

**City Council
Agenda Memo**



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

TO: Larry D. Gilley, City Manager
FROM: Danette Dunlap, City Secretary
SUBJECT: Resolution Canvassing Returns and Declaring the Results of the May 14th 2011 City Election.

GENERAL INFORMATION

The City Council Election was held Saturday, May 14, 2011 for the purpose of electing Council members to Place 3 and Place 4 and Mayor. The returns were processed immediately following the General Election; and it appears that Mayor Norm Archibald received the majority of the votes cast in the General Election for the office of Mayor. Candidates running unopposed were Councilman Anthony Williams Place 3 and Councilman Robert O. Briley Place 4.

STAFF RECOMMENDATION – Adopt the Resolution canvassing the returns and declaring the results of the May 14, 2011 General.

ATTACHMENT

Resolution

Prepared by:

Name: Danette Dunlap

Title: City Secretary

Item No. _____

Disposition by City Council

Approved Ord/Res# _____

Denied

Other

City Secretary

RESOLUTION # _____
_____ De la RESOLUCIÓN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS CANVASSING RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION, HELD ON MAY 14, 2011.

(UNA RESOLUCION DEL CONSEJO DE LA CIUDAD DE ABILENE TEXAS, REVISANDO LA RESPUESTA Y DECLARANDO LOS RESULTADOS DE LA ELECCION GENERAL EL 14 DE MAYO DEL 2011.)

WHEREAS, on the 10^h day of February, A.D. 2011, the City Council of the City of Abilene, by proper resolution, ordered a General election to be held in said City on the 14th day of May, 2011, in accordance with the provisions of the Charter of said city, for the purpose of electing persons to serve in Council Places 3 & 4 and Mayor; and

(PORTANTO, el 10 de Febrero del 2011, el Consejo de la Ciudad de Abilene, por justa resolucion, ordeno una eleccion General que se llevara a acabo el dia 14 de Mayo del 2011, de acuerdo con las medidas de la Carta Constitucional de dicha Ciudad, con el proposito de elegir personas para servir en el Consejo para el lugar 3 y 4 y Alcade ; y)

WHEREAS, the City Council has duly canvassed the returns of such elections and has ascertained the results thereof; and therefore:

(PORTANTO, el Consejo de la Ciudad ha arduamente revisado el resultado de dicha eleccion:)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:
SEA RESULTO POR EL CONSEJO DE LA CIUDAD DE ABILENE, TEXAS

PART 1: That the City Council of the City of Abilene finds and declares the results of such elections as per the attached Exhibit "A".

PARTE 1: El Consejo de la Ciudad de Abilene encuentra y declara los resultados de dicha eleccion como lo muestra la prueba "A" adjunta.

PART 2: It appearing that Norm Archibald received the majority of votes cast in said General election for the office of Mayor; and

PARTE 2: Al parecer Norm Archibald recibio la mayoria de votos contados en dicha Eleccion General para el Puesto Alcade: y

PART 3: Running unopposed Anthony Williams received the majority votes cast in said General Election for the office of Council Place 3; and

PARTE 3: Corriendo sin contrincante Anthony Williams recibio la mayoria de votos contados en dicha Eleccion General para el Puesto 3 del Consejo: y

PART 4: Running unopposed Robert O. Briley received the majority votes cast in said General Election for the office of Council Place 4; and

PARTE 4: Corriendo sin contrincante Robert O Briley recibio la mayoria de votos contados en dicha Eleccion General para el Puesto 4 del Consejo: y

That this Resolution shall take effect immediately from and after its passage, as indicated below.
(*Que esta resolución tomará efecto inmediatamente y después de su paso, según lo indicado abajo.*)

ADOPTED by the City Council of the City of Abilene on the 24th day of May, 2011.
(*ADOPTADO por el Consejo de Ciudad de Abilene, este día de 24 Mayo del 2011.*)

ATTEST:

CITY SECRETARY
(*Secretaria de la Ciudad*)

MAYOR
(*Alcade*)

APPROVED:

CITY ATTORNEY
(*Abogado de la Ciudad*)

Exhibit "A" General May 14, 2011

Candidates Mayor:

Norm Archibald (I)
Patricia Hippely

Candidate Elected: Norm Archibald

Votes Received: 2266

Candidate Place 3:

Unopposed: Anthony Williams Votes Received: 2513

Candidate Place 4:

Unopposed: Robert O. Briley Votes Received: 2493

| Precinct | Early | 101 205 107A | 103 102 | 104 105 106 | 201 202 | 203 204 401 | 301 302 | 303 304 | 305 306 108 | 402 403 | 404 405 | 406 407 408 | | | | | | | | | | | Total |
|----------|-------|--------------------|------------|-------------------|------------|-------------------|------------|------------|-------------------|------------|------------|-------------------|--|--|--|--|--|--|--|--|--|--|-------|
|----------|-------|--------------------|------------|-------------------|------------|-------------------|------------|------------|-------------------|------------|------------|-------------------|--|--|--|--|--|--|--|--|--|--|-------|

| Mayor | | | | | | | | | | | | | | | | | | | | | | | |
|------------------|------|----|----|-----|----|----|----|----|-----|-----|----|-----|---|---|---|---|---|---|---|---|---|---|------|
| Archibald | 1386 | 61 | 62 | 87 | 31 | 58 | 77 | 49 | 145 | 170 | 50 | 90 | | | | | | | | | | | 2266 |
| Hippely | 515 | 29 | 21 | 22 | 18 | 30 | 17 | 18 | 31 | 16 | 25 | 25 | | | | | | | | | | | 767 |
| Total Votes Cast | 1901 | 90 | 83 | 109 | 49 | 88 | 94 | 67 | 176 | 186 | 75 | 115 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3033 |
| Place 3 | | | | | | | | | | | | | | | | | | | | | | | |
| Williams | 1563 | 77 | 67 | 88 | 43 | 70 | 80 | 60 | 144 | 162 | 58 | 101 | | | | | | | | | | | 2513 |
| Total Votes Cast | 1563 | 77 | 67 | 88 | 43 | 70 | 80 | 60 | 144 | 162 | 58 | 101 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2513 |
| Place 4 | | | | | | | | | | | | | | | | | | | | | | | |
| Briley | 1552 | 76 | 66 | 92 | 42 | 74 | 82 | 59 | 146 | 156 | 55 | 94 | | | | | | | | | | | 2494 |
| Total Votes Cast | 1552 | 76 | 66 | 92 | 42 | 74 | 82 | 59 | 146 | 156 | 55 | 94 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2494 |

Registered Voters 58,422 Voter turnout 3045
Percent % 5.212

City Council
Agenda Memo



City Council
Meeting Date: 05/24/2011

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-2011-09, a request from Cindy Corley to rezone property from RS-12 (Single Family Residential) to RS-12/H (Single Family Residential/Historic Overlay) zoning, located at 902 Sayles Blvd.; and setting a public hearing for June 9, 2011.

GENERAL INFORMATION

Currently the property is zoned RS-12 and has been developed with a residential dwelling unit. The Young-Martin House was built in 1928 and is a Prairie Style of architecture. The 1987 Texas Historic Sites Inventory documented that the house, in excellent condition, has architectural significance. The owner has requested Historic Overlay Zoning for this property, because she feels that the historic integrity of the house is intact and will be restoring the house. The surrounding properties have all been developed with residential dwelling units with several properties having the Historic Overlay zoning.

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. This property would be added to several other properties in the immediate area that have received the overlay.

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.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval as requested by a vote of four (4) in favor (Bixby, Yungblut, Rosenbaum, & McClarty) and none (0) in opposition.

ATTACHMENTS

Ordinance
Staff Report with Maps
Public Comment Received

Prepared by:

Name: Matt Jones

Title: Planner II

May 17, 2011

Item No. 6.1

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 May 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 April, 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 9th day of June, 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 9th day of June, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from RS-12 (Single Family Residential) to RS-12/H (Single Family Residential/Historic Overlay) zoning.

Legal Description:

HIGHLAND ADDN, BLOCK 19, LOT N100 OF E127 LT 5

Location:

902 Sayles Blvd

-END-

ZONING CASE Z-2011-09

STAFF REPORT



APPLICANT INFORMATION:

Cindy Corley

HEARING DATES:

Planning & Zoning Commission: May 2, 2011

City Council 1st Reading: May 24, 2011

City Council 2nd Reading: June 9, 2011

LOCATION:

902 Sayles Blvd.

REQUESTED ACTION:

Rezone property from RS-12 to RS-12/H.



SITE CHARACTERISTICS:

The subject property is approximately 0.29 acres and is currently zoned RS-12 (Single Family Residential). The property has been developed with a residential dwelling unit. The adjacent properties have RS-12 zoning to the north, south, east, and west.

ZONING HISTORY:

The property was annexed in 1895 and was zoned RS-12 in 1997.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned RS-12 and has been developed with a residential dwelling unit. The Young-Martin House was built in 1928 and is a Prairie Style of architecture. The 1987 Texas Historic Sites Inventory documented that the house, in excellent condition, has architectural significance. The owner has requested Historic Overlay Zoning for this property, because she feels that the historic integrity of the house is intact and will be restoring the house. The surrounding properties have all been developed with residential dwelling units with several properties having the Historic Overlay zoning.

- 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. This property would be added to several other properties in the immediate area that have received the overlay.

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 four (4) in favor (Bixby, Yungblut, Rosenbaum, & McClarty) and none (0) in opposition.

NOTIFICATION:

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

| OWNER | ADDRESS | RESPONSE |
|--------------------------------|-----------------|----------|
| BLAKE JOHN SAVAGE & | 865 SAYLES BL | |
| BROWDER TERRY L & LAURA H | 941 SAYLES BL | |
| JACKSON BETTY J LIFE EST | 901 SAYLES BL | |
| COLLINS DAVID L | 925 SAYLES BL | |
| COX CONALD W & JANIE | 881 HIGHLAND AV | |
| PHILLIPS DAVID L | 902 SAYLES BL | |
| CHALMERS MARILYN TULL | 898 SAYLES BL | |
| SHOULTZ V H MD | 910 HIGHLAND AV | |
| MC ILHERAN BEVERLY | 901 HIGHLAND AV | |
| GALLOWAY NORMAN M & PATRICIA K | 917 HIGHLAND AV | |
| LEE NORMAN L | 920 SAYLES BL | |
| WEAVER CHRISTOPHER H | 940 SAYLES BL | |
| CONNALLY J E MRS ET AL | 866 SAYLES BL | |
| MUMME HAL & JUNE | 897 HIGHLAND AV | |
| WINTERS DAN BARRY | 2142 S 10TH ST | |

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









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 – 2011-09

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 below. All correspondence must include your name and address.

Name: CONNALLY J E MRS ET AL

Address: 866 SAYLES BL

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:

City Council
Agenda Memo



City Council
Meeting Date: 05/24/2011

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-2011-10, a request from Diana Howard to rezone property from RS-12/COR (Single Family Residential/Corridor Overlay) to NO/COR (Neighborhood Office/Corridor Overlay) zoning, located at 5400 Buffalo Gap Rd.; and setting a public hearing for June 9, 2011.

GENERAL INFORMATION

Currently the property is zoned RS-12/COR and has been developed with a single family dwelling unit. The applicant has future plans to use the property for an office. The properties to the east and west are developed with single family residential dwelling units. The properties to the north are undeveloped. The property to the south has been developed as a church.

The Future Land Use section of the Comprehensive Plan designates this general area as residential and office. The applicant is requesting the zone change in order to use the property as an office building. The requested zoning would be compatible with the surrounding land uses. The property fronts along an arterial street which suggests that office uses would be a suitable use for the property. The Buffalo Gap Corridor study also indicates that Office zoning is allowable along mid-block locations between intersections of major thoroughfares.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval as requested by a vote of four (4) in favor (Bixby, Yungblut, Rosenbaum, & McClarty) and none (0) in opposition.

ATTACHMENTS

Ordinance
Staff Report with Maps
Public Comment Received

Prepared by:

Name: Matt Jones

Title: Planner II

May 11, 2011

Item No. 6.2

Disposition by City Council

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

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART 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 May 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 April, 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 9th day of June, 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 9th day of June, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from RS-12/COR (Single Family Residential with Corridor Overlay) to NO/COR (Neighborhood Office with Corridor Overlay) zoning.

Legal Description:

A0248 SUR 99 JOHN SMITH, ACRES 1.0

Location:

5400 BUFFALO GAP RD

-END-

ZONING CASE Z-2011-10

STAFF REPORT



APPLICANT INFORMATION:

Diana Howard

HEARING DATES:

Planning & Zoning Commission: May 2, 2011

City Council 1st Reading: May 24, 2011

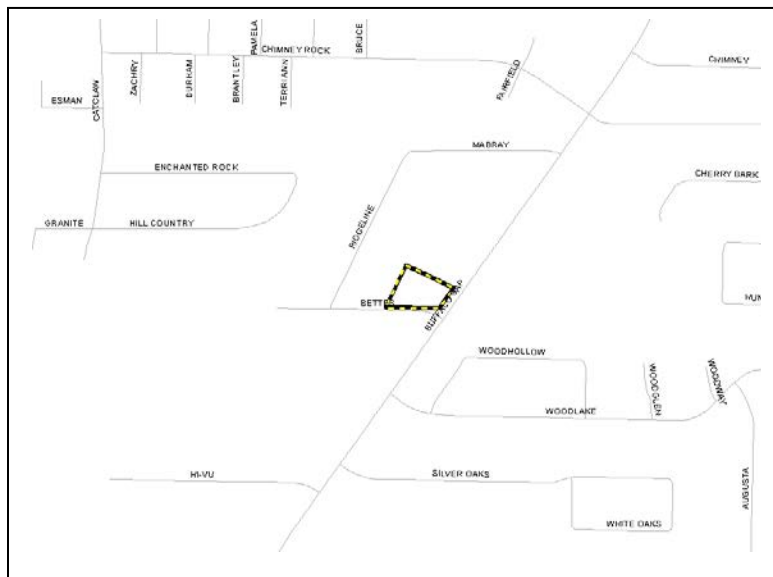
City Council 2nd Reading: June 9, 2011

LOCATION:

5400 Buffalo Gap Rd.

REQUESTED ACTION:

Rezone property from RS-12/COR to NO/COR.



SITE CHARACTERISTICS:

The subject parcel is approximately 1.0 acre and is currently zoned RS-12/COR (Single Family Residential with Corridor Overlay). The property has been developed with a single family dwelling unit. The adjacent properties have PD (Planned Development) zoning to the east and RS-12 (Single Family Residential) zoning to the north, south, and west.

ZONING HISTORY:

The property was annexed in 1963 and was zoned RS-12 sometime after it was annexed. The Buffalo Gap Corridor Overlay was applied in 2006.

ANALYSIS:

- Current Planning Analysis

Currently the property is zoned RS-12/COR and has been developed with a single family dwelling unit. The applicant has future plans to use the property for an office. The properties to the east and west are developed with single family residential dwelling units. The properties to the north are undeveloped. The property to the south has been developed as a church.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as residential and office. The applicant is requesting the zone change in order to use the property as an office building. The requested zoning would be compatible with the surrounding land uses. The property fronts along an arterial street which suggests that office uses would be a suitable use for the property. The Buffalo Gap Corridor study also indicates that Office zoning is allowable along mid-block locations between intersections of major thoroughfares.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

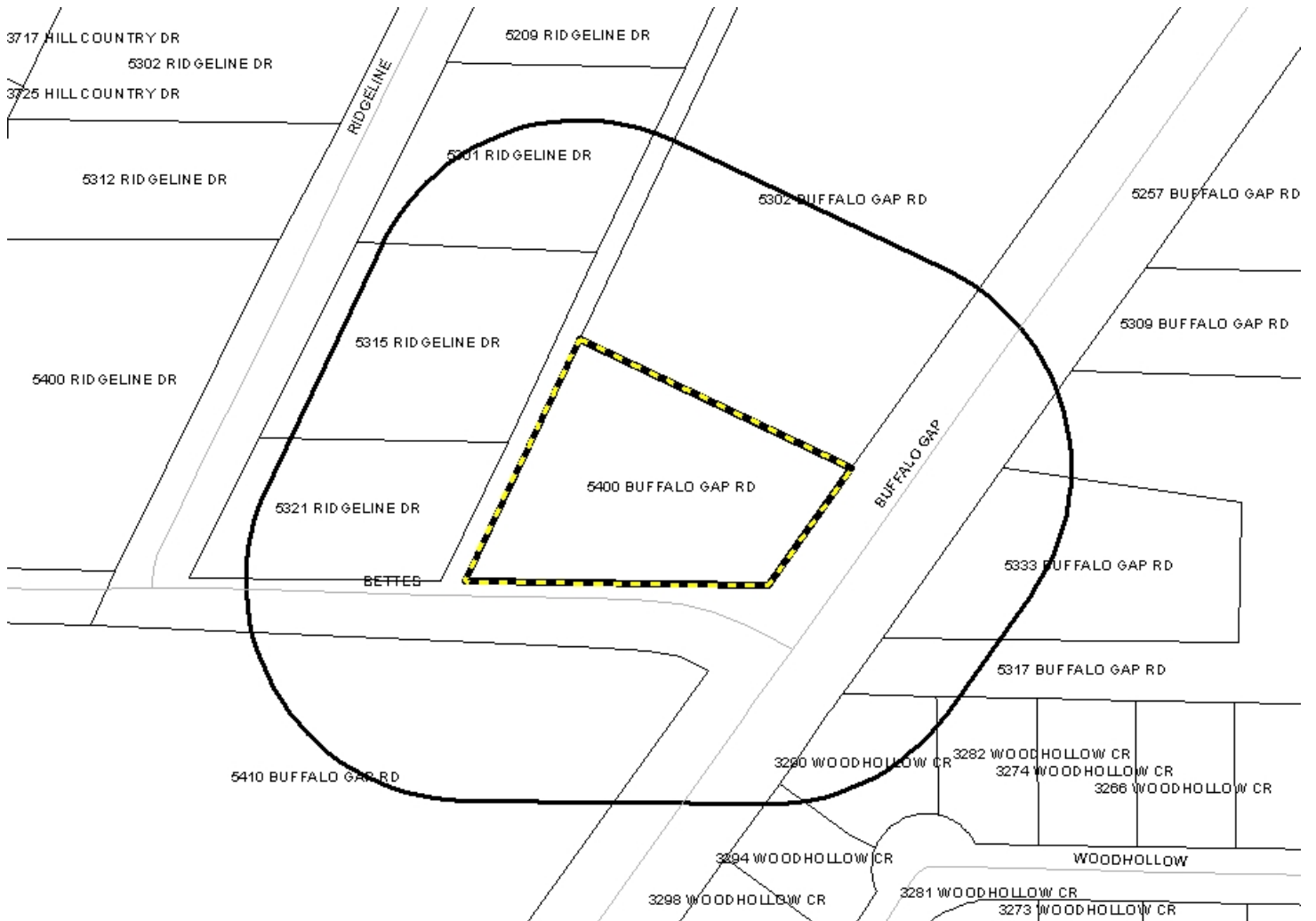
The Planning and Zoning Commission recommended approval as requested by a vote of four (4) in favor (Bixby, Yungblut, Rosenbaum, & McClarty) and none (0) in opposition.

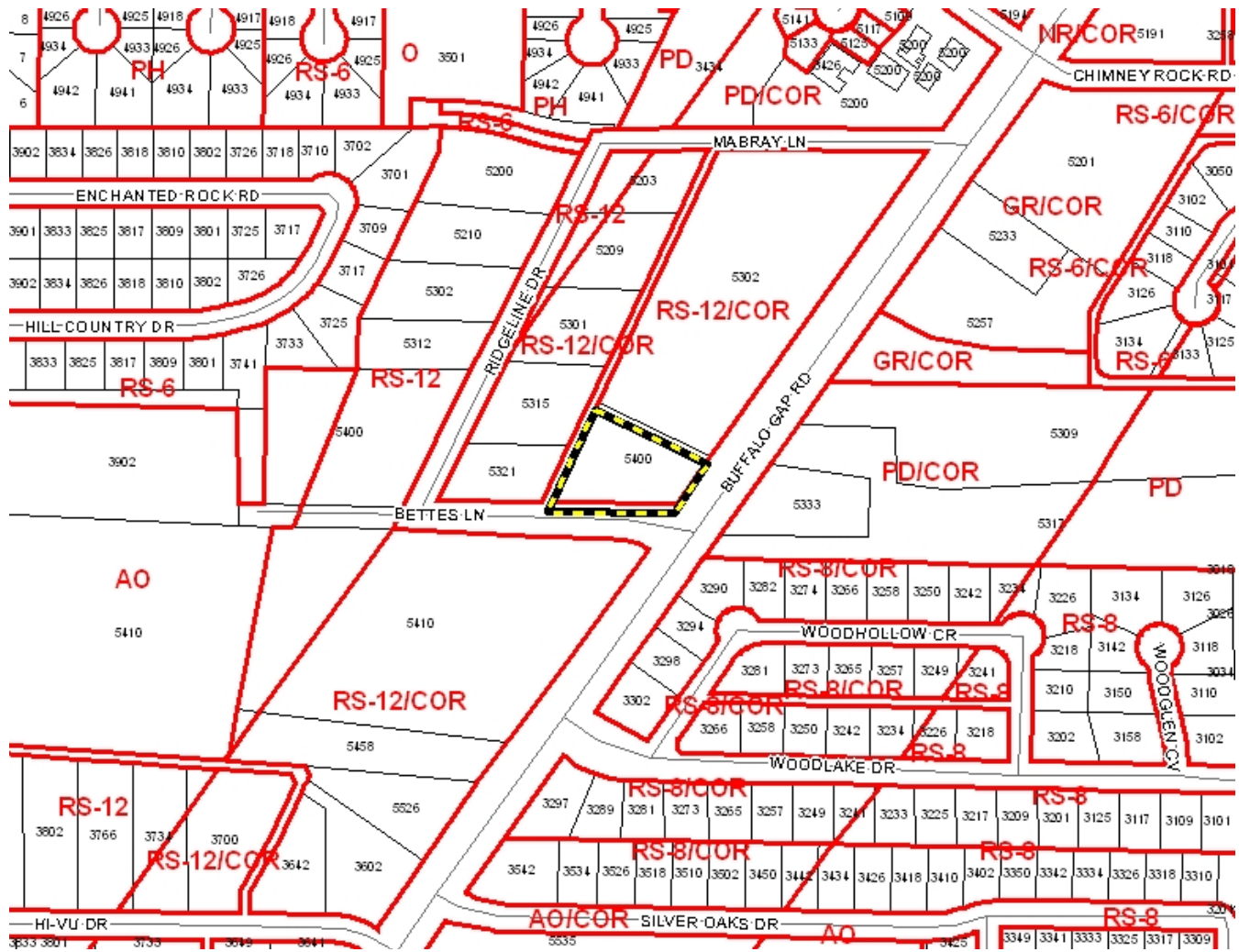
NOTIFICATION:

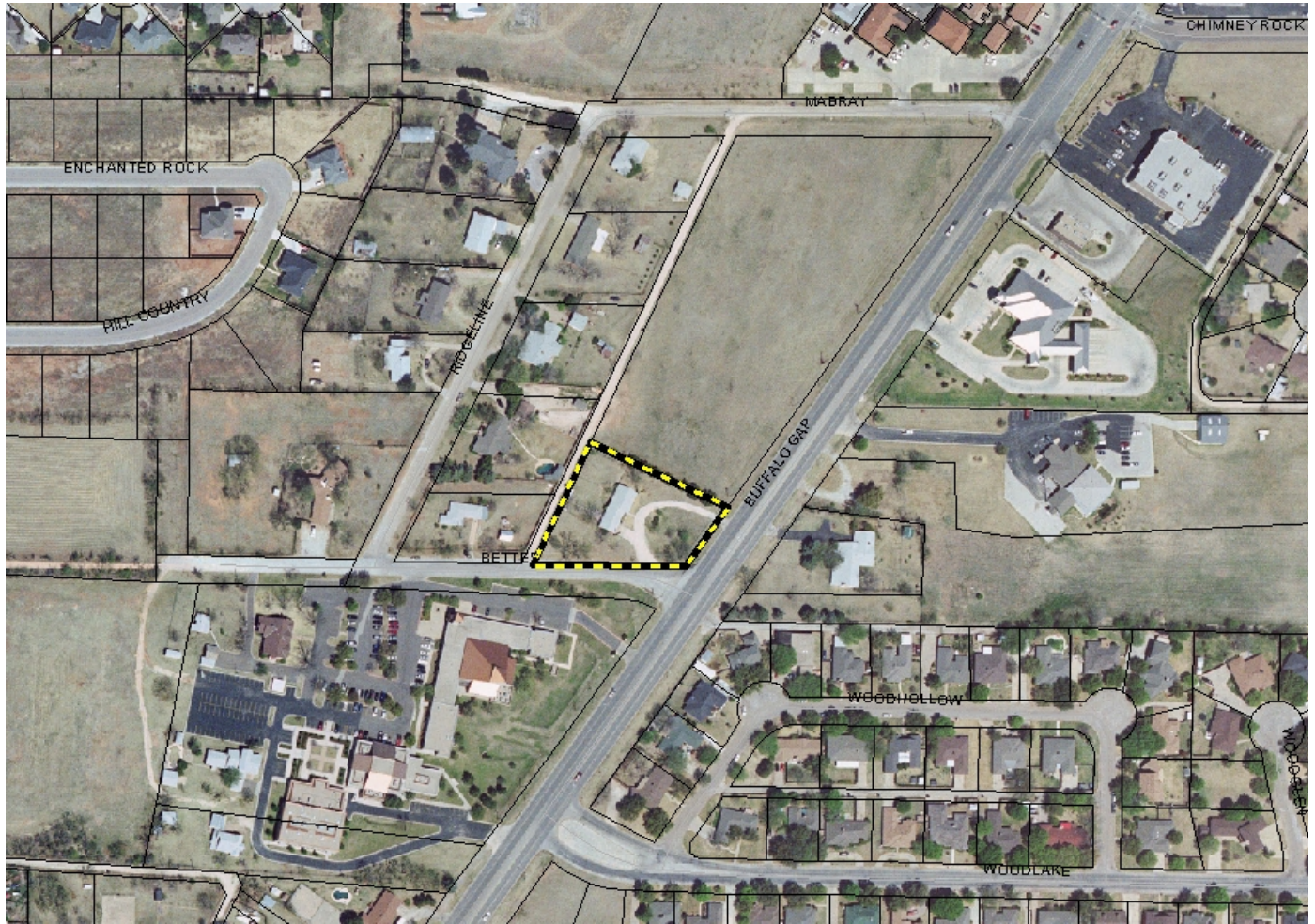
Property owners within a 200-foot radius were notified of the request.

| OWNER | ADDRESS | RESPONSE |
|------------------------------|---------------------|----------|
| DRCSMILES LLC | 5317 BUFFALO GAP RD | |
| FIORENZA JOSEPH A REV | 5410 BUFFALO GAP RD | |
| HALEY MARILYN KAY KNOPP | 3290 WOODHOLLOW CR | |
| MINNICK JEFFERY L & SANDRA A | 3282 WOODHOLLOW CR | |
| KIRKMAN SAMUEL E SR & MARTHA | 5333 BUFFALO GAP RD | |
| ROSTVOLD STACY | 3294 WOODHOLLOW CR | |
| SENTCO INC | 5321 RIDGELINE DR | |
| BETTES JOE R TR OF | 5301 RIDGELINE DR | |
| DENSON MICHAEL | 5315 RIDGELINE DR | |
| B SENTER PROPERTIES LTD | 5302 BUFFALO GAP RD | |
| HOWARD DIANA L ET AL | 5400 BUFFALO GAP RD | |

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









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 – 2011-10

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: MINNICK JEFFERY L & SANDRA A
Address: 3282 WOODHOLLOW CR

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:

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 – 2011-10

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: KIRKMAN SAMUEL E SR & MARTHA
Address: 5333 BUFFALO GAP 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:

City Council
Agenda Memo



City Council
Meeting Date: 05/24/2011

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-2011-11, a request from Hendrick Medical Center to rezone property from MD (Medium Density Residential) and HC/COR (Heavy Commercial/Corridor Overlay) to MU/COR (Medical Use/Corridor Overlay) zoning, including all properties bound by N. 17th St. to the north, Pine St. to the east, N 16th St. to the south, and Cedar St. to the west; and setting a public hearing for June 9, 2011.

GENERAL INFORMATION

Currently the properties are zoned MD and HC/COR and have been developed with residential dwelling units and commercial structures. The applicant has future plans to extend their existing campus from the north, which will propose medical uses for the subject property.

The Future Land Use section of the Comprehensive Plan designates this general area as commercial and residential, as well as a Special Activity Center. The applicant is requesting the zone change in order to expand their existing campus from the north. The requested zoning would be compatible with the surrounding land uses.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval of CU (College University) by a vote of four (4) in favor (Bixby, Yungblut, Rosenbaum, & McClarty) and none (0) in opposition.

ATTACHMENTS

Ordinance
Staff Report with Maps
Public Comment Received

Prepared by:

Name: Matt Jones

Title: Planner II

May 11, 2011

Item No. 6.3

Disposition by City Council

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

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART 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 May 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 April, 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 9th day of June, 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 9th day of June, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from MD (Medium Density Residential) and HC/COR (Heavy Commercial/Corridor Overlay) to CU/COR (College University/Corridor Overlay).

Location:

All properties bound by N. 17th St. to the north, Pine St. to the east, N 16th St. to the south, and Cedar St. to the west, as shown in the exhibit below.



-END-

ZONING CASE Z-2011-11

STAFF REPORT



APPLICANT INFORMATION:

Hendrick Medical Center

HEARING DATES:

Planning & Zoning Commission: May 2, 2011

City Council 1st Reading: May 24, 2011

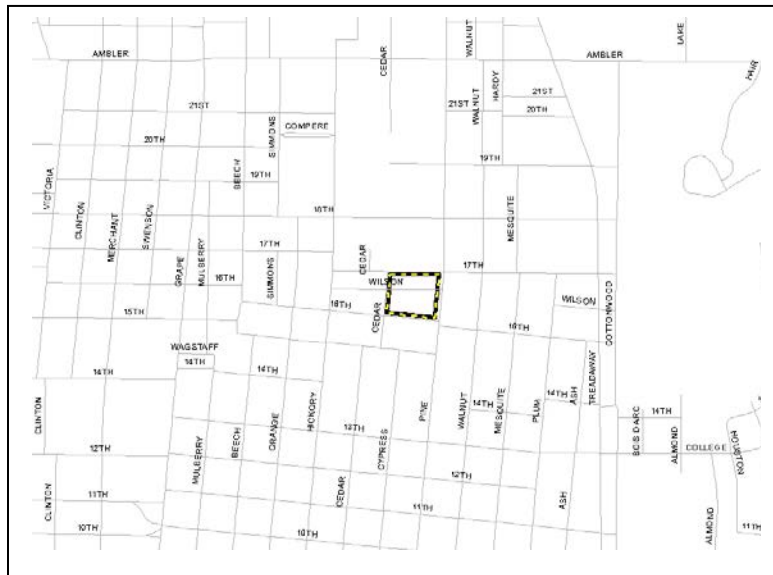
City Council 2nd Reading: June 9, 2011

LOCATION:

All properties bound by N. 17th St. to the north, Pine St. to the east, N 16th St. to the south, and Cedar St. to the west.

REQUESTED ACTION:

Rezone property from MD and HC/COR to MU/COR.



SITE CHARACTERISTICS:

The subject parcels total approximately 5 acres and are currently zoned MD (Medium Density Residential) and HC/COR (Heavy Commercial/Corridor Overlay). The properties have been developed with a mix of residential dwelling units and some commercial activities along Pine St. The adjacent properties have MD (Medium Density Residential) to the south and west, MU (Medical Use) to the north, and HC (Heavy Commercial) zoning to the south and east.

ZONING HISTORY:

The property was annexed in 1895 and was zoned MD and HC sometime after it was annexed, the Pine Street Corridor Overlay was applied in 2009.

ANALYSIS:

- Current Planning Analysis

Currently the properties are zoned MD and HC/COR and have been developed with residential dwelling units and commercial structures. The applicant has future plans to extend their existing campus from the north, which will propose medical uses for the subject property.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as commercial and residential, as well as a Special Activity Center. The applicant is requesting the zone change in order to expand their existing campus from the north. The requested zoning would be compatible with the surrounding land uses.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval of CU (College University) by a vote of four (4) in favor (Bixby, Yungblut, Rosenbaum, & McClarty) and none (0) in opposition.

NOTIFICATION:

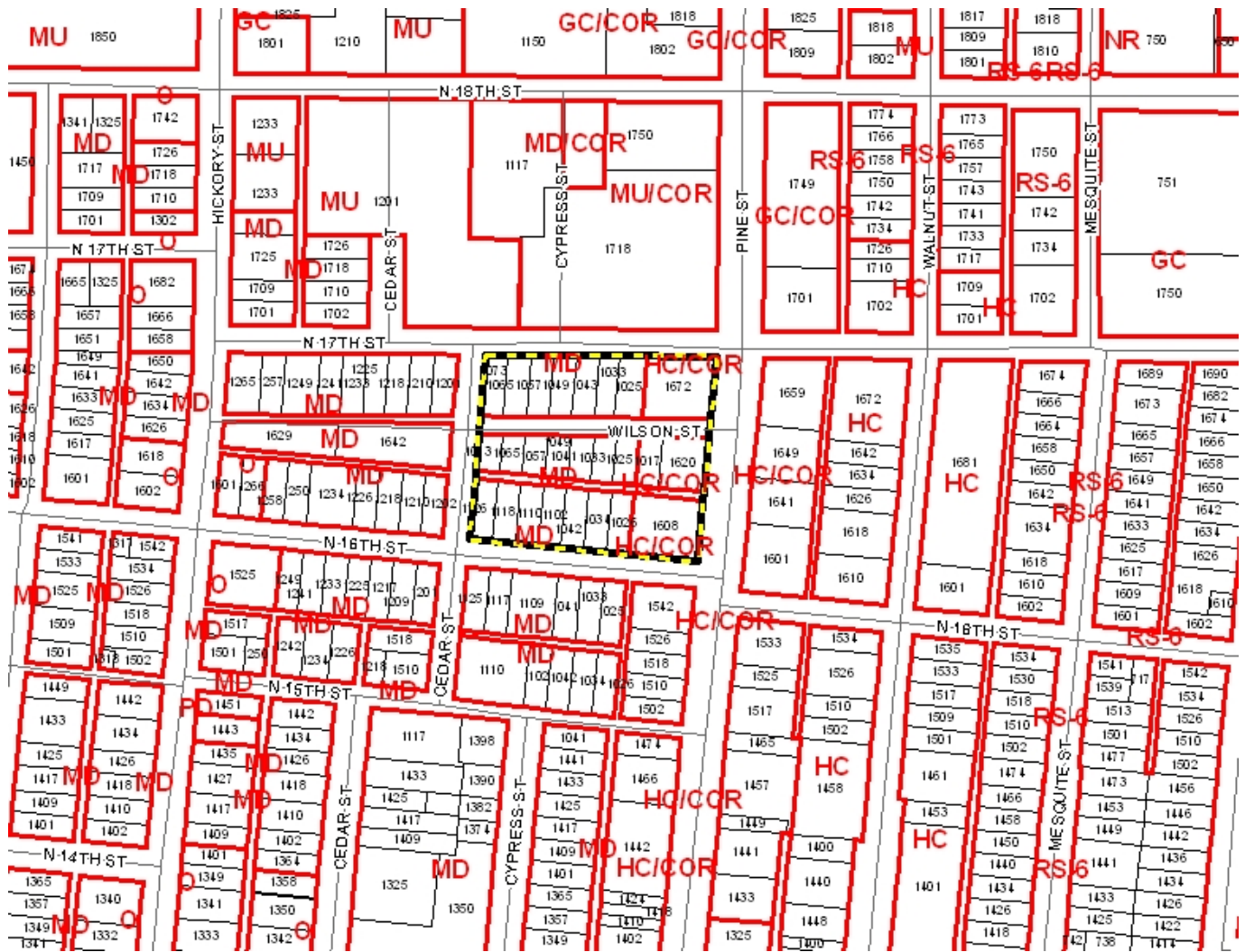
Property owners within a 200-foot radius were notified of the request.

| OWNER | ADDRESS | RESPONSE |
|-------------------------------|----------------|----------|
| HENDRICK MEDICAL CENTER | 1057 N 17TH ST | |
| WALKER EDWARD WAYNE & | 1659 PINE ST | |
| HENDRICK MEDICAL CENTER | 1049 WILSON ST | |
| HENDRICK MEDICAL CENTER | 1041 WILSON ST | |
| HENDRICK MEDICAL CENTER | 1601 PINE ST | |
| HENDRICK MEDICAL CENTER | 1672 PINE ST | |
| HENDRICK MEDICAL CENTER | 1057 WILSON ST | |
| HENDRICK MEDICAL CENTER | 1025 WILSON ST | |
| ULMER RICHARD & JOAN W | 1217 N 16TH ST | |
| BIG COUNTRY SUBS CO | 1542 PINE ST | |
| HENDRICK MEDICAL CENTER | 1608 PINE ST | |
| HENDRICK MEDICAL CENTER | 1065 WILSON ST | |
| ULMER RICHARD & JOAN W | 1209 N 16TH ST | |
| OAA PROPERTIES LP | 1701 PINE ST | |
| WALKER SHARON ANN | 1649 PINE ST | |
| HENDRICK MEDICAL CENTER | 1620 PINE ST | |
| HENDRICK MEDICAL CENTER | 1218 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1073 N 17TH ST | |
| HENDRICK MEDICAL CENTER | 1210 WILSON ST | |
| HENDRICK MEDICAL CENTER | 1073 WILSON ST | |
| HENDRICK MEDICAL CENTER | 1202 N 16TH ST | |
| BIG COUNTRY SUBS CO | 1526 PINE ST | |
| HENDRICK MEDICAL CENTER | 1218 WILSON ST | |
| CORPIAN GARY & MARILU | 1033 N 16TH ST | |
| AGNESS ROSALINDA LOYA | 1025 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1025 N 17TH ST | |
| HENDRICK MEDICAL CENTER | 1033 N 17TH ST | |
| PADILLA KIMBERLY | 1109 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1118 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1026 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1033 WILSON ST | |
| HENDRICK MEDICAL CENTER | 1201 N 17TH ST | |
| HENDRICK MEDICAL CENTER | 1641 PINE ST | |
| GONZALEZ WILLIE | 1201 N 16TH ST | |
| WOODRIDGE PROPERTIES LLP | 1125 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1110 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1642 CEDAR ST | |
| CORPIAN GARY LEE & MARILU LEE | 1041 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1042 N 16TH ST | |

| | | |
|--------------------------|----------------|--|
| HENDRICK MEDICAL CENTER | 1043 N 17TH ST | |
| HERNANDEZ PABLO & MARIA | 1117 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1049 N 17TH ST | |
| HENDRICK MEDICAL CENTER | 1102 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1126 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1017 WILSON ST | |
| HENDRICK MEDICAL CENTER | 1210 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1065 N 17TH ST | |
| HENDRICK MEDICAL CENTER | 1034 N 16TH ST | |
| TEXAS TECH UNIVERSITY | 1718 PINE ST | |
| ATRIUM PROPERTIES | 1201 N 18TH ST | |
| ARIAS RICARDO & ORALIA G | 1533 PINE ST | |

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







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 – 2011-11

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: GONZALEZ WILLIE

Address: 1201 N 16TH ST

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

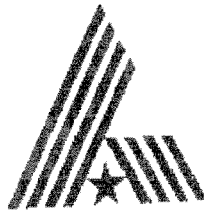
Fax #: (325) 676-6242

email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:



CITY OF
ABILENE

OAA PROPERTIES LP
1701 PINE ST
ABILENE TX 79601-3043

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z – 2011-11

04/21/2011

The Planning and Zoning Commission will hold a public hearing on **Monday, May 2, 2011**, at **1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from Hendrick Medical Center for a change of zoning from **MD (Medium Density Residential) and HC/COR (Heavy Commercial with Corridor Overlay)** to **MU/COR (Medical Use with Corridor Overlay)** zoning, including all properties bound by N. 17th St. to the north, Pine St. to the east, N 16th St. to the south, and Cedar St. to the west.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below.

The attached map shows the area of the request. Only that area which is shaded or crosshatched on the map is being requested for rezoning. If approved by the Planning and Zoning Commission or if denied and appealed to the City Council within the specified ten day period, this case will be heard by the City Council for 2nd and Final Reading with a public hearing on **June 9, 2011**, at 8:30 a.m., City Council Chambers, 2nd Floor, City Hall.

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 – 2011-11

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: OAA PROPERTIES LP
Address: 1701 PINE ST

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

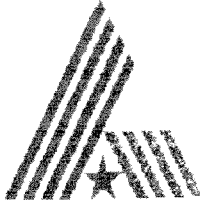
Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

BK
APR 25 2011



CITY OF
ABILENE

HENDRICK MEDICAL CENTER
1900 PINE ST
ABILENE TX 79601-2432

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z – 2011-11

04/21/2011

The Planning and Zoning Commission will hold a public hearing on **Monday, May 2, 2011**, at **1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from Hendrick Medical Center for a change of zoning from **MD (Medium Density Residential) and HC/COR (Heavy Commercial with Corridor Overlay) to MU/COR (Medical Use with Corridor Overlay)** zoning, including all properties bound by N. 17th St. to the north, Pine St. to the east, N 16th St. to the south, and Cedar St. to the west.

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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 – 2011-11

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: HENDRICK MEDICAL CENTER
Address: 1049 WILSON ST

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:

Deane Martin, HMC

**City Council
Agenda Memo**



**City Council
Meeting Date: 05/24/2011**

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading on Ordinance for Case No. TC-2011-01, a request from Hendrick Medical Center to abandon all of the portions of N. 17th St., Wilson St., and the alley ROW between Wilson St. and N. 16th St., between Pine St. and Cedar St; and setting a public hearing for June 9, 2011.

GENERAL INFORMATION

Improvements have been made to N. 17th St, Wilson St., and the Alley ROW. The ROW's are currently being maintained by the City of Abilene. Both Wilson St. and N. 17th St. are currently designated as Local Streets, and have no plans to change into a higher classification of ROW.

The applicant intends to close the subject right-of-ways for future expansion of their existing developments to the north. There are existing platted lots along N. 17th St. and Wilson St. that would be left without street frontage if the thoroughfares are abandoned, therefore before the abandonments are final, a replat must be done to ensure no lots are left without street frontage. The interconnectivity and access of the area does not appear to be impacted in a negative way by the requests.

PLAT REVIEW COMMITTEE:

Approval of the requested closures as requested with the following conditions: where existing utilities are located, the applicant is responsible for relocating the utilities or providing adequate easements for the maintenance of all utilities. The applicant will be responsible for the retirement of all street lights resulting from the abandonments, proper fire apparatus access for all structures within the closure area. The applicant must also replat to ensure that there are no lots without street frontage. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities can be resolved.

STAFF RECOMMENDATION:

Approval of the requested abandonment, with the conditions suggested by the Plat Review Committee.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval as requested by a vote of four (4) in favor (Bixby, Yungblut, Rosenbaum, & McClarty) and none (0) in opposition.

ATTACHMENTS

Ordinance
Staff Report with Maps

| | | |
|-------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Prepared by: Name: <u>Matt Jones</u> Title: <u>Planner II</u> May 11, 2011 | Item No. <u>6.4</u> | Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ <p align="center">City Secretary</p> |
|-------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

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

PART 1: That the following described portion of a Public Right of Way, as described on Exhibit "A," attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned, subject to conditions as stated in Exhibit A.

PART 2: That said portion of a Public Right of Way is not needed for public purposes and it is in the public interest of the City of Abilene to abandon said described portion of a Public Right of Way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of land described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING this 24th day of May 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 April 2011, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED ON FINAL READING THIS 9th day of June, A.D. 2011.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

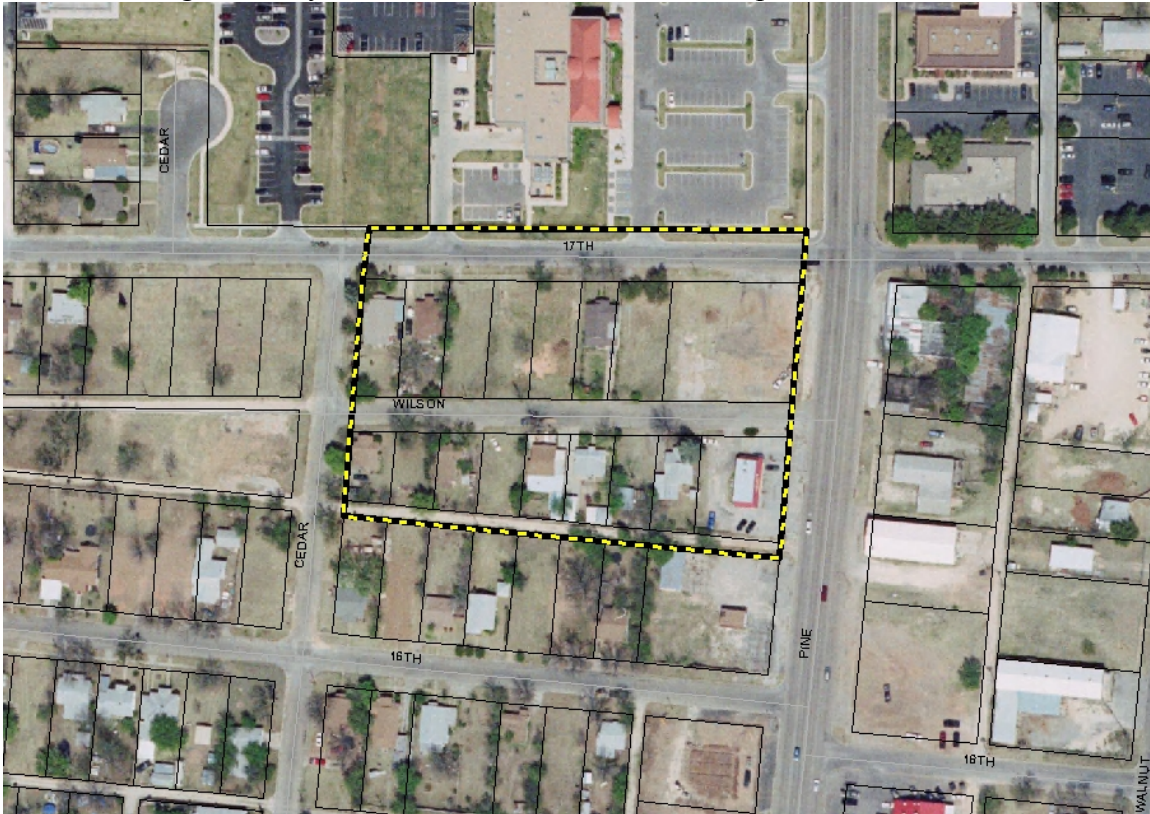
ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons the following thoroughfares:

Abandon all of the portions of N. 17th St., Wilson St., and the alley ROW between Wilson St. and N. 16th St., between Pine St. and Cedar St.

All Public Right of Way as indicated and shown in the map below within the dashed area:



With the following conditions:

1. All of the adjacent properties be replatted within 12 months.
2. Where existing utilities are located, the applicant is responsible for relocating the utilities or providing adequate easements for the maintenance of all utilities. The applicant will be responsible for the retirement of all street lights resulting from the abandonments, proper fire apparatus access for all structures within the closure area

-END-



THOROUGHFARE CLOSURE CASE TC-2011-01

STAFF REPORT

APPLICANT INFORMATION:

Hendrick Medical Center

HEARING DATES:

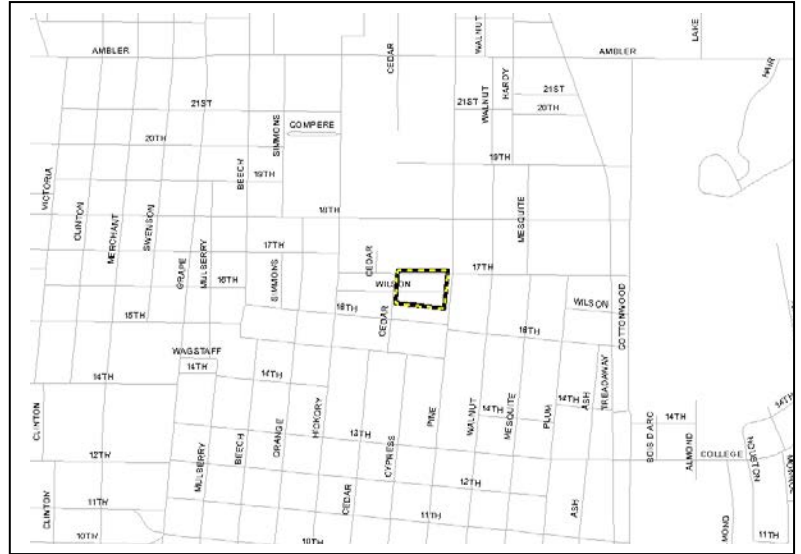
Planning & Zoning Commission: May 2, 2011

City Council 1st Reading: May 24, 2011

City Council 2nd Reading: June 9, 2011

REQUESTED ACTION:

Abandon All of the portions of N. 17th St., Wilson St., and the alley ROW between Wilson St. and N. 16th St., between Pine St. and Cedar St.



SITE CHARACTERISTICS:

Improvements have been made to N. 17th St, Wilson St., and the Alley ROW. The ROW's are currently being maintained by the City of Abilene. Both Wilson St. and N. 17th St. are currently designated as Local Streets, and have no plans to change into a higher classification of ROW.

REQUEST ANALYSIS:

The applicant intends to close the subject right-of-ways for future expansion of their existing developments to the north. There are existing platted lots along N. 17th St. and Wilson St. that would be left without street frontage if the thoroughfares are abandoned, therefore before the abandonments are final, a replat must be done to ensure no lots are left without street frontage. The interconnectivity and access of the area does not appear to be impacted in a negative way by the requests.

RECOMMENDATIONS:

Plat Review Committee: Approval of the requested closures as requested with the following conditions: where existing utilities are located, the applicant is responsible for relocating the utilities or providing adequate easements for the maintenance of all utilities. The applicant will be responsible for the retirement of all street lights resulting from the abandonments, proper fire apparatus access for all structures within the closure area. The applicant must also replat to ensure that there are no lots without street frontage. The applicant must replat within 12 months, at which time all issues regarding access to utilities and relocation of utilities can be resolved.

Staff Recommendation: Approval of the requested abandonment, with the conditions suggested by the Plat Review Committee.

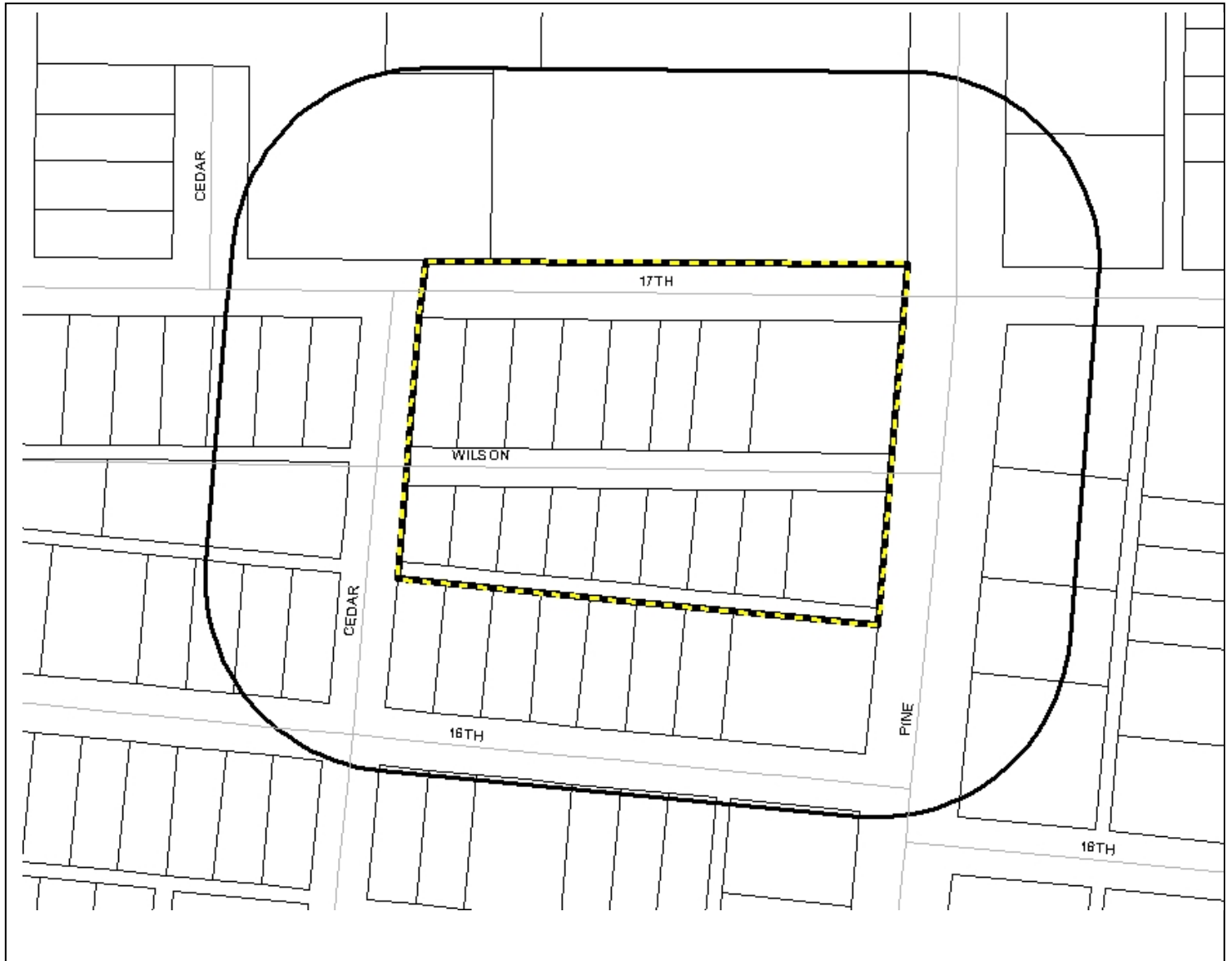
PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission recommended approval as requested by a vote of four (4) in favor (Bixby, Yungblut, Rosenbaum, & McClarty) and none (0) in opposition.

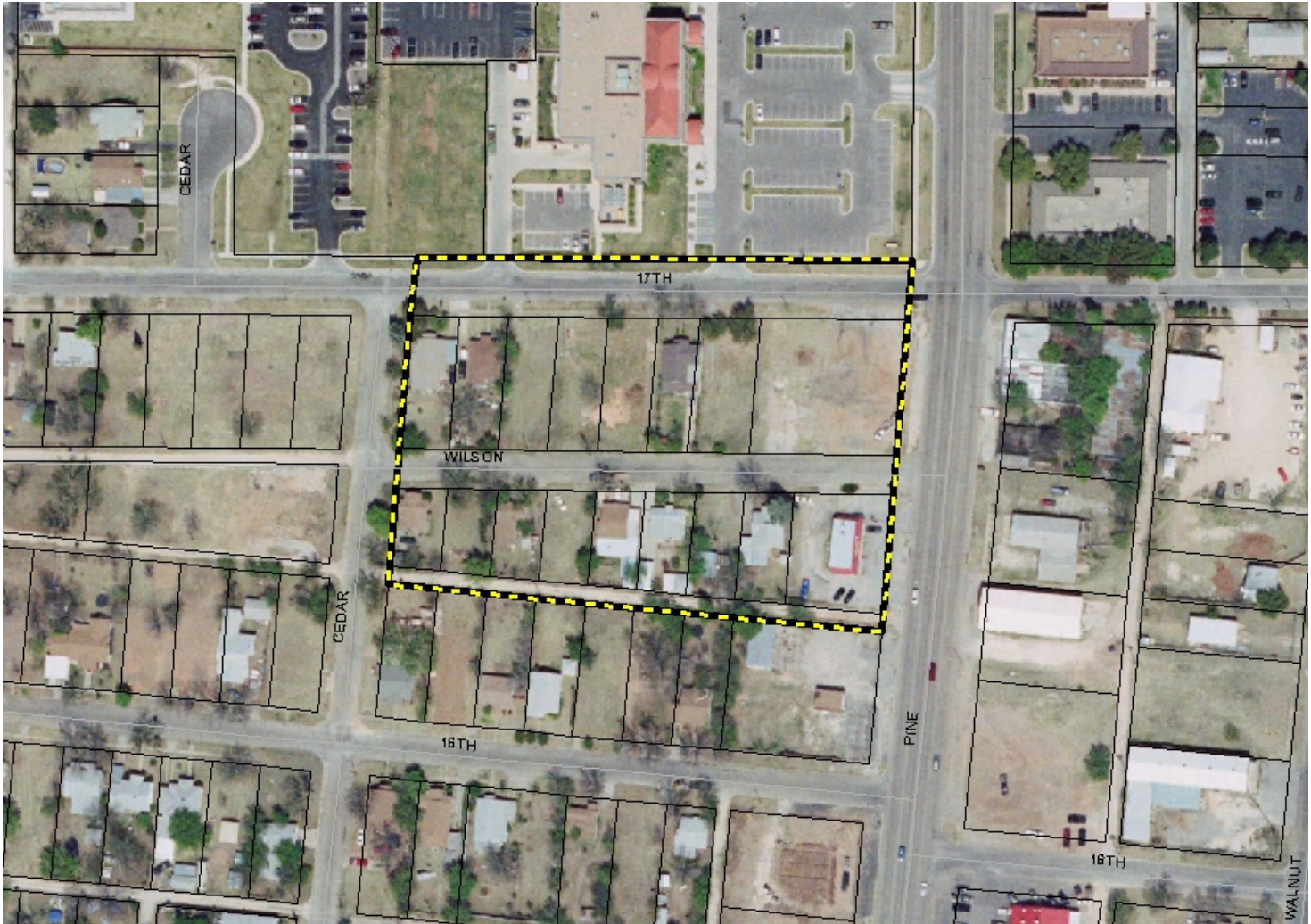
NOTIFICATION:

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

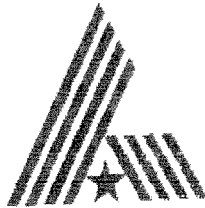
0 in Favor- **Y**
0 Opposed- **N**



| OWNER | ADDRESS | RESPONSE |
|-------------------------------|----------------|----------|
| HENDRICK MEDICAL CENTER | 1057 N 17TH ST | |
| WALKER EDWARD WAYNE & | 1659 PINE ST | |
| HENDRICK MEDICAL CENTER | 1049 WILSON ST | |
| HENDRICK MEDICAL CENTER | 1041 WILSON ST | |
| HENDRICK MEDICAL CENTER | 1601 PINE ST | |
| HENDRICK MEDICAL CENTER | 1672 PINE ST | |
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| HENDRICK MEDICAL CENTER | 1025 WILSON ST | |
| BIG COUNTRY SUBS CO | 1542 PINE ST | |
| HENDRICK MEDICAL CENTER | 1608 PINE ST | |
| HENDRICK MEDICAL CENTER | 1065 WILSON ST | |
| OAA PROPERTIES LP | 1701 PINE ST | |
| WALKER SHARON ANN | 1649 PINE ST | |
| HENDRICK MEDICAL CENTER | 1620 PINE ST | |
| HENDRICK MEDICAL CENTER | 1218 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1073 N 17TH ST | |
| ABILENE BONE & JOINT | 1749 PINE ST | |
| HENDRICK MEDICAL CENTER | 1210 WILSON ST | |
| HENDRICK MEDICAL CENTER | 1073 WILSON ST | |
| HENDRICK MEDICAL CENTER | 1202 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1218 WILSON ST | |
| CORPIAN GARY & MARILU | 1033 N 16TH ST | |
| AGNESS ROSALINDA LOYA | 1025 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1025 N 17TH ST | |
| HENDRICK MEDICAL CENTER | 1033 N 17TH ST | |
| PADILLA KIMBERLY | 1109 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1118 N 16TH ST | |
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| HENDRICK MEDICAL CENTER | 1201 N 17TH ST | |
| HENDRICK MEDICAL CENTER | 1641 PINE ST | |
| WOODRIDGE PROPERTIES LLP | 1125 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1110 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1642 CEDAR ST | |
| CORPIAN GARY LEE & MARILU LEE | 1041 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1042 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1043 N 17TH ST | |
| HERNANDEZ PABLO & MARIA | 1117 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1049 N 17TH ST | |
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| HENDRICK MEDICAL CENTER | 1034 N 16TH ST | |
| HENDRICK MEDICAL CENTER | 1117 N 18TH ST | |
| TEXAS TECH UNIVERSITY | 1718 PINE ST | |
| ATRIUM PROPERTIES | 1201 N 18TH ST | |







CITY OF
ABILENE

OAA PROPERTIES LP
1701 PINE ST
ABILENE TX 79601-3043

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Number TC- 2011-01

04/21/2011

The Planning and Zoning Commission will hold a public hearing on **Monday, May 2, 2011**, at **1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from Hendrick Medical Center for a **Thoroughfare Closure** of all of the portions of N. 17th St., Wilson St., and the alley ROW between Wilson St. and N. 16th St., between Pine St. and Cedar St.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below.

The attached map shows the area of the request. Only that area which is shaded or crosshatched on the map is being requested for abandonment. If approved by the Planning and Zoning Commission or if denied and appealed to the City Council within the specified ten day period, this case will be heard by the City Council for 2nd and Final Reading with a public hearing on **June 9, 2011** at 8:30 a.m., City Council Chambers, 2nd Floor, City Hall.

For the **PLANNING & ZONING COMMISSION**

Matt Jones, Planner II

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

CASE #: TC - 2011-01

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: OAA PROPERTIES LP
Address: 1701 PINE ST

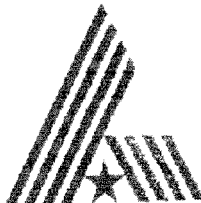
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

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

I am in favor

I am opposed

Additional Comments:



CITY OF ABILENE

HENDRICK MEDICAL CENTER
1900 PINE ST
ABILENE TX 79601-2432

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Number TC- 2011-01

04/21/2011

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For the PLANNING & ZONING COMMISSION

Matt Jones, Planner II

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

CASE #: TC - 2011-01

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Name: HENDRICK MEDICAL CENTER
Address: 1049 WILSON ST

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:

Diane Martin, Home

City Council
Agenda Memo



City Council
Meeting Date: 05-24-11

TO: Larry D. Gilley, City Manager
FROM: Megan R. Santee, Interim Director of Public Works *MRS*
SUBJECT: Street Use License Agreement with Melissa Richardson, as Co-Chair of West Texas Walk Now for Autism Speaks

GENERAL INFORMATION

Melissa Richardson, as Co-Chair of West Texas Walk Now for Autism Speaks, has submitted a Street Use License (SUL) application in conjunction with a public event described as "Waltzing with Willie" to be held on the front lawn of City Hall from 6:30 p.m. until 10:00 p.m. on Friday, June 10, 2011. The applicant wishes to close the 500 block of Walnut Street and the 800 block of North 6th Street adjacent to City Hall, between the hours of 4:00 p.m. and 11:00 p.m. for this event. The event is an awards ceremony and fundraiser for Autism Speaks, and will include dancing, food and merchandise vendors in the public right-of-way.

STAFF RECOMMENDATION

Staff has reviewed this request and recommends that the City Council, by oral resolution, authorize the Mayor to execute the attached Street Use License Agreement with Melissa Richardson, as Co-Chair of West Texas Walk Now for Autism Speaks, for "Waltzing with Willie" on June 10, 2011.

ATTACHMENTS

Street Use License Agreement, Short Term

| | | |
|----------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Prepared by: Name: <u>Travis McClure</u> Title: <u>Land Agent</u></p> | <p>Item No. <u>6.5</u></p> | <p>Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ City Secretary</p> |
|----------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

THE STATE OF TEXAS

STREET USE LICENSE AGREEMENT
SHORT TERM

COUNTY OF TAYLOR

THIS STREET USE LICENSE AGREEMENT, hereinafter referred to as "License", executed this 24th day of May, A.D., 2011, by and between the CITY OF ABILENE, a municipal corporation situated in Taylor and Jones Counties, Texas, hereinafter referred to as "City", and Melissa Richardson, as Co-Chair of West Texas Walk Now for Autism Speaks hereinafter referred to as "Licensee".

WITNESSETH:

That City, pursuant to Chapter 29, "Streets and Sidewalks", Article V, "Street Use License", does hereby grant to Licensee the privilege of using the following described public property, to-wit:

Closure of Walnut Street from the north right-of-way line of North 5th Street to the north right-of-way line of North 6th Street, and closure of North 6th Street from the west right-of-way line of Walnut Street to the west right-of-way line of Mesquite Street.

for and in consideration of THREE HUNDRED AND NO/100 (\$300.00) DOLLARS, commencing the date of execution unless otherwise specified, and upon the conditions and covenants set forth in this License and in Exhibit A, incorporated by reference for all purposes herein.

I. Purpose:

The purpose of this License is to permit Licensee to:

Hold an event entitled "Waltzing with Willie", as a fundraiser for Autism Speaks. The event will include dancing, food and merchandise vendors in the public right-of-way.

II. Term of Agreement/Termination

I. This License shall be in effect only for the following time period:

From 4:00 p.m. to 11:00 p.m. on June 10, 2011.

2. The City shall have the right to cancel this License at any time.

II. Indemnity:

A. Definitions

For the purpose of this section the following definitions apply:

“City” shall mean all officers, agents and employees of the City of Abilene.

“Claims” shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.

“Licensee” includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.

“Licensee’s employees” shall mean any employees, officers, agents, subcontractors, licensee and invitees of Licensee.

“Damages” shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:

injury or damage to any property or right

injury, damage, or death to any person or entity

attorneys fees, witness fees, expert witness fees and expenses, and

all other costs and expenses of litigation

“Premise Defects” shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

“Proven” shall mean that a court of competent jurisdiction has entered a final unappealable judgment on a claim adjudging an entity or person liable for a monetary judgment.

“Sole negligence” shall mean negligence of a party that is unmixed with the fault of any other person or entity.

B. Indemnity

The Licensee agrees to indemnify, hold harmless, and defend the City from and against liability for any claims arising out of the Licensee's occupancy or use of the premises described above and/or activities conducted in connection with this License.

Licensee must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Licensee's employees while in the vicinity where the work is being done. The City is not liable or responsible for the negligence or intentional acts or omissions of the Licensee or Licensee's employees.

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects which may now exist or which may hereafter arise on the premises, whether or not caused in whole or in part by improvements constructed by the Licensee. Responsibility for all such defects is expressly assumed by the Licensee.

The City and Licensee must provide the other prompt and timely notice of any covered event which in any way affects or might affect the Licensee or City. The City has the right to compromise and defend the same to the extent of its own interests.

BOTH CITY AND LICENSEE EXPRESSLY INTEND THIS LICENSE'S INDEMNITY PROVISION TO REQUIRE LICENSEE TO INDEMNIFY AND

PROTECT THE CITY FROM THE CONSEQUENCES OF THE CITY'S OWN NEGLIGENCE WHILE CITY IS PARTICIPATING IN THIS CONTRACT, WHERE THAT NEGLIGENCE IS A CONCURRING CAUSE OF THE DAMAGES. THIS CONTRACT'S INDEMNITY PROVISION DOES NOT APPLY TO ANY CLAIM WHERE DAMAGE IS PROVEN TO RESULT FROM THE SOLE NEGLIGENCE OF THE CITY.

IV. Insurance.

Licensee agrees to secure and maintain the following types and amount of insurance, for the term of this license:

| <u>Type</u> | <u>Amount</u> |
|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Comprehensive General Liability to include (but not limited to) the following: | \$250,000 - Per Person \$500,000 - Per Occurrence for Bodily Injury, and \$500,000 - Per Occurrence for Property Damage |
| a) Premises/Operations Coverage | |
| b) Contractual Liability Coverage (insuring above indemnity provision) | |

The preceding insurance requirements notwithstanding, the City reserves the right to revise the types and amounts of insurance required by this License prior to approval of the License or if the License is already in effect, to be effective thirty (30) days after notice is sent to the address provided herein.

All insurance policies or certificates shall contain the following provisions:

- a. That the City of Abilene, Texas, is named as an additional insured.
- b. That such insurance shall not be cancelled or materially changed without a minimum of thirty (30) day's advance notice in writing to the City.

All insurance policies shall be subject to the examination and approval of the Office of

Risk Management, City of Abilene, Texas, for their adequacy as to form and content, form of protection, and insurance company. Licensee shall furnish to City Secretary for her License file certificates or copies of the policies, plainly and clearly evidencing such insurance at the time of application, and thereafter, new certificates prior to the expiration date of any prior certificate.

Licensee understands that it is its sole responsibility to provide this necessary information and that failure to timely comply with the requirements of this article shall be a cause for termination of this License.

IV. License Requirements and Restrictions:

1. During the term of this License, Licensee shall maintain the premises licensed herein in a good and safe condition at all times. If the street surface, parkway, or facilities in the parkway, including landscaping, are damaged or disturbed by any activity associated with this License, the Licensee shall at its expense restore the same to as good a condition as before the activity, to the satisfaction of the Director of Public Works or designee.

2. All traffic control signing and barricading in the public right-of-way shall comply with the Texas Manual On Uniform Traffic Control Devices.

3. In the performance or permitting of work consistent with its normal course of duty within the right-of-way, the City shall not be liable for any damages to the Licensee's facilities or equipment or injury to Licensee, all such claim for damage or injury being expressly waived by Licensee.

4. Control of the public right-of-way within the area included in this License shall not supersede the rights already granted by other permits and authorizations to other parties unless specifically stated herein.

5. The City Manager, Police Chief, Fire Chief, or a designee of such officials, shall have the authority to order immediate removal of any objects or materials placed on the premises by Licensee if, in the City's opinion, removal is necessary to protect the health, safety, and welfare of the public.

CITY OF ABILENE, TEXAS

Mayor

ATTEST:

City Secretary

APPROVED:



City Attorney

NAME OF LICENSEE:

Melissa Richardson

By: Melissa Richardson
Signature

Melissa Richardson - Cochair W.T.
Printed Name and Title

Walk Now
For All. SPEAK

Business Address: 1326 S. Leggett Dr.

Abilene, TX. 79605

**STREET USE LICENSE AGREEMENT
WITH MELISSA RICHARDSON, AS CO-CHAIR OF WEST TEXAS WALK NOW FOR
AUTISM SPEAKS, FOR USE OF THE PERMITTED PORTION OF
WALNUT STREET AND N. 6TH STREET RIGHTS-OF-WAY**

CONDITIONS AND COVENANTS

EXHIBIT A

The Street Use license Agreement is subject to the following conditions and covenants:

1. The Licensee may take control of the permitted portion of the streets on Friday, June 10, 2011, as follows:

Control of the on-street parking spaces and full width of the street from 4:00 p.m. through 11:00 p.m.
2. The Licensee shall submit a traffic control plan in compliance with the Texas Manual on Uniform Traffic Control Devices to the Traffic & Transportation Administrator for review by June 1, 2011.
3. The Licensee shall contact any/all private property owners and/or business tenants of properties on the permitted portions of Walnut and North 6th Streets that would normally be open any time between noon and midnight on June 10, 2011 to advise them of the proposed street closures and to work out arrangements to accommodate their access needs.
4. The Licensee shall designate an event command center and an event contact person(s). This information, as well as contact phone numbers, shall be provided to the City Land Agent by June 1, 2011. During the event, an event contact person shall be on-site at all times.
5. The Licensee shall obtain from the Fire Marshal a Fire Code outdoor carnival/fair permit. The Licensee shall insure that all food and beverage vendors associated with the event obtain a temporary food vendors permit from the Environmental Health office.
6. The Licensee shall insure that the event is conducted in conformance with all applicable laws and regulations, including City noise regulations and Texas Alcoholic Beverage Commission rules and regulations.
7. The Licensee shall prominently post notice at each entry into the controlled area that smoking is not permitted at the event and shall comply with the requirements of the smoking ordinance.
8. The Licensee shall provide sufficient portable toilets to accommodate the needs of event

attendees. At a minimum, there shall be at least two portable toilets provided for event attendees. The portable toilets shall not be located within 10 feet of the door to any building nor shall they be located on the street side of any glass storefront.

9. The Licensee shall provide sufficient security forces, as determined by the Chief of Police, for crowd control and protection of property.
10. The Licensee shall provide for collection and disposal of solid waste created by the event. This shall include an adequate number of waste receptacles, collection of litter after the event, and delivery of the waste to the landfill. At a minimum this shall include one waste receptacle within 50 feet of each food vendor or beverage vendor and one waste receptacle within each block of Walnut Street and North 6th Street that does not have a food or beverage vendor.
11. The Licensee shall be responsible for obtaining, properly installing, and maintaining all necessary traffic control signs and barricades in compliance with the traffic control plan.
12. The Licensee shall maintain free of obstructions a fire apparatus access lane at least 20 feet in width from end-to-end of all street segments and an access path at least 10 feet in width from the fire apparatus access lane to all fire service appliances (fire hydrants, fire service connections to buildings, etc.) at all times.
13. The Licensee shall make provisions for safe access to private property abutting the permitted portions of Walnut and North 6th Streets to any party desiring to access that property.
14. The Licensee shall protect traffic signal control equipment and related facilities, signs, pavement markings, and other traffic control devices within the permitted area and shall be responsible for prompt repair of any damage. The Licensee shall be responsible for all costs associated with adjustments to the City's traffic control devices that are necessary for the permitted activity.
15. The Licensee shall clear the sidewalks and pavement area of obstructions to pedestrian and vehicular traffic before ending control of the area. The Licensee assumes all responsibility for warning and/or protecting pedestrians and motorists from obstructions and hazards if they are allowed to enter the controlled area before it is cleared of such obstructions and hazards.

**City Council
Agenda Memo**



**City Council
Meeting Date: 05/24/2011**

TO: Larry D. Gilley, City Manager

FROM: Jim Berry, Asst. Chief of Police

SUBJECT: Contract for Design and Engineering of Police Academy Building

GENERAL INFORMATION

This project will provide for the construction of a new Police Training Facility to be located at the Warren Dodson Law Enforcement Training Center on the East Lake Rd. The new facility will provide increased training capacity and replace an aging building constructed in the 1980s.

The facility will be approximately **5,750 sq. feet** with offices for training staff, one class room with seating capacity of 57 and a second class room with a seating capacity of approximately 18.

SPECIAL CONSIDERATIONS

Sealed proposals for the above referenced project were received in the Office of the Director of Purchasing for the City of Abilene until 11:00 am Friday April 15, 2011 and opened thereafter and read aloud.

FUNDING/FISCAL IMPACT

Total Cost for the Project is estimated to be \$865,675.00

1. Certificates of Obligation issued per the 2008 Capital Improvements Program \$339,200.00
2. 2008 Byrne Memorial Federal Grant of \$241,475.00
3. Savings from prior Certificates of Obligation projects \$285,000.00

STAFF RECOMMENDATION

Staff recommends that the City Council award a contract to Don Faulkner Construction in the amount of \$651,500.00. Faulkner Construction was chosen through a competitive bid process and is recommended as the low responsible bidder.

ATTACHMENTS

Notice of 3 low bids for evaluation from WTA, Inc. and Recommendation letter from WTA, Inc,

Prepared by:

Name Jim Berry

Title Assistant Chief of Police

Item No. 6.6

Disposition by City Council

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

City Secretary



April 18, 2011

Mr. Pasquel Mirelez
Director of Purchasing
City of Abilene
555 Walnut Street, Room 201A
P.O. Box 60
Abilene, Texas 79604-0060

Re: New Police Training Facility
4557 East Lake Road
Abilene, TX
Bid Request # CB-1120

Mr. Mirelez,

Sealed proposals for the above referenced project were received in the Office of the Director of Purchasing for the City of Abilene until 11:00 am Friday April 15, 2011 and opened thereafter and read aloud.

WTA, Inc. has ranked the order of the contractors based on the three lowest final bids as follows:

- | | | |
|----|-------------------------------|--------------|
| 1. | Don Faulkner Construction | \$651,500.00 |
| 2. | Epic Construction Co. | \$700,000.00 |
| 3. | Thomas Hicks Construction Co. | \$733,528.00 |

After review of proposals, all are in order, therefore we recommend that the City of Abilene accept rank order of the contractors and enter into a contract based on the rank order presented. Should a contractor fail to enter into an agreement with the City of Abilene then the next contractor in order should be selected.

Should you have any questions, please feel free to contact us.

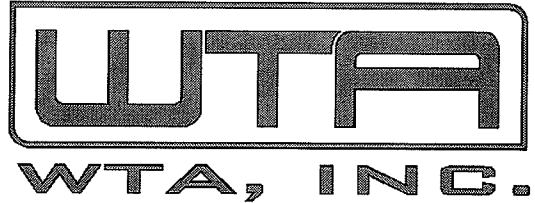
Respectfully submitted,

A handwritten signature in black ink that reads "David Gay". The signature is fluid and cursive.

David Gay
Project Manager

cc: Asst. Chief Jim Berry

One Village Drive, Suite 500
Abilene, Texas 79606
Phone (325) 695-1090 ~ Fax (325) 695-3757



One Village Drive, Suite 500
Abilene, Texas 79606
Phone: (325) 695-1090
Facsimile: (325) 695-3757

April 26, 2011

Mr. Don Faulkner
Don Faulkner Construction
4849 Annett Ln.
Abilene, TX 79606

Re: New Police Training Facility
4557 East Lake Road
Abilene, TX
Bid Request # CB-1120

Mr. Faulkner,

WTA, Inc. would like to thank you for bidding the City of Abilene – Police Training Facility and to inform you that your company is the apparent low bidder for the construction of this project. We are in the process of pursuing a contract between your company and the City of Abilene for construction of the project.

Should you have any questions, please feel free to contact us.

Regards,

A handwritten signature in black ink that reads "David Gay". The signature is written in a cursive style with a large initial "D" and "G".

David Gay
Project Manager

cc: Asst. Chief Jim Berry