



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 Tuesday, April 2, 2024 at 1:30 PM at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items.

CALL TO ORDER

INVOCATION

MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Minutes from the Regular Meeting Held on March 5, 2024

PLATS

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

2. **1924-FP:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a final plat for the Yellowhouse Machinery Subdivision

ZONING

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

3. **CUP-2024-03:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, To Apply A Conditional Use Permit To Approximately .16 Acres Zoned Residential Single Family (RS-6) To Allow For A Counseling Ministry. Located At 526 Highland Ave. Legal Description Being The Highland Addition Lot 4 Of Block 10, Abilene, Taylor County, Texas. **(Kiley Hannah)**
4. **CUP-2024-04:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, To Apply A Conditional Use Permit To Approximately .19 Acres Zoned Residential Single Family (RS-6) To Allow For A Duplex. Located At 1902 Bridge Avenue. Legal Description Being The Green Acres Subdivision, Section 2, Block 26, Lot 36, Abilene, Taylor County, Texas. **(Mason Teegardin)**
5. **TC-2024-01:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owner, Represented By Gospel Restoration Church, To Abandon The Entire Length Of An “L” Shaped Alley Located Between Oakland Drive And Forrest Avenue, Adjacent To 2317 Forrest Avenue. **(Adam Holland)**

EXECUTIVE SESSION

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

- 551.071 Consultation with Attorney

ADJOURNMENT

Notice

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 27th day of March, 2024, at 3:00 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 March 5, 2024 at 1:30 p.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas

Commissioners Present:

Mr. Clint Rosenbaum, Chairman
Ms. Shawnté Fleming, Secretary
Mr. Kevin Halliburton, Sergeant-at-Arms
Mr. Zach Sitzes

Mr. Brad Benham, Chairman Pro Tem
Mr. Mitch Barnett
Ms. Kristen Dressen-Kyker

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
Ms. Mason Teegardin, Planner I
Ms. Kiley Hannah, Planner I
Ms. Melissa Farr, Executive Assistant

Others Present:

Mr. Ryan Garcia	Ms. Mary Powell	Bishop Powell
Mr. Terry Casey	Mr. Wesley Netz	Mr. Joe Waldron
Mr. Erik Johnson	Mr. Hadyn Johnson	Ms. Shelley Watson
Mr. John Powell	Mr. Trevor Casey	Mr. Jon Miller

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

INVOCATION

Mr. Benham delivered the invocation.

APPROVAL OF MINUTES FOR THE PREVIOUS MEETING

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

Mr. Benham moved to approve the meeting minutes. Ms. Kyker seconded the motion. The motion to **approve** prevailed by the following vote:

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

NAYS: None

PLATS

1124-PP: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Preliminary Plat for Abilene Industrial Park Subdivision

Staff recommends approval.

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

Staff recommends approval with the following conditions:

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

7722-FP: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a final plat for Sierra Sunset Addition Continuation 1

Staff recommends approval with the following conditions:

1. All public improvements must be completed in accordance with approved plans and inspected for acceptance or the public works department must be furnished with a financial guarantee in order to secure the obligations of all public improvements prior to recording.

2. City staff must be furnished with a title opinion or title commitment letter issued by a title insurance company confirming ownership of the properties.

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

Staff recommends denial as a result of the application being submitted after the deadline, the revised plat was not submitted, and the 30-day review waiver was not submitted.

Mr. Halliburton moved to **approve the first three proposed plats** as presented. Ms. Kyker seconded the motion.

Mr. Benham moved to **deny FP-1824**, as recommended by staff. Mr. Sitzes seconded the motion.

ZONING

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.

Ms. Kiley Hannah presented this request. 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.

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

Property owners within a 200-foot radius were notified of this request. One (1) response was received in favor with one in opposition.

STAFF RECOMMENDATION: Approval

Ms. Kyker 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-2024-05: 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.

Ms. Mason Teegardin presented this request. The applicant proposes to utilize the lot for a restaurant. A residence is located on the subject site.

Mr. Rosenbaum opened the public hearing. Those who stepped forward were:

Mr. Terry Casey, Mr. Erik Johnson, Ms. Mary Powell

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

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

STAFF RECOMMENDATION: Approval

Mr. Benham 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, Sitzes, Rosenbaum

NAYS: None

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.

Ms. Kiley Hannah presented this request. 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. 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.

Mr. Rosenbaum opened the public hearing. Those who stepped forward to speak were Mr. Clayton Farrow and Mr. Joe Waldron. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius were notified of this request. One (1) response was received in favor with one in opposition.

STAFF RECOMMENDATION: Approval

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-2024-07: 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.

Mr. Randy Anderson presented this request. The existing two-story industrial building, which was previously the Borden Company (a.k.a. Borden Creamery), was built in 1957 serving as a dairy processing plant. A smaller accessory building, will also be adapted to allow senior living multi-family and a new one-story second building constructed for the same purpose. 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.

Mr. Rosenbaum opened the public hearing. Mr. Wesley Netz stepped forward to request fences and shields from the light be required. Mr. Ryan Garcia responded that efforts will be made to meet these requests.

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

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

Mr. Halliburton moved to **approve** this request with the recommended conditions. Ms. Kyker 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 2:08 p.m.

APPROVED

Mr. Clint Rosenbaum, Chairman

ZONING CASE CUP-2024-03

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: April 2, 2024
City Council 1st Reading: April 25, 2024
City Council 2nd Reading: May 9, 2024

Applicant

Owner: Highland Church of Christ
Agent: Gretchen Etheredge and Nathan Sanders

Case Manager

Kiley Hannah – Planner

Request

A Conditional Use Permit to allow a Counseling Ministry in RS-6 Zoning.

Location

526 Highland Avenue Abilene Texas

Background

The subject property is 0.16 acres out of the Highland Addition, Lot 4 of Block 10. The property is zoned RS-6 and was previously used as a residential single-family home.

Existing Uses/Zoning

The surrounding properties are zoned RS-6, and are used as single-family residences.

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 applicant submitted a Plan of Operation describing the manner in which the proposed use would operate. The Plan indicates that the proposed counseling ministry will operate by appointment only limiting the number of staff and clients to fewer than six persons in the home at any given time on a daily basis. On that basis, the proposed use should not disrupt the neighborhood, the proposed low-intensity use is consistent with the general purposes of the LDC and zoning district regulations.
- 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 low-intensity nature of the proposed 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 amount of additional traffic generated by the proposed, if operated as represented in the Plan of Operation, should be minimal.

- 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 proposed use of this site as a counseling ministry will not generate a level of traffic that would 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 will comply with all applicable LDC requirements.

Staff Recommendation

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

1. The use of the property as a ministry shall be subject to compliance with the Plan of Operation dated March 12, 2024.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

OWNER	PROP_ID	SITUS	RESPONSE
FLORES RAMIRO ANTONIO	26225	2241 S 6TH ST	
WAGNER ANN AREY	25216	525 SANTOS ST	
ABBOTT KAREN ANN	24974	542 HIGHLAND AV	
ABBOTT KAREN ANN	24974	542 HIGHLAND AV APT B	
HIGHLAND CHURCH OF CHRIST	24852	526 HIGHLAND AV	
MILLER BONNIE H LF EST	25612	2205 S 6TH ST	
TUTT CUSTOM HOMES LLC	25857	2217 S 6TH ST	
GARCIA JUAN ANTONIO & KELLY	25333	519 SANTOS ST	
SNOW JOSEPH H III &	23687	601 HIGHLAND AV	
HUNT PATSY A	23963	535 HIGHLAND AV	
HUNT PATSY A	23963	535 1/2 HIGHLAND AV	
HIGHLAND CHURCH OF CHRIST	24334	2143 S 5TH ST	
DAVIS JOHN SANFORD III LF EST	26108	2235 S 6TH ST	
DAVID SARI	25742	2209 S 6TH ST	
HIGHLAND CHURCH OF CHRIST	24594	510 HIGHLAND AV	
RILEY AMY & KELLY	25985	2225 S 6TH ST	
HIGHLAND CHURCH OF CHRIST	25472	501 SANTOS ST	
HIGHLAND CHURCH OF CHRIST	24083	523 HIGHLAND AV	
HIGHLAND CHURCH OF CHRIST	24465	502 HIGHLAND AV	
BROOKS BARBARA DON BUSH	24726	518 HIGHLAND AV	
KEY CITY MANAGEMENT LLC	23826	543 HIGHLAND AV	
HIGHLAND CHURCH OF CHRIST	24206	2133 S 5TH ST	
CORTINAZ ESTHER D &	25100	533 SANTOS ST	

OWNER	PROP_ID	SITUS	RESPONSE
SNOW JOSEPH H III &	23687	601 HIGHLAND AV	
KEY CITY MANAGEMENT LLC	23826	543 HIGHLAND AV	
HUNT PATSY A	23963	535 HIGHLAND AV	
HUNT PATSY A	23963	535 1/2 HIGHLAND AV	
HIGHLAND CHURCH OF CHRIST	24083	523 HIGHLAND AV	
HIGHLAND CHURCH OF CHRIST	24206	2133 S 5TH ST	
HIGHLAND CHURCH OF CHRIST	24334	2143 S 5TH ST	
HIGHLAND CHURCH OF CHRIST	24465	502 HIGHLAND AV	
HIGHLAND CHURCH OF CHRIST	24594	510 HIGHLAND AV	
BROOKS BARBARA DON BUSH	24726	518 HIGHLAND AV	
HIGHLAND CHURCH OF CHRIST	24852	526 HIGHLAND AV	
ABBOTT KAREN ANN	24974	542 HIGHLAND AV	
ABBOTT KAREN ANN	24974	542 HIGHLAND AV APT B	
CORTINAZ ESTHER D &	25100	533 SANTOS ST	
WAGNER ANN AREY	25216	525 SANTOS ST	
GARCIA JUAN ANTONIO & KELLY	25333	519 SANTOS ST	
HIGHLAND CHURCH OF CHRIST	25472	501 SANTOS ST	
MILLER BONNIE H LF EST	25612	2205 S 6TH ST	
DAVID SARI	25742	2209 S 6TH ST	
TUTT CUSTOM HOMES LLC	25857	2217 S 6TH ST	
RILEY AMY & KELLY	25985	2225 S 6TH ST	
DAVIS JOHN SANFORD III LF EST	26108	2235 S 6TH ST	
FLORES RAMIRO ANTONIO	26225	2241 S 6TH ST	

LOCATION MAP



Location Map



Legend

CUP-2024-...

ZONING MAP





CONDITIONAL USE PERMIT

Case: CUP-2024-03

Agent: Nathan Sanders

Request: A Conditional Use Permit to allow a Counseling Ministry in RS-6

Location: 526 Highland Av.

Notification: 0 in Favor, 0 Opposed

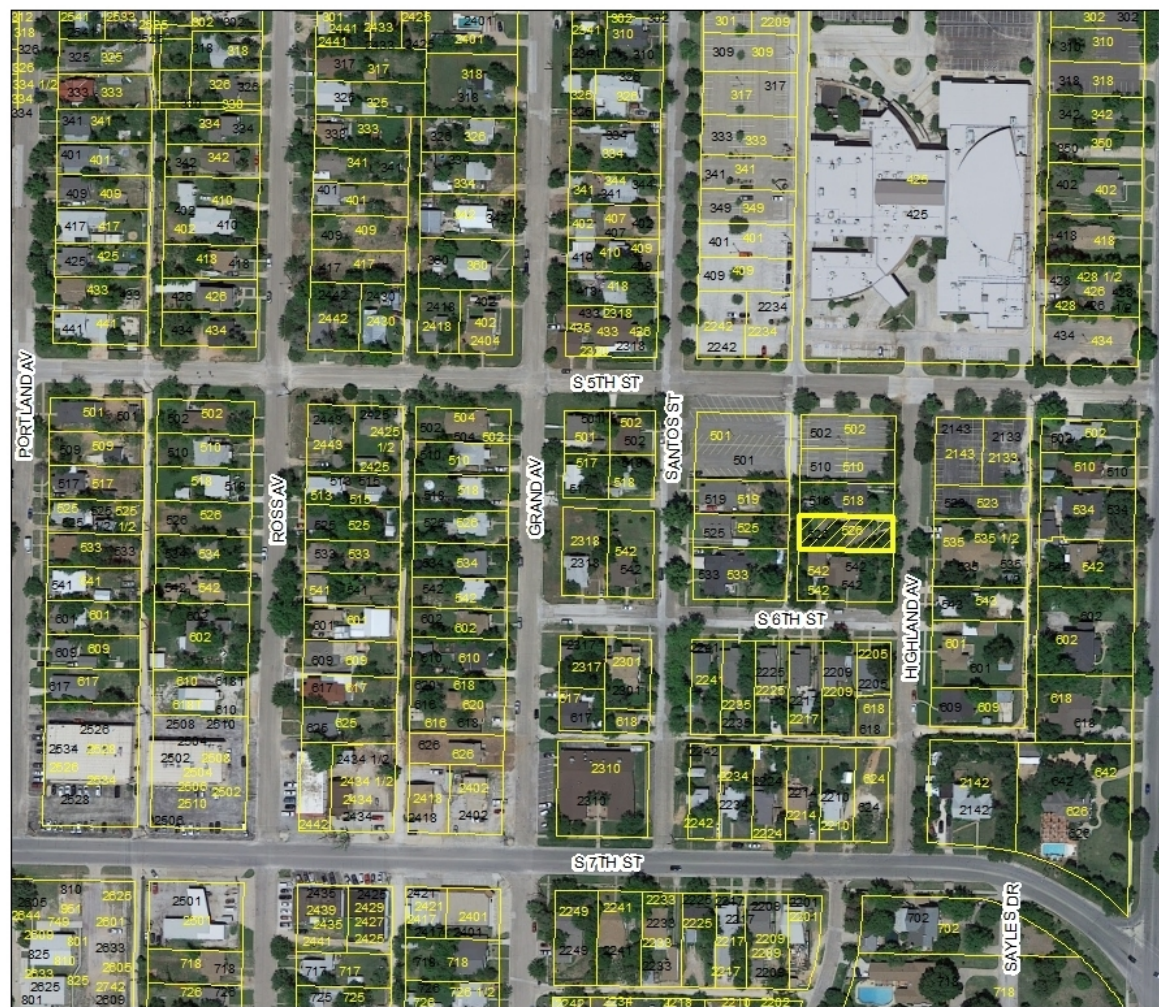
Planning & Zoning: April 2, 2024

Council Hearing: April 25, 2024
May 9, 2024





AERIAL LOCATION MAP

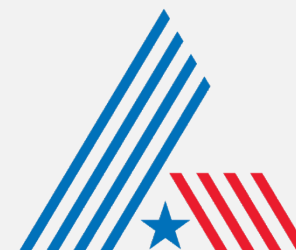


Aerial Map



Legend

- CUP-2024-...
- CourierPar...



CITY OF
ABILENE
TEXAS



ZONING MAP

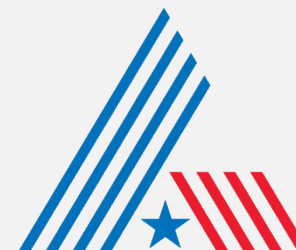


Zoning Map



Legend

- CUP-2024-03
- Arterial
- Minor Arterial
- RS-6: Residential Single-Family
- RS-12: Residential Single-Family
- MD: Medium Density Residential
- GC: General Commercial



CITY OF
ABILENE
TEXAS



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



Neighboring Property

Neighboring Property

North Neighboring Property

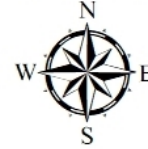




NOTIFICATION AREA MAP



Notification Map



Legend

- CourierParcels...
- CUP-2024-03

- In Favor-



- Opposed-



CITY OF
ABILENE
TEXAS



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 subject to the plan of operation.





Questions?





March 12, 2024

Planning & Development Services

C/O: Kiley Hannah

City of Abilene

555 Walnut Street

Office: 325.676.6493

Subject: Conditional Use Permit for 526 Highland Avenue, Abilene

Highland Church of Christ would like to apply for a Conditional Use Permit (CUP) to use the property located at 526 Highland Ave, Abilene, TX 79605 as an overflow location for our Counseling Ministry. The main location of the counseling ministry is located at 238 Sayles Boulevard, Abilene, TX 79605. Please review the following information for details about our request for use of the property:

- Highland Counseling Center will continue to be the main office at 238 Sayles Boulevard. Highland Counseling Center has peacefully served and been a good neighbor on Sayles Blvd since 2016.

- We lease our main location on Sayles Blvd from Larry Tarver. You may contact him at 325-829-6068 for further information about our physical impact on the neighborhood.

- The proposed use of the building is to use two former bedrooms in the home as offices for Marriage & Family Therapy/counseling (mental, emotional, and relational health). Bedroom furniture will be replaced with couches and chairs for therapy with individuals, couples, and families. Therapy is talk therapy done in one to two hour blocks of time in an office. Providing confidentiality and a safe, welcoming space is integral to what we do.

- Typically, there may be 2-4 clients on the property at a time. Maximum occupancy (including therapists and clients) on the property is 12. However, typical occupancy will be 2-6 people at a time.

- The counseling ministry will use this location five days a week on weekdays, Monday-Friday between the hours of 7:30am-9:00pm. Occupancy after 6:30pm will be rare.

- These are not exact open and close times because therapists will only be there when they have clients. For example, if a therapist does not need an office on a Monday, then no one will be at 526 Highland Ave on that day. If a therapist needs a room on Tuesday for appointments between 10a-2p, that is the only time people will be there that day. The times from 7:30am-9pm represent when therapists and clients may be in the building. There will not be activity on the property before 7:30am or after 9pm.

- The building will not be used for on call or after-hours crisis management.

- Clients will only be on the property when a therapist/counselor of the counseling ministry is on site.

-Clients of Highland Counseling Center may be experiencing anxiety, depression, grief, relationship problems, parenting issues or recovering from trauma. They may also be preparing for marriage or going through a life transition.

-The counseling center refers inquiries with untreated or complicated psychological/mental health issues to psychiatrists or psychologists as that is not the scope of practice of HCC therapists.

-There is room for one client to park in the driveway of the property and two spots directly in front of the building on the street. Once those spots are filled, we will have clients park directly across the street in Highland Church of Christ's parking lot. This is a parking lot commonly used during church services and Highland events. Therapists will park across the street in this church parking lot.

-Clients will arrive and head straight inside the building and leave within 1-2 hours.

- There may be times that a client and therapist may move to the fenced back yard of the property. If this is done, the activity would not exceed the sound of the typical local resident.

- Counseling sessions are by appointment only. There will not be walk-in appointments or anything about the location that resembles a "walk up" place of business. The property will continue to look like a residential home.

-The counseling ministry is a quiet and peaceful entity that will bring life and safe movement to the street.

Thank you for considering our request. We look forward to partnering together to promote healthy relationships and individual wellness in the Abilene community.

Sincerely,

Gretchen Etheredge, LMFT-S
Director, Highland Counseling Center

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 25th day of April, 2024.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of March, 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 9th day of May, 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 9th day of May, 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 counseling ministry on 0.16 acres in accordance with the Plan of Operation attached here to as EXHIBIT B.

Legal description as follows: Lot 4 of Block 10 of the Highland Addition

Located at 526 Highland Avenue, Abilene Texas 79605



ORDINANCE NO. _____

EXHIBIT B

March 12, 2024

Planning & Development Services
C/O: Kiley Hannah
City of Abilene
555 Walnut Street
Office: 325.676.6493

Subject: Conditional Use Permit for 526 Highland Avenue, Abilene

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- We lease our main location on Sayles Blvd from Larry Tarver. You may contact him at 325-829-6068 for further information about our physical impact on the neighborhood.
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- Typically, there may be 2-4 clients on the property at a time. Maximum occupancy (including therapists and clients) on the property is 12. However, typical occupancy will be 2-6 people at a time.
- The counseling ministry will use this location five days a week on weekdays, Monday-Friday between the hours of 7:30am-9:00pm. Occupancy after 6:30pm will be rare.
- These are not exact open and close times because therapists will only be there when they have clients. For example, if a therapist does not need an office on a Monday, then no one will be at 526 Highland Ave on that day. If a therapist needs a room on Tuesday for appointments between 10am-2pm, that is the only time people will be there that day. The times from 7:30 am – 9:00 pm represent when therapists and clients may be in the building. There will not be activity on the property before 7:30 am or after 9 pm.
- The building will not be used for on call or after-hours crisis management.

-Clients will only be on the property when a therapist/counselor of the counseling ministry is on site.

-Clients of Highland Counseling Center may be experiencing anxiety, depression, grief, relationship problems, parenting issues or recovering from trauma. They may also be preparing for marriage or going through a life transition.

-The counseling center refers inquiries with untreated or complicated psychological/mental health issues to psychiatrists or psychologists as that is not the scope of practice of HCC therapists.

-There is room for one client to park in the driveway of the property and two spots directly in front of the building on the street. Once those spots are filled, we will have clients park directly across the street in Highland Church of Christ's parking lot. This is a parking lot commonly used during church services and Highland events. Therapists will park across the street in this church parking lot.

-Clients will arrive and head straight inside the building and leave within 1-2 hours.

- There may be times that a client and therapist may move to the fenced back yard of the property. If this is done, the activity would not exceed the sound of the typical local resident.

- Counseling sessions are by appointment only. There will not be walk-in appointments or anything about the location that resembles a "walk up" place of business. The property will continue to look like a residential home.

-The counseling ministry is a quiet and peaceful entity that will bring life and safe movement to the street.

Thank you for considering our request. We look forward to partnering together to promote healthy relationships and individual wellness in the Abilene community.

Sincerely,

Gretchen Etheredge, LMFT-S
Director, Highland Counseling Center

END

ZONING CASE CUP-2024-04

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: April 2, 2024
City Council 1st Reading: April 25, 2024
City Council 2nd Reading: May 9, 2024

Applicant

Owner: Abilene Sunrise Properties
Agent: Johnny Bevills

Case Manager

Mason Teegardin – Planner

Request

Apply a Conditional Use Permit to approximately 0.19 acres zoned Residential Single Family (RS-6) to allow a duplex.

Location

1902 Bridge Avenue, Abilene, Taylor County, Texas.

Background

The subject property is 0.19 acres out of the Green Acres Subdivision Section 2, Block 26, Lot 36. The applicant is proposing a duplex with each unit being approximately 1300 square feet. Staff was able to locate a demolition permit for the previous building in 2003. The property has been vacant since then.

Existing Uses/Zoning

All the surrounding properties are zoned Single Family Residential (RS-6). Duplexes are not located in the immediate vicinity of this property.

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 Low Density Residential. The RS-6 district falls within this category. The RS-6 district allows a duplex by the granting of a CUP if that use will not adversely affect the adjoining properties and neighborhood.
- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations**
The proposed use, as detailed, is consistent with the surrounding uses and zoning district regulations. The maximum lot coverage for RS-6 zoning is 50%. The lot is approximately 8,580 square feet, which allows for 4,290 square feet of coverage. The applicant proposes less than 3,000 square feet of surface coverage.

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

The proposed duplex should be compatible with the surrounding neighborhood and not diminish the character of the neighborhood. The duplex would not result in any impacts that require mitigation.

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 generate slightly more traffic because the lot is vacant, but it should not result in congestion or unsafe driving conditions in this area.

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 proposed use does not generate a level of traffic that would adversely affect 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, but should not negatively impact the adjacent properties.

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

The use would comply with all applicable LDC requirements.

Staff Recommendation

Staff recommends **approval**.

Attachments

- Site Layout

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
ABILENE SUNRISE PROPERTIES	65098	1902 BRIDGE AV	
BAYVIEW FINANCIAL PROPERTY TR	64719	1956 BRIDGE AV	
BROWN ADRIAN	60709	1819 BRIARWOOD ST	
BURKELL ASHLEY	65849	1855 BRIDGE AV	
CALVIN MARTIN L &	61348	1937 BRIARWOOD ST	
COMPTON ETHAN &	64592	1964 BRIDGE AV	
CRESCENT HEIGHTS	65722	3018 N 18TH ST	
DAVISTA LLC SERIES Y	60557	1801 BRIARWOOD ST	
DEVORA CARMEN CERVANTES	64978	1920 BRIDGE AV	
DEVORA MAYRA G	66338	1955 BRIDGE AV	
DICKINSON CLIFFARD DAWSON	61626	1963 BRIARWOOD ST	
FONTENOT AFALTON JOSEPH &	65598	1802 BRIDGE AV	
GUERRERO BLAS J ET AL	65345	1838 BRIDGE AV	
HERNANDEZ MARIQUA	64848	1938 BRIDGE AV	
KEY CITY HOMES LLC	65474	1820 BRIDGE AV	
LARA ELIZABETH	66090	1919 BRIDGE AV	
LINN RENTAL & REAL ESTATE LLC	60842	1837 BRIARWOOD ST	
MORA JOSE & ANNABEL ARGUIJO MORA NAJERA	66212	1937 BRIDGE AV	
MUNNERLYN JAMES MICHAEL &	61099	1901 BRIARWOOD ST	
PLK INVESTMENTS LLC	60968	1855 BRIARWOOD ST	
ROSETE NORMA L	65222	1856 BRIDGE AV	
SECA JOSE A JR & JESSICA G	61481	1955 BRIARWOOD ST	
TYTAN HEATING & COOLING	65969	1901 BRIDGE AV	
WHITE BOK NAM AKA WHITE KIM	61224	1919 BRIARWOOD ST	F

PROPERTY ID

Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
DAVISTA LLC SERIES Y	60557	1801 BRIARWOOD ST	
BROWN ADRIAN	60709	1819 BRIARWOOD ST	
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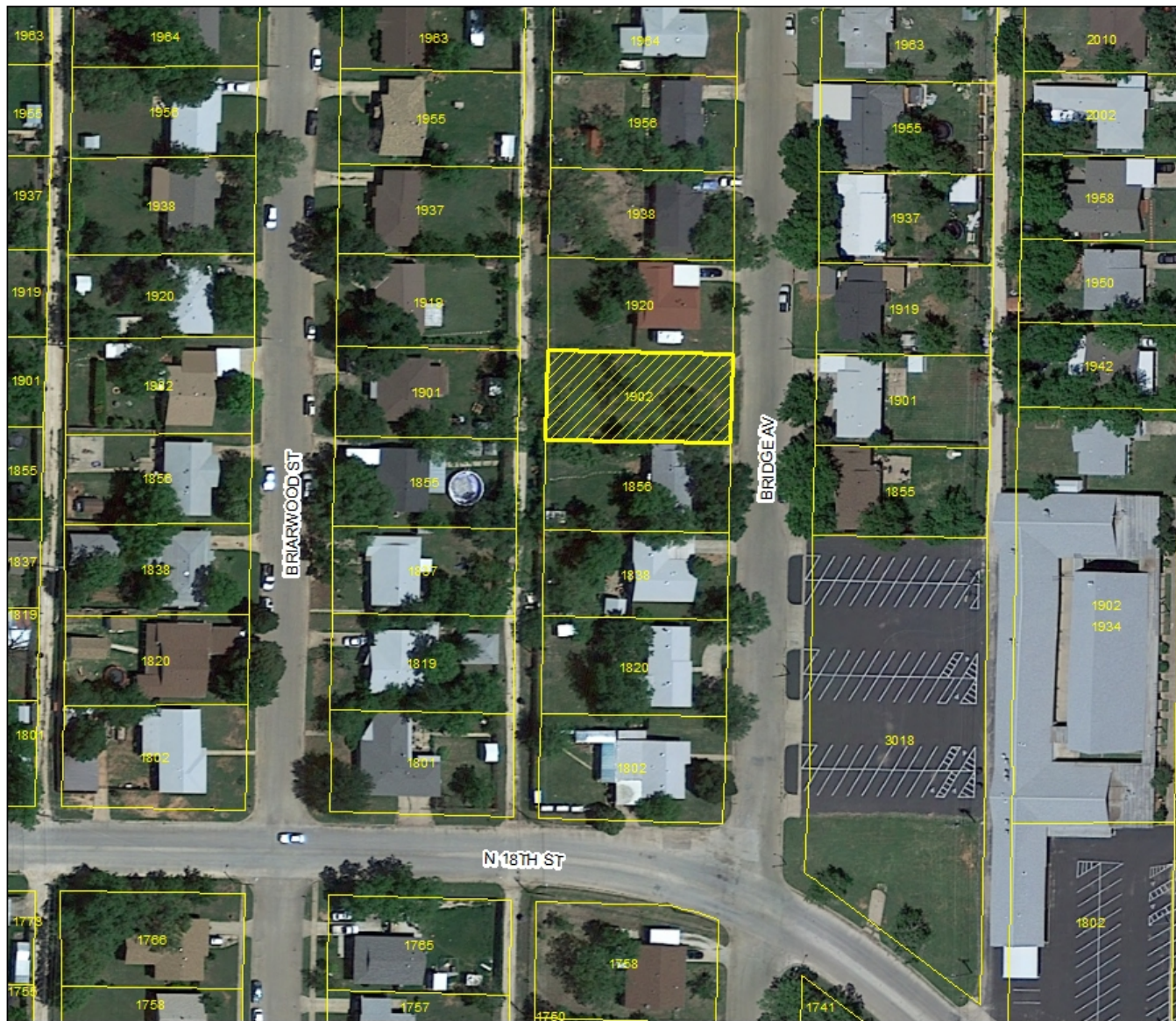
Notification Map



Legend
 CUP-2024-04
 Notification

NOTIFICATION MAP

LOCATION MAP



Aerial Map



Legend

-  CUP-2024-04
-  CourierParcels



Zoning Map



- Legend
- CUP-2024-04
 - Collector
 - RS-6: Residential Single-Family

ZONING MAP



Flood Map



- Legend**
- CUP-2024-04
 - Collector
 - RS-6: Residential Single-Family
 - Flood Way
 - 100-Year Flood Zone

FLOODWAY MAP



CONDITIONAL USE PERMIT

Case: CUP-2024-04

Agent: Johnny Bevills

Request: Apply a Conditional Use Permit to approximately 0.19 acres zoned Residential Single Family (RS-6) to allow for a duplex.

Location: 1902 Bridge Avenue

Notification: 1 in Favor, 0 Opposed

Planning & Zoning: April 2, 2024

Council Hearing: April 25, 2024
May 9, 2024





AERIAL LOCATION MAP

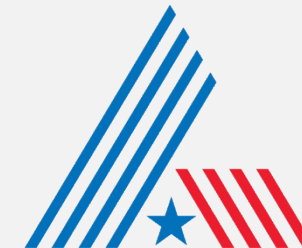


Aerial Map



Legend

- CUP-2024-04
- CourierParcels



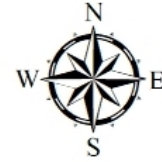
CITY OF
ABILENE
TEXAS



ZONING MAP



Zoning Map



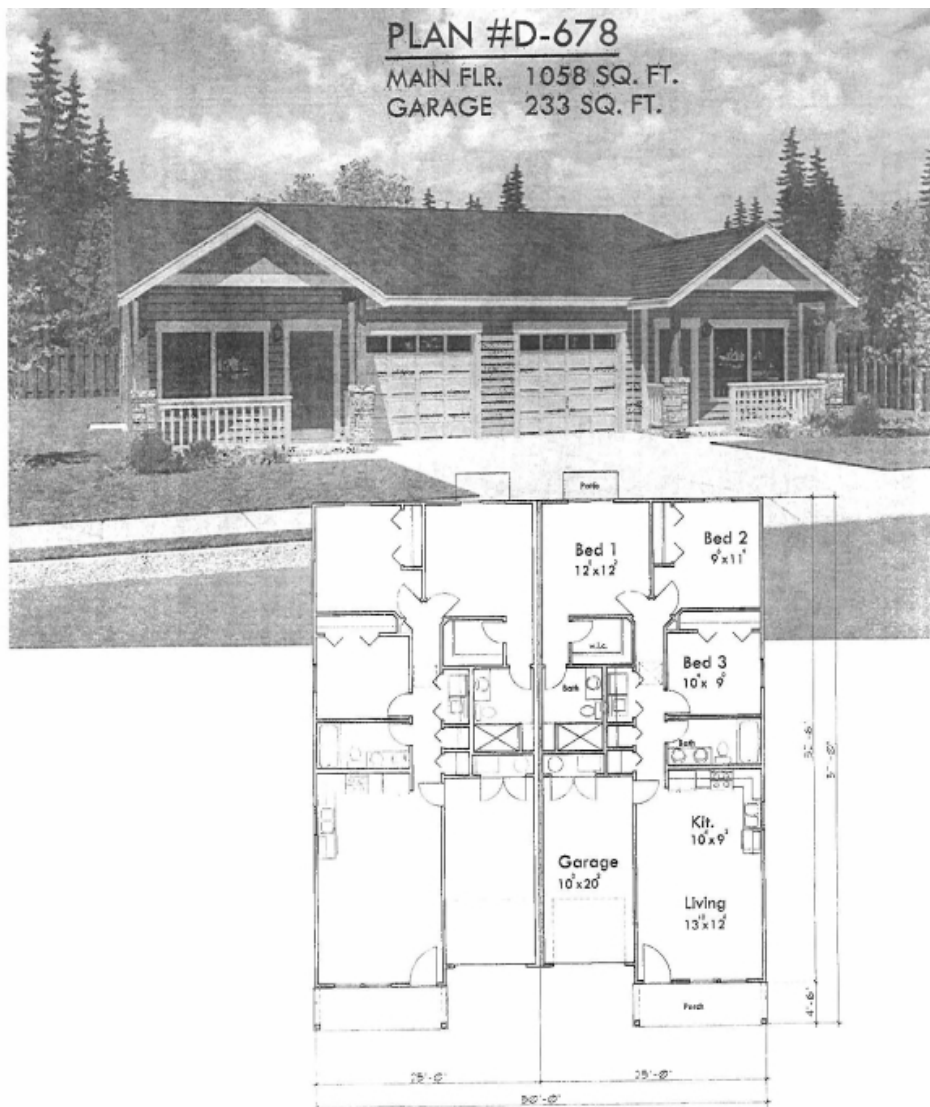
Legend

- CUP-2024-04
- Collector
- RS-6: Residential Single-Family





SITE LAYOUT





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





VIEWS OF SUBJECT PROPERTY





NOTIFICATION AREA MAP



Notification Map



Legend

- CUP-2024-04
- Notification

- 1- In Favor- ●
- 0- Opposed- ●



CITY OF
ABILENE
TEXAS



FINDINGS AND RECOMMENDATION

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





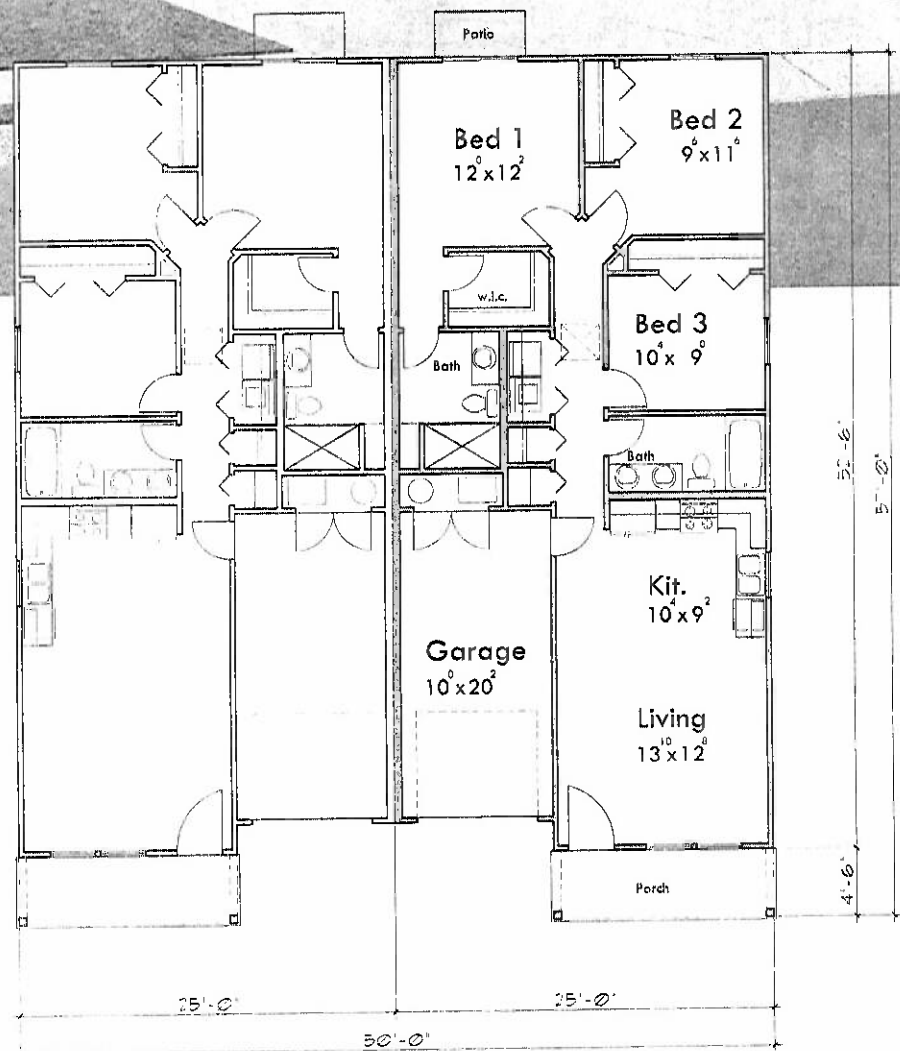
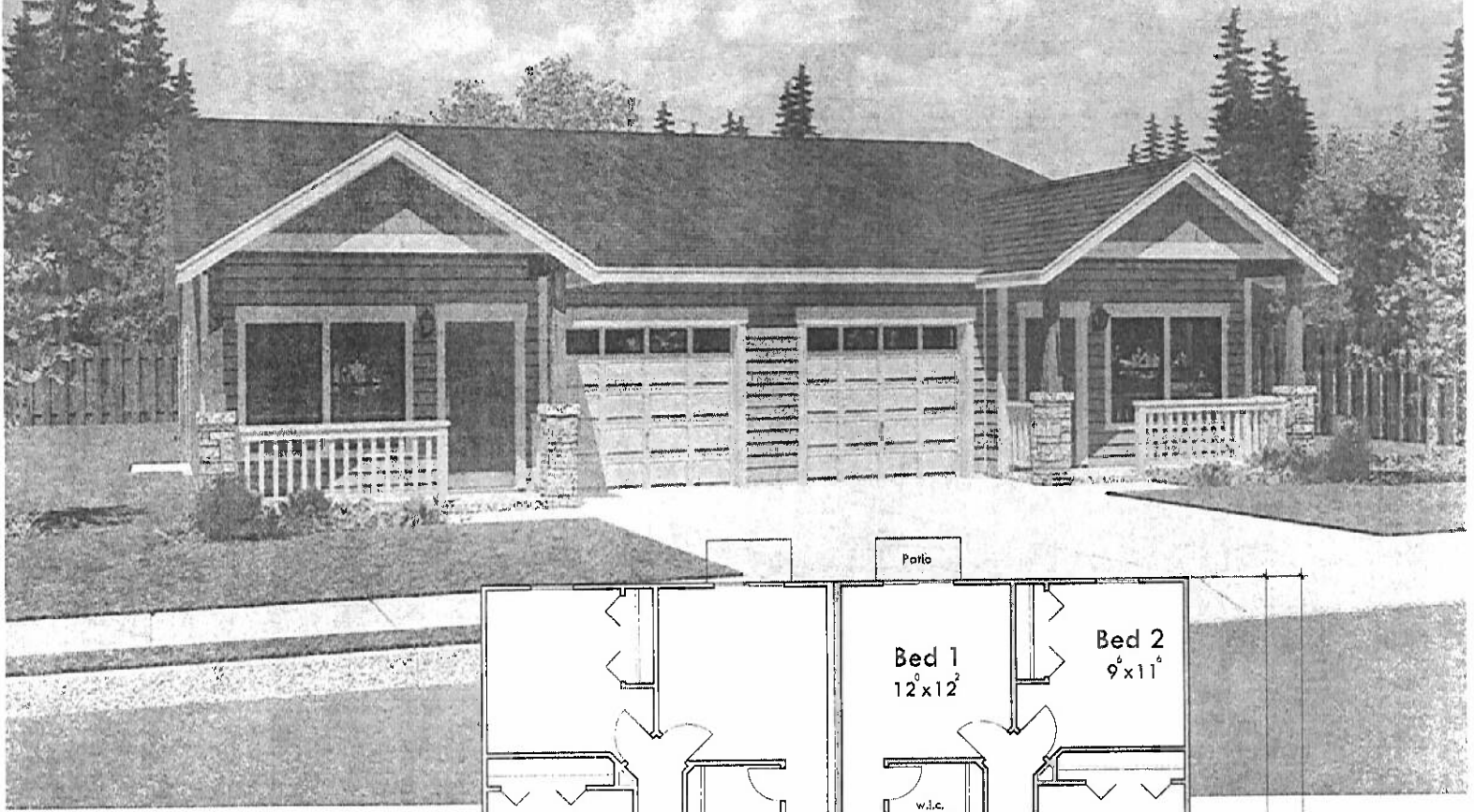
Questions?



PLAN #D-678

MAIN FLR. 1058 SQ. FT.

GARAGE 233 SQ. FT.





2023 Development Application

Owner Authorization and Representative Designation

Property Description

Subdivision: Green Acres Addition

Total Number of Acres: _____

Zoning Classification(s): R56

Total Number of Lots: 1

Location: 1902 Bridge

Property Owner Information & Authorization

Name/Company: Johnny Beville's Abilene Sunrise Properties LP

Address: 1834 West Overland Trail

City: Abilene

State: TX

Zip Code: 79603

Phone: 325-668-7558

Email: Johnny Beville's@gmail.com

Project Representation (check one):

☒ I will represent the application myself; OR

☐ I hereby designate _____ (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: Johnny Beville's

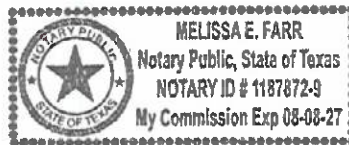
Date: 2-13-2024

STATE OF: Texas

COUNTY OF: Taylor

BEFORE ME, a Notary Public, on this day personally appeared Johnny Beville's (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 13th day of February, 2024



NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

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

Name: _____

Company: _____

Address: _____

City: _____ State: _____

Zip Code: _____ Number: _____

Email: _____



2023 Development Application

Zoning Application Page 1 of 3

Planning

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

Relief Procedures

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

Project Name: Duplex A4 1902 Bridge
Address: 1902 Bridge Number of Lots: 1 Acreage: _____
Legal Description: Lot 36, Block 26, Section 2 Green Acres Addition City of Abilene
Subdivision Name: Green Acres Sec. 2 Block: 26 Lot: 36
Current Zoning: R56 Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: Johnny Berills / Abilene Sunrise Properties, LP
Address: 678 Bell Plains Rd
City, State, Zip: Tuscola TX 79562 Fax: _____
Phone: 325 668-7558 Email: Johnnyberills@gmail.com
Agent Name: Johnny Berills
Address: 678 Bell Plains Road
City, State, Zip: Tuscola TX 79562 Fax: _____
Phone: 325 668-7558 Email: Johnnyberills@gmail.com

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

Signature of Owner: Johnny Berills Date: 2-13-24

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

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?

yes

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

yes

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

yes

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

no

Other Required Forms - Disclosure of Interest (See Attached)



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.

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

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

Name of Certifying Person (print): Johnny Bevills

Property Owner ☒ Project Representative ☐

Signature of Certifying Person: Johnny Bevills

*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

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.

There are only single family homes zoned RS6.
I am Asking for Conditional use to build A
duplex on the property. There are other
duplexes built in the Area.

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?

NO



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: Johnny Benitez
DATE: 2-13-24

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR ABANDONMENT OF A CERTAIN PORTION OF PUBLIC RIGHT-OF-WAY FOR THAT PORTION OF AN L-SHAPED ALLEY EXTENDING WEST FROM FORREST AVENUE AND NORTH TOWARD OAKLAND DRIVE; PROVIDING FOR TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

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

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

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

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

PASSED ON FIRST READING THE 25th day of April, 2024.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of March, 2024, the same being more than fifteen (15) days prior to a public hearing to be held at the Council Chambers in City Hall at 555 Walnut St. Abilene, Texas, at 8:30 a.m. on the 25th day of April, 2024, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 9th day of May, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons the following portion of right-of-way:

The portion of an L-shaped alley extending west from Forrest Avenue, and north to Oakland Drive Abilene, Texas; subject to the following conditions:

1. The subject right-of-way, and all adjoining properties, shall be platted within one year of the effective date of the abandonment ordinance.
2. If a replat is not approved and recorded within one year, the granting of the abandonment of the subject right-of-way shall be void.
3. The owners shall grant easements for any existing utilities or relocate them at the owners' expense.



-END-



THOROUGHFARE ABANDONMENT REQUEST

Case: TC-2024-01

Owner: Gospel Restoration Church

Request: Abandon an L-shaped alley near 2317 Forrest Ave.

Notification: 2 in Favor, 0 Opposed

Planning & Zoning: April 2, 2024

City Council Hearing: April 25, 2024
May 9, 2024





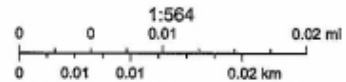
ABANDONMENT EXHIBIT

ArcGIS Web Map



2/15/2024, 12:14:07 PM

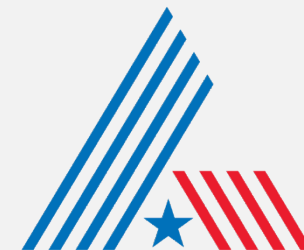
- | | | |
|--------------------|-----------------------|-------------------------------------|
| — Road Centerlines | □ Courier Parcels | ZoningSetbacks |
| • Address Points | □ Zoning Districts | □ RS (Residential - Single Family) |
| • Current | □ Right of Way Buffer | □ MD (Residential - Medium Density) |



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

ArcGIS Web AppBuilder

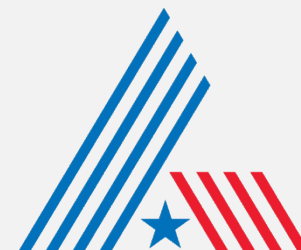
City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA



CITY OF
ABILENE
TEXAS



APPLICANT'S PROPERTY



CITY OF
ABILENE
TEXAS



AERIAL LOCATION MAP



Aerial Map



Legend

-  TC-2024-01
-  Roads
-  CourierParcels





ZONING MAP



Zoning Map



Legend

- Arterial
- AO - Agricultural Open Space
- RS-6: Residential Single-Family
- MD: Medium Density Residential
- MF: Multi-Family Residential
- Roads
- CourierParcels



CITY OF
ABILENE
TEXAS

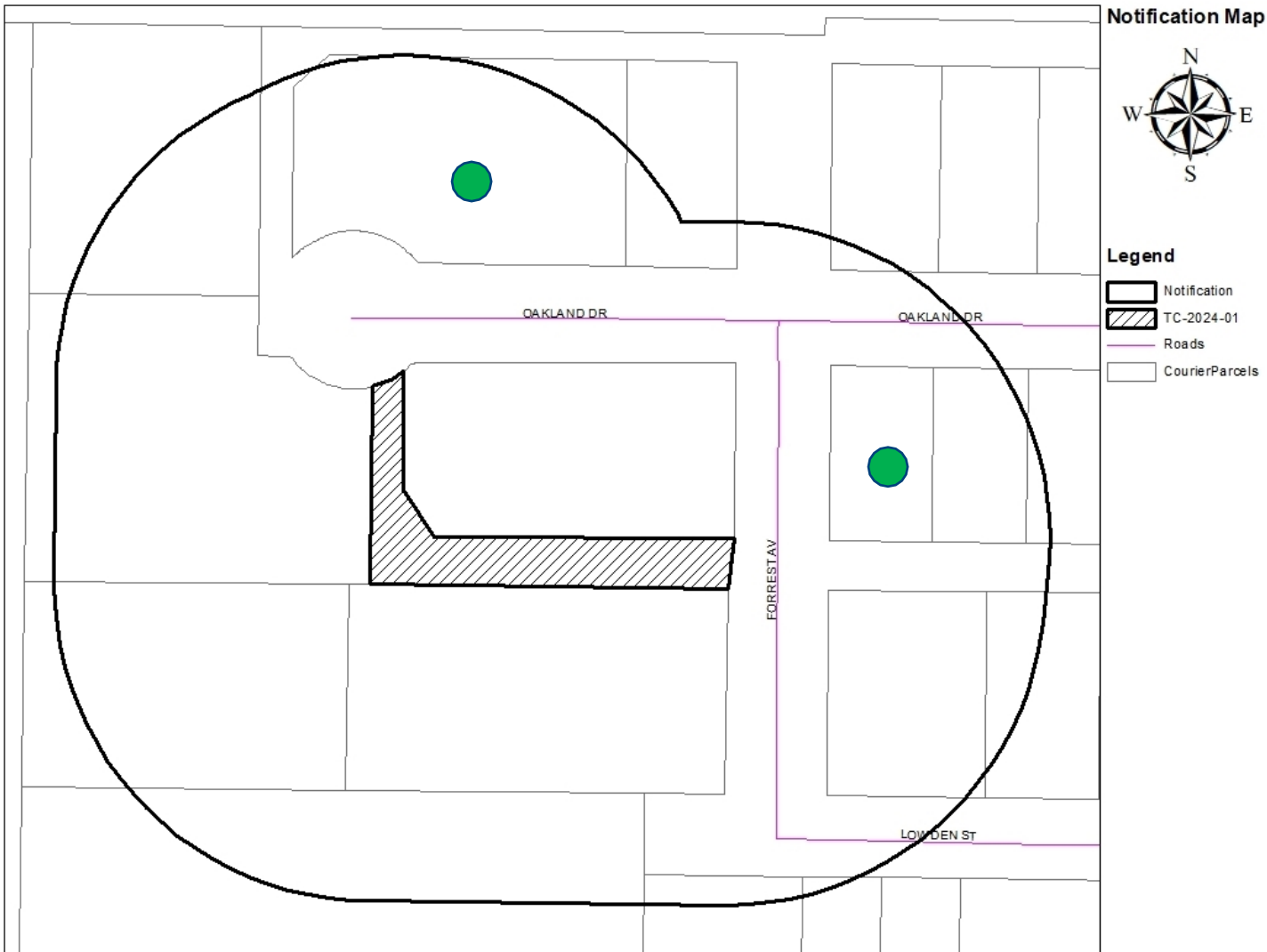


VIEWS OF SUBJECT PROPERTY





NOTIFICATION AREA MAP



2- In Favor- ●
0- Opposed- ●
0% Opposed





RECOMMENDATION

Staff recommends **approval**, subject to:

1. The subject right-of-way, and all adjoining properties, shall be platted within one year of the effective date of the abandonment ordinance.
2. If a replat is not approved and recorded within one year, the granting of the abandonment of the subject right-of-way shall be void.
3. The property owners shall grant easements for all existing utilities or relocate them at the owners' expense.





Questions?



THOROUGHFARE CLOSURE TC-2024-01

STAFF REPORT



Scheduled Hearings

Planning & Zoning Commission: April 2, 2024
City Council 1st Reading: April 25, 2024
City Council 2nd Reading: May 9, 2024

Applicant

Gospel Restoration Church

Case Manager

Adam Holland

Request

Abandonment of an “L” shaped alley between Oakland Drive and Forrest Avenue.

Background

The applicant proposes to combine the two lots served by the subject alley. The property south of the alley has access to Forrest Avenue and does not utilize the subject alley.

Assessment

The Development Review Committee reviewed this request and had the following comments:

Water

- There will need to be an easement dedicated for the existing 6” wastewater line running through the alley on the south side of the site.

Planning

- All public utilities must be located in a dedicated easement.

Staff Recommendation

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

1. The subject right-of-way, and all adjoining properties, shall be platted within one year of the effective date of the abandonment ordinance.
2. If a replat is not approved and recorded within one year, the granting of the abandonment of the subject right-of-way shall be void.
3. The property owners shall grant easements for all existing utilities or relocate them at the owners’ expense.

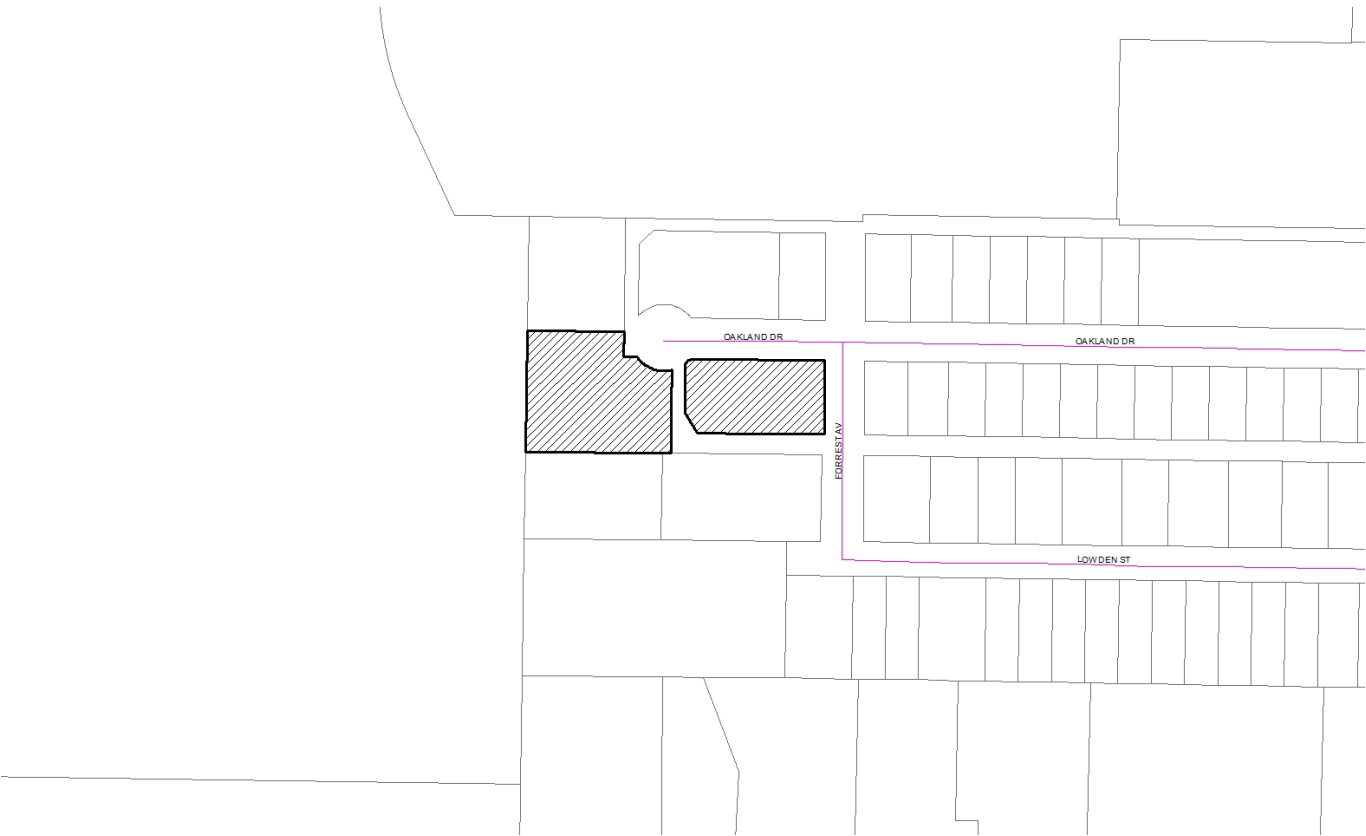
Notification

F- Favor

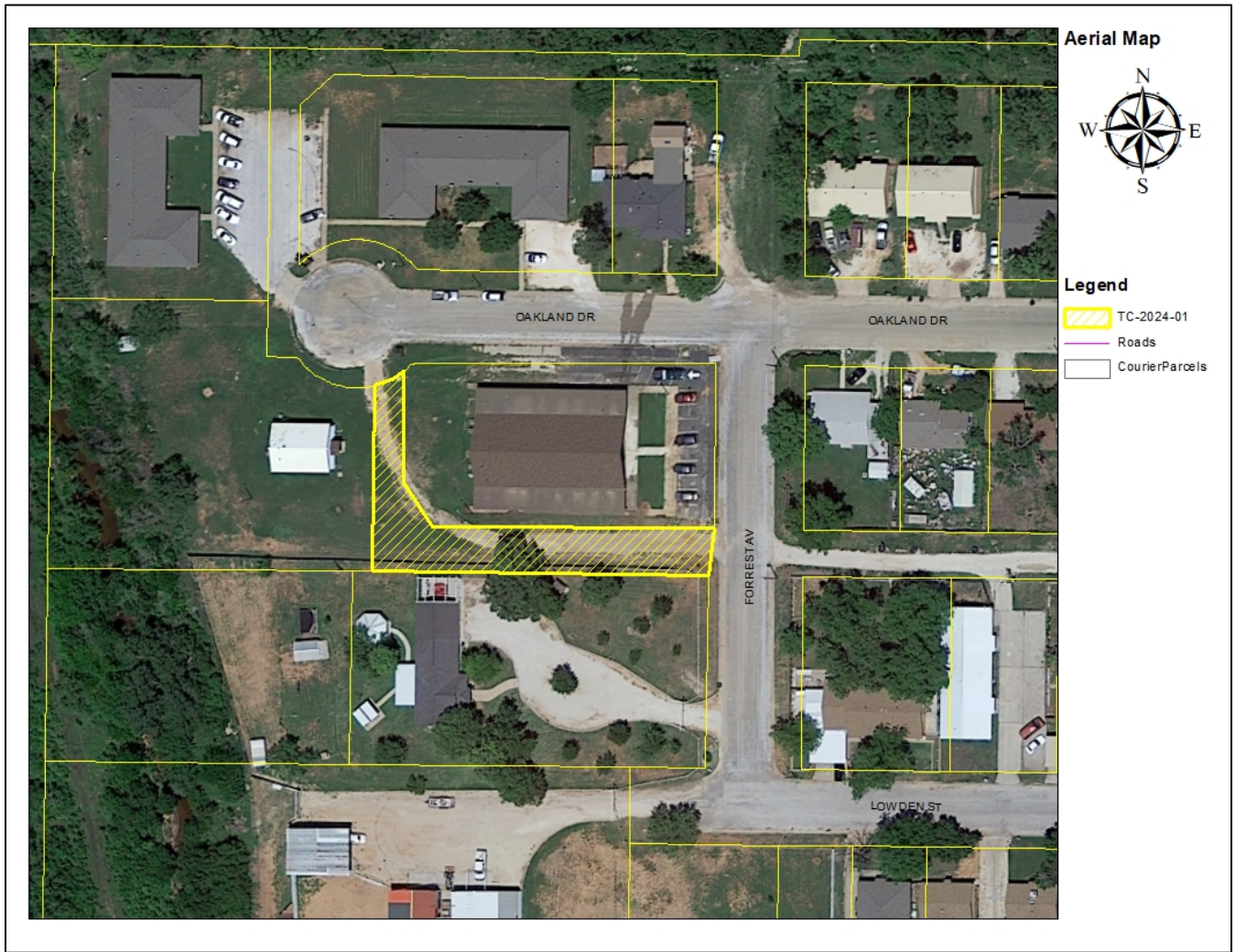
O- Opposed

Owner	Property ID	Situs	Response
263 HOLDINGS LLC	33754	2284 OAKLAND DR	
BAYVIEW FINANCIAL PROPERTY TRUST	36351	2300 OAKLAND DR	
CLAYTON KEVIN & RACHEL	14122	2232 LOWDEN ST	
DE LEON STEVEN & MECHELLE	41915		
GOSPEL RESTORATION CHURCH	36879	2317 FORREST AV	
GRAY DOUGLAS WAYNE &	36111	2273 OAKLAND DR	
MALDONADO EDUARDO & LINDA	42651	2242 LOWDEN ST	
SIMS DAVID	35982	2261 OAKLAND DR	
SOUTHWEST C & R LLC	37018	2330 OAKLAND DR	F
VENUGOPALA SOWMYA	43529		
WEBB MARK &	36233	2285 OAKLAND DR	F

Applicant's Property



LOCATION MAP



ZONING MAP

