

CONSENT AGENDA

**City Council
Agenda Memo**



**City Council
Meeting Date: March 24, 2011**

TO: Larry D. Gilley, City Manager
FROM: Don Green, Director of Aviation
SUBJECT: Approval of an Oral Resolution Authorizing the City Manager to Execute a Temporary Airport Use Agreement with Big Country AirFest, Inc.

GENERAL INFORMATION

Big Country AirFest is scheduled to occur April 30, 2011. However, due to the partnership with Dyess Air Force Base for AirFest to be part of Dyess' community appreciation day, agreements must be in place early for the Department of Defense to arrange for military aircraft displays. The Agreement gives Airfest the ability to conduct activities associated with aircraft displays, performances and public admittance for the event on the northwest general aviation ramp. These activities are coordinated with Airport Management, FAA, TSA and affected airport tenants. No airline service interruption is planned.

FUNDING/FISCAL IMPACT

The City does not receive revenue from this Agreement. Airport staff support is from personnel scheduled on duty that day.

STAFF RECOMMENDATION

Staff recommends City Council approve an Oral Resolution authorizing the City Manager to execute the Temporary Airport Use Agreement with Big Country AirFest, Inc.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation at its February 17th meeting.

Prepared by:

Name: Don Green

Title: Director of Aviation

Item No. 6.1

Disposition by City Council

- Approved Ord/Res# _____
 Denied
 Other

City Secretary

City Council
Agenda Memo



City Council
Meeting Date: March 24, 2011

TO: Larry D. Gilley, City Manager

FROM: Tommy O'Brien, Director of Water Utilities

SUBJECT: **Oral Resolution Authorizing City Manager to Negotiate an Interlocal Agreement Between Abilene, Midland and San Angelo to Work Together to Address Water Management Strategies to Meet Future Water Needs for Each City**

GENERAL INFORMATION

The cities of Abilene, Midland and San Angelo recognize that an adequate water supply is essential to their future and the future of West Texas. The cities have agreed that it is prudent to collectively, rather than individually, look for ways to partner with other cities in West Texas to ensure their future and to reduce costs of water resource development. The cities recognize a need to collectively evaluate water management strategies to provide for the short term and long term water needs of their customers and residents, and possibly other West Texas customers. The cities agree that they are now ready to develop a regional water management strategy that would provide for the short term and long term water needs of the communities. The cities have long sought dependable, secure water resources for each city, and also recognize the need to explore options that address regional concerns.

To evaluate water management strategies to provide for the short term and the long term water needs of the cities, Abilene, Midland and San Angelo have agreed in principal to enter into an Interlocal Agreement that will establish a strategic partnership for West Texas. Such a coalition of these cities will allow evaluations of future water supply needs of these communities and the exploration of possible shared resources to meet those future needs.

Representatives of Midland and San Angelo will discuss the issue of entering into such an Interlocal agreement with their respective City Councils at their next regularly scheduled meeting.

In general, the Interlocal Agreement will allow the cities to jointly evaluate and develop short and long term water management strategies for future water supplies. The first step in the process would be strategic concept development where the cities would identify current resources as well as methods of transporting water throughout West Texas.

FUNDING/FISCAL IMPACT

The Interlocal Agreement will have an indirect fiscal impact on the City of Abilene. The Interlocal Agreement will likely acknowledge that there will be costs for legal and engineering services related to the work necessary to evaluate the water management strategies. The cities have conceptually agreed that the costs of the legal and outside engineering consulting services will be shared equally between the three cities. The costs for such professional services will be determined at a later time. Staff will provide the appropriate proposed professional services agreement and associated budget for the City Council's approval at a future City Council meeting. Such future expenses will be funded from the Water Department Water and Sewer Fund.

STAFF RECOMMENDATION

It is recommended that the City Council authorize, by oral resolution, the City Manager to negotiate and enter into an Interlocal Agreement with Midland and San Angelo.

ATTACHMENTS

None

Prepared by: Name <u>Tommy O'Brien</u> Title <u>Director of Water Utilities</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
---	---------------------	---

City Council
Agenda Memo



City Council
Meeting Date: March 24, 2011

TO: Larry D. Gilley, City Manager

FROM: Tommy O'Brien, Director of Water Utilities

SUBJECT: **Written Resolution Authorizing Execution of Amendment No. 5 to the Professional Engineering Services Agreement with Enprotec/Hibbs & Todd to Continue Permitting and Other Activities Associated with the Regional Water Supply Project's Cedar Ridge Reservoir**

GENERAL INFORMATION

On May 11, 2006 the City Council authorized execution of a Professional Engineering Services Agreement with Enprotec/Hibbs & Todd (eHT), and its team of consultants, to perform a Regional Water Supply Project (Project). In general, the work included evaluating various alternative sources of raw water for a total contract amount of \$457,100, which has been completed.

On November 16, 2006, the City Council authorized an Amendment to the eHT Agreement to prepare detailed costs for developing Cedar Ridge Reservoir and purchasing raw water from BRA's Possum Kingdom Reservoir. The contract amount for this Amendment was \$325,000, which has been completed.

On October 11, 2007, the City Council authorized Amendment No. 2 to the eHT Agreement to perform preliminary geotechnical soil investigations in the vicinity of the proposed Cedar Ridge Reservoir. The contract amount for Amendment No. 2 was \$167,000, which the City was reimbursed through the Texas Water Allocation Assessment. This work has been completed.

On June 26, 2008, the City Council passed a written resolution resolving that it is in the City's best interest to pursue securing the permits, certification, and authorization necessary for the development of Cedar Ridge Reservoir.

On December 18, 2008, the City Council authorized Amendment No. 3 to the eHT Agreement to begin the work associated with permitting Cedar Ridge Reservoir. The first part of this work (Phase 1) involved continued work on geological investigations and the beginning of the environmental work. The contract amount for Amendment No. 3 was \$1,454,300, which has been completed.

On March 11, 2010, the City Council authorized Amendment No. 4 to the eHT Agreement to continue the work associated with permitting Cedar Ridge Reservoir. This work (Phase 2-2010) involves continued work on the environmental studies to support the filing of the water rights permit application. The contract amount for Amendment No. 4 was \$2,144,450, and the work is nearing completion.

Staff seeks to continue the work associated with permitting Cedar Ridge Reservoir. The next part of this work (Phase 2- 2011) involves continued work on the environmental studies which is intended to provide information necessary to support the filing of the application to the US Army Corps of Engineers for a Clean Water Act Section 404 Permit. Work also includes addressing issues associated with the water rights permit application.

FUNDING/FISCAL IMPACT

The proposed engineering services will be funded from the Water Department Water and Sewer Funds.

STAFF RECOMMENDATION

It is recommended that the City Council approve, by written resolution, Amendment No. 5 to the Professional Services Agreement with Enprotec/Hibbs & Todd, for a not-to-exceed cost of \$2,697,000 to provide engineering services associated with the Regional Water Supply Project, and authorize the City Manager or his designee to execute all necessary documents related to the Agreement and its Amendments. The Amendment will be structured for reimbursement based on actual time spent and expenses, with total compensation not to exceed the amount shown.

ATTACHMENTS

Written Resolution

Prepared by: Name <u>Tommy O'Brien</u> Title <u>Director of Water Utilities</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
---	---------------------	--

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 5 TO A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD TO CONTINUE PERMITTING AND OTHER ACTIVITIES ASSOCIATED WITH THE REGIONAL WATER SUPPLY PROJECT'S CEDAR RIDGE RESERVOIR.

WHEREAS, the City of Abilene, Texas (the "City") serves as a major water supplier for its citizens and for surrounding communities in and near Taylor and Jones Counties, Texas; and,

WHEREAS, the City projects that its water supply demands and that of this region of the state will continue to grow and may exceed available supplies in the future; and,

WHEREAS, the City desires to ensure that it has adequate water supplies to meet future demands and attract new business development to this region of the state; and,

WHEREAS, after extensive investigation and assessment by Enprotec/Hibbs & Todd, on June 26, 2008 the City Council passed a written resolution asserting that it is in the best interest of the City of Abilene to pursue securing permits, certification, and authorization necessary for the development of Cedar Ridge Reservoir ("Reservoir"); and

WHEREAS, in order to pursue construction of the Cedar Ridge Reservoir it is necessary for the City to apply to the Texas Commission on Environmental Quality ("TCEQ") for a water rights permit, water quality certification and other authorizations as necessary, and to apply to the U.S. Army Corps of Engineers (the "Corps") for a Clean Water Act § 404 permit, and to secure such permits, authorizations, and certifications; and

WHEREAS, the continued work under this Amendment No. 5 (Phase 2 - 2011), for the Reservoir permitting process involves continuation of environmental work and coordination with federal and state regulatory agencies and landowners impacted by the Cedar Ridge Reservoir; and

WHEREAS, the work under this Amendment No. 5 (Phase 2 - 2011) is intended to provide information necessary to provide technical support in addressing issues presented by TCEQ and other state regulatory agencies related to the water rights permit application; to support the Corps § 404 permit application; and to allow regulatory agency staff to review and assess the potential impact of the proposed Cedar Ridge Reservoir on the natural resources of Texas;

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

PART 1: The City Manager or his designee is hereby authorized to execute Amendment No. 5 to the Professional Services Agreement with Enprotec/Hibbs & Todd in an amount not to exceed \$2,697,000 for the purpose of continuing the work associated with Cedar Ridge Reservoir including: (1) addressing issues presented by TCEQ and other state regulatory agencies related to the water rights permit application; (2) preparation and filing of the applications for the necessary water quality certification, and the Section 404 Permit; and (3) any other work associated with filing and securing the appropriate permits from TCEQ and the Corps for Cedar Ridge Reservoir.

PART 2: The City Manager or his designee shall periodically provide updates to the City Council regarding the status of Amendment No. 5 (Phase 2 - 2011), as well as any other matters related to the permits, filing of the applications, certifications and authorizations, as well as any subsequent consultant reports or studies, challenges or disputes arising out of such application processes, or other matters related to the filling and permitting process that may require City Council authorization.

ADOPTED this _____ day of _____, 2011.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

T. Daniel Santee II, City Attorney

2011
City Council
Agenda Memo



TO: Larry D. Gilley, City Manager

City Council
Meeting Date: 3/24/11

FROM: Stan Standridge, Chief of Police

SUBJECT: Written Resolution authorizing the City of Abilene to accept improvements named the Police Education Building

GENERAL INFORMATION

In September 2010, the City of Abilene (City) entered into an agreement with the Friends of Safety City, Inc. (Friends) for the construction of a Police Education Building on the grounds of Safety City. Under the terms of agreement, the Friends agreed to finance the construction of the Police Education Building and dedicate it to the City at the completion of construction.

The Police Education Building has been completed and the certificate of occupancy was issued February 2011. The attached Resolution authorizes the City Manager to execute any documents necessary to transfer the ownership of the Police Education Building from the Friends to the City as required by the September, 2010 agreement.

FUNDING/FISCAL IMPACT

The City will be responsible for the ongoing maintenance and utility costs of the facility.

STAFF RECOMMENDATION

Staff recommends approval of the written resolution authorizing the City Manager to accept the improvements named the Police Education Building.

ATTACHMENTS

Resolution

Prepared by:

Name: Stan Standridge

Title: Police Chief

Item No. 6.4

Disposition by City Council

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

City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY OF ABILENE TO ACCEPT IMPROVEMENTS NAMED THE POLICE EDUCATION BUILDING LOCATED ON THE GROUNDS OF THE MELVIN MARTIN CENTER FOR CHILDREN'S SAFETY

WHEREAS, on the 23rd of September, 2010 the City of Abilene (City) and the Friends of Safety City, Inc., (Friends) signed an agreement regarding the construction of a Police Education Building on the grounds of the Melvin Martin Center for Children's Safety; and

WHEREAS, as part of the Agreement the Friends agreed to finance the construction of the Police Education Building and dedicate it to the City once completed; and

WHEREAS, the Police Education Building has been constructed and the Certificate of Occupancy has been issued;

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

- PART 1. The City of Abilene formally accept all improvements named the Police Education Building located on the grounds of the Melvin Martin Center for Children's Safety.
- PART 2. The City Manager is authorized to execute all necessary documents to accomplish the foregoing.

ADOPTED this 24th day of March 2011.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

City Attorney

City Council
Agenda Memo



City Council
Meeting Date: 03/24/2011

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-2011-04, a request from Aaron Waldrop to rezone property from AO (Agricultural Open Space) to PH (Patio Home) zoning, located at the southwest corner of Innisbrook Dr. and Memorial Dr., being approximately 15.4 acres; and setting a public hearing for April 14, 2011.

GENERAL INFORMATION

Currently the property is zoned AO and is undeveloped. The applicant has future plans to subdivide the property for single family residential uses. The properties to the north and west are developed with single family residential dwelling units. The properties to the east are mostly undeveloped, but allow for heavy commercial uses. The properties to the south are undeveloped.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The applicant is requesting the zone change in order to develop a single family residential subdivision. The requested zoning would be compatible with the surrounding land uses. The subject property is adjacent to single family developments to the north and west. The PD to the east allows for HC (Heavy Commercial) zoning uses, but it requires that all outside storage be screened with an opaque fence or wall, that and the future extension of Memorial Dr. will provide sufficient buffering to the proposed PH zoning.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval as requested by a vote of six (6) in favor (Bixby, Campos, Glenn, Rosenbaum, Todd, & McClarty) and none (0) in opposition.

ATTACHMENTS

Ordinance
Staff Report with Maps
Public Comment Received

Prepared by:

Name: Matt Jones

Title: Planner II

March 10, 2011

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 B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED ON FIRST READING this 24th day of March A.D. 2011.

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 16th day of February, 2011, 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 14th day of April, 2011 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 14th day of April, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to PH (Patio Home) zoning.

Legal Description:

BEING 15.174 acres of land out of the west part of Lot 3 of the Alfred and Mary Fasshauer Subdivision of Survey No. 10 of the Lunatic Asylum Lands Survey, Abstract No. 1011, City of Abilene, Taylor County, Texas as shown on the plat of said Alfred and Mary Fasshauer Subdivision recorded in Volume 1, Pages 274 & 275 of the Plat Records of said Taylor County. This tract is the remainder of a 51.060 acre tract, out of Lot Nos. 1, 2 and 3 of said Alfred and Mary Fasshauer Subdivision, described in a Warranty Deed With Vendor's Lien to Villages of Abilene Meadows, LP, a Texas limited partnership, recorded in Volume 3127, Page 256 of the Official Public Records of Taylor County, Texas. Said 15.174 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at an aluminum monument stamped "WEST CO. OF ABILENE" found in the east line of said 51.060 acre tract, in the west line of the now abandoned Abilene & Southern right-of-way, being 4.315 acres (Tract 1) conveyed to the City of Abilene by the Canyon Rock Development Corporation as recorded in Volume 2867, Page 121 of the Official Public Records of Taylor County, Texas, and at the southeast corner of "The Villages of Abilene", an addition to the City of Abilene as shown on the plat thereof recorded in Cabinet 3, Slide 778 of said Plat Records of Taylor County, and at the northeast corner of this tract;

THENCE S09°05'05"W 1440.36 feet along the east line of said 51.060 acre tract and the west line of said 4.315 acre tract to a ½ inch rebar with City of Abilene Cap found in the south line of said Fasshauer Lot 3 and at the northeast corner of a 6.965 acre tract conveyed to Charles W. Russell in a deed recorded in Volume 843, Page 672 of said Taylor County Deed Records;

THENCE N89°39'38"W 338.92 feet along said south line of said Fasshauer Lot 3 and the north line of said 6.965 acre tract to an old axle rod found at the southwest corner of said Fasshauer Lot 3 and said 51.060 acre tract, the northwest corner of said 6.965 acre tract, the southwest corner of this tract and in the east line of Block S of "The Fairways", an addition to the City of Abilene as shown on the plat thereof recorded in Cabinet 2, Slide 295-A of said Plat Records of Taylor County;

THENCE N01°02'43"W 1326.14 feet along the west line of said Fasshauer Lot 3 and said 51.060 acre tract and the east line of said Block S of said "The Fairways" addition, to a ¼ inch aluminum rod with 2 inch aluminum cap stamped "J&M 4247", henceforth called a standard monument, set at the intersection of said east line of said Block S and the south line of Lot 101, a replat of Lot 1 of said "The Fairways" and a 0.007 acre tract out of Fasshauer Lot 5 of said Survey No. 10 and a 0.038 acre tract out of said Fasshauer Lot 3, as shown on the plat of record in Cabinet 1, Slide 729 of said Plat Records of Taylor County, and from said set standard monument an old axle rod found at the southerly base of an old mesquite stump and at the northwest corner of said Fasshauer Lot 3 bears N01°02'43"W 178.20 feet;

THENCE N89°58'14"E 15.31 feet along the south line of said Lot 101 and a south line of said 51.060 acre tract to a standard monument set at the southeast corner of said Lot 101 and at an ell corner of this tract;

THENCE N01°12'51"W 96.45 feet along the east line of said Lot 101 and a west line of said 51.060 acre tract to a standard monument set at the most southerly southwest corner of said The Villages of Abilene Addition and at the most northerly northwest corner of this tract;

THENCE S89°47'40"E 577.26 feet along the south line of said "The Villages of Abilene" to the **POINT OF BEGINNING** and containing **15.174** acres of land more or less.

Location:

Southwest Corner of Innisbrook Dr. and Memorial Dr.

-END-

ZONING CASE Z-2011-04

STAFF REPORT



APPLICANT INFORMATION:

Aaron Waldrop

HEARING DATES:

Planning & Zoning Commission: March 7, 2011

City Council 1st Reading: March 24, 2011

City Council 2nd Reading: April 14, 2011

LOCATION:

Southwest corner of Innisbrook Dr. and Memorial Dr.

REQUESTED ACTION:

Rezone property from AO to PH.



SITE CHARACTERISTICS:

The subject parcel is approximately 15 acres and is currently zoned AO (Agricultural Open Space). The 15-acre property is undeveloped. The adjacent properties have AO zoning to the south, PD (Planned Development) zoning to the east and west, and RS-12 (Single Family Residential) zoning to the north.

ZONING HISTORY:

The property was annexed in 1978 and has been AO zoning since it was annexed.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned AO and is undeveloped. The applicant has future plans to subdivide the property for single family residential uses. The properties to the north and west are developed with single family residential dwelling units. The properties to the east are mostly undeveloped, but allow for heavy commercial uses. The properties to the south are undeveloped.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The applicant is requesting the zone change in order to develop a single family residential subdivision. The requested zoning would be compatible with the surrounding land uses. The subject property is adjacent to single family developments to the north and west. The PD to the east allows for HC (Heavy Commercial) zoning uses, but it requires that all outside storage be screened with an opaque fence or wall, that and the future extension of Memorial Dr. will provide sufficient buffering to the proposed PH zoning.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

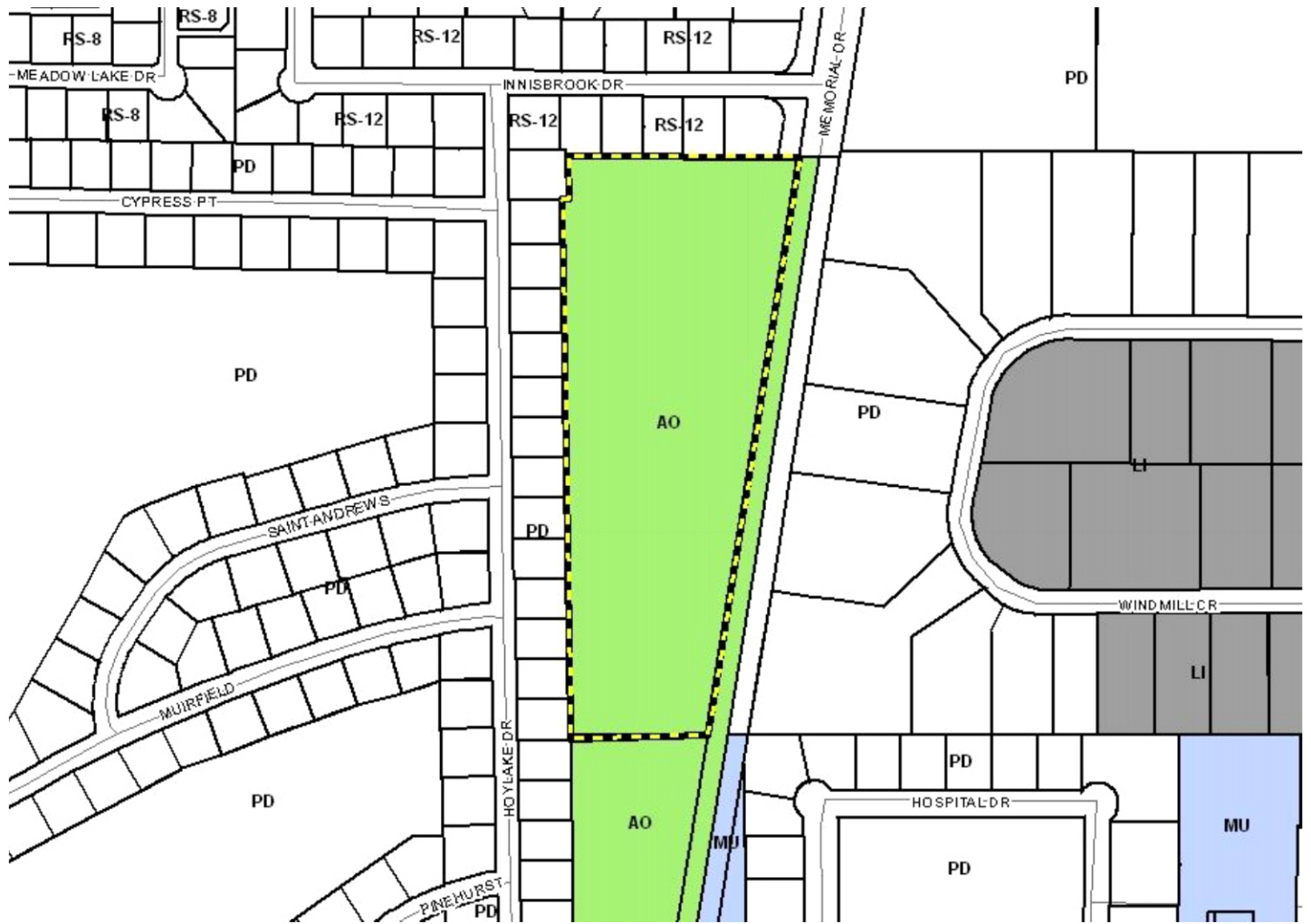
PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval as requested by a vote of six (6) in favor (Bixby, Campos, Glenn, Rosenbaum, Todd, & McClarty) and none (0) in opposition.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
OAKS BUSINESS PARTNERS	32 WINDMILL CR	
OAKS BUSINESS PARTNERS	30 WINDMILL CR	
HUMANA WEST LTD	11 HOSPITAL DR	
VILLAGES OF ABILENE MEADOWS LP		In Favor
VILLAGES OF ABILENE MEADOWS LP	5550 MEMORIAL DR	
SMITH J E	13 HOYLAK DR	Opposed
TENISON WILLIAM & BARBARA	19 HOYLAK DR	
CHOATE ROSEMARY	22 HOYLAK DR	
BOLIN JIMMIE D &	10 HOYLAK DR	
WIER DAVID & CINDY	21 HOYLAK DR	
HAYTER ROSEMARY E	2 MUIRFIELD	
MC DONALD JON LYNN	2309 INNISBROOK DR	
DYKES JAMES L & ANONG	5 HOYLAK DR	
SAYRE FRANK N &	8 HOYLAK DR	
COWAN STEPHEN	29 HOYLAK DR	
CASEY PETER	31 HOYLAK DR	
FAILOR RICHARD P & ANGELIA C	1 CYPRESS PT	
BEARD CARY D & ERICA J	11 HOYLAK DR	
COLE ANDREW & JANELLE	15 HOYLAK DR	
LESLEY DANNY R & BARBARA W	9 HOYLAK DR	
CHITTENDEN JAMES L &	17 HOYLAK DR	
JEREZA DANIEL VALENTIN	2317 INNISBROOK DR	
WHITEHEAD DONALD R	2301 INNISBROOK DR	In Favor
REMISOVSKY JOHN E & LAURETTA T	2 SAINT ANDREWS	Opposed
HAWTHORNE LOYD F & BRENDA C	3 HOYLAK DR	
WHITE E ERLENE	20 HOYLAK DR	
NGUYEN MINH VAN & CHI MAI T N	27 HOYLAK DR	
AYERS JAMES E JR	1 SAINT ANDREWS	Opposed
ROSAS SONNY Q & CHRISTINA A	25 HOYLAK DR	
LAURENCE PHILIP & KATHY L	23 HOYLAK DR	
OAKS BUSINESS PARTNERS	34 WINDMILL CR	
BADYLAK JOHN & CELENA	2325 INNISBROOK DR	
OSBORNE DANIEL P & PAMELA K	2 CYPRESS PT	
KIGER GAYLE A & TERA L	6 HOYLAK DR	
JACKSON OSCIE D & ALICE C	7 HOYLAK DR	
MOORE CURTIS D & DELORES	33 HOYLAK DR	Opposed
ARTHUR VICKI L	2333 INNISBROOK DR	
PANNELL KELLY JEAN ET AL	2342 ANTILLEY RD	
CURRY KENNETH G & PATRICIA R	1 MUIRFIELD	







For the PLANNING & ZONING COMMISSION

Matt Jones, Planner II

Please call me at (325) 676-6237 if you have questions about this notice.

CASE #: Z – 2011-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: REMISOVSKY JOHN E & LAURETTA T
Address: 2 SAINT ANDREWS

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

Too much traffic already in this area. We don't need more.

City Council
Agenda Memo



City Council
Meeting Date: 03/24/2011

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-2011-05, a request from The Charter Corporation to rezone property from AO (Agricultural Open Space) to MF (Multi Family Residential) zoning, located at 2802 Old Anson Rd.; and setting a public hearing for April 14, 2011.

GENERAL INFORMATION

Currently the property is zoned AO and has been developed with a residential dwelling unit. The applicant has future plans to extend their multi family residential development from the adjacent property to the north. The property to the north is developed with apartments and is owned by the applicant. The properties to the east have been developed as single family residential dwellings. There is an assisted living facility on the property to the south.

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The applicant is requesting the zone change in order to extend their existing development from the north. The requested zoning would be compatible with the surrounding land uses. The subject property is adjacent to multi family zoning to the north and south. The requested zoning would be compatible with the single family residences across Old Anson Rd. to the east.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval as requested by a vote of six (6) in favor (Bixby, Campos, Glenn, Rosenbaum, Todd, & McClarty) and none (0) in opposition.

ATTACHMENTS

Ordinance
Staff Report with Maps
Public Comment Received

Prepared by:

Name: Matt Jones

Title: Planner II

March 10, 2011

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 B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED ON FIRST READING this 24th day of March A.D. 2011.

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 16th day of February, 2011, 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 14th day of April, 2011 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 14th day of April, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to MF (Multi Family Residential) zoning.

Legal Description:

A0231 SUR 85 JAMES R SHIPMAN, TRACT 3 STEFFENS & LOWDEN, ACRES 9.95

Location:

2802 Old Anson Road

-END-

Item 6.6

ZONING CASE Z-2011-05

STAFF REPORT



APPLICANT INFORMATION:

The Charter Corporation

HEARING DATES:

Planning & Zoning Commission: March 7, 2011

City Council 1st Reading: March 24, 2011

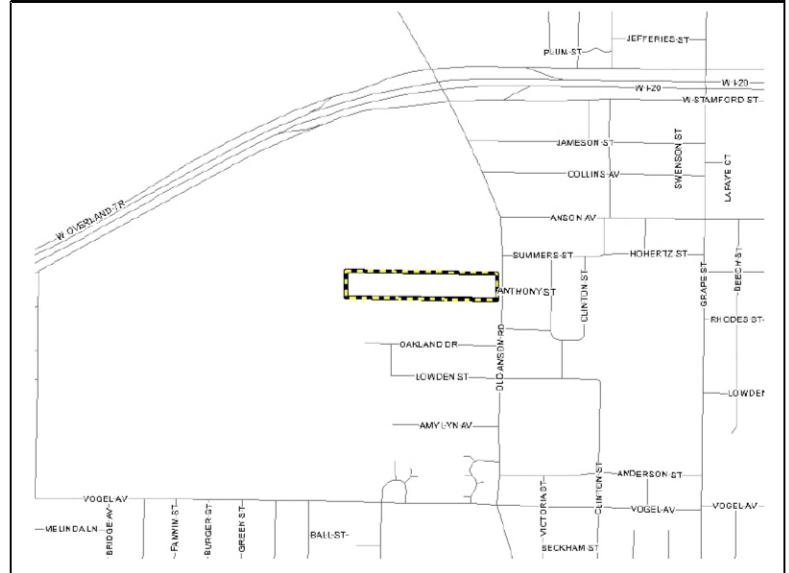
City Council 2nd Reading: April 14, 2011

LOCATION:

2802 Old Anson Rd.

REQUESTED ACTION:

Rezone property from AO to MF.



SITE CHARACTERISTICS:

The subject property is approximately 10 acres and is currently zoned AO (Agricultural Open Space). The 10-acre property has been developed with a residential dwelling unit. The adjacent properties have AO zoning to the west and north, MF (Multi Family Residential) zoning to the north, RS-6 (Single Family Residential) zoning to the east, and MD (Medium Density Residential) zoning to the south.

ZONING HISTORY:

The property was annexed in 1957 and has been AO zoning since it was annexed.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned AO and has been developed with a residential dwelling unit. The applicant has future plans to extend their multi family residential development from the adjacent property to the north. The property to the north is developed with apartments and is owned by the applicant. The properties to the east have been developed as single family residential dwellings. There is an assisted living facility on the property to the south.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The applicant is requesting the zone change in order to extend their existing development from the north. The requested zoning would be compatible with the surrounding land uses. The subject property is adjacent to multi family zoning to the north and south. The requested zoning would be compatible with the single family residences across Old Anson Rd. to the east.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval as requested by a vote of six (6) in favor (Bixby, Campos, Glenn, Rosenbaum, Todd, & McClarty) and none (0) in opposition.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
CARPENTER DUANE & ANGELA	2801 OLD ANSON RD	Opposed
MC CARTHY JUDY NANETTE	2817 OLD ANSON RD	
CHARTER CORP DBA		
R R CONSTRUCTION ROOFING &	2841 OLD ANSON RD	
ANSON HEALTH HOLDINGS LLC	2722 OLD ANSON RD	
WESTBROOK GARY W & DEBRA K	2828 OLD ANSON RD	
CHARTER CORP		
ANSON PARK LTD PTSH	2934 OLD ANSON RD	
HANKINS WINNETTA L	2809 OLD ANSON RD	Opposed
DAVIS JOHN C & TERRI L	2781 OLD ANSON RD	
HUSING JOSE & VERONICA	2767 OLD ANSON RD	
CHARTER CORP DBA	3101 W STAMFORD ST	
CHARTER CORP DBA		
CHARTER CORP	2802 OLD ANSON RD	
ANSON PARK II LTD PTSH	2934 OLD ANSON RD	
LIVELY LEVI G & MINDY L	2836 OLD ANSON RD	
CONWAY WILLIAM HENERY	2059 ANTHONY ST	
	2797 OLD ANSON RD	
GWINN GARRY	2797 OLD ANSON RD	







For the PLANNING & ZONING COMMISSION

Matt Jones, Planner II

Please call me at (325) 676-6237 if you have questions about this notice.

CASE #: Z - 2011-05

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: HANKINS WINNETTA L
Address: 2809 OLD ANSON RD

Mailing To: Planning and Development Services
P. O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

In 15-20 yrs I don't want this to
turn into a slum area,
Mrs W.M. Hankins

For the PLANNING & ZONING COMMISSION

Matt Jones, Planner II

Please call me at (325) 676-6237 if you have questions about this notice.

CASE #: Z - 2011-05

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: CARPENTER DUANE & ANGELA
Address: 2801 OLD ANSON RD

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

We already have way too much
traffico Thank You ~~to~~ Angela Carpenter

it is bad enough that we have a
Rehab house for recovering male drug
addicts ^{across} ^{the} ^{street}. We do not want any more
traffico & addicts living in our
neighborhood. This is a family
friendly area

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED ON FIRST READING this 24th day of March A.D. 2011.

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 16th day of February, 2011, 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 14th day of April, 2011 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 14th day of April, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from MD (Medium Density Residential) to MD/H (Medium Density Residential/Historic Overlay) zoning.

Legal Description:

VICTORY ADDN, BLOCK 3, LOT N20 LT 14 & S40 LT 15

Location:

741 Vine Street

-END-

ZONING CASE Z-2011-06

STAFF REPORT



APPLICANT INFORMATION:

Aaron Vannoy

HEARING DATES:

Planning & Zoning Commission: March 7, 2011

City Council 1st Reading: March 24, 2011

City Council 2nd Reading: April 14, 2011

LOCATION:

741 Vine St.

REQUESTED ACTION:

Rezone property from MD to MD/H.

SITE CHARACTERISTICS:

The subject property is approximately 0.14 acres and is currently zoned MD (Medium Density Residential). The property has been developed with a residential dwelling unit. The adjacent properties have MD zoning to the north, south, east, and west.

ZONING HISTORY:

The property was annexed in 1895 and was zoned MD sometime after it was annexed.

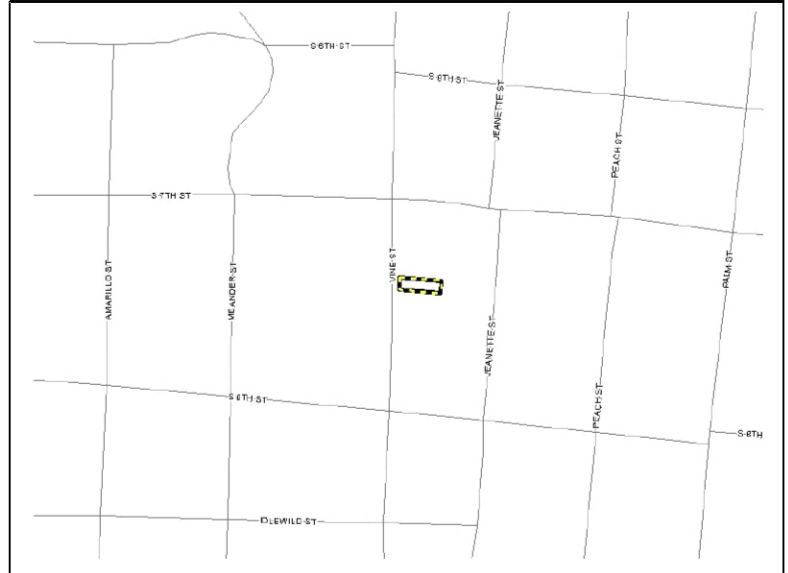
ANALYSIS:

- Current Planning Analysis

Currently the property is zoned MD and has been developed with a residential dwelling unit. Referred to as the Cathey/Mayfield/Vannoy House, it is an Arts & Crafts Bungalow and was built in 1926. The owner has requested Historic Overlay Zoning for his property because he feels that the historic integrity of the house has been well preserved over the years. He has owned the house since 2009. The surrounding properties have all been developed with residential dwelling units.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low-density residential. The requested zoning is an overlay zoning that would not affect the underlying residential zoning and would be compatible with the surrounding land uses. There are several properties in the surrounding neighborhood to the west that have Historic Overlay zoning. This would be the first property on Vine Street to receive the overlay which could encourage other properties to seek the Historic Overlay zoning.



PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

LANDMARKS COMMISSION RECOMMENDATION:

Approval as requested, by a vote of six (6) in favor to none (0) opposed.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

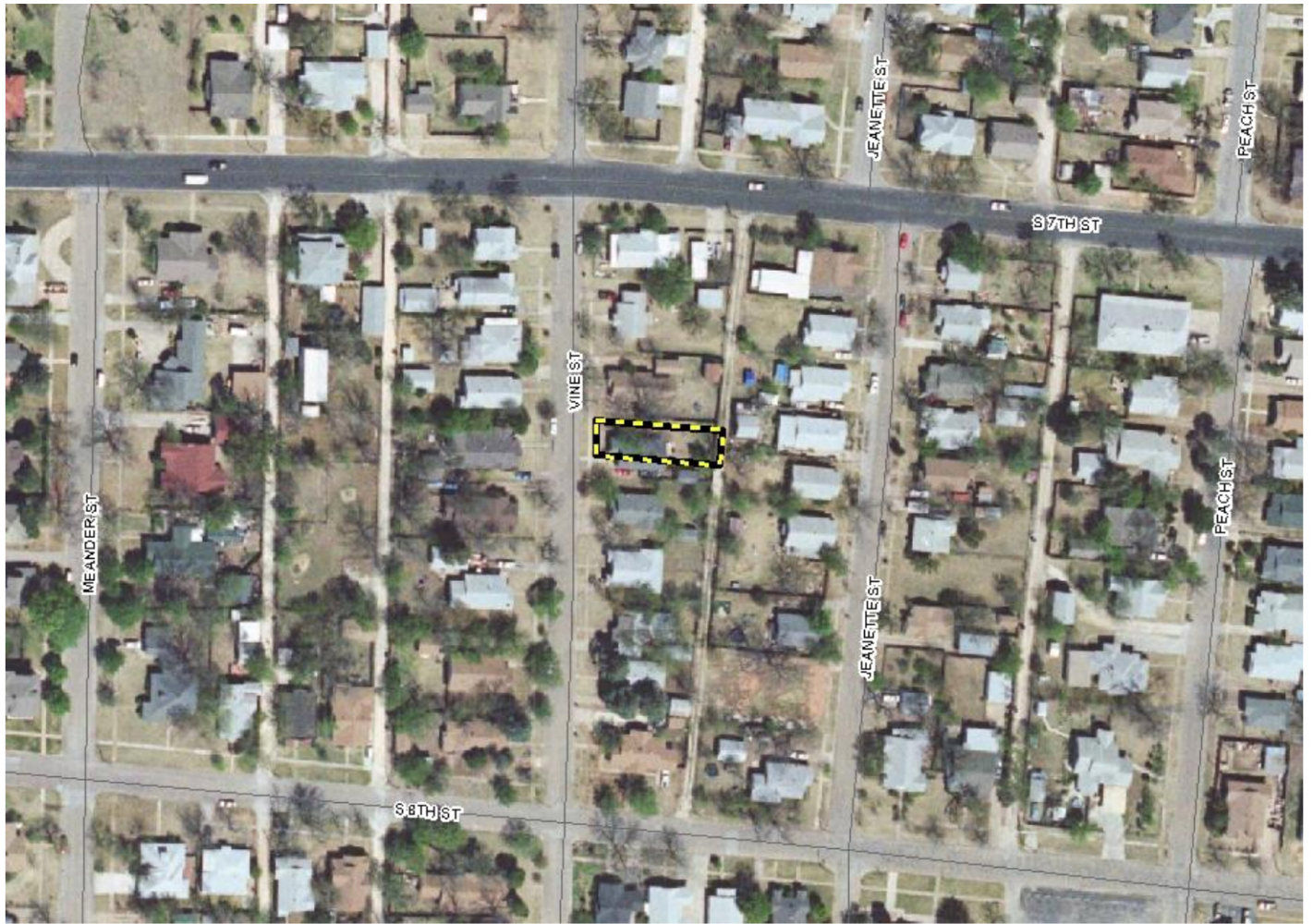
The Planning and Zoning Commission recommended approval as requested by a vote of six (6) in favor (Bixby, Campos, Glenn, Rosenbaum, Todd, & McClarty) and none (0) in opposition.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
TREVINO MARY JULIE	710 JEANETTE ST	
QUINNEY JOHN O & LENA M	750 JEANETTE ST	
LOGAN JAMES A & SHELLY	758 JEANETTE ST	
SIX HOWARD EUGENE TR	758 VINE ST	
INGRAM ALAN LEON &	710 VINE ST	
MARTIN WILLARD & PHYLLIS	741 JEANETTE ST	
HORTON JOWELL DEAN & DIANA D	702 VINE ST	
SHOTWELL JOE E	725 VINE ST	
GREEN RAY A & IRENE M	718 JEANETTE ST	Opposed
SMITH ALTON	765 VINE ST	
MANSKER DAVID L	701 VINE ST	
MATTEA ROGER W	766 JEANETTE ST	
MONTANEZ ALFRED & MARIA O	726 JEANETTE ST	
DAVIDSON JERRY L & LINDA	734 JEANETTE ST	
QUINNEY LENA MAE	742 JEANETTE ST	
WARTES ALAN W & SHARON S	717 JEANETTE ST	
JONES ROBERT M	718 VINE ST	
KUEHBAUCH PETER	757 VINE ST	
YOUNG ROBERT W JR & TERRY S	742 VINE ST	
EGSC INVESTMENTS LLC	734 VINE ST	
GOODE VICKIE C	749 VINE ST	
STANTON GRAY J & SALLY A	774 VINE ST	
GONZALES DIANNA	773 VINE ST	
SHOEMAKER CHARLES D & WANDA J	709 VINE ST	
ESTES DON W JR	726 VINE ST	
WARTES ALAN	725 JEANETTE ST	
MC DONALD GARY	702 JEANETTE ST	
VANNOY AARON S & TRAMP LISA M	741 VINE ST	
GRISHAM AGNES H	733 JEANETTE ST	









ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED ON FIRST READING this 24th day of March A.D. 2011.

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 16th day of February, 2011, 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 14th day of April, 2011 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 14th day of April, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from RS-6 (Single Family Residential) to RS-6/H (Single Family Residential/Historic Overlay) zoning.

Legal Description:

ALTA VISTA, BLOCK 7, LOT 6 & 7

Location:

742 Amarillo Street

-END-

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

LANDMARKS COMMISSION RECOMMENDATION:

Approval as requested, by a vote of six (6) in favor to none (0) opposed.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval as requested by a vote of six (6) in favor (Bixby, Campos, Glenn, Rosenbaum, Todd, & McClarty) and none (0) in opposition.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
RANKIN PAUL L	717 AMARILLO ST	
FOLWELL LAWRENCE J	757 AMARILLO ST	
SCARBOROUGH CHARLES	726 AMARILLO ST	In Favor
GODWIN TROY J & ANNALISA D	725 AMARILLO ST	
MOROPOULOS GEORGE L &	1942 S 8TH ST	
GILLEY LARRY D & STACY H	735 SAYLES BL	
MATTIS CHARLES & MARY	760 AMARILLO ST	
WATSON THOMAS W & AMANDA P	701 AMARILLO ST	
BRAY SHELDON E & MATTIA M	742 AMARILLO ST	
FERGUSON KENNETH & HELEN	2042 S 8TH ST	
STEEVES GEOFFREY & BRYE ANN	710 AMARILLO ST	
SAWYERS HEATHER N	702 AMARILLO ST	
ORR DEREK & CRYSTAL	701 SAYLES BL	
GIDLEY JAMES M &	741 SAYLES BL	
SISCO CENE M	2002 S 8TH ST	
GONZALEZ RAUL & ESTER	709 SAYLES BL	
VESCO PROPERTIES LLC	1934 S 8TH ST	

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









