

City Council
Agenda Memo



City Council
Meeting Date: July 22, 2010

TO: Larry D. Gilley, City Manager

FROM: Tommy O'Brien, Director of Water Utilities

SUBJECT: Written Resolution Approving Submission of an Application for Financial Assistance for the Cedar Ridge Reservoir Permitting Project to the Texas Water Development Board for Funding Through the Water Infrastructure Fund

GENERAL INFORMATION

The Texas Water Development Board (TWDB) is requesting applications for state financial assistance from interested political subdivisions under the Texas Water Infrastructure Fund (WIF) loan program. The WIF is a program administered by the TWDB. The Texas Legislature appropriates funding for WIF to fund recommended water management strategies in the most recent TWDB approved regional water plan or approved State Water Plan. Financial assistance can be provided for planning, design, permitting and other costs associated with state or federal regulatory activities, as well as construction. All loans through the WIF are offered at a subsidized interest which is 2 percent below the TWDB's cost of funds. Repayment periods are a maximum of 20 years. Utilizing this WIF-Deferred, an applicant may defer all interest and principal payment for up to 10 years, or until the end of construction of the project, whichever is sooner. Interest is not accrued during the deferral period and the loan is amortized over the final 10 years.

Staff is proposing to submit an application for financial assistance for the **Cedar Ridge Reservoir Permitting Project (Project)**, which is work that is needed to assist in pursuing a State of Texas water rights authorization, and federal authorizations such as a Clean Water Act Section 404 authorization. The Project totals \$10 million, and generally includes the work necessary to pursue all necessary state and federal authorizations for the construction of Cedar Ridge Reservoir.

The City is required to include with the application a written resolution from the City Council. In general, this resolution requests financial assistance and identifies the amount of requested assistance; and designates the authorized representative to act on behalf of the City Council and furnish and execute those documents associated with the application.

FUNDING/FISCAL IMPACT

The City stands to save approximately \$1.9 million in interest costs for capital projects. The Water Department has been funding CIP projects with Certificates of Obligation at 3.5 – 4.5% and paying cash for Cedar Ridge planning efforts. This loan request will allow the Water Department to pay cash for some CIP projects and finance the Cedar Ridge work at a lower interest rate (currently 1.5%). This will result in the savings of about \$1.9 million in interest costs.

STAFF RECOMMENDATION

It is recommended that the City Council approve the Resolution.

ATTACHMENTS

Written Resolution for the Project.

Prepared by: Name <u>Tommy O'Brien</u> Title <u>Director of Water Utilities</u>	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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RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AND AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE FOR COSTS RELATED TO ENGINEERING, PLANNING, AND ENVIRONMENTAL WORK FOR CEDAR RIDGE RESERVOIR.

WHEREAS, the Cedar Ridge Reservoir project is identified in the 2006 Region G Regional Water Plan and the 2007 State Water Plan as a recommended water management strategy; and,

WHEREAS, the City of Abilene considers Cedar Ridge Reservoir vital to the citizens of Abilene and the region; and,

WHEREAS, the City of Abilene is conducting engineering, planning and environmental evaluations for the purpose of pursuing the permitting and construction of Cedar Ridge Reservoir; and,

WHEREAS, such engineering, planning and environmental work is needed to pursue all necessary state and federal authorizations for Cedar Ridge Reservoir; and,

WHEREAS, the Texas Water Development Board provides financial assistance through the Water Infrastructure Fund for engineering, planning and environmental work related to water management strategies; and,

WHEREAS, the City Council wishes to authorize the City Manager to file an application with the Texas Water Development Board to obtain any available financial assistance through the Water Infrastructure Fund for the engineering, planning and environmental work related to Cedar Ridge Reservoir.

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

Part 1: That an application is hereby approved and authorized to be filed with the Texas Water Development Board seeking financial assistance from the Water Infrastructure Fund in an amount not to exceed \$10,000,000 to provide for the costs of engineering, planning and

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environmental work necessary to pursue all necessary state and federal authorizations for Cedar Ridge Reservoir.

Part 2: That the City Manager of Abilene be and is hereby designated the authorized representative to act on behalf of the City of Abilene for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance under the rules of the Texas Water Development Board.

Part 3: That the following firms and individuals are hereby authorized and directed to aid and assist the City Manager in the preparation and submission of such application and to appear on behalf of and represent the City of Abilene before the Texas Water Development Board on such application, to wit:

Financial Advisor: First Southwest Co.
George Williford
325 N St Paul, Suite 800
Dallas, TX 75201
214-953-8705

Engineer: Enprotec/Hibbs and Todd, Inc.
Scott F. Hibbs, PE
402 Cedar St
Abilene, TX 79601
325-698-5560

Bond Counsel: McCall, Parkhurst and Horton, LLP
Leroy Grawunder
717 N Harwood, 9th Floor
Dallas, TX 75201
214-754-9201

Special Water
Counsel Lloyd, Gosselink, Rochelle and Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
512-322-5810

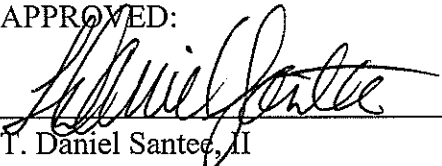
ADOPTED and EFFECTIVE this ____ day of July, A.D., 2010.

ATTEST

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor

APPROVED:



T. Daniel Santee, II
City Attorney

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City Council
Agenda Memo



City Council
Meeting Date: Jul 22, 2010

TO: Larry D. Gilley, City Manager

FROM: Rodney Taylor, Assistant Director of Water Utilities

SUBJECT: Oral Resolution authorizing a contract for Improvements to Hamby Wastewater Treatment Plant.

GENERAL INFORMATION

The Hamby Wastewater Treatment Plant treats all wastewater generated by Abilene and two satellite towns. The Plant was originally constructed in 1957. Several improvement and expansion projects have occurred, the latest being completed in 2004. The plant is rated at 22 MGD. Sewage is pumped from the Buck Creek Lift Station uphill to the plant. The plant consists of four primary clarifiers, an activated sludge process, and five secondary clarifiers. Four anaerobic digesters treat solids. All effluent is filtered prior to being diverted as reclaimed effluent or being discharged into a tributary to the Clear Fork of the Brazos River.

There are several structural and process deficiencies which impact the performance and longevity of the plant. This contract provides for a comprehensive study to provide alternatives for fully complying with current and future regulations. Treatment processes will be studied to determine adequate size & capacity. Structures, equipment, and operating procedures of Filters, Digesters, Disinfection, Hydraulics, Mechanical, and SCADA will be evaluated. The Engineer will develop & prioritize alternatives, and make recommendations to City staff.

This contract also provides for design, bidding assistance, and construction oversight of a new Influent Flow Splitting Structure and renovating Primary Clarifier Weirs. The total cost of this contract for study and design, as presented, is \$378,000.00. Other additional Engineering services such as Resident Project Representative, and the design of future projects identified in the study, will be addressed in future amendments to this contract.

FUNDING/FISCAL IMPACT

The Professional Engineering Services are part of CIP Project Number 8070-02-05 Insert Lines, Replace Splitter, and Repair Clarifiers.

STAFF RECOMMENDATION

It is recommended that the City Council authorize, by oral resolution, the execution of a contract with Enprotec/Hibbs & Todd, Inc. in an amount not to exceed \$378,000.00, for Engineering Services for Improvements to Hamby Wastewater Treatment Plant, as described above, and to authorize the City Manager or his designee to execute all necessary documents related to the contract.

ATTACHMENTS

N/A

Prepared by: Name <u>Rodney Taylor</u> Title <u>Asst. Water Director</u>	Item No. <u>6.2</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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City Council
Agenda Memo



City Council
Meeting Date: Jul 22, 2010

TO: Larry D. Gilley, City Manager

FROM: Rodney Taylor, Assistant Director of Water Utilities

SUBJECT: Oral Resolution authorizing Amendment No. 3 to the on demand general engineering services contract for Engineering Services for Sewer Main Rehabilitation.

GENERAL INFORMATION

The City of Abilene wastewater collection system consists of approximately 650 miles of piping, much of which is more than 50 years old. About 460 miles of that piping, or over 70%, is made of vitrified clay. Vitrified clay was used extensively in past years. Shifting soils and other causes have resulted in cracking and/or complete piping failures which result in infiltration of groundwater, leakage, and sewer main stoppages. Sewer stoppages can result in Sanitary Sewer Overflows.

Maintenance and repair activities are sometimes hampered due to limited access of personnel or equipment to reach certain problem areas. Inaccessibility can be caused by sewer main proximity to structures, railroads, or major roadways. There are now modern techniques for the repair and/or renovation of piping segments where open cut methods are not practical. Equipment and materials can be inserted from nearby manholes that are accessible. These techniques require little or no excavation.

City staff has identified 15 sewerage piping segments totaling approximately 17,300 feet that are in immediate need of renovation. Open-cut repair is not practical in each case. This project provides for a Professional Engineer to evaluate each piping segment and recommend the appropriate renovation method, develop drawings and specifications, assist with bidding, and provide general project representation. The cost of this contract for Engineering Services is not to exceed \$100,000. Resulting construction is estimated at \$1,200,000.

FUNDING/FISCAL IMPACT

The Professional Engineering Services are part of CIP Project Number 8060-05-10 Insertion Upgrade of Wastewater Collection Lines.

STAFF RECOMMENDATION

It is recommended that the City Council authorize, by oral resolution, the execution of a contract with Jacob and Martin, Ltd., in an amount not to exceed \$100,000.00, for Engineering Services for Sewer Main Rehabilitation, as described above, and to authorize the City Manager or his designee to execute all necessary documents related to the contract.

ATTACHMENTS

N/A

Prepared by: Name <u>Rodney Taylor</u> Title <u>Asst. Water Director</u>	Item No. <u>6.3</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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City Council
Agenda Memo



City Council
Meeting Date: 07/22/2010

TO: Larry D. Gilley, City Manager
FROM: Jon James, AICP
Director of Planning and Development Services
SUBJECT: Appealed item: First reading on an Ordinance for Case No. Z-2010-09, a request from Sojourner Drilling Corporation, to rezone property from GR (General Retail) to PD (Planned Development) zoning, located at 3366 Ambler Avenue; and setting a public hearing for August 12, 2010.

GENERAL INFORMATION

Currently the property is zoned GR 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 type of use would not be compatible with the surrounding zoning or correspond with the Future Land Use Map. The drilling for natural gas and oil could have negative impacts, including aesthetic impacts, that make it less compatible on this particular site along an Enhancement Corridor.

STAFF RECOMMENDATION

Staff recommends denial, due to the incompatibility of natural gas and oil drilling at this location in a predominantly residential neighborhood along an Enhancement Corridor. Staff recommends continuation of the existing General Retail zoning as it is more compatible with this area.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends denial (5-0). There was discussion on the negative impacts that such an intensive use as drilling for natural gas and oil would have on the surrounding residential neighborhoods. The Commission also felt that the current GR zoning is the right zoning for the subject property and the proposed use is not suitable for the property.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by: Name: <u>Matt Jones</u> Title: <u>Planner II</u> July 9, 2010	Item No. <u>6.4</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 B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-131 A PLANNED DEVELOPMENT; 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 B, known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 22nd day of July 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 17th day of June, 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 12th day of August, 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 12th day of August, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:



CITY ATTORNEY

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 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 and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development must be in compliance with the Land Development Code of the City of Abilene except as otherwise specifically provided herein.

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

PART 4: Zoning. That Chapter 23, Subpart B, Abilene Municipal Code, known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From "GR" (General Retail) to "PD" (Planned Development).

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"

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

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

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ORDINANCE NO. _____

EXHIBIT "A"

PAGE 3

PART 6: Purpose. The purpose of the Planned Development (PD) is to allow for General Retail uses and to include petroleum and natural gas wells.

PART 7: Specific Modifications. The City of Abilene Land Development Code provisions for the GR zoning district apply to the development of this property, except as modified below.

I. PERMITTED USES:

A. Uses permitted in the General Retail (GR) district and to include the following use permitted by right:

- Petroleum or Gas Well

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

- END -

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Appealed Item

ZONING CASE Z-2010-09

STAFF REPORT



APPLICANT INFORMATION:

Sojourner Drilling Corporation

HEARING DATES:

Planning & Zoning Commission: July 6, 2010

City Council 1st Reading: July 22, 2010

City Council 2nd Reading: August 12, 2010

LOCATION:

3366 Ambler Ave.

REQUESTED ACTION:

Rezone property from GR to PD.

SITE CHARACTERISTICS:

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

ZONING HISTORY:

The area was annexed in 1956 and zoned SC (Shopping Center) sometime after it was annexed. With the passing of the Land Development Code the property is now zoned GR (General Retail). A request to rezone to GC (General Commercial) was denied by the Planning and Zoning Commission on June 7, 2010. This denial was not appealed to the City Council, but instead the applicant re-applied for this PD.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned GR 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 type of use would not be compatible with the surrounding zoning or correspond with the Future Land Use Map.

PLANNING STAFF RECOMMENDATION:

Staff recommends denial, due to the incompatibility of oil and gas drilling 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 recommends denial (5-0). There was discussion on the negative impacts that such an intensive use as drilling for natural gas and oil would have on the surrounding residential neighborhoods. The Commission also felt that the current GR zoning is the right zoning for the subject property and the proposed use is not suitable for the property.

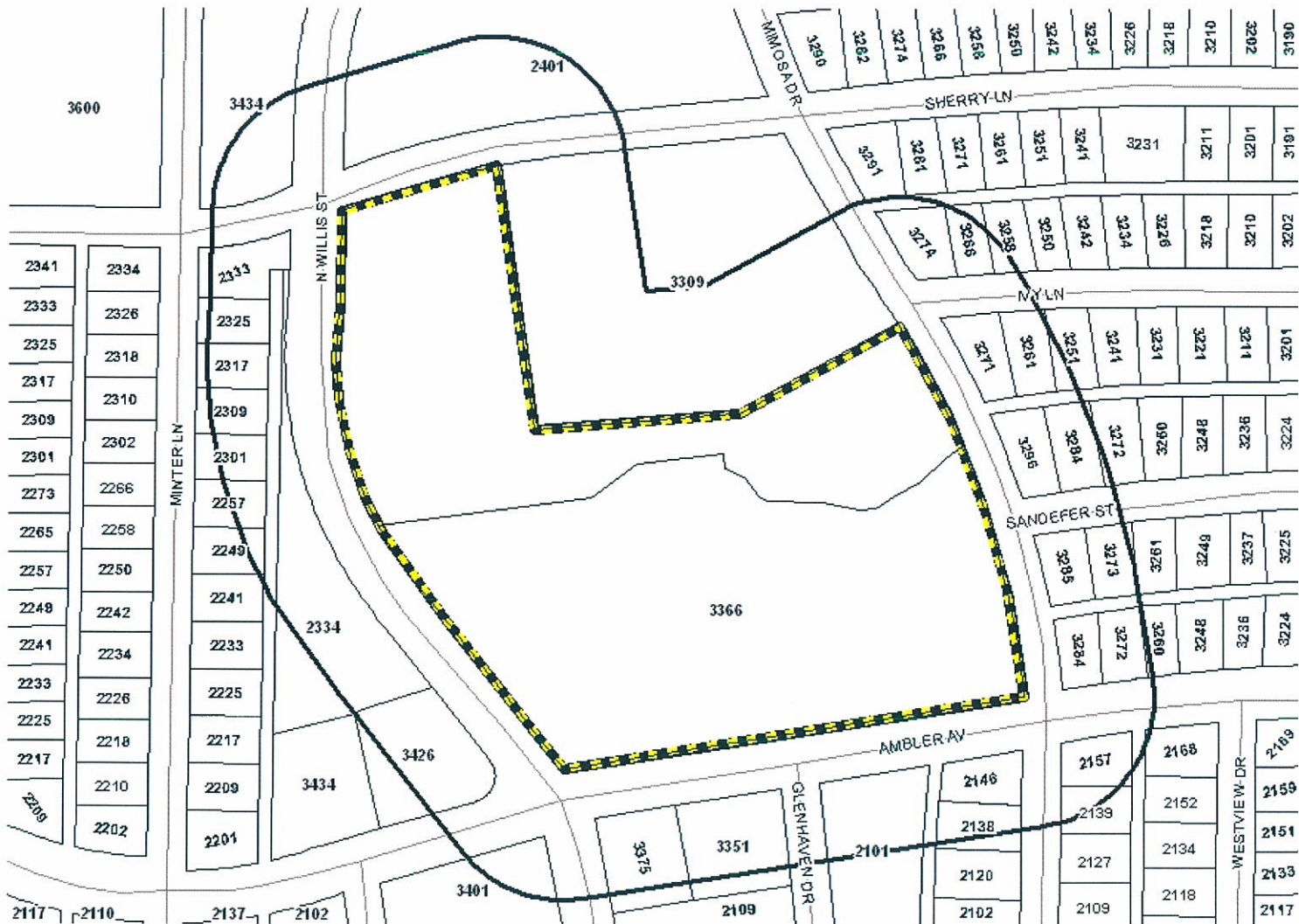
NOTIFICATION:

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: 7/22/2010

TO: Larry D. Gilley, City Manager
FROM: Jon James, AICP
Director of Planning and Development Services
SUBJECT: First reading on an ordinance to amend Section 3.1.1.1 ETJ Subdivision Provisions and Section 4.2.1.3 Off-Street Parking-Minimum Requirements and Standards of the Land Development Code; and setting a public hearing for August 12, 2010.

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 met on June 7, 2010 and discussed changes to Section 3.1.1.1 ETJ Subdivision Provisions. Staff had proposed changes to Section 3.1.1.1. The P&Z recommended additional changes at the meeting.

Additionally, a discrepancy was found in the LDC relating to parking requirements in multiple-family development where a clubhouse is provided on the site. Section 4.2.1.3 Off-Street Parking – Minimum Requirements & Standards is being amended.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to Section 3.1.1.1 and Section 4.2.1.3 of the Land Development Code.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval of the amendments to Sections 3.1.1.1 and 4.2.1.3 by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd, and McClarty) to none (0) opposed.

ATTACHMENTS

Ordinance
Proposed Ordinance Amendments

Prepared by: Name: <u>Ben Bryner, AICP</u> Title: <u>Planning Services Manager</u> July 9, 2010	Item No. <u>65</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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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 22nd day of July 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 17th day of June, 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 12th day of August, 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, with the exception of the change adding a new Section 1.2.2.3 requiring posting of notice on the property of a zoning amendment, which will become effective on October 1, 2010.

PASSED ON SECOND AND FINAL READING THIS 12th day of August, A.D. 2010.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:



CITY ATTORNEY

4.5pg.2

- 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 Plan, 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 and roadway improvements, 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 and roadway improvements in the future. A proposed subdivision that qualifies as a minor plat shall be exempt from meeting the City's water provision standards and roadway improvement requirements. This exemption shall not exempt any right-of-way dedication requirements.

(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

- (2) In any multiple-family, duplex, or townhome dwelling unit or condominium development for which leasing offices are provided on the site:
 - a. Visitor parking shall be provided according to the "Office, Professional and General Business" parking requirements within the Land Use Matrix, based on the square footage of the leasing offices specifically at a ratio of one (1) parking space per three hundred (300) square feet of floor area.
 - b. Where clubhouses are provided on the site, off-street parking shall be provided according to the "Retail Business, General" parking requirements within the Land Use Matrix, based on the square footage of the clubhouse facility specifically at a ratio of one (1) parking space per three hundred (300) square feet of floor area.
- (3) For residence halls, fraternity buildings, and sorority buildings, additional parking spaces may be required by the DRC for fraternity and sorority buildings as a condition of the Site Plan approval where the building does not provide permanent sleeping facilities for all members of the organization.
- (4) The requirements for schools within the Land Use Matrix shall not apply to private schools which do not permit students to bring motor vehicles to the institution; however, the educational institution shall be required to provide adequate off-street parking for faculty, administrative personnel, and athletic events including visiting of parents or other personnel. Such requirements will be calculated based on the applicable parking requirements for the individual uses.
- (5) For any restaurant, eating and/or drinking establishment where permanent outdoor seating areas including decks, patios, or other unenclosed spaces are provided, those areas shall be included in the calculation of gross floor area and total number of seats. Establishments having only outdoor dining consisting of fewer than sixteen (16) seats shall provide a minimum of four (4) parking spaces.
- (6) In addition to required parking spaces, a center-based child day-care center or pre-elementary school shall provide a driveway with separate points of ingress and egress to the premises and having a length sufficient for temporary parking of at least three (3) vehicles whereby the temporary parking spaces do not block access to the other required off-street parking spaces.
- (7) Parking requirements for recreation and amusement facilities that have any combination of the outdoor uses listed in the Land Use Matrix on the same premises shall be calculated based on the sum of the minimum requirements for the individual uses proportionate to the indoor and outdoor areas allocated for each use.
- (8) For a multi-purpose building, such as within a mixed use development, the total required parking spaces shall generally be the sum of spaces necessary for individual uses included.