



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 November 2, 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. Deputy Mayor Pro-tem Lynn Beard

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. Service Awards:

- Craig Jordan - 25 Years - Police Department
- John "Jeff" Hogue - 25 Years - Police Department
- Thomas "Jody" Peavy - 25 Years - Police Department
- Leonardo "Leon" Herrera - 20 Years - Fire Department

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.

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

- Abilene Housing Authority
- Abilene-Taylor County Public Health District Board
- Abilene-Taylor County Venue District Board
- Board of Adjustments
- Library Advisory Board

4. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Casting a Vote to Nominate a Member to the Taylor County Appraisal District Board of Directors **(Shawna Atkinson)**

5. **Resolution:** Receive a Report, Hold a Discussion and Take Action on the purchase of one (1) 2023 Caterpillar 420CE Backhoe Loader from Warren Cat through Sourcewell Co-operative Contract # 032119-CAT, Quote 281403-01 for Water Distribution. **(Don Green)**

6. **Resolution:** Receive a Report, Hold a Discussion and Take Action on the purchase of one (1) 2024 Caterpillar 120 JY Motor Grader for the Streets Division from Warren Cat through Sourcewell Contract # 032119-CAT **(Don Green)**

7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to enter an Agreement with Broker to Sell Real Property, and Authorizing the Sale of Real Property located at Lake Fort Phantom, Jones County, Abilene, Texas **(Max Johnson)**

8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approval of an Interlocal Agreement Between the City of Abilene, Taylor County, and the Abilene-Taylor County Events Venue District for Election Costs **(Stanley Smith)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

9. **Ordinance (Final Reading) Z-2023-30:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from the City of Abilene, represented by Jacob & Martin, to change the zoning of approximately 225.93 acres from Agricultural Open to Planned Development District 184, to allow base zoning districts of General Commercial along SE 11th Street and Loop 322 and Agricultural Open, for the Abilene Zoo. Located at 2070 Zoo Lane and 1042 Loop 322. **(Tim Littlejohn)**

10. **Ordinance (Final Reading) Z-2023-32:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Weatherbee Construction Inc, represented by Civetta Solutions LLC, to amend the terms and conditions and concept plan of Planned Development District 104. Specifically, to allow Self-storage and General Commercial uses in Tract 2 and to remove Exhibit C to expand the scope of the permitted uses in Tract 1. Located on the west side of Oldham Lane from S. 27th to Loop 322. **(Tim Littlejohn)**

11. **Ordinance (Final Reading) Z-2023-34:** Receive a Report, Hold a Discussion and Public

Hearing, and Take Action on a request from Aaron & Andrea Robison, represented by Jacob & Martin, to change the zoning of approximately 3.21 acres from General Commercial to General Retail. Located at 5308 HWY 277 S. (Tim Littlejohn)

EXECUTIVE SESSION

12. **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. City of Abilene, Texas v. 3W Brands, LLC; Cause No. 7820, In the County Court at Law #2, Taylor County, Texas; filed August 11, 2023
12. City Council Ethics Training
13. Eminent Domain - 212 ES 11th Street
14. PFAS Litigation against 3M & Dupont

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)

RECONVENE

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 27th day of October, 2023, at 1:40 p.m.

Kaitlin Richardson, TRMC, CMC
Deputy City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 11/2/2023

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 3.

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

- Abilene Housing Authority
- Abilene-Taylor County Public Health District Board
- Abilene-Taylor County Venue District Board
- Board of Adjustments
- Library Advisory Board

GENERAL INFORMATION

The item provides for reappointment of members as well as appointing members to certain boards and commissions.

SPECIAL CONSIDERATIONS

Member terms vary per board and commission and are outlined in Exhibit A of the resolution.

FUNDING/FISCAL IMPACT

No cost consideration to the city.

STAFF RECOMMENDATION

(Re)Appointment

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. B&C Resolution
2. Exhibit A
3. B&C Presentation Slide

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AS REQUIRED BY THE CHARTER OF THE CITY OF ABILENE AND STATUTES OF THE STATE OF TEXAS

WHEREAS, the Charter of the City of Abilene and the Statutes of the State of Texas require that certain Boards and Commissions be established with a portion of the memberships thereof to be filled by appointment each year; and

WHEREAS, the City Council is of the opinion that the following members should be appointed to the designated Boards and Commissions, and has requested the Mayor to appoint same with the approval of the Council.

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

PART 1: That the list of Members is attached hereto as Exhibit A, shall be in all things, approved.

PART 2: That this resolution shall take effect immediately from and after its passage.

PASSED this 2nd day of November, 2023.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____
EXHIBIT "A"

Board	Term End Date
<i>Abilene Housing Authority</i>	
Tarus Jones [New]	November 2025
Vanessa Faz [New]	November 2025
<i>Abilene-Taylor County Public Health Advisory Board</i>	
Travis Craver [Reappointment]	November 2026
Tim Farrar [Reappointment]	November 2026
Garrett Turner [Reappointment]	November 2026
James McCoy [Reappointment]	November 2026
<i>Abilene-Taylor County Venue District Board</i>	
Anthony Williams [Reappointment]	November 2025
Kyle McAlister [Reappointment]	November 2025
<i>Board of Adjustment</i>	
Jon Loudermilk [Regular] [Reappointment]	November 2025
Joy Ellinger [Regular] [New (moving to regular spot)]	November 2024 [unexpired term]
<i>Library Advisory Board</i>	
Joe Biles [New]	November 2026
Kristi Brokaw [New]	November 2026



Resolution: Appointing Member(s) to various Boards and Commissions per the City Charter

- Abilene Housing Authority
- Abilene-Taylor County Public Health District Board
- Abilene-Taylor County Venue District Board
- Board of Adjustment
- Library Advisory Board





**City Council
Agenda Memo**

City Council Meeting Date: 11/2/2023

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 4. Resolution: Receive a Report, Hold a Discussion and Take Action on Casting a Vote to Nominate a Member to the Taylor County Appraisal District Board of Directors (*Shawna Atkinson*)

GENERAL INFORMATION

Casting votes for the Taylor County Central Appraisal District Board of Directors to Ms. Jessica Cantu.

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Resolution Taylor County
2. Taylor County Presentation Slide

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CASTING OUR VOTES FOR THE TAYLOR COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS

WHEREAS, the Texas Property Tax Code allows tax jurisdictions to cast votes for a single nominee or up to five nominees to serve on the Board of the Central Appraisal District of Taylor County for a term of office of one year beginning January 1, 2024;

WHEREAS, the City of Abilene desires to cast votes to nominate a person to said board;

AND WHEREAS, said tax unit recognizes the importance of cost-effective operations of the Appraisal District;

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

SECTION 1: The City Council of the City of Abilene hereby resolves to cast our votes for the following individual for a position on the Board of Directors of the Taylor County Appraisal District:

Jessica Cantu – Votes: 1215

PASSED AND APPROVED THIS THE 2nd DAY OF NOVEMBER, 2023.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

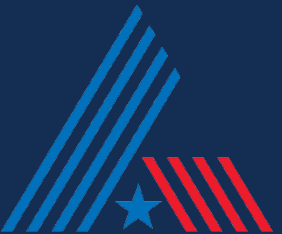
Resolution:

Casting a Vote to Nominate a Member to the
Taylor County Appraisal District Board of Directors:

- Jessica Cantu



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 11/2/2023

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 5. Resolution: Receive a Report, Hold a Discussion and Take Action on the purchase of one (1) 2023 Caterpillar 420CE Backhoe Loader from Warren Cat through Sourcewell Co-operative Contract # 032119-CAT, Quote 281403-01 for Water Distribution. (*Don Green*)

GENERAL INFORMATION

Fleet Services seeks the approval to purchase one (1) Caterpillar 420CE Backhoe Loader to replace an existing unit that has met the end of its useful life for Water Utilities Water Distribution through Sourcewell Contract #032119-CAT, Quote 281403-01 from Warren Cat of Abilene.

SPECIAL CONSIDERATIONS

Texas law allows a municipality to purchase goods through a state or local cooperative purchasing program. Sourcewell is such a program, and the purchase meets the competitive bidding requirements.

FUNDING/FISCAL IMPACT

Funds for the purchase are to be provided by the Fleet Replacement Fund and total \$132,665.00. The funds for this purchase were planned and included in the FY24 Budget. This is \$7,665.00 over budget.

STAFF RECOMMENDATION

Fleet and Water staff recommend the purchase of one (1) 2023 Caterpillar 420CE Backhoe Loader for Water Distribution from Warren Cat of Abilene.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. FY24 CO-OP Backhoe Resolution (1)
2. FY24 CO-OP Backhoe Additional Info
3. FY24 CO-OP Backhoe Budget vs Actual
4. FY24 CO-OP Backhoe Pricing Worksheet
5. FY24 CO-OP Backhoe Presentation PiP (1)

RESOLUTION NO _____

A RESOLUTION OF THE CITY OF ABILENE, TEXAS

TO PURCHASE ONE 2023 CATERPILLAR 420CE BACKHOE LOADER FROM WARREN CAT, ABILENE TX, THROUGH SOURCEWELL CO-OPERATIVE CONTRACT # 032119-CAT, QUOTE 281403-01

WHEREAS, City of Abilene has a need for one replacement Backhoe Loader; and

WHEREAS, City of Abilene budgeted this purchase for Fiscal Year 2024; and

WHEREAS, City of Abilene received pricing for one 2023 Caterpillar 420CE Backhoe Loader through Sourcewell Co-Operative Contract # 032119 – CAT, Quote 281403-01; and

WHEREAS, Warren Cat is the Sourcewell approved vendor for the Backhoe Loader.

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

PART 1: That the City Council approves this purchase from Warren Cat of Abilene, Texas in the amount of One Hundred Thirty-Two Thousand Six Hundred Sixty Five Dollars and No Cents (\$132,665.00) for one 2023 Caterpillar 420CE Backhoe Loader through Sourcewell Co-Operative Contract # 032119-CAT, Quote 281403-01.

PART 2: That this resolution shall take effect immediately from and after passage

ADOPTED this 2nd day November, 2023

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

ADDITIONAL INFORMATION FOR COUNCIL MEETING ITEM
BACKHOE LOADER

Unit #	Assignment	Year	Make	Model	Mileage	Hours	Total Maintenance Costs	Disposal Method	Points	Replacement Reasoning
3458	Water Distribution	2004	JOHN DEERE	410G	-	6,492	\$60,601.89	Auction	3	3 out of 4 Replacement Points

BUDGET vs ACTUAL COSTS
BACKHOE

Repl For Unit #	Division #	Division Name	Type Equipment	Budgeted Cost	Actual Cost	Budgeted vs Actual Variance
3458	8050	Water Distribution	Backhoe	\$125,000.00	\$132,665.00	\$7,665.00
				\$125,000.00	\$132,665.00	\$7,665.00

OVER BUDGET



Quote 281403-01

OCT 20, 2023

CITY OF ABILENE
PO BOX 60
ABILENE
Texas
79604-0060

SOURCEWELL CONTRACT # 032119-CAT
CITY OF ABILENE MEMBER ID # 101784

Attention: CASSANDRA LAMBERT

Thank you for this opportunity to quote Caterpillar products for your business needs. We are pleased to quote the following for your purchase consideration.

One (1) New Caterpillar Model: 420 CE4 Backhoe Loaders with all standard equipment in addition to the additional specifications listed below:

STOCK NUMBER: C128620

SERIAL NUMBER: 0H8T03572

YEAR: 2023

We wish to thank you for the opportunity of quoting on your equipment needs. This quotation is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact me.

Sincerely,

Chase Churchill
Machine Sales Representative

One (1) New Caterpillar Model: 420 CE4 Backhoe Loaders with all standard equipment in addition to the additional specifications listed below:

STANDARD EQUIPMENT

BOOMS, STICKS, AND LINKAGES -BACKHOE -- 14'4" Center pivot backhoe -4.3 Meters -- Boom and swing transport locks -- Pilot operated backhoe and -electro hydraulic stabilizer controls -- Street type stabilizer shoes -- Anti-drift hydraulics (boom, stick, -and E-stick) -- Cat Cushion Swing(tm) system -LOADER -- Single Tilt Loader -- Lift cylinder brace -- Self-leveling loader with single -lever control -- Return-to-dig -(automatic bucket positioner) -- Transmission neutralizer switch -- Bucket level indicator -

POWERTRAIN -- Water separator -- Thermal starting aid system -- Dry type axial seal air cleaner with -integral precleaner -- Automatic dust ejection system -- Filter condition indicator -- Hydraulically boosted multi-plate -wet disk brake with dual pedals & -interlock -- Differential lock -- Torque converter -- Transmission-four speed manual shift -- Neutral safety switch -- Spin-on filters for -Fuel -Engine oil -Transmission oil -- Outboard Planetary Rear Axles -- Diesel particulate filter -- Hydrostatic power steering

HYDRAULICS -- Pilot hoe and mechanical loader -controls -- Load sensing, variable flow system -with 43 gpm (162 L/min) axial piston -pump -- 6 micron hydraulic filter -- Caterpillar XT-3 hose -- Hydraulic oil cooler -- Pilot control shutoff switch -- Flow-sharing hydraulic valves -- Hydraulic suction strainer -

ELECTRICAL -- 12 volt electrical start -- Horn, front and rear -- Backup alarm -- Hazard flashers/turn signals -- Halogen head lights (2) -- Halogen rear flood lights (2) -- Stop and tail lights -- Audible system fault alarm -- Key start/stop system -- 850 CCA maintenance free battery -- Battery disconnect switch -- External Power Receptacle (12v) -- Diagnostic ports for engine and -machine Electronic Control Modules

OPERATOR ENVIRONMENT -- Interior rearview mirror -- ROPS canopy, Rear Fenders -- 2-inch (50mm) retractable seat belt -- Tilt steering column -- Steering knob -- Hand and foot throttle -- Automatic Engine Speed Control -- One Touch Low Idle -- Floor mat and Coat Strap -- Lockable storage area -- Air suspension seat -

FLUIDS -- Antifreeze - Extended Life Coolant --20F (-30C)

OTHER STANDARD EQUIPMENT -- Standard Storage Box -- Transport tie-down points -- Ground line fill fuel tank with -42.3 gal (160L) capacity & 5 gal (19L) -diesel exhaust fluid -- Rubber impact strips on radiator -guard -- CD-ROM Parts Manual -- Safety Manual -- Operations and Maintenance Manual -- Lockable hood -- Tire Valve Stem Protection

MACHINE SPECIFICATIONS

420 07A BACKHOE LOADER CFG2	542-7992
STICK, EXTENDABLE, 14FT	543-4284
PT, 4WD/2WS, POWERSHIFT	544-1066
ENGINE, 74.5KW, C3.6 DITA, T4F	541-9540
HYDRAULICS, GP, 6FCN/8BNK, ST	542-7772
CANOPY, BASE	544-0877
DISPLAY, STANDARD	545-5047
WORKLIGHTS (8) HALOGEN LAMPS	491-6734
SEAT, VINYL	611-0333
BELT, SEAT, 2" SUSPENSION	206-1747
COUNTERWEIGHT, 1015 LBS	337-9696
TIRES, 340 80R18/500 70R24, MX	320-2384
STABILIZER PADS, FLIP-OVER	9R-6007
BUCKET-GP, 1.4 YD3, PO	337-7388
LOADER BUCKET PINS	545-8548
CUTTING EDGE, TWO PIECE	9R-5321
COUPLER, PG, MAN.D.LOCK, BHL	444-7500
INSTRUCTIONS, ANSI	559-0872
SERIALIZED TECHNICAL MEDIA KIT	421-8926
RIDE CONTROL	551-6453
LINES, COMBINED AUX, E-STICK	548-1231
FAN, STANDARD CAB/ CANOPY	454-6610
PRODUCT LINK, CELLULAR, PLE643	560-6797
COLD WEATHER PACKAGE, 120V	551-6940
GUARD, STABILIZER	353-1389
PLATE GROUP - BOOM WEAR	423-7607
SHIPPING/STORAGE PROTECTION	461-6839
RUST PREVENTATIVE APPLICATOR	462-1033
LANE 3 ORDER	0P-9003
420 LANE 3 ZCON	626-9390
BUCKET-ROCK, HD, 18", 4.6 FT3	219-3395
PINS, BUCKET, BHL-F, 45MM-50MM	178-3593
THUMB, HYDRAULIC, NO TINE, BHL	282-5409
THUMB, TINE, A 4	221-4285

SELL PRICE	\$132,665.00
EXT WARRANTY	Included
CSA	Included
NET BALANCE DUE	\$132,665.00
AFTER TAX BALANCE	\$132,665.00

WARRANTY

Standard Warranty:	Standard 12 Month Unlimited Hour Full Machine Coverage
Extended Coverage:	420-60 MO/3000 HR POWERTRAIN + HYDRAULICS + TECH
CSA	1 YR / 500 HR PM KIT W/ CONNECTIVITY

F.O.B/TERMS:

Delivered to customer.

Accepted by _____ on _____

Signature

City Council Meeting

11/02/2023





BACKHOE LOADER

- Replacing unit 3458 for Water Distribution
- Purchase for One 2023 Caterpillar 420 CE4 Backhoe Loader
- Unit to be Purchased from Warren Cat through Sourcewell Co-operative contract number #032119-CAT, Quote 281403-01





BACKHOE LOADER



CITY OF
ABILENE
TEXAS



**City Council
Agenda Memo**

City Council Meeting Date: 11/2/2023

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Take Action on the purchase of one (1) 2024 Caterpillar 120 JY Motor Grader for the Streets Division from Warren Cat through Sourcewell Contract # 032119-CAT (Don Green)

GENERAL INFORMATION

Fleet Services seeks the approval to purchase one (1) Caterpillar 120 JY Motor Grader to replace an existing unit that has met the end of its useful life for the Streets Division through Sourcewell Contract #032119-CAT from Warren Cat of Abilene.

SPECIAL CONSIDERATIONS

Texas law allows a municipality to purchase goods through a state or local cooperative purchasing program. Sourcewell is such a program, and the purchase meets the competitive bidding requirements.

FUNDING/FISCAL IMPACT

Funds for the purchase are to be provided by the Fleet Replacement Fund and total \$283,920.00. The funds for this purchase were planned and included in the FY24 Budget. This is \$58,920.00 over budget.

STAFF RECOMMENDATION

Fleet and Streets staff recommend the purchase of one (1) 2024 Caterpillar 120 JY Motor Grader for the Streets Division from Warren Cat of Abilene.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. FY24 CO-OP Motorgrader Resolution
2. FY24 CO-OP Motorgrader Additional Info
3. FY24 CO-OP Motorgrader Budget vs Actual
4. FY24 CO-OP Motorgrader Pricing Worksheet
5. FY24 CO-OP Motorgrader Presentation PiP

RESOLUTION NO _____

A RESOLUTION OF THE CITY OF ABILENE. TEXAS

**TO PURCHASE ONE 2024 CATERPILLAR 120JY MOTOR GRADER FROM WARREN CAT, ABILENE TX,
THROUGH SOURCEWELL CO-OPERATIVE CONTRACT # 032119-CAT**

WHEREAS, City of Abilene has a need for one replacement Motor Grader; and

WHEREAS, City of Abilene budgeted this purchase for Fiscal Year 2024; and

WHEREAS, City of Abilene received pricing for one 2024 Caterpillar 120JY Motor Grader through Sourcewell Co-Operative Contract # 032119 - CAT; and

WHEREAS, Warren Cat is the Sourcewell approved vendor for the Motor Grader.

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

PART 1: That the City Council approves this purchase from Warren Cat of Abilene, Texas in the amount of Two Hundred Eighty Three Thousand Nine Hundred Twenty Dollars and No Cents (\$283,920.00) for one 2023 Caterpillar 120JY Motor Grader through Sourcewell Co-Operative Contract # 032119-CAT.

PART 2: That this resolution shall take effect immediately from and after passage

ADOPTED this 2nd day November, 2023

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

**ADDITIONAL INFORMATION FOR COUNCIL MEETING ITEM
MOTORGRADER**

Unit #	Assignment	Year	Make	Model	Mileage	Hours	Total Maintenance Costs	Disposal Method	Points	Replacement Reasoning
3734	Water Distribution	2006	VOLVO	G930	-	11,257	\$150,531.01	Auction	3	3 out of 4 Replacement Points

BUDGET vs ACTUAL COSTS
MOTORGRADER

Repl For Unit #	Division #	Division Name	Type Equipment	Budgeted Cost	Actual Cost	Budgeted vs Actual Variance
3734	4040	Street Services	Motorgrader	<u>\$225,000.00</u>	<u>\$283,920.00</u>	<u>\$58,920.00</u>
				\$225,000.00	\$283,920.00	\$58,920.00

*** Previously purchased motorgrader was purchased in 2015 for \$181,000. The predictive formula used to calculate the budgetary constraints did not take into account the spike in inflation.

OVER BUDGET



Quote 286397-01

Oct 20, 2023

CITY OF ABILENE
PO BOX 60
ABILENE
Texas
79604-0060

SOURCEWELL CONTRACT # 032119-CAT
CITY OF ABILENE MEMBER ID # 101784

Attention: GEORGE "ROBBIE" REINERT

Thank you for this opportunity to quote Caterpillar products for your business needs. We are pleased to quote the following for your purchase consideration.

One (1) New Caterpillar Model: 120 JY Motor Graders with all standard equipment in addition to the additional specifications listed below:

STOCK NUMBER: C135083

SERIAL NUMBER: TBD

YEAR: 2024

SMU: 0

We wish to thank you for the opportunity of quoting on your equipment needs. This quotation is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact me.

Sincerely,

Chase Churchill
Machine Sales Representative

One (1) New Caterpillar Model: 120 JY Motor Graders with all standard equipment in addition to the additional specifications listed below:

MACHINE SPECIFICATIONS

120 14B MOTOR GRADER	467-7423
GLOBAL ARRANGEMENT, JOY	561-6489
MOLDBOARD, 14' PLUS	320-7431
WEATHER, COLD TND	467-7411
NO ACCUMULATORS, JOY	517-0699
DRAWBAR, TOP ADJUST, HYDTIP, JOY	462-6536
ENGINE, STAGE V AND T4 FINAL	590-7345
GROUND LEVEL, FUELING	577-8014
FUEL FILTER, NEXT GEN	574-8803
DRAIN, HIGH SPEED, ENGINE OIL	505-7041
FAN, REVERSING TND	575-7684
BASE + 2 (RIP, FL) JOY	462-6518
NO HITCH	481-8668
LIGHTS, BRAKE & BKP, TURN, LED	563-2423
JUMP START RECEPTACLE	506-4261
ALTERNATOR, 150 AMP	438-5769
STARTER, HEAVY DUTY	517-0703
REAR PANEL W/ ACCESS DOOR	498-8871
CAB, ROPS, PLUS, JOY, TND	466-1363
SEAT, BASE, SUSPENSION, JOY	506-2611
SEAT BELT, W/ INDICATION	485-3445
PRODUCT LINK, CELLULAR PLE742	471-5509
NO GRADE CONTROL TECHNOLOGY	543-0221
JOYSTICK CONTROLS, BASIC	466-1315
CONTROL, AUTO ARTICULATION-DEMO	575-2980
GLOVE BOX, CAB	435-5797
TIRES, 14.0R24 MX XGLA2 * G2 MP	252-0679
DECALS, ENGLISH (U.S)	462-6655
PLATE, LICENSE	454-3222
FUEL ANTIFREEZE, -25C (-13F)	0P-3978
SERIALIZED TECHNICAL MEDIA KIT	421-8926
HIGH BAR, LED, JOY, TND	573-6442
COMFORT PACKAGE, PREMIUM, JOY	466-1360
LIGHTS, WORKING, PLUS, LED, JOY	561-6399
LIGHTS, CAB LED, JOY	466-1302
LIGHTS, SERVICE, INTERNAL	435-9816
LIGHT, LED WARNING STROBE, JOY	466-1299
CIRCLE SAVER	565-9664

CAMERA, REAR VISION, JOY	467-7439
MIRRORS, EXTERNAL, HEATED,JOY	466-1324
GUARD, BOTTOM	453-4972
STARTING AID	422-6605
HEATER, ENGINE COOLANT, 120V	255-1336
ROLL ON-ROLL OFF	0P-2265
LANE 3 ORDER	0P-9003
RIPPER	456-5359

SELL PRICE	\$283,920.00
EXT WARRANTY	Included
CSA	Included
NET BALANCE DUE	\$283,920.00
AFTER TAX BALANCE	\$283,920.00

WARRANTY

Standard Warranty:	Standard 12 Month Unlimited Hour Full Machine Coverage
Extended Coverage:	120-84 MO/4000 HR PREMIER (Tier 4)
CSA	GOVT MG CVA, 1 YR Cat Daily Connectivity

F.O.B/TERMS:
DELIVERED TO CUSTOMER.

Accepted by _____ on _____

Signature

City Council Meeting

11/02/2023





MOTOR GRADER

- Replacing unit 3734 for Street Services
- Purchase for One 2024 Caterpillar 120 JY Motor Grader
- Unit to be Purchased from Warren Cat through Sourcewell Co-operative contract number #032119-CAT
- Purchase Price - \$283,920.00





MOTOR GRADER



CITY OF
ABILENE
TEXAS



**City Council
Agenda Memo**

City Council Meeting Date: 11/2/2023

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to enter an Agreement with Broker to Sell Real Property, and Authorizing the Sale of Real Property located at Lake Fort Phantom, Jones County, Abilene, Texas (Max Johnson)

GENERAL INFORMATION

The City of Abilene owns real property comprised of vacant residential lots located at Lake Fort Phantom, Jones County, Abilene, Texas. Texas law now allows a municipality to sell real property by hiring a broker, and paying the broker a fee if the broker produces a ready, willing and able buyer. Also, the municipality may sell the real property to the highest cash bidder. The broker must list the real property on the multiple listing service for at least 30 days before the City may sell the property.

Staff has identified Berkshire Hathaway HomeServices, Stovall Realtors as the qualified broker to sell the real property. The broker's fee is 6% of the sales price, to be paid at closing.

Request is made that the City Council authorize the City Manager to enter into a Broker Listing Agreement, and authorize the City Manager to sell the properties to the buyer or buyers who offer the highest cash offer after the property has been listed at least 30 days on the multiple listing service.

SPECIAL CONSIDERATIONS

N/A

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to enter into a Broker Listing Agreement with Berkshire Hathaway HomeServices, Stovall Realtors, with a fee of 6%, and authorize the City Manager to sell the real property to the buyer or buyers who make the highest cash offer.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. Ft. Phantom Broker Sale Resolution 1
2. Mapped and Marked Location of Lots for Sale
3. Presentation - Broker and Sell Property at Lake Fort Phantom 10-30-2023

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A BROKER LISTING AGREEMENT WITH BERKSHIRE HATHAWAY HOMESERVICES, STOVALL REALTORS AND AUTHORIZING THE CITY MANAGER TO SELL REAL PROPERTIES LOCATED AT LAKE FORT PHANTOM, JONES COUNTY, ABILENE, TEXAS.

WHEREAS, Texas Local Government Code Section 253.014 allows a home-rule municipality to contract with a broker to sell real property it owns; and

WHEREAS, the governing body may pay a fee to the broker if the broker produces a ready, willing and able buyer to purchase the tract of real property; and

WHEREAS, after the 30th day the property is listed with a multiple-listing service, the governing body may sell the property to a ready, willing and able buyer who is produced by any broker using the multiple-listing service and who submits the highest cash offer.

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

PART 1: That the City Manager is authorized to enter into a contract with Stovall Realtors, a broker, to sell the City's real property as follows:

Lot 32, Block A, Section 1, Ft. Phantom Hill	Lot 3, Block D, Section 2, Ft. Phantom Hill
Lot 101, Block D, Section 2, Ft. Phantom Hill	Lot 1, Block A, Section 3, Ft. Phantom Hill
Lot 26, Block A, Section 3, Ft. Phantom Hill	Lot 3, Block B, Section 4, Ft. Phantom Hill
Lot 5, Block D, Section 4, Ft. Phantom Hill	Lot 12, Block A, Section 5, Ft. Phantom Hill
Lot 35, Block A, Section 5, Ft. Phantom Hill	Lot 8, Block A, Section 6, Ft. Phantom Hill
Lot 9, Block A, Section 6, Ft. Phantom Hill	Lot 10, Block A, Section 6, Ft. Phantom Hill
Lot 15, Block A, Section 6, Ft. Phantom Hill	Lot 14, Block G, Section 6, Ft. Phantom Hill
Lot 14, Block H, Section 6, Ft. Phantom Hill	
Lot 101, Block A, Clear Fork River, Jones County, Abilene, Texas	

PART 2: That the City Manager is authorized to pay the broker a fee of 6% of the sales price if the broker produces a ready, willing and able buyer or buyers to purchase said real property.

PART 3: That after the properties are listed by the Broker with a multiple-listing service for at least 30 days, the City Manager is authorized to sell said properties to a ready, willing and able buyer or buyers who is produced by any broker using the multiple-listing service and who submit the highest cash offer.

PART 4: That this Resolution shall take effect immediately upon passage.

ADOPTED this 26th day of October, 2023.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

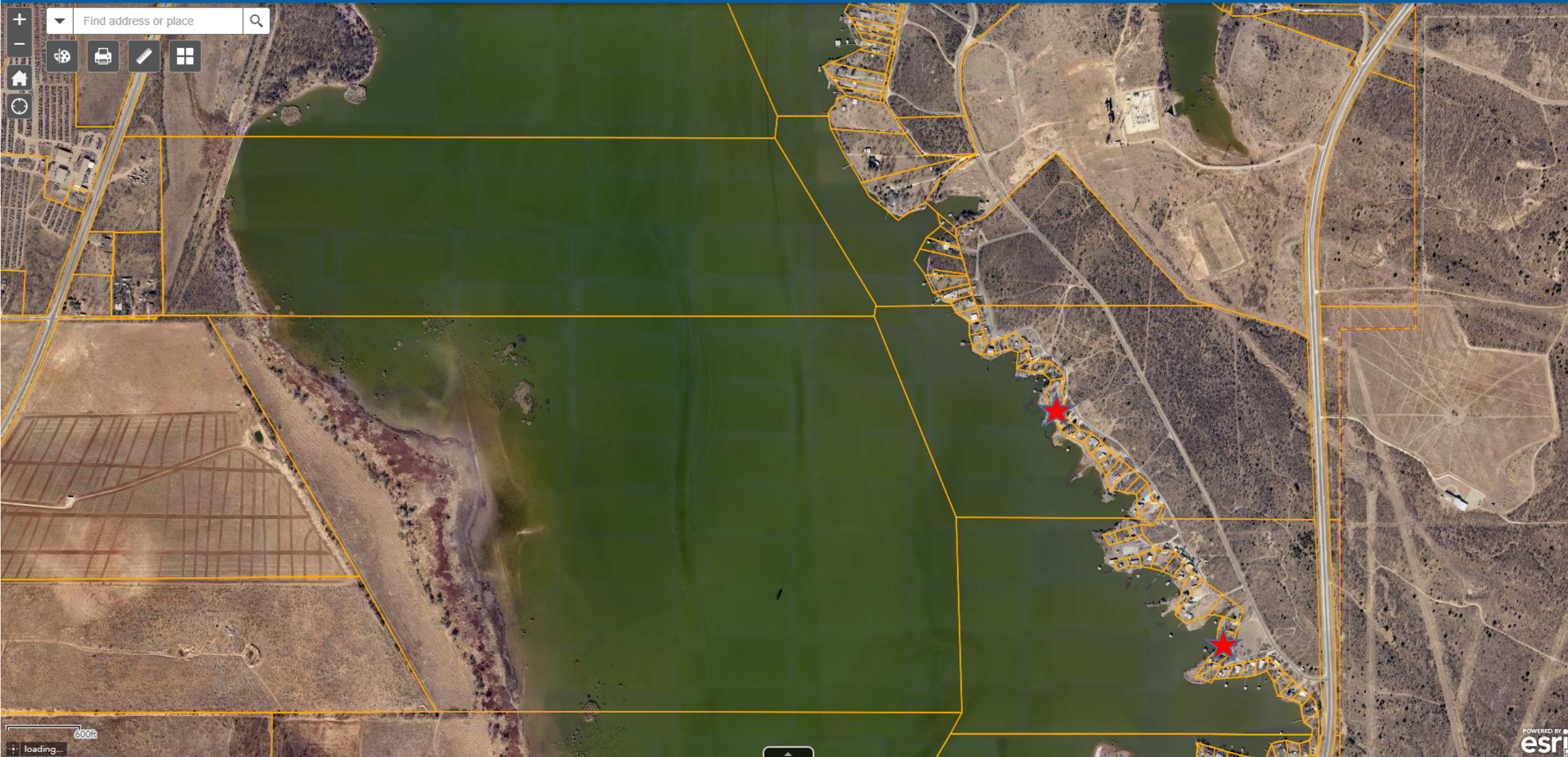


Find address or place



600ft
loading...

POWERED BY
esri







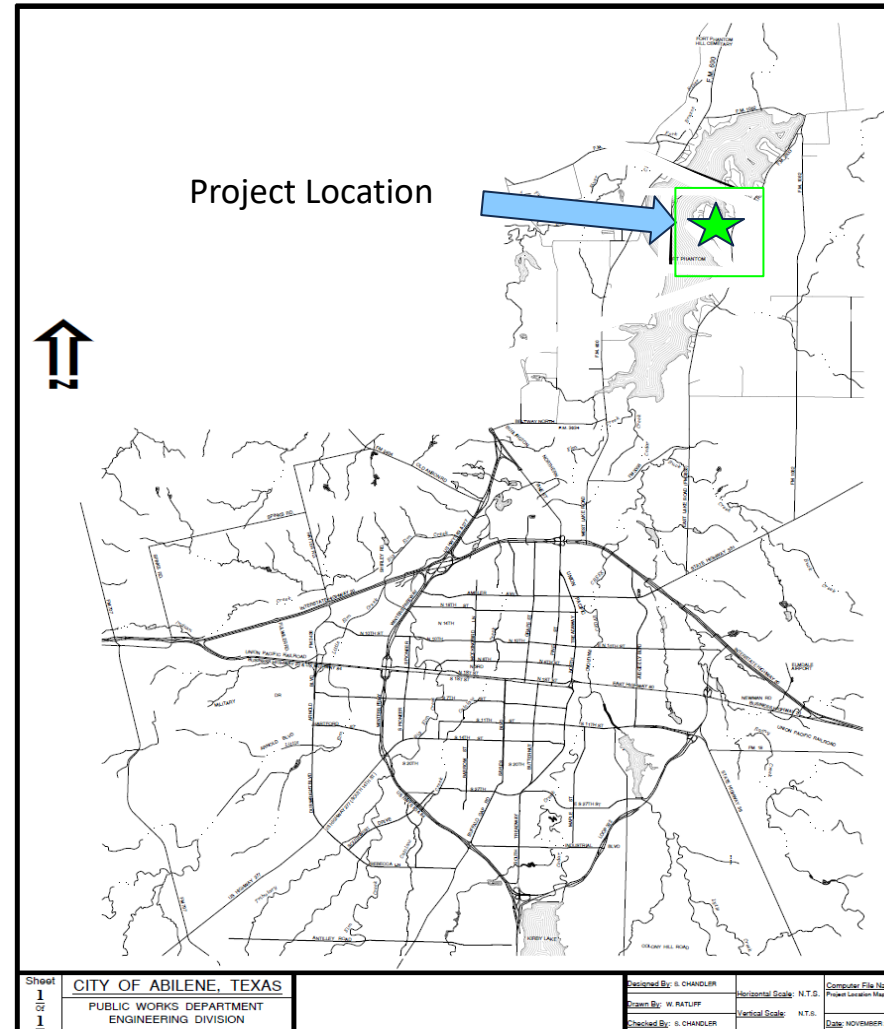
**Agreement with Broker and Authorizing
City Manager to Sell Real Property at
Lake Fort Phantom, Jones County,
Abilene, Texas**

(Max Johnson)



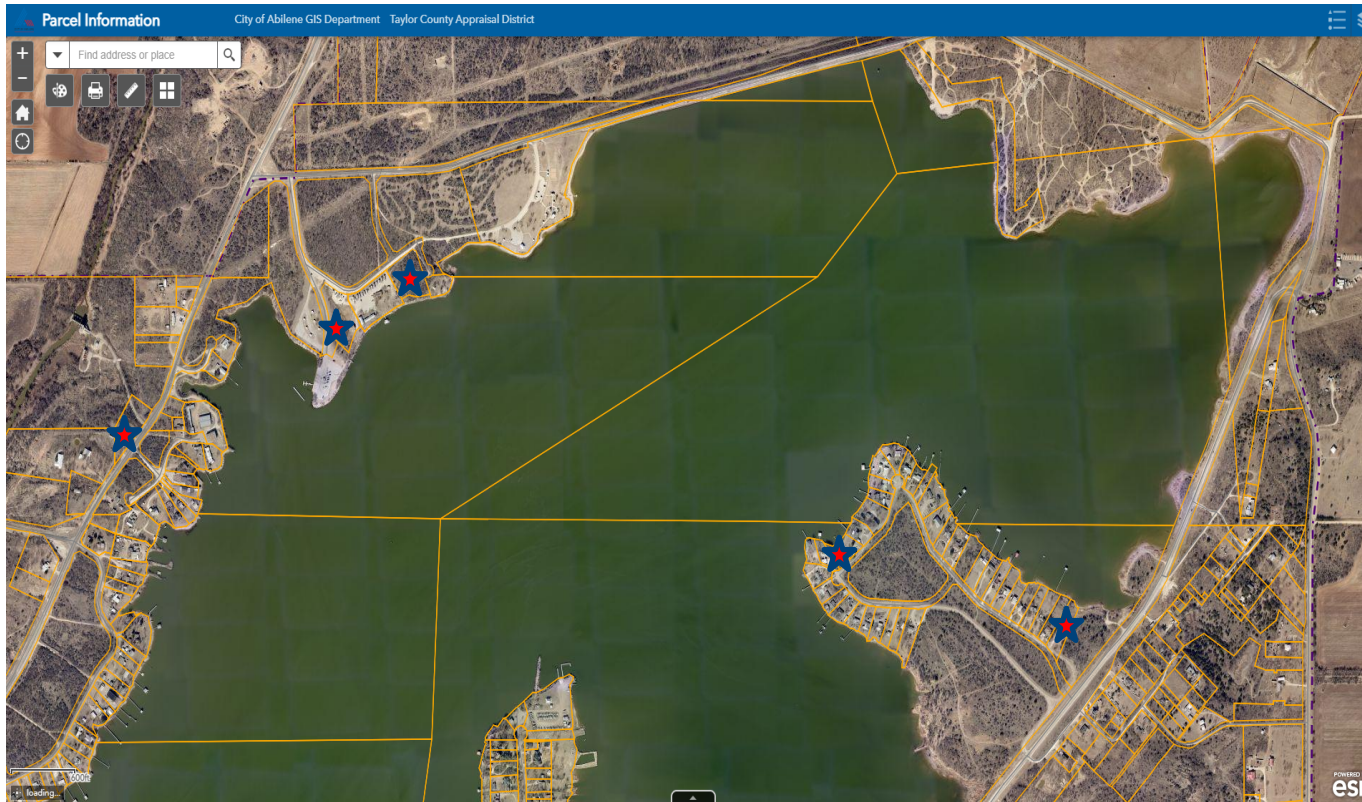


Project Location – Lake Fort Phantom





Location Sites for Sale – Lake Fort Phantom



North Portion of Lake – 5 properties





Location Sites for Sale – Lake Fort Phantom

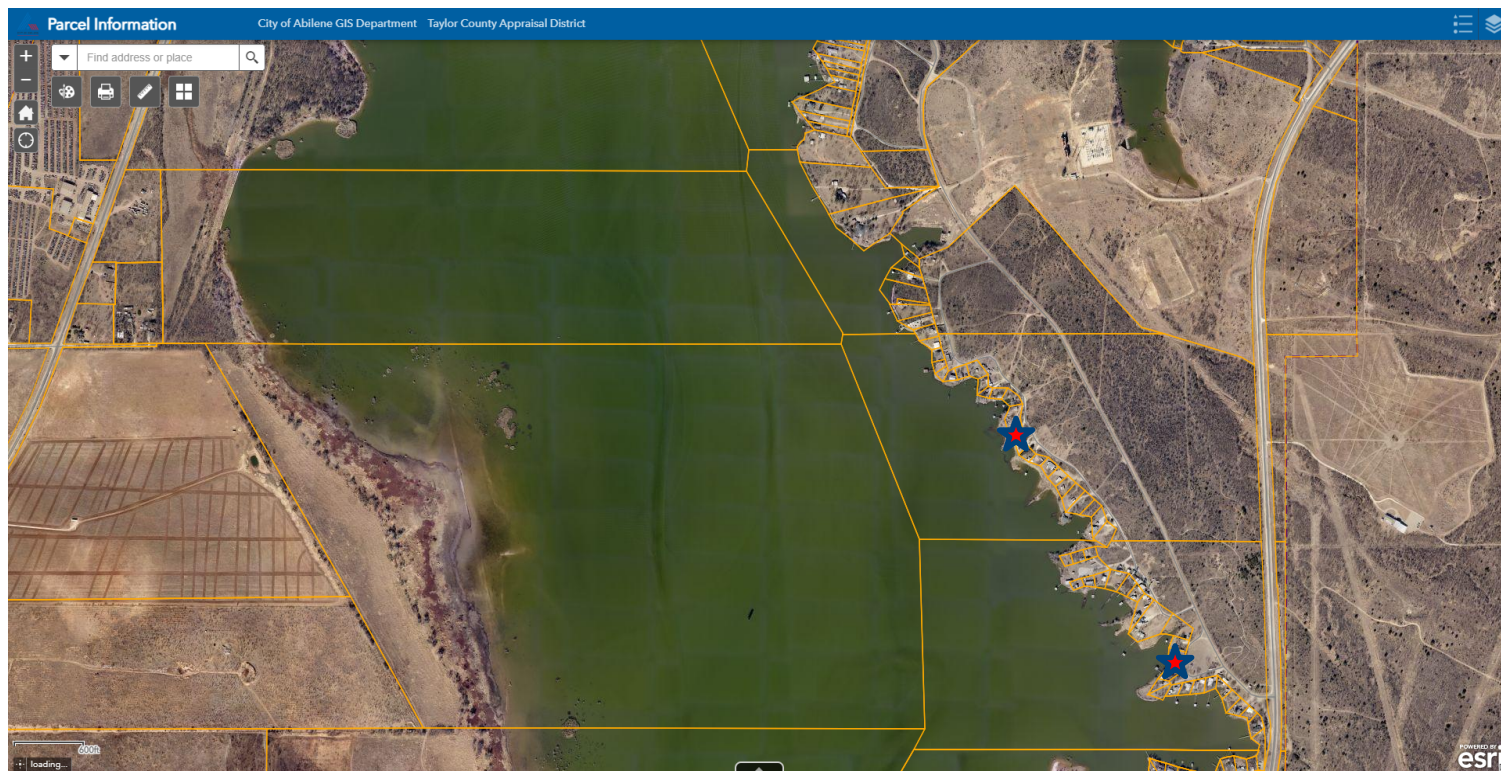


Middle Portion of Lake – 2 properties





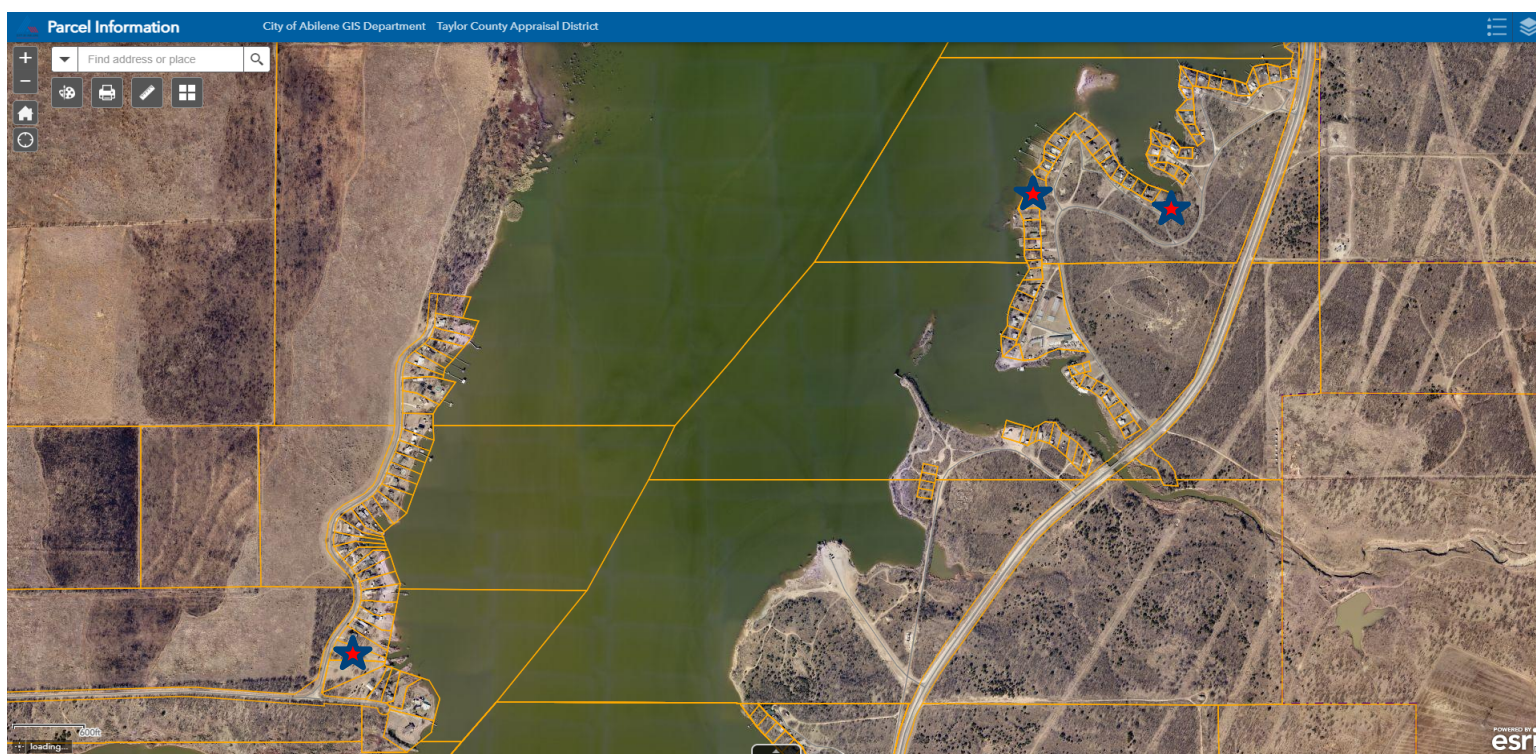
Location Sites for Sale – Lake Fort Phantom



Middle Portion of Lake – 2 properties



Location Sites for Sale – Lake Fort Phantom

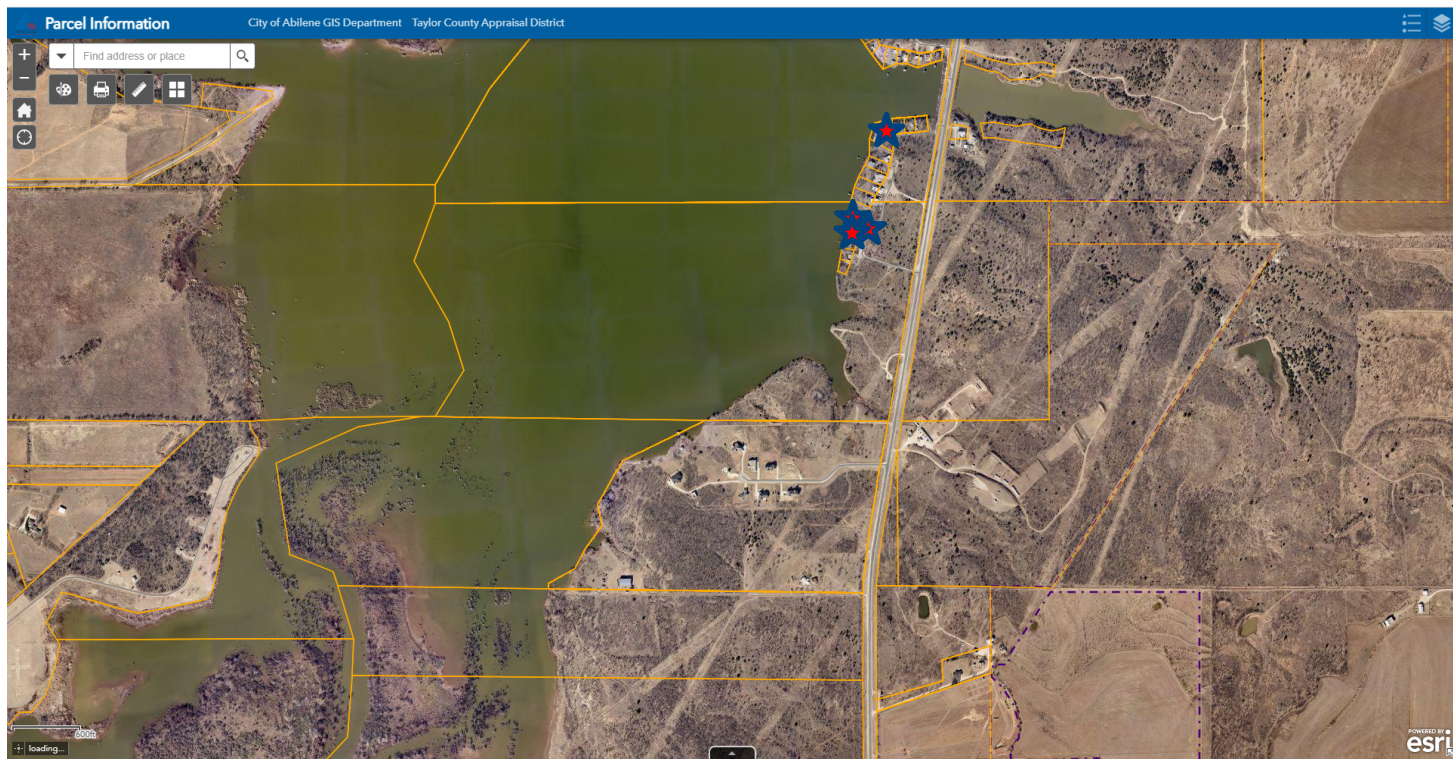


Middle Portion of Lake – 3 properties





Location Sites for Sale – Lake Fort Phantom



Southern Portion of Lake – 4 properties





Sale of Real Property (Vacant Lots) at Lake Fort Phantom, Jones County, Abilene, Texas

Tracts for Sale:

Lake Fort Phantom Hill Addition:

Lot 32, Block A, Section 1
Lot 101, Block D, Section 2
Lot 26, Block A, Section 3
Lot 5, Block D, Section 4
Lot 35, Block A, Section 5
Lot 9, Block A, Section 6
Lot 15, Block A, Section 6
Lot 14, Block H, Section 6

Lot 3, Block D, Section 2
Lot 1, Block A, Section 3
Lot 3, Block B, Section 4
Lot 12, Block A, Section 5
Lot 8, Block A, Section 6
Lot 10, Block A, Section 6
Lot 14, Block G, Section 6

Clear Fork River Addition:

Lot 101, Block A





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 11/2/2023

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 8. Resolution: Receive a Report, Hold a Discussion and Take Action on Approval of an Interlocal Agreement Between the City of Abilene, Taylor County, and the Abilene-Taylor County Events Venue District for Election Costs (Stanley Smith)

GENERAL INFORMATION

The Abilene-Taylor County Events Venue District is holding a special election on November 7, 2023, to authorize the Events Venue District to finance a venue project: i.e. City of Abilene Frontier Texas! and the EXPO Center of Taylor County.

The Events Venue District seeks to enter into an Interlocal Agreement with the City of Abilene and Taylor County for the costs of the election, whereby the City and the County will pay the costs of the election, and the Events Venue District shall reimburse the City and County for the cost.

The City and County shall each pay 1/2 of the cost, and the Events Venue District shall repay the cost in the amount of \$10,000 per month beginning October 1, 2024, as set forth in the Interlocal Agreement.

Additionally, the Events Venue District is agreeing to set aside sufficient funds beginning January 2042 for its 2043 election costs.

SPECIAL CONSIDERATIONS

The Abilene-Taylor County Events Venue District has entered into an Agreement with the Taylor County Elections Administrator for the election services.

FUNDING/FISCAL IMPACT

The estimated cost to the City of Abilene is 1/2 of \$65,898.29, being \$32,949.15.

STAFF RECOMMENDATION

Staff recommends approval of the Interlocal Agreement between the City of Abilene, Taylor County, and the Abilene-Taylor County Events Venue District.

BOARD OR COMMISSION RECOMMENDATION

The Taylor County Commissioners' Court approved the Interlocal Agreement at its October 24, 2023 meeting.

ATTACHMENTS:

1. 2023 Resolution Interlocal Agreement Events Venue District
2. Venue Board Elections Interlocal Agreement 10-24-23 (002)
3. Interlocal Agreement with County and Events Venue District

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING AN INTERLOCAL AGREEMENT WITH TAYLOR COUNTY, TEXAS
AND THE ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT**

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, the Abilene-Taylor County Events Venue District is holding a special election on November 7, 2023, to authorize the Events Venue District to finance a venue project: i.e. City of Abilene Frontier Texas! and the EXPO Center of Taylor County; and

WHEREAS, the Events Venue District seeks to enter into an Interlocal Agreement with the City of Abilene and Taylor County for the costs of the election, whereby the City and the County will pay the costs of the election, and the Events Venue District shall reimburse the City and County for the cost; and

WHEREAS, the City and County shall each pay 1/2 of the cost, and the Events Venue District shall repay the cost in the amount of \$10,000 per month beginning October 1, 2024, as set forth in the Interlocal Agreement; and

WHEREAS, the Taylor County Commissioners' Court approved the Interlocal Agreement at its October 24, 2023 meeting.

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

Part 1: That the City Council, pursuant to Section 42.022 of the Texas Local Government Code, hereby authorizes the City Manager to enter into an Interlocal Agreement with Taylor County, Texas and the Abilene-Taylor County Events Venue District for the costs to hold a special election to authorize the Events Venue District to finance a venue project.

Part 2: That this Resolution becomes effective immediately upon adoption.

ADOPTED this 2nd day of November, 2023.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

**INTERLOCAL AGREEMENT BETWEEN TAYLOR COUNTY, TEXAS, CITY OF
ABILENE, TEXAS, AND ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT**

THE STATE OF TEXAS §

COUNTY OF TAYLOR §

This Interlocal Agreement ("Agreement") is entered by and among **Taylor County, Texas** ("County"), the **City of Abilene, Texas** (the "City"), and the **Abilene-Taylor County Events Venue District** ("District"). The purpose of this Agreement is to fund the District's cost to participate in a joint election on the uniform election date of November 7, 2023.

RECITALS

WHEREAS, Chapter 791 of the Texas Government Code authorizes interlocal agreements between local governmental entities such as the County, City and District, including but not limited to personnel services; and

WHEREAS, the District is holding a Special Election on the uniform election date of November 7, 2023, (the "Election") to vote for or against on the following ballot measure:

ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT PROPOSITION A

Authorizing the Abilene-Taylor County Events Venue District to finance a venue project for the planning, acquisition, establishment, development, construction, renovation, maintenance and/or operation of the Venue Project, to-wit: City of Abilene Frontier Texas!, a museum and visitors center for transportation and Western Heritage; and the Expo Center of Taylor County; together with related infrastructure and other related improvements, and to impose a hotel occupancy tax at a maximum rate of two percent (2%) of the price paid for a room in a hotel in the City of Abilene, Texas and Taylor County, Texas for the purpose of financing the Venue Project, as provided by Chapter 335, Local Government Code, as amended. If approved, the maximum hotel occupancy tax rate imposed from all sources in Abilene-Taylor County Events Venue District would be fifteen percent (15%) of the price paid for a room in a hotel; and

WHEREAS, the District and the County will be entering into a Joint Election Agreement and Contract for Election Services (see Exhibit "A" hereto) relating to the above-quoted ballot measure; and

WHEREAS, the District's estimated share of the cost of participating in the Joint Election is \$65,898.29; and

WHEREAS, in November 2023 after the Joint Election, the Taylor County Elections Administrator will send an invoice to the District requiring payment of the District's actual share of the cost in the Joint Election; and

WHEREAS, as shown by the above ballot measure, the District's activities provide substantial benefits to the County, the City, and their citizens; and

WHEREAS, the County and the City have agreed to advance funds to pay the District's actual share of the cost for the Joint Election after the Taylor County Elections Administrator sends the invoice to the District; and

WHEREAS, the District has agreed to pay back the County and the City the amount of the District's actual share of the cost for the Joint Election as reflected in the invoice; and

WHEREAS, the County, City and District have determined that this Agreement will serve a public purpose for all Parties.

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth in this Agreement, County, City, and District agree as follows:

COUNTY'S OBLIGATION

County shall advance one-half (1/2) of the District's actual cost of participating in the Joint Election.

CITY'S OBLIGATION

City shall advance one-half (1/2) of the District's actual cost of participating in the Joint Election.

DISTRICT'S OBLIGATIONS

1. District shall pay back County and City the amounts paid by them for District's actual cost for participating in the Joint Election in the total amount of Ten-Thousand Dollars (\$10,000.00) a month beginning on October 1, 2024 and ending when the District has paid back the cost in its entirety. The District shall make the October 1, 2024 payment to City, the November 1, 2024 payment to County, the December 1, 2024 payment to City, the January 1, 2025 payment to County, the February 1, 2025 payment to City, and the March 1, 2025 payment to County. District shall continue to make payments until it has paid back in full its actual cost of the election.

2. Beginning in January 2042, District shall set aside money to pay for its share of the cost of a 2043 election.

TERM AND TERMINATION

The term of this Agreement shall commence on October 1, 2023 and end after the 2043 election.

NOTICES

Any notice permitted or required to be given to a party to this Agreement may be given by certified, United States Mail, return receipt requested, postage prepaid, properly addressed to the party or by other agreed-upon delivery.

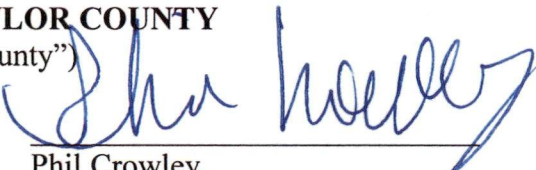
MISCELLANEOUS PROVISIONS

1. This Agreement represents the entire agreement of the parties and supersedes any verbal or written representations of, to, or by the parties to each other.
2. If any term in this Agreement shall be found to be invalid, the remainder of this Agreement shall not be affected thereby, and each remaining term shall be valid and shall be enforced to the fullest extent permitted by law.
3. This Agreement may be amended by written agreement of the parties.
4. This Agreement shall be governed by the laws of the State of Texas and venue for the enforcement of this Agreement shall be in Taylor County, Texas.
5. Each party paying for the performance of governmental functions or services must make those payments from current revenues.
6. This Agreement shall be construed in a manner consistent with the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as it may hereafter be amended.
7. This Agreement is not intended to be a joint enterprise. Each party retains its immunities under applicable laws. No party indemnifies the other parties herein.

AGREED, SIGNED, and ENTERED by the duly authorized officers of Taylor County, the City of Abilene, and the Abilene-Taylor County Events Venue District on the dates hereinafter indicated.

TAYLOR COUNTY
("County")

By:


Phil Crowley,
Taylor County Judge

Date:

10-24-25

Attest:

By:


Hon. Brandi DeRemer,
Taylor County Clerk



CITY OF ABILENE
("City")

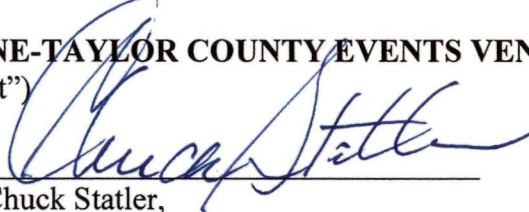
By: _____
Robert Hanna,
City Manager

Date: _____

Attest:

By: _____
Shawna Atkinson,
City Secretary

ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT
("District")

By:  _____
Chuck Statler,
Chair

Date: 10/24/23

THE STATE OF TEXAS § **EXHIBIT "A"**
COUNTY OF TAYLOR §

JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES

THIS JOINT AGREEMENT AND CONTRACT FOR ELECTIONS SERVICES is made by and between Taylor County, a body corporate and politic under the laws of the State of Texas, hereinafter referred to as "County," acting by and through Freda Ragan, Taylor County Elections Administrator, hereinafter referred to as "Elections Administrator," and the Abilene-Taylor County Events Venue District, hereinafter referred to as "Political Subdivision" or the "District" and individually a "Party" and together, the "Parties."

This joint election agreement and contract for election services ("Agreement") is made pursuant to Texas Election Code Sections 31.092 and 271.002, as amended, for a joint **November 7, 2023** election to be administered by Freda Ragan, Taylor County Elections Administrator, hereinafter referred to as "Elections Administrator."

RECITALS

WHEREAS, The City of Abilene is holding a Special Election on the uniform election date of November 7, 2023 (the "Election") to vote for or against on the following ballot measure;

ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT PROPOSITION A

Authorizing the Abilene-Taylor County Events Venue District to finance a venue project for the planning, acquisition, establishment, development, construction, renovation, maintenance and/or operation of the Venue Project, to-wit: City of Abilene Frontier Texas!, a museum and visitors center for transportation and Western Heritage; and the Expo Center of Taylor County; together with related infrastructure and other related improvements, and to impose a hotel occupancy tax at a maximum rate of two percent (2%) of the price paid for a room in a hotel in the City of Abilene, Texas and Taylor County, Texas for the purpose of financing the Venue Project, as provided by Chapter 335, Local Government Code, as amended. If approved, the maximum hotel occupancy tax rate imposed from all sources in Abilene-Taylor County Events Venue District would be fifteen percent (15%) of the price paid for a room in a hotel.

WHEREAS, The County owns an electronic voting system, the Hart Intercivic Verity Duo Voting System, which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122, as amended, and is compliant with the accessibility requirements for persons with disabilities, set forth by Texas Election Code Section 61.012. Political Subdivision desires to use the County's electronic voting system and to compensate the County for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, **IT IS AGREED** as follows:

I. ADMINISTRATION

The Parties agree to hold a "Joint Election" in accordance with Chapter 271 of the Texas Election Code, as amended, and this Agreement. The Taylor County Elections Administrator shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this Agreement. Political Subdivision agrees to pay the Taylor County Elections Administrator for the District's proportionate share of equipment, supplies, services, and administrative costs as provided in this Agreement. The Taylor County Elections Administrator shall serve as the administrator for the Joint Election; however, the Political Subdivision shall remain responsible for the lawful conduct of the Election. The Elections Administrator shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of the Political Subdivision in regard to the Election.

It is understood that other political subdivisions may wish to participate in the use of the County's electronic voting system and polling places, and it is agreed that Taylor County and the Elections Administrator may enter into other joint election agreements and contracts for election services for those purposes on terms and conditions generally similar to those set forth in this Agreement. Political Subdivision agrees that Taylor County may enter into joint election agreements with other political subdivisions that may have territory located partially or wholly within the boundaries of Political Subdivision, and in such case all parties sharing common territory shall share a joint ballot on the County's electronic voting system at the applicable polling locations.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

II. LEGAL DOCUMENTS

Political Subdivision shall be responsible for the preparation, adoption, and publication of all required Election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code or applicable Texas law.

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of Political Subdivision, including translation to languages other than English.

III. VOTING LOCATIONS

Taylor County has adopted a countywide polling location program. Voters from political subdivisions participating in this Joint Election may cast a ballot at any polling location open for this Election. The Elections Administrator will coordinate and arrange for Early Voting and Election Day voting locations. The Elections Administrator shall notify each participating political subdivision of the voting locations and any necessary changes to such locations.

If polling places for the November 7, 2023 Joint Election are different from the polling place(s) used by the Political Subdivision in its most recent election, the Elections Administrator agrees to post a notice no later than Friday, October 27, 2023 at the entrance to any previous polling locations in the jurisdiction stating that the polling location has changed and stating the polling location names and addresses in effect for the November 7, 2023 election.

The Parties agree and acknowledge that early and Election Day polling locations, as well as dates and times for voting, are subject to change, including, but not limited to, complying with social distancing, health, or safety requirements or restrictions, or any other requirement or restriction, established by a Governor's Executive Order or local emergency declaration or order.

IV. ELECTION JUDGES, CLERKS, AND OTHER PERSONNEL

The County shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code, as amended. The Elections Administrator shall recruit polling location officials who are bilingual (fluent in both English and Spanish). The Elections Administrator shall make emergency appointments of Election officials if necessary.

The Elections Administrator shall notify all Election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, as amended, and will take the necessary steps to insure that all Election judges appointed for the Joint Election are eligible to serve.

The Elections Administrator shall arrange for the training and compensation of all Election judges and clerks. The Elections Administrator shall arrange for the date, time, and place for presiding Election judges to pick up their Election supplies. Each presiding Election judge will be sent a letter from the Elections Administrator notifying the person of the appointment, the time and location of training and distribution of Election supplies, and the number of Election clerks that the presiding judge may appoint for the Election.

Each Election judge and clerk will receive compensation at an hourly rate established by the County pursuant to Texas Election Code Section 32.091, as amended. Judges and Clerks will be compensated for actual time spent working at a polling location and time spent attending any training classes required to successfully conduct the Election.

The Election judge will receive an additional sum of \$25.00 for picking up the Election supplies prior to Election Day and for returning the supplies and equipment to the Central Counting Station after the polls have closed.

The Elections Administrator may employ other personnel necessary for the proper administration of the Election, including such part-time help as is necessary to prepare for the Election, to ensure the timely delivery of supplies during early voting and on Election Day, and for the efficient tabulation of ballots at the central counting station. Part-time personnel working in support of the Early Voting Ballot Board and/or Central Counting Station on Election night will be compensated at the rate set by the County.

V. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The Elections Administrator shall arrange for all Election supplies and voting equipment including, but not limited to official ballots, sample ballots, voter registration lists, and all forms, signs, maps and other materials used by the Election judges at the polling locations. At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

Political Subdivision shall furnish the Elections Administrator a list of all candidates and/or propositions showing the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot. Ballot drawing shall be conducted by each political subdivision and the results of such drawing shall be reported to the Elections Administrator. Candidate names will be listed on the official ballot in the order determined by the ballot drawing. Political Subdivision shall be responsible for proofreading and approving the ballot insofar as it pertains to Political Subdivision's candidates and/or propositions.

VI. EARLY VOTING

The participating authorities agree to conduct joint early voting and to appoint the Elections Administrator as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code, as amended. The participating authorities agree to appoint the Elections Administrator's permanent County employees as deputy early voting clerks. The participating authorities further agree that the Elections Administrator may appoint other deputy early voting clerks to assist in the conduct of early voting as necessary, and that these additional deputy early voting clerks shall be compensated at an hourly rate set by the County pursuant to Section 83.052 of the Texas Election Code, as amended.

The Elections Administrator will coordinate and arrange for the use of early polling locations. After all candidate filing deadlines and candidate withdrawal deadlines have passed, final early polling locations will be determined. The Elections Administrator shall notify each participating political subdivision of the early polling locations and any necessary changes to such locations. Any qualified voter of the Joint Election may vote early by personal appearance at any one of the joint early polling locations.

As Early Voting Clerk, the Elections Administrator shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code, as amended. Any requests for early voting ballots to be voted by mail for the Election received by Political Subdivision shall be forwarded immediately by regular mail, email, fax or courier to the Elections Administrator for processing.

VII. EARLY VOTING BALLOT BOARD

An Early Voting Ballot Board shall be created to process early voting results from the Joint Election. The Election Administrator shall appoint the Presiding Judge and Alternate Judge of the Early Voting Ballot Board. The Presiding Judge, with the assistance of the Elections Administrator, shall appoint two or more members to constitute the Early Voting Ballot Board.

VIII. CENTRAL COUNTING STATION AND ELECTION RETURNS

The Elections Administrator shall be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code, as amended, and this Agreement.

The participating authorities hereby, in accordance with Sections 127.002, 127.003, and 127.005 of the Texas Election Code, as amended, appoint the following central counting station officials:

Counting Station Manager	Freda Ragan, Elections Administrator
Tabulation Supervisor	Justine Phillips, Deputy Elections Clerk
Presiding Judge	Not yet Appointed
Alternate Judge	Not yet Appointed

The Counting Station Manager or his/her representative shall deliver timely cumulative reports of the Election results as polling locations report to the central counting station and are tabulated. The Counting Station Manager shall be responsible for releasing cumulative totals and precinct returns from the Election to the joint participants, candidates, press, and general public by distribution of hard copies or electronic transmittals by facsimile (when so requested).

The Elections Administrator will prepare the unofficial canvass reports after all ballots have been counted, and will deliver a copy of the unofficial canvass to the Political Subdivision as soon as possible after all returns have been tabulated. All participating authorities shall be responsible for the official canvass of their respective elections.

The Elections Administrator shall be responsible for conducting the post Election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State.

IX. RUNOFF ELECTION

Political Subdivision shall have the option of extending the terms of this Agreement through its runoff election, if applicable. In the event of such runoff election, the terms of this agreement shall automatically extend unless the Political Subdivision notifies the Elections Administrator in writing within 10 days of the original election.

Political Subdivision shall reserve the right to reduce the number of early voting locations and/or Election Day voting locations in any runoff election.

X. ELECTION EXPENSES AND ALLOCATION OF COSTS

Any election held by Political Subdivision will be at the expense of the Political Subdivision. In the event of joint elections, it is agreed between all participating authorities to share the costs of administering the Joint Election. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared among the total number of political subdivisions so participating.

Any expenses incurred in the rental of polling location facilities shall be pro-rated among the participants to the Joint Election.

It is agreed that the normal rental rate charged for the County's voting equipment used on Election Day shall be pro-rated among the participants to this Joint Election.

Each participating political subdivision shall share the cost and reimburse the County for the wages of Early Voting Election Clerks that are appointed and employed to work at the early polling locations.

Each participating political subdivision agrees to reimburse the County for the wages for Election Day Judges and Clerks.

Each participating political subdivision shall share the cost and reimburse the County for overtime wages at time and a half to the permanent employees of the Elections Administrator for contractual duties performed outside the normal business hours of the County in accordance with Section 31.100(e) of the Texas Election Code, as amended.

Political Subdivision agrees to pay the County an administrative fee equal to ten percent (10%) of the District's total proportionate share of the Election cost in accordance with Section 31.100(d) of the Texas Election Code, as amended.

Estimated cost of services is stated in Attachment "A" hereto.

XI. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Political Subdivision may withdraw from this Agreement and the Joint Election should it cancel its Election in accordance with applicable law. In the event of a cancellation under this section, the Elections Administrator shall be entitled to receive an administrative fee of \$75.00. The Elections Administrator shall submit an invoice for such fee within 15 days of any such cancellation notice.

XII. RECORDS OF THE ELECTION

The Elections Administrator is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the Election records shall be available to each participating authority as well as to the public in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act, as amended. The Election records shall be stored at the office of the Elections Administrator. The Elections Administrator shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the Election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code, as amended. If records of the Election are involved in any pending Election contest, investigation, litigation, or open records request, the Elections Administrator shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of Political Subdivision to bring to the attention of the Elections Administrator any notice of pending Election contest, investigation, litigation or open records request which may be filed with Political Subdivision.

XIII. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code, as amended. Political Subdivision agrees that any recount shall take place at the offices of the Elections Administrator, and that the Elections Administrator shall serve as Recount Supervisor and Political Subdivision's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

XIV. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, that other districts and political subdivisions may wish to participate in the use of the County's Election equipment and polling locations, and it is agreed that the Elections Administrator may contract with such other districts or political subdivisions for such purposes and that in such event there shall be an adjustment of the share to be paid to the County by the participating authorities, as appropriate.
2. The Elections Administrator shall file copies of this Agreement with the Taylor County Treasurer and the Taylor County Auditor in accordance with Section 31.099 of the Texas Election Code, as amended.
3. In the event that legal action is filed challenging Political Subdivision's Election, each Party hereto shall defend its own actions, officials and employees.
4. Nothing in this Agreement prevents any Party from taking appropriate legal action against any other party and/or other election personnel for a breach of this Agreement or a violation of the Texas Election Code.
5. No Party to this Agreement shall be liable for delay or failure in the performance of its contractual obligations caused by or arising from any one or more events that are beyond its reasonable control, including, but not limited to, the following events: act of God; war; terrorism; riot; plague; epidemic; pandemic; outbreak of infectious disease or any other public health crisis or disaster; order or act of civil or military authority; or compliance with any law or governmental order, rule, regulation, or direction. Upon such delay or failure affecting one Party, that Party shall notify the other Party and use all reasonable efforts to cure or alleviate the cause of such delay or failure with a view to resuming performance of its contractual obligations as soon as practicable. Notwithstanding the foregoing, in every case the delay or failure to perform must be beyond the control and without the fault or negligence of the Party claiming excusable delay.
6. Taylor County and Political Subdivision agree that under the Constitution and laws of the State of Texas, neither Taylor County nor the Political Subdivision can enter into an agreement whereby either party agrees to indemnify or hold harmless another party; therefore, all references of any kind, if any, to indemnifying or holding or saving harmless for any reason are hereby deleted.
7. This agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Taylor County, Texas.
8. In the event one or more of the provisions contained in the Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
9. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
10. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.

11. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.

XV. FINAL OBLIGATION AND PAYMENT

Political Subdivision agrees it is obligated to pay to Taylor County all of the Political Subdivision's proportionate share of the Joint Election charges, fees, expenses, and costs as set forth under the terms of this Agreement, with the exact amount of the Political Subdivision's financial obligation under the terms of this Agreement to be timely calculated after the Joint Election.

XVI. JOINT CONTRACT ACCEPTANCE AND APPROVAL

IN TESTIMONY HEREOF, this agreement has been executed on behalf of the parties hereto as follows, to-wit:

- (1) It has on the ____ day of _____, 2023 been executed by the Taylor County Elections Administrator pursuant to the Texas Election Code so authorizing;
- (2) It has on the ____ day of _____, 2023 been executed on behalf of the City of Abilene pursuant to an action of the Abilene Taylor County Events Venue District so authorizing;

ACCEPTED AND AGREED TO BY THE ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT:

APPROVED:

By: _____
Chuck Statler, Chairman

ATTESTED:

Board Secretary

ACCEPTED AND AGREED TO BY TAYLOR COUNTY ELECTIONS ADMINISTRATOR:

APPROVED:

By: _____
Freda Ragan
Elections Administrator

ESTIMATED

Cost Share per Political Subdivision Joint Constitutional Amendments & Special Elections November 7, 2023

District	# of Registered Voters as of 8/14/23	% Share
Taylor County	85,162	32.66%
Abilene Taylor County Venue District	85,162	32.66%
City of Abilene	67,073	25.72%
Wylie ISD	19,622	07.52%
Winters ISD	45	00.02%
Merkel ISD	3699	01.42%
TOTAL	260,763	100.00%

Total Estimated Cost of Election (less 10% Admin Cost)	\$186,366.00
Less \$1,000 Base Charge per Entity	\$6,000.00
Total to be used to allocate % Cost to each entity	\$180,366.00

District	%Share	Cost	Base Charge	10% Admin	Total Estimated Cost
Taylor County	32.66%	58,907.54	1,000.00	5,990.75	65,898.29
Abilene-Taylor County Venue District	32.66%	58,907.54	1,000.00	5,990.75	65,898.29
City of Abilene	25.72%	46,390.14	1,000.00	4,739.01	52,129.15
Wylie ISD	07.52%	13,563.52	3,996.00*	1,755.95	19,315.47
Winters ISD	00.02%	36.06	1,000.00	103.61	1,139.67
Merkel ISD	01.42%	2,561.20	1,000.00	356.12	3,917.32
TOTAL	100.00%	180,366.00	8,996.00	18,936.19	208,298.19

*Includes \$2,996.00 – additional cost for election clerks for early voting on Saturday & Sunday (October 28th & 29th) at Taylor County Plaza and Mall of Abilene

NOTE: Final Cost will be based upon actual number of registered voters that registered by the deadline to register of October 10, 2023

APPROVE INTERLOCAL AGREEMENT WITH TAYLOR COUNTY AND THE ABILENE-TAYLOR COUNTY EVENTS VENUE DISTRICT





**City Council
Agenda Memo**

City Council Meeting Date: 11/2/2023

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **9. Ordinance (Final Reading) Z-2023-30:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from the City of Abilene, represented by Jacob & Martin, to change the zoning of approximately 225.93 acres from Agricultural Open to Planned Development District 184, to allow base zoning districts of General Commercial along SE 11th Street and Loop 322 and Agricultural Open, for the Abilene Zoo. Located at 2070 Zoo Lane and 1042 Loop 322. *(Tim Littlejohn)*

GENERAL INFORMATION

- The existing uses in Grover Nelson Park will continue.
- The applicant proposes to replat the property. The plat will set the boundary between the two base zoning districts at a location that is generally consistent with the boundary shown on the attached PDD concept plan.
- The creation of the General Commercial base zoning district will maximize the use of the PD and help to facilitate additional improvements to Nelson Park and the Abilene Zoo.

SPECIAL CONSIDERATIONS

A proposed concept plan showing the two base zoning districts and the proposed PD narrative outlining the proposed base zoning districts and development standards is included.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

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

1. The use and development of PDD-184 shall be subject to the proposed concept plan and to the proposed ordinance.
2. A plat of PDD-184 shall be filed within one (1) year from the date in which the PDD is approved by City Council.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5-0.

ATTACHMENTS:

1. Z-2023-30 Ordinance
2. PD Concept Exhibit
3. 6323-FP Final Plat Nelson Park
4. Z-2023-30 Staff Report
5. 1001 Parsons Road
6. 749 Parson Rd (2nd Notice)
7. 942 Parsons Road
8. 749 Parsons Road
9. 833 Parsons Road
10. 1557 Squires Road (2nd Notice)
11. 1533 Yeomans Road (2nd Notice)
12. 6223-PP Nelson Park
13. Z-2023-30 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 CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than 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 26th day of October, 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 18th day of August, 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 2nd day of November, 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 2nd day of November, 2023.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT B

Proposed Base Zoning District, Land Uses, and Specific Modifications

Base Zoning –

- The base zoning districts of the property in PDD-184 shall be Agricultural Open (AO) and General Commercial (GC), as shown in Exhibit B.
- The precise boundary between the two base zoning districts shall be established by a plat that is generally consistent conceptual boundary show in Exhibit B.

Permitted Uses –

- All uses permitted by right in the Agricultural Open (AO) zoning district and General Commercial (GC) zoning district, as each may be amended, shall be permitted within each specific base zoning district.

Building Setbacks –

- Building setbacks shall be 10' from interior side and rear yard.
- Lots located along a street frontage shall provide a front yard setback that is consistent with the requirements of the Land Development Code
- Lots that do not have street frontage shall provide a 10' front yard setback.

Lot Requirements –

- All lots in PDD-184 are not required to have street frontage.
- Access easements shall be required to be dedicated by a plat amendment to any lot that does not have street frontage.
- Lots within the GC base zoning district shall not be required to comply with any lot width, lot depth, or minimum floor area ratio (FAR) requirements.

Buffer Yards –

- If a property in the GC base zoning district adjoins a property in the AO base zoning district, a buffer yard shall not be required.
- Buffer yards shall be required whenever any property in PDD-184 adjoins any residential zoning district, including the AO district, outside of PDD-184.

Signs –

- Signs in PDD-184 shall be subject to all applicable Sign Regulations.
- The use of group signs for any uses within PDD-184 shall be permitted.

Platting –

- A plat of PDD-184 shall be recorded within one (1) year of the approval of PDD-184 by City Council.

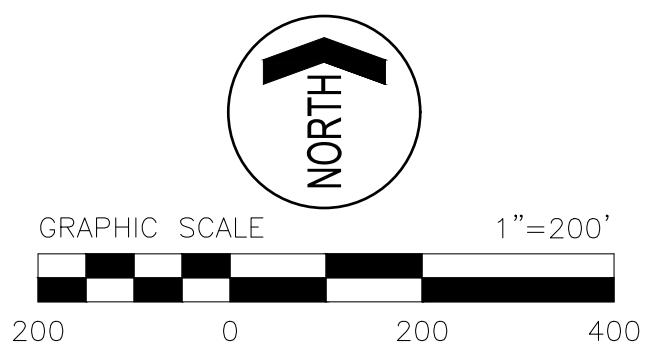
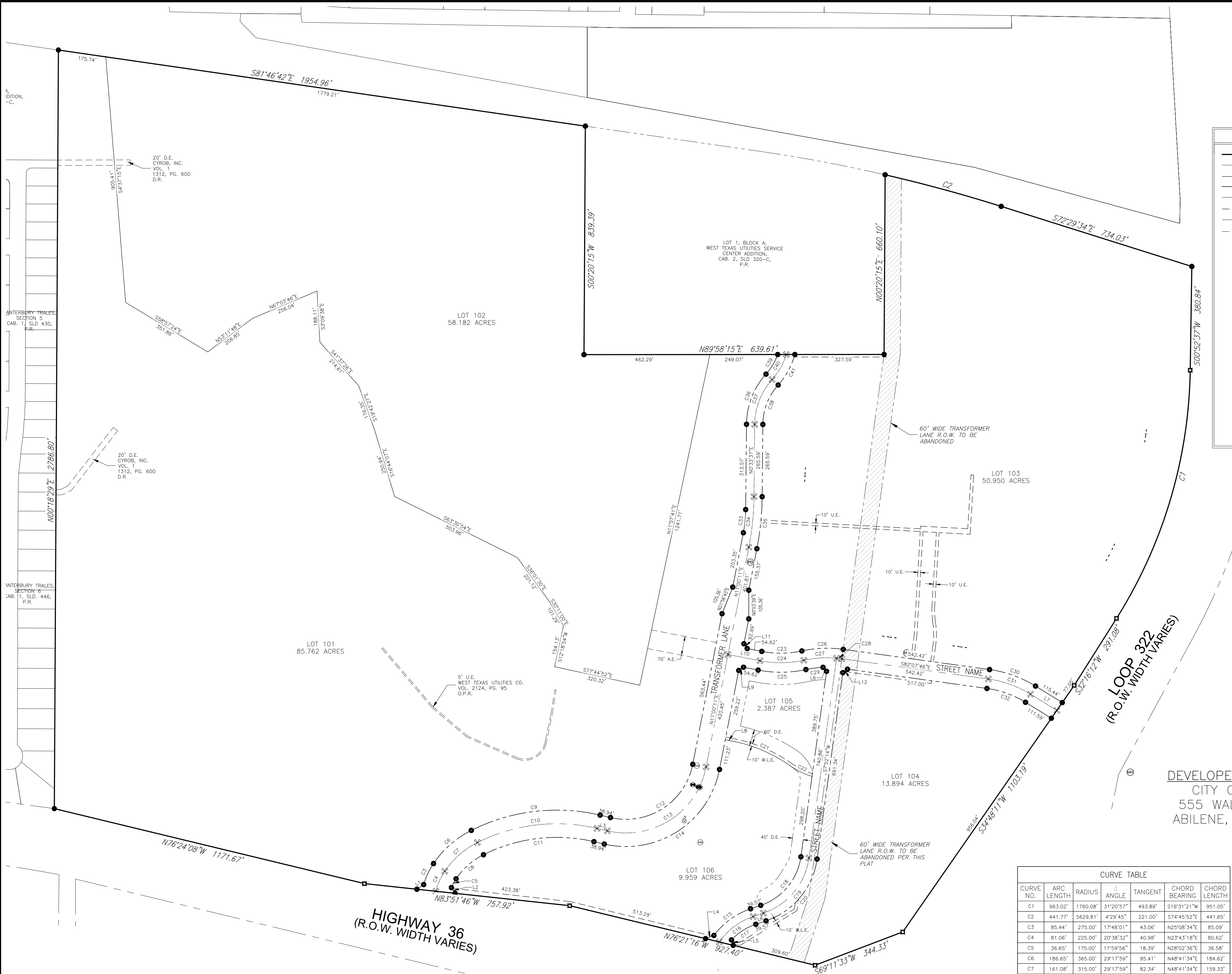
ORDINANCE NO. _____

EXHIBIT C

Concept Plan



-END-



LEGEND

- SUBDIVISION BOUNDARY
- ADJACENT PROPERTY
- PROPOSED LOT LINES
- PROP. STREET R.O.W.
- EXIST. STREET R.O.W.
- PROP. UTILITY EASEMENTS
- PROP. DRAINAGE EASEMENTS
- EXIST. UTILITY EASEMENTS

● SET 1/2 INCH REBAR ROD WITH PLASTIC CAP STAMPED "J&M BOUNDARY"

✱ SET MAGNAIL WITH METAL WASHER

● FOUND 1/2 INCH REBAR ROD WITH PLASTIC CAP STAMPED "H&T" (UNLESS OTHERWISE NOTED)

■ FOUND TXDOT CONCRETE MONUMENT

A.E. = ACCESS EASEMENTS
U.E. = UTILITY EASEMENTS
D.E. = DRAINAGE EASEMENTS
S.L.E. = STREET LIGHT EASEMENTS
N.A.E. = NON-ACCESS EASEMENTS
D.R. = DEED RECORDS, TAYLOR CO., TX.
P.R. = PLAT RECORDS, TAYLOR CO., TX.
O.P.R. = OFFICIAL PUBLIC RECORDS, TAYLOR CO., TEXAS

PLAT NOTES:

1. AREA OF SUBDIVISION = 230.206 ACRES, AREA OF ALL PUBLIC R.O.W. DEDICATIONS IS 9.073 ACRES.
2. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO TAYLOR COUNTY FEMA FIRM MAP NO. XXXXXXXX EFFECTIVE JANUARY 6, 2012.
3. NO LAND WITHIN THIS SUBDIVISION WILL BE DEDICATED FOR PARKS, OR OPEN SPACE.
4. THIS SUBDIVISION IS LOCATED ENTIRELY WITHIN THE CITY LIMITS OF THE CITY OF ABILENE, TEXAS.
5. BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF ABILENE ZONING REGULATIONS.
6. UPON COMPLETION OF THE SUBDIVISION STREETS, BURIED UTILITIES, AND FINAL GRADING, MONUMENTATION WILL BE SET AS FOLLOWS: CENTERLINE MARKERS ARE MAG-NAILS WITH WASHERS; LOT CORNERS ARE 1/2" REBAR RODS WITH PLASTIC CAPS STAMPED "J&M BOUNDARY"
7. IF OBSTACLES (FENCES, TRANSFORMERS, OPEN TRENCHES, ETC.) ARE ENCOUNTERED DURING THE COURSE OF SETTING MONUMENTATION, THOSE AFFECTED LOT CORNERS WILL BE SET AT AN OFFSET ALONG THEIR RESPECTIVE LOT LINES AT A WHOLE FOOT INTERVAL BETWEEN 1 AND 6 FEET. SURVEYOR WILL SET SAID OFFSET AS CLOSE AS PRACTICAL TO ACTUAL LOT CORNER AND WILL KEEP RECORD OF THE FINAL STAKED LOCATION.

BASIS OF BEARINGS:
BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE BASED ON GRID NORTH REFERENCE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, AND NAD 83 AS DETERMINED FROM GPS SURVEY DATA. DISTANCES CAN BE CONVERTED TO SURFACE BY MULTIPLYING EACH BY THE COMBINED SCALE FACTOR OF 1.000142119.

FINISHED FLOOR ELEVATION:
ALL FINISHED FLOOR ELEVATIONS SHALL BE 18" MINIMUM ABOVE THE HIGHEST ADJACENT STREET CURB AND 12" MINIMUM ABOVE THE HIGHEST ADJACENT GROUND ELEVATION.

NELSON PARK SUBDIVISION REPLAT
BEING A REPLAT OF ALL OF LOT 1, BLOCK A,
NELSON PARK SUBDIVISION AND 173.934 ACRES OUT
OF THE SW/4 OF SECTION NO. 46, BLIND ASYLUM
LANDS, ABSTRACT NO. 631, & NW/4 OF SECTION
NO. 46, BLIND ASYLUM LANDS, ABSTRACT NO. 882,
CITY OF ABILENE,
TAYLOR COUNTY, TEXAS

DEVELOPER/SUBDIVIDER:
CITY OF ABILENE
555 WALNUT STREET
ABILENE, TEXAS 79601

CURVE TABLE					
CURVE NO.	ARC LENGTH	RADIUS	ANGLE	TANGENT	CHORD BEARING
C1	963.02'	1760.08'	31°20'57"	493.89'	S16°31'21"W
C2	441.77'	5629.81'	4°29'45"	221.00'	S74°45'52"E
C3	85.44'	275.00'	17°48'01"	43.06'	N25°08'34"E
C4	81.06'	225.00'	20°38'32"	40.98'	N23°43'18"E
C5	36.65'	175.00'	11°59'56"	18.39'	N28°02'36"E
C6	186.65'	365.00'	29°17'59"	95.41'	N48°41'34"E
C7	161.08'	315.00'	29°17'59"	82.34'	N48°41'34"E
C8	135.51'	265.00'	29°17'59"	69.27'	N48°41'34"E
C9	486.15'	700.00'	39°47'31"	253.34'	N8°14'19"E
C10	451.43'	650.00'	39°47'31"	235.25'	N8°14'19"E
C11	416.70'	600.00'	39°47'31"	217.15'	N8°14'19"E
C12	402.00'	250.00'	92°07'53"	259.48'	N57°04'08"E
C13	482.40'	300.00'	92°07'53"	311.37'	N57°04'08"E
C14	562.80'	350.00'	92°07'53"	363.27'	N57°04'08"E
C15	168.94'	280.00'	34°34'11"	87.13'	S53°59'51"W
C16	158.31'	250.00'	36°16'54"	81.91'	S53°08'30"W
C17	107.44'	220.00'	27°58'56"	54.82'	S57°17'29"W
C18	243.48'	220.00'	63°24'42"	135.91'	S39°34'35"W
C19	276.69'	250.00'	63°24'42"	154.44'	S39°34'35"W
C20	309.89'	280.00'	63°24'42"	172.97'	S39°34'35"W
C21	231.36'	548.42'	24°10'17"	117.43'	S66°54'41"E

CURVE TABLE					
CURVE NO.	ARC LENGTH	RADIUS	ANGLE	TANGENT	CHORD BEARING
C22	90.36'	281.77'	16°22'25"	45.57'	S63°54'26"E
C23	148.21'	365.00'	23°15'56"	75.14'	S89°22'13"W
C24	162.42'	400.00'	23°15'56"	82.35'	N89°22'13"E
C25	176.64'	435.00'	23°15'56"	89.55'	N89°22'13"E
C26	152.85'	435.00'	20°07'59"	77.22'	S87°48'14"W
C27	120.97'	400.00'	17°19'37"	60.95'	N86°24'03"E
C28	19.59'	400.00'	2°48'22"	9.80'	S83°31'57"E
C29	63.52'	365.00'	9°58'16"	31.64'	N82°43'23"E
C30	180.61'	435.00'	23°47'19"	91.62'	N70°14'06"W
C31	166.08'	400.00'	23°47'19"	84.25'	S70°14'06"E
C32	151.55'	365.00'	23°47'19"	76.88'	N70°14'06"W
C33	85.66'	470.00'	10°26'34"	42.95'	N5°46'54"E
C34	186.82'	1025.00'	10°26'34"	93.67'	N5°46'54"E
C35	192.28'	1055.00'	10°26'34"	96.41'	N5°46'54"E
C36	201.93'	280.00'	41°19'17"	105.58'	N21°13'16"E
C37	180.30'	250.00'	41°19'17"	94.27'	N21°13'16"E
C38	158.66'	220.00'	41°19'17"	82.96'	N21°13'16"E
C39	84.34'	220.00'	21°57'56"	42.69'	N30°53'56"E
C40	106.65'	250.00'	24°26'31"	54.15'	N29°39'39"E
C41	128.84'	280.00'	26°21'51"	65.58'	N28°41'59"E

PLANNING COMMISSION

THIS PLAT IS HEREBY APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF ABILENE, TEXAS AND THE COUNTY CLERK IS HEREBY AUTHORIZED TO FILE SAID PLAT IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE CHAPTER 212, SUBCHAPTER A, AS AMENDED.

DATE: _____ CHAIRMAN: _____

ATTEST: _____ SECRETARY: _____

DATE: _____ PLANNING DIRECTOR: _____

PLANNING DIRECTOR

FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS.

DATE: _____ FILE NUMBER: _____

PLANNING DIRECTOR: _____

FEES: _____

DIRECTOR OF PUBLIC WORKS

THE DEDICATION FILED, IN CONNECTION WITH THIS PLAT IS HEREBY APPROVED AND ALL STREETS, ALLEYS, AND PUBLIC AREAS SHOWN HEREON ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF ABILENE, TEXAS.

DATE: _____ DIRECTOR OF PUBLIC WORKS: _____

COUNTY CLERK

I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN WAS FILED FOR RECORD ON _____

DATE: _____ FILE NUMBER: _____

COUNTY CLERK: _____ COUNTY TEXAS: _____

DEPUTY: _____

OWNER'S CERTIFICATE AND DEDICATION

THE UNDERSIGNED MANAGER OF THE HEREINAFTER DESCRIBED REAL PROPERTY HAS CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCKS, LOTS, STREETS AND ALLEYS UNDER THE NAME OF

NELSON PARK SUBDIVISION REPLAT
BEING A REPLAT OF ALL OF LOT 1,
BLOCK A, NELSON PARK SUBDIVISION
AND 173.934 ACRES OUT OF THE SW/4
OF SECTION NO. 46, BLIND ASYLUM
LANDS, ABSTRACT NO. 631, & NW/4
OF SECTION NO. 46, BLIND ASYLUM
LANDS, ABSTRACT NO. 882,
CITY OF ABILENE,
TAYLOR COUNTY, TEXAS

AS SHOWN ON THE ATTACHED PLAT AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER FOR ALL PUBLIC PURPOSES THE STREETS, ALLEYS, LANES, EASEMENTS, PARKS AND OTHER PUBLIC LANDS SHOWN THEREON. THE LANDS INCLUDED WITHIN SUCH PLAT OR SUBDIVISION ARE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

SEE ATTACHED METES & BOUNDS DESCRIPTION

EXECUTED THIS _____ DAY OF _____ A.D. 2023

ROBERT HANNA
CITY MANAGER, CITY OF ABILENE

ACKNOWLEDGEMENT

THE STATE OF TEXAS:
COUNTY OF TAYLOR:

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED

ROBERT HANNA

KNOWN TO ME TO BE THE PERSON AND MANAGER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID

CITY OF ABILENE

A LIMITED LIABILITY CORPORATION, AND THAT HE EXECUTED THE SAME AS THE ACT OF SUCH CORPORATION FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATES.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____ A.D. 2023

TAYLOR
COUNTY TEXAS

GENERAL NOTES

ACREAGE: 230.206 ACRES

SCALE: _____ SMALLEST LOT: _____ ACRES LARGEST LOT: _____ ACRES

LOT WIDTH: MIN _____ MAX _____ LOT DEPTH: MIN _____ MAX _____

CONCRETE MONUMENT FOUND (SYMBOL) CENTERLINE MARKER SET (SYMBOL)

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION

CERTIFICATION

I HEREBY CERTIFY THAT THE PLAT SUBMITTED HERewith REPRESENTS A TRUE SURVEY MADE BY THE UNDERSIGNED OR UNDER MY SUPERVISION ON THE GROUND AND THAT PERMANENT MARKERS AND MONUMENTS HAVE BEEN SET AS INDICATED ON THE PLAT AND IN ACCORDANCE WITH THE "SUBDIVISION REGULATIONS" OF THE CITY OF ABILENE.

PLAT DESCRIPTION:

NELSON PARK SUBDIVISION REPLAT
BEING A REPLAT OF ALL OF LOT 1,
BLOCK A, NELSON PARK SUBDIVISION
AND 173.934 ACRES OUT OF THE SW/4
OF SECTION NO. 46, BLIND ASYLUM
LANDS, ABSTRACT NO. 631, & NW/4
OF SECTION NO. 46, BLIND ASYLUM
LANDS, ABSTRACT NO. 882,
CITY OF ABILENE,
TAYLOR COUNTY, TEXAS

SIGNATURE: _____ (PRINT)
REGISTERED PROFESSIONAL LAND SURVEYOR

DATE: _____

PRELIMINARY
This document shall not be recorded for any purpose.

JACOB MARTIN
TBPELS FIRM # 10194493

3465 CURRY LANE
ABILENE, TX 79606
325-695-1070

1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76086
817-594-9880

4920 S. LOOP 289, STE 104
LUBBOCK, TX 79414
806-368-6375

ZONING CASE Z-2023-30

STAFF REPORT

Scheduled Hearings

Parks Board: September 19, 2023
Planning & Zoning Commission: October 3, 2023
City Council 1st Reading: October 26, 2023
City Council 2nd Reading: November 2, 2023

Applicant

Owner: City of Abilene
Agent: Jacob & Martin

Case Manager

Clarissa Ivey

Request

Change the zoning of approximately 225.93 acres from Agricultural Open (AO) to Planned Development District 184 (PDD-184) to create base zoning districts of General Commercial (GC) and Agricultural Open.

Location

2070 Zoo Lane and 1042 Loop 322

Background

- The existing uses in Grover Nelson Park will continue.
- The applicant proposes to replat the property. The plat will set the boundary between the two base zoning districts at a location that is generally consistent with the boundary shown on the attached PDD concept plan.
- The creation of the General Commercial base zoning district will maximize the use of the PD and help to facilitate additional improvements to Nelson Park and the Abilene Zoo.

Zoning, Existing and Proposed Land Use

Properties zoned Heavy Industrial (HI) are located north of the subject site. Residential-Single family (RS-6) and Medium Density (MD) zoning districts are located to the west. An Agricultural Open (AO) zoning district is located to the south. Properties zoned Planned Development – 98 (PDD-98), which allows commercial and industrial related uses, is located to the east.

Attached to this report is a proposed concept plan showing the two base zoning districts and the proposed PD narrative outlining the proposed base zoning districts and development standards.

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 Future Land Use Map recommends institutional uses at this location. The existing use of Nelson Park and the zoo is consistent with the recommended secondary land uses in institutional. The introduction of the GC base zoning district will facilitate additional improvements to Nelson Park and provide destination services for park patrons.

(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 subject property adjoins an existing residential development, but is adequately buffered by open space, trees, and fencing. The portion of the site designated for General Commercial (GC) uses is compatible with the surrounding uses to the north, south, and east, and is appropriate at the intersection of an arterial street and a regional highway.

(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.

Parks Board Recommendation

The Parks Board recommends approval per the conditions of the P&Z Recommendation.

P&Z Recommendation

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

1. The use and development of PDD-184 shall be subject to the proposed concept plan and to the proposed ordinance.
2. A plat of PDD-184 shall be filed within one (1) year from the date in which the PDD is approved by City Council.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor
N- Null

Owner

Owner	Property ID	Situs	Response
ADAMS JOHN W & SHERRY R	53504	1550 SIR THOPAS CT	
ATWELL RICHARD	98714	1733 E HWY 80	
BARBARCIK CARAH D	59704	1558 SEAMANS WY	
BAUGHMAN JACOB & PENNIE L	67796	1026 PARSONS RD	
BROSHEARS BRADLEE A	67563	1010 PARSONS RD	
BUTLER MICHAEL S	113863	1533 YEOMANS RD	O
BUTLER MICHAEL S	113863	1535 YEOMANS RD	
BYRD CAROL	70265	933 PARSONS RD	
CHAVIRA JOSE L & EMILIA D	70395	925 PARSONS RD	
COFFEY JUDITH ANN	71011	825 PARSONS RD	
Confidential Owner	67924	1034 PARSONS RD	
DIAZ MONICA F	69391	1033 PARSONS RD	
DILL PROPERTY MANAGEMENT LP	67236	1789 E HWY 80	
ENGLISH JOHN ALVIN JR &	67682	1018 PARSONS RD	
ESCOBEDO JACOB & TERESA A	51938	609 PARSONS RD	
FLORES JOSE L JR &	51550	633 PARSONS RD	
GENESIS CRUDE OIL L P	37942	1849 E HWY 80	
GUERRERO ADELINO & CONNIE	67038	934 PARSONS RD	
GUTIERREZ AMELIA M LF EST	68052	1042 PARSONS RD	
HISCOCK CAREY C & SLINA M	51041	725 PARSONS RD	
HOWARD ZACHARY & KAYLA	70757	901 PARSONS RD	
LANGSTON LINDA J	63056	1565 FRIARS ST	
LEXINGTON VACANT LAND LLC	987364		
LWM INC	70638	909 PARSONS RD	
MILLER MARSHA	69781	1009 PARSONS RD	
MIRELEZ JOE A O & SYLVIA	51676	625 PARSONS RD	
MITCHELL SANDRA LOU	50348	801 PARSONS RD	
MORRIS GEORGE & MOLLY SUE	52064	601 PARSONS RD	
MUHLEMAN JOHN W III	70881	833 PARSONS RD	
ODOM PHILESHA C	50220	809 PARSONS RD	
PALLAREZ LUPE	69912	1001 PARSONS RD	
PERKINS E FAYE	69511	1025 PARSONS RD	
PHARISS DARYL W &	71264	1526 WEAVERS WY	
POPE JESSICA R	51801	617 PARSONS RD	
POWELL BONNIE	67178	942 PARSONS RD	F
PRESLEY THEODORE WOODROW	50778	733 PARSONS RD	
RODRIGUEZ ANTONIO JR	69657	1017 PARSONS RD	
ROGGENDORFF BERTHA	55328	1557 SIR THOPAS CT	
ROGGENDORFF PAUL ALEXANDER & JODI LEIGH	55459	1564 FRIARS ST	

SHARITS NATHAN & MARY	67306	950 PARSONS RD	
SMITH JEREMIAH C &	68893	1557 SQUIRES RD	O
SPARKS STACY SOUTHARD	53370	1557 SEAMANS WY	
STAGGS LYNN & DEBBIE	69251	1041 PARSONS RD	
STONE DARREN LANE &	50643	749 PARSONS RD	O
T & P RY CO	12755		
VALENZUELA JERVIS	51168	717 PARSONS RD	
VILLANUEVA GUSTAVO & MICAELA	70515	917 PARSONS RD	
WARNER STEPHEN ERIC	51426	701 PARSONS RD	
WATERS RONALD J	71133	817 PARSONS RD	
WEST TEXAS UTILITIES CO	57087	600 TRANSFORMER TR	
WEST TEXAS UTILITIES CO	57087	700 TRANSFORMER TR	
WHALEY MAX W & JERITA W	69010	1565 SQUIRES RD	
WHITTEMORE JOEL T &	51300	709 PARSONS RD	
WIGINTON CATHEY	67432	1002 PARSONS RD	
YEOMANS ROAD APARTMENTS LLC	109838	1450 YEOMANS RD	
YUNGINGER JACQUELINE	50507	757 PARSONS RD	

Prop ID

Owner	Property ID	Situs	Response
T & P RY CO	12755		
GENESIS CRUDE OIL L P	37942	1849 E HWY 80	
ODOM PHILESHEA C	50220	809 PARSONS RD	
MITCHELL SANDRA LOU	50348	801 PARSONS RD	
YUNGINGER JACQUELINE	50507	757 PARSONS RD	
STONE DARREN LANE &	50643	749 PARSONS RD	O
PRESLEY THEODORE WOODROW	50778	733 PARSONS RD	
HISCOCK CAREY C & SLINA M	51041	725 PARSONS RD	
VALENZUELA JERVIS	51168	717 PARSONS RD	
WHITTEMORE JOEL T &	51300	709 PARSONS RD	
WARNER STEPHEN ERIC	51426	701 PARSONS RD	
FLORES JOSE L JR &	51550	633 PARSONS RD	
MIRELEZ JOE A O & SYLVIA	51676	625 PARSONS RD	
POPE JESSICA R	51801	617 PARSONS RD	
ESCOBEDO JACOB & TERESA A	51938	609 PARSONS RD	
MORRIS GEORGE & MOLLY SUE	52064	601 PARSONS RD	
SPARKS STACY SOUTHARD	53370	1557 SEAMANS WY	O
ADAMS JOHN W & SHERRY R	53504	1550 SIR THOPAS CT	
ROGGENDORFF BERTHA	55328	1557 SIR THOPAS CT	
ROGGENDORFF PAUL ALEXANDER & JODI LEIGH	55459	1564 FRIARS ST	
WEST TEXAS UTILITIES CO	57087	600 TRANSFORMER TR	
WEST TEXAS UTILITIES CO	57087	700 TRANSFORMER TR	
BARBARCIK CARAH D	59704	1558 SEAMANS WY	
LANGSTON LINDA J	63056	1565 FRIARS ST	
GUERRERO ADELINO & CONNIE	67038	934 PARSONS RD	
POWELL BONNIE	67178	942 PARSONS RD	F

DILL PROPERTY MANAGEMENT LP	67236	1789 E HWY 80	
SHARITS NATHAN & MARY	67306	950 PARSONS RD	
WIGINTON CATHEY	67432	1002 PARSONS RD	
BROSHEARS BRADLEE A	67563	1010 PARSONS RD	
ENGLISH JOHN ALVIN JR &	67682	1018 PARSONS RD	
BAUGHMAN JACOB & PENNIE L	67796	1026 PARSONS RD	
Confidential Owner	67924	1034 PARSONS RD	
GUTIERREZ AMELIA M LF EST	68052	1042 PARSONS RD	
SMITH JEREMIAH C &	68893	1557 SQUIRES RD	
WHALEY MAX W & JERITA W	69010	1565 SQUIRES RD	
STAGGS LYNN & DEBBIE	69251	1041 PARSONS RD	
DIAZ MONICA F	69391	1033 PARSONS RD	
PERKINS E FAYE	69511	1025 PARSONS RD	
RODRIGUEZ ANTONIO JR	69657	1017 PARSONS RD	
MILLER MARSHA	69781	1009 PARSONS RD	
PALLAREZ LUPE	69912	1001 PARSONS RD	
BYRD CAROL	70265	933 PARSONS RD	
CHAVIRA JOSE L & EMILIA D	70395	925 PARSONS RD	
VILLANUEVA GUSTAVO & MICAELA	70515	917 PARSONS RD	
LWM INC	70638	909 PARSONS RD	
HOWARD ZACHARY & KAYLA	70757	901 PARSONS RD	
MUHLEMAN JOHN W III	70881	833 PARSONS RD	
COFFEY JUDITH ANN	71011	825 PARSONS RD	
WATERS RONALD J	71133	817 PARSONS RD	
PHARISS DARYL W &	71264	1526 WEAVERS WY	
ATWELL RICHARD	98714	1733 E HWY 80	
YEOMANS ROAD APARTMENTS LLC	109838	1450 YEOMANS RD	
BUTLER MICHAEL S	113863	1533 YEOMANS RD	O
BUTLER MICHAEL S	113863	1535 YEOMANS RD	
LEXINGTON VACANT LAND LLC	987364		

CONCEPT PLAN



ZONING MAP



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

CASE #: Z-2023-30

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: PALLAREZ LUPE

Parcel I.D.: 69912

Address: 1001 PARSONS RD

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 31 10:27

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

CASE #: Z-2023-30

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

I am in favor ☐

Additional Comments:

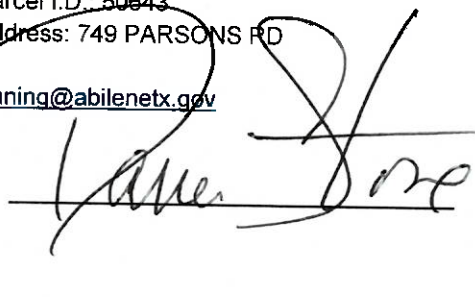
I am opposed ☒

Name: STONE DARREN LANE &

Parcel I.D.: 50643

Address: 749 PARSONS RD

Email: planning@abilenetx.gov

Signature: 

OCT 3 AM 9:17

SEP 5 AM 9:11

CASE #: Z-2023-30

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: POWELL BONNIE
Parcel I.D.: 67178
Address: 942 PARSONS RD

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:

Bonnie Powell
Byzogowska

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

CASE #: Z-2023-30

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

I am in favor ☐

I am opposed ☒

Additional Comments:

NO

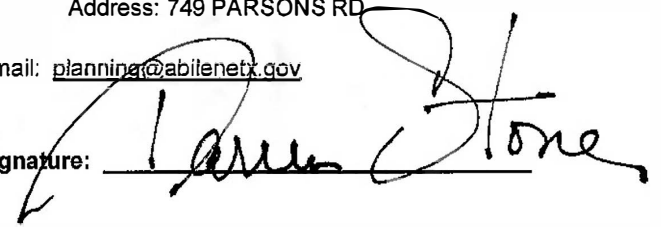
Name: STONE DARREN LANE &

Parcel I.D.: 50643

Address: 749 PARSONS RD

Email: planning@abilenetx.gov

Signature:



AUG 31 AM 10:27

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2023-30

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: MUHLEMAN JOHN W III

Parcel I.D.: 70881

Address: 833 PARSONS RD

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: John W Muhleman III

AUG 29 AM 8:57

OCT 13 AM 9:43

CASE #: Z-2023-30

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: SMITH JEREMIAH C & ALEXANDRA C
Parcel I.D.: 68893
Address: 1557 SQUIRES RD

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: _____

Alexandra C Smith

I am opposed to this rezoning and the continuous borrowing of funds from tax payers who foot the bill for tourism, etc when the zoo & other expansions (ex. the expo center) should pay for their own upgrades.

over →

CASE #: Z-2023-30

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: BUTLER MICHAEL S
Parcel I.D.: 113863
Address: 1533 YEOMANS RD

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 ☒

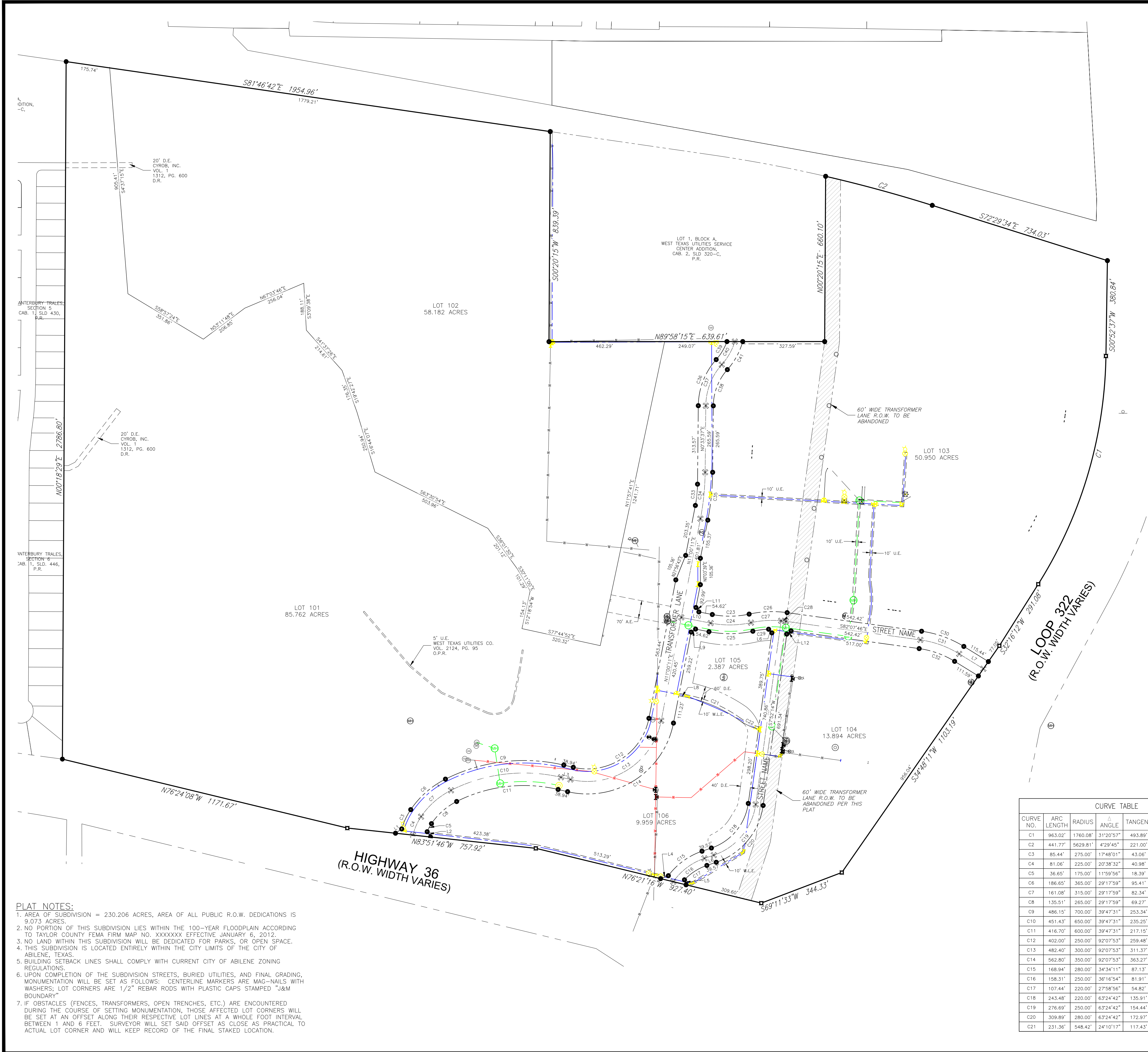
Additional Comments:

Signature: Helen Butler

signing for Michael Butler

① I called to ask what was being developed and was told "I don't know" built or how the land would be know and can I talk to that person was told "I don't know" and when I asked who did the info I needed is not available I oppose development of property

② Has the city taken into consideration when the area's construction starts the number and variety that will inundate our neighborhood & similar to when the Canterbury Crossing and Lexington Crossing ¹⁷²⁵ were built with no office of rats, mice, snakes, skunks, raccoons, possum and fox, basically vermin that is in the undeveloped area. Will the city attempt to remove these critters prior to building? Will the city set up traps and or poison to catch/kill these critters? Sounds like too many ideas in theory but no reality checks.



PLAT NOTES:

1. AREA OF SUBDIVISION = 230.206 ACRES, AREA OF ALL PUBLIC R.O.W. DEDICATIONS IS 9.073 ACRES
2. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO TAYLOR COUNTY FEMA FIRM MAP NO. XXXXXXXX EFFECTIVE JANUARY 6, 2012.
3. NO LAND WITHIN THIS SUBDIVISION WILL BE DEDICATED FOR PARKS, OR OPEN SPACE.
4. THIS SUBDIVISION IS LOCATED ENTIRELY WITHIN THE CITY LIMITS OF THE CITY OF ABILENE, TEXAS.
5. BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT CITY OF ABILENE ZONING REGULATIONS.
6. UPON COMPLETION OF THE SUBDIVISION STREETS, BURIED UTILITIES, AND FINAL GRADING, MONUMENTATION WILL BE SET AS FOLLOWS: CENTERLINE MARKERS ARE MAG-NAILS WITH WASHERS; LOT CORNERS ARE 1/2" REBAR RODS WITH PLASTIC CAPS STAMPED "J&M BOUNDARY"
7. IF OBSTACLES (FENCES, TRANSFORMERS, OPEN TRENCHES, ETC.) ARE ENCOUNTERED DURING THE COURSE OF SETTING MONUMENTATION, THOSE AFFECTED LOT CORNERS WILL BE SET AT AN OFFSET ALONG THEIR RESPECTIVE LOT LINES AT A WHOLE FOOT INTERVAL BETWEEN 1 AND 6 FEET. SURVEYOR WILL SET SAID OFFSET AS CLOSE AS PRACTICAL TO ACTUAL LOT CORNER AND WILL KEEP RECORD OF THE FINAL STAKED LOCATION.

LEGEND

- SUBDIVISION BOUNDARY
- ADJACENT PROPERTY
- PROPOSED LOT LINES
- PROP. STREET R.O.W.
- EXIST. STREET R.O.W.
- PROP. UTILITY EASEMENTS
- PROP. DRAINAGE EASEMENTS
- EXIST. UTILITY EASEMENTS

- SET 1/2 INCH REBAR ROD WITH PLASTIC CAP STAMPED "J&M BOUNDARY"
- SET MAGNAIL WITH METAL WASHER
- FOUND 1/2 INCH REBAR ROD WITH PLASTIC CAP STAMPED "H&I" (UNLESS OTHERWISE NOTED)
- FOUND TXDOT CONCRETE MONUMENT

A.E. = ACCESS EASEMENTS
U.E. = UTILITY EASEMENTS
D.E. = DRAINAGE EASEMENTS
S.L.E. = STREET LIGHT EASEMENTS
N.A.E. = NON-ACCESS EASEMENTS
D.R. = DEED RECORDS, TAYLOR CO., TX.
P.R. = PLAT RECORDS, TAYLOR CO., TX.
O.P.R. = OFFICIAL PUBLIC RECORDS, TAYLOR CO., TEXAS

DEVELOPER/SUBDIVIDER:
CITY OF ABILENE
555 WALNUT STREET
ABILENE, TEXAS 79601

LOOP 322
(R.O.W. WIDTH VARIES)

LINE TABLE		
LINE NO.	LENGTH	BEARING
L1	30.19'	N55°08'52"E
L2	25.00'	N32°32'50"W
L3	38.94'	S76°51'56"E
L4	32.97'	S69°09'20"W
L5	20.89'	S17°49'47"E
L6	39.57'	S71°16'56"W
L7	113.52'	S58°20'27"E
L8	27.03'	S78°59'49"E
L9	21.21'	N56°00'11"E
L10	119.82'	S78°59'49"E
L11	21.21'	N33°59'49"W

CURVE TABLE				
CURVE NO.	ARC LENGTH	RADIUS	ANGLE	TANGENT
C1	963.02'	1760.08'	31°20'57"	493.89'
C2	441.77'	5629.81'	4°29'45"	221.00'
C3	85.44'	275.00'	17°48'01"	43.06'
C4	81.06'	225.00'	20°38'32"	40.98'
C5	36.65'	175.00'	11°59'58"	18.39'
C6	186.65'	365.00'	29°17'59"	95.41'
C7	161.08'	315.00'	29°17'59"	82.34'
C8	135.51'	265.00'	29°17'59"	69.27'
C9	486.15'	700.00'	39°47'31"	253.34'
C10	451.43'	650.00'	39°47'31"	235.25'
C11	416.70'	600.00'	39°47'31"	217.15'
C12	402.00'	250.00'	92°07'53"	259.48'
C13	482.40'	300.00'	92°07'53"	311.37'
C14	562.80'	350.00'	92°07'53"	363.27'
C15	168.94'	280.00'	34°34'11"	87.13'
C16	158.31'	250.00'	36°16'54"	81.91'
C17	107.44'	220.00'	27°58'56"	54.82'
C18	243.48'	220.00'	63°24'42"	135.91'
C19	276.69'	250.00'	63°24'42"	154.44'
C20	309.89'	280.00'	63°24'42"	172.97'
C21	231.36'	548.42'	24°10'13"	117.43'

CURVE TABLE				
CURVE NO.	ARC LENGTH	RADIUS	ANGLE	TANGENT
C22	90.36'	281.77'	18°22'28"	45.53'
C23	148.21'	365.00'	23°15'56"	75.14'
C24	162.42'	400.00'	23°15'56"	82.35'
C25	176.64'	435.00'	23°15'56"	89.55'
C26	152.85'	435.00'	20°07'59"	77.22'
C27	120.97'	400.00'	17°19'37"	60.95'
C28	19.59'	400.00'	2°48'22"	9.80'
C29	63.52'	365.00'	9°58'16"	31.84'
C30	180.61'	435.00'	23°47'19"	91.62'
C31	166.08'	400.00'	23°47'19"	84.25'
C32	151.55'	365.00'	23°47'19"	76.88'
C33	85.66'	470.00'	10°26'34"	42.95'
C34	186.82'	1025.00'	10°26'34"	93.67'
C35	192.28'	1055.00'	10°26'34"	96.41'
C36	201.93'	280.00'	41°19'17"	105.58'
C37	180.30'	250.00'	41°19'17"	94.27'
C38	158.66'	220.00'	41°19'17"	82.96'
C39	84.34'	220.00'	21°59'56"	42.69'
C40	106.65'	250.00'	24°26'31"	54.15'
C41	128.84'	280.00'	26°21'51"	65.58'

PRELIMINARY
This document shall not be
recorded for any purpose.

3465 CURRY LANE
ABILENE, TX 79606
325-696-1070

1508 SANTA FE DR, STE 204
WILKINSON, TX 76066
817-594-9880

4920 S LOOP 289, STE 104
LUBBOCK, TX 79414
806-368-6375

JACOB MARTIN

TBPELS FIRM # 10194493

CITY, STATE

NELSON PARK SUBDIVISION REPLAT

CONSTRUCTION DRAWINGS

PRELIMINARY PLAT

SCALE 1" = 200'

DATE

NO. REVISION

PROJECT # 22252

DESIGNED C.F.

DRAWN L.A.

CHECKED C.F.

SHEET 1

SEQ. 1 OF 1

BAR IS ONE INCH IN LENGTH ON ORIGINAL DRAWING.
CHECK SCALE & ADJUST ACCORDINGLY.



REZONE REQUEST

Case: Z-2023-30

Owner: City of Abilene

Agent: Jacob & Martin

Request: Rezone from AO to PDD-184

Location: 2070 Zoo Lane and 1042 Loop 322

Notification: 1 in Favor, 3 Opposed

Parks Board: September 19, 2023

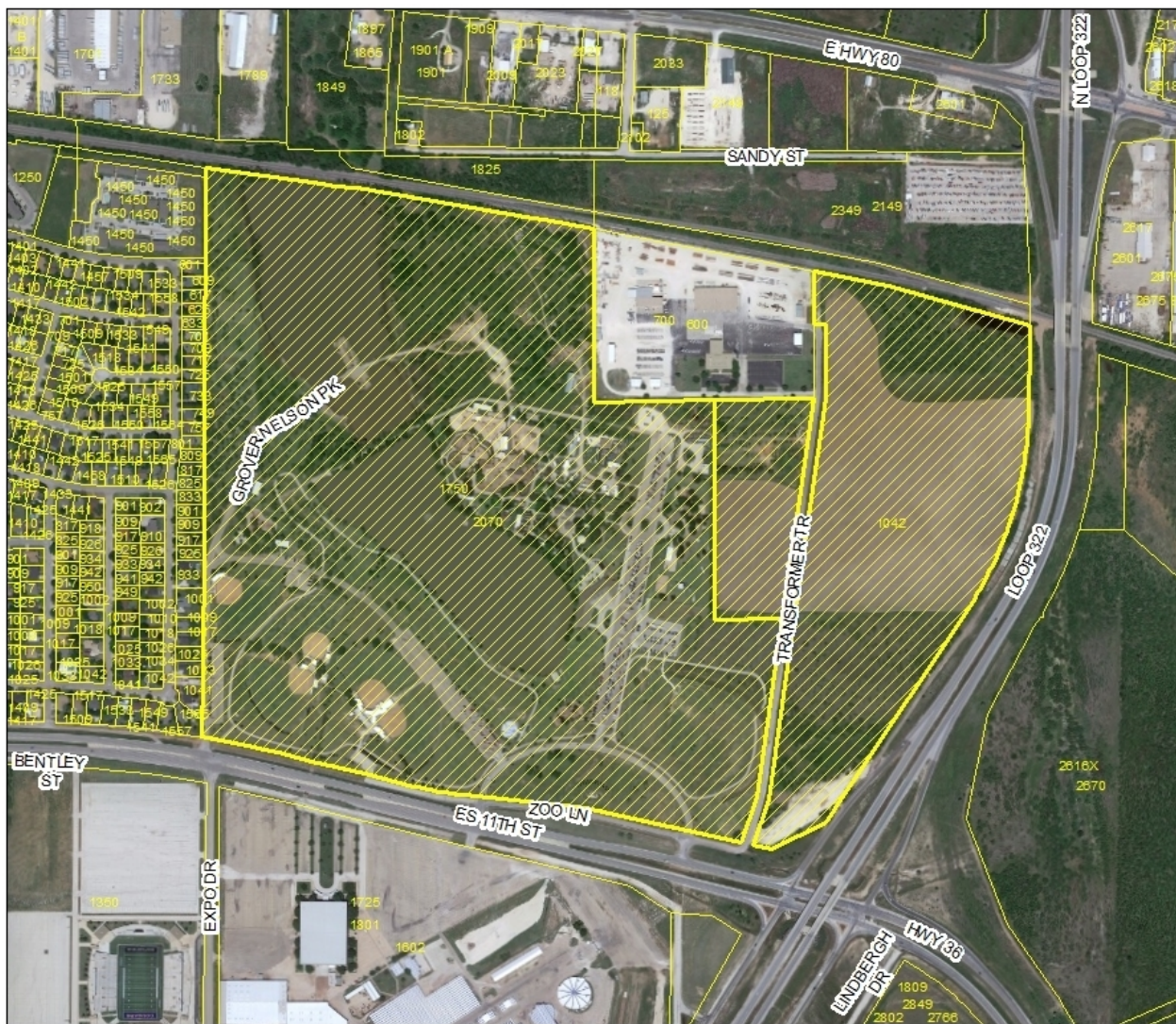
Planning & Zoning: October 3, 2023

City Council Hearing: October 26, 2023
November 2, 2023





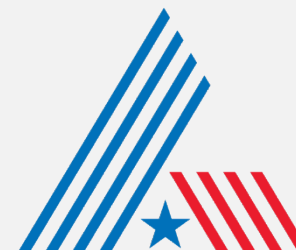
AERIAL LOCATION MAP



Aerial Map



Legend
Z-2023-30
Courier Parcels



CITY OF
ABILENE
TEXAS



ZONING MAP

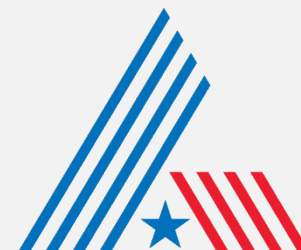


Zoning Map



Legend

- Z-2023-30
- Arterial
- Collector
- Expressway
- Collector
- AO - Agricultural Open Space
- RS-6: Residential Single-Family Medium Density
- MF: Multi-Family Residential
- HC: Heavy Commercial
- LI: Light Industrial
- HI: Heavy Industrial
- PD: Planned Development



CITY OF
ABILENE
TEXAS



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





Permitted Uses in AO Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling— Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- 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 Animal Lot
- P/C Day Care Operation – Home-Based*
- P Dwelling – Accessory*
- TP Field Office or Construction Office (temporary)*
- P Freight Container*
- P Garage Sale
- P Home Occupation
- C Mobile Home (permanent security residence)
- C Mobile Home (temporary security residence)
- 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:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Farming, Ranching & Livestock, Hatchery
- C Mining
- C 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





CONCEPTUAL PLAN



CITY OF
ABILENE
TEXAS



VIEWS OF SUBJECT PROPERTY



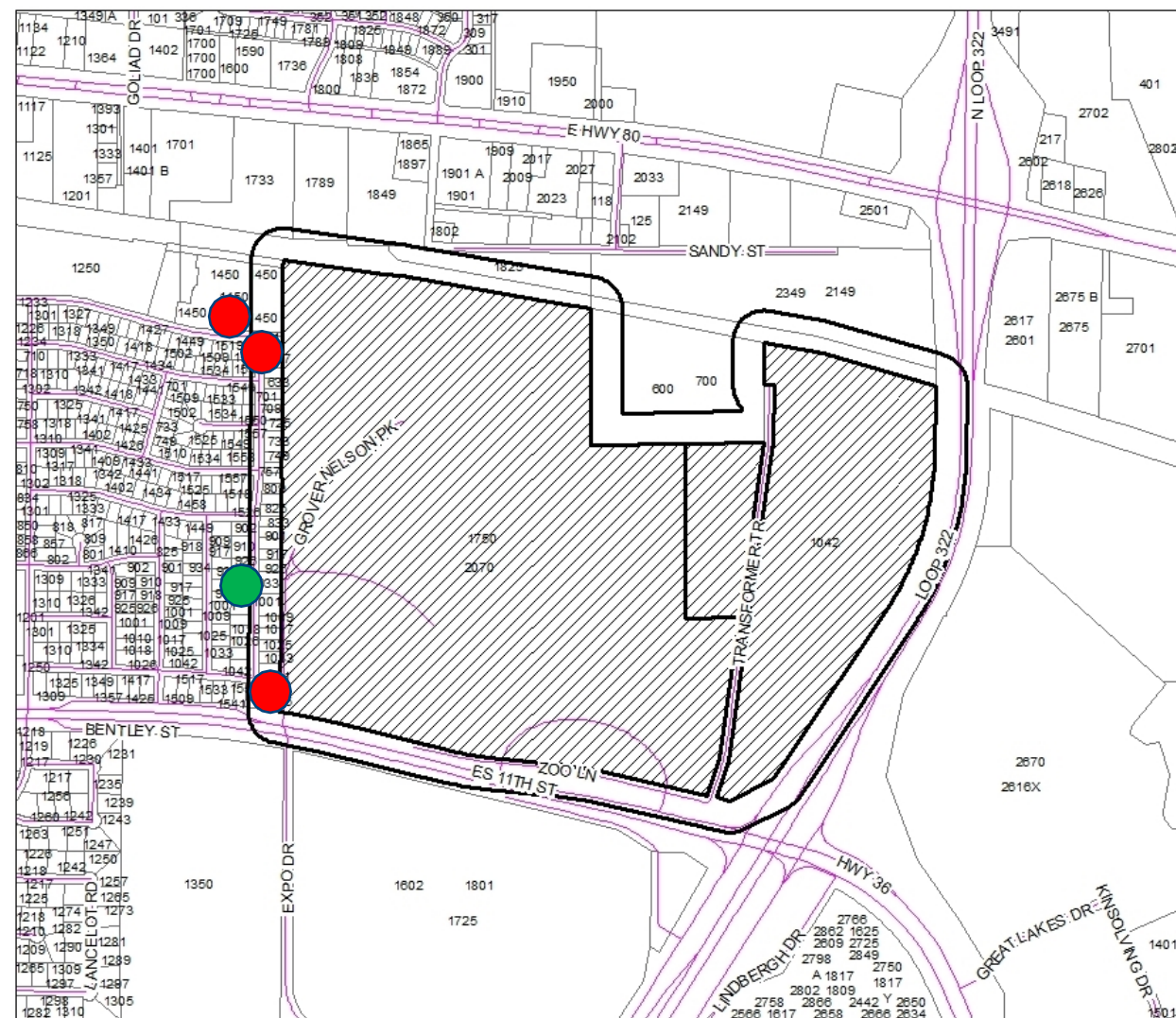


VIEWS OF NEIGHBORING PROPERTY





NOTIFICATION AREA MAP

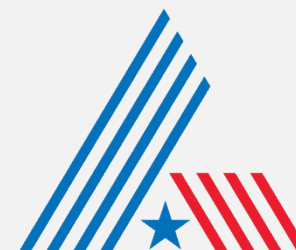


Notification Map



Legend
Z-2023-30
Notification Area

1- In Favor- 
3- Opposed- 
0.62% Opposed



CITY OF
ABILENE
TEXAS



FINDINGS

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

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





RECOMMENDATIONS

Parks Board Recommendation: **Approval** subject to the conditions of the P&Z Recommendation.

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

1. The use and development of PDD-184 shall be subject to the proposed ordinance.
2. A plat of PDD-184 shall be filed within one (1) year from the date in which the PDD is approved by City Council.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 11/2/2023

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **10. Ordinance (Final Reading) Z-2023-32:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Weatherbee Construction Inc, represented by Civetta Solutions LLC, to amend the terms and conditions and concept plan of Planned Development District 104. Specifically, to allow Self-storage and General Commercial uses in Tract 2 and to remove Exhibit C to expand the scope of the permitted uses in Tract 1. Located on the west side of Oldham Lane from S. 27th to Loop 322. (Tim Littlejohn)

GENERAL INFORMATION

The subject property encompasses PD-104, which is a mixed-use residential, office, and retail development governed by a Concept Plan and development regulations. The applicant proposes to:

1. Revise the base zoning of Tract 2 from Office (O) to General Commercial (GC); and
2. Revise the remove All General Retail (GR) uses in Tract 1, without limitations.

SPECIAL CONSIDERATIONS

The subject property was zoned as PD-104 in 2006 to create a mixed-use development, to allow uses in the Medium Density (MD), Residential Single-family (RS), Office (O), and General Retail (GR) zoning districts.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

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

1. The base zoning of Tract 1 shall be General Retail (GR), without any GR use limitations.
2. The base zoning of Tract 2 shall be General Retail (GR), with self-storage being an additional permitted use.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5-0.

ATTACHMENTS:

1. 53915_PD-104 Final Edited Copy
2. 53915_PD-104 redline
3. Staff Report
4. Ordinance 24-2006
5. 57-2015_PD_104_Storage Units
6. 062-2021 - Amending PD-104
7. 043-2022 - Amending LDC concerning PD-104 and Ordinance No 24-2006
8. 117 Lytle Place Dr.
9. 124 Lytle Place Dr
10. 665 ES 27th Street
11. Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD-104 AND ORDINANCE NO. 24-2006 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 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 44-2016, 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 26th day of October, 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 15th day of September, 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 2nd day of November, 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 2nd day of November, 2023.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

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

PART 2: Development Specifications. All development in the Planned Development District 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 District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development District 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 District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space to PDD (Planned Development District).

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

PART 5: Legal Description. The legal description of this PDD is as follows

ORDINANCE NO. _____
EXHIBIT "A"
PAGE 2

BEING 84.29 acres of land and being out of the Northeast 1/4 of Section 62, Abstract 781, Blind Asylum Lands, Taylor County, Texas, said Northeast 1/4 being part of that same tract conveyed unto the State of Texas from the City of Abilene and recorded in Volume 14, Page 127, Deed Records, Taylor County, Texas, said 84.29 acre tract being more particularly described as follows:

BEGINNING at a 3/8" rebar found at the Southwest corner of the Northeast 1/4 of said Section 62 for the Southwest corner of this tract, the Northeast corner of a 48.37 acre tract recorded in Volume 3010, Page 154, Official Public Records, Taylor County, Texas and the Northwest corner of a 13.37 acre tract surveyed by Williams Surveying Company on June 22, 2005, said point of beginning also bears S19°50'W 1756.95 feet from City of Abilene Survey Marker # 48 which has a posted position by the City of Abilene as: Texas Plane Coordinates, N. C. Zone, X = 1316698.83, Y = 278803.50.

THENCE N0°05'23"W 836.78 feet to a 1/2" rebar set;

THENCE N87°54'18"E 939.06 feet to a 1/2" rebar set;

THENCE N41°31'05"W 300.67 feet to a 1/2" rebar set;

THENCE N10°59'00"E 699.0 feet to a 1/2" rebar set in a curve to the left on the SBL of South 27th Street for the most Northerly Northwest corner of this tract;

THENCE along the SBL of South 27th Street and said curve to the left having a radius of 1498.53 feet, a length of 375.04 feet and a chord bearing and distance of N51°47'58"E 374.06 feet to a 1/2" rebar set at the end of said curve to the left;

THENCE N44°37'47"E (N45°20'E = record bearing) 253.10 feet along the SBL of said street to a 1/2" rebar set at the beginning of a curve to the right;

THENCE along the SBL of said street and said curve to the right having a radius of 1274.55 feet, a length of 854.82 feet, and a chord bearing and distance of N63°50'36"E 838.89 feet to a 1/2" rebar set for the most Northerly Northeast corner of this tract;

THENCE S9°19'31"E 383.10 feet to a 1/2" rebar set;

THENCE S89°48'14"E 426.27 feet to a 1/2" rebar set on the WBL of F. M. Highway 1750 (A.K.A. Oldham Lane) for the most Easterly Northeast corner of this tract;

THENCE S0°31'24"E (S0°30'E = record bearing) along the WBL of said highway at 215.07 feet pass an existing concrete highway monument and continue along for a total distance of 939.58 feet to an existing concrete highway monument on the Northwest boundary line of State Highway Loop 322;

THENCE S60°24'04"W (S40°40.7'W = record bearing) 513.45 feet (513.51 = record distance) along the Northwest boundary line of said Loop 322 to an existing concrete highway monument;

THENCE S44°05'09"W (S44°11.9'W = record bearing) 1079.66 feet along the Northwest boundary line of said Loop 322 to an existing concrete highway monument;

THENCE S33°34'19"W (S33°25.9'W = record bearing) 238.20 feet along the Northwest boundary line of said Loop 322 to a 1/2" rebar found at the Northeast corner of said 13.37 acre tract and the Southeast corner of this tract;

THENCE S89°13'35"W (S89°13'20"W = record bearing) 1263.47 feet (Bearing Basis Line, Bearings determined by GPS observations using Trimble 4700 receivers.) along the NBL of said 13.37 acre tract to the place of beginning and containing 84.29 acres of land.

Tract 6

ADD: **BEING** 14.34 acres of land and being out of the Northeast 1/4 of Section 62, Abstract 781, Blind Asylum Lands, Taylor County, Texas, said Northeast 1/4 being part of that same tract conveyed unto the State of Texas from the City of Abilene and recorded in Volume 14, Page 127, Deed Records, Taylor County, Texas, said 14.34 acre tract being more particularly described as follows:

BEGINNING at a set 1/2" rebar on the WBL of said Northeast 1/4 of Section 62, from whence a 3/8" rebar found at the Southwest corner of the Northeast 1/4 of said Section 62 and the Northeast corner of a 48.37 acre tract recorded in Volume 3010, Page 154, Official Public Records, Taylor County, Texas, bears S0°05'23"E 836.78 feet;

ORDINANCE NO. _____
EXHIBIT "A"
PAGE 3

THENCE N0°05'23"W 730.53 feet to the SBL of South 27 th Street;
THENCE N89°37'47"E 110.65 feet along the SBL of South 27 th Street to the beginning of a curve to the left;
THENCE along said curve to the left with a radius of 1498.53 feet and a chord bearing and distance of N74°18'E 792.37 feet to a set 1/2" rebar at the most Northerly Northwest corner of an existing 84.29 acre tract;
THENCE along the Westerly boundary line of said 84.29 acre tract to set 1/2" rebars as follows:
S10°59'00"W 699.0 feet,
S41°31'05"E 300.67 feet and S87°54'18"W 939.06 feet to the place of beginning and containing 14.34 acres of land.

Location:

The west side of Oldham Lane between S. 27th Street and Loop 322

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for mix of commercial and residential development: and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The following regulations and the attached concept plan (Exhibit B) shall govern the use and development of this Planned Development District.

A. PERMITTED USES:

1. Tract 1:

- a. All uses permitted in the General Retail (GR) zoning district
- b. Residential provisions of RS-6 except as modified in Part 7.B.14 .

2. Tract 2:

- a. Uses permitted in the GR zoning district
- b. Storage self-service units shall be a permitted use
- c. Residential provisions of RS-6 except as modified in Part 7.B.14 .

3. Tract 3:

- a. Uses allowed in Residential Multi-Family (MF) zoning districts, subject to all standards ordinarily required thereof and of Part 7 .B.14 of this ordinance, except the overall density of housing (on any one lot) shall not exceed 18 dwelling units per acre.
- b. Self-service storage units, subject to all ordinary building and site development standards required thereof, as well as the following limitations:
 - (1) Outside storage (including storage of boats and other recreational vehicles) is not allowed.
 - (2) Fencing requirements:
 - (a) Chain-link fencing may be used on north and west sides only.
 - (b) No barbed or razor wire fencing may be used.
 - (c) Masonry or wrought-iron fencing may be used in any area.
 - (3) Sufficient containers for solid waste disposal must be provided and shall be fully screened from view of public rights-of-way or any roadway.
 - (4) Self-service storage building must be on concrete foundations, and all vehicle parking and maneuvering areas shall be improved with asphaltic or Portland cement binder pavement.
- c. Residential provisions of RS-6 except as modified in Part 7.B.14 .

4. Tract 4:

- a. The use and development of land in Tract 4 shall be generally governed by the following three zoning classifications as well as by provisions expressed in Part 7.B.14 of this ordinance:
 - (1) Residential Medium-Density (MD) District, with allowances for development of conventional single-family housing to ordinary standards of RS-6 zoning districts, and with a restriction that no more than two (2) dwelling units are allowed on any one lot;
 - (2) Residential Townhome (TH) District, provided that any final subdivision plat (or replat) embracing lots intended for townhome dwellings must specifically identify and restrict those lots for such housing; and
 - (3) Residential Single-Family Patio Home (PH) District, provided that any final subdivision plat (or replat) embracing lots intended for patio home dwellings must specifically identify and restrict those lots for such housing.

5. Tract 5:

Shall develop under the provisions of the RM-2 district with the following exceptions:

- The maximum density shall be 18 units per acre
- Must meet the requirements of Part 7.B.14 of this ordinance

6. Tract 6:

- a. Shall develop under the provisions of Residential Medium Density zoning district, except as modified in Part 7.B.14 of this ordinance.

B. SITE DEVELOPMENT

1. Minimum Building Setbacks - Commercial Development and Residential:

- a. Along S. 27th St, Oldham Lane., Loop 322 and any future collector streets:
 - (1) 15 feet if entirely landscaped except for sidewalks and permitted driveways crossing perpendicular across the 15 feet
 - (2) 30 feet if parking is located in the front of the building
- b. Along interior streets: 20 feet
- c. All others setbacks: 10 feet
- d. Residential: 5,000 sq. ft. lots shall have a minimum side yard setback of 5 feet for interior lots

2. Maximum Structure Height: 35 feet and no more than 2 stories

3. Controlled ingress and egress:

- a. Maximum of two (2) driveways (curb cuts) off Oldham Lane
- b. Maximum of three (3) driveways (curb cuts) off Loop 322

4. Building Materials:

- a. This section does not apply to single-family residences or self-storage (see Section A.3 for self-storage requirements).
- b. A minimum of 80% of the exterior face of all structures shall be composed of brick, stone, or EIFS
- c. The remaining area of the building face shall be limited to glass, stucco, EIFS finishes, decorative block, or other similar materials.
- d. No metal panels of any kind used on exterior facade.
- e. Elevation plans shall be submitted, with the Site Plan, for review and approval by the Planning Director. Any variation from the materials listed above will be subject to review and may be permissible at the discretion of the Planning Director.
- f. Development of Tract 1 must have consistent and similar façades throughout the Tract.
- g. Development in Tract 2 must have a residential character to include the following:
 - A minimum roof pitch of 3:1
 - No metal roofing
 - Overhead doors may not be visible from Oldham Lane

5. Off-street parking and Circulation:

- a. All parking areas shall comply with the provisions specified in the Zoning Ordinance.
- b. Truck loading areas shall be screened from street-side lot boundaries by an opaque wall or barrier at least 8 feet in height either of which must be constructed of solid materials compatible with the exterior face of the building. Such screening shall extend the full length of the loading areas, exclusive of maneuvering areas for trucks.
- c. Internal circulation of vehicular and pedestrian traffic shall be required between parcels within the development.

6. Driveway Access and Spacing

- a. Direct driveway access for lots developed with single-family, duplex, townhome, and patio home residential uses shall be prohibited onto any arterial street or the Loop 322 frontage road.
- b. Driveways along S. 27th St. shall be a minimum of 150' from the nearest street intersection (measured from the right-of-way line) and separated from the nearest driveway on either side of the same street by a minimum of 100 feet, unless they are located directly across from existing driveways.

7. Signage

- a. Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- b. Freestanding:
 - (1) Monument Signs: Each parcel that is less than one acre may have a maximum of one free-standing sign. Parcels of one or more acres may have a maximum of two free-standing signs. Such signs must be monument signs with a maximum height of 10 feet and a maximum area of 80 square feet.
 - (2) Group Pole Signs: In addition to any allowable monument signs, two group pole signs may be erected only along the Loop 322 frontage with a maximum height of 30 feet and a maximum area of 150 square feet.
- c. Wall Signs: Wall signage may not exceed 10% of the area of any wall on which the sign(s) is (are) located and cannot be attached to required screening.
- d. Banners: Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage. These shall only be allowed until permanent wall signage is installed, but in no case for more than 60 days.
- e. Prohibited Signs:
 - (1) Portable Signs
 - (2) Off-site Advertising
 - (3) Pennants, streamers, balloons, and similar devices

8. Landscaping and buffers

- a. This section does not apply to single-family residential development.
- b. Landscaping and buffering within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- c. A minimum 15-foot wide landscaped area shall be provided along all street-side boundaries of the PDD. The landscaped area shall be located entirely on private property.
- d. In addition to the landscaped strip along the street-side boundaries, no less than five

- (5) percent of the remaining lot area shall be landscaped, which may include parking lot landscaping and grass areas. The remaining area shall be calculated by subtracting the area of the required landscaped strip from the total area of the PDD.
- e. Landscaping within the required 15-foot wide strip must consist of living materials and shall include at least 1 commercially balled tree and 2 shrubs per 40 linear feet of required landscaping area.
 - f. Landscaping within the remaining required area must consist of living materials and shall include at least 2 commercially balled trees and 4 shrubs per 1000 square feet of landscape area.
 - g. Landscaped islands within parking lots are required at a rate of 1 per 20 parking spaces in a row. At least half of these islands shall include a commercially balled tree.
 - h. All parkways shall be landscaped.

9. Screening and Fencing

- a. This section does not apply to single-family residential.
- b. Any fencing on site that is for required screening must be constructed from masonry materials. Other fencing for security or other non-screening purposes may be wrought iron. Chain-link fencing shall be permitted only along the west boundaries of the PDD, but not along the Loop 322 frontage or Oldham Lane.
- c. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be fully screened from view outside the tract in question by an opaque wall or fence constructed of materials consistent with those of the primary building(s).
- d. Barbed wire and razor wire fencing shall be prohibited.
- e. A masonry wall six feet in height shall be provided along the eastern boundary of Tract 4, separating Tract 4 from Tract 2 and the existing fire station.

10. Sidewalks

- a. Sidewalks are required along all arterials, frontage roads, and collector streets within or adjacent to the PDD and must be placed in the right-of-way at least one foot from the property line.
- b. Internal sidewalks are required to connect the public sidewalks with the primary entrances of all buildings other than single-family residences. Sidewalks and walkways should be designed to promote safe and convenient pedestrian routes within the development.
- c. All sidewalks along collector and arterial streets must be a minimum of five (5) feet wide.
- d. All internal sidewalks must be a minimum of four (4) feet wide.
- e. Internal circulation of vehicular and pedestrian traffic shall be required within the entire PDD and to adjacent tracts.
- f. All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan, as well as applicable state and federal accessibility standards.

11. Outdoor Storage and Display

- a. Outdoor display of merchandise is not permitted
- b. Outdoor storage is not permitted

12. Freight Containers are prohibited

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

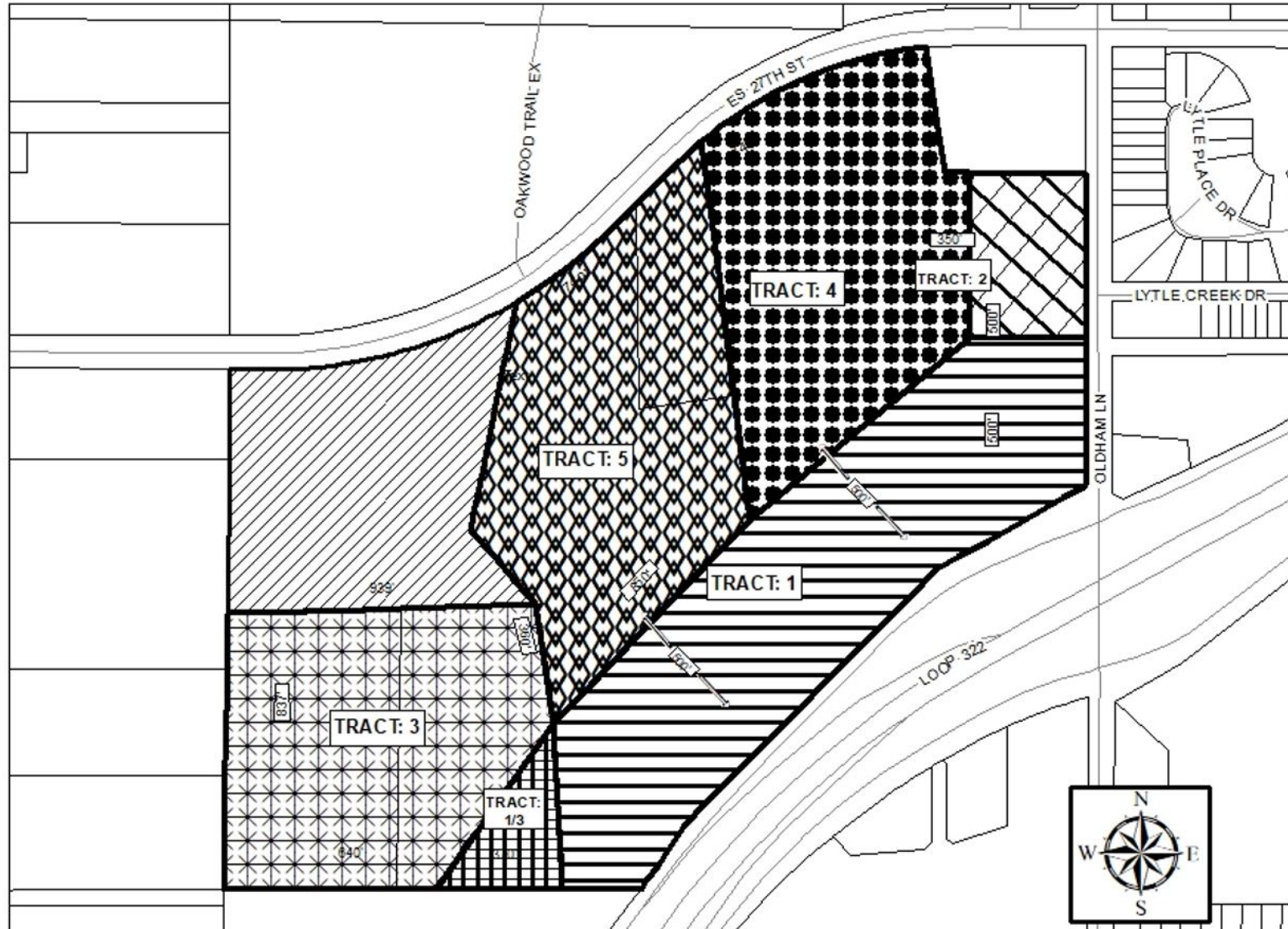
14. Residential Specs: The following standards shall apply to all residential development:

1. No Carports in any residential area
2. All residential structures shall have at least 80% brick facades
3. All garages for residential lots greater than or equal to 70 foot lot width shall have side or rear entry garages. Less than 70 foot wide lots shall be allowed front entry garages.
4. All streets shall be curbed
5. No industrial metal roofs
6. Fences shall be wrought iron, masonry, or wood
7. Minimum lot size for single-family shall be 50 feet by 100 feet.

PART 10: Development Schedule. If a building permit is not approved within 18 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designation.

- END -

-  1 GR Uses
  2 - GR Uses plus Self-service storage
  4 - MD zoning (inc. housing to RS6 standards) plus TH and PH zoning
  6- RS-6 Uses
-  1/3 GR Uses plus self-serve storage
  3 - MF zoning (Max 18 units/acre) plus self-serve storage
  5 - MF zoning (Max 18 units/acre)



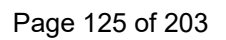


EXHIBIT D
OFFICE USES

RESIDENTIAL USES:

Single Family Detached Dwellings – to standards of RS-6 zoning districts

ACCESSORY AND INCIDENTAL USES:

Swimming Pools, Private (accessory to residential use) - only if RS8 or larger

Tennis Courts, Private (accessory to residential use) - only if RS8 or larger

CULTURAL AND RECREATIONAL USES

Art Galleries

Libraries

Museums

EDUCATIONAL AND RELIGIOUS USES:

Church or Place of Worship

OFFICE-TYPE USES:

Accounting, Auditing, Tax and Bookkeeping Services

Adjustment and Collection Services

Advertising Services

Appraisal Services

Architectural and Planning Services

Business Associations

Customer and Mercantile Credit Reporting Services

Detective Services

Engineering Services

Educational Research Offices

Government Administrative Offices

Insurance Agents, Carriers, and Brokers

Legal Services

Medical or Dental Office or Clinic -**No 24/7 Minor Emergency Clinic**

Office Space (general/unspecified)

Protective and Security Services

Real Estate Agent, Brokers, and Management

Security and Commodity Brokers, Dealers, and Exchanges

Stenographic, Duplicating and Mailing Services

Telephone Answering

Title Abstractors

SERVICE (OTHER THAN OFFICE-TYPE)

Banking Services (remote automatic)

Credit Unions

Savings and Loan Associations

Travel Arranging and Ticket Services

- END -

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-104 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, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 13th day of April A.D. 2006.

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 15th day of March, 2006, 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 27th day of April, 2006, 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 22nd day of June, A.D. 2006.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

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

PART 2: Development Specifications. All development in the Planned Development District 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 District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development District 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 District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space to PDD (Planned Development District).

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

PART 5: Legal Description. The legal description of this PDD is as follows:

ORDINANCE NO. _____
EXHIBIT "A"
PAGE 2

BEING 84.29 acres of land and being out of the Northeast 1/4 of Section 62, Abstract 781, Blind Asylum Lands, Taylor County, Texas, said Northeast 1/4 being part of that same tract conveyed unto the State of Texas from the City of Abilene and recorded in Volume 14, Page 127, Deed Records, Taylor County, Texas, said 84.29 acre tract being more particularly described as follows:

BEGINNING at a 3/8" rebar found at the Southwest corner of the Northeast 1/4 of said Section 62 for the Southwest corner of this tract, the Northeast corner of a 48.37 acre tract recorded in Volume 3010, Page 154, Official Public Records, Taylor County, Texas and the Northwest corner of a 13.37 acre tract surveyed by Williams Surveying Company on June 22, 2005, said point of beginning also bears S19°50'W 1756.95 feet from City of Abilene Survey Marker # 48 which has a posted position by the City of Abilene as: Texas Plane Coordinates, N. C. Zone, X = 1316698.83, Y = 278803.50.

THENCE N0°05'23"W 836.78 feet to a 1/2" rebar set;

THENCE N87°54'18"E 939.06 feet to a 1/2" rebar set;

THENCE N41°31'05"W 300.67 feet to a 1/2" rebar set;

THENCE N10°59'00"E 699.0 feet to a 1/2" rebar set in a curve to the left on the SBL of South 27th Street for the most Northerly Northwest corner of this tract;

THENCE along the SBL of South 27th Street and said curve to the left having a radius of 1498.53 feet, a length of 375.04 feet and a chord bearing and distance of N51°47'58"E 374.06 feet to a 1/2" rebar set at the end of said curve to the left;

THENCE N44°37'47"E (N45°20'E = record bearing) 253.10 feet along the SBL of said street to a 1/2" rebar set at the beginning of a curve to the right;

THENCE along the SBL of said street and said curve to the right having a radius of 1274.55 feet, a length of 854.82 feet, and a chord bearing and distance of N63°50'36"E 838.89 feet to a 1/2" rebar set for the most Northerly Northeast corner of this tract;

THENCE S9°19'31"E 383.10 feet to a 1/2" rebar set;

THENCE S89°48'14"E 426.27 feet to a 1/2" rebar set on the WBL of F. M. Highway 1750 (A.K.A. Oldham Lane) for the most Easterly Northeast corner of this tract;

THENCE S0°31'24"E (S0°30'E = record bearing) along the WBL of said highway at 215.07 feet pass an existing concrete highway monument and continue along for a total distance of 939.58 feet to an existing concrete highway monument on the Northwest boundary line of State Highway Loop 322;

THENCE S60°24'04"W (S40°40.7'W = record bearing) 513.45 feet (513.51 = record distance) along the Northwest boundary line of said Loop 322 to an existing concrete highway monument;

THENCE S44°05'09"W (S44°11.9'W = record bearing) 1079.66 feet along the Northwest boundary line of said Loop 322 to an existing concrete highway monument;

THENCE S33°34'19"W (S33°25.9'W = record bearing) 238.20 feet along the Northwest boundary line of said Loop 322 to a 1/2" rebar found at the Northeast corner of said 13.37 acre tract and the Southeast corner of this tract;

THENCE S89°13'35"W (S89°13'20"W = record bearing) 1263.47 feet (Bearing Basis Line, Bearings determined by GPS observations using Trimble 4700 receivers.) along the NBL of said 13.37 acre tract to the place of beginning and containing 84.29 acres of land.

Tract 6

ADD: **BEING** 14.34 acres of land and being out of the Northeast 1/4 of Section 62, Abstract 781, Blind Asylum Lands, Taylor County, Texas, said Northeast 1/4 being part of that same tract conveyed unto the State of Texas from the City of Abilene and recorded in Volume 14, Page 127, Deed Records, Taylor County, Texas, said 14.34 acre tract being more particularly described as follows:

BEGINNING at a set 1/2" rebar on the WBL of said Northeast 1/4 of Section 62, from whence a 3/8" rebar found at the Southwest corner of the Northeast 1/4 of said Section 62 and the Northeast corner of a 48.37 acre tract recorded in Volume 3010, Page 154, Official Public Records, Taylor County, Texas, bears S0°05'23"E 836.78 feet;

ORDINANCE NO. _____
EXHIBIT "A"
PAGE 3

THENCE N0°05'23"W 730.53 feet to the SBL of South 27 th Street;
THENCE N89°37'47"E 110.65 feet along the SBL of South 27 th Street to the beginning of a curve to the left;
THENCE along said curve to the left with a radius of 1498.53 feet and a chord bearing and distance of N74°18'E 792.37 feet to a set 1/2" rebar at the most Northerly Northwest corner of an existing 84.29 acre tract;
THENCE along the Westerly boundary line of said 84.29 acre tract to set 1/2" rebar as follows:
S10°59'00"W 699.0 feet,
S41°31'05"E 300.67 feet and S87°54'18"W 939.06 feet to the place of beginning and containing 14.34 acres of land.

Location:

The west side of Oldham Lane between S. 27th Street and Loop 322

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for mix of commercial and residential development: and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The following regulations and the attached concept plan (Exhibit B) shall govern the use and development of this Planned Development District.

A. PERMITTED USES:

1. Tract 1:

- a. ~~Uses permitted in the Shopping Center district as modified (See Exhibit C)~~
- b. ~~Education Research~~
- c. ~~Catering Service~~
- d. ~~Delivery Services~~
- e. ~~Office equipment and business machine rental~~
- f. ~~Printing (Commercial)~~
- g. ~~Medical and Dental Supply Sales~~
- h. ~~Newspaper, periodical and book publishing, binding and printing~~
- i. ~~Pet Stores with the following provisions:~~
 - ~~No external grooming or kennels~~
 - ~~All related activities must occur indoors within the pet store business~~
- j. ~~Hotel (including swimming pools and tennis courts) with the following provisions:~~
 - ~~May only face Loop 322~~
 - ~~No exterior entry to rooms~~
 - ~~Roof-top mechanical items must be screened~~
- a. **all uses permitted in the General Retail (GR) zoning district**
- b. Residential provisions of RS-6 except as modified in Part 7.B.14 .

2. Tract 2:

- a. ~~Uses permitted in the Office District as modified (See Exhibit D).~~
- b. ~~All mechanical equipment, such as HVAC and power units, and refuse containers shall be located within a fenced area that is screened from view.~~
- a. **Uses permitted in the GR zoning district**
- b. **Storage self-service units shall be a permitted use**
- c. **Residential provisions of RS-6 except as modified in Part 7.B.14 .**

3. Tract 3:

- a. Uses allowed in Residential Multi-Family (MF) zoning districts, subject to all standards ordinarily required thereof and of Part 7 .B.14 of this ordinance, except the overall density of housing (on any one lot) shall not exceed 18 dwelling units per acre.
- b. Self-service storage units, subject to all ordinary building and site development standards required thereof, as well as the following limitations:
 - (1) Outside storage (including storage of boats and other recreational vehicles) is not allowed.
 - (2) Fencing requirements:
 - (a) Chain-link fencing may be used on north and west sides only.
 - (b) No barbed or razor wire fencing may be used.
 - (c) Masonry or wrought-iron fencing may be used in any area.
 - (3) Sufficient containers for solid waste disposal must be provided and shall be fully screened from view of public rights-of-way or any roadway.
 - (4) Self-service storage building must be on concrete foundations, and all vehicle parking and maneuvering areas shall be improved with asphaltic or Portland cement binder pavement.
- c. Residential provisions of RS-6 except as modified in Part 7.B.14 .

4. Tract 4:

- a. The use and development of land in Tract 4 shall be generally governed by the following three zoning classifications as well as by provisions expressed in Part 7.B.14 of this ordinance:
 - (1) Residential Medium-Density (MD) District, with allowances for development of conventional single-family housing to ordinary standards of RS-6 zoning districts, and with a restriction that no more than two (2) dwelling units are allowed on any one lot;
 - (2) Residential Townhome (TH) District, provided that any final subdivision plat (or replat) embracing lots intended for townhome dwellings must specifically identify and restrict those lots for such housing; and
 - (3) Residential Single-Family Patio Home (PH) District, provided that any final subdivision plat (or replat) embracing lots intended for patio home dwellings must specifically identify and restrict those lots for such housing.

5. Tract 5:

Shall develop under the provisions of the RM-2 district with the following exceptions:

- The maximum density shall be 18 units per acre
- Must meet the requirements of Part 7.B.14 of this ordinance

6. Tract 6:

- a. Shall develop under the provisions of Residential Medium Density zoning district, except as modified in Part 7.B.14 of this ordinance.

B. SITE DEVELOPMENT

1. Minimum Building Setbacks - Commercial Development and Residential:

- a. Along S. 27th St, Oldham Lane., Loop 322 and any future collector streets:
 - (1) 15 feet if entirely landscaped except for sidewalks and permitted driveways crossing perpendicular across the 15 feet
 - (2) 30 feet if parking is located in the front of the building
- b. Along interior streets: 20 feet
- c. All others setbacks: 10 feet
- d. Residential: 5,000 sq. ft. lots shall have a minimum side yard setback of 5 feet for interior lots

2. Maximum Structure Height: 35 feet and no more than 2 stories

3. Controlled ingress and egress:

- a. Maximum of two (2) driveways (curb cuts) off Oldham Lane
- b. Maximum of three (3) driveways (curb cuts) off Loop 322

4. Building Materials:

- a. This section does not apply to single-family residences or self-storage (see Section A.3 for self-storage requirements).
- b. A minimum of 80% of the exterior face of all structures shall be composed of brick, stone, or EIFS
- c. The remaining area of the building face shall be limited to glass, stucco, EIFS finishes, decorative block, or other similar materials.
- d. No metal panels of any kind used on exterior facade.
- e. Elevation plans shall be submitted, with the Site Plan, for review and approval by the Planning Director. Any variation from the materials listed above will be subject to review and may be permissible at the discretion of the Planning Director.
- f. Development of Tract 1 must have consistent and similar façades throughout the Tract.
- g. Development in Tract 2 must have a residential character to include the following:
 - A minimum roof pitch of 3:1
 - No metal roofing
 - Overhead doors may not be visible from Oldham Lane

5. Off-street parking and Circulation:

- a. All parking areas shall comply with the provisions specified in the Zoning Ordinance.
- b. Truck loading areas shall be screened from street-side lot boundaries by an opaque wall or barrier at least 8 feet in height either of which must be constructed of solid materials compatible with the exterior face of the building. Such screening shall extend the full length of the loading areas, exclusive of maneuvering areas for trucks.
- c. Internal circulation of vehicular and pedestrian traffic shall be required between parcels within the development.

6. Driveway Access and Spacing

- a. Direct driveway access for lots developed with single-family, duplex, townhome, and patio home residential uses shall be prohibited onto any arterial street or the Loop 322 frontage road.
- b. Driveways along S. 27th St. shall be a minimum of 150' from the nearest street intersection (measured from the right-of-way line) and separated from the nearest driveway on either side of the same street by a minimum of 100 feet, unless they are located directly across from existing driveways.

7. Signage

- a. Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- b. Freestanding:
 - (1) Monument Signs: Each parcel that is less than one acre may have a maximum of one free-standing sign. Parcels of one or more acres may have a maximum of two free-standing signs. Such signs must be monument signs with a maximum height of 10 feet and a maximum area of 80 square feet.
 - (2) Group Pole Signs: In addition to any allowable monument signs, two group pole signs may be erected only along the Loop 322 frontage with a maximum height of 30 feet and a maximum area of 150 square feet.
- c. Wall Signs: Wall signage may not exceed 10% of the area of any wall on which the sign(s) is (are) located and cannot be attached to required screening.
- d. Banners: Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage. These shall only be allowed until permanent wall signage is installed, but in no case for more than 60 days.
- e. Prohibited Signs:
 - (1) Portable Signs
 - (2) Off-site Advertising
 - (3) Pennants, streamers, balloons, and similar devices

8. Landscaping and buffers

- a. This section does not apply to single-family residential development.
- b. Landscaping and buffering within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- c. A minimum 15-foot wide landscaped area shall be provided along all street-side boundaries of the PDD. The landscaped area shall be located entirely on private property.
- d. In addition to the landscaped strip along the street-side boundaries, no less than five

- (5) percent of the remaining lot area shall be landscaped, which may include parking lot landscaping and grass areas. The remaining area shall be calculated by subtracting the area of the required landscaped strip from the total area of the PDD.
- e. Landscaping within the required 15-foot wide strip must consist of living materials and shall include at least 1 commercially balled tree and 2 shrubs per 40 linear feet of required landscaping area.
 - f. Landscaping within the remaining required area must consist of living materials and shall include at least 2 commercially balled trees and 4 shrubs per 1000 square feet of landscape area.
 - g. Landscaped islands within parking lots are required at a rate of 1 per 20 parking spaces in a row. At least half of these islands shall include a commercially balled tree.
 - h. All parkways shall be landscaped.

9. Screening and Fencing

- a. This section does not apply to single-family residential.
- b. Any fencing on site that is for required screening must be constructed from masonry materials. Other fencing for security or other non-screening purposes may be wrought iron. Chain-link fencing shall be permitted only along the west boundaries of the PDD, but not along the Loop 322 frontage or Oldham Lane.
- c. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be fully screened from view outside the tract in question by an opaque wall or fence constructed of materials consistent with those of the primary building(s).
- d. Barbed wire and razor wire fencing shall be prohibited.
- e. A masonry wall six feet in height shall be provided along the eastern boundary of Tract 4, separating Tract 4 from Tract 2 and the existing fire station.

10. Sidewalks

- a. Sidewalks are required along all arterials, frontage roads, and collector streets within or adjacent to the PDD and must be placed in the right-of-way at least one foot from the property line.
- b. Internal sidewalks are required to connect the public sidewalks with the primary entrances of all buildings other than single-family residences. Sidewalks and walkways should be designed to promote safe and convenient pedestrian routes within the development.
- c. All sidewalks along collector and arterial streets must be a minimum of five (5) feet wide.
- d. All internal sidewalks must be a minimum of four (4) feet wide.
- e. Internal circulation of vehicular and pedestrian traffic shall be required within the entire PDD and to adjacent tracts.
- f. All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan, as well as applicable state and federal accessibility standards.

11. Outdoor Storage and Display

- a. Outdoor display of merchandise is not permitted
- b. Outdoor storage is not permitted

12. Freight Containers are prohibited

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

14. Residential Specs: The following standards shall apply to all residential development:

1. No Carports in any residential area
2. All residential structures shall have at least 80% brick facades
3. All garages for residential lots greater than or equal to 70 foot lot width shall have side or rear entry garages. Less than 70 foot wide lots shall be allowed front entry garages.
4. All streets shall be curbed
5. No industrial metal roofs
6. Fences shall be wrought iron, masonry, or wood

PART 10: Development Schedule. If a building permit is not approved within 18 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designation.

- END -



*AS AMENDED IN 2021

Page 136 of 203

~~EXHIBIT C~~

~~SHOPPING CENTER USES~~

~~ACCESSORY AND INCIDENTAL USES:~~

~~Accessory Building-
Fences, Walls, and Hedges
Field Office or Construction Office (temporary)-
Mobile Home (temporary security residence)
Satellite Dish Antenna (maximum diameter of 24 inches)~~

~~CULTURAL AND RECREATIONAL USES~~

~~Art Galleries
Libraries-
Museums
Theaters and Playhouses~~

~~GOVERNMENT, HEALTH, SAFETY AND WELFARE USES~~

~~Fire Station
Governmental Administrative Offices
Medical and Dental Clinic or Office – *No 24/7 Minor Emergency Clinic*
Optical Shop
Post Office~~

~~EDUCATIONAL AND RELIGIOUS USES:~~

~~Church or Place of Worship~~

~~OFFICE-TYPE USES:~~

~~Accounting, Auditing, Tax and Bookkeeping Services-
Adjustment and Collection Services
Advertising Services
Appraisal Services
Architectural and Planning Services-
Business Associations
Consumer and Mercantile Credit Reporting-
Detective Services
Engineering Services-
Educational Research Offices
Government Administrative Offices-
Insurance Agents, Carriers, and Brokers-
Legal Services
Medical or Dental Office or Clinic – *No 24/7 Minor Emergency Clinic*
Office Space (general/unspecified)-
Protective and Security Services
Real Estate Agent, Brokers, and Management
Security and Commodity Brokers, Dealers, and Exchanges-
Stenographic, Duplicating and Mailing Services-
Telephone Answering
Title Abstractors~~

SERVICE (OTHER THAN OFFICE-TYPE)

Banking Services
Banking Services (remote-automatic)-
Beauty and Barber Services-
Blueprinting and Photocopying Services-
Credit Unions
Interior Decorating Services-
Key and Lock Repair
Laundry and Dry-Cleaning Services, Including Pressing, Alteration, and Garment Repair (does not accept-
Items from pick-up stations)
Photographic Services
Savings and Loan Associations-
Tailoring (custom)
Trading Stamp Services
Travel Arranging and Ticket Services-
Watch, Clock and Jewelry Repair Service

TRADE-RETAIL USES: [No Drive-Thru Windows]-

Appliances (household)
Bakery Products (on-premise sales)-
Book and Stationery
Cameras and Photographic Supplies-
China, Glassware, and Metal ware-
Clothing and Apparel Accessories-
Coins and Stamps
Department Stores-
Drug Store/Pharmacy-
Floor Coverings
Furniture and Home Furnishings-
Furriers and Fur Apparel
Gifts, Novelties, Souvenirs-
Hardware
Hobby and Craft Supplies-
Jewelry
Keys and Locks
Liquor Store Off-Premise Consumption (unrestricted)-
Music Supplies and/or Records
Office Supplies and Equipment-
Optical Goods
Paint, Glass, and Wallpaper
Pets and Pet Supplies [*No grooming and no outdoor kennel*]-
Radios and Televisions
Restaurants, Standard
Shoes
Sporting Goods and Athletic Equipment-
Variety Stores

- END -

EXHIBIT D
OFFICE USES

RESIDENTIAL USES:

Single Family Detached Dwellings – to standards of RS-6 zoning districts

ACCESSORY AND INCIDENTAL USES:

Swimming Pools, Private (accessory to residential use) - only if RS8 or larger

Tennis Courts, Private (accessory to residential use) - only if RS8 or larger

CULTURAL AND RECREATIONAL USES

Art Galleries

Libraries

Museums

EDUCATIONAL AND RELIGIOUS USES:

Church or Place of Worship

OFFICE-TYPE USES:

Accounting, Auditing, Tax and Bookkeeping Services

Adjustment and Collection Services

Advertising Services

Appraisal Services

Architectural and Planning Services

Business Associations

Customer and Mercantile Credit Reporting Services

Detective Services

Engineering Services

Educational Research Offices

Government Administrative Offices

Insurance Agents, Carriers, and Brokers

Legal Services

Medical or Dental Office or Clinic -**No 24/7 Minor Emergency Clinic**

Office Space (general/unspecified)

Protective and Security Services

Real Estate Agent, Brokers, and Management

Security and Commodity Brokers, Dealers, and Exchanges

Stenographic, Duplicating and Mailing Services

Telephone Answering

Title Abstractors

SERVICE (OTHER THAN OFFICE-TYPE)

Banking Services (remote automatic)

Credit Unions

Savings and Loan Associations

Travel Arranging and Ticket Services

- END -

ZONING CASE Z-2023-32

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: October 3, 2023
City Council 1st Reading: October 26, 2023
City Council 2nd Reading: November 2, 2023

Applicant

Owner: Weatherbee Construction Inc.
Agent: Civetta Solutions

Case Manager

Adam Holland – Planner

Request

The subject property encompasses PD-104, which is a mixed-use residential, office, and retail development governed by a Concept Plan and development regulations. The applicant proposes to:

1. Revise the base zoning of Tract 2 from Office (O) to General Commercial (GC); and
2. Remove all listed used and add General Retail (GR) base zoning in Tract 1, without limitations.

Location

The property is located south of South 27th Street, north of Loop 322, and west of the 3200 Block of Oldham Lane.

Background

The subject property was zoned as PD-104 in 2006 to create a mixed-use development, to allow uses in the Medium Density (MD), Residential Single-family (RS), Office (O), and General Retail (GR) zoning districts.

Existing Zoning and Land Uses

Oldham Lane between East South 11th Street and subject property is entirely zoned residential and is used as single-family residential detached and attached. The lone exception is the Fire Station at the intersection of Oldham Lane and South 27th Street. Retail uses are located southeast of the subject property at the northeast corner of Loop 322 and Oldham Lane.

Based on that land use/zoning pattern, PD-104 was approved in 2015 to allow general retail uses along Loop 322, office uses on Oldham Lane, and residential uses along South 27th Street. The land use and zoning patterns in place when PD-104 was created is the same in 2023.

Analysis and Concerns

Tract 1. Tract 1 fronts onto the Loop 322 frontage road and along Oldham Lane to match the northern limit of retail uses on the east side of Oldham Lane. The Comprehensive Plan recommends retail uses for the entirety of Tract 1. Given that fact, plus the classification of the two adjoining roads, and surrounding uses, the base zoning of Tract 1 should be General Retail (GR) without any limitations.

Tract 2. PD-104 limits the intensity of use on Tract 2 to the Office (O) base zoning district due to the location residential zoning and land uses on the east side of Oldham Lane and on Tract 4 to the west.

The Comprehensive Plan recommends retail uses for Tract 2.

The applicant indicates that the base zoning of GC is proposed on Tract 2 in order to allow a self-storage facility. The GC base zoning district would also allow the following uses that would not be appropriate at this location:

Contractor services, indoor/outdoor kennels (with outdoor pens), recycling collection and processing, major repair service of cars and small trucks, outdoor repairs of vehicles, truck sales/rentals, repair of large trucks and equipment, and wholesaling etc..

Alternative Option.

An alternative that would be consistent with the Comprehensive Plan and compatible with the surrounding zoning and land uses would be as follows:

1. The base zoning of Tract 2 would be General Retail (GR), with self-storage being an additional permitted use; and
2. The base zoning of Tract 1 would be General Retail (GR) without any GR use limitations.

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.**

This development is consistent with the Comprehensive Plan and Future Land Use 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.**

Uses permitted in the GR district in Tract 1 are appropriate. Since Tract 2 is located in close proximity to residential zoning districts and uses, General Retail (GR) would be an appropriate base zoning district, rather than the proposed General Commercial (GC) district. It would be appropriate, however, to allow a self-storage facility to be located in Tract 2.

- (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 utility services.

- (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 of Tract 1 shall be General Retail (GR), without any GR use limitations.
2. The base zoning of Tract 2 shall be General Retail (GR), with self-storage being an additional permitted use.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

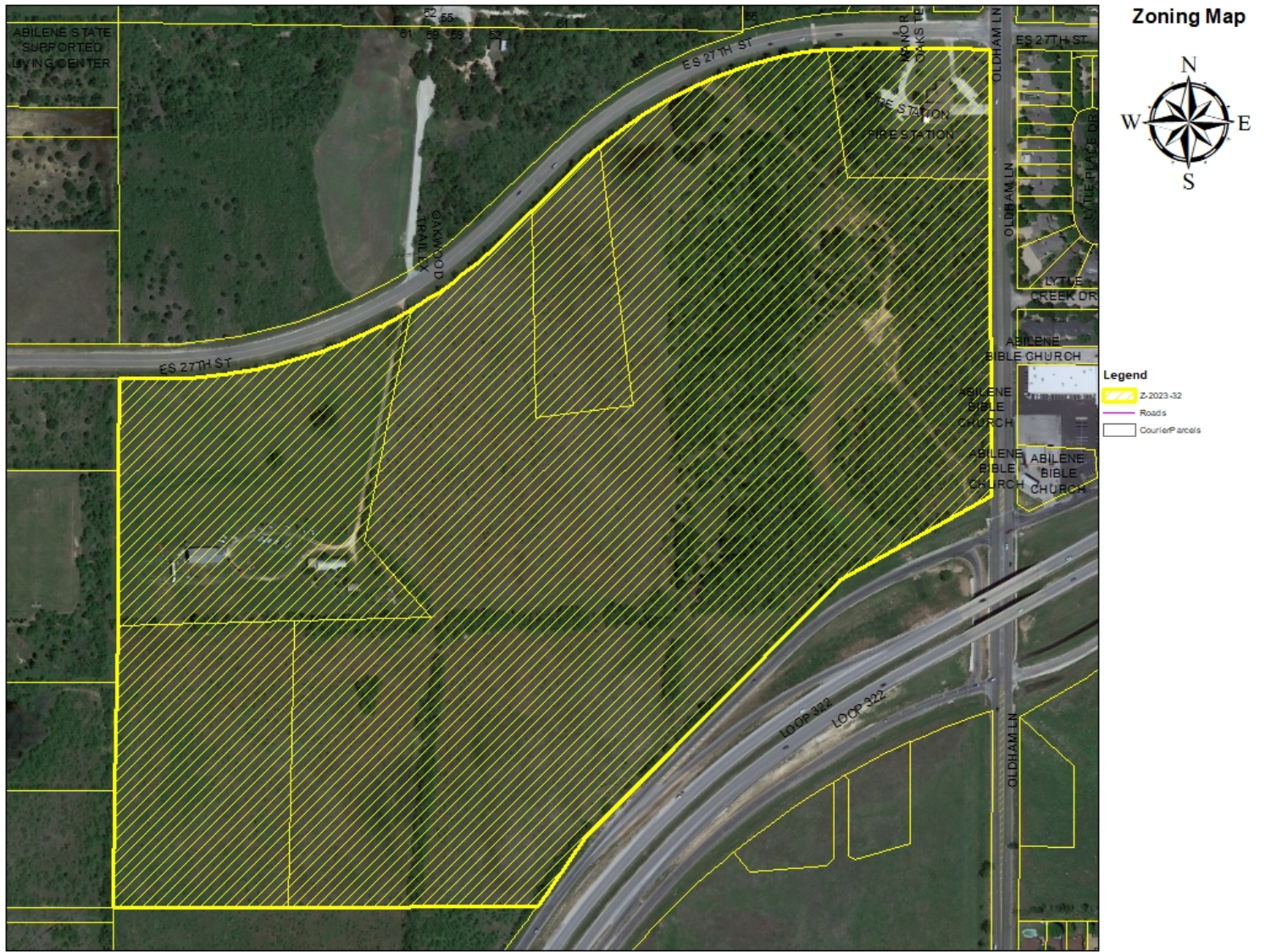
OWNER

OWNER	PROP_ID	SITUS	RESPONSE
108 REAL ESTATE LLC	41496		
ABILENE BIBLE CONFERENCE ASSO	40123	3103 OLDHAM LN	
ABILENE NATIONAL SOCCER	969057	3025 MAPLE ST	
ABILENE STATE SCHOOL	106963	901 ES 27TH ST	
AGUIRRE GILBERT B & DOMINIQUE R	32441	23 LYTLE PLACE DR	
AKINS SCOTT & SHANNON	32437	125 LYTLE PLACE DR	
ANDERSON MARTHA	31668	119 LYTLE PLACE DR	
BAUGHMAN KENNETH L &	31793	120 LYTLE PLACE DR	
BLOCKER DON W	31538	118 LYTLE PLACE DR	
CAMERER REV TR	31415	117 LYTLE PLACE DR	O
CHILDREN OF THE KINGDOM	986632	2749 OLDHAM LN	
CUYAHOGA INVESTMENTS LLC	32182	123 LYTLE PLACE DR	
GOHLKE CARLA	31283	116 LYTLE PLACE DR	
HODGE LANELLE E	31930	121 LYTLE PLACE DR	
KNOWLES ROY D & PEGGY J	32305	124 LYTLE PLACE DR	O
MARTIN SCOT A & AMY	35905	1005 LYTLE CREEK DR	
MATHIS LOYD WENDELL & SHIRLEY	32448	25 LYTLE PLACE DR	
MC DANIEL JACK RUSSELL	40350		
SKINNYS INC	39994	3151 OLDHAM LN	
SPRINGER NORMA H	32446	24 LYTLE PLACE DR	
TITAN TOWERS LP	40474	225 ES 27TH ST	
TRINITY BAPTIST CHURCH	1005693		
WEATHERBEE CONSTRUCTION INC	106962	665 ES 27TH ST	F
WEST CENTRAL TEXAS COUNCIL	974626		
WILLIAMS TOMMY	32056	122 LYTLE PLACE DR	

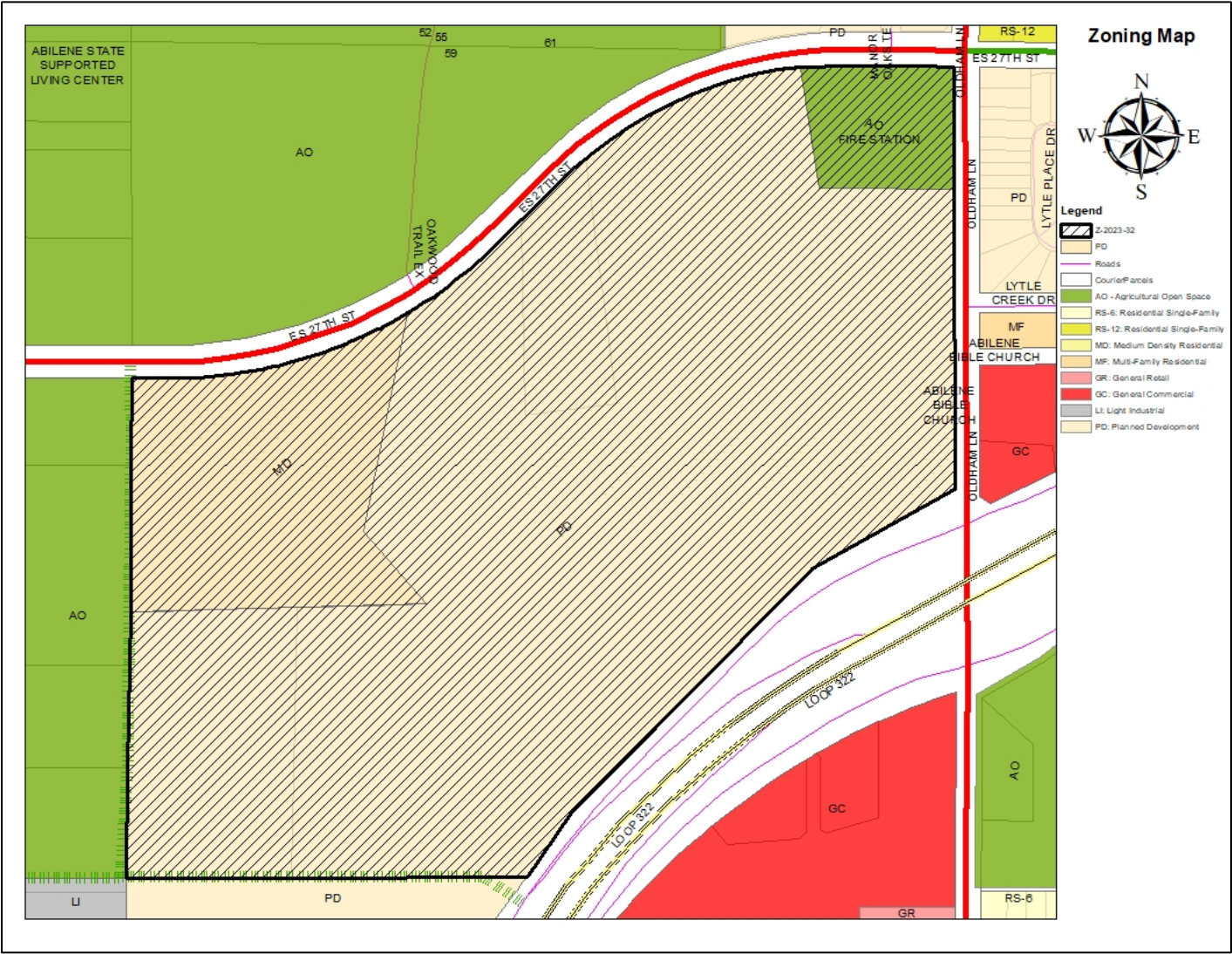
PROPERTY ID

OWNER	PROP_ID	SITUS	RESPONSE
GOHLKE CARLA	31283	116 LYTLE PLACE DR	
CAMERER REV TR	31415	117 LYTLE PLACE DR	O
BLOCKER DON W	31538	118 LYTLE PLACE DR	
ANDERSON MARTHA	31668	119 LYTLE PLACE DR	
BAUGHMAN KENNETH L &	31793	120 LYTLE PLACE DR	
HODGE LANELLE E	31930	121 LYTLE PLACE DR	
WILLIAMS TOMMY	32056	122 LYTLE PLACE DR	
CUYAHOGA INVESTMENTS LLC	32182	123 LYTLE PLACE DR	
KNOWLES ROY D & PEGGY J	32305	124 LYTLE PLACE DR	O
AKINS SCOTT & SHANNON	32437	125 LYTLE PLACE DR	
AGUIRRE GILBERT B & DOMINIQUE R	32441	23 LYTLE PLACE DR	
SPRINGER NORMA H	32446	24 LYTLE PLACE DR	
MATHIS LOYD WENDELL & SHIRLEY	32448	25 LYTLE PLACE DR	
MARTIN SCOT A & AMY	35905	1005 LYTLE CREEK DR	
SKINNYS INC	39994	3151 OLDHAM LN	
ABILENE BIBLE CONFERENCE ASSO	40123	3103 OLDHAM LN	
MC DANIEL JACK RUSSELL	40350		
TITAN TOWERS LP	40474	225 ES 27TH ST	
108 REAL ESTATE LLC	41496		
WEATHERBEE CONSTRUCTION INC	106962	665 ES 27TH ST	F
ABILENE STATE SCHOOL	106963	901 ES 27TH ST	
ABILENE NATIONAL SOCCER	969057	3025 MAPLE ST	
WEST CENTRAL TEXAS COUNCIL	974626		
CHILDREN OF THE KINGDOM	986632	2749 OLDHAM LN	
TRINITY BAPTIST CHURCH	1005693		

LOCATION MAP



ZONING MAP



ORDINANCE NO. 24-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-104 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, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

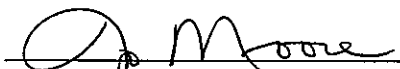
PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue,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

PASSED ON FIRST READING this 13th day of April A.D. 2006.

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 15th day of March, 2006, 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 27th day of April, 2006, 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.

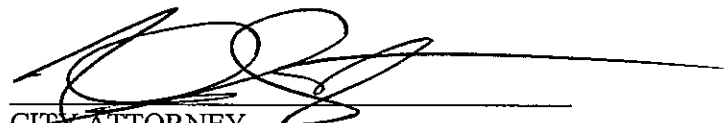
PASSED ON SECOND AND FINAL READING THIS 22nd day of June, A.D. 2006.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY
T. Daniel Santee II
First Assistant City Attorney

ORDINANCE NO. _____

Exhibit "A"

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

PART 2: Development Specifications. All development in the Planned Development District 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 District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development District 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 District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space to PDD (Planned Development District).

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

PART 5: Legal Description. The legal description of this PDD is as follows:

BEING 84.29 acres of land and being out of the Northeast 1/4 of Section 62, Abstract 781, Blind Asylum Lands, Taylor County, Texas, said Northeast 1/4 being part of that same tract conveyed unto the State of Texas from the City of Abilene and recorded in Volume 14, Page 127, Deed Records, Taylor County, Texas, said 84.29 acre tract being more particularly described as follows:

BEGINNING at a 3/8" rebar found at the Southwest corner of the Northeast 1/4 of said Section 62 for the Southwest corner of this tract, the Northeast corner of a 48.37 acre tract recorded in Volume 3010, Page 154, Official Public Records, Taylor County, Texas and the Northwest corner of a 13.37 acre tract surveyed by Williams Surveying Company on June 22, 2005, said point of beginning also bears S19°50'W 1756.95 feet from City of Abilene Survey Marker # 48 which has a posted position by the City of Abilene as: Texas Plane Coordinates, N. C. Zone, X = 1316698.83, Y = 278803.50.

THENCE N0°05'23"W 836.78 feet to a 1/2" rebar set;

THENCE N87°54'18"E 939.06 feet to a 1/2" rebar set;

THENCE N41°31'05"W 300.67 feet to a 1/2" rebar set;

THENCE N10°59'00"E 699.0 feet to a 1/2" rebar set in a curve to the left on the SBL of South 27th Street for the most Northerly Northwest corner of this tract;

THENCE along the SBL of South 27th Street and said curve to the left having a radius of 1498.53 feet, a length of 375.04 feet and a chord bearing and distance of N51°47'58"E 374.06 feet to a 1/2" rebar set at the end of said curve to the left;

THENCE N44°37'47"E (N45°20'E = record bearing) 253.10 feet along the SBL of said street to a 1/2" rebar set at the beginning of a curve to the right;

THENCE along the SBL of said street and said curve to the right having a radius of 1274.55 feet, a length of 854.82 feet, and a chord bearing and distance of N63°50'36"E 838.89 feet to a 1/2" rebar set for the most Northerly Northeast corner of this tract;

THENCE S9°19'31"E 383.10 feet to a 1/2" rebar set;

THENCE S89°48'14"E 426.27 feet to a 1/2" rebar set on the WBL of F. M. Highway 1750 (A.K.A. Oldham Lane) for the most Easterly Northeast corner of this tract;

THENCE S0°31'24"E (S0°30'E = record bearing) along the WBL of said highway at 215.07 feet pass an existing concrete highway monument and continue along for a total distance of 939.58 feet to an existing concrete highway monument on the Northwest boundary line of State Highway Loop 322;

THENCE S60°24'04"W (S40°40.7'W = record bearing) 513.45 feet (513.51 = record distance) along the Northwest boundary line of said Loop 322 to an existing concrete highway monument;

THENCE S44°05'09"W (S44°11.9'W = record bearing) 1079.66 feet along the Northwest boundary line of said Loop 322 to an existing concrete highway monument;

THENCE S33°34'19"W (S33°25.9'W = record bearing) 238.20 feet along the Northwest boundary line of said Loop 322 to a 1/2" rebar found at the Northeast corner of said 13.37 acre tract and the Southeast corner of this tract;

THENCE S89°13'35"W (S89°13'20"W = record bearing) 1263.47 feet (Bearing Basis Line, Bearings determined by GPS observations using Trimble 4700 receivers.) along the NBL of said 13.37 acre tract to the place of beginning and containing 84.29 acres of land.

Location:

The west side of Oldham Lane between S. 27th Street and Loop 322

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for mix of commercial and residential development: and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The following regulations and the attached concept plan (Exhibit B) shall govern the use and development of this Planned Development District.

A. PERMITTED USES:

1. Tract 1:

- a. Uses permitted in the Shopping Center district as modified (See Exhibit C)
- b. Education Research
- c. Catering Service
- d. Delivery Services
- e. Office equipment and business machine rental
- f. Printing (Commercial)
- g. Medical and Dental Supply Sales
- h. Newspaper, periodical and book publishing, binding and printing
- i. Pet Stores with the following provisions:
 - No external grooming or kennels
 - All related activities must occur indoors within the pet store business
- j. Hotel (including swimming pools and tennis courts) with the following provisions:
 - May only face Loop 322
 - No exterior entry to rooms
 - Rooftop mechanical items must be screened

2. Tract 2:

- a. Uses permitted in the Office District as modified (See Exhibit D).
- b. All mechanical equipment, such as HVAC and power units, and refuse containers shall be located within a fenced area that is screened from view.

3. Tract 3:

Self Storage units are permitted in Tract 3, subject to the following limitations:

- a. Front exterior facades must be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
- b. Any exterior facade other than the front that is visible from any public right-of-way shall be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
- c. All building materials, including doors, that are visible from a public right-of-way shall be of a neutral color.
- d. Outside storage (including RV storage) is not permitted.
- e. Fencing requirements:
 - 1. Chain link fencing may be used on the north side and/or the west side
 - 2. No barbed or razor wire fencing may be used.
 - 3. Masonry or wrought iron fencing may be used in any area.
- f. Sufficient refuse containers must be provided and shall be fully screened from view of the public right-of-way or any roadway.
- g. Buildings must be on concrete foundations and all parking and maneuvering areas

shall be concrete and/or asphalt.

4. Tract 4:

Shall develop under the provisions of the RS-8 and/or the RM-3 zoning districts, except as modified in Part 7.B.14 of this ordinance. Development under the RM-3 standards shall be limited to the following uses only:

- Townhomes
- Patio Homes
- Duplexes

5. Tract 5:

Shall develop under the provisions of the RM-2 district with the following exceptions:

- The maximum density shall be 18 units per acre
- Must meet the requirements of Part 7.B.14 of this ordinance

B. SITE DEVELOPMENT

1. Minimum Building Setbacks - Commercial Development and Residential:

- a. Along S. 27th St, Oldham Lane., Loop 322 and any future collector streets:
 - (1) 15 feet if entirely landscaped except for sidewalks and permitted driveways crossing perpendicular across the 15 feet
 - (2) 30 feet if parking is located in the front of the building
- b. Along interior streets: 20 feet
- c. All others setbacks: 10 feet

2. Maximum Structure Height: 35 feet and no more than 2 stories

3. Controlled ingress and egress:

- a. Maximum of two (2) driveways (curb cuts) off Oldham Lane
- b. Maximum of three (3) driveways (curb cuts) off Loop 322

4. Building Materials:

- a. This section does not apply to single-family residences or self-storage (see Section A.3 for self-storage requirements).
- b. A minimum of 80% of the exterior face of all structures shall be composed of brick, stone, or EIFS
- c. The remaining area of the building face shall be limited to glass, stucco, EIFS finishes, decorative block, or other similar materials.
- d. No metal panels of any kind used on exterior facade.
- e. Elevation plans shall be submitted, with the Site Plan, for review and approval by the Planning Director. Any variation from the materials listed above will be subject to review and may be permissible at the discretion of the Planning Director.
- f. Development of Tract 1 must have consistent and similar façades throughout the Tract.
- g. Development in Tract 2 must have a residential character to include the following:
 - A minimum roof pitch of 3:1
 - No metal roofing

- Overhead doors may not be visible from Oldham Lane

5. Off-street parking and Circulation:

- a. All parking areas shall comply with the provisions specified in the Zoning Ordinance.
- b. Truck loading areas shall be screened from street-side lot boundaries by an opaque wall or barrier at least 8 feet in height either of which must be constructed of solid materials compatible with the exterior face of the building. Such screening shall extend the full length of the loading areas, exclusive of maneuvering areas for trucks.
- c. Internal circulation of vehicular and pedestrian traffic shall be required between parcels within the development.

6. Driveway Access and Spacing

- a. Direct driveway access for lots developed with single-family, duplex, townhome, and patio home residential uses shall be prohibited onto any arterial street or the Loop 322 frontage road.
- b. Driveways along S. 27th St. shall be a minimum of 150' from the nearest street intersection (measured from the right-of-way line) and separated from the nearest driveway on either side of the same street by a minimum of 100 feet, unless they are located directly across from existing driveways.

7. Signage

- a. Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- b. Freestanding:
 - (1) Monument Signs: Each parcel that is less than one acre may have a maximum of one free-standing sign. Parcels of one or more acres may have a maximum of two free-standing signs. Such signs must be monument signs with a maximum height of 10 feet and a maximum area of 80 square feet.
 - (2) Group Pole Signs: In addition to any allowable monument signs, two group pole signs may be erected only along the Loop 322 frontage with a maximum height of 30 feet and a maximum area of 150 square feet.
- c. Wall Signs: Wall signage may not exceed 10% of the area of any wall on which the sign(s) is (are) located and cannot be attached to required screening.
- d. Banners: Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage. These shall only be allowed until permanent wall signage is installed, but in no case for more than 60 days.
- e. Prohibited Signs:
 - (1) Portable Signs
 - (2) Off-site Advertising
 - (3) Pennants, streamers, balloons, and similar devices

8. Landscaping and buffers

- a. This section does not apply to single-family residential development.
- b. Landscaping and buffering within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following.
- c. A minimum 15-foot wide landscaped area shall be provided along all street-side boundaries of the PDD. The landscaped area shall be located entirely on private property.
- d. In addition to the landscaped strip along the street-side boundaries, no less than five

- (5) percent of the remaining lot area shall be landscaped, which may include parking lot landscaping and grass areas. The remaining area shall be calculated by subtracting the area of the required landscaped strip from the total area of the PDD.
- e. Landscaping within the required 15-foot wide strip must consist of living materials and shall include at least 1 commercially balled tree and 2 shrubs per 40 linear feet of required landscaping area.
- f. Landscaping within the remaining required area must consist of living materials and shall include at least 2 commercially balled trees and 4 shrubs per 1000 square feet of landscape area.
- g. Landscaped islands within parking lots are required at a rate of 1 per 20 parking spaces in a row. At least half of these islands shall include a commercially balled tree.
- h. All parkways shall be landscaped.

9. Screening and Fencing

- a. This section does not apply to single-family residential.
- b. Any fencing on site that is for required screening must be constructed from masonry materials. Other fencing for security or other non-screening purposes may be wrought iron. Chain-link fencing shall be permitted only along the west boundaries of the PDD, but not along the Loop 322 frontage or Oldham Lane.
- c. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be fully screened from view outside the tract in question by an opaque wall or fence constructed of materials consistent with those of the primary building(s).
- d. Barbed wire and razor wire fencing shall be prohibited.
- e. A masonry wall six feet in height shall be provided along the eastern boundary of Tract 4, separating Tract 4 from Tract 2 and the existing fire station.

10. Sidewalks

- a. Sidewalks are required along all arterials, frontage roads, and collector streets within or adjacent to the PDD and must be placed in the right-of-way at least one foot from the property line.
- b. Internal sidewalks are required to connect the public sidewalks with the primary entrances of all buildings other than single-family residences. Sidewalks and walkways should be designed to promote safe and convenient pedestrian routes within the development.
- c. All sidewalks along collector and arterial streets must be a minimum of five (5) feet wide.
- d. All internal sidewalks must be a minimum of four (4) feet wide.
- e. Internal circulation of vehicular and pedestrian traffic shall be required within the entire PDD and to adjacent tracts.
- f. All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan, as well as applicable state and federal accessibility standards.

11. Outdoor Storage and Display

- a. Outdoor display of merchandise is not permitted
- b. Outdoor storage is not permitted

12. Freight Containers are prohibited

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

14. Residential Specs: The following standards shall apply to all residential development:

1. No Carports in any residential area
2. All residential structures shall have at least 80% brick facades
3. All garages for residential structures shall have side or rear entries (no front-facing)
4. All streets shall be curbed
5. No industrial metal roofs
6. Fences shall be wrought iron, masonry, or wood

PART 10: Development Schedule. If a building permit is not approved within 18 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designation.

- END -

1 Uses with Modifications

2 SC Uses and/ or Self Storage

3 Self Storage and Residential 18 Units/ Acre

2

Office Uses with Modifications

4

Residential RM-3 and/ or RS-8

5

Residential RM-3 18 Units/ Acre

Exhibit B

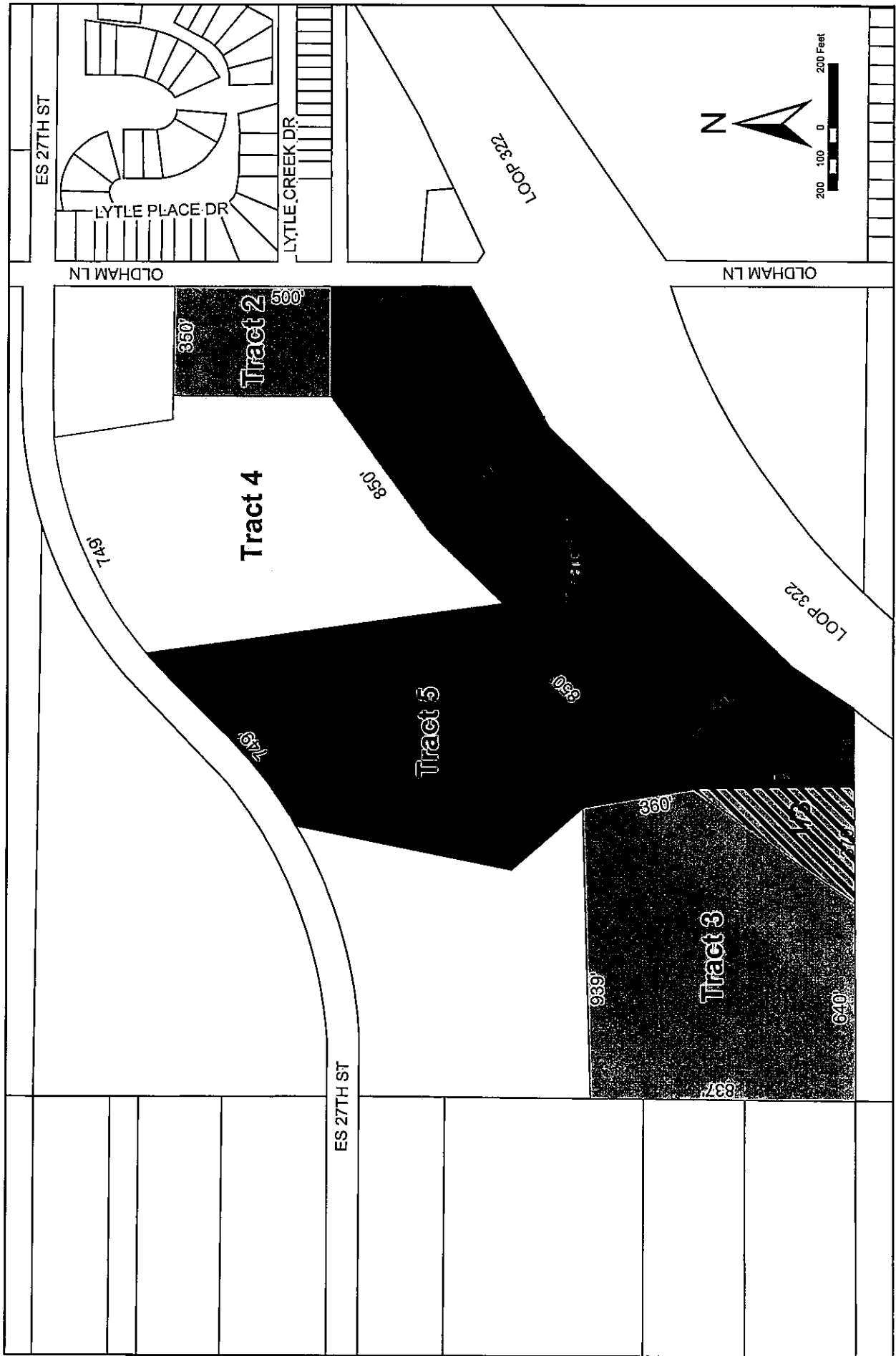


EXHIBIT C

SHOPPING CENTER USES

ACCESSORY AND INCIDENTAL USES:

Accessory Building
Fences, Walls, and Hedges
Field Office or Construction Office (temporary)
Mobile Home (temporary security residence)
Satellite Dish Antenna (maximum diameter of 24 inches)

CULTURAL AND RECREATIONAL USES

Art Galleries
Libraries
Museums
Theaters and Playhouses

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES

Fire Station
Governmental Administrative Offices
Medical and Dental Clinic or Office - *No 24/7 Minor Emergency Clinic*
Optical Shop
Post Office

EDUCATIONAL AND RELIGIOUS USES:

Church or Place of Worship

OFFICE-TYPE USES:

Accounting, Auditing, Tax and Bookkeeping Services
Adjustment and Collection Services
Advertising Services
Appraisal Services
Architectural and Planning Services
Business Associations
Consumer and Mercantile Credit Reporting
Detective Services
Engineering Services
Educational Research Offices
Government Administrative Offices
Insurance Agents, Carriers, and Brokers
Legal Services
Medical or Dental Office or Clinic - *No 24/7 Minor Emergency Clinic*
Office Space (general/unspecified)
Protective and Security Services
Real Estate Agent, Brokers, and Management
Security and Commodity Brokers, Dealers, and Exchanges
Stenographic, Duplicating and Mailing Services
Telephone Answering
Title Abstractors

SERVICE (OTHER THAN OFFICE-TYPE)

Banking Services
Banking Services (remote automatic)
Beauty and Barber Services
Blueprinting and Photocopying Services
Credit Unions
Interior Decorating Services
Key and Lock Repair
Laundry and Dry Cleaning Services, Including Pressing, Alteration, and Garment Repair (does not accept
Items from pick-up stations)
Photographic Services
Savings and Loan Associations
Tailoring (custom)
Trading Stamp Services
Travel Arranging and Ticket Services
Watch, Clock and Jewelry Repair Service

TRADE-RETAIL USES: [No Drive-Thru Windows]

Appliances (household)
Bakery Products (on premise sales)
Book and Stationery
Cameras and Photographic Supplies
China, Glassware, and Metalware
Clothing and Apparel Accessories
Coins and Stamps
Department Stores
Drug Store/Pharmacy
Floor Coverings
Furniture and Home Furnishings
Furriers and Fur Apparel
Gifts, Novelties, Souvenirs
Hardware
Hobby and Craft Supplies
Jewelry
Keys and Locks
Liquor Store Off-Premise Consumption (unrestricted)
Music Supplies and/or Records
Office Supplies and Equipment
Optical Goods
Paint, Glass, and Wallpaper
Pets and Pet Supplies [*No grooming and no outdoor kennel*]
Radios and Televisions
Restaurants, Standard
Shoes
Sporting Goods and Athletic Equipment
Variety Stores

- END -

EXHIBIT D
OFFICE USES

RESIDENTIAL USES:

Single Family Detached Dwellings - RS8 or better to be compatible with the neighborhood

ACCESSORY AND INCIDENTAL USES:

Swimming Pools, Private (accessory to residential use) - only if RS8 or larger

Tennis Courts, Private (accessory to residential use) - only if RS8 or larger

CULTURAL AND RECREATIONAL USES

Art Galleries

Libraries

Museums

EDUCATIONAL AND RELIGIOUS USES:

Church or Place of Worship

OFFICE-TYPE USES:

Accounting, Auditing, Tax and Bookkeeping Services

Adjustment and Collection Services

Advertising Services

Appraisal Services

Architectural and Planning Services

Business Associations

Customer and Mercantile Credit Reporting Services

Detective Services

Engineering Services

Educational Research Offices

Government Administrative Offices

Insurance Agents, Carriers, and Brokers

Legal Services

Medical or Dental Office or Clinic -No 24/7 Minor Emergency Clinic

Office Space (general/unspecified)

Protective and Security Services

Real Estate Agent, Brokers, and Management

Security and Commodity Brokers, Dealers, and Exchanges

Stenographic, Duplicating and Mailing Services

Telephone Answering

Title Abstractors

SERVICE (OTHER THAN OFFICE-TYPE)

Banking Services (remote automatic)

Credit Unions

Savings and Loan Associations

Travel Arranging and Ticket Services

- END -

ORDINANCE NO. 57-2015

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-104 AND ORDINANCE NO. 24-2006 A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing Ordinance No. 24-2006, as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 22nd day of October A.D. 2015.

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 18th day of September, 2015, 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 p.m., on the 5th day of November, 2015, 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 5th day of November, A.D. 2015.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

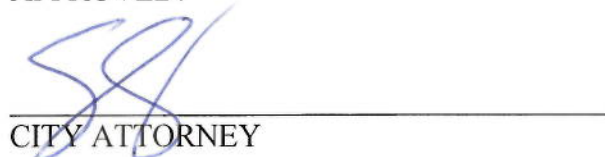

CITY ATTORNEY

Exhibit "A"

1st Amendment to Ordinance No. 24-2006

AMEND: PART 7: Specific Modifications. Sub-part (A) (3) as follows:

ADD: Add the MD (Medium Density Residential) district to define permitted uses

3. Tract 3:

- Uses permitted in the MD (Medium Density Residential) district. Development under the MD standards must meet the requirements of Part 7.B.14 of this ordinance.
- Self Storage units are permitted in Tract 3 subject to the following limitations:
 - a. Front exterior facades must be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
 - b. Any exterior facade other than the front that is visible from any public right-of-way shall be at least 75% masonry, brick, stone, stucco, EIFS, or any combination of the preceding.
 - c. All building materials, including doors, that are visible from a public right-of-way shall be of a neutral color.
 - d. Outside storage (including RV storage) is not permitted.
 - e. Fencing requirements:
 - 1. Chain link fencing may be used on the north side and/or the west side
 - 2. No barbed or razor wire fencing may be used.
 - 3. Masonry or wrought iron fencing may be used in any area.
 - f. Sufficient refuse containers must be provided and shall be fully screened from view of the public right-of-way or any roadway.
 - g. Buildings must be on concrete foundations and all parking and maneuvering areas shall be concrete and/or asphalt.

-END-

ORDINANCE NO. 62-2021

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, LAND DEVELOPMENT CODE OF THE ABILENE CITY CODE, SPECIFICALLY BY AMENDING TERMS AND CONDITIONS OF PLANNED DEVELOPMENT DISTRICT NUMBER 104 (PD 104) AS WELL AS ORDINANCE NUMBERS 24-2006 AND 57-2015; 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 specifically by modifying certain terms and conditions of Ordinance Numbers 24-2006 and 57-2015 concerning PD 104 (a Planned Development District) as set out in accompanying Exhibits concerning the same said PD 104, attached hereto and made a part of this ordinance for all purposes.

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

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

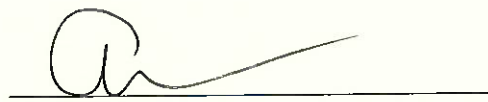
PASSED ON FIRST READING the 28th day of October, 2021.

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 18th day of September, 2021, 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 4th day of November, 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 in the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 4th day of November, 2021.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

EXHIBIT A

AMEND PART 7: Specific Modifications, Subpart A.3 therein concerning uses permitted in Tract 3, specifically as follows:

DELETE: all existing Subpart 7.A.3 which presently reads as follows:

3. Tract 3

- Uses permitted in the MD (Residential Medium-Density) zoning district. Development under the MD standards must meet the requirements of Part 7.B.14 of this ordinance.
- Self-storage units are permitted in Tract 3 subject to the following limitations:
 - a. Front exterior facades must be at least 75% masonry, brick, stone, stucco, EIFS or any combination of the preceding.
 - b. Any exterior façade other than the front that is visible from any public right-of-way shall be at least 75% masonry, brick, stone, stucco, EIFS or any combination of the preceding.
 - c. All building materials, including doors, that are visible from a public right-of-way shall be of a neutral color.
 - d. Outside storage (including RV storage) is not permitted.
 - e. Fencing requirements:
 - 1. Chain-link fencing may be used on the north side and/or the west side.
 - 2. No barbed or razor wire fencing may be used.
 - 3. Masonry or wrought-iron fencing may be used in any area.
 - f. Sufficient refuse containers must be provided and shall be fully screened from view of the public right-of-way or any roadway.
 - g. Buildings must be on concrete foundations and all parking and maneuvering areas shall be concrete and/or asphalt.

ADD: the following replacement description of uses permitted in Tract 3 of PD 104:

3. Tract 3

- a. Uses allowed in Residential Multi-Family (MF) zoning districts, subject to all standards ordinarily required thereof and of Part 7.B.14 of this ordinance, except the overall density of housing (on any one lot) shall not exceed 18 dwelling units per acre.
- b. Self-service storage units, subject to all ordinary building and site development standards required thereof, as well as the following limitations:
 - (1) Outside storage (including storage of boats and other recreational vehicles) is not allowed.
 - (2) Fencing requirements:
 - (a) Chain-ink fencing may be used on north and west sides only.
 - (b) No barbed or razor wire fencing may be used.
 - (c) Masonry or wrought-iron fencing may be used in any area.
 - (3) Sufficient containers for solid waste disposal must be provided and shall be fully screened from view of public rights-of-way or any roadway.

- (4) Self-service storage building must be on concrete foundations, and all vehicle parking and maneuvering areas shall be improved with asphaltic or portland cement binder pavement.

AMEND PART 7: Specific Modifications. Subpart A.4 therein concerning permitted uses in Tract 4, specifically as follows:

DELETE: all existing Subpart 7.A.4, which presently reads as follows:

4. Tract 4

Shall develop under the provisions of the RS-8 and/or the RM-3 zoning districts, except as modified in Part 7.B.14 of this ordinance. Development under the RM-3 standards shall be limited to the following uses only:

- townhomes,
- patio homes,
- duplexes.

ADD: the following replacement description of uses permitted in Tract 4 of PD 104:

4. Tract 4

a. The use and development of land in Tract 4 shall be generally governed by the following three zoning classifications as well as by provisions expressed in Part 7.B.14 of this ordinance:

- (1) Residential Medium-Density (MD) District, with allowances for development of conventional single-family housing to ordinary standards of RS-6 zoning districts, and with a restriction that no more than two (2) dwelling units are allowed on any one lot;
- (2) Residential Townhome (TH) District, provided that any final subdivision plat (or replat) embracing lots intended for townhome dwellings must specifically identify and restrict those lots for such housing; and
- (3) Residential Single-Family Patio Home (PH) District, provided that any final subdivision plat (or replat) embracing lots intended for patio home dwellings must specifically identify and restrict those lots for such housing.

AMEND PART 7: Specific Modifications. Subpart B.14 therein addressing standards applicable to all residential development in PD 104, specifically as follows:

DELETE: Item 3 therein which stipulates that “All garages for residential structures shall have side or rear entries (no front-facing)” and renumber the remaining items in Subpart B.14 accordingly.

AMEND EXHIBIT D: OFFICE USES specifically as follows:

DELETE: RESIDENTIAL USES:

Single-Family Detached Dwellings – RS-8 or better, to be compatible with the neighborhood.

ADD: RESIDENTIAL USES:

Single-Family Detached Dwellings – to standards of RS-6 zoning districts.

AMEND the graphic concept plan originally attached as Exhibit B to Ordinance No. 24-2006, specifically as follows:

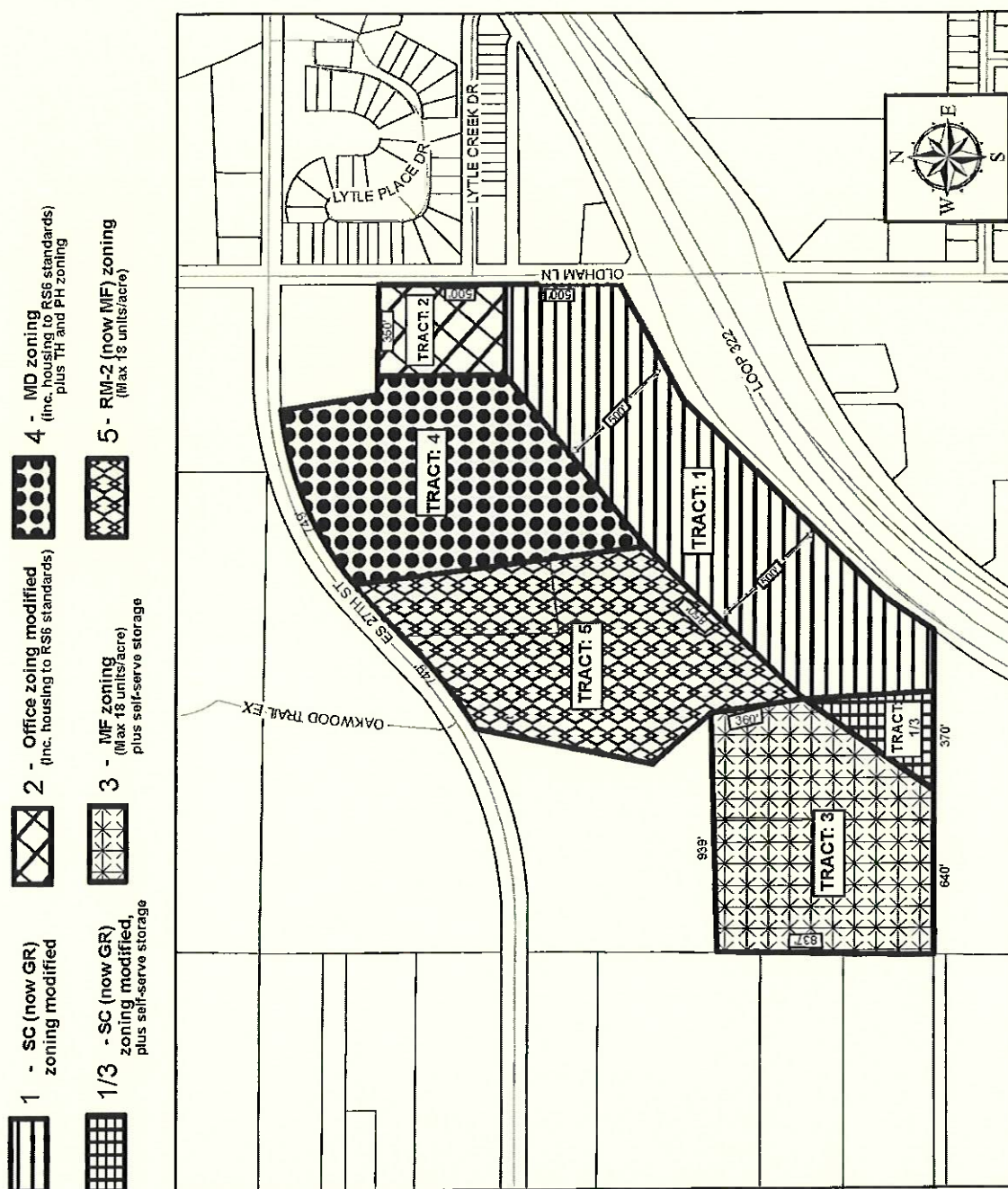
DELETE: said graphic concept plan attached as Exhibit B to Ordinance No. 24.2006.

ADD: the following graphic concept plan identified as Exhibit B and attached to this ordinance.

Exhibit B (PD 104)*

*AS AMENDED IN 2021

SCALE: 1 inch = 500 feet



ORDINANCE NO. 43-2022

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE AND CONCERNING PD-104, A PLANNED DEVELOPMENT DISTRICT, AND ORDINANCE NUMBER 24-2006; 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 Ordinance Numbers 24-2006; specifically, as set out in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.

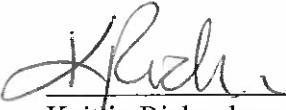
PART 2: That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to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

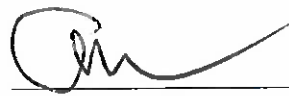
PASSED ON FIRST READING this 28th day of July, 2022.

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 June, 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chamber at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 11th day of August, 2022, 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 25th day of August, 2022.

ATTEST:


Kaitlin Richardson,
DEPUTY CITY SECRETARY


Anthony Williams,
MAYOR

APPROVED:

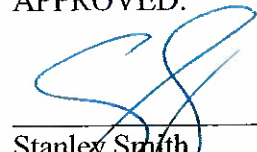

Stanley Smith,
CITY ATTORNEY

Exhibit "A"

3rd Amendment to Ordinance No. 24-2006.

PART 5: Legal Description: Tract 6

ADD: BEING 14.34 acres of land and being out of the Northeast 1/4 of Section 62, Abstract 781, Blind

Asylum Lands, Taylor County, Texas, said Northeast 1/4 being part of that same tract conveyed unto the

State of Texas from the City of Abilene and recorded in Volume 14, Page 127, Deed Records, Taylor

County, Texas, said 14.34 acre tract being more particularly described as follows:

BEGINNING at a set 1/2" rebar on the WBL of said Northeast 1/4 of Section 62, from whence a 3/8"

rebar found at the Southwest corner of the Northeast 1/4 of said Section 62 and the Northeast corner of a

48.37 acre tract recorded in Volume 3010, Page 154, Official Public Records, Taylor County, Texas,

bears S0°05'23"E 836.78 feet;

THENCE N0°05'23"W 730.53 feet to the SBL of South 27 th Street;

THENCE N89°37'47"E 110.65 feet along the SBL of South 27 th Street to the beginning of a curve to the

left;

THENCE along said curve to the left with a radius of 1498.53 feet and a chord bearing and distance of

N74°18'E 792.37 feet to a set 1/2" rebar at the most Northerly Northwest corner of an existing 84.29 acre

tract;

THENCE along the Westerly boundary line of said 84.29 acre tract to set 1/2" rebar as follows:

S10°59'00"W 699.0 feet,

S41°31'05"E 300.67 feet and S87°54'18"W 939.06 feet to the place of beginning and containing 14.34

acres of land.

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

ADD: A. Permitted Uses:

1. Tract 1:

k. Residential provisions of RS-6 except as modified in Part 7.B.14

2. Tract 2:

c. Residential provisions of RS-6 except as modified in Part 7.B.14

3. Tract 3:

1. Self Storage units are permitted in Tract 3, subject to the following limitations. (a-g unchanged)
2. Residential provisions of RS-6 except as modified in Part 7.B.14

6. Tract 6:

Shall develop under the provisions of Residential Medium Density zoning district, except as modified in Part 7.B.14 of this ordinance.

B Site Development

1. Minimum Building Setbacks – Commercial Development and Residential :

- d. Residential: 5,000 sq. ft. lots shall have a minimum side yard setback of 5 feet for interior lots.

14. Residential Specs:

3. All garages for residential lots greater than or equal to 70' lot width shall have side or rear entry garages. Less than 70 ft wide. lots shall be allowed front entry garages.
7. Minimum lot size for single-family shall be 50 feet by 100 feet.

*MS ADDED IN 2021

RS-6 Zoning

MD zoning
According to R 24 standards
plus TM and PH zoning

4

Office zoning modified
and housing to R 3½ standards)

2

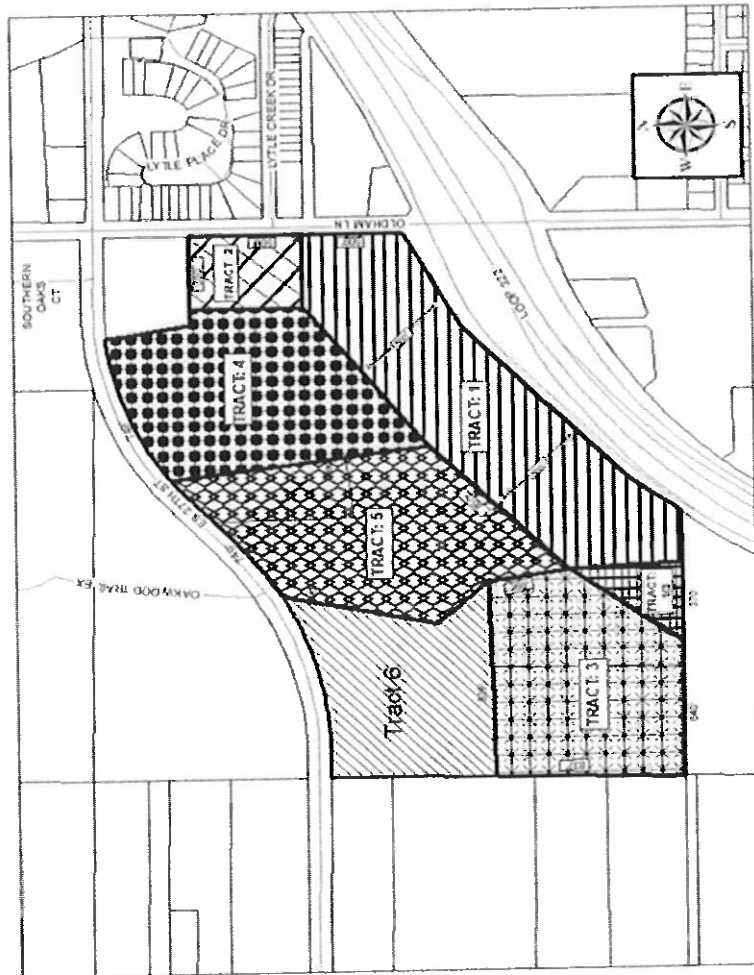
... SC (now GR)

5. RM-2 (now MF) zoning
 (place in unincorporated)

MF zoning
18 units/acre)
3

3. SC (now GR)

1





For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2023-32

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: CAMERER REV TR

Parcel I.D.: 31415

Address: 117 LYTLE PLACE 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:

Merleyn Camera TTE

OCT 23 AM 11:00

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2023-32

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: KNOWLES ROY D & PEGGY J

Parcel I.D.: 32305

Address: 124 LYTLE PLACE 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: Roy D. Knowles

OCT 18 AM 8:51

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

CASE #: Z-2023-32

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: WEATHERBEE CONSTRUCTION INC
Parcel I.D.: 106962
Address: 665 ES 27TH ST

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

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: _____



OCT 3 AM 9:17



REZONE REQUEST

Case: Z-2023-32

Owner: Weatherbee Construction Inc.

Agent: Civetta Solutions

Request: Amend the terms of PDD-104

Location: 3200 Block of Oldham Lane

Notification: 1 in Favor, 2 Opposed

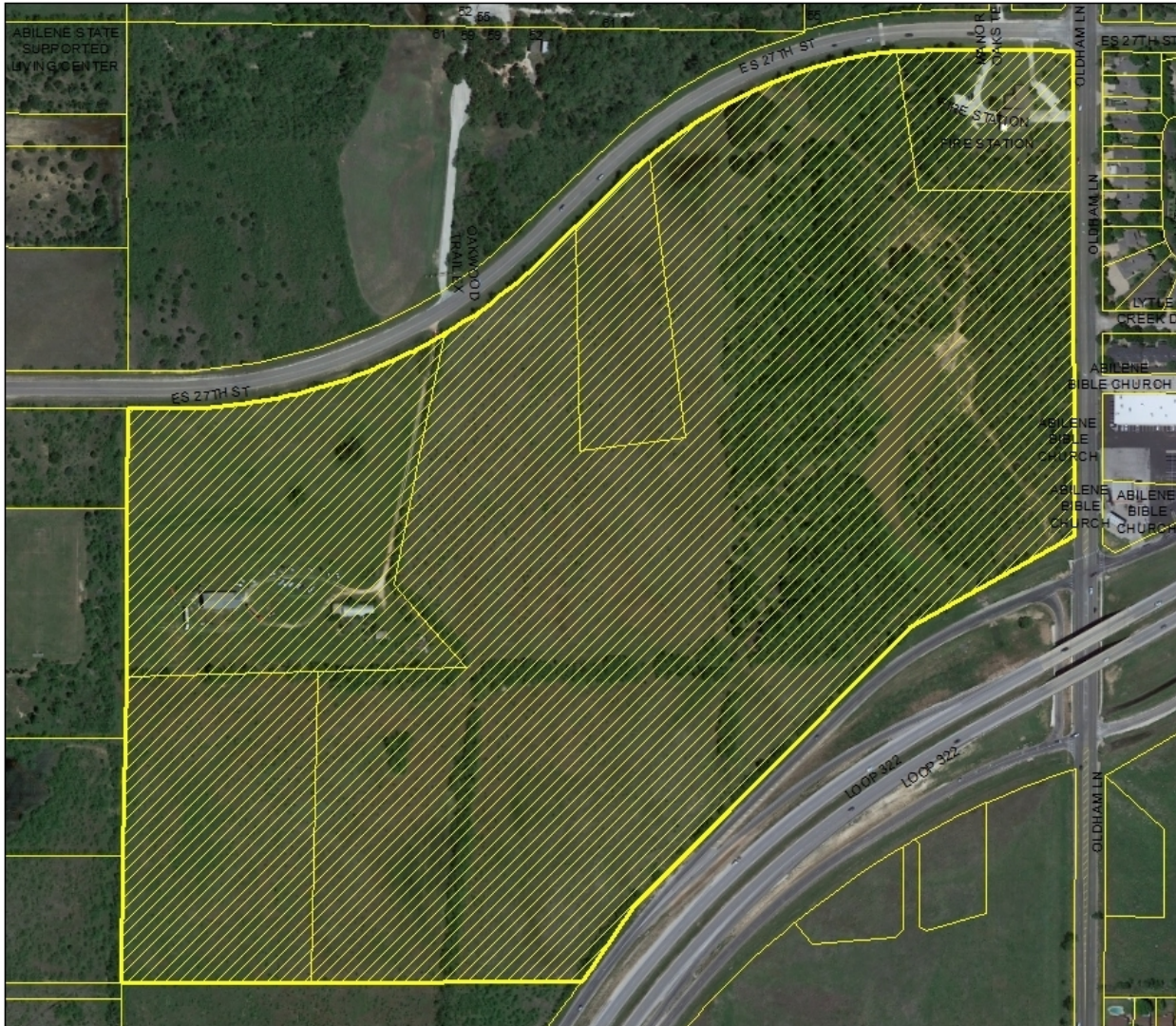
Planning & Zoning: October 3, 2023

Council Hearing: October 26, 2023
November 2, 2023





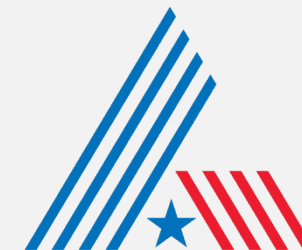
AERIAL LOCATION MAP



Zoning Map



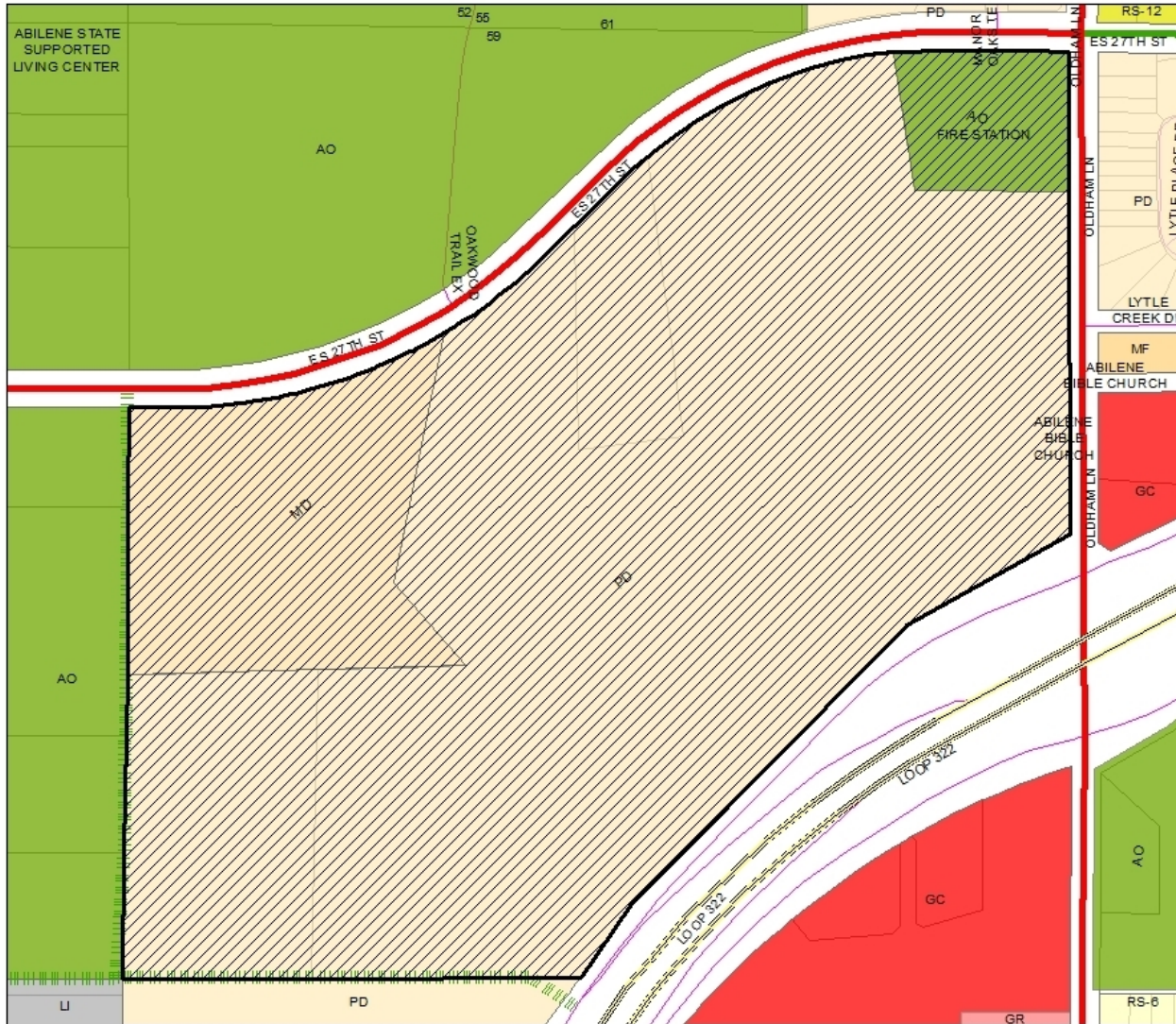
- Legend
- Z-2023-32
 - Roads
 - CourierParcels



CITY OF
ABILENE
TEXAS



ZONING MAP

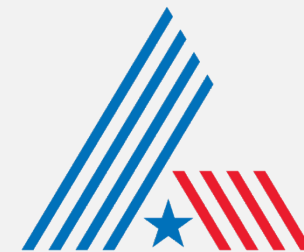


Zoning Map



Legend

	Z-2023-32
	PD
	Roads
	Courier/Parcels
	AO - Agricultural Open Space
	RS-6: Residential Single-Family
	RS-12: Residential Single-Family
	MD: Medium Density Residential
	MF: Multi-Family Residential
	GR: General Retail
	GC: General Commercial
	LI: Light Industrial
	PD: Planned Development



CITY OF
ABILENE
TEXAS



VIEWS OF SUBJECT PROPERTY



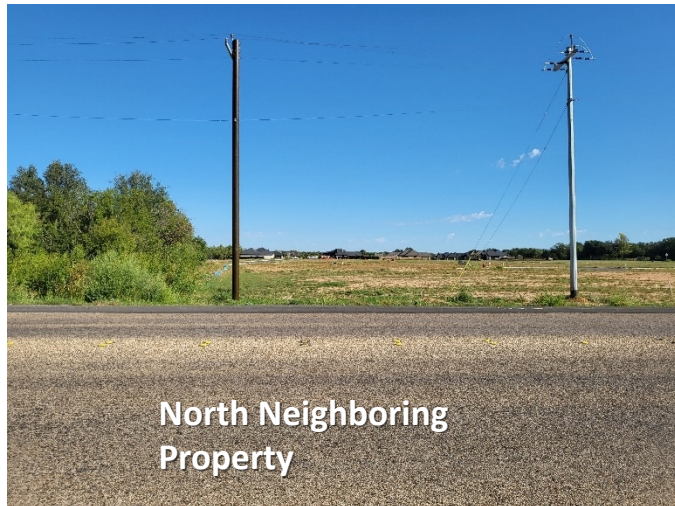
Subject Property



East Neighboring
Property



Southeast Neighboring
Property



North Neighboring
Property



South Neighboring
Property





EXISTING CONCEPT PLAN

- 1 - SC (now GR) zoning modified
- 2 - Office zoning modified (inc. housing to RS6 standards)
- 3 - MF zoning (Max 18 units/acre) plus self-serve storage
- 4 - MD zoning (inc. housing to RS6 standards) plus TH and PH zoning
- 5 - RM-2 (now MF) zoning (Max 18 units/acre)
- 6 RS-6 Zoning
- 1/3 - SC (now GR) zoning modified, plus self-serve storage

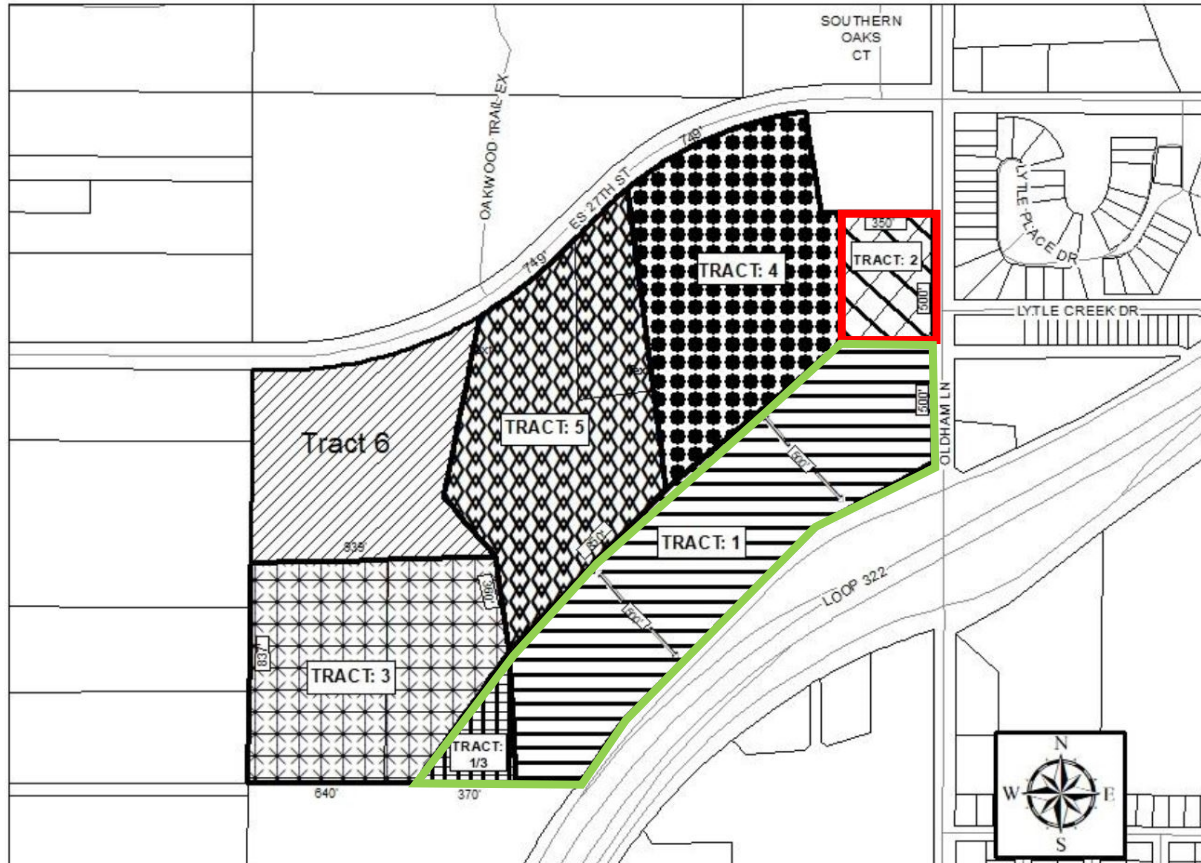


Exhibit B (PD 104)*
SCALE: 1 inch = 500 feet
*AS AMENDED IN 2021

-  Proposed GR Uses with Self-storage
-  Proposed GR Uses Unrestricted





Proposed Concept Plan

- | | | | |
|--|---|---|--|
|  1 - GR Uses |  2 - GR Uses plus Self-service storage |  4 - MD zoning
(inc. housing to RS6 standards)
plus TH and PH zoning |  6- RS-6 Uses |
|  1/3 GR Uses
plus self-serve storage |  3 - MF zoning
(Max 18 units/acre)
plus self-serve storage |  5 - MF zoning
(Max 18 units/acre) | |

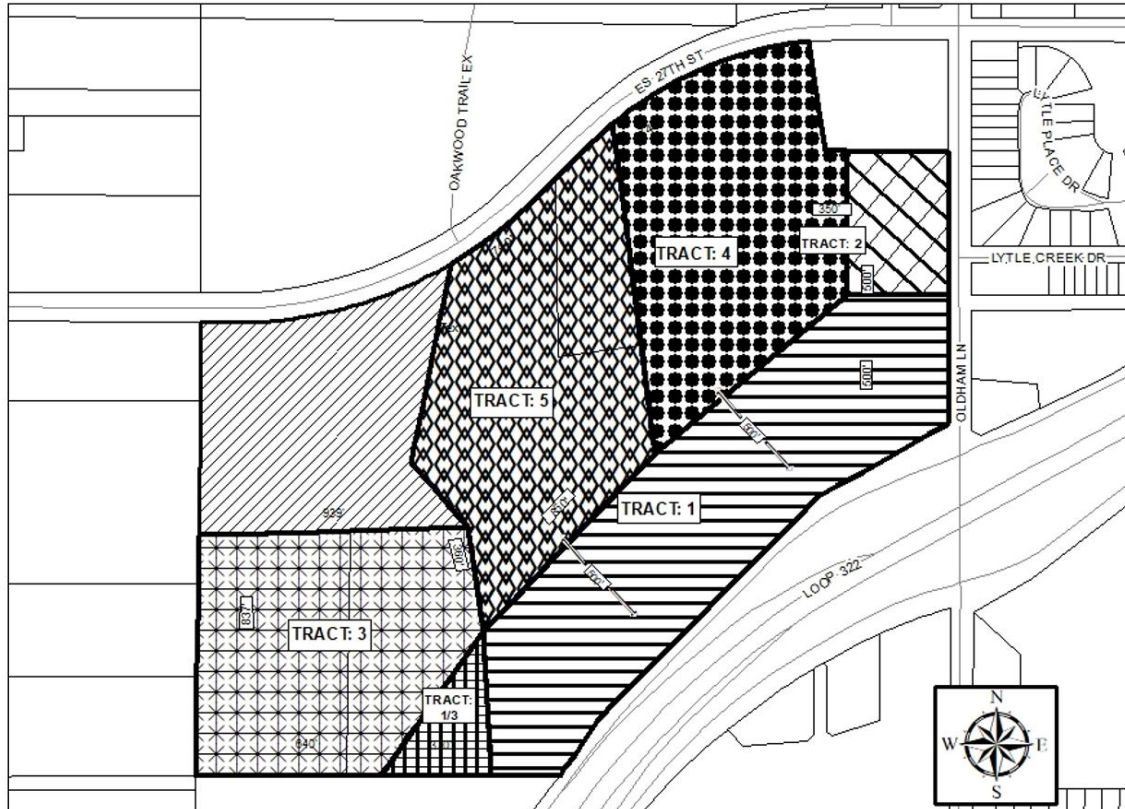
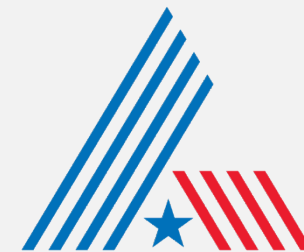


Exhibit B (PD 104)*

SCALE: 1 inch = 500 feet

*AS AMENDED IN 2023



CITY OF
ABILENE
TEXAS



EXHIBIT C TO BE REMOVED

EXHIBIT C

SHOPPING CENTER USES

ACCESSORY AND INCIDENTAL USES:

Accessory Building
Fences, Walls, and Hedges
Field Office or Construction Office (temporary)
Mobile Home (temporary security residence)
Satellite Dish Antenna (maximum diameter of 24 inches)

CULTURAL AND RECREATIONAL USES

Art Galleries
Libraries
Museums
Theaters and Playhouses

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES

Fire Station
Governmental Administrative Offices
Medical and Dental Clinic or Office - *No 24/7 Minor Emergency Clinic*
Optical Shop
Post Office

EDUCATIONAL AND RELIGIOUS USES:

Church or Place of Worship

OFFICE-TYPE USES:

Accounting, Auditing, Tax and Bookkeeping Services
Adjustment and Collection Services
Advertising Services
Appraisal Services
Architectural and Planning Services
Business Associations
Consumer and Mercantile Credit Reporting
Detective Services
Engineering Services
Educational Research Offices
Government Administrative Offices
Insurance Agents, Carriers, and Brokers
Legal Services
Medical or Dental Office or Clinic - *No 24/7 Minor Emergency Clinic*
Office Space (general/unspecified)
Protective and Security Services
Real Estate Agent, Brokers, and Management
Security and Commodity Brokers, Dealers, and Exchanges
Stenographic, Duplicating and Mailing Services
Telephone Answering
Title Abstractors

EXHIBIT C, page 2

SERVICE (OTHER THAN OFFICE-TYPE)

Banking Services
Banking Services (remote automatic)
Beauty and Barber Services
Blueprinting and Photocopying Services
Credit Unions
Interior Decorating Services
Key and Lock Repair
Laundry and Dry Cleaning Services, Including Pressing, Alteration, and Garment Repair (does not accept items from pick-up stations)
Photographic Services
Savings and Loan Associations
Tailoring (custom)
Trading Stamp Services
Travel Arranging and Ticket Services
Watch, Clock and Jewelry Repair Service

TRADE-RETAIL USES: [No Drive-Thru Windows]

Appliances (household)
Bakery Products (on premise sales)
Book and Stationery
Cameras and Photographic Supplies
China, Glasware, and Metalware
Clothing and Apparel Accessories
Coins and Stamps
Department Stores
Drug Store/Pharmacy
Floor Coverings
Furniture and Home Furnishings
Furriers and Fur Apparel
Gifts, Novelties, Souvenirs
Hardware
Hobby and Craft Supplies
Jewelry
Keys and Locks
Liquor Store Off-Premise Consumption (unrestricted)
Music Supplies and/or Records
Office Supplies and Equipment
Optical Goods
Paint, Glass, and Wallpaper
Pets and Pet Supplies [*No grooming and no outdoor kennel*]
Radios and Televisions
Restaurants, Standard
Shoes
Sporting Goods and Athletic Equipment
Variety Stores

- END -





PERMITTED USES IN GR ZONING DISTRICT

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- C Dwelling – Multiple-Family
- P Dwelling – Single Family Detached
- P Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P/C Day Care Operation – Home Based
- P Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Freight Container
- P Fuel Sales
- P Garage Sales
- P Home Occupation
- TP Itinerant Business
- P Manufacturing (incidental)
- TP Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage and parking)
- P Recycling Collection Point
- P Subdivision Sales Office (temporary)
- P Swimming Pools, Private (accessory to residential use)
- P Tennis Courts, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- C Ambulance Service
- P Fire/Police Station
- P Medical/Dental Laboratory
- P Post Office
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and Scientific Research
- P School: Public/Private
- C Trade/Business School
- P University/College

SERVICE

- P/C Automobile Wash
- C Funeral Home/ Mortuary/Morgue
- P Kennel (Without Outdoor Pens)
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Tattoo Parlor
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- 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 (indoor)
- C Retail Sales/Rental (outdoors, non-vehicle)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower- Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

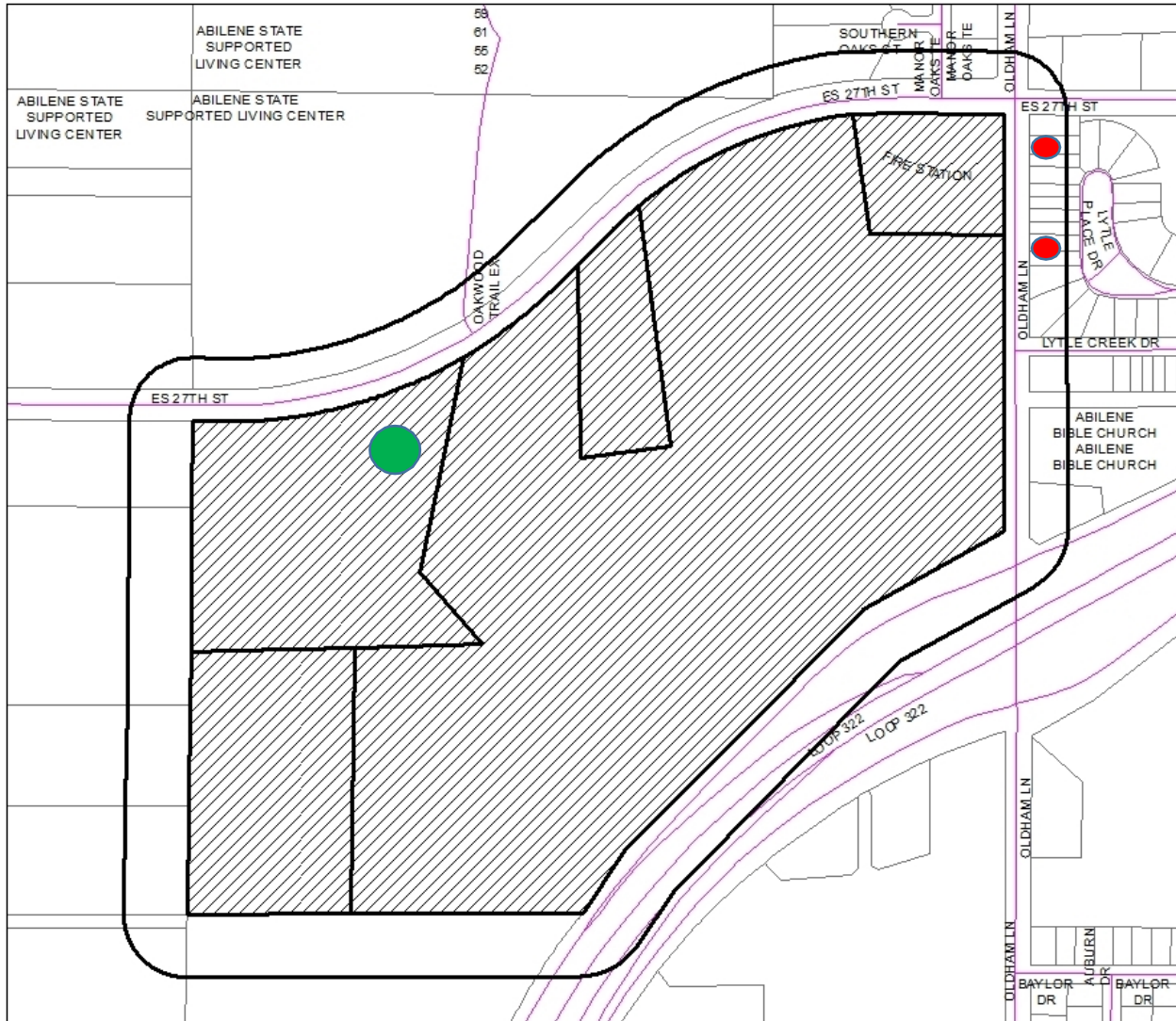
- P Petroleum or Gas Well
- P Urban Garden



CITY OF
ABILENE
TEXAS



NOTIFICATION AREA MAP



Notification Map



Legend



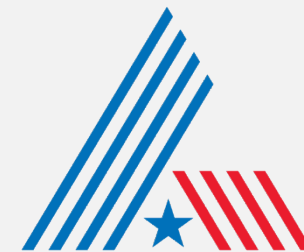
1- In Favor-



2- Opposed-



0.71 % OPPOSITION



CITY OF
ABILENE
TEXAS



FINDINGS AND RECOMMENDATION

Findings: The proposed request is consistent with:

- The spirit and intent of PDD-104;
- 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. The base zoning of Tract 1 shall be General Retail (GR), without any GR use limitations.
2. The base zoning of Tract 2 shall be General Retail (GR), with self-storage being an additional permitted use.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 11/2/2023

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **11. Ordinance (Final Reading) Z-2023-34:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Aaron & Andrea Robison, represented by Jacob & Martin, to change the zoning of approximately 3.21 acres from General Commercial to General Retail. Located at 5308 HWY 277 S. *(Tim Littlejohn)*

GENERAL INFORMATION

The subject property has remained vacant since being annexed into the City limits of Abilene in 1959. The property was rezoned to General Commercial (GC) in March of 2022. The applicant indicates that rezoning to General Retail (GR) is requested to allow a single-family residence that would include a recording studio.

SPECIAL CONSIDERATIONS

General Commercial (GC) zoning is located north of the subject property. Residential (RS-6) district zoning is west of the subject property. Planned Development (PD) zoning is located south of the subject property. Properties to the east are zoned Agricultural Open (AO) and GC.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 5-0.

ATTACHMENTS:

1. Z-2023-34 Ordinance_MT
2. Z-2023-34 Staff ReportRSA
3. Z-2023-34 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 26th day of October, 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 15th day of September, 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 2nd day of November, 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 2nd day of November, 2023

ATTEST:

CITY SECRETARY

MAYOR

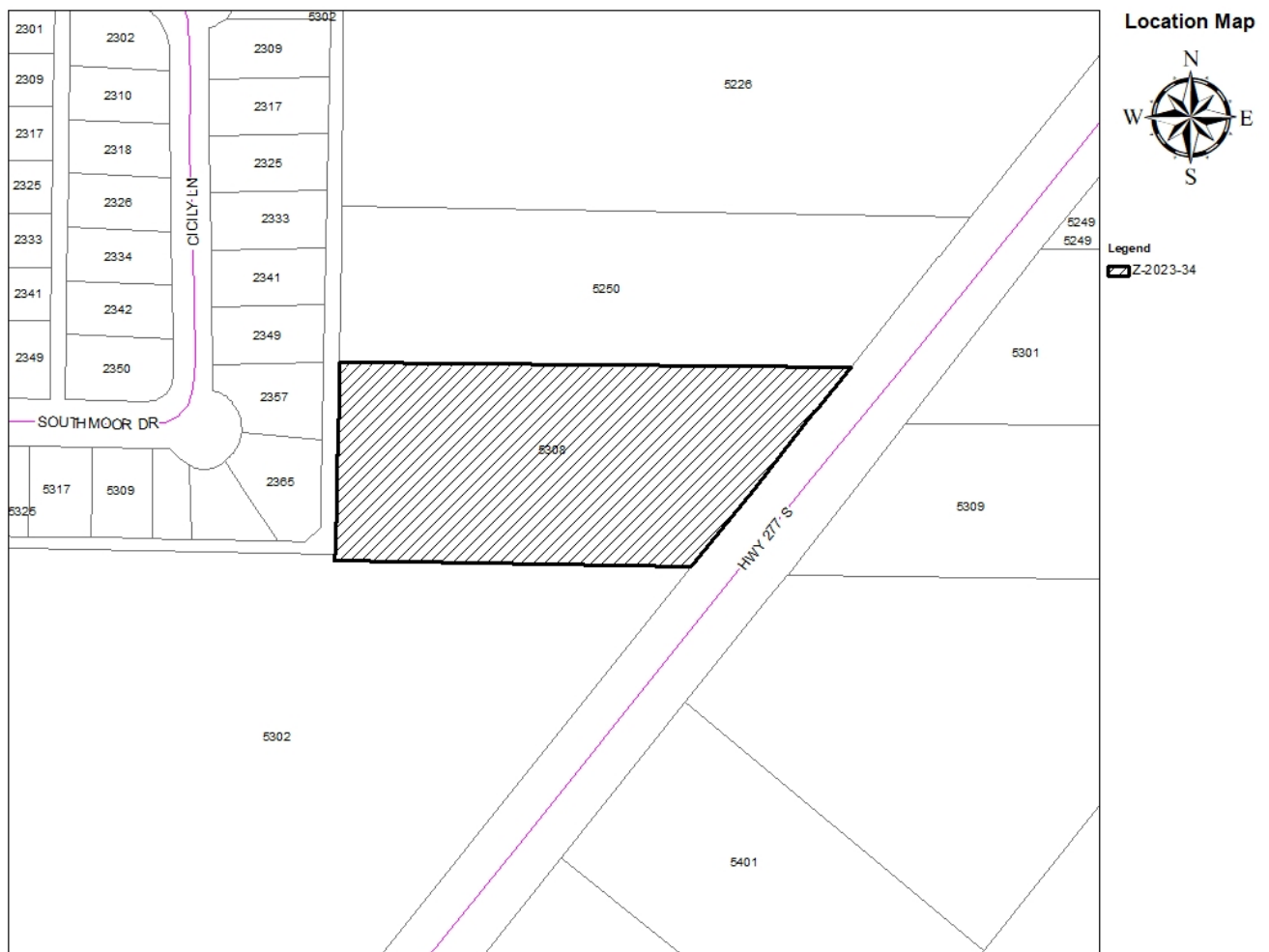
APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from a General Commerical (GC) District to the General Retail (GR) District:

Location: 5308 Hwy 277 S, Survey 42 Joseph Beck, Tract 8, Abilene, Taylor County, Texas.



END

ZONING CASE Z-2023-34

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: October 3, 2023
City Council 1st Reading: October 26, 2023
City Council 2nd Reading: November 2, 2023

Applicant

Owner: Aaron & Andrea Robison
Agent: Jacob & Martin, LLC

Case Manager

Kiley Hannah – Planner

Request

Rezoning of approximately 3.21 acres from General Commercial (GC) to General Retail (GR).

Location

5308 Hwy 277 S, in the southeast quarter of Joseph Beck section 42.

Background

The subject property has remained vacant since being annexed into the City limits of Abilene in 1959. The owner of the property rezoned the property to General Commercial (GC) in March of 2022. According to information provided with the application for a zone change, the owner would like to rezone to General Retail (GR) to allow the use of a single family residence.

Zoning, Existing and Proposed Land Use

General Commercial (GC) zoning is located north of the subject property. Residential (RS-6) district is located to the west of the subject property. Planned Development (PD) zoning is located south of the subject property.

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 proposed Comprehensive Plan and Future Land Use Map.

- (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.**

Single family residences to the Northeast of this site and PD to the south, the subject property is better suited for General retail uses allowing a single family residence.

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

The subject property has direct access to an improved alley that embraces a 12" water main and 10" sewer main. These existing utilities and public amenities would appear adequate for the proposed uses. This request presents no apparent conflicts with existing or proposed plans for community facilities and related infrastructure.

- (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**.

Owner

OWNER	PROP_ID	SITUS	RESPONSE
BHUJEL MOM LAL	11715	2341 CICILY LN	
CUNNINGHAM LORAN B	12233		
DAVIS JASON & KRISTEE M	1086179		
FERGUSON RONALD M &	12110	2365 CICILY LN	
MARSH GREG	11553	2333 CICILY LN	
MC COY CORPORATION	59601	5226 HWY 277 S	
MC COY CORPORATION	61367	5250 HWY 277 S	
PATEL SUNIL S	76296		
ROBISON AARON & ANDREA	61244	5308 HWY 277 S	
RUSHMORE INVESTMENT LLC	109558	5401 HWY 277 S	
SUGAR AGUA #1 LTD	58192	5309 HWY 277 S	
SUGAR AGUA #1 LTD	105625	5301 HWY 277 S	
TAYLOR GLENN F JR &	11983	2357 CICILY LN	
THOMPSON GERALD D &	11858	2349 CICILY LN	
WHITNEY ENTERPRISE LLC	970054	5302 HEALTH CENTER DR	

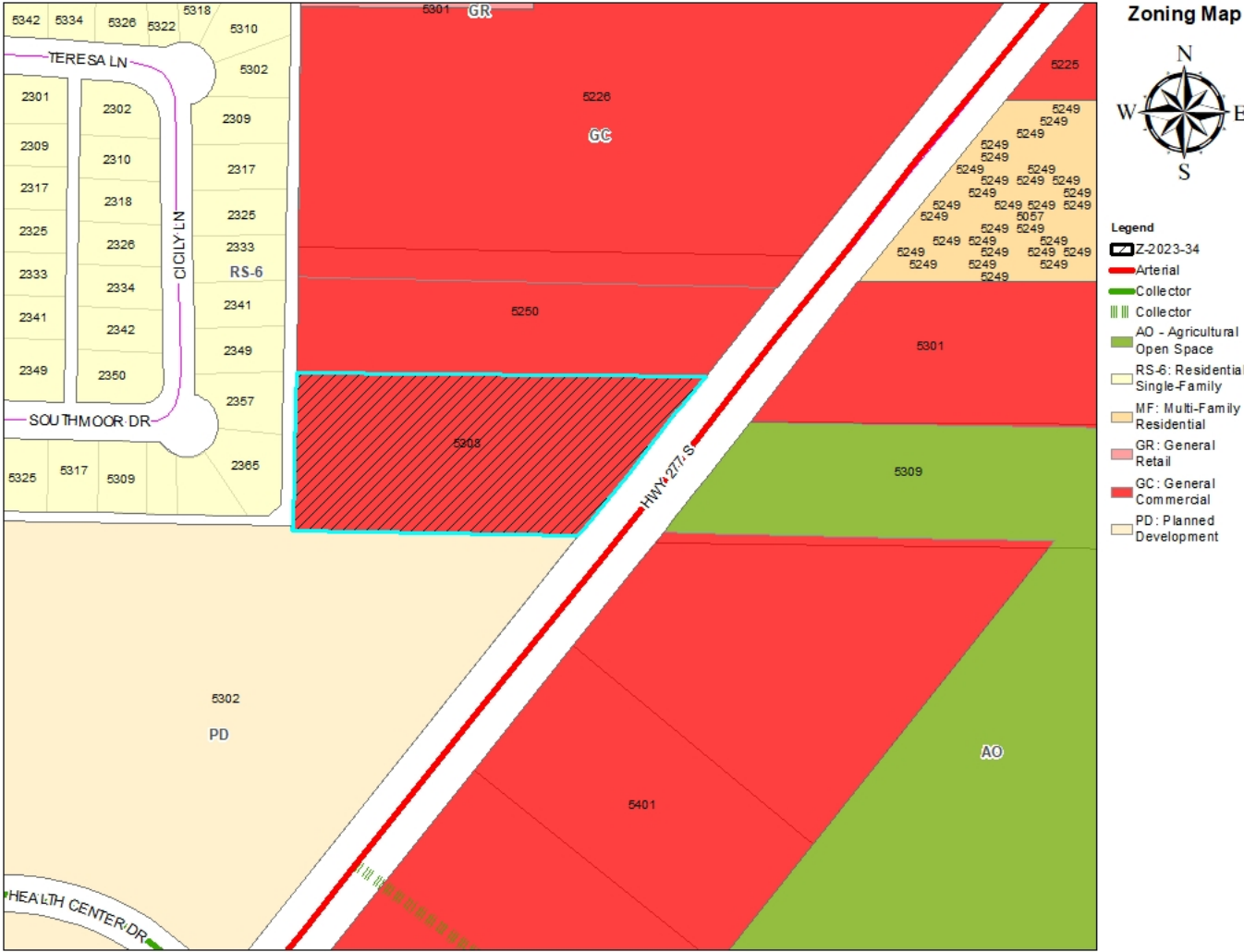
Property ID

OWNER	PROP_ID	SITUS	RESPONSE
MARSH GREG	11553	2333 CICILY LN	
BHUJEL MOM LAL	11715	2341 CICILY LN	
THOMPSON GERALD D &	11858	2349 CICILY LN	
TAYLOR GLENN F JR &	11983	2357 CICILY LN	
FERGUSON RONALD M &	12110	2365 CICILY LN	
CUNNINGHAM LORAN B	12233		
SUGAR AGUA #1 LTD	58192	5309 HWY 277 S	
MC COY CORPORATION	59601	5226 HWY 277 S	
ROBISON AARON & ANDREA	61244	5308 HWY 277 S	
MC COY CORPORATION	61367	5250 HWY 277 S	
PATEL SUNIL S	76296		
SUGAR AGUA #1 LTD	105625	5301 HWY 277 S	
RUSHMORE INVESTMENT LLC	109558	5401 HWY 277 S	
WHITNEY ENTERPRISE LLC	970054	5302 HEALTH CENTER DR	
DAVIS JASON & KRISTEE M	1086179		

Arial location MAP



ZONING MAP





REZONE REQUEST

Case: Z-2023-34

Owner: Aaron & Andrea Robinson

Agent: Jacob & Martin, LLC

Request: Rezoning from General Commercial (GC) to General Retail (GR).

Location: 5308 Hwy 277 S

Notification: 0 in Favor, 0 Opposed

Planning & Zoning: October 3, 2023

City Council Hearing: October 26, 2023
November 2, 2023

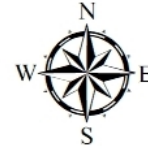




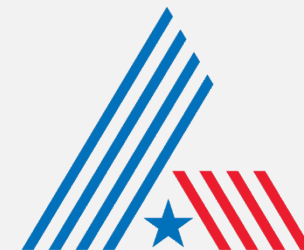
Z-2023-34 AERIAL LOCATION MAP



Aerial Map



Legend
Z-2023-34
CounierParcels



CITY OF
ABILENE
TEXAS





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





PERMITTED USES IN GR ZONING

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- C Dwelling – Multiple-Family
- P Dwelling – Single Family Detached
- P Hotel/Motel

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P/C Day Care Operation – Home Based
- P Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Freight Container
- P Fuel Sales
- P Garage Sales
- P Home Occupation
- TP Itinerant Business
- P Manufacturing (incidental)
- TP Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage and parking)
- P Recycling Collection Point
- P Subdivision Sales Office (temporary)
- P Swimming Pools, Private (accessory to residential use)
- P Tennis Courts, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- C Ambulance Service
- P Fire/Police Station
- P Medical/Dental Laboratory
- P Post Office
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and Scientific Research
- P School: Public/Private
- C Trade/Business School
- P University/College

SERVICE

- P/C Automobile Wash
- C Funeral Home/ Mortuary/Morgue
- P Kennel (Without Outdoor Pens)
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Tattoo Parlor
- P Veterinary Service (small animals)

TRADE – RETAIL USES

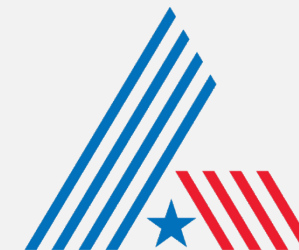
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (Defined under Liquor Store)
- P Liquor Store (On Premises Consumption) (Defined under Liquor Store)
- P Restaurant, Brew Pub
- P Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (indoor)
- C Retail Sales/Rental (outdoors, non-vehicle)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower- Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden



CITY OF
ABILENE
TEXAS



Z-2023-06 VIEWS OF SUBJECT PROPERTY



East



North



North East



West

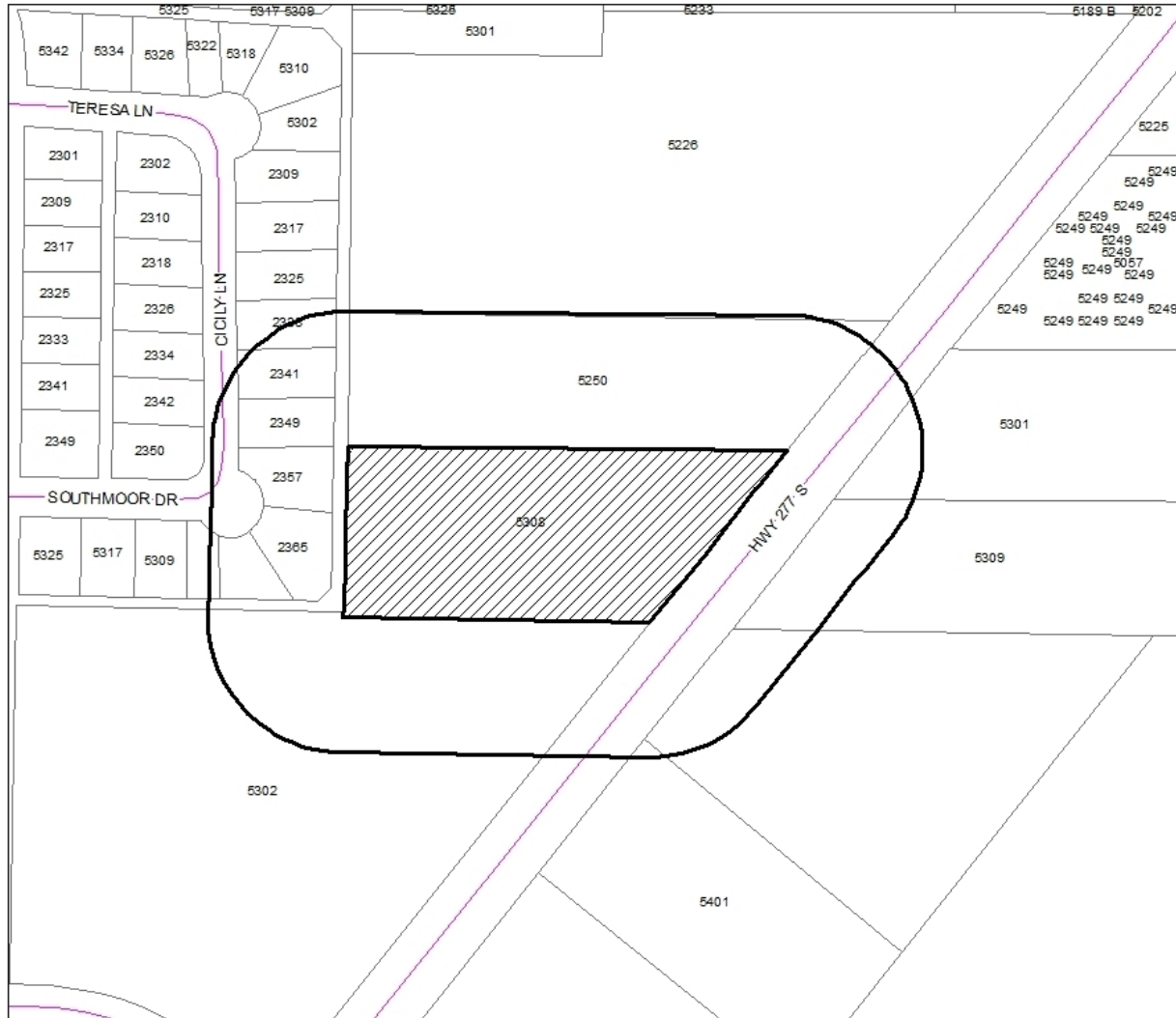


South





Z-2023-06 NOTIFICATION AREA MAP



Notification Map



Legend

- Z-2023-34
- 200' Notification Area

0- In Favor-

0- Opposed-



CITY OF
ABILENE
TEXAS



FINDINGS AND RECOMMENDATIONS

The proposed request is consistent with:

- The proposed *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: 11/2/2023

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 12. 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. City of Abilene, Texas v. 3W Brands, LLC; Cause No. 7820, In the County Court at Law #2, Taylor

County, Texas; filed August 11, 2023

12. Council Ethics Training

13. Eminent Domain - 212 ES 11th Street

14. PFAS Litigation against 3M & Dupont

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. AYSA Flat Fields

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None