



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 November 3, 2020, at 1:30 p.m., 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 October 6, 2020 and the Special Called Meeting held on October 13, 2020.

PLATS

2. **FP-5520:** Public hearing and possible vote to approve or deny Quality Implement Addition, a Subdivision of 14.283 acres out of the Southeast 1/4 of Section 62, Blind Asylum Lands, Taylor County, Texas

ZONING

3. **Z-2020-15:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Carriage Hills Development Corporation, agent Jacob & Martin LLC, to rezone property from Agricultural Open Space (AO) to a Residential Single-Family (RS-6) District on 52.88 acres of now-vacant land in the 7700-7800 blocks (east side) of Maple Street in far south Abilene. Legal description being 52.88 acres out of southwest quarter of Lunatic Asylum Lands Section 14 in Taylor County, Texas
4. **Z-2020-16:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Carriage Hills Development Corporation, agent Jacob & Martin LLC, to rezone property from Agricultural Open Space (AO) to a Planned Development (PD) District allowing residential townhome development having clusters of as few as two dwelling units, on 22.13 acres of now-vacant land located east from the 7700-7800 blocks of Maple Street and west from Kristie Path and Alex Way in the Sawgrass Addition. Legal description being 22.13 acres out of southwest quarter of Lunatic Asylum Lands Section 14 in Taylor County, Texas

5. **Z-2020-17:** Public hearing and possible vote to recommend approval or denial to City Council on a request from QT South LLC, agent Lauren Montgomery, to change the terms of Planned Development (PD) District Number PD 116 located on southeast corner of Old Anson Road and Interstate Highway 20 in northwest Abilene, specifically regarding the height and area of signs allowed there. Legal description being Lot 1 in Block 1 of the subdivision known as QT South LLC
6. **Z-2020-19:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Oldham Partners LP and Windmill Circle Partners LP, agent Tony Conder, to rezone approximately 3.8 acres in a General Retail (GR) District extending 300 feet north from the 900 block of Gateway Street, and approximately 4.3 acres in an adjacent Neighborhood Retail (NR) District extending 300 feet west from the 3600-3700 blocks of Oldham Lane, to a General Commercial (GC) District. Legal description being approximately 8.1 acres out of southeast quarter of Blind Asylum Lands Section 62 in Abilene, Taylor County, Texas
7. **Z-2020-20:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Albert Houle, agents Chris Barnett and Dale Scoggins, to rezone approximately 8.14 acres at 7602 thru 7734 Hwy. 83-84 and situated at or near the southwest corner of Waldrop Drive and U.S. Hwys. 83-84, from an Agricultural Open Space (AO) District to a General Commercial (GC) District. Legal description being approximately 8.14 acres out of northeast quarter of Lunatic Asylum Lands Section 23 in Taylor County, Texas
8. **Z-2020-21:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Vinson Higginbotham, agent Jack Zanger of Triangle Engineering, to rezone approximately 4.04 acres on the 4900-5000 blocks (southwest side) of South Clack Street, from an Agricultural Open Space (AO) to a General Commercial (GC) District. Legal description being approximately 4.04 acres out of Lot 6 in the Alfred and Mary Fasshauer Subdivision of Blind Asylum Lands Section 65 in Abilene, Taylor County, Texas
9. **CUP-2020-08:** Public hearing and possible vote to recommend approval or denial to City Council on a request from Oldham Partner LP and Windmill Circle Partners LP, agent Tony Conder, for approval of a Conditional Use Permit allowing retail sales and rental of trucks and other large vehicles and equipment on 24.371 acres in a General Commercial (GC) District at 750 Gateway Street and the 3600-3700 blocks (east side) of Loop 322. Legal description being 24.371 acres out of southeast quarter of Blind Asylum Lands Section 62 in Abilene, Taylor County, Texas
10. **OAM-2020-02:** Public hearing and possible vote to recommend approval or denial to City Council on proposed ordinance repealing Ordinance No. 35-2017 and replacing the provisions of that ordinance with alternative amendments to the Land Development Code of the Abilene City Code, specifically addressing multiple-family dwellings in certain nonresidential zoning districts as well as clarifying terms and conditions for multiple-family residential development allowed in nonresidential zoning districts

DIRECTORS REPORT

11. 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 30th day of October, 2020, at 4:45 p.m.

Shawna Atkinson, TRMC
City Secretary



Planning and Zoning Commission MINUTES

October 6, 2020 | 1:30 p.m. | Abilene, Texas City Hall – Council Chambers

Commissioners Present:

Mr. Fred Famble, Chairman

Ms. Alex Russell, Sergeant-at-Arms

Mr. Mitch Barnett

Mr. Clint Rosenbaum, Pro Tem

Rev. Iziar Lankford

Commissioners Absent:

Mr. Bill Noonan, Secretary

Mr. Brad Benham

Staff Present:

Mr. Michael Rice, Assistant City Manager

Mr. Michael Warrix, Director of Planning and Development Services

Ms. Cheryl Sawyers, Planning Services Manager

Mr. Stanley Smith, City Attorney

Mr. Brad Stone, Planner III

Mr. Jared Smith, Planner II

Mr. Nick Watts, Planner I and Historic Preservation Officer

Ms. Melissa Farr, Executive Assistant

Others Present:

Mr. David Todd

Dr. Rico Torres

Mr. Clayton Farrow

Ms. Donna Long

Mr. Tal Fillingim

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: 5 – Barnett, Russell, Rosenbaum, Lankford, Famble

INVOCATION

Reverend Lankford delivered the invocation.

APPROVAL OF MINUTES FOR THE PREVIOUS MEETING

Mr. Rosenbaum moved to approve the minutes for the Planning and Zoning Commission regular meeting of September 1, 2020. Reverend Lankford seconded the motion. The motion to approve prevailed by the following vote:

AYES: Barnett, Russell, Rosenbaum, Lankford, Famble

NAYS: None

PLATS

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

Mr. Rainbow presented the plat to the Commission. There will be 27 new residential lots.

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

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

AYES: Barnett, Russell, Rosenbaum, Lankford, Famble

NAYS: None

ZONING

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 (RS6) 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 RS6 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

Mr. Jared Smith presented this request. 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.

Mr. Famble opened the public hearing. Mr. Clayton Farrow spoke in favor and was available to answer questions.

Dr. Rico Torres approached to ask questions. He inquired about the number of houses allowed in Medium Density (MD) zoning. Dr. Torres also asked if there would be any gates, or entrances from Berry Lane and/or Maple Street.

Mr. Mike Carpenter approached the lectern to speak in opposition. He expressed his concern of a potential apartment complex and strongly opposed the idea.

Mr. Clayton Farrow came forward to address concerns and answer any questions. He stated this will be a public subdivision with public roadways. The intent shown in drawing is approximately four or five units per acres. Residential Medium Density (MD) zoning allows up to 12 units per acre.

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 four (4) in opposition.

PLANNING STAFF RECOMMENDATION: Approval

Ms. Russell made the motion to **approve** this request. Mr. Barnett seconded the motion. The motion to **approve** prevailed by the following vote:

AYES: Barnett, Russell, Rosenbaum, Lankford, Famble

NAYS: None

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 8384

Mr. Brad Stone presented this request. The applicant is requesting a Conditional Use Permit allowing multiple-family dwellings in General Retail (GR) District and in an adjoining Office (O) District.

Mr. Famble opened the public hearing. Mr. Tal Fillingim spoke in favor and was available for questions. The client purchased this land approximately a year ago with the intent for mixed use

development. The owner's desire is now to include Residential Multiple-Family zoning (MF) for a large portion of the property.

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 none (0) in opposition.

PLANNING STAFF RECOMMENDATION: Approval

Discussion among the Commission concluded the buffers exist and it is only one-story. Commissioners agreed it is a good use for this property.

Ms. Russell made the motion to approve this request. Mr. Rosenbaum seconded the motion. The motion to approve prevailed by the following vote:

AYES: Barnett, Russell, Rosenbaum, Lankford, Famble

NAYS: None

DIRECTOR'S REPORT

Mr. Warrix thanked the Commissioners for attending the joint meeting and provided an update on the Comprehensive Plan effort.

ADJOURNMENT

There being no further discussion, Mr. Famble adjourned the meeting at 2:01 p.m.

APPROVED

Mr. Fred Famble, Chairman



Planning and Zoning Commission SPECIAL CALLED MEETING MINUTES

October 13, 2020 | 1:30 p.m. | Abilene, Texas City Hall – Council Chambers

Commissioners Present:

Mr. Fred Famble, Chairman
Rev. Izlar Lankford
Mr. Brad Benham

Mr. Clint Rosenbaum, Pro Tem
Mr. Bill Noonan, Secretary
Mr. Mitch Barnett

Commissioners Absent:

Ms. Alex Russell, Sergeant-at-Arms

Staff Present:

Mr. Michael Rice, Assistant City Manager
Mr. Michael Warrix, Director of Planning and Development Services
Ms. Cheryl Sawyers, Planning Services Manager
Mr. Stanley Smith, City Attorney
Mr. Jared Smith, Planner II
Ms. Melissa Farr, Executive Assistant

CALL TO ORDER

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

Present: 6 – Barnett, Benham, Rosenbaum, Noonan, Lankford, Famble

INVOCATION

Reverend Lankford delivered the invocation.

APPROVAL OF MINUTES FOR THE PREVIOUS MEETING

Mr. Noonan moved to **approve** the minutes for the Special Called/Joint Meeting of October 1, 2020. Reverend Lankford seconded the motion. The motion to **approve** prevailed by the following vote:

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

NAYS: None

ZONING

SNC-2020-01: Public hearing and possible vote to recommend approval or denial to the City Council on a request from Lytle Lake Water Control and Improvement District, agent Dennis O'Connell, to add an honorary street name "Larry and Mary Gill's Way" to the street known as Lytle Way Circle extending west from Lytle Way in southeast central Abilene, Taylor County, Texas

Mr. Jared Smith presented this request. The applicant is requesting an honorary street name commemorating the dedication that Larry and Mary Gill have displayed to their community over the years.

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. No (0) responses were received in favor, with one (1) in opposition.

PLANNING STAFF RECOMMENDATION: Approval

Discussion among the Commission included the concerns of setting a precedence and following guidelines.

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

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

NAYS: None

ADJOURNMENT

There being no further discussion, Mr. Famble adjourned the meeting at 1:45 p.m.

APPROVED

Mr. Fred Famble, Chairman

FIELD NOTES
14.283 ACRES

BEING 14.283 acres out of the southeast 1/4 of Section 62, Blind Asylum Lands, Taylor County, Texas, said 14.283 acres being all of a 1.859 acre tract described in Volume 3212, Page 302, Official Public Records, Taylor County, Texas and part of a 17.855 acre tract designated Tract One in Instrument No. 2014-17856, Official Public Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" rebar found on the EBL of Loop 322 (right-of-way varies) at the northwest corner of Lot 1, Block A, Section 2, Tuscany Village Addition, as shown by plat recorded in Cabinet 2, Slide 372-A, Plat Records, Taylor County, Texas for the most westerly southwest corner of this tract, whence the southeast corner of said Section 62 is recorded to bear S16°34'40"W 228.76 feet, S89°36'17"E 2140.6 feet and South 76.9 feet;

THENCE N17°20'23"E 634.99 feet, along the EBL of Loop 322, to a 1/2" rebar found on the WBL of said 17.855 acre tract;

THENCE N21°41'22"E 15.02 feet, along the EBL of Loop 322, to a 1/2" rebar found on the WBL of said 17.855 acre tract, for the northwest corner of this tract;

THENCE N85°47'29"E 507.38 feet, to a 1/2" rebar found at the southwest corner of Lot 2, Block A, Section 2, Tuscany Village Addition, as shown by plat recorded in Cabinet 4, Slide 101, Plat Records, Taylor County, Texas;

THENCE S88°32'15"E 483.04 feet, to a 1/2" rebar found on the WBL of Block A, Replat of Section 1, Tuscany Village, as shown by plat recorded in Cabinet 2, Slide 369-D, Plat Records, Taylor County, Texas, same being the southeast corner of said Lot 2, for the northeast corner of this tract;

THENCE S1°27'45"W 380.49 feet, to an aluminum monument found at the southwest corner of Lot 20, Block A, Section 1, Tuscany Village Addition, as shown by plat recorded in Cabinet 2, Slide 351-A, Plat Records, Taylor County, Texas for the most easterly southeast corner of this tract;

THENCE N88°32'31"W 598.43 feet to an aluminum monument found at an interior corner of said 17.855 acre tract, for an interior corner of this tract;

THENCE S4°11'08"W at 501.77 feet, pass a 3/8" rebar set on the NBL of East Industrial Boulevard (right-of-way varies) and continue on for a total distance of 590.11 feet, to a point on the SBL of said Section 62, for the most southerly southeast corner of this tract;

THENCE N88°55'59"W 304.84 feet, along East Industrial Boulevard and the SBL of said Section 62, to a point for the most southerly southwest corner of this tract;

THENCE N04°13'43"E at 88.83 feet, pass a 3/8" rebar set on the NBL of East Industrial Boulevard and continue on for a total distance of 299.0 feet, to a 5/8" rebar found at the northeast corner of said Lot 1, Block A, Section 2, Tuscany Village Addition, for an interior corner of this tract;

THENCE N88°53'33"W 249.97 feet, along the NBL of said Lot 1, Block A, Section 2, Tuscany Village Addition, to the place of beginning and containing 14.283 acres of land.

Legend

Found 5/8" rebar

Found 1/2" rebar

Found Aluminum Monument

Set 3/8" rebar

Recorded Call

Utility Basement

Building Setback Line

Right of Way

Place of Beginning

Official Public Records

Line

North Boundary Line

South Boundary Line

Scale: 1" = 100'

Scale: 1" = 200'

North Arrow

Scale in Feet

Scale: 1" = 200'

Easement Detail

Scale: 1" = 100'

N85°47'29"E

S88°32'15"E 483.04'

N88°32'31"W 598.43'

S1°27'45"W 380.49'

N04°13'43"E 299.0'

N88°53'33"W 249.97'

N88°55'59"W 304.84'

N17°20'23"E 634.99'

N21°41'22"E 15.02'

LINE TABLE

LINE	BEARING	DISTANCE
1	S88°32'31"W	598.51
2	S4°11'08"W	501.77
3	N17°20'23"E	634.99
4	N21°41'22"E	15.02
5	N85°47'29"E	507.38
6	N88°32'15"E	483.04
7	N88°32'31"W	598.43
8	S1°27'45"W	380.49
9	N04°13'43"E	299.00
10	N88°53'33"W	249.97
11	N88°55'59"W	304.84
12	N17°20'23"E	634.99
13	N21°41'22"E	15.02
14	N85°47'29"E	507.38
15	N88°32'15"E	483.04
16	N88°32'31"W	598.43
17	S1°27'45"W	380.49
18	N04°13'43"E	299.00
19	N88°53'33"W	249.97
20	N88°55'59"W	304.84
21	N17°20'23"E	634.99
22	N21°41'22"E	15.02
23	N85°47'29"E	507.38
24	N88°32'15"E	483.04
25	N88°32'31"W	598.43
26	S1°27'45"W	380.49
27	N04°13'43"E	299.00
28	N88°53'33"W	249.97
29	N88°55'59"W	304.84
30	N17°20'23"E	634.99
31	N21°41'22"E	15.02
32	N85°47'29"E	507.38
33	N88°32'15"E	483.04
34	N88°32'31"W	598.43
35	S1°27'45"W	380.49
36	N04°13'43"E	299.00
37	N88°53'33"W	249.97
38	N88°55'59"W	304.84
39	N17°20'23"E	634.99
40	N21°41'22"E	15.02
41	N85°47'29"E	507.38
42	N88°32'15"E	483.04
43	N88°32'31"W	598.43
44	S1°27'45"W	380.49
45	N04°13'43"E	299.00
46	N88°53'33"W	249.97
47	N88°55'59"W	304.84
48	N17°20'23"E	634.99
49	N21°41'22"E	15.02
50	N85°47'29"E	507.38
51	N88°32'15"E	483.04
52	N88°32'31"W	598.43
53	S1°27'45"W	380.49
54	N04°13'43"E	299.00
55	N88°53'33"W	249.97
56	N88°55'59"W	304.84
57	N17°20'23"E	634.99
58	N21°41'22"E	15.02
59	N85°47'29"E	507.38
60	N88°32'15"E	483.04
61	N88°32'31"W	598.43
62	S1°27'45"W	380.49
63	N04°13'43"E	299.00
64	N88°53'33"W	249.97
65	N88°55'59"W	304.84
66	N17°20'23"E	634.99
67	N21°41'22"E	15.02
68	N85°47'29"E	507.38
69	N88°32'15"E	483.04
70	N88°32'31"W	598.43
71	S1°27'45"W	380.49
72	N04°13'43"E	299.00
73	N88°53'33"W	249.97
74	N88°55'59"W	304.84
75	N17°20'23"E	634.99
76	N21°41'22"E	15.02
77	N85°47'29"E	507.38
78	N88°32'15"E	483.04
79	N88°32'31"W	598.43
80	S1°27'45"W	380.49
81	N04°13'43"E	299.00
82	N88°53'33"W	249.97
83	N88°55'59"W	304.84
84	N17°20'23"E	634.99
85	N21°41'22"E	15.02
86	N85°47'29"E	507.38
87	N88°32'15"E	483.04
88	N88°32'31"W	598.43
89	S1°27'45"W	380.49
90	N04°13'43"E	299.00
91	N88°53'33"W	249.97
92	N88°55'59"W	304.84
93	N17°20'23"E	634.99
94	N21°41'22"E	15.02
95	N85°47'29"E	507.38
96	N88°32'15"E	483.04
97	N88°32'31"W	598.43
98	S1°27'45"W	380.49
99	N04°13'43"E	299.00
100	N88°53'33"W	249.97
101	N88°55'59"W	304.84
102	N17°20'23"E	634.99
103	N21°41'22"E	15.02
104	N85°47'29"E	507.38
105	N88°32'15"E	483.04
106	N88°32'31"W	598.43
107	S1°27'45"W	380.49
108	N04°13'43"E	299.00
109	N88°53'33"W	249.97
110	N88°55'59"W	304.84
111	N17°20'23"E	634.99
112	N21°41'22"E	15.02
113	N85°47'29"E	507.38
114	N88°32'15"E	483.04
115	N88°32'31"W	598.43
116	S1°27'45"W	380.49
117	N04°13'43"E	299.00
118	N88°53'33"W	249.97
119	N88°55'59"W	304.84
120	N17°20'23"E	634.99
121	N21°41'22"E	15.02
122	N85°47'29"E	507.38
123	N88°32'15"E	483.04
124	N88°32'31"W	598.43
125	S1°27'45"W	380.49
126	N04°13'43"E	299.00
127	N88°53'33"W	249.97
128	N88°55'59"W	304.84
129	N17°20'23"E	634.99
130	N21°41'22"E	15.02
131	N85°47'29"E	507.38
132	N88°32'15"E	483.04
133	N88°32'31"W	598.43
134	S1°27'45"W	380.49
135	N04°13'43"E	299.00
136	N88°53'33"W	249.97
137	N88°55'59"W	304.84
138	N17°20'23"E	634.99
139	N21°41'22"E	15.02
140	N85°47'29"E	507.38
141	N88°32'15"E	483.04
142	N88°32'31"W	598.43
143	S1°27'45"W	380.49
144	N04°13'43"E	299.00
145	N88°53'33"W	249.97
146	N88°55'59"W	304.84
147	N17°20'23"E	634.99
148	N21°41'22"E	15.02
149	N85°47'29"E	507.38
150	N88°32'15"E	483.04
151	N88°32'31"W	598.43
152	S1°27'45"W	380.49
153	N04°13'43"E	299.00
154	N88°53'33"W	249.97
155	N88°55'59"W	304.84
156	N17°20'23"E	634.99
157	N21°41'22"E	15.02
158	N85°47'29"E	507.38
159	N88°32'15"E	483.04
160	N88°32'31"W	598.43
161	S1°27'45"W	380.49
162	N04°13'43"E	299.00
163	N88°53'33"W	249.97
164	N88°55'59"W	304.84
165	N17°20'23"E	634.99
166	N21°41'22"E	15.02
167	N85°47'29"E	507.38
168	N88°32'15"E	483.04
169	N88°32'31"W	598.43
170	S1°27'45"W	380.49
171	N04°13'43"E	299.00
172	N88°53'33"W	249.97
173	N88°55'59"W	304.84
174	N17°20'23"E	634.99
175	N21°41'22"E	15.02
176	N85°47'29"E	507.38
177	N88°32'15"E	483.04
178	N88°32'31"W	598.43
179	S1°27'45"W	380.49
180	N04°13'43"E	299.00
181	N88°53'33"W	249.97
182	N88°55'59"W	304.84
183	N17°20'23"E	634.99
184	N21°41'22"E	15.02
185	N85°47'29"E	507.38
186	N88°32'15"E	483.04
187	N88°32'31"W	598.43
188	S1°27'45"W	380.49
189	N04°13'43"E	299.00
190	N88°53'33"W	249.97
191	N88°55'59"W	304.84
192	N17°20'23"E	634.99
193	N21°41'22"E	15.02
194	N85°47'29"E	507.38
195	N88°32'15"E	483.04
196	N88°32'31"W	598.43
197	S1°27'45"W	380.49
198	N04°13'43"E	299.00
199	N88°53'33"W	249.97
200	N88°55'59"W	304.84
201	N17°20'23"E	634.99
202	N21°41'22"E	15.02
203	N85°47'29"E	507.38
204	N88°32'15"E	483.04
205	N88°32'31"W	598.43
206	S1°27'45"W	380.49
207	N04°13'43"E	299.00
208	N88°53'33"W	249.97
209	N88°55'59"W	304.84
210	N17°20'23"E	634.99
211	N21°41'22"E	15.02
212	N85°47'29"E	507.38
213	N88°32'15"E	483.04
214	N88°32'31"W	598.43
215	S1°27'45"W	380.49
216	N04°13'43"E	299.00
217	N88°53'33"W	249.97
218	N88°55'59"W	304.84
219	N17°20'23"E	634.99
220	N21°41'22"E	15.02
221	N85°47'29"E	507.38
222	N88°32'15"E	483.04
223	N88°32'31"W	598.43
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225	N04°13'43"E	299.00
226	N88°53'33"W	249.97
227	N88°55'59"W	304.84
228	N17°20'23"E	634.99
229	N21°41'22"E	15.02
230	N85°47'29"E	507.38
231	N88°32'15"E	483.04
232	N88°32'31"W	598.43
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249	N88°32'15"E	483.04
250	N88°32'31"W	598.43
251	S1°27'45"W	380.49
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269	S1°27'45"W	380.49
270	N04°13'43"E	299.00
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273	N17°20'23"E	634.99
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276	N88°32'15"E	483.04
277	N88°32'31"W	598.43
278	S1°27'45"W	380.49
279	N04°13'43"E	299.00
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286	N88°32'31"W	598.43
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293	N85°47'29"E	507.38
294	N88°32'15"E	483.04
295	N88°32'31"W	598.43
296	S1°27'45"W	380.49
297	N04°13'43"E	299.00
298	N88°53'	

ZONING CASE Z-2020-15

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Carriage Hills Development Corporation

Agent: Jacob & Martin

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- Northeast corner of Maple & FM 707
- Legal description (s): 52.88 acres out of the Southwest quarter of Section 14, Lunatic Asylum Lands, City of Abilene, Taylor County, Texas.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone vacant property from Agricultural Open Space (AO) to Residential Single Family (RS-6).

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 Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area for single family use. The Residential Single-Family (RS-6) District-6 is intended to permit the residential development of detached single-family dwelling units, permitted accessory structures, and appropriate desirable open space on lots of not less than 6,000 square feet in area. This proposed zone change promotes the Comprehensive Plan's goal of protecting the residential character of the included areas by excluding most commercial and other incompatible activities as appropriate while encouraging a suitable environment for single family residences.

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

Currently the property is zoned AO and is undeveloped. Agricultural Open Space zoning is considered a 'holding' zone until the land is ready to be developed. Adjacent properties to the West have been developed with single-family RS-6 homes. The proposed change of zoning to RS-6 would allow for single-family houses to be built in the next section of Carriage Hills Subdivision which is primarily RS-6. The zone change to RS-6 would be appropriate in the immediate area.

	Zoning	Existing Land Use
North	RS-6	Residential Single Family
South	AO	Agricultural Open Space
East	Outside City Limits	Residential Single Family
West	AO	Agricultural Open Space

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

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

STAFF COMMENTS:

According to the Future Land Use and Development Plan Map of the Comprehensive Plan, this location is designated to provide an option for more dense single-family lots than the other single-family zoning districts in order to serve a range of individual requirements represented by the citizenry of Abilene.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval). It is consistent with the General Land Use and zoning character of the immediate area (Section 2.3.2.5 Residential Single-Family), and with the Comprehensive Plan and Future Land Use and Development Plan Maps.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission will hear this request on November 3, 2020.

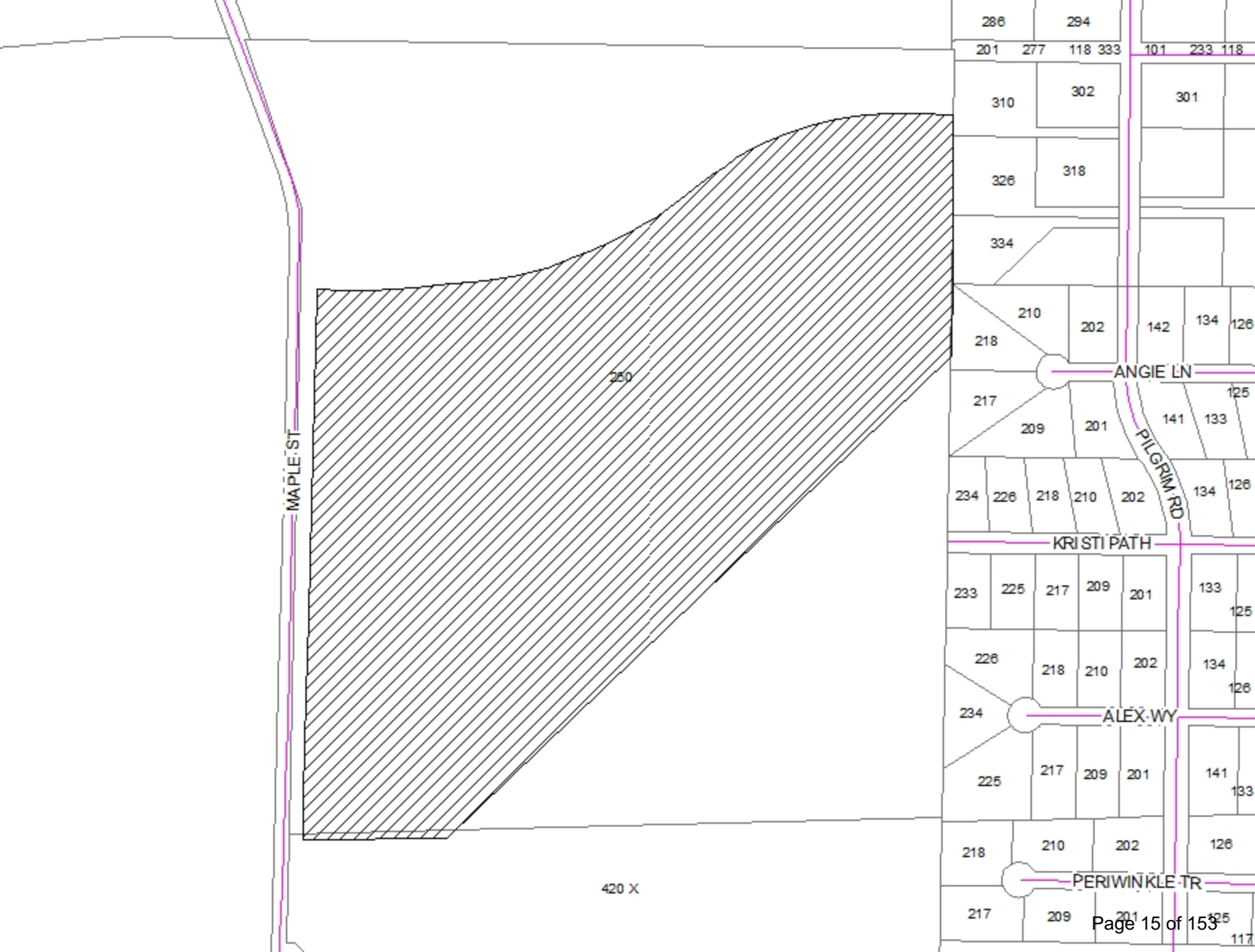
NOTIFICATION:

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
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
- Site Plan Exhibit
- PowerPoint



420 X



Development Application

Planning

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

Project Name: Carriage Hills
 Address: NE Corner of Maple & FM707 No. of lots: _____ Acreage: 75.023
 Legal Description: A0777 SUR 14 L A L SW/4, ACRES 92.013
 Subdivision Name: Carriage Hills Block: _____ Lot: _____
 Current Zoning: AO Proposed Zoning (if applicable): RS-6 & PD (Base Zoning) MD

OWNER AND AUTHORIZATION

Owner Name: Carriage Hills Development Corporation
 Address: 13209 Villa Montana Way
 City, State, Zip: Austin, TX 78732-1635 Fax: _____
 Phone: 325-665-4348 Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) 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: [Signature] Date: _____

FOR OFFICE USE ONLY

Received: 9/16/20 Fee: \$ \$2000 Receipt No.: 0001055778
 Case No.: Z-2020-15 Reviewed By: [Signature]
 AND

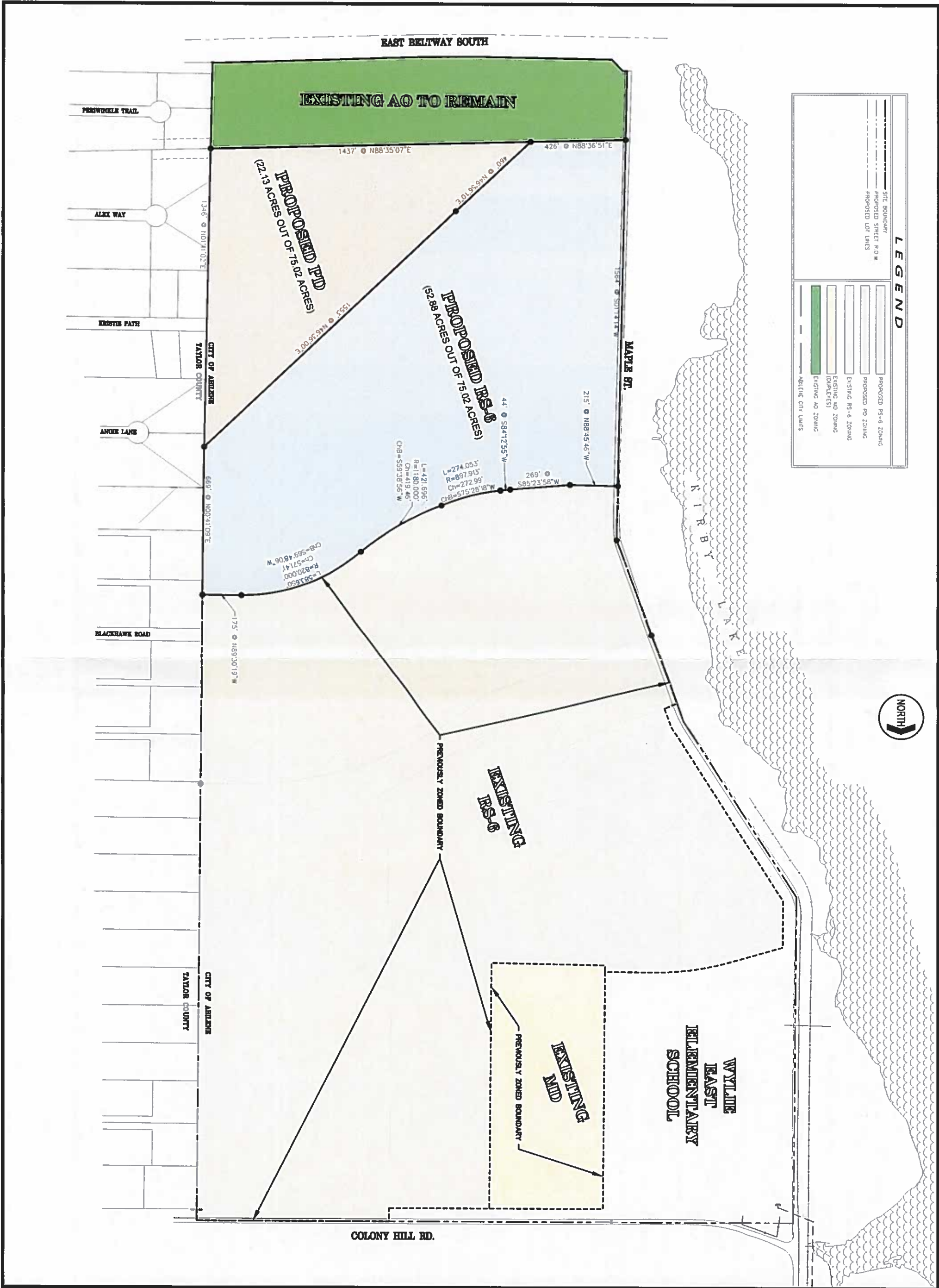
Z-2020-16 (PDD 167)



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 the next phase of residential development of the Carriage Hills subdivision. We believe single family residential and planned development district are appropriate land use for this property given the recent development in the area as well as the future land use plan and request staff's support in this regard. RS-6 and PD zoning (with the intent to construct duplex housing) is requested for a portion of this property, and would be replacing AO, typically a holding zoning until a property is developed.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



NO.	REVISION	DATE	SCALE
1			1" = 400'
2			
3			
4			
5			
6			
7			
8			
9			
10			

PROJECT #	20293
DESIGNED	S.M.
DRAWN	S.M.
CHECKED	C.S.F.

BAR IS ONE HALF INCH IN LENGTH ON ORIGINAL DRAWING. CHECK SCALE & ADJUST ACCORDINGLY.

ABILENE TEXAS

CARRIAGE HILLS DEVELOPMENT

RE-ZONING

ZONING EXHIBIT



JACOB MARTIN

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

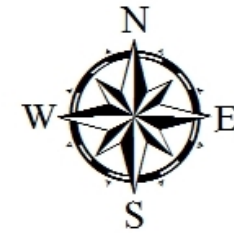
1508 SANTA FE DR STE 204
WEATHERFORD, TX 76086
817-594-9880

FIRM # F-2448

Case:	Z-2020-15
Owner:	Carriage Hills Development Corporation.
Agent:	Jacob & Martin
Request:	Rezone from AO to RS-6
Legal Description:	52.88 acres out of the Southwest quarter of Section 14, Lunatic Asylum Lands, Taylor County, Texas
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	November 3, 2020
City Council Hearing:	November 19, 2020 December 3, 2020



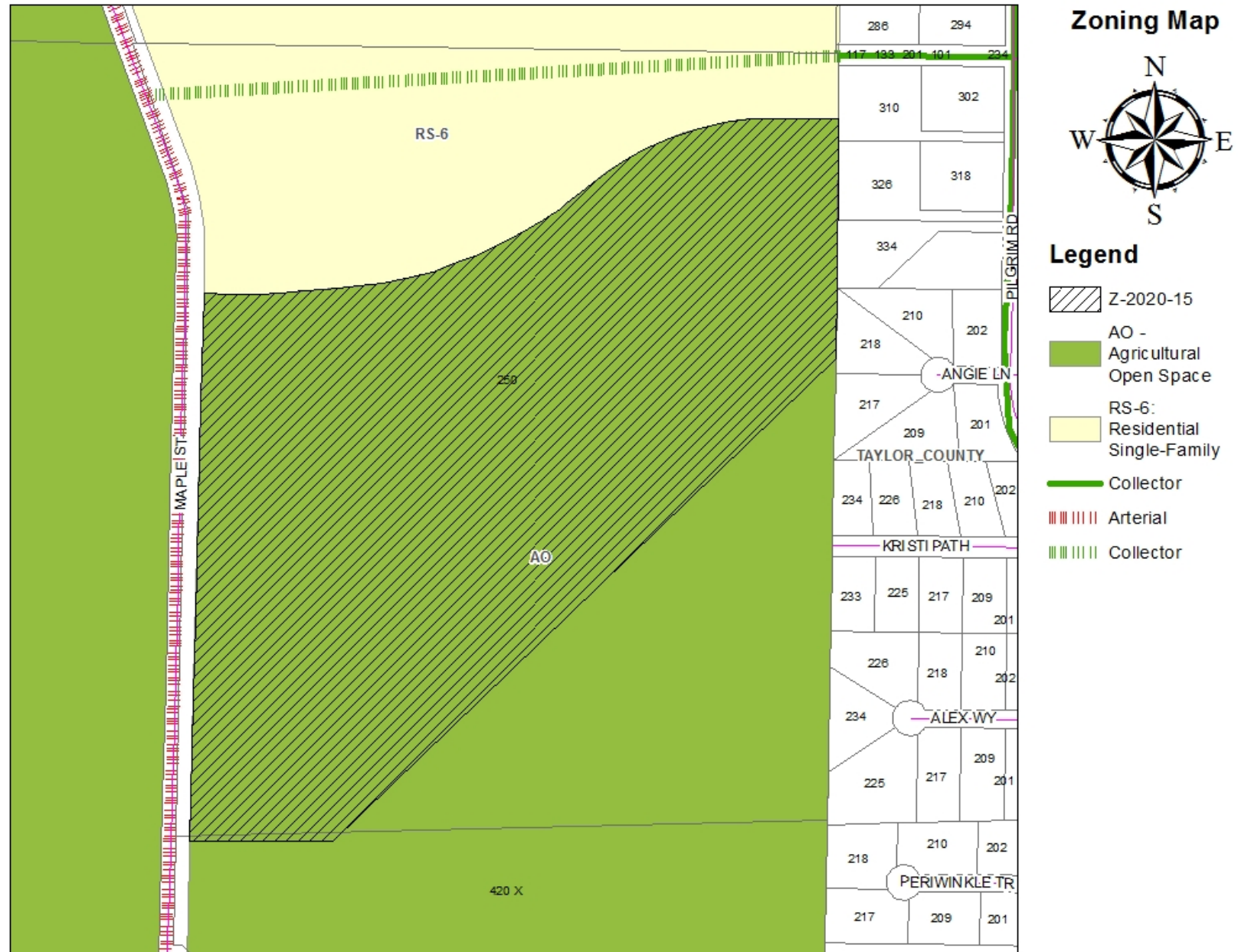
Location Map

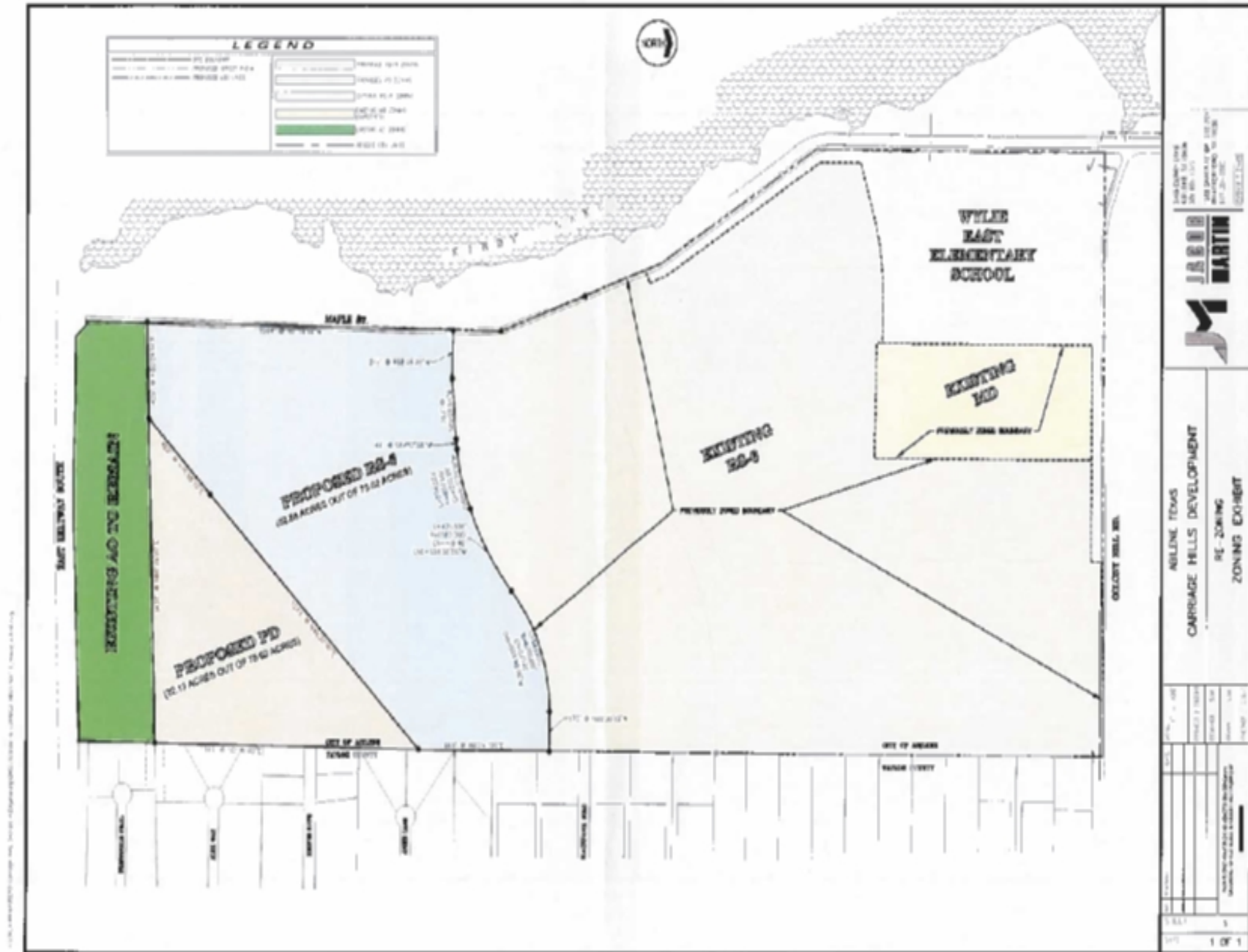


Legend

 Z-2020-15

Z-2020-15 ZONING MAP





RESIDENTIAL SINGLE FAMILY (RS-6) PERMITTED USES

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
C
TP

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)
Permitted as a Conditional Use Permit, Requiring Approval by City Council
Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- 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 Animal Lot
- P Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (permanent security residence)
- C Mobile Home (temporary security residence)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Farming, Ranching & Livestock, Hatchery
- C Mining
- C Petroleum or Gas Well

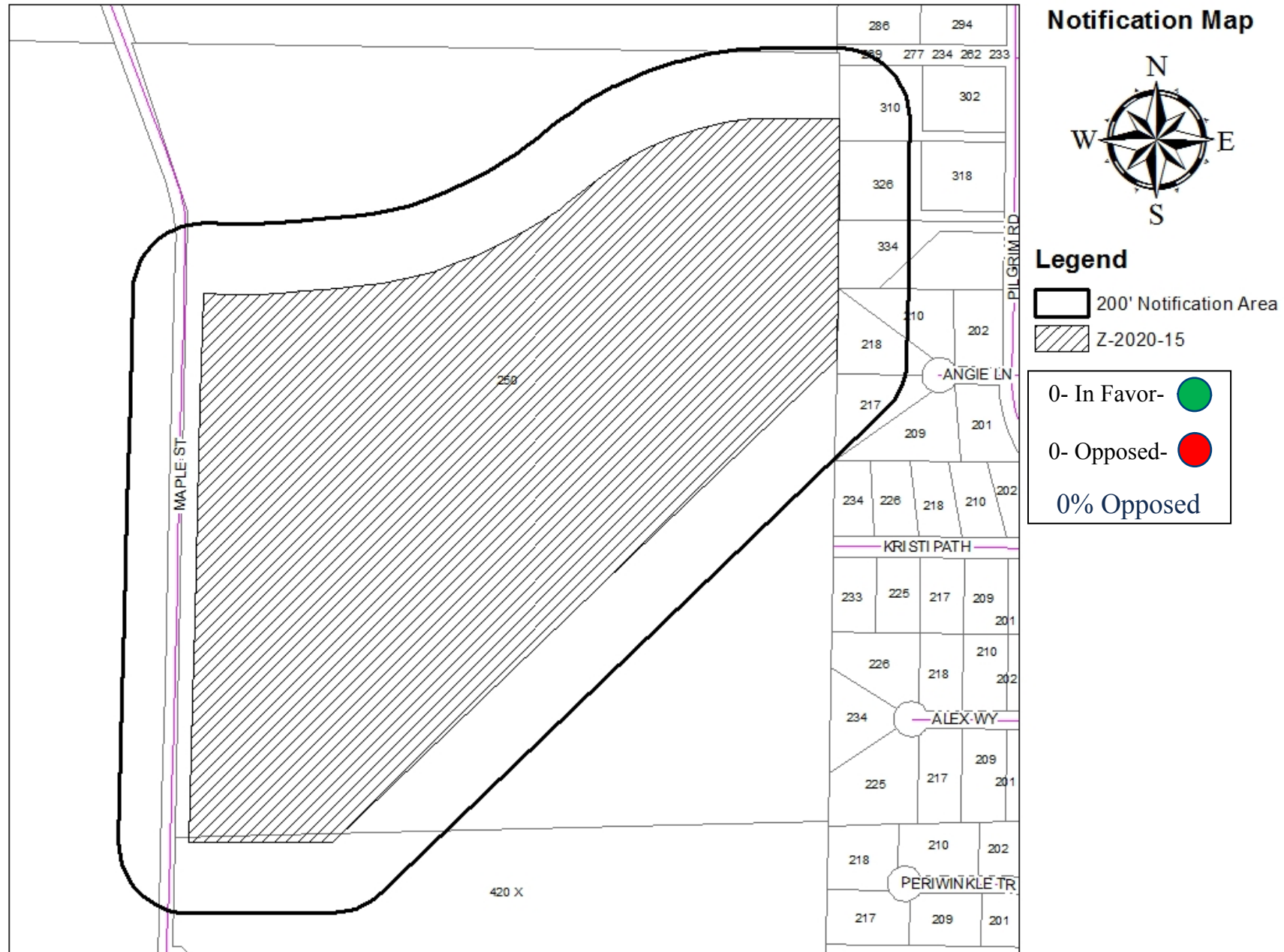
LEGEND

- 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-2020-15 VIEWS OF SUBJECT PROPERTY



Z-2020-15 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 Z-2020-16

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Carriage Hills Development Corporation

Agent: Jacob & Martin

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- Northeast corner of Maple Street & FM 707
- Legal description (s): 22.13 acres out of the Southwest quarter of Section 14, Lunatic Asylum Lands, Taylor County, Texas.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone from Agricultural Open space (AO) to a Planned Development (PD167) District with a base zoning of Medium Density Residential (MD). The development planned for this property will be subject to all regulations of Abilene's Land Development Code ordinarily applicable to the Medium Density (MD) zoning classification, except as follows:

1. Site Layout and Building Requirements applicable in MD Districts amended to stipulate:
 - a. Minimum lot width of 40 feet (Duplex's with shared wall with half of each duplex on one lot)
 - b. Minimum lot area of 4000 square feet
 - c. Minimum of 12 feet of separation between each structure on each lot

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. However, the first section of Carriage Hills Subdivision has approximately 12.5 acres zoned as Medium Density (MD). The Medium Density (MD) District is designed to encourage the provision of conveniently located, centrally maintained accommodations, with a combination of single-family, two-family (duplex), triplex, quadraplex, and townhouse housing units. The proposed zone change would be consistent with the existing subdivision and protect the residential character of the included areas by excluding most commercial and other incompatible activities as appropriate while encouraging a suitable environment for family life.

- (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.

	Zoning	Existing Land Use
North	AO	Vacant Land
South	AO	Vacant Land
East	Outside City Limits	Residential Single Family
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 has access to an existing water mains and sewer mains. Therefore, water and sewer capacity should not be a limiting factor to the development of these properties. The subject property is located along an existing arterial street (Maple St.). Roads of this nature are customarily appropriate for accommodating the projected increase in traffic.

(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 Land Development Code site layout and building requirements for residential zoning districts states that the minimum lot size for MD districts is an area of 6,000 square feet, 60 feet in width and 100 feet in depth. MD districts also permit a maximum of 12 dwelling units per acre with a minimum of 6 feet separation between each structure on opposing lots. This proposed PD would decrease the lot dimensions by 2,000 square feet to 4,000 square feet but would increase the separation of structures by 6 feet to 12 feet. This increase of separation between structures should preserve open space and avoid overcrowding this proposed residential district.

STAFF RECOMMENDATION:

This rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval) in the Land Development Code and staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On November 3, 2020, the Planning and Zoning Commission will meet to review this request.

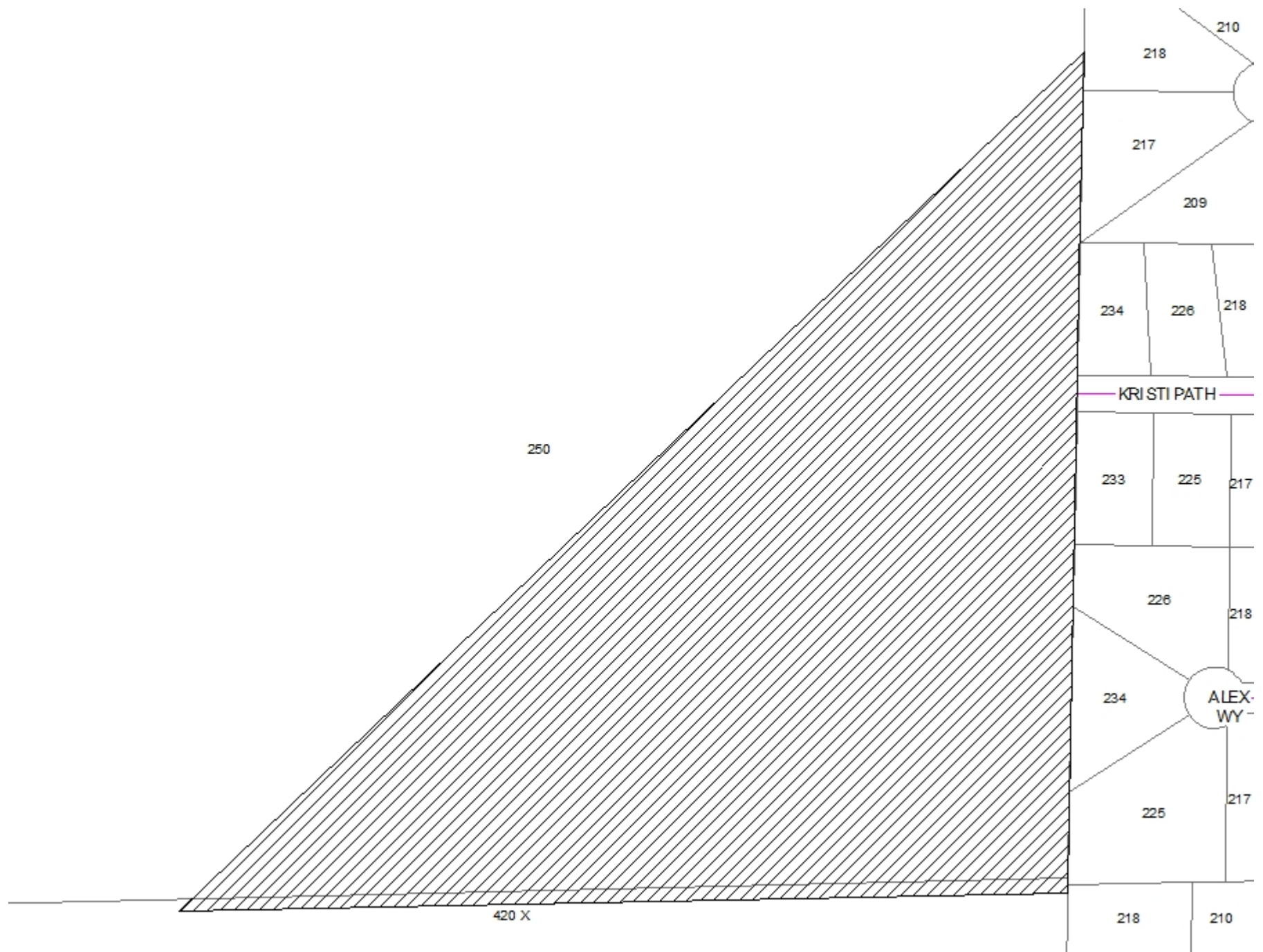
NOTIFICATION:

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
CANARIO DANIEL G	334 PILGRIM RD	
EZEOKO CHUKWUEMEKA CHARLES &	218 ANGIE LN	
GIBSON KYLE C & KATIE M	225 KRISTI PATH	
GIESECKE LEON & JANET	225 ALEX WY	
HALE DEREK & LINDSEY	226 KRISTI PATH	
JOHNSON HEATH & CHERA MCCALL	210 ANGIE LN	
LEIJA PETE ANTHONY & MONICA	217 ANGIE LN	
MINEAR JASON M	233 KRISTI PATH	
MOORE MICHAEL D & LACEY ERIN	226 ALEX WY	
NEESE JOHN MELVIN &	218 PERIWINKLE TR	Opposed
PRICE NOEL SCOTT & MISTY	234 KRISTI PATH	
SHOPS AT CARRIAGE HILLS LLC	420 X E BELTWAY S	
SHOPS AT CARRIAGE HILLS LLC	250 E BELTWAY S	
TAYLOR CLINT	209 ANGIE LN	
TAYLOR COUNTY		
TOVAR ROGELIO & MARTHA	234 ALEX WY	
URY JEFFREY S & BUSHRA	217 PERIWINKLE TR	

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

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

Project Name: Carriage Hills
 Address: NE Corner of Maple & FM707 No. of lots: _____ Acreage: 75.023
 Legal Description: A0777 SUR 14 L A L SW/4, ACRES 92.013
 Subdivision Name: Carriage Hills Block: _____ Lot: _____
 Current Zoning: AO Proposed Zoning (if applicable): RS-6 & PD (Base Zoning) MD

OWNER AND AUTHORIZATION

Owner Name: Carriage Hills Development Corporation
 Address: 13209 Villa Montana Way
 City, State, Zip: Austin, TX 78732-1635 Fax: _____
 Phone: 325-665-4348 Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) 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: [Signature] Date: _____

FOR OFFICE USE ONLY

Received: 9/16/20 Fee: \$ 2000 Receipt No.: 0001055778
 Case No.: Z-2020-15 Reviewed By: [Signature]
AND

Z-2020-16 (PDD 167)



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 the next phase of residential development of the Carriage Hills subdivision. We believe single family residential and planned development district are appropriate land use for this property given the recent development in the area as well as the future land use plan and request staff's support in this regard. RS-6 and PD zoning (with the intent to construct duplex housing) is requested for a portion of this property, and would be replacing AO, typically a holding zoning until a property is developed.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

dwelling units. There shall be no more than six (6) contiguous townhouse units with the same or approximately the same front building line where such units front onto a minor street or sub collector. More than six (6) contiguous units shall have variable front building lines as set forth herein this subsection.

- (e) **Building Lines.** The minimum building setback from lot boundaries shall be as set forth in Table 2-2 for all principal buildings adjacent to streets. Where private streets are installed over lot boundaries, measurement of building lines shall be from the edge of pavement or face of curb.
 - (1) **Front Building Line.** Townhouse units shall be set back from the front property line a minimum of twenty feet (20').
 - (2) **Exterior Side Building Line.** Townhouse units that have lot frontage separated from a side street by at least ten feet (10') of parkway, as defined herein this LDC, shall be set back from the exterior side boundary by at least ten feet (10'). Townhouse units having lot frontage separated from the side street by less than ten feet (10') of parkway, or where fronting onto a private street, shall be set back from the exterior side boundary by at least twenty feet (20').
 - (3) **Interior Side Building Line.** If not contiguous to another townhouse unit, all townhouse units shall be set back from any interior side boundary a minimum of five feet (5').
 - (4) **Rear Building Line.** The minimum setback line from rear lot boundaries, for all townhouse units, shall be ten feet (10').
- (e) **Number of Dwelling Units per Lot.** There shall be a maximum of one (1) dwelling unit per lot, with each townhouse unit located on an individual lot.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, including private streets, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.
- (g) **Garage Setback.** The garage for each townhouse unit shall be setback no less than twenty feet (20') from the most proximate parallel property line.
- (h) **Separate Utilities:** All utilities shall be provided separately to each lot within the TH district so that each unit is individually metered.
- (i) **Site Plan Required.** A Site Plan in accordance with Chapter 4, Article 1, Division 1 shall be required for all development, except single-family and two-family, within this TH District.
- (j) **Concept Plan Required.** A concept plan is required at the time of a zoning change to a TH zoning district.

Section 2.3.2.8 Residential Medium Density (MD) District

- (a) **Purpose.** The Residential Medium Density (MD) District is designed to encourage the provision of conveniently located, centrally maintained accommodations, with a combination of single-family, two-family (duplex), triplex, quadraplex, and townhouse housing units. This district provides for a combination of these housing

types at a density maximum of twelve (12) dwelling units per acre. This district may provide a medium density “buffer” or transition district between lower density residential areas and multi-family, non-residential areas, or major thoroughfares. This district is also designed to achieve the following:

- (1) Protect the residential character of the included areas by excluding most commercial and other incompatible activities, as appropriate.
- (2) Encourage a suitable environment by permitting certain appropriate institutions and facilities to be located in residential neighborhoods.
- (3) Preserve open space and avoid overcrowding by requiring certain minimum yards, open spaces, and lot areas.
- (4) Provide an option for housing unit diversity to serve a range of individual requirements represented by the citizenry of Abilene.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
- (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Site Layout and Building Requirements.**

- (1) All development within this district shall meet building requirements outlined in Table 2-2.
- (2) The maximum number of units permitted on a four (4).

With the following exceptions:

- Minimum lot width=40' (shared wall, half of each duplex on one lot)
- Minimum lot area = 4000 SF
- Minimum 12' between structures

(d) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.

(e) **Site Plan Required.** A Site Plan in accordance with Chapter 4, Article 1, Division 1 shall be required for all development, except single-family and two-family, within this MD District.

Section 2.3.2.9 Residential Multiple-Family (MF) District

(a) **Purpose.** The Residential Multiple-Family (MF) District is designed to encourage the provision of conveniently located, centrally maintained rental accommodations with traditional apartment units. This district provides for a maximum of twenty-four (24) dwelling units per acre. As one of the multiple-family zoning districts provided for development in Abilene, this district is also designed to achieve the following:

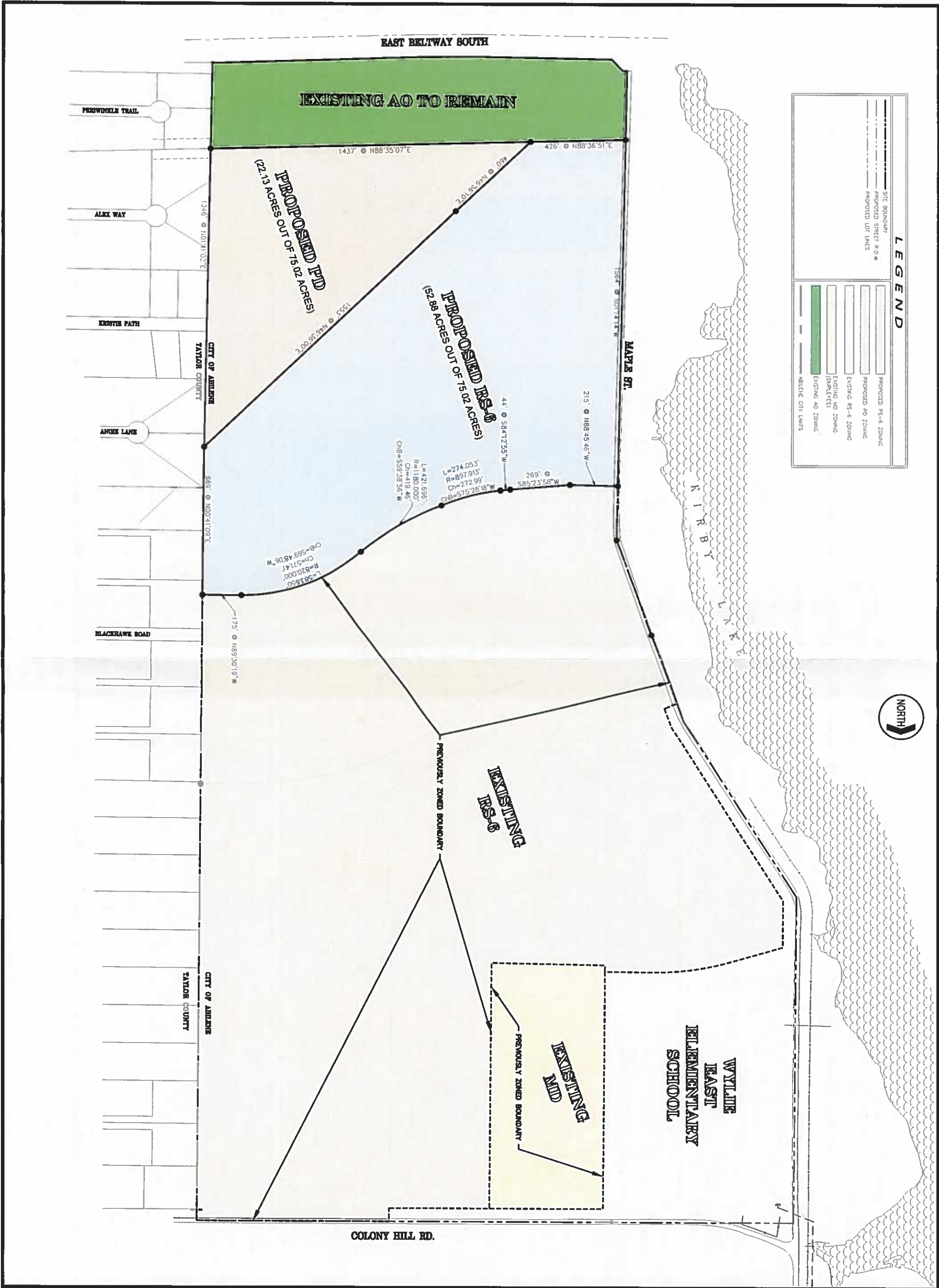
- (1) Protect the residential character of the included areas by excluding most commercial and other incompatible activities, as appropriate.
- (2) Encourage a suitable environment by permitting certain appropriate institutions and facilities to be located in residential neighborhoods.

TABLE 2-2: SITE LAYOUT AND BUILDING REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS

Zoning District	Maximum Density of Dwelling Units Per Acre	Minimum Lot Size			Minimum Building Line Setbacks							Maximum Height (ft.)	Maximum Lot Coverage (% of lot area)	Single-Family Standards
		Area (s.f.)	Width (ft) ¹	Depth (ft)	Sub-Collector or Minor Street	Collect or	Arterial or Expressway With Frontage Rd	Expressway Without Frontage Rd	Garage Setback (front facing only, not on arterials and Expressways)	Rear Yard (next to Other Lot Boundary)	Side Yard			
AO	n/a	217,800	200	500	25	25	30	40	25	40	25	None except add 1 ft setback for every 1 ft of height over 45 ft	15%	n/a
RR-5	n/a	217,800	150	400	25	25	30	40	25	50	30	35	15%	n/a
RR-1	n/a	43,560	100	200	25	25	30	40	25	50	25	35	40%	n/a
RS-12	n/a	12,000	80	100	25	25	30	40	25	30	10	35	40%	n/a
RS-8	n/a	8,000	70	100	15	20	30	40	20	25	7.5	35	50%	n/a
RS-6	n/a	6,000	60	100	15	20	30	40	20	20	6	35	50%	n/a
PH	n/a	4,500	40	100	15	20	30	40	20	20	0*	35	75%	n/a
TH	n/a	2,500 4,000	30 40	100	10	20	30	40	20	10	5	35	70%	RS-6 District
MD	12	6,000	60	100	15	20	30	40	25	20	6	35	70%	
MF	24	6,000	60	100	15	20	30	40	25	20	10	40; 3 stories	90%	
MH	n/a	5,000	50	100	15	20	30	40	20	15	7.5	n/a	n/a	

n/a-not applicable
¹A minimum width of 100 feet is required along arterial streets (2.6.1.1(e)(3))
 *This applies to one side only. A 10 foot separation between homes is required.

* Each lot will have half of a structure, there will be a shared wall along the property line. Minimum 12' separation between structures





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

[Planning] Zone Change Application Number Z-2020-16

1 message

Neese, John <jneese@hsutx.edu>

Sun, Oct 25, 2020 at 1:19 PM

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

For the Planning & Zoning Commission:

John and Melissa Neese oppose the request from Carriage Hills Development Corporation, Zone Change Application Number Z-2020-16.

Please let me know if you need further information from us.

John and Melissa Neese

[218 Periwinkle Trail](#)

[Abilene, Texas 79602](#)

325-669-9136

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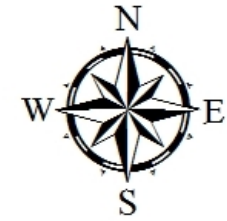
You received this message because you are subscribed to the Google Groups "Planning Services" group. To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov. To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/SA0PR20MB34546153B9C73C7599518EA5D0180%40SA0PR20MB3454.namprd20.prod.outlook.com>.

Case:	Z-2020-16
Owner:	Carriage Hills Development Corporation.
Agent:	Jacob & Martin
Request:	Rezone from AO to PDD 167
Legal Description:	22.13 acres out of the Southwest quarter of Section 14, Lunatic Asylum Lands, City of Abilene, Taylor County, Texas
Notification:	0 in Favor, 2 Opposed
Planning & Zoning:	November 3, 2020
City Council Hearing:	November 19, 2020 December 3, 2020

Z-2020-16 AERIAL LOCATION MAP



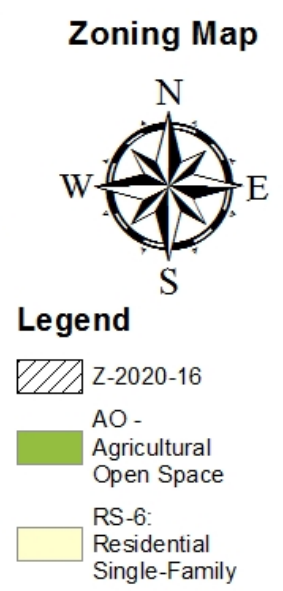
Location Map

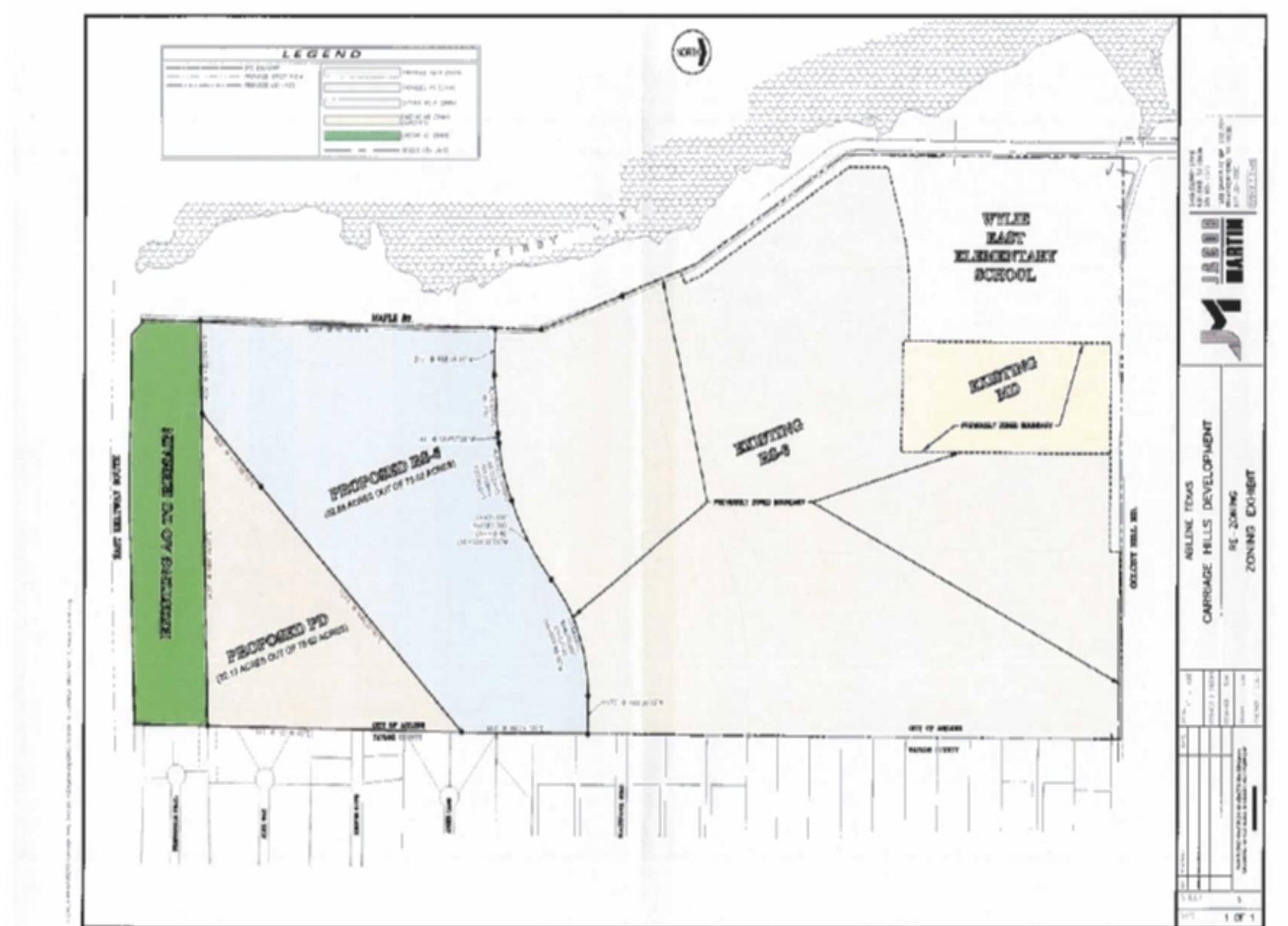


Legend

 Z-2020-16

Z-2020-16 ZONING MAP





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

AGRICULTURAL OPEN SPACE (AO) DISTRICT PERMITTED USES

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- 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 Animal Lot
- P Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (permanent security residence)
- C Mobile Home (temporary security residence)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Farming, Ranching & Livestock, Hatchery
- C Mining
- C Petroleum or Gas Well

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

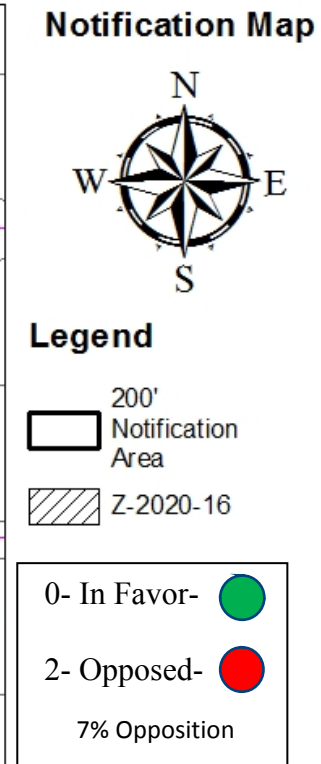
Permitted as a Conditional Use Permit, Requiring Approval by City Council

TP

Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment



Z-2020-16 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 Z-2020-17

STAFF REPORT



REQUEST: Amend existing Planned Development District Number 116 (PD 116)

APPLICANT:

Owner: QT South, LLC

Agent: Lauren Montgomery, of JGH Consultants

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- 3217 Old Anson Rd.
- Legal description: Lot 1, Block A of QT 7904 Addition to Abilene, Taylor County, Texas.

BACKGROUND:

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

Planned Development District 116 (PD 116) was approved in 2007 and was amended in 2013 to include a graphic concept plan which included a mixture of uses. The amendment distinctly states all development must occur as shown on the provided site plan exhibit. In 2019, this planned development district was once again amended to illustrate a new site exhibit which proposed the construction of a convenience groceries and fuel sales facility on the western most 6 acres of PD 116. In July, Abilene's Development Review Committee approved an official Site Plan for a Quick Trip at this location and a building permit was issued in August of 2020.

PROPOSAL AND REQUESTED ACTION:

The current Planned Development District ordinance which exists for this subject property limits signage to the standards which are applicable in General Retail (GR) Zoning. General Retail zoning allows free standing pole signs with a maximum height of 50-feet and square footage of 300 square feet. The applicant is requesting to amend the PD ordinance to allow a free standing pole sign as tall as 100-feet and as large as 700 square feet. The applicant also wishes to add a provision to permit up to eight (8) directional signs on the site, not to exceed 8' in height and 25 square feet in sign area.

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 proposed amendment is **not** consistent with the base zoning of the Planned Development District that the subject property is embraced within. Although the future land use and development plan map illustrates this area to be a major commercial business center, the proposed amendment to allow a free standing pole sign as tall as 100-feet and 700 square feet would greatly exceed the standards which are ordinarily permitted within commercial zoning districts in the City of Abilene.

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

Staff believes that the proposed amendment is **not** appropriate for the immediate area of the subject property. Although the property is situated along the Interstate Highway 20 frontage road, it is also adjacent to residential homes south of Jameson Street. The previous amendment which was approved by City Council allowing fuel sales on the western 6 acres of PD 116 required a strict land use buffer. This land use buffer was implemented in an effort to protect and preserve the residential character of the homes south of Jameson Street from visual and auditory nuisances which may be created by this commercial development. The proposal to allow a 100-foot pole sign as large as 700 square feet in such close proximity to the residential homes along Jameson Street may be detrimental to the preservation of the residential character of this area. Furthermore, as stated previously this proposed amendment to allow a pole sign of this size is contrary to what is ordinarily permitted within commercial zoning districts in the City of Abilene.

	Zoning	Existing Land Use
North	N/A	Expressway (I-20)
South	RS-6	Single Family Residences
East	RS-6	Single Family Residences
West	HC	Fuel Sales/Convenience Store

(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 amendment will not affect existing public streets, water supply, sanitary sewer and other public services and utilities in the area.

(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:

In 2005, City Council approved an amendment to existing Planned Development District 91 (PDD 91). Ordinance #45-2005 permits freestanding signs which exceed the standard 50-foot height limitation near the north east corner of the intersection at Interstate Highway 20 (IH-20) and Texas Highway 351 (HWY-351). This ordinance amendment permits multiple 60-foot signs and one 75-foot sign. As a compromise to allowing signage which exceeds the standard sign height of commercial zoning districts the total area of the signage in this ordinance was reduced to no greater than 200 square feet in area; rather than the standard 300 square feet. The location which Quick Trip is developing is comparable to the aforementioned Planned Development District 91; in that it is also at an elevated section of IH-20 with and overpass at the Old Anson Road interchange. However, unlike the location near the intersection of IH-20 and HWY-351 this development is in close proximity to single family residences along Jameson Street. Permitting a free standing pole sign as tall

as 100-feet and as large as 700 square feet would be contrary to not only the base General Retail zoning of PD 116, but would greatly exceed all other sign standards permitted within commercial zoning districts and would effectively become the largest on-site advertising sign within the City of Abilene. Furthermore, throughout the development of this project City staff has been mindful of any adverse impacts that may be created by this fuel sales facility being in such close proximity to existing single family residences along Jameson Street. Permitting a pole sign of this magnitude may create an adverse visual nuisance to the residences south of Jameson Street.

STAFF RECOMMENDATION:

This rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval) in the Land Development Code and staff recommends denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission will consider this requested amendment, during a meeting scheduled for Tuesday, November 3, 2020.

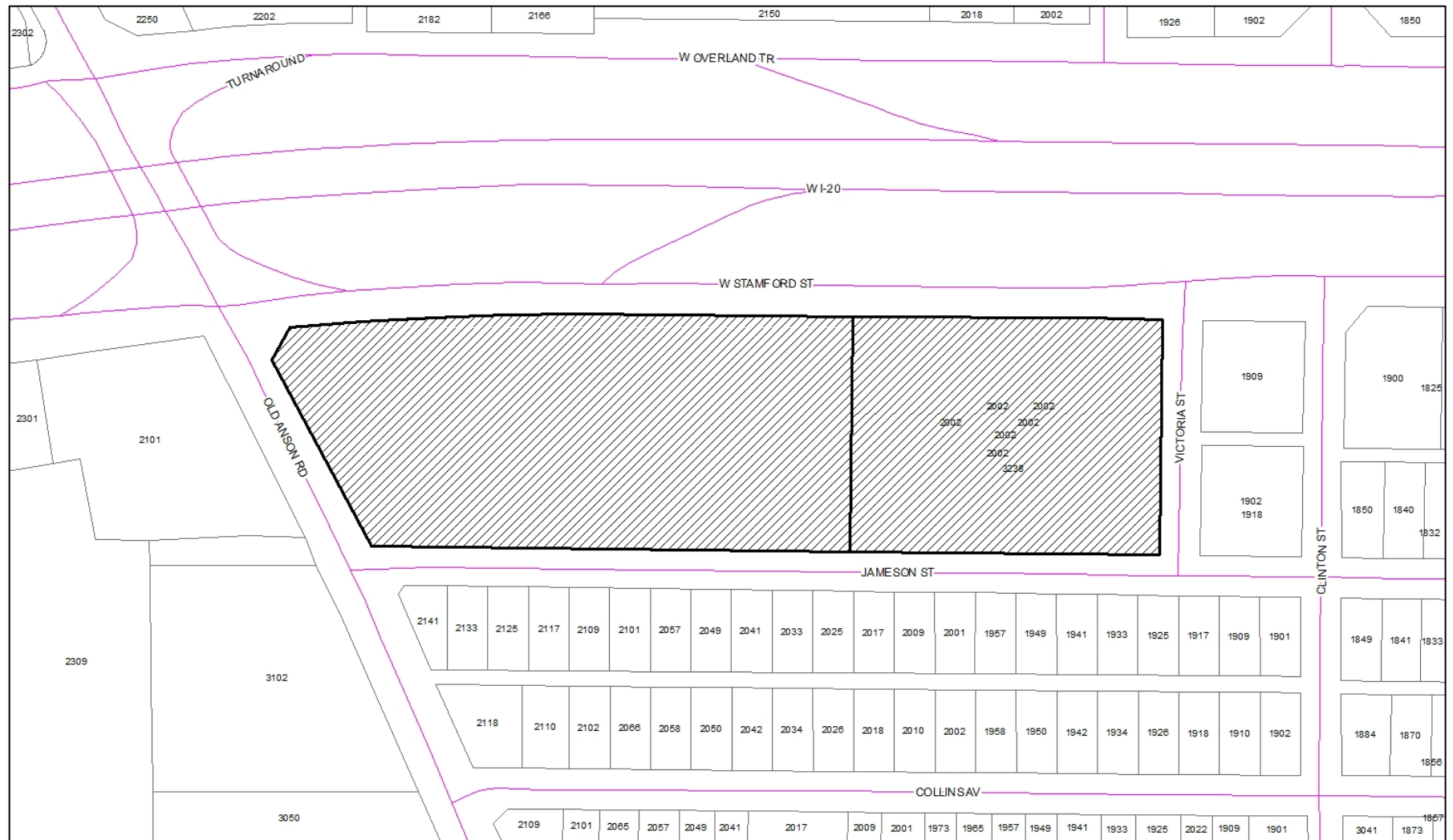
NOTIFICATION:

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
ALLSUPS CONVENIENCE STORES INC		
ASSEMBLY OF GOD CHURCH	1902 JAMESON ST	
ASSEMBLY OF GOD CHURCH	1918 JAMESON ST	
BENGS ERIC & JOANNA	2133 JAMESON ST	
BENGS ERIC & JOANNA	2057 JAMESON ST	
BENGS ERIC D & JOANNA I	2101 JAMESON ST	
BENNETT MELISSA A	1917 JAMESON ST	
CITY OF ABILENE	1909 W STAMFORD ST	
COOPER SHIRLEY J MYERS	1957 JAMESON ST	
DAWKINS MILES A	2041 JAMESON ST	
DULANEY DEANNE J	1901 JAMESON ST	
FAIRCHILD KENT E & MARY A	2109 JAMESON ST	
GONZALES OSCAR JR & TRACIE	2141 JAMESON ST	
JGN PROPERTIES LLC SERIES B	1933 JAMESON ST	
LYALL DANIEL &	1949 JAMESON ST	
MARTIN JACKIE G JR	2033 JAMESON ST	
MARTIN PAUL G	2025 JAMESON ST	
MARTINEZ VELIA RODRIGUEZ	2049 JAMESON ST	
MC KEEVER SANDRA K	1925 JAMESON ST	
MC KEEVER SANDRA KAY	1941 JAMESON ST	
MC KINNON JOHNNY R	2009 JAMESON ST	
NATIONAL RETAIL PROPERTIES LP	2101 W STAMFORD ST	
NIETO JESSE JR	2001 JAMESON ST	
NIETO MELANIE MARIE	2017 JAMESON ST	
PAMPA INVESTMENT GROUP LP	3102 OLD ANSON RD	
SNEARLY TOM	1909 JAMESON ST	
VALERIO MARY LINDA	2125 JAMESON ST	
WEST KELLY D	2117 JAMESON ST	
	2002 JAMESON ST BLDG E	
	2002 JAMESON ST BLDG F	
	2002 JAMESON ST BLDG C	
	2002 JAMESON ST BLDG D	
	3238 VICTORIA ST	
	2002 JAMESON ST BLDG B	
	2002 JAMESON ST BLDG A	

ATTACHMENTS:

- Application
- Site Plan Exhibit
- PowerPoint





Development Application

Planning

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

Project Name: QuikTrip Number 7084

Address: 2002 Jameson Street No. of lots: 1 Acreage: 6.207

Legal Description: See attached legal description

Subdivision Name: J.B Collins Subdivision

Block: _____ Lot: _____

Current Zoning: Planned Development District 116

Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: QT South, LLC

Address: 1120 North Industrial

City, State, Zip: Eules, Texas 76039

Fax: _____

Phone: 913-593-1690

Email: mtalcott@quiktrip.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) Lauren Montgomery will act as my agent before the Planning and Zoning Commission.

Agent Name: Lauren Montgomery

Address: 4447 North Central Expressway, Suite 110

City, State, Zip: Dallas, Texas 75205

Fax: _____

Phone: 214.478.5414

Email: lauren@jghconsultants.com

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

Signature Owner: _____

Date: _____

FOR OFFICE USE ONLY

Received: 9/28/20

Fee: \$ \$1000

Receipt No.: 0001055779

Case No.: Z-2020-17 (PD 116 Amendment)

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 application is submitted on behalf of QT South, LLC for an amendment to the existing planned development district to permit specific detached signage on shown on the attached site plan - a 100' tall pole sign, not to exceed 700 square feet in sign area near the southeast corner of Stamford and Old Anson Road and a maximum of eight (8) directional signs on the site not to exceed 8' in height and 25 square feet in sign area.



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.

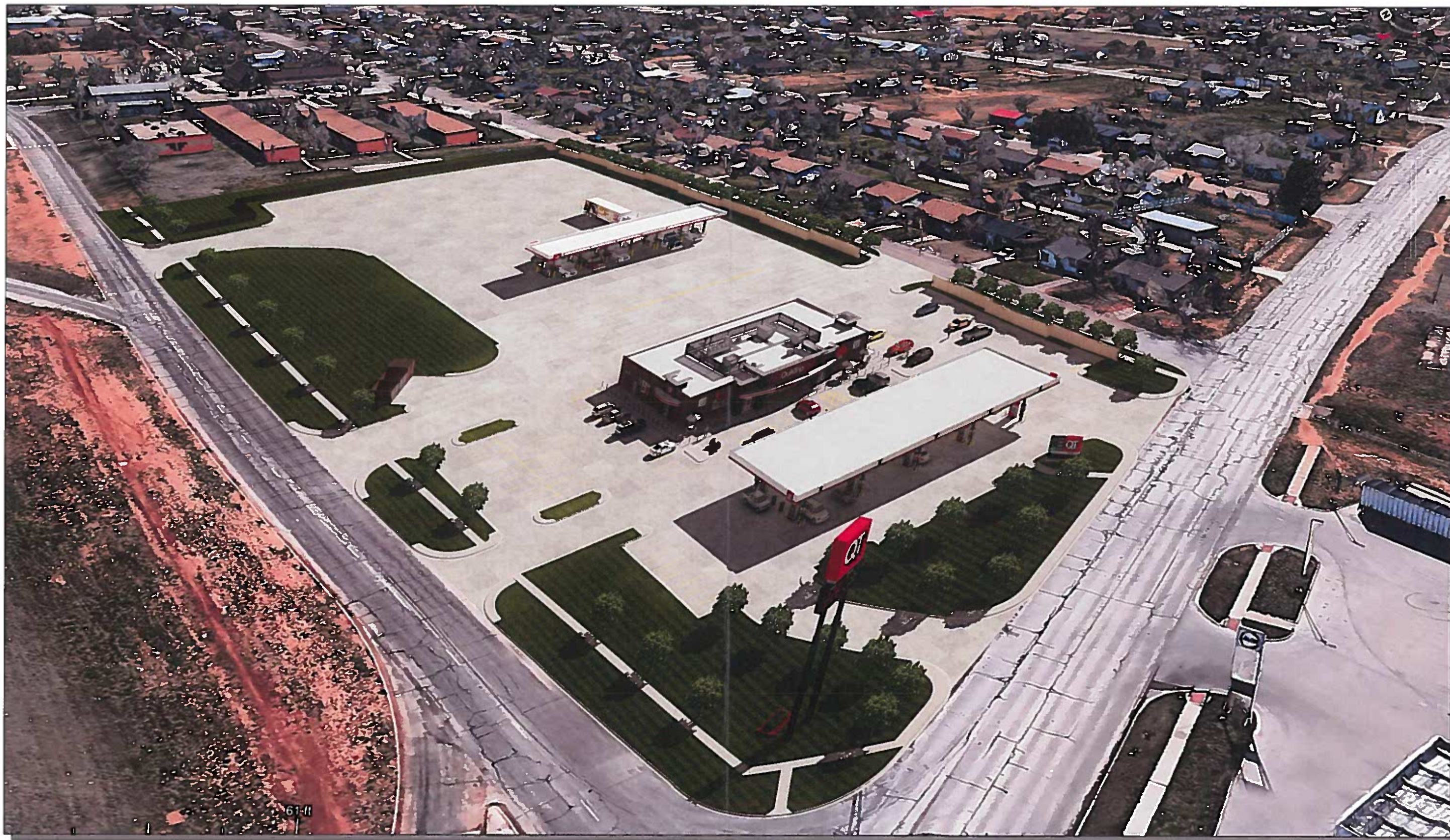
PLEASE READ BEFORE SIGNING

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: Michael Talcott

DATE: September 28, 2020



Store 7084
89-7084-PE00

Abilene, TX
Date: 11.15.19 By:JK



Store 7084
89-7084-PE08

Abilene, TX
Date: 11.15.19 By:JK





Store 7084
89-7084-PE09

Abilene, TX
Date: 11.15.19 By:JK

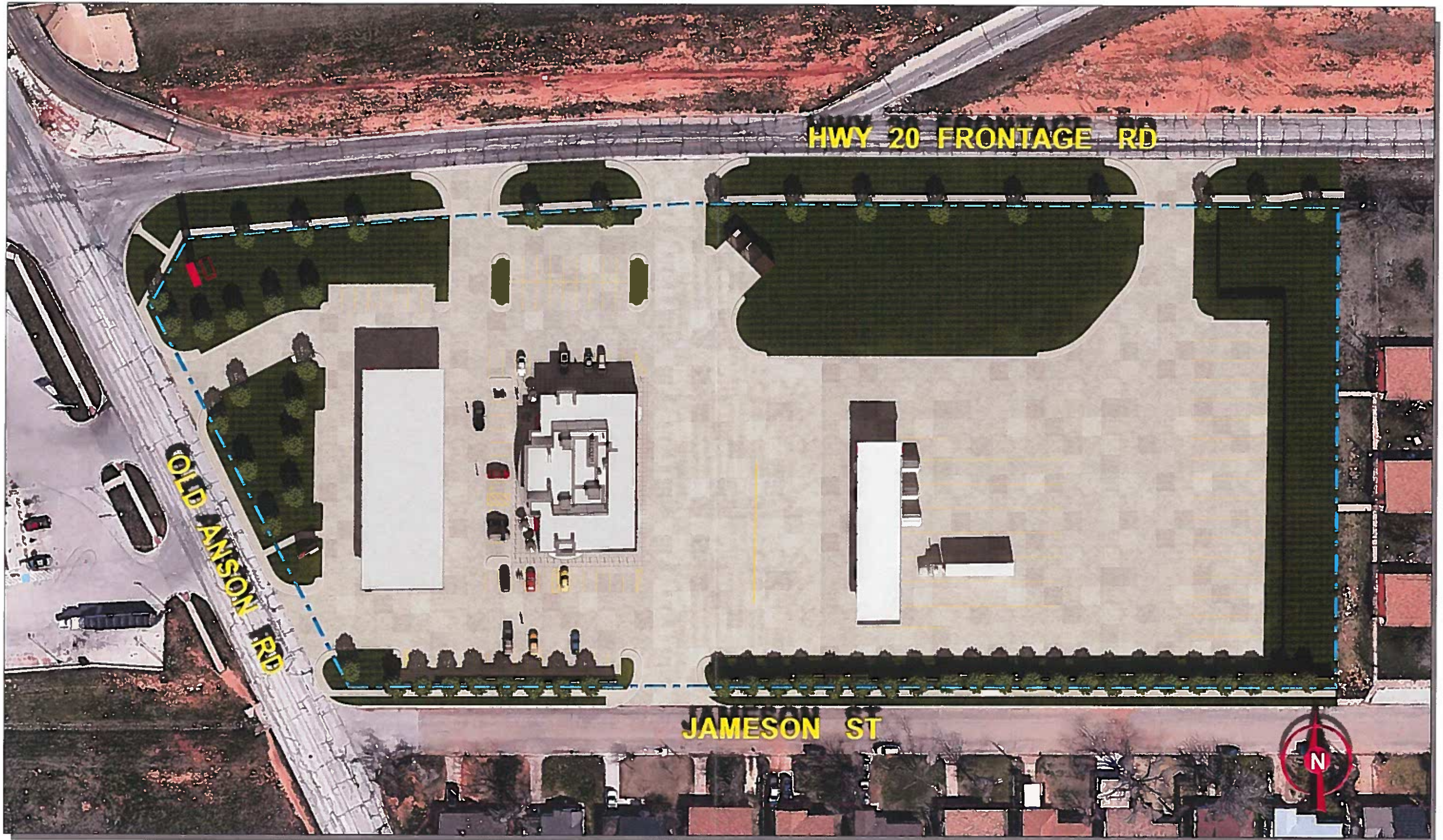




Store 7084
89-7084-PE02

Abilene, TX
Date: 11.15.19 By: JK





Store 7084
89-7084-SP01

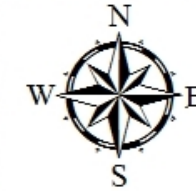
Abilene, TX
Date: 11.15.19 By:JK

Case: Z-2020-17
Owner: QT South, LLC
Agent: Lauren Montgomery, JGH Consultants
Request: Amend Existing Planned Development District
Number 116 (PD 116)
Location: 3217 Old Anson Road
Notification: 0 in Favor, 0 Opposed
Planning & Zoning: November 3, 2020
City Council Hearing: November 19, 2020
December 3, 2020

Z-2020-17 AERIAL LOCATION MAP



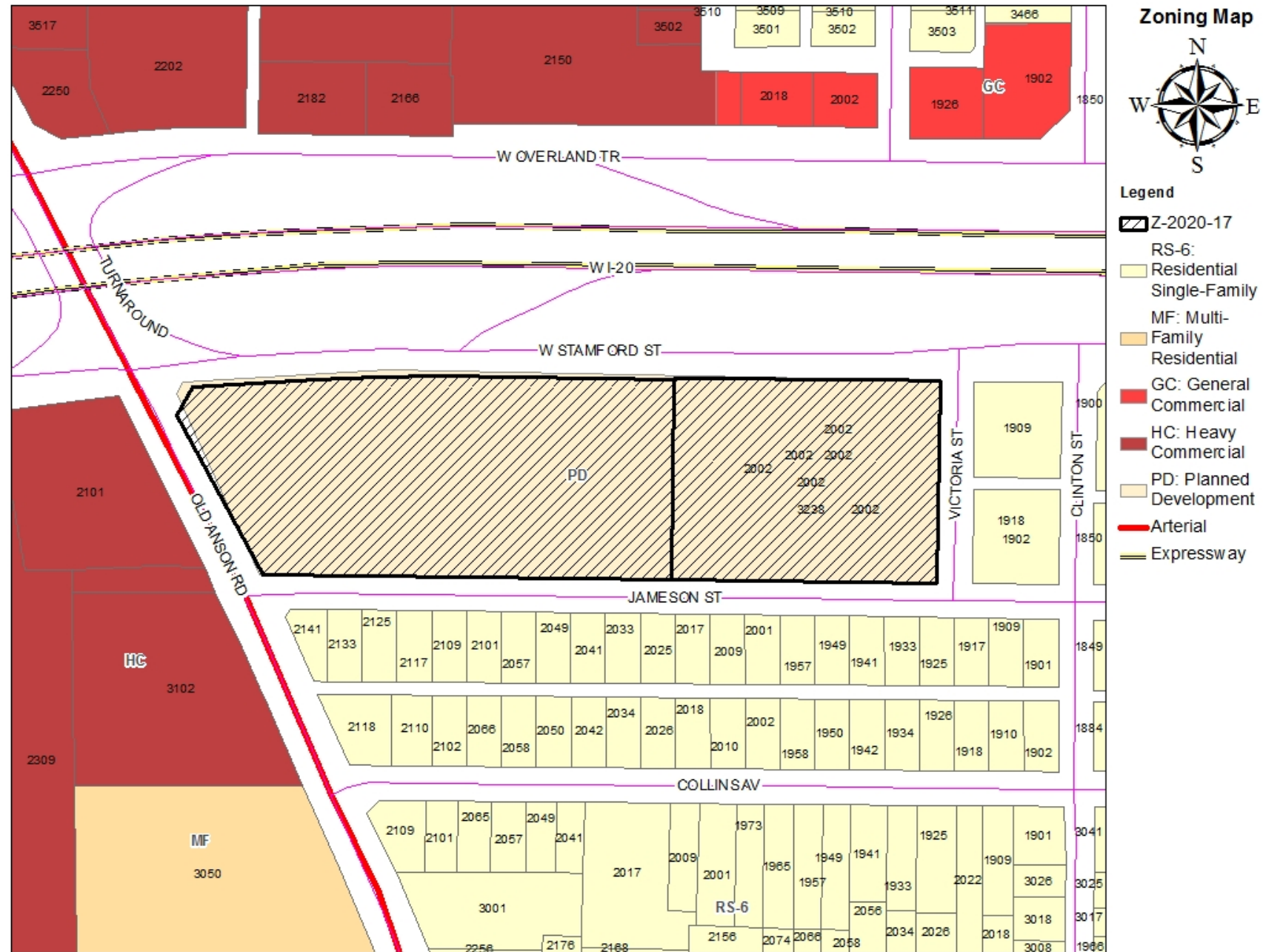
Location Map



Legend

 Z-2020-17

Z-2020-17 ZONING MAP





Store 7084
89-7084-PE00

Abilene, TX
Date: 11.15.19 By:JK









Store 7084
89-7084-SP01

Abilene, TX
Date: 11.15.19 By:JK

Z-2020-17 VIEWS OF SUBJECT PROPERTY

Subject Property



Neighboring property to the East



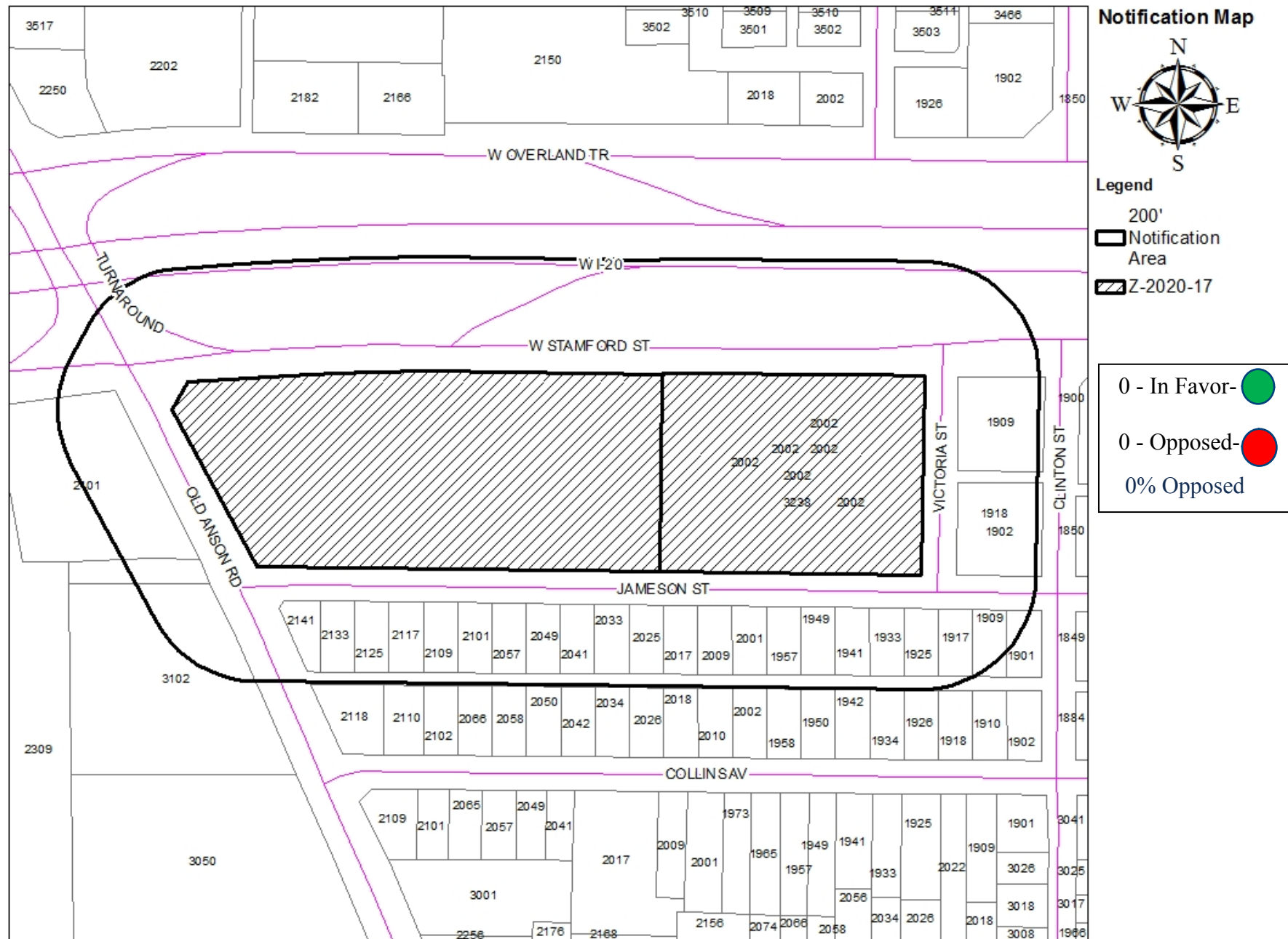
Subject property from Jameson St.



Residences South of Jameson St..



Z-2020-17 NOTIFICATION AREA MAP



- Not consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Request is not 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: Denial, due to the request being non-compliant with commercial sign standards for on site advertising in the City of Abilene.

Questions?

ZONING CASE Z-2020-19

STAFF REPORT



REQUEST: Rezone approximately 3.8 acres in a General Retail (GR) District and approximately 4.3 acres in an adjacent Neighborhood Retail (NR) District, to a General Commercial (GC) District.

APPLICANT:

Owners: Oldham Partners, LP and Windmill Circle Partners, LP

Agent: Tony Conder

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- Approximately 3.8 acres out of southeast quarter of Blind Asylum Lands Section 62 extending 300 feet north from 900 block of Gateway Street in an existing General Retail (GR) District
- Approximately 4.3 acres out of southeast quarter of Blind Asylum Lands Section 62 extending 300 feet west from 3600-3700 blocks of Oldham Lane in an existing Neighborhood Retail (NR) District

PROPOSAL AND REQUESTED ACTION:

The applicants are requesting to change the zoning of approximately 8.1 acres of vacant land, from what is now a combination of General Retail (3.8 acres) and Neighborhood Retail (4.3 acres) Districts. This acreage is planned to be combined with an adjoining 16.271 acres of vacant land already in a General Commercial District, to form a site for what is categorized as “sales and rental of trucks and other large vehicles.” Specifically, these combined 24.371 acres are proposed to be a new location for Warren Caterpillar Sales and Rental in Abilene, now headquartered at 3601 South Treadaway Boulevard.

BACKGROUND:

The subject property was annexed to the City limits of Abilene in 1968, with the initial construction of Loop 322.

Until 2013, this subject property, the entire triangular block bounded by Loop 322, Oldham Lane and Gateway Street was zoned Agricultural Open Space (AO). During 2013, this entire block was rezoned to its present arrangement of General Commercial (GC), General Retail (GR) and Neighborhood Retail (NR) Districts.* This triangular block was vacant then (in 2013) and remains vacant today.

EXISTING AND PROPOSED ZONING:

These 2013 zone changes included creation of:

- an approximately 3.8-acre General Retail District extending 300 north from Gateway Street, across from a residential development known as the Tuscany Village Addition; and
- an approximately 4.3-acre Neighborhood Retail District extending 300 feet west from Oldham Lane, across from eight single-family homes at 3541 thru 3741 Oldham Lane.

* See Zone Change Case No. Z-2020-13 and City Council Ordinance No. 50-2013.

As mentioned above, these two zoning districts (a GR District and an NR District) are both proposed to be changed to a General Commercial zoning district with the intent is to accommodate planned future development of a site for sales and rental of trucks and other large vehicles.

APPLICATION REVIEW:

Section 1.4.1.4 of Abilene’s Land Development Code concerns criteria for approval of zoning changes. This Section stipulates that, in making a recommendation regarding a requested zone change, the Planning and Zoning Commission and the City Council should 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 component of Abilene’s Comprehensive Plan suggests the entire triangular block bounded by Loop 322, Oldham Lane and Gateway Street to be part of a Major Commercial/Business Center. It was on this basis that the present arrangement of commercial zoning (inc. GC, GR and NR Districts) was applied during 2013.

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

Both General Retail (GR) and Neighborhood Retail (NR) zoning classifications are intended for closer compatibility with nearby residences than is General Commercial (GC) zoning. For example, GC zoning allows automotive sales and major automotive repair, both of which are not allowed in GR and NR Districts. GC zoning also allows the opportunity to seek approval of a Conditional Use Permit (CUP) allowing sales and rental of trucks and other large vehicles. This particular opportunity for CUP approval is not available in GR and NR Districts.

Due to this closer compatibility with nearby residences, the present combination of GR and NR zoning was selected (in 2013) for the subject properties of this proposed zone change:

- GR zoning was selected for a 3.8-acre tract extending 300 feet north from Gateway Street. On the opposite (south) side of Gateway Street is the Tuscany Village residential development. Nearby homes there usually back up to Gateway Street and are separated (from Gateway) by an 80-foot-wide detention basin for storm water.
- NR zoning was selected for a 4.3-acre tract extending 300 feet west from Oldham Lane. On the opposite (east) side of Oldham Lane is an extensive development of single-family homes in the Lytle Shores South Addition. Eight (8) single-family homes face Oldham Lane, directly across from the NR District proposed to be changed to GC zoning. The Neighborhood Retail (NR) zoning classification allows many of the same retail activities as does General Retail (GR) zoning. In NR zoning districts, however, there are limits on the overall size of any one building (15,000 square feet) and on hours of operation (from 6:00 am until 11:00 pm). These limits are intended to promote even closer compatibility with nearby residences.

	Zoning	Existing Land Use
North	GC, GR	vacant land
South	MD	townhomes, duplexes (across Gateway Street)
East	RS-6	single-family homes (across Oldham Lane)
West	GC	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 proposed change from a combination of GR and NR zoning, to GC zoning, should have no significant impact on public services for water distribution, sewage collection, schools or other such public facilities.

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

Compatibility with nearby residences, as well as protecting the value and comfort of those nearby residences, are the most important factors in considering these requested zone changes. It is the opinion of staff that the requested change will substantially affect the general welfare of the adjacent neighborhoods due to the variety of uses allowed in GC zoning that are not consistent with preserving the character and residential nature of the adjacent RS-6 zone and the only entrance into the southern adjacent MD zone.

STAFF RECOMMENDATION:

City staff recommends denying the requested change to GC zoning on the subject properties presently zoned GR and NR. The rationale for choosing GR and NR zoning (in 2013) still appears to be valid. Conditions in the surrounding environment also remain the same as they were seven years ago.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On November 3 of 2020, the Planning and Zoning Commission will meet to review this request.

NOTIFICATION:

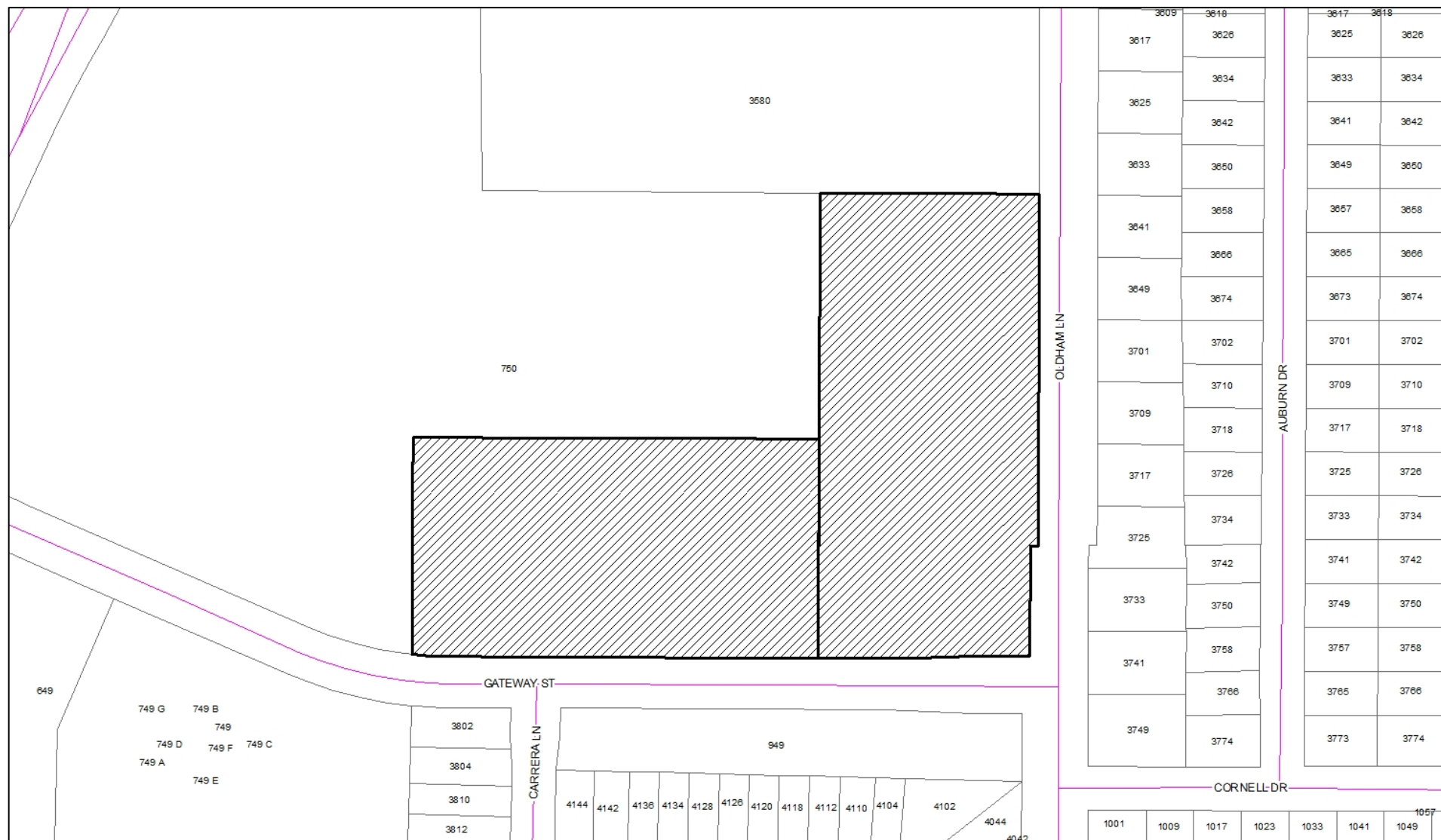
The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and to owners of property within a 200-foot radius of this subject property;

Owner	Situs	Response
ABILENE TUSCANY LLC	749 GATEWAY ST	
ABILENE TUSCANY LLC	749 G GATEWAY ST	
ABILENE TUSCANY LLC	749 A GATEWAY ST	
ABILENE TUSCANY LLC	749 B GATEWAY ST	
ABILENE TUSCANY LLC	749 C GATEWAY ST	
ABILENE TUSCANY LLC	749 D GATEWAY ST	
ABILENE TUSCANY LLC	749 E GATEWAY ST	
ABILENE TUSCANY LLC	749 F GATEWAY ST	
ALLEN ROBERT G	3649 OLDHAM LN	
BARNES JUSTIN & HANNAH MARIE	3617 OLDHAM LN	
BENAVIDES MIGUEL & ASHLEY N	3718 AUBURN DR	
COX BURL C	3725 OLDHAM LN	
FESTEJO CHARLEMAGNE F & MIRIAM E	3658 AUBURN DR	
HALL BRANDON C ET AL	4136 CARRERA LN	
HAMILTON WALTER J II	3709 OLDHAM LN	
JONES MICHAEL L & PATRICIA A	3734 AUBURN DR	
JSALINAS PROPERTIES LLC	4112 CARRERA LN	
JSALINAS PROPERTIES LLC	4110 CARRERA LN	
LIGHT BOY PROPERTIES	3710 AUBURN DR	
MARTIN GRADY LYNN	3701 OLDHAM LN	
MATTHEW WILLIAM M & NANCY A	3650 AUBURN DR	
MC DONALD ASSETS INC	4120 CARRERA LN	
MC DONALD ASSETS INC	4118 CARRERA LN	
MCDONALD ASSETS INC	4044 CARRERA LN	
MUSGRAVE & MUSGRAVE LLP	949 GATEWAY ST	
NOBLES ROBERT R & CYNTHIA G	4142 CARRERA LN	
NOBLES ROBERT R & CYNTHIA G	4144 CARRERA LN	
NOBLES ROBERT R II &	3802 CARRERA LN	
NOBLES ROBERT R II &	3804 CARRERA LN	
NOBLES ROBERT R II &	3810 CARRERA LN	
RAINY CREEK MANAGEMENT INC	3633 OLDHAM LN	
REYNA EDUARDO & SOLEDAD	3625 OLDHAM LN	
SNOW MICHAEL	3741 OLDHAM LN	
STITTS JERRY & JUDY	4134 CARRERA LN	
STREET MICHAEL E JR	3717 OLDHAM LN	
SWANSON KENNETH W &	3641 OLDHAM LN	
VAUGHN CHRIS L &	3666 AUBURN DR	
WADE LANTHA A	3733 OLDHAM LN	
WALKER COLBY & RHONDA LYNN	3674 AUBURN DR	
WALMART REAL ESTATE	3580 OLDHAM LN	
WEST JARROD & RACHEL	4104 CARRERA LN	
WEST JARROD & RACHEL	4102 CARRERA LN	
WICHNER JUSTIN ANDREW & TIMEA	4128 CARRERA LN	
WICHNER JUSTIN ANDREW & TIMEA	4126 CARRERA LN	
WILKINSON CLYDE C &	3702 AUBURN DR	
WINDMILL CIRCLE PARTNERS LP &	750 GATEWAY ST	
WYATT JESSE A & TINA L	3749 OLDHAM LN	
ZHANG XIANGLING	3726 AUBURN DR	

ATTACHMENTS:

- Application
- PowerPoint

Case # Z-2020-19
October 23, 2020





Development Application

Planning

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

Project Name: Warren Caterpillar

Address: Loop 322 access rd./Gateway Blvd. No. of lots: 1 Acreage: 24.371

Legal Description: see attached

Subdivision Name: Southeast Quarter of Section 62 of the Blind Asylum Lands, Abstract No. 679

Block: _____ Lot: _____

Current Zoning: GR/NR

Proposed Zoning (if applicable): GC

OWNER AND AUTHORIZATION

Owner Name: Oldham Partners, LP and Windmill Circle Partners, LP

Address: 4150 Southwest Dr., Ste. 210

City, State, Zip: Abilene, TX 79606

Fax: _____

Phone: 325.692.9141

Email: tconder@condercompany.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) Tony Conder and/or Don Whitehead will act as my agent before the Planning and Zoning Commission.

Agent Name: Tony Conder

Address: 4150 Southwest Dr., Ste. 210

City, State, Zip: Abilene, TX 79606

Fax: _____

Phone: 325.692.9141

Email: tconder@condercompany.com

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

Signature Owner: [Signature] Date: 10/5/2020

FOR OFFICE USE ONLY

Received: 10/05/2020 Fee: \$ 1500 Receipt No.: 0001055776 & 0001055775
 Case No.: Z-2020-19 Reviewed By: [Signature]

AND
CUP-2020-08



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.

The subject property was zoned in anticipation of a Wal-Mart development a number of years ago. Wal-Mart subsequently decided to not develop the site. Consequently the nature of development has transitioned to vehicle and machinery sales as evidenced by the adjacent development of a new John Deere power equipment facility. The proposed use is consistent with recent zoning changes and more accurately reflects the long term use and viability of this parcel of land along loop 322.

This application for conditional use is to provide Warren Equipment the eligible zoning for a new sales and service center similar to the John Deere facility

EXHIBIT A

BEING 24.371 acres of land situated in the City of Abilene, Taylor County, Texas, and being out of the Southeast Quarter of Section 62 of the Blind Asylum Lands, Abstract No. 679, and being out of a 98.33 acre tract described in a certain Deed Without Warranty to Musgrave and Musgrave, LLP dated October 4, 2005, and recorded in Volume 3151, Page 821, Official Public Records, Taylor County, Texas, and said 24.371 acre tract being more particularly described in metes and bounds as follows:

BEGINNING at an "X" set in concrete at the point of intersection of the North right-of-way line of Gateway Street and the West right-of-way line of Oldham Lane, a.k.a. Farm to Market Road 1750 (said right-of-way line is the East line of said 98.33 tract), with said point of beginning being the Northeast corner of Section 1, Tuscany Village Addition to said City of Abilene as shown per plat recorded in Cabinet 2, Slide 351-A of the Plat Records of said Taylor County, Texas;

THENCE in a Westerly direction along said North right-of-way line of Gateway Street the following calls:

North 89°42'12" West along said North right-of-way line, at 10.00 feet passed a found 3/4 inch aluminum rod with 2 inch aluminum, Jacob & Martin cap, henceforth called a standard monument, and continuing a total distance of 76.30 feet to a standard monument found for corner;

South 88°20'54" West 120.00 feet to a standard monument found for corner;

North 89°41'48" West 597.79 feet to a standard monument found for corner at the beginning of a curve to the right which is concave to the East-Northeast and having a radius of 485.00 feet, a delta angle of 23°08'58" and being subtended by a chord having a bearing of North 78°11'30" West and a length of 194.63 feet;

Along said curve a distance of 195.96 feet to a standard monument found for corner;

North 66°34'03" West 413.09 feet to a standard monument found for corner;

North 64°39'19" West 120.04 feet to a standard monument found for corner;

North 66°37'21" West 66.34 feet to a standard monument found for corner in the Westerly line of said 98.33 acre tract, same being the Easterly right-of-way line of Loop 322;

THENCE North 23°28'45" East along said Westerly line of said 98.33 acre tract and said Easterly right-of-way line of Loop 322 a distance of 314.48 feet to a found standard monument for the beginning of a curve to the right which is concave to the Southeast and having a radius of 2714.54 feet, delta angle of 12°56'29" and being subtended by a chord having a bearing of North 30°08'17" East, and a length of 611.84 feet;

THENCE along said Easterly right-of-way line and said Westerly tract line and said curve to the right a distance of 613.14 feet to a found 5/8 inch rebar rod with a cap stamped "J&M BOUNDARY" for the most Northerly Southwest corner of the Grocery Retail Addition #2220-00 to the City of Abilene as shown in the plat of record of said addition recorded in Cabinet 4, Slide 180, Plat Records, Taylor County, Texas;

THENCE South 54°38'38" East along a Southerly line of said Grocery Retail Addition #2220-00 a distance of 78.47 feet to a found 5/8 inch rebar rod with cap for corner;

THENCE South 89°43'36" East along a Southerly line of said Grocery Retail Addition #2220-00 a distance of 289.86 feet to a found 5/8 inch rebar rod with cap for corner;

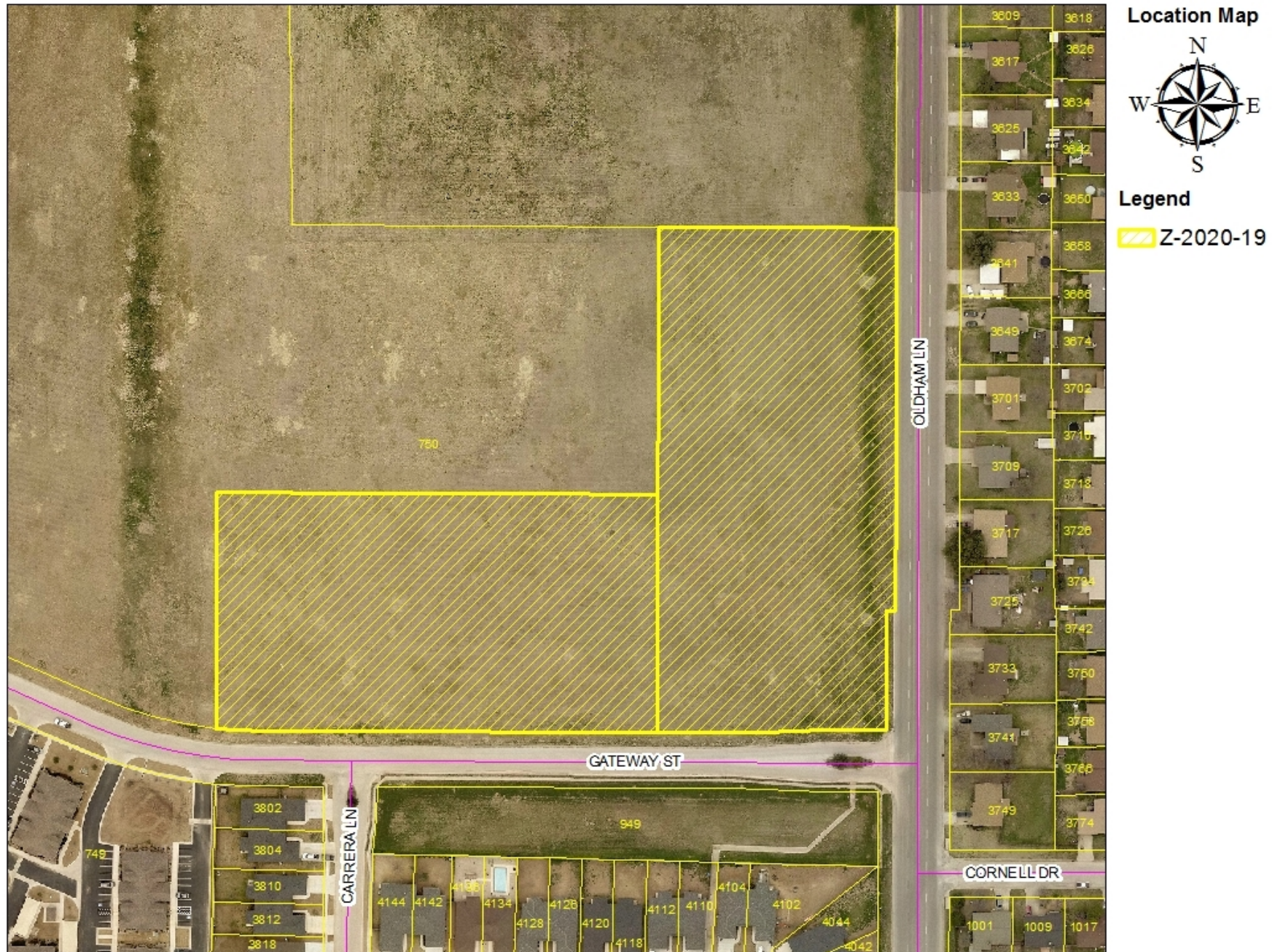
THENCE South 00°16'24" West along the most Southerly West line of said Grocery Retail Addition #2220-00 a distance of 436.04 feet to a found 5/8 inch rebar rod with cap for corner;

THENCE South 89°43'36" East along the most Easterly South line of said Grocery Retail Addition #2220-00 a distance of 751.61 feet to a found 5/8 inch rebar rod with cap for the Southeast corner of said Grocery Retail Addition #2220-00 and the Northeast corner of this tract and being located in said West right-of-way line of Oldham Lane and said East line of said 98.33 acre tract;

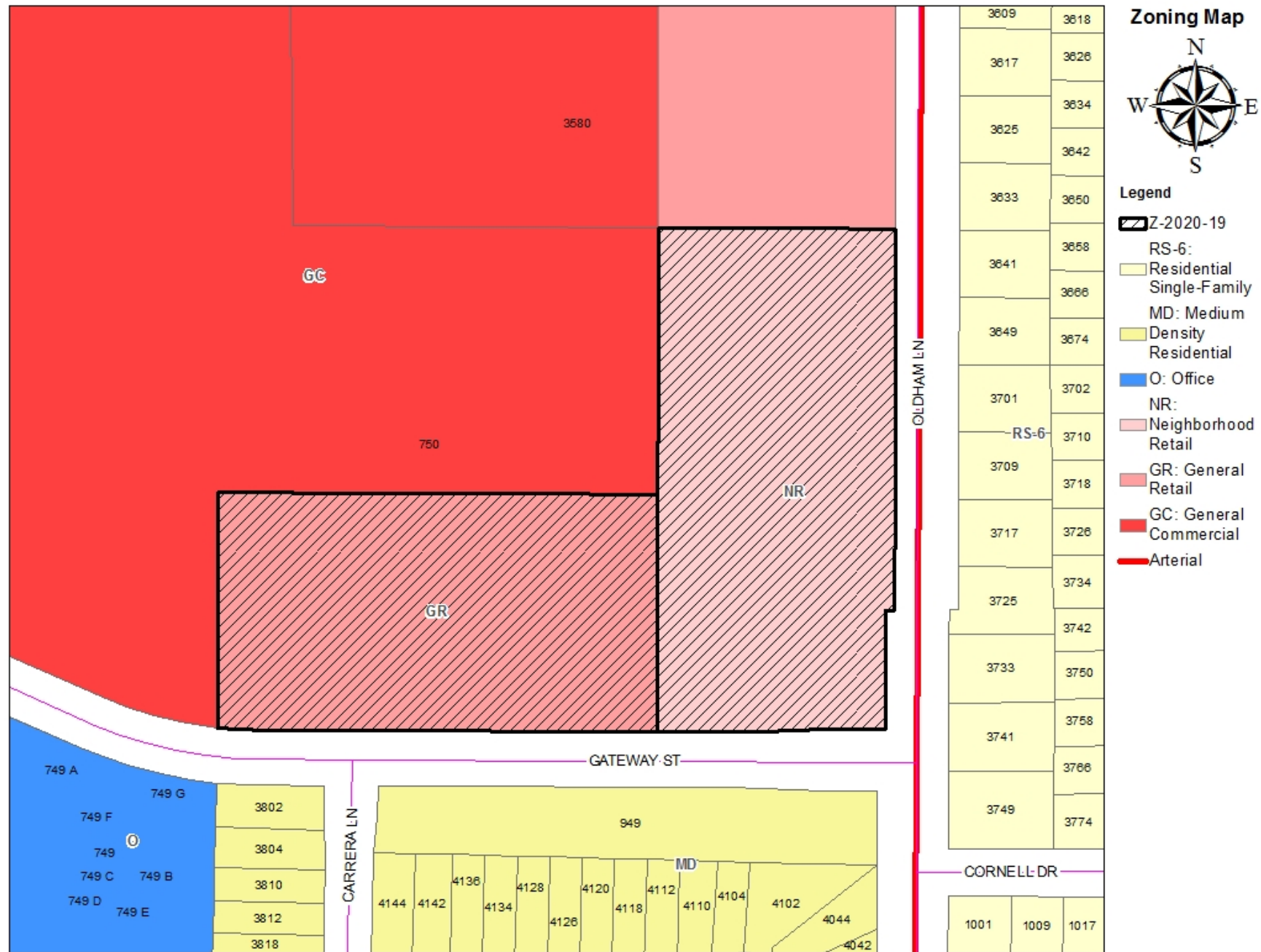
THENCE South 00°16'24" West along said East line of said 98.33 acre tract and said right-of-way line a distance of 613.07 feet to the POINT OF BEGINNING and containing 24.371 acres of land, more or less.

Case:	Z-2020-19
Owner:	Oldham Partners, LP & Windmill Circle Partners, LP
Agent:	Tony Conder
Request:	Rezone approximately 3.8 acres in GR and 4.3 acres in NR to GC
Location:	3.8 acres out of southeast quarter of Blind Asylum Lands Section 62 extending 300 feet north from 900 block of Gateway Street in an existing General Retail (GR) District and 4.3 acres out of southeast quarter of Blind Asylum Lands Section 62 extending 300 feet west from 3600-3700 blocks of Oldham Lane in an existing Neighborhood Retail (NR) District
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	November 3, 2020
City Council Hearing:	November 19, 2020 December 3, 2020

Z-2020-19 AERIAL LOCATION MAP

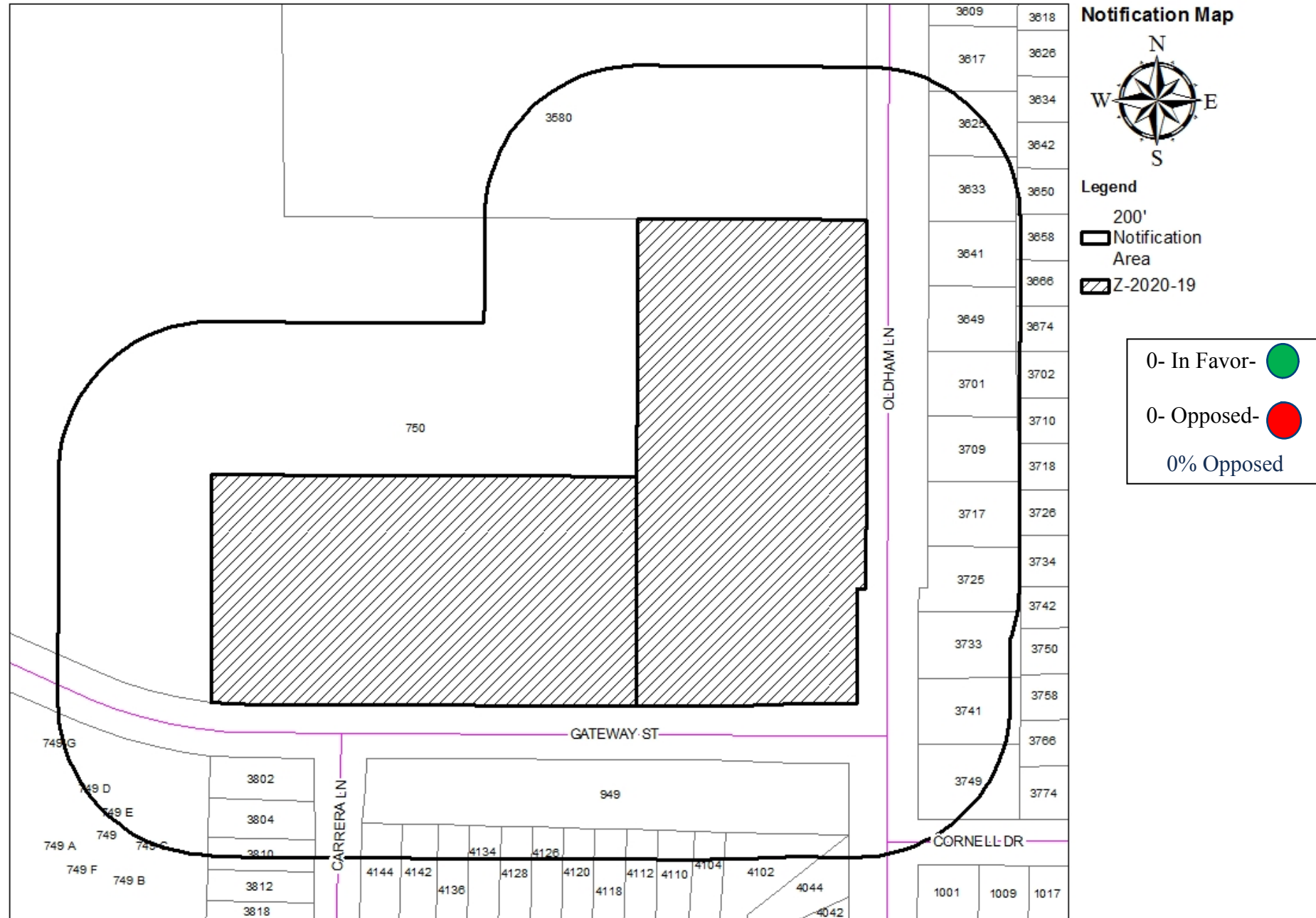


Z-2020-19 ZONING MAP





CUP-2020-08 NOTIFICATION AREA MAP



- Not 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: Denial

Questions?

ZONING CASE Z-2020-20

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Albert Houle

Agent: Chris Barnett and Dale Scoggins

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- 7602, 7750 and 7734 HWY 83-84
- Legal description(s): 8.15 acres out of the northeast quarter of Lunatic Asylum Lands Section Number 23 in Taylor County, TX

BACKGROUND:

The subject properties were annexed into the City limits of Abilene in 1980, at which time they were zoned Agricultural Open Space (AO). The subject properties are currently occupied by single family residences which pre-date the annexation of the tracts of land into the City of Abilene.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone from Agricultural Open Space (AO) to General Commercial (GC) in order to promote development of a wide range of commercial activities.

APPLICATION REVIEW:

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

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

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as a mixed use gateway. Specifically, the Comprehensive Plan states the importance of this gateways proximity to the Special Activity Center which has developed around Abilene Regional Medical Center. This mixed use gateway should build on the supporting land uses of this activity center. General Commercial (GC) Zoning will continue to promote the goal of further supporting the land uses which have developed around the Abilene Regional Medical Center as well as Kirby Lake by providing a wide range of retail/office activities, personal and business services, and other commercial opportunities in close proximity to the regional activity center.

(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 retail and commercial uses permitted by the proposed zone change would be appropriate in the immediate area. Rezoning this property will provide an opportunity for a wide range of commercial and retail activities, which will encourage the Comprehensive Plan's objective of creating a mixed use gateway.

The subject lots have been Agricultural Open Space (AO) since 1980. West of these lots is a single family residence within AO zoning. East of the subject properties is HWY 83-84. North of the subject properties is vacant acreage which is currently zoned Agricultural Open Space. South of the subject properties is a Planned Development District (PD 150), this planned development was created to promote general retail development as well as serve as the office and service yard for a public utility agency.

	Zoning	Existing Land Use
North	AO	Vacant Acreage
South	PD-150	Utility Company Office/Service Yard
East	N/A	HWY 83-84
West	AO	Single Family Residence

(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 properties have access to existing water mains and sewer mains. Therefore water and sewer capacity should not be a limiting factor to the development of these properties. As it stands today, Waldrop Drive is an under improved collector road; the developer will be responsible for improving their share of Waldrop in accordance with the City of Abilene's collector road standards at the time of subdividing. Such improvements will include widening and providing curb/gutter along the subject property lines adjacent to Waldrop.

According to the Land Development Code good automobile accessibility within General Commercial (GC) districts is essential. The subject property is located near the intersection of HWY 83-84 and Waldrop Dr. Traditional planning considers intersections of freeways and collector roads such as this, to be customarily appropriate for commercial purposes.

(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 properties have been zoned AO since at least 1980, when the properties were annexed by the City of Abilene. The AO district is typically used as a "holding zone", until an applicant requests and the City considers a more intensive zoning district of the land. Properties near these tracts of land have undergone rezoning and development that is consistent with the Future Land Use and Development Plan Maps goal of creating a mixed use gateway; specifically along Highway 83-84 in between Antilley Road and Beltway South (FM707). According to the Comprehensive Plan, this gateway should provide a mixture of mutually supportive land uses which support the special activity center that has developed around Abilene Regional

Medical Center. Rezoning the subject properties to GC will allow a wide range of land uses that will further promote a mixed use gateway south of the special activity center surrounding Abilene Regional Medical Center.

STAFF RECOMMENDATION:

This rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval) in the Land Development Code and staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will meet on November 3, 2020 to review this request.

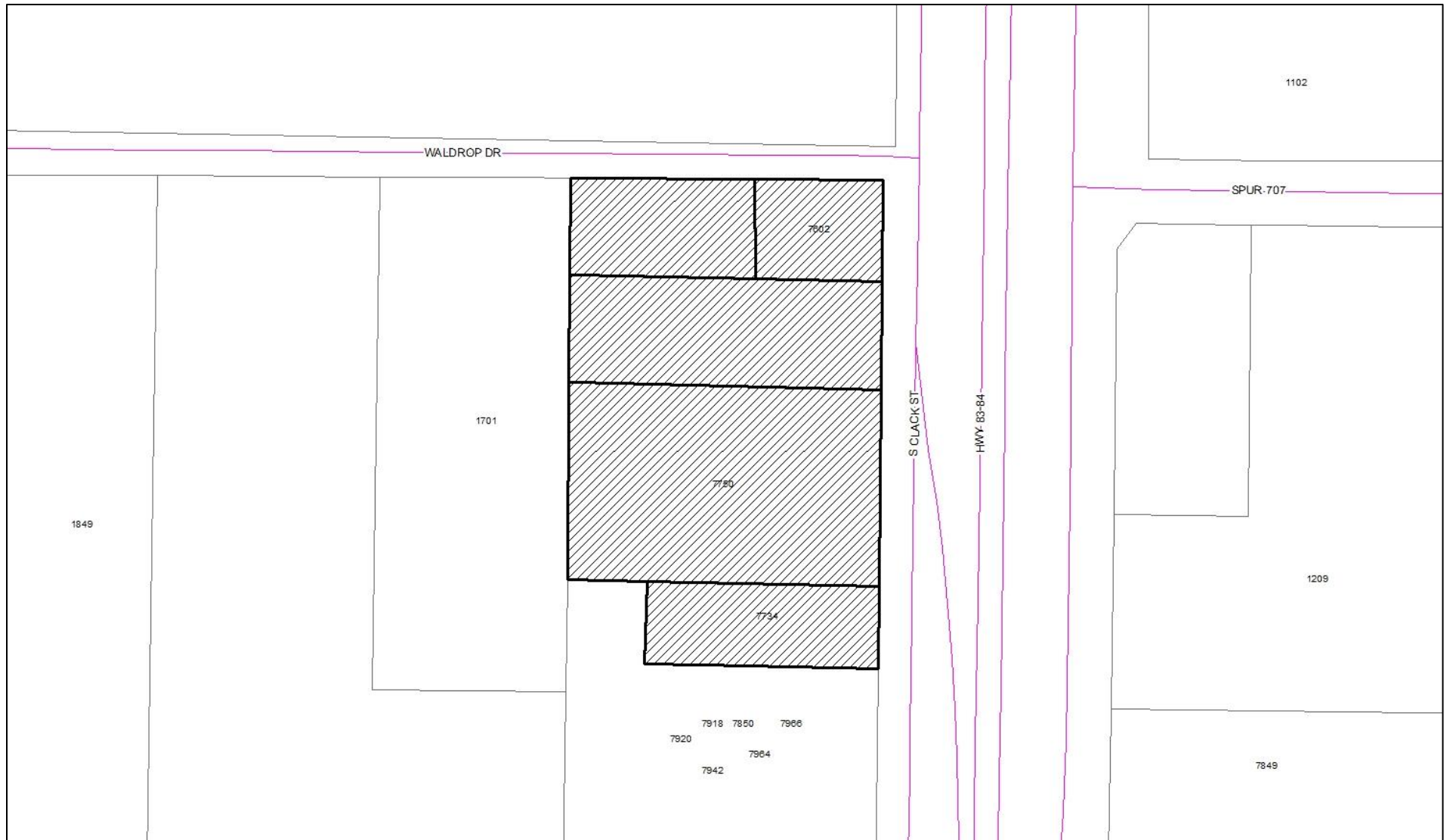
NOTIFICATION:

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
ENSOR JOSH & PATTI		
HOULE ALBERT	7750 HWY 83-84	
HOULE ALBERT L	7734 HWY 83-84	
HOULE ALBERT L		
HOULE ALBERT L	7602 HWY 83-84	
HOULE ALBERT L		
SCHAFER VICTORIA L	1701 WALDROP DR	
TAYLOR ELECTRIC COOP INC	7964 HWY 83-84	
TAYLOR ELECTRIC COOP INC	7850 HWY 83-84	
TAYLOR ELECTRIC COOP INC	7918 HWY 83-84	
TAYLOR ELECTRIC COOP INC	7942 S CLACK ST	
TAYLOR ELECTRIC COOP INC	7920 S CLACK ST	
TAYLOR ELECTRIC COOP INC	7966 HWY 83-84	
WEST TEXAS UTILITIES CO		

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

☐ Conditional Use

☐ Easement Release

☒ Rezoning

☐ Other

☐ PDD

☐ Street Name Change

☐ Thoroughfare Abandonment

☐ PDD Amendment

Other: _____

Project Name: HIGHWAY 83/84 COMMERCIAL DEVELOPMENT

Address: 7602, 7750, 7734 HWY 83-84 No. of lots: 5 Acreage: 8.14

Legal Description: A0980 SUR 23 L A L NE/4 ACRES 8.14

Subdivision Name: CORONADO, EL DORADO TRAILS ESTATES Block: _____ Lot: _____

Current Zoning: A0 Proposed Zoning (if applicable): GC

OWNER AND AUTHORIZATION

Owner Name: ALBERT HOULE

Address: 7602 VS HWY. 83

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

Phone: 325/665-1233 Email: _____

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

Agent Name: CHRIS BARNETT (RREC) / Dale Scoggins

Address: 2438 INDUSTRIAL BLVD, 136

City, State, Zip: ABILENE, TX. 79605 (PH) 325/201-7679

Phone: _____ Email: CBARNETT@RRECTEXAS.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: Albert Houle

Date: 10/5/2020

FOR OFFICE USE ONLY

Received: _____

Fee: \$ 1500.00

Receipt No.: 0001055774

Case No.: Z-2020-20

Reviewed By: _____



Development Application

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

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

THE PROPERTY FRONTS ON HWY 83/84 APPROX 1/4 MILE NORTH OF FM 707 WHICH MAKES IT SUITABLE FOR COMMERCIAL ZONING PER STAFF RECOMENDATION, AND IS CONSISTENT WITH THE FUTURE LAND USE DEVELOPMENT PLAN.

THE TAYLOR ELECTRIC SERVICE YARD IS DIRECTLY SOUTH OF THIS PROPERTY WITH WALDROP DR. TO THE NORTH. THE PROPERTY HAS APPROX. TWICE AS MUCH FRONTAGE ON 83/84 AS IT DOES DEPTH AND IS ACCESSED BY THE ON AND OFF RAMPAS FROM HWY 83/84.



Development Application

RECOMMENDATIONS

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

PUBLIC NOTIFICATION

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

PLEASE READ BEFORE SIGNING

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

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

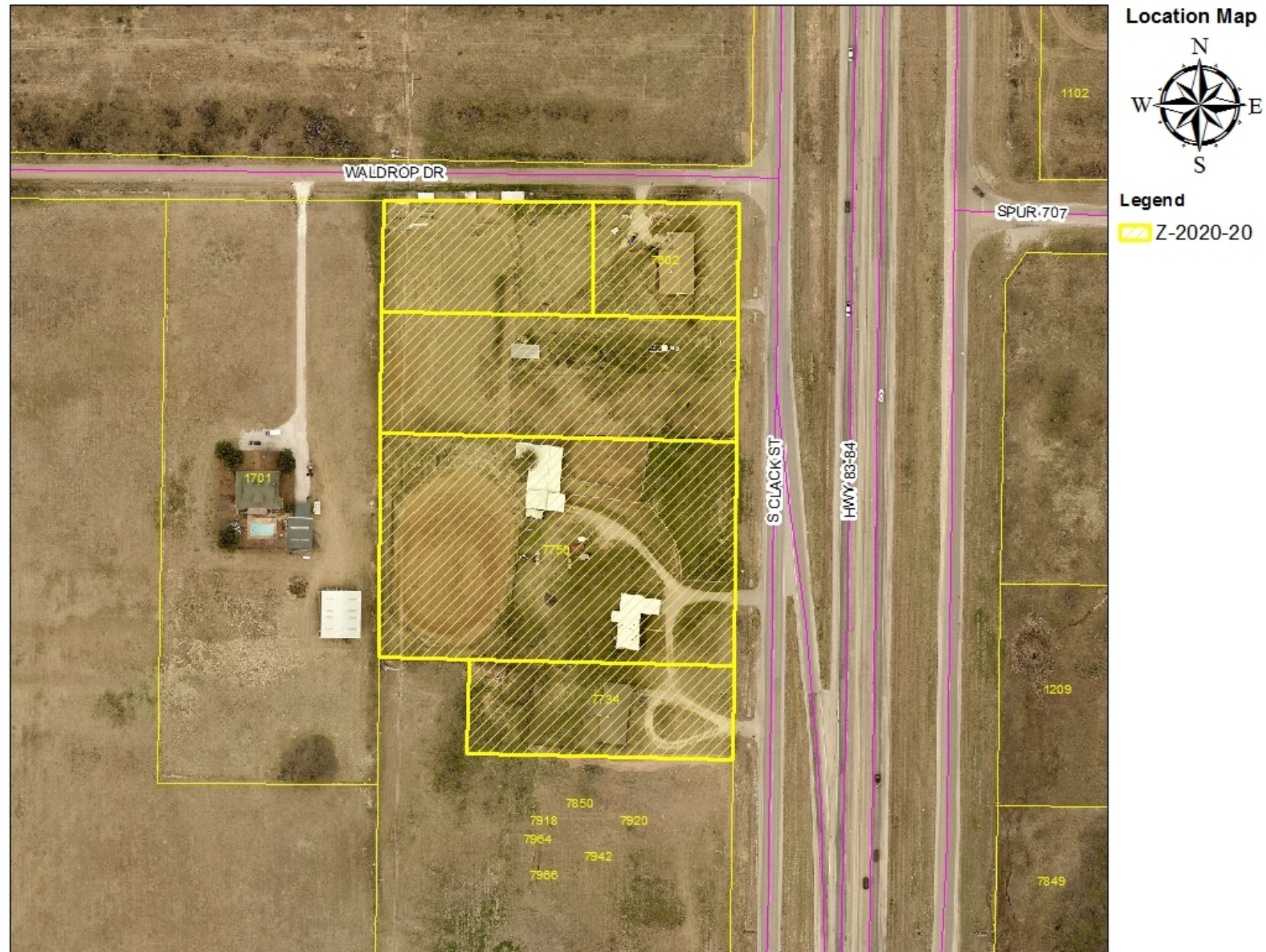
SIGNED: _____

DATE: _____

10/5/20

Case:	Z-2020-20
Owner:	Albert Houle
Agent:	Chris Barnett & Dale Scoggins
Request:	Rezone from AO to GC
Legal Description:	8.15 acres out of the northwest quarter of Lunatic Aslum Lands Section number 23 Abilene, Taylor County, Texas
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	November 3, 2020
City Council Hearing:	November 19, 2020 December 3, 2020

Z-2020-20 LOCATION MAP



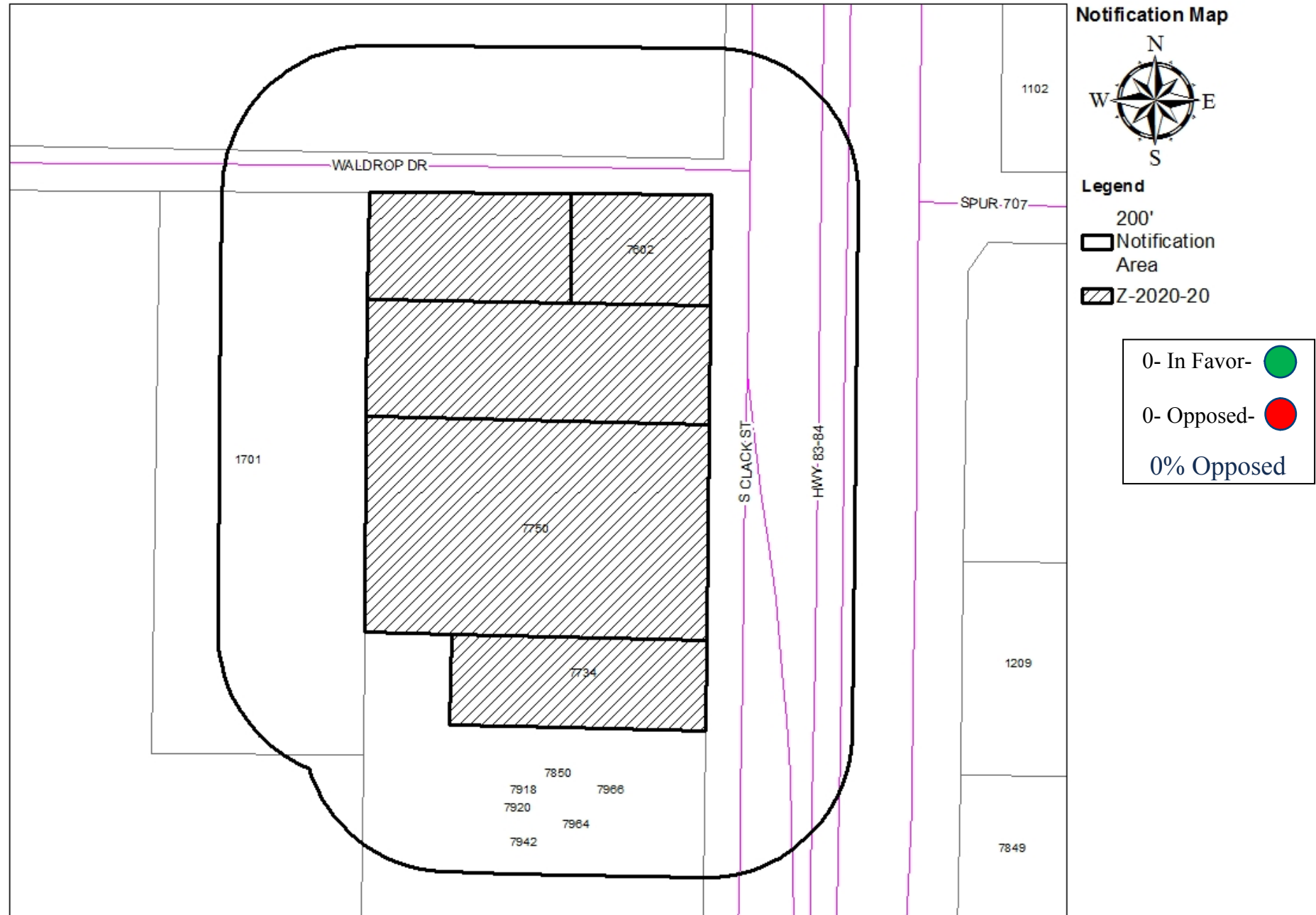
Z-2020-20 ZONING MAP



Z-2020-20 VIEWS OF SUBJECT PROPERTY



Z-2020-20 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 Z-2020-21

STAFF REPORT



REQUEST: Rezone a 4.04-acre tract of vacant land, from Agricultural Open Space (AO) to General Commercial (GC) District

APPLICANT:

Owner: Carlynn Enterprise (Vinson Higginbotham)

Agent: Triangle Engineering, represented by Jack Zanger

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- 4900-5000 blocks (west side) of South Clack Street, and east of Canyon Rock Lake
- Legal description: approximately 4.04 acres out of Lot 6 in the Alfred and Mary Fasshauer Subdivision of Blind Asylum Lands Section 65 in Abilene, Taylor County, Texas

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone the subject property from Agricultural Open Space (AO) to a General Commercial (GC) District. The northern half of this 4.04-acre tract is planned for immediate development as a site for automotive body repair. No planned use of the remaining southern half has been identified.

BACKGROUND:

This site was annexed to the City limits of Abilene during the late 1950's. This was approximately the same period of time as the initial construction of Winters Freeway (Hwy. 83-84). The subject property is believed to have been vacant during these 60+ years, although possibly used for excavation of fill material.

Winters Freeway and its southbound frontage road (South Clack Street) borders the subject property's entire eastern boundary, over a distance of 670+ feet. Since 2012, this adjoining segment of South Clack Street has been a one-way frontage road.

The west side of this subject property is bordered by a 100-foot-wide strip of land which long served as the route of Abilene & Southern Railroad. During the 1980's, this railway was abandoned and the tracks removed. This 100-foot-wide strip of vacant land is now owned by the City of Abilene.

Land located farther west of this 100-foot-wide strip is developed as a subdivision of single-family homes, more specifically known as Canyon Rock Lake Addition.

EXISTING AND PROPOSED ZONING:

The subject property has been within an Agricultural Open Space (AO) zoning district since the current zoning map was initially approved during 1974. Although sometimes applied to actual farm and ranch land with scattered single-family homes, the AO zoning classification is most often used as a "holding" zone until some more intensive use of that land is deemed appropriate and zoning for such is approved. The current owners of this subject property now seek a change in zoning to a General Commercial (GC) District.

APPLICATION REVIEW:

Section 1.4.1.4 of Abilene's Land Development Code concerns criteria for approval of zoning changes. This Section stipulates that, in making a recommendation regarding a requested zoning change, the Planning and Zoning Commission and the City Council should 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 component of Abilene's Comprehensive Plan suggests the entire vicinity wedged between U.S. Hwy. 83-84 and the former Abilene & Southern Railroad* to be a Special Activity Center. This triangular-shaped area encompasses approximately 280 acres within which a variety of commercial (but not industrial) uses are encouraged. For the subject property and its immediate surroundings north and south, the practical choice of potential commercial zoning seems limited to either General Commercial (GC) or General Retail (GR) classifications. Both forms of commercial zoning are identical in many ways with the following meaningful distinctions:

1. The following uses are automatically allowed in GC Districts, but not in GR Districts, whatsoever:
 - a. sales of automobiles and small trucks;
 - b. major automotive repair.
2. The following uses are allowed in GC Districts with approval of a Conditional Use Permit (CUP) but are not allowed in GR Districts, whatsoever:
 - a. sales of trucks and other large vehicles;
 - b. contractor services;
 - c. wholesale trade (indoor storage only).

In both GC and GR Districts, outdoor storage of materials not displayed for sale is not allowed.

In both GC and GR Districts, outdoor display of merchandise available for sale is allowed, but subject to the same limiting conditions.

(2) Whether the uses permitted by the proposed change in zoning 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 is most appropriate for consumer-oriented retail trade and services requiring maximum access by passing motorists, often at or near the intersection of arterial streets. General Commercial (GC) zoning will accommodate all the same consumer-oriented retail activities as GR zoning, but GC zoning also allows opportunities for some commercial activities not necessarily relying on heavy traffic passing by. These "destination-dependent" businesses are those to which customers may be obliged to travel occasionally, but not routinely. These businesses include automotive repair, automobile sales and even wholesale trade, all of which are at least potentially allowable in GC Districts but not in GR Districts.

The only existing roadway adjacent to this subject property is South Clack Street, which is one-way. The subject property also lies a long way from any existing cross street suitable for commercial traffic. As a result, opportunities for some "destination-dependent" businesses may need to be made available in order to make any effective use of this subject property. General Commercial (GC) zoning may achieve this, in a way which General Retail (GR) zoning does not.

* north from a line located ¼-mile south of Antilley Road

	Zoning	Existing Land Use
North	AO	vacant tract; Winters Freeway
South	AO	vacant tracts; petroleum pipeline
East	AO	Winters Freeway (Highway 83-84)
West	AO	100-foot-wide strip of 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.

As mentioned above, this subject property has a border over 670 feet along on a fully-improved frontage road for Winters Freeway (Hwy. 83-84). The subject property also has direct access to a 10-inch-wide water main and an 18-inch-wide sewer main. All the basic infrastructure necessary for commercial use of this subject property is already in place. No additional demand on public schools or other such public facilities may reasonably be expected to emerge from commercial use of this property.

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

Only a 100-foot-wide strip of land separates the rear of this subject property from the rear of existing single-family home sites in the Canyon Rock Lake Addition. This 100-foot separation may represent enough of a separation to minimize any ill effects that commercial use may have on the value and comfort of nearby homes.

STAFF RECOMMENDATION:

City staff recommends approving the request for General Commercial (GC) zoning on this subject property. GC zoning represents an appropriate “balance” between allowable nonresidential use and this property’s proximity to nearby residences. Unsightly industrial-like uses and unmitigated outdoor storage will be prohibited altogether, while a 100-foot-wide vacant strip separates any allowed commercial use from the rear of nearby residences.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On November 3, 2020, the Planning and Zoning Commission will meet to review this request.

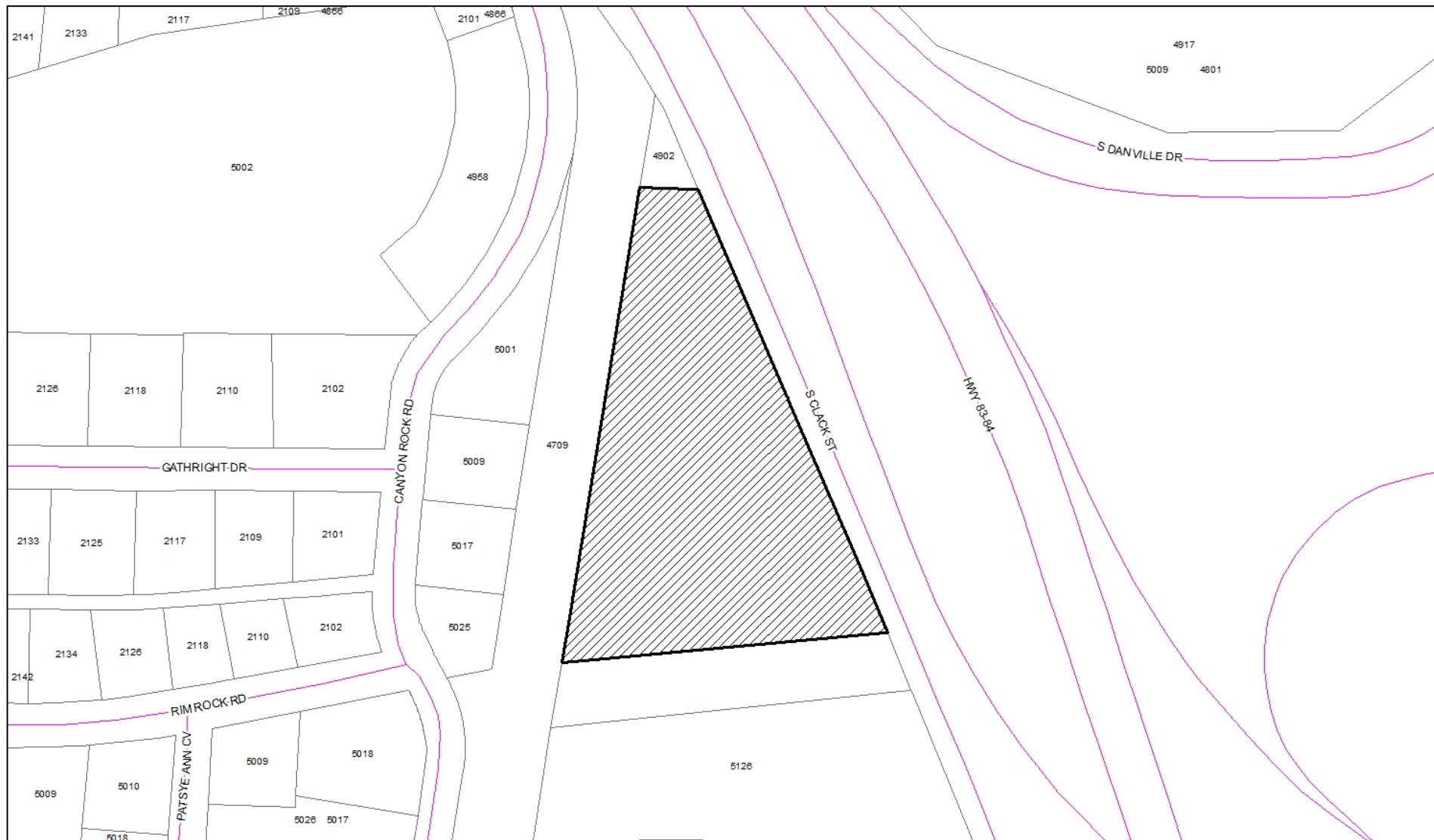
NOTIFICATION:

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

Owner	Situs	Response
CARLYNN ENTERPRISE	5126 S CLACK ST	
CARLYNN ENTERPRISE		
CITY OF ABILENE	4902 S CLACK ST	
CITY OF ABILENE	4709 S DANVILLE DR	
FAIN CECIL	4958 CANYON ROCK RD	
HARRUFF DOUGLAS KIRK &	5009 CANYON ROCK RD	
LAWSON CHARLES L & DEON	5025 CANYON ROCK RD	
MAR DANIEL K JR & TERESA A	5017 CANYON ROCK RD	
WEST TEXAS GULF PIPE LINE CO		
WILCOX STEVEN M & SARA S	5001 CANYON ROCK RD	

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

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

Project Name: Caliber Collision

Address: UnAddressed No. of lots: N/A Acreage: 4.04

Legal Description: A0946 SUR 65 B A L SE/4, TRACT 6 FASSHAUER 4.04 ACRE

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

Current Zoning: (AO) Agricultural Open Space Proposed Zoning (if applicable): (GC) General Commercial

OWNER AND AUTHORIZATION

Owner Name: Vinson Higginbotham

Address: 4001 South 1st Street

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

Phone: _____ Email: vinsonh@arrowford.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) Jack Zanger will act as my agent before the Planning and Zoning Commission.

Agent Name: Jack Zanger, Project Manager, Triangle Engineering

Address: 1784 West McDermott Dr. Suite 110

City, State, Zip: Allen, Texas, 75013 Fax: _____

Phone: 469.331.8566 Ext. 113 Email: jzanger@triangle-engr.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: Vinson Higginbotham Date: 9-10-2020

FOR OFFICE USE ONLY

Received: _____ Fee: \$ 1,500 Receipt No.: 0001055777

Case No.: Z-2020-21 Reviewed By: _____



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

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



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.

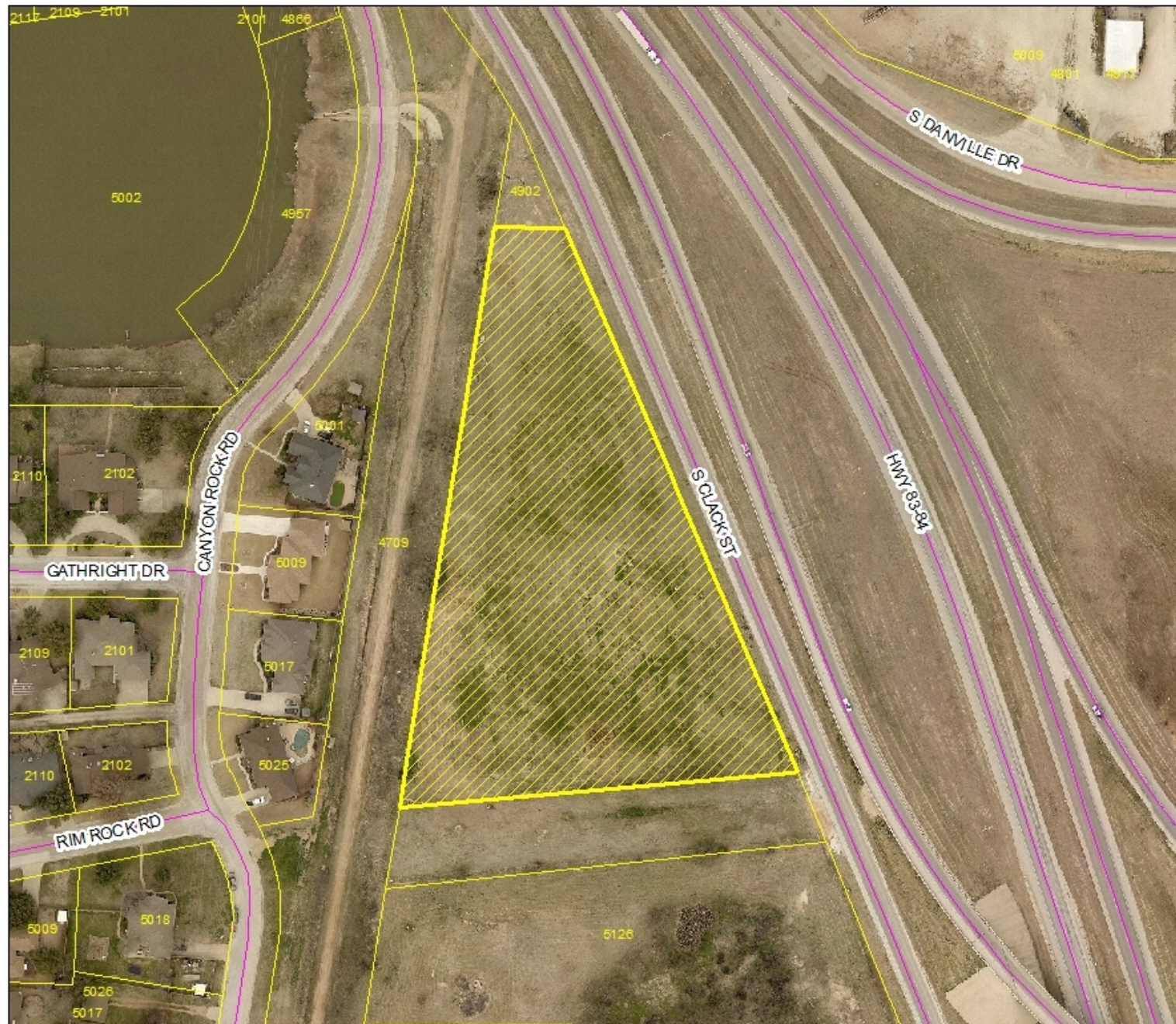
I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of 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: _____

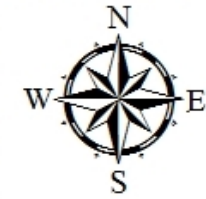
A handwritten signature in black ink, appearing to be "V. [unclear]".

DATE: 9-11-20

Case:	Z-2020-21
Owner:	Carlynn Enterprise
Agent:	Jack Zanger, Triangle Engineering
Request:	Rezone from AO to GC
Legal Description:	4.04 acres out of Lot 6 in the Alfred and Mary Fasshauer Subdivision of Blind Asylum Lands Section 65 in Abilene, Taylor County, Texas
Notification:	0 in Favor, 0 Opposed
Planning & Zoning:	November 3, 2020
City Council Hearing:	November 19, 2020 December 3, 2020



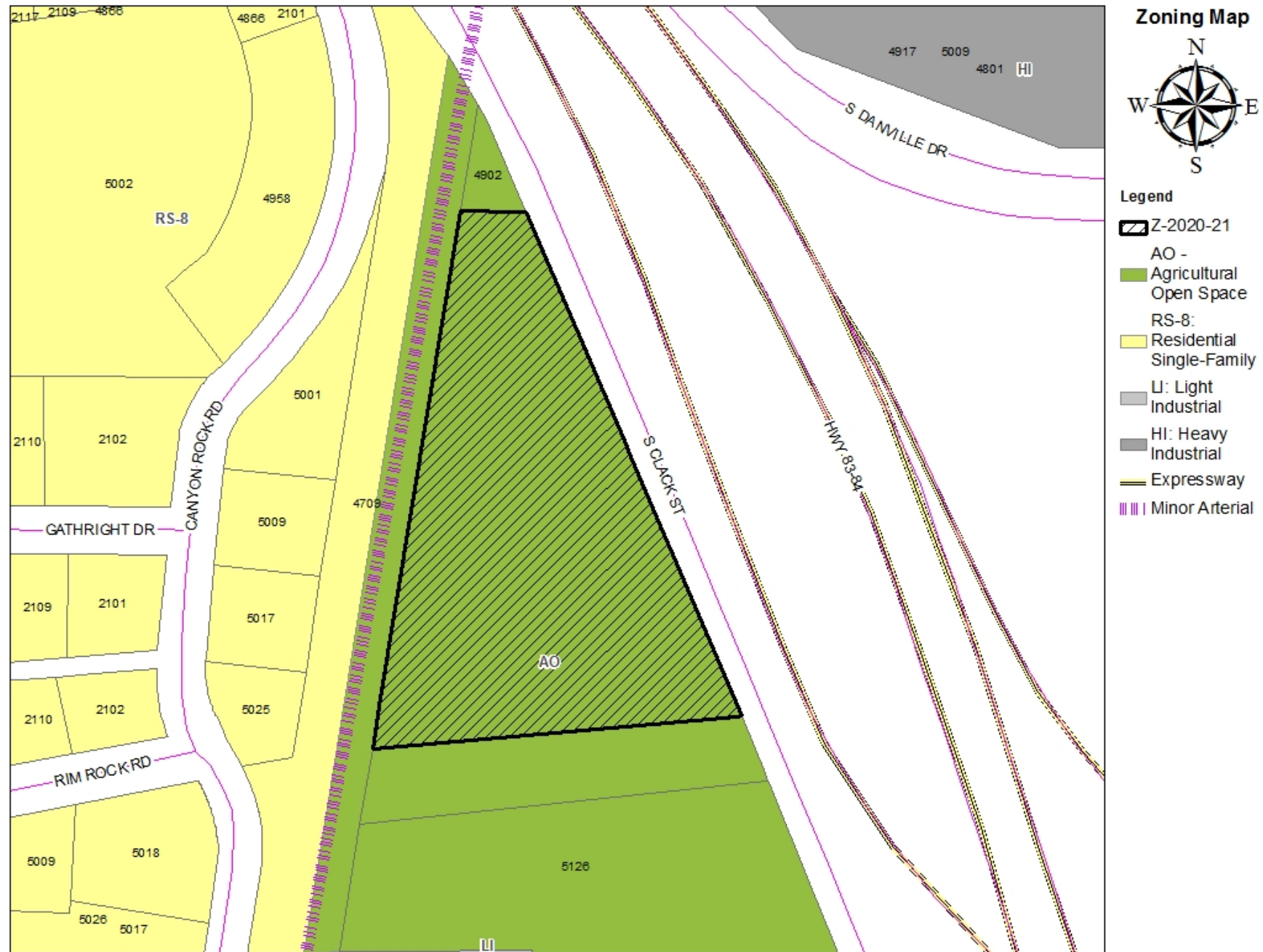
Location Map



Legend

 Z-2020-21

Z-2020-21 ZONING MAP



Memorial Drive



View of Subject Property South



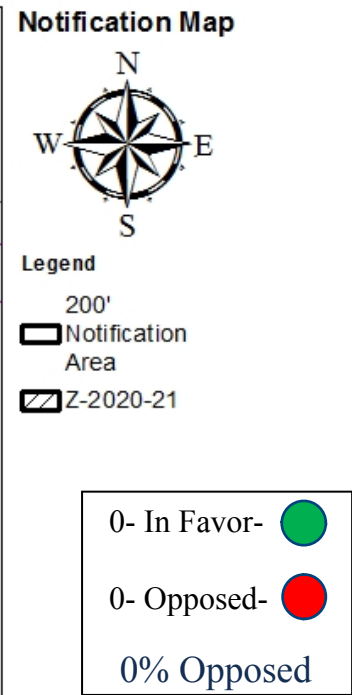
Clack Street view north



Clack Street view south



Z-2020-20 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-2020-08

STAFF REPORT



REQUEST: Conditional Use Permit allowing retail sale and rental of trucks or other large vehicles in a General Commercial (GC) zoning district.*

APPLICANT:

Owners: Oldham Partners, LP and Windmill Circle Partners, LP

Agent: Tony Conder

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- The subject property includes 24.371 acres bordering the entire north side of Gateway Street, between Loop 322 (on the west) and Oldham Lane (on the east).
- All this acreage lies in the southeast quarter of Blind Asylum Lands Section 62 inside the City limits of Abilene.

BACKGROUND:

The proponents own 24.371 acres comprising the approximate south half of a large triangular block bounded by Loop 322, Oldham Lane and Gateway Street. The proponents' 24.371 acres are presently included within a combination of three zoning districts:

- General Commercial (GC) District on approximately 16.271 acres;
- General Retail (GR) District on approximately 3.8 acres;
- Neighborhood Retail (NR) District on approximately 4.1 acres.

The proponents are simultaneously seeking to change the zoning of these GR and NR Districts, to GC zoning. That application for GC zoning is planned to be heard on the same meeting agenda as the requested Conditional Use Permit. The opportunity to seek approval of a Conditional Use Permit (CUP) allowing sales and rental of trucks or other large vehicles is available in General Commercial (GC) zoning but not in GR or NR Districts.†

The proponents' 24.371-acre tract is planned to be a new location for Warren Caterpillar Sales and Rental in Abilene, now headquartered at 3601 South Treadaway Boulevard.

* Approximately 8.1 acres of this 24.371-acre request are presently in General Retail (GR) or Neighborhood Retail (NR) zoning districts. The proponents have, however, submitted a concurrent request for rezoning these particular 8.1 acres of land, to a GC District.

† Sales and rental of trucks and other large vehicles are ordinarily allowed (by right) only in Heavy Commercial and Light Industrial zoning districts.

ANALYSIS:

Section 1.4.3.5 of Abilene's Land Development Code concerns criteria for approving Conditional Use Permits. This Section stipulates that, in making a recommendation regarding approval of a Conditional Use Permit, the Planning & Zoning Commission should consider the following factors:

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

The Future Land Use and Development component of Abilene's Comprehensive Plan suggests the entire triangular block bounded by Loop 322, Oldham Lane and Gateway Street to be part of a Major Commercial/Business Center. Furthermore, much of southeastern Abilene located on or near Loop 322[‡] is viewed as suitable for light industrial use. Sales and rental of heavy equipment may conform to this pattern, alongside Loop 322.

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

General Commercial (GC) zoning allows a wide variety of consumer-oriented retail trade and services requiring maximum access by passing motorists. GC zoning also permits opportunity for certain commercial activities to which customers may be obliged to travel occasionally, but not routinely. Such businesses include automotive sales and major automotive repair. Such businesses may also even include sales and rental of trucks or other large vehicles, but only where appropriate in the context of nearby use.

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.

If sales and rental of trucks or other large vehicles are allowed to encroach into existing General Retail (GR) and Neighborhood Retail (NR) Districts, then threats to the character and integrity of nearby residences are likely. With no such encroachment, then future use and development of these GR and NR Districts can provide a useful and effective transition between heavy equipment sales and nearby residences. These existing GR and NR Districts (embraced by the proponents' acreage) are 300 feet in depth from streets across from which residential development is located.

Location	Zoning	Existing Land Use
North	GC, GR	vacant land
South	GC, O, MD	vacant land, offices, residences (across Gateway)
East	RS-6	single-family homes (across Oldham Lane)
West	PD 107	vacant land, offices (across Loop 322)

[‡] south and west from Oldham Lane; north and east from Treadaway Boulevard

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.**

Overall traffic generated by this particular proposed use (sales and rental of trucks or other large vehicles) will not be more than that generated by most other uses allowed in GC, GR and NR zoning districts.

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.**

Western portions of the proponents' 24.371 acres lie adjacent to:

- Loop 322 and its northbound frontage road, and
- Gateway Street which is a fully-improved subcollector with a 36-foot width of pavement as well as curb-and-gutter.

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

Development of this property for the proposed use will be subject to ordinary site improvement standards of Abilene's Land Development Code. These include but are not limited to standards for landscaping, driveway access and exterior illumination, as well as limitations on outdoor storage and display. However, applications of these standards alone are not expected to mitigate any potential threat to the character and integrity of nearby residences so additional screening should be discussed.

STAFF RECOMMENDATION:

City staff recommends approval with the following conditions:

1. The Conditional Use shall be limited to sales and rental of trucks or other large vehicles, but only on the western 16+/- acres of the subject property that is presently zoned General Commercial (GC).
2. Shall provide screening by means of an opaque wall or fence from less intensive zoning districts. Outside storage of trucks or other large vehicles shall conform with that allowed by General Commercial (GC) districts. Save and except for when adjacent to residential properties. For the purpose of this CUP adjacent includes properties separated by street rights-of-way.
3. Adhere to any improvement standards in the Land Development Code to include but not limited to landscaping, driveway access, exterior illumination, outdoor storage and display.

City staff recommends the existing GR and NR Districts (in the eastern region of this subject property) remained zoned as such. The emergence of facilities for trucks or other large vehicles there is considered detrimental to the value and comfort of nearby residences in Tuscany Village and in the Lytle Shores South Addition.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On November 3, 2020, the Planning and Zoning Commission will meet to review this 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 this subject property:

Owner	Situs	Response
ABILENE TUSCANY LLC	749 GATEWAY ST	
ABILENE TUSCANY LLC	749 G GATEWAY ST	
ABILENE TUSCANY LLC	749 A GATEWAY ST	
ABILENE TUSCANY LLC	749 B GATEWAY ST	
ABILENE TUSCANY LLC	749 C GATEWAY ST	
ABILENE TUSCANY LLC	749 D GATEWAY ST	
ABILENE TUSCANY LLC	749 E GATEWAY ST	
ABILENE TUSCANY LLC	749 F GATEWAY ST	
ALLEN ROBERT G	3649 OLDHAM LN	
BARNES JUSTIN & HANNAH MARIE	3617 OLDHAM LN	
BENAVIDES MIGUEL & ASHLEY N	3718 AUBURN DR	
COX BURL C	3725 OLDHAM LN	
FESTEJO CHARLEMAGNE F & MIRIAM E	3658 AUBURN DR	
HALL BRANDON C ET AL	4136 CARRERA LN	
HAMILTON WALTER J II	3709 OLDHAM LN	
JONES MICHAEL L & PATRICIA A	3734 AUBURN DR	
JSALINAS PROPERTIES LLC	4112 CARRERA LN	
JSALINAS PROPERTIES LLC	4110 CARRERA LN	
LIGHT BOY PROPERTIES	3710 AUBURN DR	
MARTIN GRADY LYNN	3701 OLDHAM LN	
MATTHEW WILLIAM M & NANCY A	3650 AUBURN DR	
MC DONALD ASSETS INC	4120 CARRERA LN	
MC DONALD ASSETS INC	4118 CARRERA LN	
MCDONALD ASSETS INC	4044 CARRERA LN	
MUSGRAVE & MUSGRAVE LLP	949 GATEWAY ST	
NOBLES ROBERT R & CYNTHIA G	4142 CARRERA LN	
NOBLES ROBERT R & CYNTHIA G	4144 CARRERA LN	
NOBLES ROBERT R II &	3802 CARRERA LN	
NOBLES ROBERT R II &	3804 CARRERA LN	
NOBLES ROBERT R II &	3810 CARRERA LN	
RAINY CREEK MANAGEMENT INC	3633 OLDHAM LN	
REYNA EDUARDO & SOLEDAD	3625 OLDHAM LN	
SNOW MICHAEL	3741 OLDHAM LN	
STITTS JERRY & JUDY	4134 CARRERA LN	
STREET MICHAEL E JR	3717 OLDHAM LN	
SWANSON KENNETH W &	3641 OLDHAM LN	
VAUGHN CHRIS L &	3666 AUBURN DR	
WADE LANTHA A	3733 OLDHAM LN	
WALKER COLBY & RHONDA LYNN	3674 AUBURN DR	
WALMART REAL ESTATE	3580 OLDHAM LN	
WEST JARROD & RACHEL	4104 CARRERA LN	
WEST JARROD & RACHEL	4102 CARRERA LN	
WICHNER JUSTIN ANDREW & TIMEA	4128 CARRERA LN	
WICHNER JUSTIN ANDREW & TIMEA	4126 CARRERA LN	
WILKINSON CLYDE C &	3702 AUBURN DR	
WINDMILL CIRCLE PARTNERS LP &	750 GATEWAY ST	
WINDMILL CIRCLE PARTNERS LP &	649 GATEWAY ST	
WYATT JESSE A & TINA L	3749 OLDHAM LN	
ZHANG XIANGLING	3726 AUBURN DR	





Development Application

Planning

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

Project Name: Warren Caterpillar

Address: Loop 322 access rd./Gateway Blvd. No. of lots: 1 Acreage: 24.371

Legal Description: see attached

Subdivision Name: Southeast Quarter of Section 62 of the Blind Asylum Lands, Abstract No. 679 Block: _____ Lot: _____

Current Zoning: GC/GR/NR Proposed Zoning (if applicable): conditional use overlay

OWNER AND AUTHORIZATION

Owner Name: Oldham Partners, LP and Windmill Circle Partners, LP

Address: 4150 Southwest Dr., Ste. 210

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

Phone: 325.692.9141 Email: tconder@condercompany.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) Tony Conder and/or Don Whitehead will act as my agent before the Planning and Zoning Commission.

Agent Name: Tony Conder

Address: 4150 Southwest Dr., Ste. 210

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

Phone: 325.692.9141 Email: tconder@condercompany.com

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

Signature Owner: [Signature] Date: 10/5/2020

FOR OFFICE USE ONLY

Received: 10/05/2020 Fee: \$ 1500 Receipt No.: 0001055776 & 0001056775
 Case No.: Z-2020-19 Reviewed By: [Signature]

AND
CUP-2020-08



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.

The subject property was zoned in anticipation of a Wal-Mart development a number of years ago. Wal-Mart subsequently decided to not develop the site. Consequently the nature of development has transitioned to vehicle and machinery sales as evidenced by the adjacent development of a new John Deere power equipment facility. The proposed use is consistent with recent zoning changes and more accurately reflects the long term use and viability of this parcel of land along loop 322.

This application for conditional use is to provide Warren Equipment the eligible zoning for a new sales and service center similar to the John Deere facility.

EXHIBIT A

BEING 24.371 acres of land situated in the City of Abilene, Taylor County, Texas, and being out of the Southeast Quarter of Section 62 of the Blind Asylum Lands, Abstract No. 679, and being out of a 98.33 acre tract described in a certain Deed Without Warranty to Musgrave and Musgrave, LLP dated October 4, 2005, and recorded in Volume 3151, Page 821, Official Public Records, Taylor County, Texas, and said 24.371 acre tract being more particularly described in metes and bounds as follows:

BEGINNING at an "X" set in concrete at the point of intersection of the North right-of-way line of Gateway Street and the West right-of-way line of Oldham Lane, a.k.a. Farm to Market Road 1750 (said right-of-way line is the East line of said 98.33 tract), with said point of beginning being the Northeast corner of Section 1, Tuscan Village Addition to said City of Abilene as shown per plat recorded in Cabinet 2, Slide 351-A of the Plat Records of said Taylor County, Texas;

THENCE in a Westerly direction along said North right-of-way line of Gateway Street the following calls:

North 89°42'12" West along said North right-of-way line, at 10.00 feet passed a found 3/4 inch aluminum rod with 2 inch aluminum, Jacob & Martin cap, henceforth called a standard monument, and continuing a total distance of 76.30 feet to a standard monument found for corner;

South 88°20'54" West 120.00 feet to a standard monument found for corner;

North 89°41'48" West 597.79 feet to a standard monument found for corner at the beginning of a curve to the right which is concave to the East-Northeast and having a radius of 485.00 feet, a delta angle of 23°08'58" and being subtended by a chord having a bearing of North 78°11'30" West and a length of 194.63 feet;

Along said curve a distance of 195.96 feet to a standard monument found for corner;

North 66°34'03" West 413.09 feet to a standard monument found for corner;

North 64°39'19" West 120.04 feet to a standard monument found for corner;

North 66°37'21" West 66.34 feet to a standard monument found for corner in the Westerly line of said 98.33 acre tract, same being the Easterly right-of-way line of Loop 322;

THENCE North 23°28'45" East along said Westerly line of said 98.33 acre tract and said Easterly right-of-way line of Loop 322 a distance of 314.48 feet to a found standard monument for the beginning of a curve to the right which is concave to the Southeast and having a radius of 2714.54 feet, delta angle of 12°56'29" and being subtended by a chord having a bearing of North 30°08'17" East, and a length of 611.84 feet;

THENCE along said Easterly right-of-way line and said Westerly tract line and said curve to the right a distance of 613.14 feet to a found 5/8 inch rebar rod with a cap stamped "J&M BOUNDARY" for the most Northerly Southwest corner of the Grocery Retail Addition #2220-00 to the City of Abilene as shown in the plat of record of said addition recorded in Cabinet 4, Slide 180, Plat Records, Taylor County, Texas;

THENCE South 54°38'38" East along a Southerly line of said Grocery Retail Addition #2220-00 a distance of 78.47 feet to a found 5/8 inch rebar rod with cap for corner;

THENCE South 89°43'36" East along a Southerly line of said Grocery Retail Addition #2220-00 a distance of 289.86 feet to a found 5/8 inch rebar rod with cap for corner;

THENCE South 00°16'24" West along the most Southerly West line of said Grocery Retail Addition #2220-00 a distance of 436.04 feet to a found 5/8 inch rebar rod with cap for corner;

THENCE South 89°43'36" East along the most Easterly South line of said Grocery Retail Addition #2220-00 a distance of 751.61 feet to a found 5/8 inch rebar rod with cap for the Southeast corner of said Grocery Retail Addition #2220-00 and the Northeast corner of this tract and being located in said West right-of-way line of Oldham Lane and said East line of said 98.33 acre tract;

THENCE South 00°16'24" West along said East line of said 98.33 acre tract and said right-of-way line a distance of 613.07 feet to the POINT OF BEGINNING and containing 24.371 acres of land, more or less.



PRELIMINARY SITE PLAN



**WARREN CAT
ABILENE, TX**

SEPT. 30, 2020

**PRESENTATION
SITE PLAN**

0 20' 40' 80'

ARCHITECTURE ENGINEERING PLANNING



**SHIVER - MEGERT
& ASSOCIATES, LLP**

Case: CUP-2020-08

Owner: Oldham Partners, LP & Windmill Circle Partners, LP

Agent: Tony Conder

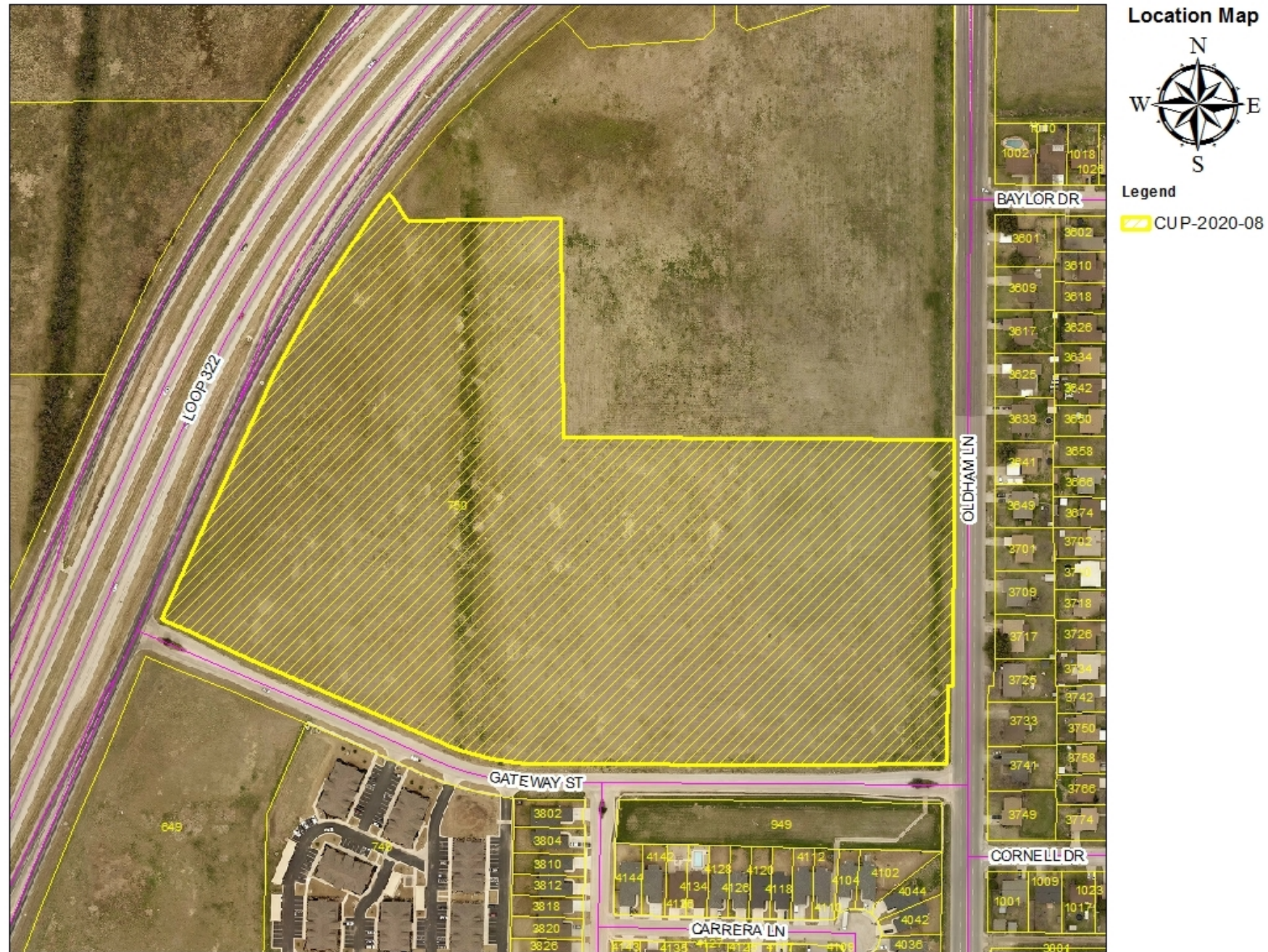
Request: Conditional Use Permit to allow retail sale and rental of trucks or other large vehicles in GC

Location: 24.371 acres bordering Gateway St. between LP322 and Oldham Lane

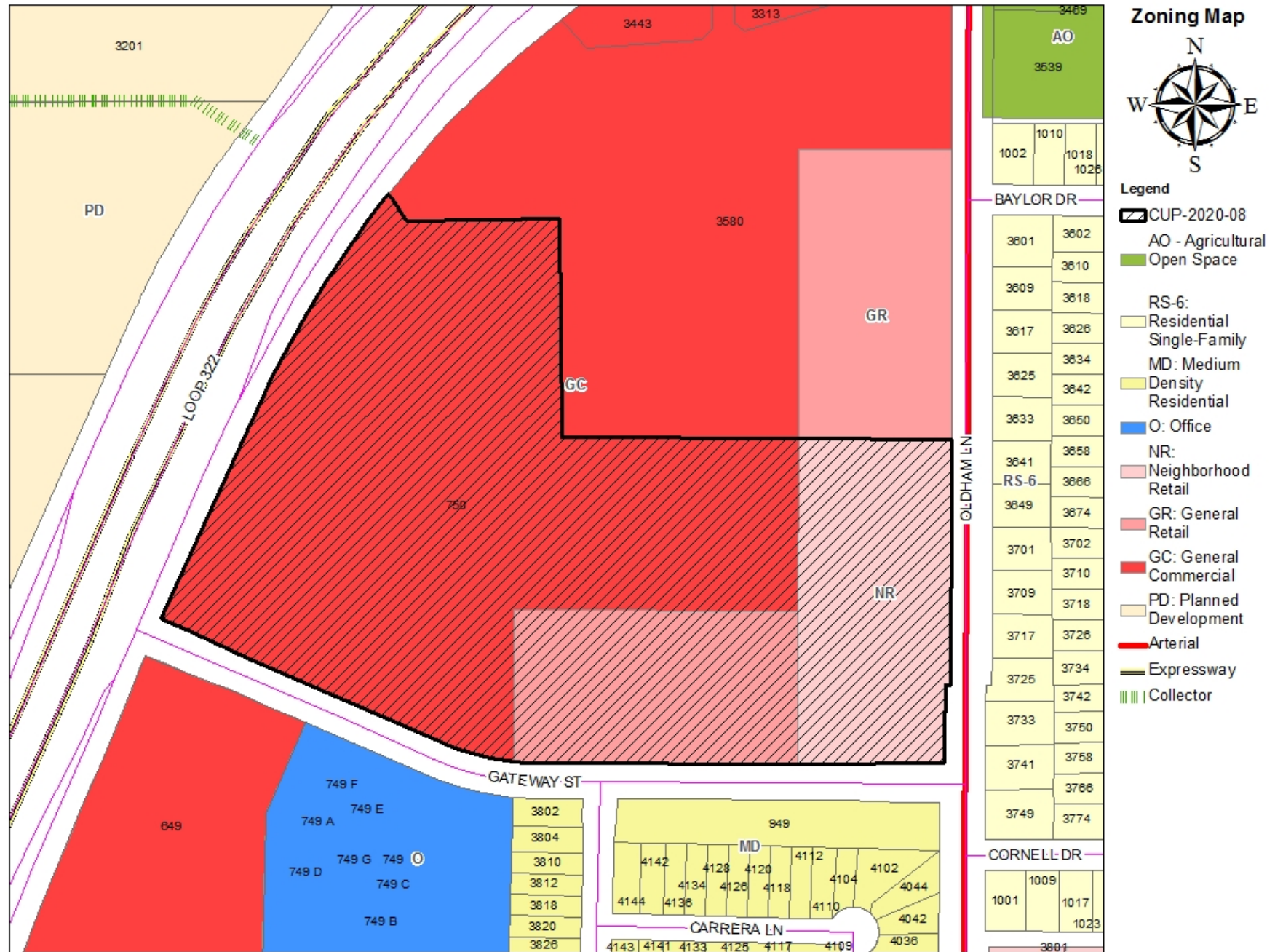
Notification: 2 in Favor, 1 Opposed

Planning & Zoning: November 3, 2020

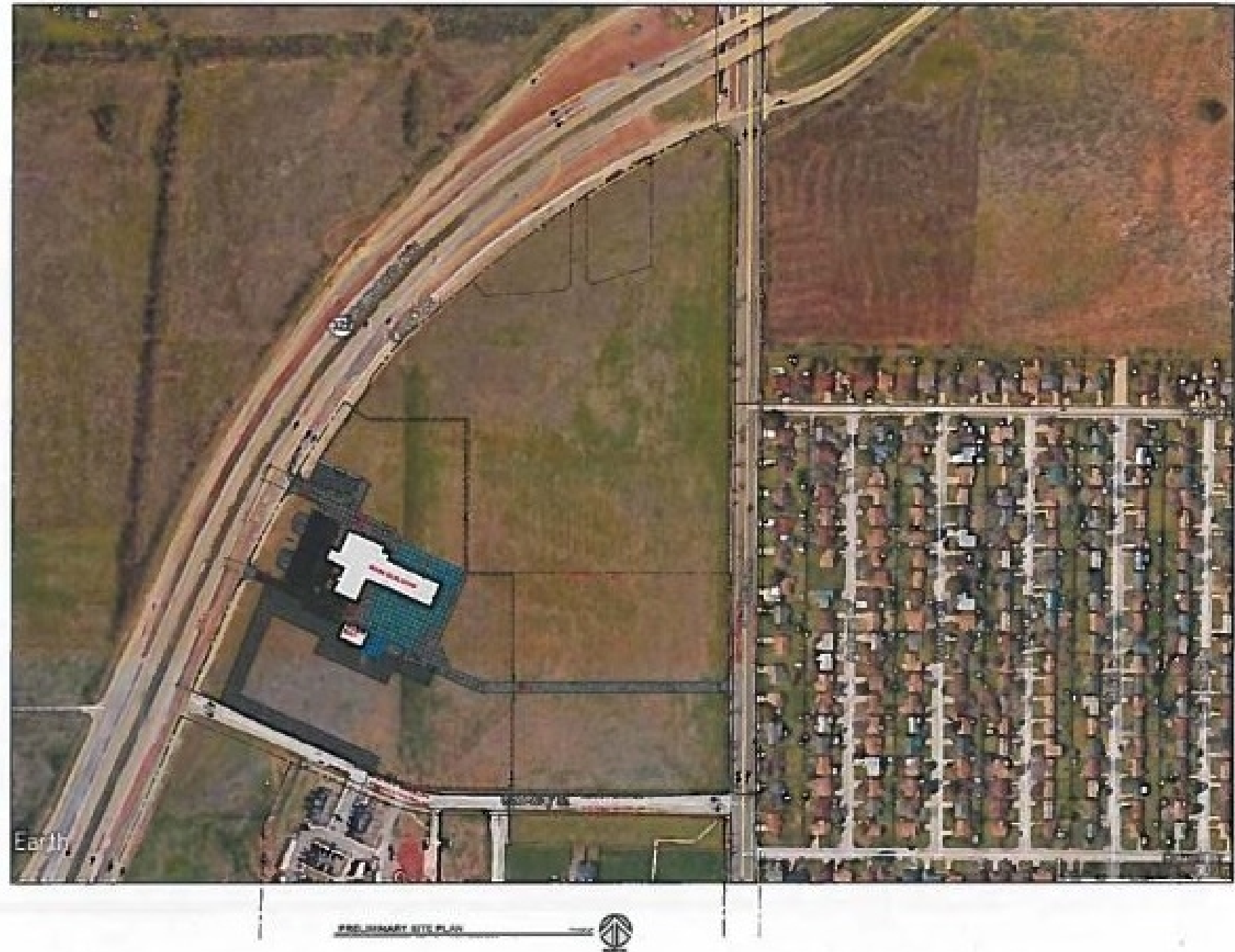
City Council Hearing: November 19, 2020
December 3, 2020

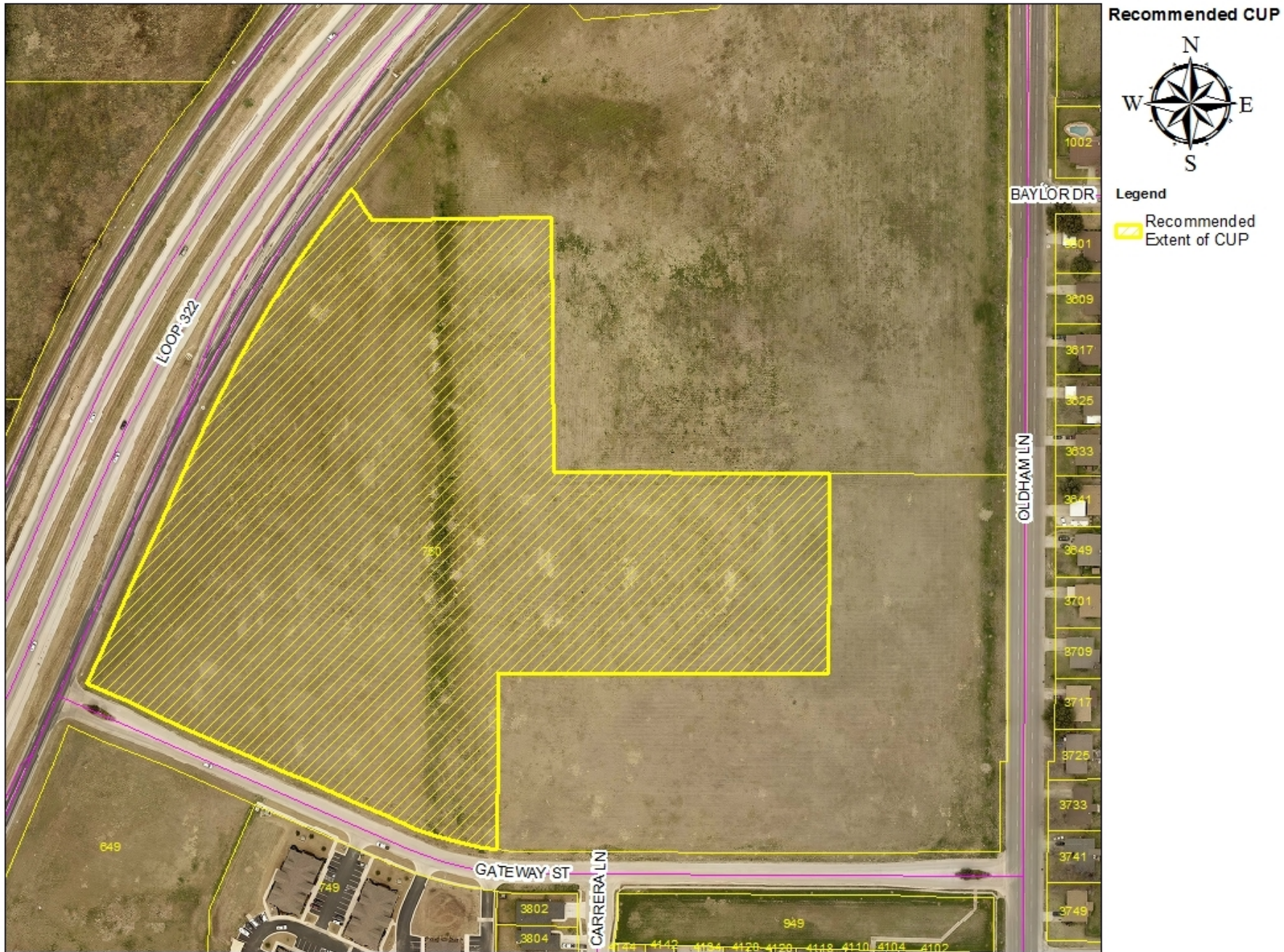


CUP-2020-08 ZONING MAP

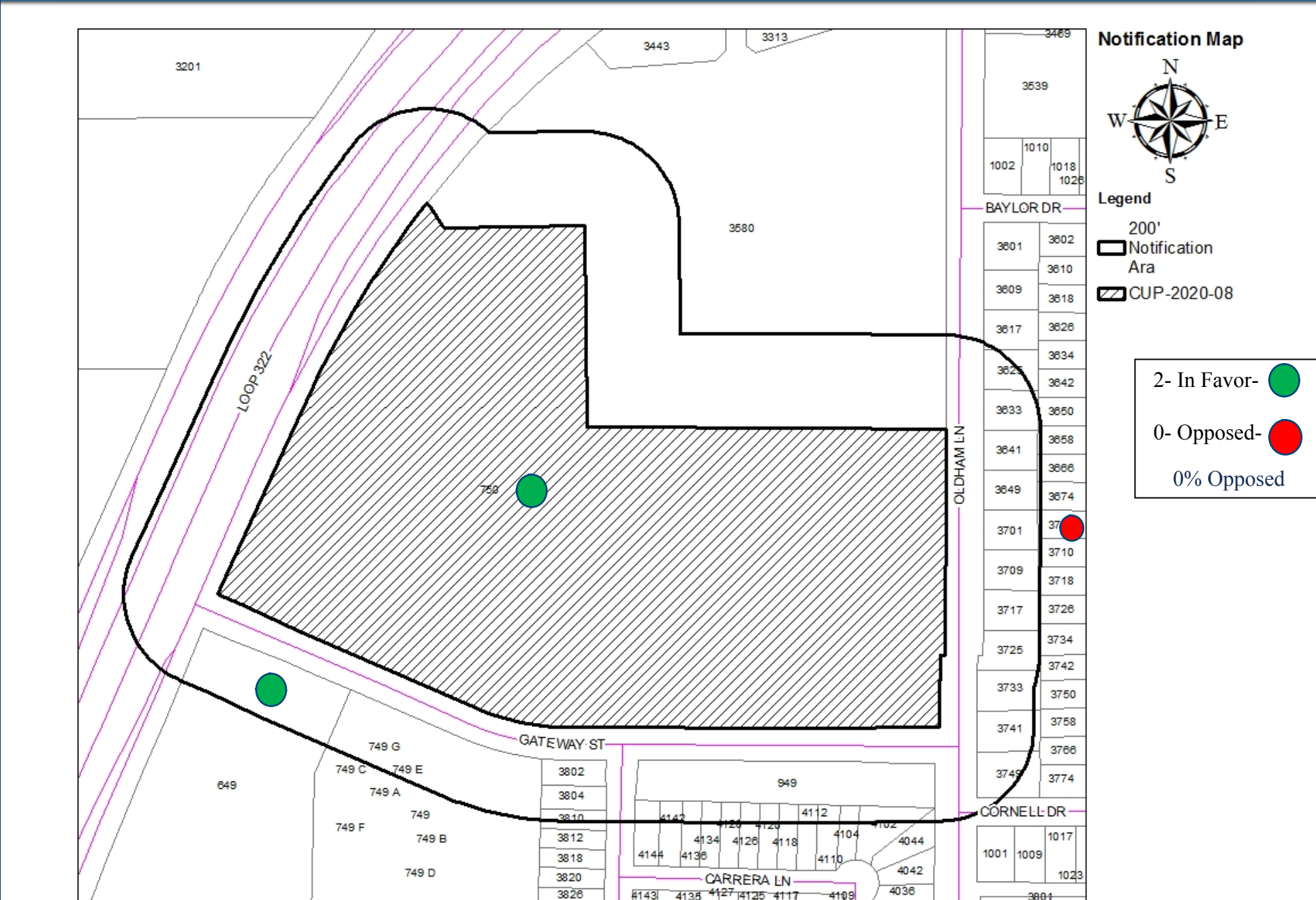








CUP-2020-08 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- 16.271 acres consistent with General Land Use and Zoning Character of Immediate Area
- Reviewed Pursuant to Section 1.4.3.5 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval of 16.271 acres presently zoned GC

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/3/2020

TO: Mike Warrix, Director

FROM: Cheryl Sawyers, Planning Services Manager

SUBJECT: 10. OAM-2020-02: Public hearing and possible vote to recommend approval or denial to City Council on proposed ordinance repealing Ordinance No. 35-2017 and replacing the provisions of that ordinance with alternative amendments to the Land Development Code of the Abilene City Code, specifically addressing multiple-family dwellings in certain nonresidential zoning districts as well as clarifying terms and conditions for multiple-family residential development allowed in nonresidential zoning districts

GENERAL INFORMATION

Amend ordinance concerning development of multi-family dwellings in certain non-residential districts.

SPECIAL CONSIDERATIONS

In order to clarify the law for planning staff who must use the LDC on a daily basis, 35-2017 has now been sent to Franklin Legal so that the ordinance changes will be included in our online code.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission will hear this request on November 3, 2020.

ATTACHMENTS:

1. 1- OAM-2020-02 ordinance
2. 2- OAM 2020-02 staff memo to P&Z
3. 3- OAM-2020-02 PZC Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23 “LAND DEVELOPMENT CODE,” TO CLARIFY MULTIPLE FAMILY DWELLINGS BY CONDITIONAL USE PERMIT IN CERTAIN NON-RESIDENTIAL DISTRICTS; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission recommends that, to clarify Multiple-Family Use in certain non-residential districts, additional ordinance changes are needed.

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

PART 1: That Chapter 2 (Zoning Regulations) in the Land Development Code of the Abilene City Code 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 these chapters 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 if any provision or any section of this Ordinance shall be held to be illegal, invalid, void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

PASSED ON FIRST READING this 19th day of November, 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 17th day of October, 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 3rd day of December, 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 3rd day of December, 2020.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT "A"

AMEND: TABLE 2-4 SITE LAYOUT AND BUILDING REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS, at the end of Division 3 – Nonresidential Zoning Districts

REVISE: For the entry pertaining to Applicable Multiple-Family Standards in MX Zoning Districts, change the text from "MD or MF District Standards" to "MD District Standards."

AMEND: Section 2.4.3.3 All Other Uses With Specific Requirements

REVISE: Add and delete the following entries in alphabetical order and renumber accordingly:

(a) Specific Requirements

~~RESIDENTIAL MULTIPLE-FAMILY (MF) DISTRICT~~

~~Allow for Residential Multiple-Family (MF) within other non-residential zoning districts with a Conditional Use Permit (C), per Section 2.4.2.1~~

DWELLING MULTIPLE-FAMILY

-
- a. In MX zoning districts where allowed with approval of a Conditional Use Permit, multiple-family dwellings shall be subject to limitations on overall residential density, building height and lot coverage, as well as standards for minimum lot size and building setback, the same as if such dwellings were located in a Residential Medium Density (MD) District. The maximum number of dwelling units allowed on any one (1) individual lot in an MX zoning district shall be four (4).
 - b. In CU and CB zoning districts, and in NO, O, NR, GR and MU zoning districts where allowed with approval of a Conditional Use Permit, multiple-family dwellings shall be subject to limitations on overall residential density, building height and lot coverage, as well as standards for minimum lot size and building setback, the same as if such dwellings were located in a Residential Multiple-Family (MF) District.

-END-

TO: Planning and Zoning Commissioners

FROM: Planning Services Staff

DATE: October 23, 2020

SUBJECT: Amend ordinance concerning development of multi-family dwellings in certain nonresidential districts

BACKGROUND:

In Abilene's Zoning Regulations, uses allowed only with approval of a Conditional Use Permit (CUP) may be appropriate at some but not all locations in the zoning districts where such approval is required. City Council reserves (for itself) the privilege of deciding where and under what conditions such uses shall be permitted, after a public hearing and recommendation by the Planning & Zoning Commission. As the name implies, approval of a Conditional Use Permit may be made subject to appropriate conditions necessary to make that particular proposed use a "good fit" in its specific environment.

On September 12, 2017, Abilene's City Council approved Ordinance No. 35-2017, a copy of which accompanies this correspondence. The basic intent of this ordinance was to require approval of a Conditional Use Permit (CUP) for all new multiple-family dwellings in these zoning districts:

- General Retail (GR),
- Neighborhood Retail (NR),
- Medical Use (MU),
- Mixed Use (MX),
- Neighborhood Office (NO), and
- Office (O) Districts.

When Abilene's Land Development Code was adopted in 2010, multiple-family dwellings were automatically allowed in all six above-mentioned zoning classifications.

ANALYSIS:

Amendments approved on September 12, 2017 were never integrated with the online text of Abilene's Land Development Code appearing in Franklin Legal Publishing, for one or both of the following reasons:

1. The effective date of amendments approved on September 12, 2017 was delayed more than one year, until October 1, 2018.
2. Much of the specific text in Ordinance No. 35-2017 is confusing. It appears to have confused the use category known as “multiple-family dwelling” with the zoning district classification known as “Residential Multiple-Family (MF).”

In order to clarify the law for planning staff who must use the LDC on a daily basis, 35-2017 has now been sent to Franklin Legal so that the ordinance changes will be included in our online code. To further clarify that multiple-family dwelling is a use in other zoning districts, staff recommends amending the ordinance to reflect the following changes.

RECOMMENDATION:

City staff recommends the Planning & Zoning Commission to consider recommending a draft ordinance amending Ordinance No. 35-2017 to simplify text clarifying the fundamental intent of City Council in 2017. A draft amended ordinance also accompanies this correspondence.

Besides identifying the six nonresidential zoning districts wherein development of multiple-family dwellings will require approval of a Conditional Use Permit, the draft new ordinance clarifies some basic rules for such development:

- In GR, NR, MU, NO and O Districts, multiple-family dwellings shall meet ordinary standards of Residential Multiple-Family (MF) Districts. This includes a limitation of no more than 24 dwelling units per acre.
- In MX Districts, multiple-family dwellings shall meet ordinary standards of Residential Medium Density (MD) Districts. This includes a limitation of no more than 12 dwelling units per acre.

Multiple-family dwellings will continue to be automatically allowed in Central Business (CB) and College-University (CU) zoning districts. Such development in these districts is subject to ordinary standards of Residential Multiple-Family (MF) zoning.

ORDINANCE NO. 35-2017

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL 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 23, part known as 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.

PART 4: This Ordinance, although it shall be published in the newspaper within 20 days from passage, shall be effective beginning October 1, 2018.

PASSED ON FIRST READING this 24nd day of August, A.D. 2017.

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 20th day of July, 2017, 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 12th day of September, 2017 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene. This ordinance shall be effective on October 1, 2018.

PASSED ON SECOND AND FINAL READING THIS 12th day of September, A.D. 2017.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

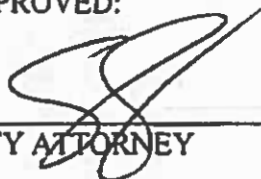

CITY ATTORNEY

EXHIBIT "A"

AMEND: Section 2.4.2.1 The Land Use Matrix

REVISE: Change MF (Multiple-Family Residential) from a P (Permitted) use to a C (Conditional Use) in the O (Office), NO (Neighborhood Office), GR (General Retail), MX (Mixed Use), MU (Medical Use), and NR (neighborhood Retail),

Amend: Section 2.3.2.9 Residential Multiple-Family (MF) District

(a) **Purpose.** The Residential Multiple-Family (MF) District is designed to encourage the provision of conveniently located, centrally maintained rental accommodations with traditional apartment units. This district provides for a maximum of twenty-four (24) dwelling units per acre. As one of the multiple-family zoning districts provided for development in Abilene, this district is also designed to achieve the following:

(1) Protect the residential character of the included areas by excluding most commercial and other incompatible activities, as appropriate. Allow for Residential Multiple-Family (MF) within other non-residential zoning districts with a Conditional Use Permit (C), per Section 2.4.2.1 The Land Use Matrix.

(2) Encourage a suitable environment by permitting certain appropriate institutions and facilities to be located in residential neighborhoods.

AMEND: Section 2.4.3.3 All Other Uses With Specific Requirements

REVISE: Add the regulations pertaining to MF (Multi-Family Residential).

(a) Specific Requirements.

(61) Residential Multiple-Family (MF) District

Allow for Residential Multiple-Family (MF) within other non-residential zoning districts with a Conditional Use Permit (C), per Section 2.4.2.1 The Land Use Matrix.

-END-

Amend Ordinance 35-2017

- Section 2.4.2.1 The Land Use Matrix
- Section 2.4.3.3 All other Uses with Specific Requirements

- **AMEND: Section 2.3.3.12 Heavy Industrial (HI) District, TABLE 2-4 SITE LAYOUT AND BUILDING REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS**
- **REVISE:** For the entry pertaining to Applicable Multiple-Family Standards in MX Zoning Districts, change the text from “MD or MF District Standards” to “MD District Standards.”
- **AMEND: Section 2.4.3.3 All Other Uses With Specific Requirements**
- **REVISE:** Add and delete the following entries in alphabetical order and renumber accordingly:
- **Specific Requirements**
- ~~**RESIDENTIAL MULTIPLE-FAMILY (MF) DISTRICT:**~~
~~Allow for Residential Multiple Family (MF) within other non—~~
~~residential zoning districts with a Conditional Use Permit (C), per~~
~~Section 2.4.2.1~~

- **AMEND: Section 2.4.3.3 All Other Uses With Specific Requirements**
- **REVISE: (a) Specific Requirements**
- **DWELLING MULTIPLE-FAMILY**
 - a) In MX zoning districts where allowed with approval of a Conditional Use Permit, multiple-family dwellings shall be subject to limitations on overall residential density, building height and lot coverage, as well as standards for minimum lot size and building setback, the same as if such dwellings were located in a Residential Medium Density (MD) District. The maximum number of dwelling units allowed on any one (1) individual lot in an MX zoning district shall be four (4).
 - b) In CU and CB zoning districts, and in NO, O, NR, GR and MU zoning districts where allowed with approval of a Conditional Use Permit, multiple-family dwellings shall be subject to limitations on overall residential density, building height and lot coverage, as well as standards for minimum lot size and building setback, the same as if such dwellings were located in a Residential Multiple-Family (MF) District.

Questions?



MEMORANDUM

November 3, 2020

TO: Planning and Zoning Commission

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

SUBJECT: Recent Council Actions

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

CITY COUNCIL MEETING October 8, 2020 at 8:30 AM

Item	Motion	Vote
<u>Z-2020-13:</u> Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Denise Dilliard Rister and Jerry Lynn Rister to rezone property from General Commercial (OC) to General Retail (OR) District	Approve	5-2
<u>CUP-2020-06:</u> Receive a Report, Hold a Discussion and Public Hearing, and Take Action 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	Approve	5-2