



City of Abilene City Council Agenda

Shane Price, Council Member
Joe Spano, Council Member
Stormy Higgins, Mayor Pro-tem
Larry Gilley, City Manager

Norm Archibald, Mayor

Anthony Williams, Council Member
Robert O. Briley, Council Member
Kellie Miller, Council Member
T. Daniel Santee, City Attorney
Danette Dunlap, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on **Thursday, March 28th, 2013** at 8:30 a.m. at City Hall – Council Chambers, Second Floor, 555 Walnut Street, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. **CALL TO ORDER**
2. **INVOCATION – Councilman Briley**
3. **PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG**
4. **PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS**
Proclamation – National Community Development Week April 1-6
5. **MINUTES** – Approval of the minutes from the Regular Meeting March 14th, 2013.
6. **CONSENT AGENDA** - All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately.
 1. **Ordinance:** *(First reading)* on a request to amend the Master Thoroughfare Plan regarding the area south of Antilley Road and between FM 89 (Buffalo Gap Rd) & Highway 83-84; and setting a public hearing for April 11, 2013. ***(James)***
 2. **Ordinance: Z-2013-01** – *(First reading)* on a request from Tom Lindley to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, being the east 16.81 acres located at 4250 Forrest Hill Rd; and setting a public hearing for April 11, 2013. ***(James)***
 3. **Ordinance: Z-2013-02** – *(First reading)* on a request from Kickapoo Land Company, agent David Todd, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, being 14.77 acres located at 4750 Southwest Dr; and setting a public hearing for April 11, 2013. ***(James)***
 4. **Ordinance: Z-2013-03** – *(First reading)* on a request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to O (Office) zoning, being 4.92 acres located at 749 Gateway St; and setting a public hearing for April 11, 2013. ***(James)***
 5. **Ordinance: Z-2013-04** – *(First reading)* on a request from Valley Creek Investments, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) & RS-12 (Single-Family Residential) to RS-8 (Single-Family Residential), PH (Patio Home), & GR (General Retail) zoning, located at 902 ES 27th St; and setting a public hearing for April 11, 2013. ***(James)***
 6. **Ordinance: Z-2013-05** – *(First reading)* on a request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) zoning, being 22.53 acres located at 6301 Arapaho Tr; and setting a public hearing for April 11, 2013. ***(James)***
 7. **Ordinance:** *(First reading)* on an ordinance amending the Land Development Code to create and adopt standards for an Ambler Avenue Corridor Overlay; and setting a public hearing for April 11, 2013. ***(James)***
 8. **Ordinance: Z-2013-06** – *(First reading)* on a request from the City of Abilene to apply Ambler Street Corridor Overlay (AMB-COR) zoning to all properties located up to 1 block on

either side of Ambler Avenue from Grape Street to Interstate 20; and setting a public hearing for April 11, 2013. (James)

9. **Ordinance:** *(First reading)* on an ordinance amending the Land Development Code related to prohibiting off-premise advertising signs (billboards) in the Pine Street Corridor Overlay; and setting a public hearing for April 11, 2013. (James)
10. **Ordinance:** *(First reading)* on an ordinance amending the Sign Regulations related to illumination and electronic message signs for institutional uses in single-family residential districts; and setting a public hearing for April 11, 2013. (James)
11. **Oral Resolution:** To approve entering into an agreement with Sheppard Surveying Co., Inc. of Abilene, Texas to survey sections four through seven for the platting process of Lake Fort Phantom Hill. (Santee)
12. **Oral Resolution:** Authorizing a change order to the contract with Gracon Construction Inc. for the Hamby Wastewater Treatment Plant Improvements. (O'Brien)
13. **Oral Resolution:** Approving acceptance of the donated sculpture “Yertle, Lorax, Horton, Grinch, and Sam I am” by the artist Dr. Seuss and “Seymour” featured in “Can You See What I See” by Walter Wick. (Childers)
14. **Bid Award:** CO-OP Street Sweeper. (Patterson)
15. **Bid Award:** #CB-1328 – Civic Center (536 Cedar, 720, 724, 726, 782, and 790 Pine) Demolition and Asbestos Abatement Project. (Santee)
16. **Bid Award:** Construction of Quarantine/Necropsy building at the Abilene Zoo. (Childers)

7. REGULAR AGENDA – ORDINANCES & PUBLIC HEARINGS – RESOLUTIONS

1. **Oral Resolution & Public Hearing:** Application/Permit to Drill and/or Operate an Oil and/or Gas well – Bridger Petroleum, LLC: “Pat Serenbetz No. 3”, Permit No. 750381. (Santee)
2. **Voluntary Annexation & Public Hearing:** *(Second Public Hearing)* To consider Annexation of property to include 55.88 acres of land located south of Beltway South (FM 707) and east of the Beltway Park Baptist Church property. (James)

8. EXECUTIVE SESSION

The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney) see list below, 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters) see list below, 551.087 (Business Prospect/Economic Development), and 551.076 (Deliberations about Security Devices)

9. RECONVENE

Any action if needed from Executive Session.

10. **Oral Resolution:** approving the appointments to the following board:

Abilene Housing Authority

Abilene Public Library

Abilene Health Facilities Development Corporation

11. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Danette Dunlap, City Secretary, at 325-676-6202.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the _____ day of March 2013, at _____.

Danette Dunlap, City Secretary

EXECUTIVE SESSION

(Litigation/Consultation with Attorney) Section 551.071

The following pending litigation subjects which may be discussed are:

- 1) Art Castro v. Abilene Police Department; No. 1:08-CV-152-BI; US District Court, Northern District, Abilene Division; received October 27, 2008
- 2) Celia Arguijo v. City of Abilene; filed February 1, 2010; received February 2, 2010; 104th Judicial District Court, Abilene, Taylor County, Texas. Cause No. 24,781-B
- 3) Irene M. Grant, Jimmy Wilsher, Jimmy D. Asbill, Jerry "Gerardo" Garcia, Craig Mayhall and John M. Wegner v. City of Abilene, Texas, Cause No. 09010-D, 350th District Court, Taylor County, filed July 6, 2010
- 4) City of Abilene, Texas v. Aurora Bumgarner; 104th Judicial District Court, Taylor County, Texas; filed November 17, 2011
- 5) Clayton Woodyard; Marnie Woodyard, Individually and as Parent and Next Friend of A. W., a Minor, and C.W., a Minor; vs. 1) The City of Abilene, 2) Roger Romero; and 3) Christopher Bryan Hall #880 and Chief of Police Stan Standridge.
- 6) Lucy Gentry v. City of Abilene, filed September 5, 2012, Cause No. 48206-A, 42nd Judicial District Court, Taylor County, Texas
- 7) Denise Gonzales v. City of Abilene, Cause No. 25584-B, 104th Judicial District Court, Taylor County, filed November 16, 2012
- 8) Lauren Rodriquez v. City of Abilene, Cause No. 25585-B, 104th Judicial District Court, Taylor County, filed November 16, 2012

(Personnel) Section 551.074

City Council may consider appointment, employment, reassignment, duties, discipline, or dismissal of public officers or employees, City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members. The following Boards and Commissions may be discussed:

| | |
|---|---|
| Abilene Economic Development Company, Inc. | Abilene Health Facilities Development Corp. |
| Abilene Higher Education Facilities Corporation | |
| Abilene-Taylor County Events Venue District | Board of Adjustments |
| Board of Building Standards | Civic Abilene, Inc. |
| Civil Service Commission | Development Corporation of Abilene, Inc. |
| Friends of Safety City Board | Frontier <i>Texas!</i> Board of Directors |
| Abilene Housing Authority | Landmarks Commission |
| Library Board | Local Redevelopment Authority |
| Mechanical/Plumbing/Electrical & Swimming Pool Board of Appeals | |
| Mental Health-Mental Retardation Board of Trustees | |
| 9-1-1 Emergency Communications District Board of Managers | Parks & Recreation Board |
| Planning and Zoning Commission | Taylor County Appraisal District |
| West Central Texas Municipal Water District | |

(Real Property) Section 551.072

(Business Prospect/Economic Development) Section 551.087

(Deliberations about Gifts and Donations) Section 551.073

(Deliberations about Security Devices) Section 551.076

**City Council
Agenda Memo**



**City Council
Meeting Date: 3/28/2013**

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading on a request to amend the Master Thoroughfare Plan regarding the area south of Antilley Road and between FM 89 (Buffalo Gap Rd) & Highway 83-84; and setting a public hearing for April 11, 2013.

GENERAL INFORMATION

The City of Abilene received a request to amend the Master Thoroughfare Plan regarding the designation of a roadway south of Old Forrest Hill Road between Beltway South and Iberis Road. The requested amendment would change the designation of the roadway from an ‘arterial’ to a ‘collector’ street.

As part of the discussion, the Commission asked staff to expand the area and study the area for possible alternatives. The request was reviewed by the Development Review Committee (DRC) and several alternatives were identified. Ultimately, the Commission recommended several changes to the Master Thoroughfare Plan:

- Align Memorial Drive (‘minor arterial’) to the south along old railroad right-of-way to where it intersects Remington
- Move a planned ‘collector’ road to the south between Hardwick Rd and Memorial Dr to where all collectors align from east to west
- Designate the old Memorial Drive alignment as a ‘collector’ street from the east-west collector to FM 707

The P&Z Commission did not make a recommendation regarding the designation of a roadway south of Old Forrest Hill Road between Beltway South and Iberis Road. The motion to approve the request failed to carry for lack of 4 affirmative votes.

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed amendments. Staff also recommends designating the existing Old Forrest Hill Rd as a ‘minor arterial’ and connecting the roadway north to Antilley Road as shown on the attached exhibit.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends aligning Memorial Drive (‘minor arterial’) to the south along the old railroad right-of-way to where it intersects Remington, moving a planned ‘collector’ road to the south between Hardwick Rd and Memorial Dr to where all collectors align from east to west, and designating the old Memorial Drive alignment as a ‘collector’ street from the east-west collector to FM 707 by a vote of five (5) in favor (Glenn, Rosenbaum, Todd, Yungblut and Famble) to none (0) opposed.

ATTACHMENTS

Proposed Thoroughfare Plan Amendment Ordinance

| | | |
|--|-----------------------|---|
| Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> March 19, 2013 | Item No. <u>_6.1_</u> | Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ City Secretary |
|--|-----------------------|---|

AN ORDINANCE AMENDING THE CITY'S MASTER THOROUGHFARE PLAN MAP AND CALLING A PUBLIC HEARING.

WHEREAS, an effective and efficient transportation system for the movement of people, goods and services is an essential component of a municipality; and,

WHEREAS, thoroughfare planning ensures an adequate transportation system for the future of the community; and,

WHEREAS, the Thoroughfare Plan must be adapted periodically to new patterns of development and changes in existing or expected conditions; and,

WHEREAS, A potential residential development in the vicinity of the area generally described as being south of Antilley Road and between FM 89 (Buffalo Gap Rd) & Highway 83-84 has been proposed resulting in a need to reassess future thoroughfares within this area; now therefore:

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

PART 1: That the Master Thoroughfare Plan is hereby amended by changing the alignments of several roadways as shown on Exhibit "A," attached hereto and made a part of this resolution for all purposes, and the Master Thoroughfare Plan map will reflect the change.

PART 2: That this amendment is effective immediately.

PASSED ON FIRST READING this 28th day of March A.D. 2013.

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 21st day of December, 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 11th day of April, 2013, 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 11th day of April, A.D. 2013.

ATTEST:

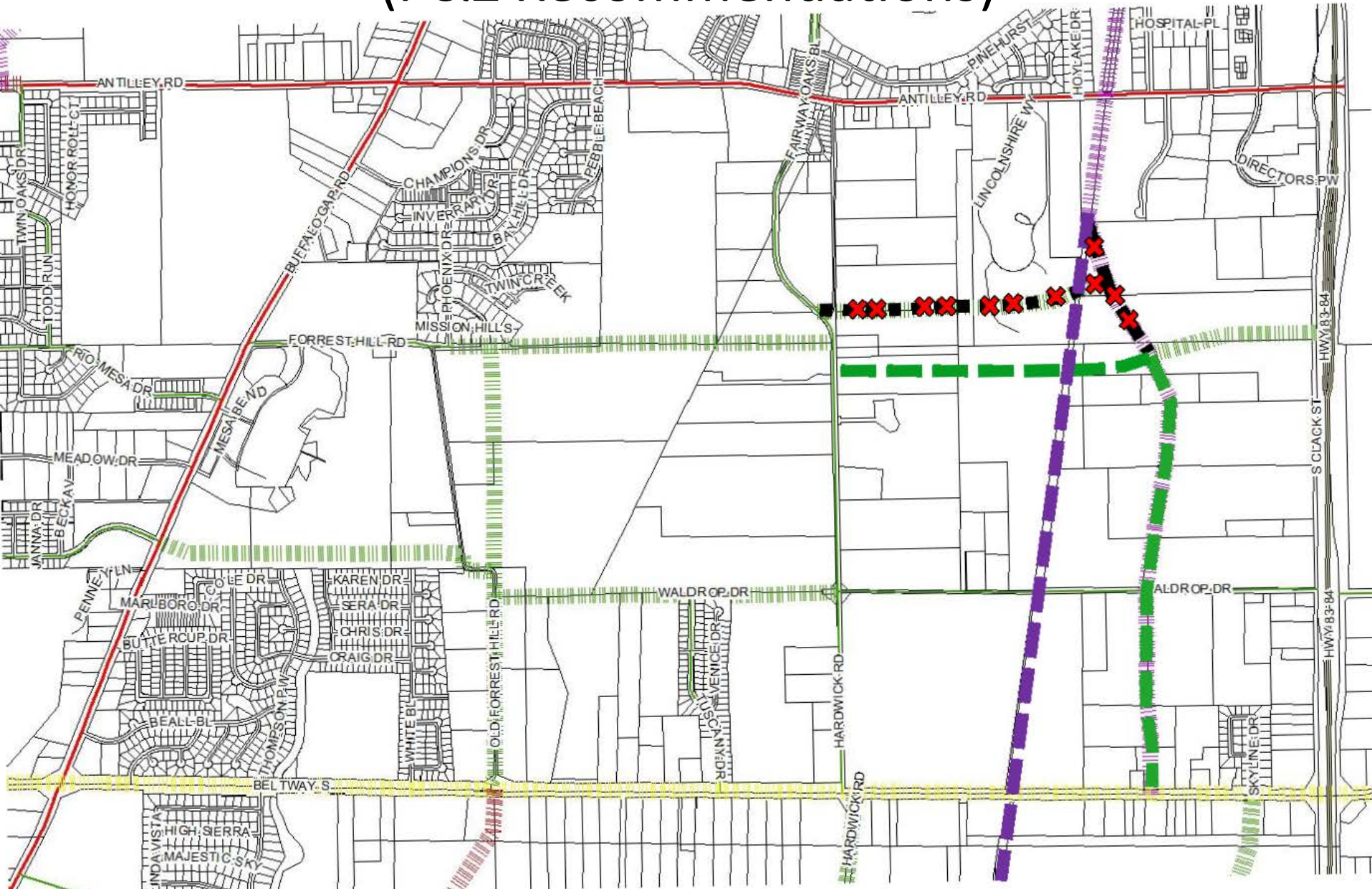
CITY SECRETARY

MAYOR

APPROVED:

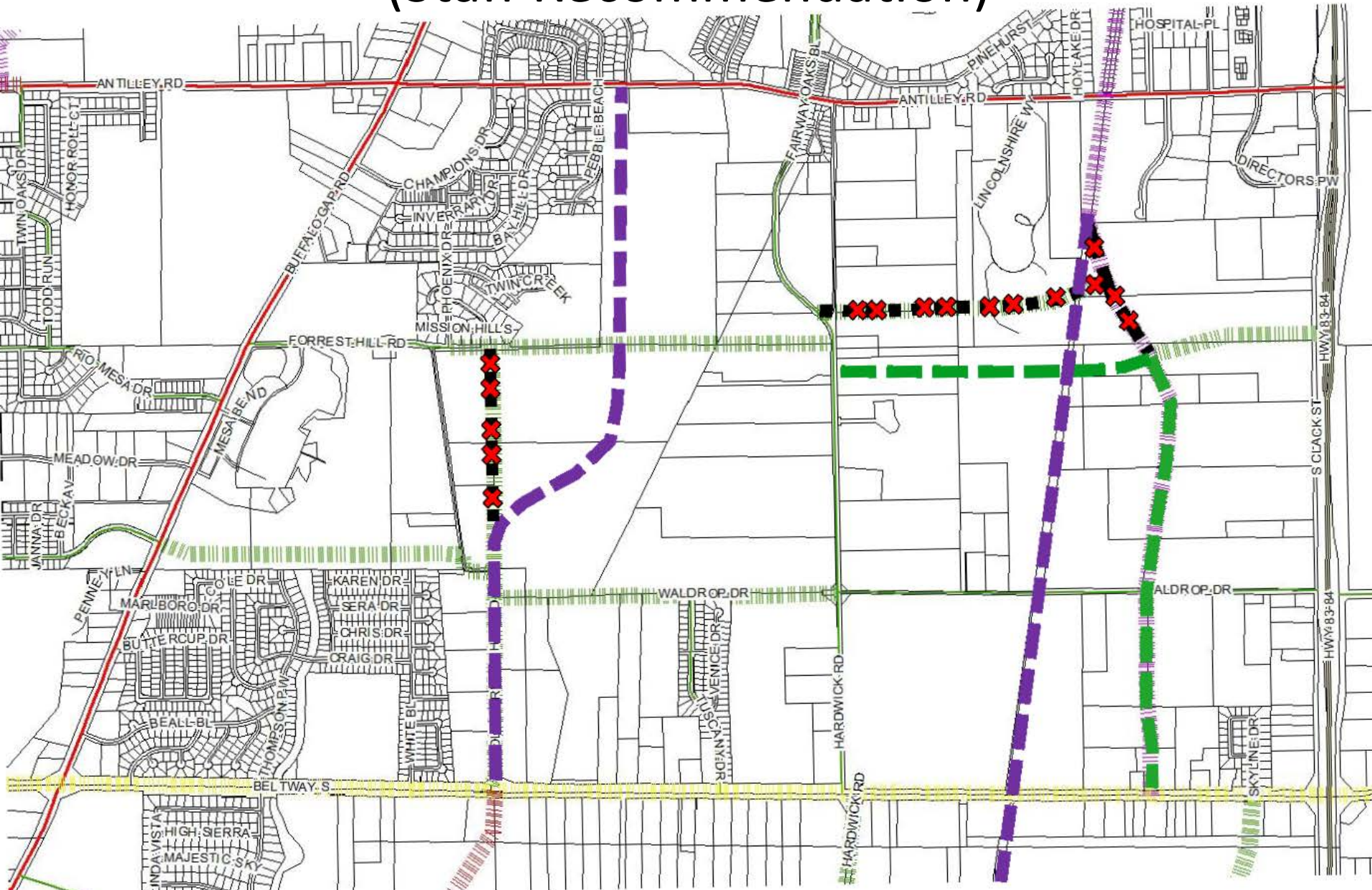
CITY ATTORNEY

Proposed Master Thoroughfare Plan Changes (P&Z Recommendations)





Proposed Master Thoroughfare Plan Changes (Staff Recommendation)



City Council
Agenda Memo



City Council
Meeting Date: 3/28/2013

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-2013-01, a request from Tom Lindley to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, being the east 16.81 acres located at 4250 Forrest Hill Rd; and setting a public hearing for April 11, 2013.

GENERAL INFORMATION

The property is zoned AO and is vacant. The surrounding area is developed with a mix of residential and retail uses. Single-family residential homes exist to the north and east of the property. The Mesa Springs retirement development is located to the south across Forrest Hill Road. There is an existing Dollar General store to the north along Buffalo Gap Road. Catclaw Creek divides the property into the 2 portions. The applicant is proposing to develop the eastern portion of the property with single-family homes. The western portion will remain undeveloped at this time.

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 development of a single-family residential subdivision. The requested zoning would be compatible with the adjacent residential uses as well as the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval of RS-6 zoning.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 4 in favor (Rosenbaum, Todd, Yungblut, and Famble) and 1 opposed (Glenn).

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 19, 2013

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 28th day of March, A.D. 2013.

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 15th day of February, 2013, 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 11th day of April, 2013 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 11th day of April, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) District.

Legal Description:

The east 16.81 acres of A0417 SUR 101 WM E VAUGHN, ACRES 28.049



Location:

The east 16.81 acres of 4250 Forrest Hill Rd

-END-

ZONING CASE Z-2013-01

STAFF REPORT



APPLICANT INFORMATION:

Tom Lindley

HEARING DATES:

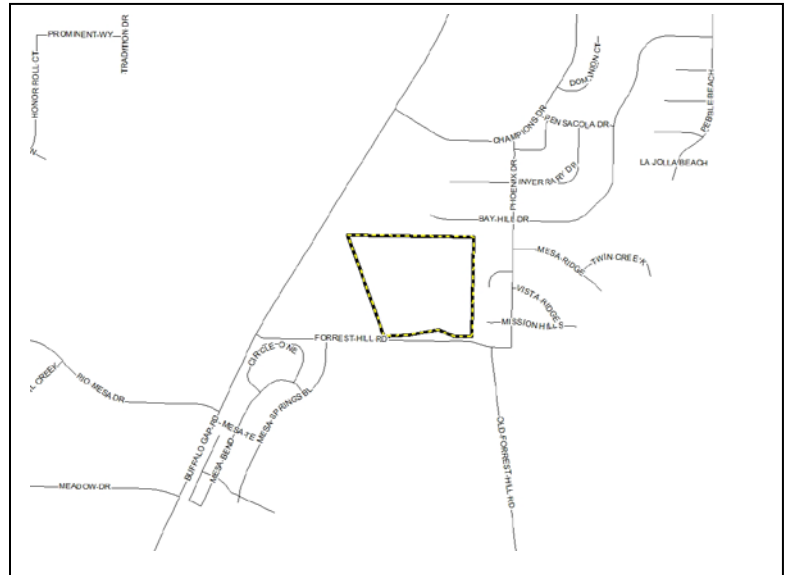
Planning & Zoning Commission: March 4, 2013
City Council 1st Reading: March 28, 2013
City Council 2nd Reading: April 11, 2013

LOCATION:

4250 Forrest Hill Rd

REQUESTED ACTION:

Rezone property from AO to RS-6



SITE CHARACTERISTICS:

The subject property is approximately 16.81 acres and is currently zoned AO (Agricultural Open Space). The property is currently undeveloped, although the property has been cleared and graded. The adjacent properties have AO zoning to the west and south, GR (General Retail) & RS-8 (Single-family Residential) zoning to the north, and PD (Planned Development) zoning to the east and south.

ZONING HISTORY:

The property was annexed in 1980 and was zoned AO sometime after.

ANALYSIS:

- Current Planning Analysis

The property is zoned AO and is vacant. The surrounding area is developed with a mix of residential and retail uses. Single-family residential homes exist to the north and east of the property. The Mesa Springs retirement development is located to the south across Forrest Hill Road. There is an existing Dollar General store to the north along Buffalo Gap Road. Catclaw Creek divides the property into the 2 portions. The applicant is proposing to develop the eastern portion of the property with single-family homes. The western portion will remain undeveloped at this time.

- 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 development of a single-family residential subdivision. The requested zoning would be compatible with the adjacent residential uses as well as the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of RS-6 zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested by a vote of 4 in favor (Rosenbaum, Todd, Yungblut, and Famble) and 1 opposed (Glenn).

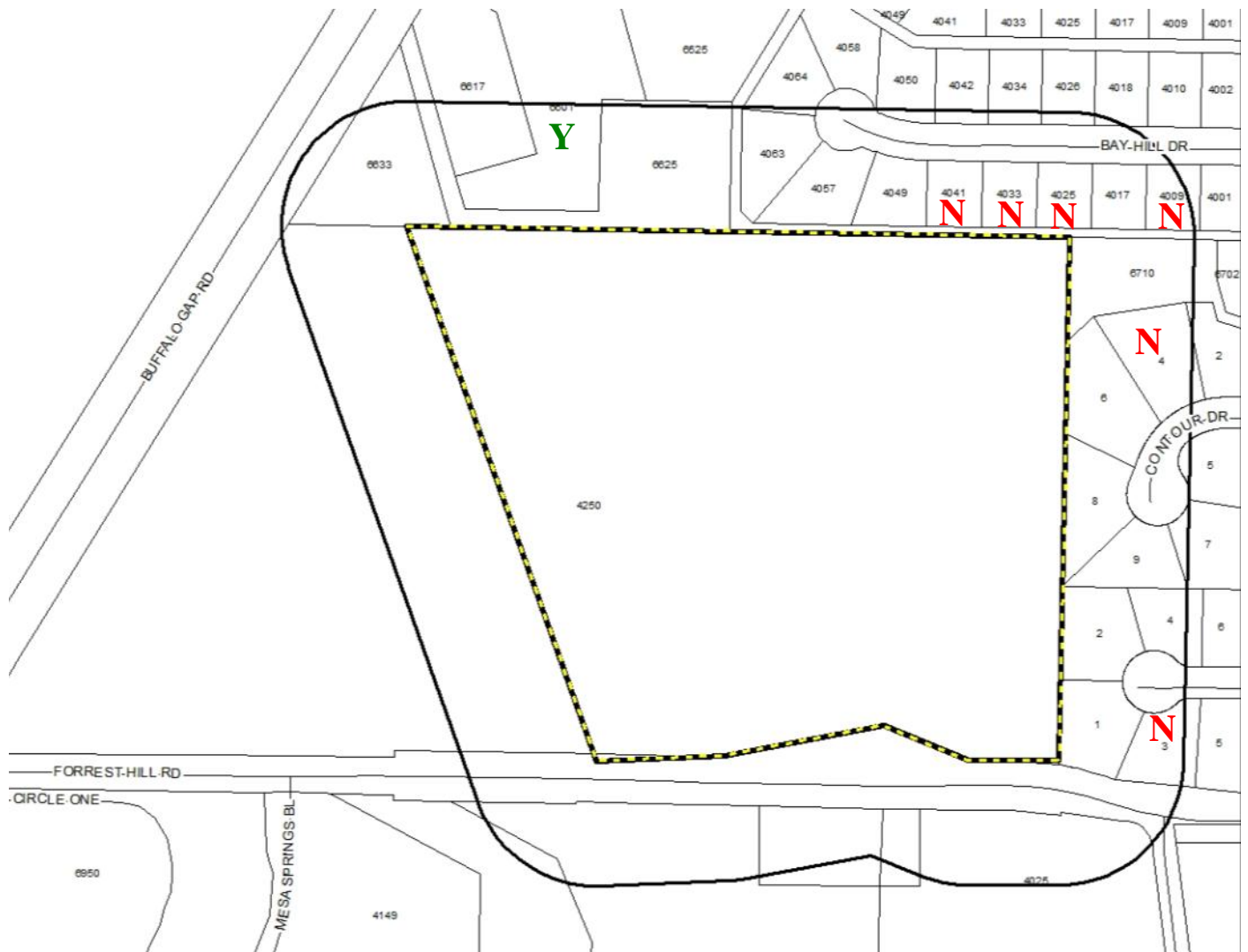
NOTIFICATION:

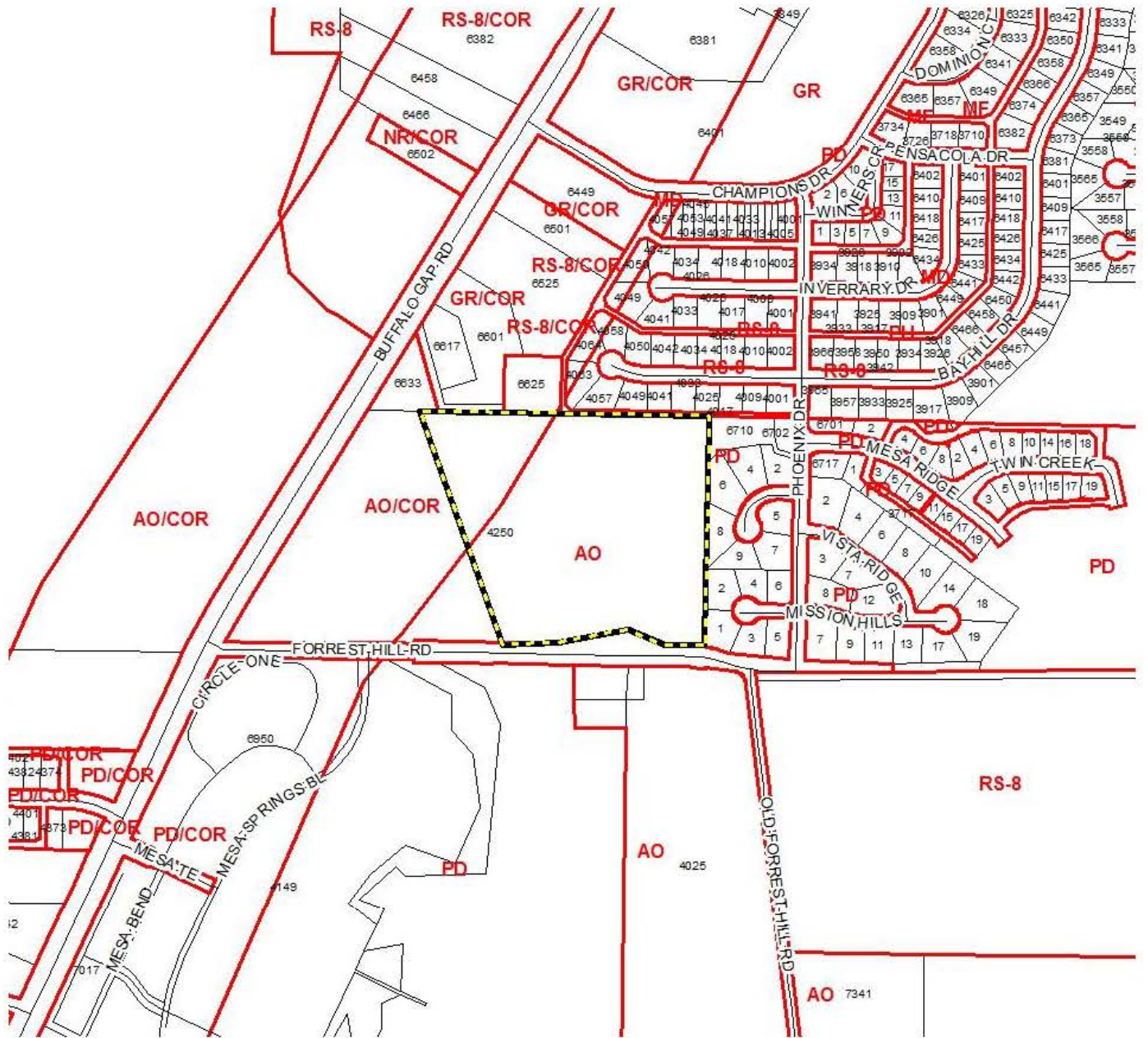
Property owners within a 200-foot radius were notified of the request.

| OWNER | ADDRESS | RESPONSE |
|--------------------------------------|---------------------|----------|
| CHAMPIONS CHURCH | | |
| CITY OF ABILENE | 6633 BUFFALO GAP RD | |
| CENTRAL PARK 91 LTD | 6601 BUFFALO GAP RD | In Favor |
| CITY OF ABILENE | 6710 PHOENIX DR | |
| FEDERAL HOME LOAN MORTGAGE CORP | 5 CONTOUR DR | |
| BLAKELY MARK E & SARA A | 1 MISSION HILLS | |
| HILL JOE MACK & KARLA J | 4 MISSION HILLS | |
| SCHWEIKHARD MICHAEL W & CAROLA | 4018 BAY HILL DR | |
| WEST TEXAS UTILITIES CO | 6625 BUFFALO GAP RD | |
| GOODIN MARION JEFFERSON JR & MARILYN | 4017 BAY HILL DR | |
| IVESTER JIMMY PAUL & CHONG CHA | 4058 BAY HILL DR | |
| RAWLINGS LEON JR & KAYE L | 4041 BAY HILL DR | Opposed |
| TAYLOR MARILYN R TRUST | 4034 BAY HILL DR | |
| WOODS PATRICIA | 4063 BAY HILL DR | |
| PARSON CALE W & ANGELA J | 4009 BAY HILL DR | Opposed |
| SIVLEY DAVID & JUDY | 4064 BAY HILL DR | |
| REINMUND CATHY HALE | 4026 BAY HILL DR | |
| WOLFF LARRY C TRUST | 6617 BUFFALO GAP RD | |
| ATWOOD WILLIAM R JR & CAROLYN JILL | 4025 BAY HILL DR | Opposed |
| SCHWALB GERALD P & BARBARA | 8 CONTOUR DR | |
| WILSON GARY R & MARCI D | 7 CONTOUR DR | |
| WHEELER FAMILY REVOCABLE TRUST | 3 MISSION HILLS | Opposed |
| PRESTON KERRY C & DOROTHY M | 4049 BAY HILL DR | |
| TARPLEY STEVEN BOYD | 4033 BAY HILL DR | Opposed |
| CHAMPIONS CHURCH | | |
| SEARS CAPROCK RETIREMENT CORP | | |
| ARDOIN SETH A | 6 CONTOUR DR | |
| MUCKATIRA BOPANNA MUTHAPPA | 9 CONTOUR DR | |
| DOBRY ANDREW W & LYNN B | 2 MISSION HILLS | |
| BOLIN STEPHEN D & DIANNA M | 4042 BAY HILL DR | |
| OLSON DAVID W & LARSON-OLSON MICKI L | 4050 BAY HILL DR | |
| BARNES ROGER D & LYNDA J | 4057 BAY HILL DR | |
| BROWN JEFFREY & CATHY | 2 CONTOUR DR | |

| | | |
|--------------------------|----------------------|---------|
| GREEN BLENUS G & SUSAN L | 4 CONTOUR DR | Opposed |
| CHAMPIONS CHURCH | | |
| THOMPSON JACK W TR | 4025 FORREST HILL RD | |
| AJWO INC | 4250 FORREST HILL RD | |

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









City Council
Agenda Memo



City Council
Meeting Date: 3/28/2013

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-2013-02, a request from Kickapoo Land Company, agent David Todd, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, being 14.77 acres located at 4750 Southwest Dr; and setting a public hearing for April 11, 2013.

GENERAL INFORMATION

The property is zoned AO and is undeveloped. The surrounding area is developed with commercial & retail uses. The Home Depot is adjacent to the east. The Kohl's shopping center is to the south across Southwest Drive. Single-family residential homes exist farther to the north of the property but are not affected directly with this development at this time. The applicant is proposing to rezone to GC to develop with commercial uses. The area further to the north will remain undeveloped at this time.

The Future Land Use section of the Comprehensive Plan designates this general area as restricted open space adjacent to a commercial area. Elm Creek runs along the west boundary and defines the western limit of the area. The Southwest Area Plan identified this area for low-density residential development. The Home Depot was approved in 2002 and effectively extended the limit of the commercial area. The applicant is requesting the zone change to allow for commercial development along the Southwest Drive street frontage similar to the existing development in the area. The requested zoning would be compatible with the adjacent uses.

STAFF RECOMMENDATION

Staff recommends approval of GC zoning.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 4 in favor (Glenn, Rosenbaum, Yungblut, and Famble), none opposed, and 1 abstained (Todd).

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 19, 2013

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 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 28th day of March, A.D. 2013.

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 15th day of February, 2013, 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 11th day of April, 2013 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 11th day of April, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to GC (General Commercial) District.

Legal Description:

Being 14.77 acres of A0466 SUR 95 J C DONLEY, ACRES 54.928



Location:

Being 14.77 acres located at 4750 Southwest Dr.

-END-

ZONING CASE Z-2013-02

STAFF REPORT



APPLICANT INFORMATION:

Kickapoo Land Company
Agent: David Todd

HEARING DATES:

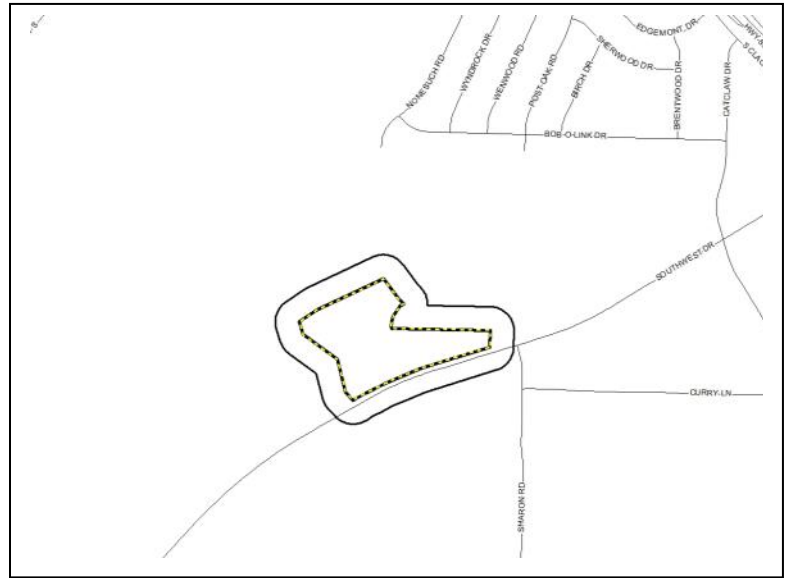
Planning & Zoning Commission: March 4, 2013
City Council 1st Reading: March 28, 2013
City Council 2nd Reading: April 11, 2013

LOCATION:

4750 Southwest Dr

REQUESTED ACTION:

Rezone property from AO to GC



SITE CHARACTERISTICS:

The subject property is approximately 14.77 acres and is currently zoned AO (Agricultural Open Space). The property is currently undeveloped. The adjacent properties have AO zoning to the west & north and PD (Planned Development) zoning to the east & south.

ZONING HISTORY:

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

ANALYSIS:

- Current Planning Analysis

The property is zoned AO and is undeveloped. The surrounding area is developed with commercial & retail uses. The Home Depot is adjacent to the east. The Kohl's shopping center is to the south across Southwest Drive. Single-family residential homes exist farther to the north of the property but are not affected directly with this development at this time. The applicant is proposing to rezone to GC to develop with commercial uses. The area further to the north will remain undeveloped at this time.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as restricted open space adjacent to a commercial area. Elm Creek runs along the west boundary and defines the western limit of the area. The Southwest Area Plan identified this area for low-density residential development. The Home Depot was approved in 2002 and effectively extended the limit of the commercial area. The applicant is requesting the zone change to allow for commercial development along the Southwest Drive street frontage similar to the existing development in the area. The requested zoning would be compatible with the adjacent uses.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GC zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested by a vote of 4 in favor (Glenn, Rosenbaum, Yungblut, and Famble), none opposed, and 1 abstained (Todd).

NOTIFICATION:

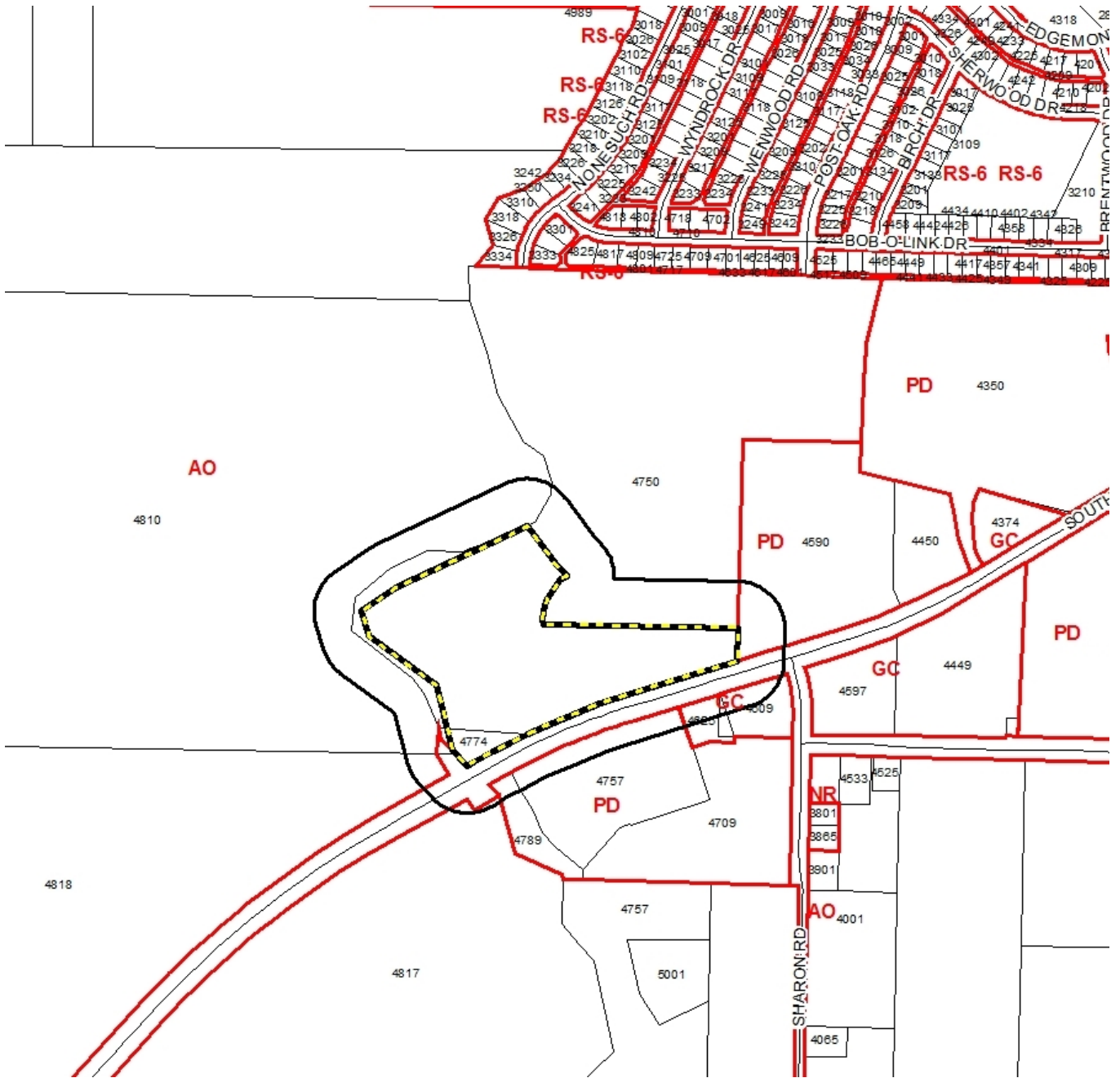
Property owners within a 200-foot radius were notified of the request.

| OWNER | ADDRESS | RESPONSE |
|------------------------------|-------------------|----------|
| TARGET SPORTS INC | 4789 SOUTHWEST DR | |
| CANYON ABILENE PROPERTIES LP | | |
| HD DEVELOPMENT PROPERTIES LP | 4590 SOUTHWEST DR | |
| TARGET SPORTS INC | 4625 SOUTHWEST DR | |
| KOHL'S ILLINOIS INC | 4757 SOUTHWEST DR | |
| COLEMAN COUNTY STATE BANK | 4609 SOUTHWEST DR | |
| ELM ACRES VENTURE LP | 4817 SOUTHWEST DR | |
| ROBERTSON MARINDA F TRUST | 4774 SOUTHWEST DR | |
| CITY OF ABILENE | | |
| BUTTERFIELD MEADOWS LLC | 4810 SOUTHWEST DR | |
| ELM ACRES VENTURE LP | 4818 SOUTHWEST DR | |
| KICKAPOO LAND CO | 4750 SOUTHWEST DR | |

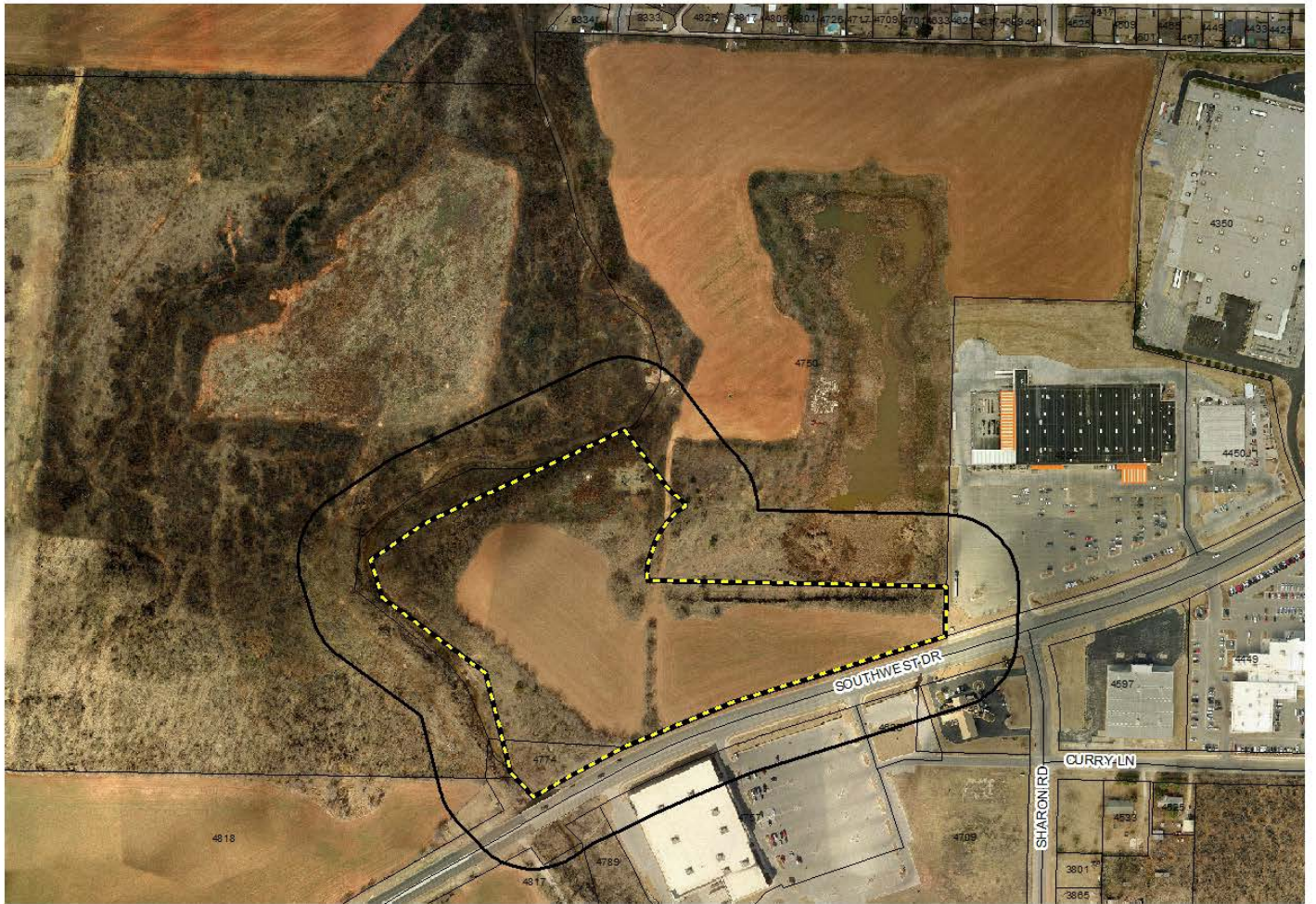
0 in Favor- **Y**
0 Opposed- **N**

Y









City Council
Agenda Memo



City Council
Meeting Date: 3/28/2013

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-2013-03, a request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to O (Office) zoning, being 4.92 acres located at 749 Gateway St; and setting a public hearing for April 11, 2013.

GENERAL INFORMATION

The property is zoned AO and is undeveloped. The surrounding area is mostly undeveloped with some single-family and duplex homes to the east. The applicant is proposing to rezone to O (Office) zoning. This would provide a transition from the Medium Density residential uses to the Loop 322 frontage. The remaining area will remain undeveloped at this time.

The Future Land Use section of the Comprehensive Plan designates this general area as a Major Commercial/Business Center focused at the intersection of Loop 322 and Industrial Blvd. The applicant is requesting the zone change to allow for office development. The Office zoning is considered a compatible zoning district when adjacent to residential uses and would provide a transition as development approaches Loop 322. The requested zoning would be compatible with the adjacent uses as well as the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval of O zoning.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 5 in favor (Glenn, Rosenbaum, Todd, Yungblut, and Famble), and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 19, 2013

Item No. 6 . 4

Disposition by City Council

Approved Ord/Res# _____

Denied _____

Other _____

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "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 28th day of March, A.D. 2013.

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 15th day of February, 2013, 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 11th day of April, 2013 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 11th day of April, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to O (Office) District.

Legal Description:

Being 4.92 acres of A0679 SUR 62 B A L SE/4, ACRES 21.88



Location:

Being 4.92 acres located at 749 Gateway St.

-END-

ZONING CASE Z-2013-03

STAFF REPORT



APPLICANT INFORMATION:

Musgrave Enterprises
Agent: Tal Fillingim

HEARING DATES:

Planning & Zoning Commission: March 4, 2013
City Council 1st Reading: March 28, 2013
City Council 2nd Reading: April 11, 2013

LOCATION:

749 Gateway St

REQUESTED ACTION:

Rezone property from AO to O



SITE CHARACTERISTICS:

The subject property is approximately 4.92 acres and is currently zoned AO (Agricultural Open Space). The property is currently undeveloped. The adjacent properties have AO zoning to the south, west & north and MD (Medium Density) zoning to the east.

ZONING HISTORY:

The property was annexed in 1968 and was zoned AO sometime after.

ANALYSIS:

- Current Planning Analysis

The property is zoned AO and is undeveloped. The surrounding area is mostly undeveloped with some single-family and duplex homes to the east. The applicant is proposing to rezone to O (Office) zoning. This would provide a transition from the Medium Density residential uses to the Loop 322 frontage. The remaining area will remain undeveloped at this time.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as a Major Commercial/Business Center focused at the intersection of Loop 322 and Industrial Blvd. The applicant is requesting the zone change to allow for office development. The Office zoning is considered a compatible zoning district when adjacent to residential uses and would provide a transition as development approaches Loop 322. The requested zoning would be compatible with the adjacent uses as well as the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of O zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

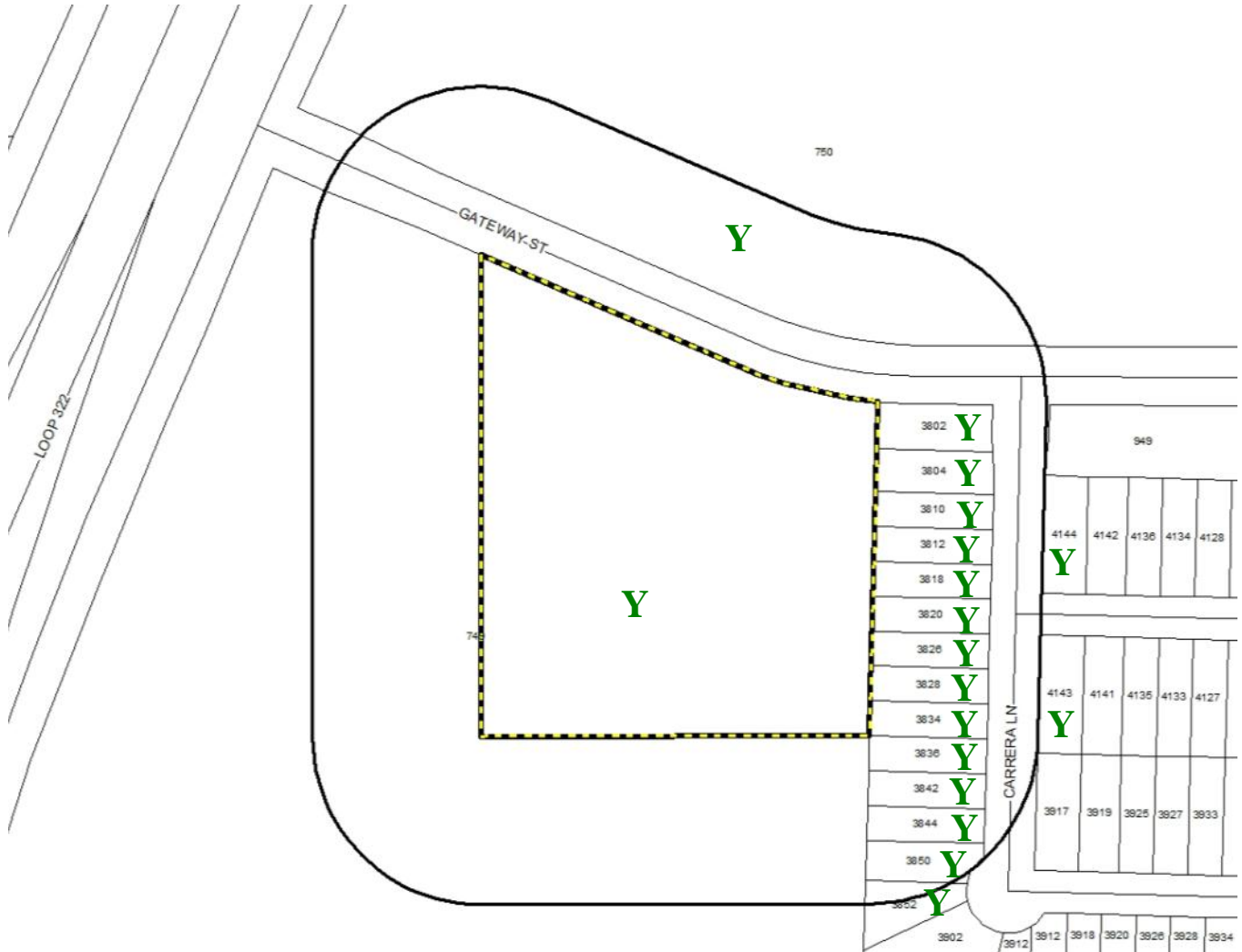
The Planning and Zoning Commission recommends approval as requested by a vote of 5 in favor (Glenn, Rosenbaum, Todd, Yungblut, and Famble), and none opposed.

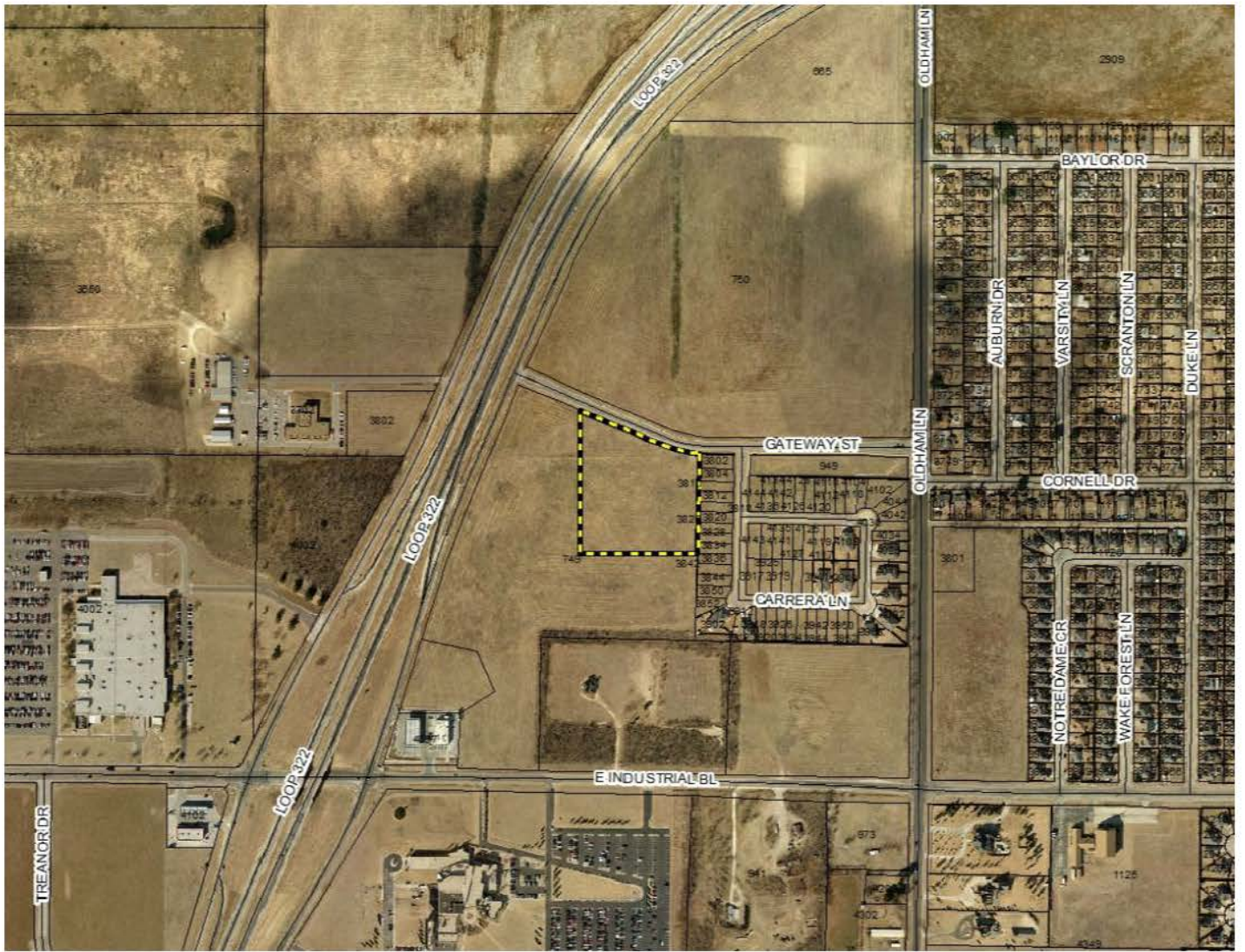
NOTIFICATION:

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

| OWNER | ADDRESS | RESPONSE |
|-------------------------|-----------------|----------|
| MUSGRAVE & MUSGRAVE LLP | 750 GATEWAY ST | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3836 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3820 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3818 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3810 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3842 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3812 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 4144 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3844 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3834 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3828 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 4143 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 749 GATEWAY ST | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3850 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3852 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3804 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3826 CARRERA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 3802 CARRERA LN | In Favor |
| CITY OF ABILENE | 949 GATEWAY ST | |

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







City Council
Agenda Memo



City Council
Meeting Date: 3/28/2013

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading appealing the denial of an ordinance for Case No. Z-2013-04, a request from Valley Creek Investments, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) & RS-12 (Single-Family Residential) to RS-8 (Single-Family Residential), PH (Patio Home), & GR (General Retail) zoning, located at 902 ES 27th St; and setting a public hearing for April 11, 2013.

GENERAL INFORMATION

The property is zoned AO & RS-12 and is undeveloped. The surrounding area is mostly developed with large single-family homes to the north & east. The homes to the east are large estate lots adjacent to Lytle Lake. The Abilene State School is located to the west. The applicant is proposing to rezone the majority of the property to RS-8 (Single-Family Residential) zoning. A small part is requested to be zoned PH (Patio Home) zoning. The southernmost portion is requested to be zoned GR (General Retail) zoning.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting a change to allow for single-family residential development, to include patio homes, on the majority of the property. The remaining area is planned for retail development. The residential components of the requested zoning would be compatible with the area as well as the Comprehensive Plan. Although located at the intersection of 2 arterial roads, the retail development is not compatible with the adjacent uses and residential character of the area.

Prior to the P&Z Commission meeting, the applicant amended his request to RS-8 & PH zoning (eliminating the GR zoning). More recently, the applicant has amended his request to rezone to RS-12 zoning for the entire property.

STAFF RECOMMENDATION

Staff recommends approval of RS-8 & PH zoning or the alternative of RS-12 zoning requested by the applicant.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends denial of the amended request (RS-8 & PH) by a vote of 5 in favor (Glenn, Rosenbaum, Todd, Yungblut, and Famble), and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 19, 2013

Item No. 6.5

Disposition by City Council

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

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART 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 28th day of March, A.D. 2013.

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 15th day of February, 2013, 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 11th day of April, 2013 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 11th day of April, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to RS-12 (Single-Family Residential) district.

Legal Description:

A0636 SUR 51 B A L SW/4, ACRES 33.039



Location:

902 ES 27th St

-END-

ZONING CASE Z-2013-04

STAFF REPORT



APPLICANT INFORMATION:

Valley Creek Investments, LLC
Agent: Tal Fillingim

HEARING DATES:

Planning & Zoning Commission: March 4, 2013
City Council 1st Reading: March 28, 2013
City Council 2nd Reading: April 11, 2013

LOCATION:

902 ES 27th St

REQUESTED ACTION:

Rezone property from AO & RS-12 to RS-8, PH & GR zoning

February 27, 2013: Amended request to RS-8 & PH (eliminating GR) zoning

March 12, 2013: Amended request to RS-12 only



SITE CHARACTERISTICS:

The subject property is approximately 33.03 acres and is currently zoned AO (Agricultural Open Space) and RS-12 (Single-Family Residential). The property is currently undeveloped. The adjacent properties have AO zoning to the west & north, RS-12 zoning (Single-Family Residential) zoning to the east, and PD (Planned Development) zoning to the south.

ZONING HISTORY:

The property was annexed in 1959 and was zoned AO sometime after. The RS-12 zoning was approved in 1977.

ANALYSIS:

- Current Planning Analysis

The property is zoned AO & RS-12 and is undeveloped. The surrounding area is mostly developed with large single-family homes to the north & east. The homes to the east are large estate lots adjacent to Lytle Lake. The Abilene State School is located to the west. The applicant is proposing to rezone the majority of the property to RS-8 (Single-Family Residential) zoning. A small part is requested to be zoned PH (Patio Home) zoning. The southernmost portion is requested to be zoned GR (General Retail) zoning.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting a change to allow for single-family residential development, to include patio homes, on the majority of the property. The remaining area is planned for retail development. The residential components of the requested zoning would be compatible with the area as well as the Comprehensive Plan. Although located at the intersection of 2 arterial roads, the retail development is not compatible with the adjacent uses and residential character of the area.

PLANNING STAFF RECOMMENDATION:

Staff recommends denial of the original requested zoning. Staff recommends approval of the amended request (RS-8 & PH) or the alternative of RS-12 zoning requested by the applicant.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

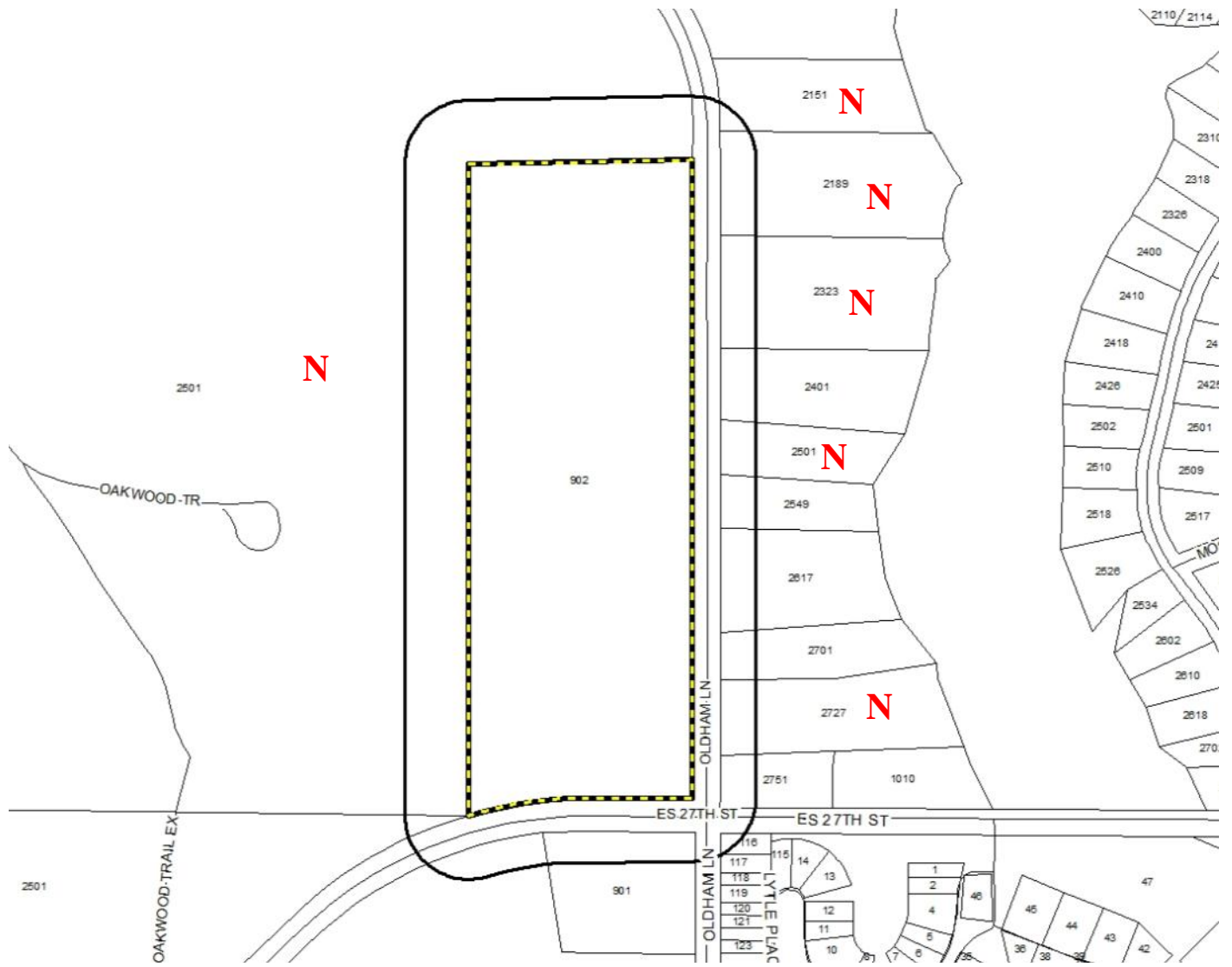
The Planning and Zoning Commission recommends denial of the amended request (RS-8 & PH) by a vote of 5 in favor (Glenn, Rosenbaum, Todd, Yungblut, and Famble), and none opposed.

NOTIFICATION:

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

| OWNER | ADDRESS | RESPONSE |
|---------------------------------------|--------------------|----------|
| MASSEY CLEBER J & | 2501 OLDHAM LN | Opposed |
| ABILENE STATE SCHOOL | 901 ES 27TH ST | |
| SCOTT AL & DOTTIE | 2549 OLDHAM LN | |
| LOVING INDIVIDUALS GENERATING | 2751 OLDHAM LN | |
| CORRELL RICHARD & REBECCA | 2401 OLDHAM LN | |
| WEATHERBEE CONSTRUCTION INC | | |
| LANCASTER IVAN TIM & REGINA | 2727 OLDHAM LN | Opposed |
| JJWL PROPERTIES LLC | 2189 OLDHAM LN | Opposed |
| SMITHWICK NELDA D | 116 LYTLE PLACE DR | |
| CONDER TONY L & JENNIFER H | 2323 OLDHAM LN | Opposed |
| THORP GORMAN M & JO ANN K | 2701 OLDHAM LN | |
| WASHBURN PAUL | 2617 OLDHAM LN | |
| ROBERTSON MARINDA F | 117 LYTLE PLACE DR | |
| ABILENE STATE SCHOOL | 2501 MAPLE ST | Opposed |
| BRYANT RONNY J & TERESA L | 2151 OLDHAM LN | Opposed |
| VALLEY CREEK INVESTMENTS LLC | 902 ES 27TH ST | |
| LYTLE LAKE WATER DISTRICT | | |
| LYTLE PLACE COMMUNITY ASSOCIATION INC | | |

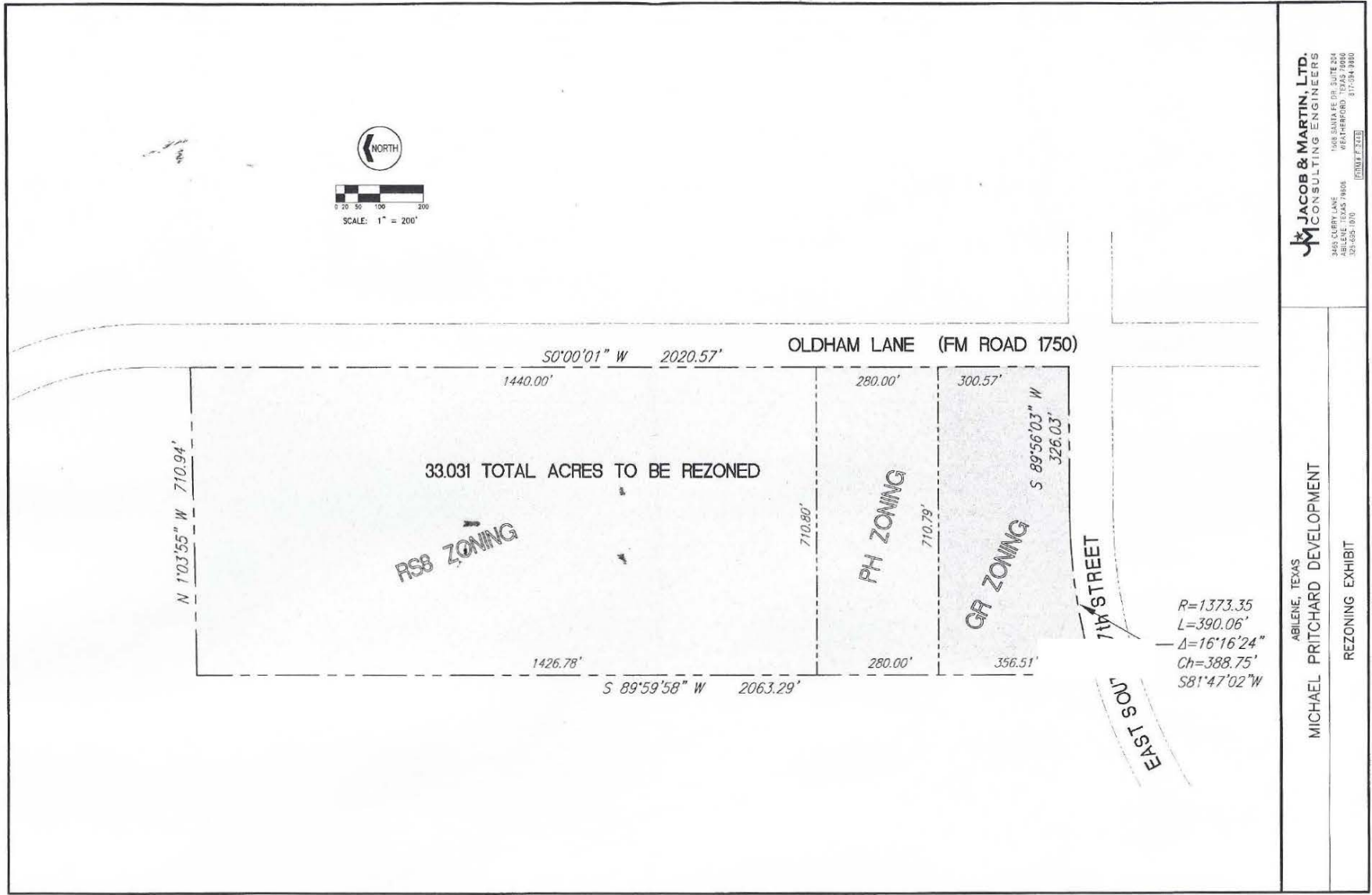
0 in Favor - **Y**
6 Opposed - **N**







Original Request



City Council
Agenda Memo



City Council
Meeting Date: 3/28/2013

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-2013-05, a request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) zoning, being 22.53 acres located at 6301 Arapaho Tr; and setting a public hearing for April 11, 2013.

GENERAL INFORMATION

The property is zoned AO and is vacant. The surrounding area is developed with residential uses. Single-family residential homes exist to the north and west of the property. The area to the south and east is undeveloped. The subject property is part of the previously-named Indian Trails Subdivision. The applicant is proposing to continue development of the subdivision with this next phase. The area further to the south will remain undeveloped at this time.

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 development of the next phase of an existing single-family residential subdivision. The requested zoning would be compatible with the adjacent residential uses as well as the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval of RS-8 zoning.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested by a vote of 5 in favor (Glenn, Rosenbaum, Todd, Yungblut, and Famble), and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 19, 2013

Item No. 6.6

Disposition by City Council

Approved Ord/Res# _____

Denied _____

Other _____

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART 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 28th day of March, A.D. 2013.

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 15th day of February, 2013, 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 11th day of April, 2013 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 11th day of April, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) District.

Legal Description:

Being 22.53 acres of A0417 SUR 101 WM E VAUGHN, ACRES 50.12



Location:

Being 22.53 acres located at 6301 Arapaho Tr.

-END-

ZONING CASE Z-2013-05

STAFF REPORT



APPLICANT INFORMATION:

Musgrave Enterprises
Agent: Tal Fillingim

HEARING DATES:

Planning & Zoning Commission: March 4, 2013
City Council 1st Reading: March 28, 2013
City Council 2nd Reading: April 11, 2013

LOCATION:

6301 Arapaho Tr

REQUESTED ACTION:

Rezone property from AO to RS-8



SITE CHARACTERISTICS:

The subject property is approximately 22.53 acres and is currently zoned AO (Agricultural Open Space). The property is currently undeveloped and is planned to be the next phase in an existing single-family residential subdivision. The adjacent properties have AO zoning to the east & south and RS-8 (Single-Family Residential) zoning to the west and north.

ZONING HISTORY:

The property was annexed in 1980 and was zoned AO sometime after.

ANALYSIS:

- Current Planning Analysis

The property is zoned AO and is vacant. The surrounding area is developed with residential uses. Single-family residential homes exist to the north and west of the property. The area to the south and east is undeveloped. The subject property is part of the previously-named Indian Trails Subdivision. The applicant is proposing to continue development of the subdivision with this next phase. The area further to the south will remain undeveloped at this time.

- 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 development of the next phase of an existing single-family residential subdivision. The requested zoning would be compatible with the adjacent residential uses as well as the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of RS-8 zoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval as requested by a vote of 5 in favor (Glenn, Rosenbaum, Todd, Yungblut, and Famble), and none opposed.

NOTIFICATION:

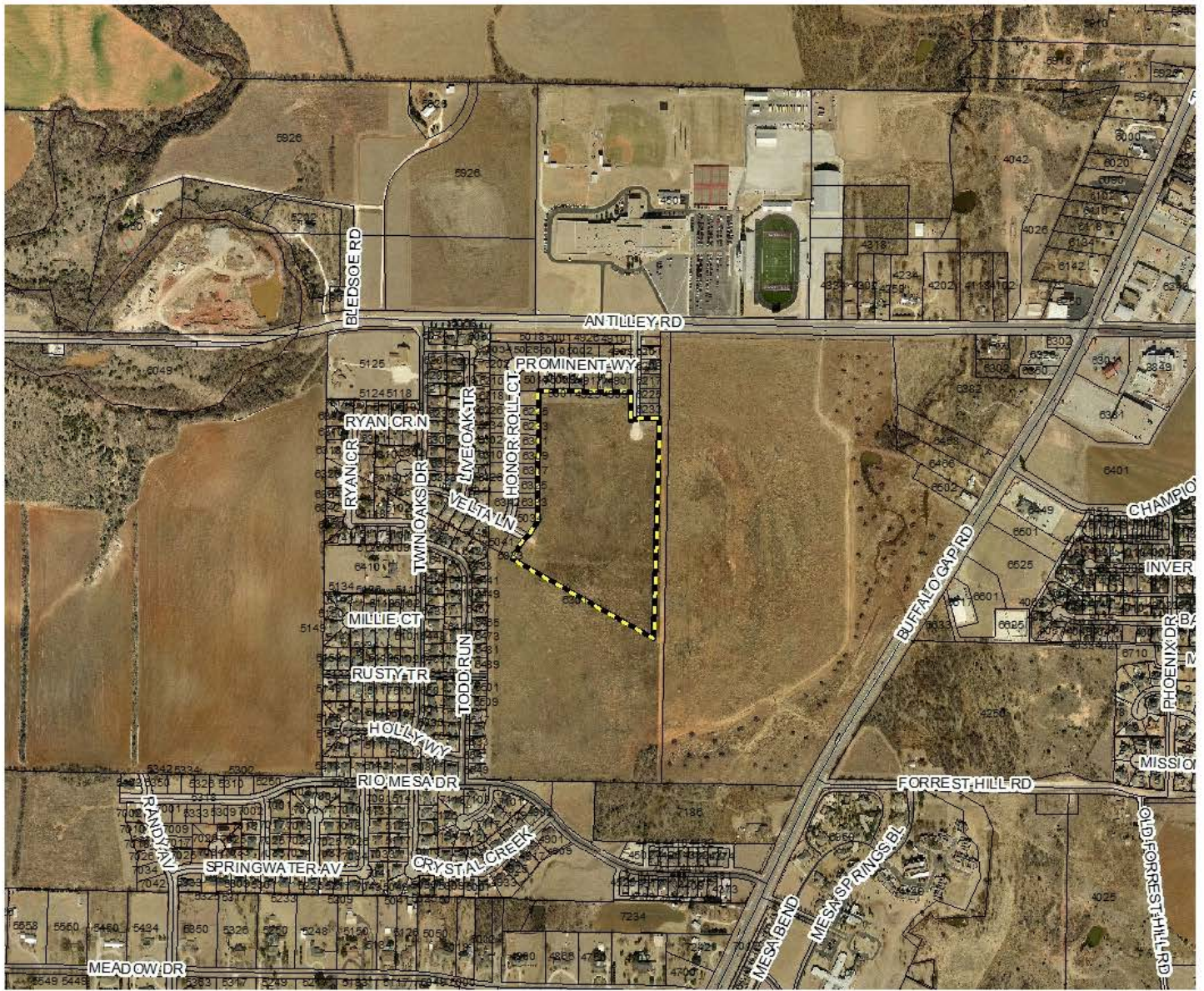
Property owners within a 200-foot radius were notified of the request.

| OWNER | ADDRESS | RESPONSE |
|---------------------------------|--------------------|----------|
| MUSGRAVE & MUSGRAVE LLP | 6301 ARAPAHO TR | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 6325 HONOR ROLL CT | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 6233 HONOR ROLL CT | In Favor |
| COUNTRYSIDE HOMES LLC | 6309 HONOR ROLL CT | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 6217 TRADITION DR | In Favor |
| PUCKETT FRANK TODD & MARLEE J | 6209 TRADITION DR | |
| MUSGRAVE & MUSGRAVE LLP | 5041 VELTA LN | In Favor |
| FISHER MICHAEL & MELISSA | 6301 HONOR ROLL CT | |
| SMITH TIM & DEBRA | 4901 PROMINENT WY | |
| CASTANEDA IRVIN & ISMAEL | 4902 PROMINENT WY | |
| ANDERS ROBERT H & SAMMIE | 5049 VELTA LN | Opposed |
| MUSGRAVE & MUSGRAVE LLP | 6317 HONOR ROLL CT | |
| RHEA BYRON & PENNEY HEATH | 5001 PROMINENT WY | |
| HOLT SAMMY LEE JR | 6225 TRADITION DR | |
| MUSGRAVE & MUSGRAVE LLP | 6233 TRADITION DR | In Favor |
| BLEDSON DONALD D | | |
| GRODEY ROBERT E & JOAN M | 6425 TODD RUN | In Favor |
| FOWLER JAMES JACKSON & | 6433 TODD RUN | |
| MUSGRAVE & MUSGRAVE LLP | 6234 HONOR ROLL CT | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 6225 HONOR ROLL CT | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 5033 VELTA LN | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 6217 HONOR ROLL CT | In Favor |
| TRUMBLE STEVEN | 4917 PROMINENT WY | |
| KEELS GREGORY W & | 6441 TODD RUN | |
| MUSGRAVE & MUSGRAVE LLP | 6333 HONOR ROLL CT | In Favor |
| GRAHAM GARY JASON & RACHEL ANN | 5034 VELTA LN | |
| TM CORNERSTONE ENTERPRISES LLC | 4910 PROMINENT WY | In Favor |
| NOBLE JUSTIN & KRISTAL | 5009 PROMINENT WY | |
| O CONNOR SHIRLEY M | 5017 PROMINENT WY | |
| MARK ALDRIEDGE CUSTOM HOMES LLC | 6210 HONOR ROLL CT | In Favor |
| CHAVEZ ORLANDO & JASMINE | 4909 PROMINENT WY | |
| BRISCOE GLENN ERIC JR | 4925 PROMINENT WY | |
| MUSGRAVE & MUSGRAVE LLP | 6302 HONOR ROLL CT | In Favor |

| | | |
|--------------------------------|--------------------|----------|
| MUSGRAVE & MUSGRAVE LLP | 6318 HONOR ROLL CT | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 4926 PROMINENT WY | In Favor |
| TM CORNERSTONE ENTERPRISES LLC | 6226 HONOR ROLL CT | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 6310 HONOR ROLL CT | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 5018 PROMINENT WY | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 6342 HONOR ROLL CT | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 5026 PROMINENT WY | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 6326 HONOR ROLL CT | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 4918 PROMINENT WY | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 5002 PROMINENT WY | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 5010 PROMINENT WY | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 6218 HONOR ROLL CT | In Favor |
| MUSGRAVE & MUSGRAVE LLP | 6301 ARAPAHO TR | In Favor |

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





City Council
Agenda Memo



City Council
Meeting Date: 3/28/2013

TO: Larry D. Gilley, City Manager
FROM: Jon James, AICP
Director of Planning and Development Services
SUBJECT: First reading on an ordinance amending the Land Development Code to create and adopt standards for an Ambler Avenue Corridor Overlay; and setting a public hearing for April 11, 2013.

GENERAL INFORMATION

The Planning & Development Services Department has been working with a group of property owners along the Ambler Avenue corridor to study and create an overlay district for the corridor similar to the Pine Street corridor passed in 2009. The primary purpose of this overlay district is to encourage high-quality development and redevelopment within a corridor along Ambler from Grape Street to Interstate 20.

In general, development and redevelopment within this district should serve as a corridor of high quality attractive development representing the first impression of Abilene for visitors to Abilene Christian University, Hardin-Simmons University, and Hendrick Medical Center, and other destinations within the corridor. Uses are intended to include retail, restaurants, services, medical, office, research, educational, and related uses. Development in the area should be of high quality with well-designed buildings and attractive landscaping in a pedestrian friendly setting.

Components of the Corridor Overlay include:

- Land Use:
 - o Normally allowed uses, except that auto-related uses or uses with outdoor storage must seek a Special Exception to ensure compatibility with the goals of the corridor.
- Building & Architectural Standards:
 - o Ensures higher quality building standards. *{Discussion at P&Z Commission meeting to exempt for single-family and duplex uses, staff supports this change}*
- Setbacks:
 - o Allows for the reduction of front building setbacks if there is only landscaping between the building and the street.
- Landscaping:
 - o Normally required landscaping, plus the addition of additional low screening between parking lots and the street.
- Signage:
 - o Between Grape St and Treadaway Blvd, signage requirements are the same as in the Pine Street Corridor.
 - o Between Treadaway and I-20, signage requirements are based on the citywide sign ordinance.
 - o Portable signs and billboards are prohibited, except along I-20.
 - o Additional size allowance for institutional signs.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

Ordinance

| | | |
|--|---------------------|---|
| Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> March 19, 2013 | Item No. <u>6.7</u> | Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied _____ <input type="checkbox"/> 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 28th day of March A.D. 2013.

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 February, 2013, 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 11th day of April, 2013, 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 11th day of April, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT "A"

ADD: Section 2.3.4.6 Ambler Avenue Corridor (AMB-COR) Overlay District

Section 2.3.4.6 Ambler Avenue Corridor (Amb-Cor) Overlay Zone

Activities within this overlay district shall be governed by all regulations of the underlying zoning district, including regulations for site development, landscaping, signs, performance standards, etc, except where modified by the provisions of this Section.

- (a) **Purpose.** The primary purpose of this overlay district is to encourage high quality development and redevelopment within the district. In general, this district is intended to cover the areas adjacent to Ambler Avenue from Grape Street to Interstate 20.

In general, development and redevelopment within this district should serve as a corridor of high quality attractive development representing the first impression of Abilene for visitors to Abilene Christian University, Hardin-Simmons University, and Hendrick Medical Center, and other destinations within the corridor. Uses are intended to include retail, restaurants, services, medical, office, research, educational, and related uses. Development in the area should be of high quality with well-designed buildings and attractive landscaping in a pedestrian friendly setting.

- (b) **Land Use.** Allowable uses within the overlay district shall be per the underlying zoning district, except as modified below.

(1) Auto related businesses (auto sales, auto repair, truck repair, etc) are allowed only with a Special Exception, which shall only be granted for such uses that are compatible with the development goals of the corridor, including incorporating appropriate conditions to address elements such as building design, landscaping, screening, limitations or prohibitions on outdoor activities, and the like.

(2) Outdoor storage on a property within the district, where allowed by the underlying zoning district, shall require a Special Exception by the Board of Adjustment and shall be based on the following criteria:

- a. The Board may deny a Special Exception for any proposed outdoor storage use that is deemed incompatible with the use characteristics and aesthetic goals of the overlay district.
- b. The storage is accessory to a permitted use and is not the primary use of the property.
- c. The storage is limited to the most appropriate locations on the site, which would typically be behind or to the side of a principal building. Only in exceptional circumstances should outdoor storage be allowed within a front yard and/or between a principal building and a street.
- d. The area of the site devoted to outdoor storage should be limited to only that which is necessary for the use and in no case shall exceed 50% of the lot.
- e. Appropriate screening is provided based on the materials being stored. Such required screening may include an opaque wall or fence, landscape screening such as hedges, shrubs, trees or a combination, or any other screening approved by the Board that meets the aesthetic intent of the overlay district.
- f. Appropriate buffering from adjacent uses. In addition to any required buffering, the Board may require additional buffering when the proposed use is adjacent to a less intensive zoning district.
- g. The Board may place limits on the surface of the storage area (concrete, asphalt, etc.) and may limit the amount or types of items stored.
- h. Any other criteria deemed by the Board to be relevant to achieving the land use and aesthetic goals of the overlay district.

- (c) **Buildings and Architectural Standards.** Standards for building design and materials shall be per the underlying zoning district, in addition to the following: 6.7 Page 3

- (1) Building materials: Building walls visible from Ambler Avenue shall be constructed of masonry material, such as stone or brick, stucco or stucco-like materials, such as EIFS, textured concrete, split-face block, or similar materials. Standard concrete block or metal siding is not permitted.
 - (2) Building articulation: In order to break up the apparent size of large facades, one or more of the flowing design elements shall be incorporated into the building design:
 - a. Vertical elements of different materials or colors every fifty (50) feet
 - b. Changes in building materials design, and/or color to avoid large blank walls
- (d) **Setbacks.** The setbacks of the underlying zoning district shall apply within this district, except as modified below:
- (1) Front Building Setback. Front building setbacks may be reduced to the required 10 foot landscaping strip where no parking, driving aisles, or other pavement is located between the building and the property line, with the exception of sidewalks and perpendicular access drives connecting to parking to the side or rear of the building.
 - (2) Side Setbacks: per underlying zoning.
 - (3) Rear Setbacks: per underlying zoning.
- (e) **Landscaping Requirements.** Landscaping and screening shall be provided, consistent with the City's landscaping standards, except as modified by this section.
- (1) Where a parking lot is located between a principal building and the street, such parking lot shall include additional landscaping or screening between the parking lot and the street in the form of a decorative masonry wall, evergreen hedge, or other comparable evergreen plantings, providing a screen of 30 to 42 inches in height. The required wall or screening shall be designed to allow for free access to the site and sidewalk by pedestrians.
- (f) **Signage Requirements.** The City of Abilene Sign Regulations (See Chapter 4, Division 8) shall apply within its overlay district, except as modified below:
- (1) Properties located between Grape Street and Treadaway Boulevard: Freestanding signs are limited to one per street frontage and shall be a monument style sign with a maximum height of eight (8) feet and a maximum area of 100 square feet.
 - (2) Properties located between Treadaway Boulevard and Interstate 20: Freestanding signs are subject to the requirements of the underlying zoning district.
 - (3) Portable signs are prohibited.
 - (4) Off-site advertising signs are prohibited, except signs permitted on and oriented to Interstate 20.
 - (5) Size exception for institutional signs. Institutional monument signs for College/University and Hospital uses may not exceed a maximum height of eight (8) feet and a maximum area of 400 square feet. In order to qualify for this provision, such sign shall be constructed of brick, masonry, or other similar materials.

-END-

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 28th day of March, A.D. 2013.

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 15th day of February, 2013, 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 11th day of April, 2013 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 11th day of April, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

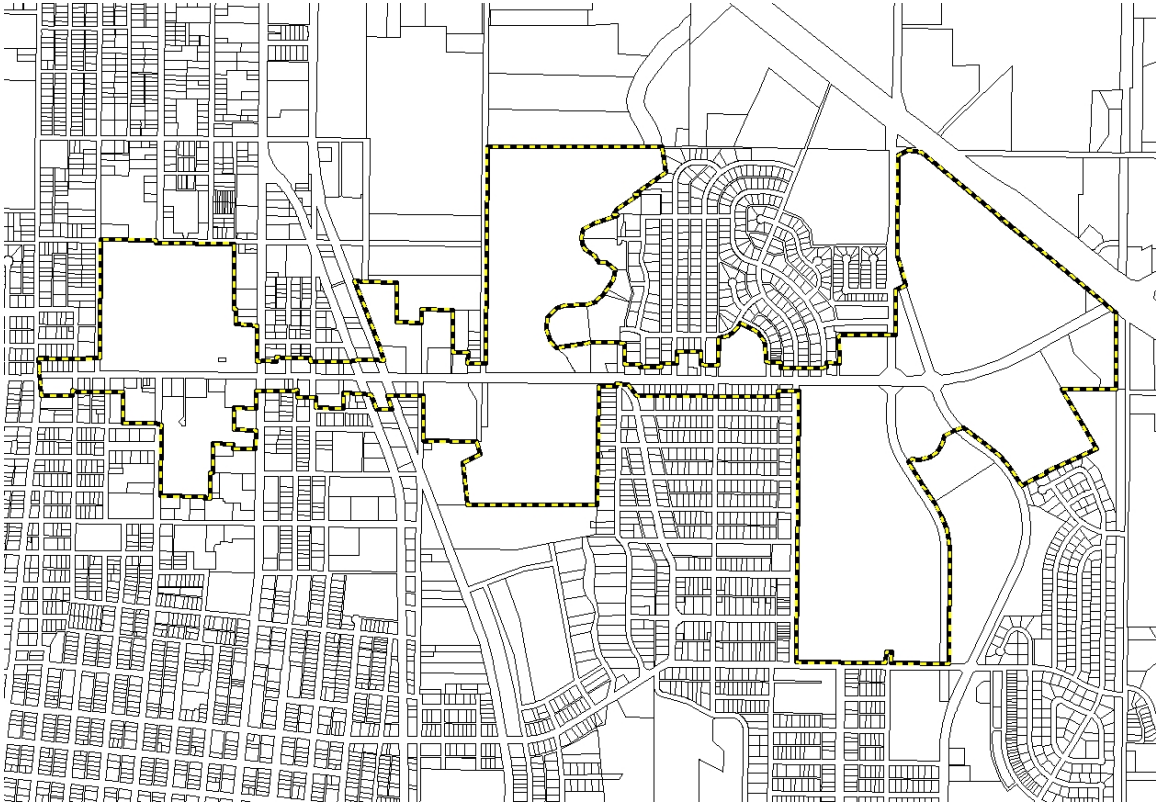
APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property to apply the Ambler Avenue Corridor Overlay to specific properties.



Location:

All properties fronting on Ambler Avenue from Grape Street to Interstate 20.

-END-

ZONING CASE Z-2013-06

STAFF REPORT



APPLICANT INFORMATION:

City of Abilene

HEARING DATES:

Planning & Zoning Commission: March 18, 2013

City Council 1st Reading: March 28, 2013

City Council 2nd Reading: April 11, 2013

LOCATION:

Ambler Avenue from Grape Street to Interstate 20

REQUESTED ACTION:

Rezone property to apply the Ambler Avenue Corridor Overlay to specific properties



SITE CHARACTERISTICS:

In general, this district covers the area of properties fronting on Ambler Avenue from Grape Street to Interstate 20. The properties along this corridor are occupied with uses ranging from residential to industrial.

ZONING HISTORY:

The zoning designations include AO (Agricultural Open Space), GR (General Retail), GC (General Commercial), HC (Heavy Commercial), LI (Light Industrial), MD (Medium Density Residential), MF, (Multi-Family Residential), RS-6 (Single-Family Residential), RS-8 (Single-Family Residential), PD (Planned Development), MU (Medical Use), O (Office District), and CU (College/University).

ANALYSIS:

- Current Planning Analysis

Property along the Ambler Avenue corridor has provided a variety of goods and services to the City's residents. Many different types of businesses and uses have occupied this corridor, some for decades. A large number of businesses are retail related, while others include auto repair, restaurants, financial institutions, medical facilities and educational institutions with residential properties intermixed. Interest in development of the corridor has sparked and is spearheaded by Hendrick Medical Center, Hardin Simmons University, and Abilene Christian University.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as part of an Enhancement Corridor. The western limit is designated as a Special Activity Center due to Hendrick Hospital and Hardin-Simmons University. The eastern limit is designated as a Major Commercial/Business Center at I-20. In general, development and redevelopment within this district should serve as a connection between the Interstate to the east and the

hospital/medical uses and university uses to the west along the corridor. Uses are intended to include retail, restaurants, services, medical, office, research, educational, and related uses. Development in the area should be of high-quality with well-designed buildings and attractive landscaping in a pedestrian-friendly setting. This action will apply this new zoning classification to the properties that have frontage along this corridor.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

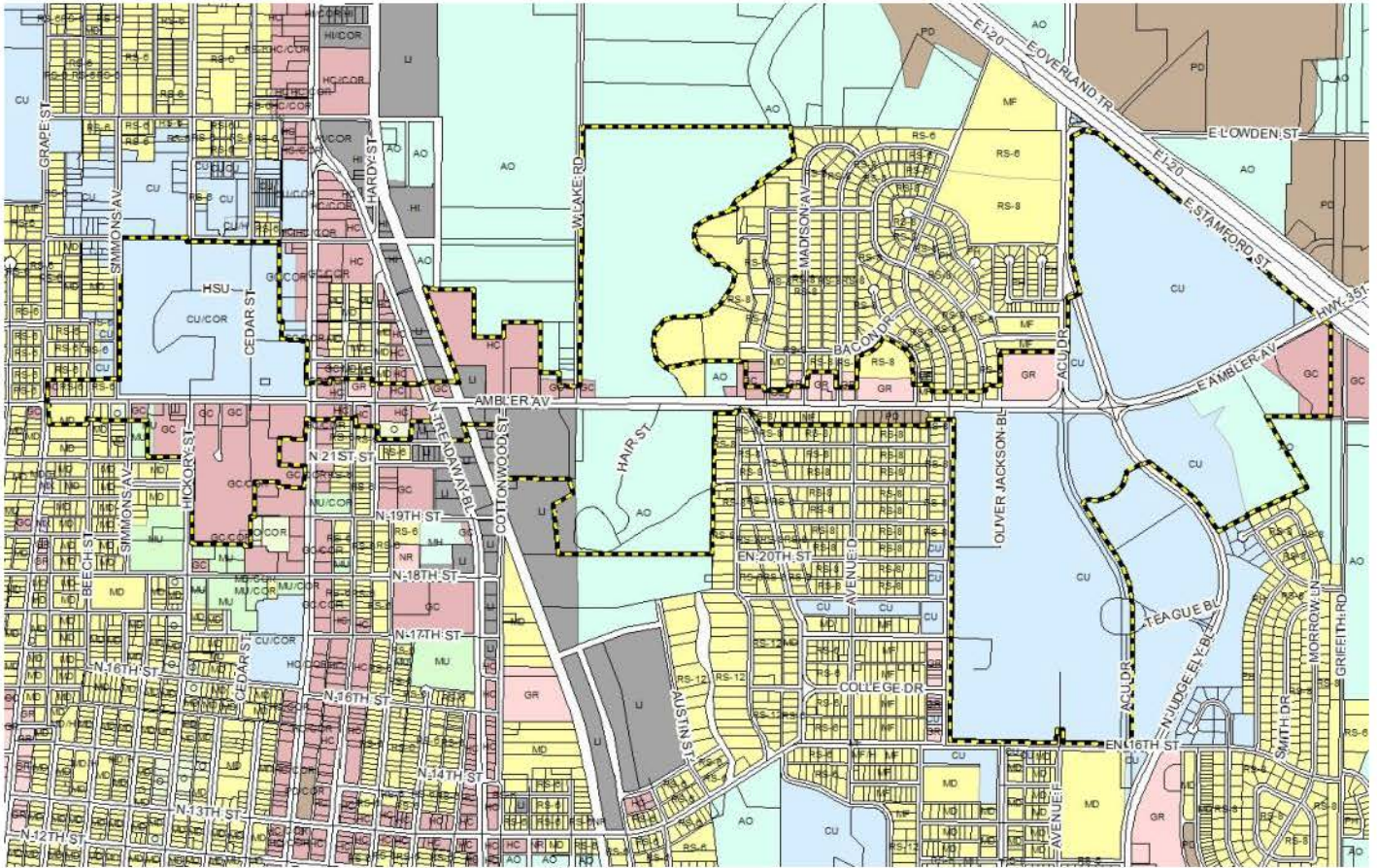
The Planning and Zoning Commission recommends approval as requested by a vote of 5 in favor (McClarty, Rosenbaum, Todd, Yungblut, and Famble), and none opposed.

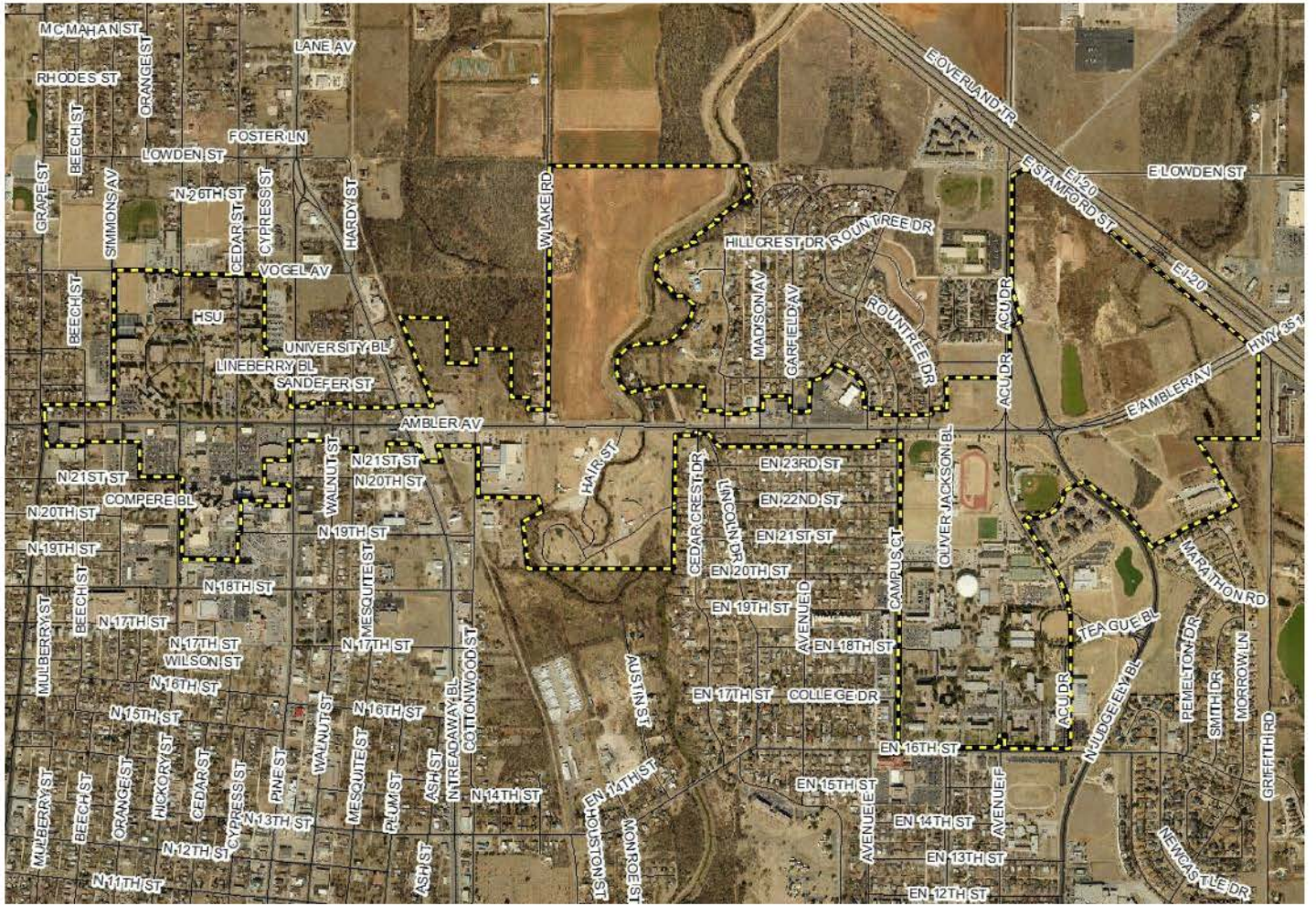
NOTIFICATION:

Notices were sent to 480 property owners along the corridor and within a 200-foot radius. Due to the number of affected properties, a listing is not provided.

| |
|--------------------------|
| 135 – In Favor- Y |
| 8 – Opposed - N |

As of 03/19/13











City Council
Agenda Memo



City Council
Meeting Date: 3/28/2013

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading on an ordinance amending the Land Development Code related to prohibiting off-premise advertising signs (billboards) in the Pine Street Corridor Overlay; and setting a public hearing for April 11, 2013.

GENERAL INFORMATION

The Sign Regulations currently allow billboards along Pine Street and the Pine Street Corridor Overlay does not prohibit billboard signs within the boundaries of the overlay district. This will align the standards in the Pine Street Corridor Overlay with the proposed standards of the Ambler Avenue Corridor Overlay.

Staff is proposing to amend the Land Development Code (LDC) to prohibit new billboards within the Pine Street Corridor Overlay. The amendment would allow for the existing billboards to remain and would not permit new billboard locations in the Pine Street Corridor Overlay. The section proposed for amendment is Section 2.3.4.2 – Pine Street Corridor (PINE-COR) Overlay District.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval with a modification to allow digital conversion of existing billboards by a vote of 5 in favor (McClarty, Rosenbaum, Todd, Yungblut, and Famble), and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 19, 2013

Item No. 6.9

Disposition by City Council

- Approved Ord/Res# _____
 Denied
 Other

City Secretary

EXHIBIT "A"

AMEND: Section 2.3.4.2 Pine Street Corridor (PINE-COR) Overlay District

REVISE: Revise the language in the Signage Requirements section (letter 'f') to prohibit off-premise signs except to allow for digital conversion of an existing billboard.

- (f) **Signage Requirements.** The City of Abilene Sign Regulations (See Chapter 4, Division 8) shall apply within its overlay district, except as modified below:
- (1) Freestanding signs are limited to one per street frontage and shall be a monument style sign with a maximum height of eight (8) feet and a maximum area of 100 square feet.
 - (2) Portable signs are prohibited.
 - (3) No new off-premise advertising signs (billboards) shall be permitted within the boundaries of the overlay district except to allow for digital conversion of an existing billboard.

-END-

City Council
Agenda Memo



City Council
Meeting Date: 3/28/2013

TO: Larry D. Gilley, City Manager

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

SUBJECT: First reading on an ordinance amending the Sign Regulations related to illumination and electronic message signs for institutional uses in single-family residential districts; and setting a public hearing for April 11, 2013.

GENERAL INFORMATION

A request has been made to allow for illumination and electronic message signs for institutional uses when located on property with single-family residential zoning, (i.e. RS-6, RS-8, etc.). The Sign Regulations currently do not allow for any illumination or electronic message signs within the single-family residential zoning district. Several uses, such as churches and schools, are located on property zoned for single-family residential. The current regulations prevent them from having an illuminated sign or from installing an electronic message sign.

Staff is proposing to amend the Sign Regulations to allow for illumination and the use of electronic message signs for institutional uses in single-family residential districts. The Sign Regulations provide standards for the display of the images as well as the brightness of the signs. The section proposed for amendment is Section 23-161 (F) – Sign Chart and Section 23-161 (F)(3). This change is already incorporated in the draft Sign Ordinance rewrite and did not have any objections from the Sign Ordinance Review Committee or during the P&Z Commission public hearing process.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 4 in favor (Rosenbaum, Todd, Yungblut, and Famble), and 1 opposed (McClarty).

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 19, 2013

Item No. 6.10

Disposition by City Council

- Approved Ord/Res# _____
 Denied
 Other

City Secretary

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART C, "SIGNS AND BILLBOARDS," 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 C, "Signs and Billboards," 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 28th day of March A.D. 2013.

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 February, 2013, 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 11th day of April, 2013, 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 11th day of April, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

**STANDARDS FOR AREA, HEIGHT, PLACEMENT, AND
NUMBER FOR PERMANENT, NON-PORTABLE SIGNS**

| Sign Classification | | Permitted Zoning Districts | Maximum Area | Maximum Height | Minimum Setback Required | Number and/or Spacing Limitations | Illumination Permitted | Motion Permitted | Additional Requirements |
|---------------------|---------------------------------------|--|---|---|---|---|------------------------|------------------|-------------------------|
| OFF SITE | Type I | SC GC HC LI HI AO (SE) ① | 672 sq.ft. | 42.5 ft or bottom of sign 8 ft above primary roadway ① ⑤ ⑥ | 10 feet if abutting RM-1, RM-2, CU, or AO | 1,500 ft spacing on same side of street 250 ft radial spacing ② | Yes | Yes | Permit Required ① |
| | Type II | SC GC HC LI HI AO (SE) ① | 378 sq.ft. | 35 ft ① ⑤ ⑥ | 10 feet if abutting RM-1, RM-2, CU, or AO | 750 ft spacing on same side of street, except 1,500 ft on interstate or primary 250 ft radial spacing ② | Yes | Yes | Permit Required ① |
| ON SITE | Business and/or Identification | AO | 700 sq.ft. | 35 ft ⑤ ⑥ | 10 ft from property line | One per business or activity | Yes | Yes | Permit Required |
| | | MU O | 36 sq.ft. | 12 ft | 10 ft from property line | One per business or activity | Yes | Yes | Permit Required |
| | | SC CB GC HC LI HI | 300 sq.ft. (no limitation for wall signs) | 50 ft, except in CB (no restrictions) ⑤ ⑥ | ④ | One freestanding sign per business per street frontage | Yes | Yes | Permit Required |
| | | LC PI | 100 sq.ft. (no limitation for wall signs) | 36 ft ⑤ ⑥ | ④ | One freestanding sign per business per street frontage | Yes | Yes | Permit Required |
| | | RM MH CU | 20 sq.ft. ③ | 10 ft ③ | 10 feet from property line | One per business or activity per street frontage | Yes | Yes | Permit Required |
| | | RS | 6 sq.ft. ③ | ③ | ④ | One per premises ③ | No ③ | No ③ | |

● = Footnote

* = no size or number limitation for wall signs

**STANDARDS FOR AREA, HEIGHT, PLACEMENT, AND
NUMBER FOR PERMANENT, NON-PORTABLE SIGNS**

| | | | | | | | | | |
|----------------|-----------------------------------|-----------------------------------|-----------|-------|--|-----------|-----|-----|---|
| | Instructional, Private | All Districts, except RS | 8 sq.ft. | 10 ft | | As needed | Yes | Yes | Permit Required |
| ON SITE | Construction | All Districts | 80 sq.ft. | 15 ft | 10 feet from all property lines, except in CB | n/a | Yes | Yes | Maximum Duration: until approx. 90% complete Permit required if electrical |
| | Special Development | All Districts | 80 sq.ft. | 15 ft | 10 feet from all property lines, except in CB | n/a | Yes | Yes | |

-END-

EXHIBIT "A"

AMEND: Section 23-161 (F) and Section 23-161 (F)(3) Sign Regulations

REVISE: Revise sign chart to add footnote #3 for illumination and motion in the RS zoning and amending the language for footnote #3.

ARTICLE III. LOCATION STANDARDS

23-161 Area, Height, Placement and Number

(F) Sign Standards

3. Freestanding institutional signs (identifying churches and other public service non-profit institutions) located within residential districts are permitted to be up to 80 square feet in area and up to 25 feet in height. Such institutions are permitted only one freestanding sign per street front. In addition, such institutions shall be permitted one wall sign (for identification purposes) per street frontage so long as such sign exceeds no more than 100 square feet in area. Such signs shall be permitted to be illuminated and may be an electronic message sign. A permit from the City shall be required for installation of all signs identifying churches and other institutions within residential districts. Except as otherwise stated above, all other requirements for identification signs in residential districts shall be applicable to those identifying churches and other institutions.

**City Council
Agenda Memo**



**City Council
Meeting Date: 03/28/2013**

TO: Larry D. Gilley, City Manager
FROM: Megan R. Santee, Director of Public Works
SUBJECT: Oral Resolution authorizing the City Manager to enter into an agreement with Sheppard Surveying Co., Inc. for surveying services of Lake Fort Phantom, Section Four-Seven Platting

GENERAL INFORMATION

This agenda item will approve entering into a surveying contract for the subdivision of lots along Chickasaw Rd., Foot Hills Rd., Arrow Pt., Dixon Rd., Mohegan Rd., Kiowa Ct., Rocky Point Rd., Wichita Camp, Cove Rd., Silo View, Rain Dance Cr., Honey Bee Rd., and War Paint Rd. The proposed contract will include the topographic and elevation surveying, lot boundary determination, utility location, right of way and easement determination, monument establishment, preparation of a final plat, and individual survey deed. The process will be conducted in accordance with the existing Land Development Code and normal city procedures.

These plats will establish the public right-of-way and lot lines for the approximately 65 existing lots in Sections Four and Five, 69 existing lots in Sections Six and Seven.

FUNDING/FISCAL IMPACT

The negotiated cumulative cost of the surveying services is not to exceed \$386,300.00.

STAFF RECOMMENDATION

Staff recommends that Council approve an oral resolution that authorizes the City Manager to enter into an agreement with Sheppard Surveying Co., Inc. for surveying/platting services.

ATTACHMENTS

Map

Prepared by:

Name: Chad Carter

Title: City Engineer

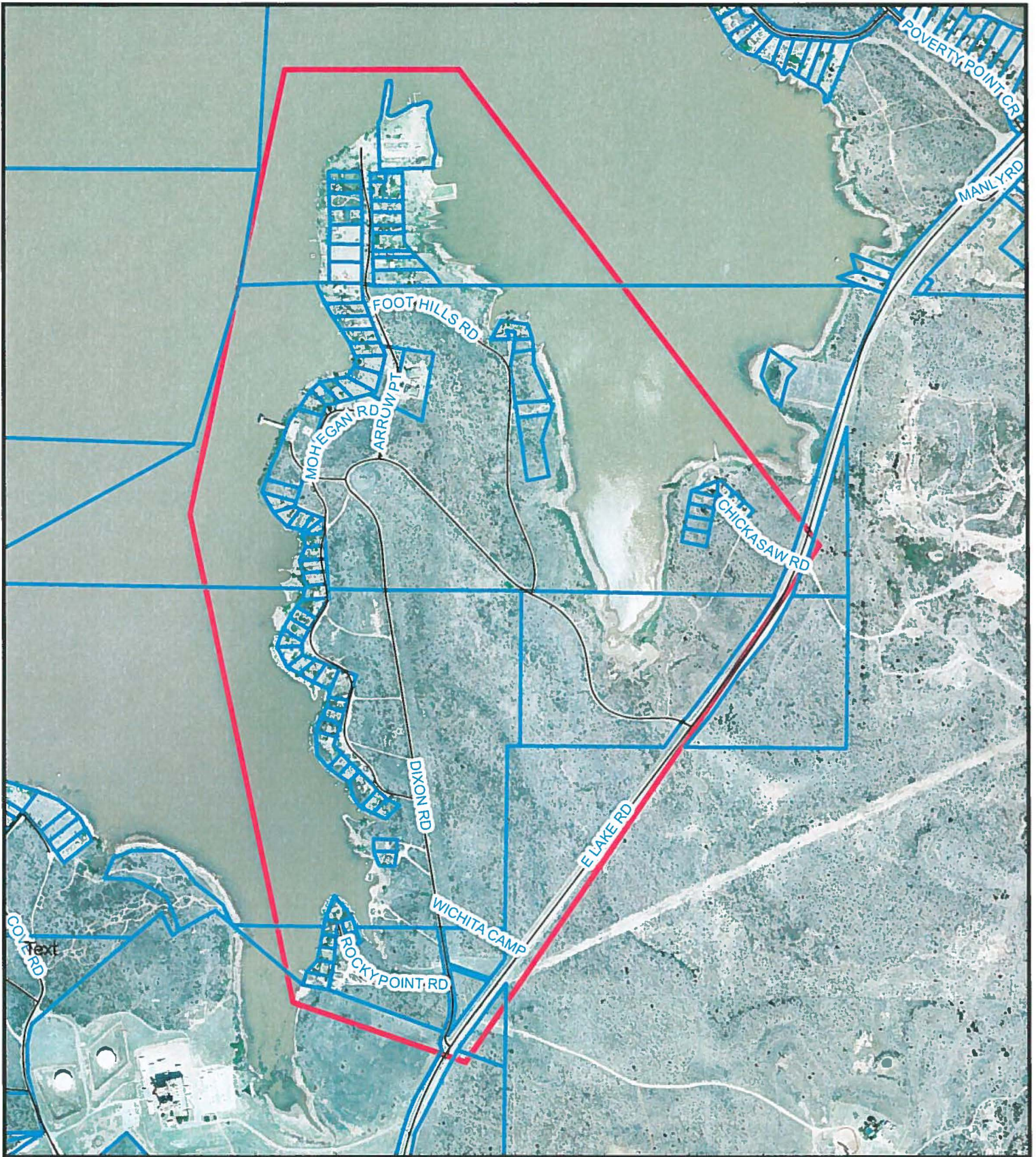
Item No. 6.11

Disposition by City Council

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

City Secretary

EXHIBIT ONE TASK ONE

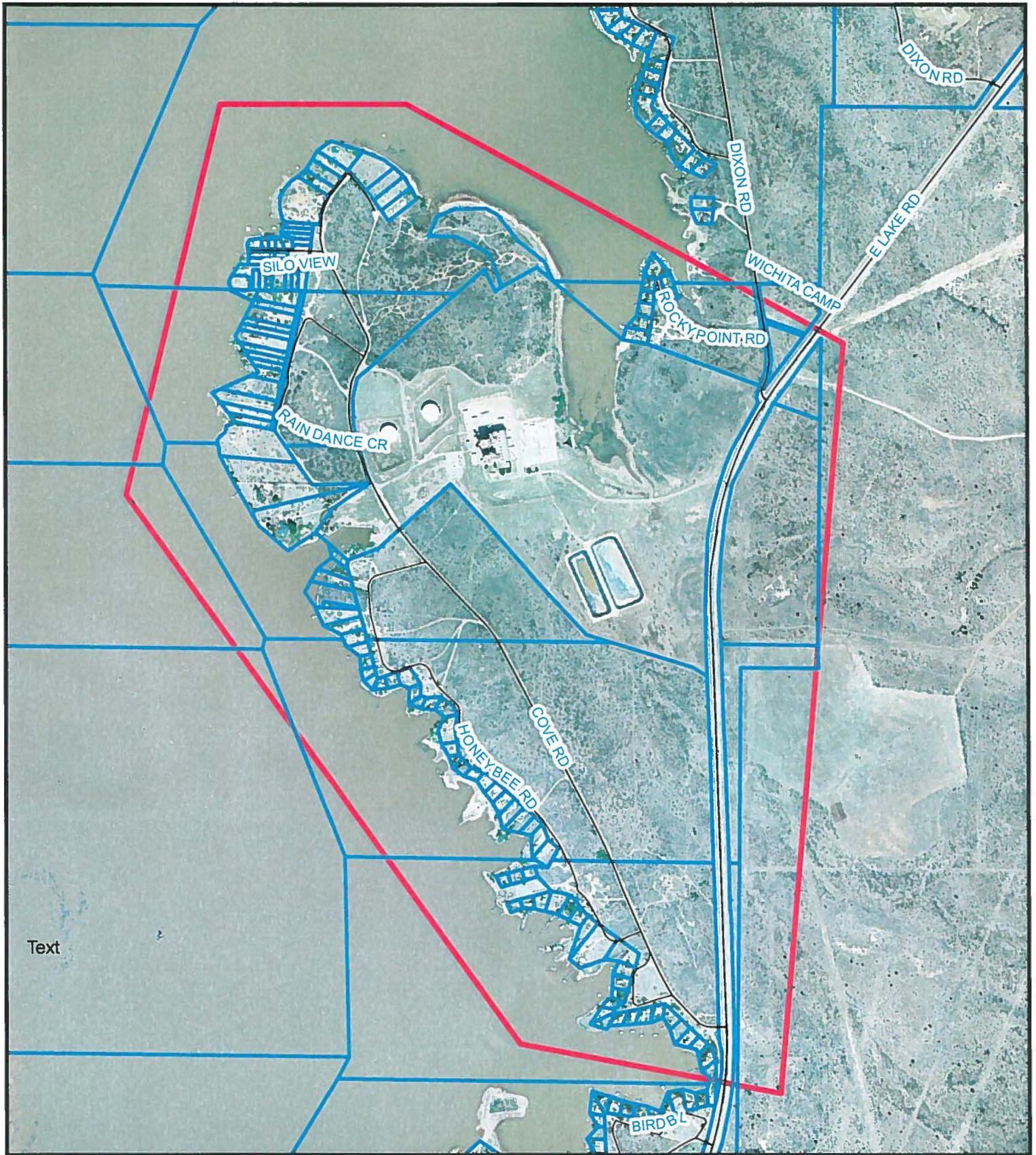


City of Abilene Topographic Map



EXHIBIT TWO

TASK TWO



City of Abilene

Topographic Map





March 19, 2013

City of Abilene, Texas
P. O. Box 60
Abilene, TX 79604
Attn: Mr. Rodney Taylor

**Re: Letter of Recommendation
Change Order #3 for Hamby WWTP Improvements Project – Prison Lift Station
eHT Project No. 4864**

Dear Mr. Taylor:

We have reviewed the change order proposal from Gracon Construction for the proposed improvements to the Prison Lift Station totaling \$322,135.78. The change order proposal complies with the plans and specifications and meets the intent of the design. Gracon's work, to date, has been satisfactory at the waste water treatment plant. Further, the original budget for this work was \$450,000.

Due to the issues currently being faced at the Prison Lift Station, we recommend proceeding with the change order to Gracon's existing contract.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Enrotec / Hibbs & Todd, Inc.

Jordan Hibbs

c: Project File 4864

P:\Projects\Abilene, City of\4864 Hamby WWTP Improvements\5. Construction Phase\Change Orders\Change Order #3

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www.e-ht.com

PG Firm Registration No. 50103
PE Firm Registration No. 1151

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager

**City Council
Meeting Date: 3/28/13**

FROM: James W. Childers, Community Services Director

SUBJECT: Approving acceptance of the donated sculpture “Yertle, Lorax, Horton, Grinch, and Sam I am” by the artist Dr. Seuss and “Seymour” featured in “Can You See What I See” by Walter Wick

GENERAL INFORMATION

The five Dr. Seuss commissioned bronze sculptures, “Yertle”, “Lorax”, “Horton”, “Grinch” and “Sam I Am” and Walter Wick’s “Seymour” featured in “Can you see what I See” are being offered to the City of Abilene as a permanent addition to Abilene’s Outdoor Sculpture Collection.

FUNDING/FISCAL IMPACT

The Abilene Cultural Affairs Council has commissioned the sculptures.

STAFF RECOMMENDATION

Staff recommends the City Council approve an oral resolution for the acceptance of the sculpture donations.

BOARD OR COMMISSION RECOMMENDATION

The Visual Arts Jury reviewed the donation request at its March 6, 2013 meeting and recommends acceptance.

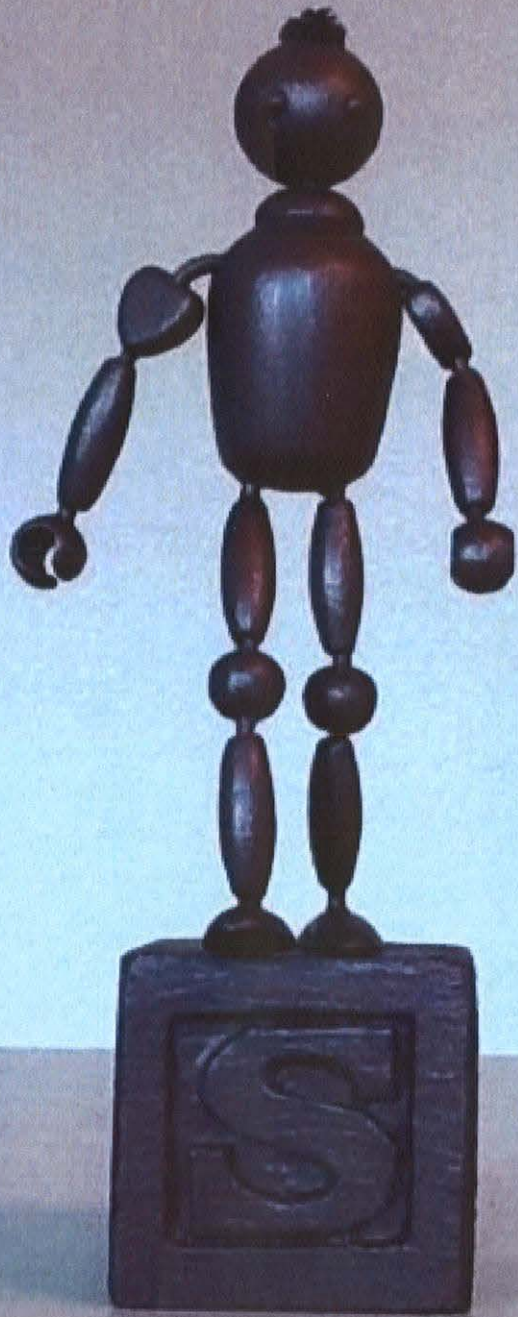
ATTACHMENTS

Picture of sculptures

| | | |
|--|----------------------|--|
| Prepared by: Name <u>James W. Childers</u> Title <u>Director of Community Ser.</u> | Item No. <u>6.13</u> | Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary |
|--|----------------------|--|



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City Council
Agenda Memo

TO: Larry D. Gilley, City Manager **City Council Meeting Date: 03/28/2013**
FROM: Mindy Patterson, Director of Finance
SUBJECT: Award of Bid – Street Sweeper for Stormwater

GENERAL INFORMATION

Fleet Management seeks approval to purchase a Street Sweeper for the Stormwater Division of Public Works. The unit will replace an item that is worn out and no longer cost-effective to maintain. The street sweeper will be utilized to remove debris from city streets and roads.

The unit is to be purchased through the Local Government Purchasing Cooperative (BuyBoard) to effectively coordinate the process and delivery.

BID TABULATION

| <u>Vendor</u> | <u>Description</u> | <u>Amount</u> |
|----------------------------|---|---------------|
| Kinloch Equipment & Supply | Elgin Road Wizard Mechanical Broom Sweeper BuyBoard contract # 348.10 | \$226,104.00 |

FUNDING/FISCAL IMPACT

Funds for this purchase are to be provided by the Fleet Replacement Fund.

STAFF RECOMMENDATION

It is recommended that the unit be purchased through BuyBoard.

Prepared By:

Name Cheri Carter

Title Fleet Analyst

Item No. 6.14

Disposition by City Council

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

City Secretary

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager

**City Council
Meeting Date: 03/28/2013**

FROM: Megan R. Santee, Director of Public Works

SUBJECT: Award of Bid #CB-1328, Civic Center Demolition and Asbestos Abatement Project

GENERAL INFORMATION

On March 18, 2013, the city of Abilene received bids for the demolition and asbestos abatement project for the Civic Center (for improvements at 536 Cedar, 720, 724, 726, 782, and 790 Pine). Three bids were received. The lowest bid was submitted by Midwest Wrecking Demolition of Fort Worth, Texas. The engineering firm, Enprotec/Hibbs & Todd, after evaluating the bid submittals, recommends awarding the bid to the low bidder.

This project will include the abatement of asbestos and the demolition of all improvements located on City-owned land adjacent to the Abilene Civic Center.

FUNDING/FISCAL IMPACT

Funding for this project was approved in the revised FY 2012 budget.

STAFF RECOMMENDATION

Staff recommends that the City Council award Bid #CB-1328 to Midwest Wrecking Demolition of Fort Worth, Texas, in the amount of \$151,000.

ATTACHMENTS

Engineer's letter of recommendation
Bid Tab Sheet CB-1328

Prepared by:

Name Megan R. Santee

Title Director, Public Works

Item No. 6.15

Disposition by City Council

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

City Secretary



March 19, 2013

City of Abilene
P O Box 60
Abilene, Texas 79606
Attn: Ms. Megan Santee

Re: Civic Center Demolition and Asbestos Abatement Project

Dear Ms. Santee

Attached is the bid tabulation for the above mentioned project. After review of the bids and a check of references and status with other State agencies, we would recommend that this bid be awarded to Midwest Wrecking Demolition Company of Texas, Inc. from Fort Worth, Texas, in the amount of \$151,100.

Please contact me if you should have any questions or require additional information.

Sincerely,

Enrotec / Hibbs & Todd, Inc.

David Todd, P.E.
Executive Vice President

c: Project File: 5673

P:\Projects\Abilene, City of\5673 Civic Center\City of Abilene Demolition Project\Correspondence\031913 City Recommendation Letter.doc

Environmental, Civil & Geotechnical Engineers

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www.e-ht.com

PG Firm Registration No. 50103
PE Firm Registration No. 1151

TABULATION OF BIDS FOR: Civic Center Demofition and Asbestos Abatement Project, City of Abilene, Texas

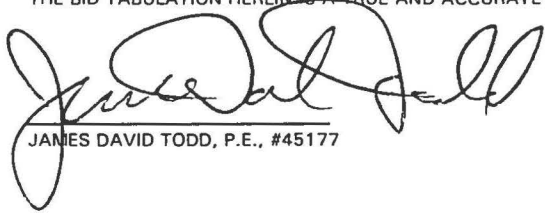
BIDS RECEIVED: 03/18/2013

PE Firm Registration No. 1151

| Item No. | Quantity | Unit | Item | Midwest Wrecking Demolition | | The Crowe Group | | JR Ramon and Sons, Inc. | |
|---------------------------------------|----------|------|---------------------------------------|-----------------------------|---------------|-----------------|---------------|-------------------------|---------------|
| | | | | Unit Cost | Amount | Unit Cost | Amount | Unit Cost | Amount |
| 1 | 1 | LS | Mobilization, bonds & insurance | \$ 7,450.00 | \$ 7,450.00 | \$ 15,000.00 | \$ 15,000.00 | \$ 20,000.00 | \$ 20,000.00 |
| 2 | 1 | LS | Asbestos Abatement | \$ 44,850.00 | \$ 44,850.00 | \$ 33,000.00 | \$ 33,000.00 | \$ 44,850.00 | \$ 44,850.00 |
| 3 | 1 | LS | Regrigerant Capture and Recycle | \$ 2,500.00 | \$ 2,500.00 | \$ 1,000.00 | \$ 1,000.00 | \$ 8,500.00 | \$ 8,500.00 |
| 4 | 1 | LS | Water Quality Monitoring Well Capping | \$ 2,800.00 | \$ 2,800.00 | \$ 3,000.00 | \$ 3,000.00 | \$ 15,200.00 | \$ 15,200.00 |
| 5 | 1 | LS | Structure Demolition | \$ 93,500.00 | \$ 93,500.00 | \$ 102,000.00 | \$ 102,000.00 | \$ 116,200.00 | \$ 116,200.00 |
| TOTAL BASE BID PRICE (Items 1 thru 5) | | | | | \$ 151,100.00 | | \$ 154,000.00 | **** | \$ 204,750.00 |

**** JR Ramon and Sons, Inc.'s bid was incomplete because of no bid security.

I, JAMES DAVID TODD, P.E., #45177, DO HEREBY CERTIFY THAT THE ABOVE REFERENCED BIDS WERE RECEIVED, IN ACCORDANCE WITH THE ADVERTISED PROCEDURES, OPENED, AND READ ALOUD. THE BID TABULATION HEREIN IS A TRUE AND ACCURATE REPRESENTATION OF THE BIDS READ ALOUD.



JAMES DAVID TODD, P.E., #45177

**City Council
Agenda Memo**



**City Council
Meeting Date: 3/28/13**

TO: Larry D. Gilley, City Manager

FROM: James W. Childers, Community Services Director

SUBJECT: Award of bid for construction of quarantine/necropsy building at the Abilene Zoo

GENERAL INFORMATION

In order to provide professional care to the animal collection and to meet accreditation standards of the Association of Zoos and Aquariums (AZA), the zoo needs to construct a quarantine/necropsy facility. This facility would allow staff to quarantine animals when they arrive at the zoo, minimizing possible exposure of any health issues to the current animal collection. Also included is a necropsy (animal autopsy) room. It is mandatory that necropsies be performed on all animals that die to determine the cause of death which may indicate a disease issue, nutritional problem or husbandry issue. Previous AZA inspections have identified the lack of quarantine and necropsy facilities as a major concern. Failure to address this concern and not build an appropriate facility would jeopardize our accredited institutional status with the AZA.

SPECIAL CONSIDERATIONS

Trying to complete construction prior to the next AZA accreditation inspection scheduled for the fall/winter 2013/14.

FUNDING/FISCAL IMPACT

Total project cost: \$321,000
\$50,005 from 07GO Zoo Enhancement package
\$270,995 Funded by Abilene Zoological Society (AZS) and Grover Nelson Foundation

STAFF RECOMMENDATION

The staff recommends proceeding with this project.

BOARD OR COMMISSION RECOMMENDATION

AZS approved funding this project with a unanimous vote of the Board of Directors at the regularly scheduled monthly meeting held March 7, 2013

ATTACHMENTS

Contract

| | | |
|--|----------------------|--|
| Prepared by: Name <u>James W. Childers</u> Title <u>Director of Community Ser.</u> | Item No. <u>6.16</u> | Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary |
|--|----------------------|--|