



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

AMENDED

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on January 25, 2024, 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. Mayor Weldon Hurt

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

2. **Proclamation:**

- National Mentoring Month

CONSENT AGENDA AND PUBLIC COMMENTS

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

After the Council Members have requested any item on the consent Agenda be considered separately, the public comment period will be held. The public comment section of the consent agenda allows members of the public to present any ideas or information to the City Council and staff, and also allows for public

comment on the consent agenda items not otherwise pulled for separate consideration. Neither the City Council nor staff will engage in discussion with the public during the public comments unless the item is listed on the Council agenda.

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

3. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on January 11, 2024 **(Shawna Atkinson)**
4. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter **(Shawna Atkinson)**
 - Board of Adjustment
 - Citizens Advisory Board for People with Disabilities
 - Venue District Board
5. **Resolution:** Receive a Report, Hold a Discussion and Take Action to Approve a Resolution Renaming the Citizens Advisory Board for People with Disabilities to the Mayor's Board for People with Disabilities. **(Lesli Andrews)**
6. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding the Bid for the Purchase of 95-Gallon Poly Refuse Containers to OTTO Environmental Systems **(Max Johnson)**
7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding the Bid for the purchase of 300-gallon Poly Refuse Containers from Snyder Industries **(Max Johnson)**
8. **Resolution:** Receive a Report, Hold a Discussion, and Take Action Approving a Contract with Kimley Horn and Associates for Engineering Services for S. 14th St. Traffic Signal Improvements and Interconnected Signal System Plans **(Max Johnson)**
9. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Change Order for Defense Economic Adjustment Assistance Grant (DEAAG) 5G Fiber Project on Dyess Air Force Base **(Max Johnson)**
10. **Resolution:** Receive a Report, Hold a Discussion, and Take Action to Approve an On-Airport Concession Agreement with Brevard Capital Group, Inc. to Operate Hertz, Dollar-Thrifty Car Rentals **(Don Green)**
11. **Resolution:** Receive a Report, Hold a Discussion, and Take Action to Approve an On-Airport Concession Agreement with Avis Budget Group, Inc. to Operate Avis Car Rental **(Don Green)**
12. **Resolution:** Receive a Report, Hold a Discussion, and Take Action to Approve an On-Airport Concession Agreement with EAN Holdings, LLC doing business as Enterprise Rent-A-Car and National Car Rental **(Don Green)**
13. **Resolution:** Receive a Report, Hold a Discussion, and Take Action to Approve Amended By-Laws of the Airport Development Board **(Don Green)**
14. **Ordinance (First Reading) :** Receive a Report, Hold a Discussion, and Take Action to Approve an Amendment to the Fee and Charges Ordinance to Add New Rates for Advertising in the Abilene Regional Airport Terminal **(Don Green)**
15. **Ordinance (First Reading) Z-2023-39:** Receive a Report, Hold a Discussion and Take Action

on A Request From HD Development Properties LP (D/B/A The Home Depot), Represented By Cassie Permenter, To Amend The Terms Of The Planned Development District 75 To Allow Outdoor Retail Sales/Rental And Display Within The Track “The Home Depot”. Located At 4590 Southwest Dr, Abilene, TX 79606 (Tim Littlejohn)

16. **Ordinance (First Reading) Z-2024-01:** Receive a Report, Hold a Discussion, and Take Action on A Request From The Owner, Represented By Jacob Martin, To Change The Zoning Of Approximately 14.6 Acres From Agricultural Open To Planned Development District 185. Specifically, To Allow Residential Single-Family Uses On 5,000 Sq. Ft. Lots. Located At The 6500-6800 Block Of Fairway Oaks Blvd, Abilene, TX 79606 (Tim Littlejohn)
17. **Ordinance (First Reading) Z-2024-02:** Receive a Report, Hold a Discussion and Take Action on A Request From The Owner, To Change The Zoning Of 0.47 Of An Acre From Agricultural Open To Multi-Family, Located On 2900 Block Of Old Anson Road (Tim Littlejohn)
18. **Ordinance (First Reading) OAM-2023-01:** Receive a Report, Hold a Discussion and Take Action on A Request From The City Of Abilene To Amend The Land Development Code (LDC) To Create The Rebuild ABI Infill Overlay (RAI) District To Promote Infill Development And Redevelopment In Targeted Neighborhoods (Tim Littlejohn)

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

19. **Ordinance (Final Reading) Z-2023-36:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owners, Represented By Jacob Martin, To Change The Zoning Of Approximately 7.07 Acres From PD 96A To General Retail. Located On The East Side Of The 5300 Block Buffalo Gap Road. (Tim Littlejohn)

EXECUTIVE SESSION

20. **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. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
4. 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
5. 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
6. 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
7. 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
8. Richard Scheriger, et al. v. City of Abilene; Cause No. CV33253, In the 90th Judicial District Court, Stephens County, Texas, filed April 21, 2023
9. The Woodlands Pride, Inc., et al. v. Ken Paxton, 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
10. PFAS Litigation
11. Ginger Robertson v. City of Abilene and Abilene Zoological Society; Cause No. 13179-D, In the 350th Judicial District Court, Taylor County, Texas; filed December 5, 2023

- 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 AMENDED meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 22nd day of January, 2024, at 8:00 a.m.

Shawna Atkinson, TRMC, CMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on January 11, 2024 (*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting Held on January 11, 202

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 01-11-2024 Minutes - Regular - Morning

CITY COUNCIL MEETING
January 11, 2024 at 8:30 a.m.

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

The City Council of the City of Abilene, Texas met in Regular Session on January 11, 2024, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Weldon Hurt was present and presiding, along with Mayor Pro-tem Shane Price, Deputy Mayor Pro-tem Lynn Beard, and Councilmembers Blaise Regan, Brian Yates, Kyle McAlister, and Travis Craver. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Councilmember Brian Yates delivered the invocation.

Jensen Kaufman, fifth grader from Purcell Elementary, led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

RECOGNITION

Interim Chief of Police Doug Wrenn was recognized for his retirement.

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 3-14. Items 11 & 12 were pulled for individual consideration.

Items pulled for individual consideration:

- Item 11: Mayor Hurt
- Item 12: Mayor Hurt

PUBLIC COMMENTS

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

- Charles Michael

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

CONSENT AGENDA

Councilmember McAlister moved to approve the consent agenda, now consisting of items 3-10 & 13-14. Councilmember Craver seconded the motion. Motion carried.

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

3. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on December 21, 2023
4. Resolution: Receive a Report, Hold a Discussion and Take Action on Appointing Members to Various Boards and Commissions per the City Charter
[ASSIGNED RESOLUTION NO. 01-2024]

Board	Term End Date
<i>Abilene-Taylor County Child Advocacy Center Advisory Board</i>	
Misti Collier [New]	December 2026
<i>Board of Adjustment</i>	
Louis Zientek [Regular] [New]	November 2025
<i>Board of Building Standards</i>	
Mark Aldriedge [New] [Alternate]	November 2025
<i>Development Corporation of Abilene</i>	
Sam Vinson [Reappointment]	December 2025
Buddy Napier [New]	December 2025
<i>Landmarks Commission</i>	
Jason Garrod [New] [Regular]	November 2026
Brandon Young [New] [Regular]	November 2026
<i>Neighborhood Services Advisory Board</i>	
Bill Enriquez [New] [moving positions]	November 2025
<i>Planning and Zoning Commission</i>	
Zach Sitzes [New]	November 2026
Kristen Kyker [New]	November 2025 [unexpired term]
<i>Visual Arts Jury</i>	
Leah Doty [New]	May 2026

5. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing an Additional Expenditure and Final Payment to RailPros Field Services, Inc. for the Utility Observation Associated with the Second Pressure Plane Supply Line - Phase II Project
[ASSIGNED RESOLUTION NO. 02-2024]
6. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Professional Services Contract with Enprotec/Hibbs & Todd, Inc. (eHT) for the 2024 Hamby Wastewater Treatment Plant Texas Pollutant Discharge Elimination System Permit Renewal
[ASSIGNED RESOLUTION NO. 03-2024]
7. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Professional Services Contract with Jacob & Martin, LLC for the Polaris Drive Sewer Line Extension
[ASSIGNED RESOLUTION NO. 04-2024]
8. Resolution: Receive a Report, Hold a Discussion and Take Action to Approve the Appointment of Dr. Gary Holland as the new Health Authority and Medical Director for the Abilene-Taylor County Health District
[ASSIGNED RESOLUTION NO. 05-2024]
9. Resolution: Receive a Report, Hold a Discussion, and Take Action to Authorize the City Manager to Execute an Agreement with Daco Fire Equipment for the Purchase of Structural Firefighting Protective Gear for the Abilene Fire Department
[ASSIGNED RESOLUTION NO. 06-2024]
10. Resolution: Receive a Report, Hold a Discussion and Take Action To Authorize the City Manager to Execute a Contract for the Purchase of a One-Ton Pickup Truck for the Abilene Fire Department (AFD)
[ASSIGNED RESOLUTION NO. 07-2024]
13. Resolution: Receive a Report, Hold a Discussion, and Take Action on Authorizing the City Manager to Enter into an Agreement with Visionality for the Audio-Visual Display System Design, Equipment and Installations for the Emergency Operations Center/Training Room
[ASSIGNED RESOLUTION NO. 10-2024]
14. Ordinance (First Reading) Z-2023-36: Receive a Report, Hold a Discussion and Take Action on A Request From The Owners, Represented By Jacob Martin, To Change The Zoning Of Approximately 7.07 Acres From PD 96A To General Retail. Located On The East Side Of The 5300 Block Buffalo Gap Road

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

11. Resolution: Receive a Report, Hold a Discussion and Take Action on Appointing an Interim Chief of Police
[ASSIGNED RESOLUTION NO. 08-2024]

Having pulled the item, Mayor Hurt asked Mr. Hanna to present the item. Adoption of the item confirms the City Manager's appointment of Craig Jordan to Interim Chief of Police, effective immediately following the retirement of Doug Wrenn, and until the arrival of the permanent Chief of Police.

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

Mayor Pro-tem Price moved to approve the item as presented. Councilmember McAlister seconded the motion; motion carried.

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

NAYS (0): None

12. Resolution: Receive a Report, Hold a Discussion and Take Action on Appointing a Chief of Police
[ASSIGNED RESOLUTION NO. 09-2024]

Having pulled the item, Mayor Hurt asked Mr. Hanna to present the item. Adoption of the item confirms the City Manager's appointment of Ron Seratte as Chief of Police, on or around February 1st, 2024.

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

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

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

NAYS (0): None

REGULAR AGENDA

15. Ordinance (Final Reading) Z-2023-37: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Cospo Properties LLC, Represented By Jacob Martin, To Change The Zoning Of Approximately 2.2 Acres From Agricultural Open To General Retail. Located At 3509 Beltway, Abilene, TX 79606
[ASSIGNED ORDINANCE NO. 01-2024]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would change the zoning of the above referenced property from Agricultural Open Space (AO) to General Retail (GR).

Mayor Hurt opened the public hearing. The following spoke in support of Z-2023-37:

- Tal Filingim

With no other speakers coming forward, the public hearing was closed.

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

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

NAYS (0): None

16. Ordinance (Final Reading) Z-2023-40: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From PB 6950, LLC, Represented By Jacob Martin, To Change The Zoning Of Approximately 11.14 Acres From Agricultural Open To General Commercial. Located At 7542x S Clack St, Abilene, TX 79606

[ASSIGNED ORDINANCE NO. 01-2024]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would change the zoning of the above referenced property from Agricultural Open Space (AO) to General Commercial (GC).

Mayor Hurt opened the public hearing. The following spoke in support of Z-2023-40:

- Tal Filingim

With no other speakers coming forward, the public hearing was closed.

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

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

NAYS (0): None

17. Ordinance (Final Reading) CUP-2023-07: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From Charles A. Doby Represented By Shawn Garrett, To Apply A Conditional Use Permit To Approximately 2.67 Acres To Allow For A Trade School Within General Retail (GR) Zoning. Located At 2449 South Willis Street, Suite 204

[ASSIGNED ORDINANCE NO. 01-2024]

Tim Littlejohn, Director of Planning & Development Services, presented the item. Adoption of the item would approve a Conditional Use Permit at the above referenced location, to allow for a trade school within General Retail (GR) Zoning.

Mayor Hurt opened the public hearing. The following spoke on the item:

- Kathleen Maisy

With no other speakers coming forward, the public hearing was closed.

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

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

NAYS (0): None

18. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the Issuance of City of Abilene, Texas, General Obligation Bonds, Series 2024 for Zoo and Recreation Facility Projects
[ASSIGNED ORDINANCE NO. 04-2024]

Mike Rains, Finance Director, presented the item. Adoption of the item would issuance the General Obligation Bonds, Series 2024, for Zoo and Recreational Facility Projects, approved at the November 7, 2023 Special Election. George Williford with Hilltop Securities went over the bond issuance and debt service schedule further.

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

Mayor Pro-tem Price moved to approve the item as presented. Councilmember Yates seconded the motion; motion carried.

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

NAYS (0): None

EXECUTIVE SESSION

Mayor Hurt recessed into Executive Session at 9:10 a.m., pursuant to the following of the Open Meetings Act, with the following issues discussed during this session, as listed on the agenda and authorized by the noted Texas Government Code Section:

19. F.551.074 (Personnel Matters)

1. City Manager

The Executive Session ended at 9:41 a.m. and reconvened to Open Session. Mayor Hurt reported no votes or action were taken in Executive Session.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:41 a.m.

Shawna Atkinson
City Secretary

Weldon Hurt
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

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
Appointing Members to Various Boards and Commissions per the City Charter
(Shawna Atkinson)**

- **Board of Adjustment**
- **Citizens Advisory Board for People with Disabilities**
- **Venue District 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 25th day of January, 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____
EXHIBIT "A"

Board	Term End Date
<i>Board of Adjustment</i>	
Melissa Sparks [Regular] [New] [moving from Alt position]	November 2025
<i>Citizens Advisory Board for People with Disabilities</i>	
Berkley Craig [New]	October 2024 [unexpired term]
<i>Venue District Board</i>	
Shae Hall [New] [Joint City/County Appointee]	November 2024 [unexpired term]



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

- Board of Adjustment
- Citizens Advisory Board for People with Disabilities
- Venue District Board





**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director

SUBJECT: 5. Resolution: Receive a Report, Hold a Discussion and Take Action to Approve a Resolution Renaming the Citizens Advisory Board for People with Disabilities to the Mayor's Board for People with Disabilities. *(Lesli Andrews)*

GENERAL INFORMATION

The City of Abilene created the Citizens Advisory Board for People with Disabilities (Board) on October 26, 2017. The Board has worked for the past 6 years to evaluate and make recommendations to City Staff and the City Council.

One of the goals of the Board is to find ways to share our information with the community to further educate them on the purpose and need for this board, create opportunities for those in our community to come forward with ideas and suggestions about being more life and ADA compliant, and gaining attendance at our meetings. The board does have a suggestion on this matter that came from the Governor's Office. They suggested changing the name of the board to the Mayor's Board for People with Disabilities. They stated that doing this gives more credibility.

The Board will serve as an advisory board and a voice for those with disabilities to help shape and craft a more accessible community.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Staff recommends approval of the amended resolution to change the name of the Citizens Advisory Board for People with Disabilities to Mayor's Board for People with Disabilities.

BOARD OR COMMISSION RECOMMENDATION

The Board approved at the November 14, 2023 meeting.

ATTACHMENTS:

1. 2024 Resolution Renaming Citizens Advisory Board for People with Disabilities Resolution
2. Citizens Advisory Board for People with Disabilities Resolution
3. Presentation Disability Board 1252024

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
CHANGING THE NAME OF THE CITIZENS ADVISORY BOARD FOR PEOPLE
WITH DISABILITIES TO THE MAYOR’S BOARD FOR PEOPLE WITH
DISABILITIES.**

WHEREAS, the City Council of the City of Abilene created the Citizens Advisory Board (the “Board”) for People with Disabilities on October 26, 2017; and

WHEREAS, on November 14, 2023 the Board requested the City Council change the name from Citizens Advisory Board for People with Disabilities to The Mayor’s Board for People with Disabilities; and

WHEREAS, the Board will serve as an advisory board and a voice for those with disabilities to help shape and craft a more accessible community,

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

PART 1: The Citizens Advisory Board for People with Disabilities for the City of Abilene, Texas name is changed to The Mayor’s Board for People with Disabilities.

PART 2: That this Resolution takes effect immediately upon its adoption.

ADOPTED this 25th day of January, 2024

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. 132-2017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
ESTABLISHING THE CITIZEN'S ADVISORY BOARD FOR PEOPLE WITH DISABILITIES.**

WHEREAS, the City of Abilene seeks to build and maintain a community of the highest quality for present and future generations; and

WHEREAS, the City of Abilene must fully understand the barriers to access for those citizen who are disabled; and

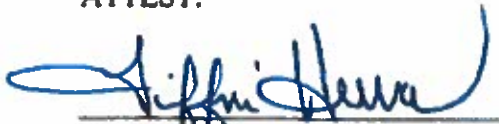
WHEREAS, a Citizen's Advisory Board for People with Disabilities will serve as an advisory board and a voice for those with disabilities to help shape and craft a more accessible community,

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

- PART 1:** That there is hereby established the Citizen's Advisory Board for People with Disabilities for the City of Abilene, Texas.
- PART 2:** That the purpose of the Board is to serve as a point of contact and a voice for the residents of the City of Abilene to the City Council concerning matters of accessibility, use, and benefit to persons with disabilities, to review and discuss matters referred to the Board by the City Council and the City Manager, and to provide recommendations to the City Council.
- PART 3:** That the Board shall be comprised of seven (7) voting members, who will be appointed by an affirmative vote of at least four members of the City Council. All voting members of the board shall be residents of the City of Abilene.
- PART 4:** That the Americans with Disabilities Act Coordinator for the City of Abilene, or his or her designee, shall be an ex officio, non-voting member of the Board and may act in an advisory capacity to the Board.
- PART 5:** That the Board shall follow the Rules of Procedure adopted by the City Council, as applicable, for its rules of procedure, except as may be modified by this Resolution.
- PART 6:** That the Board shall meet as requested by the City Council or City Manager, but in any event shall meet in January and July of each year.
- PART 7:** That this Resolution takes effect immediately upon its adoption.

ADOPTED this 26th day of October, 2017.

ATTEST:



Tiffni Herrera, Interim City Secretary

Anthony Williams, Mayor

APPROVED:



Stanley Smith, City Attorney

Amendment to Citizens Advisory Board for People with Disabilities Resolution





Resolution

November 14, 2023 the Board requested the City Council change the name from Citizens Advisory Board for People with Disabilities to The Mayor's Board for People with Disabilities.

The Board will remain an Advisory Board to the City Council.

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 6. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding the Bid for the Purchase of 95-Gallon Poly Refuse Containers to OTTO Environmental Systems (**Max Johnson**)

GENERAL INFORMATION

The City of Abilene requested bids for the purchase of new 95-gallon refuse containers. Bids were received and opened on October 10, 2023. OTTO Environmental System submitted the low bid in the amount of \$53.59 per container for a total of \$107,180.00 for 2,000 containers. Staff recommends approving the bid to OTTO Environmental System.

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

Included in approved budget

STAFF RECOMMENDATION

Approve

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution 95 gallon container bids
2. CB-2404 BID TABSHEET 95 gallon Page 1 of 2
3. CB-2404 BID TABSHEET 95 gallon Page 2 of 2
4. 95 Gallon Carts City Council Presentation Slides 12-28-23

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARING BID TO OTTO Environmental Systems North America, Inc. Charlotte, NC.

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for purchase of Solid Waste 95-gallon Refuse Containers; and

WHEREAS, the purchase enables the City of Abilene to continue to provide trash collection services within the City; and

WHEREAS, the following qualified bid was received and opened on October 10, 2023:

OTTO Environmental Systems North America, Inc. of Charlotte, NC \$53.59 per Container

WHEREAS, OTTO Environmental Systems North America, Inc., Charlotte, NC submitted the successful low bid in the amount of \$53.59 per Container, for a total of \$107,180 for 2,000 containers, with their bid meeting specifications.

Staff recommends awarding the bid to the low bidder, OTTO Environmental Systems North America, Inc.

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

PART 1: That the City Council approves this bid in the amount of \$107,180.

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

ADOPTED this 25th Day of January 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

PAGE
1 OF 2

SIERRA CONTAINER GROUP
HOUSTON, TX

*NOTES: INDICATES RECOMMENDED AWARD

**CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS**

PAGE
2 OF 2

DEPARTMENT: SOLID WASTE SERVICES BID NO.: CB-2404 TIME OF OPENING: 11:00 A.M. DATE OF OPENING: OCTOBER 10, 2023				TECHNOLOGY INTERNATIONAL INC LAKE MARY, FL										
ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE
1.	95-GALLON FULLY AUTOMATED CARTS	2,000	EA	63.35	\$126,700.00									
BASE BID														
DISCOUNT														
TOTAL BID														
*NOTES: INDICATES RECOMMENDED AWARD														

Resolution for Bid Award Solid Waste & Recycling 95 - Gallon Containers

Bid No. CB – 2404

(Max Johnson)





Bid Award Solid Waste & Recycling 95 - Gallon Containers

- Bids were advertised for Solid Waste & Recycling Services 95-gallon refuse carts on September 24 and October 1, 2023.
- Seven bids received on October 10, 2023.
- Low bid meeting specifications was OTTO Environmental Systems North America, Inc. from Charlotte, NC, in the amount of \$53.59 per container for 2,000 containers -- total of \$107,180.
- Staff Recommends award of bid to OTTO Environmental Systems North America, Inc. for \$107,180.





Bid Award Solid Waste & Recycling 95 - Gallon Containers

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

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 Awarding the Bid for the purchase of 300-gallon Poly Refuse Containers from Snyder Industries (Max Johnson)

GENERAL INFORMATION

The City of Abilene requested bids for the purchase of new 300-gallon refuse containers. Bids were received and opened on October 10, 2023. Snyder Industries submitted the low bid in the amount of \$434.90 per container for a total of \$103,170.00 for 300 containers. Staff recommends approving the bid to Snyder Industries.

SPECIAL CONSIDERATIONS

None

FUNDING/FISCAL IMPACT

Funding in approved budget

STAFF RECOMMENDATION

Approve

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution 300 gallon container bids 1-18-2024
2. CB2-2405 BID TABSHEET 300 gallon
3. 300 Gallon Containers City Council Presentation Slides 12-28-2023

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDING BID TO SNYDER INDUSTRIES OF LINCOLN, NEBRASKA.

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for purchase of Solid Waste 300-Gallon Refuse Containers; and

WHEREAS, the purchase enables the City of Abilene to continue to provide trash collection services within the City; and

WHEREAS, the following qualified bid was received and opened on October 10, 2023:

Snyder Industries, Lincoln, Nebraska for \$434.90 per Container

WHEREAS, Snyder Industries, Lincoln, Nebraska submitted the successful low bid in the amount of \$434.90 per Container, for a total of \$103,170 for 300 containers, with their bid meeting specifications.

Staff recommends awarding the bid to the low bidder, Snyder Industries of Lincoln, Nebraska.

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

PART 1: That the City Council approves this bid in the amount of
\$103,170.00

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

ADOPTED this 25th day of January 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

PAGE
1 OF 1

SNYDER REFUSE

[illegible]

*NOTES: INDICATES RECOMMENDED AWARD

**Resolution for Bid Award
Solid Waste & Recycling 300 - Gallon Containers**

Bid No. CB – 2405

(Johnson)





Bid Award Solid Waste & Recycling 300 - Gallon Containers

- Bids were advertised for Solid Waste & Recycling Services 300-gallon refuse carts on September 24 and October 1, 2023.
- One bid received on October 10, 2023 (Three (3) companies contacted did not return bid).
- Low bid meeting specifications was Snyder Industries of Lincoln, NE, in the amount of \$434.90 per container for 300 containers -- total of \$103,170.
- Staff Recommends Award of Bid to Snyder Industries for \$103,170.





Bid Award Solid Waste & Recycling 95 - Gallon Containers

Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 8. **Resolution:** Receive a Report, Hold a Discussion, and Take Action Approving a Contract with Kimley Horn and Associates for Engineering Services for S. 14th St. Traffic Signal Improvements and Interconnected Signal System Plans (**Max Johnson**)

GENERAL INFORMATION

This design contract involves traffic signal improvement designs and interconnected signal system plans along S. 14th St. between S. Clack St. and S. Treadaway Blvd.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Funding for this project is allocated through Streets Maintenance Fee funds.

STAFF RECOMMENDATION

Staff recommends award of this design contract to Kimley Horn and Associates in the fixed fee amount of \$66,900.00.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. S. 14th Traffic Signal Modification and Interconnection resolution
2. S. 14th Signal Interconnect Professional Services (1)
3. Supplement to Agreement - boycott language 2023.docx (1) (3) (1)
4. PROJECT LOCATION MAP
5. S. 14th St. Signal Modification and Interconnect 1-8-2024

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH KIMLEY
HORN AND ASSOCIATES.**

WHEREAS, The City of Abilene desires to contract for design of traffic signal improvements and interconnected signal system plans along various intersections along South 14th St. from Clack St. to Treadaway Blvd.; and

WHEREAS, The City of Abilene has selected Kimley Horn and Associates for the schematic design, technical specifications and coordination with the City for said project; and,

WHEREAS, The City Council authorizes the City Manager to execute an agreement with Kimley Horn and Associates in the amount of \$66,900.00 for engineering services associated with the traffic signal improvements and interconnected signal system for the various intersections along South 14th St. from Clack St. to Treadaway Blvd.

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

PART 1: The City Council authorizes the City Manager to execute an agreement with Kimley Horn and Associates.

PART 2: That the agreement is in the amount of \$66,900.00 for the design of the public improvements.

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

ADOPTED this 25th day of January, 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney



PROFESSIONAL SERVICES CONTRACT Engineers & Architects

This contract, dated the 25th day of January, 2024, is between the City of Abilene, a home rule municipal corporation of the State of Texas (“City”), and Kimley Horn and Associates, a corporation organized under the laws of the State of North Carolina (“Consultant”).

The City is engaged in Developing traffic signal improvements and interconnected signal system plans along S. 14th street and desires to engage the services of Consultant, as an independent contractor and not as an employee, to assist in the project and to render his or her or its services on the terms and conditions provided in this Contract.

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

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

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

I. TERMS

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

II. FEE

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

III. FACILITIES

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

IV. ASSIGNMENT

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

V. STATUS OF CONSULTANT

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

VI. AMENDMENT OR MODIFICATION

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

VII. OWNERSHIP OF DOCUMENTS AND MATERIALS

All documents and materials prepared by Consultant under the terms of this contract are the City's property from the time of preparation, provided the City has substantially performed its obligations, including prompt payment of all sums when due Consultant, under this Contract. Consultant will deliver copies of the documents and materials to the City or make them available for inspection *whenever requested*. City has the right to make duplicate copies of such documents or materials for its own file or use for any other such purposes as the City deems necessary and there shall be no additional costs incurred because of such copying or use. However, modifications or use for other than the purposes intended under this Contract without the written verification or adaption by Consultant for the specific intended purpose shall be without liability or legal exposure to Consultant.

VIII. NONDISCLOSURE

The Consultant may not show to any person or entity any documents, reports, plans, programs, reports, drawings, or any other material which Consultant prepares or acquires in

performing this contract, including any duplicate copies kept by Consultant. The Consultant may not disclose to any person or entity any information regarding the City's activities, unless disclosure is required by legal compulsory process. The City may, however, specifically authorize a limited disclosure at its discretion.

IX. INDEMNITY

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

“Consultant’s employees” shall mean any employees, officers, agents, subcontractors, licensee and invitees of Consultant.

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

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

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

B. Indemnity

The Consultant shall indemnify, hold harmless and defend the City against liability for damage that is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Consultant or the Consultant’s agent, or another entity over which the Consultant exercises control, subject to the limitations in Texas Local Government Code Section 271.904.

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

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

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

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

X. INSURANCE

A. GENERAL REQUIREMENTS

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

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

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

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

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

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

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

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

B. ADDITIONAL REQUIREMENTS

The required liability insurances and their certificates must:

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

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

C. TYPES AND AMOUNTS OF INSURANCE

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

<u>Type</u>	<u>Amount</u>
<u>__X_1.</u> Workers' Compensation Employer's Liability	Statutory \$100,000 per occurrence
<u>__X_2.</u> Commercial (Public) Liability including, but not limited to: • Premises/Operations • Independent Contractors • Products/Completed Operations • Contractual Liability (insuring above indemnity) and where the exposures exist • Explosion Collapse and Underground	\$500,000 combined single limit for bodily injury and property damage (per occurrence)
<u>__X_3.</u> Business Automobile Liability to include coverage for: • Owned/Leased Autos • Non-Owned Autos • Hired Cars	\$500,000 combined single limit for bodily injury and property damage (per occurrence)

___X_4. Professional Liability

\$500,000 combined single limit
(per occurrence)

___5. See Addendum for Special
Coverages and/or revisions

___6. No Insurance Required

XI. VENUE, CHOICE OF LAW AND INTERPRETATION

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

XII. TERMINATION

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

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

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

XIII. PROJECT REPRESENTATION

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

XIV. NOTICE

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

City – ATTN:
Max Johnson
Public Works Director
City of Abilene
555 Walnut St.
Abilene, TX 79601

Consultant – ATTN:
Hiron Fernando
Project Manager
Kimley-Horn
13455 Noel Rd., Two Galleria
Office Tower STE 700
Dallas, TX 75450

XV. COMPLIANCE WITH LAWS, CHARTER, ORDINANCES

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

XVI. NO INDEBTEDNESS

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

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

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

XVII. EQUAL EMPLOYMENT OPPORTUNITY

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

XVIII. VERIFICATION OF EMPLOYMENT ELIGIBILITY

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

XIX. MINORITY AND WOMEN BUSINESS ENTERPRISES

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

XX. SALES TAX

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

XXI. LEGAL CONSTRUCTION

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

XXII. BOYCOTT OF ISRAEL

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

This section only applies to a contract that: (a) is between a governmental entity and a company with 10 or more full-time employees, and (b) has a value of \$100,000 or more that is to

be paid wholly or partly from public funds of the governmental entity. Additionally, “company” does not include a sole proprietorship.

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

XXIII. SECTIONS AND OTHER HEADINGS

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

XIV. COUNTERPARTS

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

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

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

CITY OF ABILENE

PROFESSIONAL

By:

By: 

Name: Robert Hanna

Name: . Douglas Arnold

Title: City Manager

Title: . Contract Specialist

Address: 801 Cherry Street, Fort Worth, TX 76102

Phone Number: 817-335-6511

Federal Tax ID#:

ATTEST:

ATTEST: (if corporation)

City Secretary

Corporation's Secretary

APPROVED:

Corporate Seal (if available)

By: _____
City Attorney

ATTACHMENT A



September 26, 2023

Scott Chandler, P.E.
City Engineer
City of Abilene
555 Walnut Street
Abilene, TX 79601
Office 325-676-6282

RE: *Scope of Services to Develop Traffic Signal Improvements and Various Corridor Intersection Improvements Along 14th Street from Clack Street to Treadaway Boulevard for City of Abilene, TX*

Dear Mr. Chandler,

Kimley-Horn and Associates, Inc. ("KH") is pleased to submit this letter agreement (the "Agreement") to the City of Abilene ("the Client") for services related to the preparation of traffic signal improvements, FYA, GPS Clocks, and radio communication plans along 14th Street from Clack Street to Treadaway Boulevard for the City of Abilene, TX. Our scope of services, schedule, and fee are presented below.

Scope of Services

The scope of services will include the development of intersection improvements at the intersections listed in **Table 1** along 14th Street in City of Abilene, Texas:

(this space intentionally left blank)

Table 1. Summary of Intersections

No.	Intersection	Type of Improvement			
		Full Signal Design	Radio Communication	GPS Clock	FYA
1	14th Street at Clack Street (US 83 SB)			✓	
2	14th Street at Danville Drive (US 83 NB)			✓	
3	14th Street at Woodhaven Center Driveway			✓	
4	14th Street at Pioneer Drive			✓	
5	14th Street at Leggett Drive			✓	
6	14th Street at Elmwood Drive			✓	
7	14th Street at Willis Street			✓	
8	14th Street at Barrow Street			✓	
9	14th Street at Ross Street			✓	
10	14th Street at Sayles Boulevard	✓		✓	✓
11	14th Street at Butternut Street			✓	✓
12	14th Street at Oak Street			✓	
13	14th Street at Treadaway Boulevard		✓	✓	✓

FYA = Flashing Yellow Arrow

The tasks include the preparation of traffic signal design, radio communication design, GPS clock integration, and FYA installation. The project also consists of creating general notes, quantities, probable construction cost estimates, technical specifications, and coordination with the TxDOT and City. The traffic signal improvements will be prepared using TxDOT and City of Abilene Standards where applicable. Exhibits of the planned intersection improvements can be seen in the **Attachments** section (which has changed, due to TxDOT allocating additional scope and budget).

Figure 1 illustrates the project area, representing a single corridor measuring ~3.50 miles.

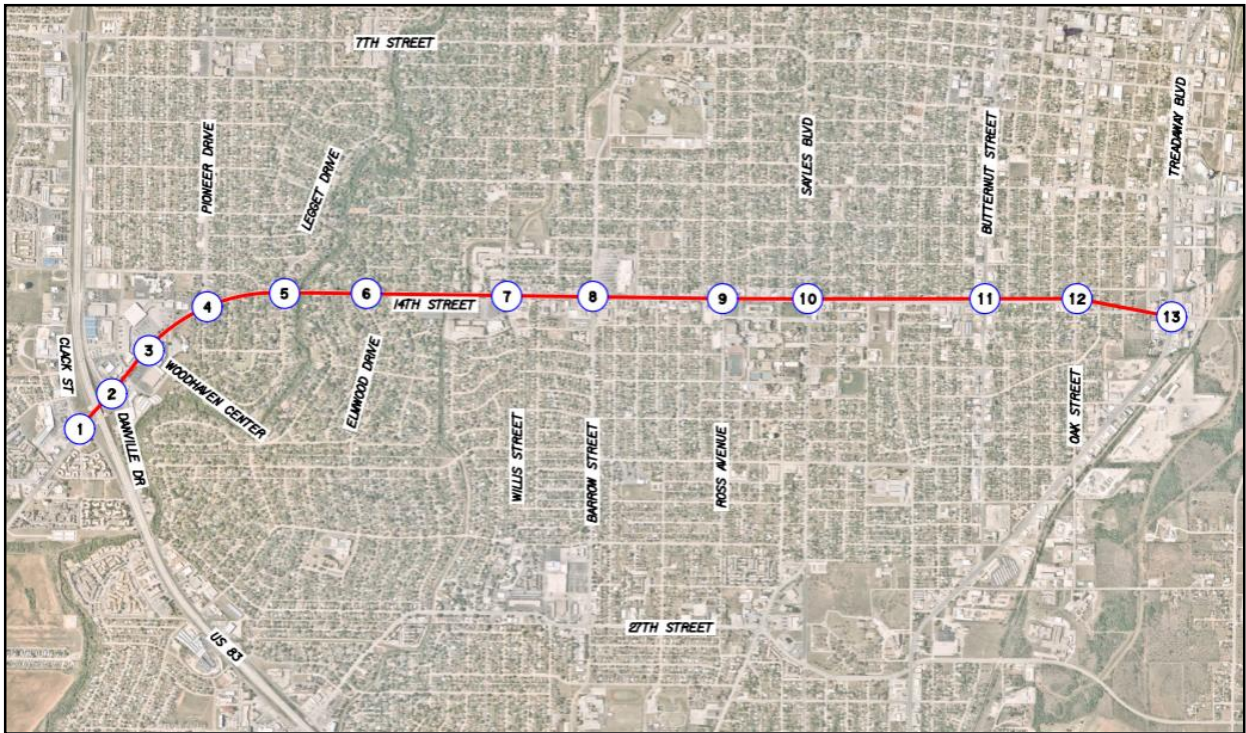


Figure 1. Project Area

This section describes the professional services to be provided by KH.

Task 1 Traffic Signal Design

1.1 Project Meetings and Field Evaluation

KH will organize, prepare for, and facilitate one Kick-Off meeting, with the following objectives in mind:

- Discuss the scope and roles of KH.
- Discuss specific project requirements and any special design or coordination needs.
- Discuss deliverables.
- Discuss project schedule.
- Identify the protocol for project communications.
- Plan for specific documents that will require TxDOT and/or City of Abilene review and comment.
- Identify the need for, and the provision of, existing conditions data.

In the general vicinity of the project intersections, KH will perform one in-field review and verify existing signage, existing signal infrastructure, existing pedestrian elements, and other existing elements. After the 90% submittal, KH will prepare for and schedule one conference call with City of Abilene and TxDOT staff to receive/communicate about comments, if needed.

1.2 Survey inclusive of ROW

Using a subconsultant, KH will provide professional surveying services for the intersection of 14th Street at Sayles Boulevard in general accordance with current published TxDOT requirements as outlined below:

- Project scope will be within a 150' radius of the intersection.
- Additional data collection and property research.
 - o Coordinate with Texas 811 to locate and mark existing franchise and public utilities prior to performing the field survey.
 - o Survey limits are not anticipated to extend onto private property.
- Perform topographic survey of the existing ground based on visible features and markers along the project limits identified above.
- Establish horizontal control points and a vertical control benchmark circuit as needed throughout the project. Set control points based on NAD-83.
- Gather existing right-of-way and easement information. Identify easements available through typical research methodologies (i.e. plats). Undocumented easements may not be identified. Title research may be performed as an additional service only upon written City authorization.
- Review topographic survey, available records from the City and information gathered from the franchise utilities.
- Compile above information into a survey base file to be used for the design. Base file will be in AutoCAD

It is assumed that additional ROW will not be required. Therefore, no ROW strip map or instruments of conveyance are anticipated but could be provided as an Additional Service.

1.3 Design Phase

The design will be prepared at 1" = 40' on 11" x 17" plan sheets using Bentley OpenRoads Designer. The design will be based on and include information gathered during the site visit. The traffic design package will include the following plan sheets.

- **Existing Conditions and Removals Layout Sheet:** existing signal infrastructure, proposed removals, and existing pavement markings at the subject intersection.
- **Traffic Signal Layout Sheet:** proposed signal layout plan, overhead signs, pedestrian elements, ADA pedestrian ramp design, and signal phasing diagram.
- **Signs, Markings, and Ramp Details Sheet:** with proposed signs, proposed pavement markings, proposed ADA ramp design, and summary charts.
- **Traffic Signalization Detail Sheet:** with tabulation of quantities, APS chart, conductor routing chart, electrical chart, detection details, and general notes.

Task 2 Base Mapping

No survey will be obtained for the intersections shown under “Base Mapping” in **Table 2**, instead Base Mapping will be performed for each of these project intersections.

Table 2. Intersection Mapping Type

No.	Intersection	Type of Mapping	
		Survey & ROW	Base Mapping
1	14th Street at Clack Street (US 83 SB)		✓
2	14th Street at Danville Drive (US 83 NB)		✓
3	14th Street at Woodhaven Center Driveway		✓
4	14th Street at Pioneer Drive		✓
5	14th Street at Leggett Drive		✓
6	14th Street at Elmwood Drive		✓
7	14th Street at Willis Street		✓
8	14th Street at Barrow Street		✓
9	14th Street at Ross Street		✓
10	14th Street at Sayles Boulevard	✓	
11	14th Street at Butternut Street		✓
12	14th Street at Oak Street		✓
13	14th Street at Treadaway Boulevard		✓

KH will use Bentley Open Roads Designer and aerial imagery to create a base file with critical roadway elements detailed below. This will form the basis for the design. The following base line work will be created as part of this service:

- Existing edges of pavement within the project limits
- Location of existing traffic signal infrastructure within the project limits
- Existing pavement markings within the project limits

Task 3 Radio Communication Design

KH will design for the installation of radio communication for the existing cabinet for the intersection shown in **Table 1**. The scope for radio communication design will consist of developing a layout sheet and details for the location where the proposed equipment will be installed. The radio communication design will be prepared using TxDOT and City of Abilene Standards. Below is the description of this task.

3.1 Design Phase

The design will consist of a single typical intersection using base mapping described in the task above. The design will be prepared at 1" = 40' on 11" x 17" plan sheets using Bentley Open Roads Designer.

The wireless communications design package will consist of the following plan sheets:

- Wireless Communications Layout Sheet: detailing the intersection with installation description for wireless communications radio in the existing cabinet.
- Wireless Communications Summary Detail Sheet: with tabulation of quantities, summary of all locations for installation, and general notes.
- Wireless Communication Schematic Sheet: detailing network system architecture and cabling required for communication with the City's ATMS and TMC.

The city will be responsible for the configuration of the radios and communications to and within the City's network.

Task 4 GPS Clock Implementation

KH will design for the installation of GPS Clocks for the intersections shown in **Table 1**. This task consists of provisioning for the inclusion of GPS clocks at the subject intersections. The GPS clocks will be designed to be placed inside the existing traffic signal cabinets. The scope for GPS Clock Implementation will consist of developing a summary table of all locations which proposed equipment will be installed.

4.1 Design Phase

The design will be based on and prepared by using base mapping. The design will be prepared at 1" = 40' on 11" x 17" plan sheets using Bentley OpenRoads Designer. The design will use a single typical intersection to illustrate the method of installation of the proposed equipment and the remaining locations will be defined through a summary table. The design package will include the following plan sheets:

- **GPS Clock Layout Sheet**: detailing single typical intersection with installation description for GPS Clock inside the existing cabinet.
- **GPS Clock Details Sheet**: with tabulation of quantities, summary of all locations for installation and general notes.

Task 5 Flashing Yellow Arrow Improvements

KH will design for the installation of flashing yellow arrow improvements for the intersections shown in **Table 1**. This task consists of the design of flashing yellow arrow (FYA) improvements for locations with existing protected permissive signal heads. All proposed signal heads will be designed to use existing signal conductors (when possible) and will design new conductor if deemed necessary. The southbound traffic signal pole at 14th St. at Butternut St. and the westbound traffic signal pole at 14th St. at Treadaway Blvd. will be replaced for longer mast arms.

5.1 Design Phase

The design will be based on and prepared by using base mapping. The design will be prepared at 1" = 40' on 11" x 17" plan sheets using Bentley OpenRoads Designer. The design will be based on and include information gathered during the initial field investigations. The design package will include the following plan sheets:

- **FYA Layout Sheet:** consisting of proposed FYA improvements on existing traffic signal poles, removal of existing heads, conductor connections to proposed heads, and proposed quantities.
- **FYA Details Sheet:** with signal head quantification, cable termination chart, and general notes.

Task 6 Deliverables

6.1 Deliverables

All design sheets from the tasks above will be combined with the sheets identified below to create a single design submittal for this task.

- Cover Sheet: including intersection location key map and description of project
- General Notes: including standard general notes applicable to TxDOT and City of Abilene
- Summary of Quantities: including the summary of quantities and Opinion of Probable Construction Costs (OPCC) using TxDOT bid items
- Standard Detail Sheets: including all standards as required by TxDOT

Deliverables: KH will develop the following deliverables for this task:

- **90% Submittal:** KH will prepare and submit three (3) sets of construction drawings to TxDOT and City for review. KH will submit plans in accordance with 90% submittal format.
- **100% (Draft) Submittal:** KH will prepare and submit three (3) sets of construction drawings to TxDOT and City for review. KH will submit plans in accordance with 100% submittal format.
- **100% (Final) Submittal:** KH will address any necessary review comments from City and provide one full set of sealed original drawings.

Notes & Assumptions

Our scope and fee are based on the following:

1. No topographic survey is being provided or procured for intersections shown in **Table 2**; therefore, every effort will be made to design proposed traffic signal equipment within city ROW using existing identifiers but is not guaranteed.
2. The radio communications scope of the project is subject to change or be removed, depending on TxDOT funding availability and requirements.
3. Fees are to perform each task one time with one round of comment resolutions. Additional revisions to address Jurisdictional review comments will be made on an hourly basis.
4. Kimley-Horn's recommendations will be performed in general accordance with current published City and TxDOT design standards.
5. This proposal does not include design of improvements that increase capacity such as left turn or right turn lane roadway design, or coordination with outside agencies other than TxDOT.
6. Traffic control plans, if required, will be prepared by the Contractor or others and is not part of our scope. If oversight of the contractor's design is needed, it will be provided as part of additional services and will be on a time and materials basis in accordance with our Standard Hourly Rate Schedule.
7. Inspections and Certifications during construction, if required, will be performed by others and is beyond the scope of this agreement. The final report shall be signed and sealed.
8. Services that are not specified under Scope of Services, including any additional meetings requested by the Client, will be provided as additional services when requested and authorized in writing by the Client. Compensation for additional services will be on a time and materials basis and billed according to our standard rate schedule.

Additional Services

Services that are not specified under Scope of Services, including any additional meetings requested by the Client, will be provided as additional services when requested and authorized in writing by the Client. Compensation for additional services will be on a time and materials basis in accordance with our Standard Hourly Rate Schedule.

Schedule

KH will work with the Client to develop a mutually acceptable project schedule, and plan for submission on or prior to the anticipated February 2025 TxDOT Letting date.

Fee and Billing

KH will perform the services in Tasks 1.1 - 6.1 for the total lump sum fee below. Individual task amounts are informational only. All permitting, application, and similar project fees will be paid directly by the Client.

Task and Fee Summary Table

Tasks 1 - 6 Traffic Signal Design and Various Corridor Improvements	\$66,900 LS
Total Lump Sum (LS) Fee:	\$66,900

Lump Sum (LS) tasks will be invoiced based on the percent completion of the tasks.

Additional Services will be performed at the Client's direction on an hourly plus expense basis in accordance with our then current hourly rate schedule, which is subject to annual adjustment. Direct reimbursable expenses such as express mail fees, air travel, and other direct expenses will be billed at cost.

All permitting, application, and similar project fees will be paid directly by the Client.

Fees and expenses will be invoiced monthly based, as applicable, upon the percentage of services completed or actual services performed and expenses incurred as of the invoice date. Payment will be due within 25 days of your receipt of the invoice.

ATTACHMENT C

STATE MANDATED WORKERS' COMPENSATION INSURANCE LANGUAGE

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

a. Definitions

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

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

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

- b. The Professional shall provide coverage, based on proper reporting of classification codes and payroll amounts and filing of any coverage agreements, which meets the statutory requirements of Texas Labor Code, Section 401.011(44) for all employees of the Professional providing services on the project, for the duration of the project.
- c. The Professional must provide a certificate of coverage to the City prior to being awarded the contract.
- d. If the coverage period shown on the Professional's current certificate of coverage ends during the duration of the project, the Professional must, prior to the end of the coverage period, file a new certificate of coverage with the City showing that coverage has been extended.
- e. Professional shall obtain from each person providing services on a project and provide to City:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- j. By signing this contract or providing or causing to be provided a certificate of coverage, the Professional is representing to the City that all employees of the Professional who will provide services on the project will be covered by workers' compensation coverage for the duration of the project, that the coverage will be based on proper reporting of classification codes and payroll amounts, and that all coverage agreements will be filed with the appropriate insurance carrier or, in the case of a self-insured, with the commission's Division of Self-Insurance Regulation. Providing false or misleading information may subject the Professional to administrative penalties, criminal penalties, civil penalties, or other civil actions.
- k. The Professional's failure to comply with any of these provisions is a breach of contract by the Professional which entitles the City to declare the contract void if the Professional does not remedy the breach within ten (10) days after receipt of notice of breach from the City.

ATTACHMENT D
NOTICE TO PROCEED

Click or tap here to enter text.

ATTACHMENT E
CHANGE IN SCOPE OF SERVICES

Click or tap here to enter text.

**SUPPLEMENT TO AGREEMENT BETWEEN THE CITY OF ABILENE, TEXAS AND
____Kimley Horn and Associates____ (“Company”)**

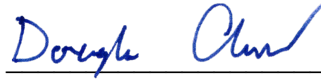
- (1) **Verification Against Boycott of Israel Provision.** In accordance with Chapter 2271 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a company for the provision of goods or services unless the agreement contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. The term “company” does not include a sole proprietorship. Chapter 2271 of the Texas Government Code only applies to an agreement that: (1) is between a governmental entity and a company with 10 or more full-time employees; and (2) has a value of \$100,000.00 or more that is paid wholly or partly from public funds of the governmental entity.
- (2) **Verification Against Discrimination of Firearm or Ammunition Industries Provision.** Pursuant to Texas Government Code Chapter 2274, unless otherwise exempt, if the company employs at least 10 full-time employees, and this agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the City, the company verifies that: (1) the company does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the company will not discriminate during the term of the Agreement against a firearm entity or firearm trade association. The term “company” does not include a sole proprietorship. This provision does not apply to a governmental entity that contracts with a sole-source provider, or does not receive any bids from a company that is able to provide the written verification required.
- (3) **Verification Against Boycott of Energy Companies Provision.** Pursuant to Texas Government Code Chapter 2276, unless otherwise exempt, if the company employs at least 10 full-time employees, and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the City, the company represents that: (1) the company does not boycott energy companies; and (2) the company will not boycott energy companies during the term of this Agreement. The term “company” does not include a sole proprietorship. This provision does not apply to a governmental entity that determines the requirements are inconsistent with the governmental entity’s constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds.
- (4) **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the company verifies that company is not on a list maintained by the State Comptroller’s office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.

Unless the company is not subject to a provision above, the signatory executing this Agreement on behalf of the company verifies that the company: (1) does not boycott Israel and will not boycott Israel during the term of this Agreement; (2) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade

association, and will not discriminate during the term of this Agreement against a firearm entity or firearm trade association; (3) does not boycott energy companies, and will not boycott energy companies during the term of this Agreement; and (4) is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.

Kimley-Horn and Associates, Inc.

(printed name of company)

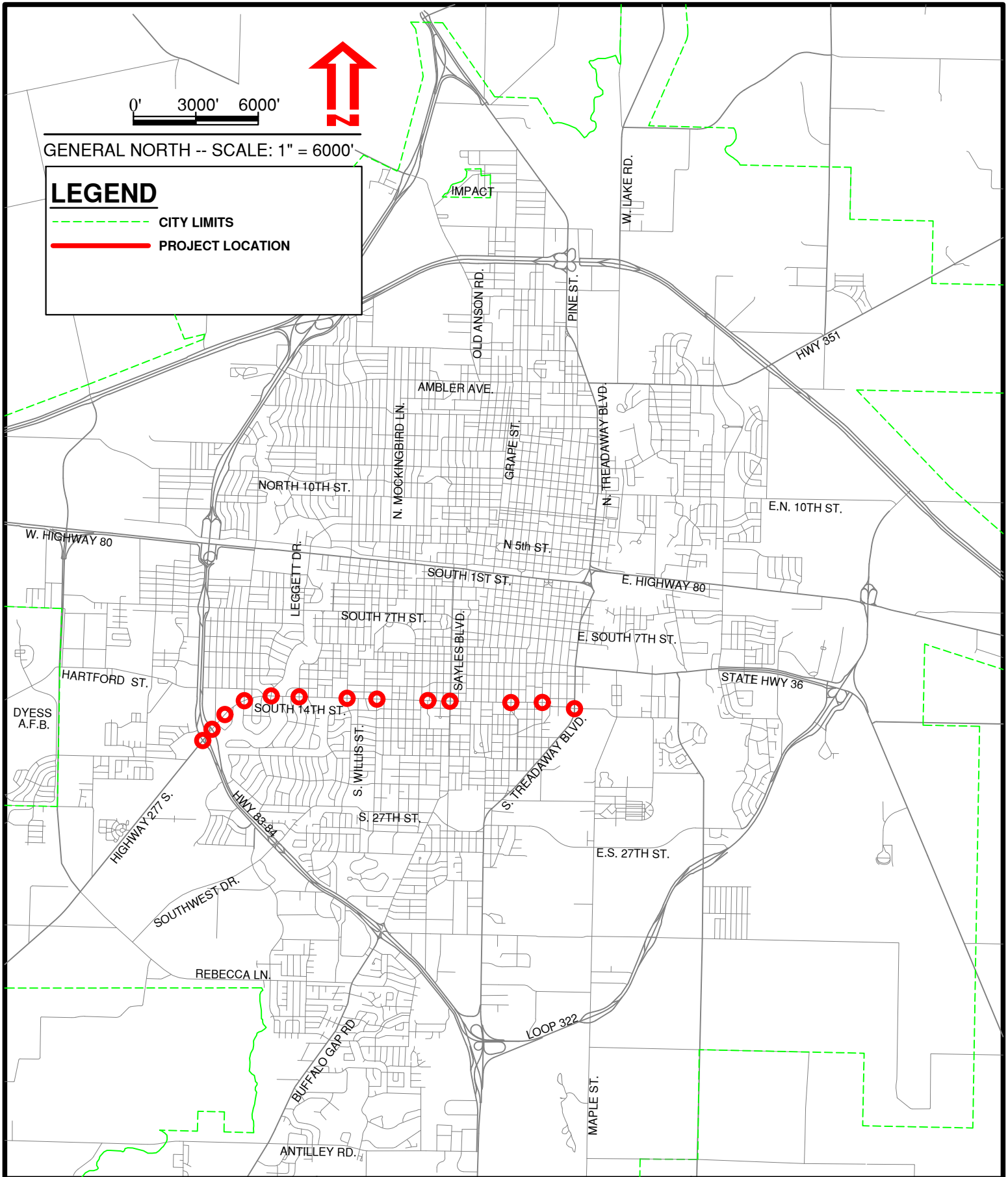


Douglas Arnold

(signature and printed name of signatory)

01/04/2024

(date of signature)



Sheet
1
of
1

CITY OF ABILENE, TEXAS
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

**S. 14TH ST. SIGNAL IMPROVEMENTS
& INTERCONNECTION (CLACK ST. TO
TREADAWAY BLVD.)**

Designed By: S. CHANDLER

Drawn By: M. MILLER

Checked By: S. CHANDLER

Horizontal Scale: 1"=6000'

Vertical Scale: N.T.S.

Computer File Name:
Project Location Map

Date: JAN. 2024

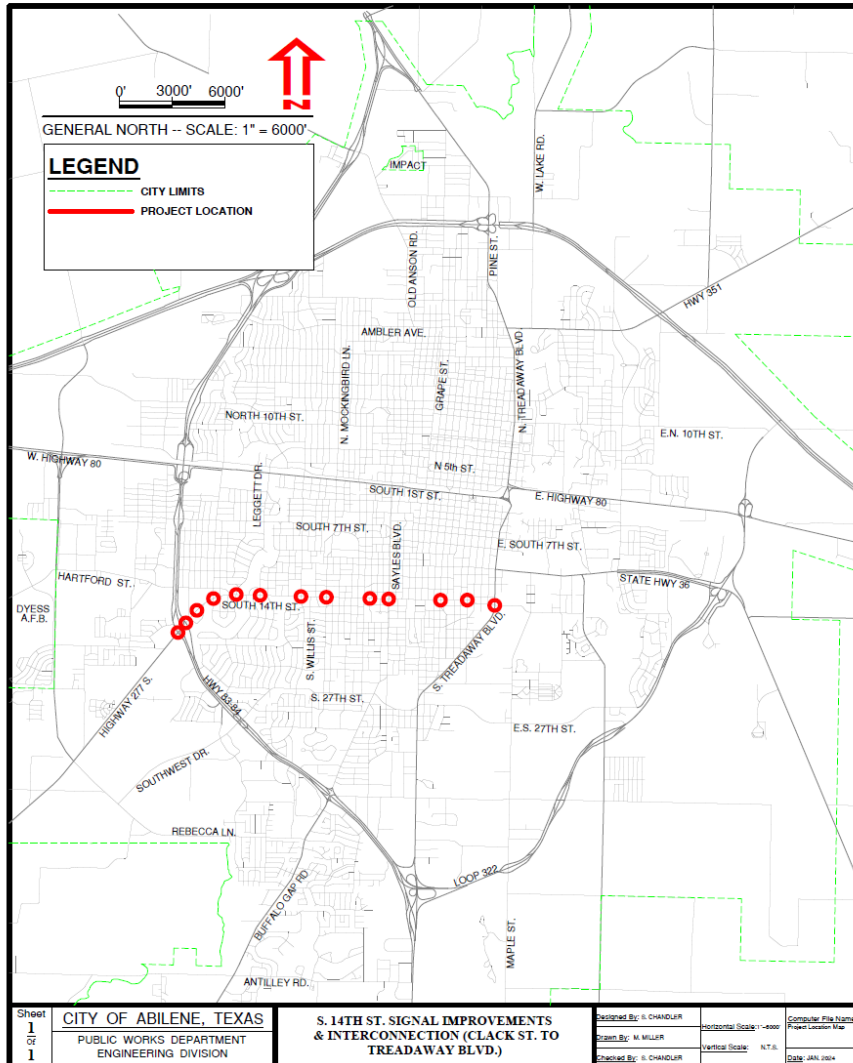
S. 14th St. Traffic Signal Upgrades and Interconnection (Clack St. to Treadaway Blvd.)

(Max Johnson)





S. 14th St. Traffic Signal Upgrades and Interconnection (Clack St. to Treadaway Blvd.)



Intersections:

- South 14th St. & Clack St.
- South 14th St. & Danville Dr.
- South 14th St. & Woodhaven Center Driveway
- South 14th St. & Pioneer Dr.
- South 14th St. & Leggett Dr.
- South 14th St. & Elmwood Dr.
- South 14th St. & Willis St.
- South 14th St. & Barrow St.
- South 14th St. & Ross St.
- South 14th St. & Sayles Blvd.
- South 14th St. & Butternut St.
- South 14th St. & Oak St.
- South 14th St. & Treadway Blvd.



CITY OF
ABILENE
TEXAS



S. 14th St. Traffic Signal Upgrades & Interconnection (Clack St. to Treadaway Blvd.)

- Staff selected Kimley Horn and Associates after reviewing the proposal submitted for project.
- Project includes services related to the preparation of traffic signal improvements, FYA, GPS Clocks, and radio communication plans along S. 14th St. from Clack St. to Treadaway Blvd.
- The contract with Kimley Horn and Associates is for the fixed fee amount of \$66,900.00.
- Project funded through Street Maintenance Fee.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 9. Resolution: Receive a Report, Hold a Discussion and Take Action on Change Order for Defense Economic Adjustment Assistance Grant (DEAAG) 5G Fiber Project on Dyess Air Force Base (Max Johnson)

GENERAL INFORMATION

Change order required due to unforeseen conditions on Dyess Air Force Base infrastructure.

Work includes installation of two, 4 inch conduits and a new hand hole between facilities on Dyess Air Force Base. The designed pathway between Building 9332 and Building 6030 was evaluated and found to be impassable after exhausting all possible efforts to utilize the conduit.

The new conduit is necessary to ensure the fiber optic ring is maintained in accordance to the original DEAAG 5G Fiber Project. All funding for this project, to include this change order, is provided by State of Texas Defense Economic Adjustment Assistance Grant (DEAAG). No City funds are associated with this project to include the additional cost of this change order.

The City of Abilene is the administrator for State of Texas DEAAG funds for the 5G Fiber project on Dyess Air Force Base.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

No impact to City of Abilene funding. Project, to include this change order, funded by State of Texas DEAAG funds.

STAFF RECOMMENDATION

Recommend approval for completion of DEAAG 5G Project

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution Change Order 4 DEAAG 5G Fiber Project - Dyess AFB - 1-18-2024
2. DEAAG 5G Fiber Project Change Order #4 - 2023.12.11
3. Change Order #4 DEAAG 5G Fiber Project

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, APPROVING CHANGE ORDER #4 TO DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT 5G FIBER PROJECT ON DYESS AIR FORCE BASE, TEXAS.

WHEREAS, the City of Abilene is the administrator of Defense Economic Adjustment Assistance Grant (DEAAG) 5G Fiber Project on Dyess Air Force Base; and

WHEREAS, unforeseen conditions on Dyess Air Force Base conduit infrastructure requires Change Order #4 to install two (2) new conduit lines between Dyess facilities for completion of project; and

WHEREAS, MCS of Tampa, Inc. has submitted requirements for Change Order #4 in the amount of \$98,469.37 which is funded by State of Texas DEAAG funding in accordance with State and local laws.

Staff recommends approval of Change Order #4 to DEAAG 5G Fiber Project on Dyess Air Force Base, Texas.

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

PART 1: That the City Council approves Change Order #4 to the DEAAG 5G Fiber Project in the amount of \$98,469.37

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

ADOPTED this 25th day of January 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

CHANGE ORDER



CITY OF ABILENE

CHANGE ORDER NUMBER: 4

1. CONTRACTOR: MISSION CRITICAL SOLUTIONS

2. Type of Change: Major (Major/Minor)

3. Reasons: Installation of conduit and hand hole

Project: Dyess Single-Mode
Fiber Expansion Project

Contract Number:

CB-2303

4. Describe the work being revised:

Request change order to install two 4" conduits and a new hand hole between HH-H0028 and HH-H0029. The pathway between Building 9332 and Building 6030 has been found to be impassable after exhausting all possible efforts to get through the conduit. The team does not have an accurate location for where the damage could be as we were able to get to different distances based on which side of the pathway we started on. This could mean there are multiple breaks in the existing conduit. To remediate the issue, our recommendation is to install new ducts and a handhole to remove the need to fight through the broken ducts as well as to reduce the distance between hand holes to a more manageable distance. This pathway is necessary to ensure the fiber optic ring is maintained to the maximum extent possible.

5. New or revised plan sheet(s), sketch(es), and estimates are attached:

Red Line attached.

Estimate attached.

Each signatory hereby warrants that each has the authority to execute this Change Order (CO).

The contractor must sign the Change Order and, by doing so, agrees to waive any and all claims for additional compensation due.

THE CONTRACTOR Date: 11 Dec 2023

Matthew J Kidwell
(Signature)

Typed/Printed Name: Matthew J. Kidwell

Typed/Printed Title: Project Manager

The following information must be provided:

Change in contract time:	14 Days
Original contract price:	\$ 455,885.27
Existing contract price: *	\$ 466,388.22
Amount added or subtracted by this CO:	\$ 98,469.37
Revised contract price:	\$ 564,857.59

* Includes previous CO's

RECOMMENDED FOR EXECUTION:

X

JOSEPH H. MASON Jr.
7CS/SCX Flight Chief

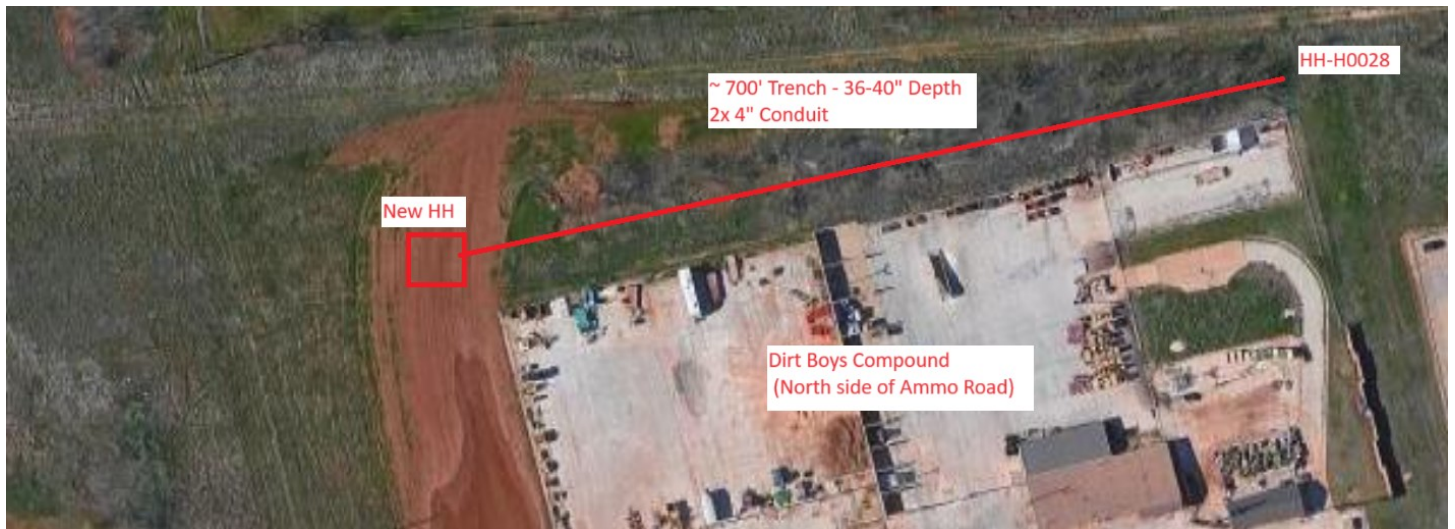
Dyess Representative

Date

City Manager

Date

[illegible]



Change Order #4 for Defense Economic Adjustment Assistance Grant (DEAAG) 5G Fiber Project on Dyess Air Force Base

(Max Johnson)





Change Order #4 for DEAAG 5G Fiber Project – Dyess AFB

- City of Abilene is contract administrator for State of Texas DEAAG 5G Fiber Project on Dyess AFB.
- Change Order #4 required due to unforeseen conditions to conduit infrastructure on Dyess AFB.
- Project includes installation of two, 4” conduits and associated infrastructure between Buildings 9332 and 6030 on Dyess AFB. Project allows completion of fiber optic ring across Dyess as per original DEAAG project.
- Change Order #4 funded through State of Texas DEAAG funds in the amount of \$98,469.37.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 10. Resolution: Receive a Report, Hold a Discussion, and Take Action to Approve an On-Airport Concession Agreement with Brevard Capital Group, Inc. to Operate Hertz, Dollar-Thrifty Car Rentals (Don Green)

GENERAL INFORMATION

The City conducted a Request for Proposal (CB-2414) for a Concession Agreement to operate a rental car business from the open rental car counter in the Abilene Regional Airport Terminal.

One proposal was received. Brevard Capital Group, Inc. from Melbourne, FL proposed to operate as a Hertz, Dollar and Thrifty franchisee. The City required a 10% commission on total gross revenues, and rent for the office space and vehicle Ready/Return spaces. Additionally, as a new company to the airport, a Minimum Annual Guarantee (MAG) proposal was required.

Brevard Capital Group, Inc. proposed a MAG of \$70,000.00 for the first year of the five-year term. The MAG for subsequent years will be 85% of the previous year's concession fee paid to the Airport.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

This will add revenue to the airport. The first year will be an additional \$70,000 that was unbudgeted.

STAFF RECOMMENDATION

Staff recommends approving this agreement with Brevard Capital Group, Inc.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation to Council at its January 10, 2024 meeting.

ATTACHMENTS:

1. Resolution - Brevard Capital Group (1-25-24)
2. Brevard Contract Award Presentation (1-25-24)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE THE ON-AIRPORT CAR RENTAL
CONCESSION AGREEMENT WITH BREVARD CAPITAL GROUP, INC.**

WHEREAS, The City of Abilene (City) owns and operates Abilene Regional Airport; and

WHEREAS, Abilene Regional Airport had one rental car counter vacant in the terminal; and

WHEREAS, the City conducted a Request for Proposals through CB-2414 for this counter space;
and

WHEREAS, Brevard Capital Group, Inc. submitted a proposal to operate as Hertz System,
Dollar Rent A Car, and Thrifty Car Rental; and

WHEREAS, the Airport Development Board affirmed staff's recommendation and approved its
recommendation on January 10, 2024.

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

1. That the City Manager is authorized to execute the On-Airport Car Rental Concession Agreement with Brevard Capital Group, Inc. with a five-year term.
2. That this Resolution is effective immediately upon adoption.

ADOPTED this 25th day of January 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

City Council Meeting

1/25/2024





Brevard Capital Group, Inc Agreement Award

- The city conducted a Request For Proposals (CB-2414) to operate a car rental service in the empty car rental counter.
- Brevard Capital Group, Inc. proposed to operate, Hertz, Dollar and Thrifty car rental services.
- Brevard Capital Group proposed a \$70,000 Minimum Annual Guarantee for Year 1 of the five-year agreement. The succeeding years will be at 85% of the preceding year's 10% concession fee paid for total gross revenue.









**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 11. Resolution: Receive a Report, Hold a Discussion, and Take Action to Approve an On-Airport Concession Agreement with Avis Budget Group, Inc. to Operate Avis Car Rental (Don Green)

GENERAL INFORMATION

Avis Budget Group, Inc. is a current on-airport concessionaire and operates Avis Car Rental. Airport staff entered into negotiations with Avis for a new five-year agreement after the Request For Proposals (CB-2414) for the open car rental counter was concluded. This new agreement establishes the Minimum Annual Guarantee at 85% of the previous year's concession revenues to the airport, keeps the total gross revenue commission at 10%, increases the Ready/Return Space rental to \$20 per month for the term of the agreement, and increases the office space rental to \$24.20/square foot the first year with 5% increases in the rental rate in the subsequent years. The agreement also adds new penalties for not complying with airport curbside parking restrictions and for cleanup of fuel/oil spills or other poor care of the premises.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of this new five-year agreement.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation to City Council at its January 10, 2024 meeting.

ATTACHMENTS:

1. Resolution - Avis Concession Agreement (1-25-24)
2. Avis Contract Award Presentation (1-25-24)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE AN ON-AIRPORT CAR RENTAL
CONCESSION AGREEMENT WITH AVIS BUDGET GROUP, INC.**

WHEREAS, The City of Abilene (City) owns and operates Abilene Regional Airport; and

WHEREAS, Abilene Regional Airport has had an on-airport concession agreement with Avis Budget Group to operate as Avis Car Rental in the terminal; and

WHEREAS, this agreement has expired and is in holdover; and

WHEREAS, Airport staff and Avis Budget Group have negotiated a new five-year agreement;
and

WHEREAS, the Airport Development Board affirmed staff's recommendation and approved its recommendation on January 10, 2024.

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

1. That the City Manager is authorized to execute this On-Airport Car Rental Concession Agreement with Avis Budget Group, Inc. to operate as Avis Car Rental with a five-year term.
2. That this Resolution is effective immediately upon adoption.

ADOPTED this 25th day of January 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

City Council Meeting

1/25/2024





Avis Budget Group, Inc Agreement Award

- Avis Budget Group, Inc. has operated as Avis Car Rental at the airport for many years.
- A new five-year on-airport concession agreement was recently negotiated with Avis Budget Group, Inc.
- This new agreement establishes the Minimum Annual Guarantee at 85% of the previous year's concession revenues to the airport, keeps the total gross revenue commission at 10%.



- Increases the Ready/Return Space rental to \$20 per month for the term of the agreement.
- Increases the office space rental to \$24.20/square foot the first year with 5% increases in the rental rate in the subsequent years.









**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 12. Resolution: Receive a Report, Hold a Discussion, and Take Action to Approve an On-Airport Concession Agreement with EAN Holdings, LLC doing business as Enterprise Rent-A-Car and National Car Rental (Don Green)

GENERAL INFORMATION

EAN Holdings, LLC (EAN) is a current on-airport concessionaire and operates Enterprise Rent-A-Car and National Car Rental. Airport staff entered into negotiations with EAN for a new five-year agreement after the Request For Proposals (CB-2414) for the open car rental counter was concluded. This new agreement establishes the Minimum Annual Guarantee at 85% of the previous year's concession revenues to the airport, keeps the total gross revenue commission at 10%, increases the Ready/Return Space rental to \$20 per month for the term of the agreement, and increases the office space rental to \$24.20/square foot the first year with 5% increases in the rental rate in the subsequent years. The agreement also adds new penalties for not complying with airport curbside parking restrictions and for cleanup of fuel/oil spills or other poor care of the premises.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval of this five-year agreement.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation to City Council at its January 10, 2024 meeting.

ATTACHMENTS:

1. Resolution - EAN Holdings LLC Concessionaire Agreement 1-25-24
2. EAN Holdings Contract Award Presentation (1-25-24)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AUTHORIZING THE CITY MANAGER TO EXECUTE AN ON-AIRPORT CAR RENTAL
CONCESSION AGREEMENT WITH EAN HOLDINGS, LLC DOING BUSINESS AS
ENTERPRISE RENT-A-CAR AND NATIONAL CAR RENTAL**

WHEREAS, The City of Abilene (City) owns and operates Abilene Regional Airport; and

WHEREAS, Abilene Regional Airport has had an on-airport concession agreement with EAN Holdings, LLC to operate as Enterprise Rent-A-Car and National Car Rental in the terminal; and

WHEREAS, this agreement has expired and is in holdover; and

WHEREAS, Airport staff and EAN Holdings, LLC have negotiated a new five-year agreement;
and

WHEREAS, the Airport Development Board affirmed staff's recommendation and approved its recommendation on January 10, 2024.

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

1. That the City Manager is authorized to execute this On-Airport Car Rental Concession Agreement with EAN Holdings, LLC to operate as Enterprise Rent-A-Car and National Car Rental with a five-year term.
2. That this Resolution is effective immediately upon adoption.

ADOPTED this 25th day of January 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

City Council Meeting

1/25/2024





Enterprise Holdings, Inc Agreement Award

- EAN Holdings, LLC has operated as Enterprise Rent-A-Car and National Car Rental at the airport for many years.
- A new five-year on-airport concession agreement was recently negotiated with Enterprise Holdings, Inc.
- This new agreement establishes the Minimum Annual Guarantee at 85% of the previous year's concession revenues to the airport, keeps the total gross revenue commission at 10%.



- Increases the Ready/Return Space rental to \$20 per month for the term of the agreement.
- Increases the office space rental to \$24.20/square foot the first year with 5% increases in the rental rate in the subsequent years.









**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 13. Resolution: Receive a Report, Hold a Discussion, and Take Action to Approve Amended By-Laws of the Airport Development Board (Don Green)

GENERAL INFORMATION

The Airport Development Board has by-laws that were last amended June 23, 2005. This proposed amendment does the following:

1. Under Purpose - Added that it provides "...support to the City Council *and City Manager*...."
2. Under "A" - Changes the name of Abilene Industrial Foundation to *Abilene Regional Growth Alliance*, and Director of Aviation to *Director of Transportation Services*.
3. Throughout the by-laws - Changes Direct of Aviation to Director.
4. Under "D" - Change: "The Airport Development Board shall recommend to the City Council, *the City Manager and the Director* such policies...."
5. Under "D" - Add: "...pertaining to Airport *Development*, Leases and Use Agreements,..."
6. Under "E" - Acknowledges that it will follow City Council's rules of order and procedure.
7. Under "G" - Affirms that the meeting minutes will be kept by the Director and on file as a public record with the City Secretary.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends adoption of the amendment.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation to City Council at its January 10, 2024 meeting.

ATTACHMENTS:

1. Resolution - ADB By-laws Amendment 1-25-24
2. ADB By-Laws Amendment (1-25-24)
3. ADB By-Laws - Amended June 2005
4. ADB By-laws Amendment Presentation (1-25-24)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING
THE AMENDED BY-LAWS OF THE AIRPORT DEVELOPMENT BOARD**

WHEREAS, The City of Abilene (City) owns and operates Abilene Regional Airport; and

WHEREAS, City Council established an Airport Development Board to advise City Council, the City Manager and Director of Transportation in certain matters related to the operation of Abilene Regional Airport; and

WHEREAS, this amendment reflects changes to keep the by-laws current; and

WHEREAS, the Airport Development Board affirmed these changes and approved its recommendation on January 10, 2024.

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

1. Adopts this amended by-laws of the Airport Development Board.
2. That this Resolution is effective immediately upon adoption.

ADOPTED this 25th day of January 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

Adopted by City Council	12/15/88
Amended	7/18/89
Amended	1/23/92
Amended	9/22/94
Amended	9/28/00
Amended	6/23/05
Amended	1/25/24

AIRPORT DEVELOPMENT BOARD Abilene, Texas

PURPOSE, RULES, REGULATIONS AND PROCEDURES

Purpose

An Airport Development Board (ADB) shall be organized for the purpose of providing assistance, information, and support to the City Council and the City Manager in the efficient and effective operation, development, and promotion of the Abilene Regional Airport. Board members shall serve at the pleasure of the City Council.

A. Organization

The ADB shall consist of a total of eleven (11) members as follows:

Six (6) members shall be citizens of the city of Abilene:

One (1) member shall be a citizen of Taylor County nominated by the Taylor County Commissioners;

One (1) member shall be a member of the Abilene Chamber of Commerce and shall be nominated by the Chair of the Board of Directors of the Abilene Chamber of Commerce;

One (1) member shall be a member of the Board of Directors of the Abilene Regional Growth Alliance and shall be nominated by the Chair of the Board of Directors of the Abilene Regional Growth Alliance;

One (1) member shall be a member of the Texas Midwest Community Network and shall be nominated by the Chair of the Board of Directors of the Texas Midwest Community Network;

One (1) member shall be a member of the Abilene Convention and Visitors Bureau and shall be nominated by the Chair of the Board of Directors of the Abilene Convention and Visitors Bureau.

The Director of Transportation Services, (the "Director") shall assist the Airport Development Board in its various functions.

B. Membership and Terms

The Mayor, with the approval of City Council, shall appoint all members of the Airport Development Board. The term of appointment shall be three (3) years and all members shall serve without compensation.

All members of the Airport Development Board shall serve at the pleasure of the City Council. The term of the eleven (11) appointed members shall be deemed extended until a successor is appointed to the Airport Development Board, Replacement for a vacancy in an unexpired term of any member shall be filled by the process used in appointing the departing member.

C. Officers Election

The Board shall elect a Chair and Vice-Chair annually from its official Membership.

D. Powers and Duties

The Airport Development Board shall recommend to the City Council, the City Manager and the Director such policies and actions as it may deem necessary. Included, but not limited to, the preparation and funding of a comprehensive Capital Improvement Program and maintaining the Airport Master Plan.

The Airport Development Board shall periodically advise and assist the Director in the review and revision of the *Minimum Standards for Aeronautical Activities*, and related issues and policies pertaining to Airport Development, Leases and Use Agreements, and compliance with federal grant assurances and policies.

The Airport Development Board shall assist, recommend, and advise the Director on matters pertaining to the development of airport business, commercial aeronautical and non-aeronautical activity and passenger and cargo air service.

E. Rules of Procedure and Quorum

The Airport Development Board shall follow City Council's rules of order and procedure for conducting meetings and activities directly related thereto. The rules shall be available to the public and kept on file with the City Secretary. A quorum shall consist of no less than six (6) members. An affirmative vote of a majority of the members present shall be necessary for approval of motions before the Board.

F. Public Meeting

Notice of meetings shall be given to the public in accordance with requirements of the Open Meetings Act. Regular meetings shall be scheduled at least semi-annually, and the Director shall call together the Airport Development Board to consider official business as needed. Additional meetings may be held upon the call of the Chair, or the Vice-Chair in the absence of the Chair, or upon petition of a simple majority of Airport Development Board members.

G. Records

The Director shall keep minutes of the Airport Development Board's proceedings, showing the vote upon each agenda item. Such minutes shall be a public record, filed with the City Secretary.

City Council
Agenda Memo



TO: Larry D. Gilley, City Manager

FROM: Daniel T. Weber, A.A.E., Director of Aviation *DTW*

SUBJECT: Amendment to Airport Development Board Purpose, Rules, Regulations and Procedures

City Council
Meeting Date: June 23, 2005

GENERAL INFORMATION

The City Council adopted the "Purpose, Rules, Regulations and Procedures" (Purpose) of the Airport Development Board (Board) on December 15, 1988. The Purpose has been amended four times, in 1989, 1992, 1994 and 2000. Each amendment has updated the Purpose to reflect the changing environment within which the Board carries out its purpose "...to provide emphasis, assistance, information and support to the Council to ensure the efficient and effective operation of the Abilene Regional Airport."

In the five years since the last amendment, marketing resources and improved air service have been developed, and the Board has recognized that the services available at the Abilene Regional Airport have taken on more of a regional nature. In addition, the continued development of these services requires effective outreach to the region in order to determine and gauge the needs of the region so recommendations can be developed to ensure that those needs can be met.

Accordingly, a new amendment is proposed by the Board which updates the Purpose to reflect the new environment in which the Board formulates recommendations to the Council. Specifically, the proposed amendment addresses two fundamental issues:

1. It includes the role of promotion in the Purpose;
2. It expands the organization from nine members to eleven, with the addition of representatives of the Texas Midwest Community Network (TMCN) and the Abilene Convention and Visitor's Bureau (CVB).

STAFF RECOMMENDATION

The addition of these two organizations will enhance the Board membership with a broader regional scope geographically, and with input of the travel and hospitality industry. Staff recommends approval of the amendment.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board developed this amendment and considered it over the course of five months. They approved the amendment on June 8, 2005 and requested it go to the City Council for approval.

Prepared by:		Disposition by City Council
Name _____		☒ Approved Ord/Res# _____
Title _____	Item No. <u>3.1</u>	☐ Denied <u>Oral</u>
		☐ Other <u>De Moore</u>
		City Secretary

AIRPORT DEVELOPMENT BOARD

Abilene, Texas

PURPOSE, RULES, REGULATIONS AND PROCEDURES

Purpose

An Airport Development Board (ADB) shall be organized for the purpose of providing assistance, information, and support to the City Council in the efficient and effective operation, development, and promotion of the Abilene Regional Airport. Board members shall serve at the pleasure of the City Council.

A. Organization

The ADB shall consist of a total of eleven (11) members as follows.

Six (6) members shall be citizens of the city of Abilene:

One (1) member shall be a citizen of Taylor County nominated by the Taylor County Commissioners;

One (1) member shall be a member of the Abilene Chamber of Commerce and shall be nominated by the Chair of the Board of Directors of the Abilene Chamber of Commerce;

One (1) member shall be a member of the Board of Directors of the Abilene Industrial Foundation and shall be nominated by the Chairperson of the Board of Directors of the Abilene Industrial Foundation;

One (1) member shall be a member of the Texas Midwest Community Network and shall be nominated by the Chair of the Board of Directors of the Texas Midwest Community Network;

One (1) member shall be a member of the Abilene Convention and Visitors Bureau and shall be nominated by the Chair of the Board of Directors of the Abilene Convention and Visitors Bureau.

The Director of Aviation shall assist the Airport Development Board in its various functions.

B. Membership and Terms

The Mayor, with the approval of City Council, shall appoint all members of the Airport Development Board. The term of appointment shall be three (3) years and all members shall serve without compensation.

All members of the Airport Development Board shall serve at the pleasure of the City Council. The term of the eleven (11) appointed members shall be deemed extended until a successor is appointed to the Airport Development Board.

Replacement for a vacancy in an unexpired term of any member shall be filled by the process used in appointing the departing member.

C. Officers Election

The Board shall elect a Chair and Vice-Chair annually from its official Membership.

D. Powers and Duties

The Airport Development Board shall recommend to the Director of Aviation, to the City Manager, and to the City Council such policies and actions as it may deem necessary. Included, but not limited to, are the preparation and funding of a comprehensive Capital Improvement Program and maintaining the Airport Master Plan.

The Airport Development Board shall periodically advise and assist the Director of Aviation in the review and revision of the *Minimum Standards for Aeronautical Activities*, and related issues and policies pertaining to Airport Leases and Use Agreements and compliance with federal grant assurances and policies.

3.1
PS.2

The Airport Development Board shall assist, recommend, and advise the Director of Aviation on matters pertaining to the development of airport business, commercial aeronautical and non-aeronautical activity and passenger and cargo air service.

E. Rules of Procedure and Quorum

The Airport Development Board shall adopt its own rules of order and procedure for conducting meetings and activities directly related thereto. The rules shall be available to the public and kept on file with the Director of Aviation. A quorum shall consist of no less than six (6) members. An affirmative vote of a majority of the members present shall be necessary for approval of motions before the Board.

F. Public Meeting

Notice of meetings shall be given to the public in accordance with requirements of the Open Meetings Act. Regular meetings shall be scheduled at least semi-annually, and the Director of Aviation shall call together the Airport Development Board to consider official business as needed. Additional meetings may be held upon the call of the Chair, or the Vice-Chair in the absence of the Chair, or upon petition of a simple majority of Airport Development Board members.

G. Records

The Airport Development Board shall keep minutes of its proceedings, showing the vote upon each agenda item. Such minutes shall be a public record, filed with the Director of Aviation.

City Council Meeting

1/25/2024





Airport Development Board By-Laws Amendment

The Airport Development Board has by-laws that were last amended June 23, 2005. This proposed amendment does the following:

1. Under Purpose - Added that it provides "...support to the City Council *and City Manager....*"
2. Under "A" - Changes the name of Abilene Industrial Foundation to *Abilene Regional Growth Alliance*, and Director of Aviation to *Director of Transportation Services*.
3. Throughout the by-laws - Changes Direct of Aviation to Director.
4. Under "D" - Change: "The Airport Development Board shall recommend to the City Council, *the City Manager and the Director* such policies...."

.



5. Under "D" - Add: "...pertaining to Airport *Development*, Leases and Use Agreements,..."
6. Under "E" - Acknowledges that it will follow City Council's rules of order and procedure.
7. Under "G" - Affirms that the meeting minutes will be kept by the Director and on file as a public record with the City Secretary.







**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 14. Ordinance (First Reading) : Receive a Report, Hold a Discussion, and Take Action to Approve an Amendment to the Fee and Charges Ordinance to Add New Rates for Advertising in the Abilene Regional Airport Terminal (Don Green)

GENERAL INFORMATION

The airport has rented advertising space inside the terminal to companies and organizations using older fixed lighted sign boards. These sign boards were recently replaced with new LED TV screens each with a small server to run digital advertising, either still frames or videos. Several vertical banner advertising fixtures were also added. Airport staff has developed new advertising rates to better reflect the value of this new system to advertisers.

The new system allows staff to make changes for contracted digital advertisers more frequently, and allows anyone to request a special message to someone arriving or departing, such as a military member, interviewee, or other special occasion. Additionally, the airport will run promotional ads for its business partners.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff is excited to have this new advertising capability and flexibility as well as the technological upgrade in the terminal, and recommends approval of these new rates.

BOARD OR COMMISSION RECOMMENDATION

The Airport Development Board approved its recommendation to City Council at its January 10, 2024 meeting.

ATTACHMENTS:

1. Ordinance_Airport Terminal Interior Advertising Fees
2. Airport Terminal Interior Ad Rates Presentation (1-25-24)

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE 54-2023 ADOPTING FEES AND CHARGES, BY AMENDING THE CITY OF ABILENE FEE SCHEDULE TO ADD THE ABILENE REGIONAL AIRPORT TERMINAL INTERIOR ADVERTISING RATES; AND CALLING A PUBLIC HEARING.

WHEREAS, City Council adopted Ordinance 54-2023 (“Fee Ordinance”) on August 10th, 2023 setting fees and charges commencing on October 1, 2023; and

WHEREAS, it was contemplated that this Fee Ordinance would require amendment from time to time to modify and update fees and charges; and

WHEREAS, the airport has added digital screens and banner advertising for commercial advertising in the terminal; and

WHEREAS, the airport developed new advertising rates for these media conveyances; and

WHEREAS, the Director of Transportation Services may also approve advertising for free or for trade of other similar value to the airport and City of Abilene; and

WHEREAS, this Ordinance amendment will codify the new rates to be included in the Fee Ordinance for transparency to the public.

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

Part 1: That the Schedule of Fees and Charges for Terminal Interior Advertising for the Abilene Regional Airport of the City of Abilene, Texas, be amended as set forth in Exhibit “A”, attached hereto and made a part of this Ordinance for all purposes.

Part 2: That all ordinances, parts of ordinances, resolutions and parts of resolutions in conflict herewith are repealed.

Part 3: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PASSED ON FIRST READING on the 25th day of January 2024.

A notice of 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 4th day of February, 2024, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 8th day of February 2024, to permit the public to be heard.

PASSED ON THE SECOND AND FINAL READING this 8th day of February, 2024.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

Exhibit A

ABI Terminal Advertising Rates

Digital Screens		
- Screens have a 3-minute advertising loop. Each advertiser receives a 30 second ad or two 15-second ads - A community or ABI ad plays after each ad loop - 12 screen displays available: 5 standard size and 7 larger premium size - Rates are per screen each month		
12 month	\$275	- Annual contract; paid quarterly or in full - Premium screen placement at no additional charge - Placement rotation option available; based upon availability - Complimentary personalized messages (limit 5/mon) - Complimentary additional ad placement for unsold screen inventory
6 month	\$300	
1 month	\$325	- Semi annual contract; paid quarterly or in full - Placement rotation option available; based upon availability - Complimentary personalized messages (limit 3/mon) - Monthly contract; paid monthly - Select one location for placement; based upon availability
Premium screens	Add \$25/mon	
Personal "Welcome" Message	\$15/screen	- Seven 85" screens in prominent locations - 15 second spot will rotate upon requested schedule - Complimentary for active military passengers

Entrance Revolving Doors		
West Door	\$700	
East Door	\$700	

Vertical Banners		
- 6 foot tall in prominent waiting areas - Hardware is provided; banner production is additional cost of advertiser - 5 options: 2 in pre-security atrium, 2 in baggage claim area, & 1 in post-screening waiting area		
12 month	\$250	
6 month	\$300	

Complimentary Coffee Station Sponsor		
- Located in the post-screening area as passengers wait or arrive for flight - Signage "Coffee provided by _____" for all passengers to see multiple times. Near vending machines and bathroom. - ABI manages the station, pays for the coffee products, and services the area		
12 month	\$300	- Annual contract; paid quarterly or in full - Digital screen ad included - Placement rotation upon request and availability - Complimentary personalized messages (limit 5/mon) - Complimentary additional ad placement for unsold screen inventory
6 month	\$350	

(continued on next page)

Weather Station Sponsor		
- Located in the post-screening on digital screen that displays a weather channel - Signage "Weather provided by _____" for all passengers to see multiple times while waiting		
12 month	\$300	- Annual contract; paid quarterly or in full - Digital screen ad included - Placement rotation upon request and availability - Complimentary personalized messages (limit 5/mon) - Complimentary additional ad placement for unsold screen inventory
6 month	\$350	

Business Station Sponsor		
- Located in the post-screening on digital screen that displays CNBC or similar channel - Signage "Business news provided by _____" for all passengers to see multiple times while waiting		
12 month	\$300	- Annual contract; paid quarterly or in full - Digital screen ad included - Placement rotation upon request and availability - Complimentary personalized messages (limit 5/mon) - Complimentary additional ad placement for unsold screen inventory
6 month	\$350	

Additional Advertising Information	
- 15% discount available for each additional ad purchase; applied to lowest price ad - Open to trades of products and services; especially if they can be used in the ABI frequent flyer program as awards - Advertising agencies receive a standard 15% discount	

City Council Meeting

1/25/2024





Airport Terminal Interior Advertising Fee Schedule

- The airport has rented advertising space inside the terminal to companies and organizations using older fixed lighted sign boards.
- These sign boards were recently replaced with new LED TV screens each with a small server to run digital advertising, either still frames or videos.
- Airport staff has developed new advertising rates to better reflect the value of this new system to advertisers.



- The new system allows staff to make changes for contracted digital advertisers more frequently, and allows anyone to request a special message to someone arriving or departing, such as a military member, job interviewee, or other special occasion.
- Additionally, the airport will run promotional ads for its business partners.













**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **15. Ordinance (First Reading) Z-2023-39: Receive a Report, Hold a Discussion and Take Action on A Request From HD Development Properties LP (D/B/A The Home Depot), Represented By Cassie Permenter, To Amend The Terms Of The Planned Development District 75 To Allow Outdoor Retail Sales/Rental And Display Within The Track “The Home Depot”. Located At 4590 Southwest Dr, Abilene, TX 79606 (*Tim Littlejohn*)**

GENERAL INFORMATION

The property was rezoned from AO to PDD-75 in April 2002. The PDD-75 was created with the intent of locating the Home Depot and the Tractor Supply store. In September 2006, an amendment was approved to allow the display of goods within a specific area in front of Tractor Supply.

SPECIAL CONSIDERATIONS

The Home Depot tract is currently in violation of the Land Development Code and the requirements of PDD-75 by having outdoor display of storage buildings and parking rental equipment on required parking spaces and periodically in required fire lanes. PDD-75 does not allow outdoor display on this lot. The proposed amendment, if approved, would allow outdoor display in designated areas.

Currently, portable buildings are stored on the west side of the parking lot. Outdoor equipment is seasonally displayed along the entire length of the front of the parking lot. The applicant now proposes to display rental trucks and heavy equipment on the east side of the parking lot and to limit outdoor display to only the locations shown on the proposed site plan.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

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

1. A Final Site Plan shall be submitted to show all authorized outdoor display locations on this lot; and
2. Outdoor display of equipment, rental trucks, general merchandise, or any other materials on a permanent or seasonal basis shall be prohibited at all other locations on the site.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. ORDINANCE (Clean)
2. Ordinance Redline
3. Z-2023-39 Staff Report (CHI)
4. HD Abilene, TX #6583 - Site Plan 2023.12.4
5. HD Abilene, TX - Revised Project Description (1)
6. Compact Power Rental Equipment Description
7. Z-2023-39 PresentationCHI

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD-75 AND ORDINANCE NO. 16-2002 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. 16-2002, 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 25th day of January, 2024.

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 December, 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 25th day of January, 2024, 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 8th day of February, 2024.

ATTEST:

CITY SECRETARY

MAYOR

ORDINANCE NO. _____

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 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 the 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) District to PDD (Planned Development) District.

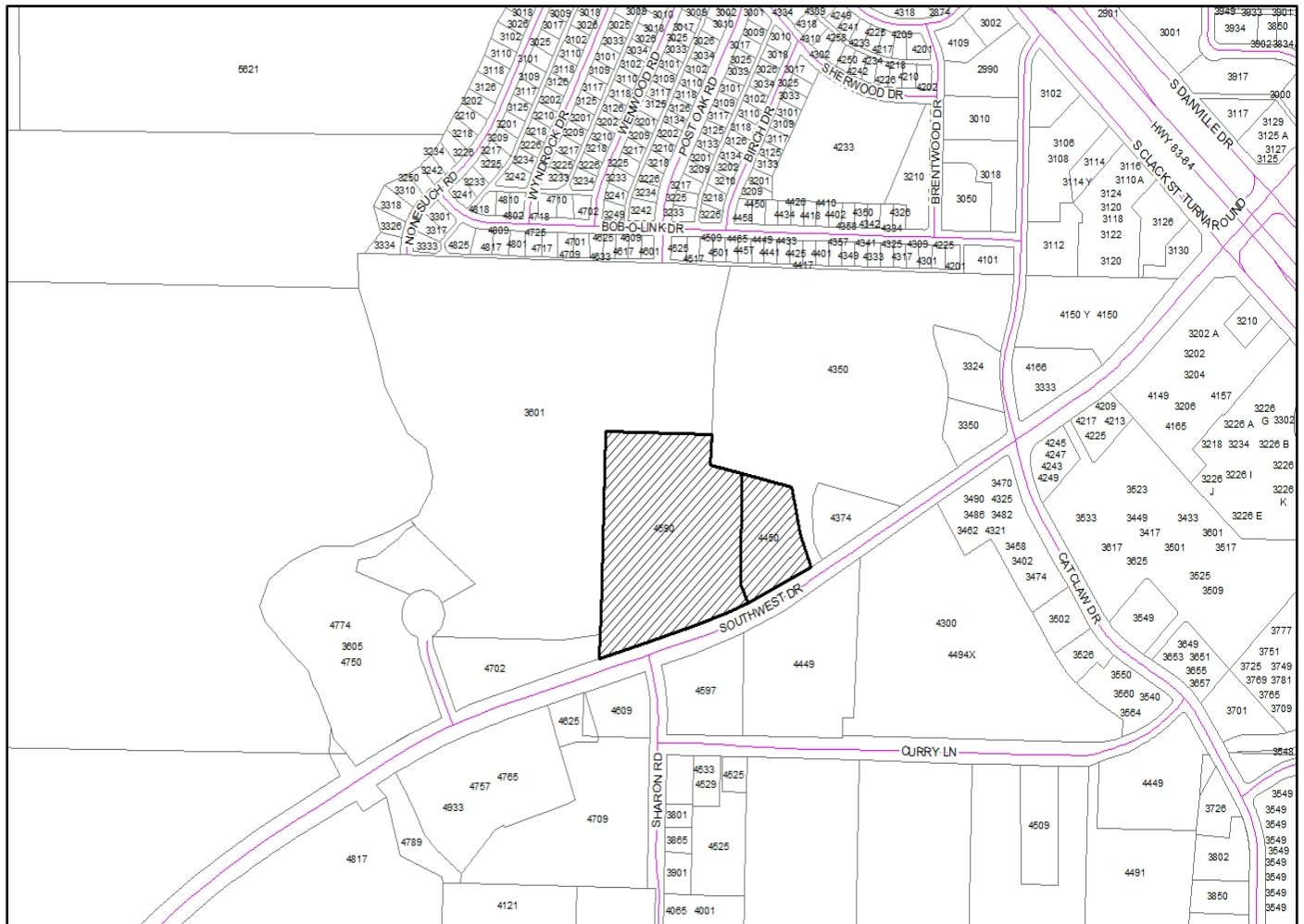
That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PART 5: Legal Description. Lot 1 &2, Block 1, Home Depot Addition, Abilene, Taylor County, Texas.

ORDINANCE NO. _____

Location:

4450 & 4590 Southwest Drive



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

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

1. Permitted Uses:

- A. Wholesale and retail sale of building materials and lumber
- B. Retail trade with the following exceptions:
 - Aircraft and accessories
 - Auctions
 - Automobiles and trucks

ORDINANCE NO. _____

Marine craft
Mobile homes
Travel trailers and motor homes
Motorcycles
Pawn Shops
Scrap and waste material
Secondhand merchandise - including flea markets

2. Site Development shall be in accordance with the following regulations and as generally depicted on the site plan attached hereto as Exhibit B.
 - A. The southwestern most building shall be in the general location as indicated in Exhibit B. The northeastern most building shall be located a minimum of 80 feet from the front property line and a minimum of 20 feet from all other lot lines. Lot coverage by structures shall not exceed 25 percent.
 - B. Buildings shall be limited in height to 35 feet, excluding architectural exceptions generally allowed by the Zoning Ordinance of the City of Abilene.
 - C. Off-street parking spaces shall be provided in accordance with the Zoning Ordinance of the City of Abilene, as a minimum.
 - D. Off-street loading requirements shall consist of 3 spaces or the southwestern most structure and 1 space for each additional structure.
 - E. The number of driveways shall be limited to 2 along Southwest Drive and shall meet the City of Abilene's standards for width, and return radii.
 - F. Wall signage shall be limited to one wall per building. Wall signs shall not cover more than 20 percent of the wall on which they are located.
 - G. One freestanding sign shall be permitted on each lot. Freestanding signs shall not exceed 35 feet in height or 200 square feet in area.
 - H. Portable signs and off-site advertising signs are prohibited.
 - I. Banners shall only be permissible when attached to and flat against a building.
 - J. Landscaping shall be provided along the street side boundary of the lot, in general accordance with Exhibit "C". Landscaping of the northeastern lot shall be similar to that shown in Exhibit "C". Specific landscaping of the northeastern site shall be approved by the City of Abilene in the site plan review for that site. Such landscaping shall be located entirely on private property. Landscaping shall be defined as the planting and maintenance of living materials such as plants, trees and shrubs. Landscaping shall be installed prior to the issuance of a Certificate of Occupancy.
 - K. In ground irrigation shall be required for all required landscaped areas.
 - L. Display of goods shall be prohibited in landscaped and parking area, except where shown on Exhibit "D" and "E" of this ordinance with the following conditions:
 1. The display be limited to one example of each product;
 2. There be no more than 10 different products displayed;
 3. If this area is used for outdoor display, a minimum of 4 trees must be planted and maintained in the display area; and
 4. Outdoor display of equipment, rental trucks, general merchandise, or any

ORDINANCE NO. _____

other materials on a permanent or seasonal basis shall be prohibited at all other locations on the site.

3. Development Schedule: If a building permit for at least one building has not been issued within two years of the approval of this Ordinance by the City Council, the Planning Director shall initiate rezoning of the property back to the zoning classification in place prior to the approval of this Ordinance.



SUBJECT INFORMATION

WHITE AREA	BLACK AREA	SPACES
THE HOME DEPOT		11,713 SF
MULTI-USE AREA		
THE HOME DEPOT		93,864 SF
WALGREEN CENTER		24,740 SF
TOTAL		119,307 SF

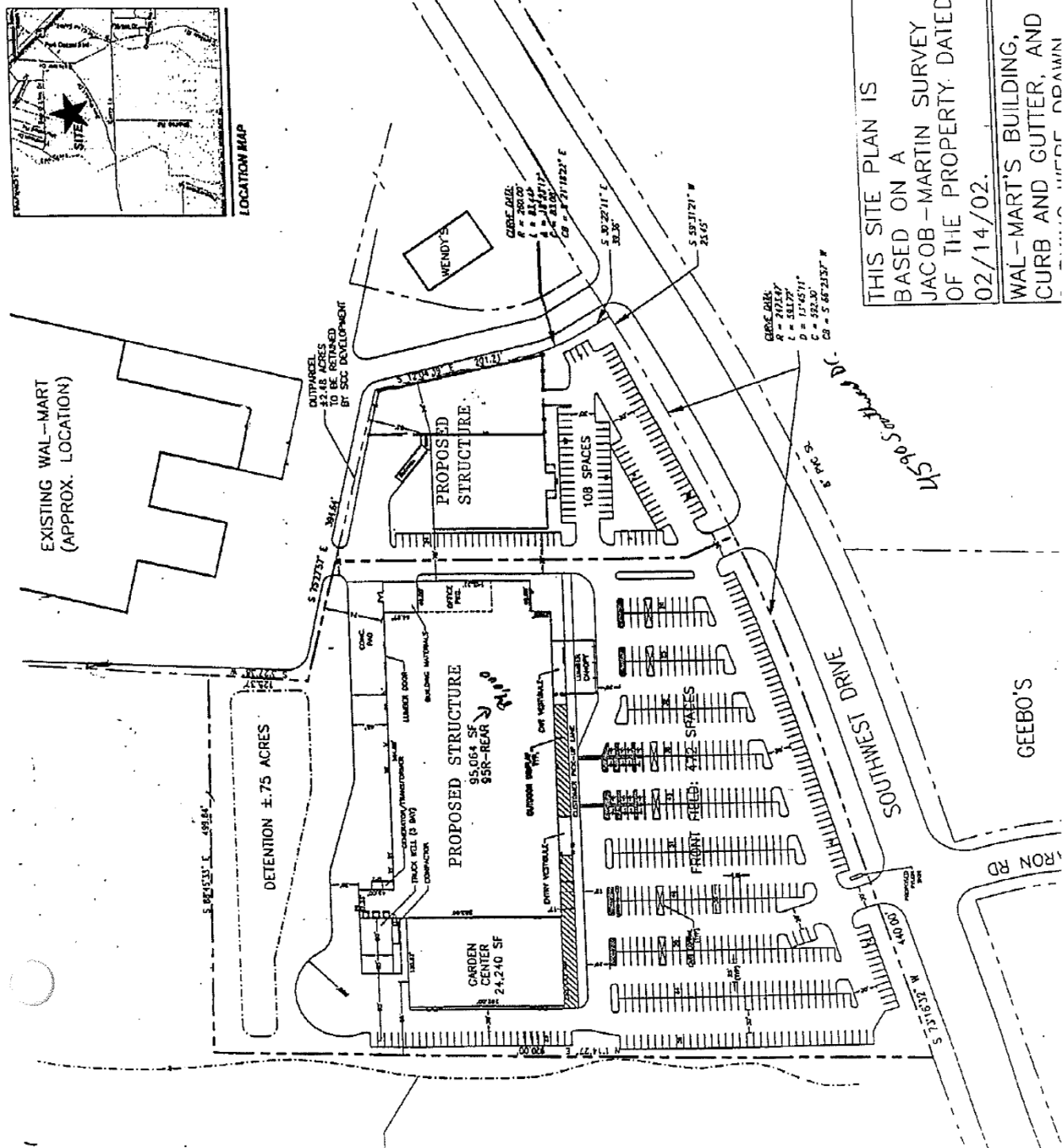
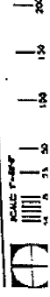
PARKING SUMMARY			
SOVR	NO. REQUIRED	NO. PROVIDED	SPACES SHORT
THE HOME DEPOT	1	317	110
WALGREEN CENTER	1	317	81
TOTAL	2	634	191

ONE DEPOT INTO PROVIDED	
SOVR	NO. PROVIDED
THE HOME DEPOT	317
WALGREEN CENTER	317
TOTAL	634

ORDINANCE NO. 16-2002
EXHIBIT "B"

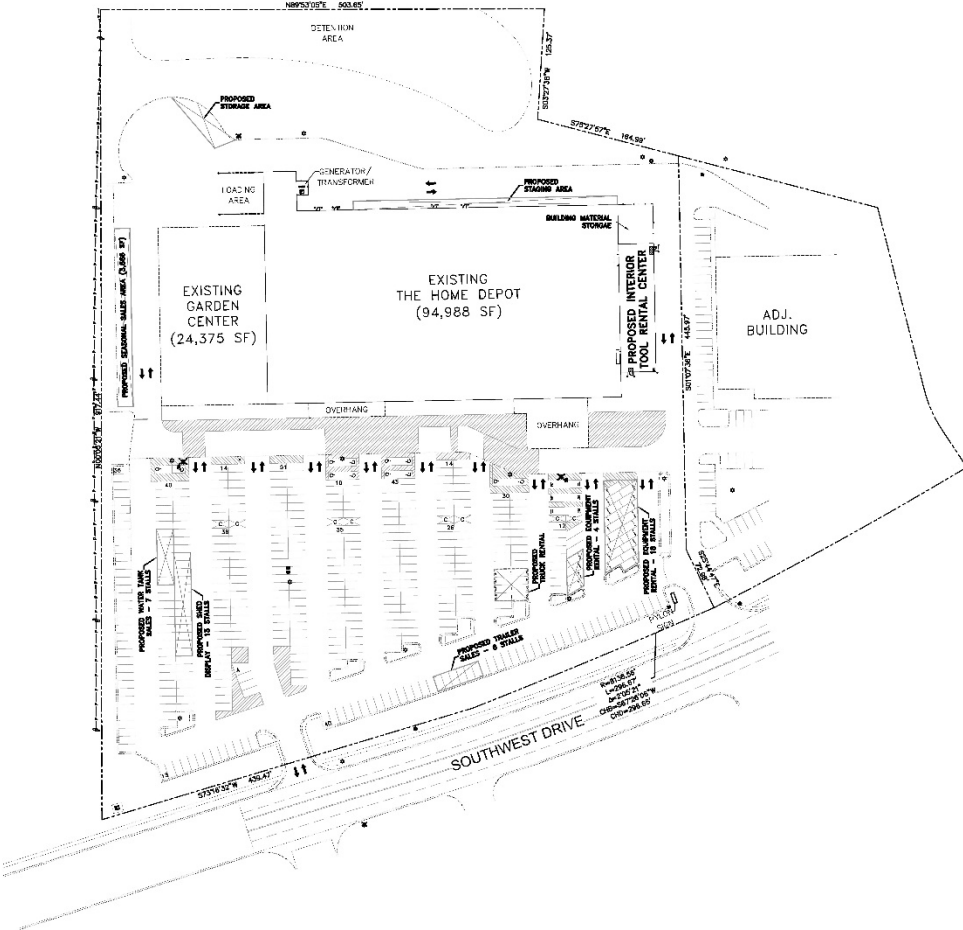
[illegible]

	ABILENE, TEXAS NEQ SOUTHWEST DRIVEWAY AND SHARON ROAD	GFA PROJECT NUMBER 200200-99.2
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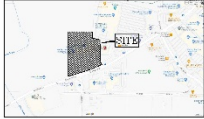
ORDINANCE NO. _____

EXHIBIT D
Permitted Outdoor Display Areas





LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
1001 W. 10TH STREET, SUITE 100, ABILENE, TEXAS 79610
PHONE: (325) 696-1111 FAX: (325) 696-1112
WWW.LARSANDERSEN.COM



VICINITY MAP
OF THE SITE

PROJECT INFORMATION

PROJECT NAME	TRC SITE
PROJECT NUMBER	23040.00
DATE	11/03/2011
BY	J. ANDERSEN
CHECKED BY	J. ANDERSEN
APPROVED BY	J. ANDERSEN
DATE	11/03/2011
PROJECT LOCATION	4580 SOUTHWEST DRIVE, ABILENE, TEXAS 79606
PROJECT DESCRIPTION	TRC SITE
PROJECT AREA	11.83 AC (514,546 SF)
EXISTING BUILDING AREA	119,363 SF
PROPOSED BUILDING AREA	119,363 SF
TOTAL BUILDING AREA	238,726 SF
EXISTING PARKING	1,000 STALLS
PROPOSED PARKING	1,000 STALLS
TOTAL PARKING	2,000 STALLS
EXISTING DRIVEWAY	1,000 STALLS
PROPOSED DRIVEWAY	1,000 STALLS
TOTAL DRIVEWAY	2,000 STALLS
EXISTING SIDEWALK	1,000 STALLS
PROPOSED SIDEWALK	1,000 STALLS
TOTAL SIDEWALK	2,000 STALLS
EXISTING BIKEWAY	1,000 STALLS
PROPOSED BIKEWAY	1,000 STALLS
TOTAL BIKEWAY	2,000 STALLS
EXISTING TRAIL	1,000 STALLS
PROPOSED TRAIL	1,000 STALLS
TOTAL TRAIL	2,000 STALLS

TRC SITE PLAN

DATE	11/03/2011
PROJECT NUMBER	23040.00
PROJECT NAME	TRC SITE
PROJECT LOCATION	4580 SOUTHWEST DRIVE, ABILENE, TEXAS 79606
PROJECT DESCRIPTION	TRC SITE
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EXISTING DRIVEWAY	1,000 STALLS
PROPOSED DRIVEWAY	1,000 STALLS
TOTAL DRIVEWAY	2,000 STALLS
EXISTING SIDEWALK	1,000 STALLS
PROPOSED SIDEWALK	1,000 STALLS
TOTAL SIDEWALK	2,000 STALLS
EXISTING BIKEWAY	1,000 STALLS
PROPOSED BIKEWAY	1,000 STALLS
TOTAL BIKEWAY	2,000 STALLS
EXISTING TRAIL	1,000 STALLS
PROPOSED TRAIL	1,000 STALLS
TOTAL TRAIL	2,000 STALLS



**TX - ABILENE
STORE # 6583**

ADDRESS: 4580 SOUTHWEST DRIVE
ABILENE, TX 79606

LA PROJECT NUMBER: 23040.00



SHEET 1 OF 3

EXHIBIT E

Permitted Outdoor Display Areas



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD-75 AND ORDINANCE NO. 16-2002 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. 16-2002, 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 25th day of January, 2024.

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 December, 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 8th day of February, 2024, 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 8th day of February, 2024.

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 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 the 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.

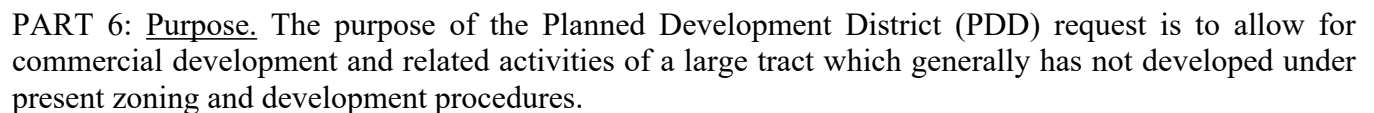
PART 3: Building Specifications. All structures in the herein said Planned Development District shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

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) District 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. Lot 1 &2, Block 1, Home Depot Addition, Abilene, Taylor County, Texas.

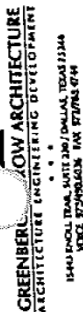
4450 & 4590 Southwest Drive



1. Permitted Uses:

- Page 146 of 337

2. Site Development shall be in accordance with the following regulations and as generally depicted on the site plan attached hereto as Exhibit B.
 - A. The southwesternmost building shall be in the general location as indicated in Exhibit B. The northeasternmost building shall be located a minimum of 80 feet from the front property line and a minimum of 20 feet from all other lot lines. Lot coverage by structures shall not exceed 25 percent.
 - B. Buildings shall be limited in height to 35 feet, excluding architectural exceptions generally allowed by the Zoning Ordinance of the City of Abilene.
 - C. Off-street parking spaces shall be provided in accordance with the Zoning Ordinance of the City of Abilene, as a minimum.
 - D. Off-street loading requirements shall consist of 3 spaces or the southwesternmost structure and 1 space for each additional structure.
 - E. The number of driveways shall be limited to 2 along Southwest Drive and shall meet the City of Abilene's standards for width, and return radii.
 - F. Wall signage shall be limited to one wall per building. Wall signs shall not cover more than 20 percent of the wall on which they are located.
 - G. One freestanding sign shall be permitted on each lot. Freestanding signs shall not exceed 35 feet in height or 200 square feet in area.
 - H. Portable signs and off-site advertising signs are prohibited.
 - I. Banners shall only be permissible when attached to and flat against a building.
 - J. Landscaping shall be provided along the street side boundary of the lot, in general accordance with Exhibit "C". Landscaping of the northeastern lot shall be similar to that shown in Exhibit "C". Specific landscaping of the northeastern site shall be approved by the City of Abilene in the site plan review for that site. Such landscaping shall be located entirely on private property. Landscaping shall be defined as the planting and maintenance of living materials such as plants, trees and shrubs. Landscaping shall be installed prior to the issuance of a Certificate of Occupancy.
 - K. In ground irrigation shall be required for all required landscaped areas.
 - L. ~~Display of goods shall be prohibited in landscaped and parking area.~~ Display of goods shall be prohibited in landscaped and parking area, except where shown on Exhibit "D" and "E" of this ordinance with the following conditions:
 1. The display be limited to one example of each product;
 2. There be no more than 10 different products displayed;
 3. If this area is used for outdoor display, a minimum of 4 trees must be planted and maintained in the display area; and
 4. Outdoor display of equipment, rental trucks, general merchandise, or any other materials on a permanent or seasonal basis shall be prohibited at all other locations on the site.
3. Development Schedule: If a building permit for at least one building has not been issued within two years of the approval of this Ordinance by the City Council, the Planning Director shall initiate rezoning of the property back to the zoning classification in place prior to the approval of this Ordinance.



PROJECT INFORMATION

TOTAL		PARKING SUMMARY		SPOTS		SPOTS	
		RATIO		REQD		PROVD	
		REQD		PROVD			
THE HOME DEPOT	±11.74 ACRES	59'x300' 5"	1	517	110	59'x300' 5"	1
THE HOME DEPOT	95,094 55'	59'x300' 5"	1	517	110	59'x300' 5"	1
THE HOME DEPOT	24,240 55'	59'x300' 5"	1	517	110	59'x300' 5"	1
THE HOME DEPOT	119,334 55'	59'x300' 5"	1	517	110	59'x300' 5"	1
TOTAL		386		386		386	

ORDINANCE NO. 16-2002
EXHIBIT "B"

ROWING CLASS

RECEIVED
JAN 20 1968
U.S. DEPARTMENT OF
COMMERCE
BUREAU OF ECONOMIC
ANALYSIS

LANDSCAPE REVI

3D/4D SPACE

BUILDING SECTORS

1. Model:

3

1

0800

CONDOMINIUM, ZONING, AND
MAY BE VULNERABLE.

2. Method

3. ALL CLUMP CUTS AND TRIMMED CUTS MUST BE VERIFIED.

11

01/23/02
02/16/02

04/03
04/03

LIFE PLANNER

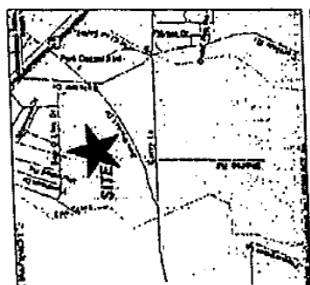
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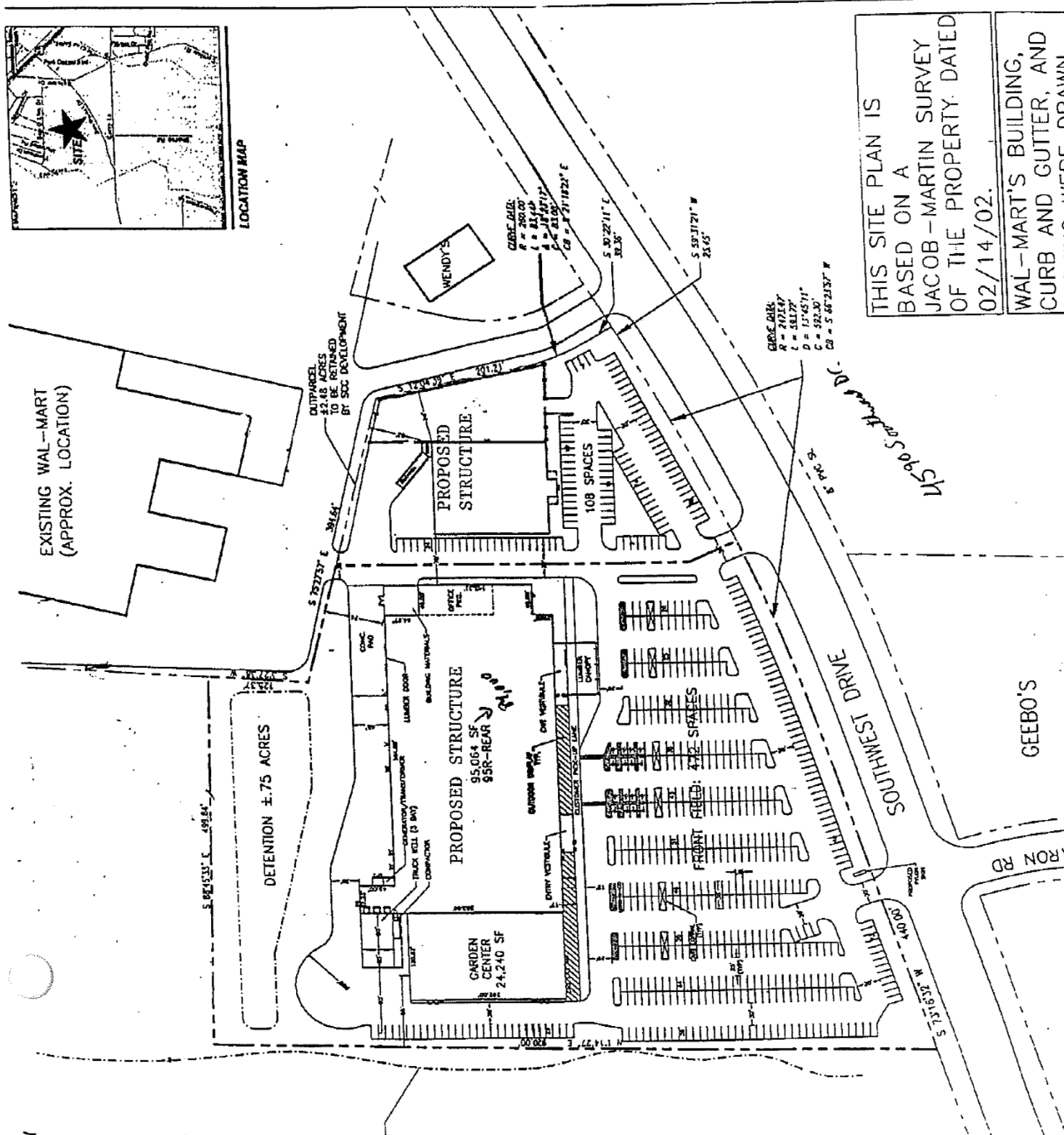
GF/

THE

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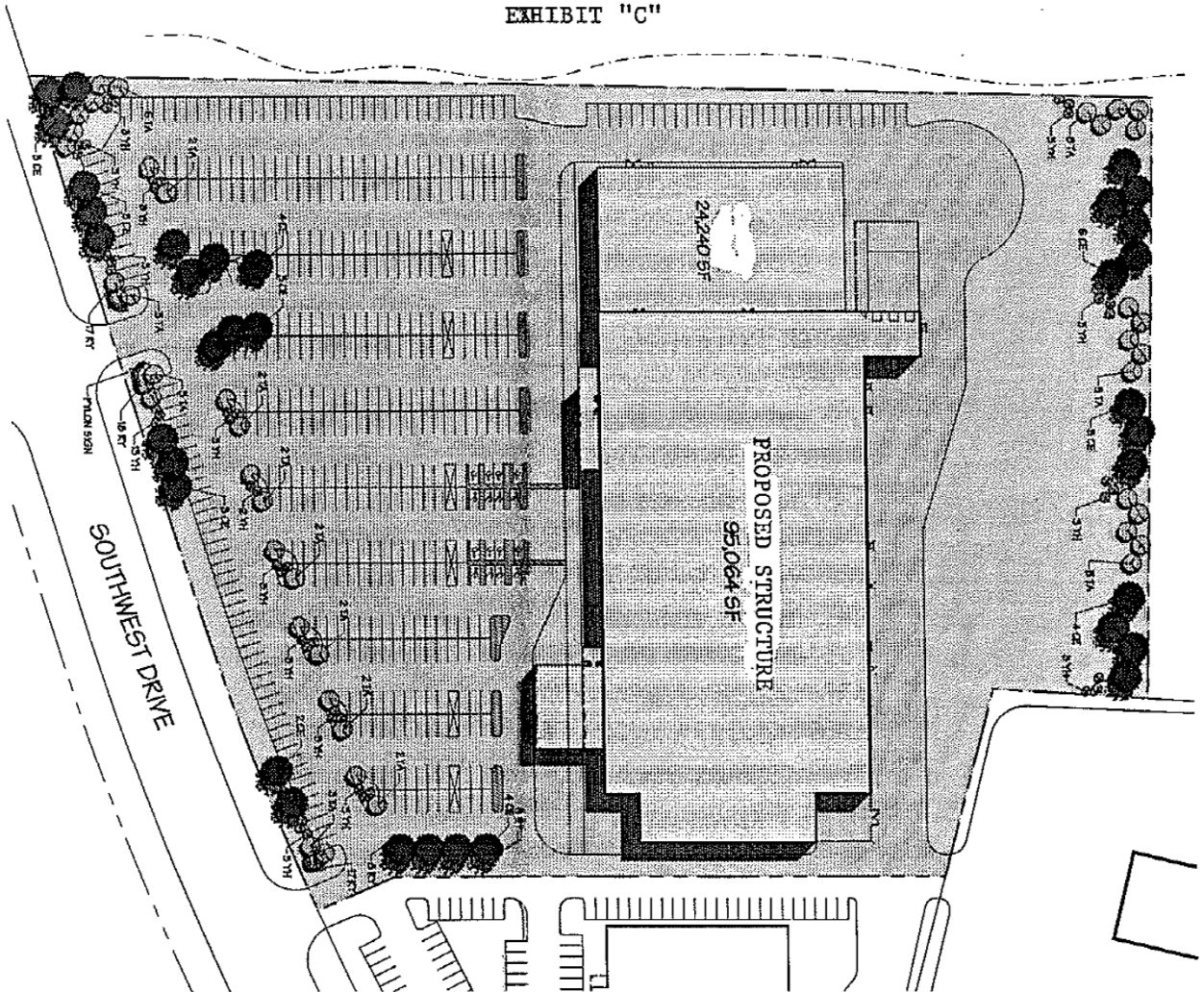
LOCATION MAP



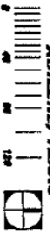
THIS SITE PLAN IS
BASED ON A
JACOB-MARTIN SURVEY
OF THE PROPERTY DATED
02/14/02.

WAL-MART'S BUILDING,
CURB AND GUTTER, AND

EXHIBIT "C"

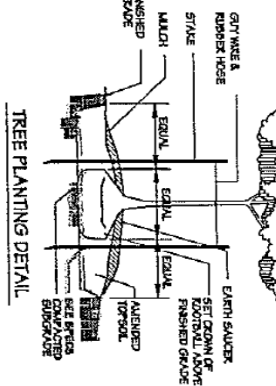


THE HOME DEPOT

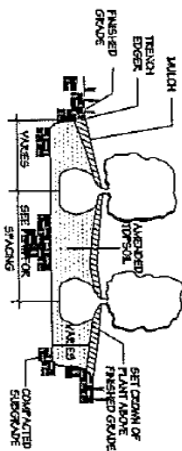


LANDSCAPE PLAN

PLANT LIST			
WATER POND		DRAINAGE POND	
DATE	TIME	DATE	TIME
07/05/02	07:15	07/05/02	07:15
07	08	07	08
09	10	09	10
11	12	11	12
13	14	13	14
15	16	15	16
17	18	17	18
19	20	19	20
21	22	21	22
23	24	23	24
25	26	25	26
27	28	27	28
29	30	29	30
31	32	31	32
33	34	33	34
35	36	35	36
37	38	37	38
39	40	39	40
41	42	41	42
43	44	43	44
45	46	45	46
47	48	47	48
49	50	49	50
51	52	51	52
53	54	53	54
55	56	55	56
57	58	57	58
59	60	59	60
61	62	61	62
63	64	63	64
65	66	65	66
67	68	67	68
69	70	69	70
71	72	71	72
73	74	73	74
75	76	75	76
77	78	77	78
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85	86	85	86
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95	96	95	96
97	98	97	98
99	100	99	100

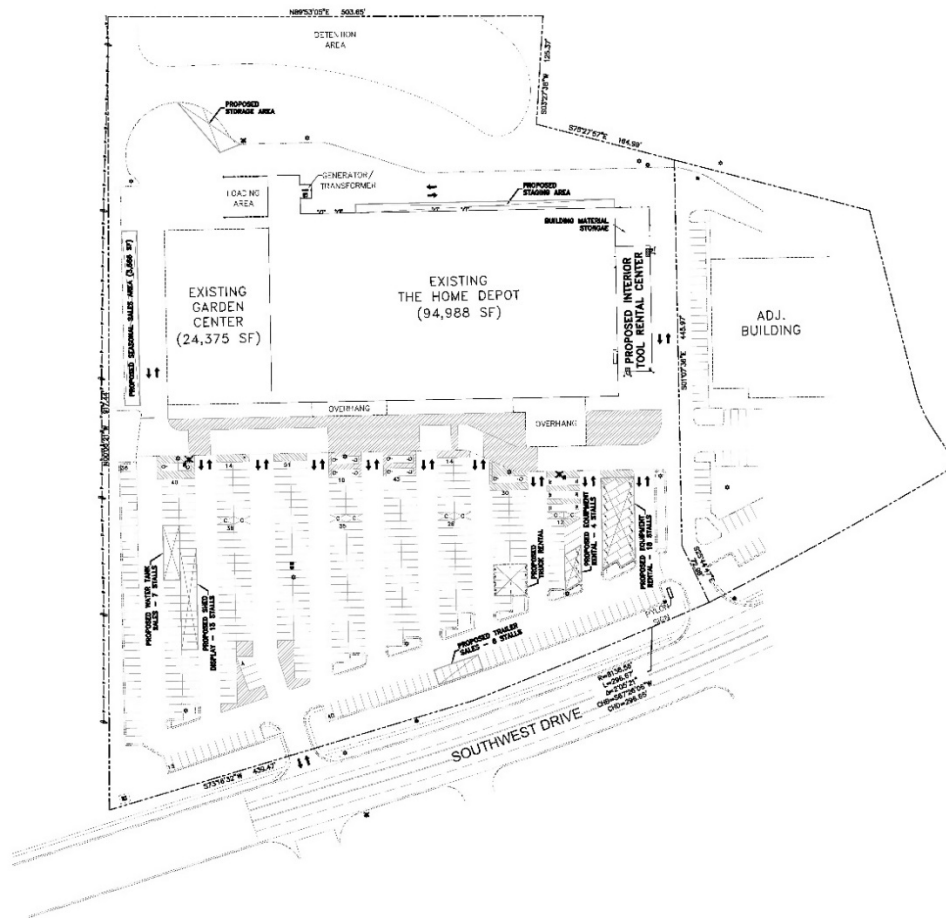


TREE PLANTING DETAIL



SHRUB/GROUNDCOVER PLANTING DETAIL

Permitted Outdoor Display Areas





LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
 1411 W. 2ND STREET, SUITE 200 DALLAS, TEXAS 75202
 TEL: 214.766.1411 FAX: 214.766.1412 E-MAIL: LAA@LAA-INC.COM






PROJECT INFORMATION

LOAN-SECURITY TRACTS TRACT 10, PARCELS A, C & D ADJ. TO: WEST NICHOLAS AVE ADJ. TO: WEST 10TH ST 1.46 AC. OF 1.46 AC. OF	11.831 AC. OF SUB. OF 11.831 AC. OF 7.88 AC. OF TRACT 10 11.831 AC. OF 11.831 AC. OF
--	--

PARCELS 10.000, 10.000, 10.000, 10.000 LAND: 10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000	10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000
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10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000	10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000 10.000, 10.000, 10.000, 10.000
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TRC SITE PLAN

34° 25' 00" N
 98° 05' 00" W

10.000 AC.
 10.000 AC.
 10.000 AC.

10.000 AC.
 10.000 AC.
 10.000 AC.

3.00 AC. (1.00 AC. OF TRACT 10)
 3.00 AC. (1.00 AC. OF TRACT 10)

10.000 AC.
 10.000 AC.
 10.000 AC.

10.000 AC.
 10.000 AC.
 10.000 AC.



**TX - ABILENE
STORE # 6583**

ADDRESS: 4500 SOUTHWEST DRIVE
 ABILENE, TX 79606

LA PROJECT NUMBER 23340.00

23340.00



0 100 200
 FEET

1" = 100'

SHEET 1 OF 3

ZONING CASE Z-2023-39

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: January 2, 2024
City Council 1st Reading: January 25, 2024
City Council 2nd Reading: February 8, 2024

Applicant

HD Development Properties LP (D/B/A The Home Depot)
Agent: Cassie Permenter

Case Manager

Clarissa Ivey – Planner

Request

To amend the terms of the Planned Development District 75 (PDD-75) to allow outdoor retail sales/rental and display within the track designated as “The Home Depot”.

Location

The property is located at 4590 Southwest Drive, on Lot 1, Block 1, Home Depot Addition, Abilene, Taylor County, Texas.

Background

The property was rezoned from AO to PDD-75 in April 2002. The PDD-75 was created with the intent of locating the Home Depot and the Tractor Supply store. In September 2006, an amendment was approved to allow the display of goods within a specific area in front of Tractor Supply.

Existing Zoning and Land Uses

The Home Depot tract is currently in violation of the Land Development Code and the requirements of PDD-75 by having outdoor display of storage buildings and parking rental equipment on required parking spaces. PDD-75 does not allow outdoor display on this lot. The proposed amendment, if approved, would allow outdoor display in designated areas.

Currently, portable buildings are stored on the west side of the parking lot. Outdoor equipment is seasonally displayed along the entire length of the front of the parking lot. The applicant now proposes to display rental trucks and heavy equipment on the east side of the parking lot and to limit outdoor display to only the locations shown on the proposed site plan.

Analysis and Concerns

The subject property has adequate area available to satisfy the off-street parking requirements and to allow designated areas in the parking lot for outdoor display. The proposed site plan shows the proposed display areas near the east property, storage buildings and water tanks near the west property line, seasonal sales parallel to the existing garden center area, and a significantly reduced amount of trailer sales along the front of the parking lot. The intent of the applicant is to limit outdoor display to only predetermined areas within their site. These changes will improve the appearance of the site from the right-of-way, maintain fire lanes, and prevent the tract from becoming a nuisance.

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.**

The proposed use is appropriate at this location provided that the extent of the outdoor display areas is limited to the sides of the parking in locations that will not obstruct parking lot aisles, fire lanes, or required off-street parking spaces.

- (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.

Staff Recommendation

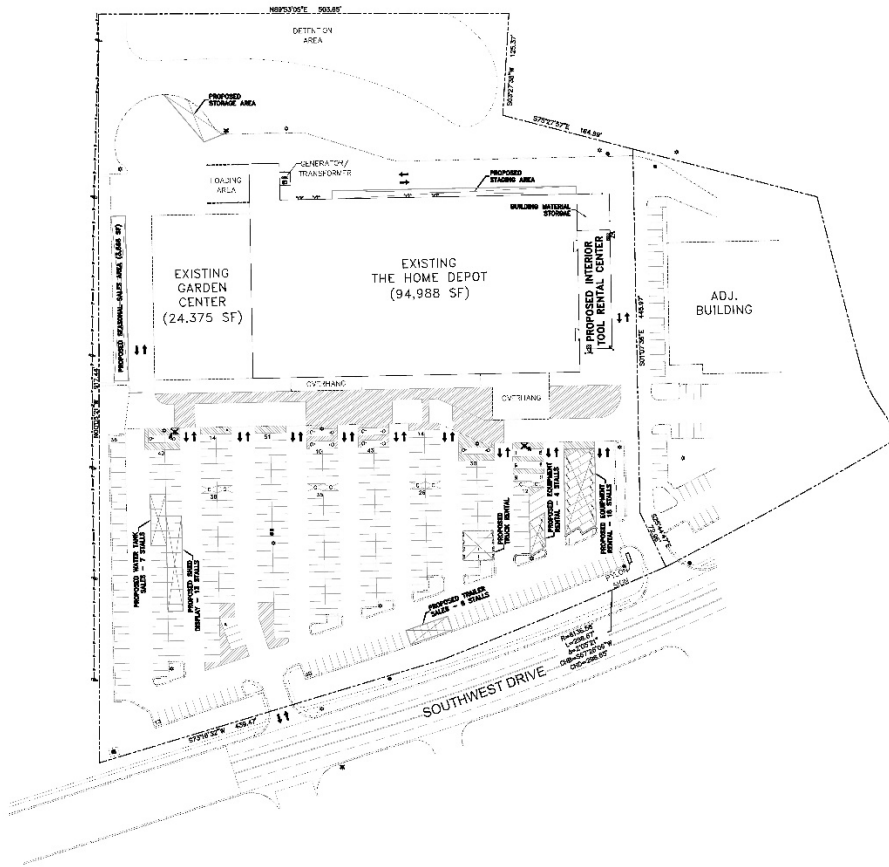
Staff recommends **approval** subject to the following conditions:

1. Outdoor display of equipment, rental trucks, general merchandise, or any other materials on a permanent or seasonal basis shall be prohibited at all other locations on the site.

P&Z Recommendation

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

PROPOSED CONCEPTUAL SITE PLAN

[illegible]

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

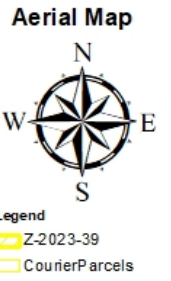
OWNER

OWNER	PROP_ID	SITUS	RESPONSE
COLEMAN COUNTY STATE BANK	970919	4609 SOUTHWEST DR	
HD DEVELOPMENT PROPERTIES LP	104890	4590 SOUTHWEST DR	
HOPPER DEVELOPMENT CORP	104891	4450 SOUTHWEST DR	
LITHIA REAL ESTATE INC	109783	4449 SOUTHWEST DR	
SVC ABS LLC	101067	4597 SOUTHWEST DR	
TARGET SPORTS INC	111393	4625 SOUTHWEST DR	
TARGET SPORTS INC	111342		
WAL-MART STORES #DIVISION STORE	91092	4350 SOUTHWEST DR	
WEST TEXAS REALTY LLP	993309	4702 SOUTHWEST DR	

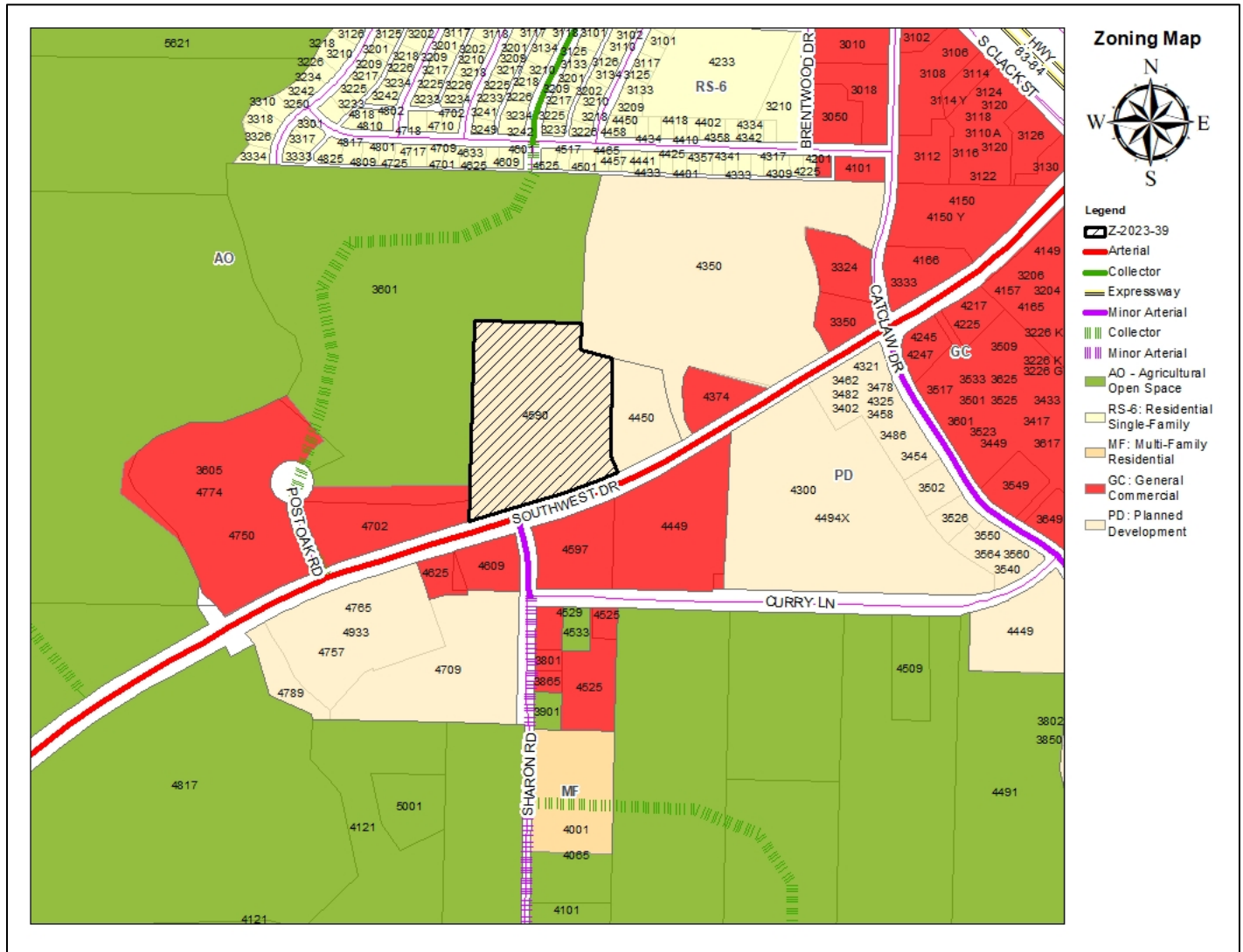
PROPERTY ID

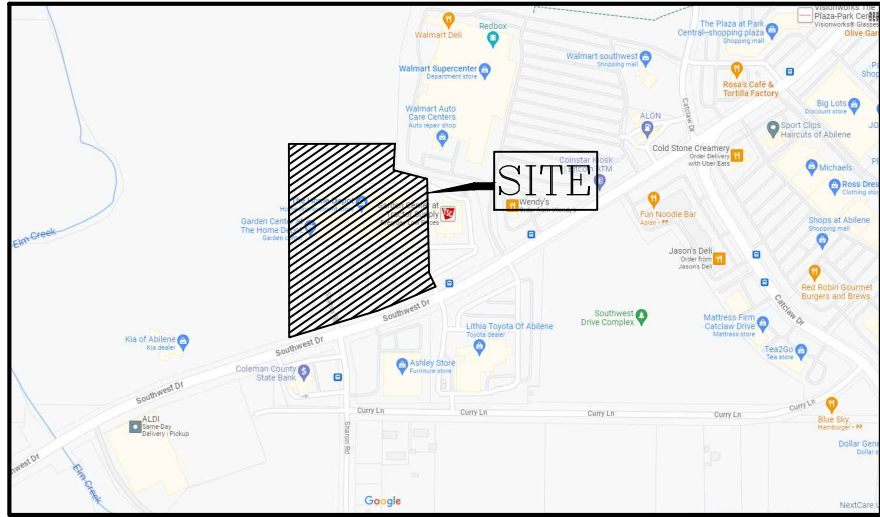
OWNER	PROP_ID	SITUS	RESPONSE
WAL-MART STORES #DIVISION STORE	91092	4350 SOUTHWEST DR	
SVC ABS LLC	101067	4597 SOUTHWEST DR	
HD DEVELOPMENT PROPERTIES LP	104890	4590 SOUTHWEST DR	
HOPPER DEVELOPMENT CORP	104891	4450 SOUTHWEST DR	
LITHIA REAL ESTATE INC	109783	4449 SOUTHWEST DR	
TARGET SPORTS INC	111342		
TARGET SPORTS INC	111393	4625 SOUTHWEST DR	
COLEMAN COUNTY STATE BANK	970919	4609 SOUTHWEST DR	
WEST TEXAS REALTY LLP	993309	4702 SOUTHWEST DR	

LOCATION MAP



ZONING MAP





VICINITY MAP
NOT TO SCALE

PROJECT INFORMATION

HOME DEPOT SITE DATA	
HOME DEPOT PARCEL AREA	11.830 AC (515,296 SF)
APN:	104890
ZONE:	PLANNED DEVELOPMENT
JURISDICTION:	CITY OF ABILENE
LAND USE:	COMMERCIAL
HOME DEPOT BUILDING AREAS	
EXISTING HOME DEPOT AREA	89,175 SF
PROPOSED TOOL RENTAL CENTER (INTERNAL)	5,813 SF
EXISTING GARDEN CENTER AREA	+ 24,375 SF
TOTAL HD AREA	119,363 SF
PARKING REQUIRED PER CITY CODE	
HD: (@1/300 SF) GFA	317 STALLS
GC: (@1/300 SF) GFA	+ 81 STALLS
TOTAL HD PARKING REQUIRED	398 STALLS
HOME DEPOT PARKING PROVIDED	
FRONT FIELD PARKING	447 STALLS
SIDE FIELD PARKING	0 STALLS
REAR FIELD PARKING	+ 0 STALLS
TOTAL HD PARKING PROVIDED	447 STALLS
INCLUDED WITHIN PARKING PROVIDED	
ACCESSIBLE PARKING (8 REQ AT 301-400)	12 STALLS
PRO PARKING	6 STALLS
NOT INCLUDED WITHIN PARKING PROVIDED	
EQUIPMENT RENTAL	22 STALLS
THD TRUCK RENTAL	8 STALLS
TRAILER SALES	6 STALLS
WATER TANK SALES	7 STALLS
SHED DISPLAY	13 STALLS

TRC SITE PLAN

DATE:	07/27/2023
REVISION DATES:	10/17/2023 12/04/2023

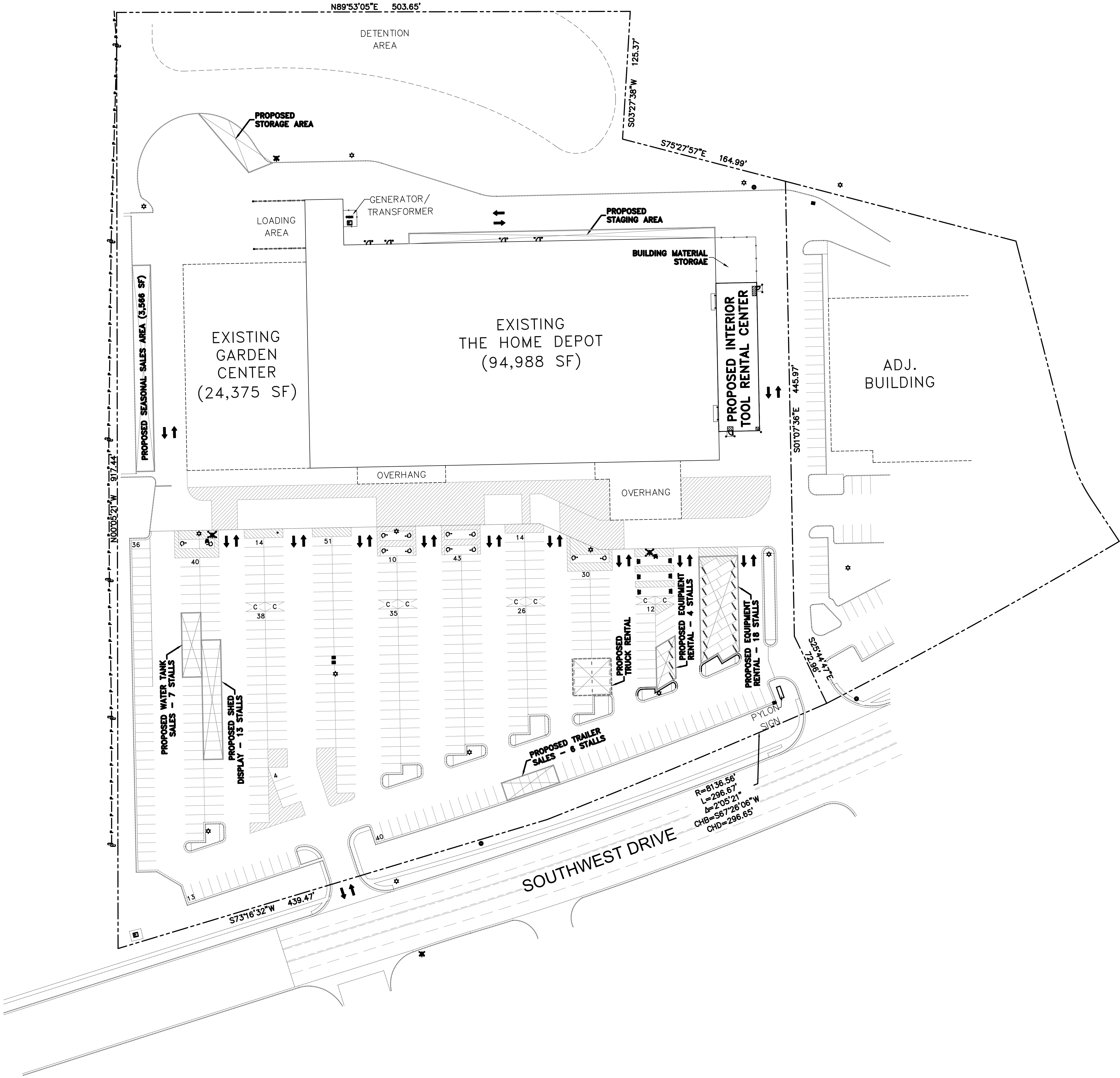
SITE PLANNER	ZACHARY MANN
SITE DEV. COORDINATOR	CASSIE PERMENTER

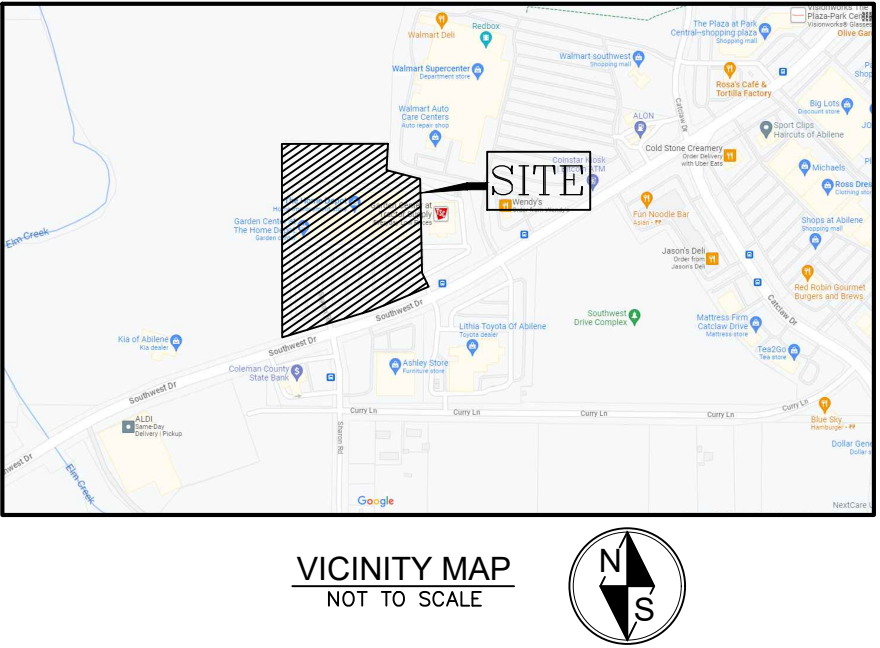
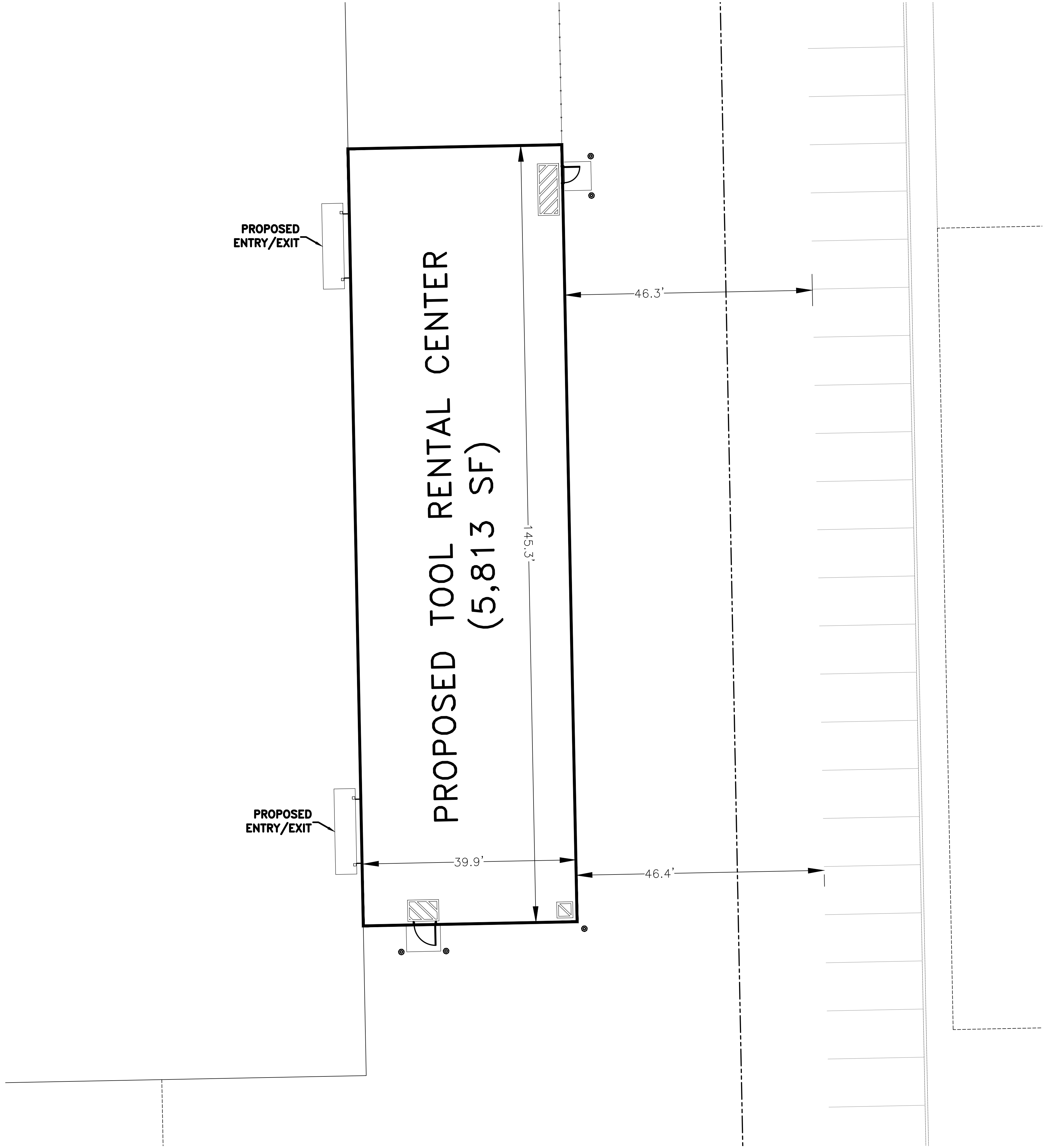


TX - ABILENE
STORE # 6583

ADDRESS: 4590 SOUTHWEST DRIVE
ABILENE, TX 79606

LA PROJECT NUMBER 23040.00





TRC SITE PLAN

DATE: 07/27/2023
REVISION DATES: 10/17/2023
12/04/2023

SITE PLANNER: ZACHARY MANN
SITE DEV. COORDINATOR: CASSIE PERMENTER



**TX - ABILENE
STORE # 6583**

ADDRESS: 4590 SOUTHWEST DRIVE
ABILENE, TX 79606

LA PROJECT NUMBER 23040.00





THIS DETAIL IS FOR REFERENCE ONLY. IT IS THE RESPONSIBILITY OF THE CIVIL ENGINEER TO VERIFY ALL LOCAL, STATE AND FEDERAL CODES PRIOR TO USE. THE HOME DEPOT AND WD PARTNERS ARE NOT LIABLE FOR ANY ERRORS OR OMISSIONS RELATED WITH THE USE OF THIS DETAIL.



Section 7: CIVIL DRAWING REQUIREMENTS

Figure 26-E4



26-F4 RESERVED PARKING DETAIL
SCALE: NTS

THIS DETAIL IS FOR REFERENCE ONLY. IT IS THE RESPONSIBILITY OF THE CIVIL ENGINEER TO VERIFY ALL LOCAL, STATE AND FEDERAL CODES PRIOR TO USE. THE HOME DEPOT AND WD PARTNERS ARE NOT LIABLE FOR ANY ERRORS OR OMISSIONS RELATED WITH THE USE OF THIS DETAIL.

SECTION 7
Page 22

DESIGN CRITERIA MANUAL – 10/17/16 Edition
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NTS

DATE:	07/27/2023
REVISION DATES:	10/17/2023
	12/04/2023

SITE PLANNER	ZACHARY MANN
SITE DEV. COORDINATOR	CASSIE PERMENTER



ADDRESS: 4590 SOUTHWEST DRIVE
ABILENE, TX 79606

LA PROJECT NUMBER 23040.00

Home Depot Project Description Home Depot Abilene, TX

Home Depot is proposing to convert a portion of the existing store to a Tool Rental Center (TRC). The general operations for the Tool Rental Center (TRC) are the rental of tools associated with general construction, which could range from a drill to a larger power equipment. This operation is utilized by both our general customers and contractors. Additionally, there are other areas throughout the Site Plan that we would like to accommodate with this request, Below is a list of the changes Home Depot would like to implement.

Equipment Rental

In conjunction with the TRC, Home Depot is requesting to utilize approximately twenty-two (22) parking stalls shown on the proposed Site Plan to display of HD Rental Equipment that can be rented through the Tool Rental Center (TRC). It should be noted that this operation is owned and operated by Home Depot and Home Depot Associates are the designated staff for transactions. The HD Rental Equipment is stored in the designated stalls 24-hours and are placed on trailers, ready for customers to easily tow away. The trailer hitch is locked and chained to where the trailer cannot be hooked up to a vehicle without a Home Depot Associate unlocking it. There are no third-party vendors for this operation. Home Depot does not maintain or repair this equipment on-site, as they are sent to a designated repair location off-site. It should be noted that the off-site repair centers are also owned and operated by Home Depot. See the attached file for a list of example HD Rental Equipment, see attached sample rental equipment document. Development of this area would involve re-striping of stalls to angled parking. The angled parking provides easier access for customer to hook up and tow away the rental equipment, and for easier back up to return the items. These stalls will be marked as “Reserved” and have designated signage marking that the stalls are only mean for HD Rental Equipment.

Truck Rental

The proposed Site Plan includes eight (8) parking stalls to be designated for Rental Truck parking only. The benefit that the Rental Truck Program provides to the community is the ability to easily obtain a moving vehicle at an accessible store location. This program is based on customer orders through the Internet or made in person at the Home Depot store. The Rental Trucks will be delivered to the designated parking area for pick up by the customer – there is typically three to six trucks parked on-site at a time. The paperwork and key pick up and drop off are handled inside the existing TRC. No semi-trucks or tractor trailer type vehicles are included in this program. The trucks being rented have box enclosures varying in size from twelve (12’) feet to twenty-six (26’) feet and are the type of vehicles that can be driven with a normal driver’s license. No fueling, servicing or maintenance of the trucks will take place onsite.

Shed Display Areas

An area for shed display will be located within the parking area, as depicted on the Site Plan. The proposed location of the shed display area is near the garden center. Sheds are up to 9’ tall.

Trailer Display Area

This area is designated for permanent parking of Home Depot tow-behind trailers for sale. Trailer for Sale area is designated for use all-year, with trucks being rotated in/out as rental sales occur.

Seasonal Sales

The Home Depot store proposes to display and sell various seasonal items from an area along the front of the Garden Center, including a special events area in the parking lot. Certain events require tents or awnings to protect both merchandise and customers. Included among these items are expected to be trees, plants, rugs, nursery materials, barbecues, and Christmas trees.

This seasonal area will not be used to store building materials or home improvement items. The operational timeframe for seasonal sales is March 1st through July 31st and November 1st through December 24th. This area would contain a temporary 6' tall fence to define the Seasonal Sales area. In conjunction with the Seasonal Sales area, the Site Plan identifies four (4) stalls to be utilized for sod that is for sale.

Water Tank Sales

In this region, there are several Customers that need Water Storage from their domestic wells and these Water Tanks provide a benefit to our customers along with additional sales for supporting items such as piping, pumps, and equipment for installation.

Compact Power Rental Equipment

Tractor Loader Backhoe

- Used for loading, carrying, and transporting materials
- Electrical, plumbing, and irrigation installation or repairs
- Grading and leveling



Skid Steer

- Grading and leveling
- Load, carry and spread materials
- Landscaping, construction and property improvement
- Light demolition work



Mini Excavator

- Property improvement and landscape projects
- Irrigation installation and drainage projects
- Plumbing and electrical installation or repairs



Aerial Equipment

- Tree care and maintenance
- Facility maintenance, painting, HVAC, electrical
- Sign and lighting repair



Light Tower

- Job site illumination
- Sports activities
- Event setups



Material Handling

- Transport concrete, stone, materials and aggregate
- Construction and demo site clean up



Dump Trailer

- Demolition removal and yard maintenance
- Carrying landscape materials
- Hauling aggregate



Tree Care (Chipper Rental/Stump Grinder)

- Tree care and maintenance
- Landscaping and property improvements



Mini Skid Steer

- Load, carry and spread materials
- Landscape and property improvement
- Grading and leveling



Trencher

- Installing irrigation and drainage projects
- Landscape and property improvement



Tractor Loader Backhoe

- Load, carry and transport materials
- Electrical, plumbing, and irrigation installation or repairs
- Grading and leveling



Skid Steer

- Grading and leveling
- Load, carry and spread materials
- Landscaping, construction and property improvement
- Light demolition work





REZONE REQUEST

Case: Z-2023-39

Applicant: HD Development Properties LP (D/B/A The Home Depot)

Agent: Cassie Permente

Request: Amend the terms of PDD-75

Location: 4590 Southwest Drive

Notification: 0 in Favor, 0 Opposed

Planning & Zoning: January 2, 2024

Council Hearing: January 25, 2024
February 8, 2024





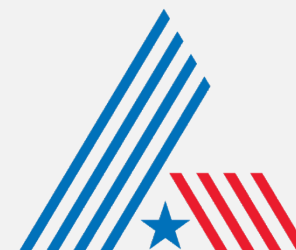
AERIAL LOCATION MAP



Aerial Map



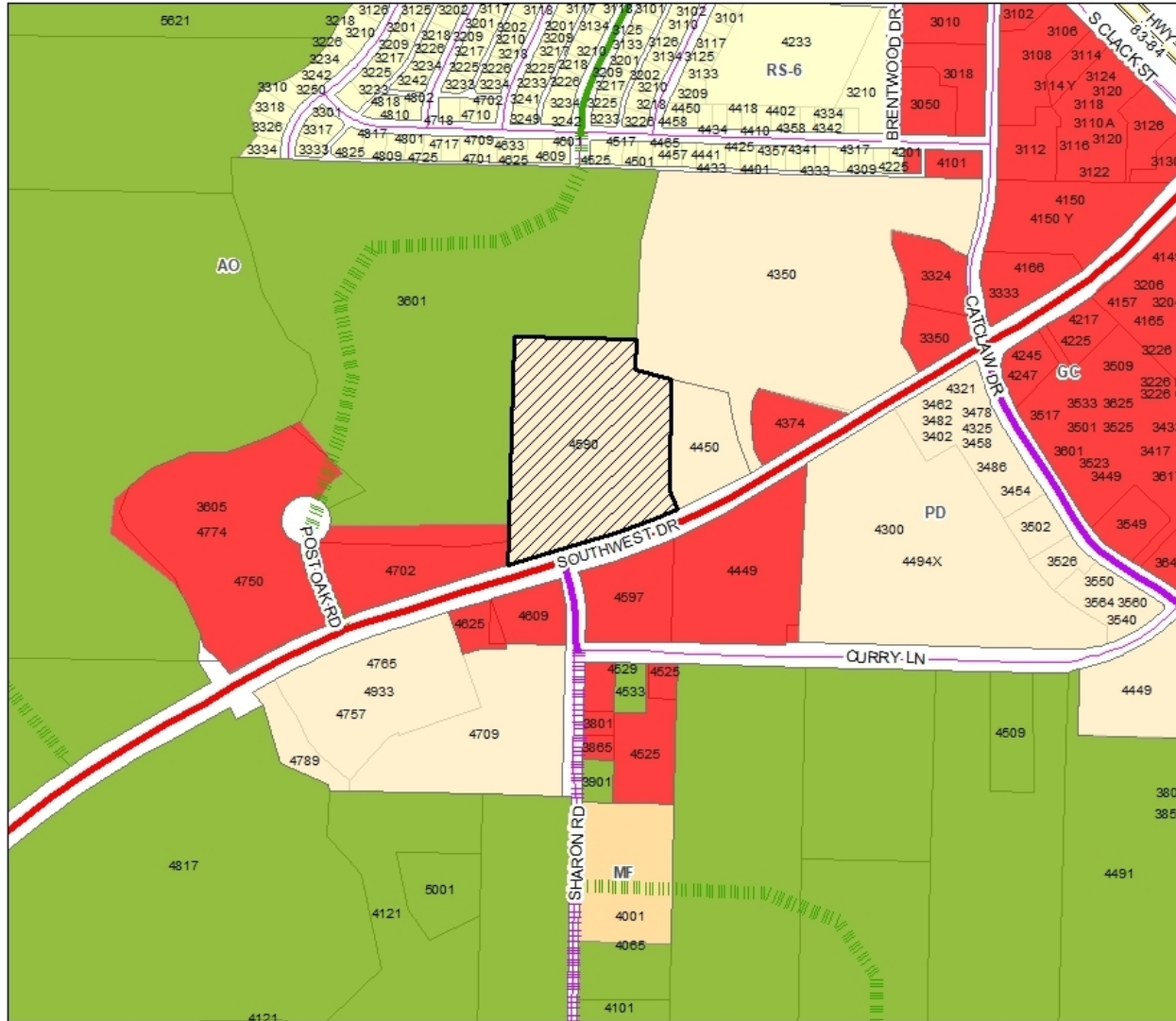
Legend
Z-2023-39
CourierParcels



CITY OF
ABILENE
TEXAS



ZONING MAP





VIEWS OF NEIGHBORING PROPERTIES





VIEWS OF SUBJECT PROPERTY



Subject Property



Equipment to be Relocated



Interior Alterations to this Area

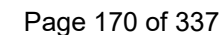
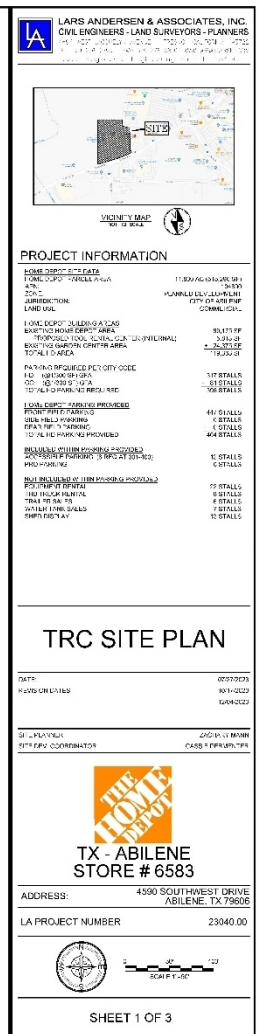


Area of Proposed Outdoor Display



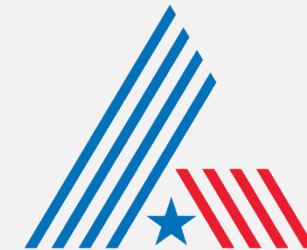
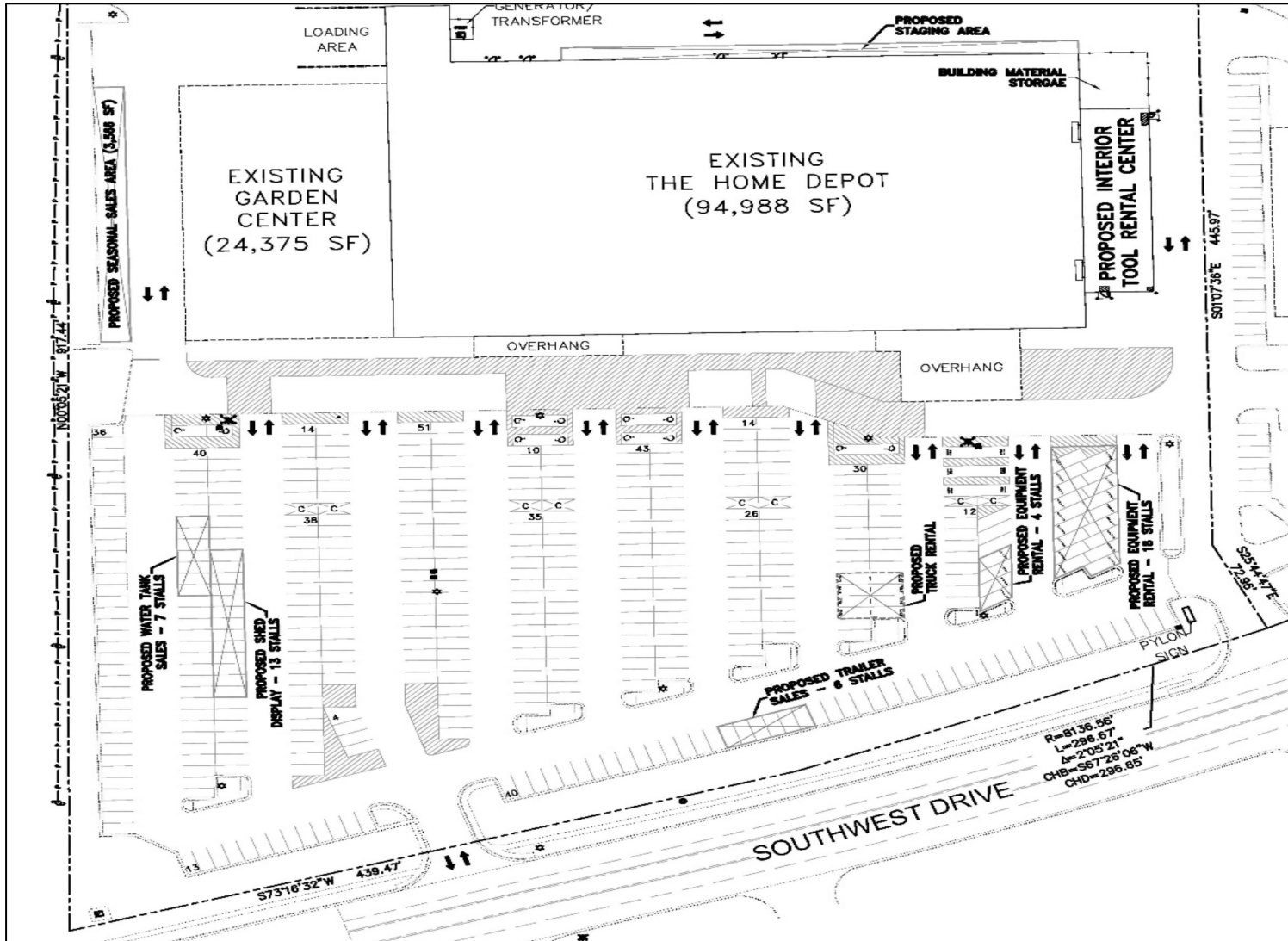
Proposed Equipment Rental Area







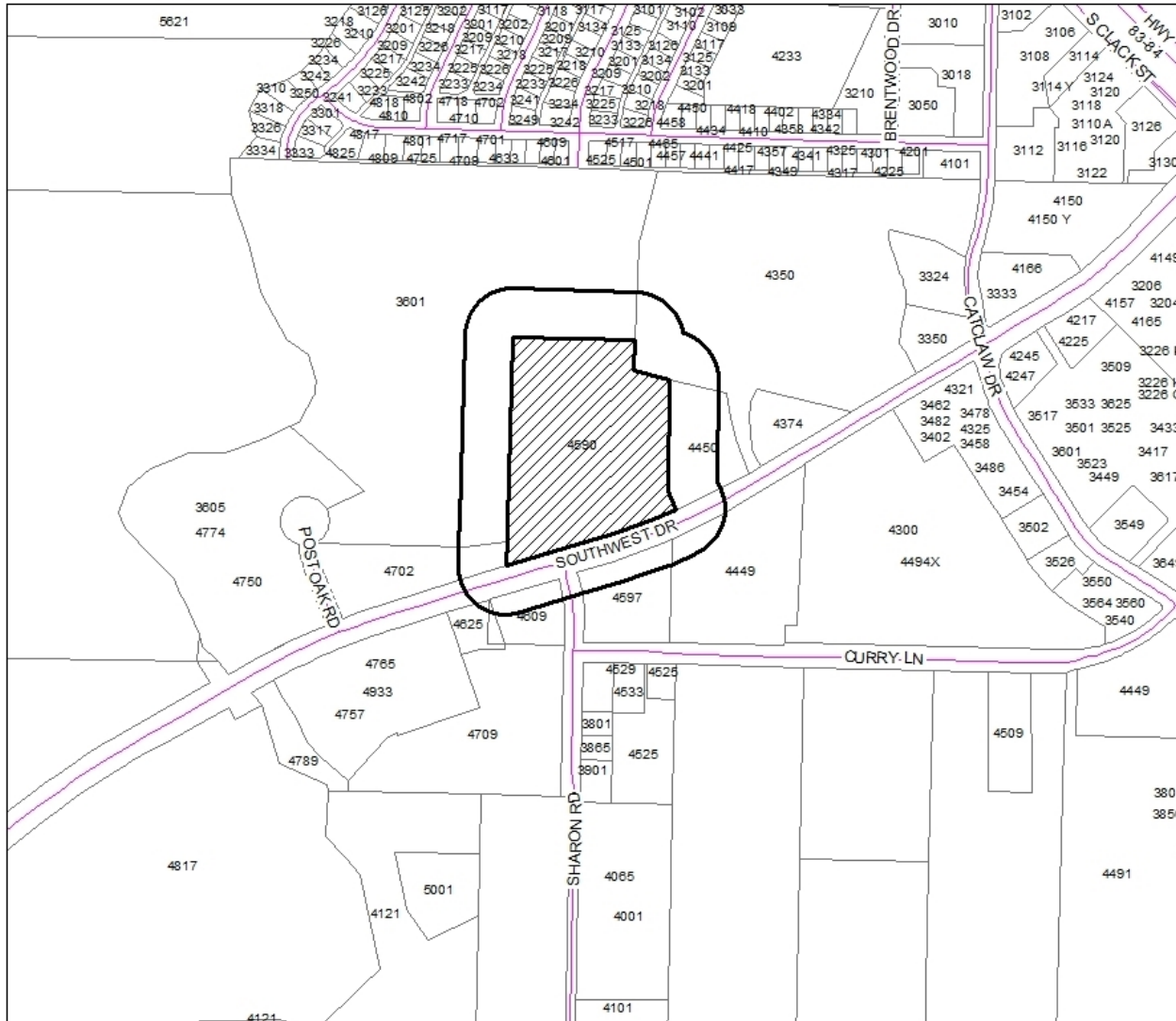
Concept Plan (Zoomed In)



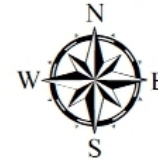
CITY OF
ABILENE
TEXAS



NOTIFICATION AREA MAP

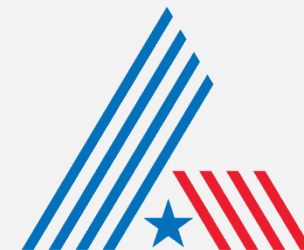


Notification Map



Legend
Z-2023-39
Notification Area

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



CITY OF
ABILENE
TEXAS



Proposed Amendments (By Applicant)

~~L. Display of goods shall be prohibited in landscaped and parking area.~~ Display of goods shall be prohibited in landscaped and parking area, except where shown on Exhibit “D” and “E” of this ordinance with the following conditions:

1. The display be limited to one example of each product;
2. There be no more than 10 different products displayed;
3. If this area is used for outdoor display, a minimum of 4 trees must be planted and maintained in the display area.





FINDINGS

The proposed request is consistent with:

- The spirit and intent of PDD-75;
- Comprehensive Plan;
- The surrounding uses and zoning;
- Generally accepted planning principals; and
- The Criteria for Approval in the LDC.





RECOMMENDATION

P&Z Recommendation: **Approval**, subject conditions proposed by the applicant and the following additional condition, as shown in the proposed ordinance:

1. Outdoor display of equipment, rental trucks, general merchandise, or any other materials on a permanent or seasonal basis shall be prohibited at all other locations on the site.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **16. Ordinance (First Reading) Z-2024-01: Receive a Report, Hold a Discussion, and Take Action on A Request From The Owner, Represented By Jacob Martin, To Change The Zoning Of Approximately 14.6 Acres From Agricultural Open To Planned Development District 185. Specifically, To Allow Residential Single-Family Uses On 5,000 Sq. Ft. Lots. Located At The 6500-6800 Block Of Fairway Oaks Blvd, Abilene, TX 79606** *(Tim Littlejohn)*

GENERAL INFORMATION

The subject property was annexed in 1980 and has remained vacant and zoned as AO since. The owner would like to change the zoning from AO to a Planned Development District (PDD) to allow lots with a minimum area of 5,000 square feet, a minimum width (frontage) of 50 feet, and five-foot (5') interior side setbacks. The base zoning of the property would be RS-6.

SPECIAL CONSIDERATIONS

Currently the property is zoned Agricultural Open. Property to the north was rezoned to Patio Home zoning.

The property east of the subject site was rezoned to RS-8 in 2016. Several single-family detached residences are located on parcels adjacent to the site and across Hardwick Road.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends **approval** subject to the Concept Plan.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 4-0.

ATTACHMENTS:

1. Z-2024-01 Ordinance AH
2. Z-2024-01 Staff Report
3. Warranty Deed
4. Project Overview
5. 56456_Zoning - PD Modifications
6. (2023-12-11) Zoning Concept Plan
7. 971117
8. 6749 Hardwick Road
9. 6815 Hardwick Nathan and Brianne George
10. 6815 Hardwick Road
11. 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 25th day of January, 2024.

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 December, 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 8th day of February, 2024, 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 8th day of February, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land, from Agricultural Open (AO) District to a Planned Development District (PDD-185):

Location: 6500-6800 Block of Fairway Oaks Blvd

Being 14.790 acres of land out of a 150.217 acre tract recorded in Volume 2432, Page 807, Official Public Records, Taylor County, Texas. Said 14.790 acre tract being out of Fractional Section 11, Lunatic Asylum Lands, (the W.P Benson Survey) and the C. Donovan Survey, Survey, Taylor County, Texas and being more particularly described as follows.

Beginning at a set 1/2" metal rebar on the East line of Fairway Oaks Boulevard (60' right-of-way, being a 3.082 acre tract recorded in Volume 2312, Page 295, Official Public Records, Taylor County, Texas, recorded in Plat Cabinet 3, Slide 225, Plat Records, Taylor County, Texas bears N25° 39'32"E 379.10';

Thence S89°53'25"E 577.89' to a point on the East line of said 151.217 acre tract and the West line of Hardwick Road, whence a found 3/8" metal rebar bears N89°53'28"W 0.65,' said point being the Northeast corner of this tract, from aid point a found 5/8" aluminum rod with cap at the Southeast corner of said Huntington Ridge Addition bears N00°29'30"E 342.03';

Thence S00°29'30"W, with the East line of said 150.217 acre tract and the West line of said Hardwick Road, 1235.77' to a found 1/2" metal rebar at the North most Southeast corner of said 3.082 acre right -of-way tract and at the beginning of a curve to the right;

Thence with the North and East lie said 3.082 acre right-of-way tract as follows;

-With said curve to the right, having a radius of 125.00' and a chord bearing S26°29'5"W 109.27' with an arc distance of 113.09' to a found 1/2" metal rebar at the end of curve;

-S51°50'03"W 5.24 to a point whence the center of a 4.5" pipe fence corner post bears N06°18'39"W 0.66';

-N84°21'28"W 14.63' to a point whence the center of a 4.5" pipe fence corner post bears N14°21'38"E 0.31' said point being the beginning of a curve to the left;

-With said curve to the left having a radius of 430.00', a chord bearing N44°46' 18"W 37.63', an arc distance of 37.64' to a found 1/2" metal rebar for the end of curve, whence a found cotton spindle in the center of Fairway Oaks Boulevard bears S43°10'03"W 29.95';

-N47°16'45"W 406.82' to a point whence a 4.5" pipe fence corner post bears S03°03'14"E 0.34', from said point a found cotton spindle in the center of Fairway Oaks Boulevard bears S42°42'51"W 30.00'. Said point being the beginning of a curve to the right;

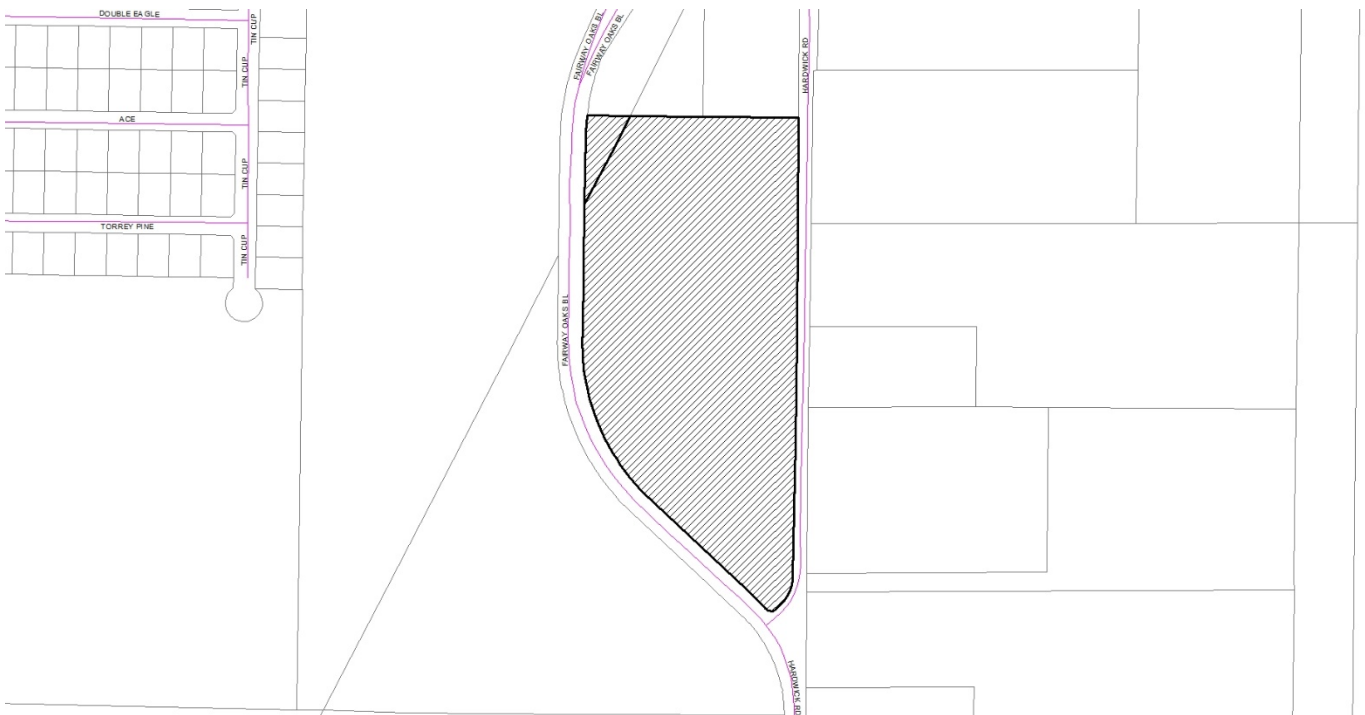
-With said curve to the right, having a radius of 570.00', a chord bearing N23°23'49"W 461.21', an arc distance of 474.82' to a found 1/2" metal rebar for the end of curve, whence a found 1/2" metal rebar on the West line of said Fairway Oaks Boulevard bears N89°31'04"W 60.22;

ORDINANCE NO. _____

-N00°26'10"E 545.38' to a point whence a 4.5" pipe fence corner post bears N74°19'28"E 0.85', from said point a found cotton spindle in the center of Fairway Oaks Boulevard bears N88°33'43"W 30.00', said ½" metal rebar being the beginning of a curve to the right;

-With said curve to the right, having a radius of 570.00', a chord bearing N03°58'20"E 65.21', an arc distance of 65.25' to the point of beginning and containing 14.790 acres of land.

Bearing basis- found Aluminum rod with cap and found ½" metal rebar on the West right-of-way line of Hardwick road. S00°29'30"W.



ORDINANCE NO. _____

EXHIBIT B

Purpose. The purpose of the Planned Development (PD) District is to allow single-family residential development, similar to what would be found within Residential Single Family (RS-6) zoning districts.

Specific Modifications. The use and development of land and buildings in this Planned Development (PD) District shall generally be subject to requirements of the Residential Single Family (RS-6) zoning classification, except as modified below:

A. Site Layout and Building Requirements:

1. Lot Size:

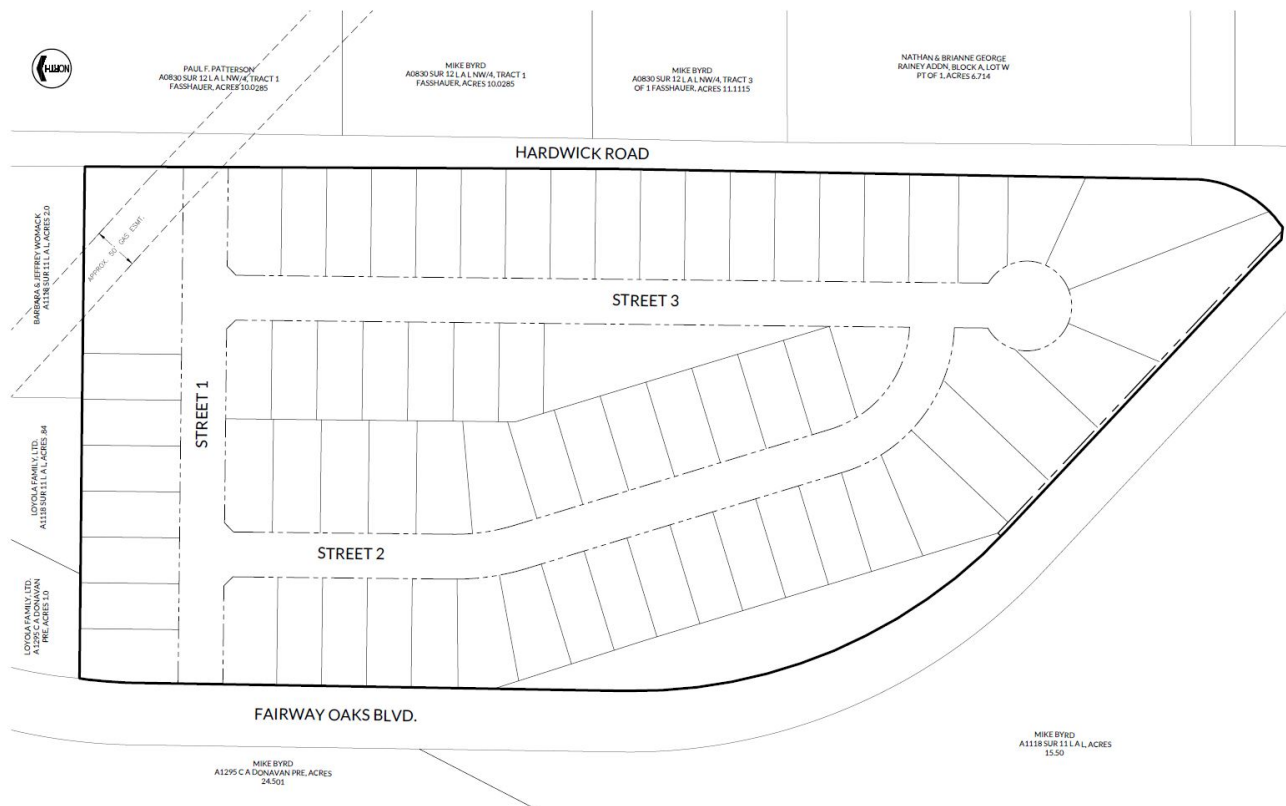
- a. Platted lots in this PD must have a minimum lot area of 5,000 square feet.
- b. Minimum lot width shall be 50 feet.

2. Setbacks:

- a. Interior Side Yard: 5-feet

B. Concept Plan Requirements:

- 1. The subject property shall be platted in general accordance with Concept Plan shown below.



END

ZONING CASE Z-2024-01

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: January 2, 2024
City Council 1st Reading: January 25, 2024
City Council 2nd Reading: February 8, 2024

Applicant

Applicant: Owner
Agent: Jacob Martin

Case Manager

Adam Holland – Planner

Request

Change the zoning of approximately 14.8 acres from AO to PDD.

Location

6500-6800 Block of Fairway Oaks Blvd.

Background

The subject property was annexed in 1980 and has remained vacant and zoned as AO since. The owner would like to change the zoning from AO to a Planned Development District (PDD) to allow lots with a minimum area of 5,000 square feet, a minimum width (frontage) of 50 feet, and five-foot (5') interior side setbacks. The base zoning of the property would be RS-6.

Zoning, Existing and Proposed Land Use

Currently the property is zoned Agricultural Open. Property to the north was rezoned to Patio Home zoning. The property east of the subject site was rezoned to RS-8 in 2016.

Several single-family detached residences are located on parcels adjacent to the site and across Hardwick Road.

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 Comprehensive Plan and FLUM designate this area for neighborhood commercial and higher intensity single-family detached residential uses. The proposed use of this Planned Development District is consistent with the Comprehensive Plan.

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

Single-family residential uses exist in the immediate area. The proposed use matches the intensity of the development to the north of the subject property.

(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 will need to extend a sewer line to serve the proposed development. All other utilities necessary to serve the development are available.

(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 Concept Plan attached with this report.

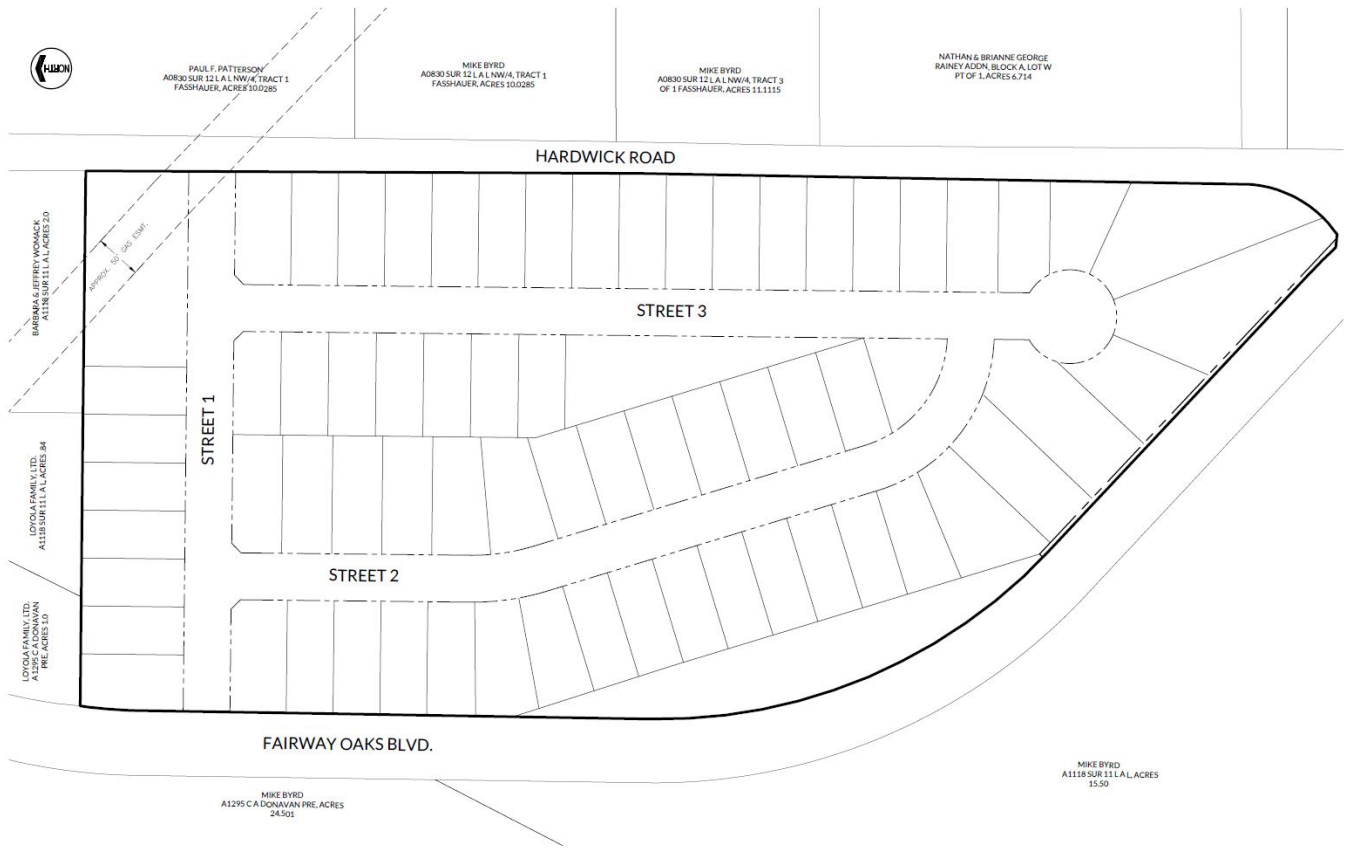
NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

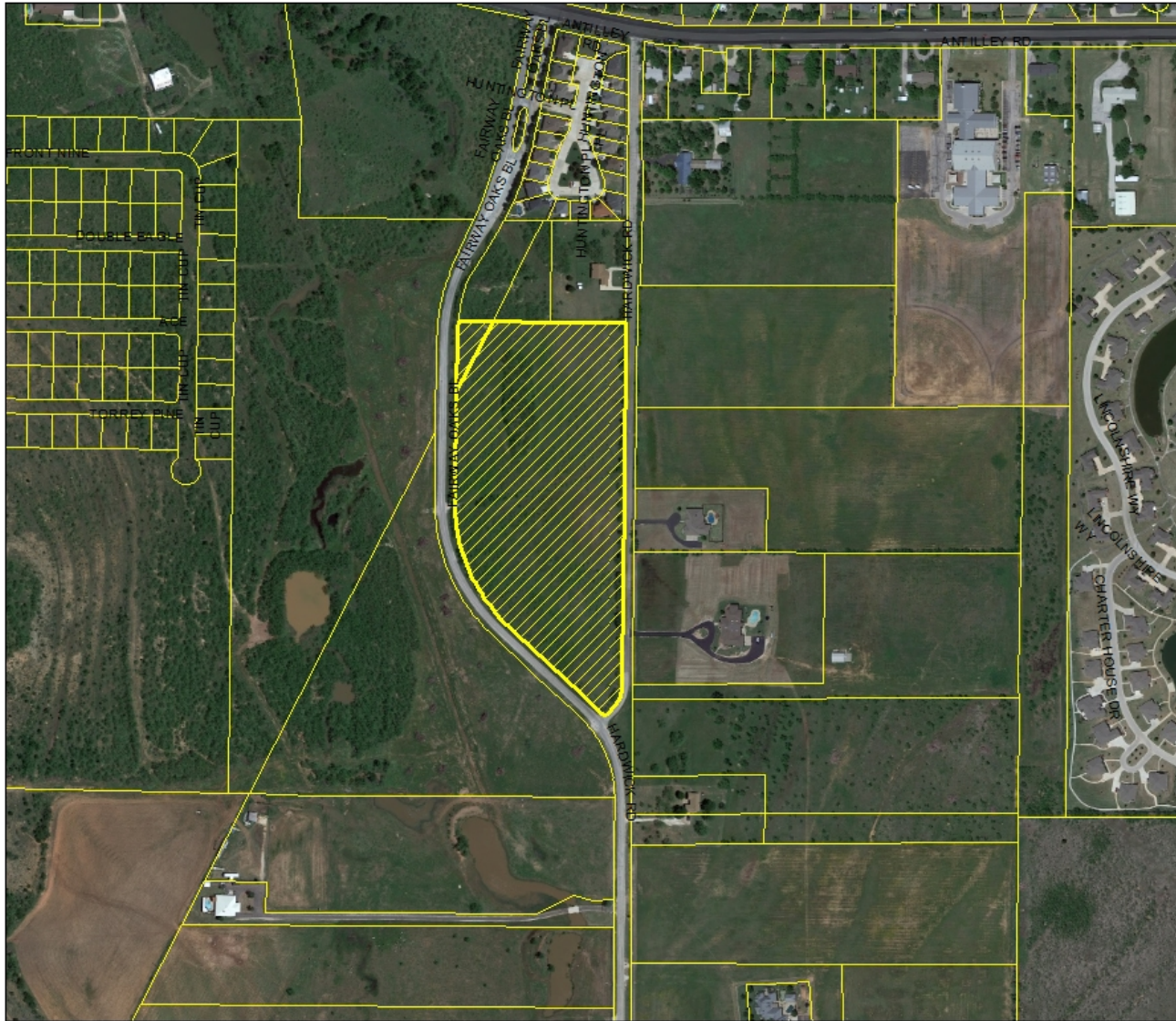
OWNER

OWNER	PROP_ID	SITUS	RESPONSE
BYRD MICHAEL	1003766		
BYRD MIKE	34987	6449 HARDWICK RD	
COWLTON DEVELOPMENTS LLC	971117		F
GEORGE NATHAN S & BRIANNE	103979	6815 HARDWICK RD	O
KING JAMES T & HEIDI L	110261	6749 HARDWICK RD	O
LOYOLA FAMILY LTD	107726		
PATTERSON PAUL F JR	36083	6333 HARDWICK RD	
WOMACK BARBARA &	24094	6450 HARDWICK RD	

CONCEPT PLAN



LOCATION MAP



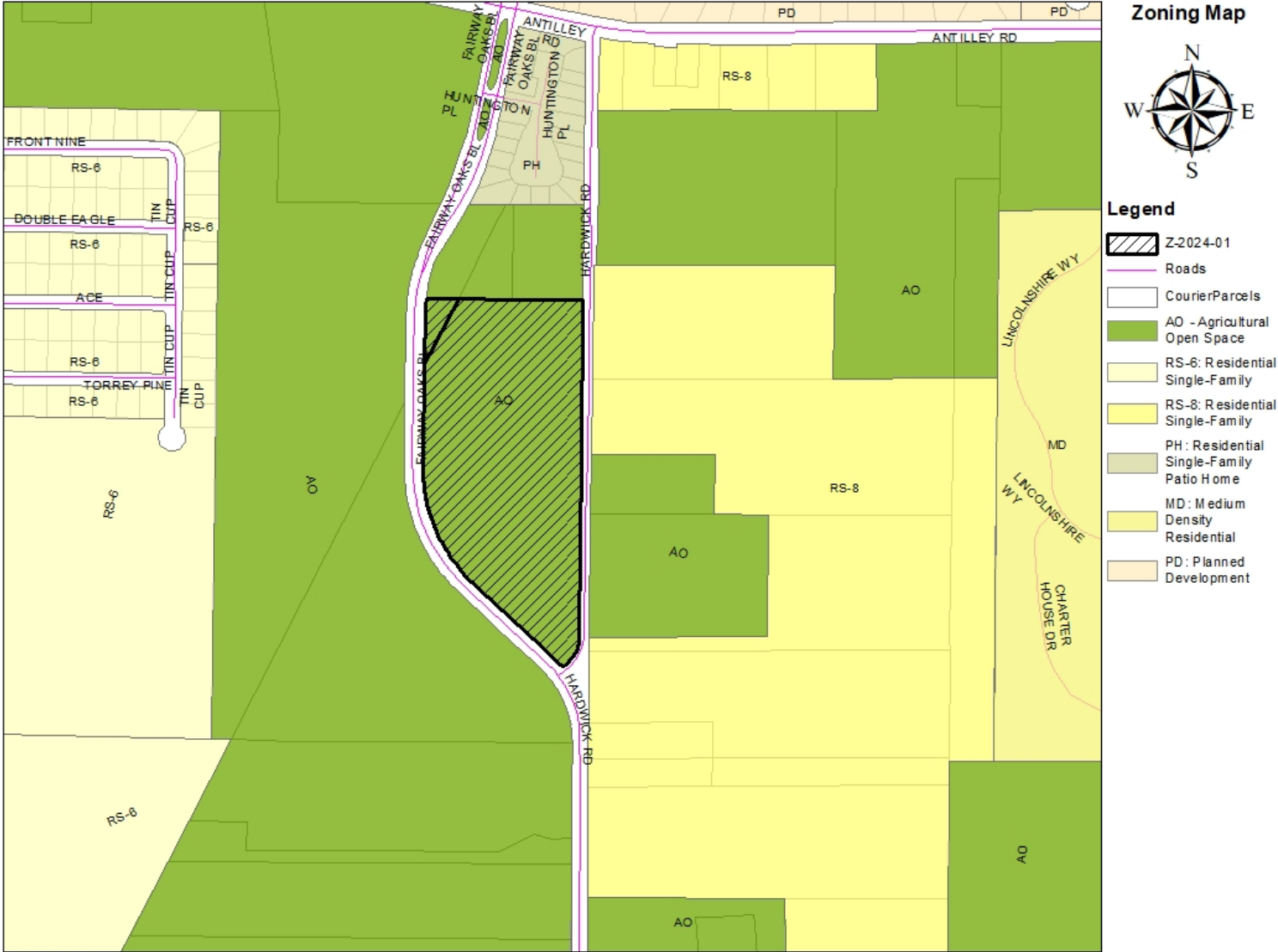
Aerial Map



Legend

-  Z-2024-01
-  Roads

ZONING MAP



231321A

WARRANTY DEED

Date: August 31, 2023

Grantor: Arthur Legacy, LLC, a Texas limited liability company

Grantor's Mailing Address: 2409 Spyglass Hill Court
Abilene, TX 79606

Grantee: Cowlbon Developments, LLC, a Texas limited liability company

Grantee's Mailing Address: 1333 South Danville
Abilene, TX 79605

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) cash, and other good and valuable consideration.

Property:

Being 14.790 acres of land out of a 150.217 acre tract recorded in Volume 2432, Page 807, Official Public Records, Taylor County, Texas. Said 14.790 acre tract being out of Fractional Section 11, Lunatic Asylum Lands, (the W.P Benson Survey) and the C. Donovan Survey, Taylor County, Texas and being more particularly described as follows.

BEGINNING at a set $\frac{1}{2}$ " metal rebar on the East line of Fairway Oaks Boulevard (60' right-of-way, being a 3.082 acre tract recorded in Volume 2312, Page 295, Official Public Records, Taylor County, Texas), for the Northwest corner of this tract, whence a found $\frac{1}{2}$ " metal rebar on a North line of said 150.217 acre tract at the Southwest corner of Huntington Ridge Addition, City of Abilene, Taylor County, Texas, recorded in Plat Cabinet 3, Slide 225, Plat Records, Taylor County, Texas, bears N25°39'32"E 379.10';

THENCE S89°53'28"E 577.89' to a point on the East line of said 151.217 acre tract and the West line of Hardwick Road, whence a found $\frac{3}{8}$ " metal rebar bears N89°53'28"W 0.65,' said point being the Northeast corner of this tract, from said point a found $\frac{5}{8}$ " aluminum rod with cap at the Southeast corner of said Huntington Ridge Addition bears N00°29'30"E 342.03';

THENCE S00°29'30"W, with the East line of said 150.217 acre tract and the West line of said Hardwick Road, 1235.77' to a found $\frac{1}{2}$ " metal rebar at the North most Southeast corner of said 3.082 acre right-of-way tract and at the beginning of a curve to the right;

THENCE with the North and East line said 3.082 acre right-of-way tract as follows;

-With said curve to the right, having a radius of 125.00' and a chord bearing S26°29'52"W 109.27', an arc distance of 113.09' to a found $\frac{1}{2}$ " metal rebar at the end of curve;

-S51°50'03"W 5.24' to a point whence the center of a 4.5" pipe fence corner post bears N06°18'39"W 0.66';

-N84°21'28"W 14.63' to a point whence the center of a 4.5" pipe fence corner post bears N14°21'38"E 0.31' said point being the beginning of a curve to the left;

-With said curve to the left having a radius of 430.00', a chord bearing N44°46'18"W 37.63', an arc distance of 37.64' to a found ½" metal rebar for the end of curve, whence a found cotton spindle in the center of Fairway Oaks Boulevard bears S43°10'03"W 29.95';

-N47°16'45"W 406.82' to a point whence a 4.5" pipe fence corner post bears S03°03'14"E 0.34', from said point a found cotton spindle in the center of Fairway Oaks Boulevard bears S42°42'51"W 30.00'. Said point being the beginning of a curve to the right;

-With said curve to the right, having a radius of 570.00', a chord bearing N23°23'49"W 461.21', an arc distance of 474.82' to a found ½" metal rebar for the end of curve, whence a found ½" metal rebar on the West line of said Fairway Oaks Boulevard bears N89°31'04"W 60.22';

-N00°26'10"E 545.38' to a point whence a 4.5" pipe fence corner post bears N74°19'28"E 0.85', from said point a found cotton spindle in the center of Fairway Oaks Boulevard bears N88°33'43"W 30.00', said ½" metal rebar being the beginning of a curve to the right;

-With said curve to the right, having a radius of 570.00', a chord bearing N03°58'20"E 65.21', an arc distance of 65.25' to the point of beginning and containing 14.790 acres of land.

Bearing basis- Found Aluminum rod with cap and found ½" metal rebar on the West right-of-way line of Hardwick road. S00°29'30"W.

Reservations from Conveyance:

None.

Exceptions to Conveyance and Warranty:

All presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, water interests or wind interests outstanding in persons other than Grantor, and other presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and any state of facts that an accurate survey of the Property would show. If a separate written agreement between Grantor and Grantee calls for the language in this paragraph to be narrower in scope than what is stated herein, then the narrower language applies and is incorporated herein by reference.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all of the following unless specifically reserved elsewhere herein: (i) any and all rights and appurtenances belonging or appertaining to the Property; (ii) any and all appurtenant easements and rights of way affecting the Property, and all rights of ingress and egress to and from the Property, and any of Grantor's rights to use same; (iii) any and all mineral, wind, and water rights and interests of Grantor relating to the Property; (iv) any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water, or other utility facilities to the extent they pertain to or benefit the Property; (v) any and all rights and interest of Grantor in and to any leases covering all or any portion of the Property; and (vi) all right, title and interest of Grantor, if any, in and to (a) any and all roads, streets, alleys and ways, whether open or closed, affecting the Property, (b) any and all strips, gores, or pieces of property abutting, bounding, or which are adjacent or contiguous to the Property, whether owned or claimed by deed, limitations, or otherwise, (c) any walls or fences situated on a common boundary line, and (d) any and all reversionary interests in and to the Property.

TO HAVE AND HOLD the Property to Grantee and Grantee's heirs, successors and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors and assigns against every person whomsoever lawfully claiming or to claim the same

or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

This instrument may be executed in any number of identical counterparts, each of which shall be deemed an original for all purposes. If signatories to this instrument sign different counterparts, the original signature pages and corresponding acknowledgement pages may be detached from each counterpart and all attached together to form one instrument and/or duplicate original instrument.

When the context requires, singular nouns and pronouns include the plural.

Arthur Legacy LLC

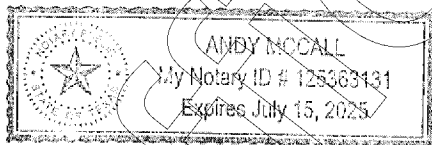
By: 
Allison Arthur Cowling, Manager

STATE OF TEXAS }

COUNTY OF TAYLOR }

This instrument was acknowledged before me on this the 31st day of August, 2023 by Allison Arthur Cowling, Manager of Arthur Legacy, LLC, a Texas-limited liability company, on behalf of said company.

(AFFIX NOTARY SEAL HERE)




Notary Public, State of Texas
(Notary's printed name)

(Notary's commission expires)

PREPARED IN THE LAW OFFICE OF:
Bradshaw, McCall & Westbrook, PLLC
3417 Curry Lane
Abilene, Texas 79606

AFTER RECORDING RETURN TO:
Cowlbon Developments, LLC
1333 South Danville
Abilene, TX 79605

**THE STATE OF TEXAS
COUNTY OF TAYLOR**

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Official Public Records of Taylor
County, Texas.

2023-14724 DE
Number of Pages: 4
09/01/2023 08:12:47 AM Total Fees: \$34.00

Brandi DeRemer, County Clerk
Taylor County, Texas

Brandi DeRemer



PROJECT OVERVIEW

Project Type: Zoning Application | **Project Title:** Z-2024-01 - Planned Development - Fairway Oaks Blvd
ID # 23-000213 | **Started** 11/06/2023 at 3:12 PM



Address

Abilene, TX USA 79606

Legal

A1118 Sur 11 L A L
Abstract A1118 Sur 11 L A L, Acres 14.61

Description

Planned Development with base zoning RS-6 with modifications per included attachment.

PROPERTY DETAILS

Property ID	971118
Enforcement Area	Far Southside

PROPERTY ADDITIONAL INFORMATION

Account Number	A1118001600
Property ID	
Land Use	Vacant
High School	Wylie
Middle School	Wylie
Elementary School	Wylie
Super Neighborhood	Far Southside

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
Arthur John Steven % Austin Trust Company	-	336 S Congress Ave Austin, TX 78704-1265	-	Property Owner
Clayton Farrow	cfarrow@jacobmartin.com 3256951070	3465 Curry Lane Abilene, TX 79606-2287	Engineer	APPLICANT

INFORMATION FIELDS

Owner Name Cowlbon Developments, LLC.
Agent Name Jacob & Martin
Block -

—

—

—

Clayton Farrow 11-6-2023

TOTALS

ORDINANCE NO. _____

EXHIBIT "A"

PAGE 3

PART 6: Purpose. The purpose of the Planned Development (PD) District is to allow single-family residential development, similar to what would be found within Residential Single Family (RS-6) zoning districts.

PART 7: Specific Modifications. The use and development of land and buildings in this Planned Development (PD) District shall generally be subject to requirements of the Residential Single Family (RS-6) zoning classification, except as modified below:

A. Site Layout and Building Requirements:

1. Lot Size:

- a. Platted lots within this Planned Development District must be a minimum of 5,000 square feet in area.
- b. Minimum lot width within this Planned Development District must be a minimum of 50 feet in width.

2. Setbacks:

- a. Interior Side Yard: 5-feet



PAUL F. PATTERSON
A0830 SUR 12 L A L NW/4, TRACT 1
FASSHAUER, ACRES 10.0285

MIKE BYRD
A0830 SUR 12 L A L NW/4, TRACT 1
FASSHAUER, ACRES 10.0285

MIKE BYRD
A0830 SUR 12 L A L NW/4, TRACT 3
OF 1 FASSHAUER, ACRES 11.1115

NATHAN & BRIANNE GEORGE
RAINEY ADDN, BLOCK A, LOT W
PT OF 1, ACRES 6.714

HARDWICK ROAD

STREET 3

STREET 2

STREET 1

FAIRWAY OAKS BLVD.

APPROX. 50' GAS ESMT.

BARBARA & JEFFREY WOMACK
A1118 SUR 11 L A L, ACRES 2.0

LOYOLA FAMILY, LTD.
A1118 SUR 11 L A L, ACRES .84

LOYOLA FAMILY, LTD.
A1295 C A DONAVAN
PRE, ACRES 1.0

MIKE BYRD
A1295 C A DONAVAN PRE, ACRES
24.501

MIKE BYRD
A1118 SUR 11 L A L, ACRES
15.50

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

CASE #: Z-2024-01

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: COWLTON DEVELOPMENTS LLC

Parcel I.D.: 971117

Address:

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

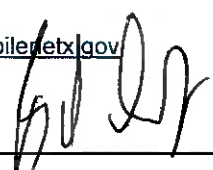
Email: planning@abileretx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: _____



DEC 28 AM 10:51

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

CASE #: Z-2024-01

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: KING JAMES T & HEIDI L
Parcel I.D.: 110261
Address: 6749 HARDWICK 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: _____



DEC 27 AM 10:29



Holland, Adam <adam.holland@abilenetx.gov>

[Planning] George - Zoning Case #: Z-2024-01

4 messages

'Nathan S. George' via Planning Services <planning@abilenetx.gov>

Fri, Dec 29, 2023 at 9:08 AM

Reply-To: "Nathan S. George" <nathan.george@condley.cpa>

To: "planning@abilenetx.gov" <planning@abilenetx.gov>

Cc: "nathanscottgeorge@gmail.com" <nathanscottgeorge@gmail.com>, Brianne George <brianne.j.george@gmail.com>

Good morning,

This is in response to **Zoning Case #: Z-2024-01**. As shown in our signed and attached pdf, **we are opposed to the request**.

Please don't hesitate to reach out with any questions or concerns.

Sincerely,

Nathan and Brianne George

6815 Hardwick Road

Parcel I.D.: 103979

Nathan George, CPA

Tax Manager



302 Pine Street

P.O. Box 2993

Abilene, Texas 79601

Phone: 325-677-6251

Fax: 325-677-0006

Email: nathan.george@condley.cpa

www.condley.cpa

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You received this message because you are subscribed to the Google Groups "Planning Services" group.

To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.

To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/DM6PR05MB5258B678A2020A561056E09FFF9DA%40DM6PR05MB5258.namprd05.prod.outlook.com>.

 **Rezoning Notice - 12.14.23.pdf**
141K

Holland, Adam <adam.holland@abilenetx.gov>

Fri, Dec 29, 2023 at 9:40 AM

To: "Nathan S. George" <nathan.george@condley.cpa>

Cc: "planning@abilenetx.gov" <planning@abilenetx.gov>, "nathanscottgeorge@gmail.com" <nathanscottgeorge@gmail.com>, Brianne George <brianne.j.george@gmail.com>

Received, thank you.

[Quoted text hidden]

Brianne George <brianne.j.george@gmail.com>

Fri, Dec 29, 2023 at 9:49 AM

To: "Nathan S. George" <nathan.george@condley.cpa>

Cc: planning@abilenetx.gov, N George <nathanscottgeorge@gmail.com>

Good morning,

To echo my husband's statement, we are concerned about this development as it would negatively increase traffic on two narrow roads. The offshoot of Hardwick where we live is already heavily trafficked with fast drivers using it as a pass-through to Beltway and all the schools each morning and afternoon. Densely crowded housing in this oddly shaped intersection will likely negatively impact traffic and noise. I expect without expanded roads and signals at the junction of Hardwick and Fairway Oaks, there will be accidents. I frequently see near misses at the intersection, and there are not homes on the impacted property yet. This is a safe location for dense housing.

Thanks for all you do for our city!

Respectfully,
Brianne George

On Fri, Dec 29, 2023, 9:08 AM Nathan S. George <nathan.george@condley.cpa> wrote:

Good morning,

This is in response to **Zoning Case #: Z-2024-01**. As shown in our signed and attached pdf, **we are opposed to the request**.

Please don't hesitate to reach out with any questions or concerns.

Sincerely,

Nathan and Brianne George
6815 Hardwick Road
Parcel I.D.: 103979

Nathan George, CPA
Tax Manager

Phone: 325-677-6251
Fax: 325-677-0006
Email: nathan.george@condley.cpa

 Logo Description automatically generated

302 Pine Street
P.O. Box 2993
Abilene, Texas 79601

www.condley.cpa

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--
You received this message because you are subscribed to the Google Groups "Planning Services" group.

To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.

To view this discussion on the web visit https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CADZ6GANmHb_3EoZPvhW5YpgJu1SHWkGNnWWY6EMdF4rfBy4ZNA%40mail.gmail.com.



Brianne George <brianne.j.george@gmail.com>

To: "Nathan S. George" <nathan.george@condley.cpa>

Cc: planning@abilenetx.gov, N George <nathanscottgeorge@gmail.com>

Fri, Dec 29, 2023 at 9:53 AM

Apologies, The last sentence should include the sentiment "NOT a safe intersection for dense housing. "

[Quoted text hidden]

To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CADZ6GAMe7pOJqc%2B47HK2V8LeKS647JbucnkVF0jLNbhZH20FHA%40mail.gmail.com>.



GEORGE NATHAN S & BRIANNE
6815 HARDWICK RD
ABILENE, TX 79606-5866

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2024-01

12/14/2023

The Planning and Zoning Commission will hold a public hearing on **January 2, 2024 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas vote to recommend approval or denial to City Council on a request from the owner, represented by Jacob Martin, to change the zoning of approximately 14.6 acres from Agricultural Open to Planned Development District 185. Specifically, to allow Residential Single-family uses on 5,000 sq. ft. lots. Located at the 6500-6800 block of Fairway Oaks Blvd, Abilene, TX 79606. Legal description being 14.6 Acres of Survey 11 Lunatic Asylum Lands, Abilene, Taylor County, Texas.

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

The attached map shows the area of this request. Only the area highlighted by striped lines shown on that map is being considered for a change of zoning. The solid boundary line surrounding this subject area is only a notification area. If approved by the Planning and Zoning Commission, or if denied and promptly appealed to Abilene's City Council, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **February 8, 2024 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

JAN 2 AM 10:19

CASE #: Z-2024-01

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: GEORGE NATHAN S & BRIANNE

Parcel I.D.: 103979

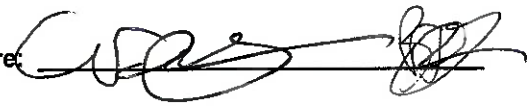
Address: 6815 HARDWICK RD

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: 



REZONE REQUEST

Case: Z-2024-01

Requestor: Owners

Agent: Jacob Martin

Request: Change the zoning of approximately 14.8 acres from AO to PDD-185

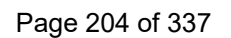
Location: 6500-6800 Block of Fairway Oaks Blvd.

Notification: 1 in Favor, 2 Opposed

Planning & Zoning: January 2, 2024

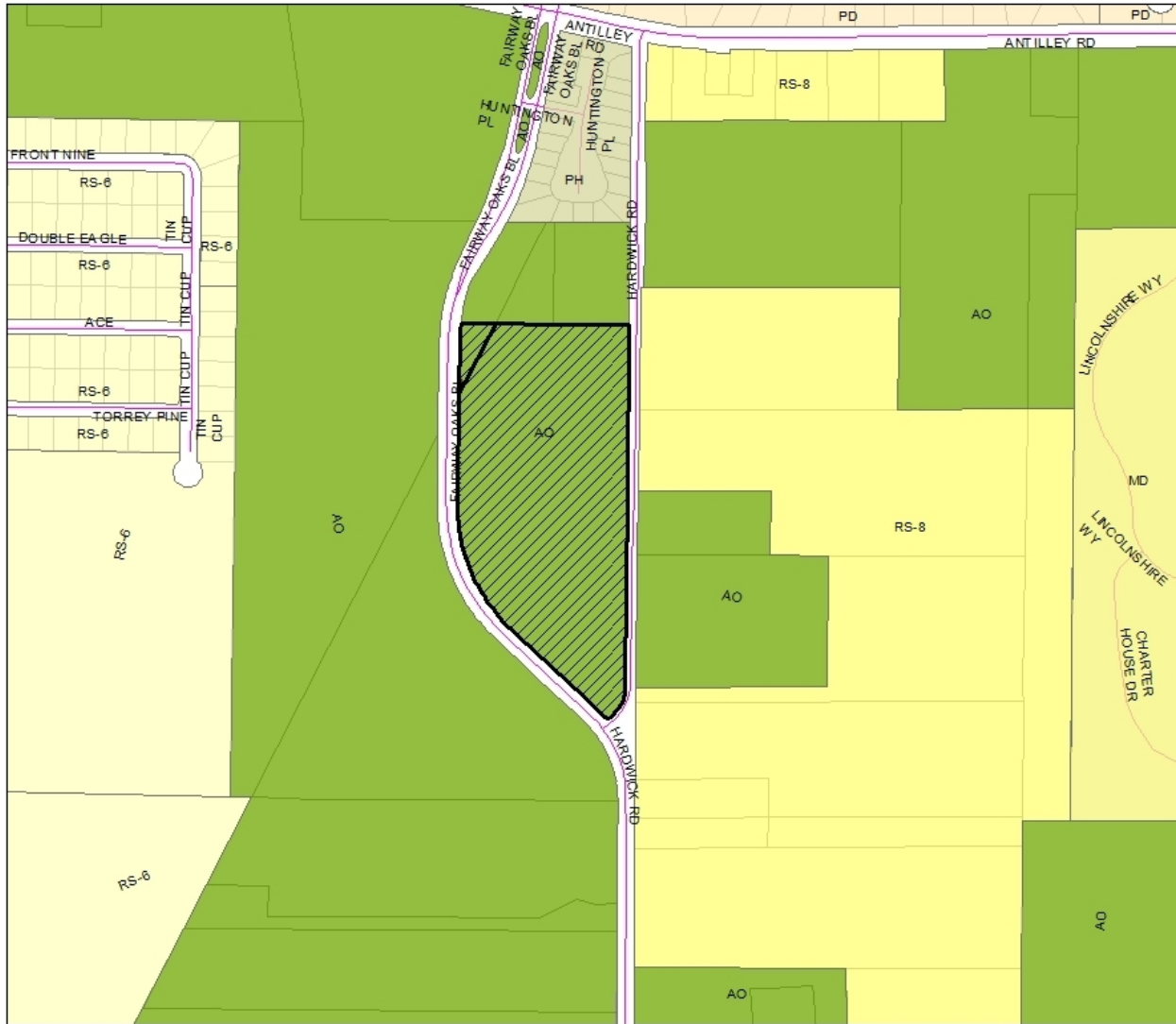
Council Hearing: January 25, 2024
February 8, 2024







ZONING MAP

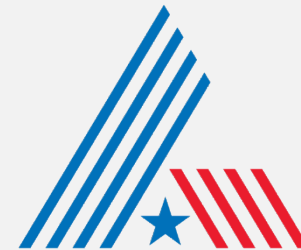


Zoning Map



Legend

- Z-2024-01
- Roads
- CourierParcels
- AO - Agricultural Open Space
- RS-6: Residential Single-Family
- RS-8: Residential Single-Family
- PH: Residential Single-Family Patio Home
- MD: Medium Density Residential
- PD: Planned Development



CITY OF
ABILENE
TEXAS



VIEWS OF SUBJECT PROPERTY



Subject Property



West Neighboring Property



East Neighboring Property

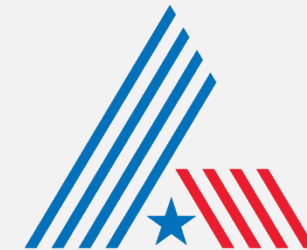
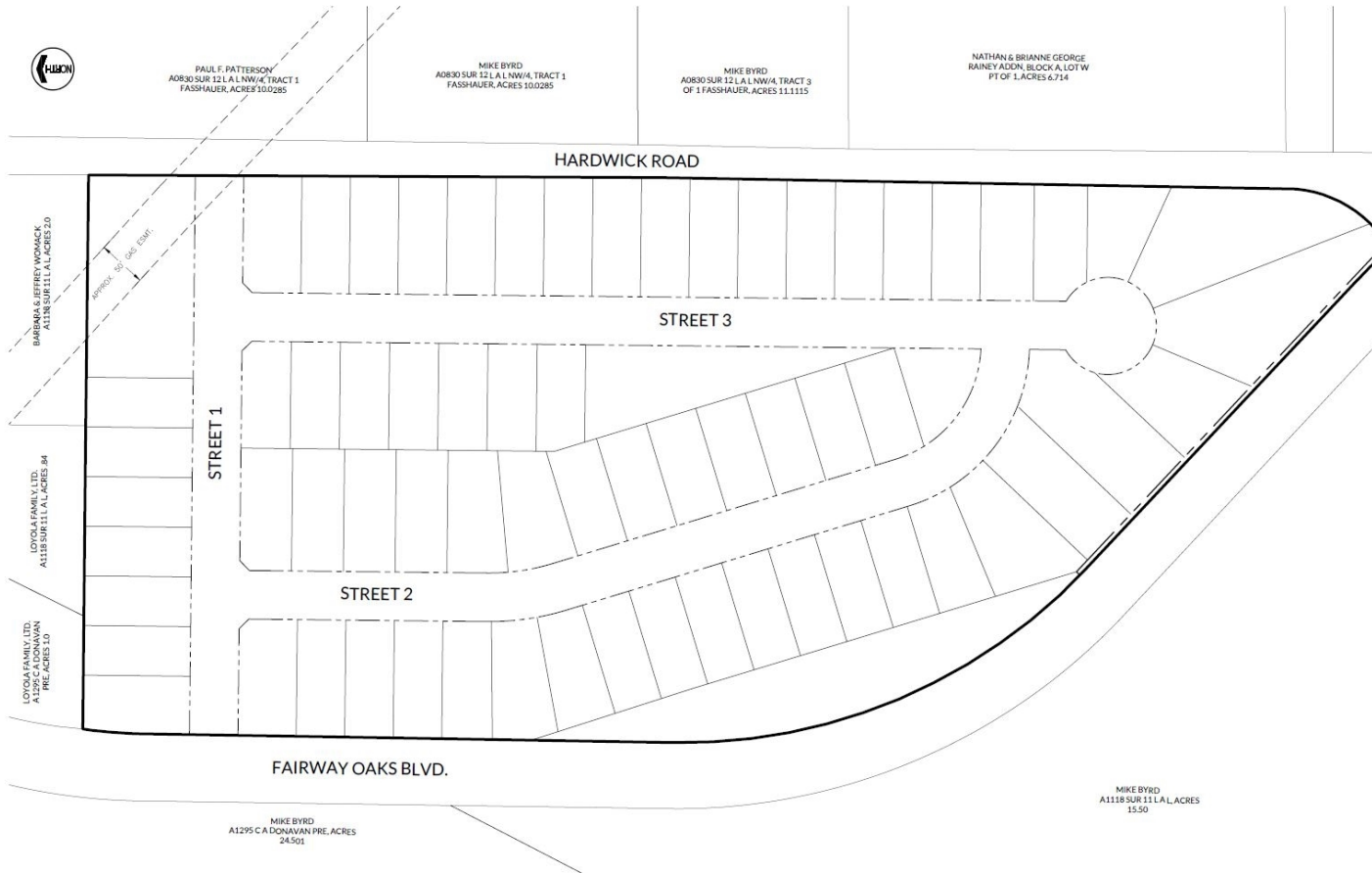


Subject Property





PROPOSED CONCEPT PLAN



CITY OF
ABILENE
TEXAS



PD Requirements

Specific Modifications. The use and development of land and buildings in this Planned Development (PD) District shall generally be subject to requirements of the Residential Single Family (RS6) zoning classification, except as modified below:

A. Site Layout and Building Requirements:

1. Lot Size:

- a. Platted lots in this PD must have a minimum lot area of 5,000 square feet.
- b. Minimum lot width shall be 50 feet.

2. Setbacks:

- a. Interior Side Yard: 5-feet

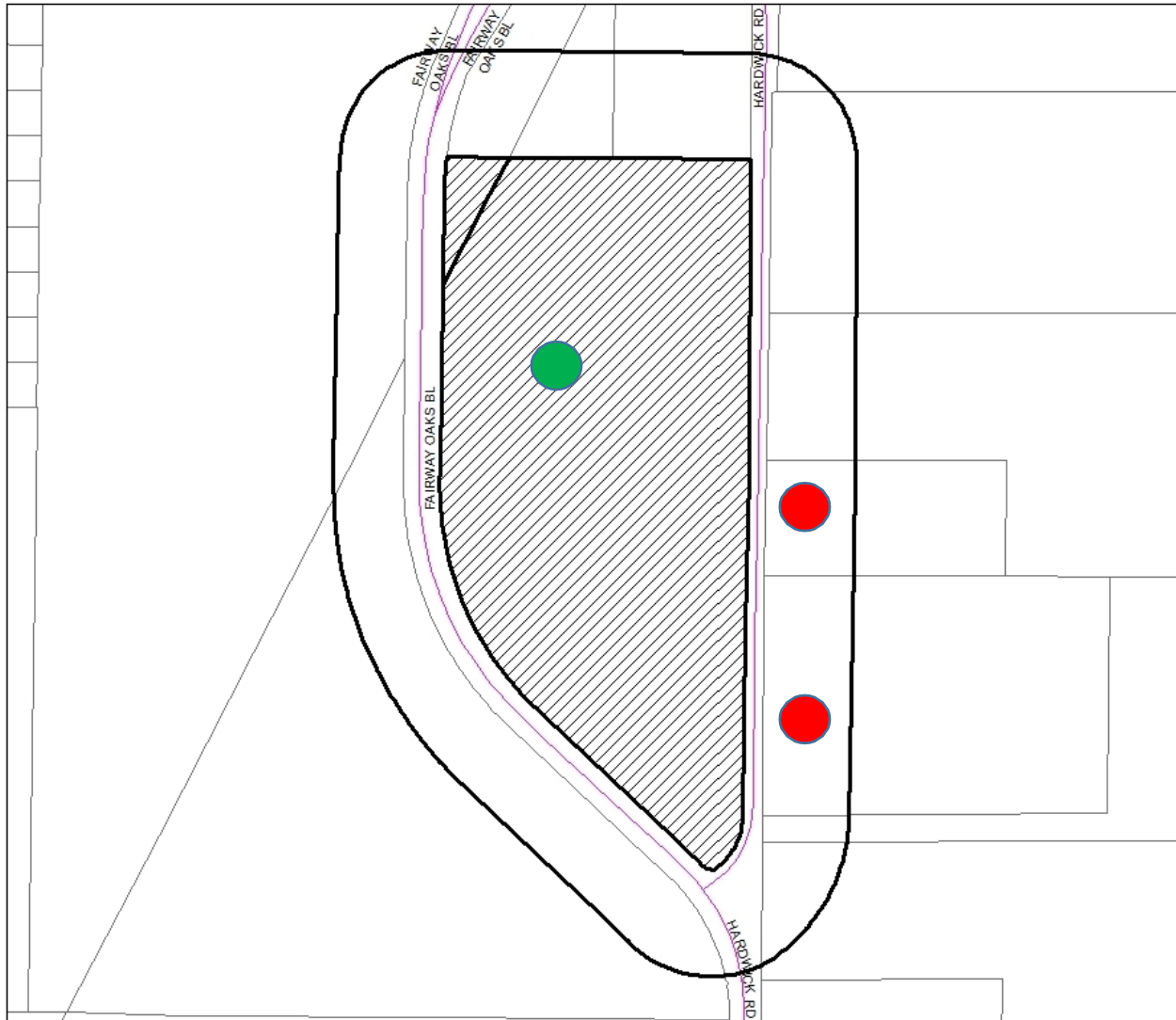
B. Concept Plan Requirements:

- 1. The subject property shall be platted in general accordance with Concept Plan shown below.

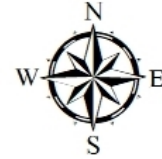




NOTIFICATION AREA MAP



Notification Map



Legend

- Notification Buffer
- Z-2024-01
- Roads
- CourierParcels

1- In Favor-

2- Opposed-

13.46 % OPPOSITION





FINDINGS AND RECOMMENDATION

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

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

P&Z Recommendation:

Approval subject to the Concept Plan and proposed ordinance.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **17. Ordinance (First Reading) Z-2024-02: Receive a Report, Hold a Discussion and Take Action on A Request From The Owner, To Change The Zoning Of 0.47 Of An Acre From Agricultural Open To Multi-Family, Located On 2900 Block Of Old Anson Road (Tim Littlejohn)**

GENERAL INFORMATION

This property was annexed in 1957 and has remained vacant and zoned as AO since annexation.

On October 4, 2022, the Planning and Zoning Commission recommended approval of Z-2022-23 to rezone the subject property to Multi-Family (MF) after finding that the request satisfied the criteria set out in Sec. 1.4.1.4 of the LDC. The City Council, on November 3, 2022, on a Super Majority Vote required, determined that the request did not satisfy the criteria set out in Sec. 1.4.1.4 of the LDC.

Since one year has lapsed since Z-2022-23 was filed and denied, this new application can be considered by the Commission and City Council.

SPECIAL CONSIDERATIONS

A Multi-Family (MF) zoning and land uses are located north and west of the subject property. Single-family residences are located parcels zoned Agricultural Open (AO) east and south of the subject property. Single-family (RS-6) residences are located to the east across Old Anson Road.

The proposed land use and zoning district would match the land uses and zoning district of the properties immediately north and west of the subject site.

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-2024-02 Ordinance_MT
2. Z-2024-02 Staff Report
3. 2828 Old Anson Road
4. 2925 Old Anson Road
5. 2901 Old Anson Road
6. 2836 Old Anson Road Opposition
7. Z-2024-02 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 25th day of January, 2024.

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 December, 2024, 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 January, 2024, 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 8th day of February, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from Agricultural Open (AO) District to a Multi Family (MF) District:

Location: 2900 Block of Old Anson Road, Abilene Texas



END

ZONING CASE Z-2024-02

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: January 2, 2024
City Council 1st Reading: January 25, 2024
City Council 2nd Reading: February 8, 2024

Applicant

Fuad Hamed

Case Manager

Kiley Hannah – Planner

Request

Rezone approximately 0.47 acres from Agricultural Open (AO) to Multi-Family (MF).

Location

2900 Block of Old Anson Road

Background

This property was annexed in 1957 and has remained vacant and zoned as AO since annexation.

On October 4, 2022, the Planning and Zoning Commission recommended approval of Z-2022-23 to rezone the subject property to Multi-Family (MF) after finding that the request satisfied the criteria set out in Sec. 1.4.1.4 of the LDC. The City Council, on November 3, 2022, on a Super Majority Vote required, determined that the request did not satisfy the criteria set out in Sec. 1.4.1.4 of the LDC.

Since one year has lapsed since Z-2022-23 was filed and denied, this new application can be considered by the Commission and City Council.

Zoning, Existing and Proposed Land Use

A Multi-Family (MF) zoning and land uses are located north and west of the subject property. Single-family residences are located parcels zoned Agricultural Open (AO) east and south of the subject property. Single-family (RS-6) residences are located to the east across Old Anson Road.

The proposed land use and zoning district would match the land uses and zoning district of the properties immediately north and west of the subject site.

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 amendment is consistent with the Comprehensive Plan and the 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.

The proposed MF zoning is consistent with the use and zoning of properties immediately west and north of the subject property and would be an appropriate use for the area.

(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.

Adequate utilities are available to serve this site for the proposed use of the site.

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

None known.

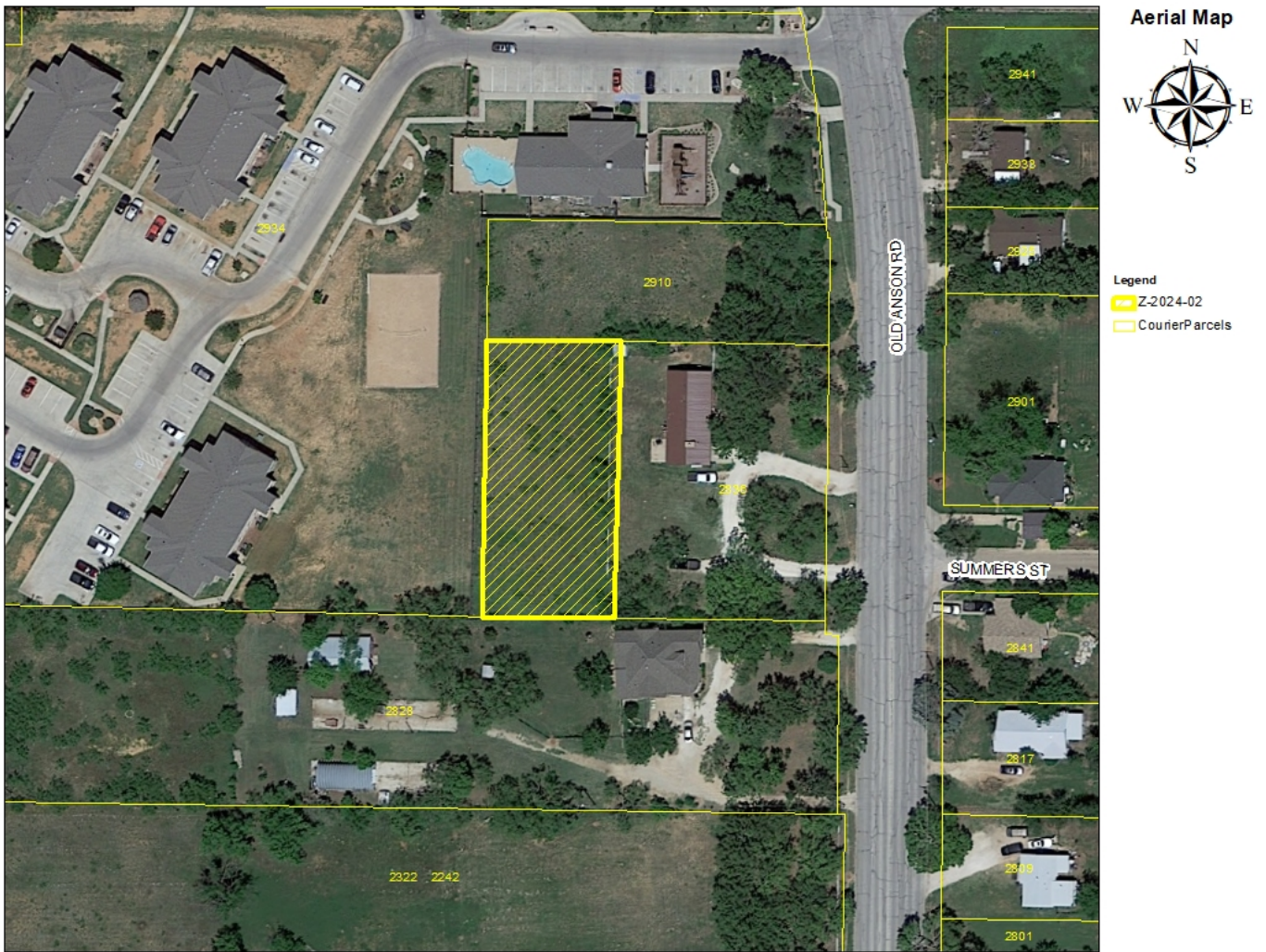
P&Z Recommendation

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

Notification:

OWNER	PROP_ID	SITUS	RESPONSE
STOWE TODD & KATERYNA	91073	2841 OLD ANSON RD	
JWDW PROPERTIES II LLC	1084626	2934 OLD ANSON RD	
HAMED FAUD	969335	2910 OLD ANSON RD	
HOWISON DAVID & DENISE	117139	2836 OLD ANSON RD	opposed
HAMED FAUD	969334		
DULANEY DALLAS DAVID &	47114	2901 OLD ANSON RD	
ROE CALEB CARSON	46630	2925 OLD ANSON RD	
VILLA RAYMOND MARTINEZ	46746	2933 OLD ANSON RD	
JIMENEZ LUIS &	46499	2941 OLD ANSON RD	
WESTBROOK GARY W & DEBRA K	40266	2828 OLD ANSON RD	opposed
JWDW PROPERTIES II LLC	1084608		
	1087731	2322 OAKLAND DR	
	1087731	2242 OAKLAND DR	

LOCATION MAP



Zoning Map





Hannah, Kiley <kiley.hannah@abilenetx.gov>

[Planning] Zoning number Z-2024-02

Denise Howison <ddhowison@gmail.com>

Tue, Dec 26, 2023 at 11:51 AM

To: planning@abilenetx.gov

To: The Planning and Zoning Commission
 RE: Zoning Change (from A.O. to MF) to property on Old Anson Rd

Dear Commission:

We live at [2836 Old Anson Road](#), directly in front of the .47 acre parcel that is currently zoned AO. We oppose changing the zoning for many reasons, listed below.

1. There is usually a "buffer zone" between an existing large apartment complex (the over 200 apartments at Anson Park Community) and residential/single family homes, and the zoning change (if it results in multifamily housing) would do away with the buffer zone. In fact, any new multifamily housing on this land would be 40 feet from the back of our house, and 25 feet from the side of our house (where the other part of this L-shaped property is). Also, there is only a 75-foot section of this land that has road access, so an adequate entrance and exit might be difficult, in case there was an emergency at this proposed multifamily development.

2. The entire above property is less than 1 acre, so another apartment complex would be cramped for space, considering a parking lot, common area, and other infrastructure. This would detract from a good image for Abilene, being a block from the I-20 exit onto Old Anson Road.

To make such new housing feasible financially for the investor (given the small size of less than 1 acre total, in an L-shape), would the buildings need to be 3 stories high? The surrounding buildings and homes on Old Anson Road are 1 to 2 story.

3. The width of the above property is only 75 feet wide along Old Anson Road, with our gas meter (placed long ago before we bought our house) located 25 feet onto that property. This would be a safety hazard, since it is a working gas meter that supplies gas to our home for our furnace and water heater. Plus, the narrow entrance is located on a curve, which might lead to more car accidents, especially since the police and fire vehicles travel Old Anson Road frequently.

Both parts of this L-shaped parcel of land is narrow.

4. There are many large oak trees on the front part of the above property (and close to our property line) that are over 100 years old. Removal would probably damage the oak trees' roots on our property also. (Years before we bought our home, the above land was apparently part of the property with our home.)

5. Given the fact that there are already at least 3 large multi-family housing complexes on Old Anson Road within about 1/2 mile of each other, all for low-income qualified residents, we believe another complex will add to the existing crime, noise, littering, and traffic on this road that is a major entrance to Abilene, and it might further affect the look of our special city! We know that our city's leaders have made significant strides toward improving Abilene in many ways, but this might result in a step backward, and it may not be possible to correct it in the future.

6. We received a letter from the new owner's realtor (the person who applied for this zoning change) on 11/8/2023 stating that he "is in the process of finalizing the site and development plans" for these lots (since it is two parcels that were sold to him last year, a total of less than 1 acre, with one narrow section already zoned MF). What are his plans? Will it be 2-story or 3-story units? What would we be looking up at each day? In September of 2022 when this zoning change was first requested by the new landowner, we (and our neighbors) were relieved when the City Council voted to deny the zoning change.

Recently we spoke with 3 neighbors within 200 feet of the property, and all of them do not want the zoning to be changed. You should be getting their responses

soon. One neighbors (just south of our yard) also has part of their backyard that is next to the proposed zoning change land.

Thank you for listening to our concerns. We do plan to attend the zoning commission meeting next week.

Sincerely,

David and Denise Howison
2836 Old Anson Rd.
Abilene, TX 79603
Home phone: 325-232-7614

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You received this message because you are subscribed to the Google Groups "Planning Services" group.
To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.
To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAK5oZ3zyw87CMuGq7MT%3Duy1Fc7JTtP1AehPvsJF2DHS4BKDyrw%40mail.gmail.com>.

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2024-02

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

Email: planning@abilenetx.gov

Name: ROE CALEB CARSON
Parcel I.D.: 46630
Address: 2925 OLD ANSON RD

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: Caleb Carson Roe

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

CASE #: Z-2024-02

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

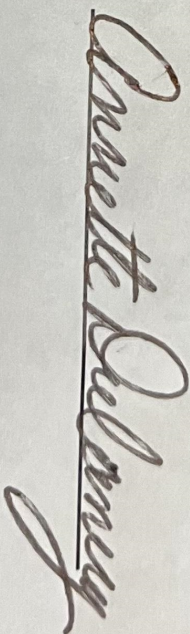
I am in favor ☐
Additional Comments:

I am opposed ☒

Email: planning@abilenetx.gov

Name: DULANEY DALLAS DAVID &
Parcel I.D.: 47114
Address: 2901 OLD ANSON RD

Signature:



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

CASE #: Z-2024-02

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

Email: planning@abilenetx.gov

Name: HOWISON DAVID & DENISE
Parcel I.D.: 117139
Address: 2836 OLD ANSON RD

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

Signature:

David & Deborah
Denise Howison



REZONE REQUEST

Case: Z-2024-02

Applicant: Hamad Fuad

Request: Rezoning 0.47 acre from Agricultural Open (AO) to Multi Family (MF).

Location: 2900 block of Old Anson Road

Notification: 0 in Favor, 2 Opposed

P&Z: January 2, 2024

City Council: January 25, 2024
February 8, 2024





Z-2024-02 AERIAL LOCATION MAP

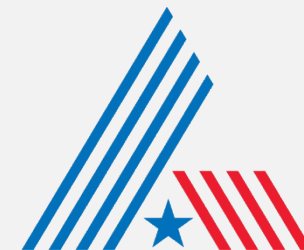


Aerial Map



Legend

- Z-2024-02
- CourierParcels



CITY OF
ABILENE
TEXAS



Z-2024-02 ZONING MAP





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





PERMITTED USES IN MF ZONING

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling – Duplex
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P Dwelling – Multiple-Family
- P Dwelling – Single-Family Detached
- C Group Home

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P/C Day Care Operation – Home-Based
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage & parking)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- C Civic, Social, and Fraternal Organization
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Homeless/Emergency Shelter
- C Personal Care Facility
- C Rehabilitation Facility
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- C Day-Care Operation - Center-Based
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

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





Z-2024-02 VIEWS OF SUBJECT PROPERTY



Subject Property



Neighboring Property



Neighboring Property



East Neighboring Property





Z-2024-02 NOTIFICATION AREA MAP



0- In Favor- ●
2- Opposed- ●
2- Opposed- ●
(outside notification
area)
35.43 % Opposition





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**

*This request will require super-majority





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **18. Ordinance (First Reading) OAM-2023-01: Receive a Report, Hold a Discussion and Take Action on A Request From The City Of Abilene To Amend The Land Development Code (LDC) To Create The Rebuild ABI Infill Overlay (RAI) District To Promote Infill Development And Redevelopment In Targeted Neighborhoods *(Tim Littlejohn)***

GENERAL INFORMATION

An amendment to the Land Development Code (LDC) to repeal Section 2.3.4.3 Neighborhood Conservation Overlay (NCO) and to replace that section with Section 2.3.4.3 Rebuild ABI Infill Overlay (RAI) District to promote infill development and redevelopment in targeted neighborhoods.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Ordinance -RAI Overlay District
2. OAM-2023-01 Staff Report
3. Rai Final
4. OAM-2023-01 Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 2 (ZONING REGULATIONS) OF THE LAND DEVELOPMENT CODE (LDC) SPECIFICALLY TO REPEAL SECTION 2.3.4.3, “NEIGHBORHOOD CONSERVATION OVERLAY (NCO) DISTRICT” AND TO REPLACE SAID SECTION WITH SECTION 2.3.4.3 “REBUILD ABILENE INFILL OVERLAY (RAI) DISTRICT”, TO FACILITATE INFILL DEVELOPMENT AND REDEVELOPMENT IN TARGETED ABILENE NEIGHBORHOODS THAT HAVE LEGALLY PLATTED NON-CONFORMING LOTS; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, the City Council finds it to be desirable to protect the residential character of existing single-family detached residences and neighborhoods, in terms of lot area, width, depth, and building placement in targeted neighborhoods; and

WHEREAS, the City Council wants to encourage and facilitate reinvestment in targeted neighborhoods that have vacant platted lots that cannot be developed without one or more variances from the Land Development Code (LDC); and

WHEREAS, the City Council wants to provide additional affordable single-family detached residential housing opportunities for all socio-economic populations of Abilene; and

WHEREAS, the City Council wants to maximize the use of existing utility and transportation assets to improve the functionality and efficiency of Abilene; and

WHEREAS, the City Council finds that the procedures required to establish an NCO District requires collective action by multiple property owners, the creation of a Neighborhood Conservation Plan, and rezoning are time consuming, burdensome, and generally not feasible for most property owners in the target neighborhoods; and

WHEREAS, the City Council, upon determining no property in the City is zoned NCO, has concluded that the NCO District has not achieved the intended purposes set out in Section 2.3.4.3(a), “Purposes”.

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

PART 1: That Chapter 2 (Zoning Regulations), Section 2.3.4.3 “Neighborhood Conservation Overlay (NCO) District”, is hereby repealed and replaced by Section 2.3.4.3 “Rebuild ABI Infill Overlay (RAI) District”, as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That the Official Zoning Map of the City of Abilene, is hereby amended to show the boundaries of the “RAI Overlay (RAI) District”, as set out in Exhibit B, attached hereto and made a part of this ordinance for all purposes.

PART 3: 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 4: 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 25th day of January, 2024.

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 December 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 8th day of February 2024, 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 8th day of February 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Section 2.3.4.3 Rebuild Abilene Infill Overlay (RAI) District

(a) **Purpose.** The purpose of the Rebuild ABI Infill Overlay (RAI) District is to provide reasonable opportunities for affordable single-family detached residential infill development, and redevelopment, in targeted established single-family residential neighborhoods without the need for variances. This district is also designed to achieve the following:

- (1) Protect the residential character of existing single-family detached residences and neighborhoods;
- (2) Maintain the historic context of established single-family neighborhoods in terms of lot area, width, depth, and building placement;
- (3) Encourage reinvestment in targeted neighborhoods that have vacant lots and cannot be developed without one or more variances;
- (4) Provide additional affordable single-family detached residential housing opportunities for all socio-economic populations of Abilene; and
- (5) Fully utilize existing utility and transportation assets to improve the functionality and efficiency of Abilene.

(b) **General Applicability.**

- (1) The requirements of this section shall only apply if the following criteria are satisfied:
 - A. The subject property shall be a lawfully platted lot;
 - B. The subject property shall be located within the boundaries of the RAI District;
 - C. The subject property shall be zoned RS-6 or MD, on which one single-family residence is proposed; and
 - D. The subject lot shall be legally non-conforming in terms of lot width, depth, area, and any other applicable development standard(s), relative to the development requirements of the RS-6 zoning district, which would require one or more variances.
- (2) The development standards set out in this district shall not apply to any accessory buildings or structures, unless expressly stated in this Section.

(c) **Infill Overlay Location.**

- (1) The locations and boundaries of the Rebuild ABI Infill Overlay District (RAI) shall be shown on the Official Zoning Map of the City of Abilene.
- (2) The boundaries of the RAI may be modified as necessary to satisfy the purposes of the RAI in accordance with the Zoning Map Amendment procedures set out in Chapter 1, Article 4, Division 1 of the Land Development Code (LDC).

(d) **Conforming Lots.**

- (1) All legally platted lots located in the Rebuild ABI Infill Overlay District that lawfully existed on the effective date of this Section are "conforming" with respect to lot width and lot areas.
- (2) The lot width and lot area requirements set out in in Table 2-12, *Rebuild ABI Infill Overlay Development Standards* apply only to the subdivision of existing lots or parcels in this district after the effective date of this Section.

(e) **Relationship to Variances.**

- (1) Compliance with the standards of this Section shall not be considered to be variances.
- (2) Variances from the alternative standards set out in Section 2.3.4.3 of the Land Development Code shall not be permitted.
- (3) Compliance with the standards set out in Section 2.3.4.3 shall not constitute grounds for a variance or deviation from the requirements of the Abilene Building Code.

(f) **Relationship to Easements, Rights-of-Way, Sight Visibility Triangles, and the Environment.** The standards of this Section shall not be construed to authorize construction of buildings, or portions of buildings, in any utility or drainage easement, public right-of-way, within a required sight visibility triangle, or within environmental hazards, such as floodways.

(g) **Development Standards.**

- (1) Development in this district shall satisfy the minimum *Infill Overlay Development Standards* set out in Table 2-12.

TABLE 2-12: Rebuild ABI Infill Overlay Development Standards

Minimum Lot Size			Minimum Building Line Setbacks (Feet)								Max. Height (Feet)	Max. Lot Coverage (%)
Area (SF)	Width (FT) ¹	Depth (FT)	Street Setback				Garage Setback (Front facing on local and collector streets)	Rear Yard	Side Yard	Corner Street Side Yard ⁴		
			Local Street	Collector Street	Arterial or Expressway with Frontage Road	Expressway Without Frontage Road						
Base RS-6 Development Standards												
6,000	60	100	15	20	30	40	20	20	6	NA	35	50
RAI Overlay RS-6 & MD Development Standards*												
4,500	45	100	15 ¹	15 ¹	20 ¹	20 ¹	15 ¹	15 ³	5 ²	10	35	70
General Note: *The RAI Overlay development standards shall only be used to single family detached dwellings. The base RS-6 development standards of the Land Development Code shall apply to all other dwelling types and permitted RS-6 uses.												
Table Notes: 1. Refer to Subsection (h), Alternative Street Setbacks, below. 2. Refer to Subsection (i), Alternative Interior Side Setbacks, below. 3. Refer to Subsection (j), Alternative Rear Setbacks, below. 4. For corner lots, the street setback requirements shall be applied to the "street address" front of the home. The corner street side yard requirement shall only apply to "non-addressed" side of the home.												

(h) **Alternative Street Setbacks.**

- (1) *Unenclosed Front Porches.* Unenclosed front porches and patio covers may not be located closer than ten feet (10') from the front property line, as measured from the front wall of the porch.
- (2) *Street Setback Averaging.* When infill development is proposed in an existing neighborhood, homes should be located in a manner that is consistent with the context of the surrounding residential development. Street Setback Averaging shall be used to determine the appropriate street setback, using the following criteria:
 - A. Front setbacks may be reduced to the average front setback of the existing homes on the same side of the street within the same block as a proposed new home.
 - B. If there are no existing residences in the same block and same side of the street as the proposed new home, lot averaging shall be based on the front setbacks of existing homes on the same side of the street of each adjoining block or the blocks on the opposing side of the street in order to maintain and protect the character of the existing neighborhood.

- C. If all previous criteria are not applicable, the front setback shall be subject to the standards set out in Table 2-12.
- (3) *Garage Behind Principal Building.* Front setbacks may be reduced to ten feet (10') if:
 - A. The garage is detached and located at least twenty-five feet (25') behind the front property line and located behind the front façade of the principal building; or
 - B. The garage is attached, but the garage door is set back at least twenty feet (20') behind the front property line of the principal building.
- (i) **Alternative Interior Side Setbacks.** The following standards may be applied to interior side setbacks as an alternative to the interior side setback standards in Table 2-12, *Rebuild ABI Infill Overlay Development Standards*:
 - (1) Interior side setbacks may be reduced on any lot if it is demonstrated that the proposed interior side setback is within ten percent (10%) of the average actual setback of the existing homes on the same side of the same street, measured for a distance of up to five-hundred feet (500') or up to five (5) lots in either direction, whichever is less, subject to compliance with the City of Abilene's Building Code.
 - (2) Interior side setbacks may be reduced to three feet (3') along a side property line that abuts an adjoining property that is designated as permanent open space or that has an easement that precludes development, provided that the said adjoining open space or easement on the adjoining lot has a minimum width of ten feet (10') wide along the entire length of the affected side property line.
- (j) **Alternative Rear Setbacks.** The following standards may be applied to rear setbacks as an alternative to the rear setback standards as set out in Table 2-12, *Rebuild ABI Infill Overlay Development Standards*:
 - (1) *Abutting Permanent Open Space.* Rear yard setbacks that abut an adjoining property that is designated as permanent open space or as an easement that precludes development and has a minimum width of at least ten feet (10') along the entire distance of the rear property line may be reduced to ten feet (10'), unless rear setback averaging determines that the average rear setback of homes in the same block, or on adjoining blocks is more than ten feet (10'), in which case required rear setback would be the greater distance.
 - (2) *Double Frontage Lots.* On a double frontage lot, the street frontage that is assigned an address shall be designated as street setback (front yard), with the opposite street frontage to be designated as a rear yard with a setback that may be reduced to an average of existing residential development within five-hundred feet (500') on the same side of the proposed development.
 - (3) *Adjoining an Alley.* The rear setback on a lot that adjoins an alley may be reduced to an average of existing residential development within 500 feet on the same side of the proposed development.
- (k) **Alternative Setback Limitations.** The application of alternative setback standards shall not be permitted if the proposed construction would result in:
 - (1) The lack of required off-street parking spaces or the ability to provide code compliant driveways to the said off-street parking spaces;
 - (2) A conflict with a planned expansion of right-of-way of a scheduled project on the City of Abilene Capital Improvements Schedule, or as designated by the City of Abilene Thoroughfare Plan;
 - (3) Additional non-sheet flow drainage on any surrounding property;
 - (4) Any nonconformity with respect to the City of Abilene Building Code on either the lot where construction is proposed or any surrounding property; and

- (5) The inability of an adjoining undeveloped lot zoned RS-6 to be able to be built to same setback and building code requirements as the lot on which construction is proposed.

(l) **Carports.**

- (1) The minimum street side setback for carports shall be determined by applying the criteria set out in Subsection (h)(2), *Street Setback Averaging*. If the criteria set out in Subsection (h)(2) cannot be satisfied, the LDC regulations for carports shall be applicable.
- (2) The minimum corner street yard setback for carports shall be determined by applying the criteria set out in Subsection (h)(2), *Street Setback Averaging*. If the criteria set out in Subsection (h)(2) cannot be satisfied, the LDC regulations for carports shall be applicable.

ZONING CASE OAM-2023-01

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: January 2, 2024
City Council 1st Reading: January 25, 2024
City Council 2nd Reading: February 8, 2024

Applicant

City of Abilene

Case Manager

Randal Anderson – Assistant Director

Request

An amendment to the Land Development Code (LDC) to repeal Section 2.3.4.3 Neighborhood Conservation Overlay (NCO) and to replace that section with Section 2.3.4.3 Rebuild ABI Infill Overlay (RAI) District to promote infill development and redevelopment in targeted neighborhoods.

Background

In 2010, the City Council created the Neighborhood Conservation Overlay (NCO) District. The goal of that district was to maintain the character and original development patterns of the original City neighborhoods that surround the Central Business (CB) District. The NCO district is not depicted on the Official Zoning Map, which means that each, or group of lots, must be rezoned to NCO. Since 2010, no property has been zoned as NCO. The NCO District regulations are attached as Exhibit A.

The most likely reasons why the NCO District has not been utilized are:

1. NCO District boundaries are not designated on the Official Zoning Map.
2. The NCO district regulations are geared toward maintaining existing residences that are unique and of public interest but that do not satisfy the Historic Overlay (HO) District criteria. The purposes of the NCO district are aligned with infill development but the development standards are aligned with the Historic Overlay district, which has hindered infill development.
3. The creation of NCO Districts requires owner collaboration to develop an NCO Concept Plan, similar to a PUD Concept Plan, for the affected properties to be rezoned to NCO, as well as owner collaboration to rezone the affected properties.
4. Development in the NCO district requires Landmarks Commission approval.
5. The process is time consuming, expensive, subjective, and likely exceeds the means of many of the owners in the target neighborhoods.

Since the NCO District has not achieved its intended purposes, it would be appropriate to replace the NCO district with a new overlay district that will promote infill development in a manner that will respect the traditional flavor of the existing neighborhoods.

The Connect Abilene 2040 Comprehensive Plan prioritizes single-family residential infill in the original neighborhoods of the City to fully buildout the existing inventory of undeveloped single-family residential lots to utilize the existing infrastructure of the City and to provide affordable housing opportunities for all socio-economic classes of residents.

Proposed Amendment

Staff proposes to repeal the NCO District and to replace it with the Rebuild ABI Infill Overlay (RAI) District. The advantages of the proposed RAI regulations are:

1. Relaxed RS-6 development standards for platted lots and structures will remove the stigma of a nonconforming lot or structure and eliminate the need for one or more variances to allow development.
2. Setback averaging will provide flexibility for developers and staff allow infill development that maintain the character and continuity of the surrounding residences and neighborhoods without the need variances.
3. Regulations that would only apply to the RS-6 and MD districts for single-family detached residential development. All other RS-6 and MD district uses would continue to follow the standard development standards of the RS-6 and MD districts.
4. Showing the RAI Overlay on the Official Zoning Map will mean that owners will no longer need to rezone their property.
5. Variances from the relaxed RS-6 development standards would be prohibited;
6. The NCO regulations target neighborhoods in close proximity to the CBD. The proposed regulations would apply to several other neighborhoods beyond the CBD that have similar development challenges; and by eliminating the need for rezoning, variances, Landmarks Commission approval, applicants will only need to apply for a building permit for a single-family residence.

The following neighborhoods are proposed to be included within the RAI Overlay District:

1. Alameda Addition
2. Holiday Hills
3. Butternut/Chestnut
4. College Heights
5. Stevenson / Sancudo
6. Sears
7. North Sayles
8. Carver
9. Pasadena Heights
10. Old Town Abilene

The proposed RAI District regulations and proposed Official Zoning Map amendment are attached with this report as Exhibits B and C, respectively.

P&Z Recommendation

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

EXHIBIT A

Section 2.3.4.3 Neighborhood Conservation Overlay (NCO) District

- (a) *Purpose.* Although each Neighborhood Conservation Overlay (NCO) District will be unique, the general purposes of creating such districts in older Abilene residential neighborhoods are described in the following:

- (1) To protect and strengthen desirable and unique physical features, design characteristics, historic characteristics, and recognized identity and charm;
 - (2) To reduce the potential for land use conflicts;
 - (3) To promote new compatible development;
 - (4) To stabilize property values;
 - (5) To provide residents and property owners with a tool for conservation of their neighborhoods;
 - (6) To promote and retain affordable housing;
 - (7) To encourage and strengthen civic pride;
 - (8) To regulate demolition; and
 - (9) To encourage harmonious and compatible redevelopment that conforms to the size, orientation and setting of the buildings of the neighborhood.
- (b) *Criteria.* An area suitable for an NCO designation would be one that has a significant number of unique homes or areas that are in the public interest to preserve, but that do not meet the criteria for the establishment of a Historic Overlay (HO) District (refer to Section 2.4.4.4 [2.3.4.4]). To be designated as an NCO District, the area must meet the following criteria:
- (1) The area must contain a minimum of one block face, meaning all the lots on one side of a block;
 - (2) The area must have been platted or developed at least twenty-five (25) years previous; and
 - (3) The area must possess one or more of the following distinctive features that create a cohesive identifiable setting, character, or association:
 - a. Scale, size, type of construction, or distinctive building materials;
 - b. Lot layouts, setbacks, street layouts, alleys or sidewalks;
 - c. Special natural or streetscape characteristics, such as creek beds, parks, gardens or street landscaping;
 - d. Land use patterns, including mixed or unique uses or activities; or
 - e. Abuts or links designated historic landmarks.
 - (4) The area must be predominantly residential in use and character.
- (c) *Applicability.* As an overlay zoning district, the NCO District is limited to specified areas encompassing land that has already been assigned conventional zoning district classifications. It supplements the standards of the underlying conventional districts with new or different standards which are more restrictive. In the event of a conflict between the standards of the NCO District and the regulations of the underlying zoning district, the standards described herein will prevail. Regulations of the underlying zoning district not augmented or otherwise supplemented by the NCO District shall continue to apply.
- (d) *Application Procedures.*
- (1) *Who May Initiate.* A proposal for designation as an NCO District may be initiated:
 - a. At the direction of City Council; or
 - b. By City staff; or
 - c. At the request of owners representing fifty-one percent (51%) of the land area within the proposed district; or
 - d. At the request of fifty-one percent (51%) of property owners in a proposed district.
 - (2) *Neighborhood Conservation Plan Required.* Following initiation for designation of an NCO District, the Planning Department shall develop supporting documentation in the form of a Neighborhood Conservation Overlay Plan for the proposed district that includes:
 - a. A map(s) indicating the boundaries, age of structures and land use of the proposed district;
 - b. Graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed district, such as identification of recognized historic structures/areas; and

- c. Design standards for new construction, additions or alterations to the street facades of existing buildings or structures within the proposed district.
- (3) *Neighborhood Participation.* All property owners within the proposed district shall be afforded the opportunity to participate in drafting a Neighborhood Conservation Overlay Plan that will serve as the planning basis for the applicable NCO; there will be at least one (1) neighborhood meeting for this purpose. A Neighborhood Conservation Overlay Plan shall be approved as part of the zoning amendment that creates an NCO District.
- (e) *Design Standards.*
 - (1) *Neighborhood Conservation Overlay Plan as Part of the Ordinance.* A Neighborhood Conservation Overlay Plan shall be approved as part of the ordinance creating a Neighborhood Conservation Overlay District. The Plan shall include design standards for new construction or placement of any building, structure, foundation, sign, public art or outdoor apparatus or equipment (including visible utility boxes or mechanical equipment; trucks; playground equipment; or sports equipment), and any additions, alterations, relocation or rehabilitation to the street facades of existing buildings, structures, foundations, sign, public art, or outdoor apparatus or equipment.
 - (2) *Ordinary Repair & Maintenance.* The Neighborhood Conservation Overlay Plan and requisite design standards shall not apply to those activities which constitute ordinary repair and maintenance, which shall be defined for the purpose of these regulations as:
 - a. The maintenance and/or replacement of materials located on the external portion of a building or structure with materials that are the same in terms of appearance, quality, design, and color. The replacement of a sign, building, object or structure in its entirety does not constitute ordinary repair and maintenance.
 - (3) *Design Standards Required.* The design standards for the NCO District shall, at a minimum, include the following elements in order to effectively oversee the physical characteristics and features of all property within the NCO District:
 - a. Building height, number of stories;
 - b. Building size, massing (frontage, entrance location/features);
 - c. Lot size, coverage;
 - d. Front and side yard setbacks;
 - e. Off-street parking and loading requirements;
 - f. Roof line and pitch;
 - g. Paving.
 - (4) *Design Standards Optional.* In addition, the design standards may include the following elements:
 - a. Building orientation;
 - b. General site planning (primary, accessory structures);
 - c. Density;
 - d. Floor area ratio;
 - e. Signage;
 - f. Architectural style and details;
 - g. Building materials;
 - h. Garage entrance location;
 - i. Size and location of windows and/or dormers;
 - j. Landscaping;
 - k. Fences and walls;
 - l. Driveways and sidewalks;
 - m. Satellite dishes, utility boxes;

- n. Street furniture;
 - o. Demolition (see Subsection (e)(2) [(f)(2)] below).
- (f) *Design Plan & Certificate of Appropriateness.* Following the adoption of an ordinance creating a Neighborhood Conservation Overlay District, new construction and alterations to buildings within the NCO District shall require approval of a Design Plan and issuance of a Certificate of Appropriateness, as described in the following:
- (1) No building permit shall be issued for new construction or an alteration or addition to the street facade of an existing building or structure within a designated Neighborhood Conservation District without the submission and approval of a Design Plan and the issuance of a Certificate of Appropriateness by the Landmarks Commission.
 - (2) No permit shall be issued for the following specific activities within a Neighborhood Conservation District without issuance of a Certificate of Appropriateness:
 - a. Demolition;
 - b. Construction of a primary or accessory building, structure or other additions to real estate;
 - c. The addition of space to an existing primary or accessory building.
 - (3) If the Landmarks Commission determines that the Design Plan is in conformance with the Neighborhood Conservation Overlay Plan adopted as part of the related NCO District, the following shall subsequently occur:
 - a. The Landmarks Commission shall approve the Design Plan;
 - b. The Landmarks Commission shall issue a Certificate of Appropriateness within thirty (30) days, certifying that the Design Plan is appropriate for completion within the NCO District;
 - c. The Building Official may issue a building permit.
 - (4) If the Landmarks Commission determines that the Design Plan is not in conformance with the Neighborhood Conservation Overlay Plan adopted for the district, the Design Plan shall be denied, and the applicant shall be informed of the specific design standards that were not adequately met.
 - (5) The applicant may appeal the Landmark Commission's denial to the Planning and Zoning Commission following the procedures set forth within the Historic District Overlay for such appeals, specifically within Section 2.4.4.4(i) [2.3.4.4(j)].
- (g) *Designation.* The zoning designation for property located within a Neighborhood Conservation Overlay District shall consist of the overlay district symbol (NCO) as a prefix. NCO Districts shall be numbered sequentially to distinguish among different districts, such as NCO-1, NCO-2, etc. Each separate NCO District area may also include the neighborhood name in its description for further delineation, such as NCO-1 Old Town Neighborhood.

(Ord. No. 8-2010, pt. 1 (Exh. A), 4-22-10)

EXHIBIT B

Section 2.3.4.3 Rebuild ABI Infill Overlay (RAI) District

- (a) **Purpose.** The purpose of the Rebuild ABI Infill Overlay (RAI) District is to provide reasonable opportunities for affordable single-family detached residential infill development, and redevelopment, in targeted established single-family residential neighborhoods without the need for variances. This district is also designed to achieve the following:

- (1) Protect the residential character of existing single-family detached residences and neighborhoods;
- (2) Maintain the historic context of established single-family neighborhoods in terms of lot area, width, depth, and building placement;
- (3) Encourage reinvestment in targeted neighborhoods that have vacant lots and cannot be developed without one or more variances;
- (4) Provide additional affordable single-family detached residential housing opportunities for all socio-economic populations of Abilene; and
- (5) Fully utilize existing utility and transportation assets to improve the functionality and efficiency of Abilene.

(b) General Applicability.

- (1) The requirements of this section shall only apply if the following criteria are satisfied:
 - A. The subject property shall be a lawfully platted lot;
 - B. The subject property shall be located within the boundaries of the RAI District;
 - C. The subject property shall be zoned RS-6 or MD, on which one single-family residence is proposed; and
 - D. The subject lot shall be legally non-conforming in terms of lot width, depth, area, and any other applicable development standard(s), relative to the development requirements of the RS-6 zoning district, which would require one or more variances.
- (2) The development standards set out in this district shall not apply to any accessory buildings or structures, unless expressly stated in this Section.

(c) Infill Overlay Location.

- (1) The locations and boundaries of the Rebuild ABI Infill Overlay District (RAI) shall be shown on the Official Zoning Map of the City of Abilene.
- (2) The boundaries of the RAI may be modified as necessary to satisfy the purposes of the RAI in accordance with the Zoning Map Amendment procedures set out in Chapter 1, Article 4, Division 1 of the Land Development Code (LDC).

(d) Conforming Lots.

- (1) All legally platted lots located in the Rebuild ABI Infill Overlay District that lawfully existed on the effective date of this Section are "conforming" with respect to lot width and lot areas.
- (2) The lot width and lot area requirements set out in in Table 2-12, *Rebuild ABI Infill Overlay Development Standards* apply only to the subdivision of existing lots or parcels in this district after the effective date of this Section.

(e) Relationship to Variances.

- (1) Compliance with the standards of this Section shall not be considered to be variances.
- (2) Variances from the alternative standards set out in Section 2.3.4.3 of the Land Development Code shall not be permitted.
- (3) Compliance with the standards set out in Section 2.3.4.3 shall not constitute grounds for a variance or deviation from the requirements of the Abilene Building Code.

- (f) **Relationship to Easements, Rights-of-Way, Sight Visibility Triangles, and the Environment.** The standards of this Section shall not be construed to authorize construction of buildings, or portions of buildings, in any utility or drainage easement, public right-of-way, within a required sight visibility triangle, or within environmental hazards, such as floodways.

(g) **Development Standards.**

- (1) Development in this district shall satisfy the minimum *Infill Overlay Development Standards* set out in Table 2-12.

TABLE 2-12: Rebuild ABI Infill Overlay Development Standards

Minimum Lot Size			Minimum Building Line Setbacks (Feet)								Max. Height (Feet)	Max. Lot Coverage (%)
Area (SF)	Width (FT) ¹	Depth (FT)	Street Setback				Garage Setback (Front facing on local and collector streets)	Rear Yard	Side Yard	Corner Street Side Yard ⁴		
			Local Street	Collector Street	Arterial or Expressway with Frontage Road	Expressway Without Frontage Road						
Base RS-6 Development Standards												
6,000	60	100	15	20	30	40	20	20	6	NA	35	50
RAI Overlay RS-6 & MD Development Standards*												
4,500	45	100	15 ¹	15 ¹	20 ¹	20 ¹	15 ¹	15 ³	5 ²	10	35	70
General Note: *The RAI Overlay development standards shall only be applied to single family detached dwellings. The base RS-6 development standards of the Land Development Code shall apply to all other dwelling types and other permitted RS-6 uses.												
Table Notes: 1. 2. 3. 4. Refer to Subsection (h), Alternative Street Setbacks, below. Refer to Subsection (i), Alternative Interior Side Setbacks, below. Refer to Subsection (j), Alternative Rear Setbacks, below. For corner lots, the street setback requirements shall be applied to the "street address" front of the home. The corner street side yard requirement shall only apply to "non-addressed" side of the home.												

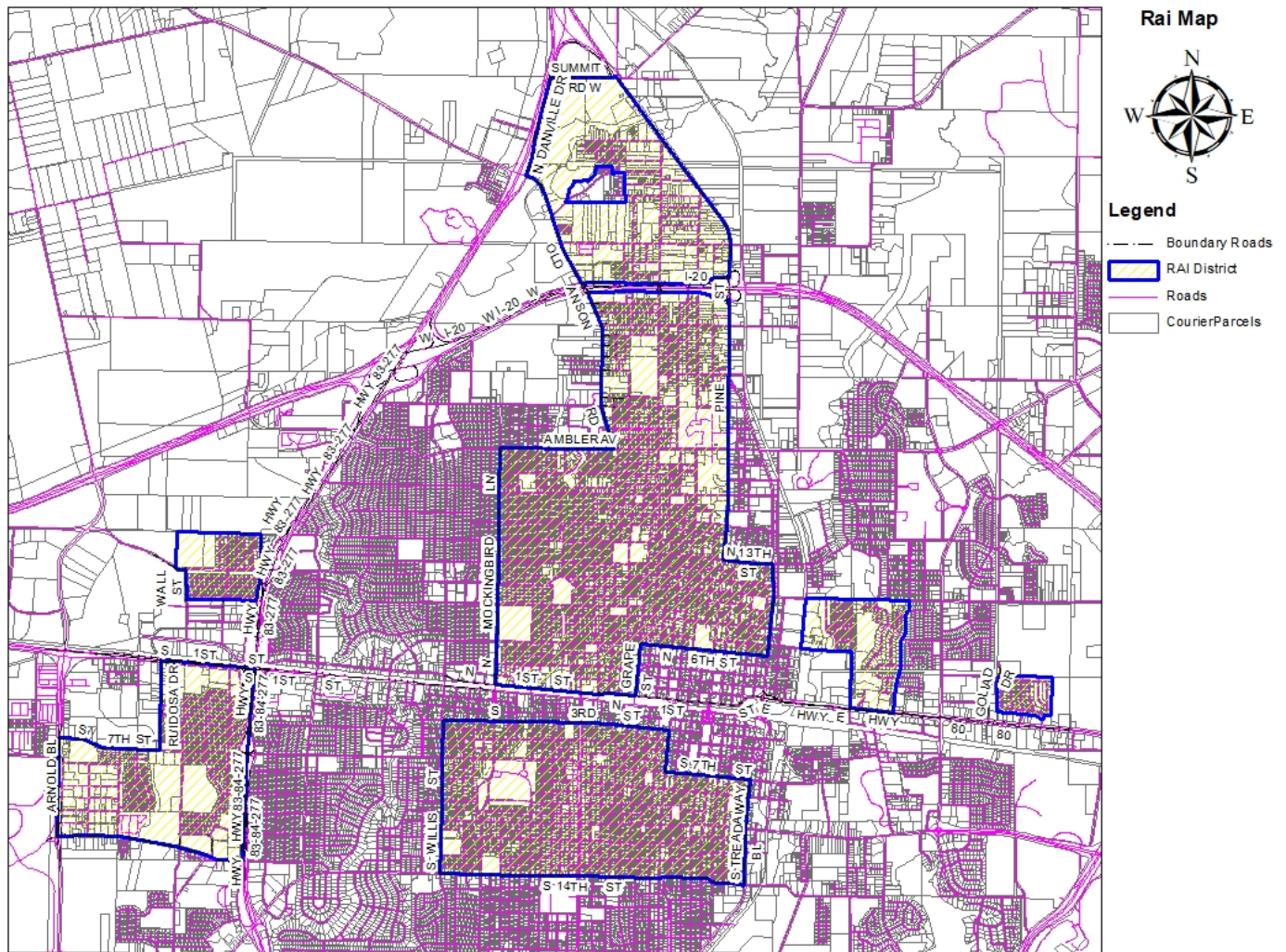
(h) **Alternative Street Setbacks.**

- (1) *Unenclosed Front Porches.* Unenclosed front porches and patio covers may not be located closer than ten feet (10') from the front property line, as measured from the front wall of the porch.
- (2) *Street Setback Averaging.* When infill development is proposed in an existing neighborhood, homes should be located in a manner that is consistent with the context of the surrounding residential development. Street Setback Averaging shall be used to determine the appropriate street setback, using the following criteria:
- Front setbacks may be reduced to the average front setback of the existing homes on the same side of the street within the same block as a proposed new home.
 - If there are no existing residences in the same block and same side of the street as the proposed new home, lot averaging shall be based on the front setbacks of existing homes on the same side of the street of each adjoining block or the blocks on the opposing side of the street in order to maintain and protect the character of the existing neighborhood.
 - If all previous criteria are not applicable, the front setback shall be subject to the standards set out in Table 2-12.
- (3) *Garage Behind Principal Building.* Front setbacks may be reduced to ten feet (10') if:
- The garage is detached and located at least twenty-five feet (25') behind the front property line and located behind the front façade of the principal building; or

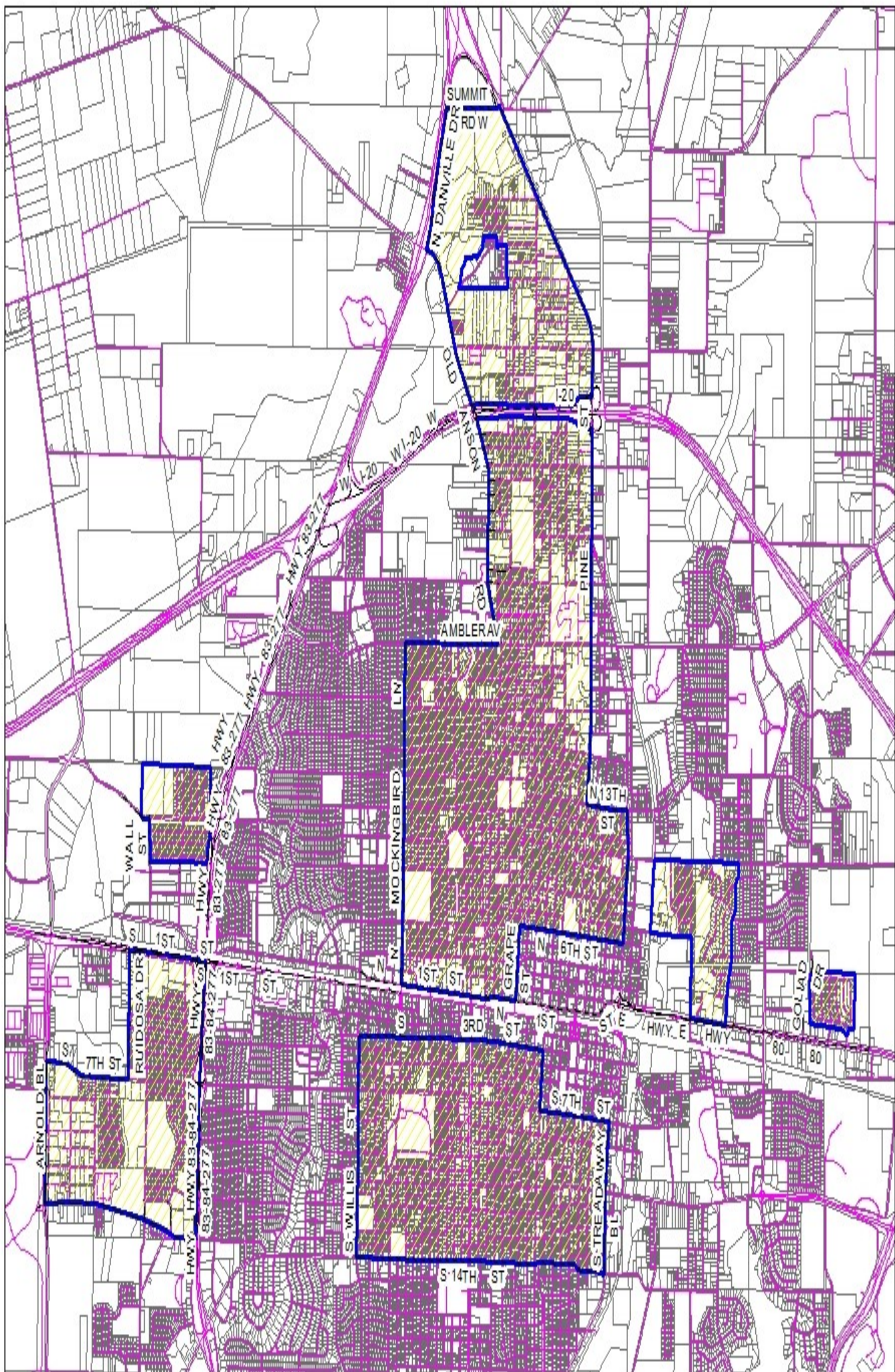
- B. The garage is attached, but the garage door is set back at least twenty feet (20') behind the front property line of the principal building.
- (i) **Alternative Interior Side Setbacks.** The following standards may be applied to interior side setbacks as an alternative to the interior side setback standards in Table 2-12, *Rebuild ABI Infill Overlay Development Standards*:
- (1) Interior side setbacks may be reduced on any lot if it is demonstrated that the proposed interior side setback is within ten percent (10%) of the average actual setback of the existing homes on the same side of the same street, measured for a distance of up to five-hundred feet (500') or up to five (5) lots in either direction, whichever is less, subject to compliance with the City of Abilene's Building Code.
 - (2) Interior side setbacks may be reduced to three feet (3') along a side property line that abuts an adjoining property that is designated as permanent open space or that has as an easement that precludes development, provided that the said adjoining open space or easement on the adjoining lot has a minimum width of ten feet (10') wide along the entire length of the affected side property line.
- (j) **Alternative Rear Setbacks.** The following standards may be applied to rear setbacks as an alternative to the rear setback standards as set out in Table 2-12, *Rebuild ABI Infill Overlay Development Standards*:
- (1) *Abutting Permanent Open Space.* Rear yard setbacks that abut an adjoining property that is designated as permanent open space or as an easement that precludes development and has a minimum width of at least ten feet (10') along the entire distance of the rear property line may be reduced to ten feet (10'), unless rear setback averaging determines that the average rear setback of homes in the same block, or on adjoining blocks is more than ten feet (10'), in which case required rear setback would be the greater distance.
 - (2) *Double Frontage Lots.* On a double frontage lot, the street frontage that is assigned an address shall be designated as street setback (front yard), with the opposite street frontage to be designated as a rear yard with a setback that may be reduced to an average of existing residential development within five-hundred feet (500') on the same side of the proposed development.
 - (3) *Adjoining an Alley.* The rear setback on a lot that adjoins an alley may be reduced to an average of existing residential development within 500 feet on the same side of the proposed development.
- (k) **Alternative Setback Limitations.** The application of alternative setback standards shall not be permitted if the proposed construction would result in:
- (1) The lack of required off-street parking spaces or the ability to provide code compliant driveways to the said off-street parking spaces;
 - (2) A conflict with a planned expansion of right-of-way of a scheduled project on the City of Abilene Capital Improvements Schedule, or as designated by the City of Abilene Thoroughfare Plan;
 - (3) Additional non-sheet flow drainage on any surrounding property;
 - (4) Any nonconformity with respect to the City of Abilene Building Code on either the lot where construction is proposed or any surrounding property; and
 - (5) The inability of an adjoining undeveloped lot zoned RS-6 to be able to be built to same setback and building code requirements as the lot on which construction is proposed.
- (l) **Carports.**

- (1) The minimum street side setback for carports shall be determined by applying the criteria set out in Subsection (h)(2), *Street Setback Averaging*. If the criteria set out in Subsection (h)(2) cannot be satisfied, the LDC regulations for carports shall be applicable.
- (2) The minimum corner street yard setback for carports shall be determined by applying the criteria set out in Subsection (h)(2), *Street Setback Averaging*. If the criteria set out in Subsection (h)(2) cannot be satisfied, the LDC regulations for carports shall be applicable.

EXHIBIT C



 Boundary Roads
 RAI District
 Roads
 CourierParcels





LDC TEXT AMENDMENT REQUEST

Case: OAM-2023-01

Applicant: City of Abilene

Request: An amendment to repeal Sec. 2.3.4.3 Neighborhood Conservation Overlay (NCO) of the LDC and to replace it with Sec. 2.3.4.3 Rebuild ABI Infill Overlay (RAI) District and to amend the Official Zoning Map to show the location of the RAI District.

Planning & Zoning: November 7, 2023
December 5, 2023
January 2, 2024

City Council Hearing: January 25, 2024
February 8, 2024





HISTORIC BACKGROUND

New Zoning Ordinances were based on what cities aspired to become but did not typically address existing homes built prior to 1946, which resulted in:

- Nonconforming platted lots and structures;
- Unbuildable lots for most post 1945 housing types;
- The need for variances or special exceptions to allow new development or the expansion of existing homes;
- Vacant platted lots, neighborhood disinvestment, and potential blight; and
- The need for effective regulations to break this cycle.





ZONING BACKGROUND

- In 2010, the City Council created the Neighborhood Conservation Overlay (NCO) District.
- The goals of that district were to maintain the character of neighborhoods surrounding the Central Business District and promote infill development.
- Since 2010, no property has ever been rezoned to NCO.
- The NCO district has not achieved its objectives.





PROPOSED AMENDMENTS

1. Show the RAI district on the Official Zoning Map.
2. Include all neighborhoods where legally platted lots require multiple variances to be developed.
3. Create relaxed development standards that are flexible and practical, and eliminate the need for variances, and that will help maintain the character of the neighborhoods.

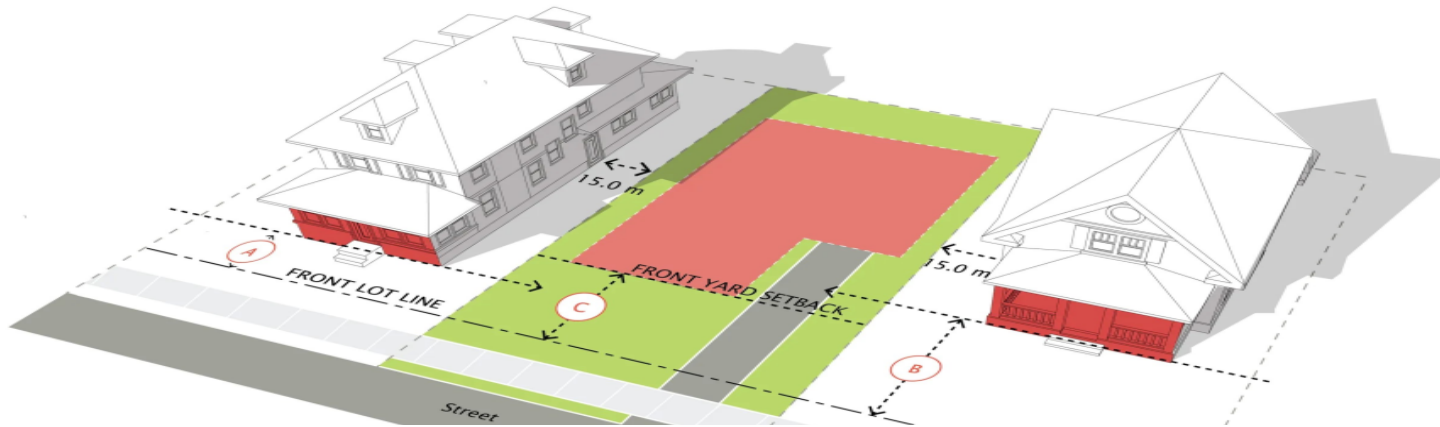




Setback Averaging

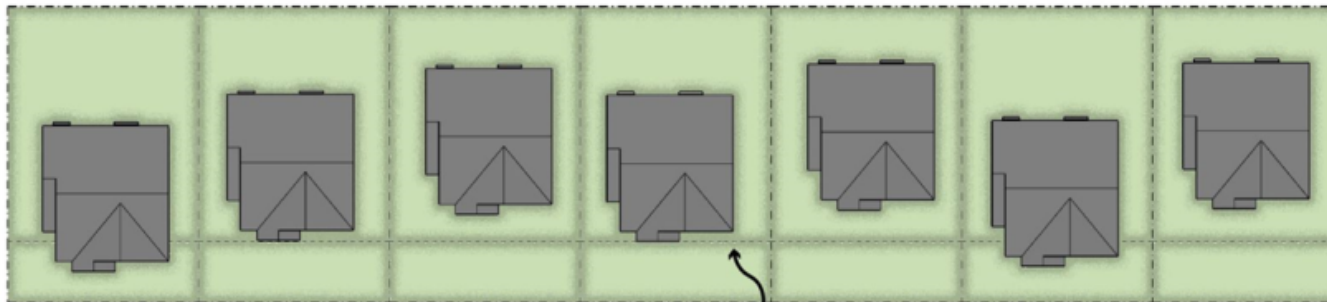
$$(A + B) \div 2 = C$$

C = Front Yard Setback



Setback Averaging

- Provides Flexibility;
- Maintain Neighborhood Character;
- Will apply to all setbacks.



AVERAGE SETBACK LINE





BIG TAKEAWAYS

1. Variances from the proposed relaxed standards would not be permitted.
2. The regulations only pertain to single-family detached residential on legally platted nonconforming lots within the RAI overlay boundaries.
3. The proposed RAI district boundaries are based on the results of vacant lot survey, which revealed 10 affected neighborhoods that could benefit from being in the RAI district.



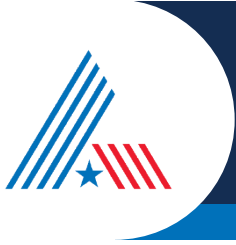


AFFECTED NEIGHBORHOODS

1. Alameda Addition
2. Holiday Hills
3. Butternut/Chestnut
4. College Heights
5. Stevenson / Sancudo
6. Sears
7. North Sayles
8. Carver
9. Pasadena Heights
10. Old Town Abilene







RECOMMENDATIONS

P&Z Recommendation: **Approval** of the proposed ordinance.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **19. Ordinance (Final Reading) Z-2023-36: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on A Request From The Owners, Represented By Jacob Martin, To Change The Zoning Of Approximately 7.07 Acres From PD 96A To General Retail. Located On The East Side Of The 5300 Block Buffalo Gap Road. *(Tim Littlejohn)***

GENERAL INFORMATION

The subject property was rezoned as PD-96A in 2004 to create a mixed-use development that allowed specific higher intensity uses along the frontage of the property and less intense uses, primarily educational uses to the rear where the PD abuts residential zoning districts on 3-sides. A base zoning district was not designated in the PD, but the uses that are permitted are similar to uses allowed in the General Retail and Neighborhood Retail districts.

SPECIAL CONSIDERATIONS

The existing PD allows multi-family, light commercial, educational uses, and specialty retail uses. This request, if approved, would eliminate the PD zoning of the site and replace it with a standard zoning district classification.

A super-majority vote is required for approval of this zoning item.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

The Planning and Zoning Commission recommends **approval** to rezone the property to GR.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Z-2023-36 Ordinance AH
2. Z-2023-36 Staff Report
3. PDD-96A (Z-2804)
4. 1623-MRP Lot 203 Mindy Morris Addn Revised
5. 55409_3W BRANDS LLC
6. FRP-2123 RECORDED 2023-07517
7. Project Overview
8. 3134 Woodglenn CV - Email Opposition
9. 3134 Woodglenn CV
10. 3226 Woodhollowwww
11. 3234 Woodhollow
12. 3249 Woodhollow P&Z opposition letter Dec 26 '23
13. 3249 woodhollow
14. 3118 woodglen cv
15. 3126 woodglen
16. 3257 Woodhollow Cir
17. 3258 woodhollow cr
18. 3274 woodhollow
19. 3282 Woodhollow
20. 3298 woodhollow cr
21. 5341 Hunters Circle
22. 5349 Hunters Circle
23. 5349 hunters Cr
24. 5349 Hunters Cr2
25. Petition of opposition
26. Steve Carrigan
27. 3010 Woodlake Cir PT 2
28. 3010 Woodlake Cir
29. 3010 Woodway Circle.12.20.23
30. 3018 woodway cr
31. 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 11th day of January, 2024.

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 December, 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 25th day of January, 2024, 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 25th day of January, 2024.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

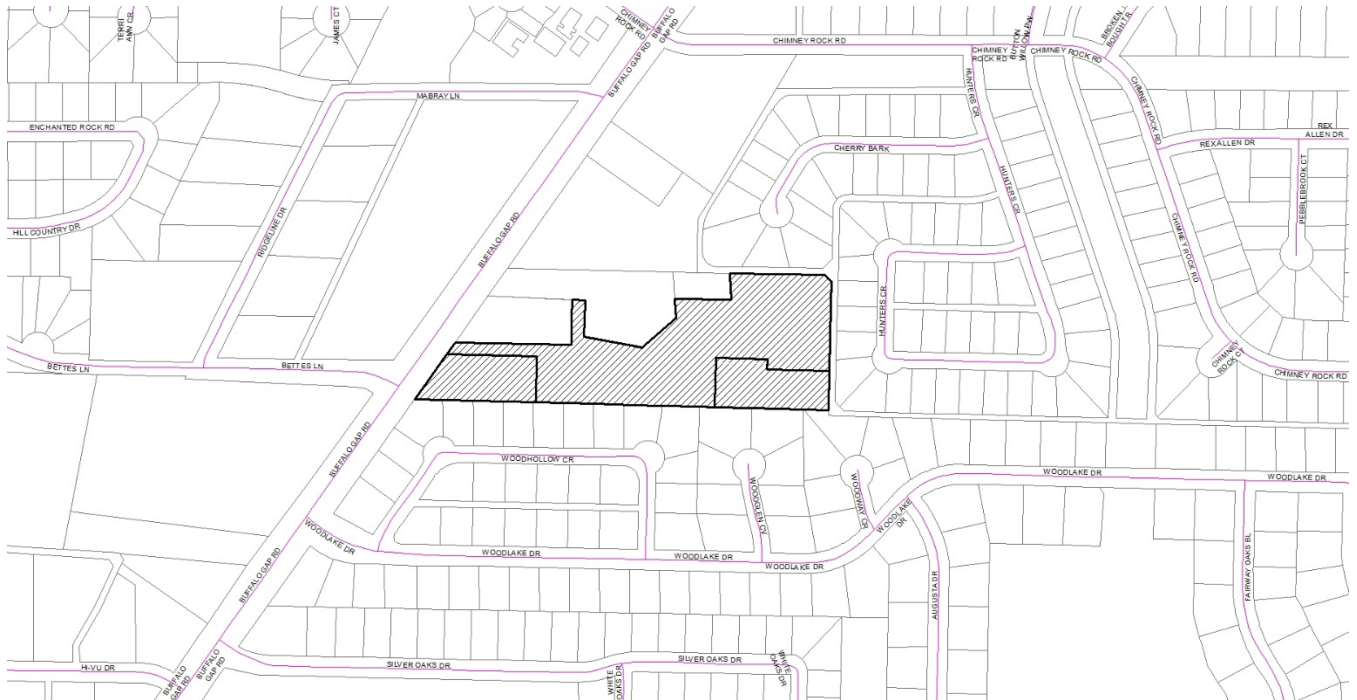
CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from Planned Development district (PD-96A) District to a General Retail (GR) District:

Location: 5333 Buffalo Gap Road

Lots 202, 203, and 206 Mindy Morris Addition



ZONING CASE Z-2023-36

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: November 7, 2023 (Tabled)
December 5, 2023 (Tabled)
January 2, 2024
City Council 1st Reading: January 11, 2024
City Council 2nd Reading: January 25, 2024

Applicant

Pak Harris Enterprises LTD
Agent: Jacob Martin

Case Manager

Adam Holland – Planner

Request

Change the zoning of approximately 5.04 acres from PD-96A to GR.

Location

5333 Buffalo Gap Road

Background

The subject property was rezoned as PD-96A in 2004 to create a mixed-use development that allowed specific higher intensity uses along the frontage of the property and less intense uses, primarily educational uses to the rear where the PD abuts residential zoning districts on 3-sides. A base zoning district was not designated in the PD, but the uses that are permitted are similar to uses allowed in the General Retail and Neighborhood Retail districts.

Zoning, Existing and Proposed Land Use

The existing PD allows multi-family, light commercial, educational uses, and specialty retail uses. This request, if approved, would eliminate the PD zoning of the site and replace it with a standard zoning district classification.

Properties south and east of the subject property are zoned RS-8 and RS-6 respectively. Properties to the north are zoned GR, RS-6, and the remainder of PD-96A northwest. Hendrick Emergency Care Center Plaza is located to the west of the subject property across Buffalo Gap Road.

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 Comprehensive Plan and FLUM identify this area as Low Density Residential with additional uses of General Retail allowed. So this request is consistent with the Comprehensive plan.

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

The original Planned Development District allows specialized retail, office, and low-density residential use. Staff believes that the Neighborhood Retail classification will strike the right balance between the needs of neighborhood to minimize the impacts of commercial development and those of the property owner to fully develop the PD. P&Z has recommended approval for General Retail.

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

The subject property has access to all required utilities.

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

None known.

Addendum (11/28/23)

A public hearing was conducted on November 7, 2023. Action on the item was tabled at the request of the applicant to allow additional time to consider possible amendments to the request to address the concerns of the area residents and because three P&Z members were absent for the meeting.

Staff received a petition from many of the surrounding homeowners in opposition to this request. That petition is included in the P&Z packet.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval** to rezone the property to GR.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

OWNER

Owner	Property ID	Situs	Response
3W BRANDS LLC	1087056	5333 BUFFALO GAP RD	
AYCOCK ROBERT D & PAMELA D	64069	3258 WOODHOLLOW CR	o
BEARD DANIEL ANTHONY &	68896	3117 CHERRY BARK	
BRIDGESTOCK ALAN N &	70761	5349 HUNTERS CR	o
BUTLER SHARRON	59426	3265 WOODHOLLOW CR	
CARRIGAN STEPHEN & TRACEY E	64698	3218 WOODHOLLOW CR	o
CARTER CHARLES E & CATHY L	67300	3010 WOODWAY CR	o
CHORN RONALD J & ROBERTA DIANE	70519	5357 HUNTERS CR	o
COLWELL RONALD G	71015	5341 HUNTERS CR	o
Confidential Owner	71394	5329 HUNTERS CR	
Confidential Owner	63557	3290 WOODHOLLOW CR	
EDICK LEROY III & CYNTHIA	68789	3125 CHERRY BARK	
EVERSON ALLEN TODD & STEPHANIE	66911	3034 WOODWAY CR	
FIORENZA JOSEPH A REV	58922	5442 BUFFALO GAP RD	
FIORENZA JOSEPH A REV	58922	3849 BETTES LN	
FIRST FINANCIAL BANK NA	67041	5257 BUFFALO GAP RD	
FLORES RODOLFO	59129	3281 WOODHOLLOW CR	
FUNK MICHAEL A & IRENE L	63805	3274 WOODHOLLOW CR	o
GARNER AUSTIN & KALEY	64444	3234 WOODHOLLOW CR	o
GOTCHER CHRIS & GENA	63303	3298 WOODHOLLOW CR	
HARRIS JUDY L	64318	3242 WOODHOLLOW CR	
HENDRICK MEDICAL CENTER	1005437	5310 BUFFALO GAP RD	
HERMAN JOSH WADE	64573	3226 WOODHOLLOW CR	
HOLLOWELL CODIE C	68554	3134 CHERRY BARK	o
IRVIN ALTON LARRY &	67171	3018 WOODWAY CR	o
ITSON JOE & MINNIE	65328	3142 WOODGLEN CV	o
JAMISON KELLY W & LEANN G	69013	3101 CHERRY BARK	
JONES VAN M & DENISE D	59698	3249 WOODHOLLOW CR	
LINDLEY JERRY THOMAS & J'DANA LEA	59830	3241 WOODHOLLOW CR	
MASSIE WILBUR W	71137	5337 HUNTERS CR	
MC DANIEL ROY LEE	65706	3118 WOODGLEN CV	o
OBRIEN SUSAN K	70885	5345 HUNTERS CR	
OWEN MARLENE	67557	2958 WOODLAKE DR	
PRD OWNER LLC	993705	5309 BUFFALO GAP RD	

RANDOLPH G B III	74846	5322 HUNTERS CR	
RENEAU STEVEN HAYES	71516	5325 HUNTERS CR	
RICHARDSON DANIEL & DEBORAH	65582	3126 WOODGLEN CV	o
ROBERTSON EARL & MARY	1002362	5355 HUNTERS CR	o
ROSE JIMMIE & CONSTANCE	63935	3266 WOODHOLLOW CR	
ROSTVOLD STEVE	63431	3294 WOODHOLLOW CR	
S J JACKS LIVING TRUST	64191	3250 WOODHOLLOW CR	o
SAUNDERS ROY E	68666	3133 CHERRY BARK	O
SMITH ALTON	67029	3026 WOODWAY CR	O
SMITH NATHAN W & JESSICA APRIL	59557	3257 WOODHOLLOW CR	O
STASSER FREDRICK & RACHEL	65458	3134 WOODGLEN CV	O
TOWNE GERALD R & ALICE JANE	74720	5362 HUNTERS CR	
TOWNSEND SEAN ANDRE &	59292	3273 WOODHOLLOW CR	o
VELA RICARDO J	71269	5333 HUNTERS CR	
WEATHERMAN SCOTT D &	63672	3282 WOODHOLLOW CR	o
WILDER MICHAEL R & DIANNE	68431	3126 CHERRY BARK	o

PROPERTY ID

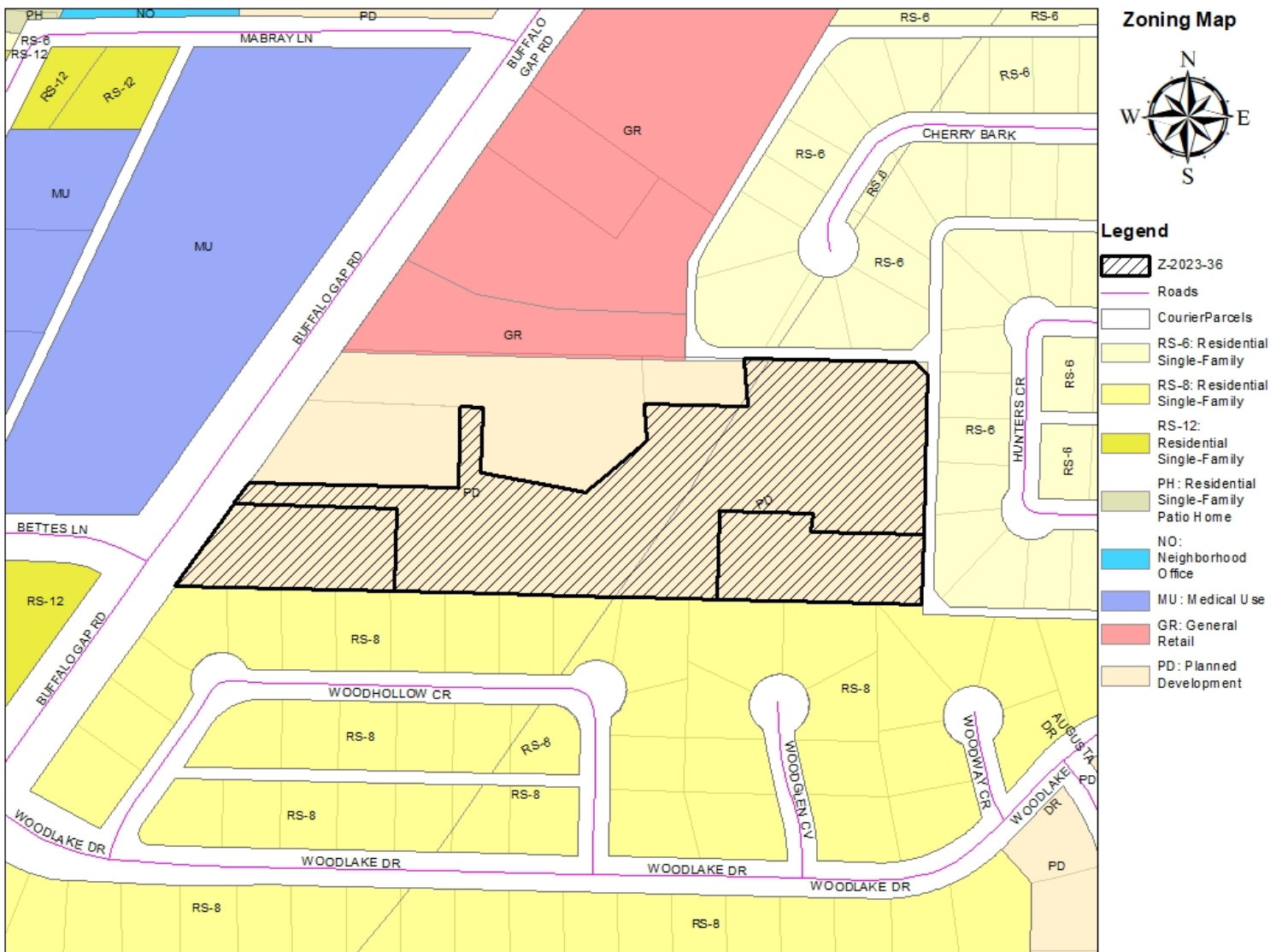
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HENDRICK MEDICAL CENTER	1005437	5310 BUFFALO GAP RD	
3W BRANDS LLC	1087056	5333 BUFFALO GAP RD	

LOCATION MAP



ZONING MAP



ORDINANCE NO. 40-2004

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD- 96 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 2nd day of December, 2004 A.D.
2004.

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 16th day of November, 2004, 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 16th day of December, 2004, 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.

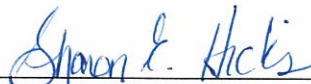
PASSED ON SECOND AND FINAL READING THIS 16th day of December, A.D. 2004.

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 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 the 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 LC (Limited Commercial) and AO (Agricultural Open Space) to PDD (Planned Development District) 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:

A 1.307 acres out of the Southern part of Lot 203, Block "A", a replat of part of Lot 101, and Lot 102, Block "A", Section 1, Hunter's Creek Addition, Abilene, Taylor County, Texas, recorded in Plat Cabinet 3, Slide 338;

All of Lot 1, Block A, Mindy Morris Subdivision, Abilene, Taylor County, Texas, recorded in Plat Cabinet 3, Slide 104;

All of 0.57 of an acre tract out of the North 5 acres of the Gooch 10 acre tract, located in the J. Smith Survey No. 99, Abilene, Taylor County, Texas, recorded in Official Public Records Volume 2003, Page 636; and

All of 5 acre tract out of the 10 acre tract out of the SWC of the 148 acre tract of the J. Smith Survey No. 99, Taylor County, Texas, recorded in Deed Records Volume 828, page 695;

And being more particularly described as follows:

BEGINNING at a point on the East right of way line of Buffalo Gap Road (120 foot right of way), said point bears North 34 degrees 11 minutes 30 seconds East a distance of 227.12 feet from the Southwest corner of said Lot 203, Block A, Hunter's Creek Addition;

THENCE South 55 degrees 48 minutes 30 seconds East a distance of 160.00 feet to a point for corner;

THENCE South 81 degrees 28 minutes 37 seconds East a distance of 106.44 feet to a point for corner;

THENCE South 89 degrees 56 minutes 49 East a distance of 200.00 feet to a point on the West line of a 20 foot Alley, for corner;

THENCE South 00 degrees 03 minutes 10 seconds West a distance of 82.51 feet to the Southeast corner of said Lot 203, Block A, said point also being on the North line of said Lot 1, Block A, Mindy Morris Subdivision, for corner;

THENCE South 89 degrees 56 minutes 49 seconds East along the North line of said Mindy Morris Subdivision, a distance of 404.75 feet to the Northeast corner of said Mindy Morris Subdivision;

THENCE South 00 degrees 28 minutes 10 seconds East at 185.02 feet past the Southeast corner of said Mindy Morris Subdivision, same being the Northeast corner of said 5 acre

tract, continuing on for a total distance of 391.92 feet to the Southeast corner of said 5 acre tract, for corner;

THENCE North 89 degrees 58 minutes 04 seconds West along the South line of said 5 acre tract, a distance of 1239.53 feet to a point on the East line of said Buffalo Gap Road, for corner;

THENCE, North 34 degrees 11 minutes 30 seconds East along the East right of way line of said Buffalo Gap Road, at 25.90 feet past the Southwest corner of said 0.57 of an acre tract, at 360.7 feet past the Northwest corner of said 0.57 of an acre tract, at 474.04 feet past the Southwest corner of said Lot 203, continuing on for a total distance of 701.16 feet to the place of beginning, containing 11.251 acres of land.

Location: 5309, 5317, and 5333 Buffalo Gap Road

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for development of a tract located in the 5300 block of Buffalo Gap Road.

PART 7: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District, and where any conflict exists this PDD text shall override any site plan.

Permitted Uses:

The following uses shall be permitted only within the area designated as part of the Corridor Overlay, which includes the first 600 feet of the parcel from the centerline of Buffalo Gap Road:

- Specialty stores limited to no more than 5,000 square feet in area, with no outdoor storage of merchandise.
- Banking
- Beauty or Barber Services
- Fitness Center or Health Club
- Dry Cleaners
- Photographic Services
- Standard Restaurant
- Child Care Facility

The following uses shall be permitted on any portion of the parcel:

- Offices (including but not limited to: Engineering, Medical, Dental, Law Firms, Governmental)
- Art Galleries
- Art, Music, Dancing Schools
- Educational Uses
- Youth Organizations
- Social Service Organizations
- Residential Uses not to exceed a density of 4 units per acre
- Lot size shall be a minimum of 60 feet in width by 100 feet in depth

Prohibited Uses:

Outdoor storage of materials, merchandise, supplies, or equipment.
Freight Containers.

All development on site is subject to site plan review.

Setbacks:

The following setbacks shall be applied to the parcel:

- Where adjacent to Residential zoning (RS or RM), setbacks shall be 35 feet
- All other property lines shall have a setback of 20 feet.
- For all property adjacent to Buffalo Gap Road, setbacks shall be 30 feet
- For any two-story structure (commercial or residential) abutting RS zoning, the setback shall be 50 feet.

Access:

- Driveways and access points shall be developed in accordance with TxDOT standards.

Lighting/Illumination:

- Lighting for driveways or other common areas shall be in accordance with the regulations stated in the City of Abilene Zoning Ordinance.
- Lighting shall be fully shielded and directed away from residential areas adjacent to the subject parcels.

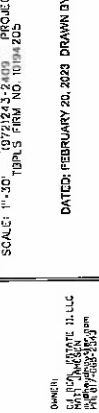
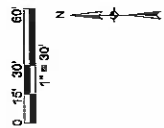
Landscaping and Buffers:

- All Corridor Overlay regulations for screening and landscaping, including landscaping for off-street parking areas, shall apply to the site, including those portions of the site deemed to be outside of the Corridor Overlay.
- Existing trees on site determined to be healthy shall be preserved to the greatest extent possible.
- Xeriscape principles shall be utilized.
- All landscaped areas shall be maintained by the property owner.
- All landscaping and screening shall be kept in a vigorous and healthy condition, free from disease, pests, weeds, and litter.

Signage:

- A single monument sign, not to exceed 20 feet in height, and 250 square feet in area shall be permitted.
- Wall signage is permitted and shall conform to the regulations stated in the Corridor Overlay regarding wall signs.
- Multiple businesses may be identified on one sign.
- No portable signs (banners, balloons, temporary advertising signs) shall be allowed.
- Pennants, streamers, or similar devices used for attracting attention are prohibited.
- Off-site advertising is prohibited
- One monument sign shall be permitted for each building in the development, not to exceed 3 ½ feet in height and a maximum area of 25 square feet.

-END-

[illegible]

GEONAV
SURVEYING • MAPPING • SCANNING

DATED: FEBRUARY 20, 2023 DRAWN BY: JCH

[illegible]

Through Tax Year
2022

TAX CERTIFICATE

2023-07517 V: 4 P: 772 Page 2 of 8

Certificate #
112505

Issued By:

CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY
P O BOX 1800
1534 S TREADAWAY
ABILENE, TX 79604

Owner ID: 162164 100.00%
PAK HARRIS ENTERPRISES LTD
PO BOX 5615
ABILENE, TX 79608-5615

Property Information

Property ID: 1087056 Geo ID: 47558000500
Legal Acres: 7.0710
Legal Desc: MINDY MORRIS, BLOCK A, LOT PT OF 102 REP,
ACRES 7.071
Situs: 5333 BUFFALO GAP RD TX
DBA:
Exemptions:

For Entities

Value Information

ABILENE ISD	Improvement HS:	0
CITY OF ABILENE	Improvement NHS:	0
TAYLOR COUNTY	Land HS:	0
	Land NHS:	743,850
	Productivity Market:	0
	Productivity Use:	0
	Assessed Value	743,850

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year	Entity	Taxable	Tax Due	Disc./P&I	Attorney Fee	Total Due
			0.00	0.00	0.00	0.00
Totals:						0.00

Effective Date: 03/31/2023

Total Due if paid by: 03/31/2023

0.00

ATTACHED TO PLAT
IN CABINET 4
SLIDE 112

Tax Certificate Issued for:

CITY OF ABILENE
TAYLOR COUNTY
ABILENE ISD

Taxes Paid in 2022

5,668.88
4,221.34
8,995.37

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate (Tax Code Section 31.08(b)).

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed on the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse or granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 03/31/2023
Requested By: Miscellaneous Customer
Fee Amount: 10.00
Reference #:

Page: 1

Andrea Mosta
Signature of Authorized Officer of Collecting Office

Through Tax Year
2022

TAX CERTIFICATE

2023-07517 V: 4 P: 772 Page 3 of 8

Certificate #
112755

Issued By:
CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY
P O BOX 1800
1534 S TREADAWAY
ABILENE, TX 79604

Owner ID: 162164 100.00%
PAK HARRIS ENTERPRISES LTD
PO BOX 5615
ABILENE, TX 79608-5615

Property Information

Property ID: 1087056 Geo ID: 47558000500
Legal Acres: 7.0710
Legal Desc: MINDY MORRIS, BLOCK A, LOT PT OF 102 REP,
ACRES 7.071
Situs: 5333 BUFFALO GAP RD TX
DBA:
Exemptions:

For Entities

ABILENE ISD
CITY OF ABILENE
TAYLOR COUNTY

Value Information

Improvement HS: 0
Improvement NHS: 0
Land HS: 0
Land NHS: 743,850
Productivity Market: 0
Productivity Use: 0
Assessed Value 743,850

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year	Entity	Taxable	Tax Due	Disc./P&I	Attorney Fee	Total Due
Totals:			0.00	0.00	0.00	0.00

Effective Date: 05/02/2023

Total Due if paid by: 05/31/2023

0.00

ATTACHED TO PLAT
IN CABINET 4
SLIDE 772

Tax Certificate Issued for:

CITY OF ABILENE
TAYLOR COUNTY
ABILENE ISD

Taxes Paid In 2022

5,668.88
4,221.34
8,995.37

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit Is Pending

Date of Issue: 05/02/2023
Requested By: Miscellaneous Customer
Fee Amount: 10.00
Reference #:

Page: 1

Signature of Authorized Officer of Collecting Office

FEE RECEIPT

5/2/2023 4:34:24PM

2023-07617 V: 4 P: 772 Page 4 of 8

Receipt Number 3495388

Tax Office

CENTRAL APPRAISAL DISTRICT OF TAYLOR
COUNTY
P O BOX 1800
1534 S TREADAWAY
ABILENE, TX 79604

Payer Name and Address

Miscellaneous Customer
None
Abilene, TX 79604

Fee ID	Fee Description	Fee Date	Year	Amount Due	Amount Paid
179040	TAX CERTIFICATE	5/2/2023	2023	10.00	10.00

Operator	Batch ID	Batch Description	Date Paid	Payment Type	Total Paid
andreaa	12577	MAY 2023 TAX CERTS	5/2/2023	P	10.00

Tender Type	Details	Description	Amount
Cash			10.00

ATTACHED TO PLAT
IN CABINET 4
SLIDE 72

Unofficial Copy

Through Tax Year
2022

TAX CERTIFICATE

2023-07517 V-4 P-772 Page 6 of 8

Certificate #
112756

Issued By:
CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY
P O BOX 1800
1534 S TREADAWAY
ABILENE, TX 79604

Owner ID: 386975
3W BRANDS LLC
PO BOX 3101
ABILENE, TX 79604-3101

100.00%

Property Information
Property ID: 103784 Geo ID: 47558000100
Legal Acres: 0.9460
Legal Desc: MINDY MORRIS, BLOCK A, LOT NW/PT OF 102 REP,
ACRES 0.946
Situs: 5317 BUFFALO GAP RD TX
DBA: GOLDEN CHICK
Exemptions:

For Entities	Value Information
ABILENE ISD	Improvement HS: 0
CITY OF ABILENE	Improvement NHS: 791,801
TAYLOR COUNTY	Land HS: 0
	Land NHS: 99,517
	Productivity Market: 0
	Productivity Use: 0
	Assessed Value 891,318

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year	Entity	Taxable	Tax Due	Disc JP&I	Attorney Fee	Total Due
Totals:			0.00	0.00	0.00	0.00

Effective Date: 05/02/2023

Total Due if paid by: 05/31/2023

0.00

ATTACHED TO PLAT
IN CABINET 4
SLIDE 772

Tax Certificate issued for:
CITY OF ABILENE
TAYLOR COUNTY
ABILENE ISD

Taxes Paid In 2022
6,792.73
5,058.22
10,778.71

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed on the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Andrea Costa
Signature of Authorized Officer of Collecting Office

Date of Issue: 05/02/2023
Requested By: Miscellaneous Customer
Fee Amount: 10.00
Reference #:

Page: 1

FEE RECEIPT

5/2/2023 4:39:59PM

2023-07517 V. 4 P. 772 Page 7 of 8

Receipt Number: 3495389

Tax Office

CENTRAL APPRAISAL DISTRICT OF TAYLOR
COUNTY
P O BOX 1800
1534 S TREADAWAY
ABILENE, TX 79604

Payer Name and Address

Miscellaneous Customer
None
Abilene, TX 79604

Fee ID	Fee Description	Fee Date	Year	Amount Due	Amount Paid
179041	TAX CERTIFICATE	5/2/2023	2023	10.00	10.00

Operator	Batch ID	Batch Description	Date Paid	Payment Type	Total Paid
andreaa	12577	MAY 2023 TAX CERTS	5/2/2023	P	10.00

Tender Type	Details	Description	Amount
Cash			10.00

ATTACHED TO PLAT
IN CABINET 4
SLIDE 772

Unofficial Copy

THE STATE OF TEXAS

COUNTY OF TAYLOR

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Official Public Records of Taylor County

2023-07517 PL
05/10/2023 03:11:57 PM Total Fees: \$175.00



Brandi DeRemer

Brandi DeRemer, County Clerk
Taylor County, TX

PROJECT OVERVIEW

Project Type: Zoning Application | **Project Title:** Z-2023-36 PD-96A to GR

ID # 23-000181 | **Started** 10/02/2023 at 4:13 PM



Address

5333 Buffalo Gap Rd, Abilene, TX USA 79606

Legal

Mindy Morris Blk Block A Lot Pt Of Lot
Mindy Morris, Block A, Lot Nw/pt Of 102 Rep, Acres
0.946

Description

Rezone from PD to GR

PROPERTY DETAILS

Property ID	1087056
GEO ID	47370
Enforcement Area	Chimney Rock Area

PROPERTY ADDITIONAL INFORMATION

Account Number	47558000100
Property ID	47370, 47164
Land Use	Vacant
High School	CHS
Middle School	Clack
Elementary School	Ward
Super Neighborhood	CHIMNEY ROCK AREA
AID #	47164, 47370
County	Taylor
Courier - Building Square Feet	5221

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
3w Brands Llc	-	Po Box 3101 Abilene, TX 79604-3101	-	Property Owner
Clayton Farrow	cfarrow@jacobmartin.com 3256951070	3465 Curry Lane Abilene, TX 79606-2287	Engineer	APPLICANT

INFORMATION FIELDS

Owner Name

PAK HARRIS ENTERPRISES LTD

Agent Name

-

Block

-

Lot

-

Acreage

-

Legal Description of property

MINDY MORRIS, BLOCK A, LOT 202 REP, ACRES 5.049

Subdivision Name

-

Current Zoning

PD

Proposed Zoning

GR

Agree to Terms

Clayton Farrow, 10-02-2023



Teegardin, Mason <mason.teegardin@abilenetx.gov>

[Planning] Zoning Application Number Z-2023-36

1 message

Fred Stasser <fstasser@gmail.com>
To: planning@abilenetx.gov

Tue, Nov 28, 2023 at 8:24 PM

We are **opposed** to changing the zoning of approximately 7.07 acres from PD 96A to General Retail. A change to General Retail would change the overall quality of this neighborhood. It would put our Quiet and Private backyard next to noisy public retail activity. Also, other negative impacts would affect our nice neighborhood.

We expect the Planning and Zoning Commission to safeguard existing and longtime residents from the infringement of their property rights from new companies interested in profiting from a real estate transaction.

Keep the current zoning!

Sincerely,

Fredrick Stasser
Rachel Stasser
Owners of: 3134 Woodglenn Cove
Abilene, TX 79606

--

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Holland, Adam <adam.holland@abilenetx.gov>

[Planning] Zoning Application Number Z-2023-36

Fred Stasser <fstasser@gmail.com>
To: planning@abilenetx.gov

Thu, Nov 2, 2023 at 9:46 AM

We are **opposed** to changing the zoning of approximately 7.07 acres from PD 96A to General Retail. A change to General Retail would change the overall quality of this neighborhood. It would put our quiet and private backyard next to noisy public retail activity. Also, other negative impacts would affect our nice neighborhood. Keep the current zoning!

Sincerely,

Fredrick Stasser
Rachel Stasser
Owners of: 3134 Woodglenn Cove
Abilene, TX 79606

--

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To view this discussion on the web visit https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAC5x6U%2BBLUZ%3Dg45Wp6qcr-tR_%2B%3D7X1khLFKUKFLmzCkfgD0oNQ%40mail.gmail.com.

[Planning] Case# Z-2023-36

Josh Herman <josh@dylnproperties.com>
To: planning@abilenetx.gov

Tue, Nov 7, 2023 at 10:16 AM

Dear Planning & Zoning Commission,

We, Josh and Bren Herman, oppose the proposed zoning change of the ~7.07 acres located on the east side of the 5300 block of Buffalo Gap Rd from PD 96A to General Retail. General Retail, according to its own definition in the Abilene Code of Ordinances, does not offer a cohesive integration of the property to the neighborhoods directly bordering to the north, east, and south with only a single limited area of road frontage that does not intersect with any major thoroughfare. With the already constructed Golden Chick and currently under construction Starbucks, shouldn't the zoning of these properties have been addressed prior to issuing building permits? If so, does that not make both the construction of Golden Chick and Starbucks illegal or at a minimum in violation to Abilene's city ordinance? We do recognize Golden Chick has now been in operation for numerous years and substantial progress has been made on Starbucks so shutting them down at this point is not reasonable therefore why not address the zoning of those properties separate from the property behind them as a compromise to the neighborhoods bordering them. Golden Chick and Starbucks do not fit the definition of General Retail therefore an alternative zoning such as Neighborhood Retail should be considered with the requirement that they both construct buffers to reduce noise. The property located behind them has limited access to Buffalo Gap Rd. and is substantially closer to more homes therefore the operation of any neighborhood retail ie. food/pharmaceuticals/personal services would be more intrusive and detrimental to the residential areas quality of life. We currently already have substantially increased noise from Golden Chick with every drive thru order and outdoor dining patrons conversations audible at our house that is sure to increase with the frequent traffic normally seen at a Starbucks. As a compromise to the residents, please consider Neighborhood Office as an alternative zoning option. With this lower traffic alternative also comes buildings that are more compatible with the adjacent residential areas in both design and use and the use of buffers and landscaping to help reduce noise.

Thank You,
Josh and Bren Herman
[3226 Woodhollow Circle](#)
[Abilene, Texas 79606](#)
325-260-5293

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GARNER AUSTIN & KALEY
3234 WOODHOLLOW CIR
ABILENE, TX 79606-4211

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-36

10/24/2023

The Planning and Zoning Commission will hold a public hearing on **November 7, 2023 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas vote to recommend approval or denial to City Council on a request from 3w Brands LLC, represented by Jacob Martin, to change the zoning of approximately 7.07 acres from PD 96A to General Retail. Located on the east side of the 5300 block Buffalo Gap Road. Legal description being lots 202, 203, and 206, Mindy Morris Subdivision, Abilene, Taylor County, Texas.

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

The attached map shows the area of this request. Only the area highlighted by striped lines shown on that map is being considered for a change of zoning. The solid boundary line surrounding this subject area is only a notification area. If approved by the Planning and Zoning Commission, or if denied and promptly appealed to Abilene's City Council, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **December 7, 2023 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

CASE #: Z-2023-36

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: GARNER AUSTIN & KALEY

Parcel I.D.: 64444

Address: 3234 WOODHOLLOW CR

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: _____

Kaley Garner



JONES VAN M & DENISE D
3249 WOODHOLLOW CIR
ABILENE, TX 79606-4210

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-36

12/14/2023

The Planning and Zoning Commission will hold a public hearing on **January 2, 2024 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas vote to recommend approval or denial to City Council on a request from the owners, represented by Jacob Martin, to change the zoning of approximately 7.07 acres from PD 96A to General Retail. Located on the east side of the 5300 block Buffalo Gap Road. Legal description being lots 202, 203, and 206, Mindy Morris Subdivision, Abilene, Taylor County, Texas.

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

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If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

CASE #: Z-2023-36

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: JONES VAN M & DENISE D
Parcel I.D.: 59698
Address: 3249 WOODHOLLOW CR

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: _____

A handwritten signature in black ink, appearing to read "Jacob Martin", is written over a horizontal line.

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2023-36

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: JONES VAN M & DENISE D

Parcel I.D.: 59698

Address: 3249 WOODHOLLOW CR

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

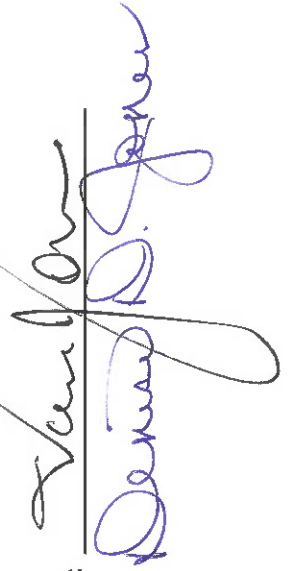
Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature:





MC DANIEL ROY LEE
3118 WOODGLENN CV
ABILENE, TX 79606-4209

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-36

10/24/2023

The Planning and Zoning Commission will hold a public hearing on **November 7, 2023 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas vote to recommend approval or denial to City Council on a request from 3w Brands LLC, represented by Jacob Martin, to change the zoning of approximately 7.07 acres from PD 96A to General Retail. Located on the east side of the 5300 block Buffalo Gap Road. Legal description being lots 202, 203, and 206, Mindy Morris Subdivision, Abilene, Taylor County, Texas.

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

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If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

CASE #: Z-2023-36

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

Name: MC DANIEL ROY LEE
Parcel I.D.: 65706
Address: 3118 WOODGLEN CV

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: Roy L. McDaniel

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2023-36

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below.
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Name: RICHARDSON DANIEL & DEBORAH

Parcel I.D.: 65582

Address: 3126 WOODGLEN CV

Mailing To: Planning and Development Services

P.O. Box 60, Abilene TX 79604-0060

I am in favor ☐

I am opposed ☒

Additional Comments:

This is a residential area.
The noise is already bad, and
will make conditions terrible..

Email: planning@abilenextx.gov

Signature: 



Holland, Adam <adam.holland@abilenetx.gov>

[Planning] Case #: Z-2023-36

Nathan W Smith <nathan.w.smith16@gmail.com>
To: planning@abilenetx.gov

Mon, Oct 30, 2023 at 9:58 PM

Dear Planning and Zoning Commission,

I am sending this email to let you know I am opposed to the zoning change for 5300 Block of Buffalo Gap Road.

Below is my information.

Nathan & Jessica Smith
[3257 Woodhollow Cir](#)
[Abilene, TX 79606](#)
Parcel ID: 59557

I am opposed to changing the 7.07 acres from PD 96A to General Zoning.

Nathan W Smith

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AYCOCK ROBERT D & PAMELA D
3258 WOODHOLLOW CIR
ABILENE, TX 79606-4211

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-36

10/24/2023

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

CASE #: Z-2023-36

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

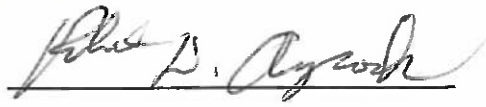
I am in favor ☐

I am opposed ☒

Additional Comments:

Name: AYCOCK ROBERT D & PAMELA D
Parcel I.D.: 64069
Address: 3258 WOODHOLLOW CR

Email: planning@abilenetx.gov

Signature: 

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2023-36

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: FUNK MICHAEL A & IRENE L
Parcel I.D.: 63805
Address: 3274 WOODHOLLOW CR

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: _____

Irene L Funk

[Planning] Response to Case # Z-2023-36

Scott And Jennie Weatherman <scottandjennieweatherman@gmail.com>
To: planning@abilenetx.gov

Mon, Nov 6, 2023 at 9:06 AM

Good morning. My name is Scott Weatherman and I reside at [3282 Woodhollow Cir, Abilene, TX. 79606](#). My wife and I both are in agreement that we are opposed to the construction of businesses in the area discussed in the case listed above. We also are opposed to the proposed zoning changes. We have already had issues with construction workers on the new building behind our property drinking alcohol and leaving bottles around our fence and on our property. We are concerned that the planned construction will lead to an increase in loitering and trash buildup on and around our property. We have doors that face directly towards the property as well as windows and are concerned about theft and/or damage to our property and belongings. The proposed zoning and the current construction has led to us needing to spend extra money to acquire security cameras for our property. We are also now considering further security measures for the concern as well as looking into doing construction changes to our residence to better protect it. This is unnecessary expenses that are becoming more warranted due to the construction of businesses. I feel that I could just look over my fence and order from the new business being built as it is so close. The parking lot is only a few feet from the other side of the road to our alley. My neighbors on both sides only have parking in the back, and I feel this will also cause issues for them as well as increase traffic issues for them pulling out of and into the alley due to increased traffic on Buffalo Gap Rd. There is already increased traffic due to road construction. I appreciate your time and consideration of my concerns.

Sincerely,
Scott D. Weatherman; M.S.ENGs., M.A.T.

--

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GOTCHER CHRIS & GENA
3298 WOODHOLLOW CIR
ABILENE, TX 79606-4211

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-36

10/24/2023

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If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

CASE #: Z-2023-36

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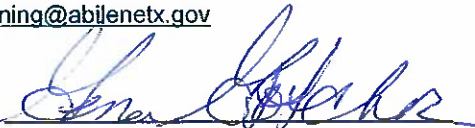
Name: GOTCHER CHRIS & GENA
Parcel I.D.: 63303
Address: 3298 WOODHOLLOW CR

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

Email: planning@abilenetx.gov

I am in favor ☐
Additional Comments:

I am opposed ☒

Signature: 



Farr, Melissa <melissa.farr@abilenetx.gov>

[Planning] RE: Zoning Application Number Z-2023-36

1 message

Ron C. <rgc0848@sbcglobal.net>

Tue, Dec 26, 2023 at 5:20 PM

To: "planning@abilenetx.gov" <planning@abilenetx.gov>

Dear Adam Holland et al,

Please consider this email as my response to your "Notice of Public Hearing" letter dated 12/14/2023.

Case # Z-2023-36

Name: COLWELL, RONALD G.

Parcel I.D.: 71015

Address: 5341 HUNTERS CR

I am opposed!

Additional Comments:

The area along Buffalo Gap Road should be commercial property. Those of us who live off of Buffalo Gap Road are quite happy with our residential only area. Families and individuals live in this area and enjoy socially interacting in this residential area.

The area under consideration is located on the east side of Buffalo Gap Road which is legal description: lots 202, 203, and 206, Mindy Morris Subdivision, Abilene, Taylor County, Texas. This property is right behind my house. I do not wish to have anything but residential in the area behind my house. It is not on Buffalo Gap Road and is in the area that is residential only at this time. Those of us who live next to this property will have expected the planning and zoning commission to ensure that this area and the lots in it, but are not along Buffalo Gap Road, to stay residential only. We are trusting you to ensure this remains the case.

I am opposed to any change to the zoning of this area to anything other than residential.

Thank you!

Ron Colwell

5341 Hunters Circle

325 513 7766

rgc0848@sbcglobal.net

--

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NOV 6 AM 11:19

CASE #: Z-2023-36

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: BRIDGESTOCK ALAN N &
Parcel I.D.: 70761
Address: 5349 HUNTERS CR

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:

Alan N. Bridgestock
As I explained to Adam Holland, I'm concerned about flooding. For the 30 yrs. I've lived in my house, through all the rains, we have never flooded due to the present retention pond. We are in a flood plain as per the Corp of Engineers. Please disapprove this zone change!

NOV 6 AM 11:19

CASE #: Z-2023-36

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: BRIDGESTOCK ALAN N &
Parcel I.D.: 70761
Address: 5349 HUNTERS CR

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:

Alan N. Bridgestock
As I explained to Adam Holland, I'm concerned about flooding. For the 30 yrs. I've lived in my house, through all the rains, we have never flooded due to the present retention pond. We are in a flood plain as per the Corp of Engineers. Please disapprove this zone change!

NOV 30 AM 9:38

CASE #: Z-2023-36

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Name: BRIDGESTOCK ALAN N &

Parcel I.D.: 70761

Address: 5349 HUNTERS CR

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:

Alan N Bridgestock
Per my conversation with Adam H., I am concerned with flooding. We have never flooded in the 30 yrs we've lived here because of the containment pond. We are in a Corp. flood plain now and this zone change will likely make it worse. *AMB*

We, the undersigned, oppose the request from 3w Brands LLC, represented by Jacob Martin, to change the zoning of approximately 7.07 acres from PD 96A to General Retail. Located on the east side of the 5300 block Buffalo Gap Road. Legal description being lots 202, 203 and 206, Mindy Morris Subdivision, Abilene, Taylor County, Texas.

NAME

ADDRESS

NAME	ADDRESS
Patrick Shields	3290 Wood Hollow Circle
Micheel A. Funk	3274 Woodhollow Circle
Genea Gotchell	3298 Woodhollow Dr.
Irene L Funk	3274 Woodhollow Circle
Robert D. Aycock	3258 Woodhollow Circle
Jessica A. Smith	3257 Woodhollow Circle
Kelley Garner Kelsey Gosner	3234 Woodhollow Cr.
Angela R. Smith	3257 Woodhollow Circle
Scott Weatherman	3273 Woodhollow Circle
Imelda Dominguez	3282 Woodhollow Circle
Scott Jacks	3302 Woodhollow Circle
Anthony Delacruz	3312 Woodhollow Circle

We, the undersigned, oppose the request from 3w Brands LLC, represented by Jacob Martin, to change the zoning of approximately 7.07 acres from PD 96A to General Retail. Located on the east side of the 5300 block Buffalo Gap Road. Legal description being lots 202, 203 and 206, Mindy Morris Subdivision, Abilene, Taylor County, Texas.

NAME

ADDRESS

SEVE CARRIGAN	3218 WOODHOLLOW DRIVE, ABILENE TX, 79606
Alan Bridgestock	4600 N. Broadway Blvd 5337 Hunters Cir, Abilene, TX 79606
Urbio Nussio	5337 Hunters Cir Abilene TX 79606
Hendall Howell	3134 Cherry Bark St Abilene TX 3134 Cherry Bark St Abilene TX 79606
Ross Wenders	Roy Saunders 3133 Cherry Bark 79606
Orin Edick	Joel Edick 3125 Cherry Bark 79606
Dr Tyson	Joel Edick 3122 Woodglen 79606
Fred Stasser	Fred Stasser 3134 Woodglen Cove 79606
Rachel Stasser	Rachel Stasser 3134 Woodglen Cove 79606
Rodolfo Flores	Rodolfo Flores 3281 Wood Hollow Circle 79606
Sylvia Flores	Sylvia Flores 3281 Wood Hollow Circle 79606
Ida James	Ida James 3226 Woodlake 79606
Chellisa Lacey	Chellisa Lacey 3725 Woodlake 79606
Gary Cassin	Gary Cassin 3285 Woodlake Dr 79606

We, the undersigned, oppose the request from 3w Brands LLC, represented by Jacob Martin, to change the zoning of approximately 7.07 acres from PD 96A to General Retail. Located on the east side of the 5300 block Buffalo Gap Road. Legal description being lots 202, 203 and 206, Mindy Morris Subdivision, Abilene, Taylor County, Texas.

NAME

ADDRESS

Leahy King

3210 WOODHOLLOW CIR- ABILENE, TX 79606

ROY CRAFT

3026 WOODWAY CIR

Heidi R. Bridgestack

5359 Hunter Cr Abilene TX 79606

Gayle Robitmond

5355 Hunters Cir Abilene TX 79606

Diane Chorn

5357 Hunters Circle Abilene TX 79606

[Planning] Zoning Application Number Z2023-36

Steve Carrigan <carrigas@sbcglobal.net>
To: planning@abilenetx.gov
Cc: Steve Carrigan <carrigas@sbcglobal.net>

Mon, Oct 30, 2023 at 12:23 PM

Please make it noted that we oppose this zoning ordinance request for at least these reasons:

First is directly from your own definition of a General Retail District

Section 2.3.3.5 - General Retail (GR) District

SHARED INTERSECTION DEVELOPMENTS

- (a) *Purpose.* The General Retail (GR) District is intended to accommodate a wide range of retail trade, services and office activities that are needed to serve the community. Development within this district should provide for efficient retailing opportunities, and facilities should have an integrated design. It is intended that developments within this district be laid out and developed as a cohesive unit, according to an approved Site Plan so that the purpose of the district may be accomplished. **The GR District development should generally occur in nodes at the intersections of major thoroughfares.**

This is certainly not at an intersection at this location

Secondly, there is already a traffic problem on Buffalo Gap Road and with the traffic moving at 45mph if they are obeying the law, a left hand turn to the southbound lane of Buffalo Gap is already a dangerous situation. I would imagine that if a General Retail District is adopted that would lead to large vehicles making deliveries and causing traffic problems in this situation. Currently there is only one entrance for the Golden Chick and new Starbucks the traffic flow to the back of this location will be a problem.

Third is that this backs up to Residences and the noise and odor level is already noticeable with the addition of the current businesses that are already there.

All of us are concerned about our property values being impacted by this and would expect that the City would not allow this to occur due to these changes.

Respectfully yours,

Steve Carrigan
carrigas@sbcglobal.net
325-829-8291

--

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[Planning] Case # Z-2023-36

Charles Carter <ccarter@prodigy.net>
To: "planning@abilenetx.gov" <planning@abilenetx.gov>

Sat, Nov 4, 2023 at 7:31 PM

11-4-23

Dear Mr. Holland,

I have attached my first email to you and your response and since your reply I have additional questions/concerns, They shall include, but not be limited to the following, in no particular order:

(1) It appears that there maybe some unethical practice(s) that are in play- Starbuck are currently building on a parcel of land that may not have be legally zoned- If I am reading the diagram send on the back of the notification letter, that plot seems to be omitted from the proposal.

(2) Upon some computer investigation, it appears that Golden Chick has/may have some interest in the new zoning change. Some think that Golden Chick has some financial interest in the Starbucks building which is currently under construction. This might suggest that they have been "given" the same deal that Golden Chick received. (Information has been given that expresses the fact that Golden Chick was given some kind of zoning clearance in error when they applied for their building permit. (I may not be using the proper terms, but I think these are general enough for you to understand

where I stand). If the above information is correct I feel that some "under the table actions" may have taken place outside the legal planning and zoning commission. I really find exception for "Rules for thee and not for ME".

(3) It is interesting that I received a letter for the storage building project but NOT for the Golden Chick or Starbucks. This might indicate that some legal procedure's may have been omitted?

(4) Word is travelling, very quickly around the notification area that this new zoning is for General Retail- restaurants, tattoo parlors, strip mall stores, etc. If this is indeed the case, it would have been nice if that information had been included in our notification letter. The omission of these details, if they are correct, might indicate some nefarious efforts to conceal the scope of the purposed project.

(5) there seems to be some questions about the traffic flow configuration on Buffalo Gap and the proposed new zoning request. It is my understanding, as the code is written now, Buffalo Gap would NOT be able to satisfy the zoning requirement.

(6) It appears that some of the proposed zone is located in the watershed/flood plain NE corner)

(7) Noise concerns-currently some residents can hear the audio of the Golden Chick orders.

In closing, without the answer to the above questions/concerns I am **opposed** to this zoning change.

I will be in attendance on Tuesday afternoon, November 7, 2023 @ 1:30 pm

I would also like to be added to the speaker list.

Chuck Carter
3010 Woodlake Circle
Abilene, Tx 79606

“My teacher thought I was smarter than I was, so I was.”

Charles E. Carter

On Tuesday, October 31, 2023 at 10:46:54 AM CDT, Charles Carter <ccarter@prodigy.net> wrote:

Parcel ID 6730

Physical Address; 3010 Woodlake Circle

My concerns shall include, but not be limited to the following questions, in no order:

Historical notes:

- (1) I attended the zoning meeting concerning the zoning for a storage unit, several years ago and that request was denied. Not sure exactly when the date was.
- (2) Then all of a sudden a Golden Chick was built. I don't recall receiving a zoning letter, but I might have missed it.
- (3) It seems that if the zoning was changed for Golden Chick, the same should be granted for this new request. Just a thought.

Concerns:

- (1) Our alley is located on the East side of the purposed change. The East boundary line is overgrown and if this zoning change is granted, will it be in the plans to require that tree line to be removed?
- (2) If the boundary line is left open it will possibly increase traffic in our alley. This is a safety concern for me. It would be nice to have a fence constructed the full length of the East boundary line.
- (3) What kind of business is making the request?

A response would be greatly appreciated:

“My teacher thought I was smarter than I was, so I was.”

Charles E. Carter

Cathy L. Carter

--

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[Planning] Case # Z-2023-36

Charles Carter <ccarter@prodigy.net>
To: "planning@abilenetx.gov" <planning@abilenetx.gov>

Tue, Oct 31, 2023 at 10:46 AM

Parcel ID 6730

Physical Address; 3010 Woodlake Circle

My concerns shall include, but not be limited to the following questions, in no order:

Historical notes:

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(3) What kind of business is making the request?

A response would be greatly appreciated:

“My teacher thought I was smarter than I was, so I was.”

Charles E. Carter

Cathy L. Carter

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 **Signature.pdf**
8K



Post Marked
12/20/23

CARTER CHARLES E & CATHY L
3010 WOODWAY CIR
ABILENE, TX 79606-4224

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number Z-2023-36

12/14/2023

The Planning and Zoning Commission will hold a public hearing on **January 2, 2024 at 1:30 PM**, in the Council Chambers at 555 Walnut St. in Abilene, Texas vote to recommend approval or denial to City Council on a request from the owners, represented by Jacob Martin, to change the zoning of approximately 7.07 acres from PD 96A to General Retail. Located on the east side of the 5300 block Buffalo Gap Road. Legal description being lots 202, 203, and 206, Mindy Morris Subdivision, Abilene, Taylor County, Texas.

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

The attached map shows the area of this request. Only the area highlighted by striped lines shown on that map is being considered for a change of zoning. The solid boundary line surrounding this subject area is only a notification area. If approved by the Planning and Zoning Commission, or if denied and promptly appealed to Abilene's City Council, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **January 25, 2024 at 8:30 AM** in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Adam Holland at telephone 325-676-6230 or by email address planning@abilenetx.gov

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

CASE #: Z-2023-36

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: CARTER CHARLES E & CATHY L
Parcel I.D.: 67300
Address: 3010 WOODWAY CR

Email: planning@abilenetx.gov

Signature:

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2023-36

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: IRVIN ALTON LARRY &

Parcel I.D.: 67171

Address: 3018 WOODWAY CR

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:

Alton Larry Irvin



REZONE REQUEST

Case: Z-2023-36

Requestor: Owners

Agent: Jacob Martin

Request: Change the zoning of approximately 7.07 acres from PD 96A to GR

Location: 5333 Buffalo Gap Road

Notification: 0 in Favor, 22 Opposed

Planning & Zoning: January 2, 2024

Council Hearing: January 11, 2024
January 25, 2024





AERIAL LOCATION MAP

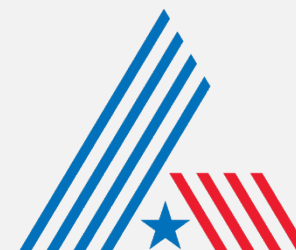


Aerial Map



Legend

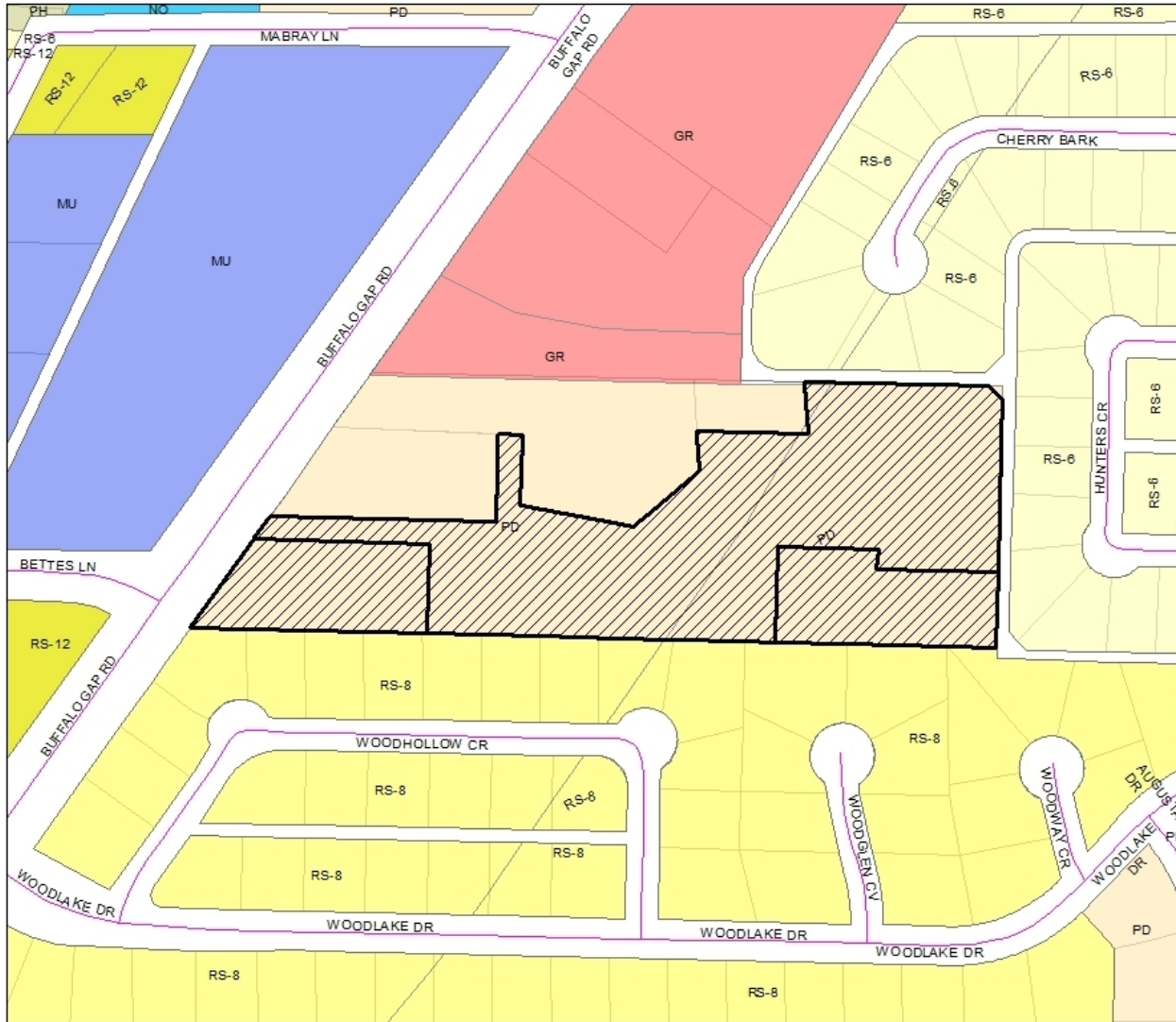
- Z-2023-36
- Roads
- CourierParcels



CITY OF
ABILENE
TEXAS



ZONING MAP

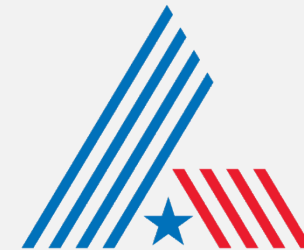


Zoning Map



Legend

- Z-2023-36
- Roads
- Courier Parcels
- RS-6: Residential Single-Family
- RS-8: Residential Single-Family
- RS-12: Residential Single-Family
- PH: Residential Single-Family Patio Home
- NO: Neighborhood Office
- MU: Medical Use
- GR: General Retail
- PD: Planned Development



CITY OF
ABILENE
TEXAS



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

LEGEND

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



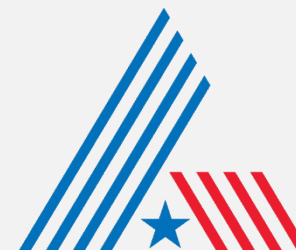
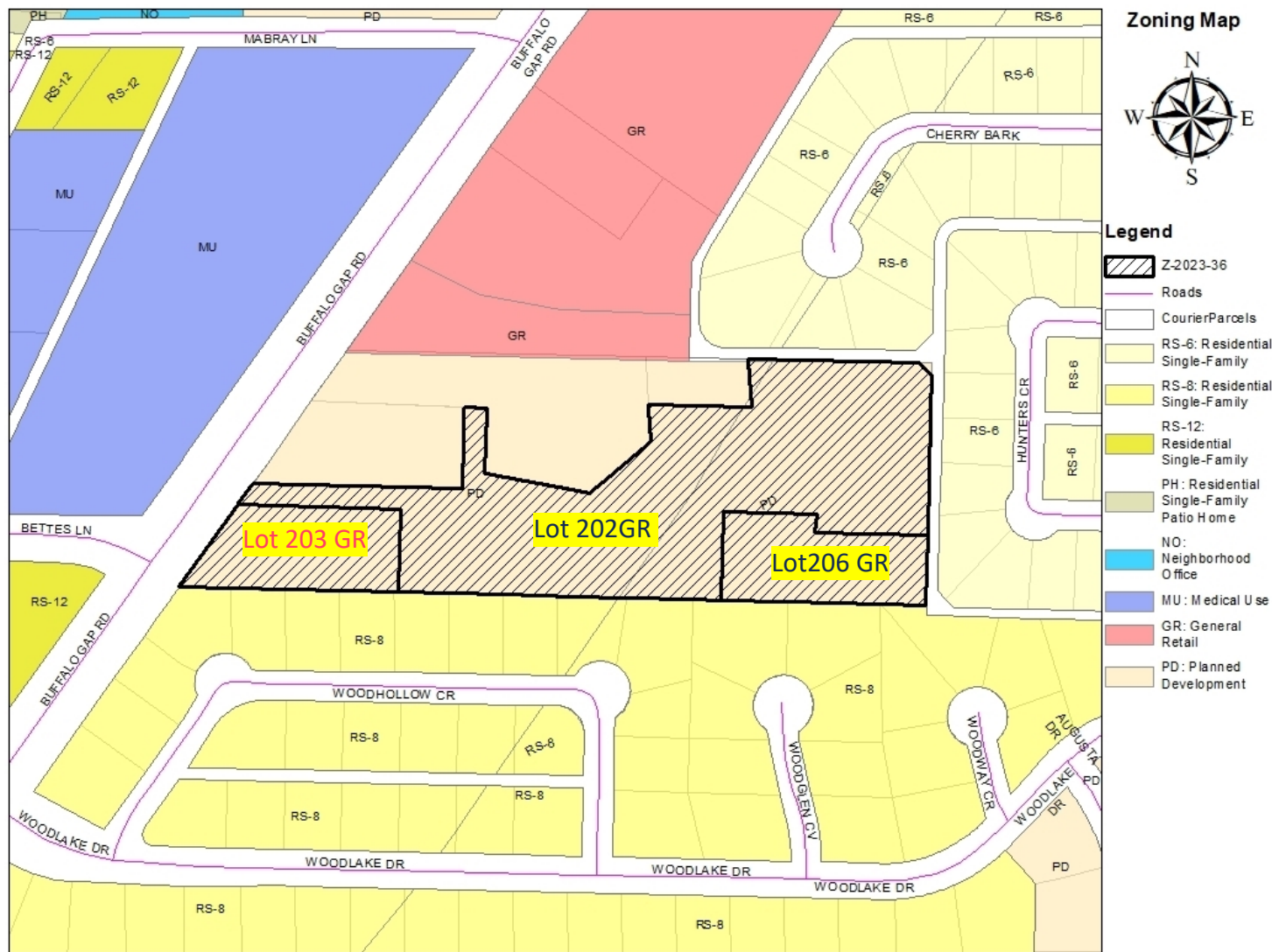


VIEWS OF SUBJECT PROPERTY





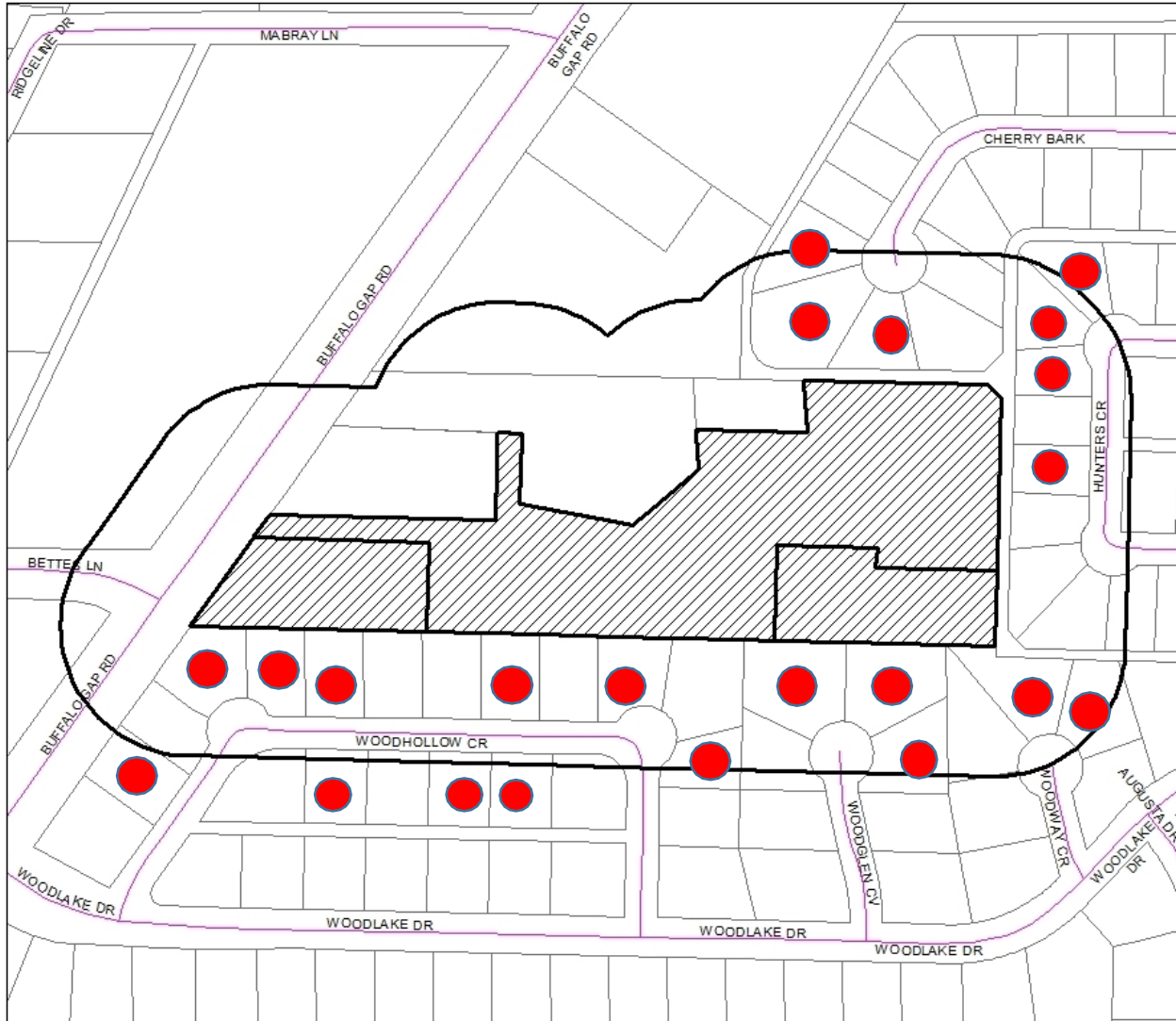
P&Z RECOMENDATION



CITY OF
ABILENE
TEXAS



NOTIFICATION AREA MAP



Notification Map



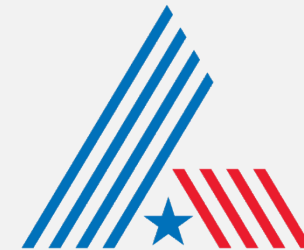
Legend

- Notification Buffer
- Z-2023-36
- Roads
- CourierParcels

0- In Favor-

22- Opposed-

29.35 % OPPOSITION



CITY OF
ABILENE
TEXAS



FINDINGS AND RECOMMENDATION

The proposed request is *consistent* with:

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

P&Z Recommendation: **Approval**

***Requires super-majority vote**





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/25/2024

TO: Honorable Mayor and City Council Members

FROM: Stanley Smith, City Attorney

SUBJECT: 20. 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. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
4. 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
5. 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
6. 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
7. 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
8. Richard Scheriger, et al. v. City of Abilene; Cause No. CV33253, In the 90th Judicial District Court, Stephens County, Texas, filed April 21, 2023
9. The Woodlands Pride, Inc., et al. v. Ken Paxton, 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
10. PFAS Litigation
11. Ginger Robertson v. City of Abilene and Abilene Zoological Society; Cause No. 13179-D, In the 350th Judicial District Court, Taylor County, Texas; filed December 5, 2023

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)

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None