

**CITY COUNCIL MEETING**  
**October 7<sup>th</sup>, 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 October 7<sup>th</sup>, 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 William, Robert O. Briley, Kyle McAlister and Councilwoman Kellie Miller. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Councilman Kyle McAlister gave the invocation.

Mayor Archibald introduced the Thomasville City Council from Thomas Elementary. Dixon Whisenhunt Mayor, Councilmembers: Annalise Hess, Jane Anne Carroll, Ja'Meyon Green, Matthew Ezzell. Dixon is the son of Mindy Patterson Director of Finance. They 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:

**October 2013**

National Physical Therapy Month

Dr. Marsha Rutland, Associate Professor of Physical Therapy at Hardin Simmons University, accepted the proclamation. About 28 students from Hardin Simmons University attended

**October 9, 2013**

“Walk to School Day”

Elisa Smetana, Abilene MPO accepted the proclamation. Accompanying Ms. Smetana was:

Carla Garrett, Principal Austin Elementary School AISD

Craig Bessent, Assistant Superintendent with Wylie ISD

Doug Eichorst District Engineer with TxDOT

Fire Chief Ken Dozier

Chief of Police Stan Standridge

**DISPOSITION OF MINUTES**

**5.0** Mayor Archibald stated Council has been given the minutes from the September 23<sup>rd</sup> special meeting and September 26<sup>th</sup> regular meeting there being no deletions, no additions, and no corrections. Councilman Spano made a motion to approve the minutes as presented. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

**CONSENT AGENDA**

Councilman Price pulled item 6.1 and Councilman Briley pulled item 6.5. Councilman Price made the motion to approve consent item 6.2 through 6.4 and 6.6 as recommended by staff. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

**Oral Resolutions:**

**6.1 Oral Resolution:** Approving an increase of entrance fees to the Abilene Zoo. *Item pulled from Consent.*

**6.2 Oral Resolution:** City Council approved the request for a fireworks display permit from Extreme Pyrotechnics for an event to be held at Abilene Christian University on October 18, 2013.

An alternate rain date is set for October 19, 2013.

Extreme Pyrotechnics will comply with all applicable codes. Provisions will be made to provide fire personnel at the display site. Abilene Police Department Traffic Division has been notified.

**Ordinances:**

**6.3 Ordinance:** (*First Reading*) Setting Minimum Standards for Buildings and Structures; and setting a public hearing for October 24, 2013.

AN ORDINANCE DELETING CHAPTER 8, ARTICLE VI, DIVISION 6, "HOUSING CODE", AND INSERTING DIVISION 6, "MINIMUM STANDARDS FOR BUILDINGS AND STRUCTURES"; DELETING AND RESERVING DIVISION 7, "ABATEMENT OF DANGEROUS BUILDINGS"; AMENDING ARTICLE V, DIVISION 2, SECTION 8-372, "TO HEAR APPEALS", AND ARTICLE I, DIVISION 1, SECTION 8-6 "EMERGENCIES" AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING

**6.4 Ordinance:** (*First Reading*) Approving First Annual Rate Review Mechanism (RRM) Rate Increase under the renewed RRM Tariff for Atmos; and setting a public hearing for October 24, 2013.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

**6.5 Ordinance:** (*First Reading*) Amending the Land Development Code regarding triggers for a Site Plan; and setting a public hearing for October 24, 2013. *Item pulled from consent.*

**6.6 Ordinance:** (*First Reading*) Amending the Land Development Code related to Vacation Travel Trailer/Recreational Vehicle Parks; and setting a public hearing for October 24, 2013

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.

### ITEMS PULLED FROM CONSENT

**6.1 Oral Resolution:** Approving an increase of entrance fees to the Abilene Zoo.

The Abilene Zoological Society (AZS) voted at the September 5, 2013 meeting to raise admission fees for the Abilene Zoo in the following categories:

<b>Regular admission</b>	<b>Current</b>	<b>Proposed</b>
Children (3yrs – 12yrs)	\$2.50	\$3.50
Adult (13yrs – 59yrs)	\$5.00	\$6.00
Seniors (60yrs and up)	\$4.00	\$5.00

  

<b>Group rate (groups of 10 or more)</b>	<b>Current</b>	<b>Proposed</b>
Children	\$1.50	\$2.50
Adults	\$3.00	\$4.00
Seniors	\$2.50	\$3.50

The fee increases would still rank the Abilene Zoo 11th lowest out of a comparison set of 12 zoos in the region, state and country. Zoo entry fees were last increased \$1 for adults and \$0.50 for children in 2011.

Fee increases would be effective immediately following Council approval with public notification going out prior to the new fees being posted.

### SPECIAL CONSIDERATIONS

In light of the potential impact the proposed increase may have on some of its patrons, the AZS will provide the following discounts and promotions for patrons:

- All AISD and WISD students admitted free of charge as part of school sponsored field trips.
- Admission \$2.00 per person every Tuesday in Jan & Feb
- All mothers admitted free on Mother's Day with paying child, regardless of age
- All fathers admitted free on Father's Day with paying child regardless of age

### FUNDING/FISCAL IMPACT

The proposed fee increase is projected to generate an additional \$129,623 in revenue that will go back to cover operation expenses for the zoo.

### BOARD OR COMMISSION RECOMMENDATION

AZS Board approved the rate increase with a unanimous vote at the regularly scheduled monthly meeting held September 5, 2013.

Council & Staff discussion included: promotions include ACHS and teachers.

**6.5 Ordinance:** (*First Reading*) Amending the Land Development Code regarding triggers for a Site Plan; and setting a public hearing for October 24, 2013. *Item pulled from consent.*

Council & Staff discussion included: a request for more clarity in the ordinance as it relates to square footage.

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.

Councilman Price made the motion to approve consent item 6.1 and 6.5 as recommended by staff. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

## REGULAR ITEMS

**7.1** Richard Burdine Assistant City Manager briefed the council on a Resolution Adopting a revised Tax Abatement Policy.

A tax abatement is a local agreement between a taxpayer and a taxing unit that exempts all or part of the increase in the value of the real property and/or tangible personal property from taxation for a period not to exceed 10 years. Tax abatements are an economic development tool available to cities, counties and special districts to attract new industries and to encourage the retention and development of existing businesses through property tax exemptions or reductions. School districts may not enter into abatement agreements. The statutes governing tax abatements are located in chapter 312 of the Texas Tax Code. The abatement agreement must be conditioned on the property owner making specific improvements or repairs to the property and only the increase in the value of the property may be exempted.

The revised Property Tax Abatement Policy sets out guidelines and criteria governing all tax abatement agreements executed by the City. If approved, the policy is effective for two years. It provides for the availability of tax abatement to both new facilities and structures and for the expansion and modernization of existing facilities and structures. The City retains the discretion to choose whether or not to enter into any particular abatement agreement.

The City of Abilene first adopted a tax abatement policy in 1989 and last revised it in September of 2009. Staff believes tax abatement should continue to be available as an incentive tool for use in recruiting new or expanded business to Abilene; however, it will be used sparingly in favor of other economic development tools available to accomplish this mission.

Councilman Spano made the motion to approve the Resolution adopting a revised Tax Abatement Policy. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Resolution [#25-2013](#)

A RESOLUTION DECLARING THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, ELECTS TO ADOPT A REVISED PROPERTY TAX ABATEMENT POLICY SETTING OUT GUIDELINES AND CRITERIA IN ACCORDANCE WITH TEXAS TAX CODE ANN. §312.001 ET. SEQ., OTHERWISE KNOWN AS THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT ("ACT"), GOVERNING THE CREATION OF TAX ABATEMENT REINVESTMENT ZONES AND THE EXECUTION OF ALL TAX ABATEMENT AGREEMENTS BY

## THE CITY

**7.2** Jon James Director of Planning and Development briefed the Council on a **Case # Z-2013-28** - A request from David Phillips, to rezone property from RS-6 (Single-Family Residential) to PD-55 (Planned Development) zoning & to amend PD-55 (Planning Development) zoning regarding allowable uses, located at 6156 & 6164 Hartford St.

Currently the property is zoned RS-6 & PD-55. A home exists at 6164 Hartford St. The remaining property is vacant. The adjacent properties to the north are zoned RS-6 to the north and east and developed with residences. The properties to the south include PD, RR-1 (Rural Residential), & AO (Agricultural Open Space) zoning. A gas station exists on the corner with residences nearby. The property to the west is zoned PD and is Dyess Air Force Base. The property owner is requesting to include 6156 Hartford St as part of PD-55. Additionally, the property owner is requesting to amend the PD zoning in order to use the property for auto sales and self-storage. The current PD zoning does not allow for these types of uses. The amendment would add these uses as permitted uses.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The entrance to Dyess Air Force Base is located at this intersection. The intersection is considered a node and is supported by a mix of uses that are connected and of a high quality design. The approved PD zonings in the area have placed an emphasis on high-quality design. The applicant is requesting the zone change to bring 6156 Hartford St into the existing PD-55 zoning. The applicant is also requesting to amend PD-55 to allow for auto sales and self-storage to the already approved office and retail uses. The requested rezoning would be compatible with the adjacent uses and the existing uses allowed in the PD zonings. However, the requested amendment to allowable uses would not be compatible.

Staff recommends approval of the rezoning request and denial of the amendment request.

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

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 an Ordinance for **Case # Z-2013-28** - A request from David Phillips, to rezone property from RS-6 (Single-Family Residential) to PD-55 (Planned Development) zoning & to amend PD-55 (Planning Development) zoning, located at 6156 & 6164 Hartford St and denial of the amendment request as recommended by Planning and Zoning. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance [#48-2013](#)

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, PART "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, AMENDING PD-55 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**Location: 6156 & 6164 Hartford St**

**7.3** Jon James Director of Planning and Development briefed the Council on a **Case # Z-2013-29** - A request from Terry & Mary Cathryn Casey, to rezone property from RS-8 & RS-8/COR (Single-Family

Residential/Corridor Overlay) to GR & GR/COR (General Retail/Corridor Overlay) zoning, located at 6382 & 6458 Buffalo Gap Rd.

Currently the property is zoned RS-8 & RS-8/COR and has been developed with 2 single-family homes. A large portion of the property is undeveloped. The applicant has future plans to use the property for retail development. The property to the north is zoned GC (General Commercial) and includes a restaurant and an office. The properties to the east are zoned GR (General Retail) & O (Office) and include retail and office development. The properties to the south are zoned RS-8 & NR (Neighborhood Retail). A home and a bike shop exist to the south.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to the intersection with Antilley Rd which is considered a commercial node and is supported by a mix of retail, office, and institutional uses of a high quality design. The Buffalo Gap Corridor study indicates that retail zoning is allowable in nodes at intersections of major thoroughfares. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval.

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

Mayor Archibald opened the public hearing and council heard from:

- Terry Casey spoke for the rezone of the property.

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

Councilman Briley made the motion to approve an Ordinance for **Case # Z-2013-29** - A request from Terry & Mary Cathryn Casey, to rezone property from RS-8 & RS-8/COR (Single-Family Residential/Corridor Overlay) to GR & GR/COR (General Retail/Corridor Overlay) zoning, located at 6382 & 6458 Buffalo Gap Rd. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

Ordinance [#49-2013](#)

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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: 6382 & 6458 Buffalo Gap Rd.**

**7.4** Jon James Director of Planning and Development briefed the Council on a **Case # Z-2013-30** - A request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GC (General Commercial), GR (General Retail), and NR (Neighborhood Retail) zoning, being approximately 45.4 acres located at 750 Gateway St to include the property north.

Currently the property is zoned AO and is undeveloped. The applicant has future plans to use the property for retail development. The property to the south is zoned O (Office) and MD (Medium Density). An office complex is about to begin construction. A duplex neighborhood also exists to the south. The properties to the east

are zoned AO and RS-6 (Single-Family Residential) which is the Lytle South neighborhood. The properties to the northwest (across Loop 322) are zoned PD (Planned Development). The PD allows for commercial/retail development along the freeway frontage and transitions to residential uses away from the freeway. The proposed zoning will be at a major intersection and bounded by a major arterial street on the east. Additionally, the applicant is proposing NR (Neighborhood Retail) & GR (General Retail) zoning in the area closest to the nearby residential zoning which will provide a transition to the proposed GC (General Commercial) zoning along the freeway frontage.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential but authorizes non-residential development at intersections of major roadways or nodes. The property is at the intersection of Loop 322 and Oldham Lane which already includes commercial development on the north side of the freeway. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval of PD zoning. Development along the Loop 322 corridor has been intended for higher standards to include regulations for building materials and signage.

The Planning and Zoning Commission recommends approval as requested (GC, GR & NR) by a vote of 5 in favor (McClarty, Rosenbaum, Todd, Yungblut, and Famble), none opposed, and 1 abstained (Bixby).

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 an Ordinance for **Case # Z-2013-30** - A request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GC (General Commercial), GR (General Retail), and NR (Neighborhood Retail) zoning, being approximately 45.4 acres located at 750 Gateway St to include the property north. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

Ordinance [#50-2013](#)

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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: 45.4 acres located at 750 Gateway St**

**7.5** Jon James Director of Planning and Development briefed the Council on a **Case # Z-2013-31** - A request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, being approximately 11 acres on the south side of Scottish Rd east of Musgrave Blvd.

Currently the property is zoned AO and is undeveloped. The applicant has future plans to use the property for retail development. The properties to the north, south and east are zoned AO and are undeveloped. The properties to the west are zoned PD (Planned Development) and developed with a hotel and commercial/retail uses. The proposed zoning will continue the commercial/retail development in the area.

The Future Land Use section of the Comprehensive Plan designates the area as business/industrial. The area is adjacent to a Major Commercial/Business Center located at the intersection of Highway 351 and Interstate

20. The adjacent development to the west is planned to be a major retail development. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval as requested.

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

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 an Ordinance for **Case # Z-2013-31** - A request from Musgrave Enterprises, agent Tal Fillingim, to rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning, being approximately 11 acres on the south side of Scottish Rd east of Musgrave Blvd. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance [#51-2013](#)

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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: approximately 11 acres on the south side of Scottish Rd east of Musgrave Blvd**

**7.6** Jon James Director of Planning and Development briefed the Council on a **Case #Z-2013-32** -A request from Jerry Hallmark, agent Brad Andrews, to rezone property from AO (Agricultural Open Space) & PD (Planned Development) to GC (General Commercial) zoning, being approximately 4.27 acres located at 3602 Catclaw Dr. & a portion of 4491 Curry Ln.

Currently the property is zoned AO & PD and is undeveloped. The applicant has future plans to use the property for retail development. The properties to the north and south are zoned PD and are developed with retail and office uses. The properties to the west and south are zoned AO and undeveloped. The property to the east is zoned GC (General Commercial) and is developed with retail uses. The proposed zoning will continue the commercial/retail development in the area.

The Future Land Use section of the Comprehensive Plan designates the area as low density residential. The area is adjacent to a Major Commercial/Business Center located in the vicinity of the mall. The adjacent developments to the north and east are major retail development. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan

Staff recommends approval of GR zoning.

The Planning and Zoning Commission recommends approval of GR zoning by a vote of 4 in favor (Bixby, McClarty, Rosenbaum, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

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

- B. J. Prichard – Enprotec Hibbs/Todd Engineering – spoke in favor of the rezone request
- Scott Senter – Senter Realtors – spoke in favor of the rezone request without the use of a PD



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

Councilman Spano made the motion to approve an Ordinance for **Case # Z-2013-32** -A request from Jerry Hallmark, agent Brad Andrews, to rezone property from AO (Agricultural Open Space) & PD (Planned Development) to **GR (General Retail)**(amended from GC to GR) zoning as a PD with building standards with the same standards of the PD north of the said property, being approximately 4.27 acres located at 3602 Catclaw Dr. & a portion of 4491 Curry Ln. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

**Ordinance #52-2013**

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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: approximately 4.27 acres located at 3602 Catclaw Dr. & a portion of 4491 Curry Ln.**

**7.7** Jon James Director of Planning and Development briefed the Council on a **Case # Z-2013-33** - A request from the City of Abilene to rezone property from AO (Agricultural Open Space) to PD (Planned Development) zoning, located at 435 College Dr.

Currently the property is zoned AO and is developed with a home. The properties to the north, south, and northeast are zoned RS-6 & RS-12 (Single-Family Residential) and are developed with single-family homes. The property to the east is zoned CU (College University) and developed with an apartment complex. The property owner has been using the residence and grounds as a commercial event center for receptions and parties. This is not a permitted use in the AO zoning district. The proposed zoning would allow the use to continue while providing for conditions to make the use compatible in the area. However, there are several concerns with the proposed use to include parking, noise, and traffic added to the area. The proposed PD zoning attempts to minimize the impacts of these externalities.

The Future Land Use section of the Comprehensive Plan designates the area as low density residential. The building was built as a single-family residence. The area is located in the middle of a large residential area. The requested zoning is not compatible with the adjacent uses and the Comprehensive Plan.

Staff does not provide a recommendation.

The Planning and Zoning Commission recommends approval of the PD zoning with an amendment to the hours of operation, requiring events to end by 11 pm on Friday & Saturday and 10:30 pm for the rest of the week, by a vote of 6 in favor (Bixby, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

Mayor Archibald opened the public hearing and council heard from:

- Stan West property owner – spoke on the history of the property.

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

Mayor Archibald made the motion to approve an Ordinance for **Case # Z-2013-33** - A request from the City of Abilene to rezone property from AO (Agricultural Open Space) to PD (Planned Development) zoning, located at 435 College Dr. Councilman Williams seconded the motion, motion carried.

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

NAYS: None

ABSENT: Councilman Briley left during discussion of item 7.7

Ordinance [#53-2013](#)

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-139 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE

**Location: 435 College Dr.**

### EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 10:26 a.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 Executive Session at 10:51 a.m. and reported no votes or action was taken in Executive Session in regards to Section 551.087 Business Prospect and Section 551.072 Real Property.

There being no further business the meeting was adjourned at 10:51 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor