

**City Council
Agenda Memo**



**City Council
Meeting Date: July 11, 2013**

TO: Larry D. Gilley, City Manager

FROM: Jon C. James, AICP, Director of Planning & Development Services

SUBJECT: Final Reading and public hearing on an ordinance to annex and establish zoning on property located at 4009 Beltway South and being the southern portion of the Beltway Park Baptist Church property.

GENERAL INFORMATION

This item originated as a request from the City of Abilene to have the remaining property owned by Beltway Park Baptist Church, approximately 10 acres, to be annexed into the city. The church has since requested that the City of Abilene consider voluntary annexation on the approximately 10 acres outside the city limits.

The proposed area is currently developed with a church and has access to utilities (water & sewer). The property has no public facilities to be maintained (streets, drainage facilities, etc.). Police and Fire services will be available. The proposed annexation would present no adverse service impacts to any of the services or facilities offered by the Community Services Department.

Section 2.4.2.1 (c) of the Land Development Code states, "From the time an annexation takes effect until action is completed to zone the land, the initial uses permitted on the annexed property shall be consistent with uses permitted within the AO, Agricultural Open Space, District." Therefore, zoning of any property that is annexed should be AO until such time that a property owner requests some other classification through the normal rezoning process.

Two public hearings were held in May & June in which no one spoke in support or opposition to the request.

STAFF RECOMMENDATION

Staff is recommending approval of the request.

ATTACHMENTS

Service Plan
Ordinance
Exhibit

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

Item No. 7.1

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF ABILENE, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY LYING ADJACENT AND CONTIGUOUS TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE.

WHEREAS, Section 4 of the Charter of the City of Abilene, Texas, provides that the City shall have the power, by ordinance, to fix and change the boundaries and limits of the City and to provide for the extension of said boundaries and limits and the annexation of additional territory lying adjacent and contiguous to the City with the consent of the owner of the territory annexed;

WHEREAS, on April 5, 2013, a written notice was sent to the property owner of approximately 10 acres of property; and

WHEREAS, the City Council discussed said Petition for Annexation at its meeting of April 25, 2013, and recommended that the 10 acre tract be studied and considered for annexation into the City of Abilene.

WHEREAS, the Council held public hearings on May 20, 2013 and June 13, 2013.

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

PART 1: That the territory set out on Exhibit "A", attached hereto and made a part of this ordinance for all purposes, lying adjacent to and contiguous to the present boundaries of the City of Abilene, Texas, is hereby added and annexed to the City of Abilene, Texas, and said territory described in Exhibit "A" shall be included within the boundary limits of the City of Abilene, Texas, and the present boundary limits of the City of Abilene, at various points contiguous to the area hereinafter described in Exhibit "A", are altered and amended so as to include said area within the corporate limits of the City of Abilene, Texas.

PART 2: That upon final passage, the property annexed shall be zoned as AO, Agricultural Open Space.

PART 3: That upon final passage hereof, the annexed territory shall be a part of the City of Abilene, Texas, and the property situated therein shall bear its pro rata portion of the taxes levied by

the City of Abilene, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Abilene.

PART 4: That, the City of Abilene's Service Plan for the proposed annexation area, attached hereto, was made available to the inhabitants of the area to be annexed, and is hereby approved as a part of this ordinance.

PASSED ON FIRST READING, this the 24th day of June, 2013.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 11th day of May, 2013, the same being for public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 11th day of July, 2013, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance to become effective as provided for ordinances of annexation in the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING, this the 11th day of July, 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Annex approximately 10 acres, being the south part of the Beltway Park Baptist Church property.

Legal Description:

A0418 SUR 104 WM E VAUGHN, ACRES 8.207

BELTWAY SOUTH ADDN SEC 1, BLOCK A, LOT 1, ACRES 1.57



Location:

4009 Beltway S. (FM 707); being the south part of the Beltway Park Baptist Church property, and being approximately 10 acres

-END-

ANNEXATION SERVICE PLAN

Approximately 10 acres located at 4009 Beltway South, being the south portion of the Beltway Park Baptist Church property

Pursuant to the provisions of the Texas Local Government Code, Chapter 43, the following service plan is hereby adopted for the annexation of a 10-acre area requested by the property owner.

Police Protection

The Abilene Police Department will be able to provide police services to the planned annexation area. Currently, the Abilene Police Department provides all law enforcement services to the property directly north of the proposed annexation. Inclusion of the proposed property will not require any additional resources, or make any measurable impact on Abilene Police Department services in the area.

Fire Protection

The Abilene Fire Department will be able to provide emergency response services to the planned annexation area. Fire protection, including emergency response calls, will begin immediately upon the effective date of annexation, using existing personnel and equipment. All services currently provided by the Abilene Fire Department would be available to this area.

Streets – Operation and Maintenance

Currently the tract of land is developed as a church. There are no public facilities (streets, drainage facilities, etc) to be maintained within the parcel.

Traffic Control Devices

Since there are no streets, there is no need to install and maintain traffic control devices and street lights.

Street Lights

Currently there are no streets. Installation of street lighting consistent with the City's policy will be available following annexation.

Solid Waste Collection

Collection of refuse by the City of Abilene's Solid Waste Division will be available immediately upon annexation. Businesses and institutions may make arrangements for City or private refuse collection.

Parks, Recreation, and other Community Services and Facilities

A review of the requested annexation area indicates that it will present no adverse service impacts to any of the services or facilities offered by the Community Services Department.

Water and Wastewater Facilities

Currently the annexation area under consideration as addressed by the Annexation Service Plan has water/sewer service.

City Council
Agenda Memo



City Council
Meeting Date: 7/11/2013

TO: Larry D. Gilley, City Manager

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

SUBJECT: Final reading and public hearing of an ordinance for Case No. Z-2013-14, a request from Tacks Investments, agent Enprotec/Hibbs & Todd, Inc., to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, located south of Beltway South (FM 707) and east of the Beltway Park Baptist Church property.

GENERAL INFORMATION

Currently the property is zoned AO and is undeveloped. The adjacent properties to the east are developed with single-family homes. There properties to the west are developed primarily with single-family homes and does include a large church bordering the subject property. The property to the south is undeveloped and outside the city limits. The owner plans to develop the subject property as a residential subdivision.

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 RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Response

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

June 28, 2013

Item No. 7.2

Disposition by City Council

Approved Ord/Res# _____

Denied _____

Other _____

City Secretary

ORDINANCE NO. _____

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.

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

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

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

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

PASSED ON FIRST READING this 24th day of June, A.D. 2013.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of May, 2013, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 11th day of July, 2013 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11th day of July, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

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

Legal Description:

A0418 SUR 104 WM E VAUGHN, ACRES 8.74
A0418 SUR 104 WM E VAUGHN, ACRES 56.075



Location:

Being approximately 65 acres located east of the Beltway Park Baptist Church property

-END-

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

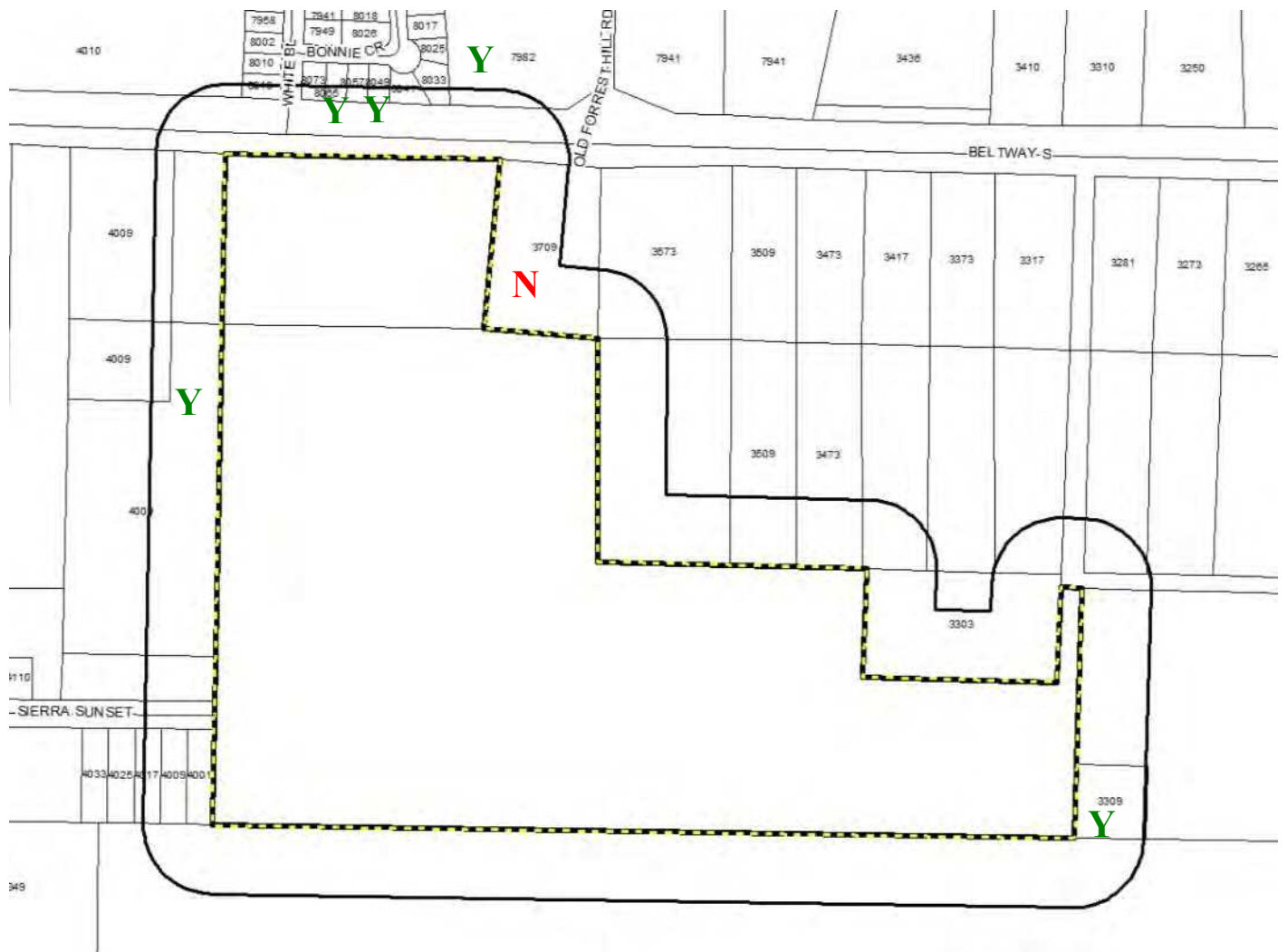
The Planning and Zoning Commission recommends approval by a vote of 5 in favor (Bixby, Glenn, McClarty, Rosenbaum, and Famble), none opposed, and 1 abstained (Todd).

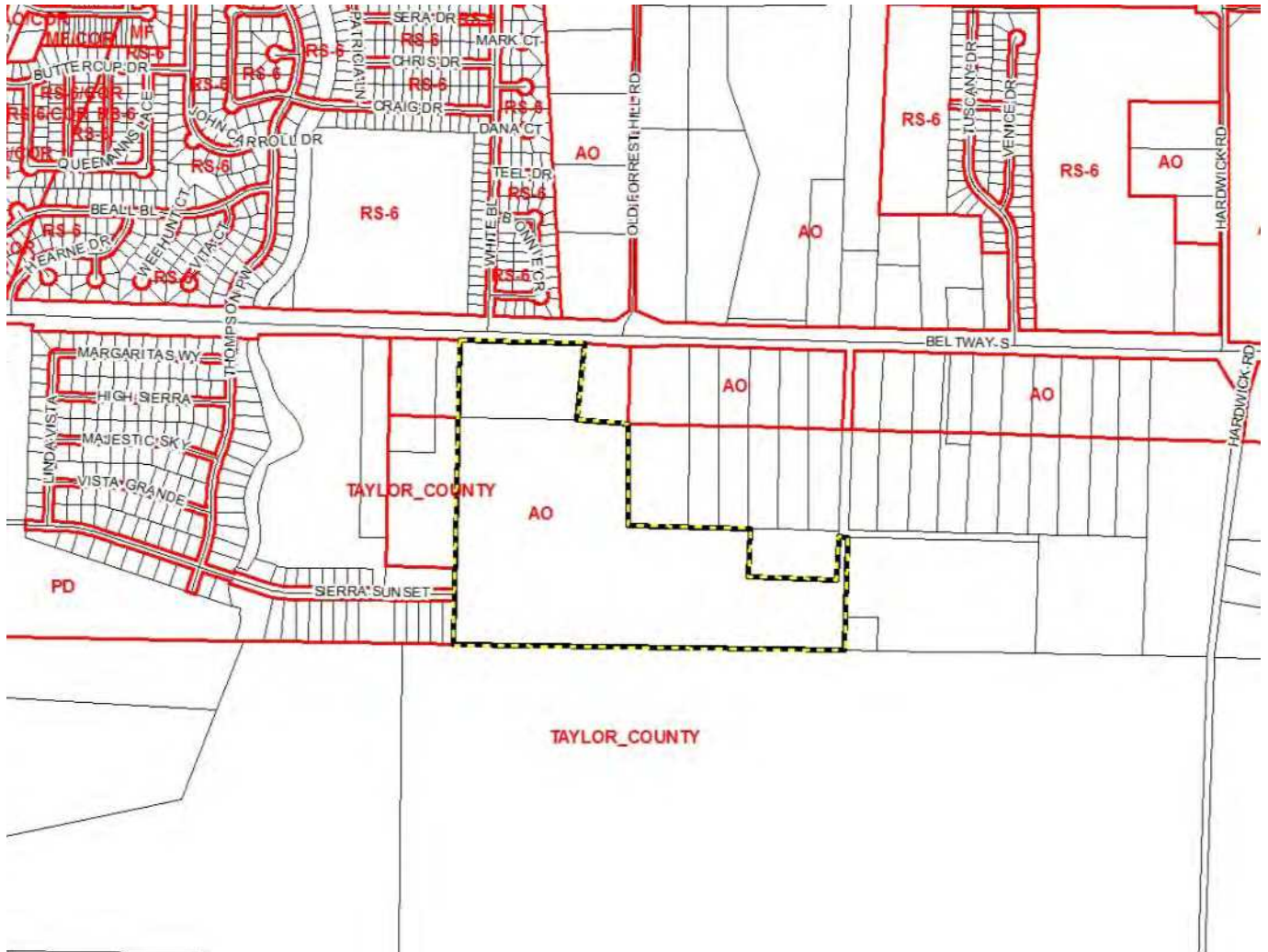
NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
WILSON CHARLES DELMON	7982 OLD FORREST HILL RD	In Favor
WYLIE IND SCHOOL DIST	4010 BELTWAY S	
THOMAS KYLE LARENCE	8041 BONNIE CR	
METCALF JULIE	8033 BONNIE CR	
HARRIS JUDY L	8065 BONNIE CR	In Favor
BROWN ROBIN	8057 BONNIE CR	
HARRIS JUDY L	8049 BONNIE CR	In Favor
ANDERSON ROSS W JR &	8018 WHITE BL	
MORROW JIM BILL LLC	3309 BELTWAY S	In Favor
WILBUR KENNETH L & DORIS L	3303 BELTWAY S	
MORROW JIM BILL LLC		
ANTHONY ROBERT O	3473 BELTWAY S	
SMITH CAROLYN S	3509 BELTWAY S	
PARR DAVID & SONJA CASEY		
HATCHETT JIM JR		
COOPER KEVIN WAYNE & KIMBERLY A		
PERRY THOMAS ANDREW	8073 BONNIE CR	
BELTWAY PARK BAPTIST CHURCH		
WHITE P D & MELINDA	4001 SIERRA SUNSET	
CONSIGLIO ROBERT JACOB	4017 SIERRA SUNSET	
BELTWAY PARK BAPTIST CHURCH		
BLOOMER CHARLES R &		
PERKINS VIRGIL	4009 SIERRA SUNSET	
BELTWAY PARK BAPTIST CHURCH	4009 BELTWAY S	In Favor
BELTWAY PARK BAPTIST	4009 BELTWAY S	
ROUSE MICHAEL WILLIAM		
HOLLIFIELD JOANN		
BELTWAY PARK BAPTIST	4009 BELTWAY S	
ROUSE MICHAEL WILLIAM		
KENNEDY ROBERT E EST		
DE BERRY KENNETH J	3573 BELTWAY S	
EDMISTON WILL E & RANEY G	3709 BELTWAY S	Opposed
DE BERRY KENNETH J		

5 in Favor- **Y**
1 Opposed- **N**









CITY OF
ABILENE

EDMISTON WILL E & RANEY G
3709 BELTWAY S
ABILENE TX 79606-5504

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2013-14

5/24/2013

The Planning and Zoning Commission will hold a public hearing on **Monday, June 3, 2013**, at **1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from the City of Abilene to rezone property from AO (Agricultural Open Space) to RS-6 (Single-Family Residential) zoning, located south of Beltway South (FM 707) and east of the Beltway Park Baptist Church property.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to the City Council within the specified ten day period, this case will be heard by the City Council for 2nd and Final Reading with a public hearing on **July 11, 2013**, at 8:30 a.m., City Council Chambers, 2nd Floor, City Hall.

For the **PLANNING & ZONING COMMISSION**

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2013-14

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: EDMISTON WILL E & RANEY G
Address: 3709 BELTWAY S

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

We invested in our home because we loved that much of the surrounding land is agriculturally zoned. As a family, we would like to see it remain agriculturally zoned.

City Council
Agenda Memo



City Council
Meeting Date: 7/11/2013

TO: Larry D. Gilley, City Manager

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

SUBJECT: Final reading and public hearing of an ordinance for Case No. Z-2013-15, a request from Warren Harkins, agent Erik Johnson, to rezone property from AO (Agricultural Open Space) to LI (Light Industrial) zoning, being approximately 22.43 acres located on the north side of FM 18 east of 4750 FM 18.

GENERAL INFORMATION

Currently the property is zoned AO and is undeveloped. The property to the north is undeveloped. Bandag currently operates on the property to the west. The properties to the south are largely undeveloped. The owner is asking for the LI zoning to use the land for industrial uses such as manufacturing and warehousing.

The Future Land Use section of the Comprehensive Plan designates this general area as 'business/industrial'. The applicant is requesting the zone change to allow for development of industrial uses. There are multiple properties adjacent to the subject property that are zoned for industrial and developed with industrial uses. The requested zoning would be compatible with the adjacent industrial uses as well as the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

June 28, 2013

Item No. 7.3

Disposition by City Council

- Approved Ord/Res# _____
 Denied _____
 Other _____

City Secretary

ORDINANCE NO. _____

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.

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

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

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

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

PASSED ON FIRST READING this 24th day of June, A.D. 2013.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of May, 2013, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 11th day of July, 2013 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11th day of July, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to LI (Light Industrial) District.

Legal Description:

A1117 SUR 44 B A L SE/4, ACRES 22.43



Location:

Being approximately 22.43 acres located on the north side of FM 18 east of 4750 FM 18

-END-

ZONING CASE Z-2013-15

STAFF REPORT



APPLICANT INFORMATION:

Warren Harkins
Agent: Erik Johnson

HEARING DATES:

Planning & Zoning Commission: June 3, 2013
City Council 1st Reading: June 24, 2013
City Council 2nd Reading: July 11, 2013

LOCATION:

Being approximately 22.43 acres located on the north side of FM 18 east of 4750 FM 18

REQUESTED ACTION:

AO to LI zoning



SITE CHARACTERISTICS:

The subject parcel totals approximately 22.43 acres and is currently zoned AO (Agricultural Open Space). The subject property is currently vacant. The adjacent property to the north is zoned LI (Light Industrial). The railroad lies immediately adjacent to the north. The property to the west is zoned HI (Heavy Industrial) and is where Bandag operates. The properties to the south are zoned AO and HI and are largely undeveloped. The properties to the east are zoned AO.

ZONING HISTORY:

The area was annexed in 1964 and 1986.

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned AO and is undeveloped. The property to the north is undeveloped. Bandag currently operates on the property to the west. The properties to the south are largely undeveloped. The owner is asking for the LI zoning to use the land for industrial uses such as manufacturing and warehousing.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as 'business/industrial'. The applicant is requesting the zone change to allow for development of industrial uses. There are multiple properties adjacent to the subject property that are zoned for industrial and developed with industrial uses. The requested zoning would be compatible with the adjacent industrial uses as well as the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

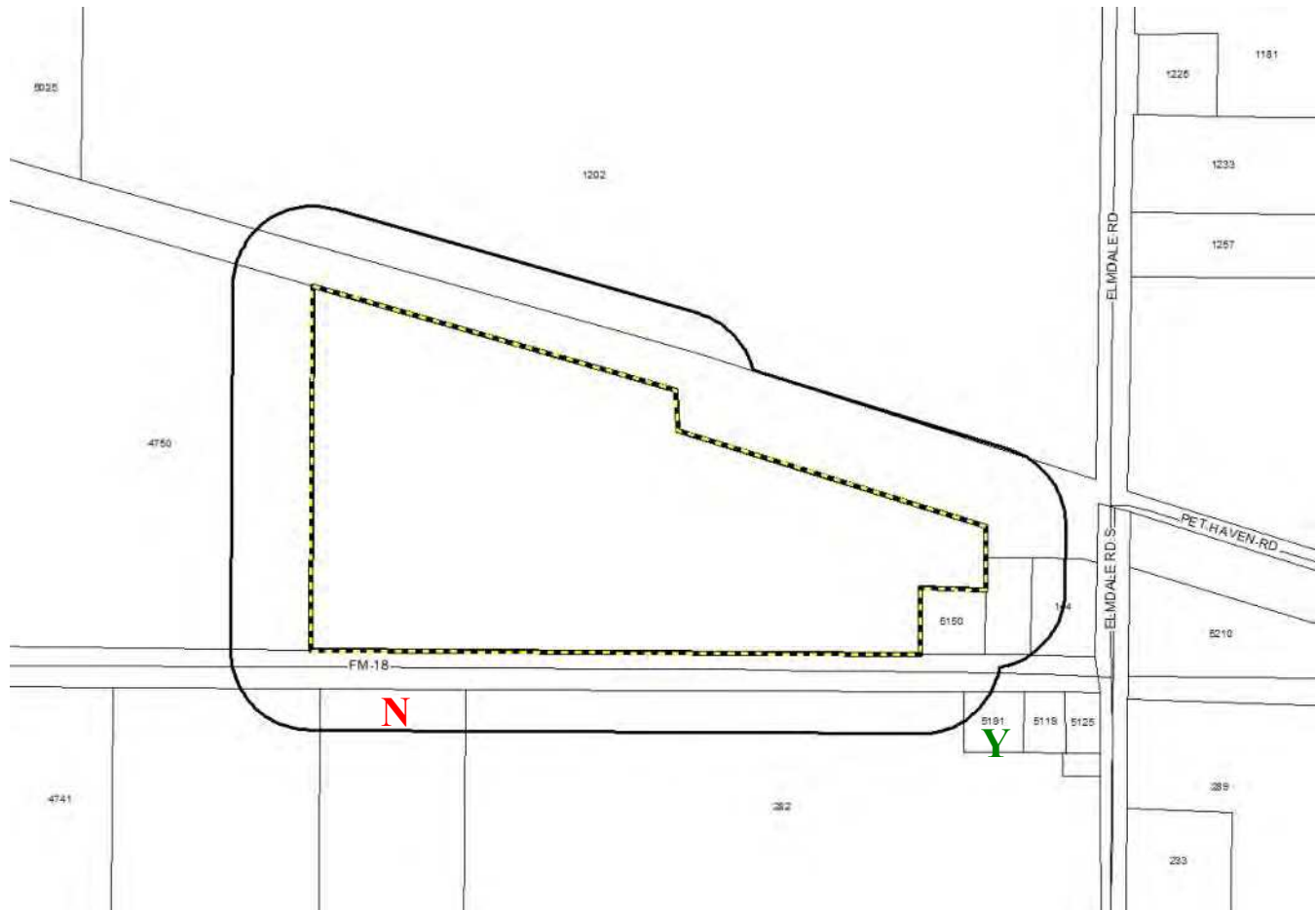
The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
MC BRIDE WILLIAM & BRITNI	282 ELMDALE RD S	
BANDAG INC	4750 FM 18	
DEAVER CHAD		Opposed
TRAIL JAMES & PATRICIA	5150 FM 18	
BAUTISTA FRANK M	144 ELMDALE RD S	
BAUTISTA FRANCISCO		
HARKINS WARREN D		
WHITMIRE KASSANDRA IRENE	5191 FM 18	In Favor
ANTILLEY THOMAS & MALONE JANE & PEARSON WES & JILL		
BLACKBURN RUTH BROOKS	1202 ELMDALE RD	

1 in Favor- **Y**
1 Opposed- **N**









City Council
Agenda Memo



City Council
Meeting Date: 7/11/2013

TO: Larry D. Gilley, City Manager

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

SUBJECT: Final reading and public hearing of an ordinance for Case No. Z-2013-17, a request from Sam Daggubati to amend PD-116 (Planned Development), located at 2002 Jameson St.

GENERAL INFORMATION

Currently the property is zoned PD and was once a school. Interstate 20 is adjacent to the north with properties on the other side zoned for commercial uses. A gas station exists to the west. The properties to the east and south are developed with single-family residential homes. The current zoning allows for a mix of uses to include places of worship, restaurants, medical clinics, playgrounds, and other similar uses. The owner is asking to amend the PD zoning to allow for additional uses such as apartments, a hotel, and a convenience store with fuel sales.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The applicant is requesting amend the PD to allow for a greater mix of uses. The frontage along I-20 and the commercial zoning to the west supports the inclusion of the proposed uses. The proposed concept plan shows the apartments providing a buffer to the adjacent single-family homes to the east and south. The requested zoning would be compatible with the adjacent uses as shown on the proposed concept plan.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Responses

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

June 10, 2013

Item No. 7.4

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-116 AND ORDINANCE NO. 5-2007, A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 5-2007, as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 24th day of June A.D. 2013.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of May, 2013, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 11th day of July, 2013, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 11th day of July, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

1st Amendment to Ordinance No. 5-2007

PART 6 Purpose.

DELETE: The purpose of the Planned Development District (PDD) request is to allow for redevelopment of a former elementary school site to permit a variety of uses associated with an Indian Cultural Center.

AMEND: The purpose of this Planned Development District (PDD) request is to facilitate redevelopment of a former elementary school site, allowing a limited range of retail trade activities, lodging facilities and residences (including multi-family residential buildings up to 3 stories high), as well as a variety of uses associated with an Indian Cultural Center.

PART 7: Specific Modifications.

AMEND: Add the following statement to the general heading of Specific Modifications:

Development of this Planned Development district shall generally be subject to requirements of the General Retail (GR) zoning classification, except as modified below. The following regulations and the attached site plan (Exhibit B) shall govern the use and development of this Planned Development District. Where in conflict, the ordinance text shall rule.

ADD: Add the following development options to the list of permitted uses itemized under the heading of Subpart **I. PERMITTED USES**:

- Convenience Groceries
- Fuel Sales
- Hotel and Motel Buildings (up to 3 stories high)
- Multi-Family Residential Buildings (up to 3 stories high)
- Two-Family Residences
- One-Family Residences

DELETE: all of Subpart **II. SITE DEVELOPMENT** and which reads as follows:

- A. Site Plan:** No development of the site shall occur other than as shown on the attached site plan (Exhibit B) except as modified below.
- B. Off-street parking and Circulation:**
Parking shall be provided to comply with the minimum parking requirement for each use established on the site. Existing on-street angled parking may be counted toward the parking requirement with the approval of a street-use license. New parking may not be constructed until such time that this ordinance is amended or the existing parking is

insufficient to meet the minimum parking for the uses on the property as required in the Zoning Ordinance. If new parking is constructed, the total number of all parking spaces shall not be more than 10% greater than the minimum required for all uses of the property.

C. Signage:

- 1) Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following:
- 2) Freestanding:
 - (a) One pole sign with a maximum height of 35' and a maximum area of 100 square feet. The pole sign must be located within 39 feet of the northern PDD boundary.
 - (b) Two monument signs shall be permitted with a maximum height of 6' and a maximum area of 60 square feet.
- 3) Wall signs:
 - (a) Wall signage may not exceed 10% of the area of any wall on which the signs are located.
- 4) Banners:

Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.
- 5) Prohibited signs:
 - (a) Portable signs
 - (b) Off-site advertising
 - (c) Temporary signs and freestanding banners, except for a "grand opening" event within 30 days of the issuance of a Certificate of Occupancy.

D. Landscaping and buffers:

Landscaping in the PDD must comply with the requirements of the City's Landscaping Ordinance. In addition, areas on Exhibit B shown to be landscaped must remain landscaped except that sidewalks may be installed and/or parking may be installed as needed under the provisions of Section II.B of this ordinance.

E. Screening and Fencing:

- 1) Fencing within a street yard setback shall be limited to wrought iron, or similar in appearance, and/or masonry construction. All other fencing must be constructed of wrought iron, masonry, wood, or other similar materials.
- 2) Any facilities for power, air conditioning, mechanical equipment, and solid waste handling added to this site after the effective date of this ordinance, shall be screened from view of publicly accessible areas by an opaque wall or fence at least six (6) feet in height.

F. Sidewalks:

- 1) All development must comply with the Sidewalk Master Plan.

G. Outdoor Storage and Display:

- 1) Outdoor display of merchandise is prohibited.
- 2) Outdoor storage is prohibited.
- 3) Freight containers are prohibited.

H. Lighting:

- 1) All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Zoning Ordinance. Additionally, all lighting shall be fully shielded and directed away from residential areas.

ADD: Subpart **II. SITE DEVELOPMENT** to read specifically as follows:

- A. **Concept Plan:** Development of the site shall substantially comply with the arrangement of uses, buildings, off-street parking and landscaping shown on the plan attached as Exhibit B to this ordinance.
- B. **Site Development Standards.** Use and development of this Planned Development District shall generally comply with standards of Chapter 4 (Site Development Standards) of Abilene's Land Development Code.
- C. **Subdivision of Land and Improvement of Related Public Facilities.** The subdivision of land within this Planned Development District, and required improvement of related public facilities, shall generally be subject to standards of Chapter 3 (Subdivision Regulations) of Abilene's Land Development Code, including improvement of public sidewalks as required therein.
- D. **Signage.** Signage within this Planned Development District shall generally comply with provisions and limitations of sign regulations adopted by the City of Abilene and generally applicable to General Retail zoning districts, except as modified below:
 - 1) Freestanding signs:
 - (a) Pole signs shall only be allowed along Interstate 20.
 - (b) Monument signs shall be allowed along other street frontages with a maximum height of 6' and a maximum area of 60 square feet.
 - 2) Wall signs:
 - (a) Wall signage may not exceed 10% of the area of any wall on which such signs are located.
 - 3) Banners:
 - (a) Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall-mounted signage.
 - 4) Prohibited signs:
 - (a) portable signs;
 - (b) off-site advertising;
 - (c) streamers, pennants, balloons and similar devices (including all air-inflated devices); and
 - (d) temporary signs and freestanding banners, except those specifically for "grand opening" events and in place for no more than 30 days from issuance of a Certificate of Occupancy for a building and/or use.

PART 8: Development Schedule

DELETE: all of **PART 8: Development Schedule**, which reads specifically as follows:

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

EXHIBIT "B"



OFFICE / COMMERCIAL	(existing)	6,000 SF.	1 STORY
HOTEL	(proposed)	71 ROOMS	3 STORIES
EXTENDED STAY	(existing)	17 ROOMS	1 STORY
FOOD COURT	(proposed)	6,500 SF.	1 STORY
CONVENIENCE / GAS	(proposed)	1,000 SF.	1 STORY
APARTMENTS	(proposed)	60 UNITS (20 du./bldg.)	3 STORIES
COMMUNITY CENTER	(existing)	18,000 - 19,000 SF. (approx.)	1 STORY

CONCEPTUAL SITE PLAN

THE CONCEPTUAL SITE PLAN SHOWS GENERAL LOCATION OF BUILDINGS, PARKING, VEHICULAR CIRCULATION AND OTHER PROPOSED SITE IMPROVEMENTS. THE ACTUAL BUILDING LOCATIONS, DIMENSIONS, AND THE LAYOUT OF THE SITE MAY VARY AS THE DEVELOPMENT PROGRAM IS RETINED.

ANSON JONES SCHOOL SITE
ABILENE, TEXAS

ijm DESIGN GROUP, LLC
 10000 W. 10TH STREET, SUITE 100
 FORT WORTH, TEXAS 76132
 PHONE: 817.339.1111
 WWW.IJMDG.COM

Dr. Sam Dagubhati
Abilene, Texas

ZONING CASE Z-2013-17

STAFF REPORT



APPLICANT INFORMATION:

Sam Daggubati

HEARING DATES:

Planning & Zoning Commission: June 3, 2013

City Council 1st Reading: June 24, 2013

City Council 2nd Reading: July 11, 2013

LOCATION:

2002 Jameson St

REQUESTED ACTION:

Amend PD-116



SITE CHARACTERISTICS:

The subject parcel totals approximately 10 acres and is currently zoned PD-116 (Planned Development). The subject property was once a school and is zoned for a mix of uses to include places of worship, restaurants, medical clinics, playgrounds, and other similar uses. The adjacent properties to the west are zoned HC (Heavy Commercial). The properties to the east and south are zoned RS-6 (Single-Family Residential). The property to the north is on the other side of I-20 and zoned for commercial uses.

ZONING HISTORY:

The area was annexed in 1957 and was rezoned to PD-116 in 2007.

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned PD and was once a school. Interstate 20 is adjacent to the north with properties on the other side zoned for commercial uses. A gas station exists to the west. The properties to the east and south are developed with single-family residential homes. The current zoning allows for a mix of uses to include places of worship, restaurants, medical clinics, playgrounds, and other similar uses. The owner is asking to amend the PD zoning to allow for additional uses such as apartments, a hotel, and a convenience store with fuel sales.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The applicant is requesting amend the PD to allow for a greater mix of uses. The frontage along I-20 and the commercial zoning to the west supports the inclusion of the proposed uses. The proposed concept plan shows the apartments providing a buffer to the adjacent single-family homes to the east and south. The requested zoning would be compatible with the adjacent uses as shown on the proposed concept plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends **approval** of the requested amendments.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

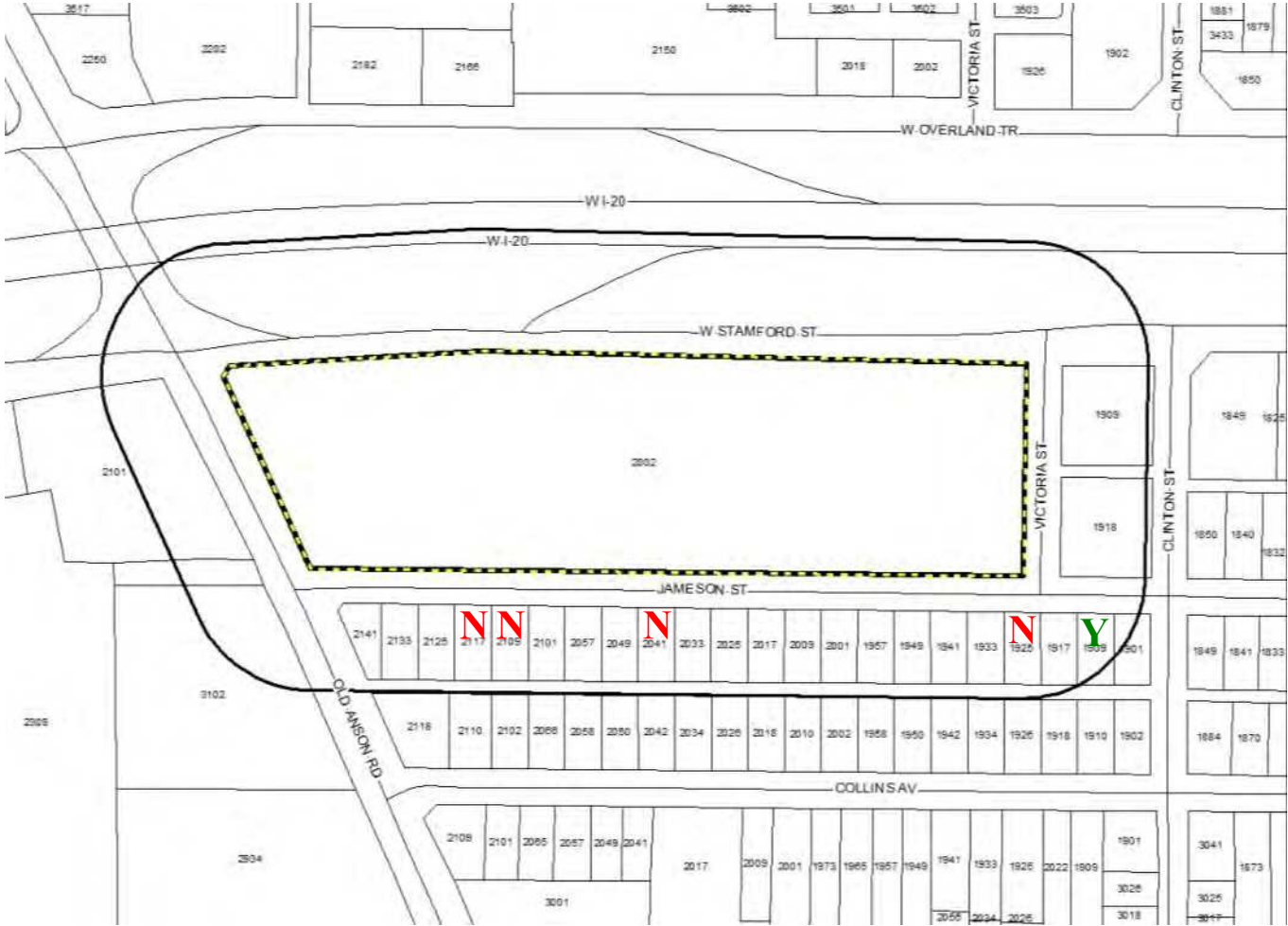
The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
BLANKENSHIP LUCILLE	1909 JAMESON ST	In Favor
FAIRCHILD KENT E & MARY A	2109 JAMESON ST	Opposed
DULANEY DEANNE J	1901 JAMESON ST	
WEST WILLIAM M & VADA LEE	2117 JAMESON ST	Opposed
PEREZ AUGUSTINE	2125 JAMESON ST	
DAWKINS MILES A	2041 JAMESON ST	Opposed
COOPER SHIRLEY J MYERS	1957 JAMESON ST	
GONZALES OSCAR JR & TRACIE	2141 JAMESON ST	
MARTIN PAUL G	2025 JAMESON ST	
CITY OF ABILENE	1909 W STAMFORD ST	
BENGS ERIC D & JOANNA I	2101 JAMESON ST	
NIETO MARIO JR	2017 JAMESON ST	
ASSEMBLY OF GOD CHURCH	1918 JAMESON ST	
MC KENNON JOHNNY R	2009 JAMESON ST	
MARTINEZ VELIA RODRIGUEZ	2049 JAMESON ST	
MC KEEVER SANDRA KAY	1941 JAMESON ST	
BUCHALLA NORMAN D LIFE ESTATE	1925 JAMESON ST	Opposed
DAGGUBATI SAM	2002 JAMESON ST	
NIETO JESSE JR	2001 JAMESON ST	
BENCHOFF JOHN H	1933 JAMESON ST	
MENDOZA KRISTINA G	2057 JAMESON ST	
BENGS ERIC & JO ANNA	1949 JAMESON ST	
TW PROPERTIES	3102 OLD ANSON RD	
ALLSUPS CONVENIENCE STORES INC		
ELLIOTT BONNIE L	2133 JAMESON ST	
MARTIN JACKIE G JR	2033 JAMESON ST	
BENNETT MELISSA A	1917 JAMESON ST	
ALLSUPS CONVENIENCE STORES INC	2101 W STAMFORD ST	

1 in Favor- **Y**
 4 Opposed- **N**







CASE #: Z-2013-17

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: FAIRCHILD KENT E & MARY A
Address: 2109 JAMESON ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

*I moved to a residential area not Down Town
I've Been here 11 years. I Don't need more
Traffic on my Block*

CASE #: Z-2013-17

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: DAWKINS MILES A
Address: 2041 JAMESON ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

Very
I am opposed

Additional Comments:

Please don't do this to our neighborhood.

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2013-17

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: BLANKENSHIP LUCILLE
Address: 1909 JAMESON ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

*only if Dr. Tom Daggabuti
10 drug shops, medical clinic
& Restaurant & probably Amusement.*

*I am 89 years
young and do not
need a lot of dirt
& Heavy Traffic.
Just View! - Lucille*

For the PLANNING & ZONING COMMISSION

Please call at (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2013-17

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: BUCHALLA NORMAN D LIFE ESTATE
Address: 1925 JAMESON ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

*I have lived here for 58 years
and I like it because it is quiet and peaceful.
I would like it to stay that way. Thank you
Mrs Richard Buchalla*

City Council
Agenda Memo



City Council
Meeting Date: 7/11/2013

TO: Larry D. Gilley, City Manager

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

SUBJECT: Final reading and public hearing on an Ordinance for Case No. TC-2013-04, a request from VFW Post 6873, Agent Mike Craft, to abandon Richmond St between Veterans Dr and Baker St.

GENERAL INFORMATION

The applicant is requesting to abandon the street right-of-way (ROW) to be able to utilize the area for expansion of the RV parking at the VFW hall. The street has not been improved on this segment and does not provide direct access for adjacent properties except for 1 residential property. The property to the north is a large, undeveloped property that has been acquired by the applicant.

PLAT REVIEW COMMITTEE

The Plat Review Committee recommends denial of the requested street ROW closure. The closure would leave 6225 Richmond St without access to the property. Additionally, the block length of Baker St between Pueblo Dr and Fairmount St would exceed the maximum of 1,200 feet. If the ROW closure is approved, the following conditions would apply:

- All adjacent properties replatted as necessary so that all parcels have street frontage.
- Retain an access easement for the property using this for access to Veterans Drive.
- Retain the area as an accessible utility easement.

STAFF RECOMMENDATION

Staff recommends denial of the requested street ROW abandonment.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended approval per the conditions of approval by the Plat Review Committee by a vote of six (5) in favor (Glenn, McClarty, Rosenbaum Todd, and Famble) and one (1) in opposition (Bixby).

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

June 28, 2013

Item No. 7.5

Disposition by City Council

- Approved Ord/Res#
 Denied _____
 Other

City Secretary

ORDINANCE NO. _____

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.

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

PART 1: That the following described portion of a Public Right of Way, as described on Exhibit "A," attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned, subject to conditions as stated in Exhibit A.

PART 2: That said portion of a Public Right of Way is not needed for public purposes and it is in the public interest of the City of Abilene to abandon said described portion of a Public Right of Way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of land described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING this 24th day of June, A.D. 2013.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of May, 2013, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED ON FINAL READING THIS 11th day of July, A.D. 2013.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons Richmond St between Veterans Dr and Baker St.

All Public Right of Way as indicated and shown in the map below within the dashed area:



With the following conditions:

1. All adjacent properties must be re-platted as necessary so that all parcels have street frontage.
2. The plat must retain an access easement for the property using this roadway for access to Veterans Drive.
3. The plat must retain the area as an accessible utility easement.

-END-



THOROUGHFARE CLOSURE CASE TC-2013-04

STAFF REPORT

APPLICANT INFORMATION:

VFW Post 6873
Agent: Mike Craft

HEARING DATES:

Planning & Zoning Commission: June 3, 2013
City Council 1st Reading: June 24, 2013
City Council 2nd Reading: July 11, 2013

REQUESTED ACTION:

Abandon Richmond St between Veterans Dr and Baker St



SITE CHARACTERISTICS:

An east-to-west street right-of-way (ROW) between Veterans Dr and Baker St located north of the VFW. The VFW also owns the property on the north side of the ROW. Improvements have not been made along this segment of the street.

REQUEST ANALYSIS:

The applicant is requesting to abandon the street right-of-way (ROW) to be able to utilize the area for expansion of the RV parking at the VFW hall. The street has not been improved on this segment and does not provide direct access for adjacent properties except for 1 residential property. The property to the north is a large, undeveloped property that has been acquired by the applicant.

RECOMMENDATIONS:

Plat Review Committee: **Denial** of the requested street ROW closure. The closure would leave 6225 Richmond St without access to the property. Additionally, the block length of Baker St between Pueblo Dr and Fairmount St would exceed the maximum of 1,200 feet. If the ROW closure is approved, the following conditions would apply:

- All adjacent properties replatted as necessary so that all parcels have street frontage.
- Retain an access easement for the property using this for access to Veterans Drive.
- Retain the area as an accessible utility easement.

Staff Recommendation: **Denial** of the requested street ROW abandonment.

PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission recommended approval per the conditions of approval by the Plat Review Committee by a vote of six (5) in favor (Glenn, McClarty, Rosenbaum Todd, and Famble) and one (1) in opposition (Bixby).

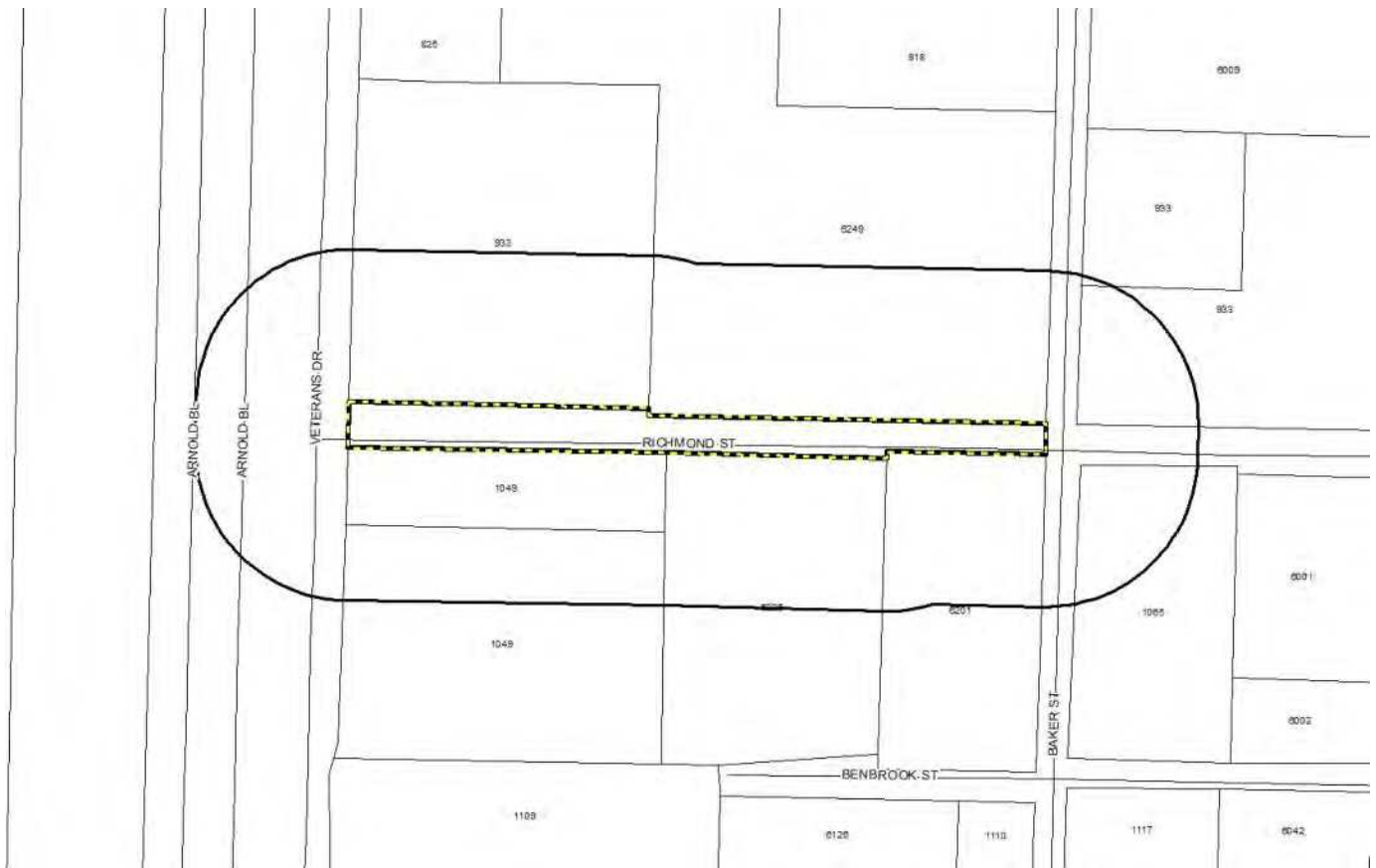
NOTIFICATION:

Property owners within the 200' of the subject rights-of-way were notified.

OWNER	ADDRESS	RESPONSE
HUDMAN LINDA M & E VICTOR	1065 BAKER ST	
VFW POST #6873	933 VETERANS DR	
VFW POST 6873	1049 VETERANS DR	
GARCIA SEVERO & MARTA	6201 RICHMOND ST	
GARCIA SEVERO & MARTA	6225 RICHMOND ST	
VFW POST 6873	1049 VETERANS DR	
VFW POST #6873	6249 PUEBLO DR	
BARBEE JOHN & BRANDI	933 BAKER ST	
BARBEE CHARLES D	933 BAKER ST	

0 in Favor- **Y**
 0 Opposed- **N**

Y









City Council
Agenda Memo



City Council
Meeting Date: 7/11/2013

TO: Larry D. Gilley, City Manager

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

SUBJECT: Appeal of a denial of a sidewalk waiver for Wylie ISD Early Childhood Addition, located at 6249 Buffalo Gap Rd.

GENERAL INFORMATION

The Wylie ISD Early Childhood Addition, located at 6249 Buffalo Gap Rd, is undergoing a major addition to the campus to become their Pre-K and Kindergarten school. The proposed expansion requires approval of a site plan due to the major scope of the project. Section 3.2.13.5 (c) of the Land Development Code (LDC) requires for the provision of sidewalks along arterial and collector streets as part of a site plan. The adjacent streets, Buffalo Gap Rd & Antilley Rd, are both arterial streets.

This request was reviewed by both the Planning Director and City Engineer. They determined that there was not reasonable justification for granting the waiver along either street. The City's ordinance recognizes that major streets, like Buffalo Gap Rd & Antilley Rd, provide connectivity for a larger area and thus are expected to provide sidewalks as part of ensuring adequate public facilities on the site. While it is anticipated that some families may use the sidewalk to travel to and from the school facility, many more will use these sidewalks to travel along Antilley and Buffalo Gap to other destinations in the area (as is currently evidenced by worn dirt paths along Buffalo Gap in the vicinity of this site).

Regarding Antilley Rd, a sidewalk would create an important extension of an existing sidewalk leading all the way to the Wylie High School. A sidewalk currently exists west of Buffalo Gap Rd on the north side of Antilley Rd. It appears that adequate space exists for installation of a sidewalk, even with the noted encroachments.

Regarding Buffalo Gap Rd, pedestrian activity can be expected to increase with the increased traffic along the roadway. While the drainage structure in the right-of-way presents some design issues, it does not necessarily preclude construction of a sidewalk (and the applicant has not raised sidewalk construction costs as a factor for consideration). In addition, staff has identified other alternatives for the applicant, including one that would utilize the existing sidewalk area in front of the existing buildings on the site.

STAFF RECOMMENDATION

Based on the information provided by the applicant, staff continues to recommend denial of the waiver of the sidewalks along Buffalo Gap Rd & Antilley Rd.

ATTACHMENTS

- Request for sidewalk waiver (April 25, 2013)
- Sidewalk Waiver criteria analysis
- Staff response to request (June 6, 2013)
- Request for appeal (June 7, 2013)
- Exhibit

Prepared by: Name: <u>Jon James</u> Title: <u>Planning Director</u> July 2, 2013	Item No. <u>7.6</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary
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Analysis of Sidewalk Waiver Request and Sidewalk Waiver Criteria

Wylie ISD Early Childhood Development, Buffalo Gap and Antilley Rd

The City's Sidewalk Ordinance lists four criteria which can justify the approval of a waiver of a sidewalk construction requirement. This analysis compares the subject request to each of these criteria.

1. Projects where the cost of establishing sidewalks would be unreasonably disproportionate to the overall project costs.
 - The applicant has not asserted that sidewalk costs would be excessive for this project.
 - Therefore, this criteria has not been met.
2. Severe topography or other natural constraints.
 - The applicant has not asserted that there are topographic or other natural constraints preventing sidewalks on this property.
 - Therefore, this criteria has not been met.
3. Situations inherently adverse to pedestrian activity.
 - The applicant asserts that they are concerned that construction of a sidewalk would promote the use of the sidewalk by 4 and 5 year olds "with or without their parents", which presents a safety concern.
 - However, the applicant does not assert that this area is adverse to pedestrian activity. Examples in the ordinance that meet this criteria are areas with lots of noise and dust, areas of high truck traffic on the site, and heavy commercial and industrial developments. This site, on the other hand, is a school site surrounded by churches, homes, and commercial activity, which are the kinds of areas where sidewalks are generally desirable.
 - Therefore, staff does not believe that this criteria has been met.
4. Situations where an applicant can show other factors or circumstances amounting to reasonably justifiable good cause to support such waiver.
 - The applicant lists child safety, existing power poles and other obstructions, and the TxDOT drainage structure as other reasons to waive the sidewalk requirement.
 - City Planning and Engineering staff have reviewed this information and believe that these issues do not preclude the possibility of constructing a sidewalk on this site. Although not as easy to design and build as on an undeveloped site, staff believes that there is sufficient space and viable options to construct sidewalks on both streets on this site, particularly on the Antilley Road side where there are few obstructions and no TxDOT drainage facility to contend with. While the Buffalo Gap side is more problematic, a sidewalk could be designed in the existing right-of-way, which would require some reconstruction, or an alternative would be to provide for a sidewalk on the subject property, which has been done for other developments adjacent to a TxDOT right-of-way.
 - Therefore, staff does not believe that this criteria has been met.



June 7, 2013

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

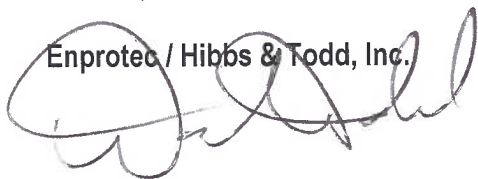
**Re: Sidewalk Waiver Request for Wylie ISD
Early Childhood Addition (6249 Buffalo Gap Road)**

Dear Gentlemen:

Wylie ISD wishes to appeal the staff decision of denial for a waiver of sidewalks along Antilley and Buffalo Gap Roads to the Abilene City Council. There is no supplemental information for reconsideration other than what was previously submitted.

Please contact me with the City Council meeting date.

Sincerely,


Enrotec / Hibbs & Todd, Inc.

David Todd, P.E.
Executive Vice President

c: Joey Light, Wylie ISD
Steve Ellinger, CADCO
Project File 5332

P:\Projects\Wylie ISD\5332 Early Childhood & High School Parking Lot\Early Childhood Center Parking Imp\1. General Correspondence\060713 City Letter.doc

Environmental, Civil & Geotechnical Engineers

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

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

Granbury Office
2901 Glen Rose Hwy, Suite 107
Granbury, Texas 76048
817.579.6791 | 817.579.8491 fax

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

www.e-ht.com

PG Firm Registration No. 50103
PE Firm Registration No. 1151



April 25, 2013

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

**Re: Sidewalk Waiver, Wylie ISD Early Childhood Development
at Northeast Corner of Buffalo Gap and Antilley Road**

Dear Gentlemen:

Please accept this letter and \$250 filing fee as the Wylie ISD's request for a waiver from sidewalk requirements along Buffalo Gap and Antilley Roads. Wylie ISD is very concerned about promoting pedestrian traffic consisting of mainly 4 and 5 year olds with or without their parents, walking along both of these major arterial streets. Safety of children is a real concern to the Wylie ISD. Also, there exists power poles, gye wires and other features that would hinder proper design and construction. Lastly, as you are aware there currently exists a major TxDOT drainage structure in most of the right-of-way of Buffalo Gap Road, that would require major reconstruction to place a sidewalk in this area.

In the Site Plan Comments, dated April 23, 2013, from Bradley Stone, mention is made of the use of an existing 3 to 4 foot relatively flat concrete surface wedged between the curb and concrete drainage flume along Buffalo Gap Road. I have carefully measured this area and the cross slope exceeds 2%, the maximum for ADA compliance. Also, the drop off from this flat area to the bottom of the concrete drainage ditch exceeds 30 inches in some places and would require some edge protection to prevent falling off the flat area. Lastly, there is some TxDOT signage mounted in this flat area and do not provide the minimum 36" clearance.

If this request is denied at the staff level, the Wylie ISD wishes to appeal the staff denial to the Abilene City Council.

Please contact me if you should have any questions.

Sincerely,

Enrotec / Hibbs & Todd, Inc.

David Todd, P.E.
Executive Vice President

c: Joey Light, Wylie ISD
Steve Ellinger, CADCO
Project File 5332

P:\Projects\Wylie ISD\5332 Early Childhood & High School Parking Lot\Early Childhood Center Parking Impl1. General Correspondence\042513 City Letter.doc
Environmental, Civil & Geotechnical Engineers

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

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

Granbury Office
2901 Glen Rose Hwy, Suite 107
Granbury, Texas 76048
817.579.6791 | 817.579.8491 fax

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



June 6, 2013

David Todd, P.E.
Enprotec / Hibbs & Todd
402 Cedar
Abilene, TX 79601

Re: Sidewalk Waiver Request for Wylie ISD Early Childhood Addition (6249 Buffalo Gap Rd)

Dear Mr. Todd:

City staff, when evaluating the proposed waiver request, is denying your request for a sidewalk waiver along both Buffalo Gap Rd and Antilley Rd. The City's ordinance recognizes that major streets, like Buffalo Gap Rd & Antilley Rd, provide connectivity for a larger area and thus are expected to provide sidewalks. The intersection of Buffalo Gap Rd and Antilley Rd is a major retail/commercial node and generates pedestrian traffic.

Regarding Antilley Rd, a sidewalk would create an important extension of an existing sidewalk leading all the way to the Wylie High School. A sidewalk currently exists west of Buffalo Gap Rd on the north side of Antilley Rd. It appears that adequate space exists for property installation of a sidewalk, even with the noted encroachments.

Regarding Buffalo Gap Rd, pedestrian activity can be expected to increase with the increased traffic along the roadway. While the drainage structure is a barrier, staff feels that an alternative alignment on the Wylie ISD property, such as utilizing the existing sidewalk area in front of the existing buildings, would be an appropriate solution in providing a sidewalk for pedestrian traffic.

We understand that you wish to appeal this decision to the City Council. You will have 10 days from the date of this letter to submit the appropriate application fee to the Director of Planning. In addition, please note that if there is additional information, not included in your original request, that might be relevant to this decision, please provide any supplemental information for reconsideration. Finally, if you have any questions about this decision, please contact Jon James at 676-6237.

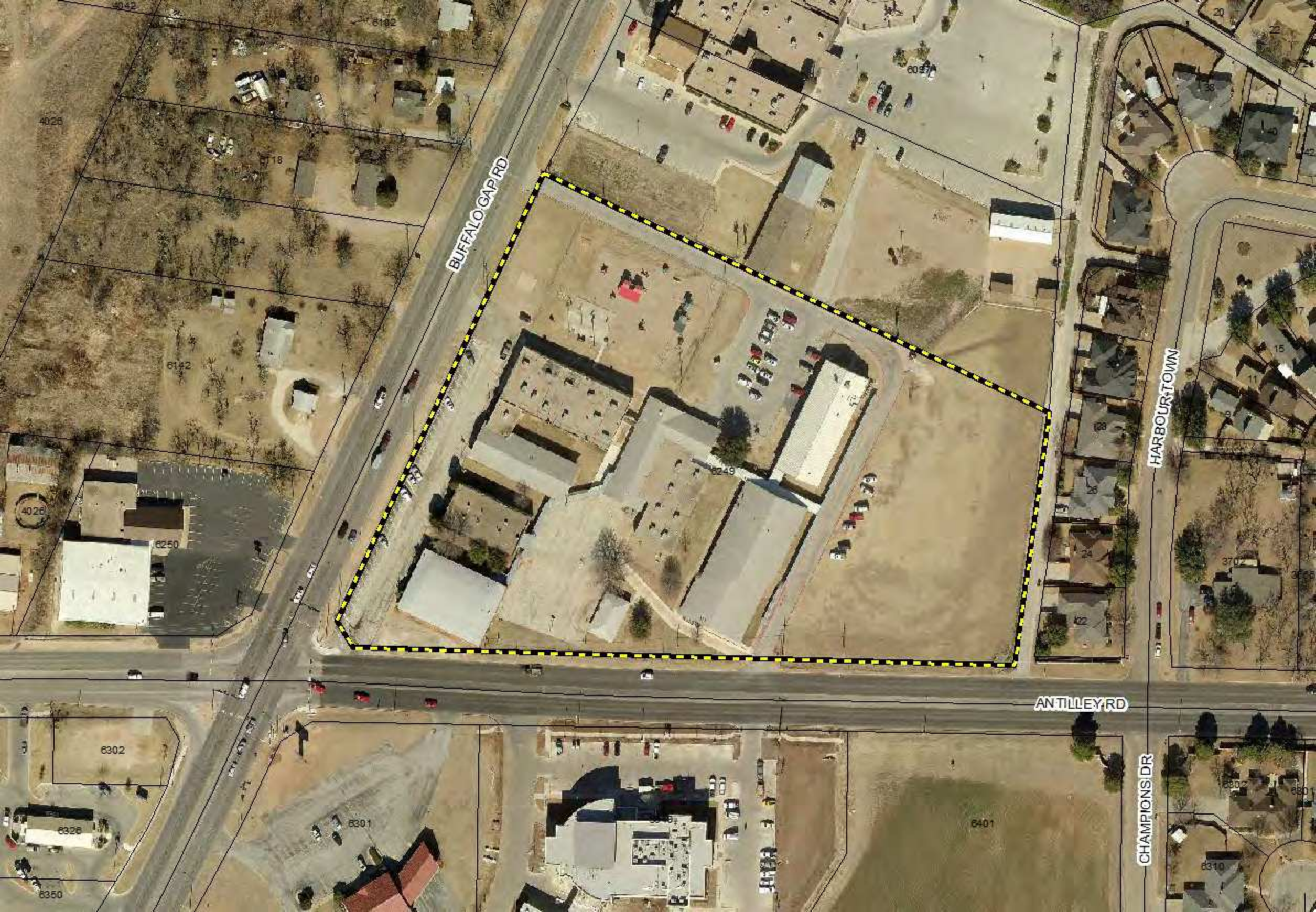
Sincerely,

A handwritten signature in black ink that reads "Jon James".

Jon C. James, AICP
Planning Director

A handwritten signature in black ink that reads "Chad Carter, P.E.". The signature is written in a cursive style.

Chad Carter, P.E.
City Engineer



BUFFALO GAP RD

HARBOUR TOWN

ANTILLEY RD

CHAMPIONS DR

4028

6182

6118

6142

4028

6250

6249

6057

6302

6328

6350

6301

6401

6310

6302

6301

370

3656

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**City Council
Agenda Memo**



**City Council
Meeting Date: 07/11/13**

TO: Larry D. Gilley, City Manager
FROM: Megan R. Santee, Director of Public Works
**SUBJECT: Oral Resolution – Application/Permit to Drill and/or Operate an Oil and/or Gas well –
Bullet Development, LLC: “Lytle-Rankin No. 2” & “Lytle-Rankin No. 3”, Permit No.’s
748492 & 759159**

GENERAL INFORMATION

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

Bullet Development, LLC of Abilene, Texas has submitted applications to drill the “Lytle-Rankin No. 2” and “Lytle-Rankin No. 3” wells on property owned by the Lytle Lake Water Control and Improvement District, located on East Industrial Blvd. south of Diamondback Golf Club and Abilene Regional Airport, as shown on the attached map. Because of the proximity to Abilene Regional Airport, a Federal Aviation Administration (FAA) Aeronautical Study was required for each well. The aeronautical studies are attached to, and made part of each application/permit. The studies concluded that the drilling rig for each well does not exceed obstruction standards and would not be a hazard to air navigation, provided that the marking/lighting and notification requirements detailed in the studies are met. Additionally, because the Lytle-Rankin No. 2 well is located within the floodway of Lytle Creek, a floodplain / floodway analysis was required to be performed for this well location and a Floodplain Development Permit obtained for this location (attached to, and made part of the permit for the Lytle-Rankin No. 2 well location).

These applications have been reviewed and approved by City Staff. All owners of real property within 500 feet of the proposed drill sites have been notified of these applications and of the City Council meeting to consider their approval, as required by City ordinance.

STAFF RECOMMENDATION

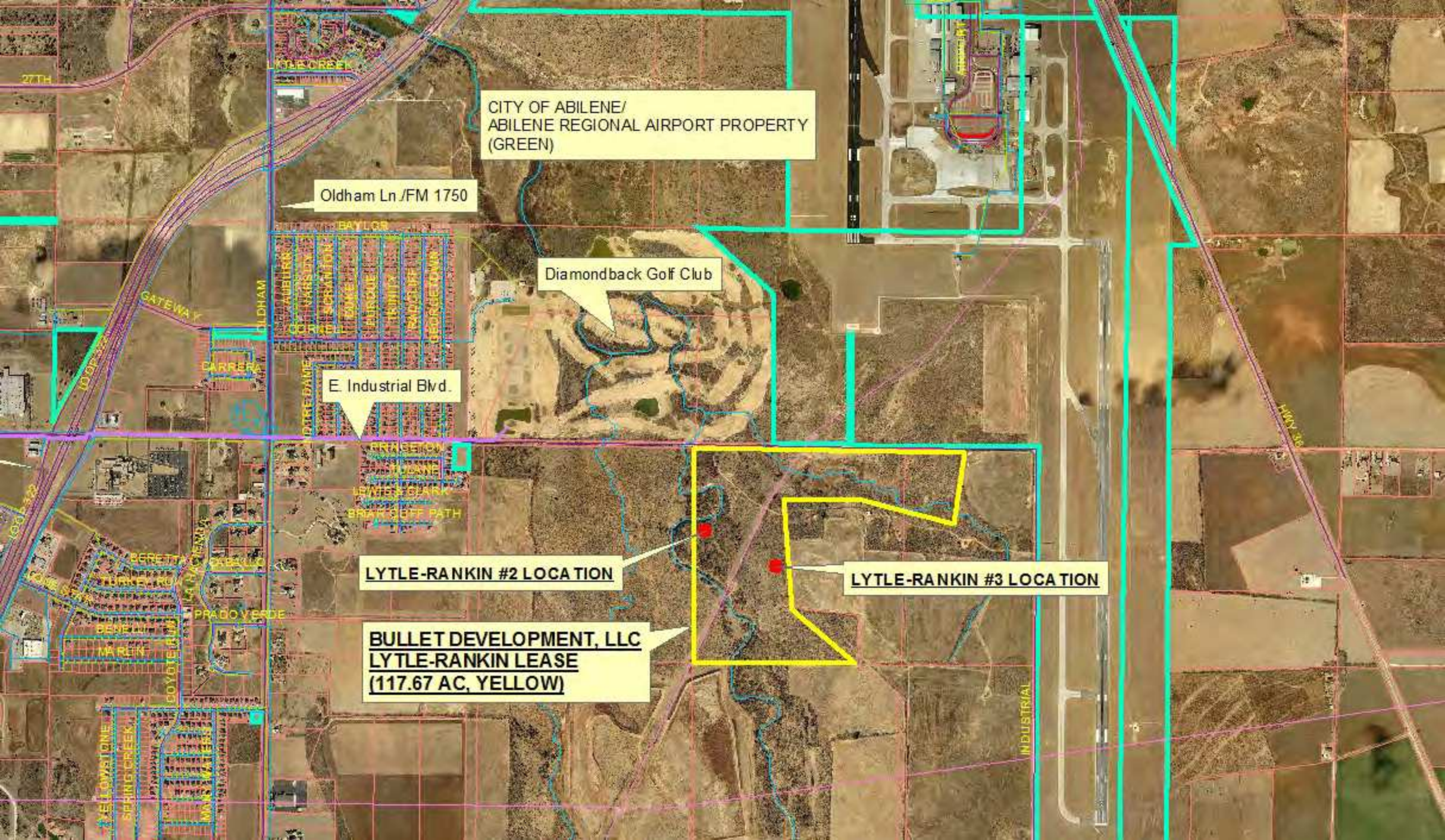
Because all prerequisites and requirements of Chapter 21, Oil and Gas; have been met, including no anticipated adverse effect on the health, safety and welfare of the public, staff recommends that the City Council vote to approve the applications for these drilling permits and authorize the Mayor to execute permit no.’s 748492 and 759159 for Bullet Development, LLC.

ATTACHMENTS

Site Map

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

Prepared by: Name: Travis McClure Title: Land Agent	Item No. <u>7.7</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary
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CITY OF ABILENE/
ABILENE REGIONAL AIRPORT PROPERTY
(GREEN)

Oldham Ln /FM 1750

Diamondback Golf Club

E Industrial Blvd.

LYTLE-RANKIN #2 LOCATION

LYTLE-RANKIN #3 LOCATION

BULLET DEVELOPMENT, LLC
LYTLE-RANKIN LEASE
(117.67 AC, YELLOW)

**City Council
Agenda Memo**



TO: Larry D. Gilley, City Manager

**City Council
Meeting Date: 7/11/2013**

FROM: Tommy O'Brien, Director of Water Utilities

SUBJECT: Oral Resolution and presentation for approval for use of Construction Manager at Risk Procurement Process.

GENERAL INFORMATION

The Texas Local Government Code allows the use of alternative procurement methods found in Chapter 2267 of the Texas Government Code as an alternative to competitive bidding. One such method is the Construction Manager at Risk (CMAR) process.

Per the Texas Government Code, before using an alternative procurement method the governing body must determine that the chosen method provides the best value for the municipality.

Staff believes that the use of the CMAR process for the Hamby Wastewater Treatment Plant Improvements (Phase 2) will provide the best value and most efficient method of procurement for the City of Abilene.

FUNDING/FISCAL IMPACT

While there is no fiscal impact from the recommendation of this action today, the Water Department will be bringing back to the City Council a contract with the selected CMAR in the near future. Funding/Fiscal Impact will be addressed when the CMAR contract is presented to the City Council.

STAFF RECOMMENDATION

Staff recommends approval of an oral resolution finding that the use of the alternative procurement process method utilizing a Construction Manager at Risk is the best value for the City of Abilene for procurement of construction services for the Hamby Wastewater Treatment Plant Improvements (Phase 2).

ATTACHMENTS

None

Prepared by:

Name Tommy O'Brien

Title Director of Water Utilities

Item No. 7.8

Disposition by City Council

- Approved Ord/Res# _____
- Denied _____
- Other _____

City Secretary