



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 1st day of October, 2019, at 1:30 p.m., at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The Planning & Zoning Commission reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

MINUTES

1. Approval of minutes from previous meeting, September 2, 2019

PUBLIC COMMENTS

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.

PLATS

2. **FP-0518:** Carriage Hills Addition, Section 2. 55.517 Acres out of the NW/4 of Section No. 14, Lunatic Asylum Lands Abstract No. 776, City of Abilene, Taylor County, Texas
3. **FP-6618:** Airmen's Landing, Being 18.304 Acres out of the Samuel Ricker Survey NO. 45, Abstract NO. 1525, City of Abilene, Taylor County, Texas

ZONING

4. **Z-2019-25:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Bryan Pope, John Michael Clark, Jerold Armstrong and Abilene Auto Glass; agent C.J. Chaney, to rezone seven tracts of land from a Heavy Industrial (HI) to a Heavy Commercial (HC) District. Proposed HC zoning includes all except the south 139 feet of the east 130 feet of city block bounded by South Treadaway Boulevard; Dimmitt, Cherry and South 14th Streets, plus Lots 4 thru 6 in Block B of John Touy's Subdivision of Lot Numbers 3 and 4 in Block 208, Original Town of Abilene and located at northwest corner of Cherry and South 14th Streets

5. **Z-2019-26:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Lytle Creek Golf Links LLC; agent David Todd of Enprotec/Hibbs & Todd, to amend Planned Development District Number 70 (a.k.a. PD 70) to include revised building setback standards for patio homes constructed therein; Legal description being all of National Golf Addition to the City of Abilene, Taylor County, Texas and located at 3669 thru 3963 National Drive, which said street projects north from 1500 block of East Industrial Boulevard in southeast Abilene

DIRECTOR'S REPORT

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 27th day of September, 2019, at 1:45 p.m.

Shawna Atkinson, City Secretary

ZONING CASE Z-2019-25

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Bryan Pope

Agent: CJ Chaney

HEARING DATES:

P & Z Commission:

October 1, 2019

City Council 1st Reading:

October 17, 2019

City Council 2nd Reading:

November 7, 2019

LOCATION:

- 534 S. 14th St.
- 1401, 1428, 1433 Cherry St.
- 1402, 1442, 1450 S. Treadaway



Legal description(s):

- All of Lot 9 and the west half of Lot 10 in J. McAllister Stevenson's Subdivision of Outlot Nos. 2 and 3 and the North 140 Feet of Outlot No. 4 in Block No. 209 of Abilene's Original Town.
- Lots 4,5 and 6 in Block B of John Touhy's Subdivision of Lot Numbers Three and Four in Block Number 208 of Abilene's Original Town.

PROPOSAL AND REQUESTED ACTION:

The applicants are requesting to rezone from Heavy Industrial (HI) to Heavy Commercial (HC) in order to utilize the locations for a wider range of commercial activities.

APPLICATION REVIEW:

According to Section 1.4.1.4, Criteria for Approval, of the City of Abilene Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

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

The Future Land Use Map and development plan of the Comprehensive Plan designates this general area as a mixture of commercial use along S. Treadaway and S. 14th Street in close proximity to residential properties. The objective is to achieve a mix of mutually supportive and integrated residential and non-residential land uses. This proposed zone change promotes the Comprehensive Plan's goal of achieving a mixture of land uses that will encourage a variety of activities, shorten automobile trips and promote pedestrian and bicycle accessibility. Furthermore, the zone change will allow for a much wider variety of commercial activities which will encourage the Comprehensive Plan's objective of infill within older established neighborhoods.

- (2) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The commercial uses permitted by the proposed zone change would be appropriate in the immediate area. Providing opportunity for a wider range of commercial activities while reducing the intensity of such activities in comparison to the current existing Heavy Industrial (HI) zoning found on these lots and the lots west of S. Treadaway.

The subject lot has been zoned Heavy Industrial (HI) since at least 1974. The lots to the north, south and east are currently zoned Heavy Industrial (HI). One of these Heavy Industrial (HI) lots to the south is the location of a legally non-conforming single family residence which is designated as Historic. West of the subject property is zoned Medium Density (MD) Residential and currently is the location of existing single family residences.

	Zoning	Existing Land Use
North	HI	Heavy Equipment Rental
South	HI & HI/H	Retail Space/ Single Family Residence
East	HI	Agriculture Supply Store
West	MD	Single Family Residence(s)

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

The subject property has access to an existing water mains and sewer mains. Therefore water and sewer capacity should not be a limiting factor to the development of these properties.

According to the land development code good automobile accessibility within commercial districts is essential. These subject properties are located along and nearby the intersection of S. Treadaway and S. 14th Street both of which are considered major arterial roads. Traditional planning considers intersections of major arterial roads such as this to be customarily appropriate for commercial purposes. Maximizing accesses and exposure which is often necessary to promote the success of commercial uses.

STAFF COMMENTS:

According to the Future Land Use map found in the Comprehensive Plan, this location is designated to provide a mix of residential and commercial uses. Heavy Commercial (HC) zoning will promote a greater mix of commercial uses which include a wide range of retail opportunity nearby existing residential properties. This will achieve the Comprehensive Plan's objective of creating a mix of land use that will encourage a variety of activities, shorten automobile trips and promote pedestrian and bicycle accessibility. Additionally, the subject properties are located within the Neighborhood Empowerment Zone (78-2018), a zone designed to promote redevelopment in "economically distressed" areas. Furthermore, Heavy Commercial (HC) zoning will serve as an appropriate transitional zoning from Heavy Industrial (HI) zoning to the east and Medium Density (MD) residential zoning to the west.

STAFF RECOMMENDATION:

Staff recommends approval of the request, the rezoning request complies with section 1.4.1.4 (Criteria for Approval). According to the Comprehensive Plan this area is designated a commercial area which is to provide a mixture of commercial uses alongside nearby residential housing.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

Planning & Zoning Commission will hear this request October 1, 2019.

NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

Owner	Situs	Response
ABILENE AG FORD	1358 S TREADAWAY BL	
ABILENE AG SERVICE & SUPPLY INC	1449 S TREADAWAY BL	
ABILENE AUTO GLASS INC	1428 CHERRY ST	
ABILENE NEW HOLLAND LTD	1396 CHERRY ST	
ARMSTRONG JEROLD R	1442 S TREADAWAY BL	
ARMSTRONG JEROLD R	1402 S TREADAWAY BL	
CITY OF ABILENE	630 S 14TH ST	
CLARK JOHN MICHAEL	1433 CHERRY ST	
FERGUSON BYRD DENA	1410 CHERRY ST	
GAMEZ RAYMOND	1425 LOCUST ST	
GAMEZ RAYMOND GOMEZ	1412 CHERRY ST	
HILLIS INVESTMENTS INC	1502 S TREADAWAY BL	
LONE STAR GAS CO	1420 CHERRY	
MAYFIELD AMY MARCELE	1510 CHERRY ST	
MAYFIELD AMY MARCELE	1502 CHERRY ST	
MAYFIELD AMY MARCELE	625 S 14TH ST	
MAYFIELD AMY MARCELE	617 S 14TH ST	
OWENS FRANK	1401 LOCUST ST	
PEREZ MANUEL	625 DIMMITT ST	
POPE BRYAN	1401 CHERRY ST	
POPE BRYAN	534 S 14TH ST	
POPE BRYAN	626 S 14TH ST	
POPE BRYAN	628 S 14TH ST	
POPE BRYAN EDMOND	1450 S TREADAWAY BL	
QUINTANILLA SANTOS	1409 LOCUST ST	
SKINNYS INC	1458 S TREADAWAY BL	
VALLEY CREEK HOMES LLC	1402 CHERRY ST	
VINSON RANDELL DON	1357 S TREADAWAY BL	

ATTACHMENTS:

Case # Z-2019-25
August 14, 2019

- Application
- PowerPoint



Development Application

Planning

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

Project Name: _____

Address: 534 S. 14th / 1450 S Treadaway No. of lots: 1 Acreage: 3

Legal Description: W 1/2 of LT 10 209 550 E 1/2 LT 11 N 1/2 W 1/2 LT 9 209 of 4
OT ABL 2-3 & N 140 FT of 4 209 ABL 001112 ABL 213 + N 140 of 4

Subdivision Name: South Treadaway Block: _____ Lot: _____

Current Zoning: HI Proposed Zoning (if applicable): HC

OWNER AND AUTHORIZATION

Owner Name: Bryan Pope

Address: 1450 S Treadaway

City, State, Zip: Abilene TX 79602 Fax: _____

Phone: _____ Email: bryan.pope38@yahoo.com

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

Agent Name: C.J. Chanay

Address: 2500 S. Willis St.

City, State, Zip: Abilene TX 79605 Fax: _____

Phone: 325-725-6641 Email: cj@cbcabilene.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: [Signature] Date: 8-21-19

FOR OFFICE USE ONLY

Received: 8/21/19 Fee: \$ 1500.00 Receipt No.: 2087825

Case No.: 2-2019-25 Reviewed By: Cheryl



Development Application

Planning

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

Project Name: S Treadaway & S 14th HI to HC
Address: 534 S 14th / 1401 Cherry / 1450 S. Treadaway No. of lots: _____ Acreage: _____
Legal Description: See attached Addendum A
Subdivision Name: South Treadaway Block: _____ Lot: _____
Current Zoning: HI Proposed Zoning (if applicable): HC

OWNER AND AUTHORIZATION

Owner Name: Bryan Pope
Address: 1450 S. Treadaway
City, State, Zip: Abilene TX 79602 Fax: _____
Phone: _____ Email: bryan.pope.38@yahoo.com

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

Agent Name: CJ Chaney
Address: 2500 S. Willis St.
City, State, Zip: Abilene TX 79605 Fax: _____
Phone: 325-725-6641 Email: cj@cbcabilene.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: [Signature] Date: 9-1-19

FOR OFFICE USE ONLY

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



Development Application

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.

These property zonings of HI are currently restricting the development of the properties.

534 S 14th has been a salon, a retail store, an office + a taxidermy location. None of these uses are allowed in the current zoning.

1450 S. Treadaway has been an office and work shop for a general contractor. Under contractor services this business is allowed. It would also be allowed under HC.

1401 Cherry has been a storage yard for the last 10 years at least. Our current plans are for this use to continue. This use is allowed under Transportation for automobiles as a commercial use. We would request the zoning be changed to HC because this use would still be allowed but future development would be encouraged.



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: _____

8-21-19

City of Abilene
Accounting Dept

555 Walnut Street
Abilene, TX 79604

(325) 676-6262

08/21/2019 04:04 PM Cashier 0020
T/Ref 0002087825 Reg 0002 Tran No 7776
Cash Report: 190822-01 for 08/22/2019

01 - City of Abilene

ZONING FEES, SITE PLANS, VARIANCE REQUEST

NAME GARRETT CONSTRUCTION

DESCRIPTION REZONING FEE

Validation Number: 100158 \$1,500.00

Total \$1,500.00

Check (\$1,500.00)

Check No. 5073

Thank You for Your Payment



Development Application

Planning

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

Project Name: S Treadaway + S 14th HI to HC
Address: 1428 Cherry St.
Legal Description: See Attached Addendum A.
Subdivision Name: South Treadaway Block: _____ Lot: _____
Current Zoning: HI Proposed Zoning (if applicable): HC

OWNER AND AUTHORIZATION

Owner Name: Abilene Auto Glass Inc.
Address: 1801 S. Treadaway Blvd.
City, State, Zip: Abilene Tx 79602 Fax: _____
Phone: 325-238-3389 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) Abilene Auto Glass Inc. will act as my agent before the Planning and Zoning Commission. (Jeff Abernathy)

Agent Name: CJ Chaney
Address: 2500 S. Willis St.
City, State, Zip: Abilene TX 79605 Fax: _____
Phone: 325-725-6641 Email: cj@cbcabilene.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: [Signature] Date: _____

FOR OFFICE USE ONLY

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



Development Application

Planning

☐ Conditional Use

☐ Easement Release

☒ Rezoning

☐ Other

☐ PDD

☐ Street Name Change

☐ Thoroughfare Abandonment

☐ PDD Amendment

Other: _____

Project Name: S Treadaway + S 14th HI to HC

Address: 1402 S. Treadaway / 1442 S. Treadaway

Legal Description: See Attached Addendum A.

Subdivision Name: South Treadaway Block: _____ Lot: _____

Current Zoning: HI Proposed Zoning (if applicable): HC

OWNER AND AUTHORIZATION

Owner Name: Jerold Armstrong

Address: PO Box 1229

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

Phone: 326-672-5676 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) Jerold R. Armstrong will act as my agent before the Planning and Zoning Commission.

Agent Name: CJ Chaney

Address: 2500 S. Willis St.

City, State, Zip: Abilene TX 79605 Fax: _____

Phone: 325-725-6641 Email: cj@cbcabilene.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: Jerold R. Armstrong Date: 9-3-19

FOR OFFICE USE ONLY

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

Case No.: _____ Reviewed By: _____



Development Application

Planning

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

Project Name: S Treadway + S 14th HI to HC
Address: 1433 Cherry St
Legal Description: See Attached Addendum A.
Subdivision Name: South Treadway Block: _____ Lot: _____
Current Zoning: HI Proposed Zoning (if applicable): HC

OWNER AND AUTHORIZATION

Owner Name: John Michael Clark
Address: 1048 FM 2404
City, State, Zip: ABILENE TX 79601 Fax: _____
Phone: 325-338-6317 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) John Michael Clark will act as my agent before the Planning and Zoning Commission.

Agent Name: CJ Chaney
Address: 2500 S. Willis St.
City, State, Zip: Abilene TX 79605 Fax: _____
Phone: 325-725-6641 Email: cj@cbcabilene.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: [Signature] Date: _____

FOR OFFICE USE ONLY

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

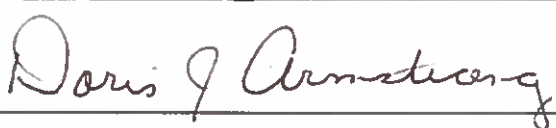
Attention City of Abilene Planning and Zoning:

We would like this letter to serve as notice that the undersigned property owners would like to make a joint request for a zoning change for our properties from HI (Heavy Industrial) to HC (Heavy commercial).

Address	Parcel ID	Owner	Legal Description
534 S. 14 th	38858	Bryan Pope	W1/2 OF LT 10 209 OT ABL 2-3 & N140 FT OF 4
1428 Cherry	19067	ABILENE AUTO GLASS INC (Abernathy)	OT ABILENE BLK 208 JOHN TOUHY 3-4 B, LOT 4-5-6
1433 Cherry St.	38621	John Michael Clark	S100 OF W1/2 LT 9 209 2/3 & N40 OF 4 OT
1401 Cherry St.	38105	Bryan Pope	N180 W1/2 LT 9 209 OT ABL 2&3 & N 140 OF 4
1402 S. Treadaway	38107	Jerold Armstrong	N37.1 OF E80' OF W/2 OF 9 209 2&3 & N140 OF 4 OT ABILENE
1442 S. Treadaway	38360	Jerold Armstrong	LT 1 REP N150 S200 E/2 LT 9 209 OT 2-3-4
1450 S. Treadaway	38487	Bryan Pope	S50 E1/2 LT 9 209 ABL OUTLT 2
1458 S. Treadaway	38735	Skinny's Inc	E1/2 OF BLK 10 209 SUB LTS 2&3 & N140
1412 Cherry St.	18837	Raymond Gomez Gamez	OT ABILENE BLK 208 JOHN TOUHY 3-4 B, LOT 3 LESS 10X12FT
1410 Cherry St.	18730	Byrd Dena Ferguson	OT ABILENE BLK 208 JOHN TOUHY 3-4 B, LOT 2
1402 Cherry St.	18621	Valley Creek Homes	OT ABILENE BLK 208 JOHN TOUHY 3-4 B, LOT 1

Attention City of Abilene Planning and Zoning:

We would like this letter to serve as notice that the undersigned property owners would like to make a joint request for a zoning change for our properties from HI (Heavy Industrial) to HC (Heavy commercial).

Address	Parcel ID	Owner	Owner Signature
534 S. 14 th	38858	Bryan Pope	
1428 Cherry	19067	ABILENE AUTO GLASS INC (Abernathy)	
1433 Cherry St.	38621	John Michael Clark	
1401 Cherry St.	38105	Bryan Pope	
1402 S. Treadaway	38107	Jerold Armstrong	
1442 S. Treadaway	38360	Jerold Armstrong	
1450 S. Treadaway	38487	Bryan Pope	
1458 S. Treadaway	38735	Skinny's Inc	
1412 Cherry St.	18837	Raymond Gomez Gamez	Believed Deceased
1410 Cherry St.	18730	Byrd Dena Ferguson	
1402 Cherry St.	18621	Valley Creek Homes	



Planning and Zoning

with Web AppBuilder for ArcGIS

Show search results for 1401 Cherry



Case: Z-2019-25

Owner: Bryan Pope

Agent: CJ Chaney, Caldwell Banker

Request: Rezone from Heavy Industrial (HI) to Heavy Commercial (HC) zoning.

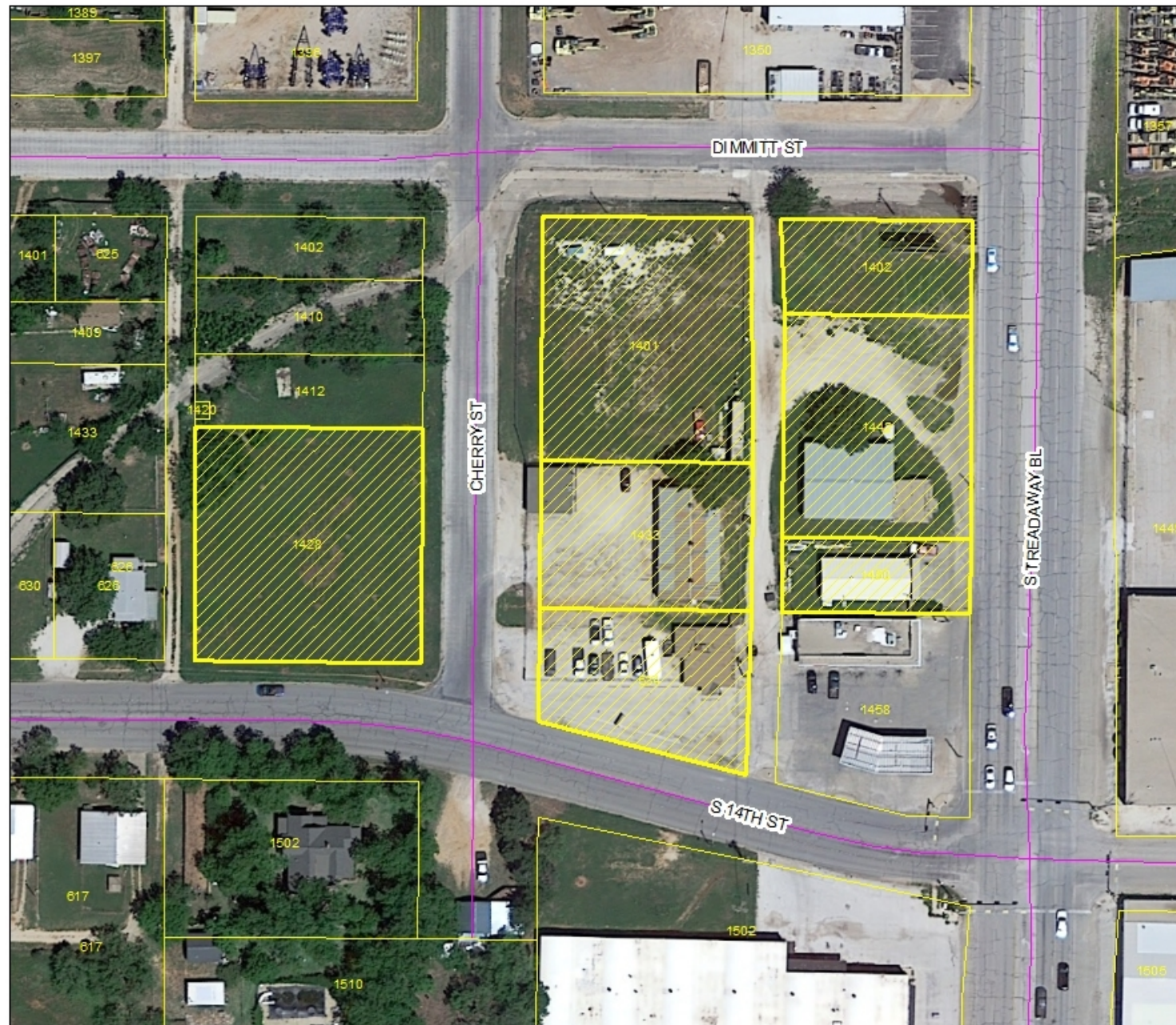
Notification: 0 in Favor, 0 Opposed

Planning & Zoning Date: October 1, 2019

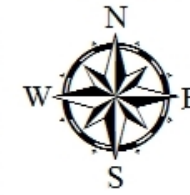
City Council Hearing Dates: October 17, 2019
November 7, 2019



Z-2019-25 AERIAL MAP



Aerial Map



Legend

 Z-2019-25



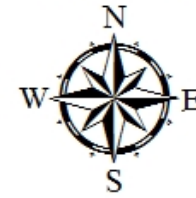
Z-2019-25 LOCATION MAP







Zoning Map



Legend

- Z-2019-25
- MD: Medium Density Residential
- HI: Heavy Industrial
- Arterial
- Collector



Z-2019-25 NOTIFICATION AREA MAP





1401 Cherry (Petitioned Property)



1433 Cherry (Petitioned Property)





1402 S. Treadaway (Petitioned Property)



1442 & 1450 Treadaway (Petitioned Property)





Neighboring Property



Neighboring Property



- According to the Future Land Use map found in the Comprehensive Plan, this location is designated to provide a mix of residential and commercial uses. Heavy Commercial (HC) zoning will promote a greater mix of commercial uses which include a wide range of retail opportunity nearby existing residential properties
- Staff Recommendation of **Approval**, the rezoning request complies with section 1.4.1.4 (Criteria for Approval)



ZONING CASE Z-2019-26

STAFF REPORT



REQUEST: Amend existing Planned Development District Number 70 (PD 70) to include revised building setback standards for patio homes

APPLICANT:

Owner: Lytle Creek Golf Links (dba Diamondback Golf Club)

Agent: David Todd, of Enprotec/Hibbs & Todd

HEARING DATES:

P & Z Commission:
October 1, 2019

City Council 1st Reading:
October 17, 2019

City Council 2nd Reading:
November 7, 2019

LOCATION:

3669 thru 3963 National Drive, projecting north from 1500 block (north side) of East Industrial Boulevard in southeast Abilene

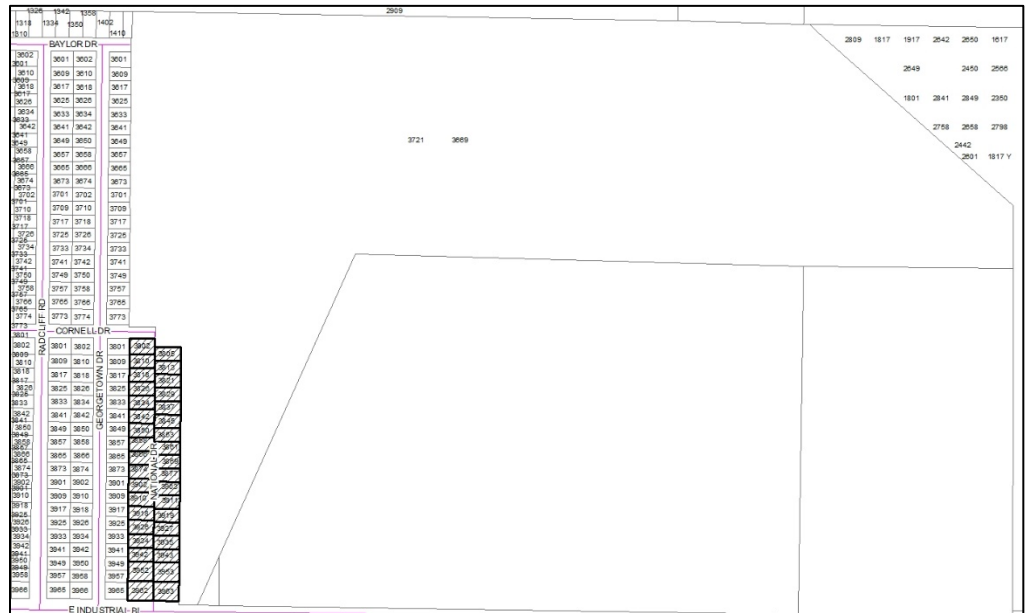
Legal description: All of National Golf Addition to the City of Abilene, Taylor County, Texas

BACKGROUND:

According to the Land Development Code, a Planned Development (PD) District is a custom-made zoning classification tailored to meet the unique demands of a particular proposed development set within a specific environment.

In 1999, Planned Development District Number 70 (PD 70) was approved, specifically allowing the following uses on approximately 93 acres bordering the north side of East Industrial Boulevard and described (legally) as all of Lytle Creek Golf Links Subdivision:

- Golf course and associated maintenance facilities
- Golf driving range
- Restaurant
- Retail sale of recreational equipment and clothing
- Sale of alcoholic beverages for on-premise consumption



In 2017, PD 70 was amended by enlarging its area to include additional vacant acreage (directly to west) and expanding the range of allowed uses to include patio homes on lots planned for no more than 85 feet in depth.*

In early 2019, a new subdivision plat was approved and recorded, encompassing all 108+ acres now embraced within PD 70. This new subdivision plat is named “National Golf Addition.” It and one Amended Plat together create 36 new patio home sites adjoining the west side of Diamondback Golf Club, with 18 patio home sites aligned along each side of a new private street named National Drive. All 36 patio home sites are at least 60 feet wide and 85 feet in depth (measured from edge of access easement for private street and sidewalk) in compliance with conditions required by PD 70, as amended.

All 36 patio home sites remain vacant.

PROPOSAL AND REQUESTED ACTION:

Owners of the 108+ acres in PD 70, including all 36 patio home sites, are requesting to amend minimum building setbacks required for patio home construction there, in ways that vary from standards ordinarily applicable to conventional Patio Home (PH) zoning districts:

1. **In PD 70, a minimum 15-foot patio home setback is proposed from 60-foot-wide access and utility easements (for private streets)** in lieu of the 15-foot setback ordinarily required from 60-foot-wide public rights-of-way commensurate with minor/subcollector streets.
2. **In PD 70, a minimum 20-foot patio home setback is proposed from right-of-way for Industrial Boulevard, an arterial street.** A minimum 30-foot setback from arterial street rights-of-way is ordinarily required in PH zoning districts.
 - a. Lytle Shores South Subdivision stretches for 1/3 mile directly west from PD 70. In Lytle Shores South, homes are consistently built just 20 feet from Industrial Boulevard’s right-of-way, conforming to standards in effect when those homes were built during 1983-84.
3. **In PD 70, a minimum 10-foot setback is proposed from rear boundaries of lots planned for patio homes.** A minimum 20-foot rear setback is ordinarily required in conventional PH zoning districts.
 - a. From 1982† until 2010, only a ten-foot-wide rear yard was minimally required for patio home construction in Abilene. This was consistent with the “patio home concept” of minimal yards required for active outdoor recreation.

APPLICATION REVIEW:

According to Section 1.4.1.4 (Criteria for Approval) in the City of Abilene Land Development Code, the Planning & Zoning Commission and City Council may consider the following factors in making a determination regarding requested zoning changes:

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

City Council has already determined that patio home development in PD 70 is consistent with Abilene’s Future Land Use and Development Plan which suggests “low-density residential” use in this vicinity. Even with buildable sites only 85 feet deep, proposed patio home density in PD 70 amounts to only 8 units per acre. This is slightly more than the 7¼ units per acre maximally

* measured from edge of access and utility easement reserved for private street and sidewalk

† when zoning regulations for patio homes were first instituted in Abilene

allowed in RS-6 zoning districts, and less than 12 units per acre allowed in MD zoning districts. Proposed patio home development in PD 70 still qualifies as “low-density residential.”

(2) Whether the proposed zoning amendment will be appropriate in the immediate area of the subject property.

One potential concern is the minimum 10-foot rear yards proposed on patio home sites in PD 70, as they abut existing conventional single-family home sites directly to the west in an RS-6 District. These existing single-family home sites are required to have minimum 20-foot rear yards to ensure a certain degree of “usable outdoor recreation space” on each lot. The existing home sites there typically have actual rear yards ranging in depth from 25 to 50 feet. This may be in marked contrast to abutting patio homes planned in PD 70, some of which will have rear yards as few as 10 feet deep, as proposed. In and of itself, **this variation should have no substantial impact on long-term comfort and value of abutting residences**, so long as all such housing remains remotely similar in overall density. The distinction may be more of lifestyle preference, rather than anything more critical.

Another potential concern is the proposed setting of the southernmost two patio homes (in PD 70) only 20 feet from right-of-way on Industrial Boulevard, an arterial street. Since the mid-1980’s, at least a 30-foot building setback has routinely been required from arterial street rights-of-way. In this case, however, existing homes in an adjoining subdivision (Lytle Shores South) are consistently set back just 20 feet from right-of-way on Industrial Boulevard. This was the standard in effect when these homes were built during the early 1980’s. Two patio homes planned adjacent to Industrial Boulevard (in PD 70) will be no closer to that street than 14 existing homes stretched for 1/3 mile directly west and on that same north side of Industrial Boulevard.

	Zoning	Existing Land Use
North	AO	vacant land
South	AO	vacant land across Industrial Blvd.
East	AO	Diamondback Golf Course
West	RS-6	single-family residences

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

Proposed amendments will **not** allow any more homes in PD 70 than the existing terms of PD 70 already permit. Proposed amendments should thereby have **no** impact on public infrastructure in this area of Abilene.

STAFF COMMENTS:

As described in the above analysis, proposed amendments to setbacks of planned patio home construction (in PD 70) are expected to have little or no substantial impact on existing nearby residential development. Furthermore, proposed amendments will make planned patio home construction even more consistent with existing nearby development.

STAFF RECOMMENDATION:

City staff recommends approving requested amendments to Planned Development District Number 70 (PD 70) as described above and on accompanying draft ordinance.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission will consider these requested amendments, during a meeting scheduled for Tuesday, October 1, 2019.

NOTIFICATION:

The Planning Services Division sent, with certificate of mailing, public notices to the applicant and to all owners of property within a 200-foot radius of the subject property.

Owner	Situs	Response
ALLEN PEARLINE	3910 GEORGETOWN DR	
BARRETT STACY APPLETON	3933 GEORGETOWN DR	
BONILLA ERIC A	3966 GEORGETOWN DR	
BROYLES RONNIE F	3918 GEORGETOWN DR	
CASTANON RICHARD	3834 GEORGETOWN DR	
COCHRAN JOSHUA H & KIMBERLY J	3874 GEORGETOWN DR	
CRUSE TAYLOR & CHRISTEN	3826 GEORGETOWN DR	
CUTBIRTH MARILYN HARLEAN	3818 GEORGETOWN DR	
DAVIS LIVING TRUST	3949 GEORGETOWN DR	
DAVIS LIVING TRUST	3902 GEORGETOWN DR	
DAVIS RUSTY L & VADA R	3817 GEORGETOWN DR	
DEARING CODY	3957 GEORGETOWN DR	
DRENNON MARGARET	3757 GEORGETOWN DR	
FALKNER SHARON D	3849 GEORGETOWN DR	
FISH JAMES & REGINA LORENE REED	3810 GEORGETOWN DR	
FRENCH GARY D & SHERRIE I	3773 GEORGETOWN DR	
GARRISON STEPHEN & ALICIA	3865 GEORGETOWN DR	
GUIDERA WILLIAM N &	3774 GEORGETOWN DR	
HARWELL BRADY P	3926 GEORGETOWN DR	
HERMAN AMBER	3841 GEORGETOWN DR	
HSU HERN O HELEN	3958 GEORGETOWN DR	
JOHNSON STACYE	3934 GEORGETOWN DR	
KAERWER FLOYD & TONYA L	3825 GEORGETOWN DR	
KING MARY RUTH	3809 GEORGETOWN DR	
LAURANCE RONNARD & IRENE	4001 GEORGETOWN DR	
LYTLE CREEK GOLF LINKS LLC		
LYTLE CREEK GOLF LINKS LLC		
LYTLE CREEK GOLF LINKS LLC	3952 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3721 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3669 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3963 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3802 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3810 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3818 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3826 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3834 NATIONAL DR	

LYTLE CREEK GOLF LINKS LLC	3842 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3850 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3858 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3866 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3874 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3902 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3910 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3918 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3926 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3934 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3942 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3962 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3953 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3943 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3935 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3927 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3919 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3911 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3903 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3877 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3869 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3861 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3853 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3845 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3837 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3829 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3821 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3813 NATIONAL DR	
LYTLE CREEK GOLF LINKS LLC	3805 NATIONAL DR	
LYTLE LAKE WATER DISTRICT	1509 Y E INDUSTRIAL BL	
LYTLE LAKE WATER DISTRICT	1933W E INDUSTRIAL BL	
MC KINNEY TANIA	3802 GEORGETOWN DR	
MEDINA MICHAEL	3850 GEORGETOWN DR	
MIZE TOMMY R	3833 GEORGETOWN DR	
PAR VENTURE HOLDINGS LLC PROJECT SERIES 3873	3873 GEORGETOWN DR	
PARIS WILLIAM & ANDREA	3917 GEORGETOWN DR	
PERRY W CRAIG	3842 GEORGETOWN DR	

PRACHYL ALLEN & MARCELLA	3901 GEORGETOWN DR	
RANDALL JEFFREY AUSTIN	3857 GEORGETOWN DR	
REYNOLDS JAMES EDWARD	3909 GEORGETOWN DR	
RICHARDSON SHERYL LEANNE	3942 GEORGETOWN DR	
ROSS TOMMY & DAYNA	3801 GEORGETOWN DR	
SCHNEIDER KYLE C	4009 GEORGETOWN DR	
SMITH KENNETH	3941 GEORGETOWN DR	
SQUYRES ANDREW & CHELSEA	3965 GEORGETOWN DR	
STONEHENGE INVESTMENTS LLC	3925 GEORGETOWN DR	
TURQUOISE DOG PROPERTIES LLC	3866 GEORGETOWN DR	
WEST WILLIAM STEVEN		
WHISENHUNT BRANTON E & CYNTHIA A	1350 PRINCETON ST	
WOLVERTON INVESTMENTS LLC	3858 GEORGETOWN DR	
WRUBLE KIMBERLY C	3950 GEORGETOWN DR	
ZEISSEL CEISSIA SKILES	3765 GEORGETOWN DR	

ATTACHMENTS:

- Application
- PowerPoint

Planning

☐ Other PDD Amendment

Other: _____

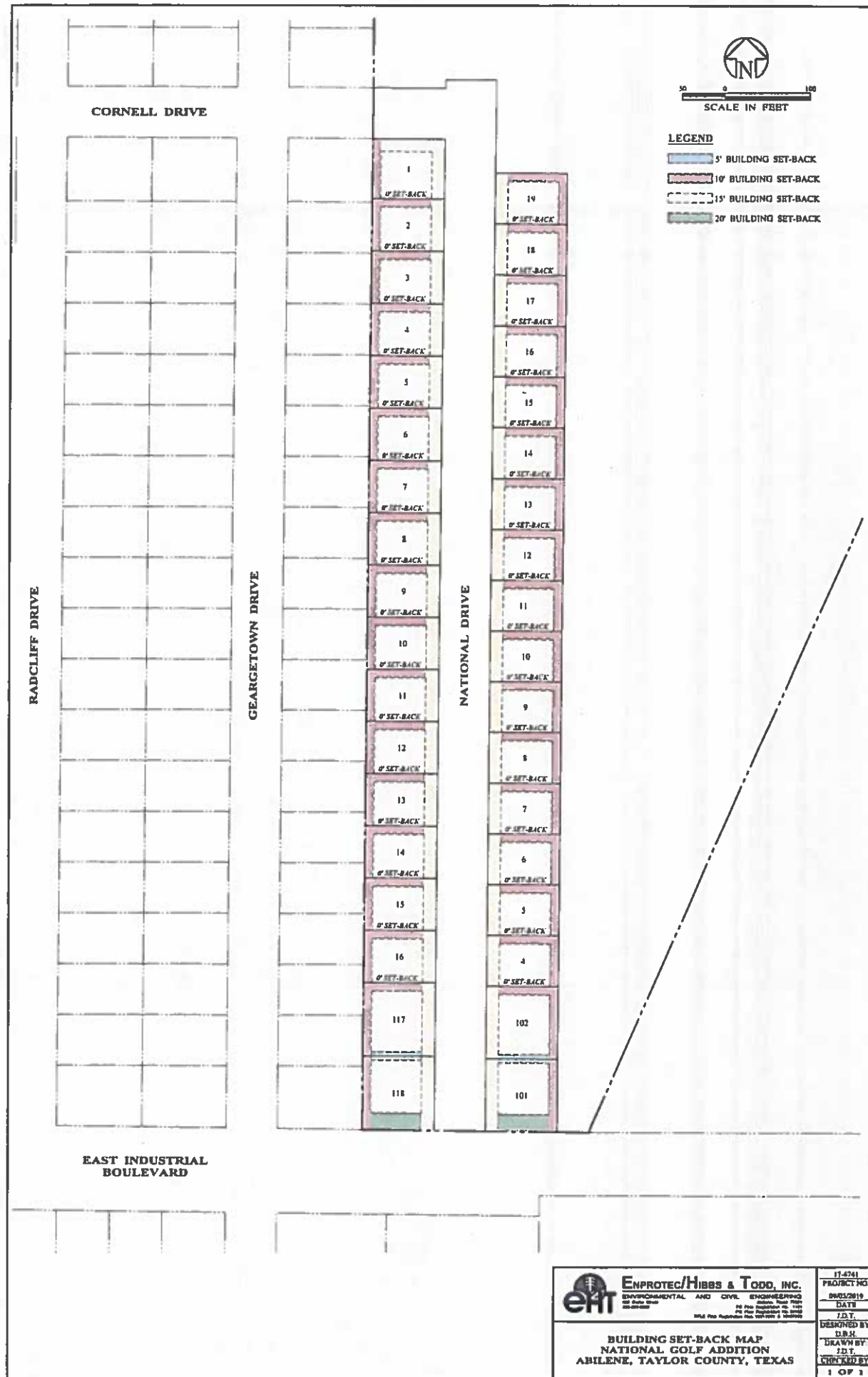
Setbacks as per Site Plan

Email:

Email:

Date: _____

Tarod Smith



ORDINANCE NO. [REDACTED]

Comment [RGG1]: Page: 1
To be filled in by the City Secretary's office.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE AND CONCERNING PD-70, A PLANNED DEVELOPMENT DISTRICT, AS WELL AS ORDINANCE NUMBERS 54-1999 AND 44-2017; 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 I: That the Land Development Code of the City of Abilene is hereby amended by repealing Ordinance Numbers 54-1999 and 44-2017 concerning PD 70 (a Planned Development District) and replacing them with terms and conditions set out in accompanying Exhibit "A" concerning the same said PD 70, 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.

PASSED ON FIRST READING the 17th day of October, A.D. 2019.

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 14th day of September, 2019, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 7th day of November, 2019, 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 SECOND AND FINAL READING THIS 7th day of November, A.D. 2019.

ATTEST:

Shawna Atkinson
City Secretary

Anthony Williams,
Mayor

APPROVED:

Stanley Smith,
City Attorney

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 2

ORDINANCE NO. _____

Exhibit "A"

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

PART 2: Development Specifications. All use and development within this Planned Development District must be undertaken in compliance with the Land Development Code of the City of Abilene, except as otherwise specifically provided herein.

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

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth, from: Agricultural Open Space (AO) District, to Planned Development (PD) District Number 70.

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

PART 5: Legal Description. The legal description of this Planned Development (PD) District Number 70 includes all 108+ acres encompassed within the National Golf Addition to the City of Abilene, Taylor County, Texas.

PART 6: Purpose. The purpose of this Planned Development District is to encourage appropriate development of a golf course and related uses ordinarily considered accessory and incidental thereto, as well as adjacent construction of patio homes.

PART 7: Specific Modifications: The following regulations shall govern the use and development of this Planned Development District Number 70:

- A. Use and development of land encompassed by Lot 20 in Block "B" of the National Golf Addition shall generally be governed by terms and conditions pertinent to the Agricultural Open Space (AO) zoning classification, except that the following additional uses shall be allowed therein:

- golf course and golf driving range;
 - maintenance facilities associated with golf course;
 - restaurant;
 - retail sale of recreational equipment and clothing; and
 - liquor store for on-premise consumption of alcoholic beverages.

- B. Use and development of land encompassed by the following properties:

EXHIBIT "A"

PAGE 3

- Lots 101 and 102 as well as Lots 4 thru 19 in Block “B” of the National Golf Addition
- all of Block “A” of the National Golf Addition

shall generally be governed by terms and conditions pertinent to the Residential Patio Home (PH) zoning classification, except as otherwise specified below:

1. The minimum width required of patio home lots shall be 50 feet.
2. The minimum depth required of patio home lots shall be 85 feet measured from the outside edge of an access and utility easement for private street and sidewalk, to the rear boundary of each lot planned for patio home construction.
3. Streets furnishing direct access to patio home lots may be private streets perpetually maintained by a Homeowners Association, but constructed according to ordinary design and construction standards of the Public Works Department for the City of Abilene.
4. Entrances to private street segments shall be allowed to be “gated” in compliance with applicable standards, policies and codes enforced by the Abilene Fire Department.
5. Sidewalks required in front of and/or beside patio home lots may be installed directly at the back of street curb, but otherwise in accordance with applicable design and construction standards of the Public Works Department for the City of Abilene.
6. Minimum building setback required from street segments providing direct access to patio home lots shall be 15 feet, measured from outside edge of access and utility easement intended for private street and sidewalk.
7. Minimum building setback required from the north line of right-of-way for Industrial Boulevard shall be 20 feet.
8. Minimum building setback required from rear lot boundary shall be 10 feet.

C. Signage

1. For the golf course and related use(s) located within this Planned Development District, one (1) freestanding sign shall be allowed for display onto Industrial Boulevard, and such sign shall not exceed thirty-five feet in height and two hundred (200) square feet in area.
2. On land encompassed by Lot 20 in Block “B” of the National Golf Addition, where the golf course and related use(s) are specifically located, internal wall signs shall be permitted as needed.

D. Subdivision and Resubdivision

Except as may be indicated in Item B above, the subdivision and resubdivision of land in this Planned Development District shall be undertaken in conformance with Subdivision Regulations applicable at the time of subdivision or resubdivision. Amendment of this ordinance shall not be necessary for resubdivision; however, all above-described regulations regarding the use of land identified therein shall remain applicable to that land, unless such regulations are modified by amendment to this ordinance.

Case: Z-2019-26

Owner: Lytle Creek Golf Lakes, LLC

Agent: David Todd, EHT

Request: Amend existing Planned Development District
Number 70 (PD 70) to include revised
building setback standards for patio homes

Location: Addresses of 3669 through 3963 National
Drive

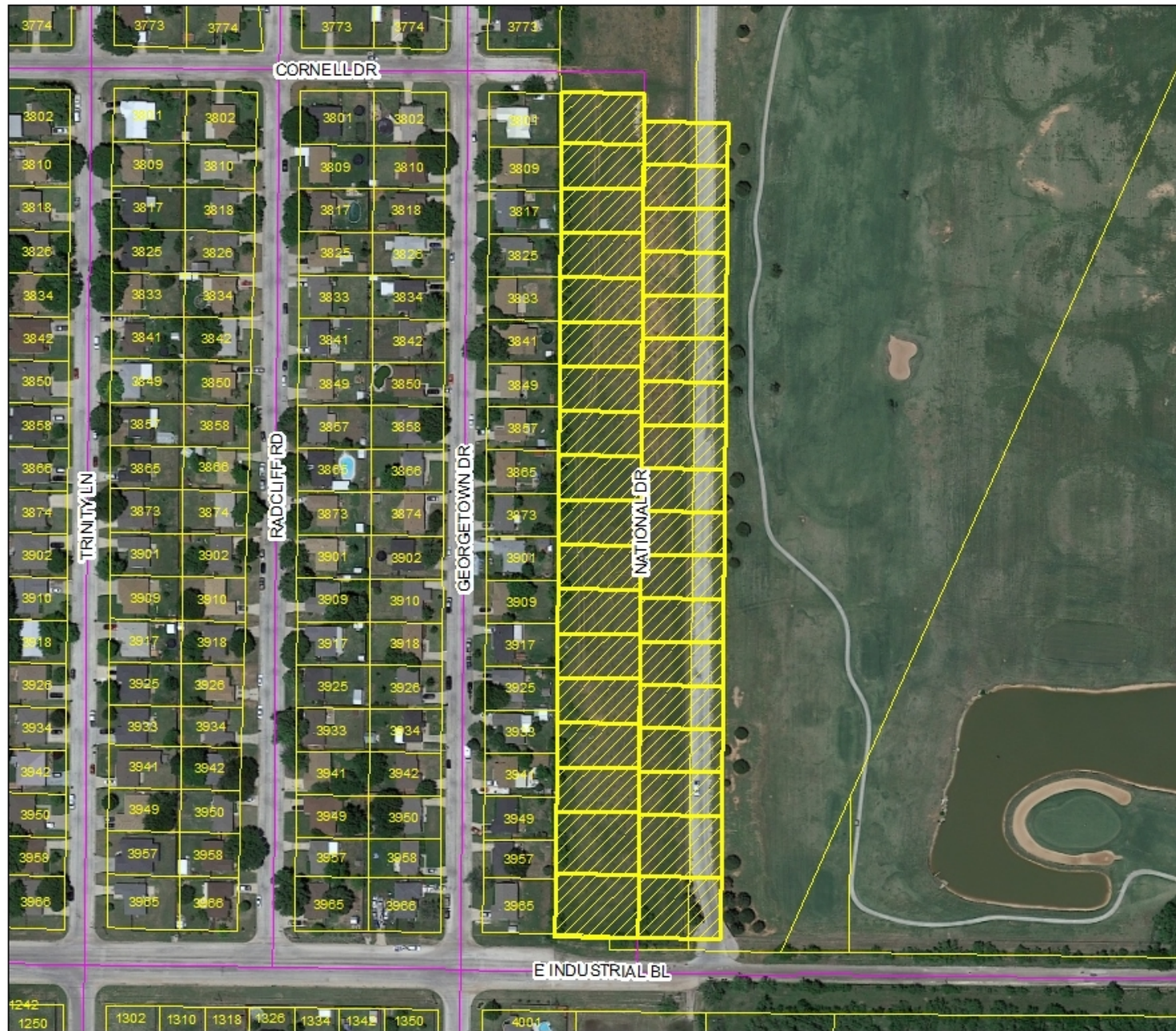
Notification: 0 in Favor, 0 Opposed

Planning & Zoning Date: October 1, 2019

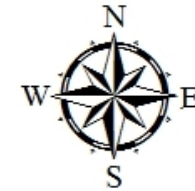
City Council Hearing Dates: October 17, 2019
November 7, 2019



Z-2019-26 AERIAL MAP



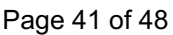
Location Map



Legend

 Z-2019-26





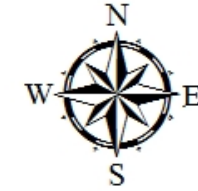
Z-2019-26 ZONING MAP



Z-2019-26 NOTIFICATION AREA MAP



Notification Map



Legend

- 200' Buffer
- Z-2019-26

0- In Favor-

0- Opposed-





Access to Diamondback



Entrance



Rearview of the Entrance/Exit





National Drive Facing South

National Drive Facing North





Eastern Lots

Western Lots



- Proposed amendments to setbacks of planned patio home construction (in PD 70) are expected to have little or no substantial impact on existing nearby residential development.
- Staff Recommendation of **Approval**, subject to conditions outlined in the Planned Development Ordinance.





MEMORANDUM

October 1, 2019

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
September 12, 2019 at 8:30 AM

Item	Motion	Vote
SNC-2019-02 A request from Development Corporation of Abilene, Inc., agent Kim Tarrant, to change the name of Tower View Drive to Kinsolving Drive as it extends south to north from FM 18 to Corridor Drive	Approved	7-0