

CITY COUNCIL MEETING
April 11th, 2013, at 8:30 a.m.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
COUNCIL CHAMBERS, CITY HALL

The City Council of the City of Abilene, Texas met in Regular Session on April 11th, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Anthony Williams, Robert O. Briley, and Councilwoman Miller. Councilman Higgins was absent. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

The Memory Men Chorus sang the “Star Spangled Banner”.

Councilwoman Miller gave the invocation.

Mayor Archibald introduced Kolby Gilbreath she is a 5th grader at Jackson Elementary School, and she led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

PROCLAMATIONS

Mayor Archibald presented the following Proclamations:

65th Anniversary, of the Memory Men.

April 15-19, 2013

National Work Zone Awareness Week

Herbert Bickley, TxDOT District Engineer, accepted the proclamation.

April 14-20

Week of the Young Child

Cynthia Pearson, Day Nursery of Abilene, accepted the proclamation. The children from the Day Nursery brought milk and cookies for Council.

PRESENTATIONS

Evan Harris, Board President - Friends of Safety City and Mayor Archibald, recognized Laura Moore, Yvonne Batts and Karen Stover for their dedication and hard work as former board members of Safety City. They were instrumental in fund raising for the new educational centers for both Police and Fire.

EMPLOYEE SERVICE AWARDS

Mayor Archibald along with City Manager Larry Gilley recognized the following employees for their years of service:

Debra Hill	Human Resource Specialist I, Administrative Services	20 Years
Timothy Schmidt	Police Patrol Sergeant, Police	25 Years
Scott Ferrell	Special Operations Agent, Police	25 Years
Joe Tauer	Youth Lieutenant, Police	25 Years
Tony Lassetter	Youth Sergeant, Police	25 Years
Scott Rowley	Training Lieutenant, Police	25 Years

Kathleen Rhodes Police Patrol Officer, Police 25 Years

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the March 28th regular meeting there being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Councilwoman Miller and Mayor Archibald
NAYS: None

CONSENT AGENDA

Councilman Spano made the motion to approve consent items 6.1 through 6.2 as recommended by staff. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Councilwoman Miller and Mayor Archibald
NAYS: None

Oral Resolution:

6.1 **Oral Resolution: CB-1205** City Council approved the contract extension for miscellaneous repair work 2011-2012 for on demand repair of existing portions of bridges, streets and drainage structures. The original contract included provision for an additional one (1) year term extension. Council approved the additional one (1) year term extension to Bontke Brothers Construction Company, Inc. of Abilene, Texas in the amount of \$458,414.00.

Award of Bid:

6.2 **Bid Award: CB-1324** City Council approved the purchase of SUVs for Fire Department from Arrow Ford in the amount of \$58,740.00.

REGULAR ITEMS

7.10 Mayor Archibald moved up the request from Valley Creek Investments, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) & RS-12 (Single-Family Residential) to RS-8 (Single-Family Residential), PH (Patio Home), & GR (General Retail) zoning, located at 902 ES 27th St. The agent has requested that this item be TABLED until the next council meeting.

Mayor Archibald moved to TABLE the request from Valley Creek Investments, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) & RS-12 (Single-Family Residential) to RS-8 (Single-Family Residential), PH (Patio Home), & GR (General Retail) zoning, located at 902 ES 27th St. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Councilwoman Miller and Mayor Archibald
NAYS: None

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING

THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

7.1 Megan Santee Director of Public Works, briefed the council on an application/permit to drill and/or operate oil and/or gas well - Sojourner Drilling Corp: "City of Abilene No. 2", Permit No. 754804.

Sojourner Drilling Corporation of Abilene, Texas has submitted an application to drill the "City of Abilene No. 2" well on property owned by Ambler Charitable Bingo RE, Inc., located northwest of the intersection of Ambler Avenue and Mimosa Drive. This well is being drilled under the applicant's 18.84 acre "City of Abilene Unit", comprised of multiple property and mineral interest owners as detailed within the supporting documentation for the permit application. The applicant was requested to provide, and has provided a mineral interest title opinion verifying that the City of Abilene owns no mineral or royalty interest in/under the streets and alleys within the 18.84 acre unit area. 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

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Briley made the motion to approve an application/permit to drill and/or operate an oil and/or gas well - Sojourner Drilling Corp: "City of Abilene No. 2", Permit No. 754804. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Councilwoman Miller and Mayor Archibald
NAYS: None

7.2 Jon James Director of Planning and Development, briefed the council on the Case No. **Z-2013-01** a request from Tom Lindley to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, being the east 16.81 acres located at 4250 Forrest Hill Rd.

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

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting the zone change to allow for development of a single-family residential subdivision. The requested zoning would be compatible with the adjacent residential uses as well as the Comprehensive Plan.

Staff recommends approval of RS-6 zoning.

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

Council and Staff discussion included: 1) lot sizes; and 2) drainage for the area.

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Spano made the motion to approve Case No. **Z-2013-01** a request from Tom Lindley to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, being the east 16.81 acres located at 4250 Forrest Hill Rd. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Councilwoman Miller and Mayor Archibald

NAYS: None

Ordinance [#6-2013](#)

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

Location: 4250 Forrest Hill Rd.

7.3 Jon James Director of Planning and Development, briefed the council on the Case No. **Z-2013-02** a request from Kickapoo Land Company, agent David Todd, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, being 14.77 acres located at 4750 Southwest Dr.

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

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

Staff recommends approval of GC zoning.

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

Mayor Archibald opened the public hearing and city council heard from the following:

- Scott Senter – realtor – in support of the zone change.
- John Herman – had concerns over loss of ag areas.
- B. J. Pritchard, Enprotec/ Hibbs & Todd Engineering, asked for approval of the request.

There being no one else present and desiring to be heard the public hearing was closed.

Councilman Briley made the motion to approve Case No. **Z-2013-02** a request from Kickapoo Land Company, agent David Todd, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, being 14.77 acres located at 4750 Southwest Dr. Councilman Williams seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Councilwoman Miller and Mayor Archibald

NAYS: None

Ordinance [#7-2013](#)

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

Location: 4750 Southwest Dr.

7.4 Jon James Director of Planning and Development, briefed the council on the Case No **Z-2013-03** a request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to O (Office) zoning, being 4.92 acres located at 749 Gateway St.

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

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

Staff recommends approval of O zoning.

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

Mayor Archibald opened the public hearing and city council heard from the following:

- Tal Fillingim – agent for property – spoke for the zone change

There being no one else present and desiring to be heard the public hearing was closed.

Councilwoman Miller made the motion to approve Case No. **Z-2013-03** a request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to O (Office) zoning, being 4.92 acres located at 749 Gateway St. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Councilwoman Miller and Mayor Archibald
NAYS: None

Ordinance [#8-2013](#)

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

Location: 749 Gateway St.

7.5 Jon James Director of Planning and Development, briefed the council on the Case No **Z-2013-05** a request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) zoning, being 22.53 acres located at 6301 Arapaho Tr.

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

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting the zone change to allow for development of the next phase of an existing single-family residential subdivision. The requested zoning would be compatible with the adjacent residential uses as well as the Comprehensive Plan.

The street name was recently changed from Arapaho Trail to Tradition Drive. Due to the property being undeveloped, the current property address still reflects the old street name.

Staff recommends approval of RS-8 zoning.

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

Mayor Archibald opened the public hearing and city council heard from the following:

- Tal Fillingim, agent for property development – spoke for the zone change.

There being no one else present and desiring to be heard the public hearing was closed.

Councilman Price made the motion to approve Case No **Z-2013-05** a request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to RS-8 (Single-Family Residential) zoning, being 22.53 acres located at 6301 Arapaho Tr. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Councilwoman Miller and Mayor Archibald
NAYS: None

Ordinance [#9-2013](#)

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

Location: 6301 Arapaho Tr.

Mayor Archibald announced that Conflict Affidavits for Councilman Price, Councilman Williams and Mayor Archibald, have been filed with the City Secretary in regards to the Ambler Corridor Overlay items.

7.6 Jon James Director of Planning and Development, briefed the council on the ordinance amending the Land Development Code to create and adopt standards for an Ambler Avenue Corridor Overlay.

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

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

Components of the Corridor Overlay include:

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

Corridor Opportunities

Strategies for Overall District

- Funding strategies including TIRZ for corridors
- Zoning controls & design standards for sites and buildings
- Transportation and corridor enhancements
- Sign Ordinance Strengthening
- Incentives for existing and potential businesses
- Neighborhood stimulus and additional housing choices
- Code enforcement for cleanup activities


Team Gateway

Goals:

- Attracting economically viable businesses
- Enhancing corridor aesthetics
- Identifying sustainable funding sources
- Developing cost effective corridor plans
- Enhancing overall stock of housing choices
- Accommodating pedestrian and bicycle mobility



Team Gateway



Broad Recommendations

- Create a realistic master plan for the corridors
- Identify multiple funding choices to work in concert
- Identify opportunities for attractive public-private partnerships or 380 agreements for larger projects
- Strengthen regulatory context; zoning, overlay, easements, design criteria
- Leveraging other potential agendas in the area; institution master plans, Cedar Creek, Stormwater harvest for irrigation
- Activity node creation in strategic areas
- Review potential of large multi-block redevelopment master plan; ie, Bixby Enterprises holdings

Team Gateway

Council and Staff discussion included: 1) higher sign standards; 2) enhance the corridor; 3) curb appeal; 4) exempt residential areas; 5) Will Hair Park (portable signs); and 6) signs inside of the College Campuses are not affected by the ordinance since they are directional signs on private property.

Mayor Archibald opened the public hearing and the council heard from the following citizens:

- Mike Weber, General Manager Ben E Keith – supports the enhancement of Ambler Ave.
- Lanny Hall, President of Hardin Simmons University – supports the enhancement of Ambler Ave.
- Kyle McAlister – concern over portable signs used at Will Hair Park. Supports the enhancement of Ambler Ave.
- Kelley Young, Chief Financial Officer, Abilene Christian University – supports the enhancement of Ambler Ave. Read letter from Lawrence Brothers Grocery Store in support of the overlay.
- Allen Meador – developer in the area supports the enhancement of Ambler Ave.
- John Hill – supports the enhancement of Ambler Ave.
- Abila Oscar, Restaurant owner – concerns over his location on Ambler Ave.
- Winston Ohlhausen – concern with portable signs.
- Steve Savage – talked about the portable signs used at Will Hair Park.
- Brannon Barnes, Property Manager Hendrick Medical Center, spoke in support of the Ambler Corridor Overlay.
- Kris Kowatch – concern with the overlay being applied to the residents in the area.

Councilman Price made the motion to approve the Ordinance for the Ambler Corridor Overlay with the following amendments – a) allow exemption of residential areas for Building and Architectural Standards, b) stricter sign standards apply to signs oriented to Ambler Ave, c) allow portable signs in this corridor until it comes up city wide, and d) Properties located between Grape Street and Treadaway Blvd: Freestanding signs are limited to one per 100 feet of frontage per street frontage. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Councilwoman Miller and Mayor Archibald

NAYS: None

Ordinance [#10-2013](#)

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "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.

Ambler Corridor Overlay

7.7 Jon James Director of Planning and Development, briefed the council on the ordinance for Case **Z-2013-06** a request from the City of Abilene to apply Ambler Street Corridor Overlay (AMB-COR) zoning to all properties located up to 1 block on either side of Ambler Avenue from Grape Street to Interstate 20.

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

The Future Land Use section of the Comprehensive Plan designates this general area as part of an Enhancement Corridor. The western limit is designated as a Special Activity Center due to Hendrick Hospital and Hardin-Simmons University. The eastern limit is designated as a Major Commercial/Business Center at I-20. In general, development and redevelopment within this district should serve as a connection between the Interstate to the east and the hospital/medical uses and university uses to the west along the corridor. Uses are intended to include retail, restaurants, services, medical, office, research, educational, and related uses. Development in the area should be of high-quality with well-designed buildings and attractive landscaping in a pedestrian-friendly setting. This action will apply this new zoning classification to the properties that have frontage along this corridor

Staff recommends approval.

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

Council and Staff discussion included: 1) old businesses are grandfathered in; and 2) there are not any plans to construct a center median down Ambler Ave.

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Williams made the motion to approve Case **Z-2013-06** a request from the City of Abilene to apply Ambler Street Corridor Overlay (AMB-COR) zoning to all properties located up to 1 block on either side of Ambler Avenue from Grape Street to Interstate 20. Councilman Spano seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Williams, Briley, and Councilwoman Miller and Mayor Archibald
NAYS: None

Ordinance [#11-2013](#)

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

Location: 1 block on either side of Ambler Avenue from Grape Street to Interstate 20

Councilman Williams left the meeting.

7.8 Jon James Director of Planning and Development, briefed the council on the ordinance amending the Land Development Code related to prohibiting off-premise advertising signs (billboards) in the Pine Street Corridor Overlay.

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

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

The Planning and Zoning Commission recommended approval of the amendment with a modification to allow for digital conversion of existing billboards. This is consistent to a change that was recently made to the Buffalo Gap Corridor Overlay. Staff is supportive of this modification.

Staff recommends approval.

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

Council and Staff discussion included: 1) grandfather existing signs and 2) allow for existing to go digital.

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Spano made the motion to approve ordinance amending the Land Development Code related to prohibiting off-premise advertising signs (billboards) in the Pine Street Corridor Overlay, allow for existing signs to go digital. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Spano, Briley, and Councilwoman Miller and Mayor Archibald

NAYS: None

ABSTAINED: Councilman Price

Ordinance [#12-2013](#)

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

7.9 Jon James Director of Planning and Development, briefed the council on the ordinance amending the Master Thoroughfare Plan regarding the area south of Antilley Road and between FM 89 (Buffalo Gap Rd) & Highway 83-84.

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

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

Thoroughfare Plan:

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

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

Staff recommends approval of the proposed amendments. Staff also recommends designating the existing Old Forrest Hill Rd as a 'minor arterial' and connecting the roadway north to Antilley Road.

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

The Planning and Zoning Commission recommends no change to Old Forrest Hill Road north of Beltway South (FM 707) by a vote of five (5) in favor (Glenn, Rosenbaum, Todd, Yungblut and Famble) to none (0) opposed.

Issue #1

P&Z Recommendation:

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

Issue #2

P&Z Recommendation:

No change to Old Forrest Hill Road north of Beltway South (FM 707)

Issue #3

Initial Request: Redesignate a planned extension of Old Forrest Hill Road from 'arterial' to 'collector'.

Location: Old Forrest Hill Road, between Beltway South and Iberis Road

Notification: 0 in favor; 8 opposed

Staff Recommendation: Denial

P&Z Recommendation: No recommendation - The motion to approve the request failed to carry for lack of 4 affirmative votes. (3-1)

Council and Staff discussion included: 1) Lining up Old Forrest Hill Road south of FM 707 with White Blvd north of FM 707; 2) bring Old Forrest Hill Road next to Beltway Park Baptist Church; 3) how can land owners learn of Thoroughfare Plans before purchasing property – Plan is located on the City's website; 4) immediate need is Hardwick Road – a narrow road with lots of traffic during school year; 5) Old Forrest Hill Road north of FM 707 is a gravel road; 6) Memorial Drive; and 7) the future development of Beltway South along with traffic lights in the future.

Mayor Archibald opened the public hearing and council heard from:

- Sage Diller, Enprotec Hibbs/Todd Inc. – agent for the requestor. Request to continue Old Forrest Hill Rd South of FM 707.
- Chris Gay – asked for upgrade of Hardwick Rd. brought a petition signed by citizens.
- Scott Senter, Realtor – agrees with the upgrade of Hardwick Rd.
- Tim McClarty, Planning and Zoning Commissioner – explained that Hardwick is in a Flood Plain.
- Will and Raney Edmiston – owners of the property next to the proposed south extension of Old Forrest Hill Road – requested that the road be located to the west of their property.

There being no one else present and desiring to be heard the public hearing was closed.

Council voted on the amendment of the Thoroughfare Plan in 3 motions.

Mayor Archibald made the motion to approve ordinance amending the Master Thoroughfare Plan regarding Memorial Drive as recommended by the Planning and Zoning Commission with small changes to smaller roads and to designate Memorial Dr. as a minor arterial from Antilley south with the Railroad ROW. Councilman Price seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, and Councilwoman Miller and Mayor Archibald

NAYS: None

Mayor Archibald made the motion to approve ordinance amending the Master Thoroughfare Plan regarding Old Forrest Hill Rd north of FM 707 remains as a collector and stays the same. Councilman Briley seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, and Councilwoman Miller and Mayor Archibald

NAYS: None

Mayor Archibald made the motion to approve ordinance amending the Master Thoroughfare Plan regarding Old Forrest Hill Rd south of FM 707 to move the road to connect with White Blvd north of FM 707 and to leave it a major arterial road. Councilman Briley seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, and Councilwoman Miller and Mayor Archibald
NAYS: None

Ordinance [#13-2013](#)

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

7.10 Ordinance & Public Hearing: Z-2013-04 –(Final Reading) on a request from Valley Creek Investments, LLC, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) & RS-12 (Single-Family Residential) to RS-8 (Single-Family Residential), PH (Patio Home), & GR (General Retail) zoning, located at 902 ES 27th St. *Item was moved to the top of the agenda and TABLED by Council.*

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

7.11 Jon James Director of Planning and Development, briefed the council on the ordinance amending the Sign Regulations related to illumination and electronic message signs for institutional uses in single-family residential districts.

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

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

Staff recommends approval.

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

Mayor Archibald opened the public hearing and there being no one present and desiring to be heard the public hearing was closed.

Councilman Price made the motion to approve ordinance amending the Sign Regulations related to illumination and electronic message signs for institutional uses in single-family residential districts. Councilwoman Miller seconded the motion, motion carried.

AYES: Councilmen Price, Spano, Briley, and Councilwoman Miller and Mayor Archibald
NAYS: None

Ordinance [#14-2013](#)

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

Sign Regulations

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 1:13 p.m. pursuant to Sections 551.071, 551.074, 551.072 and 551.087 of the Open Meetings Act, to seek the advice of the City Attorney with respect to pending and contemplated litigation, to consider the appointment and evaluation of public officers, to consider the purchase, exchange, lease or value of real property, and to discuss contemplated business prospects and or economic development matters.

The Council reconvened from Executive Session at 1:28 p.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property.

10 Oral Resolution: Approving the appointment to the following boards: Abilene Housing Authority, Abilene Health Facilities Development Corporation and Abilene Library Board.

No action was taken on board appointments.

There being no further business the meeting was adjourned at 1:28 p.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor