CITY OF ABILENE

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, March 3, 2020 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

PUBLIC COMMENTS

Public Comments on Any Item on the Agenda

MINUTES

1. Approval of minutes from previous meeting held on February 4, 2020

PLATS

2. **PP-0820:** Southern Meadows Addition, Section 5, City of Abilene, Taylor County, Texas
3. **PP-0920:** Highland Farms, Section 2, City of Abilene, Taylor County, Texas

ZONING

4. **TC-2020-04:** Public hearing and possible vote to recommend approval or denial to City Council on a request from the City of Abilene to abandon public right-of-way within an 80’ wide segment of Cedar Street extending 300’ between the north line of right-of-way for North 5th Street and the south line of right-of-way for North 6th Street; and a request to abandon public right-of-way within a 20’ wide alley extending 300’ between the north line of right-of-way for North 5th Street and the south line of right-of-way for North 6th Street, midway and parallel between Cypress and Cedar Streets
5. **TC-2020-05:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Jeff Prince Operating, L.P., to abandon public right-of-way within an unimproved 60’ wide segment of South 23rd Street extending approximately 500 feet between the east line of right-of-way for South Treadaway Boulevard and the west line of right-of-way for the Abilene & Southern Railway

DIRECTORS REPORT

There will be no votes or any formal actions taken on subjects presented during public comment. The public comment period will only allow members of the public to present ideas and information to city officials and staff.

6. Recent City Council decisions regarding items recommended by the Planning and Zoning Commission

ADJOURNMENT

Notice

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 28th day of February, 2020, at 3:10 p.m.

_____

Kaitlin Richardson, Deputy City Secretary

TC-2020-04
STAFF REPORT

REQUEST: Abandon a 300-foot section of Cedar Street right of way and a 300-foot section of a platted alleyway between North 5th and North 6th streets.

APPLICANT:
City of Abilene

HEARING DATES:
P & Z Commission: March 3, 2020
City Council 1st Reading: March 26, 2020
City Council 2nd Reading: April 9, 2020

LOCATION:

- 80-foot wide right-of-way for Cedar Street extending 300 feet between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street in downtown Abilene
- 20-foot wide alley extending 300 feet between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street, midway and parallel between Cypress and Cedar Streets in downtown Abilene

BACKGROUND AND REQUESTED ACTION:
During the fall of 2019, the City of Abilene entered into a Master Development Agreement with the Abilene Convention Center Hotel Development Corporation and Garfield Public/Private LLC for the design and construction of a full-service, convention center hotel in the heart of Downtown Abilene. The proposed site of this hotel will encompass all of Block 72 and 73 of the Original Town of Abilene, a portion of Cedar Street which runs through these blocks, as well as the alley that runs between the parcels of Block 72. The City requests to abandon these public right-of-ways.

REQUEST ANALYSIS:

Plans for proposed abandonment were shared with the City of Abilene's Development Review Committee (DRC) whose members include representatives from locally franchised utility services as well as the City's Utilities Department. There were no objections from members of the DRC. There currently exist both water and sewer lines along the alley of block 72. The city intends to either seal off or reroute these lines.

STAFF RECOMMENDATION:
City staff recommends approving both requested abandonments subject to approval and subsequent recording of a re-plat showing how the right-of-way (authorized to be abandoned) will be integrated with one or more adjacent new lot(s).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission will consider this requested right-of-way abandonment, during a meeting scheduled for Tuesday, March 3, 2020.

NOTIFICATION:

The planning Services Division sent written notice of this request (with certificate of mailing) to all owners of property within a 200-foot radius of this subject property.

Owner	Situs	Response
ABILENE BEEHIVE INC	426 CEDAR ST	
ABILENE BEEHIVE INC	1217 N 5TH ST	
ABILENE BEEHIVE INC	1205 N 5TH ST	
ABILENE BEEHIVE INC	442 CEDAR ST	
ABILENE BEEHIVE INC	1229 N 5TH ST	
BARNARD JIM WALTER	501 HICKORY ST	
BARNARD JIM WALTER	1234 N 5TH ST	
BARNARD JIM WALTER	517 HICKORY ST	
BARNARD JIM WALTER	535 HICKORY ST	
CITY OF ABILENE	1208 N 5TH ST	In Favor
CITY OF ABILENE	1222 N 5TH ST	In Favor
CITY OF ABILENE	533 CEDAR ST	In Favor
CITY OF ABILENE	535 CEDAR ST	In Favor
CITY OF ABILENE	502 CYPRESS ST	In Favor
CITY OF ABILENE	534 CYPRESS ST	In Favor
CITY OF ABILENE	509 CEDAR ST	In Favor
CITY OF ABILENE	1100 N 6TH ST	In Favor
DAY NURSERY OF ABILENE	650 CEDAR ST	
MC CLURE FRANCES INC	1246 1/2 N 6TH ST	
MC CLURE FRANCES INC	1246 N 6TH ST	
PETRE JACKSON LIVING TR	1235 N 6TH ST	
PROSPERITY BANK		
PROSPERITY BANK	402 CYPRESS ST	

ATTACHMENTS: 1) Application 2) PowerPoint

609
618
625
1346
602
613
650
1100
1246 1/2
1246
N 6TH ST
509
542 Y 542
532
HICKORY ST
1245
1235
535
517
1234
501
1222
1208
CEDAR ST
533
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534
509
502
CYPRESS ST
545
1031
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1052
590
560
534
PINE ST
441
435
425
1342
1336
440
410
1229
1242
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1205
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N 5TH ST
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505

Development

Planning

☐ Conditional Use ☐ Easement Release ☐ Rezoning ☐ Other
☐ PDD ☐ Street Name Change X Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: **Abilene Convention Center Hotel; Cedar St. partial ROW abandonment and Alley Abandonment between Cedar St., N 6th St., Hickory St., and N 5th St.**

Address: **N/A** No. of lots: **N/A** Acreage: **N/A**

Legal Description: **80' wide right-of-way for Cedar Street extending 300' between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street in downtown Abilene**
20' wide alley extending 300' between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street, midway and parallel between Cypress and Cedar Streets in downtown Abilene

Subdivision Name: **N/A** Block: **N/A** Lot: **N/A**

Current Zoning: **N/A** Proposed Zoning (if applicable): **N/A**

OWNER AND AUTHORIZATION

Agent Name: _____

Address: _____

City, State, Zip: _____ Fax: _____

Phone: _____ Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name)_____will act as my agent before the Planning and Zoning Commission.

Agent Name: **City of Abilene**

Address: **555 Walnut St**

City, State, Zip: **Abilene, TX, 79604** Fax: _____

Phone: **(325) – 637 - 6237** Email: _____

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

Signature Owner: _____ Date: _____

FOR OFFICE USE ONLY

Received: _____ **Fee: $** _____ **Receipt No.:** _____

Case No.: _____ **Reviewed By:** _____

Development

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

During the fall of 2019, the City of Abilene entered into a Master Development Agreement with the Abilene Convention Center Hotel Development Corporation and Garfield Public/Private LLC for the design and construction of a full-service, convention center hotel in the heart of Downtown Abilene. The city of Abilene intends for the Hotel lot to encompass several parcels between North 6th Street, Hickory Street, North 5th Street, Cypress Street, a 20' alley, as well as a portion of Cedar Street.

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

02/17/2020 CASE # TC-2020-04(1of2)

THOROUGHFARE LOCATION: 20' wide alley extending 300' between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street, midway and parallel between Cypress and Cedar Streets in downtown Abilene.

CITY DEPARTMENT/PVT. UTILITY CO.: ENGINEERING

REPRESENTATIVE: DAVID MUNDSCHENK/CHARLIE THOMAS, P.E.

TITLE: _____

I HAVE REVIEWED THE ABOVE THOROUGHFARE CLOSURE REQUEST AND FIND IT TO BE:

☒ **SATISFACTORY** ☐ **UNSATISFACTORY** (explain below:

☐ **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

NO COMMENTS

02/17/2020 *David L. Mundschenk*

DATE SIGNED: DIRECTOR / REPRESENTATIVE

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

CITY OF ABILENE
PO BOX 60
ABILENE, TX 79604-0060

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Application Number TC-2020-04 **02/21/2020**

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The attached map shows the area of the request. Only the area's which are bounded by the cross-hatched line on the map are being considered for thoroughfare closure. The solid boundary line around the subject areas is only a notification area. If approved by the Planning and Zoning Commission, or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **April 9, 2020,** at 8:30 AM in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Nick Watts, Planner I at (325) 437-4585 or nick.watts@abilentx.gov

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For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: TC 2020-04
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: CITY OF ABILENE
Address: 1100 N 6TH ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: RAAguirre

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

CITY OF ABILENE
% MIKE RAINS
PO BOX 60
ABILENE, TX 79604-0060

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Name: CITY OF ABILENE
Address: 509 CEDAR ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: RAtaurus

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

CITY OF ABILENE
% MIKE RAINS
PO BOX 60
ABILENE, TX 79604-0060

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Name: CITY OF ABILENE
Address: 534 CYPRESS ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: RAtaunna

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

CITY OF ABILENE
% MIKE RAINS
PO BOX 60
ABILENE, TX 79604-0060

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Name: CITY OF ABILENE
Address: 502 CYPRESS ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: RVAguirre

CITY OF ABILENE
PLANNING &
DEVELOPMENT
SERVICES

CITY OF ABILENE
555 WALNUT ST
ABILENE, TX 79601-5254

NOTICE OF PUBLIC HEARING

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Name: CITY OF ABILENE
Address: 535 CEDAR ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: _____

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

CITY OF ABILENE
555 WALNUT ST
ABILENE, TX 79601-5254

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Name: CITY OF ABILENE
Address: 1222 N 5TH ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: RAdams

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

CITY OF ABILENE
555 WALNUT ST
ABILENE, TX 79601-5254

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Name: CITY OF ABILENE
Address: 533 CEDAR ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature:

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

CITY OF ABILENE
555 WALNUT ST
ABILENE, TX 79601-5254

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The Planning and Zoning Commission will hold a public hearing on **Tuesday, March 3, 2020 at 1:30 PM**, inCity Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from agent, The City of Abilene, to abandon a 80' wide right-of-way for Cedar Street extending 300' between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street in downtown Abilene. As well as a 20' wide alley extending 300' between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street, midway and parallel between Cypress and Cedar Streets in downtown Abilene.

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The attached map shows the area of the request. Only the area's which are bounded by the cross-hatched line on the map are being considered for thoroughfare closure. The solid boundary line around the subject areas is only a notification area. If approved by the Planning and Zoning Commission, or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **April 9, 2020,** at 8:30 AM in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Nick Watts, Planner I at (325) 437-4585 or nick.watts@abilentx.gov

---

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: TC 2020-04
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: CITY OF ABILENE
Address: 1208 N 5TH ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature:

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

02/17/2020 CASE # TC-2020-04(2of2)

THOROUGHFARE LOCATION: 80' wide right-of-way for Cedar Street extending 300' between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street in downtown Abilene.

CITY DEPARTMENT/PVT. UTILITY CO.: ENGINEERING

REPRESENTATIVE: DAVID MUNDSCHENK/CHARLIE THOMAS, P.E.

TITLE:_____

I HAVE REVIEWED THE ABOVE THOROUGHFARE CLOSURE REQUEST AND FIND IT TO BE:

☒ **SATISFACTORY** ☐ **UNSATISFACTORY** (explain below:

☐ **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

NO COMMENTS

02/17/2020 *David L. Mundschenk*

DATE SIGNED: DIRECTOR / REPRESENTATIVE

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

02/25/2020 CASE # TC-2020-04(1of2)

THOROUGHFARE LOCATION: 20’ wide alley extending 300’ between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street, midway and parallel between Cypress and Cedar Streets in downtown Abilene.

CITY DEPARTMENT/PVT. UTILITY CO.: _____Fire

REPRESENTATIVE: ___Justin Tiemann

TITLE: __Fire Marshal

I HAVE REVIEWED THE ABOVE THOROUGHFARE CLOSURE REQUEST AND FIND IT TO BE:

☒ **SATISFACTORY** ☐ **UNSATISFACTORY** (explain below:

☐ **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

No Comments

___2-12-20 _____Justin Tiemann
DATE SIGNED: DIRECTOR / REPRESENTATIVE

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

02/25/2020 CASE # TC-2020-04(2of2)

THOROUGHFARE LOCATION: 80’ wide right-of-way for Cedar Street extending 300’ between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street in downtown Abilene.

CITY DEPARTMENT/PVT. UTILITY CO.: ___Fire

REPRESENTATIVE: _____Justin Tiemann

TITLE: _____Fire Marshal

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☒ **SATISFACTORY** ☐ **UNSATISFACTORY** (explain below:

☐ **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

No Comments

_ 2-12-20 _____Justin Tiemann
DATE SIGNED: DIRECTOR / REPRESENTATIVE

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

2/12/2020 CASE # TC-2020-04(1of2)

THOROUGHFARE LOCATION: 20′ wide alley extending 300′ between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street, midway and parallel between Cypress and Cedar Streets in downtown Abilene.

CITY DEPARTMENT/PVT. UTILITY CO.: Suddenlink Communications

REPRESENTATIVE: Josh Lunsford

TITLE: Construction Supervisor

I HAVE REVIEWED THE ABOVE THOROUGHFARE CLOSURE REQUEST AND FIND IT TO BE:

☒ **SATISFACTORY** ☐ **UNSATISFACTORY** (explain below:

☐ **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

2/12/2020
DATE

Josh Lunsford
SIGNED: DIRECTOR / REPRESENTATIVE

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

2/12/2020 CASE # TC-2020-04(2of2)

THOROUGHFARE LOCATION: 80' wide right-of-way for Cedar Street extending 300' between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street in downtown Abilene.

CITY DEPARTMENT/PVT. UTILITY CO.: Suddenlink Communications

REPRESENTATIVE: Josh Lunsford

TITLE: Construction Supervisor

I HAVE REVIEWED THE ABOVE THOROUGHFARE CLOSURE REQUEST AND FIND IT TO BE:

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THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

2/12/2020
DATE

Josh Lunsford
SIGNED: DIRECTOR / REPRESENTATIVE

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

02/25/2020 CASE # TC-2020-04(1of2)

THOROUGHFARE LOCATION: 20’ wide alley extending 300’ between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street, midway and parallel between Cypress and Cedar Streets in downtown Abilene.

CITY DEPARTMENT/PVT. UTILITY CO.: Water Administration

REPRESENTATIVE: Kevin Jaeger

TITLE: Utility Engineer

I HAVE REVIEWED THE ABOVE THOROUGHFARE CLOSURE REQUEST AND FIND IT TO BE:

☒ **SATISFACTORY** ☐ **UNSATISFACTORY** (explain below:

☐ **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

2/12/20 Kevin Jaeger
DATE SIGNED: DIRECTOR / REPRESENTATIVE

CITY OF ABILENE

THOROUGHFARE CLOSURE COMMENT FORM

02/25/2020 CASE # TC-2020-04(2of2)

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REPRESENTATIVE: Kevin Jaeger

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☒ **SATISFACTORY** ☐ **UNSATISFACTORY** (explain below:

☐ **SATISFACTORY WITH CONDITIONS**

THE FOLLOWING CONDITIONS AND/OR CORRECTIONS ARE RECOMMENDED:

2/12/20 Kevin Jaeger
DATE SIGNED: DIRECTOR / REPRESENTATIVE

Watts, Nick <nick.watts@abilenetx.gov>

20' wide alley abandonment for Abilene Civic Center Hotel

2 messages

Watts, Nick <nick.watts@abilenetx.gov> Thu, Feb 20, 2020 at 9:07 AM
To: adhimmelstein@aep.com

Athan,

I am presenting the thoroughfare abandonment for the Abilene Civic Center Hotel at the P&Z meeting on February 4th and I was wondering if you had any comments regarding the closure and relocation of utility lines along the alley of block 72. Please let me know.

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

Nick Watts
Planner I

Planning & Development Services

Physical Address: 555 Walnut Street, Suite 110

Abilene, Texas 79601-5254

Mailing Address: Post Office Box 60

Abilene, Texas 79604-0060

(325) 437-4585 (Office)

(325) 676-6242 (Fax)

Athan D Himmelstein <adhimmelstein@aep.com> Fri, Feb 21, 2020 at 3:52 PM
To: "Watts, Nick" <nick.watts@abilenetx.gov>

Good Afternoon Nick,

We do not have any comments. We removed the primary feed and all we need to do is retire the old low voltage cable and lighting in that alley. You guys are good to proceed the alley closure.

Thanks,

[Quoted text hidden]

Watts, Nick <nick.watts@abilenetx.gov> Thu, Feb 20, 2020 at 10:52 AM
To: "Ahrens, Earla C" <Earla.Ahrens@atmosenergy.com>

Yes, that is correct.

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

Nick Watts
Planner I

Planning & Development Services

Physical Address: 555 Walnut Street, Suite 110

Abilene, Texas 79601-5254

Mailing Address: Post Office Box 60

Abilene, Texas 79604-0060

(325) 437-4585 (Office)

(325) 676-6242 (Fax)

[Quoted text hidden]

Ahrens, Earla C <Earla.Ahrens@atmosenergy.com> Thu, Feb 20, 2020 at 11:04 AM
To: "Watts, Nick" <nick.watts@abilenetx.gov>

We are abansoning our facilities in that alley and relocating to the Cypress St. Comment Form already sent i. Thank You.

[Quoted text hidden]

Watts, Nick <nick.watts@abilenetx.gov> Thu, Feb 20, 2020 at 11:48 AM
To: "Ahrens, Earla C" <Earla.Ahrens@atmosenergy.com>

Ok, thanks.

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

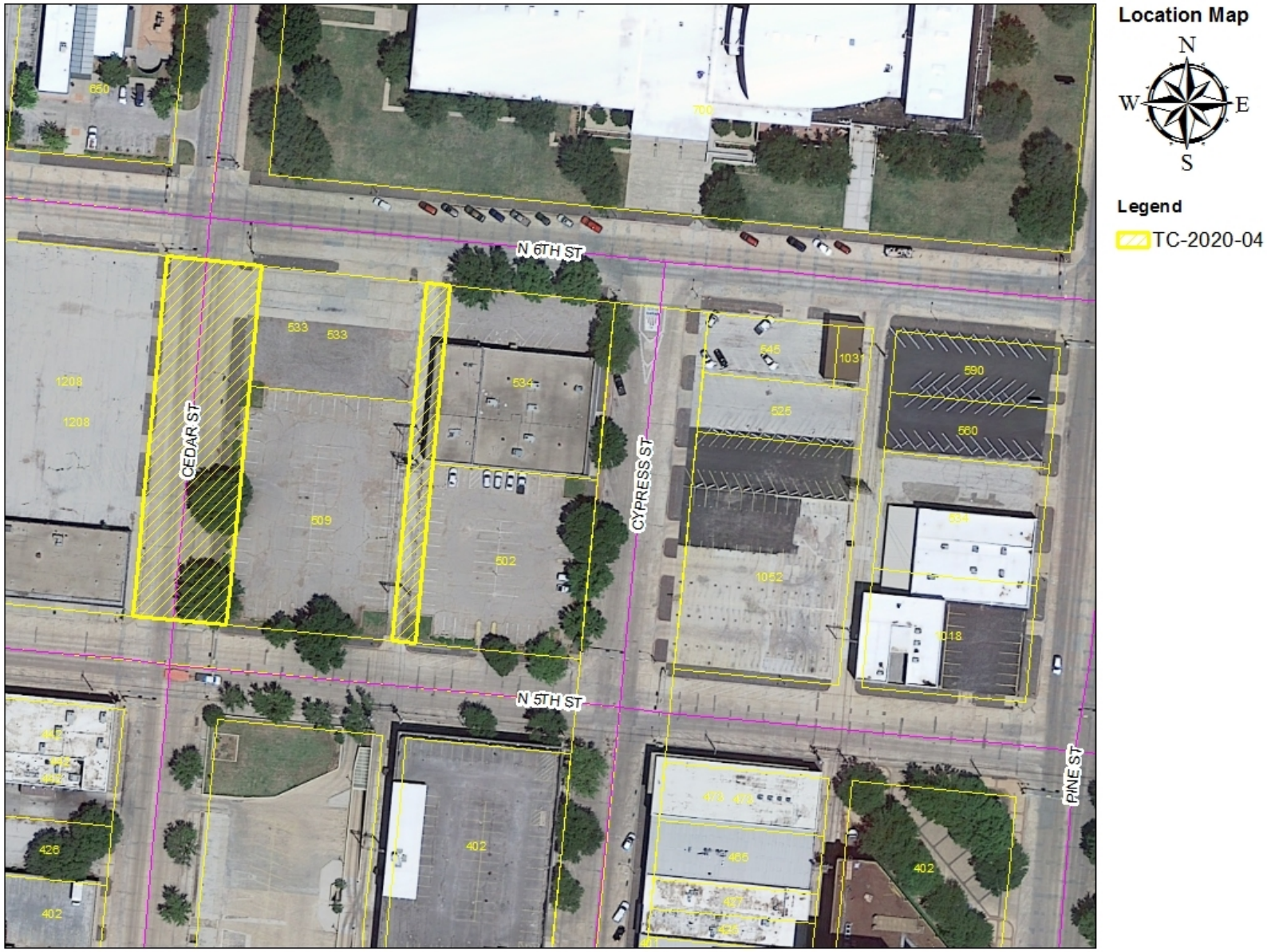
Nick Watts
Planner I

Planning & Development Services

THOROUGHFARE ABANDONMENT REQUEST

Case:	TC-2020-04
Owner:	City of Abilene
Request:	Thoroughfare and alleyway abandonments
Location:	80’ wide right-of-way for Cedar Street extending 300’ between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street in downtown Abilene 20’ wide alley extending 300’ between north line of right-of-way for North 5th Street and south line of right-of-way for North 6th Street, midway and parallel between Cypress and Cedar Streets in downtown Abilene
Notification:	8 in Favor, 0 Opposed
Planning & Zoning:	March 3, 2020
City Council Hearing:	March 26, 2020 April 9, 2020

TC-2020-04 AERIAL LOCATION MAP



TC-2020-04 ZONING MAP

TC-2020-04 VIEWS OF SUBJECT PROPERTY

FINDINGS AND RECOMMENDATIONS

- DRC Recommendation: **Approval**
- Staff Recommendation: **Approval**

TC-2020-04 NOTIFICATION AREA MAP

Questions?

TC-2020-05
STAFF REPORT

REQUEST: Abandon public right-of-way within an unimproved 60-foot wide segment of South 23rd Street extending approximately 500 feet between the east line of right-of-way for South Treadaway Blvd. and the west line of right-of-way for the Abilene & Southern Railway.

APPLICANT: Jeff Prince Operating, LP

HEARING DATES:
P & Z Commission: March 3, 2020
City Council 1st Reading: March 26, 2020
City Council 2nd Reading: April 9, 2020

BACKGROUND AND REQUESTED ACTION:
The original plat from 1933 recorded with the Taylor County Clerk's office formally created Block 22 and Block 23 of the Bowyer Subdivision, and illustrates the dedication of a 60-foot wide right-of-way for South 23rd Street (formally recorded as S. 24th Street), bisecting these two blocks and terminating at the dedicated Abilene Southern Railroad right-of-way. This portion of 60-foot wide right-of-way for South 23rd Street (formally S. 24th Street) extends approximately 500-feet from the eastern most extent of the right-of-way along South Treadaway Boulevard to the western most extent of the right-of-way dedicated to Abilene Southern Railroad.

Five lots adjoin this portion of South 23rd Street, four within Block 22 adjoining the northern most extent of right-of-way and one within Block 23 adjoining the entire southernmost extent of right-of-way. These five lots are zoned Heavy Industrial (HI), the property owner to the north has fenced in the northern 50-feet of this right-of-way and utilizes it as outdoor storage space, this fence appears to effectively grant dominion of the southern 10-feet of this right-of-way to the property south of the right-of-way.

The property owner north of the right-of-way plans to sell all four of the lots which he owns within Block 22, however, he does not formally "own" the northern 50-feet of this dedicated right-of-way. In order to sell the entire tract of land, the right-of-way will need to be formally abandoned and the lots re-plated to show this property encompassing the northern 50-foot width (or perhaps even the entire 60-foot width) of this right-of-way, in order to be the lawful owner of the property. Once abandoned, this portion of South 23rd Street will revert to the adjoining property owners, and once it is formally platted, would legally permit the use of this space by the owner/owners of the adjoining properties.

REQUEST ANALYSIS:

The proposed abandonment is not intersected by existing utility mains, nor does the extension of this right-of-way for South 23rd Street seem likely, as the property east of the Abilene Southern Railroad R.O.W has already been developed. Plans for proposed abandonment were shared with the City of Abilene's Development Review Committee (DRC) whose members include representatives from locally franchised

utility services as well as the City's Water Utilities Department. There were no objections from members of the DRC.

STAFF RECOMMENDATION:

City staff recommends approving the requested abandonment, subject to approval and subsequent recording of a re-plat showing how the right-of-way (authorized to be abandoned) will be integrated with one or more adjacent new lot(s). Abandoning this right-of-way will help promote re-subdivision and redevelopment of adjoining properties.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission will consider this requested right-of-way abandonment, during a meeting scheduled for Tuesday, March 3, 2020.

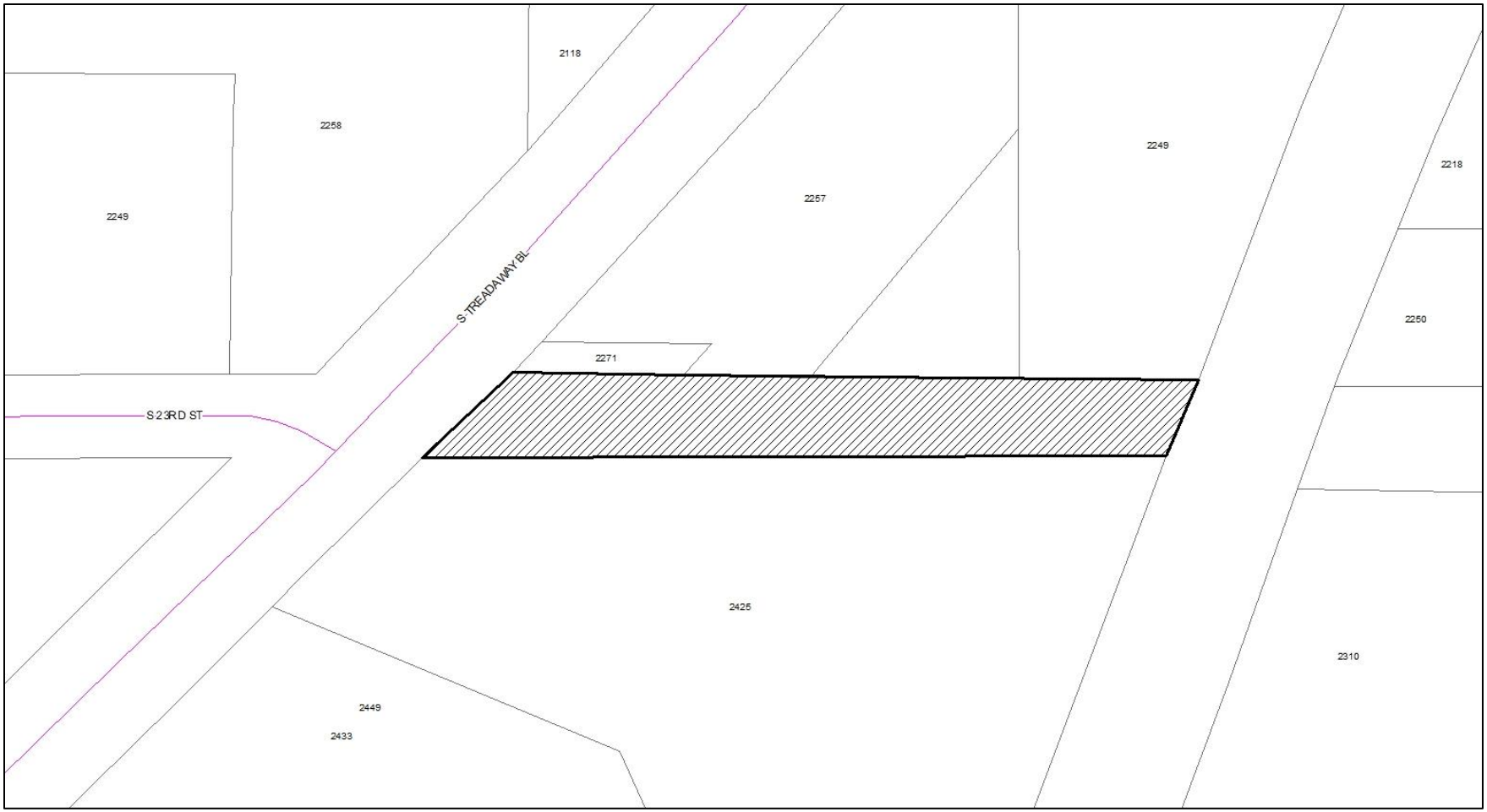
NOTIFICATION:

The Planning Services Division sent written notice of this request (with certificate of mailing) to all owners of property within a 200-foot radius of this subject property:

Owner	Situs	Response
BEST TREE SERVICE LLC	2218 OAK ST	
FIRST STATE BANK	2118 S TREADAWAY BL	
HIT VENTURES LLC	2258 S TREADAWAY BL	
JEFF PRINCE OPERATING LP	2249 S TREADAWAY BL	
JEFF PRINCE OPERATING LP	2271 S TREADAWAY BL	
JEFF PRINCE OPERATING LP		
JEFF PRINCE OPERATING LP	2257 S TREADAWAY BL	
KPH REAL ESTATE HOLDINGS LLC		
KPH REAL ESTATE HOLDINGS LLC	2250 OAK ST	
MHS LLC	2425 S TREADAWAY BL	
SITZES APB LP	2249 BUTTERNUT ST	
SITZES STEVEN O	2433 S TREADAWAY BL	
SITZES STEVEN O	2449 S TREADAWAY BL	
WEATHERSBY RUSSELL	2310 OAK ST	

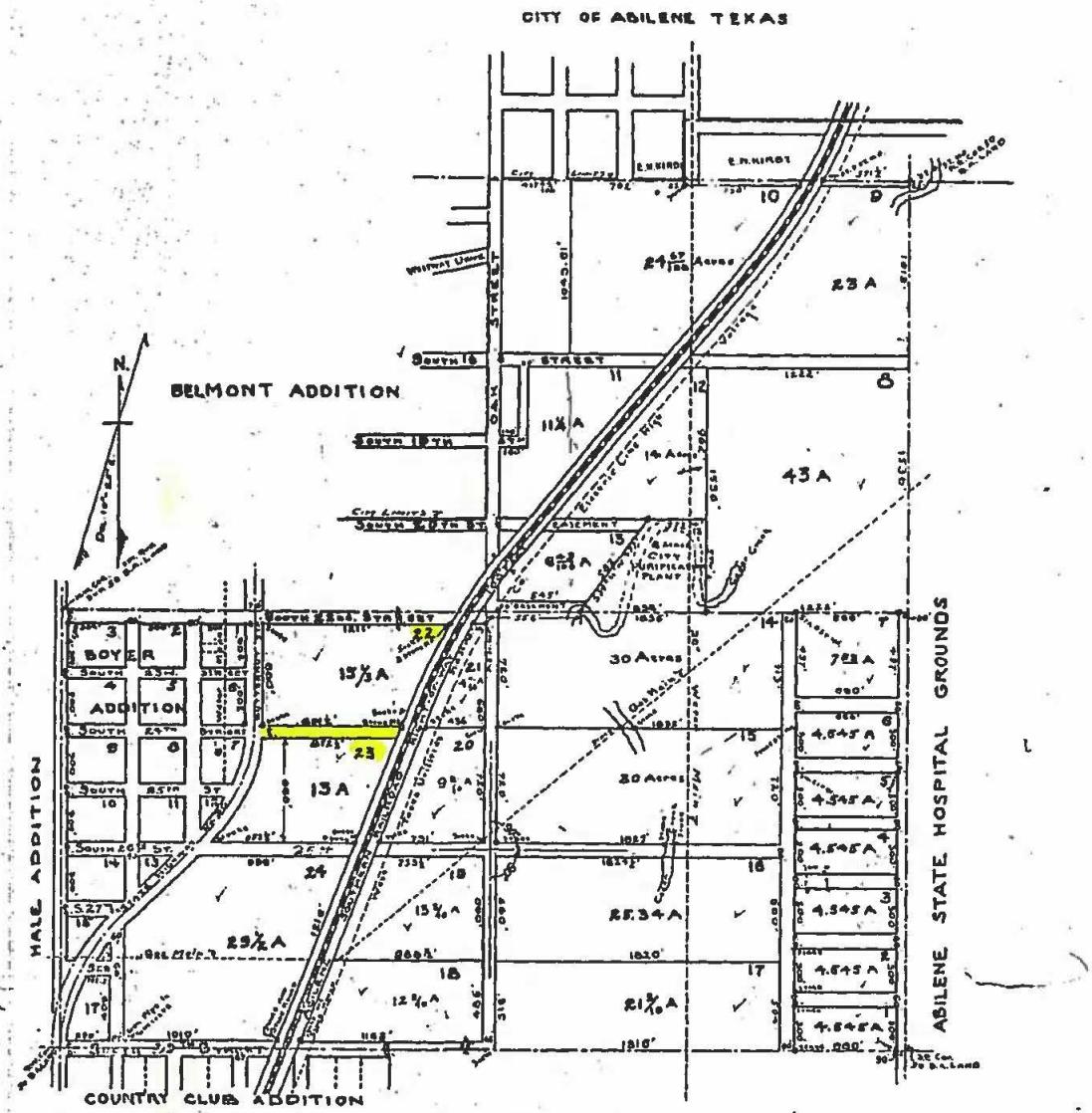
ATTACHMENTS:

- Power Point


2118
2258
2249
2257
2249
2218
S TREADAWAY BL
2250
2271
S 23RD ST
2425
2310
2449
2433

MAP OF THE BOWYER SUBDIVISION OF PARTS OF THE N. E.
S. E. AND S. W. QUARTERS OF SURVEY NO. 50 Blind
ASYLUM LAND, TAYLOR COUNTY
TEXAS.

Scale 1" - 500 feet. by W. A. Riney C. E.
Oct. 16, 1933.



No. 1960. ESTATE OF ELLEN F. BOWYER, DECEASED. COMMISSIONERS' REPORT IN PARTITION OF ESTATE, AMENDED . Filed 9 day of Nov. 1933, W. P. Bounds, County Clerk, Taylor Co. Texas, by Vivian Fryar, Deputy.

Development Application

CITY OF ABILENE

Planning

- ☐ Conditional Use
- ☐ Special Exceptions
- ☐ Rezoning
- ☐ Variance
- ☐ PDD Amendment
- ☐ Street Name Change
- ☑ Thoroughfare Abandonment
- ☐ Easement Release
- ☐ Historic Certification of Appropriateness
- ☐ Historic Project Tax Reduction

Relief Procedures

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

Other: _____

Project Name: South 23rd Street Right of Way South of Bobcat of Abilene

Address: South Treadaway Blvd and South 23rd Street No. of lots: _____ Acreage: _____

Legal Description: ROW for South 23rd Street between the east ROW Line of S. Treadaway and the west ROW line of Railroad

Subdivision Name: Bowyer Block: 22 Lot: _____

Current Zoning: Heavy Industrial Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: Jeff Prince Operating, LP

Address: P.O. Box 5087

City, State, Zip: Abilene, TX 79604 Fax: _____

Phone: 325.673.7361 Email: jprince@bobcatcce.com

Agent Name: Andy McCall

Address: 3417 Curry Lane

City, State, Zip: Abilene, TX 79606 Fax: 325.794.2727

Phone: 325.794.2700 Email: amccall@firsttexastitle.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 Owner: _____ Date: 2-10-2020

FOR OFFICE USE ONLY

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

RECEIVED
FEB 10 2020
PLANNING

Bobcat of Abilene

RENTAL • PARTS • SALES • SERVICE

To whom it may concern,

The purpose of this letter is the build a case that will illustrate why I have submitted application for a thoroughfare abandonment.

In 2006 I purchased parcel numbers 40156 and 39534 from Templeton Operating, Inc along with purchasing the assets of that company. We used this property to operate an equipment rental store. As our business began to grow we found ourselves needing to expand our footprint. The property to the east and north of us became available for sale in 2009 and we acquired parcel numbers 111809 and 40427 from Basic Energy Services.

In October of 2019, Jeff Prince Operating, LP sold it's assets to Compact Construction Equipment (CCE). I am in the process of selling the previously mentioned properties to CCE and have run into a right of way issue that will not allow clear title to all of the property inside our existing fence. According to the City GIS map, there is a right of way for South 23rd Street (on one old plat, it is referred to as South 24th...but it lines up with South 23rd) that runs along the south side of this property. We have been unable to find a dedication for this portion of the street, and I (along with all of my predecessors in title) have been in possession of the North 50' of this "right of way". The property owner to the south is in possession of the South 10' of the right of way. All of the right of way between S. Treadaway (on the west) and the railroad (on the east) has been under fence for years.

I can't imagine a scenario where this street would be developed and lead to the rail road tracks. Immediately east of the rail road track is more private property. This right of way leads to nowhere. It would help me greatly if the city would abandon this right of way and allow me clear title to property that has been occupied for decades.

Thank you,

Jeff Prince

Jeff Prince Operating, LP
2249 So. Treadaway
Abilene, TX 79602
325-721-0059

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 (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

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

PLEASE READ BEFORE SIGNING

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

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

SIGNED: _____ DATE: 2-10-2020

RECEIVED
FEB 10 2020
PLANNING

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

FIRST STATE BANK
2118 S TREADAWAY BLVD
ABILENE, TX 79602-5906

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Application Number TC-2020-05 **02/19/2020**

The Planning and Zoning Commission will hold a public hearing on **Tuesday, March 3, 2020** at **1:30 PM**, in City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Jeff Prince Operating, L.P., to abandon public right-of-way within an unimproved 60' wide segment of South 23rd Street extending approximately 500 feet between the east line of right-of-way for South Treadaway Boulevard and the east line of right-of-way for the Abilene & Southern Railway.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for Thoroughfare Closure. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **April 9, 2020,** at 8:30 AM in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Jared Smith, Planner II at (325) 676-6490 or jared.smith@abilenetx.gov

---

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6490 if you have any questions about this notice.

CASE #: TC 2020-05
You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: FIRST STATE BANK
Address: 2118 S TREADAWAY BL

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments: /

Signature: PRESIDENT

THOROUGHFARE ABANDONMENT REQUEST

Case: TC-2020-05

Owner: City of Abilene

Requests: Abandon the unimproved 60’ wide segment of South 23rd Street extending approximately 500 feet between the east line of right-of-way for South Treadaway Blvd. and the west line of right-of-way for the Abilene Southern Railway.

Notification: 1 in Favor, 0 Opposed

Staff Recommendation: Approval

City Council Hearing Dates: March 26, 2020

April 9, 2020

TC-2020-05 LOCATION MAP

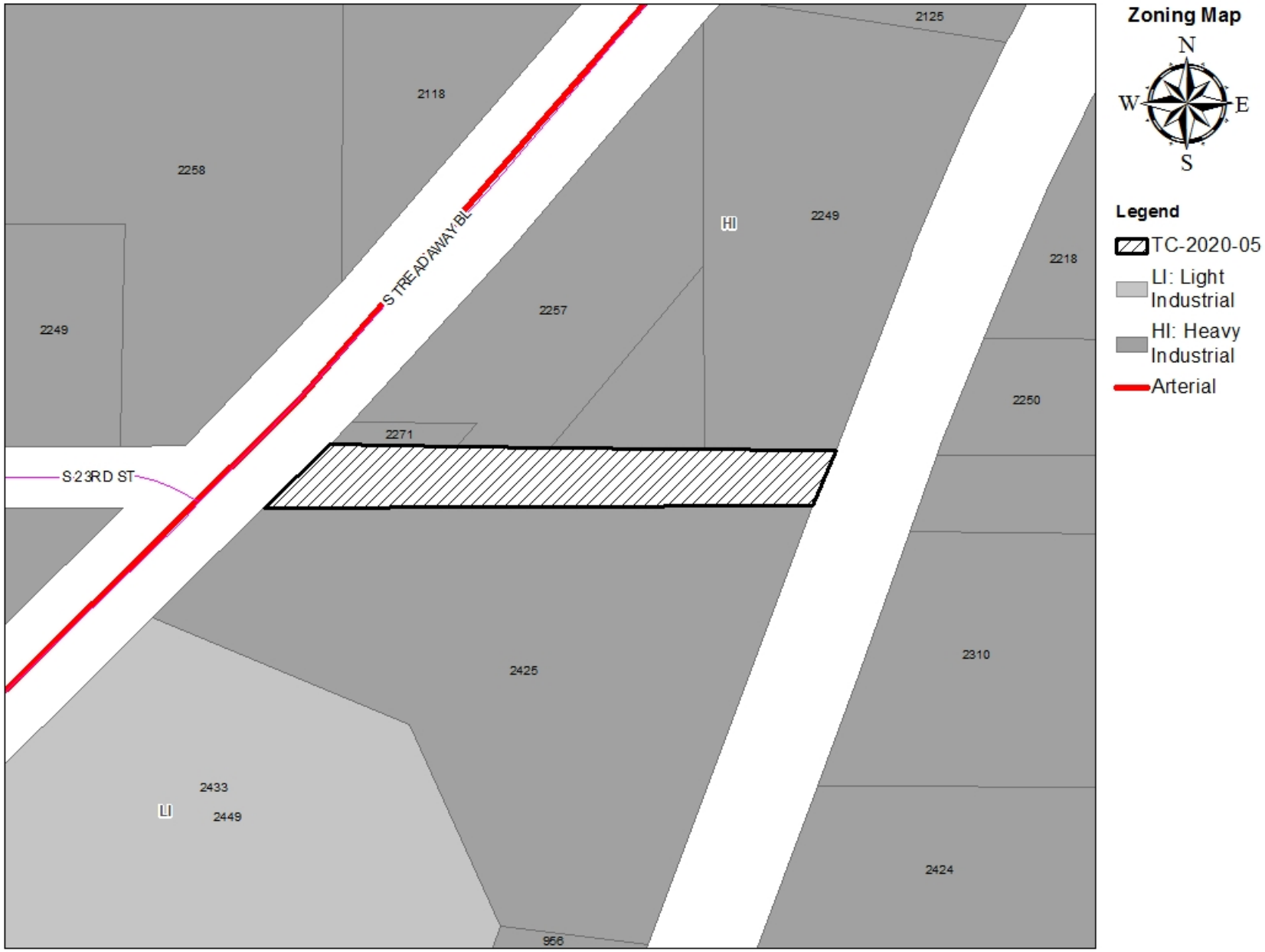
Location Map

N
W E
S

Legend

TC-2020-05

TC-2020-05 ZONING MAP



TC-2020-05 VIEWS OF SUBJECT PROPERTY AND ADJACENT PROPERTIES

East View S. 23rd Across S. Treadaway

West View toward S. 23rd Street

Overview of closure

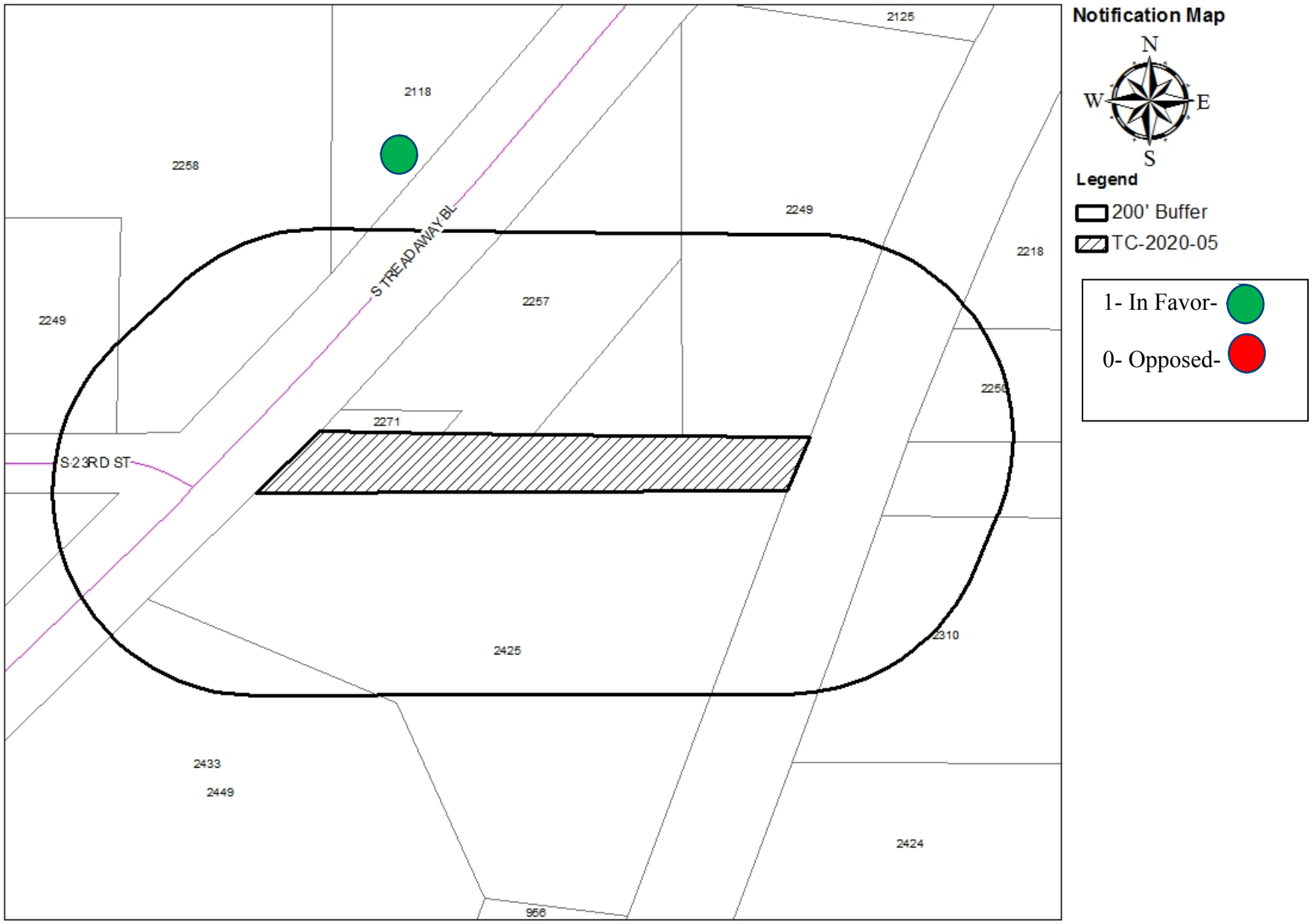
East View from S. 23rd Street

Existing Fence Line

FINDINGS AND RECOMMENDATIONS

- DRC Recommendation: **Satisfactory**
- Staff Recommendation: **Approval**

TC-2020-02 NOTIFICATION AREA MAP



Questions?

CITY OF ABILENE

M E M O R A N D U M

March 3, 2020

TO: **Planning and Zoning Commission**

FROM: **Mr. Mike Warrix, Director/Planning & Development Services**

SUBJECT: **Recent Council Actions**

Below are recent decisions made by City Council on items recommended from the Commission:

CITY COUNCIL MEETING
February 13, 2020 at 8:30 AM

Item	Motion	Vote
A request from Windmill Circle Partners and Oldham Partners, agents Tony Conder and Don Whitehead, to rezone property from Agricultural Open Space (AO) to General Commercial (GC) District located near northeast corner of Loop 322 and Industrial Boulevard	**Approved**	6-0
A request from Windmill Circle Partners and Oldham Partners, agents Tony Conder and Don Whitehead, for a Conditional Use Permit allowing retail sale and rental of trucks and other large vehicles and equipment in a General Commercial District located near northeast corner of Loop 322 and Industrial Boulevard	**Approved**	6-0
A request from Parramore Square LLC, agent John Scott, to amend existing Planned Development (PD) District Number 159A, specifically by increasing the density of semi-detached dwellings allowed therein occupying all of block bounded by Beech, Orange, Parramore and North 7th Streets	**Approved**	6-0