



City of Abilene Board of Adjustment Agenda

Notice is hereby given of a meeting of the Board of Adjustment of City of Abilene to be held on August 13, 2024 at 8:30 a.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items.

CALL TO ORDER

MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Minutes from the Regular Meeting Held on June 11, 2024

AGENDA ITEMS

2. **BA-2024-11:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Jesus Villarreal for a special exception to allow auto sales within the Pine Street Corridor Overlay located at 542 East Ambler Avenue. ***(Clarissa Ivey)***

EXECUTIVE SESSION

The Board of Adjustment 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 9th day of August, 2024, at 2:20 p.m.

Kaitlin Richardson, Deputy City
Secretary, TRMC



BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

June 11, 2024

8:30 a.m.

**BOARD OF ADJUSTMENT OF THE CITY OF ABILENE, TEXAS
CITY HALL COUNCIL CHAMBERS, 555 WALNUT STREET, ABILENE**

Members Present: Mr. Jon Loudermilk, Chair
Ms. Shawnda Rixey, Chair Pro Tem
Mr. Louis Zientek, Secretary
Melissa Sparks, Sergeant at Arms
Mr. Bob Thomas, Alternate
Mr. John Havard, Alternate

Members Absent: Ms. Joy Ellinger

Staff Present: Mr. Michael Rice, Assistant City Manager
Ms. Kelley Messer, First Assistant City Attorney
Mr. Tim Littlejohn, Director
Mr. Randy Anderson, Assistant Director
Mr. Adam Holland, Planner II
Ms. Melissa Farr, Executive Assistant

Others Present: Ms. Tiffeny Herring Ms. Shirley Herring
Ms. Jasmine Card Ms. Robin Johnson
Mr. Alvino Sanchez

CALL TO ORDER

The meeting was called to order at 8:31 a.m. and Ms. Melissa Farr recorded the minutes. A quorum was present, and the meeting proceeded.

MINUTES

The public hearing was opened. Seeing no one present and desiring to be heard, the public hearing was closed. Mr. Havard made the motion to approve the minutes from the regular meeting held on April 9, 2024. Ms. Rixey seconded the motion. The motion to **approve** the minutes prevailed by the following vote:

AYES: Zientek, Havard, Rixey, Sparks, Loudermilk

NAYS: None

AGENDA ITEMS

BA-2024-10: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Variance to Allow a 2.5-Foot Side Setback (3.0 Feet Required) for an Attached Carport Located at 2009 South 19th Street.

Mr. Adam Holland presented this request. The subject carport was constructed without a permit and does not comply with the 3-foot side setback requirement for an attached carport. Had the applicant requested a permit, the applicant would have been advised of the 3-foot setback requirement and the LDC requirement that the area covered by a carport be improved with durable and dustless materials, such as asphalt or concrete.

Since a permit was not obtained, there have not been any inspections on the structure or foundation by the City. Staff cannot confirm if the construction complies with the building code.

Mr. Loudermilk opened the public hearing. Ms. Tiffeny Herring stepped forward to speak on behalf of her family. Seeing no one else present and desiring to be heard, the public hearing was closed.

Property owners within a 200-foot radius of the property address were notified. There was one (1) response received in favor with none (0) in opposition.

Discussion among the Board included the change in size of the new carport from the original structure and the options for a dustless surface (asphalt, concrete, pavers, etc.)

Mr. Loudermilk reopened the public hearing. Ms. Tiffeny Herring asked the Board to consider the costs related to the carport and any alterations and improvements to be made. Seeing no one else present and desiring to be heard, the hearing was closed.

Ms. Rixey moved to **deny** this request based upon the staff findings. Ms. Sparks seconded the motion. The motion to **deny** this request prevailed by the following vote:

AYES: Zientek, Havard, Rixey, Sparks, Loudermilk

NAYS: None

ADJOURNMENT

There being no further business, the Board of Adjustment meeting was adjourned at 8:55 a.m.

Approved: _____, Chair

BOARD OF ADJUSTMENT

BA-2024-011

STAFF REPORT

Scheduled Hearings

Board of Adjustment: August 13, 2024

Applicant

Owner: Jesus Villarreal

Case Manager: Clarissa Ivey, Planner

Request

Special Exception to allow auto sales in the Ambler Avenue Corridor Overlay zoning district.

Location

542 East Ambler Avenue

Background

The previous owner used the subject property for auto-related services. Those uses were considered legally non-conforming (grandfathered) uses because they are not permitted in the General Retail (GR) zoning district. Those uses were discontinued for more than six (6) months, resulting in the loss of the grandfathering rights of the former uses.

The current owner has recently rezoned the subject property to General Commercial (GC) zoning district (Ordinance 27-2024), which allows the use of Retail Sales/Rental (automobile/small truck). However, the property is located in the Ambler Avenue Corridor overlay district, which only allows auto related uses subject to the granting of a Special Exception.

Zoning, Existing and Proposed Land Use

The subject property is zoned General Commercial (GC) and is located in the Ambler Avenue Corridor overlay district.

Land Development Code Provisions

Per LDC Section 2.3.4.6, auto related businesses (auto sales, auto repair, truck repair, etc.) are allowed only with a Special Exception, which shall only be granted for such uses that are compatible with the development goals of the corridor, including incorporating appropriate conditions to address elements such as building design, landscaping, screening, limitations or prohibitions on outdoor activities, and the like.

Site Constraints

There are no apparent site constraints.

Precedents/Findings

The primary purpose of this overlay district is to encourage high quality development and redevelopment within the district. Uses are intended to include retail, restaurants, services, medical, office, research, educational, and related uses.

Criteria Assessment

In deciding whether to approve, conditionally approve or deny the application for a Special Exception, the Board shall apply the standards for special exceptions for nonconformities, outlined in Section 1.4.4.1(d), as criteria for general special exceptions. In addition, the Board shall determine that the

requested special exception complies with each of the following:

- 1. Will be wholly compatible with the use and permitted development of adjacent property, either as filed or subject to such requirements as the Board finds to be necessary to protect and maintain the stability of adjacent properties.**

The subject property has a long history of auto-related services. The proposed Special Exception request is consistent with those uses. The proposed use is also consistent of the intensity of commercial development located along this portion of Ambler Avenue.

- 2. Will place no undue burden on public facilities. Public facilities to be considered shall include, but are not limited to, streets and alleys, water and sewer utilities, schools and parks.**

The granting of the Special Exception will not place a burden on public facilities.

- 3. That approval of the special exception is clearly in harmony with the general purposes and intent of this Ordinance and, furthermore, provides for substantial justice.**

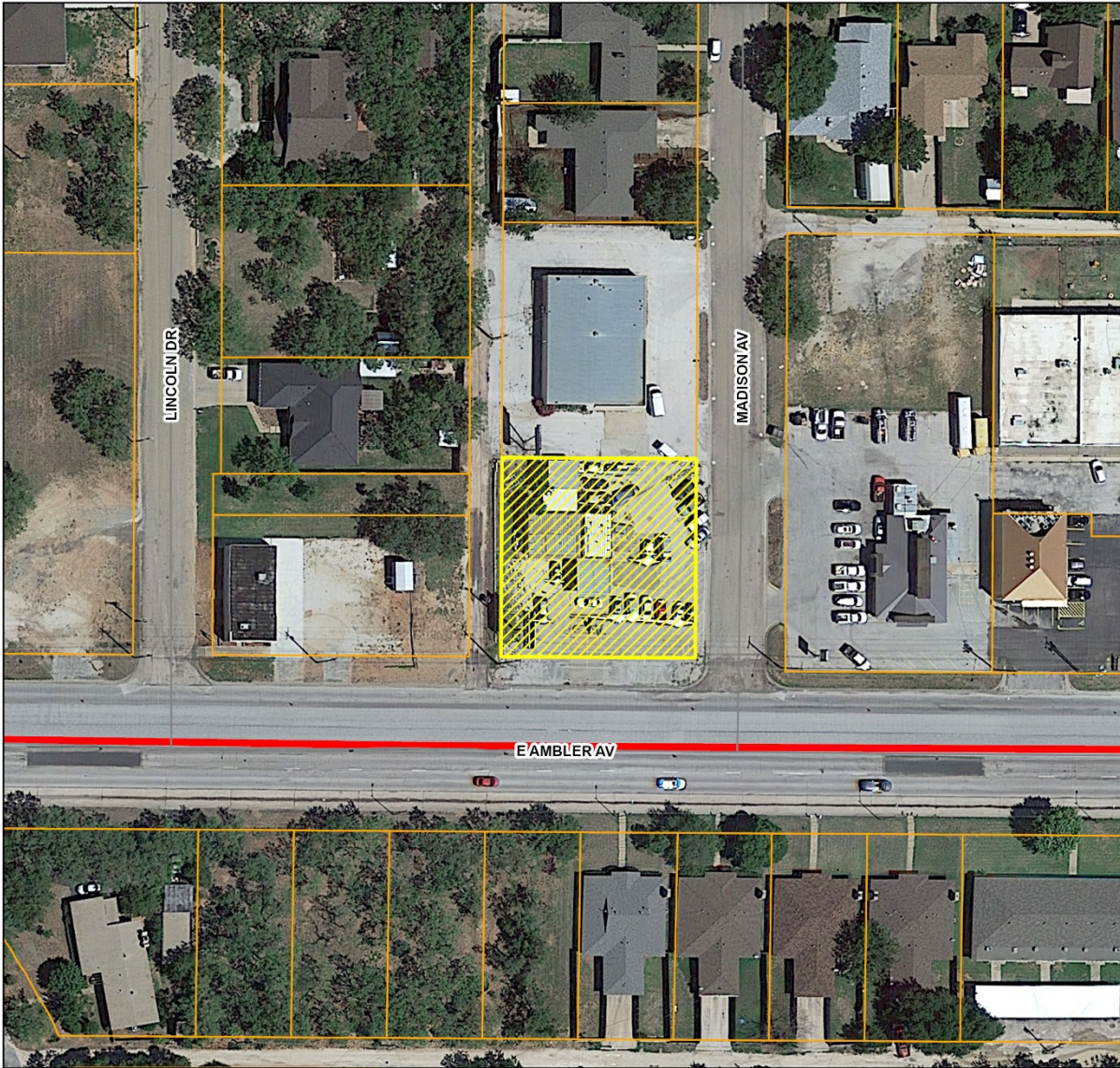
The applicant has started to remodel the subject property and to enhance its appearance in order to comply with the Corridor Overlay's building and architectural standards. In so doing, the proposed use, if granted, will enhance the Ambler Avenue Corridor and satisfy the spirit and intent of the corridor regulations.

NOTIFICATIONS



Legend: **O- Opposed**
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
HERROLD FAMILY PROPERTIES LLC	40621	575 E AMBLER AV	
HERROLD FAMILY PROPERTIES LLC	40621	573 E AMBLER AV	
AHLBERG DARLENE G 2008 LIV TR	14086	550 E AMBLER AV	
FRY JACKSON B JR & KATHIE	40092	541 AMBLER AV	
FRY JACKSON B JR & KATHIE	39964	533 AMBLER AV	
BBL LEASING LLC SERIES 5	40232	549 E AMBLER AV	
BBL LEASING LLC SERIES 5	40232	551 E AMBLER AV	
LOVING INDIVIDUALS GENERATING	13982	580 E AMBLER AV	
LOVING INDIVIDUALS GENERATING	13982	588 E AMBLER AV	
FRY JACKSON B JR & KATHIE	39721	517 AMBLER AV	
FRY JACKSON B JR & KATHIE	39848	525 AMBLER AV	
HEWITT DEBORAH LOU	23257	2440 MADISON AV	
BECK MICAH T	40490	567 E AMBLER AV	
BECK MICAH T	40490	565 E AMBLER AV	
ALLEN NEITA GAYLENE &	13522	501 BACON DR	
CAMPBELL ROBERT M	205756	526 E AMBLER AV	
BRITTEN SAMUEL LYNN &	40370	557 E AMBLER AV	
BRITTEN SAMUEL LYNN &	40370	559 E AMBLER AV	
AMBLER PROPERTIES LLC	109342	566 E AMBLER AV	
CAMPBELL ROBERT M & DOROTHY J	68172		
M7 REAL ESTATE INVESTMENTS LLC	23802	542 E AMBLER AV	
LWMW MANAGEMENT LLC	23407	2432 MADISON AV	
HEARD CHARLES R & LINDA K	95959	2425 LINCOLN DR	
HEARD CHARLES R & LINDA K	23806	2433 LINCOLN DR	
CAMPBELL ROBERT M & DOROTHY J	95961	2417 LINCOLN DR	

LOCATION MAP



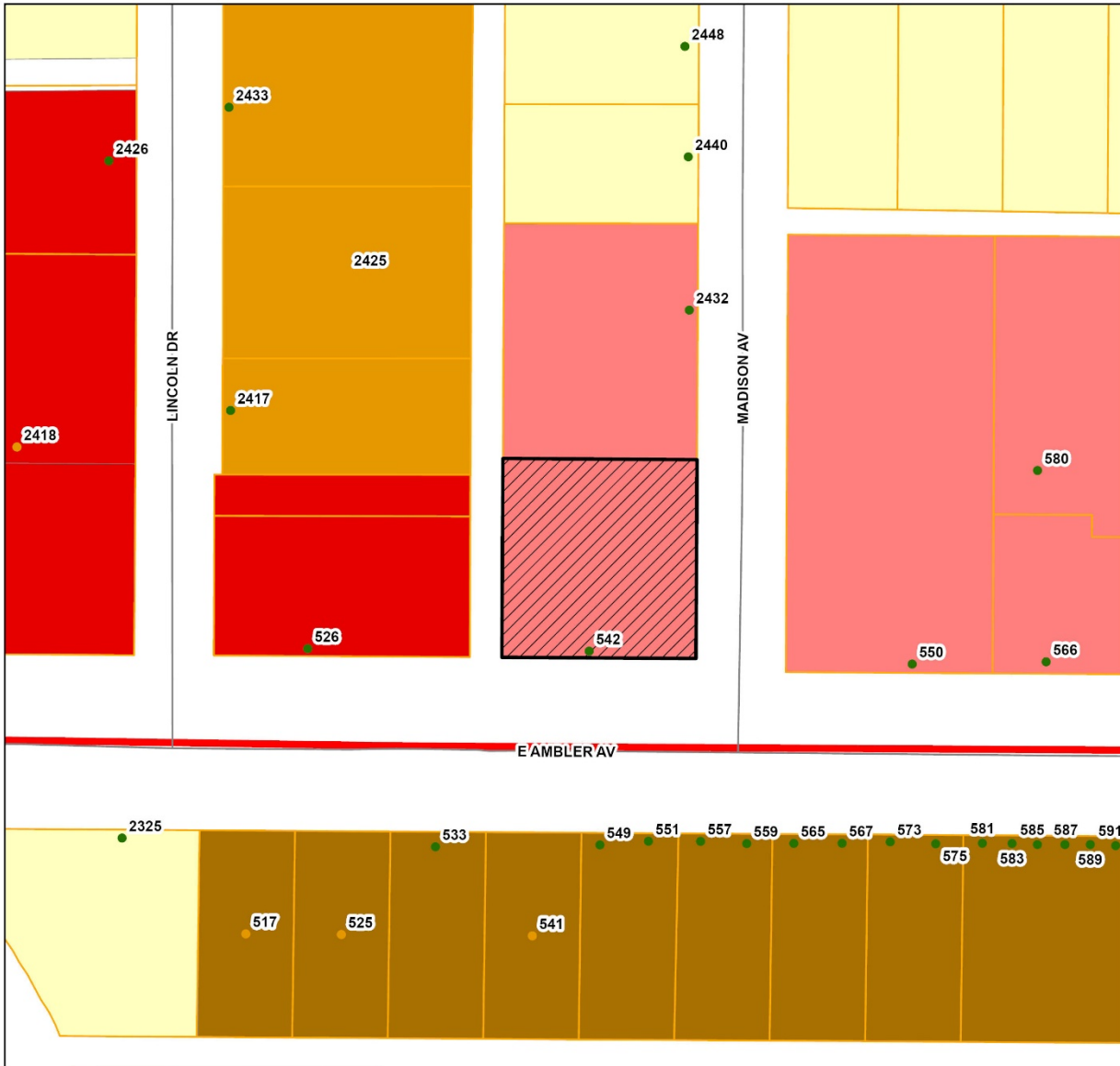
Legend

-  BA-2024-11
-  Courier Parcels
-  Arterial

0.01

Miles

ZONING MAP



- Legend**
- Current
 - Pending
 - ▨ BA-2024-11
 - Courier Parcels
 - GC (General Commercial)
 - GR (General Retail)
 - MD (Residential - Medium Density)
 - MF (Residential - Multi-family)
 - RS (Residential - Single Family)
 - Arterial

0.01 Miles

***Property has been rezoned to (GC) General Commercial by Ordinance No. 27-2024**

Case: BA-2024-11

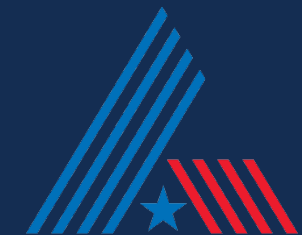
Owner: Jesus Villarreal

Request: Special Exception to allow auto sales in the Ambler Avenue Corridor Overlay.

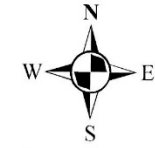
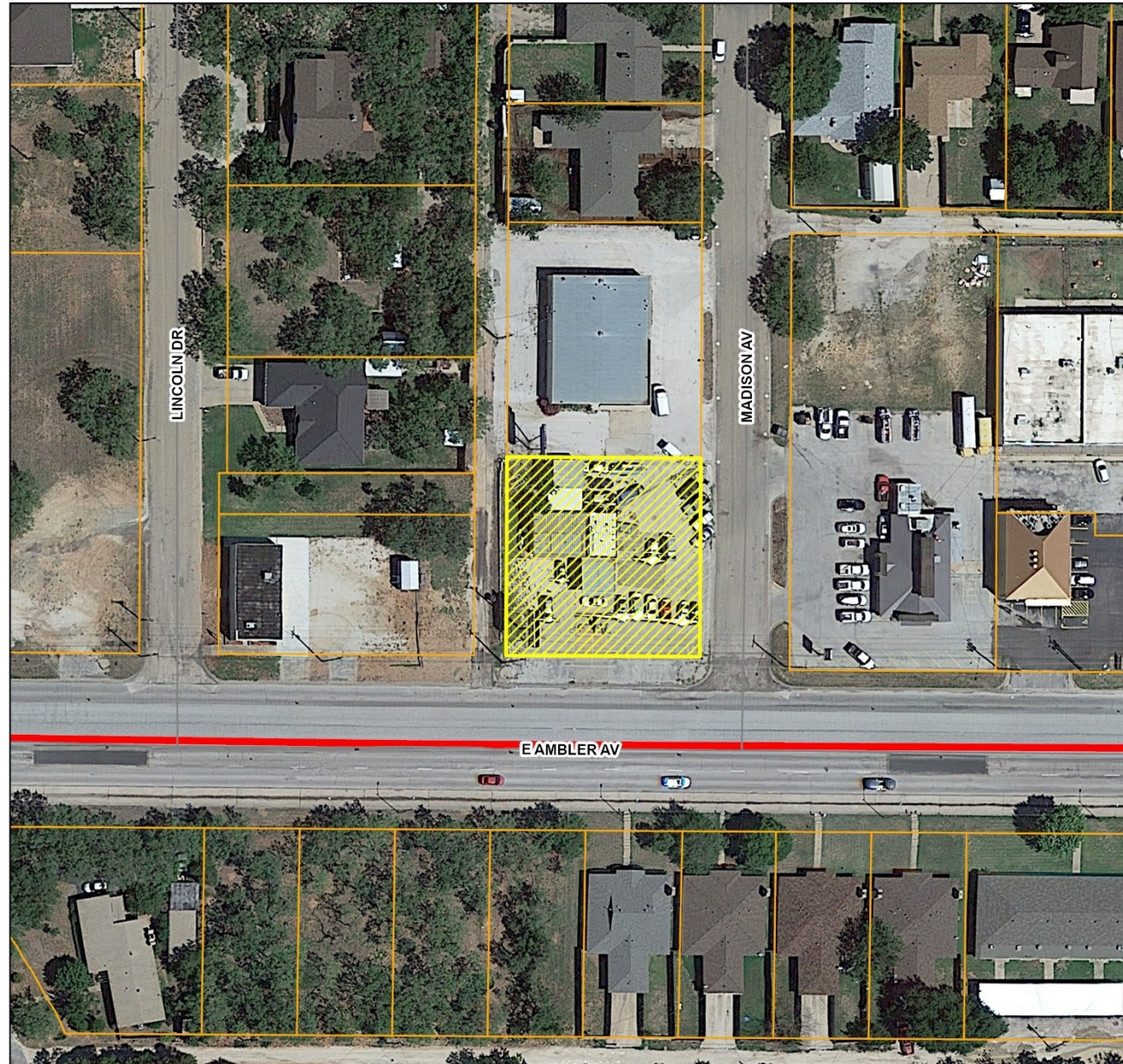
Location: 542 East Ambler Avenue

Notification: 0 in Favor, 0 Opposed

Board of Adjustment: August 13, 2024

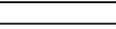


AERIAL LOCATION MAP



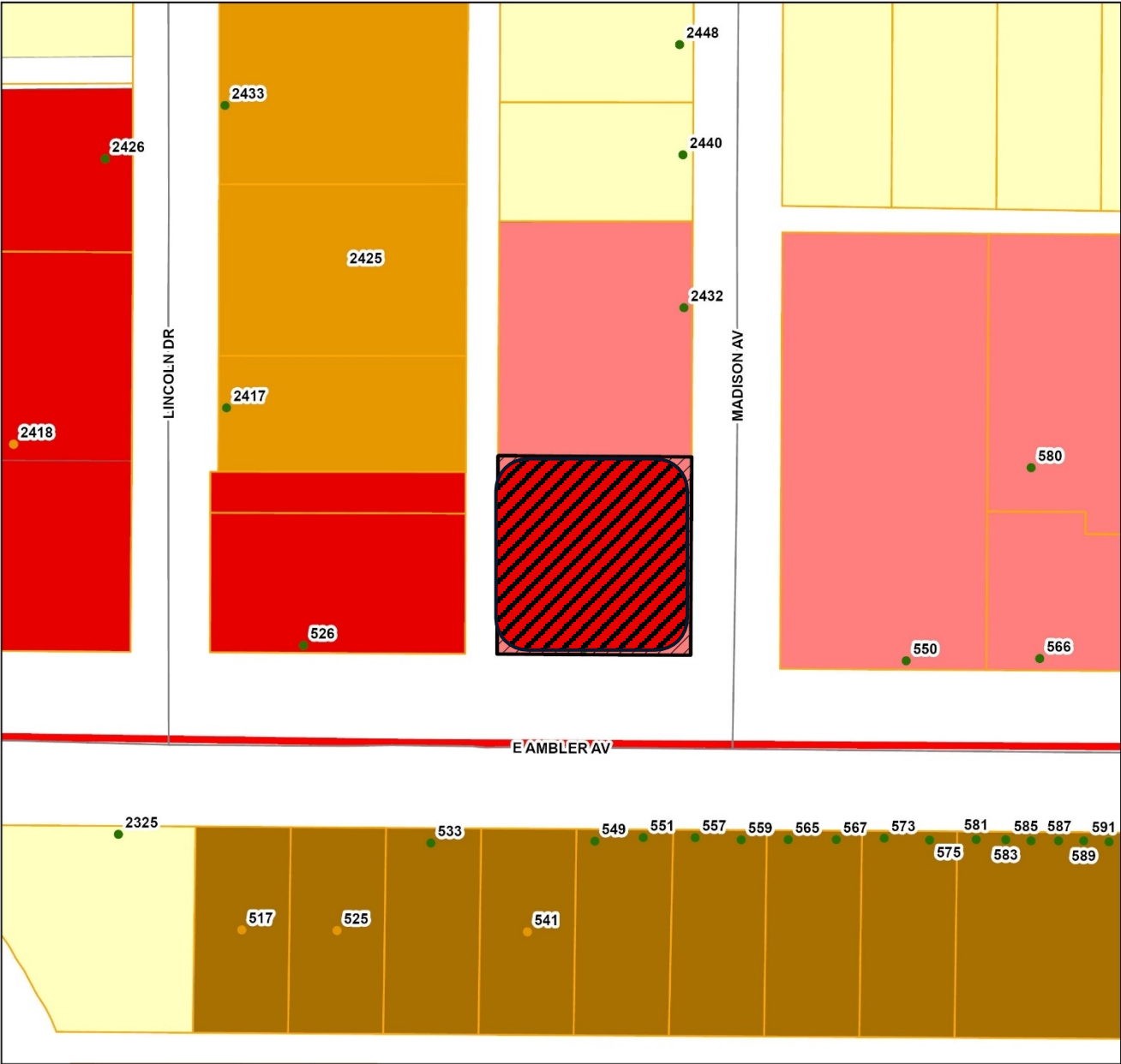
Legend

-  BA-2024-11
-  Courier Parcels
-  Arterial

0.01
 Miles



ZONING MAP

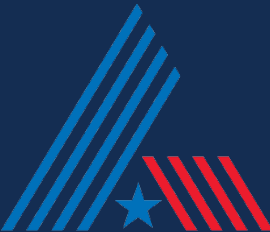


Legend

- Current
- Pending
- BA-2024-11
- Courier Parcels
- GC (General Commercial)
- GR (General Retail)
- MD (Residential - Medium Density)
- MF (Residential - Multi-family)
- RS (Residential - Single Family)
- Arterial

*Property has been rezoned to General Commercial (GC).
Ordinance No. 27-2024

0.01 Miles



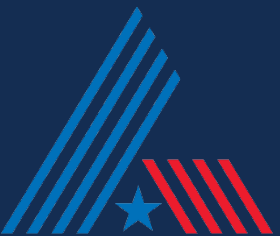
VIEWS OF SUBJECT PROPERTY



Jul 26, 2024 4:30:22 PM
542 East Ambler Avenue
Abilene
Taylor County
Texas



Jul 26, 2024 4:31:54 PM
542 East Ambler Avenue
Abilene
Taylor County
Texas



VIEWS OF NEIGHBORING PROPERTIES



USES IN GENERAL COMMERCIAL ZONING

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Freight Container
- P Fuel Sales
- TP Itinerant Business
- P Manufacturing (incidental)
- C Mobile Home (permanent security residence)
- TP Mobile Home (temporary security residence)
- C Mobile Home or Temporary Building (office for sales and service)
- P Recycling Collection Point
- C Travel Trailers (accessory to hospitals)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Fire/Police Station
- C Homeless/Emergency Shelter
- P Hospital
- P Medical/Dental Laboratory
- P Post Office
- C Rehabilitation Facility
- P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE:

- P/C Automobile Wash
- C Contractor Services
- P Funeral Home/ Mortuary/Morgue
- C Kennel (With Outdoor Pens)
- P Kennel (Without Outdoor Pens)
- P Laundry, Dry Cleaning, Dyeing, and Linen Service (no retail customers)
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- P Printing, Copying, Reproduction, Publishing
- C Recycling Collection and Processing Center
- P Repair and Maintenance Services - Automobile/Small Truck (major)
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Repair and Maintenance Services (outdoors)
- P Storage - Self-Service Units
- P Tattoo Parlor
- P Taxidermist
- P Veterinary Service (small animals)

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

TRADE – WHOLESALE USES:

- C Wholesaling and Storage (indoor)

TRADE – RETAIL USES:

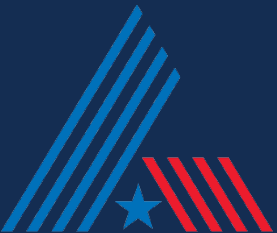
- C Aircraft and Accessories
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Brew Pub
- P Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (automobile/small truck)
- P Retail Sales/Rental (indoor)
- P Retail Sales/Rental (outdoors, non-vehicle)
- C Retail Sales/Rental (trucks and other large vehicles and equipment)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility

LEGEND

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

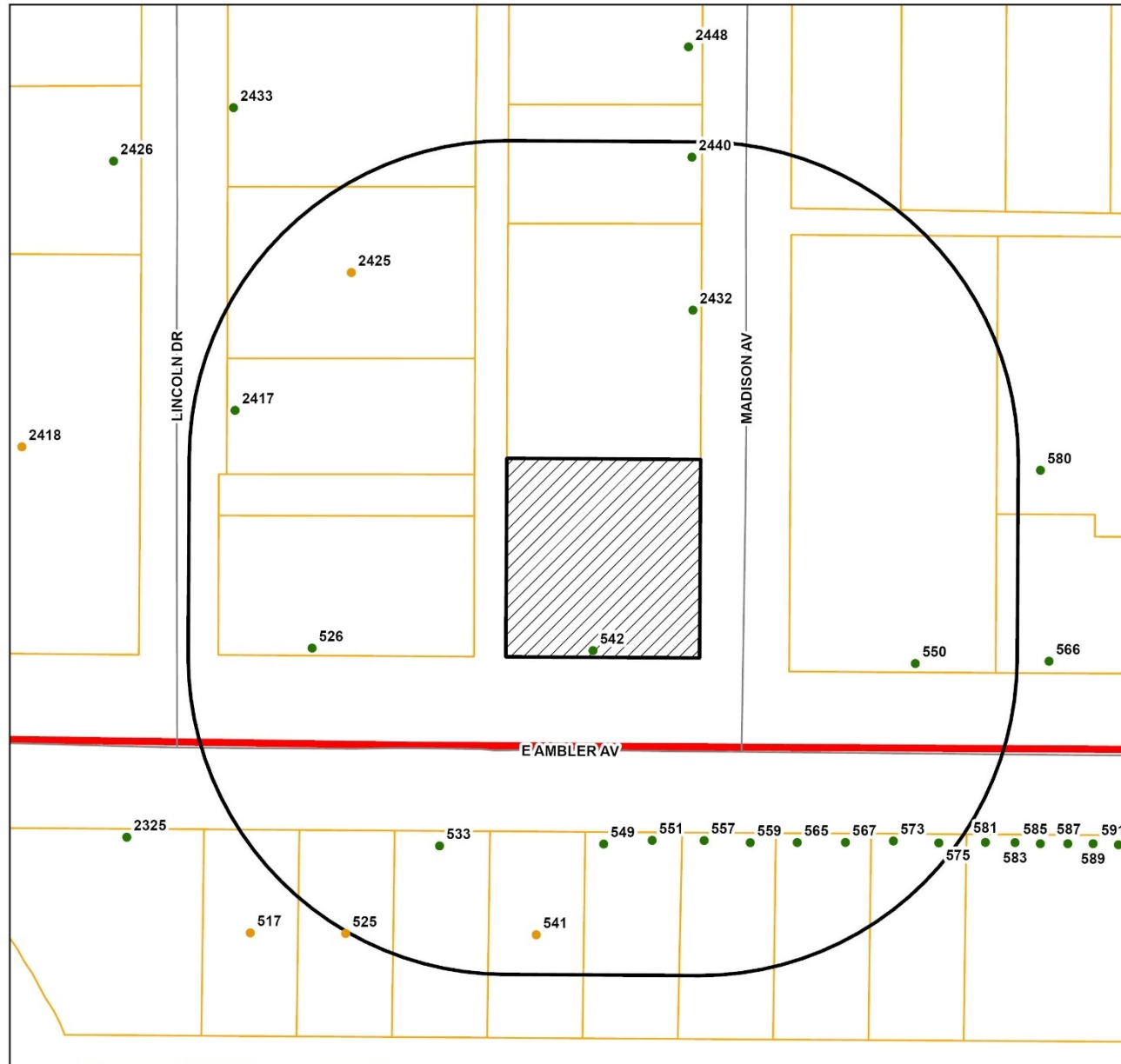


AMBLER AVENUE CORRIDOR OVERLAY

- **Purpose.** Uses are intended to include retail, restaurants, services, medical, office, research, educational, and related uses. Development in the area should be of high quality with well-designed buildings and attractive landscaping in a pedestrian friendly setting.
- **Land Use.** Special Exception required for Auto Related uses and Outdoor Storage.
- **Buildings and Architectural Standards.** Standard concrete block or metal siding is not permitted.
- **Setbacks.** Per zoning district.
- **Landscape.** Landscape shall be provided per LDC standards. Parking lot to be screened from street.
- **Signage Requirements.** Per zoning district. No off-site advertising.



NOTIFICATION AREA MAP



Legend

- Current
- Pending
- Notification Area
- ▨ BA-2024-11
- Courier Parcels
- Arterial

0- In Favor- ●

0- Opposed- ●

0.01 Miles



Reviewed Pursuant to Section 1.4.4.1(e) of Land Development Code (Criteria for Approval)

Will be wholly compatible with the use and permitted development of adjacent property, either as filed or subject to such requirements as the Board finds to be necessary to protect and maintain the stability of adjacent properties.

The subject property has a long history of auto-related services. The proposed Special Exception request is consistent with those uses. The proposed use is also consistent of the intensity of commercial development located along this portion of Ambler Avenue.

Will place no undue burden on public facilities. Public facilities to be considered shall include, but are not limited to, streets and alleys, water and sewer utilities, schools and parks.

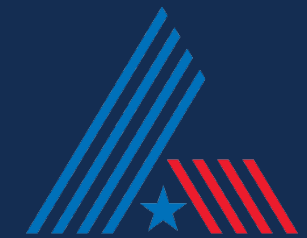
The granting of the Special Exception will not place a burden on public facilities.

That approval of the special exception is clearly in harmony with the general purposes and intent of this Ordinance and, furthermore, provides for substantial justice.

The applicant has started to remodel the subject property and to enhance its appearance in order to comply with the Corridor Overlay's building and architectural standards. In so doing, the proposed use, if granted, will enhance the Ambler Avenue Corridor and satisfy the spirit and intent of the corridor regulations.



Questions?





Board of Adjustment Application

Owner Information and Representative Designation

OWNER INFORMATION			
Name:	Jesus Villarreal		
Address:	2590 Lincoln Drive		
City:	Abilene	State:	Tx
		Zip:	79601
Number:	325-370-4807	Email:	jesus.villarreal1@yahoo.com

AGENT INFORMATION (if applicable)			
Name:			
Address:			
City:		State:	
		Zip:	
Number:		Email:	

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: _____ *JV*

STATE OF: Texas

COUNTY OF: Taylor

BEFORE ME, a Notary Public, on this day personally appeared _____ (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 _____ day of _____, 20____

NOTARY PUBLIC in and for the State of Texas



Board of Adjustment Application

Project Information

REQUEST TYPE

Variance

Special Exception

Non-Conformity

RELIEF PROCEDURES

Petition for Relief

Proportionality Appeal

Vested Rights Petition

Appeal

Other: _____

Project Name: <u>Wildcat Motors</u>	Total lots: <u>1</u>	Acreage: <u>3501</u>
Address: <u>542 E. Ambler Ave</u>	Block(s): <u>6</u>	Lot(s): <u>5</u>
Subdivision: <u>Hillcrest Addition Sec 1</u>		
Current Zoning: <u>GC</u>		

The proponent (or agent) is responsible for answering the following questions. The following questions need to be answered to the best ability possible in order to assist staff in processing the request. The Board follows this line of questioning and will expect the proponent (or agent) to cover this material in the presentation of the case.

1. 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 its intent.

Because the property lies in the Pine Street Corridor overlay, a special exception must be made for auto sales.

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

The entire property resides in the overlay so there is not an alternative that would accommodate the ordinance. This property was specifically chosen because our home is only 2 blocks from the property. We saw the potential in the building. It was distressed, had multiple tenants. We saw an opportunity to invest in our neighborhood.



Board of Adjustment Application

3. What affect would it have on the rest of the public if your request is granted? What effect on the neighborhood?

The property ~~has~~ is being updated and renovated, so aesthetically it has benefitted the public and the neighborhood. As an auto dealership the public will benefit the economy by various taxes contribution. It also enhances the small business community. As far the neighborhood, it provides a locally owned, Hispanic owned business to the community.

4. What special conditions apply to your property that would show that the literal enforcement of ordinance Section Pine St Corridor ^{overlaid} would be an unnecessary hardship on you? What hardship other than financial?

If the property does not meet special exemptions, an only alternative would be to find another means of income. I am a retired police officer and starting this business was my plan for retirement. Besides financial, the other hardship would be finding another plan for retirement.

5. What use or activity will be made on the property if your request is granted?

The property will be used as an auto sales lot. It was previously used as a car lot ~~several~~ several years ago. We are looking to update and make the property more appealing.

6. Is your property zoned appropriately?

Yes



Board of Adjustment Application

7. Does your property have sufficient flood protection according to elevation standards for that area?

It is not in a flood zone so we are not required to have flood protection.

8. Are there any alternatives available that you could use without needing a variance? Would these alternatives allow you reasonable use of your property? Please explain:

There are no alternatives that we could use. This is the only property that we own for this business.



Board of Adjustment Application

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 Board of Adjustment 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 Board of Adjustment, 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 Board of Adjustment will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Board to allow for full consideration or when the public interest requires a continuation.

SIGNED: 

DATE: 7/8/24

Section 2.3.4.6 - Ambler Avenue Corridor (AMB-COR) Overlay Zone

Activities within this overlay district shall be governed by all regulations of the underlying zoning district, including regulations for site development, landscaping, signs, performance standards, etc., except where modified by the provisions of this Section.

- (a) *Purpose.* The primary purpose of this overlay district is to encourage high quality development and redevelopment within the district. In general, this district is intended to cover the areas adjacent to Ambler Avenue from Grape Street to Interstate 20.
- In general, development and redevelopment within this district should serve as a corridor of high quality attractive development representing the first impression of Abilene for visitors to Abilene Christian University, Hardin-Simmons University, and Hendrick Medical Center, and other destinations within the corridor. Uses are intended to include retail, restaurants, services, medical, office, research, educational, and related uses. Development in the area should be of high quality with well-designed buildings and attractive landscaping in a pedestrian friendly setting.
- (b) *Land Use.* Allowable uses within the overlay district shall be per the underlying zoning district, except as modified below.
- (1) Auto related businesses (auto sales, auto repair, truck repair, etc.) are allowed only with a Special Exception, which shall only be granted for such uses that are compatible with the development goals of the corridor, including incorporating appropriate conditions to address elements such as building design, landscaping, screening, limitations or prohibitions on outdoor activities, and the like.
 - (2) Outdoor storage on a property within the district, where allowed by the underlying zoning district, shall require a Special Exception by the Board of Adjustment and shall be based on the following criteria:
 - a. The Board may deny a Special Exception for any proposed outdoor storage use that is deemed incompatible with the use characteristics and aesthetic goals of the overlay district.
 - b. The storage is accessory to a permitted use and is not the primary use of the property.
 - c. The storage is limited to the most appropriate locations on the site, which would typically be behind or to the side of a principal building. Only in exceptional circumstances should outdoor storage be allowed within a front yard and/or between a principal building and a street.
 - d. The area of the site devoted to outdoor storage should be limited to only that which is necessary for the use and in no case shall exceed 50% of the lot.
 - e.

Appropriate screening is provided based on the materials being stored. Such required screening may include an opaque wall or fence, landscape screening such as hedges, shrubs, trees or a combination, or any other screening approved by the Board that meets the aesthetic intent of the overlay district.

- f. Appropriate buffering from adjacent uses. In addition to any required buffering, the Board may require additional buffering when the proposed use is adjacent to a less intensive zoning district.
 - g. The Board may place limits on the surface of the storage area (concrete, asphalt, etc.) and may limit the amount or types of items stored.
 - h. Any other criteria deemed by the Board to be relevant to achieving the land use and aesthetic goals of the overlay district.
- (c) *Buildings and Architectural Standards.* Standards for building design and materials shall be per the underlying zoning district, in addition to the following:
- (1) *Building materials:* Building walls visible from Ambler Avenue shall be constructed of masonry material, such as stone or brick, stucco or stucco-like materials, such as EIFS, textured concrete, split-face block, or similar materials. Standard concrete block or metal siding is not permitted.
 - (2) *Building articulation:* In order to break up the apparent size of large facades, one or more of the following design elements shall be incorporated into the building design:
 - a. Vertical elements of different materials or colors every fifty (50) feet.
 - b. Changes in building materials design, and/or color to avoid large blank walls.
 - (3) Single-family and duplex residential uses shall be exempt from these requirements.
- (d) *Setbacks.* The setbacks of the underlying zoning district shall apply within this district, except as modified below:
- (1) *Front Building Setback:* Front building setbacks may be reduced to the required 10-foot landscaping strip where no parking, driving aisles, or other pavement is located between the building and the property line, with the exception of sidewalks and perpendicular access drives connecting to parking to the side or rear of the building.
 - (2) *Side Setbacks:* per underlying zoning.
 - (3) *Rear Setbacks:* per underlying zoning.
- (e) *Landscaping Requirements.* Landscaping and screening shall be provided, consistent with the City's landscaping standards, except as modified by this section.
- (1) Where a parking lot is located between a principal building and the street, such parking lot shall include additional landscaping or screening between the parking lot and the street in the form of a decorative masonry wall, evergreen hedge, or other comparable evergreen

plantings, providing a screen of 30 to 42 inches in height. The required wall or screening shall be designed to allow for free access to the site and sidewalk by pedestrians.

- (f) *Signage Requirements.* The City of Abilene Sign Regulations (See Chapter 4, [Article 2], Division 8) shall apply within its overlay district, except as modified below for signs oriented to Ambler Avenue:
- (1) Properties located between Grape Street and Treadaway Boulevard: Freestanding signs are limited to one per 100 feet of frontage per street frontage and shall be a monument style sign with a maximum height of eight (8) feet and a maximum area of 100 square feet.
 - (2) Properties located between Treadaway Boulevard and Interstate 20: Freestanding signs are subject to the requirements of the underlying zoning district.
 - (3) Off-site advertising signs are prohibited, except signs permitted on and oriented to Interstate 20.
 - (4) Size exception for institutional signs. Institutional monument signs for College/University and Hospital uses may not exceed a maximum height of eight (8) feet and a maximum area of 400 square feet. In order to qualify for this provision, such sign shall be constructed of brick, masonry, or other similar materials.

(Ord. No. 10-2013, pt. 1 (Exh. A), 4-11-13)