



City of Abilene City Council Agenda

Shane Price, Mayor Pro-tem
Lynn Beard, Deputy Mayor Pro-tem
Blaise Regan, Council Member
Robert Hanna, City Manager

Weldon Hurt, Mayor

Brian Yates, 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 September 14, 2023, at 8:30 a.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

INVOCATION

1. Councilmember Travis Craver

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. Service Awards:

- Anthony Redman - 30 Years - Library
- Jerry Rose - 20 Years - Parks & Recreation

CONSENT AGENDA AND PUBLIC COMMENTS

All items listed in the Consent Agenda are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion or presentation of these items unless otherwise requested by a Council Member. In the event one or more Council Members remove an item from the consent Agenda for separate discussion or presentation, the item or items removed will be considered in numerical order as part of the Regular Agenda and shall include a public hearing.

After the Council Members have requested any item on the consent Agenda be considered separately, the public comment period will be held. The public comment section of the consent agenda allows members of the public to present any ideas or information to the City Council and staff, and also allows for public comment on the consent agenda items not otherwise pulled for separate consideration. Neither the City

Council nor staff will engage in discussion with the public during the public comments unless the item is listed on the Council agenda.

Members of the public will have a total time limit of three (3) minutes to speak during the public comments section.

3. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on August 24, 2023 **(Shawna Atkinson)**
4. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving the Abilene Cultural Affairs Council FY 2024 Budget **(Mike Rains)**
5. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Amending the Professional Services Agreement with Enprotec/Hibbs & Todd, Inc. for the South 14th Street Pedestrian Improvements Design **(Max Johnson)**
6. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to enter into a contract with the Veterans Land Board for the Management of the Texas State Veterans Cemetery at Abilene **(Lesli Andrews)**
7. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Take Action to Revise the FY 23-24 Budget Ordinance and to Increase Staffing for the Texas State Veterans Cemetery in Abilene **(Robert Hanna)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

8. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article VII., "Stop, Yield Intersections," Article X, "Stopping, Standing, and Parking," and Article XIII, "Schedules," of the Abilene Municipal Code, By Amending Certain Sections As Set Out Below, Providing A Severability Clause; And Declaring A Penalty **(Max Johnson)**
9. **Ordinance (Final Reading) CUP-2023-05:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Alan Wartes, Represented By Jovon Christophe, To Apply A Conditional Use Permit To Approximately 0.17 Acres To Allow For A Daycare Within Residential Single Family (RS-6) Zoning For Up To 12 Children. Located At 3236 Ambler Avenue. **(Tim Littlejohn)**
10. **Ordinance (Final Reading) Z-2023-24:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Amazing Grace True Grit, LLC, Represented By Sara Trammel, To Change The Zoning Of Approximately 0.68 Acres From Residential Single Family (RS-12) To A Planned Development District (PDD-183) To Allow For A Medical Spa. Located At 642 Sayles Boulevard. **(Tim Littlejohn)**
11. **Ordinance (Final Reading) Z-2023-26:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From KKP Investments, LLC, Represented By Jacob & Martin, To Amend The Terms Of Planned Development District 172 To Allow Single-Family Residential Uses With No Through Connection To East Stamford Street. Located At 2668 Garfield Avenue. **(Tim Littlejohn)**
12. **Ordinance (Final Reading) Z-2023-28:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Darin Albergucci, represented by e-HT, to change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC). Located at 910 Bandera Park. **(Tim Littlejohn)**
13. **Ordinance (Final Reading) Z-2023-29:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Moore Abilene Holdings, LP, represented by Alex Moore, to change the zoning of approximately 0.64 acres from Heavy Industrial (HI) to Heavy Commercial (HC). Located at 2222, 2234, 2250 Butternut Street. **(Tim Littlejohn)**
14. **Discussion:** Receive a Report, Hold a Discussion and Public Hearing on the Impact of Water

EXECUTIVE SESSION

15. **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. 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
2. City of Abilene v. 3118 South 22nd Street, Abilene, Texas, et al.; Cause No. 11968-D, In the 350th Judicial District Court, Taylor County, Texas; filed October 11, 2019
3. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-004598, In the 53rd Judicial District Court, Travis County, Texas; filed September 1, 2020
4. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
5. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-007028, In the 459th Judicial District Court, Travis County, Texas; filed November 18, 2020
6. Alton H. Smith, Jr. and Alicia Malorie Smith v. City of Abilene, Texas; Cause No. 51055-A, In the 42nd Judicial District Court, Taylor County, Texas; filed March 11, 2021
7. Steve Van Horne, et al. v. City of Abilene, et al.; Cause No. 12530-D, In the 350th Judicial District Court, Taylor County, Texas; filed September 7, 2021
8. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-21-006299, In the 250th Judicial District Court, Travis County, Texas; filed October 20, 2021
9. Richard Scheriger, et al. v. City of Abilene; Cause No. CV33253, In the 90th Judicial District Court, Stephens County, Texas, filed April 21, 2023
10. The Woodlands Pride, Inc., et al. v. Angela Colmenero, Interim Attorney General of Texas, et al., Case No. 4:23-cv-02847, In the United States District Court, Southern District of Texas, Houston Division, filed August 2, 2023
11. Eminent Domain Lawsuits - North First and Leggett Street Intersections
12. Eminent Domain - 212 ES 11th Street

B. 551.072 (Deliberations about Real Property)

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. 505 Pine Street

RECONVENE

REGULAR AGENDA

16. **Oral Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Annual Evaluation of the City Manager
17. **Oral Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Annual Evaluation of the City Attorney

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 8th day of September, 2023, at 2:00 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: **3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on August 24, 2023 (Shawna Atkinson)**

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting Held on August 24, 2023

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 08-24-2023 Minutes - Regular - Morning

CITY COUNCIL MEETING
August 24, 2023 at 8:30 a.m.

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

The City Council of the City of Abilene, Texas met in Regular Session on August 24, 2023, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Weldon Hurt was present and presiding, along with Mayor Pro-tem Shane Price, Deputy Mayor Pro-tem Lynn Beard, and Councilmembers Blaise Regan, Brian Yates, Kyle McAlister, and Travis Craver. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and Deputy City Secretary Kaitlin Richardson.

Mayor Pro-tem Shane Price delivered the invocation.

Kaylee Herrera, 3rd grader from Alcora Elementary led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 2-17. No item was pulled for individual consideration.

PUBLIC COMMENTS

Mayor Hurt opened the public comment period. The following addressed the city council:

- Carmen Price
- Michelle Schuley (not an Abilene resident)

With no speakers coming forward, the public comment period was closed.

CONSENT AGENDA

Councilmember McAlister moved to approve the consent agenda consisting of items 2-17. Mayor Pro-tem Price seconded the motion. Motion carried.

AYES (7): Mayor Hurt, Mayor Pro-tem Price, Deputy Mayor Pro-tem Beard, and Councilmembers Regan, Yates, McAlister and Craver

NAYS (0): None

2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on August 10, 2023
3. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing a Joint Election Agreement and Contract for Election Services with Taylor County for a Special Election to be Held on Tuesday, November 7, 2023
[ASSIGNED RESOLUTION NO. 142-2023]
4. Resolution: Receive a Report, Hold a Discussion and Take Action to Adopt the City of Abilene Active Living Plan
[ASSIGNED RESOLUTION NO. 143-2023]

5. Resolution: Receive a Report, Hold a Discussion and Take Action on the Reappointment of the Honorable Chace Craig as the Municipal Court Judge
[ASSIGNED RESOLUTION NO. 144-2023]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG)
[ASSIGNED RESOLUTION NO. 145-2023]
7. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Bid #CB-2358 Water Department Street & Miscellaneous Repair Work 2023-2024 to Epic Construction Co.
[ASSIGNED RESOLUTION NO. 146-2023]
8. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding the Bid for a Replacement Inductively Coupled Plasma Spectrometer Instrument for the Abilene Environmental Laboratory
[ASSIGNED RESOLUTION NO. 147-2023]
9. Resolution: Receive a Report, Hold a Discussion and Take Action on Receipt and Review of the Abilene-Taylor County Events Venue District Revised FY 2023 and Approved FY 2024 Budgets
[ASSIGNED RESOLUTION NO. 148-2023]
10. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Abilene Convention and Visitors Bureau FY 2024 Budget
[ASSIGNED RESOLUTION NO. 149-2023]
11. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Negotiated Settlement Between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the company's 2023 Rate Review Mechanism Filing; Declaring Existing Rates to Be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attachment Establishing a Benchmark for Pension and Retiree Medical Benefits; Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses; Determining that this Resolution was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of the Resolution to the Company and the ACSC's Legal Counsel
[ASSIGNED RESOLUTION NO. 150-2023]
12. Ordinance (First Reading) CUP-2023-05: Receive a Report, Hold a Discussion and Take Action on A Request From Alan Wartes, Represented By Jovon Christophe, To Apply A Conditional Use Permit To Approximately 0.17 Acres To Allow For A Daycare Within Residential Single Family (RS-6) Zoning For Up To 12 Children. Located At 3236 Ambler Avenue
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REGULAR AGENDA

11. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the City Code by Adding Chapter 13, Health & Sanitation, Article VI. "Public Swimming Pools and Spas"
[ASSIGNED ORDINANCE NO. 55-2023]

Annette Lerma, Director of Public Health, presented the item. Adoption of the item would amend the city code by adding Chapter 13, Health & Sanitation, Article VI. "Public Swimming Pools and Spas. Adoption of this item would give public health the authority to regulate public swimming pools, spas, and interactive water features.

Mayor Hurt opened the public hearing. With no speakers coming forward, the public hearing was closed.

Councilmember McAlister moved to approve the item as presented. Councilmember Yates seconded the motion; motion carried.

AYES (7): Mayor Hurt, Mayor Pro-tem Price, Deputy Mayor Pro-tem Beard, and Councilmembers Regan, Yates, McAlister and Craver

NAYS (0): None

EXECUTIVE SESSION

Mayor Hurt recessed into Executive Session at 8:40 a.m., pursuant to the following of the Open Meetings Act, with the following issues discussed during this session, as listed on the agenda and authorized by the noted Texas Government Code Section:

19. A. 551.071 (Consultation with Attorney)
 11. Eminent Domain lawsuits – North First & Leggett Streets intersection
 2. Possum Kingdom Discharge Permit
19. B. 551.072 (Deliberations about Real Property)
 1. 810 N 6th Street
19. F. 551.087 (Business Prospect/Economic Development)
 1. 505 Pine Street

The Executive Session ended at 9:21 a.m. and reconvened to Open Session. Mayor Hurt reported no votes or action were taken in Executive Session.

REGULAR AGENDA

28. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Creating the GLC Enterprise Zone Designation
[ASSIGNED RESOLUTION NO. 151-2023]

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would support the Great Lakes Cheese Enterprise Zone, that is a state incentive designed to encourage private investment and job creation. It offers state sales and use tax benefits to new and expanding businesses in eligible areas identified by the State of Texas.

Mayor Hurt opened the public hearing. With no speakers coming forward, the public hearing was closed.

Deputy Mayor Pro-tem Beard moved to approve the item as presented. Councilmember Regan seconded the motion; motion carried.

AYES (7): Mayor Hurt, Mayor Pro-tem Price, Deputy Mayor Pro-tem Beard, and Councilmembers Regan, Yates, McAlister and Craver
NAYS (0): None

ADJOURNMENT

There being no further business, the meeting adjourned at 9:34 a.m.

Shawna Atkinson
City Secretary

Weldon Hurt
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Robert Hanna, City Manager

FROM: Mike Rains, Finance Director

SUBJECT: 4. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Abilene Cultural Affairs Council FY 2024 Budget (Mike Rains)

GENERAL INFORMATION

The Abilene Cultural Affairs Council (ACAC) is the recipient of hotel occupancy taxes collected by the City under Chapter 351.101 of the Texas Tax Code. The agreement with the Abilene Chamber of Commerce outlining procedures for the use of hotel occupancy taxes by the ACAC requires their annual budget to be approved by the City Council. It further states the City Manager shall review and make a recommendation to Council to approve, modify or amend the budget.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The ACAC receives reimbursement for eligible expenses up to 14% of the hotel occupancy taxes collected annually.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution Approving the FY 2024 Abilene Cultural Affairs Council Budget
2. Abilene Cultural Affairs Council Proposed 2023-2024 Budget
3. Powerpoint - Resolution Approving the Abilene Cultural Affairs Council FY 2024 Budget

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING THE ABILENE CULTURAL AFFAIRS COUNCIL FY 2024 BUDGET**

WHEREAS, the agreement with the Abilene Chamber of Commerce for expenditure of hotel occupancy taxes requires the approval of City Council of the annual budget for the Abilene Cultural Affairs Council based on the review and recommendation of the City Manager; and

WHEREAS, the City Manager has reviewed the budget for FY 2024; and

WHEREAS, the City Manager recommends approval of the budget.

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

Part 1: The City Council of the City of Abilene, Texas has approved the budget of the Abilene Cultural Affairs Council for FY 2024.

ADOPTED this 14th day of September, 2023.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

Abilene Cultural Affairs Council				
	PROPOSED	ACTUAL	PROJECTED	PROPOSED
	Budget	YTD	YR. END	Budget
Description	2022-2023	31-May-23	30-Sep-22	2023-2024
REVENUE				
Proj. Rev. -Storybook Sculpture	350.00	0	350	0.00
Proj. Rev.-Outdoor Sculpture	7,000.00	0	0	5,000.00
Proj. Rev - Storybook Store	2,335.00	76	2,335	2,500.00
Proj. Rev.- Celebrate the Arts	0.00	50	440	200.00
Proj. Rev.-Young Audiences	30,000.00	8,268	10,000	10,000.00
Proj. Rev.- HeArts for the Arts				
Proj. Rev - Mural 2021	0	0	795	5,000
Proj. Rev-Cult Dist Enhancement 22-23	0	3,000	3,000	0
Proj. Rev.- C.A.L.F.	44,500	14,951	35,000	35,000
Proj. Rev. -Storybook Events	3,026	2,256	3,026	3,000
City of Abilene -Room Tax	620,630	465,083	697,000	660,800
Grant Rev. -Outdoor Sculpture				0
Grant Rev.-Donated Sculptures	0	0	0	0
Grant Rev. -StoryBook Sculpture	75,000	38,100	38,100	50,000
Locomotive	120,000	70,000	120,000	0
Grant Rev-Cult Dist Enh 20-21	0	27,000	60,000	0
Grant Rev-Cult Dist Enh 21-22	0	10,000	11,000	11,000
Grant Rev-Cult Dist Enh 22-23	158,387	60,000	245,000	0
Grant Rev-Cultural Dist Enh 23-24				190,000
Grant Rev-Mural 2021	0	0	0	10,000
Grant Rev. -Marketing				
Grant Rev. - Abilene Scene	14,000	12,575	14,000	14,000
Grant Rev. Young Audiences	92,000	75,000	92,000	92,000
Grant Rev. HeArts for the Arts	91,000	81,630	91,000	91,000
Grant Rev.-Children's Series	40,000	30,000	40,000	40,000
Grant - C.A.L.F.	89,097	90,000	85,417	100,000
Grant Rev.- Unallocated	12,000	0	0	7,000
Cultural District				
Broadway Series	0	0	0	0
Interest - Paramount Series	541	400	541	500
Children's Series	88,403	23,649	45,000	45,000
Interest - Children's Series	447	109	447	500
Interest	411	72	411	450
COVID Relief Programs	0		0	
Abilene Arts Alliance				
TOTAL REVENUE	1,489,127	1,012,219	1,594,862	1,372,950
PROGRAM & SERVICES EXPENSES				
Cultural District/Tourism	75,000	49,046	72,000	72,000
Local Organization Grants (CVD)	85,000	63,621	85,000	100,000
Broadway Series	0	0	8,000	0
Children's Series	128,850	68,226	85,000	85,000
Outdoor Sculpture	10,000	3,687	10,000	5,000
Donated Sculptures	0	0	0	0
Celebrate the Arts	16,000	13,206	16,000	16,000

	PROPOSED	ACTUAL	PROJECTED	PROPOSED
	Budget	YTD	YR. END	Budget
Description	2022-2023	31-May-23	30-Sep-22	2023-2024
Locomotive	120,000	70,000	120,000	0
Story Book Sculpture	75,000	73,137	73,137	50,000
Cultural Districk Enh 19-20	2,100		2,100	0
Storybook Events	8,435	3,867	8,435	3,000
Cultural District Enh 20-21	0	30,143	45,000	0
Cultural District Enh 21-22		10,679	11,000	11,000
Cultural District Enh 22-23	214,725	100,831	265,000	0
Cultural District Enh 23-24				216,000
Mural 2021	0	0	0	10,000
Marketing	15,065	14,661	15,065	16,000
Abilene Scene	21,000	15,075	16,000	14,000
Young Audiences	122,000	72,487	102,000	102,000
HeArts for the Arts	91,000	87,106	91,000	91,000
C.A.L.F	133,597	130,976	180,281	162,295
Storybook Store	4,000	1,644	2,000	2,500
Sculpture Maintenance				
TOTAL PROGRAM & SERVICES EXP.	1,121,772	808,392	1,207,018	955,795
ADMINISTRATIVE EXPENSES				
Accounting Services	7,500	5,400	8,100	8,400
Administrative Fee	10,617	9,243	13,940	13,216
Auditing & Legal	4,100	5,800	5,800	6,000
Auto Expense	171	0	171	200
Office Supplies	2,082	1,447	2,082	2,082
Equipment Repairs				
Postage	461	60	461	300
Printing	2,000	719	2,000	2
Telephone	12,500	5,305	9,000	9,200
Personal Property Taxes				
Rent	19,404	16,800	25,200	25,200
Depot Expenses	6,000	3,500	6,000	6,000
Dues & Subscriptions	3,342	2,481	3,342	3,500
Travel & Entertainment	4,354	4,233	4,354	5,000
Arts Economic Impact Study		3,903		0
Computer Services	4,337	2,636	4,337	4,300
Equipment & Furniture	230	0	230	
Depreciation	7,116	4,800	7,116	7,116
Liability Insurance	2,385	2,096	2,385	2,400
Loss on Disposal of Asset				
Document Storage	827	544	827	830
TOTAL ADMINISTRATIVE EXPENSES	87,426	68,967	95,345	93,746
STAFF EXPENSES				
Contract Labor				
Salaries	187,560	137,822	210,006	230,000
Payroll Tax	12,637	10,879	16,387	18,000
Group Insurance	33,500	23,874	34,834	38,451
Retirement	18,909	14,949	22,525	27,397
Unemployment Taxes	761	881	800	761

	PROPOSED	ACTUAL	PROJECTED	PROPOSED
	Budget	YTD	YR. END	Budget
Description	2022-2023	31-May-23	30-Sep-22	2023-2024
Worker's Compensation Ins.	562	0	800	800
Professional Development	10,000	494	7,147	8,000
TOTAL Staff Expense	263,929	188,899	292,499	323,409
TOTAL EXPENSE	1,473,127	1,066,258	1,594,862	1,372,950
INCR (DECR) IN NET ASSETS	16,000	-54,039	0	0

Resolution Approving the Abilene Cultural Affairs Council FY 2024 Budget





Resolution Approving the Abilene Cultural Affairs Council FY 2024 Budget

- In accordance with the agreement with the Abilene Chamber of Commerce for expenditure of hotel occupancy taxes the budget of the Abilene Cultural Affairs Council must be approved by City Council based on a review and recommendation by the City Manager.
- The City Manager has reviewed the FY 2024 budget and recommends approval.





Resolution Approving the Abilene Cultural Affairs Council FY 2024 Budget

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 5. Resolution: Receive a Report, Hold a Discussion and Take Action on Amending the Professional Services Agreement with Enprotec/Hibbs & Todd, Inc. for the South 14th Street Pedestrian Improvements Design *(Max Johnson)*

GENERAL INFORMATION

On January 12, 2023, the City entered into a Professional Services Agreement with Enprotec/Hibbs & Todd, Inc. (eHT) for procurement and design services for the South 14th Street Pedestrian Improvements project. The contract was for the set fee of \$104,000.00. eHT has requested an increase in the set fee in the amount of \$16,000.00 due to unforeseen additional time needed in the bidding phase of the project. City staff is agreeable to the increase in the set fee due to the unforeseen additional time expended by eHT during the bidding phase of the project.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of the Amendment to the Agreement with eHT to increase the set fee by \$16,000.00.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 2023 Resolution Amend eHT Agreement S 14th Ped Improv
2. Amend 1 to eHT Agreement - S14th Ped Improvements (signed by eHT)
3. City Budget Amendment Request Letter 8282023
4. Professional Services Contract (S. 14th St. Pedestrian Improvements) (1)
5. PSA Ammendment Powerpoint

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC. REGARDING THE SOUTH 14TH STREET PEDESTRIAN IMPROVEMENTS PROJECT.

WHEREAS, the City and Enprotec/Hibbs & Todd, Inc. entered into a Professional Services Agreement on January 12, 2023 for procurement and design services for the South 14th Street Pedestrian Improvements project for set fee amount of \$104,000.00; and

WHEREAS, part of the services provided by eHT were Basic Engineering Services / Bidding Phase, in the amount of \$10,000.00; and

WHEREAS, eHT has requested an increase of \$16,000.00 for the Bidding Phase services due to unforeseen additional time required for multiple bidding and coordination with TXDOT Austin and TXDOT Abilene; and

WHEREAS, City staff is agreeable to the increase of \$16,000.00 to the set fee amount due to the unforeseen additional time required by eHT; and

WHEREAS, the Amendment will increase the set fee payable to eHT to \$120,000.00, and no other terms of the Agreement will be amended.

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

PART 1: That the City Manager is hereby authorized to negotiate and execute an Amendment to the Professional Services Agreement with Enprotec/Hibbs & Todd, Inc. for procurement and design services of the South 14th Street Pedestrian Improvements project as outlined above.

PART 2: That this Resolution is effective immediately upon adoption.

ADOPTED this 14th day of September, 2023.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

**AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY
OF ABILENE AND ENPROTEC/HIBBS & TODD**

This Amendment is effective the 14th day of September, 2023, by and between the City of Abilene, Texas and Enprotec/Hibbs & Todd, Inc. ("Consultant"). The City of Abilene and Consultant executed a Professional Services Agreement on the 12th day of January, 2023 ("Agreement") regarding South 14th Pedestrian Improvements.

Section VI of the Agreement provides that the parties by amend the Agreement by written consent.

On August 28, 2023, the City received a Budget Amendment Request from consultant, requesting an increase in \$16,000 for their services due to unanticipated increased time associated with multiple biddings and coordination with TXDOT Austin and TXDOT Abilene.

Be it known that the City of Abilene and Consultant agree to amend the Agreement as follows:

"ATTACHMENT B

"Payment is in a lump sum amount of \$120,000.00 upon completion of the work and written acceptance by City's Project Representative."

"EXHIBIT "B"

"Bidding Phase \$26,000"

No other terms of the Agreement are amended hereby.

AGREED:

CITY OF ABILENE, TEXAS

ENPROTEC/HIBBS & TODD, INC.

BY: _____
Robert Hanna, City Manager

BY:  _____
Sage Diller, P.E.



August 28, 2023

City of Abilene
P O Box 60
Abilene, Texas 79601
Attn: Mr. Scott Chandler, City Engineer

**Re: Budget Amendment Request
S. 14th Pedestrian Improvements Project**

Dear Scott:

Due to the additional time associated with multiple biddings and coordination with TXDOT Austin and TXDOT Abilene we have fully expended the budget for the bidding phase. We respectfully request to increase the bidding phase budget by \$16,000. If acceptable, the revised total budget for bidding phase services will be \$26,000. We appreciate your consideration of this request.

Please contact me if you have any questions.

Sincerely,

Enprotec/Hibbs & Todd, Inc.

Sage Diller, P.E.
Project Manager

SD/jd

c: Project File 8537

P:\Projects\Abilene, City of\8537 S.14th Pedestrian Improvements\2. General Correspondence\City Budge Amendment Request Letter 8282023.docx



PROFESSIONAL SERVICES CONTRACT Engineers & Architects

This contract, dated the 12th day of January, 2023, is between the City of Abilene, a home rule municipal corporation of the State of Texas ("City"), and Enprotec/ Hibbs & Todd, a Civil Engineering Firm organized under the laws of the State of Texas ("Consultant").

The City is engaged in S 14th Pedestrian Improvements 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/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 City'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.

<u>Type</u>	<u>Amount</u>
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:

**Max Johnson
City of Abilene PO Box
60 Abilene, TX 79604**

Consultant – ATTN:

**Sage Diller, P.E.
Enprotec/ Hibbs & Todd
402 Cedar St, 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 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.

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: DocuSigned by:
Robert Hanna
E27D700B8444EA...

Name: Robert Hanna

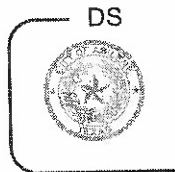
Title: City Manager

ATTEST:

DocuSigned by:
Shauna Atkinson
C9A697226196428...
City Secretary

APPROVED:

By: DocuSigned by:
Stanley Smith
D47F7C82A7BE450...
City Attorney



PROFESSIONAL

By: Sage Diller
Name: Sage Diller, P.E.
Title: Associate Vice President
Address: 402 Cedar, Abilene, TX 79601
Phone Number: 325.698.5560
Federal Tax ID#: 75-2258512

ATTEST: (if corporation)

B. H. B.
Corporation's Secretary

Corporate Seal (if available)

ATTACHMENT A

Scope of Services

Click or tap here to enter text.

EXHIBIT "A"

SCOPE OF SERVICES **S14TH PEDESTRIAN IMPROVEMENTS** **(BARROW ST TO PIONEER DRIVE)**

Consultant shall provide Basic and Additional Services as set forth below to assist City of Abilene (City) with the following:

The City proposes to install a sidewalk and pedestrian improvements (crosswalks, signal heads, curb ramps and pedestrian bridges, if necessary) along S14th St from Pioneer Drive to Barrow St.

Consultant shall develop plans, specifications and bidding documents associated with the Project as outlined below:

I. Basic Services – Preliminary Design Phase

1. Review project parameters with the City and determine proposed route of planned sidewalk and improvements.
2. Advise City if additional reports, data, information, or services of the types not contained in this Agreement are necessary and assist City in obtaining such reports, data, information, or services.
3. Furnish preliminary design drawings for the proposed pedestrian improvement project and review them with the City.
4. Based on the information contained in the Preliminary Design Phase drawings, submit an Opinion of Probable Construction Cost (OPCC) for construction of the proposed pavement rehabilitation project.

II. Basic Services – Final Design Phase

After acceptance by City of the Preliminary Design Phase documents and OPCC as determined in the Preliminary Design Phase, but subject to any City-directed modifications or changes in the scope, extent, character, or design requirements of or for the Project, Consultant shall:

1. On the basis of the above acceptance, direction and authorization, prepare final Drawings and Technical Specifications indicating the scope, extent, and character of the Work to be performed and furnished by Contractor. Specifications will be prepared in general conformance with City standard format.
2. Advise City of any adjustments to the OPCC and any adjustments to Total Project Costs known to Consultant.

3. Furnish the Design Phase documents to and review them with City. Make any final modifications or changes as requested by the City.
4. Submit 6 final (full size) copies and DWG file of the Design Phase Documents and an OPCC to City.

Consultant'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.

III. Basic Services - Bidding Phase

- A. After acceptance by City of the final Design Phase Documents and the most recent OPCC as determined in the Final Design Phase, Consultant shall:
 1. Assist City in advertising 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.

IV. Basic Services - Construction Phase

- A. The City will provide general construction administration of the construction contract. Consultant shall provide support when requested by the City.
- B. *Duration of Construction Phase.* The Construction Phase will commence with the execution of the Construction Agreement for either Project or any part thereof and will terminate upon written recommendation by Consultant for final payment to Contractor.
- C. *Limitation of Responsibilities.* Consultant 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. Consultant shall not be responsible for failure of any Contractor to perform or furnish the Work in accordance with the Contract Documents.

V. Additional Services

- A. The following Additional Services are authorized as a part of the Project:

1. Topographic Field Surveying necessary to identify existing utilities, apparent rights-of-way, easements and other elements related to project design. Solving of right-of-way conflicts is not included under the base fee, but can be implemented upon request from the City, if desired, and covered under the hourly rate fee schedule.
2. Geotechnical Investigation at the proposed pedestrian bridge locations in order to facilitate the foundation design.

VI. Additional Services Requiring City's Authorization in Advance

A. If authorized in writing by City, Consultant shall furnish or obtain from others Additional Services of the types listed below. These services will be paid for by City.

1. Services resulting from significant changes in the scope, extent, or character of the portions of the Project designed or specified by Consultant or its design requirements including, but not limited to, changes in size, complexity, City's schedule, character of construction, or method of financing; and revising previously accepted studies, reports, Drawings, Specifications, or Contract Documents when such revisions are required by changes in Laws and Regulations enacted subsequent to the Effective Date of this Agreement or are due to any other causes beyond Consultant's control.
2. Furnishing services of Consultant's Consultants for other than Basic and Additional Services identified above.
3. Services attributable to multiple prime construction contracts, in excess of the one (1) contemplated under this Agreement.
4. Services during out-of-town travel required of Consultant other than for visits to the Site or City's office, or the Texas Department of Transportation.
5. Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to, construction management, cost estimating, project peer review, value Consulting, and constructability review requested by City; and performing or furnishing services required to revise studies, reports, Drawings, Specifications, or other Bidding Documents as a result of such review processes.
6. Assistance in connections with Bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.
7. Providing assistance in resolving any Hazardous Environmental Condition in compliance with current Laws and Regulations.
8. Preparing to serve or serving as a Consultant or witness for City in any litigation, arbitration or other dispute resolution process related to the Project.
9. Providing services of a Resident Project Representative during construction.

10. Other services performed or furnished by Consultant not otherwise provided for in this Agreement.

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 \$Click or tap here to enter text. 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 \$104,000.00 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 \$Click or tap here to enter text. 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.

EXHIBIT "B"**PAYMENT**

Payment will be made on a Lump Sum Basis of \$104,000 payable as outlined below:

Basic Engineering Services (Lump Sum):

Preliminary Design Phase	\$ 15,000
Final Design Phase	\$ 35,000
Bidding Phase	\$ 10,000
Construction Phase	\$ 20,000
Post Construction Phase	\$ 5,000

Additional Services (Lump Sum)

Surveying	\$ 12,500
Geotechnical Investigation	\$ 5,500

Payment for services beyond the original scope will be paid on a time and materials basis per the attached current Schedule of Charges. The Schedule of Charges is updated annually in January. Invoices for payment shall be submitted on a monthly basis and are subject to 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 Engineer 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 Engineer has been notified.

SCHEDULE: See attached Schedule of Charges.

Enprotec / Hibbs & Todd, Inc.
HOURLY CHARGES FOR PROFESSIONAL SERVICES (2022)

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

Principal.....	\$ 230.00 per hour
Senior Project Manager	190.00 per hour
Project Manager	170.00 per hour
Senior Engineer / Geologist.....	150.00 per hour
Project Engineer / Geologist.....	135.00 per hour
Staff Engineer I / Geologist I.....	120.00 per hour
Staff Engineer II / Geologist II.....	105.00 per hour
RPLS I.....	155.00 per hour
Operations Specialist / Regulatory Compliance Specialist	150.00 per hour
Contract Operator (Certified Class A/B Operator).....	120.00 per hour
Contract Operator (Certified Class C/D Water Operator)	100.00 per hour
Engineering / Field Technician I	135.00 per hour
Engineering / Field Technician II	110.00 per hour
Engineering / Field Technician III.....	85.00 per hour
Survey Tech I	85.00 per hour
Survey Tech II	65.00 per hour
CAD I.....	130.00 per hour
CAD II.....	100.00 per hour
CAD III.....	65.00 per hour
Administrative.....	70.00 per hour
Survey Party	225.00 per hour - 3 man
.....	200.00 per hour - 2 man
.....	175.00 per hour - 1 man
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

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, or TWCC-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 D
NOTICE TO PROCEED

Click or tap here to enter text.

ATTACHMENT E
CHANGE IN SCOPE OF SERVICES

Click or tap here to enter text.

Resolution: Amending Professional Service Agreement for South 14th Street Pedestrian Improvements Design

(Max Johnson)





Resolution: Amending PSA for S14th St Pedestrian Improvements Design

- Jan 23 – City entered into Professional Services Agreement with Enprotec/Hibbs & Todd, Inc (eHT) for procurement and design services for S14th Street Pedestrian Improvements project
- Original contract set fee was \$104,000
- Due to unforeseen conditions and additional coordination with TxDOT, additional \$16,000 requested making a total value of PSA \$120,000
- City staff agreeable to the increased request





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to enter into a contract with the Veterans Land Board for the Management of the Texas State Veterans Cemetery at Abilene (Lesli Andrews)

GENERAL INFORMATION

We are awaiting the final contract on this item, and will hopefully have it on Monday. If not, the item will be pulled and moved to the next agenda.

The City of Abilene was requested by the Veterans Land Board to manage and operate the Texas State Veterans Cemetery at Abilene. The City of Abilene Parks and Recreation Department currently has experience managing and operating the City Municipal Cemetery.

The Veterans Land Board will fund the management and operation of the Texas State Veterans Cemetery at a cost of \$800,000. Incorporating the Texas State Veterans Cemetery will require a staffing increase in the Parks and Recreation Department of nine full time and one part time positions.

The City will manage the personnel and the day to day operations of the cemetery. The Veterans Land Board will retain the management and oversight of capital projects required at the cemetery.

The City of Abilene will begin management on October 1, 2023.

SPECIAL CONSIDERATIONS

The management and operation of the Texas State Veterans Cemetery will require an increase in staffing to the City of Abilene Parks and Recreation department by (9) nine full time and (1) part

time staff.

FUNDING/FISCAL IMPACT

The Veteran Cemetery will be a division within the Parks And Recreation Department. The division will be set up as a special revenue fund and not part of the general revenue fund. The City will be reimbursed 100% of the \$800,000 budget.

STAFF RECOMMENDATION

Staff recommends authorizing the City Manager to enter into a contract with the Veterans Land Board for the management of the Texas State Veterans Cemetery at Abilene.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 9_14_23 Resolution Veterans Land Bank for Management of Texas State Veterans Abilene Cemetery
2. Presentation - Veterans Land Board and City Management of State Veterans Cemetery

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VETERANS LAND BOARD FOR THE MANAGEMENT AND OPERATION OF THE TEXAS STATE VETERANS CEMETERY AT ABILENE.

WHEREAS, the City of Abilene was requested by the Veterans Land Board to manage and operate the Texas State Veterans Cemetery at Abilene; and

WHEREAS, the City of Abilene Parks and Recreation Department currently manages and operates the City Municipal Cemetery; and

WHEREAS, the management and operation of the Texas State Veterans Cemetery at Abilene will increase the staffing of the Parks and Recreation department by (9) nine full time and (1) one part time staff; and

WHEREAS, the Veterans Land Board will fund the management and operation of the State Cemetery at a cost of \$800,000; and

WHEREAS, The City of Abilene will begin management on October 1, 2023;

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

Part 1: The City Manager is hereby authorized to enter into a contract with Veterans Land Board for management and operation of the Texas State Veterans Cemetery at Abilene, Texas at a cost of \$800,000.

Part 2: That this Resolution shall take effect immediately from and after passage.

ADOPTED this 14th day of September 2023.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

Veterans Land Board to Contract with City for City Management of Texas State Veterans Cemetery of Abilene

September 14, 2023





General Information:

- Veterans Land Board requests the City to manage and operate the Texas State Veterans Cemetery at Abilene.
- Incorporating the Texas State Veterans Cemetery will require a staffing increase in the Parks and Recreation Department of nine full time and one part time positions.
- The Veterans Land Board will fund the management and operation of the Texas State Veterans Cemetery at a cost of \$800,000. The budget will be a Special Revenue Fund.
- The City of Abilene will begin management on October 1, 2023.





**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Honorable Mayor and City Council Members

FROM: Robert Hanna, City Manager

SUBJECT: 7. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action to Revise the FY 23-24 Budget Ordinance and to Increase Staffing for the Texas State Veterans Cemetery in Abilene (Robert Hanna)

GENERAL INFORMATION

The City of Abilene was requested by the Veterans Land Board to manage and operate the Texas State Veterans Cemetery at Abilene. The City of Abilene Parks and Recreation Department currently has experience managing and operating the City Municipal Cemetery.

The Veterans Land Board will fund the management and operation of the Texas State Veterans Cemetery at a cost of \$800,000. Incorporating the Texas State Veterans Cemetery will require a staffing increase in the Parks and Recreation Department of nine full time and one part time positions.

The City of Abilene will begin management on October 1, 2023.

SPECIAL CONSIDERATIONS

The management and operation of the Texas State Veterans Cemetery will require an increase in staffing to the City of Abilene Parks and Recreation department by (9) nine full time and (1) part time staff.

FUNDING/FISCAL IMPACT

The Veterans Cemetery will be a division within the Parks And Recreation Department. The division will be set up as a special revenue fund and not part of the general revenue fund. The City will be reimbursed 100% of the budget.

STAFF RECOMMENDATION

Staff recommends Council's approval of revision of the FY 23-24 Budget Ordinance to increase staffing for management and operation of the Texas State Veterans Cemetery.

BOARD OR COMMISSION RECOMMENDATION

n/a

ATTACHMENTS:

1. Ordinance-Revised Budget 2024
2. Presentation - Revise the FY23-24 Budget Ordinance

ORDINANCE NO. _____

AN ORDINANCE APPROVING REVISED BUDGET FIGURES FOR FISCAL YEAR 2023-2024; FOR THE CITY OF ABILENE; APPROPRIATING FUNDS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; CALLING A PUBLIC HEARING.

WHEREAS, the City Manager has prepared a revision of certain figures in the 2023-2024 budget and submitted same to the City Council; and,

WHEREAS, the City Council has reviewed and considered said proposed revised budget and made revisions of same; and,

WHEREAS, said budget, as revised by the City Council, was duly set for a public hearing ordered to be called by the City Council and held on September 28th, 2023, after due notice, as required by the Charter of the City of Abilene and laws of the State of Texas; now, therefore,

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

PART 1: That the revised figures, prepared and submitted by the City Manager for the 2023-2024 budget, be, and the same are hereby, in all things, approved and appropriated, and any necessary transfers between accounts and departments are hereby authorized, approved, and appropriated.

PART 2: That the City Manager and his authorized and designated employees, at his direction, be, and are hereby, authorized to sign or release easements, permits, licenses, and change orders; to sign interlocal agreements as authorized by state law; to sign documents authorizing the payment of funds, and to expend public funds as authorized by state law unless otherwise authorized by the City Council; to settle paving assessment, weed mowing, demolition, and other disputes based on legal questions of whether the assessments are enforceable or other extenuating factual circumstances. The City Manager is authorized to adjust compensation, within Council policy guidelines, of any City employee, including appointees, when in his discretion an adjustment needs to be made to retain qualified personnel. The intent of this section is to provide the ability to conduct daily affairs of the City, which involves numerous decisions of a routine nature and to retain qualified personnel.

PART 3: That the City Council hereby approves grants and contracts that are set out by this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to sign said federal, state, and other such grant and contract documents, including interlocal agreements, on behalf of the City. The funds for said contracts, agreements, and purchases are hereby approved and appropriated. The intent of this section is to approve and simplify the grant process and approve expenditures that are exempt from the Purchasing and Contracting Authority of Municipalities, Chapter 252 of the Local Government Code.

PART 4: That upon passage of this ordinance on first reading, the City Secretary be, and is hereby authorized and directed to have published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, a notice that a public hearing will be held in the Council Chambers of the City Hall in Abilene, Texas, at 8:30 A.M., on the 28th of September, 2023, to permit the public to be heard prior to consideration of this ordinance for second and final reading, said publication to be made on the 24th of September 2023, being more than twenty-four (24) hours prior to the time designated for such public hearing in accordance with Section 18 of the City Charter. 102.0065(b) Local Government Code, Special Notice by publication for Budget – except that if another law requires the governing body to give notice, by publication, of a hearing on a budget this section does not apply.

PART 5: That any ordinance, resolution, policy or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict. It is specifically provided that Resolution 40-1997 concerning liability claims shall remain in full force and effect.

PART 6: That the number, classification, and designation of each position as provided in Texas Local Government Code Ann., Chapter 143 (Vernon 1988), Municipal Civil Service, for the Police and Fire Departments, as set out below, are hereby created, established, and adopted as the official plan for the classified service of the Police and Fire Departments of the City of Abilene for the fiscal year October 1, 2021 through September 30, 2022, or as may be amended by City Council. Any position in the classified service of the Police and Fire Departments of the City of Abilene not below listed, is hereby abolished.

<u>Police Department</u>		<u>Fire Department</u>	
Assistant Police Chief	3	Deputy Fire Chief	2
Police Lieutenant	10	Battalion Chief	4
Police Sergeant	26	Fire Marshal	1
Police Officers	<u>178</u>	Fire Captain	12
	217	Fire Lieutenant	33
		Fire Fighter	<u>161</u>
			213

PART 7: That the City's operating budgets are amended as set forth in Exhibit A attached and incorporated into as part of this Ordinance.

PASSED ON FIRST READING on the 14th day of September, A.D. 2023.

After passage on first reading, a notice of the time and place 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. The same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the
28th day of September, A.D. 2023.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

All Operating Funds	Adopted 2023-2024	Amended 2023-2024
Fund Balance Beginning	\$92,497,152	\$92,497,152
Total Revenue	334,918,611	335,718,611
Total Expenditures	344,198,211	344,998,211
Fund Balance Ending	\$83,217,552	\$83,217,552

Revising the FY 23-24 Budget Ordinance

September 14, 2023





General Information:

- Veteran Land Board requests the City to manage and operate the Texas State Veterans Cemetery at Abilene.
- Incorporating the State Veterans Cemetery will require a staffing increase in the Parks and Recreation Department of nine full time and one part time positions.
- The Veterans Land Board will fund the management and operation of the Texas State Veterans Cemetery at a cost of \$800,000. The budget will be a Special Revenue Fund.
- The City of Abilene will begin management on October 1, 2023.





**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 8. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending Chapter 18, "Motor Vehicles and Traffic," Article VII., "Stop, Yield Intersections," Article X, "Stopping, Standing, and Parking," and Article XIII, "Schedules," of the Abilene Municipal Code, By Amending Certain Sections As Set Out Below, Providing A Severability Clause; And Declaring A Penalty (Max Johnson)

GENERAL INFORMATION

Revisions to Abilene's Municipal Code are recommended when growth and development within the City create incomplete or conflicting guidance to citizens.

The existing Code contains more detail in regards to certain traffic schedules than required by State or Federal laws. The proposed revisions bring our Code to conformity with other city ordinances throughout the State of Texas by simplifying and listing only those schedules that remain necessary.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

No fiscal impact is expected from these ordinance modifications.

STAFF RECOMMENDATION

Recommend approval to simplify and remove unnecessary detail in the ordinance.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Ordinance Revision for Chapter 18 Motor Vehicle and Traffic
2. Ord Exh A with Recommended Modifications for Stop Yield and Parking (Redline Version)
3. Ord Exh A with Recommended Modifications for Stop Yield and Parking (Blackline Version)
4. Ordinance Motor Vehicle and Traffic (powerpoint)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 18, “MOTOR VEHICLES AND TRAFFIC,” ARTICLE VII., “STOP, YIELD INTERSECTIONS,” ARTICLE X., “STOPPING, STANDING AND PARKING,” AND ARTICLE XIII, “SCHEDULES,” OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

WHEREAS, due to the growth and development within the City of Abilene, the current traffic schedules within the code of ordinances are incomplete; and

WHEREAS, there is no requirement to list certain traffic schedules within the code of ordinances; and,

WHEREAS, in conformity with other city ordinances throughout Texas, there is a need to simplify and update the code of ordinances by listing only those schedules that remain necessary.

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

PART 1: That Chapter 18, Article VII, Sections 18-128, and 18-129 of the Abilene Municipal Code be amended as set out in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.

PART 2: That Chapter 18, Article X, Division I, Section 18-178, and Division 4., Sections 18-230 and 18-231 of the Abilene Municipal Code be amended as set out in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.

PART 3: That Chapter 18, Article XIII, Sections 18-291, 18-292, 18-293, 18-294, 18-294.1, 18-295, 18-296, 18-297, 18-299, 18-301, 18-302, 18-303, and 18-304 of the Abilene Municipal Code be amended as set out in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.

PART 4: 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 5: That any persons, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine in accordance with Chapter 1 (Section 1-9) of this Code. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. 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 FIRST READING this 24th day of August, 2023.

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 10th day of September, 2023, 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 8:30 a.m. on the 7th day of September, 2023, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 7th day of September, 2023.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

Exhibit A

ARTICLE VII. STOP, YIELD INTERSECTIONS

Sec. 18-128. ~~Through Streets designated.~~ Reserved.

~~Those streets and parts of streets described in section 18-291 are hereby declared to be through streets for the purpose of this chapter.~~

Sec. 18-129. - ~~Authority to erect s~~Stop and yield signs.

- a. Whenever any provision of this Code or ordinance designates and describes a through street it shall be the duty of the Director of Public Works or designee ~~Traffic and Transportation~~ to place and maintain a stop sign or yield right-of-way sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of such streets as may be determined by the Director of Public Works or designee ~~Traffic and Transportation~~ upon the basis of an engineering and traffic study.
- b. When signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection where stop signs are erected, and shall yield the right-of-way at every intersection where yield right-of-way signs are erected, before entering any of the street or portion of street.

ARTICLE X. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 18-178. - Angle parking permitted in certain locations.

- (a)~~Upon those streets and parts of streets described in section 18-292, n~~No person shall park or stand a vehicle other than at an angle to the curb when signs or markings are in place indicating that angle parking is required.
- (b) All vehicles parked at an angle shall be parked entirely within the marked stall for such parking and shall have one (1) of the front tires at rest against the curb or within six

(6) inches thereof. No vehicle with an overall length greater than twenty (20) feet shall be angle parked at the locations provided in this section at any time.

DIVISION 4. LIMITED ON CERTAIN STREETS

Sec. 18-230. - Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets, or segments of streets, where such sign is erected. ~~described in section 18-293.~~

Sec. 18-231. - Parking prohibited during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours and on days of the week, as specified by said sign. ~~in [section 18-294](#), of any day except Sundays and legal holidays within the district or upon any of the streets described in [section 18-294](#).~~

ARTICLE XIII. SCHEDULES

Sec. 18-291. - ~~Through streets; stop, yield intersections.~~ Reserved.

~~In accordance with the provisions of this chapter, and when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection where stop signs are erected, and shall yield the right of way at every intersection where yield right of way signs are erected, before entering any of the following streets or portions of streets, except as modified by other sections hereof:~~

Street	Intersection or extent
North 1st St.	From Walnut St. to west dead end
South 1st St.	From west City limits to Treadaway Blvd.
North 2nd St.	From Grape St. to Treadaway Blvd.
	From North Jefferson Dr. to Danville Dr.

Street	Intersection or extent
South 2nd St.	From Chestnut St. to Butternut St.
	At Carl St.
	At Santos St.
North 3rd St.	From Bois d' Arc St. to Willis St.
	From Clack St. to Wall St.
South 3rd St.	From Treadaway Blvd. to Riverside Blvd.
	At San Jose Dr.
North 4th St.	From Grape St. to Treadaway Blvd.
South 4th St.	From Treadaway Blvd. to Butternut St.
East South 5th St.	From T & P Lane to Carver St.
North 5th St.	From Victoria St. to Bois d' Arc St.
South 5th St.	At Jeanette St.
	From Treadaway Blvd. to Oak St.
	From Sayles Blvd. to Ross St.
	From Mockingbird Lane to Willis St.
	From Sycamore St. to Butternut St.
North 6th St.	From Bois d' Arc St. to Leggett Dr.
South 6th St.	At Amarillo St.
	At Meander St.
	From Treadaway Blvd. to Butternut St.

Street	Intersection or extent
North 7th St.	At Mulberry St.
	From Cockerell Dr. to Walnut St.
	From Pioneer Dr. to Danville Dr.
South 7th St.	From Carver St. to Arnold Blvd.
North 8th St.	From Treadaway Blvd. to Park St.
South 8th St.	At Davis St.
	From Treadaway Blvd. to Sayles Blvd.
North 9th St.	At Graham St.
	At Plaza St.
	At Victoria St.
	At Lillius St.
South 9th St.	At Meander St.
	At Palm St.
	At Poplar St.
	At Jeanette St.
North 10th St.	From railroad to Loop 322
	From railroad to Marigold St.
South 10th St.	At Albany St.
	At Highland Ave.
	At Portland St.

Street	Intersection or extent
	At Santos St.
North 11th St.	At Mesquite St.
	At Mulberry St.
	From Grape St. to Park St.
South 11th St.	From east City limits to Elmwood Dr.
North 12th St.	From Pine St. to Glendale Dr.
South 12th St.	At Albany St. At Amarillo St. At Blair St. At Highland Ave. At Marshall St. At Sylvan Dr. From Butternut St. to Meander St.
East North 13th St.	At Avenue F
North 13th St.	From College Dr. to Grape St.
South 13th St.	At Cherry St. At China St. At Marshall St. At Santos St. At Sunset St. From Butternut St. to Meander St.
North 14th St.	At Mulberry St. From Grape St. to Lillius St. From Park Ave. to Richland Dr.
South 14th St.	From Maple St. to west City limits
North 15th St.	From Park Avenue to Westview Dr. From Westview Dr. to Roanoak Dr.
South 15th St.	At Ballinger St. From Barrow St. to Ross Ave.
East North 16th St.	From College Dr. to Griffin Rd.
North 16th St.	At Cedar St. At Mulberry St. At Orange St. At Plum St. At Swenson St.
South 16th St.	At Poplar St. At Portland St. At Woodard St. From Barrow St. to Ross Ave.
North 17th St.	At Simmons St.
South 17th St.	At Amarillo St. At Jeanette St. At Palm St. At Peach St. At Poplar St. At Vine St.

Street	Intersection or extent
North 18th St.	From Treadaway Blvd. to North Danville Dr.
South 18th St.	At Amarillo Dr.
North 19th St.	At Beech St. At Cedar St.
South 19th St.	At Amarillo St. At Grand St. At Highland Ave. At Portland St. At Santos St. At Sewell St. At Woodard St. From Barrow St. to Ross Ave.
North 20th St.	At Beech St. At Green St. From Grape St. to Park St.
South 20th St.	From Treadaway Blvd. to Brook Hollow Dr.
North 21st St.	At Beech St. At Cedar St.
South 21st St.	At Meander St. At Palm St.
South 22nd St.	At Columbia Dr.
South 23rd St.	At Vine St. From Buffalo Gap Rd. to Post Oak Rd.
South 25th St.	At Woodridge Dr.
South 27th St.	From Southwest Dr. to Oldham Lane
South 32nd St.	From east dead end to Santa Monica Dr.
South 35th St.	At Highland Ave.
South 36th St.	From Treadaway Blvd. to Sayles Blvd.
South 38th St.	At Erie St.
South 39th St.	At Erie St.
South 40th St.	At Erie St.
South 41st St.	At Erie St.
Alameda Rd.	From Steffens St. to Springbrook Dr.

Street	Intersection or extent
Alamo Dr.	From Corsicana Ave. to Clack St.
Amarillo St.	At South 9th St. At South 13th St. At South 29th St. At College St. At Chimney Wood Ct. At David's Ct. At Idlewild St.
Ambler Ave.	From I 20 to Winters Freeway
Andy St.	From Corsicana St. to Hartford St.
Anson Ave.	From Old Anson Rd. to West Lake Rd.
Arlington Ave.	At Oaklawn Dr.
Arnold Blvd.	From I 20 to Hartford St.
Arrowhead Dr.	From Buffalo Gap Road to South Clack Dr.
Avenue D	From East North 16th St. to Ambler Ave.
Avenue E	From East North 10th St. to East North 16th St.
Avenue F	From Piedmont Dr. to East North 16th St.
Ballinger St.	From South 14th St. to South 20th St.
Barrow St.	From Mockingbird Lane to South 32nd St.
Beech St.	At North 7th St. At North 14th St. At North 17th St. At Parramore St. At State St. At Sandifer St.
Belmont Blvd.	From Butternut St. to South 21st St.
Berry Lane	From Maple St. to Oldham Lane
Blue Quail Dr.	From Quail Run to Corsicana Ave.
Bois d' Arc St.	At North 5th St. At North 6th St.
Booker T. Washington St.	From East South 7th St. to north dead end

Street	Intersection or extent
Brentwood Dr.	From South Danville Dr. to South 23rd St.
Brook Hollow Dr.	From South 20th St. to South 27th St.
Bruce Dr.	From Rebecca Lane to Chimney Rock
	From Rolling Green Dr. To Rebecca Lane
Buccaneer St.	At Monticello St. At Potomac Ave.
Buffalo Gap Rd.	From Highland St. to south City limits
Burger St.	At North 19th St.
Butternut St.	From South 1st St. to Treadaway Blvd.
Buttonwillow Dr.	From Buffalo Gap Rd. to Robertson Dr.
Buttonwillow Parkway	From Chimney Rock to Robertson Dr.
Byrd Dr.	At Scott Place
Campus Court	From East North 16th St. to north dead end
Capital Ave.	At Plaza St.
Carver Dr.	At East North 8th St.
Carver St.	From East South 5th St. to East South 7th St.
Castle Dr.	At Rexie Circle
Catclaw Dr.	From Southwest Dr. to Rebecca Ln. From Rebecca Ln. to Chimney Rock Rd.
Cedar St.	At North 7th St. At Wilson St.
Cedar Crest Dr.	From East North 10th St. to Ambler Ave.
Chaucer Dr.	South 11th St. to Friar's St.

Street	Intersection or extent
Cherry St.	At Dimmitt St.
Chestnut St.	From South 1st St. to Treadaway Blvd.
Chimney Rock	From Buffalo Gap Rd. to east dead end
China St.	From Treadaway Blvd. to South 7th St.
Chriswood Dr.	From Musken Rd. to Kenwood Dr.
Clack St., North	From North 1st St. to West Stamford St. From West Overland Trail to North City Limits
Clack St., South	From Steffens St. to Antilley Rd.
Clark's Dr.	From Judge Ely Blvd. to Pardoner's Rd.
Clinton St.	At North 9th St. At North 15th St. At North 16th St. At North 19th St. At North 20th St. At North 21st St. At Anderson St. At Sandifer St. At University Blvd. At Wagner St.
	From Anson Ave. to Stamford St.
Clyde St.	At Russell St.
Cockerell Dr.	E. Hwy. 80 to East North 10th St.
College Dr.	East North 13th St. to Campus Court
Corsicana Ave.	From Health Center Dr. to Lamesa Ave.
Countryside Dr.	At Mourning Dove Lane
Cypress St.	At North 8th St. At Wilson St.
Danville Dr., North	From North 1st St. to West Stamford St. From West Overland Trail to north City limits
Danville Dr., South	From South 1st St. to Treadaway Blvd.
Davis Dr.	At Ward Dr.
Delaware Rd.	At Jennings Dr.

Street	Intersection or extent
Denton St.	At Burbank Dr.
Don Juan St.	From Whittier St. to Danville Dr.
Edgemont Dr.	From Nonesuch Rd. to Clack St. From Waverly Ave. to Santa Monica Dr.
Elm St.	At South 9th St. At South 12th St. At South 13th St.
Elmwood Dr.	From South 7th St. to River Oaks Rd.
South Elmwood Dr.	From Elmwood Dr. to Brook Hollow Dr.
Estates Dr.	From Lytle Way to East South 11th St.
Fairmont St.	From Danville Dr. to Lexington Ave.
Fairway Oaks Blvd.	From Antilley Rd. to Woodlake Dr.
Fannin St.	At North 19th St.
Friar's St.	From Judge Ely Blvd. to Chaucer Dr.
Garfield Ave.	At Bacon Dr. At Hillcrest Dr.
Gill Dr.	From Green Valley Dr. to South dead end
Glen Abbey Ct.	From Antilley Road north to dead end
Glendale Dr.	From North 10th St. to North 14th St.
Grand Ave.	At South 18th St. From South 7th St. to South 14th St. From Sayles Blvd. to Edgemont Dr.
Graham St.	At North 2nd St. At North 5th St.
Grape St.	From South 1st St. to North Pine St.
Green St.	At North 20th St.
Green Valley Dr.	From East North 10th St. south to dead end

Street	Intersection or extent
Grove St.	At South 8th St. At South 9th St.
Hardy St.	At Sandifer St.
Hartford St.	From South Clack St. to FM 3438
	From Buccaneer Dr. to Danville Dr.
Henderson St.	From East South 7th St. north to dead end
Heritage Lane	From Bruce Dr. east to dead end
Hickory St.	From North 1st St. to Ambler Ave.
Highland St.	At South 13th St. At South 18th St. At South 29th St. At College St.
High Meadows Dr.	From Shepherd St. to Brentwood Dr.
Huckleberry Lane	At Clinton St.
Hunt St.	At Portland St. At Sewell St. From Barrow St. to Ross Ave.
Hollis Dr.	At South 12th St.
Hoylake Dr.	From Antilley Rd. to Innisbrook Dr.
Idlewild St.	At Highland St.
Industrial Blvd.	From Jake Roberts Freeway to Danville Dr.
Jake Roberts Freeway	From north City limits to south City limits
Jameson St.	At Victoria St.
Jeanette St.	At South 6th St. At South 10th St. From South 14th St. to Treadaway Blvd.
Jennings Dr.	At Delaware Rd.
Judge Ely Blvd.	From East South 11th St. to Stamford St.

Street	Intersection or extent
Kenwood Dr.	From East North 10th St. to Musken Rd.
Kirkwood St.	At North 5th St. At North 7th St. At Kansas St. At Parramore St.
Laguna Ave.	At Corsicana Ave.
Lake Fort Phantom Rd., West	From Ambler Ave. to North City limits
Leggett Dr.	From North 6th St. to South 14th St.
Lexington Ave.	From Stratford St. to Russell Ave.
Ligustrum Dr.	At South Elmwood Dr.
Lillius St.	At North 7th St. At North 14th St. At North 15th St. At Parramore St.
Lincoln Dr.	From College Dr. to Ambler Ave.
Locust St.	At South 2nd St. From South 11th St. to South 14th St.
Lowden St.	From Grape St. to Pine St.
Lynbrook Drive	From Chimney Rock Rd. to Memorial Drive
Lytle Shores Dr.	At Willow Wren
Lytle Trail	From Lytle Way to Edgewater Rd. From Oldham Lane to Shoreline Dr.
Lytle Way	From East South 11th St. to Expo Dr.
Madison St.	At Bacon Dr. At Hillcrest Dr.
Main St.	Crossover (on Loop 355) at Steffens St.
Maple St.	At South 27th St. From South 11th St. to south City limits
Marshall St.	From South 14th St. to South 32nd St. At Hunt St.

Street	Intersection or extent
Matador St.	At South 12th St. At South 13th St. At South 19th St. From South 14th St. to South 20th St.
Meander St.	At South 8th St. From South 11th St. to South 14th St. At Ildewild St. At Over St.
Merchant St.	At North 9th St. At North 19th St. At North 21st St. At Sandifer St.
Merion St.	At Augusta Dr.
Mesquite St.	At North 9th St. At North 14th St.
Miller St.	At South 2nd St.
Mimosa Dr.	From Ambler Ave. to Vogel
Minda St.	From T & P Lane to Judge Ely Blvd.
Minter Lane	At North 14th St.
Mockingbird Lane	From Barrow St. to Vogel Ave.
Northway Dr.	At Pasadena Dr.
Nottingham Rd.	From Lytle Way to Lancelot Rd.
Oak St.	From South 1st St. to Treadaway Blvd.
Old Anson Rd.	From Ambler Ave. to north City limits
Oldham Lane	From East South 11th St. to south City limits
Orange St.	At North 7th St. At North 9th St. At North 14th St. At North 17th St. From North 1st St. to Butternut St. At State St.
Over St.	At Meander St.
Overland Trail, East	From east City limits to Pine St.
Overland Trail, West	From Pine St. to North Danville Dr. From North Clack St. to west City limits

Street	Intersection or extent
Palm St.	From South 1st St. to South 8th St. From South 22nd St. to South 24th St.
Park Ave.	At South 20th St.
Peach St.	At South 9th St. At South 10th St. From South 1st St. to South 7th St. From South 14th St. to South 20th St.
Pecan St.	From South 11th St. to South 14th St.
Peppermill Lane	From Innisbrook Drive to Willow Wood Drive
Pickard St.	From East South 7th St. north to dead end
Piedmont Dr.	From Gill St. to Kenwood Dr.
Pioneer Dr.	From North Danville Dr. to South 14th St.
Pine St.	From N. 1st St. to US 83/277
Plaza St.	From North 1st St. to North 10th St.
Poplar St.	From South 1st St. to South 7th St. At South 21st St. At South 22nd St.
Portland St.	At South 5th St. At South 12th St. At South 13th St. At South 15th St. At South 25th St. At Russell Ave.
Post Oak Rd.	From South 20th St. to Bob O Link Dr.
Potomac Ave.	From Danville Dr. to Lexington Ave.
Presidio Dr.	From Lamesa Ave. to South 7th St. From Waldemer St. to Shenandoah Dr.
Primose Dr.	From Bruce Dr. east to dead end
Pueblo Dr.	At Presidio St.
Quail Run	From Texas Ave. north and west to dead end
Rebecca Lane	From Buffalo Gap Rd. west to U.S. Hwy. 277

Street	Intersection or extent
Redwood Dr.	From Westwood Dr. to North 10th St.
Richland Dr.	From North 10th St. to North 11th St.
Richmond St.	From Lexington Ave. to Danville Dr.
Rio Mesa Dr.	Buffalo Gap Rd. to west end
Riverside Dr.	At South 5th St. At South 6th St.
Robertson Dr.	From Buffalo Gap Rd. east and south to dead end
Rolling Green Dr.	From Ridgemoor Dr. to Catclaw Dr.
Ross Ave.	South 1st St. to Edgemont Dr.
Ruidosa St.	From South 7th St. to Steffens St.
Russell Ave.	At Carl St. At Miller St.
Ruswood Dr.	From Judge Ely Blvd. to Kenwood Dr.
Sammons St.	At South 2nd St. At Russell St. At South 5th St.
Sandifer St.	At Walnut St.
San Jose Dr.	From South 3rd St. to Richmond St.
San Jose Dr.	At Waldemar St.
Santa Monica Dr.	At Edgemont Dr. From Willis St. (at San Miguel Dr.) to Kensington Dr.
Santos St.	At South 6th St. At South 18th St. At College St. At Over St. At Russell St.
Sayles Blvd.	From North 1st St. to South Danville Dr.
Scott Place	At Radford Dr.
	At Russell Ave.

Street	Intersection or extent
Sewell St.	At South 15th St. At South 16th St. At South 22nd St. At College St.
Shelton St.	At North 19th St. At North 20th St. At University Blvd.
Shepherd St.	At High Meadows Dr.
Sherry Ln.	Willis St. to Yorktown Dr.
Shoreline Dr.	From Lytle Trail to Lytle Way
Simmons Ave.	At North 21st St. At Vogel Ave.
Southmoor Dr.	From Corsicana Ave. to Bishop Rd.
Southwest Dr.	From South 27th St. to Clack St.
	From Clack St. to Rebecca Ln.
Stafford Ave.	From East South 7th St. north to dead end
Stamford St., East	From east City limits to Pine St.
Stamford St., West	From Pine St. to North Danville Dr. From North Clark St. to west City limits
State St.	At Westmoreland St. From Grape St. to North Danville Dr.
Steffens St.	From Clack St. to Vapor Trail From Pioneer to Danville Dr.
Stratford St.	From Pioneer to Leggett Dr.
Sunset Dr.	At South 4th St. At South 5th St. At South 13th St. At College St.
Swenson St.	At North 17th St. At North 19th St. At North 20th St. At North 21st St. At Sandifer St.
Sycamore	At South 9th St.
Sylvan Dr.	At Edgewood Dr. At Green Meadows Rd. At Woodridge Rd.
T & P Lane	From E. Hwy. 80 to East South 11th St.

Street	Intersection or extent
Tanglewood Dr.	At Inwood Dr.
Taos Dr.	At Corsicana Ave.
Texas Ave.	From US 277 to Dub Wright Blvd.
Treadaway Blvd.	From US 83/84 and Loop 322 interchange to Pine St.
University Blvd.	At Hardy St. At Merchant St. At Swenson St. At Walnut St.
U.S. 80 East	From east City limits to Treadaway Blvd.
Victoria St.	From North 14th St. to Ambler Ave. At Kansas St.
Vine St.	At South 10th St. At South 17th St. At South 19th St. At South 21st St. At South 22nd St. At Fulton St. At Idlewild St.
Vogel Ave.	From Danville Dr. to Treadaway Blvd.
Waldemar St.	From Danville Dr. to Lexington Ave.
Walnut St.	From North 1st St. to Ambler Ave.
Washington Blvd.	From E. Hwy. 80 to East North 16th St.
Westchester Dr.	From Buffalo Gap Rd. west to dead end
Westmoreland St.	At North 5th St. At North 20th St. At University Blvd. At Sandifer St.
Westridge Dr.	At Monticello Dr.
Westview Dr.	At North 15th St.
Westway Dr.	From Oak St. to Butternut St.
Westwood Dr.	From Redwood Dr. to Vogel Ave.
Willis St.	From West Stamford to South Danville Dr.
Winters Freeway	From north City limits to south City limits

Street	Intersection or extent
Woodard St.	At South 15th St.
	At South 25th St.
	At Hunt St.
Woodlake Dr.	From Buffalo Gap Rd. to Meadow Lake
Woodland Trail	At Inwood Lane
Woodridge Dr.	At Green Meadows Dr.
Yale Dr.	From Willis St. to Westwood Dr.
Yorktown Dr.	At North 15th St.
	At Sherry Lane
Unnamed connector street	From western continuation of North 3rd St. at Grape St. to North 3rd St. at Mulberry St.
Unnamed connector street	From North 4th St. at Mulberry St. to western continuation of North 3rd St. at Grape St.
Unnamed connector street	From North 6th St. at Lillius St. to North 5th St. at the northern continuation of Victoria Street.

Sec. 18-292. - Angle parking. Reserved

In accordance with the provisions of this chapter, and when signs are erected or pavement markings are in place giving notice thereof, no person shall at any time park or stand a vehicle other than at the designated angle to the curb on the following streets or portions of streets on the indicated side:

Street	Side	Extent
North 2nd Street	Both	From Walnut St. to Hickory St.
South 2nd Street	North	From Oak St. to Chestnut St.
North 3rd Street	North	From Hickory St. to Walnut St.
	South	From alley east of Hickory St. to Walnut St.
South 3rd Street	North	From Pecan St. to alley west of Pecan St.
	South	From Pecan St. to Oak St.
North 4th Street	North	From Walnut St. to Hickory St.
	South	From Walnut St. to Cypress St.
	South	From Cedar St. to Hickory St.
North 5th Street	North	From Hickory St. to Walnut St.
	South	From Hickory St. to Mesquite St.
South 5th Street	North	From alley east of Oak St. to Oak St.
North 6th Street	North	From Plum St. to alley west of Mesquite St.
	North	From alley east of Pine St. to Hickory St.
	South	From Hickory St. to Cedar St.
	South	From alley west of Pine St. to Walnut St.
Cedar St.	East	From North 1st St. to 200 feet north of North 3rd St.
	East	From 150 feet north of North 5th St. to North 6th St.
	West	From 80 feet north of North 5th St. to North 1st St.
Chestnut Street	East	From 200 feet south of South 1st St. to South 2nd St.

Street	Side	Extent
	West	From South 1st St. to South 6th St.
Cypress Street	Both	From North 1st St. to North 4th St.
	East	From 150 feet north of North 4th St. to North 5th St.
	West	From 150 feet north of North 4th St. to North 6th St.
Hickory Street	Both	From North 3rd St. to North 6th St.
	West	From North 1st St. to North 2nd St.
Oak Street	East	From South 2nd St. to South 1st St.
	West	From South 5th St. to South 2nd St.
Pine Street	East	From North 1st St. to North 5th St.
	West	From North 1st St. to 200 feet north of North 4th St.
Walnut Street	East	From 150 feet north of North 1st St. to 250 feet north of North 1st St.
	East	From North 2nd St. to North 6th St.
	West	From North 6th St. to 100 feet south of North 5th St.
	West	From North 5th St. to 70 feet south of North 2nd St.

Sec. 18-293. - ~~Parking prohibited~~—At all times. Reserved.

In accordance with the provisions of this chapter, and when signs are erected giving notice thereof, no person shall at any time park a vehicle upon the indicated side of any of the following streets or portions of streets:

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Street	Side	Extent
North 1st St.	Both	From 400 feet west of Clack St. to Mulberry St.
	South	From Mulberry St. to 170 feet east of Pine St.
	South	From 20 feet west of Walnut St. to 20 feet east of Walnut St.
	South	From 200 feet east of Walnut St. east a distance of 100 feet
	North	From 100 feet east of Beech St. to 170 feet east of Pine St.
	North	From 20 feet west of Walnut St. to 40 feet

Street	Side	Extent
		east of Walnut St.
South 1st St.	Both	From Treadaway Blvd. to Clack St.
North 2nd St.	Both	From Ash St. to Treadaway Blvd.
	Both	From 120 feet east of Mesquite St. to 120 feet west of Mesquite St.
North 2nd St.	North	From Grape St. to 30 feet west of the alley west of Grape St.
South 2nd St.	South	From Sycamore St. west a distance of 200 feet
North 3rd St.	North	From Wall Street east a

Street	Side	Extent
		distance of 60 feet
	South	From Wall Street east a distance of 420 feet
	South	From Mesquite St. to 120 feet east of Mesquite St.
	North	From 120 feet east of Mesquite to 45 feet west of Mesquite St.
South 3rd St.	North	From Elm St. to the alley east of Elm St.
North 4th St.	North	From Hickory St. west to the N-S alley between Hickory St. and Orange St.

Street	Side	Extent
	North	From alley east of Cypress, east a distance of 50 feet
	South	From Walnut St. east a distance of 50 feet
	Both	From 120 feet east of Mesquite St. to 120 feet west of Mesquite St.
South 4th St.	South	From 80 feet west of Pecan St. to 140 feet east of Oak St.
	South	From Oak St. west a distance of 70 feet
	South	From 110 feet west of Chestnut St. to 200 feet west of Chestnut St.

Street	Side	Extent
	South	From Sycamore St. to the alley west of Sycamore St.
North 5th St.	North	From Walnut St. to alley west of Plum St.
	North	From Walnut St. east a distance of 35 feet
	North	From alley west of Plum St. west a distance of 30 feet
	South	From Mesquite St. west a distance of 30 feet
	South	From 130 feet east of Cypress St. to 80 feet west of Pine Street

Street	Side	Extent
South 5th St.	North	From alley west of Meander St. west a distance of 100 feet
	North	From Pecan St. to alley east of Pecan St.
	North	From 80 feet west of Pecan St. to 140 feet east of Oak St.
	South	From Pecan St. to alley west of Pecan St.
	Both	From Sycamore St. to the alley west of Sycamore St.
North 6th St.	Both	From Fannin St. to Leggett Dr.
	North	From 45 feet east of

Street	Side	Extent
		Mesquite St. to 45 feet west of Mesquite St.
	North	From 40 feet west of the alley of Mesquite St. to 20 feet east of the same alley
	South	From Shelton St. west a distance of 70 feet
	South	From Walnut St. east a distance of 400 feet
	South	From a point 75 feet west of Plum St. west a distance of 140 feet
	Both	From North Mockingbird Lane to Elm Creek

Street	Side	Extent
South 6th St.	North	From Pecan St. to alley west of Pecan St.
	North	From 210 feet east of Sycamore St. to the alley west of Sycamore St.
	South	From Oak St. to alley east of Oak St.
North 7th St.	North	From east side of Ash Street west 190 feet
	North	From alley west of Pine St. to Cedar Street
South 7th St.	North	From Riverside Dr. to Elm Creek
	North	From a point 400 feet west of

Street	Side	Extent
		Leggett Dr. west a distance of 120 feet
	North	From a point 150 feet west of Pioneer Dr. to a point 200 feet east of Pioneer Dr.
	North	From a point 200 feet east of Willis St. to a point 200 feet west of Willis St.
	South	From a point 150 feet west of Pioneer Dr. to Sayles Blvd.
South 9th St.	South	From Sycamore St. to Sayles Blvd.

Street	Side	Extent
North 10th St.	North	From Park St. to Grape St.
	South	From Grape St. to the alley east of Grape St.
	Both	From Clack St. to 200 feet west of Wall St.
	Both	From Danville Dr. to Elm Creek
	Both	From Minter Lane to Kirkwood St.
	Both	From Treadaway Blvd. to FW&D RR
East North 10th St.	Both	From 300 feet west of Judge Ely Blvd. to 300 feet east of Bruce Way

Street	Side	Extent
	North	From 200 feet east of Washington Blvd. to 200 feet west of Washington Blvd.
East North 10th St.	North	95 feet west of Cedar Crest Dr. to 290 feet west of Cedar Crest Dr.
North 11th St.	North	From a point 300 feet west of Grape St. to North 10th St.
South 11th St.	Both	From Ross Ave. to Oak St.
	South	From Elmwood Dr. to Ross Ave.
East South 11th St.	Both	From south Treadaway Blvd. to

Street	Side	Extent
		Judge Ely Blvd.
North 12th St.	North	From Merchant St. east a distance of 200 feet
	South	From Catclaw Creek to Merchant St.
South 13th St.	South	From Butternut St. west to alley west of Butternut St.
South	Both	From Treadaway Blvd. to a point 500 feet west of Texas Ave.
North 15th St.	North	From Pine St. west a distance of 150 feet
	South	From alley east of Barrow St. to a point 70

Street	Side	Extent
		feet east of the alley
	North	From Pine St. to alley west of Pine St.
East North 16th St.	Both	From Campus Ct. to Judge Ely Blvd.
	Both	From Judge Ely Blvd. to 350 feet west of Judge Ely Blvd.
	North	From Pemelton Dr. west a distance of 350 feet
	South	From Newcastle Dr. east a distance of 150 feet
South 17th Street	North	From Butternut St. east 60 feet

Street	Side	Extent
	North	From Sayles Blvd. to 120 feet west of Vine St.
	South	From Sayles Blvd. east a distance of 200 feet
	South	From 350 feet of Sayles Blvd. to Vine St.
East North 18th St.	South	From Campus Court west a distance of 50 feet
	North	Campus Ct. to 150 feet west of Campus Ct.
	South	Campus Ct. to 210 feet west of Campus Ct.
North 18th St.	South	From Pine St. to Mockingbird Lane

Street	Side	Extent
	Both	From Pine St. to alley east of Pine St.
South 18th St.	South	From Treadaway Blvd. to Abilene Southern Railroad
East North 19th St.	North	From Campus Ct. to 200 feet west of Campus Ct.
	South	From Campus Ct. to Ave. D
North 19th St.	Both	From Treadaway Blvd. to Cottonwood St.
South 19th St.	South	95 feet east of Santos St. to 115 feet east of Santos St.
N. 20th St.	North	From 50 feet west of Park

Street	Side	Extent
		Ave. to 50 feet east of Park Ave.
	South	From 50 feet west of Park Ave. to alley east of Park Ave.
South 20th St.	North	From Barrow Street east 150 feet
North 21st St.	North	From Hickory St. to Simmons St.
	South	From Hickory St. west a distance of 150 feet
	South	From 290 feet west of Hickory St. west a distance of 50 feet
South 23rd	South	From 460 feet east of Willis St. to

Street	Side	Extent
		a point 550 feet east of Willis St.
South 27th St.	North	From Buffalo Gap Rd. to Barrow St.
	Both	From Barrow St. to a point 450 feet west of Shepherd St.
	North	From a point 450 feet west of Shepherd St. to Catclaw Creek
	Both	From Catclaw Creek to Hollis Dr.
	South	From Hollis Dr. to Brookhollow Dr.
South 32nd St.	North	From 150 feet east to 100 feet

Street	Side	Extent
		west of Barrow St.
	South	From 150 feet west to 100 feet east of the Redbud Park entrance road
	North	From 75 feet east of Sheppard St. to 50 feet west of Sheppard St.
	North	From 75 feet east of San Miguel Dr. to 50 feet west of San Miguel Dr.
	North	From 75 feet east of Salinas Dr. to 50 feet west of Salinas Dr.
South 41st St.	South	From 525 feet west of Amarillo St. to 675 feet

Street	Side	Extent
		west of Amarillo St.
Airport Blvd.	Both	From upper/lower split to upper/lower split
Alameda Rd.	East	From South 7th St. to Pueblo Dr.
	West	From South 7th St. south a distance of 150 feet
	Both	From South 7th St. north a distance of 150 feet
Amarillo St.	West	From South 1st St. to South 3rd St.
	Both	From South 17th St. north a distance of 100 feet
	West	From 1,085 feet south of

Street	Side	Extent
		South 36th St. to a point 1195 feet south of South 36th St.
	East	From a point 220 feet north of Industrial Blvd. to a point 250 feet north of South 41st St.
	West	From a point 100 feet north of South 41st St. to a point 60 feet south of South 41st St.
	East	From 630 feet south of South 36th St. to 1,090 feet south of South 36th St.
	West	From 180 feet south of South 36th

Street	Side	Extent
		St. to 410 feet south of South 36th St.
	West	From 720 feet south of South 36th St. to 950 feet south of South 36th St.
	East	From 620 feet north of South 41st St. to 720 feet north of South 41st St.
Ambler Ave.	Both	From Treadaway Blvd. to Lincoln Dr.
	Both	From Grape St. to Bridge Avenue
	South	From Bridge Avenue to Mimoso Dr.
	Both	From Mimoso Dr.

Street	Side	Extent
		to Yorktown Dr.
	South	From Yorktown Dr. to 60 feet east of Westwood Dr.
	Both	From 60 feet east of Westwood Dr. to North Danville Dr.
	North	From Lincoln Dr. to Ave. D
	Both	From Ave. D to Judge Ely Blvd.
	North	From Beech St. to a point 95 feet east of Pine St.
	South	From 300 feet west of Pine St. to a point 50 feet east of Pine St.

Street	Side	Extent
Antilley Rd.	Both	From Buffalo Gap Rd. to Elm Creek
Arnold Blvd.	Both	From South 1st St. to Hartford St.
Arrow Point	West	A 60-foot section adjacent to the Lake Patrol boat storage building located 0.4 mile north of Dixon Rd.
Avenue E	West	From east North 16th St. south 35 feet
	East	From EN 16th St. to alley north of EN 14th St.
Avenue F	West	From EN 13th St. north a distance of 100 feet

Street	Side	Extent
	West	From EN 14th St. south a distance of 50 feet
	West	From EN 16th St. south a distance of 100 feet
Barrow St.	Both	From South 7th St. to 240 feet south of South 11th St.
	Both	From 200 feet north of Bickley St. to 320 feet south of South 14th St.
	Both	From Fulton St. to a point 40 feet north of Over St.
	Both	From South 27th St. to a point 230 feet north of

Street	Side	Extent
		South 23rd St.
	East	From South 27th St. south a distance of 150 feet
	West	From South 27th St. south a distance of 100 feet
Bel Air Dr.	East	From Vogel Ave. north a distance of 240 feet
	West	From 130 feet north of Vogel Ave. north a distance of 270 feet
Beltway South	Both	From 300 feet west of White Blvd. to 750 feet west of White Blvd.
	North	From Buffalo Gap

Street	Side	Extent
		Rd. to Hearne Dr.
Ben Richey Dr.	South	From 1,400 feet west of Boys Ranch Rd. west a distance of 200 feet
Bickley St.	South	From Albany St. to South Willis St.
Bishop Rd.	Both	From Texas Ave. south a distance of 200 feet
Bowie Dr.	Both	From South 14th St. north a distance of 200 ft.
Bruce Way	West	From Amanda Lane to Bruce Way
	East	From Ruswood Dr. north a

Street	Side	Extent
		distance of 50 feet
Buccaneer Dr.	West	From South 7th St. to Potomac Ave.
	West	From South 7th St. to Potomac Ave.
Buffalo Gap Rd.	Both	From Sayles Blvd. to 500 feet south of FM 707
Butternut St.	Both	From South 1st St. to South 2nd St.
Butternut St.	East	From 75 feet south of South 17th St. to 50 feet north of South 17th St.
	West	From South 13th St. north a

Street	Side	Extent
		distance of 70 feet
Buttonwillow Ave.	Both	From Buffalo Gap Rd. east a distance of 50 feet
Campus Court	East	From East North 16th St. north a distance of 50 feet
	East	From 325 feet north of East North 16th St. to 570 feet north of East North 16th St.
	East	From 640 feet north of East North 16th St. to 790 feet north of East North 16th St.
	East	From 200 feet south of Ambler Ave.

Street	Side	Extent
		to Ambler Ave.
	East	From East North 20th St. 50 feet north of East North 21st St.
	West	From 60 feet south of College Dr. to 100 feet North of EN 20th St.
	East	From 70 feet south of East North 18th St. to 100 feet North of EN 19th St.
	East	From East North 20th St. to 50 feet north of East North 21st St.
Carver St.	Both	From EN 10th St. to EN 8th St.

Street	Side	Extent
Catclaw Drive	Both	From 150 feet south of Rebecca Ln. to 150 feet north of Bob O Link Dr.
Cedar St.	Both	From 6th St. north 200 feet
	East	From N. 16th St. to N. 17th St.
	West	From Vogel Ave. north a distance of 100 feet
Cedar Crest Dr.	South-west	From College Dr. to a point 1300 feet north of East North 10th St.
Cedar Run Rd.	Both	From Catclaw Dr. east a distance of 200 feet

Street	Side	Extent
	North	From John Knox Dr. west a distance of 200 feet
	South	From John Knox Dr. west a distance of 600 feet
Chestnut St.	East	From South 2nd St. to South 6th St.
	West	From 150 feet south of South 4th St. to 250 feet south of South 4th St.
	West	From 480 feet south of South 4th St. to 580 feet south of South 4th St.
	West	From South 6th St. north a distance of 80 feet

Street	Side	Extent
Clack Street	West	From Fairmount Street to South 14th Street
Cockerell Dr.	East	EN 8th St. to EN 10th St.
	West	From alley south of EN 8th St. to EN 10th St.
	Both	From EN 10th St. to EN 8th St.
College Dr.	South	From 140 feet east of Avenue D east a distance of 60 feet
Colonial Drive	Both	From Clack Street west 100 feet
Compere Blvd.	Both	From Hickory St. west a distance of 40 feet

Street	Side	Extent
	Both	From Simmons Ave. east a distance of 40 feet
Cottonwood St.	East	From 330 feet north of North 10th St. a distance of 300 feet
Corsicana Ave.	Both	From Texas Ave. north a distance of 200 feet
	Both	From Texas Ave. south a distance of 100 feet
	Both	From Sagehen Ridge Dr. south a distance of 106 feet
Crossroads Dr.	East	From Curry Lane south a distance of 200 feet

Street	Side	Extent
Curry Lane	Both	From Catclaw Dr. east a distance of 200 feet
Cypress St.	East	From North 2nd St. north a distance of 100 feet
	East	From North 1st St. north a distance of 130 feet
	West	From North 1st St. north a distance of 80 feet
Danville Drive	East	From South 14th Street to 710 feet south of Hartford Street
Davis Dr.	Both	From South 7th St. south a distance of 50 feet

Street	Side	Extent
Denton St.	East	From Texas Ave. north 45 feet
Director's Parkway	Both	From Antilley Rd. south 150 feet
Dub Wright Blvd.	Both	From Hartford St. to U.S. 277
East Highway 80	South	From Bandera Park Dr. east 800 feet
East Lake Rd.	Both	SH 351 to Musgrave Blvd.
Elm St.	East	From South 2nd St. south a distance of 240 feet
Enterprise Drive	Both	SH 351 to Overland Tr.
Eplen Court	Both	From South 1st St. south a distance of 200 feet

Street	Side	Extent
Expo Dr.	Both	From ES 11th St. to Loop 322
Fairway Oaks Blvd.	Both	From 400 feet north of Antilley Rd. to 900 feet south of Antilley Rd.
Forrest Ave.	East	From State St. to North 10th St.
Forrest Hill Rd.	North	From Phoenix Dr. to Buffalo Gap Rd.
Forrest Hill Rd.	South	From Phoenix Dr. to 450 feet east of Buffalo Gap Rd.
Frenchman's Creek Road	South-west	From 50 feet northeast to 100 feet southwest of Rue Maison

Street	Side	Extent
Friars Street	Both	From Judge Ely Blvd. east 300 feet
Gann Street	Both	From 100 feet north of the alley between U.S. 80 East and Sandy St. to 100 feet south of the alley
Grand Ave.	West	From 50 feet north of Cooke St. to 50 feet south of Cooke St.
	West	From Moore St. north 180 feet
Grape St.	Both	From South 1st St. to North 1st St.
	West	From North 1st St. to North 14th St.
Hampton Hills St.	Both	From Dub Wright Blvd.

Street	Side	Extent
		west 270 feet
Hartford St.	North	From Presidio St. west a distance of 250 feet
	Both	From LaSalle Dr. to the alley west of LaSalle Dr.
Hickory St.	Both	From North 18th St. to Ambler Ave.
	Both	From Vogel Ave. north a distance of 280 feet
Highland Ave.	West	From Hunt St. to S. 18th St.
Hunt St.	North	From Sayles Blvd. to Ross Ave.
	South	From Sayles Blvd. to 150

Street	Side	Extent
		feet west of Grand Ave.
Industrial Blvd.	Both	From Maple St. to Loop 322
	Both	From Treadaway Blvd. to Buffalo Gap Rd.
	Both	From 250 feet east of Oldham Lane to Loop 322
	Both	From 7,200 feet east of Georgetown Dr. to Elmdale Rd., south
Jake Roberts Freeway	Both	1,000 feet on either side of the Lytle Creek bridge
Jeanette St.	East	From South 8th St. to South 9th St.

Street	Side	Extent
	West	From South 8th St. to the alley south of South 8th St.
	West	From South 22nd St. north 150 feet
Jeffries St.	South	From Grape St. west a distance of 215 feet
Jennings Dr.	South	From Delaware Rd. west to a point 150 feet west of the western driveway to Dyes Elementary School
John Knox Dr.	West	From Cedar Run Rd. south a distance of 150 feet
	Both	From Ridgmont Dr. west a

Street	Side	Extent
		distance of 200 feet
Judge Ely Blvd.	Both	From Stamford St. to East South 11th St.
Kirkwood St.	West	From Little League Rd. to Sandefer St.
	East	From Little League Rd. to Ambler Ave.
Lance Dr.	North & East	From Airport Blvd. to dead end south
Larkin St.	West	From South 6th St. north a distance of 50 feet
Leggett Dr.	West	From Don Juan St. to South 14th St.

Street	Side	Extent
	Both	From Elm Creek to North 1st St.
Little League Rd.	Both	From Kirkwood St. to Ambrocio Flores Jr. Rd.
Lynwood Ln.	North	From 380 feet west of Leggett Dr., west a distance of 50 ft.
Marshall Ave.	East	From 430 feet south of Edgemont Dr. to 550 feet south of Edgemont Dr.
	East	From South 32nd St. north a distance of 50 feet
	West	From 430 feet south of Edgemont Dr. to 510

Street	Side	Extent
		feet south of Edgemont Dr.
	West	From 750 feet south of Edgemont Dr. to 810 feet south of Edgemont Dr.
Mesquite St.	East	From North 3rd St. south a distance of 140 feet
	East	From 100 feet north of North 3rd St. to 155 feet south of North 4th St.
	West	From 50 feet north of North 4th Street north a distance of 120 feet
Military Dr.	Both	From the north gate to a point 200 feet east of the gate

Street	Side	Extent
	Both	From 300 feet east of to 300 feet west of the road to the Dyess Air Force Base north gate
Mockingbird Blvd.	Both	From South 7th St. north a distance of 280 feet
Mockingbird Lane	Both	From North 14th St. to South 10th St.
Morris St.	East	From 300 feet south of South 1st St. to Russell St.
Mulberry St.	West	From South 3rd St. south a distance of 230 feet
Musgrave Blvd.	Both	East Lake Rd. to Overland Tr.
Musken Rd.	South	From a point 400 feet east

Street	Side	Extent
		of Judge Ely Blvd. to a point 650 feet east of Judge Ely Blvd.
	Both	From Judge Ely Blvd. east a distance of 250 feet
Nelson Dr.	Both	From EN 10th St. to EN 8th St.
Oak St.	East	From South 4th St. south 80 feet
	East	From South 5th St. north 50 feet
	West	From South 4th St. to South 2nd St.
	West	From South 4th St. south a distance of 80 feet

Street	Side	Extent
Old Anson Rd.	Both	From Ambler Ave. to 500 feet north of Impact Dr.
	West	From Ambler Ave. south a distance of 150 feet
Park Ave.	Both	From 50 feet north of North 20th St. to 50 feet south of North 20th St.
Peach St.	Both	From South 2nd St. south a distance of 80 feet
Pecan St.	West	From South 4th St. to South 5th St.
Pecan St.	East	From 80 feet south of South 4th St. to 60 feet north of South 5th St.

Street	Side	Extent
Pine St.	Both	From 300 feet south of Ambler Ave. north to a point 250 feet north of Ambler Ave.
	East	From Lane Avenue south a distance of 75 feet
	West	From North 18th St. to a point 250 feet north of Ambler Ave.
	West	From North 3rd St. south a distance of 110 feet
	West	From North 4th St. south a distance of 180 feet
	West	From 80 feet south of North 5th St. to 140 feet south of North 5th St.

Street	Side	Extent
Pioneer Dr., South	Both	From South 1st St. to Don Juan St.
	Both	From 250 feet north of S. 7th St. to 200 feet south of Potomac Ave.
Pioneer Dr., North	Both	From North 1st St. to 100 feet south of North 7th St.
Poplar St.	West	From South 14th St. to a point 200 feet south
Portland Ave.	West	From South 14th St. south 25 feet
	East	From South 14th St. south 80 feet
Portland St.	East	From north property line of North 7th St. to a point

Street	Side	Extent
		200 feet north
Potomac Ave.	North	From Pioneer Dr. to Buccaneer Dr.
Prof Bynum Way	Both	From Judge Ely Blvd. west 300 feet
Quail Run	Both	From Texas Ave. north a distance of 120 feet
Rebecca Lane	Both	From Buffalo Gap Rd. to U.S. 277
Redbud Cir.	Both	From 80 feet west of Leggett Dr., west a distance of 40 feet
	North	From 350 feet west of Leggett Dr., west a

Street	Side	Extent
		distance of 80 feet
	South	From 350 feet west of Leggett Dr., west a distance of 100 feet
	East	From Lynwood Ln. south a distance of 80 feet
	West	From 270 feet south of Don Juan St. south a distance of 40 feet
Redwood Dr.	Both	From North 10th St. south a distance of 75 feet
Richland Dr.	Both	From North 10th St. north a distance of 75 feet

Street	Side	Extent
Ridgemont Dr.	Both	From Clack St. to Rebecca Lane
Ridgway St.	West	From Ridgmar St. north a distance of 140 feet
Rolling Green Dr.	Both	From Ridgemont Dr. to Catclaw Dr.
Ross Ave.	East	From 200 feet south of South 14th St. south a distance of 250 feet
	East	From South 14th St. south a distance of 150 feet
Russwood Dr.	Both	From Judge Ely Blvd. east a distance of 250 feet

Street	Side	Extent
	North	From 50 feet west of Bruce Way to 50 feet east of Bruce Way
Sammons St.	East	From South 10th St. to South 11th St.
	East	From North 5th St. to 50 feet south of South 6th St.
San Jacinto Dr.	Both	From Judge Ely Blvd. east a distance of 250 feet
San Jose Dr., North	Both	From Pioneer Dr. west a distance of 100 feet
	Both	From North 10th St. north a distance of 50 feet

Street	Side	Extent
	North	From 250 feet west of Pioneer Dr. west a distance of 170 feet
	East	From a point 75 feet south of the main gate to the Lee Complex north a distance of 125 feet
Sandefur St.	South	From Kirkwood St. to Graham St.
Sandy St.	North	From Gann St. to Judge Ely Blvd.
Santos St.	East	From 340 feet south of South 19th St. to 370 feet south of South 19th St.

Street	Side	Extent
	East	From Hunt St. to S. 18th St.
Sayles Blvd.	East	From South 1st St. to South 3rd St.
	West	From South 14th St. south a distance of 400 feet
	Both	From Buffalo Gap Rd. west a distance of 1,750 feet
	West	From 580 feet south of South 14th St. to 250 feet north of Hunt St.
	West	From Hunt St. north a distance of 100 feet
	East	From South 17th St. south a

Street	Side	Extent
		distance of 100 feet
	West	From 100 feet north of South 40th St. to 50 feet south of South 40th St.
	East	From a point 65 feet north of the projected north curb line of Moore St. northeast a distance of 230 feet
	East	From the projected southwest curb line of Highland Ave. northeast a distance of 310 feet
	West	From South 20th St. to 200 feet south of

Street	Side	Extent
		South 24th St.
	West	From 50 feet north of Moore St. to 50 feet north of Moore St.
	West	From 100 feet north of South 38th St. to 50 feet south of South 38th St.
	East	From 70 feet north of South 38th St. to 300 feet north of South 38th St.
	East	From 10 feet north of the projected north curb line of South 39th St. to a point 15 feet south of the projected south curb

Street	Side	Extent
		line of South 38th St.
	West	From 100 feet north of South 39th St. to 50 feet south of South 39th St.
	West	From 100 feet north of South 41st St. to 50 feet south of South 41st St.
	East	From 75 feet south of South 41st St. to 50 feet north of South 41st St.
	North-west	From Highland Ave. northeast a distance of 50 feet
	North-west	From Grand Ave.

Street	Side	Extent
		northeast a distance of 50 feet
	Both	From 250 feet north of Industrial Blvd. to 200 feet south of Industrial Blvd.
Shelton St.	West	From North 6th St. north 100 feet
Sierra Sunset	Both	From Buffalo Gap Rd. east 300 feet
Simmons Ave.	West	From Ambler Ave. north a distance of 900 feet
	West	From North 18th St. to alley north of North 18th St.
	West	North 19th St. to alley north of

Street	Side	Extent
		North 19th St.
	East	From North 18th St. to alley north of North 19th St.
Simmons St.	East	From Ambler Ave. to Vogel St.
Southwest Drive	Both	From Brookhollow Dr. to Curry Lane
State St.	South	From Hickory St. to Orange St.
State St.	Both	From Mockingbird Lane east a distance of 200 feet
	From Mockingbird Lane west a distance of 200 feet	
	North	From 150 feet east of Forrest Ave.

Street	Side	Extent
		to 100 feet west of Forrest Ave.
	South	From 100 feet east of Forrest Ave. to 150 feet west of Forrest Ave.
Sugarberry Ave.	Both	From Maple St. east 300 feet
Sycamore St.	East	From 130 feet south of South 4th St. to 240 feet north of South 6th St.
	West	From South 2nd St. south a distance of 170 feet
Texas Ave.	South	From US 277 to Dub Wright Blvd.
	North	From US 277 to Denton St.

Street	Side	Extent
	North	From 500 feet east of Corsicana Ave. to Dub Wright Blvd.
Tracy Lynn Dr.	Both	From Judge Ely Blvd. east a distance of 250 feet
Treadaway Blvd.	Both	From North 13th St. to South 11th St.
E. Hwy. 80	Both	From Treadaway Blvd. to east end of Cedar Creek Bridge
Vapor Tr.	Both	From Hartford St. to Benbrook St.
Victoria St.	East	From North 1st St. to North 3rd St.
	West	From North 1st St. north

Street	Side	Extent
		a distance of 300 feet
Vogel Ave.	North	From Cedar St. to Hickory St.
	South	From Hickory St. to Simmons St.
	South	From 100 feet west of Mimosa Drive to 100 feet east of Willis Street
	North	From Mimosa Dr. west 140 feet
Wall St.	East	From 280 feet south of North 3rd St. to 250 feet north of North 3rd St.
	West	From 280 feet south of North 3rd St. to 200 feet north of

Street	Side	Extent
		General Dynamics Way
Washington Blvd.	East	From E. Hwy. 80 to 370 feet north of E. Hwy. 80
	East	From 480 feet north of E. Hwy. 80 to 750 feet north of E. Hwy. 80
	East	From 50 feet north of East North 15th St. to 100 feet south of East North 15th St.
	West	From 100 feet north of East North 15th St. to 60 feet south of East North 15th St.
Westchester Dr.	Both	From Buffalo Gap

Street	Side	Extent
		Rd. west a distance of 150 feet
W. Stamford St.	South	Shirley Rd. to FM 3438
Westmoreland St.	West	From Ambler Ave. north a distance of 300 feet
Willis St.	Both	From a point 140 feet north of South 7th St. to South 13th St.
	Both	From South 2nd St. to a point 70 feet north of Yale St.
	East	From South 13th St. north a distance of 150 feet
	East	From South 13th St. south a

Street	Side	Extent
		distance of 150 feet
	West	From North 12th St. north a distance of 172 feet
	West	From South 13th St. to a point 125 feet south of South 15th St.
	Both	From South 14th St. to a point 125 feet south of South 15th St.
	Both	From a point 152 feet south of State St. to North 12th St.
Wyndham Ct.	North	From Lynbrook Dr. east a distance of 150 feet

Street	Side	Extent
	South	From Lynbrook Dr. east a distance of 210 feet
Yeoman's Rd.	Both	From Judge Ely Blvd. east a distance of 250 feet
Unnamed connector road from South 1st St. to the unnamed connector road from Oak St. to Pine St.	Both	From South 1st St. to the unnamed connector road from Oak St. to Pine St.
EN 8th St.	Both	Cockerell Dr. to Carver St.
E S alley between US 80E and Sandy St.	South	From 300 feet east of Gann St. to Judge Ely Blvd.
E W alley between North 3rd St. and North 6th St.	Both	From Burger St. to Fannin St.
	Both	From Fannin St. to

Street	Side	Extent
		Mockingbird Lane
	Both	From Green St. to Burger St.
E-W alley between North 1st St. and North 2nd St.	South	From North Jefferson St. to San Jose Dr.
	Both	From Cypress St. west to N/S alley between Cypress St. and Cedar St.
E-W alley between North 18th St. and North 19th St.	Both	From Hickory St. to Cedar St.
E-W alley south	South	From Santos St. East 150 feet of S. 19th St.
E-W alley between US 80E and Sandy St.	South	From Gann St. east a distance of 300 feet

Street	Side	Extent
E-W alley between US 80E and Sandy St.	North	From Gann St. to Judge Ely Blvd.
E-W alley north of Texas Ave.	North	From Quail Run to 450 feet west of Quail Run
N-S alley between Campus Court and Avenue D	Both	From East North 16th St. to the alley north of East North 16th St.
N-S alley east of Hickory St.	Both	From North 21st St. to Amber Ave.
N-S alley between Fannin St. and Mockingbird Lane	East	From North 3rd St. north to the E-W alley
N-S alley between Hickory St. and Cedar St.	Both	From North 19th St. to the E-W alley south of North 19th St.
N-S alley between N. Jefferson Dr. and N. LaSalle Dr.	West	From N. 2nd St. north a

Street	Side	Extent
		distance of 600 feet
N-S alley between Mockingbird Ln. and Woodlawn Dr.	East	From N. 6th St. south a distance of 400 feet
N-S alley between Pine St. and Cypress St.	East	From North 4th St. north a distance of 50 feet
N-S alley between Pine St. and Cypress St.	West	From North 4th Street to North 5th Street
N-S alley between Pine St. and Cyprus St.	Both	From North 2nd St. to North 3rd St.
N-S alley between Pine St. and Cypress St.	Both	From North 3rd St. to North 4th St.
N-S alley between Pine St. and Walnut St.	West	From North 4th St. to North 5th St.
N-S alley west of Plum St.	East	From a point 155 feet south of North 6th St. to a point

Street	Side	Extent
		235 feet south of North 6th St.
N-S alley west of Plum St.	East	From North 5th St. north a distance of 30 feet
N-S alley between Walnut St. and Mesquite St.	West	From North 3rd St. north a distance of 60 feet
N-S alley west of Washington Blvd.	West	From East North 16th St. to College Dr.
N-S alley between Elm St. and Sycamore St.	East	From South 2nd to the E-W alley between South 1st St. and South 2nd St.

Sec. 18-294. — Same — During certain hours. Reserved

In accordance with the provisions of this chapter, and when signs are erected giving notice thereof, no person shall park a vehicle during the times specified in this schedule on the indicated sides of the following streets or portions of streets:

(1)

6:00 a.m. to 7:00 a.m.; 9:00 a.m. to 10:00 a.m.; and 3:00 p.m. to 4:00 p.m., except Sundays and legal holidays:

Street	Side	Extent
Simmons Avenue	East	From North 21st Street to Compere Boulevard
Simmons Avenue	West	From North 21st Street to the alley south of North 20th Street

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(2)

7:00 a.m. to 2:00 p.m., on Tuesday and Friday:

Street	Side	Extent
East North 10th Street	South	From Green Valley Drive west a distance of 400 feet

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(3)

7:30 a.m. to 8:30 a.m. and 2:00 p.m. to 4:00 p.m., on school days only:

Street	Side	Extent
North 17th Street	South	From Beech Street to Simmons Street
South 20th Street	South	From Vine Street east a distance of 150 feet
Beech Street	West	From North 17th Street to North 18th Street
Potomac Avenue	South	From Buccaneer Street to 500 feet east of Westridge Drive

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(4)

8:00 a.m. to 4:00 p.m., on school days only:

Street	Side	Extent
E-W alley between Moore and South 38th Street	Both	From Sayles Blvd. west a distance of 100 feet
N. 6th St.	South	From 70 feet west of Shelton St. west a distance of 120 feet
	South	From Green St. to Burger St.
S. 39th Street	South	From Sayles Blvd. west 250 feet

Street	Side	Extent
Shelton Street	East	From N. 6th St. north a distance of 280 feet

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(5)

8:00 a.m. to 5:00 p.m.:

Street	Side	Extent
Compere Blvd.	North	From Hickory Street to Simmons Av.
Compere Blvd.	South	From Hickory Street west a distance of 380 feet
Simmons Ave.	East	From Compere Blvd. south a distance of 150 feet

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(6)

6:30 p.m. to 5:30 a.m.:

Street	Side	Extent
North 1st Street	Both	From Plaza Street west to the dead end

-

(7)

~~Reserved.~~

(8)

~~11:00 p.m. to 6:00 a.m.:~~

Street	Side	Extent
Capitol Ave.	Both	River Bend to Pioneer Dr.
State St.	Both	River Bend to Pioneer Dr.
N. 7th St.	Both	River Bend to Pioneer Dr.
River Bend	Both	Capitol Ave. to N. 7th St.
Stafford St.	Both	From Ash St. to Treadaway Blvd.
N. 15th St.	North	From alley west of Pine St. to Cypress St.
N. 15th St.	South	From Pine St. to Cypress St.

~~Sec. 18-294.1. — Parking and standing prohibited at all times.~~Reserved.

~~In accordance with the provisions of this chapter, and when signs are erected giving notice thereof, no person shall at any time park or stand a vehicle upon the indicated portion of the following streets or segments of streets:~~

Street	Side	Extent
North Frontage of S. 1st Street	Both	From 1,000

Street	Side	Extent
		feet west of Old Hwy. 80 to west end
South 1st St.	North Parkway	From Leggett Dr. to Winters Freeway

Sec. 18-295. —~~Shopping areas or medical center complex designation~~—Prohibited parking. Reserved.

In accordance with the terms of this chapter, and when signs are erected as approved by the Director of Traffic and Transportation, no person shall at any time park a vehicle within any area or areas indicated as no parking areas on the following described shopping center or retail sales areas, [medical center complex] more particularly shown on site plan or plans on file in the office of the Director of Traffic and Transportation:

Mall of Abilene

Hendrick Medical Center complex

Westgate Mall [as established by Ordinance 126-1983]

Sec. 18-296.—~~Same~~—Erection of signs. Reserved.

The expense of obtaining, preparing, erecting and installing signs, curb painting, or other related material and procedure as necessitated by section 18-295 above, shall be borne in its entirety by the owner or owners, as their interests may appear, of the shopping center or retail sales area [or medical center complex] designated as a prohibited parking zone according to said section 18-295. The method and arrangements for obtaining, preparing, erecting or installing signs, curb painting, or other related material shall be as approved by the City Director of Traffic and Transportation provided that the City shall be compensated for any expense it incurs hereby

within thirty (30) days of the completion of any such obtaining, preparing, erecting or installing signs, curb painting, or other related materials or said erected and installed signs may be removed by the City. Further, if the City is not compensated within thirty (30) days, as set out above, for any expenses incurred herein, the City Council may repeal the prohibited parking designation from that shopping center or retail sales area [or medical center complex] for which the above said failure to pay expenses has occurred.

Sec. 18-297. - ~~Stopping, standing and parking prohibited.~~ Reserved.

In accordance with the terms of this chapter, and when signs are erected giving notice thereof, no person shall stand, stop or park a vehicle during the times specified in this schedule on the indicated sides of the following streets or portions of streets:

(1)

At all times (Sundays and legal holidays included):

Street	Side	Extent
N. 2nd St.	South	From Hickory St. west a distance of 220 feet
East 27th St.	Both	From Shoreline Dr. west 920 feet
N-S alley west of Grape St.	Both	From North 1st St. to North 2nd St.
State Street	Both	From Forrest Ave. east 110 feet
W. Stamford St.	North	From Victoria St. west a distance of 800 feet
W. Stamford St.	South	From 130 feet west of Victoria St. west a distance of 110 feet

Street	Side	Extent
East North 10th St.	North	From 965 feet east of Griffith Rd. to 1,575 feet east of Griffith Rd.
East North 10th St.	South	From 1,400 feet east of Griffith Rd. to 1,575 feet east of Griffith Rd.

-

(2)

7:30 a.m. to 8:30 a.m. and 2:00 p.m. to 4:00 p.m. on school days:

Street	Side	Extent
Presidio Dr.	Both	From 50 feet north of Hartford St. to 350 feet north of Hartford St.
North 12th St.	North	From 25 feet east of Bel Air Dr. to 75 feet west of Bel Air Dr.
North 12th St.	South	From Bel Air Dr. west 100 feet
South 20th St.	North	From Jeannette St. west to Vine St.

Sec. 18-299. - ~~Parking time limited.~~Reserved.

In accordance with the terms of this chapter, and when signs are erected giving notice thereof, no person shall stand, stop or park a vehicle in excess of the indicated period of time specified in this schedule on the indicated days on the indicated sides of the following streets or portions of streets. Each consecutive increment of the time limit during which a vehicle remains continuously parked shall be deemed to be a separate offense.

(1)

Two hour limit: 8:00 a.m. to 5:00 p.m., Monday through Friday:

Street	Side	Extent
North 2nd St.	Both	From Walnut St. to Hickory St.
North 3rd St.	Both	From Pine St. to Hickory St.
	South	From Walnut St. to Pine St.
North 4th St.	Both	From Pine St. to Cedar St.
	North	From Walnut St. to Pine St.
	South	From alley between Cedar St. and Hickory St. to Hickory St.
North 5th St.	Both	From Walnut St. to Hickory St.
North 6th St.	Both	From Walnut St. to Cypress St.
	Both	From Cedar St. to Hickory St.
Cedar St.	Both	From North 1st St. to North 5th St.
Cypress St.	Both	North 1st St. to North 6th St.
Hickory St.	East	From North 3rd St. to North 4th St.
Pine St.	West	From North 1st St. to North 6th St.
	East	From North 1st St. to North 3rd St.

Street	Side	Extent
	East	From North 4th St. to North 6th St.
Walnut	Both	From North 2nd St. to North 5th St.

(2)

One hour limit: 8:00 a.m. to 5:00 p.m., Monday through Friday:

Street	Side	Extent
North 3rd St.	North	From Pine St. to Walnut St.
North 4th St.	South	From Pine St. to Walnut St.
Pine St.	East	From North 3rd St. to North 4th St.

(3)

One hour limit: 8:00 a.m. to 4:00 p.m., school days only:

Street	Side	Extent
North 5th St.	South	From Shelton St. to alley east of Shelton St.
North 6th St.	North	150 feet east of Fannin St. to 70 feet east of Burger St.
South 38th St.	North	From Sayles Blvd. west 260 feet

Street	Side	Extent
	South	From Sayles Blvd. west 240 feet
North 19th St.	North	Burger St. to alley west of Burger St.
Burger St.	West	From North 3rd St. to North 6th St.
	East	From 150 feet north of North 3rd St. to North 6th St.
Cooke St.	North	From Sayles Blvd. west a distance of 360 feet
	South	From Sayles Blvd. west a distance of 270 feet
Fannin St.	West	From 70 feet north of North 3rd St. to North 6th St.
	East	From North 6th St. to alley south of North 6th St.
	East	From 120 feet south of the alley south of North 6th St. to 190 feet north of North 3rd St.
Grand Ave.	East	From 300 feet south of South 35th St. to Sayles Blvd.
	West	From Moore St. to alley north of Cooke St.
Green St.	West	From 180 feet north of North 3rd St. to North 6th St.
Green St.	East	From 120 feet north of North 3rd St. to alley south of North 6th St.
Highland Ave.	East	From Sayles Blvd. to south 35th St.

Street	Side	Extent
Highland Ave.	West	From Sayles Blvd. north 250 feet
Moore St.	Both	From Sayles Blvd. to Erie St.
Shelton St.	East	From North 6th St. north a distance of 280 feet

(4)

Forty-five minute limit: 8:00 a.m. to 5:00 p.m., Monday through Friday:

Street	Side	Extent
Campus Court	West	From point 150 feet north of East North 16th St. to a point 100 feet south of East North 18th St.
College Dr.	Both	From Campus Court to an alley west of Campus Court

(5)

Thirty-minute limit: At any time: (Reserved):

(6) — (10)

Reserved:

(11)

One hour limit: 8:00 a.m. to 5:00 p.m., Sunday through Saturday:

Street	Side	Extent
South 4th St.	South	Oak St. to

Street	Side	Extent
		Pecan St.
South 5th St.	North	Oak St. to Pecan St.

Sec. 18-301. - Through trucks prohibited.

When signs are erected giving notice thereof, no person shall operate any truck exceeding seven thousand (7,000) pounds empty weight at any time upon any of the following streets or portions of streets where any sign gives notice, except for the purpose of making pickups or deliveries:

Street	Extent
South 20th St.	From Highland St. to Brook Hollow Dr.
South 23rd St.	From Buffalo Gap Rd. to Post Oak Rd.
Avenue D	From East North 16th St. to Ambler Ave.
Edgemont Dr.	From Buffalo Gap Rd. to Treadaway Blvd.
Elmwood Dr.	From South 7th St. to Brook Hollow Dr.
Leggett Dr.	From Russell St. to South 14th St.
Lincoln Dr.	From Ambler Ave. to College Dr.
Lytle Way	From East South 11th St. to Play St.

Street	Extent
Old Andy Rd.	Andy Road to Hartford St.
Pioneer Dr.	From North 10th St. to Danville Dr.
Post Oak Rd.	From Danville Dr. to South 20th St.
Sayles Blvd.	From South 1st St. to South 20th St.
Shoreline Dr.	From Lytle Way to Lytle Trail
Washington Blvd.	From East North 16th St. to E. Hwy. 80
Westwood Dr.	From North 6th St. to Ambler Ave.

Sec. 18-302. ~~Signalized intersections.~~ Reserved.

In accordance with the terms of this chapter, signalized intersections are hereby established, and the movement of traffic or pedestrians through the following intersections shall be controlled by a traffic signal selected by the Director of Traffic and Transportation:

North 1st St. and	Cedar St.
	Graham St./Sayles Blvd.
	Grape St.
	Hickory St.
	Leggett Dr.

	Mockingbird Blvd. (southbound off-ramp)
	Orange St.
	Pine St.
	Pioneer Dr.
	Shelton St.
	Westwood Dr.
	Willis St.
South 1st St. and	Butternut St.
	Grape St.
	Leggett Dr.
	Oak St.
	Pioneer Dr.
	Sayles Blvd.
	Shelton St./Portland Ave.
	Treadaway Blvd.

	Willis St.
	Winters Freeway east off-ramp
	Winters Freeway west off-ramp
North 2nd St. and	Cedar St.
	Cypress St.
	Hickory St.
	Pine St.
	Walnut St.
North 3rd St. and	Cedar St.
	Cypress St.
	Grape St.
	Hickory St.
	Mockingbird Lane
	Pine St.
	Walnut St.

	Willis St.
South 3rd St. and	Sayles Blvd.
North 4th St. and	Cedar St.
	Cypress St.
	Hickory St.
	Pine St.
	Walnut St.
North 5th St. and	Cedar St.
	Cypress St.
	Grape St.
	Hickory St.
	Pine St.
	Walnut St.
North 6th St. and	Cedar St.
	Grape St.
	Hickory St.

	Mockingbird Lane
	Pine St.
	Walnut St.
	Westwood Dr.
	Willis St.
North 7th St. and	Treadaway Blvd.
South 7th St. and	Arnold Blvd.
	Butternut St.
	Chestnut St.
	Clack St.
	Danville Dr.
	Leggett Dr.
	Mockingbird Lane
	Oak St.
	Pioneer Dr.

	Sayles Blvd.
	Treadaway Blvd.
	Willis St.
North 8th St. and	Grape St.
	Hickory St.
	Pine St.
East North 10th St. and	Judge Ely Blvd.
North 10th St. and	Grape St.
	Hickory St.
	Minter Lane
	Mockingbird Lane
	Pine St.
	Pioneer Dr.
	Treadaway Blvd.
	Willis St.
East South 11th St. and	Judge Ely Blvd.

	Oldham Lane
South 11th St. and	Barrow St.
	Butternut St.
	Chestnut St.
	Oak St.
	Sayles Blvd.
	Treadaway Blvd.
	Willis St.
North 12th St. and	Grape St.
	Mockingbird Lane
	Willis St.
North 13th St. and	Hickory St.
	Pine St.
	Treadaway Blvd.
South 14th St. and	Barrow St.
	Butternut St.

	Clack St.
	Danville Dr.
	Elmwood Dr.
	Leggett Dr.
	Oak St.
	Pioneer Dr.
	Ross Ave.
	Sayles Blvd.
	Texas Ave.
	Treadaway Blvd.
	Willis St.
East North 16th St. and	Judge Ely Blvd.
North 18th St. and	Grape St.
	Hickory St.
	Mockingbird Lane
	Pine St.

	Willis St.
South 20th St. and	Barrow St.
	Butternut St.
	Sayles Blvd.
	Willis St.
South 23rd St. and	Barrow St.
	Willis St.
South 27th St.	Barrow St.
	Buffalo Gap Rd.
	Sayles Blvd.
	Treadaway Blvd.
	Willis St.
South 32nd St. and	Buffalo Gap Rd.
Ambler Ave. and	Campers Courts
	Grape St.
	Hickory St.

	Judge Ely Blvd.
	Mockingbird Lane
	Old Anson Rd.
	Overland Trail
	Pine St.
	Stamford St.
	Treadaway Blvd.
	Willis St.
Antilley Rd. and	Director's Parkway/Regional Plaza
	Fairways Oaks Blvd.
Buffalo Gap Rd. and Chimney Rock Rd.	Clack St.
	Danville St.
	Rebecca Lane
	Robertson Dr.
	Antilley Rd.

Industrial Blvd. and	Sayles Blvd.
	Treadaway Blvd.
Treadaway Blvd. and	E. Hwy. 80/North 2nd St.
Rebecca Ln. and	Catclaw Dr.
	Ridgemont Dr.
Southwest Dr. and	Catclaw Dr.
	Clack St.
	Danville Dr.
Texas Ave. and	Corsicana Ave.
E. Hwy. and	Judge Ely Blvd.
	T & P Lane
FM 3438 and	Hartford St.

Sec. 18-303. --~~Pedestrian-actuated school crossing signals.~~ Reserved.

In accordance with the terms of this chapter, ~~pedestrian-actuated school crossing signals are hereby established at the following locations, and the movement of traffic or pedestrians at such locations shall be controlled by a traffic signal selected by the Director of Traffic and Transportation:~~

EN 10th St.	at Avenue F
North 10th St.	at North San Jose Dr.
South 20th St.	at Jeanette St.
Ambler Ave.	at Yorktown Dr.
Mockingbird Lane	at Abilene High School
Pioneer Dr.	at Potomac St.
S. Willis St.	at Sherry Lane

Sec. 18-304. ~~Parking designated for the disabled.~~ Reserved.

~~(a)~~

~~In accordance with the terms of this chapter, and when notice thereof is given by designating the parking spaces and areas in compliance with state law, parking spaces and areas are hereby established specifically for the disabled within the district or upon those streets or parts of streets set out in the schedule that follows:~~

Street	Side	Location
N. 2nd St.	North	From Cedar St. to 60 feet west of Cedar St.
	North	On the north parkway from 125 feet west of Hickory St. to 175 feet west of Hickory St.
	South	From 170 feet west of Cypress St. to 215 feet west of Cypress St.

N. 3rd St.	North	From Pine St. east 55 feet
N. 3rd St.	North	From Cedar St. east 50 feet
N. 8th St.	North	From 65 feet east of Cypress St. to 86 feet east of Cypress St.
Cedar St.	West	From 80 feet north of N. 2nd St. to 115 feet north of N. 2nd St.
Cypress St.	West	From North 3rd St. north 60 feet
	West	From North 4th north a distance of 50 feet
Pine St.	East	From North 2nd St. north 50 feet
	East	From North 5th St. south 55 feet
	West	From 120 feet north of North 1st St. to 150 feet north of North 1st St.
	West	From North 2nd St. north a distance of 45 feet
Walnut St.	East	From 40 feet south of North 5th St. south a distance of 60 feet
	East	From North 5th St. north a distance of 54 feet
	West	From North 2nd St. north a distance of 50 feet

Exhibit A

ARTICLE VII. STOP, YIELD INTERSECTIONS

Sec. 18-128. Reserved.

Sec. 18-129. Stop and yield signs.

- a. Whenever any provision of this Code or ordinance designates and describes a through street it shall be the duty of the Director of Public Works or designee to place and maintain a stop sign or yield right-of-way sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of such streets as may be determined by the Director of Public Works or designee upon the basis of an engineering and traffic study.
- b. When signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection where stop signs are erected, and shall yield the right-of-way at every intersection where yield right-of-way signs are erected, before entering any of the street or portion of street.

ARTICLE X. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 18-178. - Angle parking permitted in certain locations.

- a. No person shall park or stand a vehicle other than at an angle to the curb when signs or markings are in place indicating that angle parking is required.
- b. All vehicles parked at an angle shall be parked entirely within the marked stall for such parking and shall have one (1) of the front tires at rest against the curb or within six (6) inches thereof. No vehicle with an overall length greater than twenty (20) feet shall be angle parked at the locations provided in this section at any time.

DIVISION 4. LIMITED ON CERTAIN STREETS

Sec. 18-230. - Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any streets, or segments of streets, where such sign is erected.

Sec. 18-231. - Parking prohibited during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours and on days of the week, as specified by said sign.

ARTICLE XIII. SCHEDULES

Sec. 18-291. - Reserved.

Sec. 18-292. - Reserved.

Sec. 18-293. - Reserved.

Sec. 18-294. - Reserved.

Sec. 18-294.1. - Reserved.

Sec. 18-295. - Reserved.

Sec. 18-296. - Reserved.

Sec. 18-297. - Reserved.

Sec. 18-299. - Reserved.

Sec. 18-301. - Through trucks prohibited.

When signs are erected giving notice thereof, no person shall operate any truck exceeding seven thousand (7,000) pounds empty weight at any time upon any streets or portions of streets where any sign gives notice, except for the purpose of making pickups or deliveries.

Sec. 18-302. - Reserved.

Sec. 18-303. - Reserved.

Sec. 18-304. - Reserved.

Ordinance (Final Reading): Amending Chapter 18, “Motor Vehicles and Traffic” of the Abilene Municipal Code

(Max Johnson)





Ordinance: Amending Chapter 18 of the Abilene Municipal Code

- Growth and Development within the City of Abilene has created an incomplete traffic schedule within the Municipal Code
- No specific requirement to list certain traffic schedules in Abilene's current Code
- Recommended modifications simplify and update the Code, bringing Abilene into conformity with other city ordinances throughout Texas





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **9. Ordinance (Final Reading) CUP-2023-05:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Alan Wartes, Represented By Jovon Christophe, To Apply A Conditional Use Permit To Approximately 0.17 Acres To Allow For A Daycare Within Residential Single Family (RS-6) Zoning For Up To 12 Children. Located At 3236 Ambler Avenue. *(Tim Littlejohn)*

GENERAL INFORMATION

The subject property has been used as a single family residence since 1958. Currently the property is being used as a single family residence with the accessory use of day-care with less than six children, which is an allowed home occupation.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends **approval** subject to:

1. Compliance with the proposed Plan of Operation.
2. The issuance of any required local and state licenses for 6 additional children.
3. A copy of all required licenses shall be provided to the Building Official.
4. The issuance of a Certificate of Occupancy prior to expanding the size of the day-care

for up to 12 children.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6-0.

ATTACHMENTS:

1. CUP-2023-05 Ordinance
2. CUP-2023-05 Staff Report
3. application
4. plan of operations
5. Site Plan
6. CUP-2023-05 Presentation

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 A 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 23 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 Two Thousand Dollars (\$2,000.00). 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 24nd day of August, 2023.

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 July, 2023, 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 14th day of September, 2023, 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 14th day of September, 2023.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Approve a Conditional Use Permit (CUP) to allow for a Daycare within Residential Single Family (RS-6) zoning for up to 12 children.

The Conditional Use Permit is subject to:

1. Compliance with the proposed Plan of Operation.
2. The issuance of any required local and state licenses for 6 additional children.
3. A copy of all required licenses shall be provided to the Building Official.
4. The issuance of a Certificate of Occupancy prior to expanding the size of the day-care for up to 12 children.

Legal description being Lot 20, Block 36, Green Acres Section 2, Abilene, Taylor County, Texas.

Located at 3236 Ambler Avenue, Abilene, Taylor County, Texas.

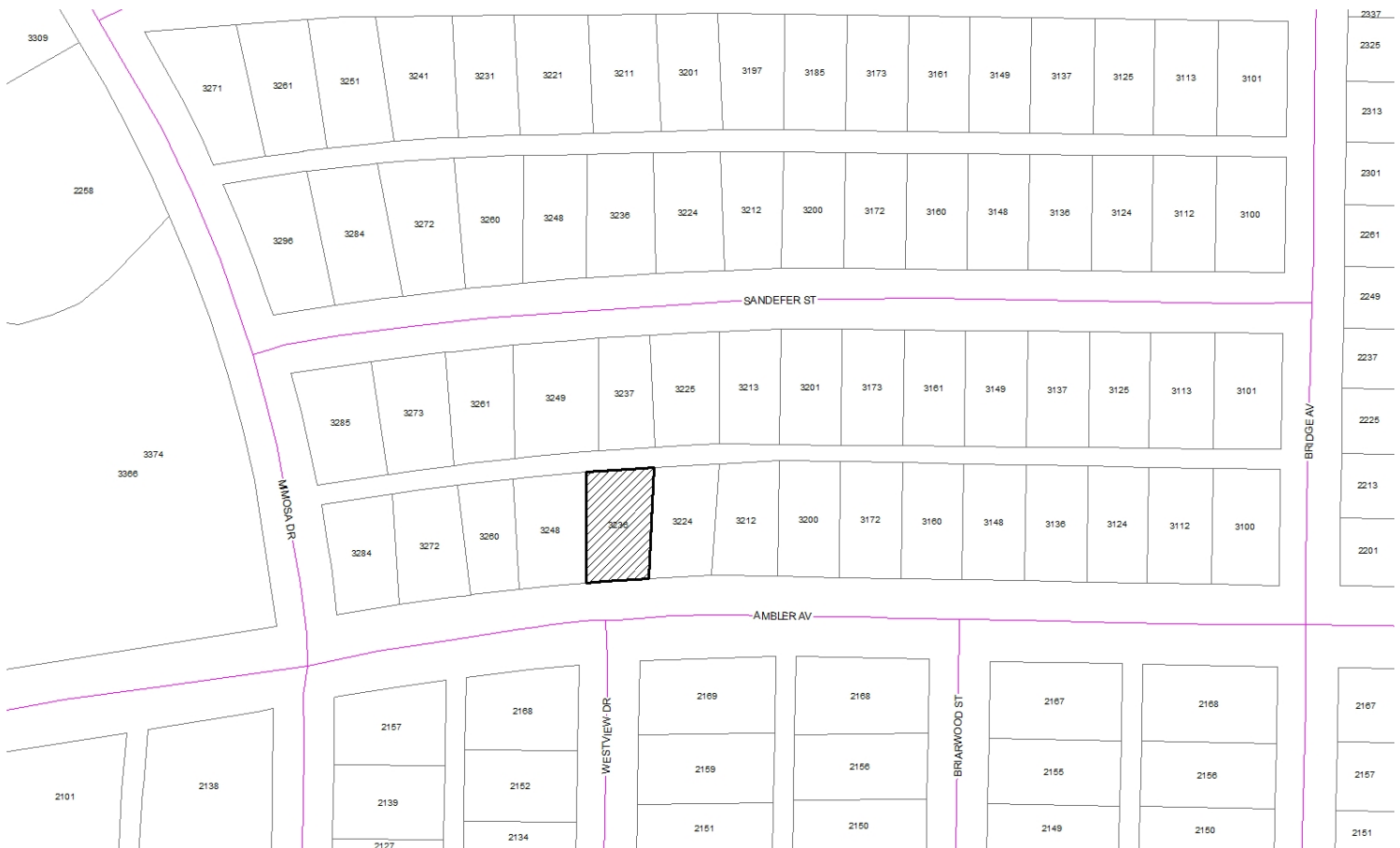


EXHIBIT B

PLAN OF OPERATION

04/28/2023

JC's Spot for Tots Daycare
3236 Ambler Avenue
Abilene, TX 79603
325-725-6731
Jovon Christophe

Dear City of Abilene,

My name is Jovon Christophe, and I am a Registered Childcare Provider going on 14 years. I am located at 3236 Ambler Avenue, and I am interested in becoming a Licensed childcare home where I will care for no more than 12 children with ages ranging from 18 months to 12 years old. I will determine my own program services, hours, and parent fees.

My hours of operation are Monday through Friday 7:30am to 5:30pm. Parents work schedules are different, and the children usually arrive over a period of two hours in the morning, and leave during a similar period in the late afternoon. This will reduce the number of vehicles at my home at one time. Parents escort their children safely to and from their vehicles to my home. By implementing these measures, my business will not increase traffic congestion on the street.

While children are in my care, my assistant and I are responsible for the supervision at all times including indoor activities, outdoor play in a fenced in back yard 1 to 2 hours a day, on walks, or vehicle trips away from my home.

If you have questions or concerns, or if you would like to consider other impact to the neighborhood please contact me at any time. Gathering your input now will help me to better plan my program, and prevent issues that might arise in the future.

Thank you for your time,

Jovon Christophe

END

ZONING CASE CUP-2023-05

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant

Owner: Alan Wartes
Agent: Jovon Christophe

Case Manager

Clarissa Ivey – Planner

Request

Apply a Conditional Use Permit to approximately 0.17 acres to allow for a Daycare within Residential Single Family (RS-6) zoning for up to 12 children.

Location

Lot 20, Block 36, Green Acres Section 2, at 3236 Ambler Avenue.

Background

The subject property has been used as a single family residence since 1958. Currently the property is being used as a single family residence with the accessory use of day-care with less than six children, which is an allowed home occupation.

Issues/Concerns

1. The property is located on an arterial street. The dropping off and picking up of children could be problematic for the safety of children and for parents backing out into Ambler Avenue and could result in congestion.
2. Since adequate off-street parking may not be available at peak drop off periods, parents may resort to parking on Ambler Avenue, which would create congestion.
3. The site plan does not satisfy the requirements of the LDC. However, the applicant does not propose any site improvements.
4. If the CUP is granted to allow six (6) additional children, a new day-care license would be required.
5. The applicant submitted a Plan of Operation to address the issues cited above.

Zoning, Existing and Proposed Land Use

The properties lies in the middle of an established Residential Single-Family (RS-6) neighborhood.

Criteria Assessment

Staff has reviewed the request based upon the factors established in Section 1.4.3.5, Criteria for Approval, of the Land Development Code. 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.

The Future Land Use Map designates the site as Very Low Density Residential. The proposed use is consistent with the Comprehensive Plan.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations

The proposed use of the subject site as a home- based daycare exceeds the limitation of 6 children being allowed in a residence.

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.

The proposed use is compatible and preserves the character and integrity of the neighborhood. The added parking area is consistent with the 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.

Although the proposed use will generate additional traffic, the applicant states that measure will be implemented to reduce the number of vehicles at the home at one time. There will be a two hour period in which the parents will need to drop off their children.

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.

The applicant plans on implementing a two-hour window to drop-off/pick-up children, which may minimize the amount of traffic at the home at any one time.

6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.

The proposed use will not be incorporating any features that makes will make the home look different from the surrounding properties.

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.

The proposed use exceeds the standards for the zoning district, which only allows 6 children, but may not adversely affect the surrounding neighborhood is the Plan of Operation is followed.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval** subject to:

1. Compliance with the proposed Plan of Operation.
2. The issuance of any required local and state licenses for 6 additional children.
3. A copy of all required licenses shall be provided to the Building Official.
4. The issuance of a Certificate of Occupancy prior to expanding the size of the day-care for up to 12 children.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

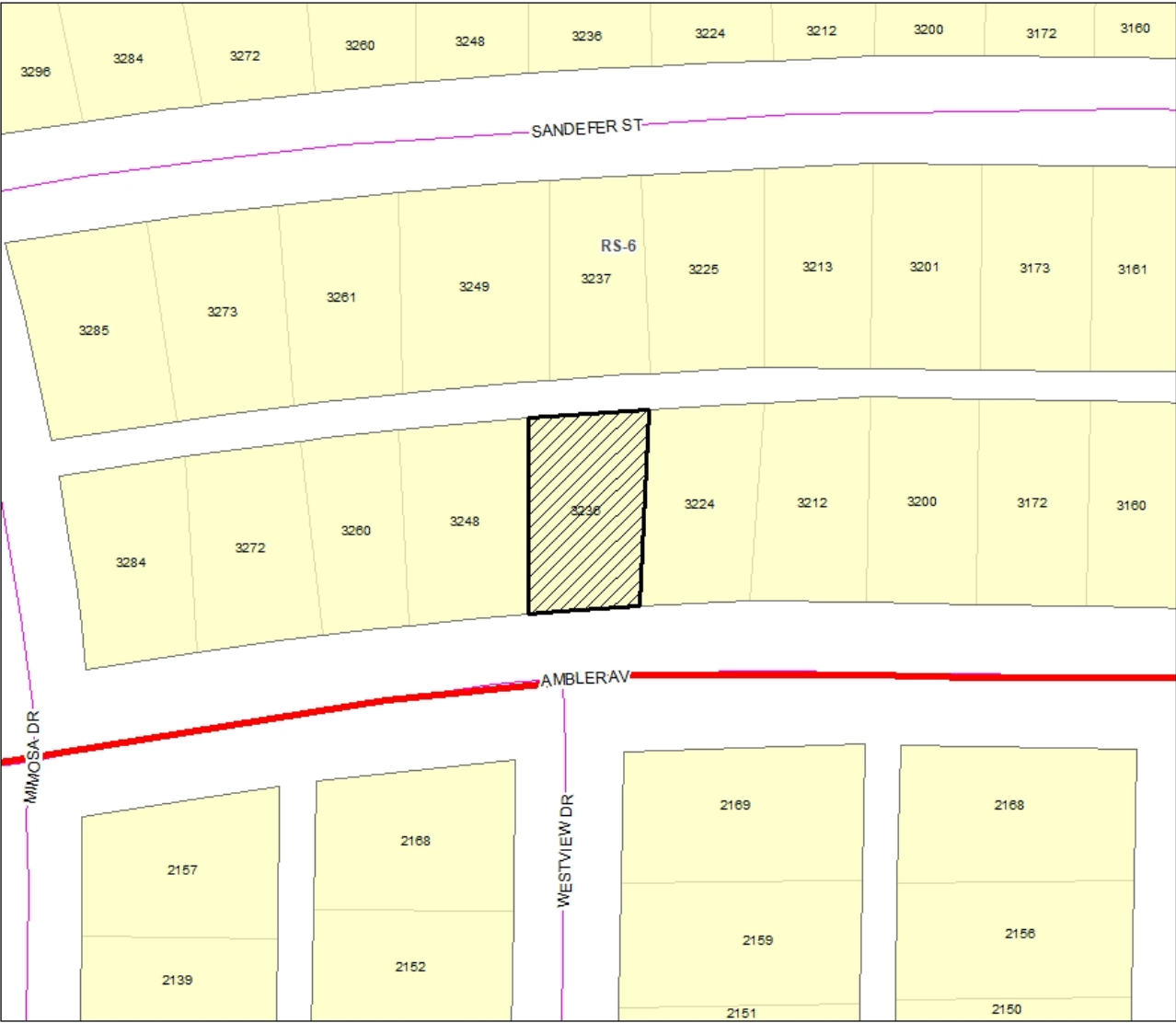
PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
RICHARDS JOSHUA	21644	3236 SANDEFER ST	
REYES MARTIN & ERICA	21767	3224 SANDEFER ST	
O NEAL KASSIE	23179	3260 SANDEFER ST	
DIAZ MOSAIC &	23311	3248 SANDEFER ST	
FAUGHT COLLENE	24224	3173 SANDEFER ST	
BURGER DONALD L	24353	3201 SANDEFER ST	
BALLOU SHERRY	24481	3213 SANDEFER ST	
ZACHRY BARBARA J CASSELBERRY	24614	3225 SANDEFER ST	
WHITAKER JIMMIE R &	24745	3237 SANDEFER ST	
UNIQUE3 SOLUTIONS LLC	24866	3249 SANDEFER ST	
EDWARDS CARLA	24988	3261 SANDEFER ST	
JIMENEZ JUAN	25112	3273 SANDEFER ST	
RODRIGUEZ SYLVIA	25228	3285 SANDEFER ST	
RICKARD FORREST GENE & TRISTEN MARIE	25348	3284 AMBLER AV	
FAUGHT JOHNNY MARK	25492	3272 AMBLER AV	
WALLS ROBIN C ET AL	25634	3260 AMBLER AV	
LOZA VICTOR &	25753	3248 AMBLER AV	
WARTES ALAN	25871	3236 AMBLER AV	
LARSEN VIRGINIA LF EST	25999	3224 AMBLER AV	
HERRERA JACQUELINE	26119	3212 AMBLER AV	
FAUGHT COLLENE	26238	3200 AMBLER AV	
SUDDENDORF LONNY D LF EST	26356	3172 AMBLER AV	
CABALLERO DANIEL & CANO MARIA	52602	2157 MIMOSA DR	
BABER SCOT &	52730	2168 WESTVIEW DR	
LOPEZ EDWARD	52867	2152 WESTVIEW DR	
BUTLER EGYPT ROBERTA	57455	2159 WESTVIEW DR	
BECKER STACI M	57570	2169 WESTVIEW DR	
PENNS TIMOTHY &	57703	2168 BRIARWOOD ST	

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
BABER SCOT &	52730	2168 WESTVIEW DR	
BALLOU SHERRY	24481	3213 SANDEFER ST	
BECKER STACI M	57570	2169 WESTVIEW DR	
BURGER DONALD L	24353	3201 SANDEFER ST	
BUTLER EGYPT ROBERTA	57455	2159 WESTVIEW DR	
CABALLERO DANIEL & CANO MARIA	52602	2157 MIMOSA DR	
DIAZ MOSAIC &	23311	3248 SANDEFER ST	
EDWARDS CARLA	24988	3261 SANDEFER ST	
FAUGHT COLLENE	24224	3173 SANDEFER ST	
FAUGHT COLLENE	26238	3200 AMBLER AV	
FAUGHT JOHNNY MARK	25492	3272 AMBLER AV	
HERRERA JACQUELINE	26119	3212 AMBLER AV	
JIMENEZ JUAN	25112	3273 SANDEFER ST	
LARSEN VIRGINIA LF EST	25999	3224 AMBLER AV	
LOPEZ EDWARD	52867	2152 WESTVIEW DR	
LOZA VICTOR &	25753	3248 AMBLER AV	
O NEAL KASSIE	23179	3260 SANDEFER ST	
PENNS TIMOTHY &	57703	2168 BRIARWOOD ST	
REYES MARTIN & ERICA	21767	3224 SANDEFER ST	
RICHARDS JOSHUA	21644	3236 SANDEFER ST	
RICKARD FORREST GENE & TRISTEN MARIE	25348	3284 AMBLER AV	
RODRIGUEZ SYLVIA	25228	3285 SANDEFER ST	
SUDDENDORF LONNY D LF EST	26356	3172 AMBLER AV	
UNIQUE3 SOLUTIONS LLC	24866	3249 SANDEFER ST	
WALLS ROBIN C ET AL	25634	3260 AMBLER AV	
WARTES ALAN	25871	3236 AMBLER AV	
WHITAKER JIMMIE R &	24745	3237 SANDEFER ST	
ZACHRY BARBARA J CASSELBERRY	24614	3225 SANDEFER ST	

LOCATION MAP



ZONING MAP



Zoning Map



- Legend
- CUP-2023-05
 - Arterial
 - RS-6: Residential Single-Family

Exhibit 1

*Staff requested a more detailed site plan. The attached plan is the best applicant could provide.

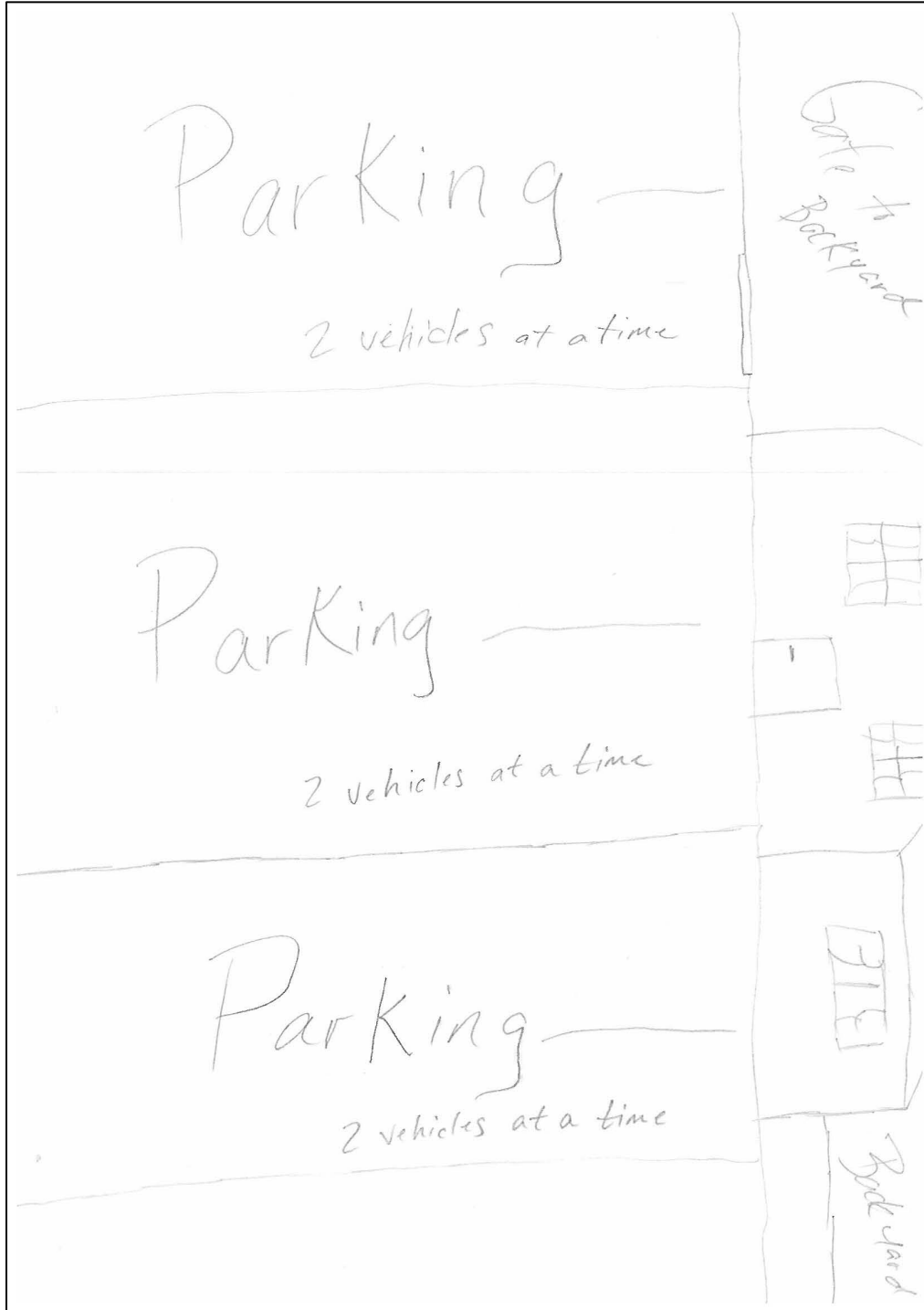


Exhibit 2



Parking area is adequate for four vehicles. The added spaces to west do not have a curb cut/ approach onto the street.

2023 Development Application

Zoning Application Page 1 of 3

Planning

- ☒ Conditional Use
 ☐ Special Exceptions
 ☐ Rezoning
 ☐ Variance
☐ PDD Amendment
 ☐ Street Name Change
 ☐ Thoroughfare Abandonment
☐ Easement Release

Relief Procedures

- ☐ Petition for Relief
 ☐ Proportionality Appeal
 ☐ Vested Rights Petition
 ☐ Appeal
 Other:

Project Name: Expanding childcare ratio
 Address: 3236 Ambler Ave Number of Lots: _____ Acreage: _____
 Legal Description: Green Acres section 2
 Subdivision Name: Willow Brook, Green Acres Block: 36 Lot 20 Lot: _____
 Current Zoning: RS6 Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: ALAN WARTES
 Address: 41 TAMARISK Circle
 City, State, Zip: Abilene TX 79606 Fax: _____
 Phone: 325-665-8942 Email: airitout1990@gmail.com
 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 of Owner: Alan Wartes Date: 4-27-23

FOR OFFICE USE ONLY

Received: _____ Fee: \$ _____ Receipt No.: _____
 Case No.: _____ Reviewed By: _____

2023 Development Application

Zoning Application Page 2 of 3

Existing Zoning

- | | | | |
|---|--|-----------------------------|------------------------------|
| ☐ AO | Agricultural Open Space | ☐ GR | General Retail |
| ☐ RR | Rural Residential RR-5 & RR-1 | ☐ MU | Medical Use |
| ☒ RS-12 | Residential Single-Family – 12,000 sq. ft lots | ☐ CB | Central Business |
| ☐ RS-8 | Residential Single-Family – 8,000 sq. ft lots | ☐ MX | Mixed Use |
| ☒ RS-6 | Residential Single-Family – 6,000 sq. ft lots | ☐ GC | General Commercial |
| ☐ PH | Single-Family Residential Patio Home | ☐ HC | Heavy Commercial |
| ☐ TH | Residential Townhouse | ☐ LI | Light Industrial |
| ☒ MD | Residential Medium Density | ☐ HI | Heavy Industrial |
| ☐ MH | Manufactured/Mobile Home | ☐ PD | Planned Development District |
| ☐ CU | College & University | ☐ | Empowerment Overlay |
| ☐ NO | Neighborhood Office | | |
| ☐ O | Office | | |
| ☐ NR | Neighborhood Retail | | |

Reason for Zoning Change

Fees

FOR DEVELOPMENT FEES CTRL & CLICK LINK BELOW AND CHOOSE "Z"

<https://abilenetx.gov/563/Fee-Schedule>

Fees can be paid online with credit card.

2023 Development Application

Zoning Application Page 3 of 3

Zoning Impact Analysis

Please answer these questions in order to assist staff with the processing of your zoning request.

1. Does the proposed zoning map amendment implement the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map?

N/A, No changes to existing landscape or property

2. Is the use permitted by the proposed change in the zoning district's classification? Are the standards applicable to such uses appropriate in the immediate area of the land to be reclassified?

N/A, Childcare use still in effect, Only to increase childcare availability.

3. Are the proposed changes in agreement with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area?

No / N/A

4. Are there other factors that will substantially affect the public health, safety, morals, or general welfare?

No / N/A

Other Required Forms - Disclosure of Interest (See Attached)

2023 Development Application

Owner Authorization and Representative Designation

Property Description

Subdivision: _____ Total Number of Acres: _____
 Zoning Classification(s): _____ Total Number of Lots: _____
 Location: _____

Property Owner Information & Authorization

Name/Company: ALAN WARTES
 Address: 41 TAMARISK CIRCLE
 City: ABILENE State: TX Zip Code: 79606
 Phone: 325-665-8942 Email: airitout1990@gmail.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate JOVON CHRISTOPHE (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. 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 request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Abilene.

Property Owner's Signature: [Signature] Date: 4-27-23

STATE OF: TEXAS

COUNTY OF: TAYLOR

BEFORE ME, a Notary Public, on this day personally appeared Alan Wartes
 (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN before me, this the 27th day of April, 2023



[Signature]
 NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

☐ Engineer ☐ Purchaser ☐ Tenant ☐ Preparer ☐ Other(specify): _____

Name: _____ Company: _____
 Address: _____ City: _____ State: _____
 Zip Code: _____ Number: _____ Email: _____

2023 Development Application

Disclosure of Interest

Disclosure Questions

Every question must be answered. If the question is not applicable, answer with "N/A".

NOTE: If the Project Representative is not the Property Owner, this form must be filled out by both the Property Owner and the Project Representative.

- A. Do you believe that a City official* or City employee** may have a conflict of interest in the property or application referenced on the reverse side? ☐ Yes ☒ No

- B. If so, state the name of each City official or employee of the City of Abilene known by you that may have a conflict of interest in the property or application referenced on reverse side.

N/A

- C. State all information upon which you base the belief (use additional paper, if necessary).

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Abilene, Texas, as changes occur.

Name of Certifying Person (print): _____

Property Owner ☐ Project Representative ☐

Signature of Certifying Person: _____

*Mayor, City Council members, Planning and Zoning Commission members, and Zoning Board of Adjustment members

**City Manager, City Secretary, City Attorney, and all department heads

2023 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 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: _____

04/28/2023

JC's Spot for Tots Daycare
3236 Ambler Avenue
Abilene, TX 79603
325-725-6731
Jovon Christophe

Dear City of Abilene,

My name is Jovon Christophe, and I am a Registered Childcare Provider going on 14 years. I am located at 3236 Ambler Avenue, and I am interested in becoming a Licensed childcare home where I will care for no more than 12 children with ages ranging from 18 months to 12 years old. I will determine my own program services, hours, and parent fees.

My hours of operation are Monday through Friday 7:30am to 5:30pm. Parents work schedules are different, and the children usually arrive over a period of two hours in the morning, and leave during a similar period in the late afternoon. This will reduce the number of vehicles at my home at one time. Parents escort their children safely to and from their vehicles to my home. By implementing these measures, my business will not increase traffic congestion on the street.

While children are in my care, my assistant and I are responsible for the supervision at all times including indoor activities, outdoor play in a fenced in back yard 1 to 2 hours a day, on walks, or vehicle trips away from my home.

If you have questions or concerns, or if you would like to consider other impact to the neighborhood please contact me at any time. Gathering your input now will help me to better plan my program, and prevent issues that might arise in the future.

Thank you for your time,

Jovon Christophe

Parking

2 vehicles at a time

Gate to backyard

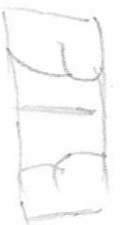
Parking

2 vehicles at a time



Parking

2 vehicles at a time



Back yard



CONDITIONAL USE PERMIT

Case: CUP-2023-05

Owner: Alan Wartes

Agent: Jovon Christophe

Request: A CUP to allow a Daycare for up to 12 children.

Location: 3236 Ambler Avenue

Notification: 0 in Favor, 0 Opposed

Planning & Zoning: August 1, 2023

Council Hearing: August 24, 2023
September 14, 2023

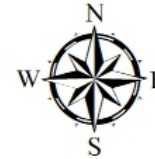




AERIAL LOCATION MAP

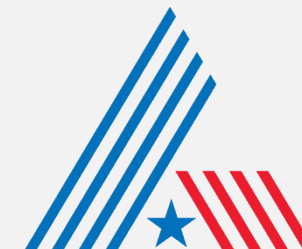


Aerial Map



Legend

- CUP-2023-05
- CourierParcels



CITY OF
ABILENE
TEXAS



ZONING MAP



Zoning Map



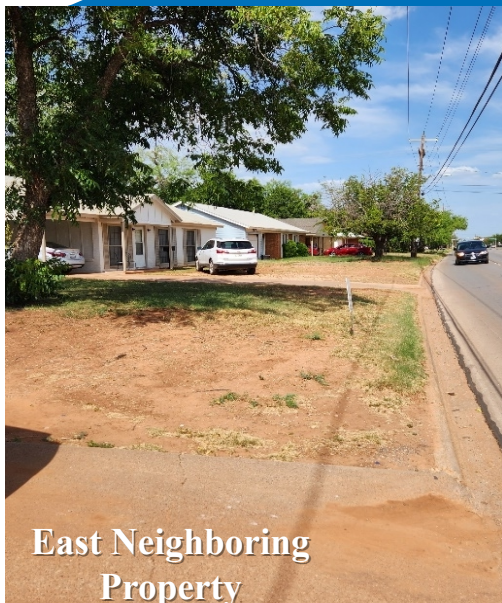
Legend

- CUP-2023-05
- Arterial
- RS-6:
Residential
Single-Family





VIEWS OF SUBJECT PROPERTY



East Neighboring
Property



West Neighboring
Property



South Neighboring
Property



Subject Property



Subject Property



Subject Property

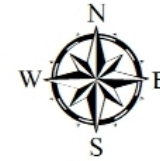




NOTIFICATION AREA MAP



Notification Map



Legend

- Notification Area
- CUP-2023-05

0- In Favor- 
0- Opposed- 





FINDINGS AND RECOMMENDATIONS

The proposed request is *consistent* with:

- The *Comprehensive Plan*;
- The surrounding uses and zoning;
- Generally accepted planning principals; and
- The Criteria for Approval in the LDC.

P&Z Recommendation: **Approval** subject to:

1. Compliance with the proposed Plan of Operation.
2. The issuance of any required local and state licenses for six additional children.
3. A copy of all required licenses shall be provided to the Building Official.
4. The issuance of a Certificate of Occupancy prior to expanding the size of the day-care for up to 12 children.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **10. Ordinance (Final Reading) Z-2023-24: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Amazing Grace True Grit, LLC, Represented By Sara Trammel, To Change The Zoning Of Approximately 0.68 Acres From Residential Single Family (RS-12) To A Planned Development District (PDD-183) To Allow For A Medical Spa. Located At 642 Sayles Boulevard. *(Tim Littlejohn)***

GENERAL INFORMATION

The applicant originally requested the rezoning of 0.68 acre from Residential Single Family (RS-12/H) to Neighborhood Office (NO/H). The applicant now requests the rezoning of this property to PD-183, with a base zoning district of RS-12/H, with a medical spa.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends **approval**, subject to the following conditions:

1. The base zoning shall be PD-183/H, with a medical spa being a permitted use, subject to the attached Plan of Operation.
2. A Certificate of Occupancy (CO) shall be obtained from the Building Inspection Division prior to commencing business.
3. The property may continue to be used as a bed and breakfast and event center until a CO

is issued to allow the proposed medical spa. Upon the issuance of the CO, the use of the property as a bed and breakfast or an event center shall be prohibited.

4. The exterior appearance of the home shall not be altered in a manner that diminishes the historic character of the home.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6-0.

ATTACHMENTS:

1. Ordinance
2. Staff Report
3. concept plan
4. 633 Sayles
5. 601 Highland Ave.
6. 702 Sayles Drive
7. 740 Sayles_1
8. 642 Sayles Blvd.
9. Presentation

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 A 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 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 Two Thousand Dollars (\$2,000.00). 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 24th day of August, 2023.

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 July, 2023, 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 14th day of September, 2023, 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 14th day of September, 2023.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land from a Single Family Residential-12 (RS-12/H) District with Historic Overlay to a Planned Development (PDD-183) District with Historic Overlay subject to the requirements set out in Exhibit B and the concept plan set out in Exhibit C.

Legal description being the East 26' of Lot A and all of lots B and C, Block 9, Highland Addition, Abilene, Taylor County, Texas.

Located at 642 Sayles Boulevard, Abilene, Taylor County, Texas.



ORDINANCE NO. _____

EXHIBIT B

Proposed Base Zoning District, Land Uses, and Plan of Operation

Base Zoning: Single-Family Residential (RS-12) and Historic Overlay (HO), subject to all RS-12 district development standards.

Permitted Uses: All uses permitted by right in the Single-Family Residential (RS-12) and a Medical Spa, which shall operate in accordance with the following conditions, and per the Plan of Operation, shall be permitted.

1. A Certificate of Occupancy (CO) shall be obtained prior to commencing business as a medical spa.
2. The residence may continue to be used as a bed and breakfast and event center until a CO is issued to allow the use of the residence as a medical spa.
3. Upon the issuance of the CO for a medical spa, the use of the residence as a bed and breakfast and event center shall be prohibited.
4. All medical spa services shall be located within the residence and in, and around, the outdoor swimming pool, patio and backyard garden.

Plan of Operation:

Business Hours: By appointment only, Monday – Saturday, 9:00 a.m. – 6:00 p.m.

License Required: The medical spa shall maintain all cosmetic licenses required by the State of Texas for the services offered at the medical spa.

Services Provided:

1. Laser treatments and other minimally invasive techniques, such as laser hair removal, facial laser treatments, and peels.
2. Non-surgical treatments, which include injectables such as Botox and fillers.
3. Wellness services, such as sauna treatments, dietary consultations, and vitamin injections.
4. Tattooing only to provide permanent makeup of eyebrows and lips.
5. Up to two (2) customer appreciation days/seminars per year that would begin after 6:00 p.m. and conclude by 10:00 p.m. to thank customers and to introduce, and demonstrate, new products and services available at the medical spa.

Concept Plan: New site improvements are not proposed. The existing home, patio, and swimming pool areas are depicted in the in the following image.

642 Sayles Blvd. - PD-183 Concept Plan



7/12/2023, 12:02:35 PM

— Road Centerlines
— Courier Parcels

1:564
0 0 0.01 0.02 mi
0 0.01 0.01 0.02 km

City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

ArcGIS Web AppBuilder
City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

END

ZONING CASE Z-2023-24

STAFF REPORT - AMENDED

Scheduled Hearings

Planning & Zoning Commission: July 5, 2023
August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant

Owner: Amazing Grace True Grit, LLC
Agent: Sara Trammell

Case Manager

Mason Teegardin – Planner

Request

The applicant originally requested the rezoning of 0.68 acre from Residential Single Family (RS-12/H) to Neighborhood Office (NO/H). The applicant now requests the rezoning of this property to PD-184, with a base zoning district of RS-12/H, with a medical spa.

Location

Located within the Highland Addition Subdivision, the east 26' of Lot A and all of lots B and C, Block 9, at 642 Sayles Boulevard, Abilene, Taylor County, Texas.

Background

The subject property is located within the Highland Addition. The lot has been used as a residential lot since 1889. The residence is currently being used as a Bed and Breakfast (Ordinance No. 53-2011), as well as an event space. This property was zoned Historic Overlay (H) in July 1985.

At the July 5, 2023 Commission meeting, a neighbor testified that the current use of the property as a bed and breakfast and event center was having an adverse impact on the surrounding neighborhood due to noise, late hours of operation, and guest parking/traffic in the neighborhood. The applicant testified that the bed and breakfast/event center would no longer operate if the request is approved.

New notice was published and provided to the surrounding owners entitled to notice.

Zoning, Existing and Proposed Land Use

The surrounding properties are all zoned residential, with a mix of RS-6 and RS-12 districts. zoning. No surrounding property has Historic Overlay zoning (HO), there are properties across Sayles Boulevard and South 7th Street that are zoned HO. The applicant proposes to use the home as a med-spa to offer injectable services, laser hair removal, facials, body care, and lash and brow services.

A proposed Plan of Operation was submitted by the applicant describing the proposed use and how it will operate. A key provision of the plan is that the business would by appointment only between 9:00 a.m. to 6:00 p.m. on Monday through Saturday.

Criteria Assessment

Section 1.4.1.4 of Abilene's Land Development Code states that, 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 proposed request is not consistent with the Comprehensive Plan or the Future Land Use Map. The Future Land Use Map proposes this area as "very low density residential", which is consistent with the existing zoning of the subject site. However, limited commercial uses were allowed at this location when a CUP was approved to allow a bed and breakfast and event center. If this request is approved to allow a medical spa, the intensity of use of this site would be reduced.

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

All of the surrounding properties have historically been utilized for single-family residential purposes. Businesses and commercial zoning is not located in the vicinity of this site. Limited commercial use of this site was introduced when the CUP described above was granted. If the request is approved, the bed and breakfast/event center would no longer be permitted. The proposed use, per the Plan of Operation, should be less intensive than the current use.

(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 property has access to all required utilities.

(4) Any other factors, which will substantially affect the public health, safety, morals, or general welfare.

None known.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval**, subject to the following conditions:

1. The base zoning shall be PD-183/H, with a medical spa being a permitted use, subject to the attached Plan of Operation.
2. A Certificate of Occupancy (CO) shall be obtained from the Building Inspection Division prior to commencing business.
3. The property may continue to be used as a bed and breakfast and event center until a CO is issued to allow the proposed medical spa. Upon the issuance of the CO, the use of the property as a bed and breakfast or an event center shall be prohibited.
4. The exterior appearance of the home shall not be altered in a manner that diminishes the historic character of the home.

Proposed Plan of Operation

Proposed use of space for 642 Sayles Blvd as a Medical Spa

My goal is to maintain the home and property in its current state. As a current homeowner in the Sayles Corridor, I value the history of this area, and I want to maintain the historic overlay, not altering the outside appearance of the structure. It will serve as my established medical aesthetic practice and day spa.

Our general classification as a medical spa would include the following:

- We function by appointment only Monday- Saturday 9 am – 6 pm.
- Our general practice has a cosmetic licensure for facial treatments.
- We perform laser treatments and other minimally invasive techniques, such as: laser hair removal, facial laser treatments, and peels. Other non-surgical treatments include injectables, such as Botox and fillers.
- We offer wellness services such as sauna treatments, dietary consultations, vitamin injections.
- We do have a tattoo license for permanent makeup of eyebrows and lips.
- We do not propose to use the residence as a bed and breakfast or an event center after all scheduled events are concluded, which will be approximately November 2023.

NOTIFICATIONS

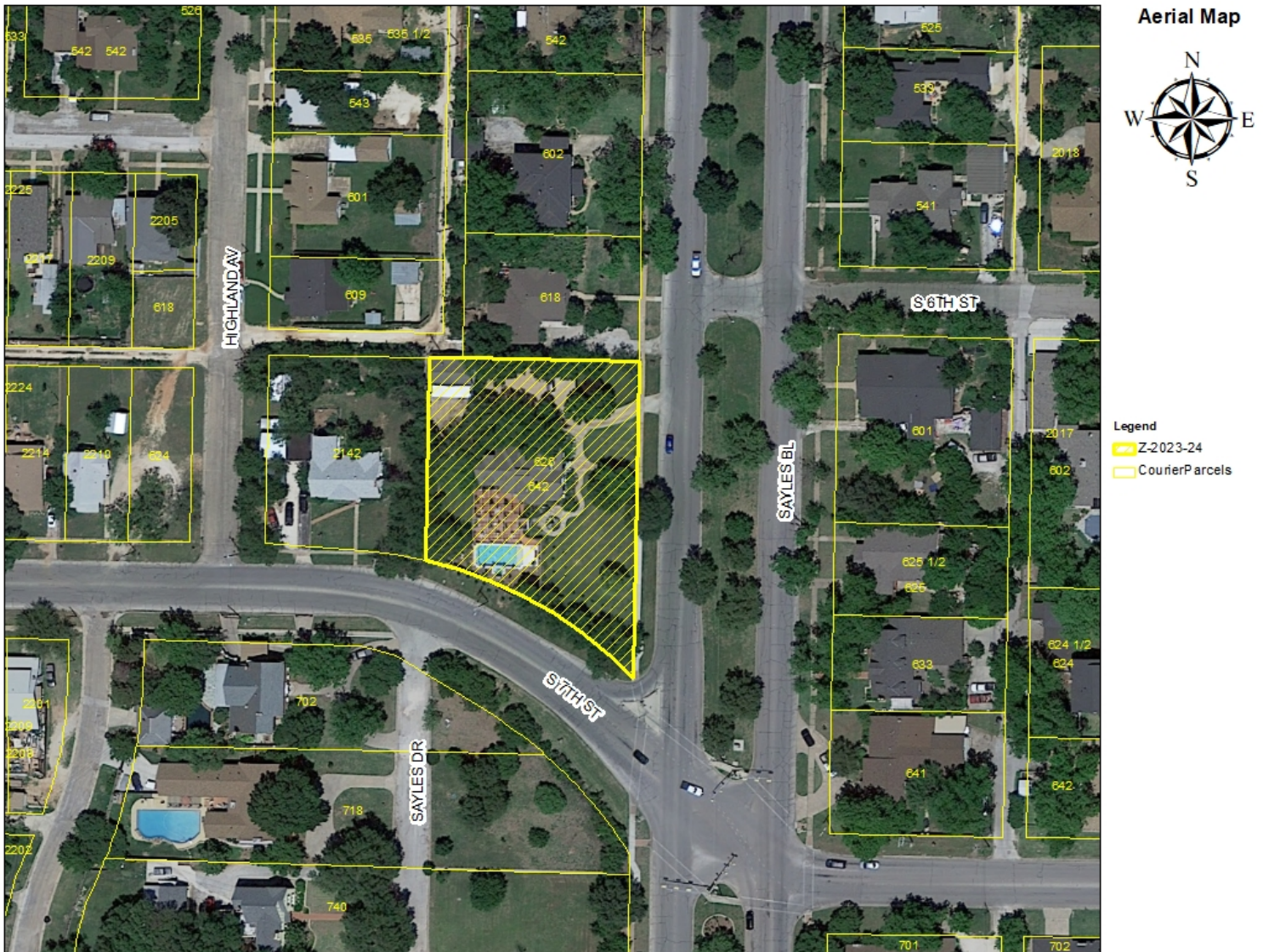
Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
AMAZING GRACE TRUE GRIT LLC	22507	642 SAYLES BL	F
AMAZING GRACE TRUE GRIT LLC	22507	626 SAYLES BL	
BILES JOE GRADY & AMANDA BELLE	23159	602 SAYLES BL	
CONLEY EDWARD A &	18669	633 SAYLES BL	F
DAVID MARIA LF EST	18323	601 SAYLES BL	
FULLER KRISTI R	22377	2142 S 7TH ST	
GARRETT BRYANT & DAWN	18553	625 1/2 SAYLES BL	
GARRETT BRYANT & DAWN	18553	625 SAYLES BL	
HALL GLEN D & CAROL K	76313	740 SAYLES DR	O
HALL MICHAEL	23281	618 SAYLES BL	
HISCOCK CAREY C & SLINA M	18776	641 SAYLES BL	
KAPPEL MARK T & JANA S	76197	718 SAYLES DR	
KEY CITY MANAGEMENT LLC	23826	543 HIGHLAND AV	
MC NEILL DAN STEVEN & TRACY A MORGAN	76070	702 SAYLES DR	O
MILLER BONNIE H LF EST	25615	618 HIGHLAND AV	
SNOW JOSEPH H III &	23687	601 HIGHLAND AV	O
TAMCKE JAIDEN D & VICTORIA M	23560	609 HIGHLAND AV	
TEMPLIN BONELL	18207	541 SAYLES BL	
VALERIO HECTOR	27008	624 HIGHLAND AV	

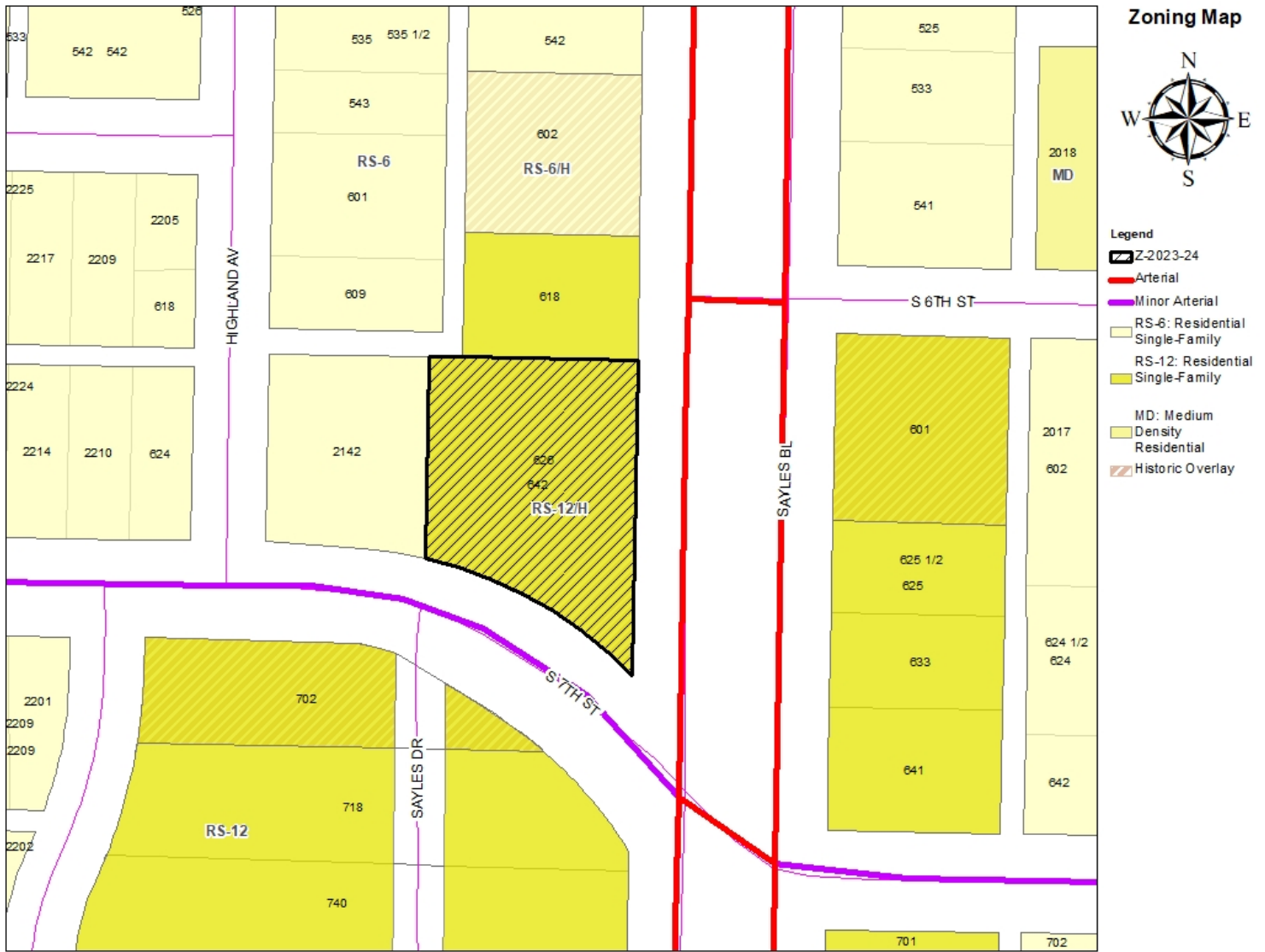
PROPERTY ID

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LOCATION MAP



ZONING MAP

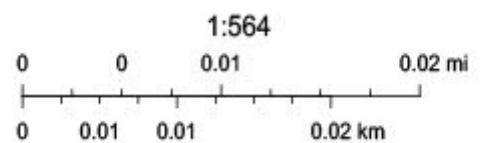


642 Sayles Blvd. - PD-183 Concept Plan



7/12/2023, 12:02:35 PM

- Road Centerlines
- Courier Parcels



City of Abilene, Taylor County, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Conley Law Firm

Attorney and Mediator



July 27, 2023

Planning and Zoning Services
P.O. Box 60
Abilene, Texas 79604-0060

RE: Zoning Application Number Z-2023-24
Amazing Grace True Grit, LLC / Sara Trammel

To The Honorable Commission:

642 Sayles Blvd, "The Sayles Home" is a treasure to this neighborhood and to the entire city. Its use as a bed and breakfast then a "venue" failed.

My wife, Mary Lou Robertson and I urge you to change the zoning to Planned Development District (PDD)-183.

Sara Trammel is a neighbor and will maintain and improve this historical home. The housing of a medical spa will in no way interfere with the quiet enjoyment of this neighborhood. Neither will traffic be impaired as there is ample off street parking..

Cordially,

Mary Lou Robertson
Ed

Mary Lou Robertson
Edward Conley

JUL 28 PM 3:37

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

CASE #: Z-2023-24

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: SNOW JOSEPH H III &
Parcel I.D.: 23687
Address: 601 HIGHLAND AV

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: _____

our letter was dated - 7/13/2023
we got it 7/24/2023

short notice with 8/1
deadline

JUN 28 AM 9:46

CASE #: Z-2023-24

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: MC NEILL DAN STEVEN & TRACY A
MORGAN

Parcel I.D.: 76070
Address: 702 SAYLES 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: Tracy Morgan McNeill

The house is already being used as a B&B. If it's not zoned for a business why is this being allowed? We've already had to contact the police on several occasions.

My name is Carol Hall. I reside at 740 Sayles Drive as I have for the last 25 years. We bought an old house in a beautiful old, established, historic residential neighborhood.

Several years later, the Dr.'s Trammel moved into the house next door at 758 Sayles Drive.

Years later, Dr. Sara Trammel established a business called the Beauty Bus. This medical spa business did not have a permanent home, but rather an old airstream trailer from which she conducted her traveling business.

Her business boomed, and she moved the business to two of her outbuildings at her residence. She has several employees who do not reside at 758 Sayles Drive and many clients who park behind our residence. She does not have a business trash receptacle but uses our shared residential trash can. The airstream is parked right on the other side of our shared fence.

I object wholeheartedly to establishing another commercial enterprise separated from us by only two houses on the north. We will then be surrounded by her commercial enterprises. I fear letting her establish a spa there as well as at her residence will tip the neighborhood into a commercial one rather than residential, which would be detrimental to the neighborhood. That has potential to mar the beauty of the city as well as the Sayles Blvd. residential area which is presently one of the most beautiful in the city. I fear for the welfare of our beautiful, historic neighborhood.

Please do not allow this to happen. There are other buildings and offices which are available now and certainly able to be converted to the beauty business/medical spa offices. She should seek a different location to expand her business.

Thank you,

Carol Hall 325-668-3795



JUL 27 AM 9:00

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2023-24

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: AMAZING GRACE TRUE GRIT LLC

Parcel I.D.: 22507

Address: 642 SAYLES 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: _____

JUL 26 AM 10:36



REZONE REQUEST

Case: Z-2023-24

Owner: Amazing Grace True Grit, LLC

Agent: Sara Trammell

Request: Rezone from RS-12/H to PDD-183/H

Location: 642 Sayles Boulevard

Notification: 1 in Favor, 3 Opposed

Planning & Zoning: July 5, 2023
August 1, 2023

Council Hearing: August 24, 2023
September 14, 2023





AERIAL LOCATION MAP

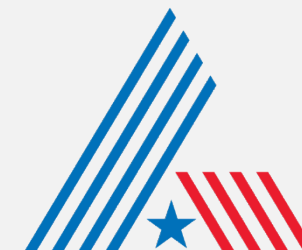


Aerial Map



Legend

- Z-2023-24
- CourierParcels



CITY OF
ABILENE
TEXAS



ZONING MAP





VIEWS OF SUBJECT PROPERTY



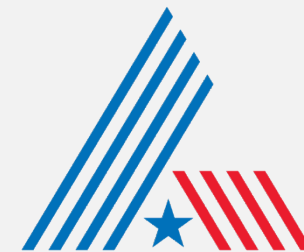
Subject Property



East Neighboring
Property



South Neighboring
Property



CITY OF
ABILENE
T E X A S



PERMITTED USES IN RESIDENTIAL ZONING

RESIDENTIAL USES:

- C Bed & Breakfast
- C Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- 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
- P Dwelling – Accessory
- 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 Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- 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

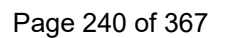
LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses 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





12.04 % OPPOSITION





P&Z FINDINGS

The proposed request is consistent with:

- Comprehensive Plan;
- The surrounding uses and zoning and is a less intensive use than the B&B/Event Center.
- Generally accepted planning principals; or
- The Criteria for Approval in the LDC.





RECOMMENDATION

P&Z Recommendation: **Approval**, subject to the following conditions:

1. The base zoning shall be PD-183/H, with a medical spa being a permitted use, subject to the attached Plan of Operation.
2. A Certificate of Occupancy (CO) shall be obtained from the Building Inspection Division prior to commencing business.
3. The property may continue to be used as a bed and breakfast and event center until a CO is issued to allow the proposed medical spa. Upon the issuance of the CO, the use of the property as a bed and breakfast or an event center shall be prohibited.
4. The exterior appearance of the home shall not be altered in a manner that diminishes the historic character of the home.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **11. Ordinance (Final Reading) Z-2023-26: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From KKP Investments, LLC, Represented By Jacob & Martin, To Amend The Terms Of Planned Development District 172 To Allow Single-Family Residential Uses With No Through Connection To East Stamford Street. Located At 2668 Garfield Avenue. *(Tim Littlejohn)***

GENERAL INFORMATION

The applicant proposes to amend PDD-172 by:

- Changing the base zoning of Tract 1 from Medium Density (MD) to Single Family Residential (RS-6); and
- Eliminating the “Development Regulation” cited above and replacing it “No road connection between Garfield Avenue and East Stamford Street”.

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 6-0.

ATTACHMENTS:

1. Ordinance
2. original ordinance redline from JM
3. Staff Report
4. 41069 - New Notice
5. 2632 Rountree Drive
6. 2644 Rountree Dr
7. 2550 N Judge Ely
8. 2636 Roundtree Dr.
9. 2689 Garfield Ave
10. 2693 Garfield Ave
11. Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD-172 AND ORDINANCE NO. 38-2021 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23 of the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 38-2021, 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 Two Thousand Dollars (\$2,000.00). 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 24th day of August, 2023.

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 July, 2023, 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 14th day of September, 2023, 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 14th day of September, 2023.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

1st Amendment to Ordinance No. 38-2021

Location:

2668 Garfield Avenue, in the Hillcrest Addition Subdivision, Section 4, Block 10, Lots 4 and 5;
Hillcrest Addition Section 4, Block 11 and;
12.04 acres out of Survey 84, T&P Railway Company, Block 14, Abilene, Taylor County, Texas.

AMEND: PART 6: Purpose.

DELETE: The purpose of this Planned Development (PD) request is to allow for Residential Single-Family base zoning on both Tracts 2 and 3 and Medium Density base zoning on Tract 1.

ADD: The purpose of this Planned Development (PD) request is to allow for Single Family Residential (RS-6) base zoning on Tracts 1, 2, and 3.

AMEND: PART 7: Specific Modifications.

DELETE: 1. Development Regulations:
a. No street connection shall be allowed between Tract 1 Medium Density (MD) boundaries and Tract 2 and 3 Residential Single-Family (RS-6) boundaries.

ADD: 1. Development Regulations:
a. There will be no street connection between Garfield Avenue and East Stamford Street and there will be no street connection between Campus Court and East Stamford Street.

ZONING CONCEPT PLAN



CONCEPT PLAN



END

ORDINANCE NO. 38-2021

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-172 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: PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 29th day of July, 2021.

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 19th day of June, 2021, 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 12th day of August, 2021, 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 12th day of August, 2021.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:


CITY ATTORNEY

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 Planned Development (PD) 144 to Planned Development (PD) District 172.

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

TRACT 1

BEING a 14.478-acre tract comprised of a 12.04-acre tract out of Fractional Section 84, Block No. 14, T&P Railway Company Lands in Taylor County, Texas, conveyed to Abilene Independent School District and recorded on Page 132 in Volume 542 of Deed Records for Taylor County, Texas (legal description does not form a mathematically closed figure) together with Lots 4 and 5, Block 10 and all of Block 11, Section 4 on the Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas, conveyed to Abilene Independent School District by deed recorded on Page 461 in Volume 542 of Deed Records for Taylor County, Texas, said 14.478-acre tract being more particularly described as follows:

BEGINNING at a found 3/8-inch iron rod in concrete at the northwest corner of right-of-way for Campus Court, on the south line of said 12.04-acre tract, for the northeast corner of the said Block 11;

THENCE South 21° 01' 41" West, along the west right-of-way line of Campus Court, for a distance of 220.77 feet (called 221.8') to a found, damaged 3/8-inch iron rod at the intersection of the west line of right-of-way for Campus Court and the north line of right-of-way for Garfield Avenue, for the southeast corner of the said Block 11;

THENCE North 69° 07' 40" West, along the north line of right-of-way for Garfield Avenue, for a distance of 32.77 feet, to a found 3/8-inch iron rod for a point-of-curvature;

THENCE along the north right-of-way for Garfield Avenue, being along a curve to the left having a radius of 950.00 feet (called 929.3') and an arc length of 335.25 feet (called 332.7') being subtended by a chord bearing North 79° 14' 15" West for a distance of 333.51 feet to a found 3/8-inch iron rod for a point-of-tangency;

THENCE North 89° 20' 50" West along the north line of right-of-way for Garfield Avenue, for a distance of 157.33 feet to a found 3/8-inch iron rod, for a point-of-curvature;

THENCE along the north line of right-of-way for Garfield Avenue, being along a curve to the left having a radius of 530.00 feet and an arc length of 135.80 feet, being subtended by a chord bearing South 83° 18' 44" West for a distance of 135.43 feet, to a set 1/2-inch iron rod with cap stamped "H&T" for the southwest corner of Lot 4 in Block 10 of said Hillcrest Addition, same being the southeast corner of Lot 102 in A Replat of Lots 1, 2 and 3, Section 4, Hillcrest Addition to the City of Abilene, Taylor County, Texas and recorded on Slide 289D in Cabinet 2 of Plat Records for Taylor County, Texas;

THENCE North 11° 58' 00" West for a distance of 138.66 feet (called 140') to a set 1/2-inch iron rod with cap stamped "H&T" on the south line of a 20' wide alley, for the northwest corner of said Lot 4 and from where a found 3/8-inch iron rod bears 1.71 feet South 74° 55' 26" West;

THENCE South 89° 16' 40" East along the south line of a 20-foot-wide alley, for a distance of 159.14 feet (called 160.68') to a set 1/2-inch iron rod with cap stamped "H&T" at the southeast corner of a 20-foot-wide alley, for the northeast corner of Lot 5 in Block 10 of said Hillcrest Addition;

THENCE North 00° 13' 20" East for a distance of 20.00 feet to a set 1/2-inch iron rod with cap stamped "H&T" at the northeast corner of a 20' wide alley and on the south line of said 12.04-acre tract, for the northwest corner of the said Block 11;

THENCE North 89° 16' 40" West for a distance of 166.55 feet to a found 3/8-inch iron rod in concrete for the southwest corner of said 12.04-acre tract, same being the southeast corner of a 3.25-acre tract conveyed to the First Baptist Church of Abilene, Texas and recorded on Page 569 in Volume 604 of Deed Records for Taylor County, Texas;

THENCE North 23°18' 16" East for a distance of 92.02 feet (called 92.5') to a found 3/8-inch iron rod in concrete, for an angle point in the west line of said 12.04-acre tract;

THENCE North 24° 20' 44" East for a distance of 883.01 feet to a found 3/8-inch iron rod in concrete for the northwest corner of said 12.04-acre tract, same being an angle point in the south line of a 12.12-acre tract conveyed to Southwest Housing Providers, LLC and recorded on Page 644 in Volume 2893 of Official Public Records of Real Property (O.P.R.R.P.) in Taylor County, Texas;

THENCE South 51° 51' 16" East for a distance of 725.00 feet (called 725.3') to a found 1/2-inch iron rod on the west line of a 30-foot-wide right-of-way dedicated by The Grove Addition, Abilene, Taylor County, Texas and recorded on Slide 3453 in Cabinet 2 of Plat Records for Taylor County, Texas, for the northeast corner of said 12.04-acre tract;

THENCE South 21° 00' 00" West (being the Reference Bearing for this description) along the west line of said 30-foot-wide right-of-way for a distance of 483.48 feet to a found 1/2-inch iron rod on the north end of right-of-way for Campus Court, for the southeast corner of said 12.04-acre tract;

THENCE North 89° 04' 03" West for a distance of 31.94 feet to the Point of Beginning and containing 14.478 acres or 630,642 square feet of land;

SAVE AND EXCEPT for all of Block 11 as well as Lots 4 and 5 in Block 10, Section 4, as said lots and blocks are shown on a Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, and which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas.

TRACT 2

BEING all of Block 11 in Section 4, as said block is shown on a Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, and which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas.

include tracts 1, 2, and 3 here as
residential single family (RS-6)

TRACT 3

BEING all of Lots 4 and 5 in Block 10, Section 4, as said lots and block are shown on the Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, and which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas.

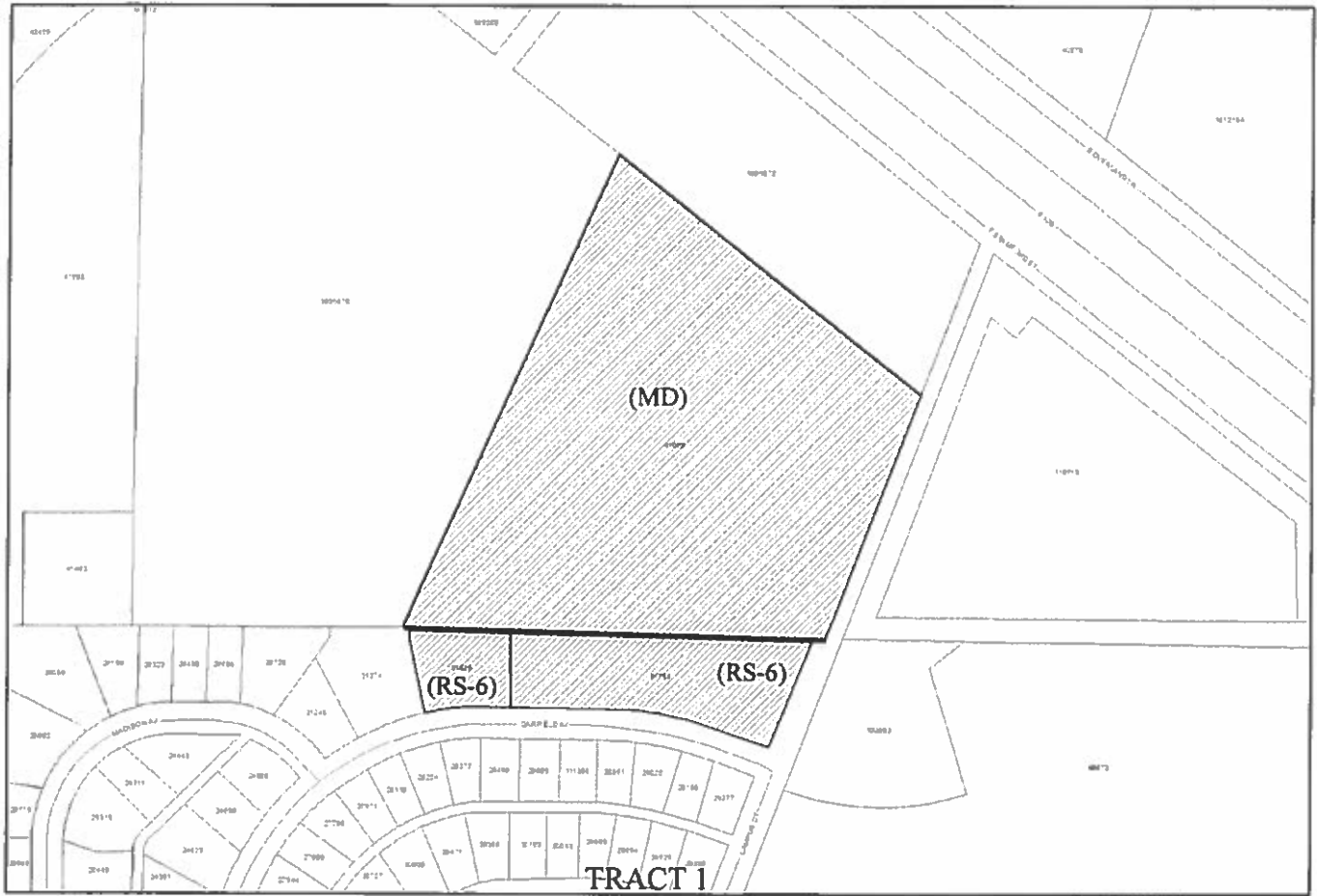
PART 6: Purpose. The purpose of this Planned Development (PD) request is to allow for Residential Single-Family base zoning on both ~~TRACTS 2 and 3~~ and Medium Density base zoning on ~~TRACT 1~~

PART 7: Specific Modifications.

1. Development Regulations.

- a. ~~No street connection shall be allowed between Tract 1 Medium Density (MD) boundaries and Tract 2 and 3 Residential Single Family (RS-6) boundaries.~~

Strike modification 1(a) entirely and replace with "No road
connection between Garfield Ave and E Stamford St"



Location: 2668 Garfield Ave and the approximately 12.04 Acres to the north

TRACT 2

TRACT 3

ZONING CASE Z-2023-26

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant

Owner: KKP Investments, LLC
Agent: Jacob & Martin

Case Manager

Mason Teegardin – Planner

Request

Amend the terms of PDD-172 by allowing Single Family Residential (RS-6) as a permitted use within Tract 1. There will be no street connection between Garfield Avenue and East Stamford Street and no street connection between Campus Court and East Stamford Street.

Location

2668 Garfield Avenue, in the Hillcrest Addition Subdivision, Section 4, Block 10, Lots 4 and 5; Hillcrest Addition Section 4, Block 11 and; 12.04 acres out of Survey 84, T&P Railway Company, Block 14, Abilene, Taylor County, Texas.

Background

In 2021, Planned Development District Number 172 (PDD-172) was approved by Ordinance No. 38-2021 to allow for Single Family Residential (RS-6) zoning on Tracts 2 and 3 and Medium Density (MD) zoning on Tract 1 with a “Development Regulation” that prohibits any street connection between the boundaries Tract 1 the boundaries of Tract 2 and 3. Ordinance 38-2021 is included in the P&Z packet.

Existing Uses/Zoning

Properties to the east are zoned Multi-Family (MF) and Single Family Residential (RS-6). Properties to the south are zoned Single Family Residential (RS-6). Properties to the west are located in a Planned Development District (PDD-148), which allows an RV Park. To the north is General Commercial (GC) zoning.

Proposed Modification

The applicant proposes to amend PDD-172 by:

- Changing the base zoning of Tract 1 from Medium Density (MD) to Single Family Residential (RS-6); and
- Eliminating the “Development Regulation” cited above and replacing it “No road connection between Garfield Avenue and East Stamford Street”.

Criteria Assessment

Section 1.4.1.4 of Abilene’s Land Development Code states that, 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, as amended.**

The proposed changes are consistent with the Comprehensive Plan and Future Land Use Map and the intent of PDD-172, which was to allow residential development without any connection to the interstate frontage road (East Stamford Street).

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

The proposed amendment to the base zoning to RS-6 in Tract 1 would be compatible with the surrounding neighborhoods.

- (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 area will require a Final Plat to be approved, with streets and utilities provided.

- (4) Any other factors, which will substantially affect the public health, safety, morals, or general welfare.**

None known.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval**.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

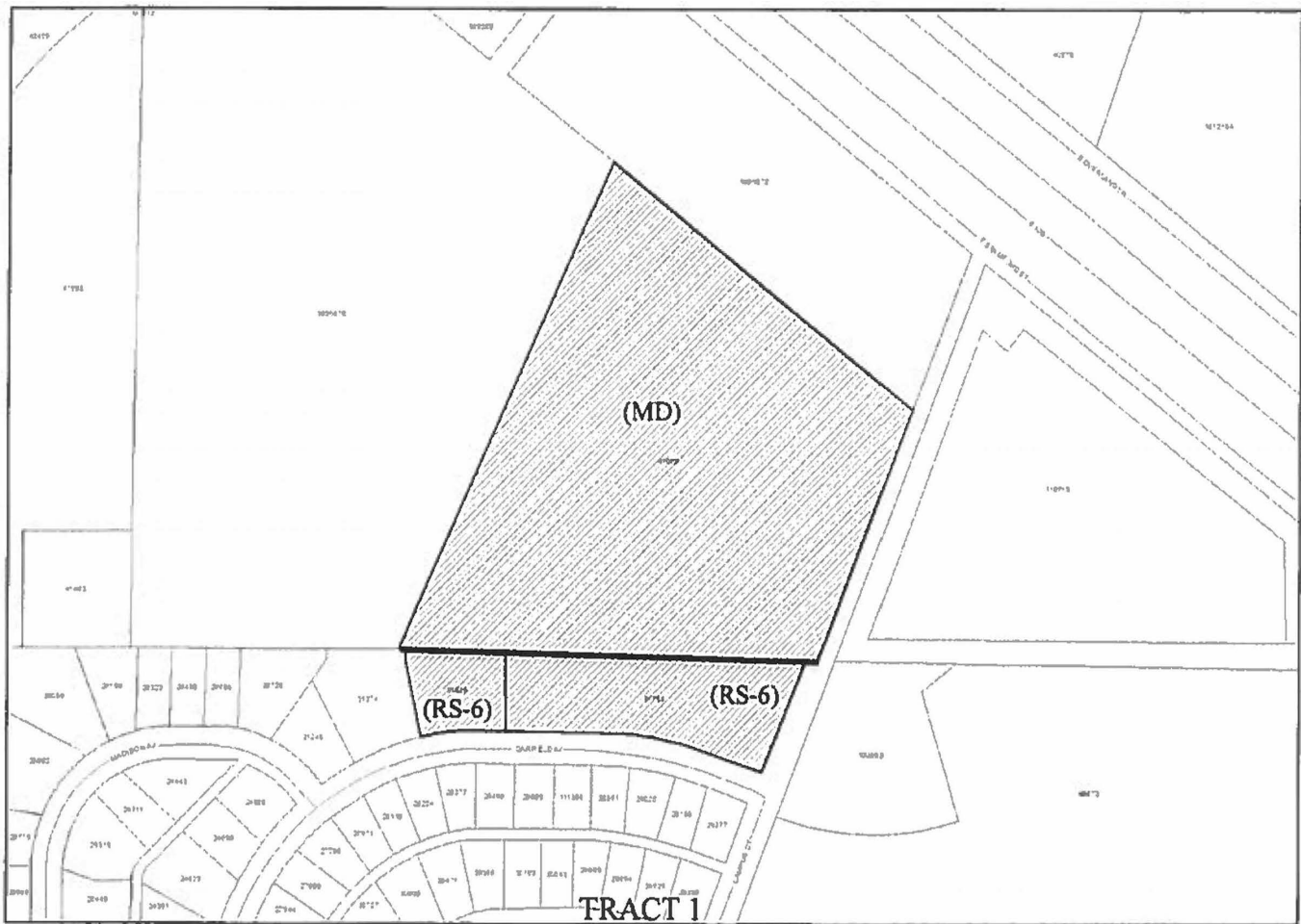
PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
ABILENE CHRISTIAN SCHOOLS	100563		
ABILENE CHRISTIAN SCHOOLS	46673	2550 N JUDGE ELY BL	F
ALLISON REBECCA ANN	30471	2632 ROUNTREE DR	O
BD INVESTMENTS LLC SERIES 1	29277	2693 GARFIELD AV	F
BD INVESTMENTS LLC SERIES 2	29150	2689 GARFIELD AV	F
CAMPUS CREST AT ABILENE LP	110513	2702 N JUDGE ELY BL	
CARTER TIMOTHY	29889	2652 ROUNTREE DR	
CARTER TIMOTHY G	29396	2660 ROUNTREE DR	
CLARK DONALD W	30163	2644 ROUNTREE DR	O
COCO MALCOLM P & JUDY	28115	2655 GARFIELD AV	
JACKSON DELTON J & JOYCE	30043	2648 ROUNTREE DR	
JOY HUT LLC	30308	2636 ROUNTREE DR	F
JOY HUT LLC	28851	2681 GARFIELD AV	
KISER DAVID F	28254	2661 GARFIELD AV	
KKP INVESTMENTS LLC	41069		F
KKP INVESTMENTS LLC	31753	2668 GARFIELD AV	F
KKP INVESTMENTS LLC	31625	2660 GARFIELD AV	F
LITTLE BETTY ANN	26720	2690 MADISON AV	
NGOTT LLC	31245	2650 GARFIELD AV	
NUGGET DOG VENTURES LP	111388	2677 GARFIELD AV	
PLOCHECK RUSSELL E & SHIRLENE J	31374	2654 GARFIELD AV	
RICHARDSON NANCY	29529	2656 ROUNTREE DR	
SOUTHWEST HOUSING PROVIDERS LLC	1005072	721 X E STAMFORD ST	
THOMAS TOMMY FAY	29694	2654 ROUNTREE DR	
VILLAFRANCA RODOLFO M &	28609	2673 GARFIELD AV	
WALKER EDWARD & TAMMY	28377	2665 GARFIELD AV	
WHISTLE STOP RV RESORT LLC	1005070	597 E STAMFORD ST	
WHITWELL JAMES L	27971	2649 GARFIELD AV	
WILSON EMILY N	29025	2685 GARFIELD AV	
YOUNG AARON & ELIZABETH	28490	2669 GARFIELD AV	

NOTIFICATIONS BY PROPERTY ID

Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
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KKP INVESTMENTS LLC	31753	2668 GARFIELD AV	F
KKP INVESTMENTS LLC	41069		F
ABILENE CHRISTIAN SCHOOLS	46673	2550 N JUDGE ELY BL	F
ABILENE CHRISTIAN SCHOOLS	100563		
CAMPUS CREST AT ABILENE LP	110513	2702 N JUDGE ELY BL	
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WHISTLE STOP RV RESORT LLC	1005070	597 E STAMFORD ST	
SOUTHWEST HOUSING PROVIDERS LLC	1005072	721 X E STAMFORD ST	

ORIGINAL CONCEPT PLAN



Location: 2668 Garfield Ave and the approximately 12.04 Acres to the north

PROPOSED ZONING CONCEPT PLAN



PROPOSED CONCEPT PLAN



LOCATION MAP



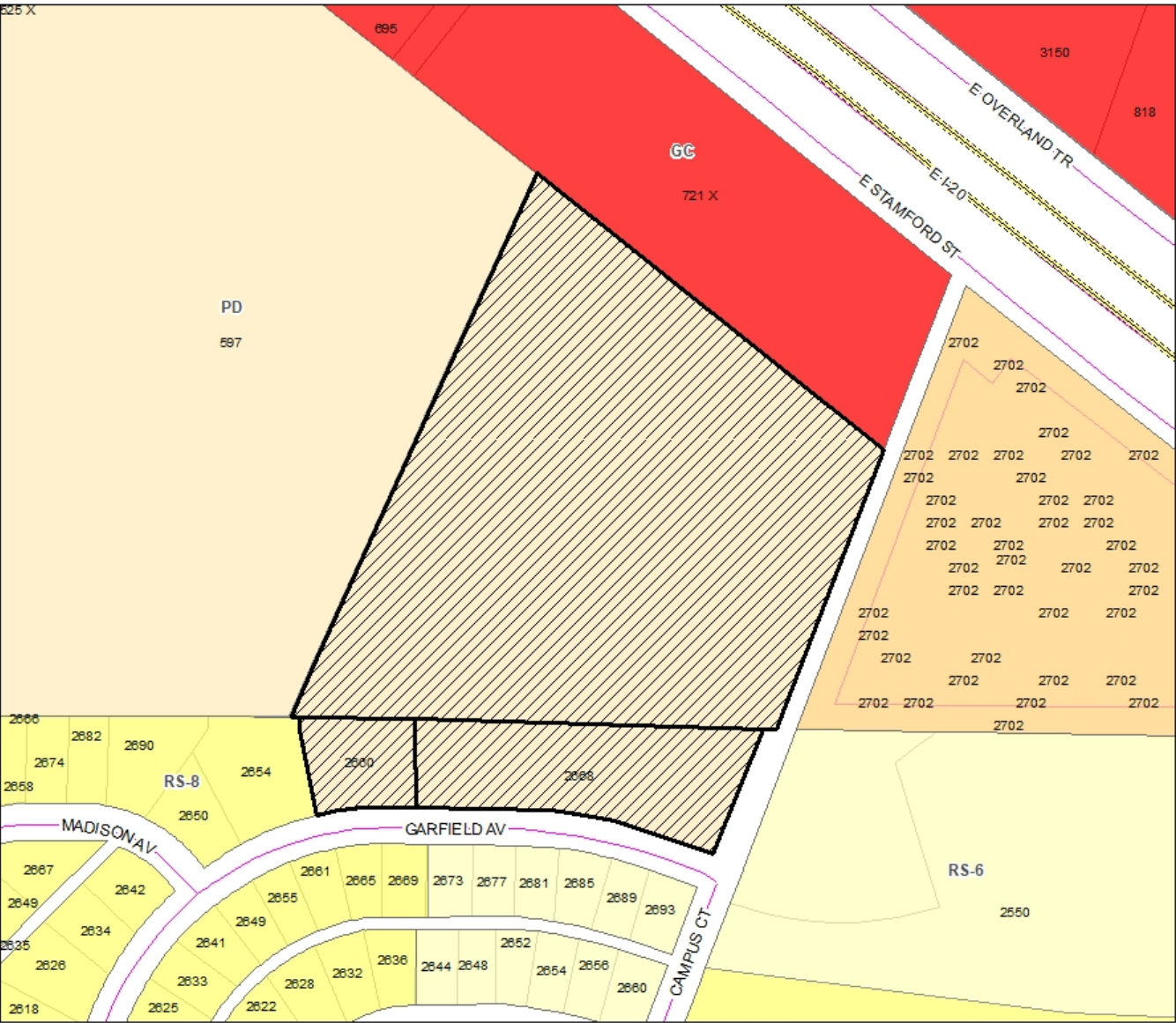
Aerial Map



Legend

- Z-2023-26
 CourierParcels

ZONING MAP



Zoning Map



Legend

- Z-2023-26
- Expressway
- RS-6: Residential Single-Family
- RS-8: Residential Single-Family
- MF: Multi-Family Residential
- GC: General Commercial
- PD: Planned Development



KKP INVESTMENTS LLC
3409 S 14TH ST STE 204
ABILENE, TX 79605-4956

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-26

7/13/2023

The Planning and Zoning Commission will hold a public hearing on **August 1, 2023 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas vote to recommend approval or denial to City Council on a request from KKP Investments, LLC, represented by Jacob & Martin, to amend the terms of Planned Development District 172 to allow single-family residential uses with no through connection to East Stamford Street. Located at 2668 Garfield Avenue. Legal description being the Hillcrest Addition Section 4, Block 10, Lots 4 and 5, Hillcrest Addition Section 4, Block 11, and 12.04 acres out of Survey 84, T&P Railway Company, Block 14, Abilene, Taylor County, Texas.

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 indicated below. All written responses must be signed.

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If you have any questions, please contact Mason Teegardin at telephone 325-676-6490 or by email address planning@abilenetx.gov

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

CASE #: Z-2023-26

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: KKP INVESTMENTS LLC
Parcel I.D.: 41069
Address:

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: _____

CASE #: Z-2023-26

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: ALLISON REBECCA ANN

Parcel I.D.: 30471

Address: 2632 ROUNTREE 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: _____

AUG 1 AM 9:20

For the PLANNING & ZONING COMMISSION

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CASE #: Z-2023-26

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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: CLARK DONALD W

Parcel I.D.: 30163

Address: 2644 ROUNTREE 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: Donald W Clark



ABILENE CHRISTIAN SCHOOLS
2550 N JUDGE ELY BLVD
ABILENE, TX 79601-2111

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-26

6/20/2023

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Name: ABILENE CHRISTIAN SCHOOLS
Parcel I.D.: 46673
Address: 2550 N JUDGE ELY 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: _____

Trish Wade
President



JOY HUT LLC
107 UHL RD
RED OAK, TX 75154-3985

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-26

7/13/2023

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CASE #: Z-2023-26

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Name: JOY HUT LLC
Parcel I.D.: 30308
Address: 2636 ROUNTREE DR

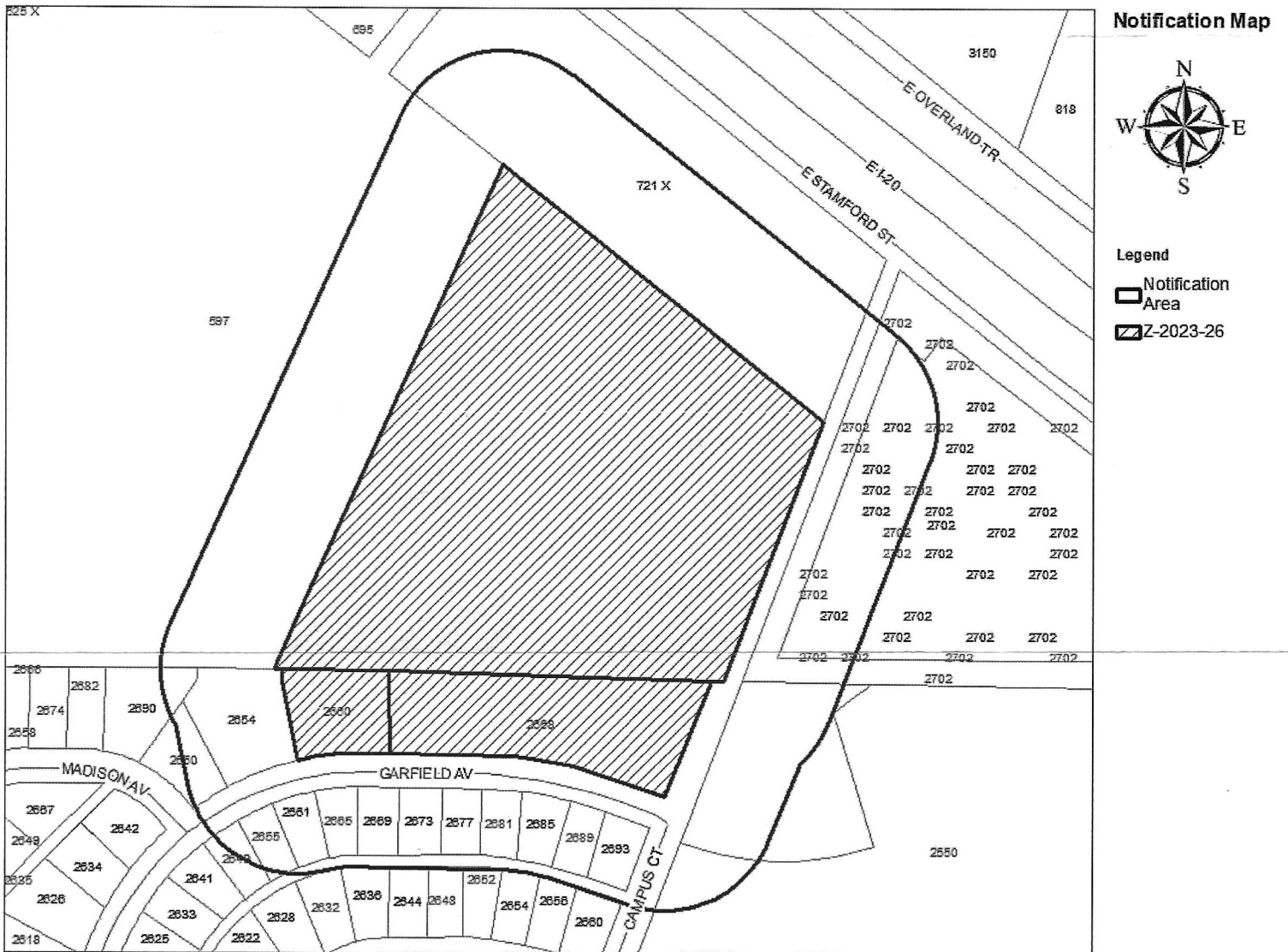
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒ I am opposed ☐
Additional Comments:

Signature: Brent Yalden

Z-2023-26





BD INVESTMENTS LLC SERIES 2
PO BOX 703
FRISCO, TX 75034-0012

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-26

6/20/2023

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Name: BD INVESTMENTS LLC SERIES 2
Parcel I.D.: 29150
Address: 2689 GARFIELD AV

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: *Don W. Jones*

*BD Investments LLC
Series 2*

*P.O. Box 703
Frisco, TX 75034*



BD INVESTMENTS LLC SERIES 1
PO BOX 703
FRISCO, TX 75034-0012

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-26

6/20/2023

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CASE #: Z-2023-26

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Name: BD INVESTMENTS LLC SERIES 1
Parcel I.D.: 29277
Address: 2693 GARFIELD AV

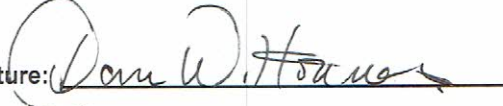
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: 

BD Investments LLC
P.O. Box 703
Frisco, TX 75034
Series 1



PLANNED DEVELOPMENT AMENDMENT

Case: Z-2023-26

Owner: KKP Investments, LLC

Agent: Jacob & Martin

Request: Amend PDD-172 to allow RS-6 base zoning and a condition specifying “No through connection to East Stamford Street”.

Location: 2668 Garfield Avenue

Notification: 4 in Favor, 2 Opposed

Planning & Zoning: August 1, 2023

Council Hearing: August 24, 2023
September 14, 2023





AERIAL LOCATION MAP

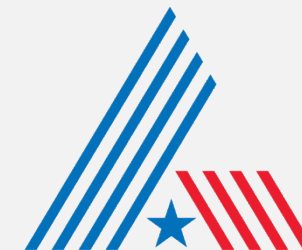


Aerial Map

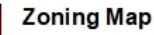


Legend

- Z-2023-26
- CourierParcels



CITY OF
ABILENE
TEXAS

 Z-2023-26

== Expressway

RS-6:
Residential
Single-Family

RS-8:
Residential
Single-Family

MF: Multi-Family Residential

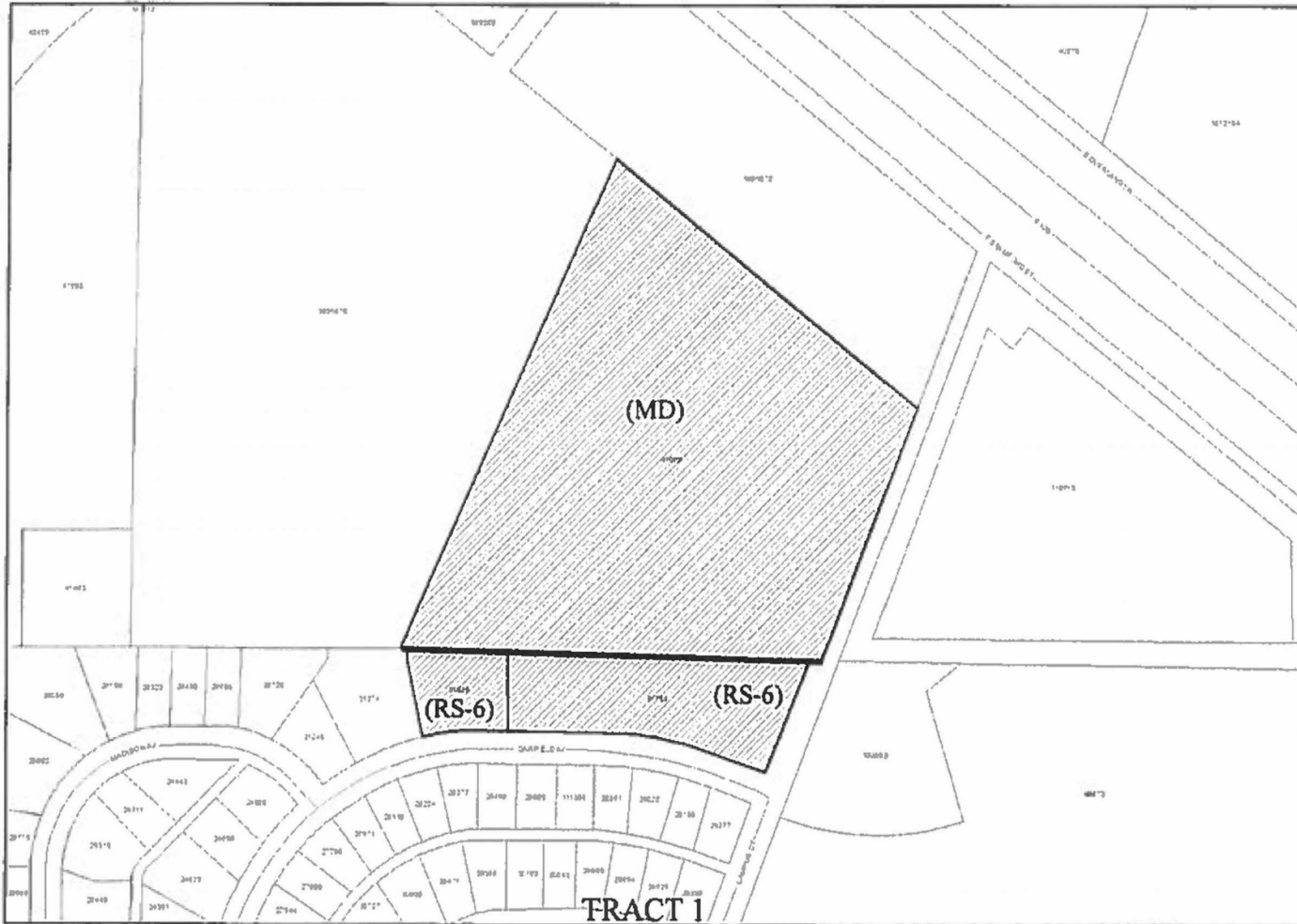
 GC: General Commercial

PD: Planned Development





EXISTING CONCEPT PLAN



Location: 2668 Garfield Ave and the approximately 12.04 Acres to the north





PROPOSED ZONING CONCEPT PLAN





PROPOSED CONCEPT PLAN





USES IN MEDIUM DENSITY ZONING

RESIDENTIAL 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/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 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 Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)

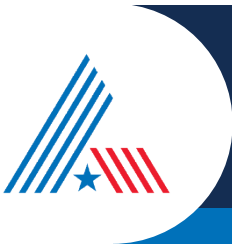
C

Permitted as a Conditional Use Permit, Requiring Approval by City Council

TP

Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment





USES IN SINGLE FAMILY RESIDENTIAL ZONING

RESIDENTIAL USES:

- C Bed & Breakfast
- C Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- 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
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
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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 Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- 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 Division 3- Requirements Applicable to Specific Land Uses 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





VIEWS OF SUBJECT PROPERTY



East Neighboring Property



Subject Property



Subject Property

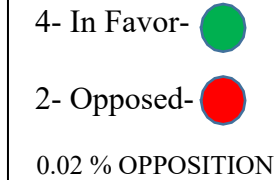


West Neighboring Property



South Neighboring Property







FINDINGS AND RECOMMENDATIONS

The proposed request is consistent with:

- The *Comprehensive Plan*;
- The surrounding uses and zoning;
- The spirit and intent PD-172;
- Generally accepted planning principals; and
- The Criteria for Approval in the LDC.

Staff Recommendation: **Approval**





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **12. Ordinance (Final Reading) Z-2023-28:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Darin Albergucci, represented by e-HT, to change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC). Located at 910 Bandera Park. *(Tim Littlejohn)*

GENERAL INFORMATION

Change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC). The subject property has remained vacant since it's annexation in 1964.

SPECIAL CONSIDERATIONS

Because there is more than 20% written protest to the zoning amendment request, a super-majority vote (at least 6 Councilmembers) is required to approve the rezoning.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 6-0.

ATTACHMENTS:

1. Z-2023-28 Ordinance
2. Z-2023-28 Staff Report
3. application
4. 3140 E. Hwy. 80
5. 7450 Lantana Ave
6. 2101 E. Hwy. 80
7. 39403
8. Mobile Home Concepts
9. Z-2023-28 Presentation

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 A 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 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 Two Thousand Dollars (\$2,000.00). 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 24th day of August, 2023.

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 July, 2023, 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 14th day of September, 2023, 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 14th day of September, 2023.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land from the Light Industrial (LI) District to the General Commercial (GC) District.

Legal description being Lot 21-23, Block B, Section 3, Continuation No. 2, H&W Tool Company Addition, Abilene, Taylor County, Texas.

Located at 910 Bandera Park Drive, Abilene, Taylor County, Texas.



END

ZONING CASE Z-2023-28

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant

Owner: Darin Albergucci
Agent: e-HT

Case Manager

Clarissa Ivey – Planner

Request

Change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC).

Location

Lot 21-23, Block B, Section 3, Continuation No. 2, H&W Tool Company Addition, at 910 Bandera Park Drive.

Background

The subject property has remained vacant since it's annexation in 1964.

Zoning, Existing and Proposed Land Use

The properties directly to the north are zoned General Commercial (GC) and Heavy Industrial (HI). The zoning of properties to the south, east, and west are Light Industrial (LI) and Heavy Industrial (HI).

Criteria Assessment

Section 1.4.1.4 of Abilene's Land Development Code states that, 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 proposed request is not consistent with the Comprehensive Plan and Future Land Use Map (FLUM), which both recommend Heavy Industrial uses at this location due the proximity of this site to regional highway (US 80) and railroad access.

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

The proposed use of a baseball training facility is compatible with the current uses in the immediate area. Those uses are mostly retail, non-intensive uses, and vacant properties. There are other properties zoned GC in the immediate vicinity of the subject site.

- (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 property has access to all required utilities.

- (4) **Any other factors, which will substantially affect the public health, safety, morals, or general welfare.**

None known.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval**.

ADDENDUM

An additional letter in opposition to this request was received after the P&Z meeting. That letter of opposition, combined with other letters of opposition, exceed the 20% threshold, which will require a super majority vote of City Council to approve this request.

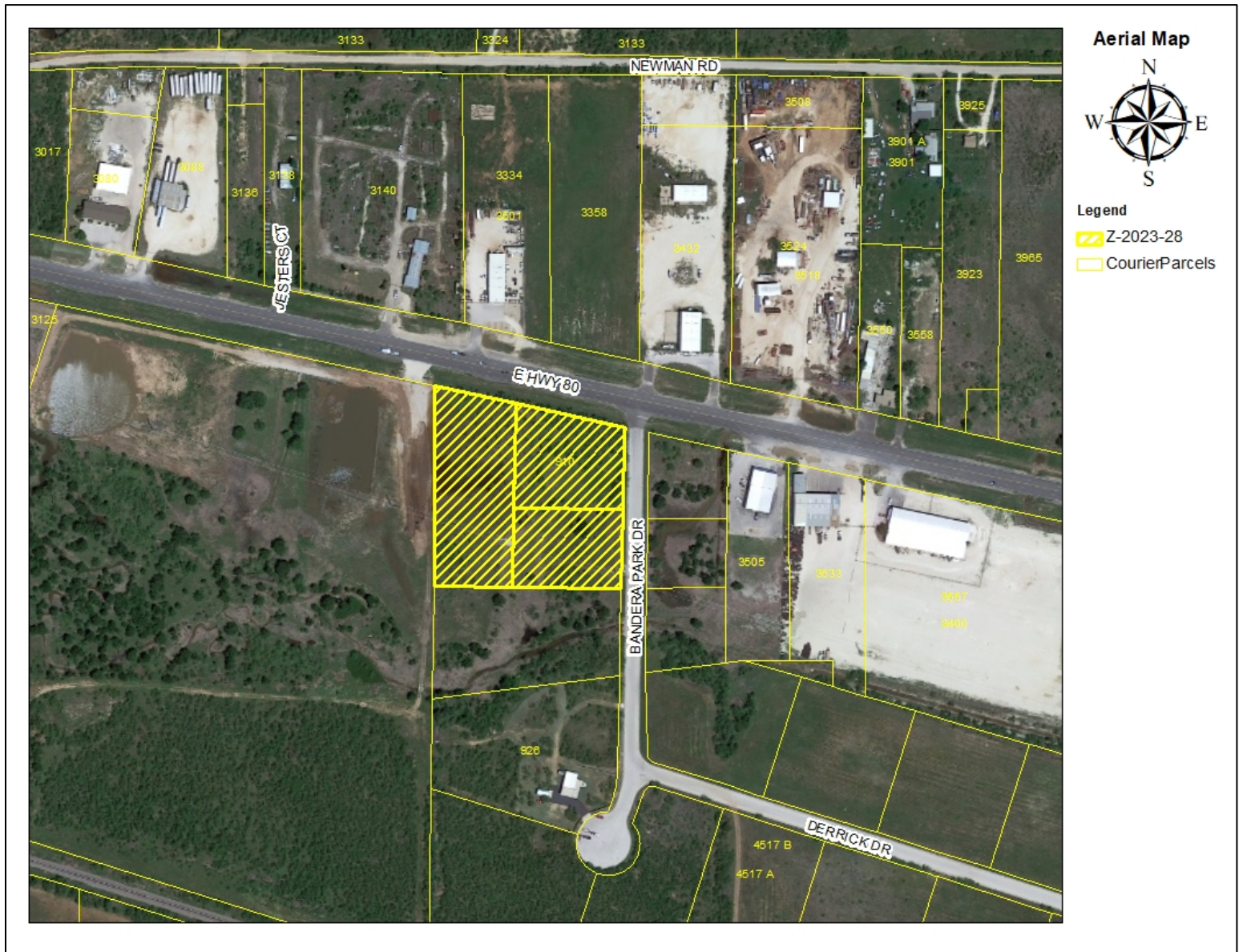
NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
CSS PROPERTIES LLC	15290	3140 E HWY 80	O
MOBILE HOME CONCEPTS	38939		F
MOBILE HOME CONCEPTS	39058		F
ALBERGUCCI DARIN	39403		F
ALBERGUCCI DARIN	39517	910 BANDERA PARK DR	F
ALBERGUCCI DARIN	39629		F
JOHNSON BOB WAYNE	54976		O
SMITHWICK DONALD	54980	3358 E HWY 80	
CITY OF ABILENE	57337		X
CITY OF ABILENE	57337		X
KEY CITY SEPTIC SERVICE INC	58241	3432 E HWY 80	
GOLF CARS OF WEST TEXAS LLC	112028	3501 NEWMAN RD	
GOLF CARS OF WEST TEXAS LLC	112028	3334 E HWY 80	

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
ALBERGUCCI DARIN	39403		F
ALBERGUCCI DARIN	39517	910 BANDERA PARK DR	F
ALBERGUCCI DARIN	39629		F
CITY OF ABILENE	57337		X
CITY OF ABILENE	57337		X
CSS PROPERTIES LLC	15290	3140 E HWY 80	O
GOLF CARS OF WEST TEXAS LLC	112028	3501 NEWMAN RD	
GOLF CARS OF WEST TEXAS LLC	112028	3334 E HWY 80	
JOHNSON BOB WAYNE	54976		O
KEY CITY SEPTIC SERVICE INC	58241	3432 E HWY 80	
MOBILE HOME CONCEPTS	38939		F
MOBILE HOME CONCEPTS	39058		F
SMITHWICK DONALD	54980	3358 E HWY 80	

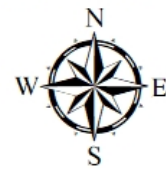
LOCATION MAP



ZONING MAP



Zoning Map



Legend

- Z-2023-28
- Arterial
- AO - Agricultural Open Space
- GC: General Commercial
- U: Light Industrial
- HI: Heavy Industrial



Development Application

Zoning Application Page 1 of 3

Planning

- | | | | |
|--|---|---|---|
| ☐ Conditional Use | ☐ Special Exceptions | ☒ Rezoning | ☐ Variance |
| ☐ PDD Amendment | ☐ Street Name Change | ☐ Thoroughfare Abandonment | ☐ Easement Release |
| ☐ Historic Certification of Appropriateness | | ☐ Historic Project Tax Reduction | |

Relief Procedures

- | | | | |
|--|---|---|---------------------------------|
| ☐ Petition for Relief | ☐ Proportionality Appeal | ☐ Vested Rights Petition | ☐ Appeal |
|--|---|---|---------------------------------|
- Other: _____

Project Name: Baseball Training Facility - E HWY 80

Address: Baseball Training Facility - E HWY 80 No. of lots: 3 Acreage: 4.805

Legal Description: Lot 21-23, Block B, Section 3, Continuation No. 2, H&W Tool Company Addition

Subdivision Name: H&W Tool Company Addition Block: Block B Lot: 21, 22, and 23

Current Zoning: Light Industrial (LI) Proposed Zoning (if applicable): General Commercial (GC)

OWNER AND AUTHORIZATION

Owner Name: Darin Albergucci

Address: 2101 E HWY 80

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

Phone: (325) 665-4289 Email: Noah@AlbergucciSED.com

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: _____ Date: _____

FOR OFFICE USE ONLY

Received: _____	Fee: \$ _____	Receipt No.: _____
Case No.: _____	Reviewed By: _____	



2022 Development Application

Zoning Application-Page 2 of 3

Existing Zoning

- | | | | |
|--------------------------------|---|--|------------------------------|
| ☐ AO | Agricultural Open Space | ☐ GR | General Retail |
| ☐ RR | Rural Residential RR-5 & RR1 | ☐ MU | Medical Use |
| ☐ RS-12 | Residential Single-Family – 12,000 lots | ☐ CB | Central Business |
| ☐ RS-8 | Residential Single-Family - 8,000 lots | ☐ MX | Mixed Use |
| ☐ RS-6 | Residential Single-Family - 6,000 lots | ☐ GC | General Commercial |
| ☐ PH | Single-Family Residential Patio Home | ☐ HC | Heavy Commercial |
| ☐ TH | Residential Townhouse | ☒ LI | Light Industrial |
| ☐ MD | Residential Medium Density | ☐ HI | Heavy Industrial |
| ☐ MH | Manufactured/Mobile Home | | |
| ☐ CU | College & University | ☐ PD | Planned Development District |
| ☐ NO | Neighborhood Office | | |
| ☐ O | Office | ☐ | Empowerment Overlay |
| ☐ NR | Neighborhood Retail | | |

Reason for Zoning Change

Baseball Training Facility is not authorized for use in current Light Industrial (LI) zoning. Development is authorized for use under proposed General Commercial (GC)

Fees

FOR DEVELOPMENT FEES CTRL & CLICK LINK BELOW AND CHOOSE "Z"

<https://abilenetx.gov/563/Fee-Schedule>

Fees can be paid online with credit card.



2022 Development Application

Zoning Application-Page 3 of 3

ZONING IMPACT ANALYSIS

Please answer these questions in order to assist Staff with the processing of your Zoning request.

1. Is 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?

YES

2. Is 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?

YES

3. Is 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?

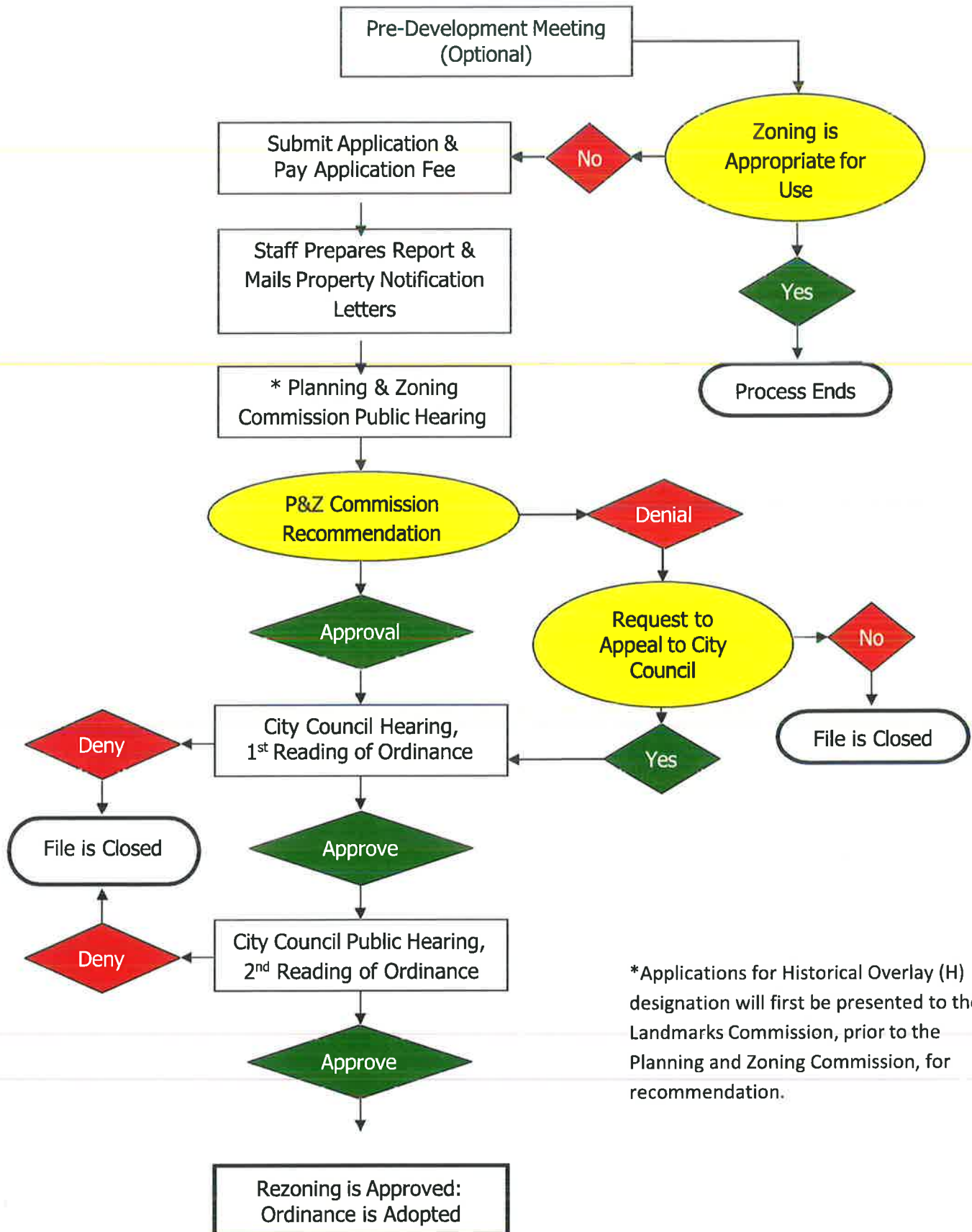
YES. Private Baseball Training Facility is provided access from Adjacent Bandera Park Dr. from E HWY 80 Frontage Road. Adjacent roadways do not require improvements for development. Existing Utilities extend beyond the extents of property boundary and do not require improvements for development.

4. Are there other factors which will substantially affect the public health, safety, morals, or general welfare? No

Other Required Forms – Disclosure of Interest (See Attached)

Development Application

Zoning • Conditional Use • PDD Amendment • Street Name Change • Thoroughfare Abandonment
Flowchart



*Applications for Historical Overlay (H) designation will first be presented to the Landmarks Commission, prior to the Planning and Zoning Commission, for recommendation.

Development Application

Plats and Other submittals Page 1 of 1

Submittal

- | | |
|--|---|
| ☐ Preliminary Plat/Replat | ☐ Civil Plans |
| ☐ Final Plat/Replat | ☒ Site Plan/Revised Site Plan |
| ☐ Combination Preliminary and Final Plat* | ☐ Landscape Plan |
| ☐ Amended Plat | ☐ Tree Preservation |
| ☒ Minor Plat/Replat | ☐ Lighting Plan |
| ☐ Development Plat | ☐ Concept Plan |

**Prior approval required*

Submittal Type

- ☐ Pre-Submittal: all required documents are present excluding fees. I understand that the project information presented to the City at this time is not filed, and therefore the City is not required to approve, approve with conditions, or disapprove the plan(s)/plat(s) within 30 days by the approval authority. This Pre-Submittal will be changed to a Submittal following the receipt of written notice and payment of fees. I am requesting this of my own volition and not at the request of the City of Abilene.
- ☒ Submittal: all required documents are present including fees. I understand that the project information presented to the City at this time is filed and therefore, the City is required to approve, approve with conditions, or disapprove the plat(s) within 30 days by the approval authority.

Acreage

Round decimals up to the nearest whole number.

Appx 5 acre(s)

Fees

FOR DEVELOPMENT FEES CTRL & CLICK LINK BELOW AND CHOOSE "P"

<https://abilenetx.gov/563/Fee-Schedule>

Fees can be paid online with credit card.

The application fee of \$ 2,000, to be paid to the City of Abilene within 5 days of being accepted.

NOTE: Additional costs may accrue during review by City consultants of any facilities agreement and/or civil construction plans.

Submittals

- Site plans or conceptual site plans, plats, except Engineering Construction Sets, shall be 24" x 36" and folded, with two (2) hard copies. If applicable, please provide survey plat of property. Plats and Engineering plans shall be GEO Referenced and in DWG format.

Other required Documents Required are attached (Owner Authorization, and Disclosure of Interest)



Development Application

Owner Authorization and Representative Designation

Property Description

Subdivision: H&W Tool Co, SEC 3, CONT 2 Total Number of Acres: 4.805
 Zoning Classification(s): LI Rezoned to GC Total Number of Lots: 3 Replat into 1
 Location: E HWY 80 Frontage Road and Bandera Park Drive

Property Owner Information & Authorization

Name/Company: Darin Albergucci
 Address: 2101 E HWY 80
 City: Abilene State: TX Zip Code: 79601
 Phone: (325) 665-4289 Email: Noah@AlbergucciSED.com

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate e-HT (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. 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 request.

I hereby certify that I am the property owner of the property and further certify that the information provided on this development application is true and correct. I have selected the above submittal type, representation, and landscape incentive of my own volition and not at the request of the City of Abilene.

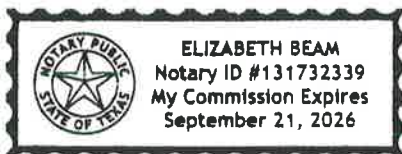
Property Owner's Signature: [Signature] Date: _____

STATE OF: TEXAS

COUNTY OF: TAYLOR

BEFORE ME, a Notary Public, on this day personally appeared Darin Albergucci (printed property owner's name) the above signed, who, under oath, stated the following: "I hereby certify that I am the property owner for the purposes of this application; that all information submitted herein is true and correct."

SUBSCRIBED AND SWORN TO before me, this the 22nd day of May, 2023



[Signature]
 NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

Engineer ☒ Purchaser ☐ Tenant ☐ Preparer ☐ Other (specify): _____

Name: Jake Gravell Company: e-HT
 Address: 402 Cedar Street City: Abilene State: Texas
 Zip Code: 79601 home: (325) 998-6137 Email: jake.gravell@e-ht.com



Development Application

Disclosure of Interest

Every question must be answered. If the question is not applicable, answer with "N/A".

NOTE: If the Project Representative is not the Property Owner, this form must be filled out by **both** the Property Owner and the Project Representative.

Disclosure Questions

- A. Do you believe that a City official* or City employee** may have a conflict of interest in the property or application referenced on the reverse side? Yes ☐ No ☒
- B. If so, state the name of each City official or employee of the City of Abilene known by you that may have a conflict of interest in the property or application referenced on reverse side.

- C. State all information upon which you base the belief (use additional paper, if necessary).

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Abilene, Texas, as changes occur.

Name of Certifying Person (print): Jake Gravell

Property Owner ☐ Project Representative ☒

Jake Gravell

Digitally signed by Jake Gravell
DN: C=US, E=jake.gravell@e-ht.com, CN=Jake Gravell
Date: 2023.05.10 11:05:47-05'00'

Signature of Certifying Person: _____

*Mayor, City Council members, Planning and Zoning Commission members, and Zoning Board of Adjustment members.

**City Manager, City Secretary, City Attorney, and all department heads

BOARD OF ADJUSTMENT

The Board of Adjustment is organized to have all the powers and authority as set forth in the Charter of the City of Abilene, Texas, and as authorized by Chapter 211 of the Texas Local Government Code.

The Board of Adjustment has authority of applications to decide the following types of applications:

1. An application for a Special Exception pursuant to Section 1.4.4.1;
2. An application for a Variance pursuant to Section 1.4.4.2;
3. A sign permit or an interpretation of Sign Regulations related to development within the City limits (refer to Chapter 4, Article 1, Division 3, Section 4.1.3.6 or Chapter 4, Article 2, Division 8, respectively); and
4. An application for a change in the status of a non-conformity pursuant to Section 1.4.4.3.

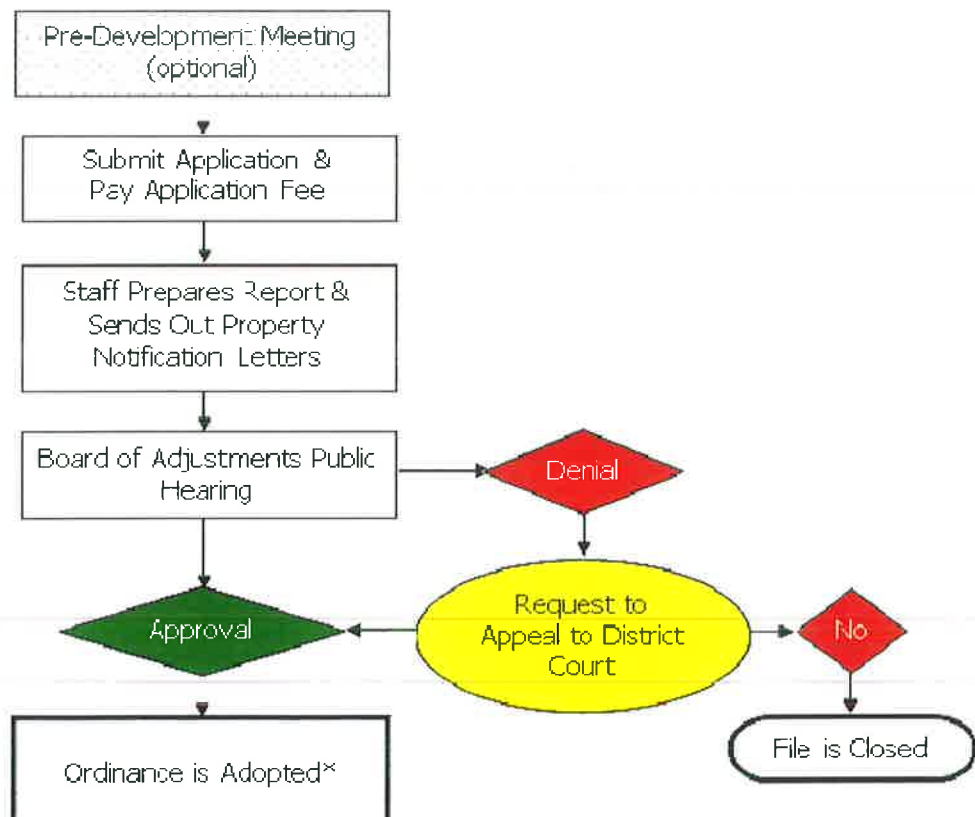
The Board of Adjustment shall finally decide appeals on the following matters of an appeal of any official's interpretation of the requirements of Chapters 2 or 4 of this LDC in which the requirement applies to development within the City limits of Abilene, unless a separate appeals process is otherwise defined within this LDC.

The authority delegated to the Board of Adjustment under this Land Development Code shall not be construed to affect any of the following:

1. Approval of a petition for a zoning map amendment;
2. Approval of a Conditional Use Permit; and
3. Authorization of a use not authorized in the zoning district in which the applicant's property is located, except to the extent necessary to decide a special exception or a petition for a change in status of a non-conformity.

Also, the Board of Adjustment shall not render any decision on an application, appeal or relief petition while a petition for a zoning amendment, application for a Conditional Use Permit, or plat application for the same land is pending and until such petition or application has been finally decided pursuant to procedures in Chapter 1 of the LDC.

Special Exception • Variance Flowchart



*If the request is approved, the owner or agent will have 180 days from the hearing date to obtain a building permit, if one is required.



Development Application

Special Exception • Variance

Please answer these questions in order to assist Staff with the processing of your Special Exception or Variance request. Please use additional sheet(s), if necessary.

1. Fully describe the unique circumstances or peculiarities of the land or improvements in question that do not allow the desired use to conform to the provisions in the Ordinance and the intent.

2. Are there other locations on the property that could accommodate the use while still complying with the Ordinance and, if so, why have you chosen the proposed location?

Development Application

The City Council created the Landmarks Commission in 1983 with the purpose of administering the provisions of the City Code relating to the protection and preservation of structures and lands deemed by the Abilene community to be of unique historical, architectural, and cultural value. The Landmarks Commission has the following powers and duties regarding development applications:

- Review all completed applications for designation of a Historic Overlay zoning district and forward its recommendations to the Planning and Zoning Commission;
- Review and approve or deny all completed applications for Certificates of Appropriateness in accordance with Section 2.3.4.4(f) of the Land Development Code;
- Review and approve or deny all completed applications requesting a Historic Project Tax Reduction in accordance with Section 30-41 of the City Code.

Historic Overlay (H) District

The City of Abilene, Texas, recognizes the importance of historically, architecturally and culturally significant sites and structures to the community. Regulations of the Historic Overlay (H) District are intended for the enhancement, perpetuation and use of areas, sites, structures, buildings, properties, and objects which typify the community's past through recognizable characteristics. The City of Abilene further declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public.

It is recognized that the City of Abilene represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. It is further recognized that the unapproved demolition of historic resources could constitute a public nuisance.

Certificate of Appropriateness

The Landmarks Commission shall determine, from the data submitted and other pertinent information made available at the public hearing, the appropriateness of all undertakings for which a Certificate of Appropriateness is required. The Landmarks Commission shall have the power to approve or deny an application for Certificate of Appropriateness, or to approve a request with such conditions as the Landmarks Commission deems necessary to carry out the purposes of the Historic Overlay District.

In considering an application for a Certificate of Appropriateness, the Landmarks Commission shall be guided by the *District Standards*, any adopted design guidelines, and where applicable, the Secretary of the Interior's "*Standards for the Rehabilitation of Historic Buildings*." A copy of the *District Standards*, any adopted design guidelines, and the Secretary of the Interior's Standards shall be made available to the property owner(s) of historic landmarks or within a Historic Overlay District upon request.

Historic Project Tax Reduction

The City Council offers a reduction in the city property taxes when a project is done that improve a property in the Historic Overlay (H) zoning district. The historic project tax reduction is a financial incentive for property owners who place their property in (H) zoning and undertake project in accordance with a certificate of appropriateness required by the (H) zoning. For these projects that improve a historic property, the City compensates the property owner for part of the eligible costs by reducing the owner's property taxes for a period of up to a maximum of ten (10) years.

The Landmarks Commission shall determine if the completed project is substantially in compliance with the property proposal or the Certificate of Appropriateness. The Commission may postpone the public hearing on an application if additional information is necessary. The Landmarks Commission shall have the authority to approve or disapprove an application for a project tax reduction, or to approve a request with such conditions as the Commission deems necessary for compliance.



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 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: **Jake Gravell**

Digitally signed by Jake Gravell
DN: C=US, E=jake.gravell@e-ht.com, CN=Jake Gravell
Date: 2023.05.10 11:07:37-05'00'

DATE: **05/10/2023**

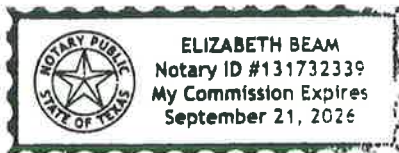


Development Application

THE STATE OF TEXAS)
)
COUNTY OF TAYLOR)

Know all men by these presents that the undersigned owner of the real property described on the reverse side hereof, has made, constituted and appointed, and by these presents does make, constitute and appoint, my true and lawful attorney, for me in my name, place and stead, to (1) file an application for a zone change, plat, street closure, alley closure, (appeal to the Board of Adjustment)* concerning such property and (2) appear on my behalf at all necessary meetings of the appropriate board or commission or City Council, as the case may be; and the undersigned further agrees that this power of attorney may be voluntarily revoked only by written revocation filed with the Planning & Development Services Division for the City of Abilene, Texas.

Witness my hand this day of May 22, 2023



Elizabeth Beam

*(cross out the inapplicable phrase)

CASE #: Z-2023-28

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: CSS PROPERTIES LLC

Parcel I.D.: 15290

Address: 3140 E HWY 80

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: _____

Cawlyn Smita
CSS Properties LLC

This area is not family ~~friendly~~ friendly.
It would be an odd fit with surroundings.

JUL 27 AM 10:33

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2023-28

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: JOHNSON BOB WAYNE

Parcel I.D.: 54976

Address:

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: _____

Bob Wayne Johnson
7450 Santana
Abilene TX 79606

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2023-28

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: ALBERGUCCI DARIN

Parcel I.D.: 39403

Address: 2101 E. Hwy 80
Abilene, TX 79601

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: _____

I think this facility would be great for the younger kids growing up in Abilene. It is needed to improve our city.

JUL 27 AM 9:00



CITY OF
ABILENE
TEXAS

ALBERGUCCI DARIN
2101 US HIGHWAY 80 E
ABILENE, TX 79601-6306

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-28

7/18/2023

The Planning and Zoning Commission will hold a public hearing on **August 1, 2023 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas vote to recommend approval or denial to City Council on a request from Darin Albergucci represented by e-HT to change the zoning of approximately 4.80 acres from Light Industrial (LI) to General Commercial (GC). Located at 910 Bandera Park Dr. Legal description being Lot 21-23, Block B, Section 3, Continuation No. 2, H&W Tool Company Addition, Abilene, Taylor County, Texas.

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 indicated below. All written responses must be signed.

The attached map shows the area of this request. Only the area highlighted by striped lines shown on that map is being considered for a change of zoning. The solid boundary line surrounding this subject area is only a notification area. If approved by the Planning and Zoning Commission, or if denied and promptly appealed to Abilene's City Council, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **September 14, 2023 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Clarissa Ivey at telephone 325-676-6382 or by email address planning@abilenetx.gov

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2023-28

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.

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

Name: ALBERGUCCI DARIN

Parcel I.D.: 39403

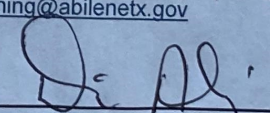
Address: 2101 E. Hwy 80
Abilene, TX 79601

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: 

I think this facility would be great for the younger kids growing up in Abilene. It is needed to improve our city.

CASE #: Z-2023-28

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: MOBILE HOME CONCEPTS

Parcel I.D.: 38939

Address:

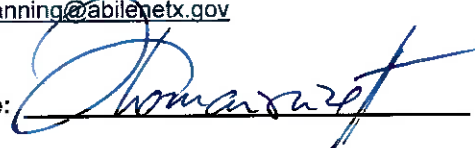
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: 

JUL 26 AM 10:36



REZONE REQUEST

Case: Z-2023-28

Owner: Darin Albergucci

Agent: e-HT

Request: Rezone from LI to GC

Location: 910 Bandera Park Drive, Lots 21-23

Notification: 2 in Favor, 2 Opposed

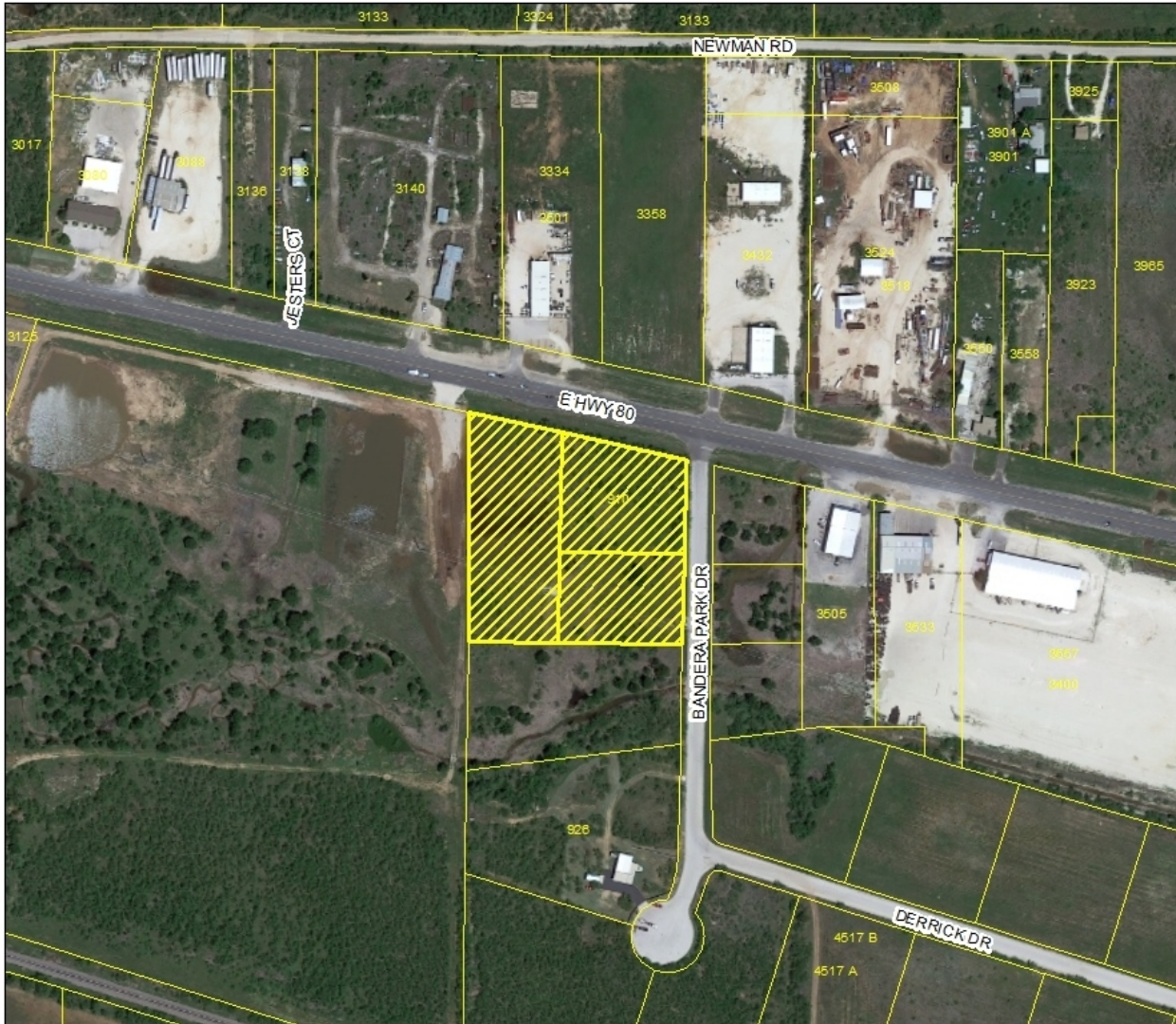
Planning & Zoning: August 1, 2023

City Council Hearing: August 24, 2023
September 14, 2023





AERIAL LOCATION MAP

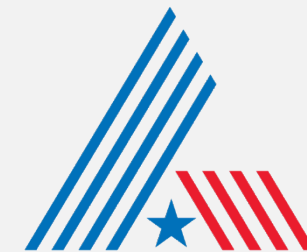


Aerial Map



Legend

- Z-2023-28
- CourierParcels



CITY OF
ABILENE
TEXAS



ZONING MAP

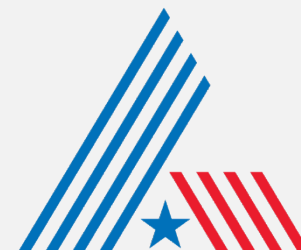


Zoning Map



Legend

- Z-2023-28
- Arterial
- AO - Agricultural Open Space
- GC: General Commercial
- LI: Light Industrial
- HI: Heavy Industrial



CITY OF
ABILENE
TEXAS



PERMITTED USES IN LI ZONING

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 Recreation Building, Multipurpose
- P Recycling Collection Point
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Adult Entertainment Enterprise
- C Cultural Facilities
- P Drive-in Theater
- C Motorized Racing
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

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 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
- C Livestock – Wholesale or Auction
- P Wholesaling and Storage (indoor)
- P Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
- P 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
- P Railroad Switching and Marshaling Yard
- P Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

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

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses 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





PERMITTED USES IN GC ZONING

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

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-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 sales and service)
- P Recycling Collection Point
- C Travel Trailers (accessory to hospitals)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- P Drive-in Theater
- P Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Recreation and 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, and Mausoleum
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and 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 (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 Personal Services
- P Printing, Copying, Reproduction, Publishing
- C 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)
- C Repair and Maintenance Services (outdoors)
- P Storage - Self-Service Units
- P Tattoo Parlor
- P Taxidermist
- P Veterinary Service (small animals)

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

TRADE – RETAIL USES

- C Aircraft and Accessories
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Brew Pub
- 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 and other large vehicles and equipment)

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

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

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses of the Land Development Code)
- C Permitted as a Conditional Use Permit, Requiring Approval by City Council
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VIEWS OF SUBJECT PROPERTY



Subject Property



Property to the East



Property to the North



Property to the West

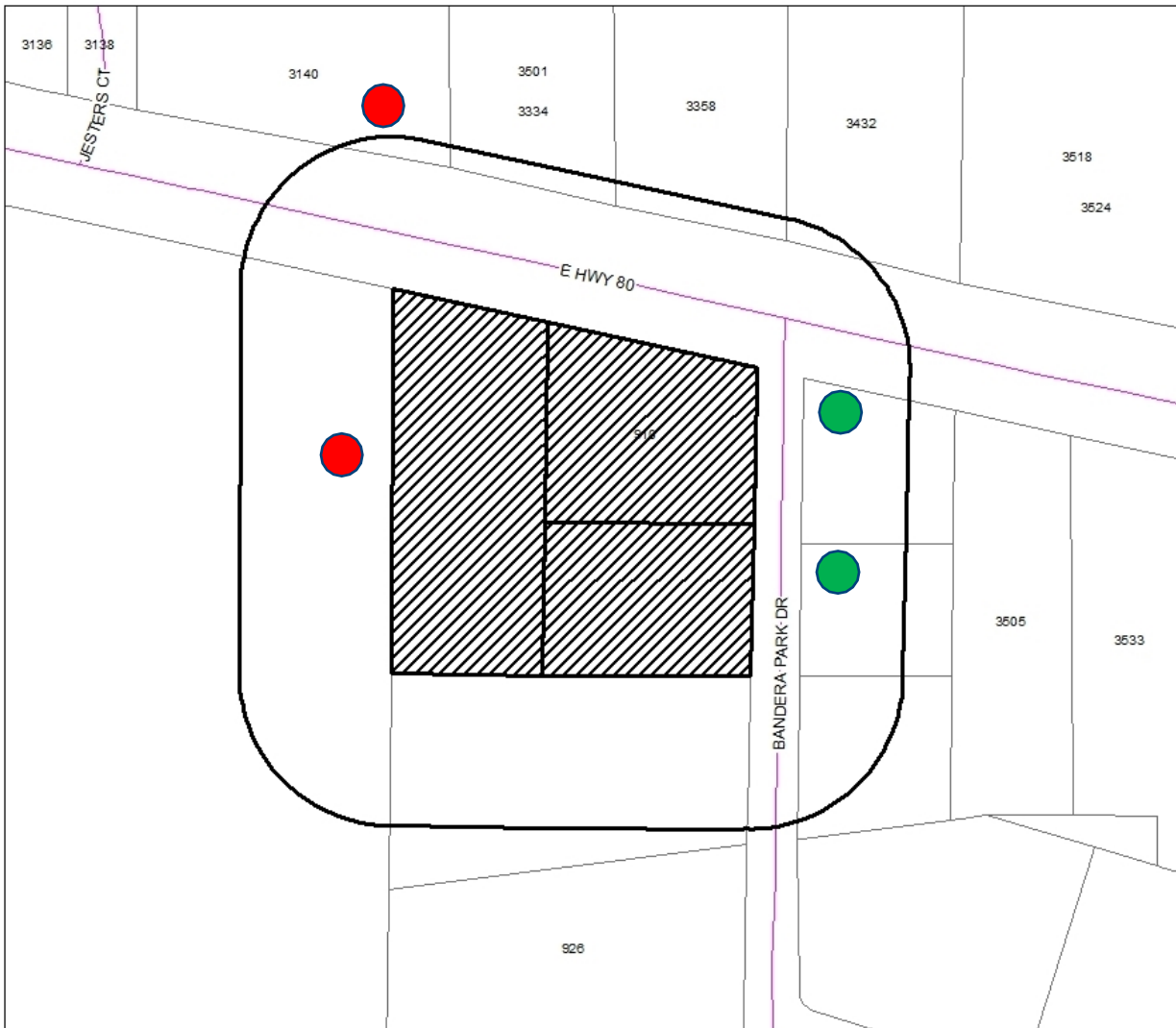


Property to the South

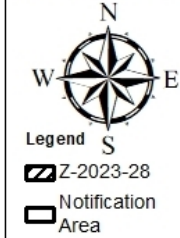




NOTIFICATION AREA MAP



Notification Map



2- In Favor- ●

2- Opposed- ●

27.92% Opposed





FINDINGS AND RECOMMENDATIONS

The proposed request for GC rezoning is *consistent* with:

- The *Comprehensive Plan*;
- The surrounding uses and zoning;
- Generally accepted planning principals; and
- The Criteria for Approval in the LDC.

P&Z Recommendation: **Approval**

Super Majority Vote Required:

Two letters opposed this request were received that comprise 27.92% of the receiving notice; exceeding the 20% threshold set out in of TLGC 211 to force a super majority vote to approve this request.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **13. Ordinance (Final Reading) Z-2023-29:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Moore Abilene Holdings, LP, represented by Alex Moore, to change the zoning of approximately 0.64 acres from Heavy Industrial (HI) to Heavy Commercial (HC). Located at 2222, 2234, 2250 Butternut Street. *(Tim Littlejohn)*

GENERAL INFORMATION

The subject property was previously used for warehousing/retail sales. The owner proposes to expand the permitted uses for these properties by down zoning the lots to less intensive HC zoning classification.

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 6-0.

ATTACHMENTS:

1. Z-2023-29 Ordinance
2. Z-2023-29 Staff Report
3. Z-2023-29 Presentation

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 A 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 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 Two Thousand Dollars (\$2,000.00). 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 24th day of August, 2023.

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 July, 2023, 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 14th day of September, 2023, 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 14th day of September, 2023.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land from the Heavy Industrial (HI) District to the Heavy Commercial (HC) District.

Legal description being Lots 3-6, Block 6, Bowyer Addition, Abilene, Taylor County, Texas.

Located at 2222, 2234, and 2250 Butternut Street, Abilene, Taylor County, Texas.



END

ZONING CASE Z-2023-29

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: August 1, 2023
City Council 1st Reading: August 24, 2023
City Council 2nd Reading: September 14, 2023

Applicant

Owner: Moore Abilene Holdings, LP
Agent: Alex Moore

Case Manager

Adam Holland – Planner

Request

Change the zoning of four lots from Heavy Industrial (HI) to Heavy Commercial (HC).

Location

2222, 2234, and 2250 Butternut Street Lots 3-6, Block 6, Bowyer Addition.

Background

The subject property was previously used for warehousing/retail sales. The owner proposes to expand the permitted uses for these properties by down zoning the lots to less intensive HC zoning classification.

Existing Uses/Zoning

- Property to the north is zoned Heavy Industrial (HI) and used for retail sales and for repair and maintenance services.
- Property to the east is zoned Heavy Commercial (HC).
- General Commercial (GC) and HI zoning districts are south of the subject property.
- Properties to the west, across an alley, are zoned Residential Single-Family (RS-6).

Criteria Assessment

Section 1.4.1.4 of Abilene's Land Development Code states that, 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, as amended.

The Comprehensive Plan identifies the subject property as being located in a transitional character area where retail/light industrial uses are recommended. The Future Land Use Map (FLUM) recommends retail use and lower intensity commercial use. The proposed request is consistent with the recommendations of the FLUM and Comprehensive Plan.

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

The proposed zone change would be less intense than the existing Heavy Industrial zoning and would be more appropriate adjoining residential zoning to the west and adjacent commercial zoning districts.

- (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 area is adequately served by utilities.

- (4) Any other factors, which will substantially affect the public health, safety, morals, or general welfare.

None known.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval**.

NOTIFICATIONS

Owner

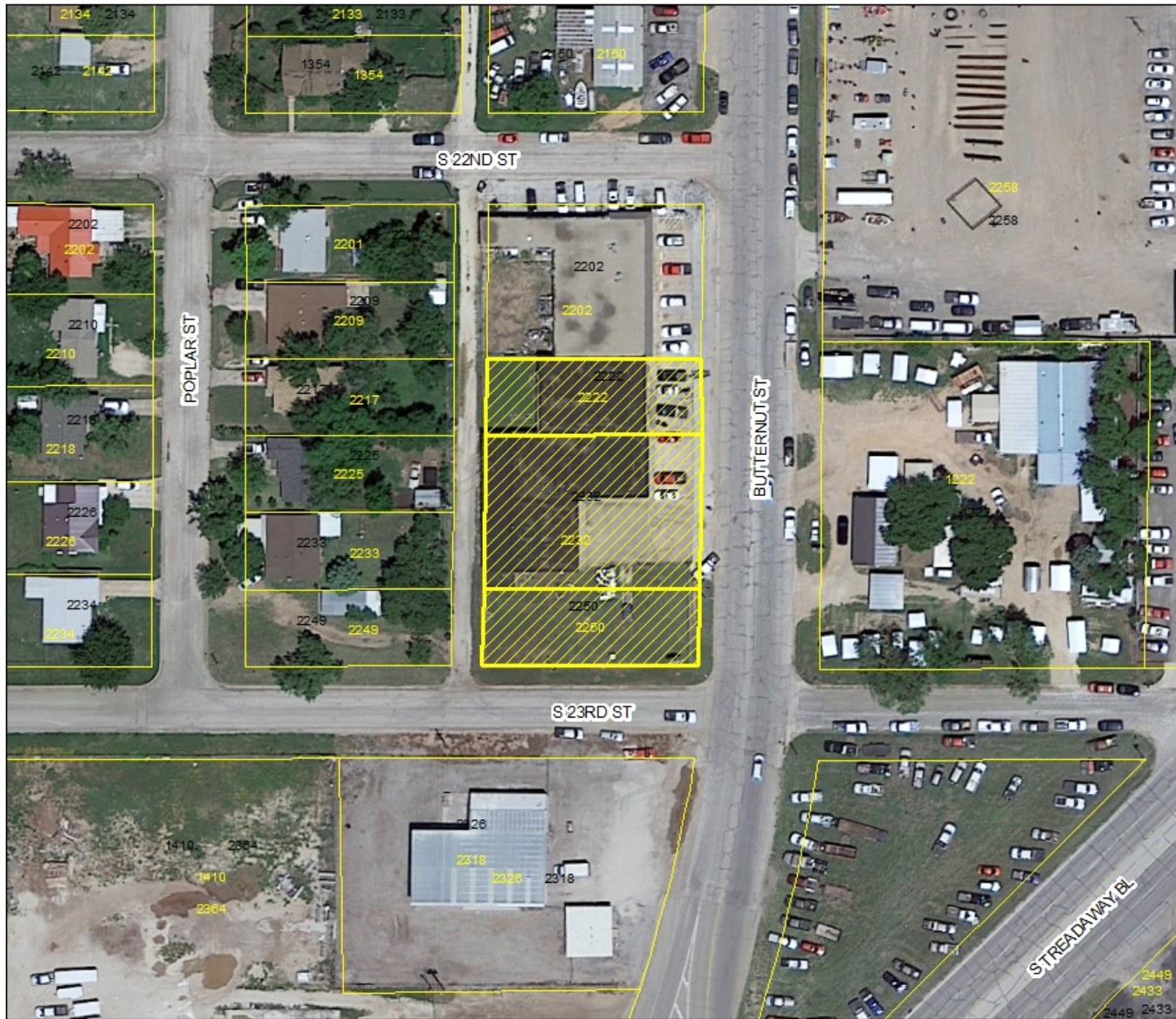
Legend:
O- Opposed
F- In Favor

Owner	Property ID	Situs	Response
CAF REALTY LLC	980411	2326 BUTTERNUT ST	
CAF REALTY LLC	980411	2318 BUTTERNUT ST	
CAMARILLO BRIDGET	44500	2249 POPLAR ST	
CAMARILLO BRIDGET	44628	2233 POPLAR ST	
DIMAS DE LA TORRE JOSE TOMAS	42088	1354 S 22ND ST	
HALL PAUL A & DEVEN M	43945	2202 BUTTERNUT ST	
HIT VENTURES LLC	109554	2258 S TREADAWAY BL	
MARTIN TIMOTHY BLAZE	45004	2209 POPLAR ST	
MARTINEZ RAYMOND R	45190	2201 POPLAR ST	
MC COOL SELENA	44868	2217 POPLAR ST	
MOORE ABILENE HOLDINGS LP	44381	2250 BUTTERNUT ST	
MOORE ABILENE HOLDINGS LP	44137	2222 BUTTERNUT ST	
MOORE ABILENE HOLDINGS LP	44257	2232 BUTTERNUT ST	
PHOENIX COLLISION INC.	41962	2150 BUTTERNUT ST	
RIVERA MARIANNA ARRAZOLA	44751	2225 POPLAR ST	
SITZES APB LP	46658	1222 S 23RD ST	
XTERRA CONSTRUCTION LLC	45458	1410 S 24TH ST	
XTERRA CONSTRUCTION LLC	45458	2364 BUTTERNUT ST	

Property ID

Owner	Property ID	Situs	Response
PHOENIX COLLISION INC.	41962	2150 BUTTERNUT ST	
DIMAS DE LA TORRE JOSE TOMAS	42088	1354 S 22ND ST	
HALL PAUL A & DEVEN M	43945	2202 BUTTERNUT ST	
MOORE ABILENE HOLDINGS LP	44137	2222 BUTTERNUT ST	
MOORE ABILENE HOLDINGS LP	44257	2232 BUTTERNUT ST	
MOORE ABILENE HOLDINGS LP	44381	2250 BUTTERNUT ST	
CAMARILLO BRIDGET	44500	2249 POPLAR ST	
CAMARILLO BRIDGET	44628	2233 POPLAR ST	
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XTERRA CONSTRUCTION LLC	45458	2364 BUTTERNUT ST	
SITZES APB LP	46658	1222 S 23RD ST	
HIT VENTURES LLC	109554	2258 S TREADAWAY BL	
CAF REALTY LLC	980411	2326 BUTTERNUT ST	
CAF REALTY LLC	980411	2318 BUTTERNUT ST	

LOCATION MAP



Aerial Map



Legend

- Z-2023-29
- Roads
- Courier Parcels

ZONING MAP



Case # Z-2023-29
July 25, 2023



REZONE REQUEST

Case: Z-2023-29

Owner: Moore Abilene Holdings, LP

Agent: Alex Moore

Request: Rezone from HI to HC

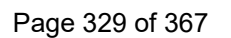
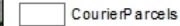
Location: 2222, 2234, and 2250 Butternut Street

Notification: 0 in Favor, 0 Opposed

Planning & Zoning: August 1, 2023

City Council Hearing: August 24, 2023
September 14, 2023







ZONING MAP



Zoning Map



Legend

- Z-2023-29
- Roads
- Courier Parcels





Existing Uses in HI Zoning

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
- TP Field Office or Construction Office (temporary)
- P Freight Container
- P Manufacturing (incidental)
- C Mobile Home (permanent security residence)
- TP Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recycling Collection Point
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Adult Entertainment Enterprise
- C Motorized Racing

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Fire/Police Station
- P Homeless/Emergency Shelter
- P Post Office
- P Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- P Educational and Scientific Research
- P School: Public/Private

SERVICE

- P Contractor Services
- P Recycling Collection and Processing Center
- P Scales (public)
- P Wrecker/Towing

LEGEND

- P Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses 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

TRADE – RETAIL USES

- P Head Shop
- C Scrap and Waste Material

TRADE – WHOLESALE USES

- C Livestock – Wholesale or Auction
- P Wholesaling and Storage (indoor)
- P Wholesaling and Storage (outdoors)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Airport, Heliport and Flying Field Terminals - Commercial (passenger and freight)
- P Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Pressure Control Station
- P Public Utility Facility
- P Railroad Switching and Marshaling Yard
- P Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Mining
- P Petroleum or Gas Well
- P Liquor
- P Manufacturing (light)
- P Manufacturing (heavy)
- P Urban Garden





Permitted Uses in HC Zoning

RESIDENTIAL USES:

C	Hotel/Motel
<u>ACCESSORY AND INCIDENTAL USES:</u>	
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

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) (<i>Defined under Liquor Store</i>)
P	Liquor Store (On Premises Consumption) (<i>Defined under Liquor Store</i>)
P	Restaurant, Brew Pub
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

LEGEND

P	Permitted as a Right-of-Use (may be subject to compliance with conditions described within Division 3- Requirements Applicable to Specific Land Uses 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





VIEWS OF SUBJECT PROPERTY



South Neighboring
Property



North Neighboring
Property



East Neighboring
Property



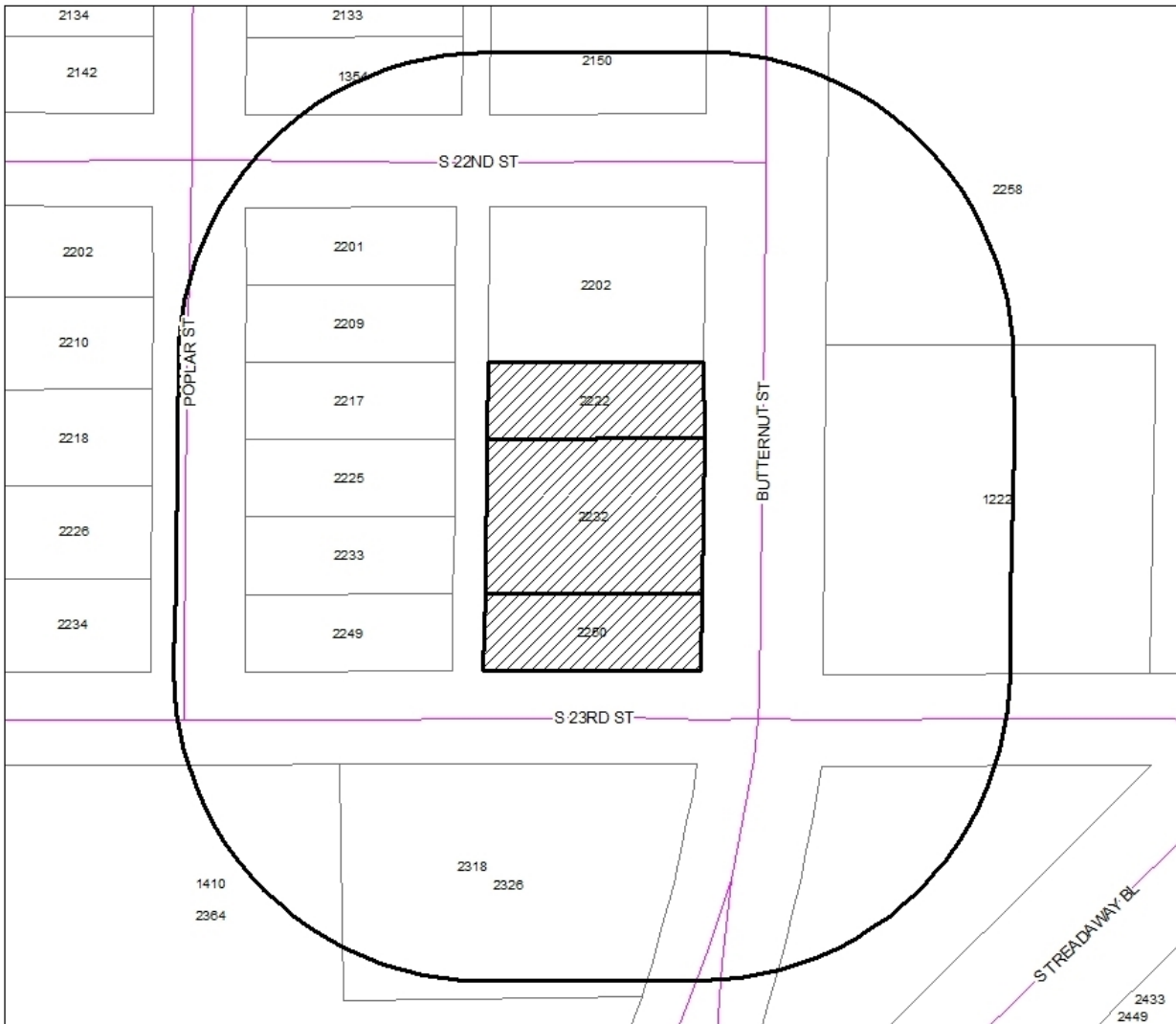
Subject Property



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NOTIFICATION AREA MAP



Notification Map



Legend

- Notification Area
- Z-2023-29
- Roads
- Courier Parcels

0- In Favor- 
0- Opposed- 
0% Opposed





FINDINGS AND RECOMMENDATIONS

The proposed request for HC rezoning is *consistent* with:

- The *Comprehensive Plan*;
- The surrounding uses and zoning;
- Generally accepted planning principals; and
- The Criteria for Approval in the LDC.

P&Z Recommendation: **Approval**





Questions?





City Council Agenda Memo

City Council Meeting Date: 9/14/2023

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: **14. Discussion:** Receive a Report, Hold a Discussion and Public Hearing on the Impact of Water Supply Contracts on Rural Development in Abilene's ETJ (*Rodney Taylor*)

GENERAL INFORMATION

The Water Utilities Department will make a presentation discussing the Impact of Water Supply Contracts on Rural Development in Abilene's Extraterritorial Jurisdiction (ETJ). The City of Abilene (Abilene) has potable water supply contracts with fifteen wholesale purchasers, which distribute that water across Taylor County and into parts of Jones, Shackelford, Callahan, Nolan, and Fisher Counties. The treated water supplied through the wholesale contracts has enabled significant rural residential development within Abilene's ETJ. Abilene is now realizing the impact that close-in and dense rural developments are having on Abilene's future growth opportunities. Staff is encouraging dialog with the Council members and is seeking feedback and possible direction on future policies regarding the City supplying increasing quantities of wholesale treated water.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

NA

STAFF RECOMMENDATION

Staff is seeking dialog and direction on future policies regarding Abilene providing wholesale purchasers with increasing quantities of treated water into the future.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Presentation-Discussion of Impact of rural development in Abilene's ETJ-V2-5-25-2023

Discussion of the Impact of Water Supply Contracts on Rural Development in Abilene's ETJ





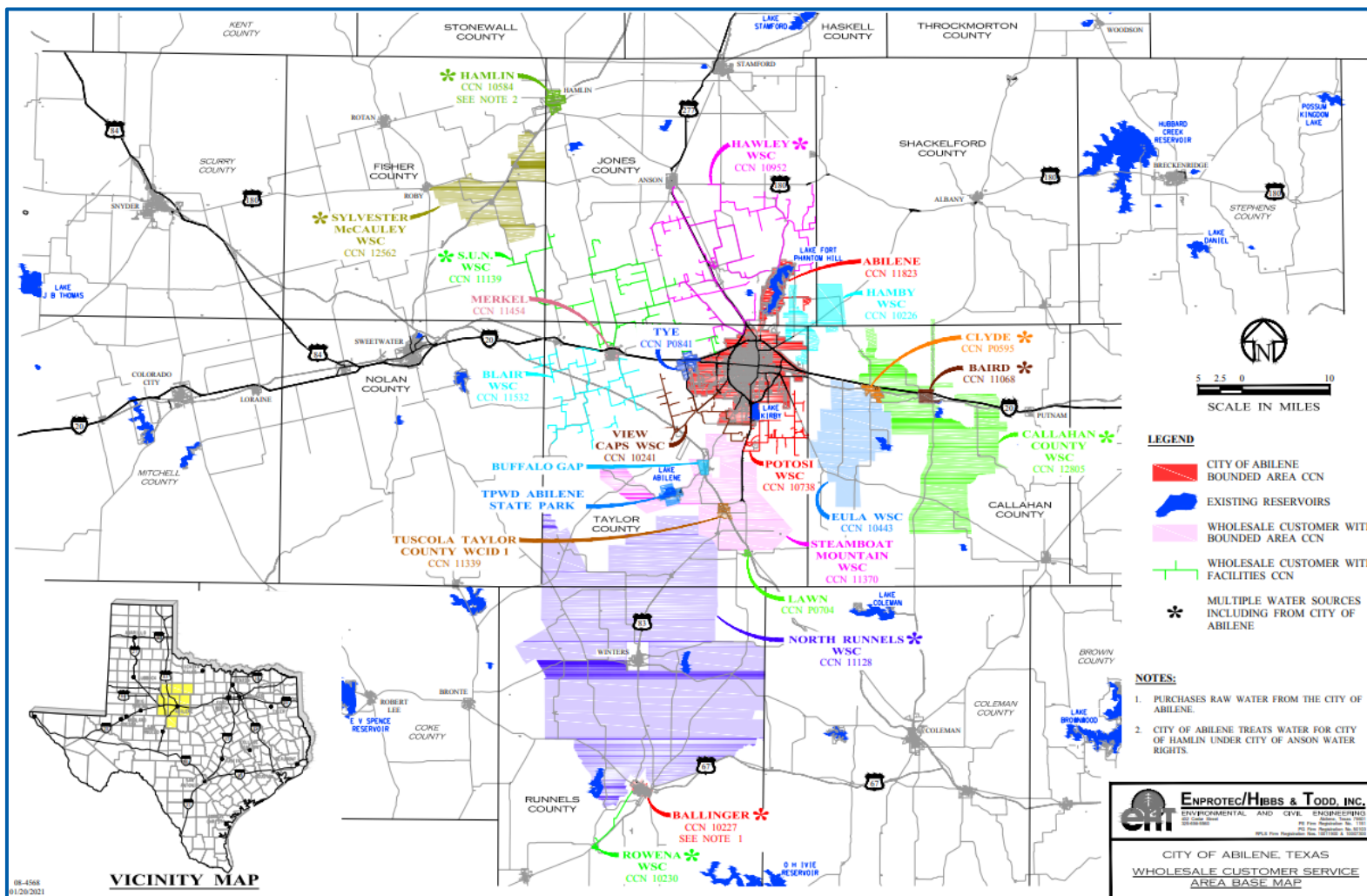
Rural Development in Abilene's ETJ

- CCN protected service areas
- Wholesale water supply contracts
- Trends in wholesale water demands
- Issues
- Counterpoints
- Contributing factors
- Water supply contract terms and conditions
- Discussion
- Other Considerations
- Direction From Council



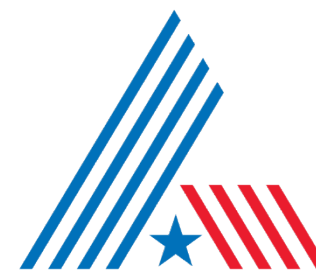


Rural Development in Abilene's ETJ



The City of Abilene has long established itself as a regional wholesale water supplier. Water from Abilene is distributed to systems serving the counties of Taylor, Jones, Callahan, Nolan, Shackelford, Fisher, and Runnels.

Each wholesaler has a protected service area through a Certificate of Convenience and Necessity.



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Rural Development in Abilene's ETJ

ENTITY	DATE	ENTITY	DATE
City of Merkel (Tye 1955)	1954	City of Clyde	1990
Potosi WSC	1963	City of Baird	1993
Hamby WSC	1964	Eula WSC	1999
View-Caps WSC	1964	City of Hamlin (Treatment Only)	2000
Hawley WSC	1965	City of Lawn	2007
S.U.N. WSC	1975	City of Ballinger (Raw Water)	2018
Steamboat Mountain WSC	1976	City of Buffalo Gap	2019
Blair WSC	1977	Tuscola-Taylor County WCID #1	2019
City of Tye	1986		

List of wholesale purchasers and date of initial water supply contract with the City of Abilene.

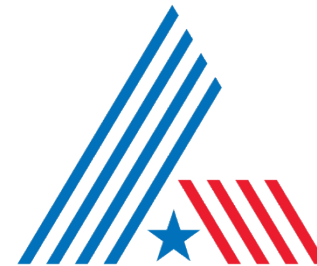




Rural Development in Abilene's ETJ

Wholesale Water Supply Contracts

		Contract Quantity (gallons)
1	Baird, City of (common w/Clyde)	25,000,000
2	Ballinger, City of (Raw Water Only)	280 AF/YR
3	Blair Water Supply Corp.	25,000,000
4	Buffalo Gap, City of (Common w/Lawn,Tuscola)	50,000,000
5	Clyde, City of (common w/Baird)	100,000,000
6	Eula Water Supply Corp.	20,000,000
7	Hamby Water Supply Corp.	100,375,000
8	Hawley Water Supply Corp.	125,000,000
9	Lawn, City of (Common w/Tuscola, BG)	50,000,000
10	Merkel, City of	115,000,000
11	Potosi Water Supply Corp.	100,000,000
12	Steamboat Mountain WSC	100,000,000
13	S.U.N. Water Supply Corp.	75,000,000
14	Tuscola-Taylor County WCID No. 1 (Common w/Lawn, BG)	30,000,000
15	Tye, City of	60,000,000
16	View-Caps Water Supply Corp.	65,000,000
17	Hamlin, City of (Water Treatment Only)	250,000,000



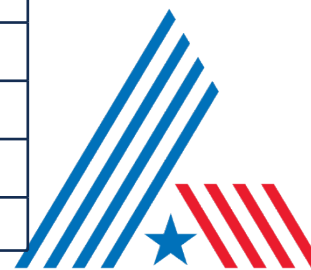
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Rural Development in Abilene's ETJ

Year	STEAMBOAT MOUNTAIN WSC	POTOSI WSC	MERKEL	HAWLEY WSC	SUN WSC	VIEW-CAPS WSC	HAMBY WSC	CLYDE	TYE	EULA WSC	BAIRD	BLAIR WSC
2010	183	168	112	100	72	54	54	29	47	47	22	16
2011	242	259	114	119	85	77	60	97	62	83	32	21
2012	210	230	102	105	80	66	51	112	54	78	24	17
2013	216	229	99	99	84	70	52	59	47	61	24	16
2014	220	229	89	100	69	69	54	97	47	45	62	17
2015	198	194	85	89	62	70	48	102	41	33	60	16
2016	188	197	85	83	64	71	54	37	39	49	28	19
2017	210	209	82	82	70	70	50	102	39	14	38	16
2018	235	181	79	86	77	79	52	128	40	18	48	17
2019	252	142	85	84	75	85	49	32	43	21	34	17
2020	281	234	83	87	77	97	51	5	43	26	37	18
2021	286	226	84	84	76	87	53	3	43	25	31	17
2022	287	281	83	99	88	109	61	4	46	31	48	19
	100	100	115	125	75	65	100	100	60	20	25	25

Table listing the annual quantity purchased by each wholesale customer in million gallon units. The red values are the Contract Annual Quantities based on estimated need in 2004. The blue values are annual purchased quantities exceeding the initial estimated annual quantity.



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Red Values are Estimated Contract Quantity in 2004

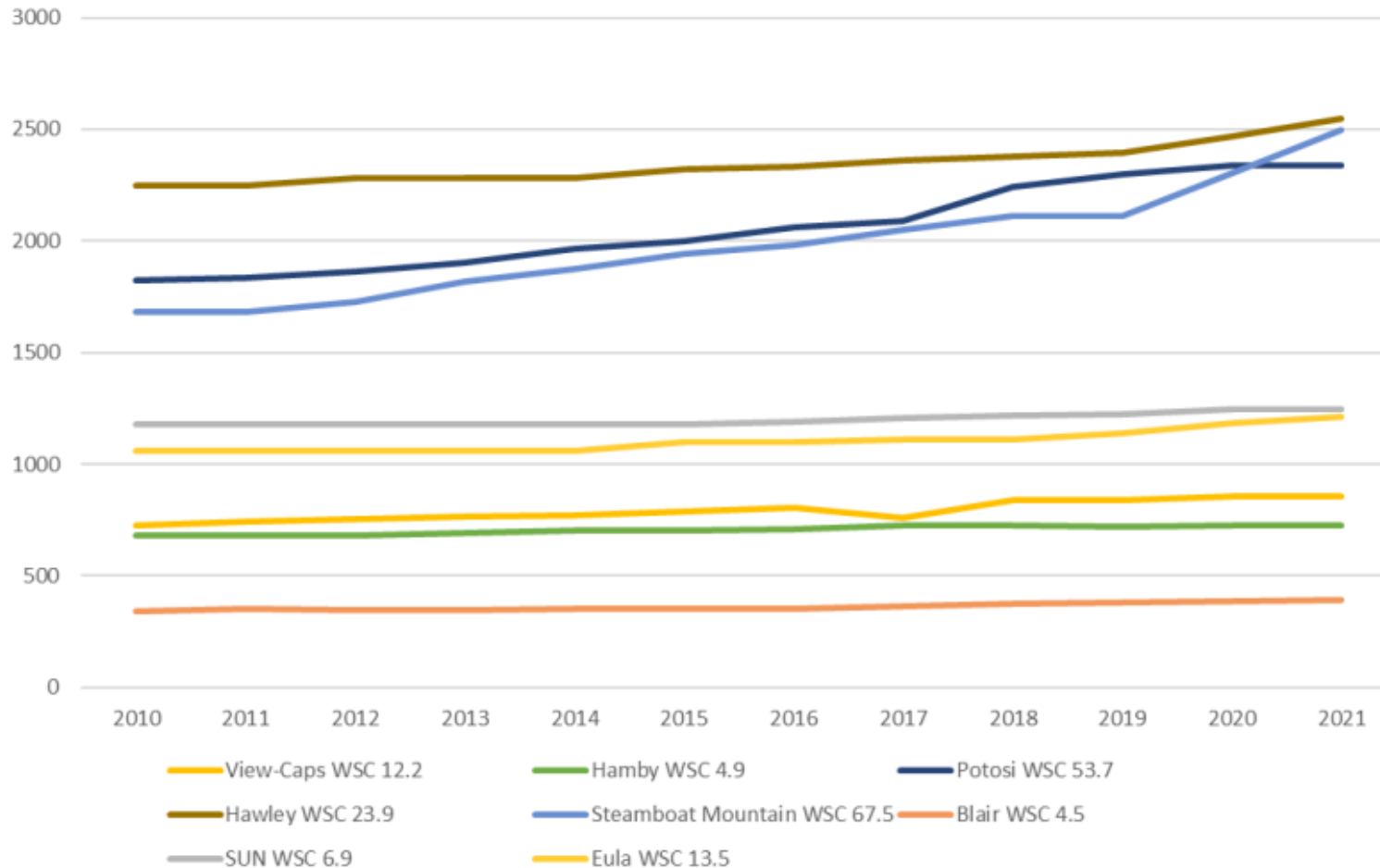
Blue Values are annual consumption exceeding Estimated Contract Quantity



Rural Development in Abilene's ETJ

Graph 2.

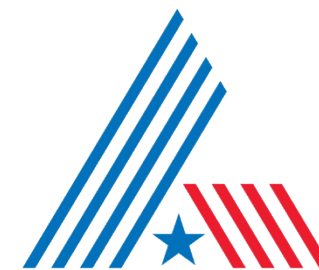
WATER SUPPLY CORPORATIONS: Total Connections Reported to the TWDB



TRENDS IN WHOLESALE WATER DEMAND

The Graph curves represent the number of total **Connections** per water supply corporation as reported annually to the Texas Water Development Board.

The graph legend includes numerical values adjacent to each entity name representing the trendline annual average increase in connections for each entity over the period.

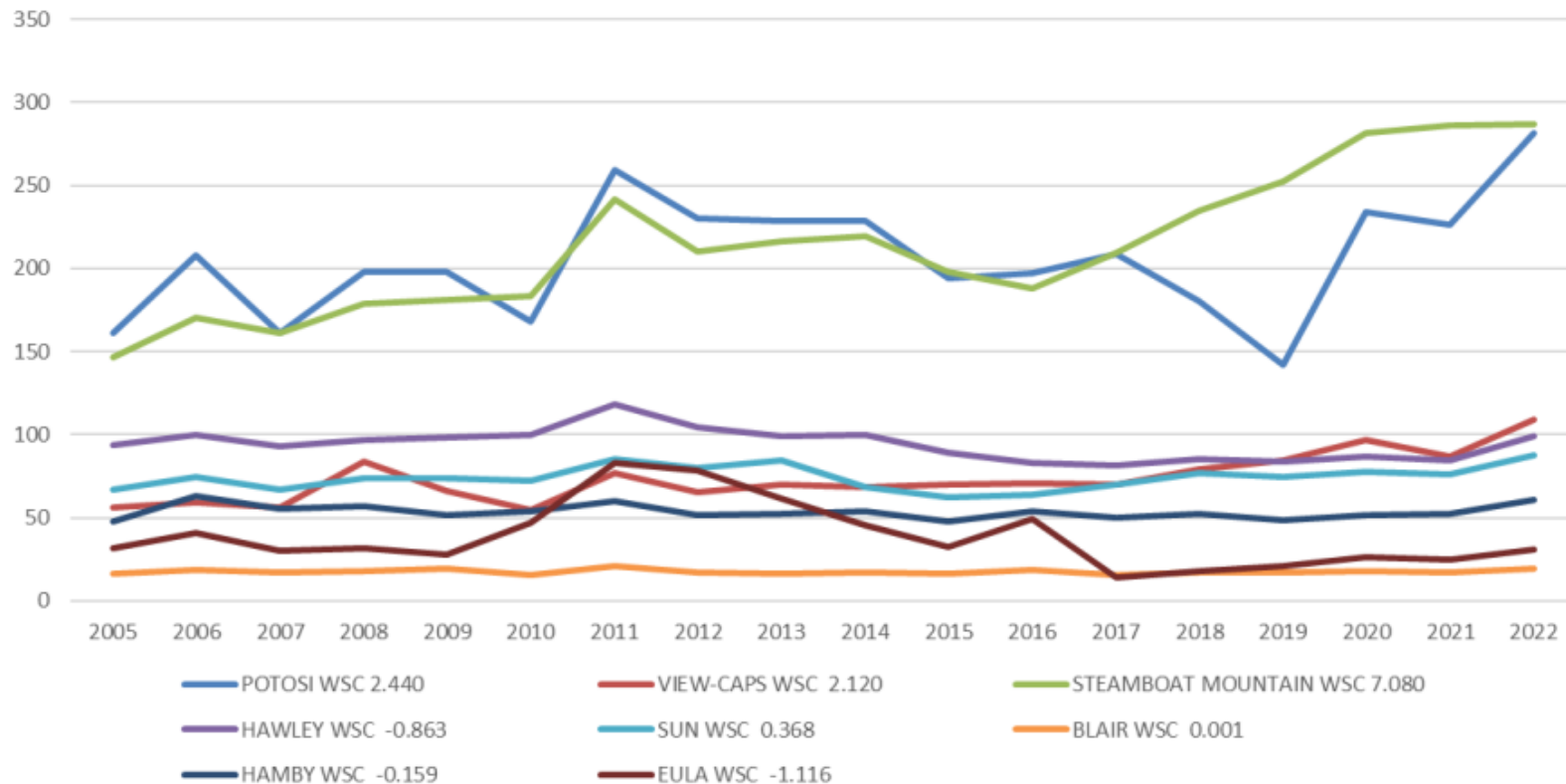


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Rural Development in Abilene's ETJ

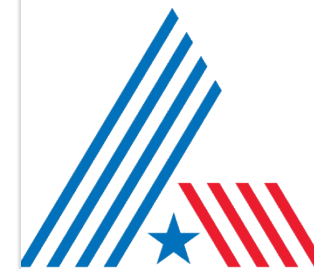
Graph 3.
WATER SUPPLY CORPORATION ANNUAL PURCHASED QUANTITIES



TRENDS IN WHOLESALE WATER DEMAND

The Graph curves represent the **Annual Quantity in Million Gallons Per Year** sold to each water supply corporation by the City of Abilene.

The values listed after the entity name in the legend is the respective trendline annual average increase in purchased quantity in MGY over the period.

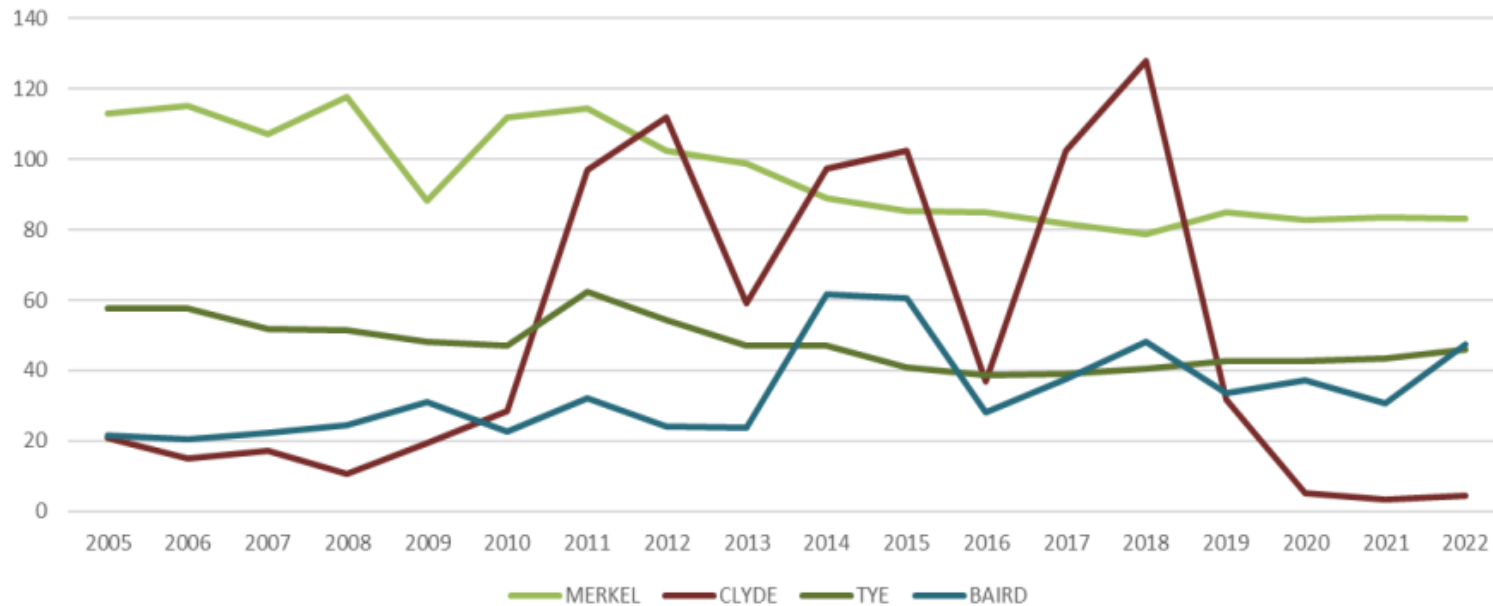


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Rural Development in Abilene's ETJ

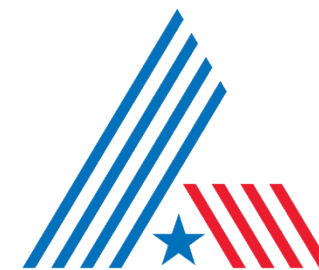
Graph 4.
MUNICIPAL PURCHASERS ANNUAL PURCHASED QUANTITIES



TRENDS IN WHOLESALE WATER DEMAND

The Graph curves represent the **Annual Quantity in Million Gallons Per Year** sold to each of the four wholesale municipal customers by the City of Abilene.

The annual quantities are generally decreasing for the Cities of Merkel and Tye. The curves for the Cities of Clyde and Baird are erratic as Clyde is able to treat its own water when its lake conditions and treatment facilities allow. As Clyde develops its raw supply from Lake Fort Phantom Hill its treated water demand on Abilene will drop significantly.

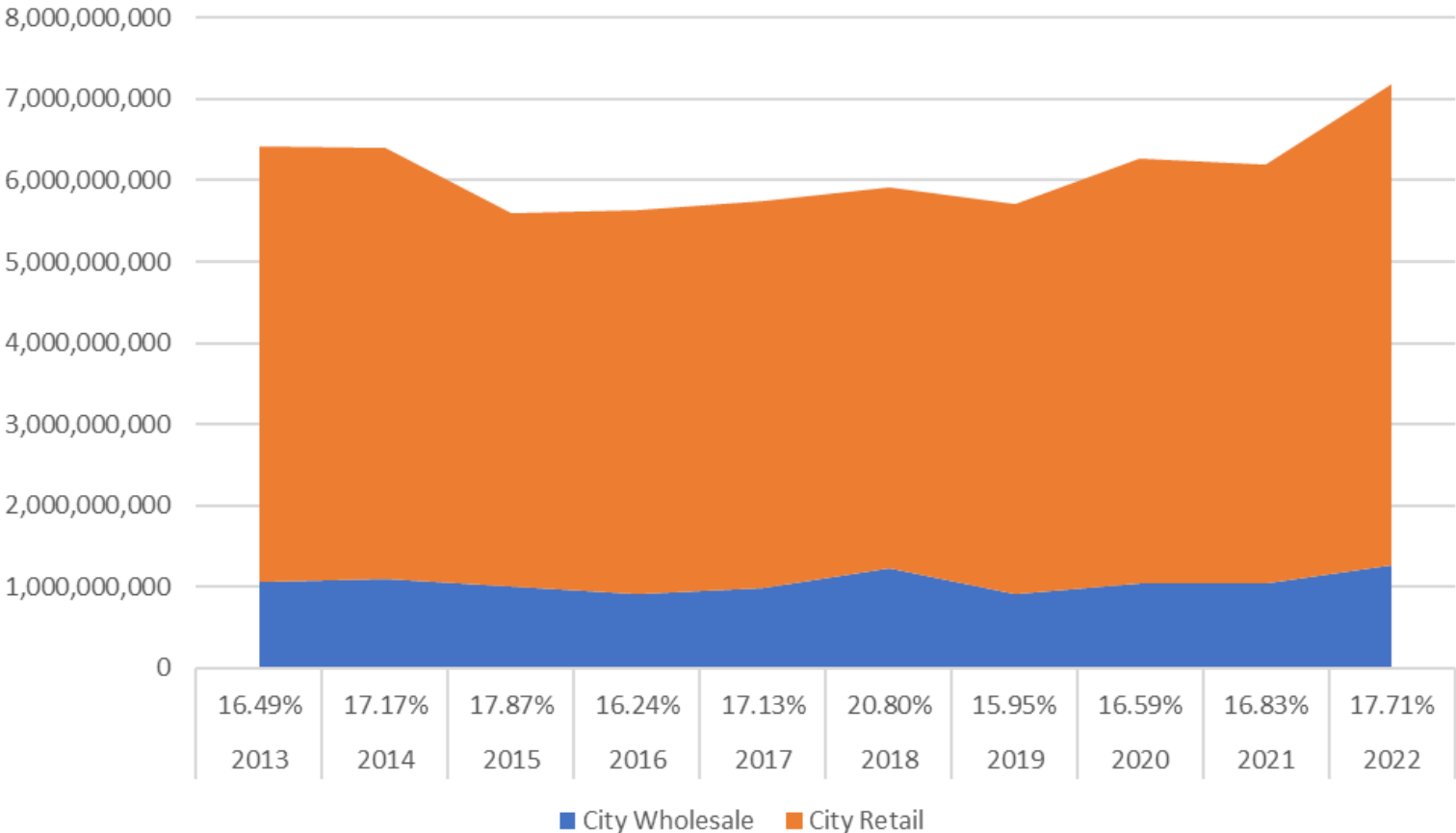


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Rural Development in Abilene's ETJ

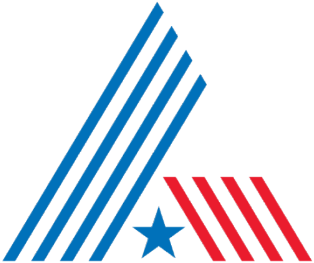
City Retail Vs City Wholesale



TRENDS IN WHOLESALE WATER DEMAND

The graph compares the City of Abilene retail water consumption to the City's wholesale consumption from years 2013 to 2022. The average percentage of annual wholesale consumption is about 17.2% of the annual total billed consumption.

Retail consumption trend is increasing by about 0.87% (44 MGY) annually, while wholesale consumption trend is increasing by about 1.12% (12 MGY) annually.

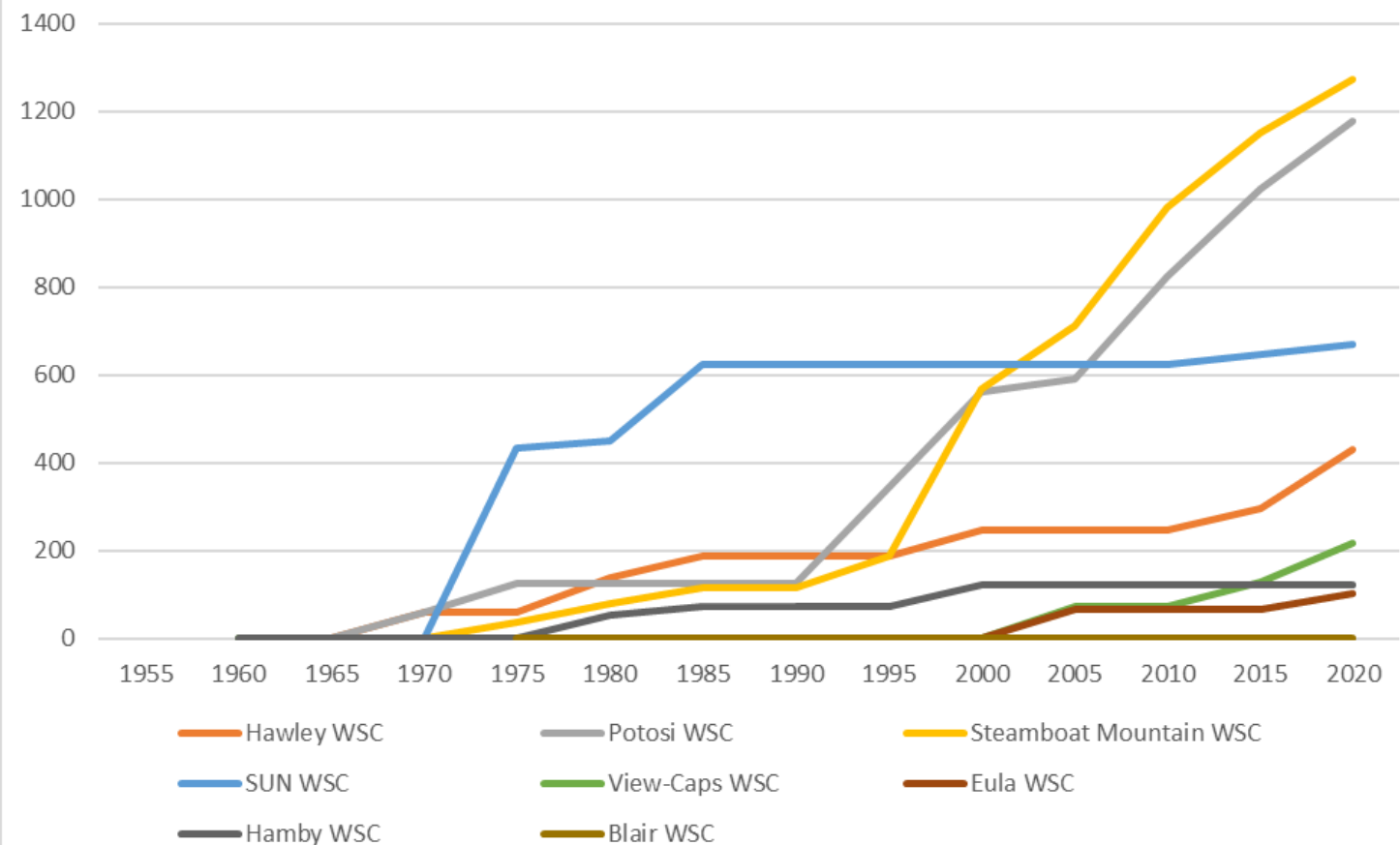


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Rural Development in Abilene's ETJ

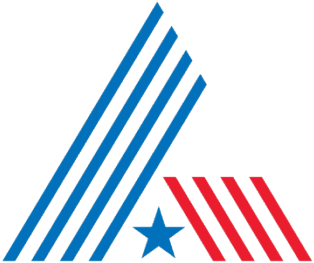
Graph 1.
Wholesaler's Platted Subdivision Lots Cumulative Count



ISSUES:

The Graph No. 1 curves represent the **Cumulative Count of Platted Subdivision Lots** within each Wholesaler's service area over the period of its water supply contract with the City of Abilene. The count only includes subdivisions of large tracts resulting in multiple lots typical of subdivision developments.

The yellow and gray curves representing Steamboat Mountain WSC and Potosi WSC respectively, are indicative of the rapid and ongoing trend of close-in rural residential subdivisions occurring within Abilene's ETJ.



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Rural Development in Abilene's ETJ

ISSUES:

- **The City of Abilene is recognizing significant subdivision development within its Extraterritorial Jurisdiction as evidenced by over 2,500 residential subdivision lots being platted within the service areas of Abilene's wholesale water purchasers since 2000.**
- Close-in rural development blocks City access to expansion
- New homes in rural areas are lost opportunities for the City of Abilene
- It is assumed that without wholesale water supplied by the City of Abilene, much of the rural residential development would be limited due to the lack of alternative water supply options.
- New rural neighborhoods will entice new commercial growth to service those rural areas.





Rural Development in Abilene's ETJ

CONTRIBUTING FACTORS:

- The City of Abilene has historically provided ample treated water supplies to its wholesale purchasers which ultimately encourages more rural development
- Water Supply Contract restrictions intended to limit rural growth have generally been ignored by the City of Abilene and by the wholesale purchasers.





Rural Development in Abilene's ETJ

CONTRIBUTING FACTORS (Cont.):

- The City of Abilene's reluctance to aggressively annex in the past has resulted in the City becoming boxed-in by adjacent and near-in rural subdivisions in certain areas.
- Involuntary annexation by a municipality was all but eliminated as the result of H.B. 347 effective June 3rd, 2019, (for it requires, among other annexation limitations, that 50% of the affected landowners and a majority of the affected qualified voters approve of an annexation by referendum).





Rural Development in Abilene's ETJ

COUNTERPOINTS:

- Abilene has a thriving and growing economy which is dependent on a regional workforce including the populations of close in rural development to fill jobs primarily located within the City of Abilene.
- The rural and regional population is heavily dependent on goods and services available within Abilene and for which sales tax is generated and proportionally allocated to the City's general fund.
- Wholesale purchasers pay a higher rate compared to Abilene's retail customers, and those wholesale revenues help cover the costs of operating the utility including the planning and development of new water supplies.
- The Texas Water Development Board Region G Water Planning Group typically identifies Abilene as the source for additional wholesale water supplies.





Rural Development in Abilene's ETJ

2004 Water Supply Contracts with Water Supply Corporations (WSCs)

- Section I.A: *“This Contract is not intended to encourage or permit in the Corporation’s area, new or additional large commercial or industrial development, or subdivision development outside the corporate limits of the City. Therefore, the Corporation agrees not to furnish any customer a water connection exceeding a meter size of one and one-half inches (1 ½”) in diameter.”*
- The intentional growth-restriction language was included in Abilene’s first rural water supply contract with the Potosi WSC back in 1963 due to Abilene’s expressed concerns with encroachment into its future growth areas.





Rural Development in Abilene's ETJ

- In general, the contract language intended to limit rural development has not been enforced by the City of Abilene and has been ignored by the water supply corporations.
- Rural Subdivision Development has continued unchecked since the original water supply agreement with the Potosi WSC in 1963.
- Has the 1 ½ inch maximum meter size per customer served the intended means of controlling rural growth?





Rural Development in Abilene's ETJ

2004 Water Supply Contracts with Water Supply Corporation (WSC)

Section I.A: (Paraphrased).

- The Corporation agrees to comply with all applicable provisions of Chapter 212 of the Texas Local Government Code (TLGC), as amended.
- In particular, the Corporation has been presented with or otherwise holds a certificate issued by the City stating that any plat required under TLGC Section 212.004, or as otherwise required by the City, has been reviewed and approved by the City, or that the City determined that platting is not required.
- The Corporation further agrees to discontinue service to any such land not in compliance with all applicable provisions of Chapter 212 of the TLGC.





Rural Development in Abilene's ETJ

- Per TLGC Chapter 212 a plat is required for subdivided properties located within a City's ETJ, with an exception for subdivided parts greater than five acres where each part has access and no public improvement is being dedicated.
- City staff determined that a water supply corporation provided water service to subdivided properties located within Abilene's Extraterritorial Jurisdiction (ETJ) for which the developer had not presented a certificate issued by the City to the water provider prior to a water connection being established, and certain public access dedications were omitted.
- An audit of each water supply corporation would be needed in order to determine if this is a widespread issue.

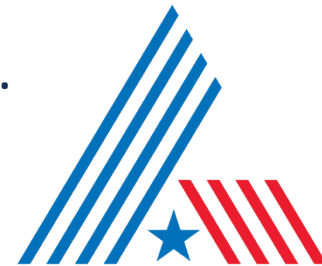




Rural Development in Abilene's ETJ

Discussion Points-Development:

- Does the City Council desire to attempt to restrict future rural development within Abilene's ETJ?
- Restrict Large Commercial and Industrial Development?
What sizes and/or types are acceptable?
- Restrict Subdivision Development?
How much is too much?
What size of residential subdivision is an issue?
- Enforcement above through contract payment obligation of \$1,000 per month per violation for violating contract?***
*PUCT requires public water utility to provide service to qualified applicant upon request.
- Enforce by maximum meter size of 1 ½ inches?**
(current contract requirement)



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Rural Development in Abilene's ETJ

Discussion Points-Water Supply:

- Does the City Council desire to reserve excess water supplies primarily for its retail customers within the Abilene City limits? **No contract quantity increases**

- Established contracted quantities will be honored, but with no future increases.

Contract: "The City will use its best efforts to remain in a position to furnish water sufficient for the Corporation's reasonable demands, ..."

- Historically all water rate categories, including wholesale, have a component of costs for developing new water supplies which provides for both sustainability and future growth.

- The Region G State Water Plan includes Abilene's Wholesale customer growth in demand projections.

- Wholesale purchasers may seek PUCT/TCEQ administrative intervention and/or file suit for access to available water supplies due under the contract.





Rural Development in Abilene's ETJ

Discussion Points-Water Supply:

- Does the City Council desire to implement formula based or scheduled incremental increases to contract quantities and/or take rates? **Managed contract quantity increases**
- Established contracted quantities will be honored, but future quantity increases will be made incrementally based on formula(s).
- City will periodically determine total water quantity in MGY to be made available to wholesale purchasers, which is then allocated based on formulas.
- City could establish % increase per year per system, fixed quantity increase per year per system, or base it on Region G projections of population/demand growth. (Ex 1% annual increase in contract quantity)





Rural Development in Abilene's ETJ

Discussion Points-Water Supply:

- Does the City Council desire to amend existing Water Supply Contracts to implement capped-annual-quantity and/or take-or-pay pricing? (amendments would require customer consent). **Pay for fixed Reserved Contract Quantity**
- Established contracted quantities will be honored, but increases will be made based on established unit pricing for reserving capacity and take rate.
- Take-or-Pay method where purchaser pays for total contract quantity annually rather than paying for the actual quantity used.
- A wholesaler must purchase each additional 1 MGY unit of reserved annual contract quantity and each 1 gpm unit of reserved take rate. (Ex. \$10,000 per 1 MGY unit, and \$500 per 1 gpm unit)





Rural Development in Abilene's ETJ

Other Considerations:

- Most wholesale providers in the state plan for continued water provision to regional customers (and address quantity increases + wholesale provider needs through contract negotiations rather than imposing a hard ceiling)
- Potential public relations concerns
- City position on contract limitations has potential to impact current and future water supply planning/regulators' questions about City plans to continue as wholesale provider to region
- Amending contracts involves USDA RUS review (no known push-back at this point, but part of the approval Process)



Discussion of the Impact of Water Supply Contracts on Rural Development in Abilene's ETJ

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 15. 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. 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
2. City of Abilene v. 3118 South 22nd Street, Abilene, Texas, et al.; Cause No. 11968-D, In the 350th Judicial District Court, Taylor County, Texas; filed October 11, 2019
3. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-004598, In the 53rd Judicial District Court, Travis County, Texas; filed September 1, 2020
4. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
5. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-007028, In the 459th Judicial District Court, Travis County, Texas; filed November 18, 2020
6. Alton H. Smith, Jr. and Alicia Malorie Smith v. City of Abilene, Texas; Cause No. 51055-A, In the 42nd Judicial District Court, Taylor County, Texas; filed March 11, 2021
7. Steve Van Horne, et al. v. City of Abilene, et al.; Cause No. 12530-D, In the 350th Judicial District Court, Taylor County, Texas; filed September 7, 2021
8. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-21-006299, In the 250th Judicial District Court, Travis County, Texas; filed October 20, 2021
9. Richard Scheriger, et al. v. City of Abilene; Cause No. CV33253, In the 90th Judicial District Court, Stephens County, Texas, filed April 21, 2023
10. The Woodlands Pride, Inc., et al. v. Angela Colmenero, Interim Attorney General of Texas, et al., Case No. 4:23-cv-02847, In the United States District Court, Southern District of Texas, Houston Division, filed August 2, 2023
11. Eminent Domain Lawsuits - North First and Leggett Street Intersections

12. Eminent Domain - 212 ES 11th Street

B. 551.072 (Deliberations about Real Property)

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. 505 Pine Street

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None



**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Honorable Mayor & Members of City Council

FROM:

SUBJECT: **16. Oral Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Annual Evaluation of the City Manager

GENERAL INFORMATION

Annual evaluation of the City Manager to be discussed in Executive Session

SPECIAL CONSIDERATIONS

N/A

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

None



**City Council
Agenda Memo**

City Council Meeting Date: 9/14/2023

TO: Honorable Mayor and City Council Members

FROM:

SUBJECT: 17. Oral Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Annual Evaluation of the City Attorney

GENERAL INFORMATION

Annual evaluation of the City Attorney to be discussed in Executive Session.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None