

City Council
Agenda Memo



City Council
Meeting Date: 06/10/2010

TO: Larry D. Gilley, City Manager
FROM: Jon James, AICP
Director of Planning and Development Services
SUBJECT: First reading on an Ordinance for Case No. Z-2010-03, a request from Abilene Griffith Road Apartments, LP, to rezone property from AO (Agricultural Open Space) to RM-2 (Multi Family Residential) zoning, located at 2001 Griffith Rd; and setting a public hearing for June 24, 2010.

GENERAL INFORMATION

Currently the property is zoned AO and is currently vacant. The property to the northeast is developed with a hotel. There is commercial development across I-20 to the northwest and northeast. To the southwest of the property there is a single family subdivision. There is currently a single family home to the south of the requested property to be rezoned.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. This area, at the intersection of I-20 and HWY 351, is also designated as a Major Commercial and Business Center by the Comprehensive Plan. The requested zoning would be compatible with the surrounding uses and the Comprehensive Plan. A concern of City Staff is the condition of Griffith Rd. which is designated as a collector road. As a substandard collector street, this street may not be adequate to accommodate the increased traffic from the proposed development. While staff believes this is an appropriate location for this type of development, the timing may not be right given the condition of surrounding streets.

STAFF RECOMMENDATION

Staff recommends approval, with some reservations due to the current condition of surrounding streets.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission will consider this case June 7, 2010.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by: Name: <u>Matt Jones</u> Title: <u>Planner II</u> May 26, 2010	Item No. <u>6.1</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," 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, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED ON FIRST READING this 10th day of June A.D. 2010.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of May, 2010, 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 24th day of June, 2010 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 24th day of June, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to RM-2 (Multi Family Residential) zoning.

Legal Description:

BEING a 5.619-acre tract out of the East One-Half of Section 33, Blind Asylum Lands, Taylor County, Texas, and being out of Block No. 6, Jackson Subdivision of Section No. 32 and East One-Half of Section No. 33, Blind Asylum Land, Taylor County, Texas, recorded in Volume 1, Page 91, Plat Records, Taylor County, Texas, said 5.619-acre tract being more particularly described as follows:

BEGINNING at a point on the north line of Section 33, where the calculated northwest corner of the East One-Half of Section 33, Blind Asylum Lands, Taylor County, Texas, bears 236.26' North 89 degrees 20 minutes 30 seconds West;

THENCE South 89 degrees 20 minutes 30 seconds East, along the north line of Section 33, for a distance of 545.00 feet to a point for the northeast corner of this tract;

THENCE South 00 degrees 39 minutes 30 seconds West for a distance of 449.12 to a point;

THENCE North 89 degrees 20 minutes 30 seconds West for a distance of 545.00 feet to a point;

THENCE North 00 degrees 39 minutes 30 seconds East for a distance of 449.12 feet to the Point of Beginning, containing 5.619 acres or 244770 square feet.

Location:

2001 Griffith Road

-END-

6.1 pg. 3

ZONING CASE Z-2010-03 (Tabled Item)

STAFF REPORT



APPLICANT INFORMATION:

Abilene Griffith Road Apartments, LP

HEARING DATES:

Planning & Zoning Commission:

April 5, 2010- Tabled

June 7, 2010

City Council 1st Reading: June 10, 2010

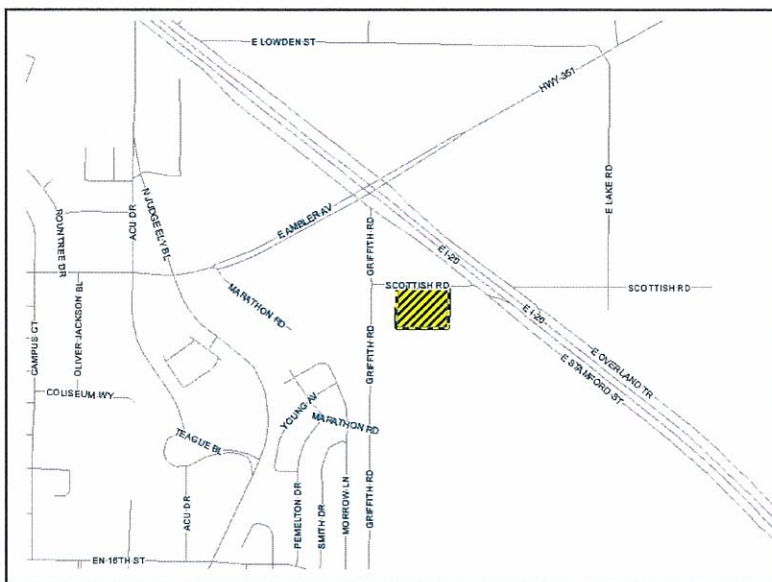
City Council 2nd Reading: June 24, 2010

LOCATION:

2001 Griffith Road

REQUESTED ACTION:

Rezone property from AO to RM-2.



SITE CHARACTERISTICS:

The subject parcel totals approximately 5.6 acres out of a larger 56 acre tract and is currently zoned AO (Agricultural Open Space). The parcel is currently vacant and has never been developed. The adjacent properties have AO to the east, west, and south with GC (General Commercial) to the north.

ZONING HISTORY:

The area was annexed in 1964 and zoned AO when it was annexed. In 1998 it was then rezoned to PDD (Planned Development District) as part of a larger PDD zoning district. The property was then rezoned to AO in 2005.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned AO and is currently vacant. The property to the northeast is developed with a hotel. There is commercial development across I-20 to the northwest and northeast. To the southwest of the property there is a single family subdivision. There is currently a single family home to the south of the requested property to be rezoned.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. This area, at the intersection of I-20 and HWY 351, is also designated as a Major Commercial and Business Center by the Comprehensive Plan. The requested zoning would be compatible with the surrounding uses and the Comprehensive Plan. A concern of City Staff is the condition of Griffith Rd. which is designated as a collector road. As a substandard collector street, this street may not be adequate to accommodate the increased traffic from the proposed development. While staff believes this is an appropriate location

for this type of development, the timing may not be right given the condition of surrounding streets.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval, with some reservations due to the current condition of surrounding streets.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

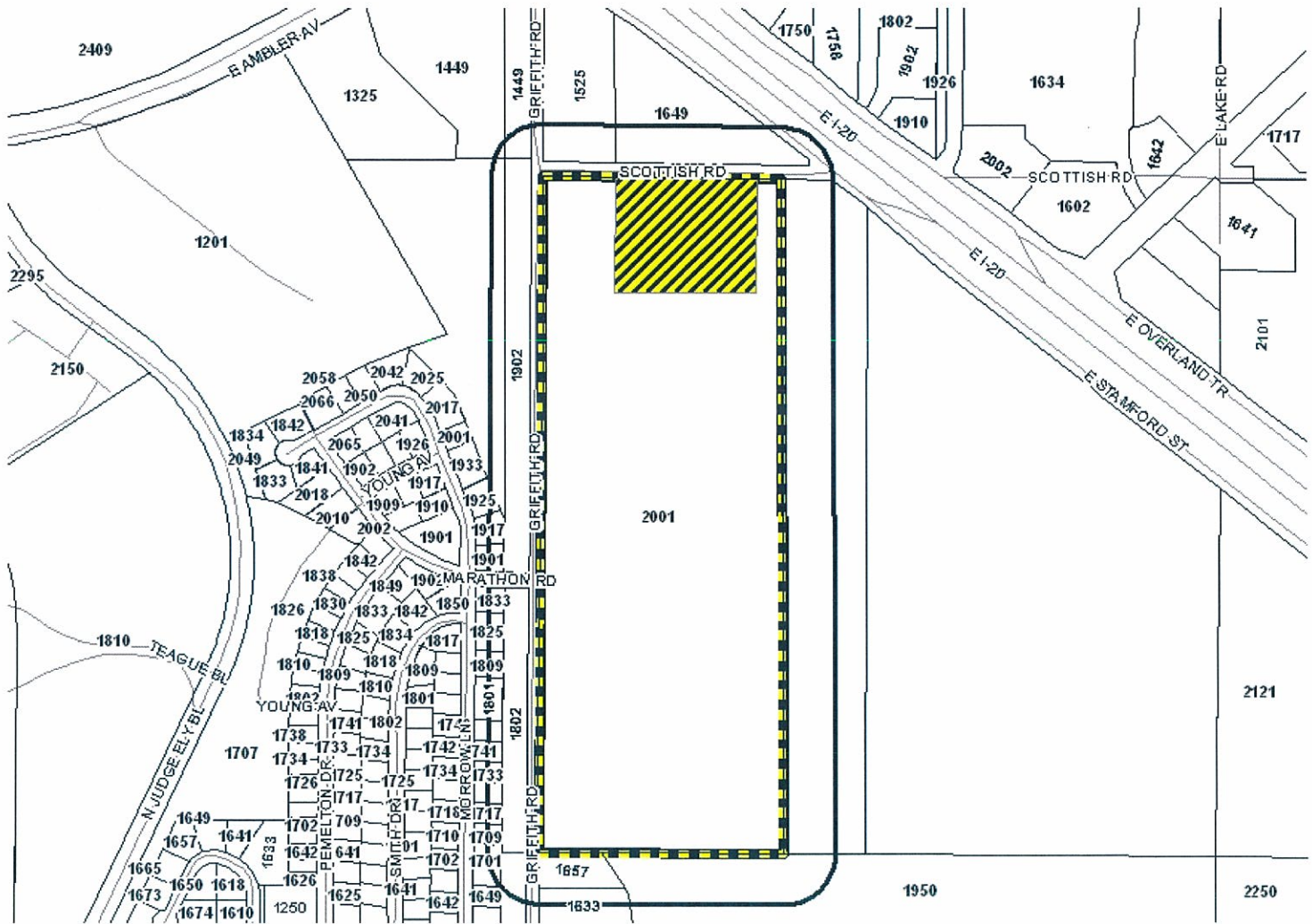
The Planning and Zoning Commission will consider this request June 7, 2010.

NOTIFICATION:

Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
JONES STORMIE L & JESSIE R	1801 MORROW LN	
VELASCO OLIVA O	1809 MORROW LN	
GRIFFITH RUTH ELIZABETH		
GRIFFITH RUTH ELIZABETH	2001 GRIFFITH RD	
WEST TEXAS UTILITIES CO	1449 E STAMFORD ST	
WEST TEXAS UTILITIES CO	1902 GRIFFITH RD	
SCARLETT GREGORY &	1701 MORROW LN	
LYTLE RICHARD S &	1749 MORROW LN	
GARY SALLY A	1901 MORROW LN	
PETERSON HUPERT & LENORA R	1925 MORROW LN	
CATTERALL ALFRED & EMMA	1709 MORROW LN	
DOLTON ODIS & U PAMELA	1741 MORROW LN	
RIK INVESTMENTS LLC NO 1	1649 E STAMFORD ST	
HANCOCK JAMES ROBERT &	1917 MORROW LN	
MULLINS JERRY NEIL JR &	1649 MORROW LN	
BOOYOUNG AMERICA LLC	1525 E I-20	
CORTINAZ SANTIAGO FRANK &	1733 MORROW LN	
VELASCO RUBEN O JR &	1825 MORROW LN	
ABILENE CHRISTIAN UNIV	1449 E AMBLER AV	
CLARK MAUREEN	1717 MORROW LN	
BLAKE BRANDON MATTHEW	1725 MORROW LN	
WEST TEXAS UTILITIES CO	1802 GRIFFITH RD	
SKAGGS DONALD E & DAWN	1833 MORROW LN	
DENNIS CARROLL WAYNE	1657 MORROW LN	
WEST TEXAS UTILITIES CO		
POLK JERRY DON & JUDY MAE	1657 GRIFFITH RD	
DAVIS C BRUCE & CHARLOTTE J	1950 EN 10TH ST	
ROPPE SCOT J & MARTHA	1633 GRIFFITH RD	
ABILENE CHRISTIAN UNIV		

0 in Favor- **Y**
0 Opposed- **N**

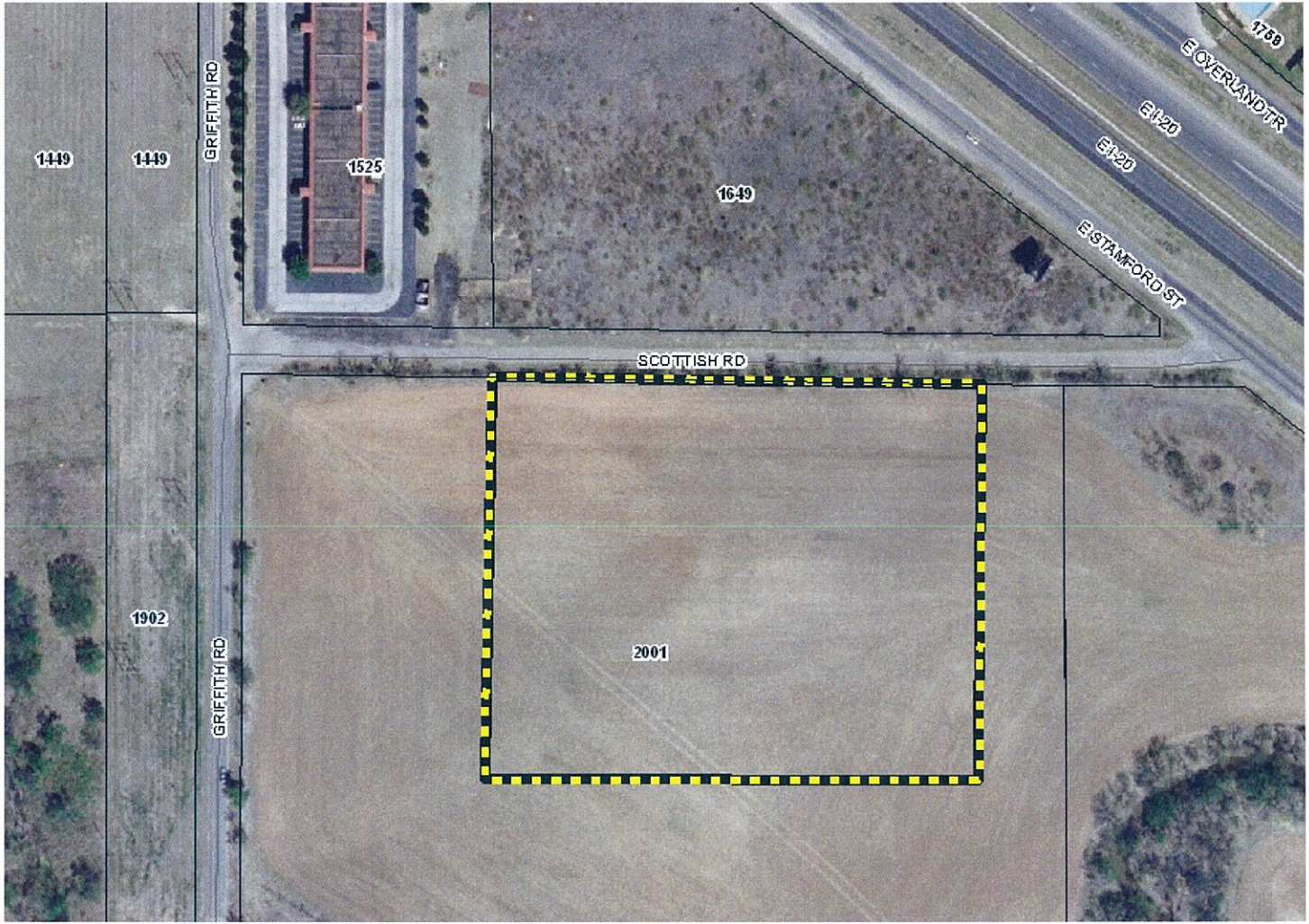




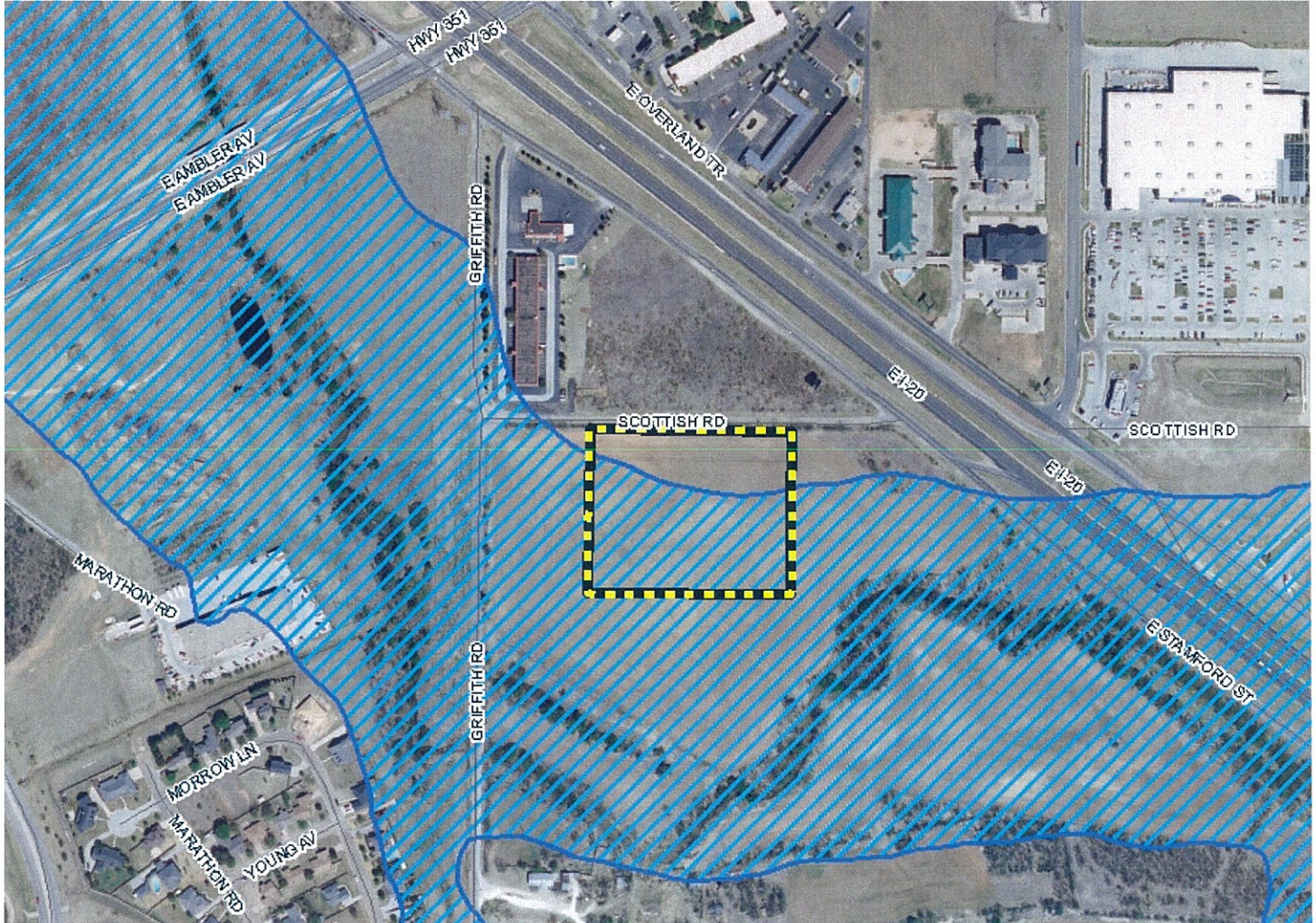


Case # Z-2010-03
Updated: May 26, 2010

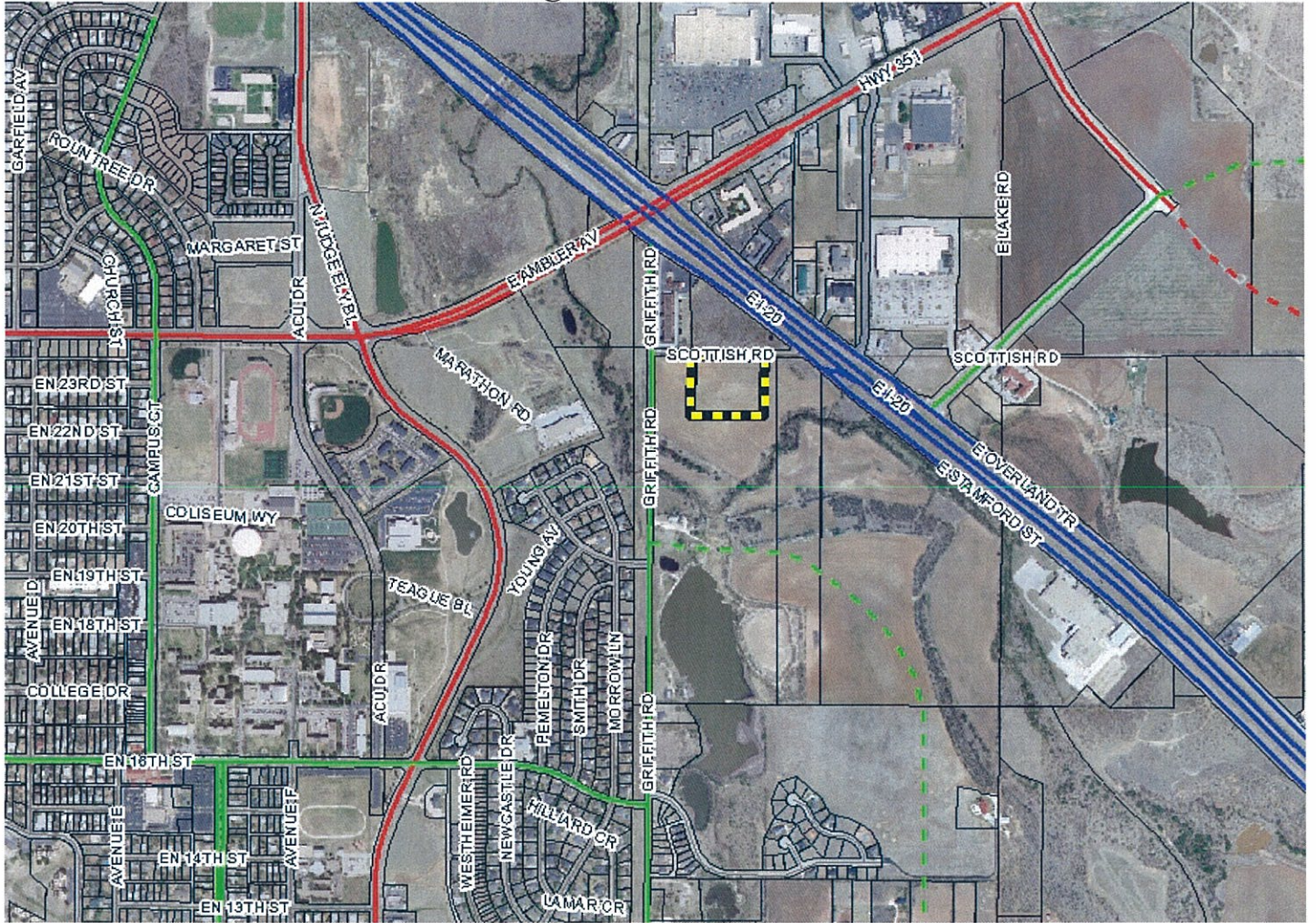
6.1 pg. 8



Flood Zone Map



Thoroughfare Plan



City Council
Agenda Memo



City Council
Meeting Date: 06/10/2010

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an Ordinance for Case No. Z-2010-04, a request from Calvin L. Sumrall and Thomas M. Duncan, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, located at 6002 HWY 277 South; and setting a public hearing for June 24, 2010.

GENERAL INFORMATION

Currently the property is zoned AO and is developed with a commercial structure. The property to the north has been developed with a single family home in HC zoning. There is commercial development to the north and south of the property, as well as commercially zoned property directly across HWY 277 South.

The Future Land Use section of the Comprehensive Plan as well as the Southwest Area Land Use Plan (1993) designates this property for commercial uses. There is currently HC zoning adjacent to the north of the subject property, GC zoning directly across HWY 277 from the subject property, and GC zoning to the south of the subject property at the intersection of HWY 277 and Dub Wright Blvd. The requested zoning is compatible with the surrounding uses.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission will consider this case June 7, 2010.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

May 26, 2010

Item No. 6.2

Disposition by City Council

Approved Ord/Res# _____

Denied

Other

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," 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, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED ON FIRST READING this 10th day of June A.D. 2010.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of May, 2010, 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 24th day of June, 2010 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 24th day of June, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

6.2 pg. 2

ORDINANCE NO. _____

EXHIBIT "A"

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

Legal Description:

A0003 SUR 44 JOHN ADAMS. ACRES 1

Location:

6002 HWY 277 South

-END-

ZONING CASE Z-2010-04

STAFF REPORT



APPLICANT INFORMATION:

Calvin L. Sumrall and Thomas M. Duncan

HEARING DATES:

Planning & Zoning Commission: June 7, 2010

City Council 1st Reading: June 10, 2010

City Council 2nd Reading: June 24, 2010

LOCATION:

6002 HWY 277 South

REQUESTED ACTION:

Rezone property from AO to GC

SITE CHARACTERISTICS:

The subject parcel totals approximately 1 acre and is currently zoned AO (Agricultural Open Space). The parcel has been developed with a commercial structure and has been used for automobile storage in the past. The adjacent properties have AO to the west, HC (Heavy Commercial) to the north, and GC (General Commercial) to the east and south across HWY 277 South.

ZONING HISTORY:

The area was annexed in 1986 and zoned AO when it was annexed.

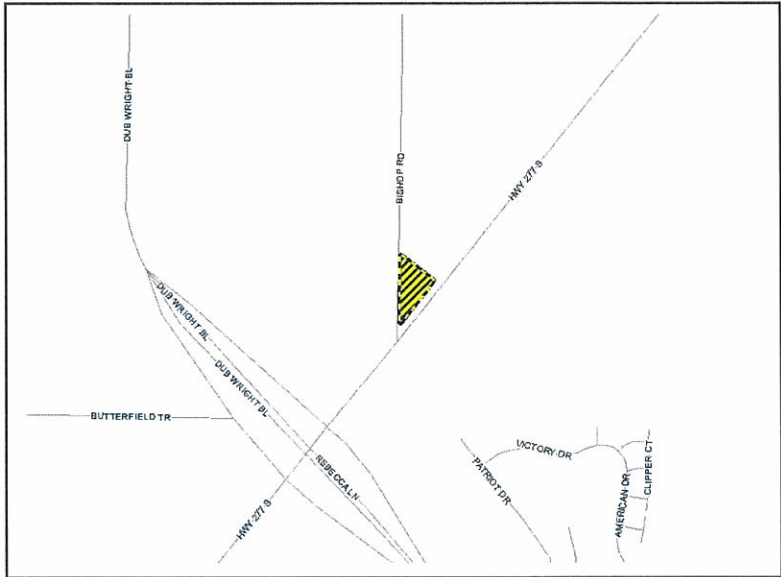
ANALYSIS:

- Current Planning Analysis

Currently the property is zoned AO and is developed with a commercial structure. The property to the north has been developed with a single family home in HC zoning. There is commercial development to the north and south of the property, as well as commercially zoned property directly across HWY 277 South.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan as well as the Southwest Area Land Use Plan (1993) designates this property for commercial uses. There is currently HC zoning adjacent to the north of the subject property, GC zoning directly across HWY 277 from the subject property, and GC zoning to the south of the subject property at the intersection of HWY 277 and Dub Wright Blvd. The requested zoning is compatible with the surrounding uses.



PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will consider this request June 7, 2010.

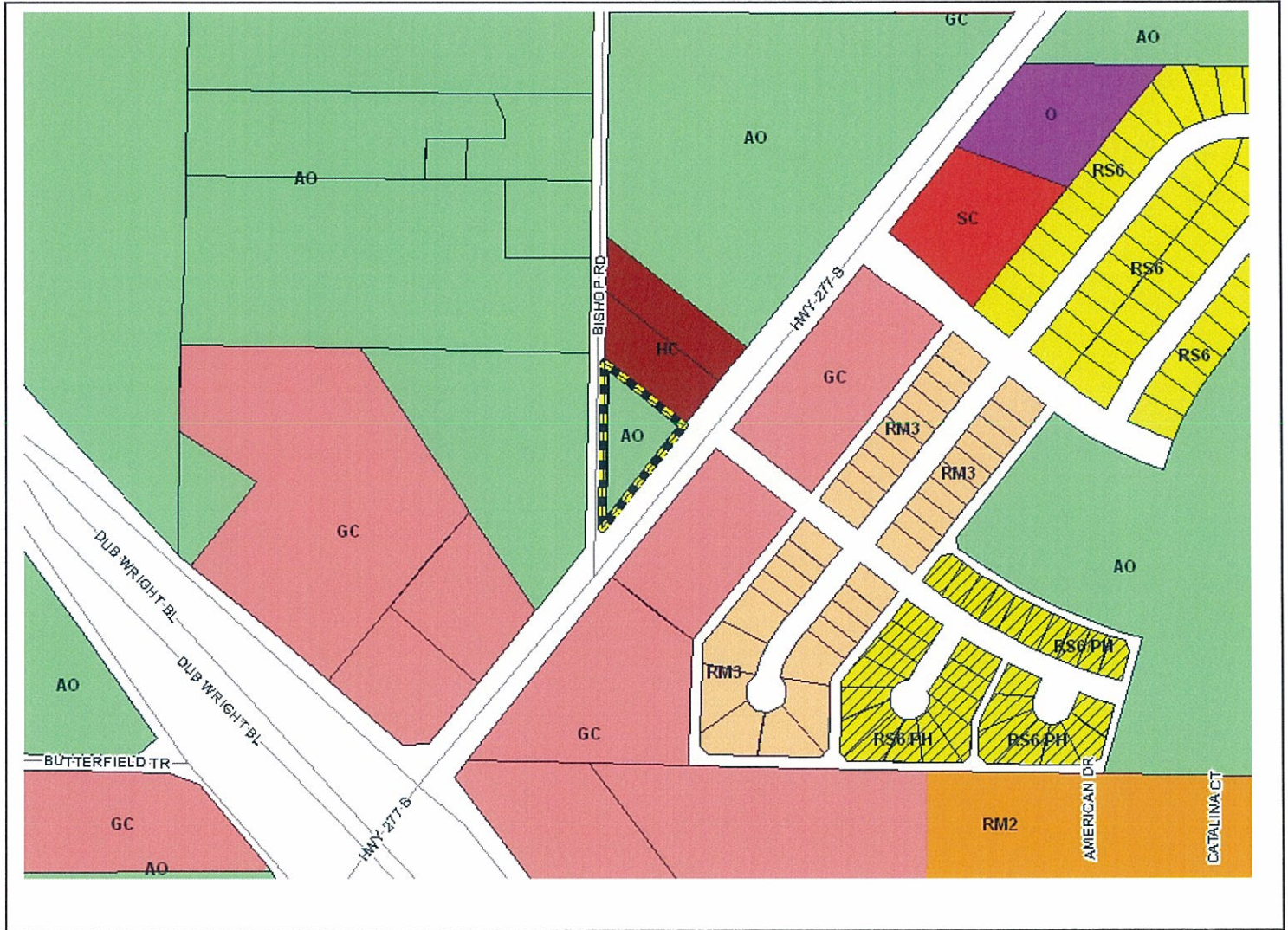
NOTIFICATION:

Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
BEARD DAVID N	5948 HWY 277 S	
BEARD DAVID N	5958 HWY 277 S	
MIMS RICHARD LEE & SANDRA J	3350 BISHOP RD	
SUMRALL CALVIN L &	6002 HWY 277 S	
FIRST EVANGELICAL	6010 HWY 277 S	
BUTTERFIELD MEADOWS LLC	5973 HWY 277 S	
BUTTERFIELD MEADOWS LLC	6017 HWY 277 S	
BUTTERFIELD MEADOWS LLC	5925 HWY 277 S	

0 in Favor- **Y**
0 Opposed- **N**









City Council
Agenda Memo



City Council
Meeting Date: 06/10/2010

TO: Larry D. Gilley, City Manager
FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an Ordinance for Case No. Z-2010-05, a request from Sojourner Drilling Corporation, to rezone property from SC (Shopping Center) to GC (General Commercial) zoning, located at 3366 Ambler Avenue; and setting a public hearing for June 24, 2010.

GENERAL INFORMATION

Currently the property is zoned SC and has been developed with a strip center commercial structure. The adjacent property to the north is developed with an apartment complex, as well as the property to the north across Sherry Ln. There are single family neighborhoods bordering the subject property on the south, east, and west. There are commercial developments to the south and west of the property.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The subject property is also along an Enhancement Corridor as defined by the Comprehensive Plan. The applicant is requesting the zone change to allow for the drilling and extraction of oil and natural gas. This use may not be compatible with the surrounding low density residential in the area. Although there are some existing commercial uses to the west and south, this large of a parcel of GC zoning would not be compatible with the surrounding zoning or correspond with the Future Land Use Map. Uses allowed within the General Commercial zoning district could have negative impacts, including aesthetic impacts, that make it less compatible on this particular site along an Enhancement Corridor, particularly such a large area of GC.

STAFF RECOMMENDATION

Staff recommends denial, due to the incompatibility of GC zoning at this location in a predominantly residential neighborhood along an Enhancement Corridor. Staff recommends continuation of the existing Shopping Center zoning as more compatible with this area.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission will consider this case June 7, 2010.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

May 26, 2010

Item No. 6.3

Disposition by City Council

Approved Ord/Res# _____

Denied

Other

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," 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, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED ON FIRST READING this 10th day of June A.D. 2010.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of May, 2010, 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 24th day of June, 2010 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 24th day of June, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from SC (Shopping Center) to GC (General Commercial) zoning.

Legal Description:

GREEN ACRES SEC 2, BLOCK PRT 29, REPLAT, ACRES 7.188
GREEN ACRES SEC 2, BLOCK PRT 29, REPLAT, ACRES 4.312

Location:

3366 Ambler Avenue

-END-

ZONING CASE Z-2010-05 STAFF REPORT



APPLICANT INFORMATION:

Sojourner Drilling Corporation

HEARING DATES:

Planning & Zoning Commission: June 7, 2010

City Council 1st Reading: June 10, 2010

City Council 2nd Reading: June 24, 2010

LOCATION:

3366 Ambler Ave.

REQUESTED ACTION:

Rezone property from SC to GC.

SITE CHARACTERISTICS:

The subject parcel totals approximately 12.5 acres and is currently zoned SC (Shopping Center). The parcel has been developed with a strip center commercial structure. The adjacent properties have RM-2 (Multi Family Residential) to the north, RS-6 (Single Family Residential) to the east, RS-6, RM-3, and SC zoning to the south, and GC (General Commercial), SC, and RS-8 to the west.

ZONING HISTORY:

The area was annexed in 1956 and zoned SC sometime after it was annexed.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned SC and has been developed with a strip center commercial structure. The adjacent property to the north is developed with an apartment complex, as well as the property to the north across Sherry Ln. There are single family neighborhoods bordering the subject property on the south, east, and west. There are commercial developments to the south and west of the property.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The subject property is also along an Enhancement Corridor as defined by the Comprehensive Plan. The applicant is requesting the zone change to allow for the drilling and extraction of oil and natural gas. This use may not be compatible with the surrounding low density residential in the area. Although there are some existing commercial uses to the west and south, this large of a parcel of GC zoning would not be compatible with the surrounding zoning or correspond with the Future Land Use Map. Uses allowed within the General Commercial zoning district could have negative impacts, including aesthetic impacts, that make it less compatible on this particular site along an Enhancement Corridor, particularly such a large area of GC.



PLANNING STAFF RECOMMENDATION:

Staff recommends denial, due to the incompatibility of GC zoning at this location in a predominantly residential neighborhood along an Enhancement Corridor. Staff recommends continuation of the existing Shopping Center zoning as more compatible with this area.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will consider this request June 7, 2010.

NOTIFICATION:

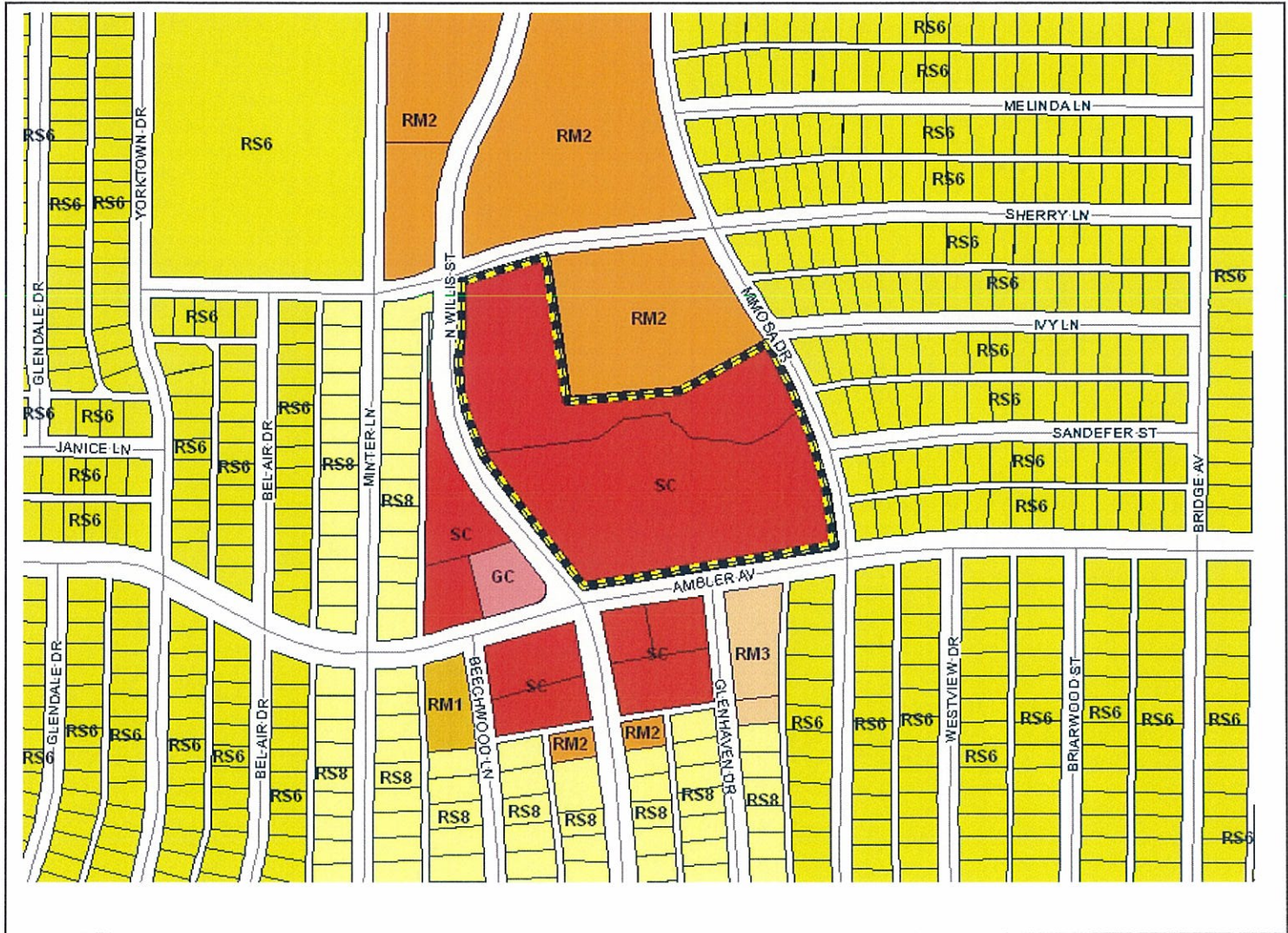
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
COPSEY DONALD ORVILLE	2249 MINTER LN	
CALLOWAY FRED SR	3260 AMBLER AV	
BRANNEN MARY D	2325 MINTER LN	
FAUGHT JOHNNY MARK	3272 AMBLER AV	
INMAN PEGGY ANNETTE	2309 MINTER LN	
MANN BILL & MARY	3281 SHERRY LN	
LEWIS IRA W	3274 IVY LN	
FAUGHT JOHN ED	3258 IVY LN	
FROST GLENNIS C	3266 IVY LN	
BRIGGS PATRICIA M	3284 AMBLER AV	
DILL FELIX H ET AL	3261 IVY LN	
STROEBEL DENNIS	3375 AMBLER AV	
SUTTON THORA	2317 MINTER LN	
PRATT JUDITH THOMAS	2301 MINTER LN	
WIMBERLY MARK &	3291 SHERRY LN	
HEWETT EDWIN J	2241 MINTER LN	
AGUILAR CORY & ANGELA	3271 IVY LN	
APOSTOLIC FAITH CHURCH	2334 N WILLIS ST	
MC COY MICHAEL J & JACQUELINE K	2333 MINTER LN	
AMBLER CHARITABLE BINGO RE INC	3366 AMBLER AV	
B SENTER PROPERTIES LTD		
BACKUS LANE & CHRISTINA	2257 MINTER LN	
GEISLER JEFFREY & JENNIFER	3251 IVY LN	
SUMMER WILLIAM H	3284 SANDEFER ST	
RODRIGUEZ SYLVIA	3285 SANDEFER ST	
FAIRBETTER LAGINA DAWN	3272 SANDEFER ST	
ABILENE TOWNHOMES & CONDOS INC	3309 SHERRY LN	
MORALES YOLANDA	3296 SANDEFER ST	
EDWARDS BETTY WADE	3261 SANDEFER ST	
2411 WILLIS LTD	2401 N WILLIS ST	
NORWOOD MARVIN	3426 AMBLER AV	
BABER SCOT &	2168 WESTVIEW DR	
MILLIORN TOMMY E	2101 GLENHAVEN DR	
BRACKETT BILLY	2146 MIMOSA DR	
BRACKETT BILLY RAY	2138 MIMOSA DR	

HODGE FRANCIS M	2157 MIMOSA DR	
JOHNSON ANDREA F	3273 SANDEFER ST	
DAY NURSERY OF ABILENE INC	3434 SHERRY LN	
NORWOOD MARVIN JR	3434 AMBLER AV	
SKINNYS INC	3351 AMBLER AV	
FIRST MEXICAN BAPTIST	2139 MIMOSA DR	
SKINNYS INC	3401 AMBLER AV	

0 in Favor- **Y**
0 Opposed- **N**









City Council
Agenda Memo



City Council
Meeting Date: 06/10/2010

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an Ordinance for Case No. Z-2010-06, a request from Mark and Janice Reeder, to rezone property from LC/COR (Limited Commercial with Corridor Overlay) to PDD/COR (Planned Development District with Corridor Overlay) zoning, located at 5190 Buffalo Gap Rd.; and setting a public hearing for June 24, 2010.

GENERAL INFORMATION

Currently the property is zoned LC/COR (Limited Commercial with Corridor Overlay) and used as a retail tire store, car wash, and minor automobile repair shop. The LC zoning allows for "Automobile Parts & Supplies (Including Tires)", but auto repair services are not allowed. The property to the south is currently developed with a convenience store, a pizza restaurant, and a liquor store. The properties to the north and west are developed with single-family homes. The requested PDD proposes to allow the auto repair services as permitted uses on the property.

The Site Plan for this site, approved in 1997, made no mention of the auto repair uses. The current use of the property for auto repair is in violation of the zoning ordinance and is subject to enforcement action, which has prompted this rezoning request.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The subject property is also along an Enhancement Corridor as defined by the Comprehensive Plan. Although there are some existing commercial uses to the west and south, this large of a parcel of GC zoning would not be compatible with the surrounding zoning or correspond with the Future Land Use Map. Uses allowed within the General Commercial zoning district could have negative impacts, including aesthetic impacts, that make it less compatible on this particular site along an Enhancement Corridor, particularly such a large area of GC.

STAFF RECOMMENDATION

The Future Land Use section of the Comprehensive Plan designates this general area as commercial. The requested PDD zoning can be considered compatible with the Future Land Use Map. The properties to the north and west have been developed with single family residences and the properties to the south are developed with commercial uses. Buffalo Gap Road is designated as an arterial street which serves as a gateway into the City of Abilene. Chimney Rock Road is a collector street that provides connection to Buffalo Gap Road from the residential neighborhoods to the east and west. The intersection is controlled by a traffic signal. The Buffalo Gap Road Corridor Study recommends commercial uses to be located at or near signalized intersections.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission will consider this case June 7, 2010.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

May 26, 2010

Item No. 6.4

Disposition by City Council

- Approved Ord/Res# _____
- Denied
- Other

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-130 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing 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.

PASSED ON FIRST READING this 10th day of June A.D. 2010.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of May, 2010, 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 24th day of June, 2010, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 24th day of June, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 1

ORDINANCE NO. _____

Exhibit "A"

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

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance.

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

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

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From "LC/COR" (Limited Commercial District with Corridor Overlay) to "PDD-130/COR" (Planned Development District with Corridor Overlay).

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.

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 2

PART 5: Legal Description. The legal description of this PDD is as follows:

Lot 10, Block A, Countryside South Section 3

Location: 5190 Buffalo Gap Road

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 3

PART 6: Purpose. The purpose of the Planned Development District (PDD) is to allow for limited commercial uses and to include auto repair service uses.

PART 7: Specific Modifications. The City of Abilene Zoning Ordinance provisions for the LC zoning district apply to the development of this property, except as modified below.

I. PERMITTED USES:

A. Uses permitted in the Limited Commercial (LC) district and to include the following use permitted by right:

- Minor auto repair services to include brakes, air conditioning, mufflers, shocks, and other similar services.

PART 8: Development Schedule. If a Certificate of Occupancy is not approved within 18 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designation.

- END -

ZONING CASE Z-2010-06

STAFF REPORT



APPLICANT INFORMATION:

Mark and Janice Reeder

HEARING DATES:

Planning & Zoning Commission: June 7, 2010

City Council 1st Reading: June 10, 2010

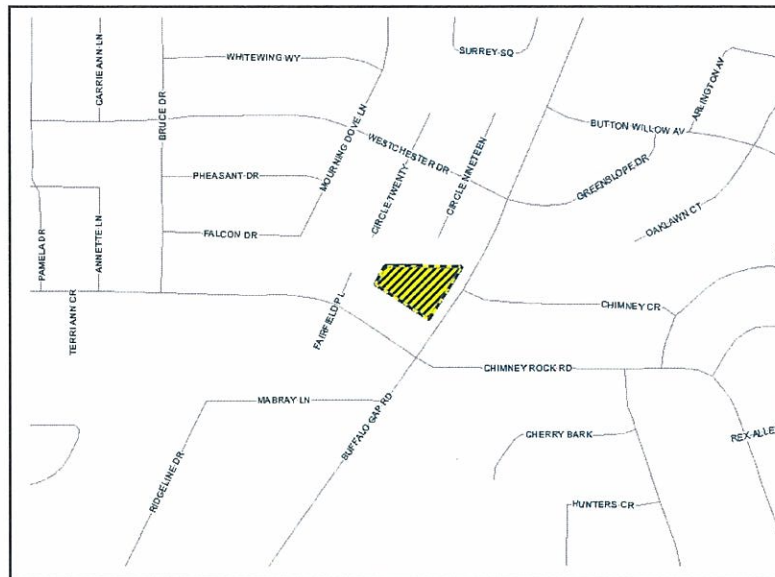
City Council 2nd Reading: June 24, 2010

LOCATION:

5190 Buffalo Gap Road

REQUESTED ACTION:

Rezone property from LC/COR to PDD/COR. The purpose of the PDD is to allow Limited Commercial uses, plus minor automobile repair services.



SITE CHARACTERISTICS:

The subject parcels total approximately 1.10 acres and is currently zoned LC/COR (Limited Commercial with Corridor Overlay). The parcel is currently being used as a retail tire store, car wash, and minor automobile repair shop. The adjacent properties have RS-6/COR/PH (Single-Family Residential with Corridor Overlay and Patio Home Overlay) zoning to the west, RS-6/COR zoning to the north, and LC/COR to the south.

ZONING HISTORY:

The area was annexed in 1959 and 1963 and zoned LC (Limited Commercial) sometime after it was annexed. The Corridor Overlay was adopted in 2006.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned LC/COR (Limited Commercial with Corridor Overlay) and used as a retail tire store, car wash, and minor automobile repair shop. The LC zoning allows for "Automobile Parts & Supplies (Including Tires)", but auto repair services are not allowed. The property to the south is currently developed with a convenience store, a pizza restaurant, and a liquor store. The properties to the north and west are developed with single-family homes. The requested PDD proposes to allow the auto repair services as permitted uses on the property.

The Site Plan for this site, approved in 1997, made no mention of the auto repair uses. The current use of the property for auto repair is in violation of the zoning ordinance and is subject to enforcement action, which has prompted this rezoning request.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as commercial. The requested PDD zoning can be considered compatible with the Future Land Use Map. The properties to the north and west have been developed with single family residences and the properties to the south are developed with commercial uses. Buffalo Gap Road is designated as an arterial street which serves as a gateway into the City of Abilene. Chimney Rock Road is a collector street that provides connection to Buffalo Gap Road from the residential neighborhoods to the east and west. The intersection is controlled by a traffic signal. The Buffalo Gap Road Corridor Study recommends commercial uses to be located at or near signalized intersections.

PLANNING STAFF RECOMMENDATION:

Staff recommends **approval** of a PDD.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will consider this case June 7, 2010.

NOTIFICATION:

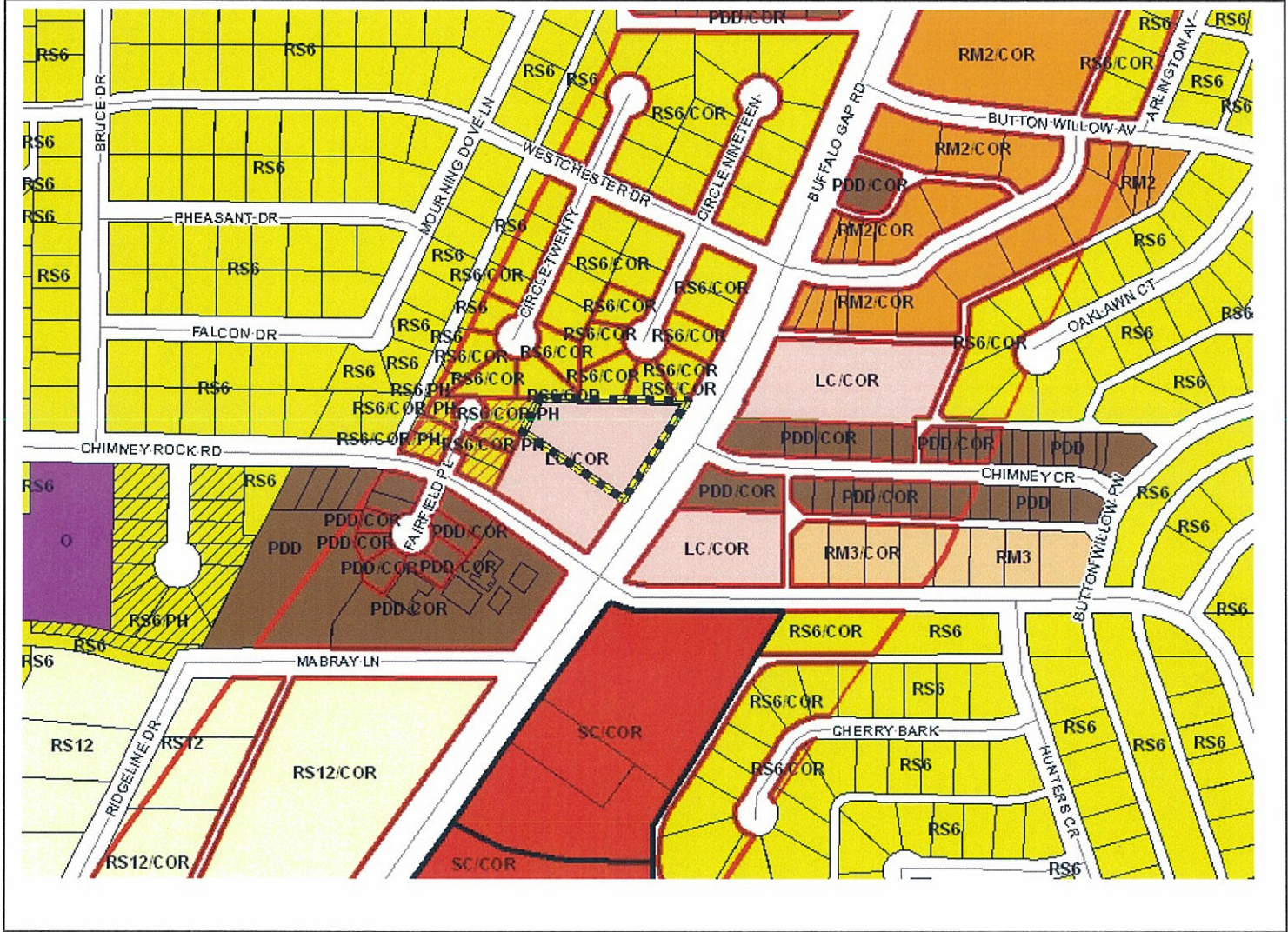
Property owners within a 200-foot radius were notified of the request.

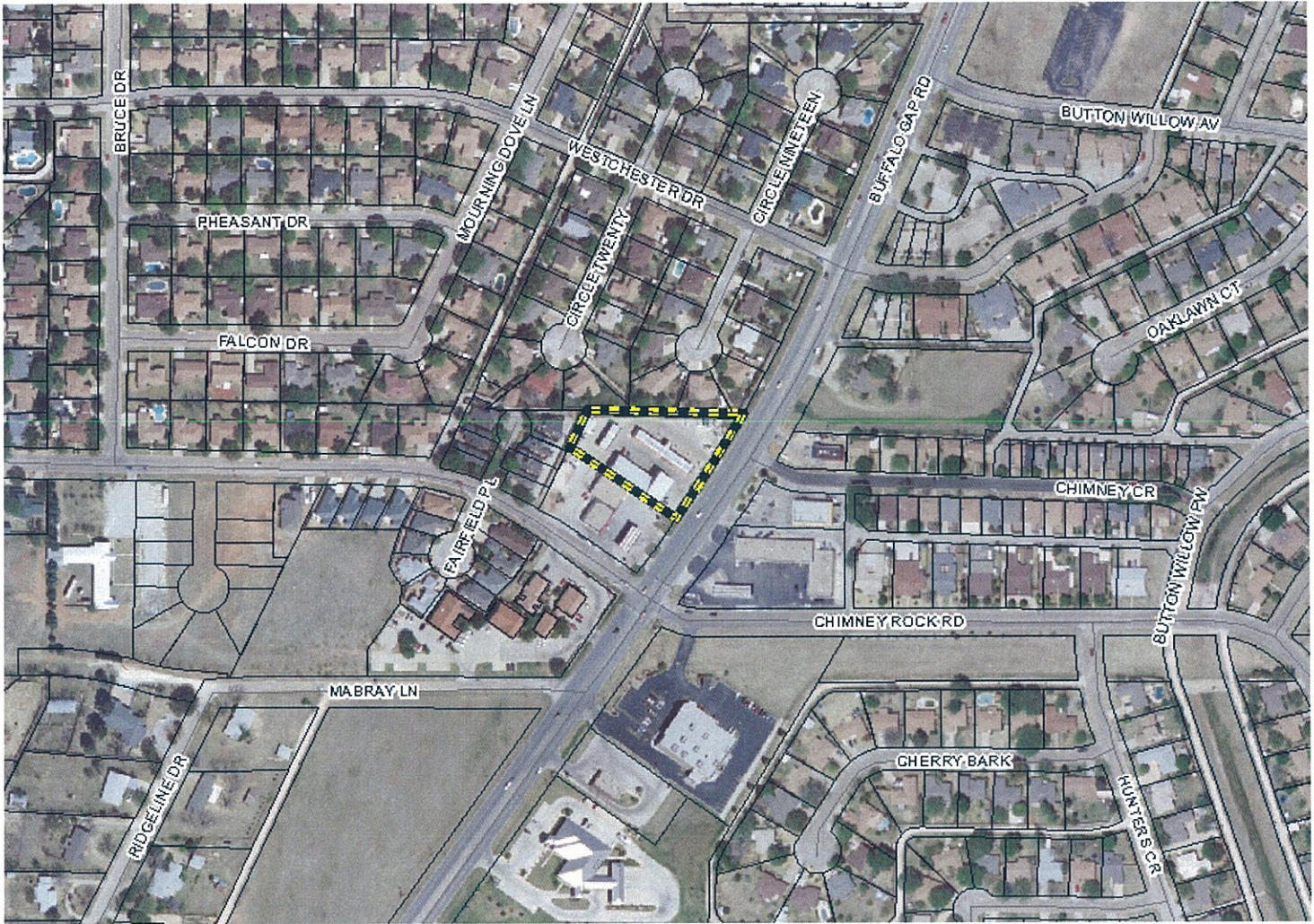
OWNER	ADDRESS	RESPONSE
KENCOM INC	5065 BUFFALO GAP RD	
GFC LEASING CORP	5125 BUFFALO GAP RD	
T & T OKLAHOMA LLC	5194 BUFFALO GAP RD	
REEDER MARK ALLEN & JANICE	5190 BUFFALO GAP RD	
HARWELL DAN JR	5001 BUFFALO GAP RD	
DIEKEN MELISSA	20 COURTYARD LN	
STOVALL SARITA FELICIA	70 COURTYARD LN	
BOYKIN ALEXANDER N	10 COURTYARD LN	
ENGLEDOW JOE C & MARY	4825 CIRCLE TWENTY	
HEFLIN STARLA K	60 COURTYARD LN	
SKINNYS INC	5191 BUFFALO GAP RD	
LYONS PAUL F & ELOISE	4818 CIRCLE NINETEEN	
LEMONS SAMMY L & DEBBIE	30 COURTYARD LN	
SPESSERT MATTHEW A	4841 CIRCLE TWENTY	
YOUNG CLAYTON M & PAMELA K	4834 CIRCLE TWENTY	
HUDSON MARK A	4826 CIRCLE NINETEEN	
YATES JOHN R & CAROL A	4809 CIRCLE NINETEEN	
ELLIS RAY H III & KIMBERLY C	4825 CIRCLE NINETEEN	
SMITH WILLIAM ARTHUR &	4834 CIRCLE NINETEEN	
WARD MARK R & ROXANN B	4833 CIRCLE TWENTY	
ANDERS BRYCE L & SHARON D	4842 CIRCLE TWENTY	
LIGHT GLADYS LIFE ESTATE	4849 CIRCLE TWENTY	
LEMONS SAMMY L & DEBBIE		
LYONS KENNETH F & JANICE FAYE	4817 CIRCLE NINETEEN	
CROUSE DOYLE W & NANCY S	4833 CIRCLE NINETEEN	
KINCHELOE ALBERT M &	40 COURTYARD LN	
MOBERLEY RICHARD L & BARBARA A	50 COURTYARD LN	

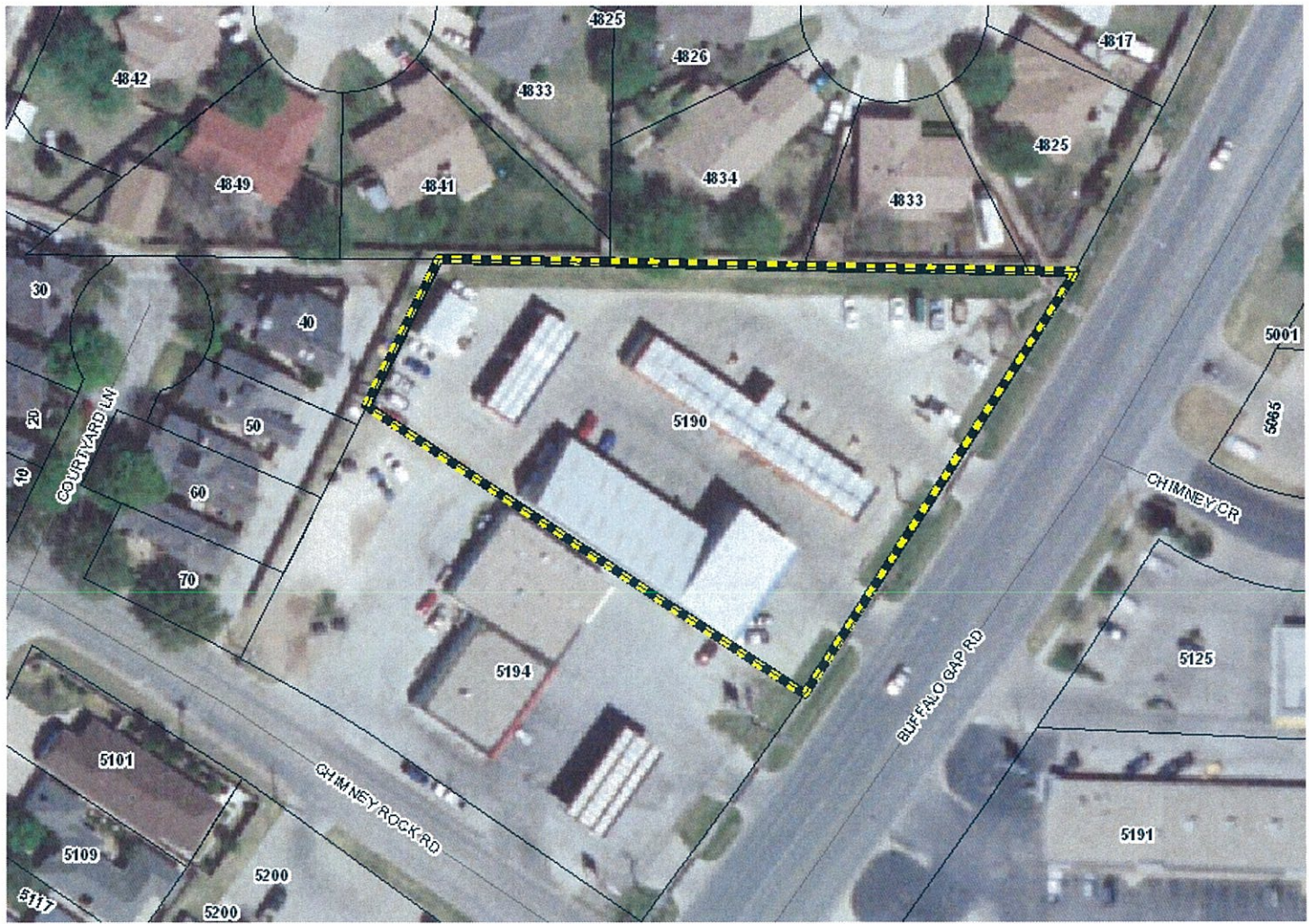
0 in Favor- **Y**
0 Opposed- **N**



6.4 pg. 4







City Council
Agenda Memo



City Council
Meeting Date: 06/10/2010

TO: Larry D. Gilley, City Manager
FROM: Jon James, AICP
Director of Planning and Development Services
SUBJECT: First reading on an Ordinance for Case No. Z-2010-07, a request from Exceptional Holdings, L.P., to amend PDD-99 concerning the permitted uses, located at 1801 Antilley Road; and setting a public hearing for June 24, 2010.

GENERAL INFORMATION

Currently the property is zoned PDD and is undeveloped. There are several commercial and office uses in the area, including medical offices and supply stores, banks, and other retail type uses.

The Future Land Use section of the Comprehensive Plan designates this general area as a Special Activities Center. The requested PDD amendment can be considered compatible with the Future Land Use Map. The PDD was adopted in 2005, and allows for hotel/motel, restaurant, medical and dental offices, labs, and clinics, pharmacy, and office. The permitted use charts in the City of Abilene Zoning Ordinance does not list Banking/Credit Unions as an office type of use. Banking/Credit Unions are allowed in Office zoning however, and are compatible with the surrounding land uses and the permitted uses in the current PDD.

STAFF RECOMMENDATION

Staff recommends approval of the amendment to PDD-99 as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission will consider this case June 7, 2010.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

May 26, 2010

Item No. 6.5

Disposition by City Council

Approved Ord/Res# _____

Denied _____

Other _____

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-99 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 10th day of June A.D. 2010.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of May, 2010, 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 24th day of June, 2010, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 124th day of June, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____
EXHIBIT "A"
PAGE 2

ORDINANCE NO.

Exhibit "A"

Add under PART 7: Specific Modifications.

A. PERMITTED USES:
Banking/ Credit Unions

ZONING CASE Z-2010-07

STAFF REPORT



APPLICANT INFORMATION:

Exceptional Holdings, L.P.

HEARING DATES:

Planning & Zoning Commission: June 7, 2010

City Council 1st Reading: June 10, 2010

City Council 2nd Reading: June 24, 2010

LOCATION:

1801 Antilley Road

REQUESTED ACTION:

Amend PDD-99 to allow for banking/
credit union uses.



SITE CHARACTERISTICS:

The subject parcel totals approximately 2.14 acres and is currently zoned PDD (Planned Development District). The parcel is currently vacant and has never been developed. The adjacent properties have PDD zoning to the north, south, and west, SC (Shopping Center) zoning to the east, and MU (Medical Use) to the north.

ZONING HISTORY:

The area was annexed in 1980 and later zoned PDD in 2005.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned PDD and is undeveloped. There are several commercial and office uses in the area, including medical offices and supply stores, banks, and other retail type uses.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as a Special Activities Center. The requested PDD amendment can be considered compatible with the Future Land Use Map. The PDD was adopted in 2005, and allows for hotel/motel, restaurant, medical and dental offices, labs, and clinics, pharmacy, and office. The permitted use charts in the City of Abilene Zoning Ordinance does not list Banking/Credit Unions as an office type of use. Banking/Credit Unions are allowed in Office zoning however, and are compatible with the surrounding land uses and the permitted uses in the current PDD.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the amendment to PDD-99 as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will consider this case June 7, 2010.

NOTIFICATION:

Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
NC SCHI INC	6250 HWY 83-84	
WSL HOLDINGS 2006 V ABILENE LP	6565 CENTRAL PARK BL	
MK PRICE HOLDINGS LLC		
CENTRAL PARK 91 JV		
BIG COUNTRY SUBS CO	1901 ANTILLEY RD	
DIRECTORS REAL ESTATE MGT L P	6501 DIRECTORS PW	
TROPHY ABILENE I LP	6401 DIRECTORS PW	
FUNERAL DIRECTORS LIFE	6550 DIRECTORS PW	
DIRECTORS REAL ESTATE MGT L P	6402 DIRECTORS PW	
ABILENE CI AKASH	6350 DIRECTORS PW	
SPINE ABILENE PROPERTIES LP	1888 ANTILLEY RD	
SP II ABILENE LLC	1665 ANTILLEY RD	
EXCEPTIONAL HOLDINGS LP	1801 ANTILLEY RD	
PHYSICIAN RELIANCE INVEST	1957 ANTILLEY RD	
RADIOLOGY ASSOCIATES	1902 ANTILLEY RD	
NC SCHI INC	6300 REGIONAL PZ	
NC SCHI INC	6250 ANTILLEY RD	
NC SCHI INC	6300 REGIONAL PZ	
NC SCHI INC	6300 REGIONAL PZ	

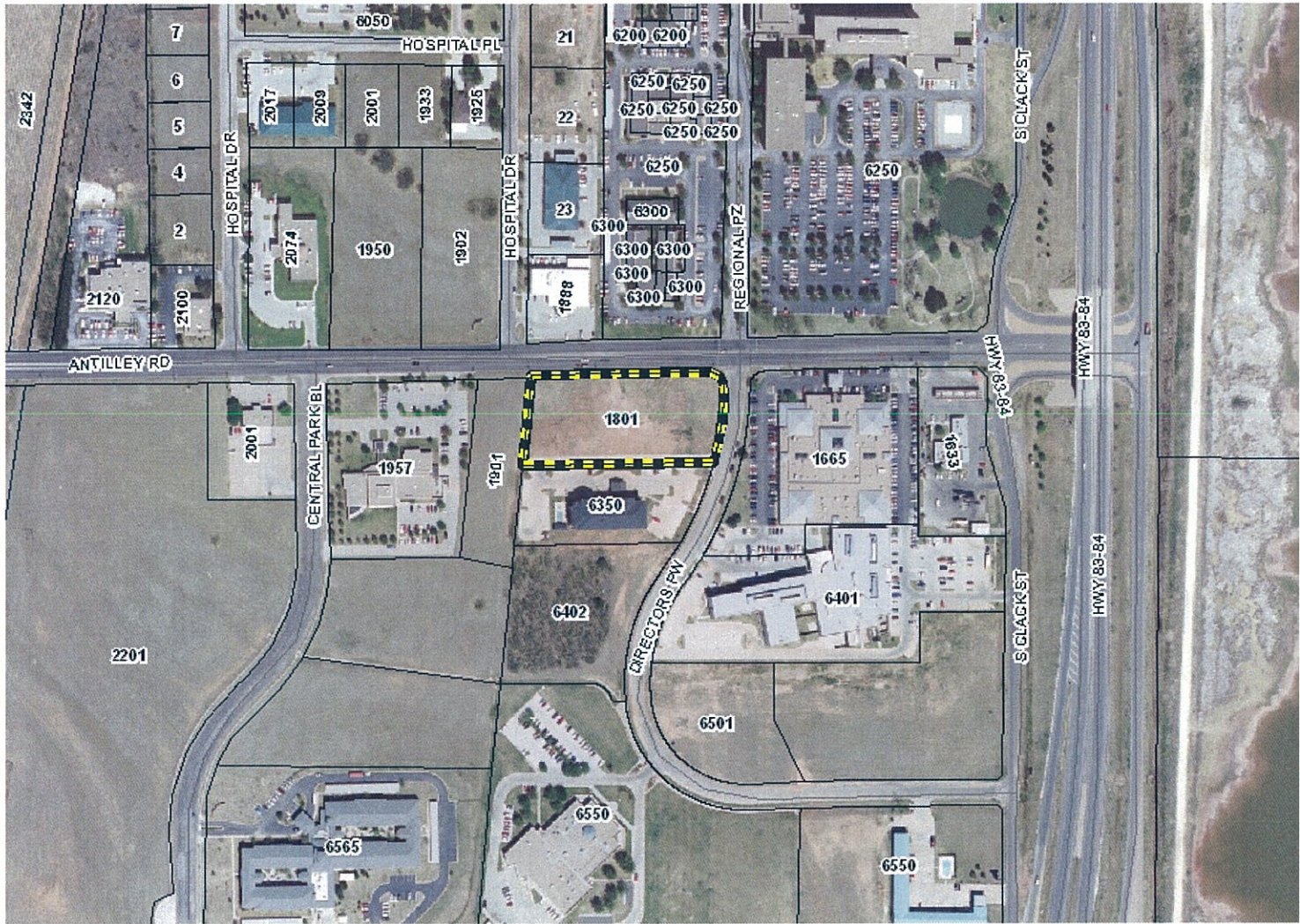
0 in Favor- **Y**
0 Opposed- **N**





Case # Z-2010-07
 Updated: May 26, 2010

6.5 pg. 7





City Council
Agenda Memo



City Council
Meeting Date: 06/10/2010

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an Ordinance for Case No. Z-2010-08, a request from A.E. Nelson, Jr., to rezone property from RS-8/COR (Single Family Residential with Corridor Overlay) to O/COR (Office with Corridor Overlay) zoning, located at 5701 Buffalo Gap Rd.; and setting a public hearing for June 24, 2010.

GENERAL INFORMATION

Currently the property is zoned RS-8/COR (Single Family Residential with Corridor Overlay) and was recently developed with a single family home, which was recently moved. The properties surrounding the subject property have been developed with single family homes.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The requested office zoning is compatible with the Buffalo Gap Corridor study which specifically states that residential and office uses are suitable at mid block locations, such as the subject property.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission will consider this case June 7, 2010.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

May 26, 2010

Item No. 6.6

Disposition by City Council

Approved Ord/Res#

Denied _____

Other

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E. "ZONING," 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, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED ON FIRST READING this 10th day of June A.D. 2010.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of May, 2010, 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 24th day of June, 2010 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 24th day of June, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from RS-8/COR (Single-Family Residential with Corridor Overlay) to O/COR (Office with Corridor Overlay) zoning.

Legal Description:

A0086 SUR 100 A GREENWALL, ACRES 1.0

Location:

5701 Buffalo Gap Road

-END-

ZONING CASE Z-2010-08

STAFF REPORT



APPLICANT INFORMATION:

A.E. Nelson, Jr.

HEARING DATES:

Planning & Zoning Commission: June 7, 2010

City Council 1st Reading: June 10, 2010

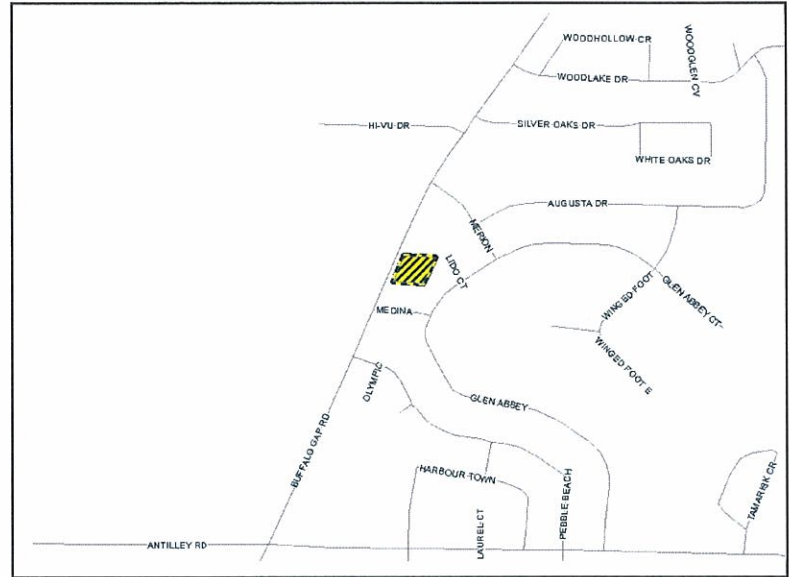
City Council 2nd Reading: June 24, 2010

LOCATION:

5701 Buffalo Gap Road

REQUESTED ACTION:

Rezone property from RS-8/COR to O/COR.



SITE CHARACTERISTICS:

The subject parcel totals approximately 1.0 acre and is currently zoned RS-8/COR (Single Family Residential with Corridor Overlay). The parcel was previously developed with a single family home that has recently been moved. The adjacent properties have RS-8/COR (Single-Family Residential with Corridor Overlay) zoning to the west, north, and south, and PDD/COR (Planned Development District with Corridor Overlay) to the east, which allows for single family residential.

ZONING HISTORY:

The area was annexed in 1963 and zoned RS-8 sometime after it was annexed. The Corridor Overlay was adopted in 2006.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned RS-8/COR (Single Family Residential with Corridor Overlay) and was recently developed with a single family home, which was recently moved. The properties surrounding the subject property have been developed with single family homes.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The requested office zoning is compatible with the Buffalo Gap Corridor study which specifically states that residential and office uses are suitable at mid block locations, such as the subject property.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission will consider this case June 7, 2010.

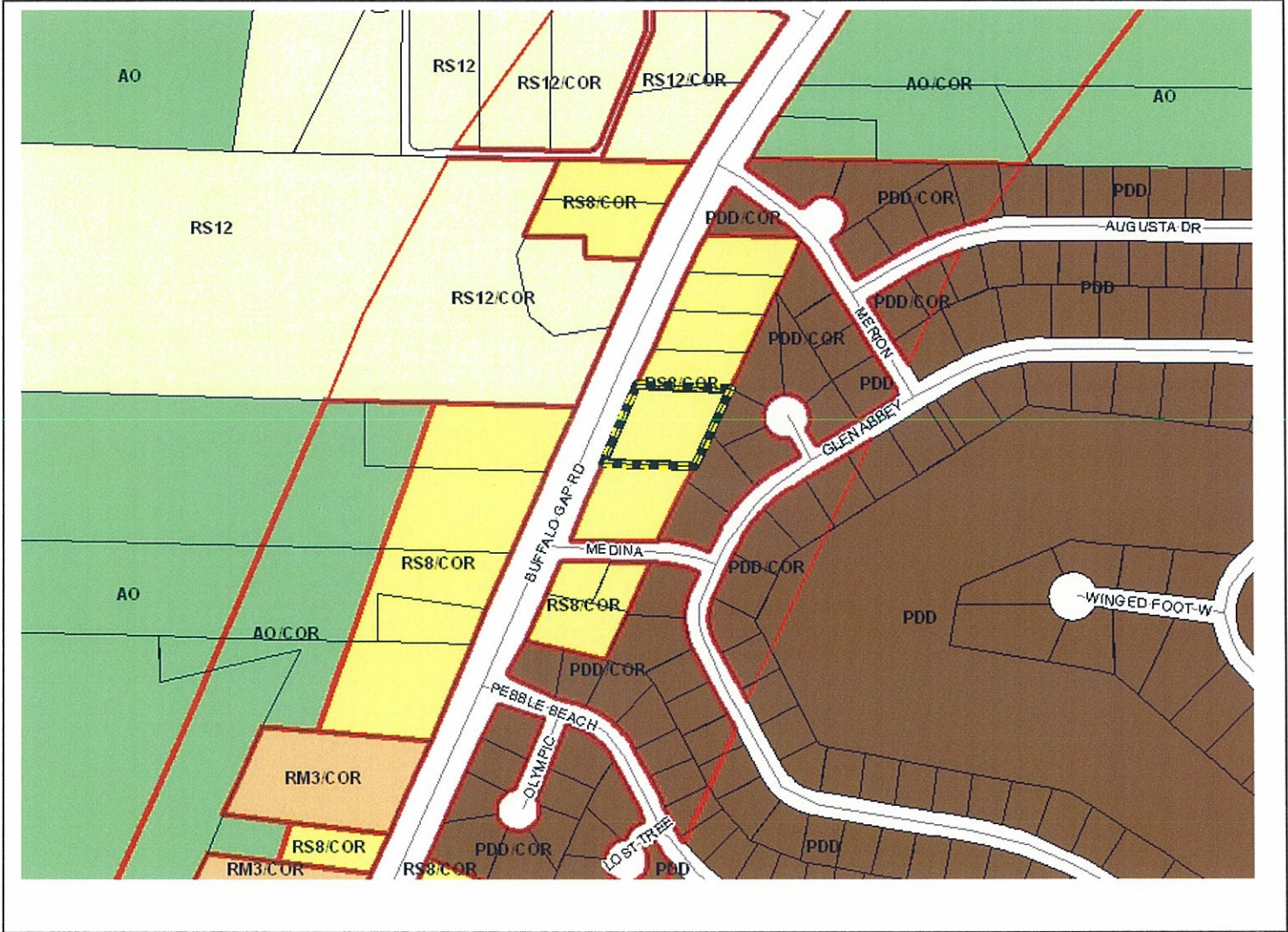
NOTIFICATION:

Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
STEPHENS PROP INC	5688 BUFFALO GAP RD	
NELSON A E JR	5701 BUFFALO GAP RD	
HOWZE J D	5657 BUFFALO GAP RD	
MC MULLEN BILLIE M	5669 BUFFALO GAP RD	
ABBOTT BLANCHE N MRS	5649 BUFFALO GAP RD	
JOHNSON ARNOLD	5900 BUFFALO GAP RD	
NELSON A E JR TR	5901 BUFFALO GAP RD	
SCHROEDER ERIN KATHLEEN	48 GLEN ABBEY	
ADAMEZ RANDY & MICHELLE	50 GLEN ABBEY	
MATHUR SANDIP & MISHI	49 GLEN ABBEY	
BUNDY FRED R & GABRIELA C	42 LIDO CT	
MEYERS RICHARD H & VICKIE	40 LIDO CT	
RUZINSKY JOHN A & NANCY K	44 LIDO CT	
PELTON RICHARD P SR &	38 GLEN ABBEY	
WEBB MARK &	46 GLEN ABBEY	
STEPHENS O B JR &	5910 BUFFALO GAP RD	
STEPHENS PROP INC	5702 BUFFALO GAP RD	

0 in Favor- **Y**
0 Opposed- **N**









City Council
Agenda Memo



City Council
Meeting Date: 6/10/2010

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an ordinance amending Section 2.3.3.4 Historic Overlay (HO) District, Section 2.4.2.1 Land Use Matrix, Section 2.4.3 Requirements Applicable to Specific Land Uses, and Section 3.1.1.1 ETJ Subdivision Provisions of the Land Development Code; and setting a public hearing for June 24.

GENERAL INFORMATION

At the Planning & Zoning (P&Z) Commission on May 17, 2010, the Commission asked staff to include an item on the next agenda for potential changes to the Land Development Code (LDC). The P&Z Commission wanted to discuss and recommend changes to the following sections:

- Section 2.3.3.4 Historic Overlay (HO) District
- Section 2.4.2.1 Land Use Matrix
- Section 2.4.3 Requirements Applicable to Specific Land Uses
- Section 3.1.1.1 ETJ Subdivision Provisions.

Staff has reviewed the sections and is proposing changes to Section 3.1.1.1 only. Previous discussions resulted in allowing for installation of 'dry lines' in lieu of meeting the City's water provision standards for certain subdivisions in the Extra Territorial Jurisdiction (ETJ). Due to several concerns from the City's Water Department and the Public Works Engineering Department related to 'dry lines', staff is proposing an exemption for plats that qualify as a minor plat. The subdivider will continue to have the option to defer the obligation of meeting the City's water provision standards for other certain plats in the ETJ.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission will hear this item at their June 7, 2010 meeting.

ATTACHMENTS

Ordinance
Proposed Ordinance Amendments

Prepared by: Name: <u>Ben Bryner, AICP</u> Title: <u>Planning Services Manager</u> May 28, 2010	Item No. <u>67</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary
--	--------------------	--

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

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

PART 1: That Chapter 23, Subpart B, "Land Development Code," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be 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.

PART 3: 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.

PASSED ON FIRST READING this 10th day of June A.D. 2010.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of May, 2010, 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 24th day of June, 2010, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 24th day of June, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

- d) Installation of fire hydrants shall not be required. However, taps shall be provided for future hydrant installation in compliance with City requirements.
- e) An Interim Rural street design, as promulgated by the City Engineer, may be used as an alternative to full City street standards. However, in the following circumstances the City Engineer may require the installation of one or more streets in a proposed subdivision be built to full City standards:
 - i. The subject street(s) is a continuation of an existing street already built to the City of Abilene standards;
 - ii. The subject street(s) are intersected by one or more streets already built to the City of Abilene standards; or,
 - iii. Any part of the proposed subdivision is within an adopted 3-year Annexation Pan, or is within an area where formal annexation proceedings have commenced;
 - iv. Other situations where the City Engineer, with approval of the Planning and Zoning Commission, finds reasonable justification.
- f) In lieu of meeting the City's water provision standards, a proposed subdivision where all lots front on an existing public or private street and are served by a public water supply where existing lines are currently in place may instead ~~provide a separate dry line for future use or may enter into a deferral agreement with the City to provide upgraded lines in the future.~~ A proposed subdivision that qualifies as a minor plat shall be exempt from meeting the City's water provision standards.

(d) **Subdivision Rules.** The provisions of this Chapter 3, the standards governing water and wastewater facilities applicable to plats, and the technical standards contained in the Design, Details, and Construction Standards, as adopted by the City Council and as may be amended from time to time, constitute the subdivision rules of the City of Abilene, which apply to applications for plat approval inside City limits and within the City's extraterritorial jurisdiction.

Section 3.1.1.2 Types of Plats Required

- (a) **Plats.** A Final Plat or a Minor Plat shall be approved prior to any non-exempt land division.
- (b) **Development Plats.** A Development Plat shall be approved prior to development of any tract or parcel for which no Final Plat is required prior to development of any lot in a subdivision for which dedication of any right-of-way for construction or maintenance of public improvements is required by this Land Development Code. A Development Plat shall be required prior to approval of a manufactured home rental

City Council
Agenda Memo



City Council
Meeting Date: 6/10/2010

TO: Larry D. Gilley, City Manager

FROM: Mike Hall, Director of Community Services *MHA*

SUBJECT: Award of Bid No. CB-1030 for Park Improvements

GENERAL INFORMATION

In 2009 the Texas Parks and Wildlife Department entered into a project agreement with the City of Abilene to make improvements to Johnson and Seabee Parks and the North Boat Ramp at Lake Ft. Phantom Hill. The agreement provides matching funds to be used with voter approved bond funds and other City provided funding. The project will include full development of Johnson Park as a multi-use park with paved street and parking, pavilions, playground, public restrooms, beach volleyball court, trails, picnic facilities, landscaping and other amenities. At Seabee Park similar amenities will be provided but on a much smaller scale. The North Boat ramp area will be repaved, the ramp extended and a wave attenuation device installed to provide protection from wind and waves to boaters using the ramp. All improvements are in accord with the Parks Master Plan, Lake Development Plan and specific site development plans developed with the assistance of lake residents and users.

SPECIAL CONSIDERATIONS

Bids were opened on May 19, 2010. Four bids were received.

FUNDING/FISCAL IMPACT

The low base bid and alternates will cost \$1,823,936.95. Funding is available from voter approved bond funds, C.O.'s approved by City Council, matching funds provided by Texas Parks and Wildlife Department grants. The two grants are Texas Outdoor Recreation Program Grant and Boating Access Grant. Those grants total \$831,884.

STAFF RECOMMENDATION

Half Associates, the City's architect for this project recommends Award of Bid, base bid and alternates, to Bulldog Constructors of Texas, Inc. Staff concurs with this recommendation

BOARD OR COMMISSION RECOMMENDATION

NA

ATTACHMENTS

Architect's recommendation
Bid Tabulation Form

Prepared by:

Name: Mike Hall

Title: Director of Community Services

Item No. 10.8

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

City Secretary



June 2, 2010
26879

Mike Hall
City of Abilene Parks Department
633 Walnut St
Abilene, TX 79601

**RE: Lake Fort Phantom Hill Parks, Final Bid Review
City Bid No. CB-1030**

To: Mr. Mike Hall
Director of Community Services

At your request, we have reviewed base bid costs, unit item costs, and add alternate costs submitted by Contractors for the above referenced Project. From our review of this information, it is our opinion that Bulldog Constructors of Texas Inc. is the lowest bidder for this Project.

Sincerely,

HALFF ASSOCIATES, INC.

A large, stylized handwritten signature in black ink, appearing to read "Jim Carrillo".

Jim Carrillo,
Senior Landscape Architect

HALFF ASSOCIATES, INC.

4030 WE ST BRAKER LANE, STE 450
AUSTIN, TX 78759

TEL (512) 252-8184
FAX (512) 252-8141

WWW.HALFF.COM

6.8 pg. 2

**CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS**

DEPARTMENT: COMMUNITY SERVICES		BUILDING CONSTRUCTORS		EPIC CONSTRUCTION CO.		CROWE GROUP, INC.		HARRIS ACOUSTICS, INC.	
BID NO.: CB-1030		OF TEXAS INC.		ABILENE, TX		ABILENE, TX		ABILENE, TX	
TIME OF OPENING: 11:00 A.M.		ABILENE, TX		ABILENE, TX		ABILENE, TX		ABILENE, TX	
DATE OF OPENING: MAY 19, 2010		ABILENE, TX		ABILENE, TX		ABILENE, TX		ABILENE, TX	
ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	LAKE FT. PHANTOM HILL PARKS PROJECT				1,115,000.00				
	ALTERNATES -								
	1. OAK TREES				1,035.00		425.00		990.00
	2. ENTRY MONUMENTS				1,039.60		14,000.00		17,000.00
	3. LIMESTONE WRAP				6,831.00		7,000.00		6,900.00
	4. LIMESTONE TRAIL				15.52		12.00		16.50
	5. STONE SEATING				8,675.00		15,000.00		14,000.00
	6. ROCK BOULDERS				185.00		150.00		212.00
	7. CONCRETE TRAIL PAVING				201.82		72.00		82.00
	8. DISK GOLF CLEARING				8,625.00		2,000.00		6,500.00
	9. BALL FIELD CLEARING				8,625.00		2,000.00		4,900.00
	10. ADA PICNIC TABLE				690.00		800.00		810.00
	11. BENCH				820.06		850.00		1,100.00
	12. LG BBQ GRILL				613.64		700.00		810.00
	13. SM BBQ GRILL				194.16		300.00		400.00
	14. PLAYGROUND/SURFACE				52,728.65		39,000.00		71,300.00
	15. SAND VOLLEYBALL COURT				25,220.00		18,000.00		34,200.00
	16. TRASH RECEPTACLES				303.60		350.00		440.00
	17. TRENCHING				24.63		22.00		20.00
	18. DEMO				7,364.50		32,000.00		8,800.00
	19. STORM CELLARS				1,812.80		6,000.00		2,200.00
	20. TREE PRUNING				3,540.00		3,500.00		3,600.00
	21. WAVE DEVICE				183,840.29		175,000.00		180,000.00
	22. BOAT RAMP EXTENSION				104,236.00		450,000.00		289,000.00
	ADD ALTERNATE BID TOTAL				708,936.95		963,595.00		892,415.00
	DISCOUNT								
	TOTAL BID				1,823,936.95		2,125,595.00		2,473,415.00
									4,878,858.00

*NOTES: INDICATES RECOMMENDED AWARD

6.8 P. 3

City Council
Agenda Memo



TO: Larry D. Gilley, City Manager

City Council
Meeting Date: June 10, 2010

FROM: Mindy Patterson, Director of Finance

Mindy

SUBJECT: Award of Bid-Contract for Printing and Copy Services, Proposal #CB1027

GENERAL INFORMATION

Proposals were solicited for the City of Abilene Printing and Copying services. The contract will provide print/copy services to City departments. Advertisements were published on April 11, 2010 and April 18, 2010 in the Abilene Reporter-News. Requests for proposals were received on May 11, 2010. Thirty (30) invitations were requested with three (3) vendors submitting proposals. Typical jobs included but not limited to: the budget, audit reports, post cards, invitations, newsletters, fliers, posters, brochures, carbon forms, books, forms, business cards, etc... Approximately eight-five percent (85%) of the work is printed in black ink and the finished print on the stock that is 8½" X 11" or smaller. Choice of paper stock, ink, color, bindery, and finish services will be provided as well as cutting, folding, collating, stapling, drilling, padding, and GBC bunch and binding.

SPECIAL CONSIDERATIONS

Proposals were submitted by R&R Printing and Production, West Tex Printing and Abilene Printing & Stationery Company. The following criteria was used to determine the most advantageous proposal for the City of Abilene; (a) proposer's ability to print and deliver printer material as requested, (b) performance on similar contracts, (c) completeness of the proposal, and (d) price. Abilene Printing & Stationery Company represented the most advantageous proposal for the City of Abilene.

FUNDING/FISCAL IMPACT

Funding for the print/copy contract is through the utilization of City divisions. Annual cost is approximately \$120,000. This is based on the volume of printing/copying provided.

STAFF RECOMMENDATION

Staff recommends that the contract be awarded to Abilene Printing & Stationery Company. The contract shall be for a term of one-year from the date the contract is executed. The City reserves the option upon mutual consent to extend the contract for four (4) additional one-year periods.

Prepared by: Name <u>Odin Dolton</u> Title <u>Assistant Director of Finance</u>	Item No. <u>6.9</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ City Secretary
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