City of Abilene
City Council Agenda

Weldon Hurt, Mayor Pro-tem
Shane Price, Council Member
Jack Rentz, Council Member
Robert Hanna, City Manager

Anthony Williams, Mayor

Donna Albus, Council Member
Kyle McAlister, Council Member
Travis Craver, Council Member
Stanley Smith, City Attorney
Shawna Atkinson, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on Thursday, the 17th day of October, 2019, at 4:30 p.m. at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

1. **Executive Session** - City Council will convene into Executive Session at 4:30 p.m.
   Reconvene - City Council will reconvene into open session at 5:30 p.m.

INVOCATION

2. Mayor Anthony Williams

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

3. **Proclamations:**
   White Cane Day
   National Physical Therapy Month
   National Chiropractic Health Month

CONSENT AGENDA

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately.

4. **Minutes:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Minutes from the Regular Meeting Held on October 3, 2019 ***(Shawna Atkinson)***

5. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing a Contract for HVAC System and Air Duct Cleaning for City Hall with Clearfork Enterprises, Inc. dba Servpro ***(Michael Rice)***

6. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing a Professional Services Contract with Enprotec/Hibbs & Todd, Inc. for Design of Huckleberry Lane Lift Station Improvements ***(Rodney Taylor)***

7. **Resolution**: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Professional Services Contract Awarded to Jacob & Martin for Design of Pavement Roadway & Drainage Improvements for Griffith Road ***(Greg McCaffery)***

8. **Ordinance (First Reading)Z-2019-25:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Bryan Pope, John Michael Clark, Jerold Armstrong and Abilene Auto Glass; agent C.J. Chaney, to rezone seven tracts of land from a Heavy Industrial (HI) to a Heavy Commercial (HC) District. Proposed HC zoning includes all except the south 139 feet of the east 130 feet of city block bounded by South Treadaway Boulevard; Dimmitt, Cherry and South 14th Streets, plus Lots 4 thru 6 in Block B of John Touy's Subdivision of Lot Numbers 3 and 4 in Block 208, Original Town of Abilene and located at northwest corner of Cherry and South 14th Streets ***(Mike Warrix)***

9. **Ordinance (First Reading) Z-2019-26:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Lytle Creek Golf Links LLC; agent David Todd of Enprotec/Hibbs & Todd, to amend Planned Development District Number 70 (a.k.a. PD 70) to include revised building setback standards for patio homes constructed therein located at 3669 thru 3963 National Drive, which said street projects north from 1500 block of East Industrial Boulevard in southeast Abilene ***(Mike Warrix)***

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

10. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Appeal of a Denial of a Sidewalk Waiver for Funeral Directors Life Insurance Company Building Addition Located at 6550 Directors Parkway ***(Mike Warrix)***

11. **Ordinance (Final Reading) Z-2019-20:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from the City of Abilene to rezone property from Medium Density Residential (MD)/Historic Overlay (H) zoning to Medium Density Residential (MD) located at 782 Palm Street, on the north side of South 9th between Elmwood Drive and Grover Street ***(Mike Warrix)***

12. **Ordinance (Final Reading) Z-2019-21:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Tim Smith, agents Pat and Mitchel Harris, to rezone from Central Business (CB) to a Planned Development District (PDD) located at 833 South 1st Street ***(Mike Warrix)***

13. **Ordinance (Final Reading) Z-2019-22:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Houses for Healing, Inc. to rezone from Single Family Residential (RS-6) to Medium Density Residential (MD) zoning located at 3065 Hickory Street ***(Mike Warrix)***

14. **Ordinance (Final Reading) Z-2019-23:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Judy Proctor, agent Paul Johnson, to rezone two (2) properties from General Retail (GR) to General Commercial (GC) zoning located at 5001 and 5009 Hwy 277 South ***(Mike Warrix)***

15. **Ordinance (Final Reading) Z-2019-24:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Eduardo Garza to rezone from General Commercial (GC) to Multi-Family Residential (MF) zoning located at 126 Merchant Street ***(Mike Warrix)***

16. **Ordinance (Final Reading)CUP-2019-07 (142 & 202 Vine Street):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from BCFS, agent Alana Jeter, for a Conditional Use Permit to allow the expansion of an 'Institutional Dwelling' in Medium Density Residential (MD) zoning located at 142 & 202 Vine Street ***(Mike Warrix)***

17. **Ordinance (Final Reading) TC-2019-03:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action a request from the Texas Department of Public Safety to abandon six (6) segments of street and alley rights-of-way (ROW). Each segment is less than 1000 square feet in size and adjoins a consistently 120-ft-wide ROW on Buffalo Gap Road. All ROW's were formally dedicated for public use by subdivision plats.***(Mike Warrix)***

18. **Ordinance (Final Reading) SNC-2019-03:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Iziar Lankford to change the name of San Jacinto Drive to Claudie C. Royals Drive as it extends east to west from Fair Drive to N. Judge Ely Boulevard approx. 3,993 feet ***(Mike Warrix)***

19. **Resolution (Final Reading) SNC-2019-04:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Minda Street Church of Christ for an honorary street name change of Minda Street to Dr. Tony Roach Street as it extends east to west from T&P Lane to S. Judge Ely Boulevard approx. 2,139 feet ***(Mike Warrix)***

20. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an ordinance of the City Council of the City of Abilene, Texas, amending the Tax Increment Reinvestment Zone No. 2 Project Plan ***(Mike Warrix)***

EXECUTIVE SESSION

21. **The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:**

A. 551.071 (Consultation with Attorney)

1. City of Abilene, Texas v. Aurora Bumgarner; 104th Judicial District Court,Taylor County, Texas; filed November 17, 2011
2. Chad Carter v. City of Abilene, Texas; Cause No. 10138-D, In the 350th Judicial District Court, Taylor County, Texas, filed June 17, 2014
3. Susan Lewis King & Austin King MD vs Ken Paxton, Attorney General of Texas and the City of Abilene, Cause No. D-1-GN-16-001160, filed March 16, 2016
4. Ruby Flores and Cory Almanza v. Jesus Verastegui, Alfredo Verastegui, Rosalva Verastegui, and City of Abilene, Cause No. 49368-A, 42nd District Court, Abilene, Taylor County, Texas, filed April 13, 2016
5. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
6. Officer Patrick Sumrall and City of Abilene, Case No. 01-18-000-8653; Appeal of Indefinite Suspension to Arbitration, filed February 6, 2018
7. Tracy Kennedy and Richard Kennedy v. Katie Snell, Richard Perez, Thomas Bryant, John Doe 1, and John Doe 2; Case No. 1:18-cv-162, In the United States District Court, Northern District of Texas, Abilene Division, filed October 16, 2018
8. Alfredo Valencia v. Corey Davis and City of Abilene; Case No. 1:19-cv-00017-C; In the United States District Court, Northern District of Texas, Abilene Division, filed February 4, 2019.
9. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
10. Ovation Services, LLC v. Blanca Cortez, et al.; Case No. 11875-D; In the 350th Judicial District Court, Taylor County, Texas; filed July 15, 2019
11. City of Abilene v. 3118 South 22nd Street, Abilene, Texas, et al., In the District Court, Taylor County, Texas, filed October 11, 2019.

B. 551.072 (Deliberations about Real Property)

1. Clyde Water
2. Use of Eminent Domain for Cedar Creek Waterway

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

1. City Council may consider appointment, employment, compensation, reassignment, duties, discipline, or dismissal of public officers or employees, City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members
2. City of Abilene Boards & Commissions May be Discussed, as needed for (re)appointment

E. 551.076 (Deliberations about Security Devices)

F. 551.087 (Business Prospect/Economic Development)

1. Abilene Convention Center Hotel Project
2. 1166 N 2nd Street

RECONVENE

REGULAR AGENDA

22. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Appointing Members to Various Boards and Commissions per the City Charter ***(Shawna Atkinson)***

- Abilene Housing Authority Board
- Abilene-Taylor County Venue District Board
- Board of Building Standards
- Jones County Central Appraisal District Board of Directors Nomination
- Street Maintenance Advisory and Appeals Board
- Taylor County Central Appraisal District Board of Directors
- Tax Increment Reinvestment Zone (TIRZ) Board - Appointment of Chair

PUBLIC COMMENTS

There will be no votes or any formal actions taken on subjects presented during public comment. The public comment period will only allow members of the public to present ideas and information to city officials and staff.

ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please call 325-676-6208.

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 11th day of October, 2019, at 2:30 p.m.

_____

Shawna Atkinson, City Secretary

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Honorable Mayor & Members of City Council**

FROM: **Shawna Atkinson, City Secretary**

SUBJECT: **4. Minutes: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Minutes from the Regular Meeting Held on October 3, 2019 *(Shawna Atkinson)***

GENERAL INFORMATION

City Council is asked to approve the above-noted minutes.

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of the item.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 10-3-2019 Minutes - Regular - Morning 10-3-2019 Minutes - Regular - Morning.pdf

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Michael Rice, Assistant City Manager**

SUBJECT: **5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing a Contract for HVAC System and Air Duct Cleaning for City Hall with Clearfork Enterprises, Inc. dba Servpro *(Michael Rice)***

GENERAL INFORMATION

City Hall is in need of routine preventative maintenance of the HVAC and air duct system. This project was advertised on Sept. 15th and Sept. 22nd, and one (1) Bid was received and opened on Oct. 1, 2019.

SPECIAL CONSIDERATIONS

This contract has a duration of 90 Calendar Days from the effective date of the contract.

FUNDING/FISCAL IMPACT

The lowest and best bid for this project was received from Clearfork Enterprises, Inc. dba Servpro in the amount of $95,306.00. Funding for this contract is currently within the Minor Improvement Plan for 2019-2020.

STAFF RECOMMENDATION

Staff recommends approval of the contract.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1.	Resolution.Servpro.2019.10.17	Resolution.Servpro.2019.10.17.docx
2.	Contract.Servpro.2019.10.17	Contract.Servpro.2019.10.17_Resized.pdf
3.	Presentation.Servpro Bid Award.2019.10.17	Presentation.Servpro Bid Award.2019.10.17.pdf

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CLEARFORK ENTERPRISES, INC. DBA SERVPRO FOR HVAC SYSTEM AND AIR DUCT CLEANING FOR CITY HALL

WHEREAS, the City desires to maintain Public Buildings in order to promote efficiency, cleanliness, and extend the life of the Public Buildings; and

WHEREAS, the City has identified a need to clean the HVAC System and associated Air Ducts in City Hall;

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

Part 1: The City Council authorizes the City Manager to execute a Contract for City Hall Mold Remediation with Clearfork Enterprises, Inc. dba Servpro in the amount of $95,306.00.

Part 2. That this Resolution takes effect immediately upon its adoption.

ADOPTED this 17th day of October, 2019.

ATTEST:

_____
Shawna Atkinson, City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

CITY OF ABILENE

CONTRACT

This contract, dated the **17th** of **October**, 20**19,** is between the City of Abilene ("City"), a home rule municipal corporation of the State of Texas and **Clearfork Enterprises, Inc. dba Servpro** ("Contractor"), a **Corporation** organized under the laws of the State of **Texas**.

I. TERMS

In consideration of **$95,306.00 (Ninety-five thousand three hundred six dollars and zero cents)**, the Contractor must provide the services described in Attachment **A**, which is incorporated by reference, according to all its provisions.

After the CONTRACTOR has fully performed the terms of this AGREEMENT and the CITY'S agent is satisfied that the work has been completed with the terms of this Agreement, the CITY'S agent shall pay the contractor in one lump sum the money specified.

The CITY reserves the right to prorate or to withhold payment from the CONTRACTOR if the CITY'S agent determines that the CONTRACTOR fails to fully perform the work in accordance with the terms of this Agreement, in which case the CONTRACTOR shall bear all costs, including the cost of hiring someone else, due to the CONTRACTOR'S neglect, delay, or refusal to fulfill the terms of this Agreement.

The CITY reserves the right to have its agent inspect the premises to determine whether or not the CONTRACTOR has fully complied with the terms of this Agreement.

II. PAYMENT

Payment shall be made under the terms of Attachment **B**, which is incorporated by reference, according to all its provisions.

III. DURATION

Contractor must complete all required work within **90** calendar days after the effective date of this Contract.

IV. ASSIGNMENT

Contractor may not assign any interest under this contract without the City's prior written consent. All of the terms and provisions of this Contract are binding on Contractors successors and assigns and may be enforced by the City against such successors and assigns.

V. STATUS OF CONTRACTOR

The Contractor is an Independent Contractor. Contractor and Contractor's employees are not the agents, servants or employees of the City.

VI. AMENDMENT OR MODIFICATION

This contract, including any attachments, constitutes the parties' entire agreement. This agreement may not be modified or replaced except by another signed written agreement.

VII. INDEMNITY

A. Definitions

For the purpose of this section the following definitions apply:

"City" shall mean all officers, agents and employees of the City of Abilene.

"Claims" shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.

"Contractor" includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.

"Contractor's employees" shall mean any employees, officers, agents, subcontractors, licensee and invitees of Contractor.

"Damages" shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:

(i) injury or damage to any property or right

(ii) injury, damage, or death to any person or entity

(iii) attorneys fees, witness fees, expert witness fees and expenses, and

(iv) all other costs and expenses of litigation

"Premise Defects" shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

"Proven" shall mean that a court of competent jurisdiction has entered a final unappealable judgment on a claim adjudging an entity or person liable for a monetary judgment.

"Sole negligence" shall mean negligence of a party that is unmixed with the fault of any other person or entity.

B. Indemnity

The Contractor must indemnify, hold harmless, and defend the City from and against liability for any claims arising out of the Contractor's work and activities conducted in connection with this Contract.

The Contractor is an independent contractor and is not, with respect to its acts or omissions, an agent or employee of the City.

Contractor must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Contractor's employees while in the vicinity where the work is being done. The City is not liable or responsible for the negligence or intentional acts or omissions of the Contractor or Contractor's employees.

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects. Responsibility for all such defects is expressly assumed by the Contractor.

The City and Contractor must provide the other prompt and timely notice of any covered event which in any way affects or might affect the Contractor or City. The City has the right to compromise and defend the same to the extent of its own interests.

BOTH CITY AND CONTRACTOR EXPRESSLY INTEND THIS CONTRACT'S INDEMNITY PROVISION TO REQUIRE CONTRACTOR TO INDEMNIFY AND PROTECT THE CITY FROM THE CONSEQUENCES OF THE CITY'S OWN NEGLIGENCE WHILE CITY IS PARTICIPATING IN THIS CONTRACT, WHERE THAT NEGLIGENCE IS A CONCURRING CAUSE OF THE DAMAGES. THIS CONTRACT'S INDEMNITY PROVISION DOES NOT APPLY TO ANY CLAIM WHERE DAMAGE IS PROVEN TO RESULT FROM THE SOLE NEGLIGENCE OF THE CITY.

VIII. INSURANCE

A. GENERAL REQUIREMENTS

The Contractor agrees to maintain the type and amounts of insurance required in this contract throughout the term of the agreement. The Contractor is solely responsible for providing the required certificates of insurance. The City may terminate this agreement if the Contractor fails to timely comply with the insurance requirements.

The required insurance must be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies are subject to examination and approval by the City for their adequacy as to content, form of protection, and providing company.

The required insurance naming the City as additional insured must be primary insurance and not contributing with any other insurance available to City, under any third party liability policy.

Before the City executes the notice to proceed with any work under this agreement, the Contractor must provide the City Secretary with either an original certificate of insurance or a certified copy of the insurance policy evidencing the required insurance. Thereafter, the Contractor must furnish new certificates or copies of the policy before the expiration date.

Texas Labor Code Section 406.096 requires a city to ensure that contractors carry workers' compensation for each employee when the city is a party to any "building or construction contract." The code enumerates that "building and construction" includes:

(A) erecting or preparing to erect a structure, including a building, bridge, roadway,public utility facility, or related appurtenance;

(B) remodeling, extending, repairing, or demolishing a structure; or

(C) otherwise improving real property or an appurtenance to real property through similar activities.

B. ADDITIONAL REQUIREMENTS

The required liability insurances and their certificates must:

1. Name the City as an additional insured for operations under this contract.

2. Provide for 30 days advance written notice of cancellation or material change.

C. TYPES AND AMOUNTS OF INSURANCE

The following insurance is required under this contract:

Type	Amount
_x_1. Workers' Compensation Employer's Liability	Statutory $100,000 per occurrence
_x_2. Commercial (Public) Liability including, but not limited to: • Premises/Operations • Independent Contractors • Products/Completed Operations • Contractual Liability (insuring above indemnity) and where the exposures exist • Explosion Collapse and Underground	$500,000 combined single limit for bodily injury and property damage (per occurrence)
_x_3. Business Automobile Liability to include coverage for: • Owned/Leased Autos • Non-Owned Autos • Hired Cars	$500,000 combined single limit for bodily injury and property damage (per occurrence)
___4. Professional Liability	$500,000 combined single limit (per occurrence)
___5. See Addendum for Special Coverages and/or revisions	
___6. No Insurance Required	

IX. VENUE, CHOICE OF LAW AND INTERPRETATION

Venue for any cause of action arising under this contract is Taylor County, Texas. This contract is governed by the laws of the State of Texas both as to interpretation and performance. This contract shall, in any dispute over its meaning or application, be interpreted fairly and reasonably, and not more strongly for or against either party.

X. VERIFICATION OF EMPLOYMENT ELIGIBILITY

Contractor must comply with the Immigration Reform and Control Act (IRCA) and may not knowingly obtain labor or services of an unauthorized alien. Contractor -- not City -- must verify eligibility for employment as required by IRCA.

XI. INDEBTEDNESS TO CITY

Contractor agrees that no payments owed by him, of any nature whatsoever, to the City, including payment in advance for service charges or any sums of any character whatsoever, shall become delinquent or in arrears.

The City will not knowingly award contracts for goods or services to any bidder in arrears to the City for any debt, claim, demand, or account whatsoever, including taxes, penalty and interest. Contractor is responsible for ensuring that no indebtedness exists.

Section 130 of the City Charter authorizes the City to counterclaim and offset against any debt, claim, demand or account owed by the City to any person, firm or corporation in arrears to the City for any debt, claim, demand or account of any nature whatsoever, including taxes, penalty and interest.

XII. EQUAL EMPLOYMENT OPPORTUNITY

It is the City's policy to recruit, employ, and to provide compensation, promotion, and other conditions of employment without regard to race, color, religion, sex, age, national origin, or disability. The City affirms that employment decisions shall be made only on the basis of bonafide occupational qualifications. The City shall continually review its employment practices and personnel procedures and take positive steps to assure that equality of employment opportunity in the City of Abilene, Texas, is a fact as well as an ideal.

XIII. MINORITY AND WOMEN BUSINESS ENTERPRISES

The City hereby gives notice that Minority and Women Business Enterprises will be afforded equal opportunities to submit bids in for this contract and will not be discriminated against on the grounds of race, ethnicity, color, sex, religion or national origin in awarding the contract. Technical assistance is available to Minority and Women Business Enterprises through the Texas Tech University Small Business Development Center, 749 Gateway St., #301, Building C, Abilene, Texas, 79602, 325-670-0300.

XIV. SALES TAX

The City qualifies as an exempt agency under the Texas Limited Sales, Excise and Use Tax Act (the Tax Act), and is not subject to any State or City sales taxes on materials incorporated

into the project. Labor used in the performance of this contract is also not subject to State or City sales taxes. The City will provide an exemption certificate to the Contractor. The Contractor must have a sales tax permit issued by the Comptroller of Public Accounts and shall issue a resale certificate complying with the Tax Act, as amended, when purchasing said materials. The Contractor is responsible for any sales taxes applicable to equipment purchases, rentals, leases, consumable supplies which are not incorporated into the project, tangible personal property purchased for use in the performance of this contract and not completely consumed, or other taxable services used to perform this contract, or other taxes required by law in connection with this contract.

XV. COMPLIANCE WITH LAWS, CHARTER, ORDINANCES

Contractor, its agents, employees and subcontractors must comply with all applicable federal and state laws, the charter and ordinances of the City of Abilene, and with all applicable rules and regulations promulgated by local, state and national boards, bureaus and agencies. Contractor must obtain all necessary permits and licenses that are required in completing the work contracted for in this agreement.

XVI. PAYMENT AND PERFORMANCE BONDS

If the value of this Bid is below $50,000, Performance and Payment Bonds are not required; however, the City will not pay the Contractor until the work is accepted and the Contractor furnishes an acceptable Release of Lien and Affidavit of Bills Paid to the City.

If the value of this Bid exceeds $50,000, the Contractor must also furnish a payment bond. If the value of this Bid exceeds $100,000, the Contractor must furnish a performance bond when the Contract is executed and delivered to the City. The Bonds, for the full amount of the contract, must be executed by a corporate surety company authorized to do business in the State of Texas and acceptable to the City. Bonds for projects using federal dollars must be underwritten by a surety name in the current list of "Surety Companies Acceptable on Federal Bonds" as published in the Federal Register by the Audit Staff Bureau of Accounts, U.S. Treasury Department.

The City may require additional security if the initial surety becomes insolvent, bankrupt, or otherwise financially unable to protect the City under the terms of the contract. The City's requiring new or additional security relieves neither the original surety nor the Contractor of their obligations under the contract. City may, without incurring any liability, stop work under the contract until Contractor furnishes additional security.

XVII. SEVERABILITY AND WAIVER

The partial or complete invalidity of one or more provisions of the Contract shall not affect the validity or continuing force and effect of any other provision. The failure of either party hereto

to insist, in any one or more instances, upon the performance of any of the terms, covenants or conditions of this Contract, or to exercise any right herein, shall not be construed as a waiver or relinquishment of such term, covenant, condition or right as respects further performance.

XVII. NOTICES

Any notices or other communications required or permitted under this agreement are sufficiently given if delivered personally or sent by registered or certified mail, postage prepaid, addressed to City at:

ATTN: Michael Rice
P.O. Box 60
Abilene, Texas 79604-0060

or to Contractor at:

ATTN: Clifford Densman, Clearfork Enterprises, Inc. dba Servpro
4573 FM 18
Abilene, Texas 79602

or to such other address furnished in writing by any party to the others. Notice will be deemed given as of the date so delivered or on the date of deposit in the United States mail, as the case may be.

XVII. COUNTERPARTS

This Contract may be executed in two or more counterparts (including fax, email, or electronic PDF counterparts), each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

XVIII. BOYCOTT OF ISRAEL

In accordance with Chapter 2270, Texas Government Code, a governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract.

This section only applies to a contract that: (a) is between a governmental entity and a company with 10 or more full-time employees, and (b) has a value of $100,000 or more that is to be paid wholly or partly from public funds of the governmental entity. Additionally, "company" does not include a sole proprietorship.

If this section is applicable, the signatory executing this contract on behalf of company verifies that the company does not boycott Israel and will not boycott Israel during the term of this contract.

XIX. SECTIONS AND OTHER HEADINGS

Section, paragraph, and other headings contained in this Contract are for reference purposes only and do not affect in any way the meaning or interpretation of this Contract.

{Remainder of Page Intentionally Left Blank—Signature Page Follows}

IN WITNESS HEREOF, the parties hereto have executed this contract effective as of the date written above:

CITY OF ABILENE

By: _____

Name: Robert Hanna

Title: City Manager

CONTRACTOR

By: Clifford Dens

Name: Clifford Densman

Title: Pres. & owner

ATTEST:

_____

City Secretary

Federal Tax ID#: 75-1732860

APPROVED:

By: _____

City Attorney

Corporate Seal if applicable

ATTACHMENT A

Scope of Work

All work to be done in accordance with City Hall Mold Remediation Protocol.

Requirements for Remediation Bid:

HVAC State License #
State License Mold Remediation Contractor
State License Mold Remediation Company
Company must have all required insurance
Must be bonded
Must attend the mandatory pre-bid meeting/walk-through.

King Consultants
Environmental
1205 E. 46th Street
Lubbock, Texas 79404
(806) 763-6157
1-800-658-6018

MOLD REMEDIATION PROTOCOL

City Hall
555 Walnut Street, Abilene, TX 79601

PREPARED FOR:

Travis McClure
City of Abilene
555 Walnut St
Abilene, Texas 79601

Phone: 325-676-6497
Email: travis.mcclure@abilenetx.gov

PREPARED BY:

King Consultants, Inc.
1205 E 46th Street
Lubbock, Texas 79404

Corporate Office

King Consultants, Inc.
1205 E. 46th Street
Lubbock, Texas 79404

PHONE: (806) 763-6157
Fax (806) 763-6160

King Consultant Job Number: 19-06-278

WRITTEN BY:

Benji Rumsey

Benji Rumsey, Consultant, MAC 1537
Expire 05/20/20

DATE OF ISSUE: **August 20, 2019**

PART 1 – GENERAL

The remediation activities shall comply with this Mold Remediation Protocol, the Texas Department of Health Service's Mold Assessment and Remediation Rules and, where applicable, regulations of the US Environmental Protection Agency (EPA), the US Occupational Safety and Health Administration (OSHA), and any other applicable state or local regulations. Whenever there is a conflict or overlap among or between the above references, the most stringent provisions shall apply. Due to the size and scope of this project, **the contractor is required** to submit a notification to the Texas Department of State Health Services.

These specifications do not address asbestos, lead, or other environmental, health and safety hazards. It is the sole responsibility of the Remediation Contractor to comply with all applicable regulations. The Remediation Contractor is solely responsible for protection of health, safety and the environment at the job site. The Remediation Contractor is solely responsible for all required training and licensure related to any work covered by this Mold Remediation Protocol.

Project: **City Hall of Abilene, 555 Walnut St, Abilene, TX 79601**

This project includes the cleaning of the following areas.

Area of Cleaning and Removal:

- **Disassembly of blower assembly for cleaning HVAC unit**
- **Cleaning of all air ducts on the 1st and 2nd floor and general wipe down of affected areas**

The following cleaning and sanitizing should be completed in the above spaces. All hard surfaces shall be cleaned with a *five parts water to one part bleach solution, called the bleach solution.*

1. **Erect a containment to enclose mechanical rooms on the 1st and 2nd floor. The containment must be installed following the guidelines outlined in the protocol. Each floor shall be remediated on separate weekends with work starting on a Friday and completed by Sunday.**

2. **Blower assemblies shall be detached by West Tech on Friday morning and reassembled on Sunday. Units shall be inspected to insure proper functioning after reinstalling. Remediation company can not start remediation until electrical on HVAC units have been locked out and tagged out.**

3. **Remediation company must coordinate with West Tech on scheduling remediation**

4. **Before any cleaning is performed all desk, tables, and contents shall be covered with plastic to keep from secondary damage.**

5. **Air scrubbers shall be placed on start date throughout the 1st and 2nd floor during cleaning and removed on Sunday after tear down of containment and general cleaning.**

6. **All air handlers and blower assemblies on 1st and 2nd floor shall be cleaned with a dry ice machine. All areas must be cleaned by hand that are not assessable by dry ice machine.**

7. **A dehumidifier must be placed in the contained area to control humidity during cleaning.**

8. **Ceiling tiles must be removed were needed to access duct work. Any ceiling tiles damaged from removal or found with water damage must be replaced.**

9. **Remediation company shall cut access panels to gain access to the main trunk lines for cleaning. All intrusions made in duct work shall be sealed or access panel doors installed. If access panel doors are installed, remediation company is to make sure that the CFM is low enough not to create excessive noise. All accesses cut into duct work shall be sealed per State HVAC codes.**

10. **Remediation company is responsible for using the correct duct cleaning system for each area. Before and after pictures must be provided of interior duct work after completion of project. All access openings shall be marked on a floor plan and provided to Lowell Phillips Facilities Maintenance Director.**

11. **All VAV boxes shall be thoroughly cleaned. All filters shall be replaced.**

12. **All registers, return grills, and all other components of the HVAC system must be thoroughly cleaned.**

13. **All scaffolding must have safety rails and lockable wheels, and all OSHA safety guidelines must be followed. Remediation company is responsible for not damaging any building material during cleaning process.**

14. **A general cleaning of walls, floors, and other surfaces on the 1st and 2nd floor with the cleaning solution and HEPA vacuum after duct cleaning is completed.**

15. **All areas of the containment shall be thoroughly HEPA vacuumed and cleaned with a cleaning solution.**

16. **Once HVAC system has been cleaned and all cleaning has been performed, the area is to be treated with an EPA approved disinfectant fog. The area above the dropdown ceiling shall be fogged due to the open-air system, along with all areas of the 1st and 2nd floor.**

17. **All SDS sheets for cleaning solutions must be provided to the client and King Consultants before project begins.**

18. **Remediation company shall request a city employee to be on call during remediation in case a door needs to be unlocked or a problem with an alarm occurs or if any issue arises.**

19. **If damage or growth is discovered on additional material in either area of the building, it may be necessary to remove this material as well. King Consultants must be notified if this occurs.**

1.01 SUMMARY OF AFFECTED AREAS REQUIRING REMEDIATION

This project consists of the removal and cleaning of the material as listed below:

- Removal of blower assembly and cleaning of HVAC system
- Cleaning of 1st and 2nd floor

1.01A CORRECTIVE ACTION PRIOR TO REMEDIATION

In accordance with the Texas Department of State Health Services Mold Assessment and Remediation Rules, the following activities necessitate completion *prior to* the commencement of the Remediation Scope of Work:

1. Set up a containment in accordance with this Work Protocol isolating the work area from the rest of the building
2. Seal all supply and return ducts in the contained area prior to beginning any work.

1.02 SCOPE OF WORK

Provide a copy of the state mandated Mold Remediation Contractor's Work Plan based on this Scope of Work and Protocol to King Consultants, Inc. at least 48 hours before beginning work.

A. Delineation of Containment(s)

1. The area of contamination should be isolated from the other areas to prevent any contamination outside of the work area due to the contaminates being disturbed during remediation.
2. The area of containment shall be as marked on the floor plan.

B. Personal Protective Equipment Requirements:

1. Full personal protective equipment should be worn in all Full Containment areas as outlined in Section 2.01 – PERSONAL PROTECTIVE EQUIPMENT.
2. The Remediation Contractor shall insure that OSHA appropriate personal protective equipment is worn while remediating any areas of the office.
3. Refer to Section 2.01 for further PPE guidance.
4. Contractor assumes all responsibility for PPE compliance.

C. Specific setup procedure.

1. Isolate and place those designated areas under Full Containment as per sections 2.03 ENGINEERING CONTROLS and 3.01 PROCEDURES – FULL CONTAINMENT. Construct and utilize a single entry into the containment area(s).

2. Isolate and contain those designated areas under Minimal Containment as per Sections 2.03 ENGINEERING CONTROLS and 3.01 PROCEDURES – MINIMAL CONTAINMENT.

3. Where applicable place ample dehumidification equipment throughout each containment area to maintain relative humidity at 50% (± 5%) during the remediation process.

4. Critical all HVAC register openings in the area of contamination.

5. In place, clean and sanitize all floor, wall and ceiling surfaces and the contents as per section 3.01 PROCEDURES in the contaminated area

6. Proceed with removal activities.

D. Removal activities:

Removal activities shall be as outlined in section 1.01.

1.03 SPECIAL CONDITIONS

The following special conditions shall apply to this project.

A. **THE REMEDIATION CONTRACTOR SHALL NOTIFY THE OWNER AND THE CONSULTANT PIOR TO THE COMENSENMANT OF WORK.** Subsequently, coordinate a post-material removal inspection and, finally, a limited post-remediation sampling event. The Remediation Contractor shall not apply long-term anti-microbial compounds (e.g. quaternary ammonia coatings, etc.) until the post-remediation evaluation by the Project Consultant has been successfully completed and then only in a manner consistent with Texas Department of State Health Services rules.

B. Clearance criteria: clearance air samples shall be taken after all remediation is complete to assure that the level of microbial spores is no greater than the outside air, or that microbial levels are low enough to not of concern.

C. The Remediation Contractor shall re-clean and re-sanitize at his/her expense if the post remediation samples fail to meet the above criteria. This process of re-cleaning and re-sanitization shall continue at the Remediation Contractor's expense until a successful post remediation is achieved. ***THIS SECTION WILL NOT BE APPLICABLE IF THERE ARE SPECIAL OR UNUSUAL CONTAMINATION CONDITIONS DISCOVERED DURING THE REMEDIATION ACTIVITIES AND KING CONSULTANTS, INC. IS CONTACTED AND AGREES IN WRITING THAT THIS WOULD SUBSTANTIALLY CHANGE THE SCOPE OF WORK AND AFFECT POSSIBLE POST REMEDIATION EVALUATION.***

D. If the door cannot be left open to allow negative air units to be installed, then the work shall take place in "scrub mode" utilizing air scrubbers in the containment, as well as outside the containment.

PART 2 – PRODUCTS

2.01 PERSONAL PROTECTIVE EQUIPMENT:

FULL PROTECTION:

A. Provide and use adequate respirator for worker protection in accordance with OSHA guidelines

B. Provide and use, at a minimum, HEPA filters labeled with NIOSH and MSHA Certification for "Radionuclides, Dust, Fumes, Mists including Asbestos – Containing Dusts and Mists" and color-coded in accordance with ANSI Z22.8 (1980). In addition, acid gas organic vapor respirators (to protect against bleach and organic vapors) shall be provided and used. Provide cartridges that have each section of the combination canister labeled with appropriate color code and NIOSH/MSHA certification. Comply with 29 CFR 1910.134.

C. Provide and use disposable protective clothing, protective gloves, e.g., polynitrile, etc., headwear, and proper footwear.

MINIMUM PROTECTION:

A. Provide and use, at a minimum, NIOSH certified N-95 dust masks.

B. Provide and use eye protection.

C. Provide and use disposable protective gloves, e.g., polynitrile, etc.

2.02 MATERIALS

A. Stiff brooms, hand brushes, scrapers, toothbrushes, rough edge sponges and cleaning cloths shall be utilized during sanitization procedures. All equipment shall be new and/or sanitized prior to being used on this project. All material and equipment used in containment that is not conducive to sanitization shall be disposed of.

B. Polyethylene sheeting of 4 and 6 mil thickness that is clear, opaque or black shades and moisture resistant duct tape and spray on glue capable of continuously sealing polyethylene through project abatement duration.

C. Polyethylene bags of 6-mil thickness such as those used for asbestos-containing waste.

D. Airless sprayers or other proper sprayer is to be used for dust control and application of sanitization solution (as directed).

E. A wet-vacuum cleaner and a HEPA-filtered vacuum cleaner. All units should be cleaned and sanitized and new filters installed prior to beginning the project. All filters shall be disposed of as contaminated waste material at the end of this project.

F. Ground Fault Circuit Interrupters (GFCI) to be used on all electrical equipment within the containment.

2.03 ENGINEERING CONTROLS (GENERAL INFORMATION):

The following descriptions for the construction of the containment may not be applicable to all remediation projects; however, the Remediation Contractor should refer to this section if any of the following details are specified.

A. Critical Barriers – Containment areas within which remediation activities are to be conducted shall be separated from adjacent areas by impermeable barriers with a minimum of one (1) layer of 6-mil polyethylene sheeting attached securely in place and completely sealed with tape. All openings between the containment area(s) and adjacent area(s), including but not limited to windows, doorways, elevator openings, corridor entrances, ventilation openings, drains, ducts, grills, grates, diffusers, skylights, etc., shall be sealed. All cabinets, shelving, etc., that have cracks, holes or other openings shall also be sealed.

B. Movable Objects – All movable objects shall be cleaned and removed from the containment area(s), as specified in the Scope of Work. All non-movable objects that remain in the containment area(s) shall be cleaned and covered with at least one (1) layer of 4-mil polyethylene sheeting and secured in place. All fabric and/or soft materials shall be HEPA vacuumed; all hard surfaces shall be wet-wiped with the sanitization solution or detergent. The sanitization solution shall not be used on any surface that may be damaged. All clothing shall be thoroughly washed and triple rinsed.

C. Floors – If required, floor sheeting shall consist of at least one (1) layer of 6-mil polyethylene sheeting. The sheeting shall be overlapped at least one (1) foot and completely sealed with tape. In certain locations containing hard wood, marble or other sensitive flooring components, corrugated cardboard should be applied on top of the finished floor prior to the application of the polyethylene sheeting in order to provide additional protection.

D. Walls – If required, wall sheeting shall consist of at least one (1) layer of 6-mil polyethylene sheeting and shall be constructed in such a manner to prevent falling during normal use. Wall sheeting attached to structural walls shall be held in place with staples and/or furring strips. Wall sheeting that is not to be supported by structural walls shall be supported by PVC or wood frames and held in place with staples and/or furring strips. All sheeting shall be overlapped at least one (1) foot and completely sealed with tape.

This applies only to walls that are not a part of the work area and/or walls that are not removed but will other wise be sanitized.

G. Full Containment Area Ventilation – Air Filtration Devices with HEPA filtration and in a sufficient number to provide a negative pressure between the containment and outside areas shall be operated continuously from the time containment is established through the time acceptable final post-remediation results are obtained. All units should be clean and sanitized with new filters installed prior to the beginning of the project. All units utilized to provide clean filtered air into the containment area shall be vented to the interior of the or the building. The Remediation Contractor shall carefully coordinate with the Assessment Consultant and Property Owner prior to the establishment of the Air Filtration Device's exhaust into a particular area. Air exhaust locations will be secured from criminal entry by using burglar bars or other satisfactory method during the remediation process and protected against water intrusion during rainfall events. Provisions for make up air should be made; dedicate a portion of a wall critical barrier for fresh make-up air. Ensure that each make-up air opening is adequately filtered. All filters shall be disposed of as contaminated waste material at the end of the project.

H. De-Humidifiers – Air dehumidifiers should be utilized as required in the Scope of Work When Required and in a manner consistent with maintaining the relative humidity to approximately 50 % (± 5%) during the remediation/sanitization activities until the project's Post Remediation Assessment Passed Clearance Report has been issued.

I. De-Contamination System – At a minimum, a worker decontamination enclosure system in the Full Containment area(s) shall be used consisting of a single chamber. This chamber should be of sufficient size to allow for the movement of workers, equipment and waste material.

PART 3 – EXECUTION

3.01 PROCEDURES – (AS REQUIRED IN THE SCOPE OF WORK)

When delineating containments, the Remediation Contractor should plan for the need to expand the containment area if additional contamination is identified during the remediation activities. Any decision regarding the expansion of the containment(s) shall be done after consultation with the project's Assessment Consultant. Under no circumstances shall the Contractor modify the containment to a smaller size than it was initially established.

B. Full Containment Procedures (See Section 2.03 for details):

1. Install critical barriers to isolate the containment area. Construct no less than a one-stage de-contamination system into the containment area. In addition to the critical barriers separating the affected area from adjacent areas, the Remediation Contractor shall also install critical barriers to isolate all immovable objects that cannot be wet-wiped or that have openings that cannot be cleaned.

2. All polyethylene sheeting seams should be completely sealed with adequate tape.

3. Install Air Filtration Devices and make operational ensuring a minimum of four (4) air changes per hour of negative air pressure. Negative air pressure is defined as no less than 0.02 inches e.g.

4. Install ample dehumidification and make operational during the sanitization and post-remediation when required.

5. Notice Signs, Signs advising that a mold remediation project is on progress shall be displayed at all accessible entrances to remediation areas. The signs shall be at least eight (8) inches by ten (10) inches in size and shall bear the words "**NOTICE:** Mold remediation project in progress" in black on a yellow background. The text of the sings must be legible from a distance of ten (10) feet.

C. Minimal Containment Procedures (See Section 2.03 for details):

1. Isolate and critical the HVAC system throughout the containment area.

2. Install critical barriers to isolate the containment area.

3. All polyethylene sheeting seams should be completely sealed with adequate tape.

4. Air Filtration Devices may be required to operate in scrub mode as directed in the Scope of Work.

3.02 SANITIZATION PROCEDURES (MANDATORY)

The following procedures shall be followed at the completion of the demolition activities defined in the Scope of Work and are a part of the final cleanup. The Assessment Consultant shall be

notified *no less than 48 hours prior to the completion when possible of the demolition* for a visual inspection. This inspection shall be conducted prior to beginning the sanitization process.

A. The Remediation Contractor shall initially wet-vacuum all debris within the containment area(s).

   Note: Prior to vacuuming, sand or other wise clean all ceiling studs, rafters and roof decking exposed during the remediation activities. Special care should be given to discolored building materials.

B. The sanitization solution shall consist of a approved mixture unless otherwise specified by the Assessment Consultant in the Scope of Work.

C. The Remediation Contractor shall spray the sanitization solution over all surfaces identified as contaminated. The Remediation Contractor should use a sufficient amount of solution to wet all affected areas, but not to cause excessive pooling of water or solution. Special attention should be made at all cracks and crevices, particularly at the framing joints, as these shall be located and subject to post-remediation sampling.

D. The Remediation Contractor shall wait approximately 30 minutes between the application of the sanitization solution and beginning the clean-up phase.

E. The Remediation Contractor shall use stiff brooms, hand brushes and toothbrushes to scrub all affected surfaces within the containment area(s). Special attention should be made at all cracks and crevices, particularly at the framing joints, as these areas shall be sampled.

F. At the completion of the initial clean-up, the Remediation Contractor shall HEPA vacuum and damp wipe all surfaces within the containment area(s) with clean cloth towels and fresh sanitization solution.

G. It should be noted that one HEPA vacuum and sanitization procedure might not be sufficient to satisfactorily clean the containment area and its affected surfaces. If the Remediation Contractor has any concerns regarding the effectiveness of the sanitization procedures, the Contractor should contact the project's Assessment Consultant.

3.03 POST REMEDIATION EVALUATION PROCEDURES

Post remediation evaluation for the project shall be accomplished with the collection of samples based on the following protocol. All negative pressure Full Containments and Minimum Containments shall remain operational and in place until all work areas have successfully passed sample analysis. The *Assessment Consultant shall be notified 48 hours prior to the remediation area's readiness when possible* for visual inspection and post-remediation sampling. The Remediation Contractor shall not apply long-term, anti-microbial compounds (e.g. quaternary ammonia coatings, etc.) until a Post-Remediation Report documenting a successful sampling event with the Assessment Consultant has been issued.

A. Air samples shall be collected utilizing an Anderson N-6 or similar type impactor for culturable fungi and Air-O-Cell® cassettes for total particle microscopic screen. These samples shall be collected from within the containment(s) area(s), adjacent areas outside the containment(s) and the exterior as appropriate.

If sample results from the Air-o-Cell sample are clear it will be recommended that the containment be removed. Should upon receiving the culturable samples there is evidence of continuing contamination further cleaning will be recommended.

If there is contamination present on the sampling taken in adjacent areas it will require further cleaning.

3.04 ASSESSMENT CONSULTANT COORDINATION

Coordination between the project's Assessment Consultant and the Remediation Contractor is essential in achieving a complete remediation project and first-time passed clearance post remediation evaluation. The Remediation Contractor should immediately contact the Assessment Consultant if any of the following circumstances occur.

A. Additional water damage and/or mold amplification is encountered that may alter the Scope of Work.

B. Wood components are encountered that remain blackened after repeated cleaning or appear to be rotted or in substantial decay. If removal of suspect materials substantially affects the Scope of Work, then the Assessment Consultant should be contacted immediately for resolution.

C. Any time there is a concern regarding the containment area construction, extent of the demolition and/or the effectiveness of the sanitization procedures.

- END OF DOCUMENT -

Floor Plan Legend

- C: C Series Controller
- B3: b3 Series Controller
- BC1: BCI Controller/Router
- EP: Expansion I/O Module
- R: BLink Repeater
- AH: Air Handling Unit
- B: Hot Water or Steam Boiler
- CH: Chiller
- CT: Cooling Tower
- CU: Condensing Unit
- DH: Electric Duct Heater
- E: Ethernet Connection
- EF: Exhaust Fan
- EP: Electrical Panel
- FP: Fan Powered Box
- H: Domestic Hot Water Heater
- P: Pump
- RT: Roof Top Unit
- UH: Unit Heater
- UV: Unit Ventilator
- V: Variable Speed Drive
- VA: Variable Air Volume Box
- W: Window Unit
- WS: Weatherstation
- Relay
- Non Thermostat
- Building Thermostat
- Network Thermostat
- Temperature Sensor
- Temperature Sensor w/ Ovrd
- Temperature Sensor w/ Stpt
- Temperature Sensor w/ Ovrd & Stpt
- Humidity Sensor
- Occupancy Capability
- Indoor Air Quality (CO2)

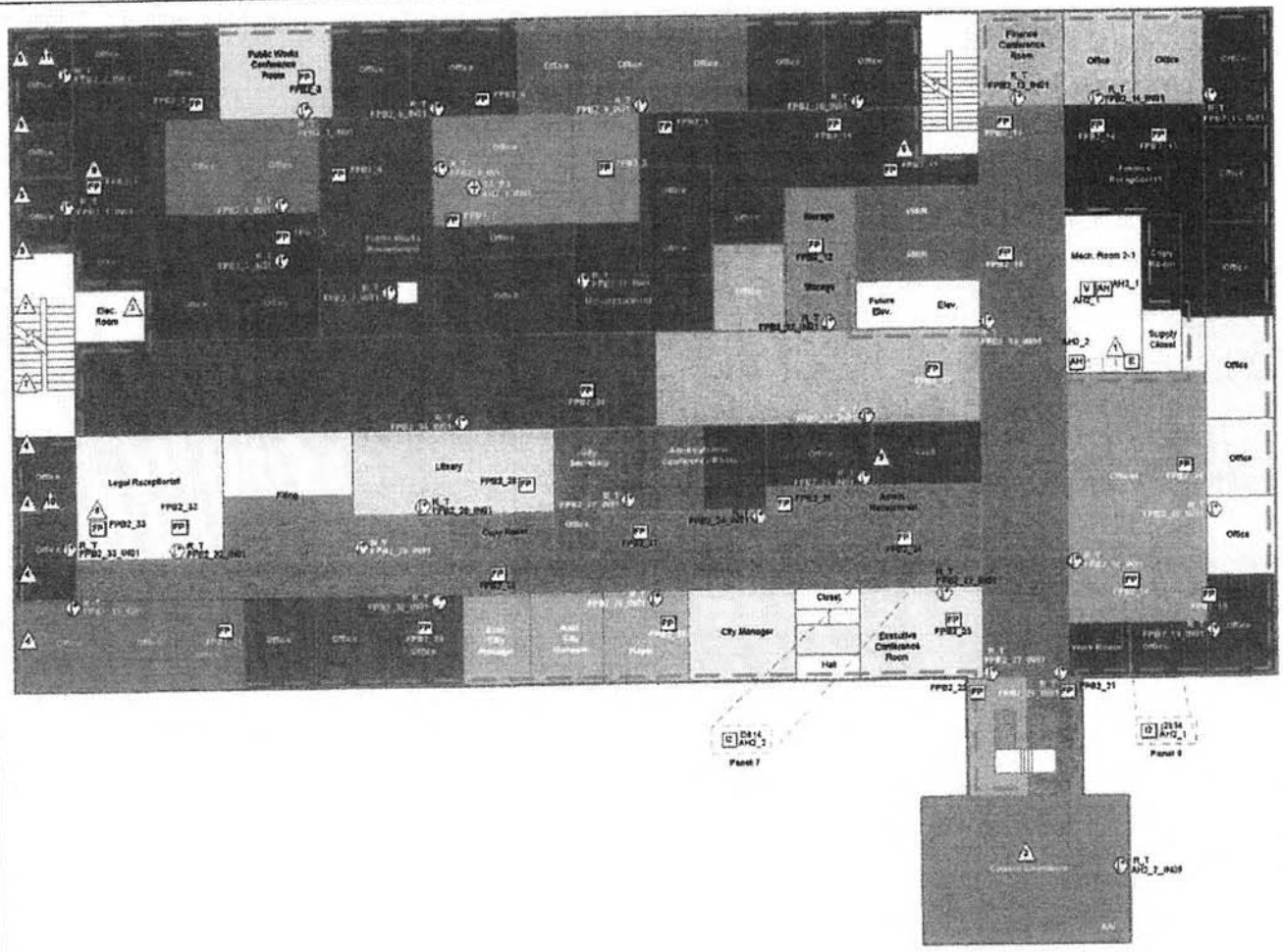
Color Legend

AH2_1	FPB2_13	FPB3_26
FPB2_1	FPB2_14	FPB3_27
FPB2_2	FPB2_15	FPB3_28
FPB2_3	FPB2_16	FPB3_29
FPB2_4	FPB2_17	FPB3_30
FPB2_5	FPB2_18	FPB3_31
FPB2_6	FPB2_19	FPB3_32
FPB2_7	FPB2_20	FPB3_33
FPB2_8	FPB2_21	FPB3_34
FPB2_9	FPB2_22	AH2_2
FPB2_10	FPB2_23	
FPB2_11	FPB2_24	
FPB2_12	FPB2_25	

Not Conditioned or Not Controlled

Floor Plan Notes

1. Reused existing control panels
2. 20' hard ceiling with gusset 3' below
3. Roof access
4. Four 7 x 7 Relief Dampers above ceiling controlled and powered from FPB2_33. Revised to AH2_1 controller using reference wiring 3-1.
5. Four 7 x 7 Relief Dampers above ceiling controlled and powered from FPB2_1. Revised to AH2_1 controller using reference wiring 3-1.
6. EAF runs at all times. Power source could not be located. EDR
7. Relief duct work capped off.
8. Incl/Exc relays for relief dampers installed here
9. EAF is three phase and does not run
10. Actuator does not respond to voltage. Left closed. EDR
11. Wasp nests just outside of damper. Actuator disconnected and damper left shut. EDR



General Notes

1. Drop ceiling unless otherwise noted.
2. Office areas have 7' walls with glass on top up to the drop ceiling.
3. Wire mold penetrates down drop ceiling along glass between wall and ceiling in the office areas.

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BENJI RUSSELL MOLD CONSULTANTS • MA 1507 • ASST

t.a.c by Schneider Electric
TAC - Dallas (D2)
1650 West Crosby Rd.
Carrollton, TX 75006
(972) 323-1111 Fax (972) 323-0496

Bill Of Materials

SA_RS	1	EPP102
R_T	1	ETR502
SA_PS	1	AA07

Rev #	Revision Description	Date
0	Record	01/13/10

Refer to Table of Contents for Revision History

Record Signature

Record Date

GMR	07/16/09	01/14/10	01/14/10
By	Created	Last	Current

PROJECT NAME: City of Abilene

SITE: City Hall

BUILDING: 555 Walnut St.

ADDRESS: Abilene, TX 79601

PBS & J 1015

RECORD DRAWING

PAGE TITLE: 2nd Floor Plan

PROJECT #: PC07P0075

PRINT DATE: 01/14/10 TIME: 06:27 AM

FILE: CA_City Hall_Record.vsd PAGE: 8 of 62

ATTACHMENT B

PAYMENT SCHEDULE

OPTION 1 _____

Compensation is based on actual hours of work/time devoted to providing the described professional services and will be paid at a rate of $_____ per hour not to exceed $_____.

Contractor must submit monthly invoices to City accompanied by an explanation of charges, professional fees, and services. City will pay invoices according to its normal payment procedures.

OPTION 2 __x____

Payment is in a lump sum amount of $**95,306.00** upon completion of the work and written acceptance by City's Project Representative.

No mechanic, contractor, subcontractor, materialman or other person can or will contract for or in any other manner have or acquire any lien upon any building or work covered by the contract or the land upon which the same is situated.

Before final acceptance of this project by the City, the Contractor must execute and provide City with an Affidavit that all bills for labor, materials and incidentals incurred by subcontractors, materialmen, mechanics and suppliers under this agreement have been paid in full, and that there are no claims pending of which Contractor has been notified.

OPTION 3 _____

Payment is a fixed fee amount of $_____ payable per _____ upon completion of the work and written acceptance by City's Project Representative.

No mechanic, contractor, subcontractor, materialman or other person can or will contract for or in any other manner have or acquire any lien upon any building or work covered by the contract or the land upon which the same is situated.

Before final acceptance of this project by the City, the Contractor shall execute and provide City with an Affidavit that all bills for labor, materials and incidentals incurred by subcontractors, materialmen, mechanics and suppliers under this agreement have been paid in full, and that there are no claims pending of which Contractor has been notified.

ATTACHMENT C

STATE MANDATED WORKERS' COMPENSATION INSURANCE LANGUAGE

THIS ATTACHMENT IS ONLY APPLICABLE IF WORKERS' COMPENSATION COVERAGE IS PROVIDED

a. Definitions

Certificate of coverage ("certificate") - a copy of a certificate of insurance, a certificate of authority to self-insure issued by the commission, or a coverage agreement (TWCC-81, TWCC-82, TWCC-83, orTWCC-84), showing statutory workers' compensation insurance coverage for the person's or entity's employees providing services on a project, for the duration of the project.

Duration of the project - includes the time from the beginning of the work on the project until the contractors'/person's work on the project has been completed and accepted by the City.

Persons providing services on the project ("subcontractors" in 406.096) - includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes, without limitation, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnishes persons to provide services on the project. "Services" include, without limitations, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

b. The Contractor shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the contractor providing services on the project, for the duration of the project.

c. The Contractor must provide a certificate of coverage to the City prior to being awarded the contract.

d. If the coverage period shown on the Contractor's current certificate of coverage ends during the duration of the project, the Contractor must, prior to the end of the coverage period, file a new certificate of coverage with the City showing that coverage has been extended.

e. Contractor shall obtain from each person providing services on a project and provide to City:

(1) a certificate of coverage, prior to that person beginning work on the project, so the City will have on file certificates of coverage showing coverage for all persons providing services on the project; and

(2) no later than seven (7) days after receipt by the Contractor, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project.

f. The Contractor shall retain all required certificates of coverage for the duration of the project and for one (1) year thereafter.

g. The Contractor shall notify the City in writing by certified mail or personal delivery, within ten (10) days after the Contractor knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project.

h. The Contractor shall post on each project site a notice, in the text, form and manner prescribed by the Texas Workers' Compensation Commission, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.

i. The Contractor shall contractually require each person with whom it contracts to provide services on a project to:

(1) provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section401.011(44) for all of its employees providing services on the project, for the duration of the project;

(2) provide to the Contractor, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing service on the project, for the duration of the project;

(3) provide the Contractor, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(4) obtain from each other person with whom it contracts, and provide to the Contractor:

(a) a certificate of coverage, prior to the other person beginning work on the project; and

(b) a new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(5) retain all required certificates of coverage on file for the duration of the project and for one (1) year thereafter;

(6) notify the City in writing by certified mail or personal delivery, within ten (10) days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing service on the project;

(7) contractually require each person with whom it contracts, to perform as required by paragraphs (1) - (7),with the certificates of coverage to be provided to the person for whom they are providing services.

j. By signing this contract or providing or causing to be provided a certificate of coverage, the Contractor is representing to the City that all employees of the Contractor who will provide services on the project will be covered by workers' compensation coverage for the duration of the project, that the coverage will be based on proper reporting of classification codes and payroll amounts, and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the commission's Division of Self-Insurance Regulation. Providing false or misleading information may subject the Contractor to administrative penalties, criminal penalties, civil penalties, or other civil actions.

k. The Contractor's failure to comply with any of these provisions is a breach of contract by the Contractor which entitles the City to declare the contract void if the Contractor does not remedy the breach within ten (10) days after receipt of notice of breach from the City.

(End of Document)

Award Bid to Clearfork Enterprises, Inc. dba Servpro for HVAC Unit and Air Duct Cleaning in City Hall

CITY OF ABILENE TEXAS

HVAC Unit and Air Duct Cleaning in City Hall

- City Hall is in need or routine preventative maintenance with the HVAC system
- Project was advertised on Sept. 15th and Sept. 22nd
- Received 1 Bid on Oct. 1, 2019
- Low Bidder was Clearfork Enterprises, Inc. dba Servpro
- Low bid of $95,306.00
- Funded in the Minor Improvement Project Fund

CITY OF ABILENE TEXAS

Award Bid to Clearfork Enterprises, Inc. dba Servpro for HVAC Unit and Air Duct Cleaning in City Hall

Questions?

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Rodney Taylor, Director**

SUBJECT: **6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing a Professional Services Contract with Enprotec/Hibbs & Todd, Inc. for Design of Huckleberry Lane Lift Station Improvements *(Rodney Taylor)***

GENERAL INFORMATION

Water Utilities staff is requesting that the Abilene City Council approve a Professional Services Contract with Enprotec/Hibbs & Todd, Inc. (EHT) for the Huckleberry Lane Lift Station Improvements in the amount not to exceed $122,200.00. EHT is to provide drawings and contract documents, bidding assistance, contract administration, and general project supervision (not RPR) as described in the contract.

SPECIAL CONSIDERATIONS

The Huckleberry Lane Lift Station was likely constructed in the 1950's to serve commercial and residential needs in the vicinity of Highway 277 and Old Anson Road. The existing lift station is functional but it is in very poor condition and is not reliable. The poor design makes servicing the pumps and controls very difficult. The Engineer will incorporate into the design system reliability, ease of maintenance, emergency power, and compliance with TCEQ design criteria.

FUNDING/FISCAL IMPACT

Funding for the contract will come from the FY2020 annual operating budget of the Water Utilities Department.

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council approve the professional services contract with enprotec/Hibbs & Todd, Inc. in the amount not to exceed $122,200.00 for the Huckleberry Lane Lift Station Improvements as described above.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1.	WrittenResolution-WtrDpt-Authorize PS Contract with EHT for Huckleberry Lane Lift Station Improv-10-17-2019	WrittenResolution-WtrDpt-Authorize PS Contract with EHT for Huckleberry Lane Lift Station Improv-10-17-2019.docx
2.	Contract-PS-Eht-design 2019 Huckleberry Lift Station Improvements-10-17-2019	Contract-PS-Eht-design 2019 Huckleberry Lift Station Improvements-V2-10-17-2019.pdf
3.	Presentation-PS Contract-EHT-Huckleberry Lane Lift Station Improv-10-17-2019	Presentation-PS Contract-EHT-Huckleberry Lane Lift Station Improv-10-17-2019.pptx

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH ENPROTEC/HIBBS & TODD, INC. FOR THE HUCKLEBERRY LANE LIFT STATION IMPROVEMENTS.

WHEREAS, the City of Abilene (Abilene) owns and operates the sewer collection system and the Hamby Water Reclamation Facility (HWRF) for the collection and treatment of the municipal sewage generated by Abilene and its contracted customers; and

WHEREAS, the Huckleberry Lane Lift Station receives sewage flows from homes and commercial businesses located in northwest Abilene and in the general vicinity of the intersection of Highway 277 North and Old Anson Road; and

WHEREAS, the Huckleberry Lane Lift Station was installed in the 1950's, is in very poor condition, is difficult to maintain and repair, and is not reliable; and

WHEREAS, the professional services contract with Enprotec/Hibbs & Todd, Inc. will provide for the preparation of design plans and contract documents, bidding assistance, contract administration, and general project supervision (not RPR) for the Huckleberry Lane Lift Station Improvements in an amount not to exceed $122,200.00; and

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

That the City Manager is authorized to execute the professional services contract with Enprotec/Hibbs & Todd, Inc. for the Huckleberry Lane Lift Station Improvements in an amount not to exceed $122,200.00.

ADOPTED this 17th day of October 2019.

ATTEST:

_____
Shawna Atkinson, City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley E. Smith, City Attorney

CITY OF ABILENE

PROFESSIONAL SERVICES CONTRACT
Engineers & Architects

This contract, dated the _____day of_____, 2019, is between the City of Abilene, a home rule municipal corporation of the State of Texas ("City"), and Enprotec/ Hibbs & Todd, a Corporation organized under the laws of the State of Texas ("Consultant").

The City is engaged in Huckleberry Lift Station Project and desires to engage the services of Consultant, as an independent contractor and not as an employee, to assist in the project and to render his or her or its services on the terms and conditions provided in this Contract.

The Consultant is a[n] qualified architect/engineer properly licensed/certified to practice in the State of Texas. Consultant desires to render professional services to the City on the terms and conditions provided in this Contract.

The Consultant must perform services with the professional skill and care ordinarily provided by competent engineers or architects practicing in the same or similar locality and under the same or similar circumstances and professional license, and as expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

THEREFORE, the City engages the services of the Consultant. In consideration of the mutual promises contained in this Contract, the parties agree as follows:

I. TERMS

In consideration of the compensation stated in paragraph II, the Consultant must provide all services as described in Attachment A, which is incorporated by reference for all purposes. The Consultant must complete all services by a mutually agreed upon date.

II. FEE

For the services to be rendered under this Contract, the Consultant will be entitled to a fee as described in Attachment B, which is incorporated by reference for all purposes.

III. FACILITIES

The Consultant will furnish all facilities and equipment that may be necessary to perform services required under this agreement.

IV. ASSIGNMENT

The Consultant may not assign in whole or in part any rights, duties, obligations or interest arising from this agreement without the City's prior written consent. In the event of an assignment by the Consultant to which the City has consented, the assignee or assignee's legal representative must agree in writing with the City to personally assume, perform, and be bound by all the provisions of this Contract. All of the terms and provisions of this Contract are binding on Consultant's successors and assigns and may be enforced by the City against such successors and assigns.

V. STATUS OF CONSULTANT

The Consultant is an Independent Contractor. Consultant and Consultant's employees are not the agents, servants or employees of the City.

VI. AMENDMENT OR MODIFICATION

This contract, including attachments, constitutes the entire agreement of the parties. Any statements, promises, or agreements made by either party or its agent which are not contained in this contract are of no effect. This contract may not be amended or modified except by both parties' written consent. This Contract supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this Contract.

VII. OWNERSHIP OF DOCUMENTS AND MATERIALS

All documents and materials prepared by Consultant under the terms of this contract are the Consultant's property from the time of preparation. Consultant will deliver copies of the documents and materials to the City or make them available for inspection *whenever requested.* City has the right to make duplicate copies of such documents or materials for its own file or use for any other such purposes as the City deems necessary and there shall be no additional costs incurred because of such copying or use.

VIII. NONDISCLOSURE

The Consultant may not show to any person or entity any documents, reports, plans, programs, reports, drawings, or any other material which Consultant prepares or acquires in performing this contract, including any duplicate copies kept by Consultant. The Consultant may not disclose to any person or entity any information regarding the City's activities. The City may, however, specifically authorize a limited disclosure at its discretion.

IX. INDEMNITY

A. Definitions

For the purpose of this section the following definitions apply:

"City" shall mean all officers, agents and employees of the City of Abilene.

"Claims" shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.

"Consultant" includes the person, corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.

"Consultant's employees" shall mean any employees, officers, agents, subcontractors, licensee and invitees of Consultant.

"Damages" shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:

(i) injury or damage to any property or right

(ii) injury, damage, or death to any person or entity

(iii) attorneys fees, witness fees, expert witness fees and expenses, and

(iv) all other costs and expenses of litigation

"Premise Defects" shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

B. Indemnity

The Consultant shall indemnify, hold harmless and defend the City against liability for damage that is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Consultant or the Consultant's agent, or another entity over which the Consultant exercises control.

The Consultant is an independent contractor and is not, with respect to its acts or omissions, an agent or employee of the City.

Consultant must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Consultant's employees while in the vicinity where the work is

being done. The City is not liable or responsible for the negligence or intentional acts or omissions of the Consultant or Consultant's employees.

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects. Responsibility for all such defects is expressly assumed by the Consultant.

The City and Consultant must provide the other prompt and timely notice of any covered event which in any way affects or might affect the Consultant or City. The City has the right to compromise and defend the same to the extent of its own interests.

X. INSURANCE

A. GENERAL REQUIREMENTS

The Consultant agrees to maintain the type and amounts of insurance required in this contract throughout the term of the agreement. The Consultant is solely responsible for providing the required certificates of insurance. The City may terminate this agreement if the Consultant fails to timely comply with the insurance requirements.

The required insurance must be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies are subject to examination and approval by the City for their adequacy as to content, form of protection, and providing company.

The required insurance naming the City as additional insured must be primary insurance and not contributing with any other insurance available to City, under any third party liability policy.

Before the City executes the notice to proceed with any work under this agreement, the Consultant must provide the City Secretary with either an original certificate of insurance or a certified copy of the insurance policy evidencing the required insurance. Thereafter, the Consultant must furnish new certificates or copies of the policy before the expiration date.

Texas Labor Code Section 406.096 requires a city to ensure that contractors carry workers' compensation for each employee when the city is a party to any "building or construction contract." The code enumerates that "building and construction" includes:

(A) erecting or preparing to erect a structure, including a building, bridge, roadway,public utility facility, or related appurtenance;

(B) remodeling, extending, repairing, or demolishing a structure; or

(C) otherwise improving real property or an appurtenance to real property through similar activities.

B. ADDITIONAL REQUIREMENTS

The required liability insurances and their certificates must:

1. Name the City as an additional insured with respect to operations for which this agreement is made.

2. Provide for 30 days advance written notice of cancellation or material change.

C. TYPES AND AMOUNTS OF INSURANCE

The types of insurance required in this contract are those indicated by initials. If no initials appear on any of items 1 through 6, items 1 through 4 shall be required.

	Type	Amount
_X_1.	Workers' Compensation Employer's Liability	Statutory $100,000 per occurrence
__X_2.	Commercial (Public) Liability including, but not limited to: • Premises/Operations • Independent Contractors • Products/Completed Operations • Contractual Liability (insuring above indemnity) and where the exposures exist • Explosion Collapse and Underground	$500,000 combined single limit for bodily injury and property damage (per occurrence)
_X_3.	Business Automobile Liability to include coverage for: • Owned/Leased Autos • Non-Owned Autos • Hired Cars	$500,000 combined single limit for bodily injury and property damage (per occurrence)
_X_4.	Professional Liability	$500,000 combined single limit (per occurrence)
___5.	See Addendum for Special Coverages and/or revisions	

___6. No Insurance Required

XI. VENUE, CHOICE OF LAW AND INTERPRETATION

Venue for any cause of action arising under this contract is Taylor County, Texas. This contract is governed by the laws of the State of Texas both as to interpretation and performance. This contract shall, in any dispute over its meaning or application, be interpreted fairly and reasonably, and not more strongly for or against either party.

XII. TERMINATION

This contract may be terminated at any time upon 30 days written notice by City to Consultant. In the event of termination, Consultant will be compensated for work satisfactorily performed before the termination date.

If, through any cause, the Consultant fails to fulfill his obligations under this contract, or if the Consultant violates any of the agreements of this contract, the City has the right to terminate the contract by giving five days written notice to the Consultant. The Consultant will be compensated for work satisfactorily performed before the termination date.

The Consultant, however, is not relieved of liability to the City for damages sustained by the City because of any breach of contract by Consultant. The City may withhold any payments to Consultant for the purpose of setoff until the exact amount of damages due the City from the Consultant is determined and paid.

XIII. PROJECT REPRESENTATION

The City agrees to appoint a Project Representative to assist in obtaining information from various City departments as requested by Consultant and in coordinating, monitoring, and evaluating the project to its completion. The Project Representative has no control over the means, methods, techniques, or procedures employed by Consultant. The City is interested only in the results obtained under this contract; the manner and means of obtaining those results is solely under the Consultant's control.

XIV. NOTICE

All notices must be in writing, hand-delivered or mailed by certified mail, to the other party at the address below. The name and address for notification may be changed by notice to the other party.

City – ATTN:
Rodney Taylor
P.O. Box 60
Abilene, TX 79604

Consultant – ATTN:
Joe Mangrem
402 Cedar Street
Abilene, TX 79601

XV. COMPLIANCE WITH LAWS, CHARTER, ORDINANCES

Consultant, its agents, employees and subcontractors must comply with all applicable federal and state laws, the charter and ordinances of the City of Abilene, and with all applicable rules and regulations promulgated by local, state and national boards, bureaus and agencies. Consultant must obtain all necessary permits and licenses required in completing the work contracted for in this agreement.

XVI. NO INDEBTEDNESS

Consultant agrees that no payments owed by him of any nature whatsoever to the City, including payment in advance for service charges or any sums of any character whatsoever, shall become delinquent or in arrears.

The City will not knowingly award contracts for goods or services to any bidder in arrears to the City for any debt, claim, demand, or account whatsoever, including taxes, penalty and interest. Consultant is responsible for ensuring that no indebtedness exists.

Section 130 of the City Charter authorizes the City to counterclaim and offset against any debt, claim, demand or account owed by the City to any person, firm or corporation in arrears to the City for any debt, claim, demand or account of any nature whatsoever, including taxes, penalty and interest.

XVII. EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City to recruit, employ, and to provide compensation, promotion, and other conditions of employment without regard to race, color, religion, sex, age, national origin, or disability. The City affirms that employment decisions shall be made only on the basis of bonafide occupational qualifications. The City shall continually review its employment practices and personnel procedures and take positive steps to assure that equality of employment opportunity in the City of Abilene, Texas, is a fact as well as an ideal.

XVIII. VERIFICATION OF EMPLOYMENT ELIGIBILITY

Consultant must comply with the Immigration Reform and Control Act (IRCA) and may not knowingly obtain labor or services of an unauthorized alien. Consultant -- not City -- must verify eligibility for employment as required by IRCA.

XIX. MINORITY ANDWOMEN BUSINESS ENTERPRISES

The City hereby gives notice that Minority and Women Business Enterprises will be afforded equal opportunities to submit bids in for this contract and will not be discriminated against on the grounds of race, ethnicity, color, sex, religion or national origin in awarding the contract. Technical assistance is available to Minority and Women Business Enterprises through the Texas

Tech University Small Business Development Center, 749 Gateway St., #301, Building C, Abilene, Texas, 79602, 325-670-0300.

XX. SALES TAX

The City qualifies as an exempt agency under the Texas Limited Sales, Excise and Use Tax Act (the "Tax Act"), and is not subject to any State or City sales taxes on materials incorporated into the project. Labor used in the performance of this contract is also not subject to State or City sales taxes. The City will provide an exemption certificate to the Consultant. The Consultant must have a sales tax permit issued by the Comptroller of Public Accounts and shall issue a resale certificate complying with the Tax Act, as amended, when purchasing said materials. The Consultant is responsible for any sales taxes applicable to equipment purchases, rentals, leases, consumable supplies which are not incorporated into the project, tangible personal property purchased for use in the performance of this contract and not completely consumed, or other taxable services used to perform this contract, or other taxes required by law in connection with this contract.

XXI. LEGAL CONSTRUCTION

In the event that any one or more of the provisions contained in this Contract is for any reason held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability will not affect any other provisions, and the Contract will be construed as if the invalid, illegal, or unenforceable provision had never been contained in it.

XXII. BOYCOTT OF ISRAEL

In accordance with Chapter 2270, Texas Government Code, a governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract.

This section only applies to a contract that: (a) is between a governmental entity and a company with 10 or more full-time employees, and (b) has a value of $100,000 or more that is to be paid wholly or partly from public funds of the governmental entity. Additionally, "company" does not include a sole proprietorship.

If this section is applicable, the signatory executing this contract on behalf of company verifies that the company does not boycott Israel and will not boycott Israel during the term of this contract.

XXIII. SECTIONS AND OTHER HEADINGS

Section, paragraph, and other headings contained in this Contract are for reference purposes only and do not affect in any way the meaning or interpretation of this Contract.

XIV. COUNTERPARTS

This Contract may be executed in two or more counterparts (including fax, email, or electronic PDF counterparts), each of which shall be deemed an original and all of which together shall constitute one instrument.

{Remainder of Page Intentionally Left Blank—Signature Page Follows}

IN WITNESS HEREOF, the parties hereto have executed this contract effective as of the date written above:

CITY OF ABILENE

By: _____

Name: _____

Title: City Manager

ATTEST:

_____

City Secretary

APPROVED:

By: _____

City Attorney

CONSULTANT

By: _____

Name: Jordan Hibbs

Title: VP

Address: 402 Cedar St., Abilene, TX 79601

Phone Number: 325-698-5560

Federal Tax ID#: 75-2258512

ATTEST: (If Corporation)

_____

Corporation's Secretary

Corporate Seal (if available)

ATTACHMENT A

Scope of Services

HUCKLEBERRY LANE LIFT STATION IMPROVEMENTS

Consultant (or "Engineer") shall assemble drawings and specifications for replacement of the Huckleberry Lane Lift Station for the purposes of procuring a qualified contractor to perform the work. The full scope of services to be provided by the Engineer is set forth below.

I. Basic Services – Final Design Phase

A. Once authorized by the Owner, the Engineer shall:

1. Perform Site Evaluation of proposed site. The following scope of services and fees may need to be amended if the proposed site will not facilitate installation of the proposed lift station or if the property owner does not sell the property.

2. Design new duplex wastewater lift station to include pumps, wet well, valve vault, site paving, and other related appurtenances. New lift station will be located on approximately 40' by 100' site located adjacent to the existing lift station. Lift station sizing will be based on existing flow monitoring data along with future projections from the most recent Wastewater Master Plan and other planning data provided by the City.

3. Design new gravity and force main piping system improvements necessary to connect new lift station to existing infrastructure at existing lift station site.

4. Design and coordinate necessary site civil improvements including concrete drive and site paving, 6' tall security fence and accommodations for access to property to the west of proposed site, if necessary. New lift station will not have odor control.

5. Design new electrical systems to include electrical gear for proposed equipment. Coordinate with electric utility to bring new service to existing location, if required.

6. Design new diesel powered emergency backup generator for the lift station.

7. Prepare final Drawings indicating the scope, extent, and character of the Work to be performed and furnished by Contractor. Specifications will be prepared, where appropriate, in general conformance with the 16-division format of the Construction

Specifications Institute.

8. Provide an Opinion of Probable Construction Cost to the Owner.

9. Furnish the Design Phase documents to and review them with City. Make any final modifications or changes as requested by the City.

10. Submit up to 5 final copies of the Design Phase Documents and an Opinion of Probable Construction Cost to City.

B. Engineer's Services under the Final Design Phase will be considered complete on the date when the final copies of the Design Phase Documents required above have been delivered to the City.

C. Engineer shall complete Final Design and any related Additional Services within six (6) months from date when Engineer receives fully executed contract from the City.

II. Basic Services - Bidding Phase

A. After acceptance by City of the final Design Phase Documents and the most recent Opinion of Probable Construction Cost as determined in the Final Design Phase, Engineer shall:

1. Assist City in advertising for and obtaining bids for the Work and, if applicable, attend a pre-Bid conference.

2. Issue Addenda as appropriate to clarify, correct, or change the Bidding Documents.

3. Consult with City as to the acceptability of subcontractors, suppliers, and other individuals and entities proposed by Contractor for those portions of the Work as to which such acceptability is required by the Bidding Documents.

4. Attend the Bid opening and assist City in evaluating Bids or proposals.

B. The Bidding Phase will be considered complete upon commencement of the Construction Phase or upon cessation of negotiations with prospective Contractors.

III. Basic Services - Construction Phase

A. Upon successful completion of the Bidding Phase, Engineer shall:

1. General Administration of Construction Contract. Consult with City and act as City's representative as provided in the General Conditions. The extent and limitations of the duties, responsibilities and authority of Engineer as assigned in said General Conditions shall not be modified, except as Engineer may otherwise agree in writing. All of City's instructions to Contractor will be issued through Engineer, who shall have authority to act on behalf of City in dealings with Contractor to the extent provided in this Agreement and said General Conditions except as otherwise provided in writing.

2. Pre-Construction Conference. Participate in a Pre-Construction Conference prior to commencement of Work at the Site.

3. Visits to Site and Observation of Construction. In connection with observations of Contractor's work in progress while it is in progress:

a. Make visits to the Site at intervals appropriate to the various stages of construction, as Engineer deems necessary, in order to observe as an experienced and qualified design professional the progress and quality of the Work. Such visits and observations by Engineer, and the Project Inspector, if any, are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress or to involve detailed inspections of Contractor's work in progress beyond the responsibilities specifically assigned to Engineer in this Agreement and the Contract Documents, but rather are to be limited to spot checking, selective sampling, and similar methods of general observation of the Work based on Engineer's exercise of professional judgment as assisted by the Project Inspector, if any. Based on information obtained during such visits and such observations, Engineer will determine in general if Contractor's work is proceeding in accordance with the Contract Documents, and Engineer shall keep City informed of the progress of the Work.

b. The purpose of Engineer's visits to, and representation by the Project Inspector, if any, at the Site, will be to enable Engineer to better carry out the duties and responsibilities assigned to and undertaken by Engineer during the Construction Phase, and, in addition, by the exercise of Engineer's efforts as an experienced and qualified design professional, to provide for City a greater degree of confidence that the completed Work will conform in general to the Contract Documents and that the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents has been implemented and preserved by Contractor. Engineer shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, or for any

failure of Contractor to comply with Laws and Regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Engineer neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

4. Defective Work. Recommended to City that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, Engineer believes that such work will not produce a completed Project that conforms generally to the Contract Documents or that it will prejudice the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents.

5. Clarifications and Interpretations; Field Orders. Issue necessary clarifications and interpretations of the Contract Documents to allow the orderly completion of the Contractor's work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract Documents. Engineer may issue Field Orders through the City's representative, authorizing minor variations from the requirements of the Contract Documents.

6. Change Orders and Work Change Directives. Recommend Change Orders and Work Change Directives to the City, as appropriate, and support the City in the preparation of Change Orders and Work Change Directives as required.

7. Shop Drawings and Samples. Review and take appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. Such reviews or other action will not extend to means, methods, techniques, sequences or procedures of construction or to safety precautions and programs incident thereto. Engineer has an obligation to meet any Contractor's submittal schedule that has earlier been acceptable to Engineer.

8. Substitutes and "or-equal." Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by contractor, but subject to a reasonable number of substitution requests.

9. Inspections and Tests. Require such special inspections or tests of Contractor's work as deemed reasonably necessary, and receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Contract Documents. Engineer's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an

independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Engineer shall be entitled to rely on the results of such tests.

10. Disagreements between City and Contractor. Render formal written decisions on all claims of City and Contractor relating to the acceptability of contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the execution and progress of Contractor's work. In rendering such decisions, Engineer shall be fair and not show partiality to City or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

11. Applications for Payment. Based on Engineer's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:

a. Determine the amounts that Engineer recommends Contractor be paid. Such recommendations of payment will be in writing and will constitute Engineer's representation to City, based on such observations and review, that, to the best of Engineer's knowledge, information and belief, Contractor's work has progressed to the point indicated, the quality of such work is generally in accordance with the Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents and to any other qualifications stated in the recommendation), and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is Engineer's responsibility to observe Contractor's work. In the case of unit price work, Engineer's recommendations of payment will include final determinations of quantities and classifications of Contractor's work (subject to any subsequent adjustments allowed by the Contract Documents). The responsibilities of Engineer contained in this paragraph are expressly subject to the limitations set forth in subparagraph b. below and other express or general limitations in this Agreement and elsewhere.

b. By recommending any payment, Engineer shall not thereby be deemed to have represented that observations made by Engineer to check the quality or quantity of Contractor's work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Engineer in this Agreement and the Contract Documents. Neither Engineer's review of Contractor's work for the purposes of recommending payments nor Engineer's recommendation of any payment including final payment will impose on Engineer responsibility to supervise, direct, or control

Contractor's work in progress or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to Contractor's furnishing and performing the Work. It will also not impose responsibility on Engineer to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any portion of the work in progress, materials, or equipment has passed to City free and clear of any liens, claims, security interests, or encumbrances, or that there may not be other matters at issue between City and Contractor that might affect the amount that should be paid.

12. Contractor's Completion Documents.

a. Receive and review maintenance and operating instructions, schedules, and guarantees.

b. Receive certificates of inspection, tests and approvals, Shop Drawings, Samples and other data approved as specified, and the annotated record documents which are to be assembled by Contractor in accordance with the Contract Documents to obtain final payment. The extent of such Engineer's review will be limited as stated.
c. Engineer shall transmit these documents to City.

13. Substantial Completion. Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with City and Contractor, conduct an inspection to determine if the Work is Substantially Complete.

14. Final Notice of Acceptability of the Work. Conduct a final inspection to determine if the completed Work of Contractor is acceptable so that Engineer may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Engineer shall also provide a "Notice of Acceptability of Work" that the Work is acceptable to the best of Engineer's knowledge, information, and belief and based on the extent of the services provided by Engineer under this Agreement.

B. Duration of Construction Phase. The Construction Phase will commence with the execution of the Construction Agreement for the Project or any part thereof and will terminate upon written recommendation by Engineer for final payment to Contractor.

C. Limitation of Responsibilities. Engineer shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing any of the Work. Engineer shall not be responsible for failure of any Contractor to perform or furnish the Work in accordance

with the Contract Documents.

IV. Additional Services

A. Upon execution of this agreement the Engineer shall be authorized to complete the following tasks:

1. Provide design and site acquisition Surveying for lift station site.

2. Provide and complete Geotechnical Investigations and Testing at the proposed lift station site.

3. Hire independent appraiser to perform appraisal of the approximately 40' by 100' site encompassing and adjacent to existing lift station. The appraisal will be used by the City to negotiate purchase price of property.

4. Hire gravity flow metering company to collect flow data on up to three manholes for a period of one month and develop a summary report of flow results.

ATTACHMENT B

PAYMENT SCHEDULE
PARTIES TO INITIAL OPTION SELECTED

OPTION 1 X

Compensation is based on actual hours of work/time devoted to providing the described professional services and will be paid at a rate of $(see attached Schedule of Charges)per hour not to exceed $$122,200.00.

Professional must submit monthly invoices to City accompanied by an explanation of charges, professional fees, and services. City will pay invoices according to its normal payment procedures.

OPTION 2

Payment is in a lump sum amount of $ upon completion of the work and written acceptance by City's Project Representative.

No mechanic, contractor, subcontractor, materialman or other person can or will contract for or in any other manner have or acquire any lien upon any building or work covered by the contract or the land upon which the same is situated.

Before final acceptance of this project by the City, the Contractor must execute and provide City with an Affidavit that all bills for labor, materials and incidentals incurred by subcontractors, materialmen, mechanics and suppliers under this agreement have been paid in full, and that there are no claims pending of which Contractor has been notified.

OPTION 3

Payment is a fixed fee amount of $ payable per upon completion of the work and written acceptance by City's Project Representative.

No mechanic, contractor, subcontractor, materialman or other person can or will contract for or in any other manner have or acquire any lien upon any building or work covered by the contract or the land upon which the same is situated.

Before final acceptance of this project by the City, the Professional shall execute and provide City with an Affidavit that all bills for labor, materials and incidentals incurred by subcontractors, materialmen, mechanics and suppliers under this agreement have been paid in full, and that there are no claims pending of which Professional has been notified.

Exhibit "B"

Enprotec / Hibbs & Todd, Inc.
CURRENT HOURLY CHARGES FOR PROFESSIONAL SERVICES

Charges include all salaries, salary expense, overhead, and profit.

Principal	$ 210.00 per hour
Senior Project Manager	170.00 per hour
Project Manager	145.00 per hour
Senior Engineer / Geologist	135.00 per hour
Project Engineer / Geologist	125.00 per hour
Staff Engineer I / Geologist	115.00 per hour
Staff Engineer II / Geologist	95.00 per hour
RPLS I	145.00 per hour
RPLS II	93.00 per hour
Operations Specialist / Regulatory Compliance Specialist	135.00 per hour
Engineering Technician I	135.00 per hour
Engineering Technician II	105.00 per hour
Field Technician I	100.00 per hour
Field Technician II	85.00 per hour
CMT Tech I	70.00 per hour
CMT Tech II	65.00 per hour
Survey Tech I	78.00 per hour
Survey Tech II	57.00 per hour
CAD I	125.00 per hour
CAD II	95.00 per hour
CAD III	65.00 per hour
Administrative	65.00 per hour
Survey Party Conventional	190.00 per hour - 3 man
	155.00 per hour - 2 man
Robotic / GPS Survey Party	175.00 per hour

Expense Items

Consultants, Contractors & Supplies	Cost plus 10%
Travel (out of town only)	Current IRS rate per mile
Lodging and meals (out of town trips)	Actual cost

01/02/19

P:\Forms\HRLY CHG.wpd

ATTACHMENT C

OWNERSHIP OF DOCUMENTS AND MATERIALS

Parties to initial option chosen

(Option 1)

All documents and materials prepared by Professional under the terms of this contract are the City's property from the time of preparation, and Professional must deliver the documents and materials to the City or make them available for inspection whenever requested. Professional has the right to make duplicate copies of such documents or materials for its own file or for other such purposes as the City authorizes in writing.

(Option 2) X

All documents and materials prepared by the Professional remain the property of the Professional; however, Professional must furnish City, at no additional cost, one set of reproducible mylars of the original drawings of the work and/or one copy of all documents prepared by the Professional pursuant to this Agreement.

ATTACHMENT D

STATE MANDATED WORKERS' COMPENSATION INSURANCE LANGUAGE

THIS ATTACHMENT IS ONLY APPLICABLE IF WORKERS' COMPENSATION COVERAGE IS PROVIDED

a. Definitions

Certificate of coverage ("certificate") - a copy of a certificate of insurance, a certificate of authority to self-insure issued by the commission, or a coverage agreement (TWCC-81, TWCC-82, TWCC-83, orTWCC-84), showing statutory workers' compensation insurance coverage for the person's or entity's employees providing services on a project, for the duration of the project.

Duration of the project - includes the time from the beginning of the work on the project until the Professional's/person's work on the project has been completed and accepted by the City.

Persons providing services on the project ("subcontractors" in 406.096) - includes all persons or entities performing all or part of the services the Professional has undertaken to perform on the project, regardless of whether that person contracted directly with the Professional and regardless of whether that person has employees. This includes, without limitation, independent contractors, subprofessionals, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnishes persons to provide services on the project. "Services" include, without limitations, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

b. The Professional shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the Professional providing services on the project, for the duration of the project.

c. The Professional must provide a certificate of coverage to the City prior to being awarded the contract.

d. If the coverage period shown on the Professional's current certificate of coverage ends during the duration of the project, the Professional must, prior to the end of the coverage period, file a new certificate of coverage with the City showing that coverage has been extended.

e. Professional shall obtain from each person providing services on a project and provide to City:

(1) a certificate of coverage, prior to that person beginning work on the project, so the City will have on file certificates of coverage showing coverage for all persons providing services on the project; and

(2) no later than seven (7) days after receipt by the Professional, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project.

f. The Professional shall retain all required certificates of coverage for the duration of the project and for one (1) year thereafter.

g. The Professional shall notify the City in writing by certified mail or personal delivery, within ten (10) days after the Professional knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project.

h. The Professional shall post on each project site a notice, in the text, form and manner prescribed by the Texas Workers' Compensation Commission, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.

i. The Professional shall contractually require each person with whom it contracts to provide services on a project to:

(1) provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;

(2) provide to the Professional, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing service on the project, for the duration of the project;

(3) provide the Professional, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(4) obtain from each other person with whom it contracts, and provide to the Professional:

(a) a certificate of coverage, prior to the other person beginning work on the project; and

(b) a new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(5) retain all required certificates of coverage on file for the duration of the project and for one (1) year thereafter;

(6) notify the City in writing by certified mail or personal delivery, within ten (10) days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing service on the project;

(7) contractually require each person with whom it contracts, to perform as required by paragraphs (1) - (7),with the certificates of coverage to be provided to the person for whom they are providing services.

j. By signing this contract or providing or causing to be provided a certificate of coverage, the Professional is representing to the City that all employees of the Professional who will provide services on the project will be covered by workers' compensation coverage for the duration of the project, that the coverage will be based on proper reporting of classification codes and payroll amounts, and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the commission's Division of Self-Insurance Regulation. Providing false or misleading information may subject the Professional to administrative penalties, criminal penalties, civil penalties, or other civil actions.

k. The Professional's failure to comply with any of these provisions is a breach of contract by the Professional which entitles the City to declare the contract void if the Professional does not remedy the breach within ten (10) days after receipt of notice of breach from the City.

ATTACHMENT E

NOTICE TO PROCEED

ATTACHMENT F

CHANGE IN SCOPE OF SERVICES

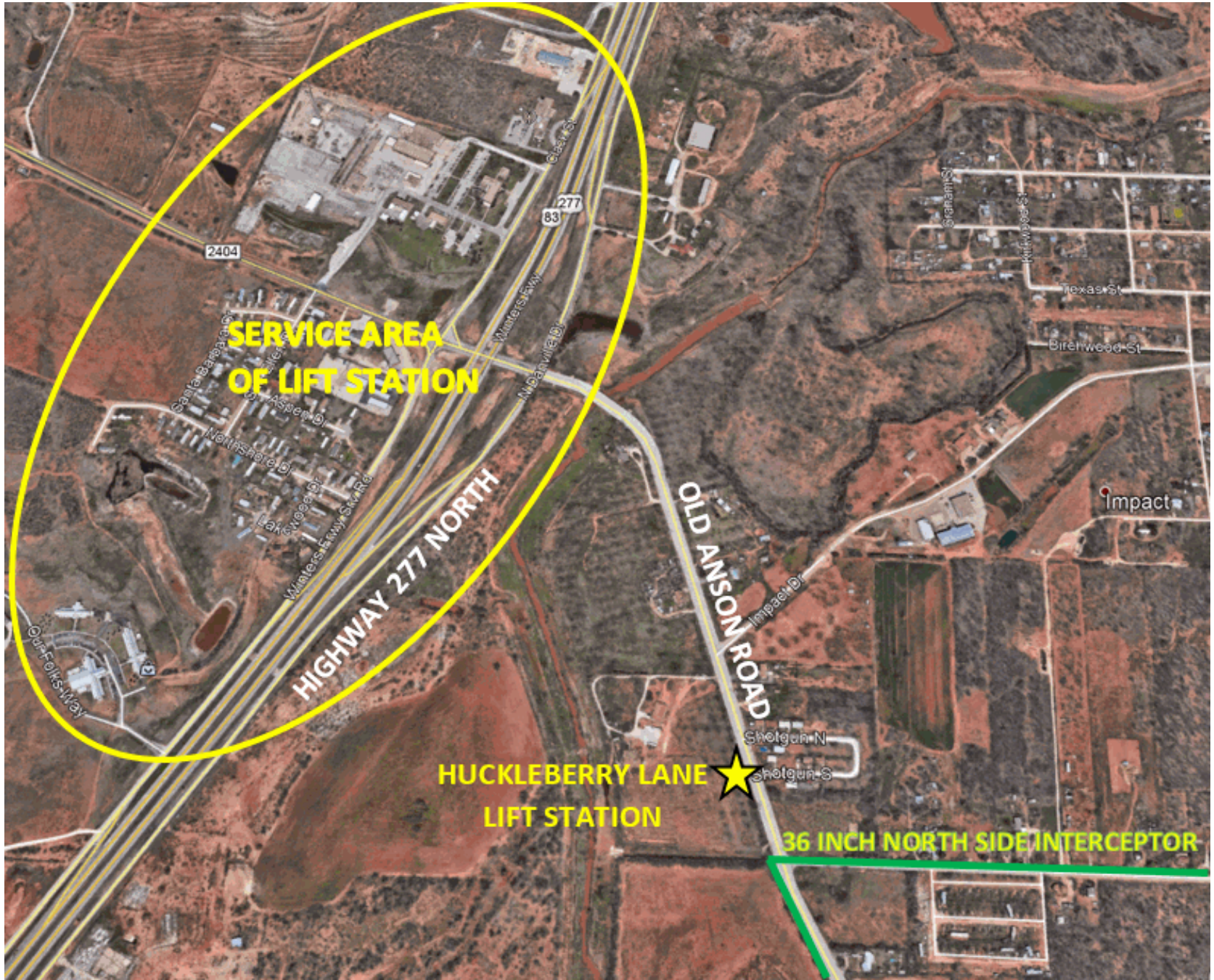
Authorizing a professional services contract with Enprotec/Hibbs & Todd, Inc. for the Huckleberry Lane Lift Station Improvements.

October 17, 2019

CITY OF ABILENE TEXAS

- Professional Services Contract with Enprotec/Hibbs & Todd, Inc.
- Contract price of $122,200.00.
- Professional services including providing design plans and contract documents, bidding assistance, contract administration, and project general supervision (not RPR).
- Original lift station built in the 1950's and in very poor condition.
- Design to replace lift station with modern facility to improve reliability and ease of maintenance and repairs, and to comply with TCEQ standards.

CITY OF ABILENE TEXAS


SERVICE AREA
OF LIFT STATION
HIGHWAY 277 NORTH
OLD ANSON ROAD
HUCKLEBERRY LANE
LIFT STATION
36 INCH NORTH SIDE INTERCEPTOR
2404
277
83
Texas St
Birchwood St
Impact
Impact Dr
Shotgun N
Shotgun S
Our Folks Way
Lakewood Dr
Waters Exwy
McBanwell Dr
Graham St

Authorizing a professional services contract with Enprotec/Hibbs & Todd, Inc. for the Huckleberry Lane Lift Station Improvements.

QUESTIONS?

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Greg McCaffery**

SUBJECT: **7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Professional Services Contract Awarded to Jacob & Martin for Design of Pavement Roadway & Drainage Improvements for Griffith Road *(Greg McCaffery)***

GENERAL INFORMATION

The City Staff has identified the need to reconstruct Griffith Road from E.N. 10th St. to Marathon Rd. due to the condition of the road and the increased traffic caused by the additional development along this section of roadway.

SPECIAL CONSIDERATIONS

The City of Abilene requested and received a proposal on October 4th 2019 from Jacob & Martin for the design of the reconstruction of Griffith Road from E.N. 10th St. to Marathon Rd. Jacob & Martin has the qualifications, staffing capabilities, similar project experience and recent engineering experience with geotechnical and drainage conditions in the vicinity of this project and they were selected to perform the engineering design for this project.

FUNDING/FISCAL IMPACT

The total amount for this Professional Services Contract for Engineering services is in the amount of $106,900.00. Funding for this contract will come from the 2018A CO bond.

STAFF RECOMMENDATION

Staff recommends City Council approve a resolution authorizing the City Manager to execute an agreement with Jacob & Martin in the amount of $106,900.00 for Engineering Services for the Reconstruction of Griffith Road from E.N. 10th St. to Marathon Rd.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1.	Resolution.Jacob and Martin Contract	Resolution.Jacob and Martin Contract.docx
2.	Professional Services Contract-Griffith Rd	Signed Contract (1) (2).pdf
3.	PROJECT LOCATION MAP	PROJECT LOCATION MAP.pdf
4.	Presentation Slides-Griffith Rd	Presentation Slides-Griffith Rd.pptx

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH JACOB & MARTIN, LTD. (JM).

WHEREAS, The City of Abilene desires to reconstruct Griffith Road from E.N. 10th St. to Marathon Road; and,

WHEREAS, The City of Abilene has selected Jacob & Martin, Ltd for the design and plan preparation for said project; and,

WHEREAS, The City Council authorizes the City Manager to execute an agreement with Jacob & Martin, Ltd. (JM) in the amount of $106,900.00 for the engineering of the reconstruction of Griffith Road from E.N. 10th St. to Marathon Rd.

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

PART 1: The City Council authorizes the City Manager to execute an agreement with Jacob & Martin, Ltd. (JM).

PART 2: That the design agreement is in the amount of $106,900.00 for the design of Griffith Road from E.N. 10th St. to Marathon Rd.

PART 3: That this resolution will take effect immediately from and after passage.

ADOPTED this 17th day of October, 2019.

ATTEST:

_____ _____

Shawna Atkinson, City Secretary Anthony Williams, Mayor

APPROVED:

_____

Stanley Smith, City Attorney

CITY OF ABILENE

PROFESSIONAL SERVICES CONTRACT
Engineers & Architects

This contract, dated the 17th day of October, 2019, is between the City of Abilene, a home rule municipal corporation of the State of Texas ("City"), and Jacob & Martin, LLC, a Limited Liability Corporation organized under the laws of the State of Texas ("Consultant").

The City is engaged in the reconstruction of Griffith Rd and desires to engage the services of Consultant, as an independent contractor and not as an employee, to assist in the project and to render his or her or its services on the terms and conditions provided in this Contract.

The Consultant is a[n] qualified engineer properly licensed to practice in the State of Texas. Consultant desires to render professional services to the City on the terms and conditions provided in this Contract.

The Consultant must perform services with the professional skill and care ordinarily provided by competent engineers or architects practicing in the same or similar locality and under the same or similar circumstances and professional license, and as expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

THEREFORE, the City engages the services of the Consultant. In consideration of the mutual promises contained in this Contract, the parties agree as follows:

I. TERMS

In consideration of the compensation stated in paragraph II, the Consultant must provide all services as described in Attachment A, which is incorporated by reference for all purposes. The Consultant must complete all services by a mutually agreed upon date.

II. FEE

For the services to be rendered under this Contract, the Consultant will be entitled to a fee as described in Attachment B, which is incorporated by reference for all purposes.

III. FACILITIES

The Consultant will furnish all facilities and equipment that may be necessary to perform services required under this agreement.

IV. ASSIGNMENT

The Consultant may not assign in whole or in part any rights, duties, obligations or interest arising from this agreement without the City's prior written consent. In the event of an assignment by the Consultant to which the City has consented, the assignee or assignee's legal representative must agree in writing with the City to personally assume, perform, and be bound by all the provisions of this Contract. All of the terms and provisions of this Contract are binding on Consultant's successors and assigns and may be enforced by the City against such successors and assigns.

V. STATUS OF CONSULTANT

The Consultant is an Independent Contractor. Consultant and Consultant's employees are not the agents, servants or employees of the City.

VI. AMENDMENT OR MODIFICATION

This contract, including attachments, constitutes the entire agreement of the parties. Any statements, promises, or agreements made by either party or its agent which are not contained in this contract are of no effect. This contract may not be amended or modified except by both parties' written consent. This Contract supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this Contract.

VII. OWNERSHIP OF DOCUMENTS AND MATERIALS

All documents and materials prepared by Consultant under the terms of this contract are the Consultant's property from the time of preparation. Consultant will deliver copies of the documents and materials to the City or make them available for inspection *whenever requested*. City has the right to make duplicate copies of such documents or materials for its own file or use for any other such purposes as the City deems necessary and there shall be no additional costs incurred because of such copying or use.

VIII. NONDISCLOSURE

The Consultant may not show to any person or entity any documents, reports, plans, programs, reports, drawings, or any other material which Consultant prepares or acquires in performing this contract, including any duplicate copies kept by Consultant. The Consultant may not disclose to any person or entity any information regarding the City's activities. The City may, however, specifically authorize a limited disclosure at its discretion.

IX. INDEMNITY

A. Definitions

For the purpose of this section the following definitions apply:

"City" shall mean all officers, agents and employees of the City of Abilene.

"Claims" shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.

"Consultant" includes the person, corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.

"Consultant's employees" shall mean any employees, officers, agents, subcontractors, licensee and invitees of Consultant.

"Damages" shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:

- **(i) injury or damage to any property or right**
- **(ii) injury, damage, or death to any person or entity**
- **(iii) attorneys fees, witness fees, expert witness fees and expenses, and**
- **(iv) all other costs and expenses of litigation**

"Premise Defects" shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

B. Indemnity

The Consultant shall indemnify, hold harmless and defend the City against liability for damage that is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Consultant or the Consultant's agent, or another entity over which the Consultant exercises control.

The Consultant is an independent contractor and is not, with respect to its acts or omissions, an agent or employee of the City.

Consultant must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Consultant's employees while in the vicinity where the work is

being done. The City is not liable or responsible for the negligence or intentional acts or omissions of the Consultant or Consultant's employees.

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects. Responsibility for all such defects is expressly assumed by the Consultant.

The City and Consultant must provide the other prompt and timely notice of any covered event which in any way affects or might affect the Consultant or City. The City has the right to compromise and defend the same to the extent of its own interests.

X. INSURANCE

A. GENERAL REQUIREMENTS

The Consultant agrees to maintain the type and amounts of insurance required in this contract throughout the term of the agreement. The Consultant is solely responsible for providing the required certificates of insurance. The City may terminate this agreement if the Consultant fails to timely comply with the insurance requirements.

The required insurance must be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies are subject to examination and approval by the City for their adequacy as to content, form of protection, and providing company.

The required insurance naming the City as additional insured must be primary insurance and not contributing with any other insurance available to City, under any third party liability policy.

Before the City executes the notice to proceed with any work under this agreement, the Consultant must provide the City Secretary with either an original certificate of insurance or a certified copy of the insurance policy evidencing the required insurance. Thereafter, the Consultant must furnish new certificates or copies of the policy before the expiration date.

Texas Labor Code Section 406.096 requires a city to ensure that contractors carry workers' compensation for each employee when the city is a party to any "building or construction contract." The code enumerates that "building and construction" includes:

(A) erecting or preparing to erect a structure, including a building, bridge, roadway,public utility facility, or related appurtenance;

(B) remodeling, extending, repairing, or demolishing a structure; or

(C) otherwise improving real property or an appurtenance to real property through similar activities.

B. ADDITIONAL REQUIREMENTS

The required liability insurances and their certificates must:

1. Name the City as an additional insured with respect to operations for which this agreement is made.

2. Provide for 30 days advance written notice of cancellation or material change.

C. TYPES AND AMOUNTS OF INSURANCE

The types of insurance required in this contract are those indicated by initials. If no initials appear on any of items 1 through 6, items 1 through 4 shall be required.

	Type	Amount
X 1.	Workers' Compensation Employer's Liability	Statutory $100,000 per occurrence
X 2.	Commercial (Public) Liability including, but not limited to: • Premises/Operations • Independent Contractors • Products/Completed Operations • Contractual Liability (insuring above indemnity) and where the exposures exist • Explosion Collapse and Underground	$500,000 combined single limit for bodily injury and property damage (per occurrence)
X 3.	Business Automobile Liability to include coverage for: • Owned/Leased Autos • Non-Owned Autos • Hired Cars	$500,000 combined single limit for bodily injury and property damage (per occurrence)
X 4.	Professional Liability	$500,000 combined single limit (per occurrence)
___5.	See Addendum for Special Coverages and/or revisions	

___6. No Insurance Required

XI. VENUE, CHOICE OF LAW AND INTERPRETATION

Venue for any cause of action arising under this contract is Taylor County, Texas. This contract is governed by the laws of the State of Texas both as to interpretation and performance. This contract shall, in any dispute over its meaning or application, be interpreted fairly and reasonably, and not more strongly for or against either party.

XII. TERMINATION

This contract may be terminated at any time upon 30 days written notice by City to Consultant. In the event of termination, Consultant will be compensated for work satisfactorily performed before the termination date.

If, through any cause, the Consultant fails to fulfill his obligations under this contract, or if the Consultant violates any of the agreements of this contract, the City has the right to terminate the contract by giving five days written notice to the Consultant. The Consultant will be compensated for work satisfactorily performed before the termination date.

The Consultant, however, is not relieved of liability to the City for damages sustained by the City because of any breach of contract by Consultant. The City may withhold any payments to Consultant for the purpose of setoff until the exact amount of damages due the City from the Consultant is determined and paid.

XIII. PROJECT REPRESENTATION

The City agrees to appoint a Project Representative to assist in obtaining information from various City departments as requested by Consultant and in coordinating, monitoring, and evaluating the project to its completion. The Project Representative has no control over the means, methods, techniques, or procedures employed by Consultant. The City is interested only in the results obtained under this contract; the manner and means of obtaining those results is solely under the Consultant's control.

XIV. NOTICE

All notices must be in writing, hand-delivered or mailed by certified mail, to the other party at the address below. The name and address for notification may be changed by notice to the other party.

City – ATTN:
Greg McCaffery, P.E., CFM, Director of Public Works
City of Abilene
P.O. Box 60 Abilene, TX 79604

Consultant – ATTN:
Tal Fillingim, P.E.
Jacob & Martin, LLC
3465 Curry Lane Abilene, TX 79606

XV. COMPLIANCE WITH LAWS, CHARTER, ORDINANCES

Consultant, its agents, employees and subcontractors must comply with all applicable federal and state laws, the charter and ordinances of the City of Abilene, and with all applicable rules and regulations promulgated by local, state and national boards, bureaus and agencies. Consultant must obtain all necessary permits and licenses required in completing the work contracted for in this agreement.

XVI. NO INDEBTEDNESS

Consultant agrees that no payments owed by him of any nature whatsoever to the City, including payment in advance for service charges or any sums of any character whatsoever, shall become delinquent or in arrears.

The City will not knowingly award contracts for goods or services to any bidder in arrears to the City for any debt, claim, demand, or account whatsoever, including taxes, penalty and interest. Consultant is responsible for ensuring that no indebtedness exists.

Section 130 of the City Charter authorizes the City to counterclaim and offset against any debt, claim, demand or account owed by the City to any person, firm or corporation in arrears to the City for any debt, claim, demand or account of any nature whatsoever, including taxes, penalty and interest.

XVII. EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City to recruit, employ, and to provide compensation, promotion, and other conditions of employment without regard to race, color, religion, sex, age, national origin, or disability. The City affirms that employment decisions shall be made only on the basis of bonafide occupational qualifications. The City shall continually review its employment practices and personnel procedures and take positive steps to assure that equality of employment opportunity in the City of Abilene, Texas, is a fact as well as an ideal.

XVIII. VERIFICATION OF EMPLOYMENT ELIGIBILITY

Consultant must comply with the Immigration Reform and Control Act (IRCA) and may not knowingly obtain labor or services of an unauthorized alien. Consultant -- not City -- must verify eligibility for employment as required by IRCA.

XIX. MINORITY ANDWOMEN BUSINESS ENTERPRISES

The City hereby gives notice that Minority and Women Business Enterprises will be afforded equal opportunities to submit bids in for this contract and will not be discriminated against on the grounds of race, ethnicity, color, sex, religion or national origin in awarding the contract.

Technical assistance is available to Minority and Women Business Enterprises through the Texas Tech University Small Business Development Center, 749 Gateway St., #301, Building C, Abilene, Texas, 79602, 325-670-0300.

XX. SALES TAX

The City qualifies as an exempt agency under the Texas Limited Sales, Excise and Use Tax Act (the "Tax Act"), and is not subject to any State or City sales taxes on materials incorporated into the project. Labor used in the performance of this contract is also not subject to State or City sales taxes. The City will provide an exemption certificate to the Consultant. The Consultant must have a sales tax permit issued by the Comptroller of Public Accounts and shall issue a resale certificate complying with the Tax Act, as amended, when purchasing said materials. The Consultant is responsible for any sales taxes applicable to equipment purchases, rentals, leases, consumable supplies which are not incorporated into the project, tangible personal property purchased for use in the performance of this contract and not completely consumed, or other taxable services used to perform this contract, or other taxes required by law in connection with this contract.

XXI. LEGAL CONSTRUCTION

In the event that any one or more of the provisions contained in this Contract is for any reason held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability will not affect any other provisions, and the Contract will be construed as if the invalid, illegal, or unenforceable provision had never been contained in it.

XXII. BOYCOTT OF ISRAEL

In accordance with Chapter 2270, Texas Government Code, a governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract.

This section only applies to a contract that: (a) is between a governmental entity and a company with 10 or more full-time employees, and (b) has a value of $100,000 or more that is to be paid wholly or partly from public funds of the governmental entity. Additionally, "company" does not include a sole proprietorship.

If this section is applicable, the signatory executing this contract on behalf of company verifies that the company does not boycott Israel and will not boycott Israel during the term of this contract.

XXIII. SECTIONS AND OTHER HEADINGS

Section, paragraph, and other headings contained in this Contract are for reference purposes only and do not affect in any way the meaning or interpretation of this Contract.

XIV. COUNTERPARTS

This Contract may be executed in two or more counterparts (including fax, email, or electronic PDF counterparts), each of which shall be deemed an original and all of which together shall constitute one instrument.

{Remainder of Page Intentionally Left Blank—Signature Page Follows}

IN WITNESS HEREOF, the parties hereto have executed this contract effective as of the date written above:

CITY OF ABILENE

By: _____

Name: Robert Hanna

Title: City Manager

ATTEST:

_____

City Secretary

APPROVED:

By: _____

City Attorney

CONSULTANT

By: _____

Name: Tal Fillingim, P.E.

Title: Engineer, Jacob & Martin, LLC

Address: 3465 Curry Lane
Abilene, TX 76906

Phone Number: 325-695-1070

Federal Tax ID#:

ATTEST: (If Corporation)

_____

Corporation's Secretary

Corporate Seal (if available)

ATTACHMENT A

Scope of Services

SCOPE OF SERVICES

Engineering services, including surveying and materials testing, for the design of flexible pavement roadway and associated drainage improvements for 3,767 linear
foot segment of Griffith Road extending from EN 10th Street to Marathon Road.

Task 1 – Initial Project Data Collection and Analysis

The Scope of the work will consist of the following:

1) Topographic survey, utility locates, and associated field data collection necessary to prepare construction documents.

2) Existing pavement corings and lab analysis for 3 total corings.

Task 2 – Design of Roadway Improvements

The Scope of the work will consist of the following:

1) Pavement section design, including evaluations and analysis of roadway improvement approach.

2) Develop schematic designs, provide design development, prepare construction documents, specifications, and associated cost estimates for roadway improvements in accordance with City of Abilene requirements. Prepare detailed construction plans for the purpose of bidding and constructing the flexible pavement roadway improvements. This shall include all required dimensional control layouts, paving and grading plans, erosion control plans, and all associated
construction details.

3) Coordinate plan review and approval, including any required TDLR Handicap Accessibility reviews in accordance with Americans with Disabilities Act.

4) Attend all design and project coordination meetings as required.

ATTACHMENT B

PAYMENT SCHEDULE
PARTIES TO INITIAL OPTION SELECTED

OPTION 1 ___

Compensation is based on actual hours of work/time devoted to providing the described professional services and will be paid at a rate of $N/A per hour not to exceed $Click or tap here to enter text..

Professional must submit monthly invoices to City accompanied by an explanation of charges, professional fees, and services. City will pay invoices according to its normal payment procedures.

OPTION 2 X

Payment is in a lump sum amount of $106,900.00 upon completion of the work and written acceptance by City's Project Representative.

No mechanic, contractor, subcontractor, materialman or other person can or will contract for or in any other manner have or acquire any lien upon any building or work covered by the contract or the land upon which the same is situated.

Before final acceptance of this project by the City, the Contractor must execute and provide City with an Affidavit that all bills for labor, materials and incidentals incurred by subcontractors, materialmen, mechanics and suppliers under this agreement have been paid in full, and that there are no claims pending of which Contractor has been notified.

OPTION 3 ___

Payment is a fixed fee amount of $N/A payable per Click or tap here to enter text. upon completion of the work and written acceptance by City's Project Representative.

No mechanic, contractor, subcontractor, materialman or other person can or will contract for or in any other manner have or acquire any lien upon any building or work covered by the contract or the land upon which the same is situated.

Before final acceptance of this project by the City, the Professional shall execute and provide City with an Affidavit that all bills for labor, materials and incidentals incurred by subcontractors, materialmen, mechanics and suppliers under this agreement have been paid in full, and that there are no claims pending of which Professional has been notified.

ATTACHMENT C

OWNERSHIP OF DOCUMENTS AND MATERIALS

Parties to initial option chosen

(Option 1) _X_

All documents and materials prepared by Professional under the terms of this contract are the City's property from the time of preparation, and Professional must deliver the documents and materials to the City or make them available for inspection whenever requested. Professional has the right to make duplicate copies of such documents or materials for its own file or for other such purposes as the City authorizes in writing.

(Option 2) ___

All documents and materials prepared by the Professional remain the property of the Professional; however, Professional must furnish City, at no additional cost, one set of reproducible mylars of the original drawings of the work and/or one copy of all documents prepared by the Professional pursuant to this Agreement.

ATTACHMENT D

STATE MANDATED WORKERS' COMPENSATION INSURANCE LANGUAGE

THIS ATTACHMENT IS ONLY APPLICABLE IF WORKERS' COMPENSATION COVERAGE IS PROVIDED

a. Definitions

Certificate of coverage ("certificate") - a copy of a certificate of insurance, a certificate of authority to self-insure issued by the commission, or a coverage agreement (TWCC-81, TWCC-82, TWCC-83, orTWCC-84), showing statutory workers' compensation insurance coverage for the person's or entity's employees providing services on a project, for the duration of the project.

Duration of the project - includes the time from the beginning of the work on the project until the Professional's/person's work on the project has been completed and accepted by the City.

Persons providing services on the project ("subcontractors" in 406.096) - includes all persons or entities performing all or part of the services the Professional has undertaken to perform on the project, regardless of whether that person contracted directly with the Professional and regardless of whether that person has employees. This includes, without limitation, independent contractors, subprofessionals, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnishes persons to provide services on the project. "Services" include, without limitations, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

b. The Professional shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the Professional providing services on the project, for the duration of the project.

c. The Professional must provide a certificate of coverage to the City prior to being awarded the contract.

d. If the coverage period shown on the Professional's current certificate of coverage ends during the duration of the project, the Professional must, prior to the end of the coverage period, file a new certificate of coverage with the City showing that coverage has been extended.

e. Professional shall obtain from each person providing services on a project and provide to City:

(1) a certificate of coverage, prior to that person beginning work on the project, so the City will have on file certificates of coverage showing coverage for all persons providing services on the project; and

(2) no later than seven (7) days after receipt by the Professional, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project.

f. The Professional shall retain all required certificates of coverage for the duration of the project and for one (1) year thereafter.

g. The Professional shall notify the City in writing by certified mail or personal delivery, within ten (10) days after the Professional knew or should have known, of any change that materially affects the provision of coverage of any person providing services on the project.

h. The Professional shall post on each project site a notice, in the text, form and manner prescribed by the Texas Workers' Compensation Commission, informing all persons providing services on the project that they are required to be covered, and stating how a person may verify coverage and report lack of coverage.

i. The Professional shall contractually require each person with whom it contracts to provide services on a project to:

(1) provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all of its employees providing services on the project, for the duration of the project;

(2) provide to the Professional, prior to that person beginning work on the project, a certificate of coverage showing that coverage is being provided for all employees of the person providing service on the project, for the duration of the project;

(3) provide the Professional, prior to the end of the coverage period, a new certificate of coverage showing extension of coverage, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(4) obtain from each other person with whom it contracts, and provide to the Professional:

(a) a certificate of coverage, prior to the other person beginning work on the project; and

(b) a new certificate of coverage showing extension of coverage, prior to the end of the coverage period, if the coverage period shown on the current certificate of coverage ends during the duration of the project;

(5) retain all required certificates of coverage on file for the duration of the project and for one (1) year thereafter;

(6) notify the City in writing by certified mail or personal delivery, within ten (10) days after the person knew or should have known, of any change that materially affects the provision of coverage of any person providing service on the project;

(7) contractually require each person with whom it contracts, to perform as required by paragraphs (1) - (7),with the certificates of coverage to be provided to the person for whom they are providing services.

j. By signing this contract or providing or causing to be provided a certificate of coverage, the Professional is representing to the City that all employees of the Professional who will provide services on the project will be covered by workers' compensation coverage for the duration of the project, that the coverage will be based on proper reporting of classification codes and payroll amounts, and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the commission's Division of Self-Insurance Regulation. Providing false or misleading information may subject the Professional to administrative penalties, criminal penalties, civil penalties, or other civil actions.

k. The Professional's failure to comply with any of these provisions is a breach of contract by the Professional which entitles the City to declare the contract void if the Professional does not remedy the breach within ten (10) days after receipt of notice of breach from the City.

ATTACHMENT E

NOTICE TO PROCEED

TO: JACOB & MARTIN, LLC
3465 CURRY LANE
ABILENE, TX 79606

PROJECT DESCRIPTION: RECONSTRUCTION OF GRIFFITH RD

YOU ARE TO BEGIN WORK ON THIS PROJECT ON OR BEFORE _____, AND TO COMPLETE THE WORK WITHIN _____ CONSECUTIVE WORKING DAYS FOR BASE BID AND _____ CONSECUTIVE WORKING

DAYS FOR ADD ALTERNATE.

YOU MUST COMPLETE ALL WORK ON OR BEFORE _____, 20____.

YOU MUST RETURN A SIGNED COPY OF THIS NOTICE TO PROCEED TO THE CITY.

THE CITY OF ABILENE, TEXAS

BY: _____
(SIGNATURE)

_____
PRINTED NAME

TITLE:

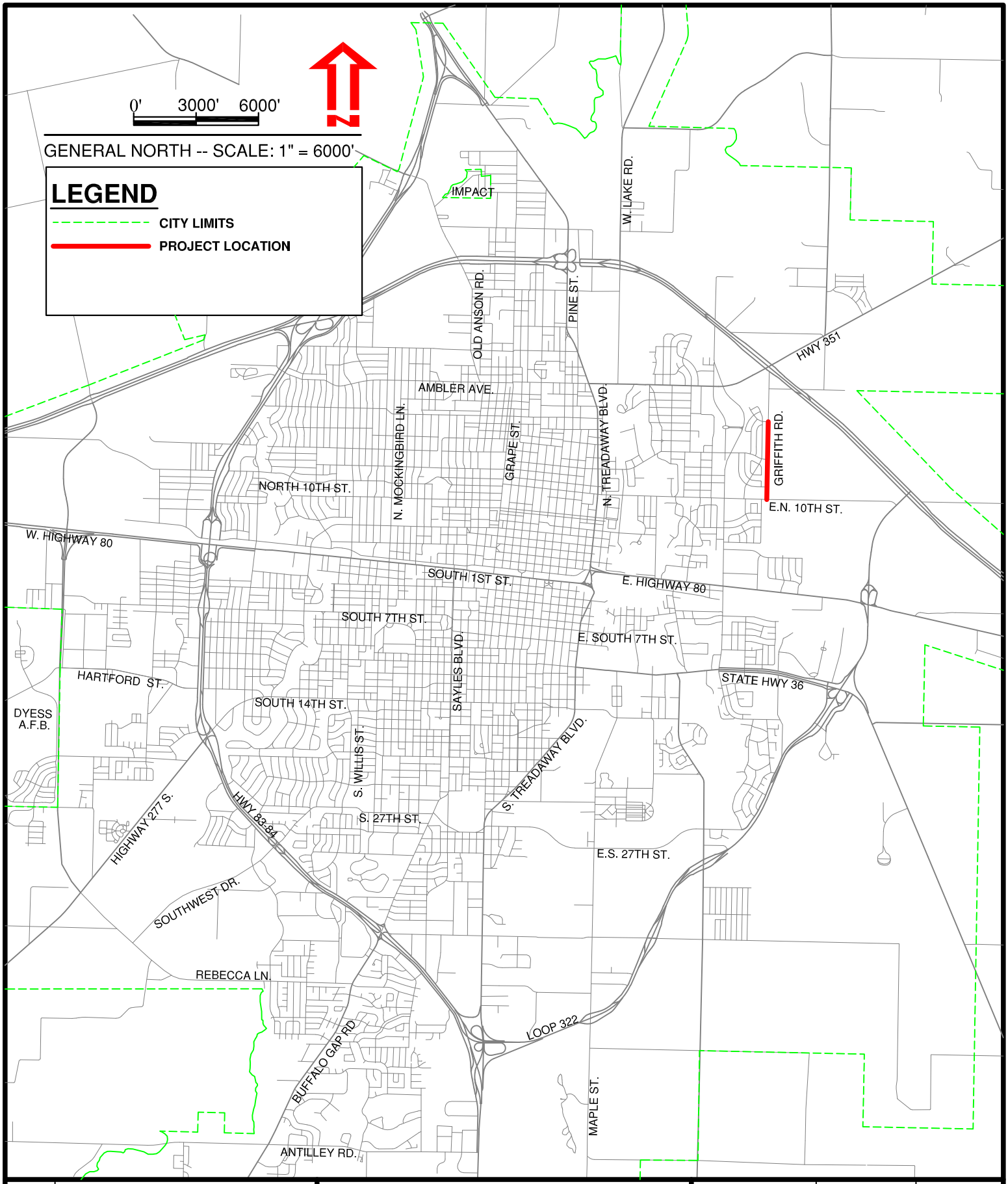
DATE: _____
CONTRACTOR ACKNOWLEDGES RECEIVING THE NOTICE TO PROCEED.

BY: _____
(SIGNATURE)
TITLE: _____
FEDERAL TAX ID #: _____

ATTACHMENT F

CHANGE IN SCOPE OF SERVICES

Click or tap here to enter text.



Sheet 1 of 1	CITY OF ABILENE, TEXAS PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION	GRIFFITH ROAD RECONSTRUCTION PROJECT	Designed By: C.THOMAS Drawn By: T. MATTHEWS Checked By: C.THOMAS	Horizontal Scale: 1"=6000' Vertical Scale: N.T.S.	Computer File Name: Project Location Map Date: OCTOBER 2019

Agenda Item: Professional Services Contract for Griffith Road Reconstruction Project

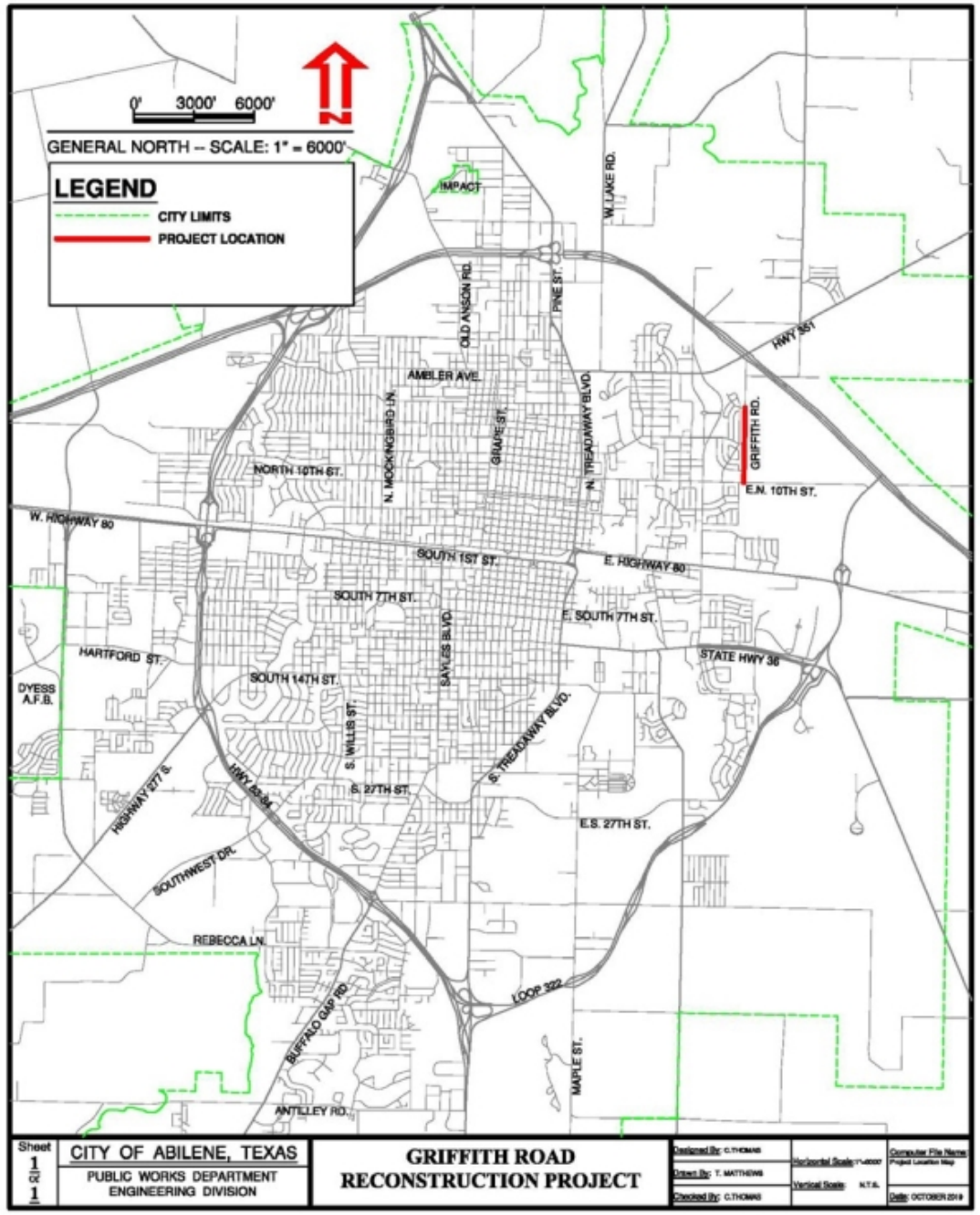
Resolution: Approval of Professional Services Contract for Griffith Road Reconstruction Project

(McCaffery)

CITY OF ABILENE TEXAS

Project Location Map

From E.N. 10th St. to Marathon Rd.



CITY OF ABILENE TEXAS

Agenda Item:
Griffith Road Reconstruction Project

- Surveying, Materials Testing and Design of Griffith Road from E.N. 10th St. to Marathon Rd.
- Preliminary Option of Construction Costs $1,334,200
- Anticipated Construction Award March 12, 2020
- Construction to begin April 1, 2020 and be complete by August 1, 2020
- Staff recommends execution of a design agreement with Jacob & Martin, Ltd. (JM) in the amount of $106,900.00.

CITY OF ABILENE TEXAS

Questions?

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **8. Ordinance (First Reading)Z-2019-25: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Bryan Pope, John Michael Clark, Jerold Armstrong and Abilene Auto Glass; agent C.J. Chaney, to rezone seven tracts of land from a Heavy Industrial (HI) to a Heavy Commercial (HC) District. Proposed HC zoning includes all except the south 139 feet of the east 130 feet of city block bounded by South Treadaway Boulevard; Dimmitt, Cherry and South 14th Streets, plus Lots 4 thru 6 in Block B of John Touy's Subdivision of Lot Numbers 3 and 4 in Block 208, Original Town of Abilene and located at northwest corner of Cherry and South 14th Streets *(Mike Warrix)***

GENERAL INFORMATION

The applicants are requesting to rezone from Heavy Industrial (HI) to Heavy Commercial (HC) in order to utilize the locations for a wider range of commercial activities.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission unanimously recommends approval of this request by a vote of five (5) to zero (0).

AYES: Calk, Bixby, Noonan, Lankford, and Famble
NAYS: None

ATTACHMENTS:

1.	Ordinance_cover	3-_ordinance_cover.docx
2.	Z-2019-25 Council Ord Exhibit	4- Z-2019-25 Council Ord Exhibit.docx
3.	Z-2019-25 PZC Staff Report	1- Z-2019-25 PZC Staff Report.pdf
4.	Z-2019-25response	Z-2019-25response.pdf
5.	Z-2019-25 Presentation	2- Z-2019-25.pptx

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY 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 2 (Zoning Regulations) of 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 the 17th day of October, 2019.

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 14th day of September, 2019, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 7th day of November, 2019, 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 FINAL READING THIS 7th day of November, 2019.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Rezone seven tracts of land from a Heavy Industrial (HI) to a Heavy Commercial (HC) District.

Legal description includes all except the south 139 feet of the east 130 feet of city block bounded by South Treadaway Boulevard. Dimmitt, Cherry and South 14th Streets, plus Lots 4 thru 6 in Block B of John Touy's Subdivision of Lot Numbers 3 and 4 in Block 208, Original Town of Abilene.

-END-

Located at northwest corner of Cherry and South 14th Streets

ZONING CASE Z-2019-25
STAFF REPORT

REQUEST: Rezoning

APPLICANT:
Owner: Bryan Pope
Agent: CJ Chaney

HEARING DATES:
P & Z Commission:
October 1, 2019
City Council 1st Reading:
October 17, 2019
City Council 2nd Reading:
November 7, 2019

LOCATION:
- 534 S. 14th St.
- 1401, 1428, 1433 Cherry St.
- 1402, 1442, 1450 S. Treadaway

Legal description(s):

- All of Lot 9 and the west half of Lot 10 in J. McAllister Stevenson's Subdivision of Outlot Nos. 2 and 3 and the North 140 Feet of Outlot No. 4 in Block No. 209 of Abilene's Original Town.
- Lots 4,5 and 6 in Block B of John Touhy's Subdivision of Lot Numbers Three and Four in Block Number 208 of Abilene's Original Town.

PROPOSAL AND REQUESTED ACTION:
The applicants are requesting to rezone from Heavy Industrial (HI) to Heavy Commercial (HC) in order to utilize the locations for a wider range of commercial activities.

APPLICATION REVIEW:
According to Section 1.4.1.4, Criteria for Approval, of the City of Abilene Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

(1) **Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended;**

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as a mixture of commercial use along S. Treadaway and S. 14th Street in close proximity to residential properties. The objective is to achieve a mix of mutually supportive and integrated residential and non-residential land uses. This proposed zone change promotes the Comprehensive Plan's goal of achieving a mixture of land uses that will encourage a variety of activities, shorten automobile trips and promote pedestrian and bicycle accessibility. Furthermore, the zone change will allow for a much wider variety of commercial activities which will encourage the Comprehensive Plan's objective of infill within older established neighborhoods.

(2) **Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.**

The commercial uses permitted by the proposed zone change would be appropriate in the immediate area. Rezoning this property will provide an opportunity for a wide range of commercial activities, while reducing the intensity of activities that would typically be found within the currently existing Heavy Industrial (HI) zoning.

The subject lot has been zoned Heavy Industrial (HI) since at least 1974. The lots to the north, south and east are currently zoned Heavy Industrial (HI). One of these Heavy Industrial (HI) lots to the south is the location of a legally non-conforming single-family residence which is designated as Historic. West of the subject property is zoned Medium Density (MD) Residential and currently is the location of existing single family residences.

	Zoning	Existing Land Use
North	HI	Heavy Equipment Rental
South	HI & HI/H	Retail Space/ Single Family Residence
East	HI	Agriculture Supply Store
West	MD	Single Family Residence(s)

(3) **Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.**

The subject property has access to an existing water mains and sewer mains. Therefore water and sewer capacity should not be a limiting factor to the development of these properties.

According to the land development code good automobile accessibility within commercial districts is essential. These subject properties are located along and nearby the intersection of S. Treadaway and S. 14th Street both of which are considered major arterial roads. Traditional planning considers intersections of major arterial roads such as this to be customarily appropriate for commercial purposes. Maximizing accesses and exposure which is often necessary to promote the success of commercial uses.

STAFF COMMENTS:

According to the Future Land Use and Development Plan Map of the Comprehensive Plan, this location is designated to provide a mix of residential and commercial uses. Heavy Commercial (HC) zoning will promote a greater mix of commercial uses which include a wide range of retail opportunity nearby existing residential properties. This will achieve the Comprehensive Plan's objective of creating a mix of land use that will encourage a variety of activities, shorten automobile trips and promote pedestrian and bicycle accessibility. Additionally, the subject properties are located within the Neighborhood Empowerment Zone (78-2018), a zone designed to promote redevelopment in "economically distressed" areas. Furthermore, Heavy Commercial (HC) zoning will serve as an appropriate transitional zoning from Heavy Industrial (HI) zoning to the east and Medium Density (MD) residential zoning to the west.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request complies with Section 1.4.1.4 (Criteria for Approval). According to the Comprehensive Plan this area is designated a commercial area which is to provide a mixture of commercial uses alongside nearby residential housing.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

Planning & Zoning Commission recommended approval by a vote of five in favor and zero opposed on October 1, 2019.

NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

ABILENE AG FORD

Owner	Situs	Response
ABILENE AG FORD	1358 S TREADAWAY BL	
ABILENE AG SERVICE & SUPPLY INC	1449 S TREADAWAY BL	
ABILENE AUTO GLASS INC	1428 CHERRY ST	
ABILENE NEW HOLLAND LTD	1396 CHERRY ST	
ARMSTRONG JEROLD R	1442 S TREADAWAY BL	
ARMSTRONG JEROLD R	1402 S TREADAWAY BL	
CITY OF ABILENE	630 S 14TH ST	
CLARK JOHN MICHAEL	1433 CHERRY ST	
FERGUSON BYRD DENA	1410 CHERRY ST	
GAMEZ RAYMOND	1425 LOCUST ST	
GAMEZ RAYMOND GOMEZ	1412 CHERRY ST	
HILLIS INVESTMENTS INC	1502 S TREADAWAY BL	In Favor
LONE STAR GAS CO	1420 CHERRY	
MAYFIELD AMY MARCELE	1510 CHERRY ST	
MAYFIELD AMY MARCELE	1502 CHERRY ST	In Favor
MAYFIELD AMY MARCELE	625 S 14TH ST	
MAYFIELD AMY MARCELE	617 S 14TH ST	
OWENS FRANK	1401 LOCUST ST	
PEREZ MANUEL	625 DIMMITT ST	
POPE BRYAN	1401 CHERRY ST	In Favor
POPE BRYAN	534 S 14TH ST	In Favor
POPE BRYAN	626 S 14TH ST	In Favor
POPE BRYAN	628 S 14TH ST	In Favor
POPE BRYAN EDMOND	1450 S TREADAWAY BL	In Favor
QUINTANILLA SANTOS	1409 LOCUST ST	
SKINNYS INC	1458 S TREADAWAY BL	
VALLEY CREEK HOMES LLC	1402 CHERRY ST	
VINSON RANDELL DON	1357 S TREADAWAY BL	

ATTACHMENTS:

- Application
- PowerPoint

Development Application

CITY OF ABILENE

Planning

☐ Conditional Use ☐ Easement Release ☒ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: _____

Address: 534 S. 14th ~~1450 S Treadaway~~ ~~1401 Chery~~ No. of lots: 1 ~~3~~ Acreage: _____

Legal Description: W 1/2 of LT 10 209 OT ABL 2-3 & N 140 FT of 4 ~~S50 E 1/2 LT 9 209 OT ABL Outlot 2~~ ~~N 180 W 1/2 LT 9 209 OT ABL 2 & 3 + N 140 of 4~~

Subdivision Name: South Treadaway Block: _____ Lot: _____

Current Zoning: HI Proposed Zoning (if applicable): HC

OWNER AND AUTHORIZATION

Owner Name: Bryan Pope

Address: 1450 S Treadaway

City, State, Zip: Abilene TX 79602 Fax: _____

Phone: _____ Email: bryanpope38@yahoo.com

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) CJ Chaney *will act as my agent before the Planning and Zoning Commission.*

Agent Name: CJ Chaney

Address: 2500 S. Willis St.

City, State, Zip: Abilene TX 79605 Fax: _____

Phone: 325-725-6641 Email: cj@cbcabilene.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: _____ Date: 8-21-19

FOR OFFICE USE ONLY

Received: 8/21/19 **Fee: $** 1,500.00 **Receipt No.:** 2087825

Case No.: Z-2019-25 **Reviewed By:** Cheryl

Development Application

CITY OF ABILENE

Planning

☐ Conditional Use ☐ Easement Release ☒ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: S Treadaway & S 14th HI to HC

Address: 534 S 14th / 1401 Cherry / 1450 S. Treadaway No. of lots: _____ Acreage: _____

Legal Description: See attached Addendum A

Subdivision Name: South Treadaway Block: _____ Lot: _____

Current Zoning: HI Proposed Zoning (if applicable): HC

OWNER AND AUTHORIZATION

Owner Name: Bryan Pope

Address: 1450 S. Treadaway

City, State, Zip: Abilene TX 79602 Fax: _____

Phone: _____ Email: bryanpope38@yahoo.com

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Bryan Pope *will act as my agent before the Planning and Zoning Commission.*

Agent Name: CJ Chaney

Address: 2500 S. Willis St.

City, State, Zip: Abilene TX 79605 Fax: _____

Phone: 325-725-6641 Email: cj@cbcabilene.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: _____ Date: 9-1-19

FOR OFFICE USE ONLY

Received: _____ **Fee: $** _____ **Receipt No.:** _____

Case No.: _____ **Reviewed By:** _____

Development Application

CITY OF ABILENE

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

These property zonings of HI are currently restricting the development of the properties.

534 S 14Th has been a salon, a retail store, an office + a taxidermy location. None of these uses are allowed in the current zoning.

1450 S. Treadaway has been an office and work shop for a general contractor. Under contractor services this business is allowed. It would also be allowed under HC.

passive

1401 Cherry has been a storage yard for the last 10 years at least. Our current plans are for this use to continue. This use is allowed under Transportation for automobiles as a commercial use. We would request the zoning be changed to HC because this use would still be allowed but future development would be encouraged.

Development Application

CITY OF ABILENE

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of $120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____ DATE: 8-21-19

City of Abilene
Accounting Dept

555 Walnut Street
Abilene, TX 79604

(325) 676-6262

08/21/2019 04:04 PM Cashier 0020
T/Ref 0002087825 Reg 0002 Tran No 7776
Cash Report: 190822-01 for 08/22/2019

01 - City of Abilene
ZONING FEES, SITE PLANS,VARIANCE REQUEST
NAME GARRETT CONSTRUCTION
DESCRIPTION REZONING FEE
Validation Number: 100158 $1,500.00

==========

Total	$1,500.00
Check	($1,500.00)

Check No. 5073

Thank You for Your Payment

Development Application

CITY OF ABILENE

Planning

☐ Conditional Use ☐ Easement Release ☒ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: S Treadaway & S 14th HI to HC

Address: 1428 Cherry St.

Legal Description: See Attached Addendum A.

Subdivision Name: South Treadaway Block: _____ Lot: _____

Current Zoning: HI Proposed Zoning (if applicable): HC

OWNER AND AUTHORIZATION

Owner Name: Abilene Auto Glass Inc.

Address: 1801 S. Treadaway Blvd.

City, State, Zip: Abilene Tx 79602 Fax: _____

Phone: 325-338-3389 Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Abilene Auto Glass Inc (Jeff Abernathy) *will act as my agent before the Planning and Zoning Commission.*

Agent Name: CJ Chaney

Address: 2500 S. Willis St.

City, State, Zip: Abilene TX 79605 Fax: _____

Phone: 325-725-6641 Email: cj@cbcabilene.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: Jeffrey Abernathy Date: _____

FOR OFFICE USE ONLY

Received: _____ **Fee: $** _____ **Receipt No.:** _____

Case No.: _____ **Reviewed By:** _____

Development Application

CITY OF ABILENE

Planning

☐ Conditional Use ☐ Easement Release ☒ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: S Treadaway + S 14th HI to HC

Address: 1402 S. Treadaway / 1442 S. Treadaway

Legal Description: See Attached Addendum A.

Subdivision Name: South Treadaway Block: _____ Lot: _____

Current Zoning: HI Proposed Zoning (if applicable): HC

OWNER AND AUTHORIZATION

Owner Name: Jerold Armstrong

Address: PO Box 1229

City, State, Zip: Abilene Tx 79604 Fax: _____

Phone: 326-672-5676 Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Jerold R. Armstrong *will act as my agent before the Planning and Zoning Commission.*

Agent Name: CJ Chaney

Address: 2500 S. Willis St.

City, State, Zip: Abilene TX 79605 Fax: _____

Phone: 325-725-6641 Email: cj@cbcabilene.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: Doris J Armstrong Date: 9-3-19

FOR OFFICE USE ONLY

Received: _____ **Fee: $** _____ **Receipt No.:** _____

Case No.: _____ **Reviewed By:** _____

Development Application

CITY OF ABILENE

Planning

☐ Conditional Use ☐ Easement Release ☒ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: S Treadaway + S 14th HI to HC

Address: 1433 Cherry St

Legal Description: See Attached Addendum A.

Subdivision Name: South Treadaway Block: _____ Lot: _____

Current Zoning: HI Proposed Zoning (if applicable): HC

OWNER AND AUTHORIZATION

Owner Name: John Michael Clark

Address: 1048 FM 2404

City, State, Zip: ABILENE TX 79601 Fax: _____

Phone: 325-338-6317 Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) John Michael Clark will act as my agent before the Planning and Zoning Commission.

Agent Name: C J Chaney

Address: 2500 S. Willis St.

City, State, Zip: Abilene TX 79605 Fax: _____

Phone: 325-725-6641 Email: cj@cbcabilene.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: _____ Date: _____

FOR OFFICE USE ONLY

Received: _____ **Fee: $** _____ **Receipt No.:** _____

Case No.: _____ **Reviewed By:** _____

Attention City of Abilene Planning and Zoning:

We would like this letter to serve as notice that the undersigned property owners would like to make a joint request for a zoning change for our properties from HI (Heavy Industrial) to HC (Heavy commercial).

Address	Parcel ID	Owner	Legal Description
534 S. 14th	38858	Bryan Pope	W1/2 OF LT 10 209 OT ABL 2-3 & N140 FT OF 4
1428 Cherry	19067	ABILENE AUTO GLASS INC (Abernathy)	OT ABILENE BLK 208 JOHN TOUHY 3-4 B, LOT 4-5-6
1433 Cherry St.	38621	John Michael Clark	S100 OF W1/2 LT 9 209 2/3 & N40 OF 4 OT
1401 Cherry St.	38105	Bryan Pope	N180 W1/2 LT 9 209 OT ABL 2&3 & N 140 OF 4
1402 S. Treadaway	38107	Jerold Armstrong	N37.1 OF E80' OF W/2 OF 9 209 2&3 & N140 OF 4 OT ABILENE
1442 S. Treadaway	38360	Jerold Armstrong	LT 1 REP N150 S200 E/2 LT 9 209 OT 2-3-4
1450 S. Treadaway	38487	Bryan Pope	S50 E1/2 LT 9 209 ABL OUTLT 2
1458 S. Treadaway	38735	Skinny's Inc	E1/2 OF BLK 10 209 SUB LTS 2&3 & N140
1412 Cherry St.	18837	Raymond Gomez Gamez	OT ABILENE BLK 208 JOHN TOUHY 3-4 B, LOT 3 LESS 10X12FT
1410 Cherry St.	18730	Byrd Dena Ferguson	OT ABILENE BLK 208 JOHN TOUHY 3-4 B, LOT 2
1402 Cherry St.	18621	Valley Creek Homes	OT ABILENE BLK 208 JOHN TOUHY 3-4 B, LOT 1

Attention City of Abilene Planning and Zoning:

We would like this letter to serve as notice that the undersigned property owners would like to make a joint request for a zoning change for our properties from HI (Heavy Industrial) to HC (Heavy commercial).

Address	Parcel ID	Owner	Owner Signature
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1428 Cherry	19067	ABILENE AUTO GLASS INC (Abernathy)	
1433 Cherry St.	38621	John Michael Clark	
1401 Cherry St.	38105	Bryan Pope	
1402 S. Treadaway	38107	Jerold Armstrong	Doris J Armstrong
1442 S. Treadaway	38360	Jerold Armstrong	Doris J Armstrong
1450 S. Treadaway	38487	Bryan Pope	
1458 S. Treadaway	38735	Skinny's Inc	
1412 Cherry St.	18837	Raymond Gomez Gamez	Believed Deceased
1410 Cherry St.	18730	Byrd Dena Ferguson	
1402 Cherry St.	18621	Valley Creek Homes	

Planning and Zoning

with Web AppBuilder for ArcGIS

1401 Cherry

Show search results for **140**...

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DocuSign Envelope ID: 2D36D582-1DAF-40DB-A206-900EC7B00D37

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

POPE BRYAN
117 BELLA VISTA LN
TUSCOLA, TX 79562-3674

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2019-25 **9/20/2019**

The Planning and Zoning Commission will hold a public hearing on **Tuesday, October 1, 2019** at **1:30 PM**, in City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Bryan Pope, John Michael Clark, Jerold Armstrong and Abilene Auto Glass; agent C.J. Chaney, to rezone seven tracts of land from a Heavy Industrial (HI) to a Heavy Commercial (HC) District. Proposed HC zoning includes all except the south 139 feet of the east 130 feet of city block bounded by South Treadaway Boulevard. Dimmitt, Cherry and South 14th Streets, plus Lots 4 thru 6 in Block B of John Touy's Subdivision of Lot Numbers 3 and 4 in Block 208, Original Town of Abilene and located at northwest corner of Cherry and South 14th Streets.

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 as listed below. All responses must be signed.

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 Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **November 7, 2019,** at 8:30 AM in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Jared Smith, Planner II at (325) 676-6490 or jared.smith@abilenetx.gov

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For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2019-25
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 email your position to the email address listed below. All correspondence must include your name and address.

Name: POPE BRYAN
Address: 534 S 14TH ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: DocuSigned by: 70397571E5BD49A...

DocuSign Envelope ID: 2D36D582-1DAF-40DB-A206-900EC7B00D37

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

POPE BRYAN EDMOND
117 BELLA VISTA LN
TUSCOLA, TX 79562-3674

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2019-25 **9/20/2019**

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For the PLANNING & ZONING COMMISSION
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Name: POPE BRYAN EDMOND
Address: 1450 S TREADAWAY BL

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: DocuSigned by: 70397571E5BD49A...

DocuSign Envelope ID: 2D36D582-1DAF-40DB-A206-900EC7B00D37

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

POPE BRYAN
1450 S TREADAWAY BLVD
ABILENE, TX 79602-3945

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2019-25 **9/20/2019**

The Planning and Zoning Commission will hold a public hearing on **Tuesday, October 1, 2019** at **1:30 PM**, in City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Bryan Pope, John Michael Clark, Jerold Armstrong and Abilene Auto Glass; agent C.J. Chaney, to rezone seven tracts of land from a Heavy Industrial (HI) to a Heavy Commercial (HC) District. Proposed HC zoning includes all except the south 139 feet of the east 130 feet of city block bounded by South Treadaway Boulevard. Dimmitt, Cherry and South 14th Streets, plus Lots 4 thru 6 in Block B of John Touy's Subdivision of Lot Numbers 3 and 4 in Block 208, Original Town of Abilene and located at northwest corner of Cherry and South 14th Streets.

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If you have any questions, please contact Jared Smith, Planner II at (325) 676-6490 or jared.smith@abilenetx.gov

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For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2019-25
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 email your position to the email address listed below. All correspondence must include your name and address.

Name: POPE BRYAN
Address: 628 S 14TH ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: DocuSigned by: 70397571E5BD49A...

DocuSign Envelope ID: 2D36D582-1DAF-40DB-A206-900EC7B00D37

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

POPE BRYAN
1450 S TREADAWAY BLVD
ABILENE, TX 79602-3945

NOTICE OF PUBLIC HEARING

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For the PLANNING & ZONING COMMISSION
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Name: POPE BRYAN
Address: 626 S 14TH ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: DocuSigned by: 70397571E5BD49A...

DocuSign Envelope ID: 2D36D582-1DAF-40DB-A206-900EC7B00D37

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

POPE BRYAN
1450 S TREADAWAY BLVD
ABILENE, TX 79602-3945

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2019-25 **9/20/2019**

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If you have any questions, please contact Jared Smith, Planner II at (325) 676-6490 or jared.smith@abilenetx.gov

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For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2019-25
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Name: POPE BRYAN
Address: 1401 CHERRY ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: DocuSigned by: 70397571E5BD49A

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

HILLIS INVESTMENTS INC
PO BOX 390
ABILENE, TX 79604-0390

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2019-25 **9/20/2019**

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If you have any questions, please contact Jared Smith, Planner II at (325) 676-6490 or jared.smith@abilenetx.gov

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For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2019-25
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Name: HILLIS INVESTMENTS INC
Address: 1502 S TREADAWAY BL

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: Ronda Hills

REZONING REQUEST

Case: Z-2019-25

Owner: Bryan Pope

Agent: CJ Chaney, Caldwell Banker

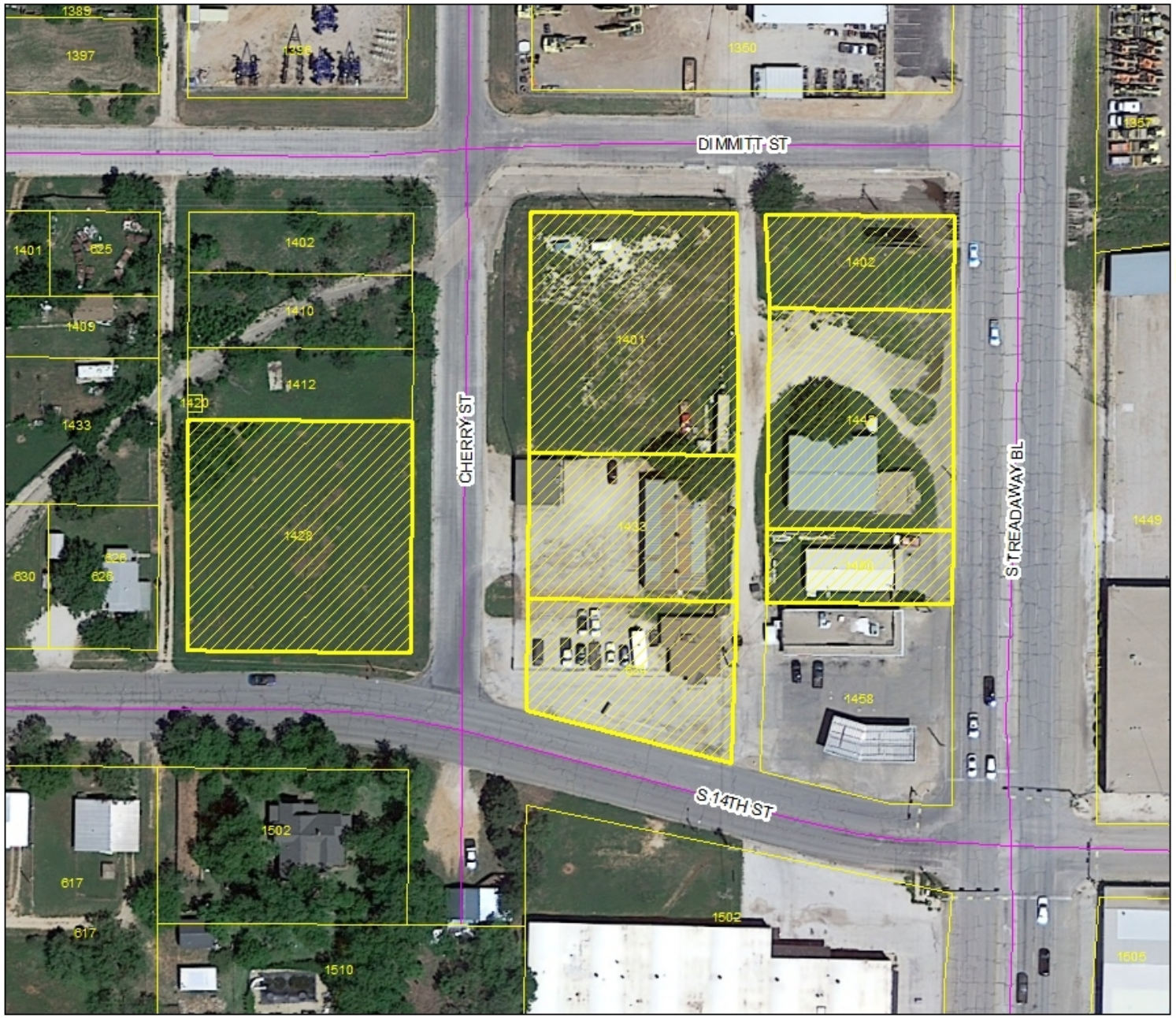
Request: Rezone from Heavy Industrial (HI) to Heavy Commercial (HC) zoning.

Notification: 6 in Favor, 0 Opposed

Planning & Zoning Approval: October 1, 2019

City Council Hearing Dates: October 17, 2019
November 7, 2019

Z-2019-25 AERIAL LOCATION MAP



Aerial Map

N
W E
S

Legend

Z-2019-25

Z-2019-25 ZONING MAP

Z-2019-25 NOTIFICATION AREA MAP

Notification Map

N
W E
S

Legend

Z-2019-25

200' Buffer

6- In Favor-

0- Opposed-

Allowed Uses in HC Zoning

RESIDENTAL USES:

C	Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

P	Accessory Structure (Also see Division 4 of this article)
P	Antenna, Non-Commercial/Amateur
P	ATM's, Self-Serve Kiosks, and Similar Facilities
P	Drive-Through Facility
TP	Field Office or Construction Office (temporary)
P	Freight Container
P	Fuel Sales
TP	Itinerant Business
P	Manufacturing (incidental)
C	Mobile Home (permanent security residence)
TP	Mobile Home (temporary security residence)
P	Mobile Home or Temporary Building (office for sales and service)
P	Recycling Collection Point
C	Travel Trailers (accessory to hospitals)
P/SE	Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

C	Adult Entertainment Enterprise
P	Civic, Social, and Fraternal Organization
P	Cultural Facilities
P	Drive-in Theater
C	Motorized Racing
P	Recreation – Outdoors (active)
P	Recreation – Outdoors (passive)
P	Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P	Ambulance Service
C	Correction, Detention, or Penal Facilities
P	Fire/Police Station
P	Homeless/Emergency Shelter
P	Hospital
P	Medical/Dental Laboratory
P	Military and Armed Forces Reserve Center
P	Post Office
P	Rehabilitation Facility
C	Sanitary Landfill
P	Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

P	Arts School
C	Cemetery, Crematorium, and Mausoleum
P	Church or Place of Worship
P	Educational and Scientific Research
P	School: Public/Private
P	Trade/Business School

LEGEND

P	**Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)**
C	**Permitted as a Conditional Use Permit, Requiring Approval by City Council**
TP	**Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment**

SERVICE

P/C	Automobile Wash
P	Contractor Services
P	Funeral Home/ Mortuary/Morgue
P	Kennel (With Outdoor Pens)
P	Kennel (Without Outdoor Pens)
P	Laundry, Dry Cleaning, Dyeing, and Linen Service (no retail customers)
P	Laundry/Dry Cleaning Services & Facilities
P	Office (general, professional, financial)
P	Printing, Copying, Reproduction, Publishing
P	Recycling Collection and Processing Center
P	Repair and Maintenance Services - Automobile/Small Truck (major)
P	Repair and Maintenance Services - Automobile/Small Truck (minor)
P	Repair and Maintenance Services (indoor)
P	Repair and Maintenance Services (outdoors)
P	Repair and Maintenance Services (truck and other large vehicles)
P	Scales (public)
P	Storage - Self-Service Units
P	Tattoo Parlor
P	Taxidermist
P	Veterinary Service (all size animals)
P	Veterinary Service (small animals)
P	Wrecker/Towing

TRADE – RETAIL USES

P	Aircraft and Accessories
P	ATM's, Self-Serve Kiosks, and Similar Facilities
P	Fuel Sales
P	Head Shop
P	Liquor Store (Off Premises Consumption) *(Defined under Liquor Store)*
P	Liquor Store (On Premises Consumption) *(Defined under Liquor Store)*
P	Restaurant, Fast Food
P	Restaurant, Standard
P	Retail Sales/Rental (automobile/small truck)
P	Retail Sales/Rental (indoor)
P	Retail Sales/Rental (outdoors, non-vehicle)
P	Retail Sales/Rental (trucks and other large vehicles and equipment)

TRADE – WHOLESALE USES

P	Liquor, Wholesale/Distribution
P	Wholesaling and Storage (indoor)
C	Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P	Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
C	Antenna Tower - Commercial
P	Automobile Parking Lot or Structure - Commercial
P	Broadcast Studio
P	Passenger Ground Transportation Terminal
P	Pressure Control Station
P	Public Utility Facility
C	Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well
C	Manufacturing (light)
P	Urban Garden

Z-2019-25 VIEWS OF SUBJECT PROPERTIES

1401 Cherry (Subject Property)

1433 Cherry St. (Subject Property)

1433 Cherry (Subject Property)

Z-2019-25 VIEWS OF SUBJECT PROPERTIES

1402 S. Treadaway (Subject Property)

1442 & 1450 Treadaway (Subject Property)

Z-2019-25 VIEWS OF SUBJECT ADJACENT PROPERTIES

Neighboring Property

1428 Cherry St. (Subject Property)

FINDINGS AND RECOMMENDATIONS

- According to the Future Land Use map found in the Comprehensive Plan, this location is designated to provide a mix of residential and commercial uses. Heavy Commercial (HC) zoning will promote a greater mix of commercial uses which include a wide range of retail opportunity nearby existing residential properties
- Staff Recommendation of **Approval,** the rezoning request complies with section 1.4.1.4 (Criteria for Approval)

Planning & Zoning Recommendation: Approval

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **9. Ordinance (First Reading) Z-2019-26: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Lytle Creek Golf Links LLC; agent David Todd of Enprotec/Hibbs & Todd, to amend Planned Development District Number 70 (a.k.a. PD 70) to include revised building setback standards for patio homes constructed therein located at 3669 thru 3963 National Drive, which said street projects north from 1500 block of East Industrial Boulevard in southeast Abilene *(Mike Warrix)***

GENERAL INFORMATION

The request is to amend existing Planned Development District Number 70 (PD 70) to include revised building setback standards for patio homes

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission unanimously recommends approval of this request by a vote of five (5) to zero (0.)

AYES: Calk, Bixby, Noonan, Lankford, and Famble
NAYS: None

ATTACHMENTS:

1.	3- Z-2019-26 staff-recomm. PDD ordinance	3- Z-2019-26 staff-recomm. PDD ordinance.docx
2.	1- Z-2019-26 PZC Staff Report	1- Z-2019-26 PZC Staff Report.pdf
3.	Z-2019-26mail out response	Z-2019-26mail out response.pdf
4.	2- Z-2019-26 Presentation	2- Z-2019-26 Presentation.pptx

ORDINANCE NO. _____

Comment [RGG1]: Page: 1
To be filled in by the City Secretary's office.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE AND CONCERNING PD-70, A PLANNED DEVELOPMENT DISTRICT, AS WELL AS ORDINANCE NUMBERS 54-1999 AND 44-2017; 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 I: That the Land Development Code of the City of Abilene is hereby amended by repealing Ordinance Numbers 54-1999 and 44-2017 concerning PD 70 (a Planned Development District) and replacing them with terms and conditions set out in accompanying Exhibit "A" concerning the same said PD 70, 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 Two Thousand Dollars ($2,000.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING the 17th day of October, A.D. 2019.

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 14th day of September, 2019, 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 7th day of November , 2019, 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 7th day of November, A.D. 2019.

ATTEST:

_____

Shawna Atkinson
City Secretary

_____

Anthony Williams,
Mayor

APPROVED:

_____

Stanley Smith,
City Attorney

ORDINANCE NO. _____

Exhibit "A"

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

PART 2: Development Specifications. All use and development within this Planned Development District must be undertaken in compliance with the Land Development Code of the City of Abilene, except as otherwise specifically provided herein.

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

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth, from: Agricultural Open Space (AO) District, to Planned Development (PD) District Number 70.

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.

PART 5: Legal Description. The legal description of this Planned Development (PD) District Number 70 includes all 108+ acres encompassed within the National Golf Addition to the City of Abilene, Taylor County, Texas.

PART 6: Purpose. The purpose of this Planned Development District is to encourage appropriate development of a golf course and related uses ordinarily considered accessory and incidental thereto, as well as adjacent construction of patio homes.

PART 7: Specific Modifications: The following regulations shall govern the use and development of this Planned Development District Number 70:

A. Use and development of land encompassed by Lot 20 in Block "B" of the National Golf Addition shall generally be governed by terms and conditions pertinent to the Agricultural Open Space (AO) zoning classification, except that the following additional uses shall be allowed therein:

   golf course and golf driving range;
   maintenance facilities associated with golf course;
   restaurant;
   retail sale of recreational equipment and clothing; and
   liquor store for on-premise consumption of alcoholic beverages.

B. Use and development of land encompassed by the following properties:

- Lots 101 and 102 as well as Lots 4 thru 19 in Block "B" of the National Golf Addition
- all of Block "A" of the National Golf Addition

shall generally be governed by terms and conditions pertinent to the Residential Patio Home (PH) zoning classification, except as otherwise specified below:

1. The minimum width required of patio home lots shall be 50 feet.
2. The minimum depth required of patio home lots shall be 85 feet measured from the outside edge of an access and utility easement for private street and sidewalk, to the rear boundary of each lot planned for patio home construction.
3. Streets furnishing direct access to patio home lots may be private streets perpetually maintained by a Homeowners Association, but constructed according to ordinary design and construction standards of the Public Works Department for the City of Abilene.
4. Entrances to private street segments shall be allowed to be "gated" in compliance with applicable standards, policies and codes enforced by the Abilene Fire Department.
5. Sidewalks required in front of and/or beside patio home lots may be installed directly at the back of street curb, but otherwise in accordance with applicable design and construction standards of the Public Works Department for the City of Abilene.
6. Minimum building setback required from street segments providing direct access to patio home lots shall be 15 feet, measured from outside edge of access and utility easement intended for private street and sidewalk.
7. Minimum building setback required from the north line of right-of-way for Industrial Boulevard shall be 20 feet.
8. Minimum building setback required from rear lot boundary shall be 10 feet.

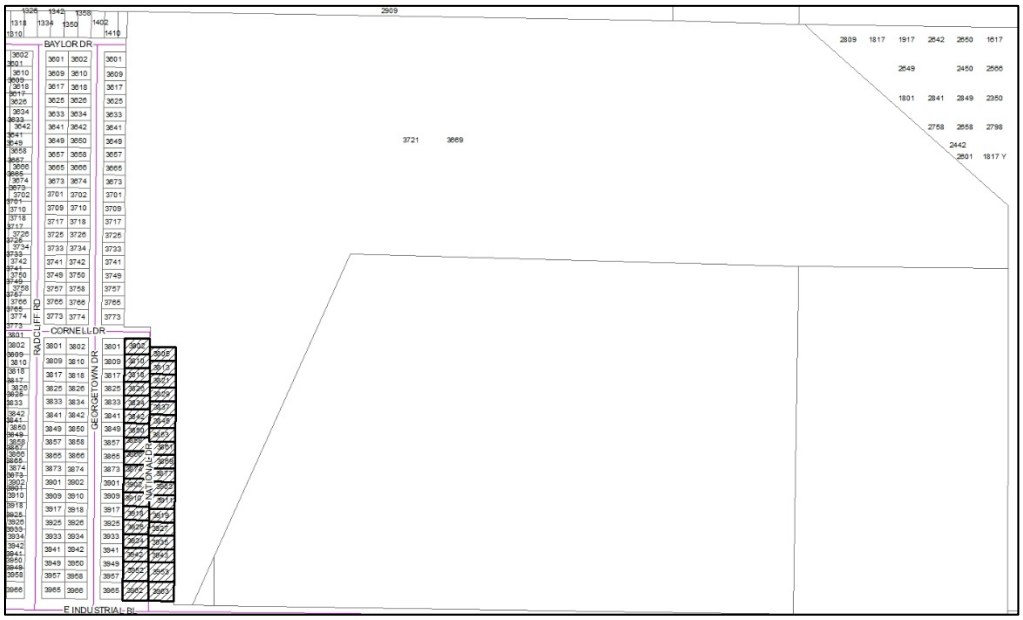
C. Signage

1. For the golf course and related use(s) located within this Planned Development District, one (1) freestanding sign shall be allowed for display onto Industrial Boulevard, and such sign shall not exceed thirty-five feet in height and two hundred (200) square feet in area.
2. On land encompassed by Lot 20 in Block "B" of the National Golf Addition, where the golf course and related use(s) are specifically located, internal wall signs shall be permitted as needed.

D. Subdivision and Resubdivision

Except as may be indicated in Item B above, the subdivision and resubdivision of land in this Planned Development District shall be undertaken in conformance with Subdivision Regulations applicable at the time of subdivision or resubdivision. Amendment of this ordinance shall not be necessary for resubdivision; however, all above-described regulations regarding the use of land identified therein shall remain applicable to that land, unless such regulations are modified by amendment to this ordinance.

ZONING CASE Z-2019-26
STAFF REPORT



REQUEST: Amend existing Planned Development District Number 70 (PD 70) to include revised building setback standards for patio homes

APPLICANT:

Owner: Lytle Creek Golf Links (dba Diamondback Golf Club)

Agent: David Todd, of Enprotec/Hibbs & Todd

HEARING DATES:

P & Z Commission:
October 1, 2019

City Council 1st Reading:
October 17, 2019

City Council 2nd Reading:
November 7, 2019

LOCATION:

3669 thru 3963 National Drive, projecting north from 1500 block (north side) of East Industrial Boulevard in southeast Abilene

Legal description: All of National Golf Addition to the City of Abilene, Taylor County, Texas

BACKGROUND:

According to the Land Development Code, a Planned Development (PD) District is a custom-made zoning classification tailored to meet the unique demands of a particular proposed development set within a specific environment.

In 1999, Planned Development District Number 70 (PD 70) was approved, specifically allowing the following uses on approximately 93 acres bordering the north side of East Industrial Boulevard and described (legally) as all of Lytle Creek Golf Links Subdivision:

- Golf course and associated maintenance facilities
- Golf driving range
- Restaurant
- Retail sale of recreational equipment and clothing
- Sale of alcoholic beverages for on-premise consumption

In 2017, PD 70 was amended by enlarging its area to include additional vacant acreage (directly to west) and expanding the range of allowed uses to include patio homes on lots planned for no more than 85 feet in depth.*

In early 2019, a new subdivision plat was approved and recorded, encompassing all 108+ acres now embraced within PD 70. This new subdivision plat is named "National Golf Addition." It and one Amended Plat together create 36 new patio home sites adjoining the west side of Diamondback Golf Club, with 18 patio home sites aligned along each side of a new private street named National Drive. All 36 patio home sites are at least 60 feet wide and 85 feet in depth (measured from edge of access easement for private street and sidewalk) in compliance with conditions required by PD 70, as amended.

All 36 patio home sites remain vacant.

PROPOSAL AND REQUESTED ACTION:

Owners of the 108+ acres in PD 70, including all 36 patio home sites, are requesting to amend minimum building setbacks required for patio home construction there, in ways that vary from standards ordinarily applicable to conventional Patio Home (PH) zoning districts:

1. **In PD 70, a minimum 15-foot patio home setback is proposed from 60-foot-wide access and utility easements (for private streets)** in lieu of the 15-foot setback ordinarily required from 60-foot-wide public rights-of-way commensurate with minor/subcollector streets.

2. **In PD 70, a minimum 20-foot patio home setback is proposed from right-of-way for Industrial Boulevard, an arterial street.** A minimum 30-foot setback from arterial street rights-of-way is ordinarily required in PH zoning districts.

    a. Lytle Shores South Subdivision stretches for 1/3 mile directly west from PD 70. In Lytle Shores South, homes are consistently built just 20 feet from Industrial Boulevard's right-of-way, conforming to standards in effect when those homes were built during 1983-84.

3. **In PD 70, a minimum 10-foot setback is proposed from rear boundaries of lots planned for patio homes.** A minimum 20-foot rear setback is ordinarily required in conventional PH zoning districts.

    a. From 1982† until 2010, only a ten-foot-wide rear yard was minimally required for patio home construction in Abilene. This was consistent with the "patio home concept" of minimal yards required for active outdoor recreation.

APPLICATION REVIEW:

According to Section 1.4.1.4 (Criteria for Approval) in the City of Abilene Land Development Code, the Planning & Zoning Commission and City Council may consider the following factors in making a determination regarding requested zoning changes:

(1) **Whether the proposed zoning amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended;**

City Council has already determined that patio home development in PD 70 is consistent with Abilene's Future Land Use and Development Plan which suggests "low-density residential" use in this vicinity. Even with buildable sites only 85 feet deep, proposed patio home density in PD 70 amounts to only 8 units per acre. This is slightly more than the 7¼ units per acre maximally

* measured from edge of access and utility easement reserved for private street and sidewalk

† when zoning regulations for patio homes were first instituted in Abilene

allowed in RS-6 zoning districts, and less than 12 units per acre allowed in MD zoning districts. Proposed patio home development in PD 70 still qualifies as "low-density residential."

(2) **Whether the proposed zoning amendment will be appropriate in the immediate area of the subject property.**

One potential concern is the minimum 10-foot rear yards proposed on patio home sites in PD 70, as they abut existing conventional single-family home sites directly to the west in an RS-6 District. These existing single-family home sites are required to have minimum 20-foot rear yards to ensure a certain degree of "usable outdoor recreation space" on each lot. The existing home sites there typically have actual rear yards ranging in depth from 25 to 50 feet. This may be in marked contrast to abutting patio homes planned in PD 70, some of which will have rear yards as few as 10 feet deep, as proposed. In and of itself, **this variation should have no substantial impact on long-term comfort and value of abutting residences,** so long as all such housing remains remotely similar in overall density. The distinction may be more of lifestyle preference, rather than anything more critical.

Another potential concern is the proposed setting of the southernmost two patio homes (in PD 70) only 20 feet from right-of-way on Industrial Boulevard, an arterial street. Since the mid-1980's, at least a 30-foot building setback has routinely been required from arterial street rights-of-way. In this case, however, existing homes in an adjoining subdivision (Lytle Shores South) are consistently set back just 20 feet from right-of-way on Industrial Boulevard. This was the standard in effect when these homes were built during the early 1980's. Two patio homes planned adjacent to Industrial Boulevard (in PD 70) will be no closer to that street than 14 existing homes stretched for 1/3 mile directly west and on that same north side of Industrial Boulevard.

	Zoning	Existing Land Use
North	AO	vacant land
South	AO	vacant land across Industrial Blvd.
East	AO	Diamondback Golf Course
West	RS-6	single-family residences

(3) **Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.**

Proposed amendments will **not** allow any more homes in PD 70 than the existing terms of PD 70 already permit. Proposed amendments should thereby have **no** impact on public infrastructure in this area of Abilene.

STAFF COMMENTS:

As described in the above analysis, proposed amendments to setbacks of planned patio home construction (in PD 70) are expected to have little or no substantial impact on existing nearby residential development. Furthermore, proposed amendments will make planned patio home construction even more consistent with existing nearby development.

STAFF RECOMMENDATION:

City staff recommends approving requested amendments to Planned Development District Number 70 (PD 70) as described above and on accompanying draft ordinance.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission will consider these requested amendments, during a meeting scheduled for Tuesday, October 1, 2019.

NOTIFICATION:

The Planning Services Division sent, with certificate of mailing, public notices to the applicant and to all owners of property within a 200-foot radius of the subject property.

Owner	Situs	Response
ALLEN PEARLINE	3910 GEORGETOWN DR	
BARRETT STACY APPLETON	3933 GEORGETOWN DR	
BONILLA ERIC A	3966 GEORGETOWN DR	
BROYLES RONNIE F	3918 GEORGETOWN DR	
CASTANON RICHARD	3834 GEORGETOWN DR	
COCHRAN JOSHUA H & KIMBERLY J	3874 GEORGETOWN DR	
CRUSE TAYLOR & CHRISTEN	3826 GEORGETOWN DR	
CUTBIRTH MARILYN HARLEAN	3818 GEORGETOWN DR	
DAVIS LIVING TRUST	3949 GEORGETOWN DR	
DAVIS LIVING TRUST	3902 GEORGETOWN DR	
DAVIS RUSTY L & VADA R	3817 GEORGETOWN DR	
DEARING CODY	3957 GEORGETOWN DR	
DRENNON MARGARET	3757 GEORGETOWN DR	
FALKNER SHARON D	3849 GEORGETOWN DR	
FISH JAMES & REGINA LORENE REED	3810 GEORGETOWN DR	
FRENCH GARY D & SHERRIE I	3773 GEORGETOWN DR	
GARRISON STEPHEN & ALICIA	3865 GEORGETOWN DR	
GUIDERA WILLIAM N &	3774 GEORGETOWN DR	
HARWELL BRADY P	3926 GEORGETOWN DR	
HERMAN AMBER	3841 GEORGETOWN DR	
HSU HERN O HELEN	3958 GEORGETOWN DR	
JOHNSON STACYE	3934 GEORGETOWN DR	
KAERWER FLOYD & TONYA L	3825 GEORGETOWN DR	
KING MARY RUTH	3809 GEORGETOWN DR	
LAURANCE RONNALD & IRENE	4001 GEORGETOWN DR	
LYTLE CREEK GOLF LINKS LLC		In Favor
LYTLE CREEK GOLF LINKS LLC		In Favor
LYTLE CREEK GOLF LINKS LLC	3952 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3721 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3669 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3963 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3802 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3810 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3818 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3826 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3834 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3842 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3850 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3858 NATIONAL DR	In Favor

LYTLE CREEK GOLF LINKS LLC	3866 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3874 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3902 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3910 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3918 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3926 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3934 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3942 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3962 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3953 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3943 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3935 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3927 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3919 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3911 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3903 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3877 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3869 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3861 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3853 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3845 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3837 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3829 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3821 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3813 NATIONAL DR	In Favor
LYTLE CREEK GOLF LINKS LLC	3805 NATIONAL DR	In Favor
LYTLE LAKE WATER DISTRICT	1509 Y E INDUSTRIAL BL	
LYTLE LAKE WATER DISTRICT	1933W E INDUSTRIAL BL	
MC KINNEY TANIA	3802 GEORGETOWN DR	
MEDINA MICHAEL	3850 GEORGETOWN DR	
MIZE TOMMY R	3833 GEORGETOWN DR	
PAR VENTURE HOLDINGS LLC PROJECT SERIES 3873	3873 GEORGETOWN DR	
PARIS WILLIAM & ANDREA	3917 GEORGETOWN DR	
PERRY W CRAIG	3842 GEORGETOWN DR	
PRACHYL ALLEN & MARCELLA	3901 GEORGETOWN DR	
RANDALL JEFFREY AUSTIN	3857 GEORGETOWN DR	
REYNOLDS JAMES EDWARD	3909 GEORGETOWN DR	
RICHARDSON SHERYL LEANNE	3942 GEORGETOWN DR	
ROSS TOMMY & DAYNA	3801 GEORGETOWN DR	
SCHNEIDER KYLE C	4009 GEORGETOWN DR	
SMITH KENNETH	3941 GEORGETOWN DR	
SQUYRES ANDREW & CHELSEA	3965 GEORGETOWN DR	
STONEHENGE INVESTMENTS LLC	3925 GEORGETOWN DR	
TURQUOISE DOG PROPERTIES LLC	3866 GEORGETOWN DR	

WEST WILLIAM STEVEN		
WHISENHUNT BRANTON E & CYNTHIA A	1350 PRINCETON ST	
WOLVERTON INVESTMENTS LLC	3858 GEORGETOWN DR	
WRUBLE KIMBERLY C	3950 GEORGETOWN DR	
ZEISSEL CEISSIA SKILES	3765 GEORGETOWN DR	

ATTACHMENTS:

- Application
- PowerPoint

6741

Development Application

CITY OF ABILENE

Planning

☐ Conditional Use ☐ Easement Release ☐ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☒ PDD Amendment
Other: _____

Project Name: National Golf Subdivision

Address: National Drive No. of lots: _____ Acreage: 108.511

Legal Description: National Golf Addition

Subdivision Name: _____ Block: _____ Lot: _____

Current Zoning: PD70 Proposed Zoning (if applicable): PD70
Setbacks as per Site Plan

OWNER AND AUTHORIZATION

Owner Name: Lytle Creek Golf Links, LLC

Address: 1555 Oldham Lane

City, State, Zip: Abilene, Tex 79602 Fax: _____

Phone: 668-8172 Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) _____ *will act as my agent before the Planning and Zoning Commission.*

Agent Name: EHT

Address: 402 Cedar

City, State, Zip: Abilene, Tx 79601 Fax: _____

Phone: 698-5560 Email: david.todd@e-ht.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: _____ Date: 9/3/19

FOR OFFICE USE ONLY

Received: 9/3/19 Fee: $ 1,000 Receipt No.: 0001046042 6

Case No.: Z-2019-26 Reviewed By: Jared Smith

ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING

BUILDING SET-BACK MAP
NATIONAL GOLF ADDITION
ABILENE, TAYLOR COUNTY, TEXAS

PROJECT NO.	17-4741
DATE	09/03/2019
DESIGNED BY	J.D.T.
DRAWN BY	D.B.R.
CHECKED BY	J.D.T.
	1 OF 1

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2019-26 **9/20/2019**

The Planning and Zoning Commission will hold a public hearing on **Tuesday, October 1, 2019** at **1:30 PM**, in City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Lytle Creek Golf Links LLC; agent David Todd of Enprotec/Hibbs & Todd, to amend Planned Development District Number 70 (a.k.a. PD 70) to include revised building setback standards for patio homes constructed therein. Legal description being all of National Golf Addition to the City of Abilene, Taylor County, Texas and located at 3669 thru 3963 National Drive, which said street projects north from 1500 block of East Industrial Boulevard in southeast Abilene.

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 as listed below. All responses must be signed.

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 Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **November 7, 2019,** at 8:30 AM in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Jared Smith, Planner II at (325) 676-6490 or jared.smith@abilenetx.gov

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For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2019-26
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 email your position to the email address listed below. All correspondence must include your name and address.

Name:
Address: 3829 NATIONAL DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:
Of all 32 tracts

Signature: _____ for Lytle Creek Golf Links

NOTIFICATION AREA MAP

REZONING REQUEST

Case: Z-2019-26

Owner: Lytle Creek Golf Links, LLC

Agent: David Todd, EHT

Request: Amend existing Planned Development District Number 70 (PD 70) to include revised building setback standards for patio homes

Location: Addresses of 3669 through 3963 National Drive

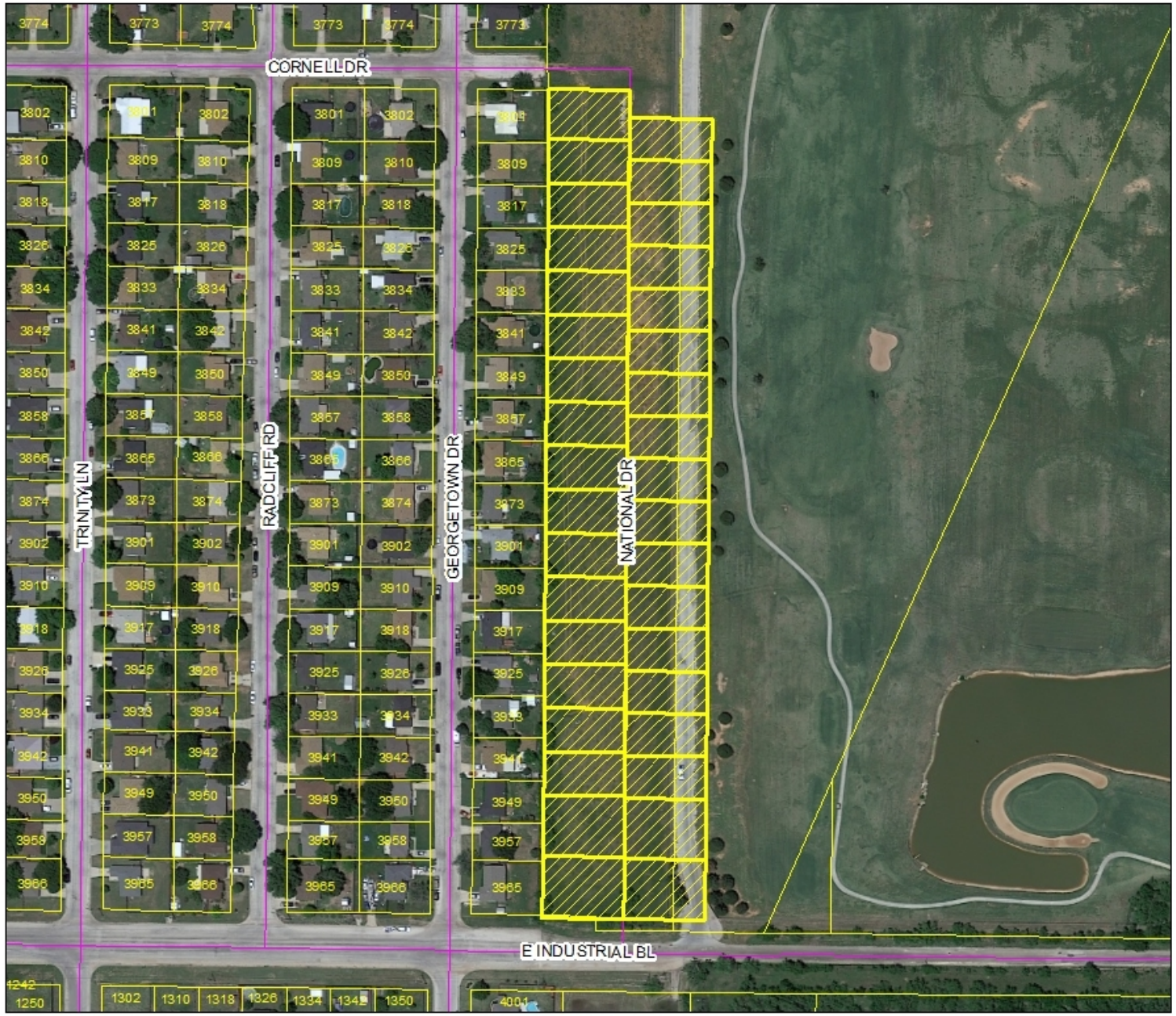
Notification: 38 in Favor, 0 Opposed

Planning & Zoning Approval : October 1, 2019

City Council Hearing Dates: October 17, 2019

November 7, 2019

Z-2019-26 AERIAL MAP



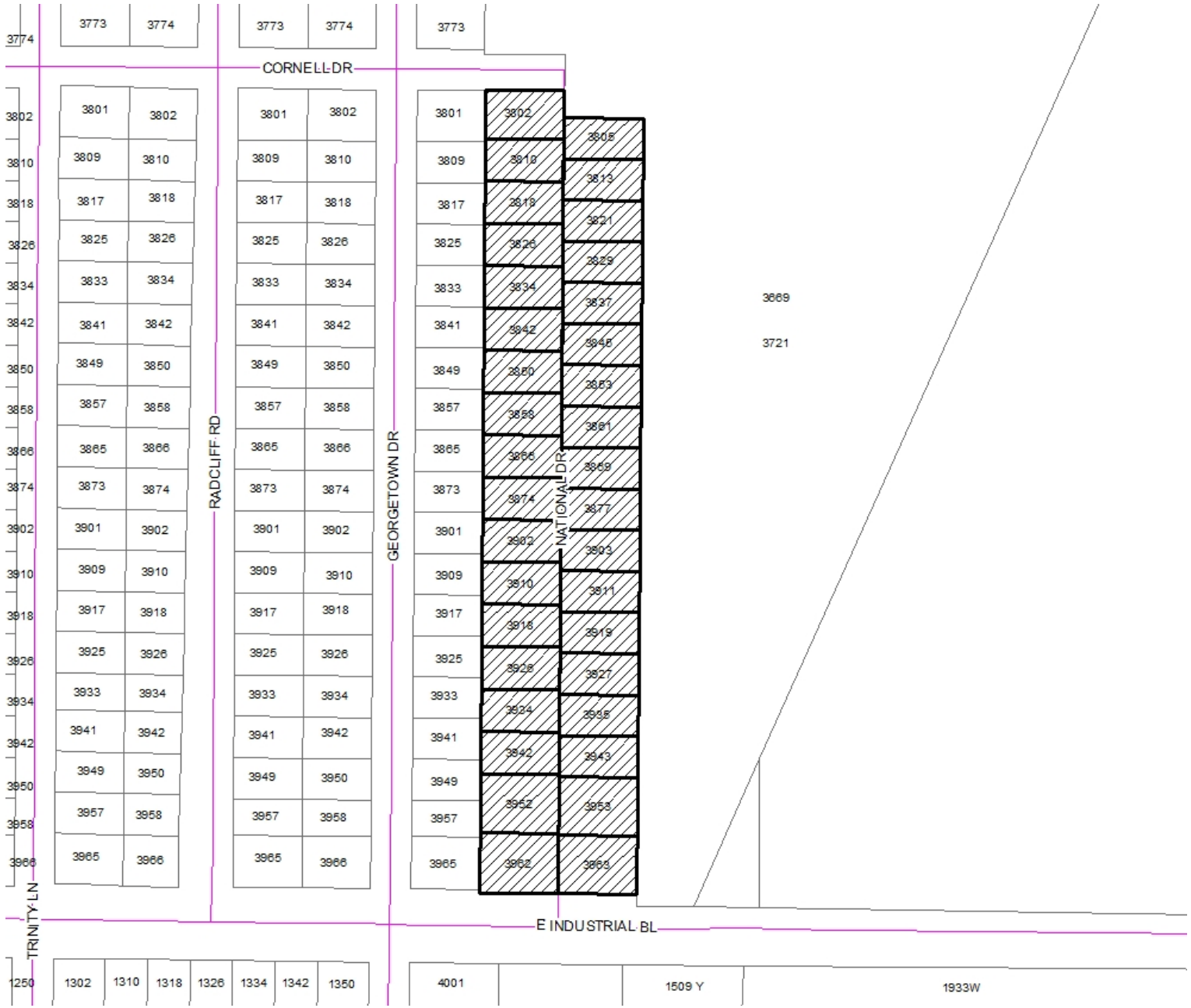
Location Map

N
W E
S

Legend

Z-2019-26

Z-2019-26 LOCATION MAP



Z-2019-26 ZONING MAP

Z-2019-26 NOTIFICATION AREA MAP

Notification Map

N
W E
S

Legend

200' Buffer

Z-2019-26

38- In Favor-

0- Opposed-

Z-2019-26 VIEWS OF SUBJECT PROPERTY AND ADJACENT PROPERTIES

Access to Diamondback

Entrance

Rearview of the Entrance/Exit

Z-2019-26 VIEWS OF SUBJECT PROPERTY AND ADJACENT PROPERTIES

National Drive Facing South

National Drive Facing North

Z-2019-26 VIEWS OF SUBJECT PROPERTY AND ADJACENT PROPERTIES

Eastern Lots

Western Lots

FINDINGS AND RECOMMENDATIONS

- Proposed amendments to setbacks of planned patio home construction (in PD 70) are expected to have little or no substantial impact on existing nearby residential development.
- Staff Recommendation of **Approval**, subject to conditions outlined in the Planned Development Ordinance.

Planning & Zoning Recommendation: Approval

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **10. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Appeal of a Denial of a Sidewalk Waiver for Funeral Directors Life Insurance Company Building Addition Located at 6550 Directors Parkway *(Mike Warrix)***

GENERAL INFORMATION

Request to waive required sidewalks associated with the new commercial addition of the FDLIC offices.

Chronology:
7/3/19- Development Review Committee; comments made by planning staff included "Sidewalks are required al
Directors Parkway within the public right of way adjacent the front property line. (Minimum of 5' wide);
except at the most northeast corner of the building site, where it appears at least a 4-foot-wide unpaved marginal
appears available for installing a public sidewalk."
7/10/19- Site visit by Planning Staff
7/15/19- Site Plan Approved by DRC
7/17/19- Building Permit Issued
9/25/19- Sidewalk waiver requested
10/7/19- Waiver denied by Director or Planning and Development Services and City Engineer
10/8/19- Site visit by City Engineer and Planning Staff to address space concerns expressed by applicant
10/8/19- Request of appeal to City Council
10/17/19- Appeal to City Council

Reason for denial: Does not meet criteria for approval in Land Development Code Section 3.2.13.6 Exceptions,
Deferrals

SPECIAL CONSIDERATIONS

Pursuant to Section 3.2.13.6 of the Land Development Code (attached), a denial of a request for a waiver, deviat
deferral of a sidewalk requirement may be appealed to the City Council within 10 days of the denial by the Plann
Director and the City Engineer.

The appeal must provide justification for the requested waiver, deviations or deferral.

The City Council must make findings based upon the criteria of Section 3.2.13.6 of the Land Development Code
to approve a waiver or deviation.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1.Resolution Sidewalk Appeal DENIAL Council DRAFT	Resolution Sidewalk Appeal DENIAL Council DRA
2.Resolution Sidewalk Appeal APPROVAL Council DRAFT (1)	Resolution Sidewalk Appeal APPROVAL Council D (1).docx
3.Waiver Request	Waiver Request.docx
4.Section_3_2_13_6_Exceptions,_Waivers,_and_Deferrals	Section_3_2_13_6_Exceptions,_Waivers,_and_Defer
5.FDLIC Sidewalk Waiver Request_Response	4 - FDLIC Sidewalk Waiver Request_Response.pdf
6.SP-2019-29 FINAL DRAFT (6550 Directors Pkwy)	3- SP-2019-29 FINAL DRAFT (6550 Directors Pkwy
7.Permit for newest Addition	2- Permit for newest Addition.pdf
8.Existing Sidewalks Map	Existing Sidewalks Map.jpg
9.PowerPoint Presentation	PowerPoint Presentation.pptx

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS DENYING APPEAL OF SIDEWALK WAIVER REQUEST FOR PROPERTY LOCATED AT 6550 DIRECTOR'S PARKWAY, ABILENE, TEXAS

WHEREAS, on July 15, 2019, the City's Development Review Committee reviewed and approved a development site plan for a building addition for Funeral Directors Life Insurance Company for property located at 6550 Director's Parkway in Abilene, Texas;

WHEREAS, the site plan approved for the building expansion included the construction of a sidewalk in accordance with the provisions of the City's Land Development Code;

WHEREAS, on September 25, 2019, representatives for Funeral Directors Life Insurance Company filed a request for a waiver from the Land Development Code provision requiring that a sidewalk be provided;

WHEREAS, on October 7, 2019, the City Engineer and Planning and Development Director issued a letter of denial for said waiver request;

WHEREAS, on October 8, 2019, Funeral Directors Life Insurance Company representatives filed a formal appeal to City Council requesting that Council grant the waiver;

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

PART 1: That the City Council hereby deny the sidewalk waiver appeal for property located at 6550 Director's Parkway in Abilene, Texas.

ADOPTED this 17th day of October, 2019.

ATTEST:

_____
Shawna Atkinson
City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS GRANTING REQUEST FOR A SIDEWALK WAIVER FOR PROPERTY LOCATED AT 6550 DIRECTOR'S PARKWAY, ABILENE, TEXAS

WHEREAS, on July 15, 2019, the City's Development Review Committee reviewed and approved a development site plan for a building addition for Funeral Directors Life Insurance Company on property located at 6550 Director's Parkway in Abilene, Texas;

WHEREAS, the site plan approved for the building expansion included the construction of a sidewalk in accordance with the provisions of the City's Land Development Code;

WHEREAS, on September 25, 2019, representatives for Funeral Directors Life Insurance Company filed a request for a waiver from the Land Development Code provision requiring that a sidewalk be provided;

WHEREAS, on October 7, 2019, the City Engineer and Planning and Development Director issued a letter of denial for said waiver request;

WHEREAS, on October 8, 2019, Funeral Directors Life Insurance Company representatives filed a formal appeal to City Council requesting that Council grant the waiver;

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

PART 1: That the City Council hereby grant the sidewalk waiver for property located at 6550 Director's Parkway in Abilene, Texas.

ADOPTED this 17th day of October, 2019.

ATTEST:

_____
Shawna Atkinson
City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

On Oct 8, 2019, at 5:38 PM, Kris Seale <kris.seale@funeraldirectorslife.com> wrote:

Robert:

Thank you again for hearing my arguments regarding the City's rejection of the waiver for the sidewalk on Directors Parkway. Without fully understanding my next steps, I would like to appeal the City's decision to reject our request of waiver to the City Council. I would like the Council to consider waiving the sidewalk requirement, in this case. Please let me know if you need additional information and please let me know what information I should supply to the Council.

Regards,

Kris Seale

Section 3.2.13.6 Exceptions, Waivers, and Deferrals

(a) A complete waiver of the requirement for sidewalks should be rare and allowed only where there are unusual factors. The waiver must be approved by both the Planning Director and the City Engineer to be granted and their decision shall be documented with supporting data that states the basis for the decision. However, in the event of a split decision, the City Manager or designee shall also make a determination as to whether or not the waiver should be granted, and document that determination with supporting data that states the basis for the decision. Unusual factors include:

(1) Projects where the cost of establishing sidewalks or walkways would be unreasonably disproportionate to the cost of the associated roadway construction or overall project costs (however a partial waiver may be granted in lieu of a full waiver to reduce the cost of required sidewalks such that the costs will not be unreasonably disproportionate),

(2) Areas with severe topography or other natural constraints that will constrain proper implementation of this plan,

(3) Situations inherently adverse to pedestrian activity, such as harmful noise, dust creation, and high volume truck traffic, in certain areas, such as agricultural, heavy commercial, and industrial developments, or

(4) Situations where an applicant can show other factors or circumstances amounting to reasonably justifiable good cause to support such waiver.

(b) Deviations from these requirements and the City's Sidewalk Design Standards may be allowed when necessary due to the physical circumstance of the street or when necessary to accomplish adopted development goals of the City or in situations where an applicant can show other factors or circumstances amounting to reasonably justifiable good cause to support such a deviation.

(1) The specific nature and justification for any deviation must be documented and authorized in writing by both the Planning Director and the City Engineer.

(2) Deviations should be minimal and consist primarily of changes to required width of clear path or alignment within the right-of-way.

(3) Deviations shall not allow a minimum clear path width of less than 3 feet.

(c) Sidewalk construction may be deferred through a Sidewalk Deferral Agreement, when approved by the Planning Director and City Engineer or by the City Council upon appeal of a denied sidewalk waiver request. Deferrals should be granted only in situations where an applicant can show factors or circumstances amounting to reasonably justifiable good cause to support such deferral.

(d) The applicant must submit sufficient documentation supporting the request for a waiver, deviation, or deferral and the determination shall be based on the information provided.

(e) A denial of a request for a waiver, deviation, or deferral of these requirements may be appealed to the City Council.

(1) A written appeal must be filed with the Planning Director within 10 days of the denial.

(2) The appeal must provide justification for the requested waiver, deviations, or deferral based on the criteria described in (a), (b), and (c) above.

(3) The Council must make findings based on these criteria in order to approve a waiver or deviation. If substantial new information, not provided as part of the original request, is provided by the applicant within 14 days of the City Council meeting, or during the City Council meeting, the item shall be referred back to the Planning Director and City Engineer for reconsideration prior to a decision by the City Council.

(f) Sidewalks shall not be required when specifically exempted in a neighborhood plan, corridor plan, or other small area plan adopted by the City Council.

(Ord. No. 8-2010, pt. 1 (Exh. A), 4-22-10; Ord. No. 18-2014, pt. 1 (Exh. A), 3-27-14)

EPIC CONSTRUCTION CO.
2701 S. Treadaway Blvd. Abilene, Texas 79602 325.695.6283 Fax 325.691.0026

September 25, 2019

City of Abilene
PO Box 60
Abilene, TX 79604
Attn: Mike Warrix, Greg McCaffery

RE: Lot 2, Blk B, Antilley Square Addition
Section 1 – 6550 Directors Parkway
Sidewalk Waiver Request

Gentlemen,

Attached is the application fee of $250.00 for a sidewalk waiver request from site plan comment for expansion of the existing building at the above mention site. Reasons for this waiver request are as follows:

1. There are no sidewalks along Directors Parkway in front of the existing building.
2. Almost all of the right of way along this side of Directors Parkway is consumed by a large concrete lined ditch that was part of the negotiations with the City to convey storm water from Antilley Square Addition but also from the Antilley West Subdivision to Kirby Lake. This constructed system was part of the negotiation to make Kirby Lake a regional detention facility. Additional monies was deposited with the City for the improvement to Kirby Lake in the mid 1980's for this regional detention facility. There is no room along Directors Parkway in front of this project to construct a sidewalk.

We are respectfully requesting that this waiver be approved.

Sincerely,

Kyle Doby
Epic Construction Company

CITY OF ABILENE

October 7, 2019

Kyle Doby,

Epic Construction Company

2701 S. Treadaway Blvd.

Abilene, TX 79605

Mr. Doby:

City staff has received your request for waiver from sidewalk improvements ordinarily required with construction of the new Funeral Directors Life Insurance building at 6550 Directors Parkway. The staff has reviewed this requested waiver and have come to the following conclusion:

1. A waiver will not be granted for sidewalk installation standards along the lots entire street side boundary (adjacent Directors Parkway). The decision to deny this sidewalk waiver may be justified by the fact that this project does not meet the unusual factors outlined in the Land Development Code for a sidewalk waiver:
    a. Projects where the cost of establishing sidewalks or walkways would be unreasonably disproportionate to the cost associated with overall project costs.
    b. Areas with sever topography or other natural constraints that will constrain proper implementation of this plan.
    c. Situations inherently adverse to pedestrian activity, such as harmful noise, dust creation, and high volume truck traffic, in certain areas, such as agricultural, heavy commercial, and industrial developments.

Due to the existence of a drainage feature along the front property line of this lot, City staff agrees to grant deviation (when necessary) from the minimum required 5' (foot) wide sidewalk to a sidewalk as narrow as 3' (feet) in width. Deviation is permitted <u>only</u> in locations necessary to navigate physical constraints where construction of the ordinarily required 5' wide sidewalk is otherwise impossible.

City Staff's denial of a complete sidewalk waiver may be appealed to City Council, with written notice to the Planning Director within no more than 10 days from the date of this letter and

CITY OF ABILENE

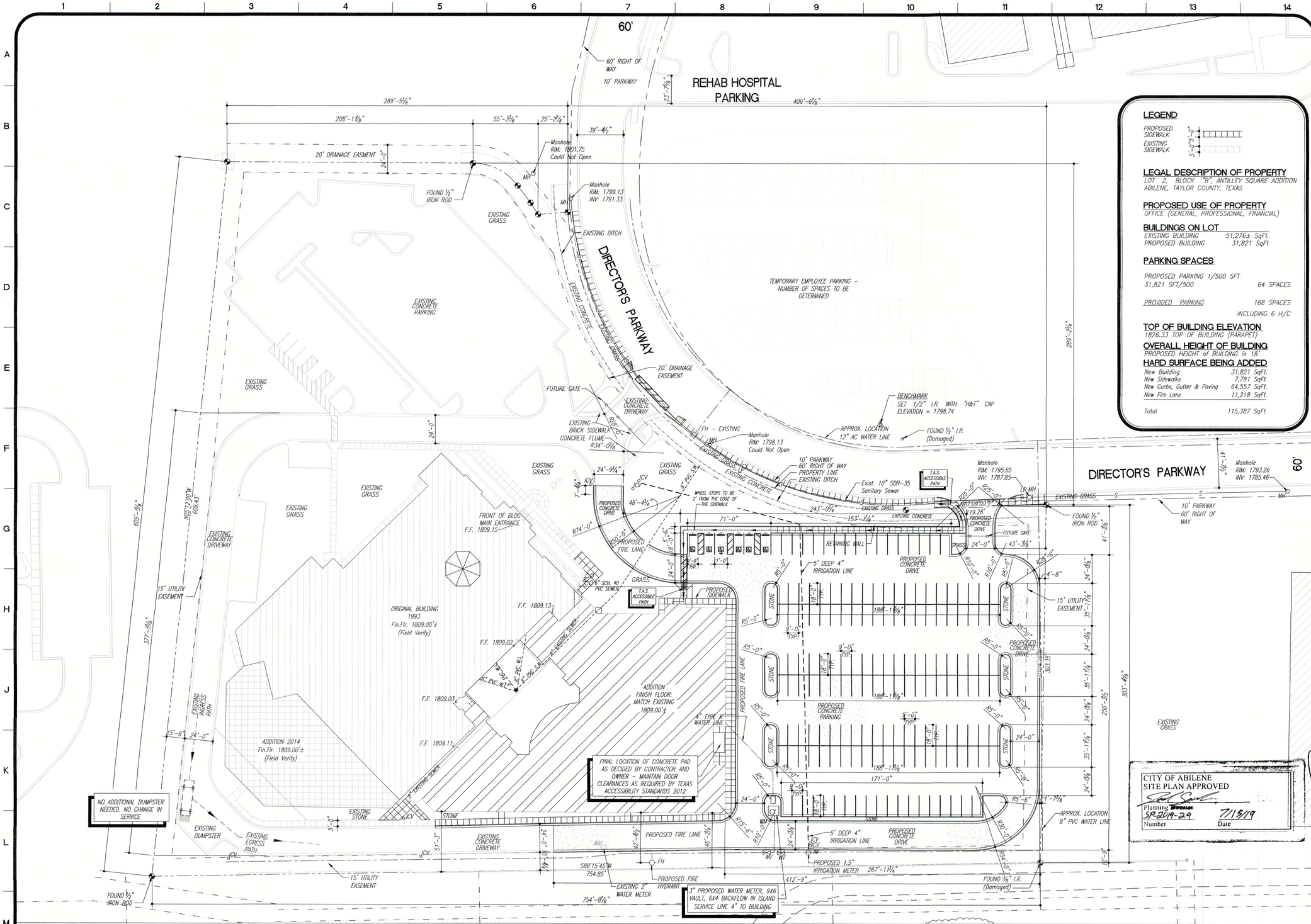
accompanied by the $100 fee (payable to City of Abilene) required for such. This written notice must provide justification for fully waiving all required sidewalks, based on criteria described in Section 3.2.13.6 of Abilene's Land Development Code.

Mike Warrix

Director of Planning and Development Services

Charlie Thomas

Interim City Engineer



LEGEND

PROPOSED SIDEWALK
EXISTING SIDEWALK
5'-0"x5'-0"

LEGAL DESCRIPTION OF PROPERTY

LOT 2, BLOCK "B", ANTILLEY SQUARE ADDITION
ABILENE, TAYLOR COUNTY, TEXAS

PROPOSED USE OF PROPERTY

OFFICE (GENERAL, PROFESSIONAL, FINANCIAL)

BUILDINGS ON LOT

EXISTING BUILDING	51,276± SqFt.
PROPOSED BUILDING	31,821 SqFt

PARKING SPACES

PROPOSED PARKING 1/500 SFT
31,821 SFT/500 — 64 SPACES

PROVIDED PARKING — 168 SPACES
INCLUDING 6 H/C

TOP OF BUILDING ELEVATION

1826.33 TOP OF BUILDING (PARAPET)

OVERALL HEIGHT OF BUILDING

PROPOSED HEIGHT of BUILDING is 18'

HARD SURFACE BEING ADDED

New Building	31,821 SqFt.
New Sidewalks	7,791 SqFt.
New Curbs, Gutter & Paving	64,557 SqFt.
New Fire Lane	11,218 SqFt.
Total	115,387 SqFt.

GENERAL NOTES

DIV. 02200 GENERAL CONDITIONS

UNLESS NOTED OTHERWISE, ALL WORK SHOWN ON THIS SHEET IS WORK OF SPECIFICATION SECTIONS 02200 CONTRACTORS

ELEVATIONS SHOWN ON THESE DRAWINGS ARE BASED UPON BASED UPON INFORMATION TAKEN FROM SURVEY PROVIDED BY FUNERAL DIRECTOR'S LIFE INSURANCE COMPANY DISCREPANCIES DISCOVERED IN ACTUAL CONDITIONS SHOULD BE REPORTED TO THE GENERAL CONTRACTOR IMMEDIATELY.

EXISTING CONDITIONS AND GRADE ELEVATIONS ARE SHOWN FOR GENERAL REFERENCE ONLY AND NO WARRANTIES ARE GIVEN OR IMPLIED WITH RESPECT TO ACCURACY

CONTRACTOR SHALL PROVIDE LAYOUT AS REQUIRED TO ESTABLISH LOCATIONS FOR BUILDING CORNERS, APPROACHES, PARKING LOTS, ROADWAYS, AND FINISH ELEVATIONS.

CONTRACTOR SHALL STRIP 6" OF TOPSOIL FROM AREA OF CONSTRUCTION AND STOCKPILE ENOUGH TO FINISH GRADE SITE.

PLACE SELECT FILL IN NO MORE THAN 6" COMPACTED LIFTS. TEST EACH LIFT WITH 4 DENSITY TESTS. DENSITY SHALL NOT BE MORE THAN 95% OF STANDARD PROCTOR AT ±2% OF OPTIMUM MOISTURE CONTENT.

UPON COMPLETION OF BUILDING CONSTRUCTION, CONTRACTOR SHALL FINISH GRADE SITE. REPLACE 6" OF TOPSOIL PER SPECIFICATION SECTION 02200

SOME LARGE PILES OF DIRT WITH CONCRETE, ASPHALT AND CONSTRUCTION DEBRIS ARE PRESENT ON THE SITE AND MUST BE REMOVED FROM THE OWNERS PROPERTY AT THE CONTRACTORS EXPENSE PRIOR TO GRADING.

CLEAR, GRUB, AND REMOVE ALL TREES, VEGETATION AND SITE DEBRIS PRIOR TO GRADING.

GENERAL NOTES

MECHANICAL EQUIPMENT (EXCLUDING ROOF–MOUNTED EQUIPMENT) SHALL BE SCREENED FROM VIEW FROM STREETS AND PARKING LOTS

SIDEWALKS AND CORRESPONDING CURB RAMPS IN ALL PUBLIC RIGHT–OF WAYS MUST BE PERMITTED THROUGH ABILENE'S CITY ENGINEER'S DEPARTMENT AND IN COMPLIANCE WITH ORDINARY STANDARDS THEREFOR.

ALL WATER SYSTEMS SHALL BE IN COMPLIANCE WITH THE TEXAS ADMINISTRATIVE CODE, TITLE 30, ENVIRONMENTAL QUALITY, PART 1, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, CHAPTER 290, PUBLIC DRINKING WATER, SUBCHAPTER D, RULES AND REGULATION FOR PUBLIC WATER SYSTEMS, RULE 290.44.

ALL WASTEWATER SYSTEMS SHALL BE IN COMPLIANCE WITH THE TEXAS ADMINISTRATIVE CODE, TITLE 30, ENVIRONMENTAL QUALITY, PART 1, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, CHAPTER 217, DESIGN CRITERIA FOR DOMESTIC WASTEWATER SYTEMS, SUBCHAPTER C, CONVENTIONAL COLLECTION SYSTEMS, RULES 217.51 – 217.71.

PLANNING AND ZONING NOTES

THIS ADDITION IS LOCATED WITHIN THE CITY LIMITS OF ABILENE, TAYLOR COUNTY, TEXAS.

A COMPLETE LANDSCAPE PLAN, BY OWNER, MEETING ALL CITY REQUIREMENTS SHALL BE SUBMITTED TO CITY'S DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, FOR REVIEW AND APPROVAL. ALL REQUIRED LANDSCAPING (AND ACCOMPANYING IRRIGATION) SHALL BE INSTALLED.

AS PER FLOOD INSURANCE RATE MAP, CITY OF ABILENE NUMBER 485450, MAP NUMBER 48441C0355F, MAP REVISED JANUARY 6, 2012: THIS PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD AREA.

ALL EXTERIOR LIGHTING (INC. WALL MOUNTED FIXTURES) SHALL BE FULLY SHIELDED.

"ALL DRIVEWAY APPROACHES, SIDEWALKS AND ACCOMPANYING RAMPS LOCATED IN PUBLIC RIGHTS–OF–WAY SHALL BE PERMITTED THROUGH CITY OF ABILENE'S PUBLIC WORKS DEPARTMENTS."

2019 ALL RIGHTS RESERVED

DRAWN BY: SLR | REVIEWED BY: XXX

STATE OF TEXAS
CHARLES DOBY
37593
REGISTERED PROFESSIONAL ENGINEER

CITY OF ABILENE
SITE PLAN APPROVED
Planning Director
SP-2019-29 — Number
7/15/19 — Date

CADCO
ARCHITECTS - ENGINEERS, INC.
2401 S. WILLIS, STE. 200 ABILENE, TEXAS 79605

ADDITION TO F.D.L.I.C. BUILDING 6550 DIRECTOR'S PARKWAY

ABILENE, TEXAS

PROJECT NUMBER: 712
MAY 23, 2019
REVISION "2" 7/08/19
REVISION "3" 7/11/19

C101.3

M1 SITE PLAN
1" = 40'-0"

GENERAL REVISION 3

City of Abilene, TX

555 Walnut St
Abilene, TX 79604

Ph: (325) 676-6273

Addition / Alteration (C)

#19-003012

Project Description: Addition to FDLIC as per Architectural/Engineered Plans on file

Issued on: 07/17/2019 at 3:09 PM by: Christina Martinez

CITY OF ABILENE

ADDRESS
6550 Directors Pw
Abilene, TX 79606

LEGAL
Antilley Square Add Sec1 Blk Block B Lot Lot 2
Antilley Square Addn Sec 1, Block B, Lot 2, Acres 7.59

PERMIT HOLDER
Kyle Doby
Epic Construction Co
(325) 695-6283

COLLABORATORS

- Connor Hardesty
  Batjer & Associates
  (325) 673-2556
- James Richardson
  Buffalo Gap Instrumentation & Electrical Co., Inc.
  (325) 829-4004
- Kyle Doby
  Epic Construction Co
  (325) 695-6283

OWNERS

- Funeral Directors Life Insurance Co

OCCUPANCY INFORMATION

ICC - B Business - IIB
Square Footage: 30000.0000
Valuation: $3,421,000.00

INSPECTIONS 21

1. Building-Electrical Temporary Pole
2. Building- Plumbing Rough-In
3. Building Foundation (C)
4. Fire Wall
5. Building-Electrical Rough-In (C)
6. Building Permit - Mechanical Rough-In
7. Building Permit - Plumbing Gas Rough
8. Building Permit - Plumbing Top-Out
9. Building Framing (C)
10. Building Insulation (C)
11. Electrical Above Ceiling (C)
12. Mechanical Above Ceiling (C)
13. Building - Gas Meter Release
14. Building- Electrical Meter Release
15. Building-Electrical Final
16. Building Permit - Mechanical Final
17. Building Permit - Plumbing Final
18. Engineering Final (C)
19. Planning & Zoning Final (C)
20. Fire Final (C)
21. Building / Energy Final (C)

INFORMATION FIELDS

Located within the Empowerment Zone?	NO
Plasticity Index	Engineered
Declared Value	**3421000**
TDLR - Project Registration #	TBD
Building - Type Of Work (Commercial)	**Addition**
Building - CO Requirement	**Yes**
Building - Sq. Ft. (Existing)	47962
Building - Sq. Ft. (Addition)	30000
Building - Sq. Ft. (New)	77962

CITY OF ABILENE

INFORMATION FIELDS

Building - Fire Sprinkler System	**New**
Bldg - Flood Plain	**NO**
Supplier	**City**
Water Meter Size	n/a
Sanitary Sewer	**City**
GAS Service	ATMOS
Supplier	**AEP**
Structure (C) Type	**Commercial**
Square Feet - Total	**77962**
18" Above Gutter, Grade:	yes
Minimum Elevation	existing
Building Permit - Agree To Terms	**Yes**
Proposed Use	office
Total Square Footage	**77962**
Square Feet - 1st Floor: Living	**77962**
ITE Code	710
Parkway Width	Site plan
Sprinkler Required	**Yes**
Floor Elevation	existing
Structure Setback: Front (curb)	35' Minimum
Structure Setback: Front (property line)	25' Minimum
Structure Setback: Rear	25' Minimum
Structure Setback: Side (N S E W)	E 15' Minimum (Unless its storage/warehouse use then its 25' Minimum)
Structure Setback: Side (N S W E)	W 15' Minimum (Unless its storage/warehouse use then its 25' Minimum)

CITY OF ABILENE

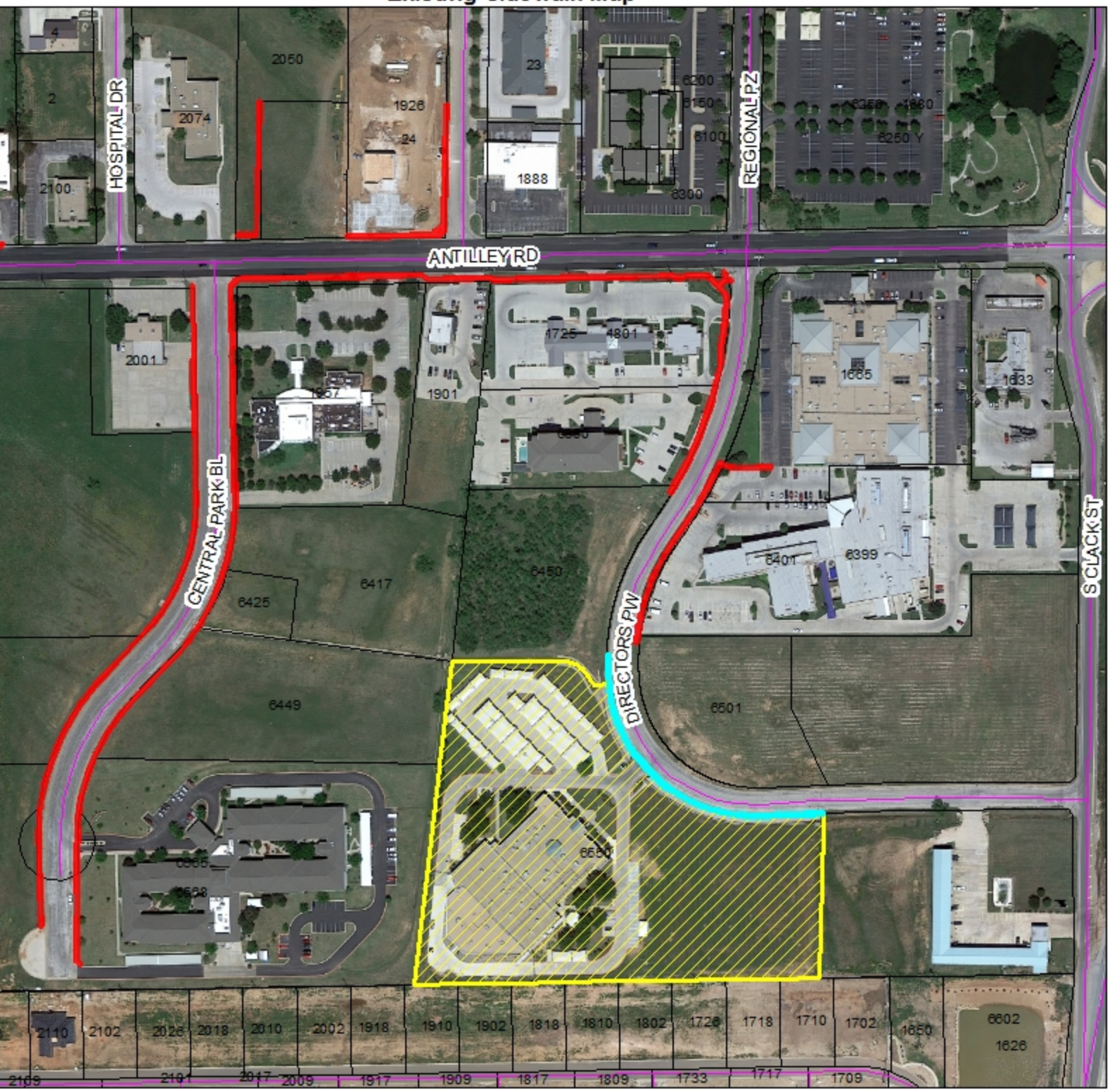
INFORMATION FIELDS

Zoning Review Comments	Planning & Zoning Comments: (1) Planned Development (PD) 53 (2) Use is permitted. (3) Major Site Plan will need to be submitted and approved by the Development Review Committee prior to approval. (4) Prior to approval of a Site Plan an amended Planned Development is required.

FEE	TOTAL	PAID	DUE
BLDNG - Plan Review Fee	$ 2,509.00	$ 2,509.00	$ 2,509.00
BLDNG - (C) New Building Permit Fee	$ 10,036.00	$ 10,036.00	$ 10,036.00
TOTALS	$ 12,545.00	$ 12,545.00	$ 0.00

The granting of this permit does not presume to give authority to violate or cancel the provisions of City, State, or other local laws regulating construction or the performance of construction. All provisions, laws, and ordinances governing this type of work shall be complied with, whether specified or not and shall be enforced at any and all times.

Existing Sidewalk Map



SIDEWALK WAIVER APPEAL

Owner:	Funeral Director's Life Insurance Company
Agent:	Kyle Doby
Request:	Waive required sidewalks associated with the new commercial addition of the FDLIC offices
Location:	6550 Director's Parkway

CHRONOLOGY

July 3, 2019:	Development Review Committee
July 10, 2019:	Site visit by Planning Staff
July 15, 2019:	Approved Site Plan
July 17, 2019:	Building Permit Issued
September 25, 2019:	Sidewalk Waiver Request
October 7, 2019:	Waiver Denial from Director of Planning & Development Services and City Engineer
October 8, 2019:	Site visit by City Engineer & Planning Staff
October 8, 2019:	Request of appeal to City Council
October 17, 2019:	Appeal to City Council

Applicant Comments:

Section 3.2.13.6 Exceptions, Waivers, Deferrals

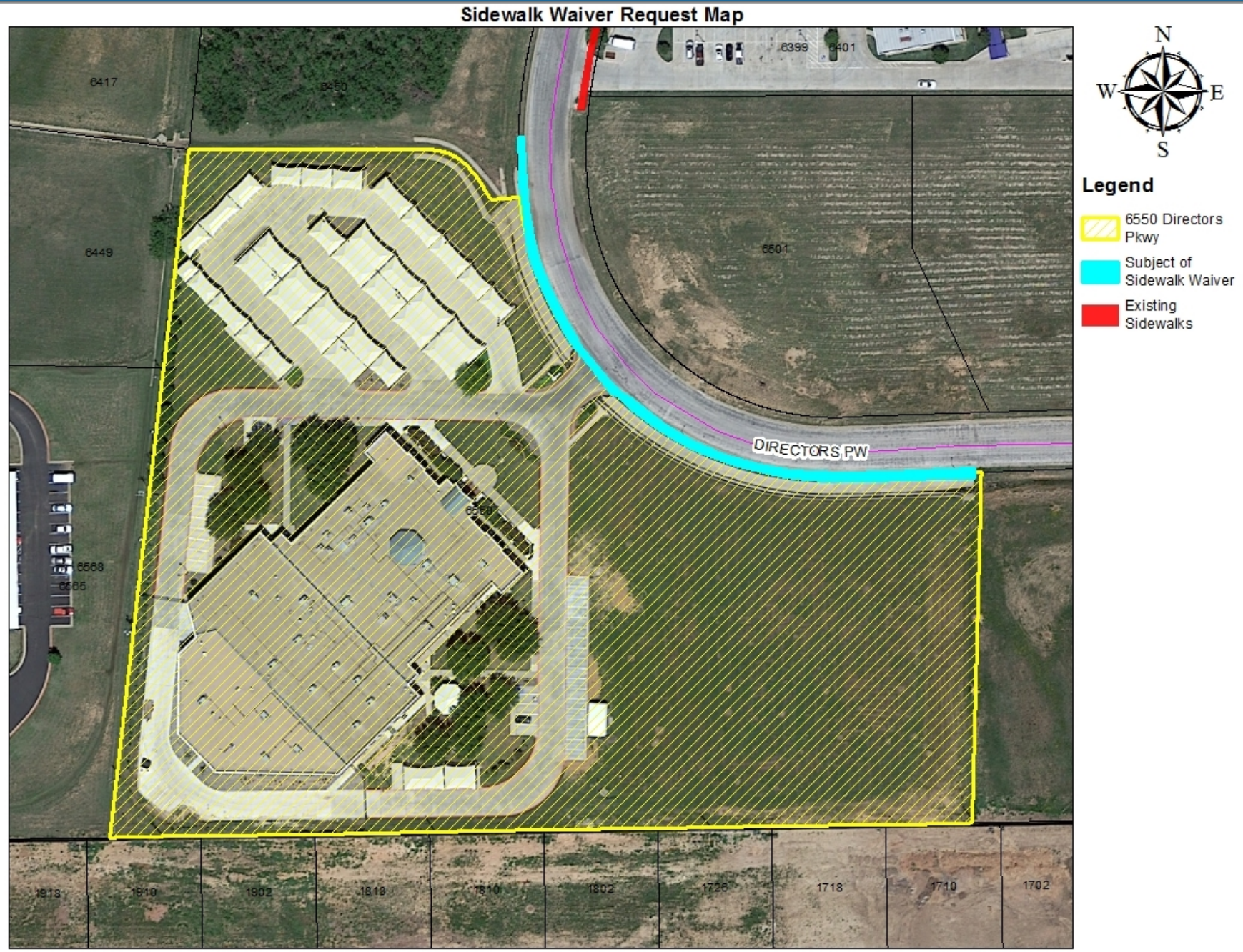
1. Unreasonably disproportionate to the cost of overall project.
   - Not asserted by applicant
2. Topography or other natural constraints will limit proper implementation of the plan
   - Applicant asserts large concrete drainage ditch existing in front of property takes up a large portion of the parkway; preventing installation of sidewalks
3. Situations inherently adverse to pedestrians
   - Not asserted by the applicant
4. Situations where applicant can show other factors amounting to reasonably justifiable good cause to support
   - Applicant asserts there are no sidewalks in front of the building currently

Staff Comments:

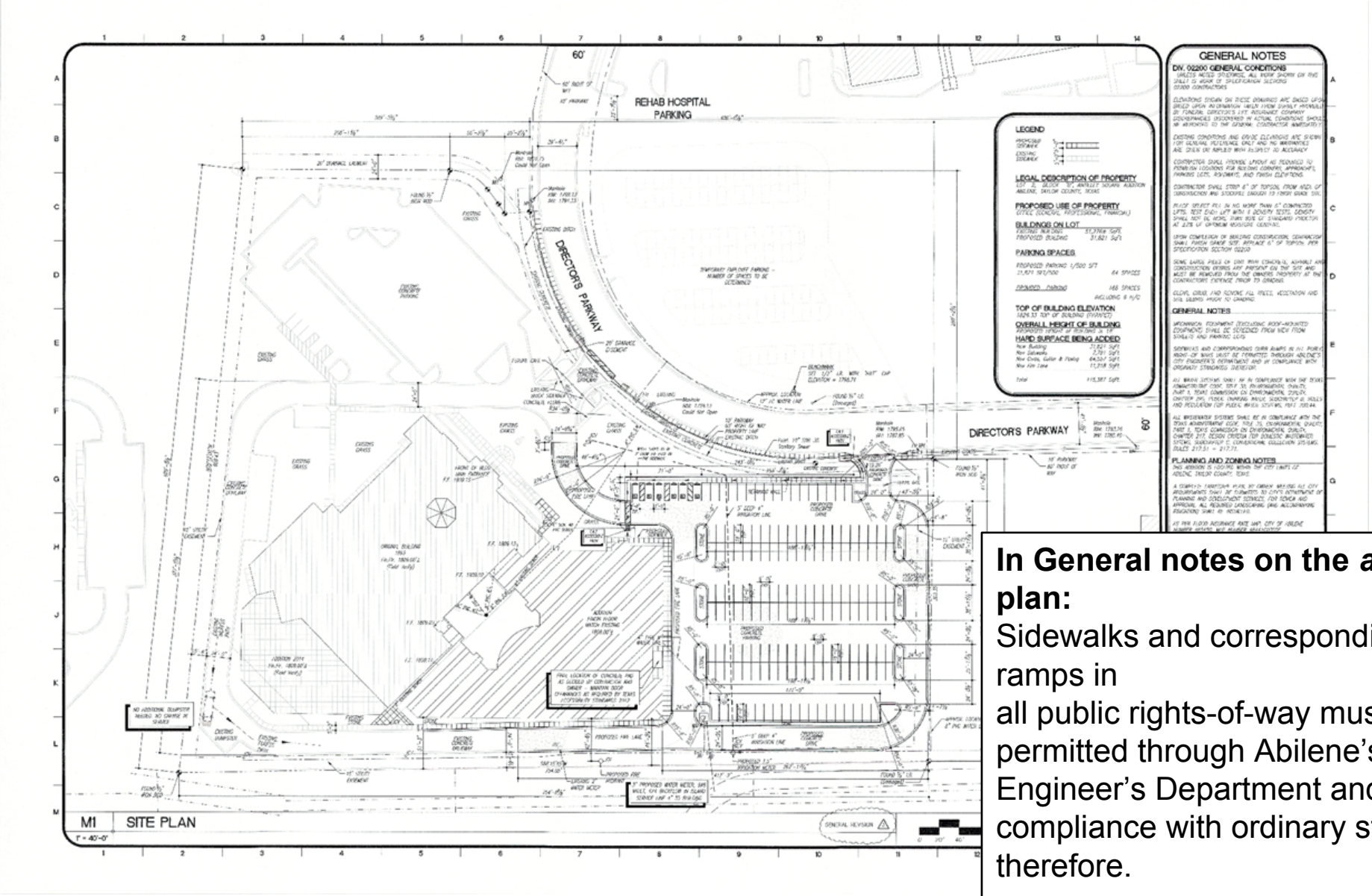
Section 3.2.13.6 Exceptions, Waivers, Deferrals

2. Topography or other natural constraints will limit proper implementation of the plan
   - City Engineer disagrees with assertion due to sections of proposed sidewalk construction can be as wide as six to eight feet in many sections; ADA requires a minimum of thee feet in width
4. Situations where applicant can show other factors amounting to reasonably justifiable good cause to support
   - The substantial enlargement of the existing building triggered installation of public sidewalks in front of the entire building site.
   - The addition of the sidewalks to this project will connect an entire City block and provide another link to an overall system.

SITE AERIAL LOCATION MAP



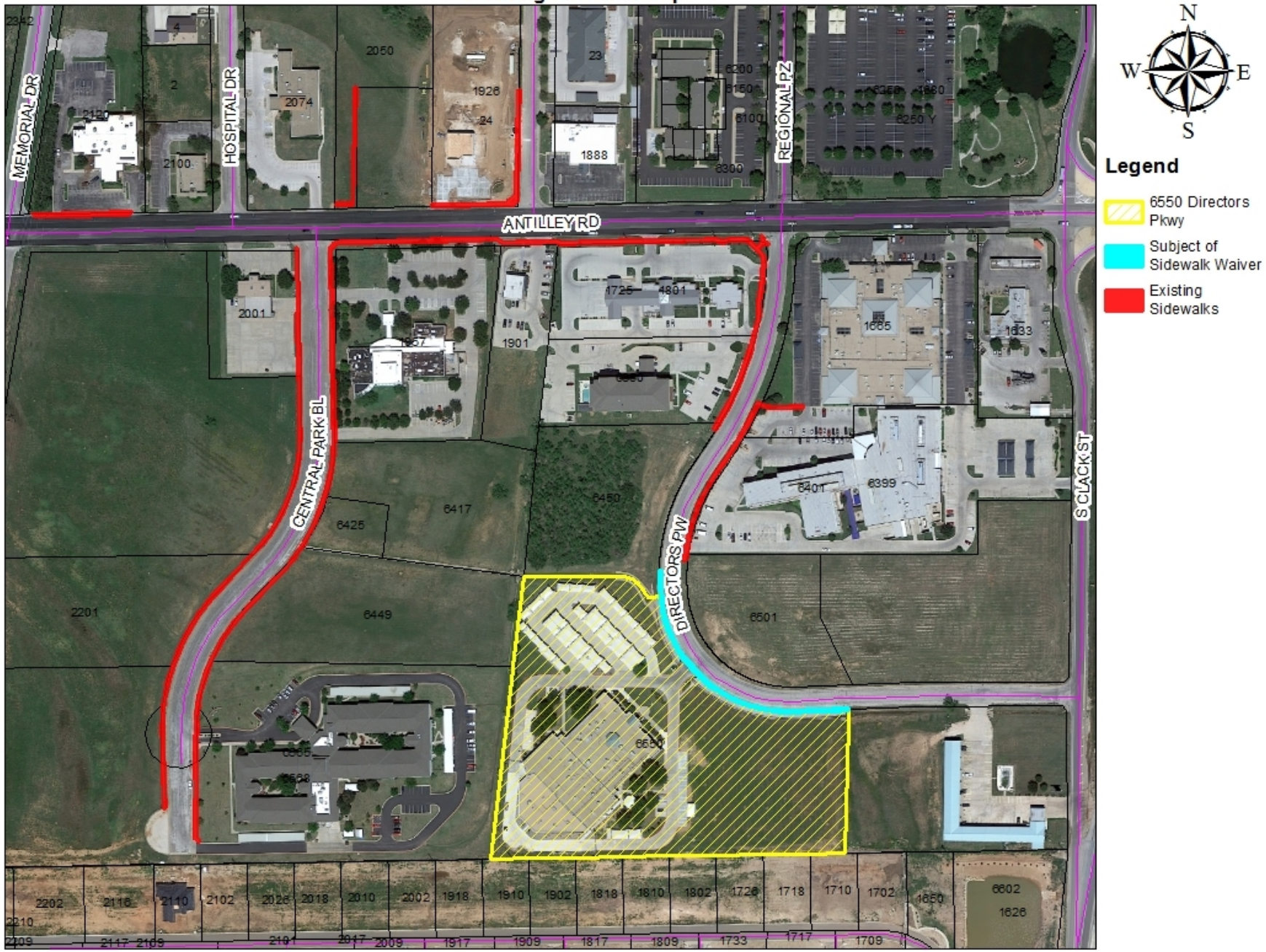
APPROVED SITE PLAN



In General notes on the *approved* site plan:
Sidewalks and corresponding curb ramps in
all public rights-of-way must be permitted through Abilene's City Engineer's Department and in compliance with ordinary standards therefore.

EXISTING SIDEWALKS

Existing Sidewalk Map



VIEWS OF SUBJECT PROPERTY AND ADJACENT PROPERTIES

Looking north to Abilene Regional on Director's Parkway

Southern view from Antilley Road on Director's Parkway

VIEWS OF SUBJECT PROPERTY AND ADJACENT PROPERTIES

Sidewalks in front of hotel to the north of the subject property

Sidewalks in front of medical offices across from subject property

VIEWS OF SUBJECT PROPERTY AND ADJACENT PROPERTIES

Employee parking across from the subject property

Roadway looking south in front of subject property

VIEWS OF SUBJECT PROPERTY AND ADJACENT PROPERTIES

The most constraining point of proposed sidewalks approximately three feet

QUESTIONS?

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **11. Ordinance (Final Reading) Z-2019-20: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from the City of Abilene to rezone property from Medium Density Residential (MD)/Historic Overlay (H) zoning to Medium Density Residential (MD) located at 782 Palm Street, on the north side of South 9th between Elmwood Drive and Grover Street *(Mike Warrix)***

GENERAL INFORMATION

The City of Abilene is initiating the request to remove Historic Overlay Zoning on the property by changing the zoning of the property from Medium Density Residential/Historic Overlay (MD/H) to MD.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of six (6) in favor with one (1) in opposition.

ATTACHMENTS:

1.	3-_ordinance_cover	3-_ordinance_cover.docx
2.	4- Z-2019-20 Council Ord Exhibit	4- Z-2019-20 Council Ord Exhibit.docx
3.	1- HOZ-2019-01 Staff Report (full) CS	1- HOZ-2019-01 Staff Report (full) CS.pdf
4.	2-Z-2019-20 ZR	2-Z-2019-20 ZR.pptx

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY 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 2 (Zoning Regulations) of 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 the 26th day of September, 2019.

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 August, 2019, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 4:30 p.m. on the 17th day of October, 2019, 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 FINAL READING THIS 17th day of October, 2019.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Rezone property from Residential Medium-Density/Historic Overlay (MD/H) to Residential Medium-Density (MD) District.

Legal description being all of Lot 11 and the north 19 feet of Lot 12, Johnston & McCord Subdivision of Lot 1 in Block 186, Original Town of Abilene, Taylor County, Texas.

-END-

Location: 782 Palm Street, at northwest corner of Palm and South 8th Streets

CASE Z-2019-20
STAFF REPORT

REQUEST: Remove Historic Overlay Zoning

APPLICANT:
Applicant: City of Abilene
Owner: Ann Renner

HEARING DATES:
Landmarks Commission: July 23, 2019
P & Z Commission: September 3, 2019
City Council 1st Reading: September 26, 2019
City Council 2nd Reading: October 17, 2019

LOCATION:
782 Palm St.

PROPOSAL AND REQUESTED ACTION:
The City of Abilene is initiating the request to remove Historic Overlay Zoning on the property by changing the zoning of the property from Medium Density Residential/Historic Overlay (MD/H) to MD.

APPLICATION REVIEW:
In considering this request, the Landmarks Commission was guided by the Land Development Code Section 2.3.4.4 (k)(1) and Section 2.3.4.4 (g):

(l) Removal of Historic Overlay District Zoning Designation. Any removal of Historic Overlay District zoning designation is considered a zoning change and can only be removed by the public hearing process as set forth in Section 2.2.1.3 [sic].

(g) No owner or person with an interest in real property on the Abilene Register of Historic Properties or a property located within an Historic Overlay District shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, create a detrimental effect upon the historic character of the landmark or district.

ANALYSIS:

Current Planning Analysis

In 1909, Wesley E. Hargrove built this 1 1/2 story Queen Anne Victorian Cottage. The large framed structure has an irregular design with a hipped roof, dormer and gable windows and columned porch with rounded corner. City Council approved the Historic Overlay on October 11, 2012.

Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates this area as 'Low-Density Residential'. The neighborhood has been incorporated into city limits since 1895. The house has been under condemnation by the Board of Building Standards since November of 2007. Staff feels the disrepair to this building has reached a point that any remedy to the building will result in a loss of original

historic character. Given that information, the Staff is recommending removal historic overlay zoning as per Section 2.2.1.3 of the Land Development Code (LDC). Staff feels this will allow the owner(s) to either more effectively repair or demolish the house. Having Historic Overlay zoning is a privilege that is accompanied with tax abatements. The City of Abilene must reserve this privilege for buildings that meet the requirements by preserving the integrity of the standards.

Existing Land Use Analysis (2)

	Zoning	Existing Land Use
North	MD	Residential Uses
South	MD	Residential Uses
East	RS-6	Church Parking Lot
West	RS-12	Residential Uses

Zoning Change Impact (3 & 4)

This proposed zoning request should not have a negative impact on surrounding public schools, streets, water supply, sanitary sewers, and other public services or utilities. The subject property adjoins fully improved and paved streets. Staff feels the proposed rezoning and potential uses would not negatively affect the public health, safety, morals, or general welfare of the surrounding residents or property owner(s).

STAFF RECOMMENDATION:

Staff recommends the Commission approve the removal of Historic Overlay request according to Section 2.3.4.4(e) of the Land Development Code.

If this removal of Historic Overlay Zoning request is approved, the City Council will hear this case on September 26, 2019 on a first reading and again on October 10, 2019 for a final reading.

LANDMARKS COMMISSION RECOMMENDATION:

On July 23, 2019, the Landmarks Commission considered and recommended approval of this proposed rezoning by a vote of four (4) in favor (Butman, McClellan, Scott, and Wagstaff) and one (1) opposed (Lee).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of six (6) in favor (Smith, Lankford, Bixby, Rosenbaum, Noonan, Famble) and one (1) opposed (Calk).

NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and to owners of property within a 200-foot radius.

Owner	Situs	Response
DURRINGTON WALLS LLC	766 PALM ST	
GUITAR HEATHER	741 PEACH ST	
GUITAR HEATHER	741 B PEACH ST	
HAGINS JORITA	758 PALM ST	
HARVEY STEPHEN & SHANNON	1517 S 8TH ST	
HOOLY HOMES LLC	765 PEACH ST	

INGRAM MIKE R	1441 S 8TH ST	
LOPEZ ANDY & IRMA S	802 PALM ST	
MARR CARMONCITA	757 PEACH ST	
MARR LLOYD	749 PEACH ST	
MAYFIELD LARAMY MOREN	818 PALM ST	
MEONO CLAUDIA IVETTE DIAZ ETAL	817 PALM ST	
MIHALE ION	1534 S 8TH ST	
MUNOZ MARCO ANTONIO & DIANA	817 PEACH ST	
PFEIFER MICHAEL MOST REV	1533 S 8TH ST	
PFEIFER MICHAEL MOST REV	1541 S 8TH ST	
RAMOS ELMER JR & RUTH ANN	1542 S 8TH ST	
RAMOS ELMER JR & RUTH ANN	1544 S 8TH ST	
RENNER ANN	782 PALM ST	
RENNER ANN	1516 S 8TH ST	
RENNER ANN M	750 PALM ST	
RODRIGUEZ NORA H DEL RIO &	1429 S 8TH ST	
RODRIGUEZ NORA H DEL RIO &	1429 1/2 S 8TH ST	
SALAZAR JOHN JR & ANGELA M	774 PALM ST	
SANDERS BRUCE EDWARD	810 PALM ST	
SOUTHSIDE BAPTIST CHURCH	701 PALM ST	

ATTACHMENTS:

- Summary of Actions

Hargrove House - 782 Palm St

Summary and Chronology of Actions

2017, May 1	The Building Inspections Division issued a building permit for roofing.
2017, Apr 28	The Landmarks Commission approved CA-2017-05 as submitted.
2017, Apr 5	Ann Renner submitted a Certificate of Appropriateness application for roof replacement and exterior feature painting.
2017, Mar 23	The Building Inspections Division issued a building permit for plumbing repairs and new fixture upstairs.
2017, Mar 22	Ann Renner came to City Hall to submit her plan of action for the building condemnation. We discussed the Certificate of Appropriateness process and the exterior work they propose: repair of foundation, plumbing, replacement of windows with wood frames and thermal glass, repair of porch columns and other porch support, and repainting the house white. I provided her applications and info handout for the certificate of appropriateness and the info handouts for HO Zoning and Historic Project Tax Reductions. I summarized the property tax reduction benefit and told her to keep track of all improvements and keep all receipts and invoices. We discussed which work items would have to be reviewed by the Landmarks Commission and which ones could be approved by me as "ordinary repair or maintenance". We discussed getting the metal roof and any other work to the Landmarks Commission at their April 25th meeting. I told her the deadline for submitting the application was April 5th. I told her the work to repair the foundation and the plumbing work is considered ordinary repair or maintenance and I could okay building permits for that work. I went to the site to inspect it and determine the baseline. I met Ms. Renner's partner, Jimmy Jones, and summarized my discussions with Ms. Renner.
2017, Mar 22	The Building Inspections Division issued a building permit for foundation repair, approximately 15 piers.
2017, Feb 7	Ann Renner acquired the property.
2015, Sep	The property owners secured the building. The Board of Building Standards stated that the lot needed to be cleared of trash and unsightly conditions.
2012, Oct 11	The City Council approves a Historic overlay zoning district on the property.
2012, May	The Board of Building Standards tabled the matter.

2012, Jan 3	The property owners obtained a final inspection for electrical.
2011, Dec	The property owners installed sheet rock and obtained rough-in inspections for electrical and plumbing. The Board of Building Standards approved an extension.
2011, Aug	The property owners secured the windows and doors and replaced window panes. The Board of Building Standards approved a 30-day extension to obtain necessary permits and rough-in inspections.
2011, Apr	The property owners demolished the porch that collapsed, but did not do any other repairs since the last time the Board of Building Standards considered this matter. The Board of Building Standards issued a 30/60/60 order: 30 days to provide a plan of action; 60 days to obtain permits and rough-in inspections; and 60 days to complete.
2011, Mar 7	Bill Juarez and ??? Ortega acquired the property.
2010, Oct	This was the first time the main building was forwarded to the Board of Building Standards for review. The Board tabled the matter.
2010, Jun 30	Lydia Long acquired the property via Sheriffs Deed.
2009, Aug	The Board of Building Standards issued an order to repair or demolish the accessory building within 30 days.
2007, Nov	The Board of Building Standards issued an order to demolish the accessory building within 30 days.

REZONING REQUEST

Case: Z-2019-20

Owner: Ann Renner

Applicant: City of Abilene

Request: Remove Historic Overlay Zoning (MD/H to MD)

Location: 782 Palm Street

Notification: 0 in Favor, 0 Opposed

Landmarks Commission Approval: July 23, 2019

Planning & Zoning Approval: September 3, 2019

City Council Hearing Dates: September 26, 2019
October 17, 2019

Hargrove House (1909)

Previous Condition of Property

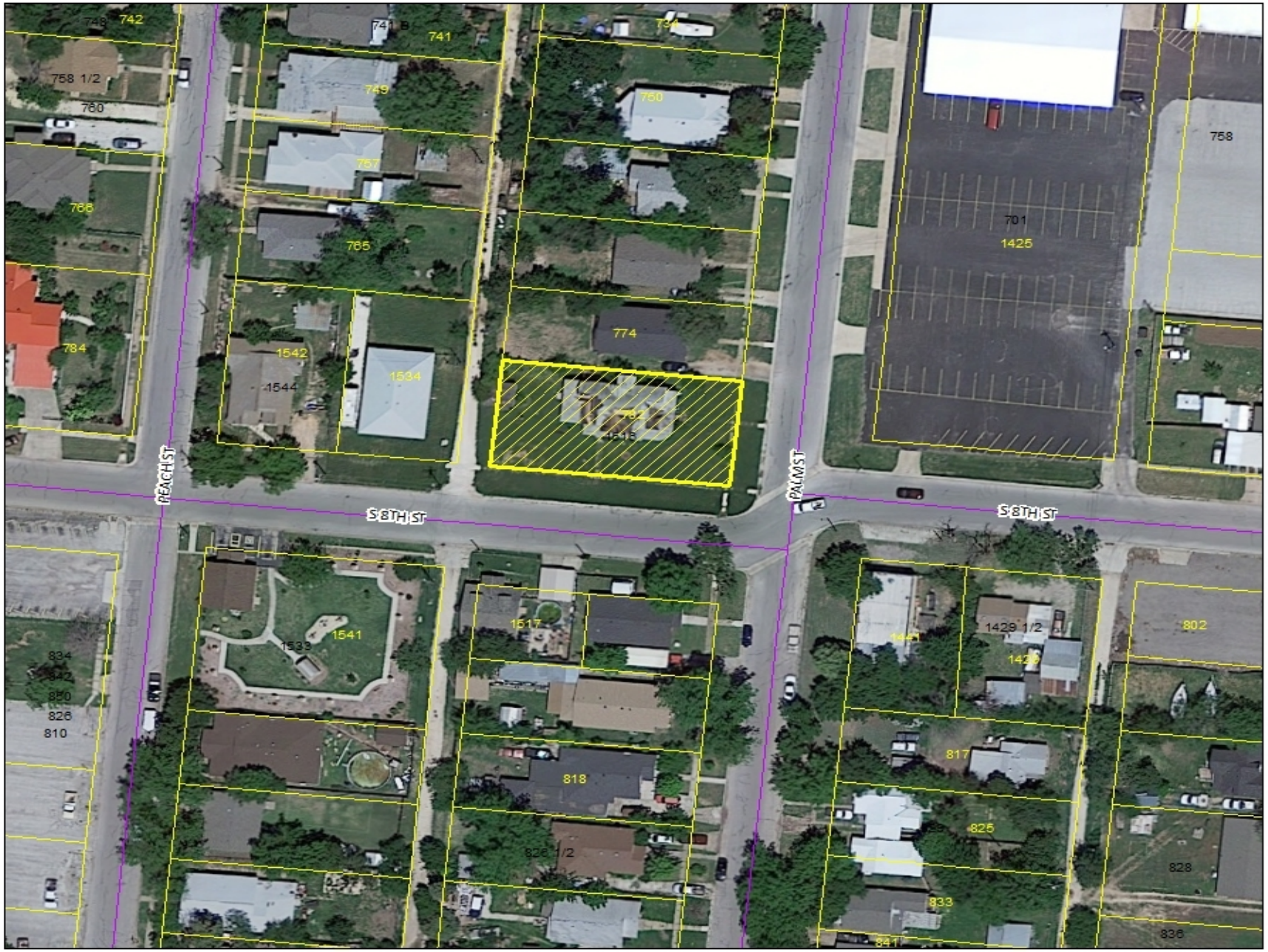
1987

1997

Current Condition of Property

Z-2019-20

Z-2019-20



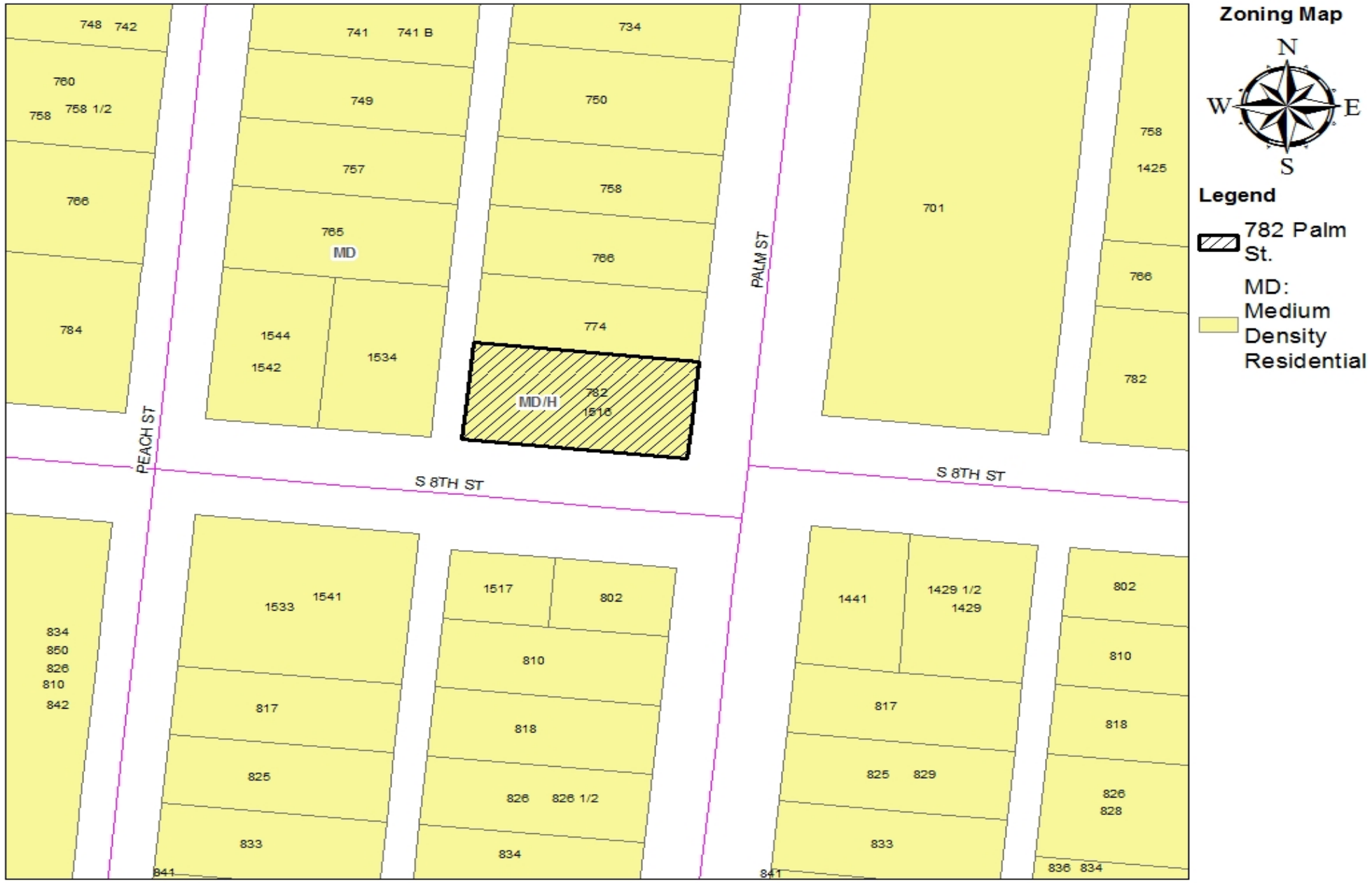
Location Map

N
W E
S

Legend

782 Palm St.

Z-2019-20


Zoning Map
N
W
E
S
Legend
782 Palm St.
MD: Medium Density Residential
PEACH ST
PALM ST
S 8TH ST
S 8TH ST
MD
MD/H
748
742
741
741 B
734
760
758
758 1/2
749
750
757
758
766
765
766
784
1544
1542
1534
774
782
1516
701
758
1425
766
782
834
850
826
810
842
1533
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826
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833
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841
1441
1429 1/2
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825
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828
833
836
834
841

Z-2019-20

Notification Map

N
W
E
S

Legend

200' Buffer

782 Palm St.

0- In Favor-

0- Opposed-

Land Development Code Section 2.3.4.4 (I).

- In considering an application for a Historic Overlay removal, the Landmarks Commission shall be guided by the Land Development Code Section 2.3.4.4 (I).
- (I) Removal of Historic Overlay District Zoning Designation. Any removal of Historic Overlay District zoning designation is considered a zoning change and can only be removed by the public hearing process as set forth in Section 1.4.1.2 [sic].

FINDINGS AND RECOMMENDATIONS

- Reviewed Pursuant to Sections 1.1.7.2 & 2.3.4.4 of Land Development Code
- Consistency Review with Comprehensive Plan and Historic Overlay Zoning minimum maintenance standards
- Staff feels the disrepair to this building has reached a point that any remedy to the building will result in a loss of original historic character.
- Staff Recommends **Approval**
- **The Landmarks Commission Recommendation of Approval at July 23, 2019 Meeting**
- **Planning and Zoning Recommendation of Approval at September 3, 2019 Meeting.**

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **12. Ordinance (Final Reading) Z-2019-21: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Tim Smith, agents Pat and Mitchel Harris, to rezone from Central Business (CB) to a Planned Development District (PDD) located at 833 South 1st Street *(Mike Warrix)***

GENERAL INFORMATION

The applicant is requesting to rezone from Central Business (CB) to Planned Development (PD-163) zoning to allow the 'light manufacturing' of alcoholic beverages, and maintain the base or default zoning of CB and the permitted uses within this zoning district.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of six (6) in favor (Lankford, Bixby, Rosenbaum, Noonan, Famble, Calk) and one (1) abstained (Smith).

ATTACHMENTS:

1.	3- PD-163 (Z-2019-21) Draft	3- PD-163 (Z-2019-21) Draft.docx
2.	1- Z-2019-21 Staff Report (full)	1- Z-2019-21 Staff Report (full).pdf
3.	Mail out Response	Mail out Response .pdf
4.	2-Z-2019-21 ZR	2-Z-2019-21 ZR.pptx

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD 164, 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 THE Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING the 26th day of September A.D. 2019.

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 August, 2019, 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 4:30 p.m., on the 17th day of October, 2019, 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 17th day of October, A.D. 2019.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

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

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

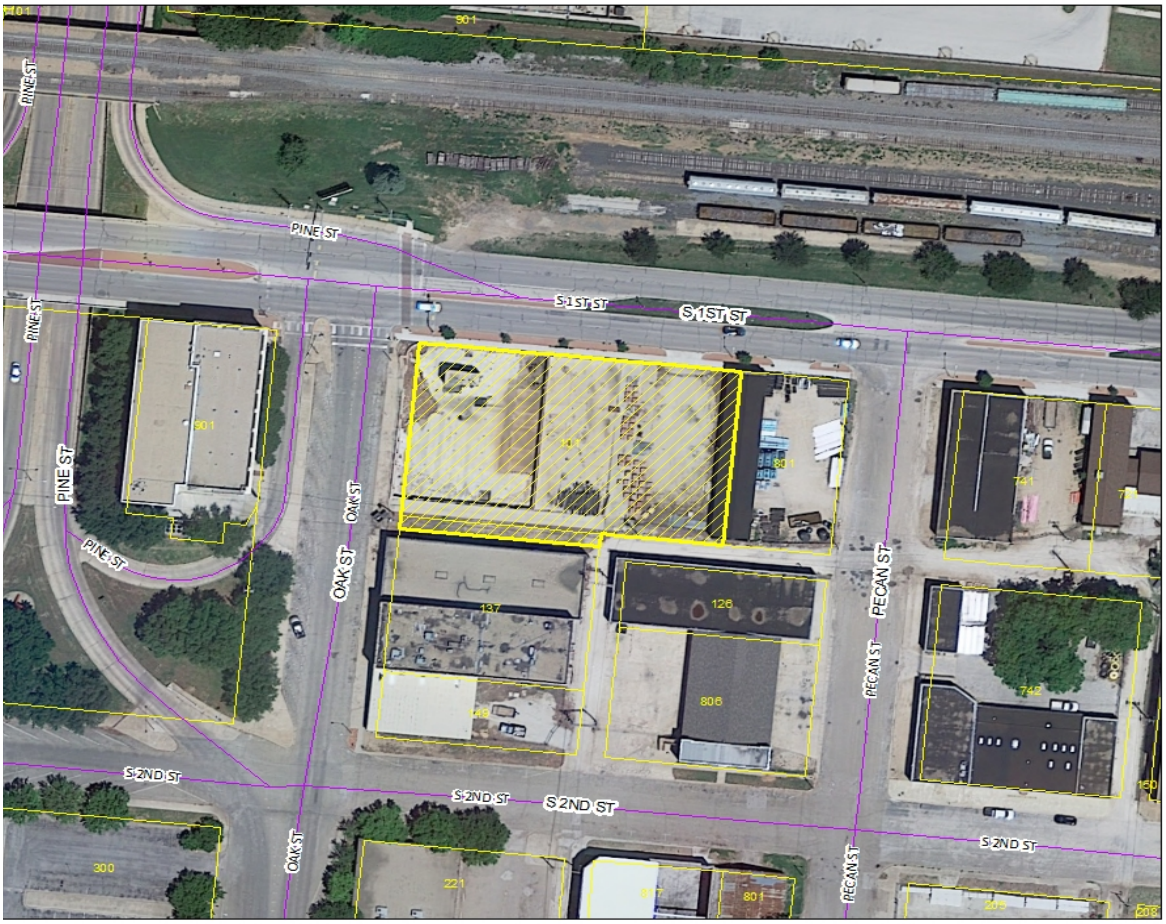
PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: from Central Business (CB) to PD (Planned Development) District.

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.

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

Lot 101, Block 4 in Original Town of Abilene, Taylor County, Texas.



Location:
833 S. 1st Street

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for production and manufacture of alcoholic beverages as well as all other uses allowed (by right or, if ordinarily necessary, with approval of a Conditional Use Permit) in Central Business zoning districts

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the Central Business (CB) zoning district, except as modified below:

a. Production and manufacture of alcoholic beverages shall be allowed therein, subject to the following specific conditions:

   (1) Production and manufacture of alcoholic beverages must occur entirely within an enclosed building.

-END-

ZONING CASE Z-2019-21
STAFF REPORT

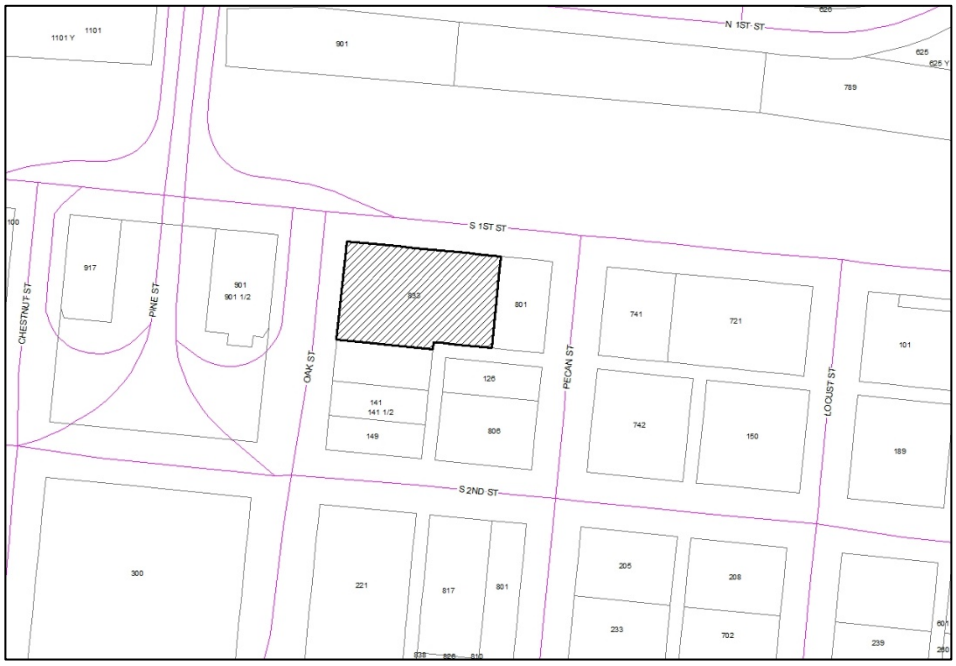
REQUEST: Rezoning

APPLICANT:
Owner: Timothy Smith
Agent: Pat & Mitchel Harris

HEARING DATES:
P & Z Commission:
September 3, 2019
City Council 1st Reading:
September 26, 2019
City Council 2nd Reading:
October 17, 2019

LOCATION:
833 S. 1st Street

Legal description: Lot 101 Block 4 in Original Town Abilene, Abilene, Taylor County, Texas.



PROPOSAL AND REQUESTED ACTION:
The applicant is requesting to rezone from Central Business (CB) to Planned Development (PD-163) zoning to allow the 'light manufacturing' of alcoholic beverages, and maintain the base or default zoning of CB and the permitted uses within this zoning district.

APPLICATION REVIEW:
According to Section 1.4.1.4, Criteria for Approval, of the City of Abilene Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

(1) **Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended;**

The Future Land Use Map and development plan of the Comprehensive Plan designates this general area as the 'Central Business District'. According to the comprehensive plan, new growth in the "central city" will be accommodated primarily through compatible infill development, commercial and civic activity centers, and community enhancement corridors; rather than development on the periphery of the City's boundaries. This approach to future development will create a more livable, vibrant and cost-effective city.

Additionally, the 2010 South Downtown Area (SoDA) Master Plan considers this portion of South Downtown as a 'Commercial Corridor'. The requested zoning is compatible with the adjacent uses, Abilene's Comprehensive Plan, as well as the SoDA plan.

(2) **Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.**

The base zoning classification of Central Business (CB) in the proposed Planned Development (PD) and the additional permitted use of the production of alcohol allowed by the proposed zone change would be appropriate in the immediate area, due to surrounding land uses and the previously approved rezoning in the area.

The subject lot has been zoned Central Business since at least 1974 and was part of the Original Townsite of Abilene, incorporated in 1895. In 1907 a building was erected at this location, and was used as the Radford Grocery Store. It eventually became known as the Matera Paper Building was lost to fire in early 2012. The applicant plans to redevelop the property with a mixed-use development with a variety of commercial uses, to include a micro-brewery (light manufacturing of alcohol).

Aside from the lot directly to the east, most of the surrounding lots are currently zoned Central Business (CB). The lot to the east is owned by Abilene Plumbing Supply, and used primarily for storage of inventory.

	Zoning	Existing Land Use
North	Railroad ROW	Railroad ROW
South	CB	Multiple Commercial Uses
East	LI	Abilene Plumbing Supply
West	CB	Professional Office

(3) **Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.**

This proposed zoning request will not have a negative impact on surrounding public schools, streets, water supply, sanitary sewers, and other public services or utilities. The subject property adjoins fully improved and paved streets, and fully improved water and sewer lines. Staff feels the proposed rezoning and potential uses would not negatively affect the public health, safety, morals, or general welfare of the surrounding residents or property owner(s).

STAFF COMMENTS:

The applicant's request is to rezone from Central Business (CB) to Planned Development (PD) zoning to allow the 'light manufacturing' of alcoholic beverages, and maintain the base or default zoning of CB and the permitted uses within this zoning district. According to the proponent's application, the intent to develop the property as a private venue space (commercial entertainment-outdoors/indoors), as well as Sockdolager Brewing Co (manufacturing of alcohol). Per Abilene's Zoning Regulations, production of alcoholic beverages is generally restricted to Light Industrial (LI) and Heavy Industrial (HI) zoning districts. In most cases, production of alcoholic beverages is not allowed in Central Business zoning districts. As a result, the proponent is seeking approval of a zoning change to Planned Development (PD) District, specifically to allow such production activity on this site.

A Planned Development District is a custom-made zoning classification tailored to meet the unique demands of some particular proposed use(s) set in the specific environment where such use(s) is (are) planned to be located.

Staff feels the proposed rezoning and redevelopment (as well as potential uses permitted by such rezoning) will be consistent with existing and emerging uses (as well as with the zoning) of nearby properties. Central Business (CB) zoning has long existed on many of the surrounding properties, as well as the applicant's property. On the city block southeast of this property, rezoning from LI to CB has recently been accomplished on more than half of the lots in that block. Proposed CB zoning at 833 S. 1st Street will coincide with prevalent retail, entertainment and even residential trends emerging nearby.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request complies with section 1.4.1.4 (Criteria for Approval) and the South Downtown Area (SoDA) Master Plan. Proposed Planned Development (PD-163 with CB base zoning) zoning will allow the currently vacant property to be developed with compatible uses in this area of town. Additionally, the subject property is located within the Neighborhood Empowerment Zone (78-2018), a zone designed to promote infill redevelopment in "economically distressed" areas.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of six (6) in favor (Lankford, Bixby, Rosenbaum, Noonan, Famble, Calk) and one (1) abstained (Smith).

NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

Owner	Situs	Response
ABILENE PLUMBING	742 S 2ND ST	
ABILENE PLUMBING SUPPLY	741 S 1ST ST	
ABILENE PLUMBING SUPPLY	801 S 1ST ST	
BLAY FAMILY LLC	126 PECAN ST	
CITY OF ABILENE		
CRAIN GARY LYNN	141 OAK ST	
CRAIN GARY LYNN	141 1/2 OAK ST	
GIBBS LUCAS	149 OAK ST	In Favor
MATERA GARDENS LLC	833 S 1ST ST	
SMITH TIMOTHY R & PAMELA K		
SODA DISTRICT WAREHOUSE LLC	806 S 2ND ST	
WHITENER FAMILY LIMITED PTSHP 1	901 S 1ST ST	
WHITENER FAMILY LIMITED PTSHP 1	901 1/2 S 1ST ST	

ATTACHMENTS:

- Application
- Site Plan
- PowerPoint

JUL 19 AM 10:58

Development Application

CITY OF ABILENE

Planning

☑ Conditional Use ☐ Easement Release ☐ Rezoning ☐ Other
☑ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: MATERA GARDENS / SOCK DOLAGER BREWING CO.

Address: 833 S. 1ST No. of lots: 1 Acreage: 1

Legal Description: LOT 101 Replat of LOTS 4-12, BLOCK 4

Subdivision Name: ORIGINAL TOWN OF ABILENE Block: 4 Lot: 101

Current Zoning: CENTRAL BUSINESS Proposed Zoning (if applicable): ~~LIGHT INDUSTRIAL OVERLAY~~

PLANNED DEVELOPMENT DISTRICT, WITH A "BASE" OR "DEFAULT" ZONING OF CENTRAL BUSINESS, AND WITH AN ALLOWANCE FOR LIGHT MANUFACTURING OF ALCOHOLIC BEVERAGES

OWNER AND AUTHORIZATION

Owner Name: Timothy Smith

Address: 817 S. 2nd

City, State, Zip: Abilene, TX 79602 Fax: _____

Phone: 325-518-4329 Email: trstx_2000@yahoo.com

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) PAT & MITCHELL HARRIS *will act as my agent before the Planning and Zoning Commission.*

Agent Name: PAT & MITCHEL HARRIS

Address: 418 CR 571

City, State, Zip: Eastland, TX 76448 Fax: _____

Phone: 806-789-9715 Email: pgeharris@hotmail.com
806-773-8008

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: [signature] Date: 7-17-19

FOR OFFICE USE ONLY

Received: _____ Fee: $ _____ Receipt No.: _____

Case No.: Z-2019-20 Reviewed By: _____

Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. **Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.**

The request is being made in order to allow brewing in Central Business by our future tenant, Sockdolager Brewing Co. They are currently operating on China Street east of Treadway. In order to continue operations as they do now at the new location at 833 South 1ST they need to be allowed to brew. We request a condition use & zoning of light industrial for the South 1ST location, but prefer the base zoning to remain Central Business. A private venue will also operate at this location.

Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of $120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____ DATE: 7-17-19

Planning and Zoning with Web AppBuilder for ArcGIS

833 s 1st st

Show search results for **833**...

All Rights Reserved

SITE PLAN - 833 SOUTH 1ST STREET

LOT 101 IN BLOCK 4, ORIGINAL TOWN OF ABILENE, TAYLOR COUNTY, TEXAS.

SITE NOT WITHIN SPECIAL FLOOD HAZZARD AREA, AS IDENTIFIED ON FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 485450 0020D, REVISED JAN. 6, 2012.

N / W / E / S

1" = 40'

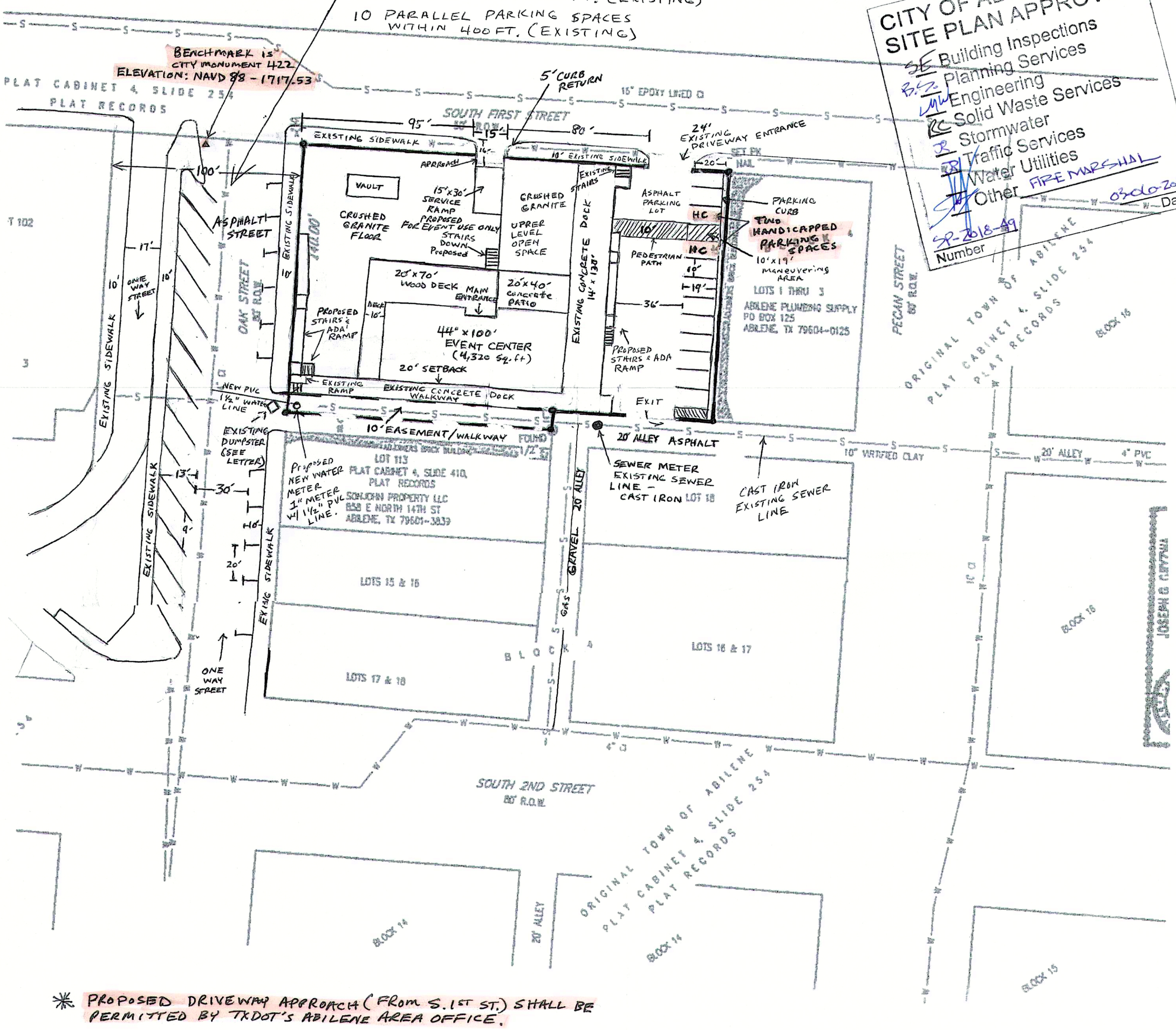
USE: EVENT CENTER

VENUE ROOM #1 - 1760 sq.ft
ROOM #2 - 2560 sq.ft
2 EMPLOYEES
SEATING CAPACITY 223

FINISHED FLOOR LEVEL:
8 FT. ABOVE BASEMENT FLOOR
3.5 FT. ABOVE GROUND LEVEL PARKING LOT.

11 ON SITE PARKING SPACES / 1 HANDICAPPED (PROPOSED)
13 ADDITIONAL PARKING SPACES OFF SITE WITHIN 400 FT. (EXISTING)
10 PARALLEL PARKING SPACES WITHIN 400 FT. (EXISTING)

CITY OF ABILENE
SITE PLAN APPROVED
SE Building Inspections
B.S. Planning Services
MW Engineering
RC Solid Waste Services
Stormwater
Traffic Services
Water Utilities
Other FIRE MARSHAL
03-06-2019 Date
SP-2018-49 Number



* PROPOSED DRIVEWAY APPROACH (FROM S. 1ST ST.) SHALL BE PERMITTED BY TXDOT'S ABILENE AREA OFFICE.

* NEW SIDEWALKS & DRIVEWAY APPROACH ON PUBLIC RIGHT-OF-WAY SHALL COMPLY WITH CITY STANDARDS & BE PERMITTED BY ABILENE'S PUBLIC WORKS DEPARTMENT.

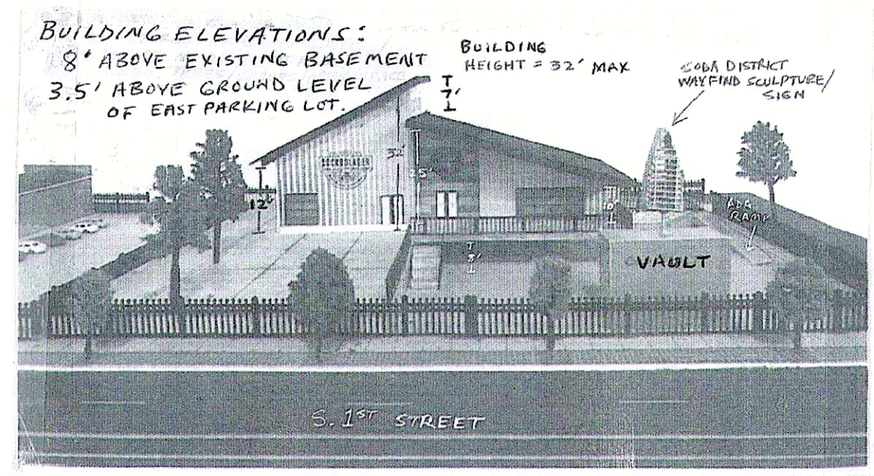
* ALL EXTERIOR LIGHTING SHALL BE FULLY SHIELDED.

* ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM VIEW FROM STREETS AND AUTOMOBILE PARKING AREAS.

* **The contractor shall provide water meter boxes for each water service connection detailed on the plans. For water meter sizes 1.5" to 2", the contractor shall supply a Bass and Hays BH 1527 (AMI compatible) water meter box lid and PMSBCF 1527-12 water meter box, or a East Jordan Iron Works Product number 32131364 (AMI compatible) water meter box lid and Product number 38001527 water meter box, or equivalent. For water meter sizes 5/8" to 1", the contractor shall supply a Bass and Hays BH 1324 AMR LID water meter box lid and PMSBCF 1324-12 water meter box, or an East Jordan Iron Works Product number 32131365 (AMI compatible) 1324 water meter box lid and Product number 32414001W water meter box, or equivalent.**

* EXISTING FIRE HYDRANTS AT: S. 2ND & OAK
S. 2ND & PECAN
S. 1ST & PECAN

BUILDING ELEVATIONS:
8' ABOVE EXISTING BASEMENT
3.5' ABOVE GROUND LEVEL OF EAST PARKING LOT.



For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2019-21

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 email your position to the email address listed below. All correspondence must include your name and address.

Name: MATERA GARDENS LLC
Address: 833 S 1ST ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: Rita Brewer
Member/manager

AUG 28 AM 11:47

REZONING REQUEST

Case: Z-2019-21

Owner: Timothy Smith

Agent: Pat & Mitchel Harris

Request: Central Business (CB) to Planned Development (PD-163) zoning to allow the 'light manufacturing' of alcoholic beverages, and still maintain the base or default zoning of CB and the permitted uses within.

Location: 833 S. 1st Street

Notification: 1 in Favor, 0 Opposed

Planning & Zoning Approval: September 3, 2019

City Council Hearing Dates: September 26, 2019
October 17, 2019

Z-2019-21 LOCATION MAP

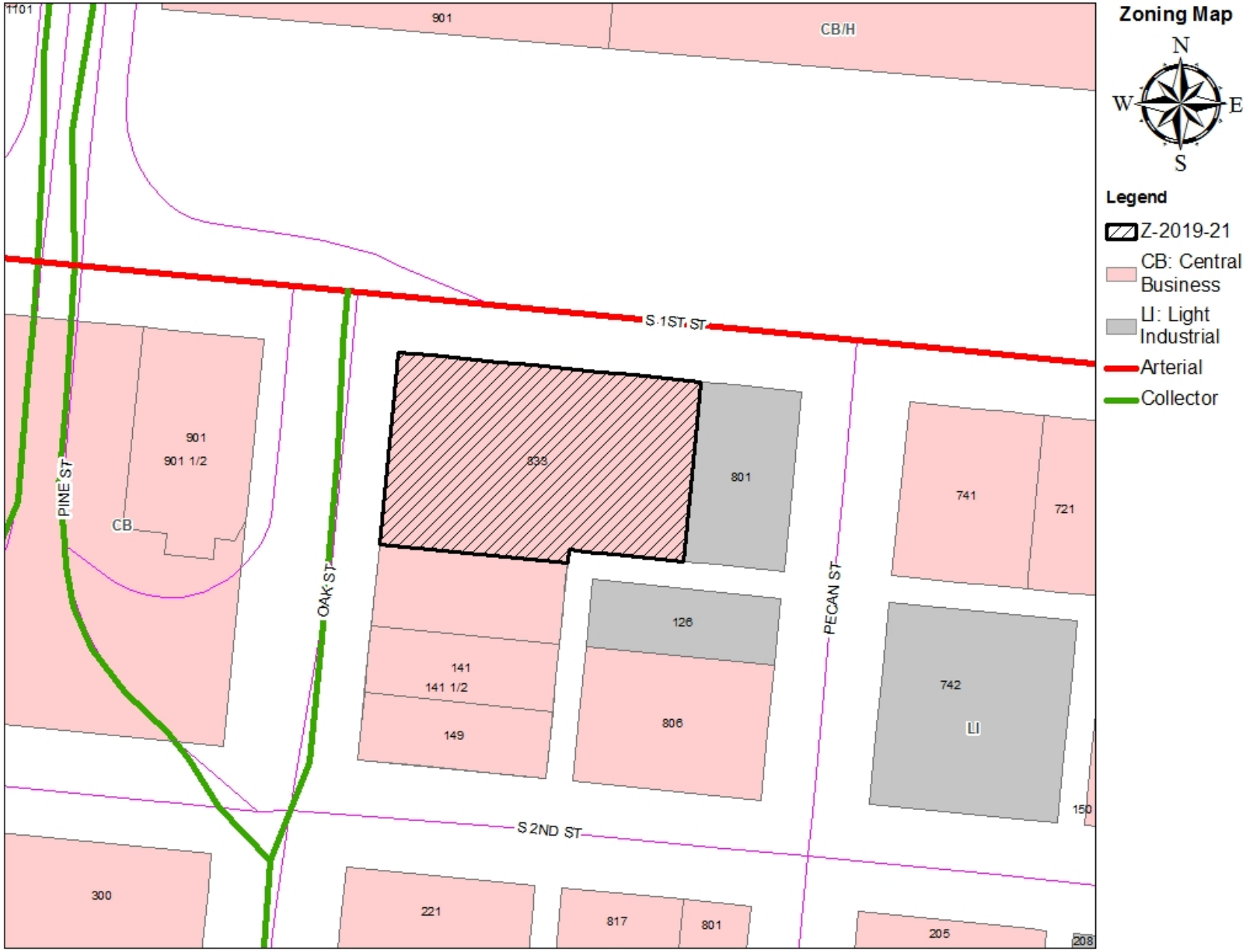
Location Map

N
W E
S

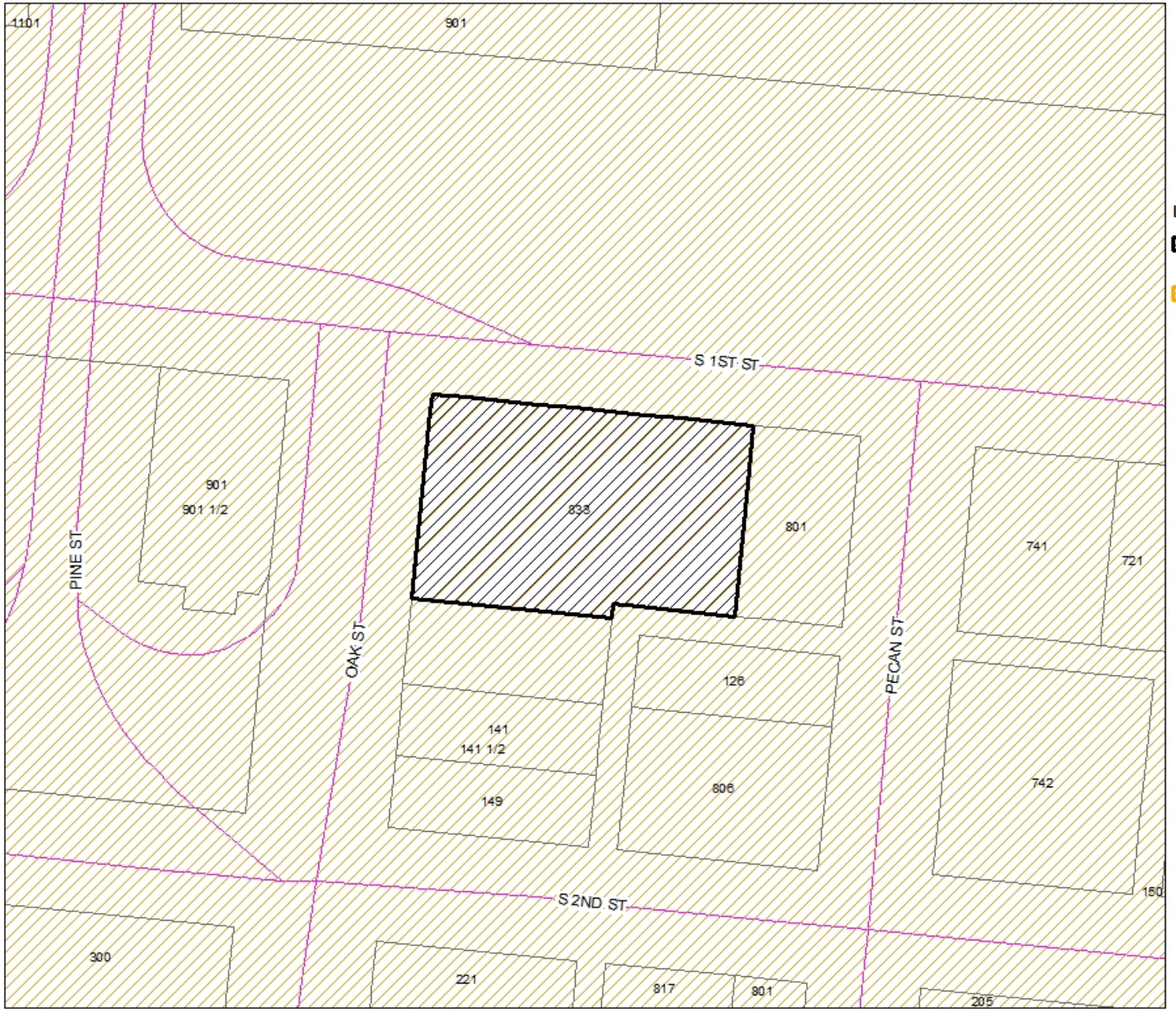
Legend

Z-2019-21

Z-2019-21 ZONING MAP



Z-2019-21 NEIGHBORHOOD EMPOWERMENT ZONE MAP



NEZ Map

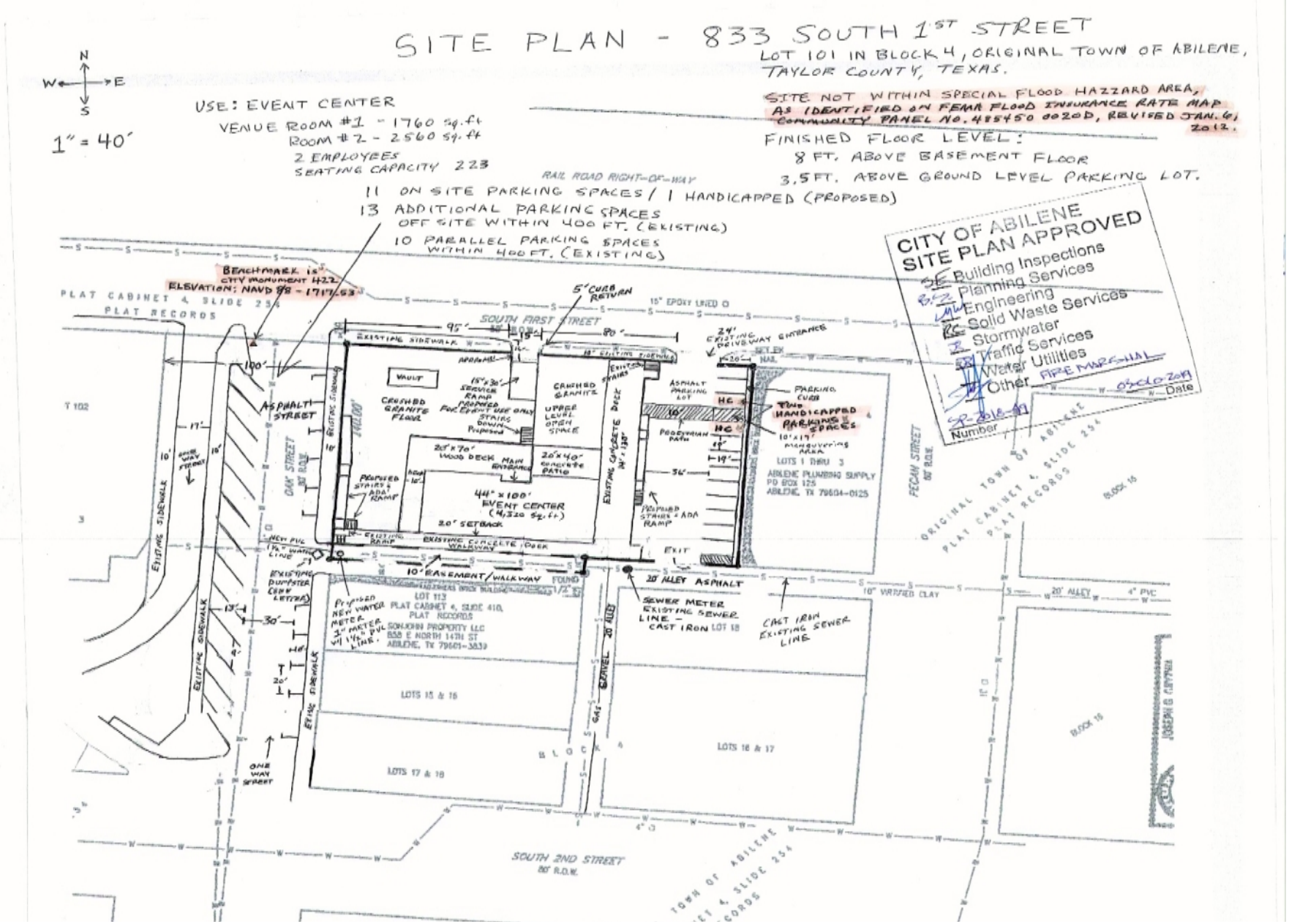
N
W E
S

Legend

Z-2019-21

Neighborhood Empowerment Zone

Z-2019-21 APPROVED SITE PLAN



Z-2019-21 NOTIFICATION AREA MAP

Notification Map

N
W E
S

Legend

200' Buffer

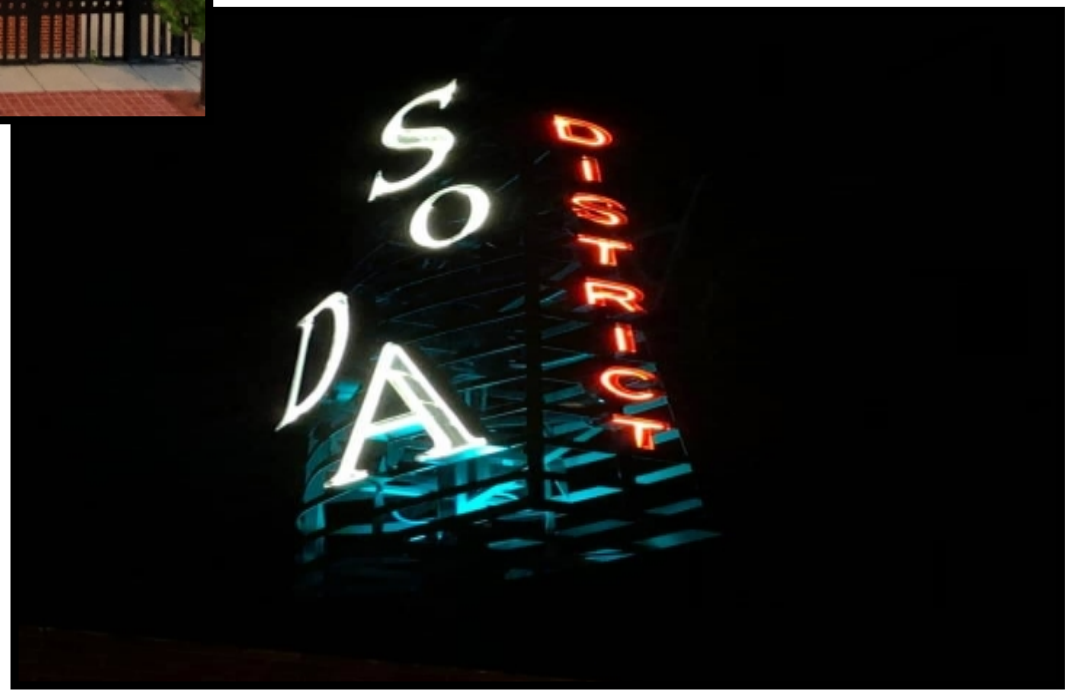
Z-2019-21

0- In Favor-

0- Opposed-

Z-2019-21 VIEWS OF SUBJECT PROPERTY AND ADJACENT PROPERTIES

Z-2019-21 VIEWS OF SUBJECT PROPERTY AND ADJACENT PROPERTIES



FINDINGS AND RECOMMENDATIONS

- Request is consistent with The Future Land Use Map of the Comprehensive Plan, South Downtown Area (SoDA) Master Plan, and the Neighborhood Empowerment Zone's objective of promoting redevelopment and repurposing economically distressed properties, compatible with existing nearby use.
- Staff Recommendation of **Approval**, subject to conditions outlined in the Planned Development Ordinance.
- **Planning & Zoning Recommendation: Approval**

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **13. Ordinance (Final Reading) Z-2019-22: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Houses for Healing, Inc. to rezone from Single Family Residential (RS-6) to Medium Density Residential (MD) zoning located at 3065 Hickory Street *(Mike Warrix)***

GENERAL INFORMATION

The applicant is requesting to rezone from Single Family Residential (RS-6) to Medium Density (MD) zoning for the development of "Tiny Homes," to serve as temporary residential housing for recovering medical patients and/or family members.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of the request.

BOARD OR COMMISSION RECOMMENDATION

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of seven (7) in favor (Smith, Lankford, Bixby, Noonan, Calk, Rosenbaum, Famble) and zero (0) in opposition.

ATTACHMENTS:

1.	3-_ordinance_cover	3-_ordinance_cover.docx
2.	4- Z-2019-22 Council Ord Exhibit	4- Z-2019-22 Council Ord Exhibit.docx
3.	1- Z-2019-22 PZC Staff Report (full)	1- Z-2019-22 PZC Staff Report (full).pdf
4.	Combined responses	Combined responses.pdf
5.	2- Z-2019-22 (RS6-MD)	2- Z-2019-22 (RS6-MD) .pptx

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY 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 2 (Zoning Regulations) of 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 the 26th day of September, 2019.

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 August, 2019, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 4:30 p.m. on the 17th day of October, 2019, 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 FINAL READING THIS 17th day of October, 2019.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Rezone property from Residential Single-Family (RS-6) to Residential Medium-Density (MD) District.

Legal description being the north 127 feet of the south 489.39 feet of the west 475 feet of Block 24 in the North Park Addition to Abilene, Taylor County, Texas.

-END-

Location: 3065 Hickory Street

ZONING CASE Z-2019-22
STAFF REPORT

REQUEST: Rezoning

APPLICANT:
Owner: Houses for Healing, Inc.
Agent: Brian Massey

HEARING DATES:
P & Z Commission:
September 3, 2019
City Council 1st Reading:
September 26, 2019
City Council 2nd Reading:
October 17, 2019

LOCATION:
3065 Hickory Street

Legal description: Lot N127 S489.39 W475 of 1 ½ AC in Block 24 of North Park Addition.

PROPOSAL AND REQUESTED ACTION:
The applicant is requesting to rezone from Single Family Residential (RS-6) to Medium Density (MD) zoning for the development of "Tiny Homes," to serve as temporary residential housing for recovering medical patients and/or family members.

APPLICATION REVIEW:
According to Section 1.4.1.4, Criteria for Approval, in the City of Abilene Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

(1) **Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended;**

The Future Land Use Map and development plan of the Comprehensive Plan designates this general area as 'Major Commercial Business Center'. According to the Comprehensive Plan, major commercial business centers are designated to provide mutually supportive activities in a single, integrated regional destination. Activities such as business services, hotels, convenience retail, daycare, restaurants, and multifamily housing to provide convenient services for employee. The applicant is requesting to rezone to Medium Density (MD) which would promote multifamily housing in this area.

The proposed use also accomplishes the Comprehensive Plan's objective of neighborhood planning by promoting a variety of housing options while achieving the goal of redevelopment within an established neighborhood.

(2) **Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.**

The medium density residences allowed by the proposed zone change would be appropriate in the immediate area, due to surrounding land uses and the previously approved rezoning in the area.

The subject lot has been zoned Single Family Residential since at least 1974. The lots to the west are currently zoned single family residential (RS-6) aside from the lot which was recently rezoned to Medium Density (MD) to allow similar use to what is proposed on our subject property. The lots to the north and south are currently zoned single family residential (RS-6) while lots to the east are zoned heavy commercial (HC).

	Zoning	Existing Land Use
North	RS-6	Single Family Residential
South	RS-6	Single-Family Residences
East	HC/COR	Tire & Detail Shop
West	RS-6/MD	Single Family Residence/Houses for Healing

(3) **Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.**

Subject property has access to a 12" water main and 8" sewer main. As a result, water and sewer capacity should not be a limiting factor to the development of this property.

Street access to this subject property is presently limited, particularly from the north. Due to one way traffic access from W Stamford St. However, to the south Hickory Street intersects Anson Ave. Anson Avenue is classified as a collector road, collector roads are developed to adequately permit a higher level of traffic which may mitigate any possible increase in traffic volume and alleviate congestion.

STAFF COMMENTS:

The applicant's request is to rezone from Single Family Residential (RS-6) to Medium Density (MD) in order to develop tiny homes which will serve as temporary residential housing for recovering medical patients and/or family members of said patients. According to the Land Development Code, Medium Density (MD) zoning protects the residential character of the area by excluding most commercial and other incompatible activities while encouraging a suitable environment which permits certain appropriate institutions and facilities such as this to be located within residential neighborhoods.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request complies with section 1.4.1.4 (Criteria for Approval) Proposed Medium-Density (MD) zoning will provide a useful and effective transition between single-family residential to the west and Heavy Commercial (HC) zoned properties to the east. Additionally, the subject property is located within the Neighborhood Empowerment Zone (78-2018), a zone designed to promote redevelopment in "economically distressed" areas.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On September 3rd, 2019, the Planning and Zoning Commission recommended approval by a vote of seven (7) in favor (Smith, Lankford, Bixby, Noonan, Caulk, Rosenbaum, Famble) and zero (0) in opposition.

NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

Owner	Situs	Respone
ALBUS DONNA V	1226 ANSON AV	
ALBUS DONNA V	1224 ANSON AV	
CIENFUEGOS ABEL	3134 PINE ST	
CIENFUEGOS ABEL	3058 PINE ST	
COOPER KENNETH & DEBRA		
DELEON JULIO C	3026 HICKORY ST	Opposed
EDMONDSON T C JR	3041 HICKORY ST	In Favor
EDMONDSON T C JR	3049 HICKORY ST	In Favor
FEIL KATELIN	3042 HICKORY ST	In Favor
JOHNSON CONSUELO M	1234 ANSON AV	
KINNEY GLORIA	3034 HICKORY ST	
KINNEY RICHARD ET AL	3065 HICKORY ST	In Favor
LWMW MANAGEMENT LLC		
LWMW MANAGEMENT LLC	3210 PINE ST	
MC DONALD JERRY D & TONI D	1242 ANSON AV	
MC KINZIE DOROTHY WALTRIP	3118 HICKORY ST	
MC KINZIE DOROTHY WALTRIP	3110 HICKORY ST	
MEDINA ALONSO & ROBERT	1202 ANSON AV	
MORRIS MARILYN L	3073 HICKORY ST	
PRESIDENT OF SONRISE MINISTRIES	3060 HICKORY ST	In Favor
PRESIDENT OF SONRISE MINISTRIES	3052 HICKORY ST	
PRESIDENT OF SONRISE MINISTRIES	3056 HICKORY ST	
PRESIDENT OF SONRISE MINISTRIES	3064 HICKORY ST	
QUINTANILLA PORFORIO & MARY LOU	3126 HICKORY ST	
RAMIREZ RAUL S	1117 N 31ST ST	
RAMIREZ RAUL S	1117 1/2 N 31ST ST	
RAMIREZ RAUL S	1017 N 31ST ST	
RAMIREZ RAUL S	3042 PINE ST	In Favor
RAMIREZ RAUL S	1017 1/2 N 31ST ST	
RAMIREZ RAUL S	1025 N 31ST ST	
SOJOURNER WILLIAM C III	1042 ANSON AV	
STARKS ELYCE J	3066 HICKORY ST	
SUMNERS JAMES	1210 ANSON AV	
TACKETT ROGER L & MAURI A	3117 HICKORY ST	

ATTACHMENTS:

- Application
- PowerPoint

Development Application

Planning

☐ Conditional Use ☐ Easement Release ☐ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: Houses for Healing Phase 2

Address: 3065 Hickory St. Abilene, TX 79601 No. of lots: _____ Acreage: _____

Legal Description: North Park Addn, Block 24, Lot N127 5489.39 W475 of 11/2, Taylor County

Subdivision Name: NORTH PARK,SIDNEY SMITH,LEON STEVENSN,JB C Block: _____ Lot: _____

Current Zoning: RS6 Proposed Zoning (if applicable): Medium Density (MD)

OWNER AND AUTHORIZATION

Owner Name: Houses for Healing, Inc.

Address: P.O. Box 2320

City, State, Zip: Abilene, TX, 79604 Fax: _____

Phone: 325.660.7719 Email: brian@housesforhealing.com

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Houses for Healing, Inc. *will act as my agent before the Planning and Zoning Commission.*

Agent Name: Brian Massey

Address: 1809 Wildlife Trails, Pkwy

City, State, Zip: Abilene, TX, 79601 Fax: _____

Phone: 325.660.7719 Email: brian@housesforhealing.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: _____ Date: _____

FOR OFFICE USE ONLY

Received: _____ Fee: $ _____ Receipt No.: _____

Case No.: _____ Reviewed By: _____

[evelopment Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

Houses for Healing is a 501 (c)(3) organization which is providing free short term medical crisis housing to patients and/or family members of hospitalized patients. We serve all medical facilities in Abilene, TX. We currently have 4 tiny houses in service and are not able to meet all of the need. We are seeking to build an additional 16 tiny houses across the street from our phase 1 location at 3052 Hickory St which was rezoned to MD in 2016 as the current no. is not enough capacity. Directly to our NE is Frontier Inn, so we feel like our request will fit nicely in this area. We have a growing waitlist of guests needing a place to stay while they fight for life and health. Putting guests up in the League House, hotels and Salvation Army is quite expensive and the burden of the cost prohibits us from providing for the longer term needs such as that of cancer patients, NICU needs, chronic illnesses and long term ICU stays. By building more tiny houses, we will be able to address more long term needs while minimizing expenses. Houses for Healing is unique in that we involve a very large volunteer base to address needs outside the scope of existing social programs (there is no free short term medical crisis housing options in Abilene). Since the land we are requesting be rezoned is located within neighborhood development area, we would like to request that the $1500 application fee be waived, please. We hope that the city officials will recognize our efforts to help Abilene and the Big Country in a unique way by ministering to people in a very vulnerable set of circumstances. We also hope that the city officials will recognize that Houses for Healing attracts economic benefits as people choose Abilene for their medical treatments instead of other places due to demonstrations of compassion and generosity.

As of 7/28/19

Lodging Provided	
Nights	Location
74	Salvation Army
53	League House
97	Hotels
1126	Tiny Houses
1350	Total

Counties Served	# of Nights
Baylor	1
Brown	27
Coleman	124
Commanche	5
Dallas	3
Eastland	91
Fisher	42
Fort Bend	1
Haskell	28
Johnson County, Kansas	7
Jones	104
Mitchell	117
Navarro	1
Nolan	115
Pomona, California	9
Scurry	16
Stephens	19
Stonewall	142
Taylor	396
Throckmorton	86
Walker	3
Young	13
Grand Total	1350

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2019-22 (Updated)
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 email your position to the email address listed below. All correspondence must include your name and address.

Name: PRESIDENT OF SONRISE MINISTRIES
Address: 3060 HICKORY ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature:

SEP 24 PM 12:17

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2019-22 (Updated)
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 email your position to the email address listed below. All correspondence must include your name and address.

Name: DELEON JULIO C
Address: 3026 HICKORY ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☐ I am opposed ☑

Additional Comments:

Signature:

OCT 3 AM 9:32

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2019-22 (Updated)
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 email your position to the email address listed below. All correspondence must include your name and address.

Name: EDMONDSON T C JR
Address: 3049 HICKORY ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: T. C. Edmondson, Jr.

SEP 25 AM 11:24

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

CASE #: Z-2019-22 (Updated)
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 email your position to the email address listed below. All correspondence must include your name and address.

Name: EDMONDSON T C JR
Address: 3041 HICKORY ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments:

Signature: T. C. Edmondson, Jr.

SEP 25 AM 11:2

September 24, 2019

Dear Planning and Zoning Commission,

I was unable to make the meeting on September 3, 2019 for the Houses for Healing with Brian Massey because we were on vacation. I keep getting these requests in the mail so I guess you want to hear from me. I am the executor of the 3065 Hickory St. house that our family sold to Houses for Healing. I was 11 when we moved into that house and my dad, Dick Kinney was an Abilene Policeman. I am retired and the oldest of 5 siblings, 4 boys and a girl. Three of my brothers live out of town so my sister and I were caretakers of both of our parents. Mom had to go to a nursing home early last year because my dad hurt his back trying to take care of her. Dad slipped and broke his shoulder last June going up stairs at Hendricks to see my mom. I went by every day to get him. My dad and I watched as the first 4 houses for healing went up right across the street. My dad was worried that Brian was going to cut down the large oak trees. Brian came over and visited with my parents, told them what he was doing and that he would not cut down the oak trees. In July, last year, Brian told me that the 4 houses were finished and he needed more land. I told him that he needed to look elsewhere because the house was in all of our names and some did not want to sell. Mom and Dad fully supported the Houses for Healing vision that Brian had shared with the family. Dad had to go live in the Nursing home with mom. Last Thanksgiving we picked both of them up and took them to my sister Karen's house. All the family was there and we had a great time with Mom and Dad and there are over 50 of us now. On Christmas day, we had to put dad in the hospital for heart problems. A week later Mom was admitted and they were in the same room. On January 6, 2019 Dad left this earth for his heavenly home and 11 days later mom followed. In March we started discussions with Brian and Houses for Healing and all the family about selling the property. Our family, and Brian, and Houses for Healing experienced many miracles for this to happen. We sold the house in June. Brian has agreed to turn our parents' house into an office, a commercial kitchen, and the front will be the Kinney Memorial Chapel in our parent's memory. Our family is very supportive of Brian's Vision for Houses for Healing at 3065 Hickory and recommend the rezoning to complete the vision to provide free housing for people needing lodging to stay during medical procedures.

Thank You,

Richard Kinney *

RECEIVED
SEP 30 2019
PLANNING

* OWNER OF PROPERTY
AT 3065 HICKORY STREET

Z-2019-22

CITY OF ABILENE

PLANNING & DEVELOPMENT SERVICES

FEIL KATELIN
3042 HICKORY ST
ABILENE, TX 79601-1327

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2019-22 **8/23/2019**

The Planning and Zoning Commission will hold a public hearing on **Tuesday, September 3, 2019** at **1:30 PM**, in City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, to recommend approval or denial to City Council on a request from Houses of Healing, Inc. to rezone from Single Family Residential (RS-6) to Medium Density Residential (MD) zoning. Legal description being North Park Addition, Block 24, Lot N 127, S 489.30, W 475, or 1 ½ AC, Abilene, Taylor County, Texas and located at 3065 Hickory Street.

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 as listed below. All responses must be signed.

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 Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **October 10, 2019,** at 8:30 AM in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Jared Smith, Planner I at (325) 676-6237 or jared.smith@abilenetx.gov

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For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2019-22
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 email your position to the email address listed below. All correspondence must include your name and address.

Name: FEIL KATELIN
Address: 3042 HICKORY ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐

Additional Comments: Give us sidewalks

Signature:

AUG 28 AM 11:47

REZONING REQUEST

Case: Z-2019-22

Owner: Houses for Healing Inc.

Agent: Brian Massey

Request: Rezone from Single Family Residential (RS-6) to Medium Density (MD) zoning.

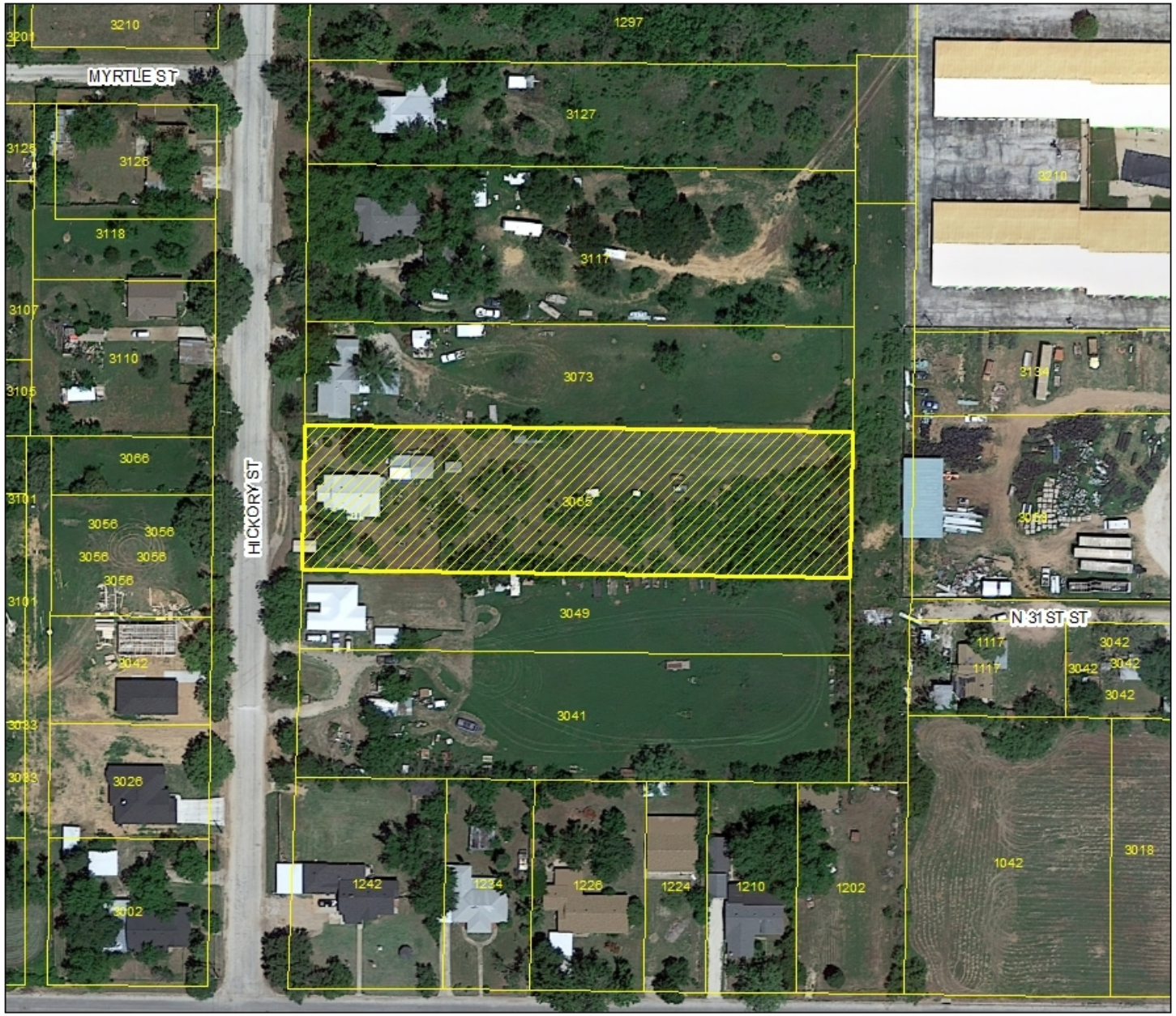
Location: 3065 Hickory Street

Notification: 6 in favor, 1 opposed

Planning & Zoning Approval: September 3, 2019

City Council Hearing Dates: September 26, 2019
October 17, 2019

Z-2019-22 LOCATION MAP



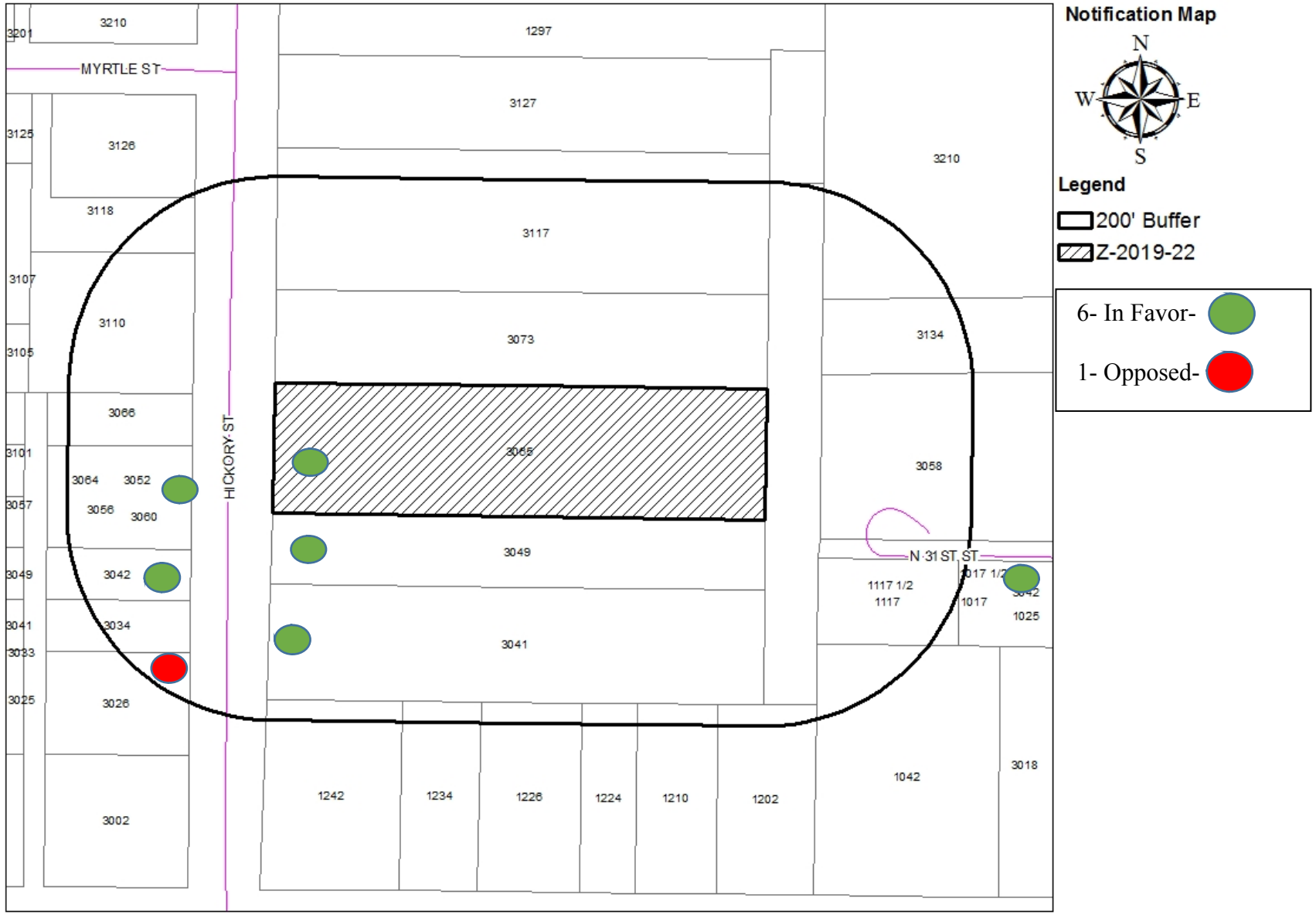
Location Map

N
W E
S

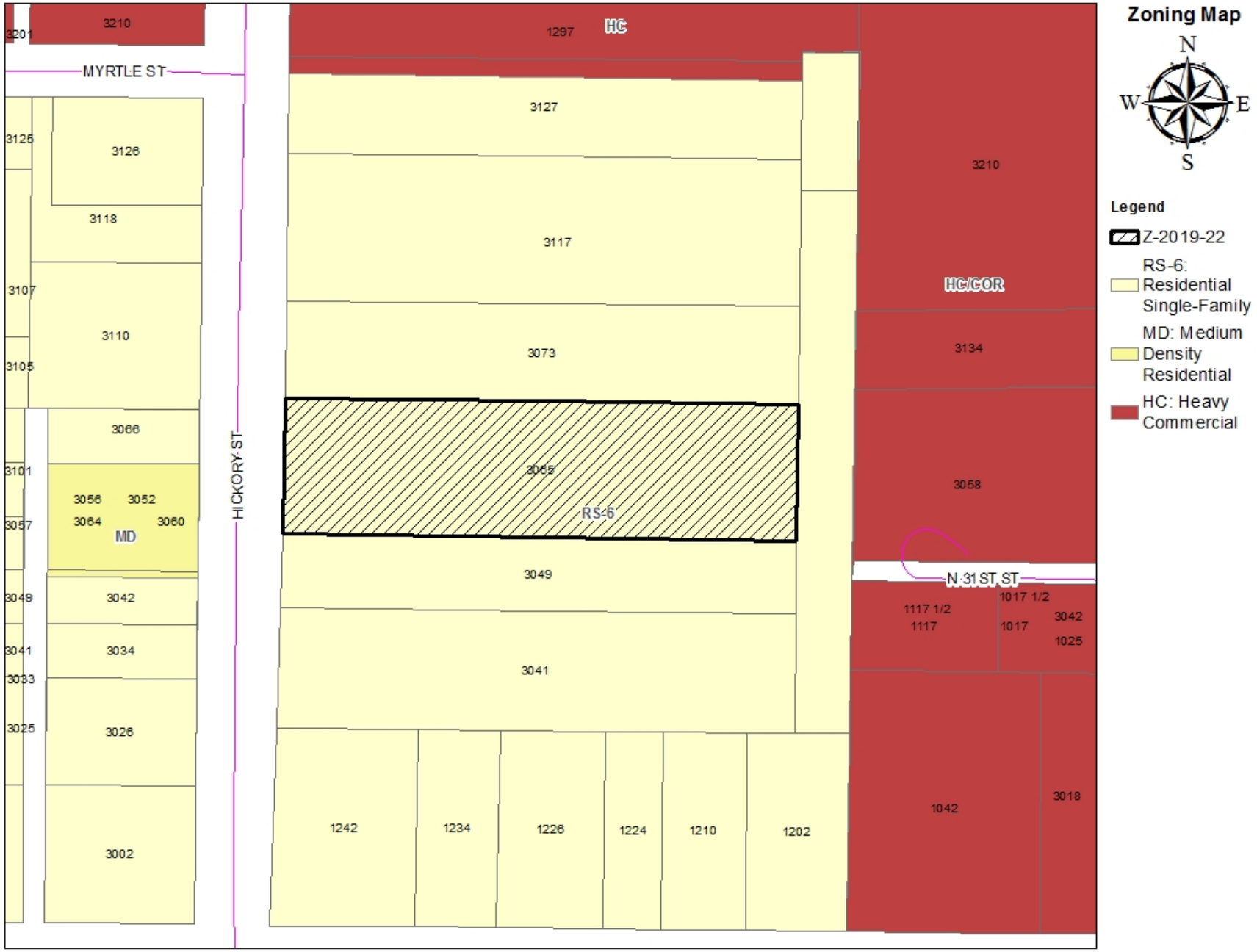
Legend

Z-2019-22

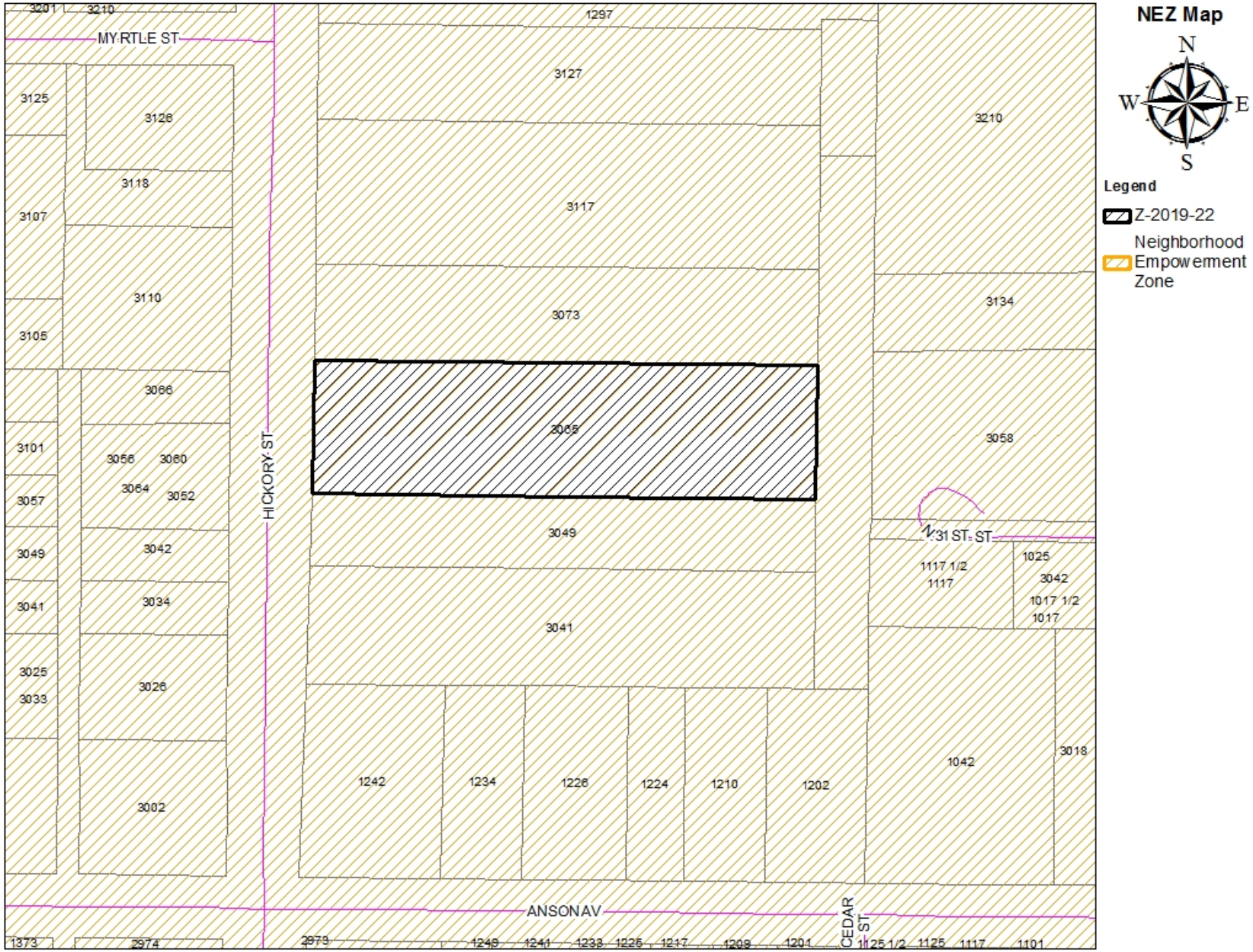
Z-2019-22 NOTIFICATION MAP



Z-2019-22 ZONING/THOROUGHFARE MAP



Z-2019-22 NEIGHBORHOOD EMPOWERMENT ZONE MAP



Existing Uses in MD Zoning

RESIDENTAL USES:

C	Bed & Breakfast
P	Dwelling – Duplex
P	Dwelling – Industrialized Housing Unit
C	Dwelling – Institutional
P	Dwelling – Multiple-Family
P	**Dwelling – Single-Family Detached**
C	Group Home

ACCESSORY AND INCIDENTAL USES:

P	Accessory Structure (Also see Division 4 of this article)
P	Antenna, Non-Commercial/Amateur
P	Day Care Operation – Home-Based
TP	Field Office or Construction Office (temporary)
P	Garage Sale
P	Home Occupation
C	Mobile Home (temporary security residence)
P	Recreation Building, Multipurpose
P	Recreation Equipment, Mobile (storage & parking)
TP	Subdivision Sales Office (temporary)
P	Swimming Pool, Private (accessory to residential use)
P	Tennis Court, Private (accessory to residential use)
P/SE	Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

C	Civic, Social, and Fraternal Organization
C	Recreation – Outdoors (active)
P	Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P	Community Home
P	Fire/Police Station
C	Homeless/Emergency Shelter
C	Rehabilitation Facility
C	Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

P	Church or Place of Worship
C	Day-Care Operation - Center-Based
P	School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P	Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well
P	Urban Garden

LEGEND

P	**Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)**
C	**Permitted as a Conditional Use Permit, Requiring Approval by City Council**
TP	**Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment**

Z-2019-22 Views of Subject Property and Adjacent Properties

Z-2019-22 Adjacent Properties

Staff Comments

- Medium Density (MD) zoning protects the residential character of the area by excluding most commercial and other incompatible activities while encouraging a suitable environment which permits certain appropriate institutions and facilities such as this to be located within residential neighborhoods.
- Medium Density (MD) zoning will provide a useful and effective transition between single-family residential to the west and Heavy Commercial (HC) zoned properties to the east.
- Property is located within the Neighborhood Empowerment Zone, a program intended to promote repurposing and redevelopment within economically distressed areas of Abilene.
- The request is consistent with the criteria for approval contained in Sections 1.4.1.4, therefore City Staff recommends **approving** the requested zone change.

Planning & Zoning Recommendation: Approval

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **14. Ordinance (Final Reading) Z-2019-23: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Judy Proctor, agent Paul Johnson, to rezone two (2) properties from General Retail (GR) to General Commercial (GC) zoning located at 5001 and 5009 Hwy 277 South *(Mike Warrix)***

GENERAL INFORMATION

The applicant is requesting to rezone from General Retail (GR) to General Commercial (GC) zoning.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of seven (7) in favor (Smith, Lankford, Bixby, Rosenbaum, Calk, Noonan, Famble) and zero (0) in opposition.

ATTACHMENTS:

1.	3-_ordinance_cover	3-_ordinance_cover.docx
2.	4- Z-2019-23 Council Ord Exhibit	4- Z-2019-23 Council Ord Exhibit.docx
3.	1- Z-2019-23 PZC Staff Report (full)	1- Z-2019-23 PZC Staff Report (full).pdf
4.	2- Z-2019-23 (GR-GC)	2- Z-2019-23 (GR-GC).pptx

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY 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 2 (Zoning Regulations) of 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 the 26th day of September, 2019.

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 August, 2019, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 4:30 p.m. on the 17th day of October, 2019, 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 FINAL READING THIS 17th day of October, 2019.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Rezone two (2) properties from General Retail (GR) to General Commercial (GC) District.

Legal descriptions being Lots 103 and 102 in Block 1 of The Moors, Abilene, Taylor County, Texas.

-END-

Location: 5001 and 5009 Hwy 277 South

ZONING CASE Z-2019-23
STAFF REPORT

REQUEST: Rezoning

APPLICANT:
Owner: Judy Proctor
Agent: Paul Johnson

HEARING DATES:
P & Z Commission:
September 3, 2019
City Council 1st Reading:
September 26, 2019
City Council 2nd Reading:
October 17, 2019

LOCATION:
5001 & 5009 HWY 277 South

Legal description: Lot 102 & Lot 103 of Block 1 in The Moors Subdivision.

PROPOSAL AND REQUESTED ACTION:
The applicant is requesting to rezone from General Retail (GR) to General Commercial (GC) zoning.

APPLICATION REVIEW:
According to Section 1.4.1.4, Criteria for Approval, of the City of Abilene Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

(1) **Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended;**

The Future Land Use Map and development plan of the Comprehensive Plan designates this general area as 'Major Commercial Business Center'. According to the comprehensive plan, major commercial business centers are designated to provide mutually supportive activities in a single, integrated regional destination. Activities such as business services, hotels, convenience retail, daycare, restaurants, and multifamily housing to provide convenient services for employees. The applicant is requesting to rezone to General Commercial (GC) which would promote a wide variety of commercial uses within this area.

(2) **Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.**

The possible commercial activities which will be permitted by the proposed zone change would be appropriate in the immediate area, due to the presently existing commercial activity to the west and existing commercial activities across Highway 83-84.

The subject lot has been zoned Shopping Center (SC) which is now considered General Retail (GR) since at least 1974. The lots to the west are currently zoned General Retail (GR). South of the subject property is zoned Multi-Family (MF) and currently is the location of an existing apartment complex. Highway 83-84 is directly north and east of the subject property.

	Zoning	Existing Land Use
North	N/A	Expressway (HWY 83-84)
South	MF	Apartments
East	N/A	Expressway (HWY 83-84)
West	GR	Taco Bueno (Restaurant) / Fuel Station

(3) **Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.**

The subject property has access to an existing 8" water main and 15" sewer main. Therefore water and sewer capacity should not be a limiting factor to the development of this property.

According to the land development code good automobile accessibility within a General Commercial (GC) district is essential. The subject property is located at the intersection of Highway 83-84 and HWY 277 S. Traditional planning considers intersections of freeways and major arterial roads such as this to be customarily appropriate for commercial purposes.

STAFF COMMENTS:

The applicant's request is to rezone from General Retail (GR) to General Commercial (GC) in order to utilize the location as an automobile sales lot. According to the Future Land Use map found in the Comprehensive Plan, this location is designated as a major commercial business center. Major commercial business centers are designed to promote a wide variety of commercial uses such as automotive sales. However, it should be noted that other uses which will be permitted within General Commercial (GC) zoning may not be compatible with the existing apartments south of the subject property.

STAFF RECOMMENDATION:

Staff recommends approval of the request, the rezoning request complies with section 1.4.1.4 (Criteria for Approval). According to the comprehensive plan this area is designated a major commercial business center, such a designation is to provide a mixture of commercial purposes alongside multifamily housing.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of seven (7) in favor (Smith, Lankford, Bixby, Rosenbaum, Calk, Noonan, Famble) and zero (0) in opposition.

NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

Owner	Situs	Respone
DAPONDE ASSOCIATES LTD	2016 S CLACK ST	
DAPONDE ASSOCIATES LTD	2024 S CLACK ST APT 413	
DAPONDE ASSOCIATES LTD	2008 S CLACK ST APT 223	
DAPONDE ASSOCIATES LTD	2006 S CLACK ST APT 216	
DAPONDE ASSOCIATES LTD	2026 S CLACK ST APT 319	
DAPONDE ASSOCIATES LTD	2018 S CLACK ST	
DAPONDE ASSOCIATES LTD	2016 S CLACK ST APT 144	
DAPONDE ASSOCIATES LTD	2032 S CLACK ST APT 440	
DAPONDE ASSOCIATES LTD	2008 S CLACK ST APT 221	
DAPONDE ASSOCIATES LTD	2012 S CLACK ST APT 130	
DAPONDE ASSOCIATES LTD	2028 S CLACK ST APT 428	
DAPONDE ASSOCIATES LTD	2020 S CLACK ST APT 303	
DAPONDE ASSOCIATES LTD	2032 S CLACK ST APT 335	
DAPONDE ASSOCIATES LTD	2020 S CLACK ST APT 301	
DAPONDE ASSOCIATES LTD	2008 S CLACK ST APT 122	
DAPONDE ASSOCIATES LTD	2026 S CLACK ST APT 420	
DAPONDE ASSOCIATES LTD	2016 S CLACK ST APT 245	
DAPONDE ASSOCIATES LTD	2004 S CLACK ST APT 109	
DAPONDE ASSOCIATES LTD	2008 S CLACK ST APT 224	
DAPONDE ASSOCIATES LTD	2020 S CLACK ST APT 306	
DAPONDE ASSOCIATES LTD	2002 S CLACK ST APT 106	
DAPONDE ASSOCIATES LTD	2002 S CLACK ST APT 202	
DAPONDE ASSOCIATES LTD	2014 S CLACK ST APT 237	
DAPONDE ASSOCIATES LTD	2028 S CLACK ST APT 426	
DAPONDE ASSOCIATES LTD	2032 S CLACK ST APT 438	
DAPONDE ASSOCIATES LTD	2014 S CLACK ST APT 235	
DAPONDE ASSOCIATES LTD	2032 S CLACK ST APT 436	
DAPONDE ASSOCIATES LTD	2006 S CLACK ST	
DAPONDE ASSOCIATES LTD	2012 S CLACK ST APT 128	
DAPONDE ASSOCIATES LTD	2018 S CLACK ST APT 252	
DAPONDE ASSOCIATES LTD	2002 S CLACK ST APT 104	
DAPONDE ASSOCIATES LTD	2028 S CLACK ST APT 327	
DAPONDE ASSOCIATES LTD	2030 S CLACK ST	
DAPONDE ASSOCIATES LTD	2020 S CLACK ST APT 406	
DAPONDE ASSOCIATES LTD	2018 S CLACK ST APT 150	
DAPONDE ASSOCIATES LTD	2012 S CLACK ST APT 132	

DAPONDE ASSOCIATES LTD	2012 S CLACK ST APT 132	
DAPONDE ASSOCIATES LTD	2016 S CLACK ST APT 239	
DAPONDE ASSOCIATES LTD	2002 S CLACK ST APT 101	
DAPONDE ASSOCIATES LTD	2006 S CLACK ST APT 117	
DAPONDE ASSOCIATES LTD	2024 S CLACK ST APT 415	
DAPONDE ASSOCIATES LTD	2016 S CLACK ST APT 241	
DAPONDE ASSOCIATES LTD	2024 S CLACK ST APT 315	
DAPONDE ASSOCIATES LTD	2004 S CLACK ST APT 211	
DAPONDE ASSOCIATES LTD	2006 S CLACK ST APT 113	
DAPONDE ASSOCIATES LTD	2022 S CLACK ST APT 410	
DAPONDE ASSOCIATES LTD	2032 S CLACK ST APT 337	
DAPONDE ASSOCIATES LTD	2030 S CLACK ST APT 434	
DAPONDE ASSOCIATES LTD	2012 S CLACK ST APT 226	
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DAPONDE ASSOCIATES LTD	2022 S CLACK ST APT 308	
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DAPONDE ASSOCIATES LTD	2014 S CLACK ST APT 138	
DAPONDE ASSOCIATES LTD	2004 S CLACK ST APT 209	
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DAPONDE ASSOCIATES LTD	2002 S CLACK ST	
DAPONDE ASSOCIATES LTD	2006 S CLACK ST APT 215	
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DAPONDE ASSOCIATES LTD	2014 S CLACK ST APT 233	
DAPONDE ASSOCIATES LTD	2018 S CLACK ST APT 247	
DAPONDE ASSOCIATES LTD	2012 S CLACK ST APT 228	
DAPONDE ASSOCIATES LTD	2018 S CLACK ST APT 250	
DAPONDE ASSOCIATES LTD	2026 S CLACK ST APT 417	
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DAPONDE ASSOCIATES LTD	2012 S CLACK ST APT 227	
DAPONDE ASSOCIATES LTD	2016 S CLACK ST APT 143	
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DAPONDE ASSOCIATES LTD	2008 S CLACK ST APT 120	
DAPONDE ASSOCIATES LTD	2026 S CLACK ST APT 418	
DAPONDE ASSOCIATES LTD	2014 S CLACK ST APT 234	
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DAPONDE ASSOCIATES LTD	2006 S CLACK ST APT 118	
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DAPONDE ASSOCIATES LTD	2002 S CLACK ST APT 103	
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DAPONDE ASSOCIATES LTD	2002 S CLACK ST APT 204	
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DAPONDE ASSOCIATES LTD	2032 S CLACK ST APT 336	
DAPONDE ASSOCIATES LTD	2012 S CLACK ST APT 229	

DAPONDE ASSOCIATES LTD	2032 S CLACK ST APT 437	
DAPONDE ASSOCIATES LTD	2012 S CLACK ST APT 131	
DAPONDE ASSOCIATES LTD	2004 S CLACK ST APT 108	
DAPONDE ASSOCIATES LTD	2030 S CLACK ST APT 334	
DAPONDE ASSOCIATES LTD	2012 S CLACK ST APT 129	
DAPONDE ASSOCIATES LTD	2016 S CLACK ST APT 242	
DAPONDE ASSOCIATES LTD	2028 S CLACK ST APT 425	
DAPONDE ASSOCIATES LTD	2006 S CLACK ST APT 214	
DAPONDE ASSOCIATES LTD	2018 S CLACK ST APT 147	
DAPONDE ASSOCIATES LTD	2022 S CLACK ST APT 309	
DAPONDE ASSOCIATES LTD	2030 S CLACK ST APT 332	
DAPONDE ASSOCIATES LTD	2026 S CLACK ST APT 317	
DAPONDE ASSOCIATES LTD	2032 S CLACK ST APT 339	
DAPONDE ASSOCIATES LTD	2012 S CLACK ST APT 126	
DAPONDE ASSOCIATES LTD	2012 S CLACK ST APT 225	
DAPONDE ASSOCIATES LTD	2014 S CLACK ST APT 135	
DAPONDE ASSOCIATES LTD	2018 S CLACK ST APT 251	
DAPONDE ASSOCIATES LTD	2002 S CLACK ST APT 205	
DAPONDE ASSOCIATES LTD	2032 S CLACK ST APT 435	
DAPONDE ASSOCIATES LTD	2028 S CLACK ST APT 323	
HP REAL ESTATE VENTURES LTD	1806 S CLACK ST	
HP REAL ESTATE VENTURES LTD	1850 S CLACK ST	
HP REAL ESTATE VENTURES LTD	1824 S CLACK ST	
HP REAL ESTATE VENTURES LTD	1812 S CLACK ST	
HP REAL ESTATE VENTURES LTD	1820 S CLACK ST	
HP REAL ESTATE VENTURES LTD	1816 S CLACK ST	
HP REAL ESTATE VENTURES LTD	1874 S CLACK ST	
HP REAL ESTATE VENTURES LTD	1828 S CLACK ST	
PINKIES INCORPORATED	5050 HWY 277 S	
PROCTOR JUDY & MANLISH HWANG &	5009 HWY 277 S	
SPIRIT MASTER FUNDING X LLC	5010 HWY 277 S	
THE PEKING HOUSE INC	5001 HWY 277 S	
WEST TEXAS COMMERCIAL	5002 HWY 277 S	

ATTACHMENTS:

- Application
- PowerPoint

Development Application

CITY OF ABILENE

Planning

☐ Conditional Use ☐ Easement Release ☑ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: 5001 Hwy 277 South

Address: 5001 & 5009 Hwy 277 South No. of lots: 2 Acreage: 1.68 Acres

Legal Description: The Moors Block 1 Lot 102 & 103

Subdivision Name: The Moors Block: 1 Lot: 102 & 103

Current Zoning: General Retail Proposed Zoning (if applicable): GC

OWNER AND AUTHORIZATION

Owner Name: Judy Proctor

Address: 2102 Gathright Drive

City, State, Zip: Abilene Tx 79606 Fax: _____

Phone: 325 232 7008 Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Paul Johnson *will act as my agent before the Planning and Zoning Commission.*

Agent Name: Paul Johnson

Address: 4633 S. 14th Street

City, State, Zip: Abilene Tx 79605 Fax: 325 692-8508

Phone: (325) 698-5661 Email: Paul@PaulJohnsonRealtors.com

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: _____ Date: 8-2-19

FOR OFFICE USE ONLY

Received: 08-02-2019 **Fee: $** 1500 **Receipt No.:** 0002087316

Case No.: Z-2019-~~22~~ 23 **Reviewed By:** _____

Development Application

CITY OF ABILENE

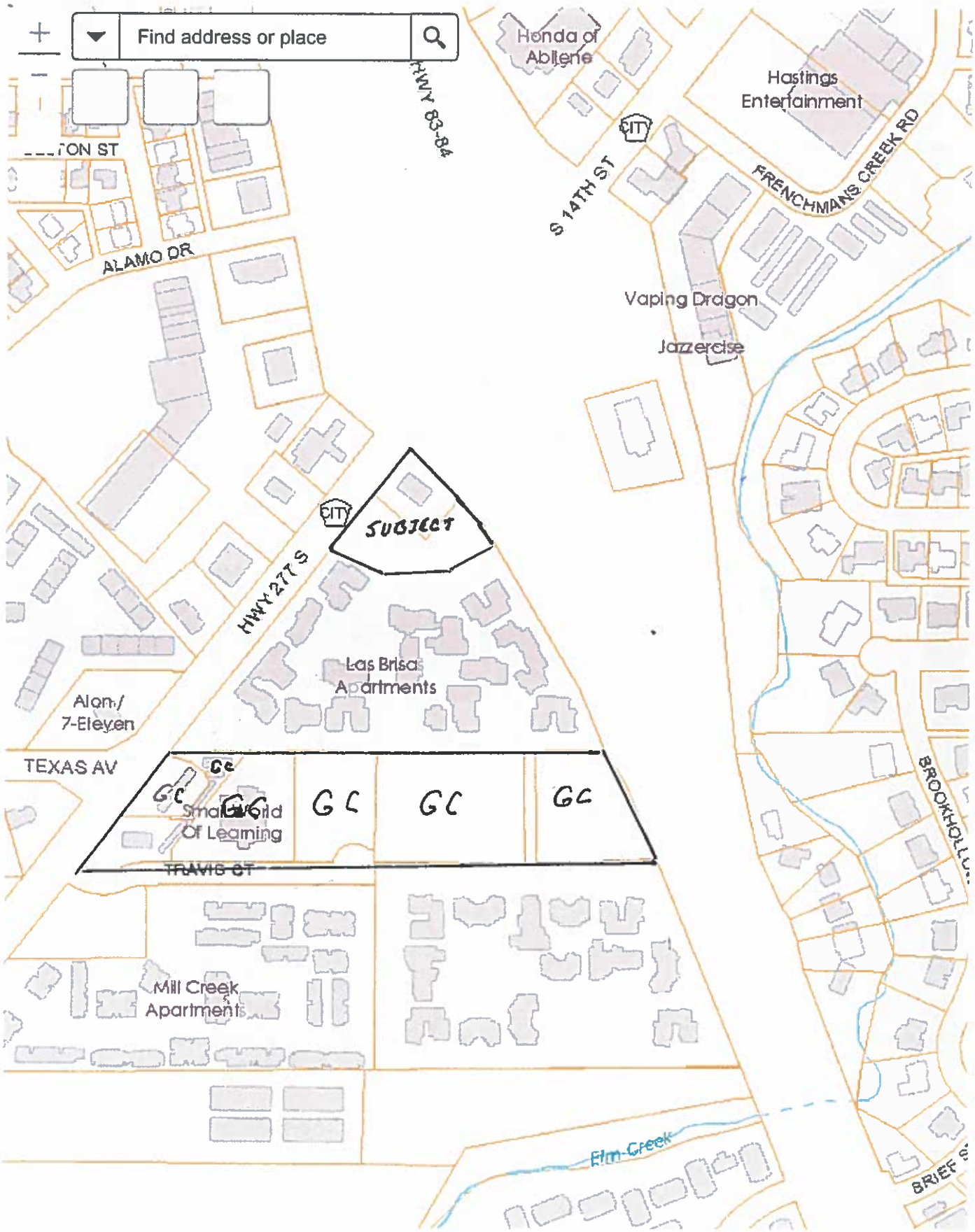
Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

1. Six parcels already adjacent that have GC zoned.
2. Subject we be for used car sales.
3. Subject could be deed restricted from "major" auto repair.
4. Subject will increase city taxes collected.
5. Subject user will put improvement in better condition.
6. User will look for additional use of remaining land.
7. Subject organization has been in business in Abilene for 55 years.

Parcel Finder

by City of Abilene GIS



400ft

32.427174 -99.786570

All Rights Reserved

Development Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

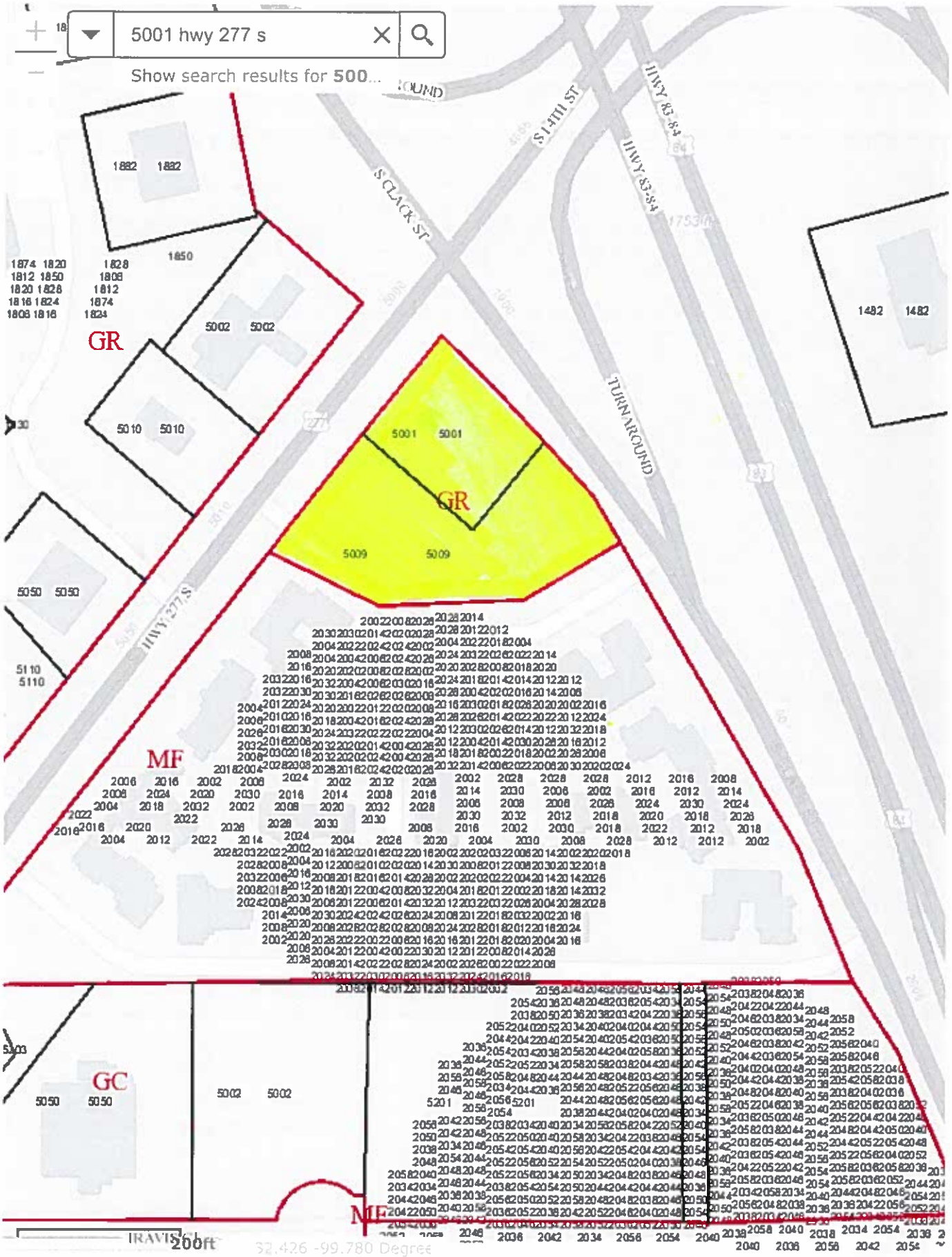
The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of $120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: Paul Johnson DATE: 8/2/19



All Rights Reserved

REZONING REQUEST

Case: Z-2019-23

Owner: Judy Proctor

Agent: Paul Johnson

Request: Rezone from General Retail (GR) to General Commercial (GC) zoning.

Location: 5001 & 5009 HWY 277

Notification: 0 in favor, 0 opposed

Planning & Zoning Approval: September 3, 2019

City Council Hearing Dates: September 26, 2019
October 17, 2019

Z-2019-23 LOCATION MAP

Location Map

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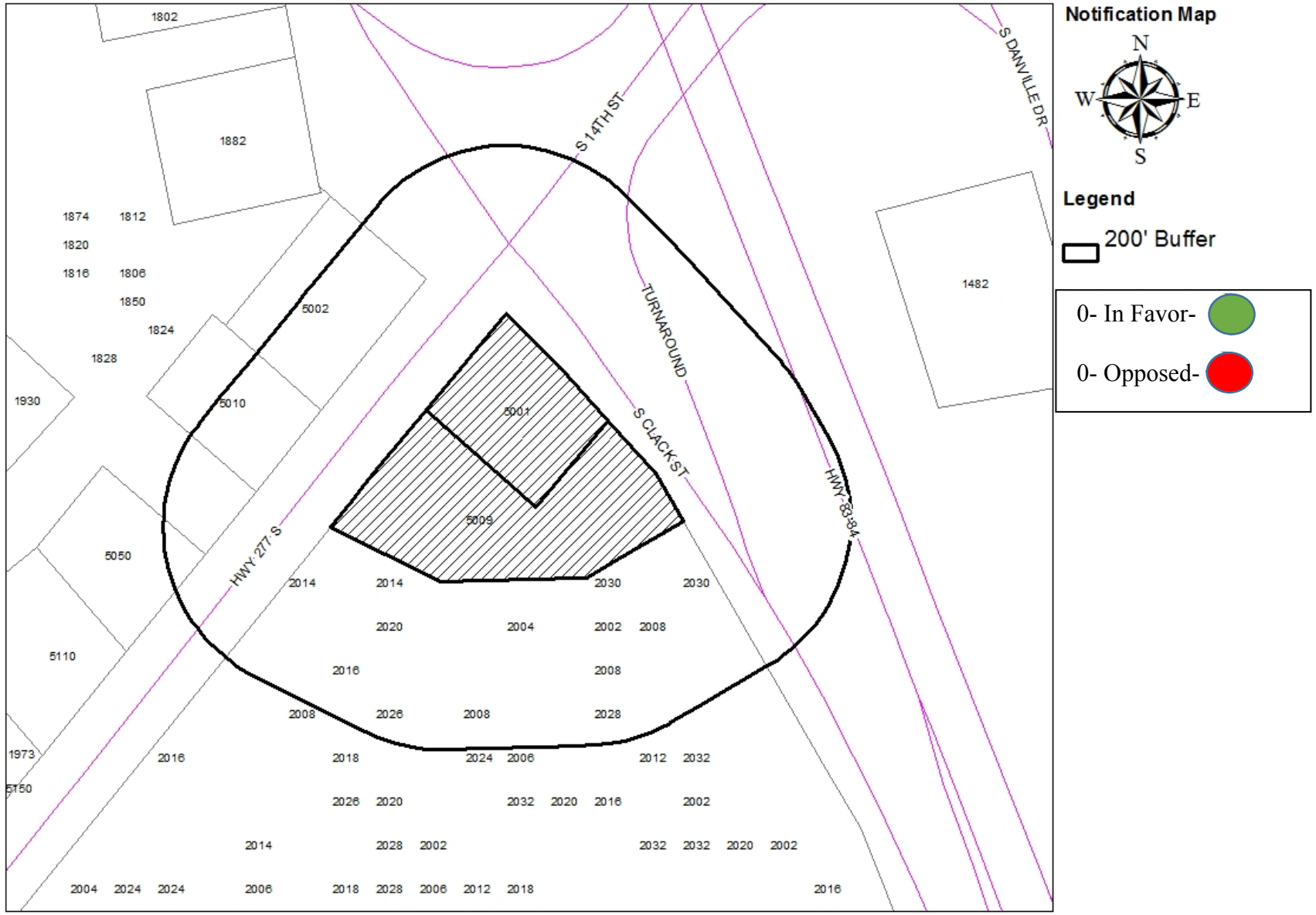
S

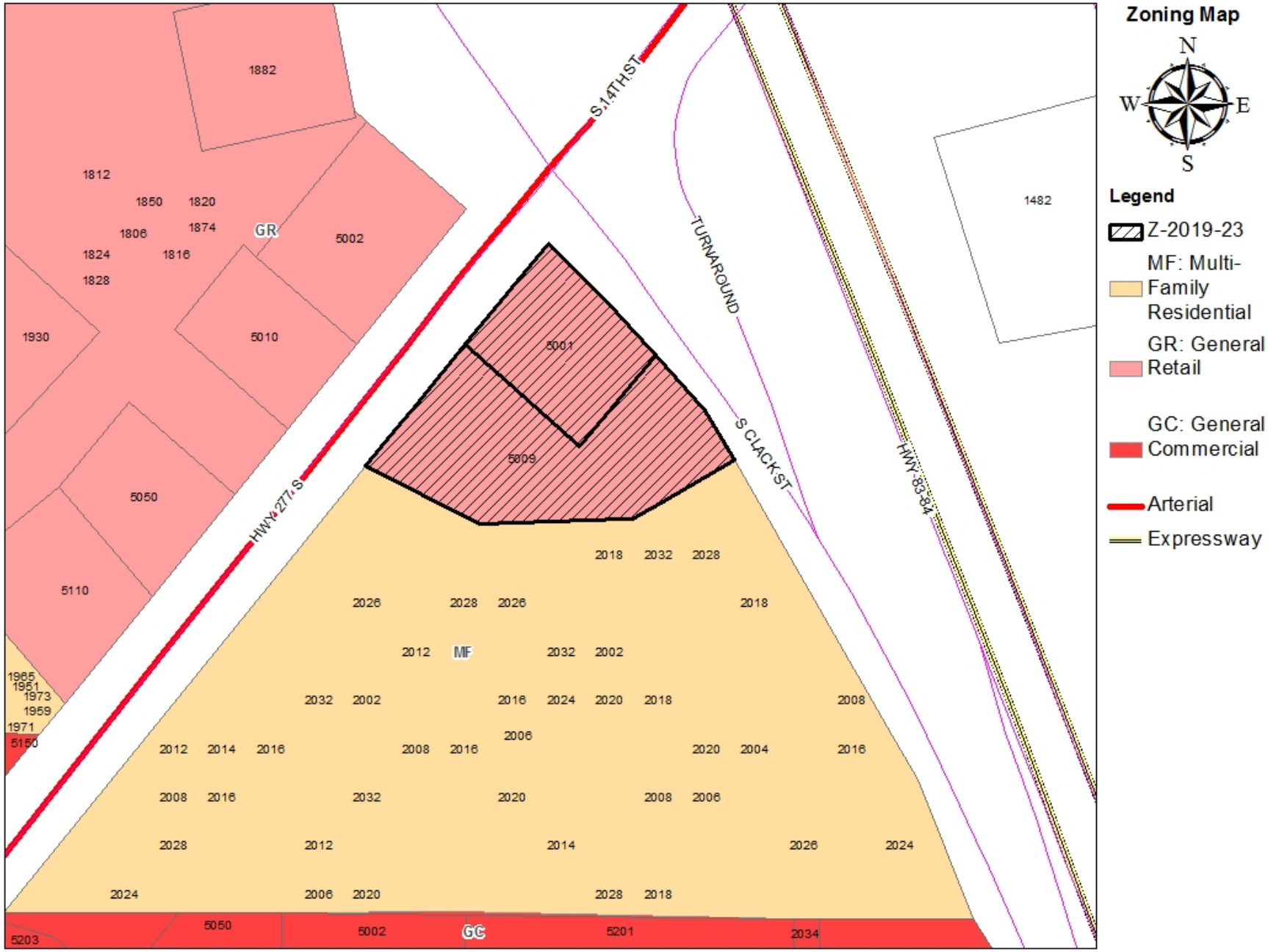
Legend

Z-2019-23

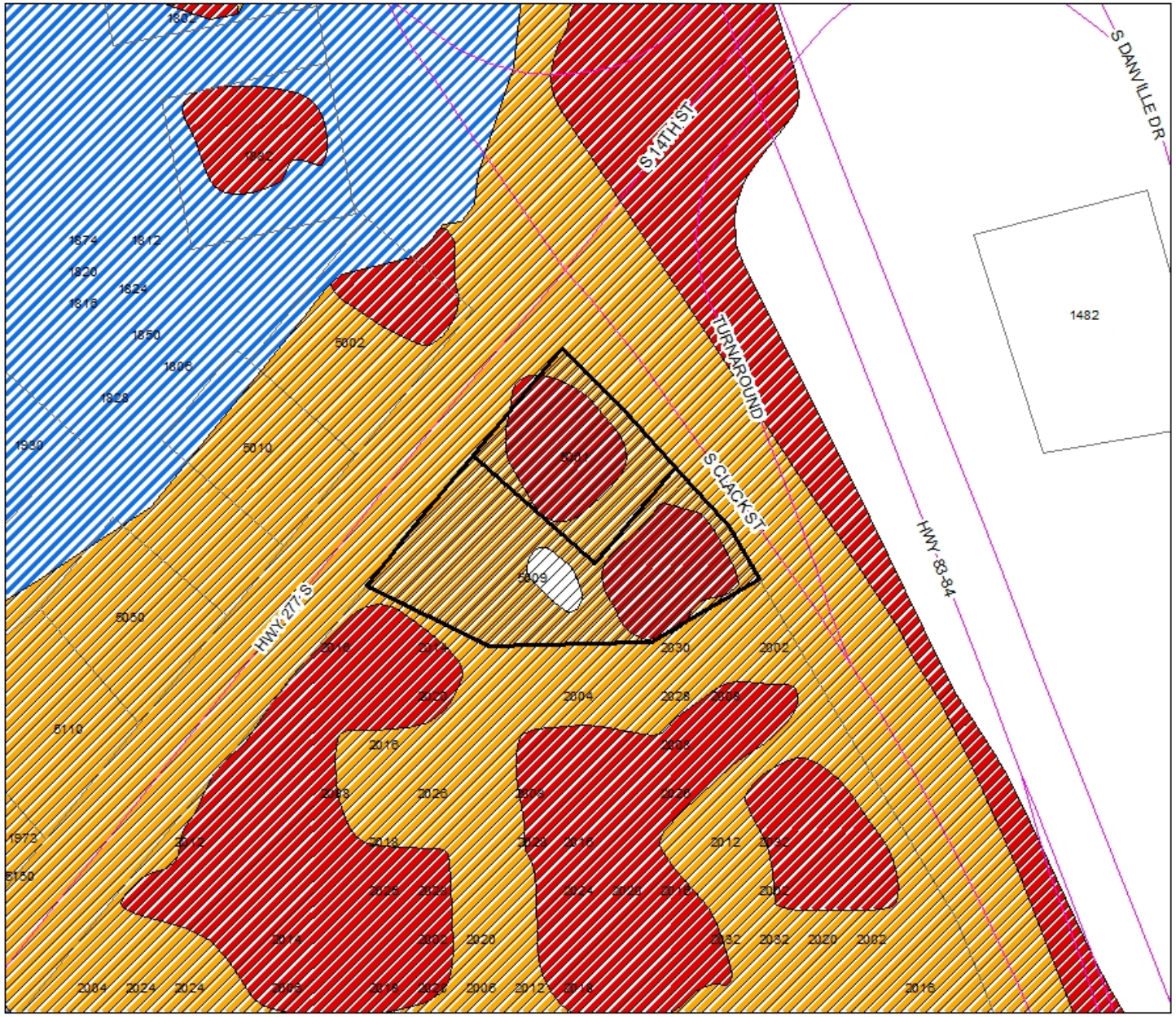
Z-2019-23 NOTIFICATION MAP



Z-2019-23 ZONING/THOROUGHFARE MAP



Z-2019-23 FLOOD MAP



Flood Map

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Legend

- Z-2019-23
- Flood Way
- 100-Year Flood Zone
- 500-Year Flood Zone

Existing Uses in GC Zoning

RESIDENTAL USES:

C Vacation Travel Trailer Park
P Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

P Accessory Structure (Also see Division 4 of this article)
P Antenna, Non-Commercial/Amateur
P ATM's, Self-Serve Kiosks, & Similar Facilities
P Drive-Thru Facility
TP Field Office or Construction Office (temporary)
C Freight Container
P Fuel Sales
TP Itinerant Business
P Manufacturing (incidental)
C Mobile Home (permanent security residence)
TP Mobile Home (temporary security residence)
C Mobile Home or Temporary Building (office for sale & service)
P Recycling Collection Point
C Travel Trailers (accessory to residential)
P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

P Civic, Social, and Fraternal Organization
P Cultural Facilities
P Drive-in-Theater
C Recreation – Outdoors (active)
P Recreation – Outdoors (passive)
P Recreation & Commercial Entertainment – Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P Ambulance Service
P Fire/Police Station
C Homeless/Emergency Shelter
P Hospital
P Medical/Dental Laboratory
P Post Office
C Rehabilitation Facility
P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

P Arts School
C Cemetery, Crematorium, & Mausoleum
P Church or Place of Worship
P Day-Care Operation - Center-Based
P Educational & Scientific Research
P School: Public/Private
P Trade/Business School
P University/College

SERVICE:

P/C Automobile Wash
C Contractor Services
P Funeral Home/ Mortuary/ Morgue
C Kennel (w/Outdoor Pens)
P Kennel (w/o Outdoor Pens)
P Laundry, Dry Cleaning, Dyeing & Linen Service (no retail customers)
P Laundry/ Dry Cleaning Services & Facilities
P Office (general, professional, & financial)
P Personal Services
P Printing, Copying, Reproduction, Publishing
C Recycling Collection & Processing Center
P Repair & Maintenance Services – Automobile/Small Truck (major)
P Repair & Maintenance Services – Automobile/ Small Truck (minor)
P Repair & Maintenance Services
C Repair & Maintenance Services (outdoors)
P Storage – Self – Service Units
P Tattoo Parlor
P Taxidermist
P Veterinary Service (small animals)

Trade – Retail Use

C Aircraft & Accessories
P ATM's, Self-Serve Kiosks, & Similar
P Fuel Sales
P Liquor Store (Office Premises Consumption)
P Restaurant, Fast Food
P Restaurant, Standard
P Retail Sales/ Rental (automobile/small truck)
P Retail Sales/ Rental (indoor)
P Retail Sales/Rental (outdoors, non-vehicle)
C Retail Sales/ Rental (trucks & other large vehicles & equipment

Trade – Wholesale Uses

C Wholesaling & Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

C Antenna Tower –Commercial
P Automobile Parking Lot or Structure – Commercial
P Broadcast Studio
P Passenger Ground Transportation Terminal
P Pressure Control Station
P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

P Petroleum or Gas Well
P Urban Garden

LEGEND

P	**Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)**
C	**Permitted as a Conditional Use Permit, Requiring Approval by City Council**
TP	**Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment**

Z-2019-23 Views of Subject Property and Adjacent Properties

Z-2019-23 Adjacent Properties

Staff Comments

- The Comprehensive Plan considers this location as a 'Major Commercial Business Center', such locations are designed to provide mutually supportive activities in a single, integrated regional destination. General Commercial (GC) zoning would promote a wide variety of commercial uses within this area.
- The Land Development Code states good automobile accessibility and pedestrian access is essential to General Commercial (GC) Zoning.
- The request is consistent with the criteria for approval contained in Sections 1.4.1.4, therefore City Staff recommends **approval of** the requested zone change.

Planning & Zoning Recommendation: Approval

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **15. Ordinance (Final Reading) Z-2019-24: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Eduardo Garza to rezone from General Commercial (GC) to Multi-Family Residential (MF) zoning located at 126 Merchant Street *(Mike Warrix)***

GENERAL INFORMATION

The applicant is requesting to rezone from General Commercial (GC) to Multi-Family (MF) zoning for the purpose of constructing a single-family residence.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of seven (7) in favor (Smith, Lankford, Bixby, Noonan, Calk, Rosenbaum, Famble) and zero (0) in
opposition.

ATTACHMENTS:

1.	3-_ordinance_cover	3-_ordinance_cover.docx
2.	4- Z-2019-24 Council Ord Exhibit	4- Z-2019-24 Council Ord Exhibit.docx
3.	1- Z-2019-24 PZC Staff Report (full)	1- Z-2019-24 PZC Staff Report (full).pdf
4.	Z-2019-24 mail out response	Z-2019-24 mail out response.pdf
5.	2- Z-2019-24 (GC-MD)	2- Z-2019-24 (GC-MD) .pptx

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY 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 2 (Zoning Regulations) of 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 the 26th day of September, 2019.

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 August, 2019, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 4:30 p.m. on the 17th day of October, 2019, 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 FINAL READING THIS 17th day of October, 2019.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

_____

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Rezone property from General Commercial (GC) to Residential Multi-Family (MF) District.

Legal description being all of Lot 4 and the south 42 feet of Lot 5 in Block 1 of the Craft Subdivision of Lot 1 in Block 206, Original Town of Abilene, Taylor County, Texas.

-END-

Location: 126 Merchant Street

ZONING CASE Z-2019-24
STAFF REPORT

REQUEST: Rezoning

APPLICANT:
Owner: Eduardo Garza

HEARING DATES:
P & Z Commission:
September 3, 2019
City Council 1st Reading:
September 26, 2019
City Council 2nd Reading:
October 17, 2019

LOCATION:
126 Merchant Street

Legal description: Lot S42 FT Lot 5 & All 4 of Block 2-1 out of the Original Town of Abilene.

PROPOSAL AND REQUESTED ACTION:
The applicant is requesting to rezone from General Commercial (GC) to Multi-Family (MF) zoning for the purpose of constructing a single-family residence.

APPLICATION REVIEW:
According to Section 1.4.1.4, Criteria for Approval, on the City of Abilene Land Development Code, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

(1) **Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended;**

The Future Land Use Map and development of the Comprehensive Plan designates this general area as a mixture of commercial use along N 1st Street adjacent to residential properties north of the commercial use. The objective is to achieve a mix of mutually supportive and integrated residential and non-residential land uses. This proposed zone change promotes the Comprehensive Plan's goal of achieving a mixture of land uses that will encourage a variety of activities, shorten automobile trips and promote pedestrian and bicycle accessibility. Furthermore, the zone change encourages the Comprehensive Plan's objective of infill within older established neighborhoods.

(2) **Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.**

The proposed residential use permitted by the proposed zone change would be appropriate in the immediate area, due to the presently existing residential properties to the west, north and south of the subject property.

The subject lot has been zoned General Commercial (GC) since at least 1974. The lots to the west are currently zoned Multi-Family (MF) which houses a single family residence and General Commercial (GC) which is the location of an automotive sales facility. East of the subject property across Merchant Street the lots are zoned General Commercial (GC), these lots are the locations of an office and commercial broadcast studio. South of the subject property is a lot that is zoned General Commercial (GC), however it is the site of a legally non-conforming single family residence. North of the subject lot is zoned Multi-Family (MF) and currently is the location of an existing single family residence.

	Zoning	Existing Land Use
North	MF	Single Family Residence
South	GC	Single Family Residence
East	GC	Office / Broadcast Studio
West	MF/GC	Single Family Residence/ Automotive Sales

(3) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area.

The subject property has access to an existing 6" water main and 6" sewer main. Therefore water and sewer capacity should not be a limiting factor to the development of this property.

According to the Comprehensive Plan, neighborhoods should have a strong pedestrian orientation such as a network of sidewalks and access to public transit stops. These features currently exist at this location and should accommodate access to shopping, employment, school and recreational needs of residents.

STAFF COMMENTS:

The applicant's request is to rezone from General Commercial (GC) to Multi-Family (MF) in order to utilize the location for a single family residence. According to the Future Land Use map and development plan found in the Comprehensive Plan, this location is designated to contain a mixture of commercial uses alongside residential properties. Due to the currently existing multi-family zoning surrounding this property and the single family residences found within these zoning districts, the proposed zone change and use of this lot will not appear out of place, nor would it go against the Comprehensive Plan for the City of Abilene.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request complies with section 1.4.1.4 (Criteria for Approval). The rezoning is supportive of the Comprehensive Plan's objective to promote a mix of mutually supportive and integrated residential and non-residential land uses. Additionally, it would allow the development of a residence within a currently vacant lot, achieving the Comprehensive Plans goal of infill development.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of seven (7) in favor On September 3rd, 2019, the Planning and Zoning Commission recommended approval by a vote of seven (7) in favor (Smith, Lankford, Bixby, Noonan, Calk, Rosenbaum, Famble) and zero (0) in opposition.

NOTIFICATION:

The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

Owner	Situs	Response
ADAMS N T	135 CLINTON ST	
DIGGS DON	140 MERCHANT ST APT 1	
DIGGS DON	140 MERCHANT ST APT 2	
DIGGS DON	140 MERCHANT ST APT 3	
GARZA EDUARDO	126 MERCHANT ST	In Favor
GONZALES MANUEL & CELESTE	110 1/2 MERCHANT ST	
GONZALES MANUEL & CELESTE	110 MERCHANT ST	
GOODLOE DIANA CRUZ	145 CLINTON ST	
GOODLOE DIANA CRUZ	1841 N 2ND ST	
HIT VENTURES LLC	1842 N 1ST ST	
HUNTER RANCH & REALTY LLC	1740 N 1ST ST	
HURICK ERIC W	150 MERCHANT ST	
PATTERSON ARCHIE T	133 CLINTON ST	
RICSIMCOS LLC	1818 N 1ST ST	
RICSIMCOS LLC	1818 Y N 1ST ST	
ROBLEDO GONZALO & ANTONIA	112 MERCHANT ST	
ROGERS DARRELL L TR 2008	1720 N 1ST ST	
ROGERS DARRELL L TR 2008	1734 N 1ST ST	
WEST TEXAS LIGHTHOUSE	1749 N 2ND ST	
YOCUM CHARLES W & SHARI L	1766 N 2ND ST	

ATTACHMENTS:

- Application
- PowerPoint

Development Application

CITY OF ABILENE

Planning

☐ Conditional Use ☐ Easement Release ☑ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: _____

Address: 126 MERCHANT ST No. of lots: 1 + 42 FT Acreage: .2860

Legal Description: ALL OF LOT 4 + SOUTH 42 FT. OF LOT 5, IN BLOCK 1 OF THE CRAFT SUBDIVISION OF LOT 2 IN BLOCK 206, OUT OF ABILENES ORIGINAL TOWN SITE

Subdivision Name: BLOCK 1 OF THE CRAFT SUBDIVISION Block: 206 Lot: 2

Current Zoning: (GC) Proposed Zoning (if applicable): (MD MF

OWNER AND AUTHORIZATION

Owner Name: EDUARDO GARZA

Address: 412 W. CEDAR ST.

City, State, Zip: COLEMAN, TX 76834 Fax: _____

Phone: 325. 214. 4906 Email: _____

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) _____ *will act as my agent before the Planning and Zoning Commission.*

Agent Name: _____

Address: _____

City, State, Zip: _____ Fax: _____

Phone: _____ Email: _____

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: EDUARDO GARZA Date: 07-31-2019

FOR OFFICE USE ONLY

Received: 08/05/2019 **Fee: $** _____ **Receipt No.:** _____

Case No.: Z-2019-24 **Reviewed By:** _____

I request to have these fee's waived, please.

Development Application

CITY OF ABILENE

Please answer the following question in order to assist Staff with the processing of your Zoning request.

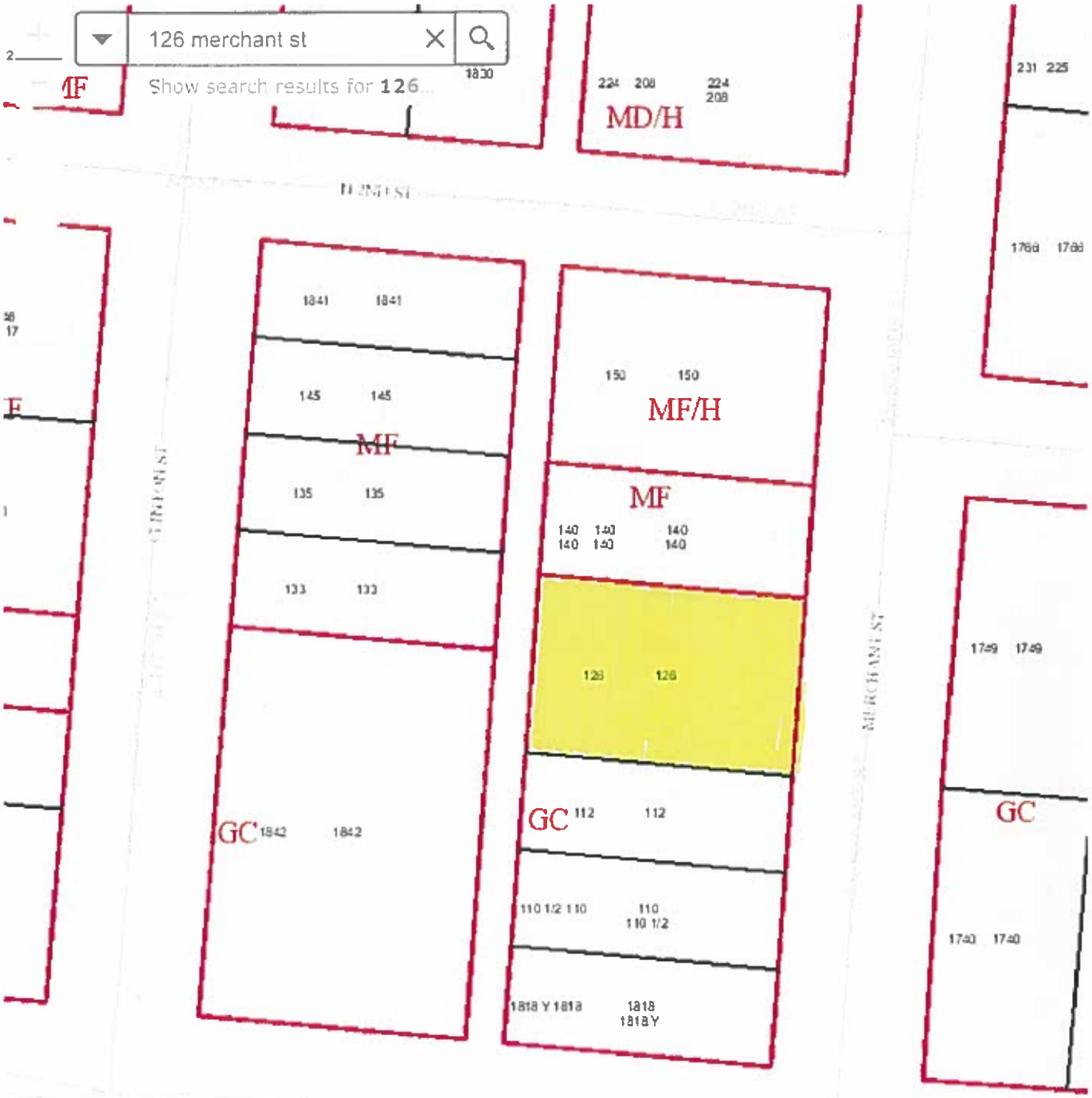
1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

Rezoning is being requested for residental living in this area.

Planning and Zoning

126 merchant st

Show search results for 126...



100ft

All Rights Reserved

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2019-24 (Updated)
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 email your position to the email address listed below. All correspondence must include your name and address.

Name: GARZA EDUARDO
Address: 126 MERCHANT ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐

Additional Comments:

Signature: EDUARDO GARZA

SEP 24 PM 12:17

REZONING REQUEST

Case: Z-2019-24

Owner: Eduardo Garza

Request: Rezone from General Commercial (GC) to Multi-Family (MF) zoning.

Location: 126 Merchant

Notification: 1 in favor, 0 opposed

Planning & Zoning Approval: September 3, 2019

City Council Hearing Dates: September 26, 2019

October 17, 2019

Z-2019-24 LOCATION MAP

Location Map

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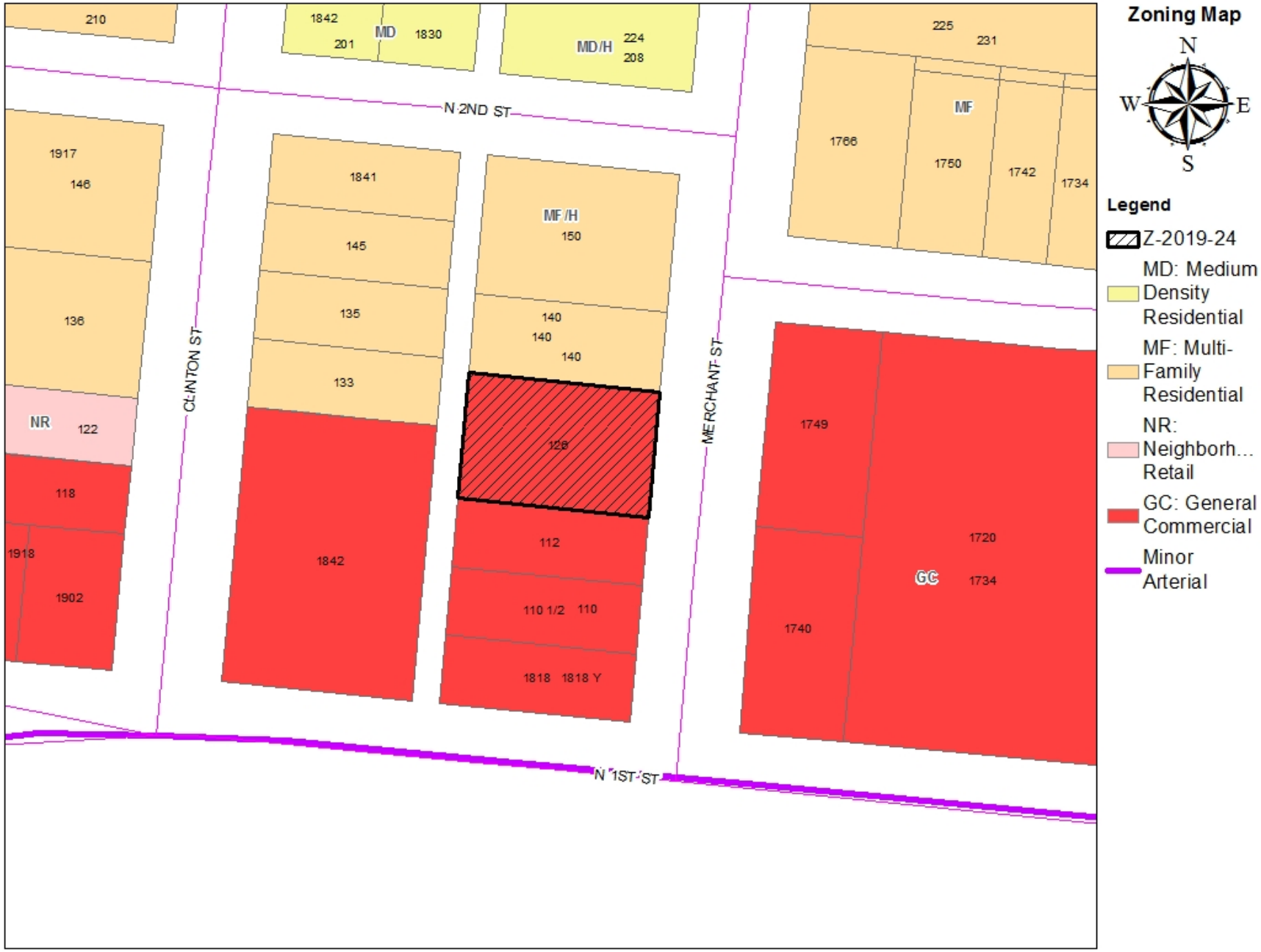
W E
S

Legend

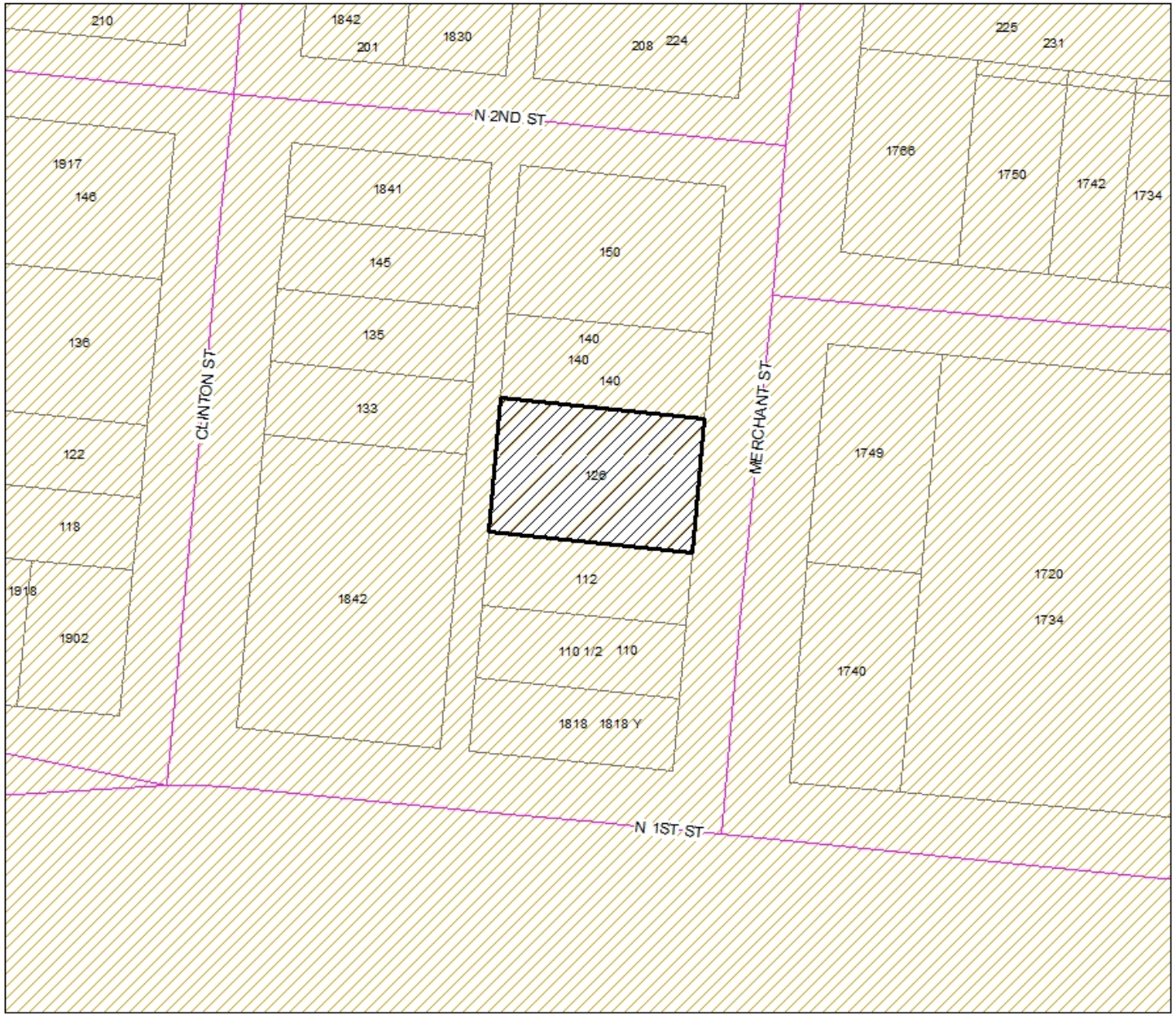
Z-2019-24

Z-2019-24 NOTIFICATION MAP

Z-2019-22 ZONING/THOROUGHFARE MAP



Z-2019-24 NEIGHBORHOOD EMPOWERMENT ZONE MAP



NEZ Map

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Legend

Z-2019-24

Neighborhood Empowerment Zone

Existing Uses in MF Zoning

RESIDENTAL USES:

C	Bed & Breakfast
P	Dwelling – Duplex
P	Dwelling – Industrialized Housing Unit
P	Dwelling – Institutional
P	Dwelling – Multiple-Family
P	**Dwelling – Single-Family Detached**
C	Group Home

ACCESSORY AND INCIDENTAL USES:

P	Accessory Structure (Also see Division 4 of this article)
P	Antenna, Non-Commercial/Amateur
P/C	Day Care Operation – Home-Based
TP	Field Office or Construction Office (temporary)
P	Garage Sale
P	Home Occupation
C	Mobile Home (temporary security residence)
P	Recreation Building, Multipurpose
P	Recreation Equipment, Mobile (storage & parking)
TP	Subdivision Sales Office (temporary)
P	Swimming Pool, Private (accessory to residential use)
P	Tennis Court, Private (accessory to residential use)
P/SE	Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

C	Civic, Social, and Fraternal Organization
C	Recreation – Outdoors (active)
P	Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

P	Community Home
P	Fire/Police Station
C	Personal Care Facility
C	Homeless/Emergency Shelter
C	Rehabilitation Facility
C	Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

P	Church or Place of Worship
C	Day-Care Operation - Center-Based
P	School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

P	Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

P	Petroleum or Gas Well
P	Urban Garden

LEGEND

P	**Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)**
C	**Permitted as a Conditional Use Permit, Requiring Approval by City Council**
TP	**Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment**

Z-2019-24 Views of Subject Property and Adjacent Properties

Z-2019-22 Adjacent Properties

Staff Comments

- Multi-Family (MF) zoning protects the residential character of the area by excluding most commercial and other incompatible activities while encouraging a suitable environment which permits certain appropriate institutions and facilities.
- Multi-Family (MF) zoning will accomplish the Comprehensive Plans desired goals by promoting infill of a vacant lot while encouraging a mix of mutually supportive and integrated residential and non-residential land uses.
- Property is located within the Neighborhood Empowerment Zone, a program intended to promote repurposing and redevelopment within economically distressed areas of Abilene.
- The request is consistent with the criteria for approval contained in Sections 1.4.1.4, therefore City Staff recommends **approving** the requested zone change.

Planning & Zoning Recommendation: Approval

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **16. Ordinance (Final Reading)CUP-2019-07 (142 & 202 Vine Street): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from BCFS, agent Alana Jeter, for a Conditional Use Permit to allow the expansion of an 'Institutional Dwelling' in Medium Density Residential (MD) zoning located at 142 & 202 Vine Street *(Mike Warrix)***

GENERAL INFORMATION

The applicant is requesting a Conditional Use Permit to allow the expansion of a "Dwelling-Institutional" in Medium Density Residential (MD) zoning.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of six (6) in favor (Calk, Smith, Bixby, Rosenbaum, Lankford, Famble) and one (1) abstained (Noonan).

ATTACHMENTS:

1.	3- ordinance cover	3- ordinance cover.docx
2.	4- CUP-2019-07 Council Ord Exhibit	4- CUP-2019-07 Council Ord Exhibit.docx
3.	1- CUP-2019-07 Staff Report (full)	1- CUP-2019-07 Staff Report (full).pdf
4.	2- CUP-2019-07	2- CUP-2019-07 .pptx

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING CERTAIN PROPERTY; 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 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by approving a Conditional Use Permit (CUP) 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 the 26th day of September A.D. 2019.

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 August, 2019, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 4:30 p.m. on the 17th day of October, 2019, 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 FINAL READING THIS 17th day of October, A.D. 2019.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Conditional Use Permit (CUP) to allow "Dwellings-Institutional" in a Residential Medium-Density (MD) zoning district

Legal descriptions: being the North 67 feet, the East 200 feet of Lot 2, 207 2, Original Town of Abilene, Taylor County, Texas and Our House Sub, Block 207, LOT 101 Rep, Acres .472

location: 142 & 202 Vine Street

-END-

ZONING CASE CUP-2019-07
STAFF REPORT

REQUEST: Conditional Use Permit

APPLICANT:
Owner:
BCSF Health and Human Services
Agent: Alana Jeter

HEARING DATES:
P & Z Commission:
September 3, 2019
City Council 1st Reading:
September 26, 2019
City Council 2nd Reading:
October 17, 2019

LOCATION:
142 & 202 Vine Street
Legal descriptions: being the North 67 feet, the East 200 feet of Lot 2, 207 2, Original Town of Abilene, Taylor County, Texas and OUR HOUSE SUB, BLOCK 207, LOT 101 REP, ACRES .472

PROPOSAL AND REQUESTED ACTION:
The applicant is requesting a Conditional Use Permit to allow the expansion of a "Dwelling-Institutional" in Medium Density Residential (MD) zoning.

BACKGROUND:

In July of 2009, the previous owners were granted a Special Exception by the Board of Adjustment to build a 'Dwelling-Institutional' on two vacant lots. They combined the two lots located at 202 & 218 Vine Street and constructed a new transitional living facility (Dwelling-Institutional) for men. The facility that was constructed (with site plan approval) is 7,274 sq. ft. Adequate off-street parking was provided on site at that time. The facility serves to provide housing, but also counseling, training and education at the facility. The properties are in a good location in regards to the proximity of public transit routes for the residents to use. Staff also feels that this is a good location for such a use due to existing multi-family zoning, the commercial use of the properties to the north, and the school located to the east. The applicant(s) now wishes to expand the facilities to include a second home, in order to operate the same program for women. If approved, they will replat to combine the existing lot with the vacant lot to the north.

ANALYSIS:

Criteria Analysis

Staff has reviewed the request based upon the factors established for such review in Section 1.4.3.1, Criteria for Approval, of the Land Development Ordinance. These factors are identified and addressed below:

1. *The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.*
   Yes, the Comprehensive Plan designates the properties to be located in close proximity to the "Central Business District." The comprehensive plan details this area as an area to "promote land use, transportation, and urban design improvements that will link the Downtown activity center with the Butternut Street corridor". These properties are centrally located between these two areas, and in proximity to major thoroughfares and public transit.
2. *The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.*
   Yes, Medium Density (MD) Zoning is intended to promote conveniently located, centrally maintained accommodations and to encourage a suitable environment that will promote certain appropriate institutions and facilities (such as Dwellings-Institutional) to be located in residential neighborhoods. (Section 2.3.2.8)
3. *The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.*
   Yes, the proposed use will be compatible with and preserve the character and integrity of adjacent developments and neighborhood.
4. *The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*
   Yes, there will be an intensity of use greater than the existing vacant lot. However, it is located in proximity to an arterial road and public transit facilities. It is recommended that uses such as this are located along or in proximity to such roadways to accommodate an increased amount of pedestrian and vehicle traffic.
5. *The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.*
   Yes, the property will have to go through the site planning process prior to construction. These issues will be addressed at that time.
6. *The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.*
   The use of this property as a "Dwelling-Institutional" will be similar in intensity as the existing facility located on the same properties. This being said, it should not pose any adverse effects or visual impacts in comparison to what currently exist.

7. *The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.*
   Yes, the proposed use meets the standards for the zoning district.

Comprehensive Planning Analysis

The subject property is located within Medium Density (MD) zoning classification. According to the Land Development Code (Section 2.3.2.8), Medium Density (MD) zoning is designed to promote conveniently located, centrally maintained accommodations as well as encourage a suitable environment that permits certain appropriate institutions and facilities such as institutional dwellings to be located in residential neighborhoods. In addition, the LDC (Section 1.4.3.1) states that, "no conditionally permitted use shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new Conditional Use Permit…". Thus, the reason for the request.

These properties are situated between a residential area and in the immediate vicinity of an area identified as a "central business district" according to the comprehensive plan. This particular area is associated with the goal of linking the downtown area and the Butternut Corridor, making the proposed use of an institutional dwelling an appropriate transitional use from higher intensity usage within the Central Business District. Furthermore, this property is located within the Neighborhood Empowerment Zone, a program designed to promote redevelopment and repurposing in "economically distressed" areas of Abilene.

Existing Land Use

Location	Zoning	Existing Land Use
North	MD	Vacant
East	PD	Lincoln Middle School
South	MD	Multi-Family Homes
West	MD	Multi-Family Homes

STAFF RECOMMENDATION:

Staff recommends approval

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of six (6) in favor (Calk, Smith, Bixby, Rosenbaum, Lankford, Famble) and one (1) abstained (Noonan).

NOTIFICATION:

The Planning Services Division sent public notices, with a certificate of mailing, to the applicant and to owners of property within a 200-foot radius of the subject property.

Owner	Situs	Response
ABI SZOLO PROPERTIES LLC	1702 S 3RD ST	
BCFS	202 VINE ST	
BCFS	142 VINE ST	
BRASHER TERESA MICHELLE	127 MEANDER ST	
CARIKER FERN LADEAN	133 MEANDER ST	
CITY OF ABILENE	1699 S 1ST ST	
CORTEZ BLANCA ALFREDO	1818 S 3RD ST	
ESCOBEDO GREGORIO	1810 S 3RD ST	
ESCOBEDO GREGORIO	1810 1/2 S 3RD ST	
FIRST BANK TEXAS SSB	134 VINE ST	
FIRST NATIONAL BANK BAIRD	1849 S 1ST ST	
FIRST NATIONAL BANK OF BAIRD	108 VINE ST	
GONZALEZ CENAIDA MARTINEZ	125 MEANDER ST	
GONZALEZ CENAIDA MARTINEZ	125 1/2 MEANDER ST	
HERNANDEZ RUBEN LEE &	1826 S 3RD ST	
HERNANDEZ RUBEN LEE &	1834 S 3RD ST	
ISLAS GUADALUPE	201 MEANDER ST	
JONES GLENDA ET AL	131 MEANDER ST	
JONES GLENDA ET AL	141 MEANDER ST	
PACHICANO JUAN & ROSALINDA	1802 S 3RD ST	
SMITH ALTON H JR	230 VINE ST	
SMITH ALTON H JR	228 VINE ST	
SMITH ALTON H JR	226 VINE ST	
STRONG JO CYNTHIA	209 MEANDER ST	
VG PARTNERS LTD	217 MEANDER ST	

ATTACHMENTS:

- Application
- Site Exhibits

Development Application

CITY OF ABILENE

Planning

☒ Conditional Use ☐ Easement Release ☐ Rezoning ☐ Other
☐ PDD ☐ Street Name Change ☐ Thoroughfare Abandonment ☐ PDD Amendment
Other: _____

Project Name: BCFS Health and Human Services - Abilene, Our House - Women's Transitional Housing

Address: 202 Vine Street, Abilene, TX 79602 and vacant parcel to the north No. of lots: 2 Acreage: 0.472 and 67' x 200' for vacant land

Legal Description: Institutional Dwelling

Subdivision Name: Our House Subdivision Block: 207 Lot: 101 and Lot 2

Current Zoning: Residential Medium- Density (MD) Proposed Zoning (if applicable): Conditional Use Permit (CUP)

OWNER AND AUTHORIZATION

Owner Name: BCFS

Address: 1506 Bexar Crossing

City, State, Zip: San Antonio, Texas 78232 Fax: _____

Phone: 210-283-5114 Email: garciac@bcfs.net

I am the property owner, and I certify that the information included in this application is true to the best of my knowledge. (Name) Alana Jeter *will act as my agent before the Planning and Zoning Commission.*

Agent Name: Alana Jeter

Address: 303 South Pioneer Drive, Suite 200

City, State, Zip: Abilene, Texas 79605 Fax: _____

Phone: (325)603-5387 Email: aj3318@bcfs.net

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: Celest. Garcia Date: July 19, 2019

FOR OFFICE USE ONLY

Received: 7/19/2019 Fee: $ NEZ Receipt No.: N/A

Case No.: CUP-2019-07 Reviewed By: ZR

Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

BCFS owns the property at 202 Vine and the vacant parcel directly to the north. BCFS Health and Human Services currently operates a Men's transitional living program and would like to add a second home to operate the same program for women. A new home for women would straddle the existing developed property and the adjacent undeveloped property. The two properties combined provide enough land area for both homes to meet the applicable codes in the City of Abilene, Texas. We are submitting this application to request that the two properties become one property with two dwellings. BCFS is seeking a Conditional Use Permit to allow an "institiutional dwelling" on the subject property in a Residential Medium Density District.

The BCFS Health and Human Services transitional living program for men has proven successful over the many years in operation. There is an ongoing need to assist homeless young adults such as those aging out of foster care in the Abilene community. BCFS HHS provides ongoing support through programming including case management and counseling services. These young adults are provided with temporary housing as they work closely with a case manager to prepare for their future, develop the skills needed to become successful contributing members in Abilene, and to obtain meaningful employment and/or further their education. If provided the zoning approval, BCFS HHS would increase the number of young adults that can be helped, now having the ability to provide the same programming and support to the young women in the community.

Development Application

CITY OF ABILENE

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to the Planning & Development Services staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you (FAX or E-mail) of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

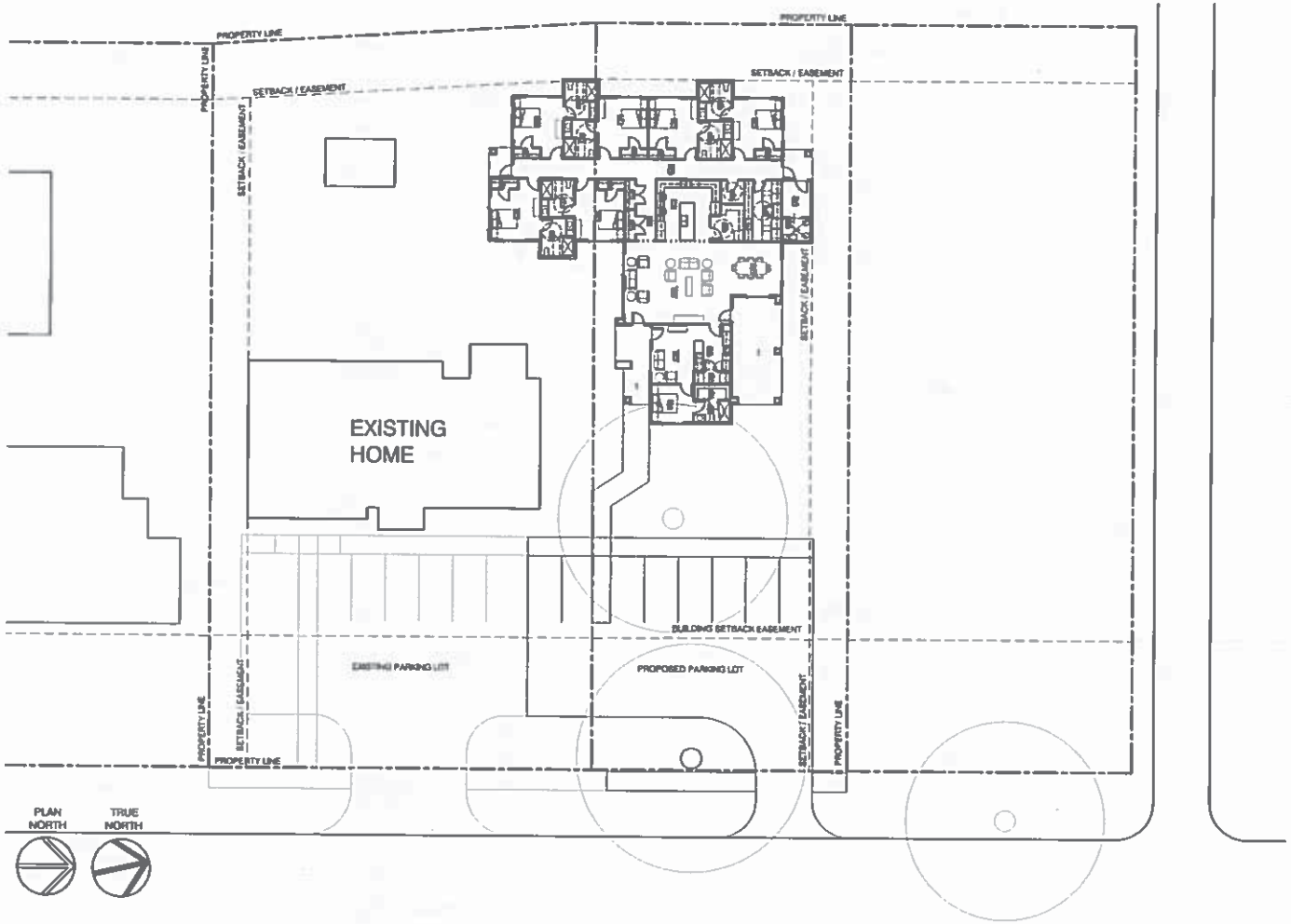
The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the Planning & Development Services staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted, and I agree to pay a resubmission fee of $120 to reimburse the City for the expense of re-notifying affected property owners. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: [signature] DATE: 7/19/2019



1 SITE PLAN
NEW CONSTRUCTION
1" = 30'

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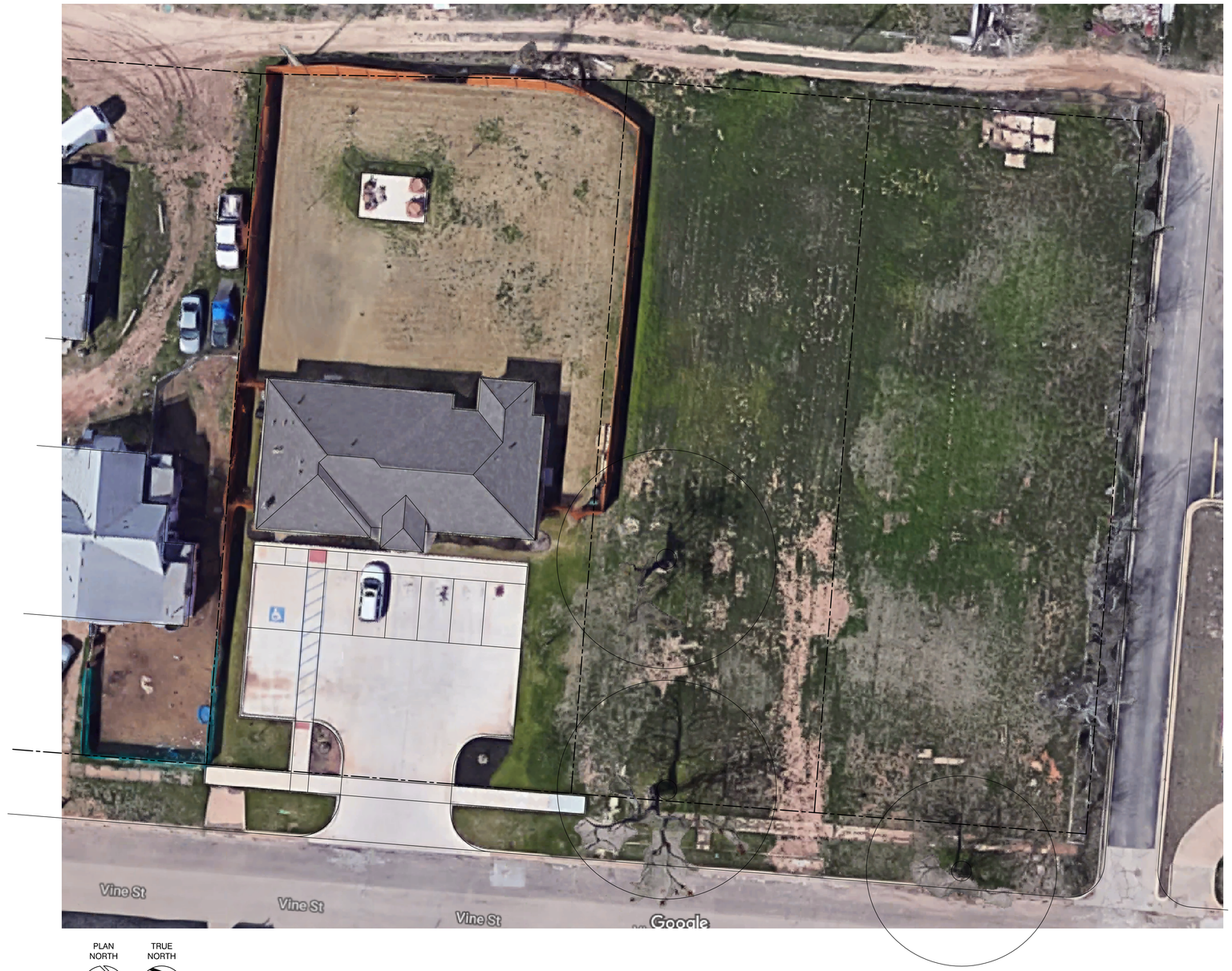

PLAN NORTH

TRUE NORTH

SITE PLAN

EXISTING
1/16" : 1'

2019.07.26 | NEW HOUSING

BCFS Health and Human Services

WOMEN'S TRANSITIONAL HOUSING

Abilene, Texas

745 E. Mulberry Avenue, Suite 601
San Antonio, Texas 78212
Office: 210.733.3535
www.rvk-architects.com
Registered Architect: Edith E. Zeno, 19339

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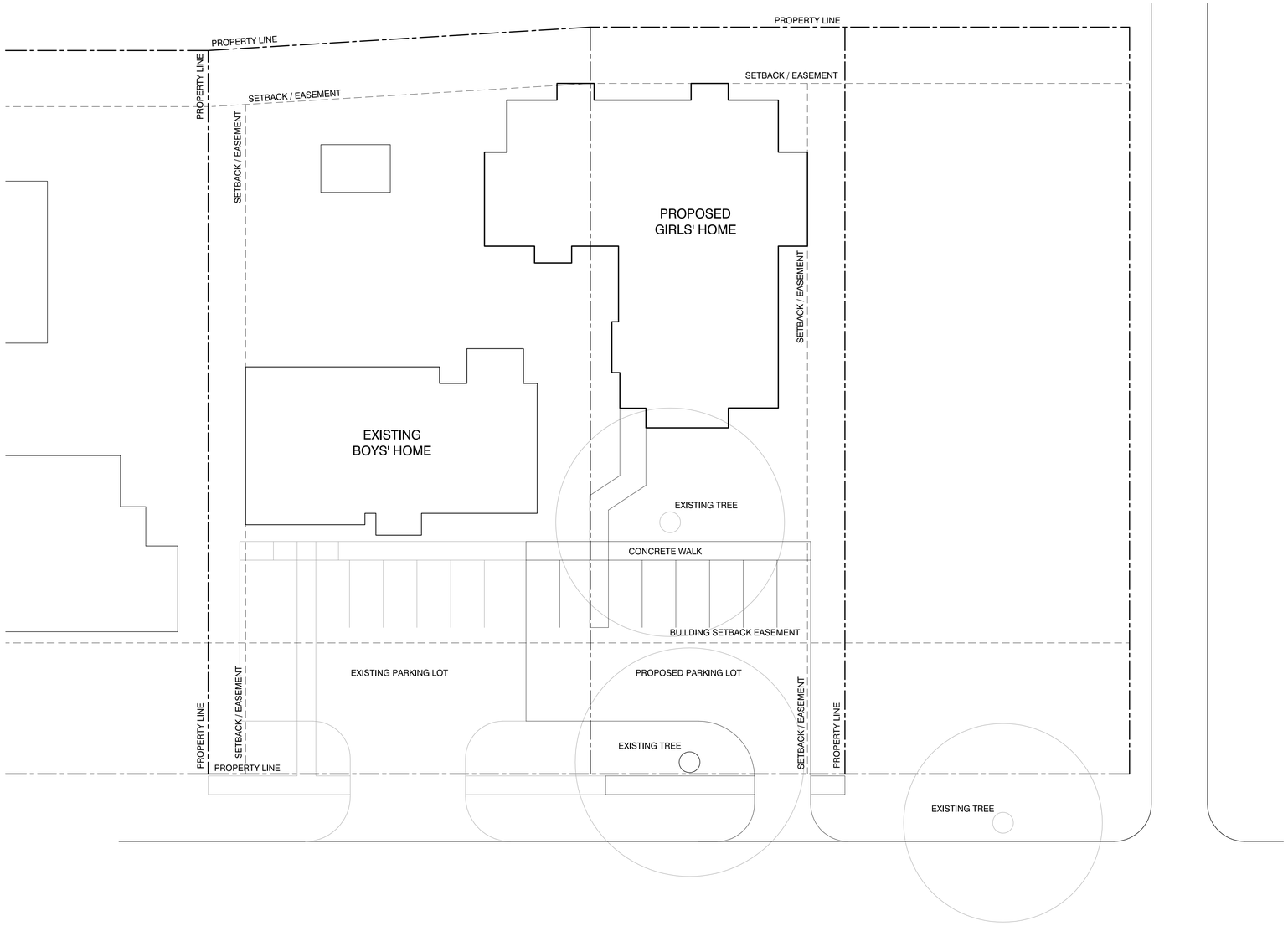

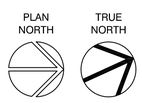

SITE PLAN
PROPOSED
1/16" : 1'

RVK

2019.07.26 | NEW HOUSING

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CONDITIONAL USE PERMIT

Case: CUP-2019-07

Owner: BCSF Health & Human Services

Agent: Alana Jeter

Request: Conditional Use Permit to allow the expansion of a 'Dwelling-Institutional' in Medium Density Residential (MD) zoning

Location: 142 & 202 Vine Street

Notification: 0 in favor, 0 opposed

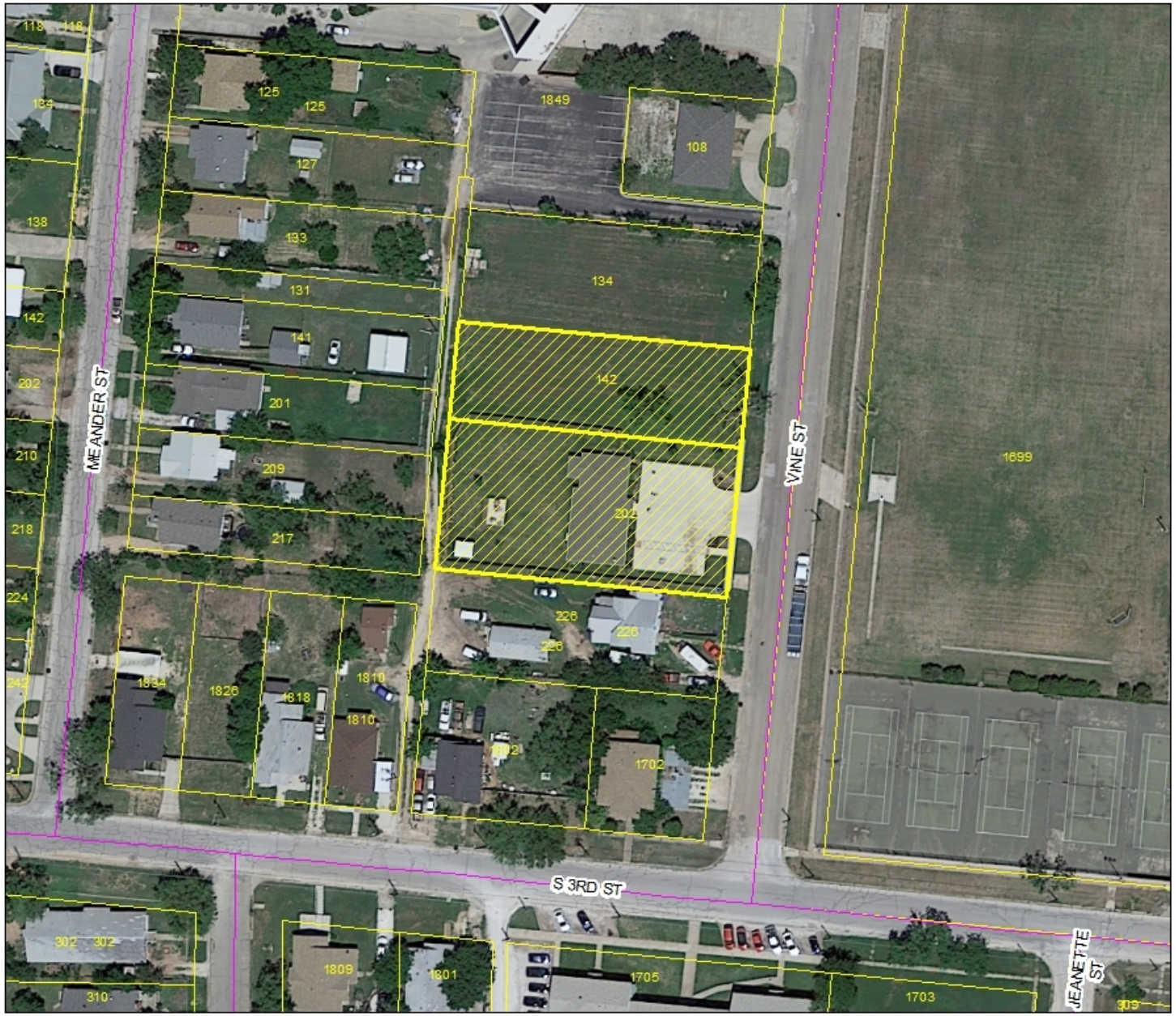
Staff Recommendation: Approval

Planning & Zoning Approval: September 3, 2019

City Council Hearing Dates: September 26, 2019

October 17, 2019

CUP-2019-07 LOCATION MAP



Location Map

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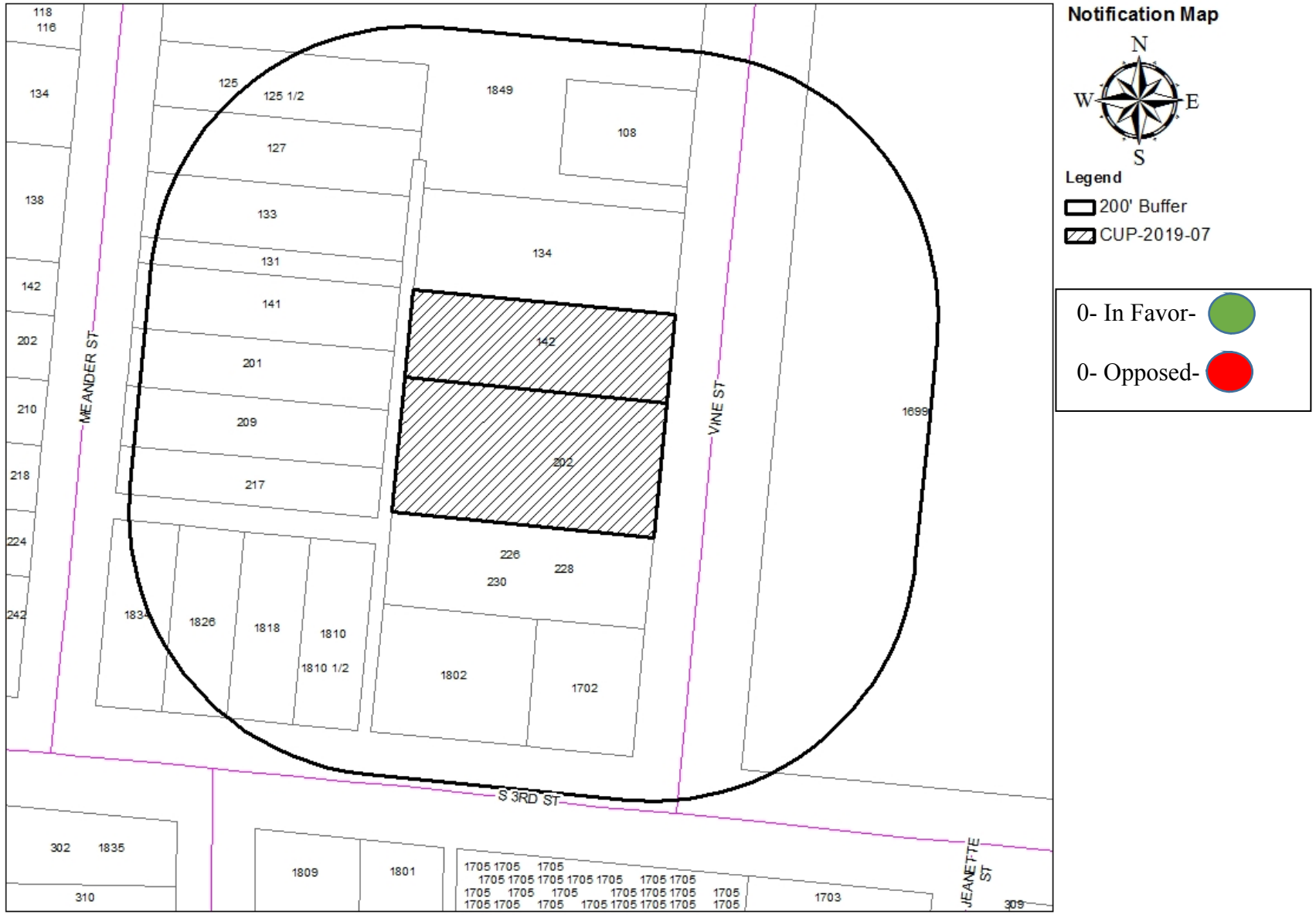
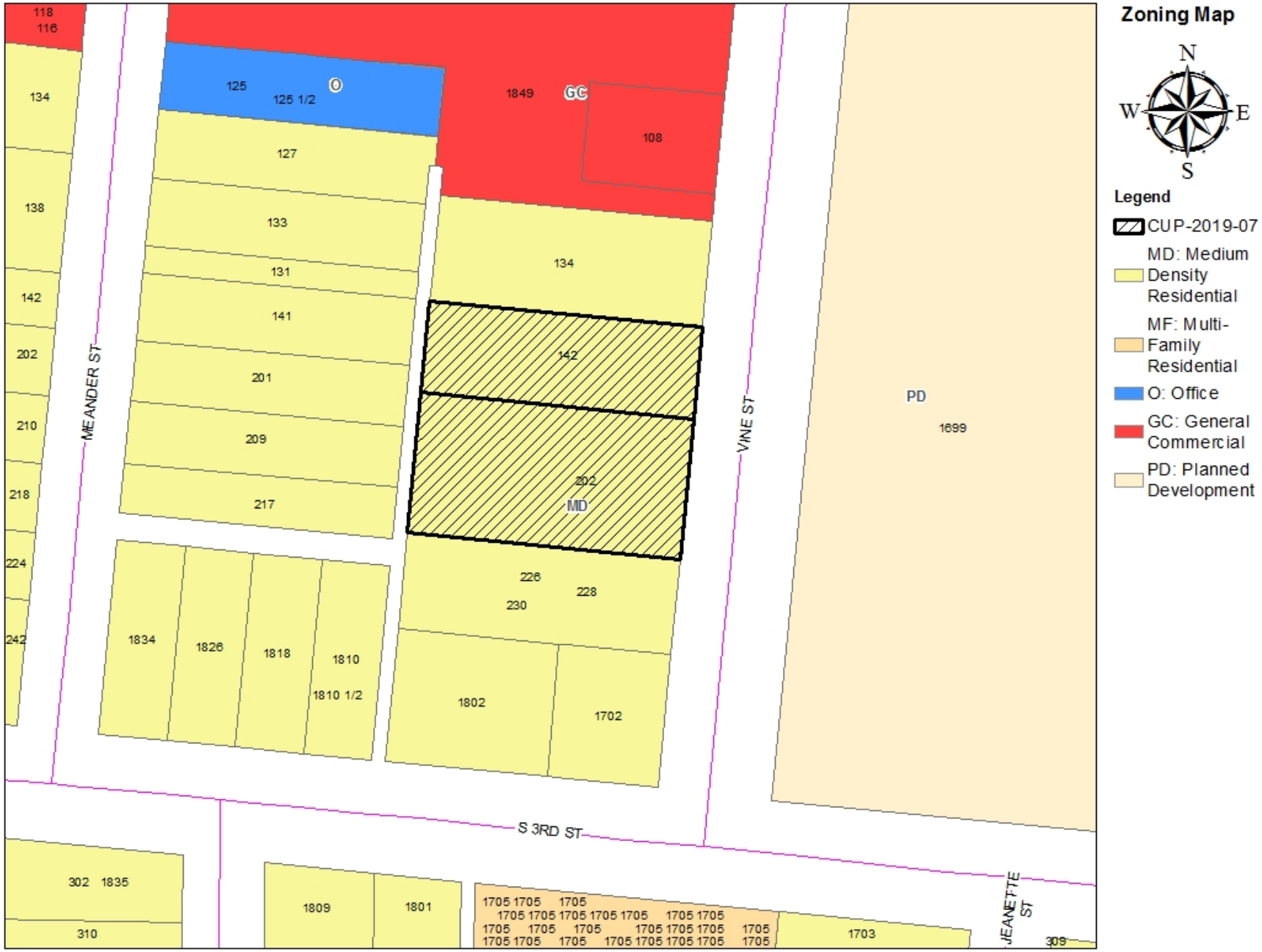
Legend

CUP-2019-07

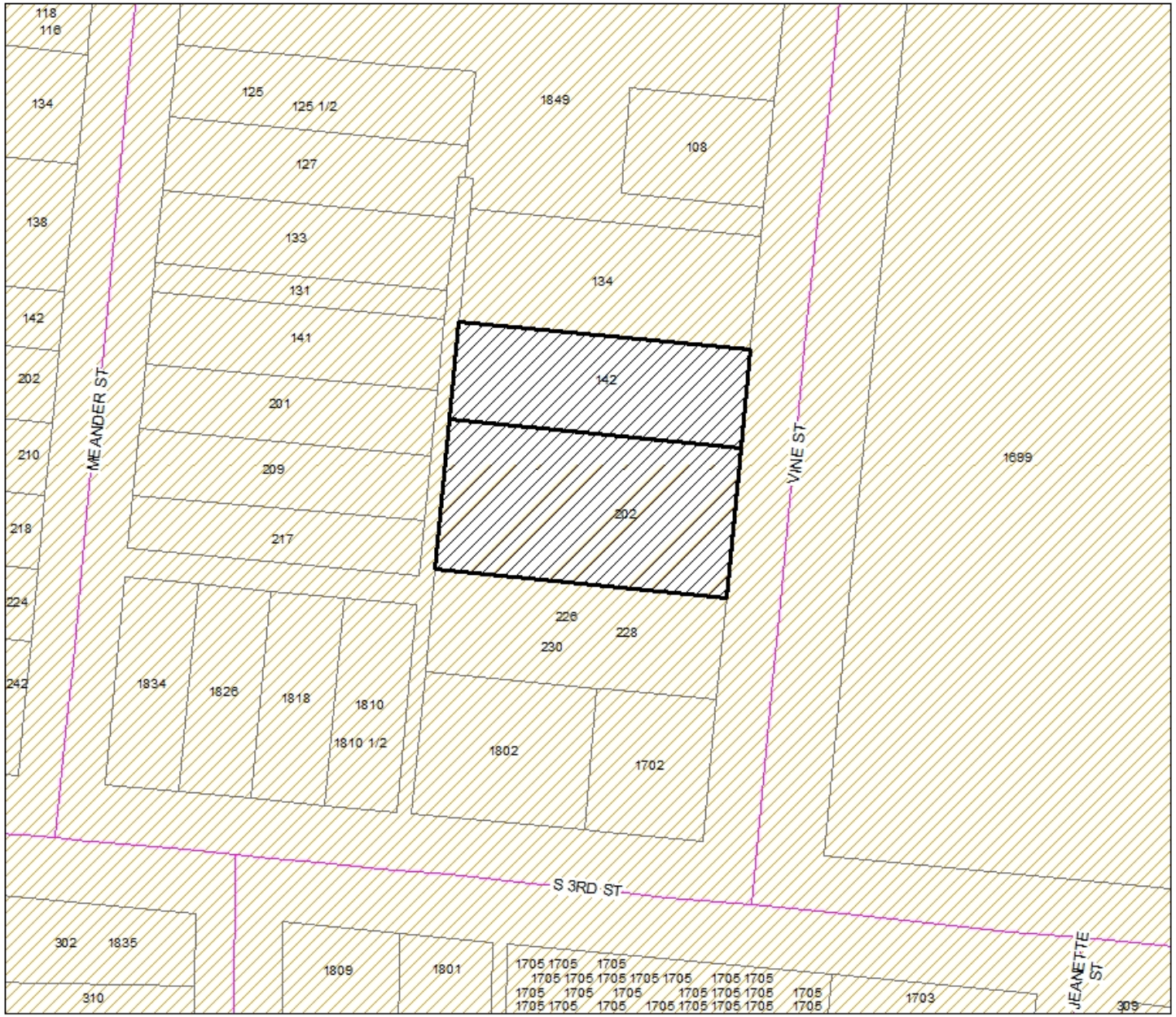
CUP-2019-07 NOTIFICATION MAP



CUP-2019-07 ZONING/THOROUGHFARE MAP



CUP-2019-07 NEIGHBORHOOD EMPOWERMENT ZONE MAP



NEZ Map

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Legend

- CUP-2019-07
- Neighborhood Empowerment Zone

CUP-2019-07 Existing Site Exhibit (provided by the applicant)

PLAN NORTH
TRUE NORTH

SITE PLAN

2019.07.26 | NEW HOUSING

BCFS Health and Human Services

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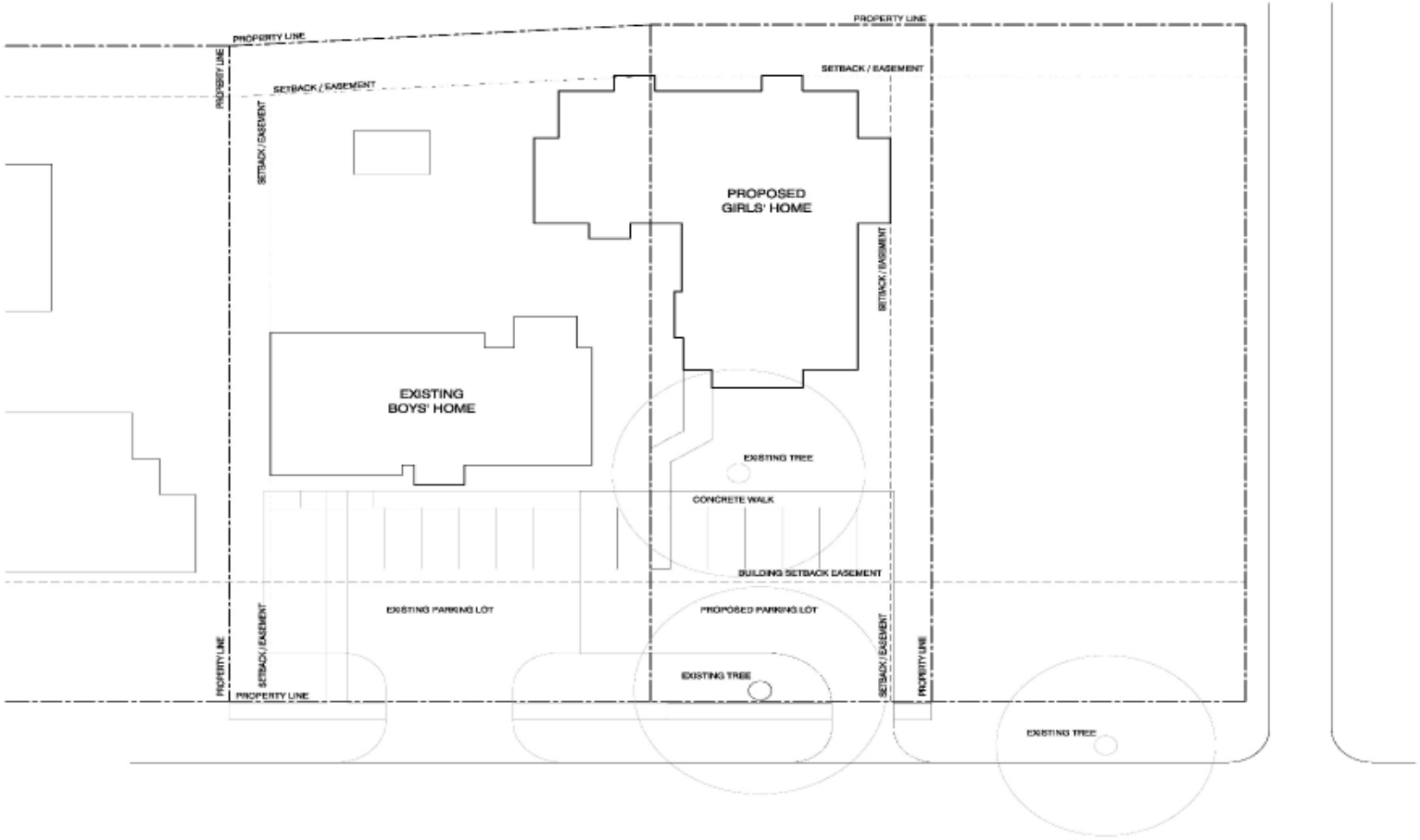

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2019.07.26 | NEW HOUSING

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CUP-2019-07 Adjacent Properties

Staff Comments

- Medium Density (MD) zoning is designed to promote conveniently located, centrally maintained accommodations while encouraging a suitable environment for permitting certain appropriate institutions and facilities to be located within residential neighborhoods.
- Comprehensive Plan designates the properties to be located in close proximity to the "Central Business District". The comprehensive plan details this area as an area to "promote land use, transportation, and urban design improvements that will link the Downtown activity center with the Butternut Street corridor".
- Property is located within the Neighborhood Empowerment Zone, a program intended to promote repurposing and redevelopment within economically distressed areas of Abilene.
- The request is consistent with the criteria for approval contained in Sections 1.4.3.1 and 2.3.2.8

Planning and Zoning Recommendation: Approval

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **17. Ordinance (Final Reading) TC-2019-03: Receive a Report, Hold a Discussion and Public Hearing, and Take Action a request from the Texas Department of Public Safety to abandon six (6) segments of street and alley rights-of-way (ROW). Each segment is less than 1000 square feet in size and adjoins a consistently 120-ft-wide ROW on Buffalo Gap Road. All ROW's were formally dedicated for public use by subdivision plats.*(Mike Warrix)***

GENERAL INFORMATION

The proposed street and sidewalk improvements are planned for construction within the 120-foot-wide right-of-way initially acquired for FM 89, by the State of Texas, since 1943. However, some planned improvements will be located on segments or "slivers" of right-of-way dedicated with subdivisions of land located adjacent to the original 120-foot-wide right-of-way acquired for FM 89. These segments of dedicated right-of-way are technically under control by the City of Abilene. Per state law, TxDOT cannot construct any project on property the state does not "own." Therefore before undertaking planned improvements to Buffalo Gap Road, TxDOT desires the City of Abilene to formally relinquish its control of these segments or "slivers" of right-of-way, to the State of Texas.

SPECIAL CONSIDERATIONS

The City of Abilene's proposed abandonment of right-of-way will not result in privatizing any of these six "slivers" of right-of-way. The City of Abilene instead proposes to relinquish control specifically to the State of Texas, so that TxDOT may expand street and sidewalk improvements onto these affected segments of right-of-way now technically under control by the City of

Abilene.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

On September 3 of 2019, the Planning and Zoning Commission recommended approval by a vote of seven (7) (Calk, Smith, Bixby, Rosenbaum, Noonan, Lankford, Famble) in favor and zero (0) in opposition.

ATTACHMENTS:

1.	Ordinance cover TC-2019-03	3- ordinance cover TC-2019-03.docx
2.	Ordinance exhibits TC-2019-03	4- ordinance exhibits TC-2019-03.pdf
3.	TC-2019-03 staff report	1- TC-2019-03 staff report.pdf
4.	Combined Responses	Combined Responses.pdf
5.	TC-2019-03 Presentation	2- TC-2019-03.pptx

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR ABANDONMENT OF CERTAIN PORTIONS OF PUBLIC RIGHTS-OF-WAY; PROVIDING FOR TERMS AND CONDITIONS OF SUCH ABANDONMENT; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A QUIT CLAIM DEED RELINQUISHING THE CITY OF ABILENE'S INTEREST IN SAID PORTIONS OF PUBLIC RIGHTS-OF-WAY, SPECFICALLY TO THE STATE OF TEXAS; AND CALLING A PUBLIC HEARING.

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

PART 1: That the following described portions of public rights-of-way, as described on Exhibits "A", "B", "C", "D", "E" and "F" attached hereto and made a part of this ordinance for all purposes, be and the same are hereby abandoned, vacated and closed insofar as the right, title or easement of the City of Abilene is concerned, subject to conditions as stated herein.

PART 2: That said portions of public rights-of-way are not needed for the City of Abilene's purposes, and it is in the City of Abilene's interest to abandon said described portions of public rights-of-way, specifically to the State of Texas, for the purpose of expanding its highway improvements therein.

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 specifically described as Parcels 1A, 1B, 4, 13, 18 and 19 on attached Exhibits "A", "B", "C", "D", "E" and "F," respectively, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PART 4: That the Mayor of the City of Abilene is hereby authorized to execute and deliver a quit claim deed relinquishing the City of Abilene's interest in said tracts of land, to the State of Texas.

PASSED ON FIRST READING THE 26th day of September, A.D. 2019.

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 August, 2019, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of City Hall in Abilene, Texas, at 4:30 p.m. on the 17th day of October, 2019, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON FINAL READING THIS 17th day of October, A.D. 2019.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT "A"

Description for Parcel 1A

BEING 983 square feet of land, more or less, in Jackson Blakemore Survey, Abstract Number 27, and M.L. Miller Survey, Abstract Number 1324, Taylor County, Texas, and being part of a 30 foot Right of Way Dedication, recorded in Cabinet 2, Slide 15-B Plat Records, Taylor County, Texas (P.R.T.C.T.), and being a part the First National Bank of Baird, recorded August 16, 2004 in the First National Bank of Baird Addition, recorded in Cabinet 3, Page 692 of the Official Public Records, Taylor County, Texas (O.P.R.T.C.T.), said 983 square feet [0.023 Acres] of land being more particularly described by metes and bounds as follows:

COMMENCING at a found busted "TxDOT" TYPE I monument (controlling monument) along the north line of a called 0.9652 acre tract of land, conveyed from Bridgestone/ Firestone North American Tire, LLC, to BFS Retail & Commercial Operations, LLC., recorded December 05, 2001, in Volume 2651, Page 587, (O.P.R.T.C.T.);

THENCE, North 82 degrees 23 minutes 55 seconds West, continuing along the north line of said called 0.9652 acre tract of land, and the north line of said First National Bank of Baird tract, a distance of 228.54 feet to a set 5/8 inch iron rod with 2 inch diameter aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER", (hereafter referred to as a set "TxDOT" monument) on the new east right of way line of FM 89 (a variable width right of way) for the POINT OF BEGINNING, and being 69.92 feet left of Station 124+59.65, and having a N.A.D. 83 (2011 Adjustment), Texas State Plane North Central Zone (4202) surface coordinate of Northing 6,831,746.40 and Easting 1,580,301.80;

1) THENCE, South 21 degrees 35 minutes 11 seconds West, along the new east right of way line of said FM 89, a distance of 136.00 feet to a set "TxDOT" monument, on the south line of said 30 foot right of way dedication, being 67.08 feet left of Station 125+95.62;

2) THENCE, North 62 degrees 39 minutes 27 seconds West, departing the new east right of way line of said FM 89, along the south line of said 30 foot right of way dedication, a distance of 5.89 feet to a set 5/8 inch iron rod with plastic cap stamped "LTRA" on the existing east right of way line of said FM 89, for the beginning of a curve to the left;

3) THENCE, continuing along the existing east right of way line of said FM 89, 12.03 feet along the arc of said curve to the left, through a central angle of 00 degrees 31 minutes 01 seconds, having a radius of 1,333.24 feet, and a long chord which bears North 20 degrees 34 minutes 22 seconds East, a distance of 12.03 feet to a set 5/8 inch iron rod with plastic cap stamped "LRTA";

4) THENCE, North 20 degrees 18 minutes 52 seconds East, continuing along the existing east right of way line of FM 89, a distance of 121.23 feet to a found 3/8 inch iron rod (controlling monument), for the northwest corner of said 30 foot Right of Way Dedication;

5) THENCE, South 82 degrees 23 minutes 55 seconds East, departing the existing east right of way line of said FM 89, along the north line of said 30 foot right of way dedication, a distance of 9.04 feet to the POINT OF BEGINNING, and containing 983 square feet [0.023 Acres] of land, more or less.

EXHIBIT "A"

Description for Parcel 1A

** The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right of Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

The Basis of Bearings is the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum (NAD83) 2011 Adjustment, EPOCH 2010. All distances coordinates show are surface, unless otherwise noted, and may be converted to grid by dividing by the TxDOT combined scale factor of 1.000120. Unit of measure is Survey Foot.

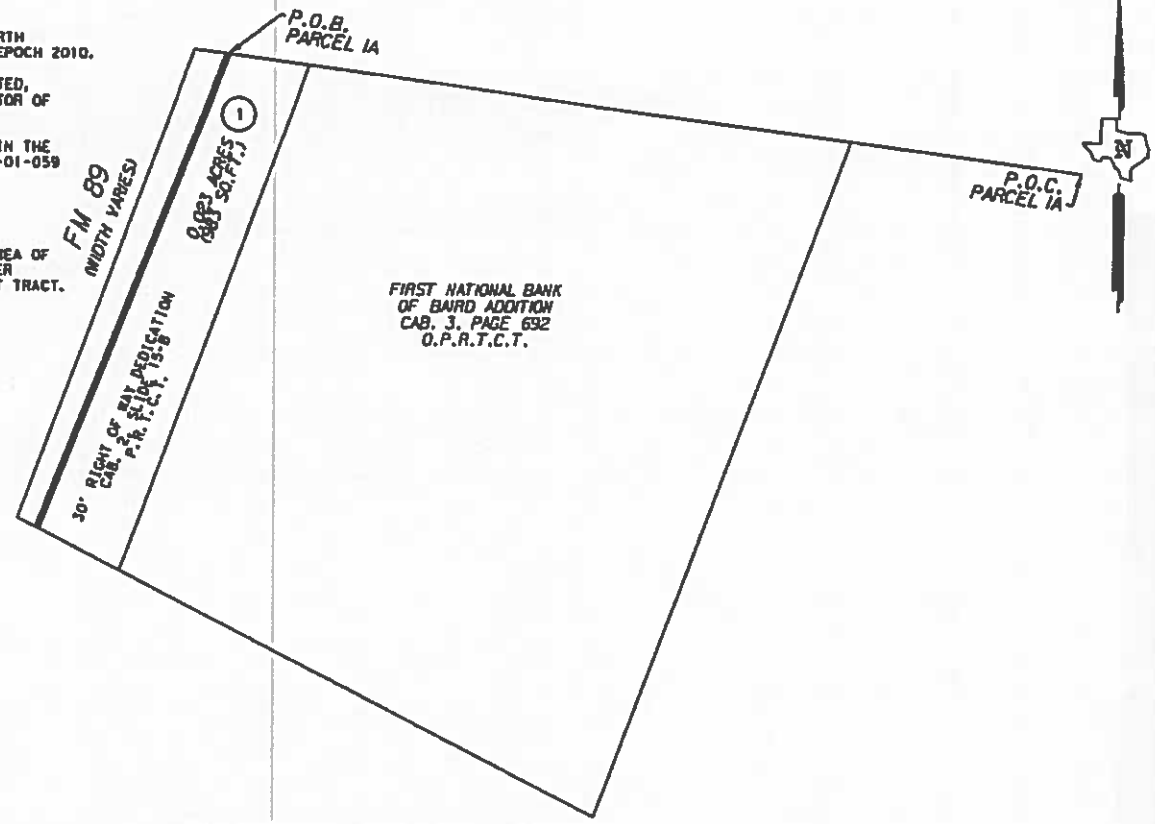
Station and Offset Information refers to the baseline described in the Project Schematic dated 08-31-2017; Control-Section-Number 0699-01-057.

Survey plat of even date herewith accompanies the legal description.

I, Stanley M. Brewer, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

NOTES:

1. ABSTRACT DATE: DECEMBER, 2017 THROUGH JANUARY 2018.
2. BASIS OF BEARINGS IS TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM (NAD 83) 2011 ADJUSTMENT, EPOCH 2010.
3. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE, UNLESS OTHERWISE NOTED, AND MAY BE CONVERTED TO GRID BY DIVIDING BY TxDOT COMBINED SCALE FACTOR OF 1.000120. UNIT OF MEASURE IS SURVEY FOOT.
4. THE STATION AND OFFSET INFORMATION REFERS TO THE BASELINE DESCRIBED IN THE PROJECT SCHEMATIC DATED 8-31-2017; PROJECT CONTROL-SECTION-JOB: 0699-01-059
5. PROJECT CONTROL AS ESTABLISHED BY OTHERS AND PROVIDED BY TxDOT.
6. FIELD SURVEYS WERE PERFORMED BETWEEN JANUARY, 2018 AND MAY, 2018.
7. PARCEL REMAINDER AREA IS DERIVED BY SUBTRACTING THE CALCULATED FEE AREA OF THE PARCEL FROM THE CALLED ACREAGE OF THE PARENT TRACT, LESS ANY OTHER CALLED FEE ACREAGE OF PROPERTY CONVEYANCES OF RECORD, FROM THE PARENT TRACT.



PARENT TRACT INSET
N. T. S.

AREA TABLE (ACRES)			
EXISTING	ACQUISITION	REMAINDER (CALCULATED)	
		LEFT	RIGHT
0.096	0.023	0.073	

LEGEND

EXISTING ROW	
PROPERTY LINE	
PROPOSED ROW	
SURVEY LINE	
PROPOSED ACCESS DENIAL LINE	
POINT OF COMMENCING	P.O.C.
POINT OF BEGINNING	P.O.B.
SET 5/8" IRON ROD W/ 2" DIA. ALUMINUM CAP STAMPED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (UNLESS NOTED OTHERWISE)	■
SET 5/8" IRON ROD WITH TXDOT ALUMINUM CAP STAMPED "ACCESS DENIAL"	◪
FOUND (AS NOTED)	□
SET 5/8" IRON ROD WITH CAP STAMPED "LTRA" (UNLESS NOTED OTHERWISE)	◉
CONTROLLING MONUMENT	CM

D.R.T.C.T. DEED RECORDS OF TAYLOR COUNTY TEXAS
O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY TEXAS
P.R.T.C.T. PLAT RECORDS OF TAYLOR COUNTY TEXAS

NOTES:

CALLS SHOWN IN PARENTHESIS ARE AS PREVIOUSLY RECORDED.

ALL BEARINGS AND COORDINATES SHOWN ARE BASED ON THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983 (NAD 1983) 2011 ADJUSTMENT, EPOCH 2010. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.000120.

** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

A PLAT OF A SURVEY OF
PARCEL 1A
FOR FM 89
RIGHT OF WAY CSJ: 0699-01-057
A 983 SQ. FT. (0.023 AC)
TRACT OF LAND IN THE
JACKSON BLAKEMORE SURVEY
ABSTRACT NUMBER 27
AND M.L. MILLER SURVEY
ABSTRACT NUMBER 1324
TAYLOR COUNTY, TEXAS

LTRA
LINA T. RAMEY & ASSOCIATES, INC.
3320 Belt Line Road
Farmers Branch, Texas 75234
TBPLS FIRM NO. 10140700
PHONE 214-979-1144

EXHIBIT "A" Page 3

EXHIBIT "B"

Description for Parcel 1B

BEING 544 square feet of land, more or less, in Jackson Blakemore Survey, Abstract Number 27, Taylor County, Texas, and being part of a 30 foot Right of Way Dedication, recorded in Cabinet 2, Slide 15-B in Plat Records, Taylor County, Texas (P.R.T.C.T.), and being part of a tract of land conveyed in a Warranty Deed with Vendor's Lien from J. M. Parker & Associates, Inc., to Parker Ventures, Ltd. recorded April 6, 2002 in Volume 2689, Page 502 Official Public Records, Taylor County, Texas (O.P.R.T.C.T.), said 544 square feet [0.012 acres] of land being more particularly described by metes and bounds as follows:

COMMENCING at a set 5/8 inch iron rod with plastic cap stamped "LTRA" (controlling monument) along the north line of said 30 foot right of way dedication, and the north line of said Parker Ventures, Ltd. tract, from which a found 1/2 inch iron rod with yellow cap, bears South 62 degrees 39 minutes 27 seconds, a distance of 141.88 feet along the south line of a tract of land conveyed to the First National Bank of Baird, in the First National Bank of Baird Addition recorded August 16, 2004 in Cabinet 3, Page 692 (O.P.R.T.C.T.) and the north line of said Parker Ventures, Ltd. tract;

THENCE, North 62 degrees 39 minutes 27 seconds along the north line of said 30 foot right of way dedication, a distance of 24.50 feet to a set 5/8 inch iron rod with 2 inch diameter aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER", (hereafter referred to as a set "TxDOT" moument) on the new east right of way line of FM 89 (a variable width right of way) for the POINT OF BEGINNING, and being 67.08 feet left of Station 125+95.62, and having a N.A.D. 83 (2011 Adjustment), Texas State Plane North Central Zone (4202) surface coordinate of Northing 6,831,619.94 and Easting 1,580,251.77;

1) THENCE, South 21 degrees 35 minutes 11 seconds West, along the new east right of way line of said FM 89, a distance of 38.25 feet to a set "TxDOT" monument**, being 66.76 feet left of Station 126+32.07, and the beginning of a curve to the right;

2) THENCE, continuing along the new east right of way line of said FM 89, 61.11 feet along the arc of said curve to the right, through a central angle of 11 degrees 02 minutes 40 seconds, having a radius of 317 feet, and a long chord which bears South 27 degrees 06 minutes 31 seconds West, a distance of 61.01 feet to a set "TxDOT" monument**, being 62.62 feet to the left of Station 126+90.00;

3) THENCE, South 32 degrees 37 minutes 51 seconds West, continuing along the new east right of way line of said FM 89, a distance of 19.36 feet to a set "TxDOT" monument**, on the existing east right of way line of FM 89, and being 60.03 feet to the left of Station 127+08.30, and being the beginning of a curve to the left;

4) THENCE, departing the new east right of way line of said FM 89, along the existing east right of way line of said FM 89, 118.66 feet along the arc of said curve to the left, through a central angle of 05 degrees 05 minutes 58 seconds, having a radius of 1,333.24 feet, and a long chord which bears North 23 degrees 22 minutes 51 seconds East, 118.62 feet to a set 5/8 inch iron rod with plastic cap stamped "LTRA", on the north line of said 30 foot right of way dedication;

EXHIBIT "B"

Description for Parcel 1B

5) THENCE, South 62 degrees 39 minutes 27 seconds East, departing the existing east line of said FM 89, along the north line of said 30 foot right of way dedication, a distance of 5.89 feet to the POINT OF BEGINNING, and containing 544 square feet [0.012 acres] of land, more or less.

** The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right of Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

The Basis of Bearings is the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum (NAD83) 2011 Adjustment, EPOCH 2010. All distances coordinates show are surface, unless otherwise noted, and may be converted to grid by dividing by the TxDOT combined scale factor of 1.000120. Unit of measure is Survey Foot.

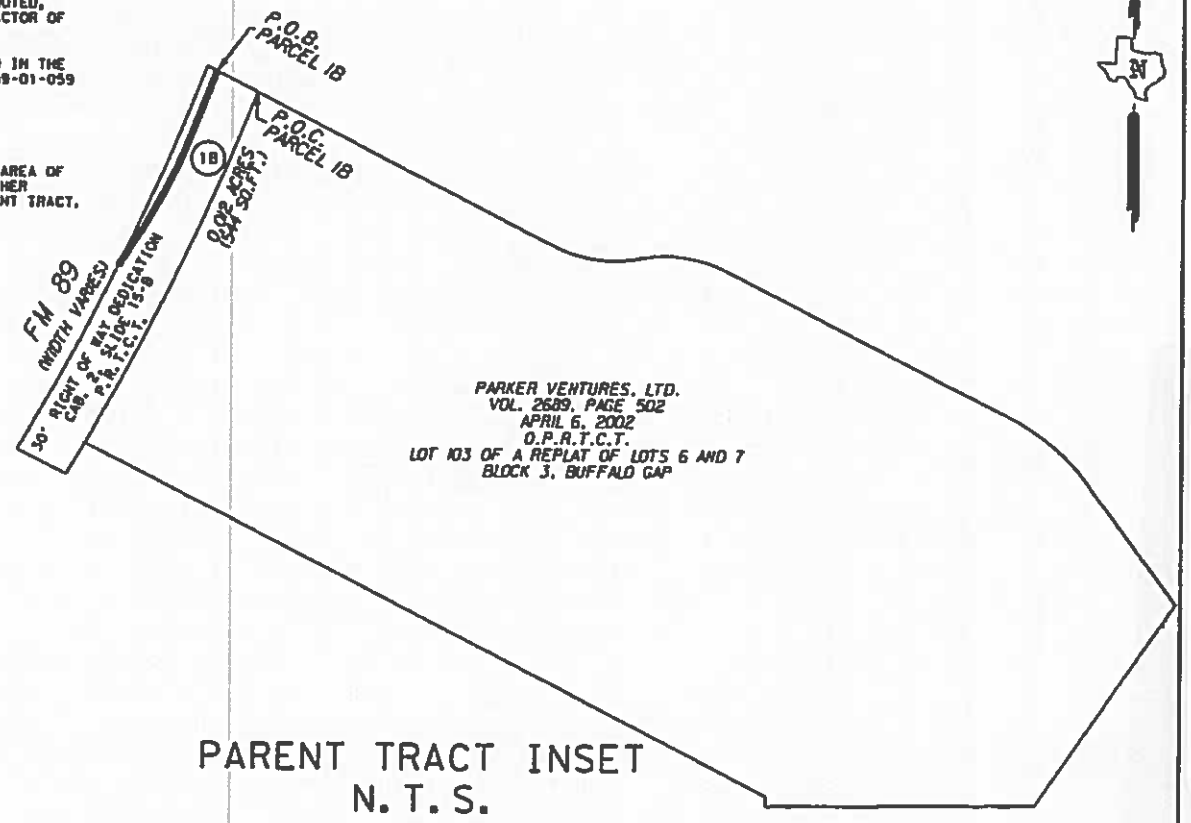
Station and Offset Information refers to the baseline described in the Project Schematic dated 08-31-2017; Control-Section-Number 0699-01-057.

Survey plat of even date herewith accompanies the legal description.

I, Stanley M. Brewer, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

NOTES:

1. ABSTRACT DATE: DECEMBER, 2017 THROUGH JANUARY 2018.
2. BASIS OF BEARINGS IS TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM (NAD 83) 2011 ADJUSTMENT, EPOCH 2010.
3. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE, UNLESS OTHERWISE NOTED, AND MAY BE CONVERTED TO GRID BY DIVIDING BY TxDOT COMBINED SCALE FACTOR OF 1.000120. UNIT OF MEASURE IS SURVEY FOOT.
4. THE STATION AND OFFSET INFORMATION REFERS TO THE BASELINE DESCRIBED IN THE PROJECT SCHEMATIC DATED 8-31-2017; PROJECT CONTROL-SECTION-JOB: 0699-01-059
5. PROJECT CONTROL AS ESTABLISHED BY OTHERS AND PROVIDED BY TxDOT.
6. FIELD SURVEYS WERE PERFORMED BETWEEN JANUARY, 2018 AND MAY, 2018.
7. PARCEL REMAINDER AREA IS DERIVED BY SUBTRACTING THE CALCULATED FEE AREA OF THE PARCEL FROM THE CALLED ACREAGE OF THE PARENT TRACT, LESS ANY OTHER CALLED FEE ACREAGE OF PROPERTY CONVEYANCES OF RECORD, FROM THE PARENT TRACT.



PARENT TRACT INSET
N.T.S.

AREA TABLE (ACRES)			
EXISTING	ACQUISITION	REMAINDER (CALCULATED)	
		LEFT	RIGHT
0.159	0.012	0.147	

LEGEND

EXISTING ROW	
PROPERTY LINE	PL
PROPOSED ROW	
SURVEY LINE	℄
PROPOSED ACCESS DENIAL LINE	
POINT OF COMMENCING	P.O.C.
POINT OF BEGINNING	P.O.B.
SET 5/8" IRON ROD W/ 2" DIA. ALUMINUM CAP STAMPED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (UNLESS NOTED OTHERWISE)	■
SET 5/8" IRON ROD WITH TXDOT ALUMINUM CAP STAMPED "ACCESS DENIAL"	◪
FOUND (AS NOTED)	□
SET 5/8" IRON ROD WITH CAP STAMPED "LTRA" (UNLESS NOTED OTHERWISE)	◉
CONTROLLING MONUMENT	CM

D.R.T.C.T.	DEED RECORDS OF TAYLOR COUNTY TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY TEXAS
P.R.T.C.T.	PLAT RECORDS OF TAYLOR COUNTY TEXAS

NOTES:

CALLS SHOWN IN PARENTHESIS ARE AS PREVIOUSLY RECORDED.

ALL BEARINGS AND COORDINATES SHOWN ARE BASED ON THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF (983 (NAD 1983) 2011 ADJUSTMENT, EPOCH 2010. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.000120.

** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

A PLAT OF A SURVEY OF
PARCEL 1B
FOR FM 89
RIGHT OF WAY CSJ: 0699-01-057
A 544 SQ. FT. (0.012 AC.)
TRACT OF LAND IN THE
JACKSON BLAKEMORE SURVEY
ABSTRACT NUMBER 27
TAYLOR COUNTY, TEXAS

LTRA
LINA T. RAMEY & ASSOCIATES, INC.
3320 Belt Line Road
Farmers Branch, Texas 75234
TBPLS FIRM NO. 10140700
PHONE 214-979-1144

EXHIBIT "B" Page 3

EXHIBIT "C"

Description for Parcel 4

BEING 105 square feet of land, more or less, in the M.L. Miller Survey, Abstract Number 1324, City of Abilene, Taylor County, Texas, and being part of a 20 foot alley as shown on the Plat of Section 6, Stonegate Addition, recorded in Cabinet 2, Slide 259-C, Plat Records, Taylor County, Texas (P.R.T.C.T.), said 105 square feet [0.002 Acres] of land being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2 inch iron rod with red cap stamped "AES4130" (controlling monument) at the northeast corner of a tract of land conveyed by West Texas Investments to Sam Whitworth and wife, Monica Whitworth, recorded in Volume 3248, Page 542, Official Public Records, Taylor County, Texas (O.P.R.T.C.T.), from which a set 5/8 inch iron rod 2 inch diameter aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER", (hereafter referred to as a set "TxDOT" monument) on the new east right of way line of FM 89 (a variable width right of way) and the POINT OF BEGINNING, and being 62.72 feet left of Station 148+45.42, and having a N.A.D. 83 (2011 Adjustment), Texas State Plane North Central Zone (4202) surface coordinate of Northing 6,829,688.86 and Easting 1,579,089.62, bears North 89 degrees 11 minutes 27 seconds West, 99.66 feet;

1) THENCE, North 89 degrees 11 minutes 27 seconds West, departing the new right of way line of said FM 89, along the south line of said alley, and along the north line of a said Sam Whitworth and Monica Whitworth tract of land to the existing east right of way line of said FM 89, a distance of 4.78 feet to a found 1/2 inch iron rod (controlling monument), to the beginning of a curve to the right;

2) THENCE, 23.98 feet along the arc of said curve to the right, departing the north line of said Sam Whitworth and Monica Whitworth tract of land, along the existing east right of way line of said FM 89, through a central angle of 01 degrees 00 minutes 04 seconds, having a radius of 1,372.39 feet, and a long chord which bears North 25 degrees 12 minutes 37 seconds East, 23.98 to a found 5/8 inch iron rod (CM) on the north side of said alley;

3) THENCE, South 89 degrees 11 minutes 27 seconds East, departing the existing east right of way line of said FM 89, along the north line of said alley, and along the south line of a tract of land conveyed to City of Abilene, recorded in Volume 714, Page 151, said Public Records (O.P.R.T.C.T.) to the new east right of way line of FM 89, a distance of 4.82, to the beginning of a curve to the left;

4) THENCE, 24.00 feet along the arc of said curve to the right, departing the north line of said alley, along the new east right of way line of said FM 89, through a central angle of 01 degrees 00 minutes 19 seconds, having a radius of 1,367.89 feet, and a long chord which bears South 25 degrees 18 minutes 17 seconds West, 24.00 to the POINT OF BEGINNING, and containing 105 square feet [0.002 Acres] of land, more or less.

EXHIBIT "C"

Description for Parcel 4

** The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right of Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

The Basis of Bearings is the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum (NAD83) 2011 Adjustment, EPOCH 2010. All distances coordinates show are surface, unless otherwise noted, and may be converted to grid by dividing by the TxDOT combined scale factor of 1.000120. Unit of measure is Survey Foot.

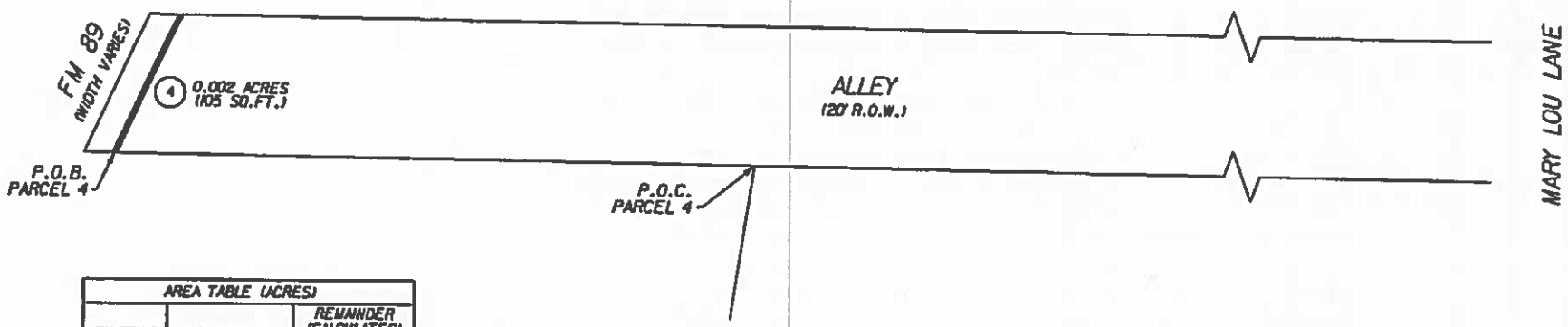
Station and Offset Information refers to the baseline described in the Project Schematic dated 09-18-2017; Control-Section-Number 0699-01-057.

Survey plat of even date herewith accompanies the legal description.

I, Stanley M. Brewer, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

NOTES:

1. ABSTRACT DATE: DECEMBER, 2017 THROUGH JANUARY 2018.
2. BASIS OF BEARINGS IS TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM (NAD 83) 2011 ADJUSTMENT, EPOCH 2010.
3. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE, UNLESS OTHERWISE NOTED, AND MAY BE CONVERTED TO GRID BY DIVIDING BY TxDOT COMBINED SCALE FACTOR OF 1.000120. UNIT OF MEASURE IS SURVEY FOOT.
4. THE STATION AND OFFSET INFORMATION REFERS TO THE BASELINE DESCRIBED IN THE PROJECT SCHEMATIC DATED 8-31-2017; PROJECT CONTROL-SECTION-JOB: 0699-01-057
5. PROJECT CONTROL AS ESTABLISHED BY OTHERS AND PROVIDED BY TxDOT.
6. FIELD SURVEYS WERE PERFORMED BETWEEN JANUARY, 2018 AND MAY, 2018.
7. PARCEL REMAINDER AREA IS DERIVED BY SUBTRACTING THE CALCULATED FEE AREA OF THE PARCEL FROM THE CALLED ACREAGE OF THE PARENT TRACT, LESS ANY OTHER CALLED FEE ACREAGE OF PROPERTY CONVEYANCES OF RECORD, FROM THE PARENT TRACT.



AREA TABLE (ACRES)			
EXISTING	ACQUISITION	REMAINDER (CALCULATED)	
		LEFT	RIGHT
0.002	0.000	0.002	

PARENT TRACT INSET
N.T.S.

LEGEND

EXISTING ROW	
PROPERTY LINE	PL
PROPOSED ROW	
SURVEY LINE	℄
PROPOSED ACCESS DENIAL LINE	
POINT OF COMMENCING	P.O.C.
POINT OF BEGINNING	P.O.B.
SET 5/8" IRON ROD W/ 2" DIA. ALUMINUM CAP STAMPED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (UNLESS NOTED OTHERWISE)	■
SET 5/8" IRON ROD WITH TXDOT ALUMINUM CAP STAMPED "ACCESS DENIAL"	◪
FOUND (AS NOTED)	□
SET 5/8" IRON ROD WITH CAP STAMPED "LTRA" (UNLESS NOTED OTHERWISE)	◉
CONTROLLING MONUMENT	CM

D.R.T.C.T.	DEED RECORDS OF TAYLOR COUNTY TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY TEXAS
P.R.T.C.T.	PLAT RECORDS OF TAYLOR COUNTY TEXAS

NOTES:

CALLS SHOWN IN PARENTHESIS ARE AS PREVIOUSLY RECORDED.

ALL BEARINGS AND COORDINATES SHOWN ARE BASED ON THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983 (NAD 1983) 2011 ADJUSTMENT, EPOCH 2010. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.000120.

** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

A PLAT OF A SURVEY OF
PARCEL 4
FOR FM 89
RIGHT OF WAY CSJ: 0699-01-057
A 105 SQ. FT. (0.002 AC)
TRACT OF LAND IN THE
M.L. MILLER
ABSTRACT NUMBER 1324
TAYLOR COUNTY, TEXAS

LINA T. RAMEY & ASSOCIATES, INC.
3320 Belt Line Road
Farmers Branch, Texas 75234
TBPLS FIRM NO. 10140700
PHONE 214-979-1144

EXHIBIT "C" Page 3

EXHIBIT "D"

Description for Parcel 13

BEING 95 square feet of land, more or less, in M.L. Miller Survey, Abstract Number 1324, Taylor County, Texas, being part of a 20 foot road in Section 1 of the Countryside Estates, recorded in Cabinet 2, Slide 193-A, Plat Records, Taylor County, Texas (P.R.T.C.T.), dated December 05, 1974, said 95 square feet [0.002 Acres] of land being more particularly described by metes and bounds as follows:

COMMENCING at a set 5/8 inch iron rod with plastic cap stamped "LTRA" (controlling monument) on the north line of this tract of land, and the southwest corner of Lot 11, said Plat Records (P.R.T.C.T.), from which a set 5/8 inch iron rod with 2 inch diameter aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER", (hereafter referred to as a set "TxDOT" monument) on the new west right of way line of FM 89 (a variable width right of way), bears South 89 degrees 29 minutes 20 seconds East, a distance of 99.06 feet to the POINT OF BEGINNING, and being 64.28 feet right of Station 152+40.18, and having a N.A.D. 83 (2011 Adjustment), Texas State Plane North Central Zone (4202) surface coordinate of Northing 6,829,354.66 and Easting 1,578,853.75;

1) THENCE, South 89 degrees 29 minutes 20 seconds East, along the south line of said Lot 11, a distance of 4.76 feet to the existing west right of way line of FM 89, to a set 5/8 inch iron rod with plastic cap stamped "LTRA", to the beginning of a curve to the left;

2) THENCE, 18.73 feet along the arc of said curve to the left, continuing along the existing west right of way line of said FM 89, through a central angle of 00 degrees 43 minutes 08 seconds, having a radius of 1,492.89 feet, and a long chord which bears South 08 degrees 52 minutes 23 seconds West, a distance of 18.73 feet;

3) THENCE, South 08 degrees 34 minutes 23 seconds West, continuing along the existing west right of way line of said FM 89, a distance of 1.48 feet to a set 5/8 inch iron rod with plastic cap stamped "LTRA" on the north line of Lot 1, said Plat Records (P.R.T.C.T.);

4) THENCE, North 89 degrees 29 minutes 19 seconds West, departing the existing west right of way of said FM 89, along the north line of said Lot 1 to the new west right of way line of FM 89, a distance of 4.75 feet to a set "TxDOT" monument, being 64.27 feet right of Station 152+59.56;

5) THENCE, North 08 degrees 34 minutes 19 seconds East, along the new west right of way line of said FM 89, a distance of 3.52 feet to a set "TxDOT" monument, being 64.27 feet right of Station 152+56.16, and the beginning of a curve to the right;

6) THENCE, 16.69 feet along the arc of said curve to the right, continuing along the new west right of way line of FM 89, through a central angle of 00 degrees 38 minutes 20 seconds, having a radius of 1,496.89 feet, and a long chord which bears North 08 degrees 53 minutes 29 seconds East, a distance of 16.69 feet to the POINT OF BEGINNING, and containing 95 square feet [0.002 Acres] of land, more or less.

EXHIBIT "D"

Description for Parcel 13

** The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right of Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

The Basis of Bearings is the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum (NAD83) 2011 Adjustment, EPOCH 2010. All distances coordinates show are surface, unless otherwise noted, and may be converted to grid by dividing by the TxDOT combined scale factor of 1.000120. Unit of measure is Survey Foot.

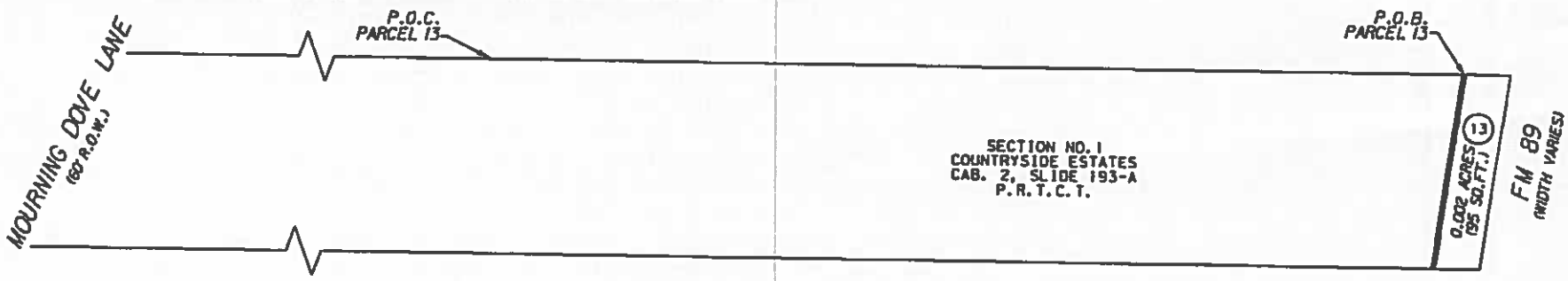
Station and Offset Information refers to the baseline described in the Project Schematic dated 09-18-2017; Control-Section-Number 0699-01-057.

Survey plat of even date herewith accompanies the legal description.

I, Stanley M. Brewer, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

NOTES:

1. ABSTRACT DATE: DECEMBER, 2017 THROUGH JANUARY 2018.
2. BASIS OF BEARINGS IS TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM (NAD 83) 2011 ADJUSTMENT, EPOCH 2010.
3. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE, UNLESS OTHERWISE NOTED, AND MAY BE CONVERTED TO GRID BY DIVIDING BY TxDOT COMBINED SCALE FACTOR OF 1.000120. UNIT OF MEASURE IS SURVEY FOOT.
4. THE STATION AND OFFSET INFORMATION REFERS TO THE BASELINE DESCRIBED IN THE PROJECT SCHEMATIC DATED 9-18-2017; PROJECT CONTROL-SECTION-JOB: 0699-01-057
5. PROJECT CONTROL AS ESTABLISHED BY OTHERS AND PROVIDED BY TxDOT.
6. FIELD SURVEYS WERE PERFORMED BETWEEN JANUARY, 2018 AND MAY, 2018.
7. PARCEL REMAINDER AREA IS DERIVED BY SUBTRACTING THE CALCULATED FEE AREA OF THE PARCEL FROM THE CALLED ACREAGE OF THE PARENT TRACT, LESS ANY OTHER CALLED FEE ACREAGE OF PROPERTY CONVEYANCES OF RECORD, FROM THE PARENT TRACT.



AREA TABLE (ACRES)			
EXISTING	ACQUISITION	REMAINDER (CALCULATED)	
		LEFT	RIGHT
0.002	0.000		0.002

PARENT TRACT INSET
N.T.S.

LEGEND

EXISTING ROW	
PROPERTY LINE	PL
PROPOSED ROW	
SURVEY LINE	SL
PROPOSED ACCESS DENIAL LINE	
POINT OF COMMENCING	P.O.C.
POINT OF BEGINNING	P.O.B.
SET 5/8" IRON ROD W/ 2" DIA. ALUMINUM CAP STAMPED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (UNLESS NOTED OTHERWISE)	■
SET 5/8" IRON ROD WITH TXDOT ALUMINUM CAP STAMPED "ACCESS DENIAL"	◪
FOUND (AS NOTED)	□
SET 5/8" IRON ROD WITH CAP STAMPED "LTRA" (UNLESS NOTED OTHERWISE)	◉
CONTROLLING MONUMENT	CM

D.R.T.C.T. DEED RECORDS OF TAYLOR COUNTY TEXAS
O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY TEXAS
P.R.T.C.T. PLAT RECORDS OF TAYLOR COUNTY TEXAS

NOTES:

CALLS SHOWN IN PARENTHESIS ARE AS PREVIOUSLY RECORDED.

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** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

A PLAT OF A SURVEY OF
PARCEL 13
FOR FM 89
RIGHT OF WAY CSJ: 0699-01-059
A 95 SQ. FT. (0.002 AC)
TRACT OF LAND IN THE
M.L. MILLER SURVEY
ABSTRACT NUMBER 1324
TAYLOR COUNTY, TEXAS

LTRA
LINA T. RAMEY & ASSOCIATES, INC.
3320 Belt Line Road
Farmers Branch, Texas 75234
TBPLS FIRM NO. 10140700
PHONE 214-979-1144

EXHIBIT "D" Page 3

EXHIBIT "E"

Description for Parcel 18

BEING 785 square feet of land, more or less, in M.L. Miller Survey, Abstract Number 1324, Taylor County, Texas, and being part of a 30 foot right of way dedication to the City of Abilene as shown on the plat of Lots 1 and 2, Block 1, South Mesa Addition, as shown on the plat recorded in Cabinet 2, Slide 103-D, Plat Records, Taylor County, Texas (P.R.T.C.T.) said 785 square feet [0.018 Acres] of land being more particularly described by metes and bounds as follows:

COMMENCING at a set 5/8 inch iron rod with plastic cap stamped "LTRA" (controlling monument) at the northeast corner Lot 1, Block 1, said South Mesa Addition

THENCE North 78 degrees 45 minutes 49 seconds West, a distance of 416.71 feet to a set 5/8 inch iron rod with 2 inch diameter aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER", (hereafter referred to as a set "TxDOT" monument) on the new east right of way line of FM 89 (a variable width right of way), and the POINT OF BEGINNING, and being 64.41 feet left of Station 154+84.40, and having a N.A.D. 83 (2011 Adjustment), Texas State Plane North Central Zone (4202) surface coordinate of Northing 6,829,093.31 and Easting 1,578,944.72;

1) THENCE, South 08 degrees 34 minutes 19 seconds West, along the new east right of way line of said FM 89, a distance of 76.41 feet to a set "TxDOT" monument, being 64.31 feet to the left of Station 155+60.67, and the beginning of a curve to the right;

2) THENCE, 158.85 feet along the arc of said curve to the right, to the existing east right of way line of said FM 89, through a central angle of 03 degrees 06 minutes 26 seconds, having a radius of 2,929.29 feet, and a long chord which bears South 10 degrees 07 minutes 32 seconds West, a distance of 158.83 feet to a set "TxDOT" monument, being 64.44 feet left of Station 157+16.03;

3) THENCE, North 08 degrees 34 minutes 23 seconds East, along the Existing east right of way line of FM 89, a distance of 235.39 to a set 5/8 inch iron rod with plastic cap stamped "LTRA";

4) THENCE, South 78 degrees 45 minutes 49 seconds East, to the new east right of way line of FM 89, a distance of 4.31 feet to the POINT OF BEGINNING, and containing 785 Square feet [0.018 Acres] of land, more or less.

EXHIBIT "E"

Description for Parcel 18

** The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right of Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

The Basis of Bearings is the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum (NAD83) 2011 Adjustment, EPOCH 2010. All distances coordinates show are surface, unless otherwise noted, and may be converted to grid by dividing by the TxDOT combined scale factor of 1.000120. Unit of measure is Survey Foot.

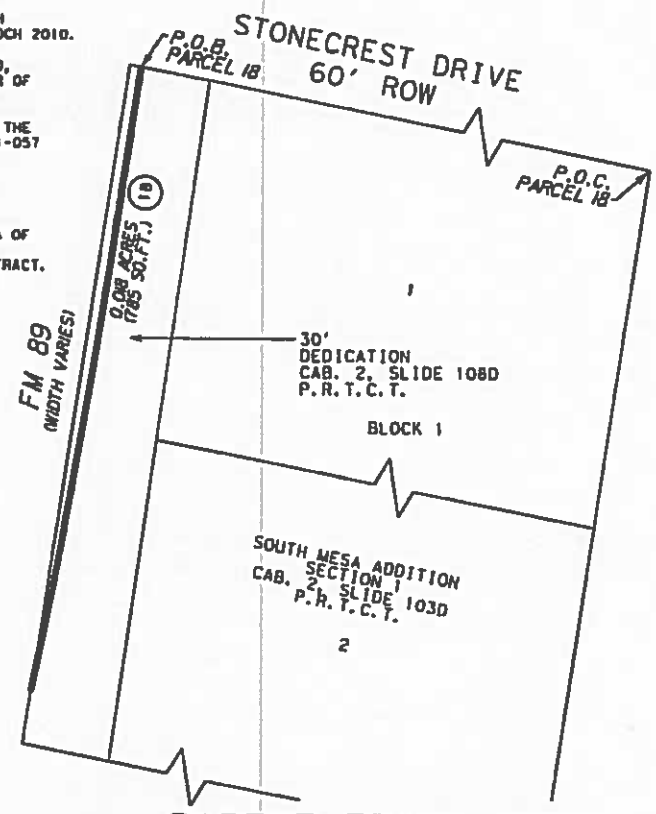
Station and Offset Information refers to the baseline described in the Project Schematic dated 08-31-2017; Control-Section-Number 0699-01-057.

Survey plat of even date herewith accompanies the legal description.

I, Stanley M. Brewer, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

NOTES:

1. ABSTRACT DATE: DECEMBER, 2017 THROUGH JANUARY 2018.
2. BASIS OF BEARINGS IS TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM (NAD 83) 2011 ADJUSTMENT, EPOCH 2010.
3. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE, UNLESS OTHERWISE NOTED, AND MAY BE CONVERTED TO GRID BY DIVIDING BY TxDOT COMBINED SCALE FACTOR OF 1.000120. UNIT OF MEASURE IS SURVEY FOOT.
4. THE STATION AND OFFSET INFORMATION REFERS TO THE BASELINE DESCRIBED IN THE PROJECT SCHEMATIC DATED 8-31-2017; PROJECT CONTROL-SECTION-JOB: 0699-01-057
5. PROJECT CONTROL AS ESTABLISHED BY OTHERS AND PROVIDED BY TxDOT.
6. FIELD SURVEYS WERE PERFORMED BETWEEN JANUARY, 2018 AND MAY, 2018.
7. PARCEL REMAINDER AREA IS DERIVED BY SUBTRACTING THE CALCULATED FEE AREA OF THE PARCEL FROM THE CALLED ACREAGE OF THE PARENT TRACT, LESS ANY OTHER CALLED FEE ACREAGE OF PROPERTY CONVEYANCES OF RECORD, FROM THE PARENT TRACT.



PARENT TRACT INSET
N.T.S.

AREA TABLE (ACRES)			
EXISTING	ACQUISITION	REMAINDER (CALCULATED)	
		LEFT	RIGHT
0.272	0.012		0.260

LEGEND

EXISTING ROW	
PROPERTY LINE	PL
PROPOSED ROW	
SURVEY LINE	SL
PROPOSED ACCESS DENIAL LINE	
POINT OF COMMENCING	P.O.C.
POINT OF BEGINNING	P.O.B.
SET 5/8" IRON ROD W/ 2" DIA. ALUMINUM CAP STAMPED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (UNLESS NOTED OTHERWISE)	■
SET 5/8" IRON ROD WITH TXDOT ALUMINUM CAP STAMPED "ACCESS DENIAL"	◪
FOUND (AS NOTED)	□
SET 5/8" IRON ROD WITH CAP STAMPED "LTRA" (UNLESS NOTED OTHERWISE)	◉
CONTROLLING MONUMENT	CM

D.R.T.C.T. DEED RECORDS OF TAYLOR COUNTY TEXAS
O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY TEXAS
P.R.T.C.T. PLAT RECORDS OF TAYLOR COUNTY TEXAS

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A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

A PLAT OF A SURVEY OF
PARCEL 18
FOR FM 89
RIGHT OF WAY CSJ: 0699-01-057
A 785 SQ. FT. (0.018 AC)
TRACT OF LAND IN THE
M.L. MILLER SURVEY
ABSTRACT NUMBER 1324
TAYLOR COUNTY, TEXAS

LTRA
LINA T. RAMEY & ASSOCIATES, INC.
3320 Belt Line Road
Farmers Branch, Texas 75234
TBPLS FIRM NO. 10140700
PHONE 214-979-1144

EXHIBIT "E" Page 3

EXHIBIT "F"

Description for Parcel 19

BEING 94 square feet of land, more or less, in M. L. Miller Survey, Abstract Number 1324, Taylor County, Texas, and being part of a 20 feet wide public alley, Block 2, Section 1, Countryside Estates, recorded in Cabinet 2, Slide 193-A, Plat Records, Taylor County, Texas (P.R.T.C.T.), dated December 5, 1974, said 94 square feet [0.002 Acres] of land being more particularly described by metes and bounds as follows:

COMMENCING at a set 5/8 inch iron rod with plastic cap stamped "LTRA" (controlling monument) at the northeast corner of Lot 12, Block 2, said Countryside Estates and the northwest corner of Lot 13, Block 2, said Countryside Estates, and being conveyed in a deed to B. E. Caffey and wife, Dorothy M. Caffey, executed October 18, 1976, and recorded in Volume 1042, Page 826, Deed Records, Taylor County, Texas (D.R.T.C.T.), and being on the south line of the said 20 feet wide alley;

THENCE, South 89 degrees 29 minutes 20 seconds East, along the south line of said 20 feet wide alley and the north line of said Lot 13, a distance of 84.96 feet to a set 5/8 inch iron rod with 2 inch diameter aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (hereafter referred to as a set "TxDOT" monument), on the new west right of way line of FM 89 (a variable width right of way), for the POINT OF BEGINNING, and being 64.67 feet right of Station 155+88.73, and having a N.A.D. 83 (2011 Adjustment), Texas State Plane North Central Zone (4202) surface coordinate of Northing 6,829,009.98 and Easting 1,578,801.57, and being the beginning of a curve to the left;

1) THENCE, along the new west right of way line of said FM 89, 20.21 feet along the arc of said curve to the left, through a central angle of 00 degrees 24 minutes 46 seconds, having a radius of 2,804.79 feet, and a long chord which bears North 08 degrees 55 minutes 28 seconds East, a distance of 20.21 feet to a set "TxDOT" monument, being on the north line of said 20 feet wide alley and the south line of Lot 1, Block 2, said Countryside Estates, and being conveyed in a deed to Louis J. Wilhelm, executed April 27, 1992, and recorded in Volume 1847, Page 376, Official Public Records, Taylor County, Texas (O.P.R.T.C.T.), and being 64.69 feet right of Station 155+68.05;

2) THENCE, South 89 degrees 29 minutes 20 seconds East, along the north line of said 20 feet wide alley and the south line of said Lot 1, a distance of 4.74 feet to a set 5/8 inch iron rod with plastic cap stamped "LTRA", being the northeast corner of said 20 feet wide alley and the southeast corner of said Lot 1, and being the existing west right of way line of said FM 89 (a variable width right of way), as described in a deed to the State of Texas, recorded in Volume 644, Page 354, said deed records (D.R.T.C.T.), and being the beginning of a curve to the right;

3) THENCE, along the existing west right of way line of said FM 89, 20.21 feet along the arc of said curve to the right, through a central angle of 00 degrees 24 minutes 47 seconds, having a radius of 2,804.79 feet, and a long chord which bears South 08 degrees 57 minutes 26 seconds West, a distance of 20.21 feet to a set 5/8 inch iron rod with plastic cap stamped "LTRA" for the southeast corner of said 20 feet wide alley and the northeast corner of said Lot 13;

EXHIBIT "F"

Description for Parcel 19

4) THENCE, North 89 degrees 29 minutes 20 seconds West, along the south line of said 20 feet wide alley and the north line of said Lot 13, a distance of 4.73 feet to the POINT OF BEGINNING, containing 94 square feet [0.002 Acres] of land, more or less.

** The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right of Way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

The Basis of Bearings is the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum (NAD83) 2011 Adjustment, EPOCH 2010. All distances coordinates show are surface, unless otherwise noted, and may be converted to grid by dividing by the TxDOT combined scale factor of 1.000120. Unit of measure is U. S. Survey Foot.

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Survey plat of even date herewith accompanies the legal description.

I, Stanley M. Brewer, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

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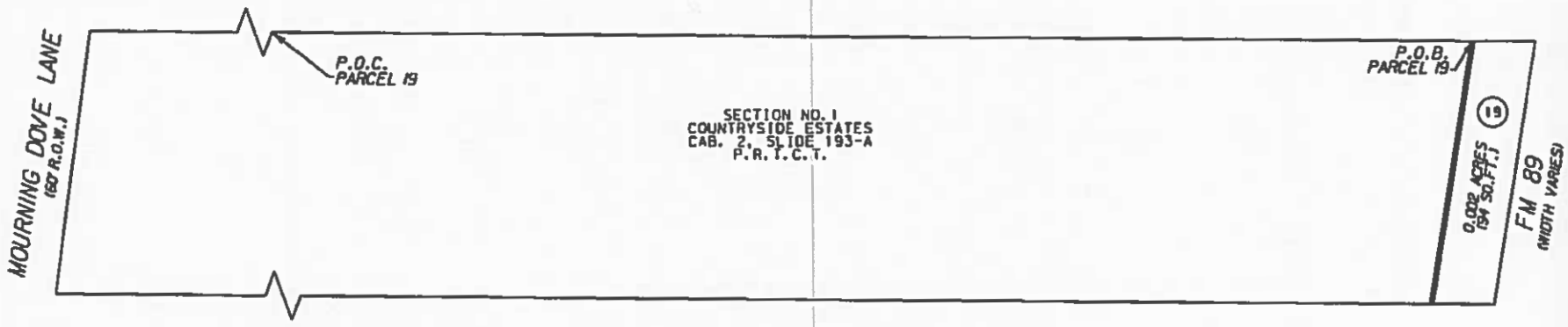

AREA TABLE (ACRES)			
EXISTING	ACQUISITION	REMAINDER (CALCULATED)	
		LEFT	RIGHT
	0.002		

PARENT TRACT INSET
N. T. S.

LEGEND

EXISTING ROW	
PROPERTY LINE	
PROPOSED ROW	
SURVEY LINE	
PROPOSED ACCESS DENIAL LINE	
POINT OF COMMENCING	P.O.C.
POINT OF BEGINNING	P.O.B.
SET 5/8" IRON ROD W/ 2" DIA. ALUMINUM CAP STAMPED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (UNLESS NOTED OTHERWISE)	■
SET 5/8" IRON ROD WITH TXDOT ALUMINUM CAP STAMPED "ACCESS DENIAL"	☑
FOUND (AS NOTED)	□
SET 5/8" IRON ROD WITH CAP STAMPED "LTRA" (UNLESS NOTED OTHERWISE)	◉
CONTROLLING MONUMENT	CM

D.R.T.C.T. DEED RECORDS OF TAYLOR COUNTY TEXAS
O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY TEXAS
P.R.T.C.T. PLAT RECORDS OF TAYLOR COUNTY TEXAS

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A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

A PLAT OF A SURVEY OF
PARCEL 19
FOR FM 89
RIGHT OF WAY CSJ: 0699-01-059
A 94 SQ. FT. (0.002 AC.)
TRACT OF LAND IN THE
M. L. MILLER SURVEY
ABSTRACT NUMBER 1324
TAYLOR COUNTY, TEXAS

LTRA
LINA T. RAMEY & ASSOCIATES, INC.
3320 Belt Line Road
Farmers Branch, Texas 75234
TBPLS FIRM NO. 10140700
PHONE 214-979-1144

EXHIBIT "F" Page 3

TC-2019-03
STAFF REPORT

REQUEST:

Right-of-Way Abandonment

APPLICANT:

City of Abilene, on behalf of Texas Department of Transportation (TxDOT)

HEARING DATES:

P & Z Commission:
September 3, 2019
City Council 1st Reading:
September 26, 2019
City Council 2nd Reading:
October 17, 2019

PROPOSAL:

Buffalo Gap Road is a state-maintained highway known as Farm-to-Market (FM) 89, beginning at its intersection with Winters Freeway (US 83/84) and extending all the way south to Abilene's City limits and beyond. The Texas Department of Transportation (TxDOT) plans to improve the existing roadway and install sidewalks on the northernmost segment of FM 89; extending approximately 1 mile from Winters Freeway to Chimney Rock Road.

The proposed street and sidewalk improvements are planned for construction within the 120-foot-wide right-of-way initially acquired for FM 89, by the State of Texas, since 1943. However, some planned improvements will be located on segments or "slivers" of right-of-way dedicated with subdivisions of land located adjacent to the original 120-foot-wide right-of-way acquired for FM 89. These segments of dedicated right-of-way are technically under control by the City of Abilene. Per state law, TxDOT cannot construct any project on property the state does not "own." Therefore before undertaking planned improvements to Buffalo Gap Road, TxDOT desires the City of Abilene to formally relinquish its control of these segments or "slivers" of right-of-way, to the State of Texas.

- Six such segments of right-of-way are proposed to be formally relinquished by the City of Abilene. See accompanying maps highlighting (in bold-outlined stripes) the location of each section. The two northernmost sections are attached to one another, end-to-end, and appear as a single sliver of land almost 250 feet long.

- The six sections of right-of-way were dedicated with subdivision plats of Stonegate Addition Section One (1964), South Mesa Addition (1965), Countryside Estates Section One (1973) or Stonegate Addition Section Six (1977).

- Three of the six sections were dedicated as part of an effort to establish marginal access roads running parallel to either side of main travel lanes on Buffalo Gap Road. The most tangible remnant of this effort is that segment of Flintrock Drive paralleling the east side of Buffalo Gap Road, opposite from the Mall of Abilene. After 1972, the effort to establish such marginal access roads was abandoned.

- The remaining three sections of right-of-way are extensions of alleys intersecting the original 120-foot-wide right-of-way for Buffalo Gap Road, onto which TxDOT's street and sidewalk improvements will encroach.

REQUEST ANALYSIS:

The City of Abilene's proposed abandonment of right-of-way will not result in privatizing any of these six "slivers" of right-of-way. The City of Abilene instead proposes to relinquish control specifically to the State of Texas, so that TxDOT may expand street and sidewalk improvements onto these affected segments of right-of-way now technically under control by the City of Abilene.

RECOMMENDATIONS:

Development Review Committee (Section 1.1.6.2):

The Development Review Committee members expressed no opposition to the proposed abandonment of the six sections of right-of-way on Buffalo Gap Road (FM 89).

Staff Recommendation:

City staff recommends approving proposed abandonment of all six sections of right-of-way on or adjoining Buffalo Gap Road (FM 89) so long as any such abandoned sections are subsequently conveyed to the State of Texas, for street and sidewalk improvements.

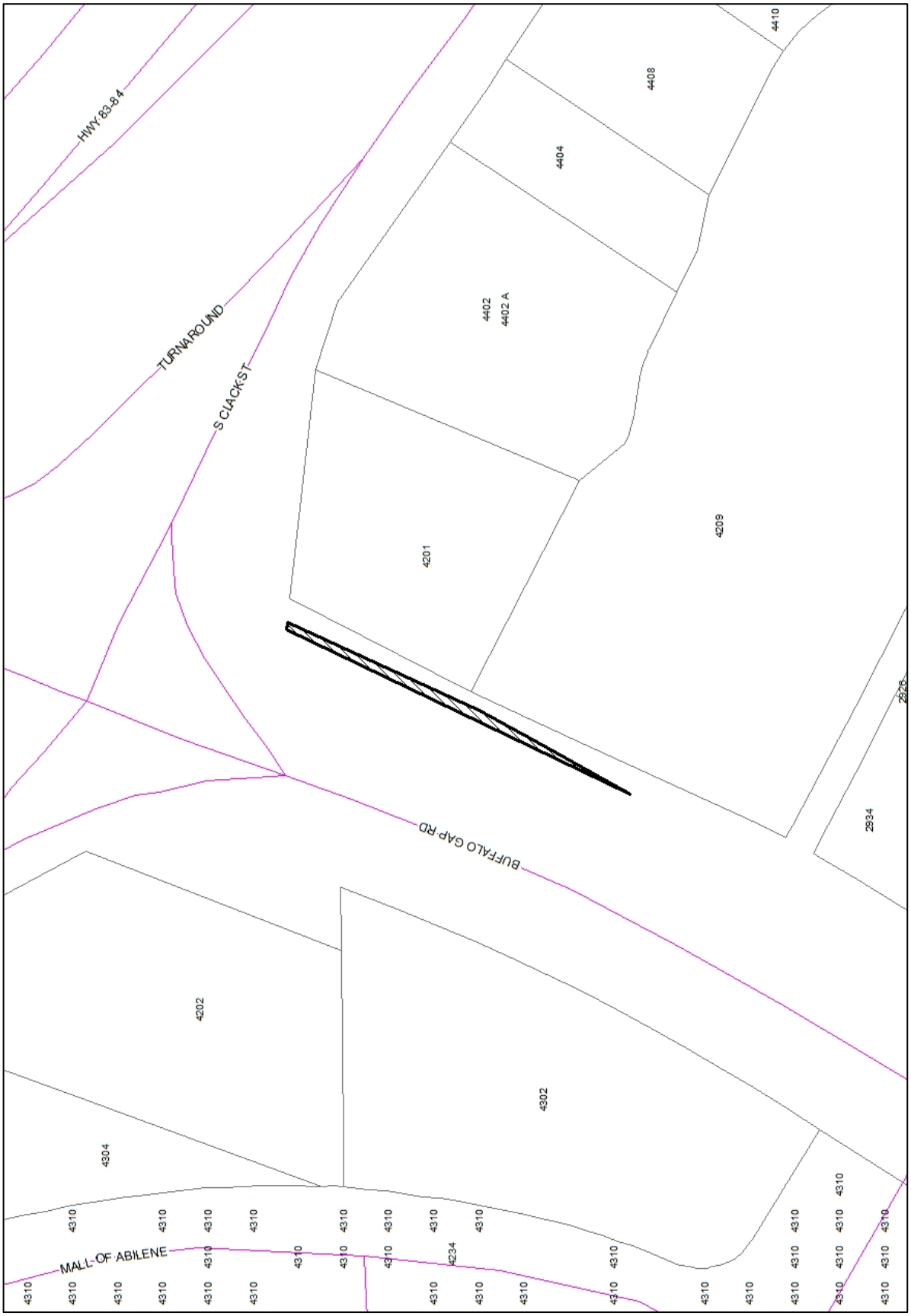
Planning and Zoning Commission recommendation:

On September 3 of 2019, the Planning and Zoning Commission recommended approval by a vote of seven (7) (Calk, Smith, Bixby, Rosenbaum, Noonan, Lankford, Famble) in favor and zero (0) in opposition.

NOTIFICATION:

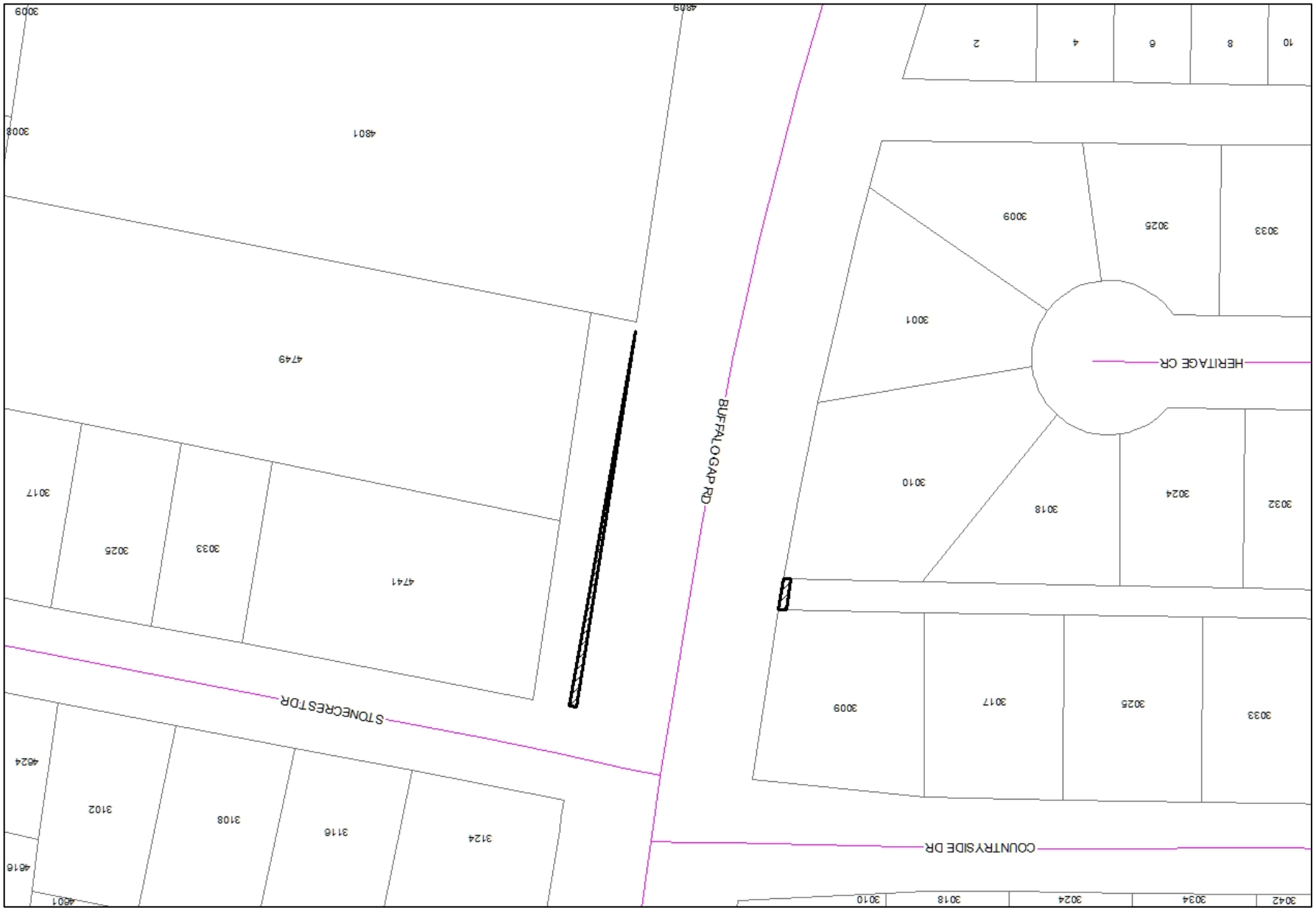
Property owners within the 200' of the subject rights-of-way were notified.

MAPS:


HWY 83-84
TURNAROUND
S CLACK ST
BUFFALO GAP RD
MALL OF ABILENE
4410
4408
4404
4402
4402 A
4201
4209
2926
2934
4202
4302
4304
4234
4310

Case # TC-2019-03
Prepared: August 27, 2019

Case # TC-2019-03
Prepared: August 27, 2019



Owner	Situs	Response
AVILA GABRIEL & SHERRY	4749 BUFFALO GAP RD	
BARBEE WELDON D & SUSAN	3001 PRIMROSE CR	
BECKER JAMES DENNIS &	3042 GILMER AV	
BFS RETAIL & COMMERCIAL	4402 S CLACK ST	
BFS RETAIL & COMMERCIAL	4402 A S CLACK ST	
BUFFALO GAP STREET PROPERTIES LLC	4741 BUFFALO GAP RD	
BUFFALO GAP STREET PROPERTIES LLC	4601 BUFFALO GAP RD BLDG B	
BUFFALO GAP STREET PROPERTIES LLC		
BUFFALO GAP STREET PROPERTIES LLC	4601 BUFFALO GAP RD BLDG A	
BUFFALO GAP STREET PROPERTIES LLC	4601 BUFFALO GAP RD BLDG C	
BYERS JAMES R & JO ANN	3108 STONECREST DR	
CAFFEY B E	3010 HERITAGE CR	
CALHOUN TASHINA BAKER &	3009 PRIMROSE CR	
CALLAWAY DONALD A III	4801 BUFFALO GAP RD	
CHEVRON USA INC		
CITY OF ABILENE	4597 BUFFALO GAP RD	
DAVIS JEAN	3001 HERITAGE CR	
FIRST NATIONAL BANK BAIRD	4201 BUFFALO GAP RD	In Favor
HACKNEY JOSHUA PAUL	3024 COUNTRYSIDE DR	Opposed
IMPACT GROUP EQUITIES LLC	3018 HERITAGE CR	
IMPACT GROUP EQUITIES LLC	3025 PRIMROSE CR	
IRVIN ALTON L & EVA J	2926 ROBERTSON DR	
KIGHT JEFFERY W & DIANNA	3017 PRIMROSE CR	
KING LEE W JR & KATHERINE R	3010 PRIMROSE CR	
MARTIN DENNIS PRESTON & CAROLL V	3116 STONECREST DR	
MASCARI VAL DEAN & GLENDA D	2934 ROBERTSON DR	In Favor
MC DONALDS CORP	4302 BUFFALO GAP RD	
MEHAFFEY ROBERT A &	3050 GILMER AV	
NGUYEN DAVID & LE	3017 COUNTRYSIDE DR	
PARKER VENTURES LTD	4209 BUFFALO GAP RD	
PARTIN GEORGE T	3010 COUNTRYSIDE DR	
PARTIN ROBERT TR	3018 COUNTRYSIDE DR	
PENTA OPERATING LLC	4202 BUFFALO GAP RD	
RAMON OSCAR JR	3124 STONECREST DR	
RICHARDSON JOE	3009 HERITAGE CR	
SEYNAEVE CHASE R	3025 COUNTRYSIDE DR	
STEPHENS PROPERTIES I LTD	4580 BUFFALO GAP RD	
VINCENT ROBERT Y & JESSICA	3058 GILMER AV	
WILHELM DONALD L & WILHELM LARRY W	3009 COUNTRYSIDE DR	

ATTACHMENTS:

- Application
- Development Review Committee Comments
- Power Point

City of Abilene, Texas — Planning & Zoning Division

memorandum

to: Zack Rainbow, Assistant Director of Planning and Development Services

from: Bradley Stone, Planner III B.S.

date: June 19 2019

subject: TxDOT's request for the City of Abilene to release and abandon a certain six segments of rights-of-way (for streets and alleys) in order for TxDOT to undertake street expansion project

---

I have attached a background memo (with graphic attachments) for each of six segments of street or alley rights-of-way, which TxDOT wants the City of Abilene to "release and abandon." Each segment is less than 1000 square feet in size, and each adjoins a consistently 120-foot-wide right-of-way available for Buffalo Gap Road* since before 1964. TxDOT now wants to expand street improvements beyond that initial 120-foot-wide right-of-way.

All six segments of street or alley rights-of-way were formally dedicated by one or another subdivision plat on which the property's owners stated they "*hereby dedicate the streets, alleys and public areas...shown thereon for public use*"

-or-

"*do hereby dedicate to the public forever and for all public purposes, the streets, alleys, lanes...shown thereon.*"

Within Abilene's corporate limits, its elected City Council members are trustees of the public interest. Therefore, **I believe that TxDOT needs the City of Abilene to execute a quit claim deed formally relinquishing any and all interest the City of Abilene has in these rights-of-way, to the State of Texas.** A quit claim deed will provide TxDOT with a formal instrument they can record with the County Clerk, for reference purposes.

I do not believe it is necessary or appropriate for any such deed to be preceded by City Council passing an ordinance abandoning the "public use of" or "public interest in" any of these rights-of-way. That is not what TxDOT wants. **TxDOT only wants a "permission slip" from the City, to exercise control over use of these particular segments of public right-of-way.** A quit claim deed is the best administrative tool to accomplish that.

The City's legal staff is most qualified to compose a quit claim deed. If they believe some formal authorization is necessary for the Mayor and/or City Manager to execute that deed, then a suitable item can be placed onto City Council's agenda.

---

* a.k.a. Farm-to-Market Highway 89

City of Abilene, Texas — Planning & Zoning Division

memorandum

to: Zack Rainbow, Assistant Director of Planning and Development Services

from: Bradley Stone, Planner III B.S.

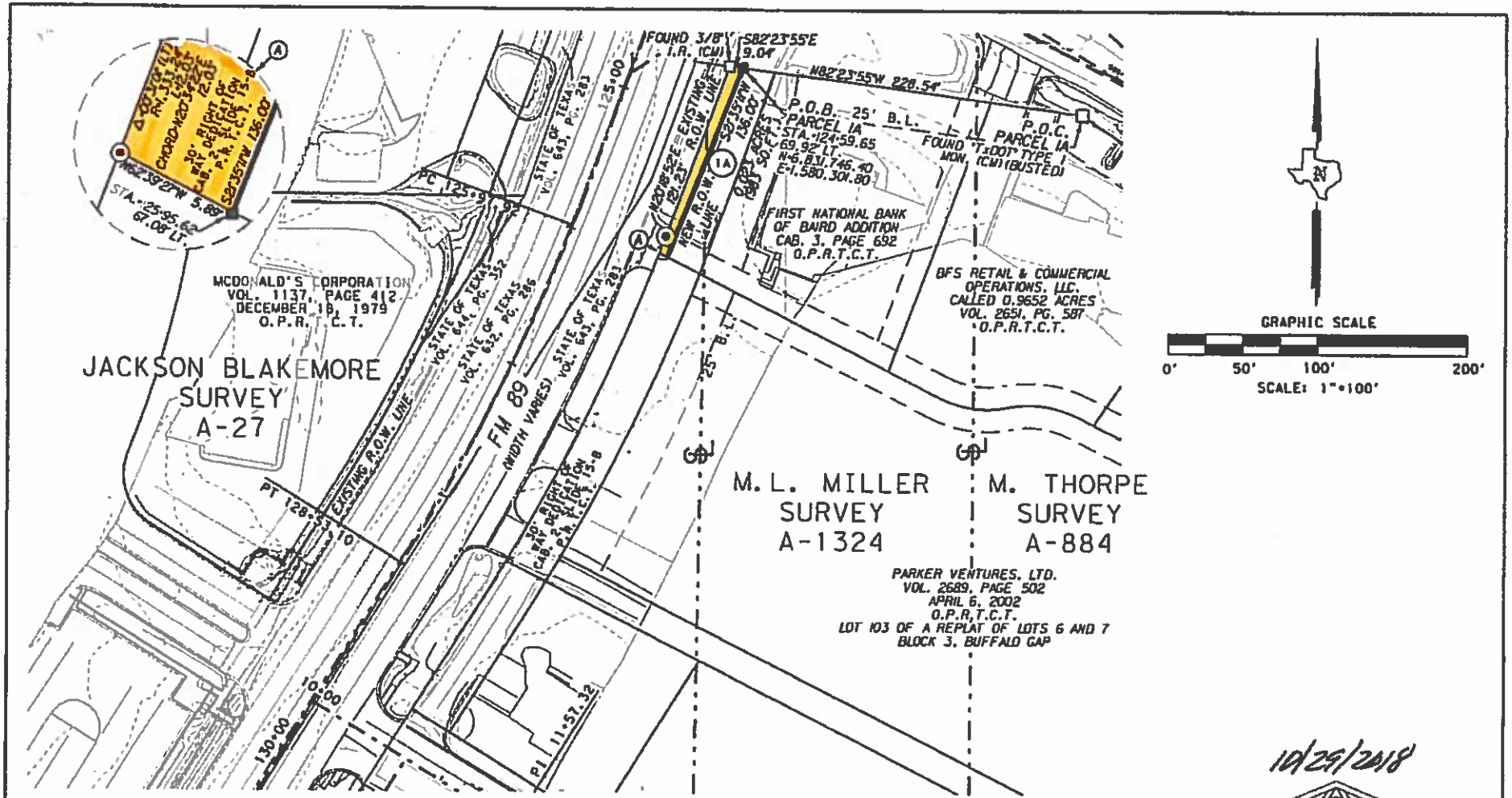
date: June 19 2019

subject: TxDOT'S request for the City of Abilene to "release and abandon" 983 square feet of public right-of-way identified as a certain Parcel 1A

These 983 square feet (highlighted in orange on first attached graphic) are part of a 30-foot-wide enlargement of the initial 120-foot-wide right-of-way available for Buffalo Gap Road,* having been dedicated with Stonegate Addition, Section 1 during 1964. See yellow-highlighted strip on second attached graphic excerpted from the recorded subdivision plat of Stonegate Addition, Section 1.

The owner/developers' certification on the recorded plat of this subdivision states they "*hereby dedicate the streets, alleys and public areas…shown thereon for public use*."

* Farm-to-Market Highway 89



LEGEND

EXISTING ROW		
PROPERTY LINE	PL	
PROPOSED ROW		
SURVEY LINE	℄	
PROPOSED ACCESS DENIAL LINE		
POINT OF COMMENCING	P.O.C.	
POINT OF BEGINNING	P.O.B.	
SET 5/8" IRON ROD W/ 2" DIA. ALUMINUM CAP STAMPED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (UNLESS NOTED OTHERWISE)	■	
SET 5/8" IRON ROD WITH TXDOT ALUMINUM CAP STAMPED "ACCESS DENIAL"	◪	
FOUND (AS NOTED)	□	
SET 5/8" IRON ROD WITH CAP STAMPED "LTRA" (UNLESS NOTED OTHERWISE)	◉	
CONTROLLING MONUMENT	CM	

D.R.T.C.T. DEED RECORDS OF TAYLOR COUNTY TEXAS
O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY TEXAS
P.R.T.C.T. PLAT RECORDS OF TAYLOR COUNTY TEXAS

NOTES:

CALLS SHOWN IN PARENTHESIS ARE AS PREVIOUSLY RECORDED.

ALL BEARINGS AND COORDINATES SHOWN ARE BASED ON THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983 (NAD 1983) 2011 ADJUSTMENT, EPOCH 2010. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.000120.

** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

A PLAT OF A SURVEY OF PARCEL 1A FOR FM 89 RIGHT OF WAY CSJ: 0699-01-057 A 983 SQ. FT. (0.023 AC) TRACT OF LAND IN THE JACKSON BLAKEMORE SURVEY ABSTRACT NUMBER 27 AND M.L. MILLER SURVEY ABSTRACT NUMBER 1324 TAYLOR COUNTY, TEXAS

EXHIBIT "A"
PAGE 4 OF 4

10/29/2018

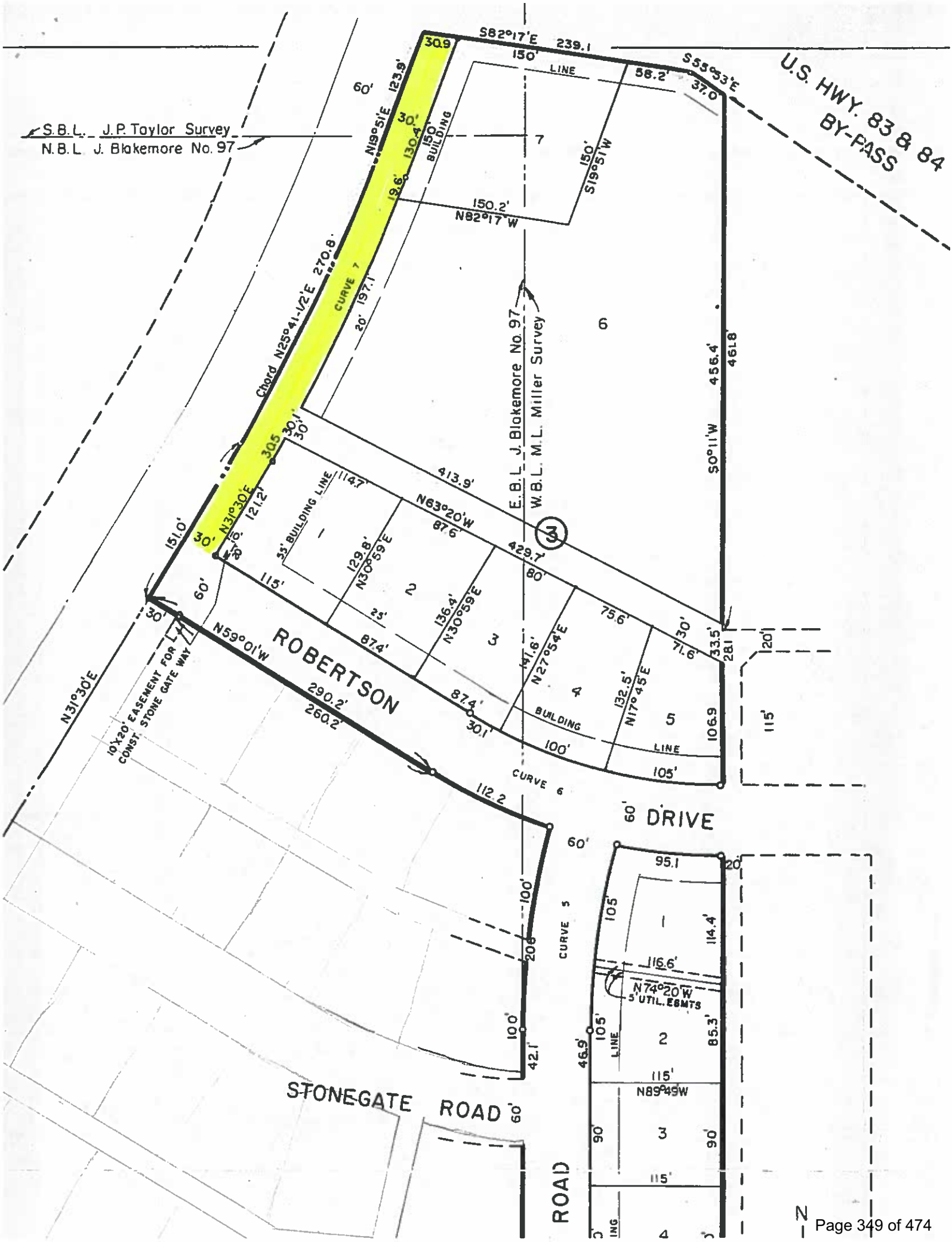
STATE OF TEXAS
REGISTERED
STANLEY M. BREWER
6072
PROFESSIONAL
LAND SURVEYOR

Stanley M. Brewer

LTRA
LINA T. RAMEY & ASSOCIATES, INC.
3320 Belt Line Road
Farmers Branch, Texas 75234
TBPLS FIRM NO. 10140700
PHONE 214-979-1144

O:_003 AIA Eng\17-11 FM 89 Taylor Co. (Abilene)\DGN\Parcels\PARCEL_1A_2.dgn

10/31/2018


S.B.L. J.P. Taylor Survey
N.B.L. J. Blakemore No. 97
S82°17'E 239.1
150' LINE
58.2'
S53°53'E
37.0
U.S. HWY. 83 & 84
BY-PASS
30.9
60'
123.9'
N19°51'E
30'
130.4'
150' BUILDING
19.6'
150' S19°51'W
150.2' N82°17'W
7
6
CURVE 7
Chord N25°41-1/2'E 270.8'
20' 197.1'
E.B.L. J. Blakemore No. 97
W.B.L. M.L. Miller Survey
456.4'
461.8'
S0°11'W
413.9'
N63°20'W
87.6'
429.7'
80'
114.7'
35' BUILDING LINE
121.2'
N31°30'E
30.5
30'
151.0'
16'
129.8' N30°59'E
136.4' N30°59'E
141.6' N27°54'E
132.5' N17°45'E
75.6'
71.6'
30'
33.5'
28.1
20'
115'
1
2
3
4
5
115'
87.4'
25'
60'
30'
N59°01'W
ROBERTSON
290.2'
260.2'
87.4'
30.1'
BUILDING LINE
100'
105'
106.9
10'X20' EASEMENT FOR CONST. STONE GATE WAY
N31°30'E
CURVE 6
112.2
60' DRIVE
60'
100'
CURVE 5
20'
10.0'
42.1'
95.1
105'
114.4'
116.6'
N74°20'W
5' UTIL. ESMTS
105' LINE
46.9'
85.3'
115'
N89°49W
90'
90'
115'
STONEGATE ROAD 60'
ROAD
N

City of Abilene, Texas — Planning & Zoning Division

memorandum

to: Zack Rainbow, Assistant Director of Planning and Development Services

from: Bradley Stone, Planner III B.S.

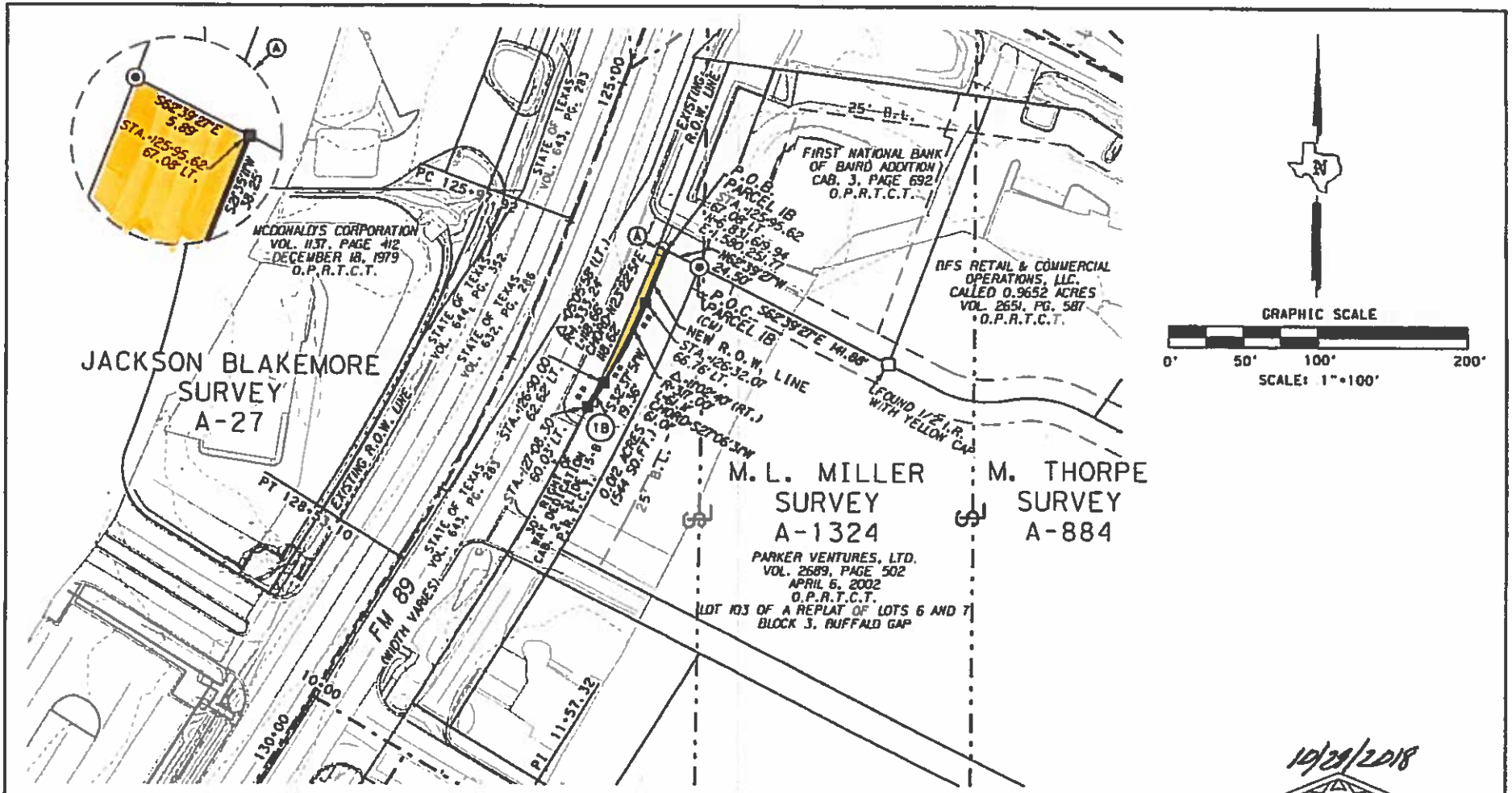
date: June 19 2019

subject: TxDOT'S request for the City of Abilene to "release and abandon" 544 square feet of public right-of-way identified as a certain Parcel 1B

These 544 square feet (highlighted in orange on first attached graphic) are part of a 30-foot-wide enlargement of the initial 120-foot-wide right-of-way available for Buffalo Gap Road,* having been dedicated with Stonegate Addition, Section 1 during 1964. See yellow-highlighted strip on second attached graphic excerpted from the recorded subdivision plat of Stonegate Addition, Section 1.

The owner/developers' certification on the recorded plat of this subdivision states they "*hereby dedicate the streets, alleys and public areas…shown thereon for public use.*"

* a.k.a. Buffalo Gap Road



LEGEND

EXISTING ROW	
PROPERTY LINE	PL
PROPOSED ROW	
SURVEY LINE	℄
PROPOSED ACCESS DENIAL LINE	
POINT OF COMMENCING	P.O.C.
POINT OF BEGINNING	P.O.B.
SET 5/8" IRON ROD W/ 2" DIA. ALUMINUM CAP STAMPED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (UNLESS NOTED OTHERWISE)	■
SET 5/8" IRON ROD WITH TXDOT ALUMINUM CAP STAMPED "ACCESS DENIAL"	◪
FOUND (AS NOTED)	□
SET 5/8" IRON ROD WITH CAP STAMPED "LTRA" (UNLESS NOTED OTHERWISE)	⊙
CONTROLLING MONUMENT	CM

D.R.T.C.T. DEED RECORDS OF TAYLOR COUNTY TEXAS
O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY TEXAS
P.R.T.C.T. PLAT RECORDS OF TAYLOR COUNTY TEXAS

NOTES:

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A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

A PLAT OF A SURVEY OF PARCEL 1B FOR FM 89 RIGHT OF WAY CSJ: 0699-01-057 A 544 SQ. FT. (0.012 AC.) TRACT OF LAND IN THE JACKSON BLAKEMORE SURVEY ABSTRACT NUMBER 27 TAYLOR COUNTY, TEXAS

EXHIBIT "A"
PAGE 4 OF 4

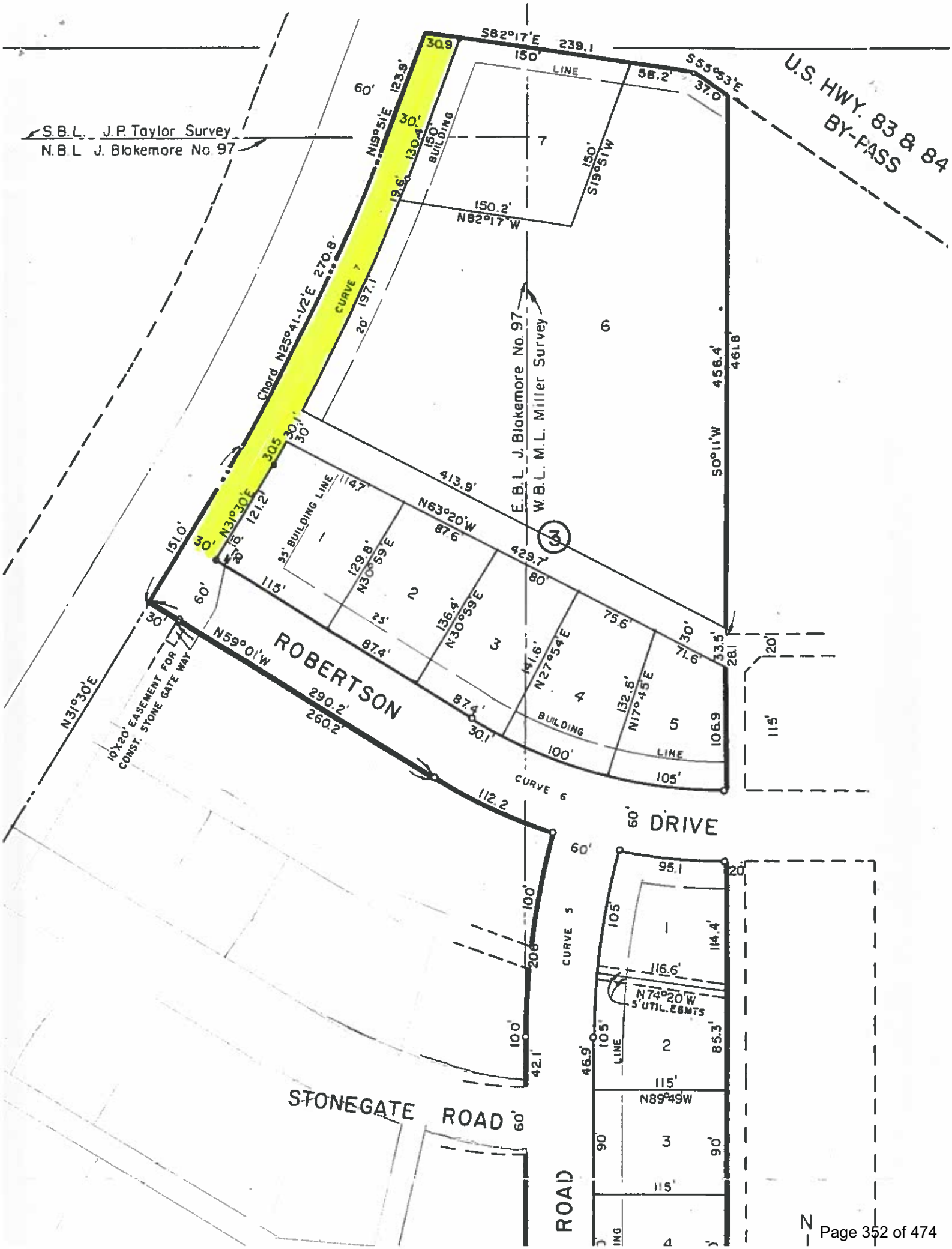
10/29/2018

STATE OF TEXAS
REGISTERED
STANLEY M. BREWER
6072
PROFESSIONAL
LAND SURVEYOR

LTRA
LINA T. RAMEY & ASSOCIATES, INC.
3310 Belt Line Road
Farmers Branch, Texas 75234
TBPLS FIRM NO. 10140700
PHONE 214-979-1144

10/31/2018

O:_003 AIA Eng\17-11 FM 89 Taylor Co. (Abilene)\DGN\Parcels\PARCEL_1B_2.dgn


S.B.L. J.P. Taylor Survey
N.B.L. J. Blakemore No. 97
U.S. HWY. 83 & 84 BY-PASS
S82°17'E 239.1
150'
LINE
58.2'
S53°53'E
37.0
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60'
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130.4'
150' BUILDING
19.6'
150' S19°51'W
150.2' N82°17'W
7
6
CURVE 7
Chord N25°41-1/2'E 270.8'
20' 197.1'
E.B.L. J. Blakemore No. 97
W.B.L. M.L. Miller Survey
456.4'
461.8'
50°11'W
413.9'
N63°20'W
87.6'
429.7'
80'
30.5
30'
30'
114.7'
35' BUILDING LINE
121.2'
151.0'
30'
N31°30'E
10'
20'
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129.8' N30°59'E
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115'
25'
136.4' N30°59'E
3
87.4'
141.6' N27°54'E
4
75.6'
132.5' N17°45'E
5
71.6'
30'
33.5'
28.1'
106.9
100'
105'
BUILDING LINE
120'
115'
60'
30'
N59°01'W
ROBERTSON
290.2'
260.2'
87.4'
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10'X20' EASEMENT FOR CONST. STONE GATE WAY
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CURVE 6
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60' DRIVE
60'
95.1
20'
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5' UTIL. ESMTS
105' LINE
2
85.3'
46.9'
115'
N89°49'W
3
90'
90'
115'
100'
208'
100'
42.1'
CURVE 5
STONEGATE ROAD
60'
ROAD
N

City of Abilene, Texas — Planning & Zoning Division

memorandum

to: Zack Rainbow, Assistant Director of Planning and Development Services

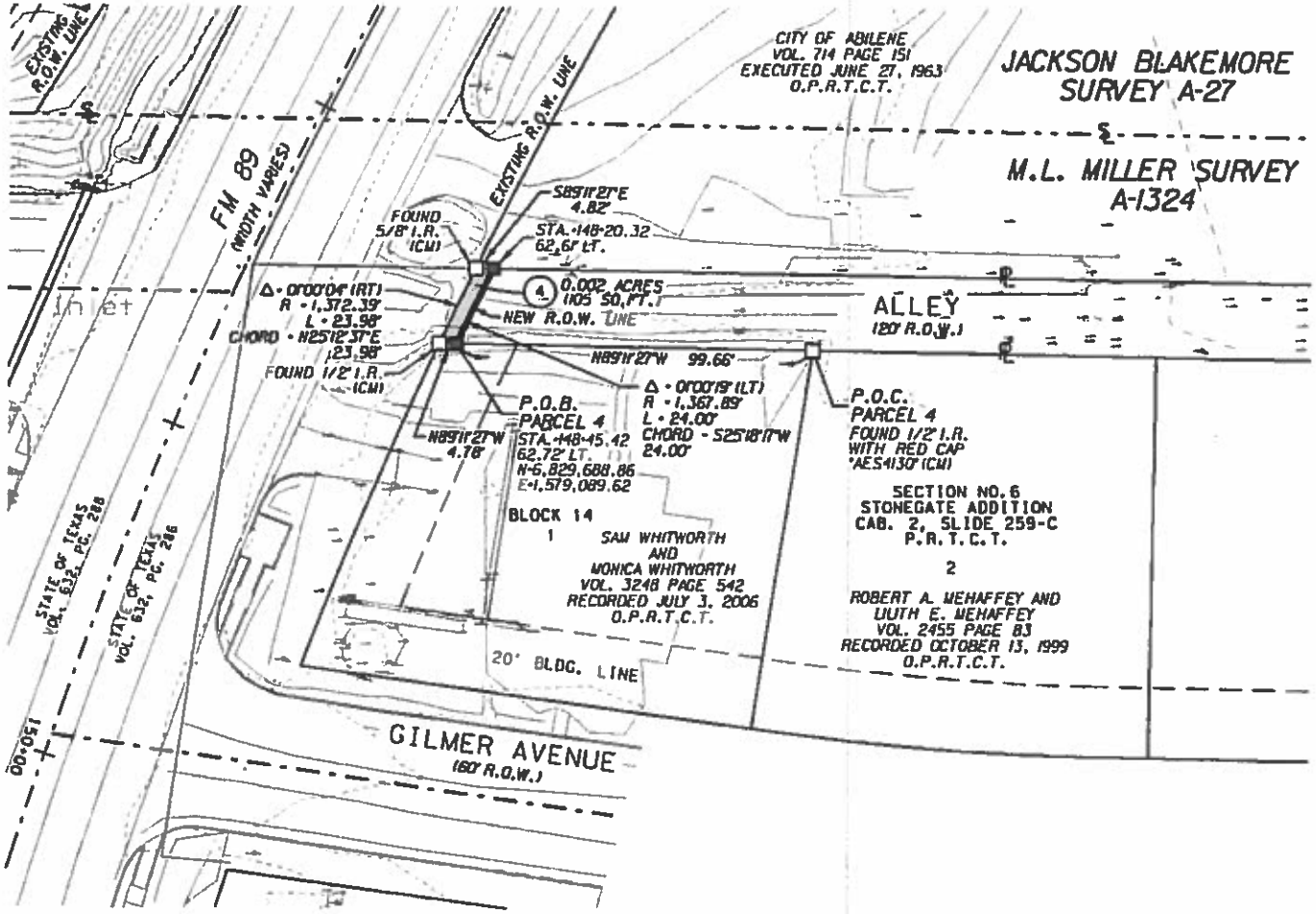
from: Bradley Stone, Planner III B.S.

date: June 19 2019

subject: TxDOT'S request for the City of Abilene to "release and abandon" 105 square feet of public right-of-way identified as a certain Parcel 4

These 105 square feet (highlighted in orange on first attached graphic) are part of a 20-foot-wide alleyway having been dedicated with the subdivision plat of Section 6, Stonegate Addition during 1977. See yellow-highlighted strip on second attached graphic excerpted from the recorded subdivision plat of Section 6, Stonegate Addition.

The owner/developers' certification on the recorded plat of this subdivision states they "*do hereby dedicate to the public forever and for all public purposes, the streets, alleys, lanes…shown thereon.*"



10/29/2018

LEGEND

EXISTING ROW	
PROPERTY LINE	℄
PROPOSED ROW	
SURVEY LINE	℄
PROPOSED ACCESS DENIAL LINE	
POINT OF COMMENCING	P.O.C.
POINT OF BEGINNING	P.O.B.
SET 5/8" IRON ROD W/ 2" DIA. ALUMINUM CAP STAMPED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (UNLESS NOTED OTHERWISE)	■
SET 5/8" IRON ROD WITH TXDOT ALUMINUM CAP STAMPED "ACCESS DENIAL"	☑
FOUND (AS NOTED)	□
SET 5/8" IRON ROD WITH CAP STAMPED "LTRA" (UNLESS NOTED OTHERWISE)	◉
CONTROLLING MONUMENT	CM

D.R.T.C.T. DEED RECORDS OF TAYLOR COUNTY TEXAS
O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY TEXAS
P.R.T.C.T. PLAT RECORDS OF TAYLOR COUNTY TEXAS

NOTES:

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** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

A PLAT OF A SURVEY OF PARCEL 4 FOR FM 89 RIGHT OF WAY CSJ: 0699-01-057 A 105 SQ. FT. (0.002 AC.) TRACT OF LAND IN THE M.L. MILLER ABSTRACT NUMBER 1324 TAYLOR COUNTY, TEXAS

STATE OF TEXAS
REGISTERED
STANLEY M. BREWER
6072
PROFESSIONAL
LAND SURVEYOR

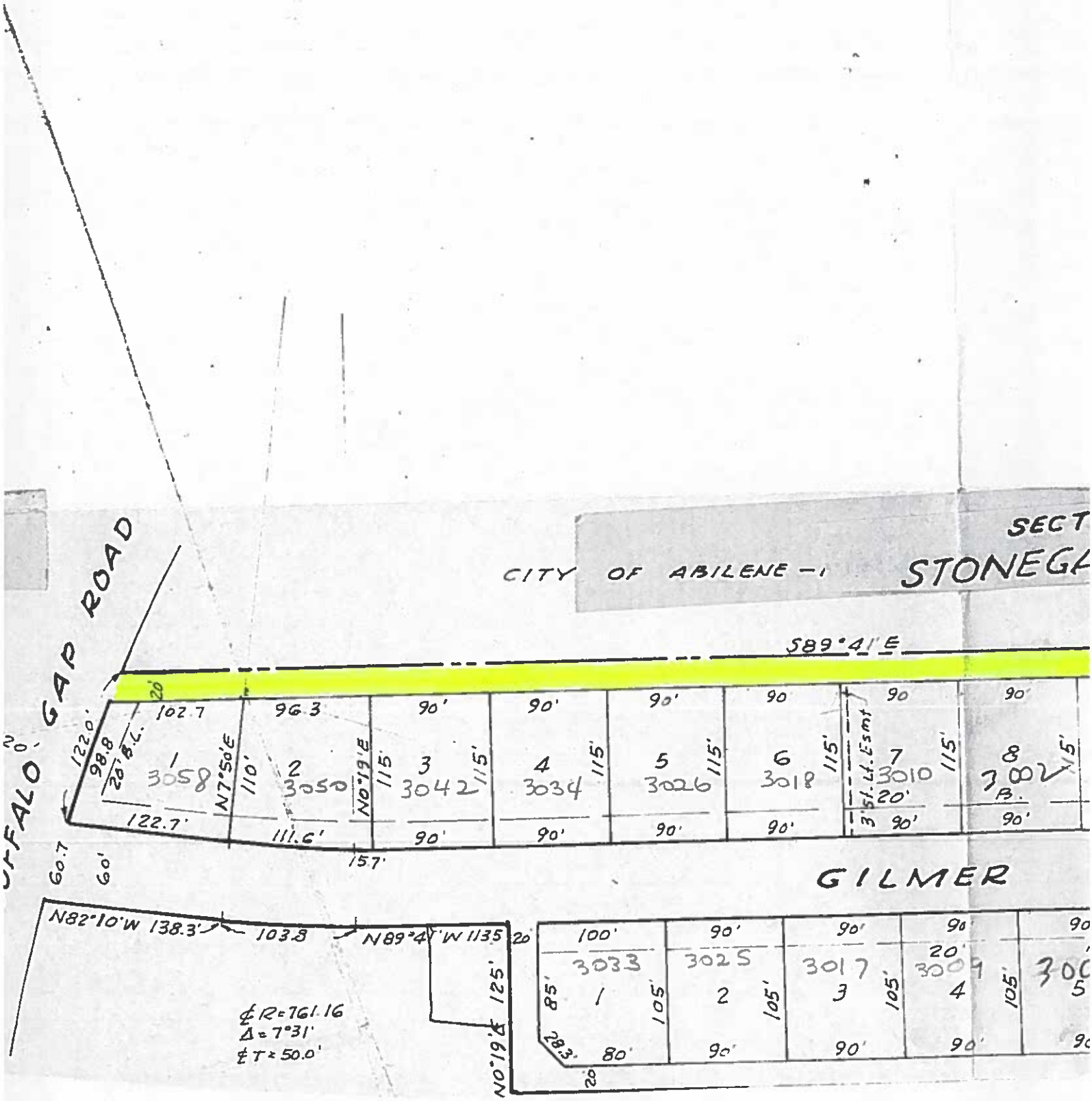
Stanley M. Brewer

EXHIBIT "A"
PAGE 4 OF 4

LTRA
LINA T. RAMEY & ASSOCIATES, INC.
3320 Belt Line Road
Farmers Branch, Texas 75234
TBPLS FIRM NO. 10140700
PHONE 214-979-1144

10/31/2018

O:_003 AIA Eng\17-11 FM 89 Taylor Co. (Abilene)\DGN\Parcels\PARCEL_4_2.dgn


CITY OF ABILENE -1
SECT
STONEGA
BUFFALO GAP ROAD
S89°41'E
102.7
96.3
90'
90'
90'
90
90
90'
122.0'
98.8
20' B.L.
N7°50'E
110'
N0°19'E
115'
115'
115'
115'
115'
3' St. Lt. Esmt
20'
122.7'
111.6'
90'
90'
90'
90'
90'
90'
157'
60.7
60'
GILMER
N82°10'W 138.3'
103.8
N89°4'W 1135
125'
N0°19'E
℄ R=761.16
Δ=7°31'
℄ T=50.0'
100'
90'
90'
90'
3033
3025
3017
3009
85'
105'
105'
105'
105'
80'
90'
90'
90'
90'

City of Abilene, Texas — Planning & Zoning Division

memorandum

to: Zack Rainbow, Assistant Director of Planning and Development Services

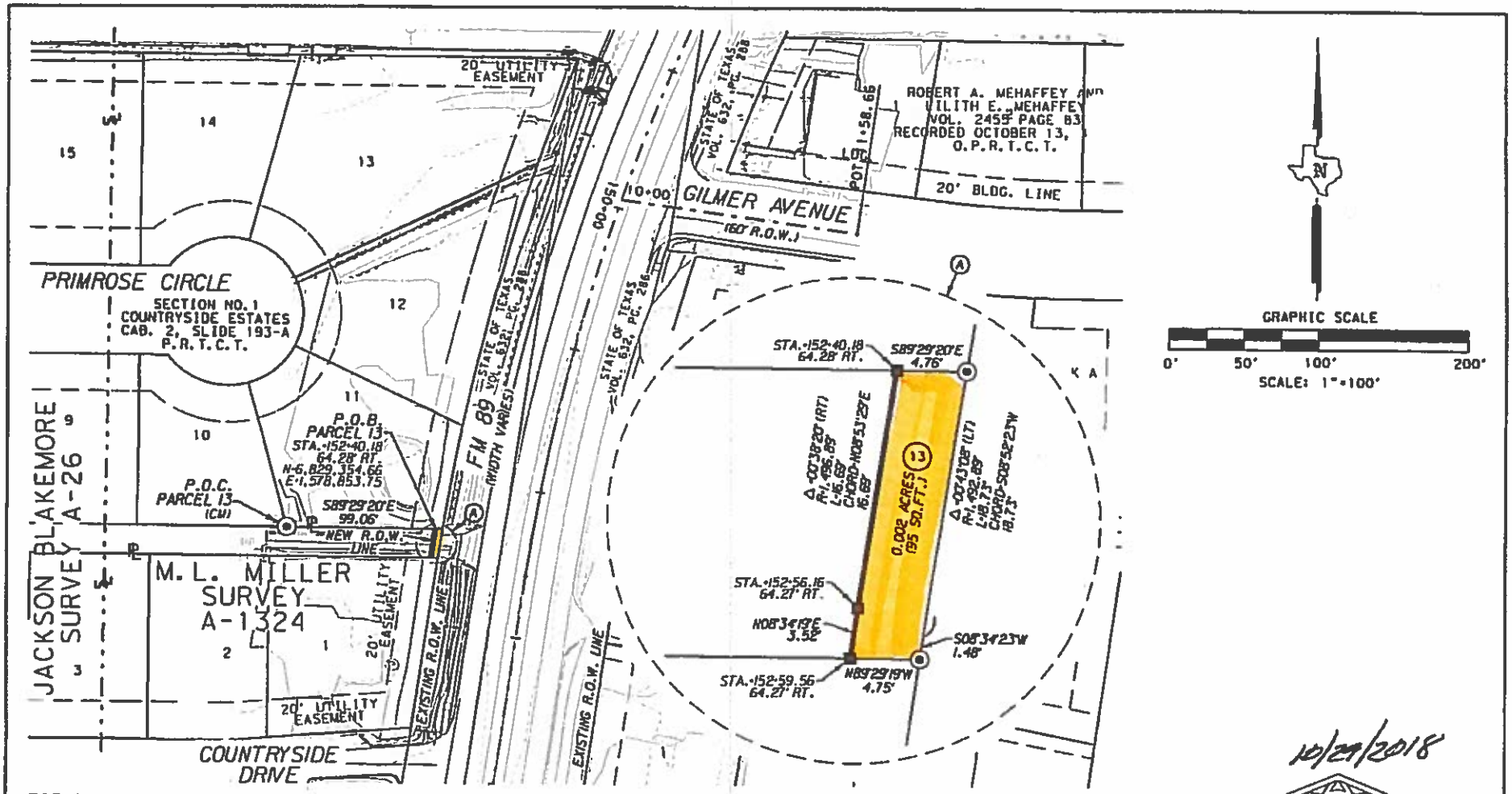
from: Bradley Stone, Planner III B.S.

date: June 19 2019

subject: TxDOT'S request for the City of Abilene to "release and abandon" 95 square feet of public right-of-way identified as a certain Parcel 13

These 95 square feet (highlighted in orange on first attached graphic) are part of a 20-foot-wide alleyway having been dedicated with the subdivision plat of Section 1, Countryside Estates during 1973. See yellow-highlighted strip on second attached graphic excerpted from the recorded subdivision plat of Section 1, Countryside Estates.

The owner/developers' certification on the recorded plat of this subdivision states they "*do hereby dedicate to the public forever and for all public purposes, the streets, alleys, lanes…shown thereon.*"



10/29/2018

LEGEND

EXISTING ROW	
PROPERTY LINE	℄
PROPOSED ROW	
SURVEY LINE	
PROPOSED ACCESS DENIAL LINE	
POINT OF COMMENCING	P.O.C.
POINT OF BEGINNING	P.O.B.
SET 5/8" IRON ROD W/ 2" DIA. ALUMINUM CAP STAMPED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (UNLESS NOTED OTHERWISE)	■
SET 5/8" IRON ROD WITH TXDOT ALUMINUM CAP STAMPED "ACCESS DENIAL"	◪
FOUND (AS NOTED)	□
SET 5/8" IRON ROD WITH CAP STAMPED "LTRA" (UNLESS NOTED OTHERWISE)	⊙
CONTROLLING MONUMENT	CM

D.R.T.C.T. DEED RECORDS OF TAYLOR COUNTY TEXAS
O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY TEXAS
P.R.T.C.T. PLAT RECORDS OF TAYLOR COUNTY TEXAS

NOTES:

CALLS SHOWN IN PARENTHESIS ARE AS PREVIOUSLY RECORDED.

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** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

A PLAT OF A SURVEY OF PARCEL 13 FOR FM 89 RIGHT OF WAY CSJ: 0699-01-059 A 95 SQ. FT. (0.002 AC.) TRACT OF LAND IN THE M.L. MILLER SURVEY ABSTRACT NUMBER 1324 TAYLOR COUNTY, TEXAS

EXHIBIT "A"
PAGE 4 OF 4

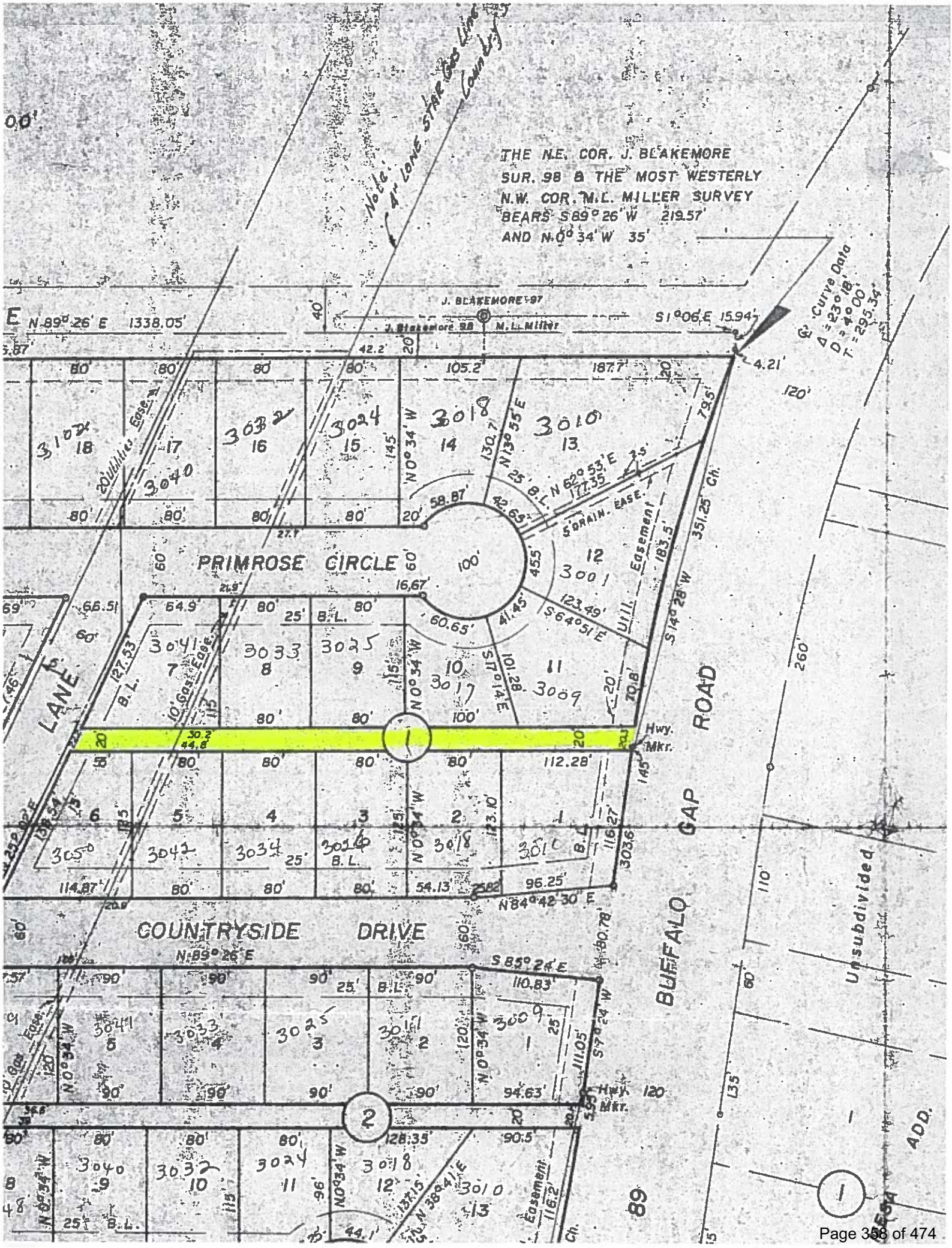
STATE OF TEXAS
REGISTERED
STANLEY M. BREWER
6072
PROFESSIONAL
LAND SURVEYOR

Stanley M. Brewer

LTRA
LINA T. RAMEY & ASSOCIATES, INC.
3300 Belt Line Road
Farmers Branch, Texas 75234
TBPLS FIRM NO. 10140700
PHONE 214-979-1144

11/9/2018

O:_003 AIA Eng\17-11 FM 89 Taylor Co. (Abilene)\DGN\Parcels\PARCEL_13_2.dgn


THE N.E. COR. J. BLAKEMORE
SUR. 98 & THE MOST WESTERLY
N.W. COR. M.L. MILLER SURVEY
BEARS S 89° 26' W 219.57'
AND N 0° 34' W 35'
Note: 4" LONE STAR Gas Line Loun Ly
J. BLAKEMORE 97
J. Blakemore 98
M.L. MILLER
N 89° 26' E 1338.05'
S 1° 06' E 15.94'
Curve Data
Δ = 23° 18'
D = 4° 00'
T = 295.35'
PRIMROSE CIRCLE
COUNTRYSIDE DRIVE
LANE
BUFFALO GAP ROAD
Unsubdivided
ADD.
Hwy. Mkr.
N 84° 42' 30" E
S 85° 24' E
N 89° 26' E
N 62° 53' E
S 64° 51' E
S 14° 28' W
N 38° 41' E
Easement
Util. Easement
5' DRAIN. EASE.
20' Utilities Ease.
10' Gas Ease.
B.L.
Ch.

City of Abilene, Texas — Planning & Zoning Division

memorandum

to: Zack Rainbow, Assistant Director of Planning and Development Services

from: Bradley Stone, Planner III B.S.

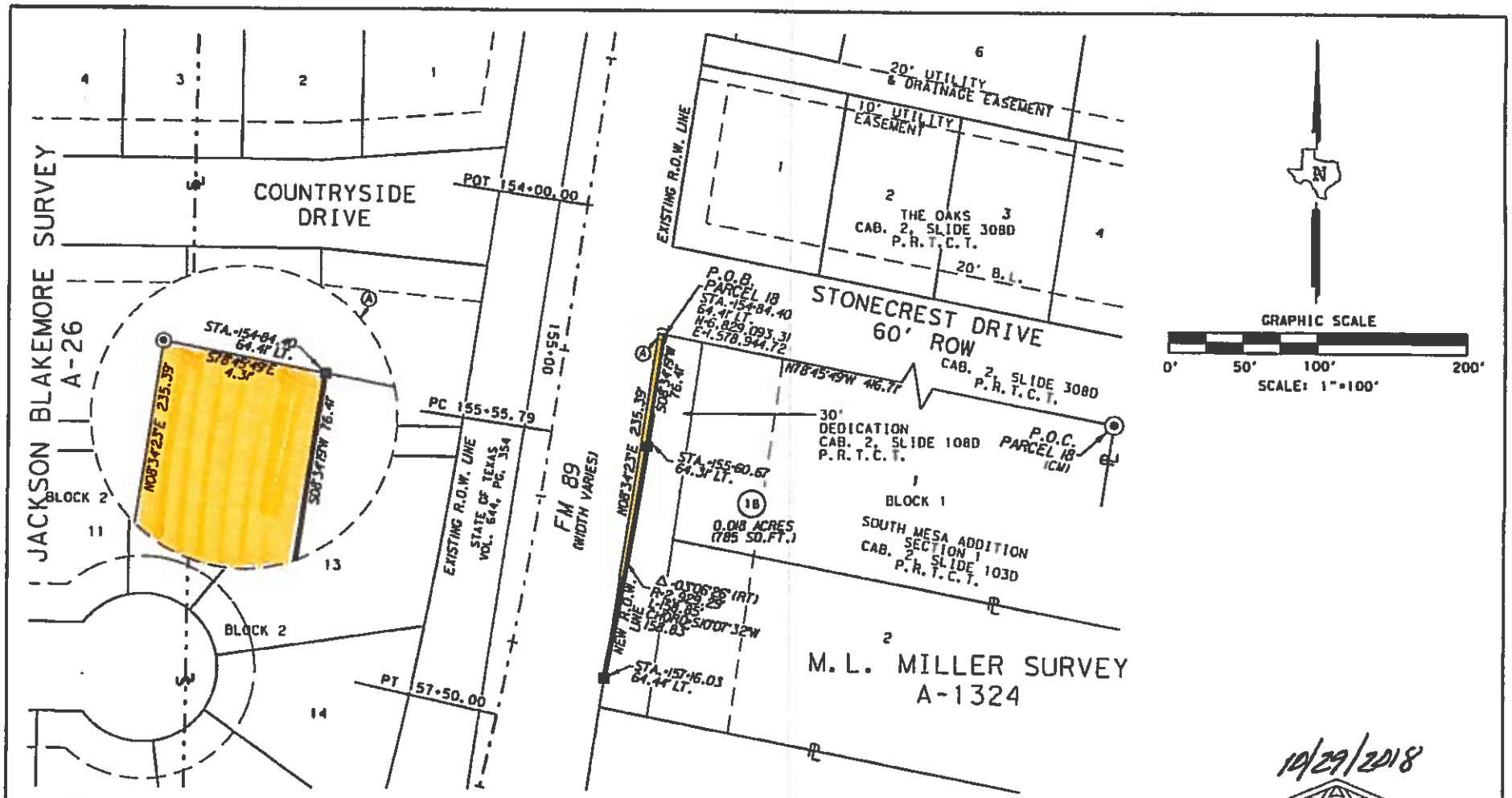
date: June 19 2019

subject: TxDOT'S request for the City of Abilene to "release and abandon" 785 square feet of public right-of-way identified as a certain Parcel 18

These 785 square feet (highlighted in orange on first attached graphic) are part of a 30-foot-wide enlargement of the initial 120-foot-wide right-of-way available for Buffalo Gap Road,* having been dedicated with South Mesa Addition during 1965. See yellow-highlighted strip on second attached graphic excerpted from the recorded subdivision plat of South Mesa Addition.

The owner/developers' certification on the recorded plat of this subdivision states they "*hereby dedicate the streets, alleys and public areas…shown thereon for public use.*"

* a.k.a. Farm-to-Market Highway 89



LEGEND

EXISTING ROW	
PROPERTY LINE	PL
PROPOSED ROW	
SURVEY LINE	SL
PROPOSED ACCESS DENIAL LINE	
POINT OF COMMENCING	P.O.C.
POINT OF BEGINNING	P.O.B.
SET 5/8" IRON ROD W/ 2" DIA. ALUMINUM CAP STAMPED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (UNLESS NOTED OTHERWISE)	■
SET 5/8" IRON ROD WITH TXDOT ALUMINUM CAP STAMPED "ACCESS DENIAL"	◪
FOUND (AS NOTED)	□
SET 5/8" IRON ROD WITH CAP STAMPED "LTRA" (UNLESS NOTED OTHERWISE)	◉
CONTROLLING MONUMENT	CM

D.R.T.C.T. DEED RECORDS OF TAYLOR COUNTY TEXAS
O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY TEXAS
P.R.T.C.T. PLAT RECORDS OF TAYLOR COUNTY TEXAS

NOTES:

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A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

A PLAT OF A SURVEY OF PARCEL 18 FOR FM 89 RIGHT OF WAY CSJ: 0699-01-057 A 785 SQ. FT. (0.018 AC.) TRACT OF LAND IN THE M.L. MILLER SURVEY ABSTRACT NUMBER 1324 TAYLOR COUNTY, TEXAS

EXHIBIT "A"
PAGE 4 OF 4

10/29/2018

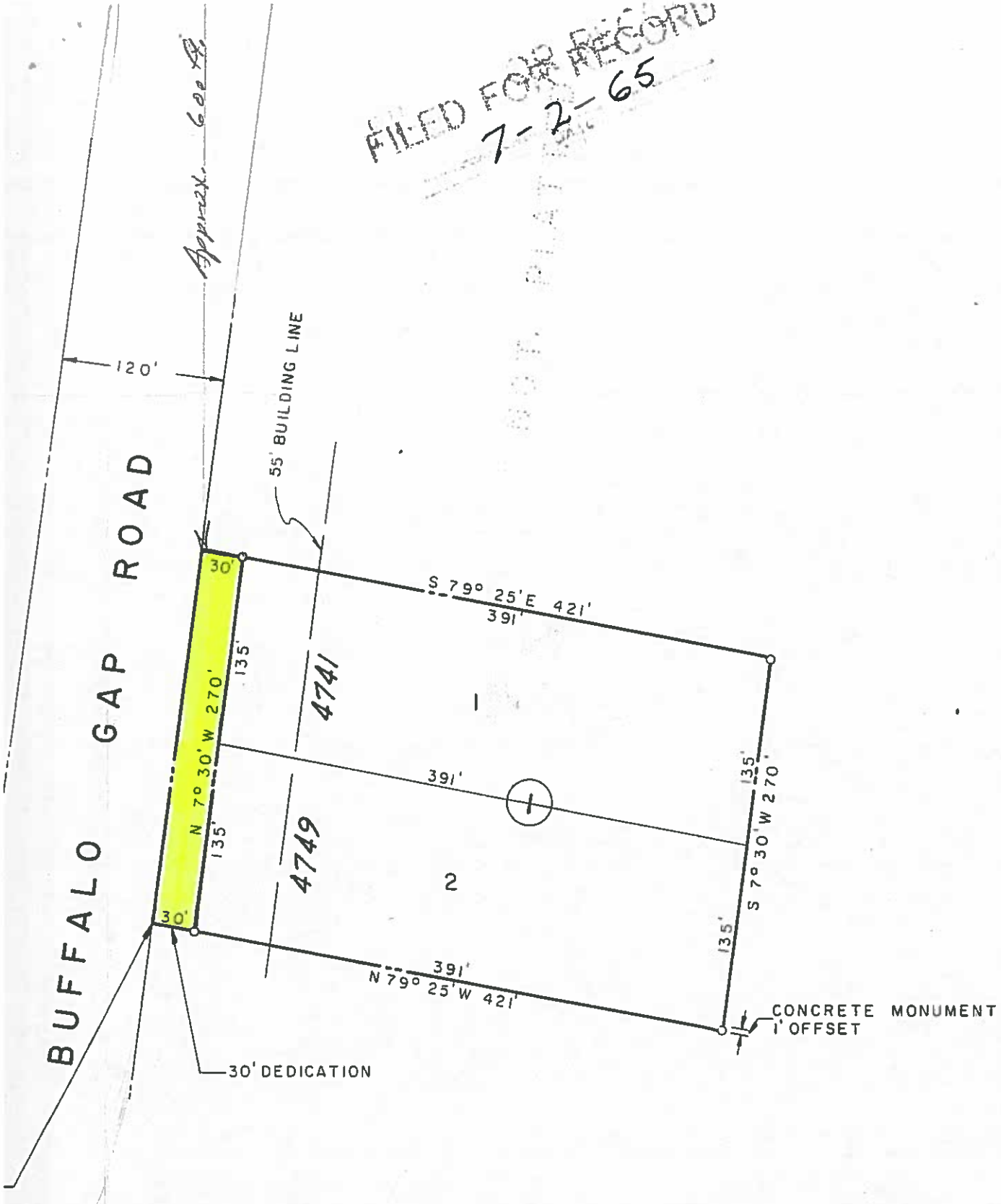
STATE OF TEXAS
REGISTERED
STANLEY M. BREWER
6072
PROFESSIONAL
LAND SURVEYOR

Stanley M. Brewer

LTRA
LINA T. RAMEY & ASSOCIATES, INC.
3820 Belt Line Road
Farmers Branch, Texas 75234
TBPLS FIRM NO. 10140700
PHONE 214-979-1144

10/31/2018

O:_003 AIA Eng\17-11 FM 89 Taylor Co. (Abilene)\DGN\Parcels\PARCEL_18_2.dgn



APPROVED PLAT

SOUTH MESA ADDIT

ABILENE, TEXAS

SCALE: 1"=100'

City of Abilene, Texas — Planning & Zoning Division

memorandum

to: Zack Rainbow, Assistant Director of Planning and Development Services

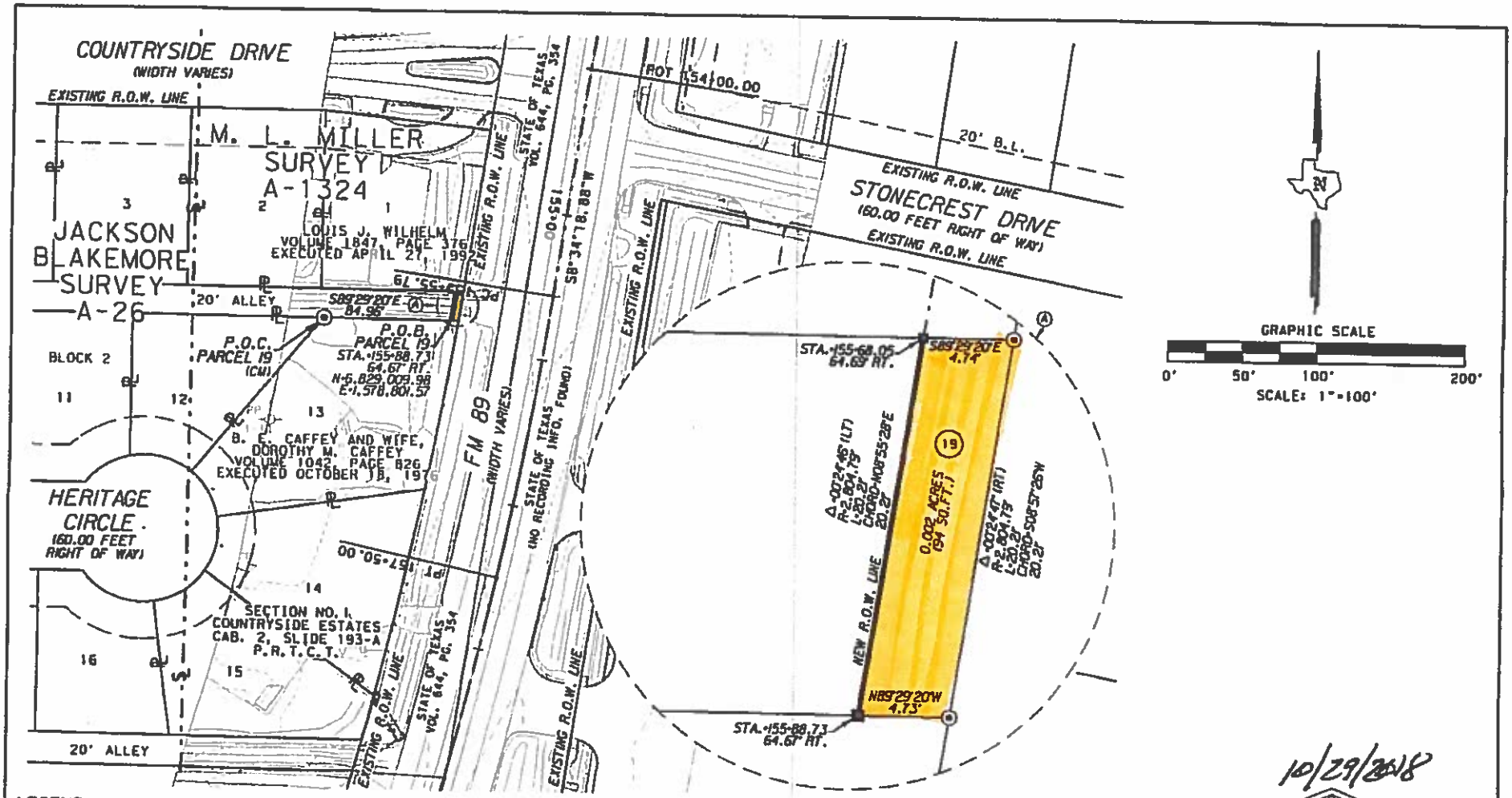
from: Bradley Stone, Planner III B.S.

date: June 19 2019

subject: TxDOT'S request for the City of Abilene to "release and abandon" 94 square feet of public right-of-way identified as a certain Parcel 19

These 94 square feet (highlighted in orange on first attached graphic) are part of a 20-foot-wide alleyway dedicated with the subdivision plat of Section 1, Countryside Estates during 1973. See yellow-highlighted strip on second attached graphic excerpted from the recorded subdivision plat of Section 1, Countryside Estates.

The owner/developers' certification on the recorded plat of this subdivision states they "*do hereby dedicate to the public forever and for all public purposes, the streets, alleys, lanes…shown thereon.*"



10/29/2018

LEGEND

EXISTING ROW	
PROPERTY LINE	
PROPOSED ROW	
SURVEY LINE	
PROPOSED ACCESS DENIAL LINE	
POINT OF COMMENCING	P.O.C.
POINT OF BEGINNING	P.O.B.
SET 5/8" IRON ROD W/ 2" DIA. ALUMINUM CAP STAMPED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" (UNLESS NOTED OTHERWISE)	■
SET 5/8" IRON ROD WITH TXDOT ALUMINUM CAP STAMPED "ACCESS DENIAL"	◪
FOUND (AS NOTED)	□
SET 5/8" IRON ROD WITH CAP STAMPED "LTRA" (UNLESS NOTED OTHERWISE)	◉
CONTROLLING MONUMENT	CM

D.R.T.C.T. DEED RECORDS OF TAYLOR COUNTY TEXAS
O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TAYLOR COUNTY TEXAS
P.R.T.C.T. PLAT RECORDS OF TAYLOR COUNTY TEXAS

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EXHIBIT "A"
PAGE 4 OF 4

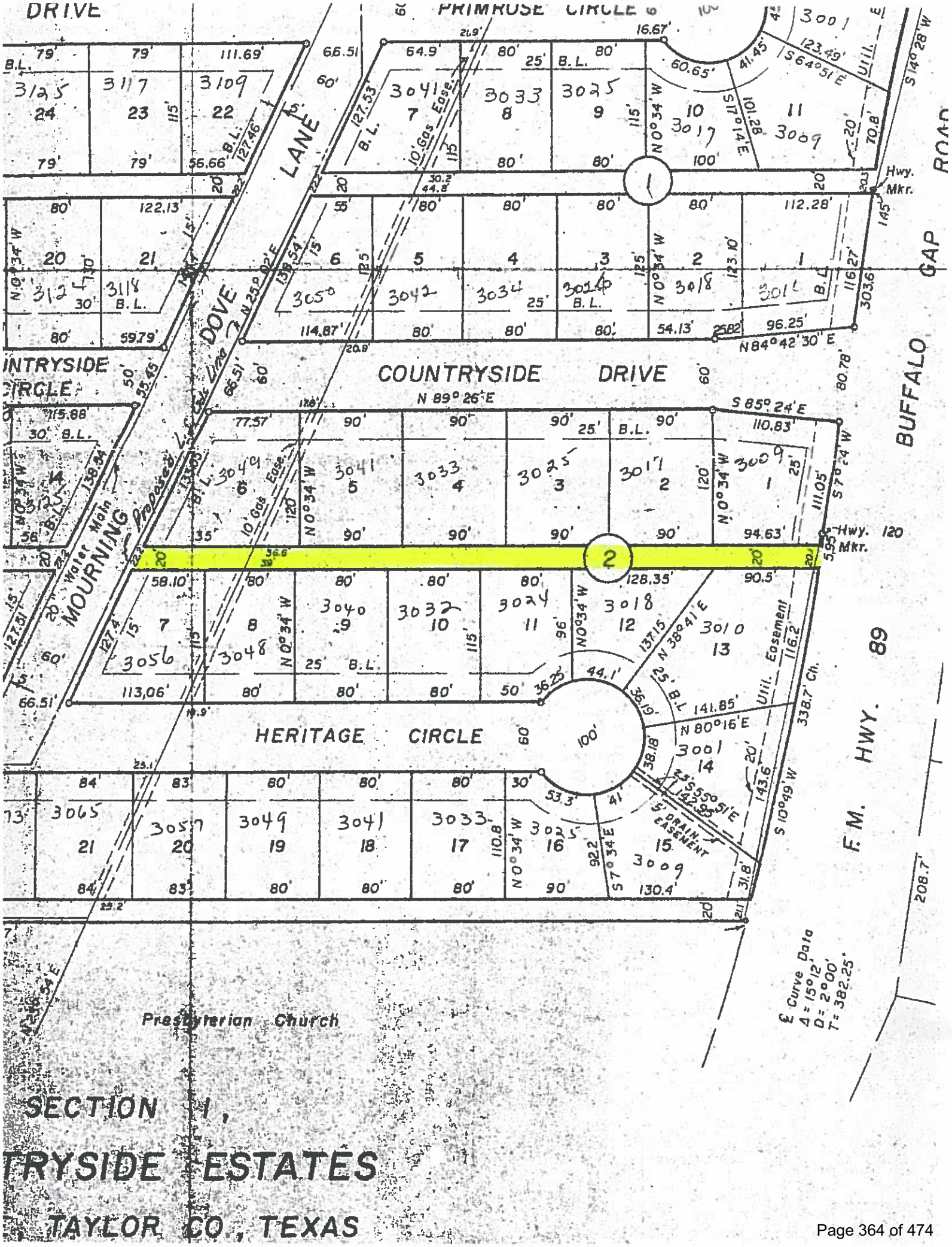
STATE OF TEXAS
REGISTERED
STANLEY M. BREWER
6072
PROFESSIONAL
LAND SURVEYOR

Stanley M. Brewer

LTRA
LINA T. RANEY & ASSOCIATES, INC.
3320 Belt Line Road
Farmers Branch, Texas 75234
TBPLS FIRM NO. 10140700
PHONE 214-979-1144

11/9/2018

O:_003 AIA Eng\17-11 FM 89 Taylor Co. (Abilene)\DGN\Parcels\PARCEL_19_2.dgn


DRIVE
PRIMROSE CIRCLE
LANE
DOVE
COUNTRYSIDE DRIVE
COUNTRYSIDE CIRCLE
MOURNING
HERITAGE CIRCLE
BUFFALO GAP ROAD
F.M. HWY. 89
Hwy. Mkr.
Hwy. 120 Mkr.
Presbyterian Church
SECTION 1,
TRYSIDE ESTATES
TAYLOR CO., TEXAS

CHOATE
LAW FIRM, PLLC

THOMAS W. CHOATE
tomchoate@choatelawoffice.com
MATTHEW W. CHOATE
mwchoate@choatelawoffice.com

MAILING ADDRESS:
PO BOX 206
ABILENE, TEXAS 79604

ATTORNEYS AT LAW
104 PINE STREET, SUITE 301
ALEXANDER BUILDING
ABILENE, TEXAS 79601

TELEPHONE (325)672-5070
TELECOPY (325 672-5073

August 28, 2019

Via Email: planning@abilenetx.gov
Planning & Development Services
City of Abilene
City Hall, N. 5th & Walnut
Abilene, Texas 79601

Re: Rezoning Application Number TX-2019-03

Dear Sirs:

I represent First National Bank Baird dba First Bank Texas ("Bank"), the owner of real property at 4201 Buffalo Gap Rd., Abilene, Texas; and as the attorney for the Bank, and in that capacity, please be advised the Bank is in favor of the above referenced Rezoning Application.

Choate Law Firm, PLLC

By: _____
Thomas W. Choate

cc: Mike Rhea
President of First Bank Texas

TWC:nln[082819]

On Tuesday, August 27, 2019, 12:04:37 PM CDT, Rainbow, Zack <zack.rainbow@abilenetx.gov> wrote:

Mr. Hackney,

Thank you for your inquiry. We appreciate any and all questions about our development and zoning activities.

The Texas Department of Transportation is working on a project to widen Buffalo Gap Road, it will include the alley's, and other dedicated rights-of-way that are essentially owned by the City of Abilene. In order for them to move forward with their project, the City must “abandon” the ownership of those rights of way to TxDOT. Per State law they must own the property they are doing projects on and therefore abandoning these small areas will give them the ownership they need to complete their project.

Per our land development code we must notify all property owners within a 200 foot buffer of the areas that are being re-zoned or otherwise abandoned so our citizens can weigh in on these issues.

Our letters were not intended to confuse and this particular case is very complex. **The alley will remain open as is. It's just an official way of transferring the right-of-way to TXDOT.**

Please feel free to contact me if you have any questions or concerns or a response to this case.

Thank you again for your inquiry we appreciate all of our citizens and encourage your involvement.

Thanks,

On Tue, Aug 27, 2019 at 12:01 PM joshua hackney <hackneyabl@yahoo.com> wrote:

> From what I am understanding the city is wanting to block off the alley access on buffalo gap road. Is that correct?
> If so, how does that affect the trash collection?
>
> I am not in favor for this as my rear gate only opens to allow my truck and trailer to exit to that ROW due to the fact the gate can not open wide enough the other direction due to the water meter stopping it.
>
> Joshua Hackney
> 3024 Countryside Dr.
> Abilene, TX 79606

[Planning] Rezoning Application Number TC-2019-03 Inbox

Val Mascari <mascariv@gmail.com>
to planning

Please explain in layman terms what this request means in day-to-day life on Buffalo Gap Road?

For example, we do not have a clue what "abandon" means and then what becomes of those abandoned areas? If this is just legal maneuvering to accommodate the larger Buffalo be important to us.

We realize your letter of notice is not intended to answer all or any questions, but actually it did not provide any context at all which frustrates the process.

Thank you for your help and the service you provide to our community everyday.

Val & Glenda Mascari
2934 Robertson Dr.
Abilene, TX 79606

--
You received this message because you are subscribed to the Google Groups "Planning Services" group.
To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.
To view this discussion on the web visit https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAMaqw5TyX%3DGk9H55UhNYQFMS6edC5qFy4S4xg-A6wjM5csTTew%40m

Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>
to Val, planning

Mr. Mascari,
Thank you for your inquiry. We appreciate any and all questions about our development and zoning activities.

The Texas Department of Transportation is working on a project to widen Buffalo Gap road, it will include the allies, and other dedicated rights of way that are essentially owned by t move forward with their project, the City must “abandon” the ownership of those rights of way to TxDOT. Per State law they must own the property they are doing projects on and th will give them the ownership they need to complete their project.

Per our land development code we must notify all property owners within a 200 foot buffer of the areas that are being re-zoned or otherwise abandoned so our citizens can weigh in

Our letters were not intended to confuse and this particular case is very complex.

Please feel free to contact me if you have any questions or concerns or a response to this case.

Thank you again for your inquiry we appreciate all of our citizens and encourage your involvement.

Cheryl Sawyers
Planning Services Manager
325-676-6230

--
CHERYL SAWYERS
Planning Services Manager
Planning & Development Services
City of Abilene
555 Walnut Street, Suite 110
Abilene, Texas 79601-5254

Post Office Box 60
Abilene, Texas 79604-0060

(325) 676-6230 (Office)

City of Abilene Planning & Development Services

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

Mike Warrix <mike.warrix@abilenetx.gov>
to me

Excellent response.

Sent from my iPhone

To view this discussion on the web visit https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAFEggu8Ce72OUL%3DUo%3DtrnJpBm3y1hQmuyHS9%2Bh8_yA-Rm

Val Mascari <mascariv@gmail.com> S
to planning, Zack, me

Dear Ms. Sawyers,

Thank you for your prompt and informative response (appreciated, but not expected on the weekend).

I will be sure to submit my support for approval of the TxDPS request. I will not be able to make the meeting.

Thank you again!

Val & Glenda Mascari

THOROUGHFARE ABANDONMENT REQUEST

Case: TC-2019-03

Owner: City of Abilene, on behalf of Texas Department of Transportation (TxDOT)

Requests: Abandon six segments of dedicated rights-of-way for TxDOT acquisition for planned street and sidewalk improvements on Buffalo Gap Road (FM 89).

Notification: 2 in Favor, 1 Opposed

Planning & Zoning Approval: September 3, 2019

City Council Hearing Dates: September 26, 2019

October 17, 2019

TC-2019-03 LOCATION MAP (NORTHERN SECTION)

Northern Sections

TC-2019-03 AERIAL MAP (NORTHERN SECTION)

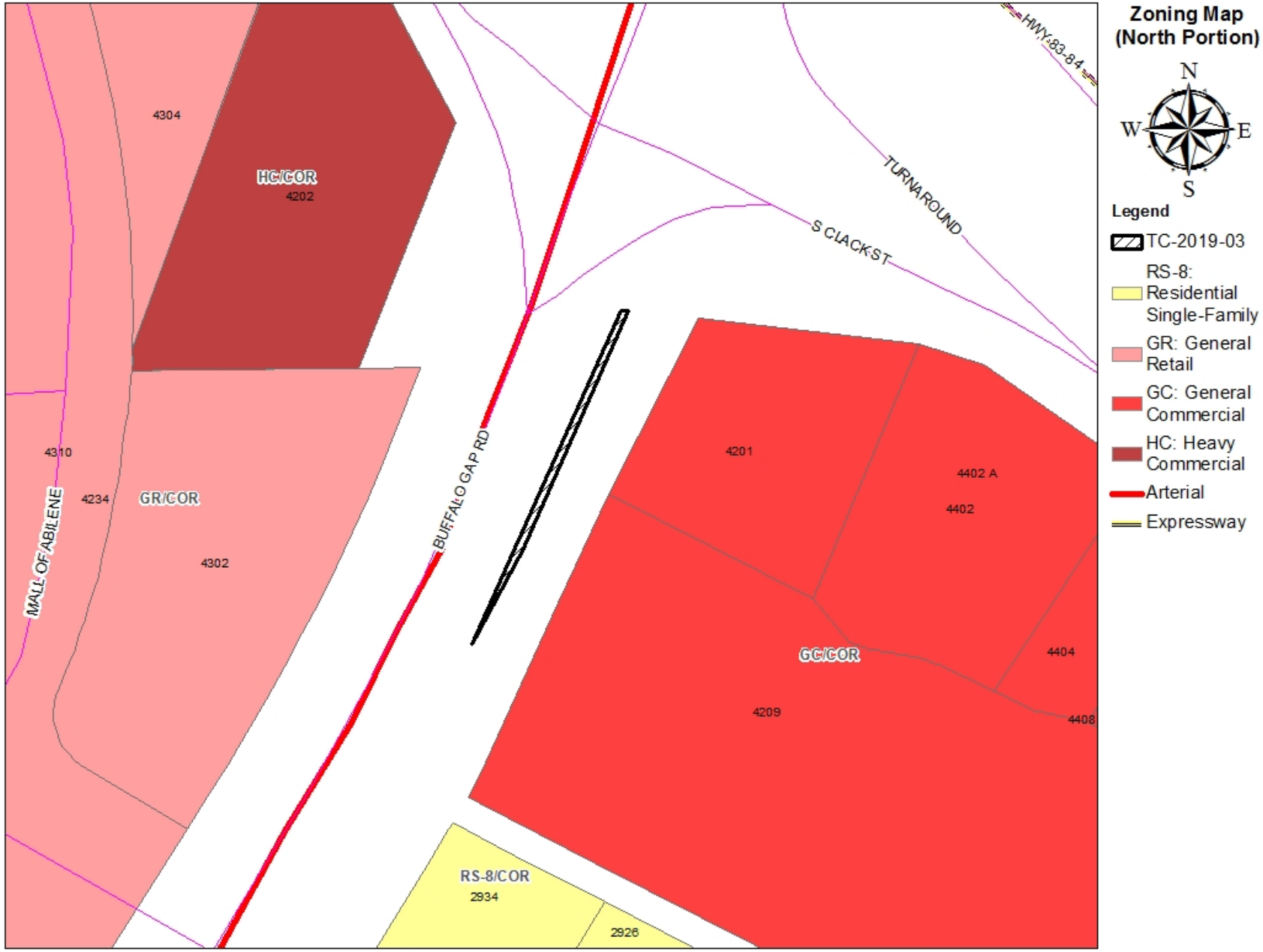
Location Map (North Portion)

N
W E
S

Legend

TC-2019-03

TC-2019-03 ZONING MAP (NORTHERN SECTION)



TC-2019-03 NOTIFICATION MAP (NORTHERN SECTION)

TC-2019-03 LOCATION MAP (MIDDLE SECTION)

Middle Sections

TC-2019-03 AERIAL MAP (MIDDLE SECTION)

Location Map (Middle Portion)

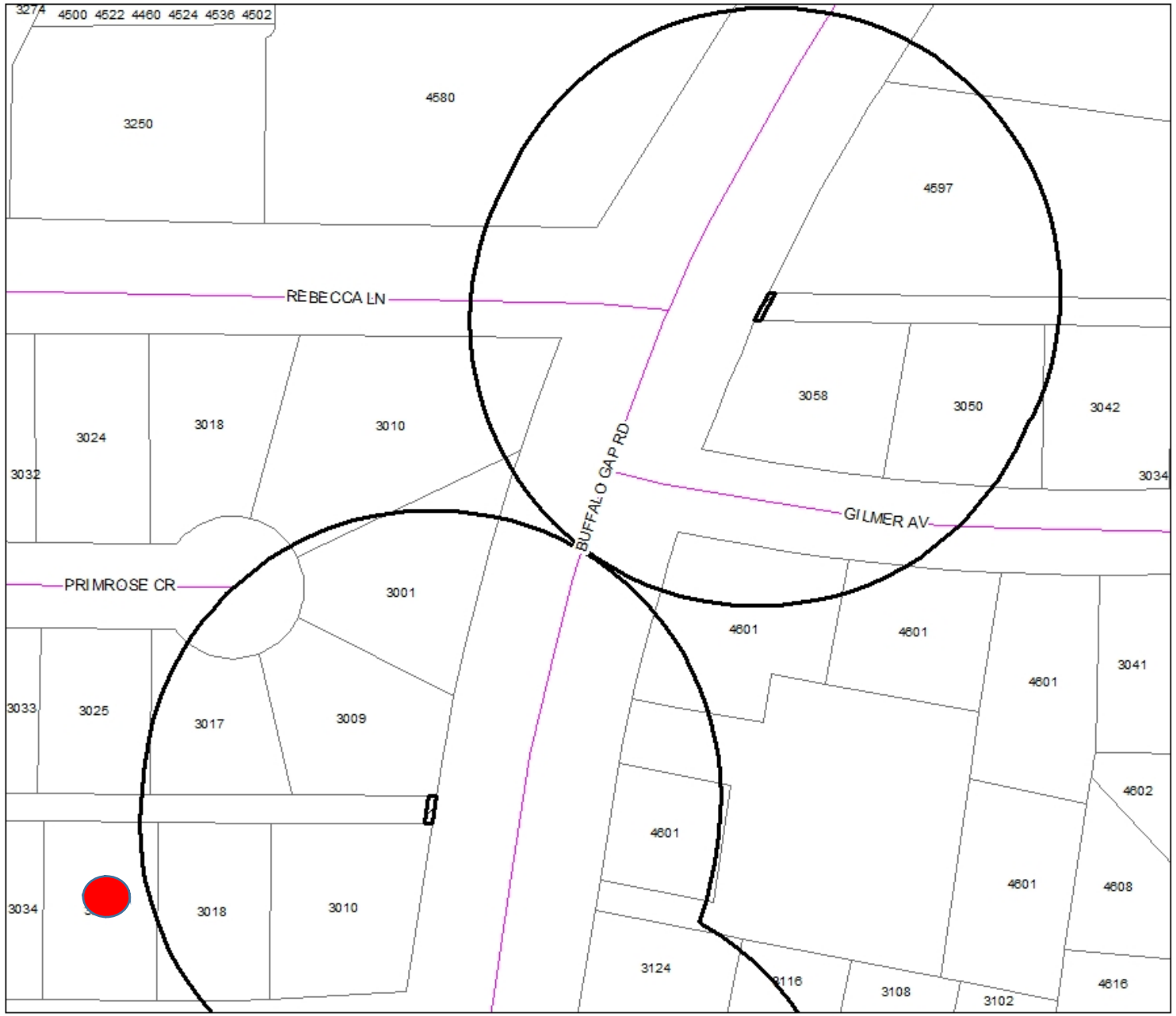
N
W E
S

Legend

TC-2019-03

TC-2019-03 ZONING MAP (MIDDLE SECTION)

TC-2019-03 NOTIFICATION MAP (MIDDLE SECTION)



Notification Map (Middle Portion)

N
W E
S

Legend

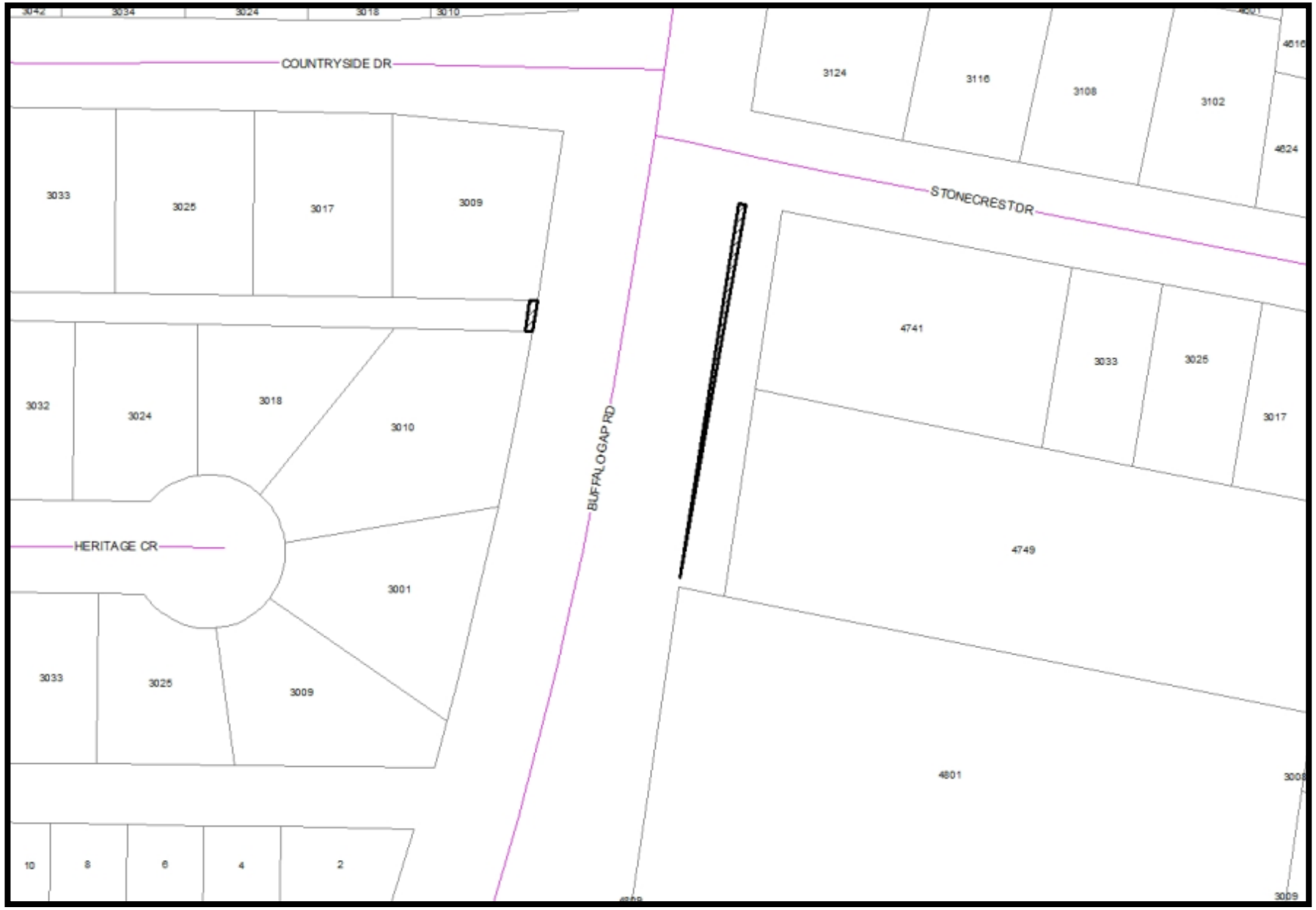
200' Buffer

TC-2019-03

0- In Favor-

1- Opposed-

TC-2019-03 LOCATION MAP (SOUTHERN SECTION)



Southern Sections

TC-2019-03 AERIAL MAP (SOUTHERN SECTION)

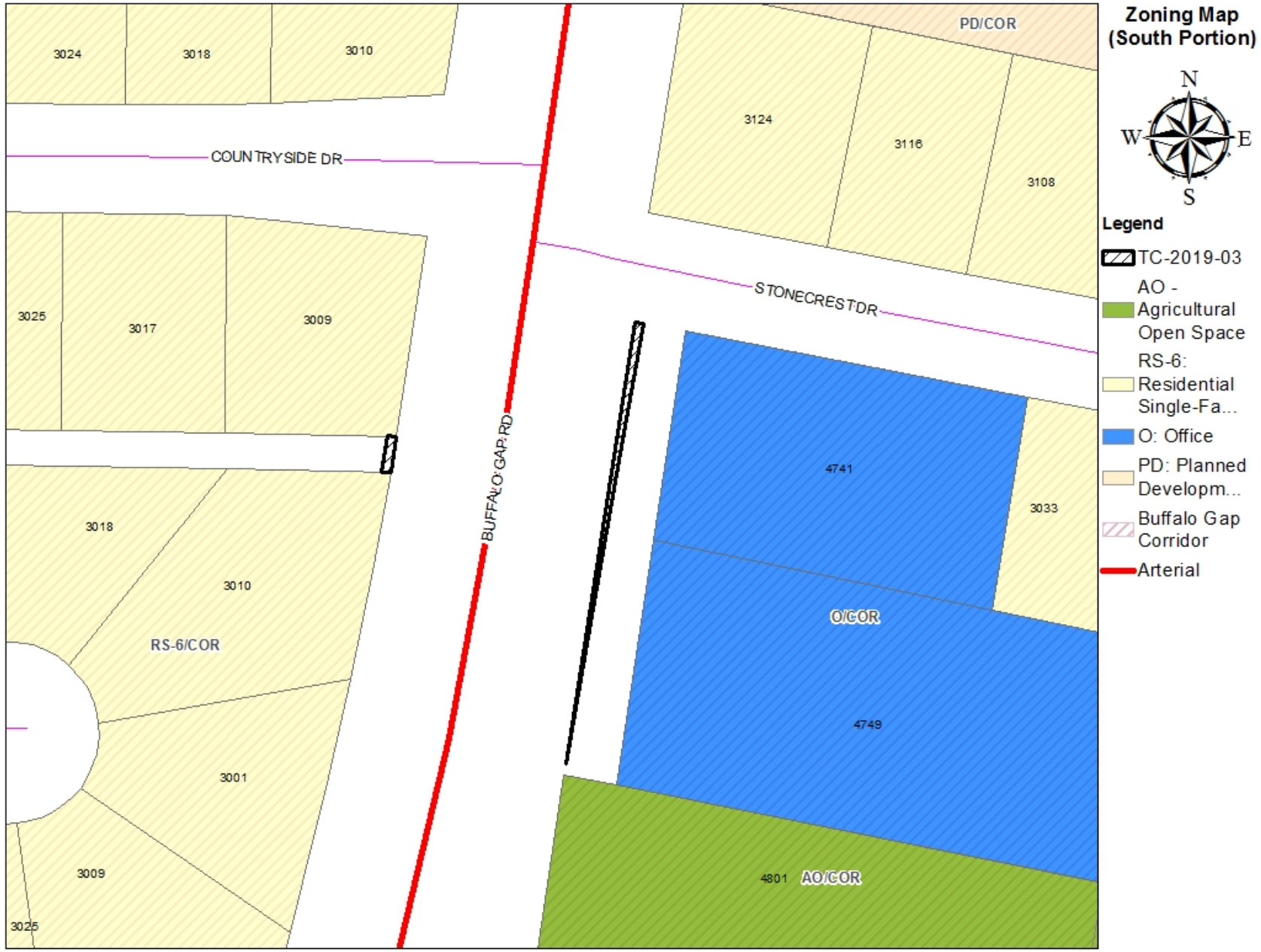
Location Map (South Portion)

N
W E
S

Legend

TC-2019-03

TC-2019-03 ZONING MAP (SOUTHERN SECTION)



TC-2019-03 NOTIFICATION MAP (SOUTHERN SECTION)

Notification Map (South Portion)

N
W E
S

Legend

200' Buffer

TC-2019-03

0- In Favor-

0- Opposed-

- **RECOMMENDATIONS:**

Development Review Committee (Section 1.1.6.2):

- The Development Review Committee members expressed no opposition to the proposed abandonment of the six sections of right-of-way on Buffalo Gap Road (FM 89).

Staff Recommendation:

- City staff recommends **approving** proposed abandonment of all six sections of right-of-way on or adjoining Buffalo Gap Road (FM 89) so long as any such abandoned sections are subsequently conveyed to the State of Texas, for street and sidewalk improvements.
- **Planning & Zoning Recommendation: Approval**

CITY OF ABILENE TEXAS

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **18. Ordinance (Final Reading) SNC-2019-03: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Iziar Lankford to change the name of San Jacinto Drive to Claudie C. Royals Drive as it extends east to west from Fair Drive to N. Judge Ely Boulevard approx. 3,993 feet *(Mike Warrix)***

GENERAL INFORMATION

The applicant is requesting to change the name of San Jacinto Drive to Claudie C. Royals Drive as it extends west to east from N. Judge Ely to Fair Drive.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval with condition recommended by DRC.

BOARD OR COMMISSION RECOMMENDATION

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of six (6) in favor (Calk, Smith, Bixby, Rosenbaum, Noonan, Famble) and one (1) abstained (Lankford).

ATTACHMENTS:

1.	SNC-2019-03 Ordinance	SNC-2019-03 Ordinance.docx
2.	SNC-2019-03 Ordinance exhibit	SNC-2019-03 Ordinance exhibit.docx
3.	SNC-2019-03 staff report (full)	1- SNC-2019-03 staff report (full).pdf
4.	SNC-2019-03 (9-11 Addressing Comment Form)	SNC-2019-03 (9-11 Addressing Comment Form).pdf
5.	combined responses	combined responses.pdf
6.	SNC-2019-03 Presentation	2- SNC-2019-03.pptx

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, FOR A STREET NAME CHANGE OF SAN JACINTO DRIVE TO CLAUDIE C. ROYALS DRIVE, AS DESCRIBED BELOW AND CALLING A PUBLIC HEARING.

WHEREAS, it is the recommendation of the Planning and Zoning Commission of the City of Abilene that San Jacinto Drive in the City of Abilene, located between N. Judge Ely Blvd and Fair Drive should be renamed; and,

WHEREAS, it is the opinion of the City Council that this street should be renamed; now, therefore,

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

PART 1: That San Jacinto Drive, as described above, be renamed and will hereafter be known as Claudie C. Royals Drive.

PART 2: That the City Engineer be and is hereby authorized and directed to change his maps, plats, and records to include such name to be the proper name of the street described above.

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 26th day of September A.D. 2019.

PART 4: 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 August, 2019, 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 4:30 p.m., on the 17th day of October, 2019 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 FINAL READING THIS 17th day of October, A.D. 2019.

ATTEST:

_____ _____

CITY SECRETARY MAYOR

APPROVED:

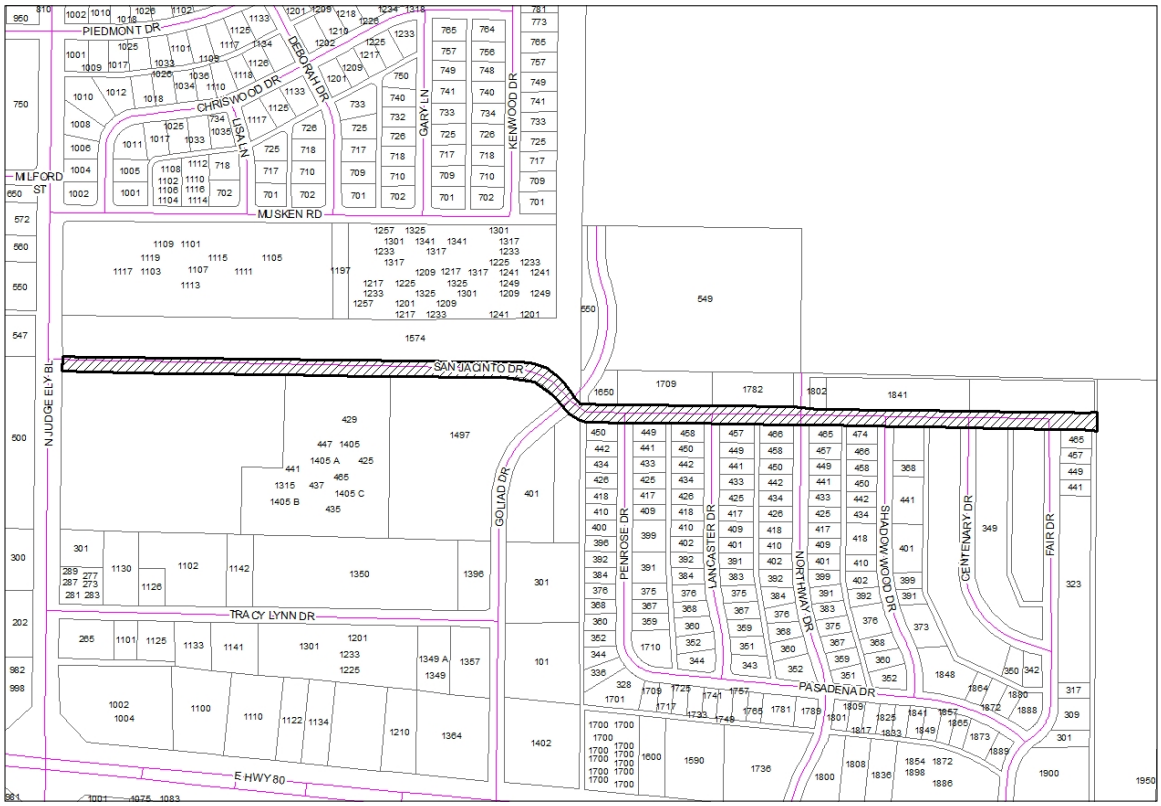
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Change the name of San Jacinto Drive. to Claudie C. Royals Drive.

Legal Description:
Pasadena Heights Subdivision



Location:
San Jacinto Drive to Claudie C. Royals Drive as it extends east to west from N. Judge Ely Blvd to Fair Drive.

-END-

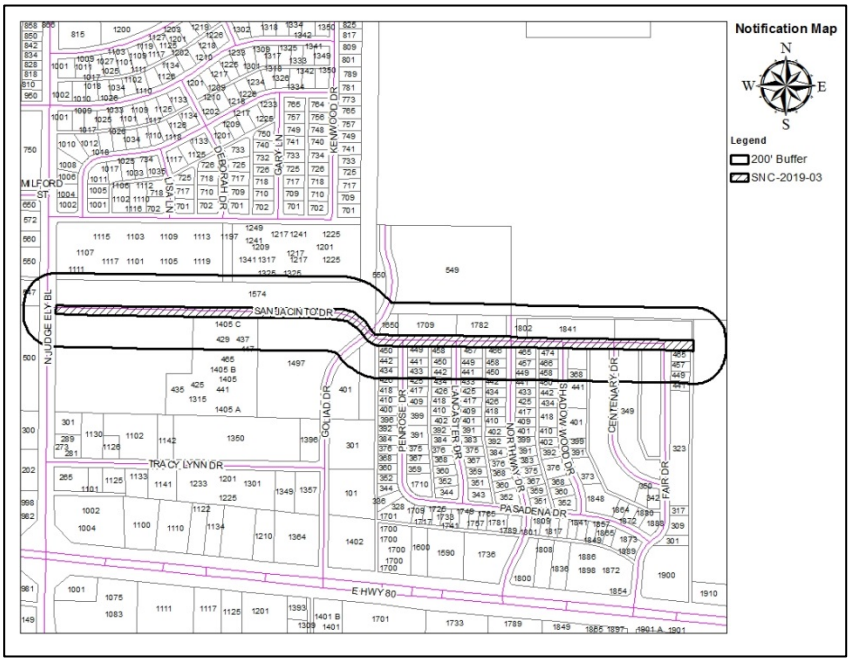
STREET NAME CHANGE SNC-2019-03
STAFF REPORT

REQUEST: Street name change

APPLICANT INFORMATION:
Reverend Iziar Lankford

HEARING DATES:
P & Z Commission:
September 3, 2019
City Council 1st Reading:
September 26, 2019
City Council 2nd Reading:
October 17, 2019

REQUESTED ACTION:
The applicant is requesting to change the name of San Jacinto Drive to Claudie C. Royals Drive as it extends west to east from N. Judge Ely to Fair Drive.



BACKGROUND:
The street was platted, named, and constructed as part of the Pasadena Heights Subdivision, in 1957. This action will rename the road from San Jacinto Drive to Claudie C. Royals Drive. There are eight addresses off of San Jacinto Drive. A copy of the application is included.

ANALYSIS:

The applicant(s) is requesting to change the name of San Jacinto Drive to Claudie C. Royals Drive. All property owners that would be directly affected by the street name change have been notified. If approved, the applicant(s) will need to replace the five existing signs on the roadway. There are eight addresses located on the street. Staff has reviewed the request based upon the requirements established for such review in 3.2.7.14 of the Land Development Code, and determined it to be satisfactory, subject to the condition recommended by the Development Review Committee.

RECOMMENDATIONS:
<u>Development Review Committee (Section 1.1.6.2):</u> Received an <u>unsatisfactory</u> review. Concerns expressed in regards to the street name change requests are as follows:

1. Requires address change for 5 active commercial, 1 major utility substation, 1 active residential, 1 city public use area and other inactive commercial and residential properties

<u>Staff Recommendation:</u>
Approve this requested Street Name Change, subject to above-stated condition recommended by Development Review Committee.

Planning and Zoning Commission Recommendation:

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of six (6) in favor (Calk, Smith, Bixby, Rosenbaum, Noonan, Famble) and one (1) abstained (Lankford).

NOTIFICATION:

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

Owner	Situs	Response
ABILENE CHRISTIAN UNIVERSITY		
ABILENE CHRISTIAN UNIVERSITY		
ALLEN CAROLYN F JENNINGS ET AL	457 LANCASTER DR	
ALLEN KENNETH	474 SHADOW WOOD DR	
ALLEN KENNETH	458 SHADOW WOOD DR	
ALLEN KENNETH	466 SHADOW WOOD DR	
BURGESS GENE E	434 PENROSE DR	
CHAMBERS KAREN	442 PENROSE DR	
CHAMBERS KAREN	465 FAIR DR	In Favor
CHAMBERS KAREN	449 FAIR DR	In Favor
CHAMBERS KAREN	457 FAIR DR	In Favor
CITY OF ABILENE	1782 SAN JACINTO DR	
CITY OF ABILENE	1650 SAN JACINTO DR	
DILES TREMAINE	441 SHADOW WOOD DR	
DUNMAN ROSTON I	449 PENROSE DR	
EA SUNSCAPE LLC	1217 MUSKEN RD APT F	
EA SUNSCAPE LLC	1209 MUSKEN RD APT C	
EA SUNSCAPE LLC	1317 MUSKEN RD APT D	
EA SUNSCAPE LLC	1201 MUSKEN RD APT G	
EA SUNSCAPE LLC	1325 MUSKEN RD APT E	
EA SUNSCAPE LLC	1225 MUSKEN RD APT G	
EA SUNSCAPE LLC	1317 MUSKEN RD APT A	
EA SUNSCAPE LLC	1241 MUSKEN RD APT D	
EA SUNSCAPE LLC	1225 MUSKEN RD APT H	
EA SUNSCAPE LLC	1341 MUSKEN RD APT D	
EA SUNSCAPE LLC	1301 MUSKEN RD APT C	
EA SUNSCAPE LLC	1325 MUSKEN RD APT B	
EA SUNSCAPE LLC	1341 MUSKEN RD APT C	
EA SUNSCAPE LLC	1249 MUSKEN RD APT G	
EA SUNSCAPE LLC	1233 MUSKEN RD APT B	
EA SUNSCAPE LLC	1317 MUSKEN RD APT E	
EA SUNSCAPE LLC	1209 MUSKEN RD APT A	
EA SUNSCAPE LLC	1301 MUSKEN RD APT E	
EA SUNSCAPE LLC	1317 MUSKEN RD APT F	
EA SUNSCAPE LLC	1209 MUSKEN RD APT B	

EA SUNSCAPE LLC	1325 MUSKEN RD APT H	
EA SUNSCAPE LLC	1209 MUSKEN RD APT G	
EA SUNSCAPE LLC	1201 MUSKEN RD APT F	
EA SUNSCAPE LLC	1233 MUSKEN RD APT D	
EA SUNSCAPE LLC	1217 MUSKEN RD APT D	
EA SUNSCAPE LLC	1233 MUSKEN RD APT E	
EA SUNSCAPE LLC	1233 MUSKEN RD APT G	
EA SUNSCAPE LLC	1257 MUSKEN RD APT G	
EA SUNSCAPE LLC	1301 MUSKEN RD APT F	
EA SUNSCAPE LLC	1241 MUSKEN RD APT E	
EA SUNSCAPE LLC	1217 MUSKEN RD APT G	
EA SUNSCAPE LLC	1249 MUSKEN RD APT A	
EA SUNSCAPE LLC	1257 MUSKEN RD APT B	
EA SUNSCAPE LLC	1201 MUSKEN RD APT H	
EA SUNSCAPE LLC	1257 MUSKEN RD APT E	
EA SUNSCAPE LLC	1225 MUSKEN RD APT F	
EA SUNSCAPE LLC	1315 MUSKEN RD	
EA SUNSCAPE LLC	1301 MUSKEN RD APT G	
EA SUNSCAPE LLC	1309 MUSKEN RD APT F	
EA SUNSCAPE LLC	1341 MUSKEN RD APT A	
EA SUNSCAPE LLC	1317 MUSKEN RD APT H	
EA SUNSCAPE LLC	1201 MUSKEN RD	
EA SUNSCAPE LLC	1225 MUSKEN RD APT C	
EA SUNSCAPE LLC	1209 MUSKEN RD APT H	
EA SUNSCAPE LLC	1241 MUSKEN RD APT F	
EA SUNSCAPE LLC	1317 MUSKEN RD APT G	
EA SUNSCAPE LLC	1333 MUSKEN RD APT B	
EA SUNSCAPE LLC	1201 MUSKEN RD APT E	
EA SUNSCAPE LLC	1309 MUSKEN RD APT D	
EA SUNSCAPE LLC	1217 MUSKEN RD APT B	
EA SUNSCAPE LLC	1325 MUSKEN RD APT F	
EA SUNSCAPE LLC	1301 MUSKEN RD APT A	
EA SUNSCAPE LLC	1225 MUSKEN RD APT A	
EA SUNSCAPE LLC	1249 MUSKEN RD APT F	
EA SUNSCAPE LLC	1325 MUSKEN RD APT A	
EA SUNSCAPE LLC	1309 MUSKEN RD APT B	
EA SUNSCAPE LLC	1341 MUSKEN RD APT B	
EA SUNSCAPE LLC	1309 MUSKEN RD APT E	
EA SUNSCAPE LLC	1233 MUSKEN RD APT F	
EA SUNSCAPE LLC	1225 MUSKEN RD APT E	
EA SUNSCAPE LLC	1217 MUSKEN RD APT H	
EA SUNSCAPE LLC	1241 MUSKEN RD APT H	
EA SUNSCAPE LLC	1257 MUSKEN RD APT F	

EA SUNSCAPE LLC	1249 MUSKEN RD APT H	
EA SUNSCAPE LLC	1325 MUSKEN RD APT G	
EA SUNSCAPE LLC	1233 MUSKEN RD APT C	
EA SUNSCAPE LLC	1249 MUSKEN RD APT C	
EA SUNSCAPE LLC	1301 MUSKEN RD APT D	
EA SUNSCAPE LLC	1309 MUSKEN RD APT A	
EA SUNSCAPE LLC	1301 MUSKEN RD APT B	
EA SUNSCAPE LLC	1301 MUSKEN RD APT H	
EA SUNSCAPE LLC	1209 MUSKEN RD APT D	
EA SUNSCAPE LLC	1201 MUSKEN RD APT D	
EA SUNSCAPE LLC	1333 MUSKEN RD APT A	
EA SUNSCAPE LLC	1317 MUSKEN RD APT B	
EA SUNSCAPE LLC	1201 MUSKEN RD APT A	
EA SUNSCAPE LLC	1309 MUSKEN RD APT C	
EA SUNSCAPE LLC	1257 MUSKEN RD APT H	
EA SUNSCAPE LLC	1201 MUSKEN RD APT C	
EA SUNSCAPE LLC	1325 MUSKEN RD APT C	
EA SUNSCAPE LLC	1209 MUSKEN RD APT E	
EA SUNSCAPE LLC	1257 MUSKEN RD APT A	
EA SUNSCAPE LLC	1249 MUSKEN RD APT D	
EA SUNSCAPE LLC	1225 MUSKEN RD APT D	
EA SUNSCAPE LLC	1217 MUSKEN RD APT E	
EA SUNSCAPE LLC	1317 MUSKEN RD APT C	
EA SUNSCAPE LLC	1241 MUSKEN RD APT C	
EA SUNSCAPE LLC	1217 MUSKEN RD APT C	
EA SUNSCAPE LLC	1241 MUSKEN RD APT G	
EA SUNSCAPE LLC	1249 MUSKEN RD APT B	
EA SUNSCAPE LLC	1217 MUSKEN RD APT A	
EA SUNSCAPE LLC	1241 MUSKEN RD APT A	
EA SUNSCAPE LLC	1257 MUSKEN RD APT D	
EA SUNSCAPE LLC	1325 MUSKEN RD APT D	
EA SUNSCAPE LLC	1201 MUSKEN RD APT B	
EA SUNSCAPE LLC	1241 MUSKEN RD APT B	
EA SUNSCAPE LLC	1209 MUSKEN RD APT F	
EA SUNSCAPE LLC	1225 MUSKEN RD APT B	
EA SUNSCAPE LLC	1249 MUSKEN RD APT E	
EA SUNSCAPE LLC	1257 MUSKEN RD APT C	
EA SUNSCAPE LLC	1233 MUSKEN RD APT A	
EA SUNSCAPE LLC	1233 MUSKEN RD APT H	
EDMOND RUFUS	457 NORTHWAY DR	
ELECTRIC TRANSMISSION TEXAS LLC	550 GOLIAD DR	
ELECTRIC TRANSMISSION TEXAS LLC	549 GOLIAD DR	
FAIR JOHN B TRUST	368 CENTENARY DR	In Favor

GARCIA JUAN C	465 NORTHWAY DR	
HAMMOND TODD & AUDRIA	450 LANCASTER DR	
HAMMOND TODD C	458 LANCASTER DR	
HORN BETTY LOUISE	449 LANCASTER DR	In Favor by verbal in Planning & Zoning Mtg
J & H PAINTING LLC	458 NORTHWAY DR	
JONES JOSEPH W	450 NORTHWAY DR	
KROENKE E STANLEY	401 GOLIAD DR	
LOPEZ PHILLIP & OLIVIA	1802 SAN JACINTO DR	
LYNN ORA L	441 LANCASTER DR	In Favor
MC CREARY B C DBA &	433 PENROSE DR	
MC CREARY B C DBA &	1841 SAN JACINTO DR	
MC CREARY B C DBA &	450 PENROSE DR	
MC CREARY B C DBA &	1709 SAN JACINTO DR	
MC CREARY B C DBA &		
MC QUEEN RONALD	1197 MUSKEN RD	
MOORE DAVID D &	434 LANCASTER DR	
ODEF HOLDING COMPANY LLC	500 N JUDGE ELY BL	
PATTERSON RANDALL S TRUSTEE	441 NORTHWAY DR	
PITTMAN JAMES & MARGARET	442 LANCASTER DR	
RAY MIRRIS DEON	441 PENROSE DR	
RIATTA RANCH APARTMENTS LLC	1107 MUSKEN RD	
RIATTA RANCH APARTMENTS LLC	1115 MUSKEN RD	
RIATTA RANCH APARTMENTS LLC	1101 MUSKEN RD	
RIATTA RANCH APARTMENTS LLC	1119 MUSKEN RD	
RIATTA RANCH APARTMENTS LLC	1103 MUSKEN RD	
RIATTA RANCH APARTMENTS LLC	1111 MUSKEN RD	
RIATTA RANCH APARTMENTS LLC	1113 MUSKEN RD	
RIATTA RANCH APARTMENTS LLC	1109 MUSKEN RD	
RIATTA RANCH APARTMENTS LLC	1105 MUSKEN RD	
RIATTA RANCH APARTMENTS LLC	1117 MUSKEN RD	
ROYALS LULA M	449 NORTHWAY DR	
RST HOMES LLC	442 NORTHWAY DR	
SAN JACINTO STORAGE HOLDINGS LLC	1405 A SAN JACINTO DR	
SAN JACINTO STORAGE HOLDINGS LLC	465 N JUDGE ELY BL	
SAN JACINTO STORAGE HOLDINGS LLC	437 N JUDGE ELY BL	
SAN JACINTO STORAGE HOLDINGS LLC	447 N JUDGE ELY BL	
SAN JACINTO STORAGE HOLDINGS LLC	1405 C SAN JACINTO DR	
SAN JACINTO STORAGE HOLDINGS LLC	1405 SAN JACINTO DR	

SAN JACINTO STORAGE HOLDINGS LLC	429 N JUDGE ELY BL	
SAN JACINTO STORAGE HOLDINGS LLC	1405 B SAN JACINTO DR	
SAN JACINTO STORAGE HOLDINGS LLC	425 N JUDGE ELY BL	
SAN JACINTO STORAGE HOLDINGS LLC	1315 SAN JACINTO DR	
SAN JACINTO STORAGE HOLDINGS LLC	435 N JUDGE ELY BL	
SAN JACINTO STORAGE HOLDINGS LLC	441 N JUDGE ELY BL	
STRAKER JONATHAN & MICHIKO	425 PENROSE DR	
TKG SAN JACINTO PL DEV L P		
TKG SAN JACINTO PL DEV L P	1497 SAN JACINTO DR	
WALLS ROBIN		
WALLS ROBIN		
WALLS ROBIN		
WALLS ROBIN	349 CENTENARY DR	
WARE JOHNNY &	466 NORTHWAY DR	
WEST TEXAS UTILITIES CO		
WEST TEXAS UTILITIES CO	547 WASHINGTON BL	
WEST TEXAS UTILITIES CO	1574 SAN JACINTO DR	
WILLIAMS ANNIE LOIS GREEN	433 LANCASTER DR	
WILSON NELSON CLIFFORD	450 SHADOW WOOD DR	In Favor
WILSON NORMAN F & ROSE LEE	426 PENROSE DR	
WOODS LENNOS LIN	441 FAIR DR	

ATTACHMENTS:

- Application
- SNC Policy Ordinance

Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

Claudie Royals was a pillar in this community and the city of Abilene. Not only a civil rights advocate, he worked with and for those caught up in the legal system. It didn't matter if a defendant's legal problems were self-inflicted or not, he was there for them.

He was instrumental in the Dr. Martin Luther King Jr. annual celebration. He worked tirelessly to alleviate drugs, not only in his community, but throughout the city of Abilene and west Texas.

We are requesting San Jacinto St. beginning at Judge Ely throughout Pasadena Heights be renamed as Claudie Royals Street.

ABILENE/TAYLOR COUNTY 9-1-1 DISTRICT

555 WALNUT STREET ABILENE, TEXAS 79601 (325) 676-6674 FAX: (325) 676-6050

☐ EASEMENT RELEASE

DATE: 14 AUG 2019

☐ PLAT REVIEW

REF. NO.: **SNC-2019-03**

☐ PRELIMINARY DEVELOPMENT PLAN

☐ SITE PLAN REVIEW

■ STREET NAME

☐ SUBDIVISION

☐ THOROUGHFARE CLOSURE

TITLE/LOCATION: Street name change from "San Jacinto Drive" to "Claudie C. Royals Drive".

I have reviewed the above and find it to be:

☐ SATISFACTORY

☐ SATISFACTORY WITH CONDITIONS

■ UNSATISFACTORY

The following conditions and/or changes are recommended:

- This will require address changes for 5 active commercial, 1 major utility substation, 1 active residential, 1 city public use area, and other inactive commercial and residential properties.
- Strongly suggest using honorary street name.

MICHAEL T. SAXTON
Program Coordinator
Abilene/Taylor County 9-1-1 District

Date: 14 AUG 2019

PLANNING & ZONING COMMISSION
call (325) 676-6237 if you have any questions about this notice.

019-03
your position on the above request by detaching this sheet at the dotted line and returning it to the address below.
additional sheets if needed. You may also email your position to the email address listed below. All correspondence
r name and address.

Name: FAIR JOHN B TRUST
Address: 368 CENTENARY DR

Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

favor ☒ I am opposed ☐
ents:

Signature: Wm. B. Fair
Trustee

NOTIFICATION AREA MAP

AUG 29 AM10:42

PLANNING & ZONING COMMISSION
call (325) 676-6237 if you have any questions about this notice.

019-03
your position on the above request by detaching this sheet at the dotted line and returning it to the address below.
dditional sheets if needed. You may also email your position to the email address listed below. All correspondence
name and address.

Name: LYNN ORA L
Address: 441 LANCASTER DR

Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

favor ☑ I am opposed ☐
ents:
toLate

Signature: Mrs Ora L Lynn

NOTIFICATION AREA MAP

AUG 29 AM10:42

PLANNING & ZONING COMMISSION
call (325) 676-6237 if you have any questions about this notice.

019-03
your position on the above request by detaching this sheet at the dotted line and returning it to the address below.
additional sheets if needed. You may also email your position to the email address listed below. All correspondence
r name and address.

Name: CHAMBERS KAREN
Address: 457 FAIR DR X

Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

favor ☒ I am opposed ☐
ents:

Signature: Karen Chambers

NOTIFICATION AREA MAP

AUG 29 AM10:41

CASE #: SNC-2019-03
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 email your position to the email address listed below. All correspondence must include your name and address.

Name: CHAMBERS KAREN
Address: 465 FAIR DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐
Additional Comments:

Signature: Karen Chambers

NOTIFICATION AREA MAP

AUG 29 AM 10:41

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

CASE #: SNC-2019-03
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 email your position to the email address listed below. All correspondence must include your name and address.

Name: CHAMBERS KAREN
Address: 449 FAIR DR

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☑ I am opposed ☐
Additional Comments:

Signature: Karen Chambers

NOTIFICATION AREA MAP

AUG 29 AM 10:41

Rainbow, Zack <zack.rainbow@abilenetx.gov>

[Planning] Rezoning Application Number SNC-2019-03

2 messages

Nelson Wilson <nelson.wilson@att.net> Sun, Aug 25, 2019 at 7:11 PM
To: "planning@abilenetx.gov" <planning@abilenetx.gov>

I am in favor

Nelson Clifford Wilson
450 Shadowwood Dr
Abilene, TX 79601

--
You received this message because you are subscribed to the Google Groups "Planning Services" group.
To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.
To view this discussion on the web visit https://groups.google.com/a/abilenetx.gov/d/msgid/planning/1307770140.2685734.1566778297040%40mail.yahoo.com.

Rainbow, Zack <zack.rainbow@abilenetx.gov> Mon, Aug 26, 2019 at 7:27 AM
To: Nelson Wilson <nelson.wilson@att.net>

Thank you for your response.
[Quoted text hidden]
--

CITY OF ABILENE
PLANNING & DEVELOPMENT SERVICES

Zack Rainbow
Assistant Director/ Historic Preservation Officer
Planning & Development Services
Physical Address: 555 Walnut Street, Suite 110
Abilene, Texas 79601-5254
Mailing Address: Post Office Box 60
Abilene, Texas 79604-0060
(325) 676-6234 (Office)

STREET NAME CHANGE REQUEST

Case: SNC-2019-03

Owner: Minda Street Church of Christ

Agent: Reverend Iziar Lankford

Request: Street Name Change: San Jacinto Drive to Claudie C. Royals Drive, as it extends west to east from North Judge Ely to Fair Drive.

Notification: 7 in favor, 1 opposed

Planning & Zoning Approval: September 3, 2019

City Council hearing dates : September 26, 2019
October 17, 2019

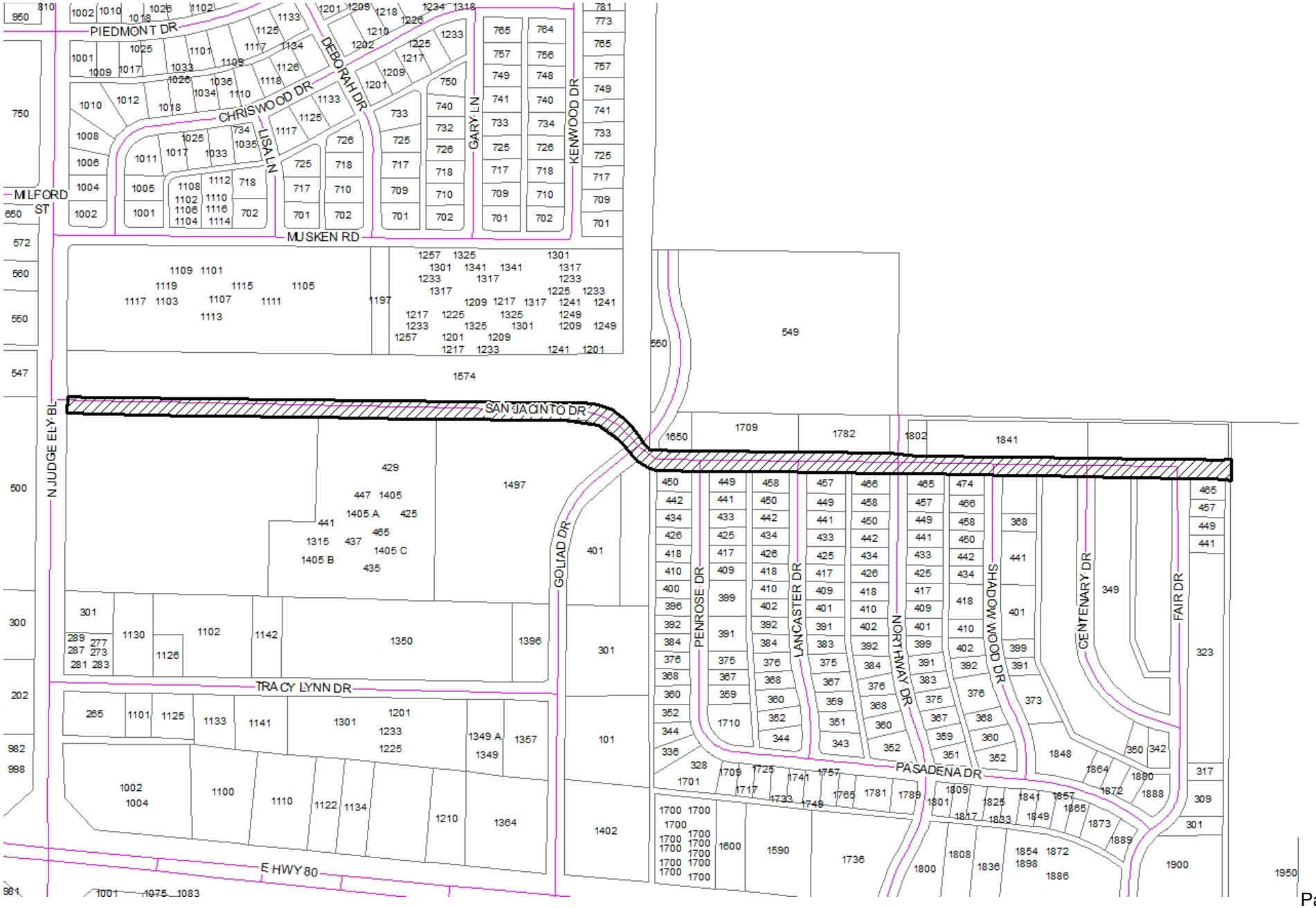
SNC-2019-03 AERIAL MAP

Location Map

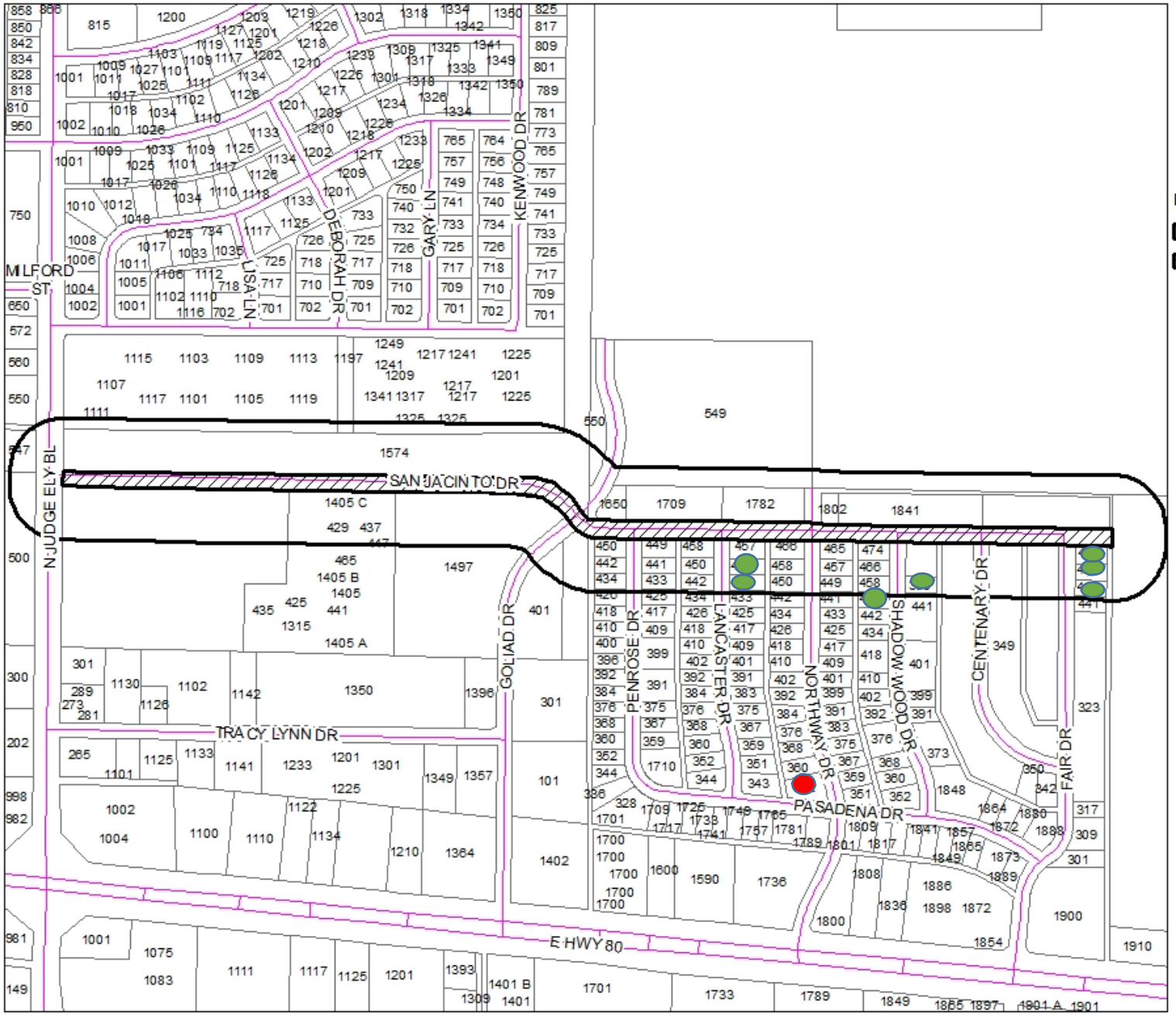
Legend

SNC-2019-03

SNC-2019-03 LOCATION MAP



SNC-2019-03 NOTIFICATION MAP



Notification Map

N
W E
S

Legend

200' Buffer

SNC-2019-03

7- In Favor-

1- Opposed-

SNC-2019-03 Views of Subject Thoroughfare and Adjacent Properties

SNC-2019-03 Views of Subject Thoroughfare and Adjacent Properties

RECOMMENDATIONS:

DEVELOPMENT REVIEW COMMITTEE: Received an unsatisfactory review. Concerns expressed in regards to the street name change are as follows:

1. Requires address change for 5 active commercial, 1 major utility substation, 1 active residential, 1 city public use area and other inactive commercial and residential properties.

PLANNING STAFF RECOMMENDATION:

Approve this requested Street Name Change, subject to above-stated condition recommended by Development Review Committee.

Reviewed pursuant to Section **3.2.7.14(f) of the Land Development Code**, and determined it to be satisfactory

PLANNING & ZONING RECOMMENDATION: Approval

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **19. Resolution (Final Reading) SNC-2019-04: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Minda Street Church of Christ for an honorary street name change of Minda Street to Dr. Tony Roach Street as it extends east to west from T&P Lane to S. Judge Ely Boulevard approx. 2,139 feet *(Mike Warrix)***

GENERAL INFORMATION

The Minda Street Church of Christ is seeking to add the honorary street name "Dr. Tony Roach Street" to Minda Street from T&P Lane to South Judge Ely Boulevard.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of six (6) in favor (Calk, Smith, Bixby, Rosenbaum, Noonan, Famble) and one (1) abstained (Lankford).

ATTACHMENTS:

1.	4-Resolution cover	4-Resolution cover.docx
2.	5- Resolution exhibit	5- Resolution exhibit.pdf
3.	1- SNC-2019-04 staff report (full)	1- SNC-2019-04 staff report (full).pdf
4.	3- Minda St Petition	3- Minda St Petition.pdf
5.	2- SNC-2019-04	2- SNC-2019-04.pptx
6.	SNC-2019-04 Response	SNC-2019-04 Response.pdf

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ESTABLISHING DR. TONY ROACH STREET AS A N HONORARY STREET NAME.

WHEREAS, the City has received a request to add an Honorary Street Name designation to Minda Street from T&P Lane to S. Judge Ely Blvd; to "Dr. Tony Roach Street" in Exhibit A.

WHEREAS, at times it is appropriate to honor persons, places, or events by use of an honorary street name designation; and

WHEREAS, all applicable procedures required by the City's Honorary Street Name Designation Policy (Resolution No. 7-1992) have been met, including having a public hearing; and

WHEREAS, the name of "Dr. Tony Roach Street" is proposed to be honorary;

now therefore,

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

PART 1: That Minda Street from T&P Lane to S. Judge Ely Blvd shall be hereby designated with the Honorary Street Name of "Dr. Tony Roach" Street

PART 2: That this resolution shall take effect immediately from and after its passage.

ADOPTED THIS 17th day of October, A.D. 2019.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

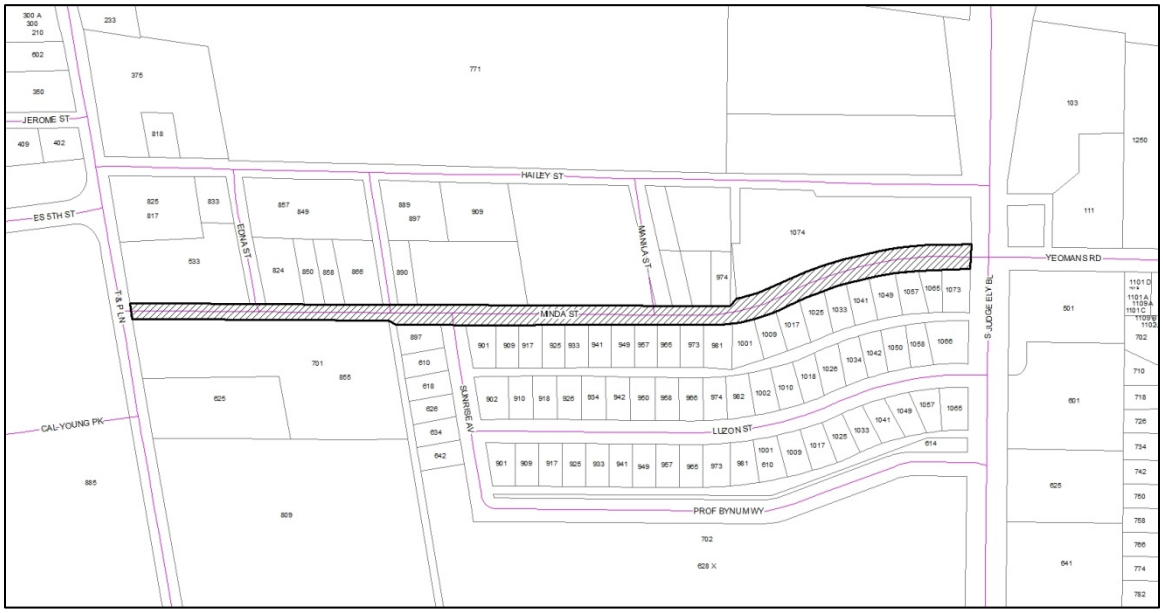
APPROVED:

_____
CITY ATTORNEY

RESOLUTION NO. _____

EXHIBIT "A"

Minda Street from T&P Lane to South Judge Ely Boulevard shall be hereby designated with the Honorary Street Name of “Dr. Tony Roach Street.”



Location:
Minda Street as it extends east to west from T&P Lane to South Judge Ely Blvd.

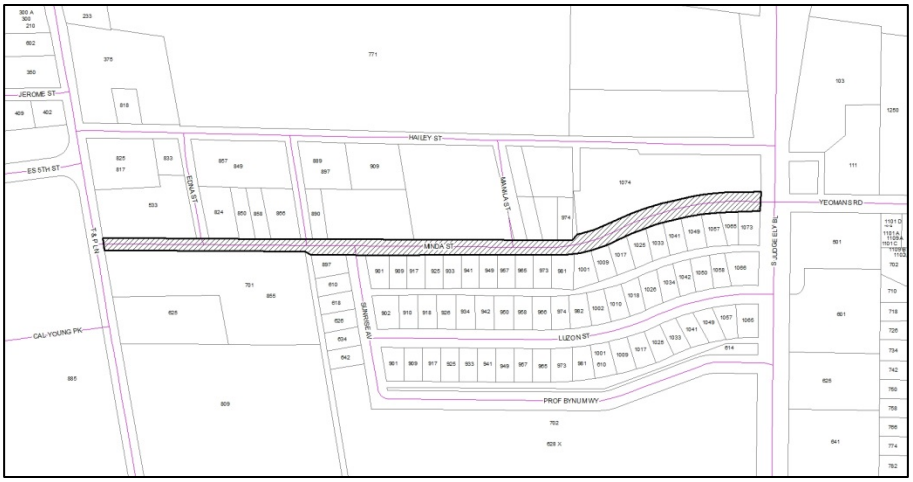
-END-

STREET NAME CHANGE SNC-2019-04
STAFF REPORT

REQUEST:
Honorary Street Name Change of Minda Street to "Dr. Tony Roach Street"

APPLICANT INFORMATION:
Minda Street Church of Christ represented Reverend Iziar Lankford

HEARING DATES:
P & Z Commission:
September 3, 2019
City Council Reading:
October 17, 2019



REQUESTED ACTION:

The Minda Street Church of Christ is seeking to add the honorary street name "Dr. Tony Roach Street" to Minda Street from T&P Lane to South Judge Ely Boulevard.

BACKGROUND:
The street was platted, named, and constructed as part of the Pasadena Heights Subdivision, in 1957. This action will add Dr. Tony Roach Street.

Application Description

"Minda Street Church of Christ was founded and organized by Dr. Tony Roach. He pastored the church for many, many years. He was well known and did a lot of community service in the area surrounding and in the church. Reverend Lankford was approached by one of the church elders and has spoken to the pastor and members of Solomon Baptist Church, which is at the end of the street. There has been no opposition."

ANALYSIS:
Abilene's honorary street name designation policy also enumerates certain criteria for any such honorary designation. These include the following:

- *Each name proposed for honorary designation shall be one which has had a significant impact in such areas as government, education or medicine. The name shall also be one which represents contributions at the local, state or national level.*
- *There must be present a significant, broad-based community support of the proposed honorary designation.*

- *Streets to be considered for honorary designation should be numbered streets (e.g., North 3rd or South 10th) and should have a natural break at either end.*
- *Honorary designation should be limited to individuals who are deceased, historic sites or occurrences.*

Proposed honorary designation to Minda Street does not comply with some above-stated criteria, specifically:

- Proposed designation is not of a deceased individual, historic site or historic occurrence.

However, these criteria are expressed in a policy statement of City Council and not in any actual ordinance or statute. Commission members may thereby view these criteria as "advisory" and not "mandatory."

RECOMMENDATIONS:

Development Review Committee (Section 1.1.6.2):

The Development Review Committee members expressed no opposition to proposed honorary designation of Dr. Tony Roach Street on Minda Street.

Staff Recommendation:

Approve this requested Honorary Street Name Change

Planning and Zoning Commission Recommendation:

On September 3, 2019, the Planning and Zoning Commission recommended approval by a vote of six (6) in favor (Calk, Smith, Bixby, Rosenbaum, Noonan, Famble) and one (1) abstained (Lankford).

NOTIFICATION:

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

Owner	Situs	Response
ABERNATHY JEFFREY & SHAWNA	933 MINDA ST	In Favor
BARRIENTOS MISTY	1057 MINDA ST	In Favor
BATISTE PROPERTIES LLC	858 MINDA ST	In Favor
BETHEL A M E CHURCH	942 LUZON ST	
BROWN GRANT B &	626 SUNRISE AV	In Favor
CAMPBELL CHRISTOPHER	974 LUZON ST	
CATHER ENTERPRISES LTD	1002 LUZON ST	In Favor
CITY OF ABILENE CAL	885 CAL YOUNG PK	
CONNER BOBBY RAY	966 LUZON ST	
CONNER DOUGLAS E	1034 LUZON ST	
DAVIS RANDY		
DE LA ROSA REMIGIO III & SAVANNAH	1073 MINDA ST	
DRONES FRANK & DOROTHY J	925 MINDA ST	In Favor
EBENGO IBADIYE MAMIE &	1009 MINDA ST	
ELLIOTT CLARENCE	1041 MINDA ST	In Favor
ELLIOTT SAMMY LEE &	958 LUZON ST	In Favor
FLORES JUANITA &	909 MINDA ST	In Favor

GINDRATT CURTIS & BETTYE	824 MINDA ST	
GINDRATT CURTIS G ETAL	1033 MINDA ST	
GINDRATT ISIAH JR ET AL	1025 MINDA ST	
GONZALES FELECITY MAUVE	981 MINDA ST	In Favor
GUAJARDO RAYMOND JR	889 HAILEY ST	
GUAJARDO RAYMOND JR	897 HAILEY ST	In Favor
GUERRERO MONICA ANN	897 MINDA ST	In Favor
HAMMOND ERNESTINE LIFE EST	1066 LUZON ST	In Favor
HILL CHARLES	982 LUZON ST	In Favor
HIRSCHFELD PROPERTIES LP		
JOHNSON RONDA L	902 LUZON ST	
KIMMEL KAX INC	973 LUZON ST	In Favor
KIMMEL KAX INC	1009 LUZON ST	In Favor
KIMMEL KAX INC	1017 LUZON ST	In Favor
KIMMEL KAX INC		
KIMMEL KAX INC		
KING SOLOMON BAPTIST	1074 MINDA ST	In Favor
MARTIN SIMON J & JULIA M	1049 MINDA ST	
MATTEA ROGER	850 MINDA ST	
MC LAMORE HARLAN F &	909 HAILEY ST	In Favor
MC PHAIL MIKE		
MINDA ST CHURCH OF CHRIST	701 MINDA ST	In Favor
MINDA ST CHURCH OF CHRIST	855 MINDA ST	In Favor
MINDA ST CHURCH OF CHRIST	533 T & P LN	In Favor
MINDA STREET CHURCH OF	825 HAILEY ST	In Favor
MINDA STREET CHURCH OF	817 HAILEY ST	In Favor
MINDA STREET CHURCH OF CHRIST	625 T & P LN	In Favor
MITCHELL MISTI GAYLE	973 MINDA ST	
MITCHELL PAMELA GAYLE	957 MINDA ST	
MOORE ALICE COLEMAN	926 LUZON ST	
MORGAN HENRY FAYE LF EST	910 LUZON ST	In Favor
MORREN MYRTLE FRANCES	849 HAILEY ST	
MORREN MYRTLE FRANCES	857 HAILEY ST	In Favor
MOSLEY RENNDELL L &	1042 LUZON ST	
MOSLEY STEPHANIE	1058 LUZON ST	
MOSLEY STEPHANIE	1050 LUZON ST	
MUDAGIRI SHEMU &	949 MINDA ST	In Favor
MUSONERA EVARISTE &	965 MINDA ST	In Favor
NATIONAL RETAIL PROPERTIES LP	501 S JUDGE ELY BL	
NTAWUKENASHAKA SERGE &	941 MINDA ST	In Favor
RAMIREZ ROY	901 MINDA ST	In Favor
REED SYLVIA ET AL	1026 LUZON ST	
RICHARDSON MANUELA J	1001 MINDA ST	

RIVERA ABRAN A & LEONOR H	866 MINDA ST	
RIVERA ABRAN A & LEONOR H	890 MINDA ST	
RODRIGUEZ JUANA LUCILLA	1010 LUZON ST	
RODRIGUEZ RAYMOND	974 MINDA ST	
ROYAL ANDREAS & ANNETTE	1018 LUZON ST	
RW 1 REAL ESTATE LLC	934 LUZON ST	
SEC OF HUD	917 MINDA ST	
SERRANO PEDRO	618 SUNRISE AV	In Favor
STOFFELS DOLAN M & ANN	918 LUZON ST	In Favor
TAYLOR LAWANDA	1017 MINDA ST	In Favor
THE DWAYNE CLARK CORP	103 S JUDGE ELY BL	
WASHINGTON WILLIE L	950 LUZON ST	In Favor
WOODRUFF ZELLA	1065 MINDA ST	In Favor
YOUNG MAE DELL LIFE ESTATE	610 SUNRISE AV	

ATTACHMENTS:

- Application
- Petition of Support
- SNC Policy Ordinance

Development Application

Please answer the following question in order to assist Staff with the processing of your Zoning request.

1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

Minda St. Church of Christ was founded and organized by Dr. Tony Roach. He pastored the church for many, many years. He was well known and did a lot of community service in the area surrounding and in the church.

I was approached by one of the church elders and I have spoken to the pastor and members of King Solomon Baptist Church, which is at the other end of the street. There has been no opposition. We are requesting an honorary name change to Dr. Tony Roach Street.

RESOLUTION NO. 7-1992

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ESTABLISHING A STREET NAMING POLICY.

WHEREAS, it is in the City's best interest to coordinate the designation of street names and addresses in order to avoid motorist confusion, facilitate emergency services, and help ensure prompt delivery of goods and services.

WHEREAS, the Subdivision Regulations of the City of Abilene prohibit unnecessary duplication of street names by requiring continuation of existing street names for certain types of street extensions.

WHEREAS, at times it is appropriate to honor persons, places, or events by use of an honorary street name designation.

WHEREAS, it is the opinion of the City Council of the City of Abilene that the City should prescribe additional guidelines for platting and naming of streets and in the designation of honorary street names, not in limitation but in partial expansion of subdivision regulation; now, therefore;

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

PART 1: That the guidelines indicated on the attached "Attachment B" shall hereby be employed in the platting and naming of streets and in the designation of honorary street names.

PART 2: That this resolution shall take effect immediately from and after its passage.

ADOPTED THIS 23 day of January, A.D. 1992.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

00014

RESOLUTION NO. 7-1992

ATTACHMENT "B"

Honorary Street Name Designation Policy

Purpose:

Because of their significance in the lives of the citizens of Abilene, it is appropriate to honor certain persons, places, and events. One highly visible and lasting means of conveying such honor is by naming a street for the person, place, or event. To minimize the adverse impact for residents and businesses on the street, an honorary street name designation should be used instead of a formal name change. This will allow the existing street name to remain as the official name. The purpose of this policy is to establish the criteria and procedure to be utilized for designating an honorary street name.

Criteria:

1. Each name proposed for an honorary designation shall be one which has had a significant impact in such areas as government, education, or medicine. The name shall also be one which represents contributions at the local, state, or national level. The application for the Honorary Street Name designation should specifically enumerate the accomplishments and significance of the proposed name.

2. There must be present a significant, broad-based community support of the proposed honorary designation. It is the responsibility of the sponsor(s) of the request to prove this support by means of letters of support and/or petitions.

3. At the time of application, the sponsor(s) must submit a petition indicating that at least 51% of the owners of all lots abutting the street favor the honorary street name designation.

4. The associated costs of a Honorary street Name Change or Designation are the responsibility of the sponsor(s).

5. Streets to be considered for an honorary designation should be numbered streets (i.e., North 3rd, South 10th) and should have a natural break at either end.

6. Honorary designation should be limited to individuals who are deceased, historic sites or occurrences.

7. Honorary street Name Designations shall comply with the Street Naming Policy (Resolution No. 85-1983) in order to avoid motorist confusion, facilitate emergency services, and to help ensure prompt delivery of goods and services.

Procedure:

1. Application, petition, and fee is submitted to Current Planning staff no less than 21 days prior to the date of the Planning and Zoning Commission meeting at which the request is to be heard. Prior to the application deadline date, the proponent should consult with staff so that the fee may be determined. At that time the proponent may choose to request signs at all intersections or at major intersections only. The Planning Department will provide the applicant with an itemized break-down of the associated costs of the request. If the request is not approved, the fee will be refunded, less the administrative portion of the fee.

2. All requests and other subdivision-related proposals are submitted to Plat Review Committee members 2-3 days following application submittal.

3. Notice of the Plat Review Committee meeting is posted 4-5 days prior to the meeting. The notice contains the agenda, which itself contains honorary street name designation requests.

4. Notice of the request is published in the newspaper 15 days prior to the date of City Council final action on the resolution approving the honorary street name designation.

5. The Plat Review Committee reviews the request and makes a recommendation to the Planning and Zoning Commission.

6. The Planning and Zoning Commission holds a public hearing on the request. If denied and not appealed within ten (10) days, the issue cannot be submitted for at least one year. If approved or denied and appealed, the request goes to City Council in the form of a resolution at the next scheduled City Council meeting which meets public notice requirements.

7. The City Council considers the resolution with one reading in a public hearing.

Owner	Situs	Signatures
ABERNATHY JEFFREY & SHAWNA	933 MINDA ST	
BARRIENTOS MISTY	1057 MINDA ST	
BATISTE PROPERTIES LLC	858 MINDA ST	
BETHEL A M E CHURCH	942 LUZON ST	
BROWN GRANT B &	626 SUNRISE AV	
CAMPBELL CHRISTOPHER	974 LUZON ST	
CATHER ENTERPRISES LTD	1002 LUZON ST	Jennifer Cather
CITY OF ABILENE CAL	885 CAL YOUNG PK	
CONNER BOBBY RAY	966 LUZON ST	
CONNER DOUGLAS E	1034 LUZON ST	
DAVIS RANDY		
DE LA ROSA REMIGIO III & SAVANNAH	1073 MINDA ST	
DRONES FRANK & DOROTHY J	925 MINDA ST	
EBENGO IBADIYE MAMIE &	1009 MINDA ST	
ELLIOTT CLARENCE	1041 MINDA ST	
ELLIOTT SAMMY LEE &	958 LUZON ST	SAMMY ELLIOTT
FLORES JUANITA &	909 MINDA ST	
GINDRATT CURTIS & BETTYE	824 MINDA ST	
GINDRATT CURTIS G ETAL	1033 MINDA ST	
GINDRATT ISIAH JR ET AL	1025 MINDA ST	
GONZALES FELECITY MAUVE	981 MINDA ST	
GUAJARDO RAYMOND JR	889 HAILEY ST	
GUAJARDO RAYMOND JR	897 HAILEY ST	Raymond Guajardo
GUERRERO MONICA ANN	897 MINDA ST	
HAMMOND ERNESTINE LIFE EST	1066 LUZON ST	Ernestine Hammond
HILL CHARLES	982 LUZON ST	Charles Hill
HIRSCHFELD PROPERTIES LP		
JOHNSON RONDA L	902 LUZON ST	
KIMMEL KAX INC	973 Luzon St	K.N Robe Kots
KIMMEL KAX INC	1009 Luzon St	Fred Taylor
KIMMEL KAX INC	1017 Luzon St	Doug Connel JR.
KIMMEL KAX INC	1025 LUZON	[illegible]
	1041 LUZON	Tony & Shelly Phillips
	981 LUZON	Roshundy Conner
	917 LUZON	[illegible]

Owner	Situs	Signatures
ABERNATHY JEFFREY & SHAWNA	933 MINDA ST	
BARRIENTOS MISTY	1057 MINDA ST	
BATISTE PROPERTIES LLC	858 MINDA ST	
BETHEL A M E CHURCH	942 LUZON ST	
BROWN GRANT B &	626 SUNRISE AV	
CAMPBELL CHRISTOPHER	974 LUZON ST	
CATHER ENTERPRISES LTD	1002 LUZON ST	
CITY OF ABILENE CAL	885 CAL YOUNG PK	
CONNER BOBBY RAY	966 LUZON ST	
CONNER DOUGLAS E	1034 LUZON ST	
DAVIS RANDY		
DE LA ROSA REMIGIO III & SAVANNAH	1073 MINDA ST	
DRONES FRANK & DOROTHY J	925 MINDA ST	
EBENGO IBADIYE MAMIE &	1009 MINDA ST	
ELLIOTT CLARENCE	1041 MINDA ST	
ELLIOTT SAMMY LEE &	958 LUZON ST	
FLORES JUANITA &	909 MINDA ST	
GINDRATT CURTIS & BETTYE	824 MINDA ST	
GINDRATT CURTIS G ETAL	1033 MINDA ST	
GINDRATT ISIAH JR ET AL	1025 MINDA ST	
GONZALES FELECITY MAUVE	981 MINDA ST	
GUAJARDO RAYMOND JR	889 HAILEY ST	
GUAJARDO RAYMOND JR	897 HAILEY ST	
GUERRERO MONICA ANN	897 MINDA ST	
HAMMOND ERNESTINE LIFE EST	1066 LUZON ST	
HILL CHARLES	982 LUZON ST	
HIRSCHFELD PROPERTIES LP		
JOHNSON RONDA L	902 LUZON ST	
KIMMEL KAX INC		
KIMMEL KAX INC		
KIMMEL KAX INC		
KIMMEL KAX INC		

KIMMEL KAX INC		
KING SOLOMON BAPTIST	1074 MINDA ST	
MARTIN SIMON J & JULIA M	1049 MINDA ST	
MATTEA ROGER	850 MINDA ST	
MC LAMORE HARLAN F &	909 HAILEY ST	Harlan McLamore
MC PHAIL MIKE		
MINDA ST CHURCH OF CHRIST	701 MINDA ST	
MINDA ST CHURCH OF CHRIST	855 MINDA ST	
MINDA ST CHURCH OF CHRIST	533 T & P LN	
MINDA STREET CHURCH OF	825 HAILEY ST	
MINDA STREET CHURCH OF	817 HAILEY ST	
MINDA STREET CHURCH OF CHRIST	625 T & P LN	
MITCHELL MISTI GAYLE	973 MINDA ST	
MITCHELL PAMELA GAYLE	957 MINDA ST	
MOORE ALICE COLEMAN	926 LUZON ST	[redacted]
MORGAN HENRY FAYE LF EST	910 LUZON ST	Michael Morgan
MORREN MYRTLE FRANCES	849 HAILEY ST	
MORREN MYRTLE FRANCES	857 HAILEY ST	Myrtle Morren
MOSLEY RENNDELL L &	1042 LUZON ST	
MOSLEY STEPHANIE	1058 LUZON ST	
MOSLEY STEPHANIE	1050 LUZON ST	
MUDAGIRI SHEMU &	949 MINDA ST	
MUSONERA EVARISTE &	965 MINDA ST	
NATIONAL RETAIL PROPERTIES LP	501 S JUDGE ELY BL	
NTAWUKENASHAKA SERGE &	941 MINDA ST	
RAMIREZ ROY	901 MINDA ST	
REED SYLVIA ET AL	1026 LUZON ST	
RICHARDSON MANUELA J	1001 MINDA ST	
RIVERA ABRAN A & LEONOR H	866 MINDA ST	
RIVERA ABRAN A & LEONOR H	890 MINDA ST	
RODRIGUEZ JUANA LUCILLA	1010 LUZON ST	
RODRIGUEZ RAYMOND	974 MINDA ST	
ROYAL ANDREAS & ANNETTE	1018 LUZON ST	
Sandy Cole Gabby Olivas	933 LUZON 909 LUZON ST	Sandy Cole

KIMMEL KAX INC		
KING SOLOMON BAPTIST	1074 MINDA ST	
MARTIN SIMON J & JULIA M	1049 MINDA ST	
MATTEA ROGER	850 MINDA ST	
MC LAMORE HARLAN F &	909 HAILEY ST	
MC PHAIL MIKE		
MINDA ST CHURCH OF CHRIST	701 MINDA ST	
MINDA ST CHURCH OF CHRIST	855 MINDA ST	
MINDA ST CHURCH OF CHRIST	533 T & P LN	
MINDA STREET CHURCH OF	825 HAILEY ST	
MINDA STREET CHURCH OF	817 HAILEY ST	
MINDA STREET CHURCH OF CHRIST	625 T & P LN	
MITCHELL MISTI GAYLE	973 MINDA ST	
MITCHELL PAMELA GAYLE	957 MINDA ST	
MOORE ALICE COLEMAN	926 LUZON ST	
MORGAN HENRY FAYE LF EST	910 LUZON ST	
MORREN MYRTLE FRANCES	849 HAILEY ST	
MORREN MYRTLE FRANCES	857 HAILEY ST	
MOSLEY RENNDELL L &	1042 LUZON ST	
MOSLEY STEPHANIE	1058 LUZON ST	
MOSLEY STEPHANIE	1050 LUZON ST	
MUDAGIRI SHEMU &	949 MINDA ST	
MUSONERA EVARISTE &	965 MINDA ST	Espoir Musonera
NATIONAL RETAIL PROPERTIES LP	501 S JUDGE ELY BL	
NTAWUKENASHAKA SERGE &	941 MINDA ST Noon	
RAMIREZ ROY	901 MINDA ST	
REED SYLVIA ET AL	1026 LUZON ST	
RICHARDSON MANUELA J	1001 MINDA ST	
RIVERA ABRAN A & LEONOR H	866 MINDA ST	Leonor Rivera
RIVERA ABRAN A & LEONOR H	890 MINDA ST	Leonor Rivera
RODRIGUEZ JUANA LUCILLA	1010 LUZON ST	
RODRIGUEZ RAYMOND	974 MINDA ST	
ROYAL ANDREAS & ANNETTE	1018 LUZON ST	

RW 1 REAL ESTATE LLC	934 LUZON ST	
SEC OF HUD	917 MINDA ST	
SERRANO PEDRO	618 SUNRISE AV	
STOFFELS DOLAN M & ANN	918 LUZON ST	Ann Stoffels
TAYLOR LAWANDA	1017 MINDA ST	
THE DWAYNE CLARK CORP	103 S JUDGE ELY BL	
WASHINGTON WILLIE L	950 LUZON ST	Willie Washington
WOODRUFF ZELLA	1065 MINDA ST	
YOUNG MAE DELL LIFE ESTATE	610 SUNRISE AV	

RW 1 REAL ESTATE LLC	934 LUZON ST	
SEC OF HUD	917 MINDA ST	
SERRANO PEDRO	618 SUNRISE AV	
STOFFELS DOLAN M & ANN	918 LUZON ST	
TAYLOR LAWANDA	1017 MINDA ST	X Lawanda Taylor
THE DWAYNE CLARK CORP	103 S JUDGE ELY BL	
WASHINGTON WILLIE L	950 LUZON ST	
WOODRUFF ZELLA	1065 MINDA ST	X Zella Woodruff
YOUNG MAE DELL LIFE ESTATE	610 SUNRISE AV	

Minda Street	Signatures
Nadia Nance	Nadia Nance
LAKeisha Thomas	L Thomas
Louis Silva	
Janet Batiste	Janet Batiste
Lashawn Parker	
Angie Hatla	
Chris Hatla	
Louis Cole	
Troy Tabor	Troy Tabor
Angel Oliphant	Angel R. Oliphant
Carolina Bartle	
JACQUELINE WILLIAMS	Jacqueline Williams
Lynette Williams	Lynette Williams
John Williams	John Williams
Marissa Barnes	
Tarian Perrodin	Tarian Perrodin
Anthony Williams	
Celeste Cooper	Celeste Cooper
Vernon Goodman	Vernon Goodman
Lisa Hurvey	Lisa Hurvey
Hosea Austin	Hosea Austin Jones
AARON GREENFIELD	
STEPHANIE GREENFIELD	
GAVIN GREENFIELD	
Billie Lewis	Billie Lewis
Jesusita Luna Cerda	Jesusita L. Cerda
Jesusita Torres Chavarria	Jesusita Torres Chavarria
Loretta Perez	
Juanne Perez	
Brandon Osborne	
Kari Marentes	Kari Marentes
Nora Clark	Nora Clark

Charlotte Alvor	Charlotte Alvor
William Hubbard	[illegible]
Louis Rangel	[illegible]
ANGIE ROBBINS	[illegible]
Phil Dixon	[illegible]
Michael White	Michael White
Chelsea White	[illegible]
FELICIA JOSEPH	Felicia Joseph
Lynthia Jackson	Lynthia Jackson
BRENDA RENFRO	Brenda Renfro
Kim Osborne	[illegible]
Damasio Perez	[illegible]
Randy Jackson	[illegible]
Dalayna Perez	[illegible]
Maria Perez	[illegible]
Twanna Neal	[illegible]
ROZ M EVANS	[illegible]
Byron Thompson	[illegible]
Sherita Nickerson	[illegible]
Anthony Ryan	[illegible]
Ian Nickerson	Ian Nickerson
Elijah Evans	[illegible]
Timothy Evans	[illegible]
Shelly Hudson	Shelly Hudson
NOEL JOSEPH	Noel Joseph
Noreen White	Noreen A. White
Chris White	Chris White
Shenete G. Neal	Shenete A. Neal
DESHAWN WILLIAMS	[illegible]
Janelle Sands	[illegible]
D'Angelo Sands	[illegible]
SUSAN KING	Susan [illegible] King
Kay Savoie	Kay Savoie

Bonnie Daye	Bonnie Daye
Aurora Rangel	Aurora Rangel
JAMES BATISTE	James Batiste
A W	A W
Alaynah Johnson	Alaynah Johnson
Kathryn Bryant	Kathryn Bryant
SHIVONNE VALERO	Shivonne Valero
Isaac White	Isaac White
Revena Thomas	Revena Thomas
Peggy D. PETERSON	Peggy Peterson
VENERA EMERY	Venera Emery
Terry Savoie	Terry Savoie
Denise Emery	Denise Emery
Tim Evans	Tim Evans
Mary Elliott	Mary Elliott
Camile Metters	Camile Metters
LINDA BAILEY	Linda Bailey
Eric Mamat	Eric
Gerald Willerson	Gerald Willerson

HONORARY STREET NAME CHANGE REQUEST

Case: SNC-2019-04

Owner: Minda Street Church of Christ

Agent: Reverend Iziar Lankford

Request: Honorary Street Name Change: Add the honorary street name "Dr. Tony Roach Street" to Minda Street, as it extends west to east from T&P Lane to South Judge Ely Boulevard.

Notification: 45 in favor, 1 opposed

Planning & Zoning Approval: September 3, 2019

City Council hearing dates : October 17, 2019

HONORARY STREET NAME CHANGE POLICY

Abilene's honorary street name designation policy also enumerates certain criteria for any such honorary designation. These include the following:

- Each name proposed for honorary designation shall be one which has had a significant impact in such areas as government, education or medicine. The name shall also be one which represents contributions at the local, state or national level.
- There must be present a significant, broad-based community support of the proposed honorary designation. (51% of abutting lot owners in favor)
- Streets to be considered for honorary designation should be numbered streets (e.g., North 3rd or South 10th) and should have a natural break at either end.
- Honorary designation should be limited to individuals who are deceased, historic sites or occurrences.

SNC-2019-04 AERIAL MAP

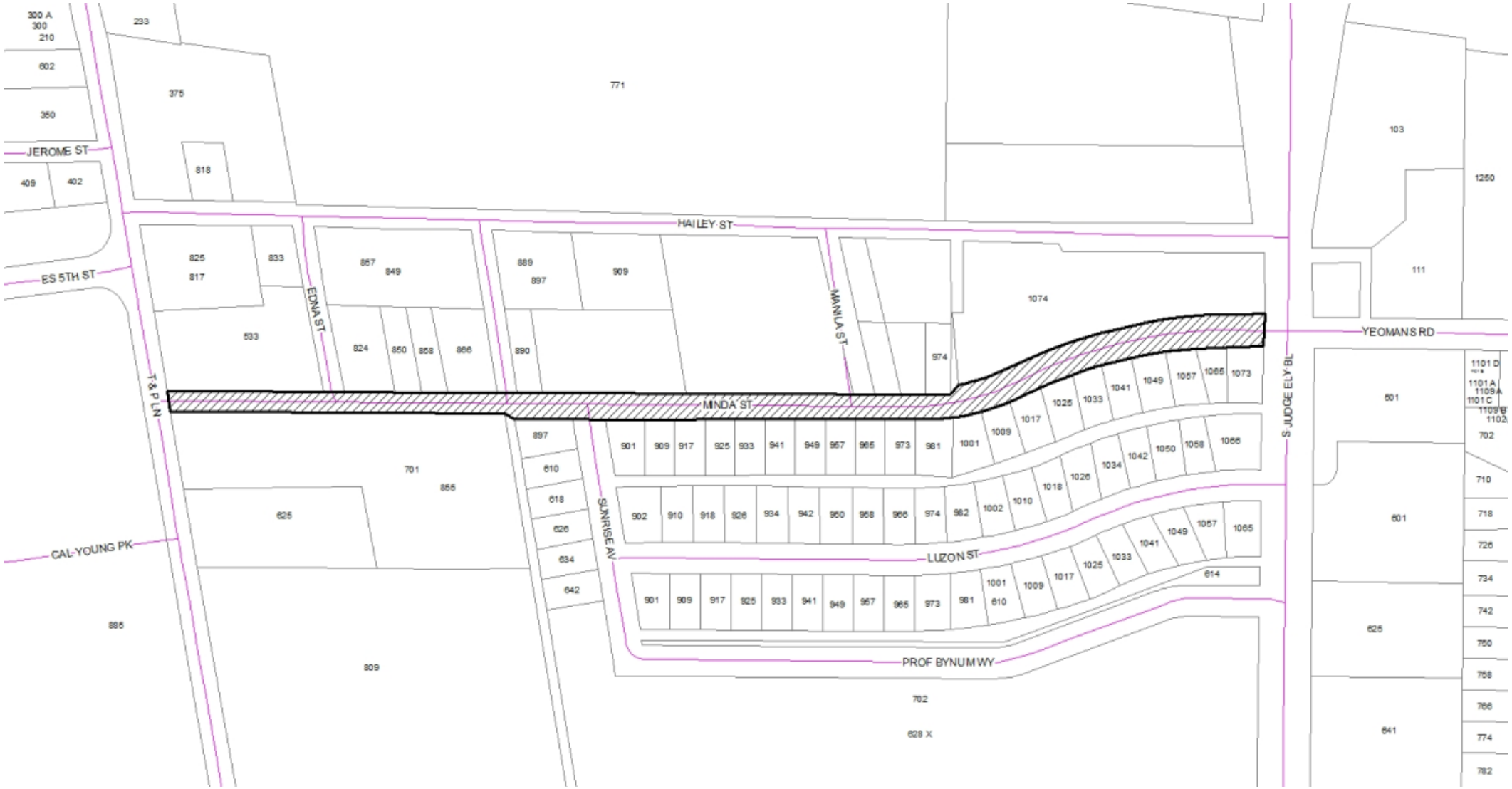
Location Map

N
W E
S

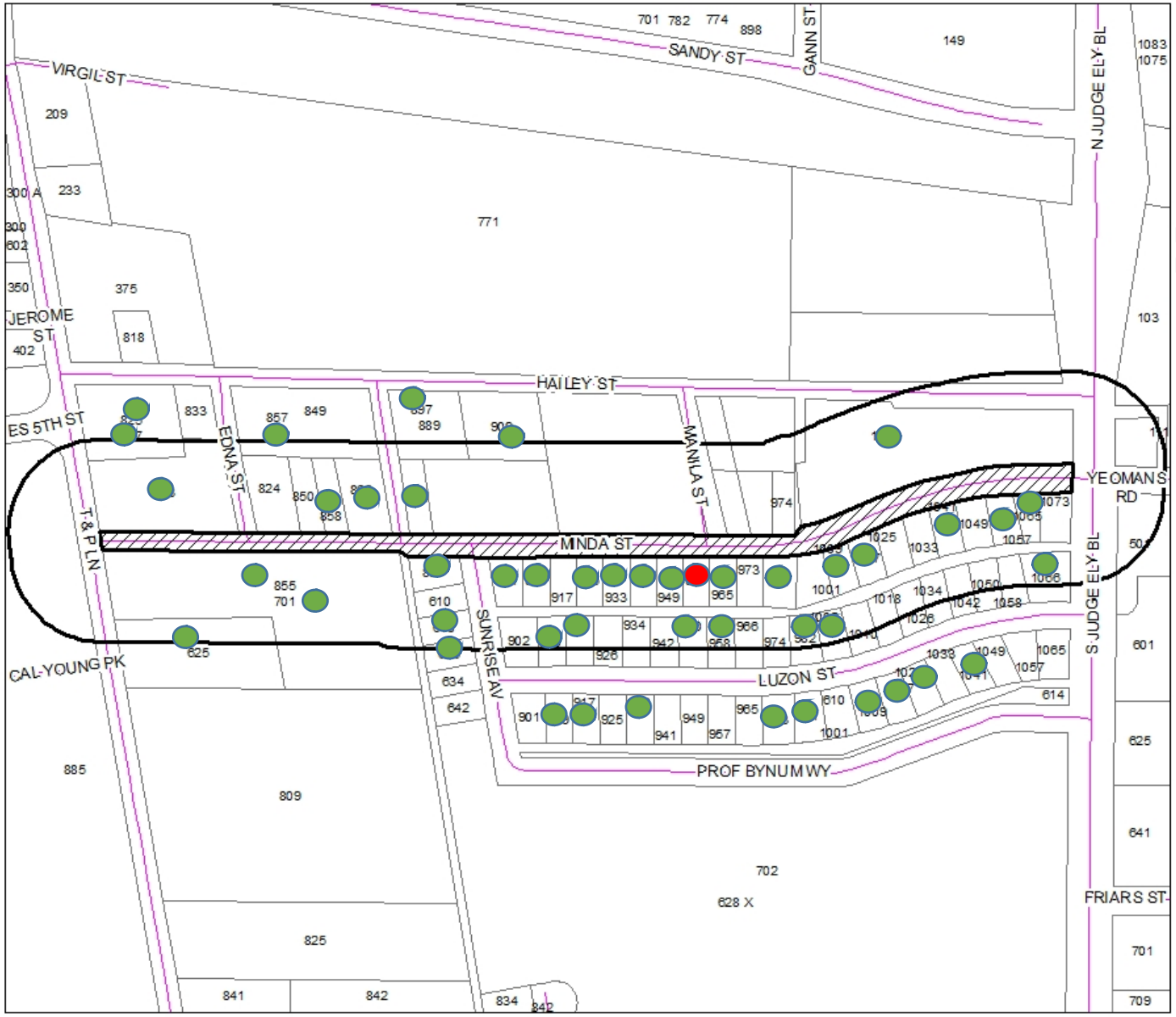
Legend

SNC-2019-03

SNC-2019-04 LOCATION MAP



SNC-2019-04 NOTIFICATION MAP



Notification Map

N
W E
S

Legend

200' Buffer

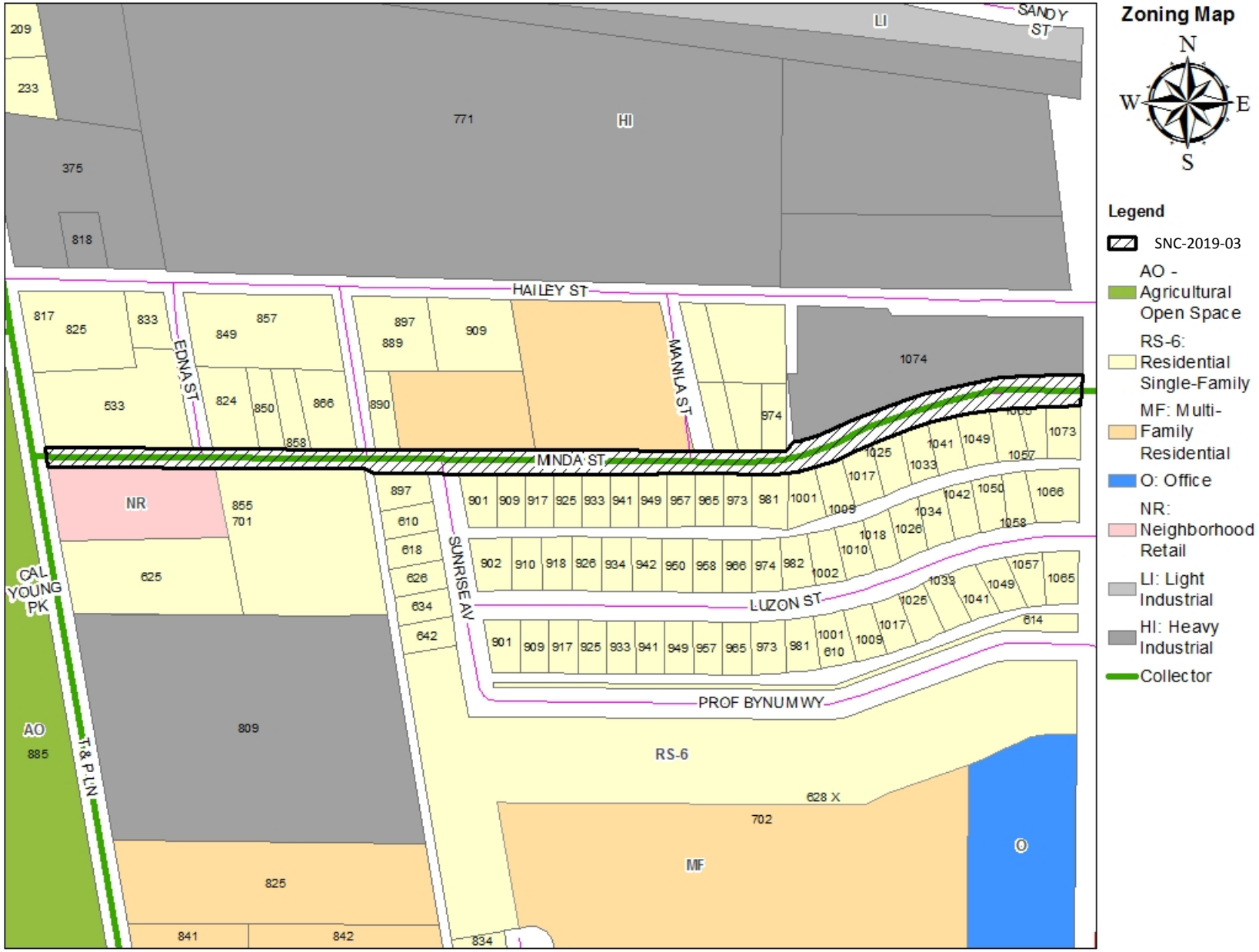
SNC-2019-03

45- In Favor-

1- Opposed-

55.26% of Landowners

SNC-2019-04 ZONING MAP



SNC-2019-04 Views of Subject Thoroughfare and Adjacent Properties

SNC-2019-04 Views of Subject Thoroughfare and Adjacent Properties

RECOMMENDATIONS:

DEVELOPMENT REVIEW COMMITTEE:
No opposition to proposed honorary street name designation of Dr. Tony Roach Street on Minda Street.

POLICY:
Proposed honorary designation to Minda Street does not comply with some above-stated criteria, specifically:

- Proposed designation is not of a deceased individual, historic site or historic occurrence.

However, these criteria are expressed in a policy statement of City Council and not in any actual ordinance or statute. Commission members may thereby view these criteria as "advisory" and not "mandatory."

PLANNING STAFF RECOMMENDATION: Approval

PLANNING & ZONING RECOMMENDATION: Approval

For the PLANNING & ZONING COMMISSION
Please call (325) 676-6237 if you have any questions about this notice.

SEP 3 AM 10:45

CASE #: SNC-2019-04 (Honorary)

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 email your position to the email address listed below. All correspondence must include your name and address.

Name: MITCHELL PAMELA GAYLE
Address: 957 MINDA ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☐ I am opposed ☑

Additional Comments:

Signature: Pamela Gayle Mitchell

I opposed this. I would like my Home Paid off in Full so I could get a better Vehicle Thank You Pamela Gayle Mitchell

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Robert Hanna, City Manager**

FROM: **Mike Warrix, Director**

SUBJECT: **20. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an ordinance of the City Council of the City of Abilene, Texas, amending the Tax Increment Reinvestment Zone No. 2 Project Plan *(Mike Warrix)***

GENERAL INFORMATION

The Project Plan is the document that controls what the TIRZ can and cannot fund within the confines of State law, and how much it can fund for certain activities. In short, the Project Plan lists eligible Project Costs.

The proposed amendments to the TIRZ No. 2 Project Plan as reflected in "Exhibit A" of the proposed Ordinance are warranted to better reflect market needs expressed by the development community within the TIRZ boundaries.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

At its September 25, 2019 meeting, the TIRZ No. 2 Board of Directors voted unanimously to adopt a Resolution (attached) recommending approval of the proposed Project Plan amendments.

ATTACHMENTS:

1.	Ordinance - Amended Project Plan	Ordinance - Amended Project Plan.docx
2.	Final Project and Financing Plan - Aug 2018 Board Approval (3)	Final Project and Financing Plan - Aug 2018 Board Approval (3).pdf
3.	205-2019 - TIRZ - Recommending Approval of Amendments to the Project Plan	205-2019 - TIRZ - Recommending Approval of Amendments to the Project Plan.pdf
4.	Project Plan PowerPoint	Project Plan PowerPoint.pdf

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING THE TAX INCREMENT REINVESTMENT ZONE NO. 2 PROJECT PLAN

WHEREAS, as authorized by Chapter 311 of Texas Tax Code (the "Act") and pursuant to Ordinance No. 66-2013, adopted by the City Council of the City of Abilene, Texas (the "City") on December 5, 2013, the City created Tax Increment Reinvestment Zone No. 2 (the "Zone"); and,

WHEREAS, pursuant to Ordinance No. 66-2013, the City created the Board of Directors for the Zone (the "TIRZ Board"); and,

WHEREAS, the TIRZ Board voted unanimously to recommend approval of a Final Project and Financing Plan (the "Project Plan") at their August 16, 2018 meeting; and,

WHEREAS, pursuant to Ordinance No. 48-2018, the City adopted a Project Plan as recommended by the TIRZ Board; and,

WHEREAS, it has become necessary to amend the Project Plan; and,

WHEREAS, the TIRZ Board voted unanimously to recommend approval of an Amended Project Plan at their September 25, 2019 Board meeting,

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

PART 1: That the Amended Project Plan is feasible in accordance with Section 311.011(d) of the Act.

PART 2: That Exhibit "C" of the Project Plan adopted pursuant to Ordinance 48-2018 is hereby amended and replaced as set out in Exhibit "C," attached hereto and made a part of this ordinance for all purposes, is approved and adopted.

PART 3: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

PART 4: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

PART 5: That this ordinance takes effect immediately upon final passage.

PASSED ON FIRST READING this 3rd day of October 2019.

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 13th day of October 2019, the

same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 4:30 p.m. on the 17th day of October 2019, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 17th day of October 2019.

ATTEST:

_____
CITY SECRETARY

_____
MAYOR

APPROVED:

_____
CITY ATTORNEY

Exhibit C

TAX INCREMENT REINVESTMENT ZONE NO. 2 PROJECT LIST

PROJECT	**COST**
Streetscape, pedestrian and parking improvements	4,000,000
Festival district and convention center improvements	4,000,000
Hotel facilities and amenities	4,000,000
Roadway and utility improvements	1,500,000
Drainage improvements	1,000,000
Areawide public improvements and amenities	1,000,000
Property acquisition	1,500,000
Building façade improvements	1,260,000
Environmental remediation, demolition, and land clearing	1,500,000
TOTAL PROJECT COSTS	$ 19,760,000

REINVESTMENT ZONE NUMBER TWO, CITY OF ABILENE, TEXAS, PROJECT AND FINANCING PLAN

September 2018

1. INTRODUCTION.

1.1 Authority and Purpose. The City of Abilene, Texas, a Texas home-rule municipality (the "City"), has the authority under Chapter 311, Texas Tax Code, as amended (the "Act") to designate a contiguous or noncontiguous geographic area within the corporate limits or extraterritorial jurisdiction ("ETJ") of the City as a tax increment reinvestment zone to promote development or redevelopment of the area if the governing body of the City (the "City Council") determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, that the zone is feasible, and that creation of the zone is in the best interest of the City and the property in the zone. The purpose of the zone is to facilitate such development or redevelopment by financing the costs of public works, public improvements, programs, and other projects benefiting the zone, plus other costs incidental to those expenditures, all of which costs are authorized by the Act.

1.2 Eligibility Requirements. An area is eligible under the Act to be designated as a tax increment reinvestment zone if it exhibits documented challenges to development and redevelopment such as blight (vacancy, deterioration) obsolete lot configuration and similar factors which impairs or arrests the sound growth of the City. The City cannot, however, designate a zone if more than 30% of the property in the proposed zone, excluding property that is publicly owned, is "used for residential purposes" (defined by the Act as follows: "... property is used for residential purposes if it is occupied by a house having fewer than five living units ...") or if the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds 50% of the total appraised value of taxable real property in the City and in industrial districts created by the City.

1.3 The Zone. On **December 5, 2013** the City Council of the City of Abilene created a tax increment reinvestment zone known as "Reinvestment Zone Number Two, City of Abilene, Texas" (the "Zone") that includes approximately 1,594 acres along the Pine Street and Ambler Avenue corridors, all within the City's corporate limits. In addition to the initial creation and boundary designation, the City Council of the City of Abilene enlarged the boundaries of the Zone to include an additional approximate 16 acres on September 10, 2015, creating a total Zone boundary of approximately 1,610 acres. The property meets the eligibility requirements of the Act. The property substantially impairs or arrests the sound growth of the City because it exhibits documented challenges to development and redevelopment such as blight (vacancy, deterioration), obsolete lot configuration, a history of disinvestment, and similar factors. There is a need for economic incentives to attract development and redevelopment in the Zone for the purpose of providing long-term economic benefits including, but not limited to, increased real property tax base for all taxing units in the Zone, increased sales and use tax, and increased job opportunities for residents of the City and County. The City envisions that the property will be developed and redeveloped to take full advantage of the opportunity to bring to the City and County a substantially increased tax base and job opportunities for its citizens.

1.4 Preliminary Plan; Hearing. Before the City adopted the ordinance designating the Zone, the City Council prepared a preliminary reinvestment zone financing plan in accordance with the Act and held a public hearing on the creation of the proposed zone and its benefits to the City and to the Property within the Zone.

1.5 Board Recommendations. The Board approves and recommends this project and financing plan to the City Council as the final *Reinvestment Zone Number Two, City of Abilene, Texas, Project and Financing Plan* (the "Final Plan"), pursuant to which the City will contribute 100% of its ad valorem tax increment attributable to increased taxable value of existing and new development in the Zone into a tax increment fund created by the City and segregated from all other funds of the City (the "TIRZ Fund") to pay the costs of public works, public improvements, programs, and other projects benefiting the Zone. The Board will also make recommendations to the City Council concerning any development and reimbursement agreements (TIRZ Reimbursement Agreement).

2. DESCRIPTIONS AND MAPS.

2.1 Existing Uses and Conditions. The Property is currently located in the County and in the City's corporate limits. Uses conform to the various zoning categories which include HC, Heavy Commercial, CU, College and University District, GC, General Commercial, LI, Light Industrial along with Residential. The area includes a number of civic uses - the County Courthouse, the Texas Tech schools, Hendrick Medical Center, Hardin Simmons University and Abilene Christian University. Other development includes various commercial and residential uses in various conditions along with some vacant land. A boundary map of the Zone and existing zoning uses is shown as **Exhibit A.**

2.2 Proposed Uses. The proposed uses will be established by existing zoning in most cases, but there may be areas where revised zoning will be requested. If so, any revisions will be made through the standard process and procedures of the City.

2.3 Boundary Description. A boundary description of the TIRZ No. 2 area is provided on **Exhibit B.**

3. PROPOSED CHANGES TO ORDINANCES, PLANS, CODES, RULES, AND REGULATIONS. Any changes in ordinances, plans, codes, rules and regulations which are required or requested will be made through the standard process and procedures of the City.

4. RELOCATION OF DISPLACED PERSONS. Although not anticipated, in the process of development and redevelopment in the Zone, any relocation will be made through the standard process and procedures of the City.

5. ESTIMATED NON-PROJECT COSTS. Non-project costs are private funds that will be spent to develop and redevelop in the Zone but will not be financed by the Zone. Based on the Feasibility Analysis a copy of which is attached as **Exhibit D**, the total non-project costs are estimated to be approximately $232 million as follows:

AIC Properties:	$6.6 million
General:	225.0 million
Total:	$231.6 million

6. PROPOSED PUBLIC IMPROVEMENTS.

6.1 Categories of Public Improvements. The categories of public works and public improvements that are proposed to be financed pursuant to this Final Plan are as follows:

- Streetscape, pedestrian and parking improvements
- Festival district and convention center improvements
- Hotel facilities and amenities
- Roadway and utility improvements
- Drainage improvements
- Areawide public improvements and amenities
- Property acquisitions
- Building façade improvements
- Environmental remediation, demolition, and land clearing

These projects and their associated costs are shown in more detail in **Exhibit C**.

6.2 Locations of Public Improvements. The locations of the proposed public works and public improvements all lie within the Zone and are generally located as described in **Exhibit D**.

7. PROJECT COSTS. The total maximum Project Costs, including Administrative Costs, are $19.76 million. Administrative Costs shall be paid each year from the TIRZ Fund before any other Project Costs are paid. Project Costs for administration of the Zone shall be the actual, direct costs paid or incurred by the City to establish and administer the Zone.

8. ESTIMATED TIME WHEN COSTS ARE TO BE INCURRED. Some Administrative Costs have been incurred and additional costs will most likely be incurred annually. It is assumed that the remainder of the Project Costs will be incurred during the life of the Zone, but it is likely that most will be incurred during the first 15 – 20 years.

9. ECONOMIC FEASIBILITY. For purposes of this Preliminary Plan, economic feasibility has been evaluated by Schrader & Cline, LLC, a copy of which is attached as **Exhibit D**. This evaluation focuses only on direct financial benefits (i.e., tax revenues from increased value of existing development and from new development in the Zone) and does not take into consideration the multiplier effect that will result from new development that occurs outside the Zone. During the term of the Zone, the increase in value of existing development plus new development that occurs in the Zone (which would not have occurred but for the Zone) will generate approximately $34.3 million in new total ad valorem tax revenue. Based on the foregoing, the feasibility of the Zone has been demonstrated.

10. ESTIMATED BONDED INDEBTEDNESS. If initial Project Costs are not advanced by a Developer or property owner, the City of Abilene or the Abilene Improvement Corporation may consider direct payment of Project Costs or issuing bonds and utilize tax increment funds for either direct repayment or to cover debt service as those funds are available.

11. TOTAL TAXABLE VALUE. The total appraised value of taxable real property in the Zone as of January 1, 2013 was approximately $121 million. This is the base year value on which future incremental increases are based. The total appraised value of taxable real property in the Zone as of January 1, 2014 was approximately $128 million. The losses in property value within the TIRZ were approximately $5 million (which does not negatively affect the TIRZ fund) and the gains in property value (or the increment) was approximately $11.4 million. This $11.4 million increment is the taxable value on which the TIRZ funding is based. It is estimated that upon expiration of the term of the Zone, the total appraised value of taxable real property in the Zone will be approximately $370 million.

12. ESTIMATED CAPTURED APPRAISED VALUE TAXABLE BY THE CITY. The captured taxable value of the Zone – taxable by the City for a year is the total taxable value of the Zone for that year less the tax increment base of the Zone. The tax increment base of the Zone is the total taxable value of the Zone for the year in which the Zone was designated (i.e., the taxable value as of January 1, 2013).

13. METHOD OF FINANCING. Project Costs will be financed through loans advanced by Developers, property owners, the City of Abilene, or the Abilene Improvement Corporation or by bonds which may be issued and utilize tax increment funds for either direct reimbursement or to support bond debt service as those funds are available. The revenue sources will be the real property taxes captured by the TIRZ, which will account for 100% of revenues used to fund Project and Administrative Costs or bond debt service. For the TIRZ Fund, the City of Abilene will contribute 100% of its tax rate on incremental taxable value as shown in **Exhibit D**.

14. DURATION OF THE ZONE. The term of the Zone commenced January 1, 2013 and continue until the earlier to occur of: (1) December 31, 2042 or (2) the date on which all Project Costs, bonds, and other obligations have been paid in full.

15. LIST OF EXHIBITS. Unless otherwise stated, all references to "Exhibits" contained in this Preliminary Plan shall mean and refer to the following exhibits, all of which are attached to and made a part of this Preliminary Plan for all purposes.

Exhibit A	Zone Boundary Map and Existing Zoning Uses
Exhibit B	Boundary Description
Exhibit C	Proposed Public Improvements
Exhibit D	Feasibility Analysis

EXHIBIT A

CITY OF ABILENE REINVESTMENT ZONE NO. 2

BOUNDARY AND EXISTING ZONING MAP

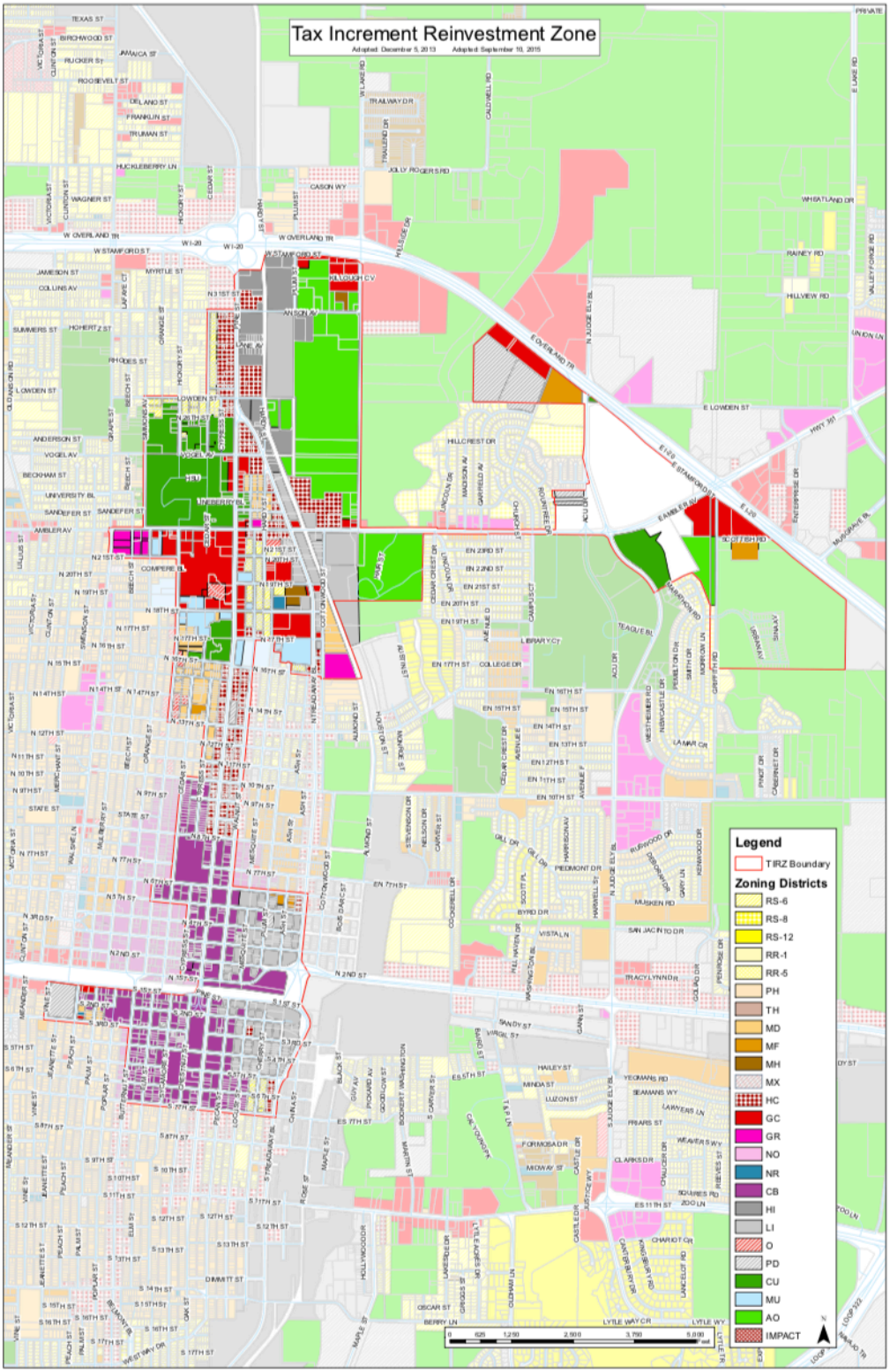


EXHIBIT B

CITY OF ABILENE REIVESTMENT ZONE NO. 2

BOUNDARY DESCRIPTION

Beginning at the southeast corner of the intersection of S. Treadaway Blvd. and S. 7th Street, the POINT OF BEGINNING;

THENCE, west along the south ROW of S. 7th Street to the west ROW of Butternut Street;

THENCE, north along the west ROW of Butternut Street to the south ROW of S. 3rd Street;

THENCE, west along the south ROW of S. 3rd Street to the west ROW of Vine Street;

THENCE, north along the west ROW of Vine Street to the south ROW of S. 1st Street;

THENCE, east along the south ROW of S. 1st Street to the west ROW of Pine Street;

THENCE, north along the west ROW of Pine Street to the south ROW of N. 1st Street;

THENCE, west along the South ROW of N. 1st Street to the west ROW of Cypress Street;

THENCE, north along the west ROW of Cypress Street to the south ROW of N. 5th Street;

THENCE, west along the south ROW of N. 5th Street to the west ROW of Hickory Street;

THENCE, north along the west ROW of Hickory Street to the north ROW of N. 6th Street;

THENCE, east along the north ROW of N. 6th Street to the west ROW of Cedar Street;

THENCE, north along the west ROW of Cedar Street to the north ROW of N.10th Street;

THENCE, east along the north ROW of N. 10th Street to the west ROW of Cypress Street;

THENCE, north along the west ROW of Cypress Street to the south ROW of N. 13th Street;

THENCE, west along the south ROW of N. 13th Street to the west ROW of Hickory Street;

THENCE, north along the west ROW of Hickory Street to the south ROW of N. 21st Street;

THENCE, west along the south ROW of N. 21st Street to the west ROW of Grape Street;

THENCE, north along the west ROW of Grape Street to the north ROW of Ambler Avenue;

THENCE, east along the north ROW of Ambler Avenue to the west ROW of Simmons Street;

THENCE, north along the west ROW of Simmons Street to the north ROW of Lowden Street;

THENCE, east along the north ROW of Lowden Street to the west ROW of Cedar Street;

THENCE, north along the west ROW of Cedar Street to the north ROW of Anson Avenue;

THENCE, east along the north ROW of Anson Avenue to the west ROW of Pine Street;

THENCE, north along the west ROW of Pine Street to the south ROW of IH-20;

THENCE, east along the south ROW of IH-20 to the east ROW of W. Lake Road;

THENCE, south along the east ROW of W. Lake Road to the north ROW of Ambler Avenue;

THENCE, east along the north ROW of Ambler Avenue to the southwest corner of a 16.052 acre tract of Lot 1, Block A, of the ACU Drive Addition;

THENCE, north along the western boundary of the aforementioned property;

THENCE, east along the north boundary of a 16.052 acre tract of Lot 1, Block A, of the ACU Drive Addition;

THENCE, north along the west ROW of N. Judge Ely Blvd. to the southeast corner of Lot 1, Block A, of the Grove Addition;

THENCE, west across along the south boundary of Lot 1, Block A, of the Grove Addition, continuing west to the southwest corner of a 27.15 acre tract of land in Abstract 0580, Survey 84 T&P RY CO, Block 14;

THENCE, north and northeast along the west property line of the aforementioned tract to the south ROW of IH-20;

THENCE, southeasterly along the south ROW of IH-20 to the most southerly northeast corner of a 129.17 acre tract in Abstract 1412, Survey 33 B A L NE/4, Tract W 65 AC (2001 Griffith Rd);

THENCE, south and west along the east and south property line of the aforementioned tract to the west ROW of Griffith Road;

THENCE, due west across the West Texas Utility power line easement to the east boundary of the University Hills Addition, Section 2 subdivision;

THENCE, north, northwesterly, and southwesterly along the east, northeast, and northwest boundary of the University Hills Addition, Section 2 subdivision to the west ROW of Marathon Road;

THENCE, southwesterly along the northwest boundary of the ACU Addition, Section 2 subdivision, continuing directly across N. Judge Ely Blvd. to the west ROW of N. Judge Ely Blvd.;

THENCE, north along the west ROW of N. Judge Ely Blvd. to the south ROW of Ambler Avenue;

THENCE, west along the south ROW of Ambler Avenue to the northeast corner of

Will Hair Park;

THENCE, south and west along the east and south property lines of Will Hair Park and continuing west along the south property line of a 7.338 acre tract in Abstract 0856, Survey 34 B A L NW/4 (1901 Cottonwood St) to the east boundary of the railroad right-of-way;

THENCE, south along the railroad right-of-way and west across the railroad right-of-way to the southeast corner of Lot 101 Block A, Abilene Bone & Joint Subdivision (1633 Cottonwood St);

THENCE, west along the south boundary of the aforementioned tract to the west ROW of Cottonwood Street;

THENCE, north along the west ROW of Cottonwood Street to the south ROW of N. 16th Street;

THENCE, west along the south ROW of N. 16th Street to the east ROW of Plum Street;

THENCE, north along the east ROW of Plum Street to the north side of the alley behind Lot 1, Block 1, College Drive Replat (642 N. 16th St);

THENCE, west along the north boundary of Lot 3, Block A, Griffin Nursing Home Subdivision (1618 Plum St) continuing across the alley to the west boundary of the north-south alley between Plum Street and Mesquite Street;

THENCE, north along the west boundary of the north-south alley between Plum Street and Mesquite Street to the northeast corner of Lot 5, Block 201, Blackburn I-E, Original Town Abilene (1649 Mesquite St);

THENCE, west along the north boundary of the aforementioned lot to the east ROW of Mesquite Street;

THENCE, north along the east ROW of Mesquite Street to the south ROW of N. 17th Street;

THENCE, west along the south ROW of N. 17th Street to the east ROW of Walnut Street;

THENCE, south along the east ROW of Walnut Street to the north ROW of N. 6th Street;

THENCE, east along the north ROW of N. 6th Street to the east ROW of N. Treadaway Blvd.;

THENCE, south along the east ROW of N. Treadaway Blvd., crossing N. 1st Street and continuing along the east ROW of S. Treadaway to the south east corner of the intersection of S. Treadaway Blvd. and S. 7th Street, the POINT OF BEGINNING and containing an area of approximately 1610 acres.

EXHIBIT C

CITY OF ABILENE

TAX INCREMENT REINVESTMENT ZONE NO. 2
PROJECT LIST

PROJECT	**COST**
Streetscape, pedestrian and parking improvements	6,500,000
Festival district and convention center improvements	4,260,000
Hotel facilities and amenities	4,000,000
Roadway and utility improvements	1,500,000
Drainage improvements	1,000,000
Areawide public improvements and amenities	1,000,000
Property acquisition	500,000
Building façade improvements	500,000
Environmental remediation, demolition, and land clearing	500,000
TOTAL PROJECT COSTS	$ 19,760,000

FEASIBILITY ANALYSIS

November 2013

Tax Increment Reinvestment Zone No. 2

City of Abilene, Texas

SCHRADER & CLINE, LLC

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Addison, TX 75001
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FORWARD

Schrader & Cline, LLC was asked to prepare a Feasibility Analysis using tax increment financing to encourage accelerated development and redevelopment for Tax Increment Reinvestment Zone No. 2 in the City of Abilene, Texas. The area of the City within the boundary of the TIRZ needs public infrastructure projects that will provide a stimulus for new development and redevelopment.

Section I details the tax increment analysis.

Section II contains tables.

The following projections of development and redevelopment and tax revenues are subject to change. As underlying conditions in the national and regional economy change, the pace and value of new development and redevelopment projected for the TIRZ area may shift. Future property tax rates are particularly difficult to predict given their dependence on changes in the tax base, the mix of taxes levied and the various jurisdictions' overall fiscal and budgetary policies. Thus, the projected tax increments are subject to change. The analysis of future tax increment funds is dependent on a series of projections, assumptions, and other inputs. As a result, the report should be reviewed in totality.

Neither this report nor its conclusions may be referred to or included in any prospectus or part of any offering made in connection with private syndication of equity, sale of bonds, sale of securities or sale of participation interests to the public without express written approval.

SCHRADER & CLINE, LLC

Schrader & Cline, LLC Addison, Texas November 2013

SECTION I: TAX INCREMENT ANALYSIS

This section documents the detailed analysis and inputs used to generate the tax increment revenue estimates. Tax Increment Financing involves:

- Designating an eligible redevelopment area as a tax increment reinvestment zone;
- Soliciting participation of other taxing jurisdictions;
- Setting the assessment base at the level of the most recent assessment; and
- Placing designated tax revenues generated by the increase in assessed value in a tax increment fund for funding public improvements.

Thus, future tax increment revenues depend on four elements:

- The timing and added value of new development and redevelopment;
- Appreciation of existing land and improvements;
- The loss of value from any existing improvements demolished to make way for new development; and
- Future tax rates and the percentage of participation of each taxing jurisdiction.

Assessment policies in Taylor County are assumed to set building assessments at 100 percent of fair market value, which are typically comparable to construction costs for new construction. Assessed values are established as of January 1 of the tax year. Thus, development in 2013 goes on the tax rolls for the Tax Year 2014. In this analysis, it is assumed that both the City of Abilene and Taylor County will each contribute 100% of its taxes from increases in real property values which are directed to the TIRZ Fund. All taxes from the base real property tax value and all taxes from existing and new business personal property will continue to flow to each taxing jurisdiction.

The total year 2013 taxable value of real property within the TIRZ boundary was estimated to be $189,042,246. For purposes of this tax increment analysis, the initial tax base for the Tax Increment Fund is assumed to be $189,042,246. Taxes on this amount will continue to flow to each taxing jurisdiction during the 30-year life of the TIRZ.

The TIRZ Fund generated by the incremental real property value over the 30-year life of the TIRZ includes the contributions provided by each taxing jurisdiction (City and County), and is calculated by multiplying the incremental assessed value by 100% of the proper tax rates of the participating taxing jurisdictions. In the City of Abilene TIRZ No. 2, the incremental value is assumed to come from two sources, (1) the development of property currently owned by the Abilene Improvement Corporation (AIC), and (2) the general increase in value of existing real property and from development and redevelopment over the life of the TIRZ. These will be discussed separately below.

AIC Property

The AIC currently owns almost 4.5 acres within the Pine Street Corridor of the TIRZ. Development of these tracts is shown in Table 1, which identifies incremental real property values and the projected time of development. Development of the AIC property is expected to yield an incremental value of about $3.877 million over a development time frame of 2014-2024. The yield to the TIRZ Fund from this incremental value is about $1.4 million and is shown in Table 2.

General Value Increase Plus New Development and Redevelopment

Real property values in the City of Abilene have increased an average of 4.5% per year over the period 2005-2013. This increase in values includes both any general increase in overall values plus any new development and redevelopment. This real property value increase information has been used to project the assumed value increases within the TIRZ boundary, but to be conservative, we have assumed value increases of only 2% for the first 5 years, 2.5% for the next 5 years and then only 3% for the remaining life of the TIRZ. These assumptions are expected to yield an incremental value of $225 million over the 30-year life of the TIRZ. The yield to the TIRZ Fund from this incremental value is about $32.9 million and is shown in Table 3.

Summary

Based on the above assumptions, it is expected that as a result of the public improvements shown in the Project Plan, incremental real property values within the TIRZ will increase by about $229 million which will yield about $34.3 million to the TIRZ Fund.

SECTION II: TABLES

TABLE 1

PROJECTED DEVELOPMENT TIMETABLE FOR AIC-OWNED LOTS IN THE PINE STREET CORRIDOR

Address	Square Feet	TCAD ID #	Asking Price @ $6/s.f.	Sale Price @ $4/s.f.	Bldg Value @ 4 X sale price	Total Land & Bldg Value	Projected Year of Development
803 Pine*	21,038	12294	$126,228				
825 Pine	7,000	12173	$42,000				
833 Pine	7,000	12053	$42,000				
Contiguous Lots 803 - 833 Pine	35,038		$210,228	$140,152	$560,608	$700,760	2016
901 Pine*	6,000	76240	$36,000				
925 Pine	7,500	76123	$45,000				
929 Pine	7,500	75868	$45,000				
Contiguous Lots 901 - 929 Pine	21,000		$126,000	$84,000	$336,000	$420,000	2020
1302 Pine*	15,000	17865	$90,000				
1318 Pine	7,000	17742	$42,000				
1326 Pine	7,000	17612	$42,000				
1330 Pine	4,620	17477	$27,720				
1334 Pine	10,500	21890	$63,000				
Contiguous Lots 1302 - 1334 Pine	44,120		$264,720	$176,480	$705,920	$882,400	2018
1441 Pine	14,000	77293	$84,000				
1449 Pine	4,500	10177	$27,000				
1457 Pine	16,814	11245	$100,884				
1465 Pine	8,526	76928	$51,156				
Contiguous Lots 1441 - 1465 Pine	43,840		$263,040	$175,360	$701,440	$876,800	2020
1474 Pine*	7,000	16150	$42,000	$28,000	$112,000	$140,000	2024
1442 Pine	28,000	19392	$168,000	$112,000	$448,000	$560,000	2022
1502 Pine*	8,100	11926	$48,600				
1510 Pine	6,750	11785	$40,500				
Contiguous Lots 1502 - 1510 Pine	14,850		$89,100	$59,400	$237,600	$297,000	2014
Total Square Feet	193,848		$1,163,088			$3,876,960	

Note: * Identifies corner lots.

TABLE 2

AIC PROPERTIES VALUE AND TIRZ FUND

YEAR	INCREMENTAL VALUE, $K	INCREMENTAL CUM. VALUE, $K	TIRZFUND, $K**
2013	-	-	-
2014	297.0	297.0	-
2015	-	297.0	3.5
2016	700.8	997.8	3.5
2017	-	997.8	11.9
2018	882.4	1,880.2	11.9
2019	-	1,880.2	22.4
2020	1,296.8	3,177.0	22.4
2021	-	3,177.0	37.8
2022	560.0	3,737.0	37.8
2023	-	3,737.0	44.5
2024	140.0	3,877.0*	44.5
2025	-	3,993.3	46.2
2026	-	4,113.1	47.5
2027	-	4,236.5	49.0
2028	-	4,363.6	50.4
2029	-	4,494.5	52.0
2030	-	4,629.3	53.5
2031	-	4,768.2	55.1
2032	-	4,911.3	56.8
2033	-	5,058.8	58.5
2034	-	5,210.4	60.2
2035	-	5,366.7	62.0
2036	-	5,527.7	63.9
2037	-	5,693.5	65.8
2038	-	5,864.3	67.8
2039	-	6,040.3	69.8
2040	-	6,221.5	71.9
2041	-	6,408.1	74.1
2042	-	6,600.4	76.3
2043	-	-	78.6
	3,877.0	6,600.4	1,399.6
	*Increase at 3% per year		
	** Based on :	City = 0.686 / $100 valuation	
		County = 0.5047 / $100 valuation	
		TOTAL = $1.1907 / $100 valuation	

TABLE 3

GENERAL PLUS DEVELOPMENT AND REDEVELOPMENT VALUES AND TIRZ FUND

YEAR	VALUE INCREASE, %	VALUE, $,M	INCREMENT, $M	TIRZ FUND, $K*
2013	-	189	-	-
2014	2.0	193	4	-
2015	2.0	197	8	48
2016	2.0	201	12	95
2017	2.0	205	16	143
2018	2.0	209	20	191
2019	2.5	214	25	238
2020	2.5	220	31	298
2021	2.5	225	36	369
2022	2.5	231	42	429
2023	2.5	236	47	500
2024	3.0	243	54	560
2025	3.0	250	61	643
2026	3.0	258	69	726
2027	3.0	266	77	798
2028	3.0	274	85	917
2029	3.0	282	93	1,012
2030	3.0	291	102	1,107
2031	3.0	299	110	1,215
2032	3.0	308	119	1,310
2033	3.0	318	129	1,417
2034	3.0	327	138	1,536
2035	3.0	337	148	1,643
2036	3.0	347	158	1,762
2037	3.0	358	169	1,881
2038	3.0	368	179	2,012
2039	3.0	379	190	2,131
2040	3.0	391	202	2,262
2041	3.0	402	213	2,405
2042	3.0	414	225	2,536
2043	-	-	-	2,679
		414	225	32,863
	* Based on :	City = 0.686 / $100 valuation		
		County = 0.5047 / $100 valuation		
		TOTAL = $1.1907 / $100 valuation		

RESOLUTION NO. 205-2019

A RESOLUTION OF THE TAX INCREMENT REINVESTMENT ZONE NO. 2 (TIRZ) BOARD OF DIRECTORS, CITY OF ABILENE, TEXAS, RECOMMENDING APPROVAL OF AMENDMENTS TO THE PROJECT PLAN

WHEREAS, the governing body of the City of Abilene adopted Ordinance No. 66-2013 creating a Tax Increment Reinvestment Zone No. 2, establishing certain economic development incentives to encourage and promote private investment within the City of Abilene Tax Increment Reinvestment Zone No. 2; and

WHEREAS, the TIRZ Board voted unanimously to recommend approval of a Final Project and Financing Plan (the "Project Plan") at their August 16, 2018 meeting; and

WHEREAS, pursuant to Ordinance No. 48-2018, the City adopted a Project Plan as recommended by the TIRZ Board; and,

WHEREAS, it has become necessary to amend the Project Plan.

NOW THEREFORE BE IT RESOLVED BY THE TAX INCREMENT REINVESTMENT ZONE NO. 2 BOARD OF DIRECTORS:

That the Board recommends the Abilene City Council amend the Project Plan as set forth in the attached, "Exhibit A."

ADOPTED this 25th day of September, 2019.

ATTEST:

Shawna Atkinson, City Secretary

Robert "Stormy" Higgins, Vice Chairman

APPROVED:

Stanley Smith, City Attorney

Exhibit A

TAX INCREMENT REINVESTMENT ZONE NO. 2 PROJECT LIST

PROJECT	COST
Streetscape, pedestrian and parking improvements	4,000,000
Festival district and convention center improvements	4,000,000
Hotel facilities and amenities	4,000,000
Roadway and utility improvements	1,500,000
Drainage improvements	1,000,000
Areawide public improvements and amenities	1,000,000
Property acquisition	1,500,000
Building façade improvements	1,260,000
Environmental remediation, demolition, and land clearing	1,500,000
TOTAL PROJECT COSTS	$ 19,760,000

PROJECT	PROPOSED APPENDIX "C"	CURRENT PROJECT PLAN APPENDIX "C"
Streetscape, pedestrian and parking improvements	4,000,000	6,500,000
Festival district and convention center improvements	4,000,000	4,260,000
Hotel facilities and amenities	4,000,000	4,000,000
Roadway and utility improvements	1,500,000	1,500,000
Drainage improvements	1,000,000	1,000,000
Areawide public improvements and amenities	1,000,000	1,000,000
Property acquisition	1,500,000	500,000
Building façade improvements	1,260,000	500,000
Environmental remediation, demolition, and land clearing	1,500,000	500,000
TOTAL PROJECT COSTS	$ 19,760,000	$ 19,760,000

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Honorable Mayor & Members of City Council**

FROM: **Stanley Smith, City Attorney**

SUBJECT: **21. The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:**

GENERAL INFORMATION

The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:
A. 551.071 (Consultation with Attorney)

1. City of Abilene, Texas v. Aurora Bumgarner; 104th Judicial District Court,Taylor County, Texas; filed November 17, 2011
2. Chad Carter v. City of Abilene, Texas; Cause No. 10138-D, In the 350th Judicial District Court, Taylor County, Texas, filed June 17, 2014
3. Susan Lewis King & Austin King MD vs Ken Paxton, Attorney General of Texas and the City of Abilene, Cause No. D-1-GN-16-001160, filed March 16, 2016
4. Ruby Flores and Cory Almanza v. Jesus Verastegui, Alfredo Verastegui, Rosalva Verastegui, and City of Abilene, Cause No. 49368-A, 42nd District Court, Abilene, Taylor County, Texas, filed April 13, 2016
5. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
6. Officer Patrick Sumrall and City of Abilene, Case No. 01-18-000-8653; Appeal of Indefinite Suspension to Arbitration, filed February 6, 2018
7. Tracy Kennedy and Richard Kennedy v. Katie Snell, Richard Perez, Thomas Bryant, John Doe 1, and John Doe 2; Case No. 1:18-cv-162, In the United States District Court, Northern District of Texas, Abilene Division, filed October 16, 2018
8. Alfredo Valencia v. Corey Davis and City of Abilene; Case No. 1:19-cv-00017-C; In the United States District Court, Northern District of Texas, Abilene Division, filed February 4, 2019.

9. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
10. Ovation Services, LLC v. Blanca Cortez, et al.; Case No. 11875-D; In the 350th Judicial District Court, Taylor County, Texas; filed July 15, 2019
11. City of Abilene v. 3118 South 22nd Street, Abilene, Texas, et al., In the District Court, Taylor County, Texas, filed October 11, 2019

B. 551.072 (Deliberations about Real Property)

1. Clyde Water
2. Use of Eminent Domain for Cedar Creek Waterway

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

1. City Council may consider appointment, employment, compensation, reassignment, duties, discipline, or dismissal of public officers or employees, City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members
2. City of Abilene Boards and Commissions may be discussed, as needed for (re)appointment

E. 551.076 (Deliberations about Security Devices)
F. 551.087 (Business Prospect/Economic Development)

1. Abilene Convention Center Hotel Project
2. 1166 N 2nd Street

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

City Council
Agenda Memo

City Council Meeting Date: 10/17/2019

TO: **Honorable Mayor & Members of City Council**

FROM: **Shawna Atkinson, City Secretary**

SUBJECT: **22. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Appointing Members to Various Boards and Commissions per the City Charter *(Shawna Atkinson)***

- **Abilene Housing Authority Board**
- **Abilene-Taylor County Venue District Board**
- **Board of Building Standards**
- **Jones County Central Appraisal District Board of Directors Nomination**
- **Street Maintenance Advisory and Appeals Board**
- **Taylor County Central Appraisal District Board of Directors**
- **Tax Increment Reinvestment Zone (TIRZ) Board - Appointment of Chair**

GENERAL INFORMATION

The item provides for reappointment of new members as well as new members to certain boards and commissions.

SPECIAL CONSIDERATIONS

Member terms vary per board and commission and are outlined in Exhibit A of the resolution.

FUNDING/FISCAL IMPACT

No cost consideration to the city.

STAFF RECOMMENDATION

(re)Appointment

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1.	Resolution	Resolution.docx
2.	Exhibit A	Exhibit A.xlsx
3.	Combined Applications	Combined Applications.pdf
4.	B&C Presentation Slide	B&C Presentation Slide.pdf

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AS REQUIRED BY THE CHARTER OF THE CITY OF ABILENE AND STATUTES OF THE STATE OF TEXAS

WHEREAS, the Charter of the City of Abilene and the Statutes of the State of Texas require that certain Boards and Commissions be established with a portion of the memberships thereof to be filled by appointment each year; and

WHEREAS, the City Council is of the opinion that the following members should be appointed to the designated Boards and Commissions, and has requested the Mayor to appoint same with the approval of the Council.

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

PART 1: That the list of Members is attached hereto as Exhibit A, shall be in all things, approved.

PART 2: That this resolution shall take effect immediately from and after its passage.

PASSED this 17th day of October, 2019.

ATTEST:

_____
Shawna Atkinson, City Secretary

_____
Anthony Williams, Mayor

APPROVED:

_____
Stanley Smith, City Attorney

RESOLUTION NO. _____
EXHIBIT "A"

Board	Term End Date
Abilene Housing Authority	
Tim Evans [Reappointment]	November 2021
Abilene-Taylor County Venue District Board	
Downing Bolls [Reappointment]	November 2021
Kyle McAlister [Reappointment]	November 2021
Anthony Williams [Reappointment]	November 2021
Board of Building Standards	
David Beard [Reappointment]	November 2021
Betty Bradley [Reappointment]	November 2021
Anthony McColum [Reappointment]	November 2021
Wayne Paris [Reappointment]	November 2021
Lloyd Turner [Reappointment]	November 2021
Jones County Central Appraisal District Board Nomination	
Seaton Higginbotham	December 2020
Street Maintenance Advisory & Appeals Board	
Joey Devora [New]	March 2021
Taylor County Central Appraisal District Board	
Jessica Cantu [New]	December 2021
Tax Increment Reinvestment Zone (TIRZ) Board	
Stormy Higgins (Chair)	August 2020

Resolution:

Appointing Member(s) to various Boards and Commissions per the City Charter

- Abilene Housing Authority Board of Directors
- Abilene-Taylor County Venue District Board
- Board of Building Standards
- Jones County Central Appraisal District Board of Directors – Nomination
- Street Maintenance Advisory & Appeals Board
- Taylor County Central Appraisal District Board of Directors
- Tax Increment Reinvestment Zone (TIRZ) Board - Appointment of Chair

CITY OF ABILENE TEXAS