

City Council  
Agenda Memo



City Council  
Meeting Date: 08/12/2010

TO: Larry D. Gilley, City Manager

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

SUBJECT: **Appealed item: Final reading and public hearing on an Ordinance for Case No. Z-2010-09, a request from Sojourner Drilling Corporation, to rezone property from GR (General Retail) to PD (Planned Development) zoning, located at 3366 Ambler Avenue.**

**GENERAL INFORMATION**

Currently the property is zoned GR and has been developed with a strip center commercial structure. The adjacent property to the north is developed with an apartment complex, as well as the property to the north across Sherry Ln. There are single family neighborhoods bordering the subject property on the south, east, and west. There are commercial developments to the south and west of the property.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The subject property is also along an Enhancement Corridor as defined by the Comprehensive Plan. The applicant is requesting the zone change to allow for the drilling and extraction of oil and natural gas. This use may not be compatible with the surrounding low density residential in the area. Although there are some existing commercial uses to the west and south, this type of use would not be compatible with the surrounding zoning or correspond with the Future Land Use Map. The drilling for natural gas and oil could have negative impacts, including aesthetic impacts, which make it less compatible on this particular site along an Enhancement Corridor.

**STAFF RECOMMENDATION**

Staff recommends denial, due to the incompatibility of natural gas and oil drilling at this location in a predominantly residential neighborhood along an Enhancement Corridor. Staff recommends continuation of the existing General Retail zoning as it is more compatible with this area.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends denial (5-0). There was discussion on the negative impacts that such an intensive use as drilling for natural gas and oil would have on the surrounding residential neighborhoods. The Commission also felt that the current GR zoning is the right zoning for the subject property and the proposed use is not suitable for the property.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Matt Jones

Title: Planner II

July 29, 2010

Item No. 7.1

Disposition by City Council

Approved      Ord/Res# \_\_\_\_\_

Denied

Other

\_\_\_\_\_  
City Secretary

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

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-131 A PLANNED DEVELOPMENT; 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 B, 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.

PASSED ON FIRST READING this 22nd day of July 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 17th day of June, 2010, 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 12th day of August, 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.

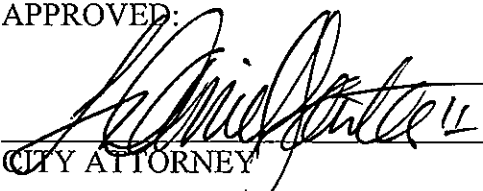
PASSED ON SECOND AND FINAL READING THIS 12th day of August, A.D. 2010.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

Exhibit "A"

PART 1: Land Title. Title to land not dedicated to public use and services or for utility purposes and not otherwise designated for development purposes shall remain in possession of the owner thereof, his heirs, assigns, lessees and successors in interest and shall not be the responsibility of the City of Abilene for any purpose.

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development must be in compliance with the Land Development Code of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart B, Abilene Municipal Code, known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From "GR" (General Retail) to "PD" (Planned Development).

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.

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

EXHIBIT "A"

PAGE 2

**PART 5:** Legal Description. The legal description of this PD is as follows:

GREEN ACRES SEC 2, BLOCK PRT 29, REPLAT, ACRES 7.188

GREEN ACRES SEC 2, BLOCK PRT 29, REPLAT, ACRES 4.312

Location: 3366 Ambler Avenue

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

EXHIBIT "A"

PAGE 3

**PART 6: Purpose.** The purpose of the Planned Development (PD) is to allow for General Retail uses and to include petroleum and natural gas wells.

**PART 7: Specific Modifications.** The City of Abilene Land Development Code provisions for the GR zoning district apply to the development of this property, except as modified below.

**I. PERMITTED USES:**

- A. Uses permitted in the General Retail (GR) district and to include the following use permitted by right:
- Petroleum or Gas Well

**PART 8: Development Schedule.** If a permit is not approved within 18 months of the date of this ordinance, the Planning Director may initiate rezoning of the PD to the previous zoning designation.

- END -

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# Appealed Item

## ZONING CASE Z-2010-09

### STAFF REPORT



#### APPLICANT INFORMATION:

Sojourner Drilling Corporation

#### HEARING DATES:

Planning & Zoning Commission: July 6, 2010

City Council 1<sup>st</sup> Reading: July 22, 2010

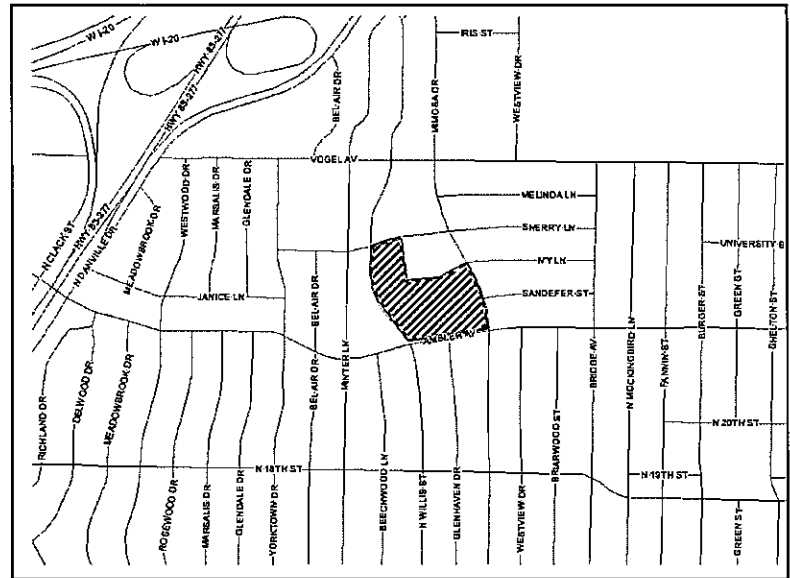
City Council 2<sup>nd</sup> Reading: August 12, 2010

#### LOCATION:

3366 Ambler Ave.

#### REQUESTED ACTION:

Rezone property from GR to PD.



#### SITE CHARACTERISTICS:

The subject parcel totals approximately 12.5 acres and is currently zoned GR (General Retail). The parcel has been developed with a strip center commercial structure. The adjacent properties have MF (Multi Family Residential) to the north, RS-6 (Single Family Residential) to the east, RS-6, MD (Multi Family Residential), and GR zoning to the south, and GC (General Commercial), GR, and RS-8 to the west.

#### ZONING HISTORY:

The area was annexed in 1956 and zoned SC (Shopping Center) sometime after it was annexed. With the passing of the Land Development Code the property is now zoned GR (General Retail). A request to rezone to GC (General Commercial) was denied by the Planning and Zoning Commission on June 7, 2010. This denial was not appealed to the City Council, but instead the applicant re-applied for this PD.

#### ANALYSIS:

- Current Planning Analysis

Currently the property is zoned GR and has been developed with a strip center commercial structure. The adjacent property to the north is developed with an apartment complex, as well as the property to the north across Sherry Ln. There are single family neighborhoods bordering the subject property on the south, east, and west. There are commercial developments to the south and west of the property.

- Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The subject property is also along an Enhancement Corridor as defined by the Comprehensive Plan. The applicant is requesting the zone change to allow for the drilling and extraction of oil and natural gas. This use may not be compatible with the surrounding

low density residential in the area. Although there are some existing commercial uses to the west and south, this type of use would not be compatible with the surrounding zoning or correspond with the Future Land Use Map.

**PLANNING STAFF RECOMMENDATION:**

Staff recommends denial, due to the incompatibility of oil and gas drilling at this location in a predominantly residential neighborhood along an Enhancement Corridor. Staff recommends continuation of the existing Shopping Center zoning as more compatible with this area.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission recommends denial (5-0). There was discussion on the negative impacts that such an intensive use as drilling for natural gas and oil would have on the surrounding residential neighborhoods. The Commission also felt that the current GR zoning is the right zoning for the subject property and the proposed use is not suitable for the property.

**NOTIFICATION:**

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

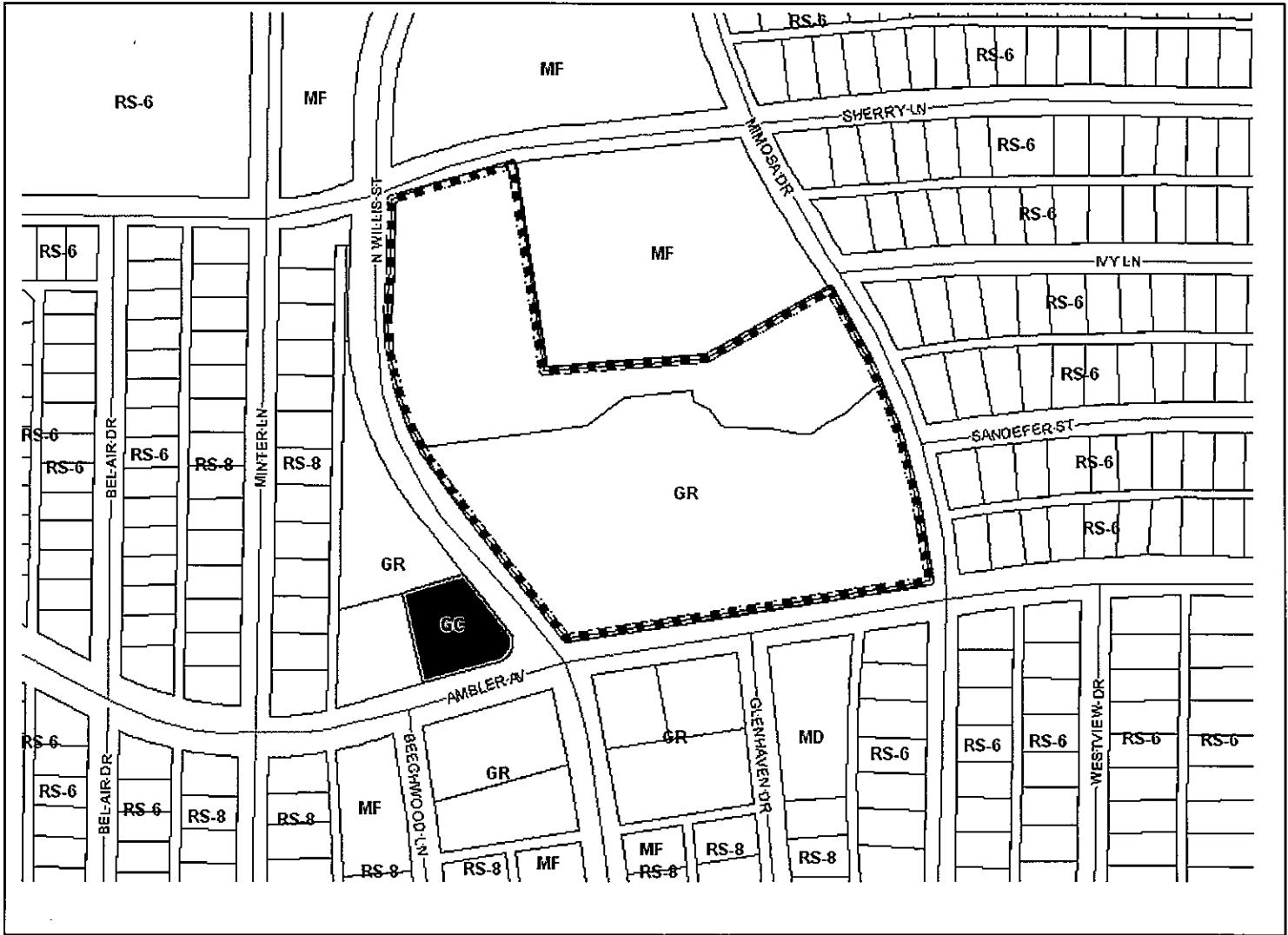
OWNER	ADDRESS	RESPONSE
COPSEY DONALD ORVILLE	2249 MINTER LN	
CALLOWAY FRED SR	3260 AMBLER AV	
BRANNEN MARY D	2325 MINTER LN	
FAUGHT JOHNNY MARK	3272 AMBLER AV	
INMAN PEGGY ANNETTE	2309 MINTER LN	
MANN BILL & MARY	3281 SHERRY LN	
LEWIS IRA W	3274 IVY LN	
FAUGHT JOHN ED	3258 IVY LN	
FROST GLENNIS C	3266 IVY LN	
BRIGGS PATRICIA M	3284 AMBLER AV	
DILL FELIX H ET AL	3261 IVY LN	
STROEBEL DENNIS	3375 AMBLER AV	
SUTTON THORA	2317 MINTER LN	
PRATT JUDITH THOMAS	2301 MINTER LN	
WIMBERLY MARK &	3291 SHERRY LN	
HEWETT EDWIN J	2241 MINTER LN	
AGUILAR CORY & ANGELA	3271 IVY LN	
APOSTOLIC FAITH CHURCH	2334 N WILLIS ST	
MC COY MICHAEL J & JACQUELINE K	2333 MINTER LN	
AMBLER CHARITABLE BINGO RE INC	3366 AMBLER AV	
B SENTER PROPERTIES LTD		
BACKUS LANE & CHRISTINA	2257 MINTER LN	
GEISLER JEFFREY & JENNIFER	3251 IVY LN	
SUMMER WILLIAM H	3284 SANDEFER ST	
RODRIGUEZ SYLVIA	3285 SANDEFER ST	
FAIRBETTER LAGINA DAWN	3272 SANDEFER ST	
ABILENE TOWNHOMES & CONDOS INC	3309 SHERRY LN	
MORALES YOLANDA	3296 SANDEFER ST	
EDWARDS BETTY WADE	3261 SANDEFER ST	
2411 WILLIS LTD	2401 N WILLIS ST	

NORWOOD MARVIN	3426 AMBLER AV	
BABER SCOT &	2168 WESTVIEW DR	
MILLIORN TOMMY E	2101 GLENHAVEN DR	
BRACKETT BILLY	2146 MIMOSA DR	
BRACKETT BILLY RAY	2138 MIMOSA DR	
HODGE FRANCIS M	2157 MIMOSA DR	
JOHNSON ANDREA F	3273 SANDEFER ST	
DAY NURSERY OF ABILENE INC	3434 SHERRY LN	
NORWOOD MARVIN JR	3434 AMBLER AV	
SKINNYS INC	3351 AMBLER AV	
FIRST MEXICAN BAPTIST	2139 MIMOSA DR	
SKINNYS INC	3401 AMBLER AV	

0 in Favor- Y  
0 Opposed- N



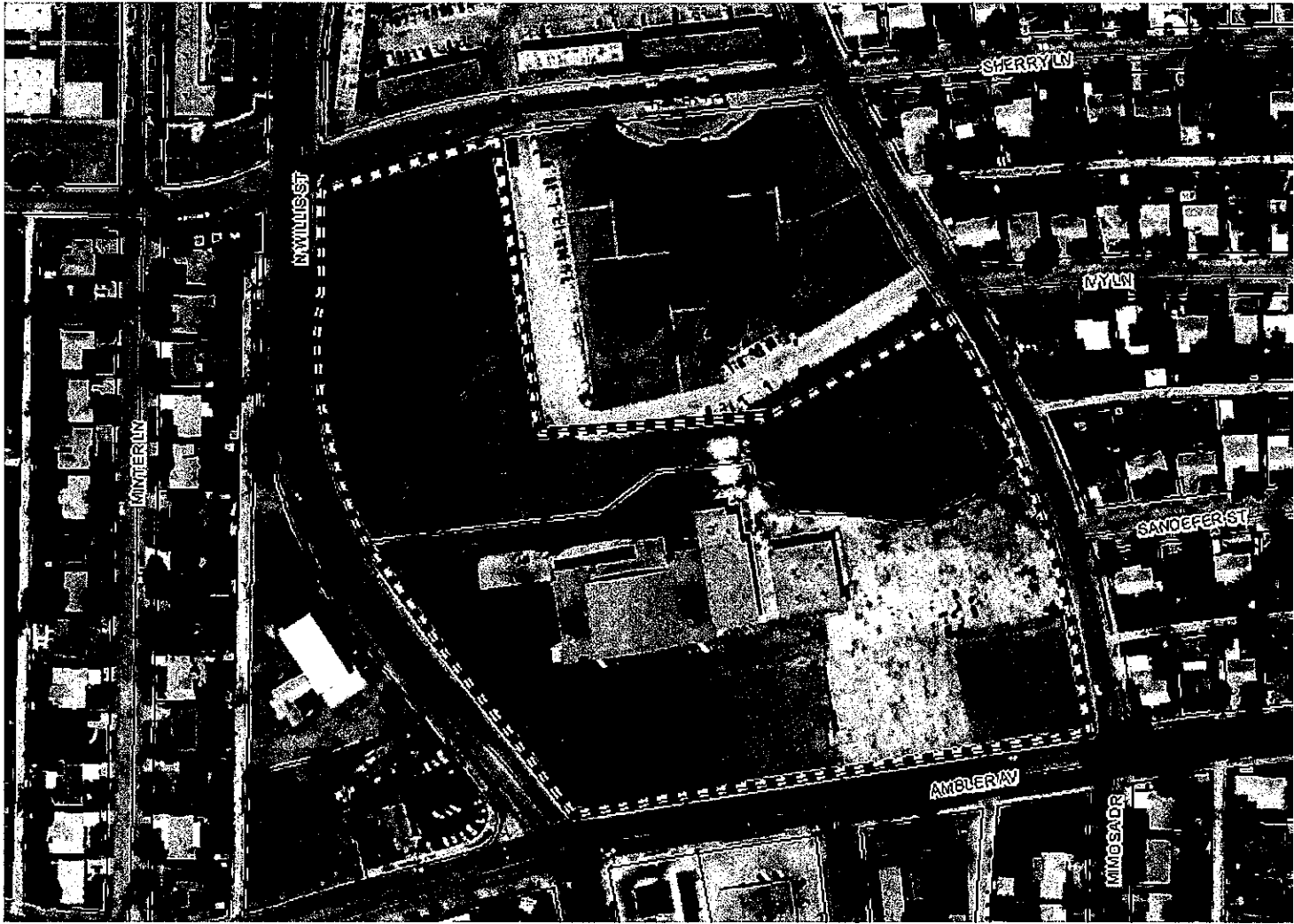






Case # Z-2010-09  
Updated: July 9, 2010

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Case # Z-2010-09  
Updated: July 9, 2010

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63815	63990
61675	57092
61541	57232
61397	57379
61272	57501
61150	57623
61019	57789
60887	57946
60760	58089
60609	58215
60463	58356
	58489
60313	58763
60170	58907
128	59053
59490	
59359	
59223	

62718	67108
62852	66990
62993	66863
63121	66825
63247	66808
63409	66391
63621	66271
63747	66143
63883	66028
64016	65902
64139	65776
64262	65653
64384	65531
64510	65401
64773	
64885	
65027	
65150	
65270	

64773	
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65150	
65270	

70275	1.569 AC
7271 AC	70407
70154	38 AC
400	
260	
3133	
9021	
8904	
8798	
8672	
8559	
8437	1.243 AC
8317	125120
68189	
68085	
67937	
38432	
38296	
38170	
36586	
42764	
41149	
42920	
44402	

16.693 AC 45625

WESTVIEW

14.271 AC 54398

2.624 AC 45562

1.13254

4.2981

1.156 AC

5.9569

4.2822

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29963	52054
29741	51925
29591	51790
29444	51663
29322	51537
29199	51416
29076	51281
28896	51151
28767	51021
28647	50886
28528	50756
28417	50621
28295	50486
28166	50351
28025	50216
27835	50081
27711	49946
27582	49811
27455	49676
27321	49541

MELINDA LN

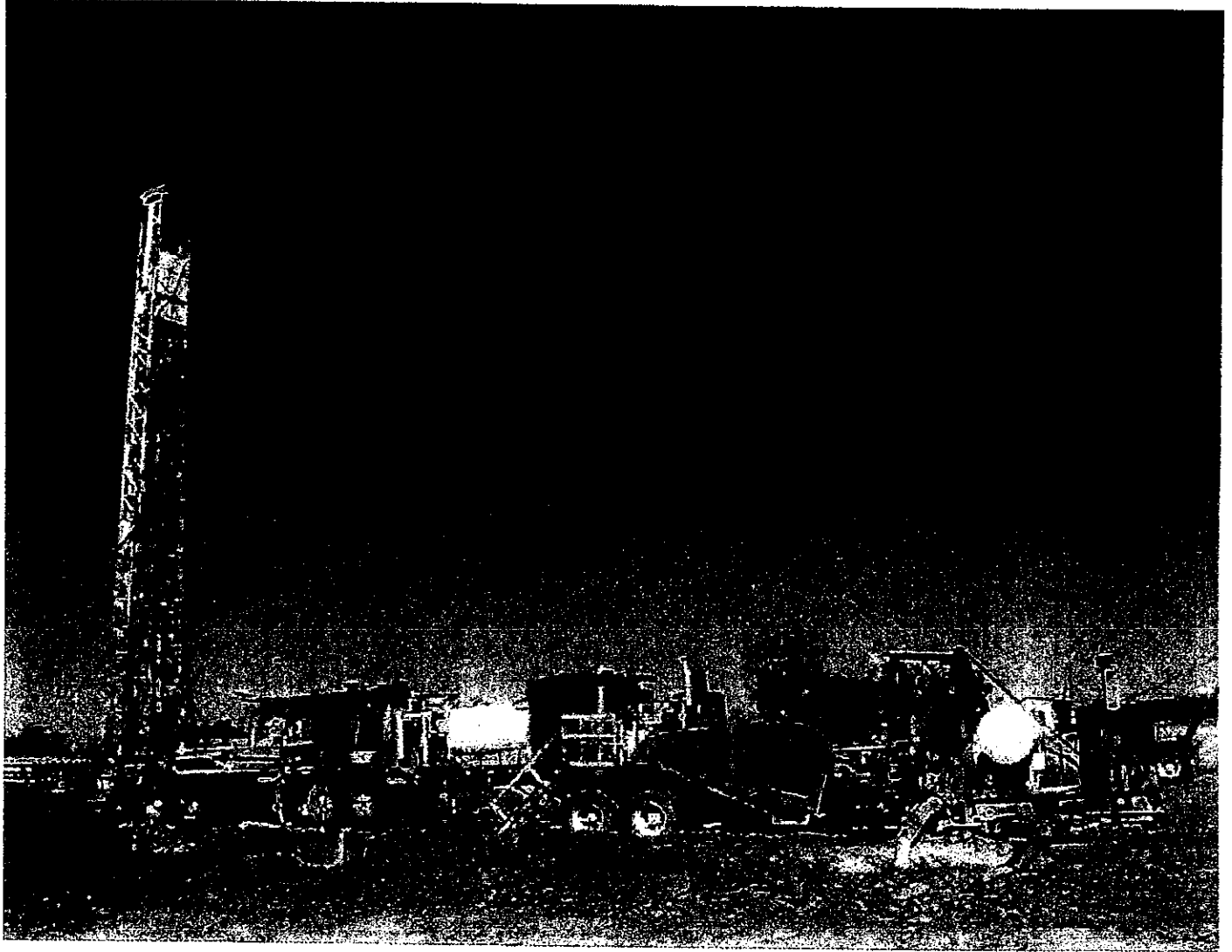
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IVY LN

15991	15835	15679	15523	15367	15211	15055	14899	14743	14587	14431	14275	14119	13963	13807	13651	13495	13339	13183	13027	12871	12715	12559	12403	12247	12091	11935	11779	11623	11467	11311	11155	11000	10844	10688	10532	10376	10220	10064	9908	9752	9596	9440	9284	9128	8972	8816	8660	8504	8348	8192	8036	7880	7724	7568	7412	7256	7100	6944	6788	6632	6476	6320	6164	6008	5852	5696	5540	5384	5228	5072	4916	4760	4604	4448	4292	4136	3980	3824	3668	3512	3356	3200	3044	2888	2732	2576	2420	2264	2108	1952	1796	1640	1484	1328	1172	1016	860	704	548	392	236	80
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SANDEFER ST

21255	21100	20944	20788	20632	20476	20320	20164	20008	19852	19696	19540	19384	19228	19072	18916	18760	18604	18448	18292	18136	17980	17824	17668	17512	17356	17200	17044	16888	16732	16576	16420	16264	16108	15952	15796	15640	15484	15328	15172	15016	14860	14704	14548	14392	14236	14080	13924	13768	13612	13456	13300	13144	12988	12832	12676	12520	12364	12208	12052	11896	11740	11584	11428	11272	11116	10960	10804	10648	10492	10336	10180	10024	9868	9712	9556	9400	9244	9088	8932	8776	8620	8464	8308	8152	7996	7840	7684	7528	7372	7216	7060	6904	6748	6592	6436	6280	6124	5968	5812	5656	5500	5344	5188	5032	4876	4720	4564	4408	4252	4096	3940	3784	3628	3472	3316	3160	3004	2848	2692	2536	2380	2224	2068	1912	1756	1600	1444	1288	1132	976	820	664	508	352	196	40
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7.1 pg. 13

JUL 22 PM12:11

BILL SENTER  
P. O. BOX 6868  
ABILENE, TX 79608-6868

July 21, 2010

City of Abilene  
Planning and Zoning  
555 Walnut Street  
Abilene, Texas 79601

Re: Zoning Application – PDD  
Sojourner Drilling Corporation  
Ambler Property, Abilene, Texas 79603

Dear Sir/Madam:

My name is Bill Senter and I own the minerals located on the acreage that is proposed to be re-zoned to PDD for the drilling of an oil and gas well.

I would certainly like to be afforded the opportunity to develop the minerals on this property, as another opportunity of this type may never arise.

Therefore, I would urge the Board to approve the zoning change requested by Sojourner Drilling Corporation.

Sincerely,

  
Bill Senter

City Council  
Agenda Memo



City Council  
Meeting Date: 8/12/2010

**TO:** Larry D. Gilley, City Manager

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

**SUBJECT:** Final reading and public hearing on an ordinance to amend Section 3.1.1.1 ETJ Subdivision Provisions and Section 4.2.1.3 Off-Street Parking-Minimum Requirements and Standards of the Land Development Code; and setting a public hearing for August 12, 2010.

**GENERAL INFORMATION**

At the Planning & Zoning (P&Z) Commission on May 17, 2010, the Commission asked staff to include an item on the next agenda for potential changes to the Land Development Code (LDC). The P&Z Commission met on June 7, 2010 and discussed changes to Section 3.1.1.1 ETJ Subdivision Provisions. Staff had proposed changes to Section 3.1.1.1. The P&Z recommended additional changes at the meeting.

Additionally, a discrepancy was found in the LDC relating to parking requirements in multiple-family development where a clubhouse is provided on the site. Section 4.2.1.3 Off-Street Parking – Minimum Requirements & Standards is being amended.

**STAFF RECOMMENDATION**

Staff recommends approval of the proposed amendments to Section 3.1.1.1 and Section 4.2.1.3 of the Land Development Code.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommended approval of the amendments to Sections 3.1.1.1 and 4.2.1.3 by a vote of five (5) in favor (Bixby, Famble, Glenn, Todd, and McClarty) to none (0) opposed.

**ATTACHMENTS**

Ordinance  
Proposed Ordinance Amendments

Prepared by:

Name: Ben Bryner, AICP

Title: Planning Services Manager

July 30, 2010

Item No. 7.2

Disposition by City Council

Approved      Ord/Res#

Denied

Other

\_\_\_\_\_  
City Secretary

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

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

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

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

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

PASSED ON FIRST READING this 22<sup>nd</sup> day of July 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 17<sup>th</sup> day of June, 2010, 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 12<sup>th</sup> day of August, 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, with the exception of the change adding a new Section 1.2.2.3 requiring posting of notice on the property of a zoning amendment, which will become effective on October 1, 2010.

PASSED ON SECOND AND FINAL READING THIS 12<sup>th</sup> day of August, A.D. 2010.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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



- d) Installation of fire hydrants shall not be required. However, taps shall be provided for future hydrant installation in compliance with City requirements.
- e) An Interim Rural street design, as promulgated by the City Engineer, may be used as an alternative to full City street standards. However, in the following circumstances the City Engineer may require the installation of one or more streets in a proposed subdivision be built to full City standards:
  - i. The subject street(s) is a continuation of an existing street already built to the City of Abilene standards;
  - ii. The subject street(s) are intersected by one or more streets already built to the City of Abilene standards; or,
  - iii. Any part of the proposed subdivision is within an adopted 3-year Annexation Plan, or is within an area where formal annexation proceedings have commenced;
  - iv. Other situations where the City Engineer, with approval of the Planning and Zoning Commission, finds reasonable justification.
- f) In lieu of meeting the City's water provision standards and roadway improvements, a proposed subdivision where all lots front on an existing public or private street and are served by a public water supply where existing lines are currently in place may instead provide a separate dry line for future use or may enter into a deferral agreement with the City to provide upgraded lines and roadway improvements in the future. A proposed subdivision that qualifies as a minor plat shall be exempt from meeting the City's water provision standards and roadway improvement requirements. This exemption shall not exempt any right-of-way dedication requirements.

- (d) **Subdivision Rules.** The provisions of this Chapter 3, the standards governing water and wastewater facilities applicable to plats, and the technical standards contained in the Design, Details, and Construction Standards, as adopted by the City Council and as may be amended from time to time, constitute the subdivision rules of the City of Abilene, which apply to applications for plat approval inside City limits and within the City's extraterritorial jurisdiction.

### Section 3.1.1.2 Types of Plats Required

- (a) **Plats.** A Final Plat or a Minor Plat shall be approved prior to any non-exempt land division.
- (b) **Development Plats.** A Development Plat shall be approved prior to development of any tract or parcel for which no Final Plat is required prior to development of any lot in a subdivision for which dedication of any right-of-way for construction or

- (2) In any multiple-family, duplex, or townhome dwelling unit or condominium development for which leasing offices are provided on the site:
  - a. Visitor parking shall be provided according to the "Office, Professional and General Business" parking requirements within the Land Use Matrix, based on the square footage of the leasing offices specifically at a ratio of one (1) parking space per three hundred (300) square feet of floor area.
  - b. Where clubhouses are provided on the site, off-street parking shall be provided according to the "Retail Business, General" parking requirements within the Land Use Matrix, based on the square footage of the clubhouse facilities specifically at a ratio of one (1) parking space per three hundred (300) square feet of floor area.
- (3) For residence halls, fraternity buildings, and sorority buildings, additional parking spaces may be required by the DRC for fraternity and sorority buildings as a condition of the Site Plan approval where the building does not provide permanent sleeping facilities for all members of the organization.
- (4) The requirements for schools within the Land Use Matrix shall not apply to private schools which do not permit students to bring motor vehicles to the institution; however, the educational institution shall be required to provide adequate off-street parking for faculty, administrative personnel, and athletic events including visiting of parents or other personnel. Such requirements will be calculated based on the applicable parking requirements for the individual uses.
- (5) For any restaurant, eating and/or drinking establishment where permanent outdoor seating areas including decks, patios, or other unenclosed spaces are provided, those areas shall be included in the calculation of gross floor area and total number of seats. Establishments having only outdoor dining consisting of fewer than sixteen (16) seats shall provide a minimum of four (4) parking spaces.
- (6) In addition to required parking spaces, a center-based child day-care center or pre-elementary school shall provide a driveway with separate points of ingress and egress to the premises and having a length sufficient for temporary parking of at least three (3) vehicles whereby the temporary parking spaces do not block access to the other required off-street parking spaces.
- (7) Parking requirements for recreation and amusement facilities that have any combination of the outdoor uses listed in the Land Use Matrix on the same premises shall be calculated based on the sum of the minimum requirements for the individual uses proportionate to the indoor and outdoor areas allocated for each use.
- (8) For a multi-purpose building, such as within a mixed use development, the total required parking spaces shall generally be the sum of spaces necessary for individual uses included.

City Council  
Agenda Memo



City Council  
Meeting Date: 08/12/2010

**TO:** Larry D. Gilley, City Manager  
**FROM:** Jon C. James, AICP  
Director of Planning and Development Services  
**SUBJECT:** Oral Resolution for case PA-2010-02, a petition for relief from a dedication or construction requirement for Memorial Drive south of The Villages of Abilene development.

**GENERAL INFORMATION**

Enprotec/Hibbs & Todd has submitted a letter to the City Engineer requesting a waiver of the requirement to construct Memorial Drive as a condition of platting property located south of The Villages of Abilene development.

The subdivision process is the time at which cities are authorized to require roadway construction when adjacent to the proposed development. In some cases, however, these costs may be disproportionate to the impacts of a proposed development. It is in these situations that a waiver or deferral of roadway construction requirements is warranted per a Proportionality Appeal. Per Section 1.3.2 {Proportionality Appeal: Petition for Relief from Dedication or Construction Requirement} of the City’s Land Development Code, the applicant is petitioning the Council to find that the requirement to construct Memorial Drive is a disproportionate burden on the property, taking into consideration the nature and extent of the demands created by the proposed development on the City’s public facilities systems. The applicant is asking that the obligation for construction be eliminated, but instead that they be allowed to only build the portion needed to provide northern access to the proposed development. This is supported through information provided in the request letter (see attached).

**DEVELOPMENT REVIEW COMMITTEE RECOMMENDATION**

The Development Review Committee is recommending denial of this request based on the following factors: the Master Thoroughfare Plan identifies a future collector street in this area; the right-of-way for Memorial Drive currently exists; the only access to the proposed development is from Memorial Drive; and the request does not prove that the cost of building Memorial Drive is disproportionate to the cost of the development.

**STAFF RECOMMENDATION**

The Public Works Director is recommending denial of this request, based on the findings of the Development Review Committee.

**FUNDING/FISCAL IMPACT**

While there will be no immediate financial impact to this decision, authorizing this petition to waive the obligation for construction of Memorial Drive that otherwise would be the responsibility of the property owner, would result in a future expense to the City for constructing the roadway when needed in the future.

**ATTACHMENTS**

Application Letter & Exhibit; Development Review Committee Report

Prepared by:  Name: Jon James  Title: Planning Director  July 30, 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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June 29, 2010

City of Abilene  
P O Box 60  
Abilene, Texas 79604  
Attn: Mr. Jon James

**Re: Proportionality Appeal from Construction of Memorial Drive**

Dear Mr. James:

Please find enclosed a conceptual plan for a proposed residential development by Don Whitehead and Tony Conder. The project is a 15 acre tract south of their current development, The Villages of Abilene. Their property is bounded on the east by the right-of-way of Memorial Drive, owned by the City of Abilene.

Mr. Whitehead and Mr. Conder are seeking relief from the construction responsibilities of sidewalks and paving improvements of Memorial Drive by the City's Proportionality Appeal process. The basis of their request is based upon the following:

1. They have already constructed Memorial Drive along the Villages of Abilene development (approximately 2,300 LF). Since they have property interest on both sides of Memorial Drive, construction of this road was beneficial to the development.
2. It is very unlikely that Memorial Drive will ever be constructed to Antilley Road by any developer in ownership of the 7 acres south of this 15 acres. The configuration of the south 7 acres will not yield the number of lots necessary for development and more than likely it will be left to the City to complete Memorial Drive through the south 7 acres to Antilley Road.
3. The only reason for Memorial Drive along the 15 acres is access into the property. Based upon the conceptual plan, access to the north can be accomplished with minimal extension of Memorial Drive to the south. Since Memorial Drive would not be extended through the 7 acres to the south without City involvement, exiting the proposed 15 acre subdivision would be to the north.
4. Assuming two (2) cars per unit, 120 cars could exit the development and access the existing Memorial Drive to the north.

*Environmental, Civil & Geotechnical Engineers*

**Abilene Office**  
402 Cedar  
Abilene, Texas 79601  
P.O. Box 3097  
Abilene, Texas 79604  
325.698.5560 | 325.691.0058 fax

**Lubbock Office**  
6310 Genoa Avenue, Suite E  
Lubbock, Texas 79424  
806.794.1100 | 806.794.0778 fax

**Granbury Office**  
1301 Crawford Ave.  
Granbury, Texas 76048  
817.579.6791 | 817.579.8491 fax

**Plano Office**  
One Preston Park  
2301 Ohio Drive, Suite 105  
Plano, Texas 75093  
972.599.3480 | 972.599.3513 fax

www.e-ht.com

Firm Registration No. 1151

7.3 pg. 2



Mr. Jon James  
June 29, 2010  
Page 2

5. The estimated cost of Memorial Drive (curbed gutter and 33 feet of pavement and sidewalk) is \$175,000 which equates to over \$2,900 per lot additional cost.

If you have any questions, please do not hesitate to give me a call.

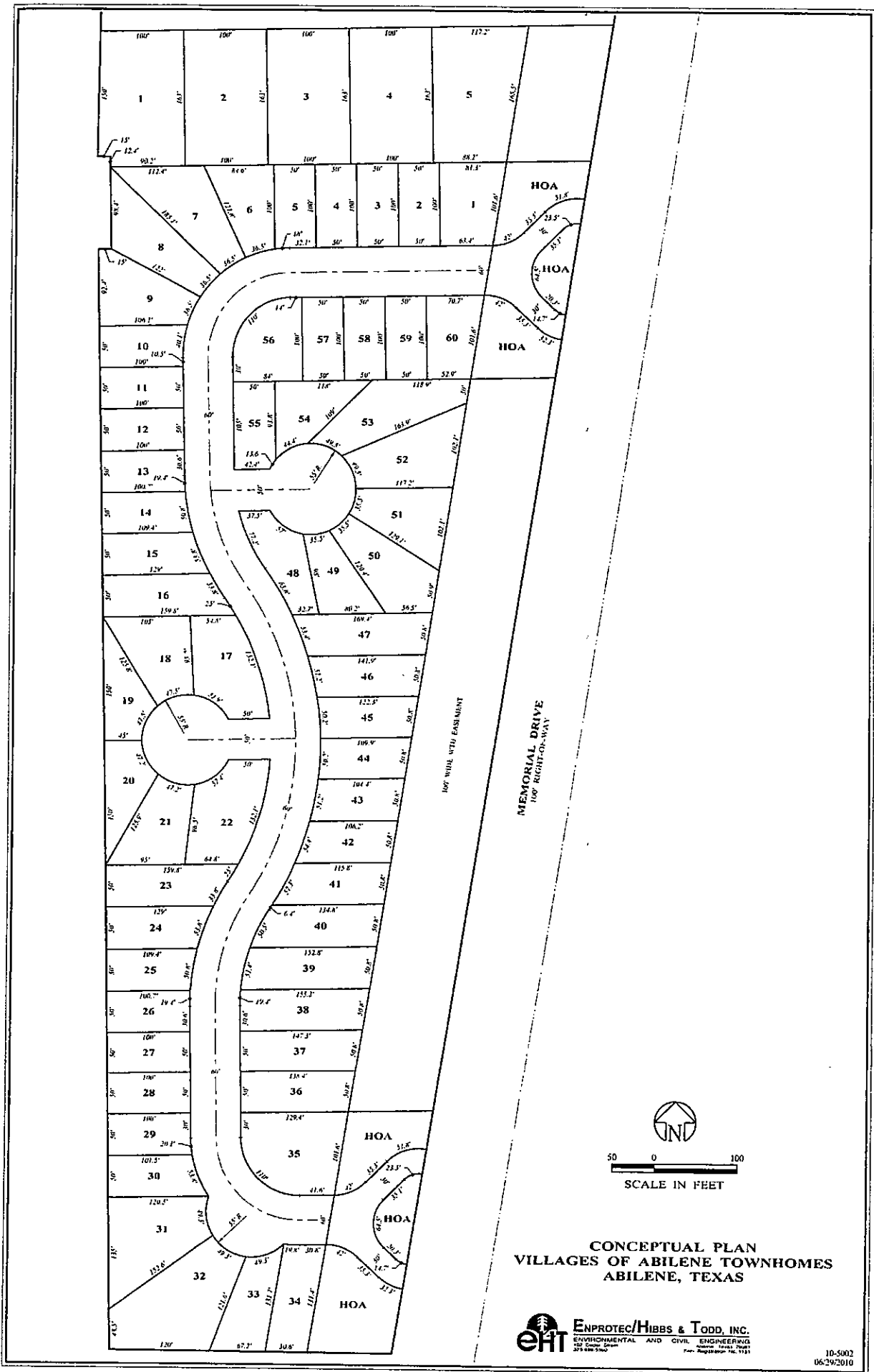
Sincerely,

**Enprotec / Hibbs & Todd, Inc.**

David Todd, PE  
Executive Vice President

c: Mr. Cody Marshall, PE  
Project File 5002

P:\Projects\Private Developers\10-5002 Tony Conder 15 Acre Subdivision\062910 City Letter.doc



CONCEPTUAL PLAN  
VILLAGES OF ABILENE TOWNHOMES  
ABILENE, TEXAS

 ENPROTEC/HIBBS & TODD, INC.  
ENVIRONMENTAL AND CIVIL ENGINEERING  
2000 North Loop West, Suite 200  
Houston, Texas 77018  
Tel: 713.866.2200 Fax: 713.866.2201

10-5002  
06/29/2010

7.3 pg. 4

# Proportionality Appeal Report

**Agent: Enprotec/Hibbs and Todd- 698-5560**

**Location: Memorial Drive**

**Reviewed: 7-21-2010**

- 1) The existing improvements to Memorial Drive were for a previous development and do not impact the requirements for the extension of Memorial Drive for the new proposed development. The improvements made to Memorial Drive were not above or beyond anything required at the time of the development.
- 2) The development of adjacent tracts has no bearing on the proportionality impact on the proposed tract, and should not waive the obligation for this particular development.
- 3) Part of the reason for roadway construction requirements is to provide access to property, but also to ensure an overall adequate transportation network and system. Most, if not all, cities make this an obligation of new development through subdivision regulations. Many developments are adjacent to collector or arterial roads that may not provide access to individual residential lots, but that in itself is no reason to waive the requirements to build or improve such a road. The only rationale for a proportionality appeal is that the normally required construction requirements are so onerous that it is considered "too much" given the unique characteristics of the property and its development potential, in other words that it represents a disproportionate burden on this development. The concept plan for the development that was submitted for review shows two (2) access points to Memorial Drive, further strengthening the case to extend Memorial Drive along the entire development.
- 4) See #3
- 5) This does not answer the question of whether or not these costs are disproportionate. Is this cost per lot substantially more than other similar residential developments? In other words, is it out of the range of what would be considered normal development costs? In addition, simply being a little higher than the average, or even most developments, should not justify approval of this appeal. What is required is that the effect of the requirement creates a disproportionate burden.

## General Comments:

- The ROW already exists so the burden to provide and dedicate ROW did not fall on the developer.
- In the future the access roads along the highway will be going to one-way. At this time Memorial Drive will serve as an alternative access from Antilley Rd. to Loop 322, to provide a better means of transportation to the surrounding developments.
- The remedy, if a disproportionate burden is found, is not necessarily a complete waiver of the requirement, but per the ordinance the requirements may be reduced so as not to create the disproportionate burden.

**PROPORTIONALITY APPEAL COMMENT FORM**

**DEPARTMENT:**

**REPRESENTATIVE:**

**LOCATION:** Memorial Drive

**MEETING DATE:** 7/21/2010

**COMMENTS:**

**The only portion of the study required by Section 1.3.2.3 (c) of the Land Development Code that is addressed is (1) by # 4 and it is done incorrectly.**

**“4. Assuming two (2) cars per unit, 120 cars could exit the development and access the existing Memorial Drive to the north.” Although trip generation varies greatly among households, ranging from 4-22 trip ends per day with number of trips increasing as household size and household incomes increase, the average number of trip ends for a single family detached home is 9.5 (ITE Trip Generation Manual, 5<sup>th</sup> Edition). With 60 units, a daily traffic volume of 570 would be produced using the average factor.**

**Items 1-2 in the proportionality appeal are not applicable arguments unless there is an intent to address the development at hand as part of a phased development including the properties to the north and south. If such an intent could be made creditably, a much broader calculation is needed to address both existing and future development on affected properties, construction costs, and value of right-of-way provided by the City through its own efforts.**

**Item “3. The only reason for Memorial Drive along the 15 acres is access into the property. Based upon the conceptual plan, access to the north can be accomplished with minimal extension of Memorial Drive to the south. Since Memorial Drive would not be extended through the 7 acres to the south without City involvement, exiting the proposed 15 acre subdivision would be to the north. This is incorrect. The standards for length of cul-de-sacs and temporary dead-end streets will not allow more than 25 units or 1000 feet in length (ref LDC Section 3.2.7.8 (b)). The construction of Memorial Drive connecting existing collector or arterial roads to the south end of the proposed local street from either direction is necessary for the provision of adequate public facilities for the remainder of the proposed development as required in LDC Section 3.2.1.1.**



**Item 5. Although a cost calculation is provided, there is no illustration of how this addresses the requirements LDC Section 1.3.2.3 (c) to show that the cost is any way disproportionate.**

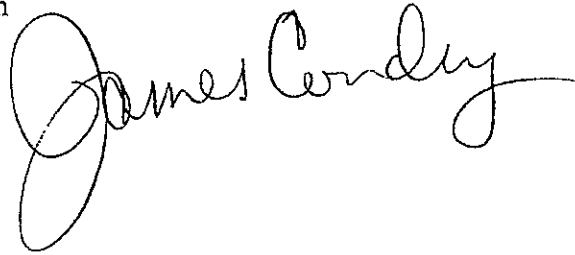
**PROPORTIONALITY APPEAL COMMENT FORM**

**DEPARTMENT:** Traffic & Transportation

**REPRESENTATIVE:** James Condry

**LOCATION:** Memorial Drive

**MEETING DATE:** 7/21/2010



**COMMENTS:**

The proportionality appeal letter for construction of Memorial Dr has not adequately addressed the required elements.

Item 1 – 3 in the letter are not relevant issues in the appeal.

- Item 1 addresses the construction of Memorial Dr to the north. The existing improved portion of Memorial Dr serves the development adjacent to it. By extension it will serve the proposed development.
- Item 2 states that it is unlikely that Memorial Dr would be extended by a developer from the subject tract to Antilley Rd adjacent to the seven (7) acre tract to the south. This seven (7) tract extends from the south end of the 15 acre subject tract to Antilley Rd, a distance of about 1,370 feet. Although the tract, which tapers in depth from about 340 feet at the north end to about 100 feet at the south end, imposes some limits on development. However, it is not undevelopable. The north 300 feet or so could be developed with a short cul-de-sac and lots comparable to the subject tract. The rest of the tract, with the possible exception of the very south end, could be developed with low density multi-family or offices.
- Item 3 states that the subject property can be developed with only a short extension of Memorial Dr, i.e., to the north street of the proposed development. However, only the very north end of the proposed development could be built without a second connection to Memorial Dr since the LDC (3.2.7.10) limits temporary dead-end streets to the length of a normal cul-de-sac.

Item 4 is an apparent attempt to show traffic impact, which is an item of consideration in a proportionality appeal. However, vehicle ownership per dwelling unit is not the appropriate way to address traffic impact. Traffic impact is based upon trip generation and the standard is Trip Generation by ITE. In the 6<sup>th</sup> edition the average weekday trip generation rate for single family detached housing is 9.57 trips per dwelling unit. Therefore the proposed 60 dwelling units would generate 574 trips per weekday. However, traffic impact is not a valid argument in this case since the amount of paving

required on Memorial Dr is less than the pavement required on the internal streets in the development.

Item 5 presents a cost estimate; however, it lacks sufficient detail. The cost estimate must show clearly that it does not include the portion of the Memorial Dr extension that is necessary to connect with the proposed street in the development. It also needs to be broken out by the elements of construction, I.e., curb and gutter, pavement, sidewalk, etc.

The proposed development benefits from the fact that the right-of-way for Memorial Dr has already been secured by the City. This needs to be consideration in the evaluation.

This proportionality appeal appears to be premature since no plat has been submitted and the P & Z Commission has not acted on a PDP or Preliminary Plat as per section 1.3.2.3(a) and 1.3.2.3(d). Also, the property is currently zoned AO and the proposed development cannot be done in AO zoning.

City Council  
Agenda Memo



City Council  
Meeting Date: 08/12/10

**TO:** Larry D. Gilley, City Manager  
**FROM:** Megan Santee, Interim Director of Public Works *MRS*  
**SUBJECT:** Oral Resolution - Application/Permit to Drill and/or Operate an Oil and/or Gas well -  
Bob Hughes Oil Co., Hantman #1, Permit No. 696026

**GENERAL INFORMATION**

Chapter 21, Oil and Gas, of the City Code requires a permit for drilling and operating oil/gas wells within the city limits. As part of the review process, the City Council is to conduct a public hearing and then approve or reject the permit.

Bob Hughes Oil Co. of San Angelo, Texas has submitted an application to drill the Hantman #1 well on property owned by Joseph Hantman, located as shown on the attached map. This application has been reviewed and approved by City Staff. All owners of real property within 500 feet of the proposed drill site have been notified of this application and of the City Council meeting to consider its approval, as required by City ordinance.

The original application and supporting documentation is on file with the City Secretary.

**STAFF RECOMMENDATION**

Because all prerequisites and requirements of Chapter 21, Oil and Gas have been met, and there will be no anticipated adverse affect on the health, safety and welfare of the public, staff recommends that the City Council vote to approve the application for this drilling permit and authorize the Mayor to execute permit #696026 for Bob Hughes Oil Co.

**ATTACHMENTS**

Site Map

The Application/Permit to Drill and/or Operate an Oil and/or Gas Well, including all supporting documentation, is on file with City Secretary

Prepared by:

Name: Travis McClure

Title: Land Agent

Item No. 7.5

Disposition by City Council

Approved Ord/Res# \_\_\_\_\_

Denied

Other

\_\_\_\_\_  
City Secretary

I-20

Little Elm Creek

Joseph Hantman, owner, 99.9 ac. (yellow)

Proposed Well Location (approx.): Bob Hughes Oil Co. - Hantman #1

Elm Creek

Winters Freeway

Lee Athletic Complex

**City Council  
Agenda Memo**



**TO:** Larry D. Gilley, City Manager

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

**SUBJECT:** Approval of 2010-2014 Consolidated Plan and FY 2010/2011 One-Year Action Plan for CDBG and HOME Programs

**City Council  
Meeting Date: 8-11-05**

**GENERAL INFORMATION** – As an entitlement city receiving funds from the U.S. Department of Housing and Urban Development (HUD), the City of Abilene is required to submit a Consolidated Plan that strategically addresses the City’s goals and objectives for housing and community development over the course of a five-year period. The City of Abilene is also required to submit a One-Year Action Plan outlining specific uses of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds planned for the coming fiscal year. The Office of Neighborhood Services Advisory Council was instrumental in the development of the goals and objectives of the Consolidated Plan which were adopted by Council on May 22, 2010, after allowing a public hearing for public comment.

The Consolidated Plan and One-Year Action Plan must be submitted to HUD by August 13, 2010. The summaries are attached and the full documents are available in the City Secretary’s Office.

**SPECIAL CONSIDERATIONS** – A series of four workgroup sessions were held in February and March of 2010 at the Abilene Civic Center and the Mockingbird Branch Library to discuss/determine services, needs and gaps in the following areas of concentration which included housing, homelessness/special needs, economic development, and community development/neighborhood development. At these sessions, representatives of nonprofit agencies and members of the general public made various comments on community development needs that they hoped could be addressed with CDBG/HOME funds or alternative funds. In addition, three meetings of the same type were held with community residents of Community Development Eligible Area neighborhoods. CDBG/HOME funding guidelines and applications were made available to the public from April 22<sup>nd</sup>- May 21<sup>st</sup>. A summary of the One-Year Action Plan outlining the proposed FY 2010/2011 budget was published in the Abilene Reporter-News on July 8 (which began the HUD-required 30-day comment period). As of August 2<sup>nd</sup> no written comments had been received in response to the proposed Action Plan as published. A second public hearing on August 12, 2010, is required with approval of the attached resolution.

**FUNDING/FISCAL IMPACT**—There will be no impact on local taxes. Projects are to be funded using 2010 entitlements of \$1,179,667 CDBG and \$616,770 HOME. In addition, the City anticipates that it will receive approximately \$8,630 in program income from the HOME program during FY 2010/11.

Prepared by:  Sandy Bowen  Neighborhood Initiatives Manager	Item No. <u>7.6</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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**STAFF RECOMMENDATION** – Staff recommends approval of the attached resolution approving the 2010-2014 Consolidated Plan and 2010/11 One-Year Action Plan for use of CDBG and HOME funds.

**ATTACHMENTS** – Resolution; 2010-2014 Consolidated Plan and 2010/11 One-Year Action Plan (Summary); FY 2010/11 Source of Funds, Public Service/Administrative Caps.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING THE FY 2010/11 ACTION PLAN FOR THE CONSOLIDATED PLAN AND PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS

WHEREAS, it is desirable and in the public interest that the City of Abilene request funds under the Community Development Block Grant Program and Home Investment Partnerships Program, authorized under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended, for the City of Abilene situated in the Counties of Taylor and Jones, State of Texas; and

WHEREAS, a minimum of two public hearings have been held as required by 24 CFR Part 91.105, Consolidated Plan for Community Planning and Development Program Final Rule, at which interested members of the public were invited to offer comments on housing and community development needs and funding requests/proposals; and

WHEREAS, the primary objective of the Community Development Program is to develop a viable urban community, including decent housing and a suitable living environment, and to expand economic opportunities principally for persons of low and moderate income. Consistent with the primary objective, the Federal assistance provided in the Community Development Program is for the support of the community development goals, objectives, and strategies which are eligible under applicable Federal regulations; and

WHEREAS, the primary objective of the HOME Program is to expand the supply of decent, safe, sanitary, and affordable housing for very low income and low income Americans. Consistent with that primary objective, the Federal assistance provided in the Community Development Program is for the support of the community development goals, objectives, and strategies which are eligible under applicable regulations;

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

- Part 1. That the FY 2010/11 Action Plan for the Consolidated Plan and Projected Use of Community Development Block Grant and HOME funds is hereby approved.
- Part 2. That, upon approval, the Consolidated Plan be submitted to the United States Department of Housing and Urban Development.
- Part 3. That the financial assistance authorized by the Community Development Block Grant and HOME Programs referred to above is required to enable the City of Abilene to carry on appropriate community development activities directed toward meeting the objectives above.



Part 4. That the City Manager, or his designee, of the City of Abilene, Texas is hereby authorized to sign said application and any and all appurtenant documents on behalf of the City.

Part 5. That this resolution shall take effect immediately from and after its passage.

ADOPTED this 12<sup>th</sup> day of August, 2010.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

# ONE-YEAR ACTION PLAN 2010-2011

## SUMMARY

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### HOUSING

**Goal:** Low-moderate income citizens will have access to safe, decent, and affordable housing

#### **Single-Family Rehabilitation – \$476,280 HOME**

This program provides moderate or substantial rehabilitation of existing owner-occupied Single-Family residential properties by providing grants and loans to low-and moderate-income homeowners. Residential properties are rehabilitated to meet local residential building codes and Housing Quality Standards (HQS) including suitable amenities. Advertisement for this program includes press releases announcing available funding in the local newspaper and the City of Abilene website and through media coverage. The City of Abilene Planning and Development Services Department administers the Program.

#### **Community Housing Development Organization (CHDO) – \$92,370 HOME**

The City has set aside the HUD required 15% of its Program Year 2010 HOME entitlement, for use by a Community Housing Development Organization (CHDO). The CHDO is responsible for developing, sponsoring, and/or owning HOME-assisted housing to be made available to low-and moderate-income families. Abilene Habitat for Humanity and Connecting Caring Communities (CCC) are the two non-profit housing development organizations to have applied for and received CHDO designation from the City. Using HOME funds, Habitat is currently constructing new single-family housing and acquiring existing single-family properties for rehabilitation in the community. CCC is constructing new single-family housing in the community.

#### **Limited/Critical Repair – \$120,000 CDBG**

The Limited Repair Program is designed to assist very low-income homeowners in Abilene with repairs to items that pose an imminent threat to the health and/or safety of the occupant(s) and the surrounding neighborhood. In the cases where a situation or condition occurred without warning (within two weeks), is detrimental to life, health or safety, was not due to neglect, and can be repaired in 24-72 hours, will be addressed under the Critical Repair Program within the Limited Rehab Program. Examples of assistance include, but are not limited to, repair of gas leaks, leaking roofs, unsafe electrical wiring and other hazardous problems. Advertisement for this program includes press releases announcing available funding in the local newspaper and the City of Abilene website and through media coverage. The City of Abilene Planning and Development Services Department administers the Program.

#### **First Time Home Buyers – \$60,000 HOME**

This program is designed to provide necessary down payment and closing costs assistance to low- and moderate-income persons for the acquisition of a single-family home. The First Time Home Buyer Program prioritizes persons who are currently living in federally assisted housing or receiving federal rental assistance and who are able to meet all requirements of the program,

including the ability to obtain financing for the purchase of a home through a local lender. Advertisement for this program includes press releases announcing available funding in the local newspaper and the City of Abilene website and through media coverage. The City of Abilene Planning and Development Services Department administers the Program.

**CDBG Housing Rehab Administration – \$70,040 CDBG**

This activity supports the overall administrative and delivery costs for CDBG funded housing rehabilitation and homeownership activities – i.e. Limited/Critical Repair and First-Time Home Buyer and Single-Family Rehab/Reconstruction programs operated by the City of Abilene.

**Housing Rehab Administration – \$27,560 HOME**

This activity supports staff and delivery costs of the HOME Program, including HOME administrative costs incurred by the Planning and Development Services Department for the Single-Family Rehab and First Time Homebuyer programs.

**HOMELESS AND NON-HOMELESS SPECIAL NEEDS**

**Goal: Prevent and reduce homelessness**

**Abilene Volunteer Weatherization Program – \$4,000 CDBG**

Abilene Volunteer Weatherization Program will use the funds to purchase building materials to weatherize homes and replace entrance doors, which fail to provide proper security or weather-tightness. Weatherization is made available to low-income persons, persons with disabilities and the elderly to meet urgent need.

**COMMUNITY DEVELOPMENT**

**Goal: To improve the quality of programs and facilities for health, safety, information, transportation, childcare and recreations services.**

**Public Services Activities**

**Medical/Dental Program – \$29,000 CDBG**

This program provides crisis intervention, medical and dental care to low-income adults and children. The City Health Department administers this program.

**OTHER HOUSING AND COMMUNITY DEVELOPMENT NEEDS**

**Goal: Enhance the quality of life for elderly citizens**

**Senior Citizen Services – \$35,820 CDBG**

This program, administered by the City Senior Citizens Division, is designed to stop isolation and help maintain a good and active lifestyle through social services and nutrition for elderly and senior citizens. The program offers transportation, shopping assistance, education, nutrition, recreation, various social activities, and health screenings.

**Economic Development**

**Goal: Enhance the economic well being of all citizens**

**Access-to-Jobs – \$40,000 CDBG**

This program involves expansion of the City transit service, CityLink, for the purpose of enabling low-income persons and persons on public assistance to access employment. Previously, CityLink operated until 6:00 p.m. With lack of transportation cited as one of the main obstacles to persons seeking entry-level jobs that entail evening work hours, the program expands curbside transit service to this population until as late as 12:00 p.m. This service is also provided to clients attending educational evening classes. Clients are screened for the program through an intake process documenting household income, race/ethnicity, and purpose of transportation utilization.

**Debt Repayment – Section 108 Loan – \$725,580 CDBG**

Funds will be used to repay loans funded through HUD's Section 108 Downtown Loan Program. Program income received in the form of Section 108 repayments will be applied first to offset the use of CDBG funds for this activity.

**GENERAL ADMINISTRATION AND PLANNING**

**Goal: To ensure the overall management, administration and planning associated with implementation of the City's CDBG and HOME programs.**

**Planning and Development Services Administration – \$226,360 CDBG**

This activity provides general oversight, management and delivery of the CDBG Program, administered by the Planning and Development Services Department/Neighborhood Initiatives Division, including professional service contracts to support community and economic development projects, and indirect cost allocations. Funding also partially supports management of the HOME Program.

**HOME Administration – \$33,930 HOME**

This activity supports staff and delivery costs of the HOME Program, including HOME administrative costs incurred by the Planning and Development Services Department/Neighborhood Initiatives Division and the HOME-funded Single-Family Rehabilitation Program, First Time Homebuyer and CHDO program operated by the Planning and Development Services Department.

**Section 108 Reserve Funds – \$146,168 CDBG**

The funds will be used to soften the effect of increased payment schedules for the Section 108 debt service and possible federal program cutbacks. This established reserve that if unused, will be rolled forward in future years for use to pay Section 108 debt.

# CONSOLIDATED PLAN 2010-2014

## SUMMARY

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### INTRODUCTION

The City of Abilene's 2010-2014 Consolidated Plan demonstrates a concerted effort to enhance the quality of life for all residents through a strategic plan for community development. To achieve this goal, the City will maximize the use of available resources in order to expand and preserve the availability of safe, decent, and affordable housing. The Consolidated Plan includes a one-year action plan for spending approximately \$2 million of Community Development Block Grant (CDBG) and HOME investment Partnerships Program funds, as well as projected program income.

### CITIZEN PARTICIPATION

The City of Abilene has conducted major campaigns to solicit citizen input into the Consolidated Plan. Methods of obtaining input include consultation work group sessions to identify service needs and gaps, and neighborhood meetings within Community Development Eligible Areas. The City has held two public hearing and involved the Office of Neighborhood Services Advisory Council to process citizen input and recommend goals and objectives for the plan.

### HOUSING AND COMMUNITY DEVELOPMENT NEEDS

#### *Economic Factors*

According to Texas Workforce Commission statistics, the overall unemployment rate for the Abilene Metropolitan Statistical Area as of June 2010 was 6.9 percent, with a Civilian Labor Force of 85,500 persons, 78,700 employed and 5,800 unemployed. The national unemployment rate is 9.6%.

During the 1970's and early eighties, Abilene labor force was dependent on the oil industry. Over the years, the city has adjusted to the declining oil industry. Today, professional, technical and service workers constitute a growing portion of the area's labor force. Education, health care, government, manufacturing, wind energy and sales-related occupations are showing an upward trend.

#### *Housing Needs*

The largest priority identified in the Consolidate Plan is to increase the availability, financial accessibility and support for quality affordable housing. To address the housing needs, funds will be leveraged to help low-income persons maintain and repair their homes. Very low-income people are more likely to pay an excessive amount of their income (more than 30 percent) on housing. Some pay 50 percent or more of their income for housing, leaving very little money for food, clothing and transportation.

### ***Housing Market Conditions***

According to the 2000 U.S. Census, Abilene has a total of 45,570 dwelling units. Of the occupied units, 41.3 percent are rental units and 58.7 percent are owner-occupied. Substandard housing units are estimated at eight percent with approximately 85 percent suitable for rehabilitation. There are currently 213 public housing units available to people of extremely low-income status ( $\leq 30\%$  MFI).

### ***Affordable Housing Needs***

Low-income individuals in households can have difficulty affording their housing. According to the 2000 U.S. Census, of the 3,995 low-income renters, 25.4 percent were paying more than 30 percent of their income for housing and 2.1 percent of that were paying more than 50 percent of their income for housing. Of the 3,176 very low-income renters, 74.8 percent were paying more than 30 percent of their income for housing and of that 61.7 percent were paying more than 50 percent of their income for housing. These are the households that have the greatest housing cost burden. They need rental assistance and affordable housing options. Low-income homeowners need rehabilitation assistance. Low-income first-time homebuyers need down payment assistance and credit counseling.

### ***Homeless Needs***

Every two years, the West Texas Homeless Network conducts a point-in-time survey of Abilene homeless. Because of the methods and surveys used to arrive at accurate counts were approved by the U.S. Department of Housing and Urban Development (HUD), staff used the figures provided in the January 2010 Point in Time Survey for Abilene. This survey identified 105 individuals and homeless families in emergency shelters and transitional shelters. The Taylor County annualized homeless population estimate is 501. Abilene is the largest city in the area and the metropolitan trade center and availability of social services for a predominantly rural 19-county region.

The homeless are in need of permanent, affordable, and decent housing, as well as other supplemental services such as food, subsidized child care, housing search assistance, and employment training.

### ***Public and Assisted Housing Needs***

The public housing organization, the Abilene Housing Authority, was founded in 1968. The Abilene Housing Authority (AHA) has four Low-income Public Housing (LIPH) buildings with a total of 213 public housing units. The Abilene Housing Authority does not anticipate any losses to the public housing inventory for any reason, including losses through public housing demolition or conversion of home ownership. There are approximately 789 applicants on the public housing waiting.

The AHA Housing Choice Voucher (HCV) program assists over 1,130 families. One hundred percent are extremely low-income ( $\leq 30\%$  MFI) families. The city anticipates no losses to the HCV program for any reason. In addition, the AHA has requested assistance for additional voucher assistance from HUD. There are approximately 1,650 families on the HCV waiting list.

### ***Barriers to Affordable Housing***

Affordable housing in Abilene is deterred by insufficient funds for down payment, lack of credit, and poor credit. In addition, the long-term affordability of a home, such as the required monthly principal, interest, taxes and insurance payments, are often too high compared with available income for a low-income household.

### ***Fair Housing***

In 2009 and 2010, the City of Abilene commissioned a study of impediments to fair housing. The study, conducted by the Abilene Christian University School of Urban Studies and the School of Social Work, found that there were no reported cases of housing discrimination. However, one housing-related organization reported a level of apprehension or intimidation related to the filing process because of the formality of the HUD form and unfamiliarity with standard government procedures. The study is in the final stages of being drafted. The City of Abilene, Neighborhood Initiatives Manager has been designated as Equal Opportunity and Fair Housing staff to provide assistance with the process.

### ***Lead-Based Paint***

There is no accurate information on the incidence of lead-based paint in Abilene; however, reports of lead-related illnesses are very low in Taylor County. The City acknowledges that lead-based paint poses a serious health threat and must be addressed. Abilene's public housing units are free from lead-based paint and always have been. The AHA will continue to notify HCV recipients about the dangers of lead-based paint and refer them to the local health department for testing if there is need. The City will also encourage residents and property owners to test for and abate lead paint. Units approved for Single-Family Rehab, and Limited/Critical Repair are inspected for hazards and appropriate measures are taken if hazards are identified.

### ***Community Development Needs***

As a result of public hearings and existing planning documents, the following have been identified as community development needs: transportation and childcare; assistance for homebuyers and renters; rehabilitation of housing; assistance to homeless and special needs populations; health services; improvement of infrastructure, though infill development, parks and sidewalks and lighting; job training and jobs paying a living wage. Other needs include code enforcement to ensure the safety of residents and to improve the quality of life for these individuals.

# Home Investment Partnerships Program HOME

<u>Sources of Funds</u>	FY 2011
PY 2010 HUD Entitlement	\$615,770
HOME Reserve	\$65,740
Potential Program Income	<u>\$8,630</u>
<b>Total Funds Available</b>	<b>\$690,140</b>

<b>PY10 Minimum CHDO Reserve Set-Aside (15% Entitlement)</b>	<b>\$92,370</b>
<b>HOME Administrative Cap (10% Entitlement + Potential PI PY10)</b>	<b>\$62,440</b>

<u>Proposed Use of Funds</u>	Previous Year Approved FY10	Requested FY11	Proposed
HOME Administration - Planning & Development	\$14,050	\$33,930	\$33,930
HOME Administration - Housing	\$42,420	\$27,560	\$27,560
First Time Homebuyer	\$40,000	\$60,000	\$60,000
Single Family Rehabilitation/Reconstruction	\$470,000	\$476,280	\$476,280
Tenant Based Rental Assistance	\$40,000	\$0	<u>\$0</u>
<b>Total Allocation of HOME Funds</b>	<b>\$606,470</b>	<b>\$597,770</b>	<b>\$597,770</b>

## Community Housing Development Organizations (CHDO) Set Aside

	Previous Year Approved FY10	Requested FY11	Proposed
CHDO (15% of PY 2010 Entitlement)	\$92,703	\$92,370	\$92,370
CHDO Uncommitted PY 09			<u>\$2,703</u>
<b>Total Funds Available</b>			<b>\$95,073</b>

## Proposed Use of CHDO Set Aside

	(Prior years un- committed funds)		
Connecting Caring Communities (Combined Funds)	\$231,130	\$1,700,000	\$0
Habitat for Humanity	\$90,000	\$64,794	<u>\$64,800</u>
<b>CHDO Funds Allocated</b>			<b>\$64,800</b>

\*Unallocated CHDO Funds                      \$30,273

**Total Use of Home Funds FY 2011                      \$662,570**

\*Unallocated Funds: There has been a late request for unallocated funds to be made available. Due to the time constraints for budget submission, that request is not included here. The request is currently making its way through the federal funds request process and will be reviewed later this month by the Office of Neighborhood Services Advisory Council.

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City Council  
Agenda Memo

TO: Larry D. Gilley, City Manager

FROM: Mindy Patterson, Director of Finance

*Mindy*

City Council  
Meeting Date: 08/12/10

SUBJECT: Public Hearing on the Proposed 2010-11 Tax Rate

**GENERAL INFORMATION**

The FY 2011 Budget approved by Council on July 27, 2010 set the tax rate at 69.86¢. State law requires that two (2) public hearings must be held prior to the final public hearing and vote. Another public hearing will be held on August 26, 2010, with the final public hearing and vote to be held on September 9, 2010.

**STAFF RECOMMENDATION**

Staff recommends that the City Council hold the public hearing in accordance with state law. No action is required by Council.

**ATTACHMENT**

- 1) Ordinance

<b>Prepared By:</b>  Name <u>Mindy Patterson</u> Title <u>Director of Finance</u>	Item No. <u>7.7</u>	<b>Disposition by City Council</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other        Ord/Res # _____ _____ City Secretary
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, APPROVING THE ASSESSMENT ROLL FOR 2010, LEVYING AN AD VALOREM TAX FOR THE CITY OF ABILENE, TEXAS, FOR THE YEAR 2010; PROVIDING FOR THE ASSESSMENT AND COLLECTION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 26.05 of the Tax Code requires notice of a tax increase whether that increase occurs by an increase in the tax rate or a rise in property values or both; and

WHEREAS, the City of Abilene is proposing a tax rate increase and property values have risen in the City which trigger components of Section 26.05; and

WHEREAS, the components of Section 26.05 require Cities to post that an increase in property values even when the tax rate is held constant, is considered as an effective tax rate increase; now therefore,

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

PART 1: That the assessment roll for the year 2010, as compiled by the Chief Appraiser of the Central Appraisal District of Taylor County, and amended and approved by the Appraisal Review Board of Taylor County, on the 22<sup>nd</sup> day of July, 2010, be, and the same is hereby, in all things, approved and adopted.

PART 2: That there be, and is hereby levied, on all of the property located in the City of Abilene, Texas, on the 1st day of January, 2010, and not exempt from taxation by the Constitution and Laws of the State of Texas and the City of Abilene, an ad valorem tax in the aggregate total of --sixty-nine and eighty-six one-hundredths cents (69.86¢)-- on each one hundred dollars' (\$100.00) valuation of said property, apportioned as follows:

General Fund:

(a) Operations & Maintenance \$ .4812

Debt Service Funds:

(a) 2001 G.O. Series \$ .0036  
(b) 2002 C.O. Series \$ .0069  
(c) 2002 G.O. Series \$ .0064  
(d) 2002 Airport C.O. Series \$ .0029  
(e) 2003 C.O. Series \$ .0051  
(f) 2003C Refunding \$ .0029  
(g) 2004 C.O. Series \$ .0039  
(h) 2004 Airport C.O. Series \$ .0017  
(i) 2005 C.O. Series \$ .0102

(j)	2005A C.O. Series - Public Safety	\$ .0262
(k)	2006 C.O. Series	\$ .0097
(l)	2006 G.O. Series	\$ .0110
(m)	2006 Airport C.O. Series	\$ .0029
(n)	2007 C.O. Series	\$ .0087
(o)	2007 G.O. Series	\$ .0125
(p)	2007 Airport G.O. Series	\$ .0022
(q)	2008 C.O. Series	\$ .0045
(r)	2008 G.O. Series	\$ .0155
(s)	2008A C.O. Series - Energy	\$ .0174
(t)	2009 Refunding	\$ .0311
(u)	2009 C.O. Series	\$ .0032
(v)	2009 G.O. Series	\$ .0152
(w)	2009A C.O. Series - HRIS & Finance System Replacement	\$ .0046
(x)	2010 Refunding	\$ .0048
(y)	2010 C.O. Series	<u>\$ .0043</u>
	Debt Rate	\$ .2174
	TOTAL RATE FOR THE YEAR 2010	<u>\$ .6986</u>

PART 3: That there be, and are hereby authorized exemptions as follows:

- 1) Homestead exemption -- fifteen percent (15%)
- 2) Age 65 and over exemption -- \$15,000

PART 4: THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 1.2 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$8.10.

PART 5: That notice for the public hearings on the 12<sup>th</sup> day of August, 2010, and the 26<sup>th</sup> day of August, 2010, were given by publication in the Abilene Reporter-News on the 4<sup>th</sup> day of August, 2010.

PART 6: That notice for the public hearing on the 9<sup>th</sup> day of September, 2010, was given by publication in the Abilene Reporter-News on the 29<sup>th</sup> day of August, 2010.

PART 7: That a public hearing was held on the 9<sup>th</sup> day of September, 2010, in accordance with the City Charter.

PART 8: That any ordinance, resolution, policy or any provision or section of the Code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict.

PART 9: That this ordinance shall take effect immediately from and after its date of final passage.

PASSED ON FIRST READING on the 27<sup>th</sup> day of July, A.D. 2010.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the 9<sup>th</sup> day of September, A.D. 2010.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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