Amendment procedures set out in Chapter 1, Article 4, Division 1 of the Land Development Code (LDC).

(d) **Conforming Lots.**

- (1) All legally platted lots located in the Rebuild ABI Infill Overlay District that lawfully existed on the effective date of this Section are "conforming" with respect to lot width and lot areas.
- (2) The lot width and lot area requirements set out in in Table 2-12, *Rebuild ABI Infill Overlay Development Standards* apply only to the subdivision of existing lots or parcels in this district after the effective date of this Section.

(e) **Relationship to Variances.**

- (1) Compliance with the standards of this Section shall not be considered to be variances.
- (2) Variances from the alternative standards set out in Section 2.3.4.3 of the Land Development Code shall not be permitted.
- (3) Compliance with the standards set out in Section 2.3.4.3 shall not constitute grounds for a variance or deviation from the requirements of the Abilene Building Code.

(f) **Relationship to Easements, Rights-of-Way, Sight Visibility Triangles, and the Environment.** The standards of this Section shall not be construed to authorize construction of buildings, or portions of buildings, in any utility or drainage easement, public right-of-way, within a required sight visibility triangle, or within environmental hazards, such as floodways.

(g) **Development Standards.**

- (1) Development in this district shall satisfy the minimum *Infill Overlay Development Standards* set out in Table 2-12.

TABLE 2-12: Rebuild ABI Infill Overlay Development Standards

Minimum Lot Size			Minimum Building Line Setbacks (Feet)								Max. Height (Feet)	Max. Lot Coverage (%)
Area (SF)	Width (FT) ¹	Depth (FT)	Street Setback				Garage Setback (Front facing on local and collector streets)	Rear Yard	Side Yard	Corner Street Side Yard ⁴		
			Local Street	Collector Street	Arterial or Expressway with Frontage Road	Expressway Without Frontage Road						
Base RS-6 Development Standards												
6,000	60	100	15	20	30	40	20	20	6	NA	35	50
RAI Overlay RS-6 & MD Development Standards*												
4,500	45	100	15 ¹	15 ¹	20 ¹	20 ¹	15 ¹	15 ³	5 ²	10	35	70
General Note: *The RAI Overlay development standards shall only be applied to single family detached dwellings. The base RS-6 development standards of the Land Development Code shall apply to all other dwelling types and other permitted RS-6 uses.												
Table Notes: 1. Refer to Subsection (h), Alternative Street Setbacks, below. 2. Refer to Subsection (i), Alternative Interior Side Setbacks, below. 3. Refer to Subsection (j), Alternative Rear Setbacks, below. 4. For corner lots, the street setback requirements shall be applied to the "street address" front of the home. The corner street side yard requirement shall only apply to "non-addressed" side of the home.												

(h) **Alternative Street Setbacks.**

- (1) *Unenclosed Front Porches.* Unenclosed front porches and patio covers may not be located closer than ten feet (10') from the front property line, as measured from the front wall of the porch.
- (2) *Street Setback Averaging.* When infill development is proposed in an existing neighborhood, homes should be located in a manner that is consistent with the context of the surrounding residential development. Street Setback Averaging shall be used to determine the appropriate street setback, using the following criteria:
 - A. Front setbacks may be reduced to the average front setback of the existing homes on the same side of the street within the same block as a proposed new home.
 - B. If there are no existing residences in the same block and same side of the street as the proposed new home, lot averaging shall be based on the front setbacks of existing homes on the same side of the street of each adjoining block or the blocks on the

opposing side of the street in order to maintain and protect the character of the existing neighborhood.

- C. If all previous criteria are not applicable, the front setback shall be subject to the standards set out in Table 2-12.

(3) *Garage Behind Principal Building.* Front setbacks may be reduced to ten feet (10') if:

- A. The garage is detached and located at least twenty-five feet (25') behind the front property line and located behind the front façade of the principal building; or
- B. The garage is attached, but the garage door is set back at least twenty feet (20') behind the front property line of the principal building.

(i) **Alternative Interior Side Setbacks.** The following standards may be applied to interior side setbacks as an alternative to the interior side setback standards in Table 2-12, *Rebuild ABI Infill Overlay Development Standards*:

(1) Interior side setbacks may be reduced on any lot if it is demonstrated that the proposed interior side setback is within ten percent (10%) of the average actual setback of the existing homes on the same side of the same street, measured for a distance of up to five-hundred feet (500') or up to five (5) lots in either direction, whichever is less, subject to compliance with the City of Abilene's Building Code.

(2) Interior side setbacks may be reduced to three feet (3') along a side property line that abuts an adjoining property that is designated as permanent open space or that has as an easement that precludes development, provided that the said adjoining open space or easement on the adjoining lot has a minimum width of ten feet (10') wide along the entire length of the affected side property line.

(j) **Alternative Rear Setbacks.** The following standards may be applied to rear setbacks as an alternative to the rear setback standards as set out in Table 2-12, *Rebuild ABI Infill Overlay Development Standards*:

(1) *Abutting Permanent Open Space.* Rear yard setbacks that abut an adjoining property that is designated as permanent open space or as an easement that precludes development and has a minimum width of at least ten feet (10') along the entire distance of the rear property line may be reduced to ten feet (10'), unless rear setback averaging determines that the average rear setback of homes in the same block, or on adjoining blocks is more than ten feet (10'), in which case required rear setback would be the greater distance.

(2) *Double Frontage Lots.* On a double frontage lot, the street frontage that is assigned an address shall be designated as street setback (front yard), with the opposite street frontage to be designated as a rear yard with a setback that may be reduced to an average of existing residential development within five-hundred feet (500') on the same side of the proposed development.

(3) *Adjoining an Alley.* The rear setback on a lot that adjoins an alley may be reduced to an average of existing residential development within 500 feet on the same side of the proposed development.

(k) **Alternative Setback Limitations.** The application of alternative setback standards shall not be permitted if the proposed construction would result in:

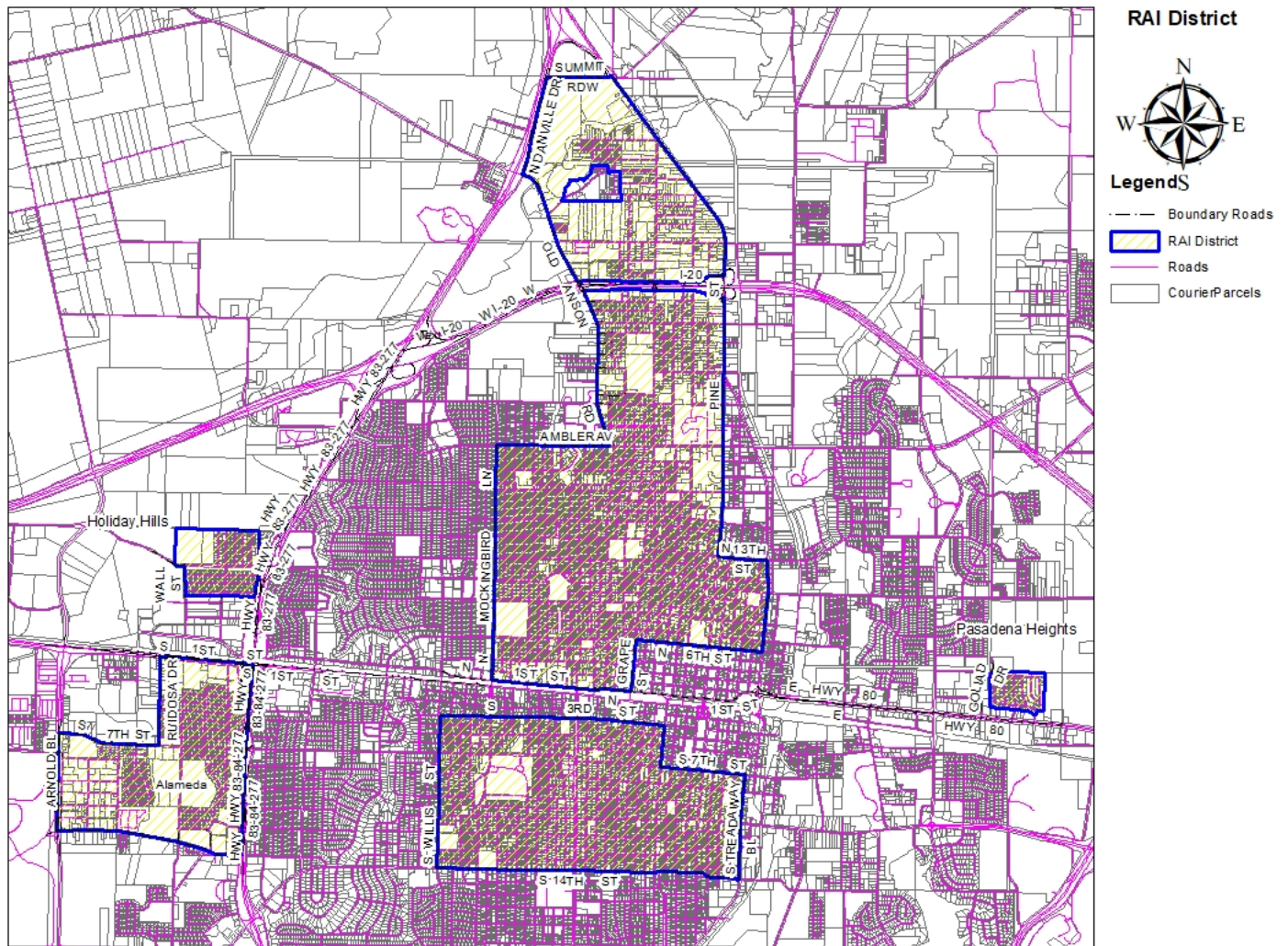
- (1) The lack of required off-street parking spaces or the ability to provide code compliant driveways to the said off-street parking spaces;
- (2) A conflict with a planned expansion of right-of-way of a scheduled project on the City of Abilene Capital Improvements Schedule, or as designated by the City of Abilene Thoroughfare Plan;

- (3) Additional non-sheet flow drainage on any surrounding property;
- (4) Any nonconformity with respect to the City of Abilene Building Code on either the lot where construction is proposed or any surrounding property; and
- (5) The inability of an adjoining undeveloped lot zoned RS-6 to be able to be built to same setback and building code requirements as the lot on which construction is proposed.

(l) **Carports.**

- (1) The minimum street side setback for carports shall be determined by applying the criteria set out in Subsection (h)(2), *Street Setback Averaging*. If the criteria set out in Subsection (h)(2) cannot be satisfied, the LDC regulations for carports shall be applicable.
- (2) The minimum corner street yard setback for carports shall be determined by applying the criteria set out in Subsection (h)(2), *Street Setback Averaging*. If the criteria set out in Subsection (h)(2) cannot be satisfied, the LDC regulations for carports shall be applicable.

EXHIBIT C



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 2 (ZONING REGULATIONS) OF THE LAND DEVELOPMENT CODE (LDC) SPECIFICALLY TO REPEAL SECTION 2.3.4.3, “NEIGHBORHOOD CONSERVATION OVERLAY (NCO) DISTRICT” AND TO REPLACE SAID SECTION WITH SECTION 2.3.4.3 “REBUILD ABILENE INFILL OVERLAY (RAI) DISTRICT”, TO FACILITATE INFILL DEVELOPMENT AND REDEVELOPMENT IN TARGETED ABILENE NEIGHBORHOODS THAT HAVE LEGALLY PLATTED NON-CONFORMING LOTS; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, the City Council finds it to be desirable to protect the residential character of existing single-family detached residences and neighborhoods, in terms of lot area, width, depth, and building placement in targeted neighborhoods; and

WHEREAS, the City Council wants to encourage and facilitate reinvestment in targeted neighborhoods that have vacant platted lots that cannot be developed without one or more variances from the Land Development Code (LDC); and

WHEREAS, the City Council wants to provide additional affordable single-family detached residential housing opportunities for all socio-economic populations of Abilene; and

WHEREAS, the City Council wants to maximize the use of existing utility and transportation assets to improve the functionality and efficiency of Abilene; and

WHEREAS, the City Council finds that the procedures required to establish an NCO District requires collective action by multiple property owners, the creation of a Neighborhood Conservation Plan, and rezoning are time consuming, burdensome, and generally not feasible for most property owners in the target neighborhoods; and

WHEREAS, the City Council, upon determining no property in the City is zoned NCO, has concluded that the NCO District has not achieved the intended purposes set out in Section 2.3.4.3(a), “Purposes”.

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

PART 1: That Chapter 2 (Zoning Regulations), Section 2.3.4.3 “Neighborhood Conservation Overlay (NCO) District”, is hereby repealed and replaced by Section 2.3.4.3 “Rebuild ABI Infill Overlay (RAI) District”, as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That the Official Zoning Map of the City of Abilene, is hereby amended to show the boundaries of the “RAI Overlay (RAI) District”, as set out in Exhibit B, attached hereto and made a part of this ordinance for all purposes.

PART 3: 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 25th day of January, 2024.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of December 2023, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 8th day of February 2024, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 8th day of February 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Section 2.3.4.3 Rebuild Abilene Infill Overlay (RAI) District

(a) **Purpose.** The purpose of the Rebuild ABI Infill Overlay (RAI) District is to provide reasonable opportunities for affordable single-family detached residential infill development, and redevelopment, in targeted established single-family residential neighborhoods without the need for variances. This district is also designed to achieve the following:

- (1) Protect the residential character of existing single-family detached residences and neighborhoods;
- (2) Maintain the historic context of established single-family neighborhoods in terms of lot area, width, depth, and building placement;
- (3) Encourage reinvestment in targeted neighborhoods that have vacant lots and cannot be developed without one or more variances;
- (4) Provide additional affordable single-family detached residential housing opportunities for all socio-economic populations of Abilene; and
- (5) Fully utilize existing utility and transportation assets to improve the functionality and efficiency of Abilene.

(b) **General Applicability.**

- (1) The requirements of this section shall only apply if the following criteria are satisfied:
 - A. The subject property shall be a lawfully platted lot;
 - B. The subject property shall be located within the boundaries of the RAI District;
 - C. The subject property shall be zoned RS-6 or MD, on which one single-family residence is proposed; and
 - D. The subject lot shall be legally non-conforming in terms of lot width, depth, area, and any other applicable development standard(s), relative to the development requirements of the RS-6 zoning district, which would require one or more variances.
- (2) The development standards set out in this district shall not apply to any accessory buildings or structures, unless expressly stated in this Section.

(c) **Infill Overlay Location.**

- (1) The locations and boundaries of the Rebuild ABI Infill Overlay District (RAI) shall be shown on the Official Zoning Map of the City of Abilene.
- (2) The boundaries of the RAI may be modified as necessary to satisfy the purposes of the RAI in accordance with the Zoning Map Amendment procedures set out in Chapter 1, Article 4, Division 1 of the Land Development Code (LDC).

(d) **Conforming Lots.**

- (1) All legally platted lots located in the Rebuild ABI Infill Overlay District that lawfully existed on the effective date of this Section are "conforming" with respect to lot width and lot areas.
- (2) The lot width and lot area requirements set out in in Table 2-12, *Rebuild ABI Infill Overlay Development Standards* apply only to the subdivision of existing lots or parcels in this district after the effective date of this Section.

(e) **Relationship to Variances.**

- (1) Compliance with the standards of this Section shall not be considered to be variances.
- (2) Variances from the alternative standards set out in Section 2.3.4.3 of the Land Development Code shall not be permitted.
- (3) Compliance with the standards set out in Section 2.3.4.3 shall not constitute grounds for a variance or deviation from the requirements of the Abilene Building Code.

(f) **Relationship to Easements, Rights-of-Way, Sight Visibility Triangles, and the Environment.** The standards of this Section shall not be construed to authorize construction of buildings, or portions of buildings, in any utility or drainage easement, public right-of-way, within a required sight visibility triangle, or within environmental hazards, such as floodways.

(g) **Development Standards.**

- (1) Development in this district shall satisfy the minimum *Infill Overlay Development Standards* set out in Table 2-12.

TABLE 2-12: Rebuild ABI Infill Overlay Development Standards

Minimum Lot Size			Minimum Building Line Setbacks (Feet)								Max. Height (Feet)	Max. Lot Coverage (%)
Area (SF)	Width (FT) ¹	Depth (FT)	Street Setback				Garage Setback (Front facing on local and collector streets)	Rear Yard	Side Yard	Corner Street Side Yard ⁴		
			Local Street	Collector Street	Arterial or Expressway with Frontage Road	Expressway Without Frontage Road						
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6,000	60	100	15	20	30	40	20	20	6	NA	35	50
RAI Overlay RS-6 & MD Development Standards*												
4,500	45	100	15 ¹	15 ¹	20 ¹	20 ¹	15 ¹	15 ³	5 ²	10	35	70
General Note: *The RAI Overlay development standards shall only be used to single family detached dwellings. The base RS-6 development standards of the Land Development Code shall apply to all other dwelling types and permitted RS-6 uses.												
Table Notes: 1. Refer to Subsection (h), Alternative Street Setbacks, below. 2. Refer to Subsection (i), Alternative Interior Side Setbacks, below. 3. Refer to Subsection (j), Alternative Rear Setbacks, below. 4. For corner lots, the street setback requirements shall be applied to the "street address" front of the home. The corner street side yard requirement shall only apply to "non-addressed" side of the home.												

(h) **Alternative Street Setbacks.**

- (1) *Unenclosed Front Porches.* Unenclosed front porches and patio covers may not be located closer than ten feet (10') from the front property line, as measured from the front wall of the porch.
- (2) *Street Setback Averaging.* When infill development is proposed in an existing neighborhood, homes should be located in a manner that is consistent with the context of the surrounding residential development. Street Setback Averaging shall be used to determine the appropriate street setback, using the following criteria:
 - A. Front setbacks may be reduced to the average front setback of the existing homes on the same side of the street within the same block as a proposed new home.
 - B. If there are no existing residences in the same block and same side of the street as the proposed new home, lot averaging shall be based on the front setbacks of existing homes on the same side of the street of each adjoining block or the blocks on the opposing side of the street in order to maintain and protect the character of the existing neighborhood.

- C. If all previous criteria are not applicable, the front setback shall be subject to the standards set out in Table 2-12.
- (3) *Garage Behind Principal Building.* Front setbacks may be reduced to ten feet (10') if:
 - A. The garage is detached and located at least twenty-five feet (25') behind the front property line and located behind the front façade of the principal building; or
 - B. The garage is attached, but the garage door is set back at least twenty feet (20') behind the front property line of the principal building.
- (i) **Alternative Interior Side Setbacks.** The following standards may be applied to interior side setbacks as an alternative to the interior side setback standards in Table 2-12, *Rebuild ABI Infill Overlay Development Standards*:
 - (1) Interior side setbacks may be reduced on any lot if it is demonstrated that the proposed interior side setback is within ten percent (10%) of the average actual setback of the existing homes on the same side of the same street, measured for a distance of up to five-hundred feet (500') or up to five (5) lots in either direction, whichever is less, subject to compliance with the City of Abilene's Building Code.
 - (2) Interior side setbacks may be reduced to three feet (3') along a side property line that abuts an adjoining property that is designated as permanent open space or that has an easement that precludes development, provided that the said adjoining open space or easement on the adjoining lot has a minimum width of ten feet (10') wide along the entire length of the affected side property line.
- (j) **Alternative Rear Setbacks.** The following standards may be applied to rear setbacks as an alternative to the rear setback standards as set out in Table 2-12, *Rebuild ABI Infill Overlay Development Standards*:
 - (1) *Abutting Permanent Open Space.* Rear yard setbacks that abut an adjoining property that is designated as permanent open space or as an easement that precludes development and has a minimum width of at least ten feet (10') along the entire distance of the rear property line may be reduced to ten feet (10'), unless rear setback averaging determines that the average rear setback of homes in the same block, or on adjoining blocks is more than ten feet (10'), in which case required rear setback would be the greater distance.
 - (2) *Double Frontage Lots.* On a double frontage lot, the street frontage that is assigned an address shall be designated as street setback (front yard), with the opposite street frontage to be designated as a rear yard with a setback that may be reduced to an average of existing residential development within five-hundred feet (500') on the same side of the proposed development.
 - (3) *Adjoining an Alley.* The rear setback on a lot that adjoins an alley may be reduced to an average of existing residential development within 500 feet on the same side of the proposed development.
- (k) **Alternative Setback Limitations.** The application of alternative setback standards shall not be permitted if the proposed construction would result in:
 - (1) The lack of required off-street parking spaces or the ability to provide code compliant driveways to the said off-street parking spaces;
 - (2) A conflict with a planned expansion of right-of-way of a scheduled project on the City of Abilene Capital Improvements Schedule, or as designated by the City of Abilene Thoroughfare Plan;
 - (3) Additional non-sheet flow drainage on any surrounding property;
 - (4) Any nonconformity with respect to the City of Abilene Building Code on either the lot where construction is proposed or any surrounding property; and

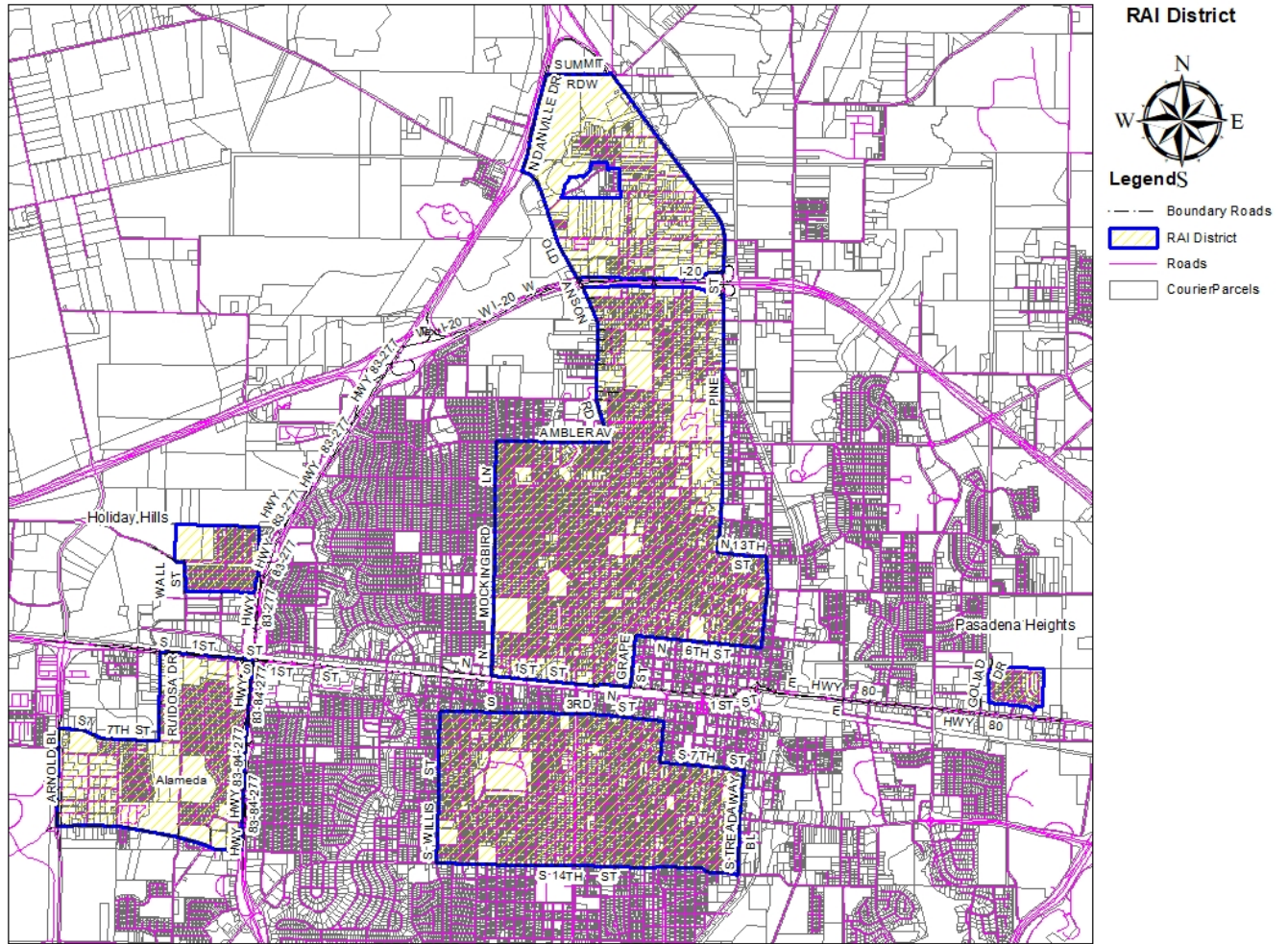
- (5) The inability of an adjoining undeveloped lot zoned RS-6 to be able to be built to same setback and building code requirements as the lot on which construction is proposed.

(l) **Carports.**

- (1) The minimum street side setback for carports shall be determined by applying the criteria set out in Subsection (h)(2), *Street Setback Averaging*. If the criteria set out in Subsection (h)(2) cannot be satisfied, the LDC regulations for carports shall be applicable.
- (2) The minimum corner street yard setback for carports shall be determined by applying the criteria set out in Subsection (h)(2), *Street Setback Averaging*. If the criteria set out in Subsection (h)(2) cannot be satisfied, the LDC regulations for carports shall be applicable.

EXHIBIT B

RAI Overlay District Boundaries



-END-



LDC TEXT AMENDMENT REQUEST

Case: OAM-2023-01 (Tabled)

Applicant: City of Abilene

Request: An amendment to repeal Sec. 2.3.4.3 Neighborhood Conservation Overlay (NCO) of the LDC and to replace it with Sec. 2.3.4.3 Rebuild ABI Infill Overlay (RAI) District and to amend the Official Zoning Map to show the location of the RAI District.

Planning & Zoning: November 7, 2023
December 5, 2023

City Council Hearing: December 21, 2023
January 11, 2023





HISTORIC BACKGROUND

Lot Characteristics	Lots Platted Before 1946	Lots Platted After 1946
Width	Narrow (30-50')	Wide (60-80')
Length	Deep (120-150')	Medium (100-110')
Area	< 5,000 SF	>6,000 SF
Setbacks	None/Variable (Pre-Zoning)	Uniform (Zoning)
Front Porch	Common	Rare
Garage/Accessibility	Rear/Alley	Front/Street

Why the Change?

1. 1926 - U.S. Supreme Court finds that zoning is a reasonable exercise of the “police powers” of the U.S. Constitution if zoning districts are created rationally based on a Comprehensive Plan.
2. 1927 – Federal “Standard State Zoning Enabling Act”.
3. 1927 – Texas “State Zoning Enabling Act is signed into law.
4. 1946 – City of Abilene adopts Ord. 205 creating the first Abilene Zoning Ordinance, which required 25’ front, 5’ side, and 20’ rear setbacks and 5,000 SF minimum lot area.
5. 1946 to Present – Mass flight to the suburbs.





HISTORIC BACKGROUND

New Zoning Ordinances were based on how cities aspired to become and did not typically address existing homes built prior to 1946 which resulted in:

- Nonconforming platted lots and structures;
- Unbuildable lots for new housing types;
- The need for variances or special exceptions to allow new development or the expansion of existing homes;
- Vacant platted lot lots, neighborhood disinvestment, and blight; and
- The need for effective regulations to break this cycle.





ZONING BACKGROUND

- In 2010, the City Council created the Neighborhood Conservation Overlay (NCO) District.
- The goals of that district were to maintain the character of neighborhoods surrounding the Central Business District and promote infill development.
- Since 2010, no property has ever been rezoned to NCO and most people aren't aware that the NCO district exists.
- The NCO district has not achieved its objectives.





NCO DISTRICT ISSUES

1. The NCO district is not designated on the Zoning Map, so each individual lot must be rezoned to NCO.
2. The NCO development standards are conducive for infill development and ignore the fact that most potential infill lots require multiple variances to be developed.
3. The following steps must be completed to do a project under the NCO district regulations:
 - Rezoning to the NCO district (2+ months)
 - Board of Adjustment approval of variances (1+ months)
 - Landmarks Commission design approval (1+months)

TOTAL: 4+ months of process





PROPOSED AMENDMENTS

1. Show the overlay district on the Official Zoning Map.
2. Include all neighborhoods where legally platted lots require multiple variances to be developed.
3. Remove the Landmarks Commission requirement.
4. Create development standards that are flexible and practical, eliminate the need for variances, and maintain the fabric of the neighborhoods.
5. Eliminate most, if not all, of the procedural requirements of the NCO district.

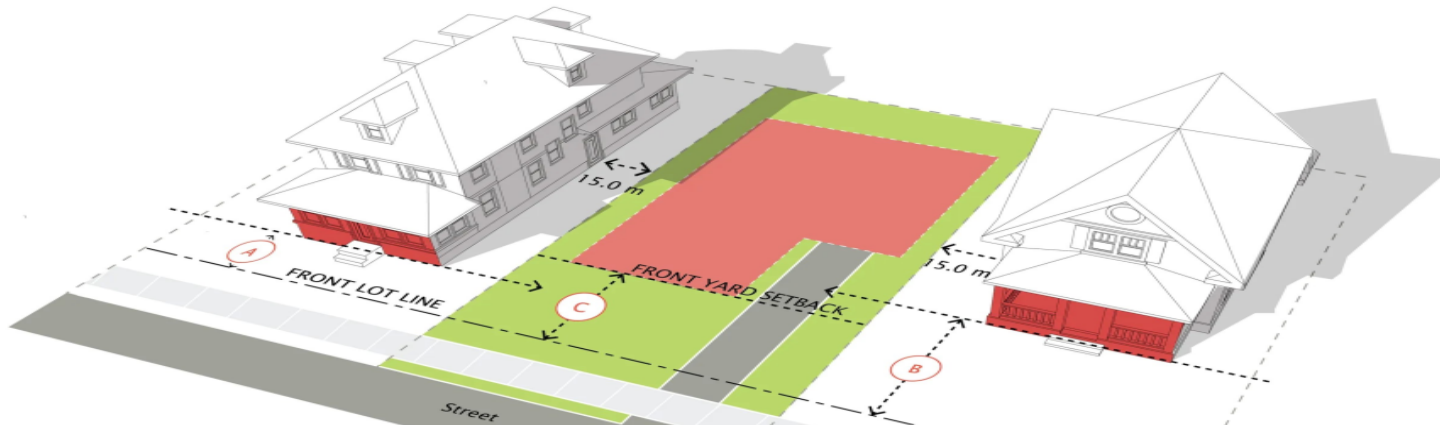
TOTAL: 0 months of process





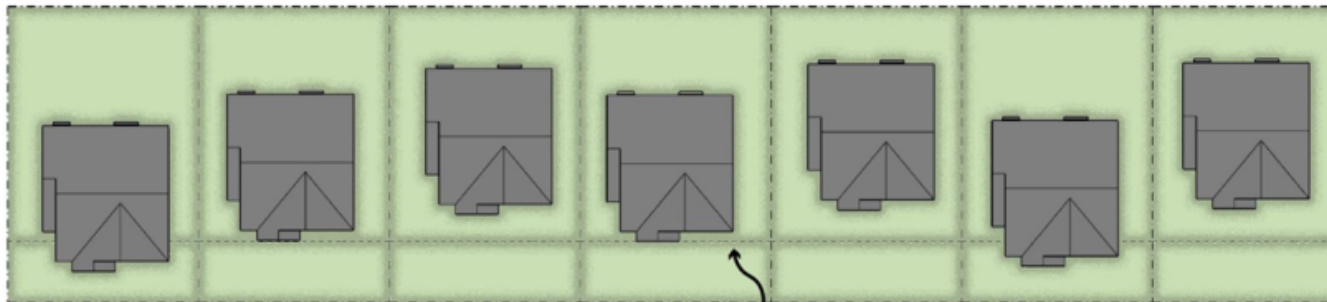
MAINTAIN NEIGHBORHOOD FABRIC

$(A + B) \div 2 = C$
C = Front Yard Setback



Setback Averaging

- Provides Flexibility;
- Maintains Neighborhood Fabric;
- Will apply to all setbacks.

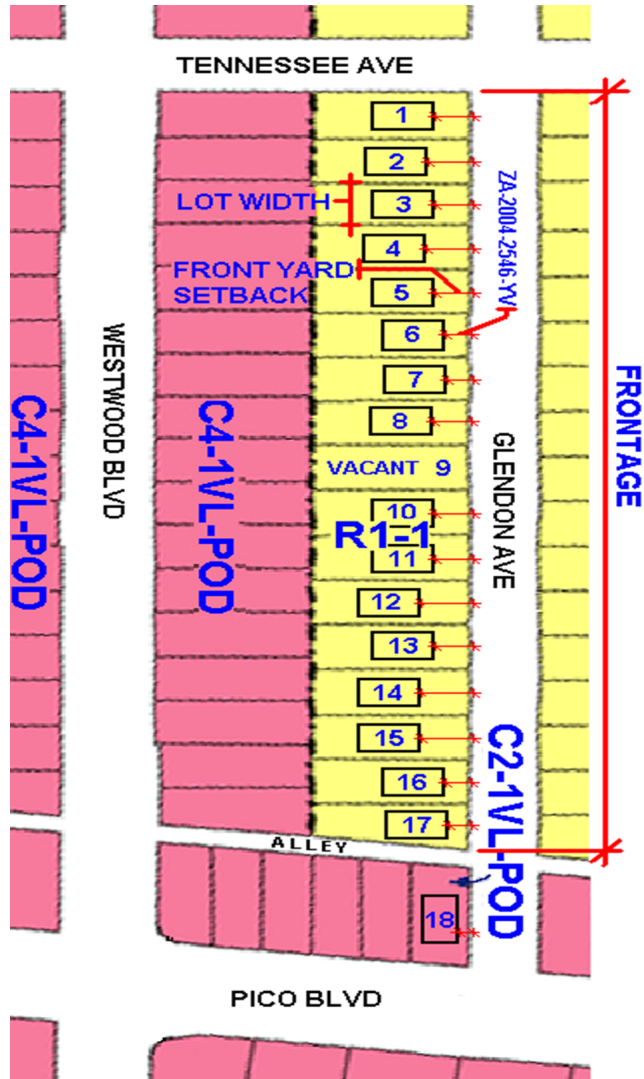


AVERAGE SETBACK LINE





MAINTAIN NEIGHBORHOOD FABRIC



Pre-1946 Abilene platted lots are deep and narrow and do not have uniform building setbacks. For that reason:

- Front yard setback averaging will be applied administratively and is not considered to be a variance.
- Setback averaging will make it possible to build on corner lots.





BIG TAKEAWAYS

1. Variances from the relaxed standards would not be permitted.
2. Lot averaging is the typical method used by cities to stimulate infill development.
3. The regulations only pertain to single-family detached residential on legally platted nonconforming lots within the RAI boundaries.





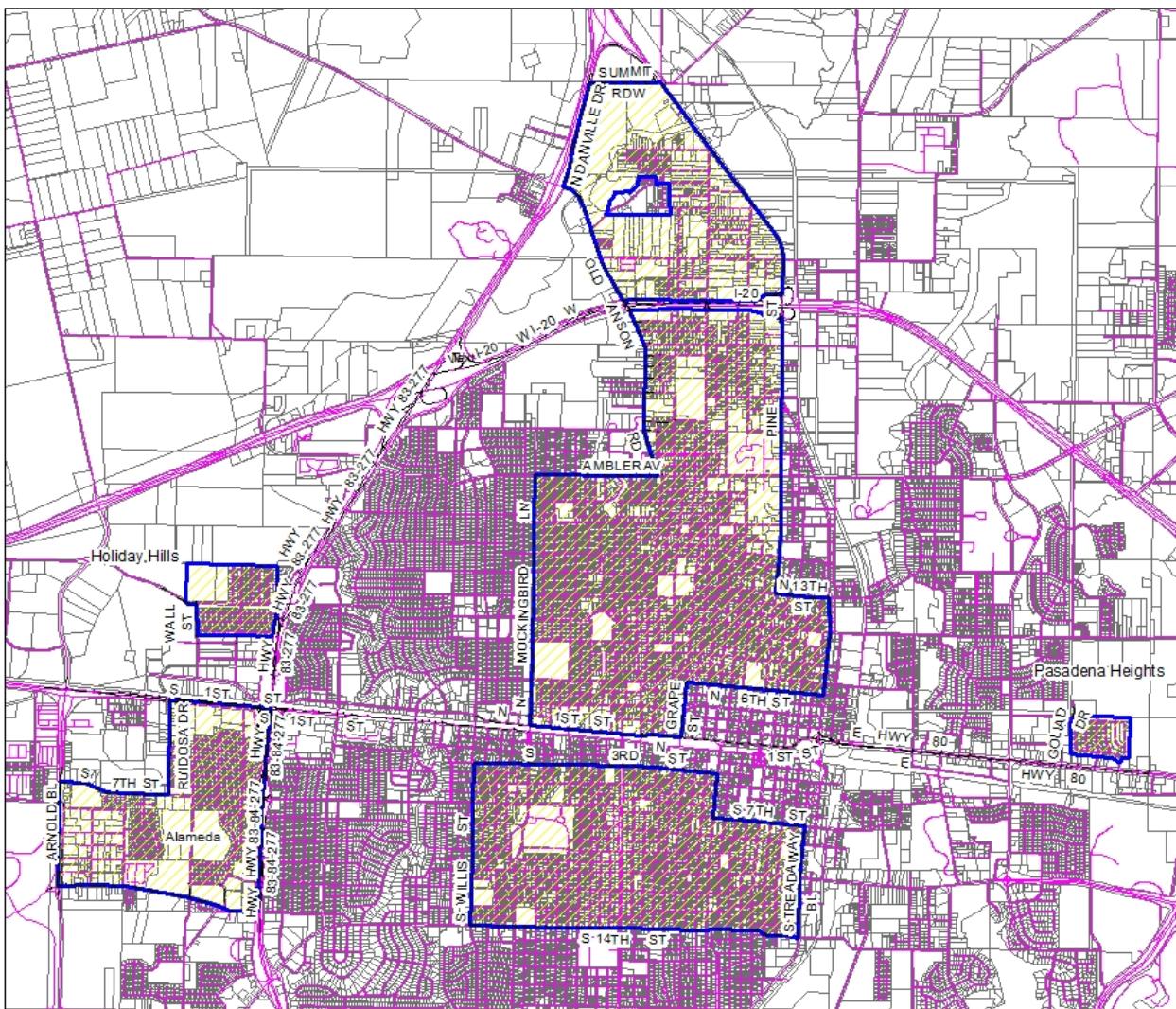
AFFECTED NEIGHBORHOODS

1. Alameda Addition
2. Holiday Hills
3. Butternut/Chestnut
4. College Heights
5. Stevenson / Sancudo
6. Sears
7. North Sayles
8. Carver
9. Pasadena Heights
10. Old Town Abilene





PROPOSED RAI OVERLAY BOUNDARIES

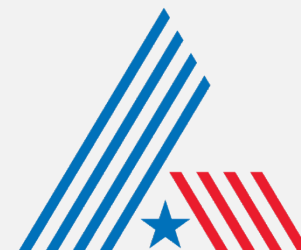


RAI District



Legend

- Boundary Roads
- RAI District
- Roads
- Courier Parcels



CITY OF
ABILENE
TEXAS



RECOMMENDATIONS

Staff Recommendation:

Approval of the proposed LDC text change and proposed amendment to the Official Zoning Map, as set out in Exhibits B and C of the staff report.





Questions?

