



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 October 6, 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 September 1, 2020.

PLATS

Public Hearing and Action on Plats

2. **FP-5120:** Hampton Hills, Section VII, Abilene, Taylor County, Texas

ZONING

Public Hearing and Action on Zoning Cases

3. **Z-2020-14:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Rogers Recreation Inc., agent Jacob & Martin LLC, to rezone property from Planned Development (PD) District Number 58 to a Residential Single-Family (RS-6) District and a Residential Medium-Density (MD) District on 60.83 acres of now-vacant land wrapped around (but not adjoining) the southeast corner of Maple Street and Berry Lane in southeast central Abilene Legal description being 23.64 acres (in proposed RS-6 District) out of northeast part of Lot 1 in Block A of Section 2, Parkview Addition; and 37.19 acres (in proposed MD District) out of south part of Lot 1 in Block A of Section 2, Parkview Addition and in the south part of a certain 6.374-acre tract (bordering Maple Street) in the northwest quarter of Section 51, Blind Asylum Lands in the City of Abilene, Taylor County, Texas
4. **CUP-2020-07:** Receive a Report and Hold a Discussion and Public Hearing on a request from PB 6950 LLC, agent Jacob & Martin LLC, for approval of Conditional Use Permit allowing multiple-family dwellings in a General Retail (GR) District and in an Office (O) District; Legal description being approximately 4.53 acres (in GR District) and 13.66 acres (in O District) out of northeast quarter of Section No. 12, Lunatic Asylum Lands in the City of Abilene, Texas, with all such acreage being in the 6800-6900 blocks (west side) of Highway 83-84

DIRECTORS REPORT

5. Comprehensive Plan Update

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 2nd day of October, 2020, at 3:30 p.m.

Kaitlin Richardson, Deputy City
Secretary



Planning and Zoning Commission MINUTES

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

Commissioners Present:

Mr. Fred Famble, Chairman
Mr. Bill Noonan, Secretary
Rev. Iziar Lankford

Mr. Clint Rosenbaum, Pro Tem
Ms. Alex Russell, Sergeant-at-Arms
Mr. Brad Benham

Commissioners Absent:

Mr. Mitch Barnett

Staff Present:

Mr. Michael Warrix, Director of Planning and Development Services
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

Others Present:

Mr. David Todd	Mr. H.C. Zachry
Mr. Cody Myers	Ms. Sarah Fay Faynan
Mr. Jerry Rister	Ms. Denise Rister
Mr. Tommy Roberts	Mr. Eddie Magee

CALL TO ORDER

The Planning and Zoning Commission convened in a regular meeting and was called to order at 1:30 p.m. Melissa Farr noted the following commissioners present:

Present: 6 – Russell, Benham, Rosenbaum, Noonan, 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 August 4, 2020. Mr. Noonan seconded the motion. The motion to approve prevailed by the following vote:

AYES: Russell, Benham, Rosenbaum, Noonan, Lankford, Famble

NAYS: None

PLATS

FP-4820: Section 2 of The Tributes at Double Eagle, Abilene, Taylor County, Texas

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

Ms. Sawyers presented the plats to the Commission.

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

Mr. Rosenbaum moved to approve the proposed plats. Ms. Russell seconded the motion. The motion to approve prevailed by the following vote:

AYES: Russell, Benham, Rosenbaum, Noonan, 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 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 2530 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. This is a familiar case to the Commission, as it was presented in August. It is being presented, once again, in order to include the entire block affected by the proposed sign in the notification process.

Mr. Famble opened the public hearing. Mr. H.C. Zachry spoke in favor and was available to answer any questions. Seeing no one else present and desiring to be heard, Mr. Famble closed the public hearing.

Property owners within a 200-foot radius were notified of this request. Twelve (12) responses were received in favor, with two (2) received in opposition.

PLANNING STAFF RECOMMENDATION: Approval

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

AYES: Benham, Rosenbaum, Noonan, Lankford, Famble

NAYS: None

ABSTAIN: Russell

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

Mr. Nick Watts presented this request. The applicant is requesting to rezone from General Commercial (GC) to General Retail (GR) to permit residential use by right.

Mr. Famble opened the public hearing. Ms. Denise D. Rister spoke in favor and in agreement with Mr. Watts. A lender would not permit them to reconstruct the home if it were damaged or destroyed by 50% or more. They simply wish to sell the home.

Ms. Sarah Faynan, realtor, was available to answer any questions. Seeing no one else present and desiring to be heard, Mr. Famble closed the public hearing.

Property owners within a 200-foot radius were notified of this request. Two (2) responses were received in favor with two (2) in opposition.

PLANNING STAFF RECOMMENDATION: Approval

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

AYES: Russell, Benham, Rosenbaum, Noonan, Lankford, Famble

NAYS: None

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

Mr. Jared Smith presented this request. The applicant is requesting a Conditional Use Permit (CUP) to allow light manufacturing within Heavy Commercial (HC) Zoning.

Mr. Famble opened the public hearing. No one was present desiring to be heard. Mr. Famble closed the public hearing.

Property owners within a 200-foot radius were notified of this request. Four (4) responses were received in favor, with none (0) received in opposition.

PLANNING STAFF RECOMMENDATION: Approval with 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.

Mr. Benham moved to **approve** this request. Mr. Noonan seconded the motion. The motion to **approve** prevailed by the following vote:

AYES: Russell, Benham, Rosenbaum, Noonan, Lankford, Famble

NAYS: None

DIRECTOR'S REPORT

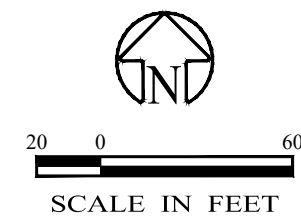
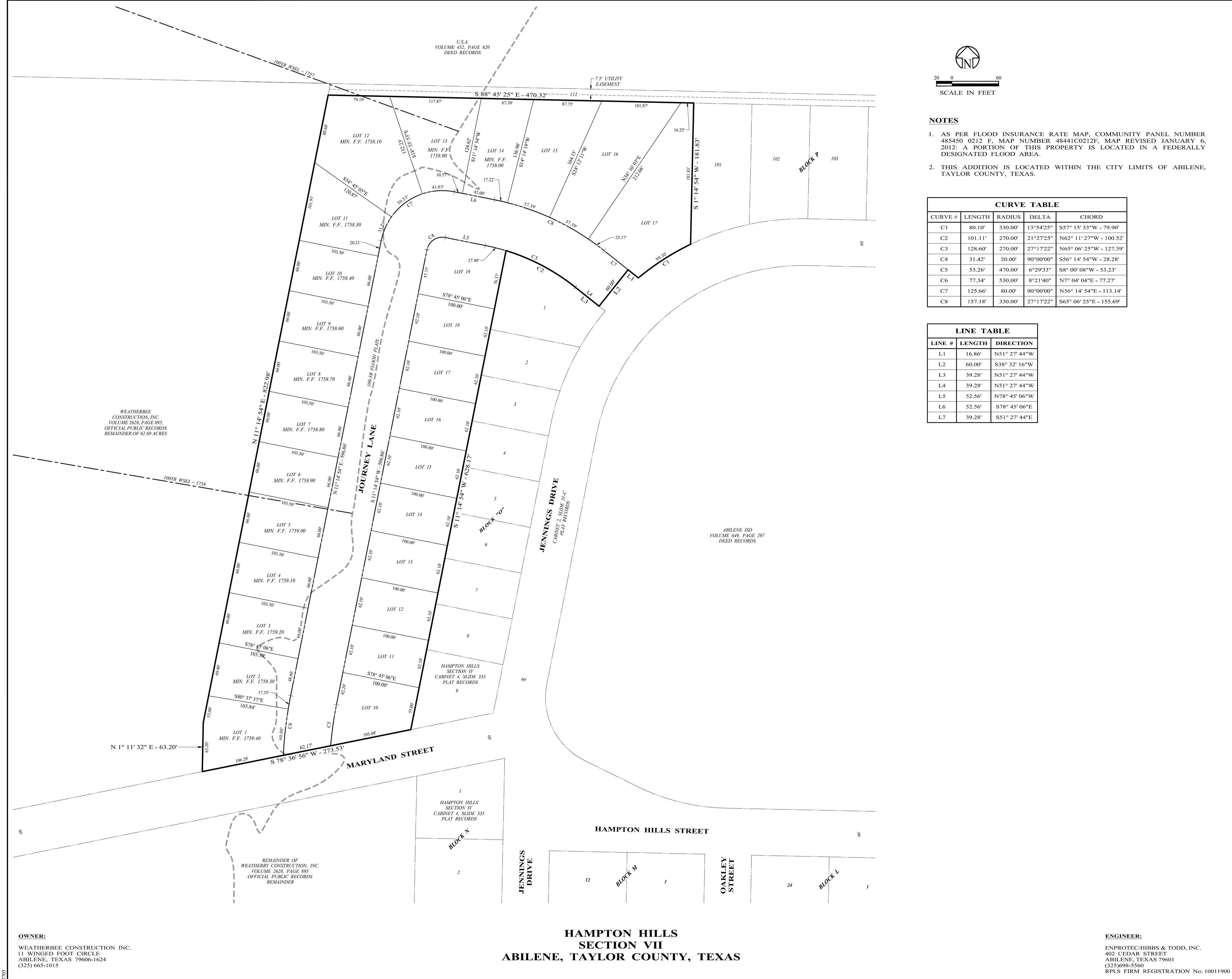
Mr. Warrix provided an update on the recent City Council decision regarding one item on the August 13th agenda. The request was approved.

ADJOURNMENT

There being no further discussion, Mr. Famble adjourned the meeting at 1:58 p.m.

APPROVED

Mr. Fred Famble, Chairman



NOTES

1. AS PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 485450 0212 F, MAP NUMBER 48441C0212F, MAP REVISED JANUARY 6, 2012: A PORTION OF THIS PROPERTY IS LOCATED IN A FEDERALLY DESIGNATED FLOOD AREA.
2. THIS ADDITION IS LOCATED WITHIN THE CITY LIMITS OF ABILENE, TAYLOR COUNTY, TEXAS.

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CHORD
C1	80.10'	330.00'	13°54'25"	S57° 15' 33"W - 79.90'
C2	101.11'	270.00'	21°27'25"	N62° 11' 27"W - 100.52'
C3	128.60'	270.00'	27°17'22"	N65° 06' 25"W - 127.39'
C4	31.42'	20.00'	90°00'00"	S56° 14' 54"W - 28.28'
C5	53.26'	470.00'	6°29'33"	S8° 00' 08"W - 53.23'
C6	77.34'	530.00'	8°21'40"	N7° 04' 04"E - 77.27'
C7	125.66'	80.00'	90°00'00"	N56° 14' 54"E - 113.14'
C8	157.18'	330.00'	27°17'22"	S65° 06' 25"E - 155.69'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	16.86'	N51° 27' 44"W
L2	60.00'	S38° 32' 16"W
L3	39.28'	N51° 27' 44"W
L4	39.28'	N51° 27' 44"W
L5	52.56'	N78° 45' 06"W
L6	52.56'	S78° 45' 06"E
L7	39.28'	S51° 27' 44"E

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.	PLANNING DIRECTOR FILED WITH PLANNING DIRECTOR. CITY OF ABILENE, TEXAS
DATE _____ CHAIRMAN _____	DATE _____ FILE NUMBER _____
ATTEST _____ SECRETARY _____	PLANNING DIRECTOR _____
DATE _____ PLANNING DIRECTOR _____	FEES _____
DIRECTOR OF PUBLIC WORKS _____	COUNTY CLERK _____
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.	I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON _____
DATE _____ DIRECTOR OF PUBLIC WORKS _____	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	
HAMPTON HILLS SECTION VII 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 _____ GLENN WEATHERBEE, PRESIDENT	
ACKNOWLEDGMENT	
THE STATE OF TEXAS; COUNTY OF TAYLOR	
BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY	
PERSONALLY APPEARED GLENN WEATHERBEE, 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	
WEATHERBEE CONSTRUCTION, 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 _____	
TAYLOR NOTARY PUBLIC _____ COUNTY TEXAS _____	
GENERAL NOTES	
SHEET 1 OF 1	SHEETS _____ ACREAGE 6.30
SCALE 1" = 100'	SMALLEST LOT 6,210 SQ FT LARGEST LOT 16,304 SQ FT
SURVEYOR CERTIFICATE AND PLAT DESCRIPTION	
CERTIFICATION: 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 HAVE BEEN SET AS INDICATED ON THE PLAT AND IN ACCORDANCE WITH THE "SUBDIVISION REGULATIONS" OF THE CITY OF ABILENE	
PLAT DESCRIPTION: HAMPTON HILLS SECTION VII ABILENE, TAYLOR COUNTY, TEXAS	
SIGNATURE _____	
08/31/2020 DATE _____	REGISTERED PROFESSIONAL LAND SURVEYOR _____

ZONING CASE Z-2020-14

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Rogers Recreation Inc.

Agent: Jacob & Martin

HEARING DATES:

P & Z Commission: October 6, 2020

City Council 1st Reading: October 15, 2020

City Council 2nd Reading: November 5, 2020

LOCATION:

- 1873 Maple Street
- Legal description(s): 23.64 acres (in proposed RS-6 District) out of northeast part of Lot 1 in Block A of Section 2, Parkview Addition; and 37.19 acres (in proposed MD District) out of south part of Lot 1 in Block A of Section 2, Parkview Addition and in the south part of a certain 6.374-acre tract (bordering Maple Street) in the northwest quarter of Section 51, Blind Asylum Lands in the City of Abilene, Taylor County, Texas.

BACKGROUND:

The subject property was annexed into the City limits of Abilene in 1957, at which time it was zoned Agricultural Open (AO) in 1995 this property was rezoned to a Planned Development District (PDD 58). The PD ordinance adopted by City Council allows for the development of an amusement park; permitting a wide range of recreational and commercial entertainment activities on this subject property. In 1997, a certificate of occupancy was issued for an amusement center at this location. It is believed that this site was occupied by the amusement center up until 2006. Since 2006 the property has been vacant. Under its current Planned Development District ordinance, the property has not shown much potential for future development. The applicant is now seeking to remove approximately 60.83 acres from this Planned Development District and rezone it to a mixture of Medium Density (MD) and Single-Family Residential (RS-6) Zoning.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone from Planned Development (PD) District Number 58 to a Residential Single-Family (RS-6) District and a Residential Medium-Density (MD) District on 60.83 acres of now-vacant land wrapped around (but not adjoining) the southeast corner of Maple Street and Berry Lane.

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 Low-Density Residential. The proposed zone change is consistent with the characteristics of Low-Density Residential land use. The proposed zone change will promote the Comprehensive Plan's

objective of infill by encouraging the development of land within the interior region of the City that has been vacant since being annexed into the City of Abilene in 1957.

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

The proposed land use is consistent with the surrounding properties in the immediate vicinity which are primarily residential. Furthermore, the proposed zone change will provide Residential Medium Density (MD) zoning which will serve as an effective transitional “buffer” between the Abilene State School to the south and the proposed Single Family Residential (RS-6) zoning proposed to the north.

Zoning		Existing Land Use
North	AO/RS-6	Single Family Residences
South	AO	Abilene State School
East	AO	Single Family Residence
West	AO	Vacant Land

(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 which are adequate for servicing the development that would result from this change in zoning. The subject property is located along both an existing arterial street (Maple St.) and collector street (Berry Ln.). Roads of this nature are customarily appropriate for accommodating the projected increase in traffic which will result from the approval and subsequent development of this 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:

The subject property has remained vacant since at least 2006. Under its current Planned Development District (PDD 58) ordinance the property shows little potential in being developed. Rezoning this property to Medium Density (MD) and Single-Family Residential (RS-6) will promote the Comprehensive Plan’s objective of infill within the inner city region. This proposed zone change will also be consistent with the Future Land Use and Development Plan Map; which identifies this area to be Low-Density Residential.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request complies with Section 1.4.1.4 (Criteria for Approval).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On October 6, 2020, the Planning and Zoning Commission will meet to review this request.

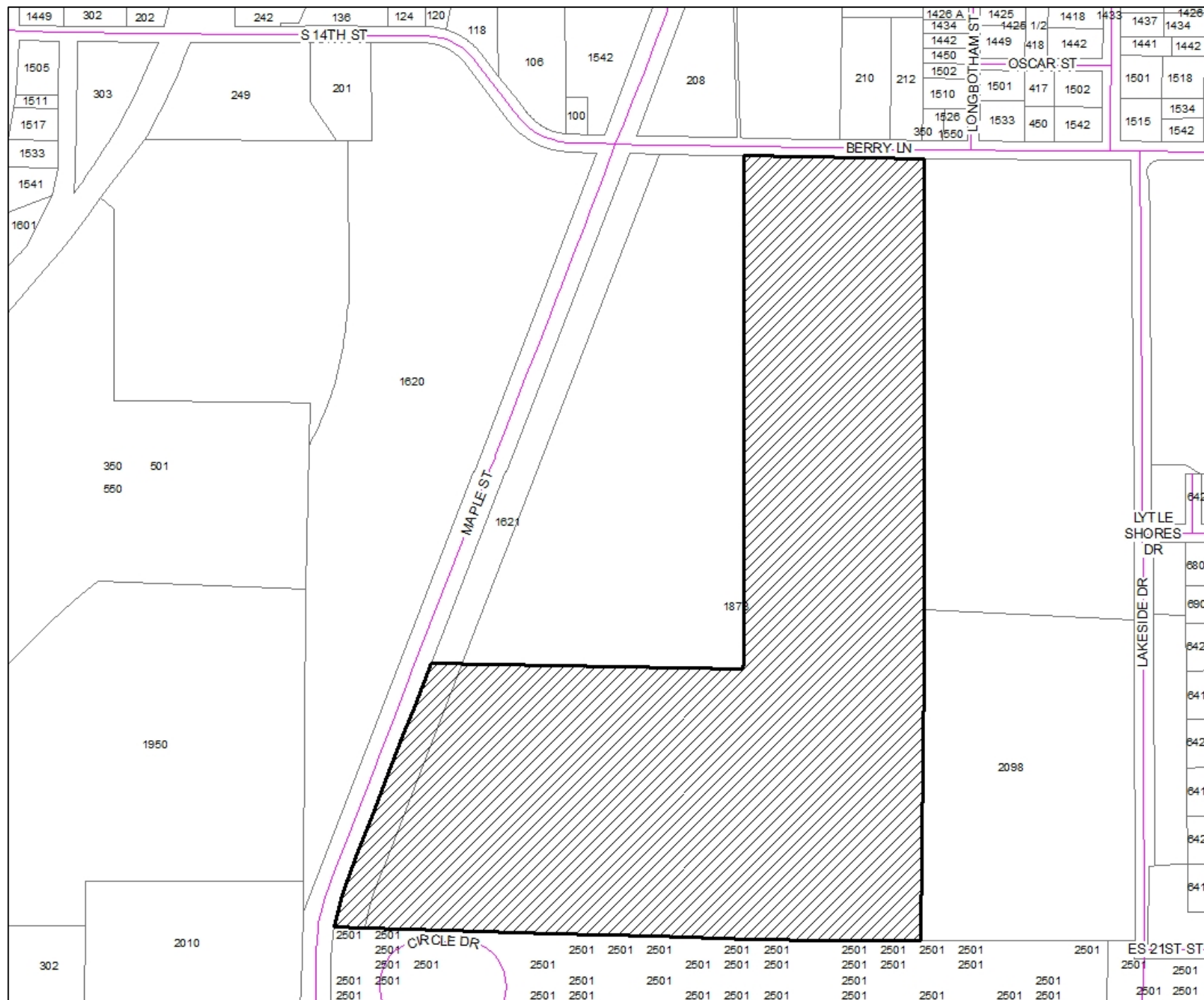
NOTIFICATION:

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
ABILENE IND SCHOOL DIST	1950 MAPLE ST	
ABILENE STATE SCHOOL	2501 MAPLE ST	
CARPENTER DAVID M	1510 LONGBOTHAM ST	
ELLIS CODY & KRISTINA	1550 LONGBOTHAM ST	
ELLIS CODY & KRISTINA	1526 LONGBOTHAM ST	
HAM CAROL BETH		
HAM CAROL BETH	208 BERRY LN	
HIME JOHN K	1533 LONGBOTHAM ST	
LEWIS DONALD	2098 LAKESIDE DR	
MAYFIELD AMY MARCELE	212 BERRY LN	
MILLER BETTY L TR	2010 MAPLE ST	
ROGERS RECREATION INC	1621 MAPLE ST	
ROGERS RECREATION INC	1873 MAPLE ST	
SCHWERTNER CHARLES & KAYE TRUST	1620 MAPLE ST	
SKAGGS KATHY E	210 BERRY LN	
TORRES QUIRICO U & CYNTHIA M		
	350 BERRY LN	

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

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

Project Name: Maple St. & Berry St Residential Development
 Address: 1873 MAPLE STREET No. of lots: _____ Acreage: _____
 Legal Description: PARKVIEW SEC 2, BLOCK A, LOT 1, ACRES 83.355 A0630 SUR 51 B A L NW/4, ACRES 6.374
 Subdivision Name: _____ Block: _____ Lot: _____
 Current Zoning: PDD Proposed Zoning (if applicable): RS-6 & MD

OWNER AND AUTHORIZATION

Owner Name: Rogers Recreation Inc
 Address: 7406 Ashland Drive
 City, State, Zip: Amarillo, TX 79119-6420 Fax: _____
 Phone: 5757997703 Email: Tinarogers2@hotmail.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) Jacob & Martin will act as my agent before the Planning and Zoning Commission.

Agent Name: Jacob & Martin
 Address: 3465 Curry Lane
 City, State, Zip: Abilene, TX 79606 Fax: 325-691-5134
 Phone: 325-695-1070 Email: cfarrow@jacobmartin.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: Christina L Rogers Date: 9/2/2020

FOR OFFICE USE ONLY

Received: 9/2/20 Fee: \$ 1,500 Receipt No.: 0001055143
 Case No.: Z-2020-14 Reviewed By: [Signature]

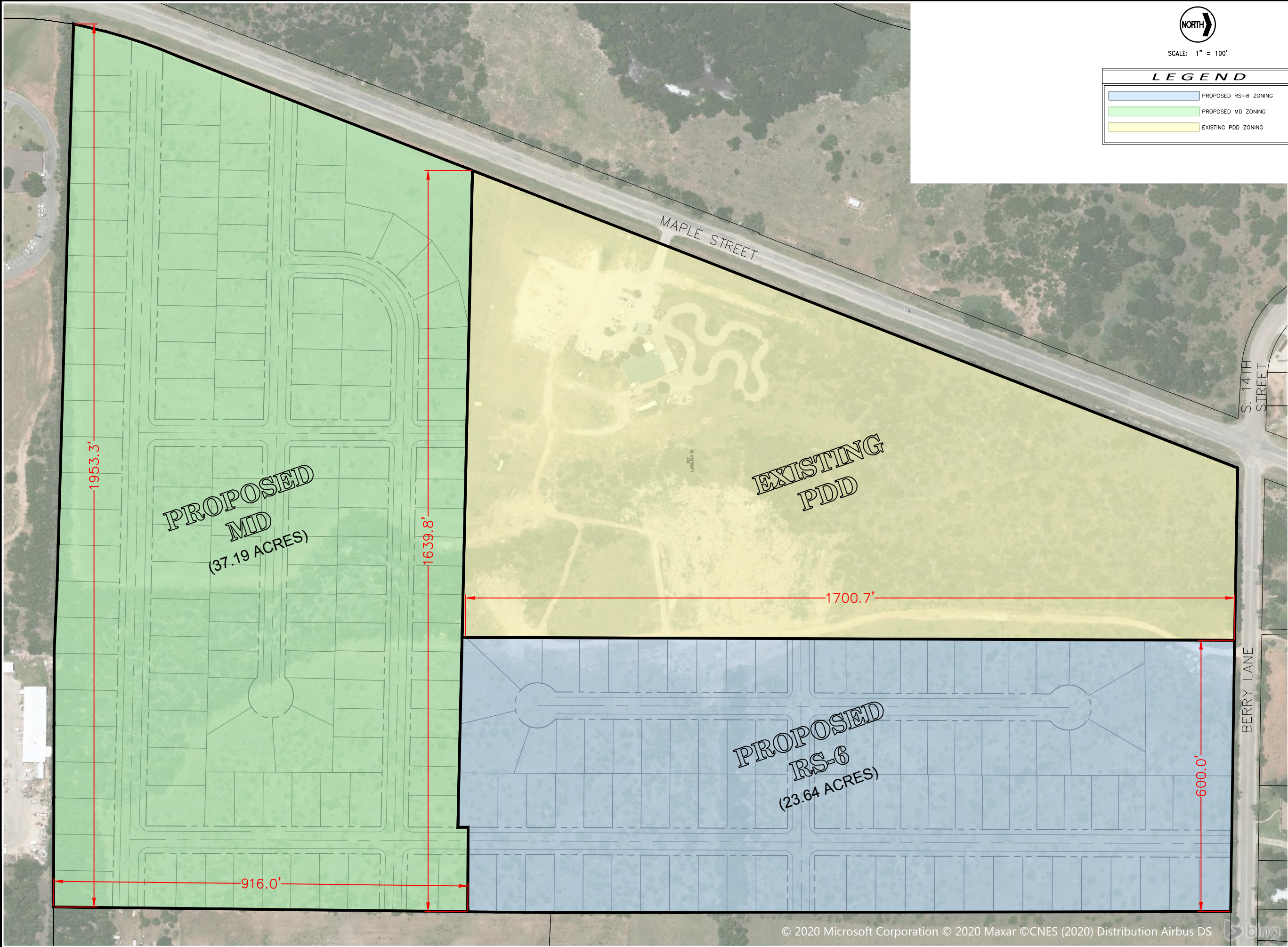


Development Application

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.

This zoning request is to support a residential development at this location. Adjacent uses are the state school to the south, AO to the immediate east, a variety of single-family residential further to the east and north, and an existing PD for an amusement park that remains undeveloped across Maple Street to the west. The intent of the development is to create single family residential with a pocket of medium density for anticipated duplex construction. The medium density would be situated along the south property line adjacent to the State School to transition in intensity down to a residential use.



SCALE: 1" = 100'

LEGEND

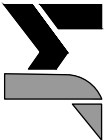
- PROPOSED RS-6 ZONING
- PROPOSED MD ZONING
- EXISTING PDD ZONING

3465 CURRY LANE
ABILENE, TX 79606
325-695-1070

1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76086
817-594-9880

ERM# F-2148

JACOB
MARTIN



ABILENE TEXAS
MAPLE ST. & BERRY ST. RESIDENTIAL
DEVELOPMENT

RE-ZONING
ZONING EXHIBIT

NO.	REVISION	DATE	SCALE	1" = 100'
			PROJECT #	20269
			DESIGNED	S.M.
			DRAWN	S.M.
			CHECKED	C.S.F.
SHEET 1				
SEQ. 1 OF 1				

DATE

PROJECT # 20269

DESIGNED S.M.

DRAWN S.M.

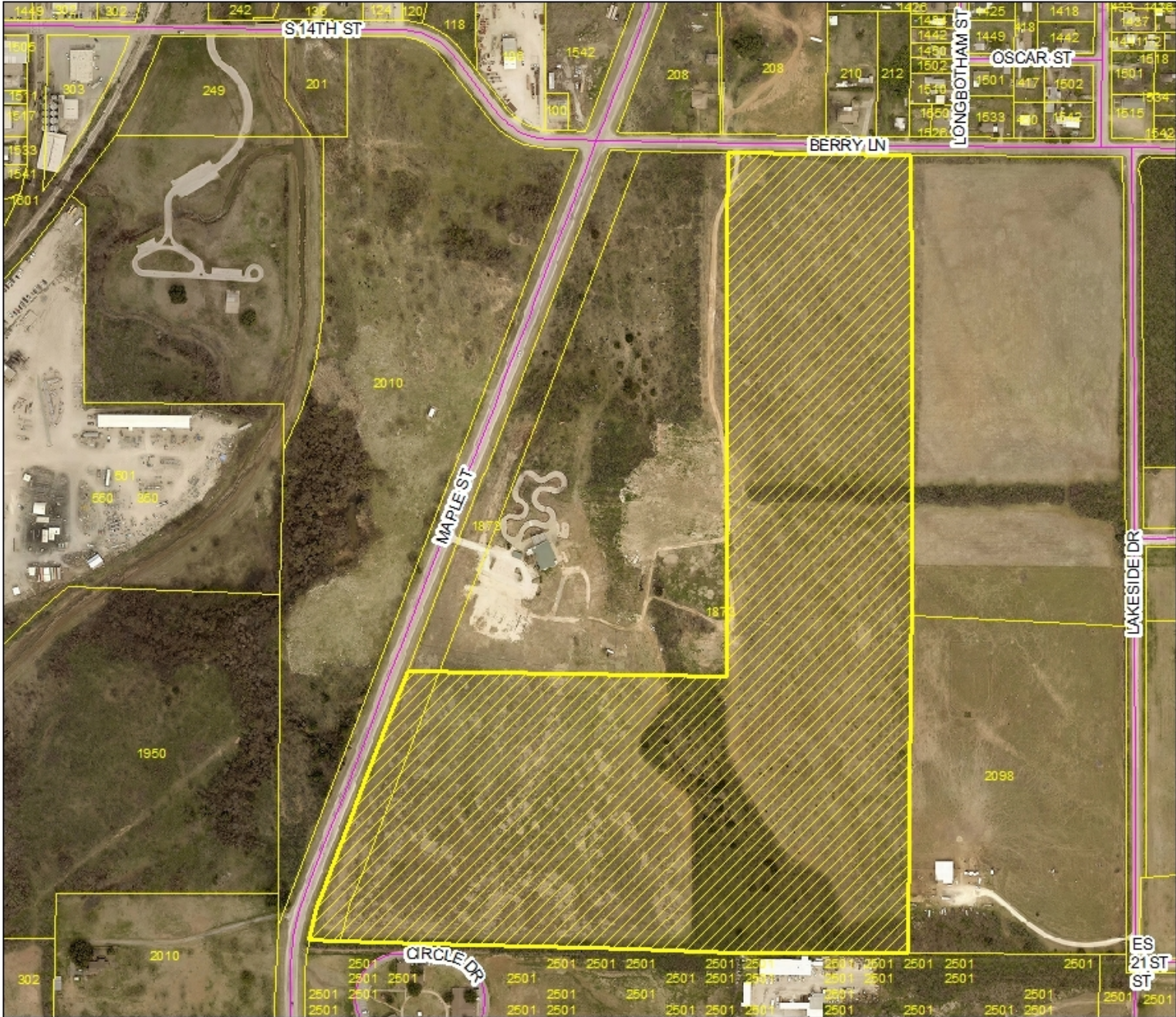
CHECKED C.S.F.

1

1 OF 1

Case:	Z-2020-14
Owner:	Rogers Recreation Inc.
Agent:	Jacob & Martin
Request:	Rezone from PDD 58 to RS-6 and MD
Legal Description:	23.64 acres (in proposed RS-6 District) out of northeast part of Lot 1 in Block A of Section 2, Parkview Addition; and 37.19 acres (in proposed MD District) out of south part of Lot 1 in Block A of Section 2, Parkview Addition and in the south part of a 6.374-acre tract (bordering Maple Street) in the northwest quarter of Section 51, Blind Asylum Lands in the City of Abilene, Taylor County, Texas.
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	October 6, 2020
City Council Hearing:	October 22, 2020 November 5, 2020

Z-2020-14 AERIAL LOCATION MAP



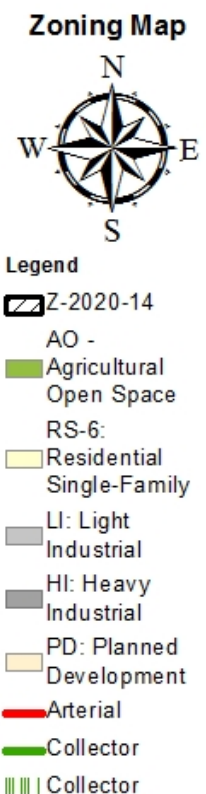
Zoning Map



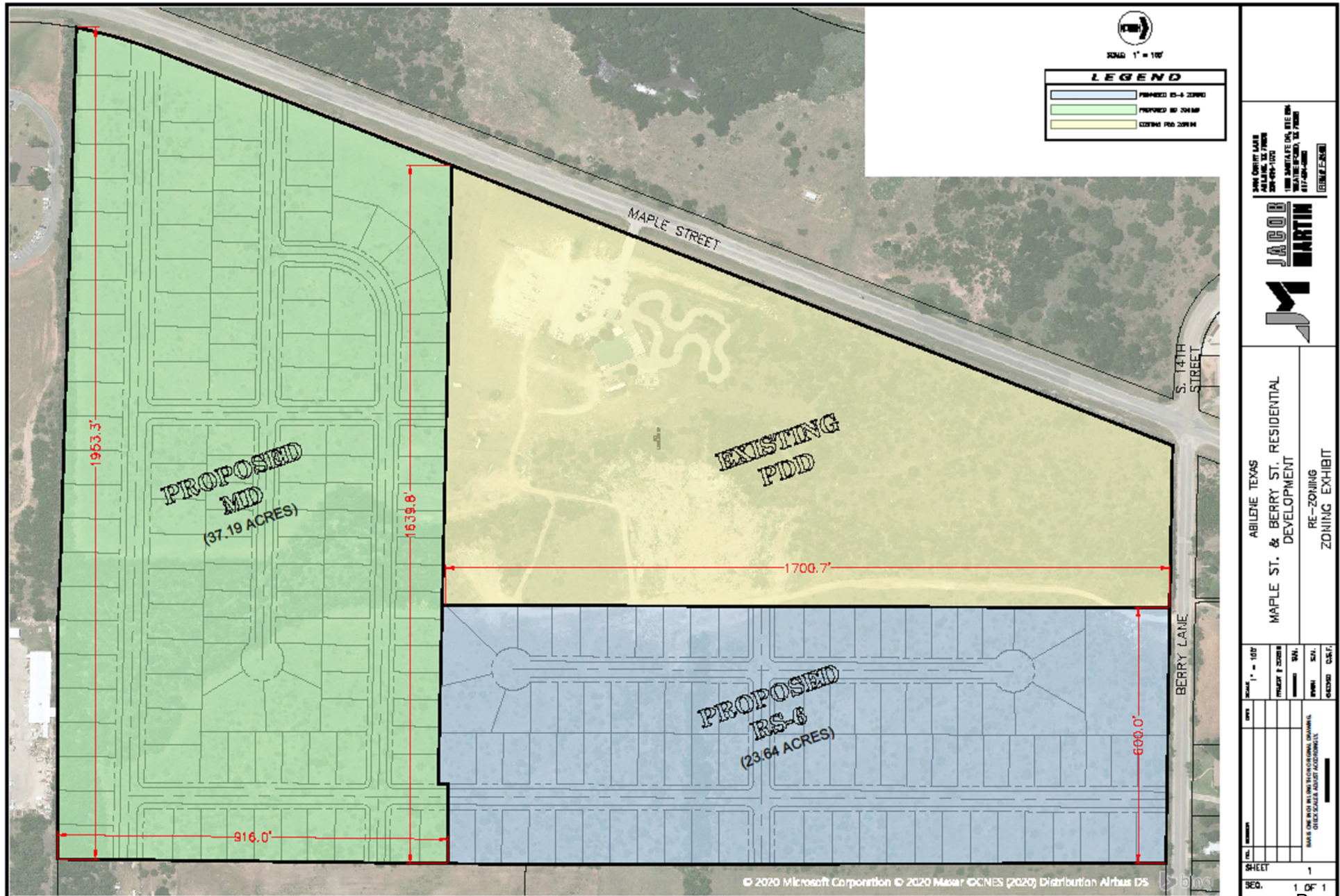
Legend

 Z-2020-14

Z-2020-14 ZONING MAP



Z-2020-14 GRAPHIC CONCEPT PLAN



MEDIUM DENSITY PERMITTED USES

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- C Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single-Family Detached
- C Group Home

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P Day Care Operation – Home-Based
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage & parking)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- C Civic, Social, and Fraternal Organization
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Homeless/Emergency Shelter
- C Rehabilitation Facility
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- C Day-Care Operation - Center-Based
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

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

RESIDENTIAL USES:

- C Bed & Breakfast
- C Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- C Group Home

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P/C Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage & parking)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- C Civic, Social, and Fraternal Organization
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

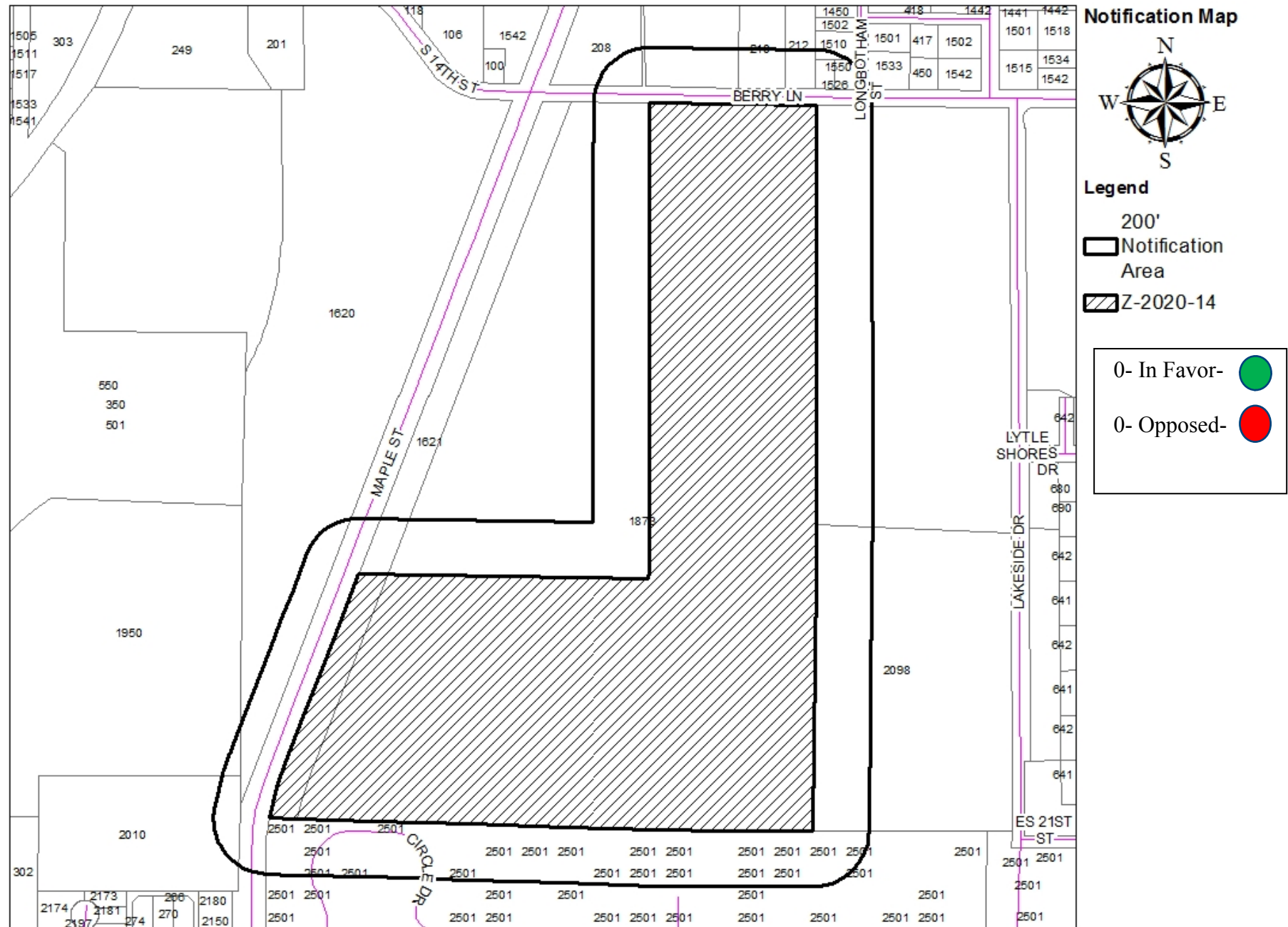
- P Petroleum or Gas Well
- P Urban Garden

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within 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-2020-14 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?

ZONING CASE CUP-2020-07

STAFF REPORT



REQUEST: Conditional Use Permit allowing multiple-family dwellings in General Retail (GR) District and in an adjoining Office (O) District.

APPLICANT:

Owner: PB 6950, LLC

Agent: Jacob & Martin, LLC

HEARING DATES:

P & Z Commission: October 6, 2020

City Council 1st Reading: October 22, 2020

City Council 2nd Reading: November 5, 2020

LOCATION:

- The subject property includes approximately 8.30 vacant acres in a General Retail (GR) District and 13.66 vacant acres in an adjacent Office (O) District, all of which lie in the 6800-6900 blocks (west side) of Highway 83-84 in far south Abilene
- All this acreage lies in the east half of Lunatic Asylum Lands Section 12 inside the City limits of Abilene.

BACKGROUND:

The subject properties together comprise approximately 21.96 acres. This acreage is part of a larger 57.2-acre collection of contiguous land under common ownership by the proponents. All 57.2 acres are now vacant.

All this vacant acreage was annexed to the City of Abilene in 1980 and was then automatically embraced within an Agricultural Open Space (AO) zoning district. That zoning classification remained in effect on these 57.2 acres until last year, when all of this property was rezoned to be in one of the following zoning classifications: General Retail (GR), Neighborhood Retail (NR), Neighborhood Office (NO), Office (O), Residential Multiple-Family (MF), Residential Medium-Density (MD) or Residential Patio Home (PH).

The present owners of these 57.2 acres now seek approval of a Conditional Use Permit (CUP) to allow multiple-family dwellings on:

- all 13.66 acres in the O zoning district, and
- all except the northernmost 1.56 acres in an adjacent GR District comprised of 9.86 acres total. The southern 8.30 acres of this GR District are proposed to allow multiple-family dwellings, extending all the way east to Highway 83-84.

A multiple-family dwelling includes any building with three (3) or more residential units therein. Since the adoption of Ordinance 35-2017, such buildings are not permitted in O and GR zoning districts, but, instead, require City Council's approval of a Conditional Use Permit.

ANALYSIS:

Criteria Analysis:

City staff has reviewed the request, based upon factors itemized in Section 1.4.3.5 of the Land Development Code, which concerns criteria for approval of Conditional Use Permits. These factors are identified and addressed below:

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

Abilene's Comprehensive Plan has an overarching objective to "*promote development characterized by a mix of mutually supportive and integrated residential and nonresidential use, combined with a network of interconnected streets with good pedestrian and bicycle access.*" Even if all 21+ acres embraced within this CUP are developed with multi-family dwellings, as proposed, directly to the north are another 7.25 acres of vacant land planned for future office and retail use. Urban-scale residences in PH, MD and MF Districts are planned to the west, farther from Highway 83-84. When such development is someday complete and connected by a network of collector and subcollector streets, the above-stated objective will be fulfilled.

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

Office (O) and General Retail (GR) zoning classifications are both intended for relatively intense commercial uses with building mass comparable to that of multi-family residences. However, the specific commercial uses allowed therein are not altogether incompatible with nearby residences, given the limitations of both Office (O) and General Retail (GR) zoning.

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 public rights-of-way) to mitigate development-related adverse impacts such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.

The immediate vicinity surrounding the subject 21.96 acres remains vacant. The closest nonfarm use of land includes single-family home sites 250 feet to the north. The intervening vacant acreage is located within Neighborhood Retail (NR) and Neighborhood Office (NO) zoning districts designed for close compatibility with adjacent single-family homes. With future development of this intervening acreage as well as the subject property itself, any adverse impacts should be mitigated by routine application of ordinary standards for land use buffering and landscaping.

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

A planned collector street alignment extends east-to-west through the center of these subject 21.96 acres. That future collector street will someday connect on the east with South Clack Street (frontage road for Highway 83-84) and on the west with a future extension of an arterial street on Memorial Drive. With this street network in place and the subject property so close to (no more than 1000

feet from) Highway 83-84, traffic generated by multi-family dwellings should pose no substantial threat of traffic congestion.

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 subject property and its surroundings are now vacant. There is nothing now to adjust, with the aim of reducing development-related traffic on neighborhood streets. Care must nonetheless be taken (with future subdivision of this acreage) to minimize traffic generated from high-density residences flowing through low-density residential neighborhoods.

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

Multi-family residential construction will be required to comply with ordinary Site Development Regulations (in Chapter 4) of Abilene's Land Development Code. These include but are not limited to minimum standards for landscaping, screening unsightly features and shielding exterior illumination. Effective enforcement of these standards will help minimize adverse effects on adjacent properties.

7. **The proposed use meets applicable 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.**

Construction of multiple-family dwellings will be required to comply with all applicable standards of similar such construction in Residential Multiple-Family zoning districts. These include limitations on overall density (24 units per acre) and building height (3 stories or 40 feet) as well as minimum building setbacks and minimum paved parking requirements. With this requested CUP, the proponents are simply seeking permission to allow construction of multiple-family dwellings on now-vacant acreage in General Retail (GR) and Office (O) zoning districts.

Comprehensive Planning Analysis

The 2004 Comprehensive Plan includes a graphic plan map of Future Land Use and Development in and around Abilene. On that plan map, the subject property and its surroundings are encompassed within an area designated as GATEWAY / MIXED USE. As expressed earlier, this subject property lies close to Highway 83-84 in far south Abilene. This particular segment of Highway 83-84 functions as a major gateway to Abilene, from the south. The 2004 Comprehensive Plan goes on to state this Highway 83-84 gateway should *"be protected and enhanced to reflect citizens' aspirations for improving the design, appearance and image of Abilene."* Constructing multiple-family dwellings on this subject property is consistent with that goal of making Highway 83-84 an attractive entryway to Abilene. Promoting mixed use in this same environment will furthermore be enhanced by leaving some adjacent areas available for compatible retail and office use.

Existing Land Use

Location	Zoning	Existing Land Use
North	NO, NR	vacant acreage
South	AO	vacant acreage
East	GR	vacant acreage
West	MF, MD	vacant acreage

STAFF RECOMMENDATION:

Staff recommends approval of the requested CUP allowing multiple-family dwellings, as allowed in MF zoning, on this subject property. Such residential use will help promote goals for enhancing the appearance of development on Highway 83-84, especially where it functions as a major entryway to Abilene.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On October 6, 2020, Abilene's Planning and Zoning Commission will meet to review this requested Conditional Use Permit.

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
PARKER CYNTHIA	7050 HWY 83-84	
PARKER CYNTHIA		
PB 6950 LLC	6950 HWY 83-84	
PB 6950 LLC		





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

Project Name: PB6950 Highway 83-84 Tract

Address: Approx. No. of lots: _____ Acreage: _____
A0832 SUR 12 L A L NE/4, TRACT 4 FASSHAUER, ACRES 31.896 A0766 SUR 12 L A L SE/4, ACRES 4.95 A0831 SUR 12 L A L SW/4, TRACT 7, ACRES 1.72

Legal Description: A0766 SUR 12 L A L SE/4, TRACT 5, ACRES 22.818 A0766 SUR 12 L A L SE/4, ACRES 4.95

Subdivision Name: _____ Block: _____ Lot: _____

Current Zoning: Multiple Proposed Zoning (if applicable): CUP for MF within O and GR district
See attached exhibit

OWNER AND AUTHORIZATION

Owner Name: PB 6950, LLC.

Address: 3409 S. 14th Street, Suite 204

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

Phone: _____ Email: _____

Agent Name: Jacob & Martin

Address: 3465 Curry Lane

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

Phone: 325-695-1070 Email: cfarrow@jacobmartin.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: M. McGuffin Date: 8/3/2020

FOR OFFICE USE ONLY

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

AUG 3 PM 4:27



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.

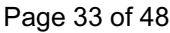
PLEASE READ BEFORE SIGNING

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: M. Mcguffin DATE: 8/3/2020





CASE #: CUP-2020-07

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: PB 6950 LLC / Kyle Row
Address: 3409 S 14th St 201, Abilene TX 79605

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: _____

AUG 28 AM 10:09

CASE #: CUP-2020-07

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.

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

Name: PB 6950 LLC / Kyle Row
Address: 3109 S 14TH St 201, Abilene TX 79605

email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

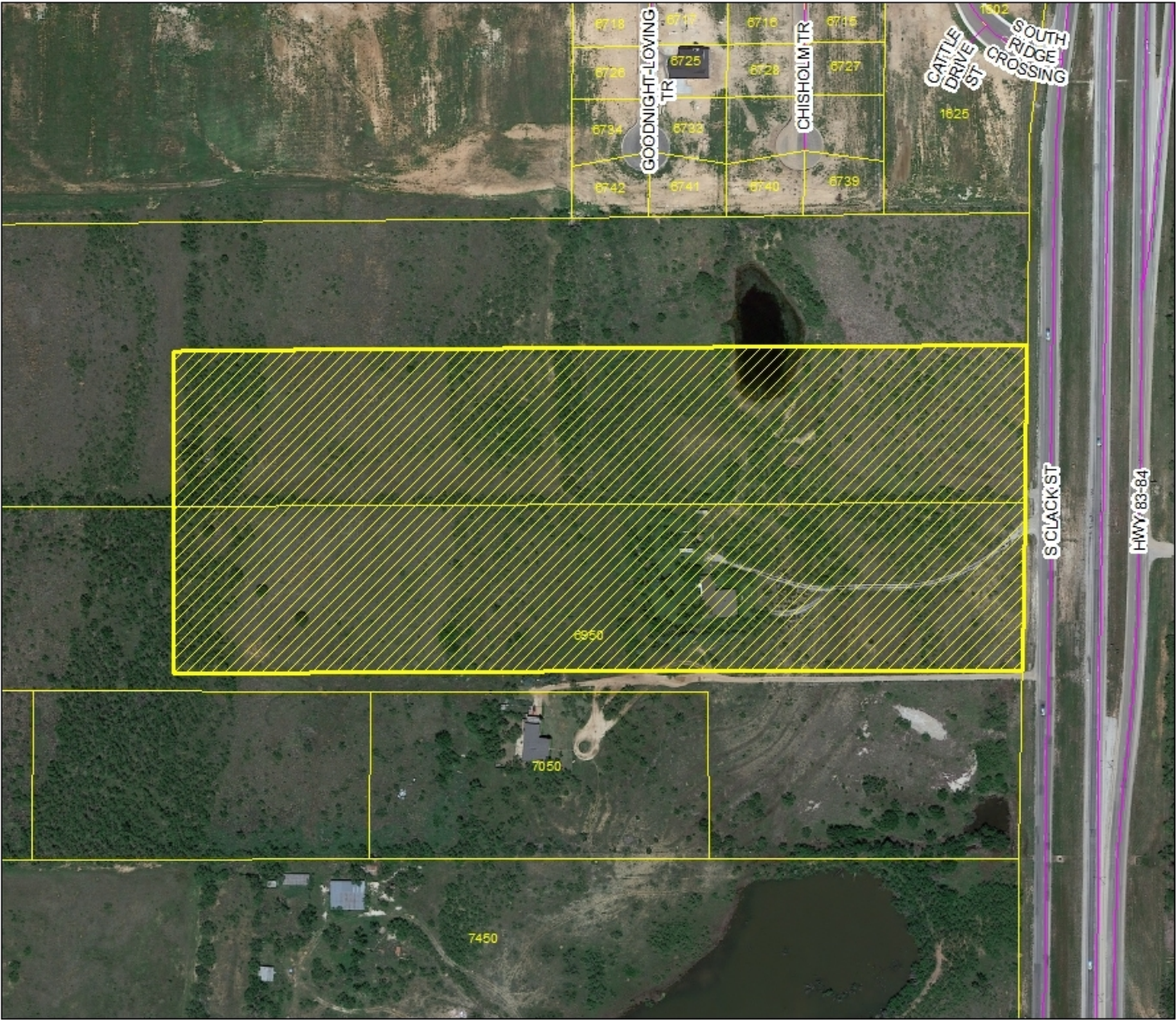
Additional Comments:

Signature: _____

AUG 28 AM 10:09

Case:	CUP-2020-07
Owner:	PB 6950, LLC
Agent:	Jacob & Martin, LLC
Request:	Conditional Use Permit to allow Multi-Family Dwellings in General Retail (GR) District and in an adjoining Office (O) District
Location:	8.30 acres and 13.66 acres in the 6800 - 6900 blocks (west side) of Highway 83/84
Notification:	2 in Favor, 0 Opposed
Planning & Zoning:	October 6, 2020
City Council Hearing:	October 22, 2020 November 5, 2020

CUP-2020-07 AERIAL LOCATION MAP



Location Map



Legend

 CUP-2020-07

CUP-2020-07 ZONING MAP





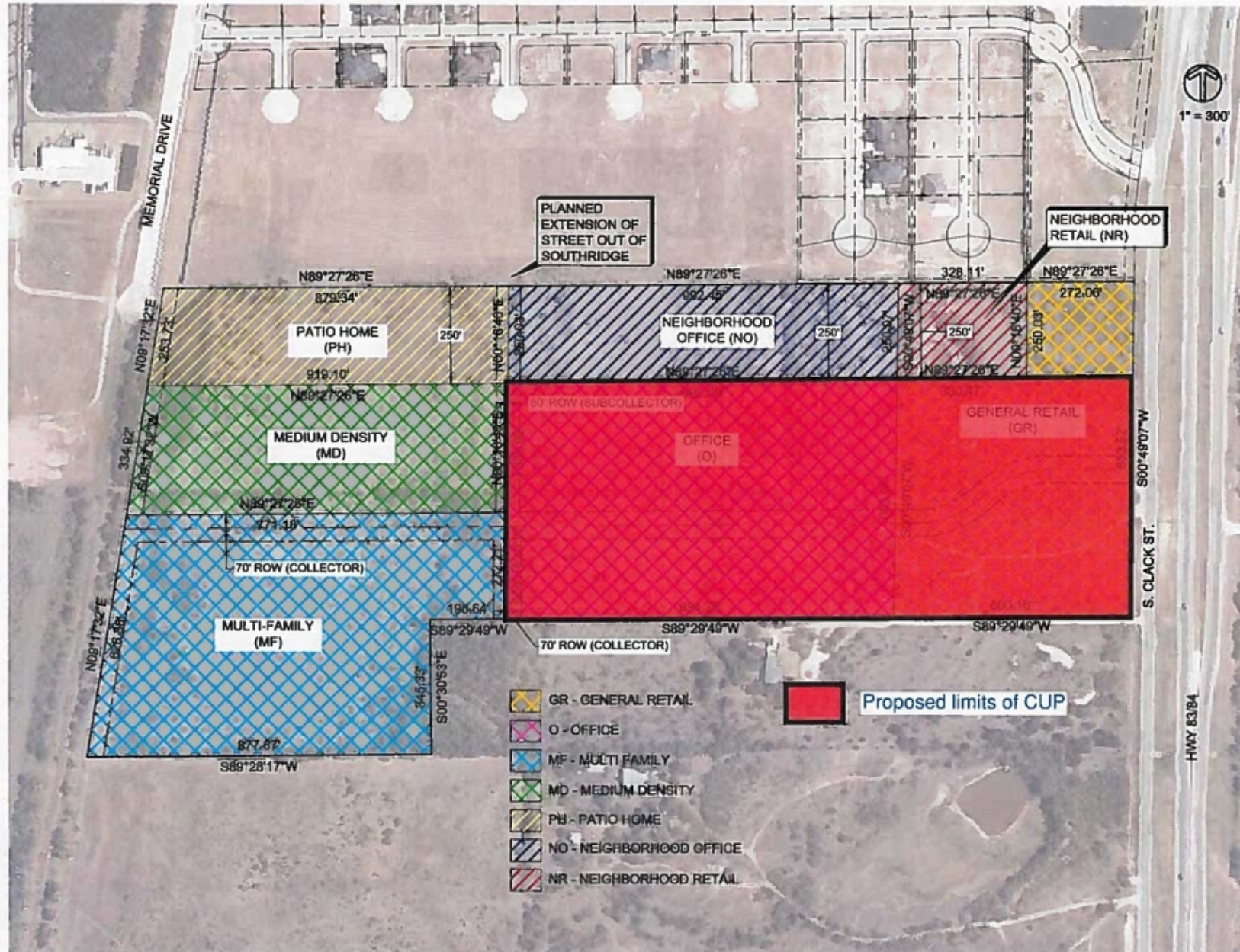
Subject Property Approximate Location



Subject Property

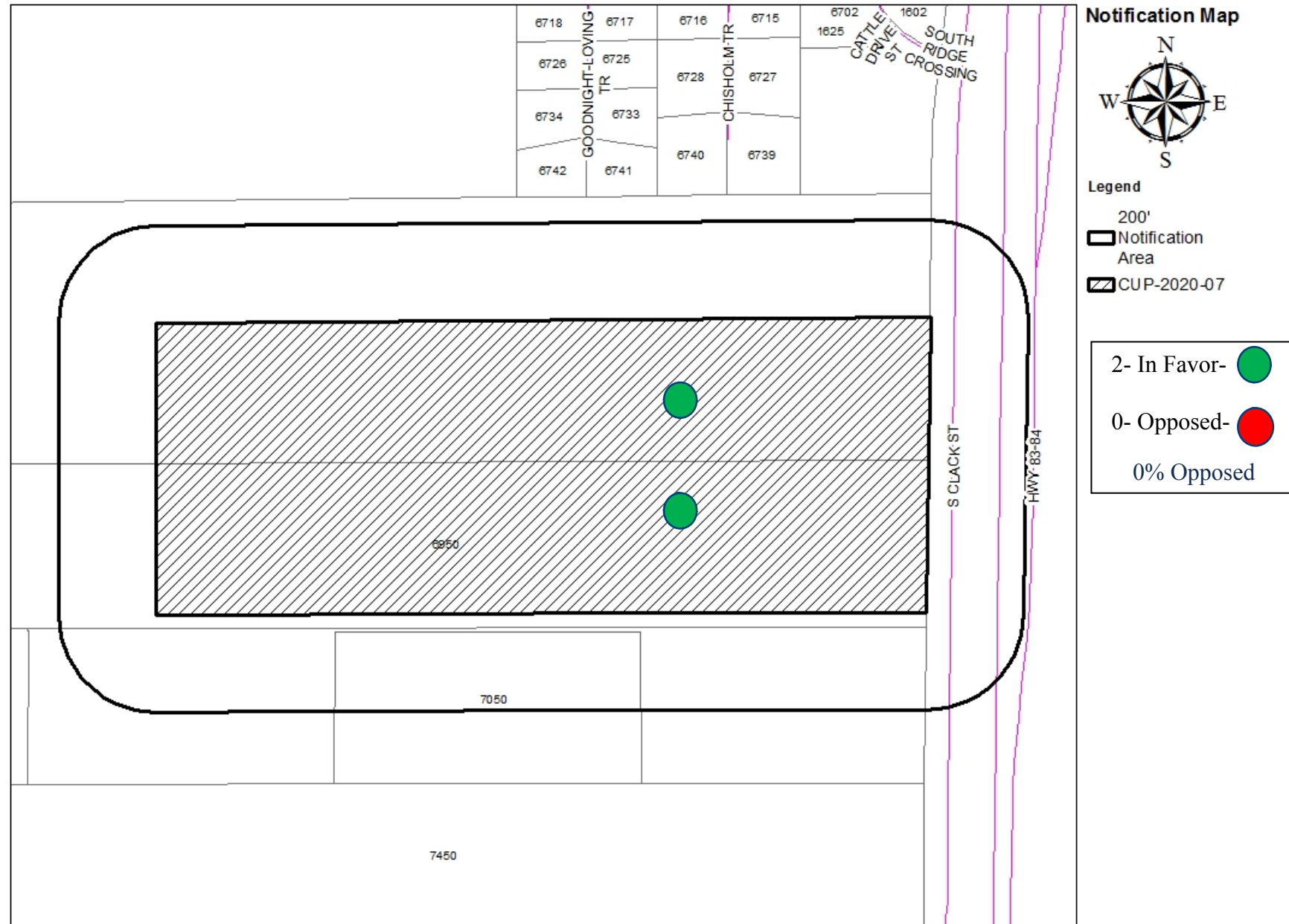


Neighboring Property (North)



Site plan of the proposed development showing building footprints, parking spaces, and landscaping. The plan includes dimensions for building footprints, setbacks, and parking spaces. Building types are labeled as BLDG TYPE 1, BLDG TYPE 2, BLDG TYPE 5, BLDG TYPE 7, and BLDG TYPE 9. The plan also shows a 25' front yard setback, a 32' R.O.W., and a 30' front yard setback. A scale bar indicates 1" = 40' - 0".

CUP-2020-07 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

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 22th day of October 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 19th day of September, 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 5th day of November, 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 5th day of November, A.D. 2020.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Conditional Use Permit (CUP) to allow multiple-family dwellings in an Office (O) zoning district and in part of an adjoining General Retail (GR) District, the specific descriptions of which are described below:

Legal description:

all of an Office (O) zoning district comprised of 13.66 acres out of the northeast quarter of Section No. 12, Lunatic Asylum Lands, E. Pogue Survey, Abstract No. 832, City of Abilene, Taylor County, Texas and the southeast quarter of Section No. 12, Lunatic Asylum Lands, M. Jones Survey, Abstract No. 766, City of Abilene, Taylor County, Texas and being out of the south-central portion of that certain 56.32-acre tract as shown per survey for the Estate of Dorothy Parker by Williams Surveying Company in December, 2011, said 13.66-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at a point for the southeast corner of this described tract, and being in the most easterly south line of said 56.32-acre tract, from which the most easterly southeast corner of said 56.32-acre tract (being in the west line of right-of-way for U.S. Highway 83-84) bears N. 89° 29' 49" E. 600.16 feet;

THENCE S. 89° 29' 49" W. along the south line of this described tract, same being the most easterly south line of said 56.32-acre tract, a distance of 984.39 feet to a point for the southwest corner of this described tract, from which an interior corner in the south line of said 56.32-acre tract bears S. 89° 29' 49" W. 196.64 feet;

THENCE N. 00° 16' 40" E. along the west line of this described tract, and over and across said 56.32-acre tract, a distance of 602.24 feet to a point for the northwest corner of this described tract;

THENCE N. 89° 27' 26" E. along the north line of this described tract and continuing over and across said 56.32-acre tract, a distance of 990.09 feet to a point for the northeast corner of this described tract;

THENCE S. 00° 49' 07" W. along the east line of this described tract, and continuing over and across said 56.32-acre tract, a distance of 603.04 feet to said POINT OF BEGINNING and containing 13.66 acres of land, more or less;

-and-

all except the north 250.03 feet of the east 272.06 feet of a General Retail (GR) zoning district comprised of 9.86 acres out of the northeast quarter of Section No. 12, Lunatic Asylum Lands, E. Pogue Survey, Abstract No. 832, City of Abilene, Taylor County, Texas and the southeast quarter of Section No. 12, Lunatic Asylum Lands, M. Jones Survey, Abstract No. 766, City of Abilene, Taylor County, Texas and being out of the east end of that certain 56.32-acre tract as shown per survey for the Estate of Dorothy Parker by Williams Surveying Company in December, 2011, said 9.86-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at a point for the northeast corner of this described tract and said 56.32-acre tract, being in the west line of right-of-way for U.S. Highway 83-84;

THENCE S. 00° 49' 07" W. along the east line of this described tract, same being the most northerly east line of said 56.32-acre tract, same being the west line of right-of-way for U.S. Highway 83-84, a distance of 853.52 feet to a point for the southeast corner of this described tract, same being the most northerly southeast corner of said 56.32-acre tract;

THENCE S. 89° 29' 49" W. along the south line of this described tract, same being the most easterly south line of said 56.32-acre tract, a distance of 600.16 feet to a point for the most westerly northwest corner of this described tract;

THENCE N. 00° 49' 07" E. along the most southerly west line of this described tract, and over and across said 56.32-acre tract, a distance of 603.04 feet to a point for the most westerly northwest corner of this described tract;

THENCE N. 89° 27' 26" E. along the most westerly north line of this described tract, and over and across said 56.32-acre tract, a distance of 330.47 feet to a point for an interior corner of this described tract;

THENCE N. 00° 16' 40" E. along the most northerly west line of this described tract, and over and across said 56.32-acre tract, a distance of 250.03 feet to point for the most northerly northwest corner of this described tract, and being in the north line of said 56.32-acre tract;

THENCE N. 89° 27' 26" E. along the most easterly north line of this described tract, same being the north line of said 56.32-acre tract, a distance of 272.06 feet to said POINT OF BEGINNING and containing 9.86 acres of land, more or less.



