



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 March 5, 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 February 6, 2024

PLATS

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

2. **1124-PP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Preliminary Plat for Abilene Industrial Park Subdivision
3. **1224-FP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Final Plat for Abilene Industrial Park Subdivision Lot 1
4. **7722-FP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a final plat for Sierra Sunset Addition Continuation 1
5. **1824-FP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Fort Phantom Hill Subdivision Section 5, Block D, Lots 101-103

ZONING

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

6. **CUP-2024-02:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, Represented By Shelley Watson, To Apply A Conditional Use Permit To The Property At 2781 Beech St, Abilene, TX 79601 To Allow A Duplex. Legal Description Being Block 1 Lot 9 And 10 Of Horn & Stephens Of North Park. **(Kiley Hannah)**
7. **Z-2024-05:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, Represented By Larry Coon, To Change The Zoning Of Approximately 1.94 Acres From Single Family Residential (RS-8) To General Retail (GR). Located At 6466 Buffalo Gap Rd. Legal Description Being 1.94 Acres Out Of The WM E. Vaughn Survey 101, Abilene, Taylor County, Texas. **(Mason Teegardin)**

8. **Z-2024-06**: 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 138.26 Acres From Agricultural Open (AO) To Residential Single Family (RS-6). Located West Of Butterfield Meadows Parkway. Legal Description Being 138.26 Acres Out Of The William M. Bishop Survey No. 43, Abstract No. 18 And The John Adams Survey No. 44, Abstract No. 3, Abilene, Taylor County, Texas. **(Adam Holland)**
9. **Z-2024-07**: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, Represented By JES Development, To Amend The Terms And Conditions Of A Planned Development District (PDD-178). Specifically, To Allow The Use Of The Existing Structures Located On The East Side Of The Property For Residential And Accessory Use And To Amend The Concept Plan. Located At 309 S Pioneer Drive. Legal Description Being Elmwood West Section N, Lot 2, Abilene, Taylor County, Texas. **(Randy 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 1st day of March, 2024, at 2:35 p.m.

*Kaitlin Richardson, Deputy City
Secretary, TRMC*



Planning and Zoning Commission MINUTES

The Planning and Zoning Commission of the City of Abilene, Texas met in a Regular Meeting on February 6, 2024 at 1:30 p.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas

Commissioners Present:

Mr. Clint Rosenbaum, Chairman	Mr. Brad Benham, Chairman Pro Tem
Ms. Shawnte' Fleming	Mr. Mitch Barnett
Mr. Kevin Halliburton	Ms. Kristen Dressen-Kyker
Mr. Zach Sitzes	

Staff Present:

Mr. Michael Rice, Assistant City Manager
Mr. Randy Anderson, Assistant Director of Planning and Development Services
Ms. Kelley Messer, First Assistant City Attorney
Mr. Adam Holland, Planner II
Ms. Mason Teegardin, Planner I
Ms. Kiley Hannah, Planner I
Ms. Melissa Farr, Executive Assistant

Others Present:

Mr. Antonio Gonzales	Mr. Mark Faught	Mr. Shane McClung
Ms. Melba Burks	Mr. Russell Michel	Mr. Ryan Holmes
Mr. Jonathan Baum	Ms. Guadalupe Butler	Mr. Eric Butler

The Planning and Zoning Commission convened in a regular meeting and was called to order at 1:31 p.m.

INVOCATION

Mr. Benham delivered the invocation.

INTRODUCTION OF NEW COMMISSIONERS

New commissioners, Ms. Kyker and Mr. Sitzes, were invited to introduce themselves before the meeting began.

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.

All commissioners were in favor of approving the meeting minutes. The motion to **approve** prevailed by the following vote:

AYES: Barnett, Benham, Kyker, Halliburton, Fleming, Sitzes, Rosenbaum

NAYS: None

ELECTION OF OFFICERS

Chairman Rosenbaum nominated Ms. Shawnte Fleming to serve as Secretary for the Commission. Mr. Barnett nominated Mr. Kevin Halliburton to serve as Sergeant-at-arms.

Mr. Barnett moved to approve the nominations. Mr. Benham seconded the motion. The motion to **approve** prevailed by the following vote:

AYES: Barnett, Benham, Kyker, Halliburton, Fleming, Sitzes, Rosenbaum

NAYS: None

PLATS

0124-FP: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Caprock Ridge Section 2

**This plat was removed from the agenda.*

0224-PP: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Denali Addition Section 2

Staff recommends approval.

0324-FP: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Denali Addition Section 2A

Staff recommends approval with conditions.

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

Mr. Benham moved to **approve the plats as presented with recommended conditions.**
Mr. Halliburton seconded the motion. The motion to **approve** prevailed by the following vote:

AYES: Barnett, Benham, Kyker, Halliburton, Fleming, Sitzes, Rosenbaum

NAYS: None

ZONING

CUP-2024-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, Represented By Enprotec/Hibbs & Todd, Inc., To Apply A Conditional Use Permit To Approximately 25.44 Acres Zoned Agricultural Open (AO) To Allow For An RV Park. Located At 9017 West Lake Road. Legal Description Being 25.44 Acres Of F.Sieberman Survey #12, Abilene, Jones County, Texas.

Ms. Mason Teegardin presented this request. The applicant proposes a 60 space RV Park that includes: a dog park, playground, garden, a pool, and a butterfly observatory. The applicant proposes to develop the park in phases.

Mr. Rosenbaum opened the public hearing. Those who stepped forward to speak were: Mr. Shane McClung, Mr. Benny Wright, Mr. Dixon Bailey, Ms. Melva Burkes, Mr. Jonathan Baum, Mr. Russell Michel

Property owners within a 200-foot radius were notified of this request. There were no (0) responses received in favor nor in opposition.

STAFF RECOMMENDATION: Staff recommends approval, subject to compliance with Site Plan review requirements and the following condition:

1. The proposed RV Park shall be developed and used in accordance with the Plan of Operation and Park Rules submitted by the applicant, as shown in the proposed ordinance.

Discussion was had about notification letters. Someone stated the notification sign had been blown over by the wind.

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

AYES: Barnett, Benham, Kyker, Halliburton, Fleming, Sitzes, Rosenbaum

NAYS: None

Z-2024-03: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, Represented By Enprotec/Hibbs & Todd, Inc., To Change The Zoning Of Approximately 1.84 Acres From Residential Single Family (RS-6) To Patio Home (PH). Located At The 2500 Block Of Bel Air Drive. Legal Description Being 1.84 Acres Of Survey 85 James R Shipman, East Part Of Lot 7 Steffens & Lowden, Abilene, Taylor County, Texas.

Ms. Kiley Hannah presented this request. The subject property is an undeveloped strip of land that adjoins a residential neighborhood to the east and a Planned Development District (PD-149) that allows heavy commercial and industrial uses to the west. Residents of the neighborhood are concerned commercial uses could eventually be located on the subject property.

Mr. Rosenbaum opened the public hearing. Those who stepped forward to speak were Mr. Mark Faught and Mr. Jonathan Baum. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius were notified of this request. There were no (0) responses received in favor nor in opposition.

STAFF RECOMMENDATION: Approval

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

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

NAYS: None

ABSTAINED: Sitzes

Z-2024-04: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, Represented By Geotex Property Solutions, LLC, To Change The Zoning Of Approximately 1.28 Acres From Agricultural Open (AO) To Mobile Home (MH). Located Within The 7500 Block Of West Lake Road. Legal Description Being 1.28 Acres Out Of Section 46, Block 16, T&P RR Company Surveys, Abilene, Jones County, Texas.

Mr. Adam Holland presented this request. The subject property has remained vacant since annexation. The owner proposes to rezone the site to the Mobile/Manufactured Home zoning district. Nearby existing land uses include agricultural uses, two manufactured homes, and the Texas State Veterans Cemetery at Abilene.

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

Property owners within a 200-foot radius were notified of this request. There were no (0) responses received in favor nor in opposition.

STAFF RECOMMENDATION: Approval

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

AYES: Barnett, Benham, Kyker, Halliburton, Fleming, Sitzes, Rosenbaum

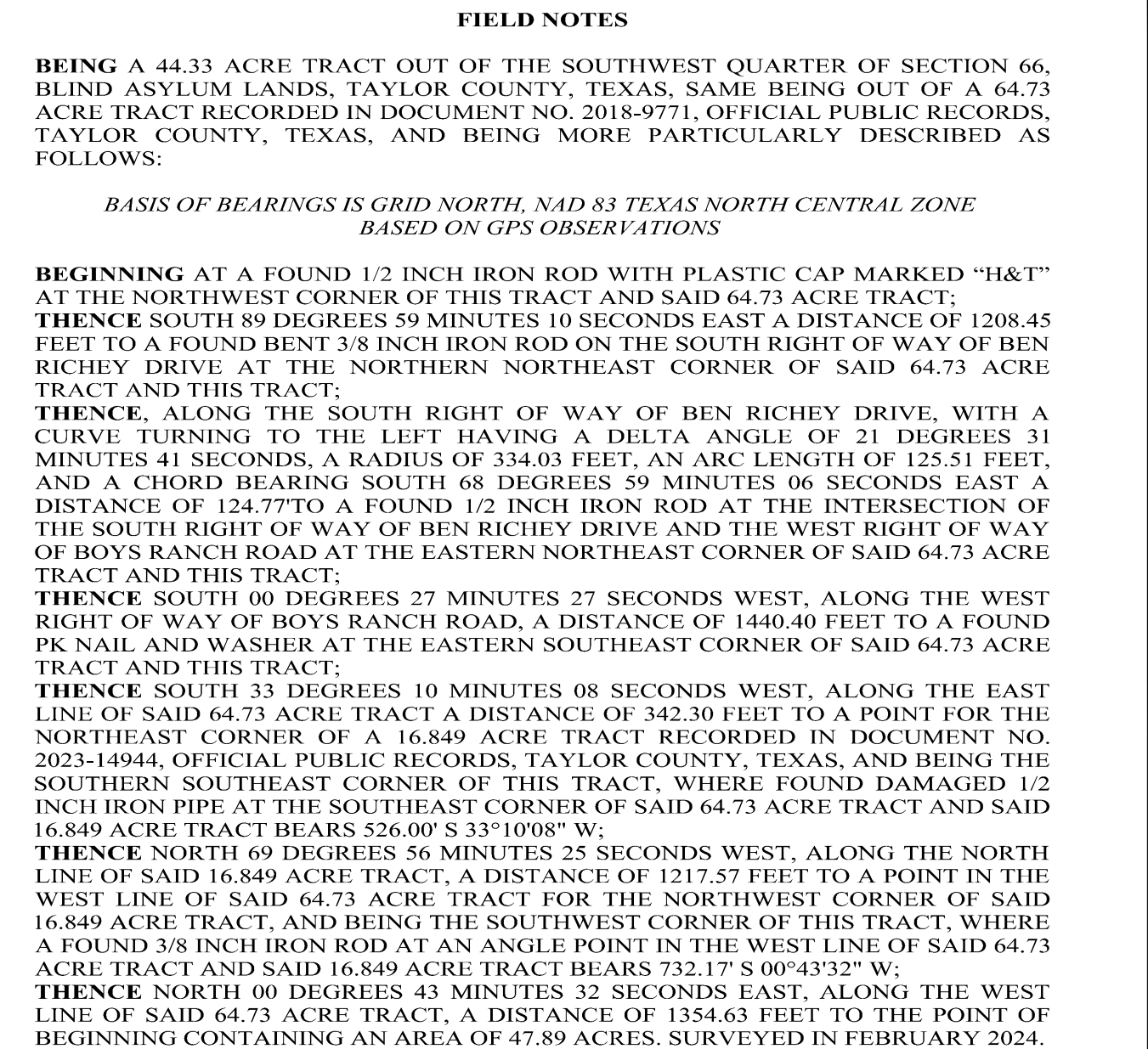
NAYS: None

ADJOURNMENT

There being no further discussion, Mr. Rosenbaum adjourned the meeting at 2:27 p.m.

APPROVED

Mr. Clint Rosenbaum, Chairman



NOTES

1. AS PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 485450, MAP NUMBER 48441C0238F MAP REVISED JANUARY 6, 2012; THIS PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD AREA.

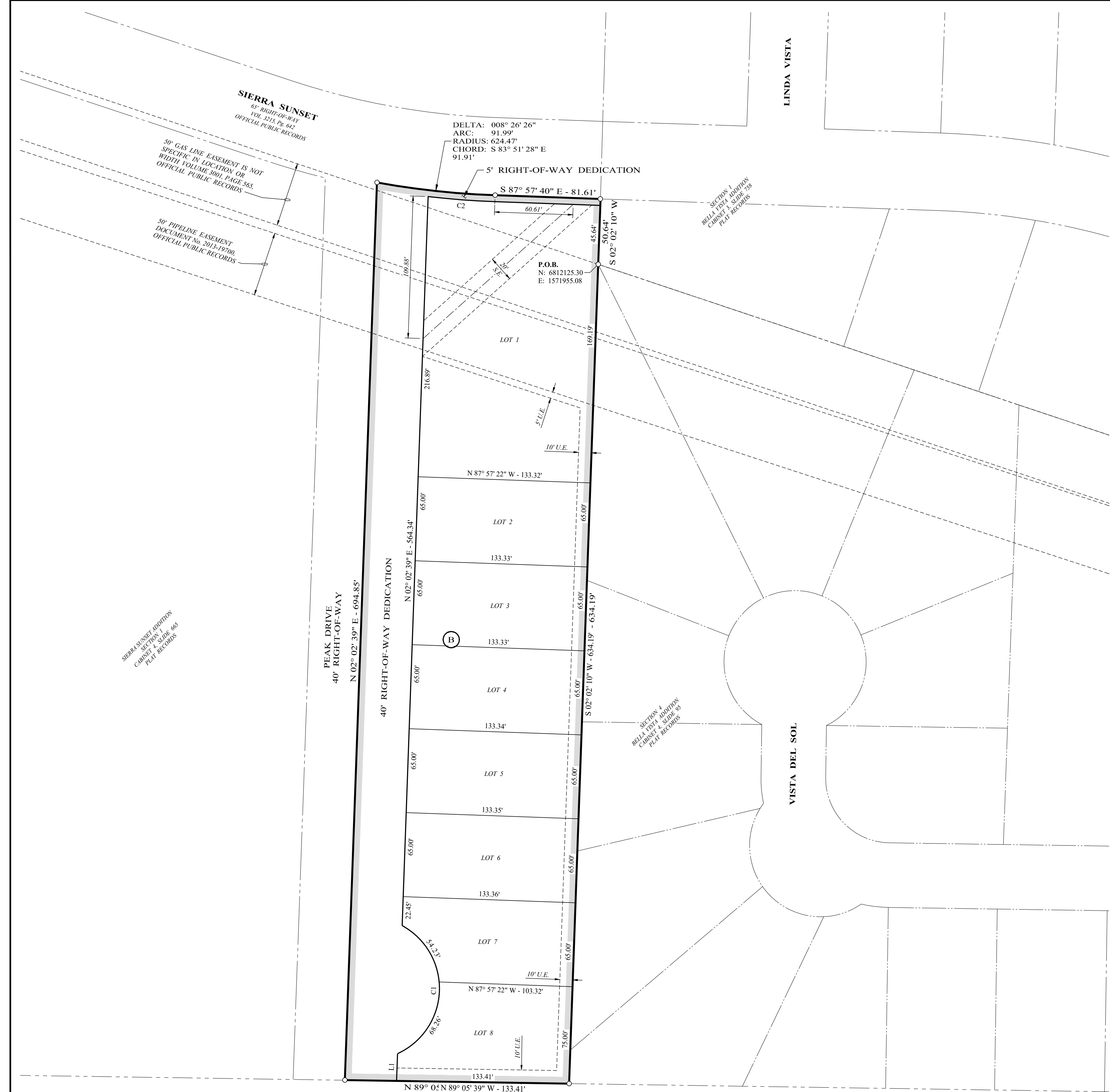
LEGEND

○	MONUMENTS AS DESCRIBED IN FIELD NOTES
—————	SUBDIVISION BOUNDARY
—————	SUBDIVISION LOT LINES
—————	ADJACENT BOUNDARY LINES
-----	EASEMENT LINES
——— ———	EXISTING WATER LINE
———S———	EXISTING SEWER LINE
-----	PROPOSED 8" C900, DR-18 PVC WATER LINE
-----	PROPOSED 6" SDR-35 PVC SEWER LINE
◆	PROPOSED FIRE HYDRANT
○	PROPOSED CLEAN OUT
●	PROPOSED MANHOLE
○ ^{WH}	EXISTING MANHOLE
A.E.	ACCESS EASEMENT
D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT

 **Enprotec | Hibbs & Todd**
402 Cedar Street • Abilene, Texas 79601 • T: (254) 698-5560 • F: (254) 698-5240 • www.eht.com
PE Firm Registration No. 1151 • PG Firm Registration No. 051013 • REC-S Firm Registration No. 1001190

**PRELIMINARY PLAT / DEVELOPMENT PLAN
ABILENE INDUSTRIAL PARK SUBDIVISION
ABILENE, TAYLOR COUNTY, TEXAS**

Page 9 of 122



OWNER:
G4 ASSETS, LLC
P.O. BOX 65467
LUBBOCK, TEXAS 79464

CONTINUATION 1
SIERRA SUNSET ADDITION
SECTION 1
ABILENE, TAYLOR COUNTY, TEXAS

FIELD NOTES

BEING CONTINUATION 1, SIERRA SUNSET ADDITION, SECTION 1, ABILENE, TAYLOR COUNTY, TEXAS, SAME BEING OUT OF THE WILLIAM VAUGHN SURVEY NO. 104, TAYLOR COUNTY, TEXAS, SAME BEING OUT OF A 16.00 ACRE TRACT RECORDED IN DOCUMENT NO. 2013-6976, 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 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "AES 4130" AT A CORNER OF THIS TRACT, SAME BEING THE POINT OF BEGINNING OF SAID 16.00 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SECTION 4, BELLA VISTA ADDITION, RECORDED IN CABINET 4, SLIDE 95, PLAT RECORDS, TAYLOR COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF SECTION 1, BELLA VISTA ADDITION, RECORDED IN CABINET 3, SLIDE 758, PLAT RECORDS, TAYLOR COUNTY, TEXAS;

THENCE SOUTH 02 DEGREES 02 MINUTES 10 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 634.19 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE SOUTHWEST CORNER OF SAID SECTION 4, AND BEING THE SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTH 89 DEGREES 05 MINUTES 39 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 16.00 ACRE TRACT, A DISTANCE OF 173.42 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE SOUTHWEST CORNER OF SAID 16.00 ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF SIERRA SUNSET ADDITION, SECTION 1, RECORDED IN CABINET 4, SLIDE 665, PLAT RECORDS, TAYLOR COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 02 DEGREES 02 MINUTES 39 SECONDS EAST, ALONG THE WEST LINE OF SAID 16.00 ACRE TRACT, A DISTANCE OF 694.85 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" ON THE SOUTH RIGHT OF WAY OF SIERRA SUNSET, RECORDED IN VOLUME 3215, PAGE 642, OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY, TEXAS, AT THE NORTHWEST CORNER OF SAID 16.00 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF SAID SIERRA SUNSET ADDITION, AND BEING THE NORTHWEST CORNER OF THIS TRACT;

THENCE, ALONG THE SOUTH RIGHT OF WAY OF SIERRA SUNSET AND THE NORTH LINE OF SAID 16.00 ACRE TRACT, WITH A CURVE TURNING TO THE LEFT HAVING A DELTA ANGLE OF 08 DEGREES 26 MINUTES 26 SECONDS, A RADIUS OF 624.47 FEET, AN ARC LENGTH OF 91.99 FEET, AND A CHORD BEARING SOUTH 83 DEGREES 51 MINUTES 28 SECONDS EAST A DISTANCE OF 91.91 TO A SET 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" FOR A CORNER OF THIS TRACT;

THENCE SOUTH 87 DEGREES 57 MINUTES 40 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY OF SIERRA SUNSET AND THE NORTH LINE OF SAID 16.00 ACRE TRACT, A DISTANCE OF 81.61 FEET TO A SET 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" ON THE WEST LINE OF SAID SECTION 1, BELLA VISTA ADDITION FOR THE NORTHEAST CORNER OF THIS TRACT, WHERE A FOUND PK NAIL WITH WASHER IN THE CENTE4R OF SIERRA SUNSET AT THE BEGINNING OF A CURVE BEARS 262.95' N 87°57'40" W AND 30.00' N 02°02'20" E;

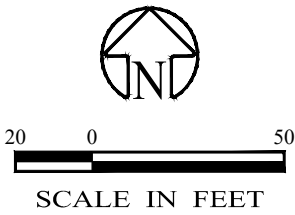
THENCE SOUTH 02 DEGREES 02 MINUTES 10 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION 1, BELLA VISTA, A DISTANCE OF 50.26 FEET TO THE POINT OF BEGINNING CONTAINING AN AREA OF 2.736 ACRES. SURVEYED ON JUNE 1, 2022.

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CHORD
C1	122.49'	55.50'	126°27'07"	N2° 02' 39"E - 99.10'
C2	51.73'	647.23'	4°34'46"	S85° 40' 17"E - 51.72'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	21.10'	N2° 02' 39"E

NOTES

- THE SUBJECT PROPERTY IS NOT LOCATED WITHIN AN AREA OF 100 YEAR FLOOD, AS INDICATED ON THE FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 485450, MAP NUMBER 48441C0331E, REVISED JANUARY 6, 2012; THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X, AREA OF MINIMAL FLOOD HAZARD.
- 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 AND ALL OF THE BLOCK CORNERS, UNLESS OTHERWISE NOTED.
- 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
- U.E. UTILITY EASEMENT
- S.E. SEWER EASEMENT

PLANNING COMMISSION	PLANNING DIRECTOR
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.	FILED WITH PLANNING DIRECTOR. CITY OF ABILENE, TEXAS
DATE	CHAIRMAN
ATTEST	SECRETARY
DATE	PLANNING DIRECTOR
DIRECTOR OF PUBLIC WORKS	COUNTY CLERK
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.	I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON
DATE	DIRECTOR OF PUBLIC WORKS
COUNTY CLERK	COUNTY, TEXAS
	DEPUTY

OWNER'S CERTIFICATE AND DEDICATION

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

CONTINUATION 1
SIERRA SUNSET ADDITION
SECTION 1
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____

OWNER

OWNER

OWNER

OWNER

ACKNOWLEDGMENT

THE STATE OF TEXAS:
COUNTY OF _____

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

PERSONALLY APPEARED

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 2.736

SCALE 1" = 50'

SMALLEST LOT 8,510 SQ FT

LARGEST LOT 27,210 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:

CONTINUATION 1
SIERRA SUNSET ADDITION
SECTION 1
ABILENE, TAYLOR COUNTY, TEXAS

SIGNATURE

10/25/2022
DATE

RILEY ELMER GRIFFITH
REGISTERED PROFESSIONAL LAND SURVEYOR



Enprotec | Hibbs & Todd
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ZONING CASE CUP-2024-02

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: March 5, 2024
City Council 1st Reading: March 28, 2024
City Council 2nd Reading: April 11, 2024

Applicant

Owner: Forrest and Jeana McMillan
Agent: Shelley Watson

Case Manager

Kiley Hannah – Planner

Request

A Conditional Use Permit to allow a duplex on a site zoned RS-6.

Location

2781 Beech St. Abilene TX.

Background

The subject property is 0.33 acres out of the Horn & Stephens of North Park Block 1 Lots 9 and 10. The existing duplex is a nonconforming use built during the 1980's. The LDC allows a duplex in the RS-6 district subject to the approval of a Conditional Use Permit. If the request is approved, a building permit will be required and all building and fire code requirements for a duplex must be met.

Existing Uses/Zoning

The surrounding properties are zoned RS-6, and CU.

Criteria Assessment

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

- 1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.**
The Future Land Use Map recommends Single Family Residential.
- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations**
The proposed use is consistent with the surrounding uses and zoning district regulations. The subject property is comprised of two lots. Each lot is permitted to have one single residence, for a total of two dwelling units. Since the two lots were combined into one building site for a duplex, resulting in a total of two dwelling units. The density of development is therefore neutral.
- 3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts,**

such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.

The use should not negatively affect the surrounding uses.

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

The proposed use will not generate more traffic as it is existing.

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

The existing use of this site as a duplex does not generate a level of traffic that adversely affects the existing road network in the vicinity of the subject site.

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

The use does generate visual impacts for the surrounding areas.

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

The use would comply with all applicable LDC requirements.

Staff Recommendation

Staff recommends **approval**.

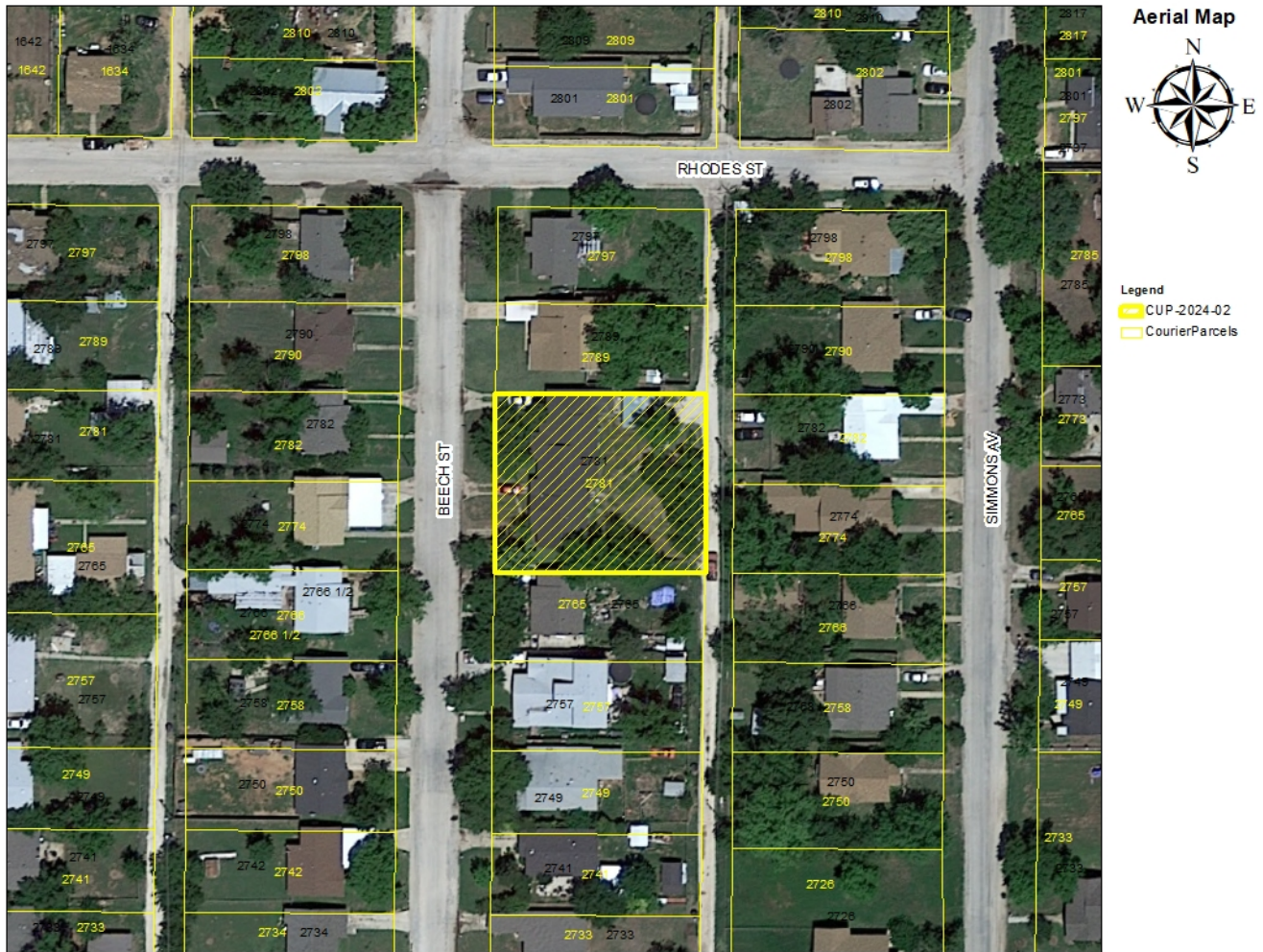
NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

OWNER	PROP_ID	SITUS	RESPONSE
SERRATO ZACARIAS &	21371	2774 BEECH ST	
RODRIQUEZ RALPH	75764	2750 SIMMONS AV	
ROGERS GLENN & GLENDA	10034	2742 BEECH ST	
WILLHELM KEVIN	21499	2766 BEECH ST	
WILLHELM KEVIN	21499	2766 1/2 BEECH ST	
WESTMORELAND DANIEL W	20974	2798 BEECH ST	
JONES RODERICK L	10146	2750 BEECH ST	
HOMEWOOD HOLDINGS LLC	21246	2782 BEECH ST	
POINDEXTER BILLIE J	19515	2798 SIMMONS AV	
HOMEWOOD HOLDINGS LLC	21113	2790 BEECH ST	
WAGGONER SAMANTHA RENEE	19762	2782 SIMMONS AV	
WILLIAMS CLARENCE & STEPHANIE	44466	2801 BEECH ST	
HOGGARD DEBRA MARLEY	75901	2749 BEECH ST	
MC MILLAN FORREST W E &	20568	2781 BEECH ST	
MONROE KYLE & ROXANNE	42426	2802 SIMMONS AV	
TULLY JOHNNY LEE	40276	2802 BEECH ST	
ORTIZ MAURO ANTONIO & CLAUDIA	20161	2758 SIMMONS AV	
NICHOLS SUE	20306	2757 BEECH ST	
BILOTTA JONATHAN MICHAEL	20700	2789 BEECH ST	
TAUTENHAHN CHERYL	20839	2797 BEECH ST	
GRAVES ETHAN J	19631	2790 SIMMONS AV	
DAVIDS LEWIS E JR	75639	2726 SIMMONS AV	
DALZELL DAVID E	21636	2758 BEECH ST	
HOMEWOOD HOLDINGS LLC	20028	2766 SIMMONS AV	
ORTEGA DIANE RANGEL	76022	2741 BEECH ST	
ORTEGA CARLOS & DELIA	20436	2765 BEECH ST	
HOMEWOOD HOLDINGS LLC	19896	2774 SIMMONS AV	

OWNER	PROP_ID	SITUS	RESPONSE
ROGERS GLENN & GLENDA	10034	2742 BEECH ST	
JONES RODERICK L	10146	2750 BEECH ST	
POINDEXTER BILLIE J	19515	2798 SIMMONS AV	
GRAVES ETHAN J	19631	2790 SIMMONS AV	
WAGGONER SAMANTHA RENEE	19762	2782 SIMMONS AV	
HOMEWOOD HOLDINGS LLC	19896	2774 SIMMONS AV	
HOMEWOOD HOLDINGS LLC	20028	2766 SIMMONS AV	
ORTIZ MAURO ANTONIO & CLAUDIA	20161	2758 SIMMONS AV	
NICHOLS SUE	20306	2757 BEECH ST	
ORTEGA CARLOS & DELIA	20436	2765 BEECH ST	
MC MILLAN FORREST W E &	20568	2781 BEECH ST	
BILOTTA JONATHAN MICHAEL	20700	2789 BEECH ST	
TAUTENHAHN CHERYL	20839	2797 BEECH ST	
WESTMORELAND DANIEL W	20974	2798 BEECH ST	
HOMEWOOD HOLDINGS LLC	21113	2790 BEECH ST	
HOMEWOOD HOLDINGS LLC	21246	2782 BEECH ST	
SERRATO ZACARIAS &	21371	2774 BEECH ST	
WILLHELM KEVIN	21499	2766 BEECH ST	
WILLHELM KEVIN	21499	2766 1/2 BEECH ST	
DALZELL DAVID E	21636	2758 BEECH ST	
TULLY JOHNNY LEE	40276	2802 BEECH ST	
MONROE KYLE & ROXANNE	42426	2802 SIMMONS AV	
WILLIAMS CLARENCE & STEPHANIE	44466	2801 BEECH ST	
DAVIDS LEWIS E JR	75639	2726 SIMMONS AV	
RODRIQUEZ RALPH	75764	2750 SIMMONS AV	
HOGGARD DEBRA MARLEY	75901	2749 BEECH ST	
ORTEGA DIANE RANGEL	76022	2741 BEECH ST	

LOCATION MAP



ZONING MAP





CONDITIONAL USE PERMIT

Case: CUP-2024-02

Agent: Shelley Watson

Request: A Conditional Use Permit to allow a duplex on a site zoned RS-6.

Location: 2781 Beech St.

Notification: 0 in Favor, 0 Opposed

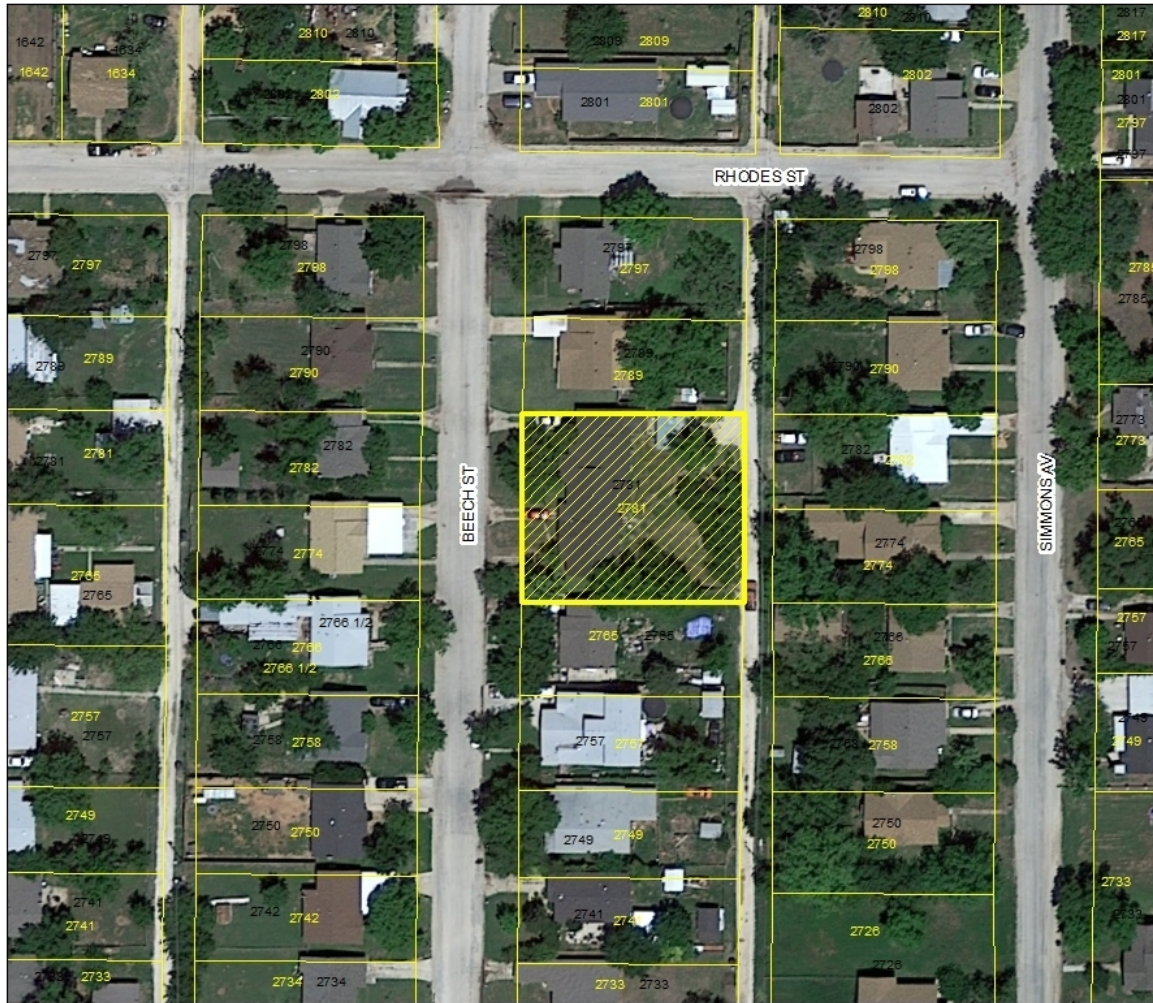
Planning & Zoning: March 5, 2024

Council Hearing: March 28, 2024
April 11, 2024





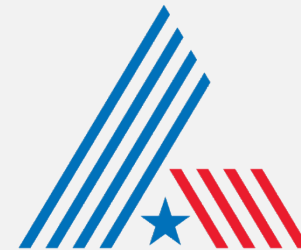
AERIAL LOCATION MAP



Aerial Map



Legend
CUP-2024-02
CourierParcels



CITY OF
ABILENE
TEXAS



ZONING MAP



Zoning Map



- Legend
- CUP-2024-02
 - Minor Arterial
 - RS-6: Residential Single-Family
 - MD: Medium Density Residential
 - CU: College/University





PERMITTED USES IN RS-6

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

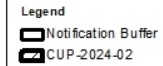
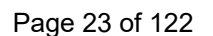
- P Petroleum or Gas Well
- P Urban Garden





VIEWS OF SUBJECT PROPERTY



0- Opposed- 



FINDINGS AND RECOMMENDATION

The request is consistent with:

- The *Comprehensive Plan*;
- The surrounding uses and zoning;
- The density of the surrounding neighborhood;
- 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 APPROVING A CONDITIONAL USE PERMIT (CUP) 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 23 of the Land Development Code of the City of Abilene, is hereby amended by approving a Conditional Use Permit (CUP) 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 28th day of March, 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 16th day of February, 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 11th day of April, 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 11th day of April, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Approve a Conditional Use Permit (CUP) on a site zoned) RS-6 to allow for a Duplex on approximately 0.33 acres.

Legal description as follows: Block 1, Lots 9 and 10 of the North Park of Horn and Stephens.

Located at 2781 Beech St. Abilene TX 79601



END

ZONING CASE Z-2024-05

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: March 5, 2024
City Council 1st Reading: March 28, 2024
City Council 2nd Reading: April 11, 2024

Applicant

Owner: Olan Bishop Powell
Agent: Paul Johnson & Associates

Case Manager

Mason Teegardin – Planner

Request

Change the zoning of approximately 1.94 acres from Single Family Residential (RS-8) to General Retail (GR).

Location

Legal description being 1.94 acres out of the WM E. Vaughn Survey 101, Abilene, Taylor County, Texas. The site is located at 6466 Buffalo Gap Road.

Background

The applicant proposes to utilize the lot for a restaurant. A residence is located on the subject site.

Zoning, Existing and Proposed Land Use

Properties to the north and east are zoned General Retail (GR). The property to the south is zoned Neighborhood Retail (NR). The property to the west is zoned Multi-Family (MF). The subject property is located within the Buffalo Gap Corridor Overlay. The western half of the subject property is partially located within the floodway.

Criteria Assessment

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

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

The proposed request is consistent with the Comprehensive Plan and 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 zoning would be appropriate as most of the lots surrounding the subject site have been developed for retail and commercial uses.

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

This property has access to all required utilities.

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

None.

Staff Recommendation

Staff recommends **approval**.

NOTIFICATIONS

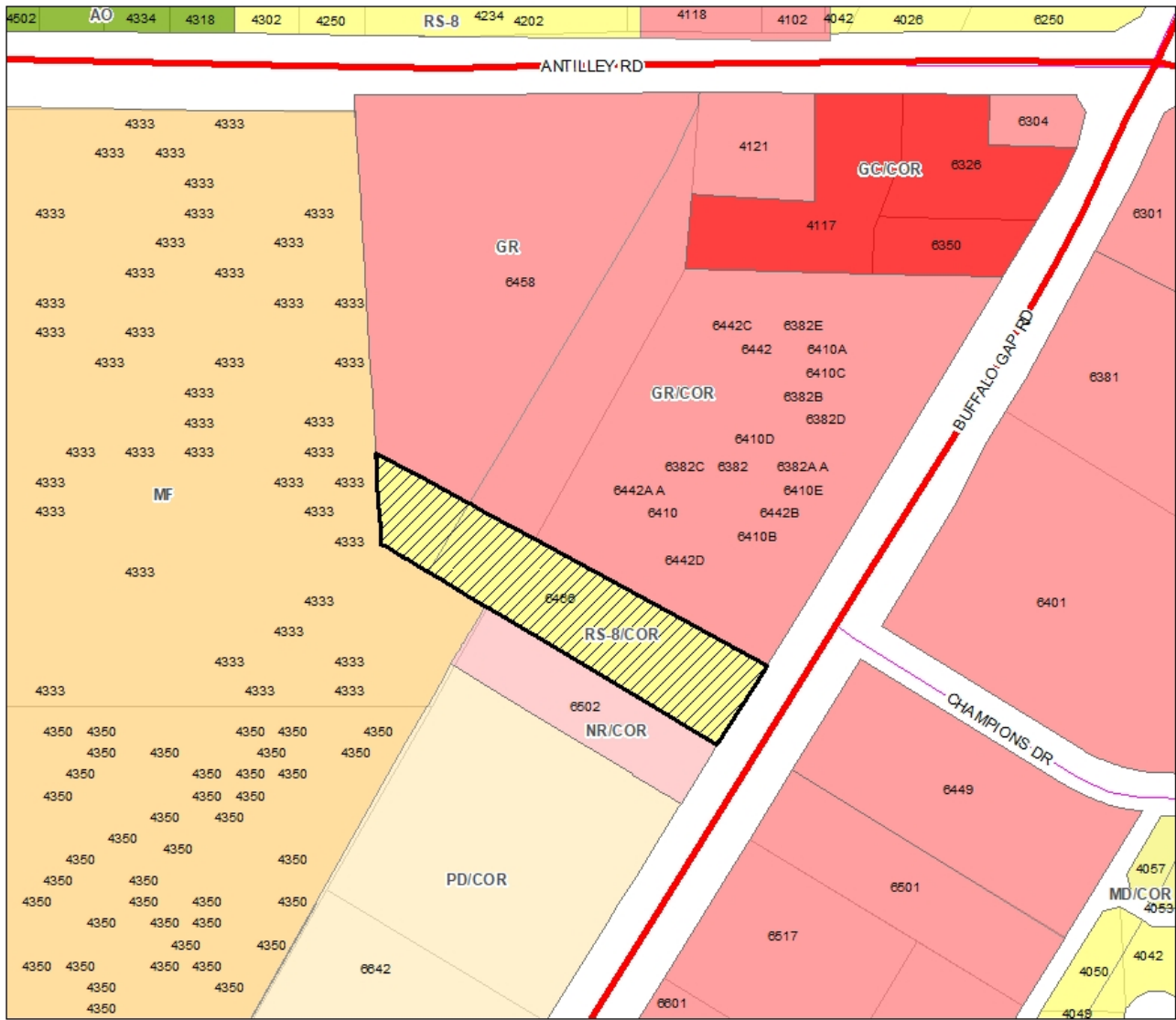
Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
POWELL OLAN BISHOP	13191	6466 BUFFALO GAP RD	
CASEY TERRY & MARY CATHRYN	13411	6458 BUFFALO GAP RD	
KEMP CYNTHIA YVETTE	94230	6502 BUFFALO GAP RD	
TIGRIS XX LTD	1014123	4350 VELTA LN	
CASEY TERRY & MARY CATHRYN	999052	6382 BUFFALO GAP RD	
TIGRIS XIII LTD	1002028	4333 ANTILLEY RD APT 2101	
	1061949		
HEB GROCERY COMPANY LP	55515	6401 BUFFALO GAP RD	
MANHAM FOODS LLC	62588	6517 BUFFALO GAP RD	
HAMIL ROBERT ELLIOTT	971947	6501 BUFFALO GAP RD	
REKG INVESTMENTS LLC	55636	6449 BUFFALO GAP RD	

This is an aerial map of a residential area, likely in a suburban or rural setting. The map displays numerous property lots, each outlined in yellow and labeled with a unique lot number. A specific lot, located in the center-right of the map, is highlighted with yellow diagonal hatching. This highlighted lot is situated between Antilley Rd to the north and Buffalo Gap Rd to the east. The lot number for this highlighted parcel is 6410B. Surrounding the highlighted lot are other lots with numbers such as 6410A, 6410C, 6410D, 6410E, 6410F, 6410G, 6410H, 6410I, 6410J, 6410K, 6410L, 6410M, 6410N, 6410O, 6410P, 6410Q, 6410R, 6410S, 6410T, 6410U, 6410V, 6410W, 6410X, 6410Y, 6410Z, 6410AA, 6410AB, 6410AC, 6410AD, 6410AE, 6410AF, 6410AG, 6410AH, 6410AI, 6410AJ, 6410AK, 6410AL, 6410AM, 6410AN, 6410AO, 6410AP, 6410AQ, 6410AR, 6410AS, 6410AT, 6410AU, 6410AV, 6410AW, 6410AX, 6410AY, 6410AZ, 6410BA, 6410BB, 6410BC, 6410BD, 6410BE, 6410BF, 6410BG, 6410BH, 6410BI, 6410BJ, 6410BK, 6410BL, 6410BM, 6410BN, 6410BO, 6410BP, 6410BQ, 6410BR, 6410BS, 6410BT, 6410BU, 6410BV, 6410BW, 6410BX, 6410BY, 6410BZ, 6410CA, 6410CB, 6410CC, 6410CD, 6410CE, 6410CF, 6410CG, 6410CH, 6410CI, 6410CJ, 6410CK, 6410CL, 6410CM, 6410CN, 6410CO, 6410CP, 6410CQ, 6410CR, 6410CS, 6410CT, 6410CU, 6410CV, 6410CW, 6410CX, 6410CY, 6410CZ, 6410DA, 6410DB, 6410DC, 6410DD, 6410DE, 6410DF, 6410DG, 6410DH, 6410DI, 6410DJ, 6410DK, 6410DL, 6410DM, 6410DN, 6410DO, 6410DP, 6410DQ, 6410DR, 6410DS, 6410DT, 6410DU, 6410DV, 6410DW, 6410DX, 6410DY, 6410DZ, 6410EA, 6410EB, 6410EC, 6410ED, 6410EE, 6410EF, 6410EG, 6410EH, 6410EI, 6410EJ, 6410EK, 6410EL, 6410EM, 6410EN, 6410EO, 6410EP, 6410EQ, 6410ER, 6410ES, 6410ET, 6410EU, 6410EV, 6410EW, 6410EX, 6410EY, 6410EZ, 6410FA, 6410FB, 6410FC, 6410FD, 6410FE, 6410FF, 6410FG, 6410FH, 6410FI, 6410FJ, 6410FK, 6410FL, 6410FM, 6410FN, 6410FO, 6410FP, 6410FQ, 6410FR, 6410FS, 6410FT, 6410FU, 6410FV, 6410FW, 6410FX, 6410FY, 6410FZ, 6410GA, 6410GB, 6410GC, 6410GD, 6410GE, 6410GF, 6410GG, 6410GH, 6410GI, 6410GJ, 6410GK, 6410GL, 6410GM, 6410GN, 6410GO, 6410GP, 6410GQ, 6410GR, 6410GS, 6410GT, 6410GU, 6410GV, 6410GW, 6410GX, 6410GY, 6410GZ, 6410HA, 6410HB, 6410HC, 6410HD, 6410HE, 6410HF, 6410HG, 6410HH, 6410HI, 6410HJ, 6410HK, 6410HL, 6410HM, 6410HN, 6410HO, 6410HP, 6410HQ, 6410HR, 6410HS, 6410HT, 6410HU, 6410HV, 6410HW, 6410HX, 6410HY, 6410HZ, 6410IA, 6410IB, 6410IC, 6410ID, 6410IE, 6410IF, 6410IG, 6410IH, 6410II, 6410IJ, 6410IK, 6410IL, 6410IM, 6410IN, 6410IO, 6410IP, 6410IQ, 6410IR, 6410IS, 6410IT, 6410IU, 6410IV, 6410IW, 6410IX, 6410IY, 6410IZ, 6410JA, 6410JB, 6410JC, 6410JD, 6410JE, 6410JF, 6410JG, 6410JH, 6410JI, 6410JJ, 6410JK, 6410JL, 6410JM, 6410JN, 6410JO, 6410JP, 6410JQ, 6410JR, 6410JS, 6410JT, 6410JU, 6410JV, 6410JW, 6410JX, 6410JY, 6410JZ, 6410KA, 6410KB, 6410KC, 6410KD, 6410KE, 6410KF, 6410KG, 6410KH, 6410KI, 6410KJ, 6410KK, 6410KL, 6410KM, 6410KN, 6410KO, 6410KP, 6410KQ, 6410KR, 6410KS, 6410KT, 6410KU, 6410KV, 6410KW, 6410KX, 6410KY, 6410KZ, 6410LA, 6410LB, 6410LC, 6410LD, 6410LE, 6410LF, 6410LG, 6410LH, 6410LI, 6410LJ, 6410LK, 6410LL, 6410LM, 6410LN, 6410LO, 6410LP, 6410LQ, 6410LR, 6410LS, 6410LT, 6410LU, 6410LV, 6410LW, 6410LX, 6410LY, 6410LZ, 6410MA, 6410MB, 6410MC, 6410MD, 6410ME, 6410MF, 6410MG, 6410MH, 6410MI, 6410MJ, 6410MK, 6410ML, 6410MM, 6410MN, 6410MO, 6410MP, 6410MQ, 6410MR, 6410MS, 6410MT, 6410MU, 6410MV, 6410MW, 6410MX, 6410MY, 6410MZ, 6410NA, 6410NB, 6410NC, 6410ND, 6410NE, 6410NF, 6410NG, 6410NH, 6410NI, 6410NJ, 6410NK, 6410NL, 6410NM, 6410NN, 6410NO, 6410NP, 6410NQ, 6410NR, 6410NS, 6410NT, 6410NU, 6410NV, 6410NW, 6410NX, 6410NY, 6410NZ, 6410OA, 6410OB, 6410OC, 6410OD, 6410OE, 6410OF, 6410OG, 6410OH, 6410OI, 6410OJ, 6410OK, 6410OL, 6410OM, 6410ON, 6410OO, 6410OP, 6410OQ, 6410OR, 6410OS, 6410OT, 6410OU, 6410OV, 6410OW, 6410OX, 6410OY, 6410OZ, 6410PA, 6410PB, 6410PC, 6410PD, 6410PE, 6410PF, 6410PG, 6410PH, 6410PI, 6410PJ, 6410PK, 6410PL, 6410PM, 6410PN, 6410PO, 6410PP, 6410PQ, 6410PR, 6410PS, 6410PT, 6410PU, 6410PV, 6410PW, 6410PX, 6410PY, 6410PZ, 6410QA, 6410QB, 6410QC, 6410QD, 6410QE, 6410QF, 6410QG, 6410QH, 6410QI, 6410QJ, 6410QK, 6410QL, 6410QM, 6410QN, 6410QO, 6410QP, 6410QQ, 6410QR, 6410QS, 6410QT, 6410QU, 6410QV, 6410QW, 6410QX, 6410QY, 6410QZ, 6410RA, 6410RB, 6410RC, 6410RD, 6410RE, 6410RF, 6410RG, 6410RH, 6410RI, 6410RJ, 6410RK, 6410RL, 6410RM, 6410RN, 6410RO, 6410RP, 6410RQ, 6410RR, 6410RS, 6410RT, 6410RU, 6410RV, 6410RW, 6410RX, 6410RY, 6410RZ, 6410SA, 6410SB, 6410SC, 6410SD, 6410SE, 6410SF, 6410SG, 6410SH, 6410SI, 6410SJ, 6410SK, 6410SL, 6410SM, 6410SN, 6410SO, 6410SP, 6410SQ, 6410SR, 6410SS, 6410ST, 6410SU, 6410SV, 6410SW, 6410SX, 6410SY, 6410SZ, 6410TA, 6410TB, 6410TC, 6410TD, 6410TE, 6410TF, 6410TG, 6410TH, 6410TI, 6410TJ, 6410TK, 6410TL, 6410TM, 6410TN, 6410TO, 6410TP, 6410TQ, 6410TR, 6410TS, 6410TT, 6410TU, 6410TV, 6410TW, 6410TX, 6410TY, 6410TZ, 6410UA, 6410UB, 6410UC, 6410UD, 6410UE, 64

☒ Z-2024-05
☐ Courier Parcels

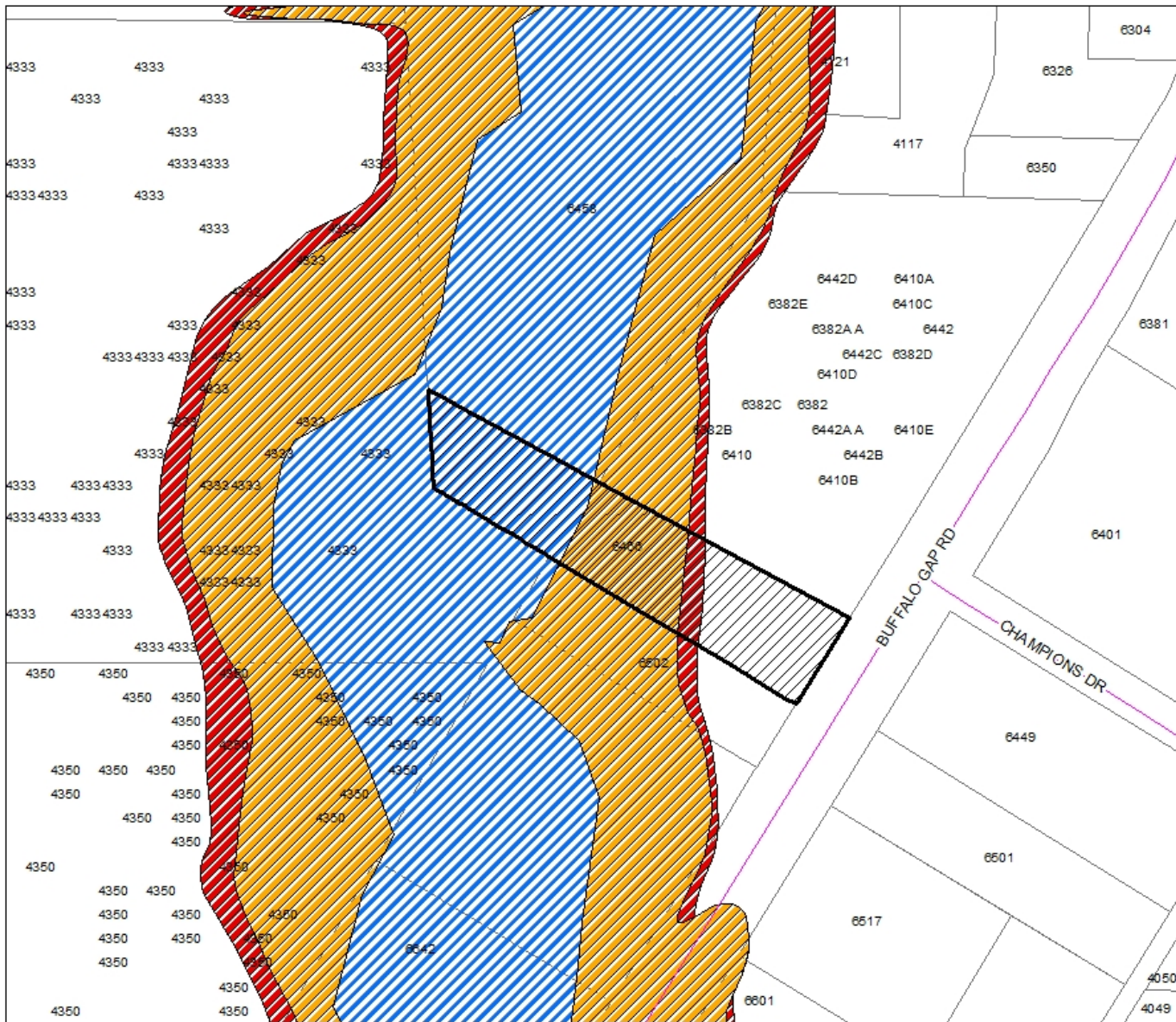
ZONING MAP



Zoning Map



FLOODWAY MAP



Floodway Map



- Legend**
- Z-2024-05
 - Flood Way
 - 100-Year Flood Zone
 - 500-Year Flood Zone



REZONE REQUEST

Case: Z-2024-05

Agent: Paul Johnson & Associates

Request: Change the zoning of approximately 1.94 acres from Single Family Residential (RS-8) to General Retail (GR).

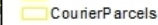
Location: 6466 Buffalo Gap Road

Notification: 0 in Favor, 0 Opposed

Planning & Zoning: March 5, 2024

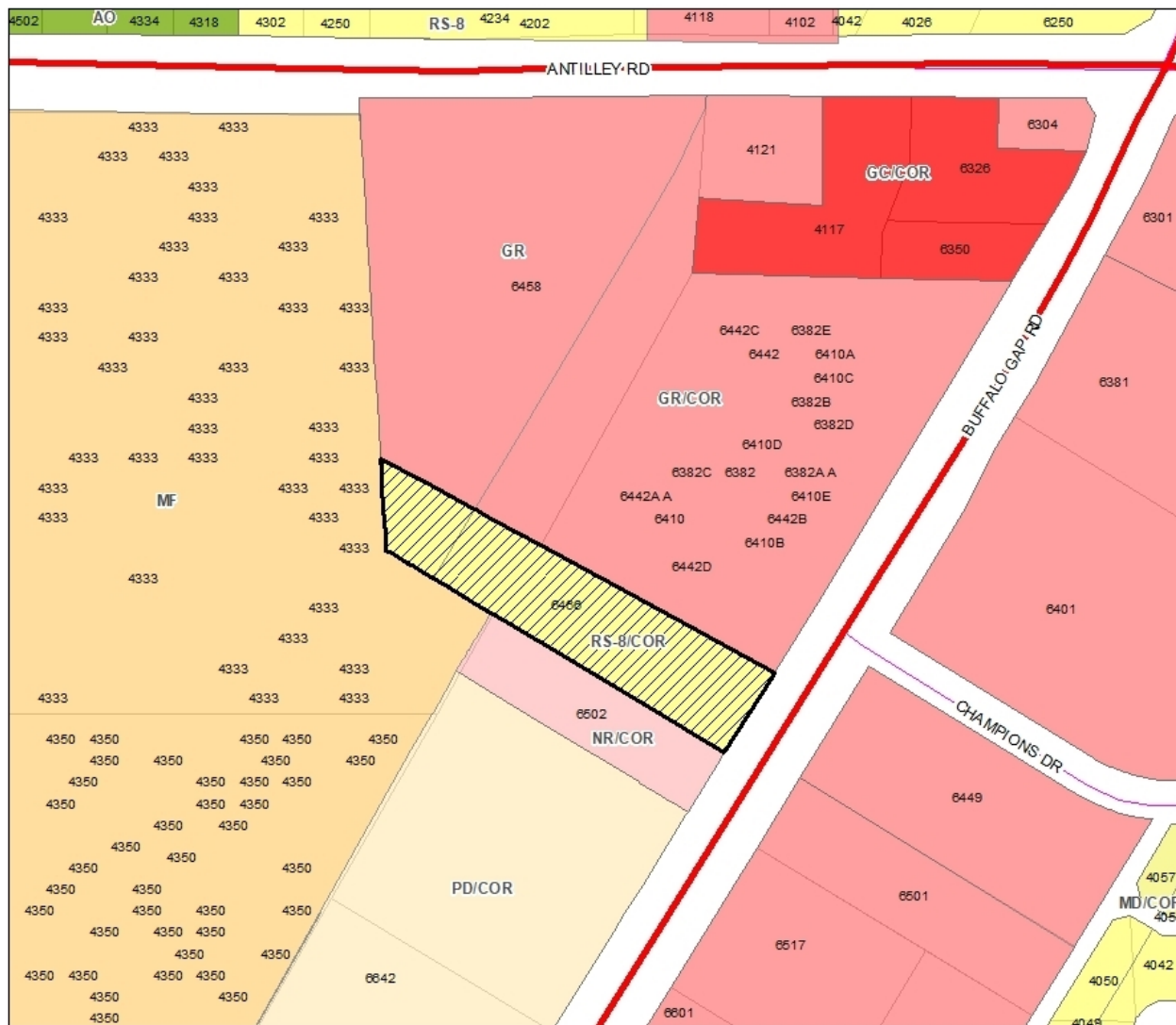
Council Hearing: March 28, 2024
April 11, 2024







ZONING MAP

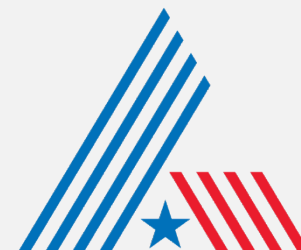


Zoning Map



Legend

- Z-2024-05
- Arterial
- AO - Agricultural Open Space
- RS-8: Residential Single-Family
- MD: Medium Density Residential
- MF: Multi-Family Residential
- NR: Neighborhood Retail
- GR: General Retail
- GC: General Commercial
- PD: Planned Development



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TEXAS



VIEWS OF PROPERTIES



Subject Property



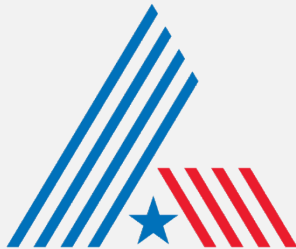
West Neighboring Property



North Neighboring Property



East Neighboring Property



CITY OF
ABILENE
T E X A S



PERMITTED USES IN RESIDENTIAL ZONING

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

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





PERMITTED USES IN GENERAL RETAIL ZONING

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

P Accessory Structure (Also see Division 4 of this article)
P Antenna, Non-Commercial/Amateur
P ATM's, Self-Serve Kiosks, and Similar Facilities
P/C Day Care Operation – Home Based
P Drive-Thru Facility
TP Field Office or Construction Office (temporary)
C Freight Container
P Fuel Sales
P Garage Sales
P Home Occupation
TP Itinerant Business
P Manufacturing (incidental)
TP Mobile Home (temporary security residence)
P Recreation Building, Multipurpose
P Recreation Equipment, Mobile (storage and parking)
P Recycling Collection Point
P Subdivision Sales Office (temporary)
P Swimming Pools, Private (accessory to residential use)
P Tennis Courts, Private (accessory to residential use)
P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

C Ambulance Service
P Fire/Police Station
P Medical/Dental Laboratory
P Post Office
C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

P/C Automobile Wash
C Funeral Home/ Mortuary/Morgue
P Kennel (Without Outdoor Pens)
P Laundry/Dry Cleaning Services & Facilities
P Office (general, professional, financial)
P Personal Services
C Printing, Copying, Reproduction, Publishing
P Repair and Maintenance Services - Automobile/Small Truck (minor)
P Repair and Maintenance Services (indoor)
C Tattoo Parlor
P Veterinary Service (small animals)

TRADE – RETAIL USES

P ATM's, Self-Serve Kiosks, and Similar Facilities
P Fuel Sales
P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
P Restaurant, Brew Pub
P Restaurant, Fast Food
P Restaurant, Standard
P Retail Sales/Rental (indoor)
C Retail Sales/Rental (outdoors, non-vehicle)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

P Petroleum or Gas Well
P Urban Garden

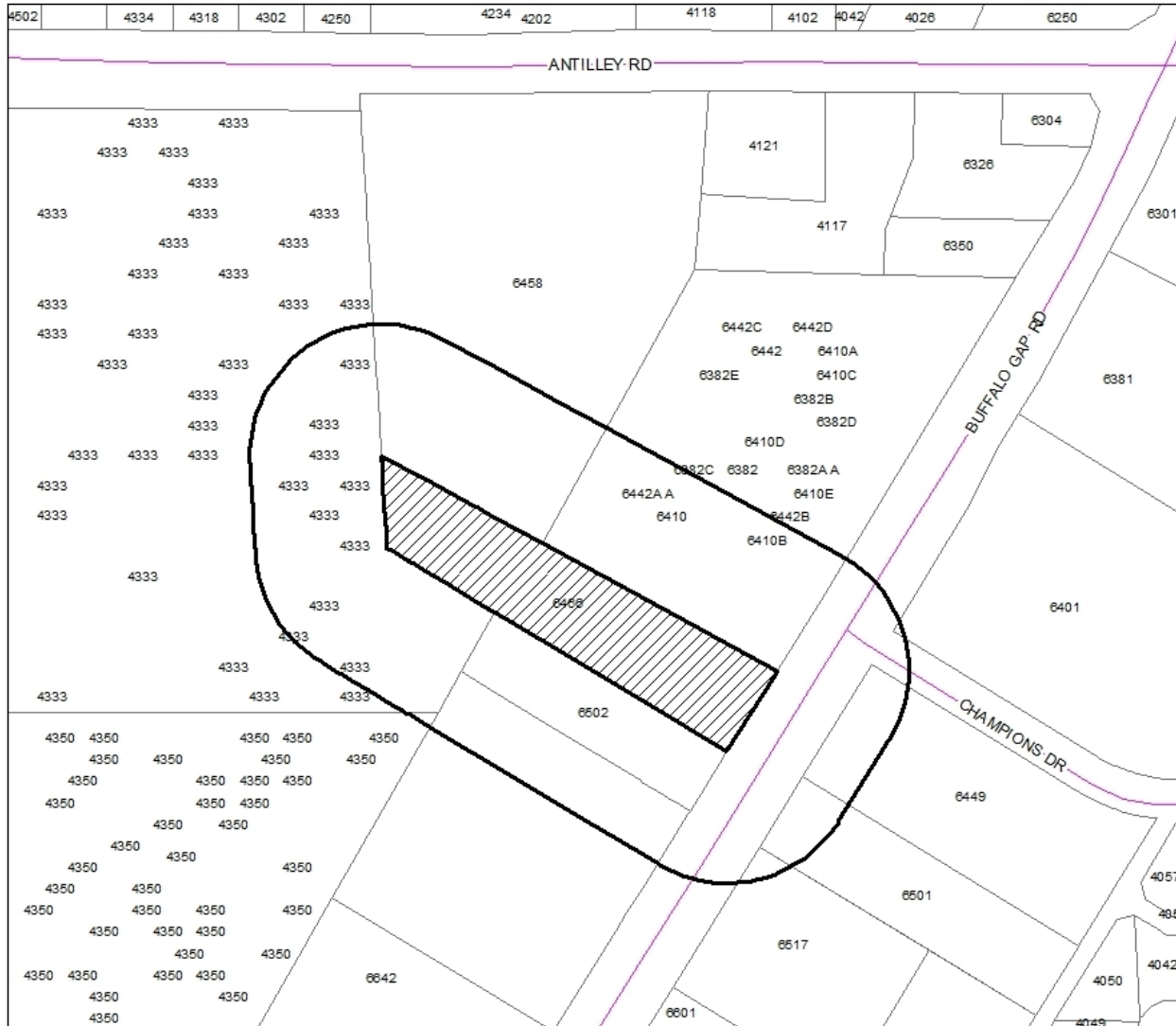
LEGEND

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





NOTIFICATION AREA MAP



Notification Map



Legend
Z-2024-05
Notification Area

0 - In Favor-
0 - Opposed-





FINDINGS AND RECOMMENDATIONS

The request is consistent with:

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





Questions?



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 28th day of March, 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 16th day of February, 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 11th day of April, 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 11th day of April, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ZONING CASE Z-2024-06

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: March 5, 2024
City Council 1st Reading: March 28, 2024
City Council 2nd Reading: April 11, 2024

Owner

Butterfield Meadows LLC

Applicant

Jacob & Martin

Case Manager

Adam Holland, Planner

Request

Rezone approximately 138.26 acres from Agricultural Open (AO) to Residential Single Family (RS-6).

Location

East of Butterfield Meadows Parkway

Background

The subject property is undeveloped and zoned AO. The owner proposes to develop the property to expand the Butterfield Meadows subdivision located to the west.

Zoning, Existing and Proposed Land Use

Current surrounding land uses include varying densities of single-family and medium density multi-family residential development. The applicant proposes to subdivide this land into conventional single-family residential (RS-6) lots.

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 request is consistent with the Comprehensive Plan and the Future Land Use Map. The Comprehensive Plan identifies a portion of the area for rezoning as parks and open space to encourage cluster developments and the conservation of open space due to the proximity of the 100-year floodplain along the east property line.

- (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 RS-6 zoning is consistent with the use of the adjoining neighborhood. Similar uses are located west and northeast of the 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.**

Adequate utilities are available to serve this site for the proposed use. Any new required extensions will be obtained through the platting process.

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

None known.

Staff Recommendation

Staff recommends **approval**.

Notification:

Legend:
O- Opposed
F- In Favor

Owner

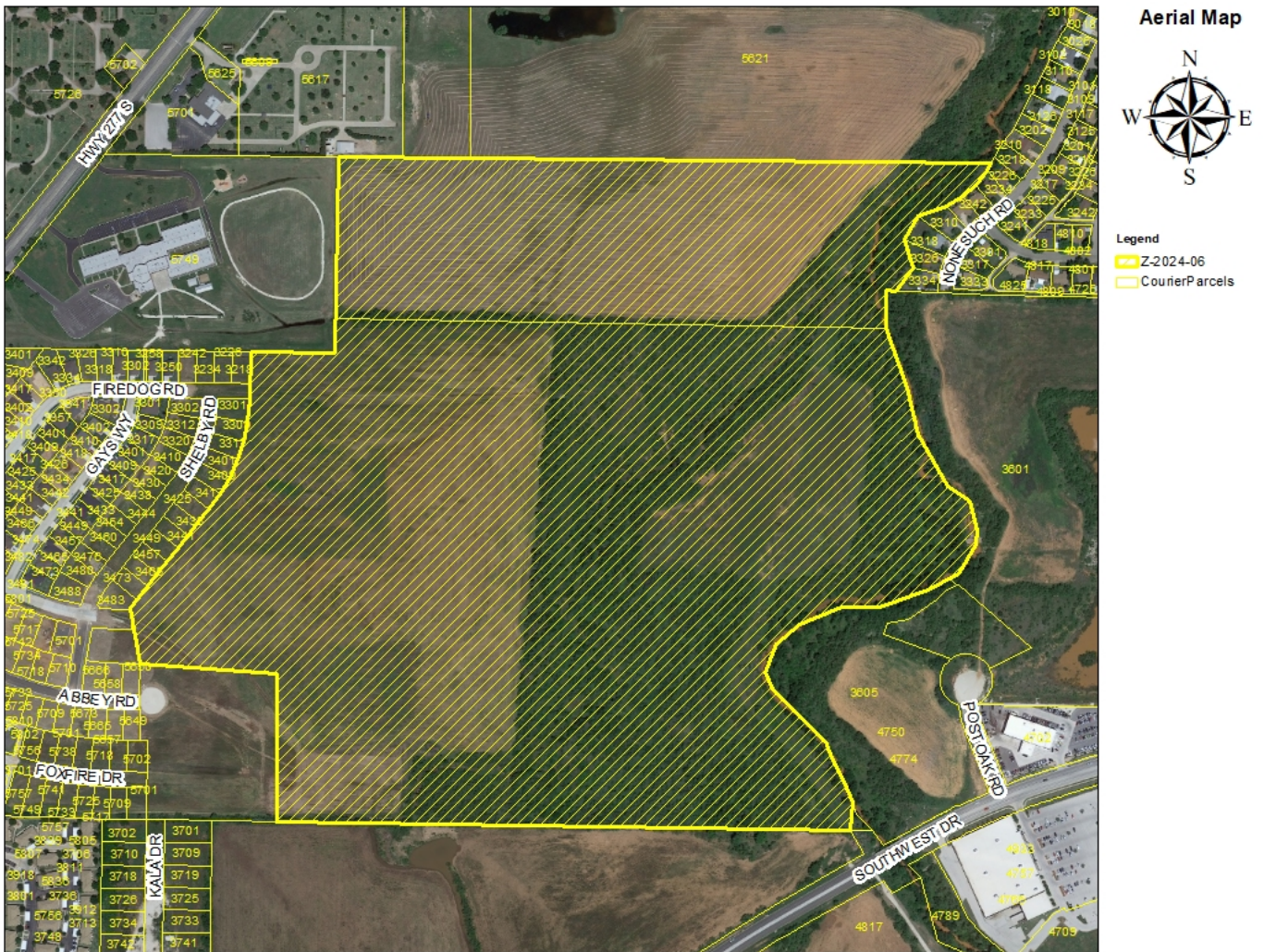
Owner	Property ID	Situs	Response
ABILENE IND SCHOOL DIST	42237	5749 HWY 277 S	
BLABUENA RUBY ANNE	10809	3301 NONESUCH RD	
BUTTERFIELD MEADOWS LLC	40726		
CHANDLER CATHY E	12154	3226 NONESUCH RD	
DIAMBRA ODI HAUHOUOT	11437	3318 NONESUCH RD	
DIRECTORS CEMETERY (TEXAS) INC	103372		
DODGCO INC	1089752		
ELM ACRES VENTURE LP	113671		
FALKOSKI STEVEN & MARILYN	12277	3218 NONESUCH RD	
GALLION DANIEL A	11602	3310 NONESUCH RD	
GRIM DAVID L & VIRGINIA R	1008078	5658 ABBEY RD	
GUTIERREZ ADOLFO JR &	11282	3326 NONESUCH RD	
HATHAWAY JASON WEST &	14038	3241 NONESUCH RD	
JACKS PROPERTIES	11042	3333 NONESUCH RD	
KAPPEL ZACHARY	11757	3250 NONESUCH RD	
KRESICH JOSHUA ANTHONY	14375	3217 NONESUCH RD	
KULYAS JAMES	11167	3334 NONESUCH RD	
MANCHA JESUS E & KARLA M	1008077	5666 ABBEY RD	
PARAMORE CORY	10926	3317 NONESUCH RD	
SMITH MAXIMILIANO	12517	3202 NONESUCH RD	
SOULAR RTS LLC SERIES Z ET AL	11899	3242 NONESUCH RD	
THOMSON ROBERT C & CRISTINA N	12033	3234 NONESUCH RD	
TORRES JAMIE ESCOBEDO JR &	1008076	5649 ABBEY RD	
TRAN NGOC V	14149	3233 NONESUCH RD	
TREVINO MELANIE KAYE	1008079	5650 ABBEY RD	
WADE BRYCE M & KATIE N	1008075	5657 ABBEY RD	
WHITE JERRY JR & EVA	12393	3210 NONESUCH RD	
WINGER CHRISTIAN LENNON	14260	3225 NONESUCH RD	

Legend:
O- Opposed
F- In Favor

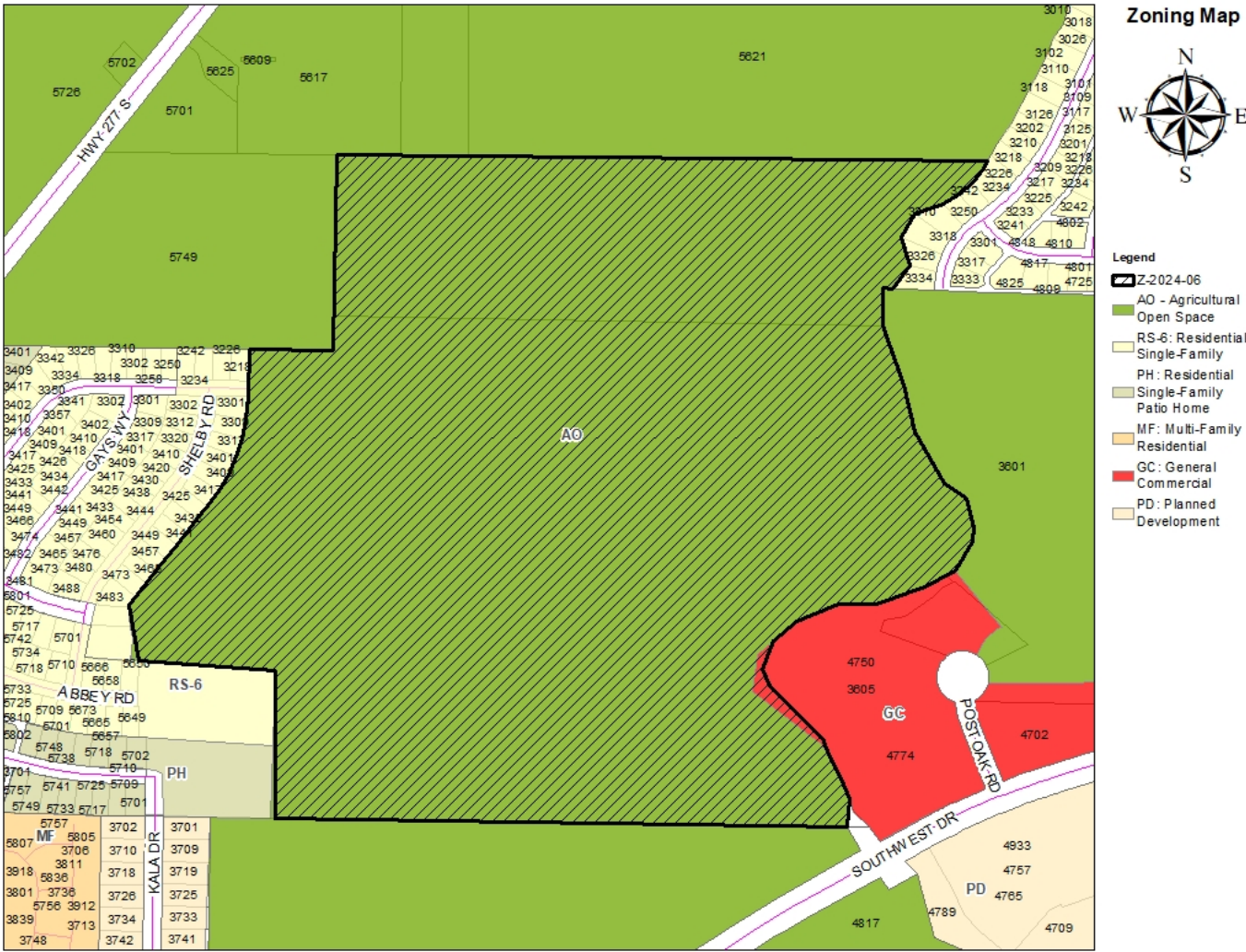
Prop_ID

Owner	Property ID	Situs	Response
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PARAMORE CORY	10926	3317 NONESUCH RD	
JACKS PROPERTIES	11042	3333 NONESUCH RD	
KULYAS JAMES	11167	3334 NONESUCH RD	
GUTIERREZ ADOLFO JR &	11282	3326 NONESUCH RD	
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DODGCO INC	1089752		

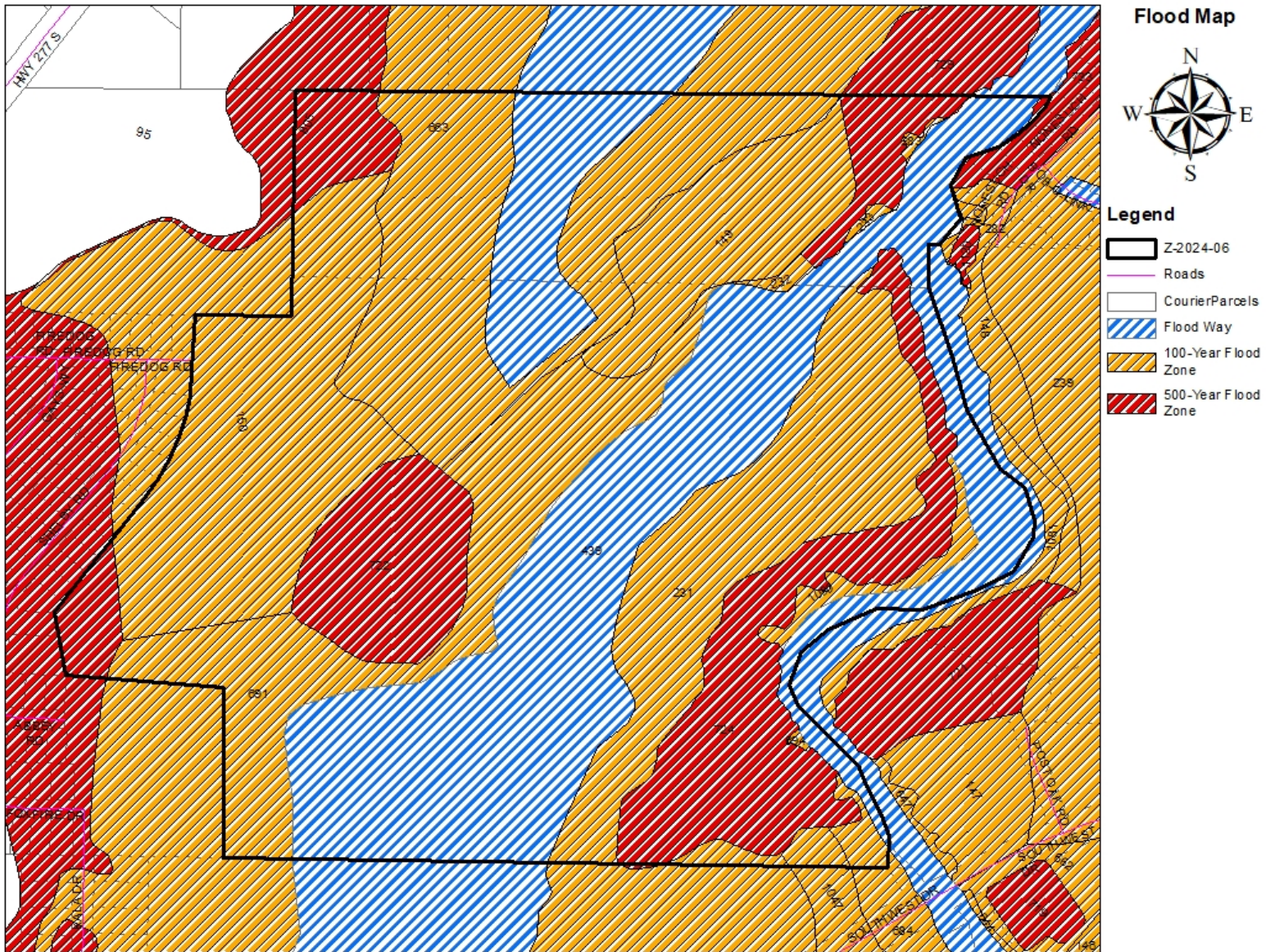
LOCATION MAP



ZONING MAP



FLOOD MAP





REZONE REQUEST

Case: Z-2024-06

Applicant: Jacob & Martin

Request: Rezoning from AO to RS-6

Location: East of Butterfield Meadows Parkway

Notification: 1 in Favor, 1 Opposed

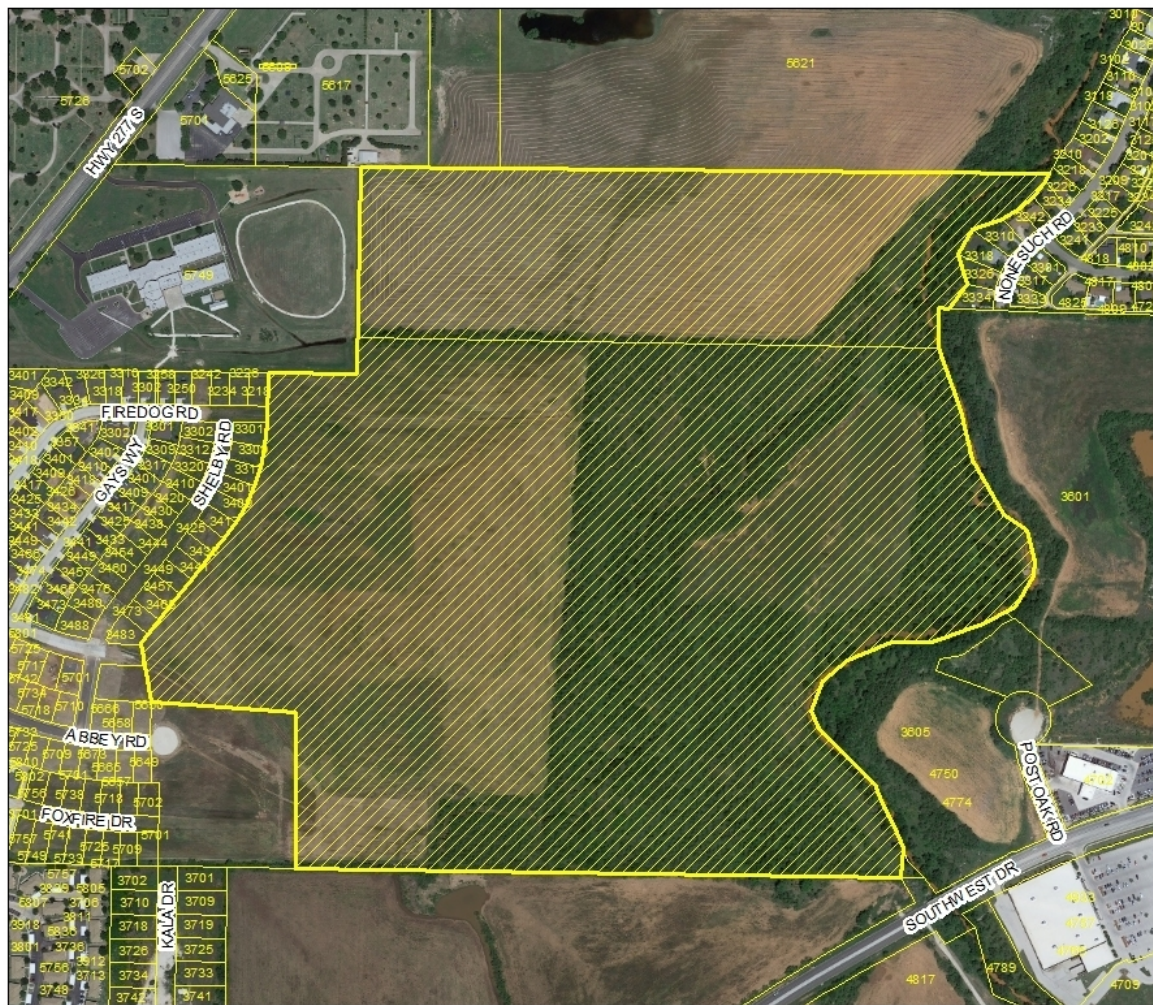
P&Z: March 5, 2024

City Council: March 28, 2024
April 11, 2024





AERIAL LOCATION MAP

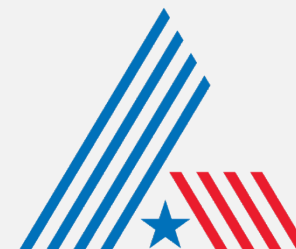


Aerial Map



Legend

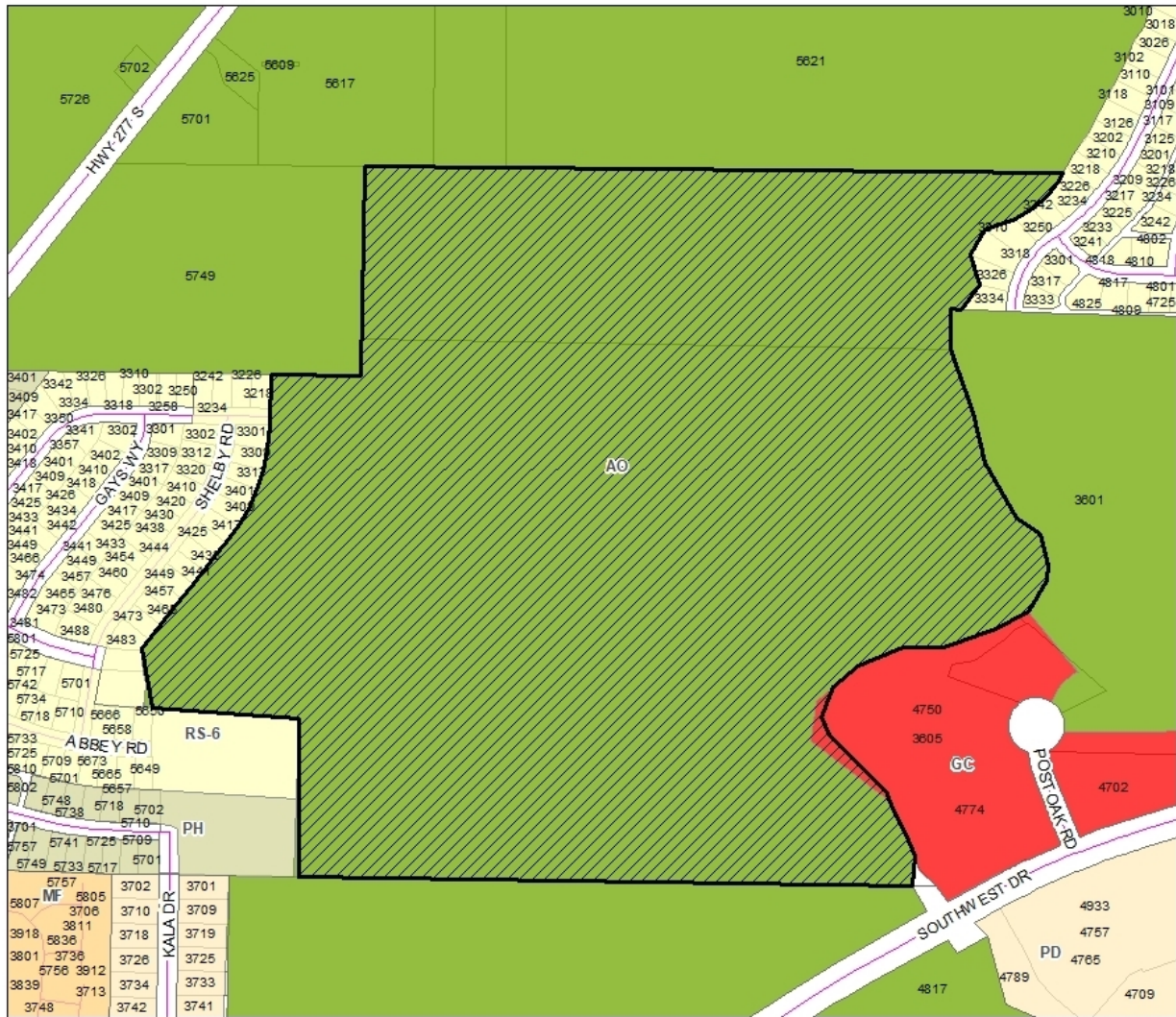
- Z-2024-06
- CourierParcels



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ZONING MAP



Zoning Map



- Legend
- Z-2024-06
 - AO - Agricultural Open Space
 - RS-6: Residential Single-Family
 - PH: Residential Single-Family Patio Home
 - MF: Multi-Family Residential
 - GC: General Commercial
 - PD: Planned Development





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 RS-6 ZONING

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

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





VIEWS OF SUBJECT PROPERTY

Subject Property



Subject Property

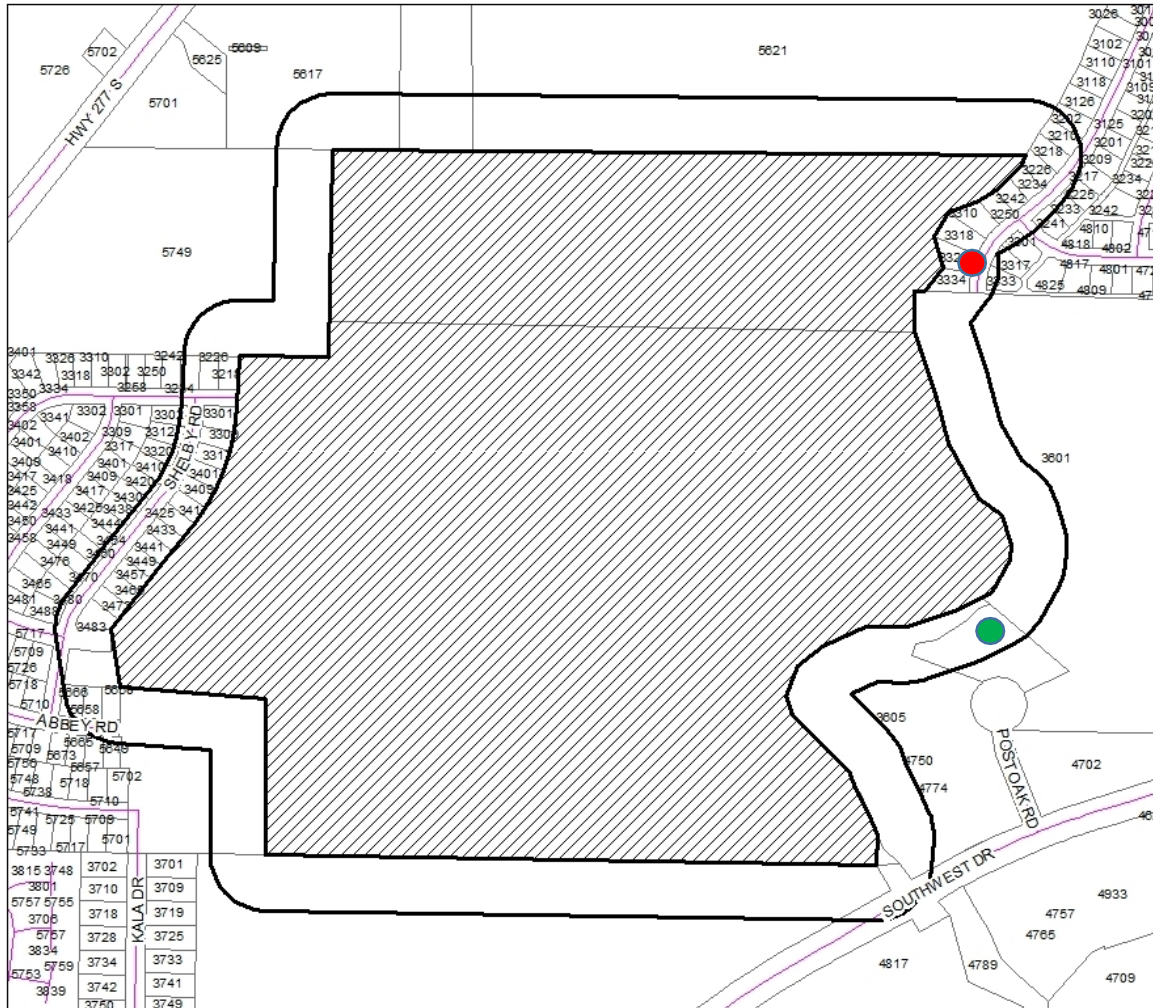


Neighboring Property





NOTIFICATION AREA MAP

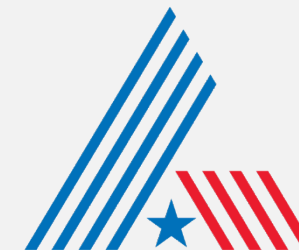


Notification Map



Legend
Z-2024-06
Notification Area

- 1- In Favor- 
- 1- Opposed- 



CITY OF
ABILENE
TEXAS



FINDINGS AND RECOMMENDATIONS

The request is consistent with:

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

Staff Recommendation: **Approval**





Questions?



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 28th day of March, 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 16th day of February, 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 11th day of April, 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 11th day of April, 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 Residential Single Family (RS-6) District:

Location: East of Butterfield Meadows Parkway

Legal description being as follows:

BEING a 138.26-acre tract of land, situated in the City of Abilene, Taylor County, Texas and being part of the William M. Bishop Survey No. 43, Abstract No. 18 and the John Adams Survey No. 44, Abstract No. 3 and being a portion of the undivided remainder of a 202.71-acre tract referred to as TRACT ONE in a Special Warranty Deed of Undivided Interest to Butterfield Meadows, LLC recorded as Instrument No. 2009-0008773, Official Public Records, Taylor County, Texas; said 138.26-acre tract being more particularly described in metes and bounds follows:

COMMENCING at a 1/2 inch iron rod (N = 6,833,382.85', E = 1,565,979.96') found on the East right-of-way line of U.S. Highway No. 277, for the southwest corner of Butterfield Meadows, Section 1, as shown on the plat thereof recorded in Plat Cabinet 4, Slide 468, Plat Records, Taylor County, Texas, and further, said iron rod marks the intersection of said right-of-way line with the occupied South line of said Adams Survey, same being the occupied North line of the Sam Ricker Survey No. 45, and further, said iron rod being the northwest corner of a City of Abilene 1.146 acre tract recorded in Volume 1733, Page 621 of the Official Public Records of Taylor County, Texas and said iron rod, and the southwest corner of said 202.71-acre tract; **THENCE** S88°43'42"E along said common, occupied survey lines and the south line of said 202.71 acre tract, at 2221.32 feet pass the southeast corner of Kala Drive, as shown on the plat of Butterfield Meadows, Section 3 recorded in Plat Cabinet 4, Slide 468 of said plat records, and continuing **a total distance of 2402.90 feet** to an angle point in said line; **THENCE** S89°04'48"E 277.09 feet, continuing along said south line of said 202.71 acre tract and said common, occupied survey lines to the **POINT OF BEGINNING** (N = 6,833,325.07', E = 1,568,659.32'), and being in the north line of a parcel referred to as Tract 1 containing 120.712 acres in a deed to Elm Acres Venture, LP., recorded in Volume 2815, Page 536 of said Official Public Records:

THENCE N00°54'23"E 590.22 feet, over and across said 202.71-acre tract to a point for an ell corner of this described tract;

THENCE N88°43'42"W, over and across said 202.71-acre tract, at 563.21 feet pass the northeast corner of Butterfield Meadows, Section 2, as shown on the plat of said Addition recorded in Plat Cabinet 4, Slide 263, Plat Records, Taylor County, Texas, and continuing along the north line of said Section 2 for **a total distance of 595.37 feet** to a point for corner;

THENCE N00°42'04"W, leaving said north line of Section 2 and heading over and across said 202.71-acre tract, at 128.59 feet pass the southeast corner of Butterfield Meadows Parkway as shown on the plat of Butterfield Meadows, Section 5 recorded in Plat Cabinet 4, Slide 728 of said plat records, and continuing along the east line of said Butterfield Meadows Parkway for **a total distance of 208.59 feet** to the northeasterly corner thereof, same being the southeasterly corner of Lot 1, Block G of said Section 5 as shown on said plat thereof;

ORDINANCE NO. _____

THENCE along the easterly line of said Section 5, same being the westerly line of this described tract, the following calls:

- N36°23'25"E 106.38 feet to an angle point;
- N38°38'47"E 381.15 feet to the beginning of a curve to the left which is concave to the northwest and having a radius of 696.00 feet, a delta angle of 37°13'07", an arc length of 452.11 feet, and subtended by a chord with a bearing and distance of N20°02'13"E 444.21 feet;
- Northeasterly along said curve to the left, said arc length of 452.11 feet to the end of said curve;
- N00°56'14"E 180.79 feet to a point in the south line of Lot 1, Block A of the Coffield Addition to Abilene, Taylor County, Texas as shown on the plat thereof recorded in Plat Cabinet 3, Slide 43, Plat Records, Taylor County, Texas; and said addition also known as a called 20.00-acre tract described in a deed to the Abilene Independent School District recorded in Volume 1775, Page 426 of said Official Public Records;

THENCE S89°03'33"E 320.23 feet with the general course of a chain-linked fence and said South line of said Lot 1, Block A to a 1/2 inch iron rod with plastic cap stamped "J&M 4247" set for the southeast corner of said Lot 1, Block A and for an interior corner of this described tract;

THENCE N00°56'41"E 739.86 feet with the general course of a chain-linked fence and the east line of said Lot 1, Block A to a 1/2 inch iron rod with cap stamped "J&M" set at the northeast corner thereof and on the south line of Lot 101, Block A, Elliott Hamil Garden of Memories Addition to said City of Abilene, the plat thereof recorded in Plat Cabinet 3, Slide 279 of said Plat Records, Taylor County, Texas and said iron rod further being the most easterly northwest corner of this described tract;

THENCE S89°10'10"E with the general course of a fence and the south lines, respectively, of said Lot 101, Block A of said Elliot Hamil Garden of Memories Addition and then of a 43.259-acre tract described in a deed to Directors Cemetery, Inc. recorded in Volume 2129, Page 655 of said Official Public Records, said line further being the most easterly North line of this tract, at 2154.96 feet pass a found 1/2 inch iron rod, at 2197.26 feet pass a 1/2 inch iron rod with cap stamped "J&M" set for reference on the high bank of Elm Creek, and continuing **a total distance of 2387.83 feet** to a point in the centerline of said Elm Creek being the Southeast corner of said 43.259-acre tract, said centerline further being the east line of said William Bishop Survey, and the west line of both the L. Beason Survey No. 94 and of Section 3 of the Wyndrock Addition to said City of Abilene, the plat thereof recorded in Plat Cabinet 2, Slide 33B of said Plat Records, Taylor County, Texas;

THENCE with said centerline of Elm Creek, same being the east lines of said Bishop Survey and said Adams Survey, respectively, and the West lines of said L. Beason Survey, the John C. Donley Survey 95, Abstract No. 466 and the J.E. Sheppard Survey No. 96, Abstract No. 243, respectively, same also being the east line of said original 202.71-acre tract and the west lines, respectively, of said Wyndrock Addition, Section 3 and of a 104 acre tract referred to as Tract 2 in a deed to the Kickapoo Land Company recorded in Volume 1551, Page 823 of said Deed Records, the following calls:

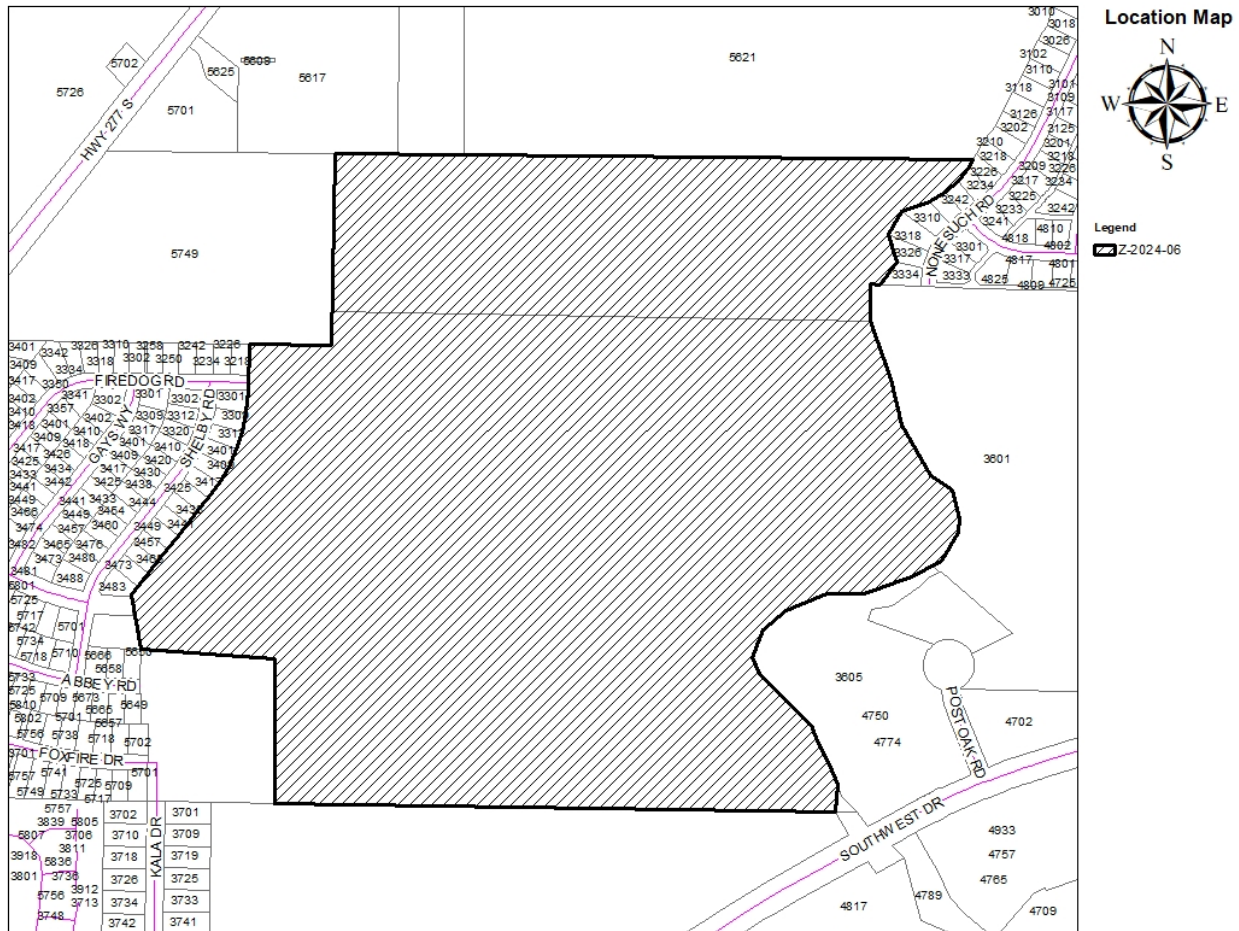
S64°15'48"W 102.81 feet to a point;
S68°30'38"W 47.46 feet to a point;
S57°57'55"W 108.26 feet to a point;
S51°39'32"W 57.22 feet to a point;
S48°42'30"W 32.48 feet to a point;
S22°23'21"W 30.22 feet to a point;
S10°03'59"W 93.10 feet to a point;
S11°20'13"W 76.69 feet to a point;

S09°07'25"E 123.30 feet to a point;
 S16°38'01"E 122.16 feet to a point;
 S21°33'54"E 216.65 feet to a point;
 S15°29'53"E 72.87 feet to a point;
 S13°39'13"E 90.62 feet to a point;
 S17°03'00"E 71.52 feet to a point;
 S02°34'48"E 99.79 feet to a point;
 S14°24'39"E 47.24 feet to a point;
 S83°43'20"E 33.53 feet to a point;
 S72°53'49"E 35.26 feet to a point;
 S66°13'39"E 52.46 feet to a point;
 S28°43'27"E 117.23 feet to a point;
 S03°02'48"E 90.65 feet to a point;
 S02°51'52"E 29.66 feet to a point;
 S17°30'36"E 21.76 feet to a point;
 S28°42'03"W 54.93 feet to a point;
 S54°43'47"W 84.90 feet to a point;
 S70°21'43"W 95.01 feet to a point;
 S69°31'13"W 108.47 feet to a point;
 S78°09'14"W 101.36 feet to a point;
 S69°47'59"W 24.13 feet to a point;
 N88°04'39"W 27.96 feet to a point;
 N85°19'37"W 79.91 feet to a point;
 S71°45'01"W 66.61 feet to a point;
 S47°39'31"W 65.42 feet to a point;
 S42°54'04"W 45.62 feet to a point;
 S64°30'40"W 54.32 feet to a point;
 S53°38'14"W 66.27 feet to a point;
 S32°48'03"W 54.46 feet to a point;
 S14°40'12"W 62.37 feet to a point;
 S16°00'02"E 50.76 feet to a point;
 S28°51'10"E 47.01 feet to a point;
 S45°31'00"E 62.72 feet to a point;
 S44°27'52"E 135.61 feet to a point;
 S41°24'19"E 79.19 feet to a point;
 S39°32'34"E 82.14 feet to a point;
 S37°03'47"E 31.82 feet to a point;
 S12°05'44"E 72.71 feet to a point;
 S22°18'49"E 59.97 feet to a point for the northwest corner of a called 0.080-acre tract described in deed to the City of Abilene recorded in Vol. 1400, Page 206 of said Deed Records and said point being an exterior corner of this described tract and from which a 1/2 inch iron rod with cap marked "RPLS 2547", found for reference near the high bank of said Elm Creek, bears S01°30'11"W 77.80 feet;

THENCE S01°30'11"W 104.48 feet with the west line of said 0.080-acre tract to a 1/2 inch iron rod with cap stamped "RPLS 2547" (N = 6,833,290.18', E = 1,570,831.87') found in said occupied lines of said Adams Survey, and said Ricker Survey and said south line of said 202.71-acre tract and the north line of a parcel referred to as Tract 1 containing 120.712 acres in a deed to Elm Acres Venture, LP., recorded in Volume 2815, Page 536 of said Official Public Records, and further, said iron rod being the southwest corner of said 0.080-acre tract and the southeast corner of this described tract;

ORDINANCE NO. _____

THENCE N89°04'48"W 2172.83 feet with the general course of a fence and said common south lines of said Adams Survey and said 202.71-acre tract, same being the common north lines of said Ricker Survey and said 120.712-acre tract to said **POINT OF BEGINNING** and containing 138.26 acres of land, more or less.



END

BEING a 138.26-acre tract of land, situated in the City of Abilene, Taylor County, Texas and being part of the William M. Bishop Survey No. 43, Abstract No. 18 and the John Adams Survey No. 44, Abstract No. 3 and being a portion of the undivided remainder of a 202.71-acre tract referred to as TRACT ONE in a Special Warranty Deed of Undivided Interest to Butterfield Meadows, LLC recorded as Instrument No. 2009-0008773, Official Public Records, Taylor County, Texas; said 138.26-acre tract being more particularly described in metes and bounds follows:

COMMENCING at a 1/2 inch iron rod (N = 6,833,382.85', E = 1,565,979.96') found on the East right-of-way line of U.S. Highway No. 277, for the southwest corner of Butterfield Meadows, Section 1, as shown on the plat thereof recorded in Plat Cabinet 4, Slide 468, Plat Records, Taylor County, Texas, and further, said iron rod marks the intersection of said right-of-way line with the occupied South line of said Adams Survey, same being the occupied North line of the Sam Ricker Survey No. 45, and further, said iron rod being the northwest corner of a City of Abilene 1.146 acre tract recorded in Volume 1733, Page 621 of the Official Public Records of Taylor County, Texas and said iron rod, and the southwest corner of said 202.71-acre tract; **THENCE** S88°43'42"E along said common, occupied survey lines and the south line of said 202.71 acre tract, at 2221.32 feet pass the southeast corner of Kala Drive, as shown on the plat of Butterfield Meadows, Section 3 recorded in Plat Cabinet 4, Slide 468 of said plat records, and continuing **a total distance of 2402.90** feet to an angle point in said line; **THENCE** S89°04'48"E 277.09 feet, continuing along said south line of said 202.71 acre tract and said common, occupied survey lines to the **POINT OF BEGINNING (N = 6,833,325.07', E = 1,568,659.32')**, and being in the north line of a parcel referred to as Tract 1 containing 120.712 acres in a deed to Elm Acres Venture, LP., recorded in Volume 2815, Page 536 of said Official Public Records:

THENCE N00°54'23"E 590.22 feet, over and across said 202.71-acre tract to a point for an ell corner of this described tract;

THENCE N88°43'42"W, over and across said 202.71-acre tract, at 563.21 feet pass the northeast corner of Butterfield Meadows, Section 2, as shown on the plat of said Addition recorded in Plat Cabinet 4, Slide 263, Plat Records, Taylor County, Texas, and continuing along the north line of said Section 2 for **a total distance of 595.37 feet** to a point for corner;

THENCE N00°42'04"W, leaving said north line of Section 2 and heading over and across said 202.71-acre tract, at 128.59 feet pass the southeast corner of Butterfield Meadows Parkway as shown on the plat of Butterfield Meadows, Section 5 recorded in Plat Cabinet 4, Slide 728 of said plat records, and continuing along the east line of said Butterfield Meadows Parkway for **a total distance of 208.59 feet** to the northeasterly corner thereof, same being the southeasterly corner of Lot 1, Block G of said Section 5 as shown on said plat thereof;

THENCE along the easterly line of said Section 5, same being the westerly line of this described tract, the following calls:

- N36°23'25"E 106.38 feet to an angle point;

- N38°38'47"E 381.15 feet to the beginning of a curve to the left which is concave to the northwest and having a radius of 696.00 feet, a delta angle of 37°13'07", an arc length of 452.11 feet, and subtended by a chord with a bearing and distance of N20°02'13"E 444.21 feet;
- Northeasterly along said curve to the left, said arc length of 452.11 feet to the end of said curve;
- N00°56'14"E 180.79 feet to a point in the south line of Lot 1, Block A of the Coffield Addition to Abilene, Taylor County, Texas as shown on the plat thereof recorded in Plat Cabinet 3, Slide 43, Plat Records, Taylor County, Texas; and said addition also known as a called 20.00-acre tract described in a deed to the Abilene Independent School District recorded in Volume 1775, Page 426 of said Official Public Records;

THENCE S89°03'33"E 320.23 feet with the general course of a chain-linked fence and said South line of said Lot 1, Block A to a 1/2 inch iron rod with plastic cap stamped "J&M 4247" set for the southeast corner of said Lot 1, Block A and for an interior corner of this described tract;

THENCE N00°56'41"E 739.86 feet with the general course of a chain-linked fence and the east line of said Lot 1, Block A to a 1/2 inch iron rod with cap stamped "J&M" set at the northeast corner thereof and on the south line of Lot 101, Block A, Elliott Hamil Garden of Memories Addition to said City of Abilene, the plat thereof recorded in Plat Cabinet 3, Slide 279 of said Plat Records, Taylor County, Texas and said iron rod further being the most easterly northwest corner of this described tract;

THENCE S89°10'10"E with the general course of a fence and the south lines, respectively, of said Lot 101, Block A of said Elliot Hamil Garden of Memories Addition and then of a 43.259-acre tract described in a deed to Directors Cemetery, Inc. recorded in Volume 2129, Page 655 of said Official Public Records, said line further being the most easterly North line of this tract, at 2154.96 feet pass a found 1/2 inch iron rod, at 2197.26 feet pass a 1/2 inch iron rod with cap stamped "J&M" set for reference on the high bank of Elm Creek, and continuing **a total distance of 2387.83 feet** to a point in the centerline of said Elm Creek being the Southeast corner of said 43.259-acre tract, said centerline further being the east line of said William Bishop Survey, and the west line of both the L. Beason Survey No. 94 and of Section 3 of the Wyndrock Addition to said City of Abilene, the plat thereof recorded in Plat Cabinet 2, Slide 33B of said Plat Records, Taylor County, Texas;

THENCE with said centerline of Elm Creek, same being the east lines of said Bishop Survey and said Adams Survey, respectively, and the West lines of said L. Beason Survey, the John C. Donley Survey 95, Abstract No. 466 and the J.E. Sheppard Survey No. 96, Abstract No. 243, respectively, same also being the east line of said original 202.71-acre tract and the west lines, respectively, of said Wyndrock Addition, Section 3 and of a 104 acre tract referred to as Tract 2 in a deed to the Kickapoo Land Company recorded in Volume 1551, Page 823 of said Deed Records, the following calls:

S64°15'48"W 102.81 feet to a point;
S68°30'38"W 47.46 feet to a point;

S57°57'55"W 108.26 feet to a point;
S51°39'32"W 57.22 feet to a point;
S48°42'30"W 32.48 feet to a point;
S22°23'21"W 30.22 feet to a point;
S10°03'59"W 93.10 feet to a point;
S11°20'13"W 76.69 feet to a point;
S09°07'25"E 123.30 feet to a point;
S16°38'01"E 122.16 feet to a point;
S21°33'54"E 216.65 feet to a point;
S15°29'53"E 72.87 feet to a point;
S13°39'13"E 90.62 feet to a point;
S17°03'00"E 71.52 feet to a point;
S02°34'48"E 99.79 feet to a point;
S14°24'39"E 47.24 feet to a point;
S83°43'20"E 33.53 feet to a point;
S72°53'49"E 35.26 feet to a point;
S66°13'39"E 52.46 feet to a point;
S28°43'27"E 117.23 feet to a point;
S03°02'48"E 90.65 feet to a point;
S02°51'52"E 29.66 feet to a point;
S17°30'36"E 21.76 feet to a point;
S28°42'03"W 54.93 feet to a point;
S54°43'47"W 84.90 feet to a point;
S70°21'43"W 95.01 feet to a point;
S69°31'13"W 108.47 feet to a point;
S78°09'14"W 101.36 feet to a point;
S69°47'59"W 24.13 feet to a point;
N88°04'39"W 27.96 feet to a point;
N85°19'37"W 79.91 feet to a point;
S71°45'01"W 66.61 feet to a point;
S47°39'31"W 65.42 feet to a point;
S42°54'04"W 45.62 feet to a point;
S64°30'40"W 54.32 feet to a point;
S53°38'14"W 66.27 feet to a point;
S32°48'03"W 54.46 feet to a point;
S14°40'12"W 62.37 feet to a point;
S16°00'02"E 50.76 feet to a point;
S28°51'10"E 47.01 feet to a point;
S45°31'00"E 62.72 feet to a point;
S44°27'52"E 135.61 feet to a point;
S41°24'19"E 79.19 feet to a point;
S39°32'34"E 82.14 feet to a point;
S37°03'47"E 31.82 feet to a point;

S12°05'44"E 72.71 feet to a point;

S22°18'49"E 59.97 feet to a point for the northwest corner of a called 0.080-acre tract described in deed to the City of Abilene recorded in Vol. 1400, Page 206 of said Deed Records and said point being an exterior corner of this described tract and from which a 1/2 inch iron rod with cap marked "RPLS 2547", found for reference near the high bank of said Elm Creek, bears S01°30'11"W 77.80 feet;

THENCE S01°30'11"W 104.48 feet with the west line of said 0.080-acre tract to a 1/2 inch iron rod with cap stamped "RPLS 2547" (N = 6,833,290.18', E = 1,570,831.87') found in said occupied lines of said Adams Survey, and said Ricker Survey and said south line of said 202.71-acre tract and the north line of a parcel referred to as Tract 1 containing 120.712 acres in a deed to Elm Acres Venture, LP., recorded in Volume 2815, Page 536 of said Official Public Records, and further, said iron rod being the southwest corner of said 0.080-acre tract and the southeast corner of this described tract;

THENCE N89°04'48"W 2172.83 feet with the general course of a fence and said common south lines of said Adams Survey and said 202.71-acre tract, same being the common north lines of said Ricker Survey and said 120.712-acre tract to said **POINT OF BEGINNING** and containing 138.26 acres of land, more or less.

ZONING CASE Z-2024-07 PD-178

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: March 5, 2024

City Council 1st Reading: March 28, 2024

City Council 2nd Reading: April 11, 2024

Applicant

Owner: Elsie Manor, LP

Agent: JES Dev. Co., Inc., by Mike Ash/Ryan Garcia

Case Manager

Randy Anderson, Assistant Planning Director

Request

Amendment to Planned Development District 178 (PD-178), a 2.4-acre site on which the existing two-story industrial building, and a smaller accessory building, will both be adapted to allow senior living multi-family and a new one-story second building constructed for the same purpose and an amendment to the PD site plan.

Location

Approximately 2.4 acres of land currently addressed as 309 South Pioneer Drive.

Background

The City Council approved Ordinance 05-2023 on January 26, 2023 creating PD-178. The applicant indicated at that time that prospective owner intended to pursue grant funding from the State of Texas for senior living housing and would pursue additional funding from the Texas Historic Commission (THC) and National Park Service (NPS) to maintain the historic integrity of the use of the subject property.

The prospective owner, who is now the owner of this property, successfully obtained grant funding from the State of Texas and THC approval of the proposed project design. The only THC stipulation that affects the PD-178 pertains to two existing accessory building located along the east property line, adjoining the alley. The existing PD site plan showed the removal of both buildings. THC stipulated that both buildings be retained, with the building at northeast corner of site being adapted for senior living and building at the southeast corner adapted as a maintenance building. For that reason, it is necessary to amend the PD site plan and to amend that part of the PD ordinance pertains to building setbacks because both of the affected buildings are located in close proximity to the rear property line.

Impacts on Surrounding Uses

1. The proposed amendments will not change the PD conditions requiring landscaping and buffering.
2. The proposed amendments will not increase project density.
3. The new 1-story building will be farther from the rear property line, resulting in a deeper buffer.
4. Access from the subject to the alley east of the site is no longer proposed.
5. Access to the alley south of the site will only be available for emergency purposes. Residents and their guests will only have access from South Pioneer Drive. The alley will be improved to ensure adequate and safe access for emergency vehicles.

6. Both accessory buildings along the east property line will be restored to their historic appearance.

Based on these facts, the proposed amendments would not adversely affect the surrounding uses.

Amended PD Language:

Below is the current PD development standard (1) pertaining to setbacks. The proposed amending language (2) is underlined below.

Setbacks – Building setbacks shall follow the General Retail zoning districts with the following modification:

1. Building setbacks abutting residential shall be 25 feet minimum for buildings up to 35 feet in height. Each additional foot in height above 35 feet shall add one foot of minimum setback.
2. The setback requirement listed above shall not pertain to any existing structures designated as historic by the Texas Historical Commission or by the National Park Service.

Criteria Assessment

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

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

The Future Land Use Map designates the subject property as commercial and residential. The proposed PD generally conforms to those designations.

- (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 amendments to PD-178 are consistent with the spirit and intent of the PD and will further complement the surrounding uses by increasing the depth and area of the proposed buffer yard, decreasing the amount of impervious cover, preserving two additional historic building, and improving part of a public alley.

- (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 proposed use of the subject site can be adequately served by the existing streets and utilities surrounding the proposed PD.

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

No known factors are present.

Staff Recommendation:

Staff recommends **approval** subject to:

1. The Plan of Operation;
2. Amended PD Concept Plan; and
3. Amended “Proposed Base Zoning District, Land Uses, and Development Standards”.

Attachments

- Amended “Proposed Base Zoning District, Land Uses, and Development Standards
- Original PD Concept Plan
- Proposed PD Concept Plan
- Plan of Operation
- PowerPoint Presentation

Notification

Pursuant to Section 1.2.2.2 of Abilene’s Land Development Code, City staff mailed personal notices on February 17, 2024, to the applicant and to other owners of property within a 200-foot radius of this subject property. These property owners and associated parcel identification numbers are identified in Table 1.

TABLE 1

Owner			
Owner	Property ID	Situs	Response
BIG COUNTRY ENVIRONMENTAL LP	40325	301 S PIONEER DR	
BURGERS & FRIES INC	55889	302 S PIONEER DR	
Confidential Owner	55511	4410 DON JUAN ST	
CORTINEZ CLEMENTE O	12526	318 WESTRIDGE DR	
ELSIE MANOR LP	40453	309 S PIONEER DR	
ESPARZA ANDY C & ROSEMARY	12655	310 WESTRIDGE DR	
ESTES RENTALS LLC	13023	250 WESTRIDGE DR	
FLEMING COLLEEN	13254	234 WESTRIDGE DR	
FOCO CAPITAL LLC	11444	301 WESTRIDGE DR	
FRY REAL PROPERTY	40827	4302 DON JUAN ST	
GOSWICK WESLEY L & TIFFANY J	12161	350 WESTRIDGE DR	
GRANTHAM KAYLA J	11908	325 WESTRIDGE DR	
HALFORD JEWELL V LF EST	11764	317 WESTRIDGE DR	
HARLOW BRAD THOMAS	40701	4310 DON JUAN ST	
HUTCHESON ERIC & SONIA	12038	333 WESTRIDGE DR	
KELLY LONNIE & PAULA	12762	302 WESTRIDGE DR	
MARTINEZ SYLVIA	40576	4318 DON JUAN ST	
MICHAEL WESLEY W	13145	242 WESTRIDGE DR	
MILLER LAUREL ANN	40949	4258 DON JUAN ST	
MOORE ROBERT JOHN & JAMIE PITTS	11172	257 WESTRIDGE DR	
NETZ WESLEY R	12403	326 WESTRIDGE DR	
PIONEER VENTURES LLC	65600	278 S PIONEER DR	
POWELL RICHARD	11610	309 WESTRIDGE DR	
RODRIQUEZ JONATHAN & SAMANTHA	12896	258 WESTRIDGE DR	
RUTLEDGE CHRISTOPHER D	12282	342 WESTRIDGE DR	

SKINNYS INC	98662	270 S PIONEER DR	
TENCATE SYDNEY K	1089525	4250 DON JUAN ST	
WESTGATE CHURCH OF CHRIST	55632	4402 DON JUAN ST	
WESTGATE TOWN CENTER LLC	98661	4379 S 1ST ST	
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BURGERS & FRIES INC	55889	302 S PIONEER DR	
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WESTGATE TOWN CENTER LLC	98661	4379 S 1ST ST	
SKINNYS INC	98662	270 S PIONEER DR	
TENCATE SYDNEY K	1089525	4250 DON JUAN ST	

Proposed Base Zoning District, Land Uses, and Development Standards

Base Zoning - General Retail (GR) Base zoning subject to all GR district Standards

Permitted Uses – All uses permitted by right in the Light Industrial District, the General Retail district, and Multi-Family district shall be a permitted.

Setbacks – Building setbacks shall follow the General Retail zoning districts with the following modification:

1. Building setbacks abutting residential shall be 25 feet minimum for buildings up to 35 feet in height. Each additional foot in height above 35 feet shall add one foot of minimum setback.
2. The setback requirement listed above shall not pertain to any existing structures designated as historic by the Texas Historical Commission or by the National Park Service.

Parking Standards – Parking standards shall follow the Land Development code with the following modifications:

1. The minimum parking ratio for multi-family dwellings shall be 5 spaces for every 4 dwelling units.
2. For all other uses, the standard parking requirements of the LDC shall be applicable.

Additional Standards –

1. Multi-family development shall be generally consistent with the attached concept plan and plan of operation, except where the Plan of Operation is not consistent with the requirements listed herein.
2. The maximum density for multi-family dwellings shall be 26 units per acre.
3. When developed as multi-family residential, the landscape standard will be a minimum of 15% of the area between the front building façade and adjacent street right-of-way shall be landscaped area.
4. A Type B buffer shall be required along both adjacent alleys for any new development.
5. If the site is completely redeveloped, all standard landscaping, buffering, and screening requirements shall be applicable. If only a portion of the site is redeveloped, all standard landscaping, buffering, and screening requirements shall be applicable to that portion of the site to be redeveloped.
6. If the use of the site remains as Light Industrial (LI) and all existing site improvements remain “as is” and are not expanded, the requirements listed above shall not be applicable.
7. The height of the proposed new senior living building shall be limited to 1-story.

Proposed Plan of Operation

JES Dev Co, Inc. plans to convert the old Borden Building at 309 S. Pioneer Dr. to multifamily senior housing while preserving the historic legacy of the building. The development will be financed, in part, using housing tax

credits. The tax credits are awarded through a competitive application process and will require a Resolution of Support from the City of Abilene to be successful. To receive a Resolution of Support for Housing Tax Credits from the Abilene City Council, the site needs to be properly zoned prior to receiving that Resolution. The Sellers want to ensure that the zoning will not be left as only Multi-family if the development is not awarded tax credits. Below is an approximate schedule of the timing of the tax credit process:

- Preliminary application submitted to TDHCA: January 6, 2023.
- Date to receive rezoning on the subject property: February 9, 2023.
- Date to receive a Resolution of Support from the Abilene City Council: February 9, 2023, or February 23, 2023.
- Full application submitted to TDHCA: March 1, 2023.
- Tax credit awards announced by TDHCA: July 27, 2023.
- Closing on Property: August 31, 2023.

The proposed development will not mix industrial and multifamily uses. The finished development will be multifamily senior housing in a preserved and rehabilitated historic building. A second new construction building to be built behind the existing historic building will contain additional residential units and community space and amenities. If the property is not awarded tax credits and ultimately falls out of contract, the Seller wishes to maintain the property’s original Light Industrial zoning. The pursuit of the PDD gives the Buyer the ability to rezone the property prior to the full tax credit application being submitted (thus qualifying us to receive the needed Resolution of Support from the Abilene City Council) and gives the Seller the ability to retain Light Industrial zoning if the contract terminates.

Existing Proximate Land Uses

- North: Light industrial and then residential
- East: Residential
- South: Residential
- West: General retail and commercial with some residential

Conformance with the 2023 Comprehensive Plan

The development furthers the City’s housing and preservation strategies of the 2024 Comprehensive Plan.

Residential Use

Employ higher density housing as a supporting residential use for activity center and transition the density to the surrounding residential areas.

This project is considered to be a redevelopment. This development keeps growth in the central city rather than spreading it outward in a leapfrog pattern. We are adding some density to an area and converting an underutilized building into a more housing options for Abilene residents. We are also preserving a historic building and adding more housing to the Abilene stock.

Preservation

This development will preserve a historic building and part of Abilene’s heritage and culture, meeting Strategies 30 and 31 under the Preservation section of the 2004 Comprehensive Plan. The historic nature of the building will be maintained and the new construction building (which will be built behind the historic building) will complement the façade of the existing structure.

Development Standards for Multi-Family Residential

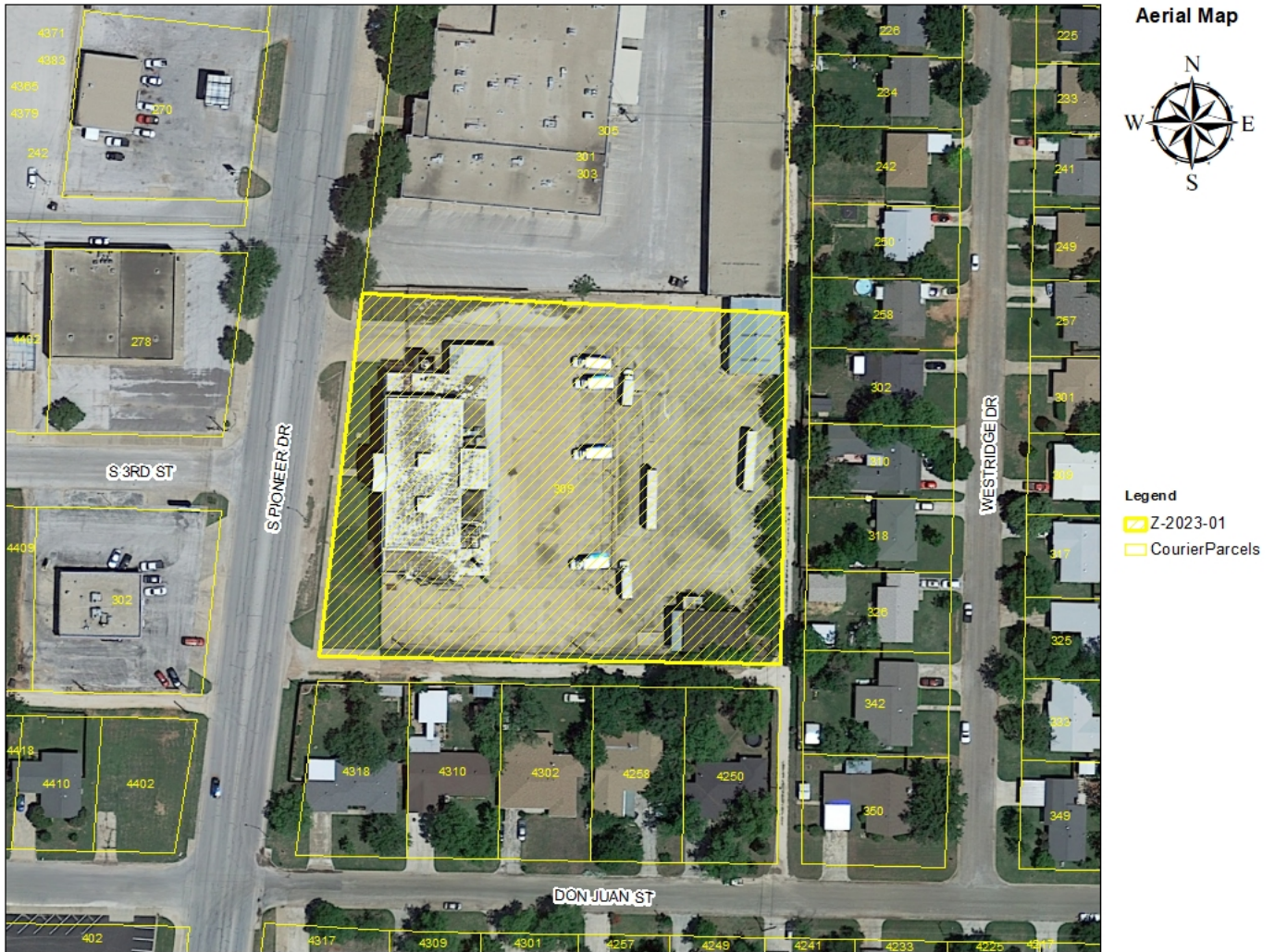
- If the property is developed as multifamily, the following standards shall apply:
- The minimum parking ratio will be 1.25 parking spaces per unit.

- Building length shall not exceed 300 feet.
- Density shall be a maximum of 26 units per acre.

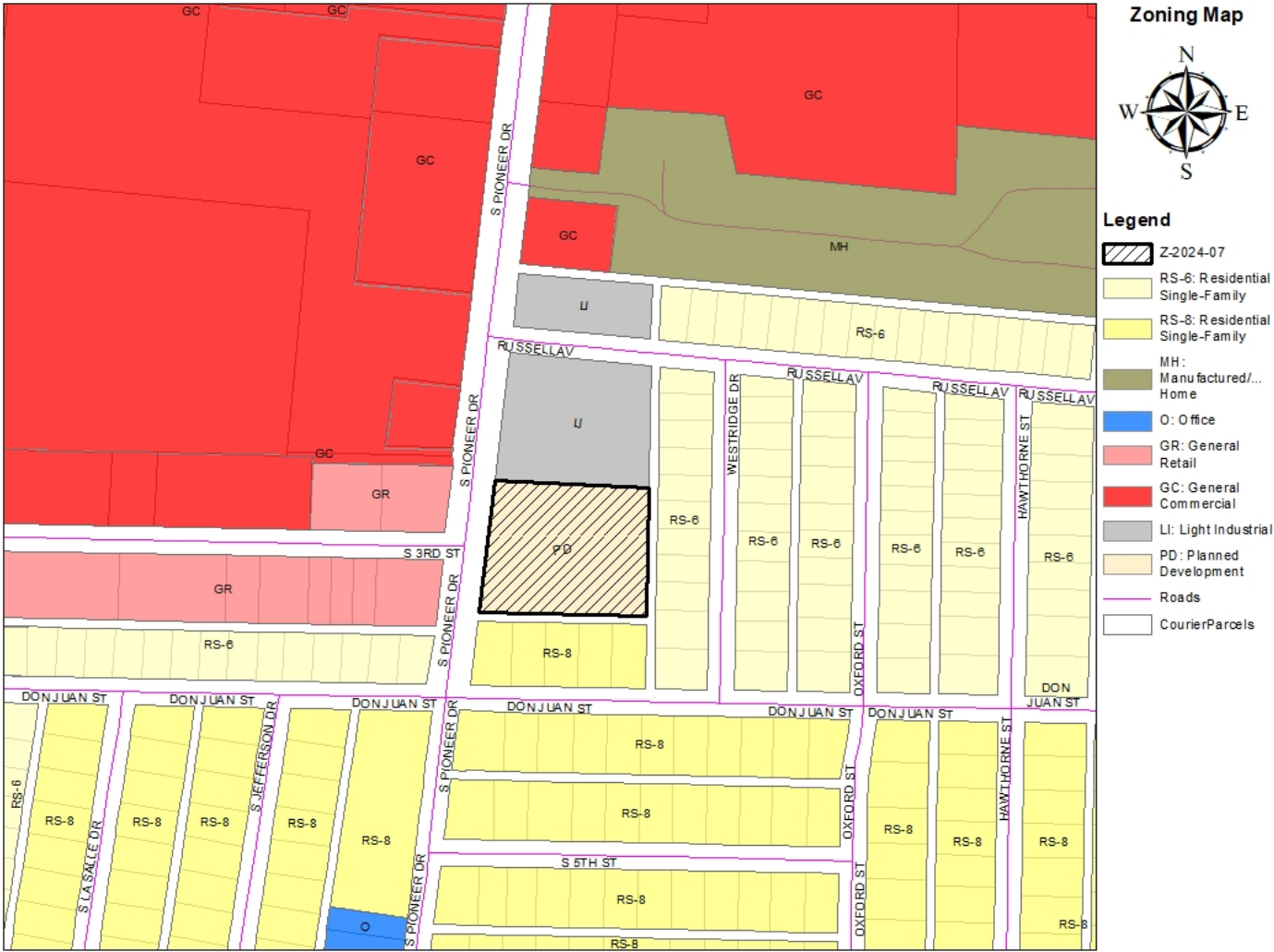
Original PD Concept Plan

Proposed Amended PD Concept Plan

LOCATION MAP



ZONING MAP





REZONE REQUEST

Case: Z-2024-07 (PD-178)

Agent: Mike Ash and Ryan Garcia

Request: Amendment to PD-178 Site Plan and setback requirements

Location: 309 South Pioneer Drive

Notification: 1 in Favor, 0 Opposed

Planning & Zoning: March 5, 2024

City Council Hearing: March 28, 2024
April 11, 2024





AERIAL LOCATION MAP



Aerial Map



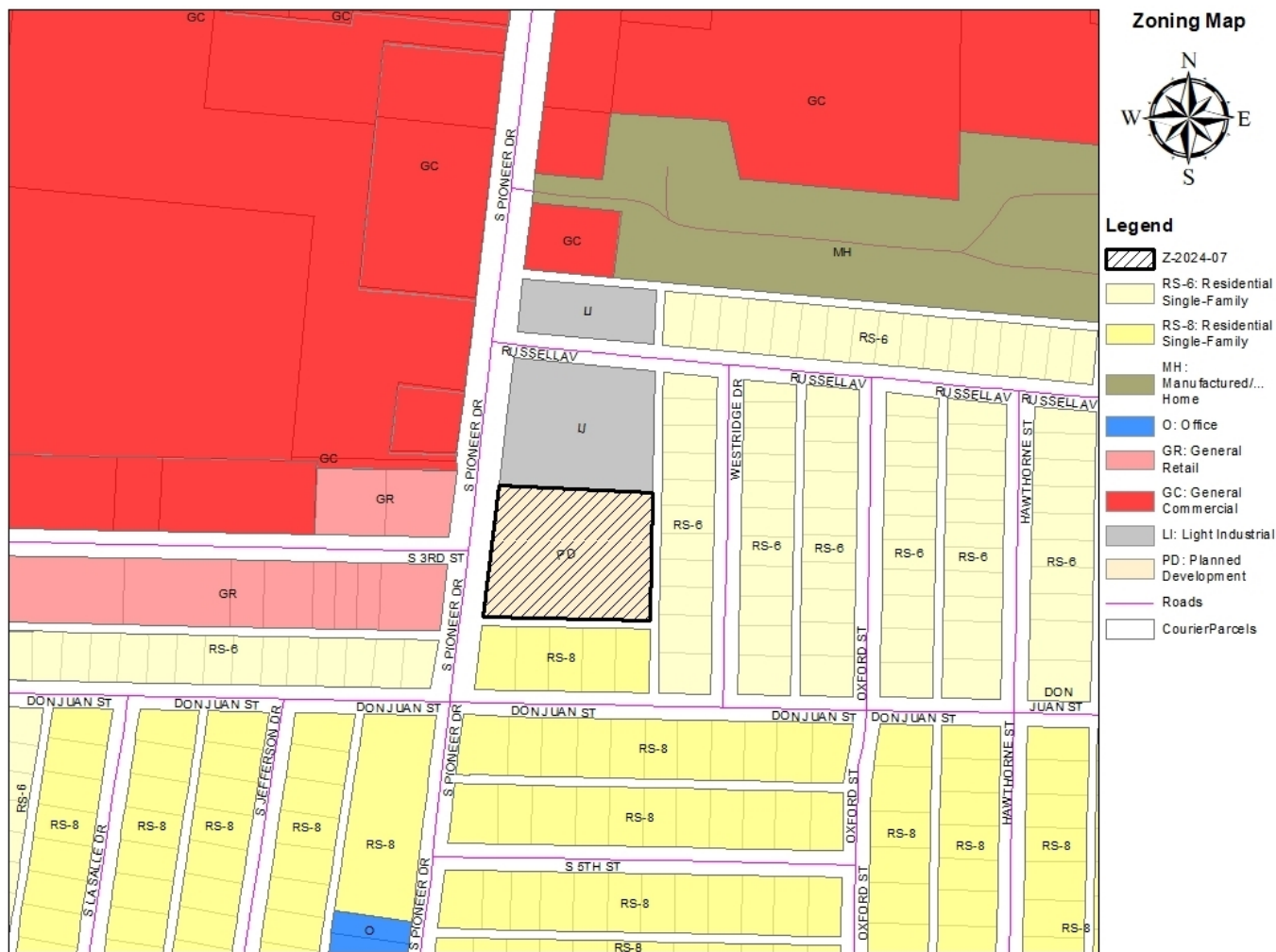
Legend

- Z-2023-01
- CourierParcels

CITY OF
ABILENE
TEXAS



ZONING MAP



CITY OF
ABILENE
TEXAS



VIEWS OF SUBJECT PROPERTY

West Neighboring Property



Subject Property



North Neighboring Property

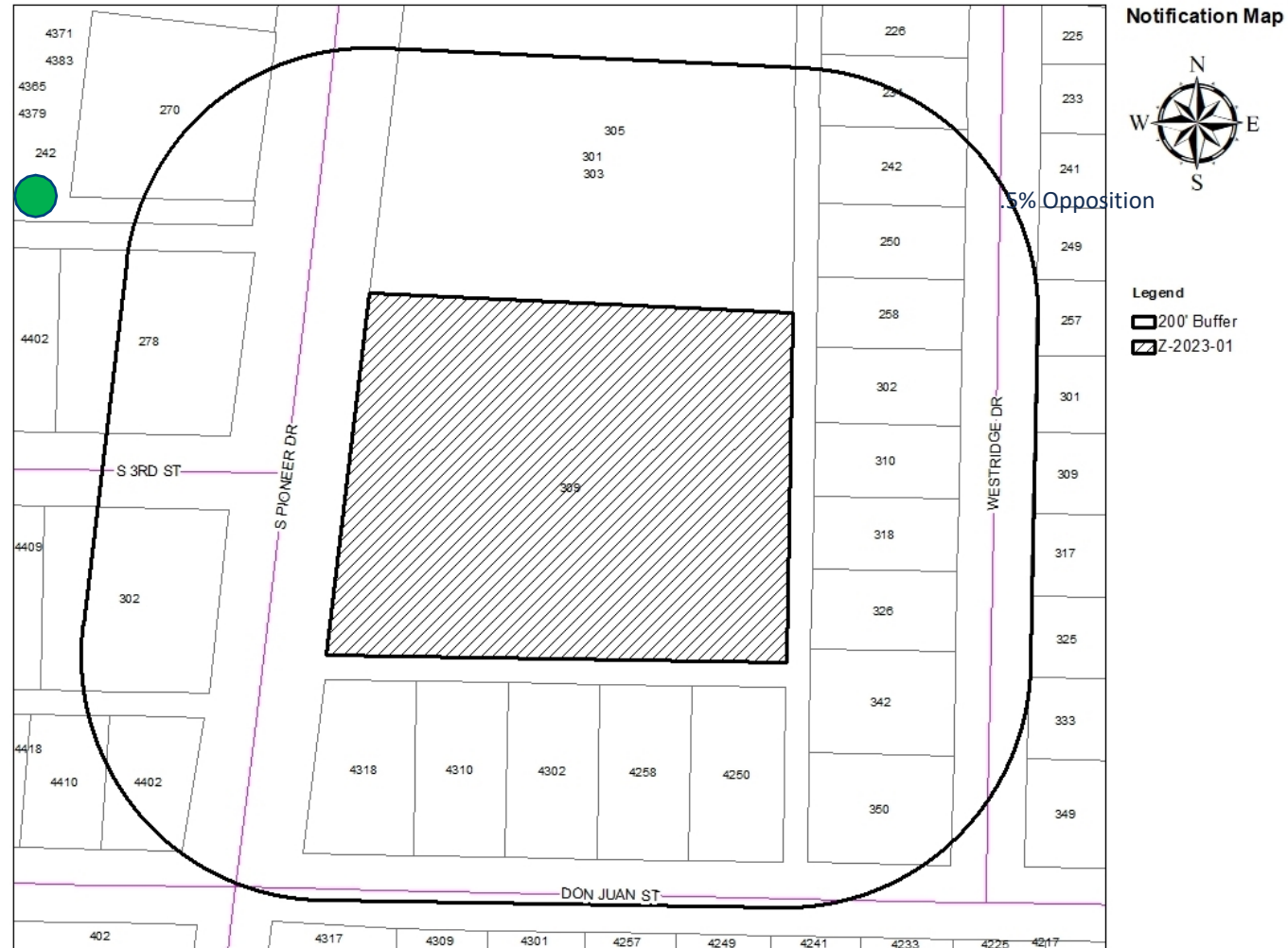


SW Neighboring Property





NOTIFICATION AREA MAP



1- In Favor- 
0- Opposed- 

CITY OF
ABILENE
TEXAS



Original Concept Plan



CITY OF
ABILENE
TEXAS

S. PIONEER DR.

CONCEPTUAL SITE PLAN

Abilene, TX

November 14, 2022

SCALE: 1"=30'
PRINTED ON 11x17 FORMAT



rosemann
& ASSOCIATES



**CITY OF
ABILENE
TEXAS**



Proposed PD Text Change

Setbacks – Building setbacks shall follow the General Retail zoning districts with the following modification:

1. Building setbacks abutting residential shall be 25 feet minimum for buildings up to 35 feet in height. Each additional foot in height above 35 feet shall add one foot of minimum setback.
2. The setback requirement listed above shall not pertain to any existing structures designated as historic by the Texas Historical Commission or by the National Park Service.





Findings and Recommendation

The proposed request is *consistent* with:

- The spirit and intent of PD-178 to maintain and repurpose historic properties;
- Generally accepted planning principals; and
- The goals of the City to create to create additional housing stock.

Staff Recommendation:

Approval subject to the proposed amended Concept Plan and amended “Proposed Base Zoning District, Land Uses, and Development Standards”.



Questions?



ORDINANCE NO. 05-2023

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING 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 zoning district boundaries as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

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

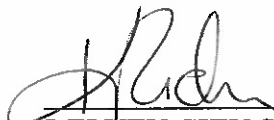
PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 12th 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, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers of the City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 12th day of January, 2023, 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 26th day of January, 2023.

ATTEST:



DEPUTY CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from Light Industrial (LI) to Planned Development District 178 (PD-178) subject to compliance with the "Base Zoning District, Land Uses, and Development Standards" attached hereto as Exhibit B and the Concept Plan attached hereto as Exhibit C:

Elmwood West, Section N, Lot 2, Abilene, Taylor County, Texas

EXHIBIT B

Proposed Base Zoning District, Land Uses, and Development Standards

Base Zoning - General Retail (GR) Base zoning subject to all GR district Standards

Permitted Uses – All uses permitted by right in the Light Industrial District, the General Retail district, and Multi-Family district shall be a permitted.

Setbacks – Building setbacks shall follow the General Retail zoning districts with the following modification:

1. Building setbacks abutting residential shall be 25 feet minimum for buildings up to 35 feet in height. Each additional foot in height above 35 feet shall add one foot of minimum setback.

Parking Standards – Parking standards shall follow the Land Development code with the following modifications:

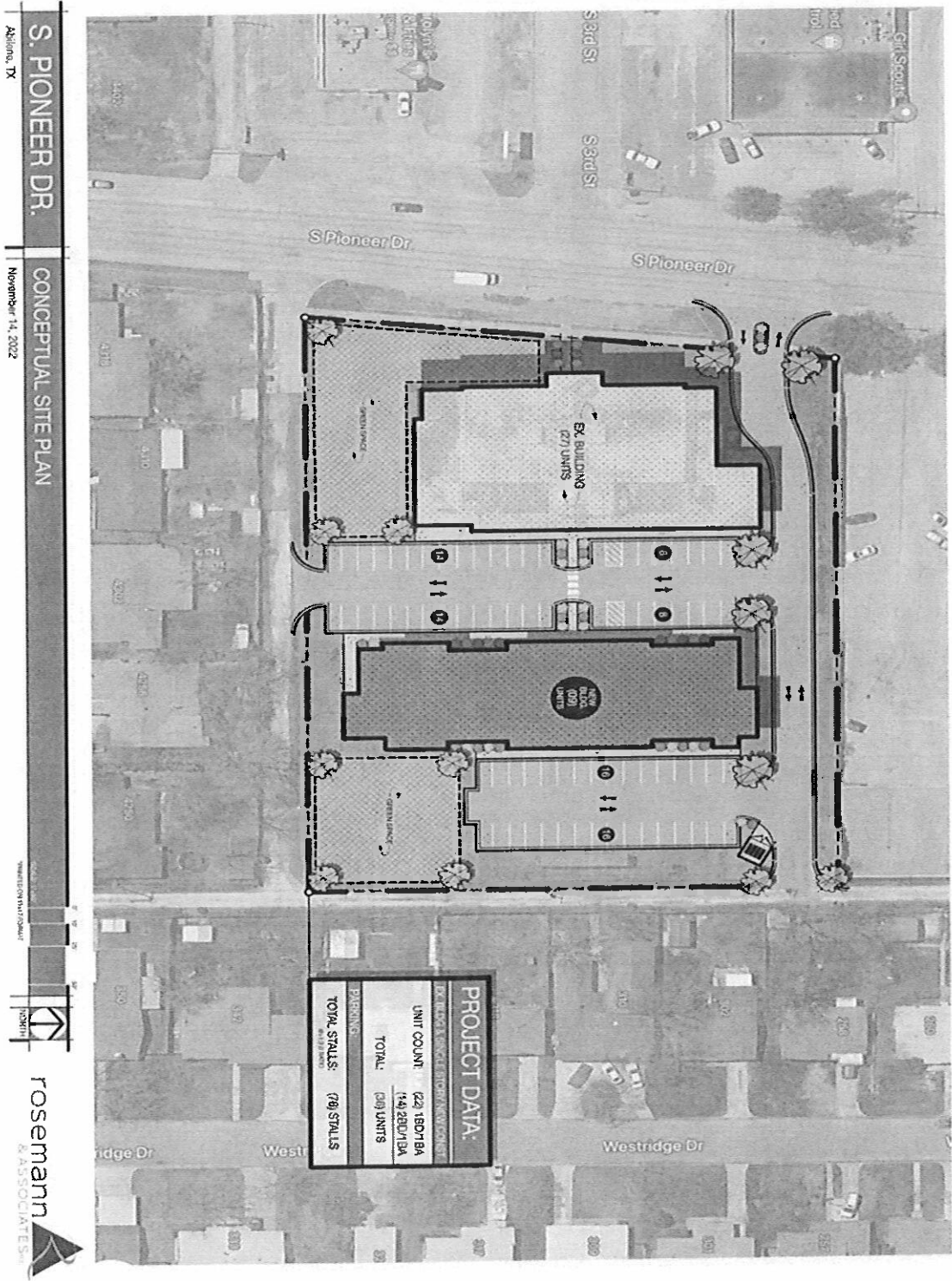
1. The minimum parking ratio for multi-family dwellings shall be 5 spaces for every 4 dwelling units.
2. For all other uses, the standard parking requirements of the LDC shall be applicable.

Additional Standards –

1. Multi-family development shall be generally consistent with the attached concept plan and plan of operation, except where the Plan of Operation is not consistent with the requirements listed herein.
2. The maximum density for multi-family dwellings shall be 24 units per acre.
3. When developed as multi-family residential, the landscape standard will be a minimum of 15% of the area between the front building façade and adjacent street right-of-way shall be landscaped area.
4. A type B buffer shall be required along both adjacent alleys for any new development.
5. If the site is completely redeveloped, all standard landscaping, buffering, and screening requirements shall be applicable. If only a portion of the site is redeveloped, all standard landscaping, buffering, and screening requirements shall be applicable to that portion of the site to be redeveloped.
6. If the use of the site remains as Light Industrial (LI) and all existing site improvements remain “as is” and are not expanded, the requirements listed above shall not be applicable.
7. The height of proposed new apartment building, shaded dark gray on the proposed Concept Plan, shall be limited to one-story.

EXHIBIT C

Concept Plan



-END-

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PD-178 AND ORDINANCE 05-2023, 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 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 28th day of March, 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 16th day of February, 2024, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers of the City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 28th day of March, 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 11th day of April, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land, from Light Industrial (LI) to Planned Development District 178 (PD-178) subject to compliance with the amended “Base Zoning District, Land Uses, and Development Standards” attached hereto as Exhibit B and the amended Concept Plan attached hereto as Exhibit C:

Elmwood West, Section N, Lot 2, Abilene, Taylor County, Texas

EXHIBIT B

Proposed Base Zoning District, Land Uses, and Development Standards

Base Zoning - General Retail (GR) Base zoning subject to all GR district Standards

Permitted Uses – All uses permitted by right in the Light Industrial District, the General Retail district, and Multi-Family district shall be a permitted.

Setbacks – Building setbacks shall follow the General Retail zoning districts with the following modification:

1. Building setbacks abutting residential shall be 25 feet minimum for buildings up to 35 feet in height. Each additional foot in height above 35 feet shall add one foot of minimum setback.
2. The setback requirement listed above shall apply to any existing structures designated as historic by the Texas Historical Commission or by the National Park Service.

Parking Standards – Parking standards shall follow the Land Development code with the following modifications:

1. The minimum parking ratio for multi-family dwellings shall be 5 spaces for every 4 dwelling units.
2. For all other uses, the standard parking requirements of the LDC shall be applicable.

Additional Standards –

1. Multi-family development shall be generally consistent with the attached concept plan and plan of operation, except where the Plan of Operation is not consistent with the requirements listed herein.
2. The maximum density for multi-family dwellings shall be 26 units per acre.
3. When developed as multi-family residential, the landscape standard will be a minimum of 15% of the area between the front building façade and adjacent street right-of-way shall be landscaped area.
4. A type B buffer shall be required along both adjacent alleys for any new development.
5. If the site is completely redeveloped, all standard landscaping, buffering, and screening requirements shall be applicable. If only a portion of the site is redeveloped, all standard landscaping, buffering, and screening requirements shall be applicable to that portion of the site to be redeveloped.
6. If the use of the site remains as Light Industrial (LI) and all existing site improvements remain “as is” and are not expanded, the requirements listed above shall not be applicable.
7. The height of proposed new apartment building, shaded dark gray on the proposed Concept Plan, shall be limited to one-story.

ORDINANCE NO. _____

EXHIBIT C

Amended Concept Plan

-END-

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PD-178 AND ORDINANCE 05-2023, 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 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 28th day of March, 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 16th day of February, 2024, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers of the City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 28th day of March, 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 11th day of April, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land, from Light Industrial (LI) to Planned Development District 178 (PD-178) subject to compliance with the amended “Base Zoning District, Land Uses, and Development Standards” attached hereto as Exhibit B and the amended Concept Plan attached hereto as Exhibit C:

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Additional Standards –

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2. The maximum density for multi-family dwellings shall be 26 units per acre.
3. When developed as multi-family residential, the landscape standard will be a minimum of 15% of the area between the front building façade and adjacent street right-of-way shall be landscaped area.
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6. If the use of the site remains as Light Industrial (LI) and all existing site improvements remain “as is” and are not expanded, the requirements listed above shall not be applicable.
7. The height of proposed new apartment building, shaded dark gray on the proposed Concept Plan, shall be limited to one-story.

ORDINANCE NO. _____

EXHIBIT C
Amended Concept Plan

-END-

Book Thru w/ Amendment
P#2 No SUP



EXHIBIT B

Proposed Base Zoning District, Land Uses, and Development Standards

Base Zoning - General Retail (GR) Base zoning subject to all GR district Standards

Permitted Uses – All uses permitted by right in the Light Industrial District, the General Retail district, and Multi-Family district shall be a permitted.

Setbacks – Building setbacks shall follow the General Retail zoning districts with the following modification:

1. Building setbacks abutting residential shall be 25 feet minimum for buildings up to 35 feet in height. Each additional foot in height above 35 feet shall add one foot of minimum setback.

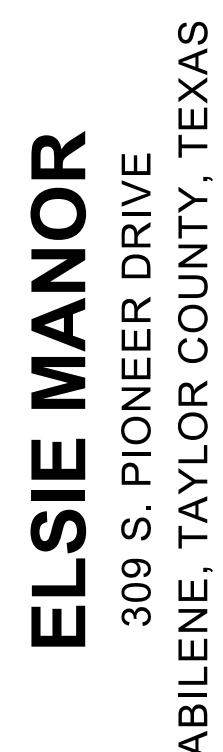
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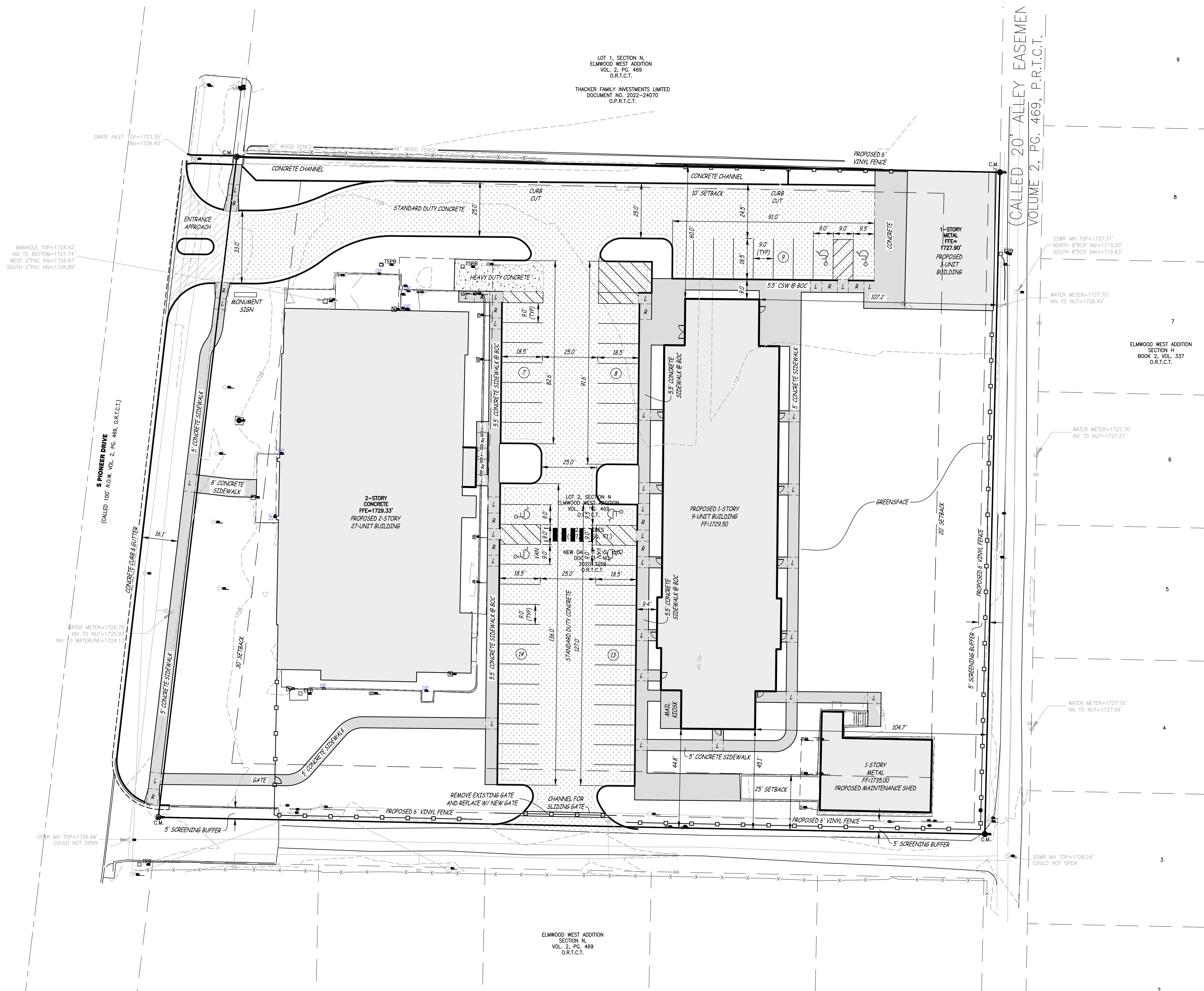
unless an existing historic building is repurposed as residential or maintained for its original historic purpose.

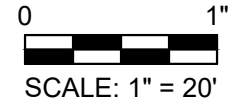


C2.01

ES&S PROJECT NO. 16130

50% CONSTRUCTION DOCUMENTS





ELSIE MANOR

THIS MEDIA SHOULD NOT
BE CONSIDERED A
CERTIFIED DOCUMENT
PRELIMINARY
NOT FOR CONSTRUCTION,
BIDDING, RECORDING, OR
PERMIT REVIEW PURPOSES

MATTHEW A. KRIETE
LICENSED PROFESSIONAL
ENGINEER 126148

IF ORIGINAL SIGNATURE OR DIGITAL
AUTHENTICATION IS NOT PRESENT THIS
MEDIA SHOULD NOT BE CONSIDERED A
CERTIFIED DOCUMENT.

Date
FEBRUARY 1, 2024

Revised

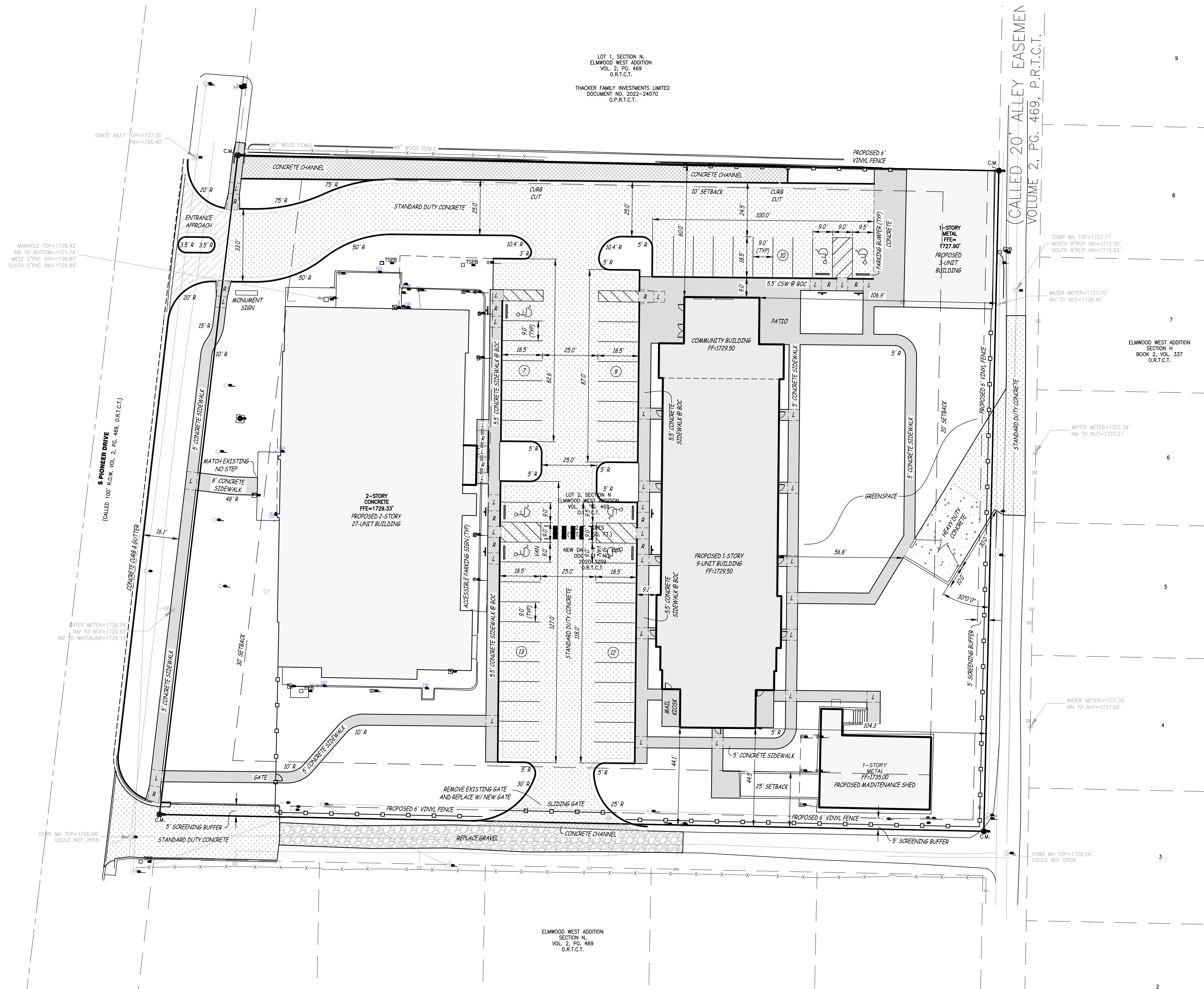
SITE PLAN

Sheet

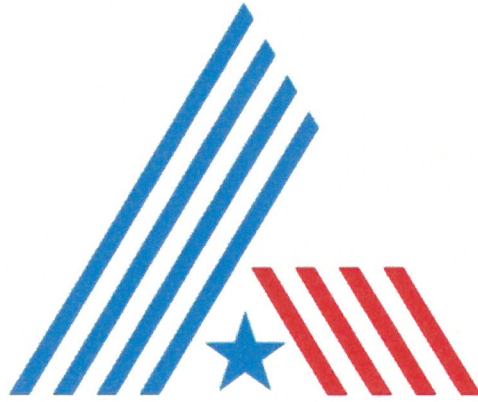
C2.01

ES&S PROJECT NO. 16130

95% CONSTRUCTION DOCUMENTS



2023 Development Application



PLANNING & DEVELOPMENT SERVICES

CITY OF ABILENE TEXAS

- Conditional Use Permit
- Planned Development District (PDD)
- PDD Amendment
- Street Name Change
- Thoroughfare Abandonment
- Rezoning
- Easement Release
- Plats
- Petition for Relief
- Board of Adjustments (Variance, Special Exception)
- Other

2023 Development Application

DOCUMENTS & MAPS

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

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

NEIGHBORHOOD EMPOWERMENT ZONE INCENTIVE

Projects located within the designated "Neighborhood Empowerment Zone" will have fees waived in accordance with the City's Land Development Code. This does not apply to any portion of a fee that is based on actual costs to the City, such as filing plats, photocopies, notifications, etc.

SUBMITTAL INFORMATION

ONLINE SUBMITTALS FOR DEVELOPMENT APPLICATIONS ARE PREFERRED

CTRL & CLICK LINK BELOW

https://public.mygov.us/tx_abilene

- Prior to submittal, we strongly recommend setting up and attending a pre-submittal meeting.
- **INCOMPLETE APPLICATIONS AND SUBMITTALS WILL BE REJECTED** or will be returned; an application may be deemed incomplete after initial staff review.
- Please refer to the Land Development Code online Part III Appendix A for questions or concerns in respect to site development and development standards.
https://library.municode.com/tx/abilene/codes/code_of_ordinances?nodeId=PTIIIAPANDECO
- Plans for Conditional Use, Special Exceptions, Rezoning, Variance and Planned Development District Amendment shall be on 8.5" x 11" paper with one (1) copy.
- Site plans or conceptual site plans, plats, except Engineering Construction Sets, shall be 24" x 36" and folded, with two (2) hard copies. If applicable, please provide survey plat of property. Plats and Engineering plans shall be GEO Referenced and in DWG format.
- PDF copies can be emailed to planning@abilenetx.gov
- If a case is withdrawn or delayed at the request of the applicant after notifications have been sent and/or public notice has been posted, the applicant will be responsible for the cost of re-notifications and re-posting of notice.
- All other questions may be directed to the following:

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

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

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

Fees can be paid online with credit card.

See RECORDING FEES for actual filing costs with Taylor County Clerk's Office. Thoroughfare Abandonment Fee 10% of the calculated land value of the ROW area to be abandoned, based on the average square footage value of adjacent properties, per the most recent official Appraisal District valuation. Minimum fee is \$1,500. *Any portion over the minimum fee is refundable if the abandonment is not approved.*

2023 Development Application

PLANNING & ZONING COMMISSION

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

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

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

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

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

2023 Development Application

2023 PLANNING AND ZONING COMMISSION

PD APPLICATION DEADLINE	ZONING APPLICATION DEADLINE	PLANNING & ZONING MEETING ***	CITY COUNCIL 1 ST READING	CITY COUNCIL 2 ND READING ***
16-DEC-22	3-JAN-23	7-FEB-23	23-FEB-23	9-MAR-23
13-JAN-23	31-JAN-23	7-MAR-23	23-MAR-23	13-APR-23
10-FEB-23	28-FEB-23	4-APR-23	27-APR-23	11-MAY-23
10-MAR-23	28-MAR-23	2-MAY-23	25-MAY-23	8-JUN-23
14-APR-23	2-MAY-23	6-JUNE-23	22-JUN-23	13-JUL-23
12-MAY-23	31-MAY-23	5-JULY-23	27-JUL-23	10-AUG-23
11-JUN-23	28-JUN-23	1-AUG-23	24-AUG-23	14-SEP-23
14-JUL-23	1-AUG-23	5-SEP-23	28-SEP-23	12-OCT-23
14-AUG-23	31-AUG-23	3-OCT-23	26-OCT-23	2-NOV-23
17-SEP-23	4-OCT-23	7-NOV-23	16-NOV-23	7-DEC-23
13-OCT-23	31-OCT-23	5-DEC-23	21-DEC-23	11-JAN-24
3-NOV-23	28-NOV-23	2-JAN-24	25-JAN-24	8-FEB-24
15-DEC-23	2-JAN-24	6-FEB-24	22-FEB-24	14-MAR-24
15-JAN-24	1-FEB-24	7-MAR-24	28-MAR-24	11-APR-24

***These meetings require public hearings and the applicant or a representative must be present.

2023 BOARD OF ADJUSTMENT

APPLICATION DEADLINE	MEETING DATE ***
6-DEC-22	10-JAN-23
10-JAN-23	14-FEB-23
7-FEB-23	14-MAR-23
7-MAR-23	11-APR-23
4-APR-23	9-MAY-23
9-MAY-23	13-JUN-23
6-JUN-23	11-JUL-23
3-JUL-23	8-AUG-23
8-AUG-23	12-SEP-23
5-SEP-23	10-OCT-23
10-OCT-23	14-NOV-23
7-NOV-23	12-DEC-23
5-DEC-23	9-JAN-24
9-JAN-24	13-FEB-24



2023 Development Application

Zoning Application Page 1 of 3

Planning

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

Relief Procedures

- ☐ Petition for Relief ☐ Proportionality Appeal ☐ Vested Rights Petition ☐ Appeal
Other: Amend PDD to allow for historic structures to remain closer to property line.

Project Name: Elsie Manor

Address: 309 S Pioneer Dr, Abilene, TX Number of Lots: 1 Acreage: 2.4

Legal Description: ELMWOOD WEST SEC N, LOT 2

Subdivision Name: Elmwood West Block: Sec N Lot: 2

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

OWNER AND AUTHORIZATION

Owner Name: Elsie Manor, LP

Address: 206 Peach Way

City, State, Zip: Columbia, MO 65203 Fax: 573-874-7716

Phone: 573-397-2105 Email: rgarcia@jesholdings.com

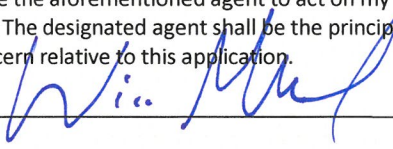
Agent Name: JES Dev Co, Inc. and its employees

Address: 206 Peach Way

City, State, Zip: Columbia, MO 65203 Fax: 573-874-7716

Phone: 573-397-2105 Email: rgarcia@jesholdings.com

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

Signature of Owner:  Date: 1-30-24

FOR OFFICE USE ONLY

Received: _____

Fee: \$ _____

Receipt No.: _____

Case No.: _____

Reviewed By: _____

2023 Development Application

Zoning Application Page 2 of 3

Existing Zoning

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

Reason for Zoning Change

Our original site plan called for us demolishing two ancillary historic buildings (the truck garage and cold storage building) near the rear property line. We are now required to keep both buildings as contributing structures per the State Historic Preservation Office (SHPO) and the National Park Service. We need to amend the PD to allow for these historic building to remain so close to the rear property line which abuts residential.

Fees

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

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

Fees can be paid online with credit card.

2023 Development Application

Zoning Application Page 3 of 3

Zoning Impact Analysis

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

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

The zoning map will not be amended with this application. The land use will continue to meet the goals of the Comprehensive Plan and Future Land Use Map.

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

The use is permitted by the current zoning district classification. The standards are appropriate to the land use in the immediate area, but need to be amended to allow for historic buildings to remain close to the rear property line. The specific language to be amended is in the Setbacks section, Item 1, and should read "Building setbacks abutting residential shall be 25 feet minimum for buildings up to 35 feet in height, unless an existing historic building is re-purposed as residential or maintained for its original historic purpose."

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

The proposed changes are in agreement with existing plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.

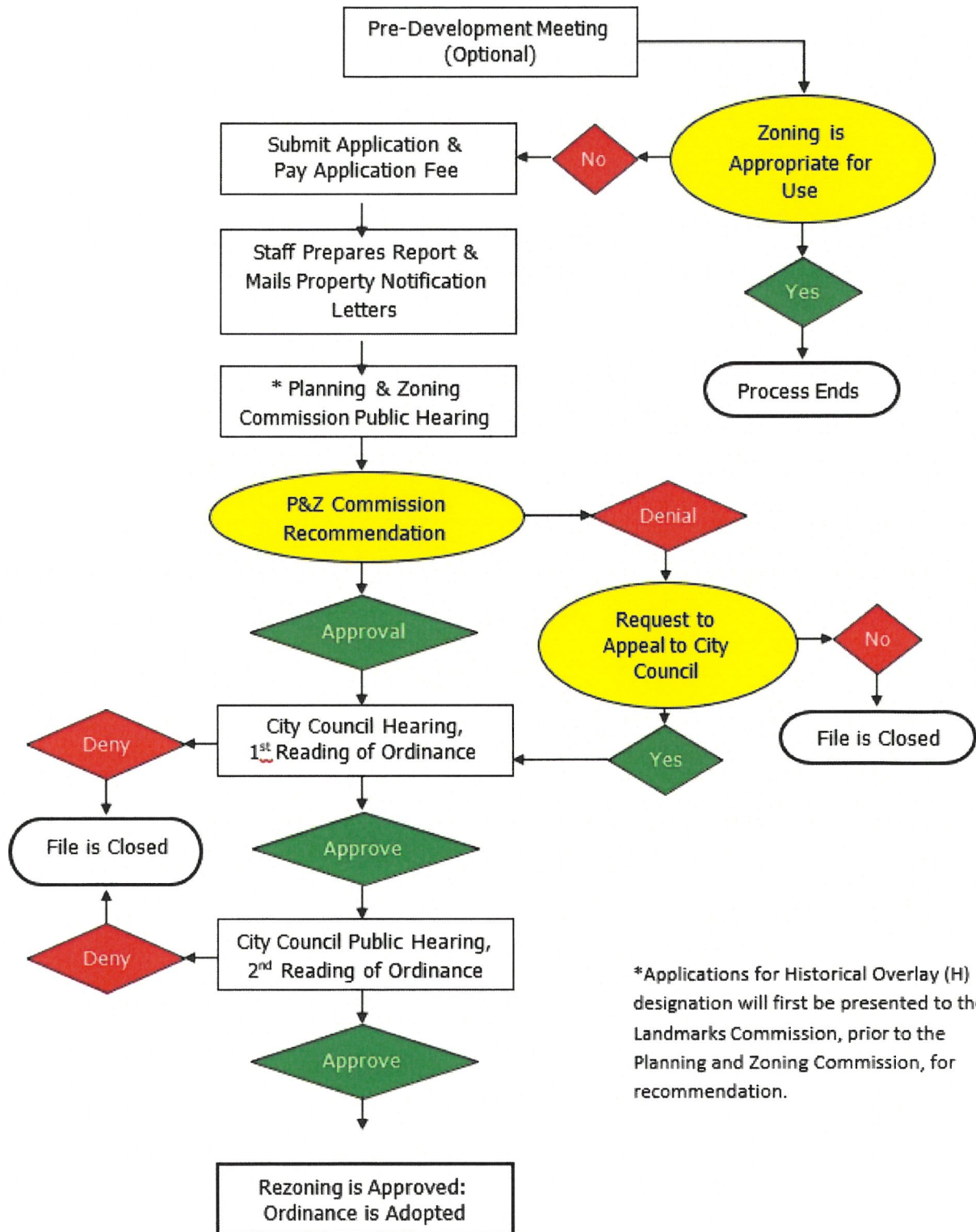
4. Are there other factors that will substantially affect the public health, safety, morals, or general welfare?

Granting the PD amendment will allow for more historic buildings to be preserved.

Other Required Forms - Disclosure of Interest (See Attached)

2023 Development Application

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



2023 Development Application

Plats and Other Submittals Page 1 of 1

Submittal

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

*Prior approval required

Submittal Type

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

Acreage

Round decimals up to the nearest whole number.

2 acre(s)

Fees

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

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

Fees can be paid online with credit card.

The application fee of \$ _____, to be paid to the City of Abilene within five (5) days of being accepted.

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

Submittals

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

Other Required Forms - Disclosure of Interest, Owner Authorization (See Attached)



2023 Development Application

Owner Authorization and Representative Designation

Property Description

Subdivision: Elmwood West

Total Number of Acres: 2.4

Zoning Classification(s): PD

Total Number of Lots: 1

Location: _____

Property Owner Information & Authorization

Name/Company: Elsie Manor, LP

Address: 206 Peach Way

City: Columbia

State: MO

Zip Code: 65203

Phone: 573-397-2105

Email: rgarcia@jesholdings.com

Project Representation (check one):

☐ I will represent the application myself; OR

☒ I hereby designate JES Dev Co, Inc. and its employees (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

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

Property Owner's Signature: _____

Date: 1-30-24

STATE OF: Missouri

COUNTY OF: Boone

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

SUBSCRIBED AND SWORN TO before me, this the 30th day of January, 2024

CAROL R. HALL
Notary Public - Notary Seal
STATE OF MISSOURI
Commissioned for Boone County
My Commission Expires: April 29, 2027
Commission #: 15422800

Carol R. Hall
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☒ Other(specify): Employee of related entity

Name: Ryan Garcia & Mike Ash

Company: JES Holdings, LLC

Address: 206 Peach Way

City: Columbia

State: MO

Zip Code: 65203

Number: 573-397-2105

Email: rgarcia@jesholdings.com & mash@jesholdings.com

2023 Development Application

Disclosure of Interest

Disclosure Questions

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

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

- A. Do you believe that a City official* or City employee** may have a conflict of interest in the property or application referenced on the reverse side? ☐ Yes ☒ No

- B. If so, state the name of each City official or employee of the City of Abilene known by you that may have a conflict of interest in the property or application referenced on reverse side.

N/A

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

N/A

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

Name of Certifying Person (*print*): _____

Property Owner ☐ Project Representative ☐

Signature of Certifying Person: _____

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

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

2023 Development Application

BOARD OF ADJUSTMENT

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

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

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

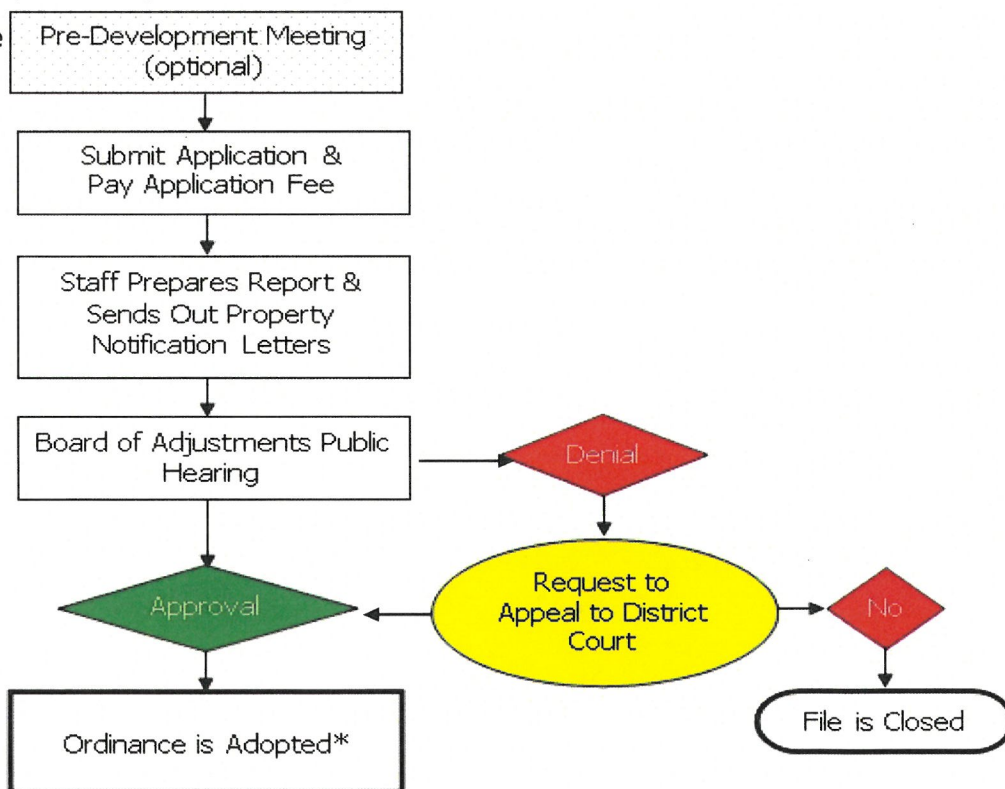
The Board of Adjustment shall finally decide appeals on the following matters of an appeal of any official's interpretation of the requirements of Chapters 2 or 4 of this LDC in which the requirement applies to development within the City limits of Abilene, unless a separate appeals process is otherwise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

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

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

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

Special Exception & Variance Flowchart



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

2023 Development Application

Special Exception & Variance

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

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

N/A

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

N/A

2023 Development Application

Recommendations

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

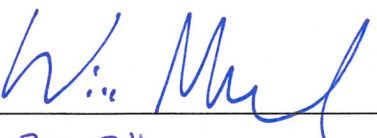
PUBLIC NOTIFICATION

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

PLEASE READ BEFORE SIGNING

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

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

SIGNED: 
DATE: 1-30-24



2023 Development Application

THE STATE OF ~~TEXAS~~ Missouri

COUNTY OF ~~TAYLOR~~ Boone

Know all men by these presents that the undersigned owner of the real property described on the reverse side hereof, has made, constituted and appointed, and by these presents does make, constitute and appoint, my true and lawful attorney, for me in my name, place and stead, to (1) file an application for a zone change, plat, street closure, alley closure, (appeal to the Board of Adjustment) * concerning such property and

(2) appear on my behalf at all necessary meetings of the appropriate board or commission or City Council, as the case may be; and the undersigned further agrees that this power of attorney may be voluntarily revoked only by written revocation filed with the Planning & Development Services Division for the City of Abilene, Texas.

Witness my hand this day of 30th January, 2024

CAROL R. HALL
Notary Public - Notary Seal
STATE OF MISSOURI
Commissioned for Boone County
My Commission Expires: April 29, 2027
Commission #: 15422800

*(cross out the inapplicable phrase)