



City of Abilene Planning & Zoning Commission Agenda

Notice is hereby given of a meeting of the Planning and Zoning Commission to be held on Monday, February 6, 2017 at 1:30 PM at 555 Walnut Street, 2nd Floor - Council Chambers, for the purpose of considering the following agenda items.

- 1. Call to Order**
- 2. Invocation**
- 3. Minutes**
 - a. Approval of minutes from January 3, 2017
- 4. Plats:**
 - a. **FP-4715**
Remington Estates, Section 7, Taylor County, Texas
 - b. **FP-6216**
A Plat of Autumn Sage Addition, Abilene, Taylor County, Texas
 - c. **MRP-0117**
Lots 103 Thru 108, Block B, A Replat of Lots 3 Thru 8, Block B, Rainey Creek Addition, City of Abilene, Taylor County, Texas
- 5. Zoning:**
 - a. **TC-2016-03 (Tabled from 11/7/2016)**
Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Ind. School District, Agent Tal Fillingim, to abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Right-of Way dedicated with deed on Pg. 605 in Vol. 226 of Deed Records for Taylor County.
 - b. **Z-2017-03** Public hearing and possible vote to recommend approval or denial to the City Council on a request from Ramsey Leasing Inc., agent Enprotect/Hibbs & Todd, to rezone property from AO (Agricultural Open Space) to GC (General Commercial), being 60.29 acres, located at 302 E. Overland Trail.
- 6. Discussion Item:**
- 7. Directors Report:**
 - a. Recent City Council decisions regarding items recommended by the Planning & Zoning Commission

8. Adjourn

NOTICE

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending Board of Adjustment meetings. To better serve you requests should be received forty-eight (48) hours prior to the meetings. Please contact Planning at 676-6237. Telecommunication device for the deaf is 676-6360.

CERTIFICATION

I hereby certify that the above notice of the meeting was posted on the bulletin board at the City Hall of Abilene, Texas, on the _____ day of _____, 2017, at _____.

City Secretary



**Planning and Zoning Commission
Agenda Memo**

Planning and Zoning Commission Meeting Date: 2/6/2017

TO: Mr. Dana L. Schoening, Director of Planning and Development Services

FROM: Mr. Zack Rainbow, Planning Services Manager

TC-2016-03 (Tabled from 11/7/2016)

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Abilene Ind. School District, Agent Tal Fillingim, to abandon an

SUBJECT: unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Right-of Way dedicated with deed on Pg. 605 in Vol. 226 of Deed Records for Taylor County.

GENERAL INFORMATION

REQUESTED ACTION:

Abandon: Abandon all of the unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Being R.O.W. dedicated with deed on Pg. 605 in Vol. 226 of D.R. for Taylor County

SITE CHARACTERISTICS:

An unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Located south of the Cooper High School bus lot.

REQUEST ANALYSIS:

The applicant is requesting to abandon the street right-of-way (ROW) area for future development. The street was dedicated to the public by a deed filed at the Courthouse is 1929 and has never been improved or platted. The abandonment will clean up the property records and allow the applicant to include the land into a replat of the surrounding properties they own. Additionally, the closure of this right-of way does not create any violations to the maximum block length in this area.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Plat Review Committee:

Approval of the requested street ROW closure with the following condition:

1. The applicant must replat within 12 months, at which time any issues regarding access to any lots affected by the thoroughfare closer. The replat must not create any non-conforming lots.

Staff Recommendation:

Approval of abandonment request on condition abandonment does not remove legal access rights/requirements for abutting property tracts.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission will hear this request on February 6, 2017.

ATTACHMENTS:

Description	Type
❑ Updated Deed Description	Exhibit
❑ TC-2016-03 Staff Report	Backup Material



3465 Curry Lane Abilene, Texas
325-695-1070 www.jacobmartin.com
Firm # 10024300

**METES AND BOUNDS DESCRIPTION
A PORTION OF
RALPH SHANE WHITE PROPERTY
SECTION 64, BLIND ASYLUM LAND
ABILENE, TAYLOR COUNTY, TEXAS**

BEING 0.800 acre of land out of a 31-1/4 acre tract out of the southerly portion of the North one-half of the South one-half of Section 64, Blind Asylum Land, Abstract No. 1370, Taylor County, Texas, with said 31-1/4 acre tract described in a deed to C. A. Wilson recorded in Volume 155, Page 575, Deed Records, Taylor County, Texas, and further, this described tract being all of Tract Numbers 1, 2, 3 and 5 described in a certain General Warranty Deed from Eric Neal White to Ralph Shane White recorded in Instrument No. 2009-3195, Official Public Records, Taylor County, Texas. Said 0.800 acre tract is more particularly described in metes and bounds as follows:

COMMENCING at a point in the west right-of-way line of Vine Street and in the south line of the aforementioned 31-1/4 acre tract and from which the southeast corner of same is calculated from calls to bear East 727.3 feet, and further, said point being the northeast corner of Lot 1, Block A of the Penske Addition to the City of Abilene, Taylor County, Texas, and being the southeast corner of a tract of land conveyed to Abilene Independent School District of Taylor County, Texas (henceforth referred to as AISD Tract) in a certain Quitclaim Deed recorded in Volume 1847, Page 456, Official Public Records of Taylor County, Texas; **Thence** North 213 feet (determined from calls in the metes and bounds description of said Tract No. 2) along said west right-of-way line of Vine Street and the east line of said AISD Tract to the northeast corner thereof, same being the southeast corner of said Tract No. 2 and the **POINT OF BEGINNING** of this described 0.800 acre tract;

THENCE North 183 feet, per deed calls, along said west right-of-way line and said east line of said Tract No. 2 to the northeast corner thereof;

THENCE West, per deed calls, along the north line of said Tract No. 2, at 98.275 feet (calculated from deed calls) pass the northwest corner of said Tract No. 2, same being the northeast corner of said Tract No. 1, at 142.275 feet (calculated from deed calls) pass the northwest corner of said Tract No. 1, same being the northeast corner of said Tract No. 3, at 198.275 (calculated from deed calls) pass the northwest corner of said Tract No. 3, same being the northeast corner of said Tract No. 5, and continuing a **total distance of 281.275 feet** (calculated from deed calls) to a point for the northwest corner of said Tract No. 5 for the northwest corner of this described tract;

THENCE South 183 feet, per deed call, along the west line of said Tract No. 5 and of this described tract, to a point in the northwest corner of said AISD Tract, for the southwest corner of said Tract No. 5 and of this described tract and for the northeast corner of Tract No. 4 per said Instrument No. 2009-3195;

THENCE East, per deed call, along the south line of said Tract No. 5 and said north line of said AISD Tract, at 83 feet (per deed call) pass a point for the southeast corner of said Tract No. 5, same being the southwest corner of said Tract No. 3, at 139 feet (calculated from deed calls) pass the southeast corner of said Tract No. 3, same being the southwest corner of said Tract No. 1, at 183 feet (calculated from deed calls) pass the southeast corner of said Tract No. 1, same being the southwest corner of said Tract No. 2, and continuing a **total distance of 281.275 feet** (calculated from deed calls) to the **POINT OF BEGINNING** of this described tract containing 0.800 acre of land.

This date, January 25, 2017, the foregoing Metes and Bounds Description was prepared from calls found in the aforementioned General Warranty Deed recorded in Instrument No. 2009-3195, Official Public Records, Taylor County, Texas.

Mark T. Brown, R.P.L.S. #4247
See Attached Survey Drawing





THOROUGHFARE CLOSURE CASE TC-2016-03

STAFF REPORT

APPLICANT INFORMATION:

Abilene Independent School District
Agents: Tal Fillingim

HEARING DATES:

Planning & Zoning Commission: November 7, 2016
(*Tabled until December 5, 2016*)
City Council 1st Reading: December 15, 2016
City Council 2nd Reading: January 12, 2016

REQUESTED ACTION:

Abandon: Abandon all of the unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Being R.O.W. dedicated with deed on Pg. 605 in Vol. 226 of D.R. for Taylor County



SITE CHARACTERISTICS:

An unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Located south of the Cooper High School bus lot.

REQUEST ANALYSIS:

The applicant is requesting to abandon the street right-of-way (ROW) area for future development. The street was dedicated to the public by a deed filed at the Courthouse is 1929 and has never been improved or platted. The abandonment will clean up the property records and allow the applicant to include the land into a replat of the surrounding properties they own. Additionally, the closure of this right-of way does not create any violations to the maximum block length in this area.

RECOMMENDATIONS:

Plat Review Committee: Approval of the requested street ROW closure with the following condition:

1. The applicant must replat within 12 months, at which time any issues regarding access to any lots affected by the thoroughfare closer. The replat must not create any non-conforming lots.

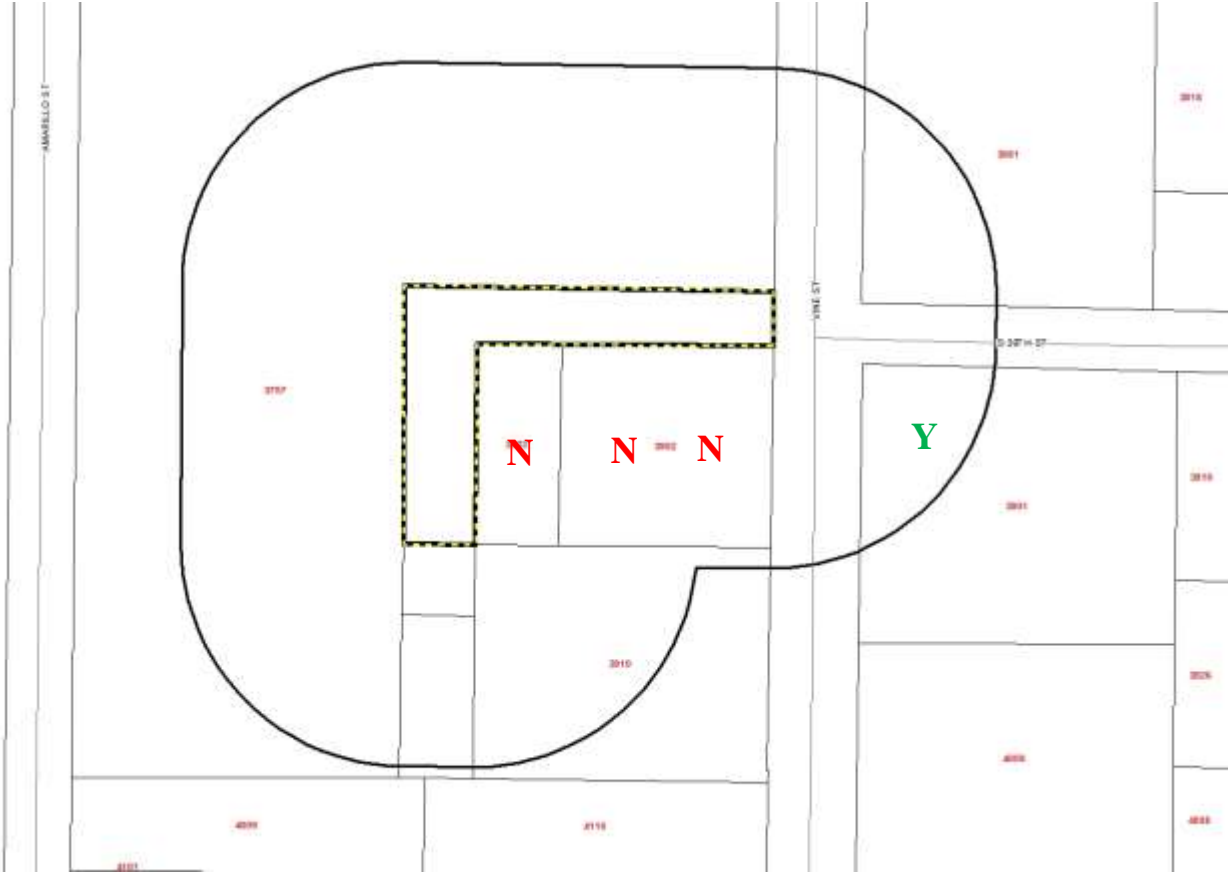
Staff Recommendation: Approval of abandonment request on condition abandonment does not remove legal access rights/requirements for abutting property tracts.

NOTIFICATION:

Property owners within the 200' of the subject rights-of-way were notified.

OWNER	SITUS	RESPONSE
ABILENE IND SCHOOL DIST	3910 VINE ST	
ABILENE IND SCHOOL DIST	3757 AMARILLO ST	
ABILENE ISD		
DEVELOPMENT CORP OF ABILENE INC	3901 VINE ST	IN FAVOR
MC CORD SAM PROPERTIES INC	3881 VINE ST	
WHITE RALPH SHANE &		OPPOSED
WHITE RALPH SHANE &	3902 VINE STREET	OPPOSED
WHITE RALPH SHANE &	3902 VINE STREET	OPPOSED

1 In Favor- **Y**
3 Opposed- **N**











**Planning and Zoning Commission
Agenda Memo**

Planning and Zoning Commission Meeting Date: 2/6/2017

TO: Mr. Dana L. Schoening, Director/Planning & Development Services

FROM: Mr. Duane Hall, Planner II & Historical Preservation Officer

**Z-2017-03 Public hearing and possible vote to recommend approval or denial to the City Council on a request from Ramsey Leasing Inc., agent Enprotect/Hibbs & Todd, to
SUBJECT: rezone property from AO (Agricultural Open Space) to GC (General Commercial), being 60.29 acres, located at 302 E. Overland Trail.**

GENERAL INFORMATION

The subject parcel is up to 60.29 acres in size. (The legal description provided by the applicant's agent indicates a parcel size of 60.29 acres; the Taylor Central Appraisal District uses a figure of 52.43 acres in their appraisal of the property. The exact size of the parcel will not be known until a survey is completed on the property.) There is a single-family residence on the subject parcel, and a substantial portion of the property has been used for agricultural purposes. The parcel has approximately 1,000 feet of frontage along E. Overland Trail, which is a one-way, east-to-west Interstate 20 frontage road. The main channel of Cedar Creek flows through the eastern end of the subject parcel then re-enters the city-owned Cedar Creek flood channel. A substantial portion of the eastern half of the property is in the Cedar Creek 100-year floodway with additional area in the 100-year floodplain.

Current Planning Analysis

The Agricultural Open Space (AO) district is typically used as a "holding zone" for land annexed to the City of Abilene, until an applicant requests and the City considers a more intensive zoning district of the land. The applicant is requesting rezoning to the General Commercial (GC) zoning district to allow as-yet-undetermined commercial uses. The GC zoning district provides a wide range of retailing activities, personal and business services, commercial entertainment, and other commercial uses. The allowed uses include lodging, fast food and sit-down restaurants, movie theaters, indoor and outdoor retail sales, offices, and personal services. The allowed uses are similar to uses on the commercial projects already built to the west and commercial projects that will be built to the southeast.

The Land Development Code allows grading and development within the 100-year floodplain and floodways, but such grading and development are subject to special construction standards to ensure (a) the safety of buildings and occupants, (b) floodwaters are not impeded, and (c) floodplain elevations are not increased. For these reasons and other business and Federal regulatory requirements, developers of commercial projects generally avoid these areas. Approximately 40% of the site is located outside the 100-year floodplain with the remaining 60 percent of the parcel in the Cedar Creek floodplain or floodway. The subject parcel has an area of sufficient size and shape outside the 100-year floodplain (20-25 acres) and frontage along E. Overland Trail to accommodate major commercial development.

Future development on the subject parcel could create compatibility conflicts with residential uses to the north and northeast. However, these residential uses are on parcels of six (6) acres or greater in size, and the nearest single-family homes are at least 200 feet from the property line or near the northeast corner of the subject parcel where commercial development should not likely occur. It is staff's opinion that the requested rezoning and future development will not have substantial adverse effects on surrounding properties.

Comprehensive Planning Analysis

The *Future Land Use and Development Plan* map of the Comprehensive Plan designates this parcel as Low Density Residential and most of the surrounding area as Low Density Residential and Single Family Residential with a small Commercial node designated at the intersection of W. Lake Road and Overland Trail. As stated in Section 2.1.1.1(b)(3) of the Land Development Code, the Comprehensive Plan map is not to be construed as defining zoning district boundaries, but is to be used as a guide in making decisions regarding zoning. The Comprehensive Plan identifies those areas in the Cedar Creek floodway and 100-year floodplain as sensitive development areas.

Over the last twenty years, commercial development nodes have developed around the E. Overland Trail intersections with State Highway 351 and W. Lake Road (FM 600). The City has adopted commercial zoning on several large parcels between these two nodes, and new commercial development has resulted (Buffalo Wild Wings, Cinemark theater under construction) along E. Overland Trail. With this commercial zoning and new development, a commercial corridor is emerging along E. Overland Trail between SH 351 and W. Lake Road. It is staff's opinion that the uses permitted by the requested rezoning will be appropriate as part of this commercial corridor along E. Overland Trail.

In early 2016 the Planning & Zoning Commission and the City Council considered the rezoning application for the Cinemark theater development, which is located southeast of the subject parcel on the other side of Cedar Creek. Staff recommended that only the front 50 (approximate) acres of the property be rezoned to General Commercial (GC) and that the remaining rear portion of the property, which was mostly located in the 100-year floodplain, remain in the Agricultural Open Space zoning district. The Commission recommended and the Council approved the rezoning of the entire 103-acre Cinemark property to GC as requested by the property owner. Based on this previous action, staff recommends approval of the rezoning of the entire subject parcel to GC as requested by the applicant.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Staff recommends approval of the requested rezoning.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission will consider this request at their February 6, 2017 meeting.

ATTACHMENTS:

Description

Type

ZONING CASE Z-2017-03

STAFF REPORT



APPLICANT INFORMATION:

Ramsey Leasing Inc.

Agent: David Todd, Enprotect / Hibbs & Todd

HEARING DATES:

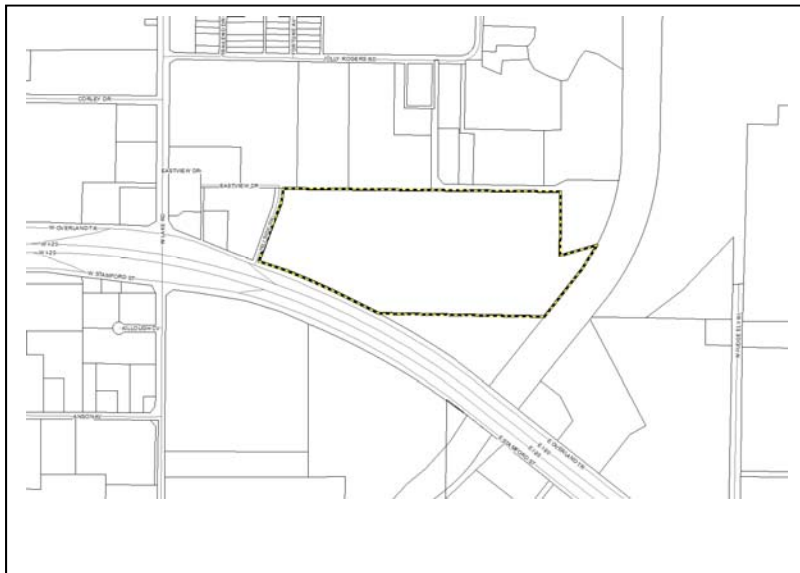
P & Z Commission: February 6, 2017

City Council 1st Reading: February 23, 2017

City Council 2nd Reading: March 9, 2017

LOCATION:

302 E. Overland Trail, on the north side of E. Overland Trail approx. 0.7 miles northwest of N. Judge Ely Blvd.



REQUESTED ACTION:

Rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning

SITE CHARACTERISTICS:

The subject parcel is up to 60.29 acres in size. (The legal description provided by the applicant's agent indicates a parcel size of 60.29 acres; the Taylor Central Appraisal District uses a figure of 52.43 acres in their appraisal of the property. The exact size of the parcel will not be known until a survey is completed on the property.) There is a single-family residence on the subject parcel, and a substantial portion of the property has been used for agricultural purposes. The parcel has approximately 1,000 feet of frontage along E. Overland Trail, which is a one-way, east-to-west Interstate 20 frontage road. The main channel of Cedar Creek flows through the eastern end of the subject parcel then re-enters the city-owned Cedar Creek flood channel. A substantial portion of the eastern half of the property is in the Cedar Creek 100-year floodway with additional area in the 100-year floodplain.

The surrounding properties are zoned Agricultural Open Space (AO) to the north, General Commercial (GC) to the west, GC to the south including properties south of Interstate 20, and GC to the east across the Cedar Creek natural flood channel (the flood channel is zoned AO). Current uses of the surrounding area are:

West:	Vacant commercial land and commercial uses including lodging, restaurant, and convenience stores with fuel pumps
South:	Interstate 20 and vacant commercial land
Southeast:	Cedar Creek natural flood channel, vacant commercial land, Cinemark theater under construction
East:	Cedar Creek flood channel and single-family home on rural size parcel
North:	Single-family homes on rural size parcels

ZONING HISTORY:

The property was annexed in 1957 and 1959 and has been zoned AO since its annexation.

ANALYSIS:

Current Planning Analysis

The Agricultural Open Space (AO) district is typically used as a "holding zone" for land annexed to the City of Abilene, until an applicant requests and the City considers a more intensive zoning district of the land. The applicant is requesting rezoning to the General Commercial (GC) zoning district to allow as-yet-undetermined commercial uses. The GC zoning district provides a wide range of retailing activities, personal and business services, commercial entertainment, and other commercial uses. The allowed uses include lodging, fast food and sit-down restaurants, movie theaters, indoor and outdoor retail sales, offices, and personal services. The allowed uses are similar to uses on the commercial projects already built to the west and commercial projects that will be built to the southeast.

The Land Development Code allows grading and development within the 100-year floodplain and floodways, but such grading and development are subject to special construction standards to ensure (a) the safety of buildings and occupants, (b) floodwaters are not impeded, and (c) floodplain elevations are not increased. For these reasons and other business and Federal regulatory requirements, developers of commercial projects generally avoid these areas. Approximately 40% of the site is located outside the 100-year floodplain with the remaining 60 percent of the parcel in the Cedar Creek floodplain or floodway. The subject parcel has an area of sufficient size and shape outside the 100-year floodplain (20-25 acres) and frontage along E. Overland Trail to accommodate major commercial development.

Future development on the subject parcel could create compatibility conflicts with residential uses to the north and northeast. However, these residential uses are on parcels of six (6) acres or greater in size, and the nearest single-family homes are at least 200 feet from the property line or near the northeast corner of the subject parcel where commercial development should not likely occur. It is staff's opinion that the requested rezoning and future development will not have substantial adverse effects on surrounding properties.

Comprehensive Planning Analysis

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In early 2016 the Planning & Zoning Commission and the City Council considered the rezoning application for the Cinemark theater development, which is located southeast of the subject parcel on the other side of Cedar Creek. Staff recommended that only the front 50 (approximate) acres of the property be rezone to General Commercial (GC) and that the remaining rear portion of the property, which was mostly located in the 100-year floodplain, remain in the Agricultural Open zoning district. The Commission recommended and the Council approved the rezoning of the entire 103-acre Cinemark property to GC as requested by the property owner. Based on this previous action, staff recommends approval of the rezoning of the entire subject parcel to GC as requested by the applicant.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the requested rezoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will consider this request at their February 6, 2017 meeting.

NOTIFICATION:

On January 26, 2017 the Planning Services Division sent, with certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

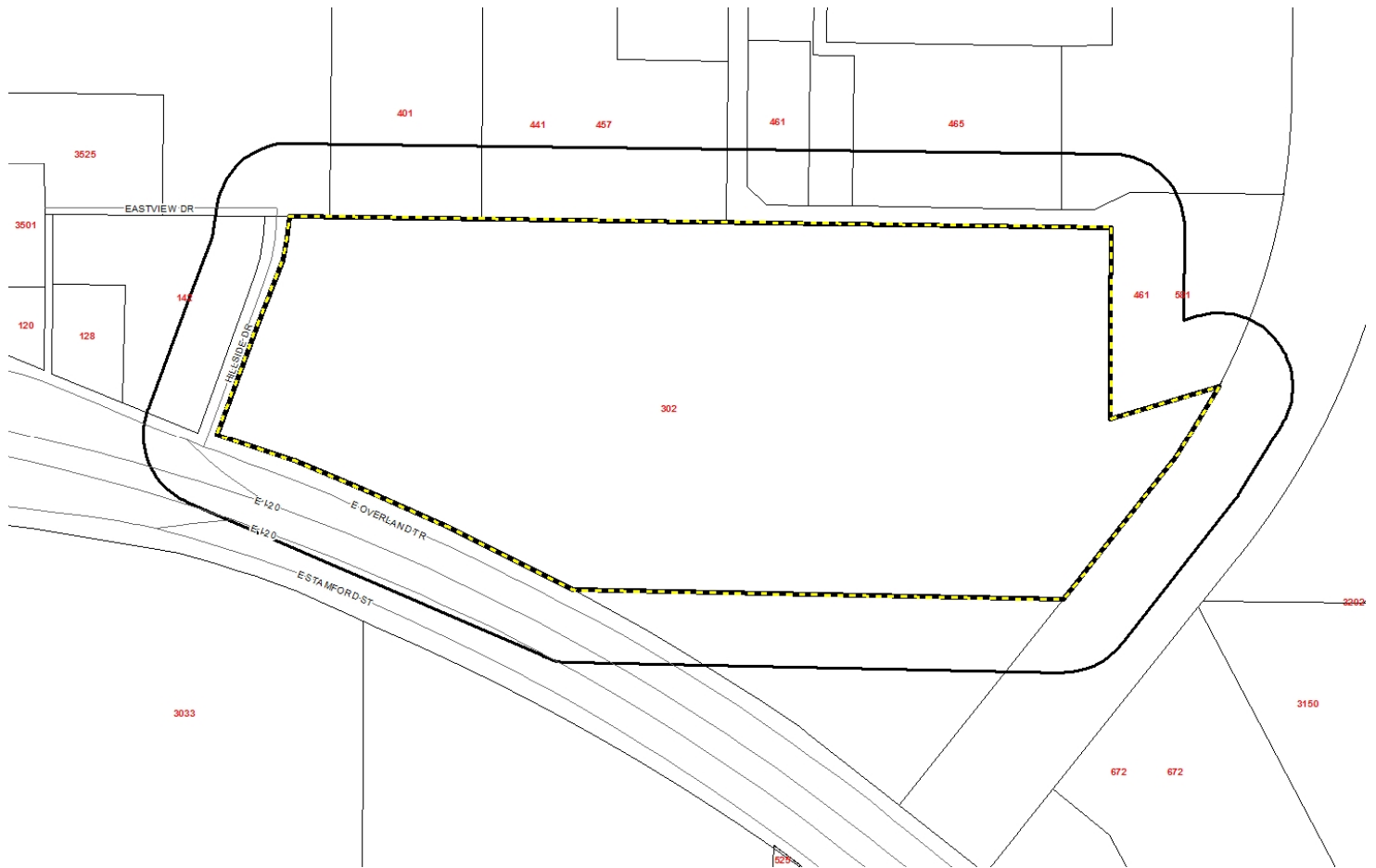
OWNER	SITUS	RESPONSE
BARDIN BRAD S & EMILY G	441 JOLLY ROGERS RD	
CITY OF ABILENE		
COLLIER HOWARD TAYLOR	581 JOLLY ROGERS RD	
EDWARDS BRUCE LYNN	JOLLY ROGERS RD	
EDWARDS GARY ESTATE	401 JOLLY ROGERS RD	
MARTIN JOSEPH B & SANDRA G	461 JOLLY ROGERS RD	
MORGAN THOMAS M	JOLLY ROGERS RD	
RAMSEY LEASING INC	142 E OVERLAND TR	
RAMSEY LEASING INC	302 E OVERLAND TR	
RAMSEY LEASING INC	OVERLAND TR	
SMITH PATRICIA MARTIN	465 JOLLY ROGERS RD	
SMITH PATRICIA MARTIN	JOLLY ROGERS RD	

PROPERTY OWNER NOTIFICATION MAP

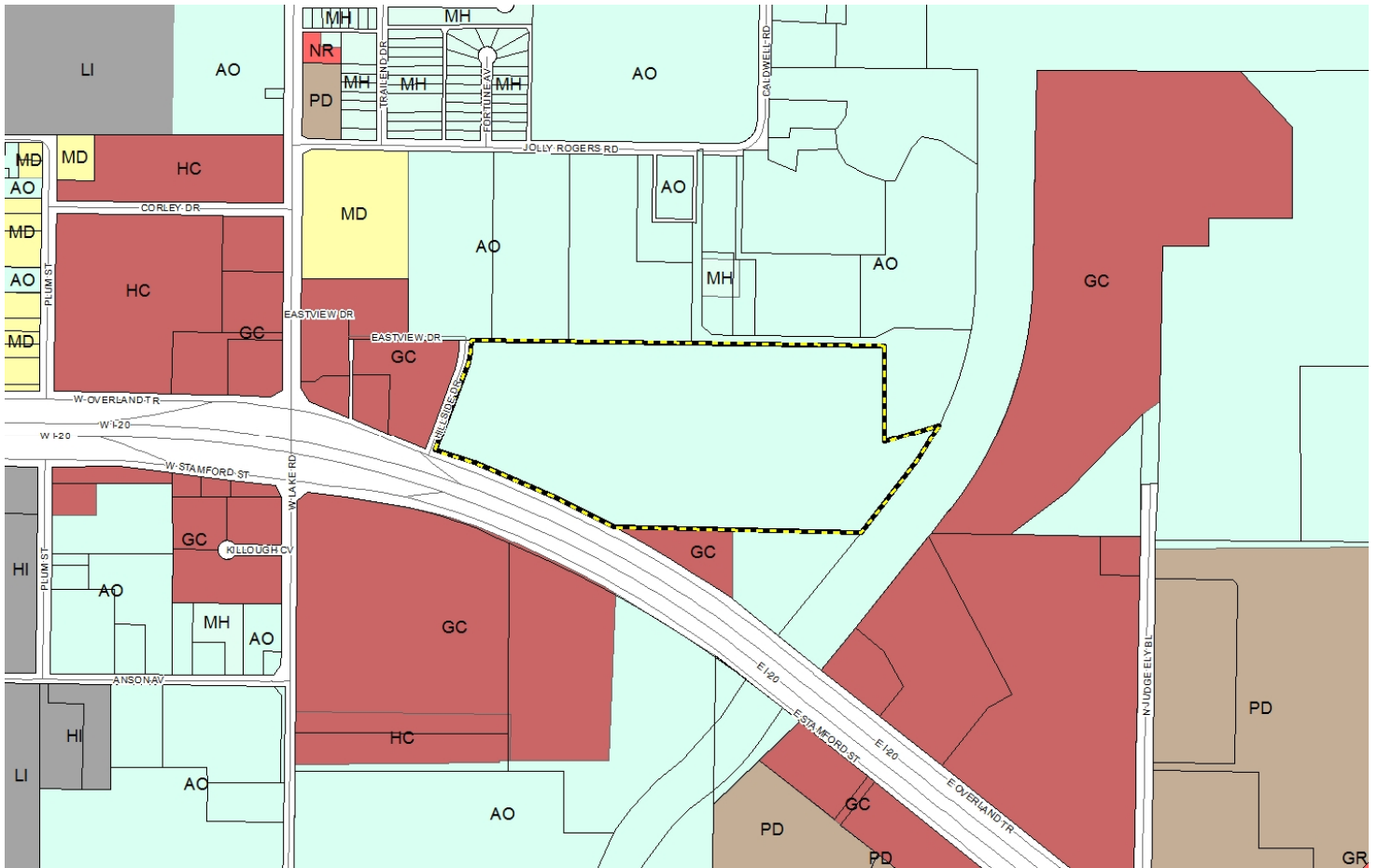
0 in Favor- **Y**

0 Opposed- **N**

As of February 1, 2017



ZONING MAP



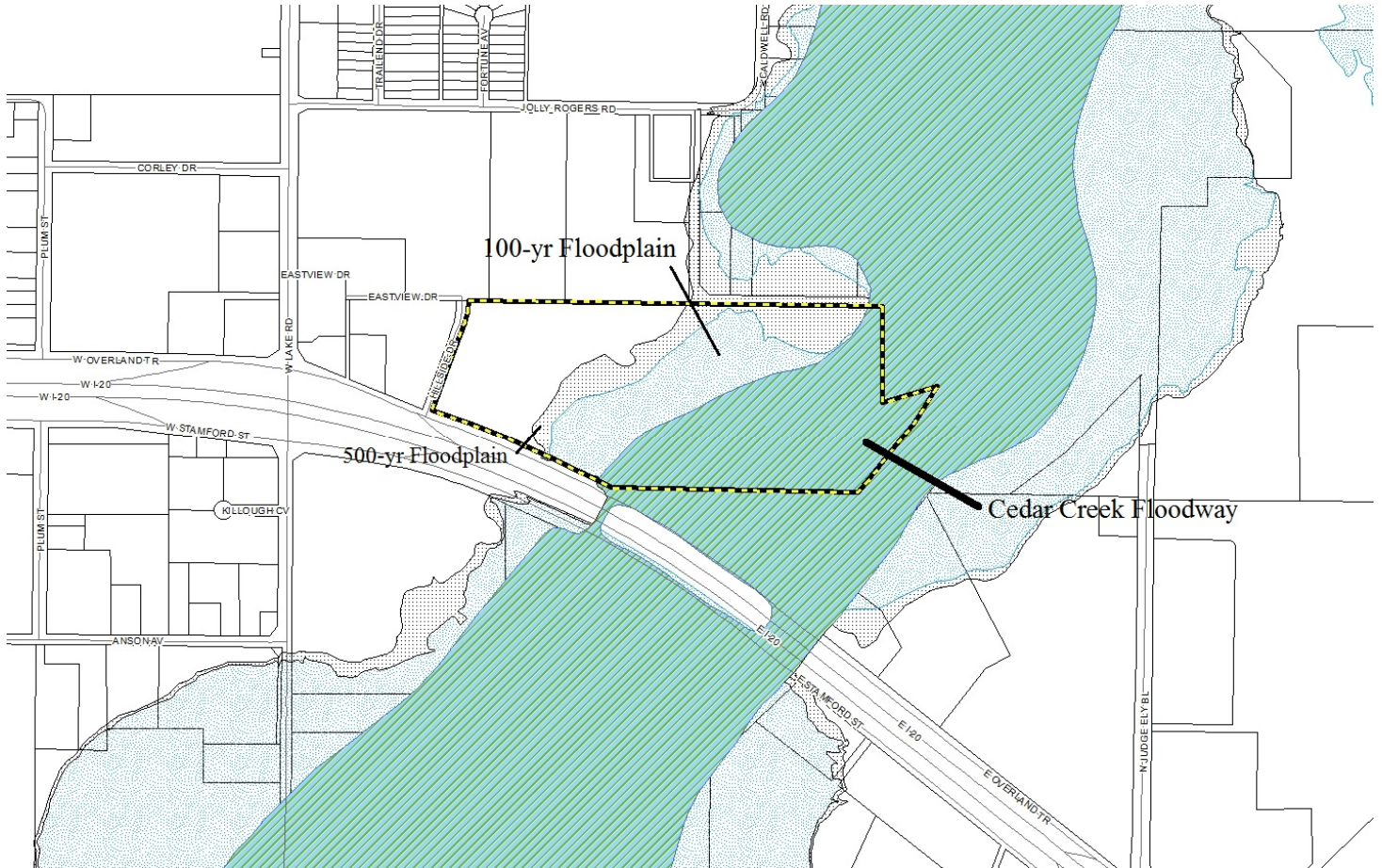
AERIAL IMAGERY OF SUBJECT PARCEL



AERIAL IMAGERY OF SURROUNDING AREA



FLOODPLAIN MAP



SUBJECT PARCEL



West side of property (outside 100-year floodplain)



View to east showing portion of property located in the Cedar Creek 100-year floodplain

SUBJECT PARCEL AND SURROUNDING AREA



Commercial development to the west



**Planning and Zoning Commission
Agenda Memo**

Planning and Zoning Commission Meeting Date: 2/6/2017

TO: Planning & Zoning Commission

FROM: Mr. Dana L. Schoening, Director/Planning & Development Services

SUBJECT: Recent City Council decisions regarding items recommended by the Planning & Zoning Commission

GENERAL INFORMATION

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

Mr. Dana Schoening will present this report at the meeting on Monday, February 6, 2017.

ATTACHMENTS:

Description	Type
▣ Director's Report	Executive Summary

CITY OF ABILENE, TX
MEMORANDUM

February 6, 2017

TO: Planning and Zoning Commission

FROM: Dana L. Schoening, Director of Planning and Development Services

SUBJECT: Recent Council Actions

Below are recent decisions made by the City Council on items that had recommendations from the Commission:

January 12, 2017 Council Meeting

REGULAR AGENDA

Z-2016-42

A request from International Medical Christian Ministries Inc., agent Richard Humphries, to rezone property from AO (Agricultural Open-Space) and PD-37 (Planned Development) to GR (General Retail) and NR (Neighborhood Retail), located in the 7300-7400 Blocks (east side) of Buffalo Gap Rd.

AO (Agricultural Open-Space) to NR (Neighborhood Retail) (Track 1)

PD-37 (Planned Development District) to GR (General Retail) on the Buffalo Gap Road frontage (Track 2)

PD-37 to NR (Neighborhood Retail) on the portion between the GR (General Retail) and MD (Medium Density) (Tract 3)

PD-37 to MD (Tract 4)

P&Z Recommendation: Approval as requested (5-0)

Council Decision: Approve per P&Z Commission (7-0)

Z-2016-46

A request from Griffith Lake Estates, LLC, agent Tal Fillingim to rezone property from AO (Agricultural Open Space) to PH (Patio Home) zoning, located 1701 Griffith Road.

P&Z Recommendation: Approval as requested (5-0)

Council Decision: Approve per P&Z Commission (7-0)

January 26, 2017 Council Meeting

CONSENT AGENDA

Z-2017-01

A request from Nora Carpenter, to rezone property from AO/COR (Agricultural Open Space/Corridor Overlay) to GR/COR (General Retail/Corridor Overlay), being 1.005 acres, located at 7542 Buffalo Gap Rd.; Setting a public hearing for February 9, 2017.

Council approved and will be moved on to the regular agenda for February 9 with a public hearing with final approval.

Z-2017-02

A request from Tuscan Ridge, LLC., agent Enprotec/Hibbs and Todd, to rezone property from RS6 (Residential Single Family) to PH (Patio Home) being 17.292 acres located in the 7550 Block (west side) of Hardwick Rd, north of Waldrop Dr.; and setting a public hearing on February 9th 2017.

Council approved and will be moved on to the regular agenda for February 9 with a public hearing with final approval.