

CITY COUNCIL MEETING
April 10th, 2014, 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 10th, 2014, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Archibald was present and presiding with Councilmen Shane Price, Joe Spano, Robert O. Briley, Anthony Williams, Kyle McAlister and Councilwoman Kellie Miller. Also present were City Manager Larry Gilley, City Attorney Dan Santee, Assistant City Secretary Tiffni Hererra, and various members of the City staff.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Mia Flores who is a 5th grade student at Johnson Elementary. Mia 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:

April 2014

Autism Awareness Month

Lisa White, Educational Consultant for Autism and Speech Language Pathology at Region 14 Education Service Center accepted the proclamation.

April 6-12, 2014

Week of the Young Child

Cynthia Pearson, Executive Director, Day Nursery of Abilene will accept. Children from one of the Day Nursery sites attended and Cynthia accepted the proclamation.

April 7-11, 2014

National Work Zone Awareness Week

Stan Swiatek, TxDOT Abilene District Engineer accepted the proclamation. TxDOT staff was present

April 13-19, 2014

Public Safety Telecommunicators Week

Chief Stan Standridge and Chief Ken Dozier accepted the proclamation.

April 21-26, 2014

National Community Development Week

Joana Wuest, Grants Administrator Office of Neighborhood Services, accepted the proclamation.

DISPOSITION OF MINUTES

5.0 Mayor Archibald stated Council has been given the minutes from the March 27th regular meeting there being no deletions, no additions, and no corrections. Councilman Williams made a motion to approve the minutes as presented. Councilman Price seconded the motion, motion carried.

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

NAYS: None

CONSENT AGENDA

Councilman Spano made the motion to approve consent item 6.1 through 6.4 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

Resolutions:

6.1 Oral Resolution: The City Council authorized the City Manager to execute the lease with Frontier *Texas!* The purpose of this agreement is to renew the lease of the City of Abilene owned facility at 625 N 1st Street, to Frontier *Texas!*, a western heritage center that allows visitors to relive the Old West through state-of-the-art technology. Frontier *Texas!* also serves as the official visitor center for Abilene and the Texas Forts Trail Region.

6.2 Resolution: The City Council authorized the continuation of a \$4.50 Passenger Facility Charge at Abilene Regional Airport.

Abilene Regional Airport has been collecting a Passenger Facility Charge since approximately 1991. The PFC is currently \$4.50 per enplaned passenger that the passenger pays as part of the air travel ticket price. The airport must go through an FAA-approved application process whereby the airport proposes a list of eligible projects' expenses to be reimbursed to the City by the PFC. The air carriers serving the airport and the public are given public notification of the application and have the opportunity to comment/object to the application. No comments or objections were received. The airport is approaching its full collection amount from PFC Application #2 about a year earlier than estimated in the 2006 application, so the end-date of Application #2 must be amended to June 30, 2014.

Additionally, the airport is proposing PFC Application #3 to be effective July 1, 2014. The airport's PFCs reimburse the City for the local match portion of our Airport Improvement Program Grants from FAA. The total collections being authorized in PFC Application #3 are \$3,425,497 with an estimated end date of April 1, 2024.

Resolution: # 07-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING CONTINUATION OF A \$4.50 PASSENGER FACILITY CHARGE AT
ABILENE REGIONAL AIRPORT.

6.3 Resolution: The City Council authorized the City Manager to execute the Lease Agreement for New Horizons Ranch and Center, Inc.

The City of Abilene owns the building and adjoining property at 294 Medical Drive, which it has leased to the Presbyterian Medical Care Mission since 10/28/1998 at the rate of \$1.00 per year for operation of a dental clinic in support of their indigent health care program. The Presbyterian Medical Care Mission has notified the City that it wishes to terminate their lease of this building, and New Horizons Ranch and Center, Inc. would like to lease the building for location of their administrative offices as part of their operations at 700 Medical Drive. The lease term will be five years commencing May 1, 2014, with an option to renew the lease for successive five year terms. The lease payment will be \$1.00 per year with New Horizons responsible for all utilities and routine maintenance on the building, in addition to providing grounds maintenance on the leased area.

Resolution # 08-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY OF ABILENE TO LEASE PROPERTY TO NEW HORIZONS
RANCH AND CENTER, INC.

Award of Bid:

6.4 Bid Award: The City Council authorized the roof repairs for clearwells from Purcell Contracting Incorporated.

On March 12, 2014 the City of Abilene received bids for the clearwells roof repairs Project CB-1417 (Project). The Project was advertised in the Abilene Reporter News on February 16th and 23rd, 2014. Two bids were received. The low bid was submitted by Purcell Contracting, Inc. (Purcell) of Meridian, TX in the amount of \$797,000.00. The Engineer, after evaluating the bid submittal and the contractor references, does recommend awarding the bid to Purcell. The Project is funded by a loan from the Texas State Revolving Fund (SRF), and the bid will be contingently awarded by the Abilene City Council pending final approval by the funding agency, Texas Water Development Board.

The Project is for repair and upgrading work on ground-level water storage tanks (Clearwells) located at the Northeast Water Treatment Plant (WTP), Grimes WTP, Abilene WTP Pump Station, and Kirby Pump Station. The work on the original clearwell at the Northeast WTP includes installation of new isolation valves and the cleaning of the tank interior in preparation for intensive inspection and future improvements under a separate contract. The work on the concrete clearwells at the Grimes WTP includes resurfacing two tank roofs and perimeter drainage improvements. The work on the clearwell at the Abilene WTP Pump Station includes resurfacing of the tank roof. The work at the Kirby Pump Station will be modifications to the piping.

REGULAR ITEMS

7.1 Jon James, Director of Planning and Development Services, briefed the council on the Ordinance for Case **Z-2014-04** A request from Don Bledsoe, Agent Chris Barnett, to rezone property from AO (Agricultural Open Space), AO/COR (Agricultural Open Space/Corridor Overlay), and RS-8/COR (Single-Family Residential/Corridor Overlay) to PD/COR (Planned Development/Corridor Overlay) zoning, being 41.118 acres located on the west side of the 6600-7000 block of Buffalo Gap Rd.

Currently the property is zoned AO & RS-8 with Corridor Overlay and is undeveloped. The property to the west is zoned AO & RS-8 and is being developed with a residential subdivision. The properties to the east are zoned GR (General Retail), AO & RS-8 and include a mix of retail, office and some residential development. The property to the south is zoned AO and is undeveloped. The property to the north was recently rezoned to RS-6 (Single-Family Residential). The previously proposed PD zoning allowed for multi-family residential and retail development. The applicant has revised the PD to allow for medium density residential, retail, and office development.

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. An exhibit (included in the proposed PD zoning) was provided showing the extension of Velta Dr from the neighborhood to

the west to intersect with Buffalo Gap Rd. The requested zoning would extend the retail zoning southward away from the intersection in more of a strip development. The requested zoning would be a transitional zoning from the retail development along Buffalo Gap Rd to the single-family residential zoning to the west. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval of the amended PD zoning request

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

Mayor Archibald opened the public hearing and Chris Barnett, Agent for proponent, was in attendance to answer any questions, there being no one else present and desiring to be heard the public hearing was closed

Councilman Price made the motion to approve Ordinance Case **Z-2014-04** A request from Don Bledsoe, Agent Chris Barnett, to rezone property from AO (Agricultural Open Space), AO/COR (Agricultural Open Space/Corridor Overlay), and RS-8/COR (Single-Family Residential/Corridor Overlay) to PD/COR (Planned Development/Corridor Overlay) zoning, being 41.118 acres located on the west side of the 6600-7000 block of Buffalo Gap Rd. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

ABSTAIN: Councilman Briley

[Ordinance #19-2014](#)

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-142 A PLANNED DEVELOPMENT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

Location: 6600-7000 block of Buffalo Gap Rd.

7.2 Jon James Director of Planning and Development Services, briefed the council on the ordinance for Case **Z-2014-06** A request from New Beginnings Church, agent Jonathan Neely, to rezone property from AO/COR (Agricultural Open Space/Corridor Overlay) to MX/COR (Mixed Use/Corridor Overlay) & RS-8 (Single-Family Residential) zoning, located at 5535 Buffalo Gap Rd;

Currently the property is zoned AO with Corridor Overlay and is developed with a church on the front portion of the property. The property to the north and east is zoned RS-8 and is developed as the Silver Oaks residential subdivision. The properties to the south are zoned AO & PD (Planned Development) and developed as residential, including the Fairway Oaks subdivision. The properties to the west are zoned RS-12/COR and is developed with residential uses. There are several churches mixed within the area. The requested MX zoning is to allow for incorporation of a "Day-Care Operation – Center Based" use at New Beginnings Church and would be for the western 500 feet of the property. In the MX district, "any nonresidential use over 5,000 square feet in floor area...shall require a Conditional Use Permit." The City is recommending that the remainder of the property is rezoned to the RS-8 district to match the existing zoning of the other properties along Silver Oaks Dr.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is not close to a major intersection. The Buffalo Gap Corridor study indicates that retail &

commercial zoning is allowable in nodes at intersections of major thoroughfares. The requested zoning would allow for limited retail & commercial uses, including a commercial day care use. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval as requested and the remaining portion of the property being rezoned to the RS-8 district. Staff then moved to not recommend RS-8.

The Planning and Zoning Commission recommends approval of the MX zoning only by a vote of 6 in favor (Bixby, Glenn, McClarty, 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 Briley made the motion to approve the ordinance for Case **Z-2014-06** A request from New Beginnings Church, agent Jonathan Neely, to rezone property from AO/COR (Agricultural Open Space/Corridor Overlay) to MX/COR (Mixed Use/Corridor Overlay) zoning, for the western 500 feet of the property, located at 5535 Buffalo Gap Rd;. Councilwoman Miller seconded the motion, motion carried.

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

NAYS: None

Ordinance # 20-2014

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: 5535 Buffalo Gap Rd

7.3 Jon James, Director of Planning and Development Services, briefed the council on the ordinance for Case **Z-2014-07** A request from Abilene Christian University, agent Enprotec/Hibbs & Todd, Inc., to rezone property from MF (Multi-Family Residential) & GR/COR (General Retail/Corridor Overlay) to CU/COR (College University/ Corridor Overlay) zoning, being approximately 10.5 acres located at the northwest corner of Ambler Ave & ACU Dr.

Currently the property is zoned MF & GR with Corridor Overlay and is undeveloped. The properties to the north are zoned PH (Patio Home) and is developed as a residential subdivision. The properties to the west are zoned RS-8 (Single-Family Residential) and developed as a residential subdivision as well. The properties to the east and south are zoned CU/COR and owned & developed as part of the ACU campus. The requested zoning is to incorporate this property as part of the campus and prepare it for future development by ACU.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is close to the intersection of Ambler Ave and N. Judge Ely Blvd. The Ambler Avenue Corridor Overlay was created to insure high-quality development along Ambler Ave. The requested zoning would be compatible with the adjacent uses and the Comprehensive Plan.

Staff recommends approval as requested.

The Planning and Zoning Commission recommends approval as requested by a vote of 4 in favor (Bixby, Glenn,

McClarty, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

Mayor Archibald opened the public hearing and council heard from the following citizens that spoke regarding the zone change:

- David Todd, Agent for the proponent, for the change
- Tim Watson, Cloveleaf Lane resident, against the change

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

Councilman Spano made the motion to approve ordinance for Case **Z-2014-07** A request from Abilene Christian University, agent Enprotec/Hibbs & Todd, Inc., to rezone property from MF (Multi-Family Residential) & GR/COR (General Retail/Corridor Overlay) to CU/COR (College University/ Corridor Overlay) zoning, being approximately 10.5 acres located at the northwest corner of Ambler Ave & ACU Drive, Mayor Archibald seconded the motion, motion carried.

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

NAYS: None

ABSTAIN: Councilmen Price, Williams and McAlister

Ordinance # 21-2014

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: 10.5 acres located at the northwest corner of Ambler Ave & ACU Dr.

7.6 Item 7.6 is a companion item with 7.3 and council moved the item up on the Regular agenda.

Jon James, Director of Planning and Development Services, briefed the council on the Ordinance Case **TC-2014-02** a request from Abilene Christian University, agent Enprotec/Hibbs & Todd, Inc., to abandon ACU Drive north of Ambler Avenue, abandon Margaret Street, and abandon the adjacent alleys totaling approximately 1,200 feet.

The applicant is requesting to abandon the street and alley rights-of-way to be able to better utilize the area for campus improvements for ACU. ACU Dr. is the only improved street or alley. ACU Dr. provides a secondary means for traffic since the realignment of N. Judge Ely Blvd. Therefore the closing of the street will not directly affect traffic in the area. The remaining street and alleys are unimproved. The closure would result in some minor work necessary for the alley and street in the neighborhood to the north for proper connection to N. Judge Ely Blvd.

The closure of the alley does not create any violations to the maximum block length in this area. The existing adjacent streets remain open for traffic to maneuver the area.

PLAT REVIEW COMMITTEE

The Plat Review Committee recommends approval of the requested street ROW closure with the following conditions:

1. Utility Easements shall be required for existing public and private utilities (i.e., gas, phone, electricity, water & sewer) or relocation shall be the responsibility of the applicant.
2. Address the alley connection to Cloverleaf Ln and street alignment of Cloverleaf Ln to N. Judge Ely Blvd.
3. The applicant must replat within 12 months, at which time any issues regarding access to utilities and/or relocation of utilities will be resolved. The replat must not create any non-conforming lots.

Staff recommends approval of the requested ROW abandonment per the Plat Review Committee recommendations.

The Planning and Zoning Commission recommends approval per the Plat Review Committee recommendations by a vote of 4 in favor (Bixby, Glenn, McClarty, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

Mayor Archibald opened the public hearing and council heard from the following citizens that spoke regarding of the zone change:

- David Todd, Agent for the proponent
- Tim Watson, homeowner on Cloverleaf
- Kris Kowatch, homeowner

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

Council and Staff discussion included: 1) Fencing; 2) north section along Judge Ely; 3) mowing concerns; 4) property up keep; and 5) special up keep conditions/homeowners association.

Mayor Archibald made the motion to approve ordinance for Case **TC-2014-02** a request from Abilene Christian University, agent Enprotec/Hibbs & Todd, Inc., to abandon ACU Drive north of Ambler Avenue, abandon Margaret Street, and abandon the adjacent alleys totaling approximately 1,200 feet with the following conditions: 1. Utility easements shall be required for existing public and private utilities or relocation shall be the responsibility of the applicant. 2) Address the alley connection to Cloverleaf Ln and street alignment of Cloverleaf Ln to N. Judge Ely Blvd. 3) A “No Access Easement” shall be required along the south side of the southern alley in the Cloverleaf Subdivision. A 7’ solid fence shall be required upon development of the property adjacent to the alley. 4) The applicant must replat within 12 months, at which time any issues regarding access to utilities and/or relocation of utilities will be resolved. The replat must not create any non-conforming lots. Councilman Briley seconded the motion, motion carried.

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

NAYS: None

ABSTAIN: Councilman Price, McAlister and Williams

[Ordinance # 22-2014](#)

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

Location: Abandon ACU Drive N of Ambler Ave., Margaret St and the adjacent alleys

7.4 Jon James, Director of Planning and Development Services, briefed the council on the Ordinance Case **Z-2014-08** a request from South Pointe Church, agent Trace Bailey, to rezone property from RS-6 (Single-Family Residential) to NR (Neighborhood Retail) zoning, located at 2934 Buffalo Gap Rd & 2419 Edgemont Dr.

Currently the properties are zoned RS-6 and a home is developed on 1 of the properties. The properties to the north, south, & west are zoned RS-6 and is developed with residential uses. There is a small area of MD (Medium Density) zoning to the north along Buffalo Gap Rd and is developed with duplexes. The properties to the east are zoned RS-8 (Single-Family Residential) and developed with residential uses as well. The South Pointe Church building is located nearby on a property to the south. The subject parcels are no longer needed by the church. The requested zoning is to help market the property for sale. The NR (Neighborhood Retail) zoning is intended to be compatible when adjacent to single-family zoning, but more intended as a transition from higher intensity zoning to residential uses. The requested zoning would be the only non-residential zoning in the immediate area. Staff recommends the NO (Neighborhood Office) zoning as a more suitable zoning for the subject parcels.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is in proximity to the intersection of Buffalo Gap Rd and S. 27th St, but not part of the node that exists at the intersection.

Staff recommends approval NO (Neighborhood Office) zoning instead of the requested NR (Neighborhood Retail) zoning.

The Planning and Zoning Commission recommends approval of NO zoning by a vote of 5 in favor (Bixby, McClarty, Todd, Yungblut, and Famble) and 1 opposed (Glenn).

Mayor Archibald opened the public hearing and council heard from Shawna Abernathy – Real Estate agent representing South Pointe Church was present to answer questions and there being no one else present and desiring to be heard the public hearing was closed

Councilman Williams made the motion to approve ordinance for Case **Z-2014-08** a request from South Pointe Church, agent Trace Bailey, to rezone property from RS-6 (Single-Family Residential) to NO (Neighborhood Office) zoning, located at 2934 Buffalo Gap Rd & 2419 Edgemont Dr. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

Ordinance # 23-2014

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: 2934 Buffalo Gap Rd & 2419 Edgemont Dr.

7.5 Jon James, Director of Planning and Development Services, briefed the council on the Ordinance Case **CUP-2014-02** A request from Gary L. Peterson for a Conditional Use Permit to allow for an 'Antenna Tower – Commercial' on property zoned HC (Heavy Commercial), located at 1350 Tracy Lynn Dr.

Currently the property is zoned HC and has been developed with self-storage warehousing. The property to the south has been developed as self-storage/small office use. To the north, there is an old Wal-Mart building that is vacant. The properties to the west and east are developed with contractor service uses. The request is to allow for an 'Antenna Tower – Commercial' to provide a connection between the site and the operator's home for remote viewing of the security camera system on the property. The tower is needed in order for his system to be broadcast the long distance to his home. The tower will be designed for co-location in the future.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial activity. The applicant proposes to add a new tower to the property. The request would be compatible with the surrounding uses.

Staff recommends approval as requested.

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

Mayor Archibald opened the public hearing and council heard from the following citizens that spoke regarding zone change:

- Clyde Fletcher, business owner, opposed
- David Kramer, business owner on Goliad, opposed
- Louis Paulsen, property owner, opposed

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

Council and Staff discussion included: 1) types of towers; 2) height of towers; 3) Federal Communications Act; and 4) cell towers.

Mayor Archibald made the motion to TABLE this Ordinance, being that the proponent was not present to answer questions, and so that more research can be done. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

7.6 *Item moved up in the agenda.*

7.7 Jon James, Director of Planning and Development Services briefed the council on the Ordinance for Case **TC-2014-03** a request from the City of Abilene to abandon a 0.295 acre portion of Forrest Hill Rd adjacent to 4250 Forrest Hill Rd;

The City is requesting to abandon a triangle-shaped area of extra street right-of-way to be able to better define the limits of Forrest Hill Rd. The abandonment of the additional street ROW will not directly affect the street function of Forrest Hill Rd.

The Plat Review Committee recommends approval of the requested street ROW closure with the following conditions:

1. Utility Easements shall be required for existing public and private utilities (i.e., gas, phone, electricity, water & sewer) or relocation shall be the responsibility of the applicant.
2. The applicant must replat within 12 months, at which time any issues regarding access to utilities and/or relocation of utilities will be resolved. The replat must not create any non-conforming lots.

The Planning and Zoning Commission recommends approval per the Plat Review Committee recommendations by a vote of 6 in favor (Bixby, Glenn, McClarty, 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 McAlister made the motion to approve ordinance for Case **TC-2014-03** A request from the City of Abilene to abandon a 0.295 acre portion of Forrest Hill Rd adjacent to 4250 Forrest Hill Rd; Councilman Williams seconded the motion, motion carried.

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

NAYS: None

Ordinance # 24-2014

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING

Location: 0.295 portion of Forrest Hill Rd adjacent to 4250 Forrest Hill Rd

7.8 Mayor Archibald made the motion to remove item 7.8 from the TABLE. Councilman Price seconded the motion, motion carried.

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

NAYS: None

Jon James, Director of Planning and Development Services, and briefed the council on the Ordinance amending the Land Development Code with regard to Section 2.4.2.13 The Land Use Matrix and Section 2.4.3.3 All Other Uses With Specific Requirements concerning Freight Containers.

The Land Development Code (LDC) currently does not allow for freight containers on property with Agricultural Open Space (AO) zoning. A request was made for the Planning staff to evaluate the regulations for possible inclusion of the AO district for having freight containers.

In reviewing the regulations found in the LDC, the Planning staff is proposing that freight containers be allowed in the AO zoning district with adequate screening and setback requirements. The screening would follow similar requirements for freight containers in Commercial districts. Additionally, freight containers in the AO zoning would be required to be located a minimum of 200 feet from property lines.

Staff is proposing to amend the Land Development Code (LDC) to allow for freight containers in the AO district. The sections proposed for amendment are Section 2.4.2.1 and 2.4.3.3 (a)(24).

The Planning and Zoning Commission recommends denial through failed motion by a vote of 3 in favor (McClarty, Todd, and Famble) and 2 opposed (Glenn and Rosenbaum).

Section 2.4.3.3 All Other Uses With Specific Requirements
Specific Requirements.

FREIGHT CONTAINER:

a. Screening.

1. Freight Containers in Agricultural Open Space districts and Commercial districts shall be screened from public right-of-way, except alleys.
2. Freight containers in any district shall be screened from adjacent properties with zoning designations other than HI, LI, HC, and GC.
3. Screening, as required in subsections “a” and “b” above, shall be accomplished through the use of landscaping as indicated below:
 - i. A continuous hedge with a mature height of at least five feet achieved within one year, and
 - ii. Trees with a mature height of at least ten feet spaced at twenty-foot intervals.
 - iii. Alternative screening of a minimum seven feet height of an opaque material consisting of wood fencing and/or masonry walls may be approved by the Development Review Committee (DRC) where landscaping would not be practical or appropriate.

b. Location and Appearance in Certain Zoning Districts. In HC or GC districts, freight containers shall be located in the rear of the main structure and shall be a solid color to match the dominant color of the principal structure. In AO districts, freight containers shall be located a minimum of 200 feet from property lines.

c. Signage. Freight containers shall not have signs, logos, or other markings, other than small, incidental labeling, visible from the right-of-way or visible from adjacent properties with zoning designations other than HI, LI, HC, and GC.

d. Building Permit Required. A building permit shall be obtained for each container and each shall meet all building and development regulations, with the exception that building separation requirements shall apply to separation from freight containers to other structures, not between multiple freight containers.

e. Storage Freight Containers. Freight containers used only for storage shall meet the building requirements as a “temporary structure”, regardless of the length of time it is in use on the property, with the exception that any ventilation requirements that would apply to a permanent structure also apply to a permanently placed freight container.

f. Stacking Prohibited. Freight containers shall not be stacked.

Council and Staff discussion included: 1) screening requirements.

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 Land Development Code with regard to Section 2.4.2.13 The Land Use Matrix and Section 2.4.3.3 All Other Uses With Specific Requirements concerning Freight Containers, approving the specific requirements stated above with the additional requirement (g) Number of Freight Containers & Distance to Property lines in AO zoning. Only 1 freight container is permitted by right in the AO zoning district. A conditional use permit is required if more than 1 freight container

is proposed or if a freight container is proposed to be less than 200 feet from a property line. Councilman Spano seconded the motion, motion carried.

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

NAYS: None

Ordinance # 25-2014

AN ORDINANCE AMENDING CHAPTER 23, "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.

EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session 11:31 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 12:04 p.m. and reported no votes or action was taken in Executive Session in regards to Section 551.072 Real Property.

No action from executive session.

10. Mayor Archibald made the motion to approve the appointments and reappointments to the following Boards and Commissions as presented. Councilman McAlister seconded the motion, motion carried.

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

NAYS: None

Planning & Zoning Commission

Appoint Joy Ellinger and Robert Calk

Development Corporation of Abilene

Reappoint Marilyn Shed

West Central Texas Municipal Water District

Reappoint Joe Cannon, Kelly Kinard and Mike Alexander

There being no further business the meeting was adjourned at 12:07 p.m.

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor