

City Council  
Agenda Memo



City Council  
Meeting Date: Feb. 11 2010

**TO:** Larry D. Gilley, City Manager  
**FROM:** City Administration  
**SUBJECT:** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,  
HONORING THE LEGACY OF THE HONORABLE COUNCILMAN REV. DR. LEO F. SCOTT  
AND SETTING FEBRUARY 12<sup>TH</sup> OF EACH YEAR AS "REV. DR. LEO F. SCOTT DAY"

GENERAL INFORMATION

Rev. Dr. Scott was known as a "trailblazer", "mentor", and "bridge-builder" in the City of Abilene serving as the city's first African American pharmacist; the city's first African American City Councilmember from 1978 to 1981; and as a leader and member of numerous boards and committees.

STAFF RECOMMENDATION

Staff Recommends Approval of the Resolution

ATTACHMENTS  
Resolution

Prepared by:		Disposition by City Council
Name _____		<input type="checkbox"/> Approved      Ord/Res# _____
Title _____	Item No. <u>7.1</u>	<input type="checkbox"/> Denied
		<input type="checkbox"/> Other _____
		City Secretary _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, HONORING THE LEGACY OF THE HONORABLE COUNCILMAN REV. DR. LEO F. SCOTT AND SETTING FEBRUARY 12<sup>TH</sup> OF EACH YEAR AS "REV. DR. LEO F. SCOTT DAY"**

**WHEREAS**, the Honorable Councilman Rev. Dr. Leo F. Scott was born in Rockdale, Milam County, Texas, February 12, 1933; and,

**WHEREAS**, the longtime pharmacist, beloved family patriarch, devoted spiritual leader, Army veteran, and dedicated civic leader departed this life on December 28, 2009; and,

**WHEREAS**, Rev. Dr. Scott was known as a "trailblazer", "mentor", and "bridge-builder" in the City of Abilene serving as the city's first African American pharmacist; the city's first African American City Councilmember from 1978 to 1981; and as a leader and member of numerous boards and committees; and,

**WHEREAS**, as an ordained minister, Rev. Dr. Scott served as pastor of the Oak Grove Baptist Church in Hamlin, Abilene's New Light Baptist Church, and as honorary pastor of Abilene's Mt. Zion Baptist Church; and,

**WHEREAS**, his deep faith in God; his tireless commitment to the churches he pastored; and his dedication to making the city in which he lived a better place are equaled only by his loving devotion to his wife Piney, his children and grandchildren, relatives, friends, colleagues, and faithful believers.

**THEREFORE LET IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, THAT;**

**SECTION 1:** The City Council of the City of Abilene sets out February 12<sup>th</sup> of each year to be known as "Rev. Dr. Leo F. Scott Day".

**SECTION 2:** The legacy of Rev. Dr. Scott is one of faith and service to God; love for his family; and dedication to making the city in which he lived a better place for present and future generations.

**SECTION 3:** This Resolution shall take effect immediately.

**PASSED AND APPROVED THIS THE 11TH DAY OF FEBRUARY, 2010.**

**ATTEST:**

\_\_\_\_\_  
City Secretary, City of Abilene

\_\_\_\_\_  
Mayor, City of Abilene

**APPROVED:**

\_\_\_\_\_  
City Attorney



City Council  
Agenda Memo

City Council  
Meeting Date: 2/11/2010

**TO:** Larry D. Gilley, City Manager  
**FROM:** Jon James, AICP  
Director of Planning and Development Services  
**SUBJECT:** Final reading and public hearing on Ordinance for Case No. Z-2009-15, a request from Donald A. Callaway to rezone property from AO/COR to LC/COR zoning, located at 4801 Buffalo Gap Rd.

**GENERAL INFORMATION**

Currently the property is zoned AO and has been developed as a single family use. The properties to the east, south, and west across Buffalo Gap Rd. have been developed as single family residences. The property adjacent to the north has recently been developed as an eye care office.

The Future land Use Map and the Comprehensive Plan designates this general area as low-density residential. The Buffalo Gap Road Corridor Study (BGRCS), adopted in June of 1994, encourages low density residential or office zoning along the Buffalo Gap Rd. frontage at mid-block locations, minimizing commercial uses adjacent to residential uses. The BGRCS goes on to say that commercial activity should only be encouraged at major intersections along Buffalo Gap Rd. For these reasons the requested LC zoning would not be considered compatible with this plan.

**STAFF RECOMMENDATION**

Staff recommended denial based on the Future Land Use Map and the Buffalo Gap Road Corridor Study.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommended approval with the condition that the 150-foot area at the rear of the property be excluded by a vote of four (4) in favor (Bixby, Campos, Glenn, and Todd) to two (2) opposed (Famble and Rosenbaum).

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:		Disposition by City Council
Name: <u>Matt Jones</u>		<input type="checkbox"/> Approved      Ord/Res# _____
Title: <u>Planner II</u>	Item No. <u>7, 2</u>	<input type="checkbox"/> Denied      _____
January 28, 2010		<input type="checkbox"/> Other      _____
		City Secretary _____

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

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

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

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

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

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

PASSED ON FIRST READING this 28<sup>th</sup> day of January A.D. 2010.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 16<sup>th</sup> day of December, 2009, 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 11<sup>th</sup> day of February, 2010 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11<sup>th</sup> day of February, A.D. 2010.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

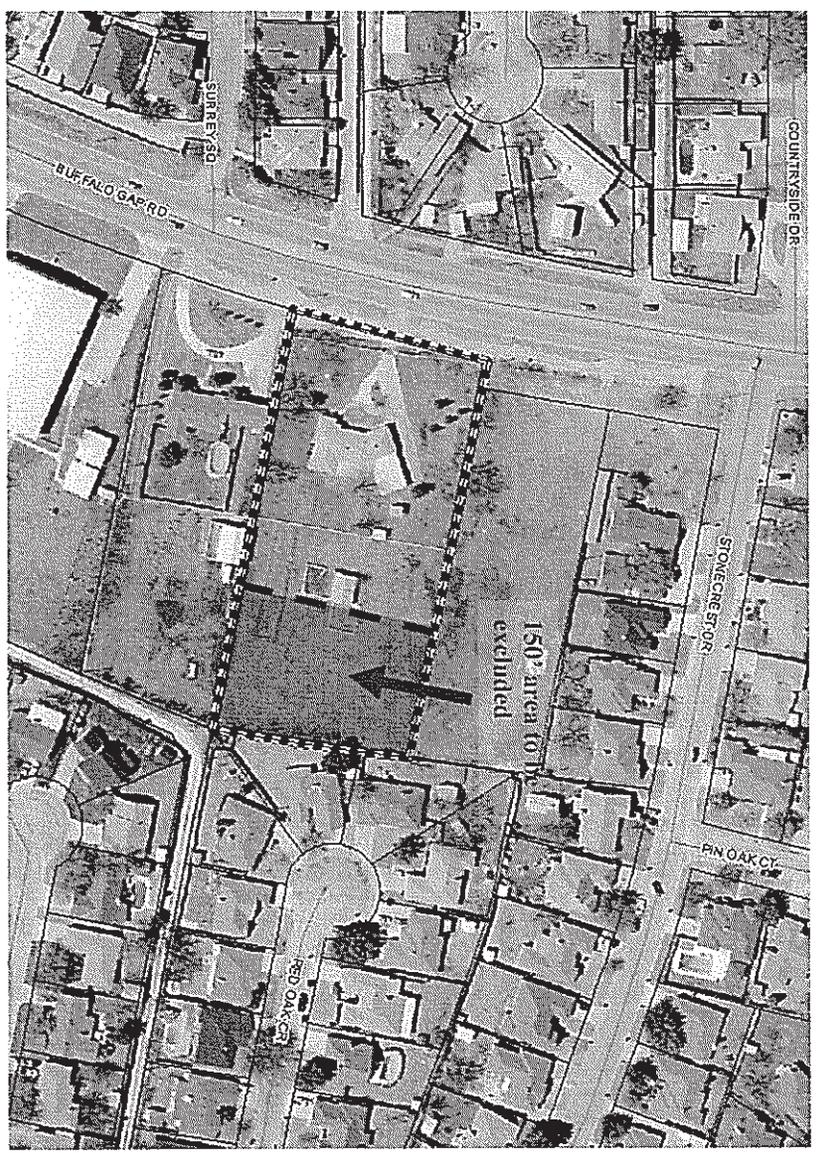
Rezone property from AO/COR (Agriculture Open Space/Corridor Overlay) to LC/COR (Limited Commercial/Corridor Overlay) zoning.

Legal Description:

A1324 M L MILLER, ACRES 2 and excluding the rear 150 feet

Location:

4801 Buffalo Gap Road



-END-

# ZONING CASE Z-2009-15

## STAFF REPORT



### APPLICANT INFORMATION:

Donald A. Callaway  
Agent: Newberry Roadcap Architects, Inc.

### HEARING DATES:

Planning & Zoning Commission: October 5, 2009  
Planning & Zoning Commission: November 2, 2009  
Planning & Zoning Commission: January 4, 2010  
City Council 1<sup>st</sup> Reading: January 28, 2010  
City Council 2<sup>nd</sup> Reading: February 11, 2010

### LOCATION:

4801 Buffalo Gap Rd.

### REQUESTED ACTION:

Rezone property from AO to LC.

### SITE CHARACTERISTICS:

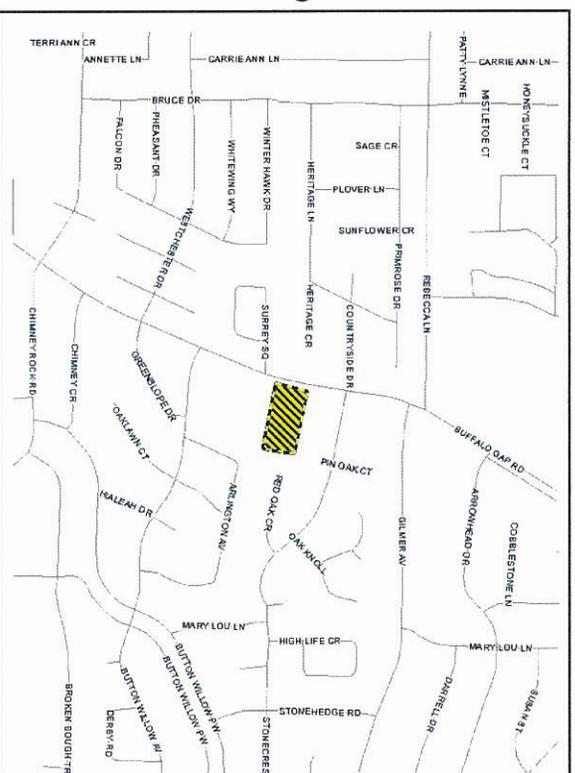
The subject parcel totals approximately 2 acres and is currently zoned AO (Agricultural Open Space). The parcel has been developed with a single family home and is used as such. The surrounding properties are zoned for single family residential to the east and west, O (Office) to the north, and AO to the south.

### ZONING HISTORY:

The area was annexed in 1959 and was designated as AO zoning after it had been annexed.

### ANALYSIS:

- Current Planning Analysis  
Currently the property is zoned AO and has been developed as a single family use. The properties to the east, south, and west across Buffalo Gap Rd. have been developed as single family residences. The property adjacent to the north has recently been developed as an eye care office.
- Comprehensive Planning Analysis  
The Future Land Use Map and the Comprehensive Plan designates this general area as low-density residential. The Buffalo Gap Road Corridor Study (BGRCS), adopted in June of 1994, encourages low density residential or office zoning along the Buffalo Gap Rd. frontage at mid-block locations, minimizing commercial uses adjacent to residential uses. The BGRCS goes on to say that commercial activity should only be encouraged at major intersections along Buffalo Gap Rd. For these reasons the requested LC zoning would not be considered compatible with this plan.



**PLANNING STAFF RECOMMENDATION:**

Staff recommends denial based on the Future Land Use Map and the Buffalo Gap Road Corridor Study.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommended approval with the condition that the 150-foot area at the rear of the property be excluded by a vote of four (4) in favor (Bixby, Campos, Glenn, and Todd) to two (2) opposed (Famble and Rosenbaum).

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
RICH DONALD R	3010 ARLINGTON AV	Opposed
REID KEVIN S	2958 ARLINGTON AV	
HARRISON JON D & DEBBIE B	3002 ARLINGTON AV	Opposed
BAXTER WINWOOD H JR	2966 ARLINGTON AV	
FALADE OLUGBENGA & JANET F	2965 RED OAK CR	In Favor
DEAVER TOMMIE H	3009 RED OAK CR	Opposed
MC ALISTER JERRY P & SUE	2966 RED OAK CR	
COLES JERIL LYNN	3001 STONECREST DR	
STONE JAMES C & MEREDITH J	3001 RED OAK CR	
CAFFEY B E	3010 HERITAGE CR	
CLERMONT COLETTA C 1993TR	2 SURREY SQ	Opposed
ABERNATHY JOHN F & JUDY G	4 SURREY SQ	
CALLAWAY CAROL	4809 BUFFALO GAP RD	In Favor
RIDGEMONT BAPTIST CHURCH	4857 BUFFALO GAP RD	
WILHELM LOUIS J	3009 COUNTRYSIDE DR	
WALKER AUSTEN L & HOLLY	3009 HERITAGE CR	
MUNSON DONALD W & JUANELLA S	2965 STONECREST DR	
JOSHUA MATTHEW W & GLORIA	3025 STONECREST DR	
AVILA GABRIEL & SHERRY	4749 BUFFALO GAP RD	
SHARP STEVEN R & ANGELA R	3008 RED OAK CR	
BUFFALO GAP STREET PROPERTIES LLC	4741 BUFFALO GAP RD	
ROSS CHARLES E & MARY P	3017 STONECREST DR	
MORENO EVA GUERRERO	3033 STONECREST DR	
WRIGHT SHANNA C	3002 RED OAK CR	
DAVIS JEAN	3001 HERITAGE CR	
SINGLETON JAMES A &	3009 STONECREST DR	
CALLAWAY DONALD A III	4801 BUFFALO GAP RD	In Favor





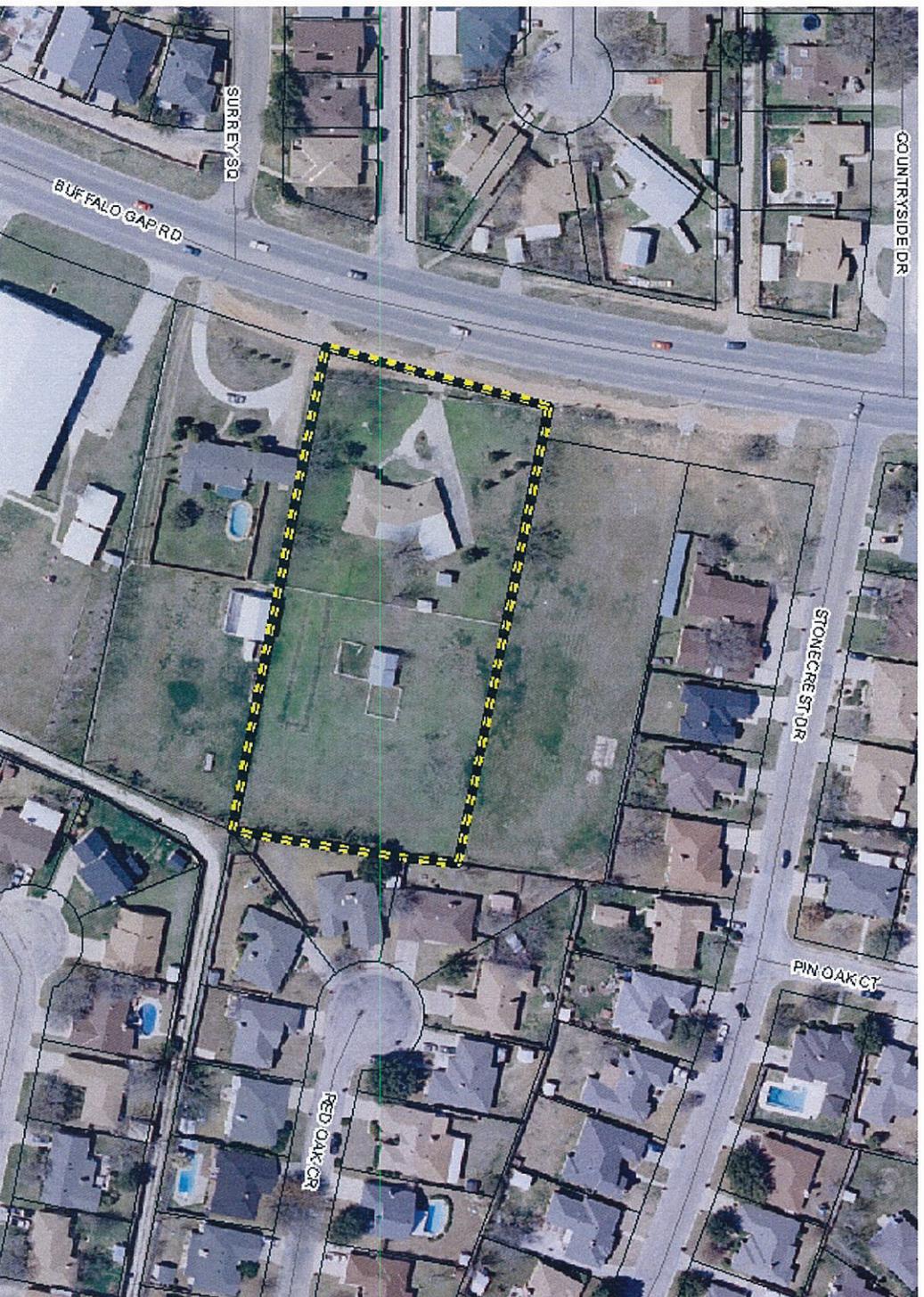




Case # Z-2009-15  
Updated: January 15, 2010

H. 2 pg. 8

# Applicant's Request



**P&Z Recommendation**



Case # Z-2009-15

Updated: January 15, 2010

7.2 pg. 10



City Council  
Agenda Memo

City Council  
Meeting Date: 2/11/2010

**TO:** Larry D. Gilley, City Manager  
**FROM:** Jon James, AICP  
Director of Planning and Development Services  
**SUBJECT:** Final reading and public hearing on Ordinance for Case No. Z-2010-01, a request from Sojourner Drilling Corporation to rezone property from RS-6 to AO zoning, located at 2302 and 2226 Huckleberry Ln.

**GENERAL INFORMATION**

Currently the properties are zoned RS-6 and have been developed as such. The properties to the east are developed with single-family homes and are more characteristic of rural residential properties, the properties to the south are developed as a mobile home park, the properties to the west are used for agricultural purposes as well as a patio home development, and the City of Impact borders the properties to the north. The entire property lies within the 100 year flood plain.

The Future Land Use section of the Comprehensive Plan designates this general area as open agricultural space. The area surrounding the subject properties is mostly developed with single family dwellings that resemble rural type residential properties and the patio home development to the west, except to the north where the City of Impact has some commercial uses. The area around the property is also used for agricultural purposes making the request compatible with the current surrounding uses. However, 2226 Huckleberry Lane only has a width of approximately 151' and the minimum lot width in AO zoning is 200' so the request does not meet the minimum standards for AO zoning.

**STAFF RECOMMENDATION**

The proposed 5 acre tract does not meet the minimum lot width for AO zoning, therefore staff does not recommend approval of this tract. Staff recommends approval of a larger tract totaling approximately 13 acres.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommended approval that 2302 Huckleberry Lane only be rezoned to AO by a vote of six (6) in favor (Bixby, Campos, Famble, Glenn, Rosenbaum and Todd) to none (0) opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:  Name: <u>Matt Jones</u> Title: <u>Planner II</u> January 28, 2010	Item No. <u>7.3</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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ORDINANCE NO. \_\_\_\_\_

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

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

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

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

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

PASSED ON FIRST READING this 28<sup>th</sup> day of January A.D. 2010.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 16<sup>th</sup> day of December, 2009, 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 11<sup>th</sup> day of February, 2010 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11<sup>th</sup> day of February, A.D. 2010.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

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

Legal Description:

THOMAS BARRETT SUBDIVISION, LOT 6, ACRES 13.12

Location:

2302 Huckleberry Lane

-END-





**PLANNING STAFF RECOMMENDATION:**

The proposed 5 acre tract does not meet the minimum lot width for AO zoning, therefore staff does not recommend approval of this tract. Staff recommends approval of a larger tract totaling approximately 13 acres.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

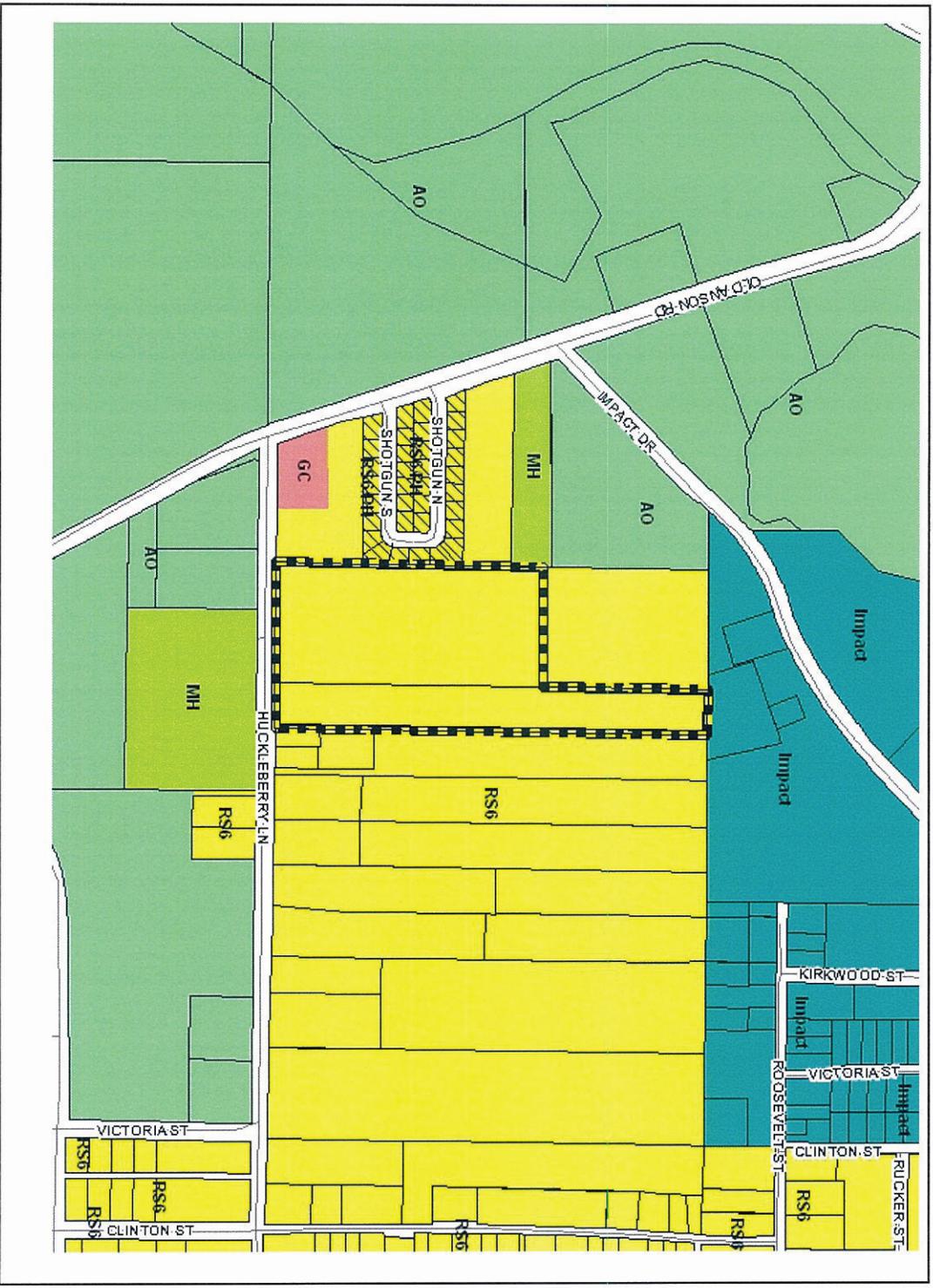
The Planning and Zoning Commission recommended approval that 2302 Huckleberry Lane only be rezoned to AO by a vote of six (6) in favor (Bixby, Campos, Famble, Glenn, Rosenbaum and Todd) to none (0) opposed.

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
RODRIGUEZ VINCENTE EDWARD &	2301 HUCKLEBERRY LN	
JOY KAREN K	2333 HUCKLEBERRY LN	
AMERICAN GI FORUM	2334 HUCKLEBERRY LN	
JOY MELINDA & KAREN	2349 HUCKLEBERRY LN	
RODRIGUEZ ERNEST Q	2150 HUCKLEBERRY LN	
RODRIGUEZ ERNEST & ROSALINDA		
SHARP JACK & GEORGETTE	2241 IMPACT DR	
MC KEE J C JR	3901 OLD ANSON RD	
RODRIGUEZ ERNEST Q	2202 1/2 HUCKLEBERRY LN	
MATTEA ROGER	2450 SHOTGUN N	
GUERRA ARNULFO	2474 SHOTGUN N	
GUERRA ARNULFO	2482 SHOTGUN N	
GUERRA ARNULFO	2466 SHOTGUN N	
MATTEA ROGER	2458 SHOTGUN N	
RODRIGUEZ ALOLFO	2202 HUCKLEBERRY LN	
COVARRUBIAS JOANNA L HICKS	3749 OLD ANSON RD	Opposed
HANLEY SAM CHARLES &	2457 SHOTGUN S	Opposed
RODRIGUEZ SANTIAGO	2210 HUCKLEBERRY LN	
MATTEA ROGER	2441 SHOTGUN N	
HANLEY SAM CHARLES &	2449 SHOTGUN S	
HANLEY SAM CHARLES &	2441 SHOTGUN S	
HANLEY SAM CHARLES &	2442 SHOTGUN S	
HANLEY SAM CHARLES &	2450 SHOTGUN S	
GUERRA ARNULFO	2449 SHOTGUN N	
HIGGINS L F	2302 HUCKLEBERRY LN	
SURRATT BARBARA	3801 OLD ANSON RD	
IMPACT DEVELOPMENT CORP	3865 OLD ANSON RD	
SHARP JACK & GEORGETTE	2122 IMPACT DR	
RODRIGUEZ ERNEST JR &	2158 HUCKLEBERRY LN	
HIGGINS L F	2226 HUCKLEBERRY LN	
HANLEY SAM CHARLES &	2465 SHOTGUN S	
HANLEY SAM CHARLES &	2433 SHOTGUN S	
SHARP JACK & GEORGETTE	2241 IMPACT DR	
SHARP JACK & GEORGETTE	2247 IMPACT DR	



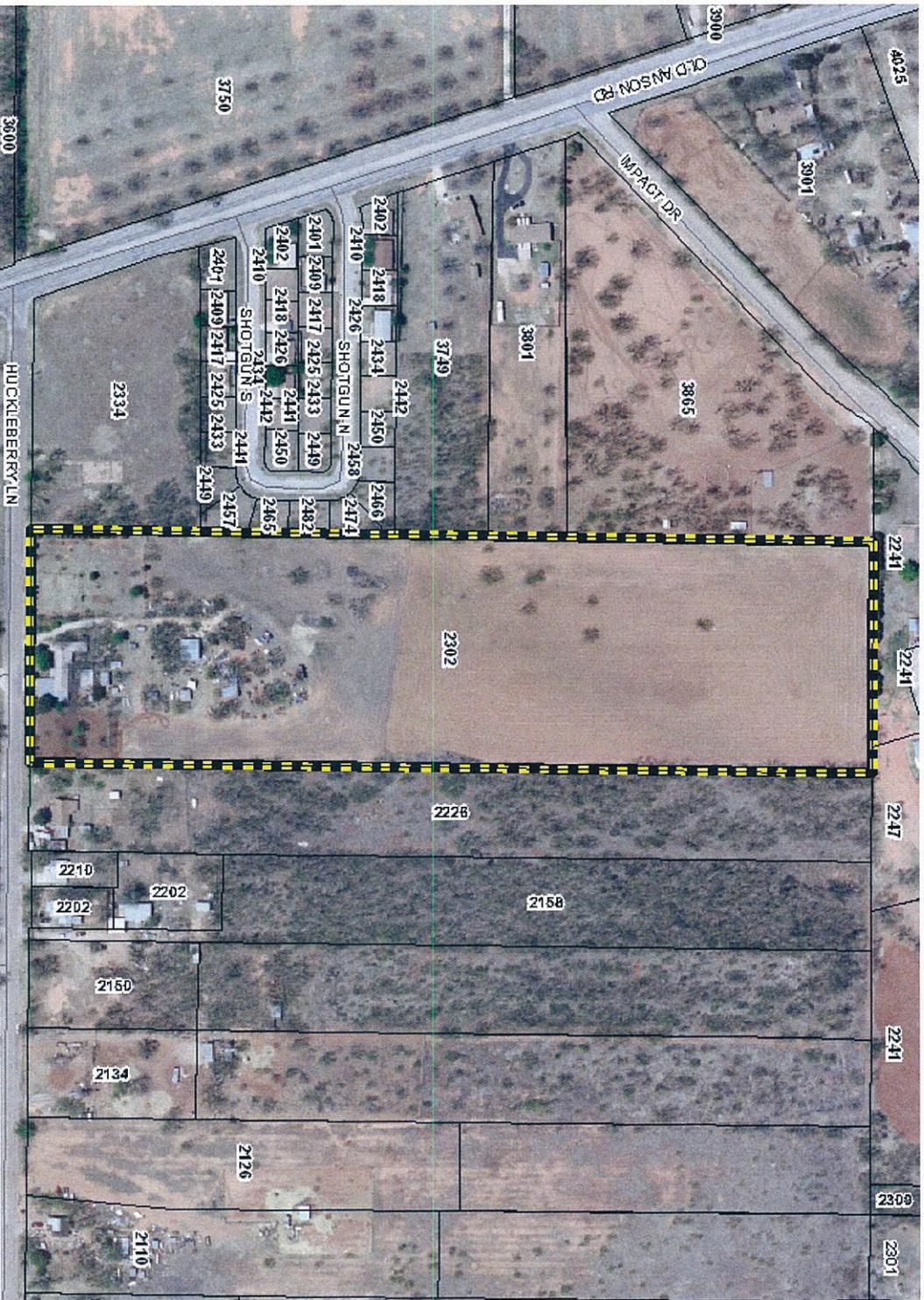


# Proponent's Request





# Staff and P&Z Commission Recommendation



City Council  
Agenda Memo



TO: Larry D. Gilley, City Manager

City Council  
Meeting Date: 02-11-10

FROM: Stan Standridge, Chief of Police

SUBJECT: PRESENTATION BY THE ABILENE POLICE DEPARTMENT REGARDING A  
PROPOSED STRATEGY TO IMPLEMENT THE USE OF TASERS, AND DIRECTION  
TO STAFF.

GENERAL INFORMATION

The Abilene Police Department has taken many steps toward the purchase of TASERS. A presentation was made before the City Council on May 14, 2009. Since then, the Police Department has implemented a strategy for the acquisition of TASERS. This includes but is not limited to the purchase of a use of force simulator to measure decision making, writing a TASER policy, identifying a funding strategy, and developing a training protocol to ensure Abilene Officers are very well trained should TASERS be authorized by Council. This presentation, then, is offered to obtain Council's feedback on TASERS before a purchasing process is begun.

SPECIAL CONSIDERATIONS

TASERS provide peace officers with another less than lethal alternative when situations require a use of force.

FUNDING/FISCAL IMPACT

This is a presentation only. If Council is agreeable to the purchase of TASERS, a funding strategy will be brought back before Council for their consideration.

Prepared by:  Name: Stan Standridge  Title: Chief of Police	Item No. <u>7.4</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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