

City Council  
Agenda Memo



City Council  
Meeting Date: 08/26/2010

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-2010-10, a request from the City of Abilene to rezone property from AO (Agricultural Open Space) and GC (General Commercial) to PD (Planned Development) zoning, located at the southeast corner of West Lake Rd. and Johnson Rd. and being approximately 90 acres.; and setting a public hearing for September 9, 2010.

**GENERAL INFORMATION**

Currently the property is zoned AO and GC and has been developed with a City Park, boat ramps, RV Park, and restaurant. The adjacent property to the north is undeveloped. There are single family homes bordering the subject property on the south. There are commercial developments to the west across W Lake Rd., and Lake Fort Phantom Borders the property on the south.

The Lake Fort Phantom Land Use Plan identifies this area as a Commercial Recreational area. The plan also designates this general area as a special point of interest. The proposed PD (Planned Development) would incorporate a variety of recreational as well as commercial activities on the property to promote future development and activity on the lake. The PD also includes several design guidelines for the property to ensure development is consistent with the Lake Fort Phantom Hill Land Use Plan. Overall the proposed PD is compatible with the surrounding uses as well as the Lake Fort Phantom Hill Land Use Plan.

**STAFF RECOMMENDATION**

Staff recommends approval of the PD.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval as requested by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd, and McClarty) to none (0) opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

August 16, 2010

Item No. 6.1

Disposition by City Council

- Approved      Ord/Res# \_\_\_\_\_  
 Denied  
 Other

\_\_\_\_\_  
City Secretary

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-132 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 26th day of August 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 13th day of July, 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 5:30 p.m., on the 9th day of September, 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 9th day of September, 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, which 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 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 shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

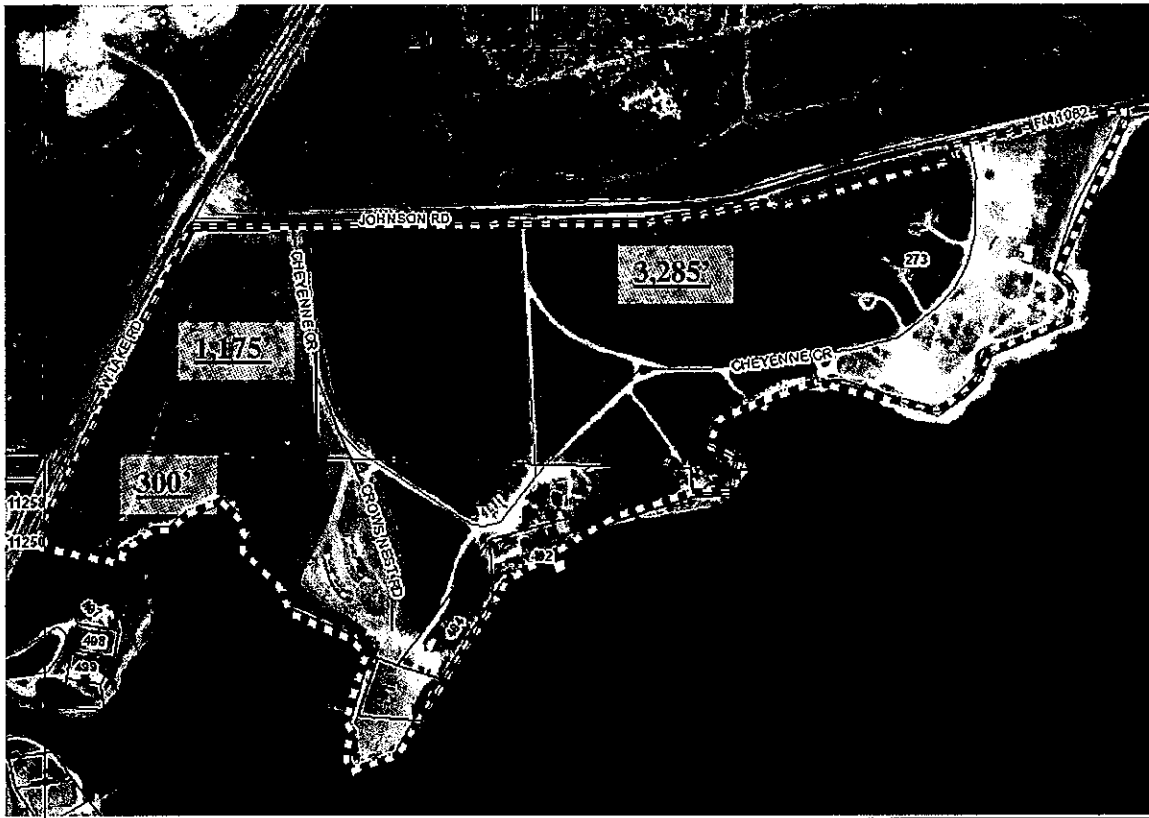
PART 4: Zoning. That Chapter 23, Subpart B, Abilene Municipal Code, known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From GC (General Commercial) and AO (Agricultural Open Space) District to PD (Planned 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"  
PAGE 2

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

Located at the southeast corner of West Lake Rd. and Johnson Rd. and being approximately 90 acres. Bound by West Lake Road to the west, Johnson Road to the north, and Lake Fort Phantom to the south, as shown on the exhibit below. Insert Legal Here



Le.1 pg.4

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for commercial development and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the General Retail (GR) zoning district, except as modified below.

**A. PERMITTED USES:**

1. All uses permitted in the GR (General Retail) Zoning District listed in the Zoning Ordinance, except the following:
  - Medical/Dental Laboratory
  - Funeral Home/Mortuary/Morgue
  - Kennel (Without Outdoor Pens)
2. Dwelling – Institutional uses shall require a Conditional Use Permit.
3. Vacation Travel Trailer Parks. In no case shall any travel trailer be allowed for more than three (3) consecutive weeks.
4. Recreation, Outdoors (Active)
5. Retail sales, rental, services, maintenance and storage of boats, jet skis, sailboats, etc.
6. Retail fishing dock and related sale of lures and bait.

**B. SITE DEVELOPMENT**

**1. Building Materials:**

- a. Any building shall include both horizontal and vertical articulation in the building design for the front façade.
- b. Any building shall include visual enhancements providing architectural details such as building offsets and variation in color, texture, and materials. Such building details should be compatible with lakeside development and support a unified community image consistent with the design guidelines of the Lake Fort Phantom Hill Land Use Plan.
- c. A minimum of 50% of the front facades of all primary and accessory structures shall be composed of wood, brick, stone, or similar materials. This requirement shall also apply to side façades where they are visible from the public right-of-way.
- d. The remaining area of the building face shall be limited to glass, stucco, stucco-like finishes, decorative block, concrete tilt-wall panels, or other similar materials.
- e. Accessory structures shall be constructed of materials similar to that of the primary structure(s).
- f. Elevation plans shall be submitted with the Site Plan for review and approval by the Planning Director. Any variation from the design requirements or materials listed above will be subject to review and may be permissible at the discretion of the Planning Director. Appeals shall be to the appropriate board or commission, currently the Planning & Zoning Commission Design Review Subcommittee, in accordance with the Land Development Code, as amended.

**2. Signage**

Signs shall comply with the City of Abilene Sign Regulations except as modified below:

- a. Signs should be designed in a manner that matches the overall architectural and aesthetic features of the primary and surrounding development consistent with the intended image for lakeside development in the design guidelines of the Lake Fort Phantom Hill Land Use Plan.
- b. Wall Signs
  - (i) Wall signage may not exceed 10% of the area of any wall on which the sign(s) is (are) located and must be attached to a permitted primary structure.
  - (ii) Projecting signs attached to the building and extending perpendicular from the building are allowed and count toward the allowable wall signage.
  - (iii) Electronic message signs may not be located on any exterior façade visible from the lake.
- c. Freestanding Signs
  - (i) Shall be limited to two (2) group signs for the entire PD, with a maximum height of 20' for one sign, 35' for the other sign, and 150 square feet for each sign.
  - (ii) One (1) monument sign with a maximum height of 6' and a maximum area of 60 square feet allowed per building.
- d. Banners shall only be located flat against the face of a building and shall have a maximum area of 60 square feet per building face. Banners will only be allowed for special occasions, ex. Grand Openings, and shall not be allowed for a period of time exceeding thirty (30) days.
- e. Prohibited Signs
  - (1) Portable Signs
  - (2) Off-site Advertising

**3. Screening**

- a. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be screened by an opaque wall or fence. Roof-mounted facilities shall be screened using materials that are consistent with the structure to which they are attached.
- b. Any additional fencing on site must be constructed from wood, masonry, wrought iron, or materials with a similar appearance, with a maximum of 50% opaque materials. All fencing must be consistent with the design guidelines of the Lake Fort Phantom Hill Land Use Plan as determined by the Planning Director. Appeals shall be to the appropriate board or commission, currently the Board of Adjustment, in accordance with the Land Development Code, as amended.
- c. All utilities shall be buried underground.

**4. Sidewalks and Trail System**

- a. All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan and the Texas Accessibility Standards.
- b. A hike and bike trail must be provided along or near the shoreline of any commercial development with lake frontage to provide a "continual loop"

pedestrian path along the shoreline. Such a trail shall comply with the standards set forth in the Lake Fort Phantom Hill Land Use Plan as determined by the Planning Director. Appeals shall be to the appropriate board or commission, currently the Planning Director and the City Engineer, in accordance with the Land Development Code, as amended.

**5. Outdoor Storage and Display**

- c. Outdoor display of merchandise shall be placed to allow passage of pedestrians.
- d. Outdoor storage is prohibited.

**6. Freight Containers are prohibited.**

**7. Lighting:** All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Land Development Code except as modified below:

- a. Maximum luminaire height. The maximum permitted luminaire height shall be 25 feet in all commercial, industrial, and institutional districts, and 15 feet in all other districts. The height of both the pole and base shall be considered in the measurement of luminaire height.
- b. Total outdoor light output standards. Total outdoor light output shall not exceed 100,000 lamp lumens per developed acre.
- c. Outdoor Light Output, Total. The initial total amount of light, measured in lumens, from all lamps used in outdoor light fixtures. This includes all lights used for external illumination of signs, but does not include lights used to illuminate internally illuminated signs or luminous tubing used in neon signs. This excludes any light output from exempt lighting. For lamp types that vary in their output as they age (such as high pressure sodium, fluorescent and metal halide), the initial lamp output, as defined by the manufacturer, is the value to be used for calculation. For outdoor fixtures installed under canopies, buildings, overhangs or roof eaves, those within 20 feet of the nearest edge are to be included in the total as though they produced only one-fifth (20%) of the lamp's rated initial lumen output. Such fixtures more than 20 feet from the nearest edge are not to be included.
- d. All new lighting will require a detailed lighting plan to be reviewed by the Planning Director for approval. Appeals shall be to the appropriate board or commission, currently the Board of Adjustment, in accordance with the Land Development Code, as amended.

**8. Landscape**

All landscaping shall comply with the City of Abilene Land Development Code except as modified below:

- a. All lakeside lot lines shall have landscaping equal to the required landscaping for commercial lots with street frontage, to include required interior landscaping. The landscape area should be located on the lot line when possible but in all cases shall be at or above the spillway elevation.
- b. Lakeside landscaping shall not interfere with the natural view shed of the lake.
- c. Existing natural vegetation may be included in the Landscape Plan to satisfy these requirements.

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

PAGE 6

- d. All new landscaping will require a detailed landscape plan to be reviewed by the Planning Director for approval. Appeals shall be to the appropriate board or commission, currently the Board of Adjustment, in accordance with the Land Development Code, as amended.

-END-

6.1 pg. 8



# ZONING CASE Z-2010-10

## STAFF REPORT



### APPLICANT INFORMATION:

City of Abilene

### HEARING DATES:

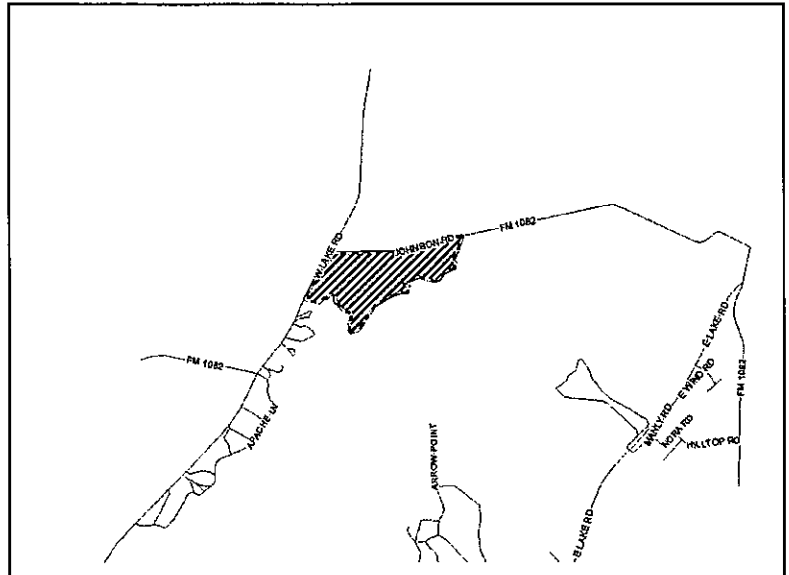
Planning & Zoning Commission: August 2, 2010  
 City Council 1<sup>st</sup> Reading: August 26, 2010  
 City Council 2<sup>nd</sup> Reading: September 9, 2010

### LOCATION:

Northwest corner of W Lake Rd and Johnson Rd,  
 Being approximately 90 acres.

### REQUESTED ACTION:

Rezone property from AO and GC to PD.



### SITE CHARACTERISTICS:

The subject parcel totals approximately 90 acres and is currently zoned AO (Agricultural Open Space) and GC (General Commercial). The subject property has been developed with a wide variety of uses, including a City Park, boat ramps, an RV Park, and a restaurant. The adjacent properties have AO (Agricultural Open Space) to the north, RS-6 (Single Family Residential) to the south, GC (General Commercial) and AO (Agricultural Open Space) to the west across W. Lake Rd., and Lake Fort Phantom borders the property to the east and south.

### ZONING HISTORY:

The area was annexed in 1956 and 1983, the majority of the property has been zoned AO since it was annexed and a portion of the property was zoned GC sometime after it was annexed.

### ANALYSIS:

#### • Current Planning Analysis

Currently the property is zoned AO and GC and has been developed with a City Park, boat ramps, RV Park, and restaurant. The adjacent property to the north is undeveloped. There are single family homes bordering the subject property on the south. There are commercial developments to the west across W Lake Rd., and Lake Fort Phantom Borders the property on the south.

#### • Comprehensive Planning Analysis

The Lake Fort Phantom Land Use Plan identifies this area as a Commercial Recreational area. The plan also designates this general area as a special point of interest. The proposed PD (Planned Development) would incorporate a variety of recreational as well as commercial activities on the property to promote future development and activity on the lake. The PD also includes several design guidelines for the property to ensure development is consistent with the Lake Fort Phantom Hill Land Use Plan. Overall the proposed PD is compatible with the surrounding uses as well as the Lake Fort Phantom Hill Land Use Plan.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of the PD.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

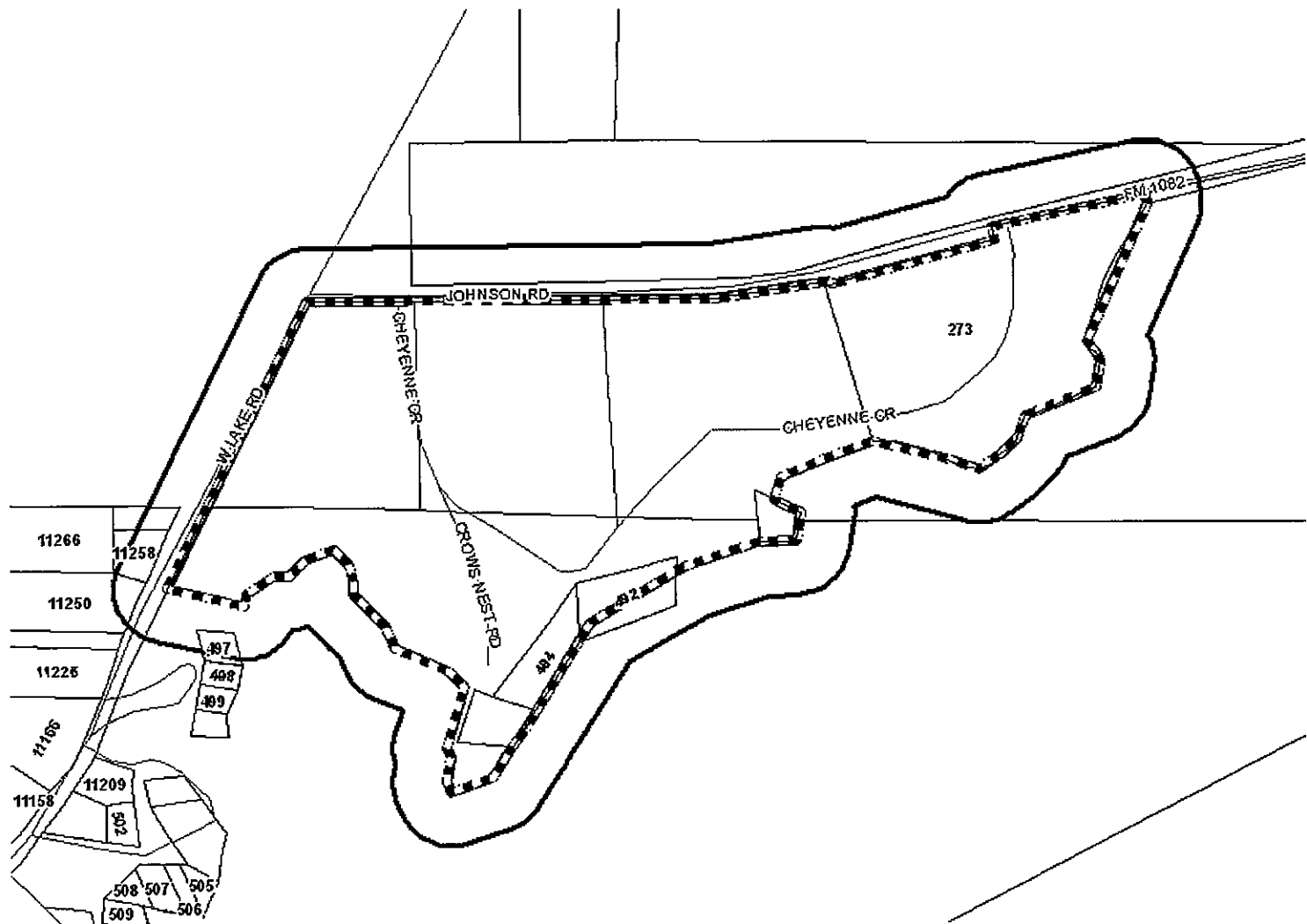
The Planning and Zoning Commission recommends approval as requested by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd, and McClarty) to none (0) opposed.

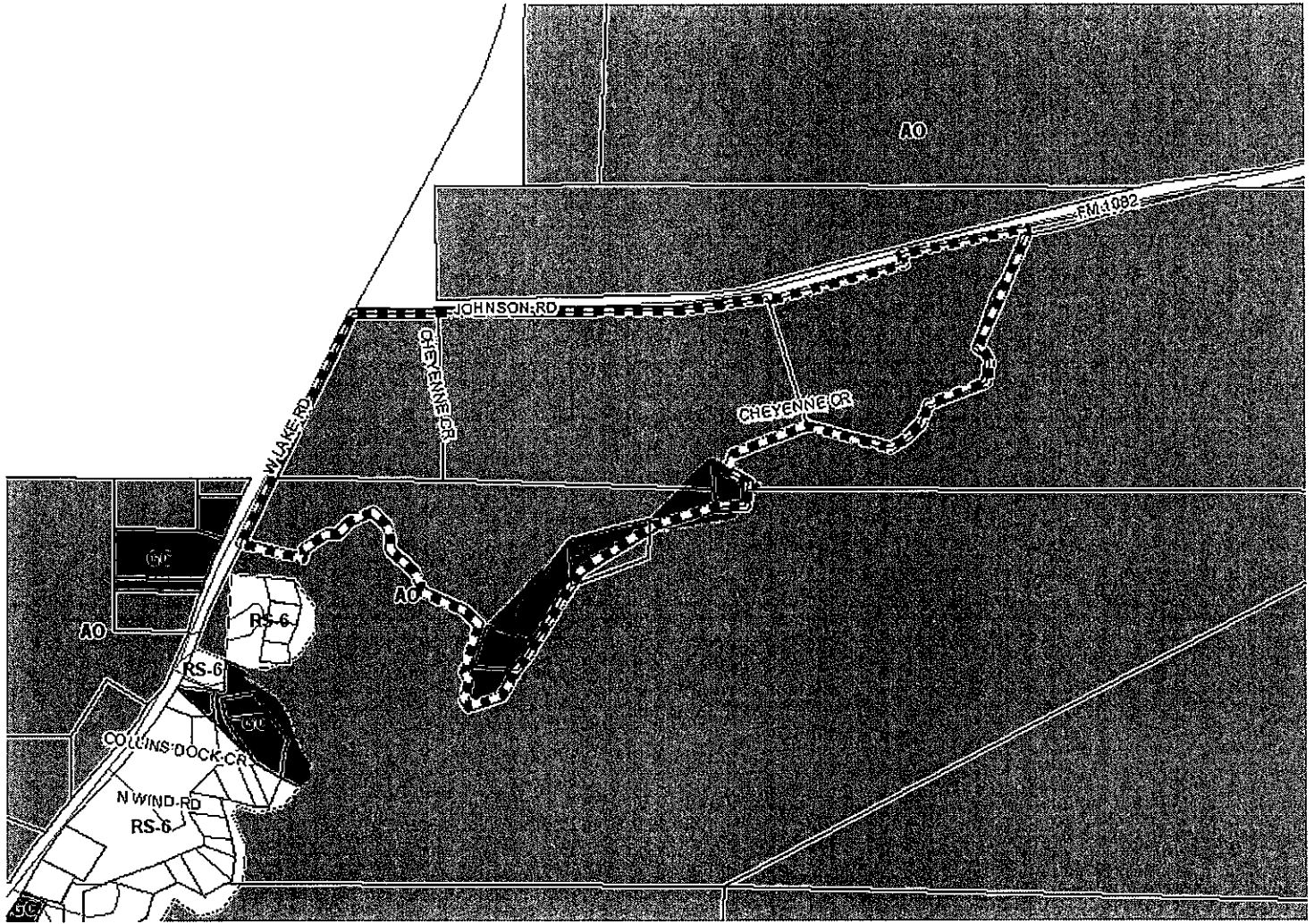
**NOTIFICATION:**

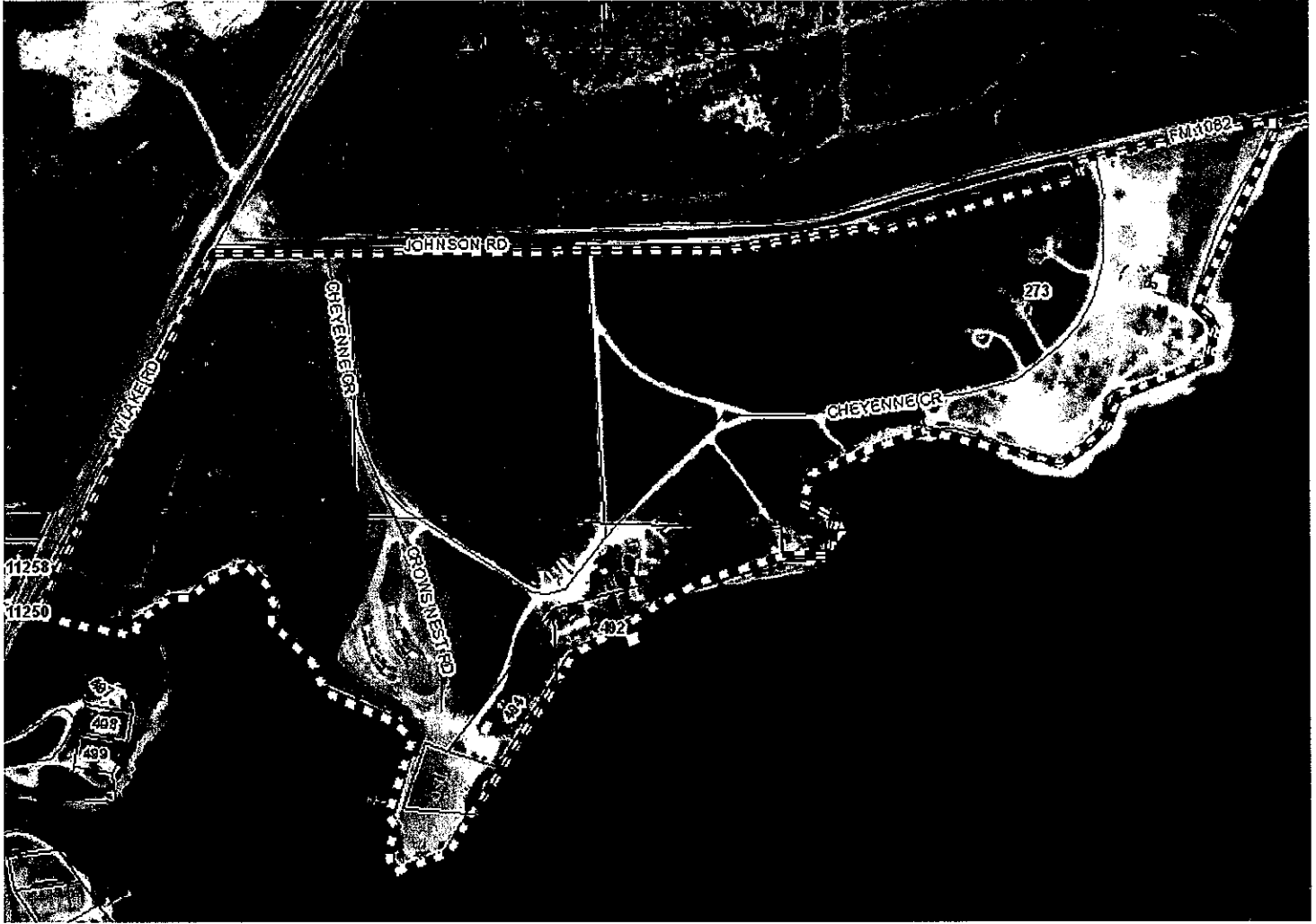
Property owners within a 200-foot radius were notified of the request.

0 in Favor- <b>Y</b> 0 Opposed- <b>N</b>
---------------------------------------------

OWNER	ADDRESS	RESPONSE
Gary Goodloe	11258 (11254)W Lake Rd	
Thomas Pevey	11250 W Lake Rd	
Jackie Dunlap	11266 W Lake Rd	
City of Abilene	Owner of remaining propoerties	







City Council  
Agenda Memo



City Council  
Meeting Date: 08/26/2010

**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-2010-11, a request from the Development Corporation of Abilene, Inc. to amend PD-73 concerning signage and business identification; and setting a public hearing for September 9, 2010.

**GENERAL INFORMATION**

Currently the property is zoned PD and has been developed with large scale industrial type uses. There are several commercial and industrial uses in the surrounding area.

The Future Land Use section of the Comprehensive Plan designates this general area as business/industrial as well as a Gateway into the City. The requested PD amendment would increase the size of the wall signage and identification allowed within the PD. The existing developments are all large scale buildings, the increased size of the identification on the structures would allow these developments to better identify themselves without detracting from the overall aesthetic quality of the development within the PD.

**STAFF RECOMMENDATION**

Staff recommends approval of the amendment to PDD-73 as requested.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval as requested by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd, and McClarty) to none (0) opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

August 16, 2010

Item No. 4.2

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 B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, AMENDING PD-73 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 26th day of August 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 14th day of July, 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 9th day of September, 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 9th day of September, A.D. 2010.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

Exhibit "A"

Amend under PART 7: Specific Modifications. B16

**16. Signage: Site/Facility Identification:**

- Letter signage and logo may be mounted to the exterior wall of the facility for company identification purposes, with a maximum letter height of 18 inches for letters mounted 18 feet or less from the ground, measured from the top of the letter. The height of letters mounted more than 18 feet from the ground may be increased by 1 inch for each 1 foot increase in building height above 18 feet, to a maximum letter height of 48 inches. Logos may be up to 1.5 times taller than the maximum letter height allowed for a specific facility. Letters and logos must be manufactured by a commercial sign manufacturer.

- END -



# ZONING CASE Z-2010-11

## STAFF REPORT



### APPLICANT INFORMATION:

Development Corporation of Abilene, Inc.

### HEARING DATES:

Planning & Zoning Commission: August 2, 2010  
City Council 1<sup>st</sup> Reading: August 26, 2010  
City Council 2<sup>nd</sup> Reading: September 9, 2010

### LOCATION:

Five Points Business Park

### REQUESTED ACTION:

Amend PDD-73 concerning signage

### SITE CHARACTERISTICS:

The subject parcel totals approximately 200 acres and is currently zoned PD (Planned Development). The subject properties have been developed with large industrial type uses. The adjacent properties have AO (Agricultural Open Space) zoning to the north, HI (Heavy industrial) to the east and west, and HC (Heavy Commercial) zoning to the south.

### ZONING HISTORY:

The area was annexed in 1959 and 1964 and later zoned HI (Heavy Industrial) after it was annexed, it was later zoned PDD in 2000.

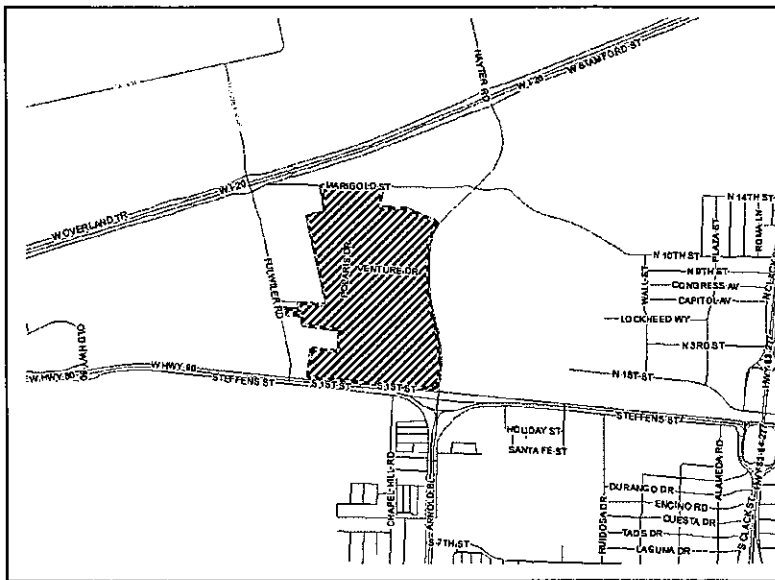
### ANALYSIS:

- Current Planning Analysis

Currently the property is zoned PD and has been developed with large scale industrial type uses. There are several commercial and industrial uses in the surrounding area.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as business/industrial as well as a Gateway into the City. The requested PD amendment would increase the size of the wall signage and identification allowed within the PD. The existing developments are all large scale buildings, the increased size of the identification on the structures would allow these developments to better identify themselves without detracting from the overall aesthetic quality of the development within the PD.



**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of the amendment to PDD-73 as requested.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

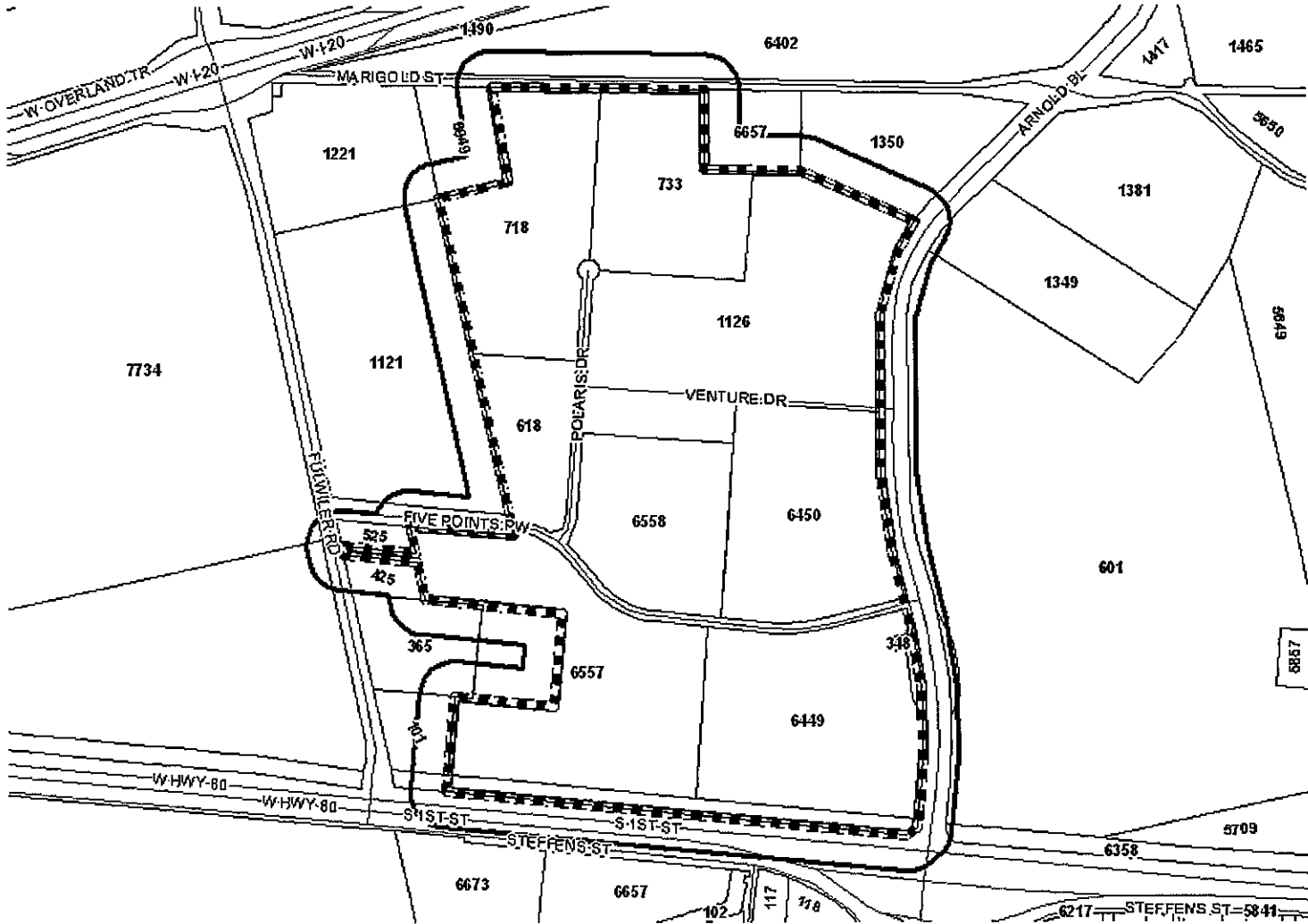
The Planning and Zoning Commission recommends approval as requested by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd, and McClarty) to none (0) opposed.

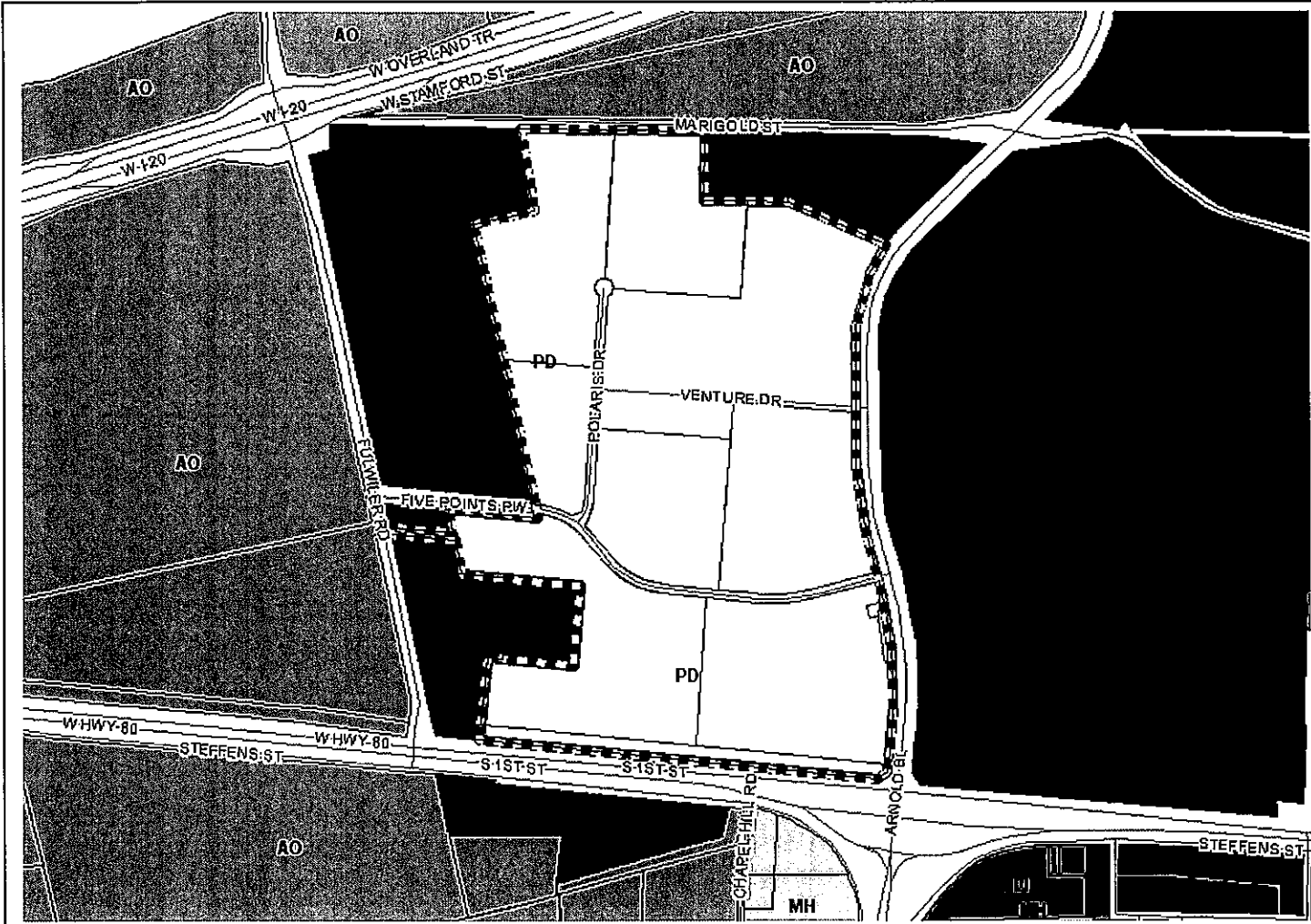
**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
ZOLTEK PROPERTIES INC	1121 FULWILER RD	
DEVELOPMENT CORP OF ABL	618 POLARIS DR	
DEVELOPMENT CORP OF ABL	718 POLARIS DR	
SHELBURN RICHARD E &	7734 W HWY 80	
TOOMBS BILLY BOB		
CITY OF ABILENE	6949 MARIGOLD ST	
HARRIS JEAN FULWILER ETAL	6402 MARIGOLD ST	
BLUE BELL OPERATING LP	525 FULWILER RD	
SCHWANS HOME SERVICE INC	425 FULWILER RD	
HABITAT FOR HUMANITY-ABILENE	101 FULWILER RD	
T & P RY CO		
DEVELOPMENT CORP OF ABL	6450 FIVE POINTS PW	
WEST TEXAS UTILITIES CO	6657 MARIGOLD ST	
BT-OH LLC	365 FULWILER RD	
CITY OF ABILENE	6449 FIVE POINTS PW	
	6358 N 1ST ST	
ZOLTEK PROPERTIES INC	1221 FULWILER RD	
DEVELOPMENT CORP OF ABL	733 POLARIS DR	
TEXAS DEPARTMENT OF TRANSPORTATION	1350 ARNOLD BL	
DEVELOPMENT CORP OF ABL	6558 FIVE POINTS PW	
DEVELOPMENT CORP OF ABL	6557 FIVE POINTS PW	
TOWER TECH SYSTEMS INC	1126 ARNOLD BL	
DEVELOPMENT CORP OF ABL	1349 ARNOLD BL	
DEVELOPMENT CORP OF ABL	601 ARNOLD BL	

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







City Council  
Agenda Memo



City Council  
Meeting Date: 08/26/2010

**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-2010-12, a request Butterfield Meadows, LLC. to rezone property from MD (Medium Density) to PH (Patio Home) zoning, located at the 3500 block of Firedog Rd.; and setting a public hearing for September 9, 2010.

**GENERAL INFORMATION**

Currently the properties are zoned MD and are undeveloped. The adjacent properties have been developed with a few single family residential homes to the north as well as a few patio home developments to the south. The commercial property to the west along HWY 277 South remains undeveloped.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The request would reduce the number of dwelling units that would be allowed since PH zoning is single family and MD is multi family zoning and would reduce the overall density of the area. The request would also allow for decreased setbacks on the subject properties. The requested zoning is compatible with the surrounding uses as well as the Future Land Use Map and Comprehensive Plan.

**STAFF RECOMMENDATION**

Staff recommends approval as requested.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval as requested by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd, and McClarty) to none (0) opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

August 16, 2010

Item No. 4.3

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 26<sup>th</sup> day of August 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 15<sup>th</sup> day of July, 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 9<sup>th</sup> day of September, 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 9<sup>th</sup> day of September, A.D.2010.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

Rezone property from MD (Medium Density Residential) to PH (Patio Home) zoning.

Legal Description:

BUTTERFIELD MEADOWS SEC 1, BLOCK B, LOTS 2-11

BUTTERFIELD MEADOWS SEC 1, BLOCK C, LOTS 1-10

Location:

3500 Block of Firedog Rd.

-END-



# ZONING CASE Z-2010-12

## STAFF REPORT



### APPLICANT INFORMATION:

Butterfield Meadows, LLC.

### HEARING DATES:

Planning & Zoning Commission: August 2, 2010  
City Council 1<sup>st</sup> Reading: August 26, 2010  
City Council 2<sup>nd</sup> Reading: September 9, 2010

### LOCATION:

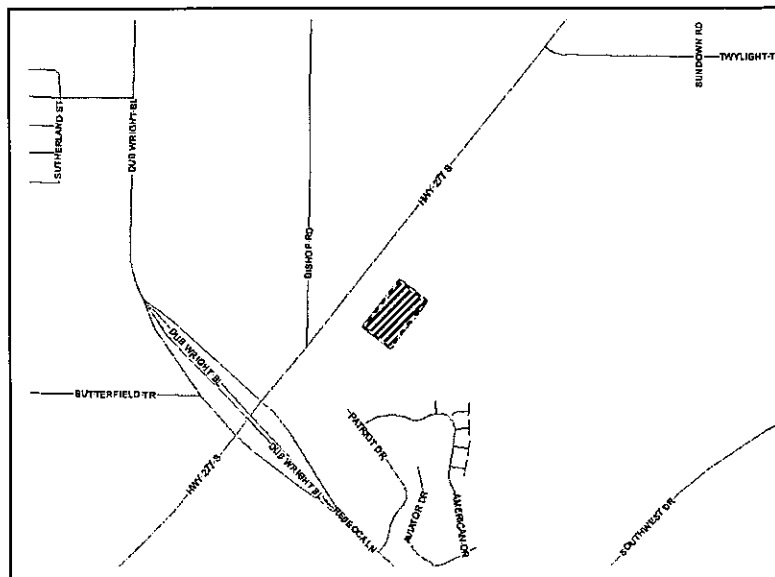
3500 Block of Firedog Rd.

### REQUESTED ACTION:

Rezone property from MD to PH.

### SITE CHARACTERISTICS:

The subject parcels total approximately 3 acres and are currently zoned MD (Medium Density Residential). The parcels are currently undeveloped. The adjacent properties have MD and PH (Patio Home) to the south, GC (General Commercial) to the west, RS-6 (Single Family Residential) to the north, and PH and AO (Agricultural Open Space) zoning to the east.



### ZONING HISTORY:

The area was annexed in 1986 and was later zoned RM-3 (Multi Family Residential) in December 2007. With the adoption of the Land Development Code, the current zoning is now MD (Medium Density Residential).

### ANALYSIS:

- Current Planning Analysis  
Currently the properties are zoned MD and are undeveloped. The adjacent properties have been developed with a few single family residential homes to the north as well as a few patio home developments to the south. The commercial property to the west along HWY 277 South remains undeveloped.
- Comprehensive Planning Analysis  
The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The request would reduce the number of dwelling units that would be allowed since PH zoning is single family and MD is multi family zoning and would reduce the overall density of the area. The request would also allow for decreased setbacks on the subject properties. The requested zoning is compatible with the surrounding uses as well as the Future Land Use Map and Comprehensive Plan.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends approval as requested by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd, and McClarty) to none (0) opposed.

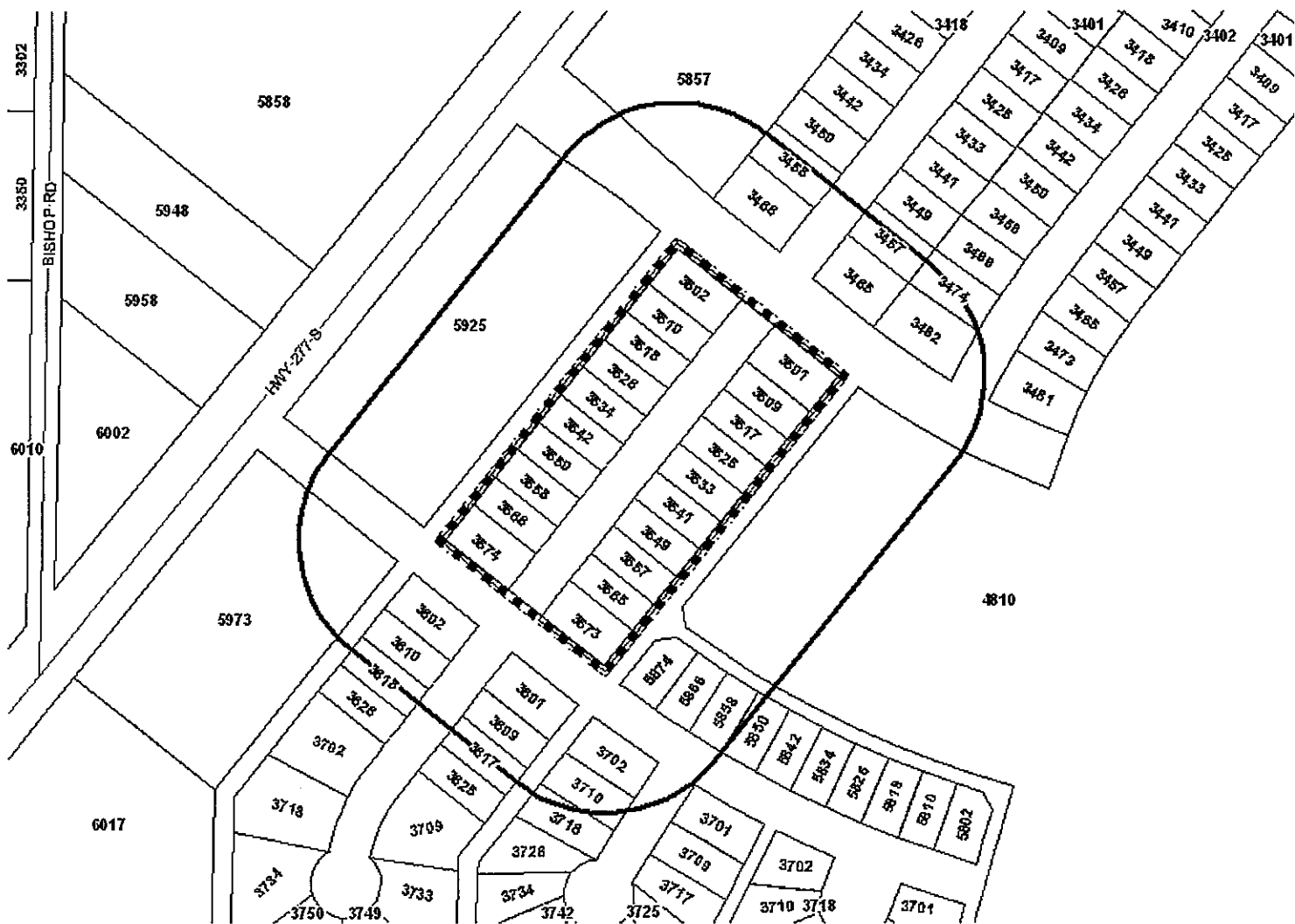
**NOTIFICATION:**

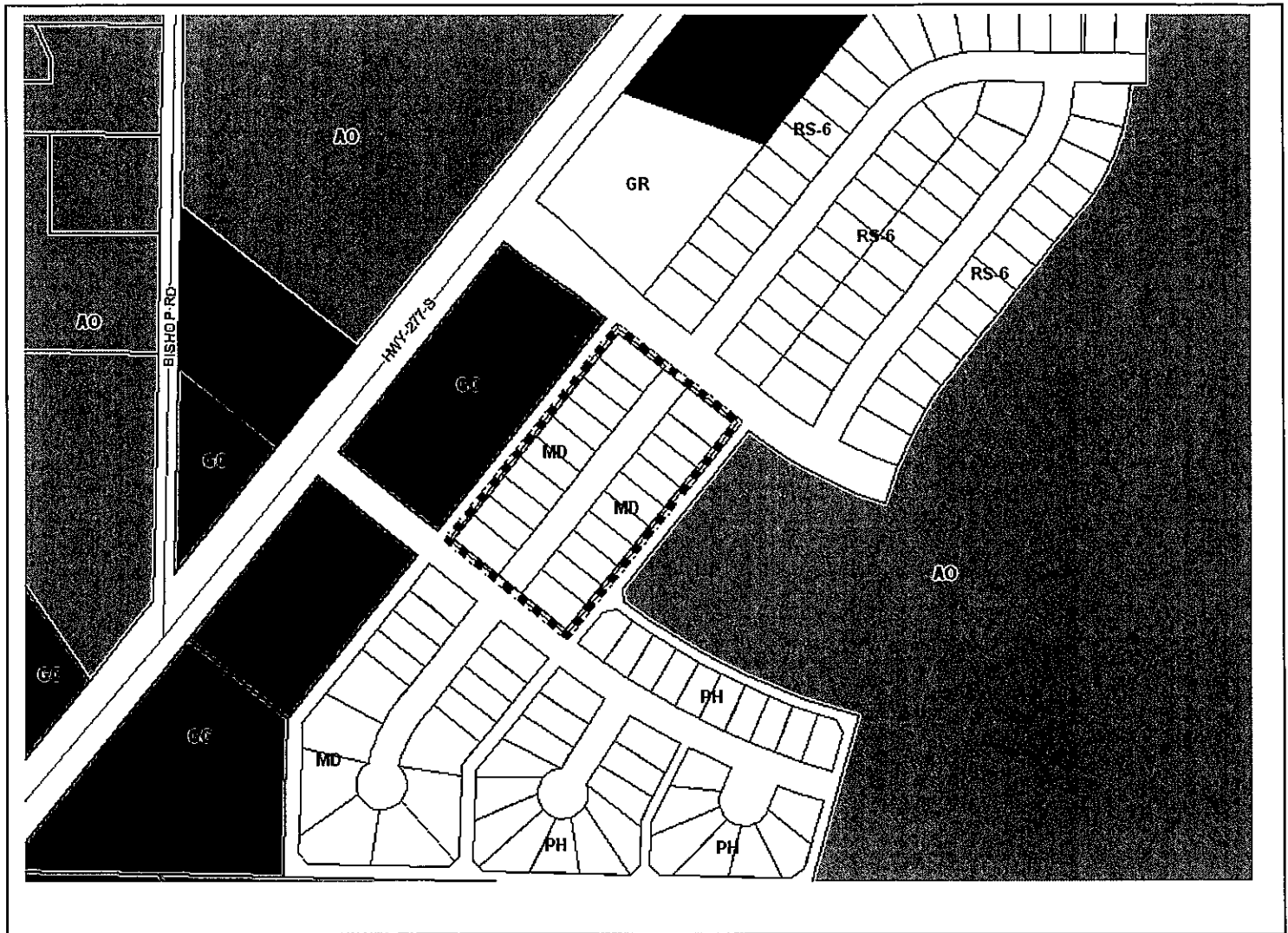
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
BUTTERFIELD MEADOWS LLC	3557 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3533 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3465 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3617 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3574 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3566 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3518 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3549 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3541 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	5925 HWY 277 S	
BUTTERFIELD MEADOWS LLC	3609 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3573 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3565 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3510 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3718 KALLIES CV	
BUTTERFIELD MEADOWS LLC	3558 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3550 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3509 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3526 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3466 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3710 KALLIES CV	
BUTTERFIELD MEADOWS LLC	3601 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3610 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3542 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3517 FIREDOG RD	
PORTER ALVIN D INC	3457 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3458 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3618 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3525 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3534 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	5857 HWY 277 S	
BUTTERFIELD MEADOWS LLC	3602 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	5973 HWY 277 S	
BUTTERFIELD MEADOWS LLC	3501 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	3502 FIREDOG RD	
BUTTERFIELD MEADOWS LLC	4810 SOUTHWEST DR	
BUTTERFIELD MEADOWS LLC	3701 KALLIES CV	
BUTTERFIELD MEADOWS LLC	3482 GAYS WY	
BUTTERFIELD MEADOWS LLC	5866 FOXFIRE DR	

BUTTERFIELD MEADOWS LLC	3702 KALLIES CV	
BUTTERFIELD MEADOWS LLC	3474 GAYS WY	
BUTTERFIELD MEADOWS LLC	5874 FOXFIRE DR	
BUTTERFIELD MEADOWS LLC	5850 FOXFIRE DR	
BUTTERFIELD MEADOWS LLC	5858 FOXFIRE DR	

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









Case # Z-2010-12  
Updated: July 23, 2010

6.3 pg. 9

City Council  
Agenda Memo



City Council  
Meeting Date: 08/26/2010

**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-2010-13, a request from Joseph Lopez to rezone property from RS-6 (Single Family Residential) to NO (Neighborhood Office) zoning, located at 841 EN 10th St.; and setting a public hearing for September 9, 2010.

**GENERAL INFORMATION**

Currently the property is zoned RS-6 and is undeveloped. The adjacent properties to the west and south are developed with single family homes as well as the properties to the north across EN 10th Street. The property to the east across Avenue F is developed with a multi family home.

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 and part of a Local Community Center as defined by the Comprehensive Plan. The applicant is requesting the zone change to allow for a parking lot for a bank. The requested zoning would be compatible with the surrounding residential uses as well as the Comprehensive Plan. Neighborhood Office seems to be an appropriate zoning for the subject property since the property has frontage at the intersection with an arterial street. The required landscaping and buffering will also help to soften the impacts of any development on the surrounding neighborhoods.

**STAFF RECOMMENDATION**

Staff recommends approval as requested.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends denial by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd, and McClarty) to none (0) opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

August 16, 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, 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 26<sup>th</sup> day of August 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 15<sup>th</sup> day of July, 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 9<sup>th</sup> day of September, 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 9<sup>th</sup> day of September, A.D. 2010.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY



ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

Rezone property from RS-6 (Single Family Residential) to NO (Neighborhood Office) zoning.

Legal Description:

RADFORD HILLS SEC 1 CONT 1, BLOCK 3, LOT 1

Location:

841 EN 10<sup>th</sup> St.

-END-

# APPEALED ITEM ZONING CASE Z-2010-13 STAFF REPORT



## APPLICANT INFORMATION:

Joseph Lopez

## HEARING DATES:

Planning & Zoning Commission: August 2, 2010

City Council 1<sup>st</sup> Reading: August 26, 2010

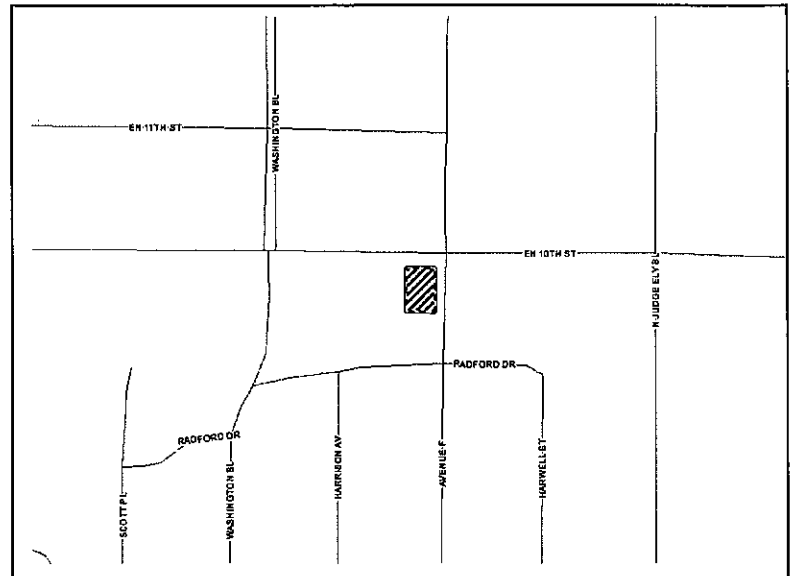
City Council 2<sup>nd</sup> Reading: September 9, 2010

## LOCATION:

841 EN 10<sup>th</sup> Street

## REQUESTED ACTION:

Rezone property from RS-6 to NO.



## SITE CHARACTERISTICS:

The subject parcel totals approximately 0.23 acres and is currently zoned RS-6 (Single Family Residential). The parcel is currently undeveloped. The adjacent properties have RS-6 zoning to the north, south, and east, with MD (Medium Density Residential) across Avenue F to the east.

## ZONING HISTORY:

The area was annexed in 1957 and was zoned to RS-6 sometime after it was annexed.

## ANALYSIS:

### • Current Planning Analysis

Currently the property is zoned RS-6 and is undeveloped. The adjacent properties to the west and south are developed with single family homes as well as the properties to the north across EN 10<sup>th</sup> Street. The property to the east across Avenue F is developed with a multi family home.

### • 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 and part of a Local Community Center as defined by the Comprehensive Plan. The applicant is requesting the zone change to allow for a parking lot for a bank. The requested zoning would be compatible with the surrounding residential uses as well as the Comprehensive Plan. Neighborhood Office seems to be an appropriate zoning for the subject property since the property has frontage at the intersection with an arterial street. The required landscaping and buffering will also help to soften the impacts of any development on the surrounding neighborhoods.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends approval as requested.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

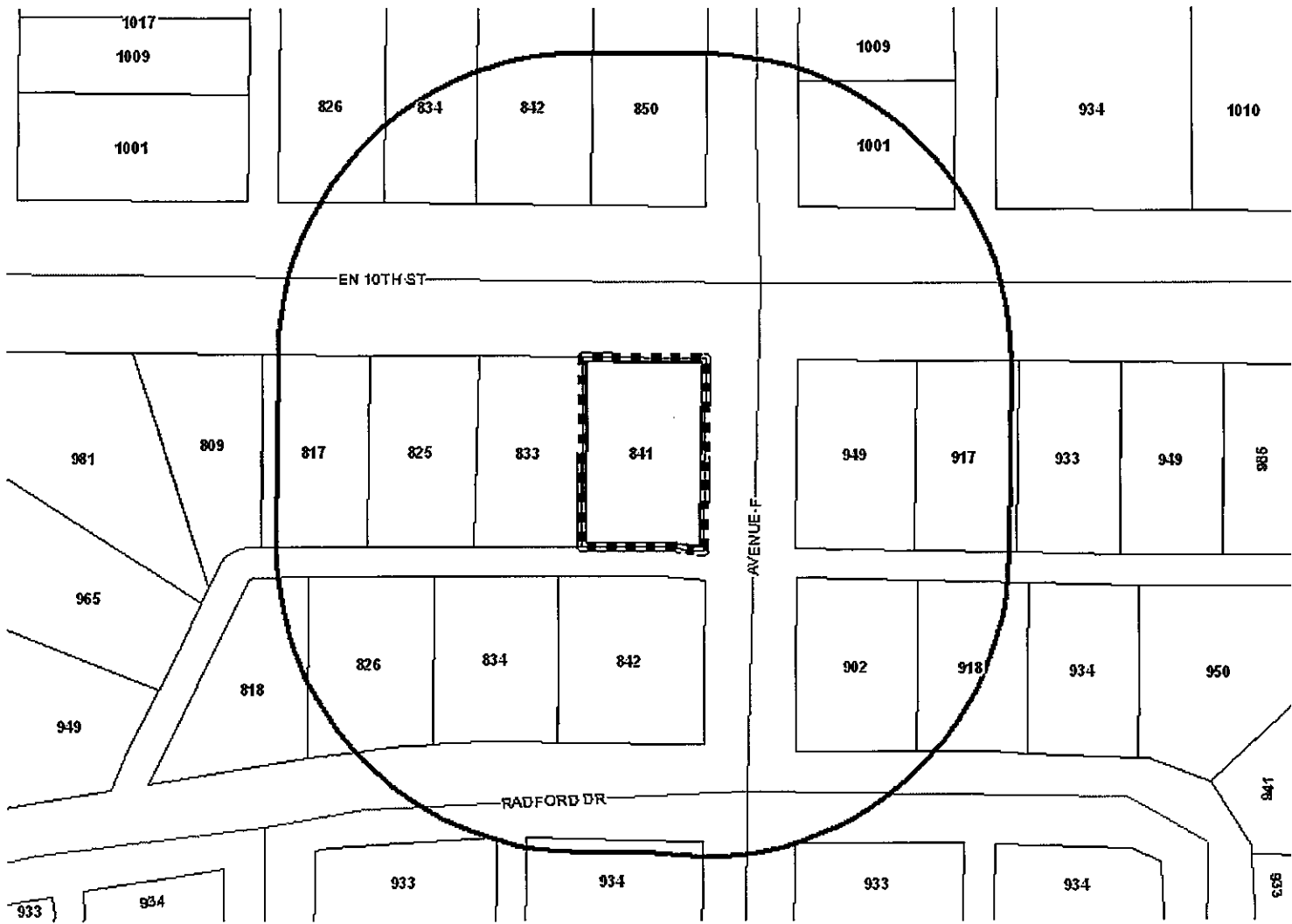
The Planning and Zoning Commission recommends denial by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd, and McClarty) to none (0) opposed.

**NOTIFICATION:**

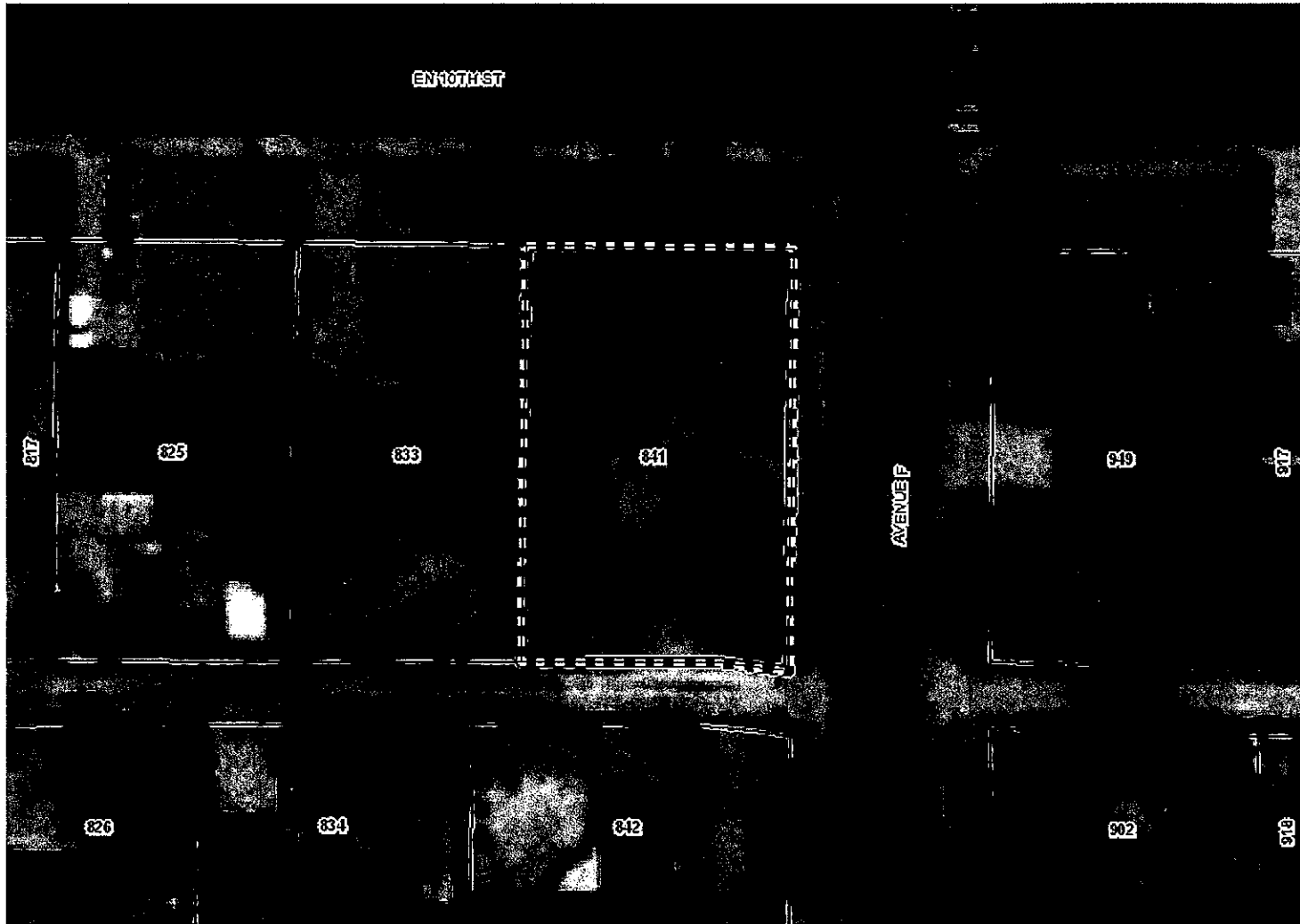
Property owners within a 200-foot radius were notified of the request.

OWNER	ADDRESS	RESPONSE
PATTERSON DEXTER & VICKI	902 RADFORD DR	
MASTERS OPERATING LTD	949 AVENUE F	
RALL MONROE HARLAND &	918 RADFORD DR	
MULLINS ATHLENE MORRIS	826 RADFORD DR	
KIRKSEY KEVAN R &	833 EN 10TH ST	
HAY SCOTT D & CINDY	1001 AVENUE F	
ROBERTSON ROBERT C & JUDY E	825 EN 10TH ST	
POLK ENTERPRISES INC	850 EN 10TH ST	
JORDAN CONWAY	834 RADFORD DR	
MARLER CHARLES	818 RADFORD DR	
BAILEY VIRGINIA D	933 AVENUE F	
BUSCH HOWARD JR	917 EN 10TH ST	
PARVARESH KHOSROW & MARY	841 EN 10TH ST	
SORRELLS IRIS HOPE	834 EN 10TH ST	
EVANS DWIGHT L & ELIZABETH A	826 EN 10TH ST	
PENDLEY TIMOTHY E & JANAY	842 RADFORD DR	
SORRELLS IRIS HOPE	842 EN 10TH ST	
MITCHELL JAMES A & MONICA	933 HARRISON AV	
BELL TERRY A & JANICE A	934 AVENUE F	
CAWOOD FAMILY IRREVOCABLE TR	817 EN 10TH ST	
HAY SCOTT D & CINDY	1009 AVENUE F	

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







City Council  
Agenda Memo



City Council  
Meeting Date: 8/26/2010

**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 2.4.2.1 Land Use Matrix and Section 2.4.3 Requirements Applicable to Specific Land Uses of the Land Development Code; and setting a public hearing for September 9, 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 the following sections:

- Section 2.4.2.1 Land Use Matrix
- Section 2.4.3 Requirements Applicable to Specific Land Uses

Staff listened to the concerns and comments and proposed options for Sections 2.4.2.1 and 2.4.3 at the July 6, 2010 meeting. The discussion included concerns about language of the signage and enforcement of the regulation. The Commission asked staff to revise the language, consult the Abilene Police Department, and bring back the item to the next meeting.

Staff has revised the provision dealing with the language of the sign. Additionally, staff has consulted with the Abilene Police Department concerning enforcement. It was agreed that a sign can be placed in hopes it would help reduce the number of violations, but the low priority of this call may not allow for response by APD.

**STAFF RECOMMENDATION**

Staff is providing options for Sections 2.4.2.1 and 2.4.3 but does not offer a recommendation.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommended approval of the amendments to Sections 2.4.2.1 and 2.4.3 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: Ben Bryner, AICP

Title: Planning Services Manager

August 16, 2010

Item No. 4.5

Disposition by City Council

Approved      Ord/Res#

Denied      \_\_\_\_\_

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 26<sup>th</sup> day of August 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 15<sup>th</sup> day of July, 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 9<sup>th</sup> day of September, 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 9<sup>th</sup> day of September, A.D. 2010.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

6.5pg. 2



ORDINANCE NO. \_\_\_\_\_

EXHIBIT "A"

AMEND: Section 2.4.2.1 Land Use Matrix

CHANGE: Amend Chart for Automobile Washes in GR, GC, HC, & LI Zoning Districts

LEGEND: P-Permitted, Blank-Not Permitted, C-Conditional Use Permit, TP-Requires a Temporary Permit, ☒-Conditions Apply See Ch.2 Art.5 Div.3

Permitted Uses	Agricultural Open Space	Rural Residential RR-5 & RR1	Residential Single-Family	Residential Single-Family Patio Home	Residential Townhouse	Residential Medium Density	Residential Multi-Family	Manufactured/Mobile Home	College & University	Neighborhood Office	Office	Neighborhood Retail	General Retail	Medical Use	Central Business	Mixed Use	General Commercial	Heavy Commercial	Light Industrial	Heavy Industrial	Parking Requirements (also refer to Chapter 4, Article 2, Division 1)
	AO	RR	RS	PH	TH	MD	MF	MH	CU	NO	O	NR	GR	MU	CB	MX	GC	HC	LI	HI	
<b>Service</b>																					
Automobile Wash	☒											C	P/C			C	P/C	P/C	P/C		

AMEND: 2.4.3 Requirements Applicable to Specific Land Uses

CHANGE: Add conditions for Automobile Washes:

Automobile Wash

In a GR, GC, HC or LI District. If within 200 feet of property zoned for single-family residential, a Conditional Use Permit shall be required.

-END-

**City Council  
Agenda Memo**



**City Council  
Meeting Date: August 26, 2010**

**TO: Larry D. Gilley, City Manager**

**FROM: Don Green, Director of Aviation**

**SUBJECT: Wildlife Hazard Assessment Contract Award and Task Order 1 Approval**

**GENERAL INFORMATION**

After a US Airways' bird strike and subsequent emergency landing in the Hudson River, FAA changed its policy on Wildlife Hazard Assessments (WHA) and now requires all air carrier airports to conduct a WHA, which FAA will review to determine whether an airport needs a Wildlife Management Plan (WMP). The WHA is a year-long study of wildlife activity and habitat on and around the airport. The WMP is a plan detailing how the airport would control wildlife activity that poses a potential threat to aircraft operations.

The City conducted a Request For Proposals (CB-1031) for an FAA-certified wildlife hazard biologist to conduct a WHA under Task Order 1 and then write a WMP, if determined necessary by FAA, under Task Order 2.

Five proposals were received for this service on June 17, 2010. Geo-Marine of Plano, TX was selected after interviews were conducted with three of the proposers. Geo-Marine and airport staff negotiated a contract price of \$95,576.79 for Task Order 1 under this contract. If needed, Task Order 2 will be brought to Council at a later date.

**FUNDING/FISCAL IMPACT**

This project is to be funded 95% by AIP Grant 3-48-0002-39-09, and 5% (\$4,778.84) by the City.

**STAFF RECOMMENDATION**

Staff recommends that City Council award the contract for Bid No. CB-1031 to Geo-Marine and approve Task Order 1 in the amount not to exceed \$95,576.79

**BOARD OR COMMISSION RECOMMENDATION**

At its August 11 meeting, the Airport Development Board voted to recommend to City Council to award the bid and approval of Task Order 1 subject to the availability of federal funding.

<p>Prepared by: Name: <u>Don Green</u> Title: <u>Director of Aviation</u></p>	<p>Item No. <u>6.6</u></p>	<p>Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ _____ City Secretary</p>
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