

City Council
Agenda Memo



City Council
Meeting Date: 10/25/2012

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading of an ordinance for Case No. Z-2012-24, a request from Harris Acoustics to rezone property from LI (Light Industrial) to CB (Central Business), located at 741 N. 5th Street; and setting a public hearing for November 1, 2012.

GENERAL INFORMATION

Currently the property is zoned LI and has been developed with an industrial/warehouse building. The surrounding properties have been developed similarly. The applicant is requesting the CB (Central Business) zoning to allow for 'social service facility' and 'residential' uses.

The Future Land Use section of the Comprehensive Plan designates this general area as the central business district. Additionally, the South Downtown Master Plan identifies this area as transitioning away from LI type uses to a more of mixed-use type uses such as retail and residential. The applicant is requesting the zone change to allow for a 'social service facility' use to provide counseling for new parents as well as living-quarters for the tenant of the building. The requested zoning would be compatible with the surrounding industrial uses as well as the Comprehensive Plan and South Downtown Master Plan.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

October 12, 2012

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 E, "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 25th day of October, A.D. 2012.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 14th day of September, 2012, 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 1st day of November, 2012 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 1st day of November, A.D. 2012.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from LI (Light Industrial) to CB (Central Business) District.

Legal Description:

OT ABILENE TIF #1, BLOCK 39, LOT 1-2-3-4

Location:

741 N. 5th Street

-END-

ZONING CASE Z-2012-24

STAFF REPORT



APPLICANT INFORMATION:

Harris Acoustics

HEARING DATES:

Planning & Zoning Commission: October 1, 2012
City Council 1st Reading: October 25, 2012
City Council 2nd Reading: November 1, 2012

LOCATION:

741 N. 5th Street

REQUESTED ACTION:

Rezone property from LI to CB



SITE CHARACTERISTICS:

The subject property equals approximately 0.64 acres and is currently zoned LI (Light Industrial). The property is developed with a warehouse building currently occupied by the Sun Supply Company. The adjacent properties have LI zoning to the north, south, & west and PD zoning to the east.

ZONING HISTORY:

The property was part of the 1895 original town limits and was zoned LI sometime after.

ANALYSIS:

- Current Planning Analysis
Currently the property is zoned LI and has been developed with an industrial/warehouse building. The surrounding properties have been developed similarly. The applicant is requesting the CB (Central Business) zoning to allow for 'social service facility' and 'residential' uses.
- Comprehensive Planning Analysis
The Future Land Use section of the Comprehensive Plan designates this general area as the central business district. Additionally, the South Downtown Master Plan identifies this area as transitioning away from LI type uses to a more of mixed-use type uses such as retail and residential. The applicant is requesting the zone change to allow for a 'social service facility' use to provide counseling for new parents as well as living-quarters for the tenant of the building. The requested zoning would be compatible with the surrounding industrial uses as well as the Comprehensive Plan and South Downtown Master Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
LUTHER MELINDA KATHARINE	510 PLUM ST	In Favor
LUTHER MELINDA KATHARINE	542 PLUM ST	In Favor
WEST TEXAS UTILITIES CO	301 MESQUITE ST	
PORTLOCK WALTER	517 PLUM ST	Opposed
LUTHER MELINDA KATHARINE	718 N 5TH ST	In Favor
SUN SUPPLY CORP	741 N 5TH ST	
HENDRICK MEDICAL CENTER	630 N 5TH ST	
HBWJ PARTNERSHIP LTD	417 MESQUITE ST	
CITY OF ABILENE	555 WALNUT ST	
YUMS INC	341 PLUM ST	
CUMMINS CLAY & KATHLEEN	710 N 4TH ST	
WEST TEXAS UTILITIES CO	701 N 4TH ST	
JOHNSON MYRA	401 PLUM ST	

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









City Council
Agenda Memo



City Council
Meeting Date: 10/25/2012

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading of an ordinance for Case No. Z-2012-25, a request from Slade & Dava Sullivan, to rezone property from RS-12 (Single-Family Residential) to RS-12/H (Single-Family Residential/Historic Overlay), located at 1201 Cedar Crest Drive; and setting a public hearing for November 1, 2012.

GENERAL INFORMATION

The property is zoned RS-12 and has been developed with a residential dwelling unit. The 2 story Tudor Revival was built between 1927 and 1937 by Edward Fuson. This house was designed in the Tudor Revival style of the early 1900's. It embodies the key components of the style, such as one or two-stories, asymmetrical design, prominent steeply sloping cross-gables, decorative brick veneer design on the exterior in varying designs, chimney pots on the tall and prominent chimneys, and quoins around the front entry. It is a contributing structure to the neighborhood with several historic homes. It is in very good condition. They are requesting Historic Overlay Zoning after gaining more information regarding the responsibilities and benefits of the 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 request could encourage other properties in the area to request Historic Overlay Zoning.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Landmarks Commission recommends approval by a vote of five (5) in favor to none (0) in opposition.

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

October 12, 2012

Item No. 6.2

Disposition by City Council

- Approved Ord/Res# _____
 Denied
 Other

City Secretary

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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 25th day of October, A.D. 2012.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 14th day of September, 2012, 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 1st day of November, 2012 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 1st day of November, A.D. 2012.

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) District.

Legal Description:

ABILENE HEIGHTS, BLOCK 31, LOT S150



Location:

1201 Cedar Crest Drive

-END-

ZONING CASE Z-2012-25

STAFF REPORT



APPLICANT INFORMATION:

Slade & Dava Sullivan

HEARING DATES:

Planning & Zoning Commission: October 1, 2012
City Council 1st Reading: October 25, 2012
City Council 2nd Reading: November 1, 2012

LOCATION:

1201 Cedar Crest Drive

REQUESTED ACTION:

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



SITE CHARACTERISTICS:

The subject property is approximately 0.77 acres and is currently zoned RS-12 (Residential Single Family). The property has been developed with a residential dwelling unit. The adjacent properties have RS-12 zoning to the north and south, CU (College or University Use) to the west, and RS-6 (Residential Single Family) to the east.

ZONING HISTORY:

The property was part of the Abilene Heights South Addition that was annexed in 1951 and was zoned RS-12 sometime after.

ANALYSIS:

- Current Planning Analysis

The property is zoned RS-12 and has been developed with a residential dwelling unit. The 2 story Tudor Revival was built between 1927 and 1937 by Edward Fuson. This house was designed in the Tudor Revival style of the early 1900's. It embodies the key components of the style, such as one or two-stories, asymmetrical design, prominent steeply sloping cross-gables, decorative brick veneer design on the exterior in varying designs, chimney pots on the tall and prominent chimneys, and quoins around the front entry. It is a contributing structure to the neighborhood with several historic homes. It is in very good condition. They are requesting Historic Overlay Zoning after gaining more information regarding the responsibilities and benefits of the 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 request could encourage other properties in the area to request Historic Overlay Zoning.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

LANDMARKS COMMISSION RECOMMENDATION:

The Landmarks Commission recommended approval by a vote of five (5) in favor to none (0) in opposition.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

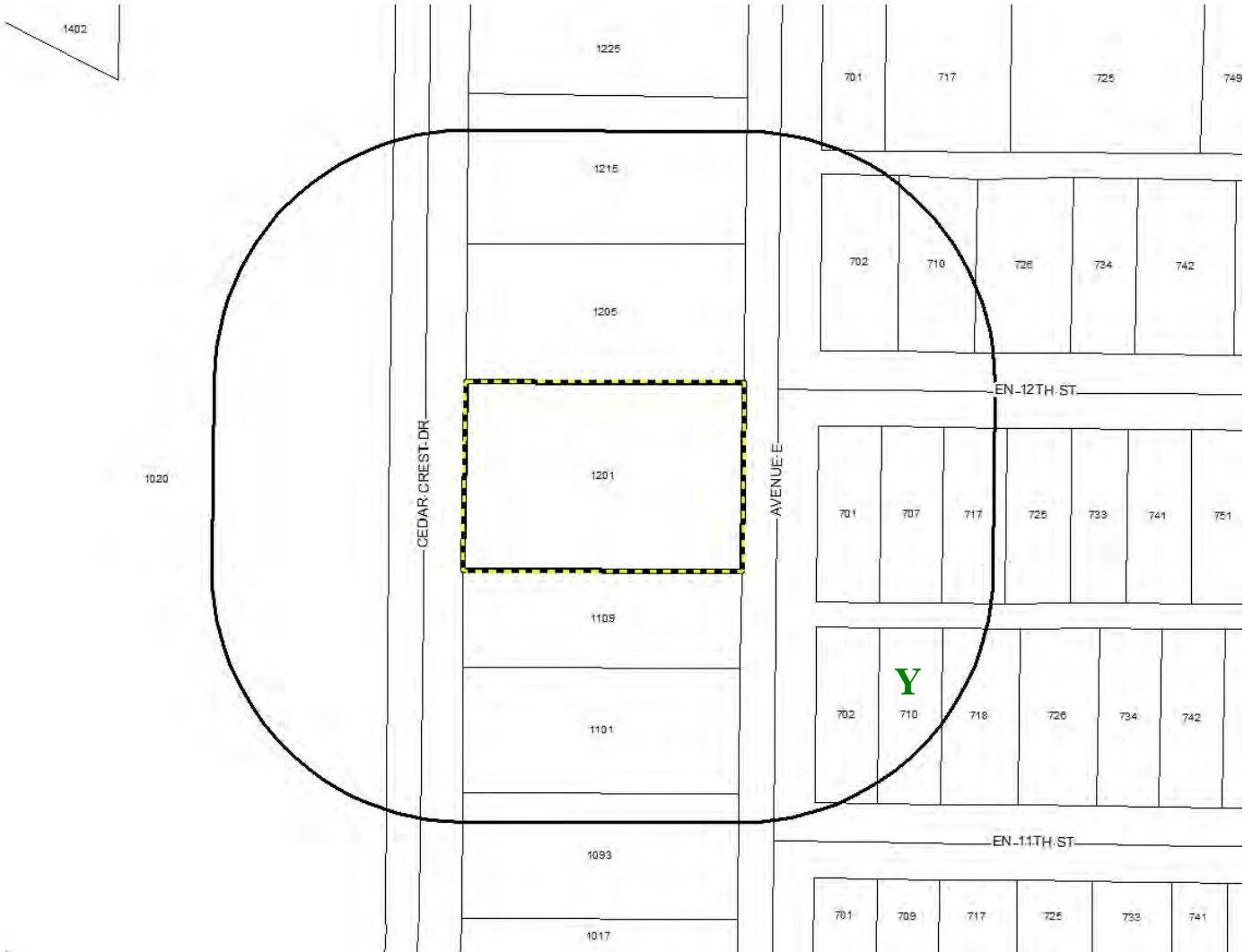
The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

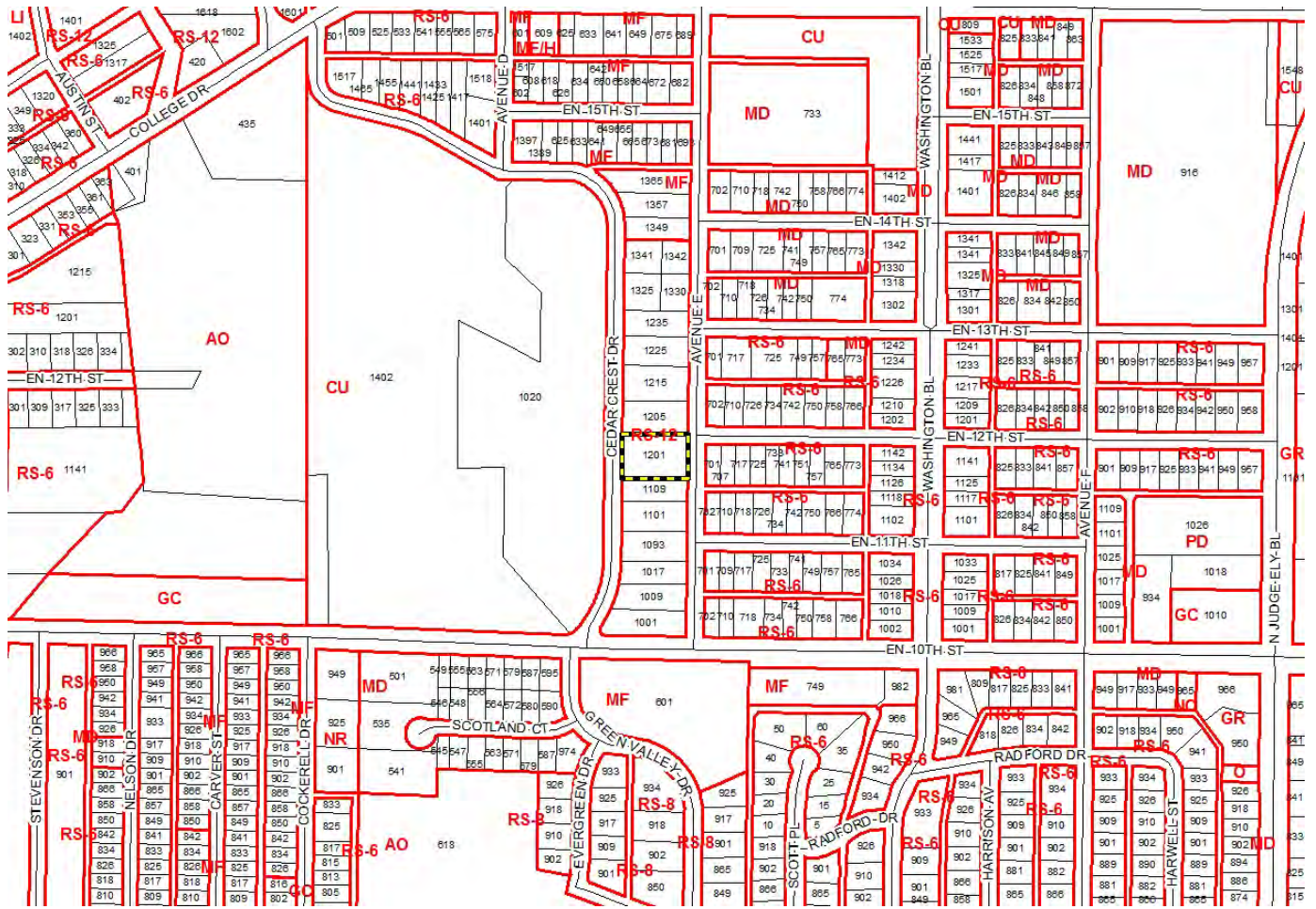
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
ROBINSON DIANE	702 EN 12TH ST	
KERLEY MICHAEL BRENT & ANDREA LYN	726 EN 12TH ST	
ZIMMERLE EARL	717 EN 12TH ST	
HOLLON DAVID W & ROBIN M	702 EN 11TH ST	
WILLIS MADGE	718 EN 11TH ST	
DURRINGTON COLLEEN	701 EN 12TH ST	
CROMWELL CHARLES H	710 EN 12TH ST	
ABILENE CHRISTIAN UNIV	1020 CEDAR CREST DR	
COGGIN RYAN & BILL COGGIN	707 EN 12TH ST	
WILLIAMS PAUL CLINTON	1215 CEDAR CREST DR	
SULLIVAN SLADE L & DAVA L	1201 CEDAR CREST DR	
HILL L T	1109 CEDAR CREST DR	
BRYCE BRADY D & DONNA D	1205 CEDAR CREST DR	
SOUTH JAMES ROBERT & DONNA F	1101 CEDAR CREST DR	
OGLESBY ROBERT K JR & JENNY L	710 EN 11TH ST	In Favor
BB & S PROPERTIES LLC	701 EN 13TH ST	
LIGHTFOOT NEIL R	1093 CEDAR CREST DR	

1 – In Favor- **Y**
0 – Opposed- **N**







City Council
Agenda Memo



City Council
Meeting Date: 10/25/2012

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading of an ordinance for Case No. Z-2012-26, a request from Joe & Sandra Martin to rezone property from AO (Agricultural Open Space) to MH (Manufactured/ Mobile Home) zoning, located at 461 Jolly Rogers Road; and setting a public hearing for November 1, 2012.

GENERAL INFORMATION

Currently the property is zoned AO and is undeveloped. The surrounding properties have been developed with single-family and manufactured/mobile homes. Other properties in the area are zoned MH (Manufactured/ Mobile Home). There is a large MH subdivision to the northwest of the subject property. The applicant is requesting the MH zoning to allow for a manufactured home to be placed on the property.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting the zone change to allow for a manufactured home to be placed on the property. Other properties in the area are zoned MH or have a manufacture home. The requested zoning would be compatible with the surrounding residential uses as well as the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval as requested.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of a 0.95 acre area only by a vote of 7 in favor (Bixby, Famble, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Responses

Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> October 15, 2012	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
--	---------------------	---

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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 25th day of October, A.D. 2012.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 14th day of September, 2012, 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 1st day of November, 2012 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 1st day of November, A.D. 2012.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to MH (Manufactured/ Mobile Home) District.

Legal Description:

To be 0.95 acres of Lot 1, Block A, Martins Addition



Location:
461 Jolly Rogers Road

-END-

ZONING CASE Z-2012-26

STAFF REPORT



APPLICANT INFORMATION:

Joe & Sandra Martin

HEARING DATES:

Planning & Zoning Commission: October 15, 2012
City Council 1st Reading: October 25, 2012
City Council 2nd Reading: November 1, 2012

LOCATION:

461 Jolly Rogers Road

REQUESTED ACTION:

Rezone property from AO to MH



SITE CHARACTERISTICS:

The subject property equals approximately 5.00 acres and is currently zoned AO (Agricultural Open Space). The property is currently undeveloped. The adjacent properties have AO zoning to the north, south, east & west.

ZONING HISTORY:

The property was annexed into the city in 1959 and was zoned AO sometime after.

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned AO and is undeveloped. The surrounding properties have been developed with single-family and manufactured/mobile homes. Other properties in the area are zoned MH (Manufactured/ Mobile Home). There is a large MH subdivision to the northwest of the subject property. The applicant is requesting the MH zoning to allow for a manufactured home to be placed on the property.

• 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 to allow for a manufactured home to be placed on the property. Other properties in the area are zoned MH or have a manufacture home. The requested zoning would be compatible with the surrounding residential uses as well as the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

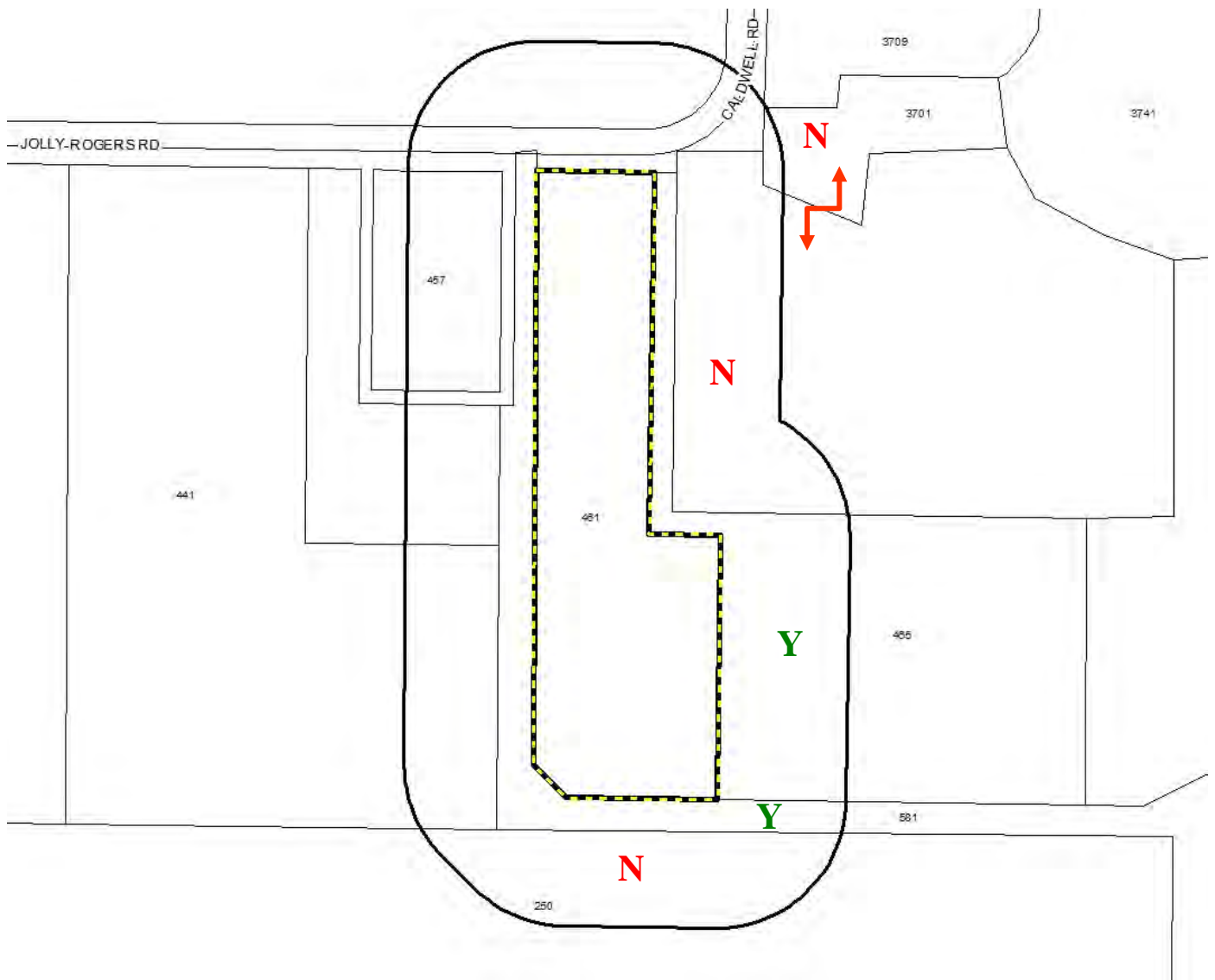
The Planning and Zoning Commission recommends approval of a 0.95 acre area only by a vote of 7 in favor (Bixby, Famble, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

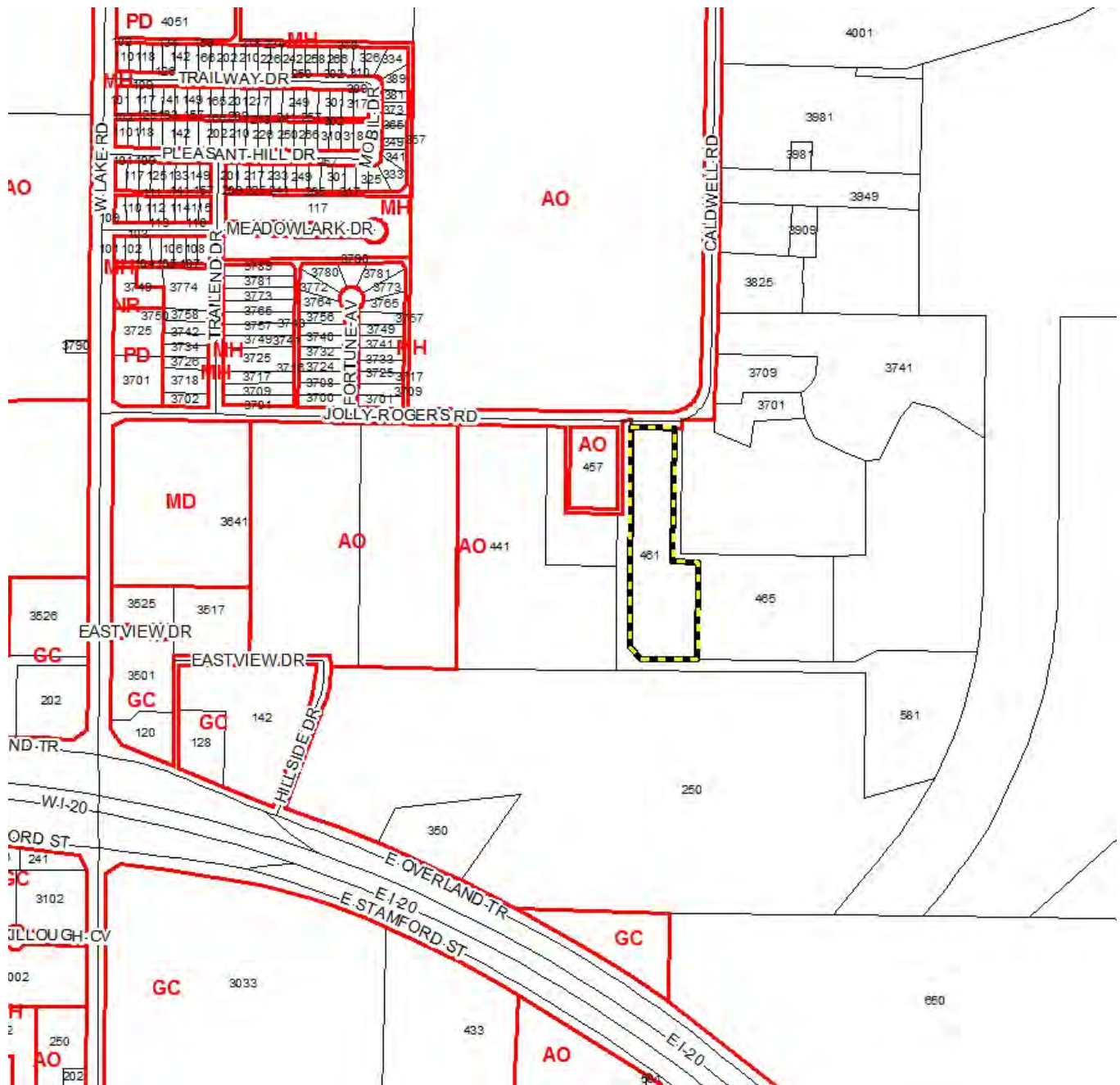
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
BARDIN BRAD S & EMILY G	457 JOLLY ROGERS RD	
WHITWORTH NORMAN & JEAN	3701 CALDWELL RD	Opposed
RAMSEY LEASING INC	250 E OVERLAND TR	Opposed
BARDIN BRAD S & EMILY G		
HANTMAN JOSEPH M TR		
STONEHENGE INVESTMENTS LLC	3709 CALDWELL RD	
JOLLY GRADY B [COLLIER HOWARD TAYLOR]	581 JOLLY ROGERS RD	In Favor
MARTIN JOSEPH B & SANDRA G	461 JOLLY ROGERS RD	
SMITH PATRICIA MARTIN	465 JOLLY ROGERS RD	In Favor
BARDIN BRAD S & EMILY G	441 JOLLY ROGERS RD	
WHITWORTH NORMAN & JEAN		Opposed

2 in Favor- **Y**
2 Opposed- **N**







P&Z Commission Recommendation



The property requesting rezoning is currently being used as agricultural space for calves and feed. I originally gift deeded 1.7 Acres to my brother, Joe B Martin and his wife Sandra so they were "living in the country". My brother has continually used my agri property for nearly twenty years. He has built and repaired fences, raised calves, planted and stored feed and kept this property in good condition.

I request that Joe + Sandra be granted permission to place a permanent home on one of the two acres that I deeded them and also be able to maintain the ag property that she has had exclusive rights to maintain.

I will be having surgery on October 15, 2012 and request that Joe B Martin act as my proxy

For the Planning & Zoning Commission

Ben Bryner, Planning Services Manager

cASE # z - 2012-26

Norman A. Whitworth

3701 Caldwell Road

Abilene, TX, 79601

October 11, 201

Additional Comments: About a year ago, our whole neighborhood came to the City Council meeting AGAINST drilling for oil in the neighborhood of Jolly Roger Rd and Caldwell Road, to no avail - they have drilled in two places to date. With 90% of the area voting no.

There is a Manufactured/Mobile Home park at the beginning of Jolly Roger down FM 600 and down Jolly Roger. There is traffic in and out of there 24 hrs a day, trash, dogs and who knows what else, plus down Caldwell Road past several nice homes with farm animals, there is another Manufactured/Mobile home area and the traffic on Caldwell Road is 24/7. We have had our fence run into twice, the water-run off area, a car drove into, beer cans are littered all down the road. The city did put up curve signs.

We have a couple of horses and two miniature donkeys, our pasture runs right down where Manufactured/Mobile homes will be. We know trash, rock throwing at our animals and who knows what else will go into our pasture area..

Water runs down Jolly Rogers into our property and runs into our pasture making large ravins. We pay a "water run off fee" and the water runs off into our property, which is another problem.. A road will have to be made to go into the Manufactured/Mobile home park. The water will have to be rerouted, Water run-off has washed our driveway out twice, I went to the City with that and was told, "It's been doing it for years, what do you expect?" Is the water going to come down and wash out our concrete drive? Or will it wash out our pasture where we grow feed for our animals?

How would you like it if a Manufactured/Mobile home park were to be put in next to your home. I am opposed X

*Sincerely, Norman A. Whitworth
Jean P. Whitworth*

City Council
Agenda Memo



City Council
Meeting Date: 10/25/2012

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading of an ordinance for Case No. SNC-2012-01, a request from Musgrave and Musgrave, LLP to change the names of Arapaho Trail, Cocopah Trail, and Sioux Trail; and setting a public hearing for November 1, 2012.

GENERAL INFORMATION

The applicant is requesting to change the name of Arapaho Trail, Cocopah Trail, & Sioux Trail to Tradition Drive, Prominent Way, & Honor Roll Court. Property owners that would be directly affected by the street name changes have signed a petition or responded in favor of the change.

PLAT REVIEW COMMITTEE RECOMMENDATION

Approval as requested with the following notes:

1. There is no public safety need or requirement to change the street names.
2. The changes would be considered cosmetic and subject to the Building Inspections/ Planning \$100 fee per address change.

STAFF RECOMMENDATION

Approval as requested with condition that the applicant be responsible for some or all of the public costs associated with the change (for example new street signs, etc.).

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Glenn, Rosenbaum, Todd, Yungblut, and McClarty), none opposed, and 1 abstention (Bixby).

ATTACHMENTS

Ordinance
Staff Report with Maps
Petition

Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> October 12, 2012	Item No. <u>6.4</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary
--	---------------------	--

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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 25th day of October, A.D. 2012.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 14th day of September, 2012, 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 1st day of November, 2012 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 1st day of November, A.D. 2012.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Change the name of Arapaho Trail, Cocopah Trail, & Sioux Trail to Tradition Drive, Prominent Way, & Honor Roll Court

Legal Description:

Adjacent to:

INDIAN TRAILS ADDN, BLOCK A, LOTS 1-19

INDIAN TRAILS ADDN, BLOCK B, LOTS 1-16

INDIAN TRAILS ADDN, BLOCK D, LOTS 1-16



Location:

Indian Trails Subdivision, south of Antilley Drive

-END-

STREET NAME CHANGE SNC-2012-01

STAFF REPORT



APPLICANT INFORMATION:

Musgrave and Musgrave, LLP

HEARING DATES:

Planning & Zoning Commission: October 1, 2012

City Council 1st Reading: October 25, 2012

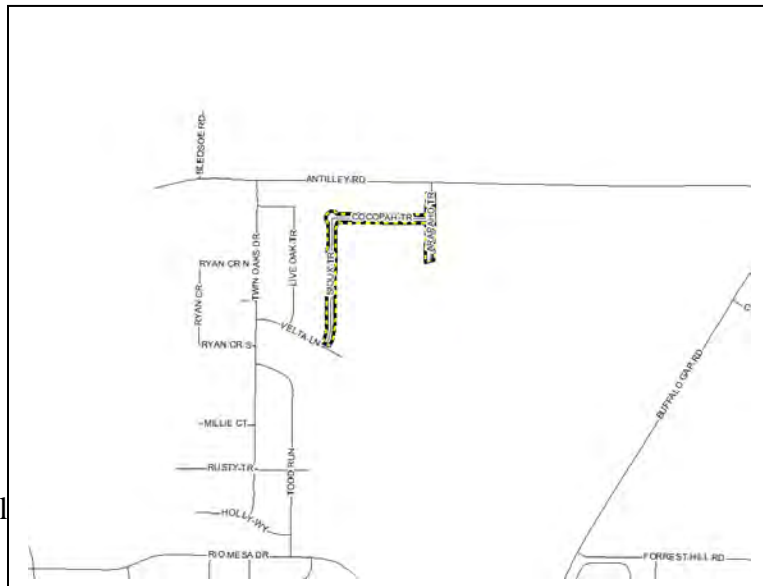
City Council 2nd Reading: November 1, 2012

LOCATION:

Indian Trails Subdivision

REQUESTED ACTION:

Change Arapaho Trail, Cocopah Trail, & Sioux Trail to Tradition Drive, Prominent Way, & Honor Roll Court



SITE CHARACTERISTICS:

The streets were platted as part of the Indian Trails Subdivision. Several homes have been built in the subdivision and are currently occupied. Other homes are under construction. The applicant has provided a petition from affected property owners in favor of the change.

ANALYSIS:

The applicant is requesting to change the name of Arapaho Trail, Cocopah Trail, & Sioux Trail to Tradition Drive, Prominent Way, & Honor Roll Court. All property owners that would be directly affected by the street name changes have signed a petition in favor of the change.

PLAT REVIEW COMMITTEE RECOMMENDATION:

Approval as requested with the following notes:

1. There is no public safety need or requirement to change the street names.
2. The changes would be considered cosmetic and subject to the Building Inspections/ Planning \$100 fee per address change.

PLANNING STAFF RECOMMENDATION:

Approval as requested with condition that the applicant be responsible for some or all of the public costs associated with the change (for example new street signs, etc.).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Glenn, Rosenbaum, Todd, Yungblut, and McClarty), none opposed, and 1 abstention (Bixby).

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
CITY OF ABILENE	4849 ANTILLEY RD	
MUSGRAVE & MUSGRAVE LLP	6234 SIOUX TR	
MUSGRAVE & MUSGRAVE LLP	6225 SIOUX TR	
LOPEZ HORACE JR &	6341 LIVE OAK TR	
SMITH KENNETH M & AMY L	6309 LIVE OAK TR	
MORENO JOHN & ALICE	6225 LIVE OAK TR	
MUSGRAVE & MUSGRAVE LLP	6301 ARAPAHO TR	
MUSGRAVE & MUSGRAVE LLP	6302 SIOUX TR	
MUSGRAVE & MUSGRAVE LLP	6325 SIOUX TR	
MUSGRAVE & MUSGRAVE LLP	6233 SIOUX TR	
MUSGRAVE & MUSGRAVE LLP	4918 COCOPAH TR	
PARKER JERRI KELLY	6301 LIVE OAK TR	
BURLESON MARTIN L SR & SUSAN R	5050 LIVE OAK TR	
MUSGRAVE & MUSGRAVE LLP	6309 SIOUX TR	
MUSGRAVE & MUSGRAVE LLP	6318 SIOUX TR	
NOBLE JUSTIN & KRISTAL	5009 COCOPAH TR	
MUSGRAVE & MUSGRAVE LLP	5010 COCOPAH TR	
MUSGRAVE & MUSGRAVE LLP	6217 ARAPAHO TR	
PUCKETT FRANK TODD & MARLEE J	6209 ARAPAHO TR	
HENDERSON STEVE SR	5057 VELTA LN	
ANDERS ROBERT H & SAMMIE	5049 VELTA LN	
RUTLEDGE PETER G & ANGELA G	6217 LIVE OAK TR	
HUMMEL ERIC L	6317 LIVE OAK TR	
MUSGRAVE & MUSGRAVE LLP	6310 SIOUX TR	
MUSGRAVE & MUSGRAVE LLP	6317 SIOUX TR	
RHEA BYRON & PENNEY HEATH	5001 COCOPAH TR	In Favor
MUSGRAVE & MUSGRAVE LLP	5002 COCOPAH TR	
LANTRIPS CUSTOM HOMES INC	6225 ARAPAHO TR	In Favor
MUSGRAVE & MUSGRAVE LLP	6233 ARAPAHO TR	
BLEDSON DONALD D		
GRODEY ROBERT E & JOAN M	6425 TODD RUN	
CHILDERS MATTHEW ROY &	6241 LIVE OAK TR	
FOSTER JAMES E & LINDA G	6325 LIVE OAK TR	
MARK ALDRIEDGE CUSTOM HOMES LLC	6210 SIOUX TR	
MUSGRAVE & MUSGRAVE LLP	6226 SIOUX TR	
CASTANEDA IRVIN & ISMAEL	4902 COCOPAH TR	
TM CORNERSTONE ENTERPRISES LLC	4910 COCOPAH TR	
MUSGRAVE & MUSGRAVE LLP	6218 SIOUX TR	
SMITH TIM & DEBRA	4901 COCOPAH TR	
ROGERS WAYNE W & KIMBERLY J	6209 LIVE OAK TR	
IRVIN GUY N & HOLLY K	6201 LIVE OAK TR	
MUSGRAVE & MUSGRAVE LLP	5041 VELTA LN	
COUNTRYSIDE HOMES LLC	6301 SIOUX TR	
MUSGRAVE & MUSGRAVE LLP	6326 SIOUX TR	

CHAVEZ ORLANDO & JASMINE	4909 COCOPAH TR	
MUSGRAVE & MUSGRAVE LLP	4926 COCOPAH TR	
JACKSON EDWARD & CYNTHIA C	6201 ARAPAHO TR	
BRISCOE GLENN ERIC JR	4925 COCOPAH TR	
MUSGRAVE & MUSGRAVE LLP	6342 SIOUX TR	
MUSGRAVE & MUSGRAVE LLP	6333 SIOUX TR	
MUSGRAVE & MUSGRAVE LLP	5033 VELTA LN	
MUSGRAVE & MUSGRAVE LLP	6217 SIOUX TR	
MUSGRAVE & MUSGRAVE LLP	5018 COCOPAH TR	
TM CORNERSTONE ENTERPRISES LLC	4917 COCOPAH TR	
CITY OF ABILENE	5001 ANTILLEY RD	
MUSGRAVE & MUSGRAVE LLP	5026 COCOPAH TR	
MUSGRAVE & MUSGRAVE LLP	6202 SIOUX TR	
O CONNOR SHIRLEY M	5017 COCOPAH TR	In Favor
MUSGRAVE & MUSGRAVE LLP	5034 COCOPAH TR	
HGH PROPERTIES LLC	6333 LIVE OAK TR	
SMITH JONATHAN R & REBECCA J	6233 LIVE OAK TR	
GRAHAM GARY JASON & RACHEL ANN	5034 VELTA LN	
WYLIE IND SCHOOL DIST	4502 ANTILLEY RD	

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







Petition for Street Name Changes
 Indian Trails Subdivision
 Abilene, TX

Property Owner	Property Description
Countryside Homes, LLC	Lots 10, 14, & 18, Blk. A, Sect. 1 (6202, 6234, 6326 Sioux Trail) <i>[Signature]</i>
Mark Aldredge Custom Homes, LLC	Lots 11 & 12, Blk. A, Sect. 1 (6210 & 6218 Sioux Trail) <i>Mark Aldredge</i>
TM Cornerston Enterprises, LLC	Lot 13, Blk. A, Sect. 1 (6226 Sioux Trail) <i>[Signature]</i>
Lantrip's Custom Homes	Lots 15, 16, & 17, Blk. A, Sect. 1 (6302, 6210 & 6318 Sioux Trail) <i>[Signature]</i>
	Lot 1, Blk. B, Sect. 1 (4901 Cocopah Trail) <i>Jim Smith</i>
Orlando & Jasmine Chavez	Lot 2, Blk. B, Sect. 1 (4909 Cocopah Trail) <i>[Signature]</i>
	Lot 3, Blk. B, Sect. 1 (4917 Cocopah Trail) <i>[Signature]</i>
Glenn Eric Briscoe	Lot 4, Blk. B, Sect. 1 (4925 Cocopah Trail) <i>[Signature]</i>
Bryan Rhea & Penney Heath	Lot 5, Blk. B, Sect. 1 (5001 Cocopah Trail) <i>[Signature]</i>
Shannon & Melinda Wilcox	Lot 6, Blk. B, Sect. 1 (5009 Cocopah Trail) <i>[Signature]</i>



Petition for Street Name Changes
Indian Trails Subdivision
Abilene, TX

Property Owner	Property Description
Edward & Cynthia Jackson	Lot 1, Blk. D, Sect. 1 (6201 Arapaho Trail) <i>Edward Jackson</i> <i>Cynthia Jackson</i>
Frank & Marlee Puckett	Lot 2, Blk. D, Sect. 1 (6209 Arapaho Trail) <i>Marlee Puckett</i> <i>Frank Puckett</i>
TM Cornerston Enterprises, LLC	Lot 3, Blk. D, Sect. 1 (6247 Arapaho Trail) <i>TM Cornerston Enterprises, LLC</i>
Lantrip's Custom Homes	Lot 4, Blk. D, Sect. 1 (6225 Arapaho Trail) <i>Lantrip's Custom Homes</i>
TM Cornerston Enterprises, LLC	Lot 5, Blk. D, Sect. 1 (6233 Arapaho Trail) <i>TM Cornerston Enterprises, LLC</i>
	Lot 1, Blk. A, Sect. 1 (4902 Cocopah Trail) <i>Mark Aldridge</i>
TM Cornerston Enterprises, LLC	Lot 2, Blk. A, Sect. 1 (4910 Cocopah Trail) <i>TM Cornerston Enterprises, LLC</i>
Mark Aldridge Custom Homes, LLC	Lot 6, Blk. A, Sect. 1 (5010 Cocopah Trail) <i>Mark Aldridge</i>
Musgrave and Musgrave, LLP	Lots 3, 4, 5, 7, 8, 9, Blk. A, Sect. 1 (4918, 4926, 5002, 5018, 5026, 5034 Cocopah Trail) <i>Musgrave and Musgrave, LLP</i>

Petition for Street Name Changes
 Indian Trails Subdivision
 Abilene, TX

Property Owner	Property Description
	Lot 7, Blk. B, Sect. 1 (5017 Cocopah Trail)
TM Cornerstone Enterprises, LLC	Lots 8, 9 & 10, Blk. B, Sect. 1 (6217, 6225 & 6233 Sioux Trail) <i>Mark R. Smith</i>
Countryside Homes, LLC	Lots 11 & 12, Blk. B, Sect. 1 (6301 & 6309 Sioux Trail) <i>Mark R. Smith</i>
Lantrip's Custom Homes	Lots 13, 14, & 15, Blk. B, Sect. 1 (6317, 6325 & 6333 Sioux Trail) <i>Greg Smith</i>
<i>Greg Jason Graham</i>	Lots 16, Blk. B, Sect. 1 (6344 Sioux Trail) Velta Lane <i>Greg Jason Graham</i>
<i>Greg Smith</i>	Lots 1 & 2, Blk. F, Sect. 1 (5041 & 5033 Velta Lane) <i>Greg Smith</i>
Musgrave and Musgrave, LLP	



**City Council
Agenda Memo**



**City Council
Meeting Date: 10/25/2012**

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading on an ordinance amendment to Table 2.4 Site Layout and Building Requirements for Nonresidential Zoning Districts, Section 2.4.2.1 Land Use Matrix, Section 2.4.3 Requirements Applicable to Specific Land Uses, Section 2.4.4 Accessory Uses & Structures, and Section 4.2.4.1 Fences, Walls and Hedges; and setting a public hearing for November 1, 2012.

GENERAL INFORMATION

The Land Development Code (LDC) was adopted by City Council on April 22, 2010 as recommended by the Planning & Zoning Commission. After more than 2 years of administering the LDC, several changes have been identified that are problematic and require discussion.

The changes include:

- Changes to interior side setbacks for GC, HC & LI districts to reduce setbacks to zero as in our prior zoning ordinance
- Parking and storage regulations for RV's which were inadvertently left out of the new LDC
- Clarification of setback requirements for accessory buildings
- Height exception for carports & patio covers with pitched roofs to be taller than 12 feet
- Amendment to fence heights adjacent to streets in commercial & Multi-Family zoning districts to allow for taller fences

The sections proposed for amendment are Table 2.4 Site Layout and Building Requirements for Nonresidential Zoning Districts, Section 2.4.2.1 Land Use Matrix, Section 2.4.3 Requirements Applicable to Specific Land Uses, Section 2.4.4 Accessory Uses & Structures, and Section 4.2.4.1 Fences, Walls and Hedges.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 7 in favor (Bixby, Famble, Glenn, Rosenbaum, Todd, Yungblut, and McClarty) and none opposed.

ATTACHMENTS

Ordinance

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

October 15, 2012

Item No. 6.5

Disposition by City Council

- Approved Ord/Res#
- Denied _____
- Other

City Secretary

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

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

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

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 25th day of October A.D. 2012.

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 28th day of September, 2012, 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 25th day of October, 2012, 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 1st day of November, A.D. 2012.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

AMEND: Table 2.4 Site Layout and Building Requirements for Nonresidential Zoning Districts

CHANGE: Amend Interior Side Setbacks for GC, HC, and LI zoning districts

TABLE 2-4: SITE LAYOUT AND BUILDING REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS *(Continued)*

Zoning District	Minimum Lot Size		Minimum Building Line Setbacks				Maximum Height (ft.)	Maximum Floor Area Ratio (FAR)	Applicable Single-Family Standards	Applicable Multiple-Family Standards	
	Width (ft) ¹	Depth (ft)	Street Setback (ft)			Rear Yard (next to Other Lot Boundary) (ft)					Interior Side (ft) ²
			Sub-Collector or Minor Street*	Collector, Arterial, or Express-way With Frontage Rd*	Express-way Without Frontage Rd						
MX			10			0	0	35'	4:1	RS-6 District Standards	MD or MF District Standards
GC	60	100	25	30	40	10; abutting AO or Residential, 25	100 ; abutting AO or Residential, 25	none	2:1	none	none
HC	60	100	25	30	40	25; abutting AO or Residential, 50	250 ; abutting AO or Residential, 30	none	2:1		
LI	60	100	25	30	40	25; abutting AO or Residential, 50	250 ; abutting AO or Residential, 50	none	2:1		
HI	60	100	25	30	40	25; abutting AO or Residential, 75	0; abutting AO or Residential District, 100	none	2:1		

* The setback may be reduced to fifteen feet (15') if only landscaping is provided between the building and the property line.

¹A minimum width of 100 feet is required along arterial streets (2.6.1.1(e)(3))

²Drainage must be mitigated so as not to shed onto adjacent properties

AMEND: Section 2.4.2.1 The Land Use Matrix

ADD: Add the “Recreation Equipment, Mobile (storage and parking)” use to the Land Use Matrix

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

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

AMEND: Section 2.4.3.3 All Other Uses with Specific Requirements

ADD: Add the specific requirements for the “Recreation Equipment, Mobile (storage and parking)” use and renumber as needed.

(a) **Specific Requirements.**

(43) **Recreation Equipment, Mobile (storage and parking):**

Mobile recreation equipment may be parked or stored on developed residential property in compliance with applicable fire codes and no closer than ten (10) feet to any building on adjoining properties. Mobile recreation equipment shall not be parked or stored on a public street, alley or other public right of way or parkway. Mobile recreation equipment shall be placed at least fifteen (15) feet from the edge of pavement on all arterial streets and at least ten (10) feet from the edge of pavement on all other streets.

Mobile recreation equipment shall not be used for sleeping, housekeeping or office space when parked or stored on property in an AO or residential zoning district or in any other location not approved for such a use, with the exception that not more than one (1) trailer, semi-trailer or self-propelled motor vehicle owned by a nonresident visitor to Abilene that is designed, constructed and equipped for human habitation may be occupied by the said nonresident visitor and his family on a developed residential lot with the permission of the owner or person in control of such lot for not more than fourteen (14) days during any sixty (60) day period.

AMEND: Section 2.4.4.1 Description and Regulations by District Type

REVISE: Amend the setback requirements for accessory buildings

(b) Residential Districts

- (3) ~~Accessory buildings with a maximum of ten feet (10') shall be setback a minimum of three (3') from an interior side or rear property line. For accessory buildings over ten feet (10') in height, the accessory building must be set back from the interior side and rear property line, where no alley exists, and additional one foot (1') for every one foot (1') in height over ten feet (10'). For rear property lines adjacent to a dedicated alley, the setback shall only be one foot (1') back for every two feet (2') in height over ten feet (10').~~

Setbacks.

- a. Detached accessory buildings (other than open carports or patio covers) with a maximum height of 10 feet shall be set back a minimum of 3 feet from an interior side or rear property line.
- b. Detached accessory buildings (other than open carports or patio covers) over 10 feet in height shall be set back from an interior side or rear property line, where no public alley exists, at least 1 additional foot in depth for every 1 foot in height over 10 feet.
- c. Detached accessory buildings (other than open carports or patio covers) over 10 feet in height shall be set back from an interior side or rear property line adjacent to a public alley at least 1 additional foot in depth for every 2 feet in height over 10 feet.
- d. In no circumstance shall a detached accessory building be required to be set back from a property line any more than is required of a principal building constructed on that same property.
- e. Standards for minimum setback required (and maximum height allowed) of open carports and patio covers shall be as prescribed in the following Section 2.4.4.2 on Carports and Patio Covers.

AMEND: Section 2.4.4.2 Carports and Patio Covers

REVISE: Provide height exception for carports & patio covers with pitched roofs to be taller than 12 feet

- (d) ~~**Maximum Height.** Twelve feet (12'), except when built into the roofline and with the same roofing materials as the primary structure, in which case the height may not exceed the height of the primary structure.~~

Maximum Height. Twelve feet (12'), except:

- (1) When built into the roofline and with the same roofing materials as the primary structure, in which case the height may not exceed the height of the primary structure.
- (2) When detached and built with a pitched roof utilizing similar materials and colors to the principal structure and where the height between the grade and the first horizontal element of the roof structure does not exceed 12 feet in height.

AMEND: Section 4.2.4.1 Fences, Walls and Hedges

REVISE: Amendment to fence heights adjacent to streets in commercial & Multi-Family zoning districts to allow for taller fences

- (e) **Fences, Walls and Hedges in Multi-Family and Non-Residential Zoning Districts.** Fences, walls and hedges in non-residential zoning districts and MF zoning must be located on private property and a minimum of ten feet (10') from any curb or edge of pavement where no curb exists. The maximum height permitted for such fences is ten feet (10'). ~~If fence is adjacent to a street or in a street front yard, the maximum height shall be four feet (4').~~

-END-

**City Council
Agenda Memo**



**City Council
Meeting Date: October 25, 2012**

TO: Larry D. Gilley, City Manager

FROM: Don Green, Director of Aviation

SUBJECT: Moose's Snack Shack & Café Operating Agreement

GENERAL INFORMATION

The City conducted a Request For Proposals (RFP), CB-1242, with a submittal deadline of September 27, 2012. Four competitive proposals were received. The airport put together a selection committee of an Airport Development Board member, representatives from four of our tenant groups and airport staff to conduct interviews and recommend a selection to the Airport Development Board. The committee selected Merry McKenna's Moose's Snack Shack and Café, which currently operates the Nelson Park softball concession as Moose's Snack Shack. The operating agreement will be for a two-year term with no rent or fees due to the city during the term. Ms. McKenna has begun the application process for a state beer and wine permit, but that will likely be received sometime after opening the airport location. Ms. McKenna is aware of the challenges of previous restaurants at the airport and her business plan addressed these very satisfactorily.

FUNDING/FISCAL IMPACT

The aviation department has not budgeted revenue from the restaurant; therefore, there is no fiscal impact.

STAFF RECOMMENDATION

Staff recommends that City Council approve the two-year operating agreement with Merry McKenna dba Moose's Snack Shack & Café

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved a recommendation to City Council at a special October 10th meeting.

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