



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 September 1, 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

MINUTES

1. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Minutes from the Regular Meeting Held on August 4, 2020.

PLATS

Public Hearing and Action on Plats

2. **FP-4820:** Section 2 of The Tributes at Double Eagle, Abilene, Taylor County, Texas
3. **FP-4920:** Antilley Road West Addition, Section 3, Being 5.856 Acres of Land out of the William E. Vaughn Survey No. 101, Abstract No. 417, City of Abilene, Taylor County, Texas

ZONING

Public Hearing and Action on Zoning Cases

4. **Z-2020-10:** Receive a Report and Hold a Discussion and Public Hearing on a request from Sharon Riley, agent H.C. Zachry, to amend existing Planned Development (PD) District Number 32 by removing from subparagraph (f) 1 and 2 stating “no other signs shall be allowed” from Lots 25-30 and allowing all signage allowed in General Retail (GR); Legal description Lot 232 of Planned Development 32, Humana West Addition, Abilene, Taylor County, Texas and located at 2050 Antilley Road
5. **Z-2020-13:** Receive a Report and Hold a Discussion and Public Hearing on a request from Denise Dilliard Rister and Jerry Lynn Rister to rezone property from General Commercial (GC) to General Retail (GR) District; Legal description being the south 53 feet of the north 140 feet of Lot 1 in Block 16 of the Campus Addition to Abilene, Texas and located at 1425 Matador Street, approximately 150 feet south from South 14th Street

6. **CUP-2020-06;** Receive a Report and Hold a Discussion and Public Hearing on a request from Hit Ventures LLC, agent Cody Myers, for approval of Conditional Use Permit allowing light manufacturing and, in particular, coffee processing in a Heavy Commercial (HC) District; Legal description being Lots 1 and 2 in Block Y of J. Stoddard Johnston's Subdivision of Lot 2 in Block 190 of Abilene's Original Townsite and located on southwest corner of South 8th Street and South Treadaway Boulevard

DIRECTORS REPORT

7. 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 August, 2020, at 4:15 p.m.

Shawna Atkinson, TRMC
City Secretary



Planning and Zoning Commission MINUTES

August 4, 2020 | 1:30 p.m. | Abilene, Texas City Hall – Council Chambers

Commissioners Present:

Mr. Fred Famble, Chairman
Mr. Mitch Barnett

Mr. Clint Rosenbaum, Pro Tem
Rev. Iziar Lankford

Commissioners Absent:

Mr. Bill Noonan, Secretary
Ms. Alex Russell, Sergeant-at-Arms
Mr. Brad Benham

Staff Present:

Mr. Michael Rice, Assistant City Manager
Ms. Cheryl Sawyers, Planning Services Manager
Ms. Kelley Messer, First Assistant City Attorney
Mr. Jared Smith, Planner II
Mr. Nick Watts, Planner I and Historic Preservation Officer
Ms. Melissa Farr, Executive Assistant

CALL TO ORDER

The Planning and Zoning Commission convened in a regular meeting and was called to order at 1:34 p.m. Melissa Farr noted the following commissioners present:

Present: 4 – Barnett, Rosenbaum, Lankford, Famble

INVOCATION

Reverend Lankford delivered the invocation.

APPROVAL OF MINUTES FOR THE PREVIOUS MEETING

Reverend Lankford moved to **approve** the minutes for the Planning and Zoning Commission regular meeting of July 7, 2020. Mr. Rosenbaum seconded the motion. The motion to **approve** prevailed by the following vote:

AYES: Barnett, Rosenbaum, Lankford, Famble

NAYS: None

ZONING

Z-2020-10: Receive a Report and Hold a Discussion and Public Hearing on a request from Sharon Riley, agent Enprotec/Hibbs and Todd, Inc., to amend existing Planned Development (PD) District Number 32 by removing from subparagraph (f) 1 and 2 the language stating “no other signs shall be allowed” from Lot 232 and allowing all signage allowed in General Retail (GR). Legal description Lot 232 of Planned Development 32, Humana West Addition, Abilene, Taylor County, Texas and located at 2050 Antilley Road.

Mr. Jared Smith presented this request. The applicant is requesting to amend existing Planned Development District Number 32 (PD 32).

Mr. Famble opened the public hearing. Speaking in favor were Mr. H.C. Zachry and Mr. David Todd.

Speaking in opposition was Mr. Clifford DePrang. Seeing no one else present and desiring to be heard, the public hearing was closed.

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

Discussion included:

This Planned Development District 32 (PD 32) was approved in May of 1985. It is intended to provide a mixture of retail, office and medical care facilities. The Planned Development ordinance was amended by City Council in September of 1986 to modify sign regulations on lots 25-30 as identified on the originally provided site exhibit. This amendment limits all free standing signs constructed on lots 25-30 to 36 square feet in area with a maximum height of 12-feet. Furthermore, all other sign regulations prescribed by office zoning would apply and no other signs would be permitted. Since this time Lot 30 has been subdivided into four new lots which are respectively Lots 130, 131, 232, 233 of Humana West Addition.

The underlying zoning for this lot is General Retail (GR) which is a zoning district that ordinarily permits off-site advertising billboards. The applicant is requesting to amend the current PD ordinance to allow one off-site advertising billboard on Lot 232.

Mr. Famble opened the public hearing once again, as Mr. DePrang requested the opportunity to ask questions after the discussion. He inquired about the application process and the order of applicants and approval methods. Mr. Smith stated that an applicant would be served on a first come, first serve basis, and the City would have to approve.

Mr. Rosenbaum further explained the flow of the application from Planning and Zoning Commission through the first and second readings by City Council. Mr. Famble closed the public hearing.

PLANNING STAFF RECOMMENDATION: Approval

Mr. Rosenbaum moved to approve this request. Reverend Lankford seconded the motion. The motion to approve prevailed by the following vote:

AYES: Barnett, Rosenbaum, Lankford, Famble

NAYS: None

Z-2020-11: Receive a Report and Hold a Discussion and Public Hearing on a request from Cade and Katie Browning to rezone property from Single Family Residential 12 (RS-12) to Single Family Residential 12/Historic Overlay (RS-12/HO) zoning located at 910 Highland Avenue. Legal description being all of Lot 5 in Block 20 of the Continuation to the Highland Addition, Abilene, Taylor County, Texas

Mr. Nick Watts presented this request. The applicant is requesting to add Historic Overlay District Zoning to the subject property. The subject property is zone RS-12. If approved, this would result in RS-12/HO zoning form the subject property.

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

Property owners within a 200-foot radius were notified of this request. Three (3) responses were received in favor with one (1) in opposition.

PLANNING STAFF RECOMMENDATION: Approval

Reverend Lankford moved to **approve** this request. Mr. Famble seconded the motion. The motion to **approve** prevailed by the following vote:

AYES: Barnett, Rosenbaum, Lankford, Famble

NAYS: None

AGENDA ITEM

Public hearing and possible vote to consider recommendation to City Manager regarding the 2020-2024 CIP.

Mr. Rice presented this item. The Charter requires the Capital Improvement Program come before the Planning and Zoning Commission annually for consideration. Currently, dollars are not available for this program.

The list of projects recommended by this Commission last year was provided. The recommendation is to move this current list forward, although the money may not be available in the current and next fiscal year budgets.

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

Mr. Rosenbaum moved to approve the recommendation to move the current list of projects forward with the knowledge that money is not available for the program.

DIRECTOR'S REPORT

Ms. Sawyers provided an update on the recent City Council decision regarding three items on the July 9th agenda. All three items were approved.

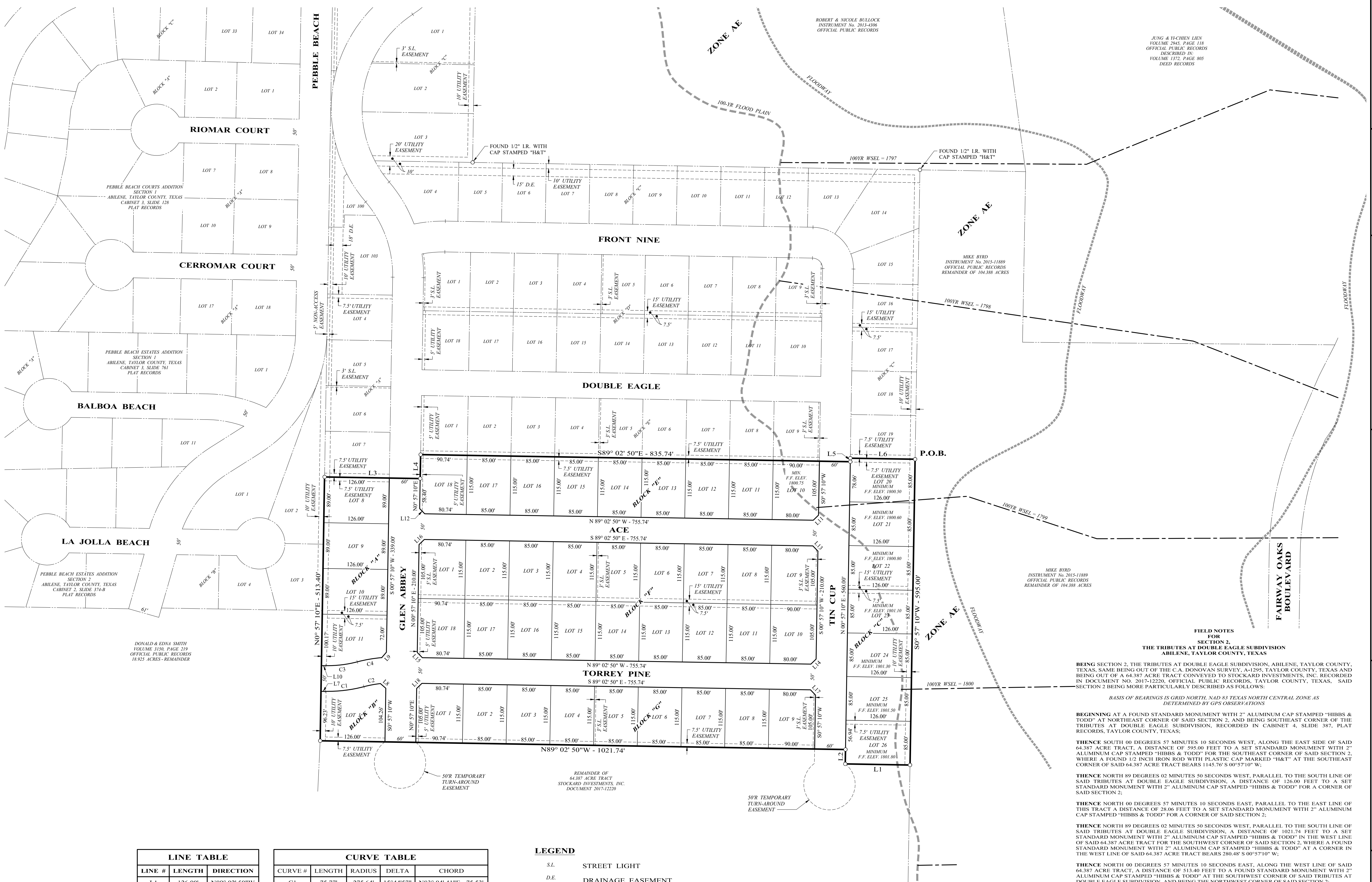
ADJOURNMENT

There being no further discussion, Mr. Famble adjourned the meeting at 2:08 p.m.

APPROVED

Mr. Fred Famble, Chairman

15-6459



LINE #

LENGTH

DIRECTION

L1

126.00'

N89° 02' 50"W

L2

28.06'

N0° 57' 10"E

L3

186.00'

S89° 02' 50"E

L4

46.60'

N0° 57' 10"E

L5

6.94'

N0° 57' 10"E

L6

126.00'

S89° 02' 50"E

L7

8.47'

N89° 02' 50"W

L8

13.85'

S49° 08' 48"E

L9

14.06'

S41° 03' 55"W

L10

8.47'

N89° 02' 50"W

L11

14.14'

S45° 57' 10"W

L12

14.14'

N44° 02' 50"W

L13

14.14'

S44° 02' 50"E

L14

14.14'

S45° 57' 10"W

L15

14.14'

N44° 02' 50"W

L16

14.14'

N45° 57' 10"E

L17

14.14'

S44° 02' 50"E

L18

14.14'

N45° 57' 10"E

CURVE #

LENGTH

RADIUS

DELTA

CHORD

C1

75.77'

275.64'

15°44'57"

N83° 04' 41"E - 75.53'

C2

32.79'

220.05'

8°32'14"

N79° 23' 24"E - 32.76'

C3

62.02'

225.64'

15°44'57"

S83° 04' 41"W - 61.83'

C4

48.12'

280.59'

9°49'37"

S80° 13' 44"W - 48.07'

OWNER:

STOCKARD INVESTMENTS, INC.
1650 SOUTHRIDGE CROSSING
ABILENE, TEXAS 79606
(325) 665-4444

ENGINEER:

ENPROTEC/HIBBS & TODD, INC.
402 CEDAR STREET
ABILENE, TEXAS 79601
(325) 698-5560
RPLS FIRM REGISTRATION No: 10011900

PLANNING COMMISSION

THIS PLAT IS HEREBY APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF ABILENE, TEXAS AND THE COUNTY CLERK IS HEREBY AUTHORIZED TO FILE SAID PLAT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 974A, VERNON'S ANNOTATED CIVIL STATUTES, AND ARTICLE 927B PENAL CODE OF TEXAS, AS AMENDED.

DATE _____ CHAIRMAN _____

ATTEST _____ SECRETARY _____

DATE _____ PLANNING DIRECTOR _____

PLANNING DIRECTOR

FILED WITH PLANNING DIRECTOR.
CITY OF ABILENE, TEXAS

DATE _____ FILE NUMBER _____

DATE _____ PLANNING DIRECTOR _____ FEES _____

DIRECTOR OF PUBLIC WORKS

THE DEDICATION FILED, IN CONNECTION WITH THIS PLAT IS HEREBY APPROVED AND ALL STREETS, ALLEYS, AND PUBLIC AREAS SHOWN HEREON ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF ABILENE, TEXAS.

DATE _____ DIRECTOR OF PUBLIC WORKS _____

COUNTY CLERK

I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON

DATE _____ FILE NUMBER _____

COUNTY CLERK _____ COUNTY, TEXAS _____

DEPUTY _____

OWNER'S CERTIFICATE AND DEDICATION

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

**SECTION 2
THE TRIBUTES AT DOUBLE EAGLE
ABILENE, TAYLOR COUNTY, TEXAS**

AS SHOWN ON THE ATTACHED PLAT AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER FOR ALL PUBLIC PURPOSES THE STREETS, ALLEYS, LANES, EASEMENTS, PARKS AND OTHER PUBLIC LANDS SHOWN THEREON THE LANDS INCLUDED WITHIN SUCH PLAT OR SUBDIVISION ARE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

"FIELD NOTES HEREON"

OWNER'S CERTIFICATE AND DEDICATION

EXECUTED THIS _____ DAY OF _____ 20____

SIGNATURE

PERRY STOCKARD
PRESIDENT

THE STATE OF TEXAS: COUNTY OF **TAYLOR**

ACKNOWLEDGMENT

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

PERSONALLY APPEARED **PERRY STOCKARD, PRESIDENT**

KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME ACT OF THE SAID

STOCKARD INVESTMENTS, INC.

A CORPORATION, AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH CORPORATION FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ A D 20____

NOTARY PUBLIC

COUNTY TEXAS

DETAILS

FIELD NOTES FOR SECTION 2, THE TRIBUTES AT DOUBLE EAGLE SUBDIVISION ABILENE, TAYLOR COUNTY, TEXAS

BEING SECTION 2, THE TRIBUTES AT DOUBLE EAGLE SUBDIVISION, ABILENE, TAYLOR COUNTY, TEXAS, SAME BEING OUT OF THE C.A. DONOVAN SURVEY, A-1295, TAYLOR COUNTY, TEXAS AND BEING OUT OF A 64.387 ACRE TRACT CONVEYED TO STOCKARD INVESTMENTS, INC. RECORDED IN DOCUMENT NO. 2015-12220, OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY, TEXAS, SAID SECTION 2 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS IS GRID NORTH, NAD 83 TEXAS NORTH CENTRAL ZONE AS DETERMINED BY GPS OBSERVATIONS

BEGINNING AT A FOUND STANDARD MONUMENT WITH 2" ALUMINUM CAP STAMPED "HIBBS & TODD" AT NORTHEAST CORNER OF SAID SECTION 2, AND BEING SOUTHEAST CORNER OF THE TRIBUTES AT DOUBLE EAGLE SUBDIVISION, RECORDED IN CABINET 4, SLIDE 387, PLAT RECORDS, TAYLOR COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 57 MINUTES 10 SECONDS WEST, ALONG THE EAST SIDE OF SAID 64.387 ACRE TRACT, A DISTANCE OF 395.00 FEET TO A SET STANDARD MONUMENT WITH 2" ALUMINUM CAP STAMPED "HIBBS & TODD" FOR THE SOUTHWEST CORNER OF SAID SECTION 2, WHERE A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP MARKED "H&T" AT THE SOUTHEAST CORNER OF SAID 64.387 ACRE TRACT BEARS 1145.70' S 00°57'10" W;

THENCE NORTH 89 DEGREES 02 MINUTES 50 SECONDS WEST, PARALLEL TO THE SOUTH LINE OF SAID TRIBUTES AT DOUBLE EAGLE SUBDIVISION, A DISTANCE OF 126.00 FEET TO A SET STANDARD MONUMENT WITH 2" ALUMINUM CAP STAMPED "HIBBS & TODD" FOR A CORNER OF SAID SECTION 2;

THENCE NORTH 00 DEGREES 57 MINUTES 10 SECONDS EAST, PARALLEL TO THE EAST LINE OF SAID TRIBUTES AT DOUBLE EAGLE SUBDIVISION, A DISTANCE OF 126.00 FEET TO A SET STANDARD MONUMENT WITH 2" ALUMINUM CAP STAMPED "HIBBS & TODD" AT A CORNER OF SAID SECTION 2;

THENCE NORTH 89 DEGREES 02 MINUTES 50 SECONDS WEST, PARALLEL TO THE SOUTH LINE OF SAID TRIBUTES AT DOUBLE EAGLE SUBDIVISION, A DISTANCE OF 1021.74 FEET TO A SET STANDARD MONUMENT WITH 2" ALUMINUM CAP STAMPED "HIBBS & TODD" IN THE WEST LINE OF SAID 64.387 ACRE TRACT FOR THE SOUTHWEST CORNER OF SAID SECTION 2, WHERE A FOUND STANDARD MONUMENT WITH 2" ALUMINUM CAP STAMPED "HIBBS & TODD" AT A CORNER IN THE WEST LINE OF SAID 64.387 ACRE TRACT BEARS 280.48' S 00°57'10" W;

THENCE NORTH 00 DEGREES 57 MINUTES 10 SECONDS EAST, ALONG THE WEST LINE OF SAID 64.387 ACRE TRACT, A DISTANCE OF 513.40 FEET TO A FOUND STANDARD MONUMENT WITH 2" ALUMINUM CAP STAMPED "HIBBS & TODD" AT THE SOUTHWEST CORNER OF SAID SECTION 2;

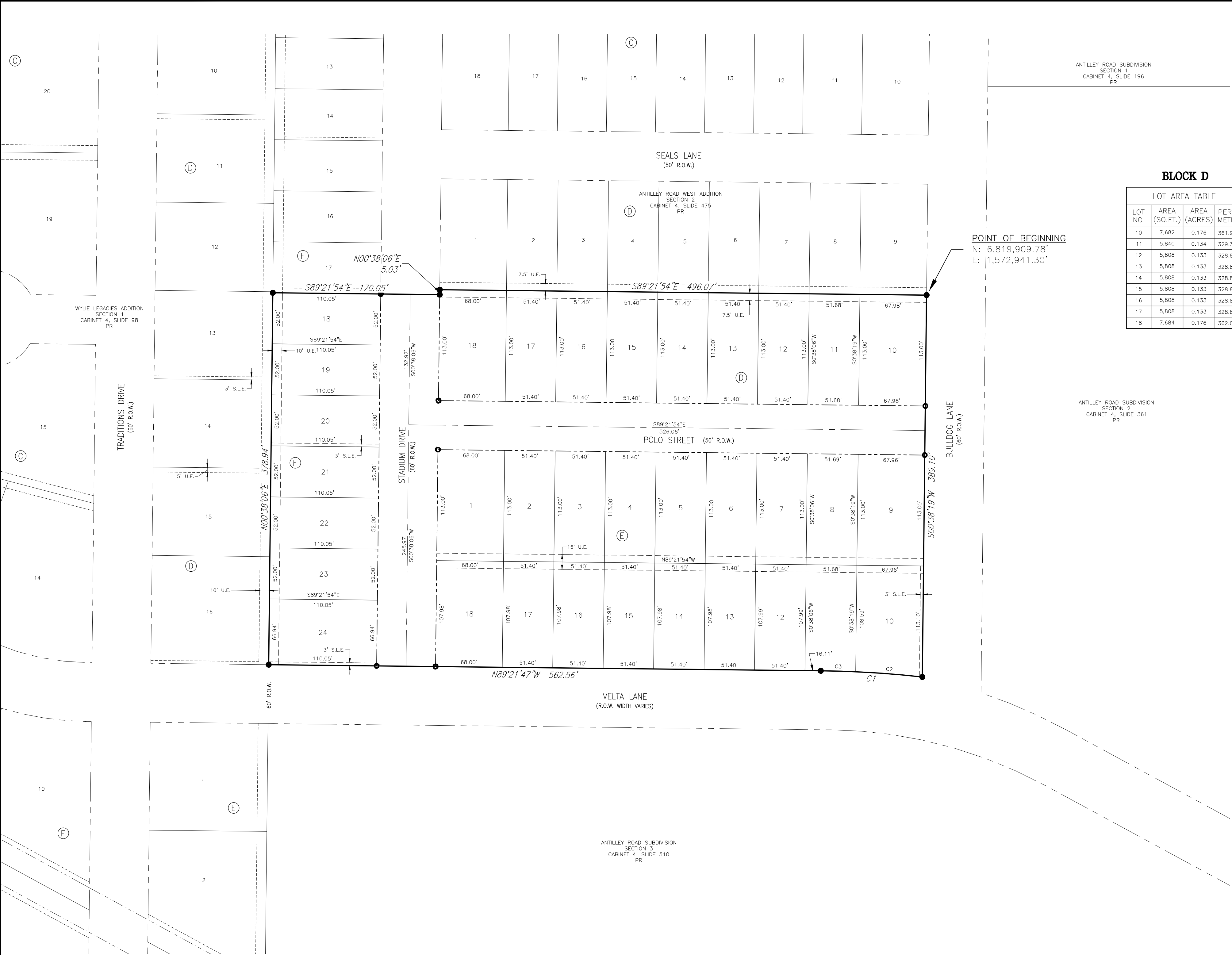
THENCE SOUTH 89 DEGREES 02 MINUTES 50 SECONDS EAST, ALONG THE SOUTH LINE OF SAID TRIBUTES AT DOUBLE EAGLE SUBDIVISION, A DISTANCE OF 186.60 FEET TO A FOUND STANDARD MONUMENT WITH 2" ALUMINUM CAP STAMPED "HIBBS & TODD" ON THE EAST RIGHT OF WAY OF GLEN ABBEY AT A CORNER OF SAID TRIBUTES AT DOUBLE EAGLE SUBDIVISION, AND BEING A CORNER OF SAID SECTION 2;

THENCE SOUTH 89 DEGREES 02 MINUTES 50 SECONDS EAST, ALONG THE SOUTH LINE OF SAID TRIBUTES AT DOUBLE EAGLE SUBDIVISION, A DISTANCE OF 855.74 FEET TO A FOUND STANDARD MONUMENT WITH 2" ALUMINUM CAP STAMPED "HIBBS & TODD" AT A CORNER OF SAID TRIBUTES AT DOUBLE EAGLE SUBDIVISION, AND BEING A CORNER OF SAID SECTION 2;

THENCE NORTH 00 DEGREES 57 MINUTES 10 SECONDS EAST, ALONG THE EAST RIGHT OF WAY OF TIN CUP, A DISTANCE OF 6.94 FEET TO A FOUND STANDARD MONUMENT WITH 2" ALUMINUM CAP STAMPED "HIBBS & TODD" AT A CORNER OF SAID TRIBUTES AT DOUBLE EAGLE SUBDIVISION, AND BEING A CORNER OF SAID SECTION 2;

THENCE SOUTH 89 DEGREES 02 MINUTES 50 SECONDS EAST, ALONG THE SOUTH LINE OF SAID TRIBUTES AT DOUBLE EAGLE SUBDIVISION, A DISTANCE OF 126.00 FEET TO THE POINT OF BEGINNING CONTAINING AN AREA OF 14.66 ACRES. SURVEYED ON JUNE 2, 2020.

Page 7 of 101



PLAT NOTES:

1. AREA OF SUBDIVISION = 4.765 ACRES, AREA OF ALL PUBLIC R.O.W. DEDICATIONS IS 1.091 ACRES.
2. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO TAYLOR COUNTY FEMA FIRM MAP NO. 48441-C-0331-F EFFECTIVE JANUARY 6, 2012.
3. NO LAND WITHIN THIS SUBDIVISION WILL BE DEDICATED FOR PARKS, OR OPEN SPACE.
4. THIS SUBDIVISION IS LOCATED ENTIRELY WITHIN THE CITY LIMITS OF THE CITY OF ABILENE, TEXAS.
5. BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF ABILENE ZONING REGULATIONS.
6. UPON COMPLETION OF THE SUBDIVISION STREETS, BURIED UTILITIES, AND FINAL GRADING, MONUMENTATION WILL BE SET AS FOLLOWS: CENTERLINE MARKERS ARE MAG-NAILS WITH WASHERS; LOT CORNERS ARE 1/2" REBAR RODS WITH PLASTIC CAPS STAMPED "J&M BOUNDARY"
7. IF OBSTACLES (FENCES, TRANSFORMERS, OPEN TRENCHES, ETC.) ARE ENCOUNTERED DURING THE COURSE OF SETTING MONUMENTATION, THOSE AFFECTED LOT CORNERS WILL BE SET AT AN OFFSET ALONG THEIR RESPECTIVE LOT LINES AT A WHOLE FOOT INTERVAL BETWEEN 1 AND 6 FEET. SURVEYOR WILL SET SAID OFFSET AS CLOSE AS PRACTICAL TO ACTUAL LOT CORNER AND WILL KEEP RECORD OF THE FINAL STAKED LOCATION.

BASIS OF BEARINGS:
BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED ON GRID NORTH REFERENCING THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, AND NAD 83 AS DETERMINED FROM GPS SURVEY DATA. DISTANCES CAN BE CONVERTED TO SURFACE BY MULTIPLYING EACH BY THE COMBINED SCALE FACTOR OF 1.000142119.

FINISHED FLOOR ELEVATION:
ALL FINISHED FLOOR ELEVATIONS SHALL BE 18" MINIMUM ABOVE THE HIGHEST ADJACENT STREET CURB AND 12" MINIMUM ABOVE THE HIGHEST ADJACENT GROUND ELEVATION.

DEEDS:
THIS PROPERTY CONSISTS OF THE REMAINING UNPLATTED PORTIONS OF THE 9.213 ACRE TRACT AND THE 10.72 ACRE TRACT CONVEYED TO ANTILLEY WEST, LLC RECORDED RESPECTIVELY IN INSTRUMENT NOS. 2017-15633 AND 2017-15635, OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY, TEXAS.

BLOCK D

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
10	7,682	0.176	361.96'
11	5,840	0.134	329.36'
12	5,808	0.133	328.80'
13	5,808	0.133	328.80'
14	5,808	0.133	328.80'
15	5,808	0.133	328.80'
16	5,808	0.133	328.80'
17	5,808	0.133	328.80'
18	7,684	0.176	362.00'

BLOCK E

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
1	7,684	0.176	362.00'
2	5,808	0.133	328.80'
3	5,808	0.133	328.80'
4	5,808	0.133	328.80'
5	5,808	0.133	328.80'
6	5,808	0.133	328.80'
7	5,808	0.133	328.80'
8	5,841	0.134	329.37'
9	7,680	0.176	361.93'
10	7,509	0.172	357.79'
11	5,588	0.128	319.94'
12	5,550	0.127	318.77'
13	5,550	0.127	318.77'
14	5,550	0.127	318.77'
15	5,550	0.127	318.76'
16	5,550	0.127	318.76'
17	5,550	0.127	318.76'
18	7,342	0.169	351.95'

BLOCK F

LOT NO.	AREA (SQ.FT.)	AREA (ACRES)	PERI-METER
18	5,723	0.131	324.11'
19	5,723	0.131	324.11'
20	5,723	0.131	324.11'
21	5,723	0.131	324.11'
22	5,723	0.131	324.11'
23	5,723	0.131	324.11'
24	7,367	0.169	353.99'

CURVE TABLE

CURVE NO.	ARC LENGTH	RADIUS	Δ ANGLE	TANGENT	CHORD BEARING	CHORD LENGTH
C1	103.70'	1050.82'	5°39'16"	51.89'	N86°32'09"W	103.66'
C2	68.13'	1050.82'	3°42'52"	34.07'	N85°33'57"W	68.11'
C3	35.58'	1050.82'	1°56'23"	17.79'	N88°23'35"W	35.57'

LEGEND

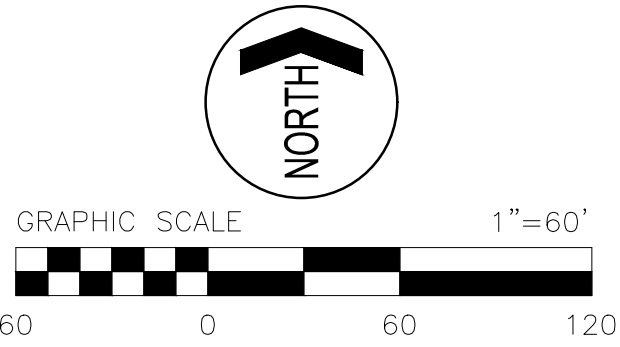
- SUBDIVISION BOUNDARY
- ADJACENT PROPERTY
- PROPOSED LOT LINES
- PROP. UTILITY EASEMENTS
- EXIST. UTILITY EASEMENTS
- PROP. STREET R.O.W.
- EXIST. STREET R.O.W.

- SET 1/2 INCH REBAR ROD WITH PLASTIC CAP STAMPED "J&M BOUNDARY"
- ✱ SET MAGNAIL WITH METAL WASHER
- FOUND 1/2 INCH REBAR ROD WITH PLASTIC CAP (UNLESS OTHERWISE NOTED)
- FOUND 4 INCH PIPE POST

U.E. = UTILITY EASEMENTS
S.L.E. = STREET LIGHT EASEMENTS
W.L.E. = WATER LIGHT EASEMENTS
P.R. = PLAT RECORDS, TAYLOR CO., TX.
D.R. = DEED RECORDS, TAYLOR CO., TX.
O.P.R. = OFFICIAL PUBLIC RECORDS, TAYLOR CO., TEXAS

DEVELOPER/SUBDIVIDER:
ANTILLEY WEST, LLC.
3409 S. 14TH ST., SUITE 204
ABILENE, TX 79605
325-260-6935

ANTILLEY ROAD WEST ADDITION, SECTION 3
BEING 5.856 ACRES OF LAND OUT OF
THE WILLIAM E. VAUGHN SURVEY NO. 101,
ABSTRACT NO. 417,
CITY OF ABILENE, TAYLOR COUNTY, TEXAS



PLANNING COMMISSION

THIS PLAT IS HEREBY APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF ABILENE, TEXAS, AND THE COUNTY CLERK IS HEREBY AUTHORIZED TO FILE SAID PLAT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 574A, VERNON'S ANNOTATED CIVIL STATUTES, AND ARTICLE 927B PENAL CODE OF TEXAS, AS AMENDED.

PLANNING DIRECTOR

FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS.

DATE _____ FILE NUMBER _____

CHAIRMAN _____

SECRETARY _____

PLANNING DIRECTOR _____

FEES _____

COUNTY CLERK

I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON _____

DATE _____ FILE NUMBER _____

COUNTY CLERK _____ COUNTY TEXAS _____

DEPUTY _____

DIRECTOR OF PUBLIC WORKS

THE DEDICATION FILED, IN CONNECTION WITH THIS PLAT IS HEREBY APPROVED AND ALL STREETS, ALLEYS, AND PUBLIC AREAS SHOWN HEREON ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF ABILENE, TEXAS.

DATE _____ DIRECTOR OF PUBLIC WORKS _____

OWNER'S CERTIFICATE AND DEDICATION

THE UNDERSIGNED MANAGER OF THE HEREINAFTER DESCRIBED REAL PROPERTY HAS CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCKS, LOTS, STREETS AND ALLEYS UNDER THE NAME OF

ANTILLEY ROAD WEST ADDITION, SECTION 3
BEING 5.856 ACRES OF LAND OUT OF
THE WILLIAM E. VAUGHN SURVEY NO. 101,
ABSTRACT NO. 417,
CITY OF ABILENE, TAYLOR COUNTY, TEXAS

AS SHOWN ON THE ATTACHED PLAT AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER FOR ALL PUBLIC PURPOSES THE STREETS, ALLEYS, LANKS, EASEMENTS, PARKS AND OTHER PUBLIC LANDS SHOWN THEREON. THE LANDS INCLUDED WITHIN SUCH PLAT OR SUBDIVISION ARE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

SEE ATTACHED METES & BOUNDS DESCRIPTION

EXECUTED THIS _____ DAY OF _____ A.D. 2020

KYLE PAUL
ANTILLEY WEST, LLC

ACKNOWLEDGEMENT

THE STATE OF TEXAS:
COUNTY OF TAYLOR:

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

KYLE PAUL

KNOWN TO ME TO BE THE PERSON AND MANAGER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID

ANTILLEY WEST, LLC

A LIMITED LIABILITY CORPORATION, AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH CORPORATION FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATES.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ A.D. 2020

TAYLOR
COUNTY TEXAS

GENERAL NOTES

ACREAGE: 5.856 ACRES

SCALE: 1"= 60' SMALLEST LOT: 0.127 ACRES LARGEST LOT: 0.176 ACRES

LOT WIDTH: MIN. 51.40' MAX. 68.00' LOT DEPTH: MIN. 107.98' MAX. 113.10'

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION

I HEREBY CERTIFY THAT THE PLAT SUBMITTED HERewith REPRESENTS A TRUE SURVEY MADE BY THE UNDERSIGNED OR UNDER MY SUPERVISION ON THE GROUND AND THAT PERMANENT MARKERS AND MONUMENTS WILL BE SET AS INDICATED ON THE PLAT AND IN ACCORDANCE WITH THE "SUBDIVISION REGULATIONS" OF THE CITY OF ABILENE AND AFTER THE COMPLETION OF THE CONSTRUCTION OF THE INFRASTRUCTURE.

PLAT DESCRIPTION: ANTILLEY ROAD WEST ADDITION, SECTION 3
BEING 5.856 ACRES OF LAND OUT OF
THE WILLIAM E. VAUGHN SURVEY NO. 101,
ABSTRACT NO. 417,
CITY OF ABILENE, TAYLOR COUNTY, TEXAS

SIGNATURE _____

(PRINT)
REGISTERED PROFESSIONAL LAND SURVEYOR

DATE _____

PRELIMINARY
This document shall not be recorded for any purpose.

ZONING CASE Z-2020-10

STAFF REPORT



REQUEST: Amend existing Planned Development District Number 32 (PD 32)

APPLICANT:

Owner: Sharon Riley
Agent: HC Zachry and City of Abilene

HEARING DATES:

P & Z Commission: September 1, 2020
City Council 1st Reading: September 24, 2020
City Council 2nd Reading: October 8, 2020

LOCATION:

2050 Antilley Road
Legal description: Lot 232 of Humana West Addition

BACKGROUND:

A Planned Development (PD) District is one that permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces, and the preservation of significant natural features in new development.

Planned Development District 32 (PD 32) was approved in May of 1985. PD 32 is intended to provide a mixture of retail, office and medical care facilities. The PD 32 ordinance was amended by City Council in September of 1986 to modify sign regulations on lots 25-30 as identified on the originally provided site exhibit. This amendment limits all free standing signs constructed on lots 25-30 to 36 square feet in area with a maximum height of 12-feet. Furthermore, all other sign regulations prescribed by office zoning would apply and no other signs would be permitted. Since this time Lot 30 has been subdivided into four new lots which are respectively Lots 130, 131, 232, 233 of Humana West Addition.

PROPOSAL AND REQUESTED ACTION:

The applicant is the owner of Lot 232, the proposed site of an “off-site” advertising billboard. Such a billboard is not permitted due to the current restrictions of the PD 32 ordinance, although the underlying zoning for this lot is General Retail (GR) which is a zoning district that ordinarily permits off-site advertising billboards. The applicant is requesting to amend the current PD 32 ordinance to allow one off-site advertising billboard on Lot 232. This amendment shall provide an updated graphic concept plan which illustrates the replatting of Lot 30 to accurately reflect the lots which currently exist within this PD. The verbiage in the existing PD restricts lots 25-30 in the area of signage. It is the opinion of staff that by amending the PD the other lots will be affected by the change. As a result, the City has requested to include the additional lots as part of this request.

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;

The subject property is located near the intersection of Highway 83-84 and Antilley Road. The Future Land Use and Development Plan Map considers this area to be a special activity center. The Comprehensive Plan states that special activity centers should provide unique services and uses to the local and regional economy, this particular special activity center serves as a medical hub for South Abilene and provide a mixture of both medical office and retail uses. It is customary for billboard advertising signs to be located near interstate and major arterial interchanges such as this. These locations provide the greatest exposure for promotion of businesses throughout Abilene.

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

Abilene's Land Development Code provides a list of roads which permit off-site advertising signs. Antilley road is included on this list of roads that allow billboards. The immediate area of the subject property is entirely commercial in nature; therefore installation of a billboard will not appear out of place or inconsistent with the surrounding land uses. Furthermore, the base zoning of the subject property within PD 32 is (GR), thereby permitting all uses ordinarily allowed within this zoning classification. Traditionally, off-site advertising signs are permitted within General Retail (GR) zoning.

	Zoning	Existing Land Use
North	PDD-32	Vacant
South	PDD-25	Medical Use
East	PDD-32	Medical Use
West	PDD-32	General Retail

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

The proposed change will not adversely affect existing utilities and will not be required to provide public improvements and services.

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

It is the opinion of staff that the proposed rezoning and potential uses would not negatively affect the public health, safety, morals, or general welfare of the City of Abilene.

STAFF COMMENTS:

Abilene's Land Development Code identifies zoning districts which permit off-site advertising signs, General Retail (GR) zoning is one such zoning classification that is listed. The subject property falls within a Planned Development District with a base underlying zoning of General Retail (GR). Furthermore, Abilene's Land Development Code provides a list of roads which permit off-site advertising signs, specifically "Type II" signs, Antilley Road is listed as an appropriate road to locate off-site advertising Type II signs. Type II signs are be defined as off-site advertising signs permitted along arterial and collector roads as identified in

Abilene's Thoroughfare Plan, Type II signs are permitted to have a maximum area of 378 square feet and maximum height of 35-feet. Lastly, the proposed location of this sign meets all separation requirements for off-site advertising signs as outlined in Section 4.2.8.9 in Abilene's Land Development Code.

STAFF RECOMMENDATION:

Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission will consider this requested amendment, during a meeting scheduled for Tuesday, September 1, 2020.

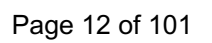
NOTIFICATION:

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
6050 HOSPITAL DRIVE LLC	6050 HOSPITAL DR	
ABILENE SOUTH REALTY LP	2015 HOSPITAL PL	
ABILENE SOUTH REALTY LP	2009 HOSPITAL PL	
ARMC LP	1888 ANTILLEY RD	
ASMO PROPERTIES LLC	2074 ANTILLEY RD	Opposed
CENTRAL PARK 91 JV		In Favor
COULTER PROPERTIES LLC	1901 ANTILLEY RD	
FIRST FINANCIAL BANK NA	1801 ANTILLEY RD	
FIRST FINANCIAL BANK NA	1725 ANTILLEY RD	In Favor
GFC LEASING CORP	24 HOSPITAL DR	
GFC LEASING CORP	1926 ANTILLEY RD	
HIT VENTURES LLC	1925 HOSPITAL PL	Opposed
HUMANA WEST LTD	5 HOSPITAL DR	
HUMANA WEST LTD	2 HOSPITAL DR	
MANGREM JOSEPH T & KELSI D	6 HOSPITAL DR	
MANGREM JOSEPH T & KELSI D	7 HOSPITAL DR	In Favor
NC SCHI INC	23 HOSPITAL DR	
NC SCHI INC	21 HOSPITAL DR	
PHYSICIAN RELIANCE INVEST	1957 ANTILLEY RD	
PROSPERITY BANK	2001 ANTILLEY RD	
RILEY SHARON		In Favor
RILEY SHARON	2050 ANTILLEY RD	In Favor
SHRINGERI AKKAMAHADEVI P	2100 ANTILLEY RD	
TENISON OIL CO	2005 HOSPITAL PL	In Favor
TENISON OIL CO	1963 HOSPITAL PL	In Favor
WILLIS THOMAS LEE	8 HOSPITAL DR	
WILLIS THOMAS LEE	4 HOSPITAL DR	

ATTACHMENTS:

- Application
- Site Plan Exhibit
- PowerPoint





Hoff's
Burgers

SUBWAY





Development Application

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
Other: _____ | ☐ Proportionality Appeal | ☐ Vested Rights Petition | ☐ Appeal |
|--|---|---|---------------------------------|

Project Name: Sharon's Barbeque D.S. Jul Sign

Address: 2050 Antilley Rd No. of lots: 1 Acreage: _____

Legal Description: _____

Subdivision Name: Humana West Block: _____ Lot: 232

Current Zoning: PDD-32 Proposed Zoning (if applicable): ~~PDD-32~~ ~~Other~~

OWNER AND AUTHORIZATION

Owner Name: Sharon Riley

Address: P.O. Box 3877

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

Phone: _____ Email: _____

Agent Name: EHT

Address: 402 Cedar

City, State, Zip: Abilene, Tex 79606 Fax: _____

Phone: 698-5560 Email: david.todd@e-hi.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 submission, 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: 6/4/20

FOR OFFICE USE ONLY

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

Case No.: _____ Reviewed By: _____

Remove from Subparagraph (f) 1 & 2 the wording "no other signs shall be allowed"

THE STATE OF TEXAS

COUNTY OF TAYLOR

Know all men by these presents that the undersigned owner of the real property described on the reverse side hereof, has made, constituted and appointed, and by these presents does make, constitute and appoint H.C. ZACHRY, my true and lawful attorney, for me in my name, place, and stead, to:

(1) File an application for (check all that apply):

- ☒ Zone Change,
- ☐ Plat,
- ☐ Thoroughfare Closure, or
- ☐ Appeal to the Board of Adjustment, and

(2) Appear on my behalf at all necessary meeting of the appropriate board, commission, or City Council, as the case may be.

The undersigned further agrees that this power of attorney may be voluntarily revoked only by written revocation filed with the Planning and Development Services Division for the City of Abilene, Texas.

Witness my hand this 22 day of JUNE, 2020

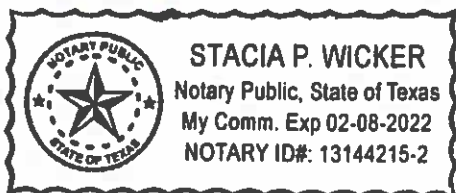
Sharon Riley
Owner

THE STATE OF TEXAS .

COUNTY OF TAYLOR .

BEFORE ME, the undersigned authority, on this date personally appeared Sharon Riley known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 22 day of June, 20 20.



Stacia P. Wicker
Notary Public, Taylor County, Texas

Zoning

ORDINANCE NO. 49-1985

613 0000 3-4

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING HUMANA WEST PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended; as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 9 day of May,
A.D. 19 85.

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 5 day of May, 19 85, 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 9:00 a.m., on the 23 day of May, 19 85, 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 23 day of _____
May, A.D. 19 85.

ATTEST:

Patricia Patton
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Karen L. Anderson
CITY ATTORNEY

00133

Exhibit "A"

ORDINANCE NO. 49-1985

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 development in the Planned Development District shall be in accordance with the maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance. Site Plan (and vicinity map) is attached as Exhibit B.

Further, all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of this P.D.D. are hereby incorporated by reference and included as part of this ordinance. (Some of these documents may be attached as Exhibit C.)

All use and development within the Planned Development District must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

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

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space) District to PD MX (Planned Development Mixed Use) District.

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 P.D.D. is as follows:

ORDINANCE NO. 49-1985

EXHIBIT "A"

Page 2

Legal Description:

BEING all that certain lot, tract or parcel of land out of a 64.41 acre tract out of a 78.12 acre tract out of lot 4 out of Alfred & Mary Fasshauer Subdivision of Survey 10 and 12, Lunatic Asylum Lands, Abilene, Taylor County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod, found, for the Northwest corner of said 64.41 acre tract, for the Northwest corner of this tract;

THENCE North 89 degrees 31 minutes 13 seconds East along the North line of said 64.41 acre tract a distance of 1061.62 feet to a 3/8" iron rod, found, for the Northeast corner of this tract;

THENCE South 0 degrees 06 minutes 03 seconds West a distance of 1349.61 feet to a 3/8" iron rod, set, on the North right-of-way of Antilley Road for the Southeast corner of this tract;

THENCE South 88 degrees 09 minutes 11 seconds West along said North right-of-way of Antilley Road a distance of 1018.82 feet to a 3/8" iron rod, found, for the Southwest corner of this tract

THENCE North 1 degree 42 minutes 22 seconds West along the West line of said 64.41 acre tract a distance of 1374.17 feet to the place of beginning containing 32.52 acres of land.

PART 6: Purpose. The purpose of the Humana West Planned Development district is to integrate development of facilities for retail, office, and medical care. District regulations described in the following Part 7 are designed to achieve the following:

- A. designate particular areas within the district for appropriate selected activities, and
- B. integrate the scale of building development in the district with less intensive residential use existing and anticipated to the west, as well as with relatively intensive commercial use existing and anticipated to the north and east.

PART 7: Specific Modifications.

- A. The following regulations shall govern the use and development of the Planned Development district, for each of the lots indicated on the site plan (attached as Exhibit B) and as set forth below:

- 1. Lots 1-20. Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Office (O) zoning classification.
 - a. Surgical centers shall be permitted as a right-of-use, rather than by special exception only.
 - b. Buildings shall be limited to two stories or 30 feet, whichever is greater, excluding architectural exceptions as generally allowed by Zoning Ordinance.
 - c. Building setbacks shall be a minimum of 30 feet from the bounding arterial street (Antilley Road) and 20 feet from other bounding street rights-of-way.
- 2. Lots 21-24. Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Limited Commercial (LC) zoning classification.
 - a. Surgical centers shall be permitted as a right-of-use, rather than by special exception only.
 - b. Building setbacks shall be a minimum of 30 feet from the bounding arterial street (Antilley Road) and 20 feet from other bounding street rights-of-way.
 - c. The number of business signs shall be restricted to just one (1) per business, no taller than 30 feet in height and no greater than 150 square feet in area.
- 3. Lots 25-30. Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Shopping Center (SC) zoning classification.
 - a. Hotel and motel facilities shall be permitted as a right-of-use.
 - b. Building height shall be limited to two stories or 30 feet, whichever is greater, excluding architectural exceptions as normally allowed by Zoning Ordinance.
 - c. Building setbacks shall be a minimum of 30 feet from the bounding arterial street (Antilley Road) and 20 feet from any other bounding street rights-of-way. Rear building setbacks shall be a minimum of 20 feet, and building setbacks from the (interior) side lot line shall be a minimum of 10 feet.

- d. Unless some specific use may be identified, for which parking demand may be more specifically measured, off-street parking spaces shall be provided as follows:
- (1) One space for each 222 square feet of gross retail area.
 - (2) One space for each 300 square feet of gross office area.
 - (3) One space for each motel or hotel unit.
 - (4) For other activities, as specified within the Zoning Ordinance.

- e. Except as otherwise specified below, no more than one (1) business sign shall be permitted per business, and such sign shall be a wall sign no larger than 25 percent of the building wall area to which it is attached. Businesses have customer access and/or building frontage within 100 feet of adjacent street rights-of-way, may have two (2) such business signs mounted on walls of the building in which they are located. In addition to permitted wall signs, a hotel, motel or restaurant may have one (1) free-standing sign mounted on a pole, so long as such sign is no more than 150 square feet in area and extends to a height no more than 30 feet. Also, any shopping center(s) located on the lot shall have no more than one free-standing sign per street frontage, identifying the name of the overall shopping center development. Such signs shall be no more than 150 square feet in area and extend no more than 30 feet in height.

- f. For activities other than of a commercial nature, sign regulations pertinent to the Office (O) zoning classification shall be applicable.

Lot 31. Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Medical Use (MU) zoning classification.

- a. Standard restaurant facilities shall be allowed to occupy up to 25% of the total floor area of an appropriate structure in which the restaurant is located.
- b. Buildings, or portions thereof, constructed on the western 100 feet of the lot shall be no greater than two stories or 30 feet, whichever is greater, excluding architectural exceptions normally allowed by Zoning Ordinance.
- c. Buildings, or portions thereof, constructed on the remainder of Lot 31, shall be no greater in height than 3 stories or 40 feet, whichever is greater, excluding architectural exceptions normally allowed by Zoning Ordinance.
- d. Building setbacks from all bounding street rights-of-way shall be a minimum of 20 feet.
- e. For any future lot resubdivided within Lot 31, the minimum (interior) side building setback shall be 10 feet.
- f. The minimum building setback from any rear lot boundary (not adjoining a street) shall be 10 feet.
- g. The Zoning Ordinance requirement for an additional one (1) foot of building setback, for every additional one foot of building height above 30 feet, shall not be applicable.
- h. Screening requirements associated with activities in the MU district shall be applicable only to power and/or heat generation facilities, refuse collection facilities, off-street loading spaces and open storage.

- B. Except as otherwise specified below, subdivision or resubdivision of any one or more lots represented on the site plan (attached as

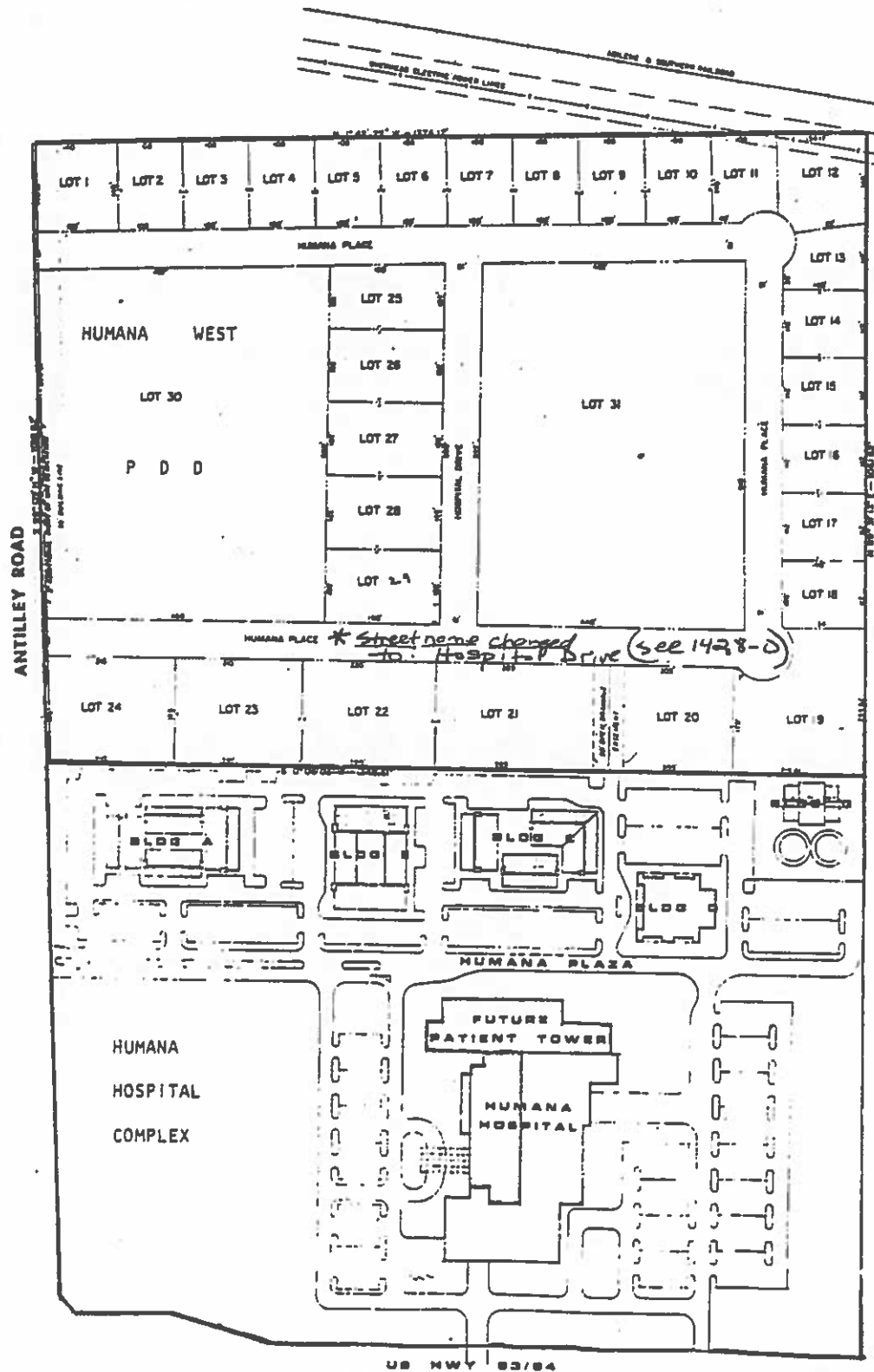
no longer applicable as it implies the old signs are reg.

Lot 30

Exhibit B) shall be undertaken in conformance with Subdivision Regulations of the City of Abilene applicable at the time of resubdivision. Amendment of this Planned Development ordinance shall not be necessary for resubdivision; however, above-described regulations regarding use and development shall remain applicable to the lots represented on the attached site plan, unless such regulations are modified by amendment to this ordinance.

1. Provisions of Utility Placement Policy shall be modified to permit installation of electric, communication and gas utility lines (and all associated above-ground appurtenances) within any appropriately-designated easements located on private property.
2. Provisions of the Street Naming Policy shall be modified to permit one street name for a U-shaped street extended throughout the Humana West Planned Development district.

ORDINANCE NO. 49-1985
EXHIBIT "B"



00139

Cur. Plan.

ORDINANCE NO. 77-1986

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE AND ORDINANCE NO. 49-1985, CONCERNING THE HUMANIA WEST PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing Ordinance No. 49-1985, as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 11 day of September, A.D. 19 86.

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 31 day of August, 19 86, 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 9:00 a.m., on the 25 day of September, 19 86, to permit the public to be heard prior to final consideration of this ordinance. Such 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 25 day of September, A.D. 19 86.

ATTEST:

Patricia Patton
CITY SECRETARY

Died Stubbeman
MAYOR

APPROVED:

Harry Cayell
CITY ATTORNEY

00299

ORDINANCE NO. 77-1986

EXHIBIT "A"

1st amendment to Ordinance #49-1985

Amend Ordinance #49-1985, Part 7, Paragraph 3, subparagraph (f)

DELETE: subparagraph (f)

ADD: New subparagraph (f), to read as follows:

- f. For all office-type uses as categorized by the Zoning Ordinance, including medical or dental clinics or offices, and those residential uses permitted in a Shopping Center district, either of the following standards for signs shall apply at the proponents option:

1. Business and/or Identification Sign: Freestanding, maximum thirty-six (36) square feet in area; maximum twelve (12) feet in height; located at least ten (10) feet from all property lines; one sign per use; illumination permitted. A nameplate or placard is allowed for each use and shall not exceed three (3) square feet in area and is to be wall-mounted.

~~All other sign regulation prescribed for Office-type uses shall furthermore apply and no other signs shall be allowed.~~

-or-

2. Business and/or Identification Sign: One wall sign no larger than 25% of the area of the wall upon which it is located; only one wall sign per use. A nameplate or placard is allowed for each use and shall not exceed three (3) square feet in area and is to be wall-mounted.

All other sign regulation prescribed for office-type uses shall furthermore apply, and no other signs shall be allowed. '



TENISON OIL CO
STE B101
209 S DANVILLE DR
ABILENE, TX 79605-1451



NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2020-10

07/20/2020

The Planning and Zoning Commission will hold a public hearing on **Tuesday, August 4, 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 Sharon Riley, agent Enprotec/Hibbs and Todd, Inc., to amend existing Planned Development (PD) District Number 32 by removing from subparagraph (f) 1 and 2 the language stating "no other signs shall be allowed" from Lot 232 and allowing all signage allowed in General Retail (GR); Legal description being Lot 232 of Humana West Addition, Abilene, Taylor County, Texas and located at 2050 Antilley Road.

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 rezoning. 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 **August 27, 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) 676-6237 if you have any questions about this notice.

CASE #: Z-2020-10

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.

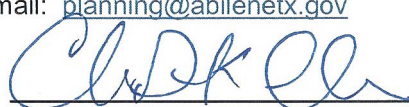
Name: TENISON OIL CO
Address: 1963 HOSPITAL PL

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments: 

I am opposed ☐

Signature: 

July 28, 2020

City of Abilene
Planning and Zoning Commission

RE: Rezoning Application Number Z-2020-10

Dear Planning and Zoning Commission,

I am writing in response to rezoning Application Number Z-2020-10, concerning lot number 232 of Humana West Addition located at 2050 Antilley Road. that asks for a change in language to allow further signage.

The owners respectfully ask for no language change to the current Planned Development on this parcel not because we are anti-growth but because we are enthusiastic supporters of smart, planned urban development. Our most compelling reasons include:

- The request is based exclusively upon a desire to make more money out of the property as we have been made aware of the development plans to place a large, obnoxious sign in the said area.
- The particular physical surroundings do not support the need of such as sign in that particular location, especially that it will detract from our current office at 2074 Antilley and will obstruct our planned sign addition at the corner of 2074 Antilley.
- Another visual distraction will exacerbate current traffic congestion that may result in more accidents, injuries, or fatalities. This might be alleviated by a new traffic signal at the intersection which should be considered by the City of Abilene.
- It is a neighborly consideration to give equal air space to everyone in the area.

In as such, we **oppose** the said variance/language change and rezoning request. We respectfully ask for the Planning and Zoning Commission to deny this application.

Regards,



Bryan R. Vela
Administrator
ASMO Properties
2074 Antilley Road
Abilene, Texas 79606

CASE #: Z-2020-10

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: ASMO PROPERTIES LLC

Address: 2074 ANTILLEY RD

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

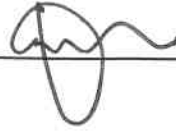
Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: _____

A handwritten signature in black ink, consisting of a large loop followed by a series of smaller, connected loops, written over a horizontal line.



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Rezoning

Kelsi Mangrem <kmangrem@hollandhearing.com>
To: cheryl.sawyers@abilenetx.gov

Fri, Au

I support the rezoning application relating to signage changes in our development area on Antilley between 83/84 and Memorial Drive.

Thank you!

Dr. Kelsi Mangrem
Holland Hearing Center
[7 Hospital Drive](#)



Dr. Kelsi Mangrem
Owner/Audiologist

kmangrem@hollandhearing.com | Phone: 325-437-4730
7 Hospital Dr. Abilene, TX 79606 | hollandhearing.com



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Zoning

1 message

Logan Huffington <huffingtonpilatesandfitness@gmail.com>
To: cheryl.sawyers@abilenetx.gov

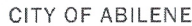
Thu, Aug 13, 2020 at 12:28 PM

I support the rezoning application relating to signage changes in our development area.

Dayna Huffington

Huffington Fitness Studio

[9 Hospital Drive](#)



NOTICE OF PUBLIC HEARING

07/20/2020

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

CASE #: Z-2020-10

Email: planning@abilenetx.gov

Signature: CLDK

CASE #: Z-2020-10

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: RILEY SHARON
Address: 2050 ANTILLEY RD

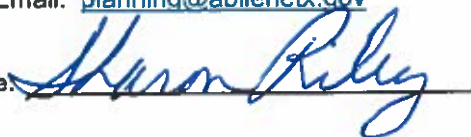
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: _____



AUG 10 AM 10:19



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Rezoning application

1 message

Steve Walker <steve@walkertradesman.com>

Fri, Aug 14, 2020 at 5:01 PM

To: "cheryl.sawyers@abilenetx.gov" <cheryl.sawyers@abilenetx.gov>

I support the rezoning application relating to signage changes in our development area.

Steve & Diane Walker

Walker Tradesman Plumbing

[31 Windmill Circle Ste B](#)

Sincerely,

Steve Walker, Owner/Operations Manager

[31 Windmill Circle, Suite B](#)

[Abilene, Texas 79606](#)

Phone: 325.704.4100

Fax: 325.672.4769

<http://walkertradesmanplumbing.com>

Walker Tradesman Plumbing and Walker Tradesman Construction – *"Together We Can Make It Happen"*.

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Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Rezoning Application

1 message

Andrew Kouba <akouba@abilenedc.com>

Fri, Aug 14, 2020 at 2:39 PM

To: "cheryl.sawyers@abilenetx.gov" <cheryl.sawyers@abilenetx.gov>

Good Afternoon Ms. Sawyers,

I support the rezoning application relating to signage changes in our development area.

Andrew Kouba CEO

Medical Mall of Abilene

[1665 Antilley Road](#)

Andrew Kouba, CPA

Chief Executive Officer



[1665 Antilley Rd, Suite 180](#)

[Abilene, TX 79606](#)

[325-437-8645 \(office\)](#)

[806-535-4000 \(cell\)](#)

akouba@abilenedc.com

Please consider the environment before printing this e-mail. 🌱

Abilene Diagnostic Clinic, PLLC This email communication and

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information for the use of the designated recipient(s) named above.

If you have received this email in error, please destroy all copies and any attachments.

If you continue to receive erroneous email, please contact me at postmaster@abilenedc.com.



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Signage in our development area

2 messages

Kris Seale <kris.seale@funeraldirectorslife.com>
To: "cheryl.sawyers@abilenetx.gov" <cheryl.sawyers@abilenetx.gov>

Sat, Aug 15, 2020 at 9:56 AM

Cheryl:

I understand that HC Zachry has a rezoning application filed for a "billboard" on Antilley Blvd. I support the rezoning application relating to signage changes in our development area.

Kris Seale

Funeral Director's Life

6550 Director's Parkway

Blessings,

Kris

Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>
To: Kris Seale <kris.seale@funeraldirectorslife.com>

Sat, Aug 15, 2020 at 2:46 PM

Thank you Kris, I'll put your response in the packet for the commission and council.

[Quoted text hidden]

--

CHERYL SAWYERS

Planning Services Manager

Planning & Development Services

City of Abilene

555 Walnut Street, Suite 110

Abilene, Texas 79601-5254

Post Office Box 60

Abilene, Texas 79604-0060

(325) 676-6230 (Office)

[City of Abilene Planning & Development Services](#)





Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

Billboard zoning opinion

1 message

Jason Heuerman <jmdrugsouth@yahoo.com>

Wed, Aug 12, 2020 at 11:23 AM

To: "cheryl.sawyers@abilenetx.gov" <cheryl.sawyers@abilenetx.gov>

I support the rezoning application relating to signage changes in our development area.

Trey Guffey

James McCoy's Drug Store South

[1725 Antilley Road](#)



CENTRAL PARK 91 JV
PO BOX 6868
ABILENE, TX 79608-6868

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2020-10

08/21/2020

The Planning and Zoning Commission will hold a public hearing on **Tuesday, September 1, 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 Sharon Riley, agent H.C. Zachry, to amend existing Planned Development (PD) District Number 32 by removing from subparagraph (f) 1 and 2 the language stating "no other signs shall be allowed" from Lots 25-30 and allowing all off-site advertising signage ordinarily allowed in General Retail (GR); Legal description Lot 232 of Planned Development 32, Humana West Addition, Abilene, Taylor County, Texas and located at 2050 Antilley Road.

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 rezoning. 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 **October 8, 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) 676-6237 if you have any questions about this notice.

CASE #: Z-2020-10

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: CENTRAL PARK 91 JV

Address:

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: _____

CASE #: Z-2020-10

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: RILEY SHARON

Address:

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: Sharon Riley

AUG 10 AM 10:19



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

[Planning] Rezoning application Z-2020-10

1 message

Gary Milliorn <GMilliorn@ffin.com>

Tue, Aug 25, 2020 at 2:49 PM

To: "planning@abilenetx.gov" <planning@abilenetx.gov>

This message was sent securely using Zix®

First Financial Bank

[1725 Antilley](#)

1801 Antilley

Approve

Gary Milliorn

VP Property Manager

First Financial Bank, N.A. | Abilene[400 Pine St.](#), 2nd Floor | Abilene, Texas 79601

Office: 325-627-7151 Cell: 325-307-8146

Fax: 325-627-7187

gmilliorn@ffin.comThis message was secured by **Zix**®^{#174}.

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To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.
To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/DM5PR19MB1307D0437A8AEEEE05E7A95FCB570%40DM5PR19MB1307.namprd19.prod.outlook.com>.



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

[Planning] Case#: Z-2020-10

1 message

Bryan Vela <velab67@gmail.com>
To: planning@abilenetx.gov

Tue, Aug 25, 2020 at 6:30 PM

Please find my position of "opposed" to the above referenced case.

Please note we are the new owners of 1925 Hospital Place and have not received letter from this department.

Regards,

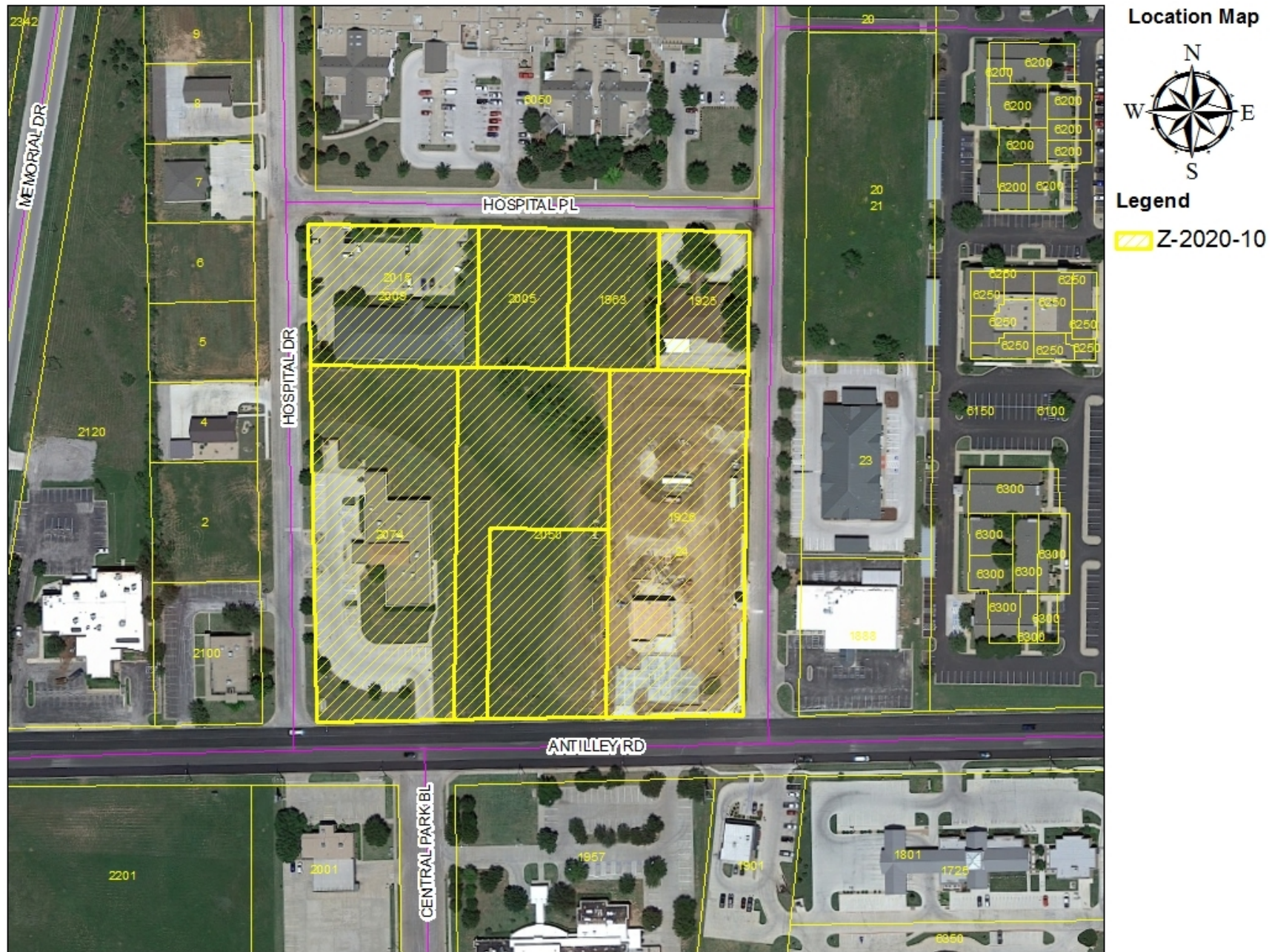
Bryan and Erika Vela
1925 Hospital Place
Abilene, TX 79606

--

You received this message because you are subscribed to the Google Groups "Planning Services" group.
To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.
To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/208E6C5C-899B-40F9-B680-31A81400E80B%40gmail.com>.

Case: Z-2020-10
Owner: Sharon Riley
Agent: HC Zachry and City of Abilene
Request: Amend existing Planned Development District
Number 32 (PD 32)
Location: 2050 Antilley Road
Notification: 12 in Favor, 2 Opposed
Planning & Zoning: September 1, 2020
City Council Hearing: September 24, 2020
September 8, 2020

Z-2020-10 AERIAL LOCATION MAP (Amended Portion of PD32)

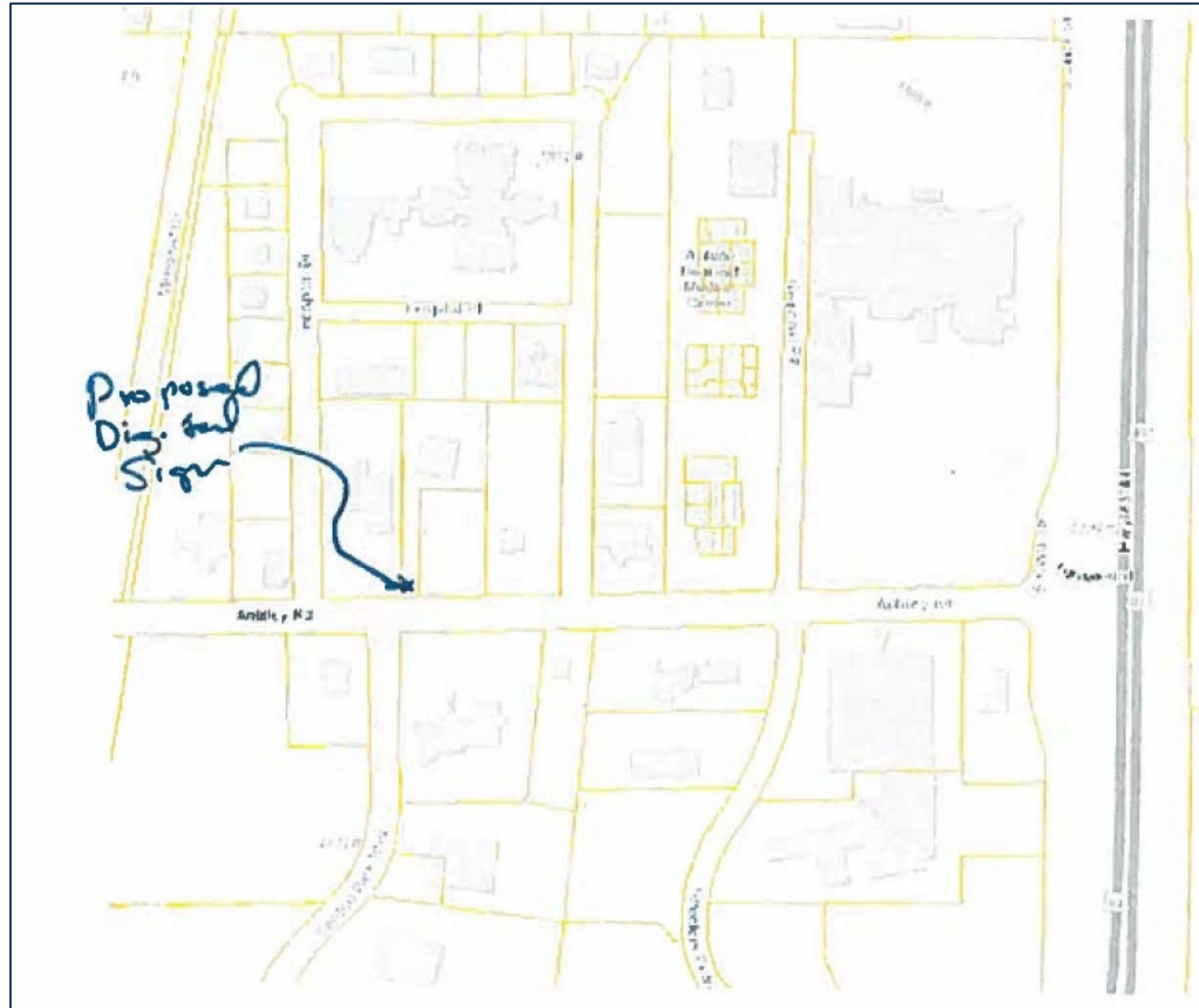


Z-2020-10 AERIAL LOCATION MAP (Proposed Billboard Location)



Z-2020-10 ZONING MAP







Z-2020-10 VIEWS OF SUBJECT PROPERTY

Subject Property



Neighboring property to the East



Neighboring property to the West



Property South of Antilley Rd.



Notification Map

200'

Notification Area

Z-2020-10

12- In Favor- (Green Circle)

2- Opposed- (Red Circle)

12% Opposed

- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Consistent with General Land Use and Zoning Character of Immediate Area (Section 2.3.3.5)
- Reviewed Pursuant to Section 1.4.3.5 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval

Questions?

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE AND CONCERNING PD-32, A PLANNED DEVELOPMENT DISTRICT, AS WELL AS ORDINANCE NUMBERS 49-1985 AND 77-1986; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That the Land Development Code of the City of Abilene is hereby amended by changing Ordinance Number 77-1986 specifically as set out in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 24th day of September 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of August, 2020, 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 8th day of October, 2020, 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 8th day of October, 2020.

ATTEST:

Shawna Atkins,
City Secretary

Anthony Williams,
Mayor

APPROVED:

Stanley Smith,
City Attorney

ORDINANCE NO. _____

Exhibit "A"
2nd Amendment to Ordinance No. 49-1985

PART 7: Specific Modifications: Part 7, Section A, Paragraph 3

DELETE: Existing subparagraph (f), which reads as:

f. For all office-type uses as categorized by the Zoning Ordinance, including medical or dental clinics or offices, and any allowed residential use, either of the following standards for signs shall apply at the proponent's option:

1. Business and/or Identification Sign: Freestanding, maximum thirty-six (36) square feet in area; maximum (12) feet in height; located at least ten (10) feet from all property lines; one sign per use; illumination permitted. A nameplate or placard is allowed for each use and shall not exceed three (3) square feet in area and is to be wall-mounted.

All other sign regulations prescribed for Office-type uses shall furthermore apply and no other sign shall be allowed.

-or-

2. Business and/or Identification Sign: One wall sign no larger than 25% of the area of the wall upon which it is located; only one wall sign per use. A nameplate or placard is allowed for each use and shall not exceed three (3) square feet in area and is to be wall-mounted.

All other sign regulations prescribed for office-type uses shall furthermore apply, and no other signs shall be allowed.

ADD: New subparagraph (f), to read as follows:

f. For all office-type uses as categorized by the Zoning Ordinance, including medical or dental clinics or offices, and those residential uses permitted in a Shopping Center district, either of the following standards for signs shall apply at the proponent's option:

1. Business and/or Identification Sign: Freestanding, maximum thirty-six (36) square feet in area; maximum (12) feet in height; located at least ten (10) feet from all property lines; one sign per use; illumination permitted. A nameplate or placard is allowed for each use and shall not exceed three (3) square feet in area and is to be wall-mounted. All other on-site regulations pertinent to Office (O) zoning districts shall otherwise be applicable.

-or-

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 3

2. Business and/or Identification Sign: One wall sign no larger than 25% of the area of the wall upon which it is located; only one wall sign per use. A nameplate or placard is allowed for each use and shall not exceed three (3) square feet in area and is to be wall-mounted. All other on-site sign regulations pertinent to Office (O) zoning districts shall otherwise be applicable.

ADD: New subparagraph (g), to read as follows:

- g. Off-site advertising signs ordinarily allowed within General Retail (GR) zoning districts shall be permitted, subject to all applicable standards governing location, size, height, spacing, et cetera.



ZONING CASE Z-2020-13

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Denise Dilliard & Jerry Lynn Rister

Agent: Sarah Faynan

HEARING DATES:

P & Z Commission: September 1, 2020

City Council 1st Reading: September 24, 2020

City Council 2nd Reading: October 8, 2020

LOCATION:

- 1425 Matador Street
- Legal description(s): South 53 feet of the West 140 feet of Lot 1, Block 16, Campus Addition.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone from General Commercial (GC) to General Retail (GR) to permit residential use by right.

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 and Development Plan Map of the Comprehensive Plan designates this general area as a Local Community Center. The intent of local community centers is to provide neighboring residential districts with a mixture of supermarkets, retail stores, service shops, churches, and parks within a walkable distance. Many local community centers are surrounded by higher-density housing with residential intensities decreasing closer to single-family areas. This proposed zone change is consistent with the characteristics of local community centers. It will also promote 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.

(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.

General Retail (GR) zoning permits residential structures by right and serves as an appropriate zoning buffer between commercial zoning districts and residential zoning districts. The block consists of four (4) other residences, church, fast food restaurant, and a retail shopping center; all of which are permitted uses within GR zoning.

	Zoning	Existing Land Use
North	GC	Single Family Residence
South	GC	Single Family Residence
East	GC	Crossway Youth & Activity Building
West	GC	Kenley School

(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 currently has access to existing utilities and public amenities. No additional development of said infrastructure will be required for the development of this subject property.

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

It is the opinion of the staff that there are no other factors, which substantially affect the public health, safety, morals, or general welfare of the City of Abilene.

STAFF COMMENTS:

Building records indicate that a residence has existed on this property since at least 1950 and according to the zoning ordinance in effect at this time, single family dwellings were permitted uses. In 1974, when the City of Abilene adopted its current Zoning Map, this property including the entire 16th block of Campus Addition was designated as a General Commercial (GC) District. However in 2010, when the City of Abilene adopted the current Land Development Code, single-family dwellings along with other residential uses, became non-permitted uses within the GC Zoning. Based on the neighboring residential properties and similarities of both GC and GR zoning districts, re-zoning this property would permit residential use within a predominantly non-residential district.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request was reviewed pursuant Section 1.4.1.4 (Criteria for Approval).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On September 1, 2020, the Planning and Zoning Commission will meet to review this request.

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
ALEMAN MARTHA OLVERA	1457 MATADOR ST	
CROSSWAY BAPTIST CHURCH	1458 SEWELL ST	
CROSSWAY BAPTIST CHURCH	1410 SEWELL ST	
GGTP LLC	2807 S 14TH ST	
GGTP LLC	2809 S 14TH ST	
GGTP LLC	2805 S 14TH ST	
GGTP LLC	2803 S 14TH ST	
GGTP LLC	2801 S 14TH ST	
GGTP LLC	2833 S 14TH ST	
GGTP LLC	2741 B S 14TH ST	
GGTP LLC	2741 S 14TH ST	
HILL JOHN A	1425 SEWELL ST	
HILL JOHN A & MOLLY	1415 SEWELL ST	
JONES WILLIAM D II	1449 MATADOR ST	
KENLEY SCHOOL	1434 MATADOR ST	
LUDOVICI BUILDING TWO INC	2901 S 14TH ST	
MC NEILL DAN S & SHERI L	2910 S 15TH ST	
MC NEILL DAN S & SHERI L	1450 MATADOR ST	
MC NEILL DAN S & SHERI L	1442 MATADOR ST	
MC NEILL DAN S & SHERI L	1450 1/2 MATADOR ST	
MC NEILL DAN S & SHERI L	1442 1/2 MATADOR ST	
MOEN PAMELA & DONALD	1433 MATADOR ST	
ORTIZ MANUEL	1417 MATADOR ST	
ORTIZ MANUEL	2849 S 14TH ST	
RISTER DENISE DILLIARD	1425 MATADOR ST	

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

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

Project Name: NA
 Address: 1425 Matador No. of lots: 1 Acreage: _____
 Legal Description: _____
 Subdivision Name: Campus Addition Block: _____ Lot: _____
 Current Zoning: General Commercial Proposed Zoning (if applicable): General Retail

OWNER AND AUTHORIZATION

Owner Name: Denise Dilliard Rister + Jerry Lynn Rister
 Address: 1425 Matador St.
 City, State, Zip: Abilene, Tx. 79605 Fax: _____
 Phone: 325-260-8706 Email: deniserister56@gmail.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) Sarah Fayman will act as my agent before the Planning and Zoning Commission.

Agent Name: Sarah Fayman
 Address: 2545 S. Danville Dr.
 City, State, Zip: Abilene Tx 79605 Fax: _____
 Phone: 325-669-1667 Email: Sarahfayabilene@gmail.com

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

Signature Owner: Denise Rister Date: 7-21-2020

FOR OFFICE USE ONLY

Received: Nick Watts Fee: \$ waived Receipt No.: N/A
 Case No.: 2020-13 Reviewed By: NW



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.

I Sarah Fay was hired by Mr. Mrs. Bister to sell there property located at 1425 Matador Abilene Tx 79605. The list price for property was \$120K. I sold the property in 3 days. The property passed all inspections and was appraised for sales price with no lender repairs. The appraiser Justin Walker with walker appraisal realized that the property was currently zoned GC. As an appraiser he had to report to the lender the zoning. Because of this zoning the lender (and all lenders) will not loan money to a buyer to live in a residential property zoned commercial. The reason why if some accident or unforeseen destruction of the property the current owner would have to rebuild commercial and that cannot be done with a 1-4 residential leading contract. We are asking the City to rezone this property to GR so that the sellers can sell there property and the buyers lender will loan on the property. The seller has spent her inheritance to remodel and fix up the house on Matador to sell. The Seller currently have bought another home and was using the proceeds from the sale of the home to finalize the payment of there new home.



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.

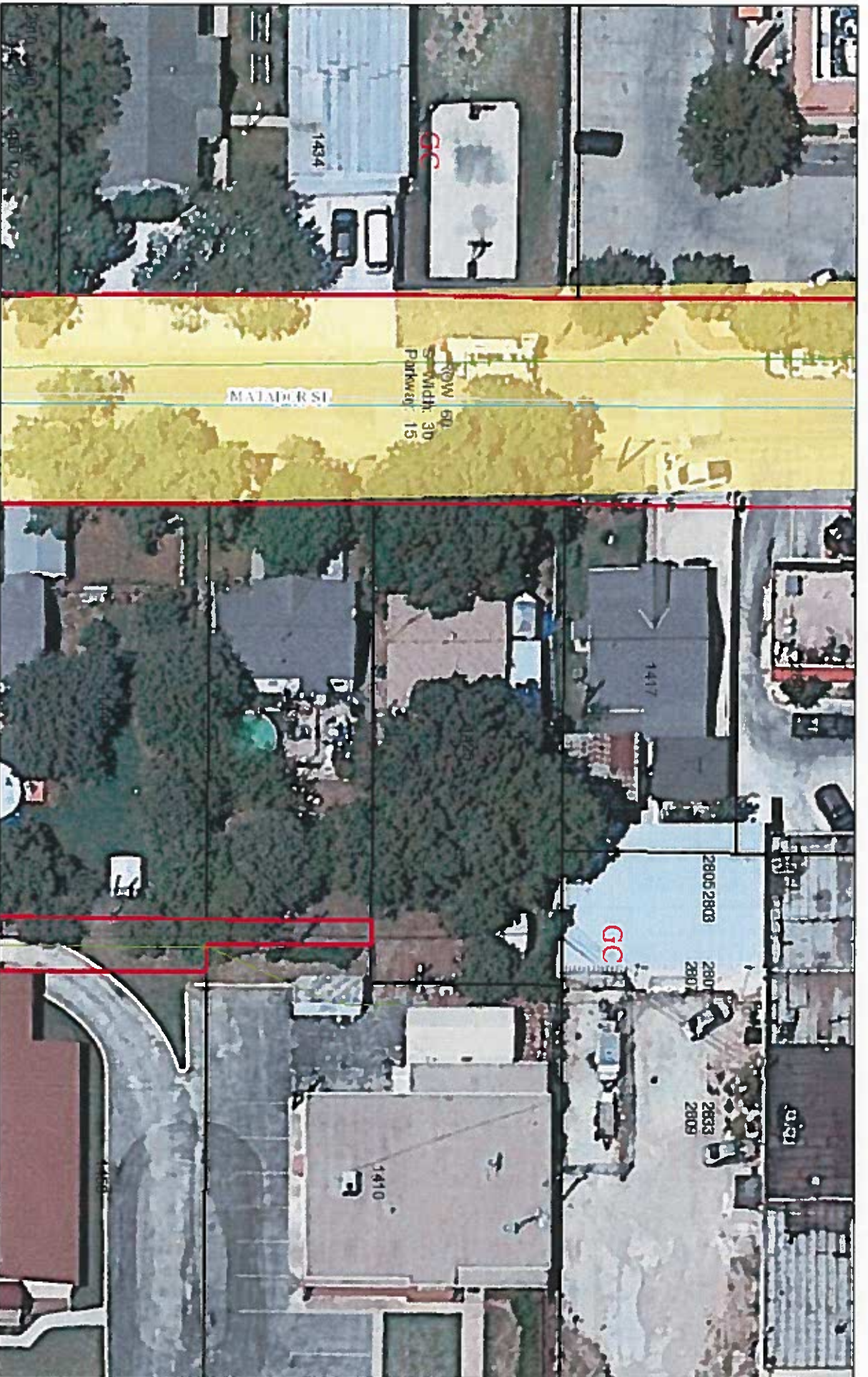
PLEASE READ BEFORE SIGNING

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: *Denise Rister* DATE: 7-21-2020

ArcGIS Web Map



July 21, 2020

- Water Lines
- Sewer Lines
- Streets
- Thirpjan Current
- Arterial
- Collector
- Expressway
- minor arterial
- Thirpjan Extended
- Arterial - Extended
- Expressway
- Thirpjan Proposed
- Arterial
- Collector
- Expressway
- minor arterial
- ZONING

1:564

0 0.00475 0.0095 0.019 mi

0 0.0075 0.015 0.03 km

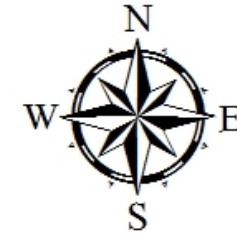
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri

Case:	Z-2020-13
Owner:	Denise Dillard & Jerry Lynn Lister
Request:	Rezone from GC to GR
Legal Description:	South 53' of the West 140' of lot 1, Block 16, Campus Addition, City of Abilene, Taylor County, Texas.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	September 1, 2020
City Council Hearing:	September 24, 2020 October 8, 2020

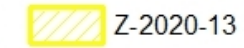
Z-2020-13 AERIAL LOCATION MAP



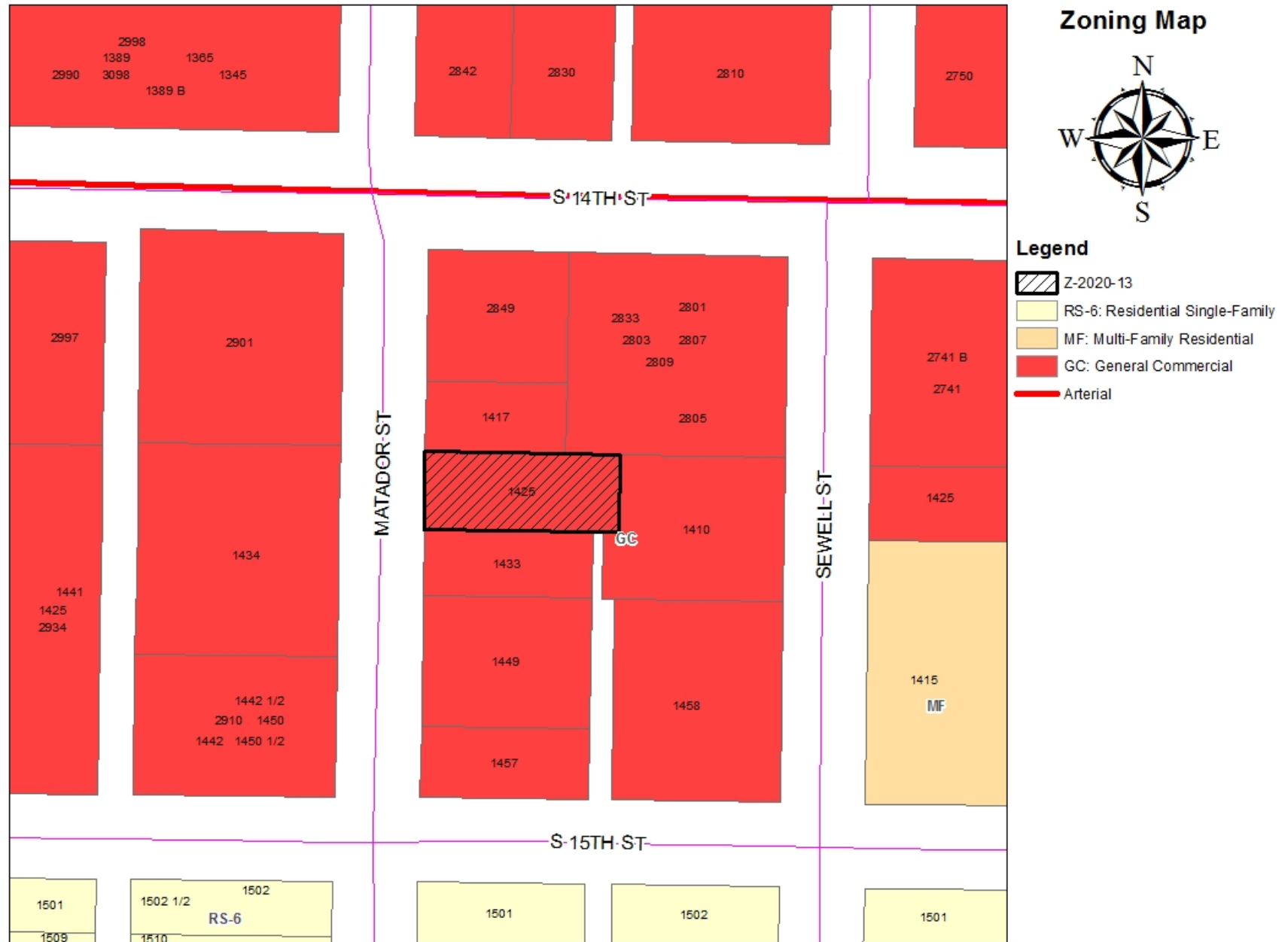
Location Map



Legend



Z-2020-13 ZONING MAP



GC PERMITTED USES

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)

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, 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)

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

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

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 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

GR PERMITTED USES

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE

- P/C Automobile Wash
- C Funeral Home/ Mortuary/Morgue
- P Kennel (Without Outdoor Pens)
- P Laundry/Dry Cleaning Services & Facilities
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TRANSPORTATION, COMMUNICATION AND UTILITIES:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 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

Z-2020-13 VIEWS OF SUBJECT PROPERTY

Neighboring Property (North)



Neighboring Property (East)



Photo of Subject Property



Neighboring Property (West)



Neighboring Property (South)



Z-2020-13 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval

Questions?

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED ON FIRST READING the 24th day of September, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of August, 2020, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 p.m. on the 8th day of October, 2020, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 8th day of October, 2020.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ZONING CASE CUP-2020-06

STAFF REPORT



REQUEST: Conditional Use Permit

APPLICANT:

Owner: Hit Ventures, LLC

Agent: Cody Myers

HEARING DATES:

P & Z Commission: September 1, 2020

City Council 1st Reading: September 24, 2020

City Council 2nd Reading: October 8, 2020

LOCATION:

- 802 S. Treadaway Blvd.
- Lots 1 & 2 of Block Y in J. Stoddard, Johnston Subdivision a Re-plat of Lot 2, Block 190 of Original Town of Abilene

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting a Conditional Use Permit (CUP) to allow light manufacturing within Heavy Commercial (HC) Zoning.

BACKGROUND:

The subject property has been zoned Heavy Commercial (HC) since at least 1974. This building was originally an automotive service station. Over the years, several automotive businesses have operated at this location. In 2018, a certificate of occupancy was issued for a retail coffee shop to occupy the existing building. The applicant is seeking a Conditional Use Permit (CUP) for light manufacturing to allow the roasting/processing of coffee beans as well as the packaging and distribution of products from this location as an incidental to the currently existing retail coffee shop.

ANALYSIS:

Criteria Analysis:

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

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.

Yes, the Comprehensive Plan designates the property to be located within a "Local Activity Center." The Comprehensive Plan details the purpose of such activity centers to "provide a higher concentration and greater variety of activity for several neighborhoods, including a mix of commercial, employment, entertainment, housing and civic services."

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.

Yes, Heavy Commercial (HC) Zoning is intended to accommodate sales and services which by their nature may not be compatible with many other traditional commercial zoning districts found in the City of Abilene, this is interpreted to include light manufacturing.

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

Due to the scale of processing and distribution of coffee products from this location, City staff believes granting the CUP for light manufacturing will not be detrimental to the overall character and integrity of the surrounding properties.

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

The proposed use will not generate pedestrian and vehicular traffic that will be hazardous or conflict with existing and anticipated traffic.

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

The proposed use will not incorporate roadway adjustments, traffic control devices, mechanisms and access restrictions. However, no anticipated generation of traffic which would warrant such measures.

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

In order to be considered light manufacturing, all activities associated with the proposed conditional use must take place indoors and must not create any nuisances such as odors, noise, heat, vibration and radiation outside of the subject property. It is the opinion of staff that there are no negative visual impacts associated with the proposed conditional use.

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

It is the opinion of staff that the proposed use will meet the standards for the zoning district.

Comprehensive Planning Analysis

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as a local activity center. Approval of the Conditional Use Permit promotes the goal of the future land use plan as it intends to provide a high concentration and greater variety of activity for several neighborhoods, including a mix of commercial, employment and entertainment services. Additionally, the subject property is located within the Neighborhood Empowerment Zone (78-2018), a zone designed to promote redevelopment in “economically distressed” areas of Abilene.

Existing Land Use

Location	Zoning	Existing Land Use
North	HC	Restaurant
South	HC	Vacant Building
East	HC	Abilene Hope Haven (transitional housing)
West	PD (137B)	Single Family Residential

STAFF RECOMMENDATION:

Staff recommends approval subject to the following conditions:

1. The portion of the facility which is to be utilized for coffee processing shall be separately ventilated from the portion of the business that is used for a customer dining area.
2. The portion of the facility which is to be utilized for coffee processing must be fully partitioned and separate from the portion of the building which is utilized for customer dining area.
3. Light manufacturing activities at this location are restricted to the processing of coffee. To include but not to be limited to roasting, grinding, packaging, canning and distribution of coffee products.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On September 1, 2020, the Planning and Zoning Commission will hear this Conditional Use Permit request.

NOTIFICATION:

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

Owner	Situs	Response
ABILENE HOPE HAVEN INC	801 S TREADAWAY BL	
CIRCLE G INVESTMENTS LLC	754 S TREADAWAY BL	In Favor
CIRCLE G INVESTMENTS LLC	758 S TREADAWAY BL	In Favor
CROSSLAND ASHLEY JUSTIN & DUARTE WALTER ANTONIO	781 S TREADAWAY BL	
HERNANDEZ PEDRO G	833 CHERRY ST	
HERNANDEZ SALETA	827 CHERRY ST	
HIT VENTURES LLC	825 CHERRY ST	
LONE STAR RAILROAD INC	802 S TREADAWAY BL	
MK POWELL PROPERTIES LLC	825 S TREADAWAY BL	
MORRIS & JACOBY PARTNERSHIP	830 S TREADAWAY BL	In Favor
MORRIS & JACOBY PARTNERSHIP	773 CHERRY ST	
MORRIS MARVIN	780 S TREADAWAY BL	
MORRIS MARVIN	765 CHERRY ST	
MORRIS MARVIN	811 CHERRY ST	
PARKS GREGORY L	809 CHERRY ST	
POPE BRYAN	842 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	820 S TREADAWAY BL	
SCOTT FAMILY ENTERPRISES LLC	765 S TREADAWAY BL	
SMITH LARRY C & KRISTY K	773 S TREADAWAY BL	
WEST TEXAS UTILITIES CO	834 S TREADAWAY BL	
	841 S TREADAWAY BL	





Development Application

Planning

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

Project Name: Big Country Coffee Food Manufacturing
 Address: 802 South Treadaway Boulevard No. of lots: _____ Acreage: 0.2984
 Legal Description: Lots 1 and 2 in Block Y of J. Stoddard Johnston's Subdivision of Lot 2, Block 190, Abilene's Original Town
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: Heavy Commercial Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: Hit Ventures, LLC
 Address: 402 South 7th Street
 City, State, Zip: Abilene, TX 79602 Fax: _____
 Phone: (325) 829-5160 Email: harleyburnett@gmail.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) Cody Myers will act as my agent before the Planning and Zoning Commission.

Agent Name: Cody Myers
 Address: 9 Reagan Circle
 City, State, Zip: Abilene, TX 79605 Fax: _____
 Phone: (406) 581-2487 Email: kelevrainvestments@hotmail.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: Cody Myers Date: 8/5/2020

FOR OFFICE USE ONLY

Received: 8/3/20 Fee: \$ 1500 Receipt No.: _____
 Case No.: ~~2020-06~~ Reviewed By: [Signature]
CUP-2020-06

*Conditional use to allow roasting coffee and canning cold brew coffee products, as limited light manufacturing, in existing heavy commercial district.



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.

As mentioned on page number 6 of this application, Big Country Coffee is seeking to obtain a conditional use permit in an existing heavy commercial district for the use of limited light manufacturing and processing of coffee products. This includes roasting coffee and canning cold brew coffee. The area dedicated for manufacturing is partitioned from their coffee shop residing within the same building. The partition provides full separation of their customers from the manufacturing of their goods.



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: _____

Cody Meyer

DATE: _____

8/3/2020

An aerial photograph of a property. A yellow rectangular label with a black border is placed over a building. The label contains the text "Coffee Roasting" and "Light Manufacturing". The building is a large, light-colored structure with a dark roof. To the left of the building is a paved area with several cars parked. To the right is a dirt area. A red dashed line outlines the property. A red "HC" label is visible below the building. A search result box is on the right side of the image.

Coffee Roasting
"Light Manufacturing"

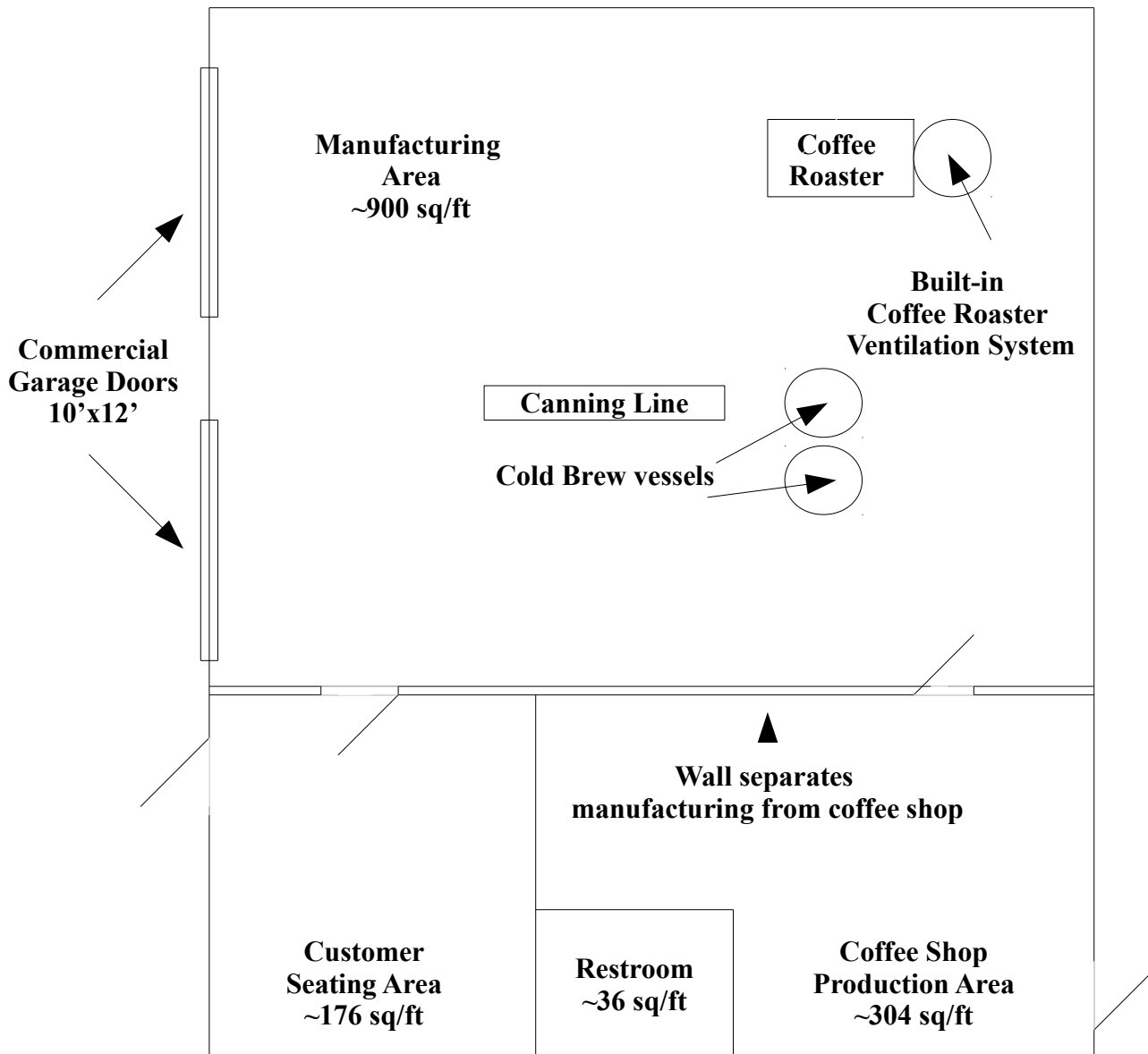
Search result

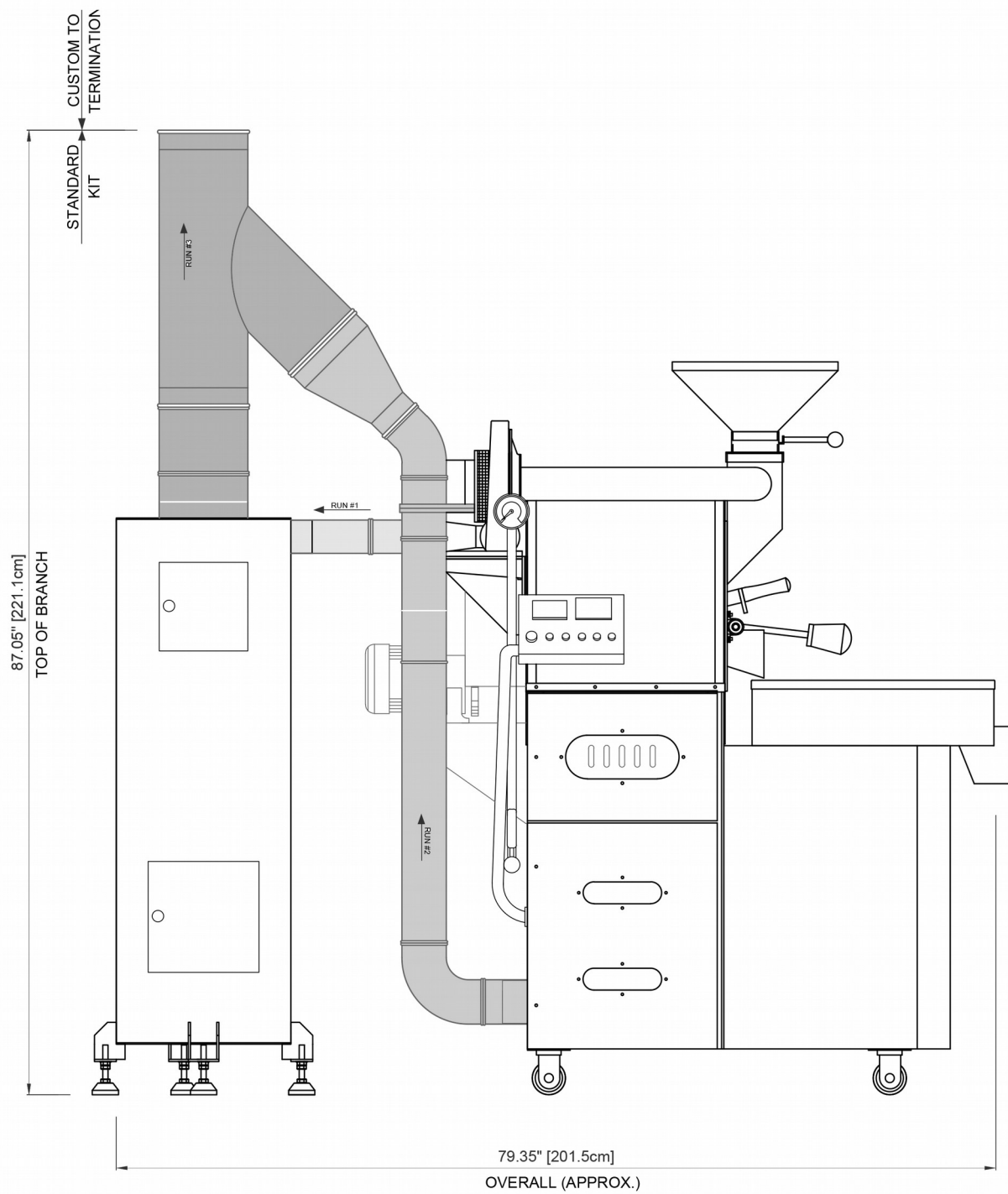
802 S TREADAWAY BL, ABIL

[Zoom to](#)

1895

HC





ELEVATION: ROASTER & CHAFF COLLECTOR



CITY OF ABILENE

PLANNING &
DEVELOPMENT
SERVICES

MK POWELL PROPERTIES LLC
2810 S 27TH ST
ABILENE, TX 79605-6328

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number CUP-2020-06

08/19/2020

The Planning and Zoning Commission will hold a public hearing on **Tuesday, September 1, 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 Hit Ventures LLC, agent Cody Myers, for approval of Conditional Use Permit allowing light manufacturing and, in particular, coffee processing in a Heavy Commercial (HC) District; Legal description being Lots 1 and 2 in Block Y of J. Stoddard Johnston's Subdivision of Lot 2 in Block 190 of Abilene's Original Townsite and located at 809 South Treadaway Boulevard.

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 rezoning. 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 **October 8, 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) 676-6237 if you have any questions about this notice.

CASE #: CUP-2020-06

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: MK POWELL PROPERTIES LLC
Address: 830 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 ☒
Additional Comments:

I am opposed ☐

Signature:



CIRCLE G INVESTMENTS LLC
1408 DORAL CT
SAN ANGELO, TX 76904-9372

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number CUP-2020-06

08/19/2020

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For the PLANNING & ZONING COMMISSION
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CASE #: CUP-2020-06

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Name: CIRCLE G INVESTMENTS LLC
Address: 754 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 ☒
Additional Comments:

I am opposed ☐

Signature:



CIRCLE G INVESTMENTS LLC
1408 DORAL CT
SAN ANGELO, TX 76904-9372

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number CUP-2020-06

08/19/2020

The Planning and Zoning Commission will hold a public hearing on **Tuesday, September 1, 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 Hit Ventures LLC, agent Cody Myers, for approval of Conditional Use Permit allowing light manufacturing and, in particular, coffee processing in a Heavy Commercial (HC) District; Legal description being Lots 1 and 2 in Block Y of J. Stoddard Johnston's Subdivision of Lot 2 in Block 190 of Abilene's Original Townsite and located at 809 South Treadaway Boulevard.

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 rezoning. 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 **October 8, 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) 676-6237 if you have any questions about this notice.

CASE #: CUP-2020-06

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.

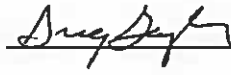
Name: CIRCLE G INVESTMENTS LLC
Address: 758 S TREADAWAY BL

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: 

AUG 26 AM 10:15

Case: CUP-2020-06
Owner: Hit Ventures, LLC
Agent: Cody Myers
Request: Conditional Use Permit to allow “Light Manufacturing” in Heavy Commercial (HC) Zoning

Location: 802 S. Treadaway Blvd.
Notification: 3 in Favor, 0 Opposed
Planning & Zoning: September 1, 2020
City Council Hearing: September 24, 2020
 October 8, 2020

CUP-2020-06 AERIAL LOCATION MAP



Location Map



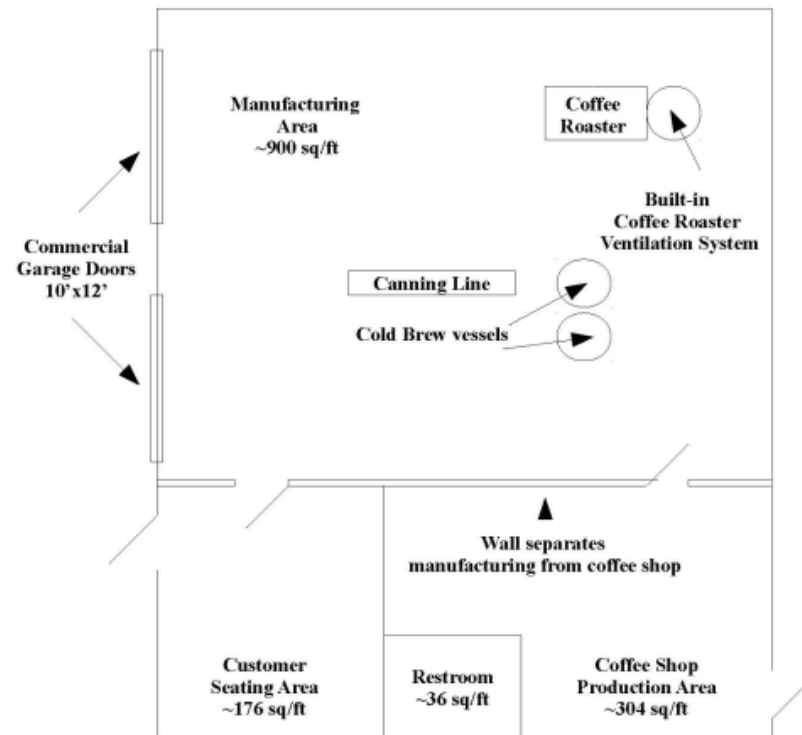
Legend

 CUP-2020-06

CUP-2020-06 ZONING MAP









Subject Property



Neighboring property to the South



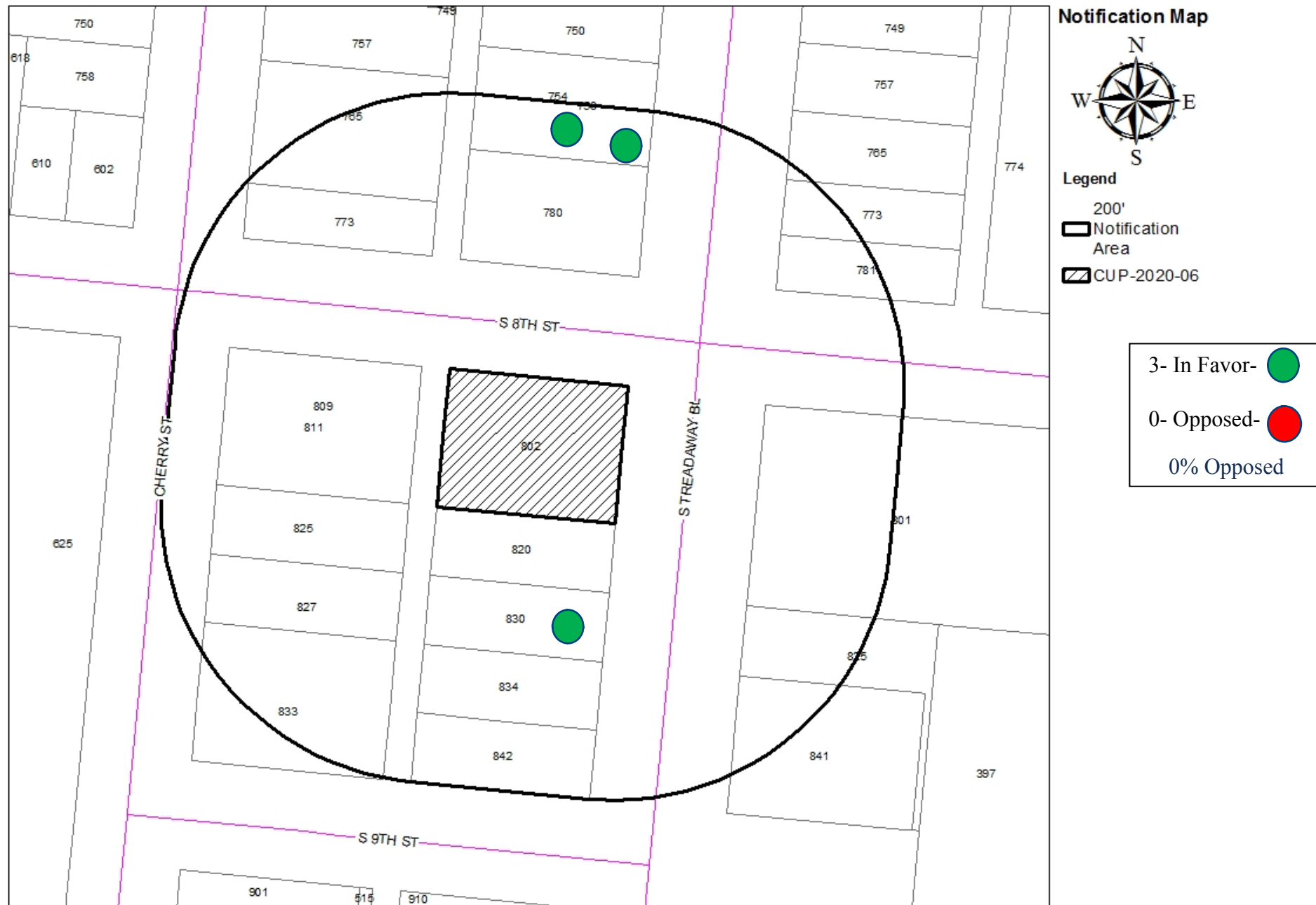
Neighboring property to the North



Property East of S. Treadaway Blvd



CUP-2020-06 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Consistent with General Land Use and Zoning Character of Immediate Area (Section 2.3.3.10)
- Reviewed Pursuant to Section 1.4.3.5 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval with conditions

Questions?

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING CERTAIN PROPERTY; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by approving a Conditional Use Permit (CUP) as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto. PASSED ON FIRST READING the 24th day of September A.D. 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of August, 2020, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 8th day of October, 2020, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 8th day of October, A.D. 2020.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Conditional Use Permit (CUP) to allow a “Light Manufacturing” facility as defined within the Land Development Code, specifically limited to only allow coffee processing with the following conditions for approval:

1. The portion of the facility which is to be utilized for coffee processing shall be separately ventilated from the portion of the business which is used as customer dining area.
2. The portion of the facility which is to be utilized for coffee processing must be fully partitioned and separate from the portion of the building which is utilized as customer dining area.
3. Light manufacturing activities at this location are restricted to the processing of coffee. To include but not to be limited to roasting, grinding, packaging, canning and distribution of coffee products.

Legal description: Lot 1 & 2 of Block Y in J. Stoddard, Johnston Subdivision a re-plat of Lot 2, Block 190 of Original Town of Abilene.



Location: 802 S Treadaway Blvd.

-END-



CITY OF ABILENE

MEMORANDUM

September 1, 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
August 13, 2020 at 8:30 AM

Item	Motion	Vote
CUP-2020-04: A request from AT&T, agent David Draper, for Conditional Use Permit to allow construction of a 75' tall monopole within General Retail (GR) zoning district located at 3309 N. 10 th Street	Approved	7-0