



City of Abilene City Council Agenda

Kyle McAlister, Mayor Pro-tem
Travis Craver, Deputy Mayor Pro-tem
Shane Price, Council Member
Lynn Beard, Council Member
Robert Hanna, City Manager

Weldon Hurt, Mayor

Blaise Regan, Council Member
Brian Yates, Council Member
Stanley Smith, City Attorney
Shawna Atkinson, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on January 9, 2025, 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
2. Moment of Silence

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

3. Service Awards:

- Scott Douglas - Fire Department - 25 Years
- Jeff Triano - Fire Department - 25 Years
- Kevin Johnson - Fire Department - 25 Years
- Bryan Proctor - Fire Department - 25 Years

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.

4. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on December 19, 2024 **(Shawna Atkinson)**
5. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Awarding Annual Material Bid to Strong Ready Mix, Bid #CB-2505 **(Max Johnson)**
6. **Resolution:** Receive a Report, Hold a Discussion and Take Action on the Closure of N 20th Street between Hardy Street and North Treadaway Boulevard **(Max Johnson)**
7. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving a Layout, Fountain, Benches, and Rebar Trees for Storybook Gardens 2 **(Lesli Andrews)**
8. **Resolution:** Receive a Report, Hold a Discussion and Take Action on Approving the Name, "Clear Fork Bank Storybook Garden," and Sign Location for Storybook Gardens 2 **(Lesli Andrews)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

9. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Ordinance of the City of Abilene, Texas, and Providing for the Extension of the Boundary Limits of the City of Abilene, Texas, and for the Annexation of Certain Territory - 440.2 acres - Lying Adjacent and Contiguous to the Present Boundary Limits of the City of Abilene, and Granting to All the Inhabitants of Territory, all the rights and Privileges of other citizens and Binding the Inhabitants by All of the Acts, Ordinances, Resolutions and Regulations of the City of Abilene; and Adopting a Service Plan Agreement **(Michael Rice)**
10. **Ordinance (Final Reading) CUP-2024-11:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, to Apply a Conditional Use Permit to Approximately 0.15 Acres to Allow a 150' Monopole Tower within General Retail (GR), Located at 2560 X Barrow Street **(Tim Littlejohn)**
11. **Ordinance (Final Reading) CUP-2024-12:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, to Apply a Conditional Use Permit to Approximately 2.75 Acres to Allow for a Tattoo Parlor, More Specifically Applied to Building 4, Suite 403, Located at 4601 Antilley Road, Suite 403 **(Tim Littlejohn)**
12. **Ordinance (Final Reading) OAM-2024-02:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the City of Abilene to Amend the Land Development Code to Amend the Sign Regulations. Specifically, to Allow for Type III Off-Site Signage and Provide Development Standards Including, but Not Limited to, Size, Location, and Separation **(Tim Littlejohn)**
13. **Ordinance (Final Reading) Z-2024-32:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, to Change the Zoning of Approximately 2.59 acres from Planned Development District 28 (PDD-28) to General Commercial (GC), Located at the 4300 block of Southwest Drive **(Tim Littlejohn)**
14. **Ordinance (Final Reading) Z-2024-35:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, Represented by Jacob & Martin, to Change the Zoning of Approximately 64.25 Acres from Agricultural Open to Planned Development District 191, Specifically, to Have a Residential Single-Family Base Zoning,

Located at 7501 Old Forrest Hill Road. (Tim Littlejohn)

15. **Ordinance (Final Reading) Z-2024-36:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, to Change the Zoning of Approximately 134.86 Acres from Agricultural Open (AO) to General Retail (GR), General Commercial (GC), and Multi-Family (MF), Located at 7450 HWY 83-84 (Tim Littlejohn)
16. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Repealing Ordinance 53-2000 and Permanently Terminating the Fluoridation of Water Supplies Within the City of Abilene's Water Distribution System (Rodney Taylor)

EXECUTIVE SESSION

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

A. 551.071 (Consultation with Attorney)

1. City of Abilene 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
2. 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
3. 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
4. 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
5. 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
6. Richard Scheriger, et al. v. City of Abilene; Cause No. CV33253, In the 90th Judicial District Court, Stephens County, Texas, filed April 21, 2023
7. 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
8. PFAS Litigation
9. 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
10. City of Dallas, et al, v. Disney DTC, LLC, et al., Cause No. DC-22-09128, In the 14th Judicial District Court, Dallas County, Texas, filed August 3, 2022
11. Patricia Anderson v. City of Abilene; Cause No. 51867-A, IN the 42nd Judicial District Court, Taylor County, Texas; filed March 1, 2024
12. Mary Lou Gonzales v. City of Abilene, Board of Building Standards; Cause No. 29156-B; In the District Court, 104th Judicial District, Taylor County, Texas; filed April 10, 2024

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

REGULAR AGENDA

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

- Board of Building Standards

ADJOURNMENT

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 3rd day of January, 2025, at 9:35 a.m.

Shawna Atkinson, TRMC, CMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 4. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on December 19, 2024
(*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting Held on December 19, 2024

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 12-19-2024 Minutes - Regular - Morning

**CITY COUNCIL MEETING
December 19, 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 December 19, 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 Kyle McAlister, Deputy Mayor Pro-tem Travis Craver, and Councilmembers Shane Price, Lynn Beard, Blaise Regan, and Brian Yates. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and Deputy City Secretary Kaitlin Richardson.

Mayor Pro-tem Kyle McAlister delivered the invocation.

Iris Bass, 5th grader from Bowie Elementary led the Pledge of Allegiance to the Flag of the United States of America and the State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

- Presentation:
 - Receive Donation Check from Mosaic Church by Dr. Jay Miller

PRESENTATION OF CONSENT AGENDA

The Consent Agenda consisted of items 3-23. Items 7, 10, 11 & 18 were pulled for individual consideration.

Items pulled for individual consideration:

- Items 7 & 11 – Councilmember Regan
- Item 10 – Mayor Hurt
- Item 18 – Councilmember Price

PUBLIC COMMENTS

Mayor Hurt opened the public comment period. The following addressed the City Council:

- Tim Smith
- Tammy Fogle
- Jennifer Bell

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

CONSENT AGENDA

Mayor Pro-tem McAlister moved to approve the consent agenda consisting of 3-6, 8, 9, & 12-17. Deputy Mayor Pro-tem Craver the motion. Motion carried.

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

NAYS (0): None

3. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on December 5, 2024

4. Resolution: Receive a Report, Hold a Discussion, and Take Action on Awarding Glen Abbey Storm Sewer Repair Contract to Bontke Brothers Construction Co., Inc.
[ASSIGNED RESOLUTION NO. 276-2024]
5. Resolution: Receive a Report, Hold a Discussion, and Take Action on Purchase of HES (High Early Strength) Concrete Material from Strong Ready Mix for Fire Station #6 Driveway Project
[ASSIGNED RESOLUTION NO. 276-2024]
6. Resolution: Receive a Report, Hold a Discussion, and Take Action to Approve an Agreement with Voya Financial, a Part of Reliastar Insurance Company, to Provide Stop Loss Insurance and Amwins Group, Inc. to Provide Gene Therapy Solutions
[ASSIGNED RESOLUTION NO. 277-2024]
8. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on an Ordinance of the City of Abilene, Texas, and Providing for the Extension of the Boundary Limits of the City of Abilene, Texas, and for the Annexation of Certain Territory - 440.2 acres - Lying Adjacent and Contiguous to the Present Boundary Limits of the City of Abilene, and Granting to All the Inhabitants of Territory, all the rights and Privileges of other citizens and Binding the Inhabitants by All of the Acts, Ordinances, Resolutions and Regulations of the City of Abilene; and Adopting a Service Plan Agreement
9. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the City Manager to Enter into a Memorandum of Understanding with Abilene Cultural Affairs Council for Storybook Garden
2
[ASSIGNED RESOLUTION NO. 280-2024]
12. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Special Events Permit Policy
[Reconsidered later in meeting]
13. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending Chapter 29, "Streets and Sidewalks," Article IX, "Special Events Permit" of the Code of Ordinances
14. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Amending the Fees and Charges Ordinance to Special Events Fees
15. Resolution: Receive a Report, Hold a Discussion and Take Action on Entering into an Economic Development Agreement with Doby Investments for 1233 Marshall St.
[ASSIGNED RESOLUTION NO. 282-2024]
16. Ordinance (First Reading) CUP-2024-11: Receive a Report, Hold a Discussion and Take Action on a Request from the Owner, to Apply a Conditional Use Permit to Approximately 0.15 Acres to Allow a 150' Monopole Tower within General Retail (GR). Located at 2560 X Barrow Street
17. Ordinance (First Reading) CUP-2024-12: Receive a Report, Hold a Discussion and Take Action on a Request from the Owner, to Apply a Conditional Use Permit to Approximately 2.75 Acres to Allow for a Tattoo Parlor, More Specifically Applied to Building 4, Suite 403. Located at 4601 Antilley Road, Suite 403
19. Ordinance (First Reading) Z-2024-32: Receive a Report, Hold a Discussion and Take Action on a Request from the Owner, to Change the Zoning of Approximately 2.59 acres from Planned Development District 28 (PDD-28) to General Commercial (GC), Located at the 4300 block of Southwest Drive

20. Ordinance (First Reading) Z-2024-35: 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 64.25 Acres from Agricultural Open to Planned Development District 191, Specifically, to Have a Residential Single-Family Base Zoning, Located at 7501 Old Forrest Hill Road.
21. Ordinance (First Reading) Z-2024-36: Receive a Report, Hold a Discussion and Take Action on a Request from the Owner, to Change the Zoning of Approximately 134.86 Acres from Agricultural Open (AO) to General Retail (GR), General Commercial (GC), and Multi-Family (MF), Located at 7450 HWY 83-84
22. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Professional Services Contract with Jacob & Martin LLC. for the 30-Inch Raw Water Transmission Line Replacement
[ASSIGNED RESOLUTION NO. -2024]
23. Ordinance (First Reading): Receive a Report, Hold a Discussion and Take Action on Repealing Ordinance 53-2000 and Permanently Terminating the Fluoridation of Water Supplies Within the City of Abilene's Water Distribution System

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

7. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Professional Services Contract with La Terra Studio, LLC
[ASSIGNED RESOLUTION NO. 278-2024]

Having pulled the item, Councilmember Regan asked for clarification as to who would own the property and if not the city, questioned why it is being funded.

Robert Hanna, City Manager, clarified that the Abilene Improvement Corporation would actually own the property, but the City is paying for it and then being reimbursed by a donation from the private sector, as the project is being funded solely with private donations.

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

Councilmember Price moved to approve the item as presented. Councilmember Beard seconded the motion; motion carried.

AYES (6): Mayor Hurt, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, and Yates
NAYS (1): Councilmember Regan

10. Resolution: Receive a Report, Hold a Discussion and Take Action on Accepting Plum/Turtles Sculptures as part of the Storybook Series
[ASSIGNED RESOLUTION NO. 282-2024]

Having pulled the item, Mayor Hurt stated he meant to pull item #12 and did not have questions on this item.

Mayor Hurt opened the public hearing. The following spoke in opposition to the item:

- Tammy Fogle

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

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

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

NAYS (0): None

11. Resolution: Receive a Report, Hold a Discussion and Take Action on Authorizing the City Manager to Execute the Guaranteed Maximum Price for the G.V. Daniels and Cesar Chavez Recreation Centers
[ASSIGNED RESOLUTION NO. 282-2024]

Having pulled the item, Councilmember Regan stated that the bid came under budget, and he would like to see some of the cost savings go towards improving the aesthetic of the outside of the building, as he thinks it looks dated.

Collin Zalesak, architect for Parkhill, spoke about the materials for the project, and window placement in the building.

Councilmember Price would like to make sure to advertise the libraries on the outside of the building.

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

- Tammy Fogle
- Jason Groves

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

Lesli Andrews, Director of Parks and Recreation, spoke on the numbers on this project.

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

AYES (6): Mayor Hurt, Mayor Pro-tem McAlister, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, and Yates

NAYS (1): Councilmember Regan

Councilmember Price called for a Point of Order. Mayor Hurt moved to reconsider Item #12. Councilmember Price seconded the motion: motion carried.

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

NAYS (0): None

12. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Special Events Permit Policy
[TABELED]

Having pulled the item, Mayor Hurt spoke about the public notification on parades, and questioned if the council needs to limit the number of parades to make it easier on staff.

The consensus from council was for the Mayor to create a subcommittee of no more than three Councilmembers to meet with staff and parade coordinators from each event to discuss this further.

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

Councilmember Price moved to table this item. Mayor Hurt seconded the motion; motion carried.

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

NAYS (0): None

18. Ordinance (First Reading) OAM-2024-02: Receive a Report, Hold a Discussion and Take Action on a Request from the City of Abilene to Amend the Land Development Code to Amend the Sign Regulations. Specifically, to Allow for Type III Off-Site Signage and Provide Development Standards Including, but Not Limited to, Size, Location, and Separation

Councilmember McAlister had a conflict of interest on this item and left the room during deliberation, and abstained from voting. A Conflict of Interest Affidavit was filled out before the meeting and filed with the City Secretary's office.

Having pulled the item, Councilmember Price stated that the proposed ordinance language still limits off-site advertising to specific zoning districts and does not include the Central Business District and the SoDA District.

Mayor Hurt opened the public hearing. The following spoke in favor of the item:

- Tim Smith

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

Councilmember Price moved to approve the item as presented, with the addition of the allowance of offsite advertising in the Central Business District zoning within the boundaries of the South Downtown Area (SoDA District). Councilmember Regan seconded the motion; motion carried.

AYES (6): Mayor Hurt, Deputy Mayor Pro-tem Craver, and Councilmembers Price, Beard, Regan, and Yates

NAYS (0): None

ABSTAIN (1): Mayor Pro-tem McAlister

REGULAR AGENDA

24. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving the Services Contract with Daupler, Inc. for Incident Response Management System for the Water Utilities Department
[ASSIGNED RESOLUTION NO. 61-2024]

Rodney Taylor, Director of Water Utilities, praised his staff, and introduced Jeremiah Bihl, Assistant Director of Water Utilities, who presented the item. Adoption of the item would approve a contract with Daupler, Inc for an incident response management system for the Water Utilities Department. This system would also alleviate the call volume for customer service representatives.

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

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

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

NAYS (0): None

25. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Resolution Authorizing Application For Financial Assistance From The Texas Water Development Board; And Making Certain Findings In Connection Therewith
[ASSIGNED RESOLUTION NO. 61-2024]

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would authorize an application for financial assistance from the Texas Water Development Board. This assistance would cover the remaining costs of projects and needs that our current water rates can not, for improvements to the Northeast Water Treatment Plant.

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

Councilmember Price moved to approve the resolution authorizing the application for financial assistance from the Texas Water Development Board and making certain findings in connection therewith. Councilmember Beard seconded the motion; motion carried.

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

NAYS (0): None

EXECUTIVE SESSION

Mayor Hurt recessed into Executive Session at 10:19 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:

26.A.551.071 (Consultation with Attorney)

1. Claim of Republic Services

2. Claim of Eddie Pugh

26.D.551.074 (Personnel Matters)

1. City Manager

26.F.551.087 (Economic Development)

1. Edmundson Subdivision

26.F.551.087 (Economic Development)

1. Project Bay

The Executive Session ended at 11:55 a.m. and reconvened to Open Session. Mayor Hurt reported no votes or action were taken in Executive Session.

REGULAR AGENDA

27. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Appointing Members to Various Boards and Commissions per the City Charter
[ASSIGNED RESOLUTION NO. 274-2024]

Adoption of the item would approve the (re)appointments of the following board and commission members, per the city Charter:

Board	Term End Date
<i>Development Corporation of Abilene, Inc.</i>	
Floyd Miller [Reappointment]	December 2026
Tracy Howle [Reappointment]	December 2026
Shae Hall [Reappointment]	December 2026

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

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

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

NAYS (0): None

28. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approving Project Bay for the Development Corporation of Abilene, Inc.
[ASSIGNED RESOLUTION NO. 61-2024]

Misty Mayo, CEO of the Development Corporation of Abilene, presented the item. Adoption of the item would approve Project Bay, which is a locally owned business expansion project.

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

Councilmember Beard moved to approve the item as presented. Councilmember Price seconded the motion; motion carried.

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

NAYS (0): None

ADJOURNMENT

There being no further business, the meeting adjourned at 12:05 p.m.

Shawna Atkinson
City Secretary

Weldon Hurt
Mayor

Minutes approved on: _____



City Council Agenda Memo

City Council Meeting Date: 1/9/2025

TO: Robert Hanna, City Manager

FROM: Max Johnson, Director of Public Works

SUBJECT: 5. Resolution: Receive a Report, Hold a Discussion and Take Action on Awarding Annual Material Bid to Strong Ready Mix, Bid #CB-2505 (Max Johnson)

GENERAL INFORMATION

The City of Abilene Street Services Division is requesting the City Council award bids, by resolution, for materials used in the maintenance and rehabilitation of the street and alley system. Notices were published in the Abilene Reporter News on October 20, 2024 and October 27, 2024, and bids were opened on November 5, 2024. Strong Ready Mix was the winning bidder in all categories.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Funding for the materials is available in the 2024/2025 general operating budget for Street Maintenance Fund.

STAFF RECOMMENDATION

It is recommended that the City Council award, by resolution, the bulk materials supply contracts as listed and recommended by the City Staff, and to authorize the City Manager or his designee to execute all necessary documents related to these contracts.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2024-2025 Resolution CB-2505
2. Tab Sheet CB # 2505
3. PP_Resolution Award of Bid CB-2505

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDED THE BULK MATERIALS SUPPLY CONTRACTS TO VARIOUS VENDORS AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE PURCHASES

WHEREAS, the City of Abilene Street Services Division is requesting the City Council award bids, for materials used in the maintenance of street and alley system; and

WHEREAS, the City of Abilene duly advertised and gave such noticed, as required by law, and bids opened on November 5, 2024; and

WHEREAS, the following table lists the individual materials bid, and the staff recommended bidder and unit price bid:

Class A Portland Cement, 5 Sack	Strong Ready Mix	\$ 160.00/Cu. Yd.
Class P Concrete	Strong Ready Mix	\$ 187.50/Yd.
Flowable Fill Concrete	Strong Ready Mix	\$ 130.00/Yd.
Cushion/Blow Sand	Strong Ready Mix	\$ 55.00/Ton

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

PART 1: That the City Council award the supply contracts as listed in the table above recommended by the Street Service's Staff and to authorize the City Manager or his designee to execute all necessary documents related to the contracts.

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

ADOPTED this 9th day of January, 2025.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

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

PAGE
1 OF 1

DEPARTMENT: STREETS
BID NO.: CB-2505
TIME OF OPENING: 2:00 P.M.
DATE OF OPENING: NOVEMBER 5, 2024

STRONG READY MIX
ABILENE, TX

ITEM	DESCRIPTION	APPROX QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	CLASS A PORTLAND CEMENT, 5-SACK	200	CY	*160.00											
2.	CLASS P CONCRETE	100	YD	*187.50											
3.	FLOWABLE FILL CONCRETE	30	YD	*130.00											
4.	CUSHION/BLOW SAND	300	TON	*55.00											
BASE BID															
DISCOUNT															
TOTAL BID															

*NOTES: INDICATES RECOMMENDED AWARD

Award of Annual Materials Bid #CB-2505 to Strong Ready Mix

(Max Johnson)





Contracted Material Costs – Item by Item

- Notices requesting bids published in newspaper on 10-20-2024 and 10/27/2024; bids opened 11-5-2024.
- One bidder (Strong Ready Mix) received for materials listed below.

Item	Company	Unit Price
Class A Portland Cement, 5 Sack	Strong Ready Mix	\$ 160.00/Cu.Yd.
Class P Concrete	Strong Ready Mix	\$ 187.50/Yd.
Flowable Fill Concrete	Strong Ready Mix	\$ 130.00/Yd.
Cushion/Blow Sand	Strong Ready Mix	\$ 55.00/ Ton





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

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 the Closure of N 20th Street between Hardy Street and North Treadaway Boulevard (Max Johnson)

GENERAL INFORMATION

The closure of N. 20th Street between Cedar Street and Cypress Street is necessary to prohibit vehicular traffic, while allowing for maintenance of public utilities. The authority and the process for the closure of a thoroughfare, alley, right-of-way or public street may be found within Abilene's Land Development Code, Section 3.2.7.4.d.

SPECIAL CONSIDERATIONS

Closure of N. 20th Street between Hardy Street and Treadaway Boulevard would become effective once traffic grade barricades have been placed on either end of N 20th.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval to close N 20th Street between Hardy Street and Treadaway Boulevard.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution_Closure of N 20th Street between Hardy Street and Treadaway Blvd
2. Closure of N20th ppt

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
AGREEING TO CLOSE N 20th STREET BETWEEN HARDY STREET AND N
TREADAWAY BOULEVARD**

WHEREAS, the closure of N 20th St between Hardy St and N Treadaway Blvd is necessary to prevent vehicular traffic, while allowing for the maintenance of public utilities; and

WHEREAS, the City Council has the authority to Close a thoroughfare, alley, right-of-way or public street as within Abilene's Land Development Code, Section 3.2.7.4.d; and

WHEREAS, the closure of N 20th St between Hardy St and N Treadaway Blvd. would become effective once traffic grade barricades have been placed.

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

PART 1: N 20th Street between Hardy Street and N Treadaway Boulevard is officially closed.

PART 2: That this resolution shall take effect upon completion of the traffic grade barricades.

ADOPTED this 9th day of January, 2025.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

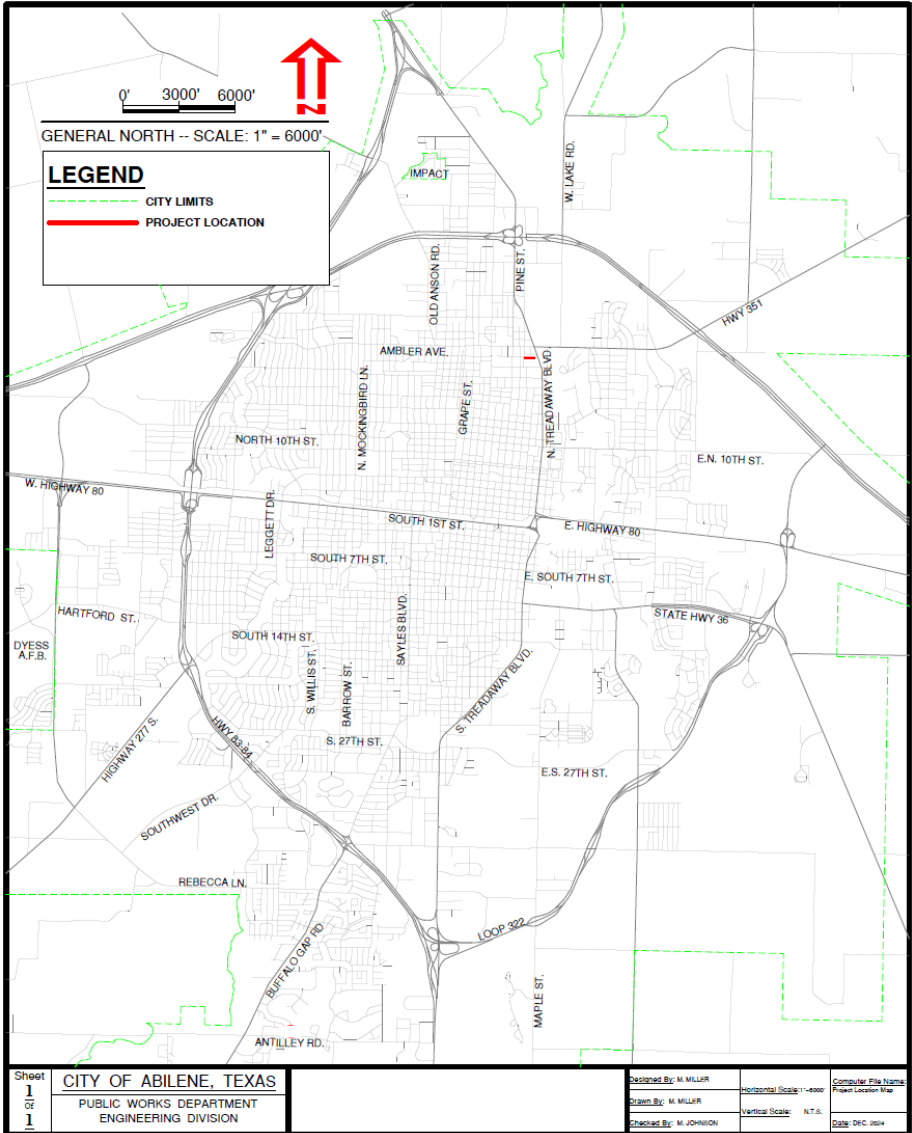
Closure of N 20th Street between Hardy Street and Treadaway Boulevard

(Max Johnson)





Closure of N 20th Street between Hardy Street and Treadaway Boulevard



Area:

N 20th Street between Hardy Street and Treadaway Boulevard





Closure of N 20th Street between Hardy Street and Treadaway Boulevard

- The closure of N. 20th Street between Hardy Street and Treadaway is necessary to prohibit vehicular traffic, while allowing for maintenance of public utilities
- City Council has the authority to Close a thoroughfare, alley, right-of-way or public street within Abilene's Land Development Code, Section 2.3.7.4.d
- Closure would become effective once traffic-grade barricades have been placed on either end of N 20th Street





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director

SUBJECT: 7. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving a Layout, Fountain, Benches, and Rebar Trees for Storybook Gardens 2 (Lesli Andrews)

GENERAL INFORMATION

On December 19, 2024 City Council approved a Memorandum of Understanding (MOU) between the City of Abilene and the Abilene Cultural Affairs Council for the design and construction of a sculpture garden storybook 2 located on the southwest lawn of the Abilene Convention Center. According to the MOU the City Council must approve all additions or improvements. The Abilene Cultural Affairs Council has requested approval for the general layout of the new garden which will require improved lighting, irrigation and landscaping, a fountain, potentially up to 60 benches, and rebar trees with lighting.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

There will not be a fiscal cost to the City of Abilene. All proceeds are raised by the Abilene Cultural Affairs Council.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution Storybook Design and Additions
2. 03 Story Book Phase 2 Benches
3. 04 Story Book Phase 2 Rebar Trees
4. 01 Story Book Phase 2 Layouts
5. 02 Story Book Phase 2 Fountain
6. Presentation Storybook 2 Design and Additions

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE LAYOUT, FOUNTAIN, BENCHES, AND REBAR TREES IN STORYBOOK GARDEN TWO ON THE SOUTHWEST LAWN OF THE ABILENE CONVENTION CENTER.

WHEREAS, the City Council approved a Memorandum of Understanding with the Abilene Cultural Affairs Council on December 19, 2024 for the development of a Storybook Garden 2; and

WHEREAS, the City Council must approve all addition or improvements; and

WHEREAS, the Abilene Cultural Affairs is designing and constructing the general layout of the new garden which will require improved lighting, irrigation and landscaping, a fountain, potentially up to 60 benches, and rebar trees with lighting.

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

Part 1: That the City Council approves the general layout of the new garden which will require improved lighting, irrigation and landscaping, a fountain, potentially up to 60 benches, and rebar trees with lighting on the Abilene Convention Center lawn.

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

ADOPTED this 9th day of January, 2025.

ATTEST:

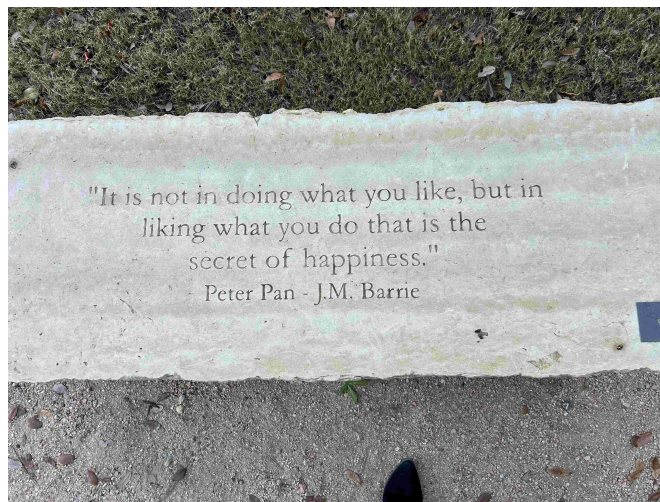
Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

STORY BOOK GARDEN PHASE 2



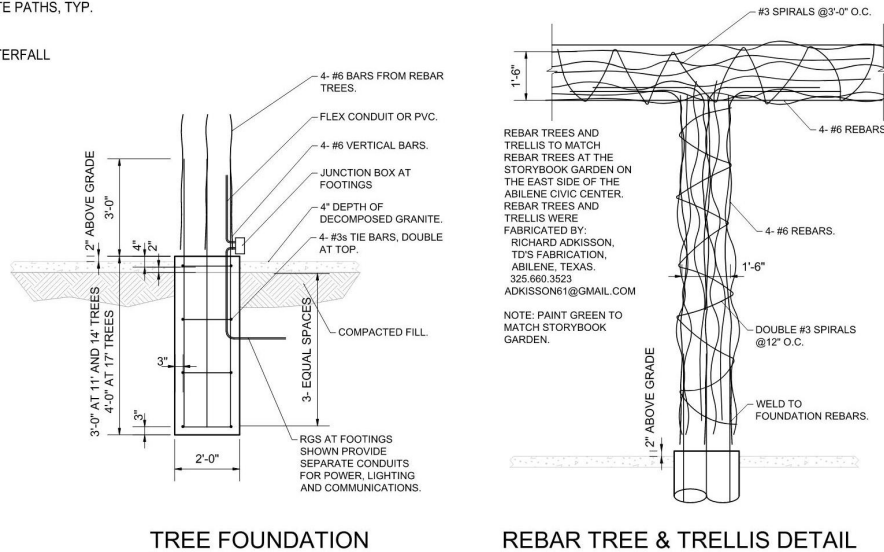
ENGRAVED STONE BENCHES

Benches to be flat and approximately 5' 0" long to match the existing benches.

STORY BOOK GARDEN PHASE 2

TE PATHS, TYP.

TERFALL



TREE FOUNDATION

REBAR TREE & TRELLIS DETAIL

2
C1.0

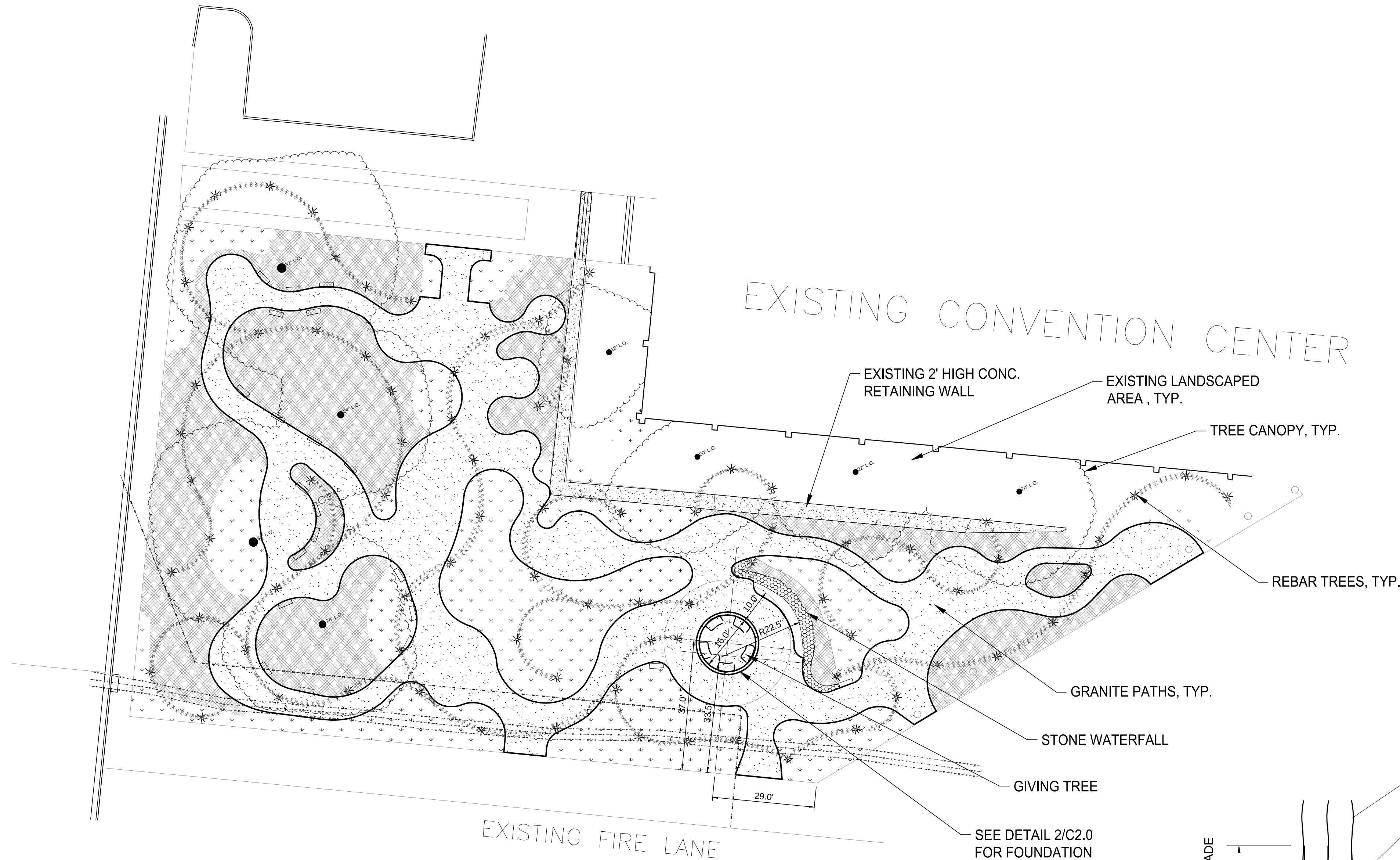
TREE AND TRELLIS DETAIL



REBAR TREES AND TRELLIS

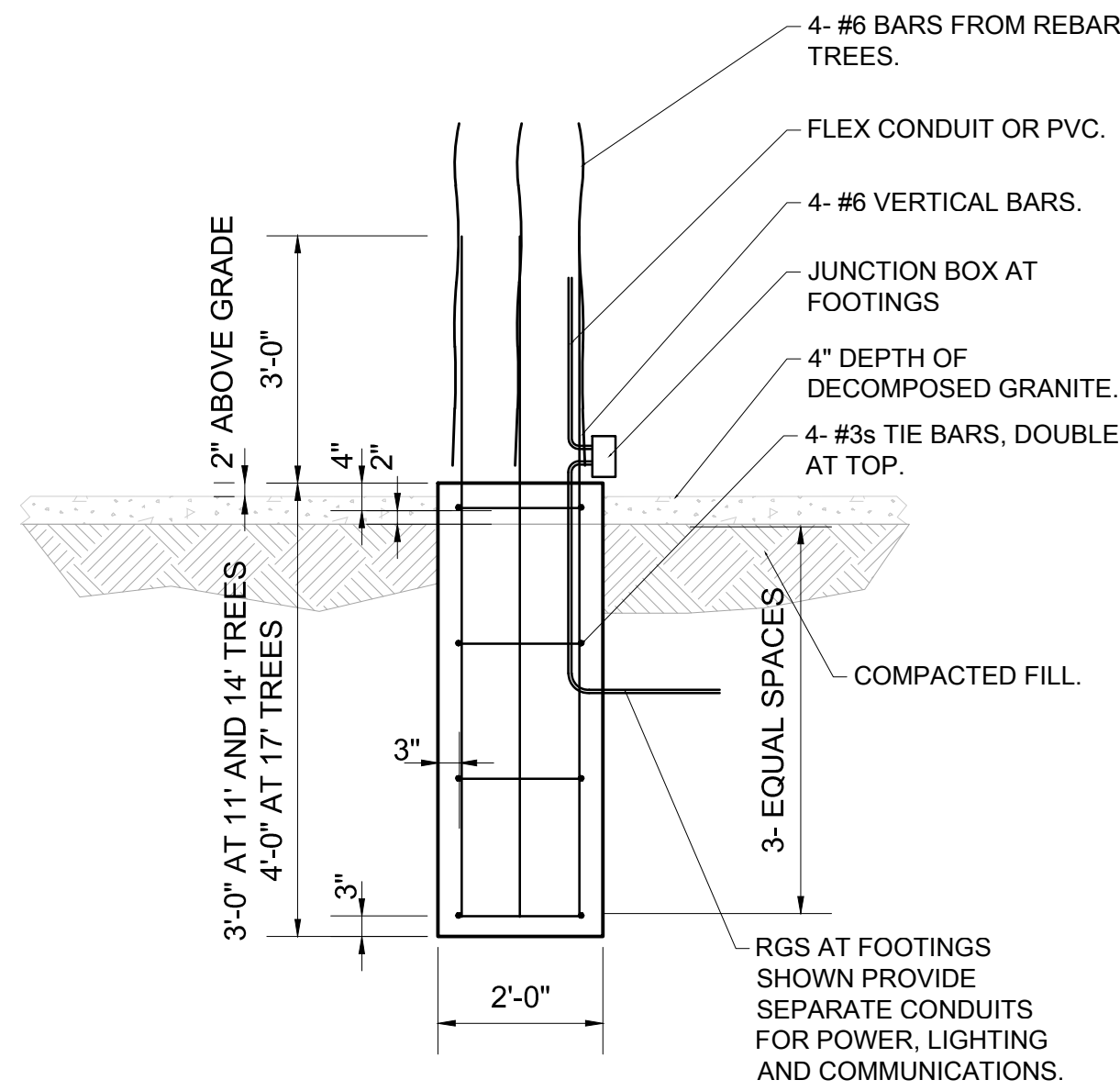
Trees and trellis design to match the existing rebar concept. Trees to vary in height 10', 14', 17'.

L:\PTP\Rosenbaum\Bag Storybook Garden\Site\122124.dwg

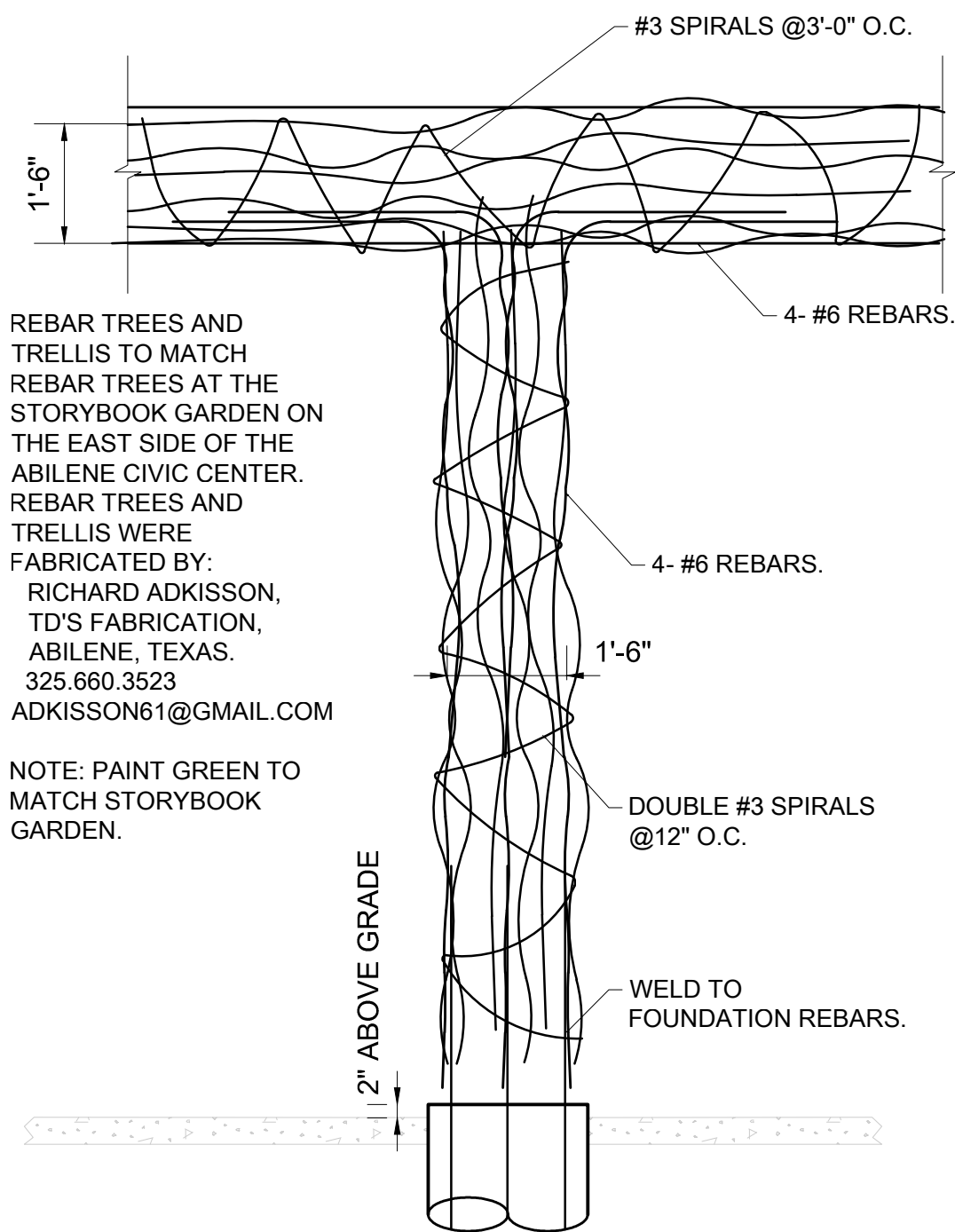


1
C1.0

PLAN



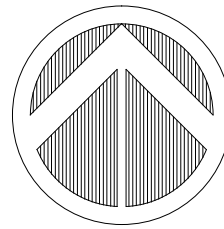
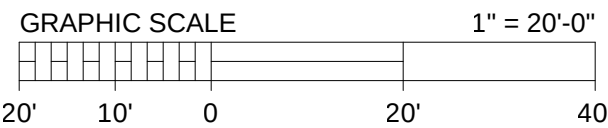
TREE FOUNDATION



REBAR TREE & TRELLIS DETAIL

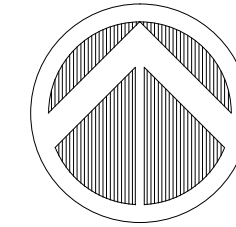
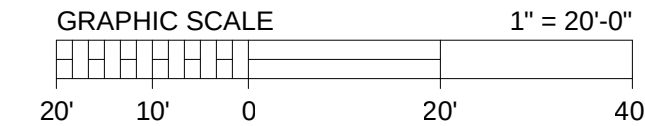
2
C1.0

TREE AND TRELLIS DETAIL



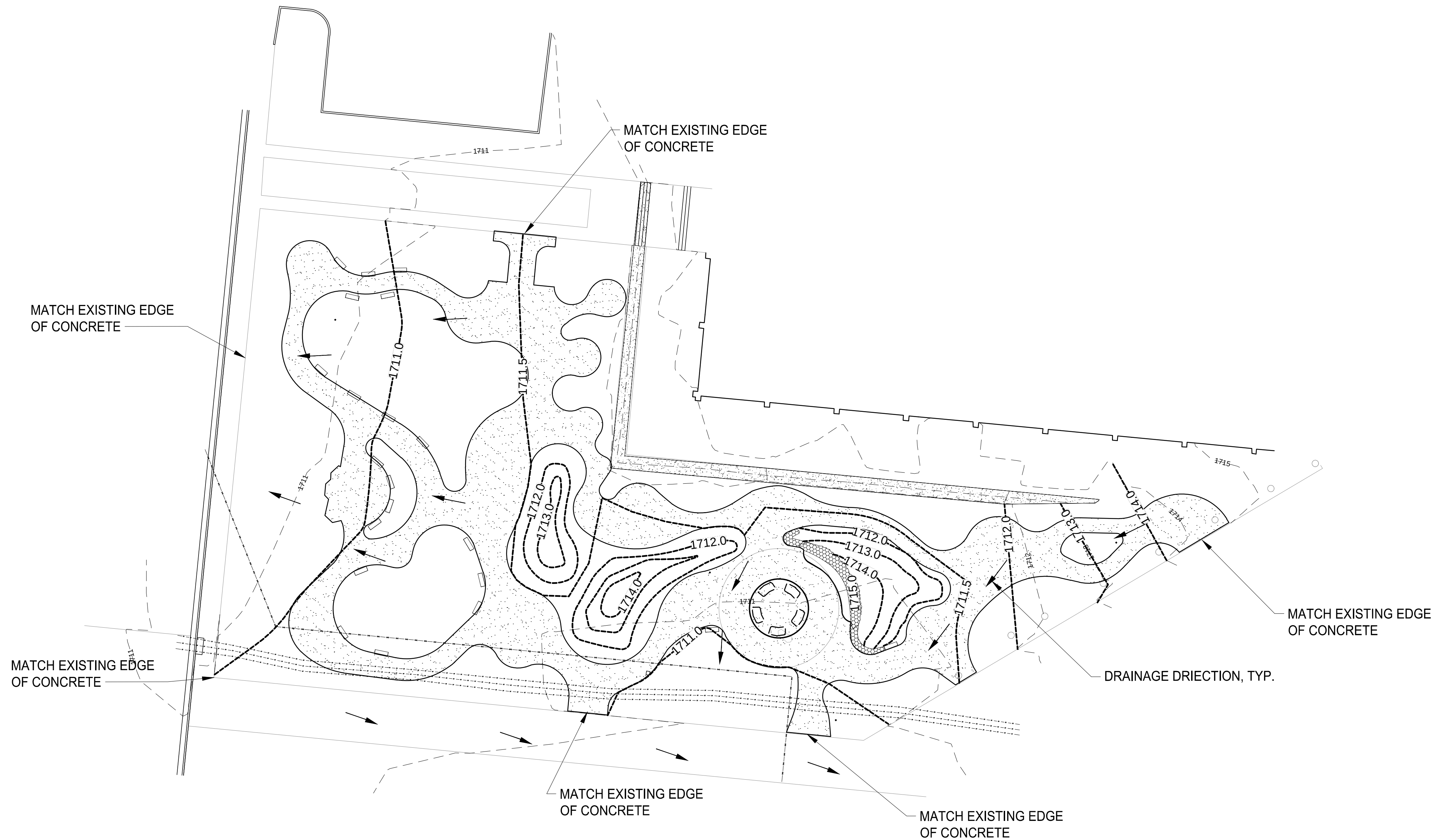
- LEGEND
- GRAVEL PATHS
 - REBAR TREES
 - REBAR TRELLIS
 - GARDEN BENCHES
 - EXISTING TREE LOC.
 - TREE CANOPY
 - GROUND COVER
 - GRASSY AREA

SITE LAYOUT		STORYBOOK GARDEN, PHASE 2		ABILENE CONVENTION CENTER		Abilene, Texas		SHEET NO.		C1.0		THIS DOCUMENT IS RELEASED FOR REVIEW ONLY UNDER THE AUTHORIZATION OF CLINT ROSENBAUM TEXAS PE # 61217 AND IS NOT TO BE USED FOR CONSTRUCTION OR PERMITTING PURPOSES				DESIGNED		CDR	REV	DATE	BY	DESCRIPTION	
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												APPROVED	CDR										
												DATE	12/2024										
												Rosenbaum Engineering, PLLC											
												2326 Wyndham Ct. 325.669.2915 Abilene, Texas 79606 TBPE Registration #F-19243 clint@rosenbaumeng.com											
												Clint Rosenbaum, P.E.											
												Abilene, Texas											

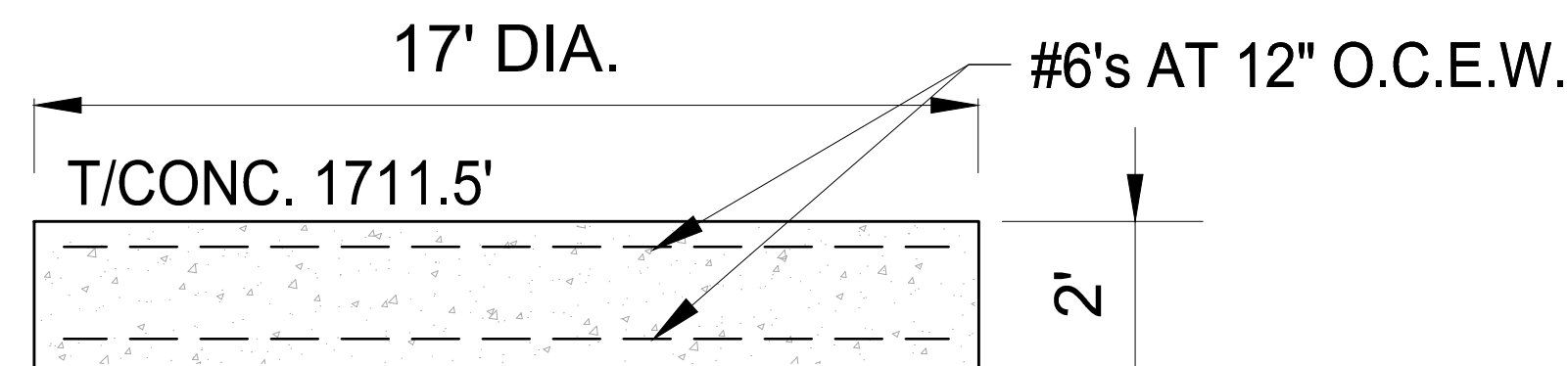


LEGEND

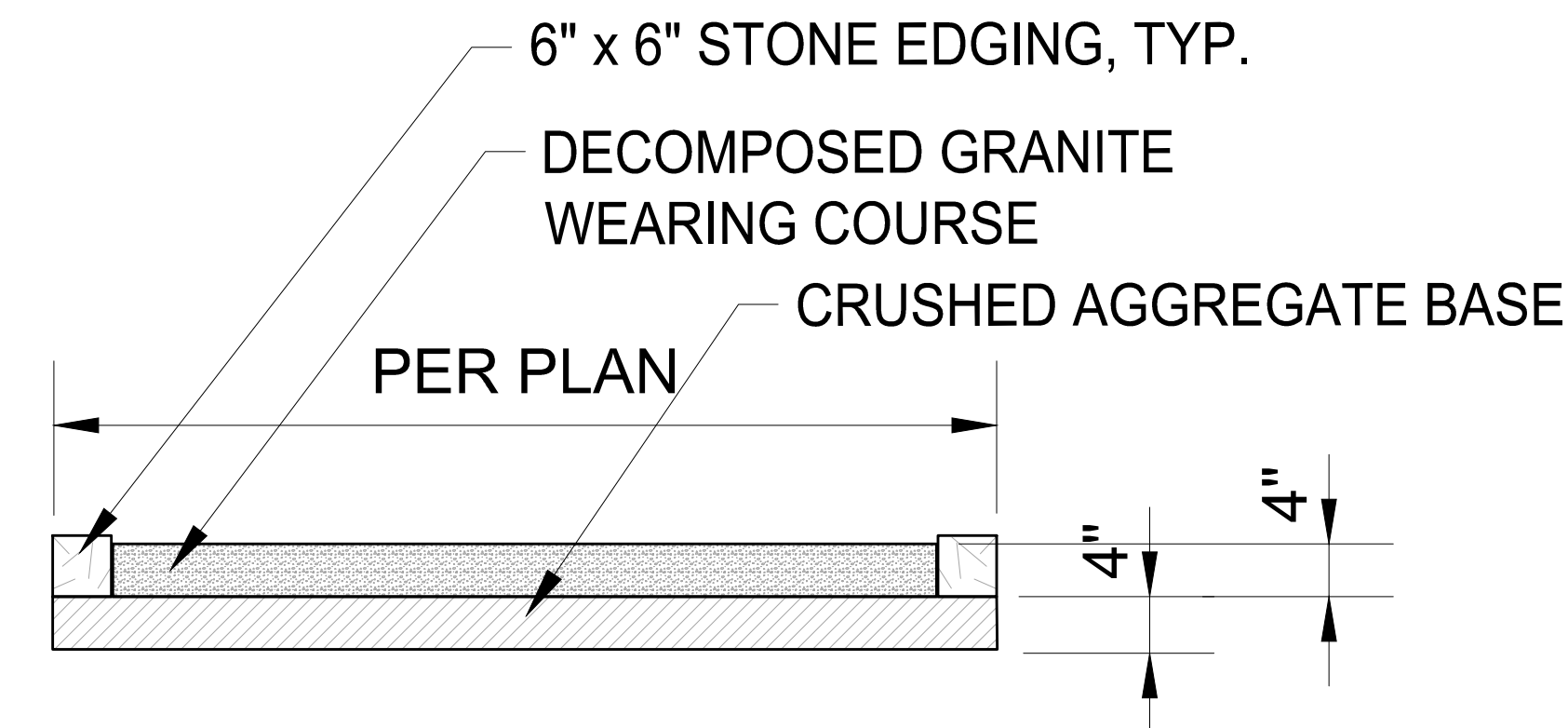
- GRAVEL PATHS
- REBAR TREES
- REBAR TRELLIS
- GARDEN BENCHES
- EXISTING TREE LOC.
- TREE CANOPY
- GROUND COVER
- GRASSY AREA
- 1700 PROP. CONTOURS
- 1715 EXIST. CONTOURS



1 PLAN
C2.0



2 GIVING TREE FOUNDATION
C2.0



3 TYPICAL GRANITE PATHWAY
C2.0

DESCRIPTION		BY		DATE		REV		CDR		BFT		CDR		CDR		DATE	
RELEASED FOR REVIEW		CDR				0										12/2024	

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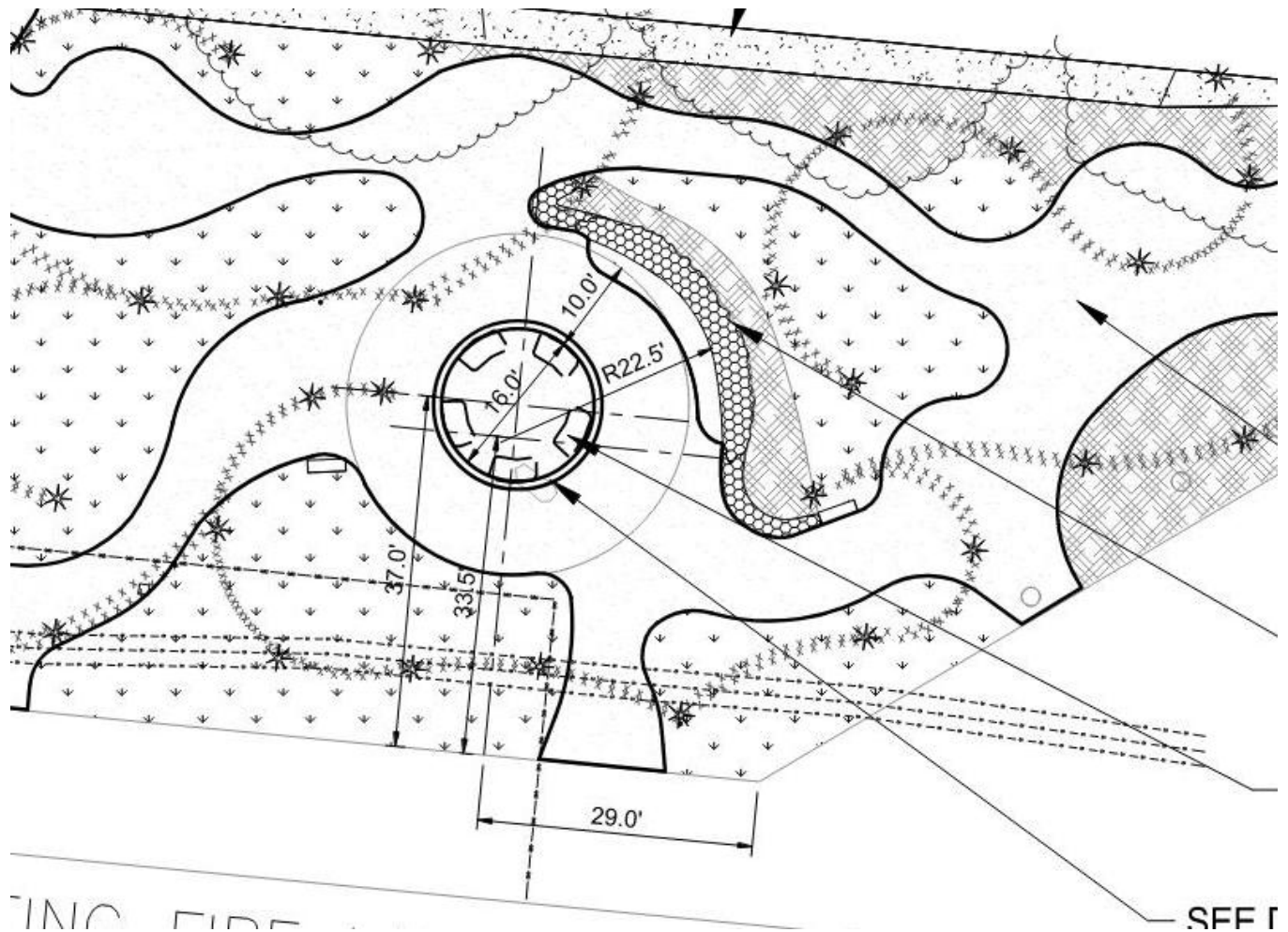
325.669.2915
TBPE Registration #F-19243
Abilene, Texas 79606
clint@rosenbaumeng.com

GRADING PLAN

STORYBOOK GARDEN, PHASE 2
ABILENE CONVENTION CENTER
Abilene, Texas

SHEET NO.
C2.0

STORY BOOK GARDEN PHASE 2



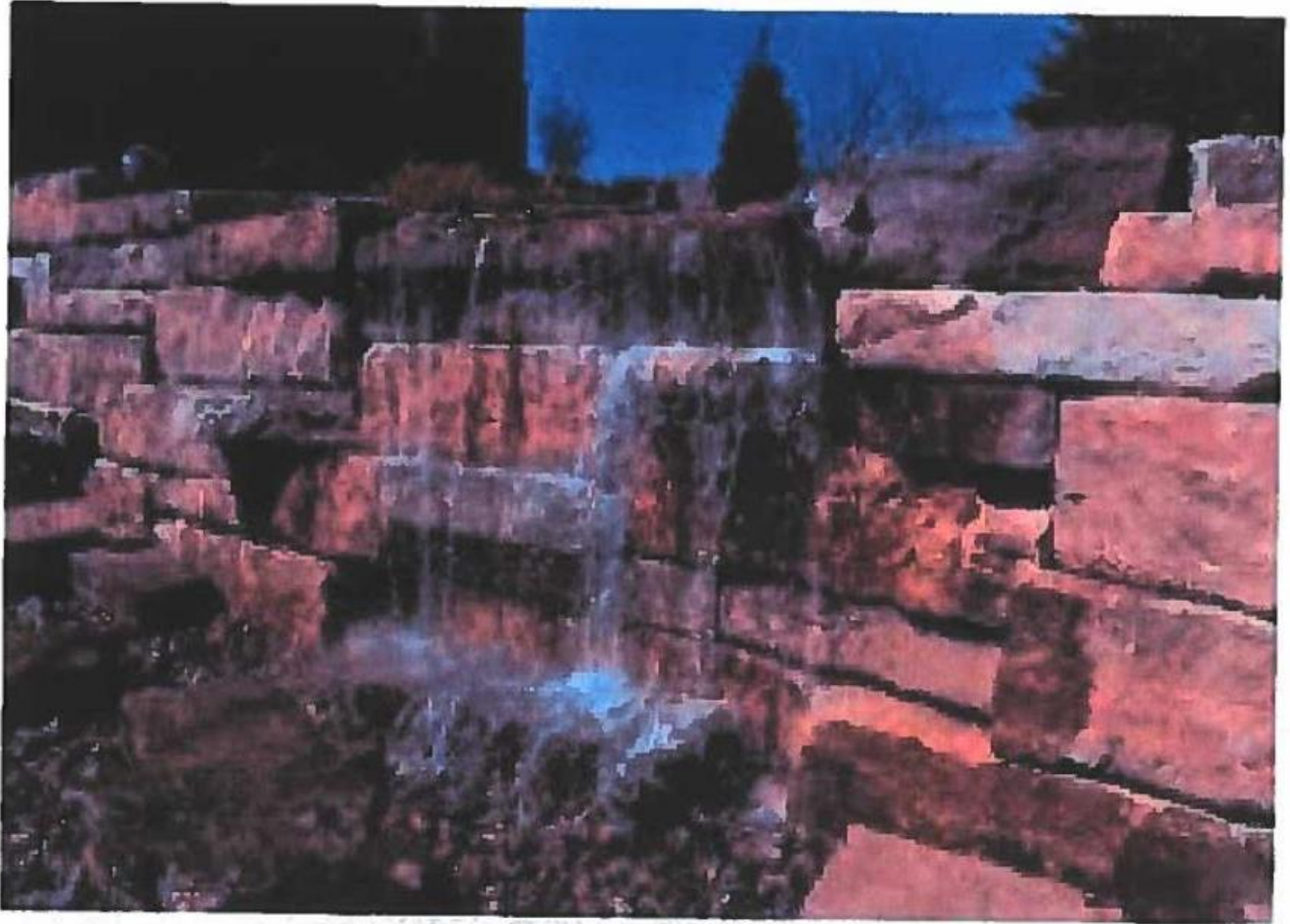
FOUNTAIN LAYOUT

STORY BOOK GARDEN PHASE 2



PROPOSED CONCEPT

STORY BOOK GARDEN PHASE 2



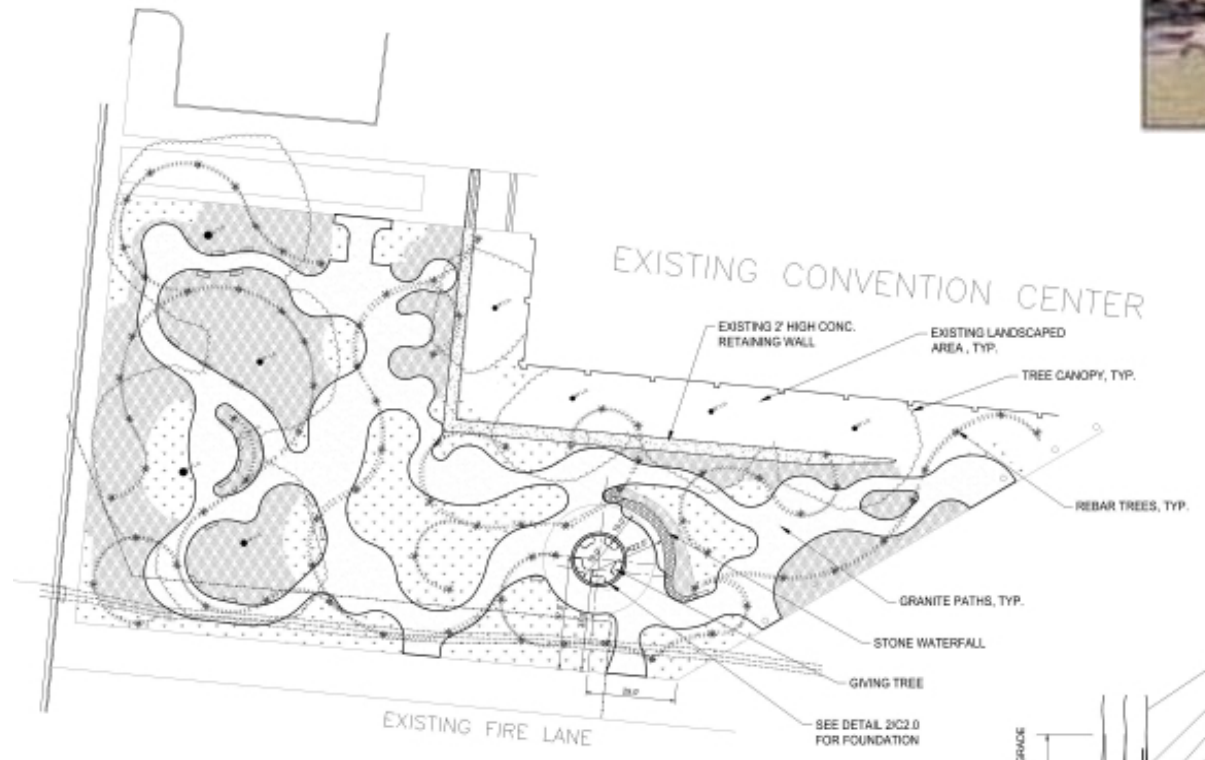
PROPOSED ROCK

Resolution: Approving the Storybook 2 Design



Storybook 2 Design

- General storybook garden 2 layout including improved lighting, irrigation and landscaping
- A fountain
- Potentially up to 60 benches
- Rebar Trees with lighting





**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Robert Hanna, City Manager

FROM: Lesli Andrews, Director

SUBJECT: 8. Resolution: Receive a Report, Hold a Discussion and Take Action on Approving the Name, "Clear Fork Bank Storybook Garden," and Sign Location for Storybook Gardens 2 (Lesli Andrews)

GENERAL INFORMATION

On December 19, 2024 City Council approved a Memorandum of Understanding (MOU) between the City of Abilene and the Abilene Cultural Affairs Council for the design and construction of a sculpture garden storybook 2 located on the southwest lawn of the Abilene Convention Center. According to the MOU the City Council must approve all addition or improvements.

The Abilene Cultural Affairs Council has requested approval to name storybook 2 the "Clear Fork Bank Storybook Garden" along with the requested placement of the sign on the Abilene Convention Center lawn.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

There will not be a fiscal cost to the City of Abilene. All proceeds are raised by the Abilene Cultural Affairs Council.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Resolution Storybook 2 Naming and Sign Location
2. 05 Story Book Phase 2 Clear Fork Bank Sign
3. Presentation Storybook 2 Name and Sign Location

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE NAMING OF THE STORYBOOK GARDEN AND SIGN PLACEMENT IN STORYBOOK GARDEN TWO ON THE LAWN OF THE ABILENE CONVENTION CENTER.

WHEREAS, the City Council approved a Memorandum of Understanding with the Abilene Cultural Affairs Council on December 19, 2024 for the development of a Storybook Garden 2; and

WHEREAS, the City Council must approve all addition or improvements; and

WHEREAS, the Abilene Cultural Affairs Council is requesting approval to name storybook 2 the "Clear Fork Bank Storybook Garden" along with the permanent placement of the sign on the Abilene Convention Center lawn.

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

Part 1: That the City Council approves of name of storybook 2 the "Clear Fork Bank Storybook Garden" along with the permanent placement of the sign on the Abilene Convention Center lawn.

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

ADOPTED this 9th day of January, 2025.

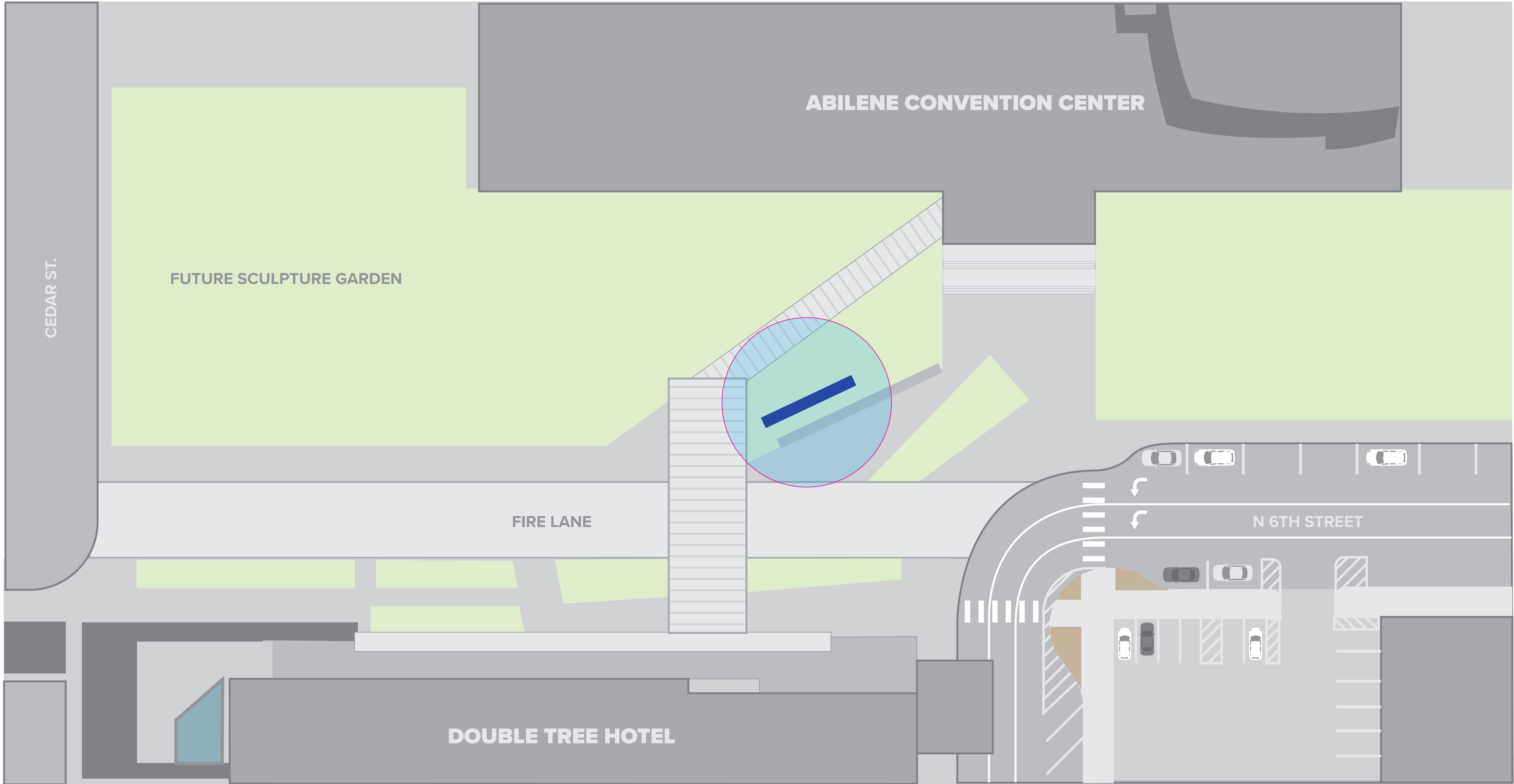
ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney



MONUMENT SIGN

STORYBOOK GARDEN - PHASE 2

00

CONCEPT ONE



CITY OF ABILENE - ABILENE CONVENTION CENTER
STORYBOOK GARDEN - PHASE 2

01



CITY OF ABILENE - ABILENE CONVENTION CENTER
STORYBOOK GARDEN - PHASE 2

03

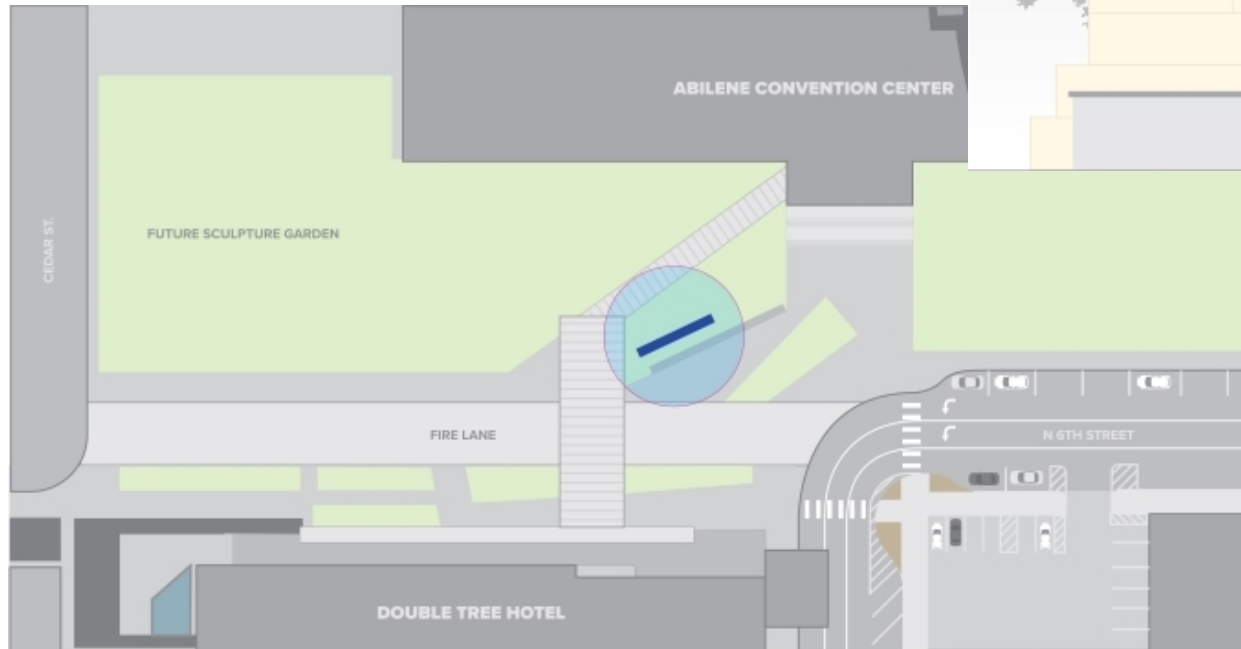
CONCEPT DRAWINGS, NOT TO SCALE

Resolution: Approving the Storybook 2 Name and Sign Location



Storybook 2 Name and Sign Location

- Requesting to Name storybook 2 the “Clear Fork Bank Storybook Garden”
- Requesting to place the sign on the Abilene Convention Center lawn just East of the storybook garden





**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Robert Hanna, City Manager

FROM: Michael Rice, Assistant City Manager

SUBJECT: **9. Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Ordinance of the City of Abilene, Texas, and Providing for the Extension of the Boundary Limits of the City of Abilene, Texas, and for the Annexation of Certain Territory - 440.2 acres - Lying Adjacent and Contiguous to the Present Boundary Limits of the City of Abilene, and Granting to All the Inhabitants of Territory, all the rights and Privileges of other citizens and Binding the Inhabitants by All of the Acts, Ordinances, Resolutions and Regulations of the City of Abilene; and Adopting a Service Plan Agreement *(Michael Rice)*

GENERAL INFORMATION

Chapter 43 of the Texas Local Government Code and Section 4 of the Charter of the City of Abilene provides that the City shall have the power, by ordinance, to fix and change the boundaries and limits of the City and to provide for the extension of additional territory lying adjacent and continuous to the City, with the consent of the owner of the territory annexed.

The City of Abilene seeks to annex property owned by the City, generally described as 440.2 acres located in Jones county.

Pursuant to Texas Local Government Code Section 43.016, if applicable, the City has made offers of a development agreement for agricultural, wildlife management or timber land, and the offer has been rejected by the owner.

The procedures prescribed by the Charter of the City of Abilene, and Texas law are being duly followed with respect to the real property.

The Annexed territory shall be a part of the City of Abilene, Texas, and shall be Zoned AO, and the property situated therein shall bear its pro rata portion of the taxes levied by the City of Abilene, and the inhabitants thereof shall be entitled to all the rights and privileges of all other citizens of the City of Abilene and shall be bound by the acts, resolutions and regulations of the

City of Abilene.

SPECIAL CONSIDERATIONS

Public notice of the public hearing has been posted as required by law.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommend that the City Council approve the Ordinance annexing the property into the city limits of the City of Abilene, Texas.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Annexation Ordinance B
2. Exhibit A - Hamby B Field Notes (1)
3. Exhibit B - Hamby B Municipal Services Agreement executed
4. Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AND PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF ABILENE, TEXAS, AND FOR THE ANNEXATION OF CERTAIN TERRITORY LYING ADJACENT AND CONTIGUOUS TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE. AND GRANTING TO ALL THE INHABITANTS OF THE TERRITORY, ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING THE INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY OF ABILENE; AND ADOPTING A SERVICE PLAN AGREEMENT

WHEREAS, Chapter 43 of the Texas Local Government Code and Section 4 of the Charter of the City of Abilene, provides that the City shall have the power, by ordinance, to fix and change the boundaries and limits of the City and to provide for the extension of additional territory lying adjacent and contiguous to the City, with the consent of the owner of the territory annexed;

WHEREAS, the property owner, being the City of Abilene, of approximately 440.20 acres of property filed a request for annexation with the City of Abilene;

WHEREAS, pursuant to Texas Local Government Code Section 43.016, if applicable, the City has made offer of a development agreement for agricultural, wildlife management or timber land, and that offer has been rejected by the property owner;

WHEREAS, the procedures prescribed by the Charter of the City of Abilene, and Texas law have been duly followed with respect to the following described territory, to wit:

Exhibit “A”, incorporated and made part of this Ordinance for all purposes.

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

PART 1. That the territory set out on Exhibit “A,” attached hereto and made part of this Ordinance for all purposes, lying adjacent and contiguous to the present boundaries of the City of

Abilene, Texas, is hereby added and annexed to the City of Abilene, Texas, and said territory described in Exhibit “A” shall be included within the boundary limits of the City of Abilene and the present boundary limits of the City of Abilene, at various points contiguous to the area described in Exhibit “A” are altered and amended so as to include the area within the corporate limits of the City of Abilene, Texas.

PART 2. That upon final passage hereof, the annexed territory shall be a part of the City of Abilene, Texas, and shall be Zoned AO, and the property situated therein shall bear its pro rata portion of the taxes levied by the City of Abilene, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens of the City of Abilene and shall be bound by the acts, resolutions and regulations of the City of Abilene.

PART 3. The Annexation Services Agreement for the annexed territory, attached as Exhibit “B” is hereby approved as a part of this ordinance.

PASSED ON FIRST READING the 19th day of December, 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 22nd day of December, 2024, the same being on or after the 20th day but before the 10th day before the public hearing being held in the Council Chamber of City Hall in Abilene, Texas, on the 9th day of January, 2025, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 9th day of January, 2025.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A

EXHIBIT B



SHEPPARD SURVEYING CO., INC.

Registered Professional Land Surveyor 3697 - Licensed State Land Surveyor

BOUNDARY
RETRACEMENT
GPS
CONTROL
ROUTE
OIL LEASE

17 Windmill Circle Abilene, Texas 79606 (915) 695-6277 Fax 695-3299 E Mail: gis@camalott.com

STATE OF TEXAS JONES COUNTY

FIELD NOTES OF 440.20 ACRES OF LAND OUT OF SECTIONS 8 AND 11 BLIND ASYLUM LANDS, JONES COUNTY, TEXAS AND BEING ALL OR PARTS OF 80 ACRES OUT OF THE SOUTHEAST QUARTER OF SECTION 8 A-538, CONVEYED TO RAYMOND BYNUM FROM R. W. HAYNIE AS RECORDED IN VOLUME 408,269: LANDS DESCRIBED IN VOLUME 400, PAGE 113 CONVEYED FROM BILLIE JEAN CRIER TO RAYMOND BYNUM FIRST TRACT SOUTHWEST QUARTER OF SECTION 8, ONE ACRE OUT OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 8 A-613, THIRD TRACT 134 ACRES OUT OF THE NORTHEAST QUARTER OF SECTION 11 A-524 SAVE AND EXCEPT 26.18 ACRES AND A 3.749 ACRE TRACT CONVEYED FROM RAYMOND BYNUM TO ALICE LEONA WILLIAMS AS RECORDED IN VOLUME 509, PAGE 419: FOURTH TRACT 60 ACRES OUT OF THE SOUTHEAST QUARTER OF SECTION 8 A-538; AND 5.9007 ACRES OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 11 AS DESCRIBED IN CONVEYANCE FROM ALICE LEONA WILLIAMS TO RAYMOND BYNUM AS RECORDED IN VOLUME 509, PAGE 80 ALL OF JONES COUNTY DEED RECORDS.

BEGINNING AT A COTTON SPINDLE SET AT THE INTERSECTION OF JONES COUNTY ROAD 306 AND JONES COUNTY ROAD 311 FOR THE OCCUPIED SW CORNER OF AFORESAID SECTION 8 AND THE MOST WESTERLY SOUTHWESTERLY CORNER OF THIS TRACT.

THENCE N 00°32'08" E ALONG THE WEST LINE OF SECTION 8 AND COUNTY ROAD 311 FOR A DISTANCE OF 2681.60' TO A COTTON SPINDLE SET FOR THE SOUTHWEST CORNER OF CITY OF ABILENE TRACT KNOWN AS THE NORTHWEST QUARTER OF SECTION 8 AND RECORDED IN VOLUME 448, PAGE 445, THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER AND THE NORTHWEST CORNER OF THIS TRACT.

THENCE S 89°45'45" E FOR A DISTANCE OF 2637.67' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET FOR THE NORTHWEST CORNER OF A CITY OF ABILENE 23 ACRE TRACT AS DESCRIBED IN VOLUME 450, PAGE 565, THE NORTHEAST CORNER OF AFORESAID SOUTHWEST QUARTER OF SECTION 8 AND THE MOST NORTHERLY NORTHEAST CORNER OF THIS TRACT.

THENCE S 00°41'16" W FOR A DISTANCE OF 148.63' TO AN 8" FENCE CORNER POST RECOVERED FOR THE SOUTHWEST CORNER OF SAID 23 ACRE TRACT, THE NORTHWEST CORNER OF AFORESAID 80 ACRE TRACT AND AN ELL CORNER OF THIS TRACT.

THENCE S 89°16'26" E FOR A DISTANCE OF 1402.80' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET FOR AN ELL CORNER OF SAID 23 ACRE TRACT, THE NORTHEAST CORNER OF AFORESAID 80 ACRE TRACT AND AN ELL CORNER OF THIS TRACT.

THENCE S 00°43'34" W FOR A DISTANCE OF 433.82' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET IN A RECOVERED PILE OF ROCKS FOR THE SOUTHWEST CORNER OF SAID 23 ACRE TRACT, THE NORTHWEST CORNER OF AFORESAID 60 ACRE TRACT AND AN ELL CORNER OF THIS TRACT.

THENCE S 88°29'52" E FOR A DISTANCE OF 1250.65' TO A 8' FENCE CORNER POST RECOVERED ON THE WEST RIGHT OF WAY OF COUNTY ROAD 309 FOR THE SOUTHEAST CORNER OF SAID 23 ACRE TRACT, THE NORTHEAST CORNER OF AFORE SAID 60 ACRE TRACT AND THE

MOST EASTERLY NORTHEAST CORNER OF THIS TRACT, BEING ON THE EAST LINE OF AFORESAID SECTION 8.

THENCE S 00°41'35" W DOWN COUNTY ROAD 309 AT 2062.13' PASS THE SOUTHEAST CORNER OF SECTION 8, THE NORTHEAST CORNER OF SECTION 11, CONTINUE FOR A TOTAL DISTANCE OF 4723.40' TO A COTTON SPINDLE SET FOR THE SOUTH EAST CORNER OF SAID 134.5 ACRE TRACT AND OF THIS TRACT.

THENCE N 89°19'35" W ALONG THE NORTH LINE OF SHADY CREEK ESTATES SECTION II, AT 764.6' PASS 0.75' NORTH OF A RECOVERED REBAR, AT 1054.2' PASS 0.92' SOUTH OF A RECOVERED REBAR, AT 1344.6' PASS 0.85' NORTH OF A RECOVERED REBAR, AT 1633.8' PASS OVER A RECOVERED REBAR, AT 2000.56' PASS 2.75' NORTH OF A RECOVERED REBAR AND CONTINUE FOR A TOTAL DISTANCE OF 2045.60' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET FOR THE SOUTHEAST CORNER OF AFORESAID 3.749 ACRE TRACT AND THE MOST SOUTHERLY SOUTHWEST CORNER OF THIS TRACT. FROM THIS POINT A FENCE CORNER BEARS N 85°20'33" W AT 45.1'.

THENCE N 06°17'29" W FOR A DISTANCE OF 589.65' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET ON THE EAST BOUNDARY LINE OF SAID 3.749 ACRE TRACT.

THENCE N 04°10'00" W FOR A DISTANCE OF 106.30' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET ON THE EAST BOUNDARY LINE OF SAID 3.749 ACRE TRACT.

THENCE N 02°05'00" W FOR A DISTANCE OF 87.30' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET ON THE EAST BOUNDARY LINE OF SAID 3.749 ACRE TRACT.

THENCE N 05°09'00" W FOR A DISTANCE OF 112.00' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET ON THE EAST BOUNDARY LINE OF SAID 3.749 ACRE TRACT.

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THENCE N 45°12'00" W FOR A DISTANCE OF 152.10' TO A LARGE NAIL RECOVERED IN THE CENTERLINE OF COUNTY ROAD 306 FOR THE SOUTHWEST CORNER OF SAID 9.007 ACRE TRACT AND OF THIS TRACT.

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THENCE N 89°44'08" W ALONG COUNTY ROAD 306 AND THE SOUTH LINE OF SECTION 8,
AT 262.8' PASS A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET FOR THE SOUTHWEST
CORNER OF THE SOUTHEAST QUARTER OF SECTION 8, CONTINUE FOR A TOTAL DISTANCE OF
2893.35' TO THE PLACE OF BEGINNING AND CONTAINING 162.19 ACRES IN ABSTRACT 538,
SOUTHWEST QUARTER SECTION 8, 141.00 ACRES IN ABSTRACT 613, SOUTHEAST QUARTER
SECTION 8, AND 137.01 ACRES IN ABSTRACT 524, THE NORTHEAST QUARTER OF SECTION 11
FOR A TOTAL OF 440.2 ACRES OF LAND MORE OR LESS.

FIELD PERSONNEL MONTE SHEPPARD
 BRANDON STAGGS

I, MAXEY SHEPPARD, A REGISTERED PROFESSIONAL LAND SURVEYOR OF TEXAS HEREBY
CERTIFY THAT THE FOREGOING FIELD NOTES AND ATTACHED PLAT REPRESENTS THE FINDINGS
OF A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND COMPLETED ON THE
8TH DAY OF JUNE, 2004.



MAXEY SHEPPARD, RPLS 3697
WO 04-1296

MUNICIPAL SERVICES AGREEMENT BETWEEN THE CITY OF ABILENE AND THE CITY OF ABILENE

This Municipal Services Agreement ("Agreement") is entered into on this the 20th day of November, 2024, by and between the City of Abilene, Texas, a home rule municipality of the State of Texas, ("City") and the City of Abilene, ("Owner"). The term "Owner" includes all owners of the Property.

RECITALS

The parties agree that the following recitals are true and correct and form the basis upon which the parties have entered into this Agreement;

WHEREAS, Section 43.0671 of the Local Government Code permits the City to annex an area if each owner in the area requests annexation;

WHEREAS, the City elects to annex such area, the City is required to enter into a written agreement with the property owner(s) that sets forth the City services to be provided for the Property on or after the effective date of annexation;

WHEREAS, Owner owns certain parcels of land situated in Jones County, Texas, which consist of approximately 440.20 acres of land in the City's extraterritorial jurisdiction, such Property being more particularly described as set forth in Exhibit A, attached and incorporated herein by reference ("Property");

WHEREAS, Owner has filed a written request with the City for full-purpose annexation of the Property, identified as a petition for annexation dated October 1, 2024;

WHEREAS, City and Owner desire to set out the City services to be provided for the Property on or after the effective date of annexation;

WHEREAS, the annexation and execution of this Agreement are subject to approval by the City Council; and

NOW THEREFORE, in exchange for mutual covenants, conditions and promises contained herein, the City and Owner agree as follows:

1. PROPERTY

This Agreement is applicable to the Property described in Exhibit A.

2. INTENT

It is the intent of the City that this Agreement provide for the delivery of full available municipal services to the Property in accordance with state law, which may be accomplished through any means permitted by law.

3. MUNICIPAL SERVICES

- a. Commencing on the effective date of annexation, the City will provide the municipal services set forth below. As used in this Agreement, “providing services” includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City’s infrastructure extension policies and developer or property owner participation in accordance with applicable city ordinances, rules, regulations and policies.
 - i. Fire – The City’s Fire Department will provide emergency and fire protection services.
 - ii. Police – The City’s Police Department will provide protection and law enforcement services.
 - iii. Emergency Medical Services – The City’s Fire Department and Metrocare (or other entity holding a certificate of convenience and necessity) will provide emergency medical services.
 - iv. Planning, Zoning and Building – The City’s Planning and Development Services Department will provide comprehensive planning, land development, land use and building inspection services in accordance with all applicable ordinances, laws, rules and regulations.
 - v. Publicly Owned Parks, Facilities and Buildings.
 - 1. Residents of the Property will be permitted to utilize all existing publicly-owned and available parks, facilities, (including community service facilities, libraries, swimming pools, etc.), and buildings throughout the City. Any private parks, facilities, and buildings will be unaffected by the annexation; provided however, that the City will provide for maintenance and operation of the same upon acceptance of legal title thereto by the City.
 - 2. In the event the City acquires any other parks, facilities or buildings necessary for City services within the Property, the appropriate City department will provide maintenance and operations of the same.
 - vi. Stormwater Utility Services – The Property will be included in the City’s Stormwater Utility service area and will be assessed a monthly fee. The fees will cover the direct and indirect costs of stormwater management services.
 - vii. Streets – The City’s Public Works Department will maintain the public streets and streetlights over which the City has jurisdiction. The City will provide regulatory signage services in accordance with City policies and procedures and applicable laws.

viii. Water and Wastewater

New homes and structures will be required to connect to the City's water and sewer system at the owner's expense. Once connected to the City's water and sanitary sewer mains, the water and sanitary sewer service will be provided by the City at rates established by the City Council.

ix. Solid Waste Services – The City will provide solid waste collection services in accordance with existing City ordinances and policies, except where prohibited by law.

x. Code Enforcement – The City's Code Compliance Division will provide education, enforcement, and abatement of code violations within the Property.

b. It is understood and agreed that the City is not required to provide a service that is not included in this Agreement.

c. Owner understands and acknowledges that the City departments listed above may change names or be re-organized by the City Manager. Any reference to a specific department also includes applicable divisions and any subsequent City departments that will provide the same or similar services.

5. AUTHORITY

City and Owner represent that they have full power, authority and legal right to execute, deliver and perform their obligations pursuant to this Agreement. Owner acknowledges that approval of this Annexation is within its sole jurisdiction of the City Council. Nothing in this Agreement guarantees favorable decisions by the City Council.

6. SEVERABILITY

If any part, term or provision of this Agreement is held by the courts to be illegal, invalid, or otherwise unenforceable, such holding will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term or provision was never part of the Agreement.

7. INTERPRETATION

The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in negotiation and drafting of this Agreement.

8. VENUE, CHOICE OF LAW AND INTERPRETATION

Venue for any cause of action arising under this contract is Jones 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.

9. NO WAIVER

The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.

10. GOVERNMENTAL POWERS

It is understood that by execution of this Agreement, the City does not waive or surrender any of its governmental powers or immunities.

11. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and shall constitute one instrument.

12. SECTIONS AND OTHER HEADINGS

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

12. AGREEMENT BINDS SUCCESSORS AND RUNS WITH THE LAND

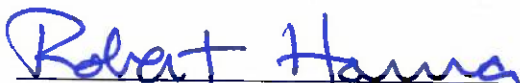
This Agreement is binding on and inures to the benefit of both parties, their successors, and assigns. The term of this Agreement constitutes covenants running with the land comprising the Property and is binding on the Owner.

13. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties. This Agreement shall not be amended unless executed in writing by both parties.

IN WITNESS HEREOF, the parties hereto have executed this Agreement as of the date written above, which shall be the effective date of annexation of the Property.

CITY OF ABILENE


Robert Hanna, City Manager


Date

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary



Exhibit A



SHEPPARD SURVEYING CO., INC.

Registered Professional Land Surveyor 3697 - Licensed State Land Surveyor

BOUNDARY
RETRACEMENT
GPS
CONTROL
ROUTE
OIL LEASE

17 Windmill Circle Abilene, Texas 79606 (915) 695-6277 Fax 695-3299 E Mail: gis@camalott.com

STATE OF TEXAS JONES COUNTY

FIELD NOTES OF 440.20 ACRES OF LAND OUT OF SECTIONS 8 AND 11 BLIND ASYLUM LANDS, JONES COUNTY, TEXAS AND BEING ALL OR PARTS OF 80 ACRES OUT OF THE SOUTHEAST QUARTER OF SECTION 8 A-538, CONVEYED TO RAYMOND BYNUM FROM R. W. HAYNIE AS RECORDED IN VOLUME 408,269: LANDS DESCRIBED IN VOLUME 400, PAGE 113 CONVEYED FROM BILLIE JEAN CRIER TO RAYMOND BYNUM FIRST TRACT SOUTHWEST QUARTER OF SECTION 8, ONE ACRE OUT OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 8 A-613, THIRD TRACT 134 ACRES OUT OF THE NORTHEAST QUARTER OF SECTION 11 A-524 SAVE AND EXCEPT 26.18 ACRES AND A 3.749 ACRE TRACT CONVEYED FROM RAYMOND BYNUM TO ALICE LEONA WILLIAMS AS RECORDED IN VOLUME 509, PAGE 419: FOURTH TRACT 60 ACRES OUT OF THE SOUTHEAST QUARTER OF SECTION 8 A-538; AND 5.9007 ACRES OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 11 AS DESCRIBED IN CONVEYANCE FROM ALICE LEONA WILLIAMS TO RAYMOND BYNUM AS RECORDED IN VOLUME 509, PAGE 80 ALL OF JONES COUNTY DEED RECORDS.

BEGINNING AT A COTTON SPINDLE SET AT THE INTERSECTION OF JONES COUNTY ROAD 306 AND JONES COUNTY ROAD 311 FOR THE OCCUPIED SW CORNER OF AFORESAID SECTION 8 AND THE MOST WESTERLY SOUTHWESTERLY CORNER OF THIS TRACT.

THENCE N 00°32'08" E ALONG THE WEST LINE OF SECTION 8 AND COUNTY ROAD 311 FOR A DISTANCE OF 2681.60' TO A COTTON SPINDLE SET FOR THE SOUTHWEST CORNER OF CITY OF ABILENE TRACT KNOWN AS THE NORTHWEST QUARTER OF SECTION 8 AND RECORDED IN VOLUME 448, PAGE 445, THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER AND THE NORTHWEST CORNER OF THIS TRACT.

THENCE S 89°45'45" E FOR A DISTANCE OF 2637.67' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET FOR THE NORTHWEST CORNER OF A CITY OF ABILENE 23 ACRE TRACT AS DESCRIBED IN VOLUME 450, PAGE 565, THE NORTHEAST CORNER OF AFORESAID SOUTHWEST QUARTER OF SECTION 8 AND THE MOST NORTHERLY NORTHEAST CORNER OF THIS TRACT.

THENCE S 00°41'16" W FOR A DISTANCE OF 148.63' TO AN 8" FENCE CORNER POST RECOVERED FOR THE SOUTHWEST CORNER OF SAID 23 ACRE TRACT, THE NORTHWEST CORNER OF AFORESAID 80 ACRE TRACT AND AN ELL CORNER OF THIS TRACT.

THENCE S 89°16'26" E FOR A DISTANCE OF 1402.80' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET FOR AN ELL CORNER OF SAID 23 ACRE TRACT, THE NORTHEAST CORNER OF AFORESAID 80 ACRE TRACT AND AN ELL CORNER OF THIS TRACT.

THENCE S 00°43'34" W FOR A DISTANCE OF 433.82' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET IN A RECOVERED PILE OF ROCKS FOR THE SOUTHWEST CORNER OF SAID 23 ACRE TRACT, THE NORTHWEST CORNER OF AFORESAID 60 ACRE TRACT AND AN ELL CORNER OF THIS TRACT.

THENCE S 88°29'52" E FOR A DISTANCE OF 1250.65' TO A 8' FENCE CORNER POST RECOVERED ON THE WEST RIGHT OF WAY OF COUNTY ROAD 309 FOR THE SOUTHEAST CORNER OF SAID 23 ACRE TRACT, THE NORTHEAST CORNER OF AFORE SAID 60 ACRE TRACT AND THE

MOST EASTERLY NORTHEAST CORNER OF THIS TRACT, BEING ON THE EAST LINE OF AFORESAID SECTION 8.

THENCE S 00°41'35" W DOWN COUNTY ROAD 309 AT 2062.13' PASS THE SOUTHEAST CORNER OF SECTION 8, THE NORTHEAST CORNER OF SECTION 11, CONTINUE FOR A TOTAL DISTANCE OF 4723.40' TO A COTTON SPINDLE SET FOR THE SOUTH EAST CORNER OF SAID 134.5 ACRE TRACT AND OF THIS TRACT.

THENCE N 89°19'35" W ALONG THE NORTH LINE OF SHADY CREEK ESTATES SECTION II, AT 764.6' PASS 0.75' NORTH OF A RECOVERED REBAR, AT 1054.2' PASS 0.92' SOUTH OF A RECOVERED REBAR, AT 1344.6' PASS 0.85' NORTH OF A RECOVERED REBAR, AT 1633.8' PASS OVER A RECOVERED REBAR, AT 2000.56' PASS 2.75' NORTH OF A RECOVERED REBAR AND CONTINUE FOR A TOTAL DISTANCE OF 2045.60' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET FOR THE SOUTHEAST CORNER OF AFORESAID 3.749 ACRE TRACT AND THE MOST SOUTHERLY SOUTHWEST CORNER OF THIS TRACT. FROM THIS POINT A FENCE CORNER BEARS N 85°20'33" W AT 45.1'.

THENCE N 06°17'29" W FOR A DISTANCE OF 589.65' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET ON THE EAST BOUNDARY LINE OF SAID 3.749 ACRE TRACT.

THENCE N 04°10'00" W FOR A DISTANCE OF 106.30' TO A ½" REBAR WITH CAP MARKED "SHEPPARD 3697" SET ON THE EAST BOUNDARY LINE OF SAID 3.749 ACRE TRACT.

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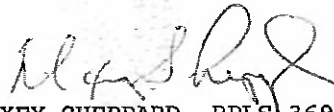
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FOR A TOTAL OF 440.2 ACRES OF LAND MORE OR LESS.

FIELD PERSONNEL MONTE SHEPPARD
 BRANDON STAGGS

I, MAXEY SHEPPARD, A REGISTERED PROFESSIONAL LAND SURVEYOR OF TEXAS HEREBY
CERTIFY THAT THE FOREGOING FIELD NOTES AND ATTACHED PLAT REPRESENTS THE FINDINGS
OF A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND COMPLETED ON THE
8TH DAY OF JUNE, 2004.


MAXEY SHEPPARD, RPLS 3697
WO 04-1296

Annexation of approximately 440.20 Acres into the City Limits of the City of Abilene, Texas

Michael Rice





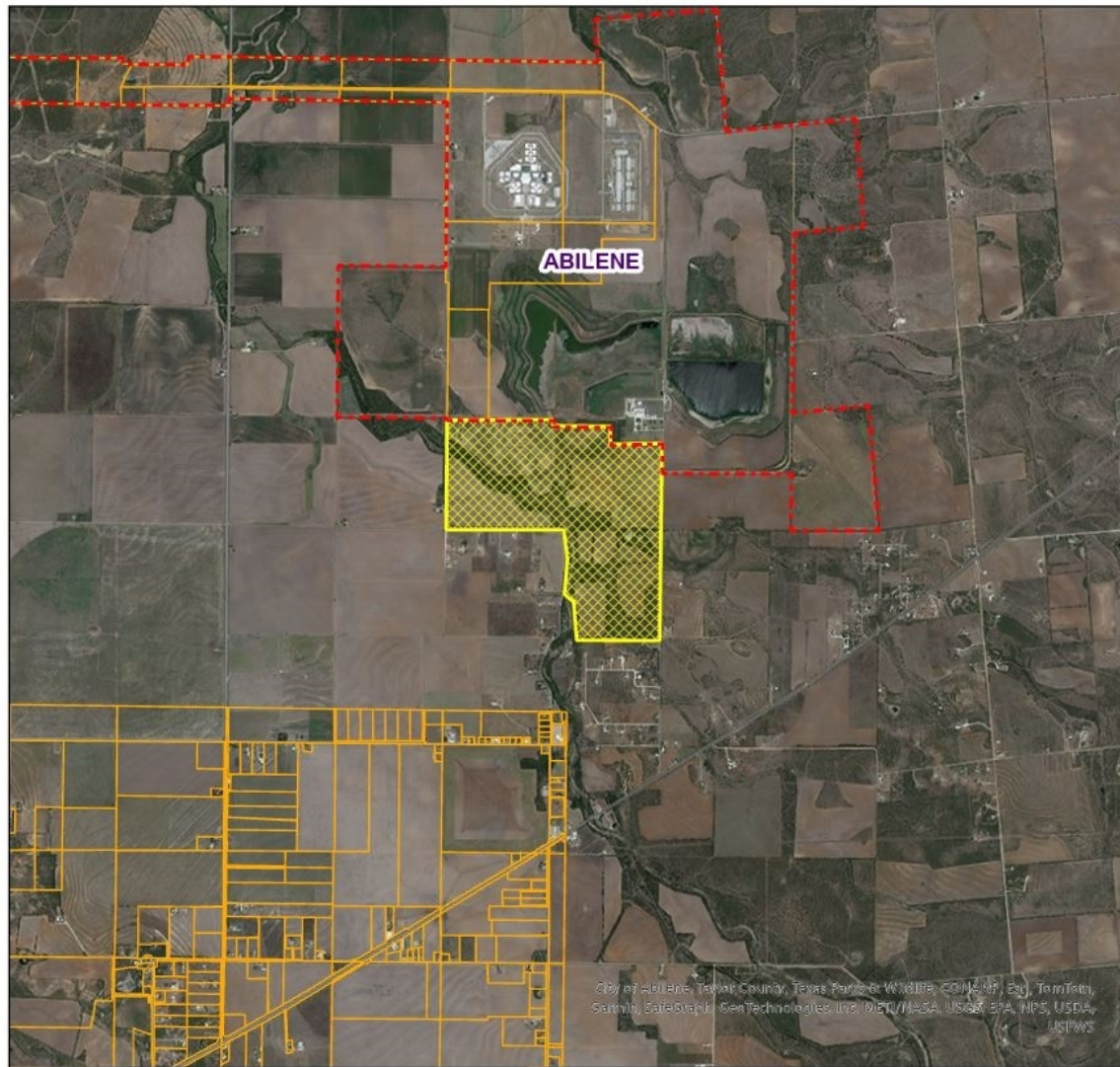
Annexation of approximately 440.20 Acres into the City Limits of the City of Abilene, Texas

- The City of Abilene desires that property they own, described as a 440.20 acre tract, be annexed into the city limits of the City of Abilene
- Pursuant to Texas Local Government Code Section 43.016, if applicable, the City has made offers of a development agreement for agricultural, wildlife management or timber land, and the offers have been rejected by the property owners.
- The procedures prescribed by the Charter of the City of Abilene and Texas law are being duly followed.
- The annexed territory shall be a part of the City of Abilene, Texas, and shall be Zoned AO
- Staff supports the Annexation Request.



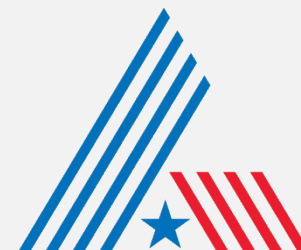


Annexation of approximately 440.20 Acres into the City Limits of the City of Abilene, Texas



Legend

- Municipal Boundaries
- Proposed Annexation



CITY OF
ABILENE
TEXAS

0.6

Miles



Annexation of approximately 440.20 Acres into the City Limits of the City of Abilene, Texas

QUESTIONS ?





**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **10. Ordinance (Final Reading) CUP-2024-11: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, to Apply a Conditional Use Permit to Approximately 0.15 Acres to Allow a 150' Monopole Tower within General Retail (GR), Located at 2560 X Barrow Street**
(Tim Littlejohn)

GENERAL INFORMATION

The applicant is requesting a Conditional Use Permit to Allow A 150' Monopole Tower Within General Retail (GR).

SPECIAL CONSIDERATIONS

The subject property was annexed into the City of Abilene in 1957 and has been zoned General Retail (GR). The east side of the subject property is currently occupied by The Hemp Corner. The remaining west side of the subject property currently is vacant.

A super-majority vote, being at least 6 Councilmembers, will be required to approve the CUP at final reading.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Ordinance
2. Staff Report
3. Concept Plan
4. 2626 Barrow Street
5. 2420 X Barrow St
6. presentation

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING A CERTAIN PROPERTY; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23 of the Land Development Code of the City of Abilene, is hereby amended by approving a Conditional Use Permit (CUP) as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

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

PASSED ON FIRST READING the 19th day of December, 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 November, 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 9th day of January, 2025, 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 9th day of January, 2025.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

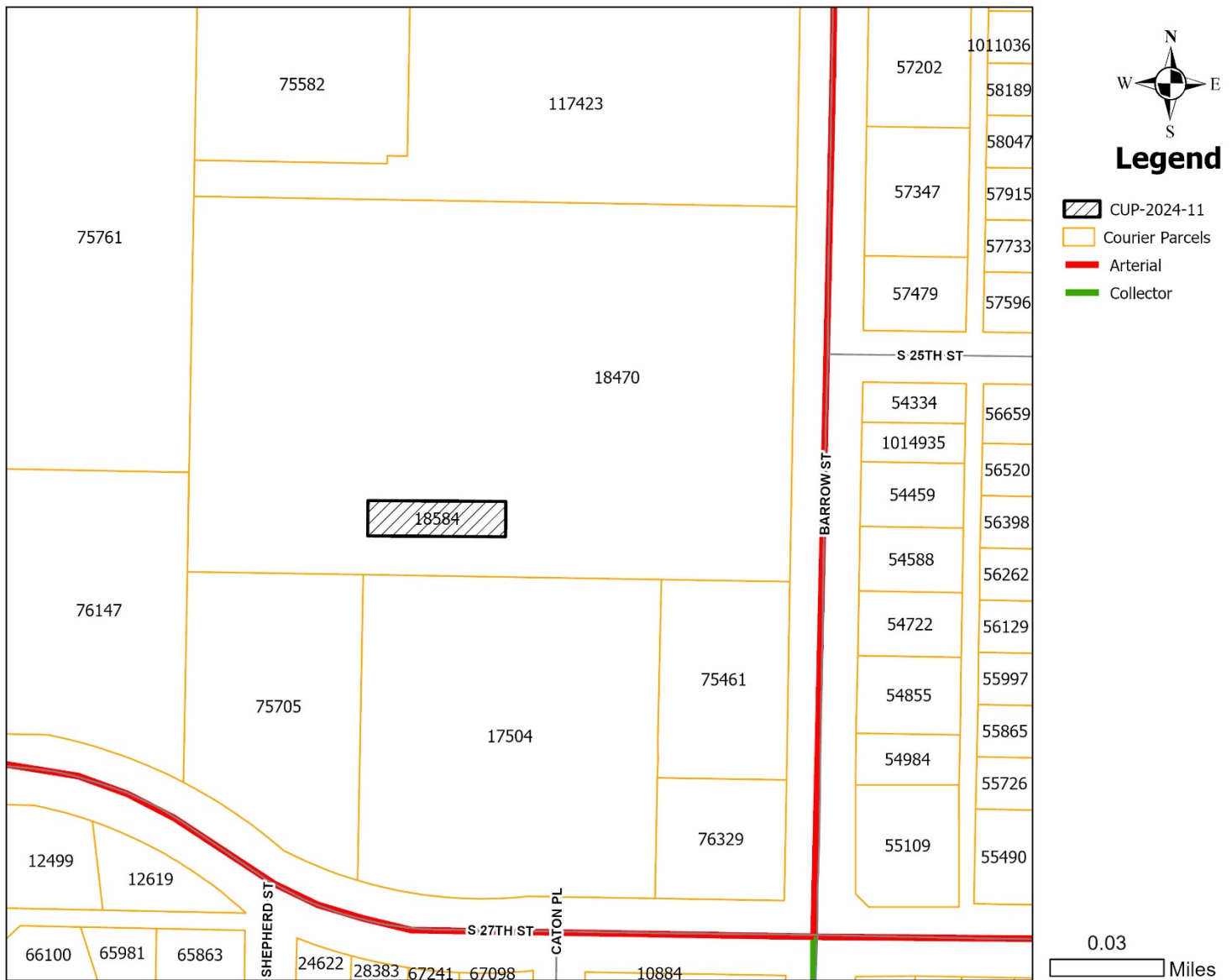
CITY ATTORNEY

EXHIBIT A

Apply a Conditional Use Permit to approximately 0.15 acres zoned General Retail (GR) to erect a 150' tall monopole, subject to the site plan attached as **Exhibit B**.

Legal description being part of Lot 101 of the Gibson Replat, Block 10, Brookhollow Section 4, Abilene, Taylor County, Texas.

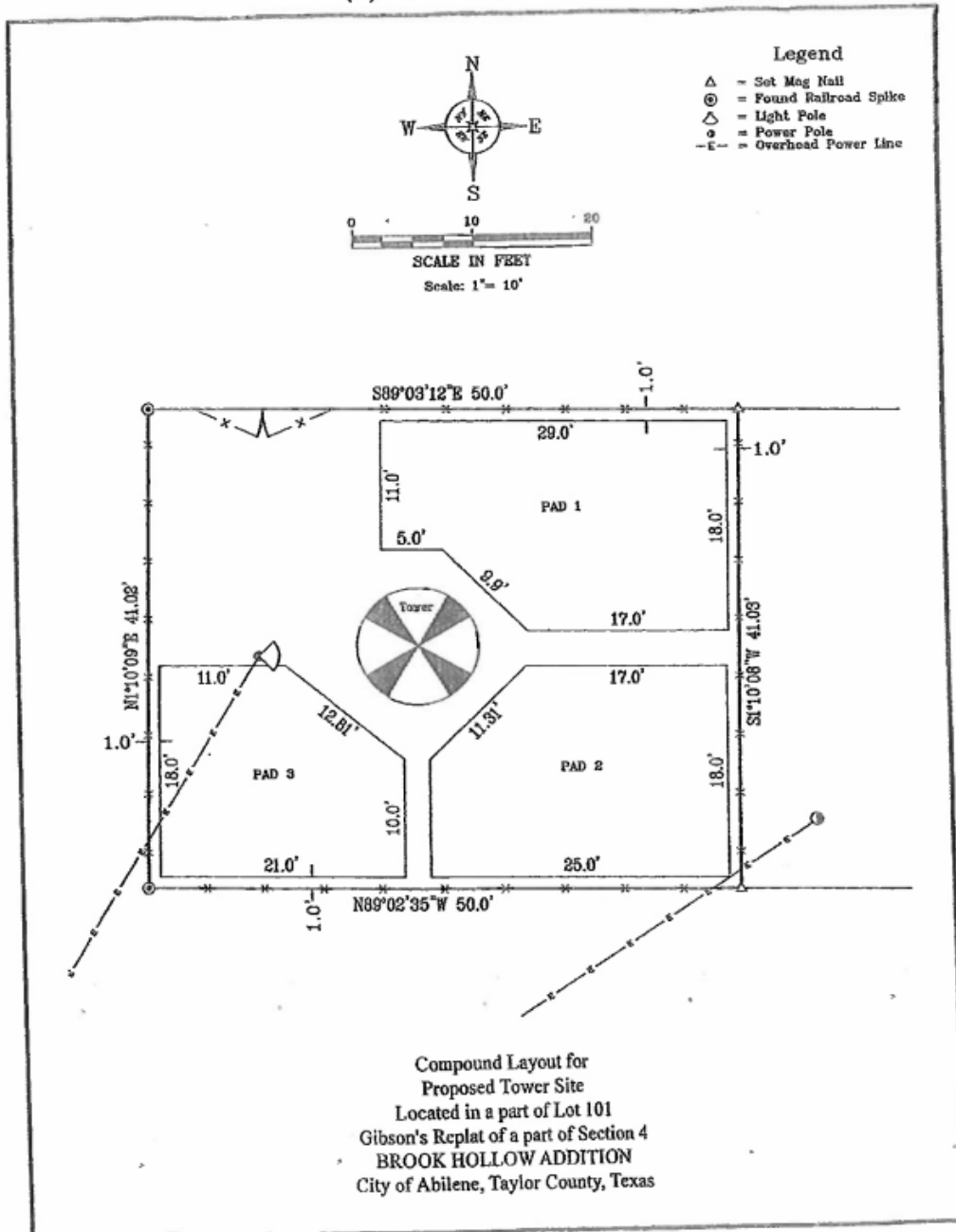
Located at 2560 X Barrow Street.



ORDINANCE NO. _____

EXHIBIT B

(2) Site Plan



END

ZONING CASE CUP-2024-08 STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: December 3, 2024
City Council 1st Read: December 19, 2024
City Council 2nd Read: January 9, 2024

Applicant

Owner: HIT Ventures, LLC
Agent: Laddie Galloway

Case Manager

Kera Valois – Planner

Request

The applicant is requesting a Conditional Use Permit to construct a new 150' tall monopole within General Retail (GR) zoning.

Location

The subject property is located at 2560 X Barrow Street. Legal description being part of Lot 101 of the Gibson Replat, Block 10, Brookhollow Section 4, Abilene, Taylor County, Texas.

Background

The subject property was annexed into the City of Abilene in 1957 and has been zoned General Retail (GR). The east side of the subject property is currently occupied by The Hemp Corner. The remaining west side of the subject property currently is vacant.

Zoning, Existing and Proposed Land Use

	Zoning	Existing Land Use
North	GR	Drug Emporium
East	GR	The Hemp Corner
South	GR	Deep Dive Deals
West	GR	Chimney Plaza

Criteria Assessment

Staff has reviewed the request based upon the factors established in Section 1.4.3.5, Criteria for Approval of the Land Development Code. These factors are identified and addressed below:

- 1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.**
The proposed request is consistent with the Comprehensive Plan and Future Land Use, which both recommend "Neighborhood Commercial" uses at this location.
- 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.**
The proposed use is compatible with the surrounding General Retail (GR) Zoning. Communication Towers need to be located in areas that generate high levels of communication/data traffic with a height to provide a large area of coverage and allow multiple communication providers to use the tower. This strategy minimizes the need for additional towers to provide service.

3. **The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.**

The proposed/existing use is compatible with surrounding developments and will not create adverse impacts regarding traffic, noise, or visual nuisances. The purpose of the tower is to provide communication services for three to four carriers.

4. **The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.**

The proposed use will not generate additional pedestrian or vehicular traffic.

5. **The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.**

The proposed use will not generate a level of traffic that would adversely affect the existing road network in the vicinity of the subject site.

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

The proposed tower is surrounded by General Retail zoning and is supported by the Comprehensive Plan. The proposed tower would not adversely affect the existing uses in this area. The proposed area is located at the rear of the property and is surrounded by buildings that effectively screen the tower base.

7. **The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.**

The applicant for the proposed tower does not currently have any existing towers within City limits or within one mile of City limits. The location of the proposed tower is ideal given its proximity to high communication generating uses.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval** of the Conditional Use Permit.

Attachments

- Technical Drawings
- PowerPoint Presentation

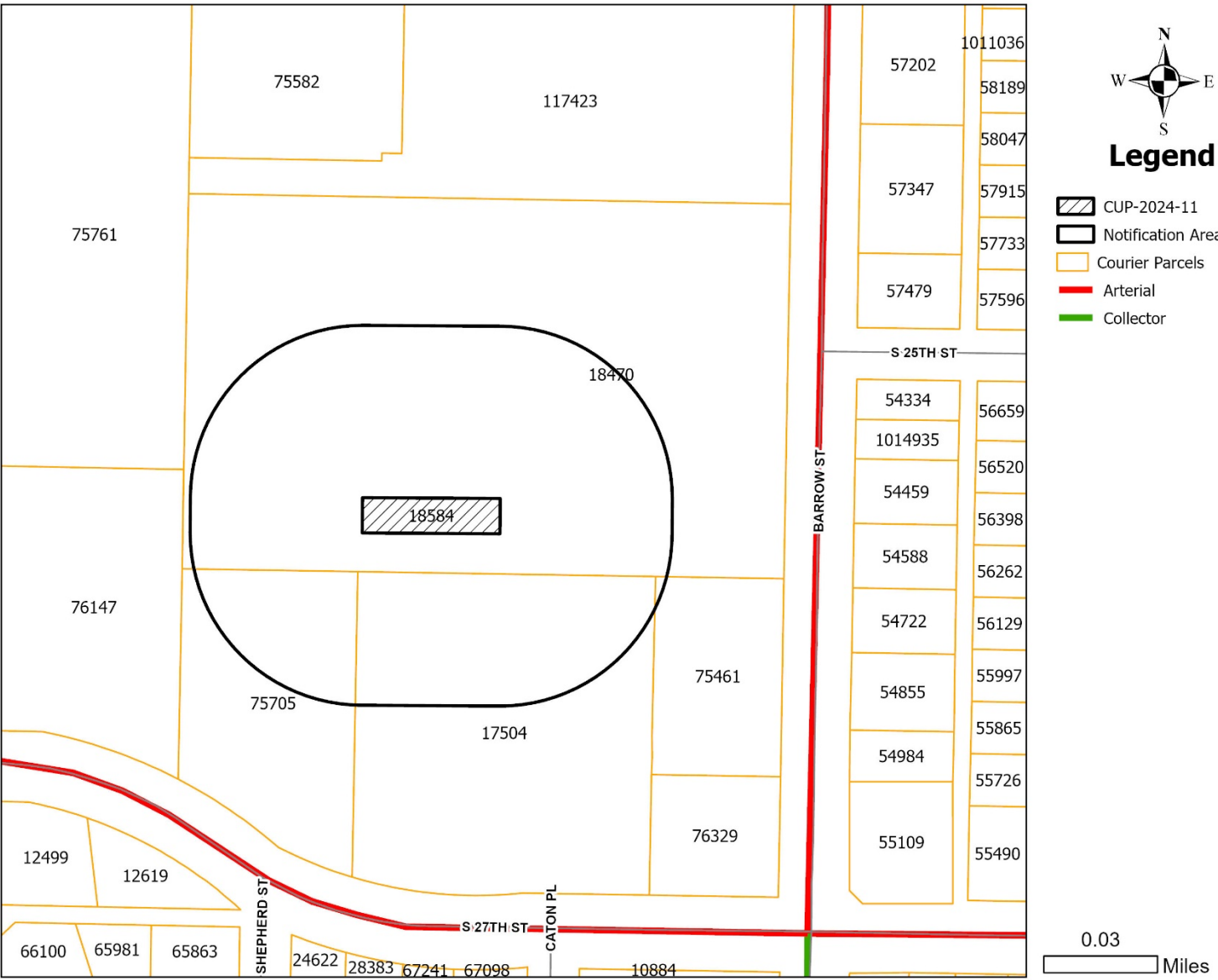
Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on November 15, 2024, via standard mail to the owners of property within a 200-foot radius of the subject street right of way. The property owners and associated parcel identification numbers are identified below:

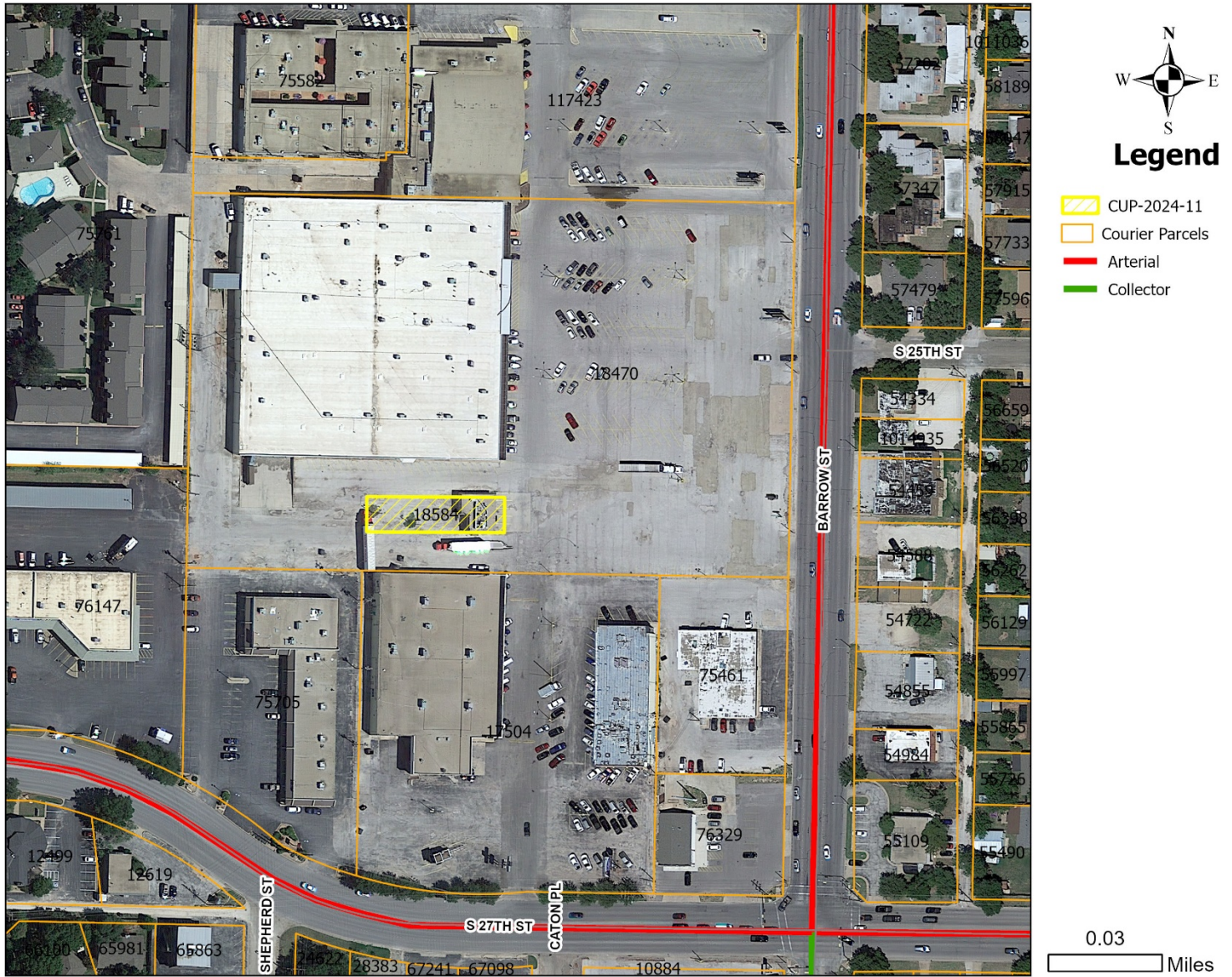
Legend: O - Opposed, F - In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
SOUTH CENTRAL INDUSTRIAL	18470	2420 X BARROW ST	O
HIT VENTURES LLC	18584	2560 BARROW ST	
BYPASS TRUST	75461	2602 BARROW ST	
BROOKHOLLOW SOUTH-94 JT VNT	17504	2626 BARROW ST	F
LANGER LAND & CATTLE LLC	75705	3132 S 27TH ST	

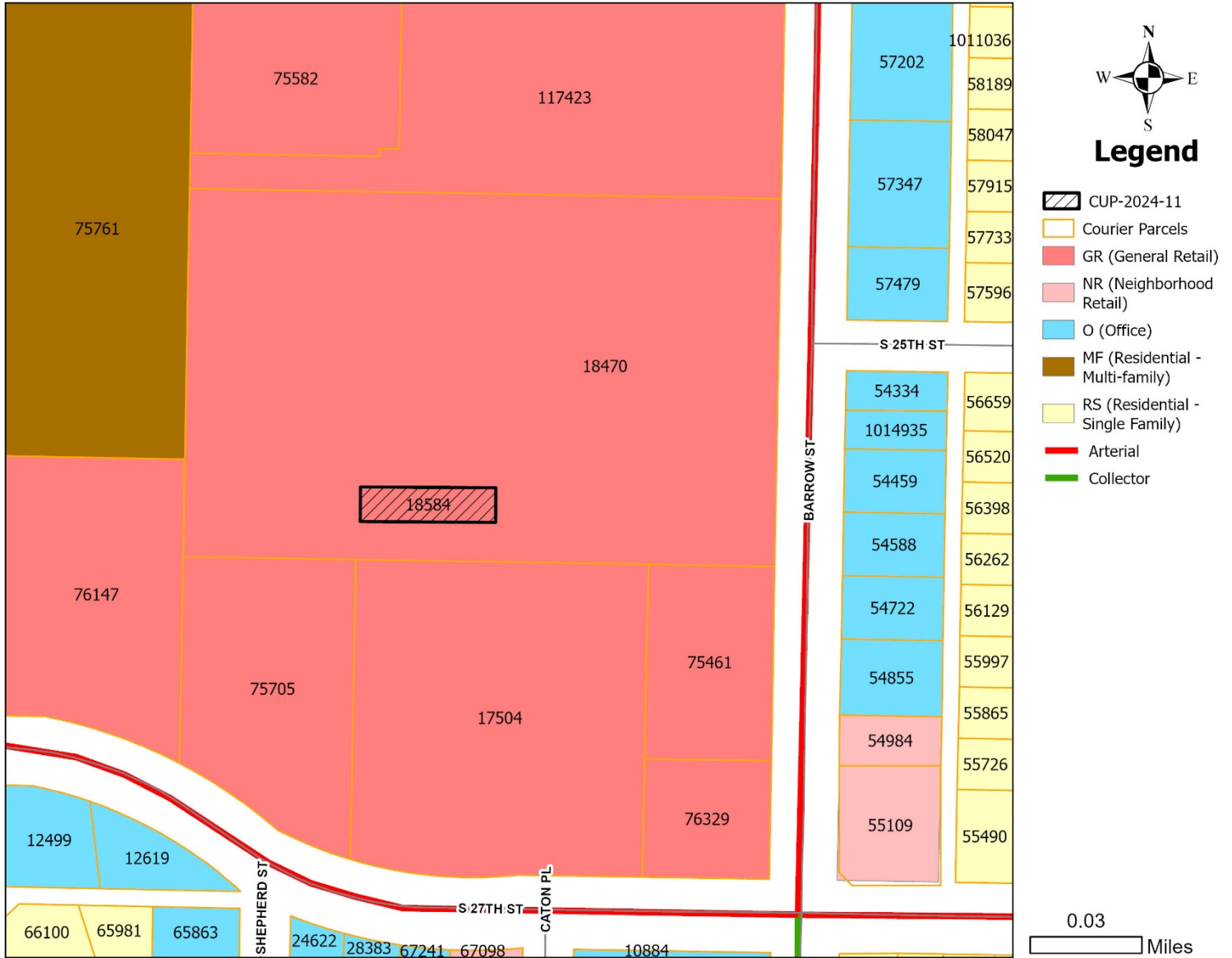
NOTIFICATION MAP



LOCATION MAP



ZONING MAP

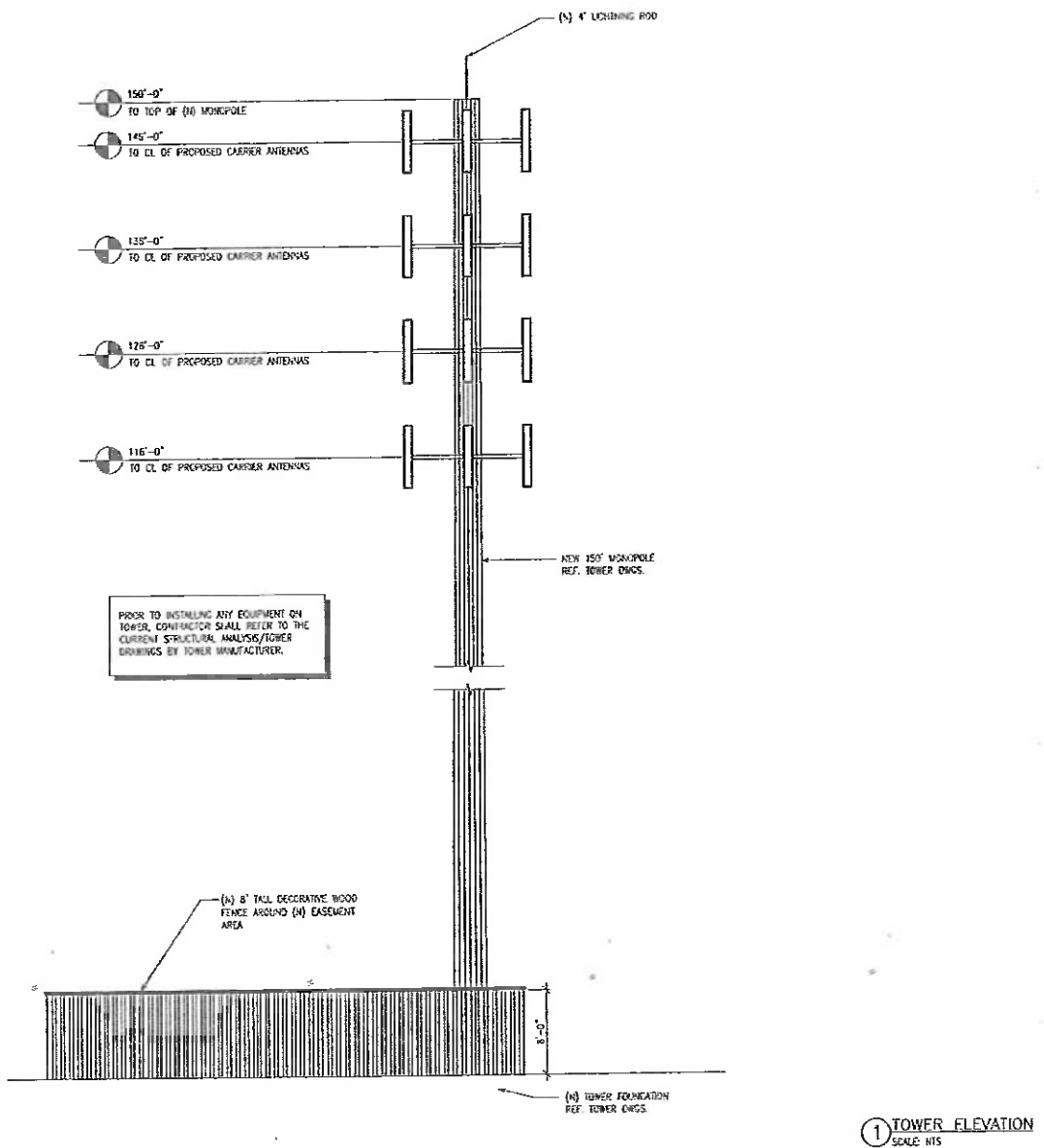


(1) Inventory of Existing Towers in Abilene

Titan Towers does not have any towers within the City of Abilene, or within 1 mile of the City Limits.

(3) Tower Drawing

- 150' monopole
- 3 - 4 mobile phone customer capacity (depending on antenna loading)



(4) Letter of Intent to Lease



Titan Towers is a tower company (not a mobile phone carrier) whose business practice is to lease space on its towers to a variety of customers... including mobile phone carriers such as AT&T, Verizon, T-Mobile and Direct TV, as well as wireless internet and various other types of communication & data transmission equipment.

Therefore, Titan Towers is motivated and has planned for the capacity to lease space on the tower to multiple companies.

(5) Justification Statement

See Attached Statement

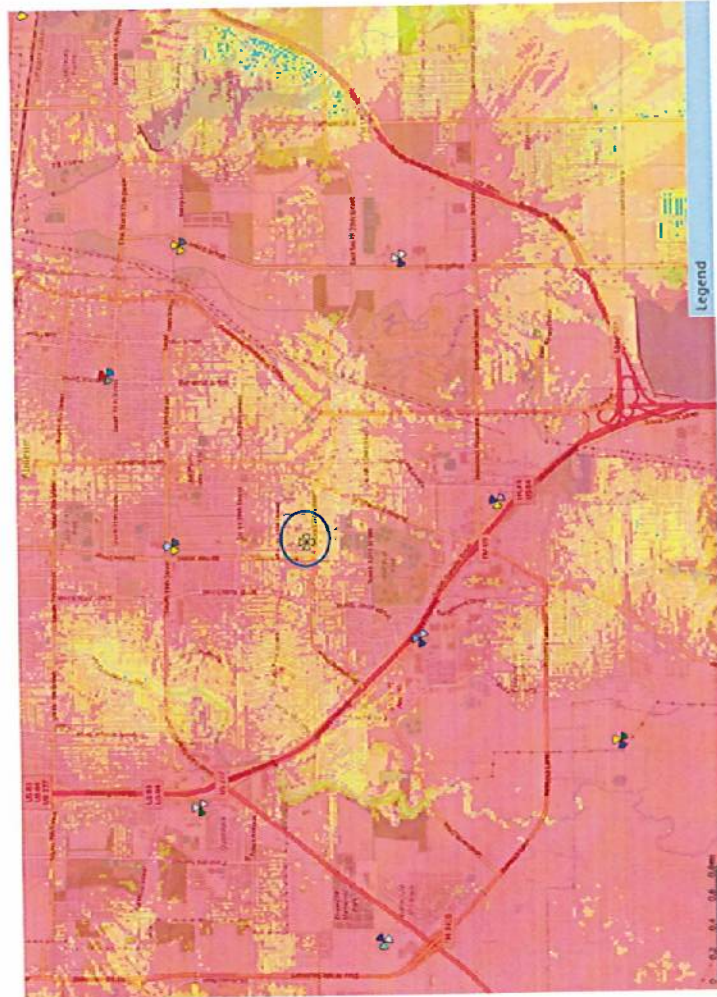
WTLO00772 Signal Level Plots

Bobby Wells
9/30/2024

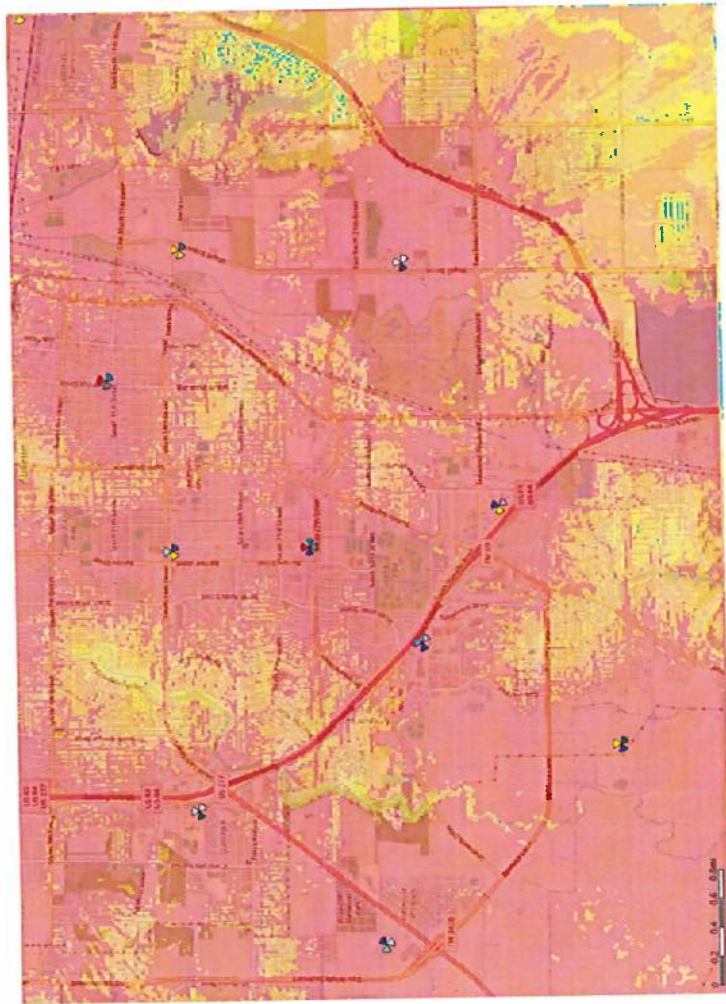
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AT&T Proprietary (Internal Use Only) - Not for use or disclosure outside the AT&T companies except under written agreement.



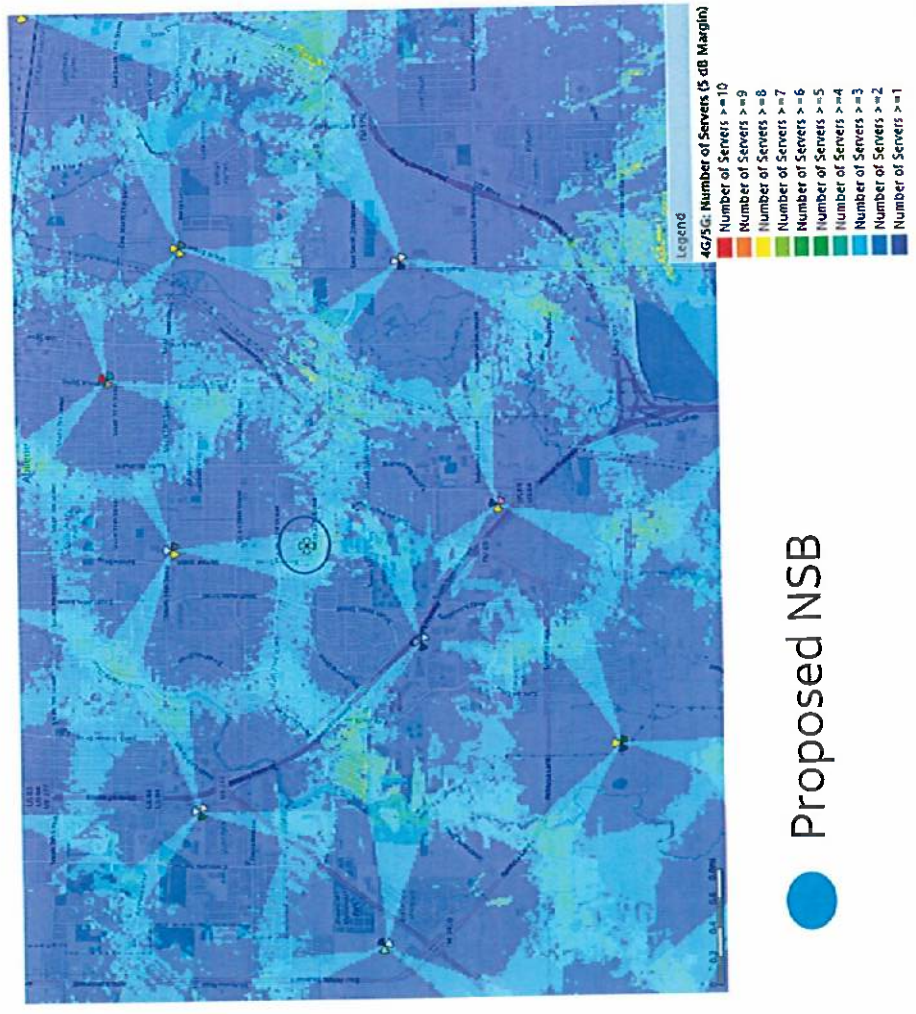
RSRP 700Mhz



Proposed NSB

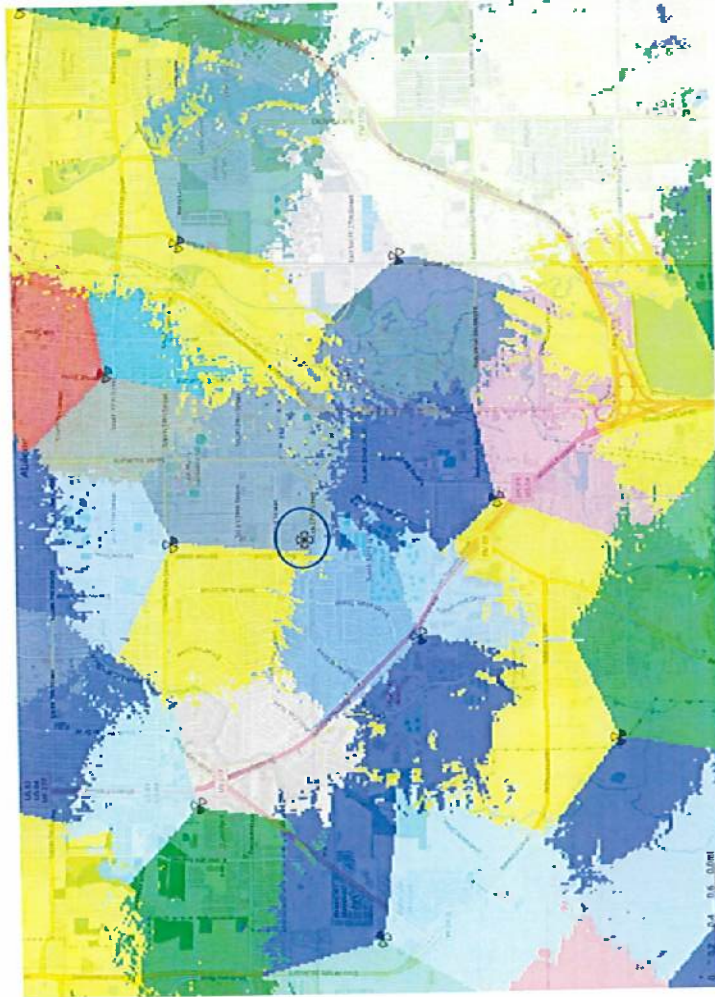


Number of Servers (Dominance) 700Mhz

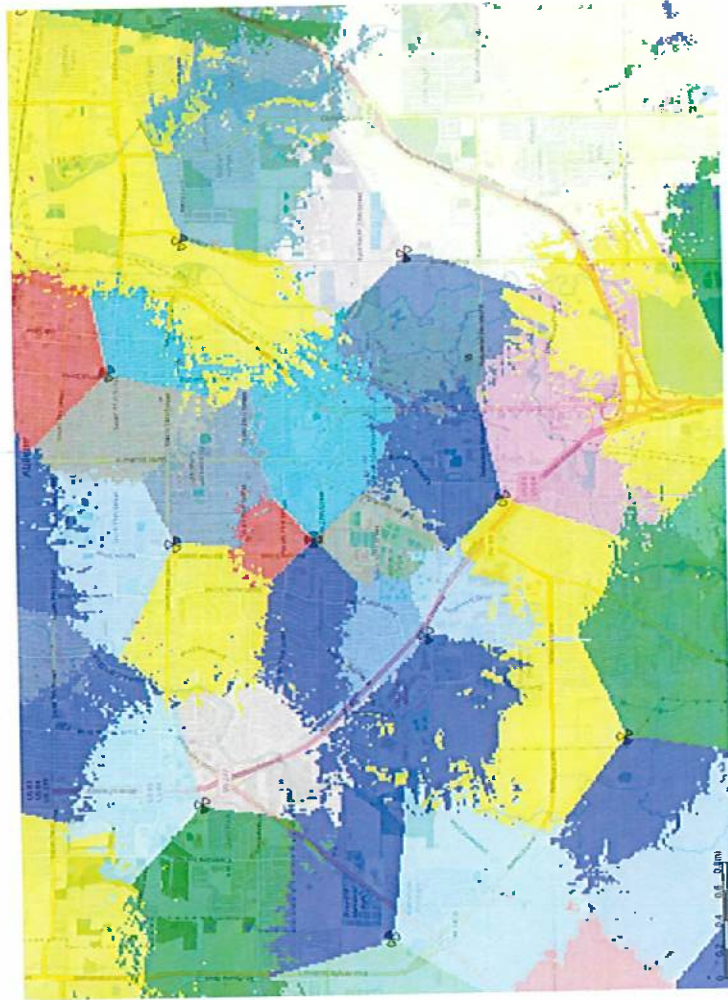


Proposed NSB

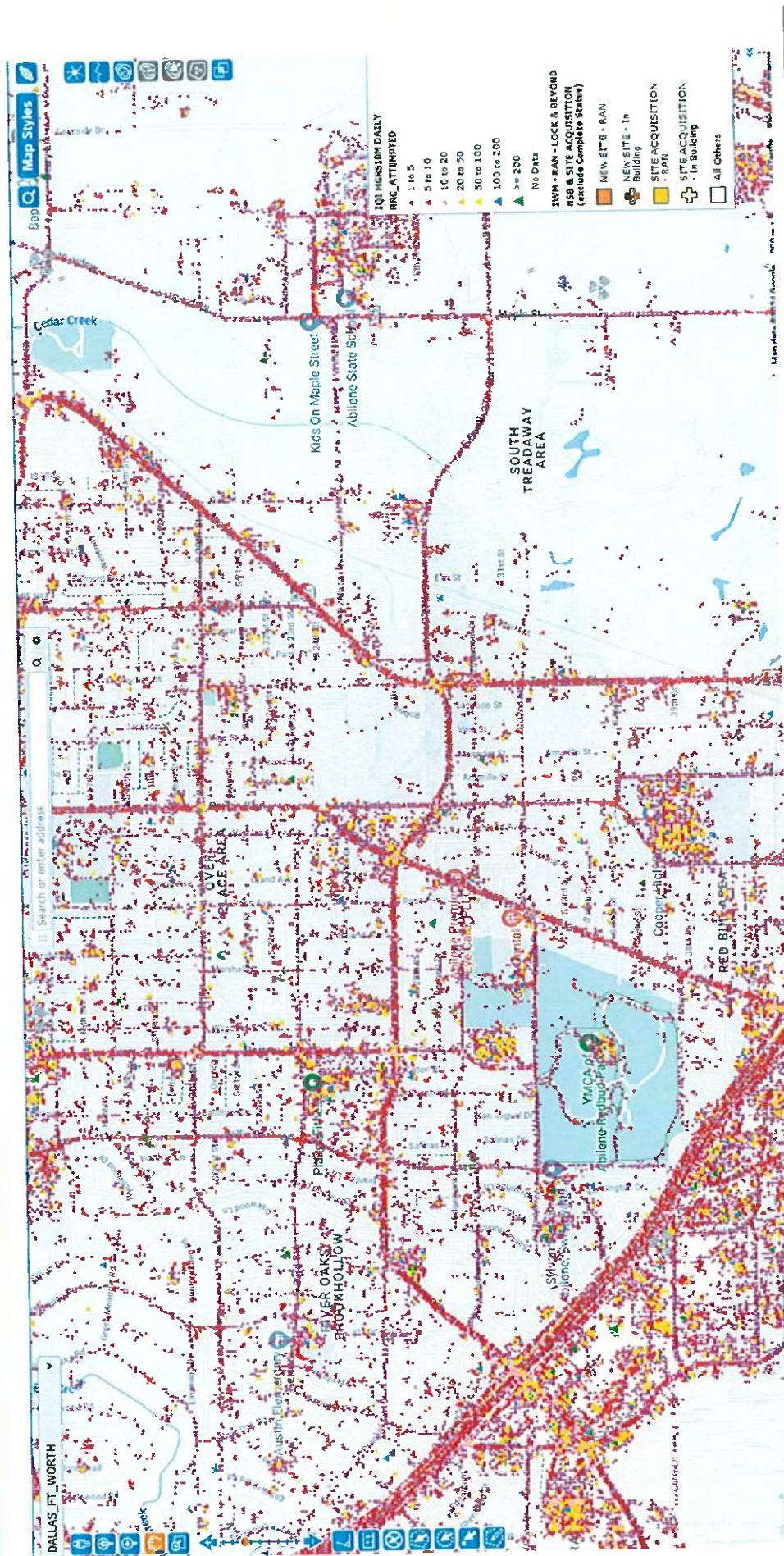
Coverage by Transmitter



● Proposed NSB

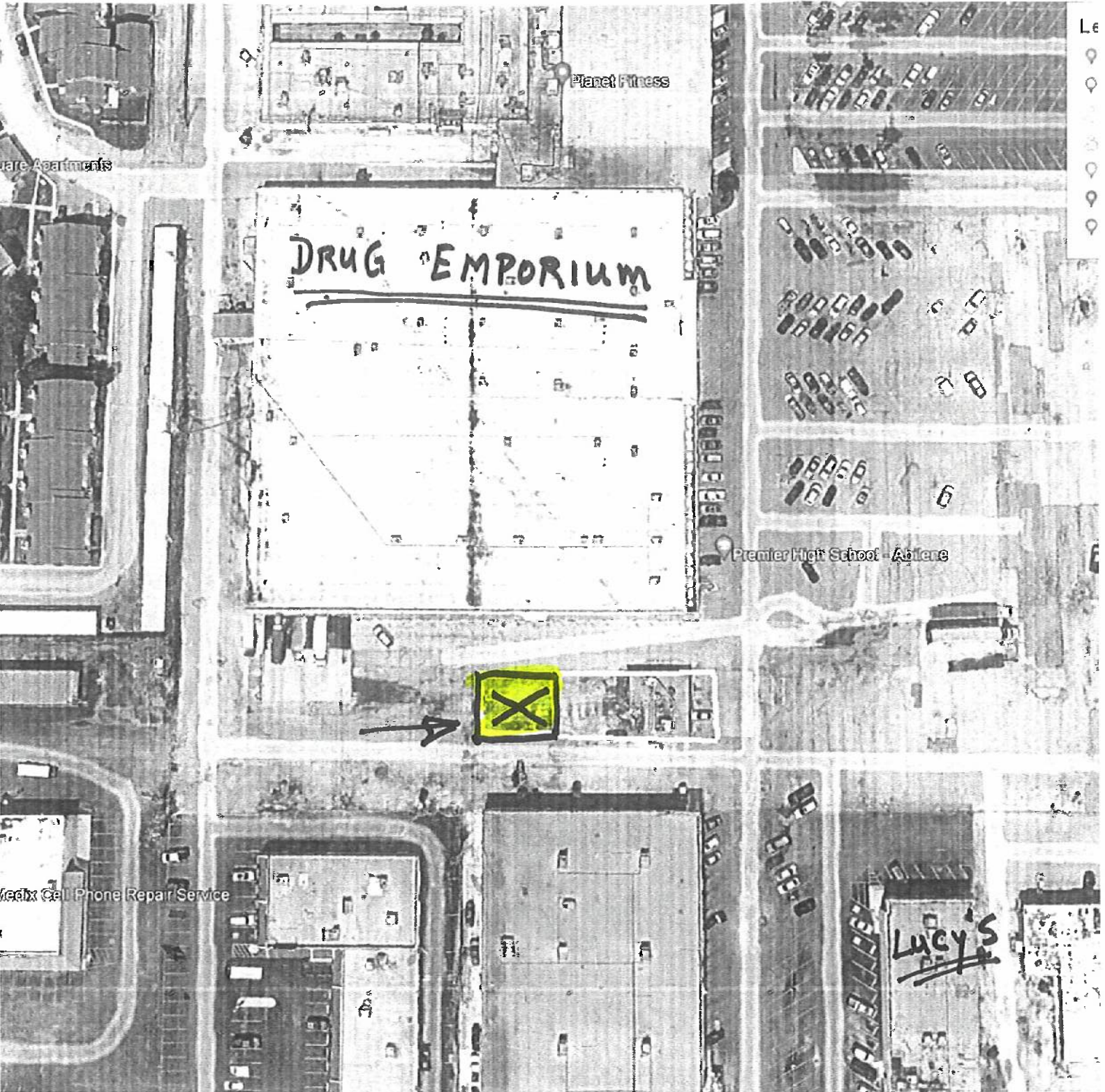


IQI Connected Users near proposed site



© 2023 AT&T Intellectual Property - AT&T Proprietary (Internal Use Only)

Aerial



KT

ZONING NOTIFICATION RESPONSE FORM CASE #: CUP-2024-11

You may indicate your position on the Conditional Use Permit 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 be signed** and include your name and address. Please mail the response form to:

**Planning and Development Services
PO BOX 60, Abilene, TX 79604-0060.**

NOV 20 PM 4:19

Alternatively, you may email your response to planning@abilenetx.gov.

Requestor's Parcel ID: 18584
Requestor's Property Zoning: GR
Requestor's Proposed Zoning: GR/CUP

Your Name: BROOKHOLLOW SOUTH-94 JT VNT
Your Property Address: 2626 BARROW ST
Your Parcel ID: 17504

I am in favor of the request ☒

I am opposed to the request ☐

Signature:

Paul Johnson



SOUTH CENTRAL INDUSTRIAL
PO BOX 7008
WACO, TX 76714-7008

NOTICE OF PUBLIC HEARING

RE: Zoning Application Number CUP-2024-11

November 12, 2024

The Planning and Zoning Commission of the City of Abilene will hold a public hearing on **December 3, 2024**, at **1:30 PM** in the Council Chambers. The Council Chambers are located on the second floor of City Hall at 555 Walnut Street in Abilene, Texas. The zoning change is requested by the owner or the owner's agent. The property being considered for a Conditional Use Permit is approximately 0.15 acres zoned General Retail (GR) to allow a 150' tall monopole. Located at 2560 X Barrow Street. Legal description being part of Lot 101 of the Gibson Replat, Block 10, Brookhollow Section 4, Abilene, Taylor County, Texas. The property is currently zoned General Retail (GR), and the request is to a 150' tall monopole.

This public hearing is open to any interested person. Your opinions, objections, and comments relative to this may be expressed in writing, or in person at the public hearing. The City of Abilene encourages you to participate in this process. You will find a response form at the bottom of this letter that you may complete, cut off, and mail to the City. All written responses must be signed by the respondent per State law. The City also accepts comments by email per the instructions below.

The attached map shows the area of this Conditional Use Permit request. Only the area highlighted on the map by striped lines is being considered for a Conditional Use Permit. The solid boundary line surrounding the highlighted area is a state mandated 200' notification area. You are receiving this letter because your address is located within this 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 9, 2025, at 8:30 AM** in the Council Chambers.

If you have any questions, please contact Kera Valois at telephone 325-676-6496 or by email address planning@abilenetx.gov

ZONING NOTIFICATION RESPONSE FORM CASE #: CUP-2024-11

You may indicate your position on the Conditional Use Permit 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 be signed** and include your name and address. Please mail the response form to:

**Planning and Development Services
PO BOX 60, Abilene, TX 79604-0060.**

Alternatively, you may email your response to planning@abilenetx.gov.

Requestor's Parcel ID: 18584
Requestor's Property Zoning: GR
Requestor's Proposed Zoning: GR/CUP

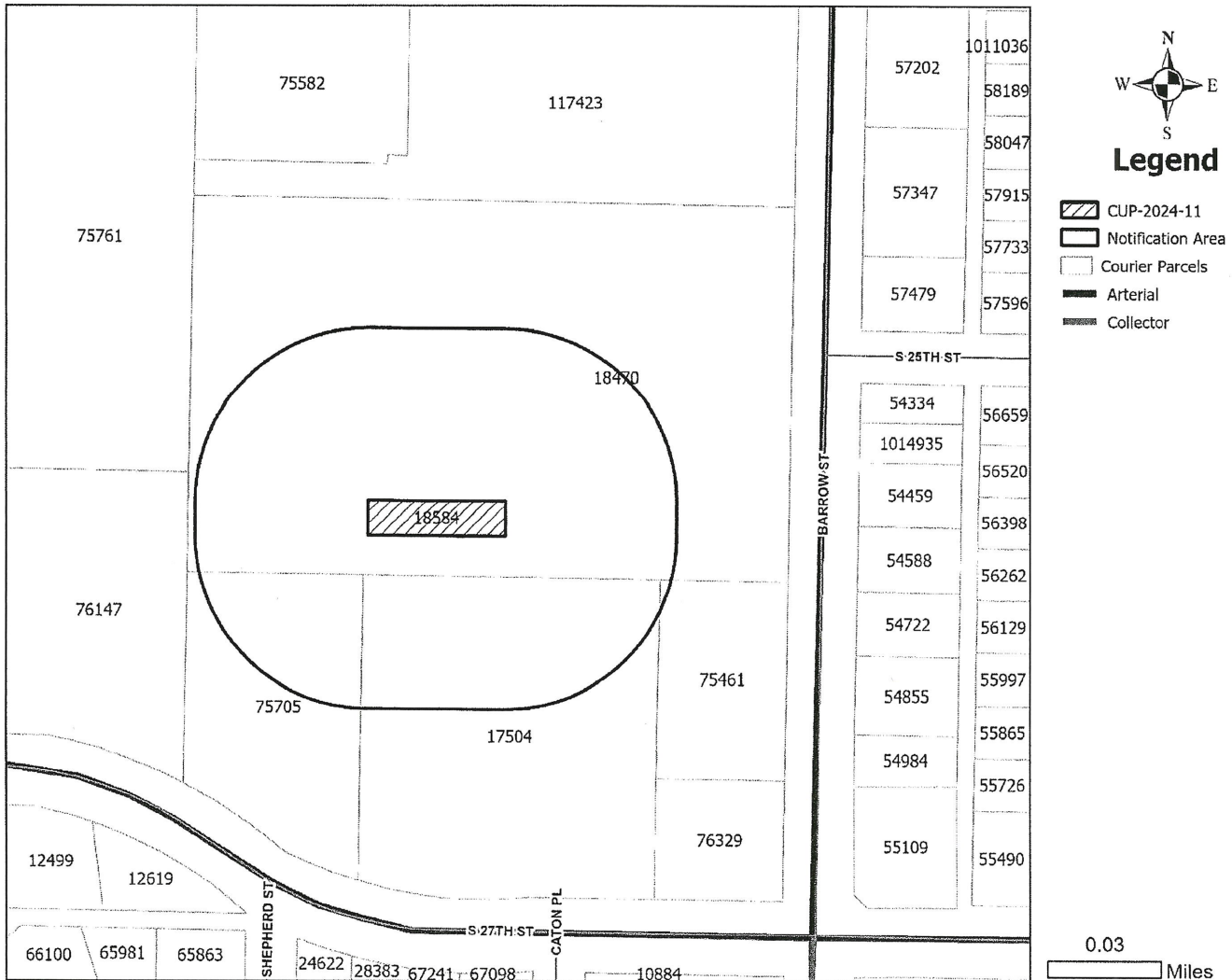
Your Name: SOUTH CENTRAL INDUSTRIAL
Your Property Address: 2420 X BARROW ST
Your Parcel ID: 18470

I am in favor of the request ☐

I am opposed to the request ☒

Signature: 

CUP-2024-11



Additional Comments:

The subject property is 0.15 acres surrounded by our 6.84 acre site. We believe this CUP will negatively impact our property in a substantial manner.

-Blake



CONDITIONAL USE PERMIT

Case: CUP-2024-11

Agent: Laddie Galloway

Requests: A Conditional Use Permit to allow a 150’ tall monopole in General Retail (GR) zoning.

Location: 2560 X Barrow Street

Notification: 1 in Favor, 1 in Opposition

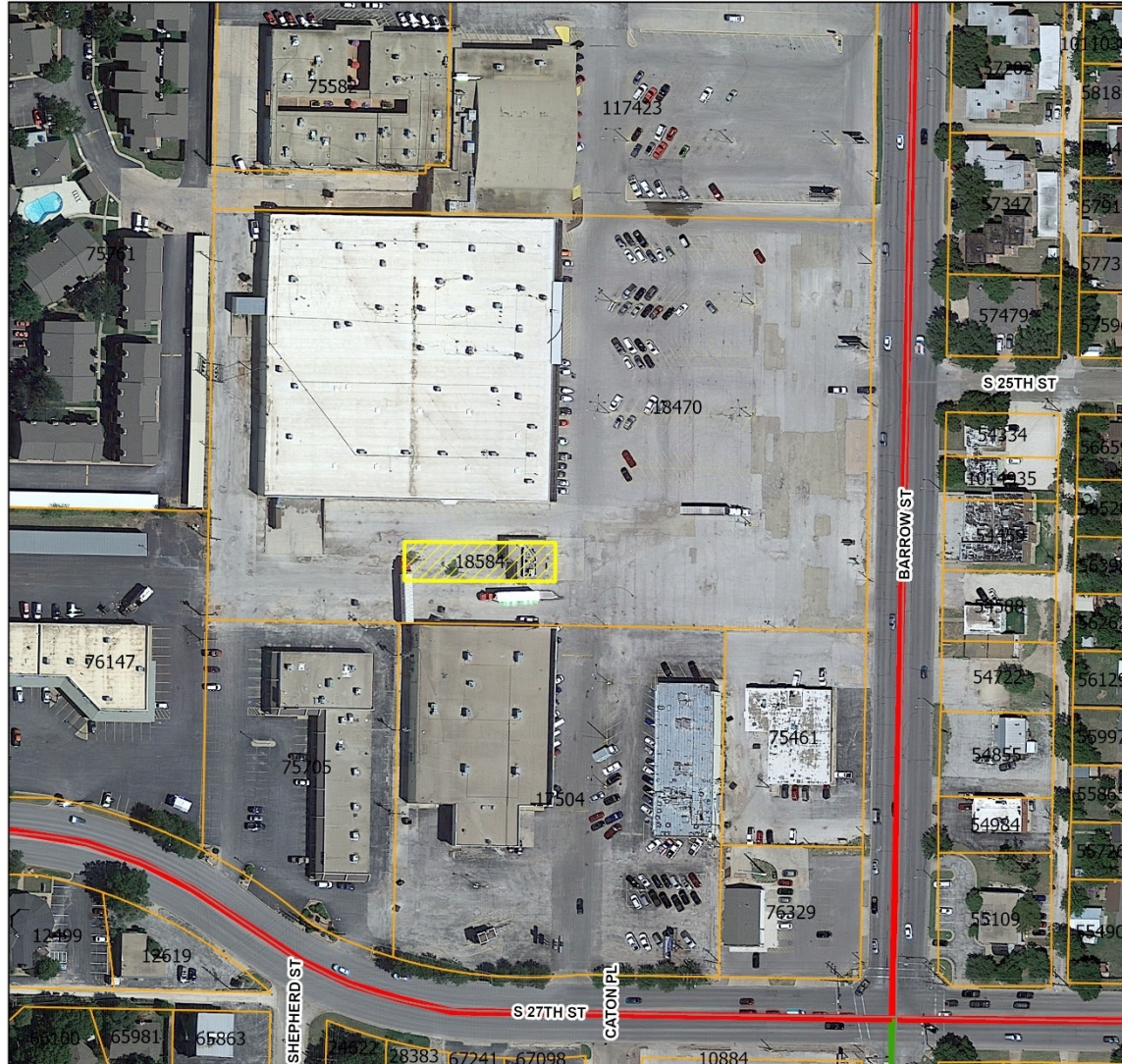
Planning & Zoning: December 3, 2024

Council Hearing: December 19, 2024
January 9, 2025





AERIAL LOCATION MAP



Legend

- CUP-2024-11
- Courier Parcels
- Arterial
- Collector

0.03

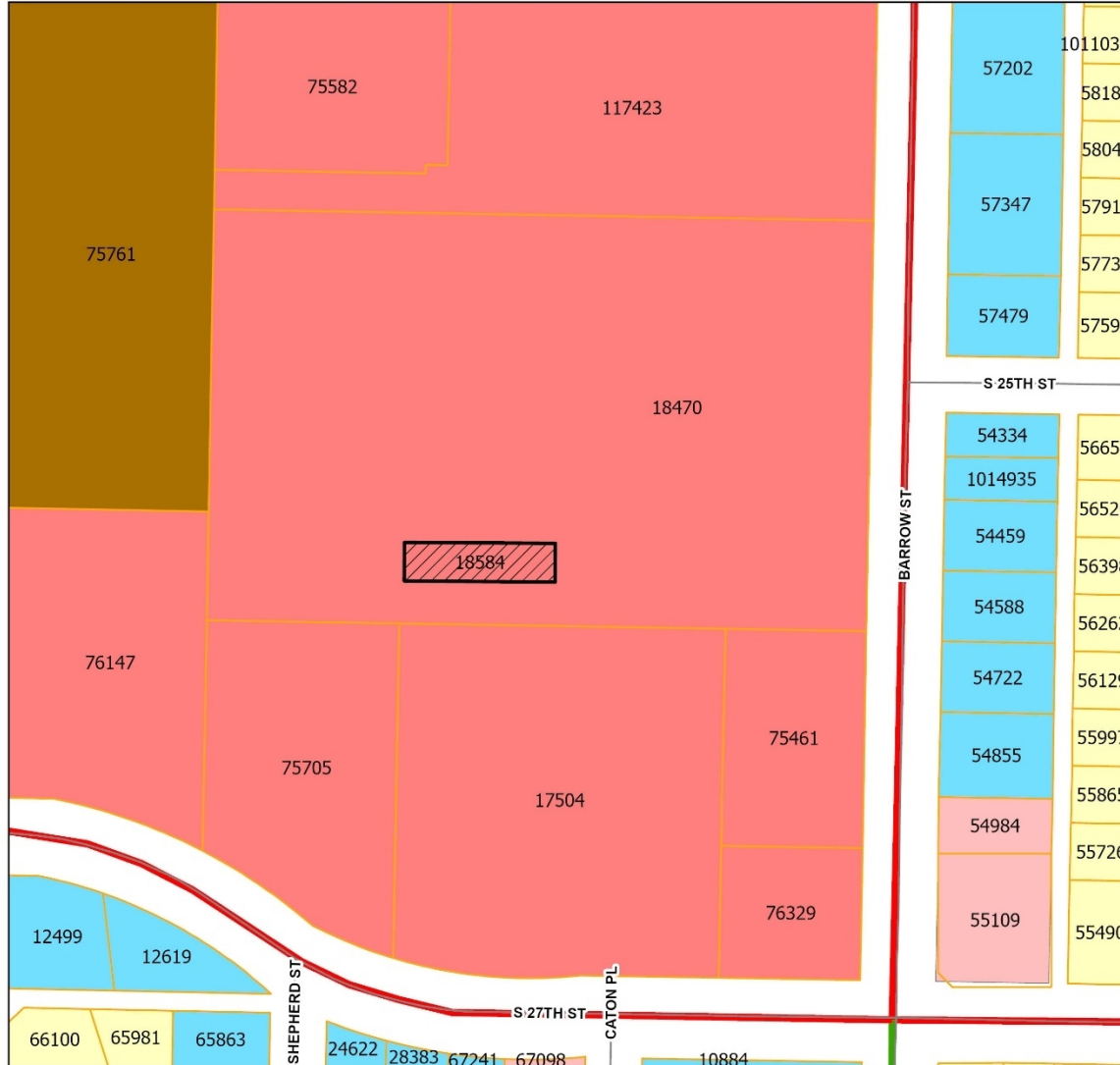
Miles



CITY OF
ABILENE
TEXAS



ZONING MAP

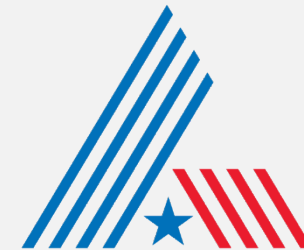


Legend

- CUP-2024-11
- Courier Parcels
- GR (General Retail)
- NR (Neighborhood Retail)
- O (Office)
- MF (Residential - Multi-family)
- RS (Residential - Single Family)
- Arterial
- Collector

0.03

Miles



CITY OF
ABILENE
TEXAS



USES IN GENERAL RETAIL 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



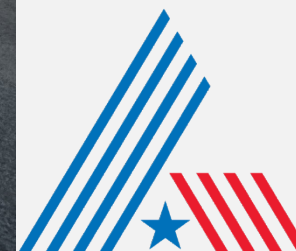
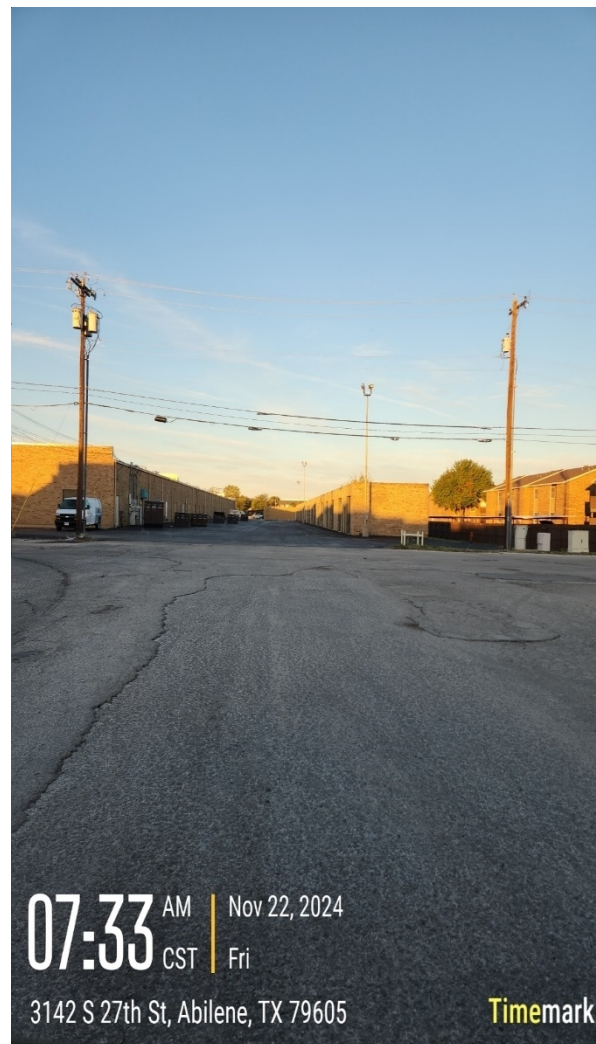


PROPERTY VIEWS





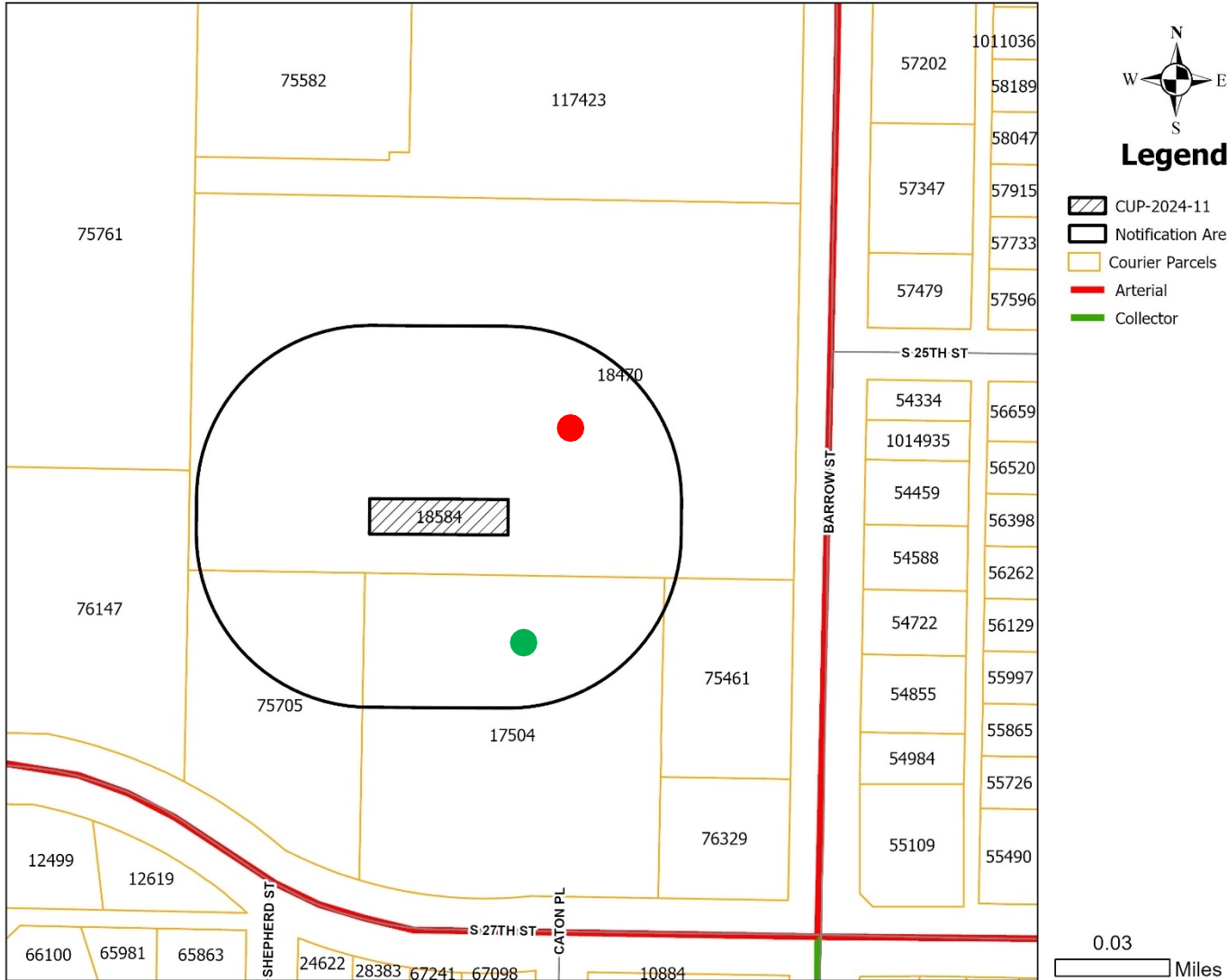
PROPERTY VIEWS



CITY OF
ABILENE
TEXAS



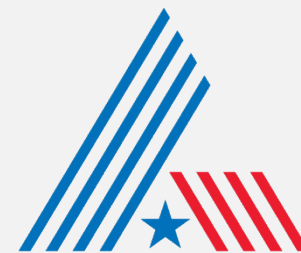
NOTIFICATION AREA MAP



1- In Favor- ●

1- Opposed- ●

66.36% Opposed



CITY OF
ABILENE
TEXAS



FINDINGS AND RECOMMENDATION

The proposed request is consistent with:

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

P&Z Recommendation:

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

*Super Majority vote needed to pass





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **11. Ordinance (Final Reading) CUP-2024-12: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, to Apply a Conditional Use Permit to Approximately 2.75 Acres to Allow for a Tattoo Parlor, More Specifically Applied to Building 4, Suite 403, Located at 4601 Antilley Road, Suite 403 *(Tim Littlejohn)***

GENERAL INFORMATION

The applicant is requesting a Conditional Use Permit to allow for a Tattoo Parlor within a Planned Development District (PDD-155).

SPECIAL CONSIDERATIONS

The site was rezoned as a Planned Development (PDD-155) in 2016 to allow Neighborhood Office (NO) zoning and Patio Home (PH) zoning. The existing six buildings on the subject property were constructed in 2019. In 2023 PDD-155 was amended to change the NO zoning to Neighborhood Retail (NR) to allow light retail uses that would be compatible with the residential uses to the south. If this CUP is approved, the scope of approval will be limited to just the single suite shown on the site plan. The Plan of Operation submitted by the applicant indicates that the primary use will be a full-service salon that will also offer fine-line tattoo services as a minor use.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

approval

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Ordinance
2. staff report
3. approved site plan (SP-2019-02)
4. plan of operations
5. Concept plans
6. 4610 Ebbets Drive
7. presentation

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING A CERTAIN PROPERTY; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23 of the Land Development Code of the City of Abilene, is hereby amended by approving a Conditional Use Permit (CUP) as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

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

PASSED ON FIRST READING the 19th day of December, 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 November, 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 9th day of January, 2025, 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 9th day of January, 2025.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

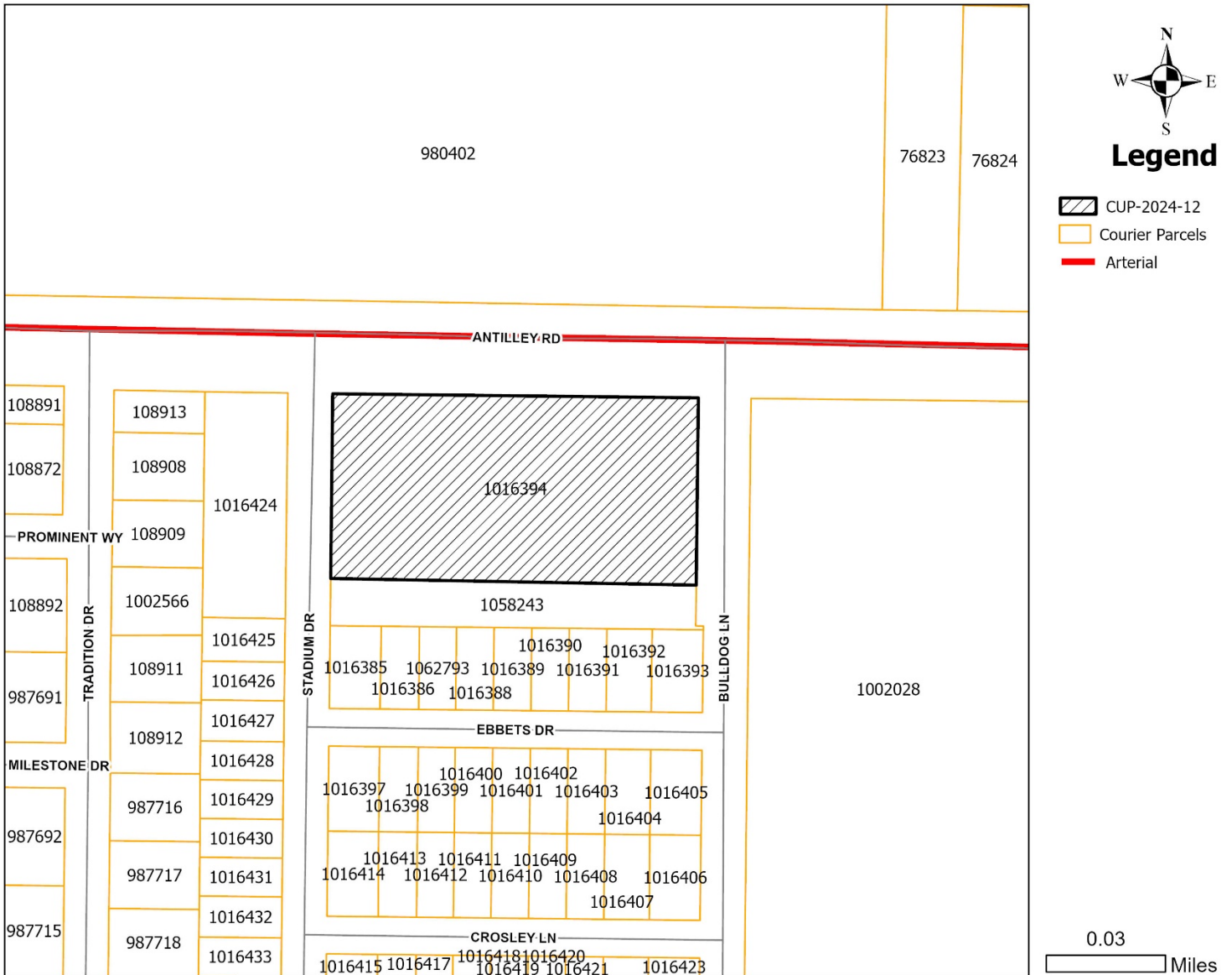
Apply a Conditional Use Permit to approximately 2.75 acres to allow for a Tattoo Parlor in a Planned Development District (PDD-155).

The Conditional Use Permit is subject to:

1. Compliance with the attached Plan of Operation (Exhibit B); and
2. Is limited to Building 4, Suite 403, as shown on the attached Site Plans (Exhibit C).

Legal description being Lot 101, Block A, Section 1 of the Antilley Road West Addition, Abilene, Taylor County, Texas.

Located at 4601 Antilley Road, Suite 403.



Legend

- CUP-2024-12
- Courier Parcels
- Arterial

0.03

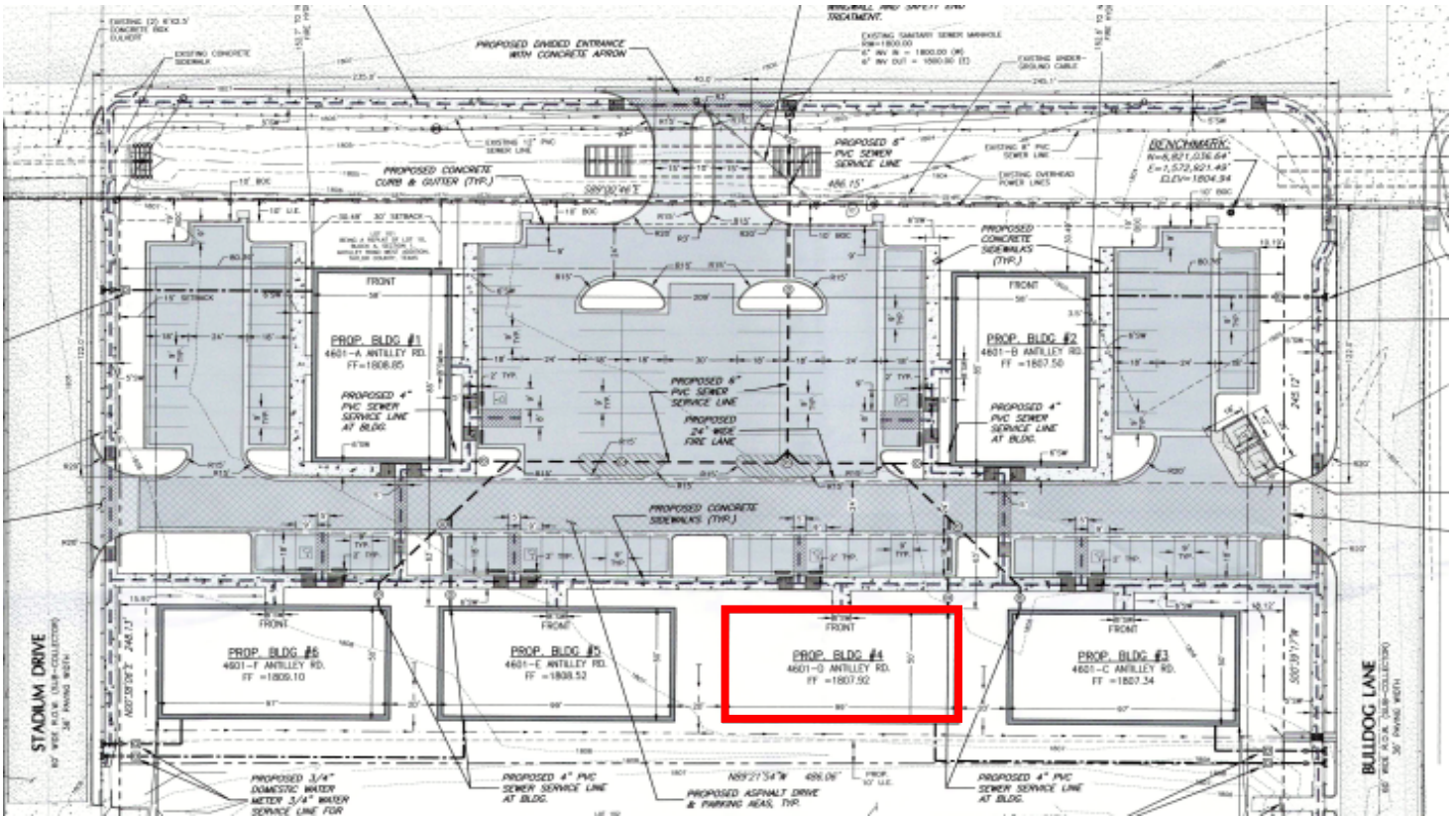
Miles

EXHIBIT B**Plan of Operation for CUP / The Glow Up Parlor**

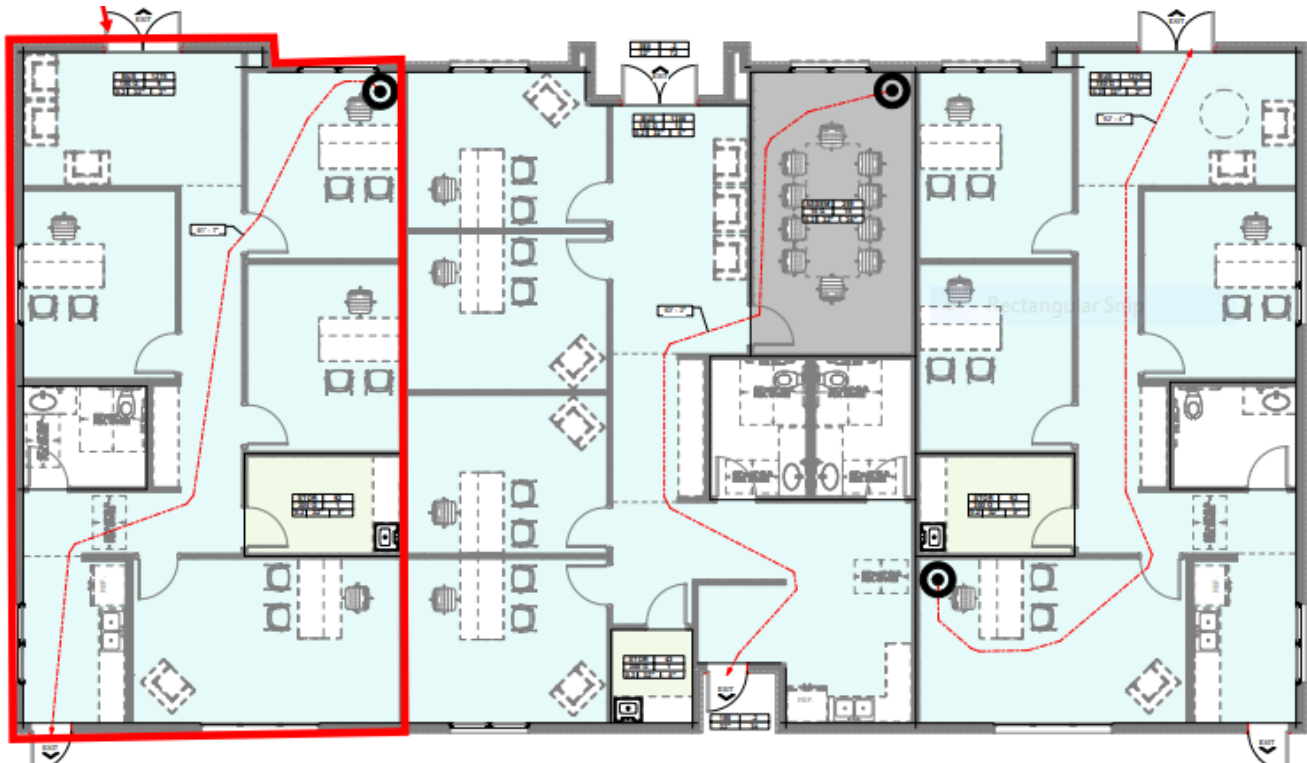
The purpose for this conditional use permit is to be able to perform fine line tattoo as one of the services in a full-service salon. The business is structured as a beauty “parlor” but must be licensed as a full-service salon & tattoo shop. Reason being because even to offer permanent makeup services the shop must have a tattoo “shop license” granted by the department of health, as PMU is done with a tattoo machine and has the same sanitation practices, regulations, and contraindications as permanent makeup. Since permanent makeup is already an allowed service, we are only asking to extend the services a PMU artist is able to offer. Fine line tattoo by beauty industry standards is now considered the newest service of PMU artists. Fine line tattoos are also done with a PMU machine which has a weaker motor than that of a standard tattoo machine. Most traditional tattoo artists don’t even carry the size needle PMU artists use to perform this service, nor do they consider themselves to be in the same industry generally speaking. Tiny tattoo/ fine line artists operate out of a tiny tattoo specialized shop or a full-service salon, as in this case. Tiny/ fine line tattoos are equally as invasive as Botox and injections which is offered at many local salons. Additionally, the business in this instance is considered a beauty salon or beauty “parlor” the name being, The Glow Up Parlor LLC. We are requesting only to be able to offer all services within the defined industry. Given that the business is structured as a beauty business one of the benefits of the name itself is that it does not include tattoo anywhere therefore the general public and surrounding area will not know tattoos are even being performed unless they’re familiar with the business. The business’ other services include esthetician services, lashes, permanent makeup, and spray tan. In the back room where tattoos will be provided the main service will be PMU and tiny tattoo education, making the actual fine line tattoo service itself a very small portion of the business model. In the front of the building will be a waiting room very similar to that of a med spa. It will have beauty products on display as well as athleisure wear available for purchase. For those concerned about the appearance this business in no way will reflect a tattoo shop or give a negative perception of the plaza and will withhold the same aesthetic standard as the neighboring businesses. The business will have normal operating hours besides the potential of some early evening PMU only classes for those that cannot attend in the mornings. The business can guarantee that no fine line tattoo service will be performed after 6pm and the performance of such services will not be visible to the public. Thank you for considering our request. We look forward to the potential of doing business in the community.

EXHIBIT C

BUILDING LOCATION/SITE PLAN



SUITE LOCATION



END

ZONING CASE CUP-2024-12 STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: December 3, 2024
City Council 1st Read: December 19, 2024
City Council 2nd Read: January 9, 2025

Applicant

Owner: KPLB, LLC
Agent: Jacob & Martin

Case Manager

Mason Teegardin – Planner

Request

The applicant is requesting to apply a Conditional Use Permit to approximately 2.75 acres zoned Planned Development District (PDD-155) to allow for a Tattoo Parlor. More specifically applied to Building 4, Suite 403.

Location

The subject property is located at 4601 Antilley Road, Suite 403. Legal description being Lot 101, Block A, Section 1 of the Antilley Road West Addition, Abilene, Taylor County, Texas.

Background

The subject property was annexed into the City in 1980 and is located within the Antilley Road West Subdivision. The site was rezoned as a Planned Development (PDD-155) in 2016 to allow Neighborhood Office (NO) zoning and Patio Home (PH) zoning. The existing six buildings on the subject property were constructed in 2019.

In 2023 PDD-155 was amended to change the NO zoning to Neighborhood Retail (NR) to allow light retail uses that would be compatible with the residential uses to the south. The NR district allows tattoo parlors subject to the approval of a Conditional Use Permit (CUP).

The applicant requests a CUP to allow a tattoo parlor in one suite of one of the existing buildings, as shown in the site plan attached with this report. If this CUP is approved, the scope of approval will be limited to just the single suite shown on the site plan. The Plan of Operation submitted by the applicant indicates that the primary use will be a full-service salon that will also offer fine-line tattoo services as a minor use.

Zoning, Existing and Proposed Land Use

	Zoning	Existing Land Use
North	AO	Wylie High School
East	MF	Apartment Complex
South	PD-155	Patio Homes
West	PD-155	Office Building & Patio Homes

Criteria Assessment

Staff have reviewed the request based upon the factors established in Section 1.4.3.5, Criteria for Approval of the Land Development Code. These factors are identified and addressed below:

1. **The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.**

The proposed request is consistent with the Comprehensive Plan and Future Land Use Map.

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

The proposed request is consistent with the spirit and intent of PDD-155.

3. **The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.**

The proposed use is compatible with surrounding development and will not create adverse impacts regarding traffic, noise, or visual nuisances.

4. **The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.**

The proposed use will not generate additional pedestrian or vehicular traffic than any other light retail use.

5. **The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.**

The proposed use does not generate a level of traffic that would adversely affect the existing road network in the vicinity of the subject site.

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

The proposed use will not generate any adverse effect on any adjacent properties.

7. **The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.**

The proposed use complies with the Neighborhood Retail standards and is compatible with the surrounding uses at this location.

P&Z Recommendation

The Planning and Zoning Commission recommends **approval** of the Conditional Use Permit, subject to the submitted site plan and Plan of Operation.

Attachments

- PowerPoint Presentation
- Site Plan
- Plan of Operation
- Suite Location/Floor Plan

Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on November 15, 2024, via standard mail to the owners of property within a 200-foot radius of the subject street right of way. The property owners and associated parcel identification numbers are identified below:

Legend: O - Opposed, F - In Favor

PROPERTY OWNER	PROPERTY ID	SITUS	RESPONSE
BONDOC ARTHUR S & IVY	1016392	4510 EBBETS DR	
C L B TRIBE INC	108913	4849 ANTILLEY RD	
COLE J DIANE	1016427	6302 STADIUM DR	
COLEYSQUARED MANAGEMENT LLC	1016424	4725 ANTILLEY RD	
CRAMER CAITLIN M	1062793	4610 EBBETS DR	O
DACO AILEEN JAN	1016386	4618 EBBETS DR	
FOX SHEILA	1016385	4626 EBBETS DR	
GARRISON DAVID & SUSAN	1016393	4502 EBBETS DR	
GORDON ANDRE STEVEN	1016391	4518 EBBETS DR	
GUERRA ELIAS SR & CORINA	108908	6201 TRADITION DR	
HIGH COUNTRY RENTALS LLC	1016425	6242 STADIUM DR	
JACKSON WILLIAM L & SARAH E	1016388	4602 EBBETS DR	
JORDAN CONNER & TAYLER	1016426	6250 STADIUM DR	
KENNEY RUTH	1016389	4534 EBBETS DR	
KPLB LLC	1016394	4601 ANTILLEY RD	
KPLB LLC	1058243		
RALEY BRADLEY & KAYLEY	1016390	4526 EBBETS DR	
RICHARDS SANDRA Q	108909	6209 TRADITION DR	
TIGRIS XIII LTD	1002028	4333 ANTILLEY RD APT 2101	
TRAN HA THU	1002566	6217 TRADITION DR	
VILLARREAL EDUARDO & KRYSTAL	108911	6225 TRADITION DR	
WYLIE IND SCHOOL DIST	980402	4502 ANTILLEY RD	
WYLIE IND SCHOOL DIST	980402	4834 ANTILLEY RD	

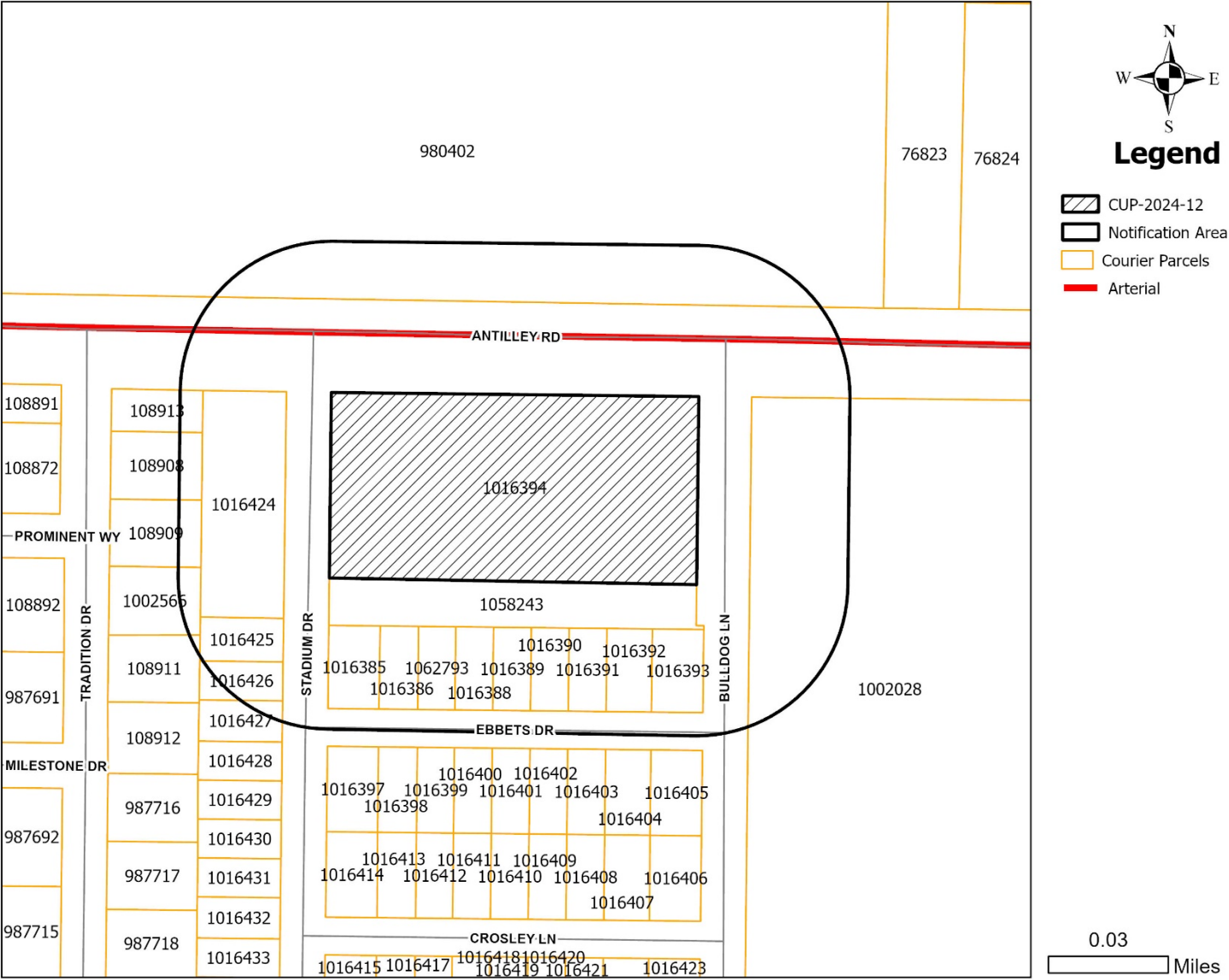
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PLAN OF OPERATION

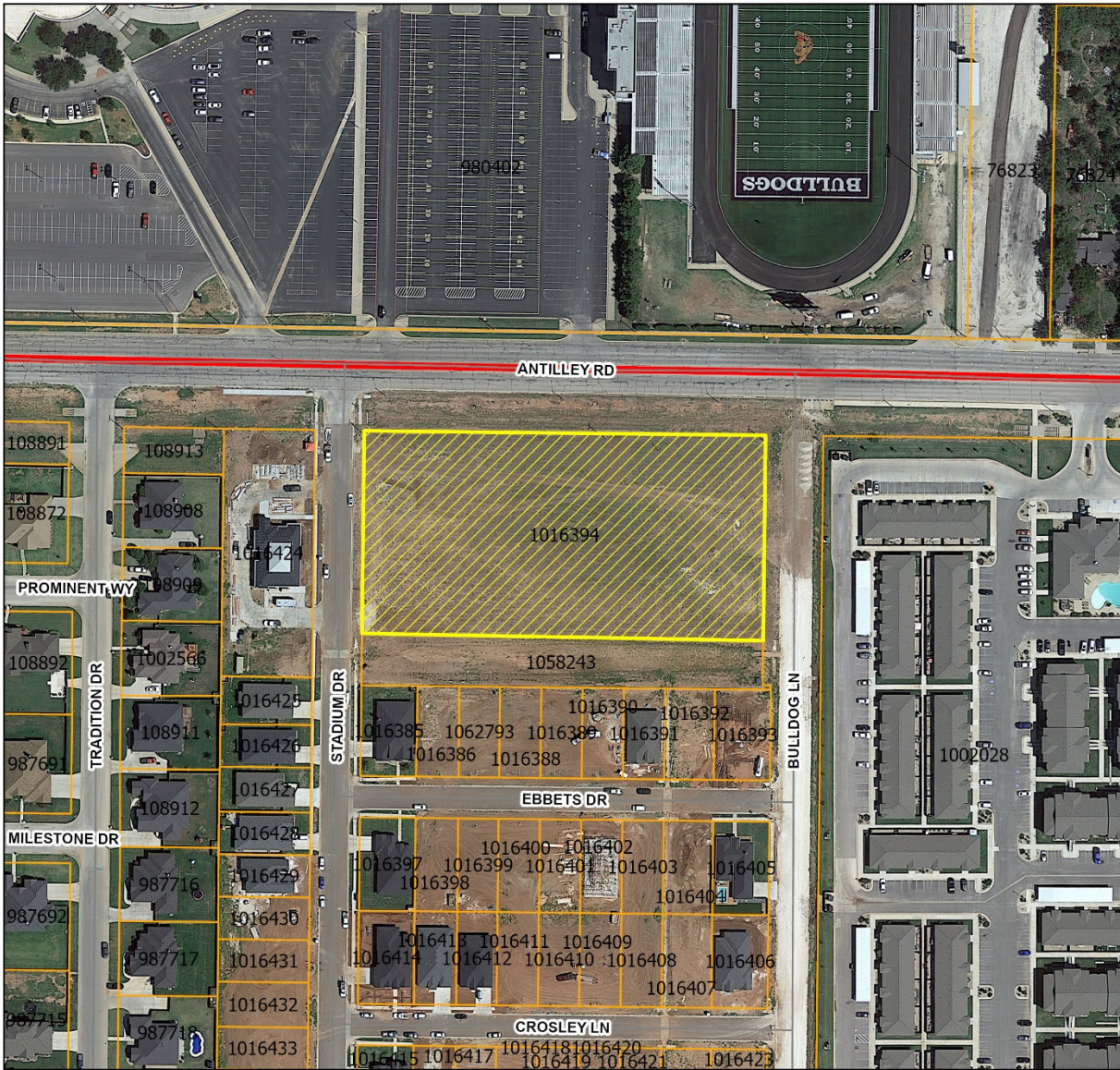
Plan of Operation for CUP / The Glow Up Parlor

The purpose for this conditional use permit is to be able to perform fine line tattoo as one of the services in a full-service salon. The business is structured as a beauty “parlor” but must be licensed as a full-service salon & tattoo shop. Reason being because even to offer permanent makeup services the shop must have a tattoo “shop license” granted by the department of health, as PMU is done with a tattoo machine and has the same sanitation practices, regulations, and contraindications as permanent makeup. Since permanent makeup is already an allowed service, we are only asking to extend the services a PMU artist is able to offer. Fine line tattoo by beauty industry standards is now considered the newest service of PMU artists. Fine line tattoos are also done with a PMU machine which has a weaker motor than that of a standard tattoo machine. Most traditional tattoo artists don’t even carry the size needle PMU artists use to perform this service, nor do they consider themselves to be in the same industry generally speaking. Tiny tattoo/ fine line artists operate out of a tiny tattoo specialized shop or a full-service salon, as in this case. Tiny/ fine line tattoos are equally as invasive as Botox and injections which is offered at many local salons. Additionally, the business in this instance is considered a beauty salon or beauty “parlor” the name being, The Glow Up Parlor LLC. We are requesting only to be able to offer all services within the defined industry. Given that the business is structured as a beauty business one of the benefits of the name itself is that it does not include tattoo anywhere therefore the general public and surrounding area will not know tattoos are even being performed unless they’re familiar with the business. The business’ other services include esthetician services, lashes, permanent makeup, and spray tan. In the back room where tattoos will be provided the main service will be PMU and tiny tattoo education, making the actual fine line tattoo service itself a very small portion of the business model. In the front of the building will be a waiting room very similar to that of a med spa. It will have beauty products on display as well as athleisure wear available for purchase. For those concerned about the appearance this business in no way will reflect a tattoo shop or give a negative perception of the plaza and will withhold the same aesthetic standard as the neighboring businesses. The business will have normal operating hours besides the potential of some early evening PMU only classes for those that cannot attend in the mornings. The business can guarantee that no fine line tattoo service will be performed after 6pm and the performance of such services will not be visible to the public. Thank you for considering our request. We look forward to the potential of doing business in the community.

NOTIFICATION MAP



LOCATION MAP



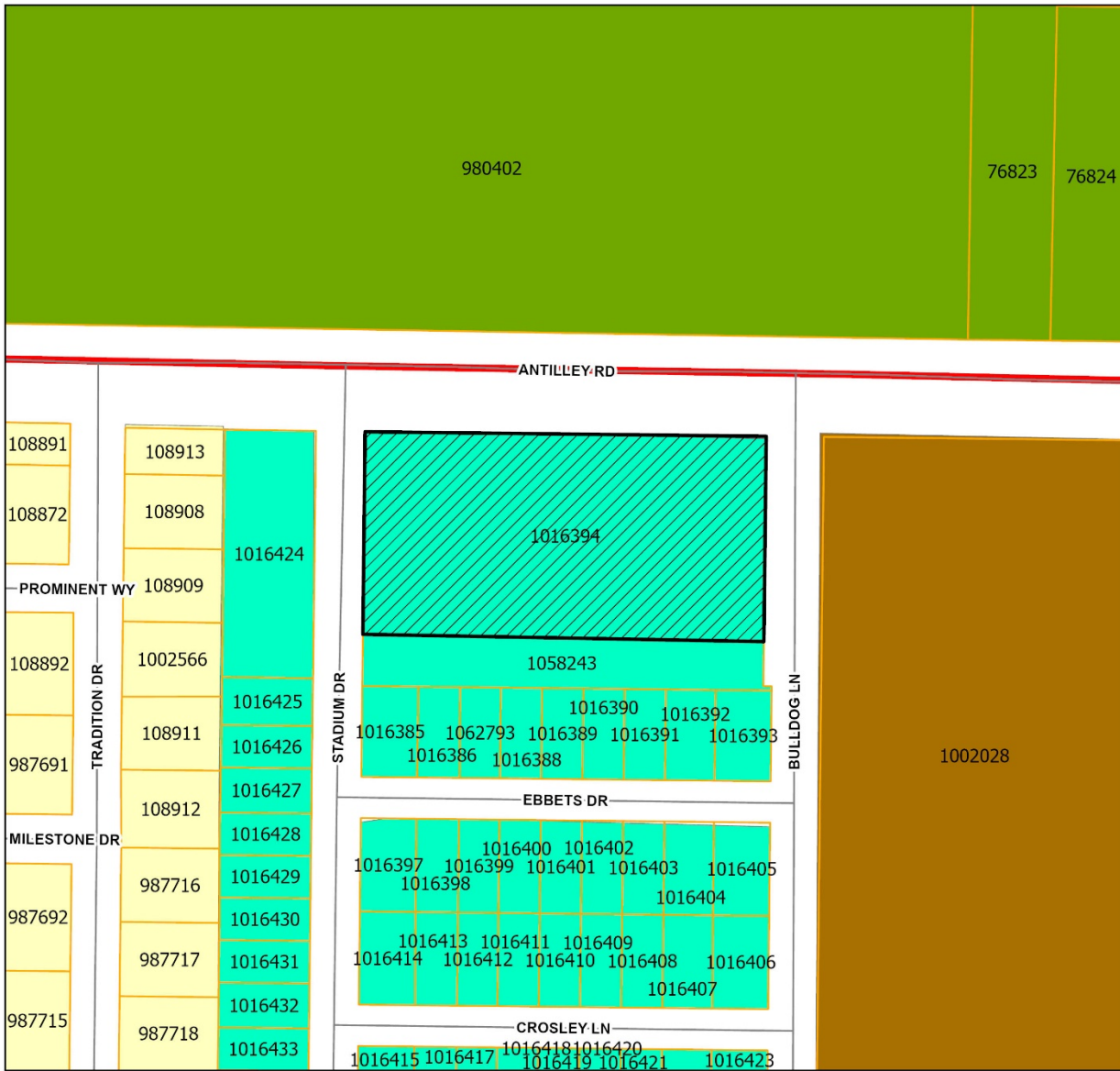
Legend

-  CUP-2024-12
-  Courier Parcels
-  Arterial

0.03

Miles

ZONING MAP

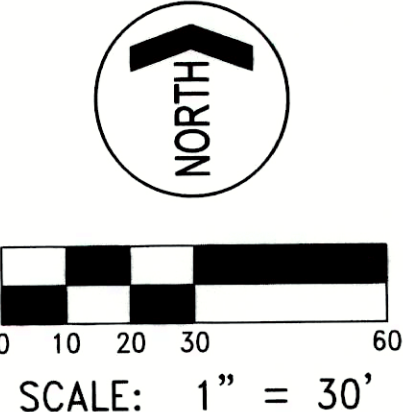
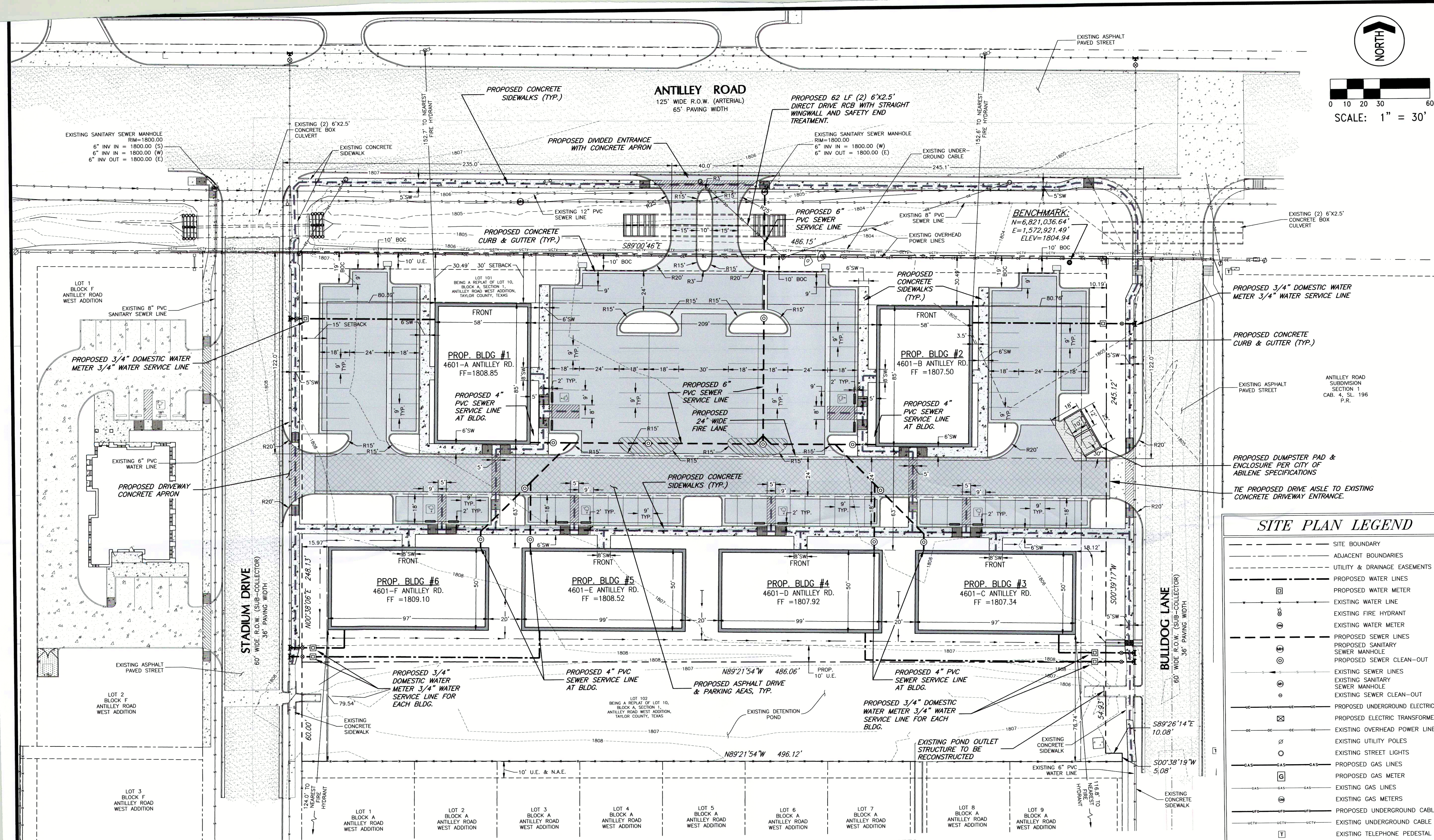


Legend

- CUP-2024-12
- Courier Parcels
- PD (Planned Development)
- MF (Residential - Multi-family)
- RS (Residential - Single Family)
- AO (Agricultural Open)
- Arterial

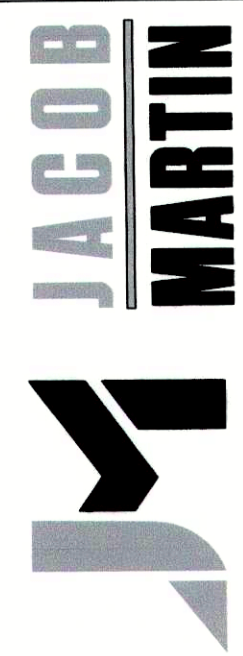
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Miles



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RELEASED FOR REVIEW
ONLY UNDER THE
AUTHORIZATION OF
HOMER T. FILLINGIM IV
P.E. #97395 AND IS NOT
TO BE USED FOR
CONSTRUCTION,
BIDDING OR
PERMITTING PURPOSES

3465 CURRY LANE
ABILENE, TX 79606
325-695-1070
1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76066
817-594-9880
FIRM# F-2448



KYLE PAUL
ANTILLEY WEST OFFICE PARK

SITE PLAN

SCALE: 1" = 30'
PROJECT # 13469
DESIGNED RMJ
DRAWN K.R.
CHECKED T.F.

DATE
NO. REVISION
SHEET C1.0
SEQ. 1 OF 1

CITY OF ABILENE
SITE PLAN APPROVED

Building Inspections
Planning Services
Engineering
Solid Waste Services
Stormwater
Traffic Services
Water Utilities
Other Fire Marshall

SP-2019-02
Number
4/24/19
Date

SITE PLAN NOTES:

- PROPOSED USE FOR SITE IS "OFFICE". ADDRESS OF SITE IS 4601 ANTILLEY ROAD.
- EXISTING ZONING FOR SITE IS "PD" WITH "NO" UNDERLYING.
- THE MINIMUM REQUIRED PARKING IS 1 BAY PER 500 SQ.FT PER BUILDING. THERE ARE 6 BUILDINGS PROPOSED FOR THIS SITE. MINIMUM PARKING REQUIRED IS 10 SPACES PER BUILDING OR 60 SPACE FOR THE SITE. A TOTAL OF 119 PARKING BAYS ARE PROVIDED, 6 OF WHICH ARE ADA ACCESSIBLE, 2 OF WHICH ARE VAN ACCESSIBLE.
- OVERALL HEIGHT OF THE BUILDINGS IS 25'-0".
- ALL SURFACES ON THIS SITE WILL BE PROPOSED. ALL AREAS NOT COVERED BY BUILDING FOOTPRINTS OR PAVING WILL BE LANDSCAPED AREAS.
- SURFACE FOR ALL PARKING & MANEUVERING AREAS SHALL BE ASPHALT OR CONCRETE.
- NO EXISTING DRIVEWAYS WILL BE CLOSED. ONE EXISTING DRIVEWAY WILL BE UTILIZED.
- PROPOSED SIDEWALKS ON THIS SITE ARE ACCESSIBLE.
- ACCESSIBLE ROUTES INCLUDE ALL ACCESSIBLE SIDEWALKS AS WELL AS THE PROPOSED SIDEWALK RAMPS AND PEDESTRIAN CROSSINGS AT THESE RAMPS.

- NO PORTION OF THIS DEVELOPMENT SITE LIES WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO FEMA FIRM MAPS 48441-C-0331-F & 48441-C-0332-F (JANUARY 6, 2012).
- ALL OUTDOOR LIGHTING SHALL MEET CITY OF ABILENE REQUIREMENTS AND ALL OUTDOOR LIGHTING FIXTURES SHALL BE FULLY SHIELDED.
- ALL DRIVEWAYS, SIDEWALKS & SIDEWALK RAMPS MUST BE PERMITTED THROUGH THE CITY OF ABILENE ENGINEERING OFFICE. (325-676-6281).
- A SWPPP SHALL BE PREPARED AND EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- MECHANICAL EQUIPMENT (EXCLUDING ROOF-MOUNTED EQUIPMENT) SHALL BE SCREENED FROM VIEW FROM STREETS AND PARKING LOTS.
- INTERNET, TELEPHONE AND CABLE PROVIDERS AS WELL AS IRRIGATION CONTRACTORS SHALL COORDINATE INSTALLATION OF NECESSARY CONDUIT PRIOR TO PLACEMENT OF PAVING.
- THE CONTRACTOR SHALL PROVIDE WATER METER BOXES FOR EACH WATER SERVICE CONNECTION DETAILED ON THE PLANS. FOR WATER METER SIZES 1.5" TO 2", THE CONTRACTOR SHALL SUPPLY A BASS AND HAYS BH-1527 (AMI COMPATIBLE) WATER

- METER BOX LID AND PMSBOF 1527-12 WATER METER BOX, OR A EAST JORDAN IRON WORKS PRODUCT NUMBER 32131364 (AMI COMPATIBLE) WATER METER BOX LID AND PRODUCT NUMBER 38001527 WATER METER BOX, OR EQUIVALENT.
- FOR WATER METER SIZES 5/8" TO 1", THE CONTRACTOR SHALL SUPPLY A BASS AND HAYS BH-1324 AMR LID WATER METER BOX LID AND PMSBOF 1324-12 WATER METER BOX, OR AN EAST JORDAN IRON WORKS PRODUCT NUMBER 32131365 (AMI COMPATIBLE) 1324 WATER METER BOX LID AND PRODUCT NUMBER 32414001W WATER METER BOX, OR EQUIVALENT.

LANDSCAPING NOTES:

- TOTAL AREA OF THE SITE IS 149,099 SQ.FT. (3.423 ACRES).
- TOTAL LANDSCAPED AREA WITHIN THE SITE IS 61,580 SQ.FT. OR 41.3%.
- THE REQUIRED 10' WIDE LANDSCAPE STRIP (10,845 SQ.FT.) ALONG ANTILLEY ROAD, BULLDOG LANE & STADIUM DRIVE WILL BE PROVIDED. 15% OF THE AREA BETWEEN THE FAÇADE OF THE BUILDING AND THE STREET R.O.W. IS REQUIRED TO BE LANDSCAPED. TOTAL AREA BETWEEN THE BUILDING FAÇADE AND THE R.O.W. = 43,081 SQ.FT.; 17,985 SQ.FT. OR 41.7% WILL BE LANDSCAPED.
- THE TOTAL REQUIRED LANDSCAPED AREA IS 6,462 SQ.FT.; AT 1 TREE AND 3 SHRUBS MINIMUM PER 500 SQ.FT. OF REQUIRED LANDSCAPED AREA, A MINIMUM OF 13 TREES AND 39 SHRUBS WILL BE PROVIDED BETWEEN THE BUILDING FAÇADE AND R.O.W.
- 1 STREET TREE PER 60' OF FRONTAGE ARE REQUIRED ALONG ANTILLEY ROAD, FOR 486.15' FRONTAGE, A MINIMUM OF 9 STREET TREES ARE REQUIRED.
- ANY REQUIRED IRRIGATION SYSTEM WILL BE PROVIDED.
- TOTAL IMPERVIOUS AREA WITHIN THE SITE IS 87,519 SQ.FT. (2.009 ACRES).

DIMENSIONAL CONTROL NOTES:

- ALL DIMENSIONS SHOWN ARE FROM FACE OF CURB, BEGINNING & END OF CURVE RADII, AND EDGE OF BUILDING FOUNDATION UNLESS OTHERWISE NOTED. WIDTH OF SIDEWALK ADJACENT TO CURB ARE MEASURED FROM BACK OF CURB.
- CURBS ARE NOMINAL 6" WIDE, THEREFORE THE BACK OF CURB IS 0.50' FROM FACE OF CURB.
- ALL COORDINATES, BEARINGS AND DISTANCES SHOWN HEREON ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE, NAD83 AND GPS OBSERVATIONS. ELEVATION DATUM IS NAVD88. DISTANCES CAN BE CONVERTED TO SURFACE BY MULTIPLYING EACH BY THE COMBINED SCALE FACTOR OF 1.000139778.

BUILDING SUMMARY				
BLDG NO.	AREA SQ.FT.	HEIGHT	SUITE	PARKING REQ'D
1	4,930	25'	A	10
2	4,930	25'	B	10
3	4,850	25'	C	10
4	4,950	25'	D	10
5	4,950	25'	E	10
6	4,850	25'	F	10
TOTALS	29,460			60

SITE PLAN LEGEND

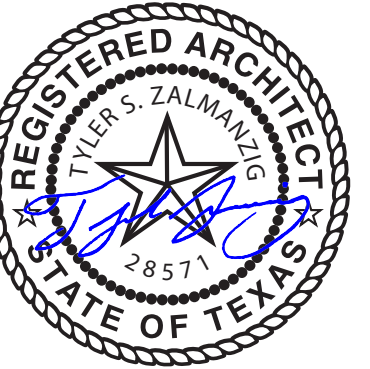
- SITE BOUNDARY
- ADJACENT BOUNDARIES
- UTILITY & DRAINAGE EASEMENTS
- PROPOSED WATER LINES
- PROPOSED WATER METER
- EXISTING WATER LINE
- EXISTING FIRE HYDRANT
- EXISTING WATER METER
- PROPOSED SEWER LINES
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED SEWER CLEAN-OUT
- EXISTING SEWER LINES
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SEWER CLEAN-OUT
- PROPOSED UNDERGROUND ELECTRICAL
- PROPOSED ELECTRIC TRANSFORMER
- EXISTING OVERHEAD POWER LINES
- EXISTING UTILITY POLES
- EXISTING STREET LIGHTS
- PROPOSED GAS LINES
- PROPOSED GAS METER
- EXISTING GAS LINES
- EXISTING GAS METERS
- PROPOSED UNDERGROUND CABLE
- EXISTING UNDERGROUND CABLE
- EXISTING TELEPHONE PEDESTAL
- PROPOSED ACCESSIBLE ROUTE
- HANDICAP ACCESSIBLE PARKING
- PROPOSED ACCESSIBLE CURB RAMP
- PROPOSED WHEEL STOP
- EXISTING ASPHALT PAVING
- EXISTING CONCRETE PAVING
- PROPOSED CONCRETE PAVING
- PROPOSED ASPHALT PAVING
- PROPOSED CONCRETE SIDEWALKS
- EXISTING CONTOURS

Plan of Operation for CUP / The Glow Up Parlor

The purpose for this conditional use permit is to be able to perform fine line tattoo as one of the services in a full-service salon. The business is structured as a beauty “parlor” but must be licensed as a full-service salon & tattoo shop. Reason being because even to offer permanent makeup services the shop must have a tattoo “shop license” granted by the department of health, as PMU is done with a tattoo machine and has the same sanitation practices, regulations, and contraindications as permanent makeup. Since permanent makeup is already an allowed service, we are only asking to extend the services a PMU artist is able to offer. Fine line tattoo by beauty industry standards is now considered the newest service of PMU artists. Fine line tattoos are also done with a PMU machine which has a weaker motor than that of a standard tattoo machine. Most traditional tattoo artists don’t even carry the size needle PMU artists use to perform this service, nor do they consider themselves to be in the same industry generally speaking. Tiny tattoo/ fine line artists operate out of a tiny tattoo specialized shop or a full-service salon, as in this case. Tiny/ fine line tattoos are equally as invasive as Botox and injections which is offered at many local salons. Additionally, the business in this instance is considered a beauty salon or beauty “parlor” the name being, The Glow Up Parlor LLC. We are requesting only to be able to offer all services within the defined industry. Given that the business is structured as a beauty business one of the benefits of the name itself is that it does not include tattoo anywhere therefore the general public and surrounding area will not know tattoos are even being performed unless they’re familiar with the business. The business’ other services include esthetician services, lashes, permanent makeup, and spray tan. In the back room where tattoos will be provided the main service will be PMU and tiny tattoo education, making the actual fine line tattoo service itself a very small portion of the business model. In the front of the building will be a waiting room very similar to that of a med spa. It will have beauty products on display as well as athleisure wear available for purchase. For those concerned about the appearance this business in no way will reflect a tattoo shop or give a negative perception of the plaza and will withhold the same aesthetic standard as the neighboring businesses. The business will have normal operating hours besides the potential of some early evening PMU only classes for those that cannot attend in the mornings. The business can guarantee that no fine line tattoo service will be performed after 6pm and the performance of such services will not be visible to the public. Thank you for considering our request. We look forward to the potential of doing business in the community.

3 AXIS
ARCHITECTS

AXISARCHITECTS.COM



1. FOLLOW BUILDING CODES AS ADOPTED AND AMENDED BY THE CITY OF ABILENE, TEXAS, INCLUDING ALL APPLICABLE LOCAL, STATE, AND FEDERAL ORDINANCES, CODES, LAWS, AND REGULATIONS
2. MAXIMUM TRAVE DISTANCE TO PORTABLE FIRE EXTINGUISHERS (FEC) FOR CLASS-A LIGHT HAZARD OCCUPANCY - 75 FEET, PER IBC TABLE 906.3(1)
3. FIRE ALARM DETECTION SYSTEM AS REQUIRED PER IBC 907.2.
4. ALLOWABLE TRAVE DISTANCE: 200 L.F. WITHOUT SPRINKLER SYSTEM, PER IBC 1017.2
5. NO CORRIDOR FIRE RESISTANCE RATING REQUIRED FOR CORRIDORS SERVED BY OCCUPANT LOADS LESS THAN 30 OCCUPANTS AND WITHOUT A SPRINKLER SYSTEM, PER 1020.1
6. DEAD END CORRIDORS PERMITTED TO BE UP TO 20 FEET IN LENGTH, PER 1020.4
7. SEE CIVIL SITE PLAN FOR ACCESSIBLE ROUTE FROM BUILDING EXITS TO PUBLIC RIGHT OF WAY OR DESIGNATED AREA OF REFUGE

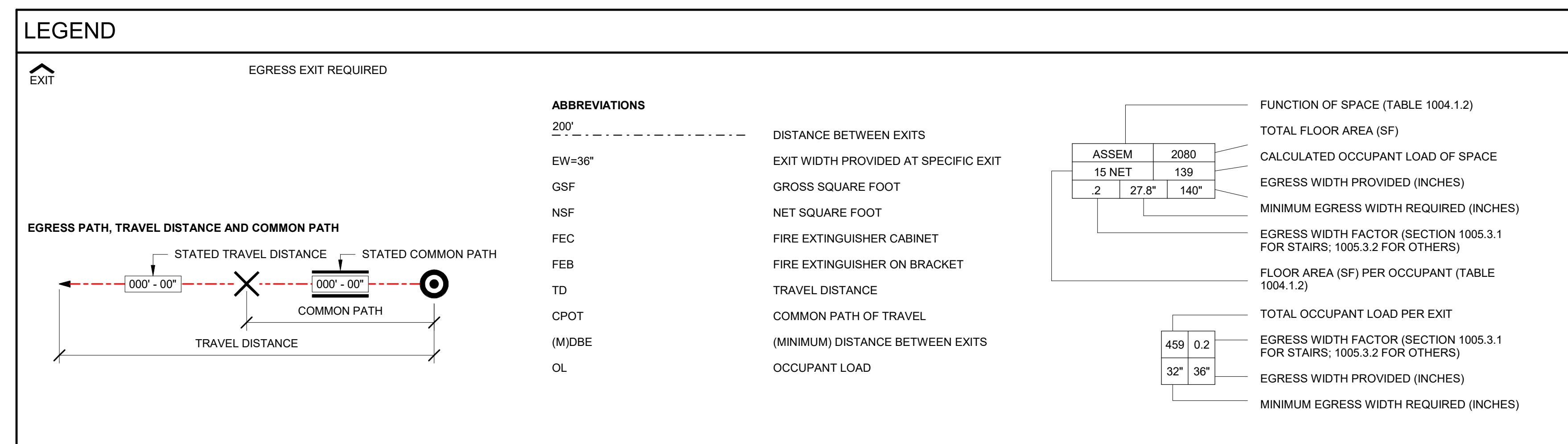
APPLICABLE CODES:

BUILDING	IBC 2021
PLUMBING	IPC 2021
MECHANICAL	IMC 2021
ELECTRICAL	NEC 2020
FIRE	IFC 2021
ENERGY	IECC 2021
ACCESSIBILITY	TAS 2012
OTHER	

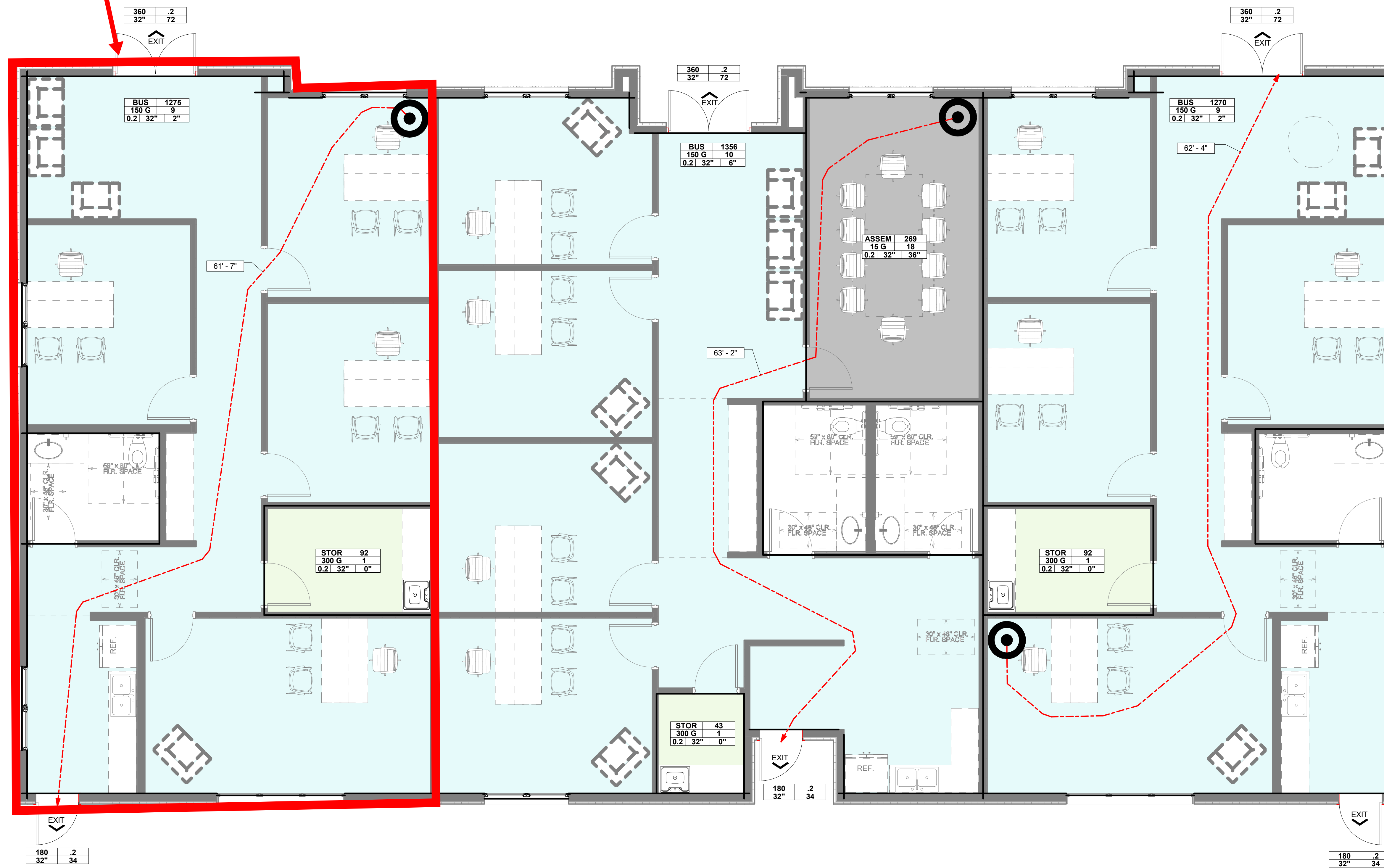
PROJECT:	ANTILLEY WEST OFFICE'S, BUILDING #4		
LOCATION:	ABILENE, TEXAS		
ZONING:	"NO" - NEIGHBORHOOD OFFICE		
OCCUPANCY:	B (BUSINESS)		
ACCESSORY OCCUPANCIES:	A-3 (ASSEMBLY) S-1 (STORAGE)		
TYPE OF CONSTRUCTION:	TYPE VB - NON RATED		
FIRE PROTECTION:	NONE		
NON SEPERATED OCCUPANCIES PER IBC, 508.3 - OCCUPANCY B USED FOR JUSTIFICATION			
ALLOWABLE AREA (PER TABLE 503, IBC 2012)	9,000 SF		
ALLOWABLE HEIGHT (PER TABLE 503, IBC 2012)	40' HIGH, 2-STORY		
AREA INCREASE - SPRINKLERS:	NOT USED		
AREA INCREASE - FRONTAGE:	NOT USED		
ACTUAL BUILDING AREA:	4,931.0 F.S.F. (INCLUDES HORIZONTAL ROOF PROJ.)		
ACTUAL BUILDING HEIGHT:	25'-6", 1-STORY		

B OCCUPANCY	1:100 GROSS SF (PER "FLOOR AREA, GROSS" AS DEFINED BY IBC 2012)
	(ASSEMBLY OCCUPANCY IS CONSIDERED "B OCCUPANCY" PER IBC 303.1.2 AND CALCULATED INTO THE GROSS FLOOR AREA FOR "B" OCC.)
NON-SEPERATED AREA:	4,953 GROSS SF
OCCUPANT LOAD:	49 OCCUPANTS
EXITS REQUIRED:	3 (6 PROVIDED)

OCCUPANT LOAD:	49 OCCUPANTS
REQUIRED:	2 WATER CLOSETS (1 MALE & 1 FEMALE), 2 LAVATORIES, 1 SERVICE SINK
PROVIDED:	2 WATER CLOSETS (2 UNISEX, PER IPC 403.2.1), 2 LAVATORIES, 1 SERVICE SINK



LIMITS OF CUP APPLICATION IN RED



ANTILLEY WEST, OFFICE BLDG # 4

4601 Antilley Rd #400
Abilene, TX 79606
District for:

Project for:
Kyle Paul Construction

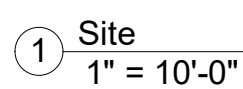
By using these plans, builder/owner agrees to the following. These plans are the property of 3 Axis Architects and are not to be traced, reproduced, or used for construction without written consent of 3 Axis Architects. Builder / Owner shall check and verify all drawings prior to construction.

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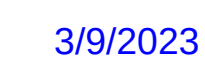
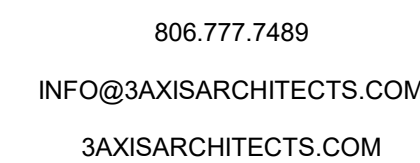
Project Number	23005
Date	02.20.23
Scale	As indicated

CODE ANALYSIS

G2.00



1. ALL DIMENSIONS SHALL BE VERIFIED BY CONTRACTOR PRIORY TO CONSTRUCTION
2. VERIFY EXISTING CONDITION PRIOR TO CONSTRUCTION
3. TOP OF SLAB HEIGHT AS REQUIRED FOR PROPER SITE DRAINAGE
4. VERIFY WITH OWNER / HVAC CONTRACTOR LOCATION OF AIR CONDENSING UNIT PADS
5. VERIFY ROOF SLOPES
6. ALL CEILING VENTS TO BE INSTALLED AS REQUIRED FOR ATTIC 1 PER 300 SQ. FT.
7. CONTRACTOR IS TO FOLLOW LOCAL AND STATE CODES
8. ALL CEILING VENT WITH 2'-0" OF EXTERIOR DOOR SHALL BE TEMPERED GLASS
9. ALL HVAC PLUMBING AND ELECTRICAL WORK TO BE COMPLETED BY 1/1/2018
10. ALL FINISHES PICKED OUT BY OWNER
11. ALL DOOR SIZES TO VERIFIED BY OWNER
12. ALL WINDOW SIZES TO VERIFIED BY OWNER
13. ACCESS TO BE VERIFIED BY OWNER
14. THIS PLAN IS DESIGNED FOR INTENDED USE OF JAMES HARDIE CRIBINS PANELS. CONTRACTOR TO VERIFY BUILDER/CRAFTER FOR VERIFICATION AND APPROVAL ANY QUESTIONS ON PRODUCT CALL 800-245-5710

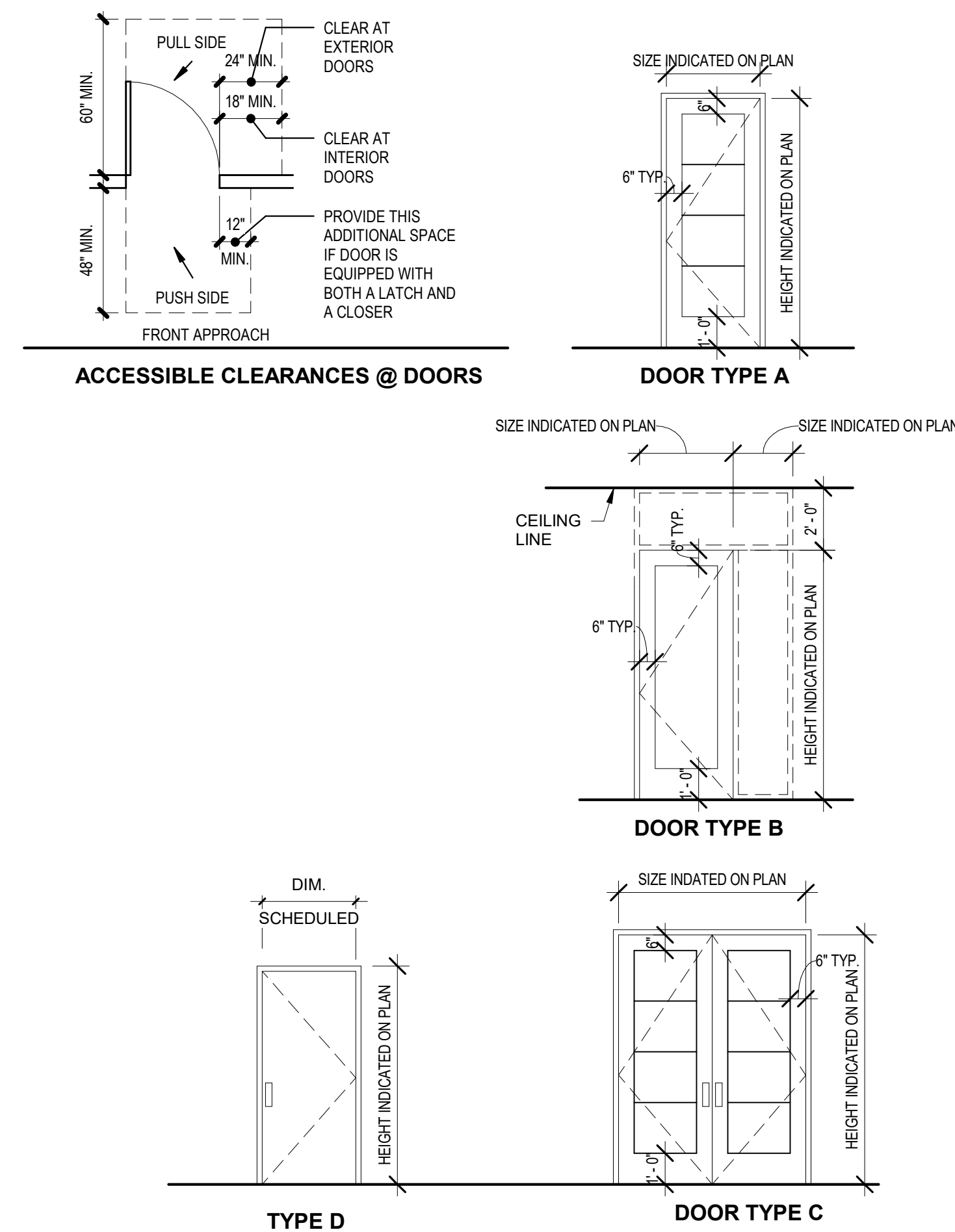
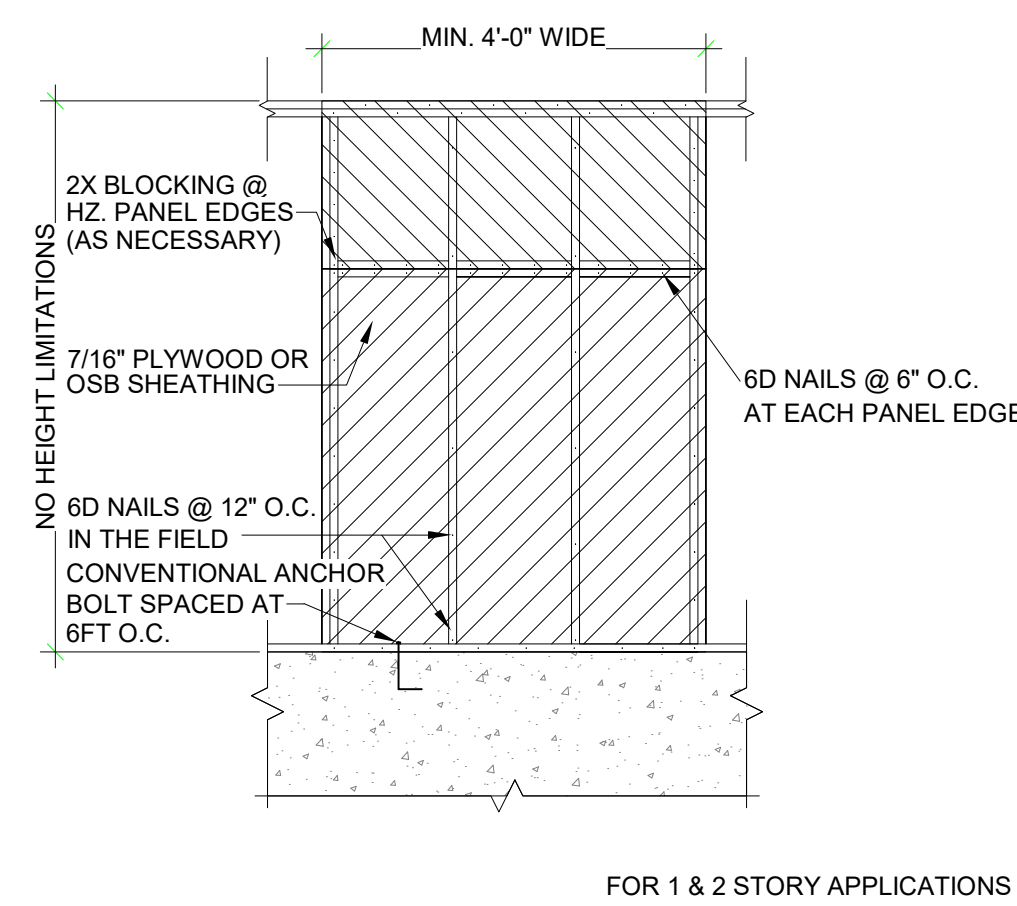
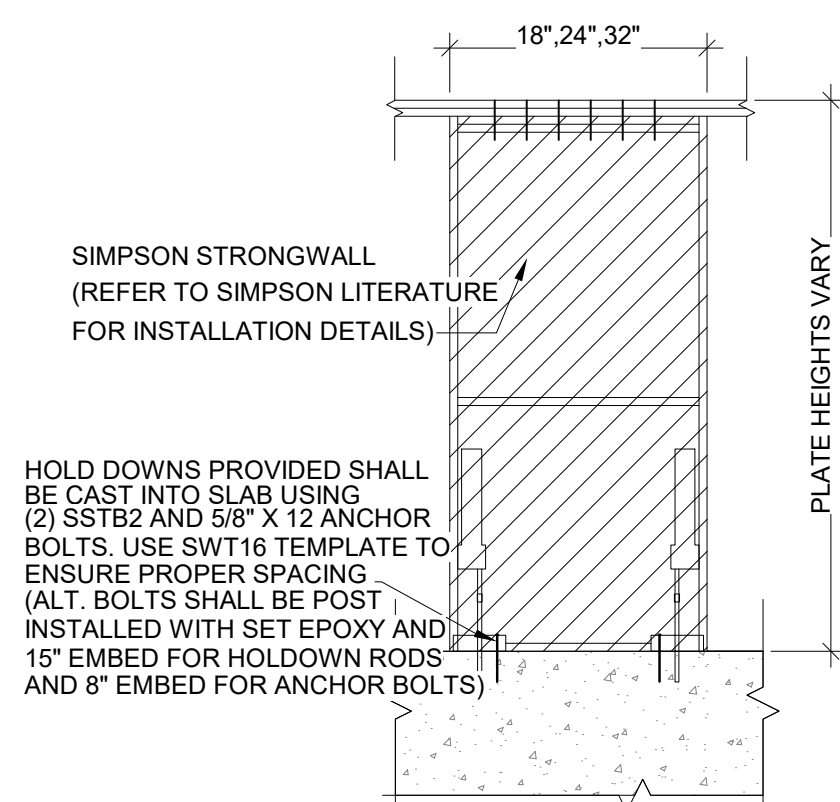
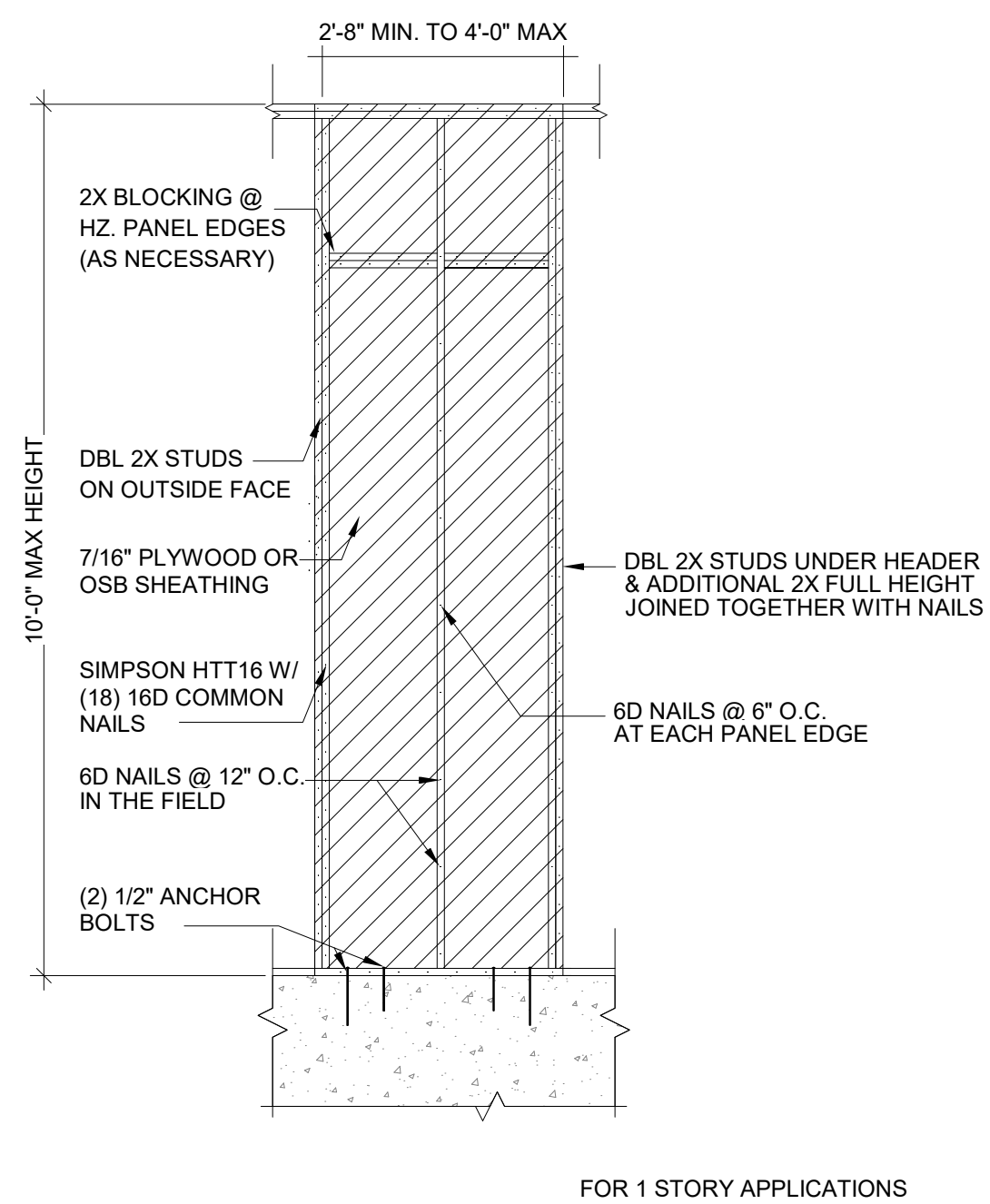


Project for :
Kyle Paul Construction

these plans: builder/owner agrees to the
These plans are the property of 3 Axis
and are not to be traced, reproduced,
construction without written consent of
itects. Builder / Owner shall check and

SUBMITTAL	DATE
Project Number	2300
Date	02.20.21
Scale	1" = 10'-0"

A1.00



GENERAL NOTES

1. ALL CEILINGS TO BE 10'-0" HIGH FROM TOP OF SLAB U.N.O.
2. ALL ELECTRICAL, PLUMBING & HVAC WORK TO BE PERFORMED BY A LICENSED CONTRACTOR.
3. ALL FINISHES SELECTED BY OWNER.
4. VERIFY ALL DOOR HEIGHTS.
5. VERIFY ALL WINDOW SIZES.
6. VERIFY ATTIC ACCESS LOCATION WITH OWNER AND CONTRACTOR.

HEADER SCHEDULE

SPAN	SIZE
4'-0" TO 4'-11"	2- 2x6'S
5'-0" TO 6'-6"	2- 2x8'S
6'-7" TO 8'-3"	2- 2x10'S
8'-4" TO 10'-0"	2- 2x12'S

NOTES:

1. ALL HEADERS SPANNING 10'-0" OR GREATER NEED AN ENGINEERED BEAM.

WALL BRACING

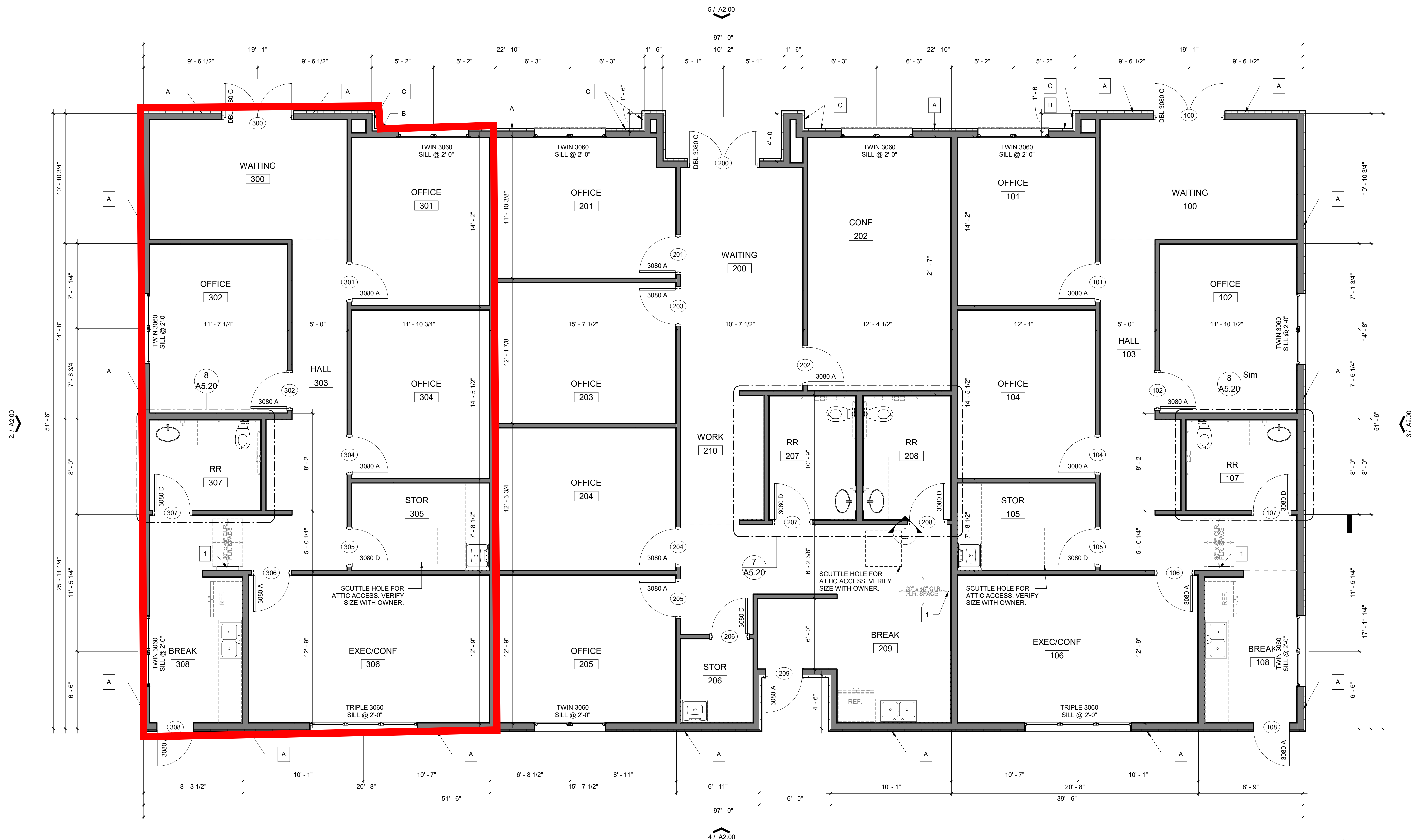
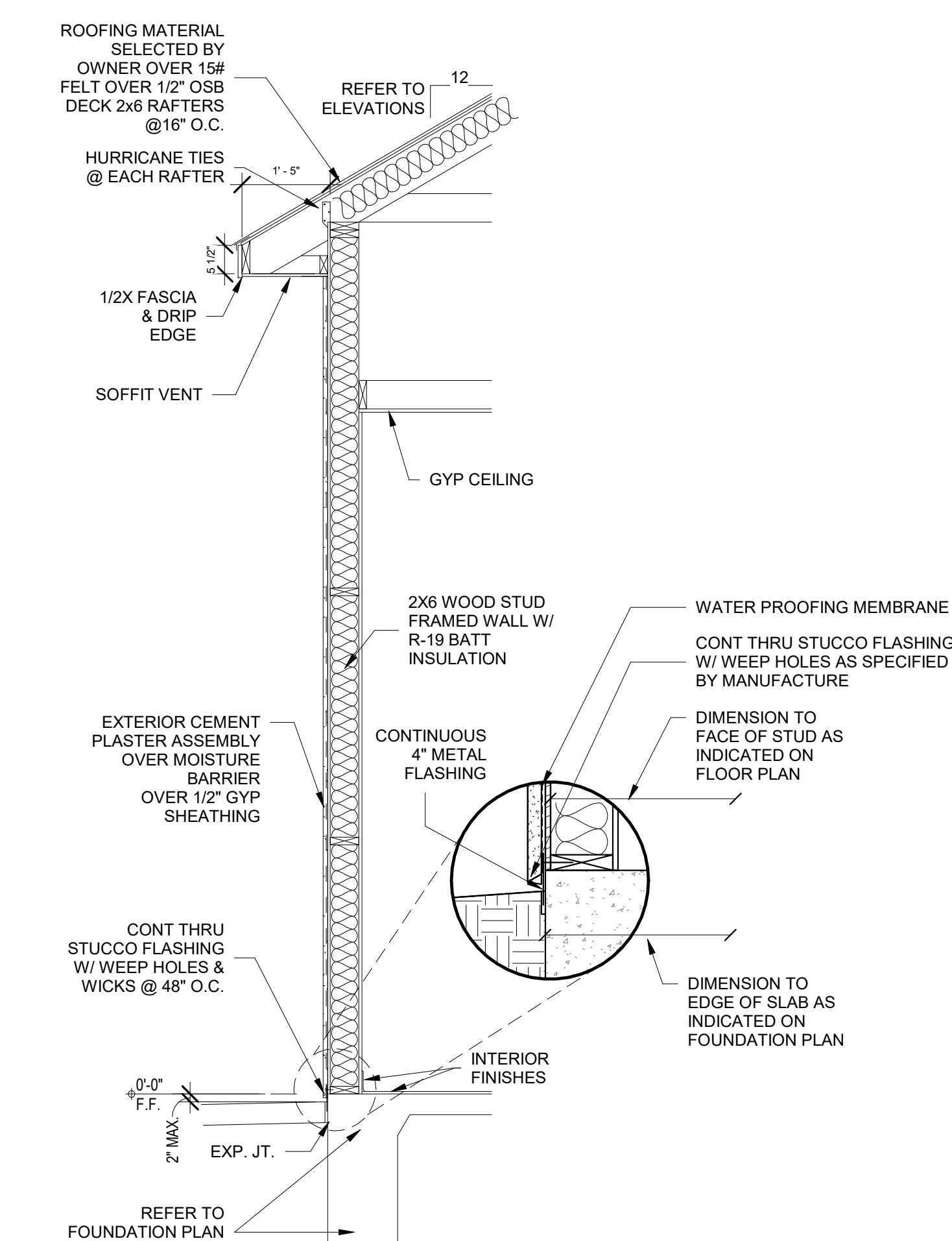
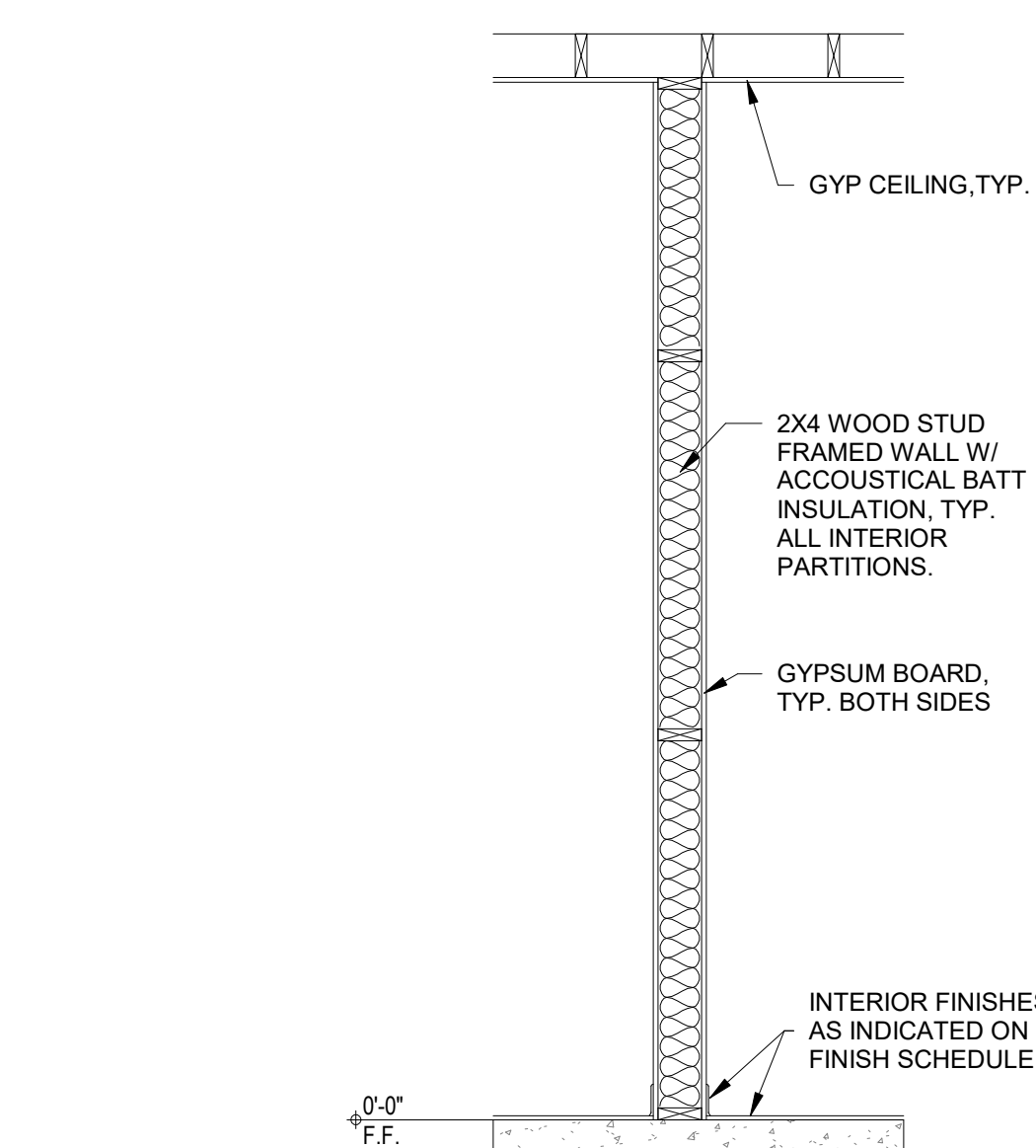
AS INDICATED BY:

- A. BRACED WALL PANEL FOR ONE STORY AND TWO STORY APPLICATIONS. MINIMUM 4'-0"
- B. ALTERNATE BRACED WALL PANEL FOR ONE STORY APPLICATIONS. 2'-8" TO 4'-0"
- C. SIMPSON STRONGWALL 18", 24", 32"

KEYNOTES

AS INDICATED BY:

1. SURFACE MOUNTED BOTTLE FILLING STATION.
MOUNTED 48" MAX. TO SPOUT LOCATION PER TAS
308.2.1



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806.777.7489
INFO@3AXISARCHITECTS.COM
3AXISARCHITECTS.COM



3/9/2023

ANTILLEY WEST, OFFICE BLDG # 4

4601 Antilley Rd #400
Abilene, TX 79606

Project for :
Kyle Paul Construction

Plan Use Agreement

By using these plans, builder/owner agrees to the following. These plans are the property of 3 Axis Architects and are not to be traced, reproduced, or reused for construction without written consent of 3 Axis Architects. Builder / Owner shall check and

SUBMITTAL		DATE
Project Number	23005	
Date	02.20.23	
Scale	As indicated	

FLOOR PLAN

A1.10

MT **ZONING NOTIFICATION RESPONSE FORM CASE #: CUP-2024-12**

You may indicate your position on the Conditional Use Permit 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 be signed** and include your name and address. Please mail the response form to:

**Planning and Development Services
PO BOX 60, Abilene, TX 79604-0060.**

Alternatively, you may email your response to planning@abilenetx.gov.

Requestor's Parcel ID: 1016394
Requestor's Property Zoning: PDD-155
Requestor's Proposed Zoning: PDD-155/CUP

Your Name: CRAMER CAITLIN M
Your Property Address: 4610 EBBETS DR
Your Parcel ID: 1062793

I am in favor of the request ☐

I am opposed to the request ☒

Signature:

Caitlin Cramer

Additional Comments:

This is a neighborhood. Bringing in a tattoo parlor allows different crowds of people to be in the neighborhood at all hours. We have families and don't want businesses and people in our neighborhood. Most businesses so far are 8am-5pm. I am strongly against a tattoo parlor in this area.



CONDITIONAL USE PERMIT

Case: CUP-2024-12

Agent: Jacob & Martin

Request: A Conditional Use Permit to allow a Tattoo Parlor in a Planned Development District (PDD-155).

Location: 4601 Antilley Road
Building 4, Suite 403

Notification: 0 in Favor, 1 in Opposition

Planning & Zoning: December 3, 2024

Council Hearing: December 19, 2024
January 9, 2025





 CUP-2024-12
 Courier Parcels
 Arterial

Miles





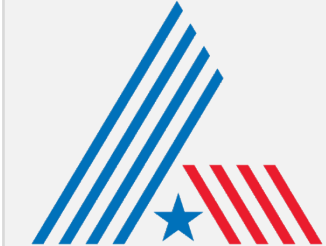
ZONING MAP



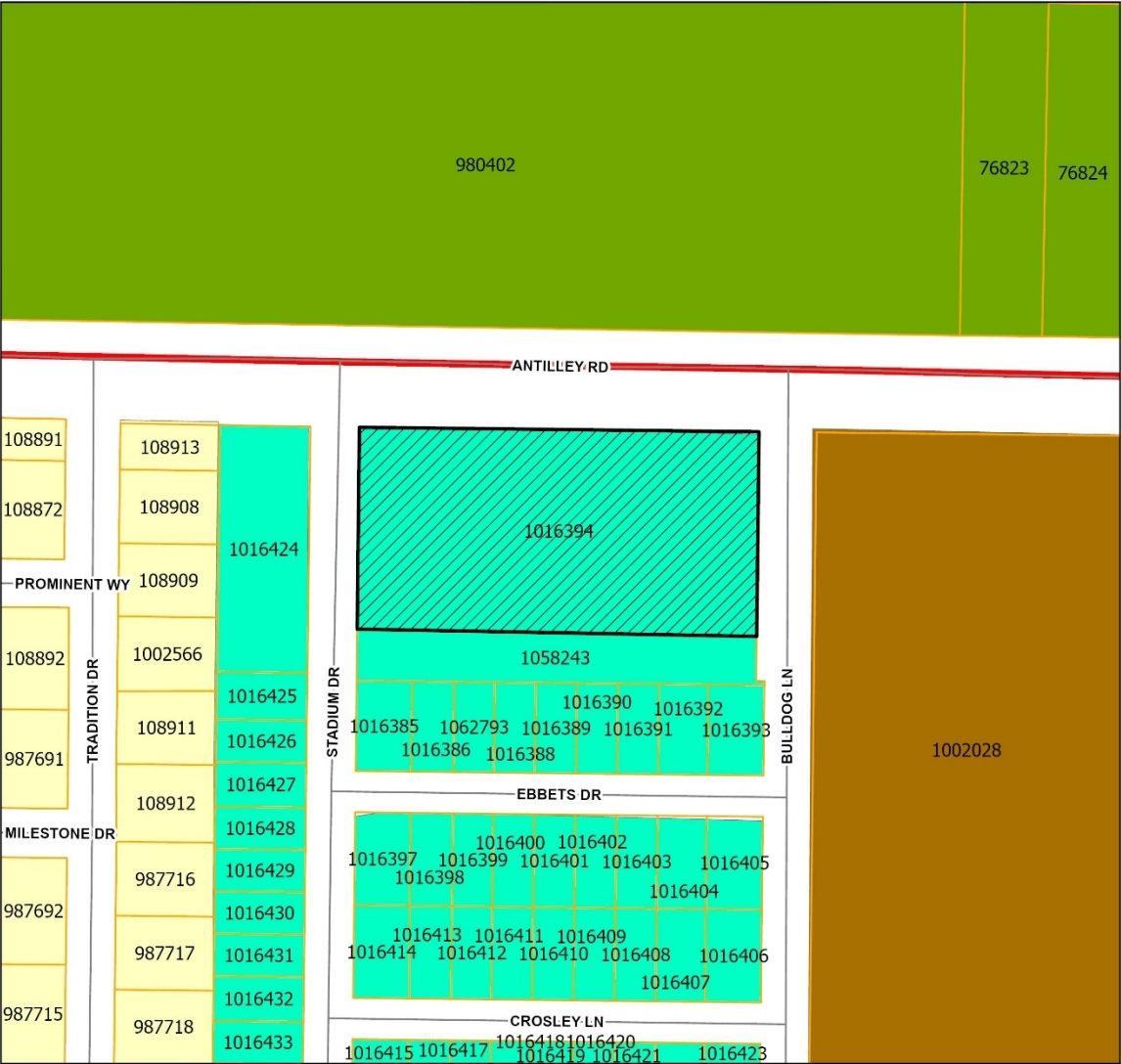
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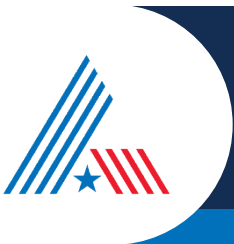
- CUP-2024-12
- Courier Parcels
- PD (Planned Development)
- MF (Residential - Multi-family)
- RS (Residential - Single Family)
- AO (Agricultural Open)
- Arterial

0.03
Miles



CITY OF
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TEXAS





USES IN NEIGHBORHOOD RETAIL ZONING

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P/C Day Care Operation – Home Based
- C Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Fuel Sales
- P Garage Sales
- P Home Occupation
- C Mobile Home (temporary security residence)
- P Recreation Building, Multipurpose
- P Recreation Equipment, Mobile (storage and parking)
- C 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
- C Cultural Facilities
- P Recreation – Outdoors (passive)
- C Recreation and Commercial Entertainment - Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Fire/Police Station
- C 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 School: Public/Private

SERVICE:

- C Automobile Wash
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- C Printing, Copying, Reproduction, Publishing
- 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
- C Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- C Restaurant, Brew Pub
- C Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C 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





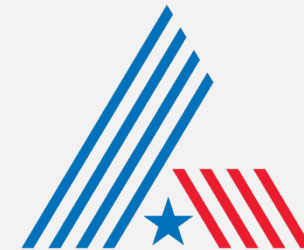
PROPERTY VIEWS







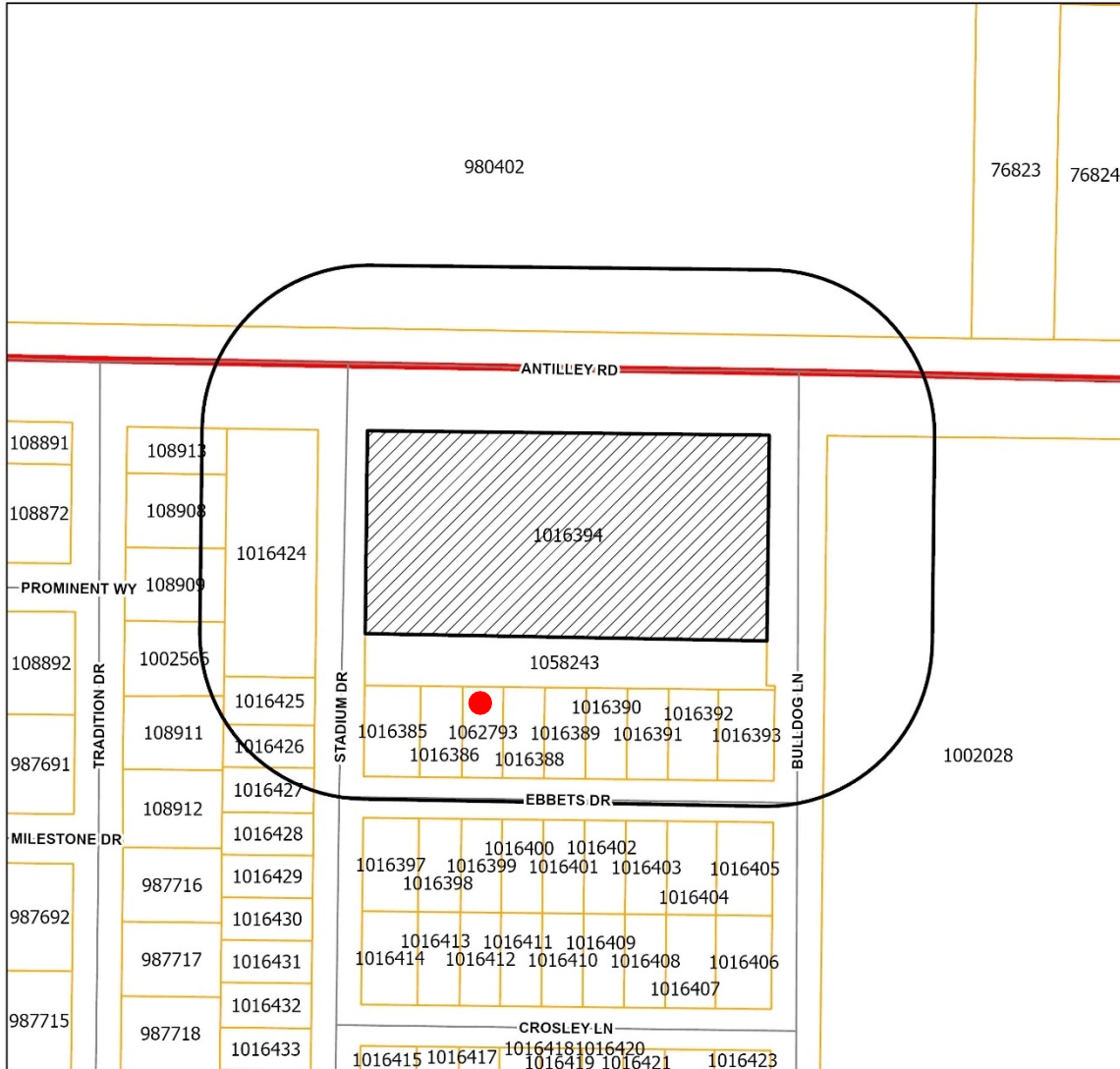
SUITE LOCATION



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NOTIFICATION AREA MAP



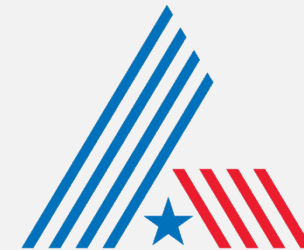
Legend

- CUP-2024-12
- Notification Area
- Courier Parcels
- Arterial

- 0- In Favor- ●
- 1- Opposed- ●
- 1.29% opposition

0.03

Miles



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TEXAS



FINDINGS AND RECOMMENDATION

The proposed request is consistent with:

- The *Comprehensive Plan*;
- The spirit and intent of PDD-155;
- The surrounding uses and zoning; and
- The Criteria for Approval in the LDC.

P&Z Recommendation:

The Planning and Zoning Commission recommends **approval** of the Conditional Use Permit subject to the Plan of Operation.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **12. Ordinance (Final Reading) OAM-2024-02:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the City of Abilene to Amend the Land Development Code to Amend the Sign Regulations. Specifically, to Allow for Type III Off-Site Signage and Provide Development Standards Including, but Not Limited to, Size, Location, and Separation *(Tim Littlejohn)*

GENERAL INFORMATION

An amendment to the Land Development Code (LDC) to amend Section 4.2.8.9 "Area, Height, Placement and Number" as revised.

SPECIAL CONSIDERATIONS

The attached ordinance, if approved, would amend the current Section 4.2.8.9 "Area, Height, Placement and Number" to include Type III signage.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

approval

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Ordinance
2. Staff Report
3. Initial Type III Sign Presented to City Council
4. 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 4.2.8.9 AREA, HEIGHT, PLACEMENT AND NUMBER AND TO REPLACE SAID SECTION WITH SECTION 4.2.8.9 AREA, HEIGHT, PLACEMENT AND NUMBER, AS REVISED, TO CREATE STANDARDS FOR TYPE III OFF-SITE SIGNAGE; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, the City Council finds establishing new standards for smaller off-site advertising signs is both desirable and beneficial to the city; and

WHEREAS, the City Council finds that the current standards in the Land Development Code for off-site advertising are inadequate to address the needs and opportunities presented by emerging technologies.

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

PART 1: That Chapter 4 (Site Development Regulations), Section 4.2.8.9 “Area, Height, Placement and Number”, is hereby repealed and replaced by Section 4.2.8.9 “Area, Height, Placement and Number”, 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 the 19st day of December, 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 November 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 9th day of January 2025, 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.

ORDINANCE NO. _____

PASSED ON FINAL READING THIS 9th day of January 2025.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Section 4.2.8.9 Area, Height, Placement and Number

- (a) All nonportable signs not specifically exempted from permits (by the terms of Section 4.2.8.6) shall be permitted only for the purposes identified in this section and within the limitations prescribed by this section.
- (b) Area shall be considered to be the entire area within any geometric figure, including, but not limited to, all elements of the matter displayed, but not including blank masking, frames, or structured elements outside the sign bearing no advertising or graphic matter.
- (c) Height shall be considered to be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and that point on the crown of the street which is nearest to the point on the sign which is used to establish the setback of the sign, as setback is herein defined. For signs located two hundred (200) feet or further from a street, height shall be considered to be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the highest adjacent grade. Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the structural support of the sign.
- (d) Setback shall be considered to mean a line parallel to, and the required distance from, the lot frontage adjacent to any street abutting the lot or tract in question, or a line parallel to and the required distance from any lot abutting the side of the lot or tract in question. For purposes of determining the requirements of this section, no portion of any sign or its support shall project or extend beyond the required setback line.
- (e) Visibility triangle shall be considered to mean a triangle formed by a diagonal line extending through two (2) points on the two (2) curblines or edge of pavement line thirty (30) feet from the street corner intersection. No sign or supporting structure shall be placed within the visibility triangle unless there is a minimum height of eight (8) feet from the ground to the lowest point on the sign or structure projecting over the triangle. In no instance, however, shall such projections extend or project beyond the required setbacks.
- (f) Sign standards. Signs shall meet the standards delineated in the following table and the following footnotes referenced in the table:
 - (1) Off-site advertising signs are prohibited within the city limits of the City of Abilene, except as specifically authorized below:
 - (a) Regulated by Zoning District:
 - i. Off-site advertising signs are only permitted within the following zoning districts: General Retail (GR), General Commercial (GC), Heavy Commercial (HC), Light Industrial (LI), Heavy Industrial (HI), and Agricultural-Open Space (AO).
 - ii. Off-site advertising signs are only permitted within the AO district with a Special Exception granted by the Board of Adjustment. In determining the suitability of a site within the AO district, the Board shall consider the proximity of the proposed location to existing or proposed residential uses as may be indicated on the zoning map of the City of Abilene or any land use plans that have been approved by either the Planning and Zoning Commission or the City Council.

- iii. Type III signs are intended to allow for on-premise and/or off-premise advertising purposes, and only permitted in the CB zoning district in the area between South 1st Street, South 4th Street, Elm Street, and South Treadaway Boulevard shall be allowed. A Type III sign may be located on either side of these four boundary streets, subject to compliance with all applicable development standards.
- (b) Regulation of Type I, II and III Signs:
- i. Type I signs are those located along and oriented to a thoroughfare designated as a freeway or expressway in the City's adopted Thoroughfare Plan and are only permitted in the following locations:
Interstate Highway 20;
Loop 322; and
US Highway 83.
 - ii. Type I signs shall have a maximum area of 672 square feet and a maximum height of 42 feet, 6 inches or such height so that the bottom of the sign face is 8 feet higher than the adjacent main-traveled way, as defined by the Texas Department of Transportation, whichever is higher.
- (c) Regulation of Type II and III Signs:
- i. Type II signs are those located along and oriented to a thoroughfare designated as an arterial or collector in the City's adopted Thoroughfare Plan and are only permitted in the following locations:
Ambler Avenue;
Antilley Road;
Barrow Street;
Buffalo Gap Road;
Catclaw Drive;
East Highway 80;
East South 11th Street;
Grape Street;
Industrial Boulevard;
Judge Ely Blvd;
Leggett Drive;
Mockingbird Lane;
North 10th Street;
North 1st Street;
Pine Street;
Pioneer Drive;
Rebecca Lane;
Ridgemont Drive;
Sayles Blvd;
South 14th Street;

South 1st Street;
South 27th Street;
South 7th Street;
Southwest Drive;
Texas Avenue;
Treadaway Blvd/Pine Street (Business 83);
US Highways 83/277;
US Highways 83/84;
Willis Street.

- ii. Type II signs shall have a maximum area of 378 square feet and a maximum height of 35 feet.

(d) Regulation of Type III Signs:

- i. Type III signs are those located along and oriented to a thoroughfare designated as a freeway or expressway or as an arterial or collector by the City's adopted Thoroughfare Plan, as listed above for Type I and Type II signs and the following additional locations:

Butternut Street;

South 1st Street from Elm Street to South Treadaway Boulevard;

South 2nd Street from Elm Street to South Treadaway Boulevard;

South 3rd Street from Elm Street to South Treadaway Boulevard;

South 4th Street from Elm Street to South Treadaway Boulevard;

Elm Street from South 1st Street to South 4th Street;

Sycamore Street from South 1st St. to S. 4th Street;

Chestnut Street from South 1st St. to S. 4th Street;

Oak Street from South 1st St. to S. 4th Street;

Pecan Street from South 1st Street to South 4th Street;

Locust Street from South 1st Street to South 4th Street;

Cherry Street from South 1st Street to South 4th Street;

Willow Street from South 1st St. to South 4th Street.

- ii. Type III signs are subject to the following development standards:

1. Maximum sign area is limited to fifty (50) square feet.
2. Maximum sign height is limited to the height of the wall on which it is mounted but is limited to a maximum height of twenty (20) feet, as measured grade of the wall on which it is mounted.
3. Type III signs shall be mounted flat wall. The cantilevered mounting of signs is not permitted.

ORDINANCE NO. _____

4. Type III signs shall be subject to the minimum setback and spacing limitations that apply to Type I and Type II signs.
5. Type III signs shall be subject to all electronic message sign regulations.
6. Type III signs shall not be utilized as free-standing sign or as a roof mounted sign, and may not be located on an accessory structure, fence, equipment, or other type of building or structure.

(2) Spacing and separation of off-site advertising signs shall be based on the following:

- a. Signs shall be separated from other off-site advertising signs on the same side of the street by a minimum distance of 1,500 feet on interstate and primary highways, as designated by the Texas Department of Transportation.
- b. Signs shall be separated from other off-site advertising signs on the same side of the street by a minimum distance of 750 feet when not on an interstate or primary highway.
- c. Signs shall be separated from other off-site advertising signs in any direction by a minimum of 250 feet.
- d. No off-site advertising signs shall be permitted less than 135 feet from a lot in a Residential Single-family (RS), Mobile Home (MH), or Multifamily (MF) district.
- e. No off-site advertising signs shall be permitted less than 400 feet from a lot in a Residential Single-family (RS), Mobile Home (MH), or Multifamily (MF) district when adjacent to roadways designated as interstate or primary.

Sign Classification		Permitted Zoning Districts	Maximum Area	Maximum Height	Minimum Setback Required	Number And/or Spacing Limitations	Illumination Permitted	Motion Permitted	Additional Requirements
Off-Site	Type I	GR GC HC LI HI AO (SE) (1)	672 Sq Ft	42.5 ft. or bottom of sign 8 ft. above primary roadway (1), (5), (6)	10 feet if abutting MD, CU, or AO	1,500 ft. spacing on same side of street 250 ft. radial spacing (2)	Yes	Yes	Permit Required (1)
	Type II	GR GC HC LI HI AO (SE) (1)	378 Sq Ft	35 ft. (1), (5), (6)	10 feet if abutting MD, CU, or AO	750 ft. spacing on same side of street, except 1,500 ft. on interstate or primary 250 ft. radial spacing (2)	Yes	Yes	Permit Required (1)
	Type III	<u>CB*</u> <u>GR</u> <u>GC</u> <u>HC</u> <u>LI</u> <u>HI</u> <u>AO (SE)</u>	<u>50 sq. ft.</u>	<u>20 ft. on facade</u>	<u>200 ft. from any Residential use or District</u>	<u>1 per parcel - 500 ft. spacing on same side of street and 250 ft. radial spacing</u>	<u>Yes</u>	<u>Yes</u>	<u>Permit Required</u>

Sign Classification	Permitted Zoning Districts	Maximum Area	Maximum Height	Minimum Setback Required	Number And/or Spacing Limitations	Illumination Permitted	Motion Permitted	Additional Requirements
On-Site	AO	700 Sq Ft	35 Ft (5), (6)	10 feet from property line	One per business or activity	Yes	Yes	Permit Required
	MU O	36 Sq Ft	12 ft.	10 feet from property line	One per business or activity	Yes	Yes	Permit Required
	CB GR GC HC LI HI	300 sq. ft. (no limitation for wall signs)	50 ft, except (4) in CB (no restrictions) (5), (6)		One Freestanding sign per business per street frontage	Yes	Yes	Permit Required
	MF MD MH CU RS RR PH TH	20 sq. ft. (3) 6 sq. ft.	10 ft. (3)	10 feet from property line	One per business or activity per street frontage One per premises (3)	Yes	Yes	Permit Required
						No	No	
						(3)	(3)	

***Type III signs only permitted on specified streets in CB District**

Footnotes:

- (1) No off-site advertising signs shall be permitted less than one hundred thirty-five (135) feet from a lot in a residential single-family or MF district.

No off-site advertising signs shall be permitted less than four hundred (400) feet from a lot in a residential single-family or MF district when adjacent to interstate or primary road systems.

In the AO zoning district, off-site advertising signs may be permitted upon issuance of special exemption by the board of adjustment after a public hearing. In determining the suitability of a site for placement of an off-site advertising sign, the board shall consider the proximity of the proposed location to existing or proposed residential uses as may be indicated on the zoning map of the City of Abilene or any land use plans that have been approved by either the planning and zoning commission or the city council. Setbacks for off-site advertising signs on interstate/primary roads shall be established by the State of Texas.

- (2) The minimum separation shall be measured from signs on the same side of the street.
- (3) Signs on developing property shall be signs on property under current construction or property that is being promoted in advance of sale and development.
Institutional signs and neighborhood entrance signs located within residential districts are permitted to be up to 80 square feet in area and up to 25 feet in height. In addition, only one wall sign is permitted per street frontage so long as such sign exceeds no more than 100 square feet in area. Such signs shall be permitted to be illuminated and may be an electronic message sign.
- (4) Front setback shall be a minimum of ten (10) feet from back of curb or edge of pavement where there is no curb; provided, however, that no sign shall project into the public right-of-way of any street or alley except in the central business district as provided in section 2.3.3.7. The setback from street side property lines for monument signs shall be 5 feet from the property line or 15 feet from the curb, whichever is greater.
Side setbacks shall be ten (10) feet from any side abutting a lot or tract in an AO, RS, RR, PH, TH, MD, MF, MH, or CU district. In all other cases there shall be no side setback.
- (5) Freestanding signs shall have a minimum grade clearance of eight (8) feet six (6) inches.
Monument signs shall not exceed a height of 8 feet.
Exception: Freestanding signs (including monument signs) set back a minimum twenty-five (25) feet from all street-side property boundaries do not need a minimum grade clearance of eight (8) feet. A sign so located may also exceed the forty-two-inch height limitation, but shall not exceed the maximum area or height of signs allowed.

-END-

ZONING CASE OAM-2024-02

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: December 5, 2024
City Council 1st Reading: December 19, 2024
City Council 2nd Reading: January 9, 2025

Applicant

City of Abilene

Case Manager

Adam Holland – Planner II

Request

An amendment to the Land Development Code (LDC) to provide development standards for Type III off-site signs.

Background

The LDC currently allows Type I and Type II off-site signs. These sign types pertain to large scale billboards typically located along interstate highways and to medium size billboards located along other state system roadways. In the past year, multiple applications have been submitted to allow much smaller digital off-site signage. In response, the City Council directed staff to create “draft” Type III off-site sign regulations for this new type of sign with development standards designed to mitigate the impacts of such signs on surrounding neighborhoods, on traffic safety, and the separation between signs. The City Council was satisfied with the direction of the “draft” Type III regulations and directed staff move forward with this item to amend the LDC.

Proposed Amendment

The proposed LDC amendment would affect LDC Section 4.2.8.9 – Area, Height, Placement, and Number and would follow the existing format of that section to create a Type III off-site sign category. The attached proposed ordinance amendment attached with this report shows the existing text of this section, with all proposed text shown with an underline. No existing text in this section or in any other section of the LDC is not proposed.

P&Z Recommendation

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

Attachments: Proposed Ordinance

Type III Sign

- Area

- Limited to 50 SF on arterial and collector streets currently listed for Type I and II signs. *(exception)

*Additional allowable arterial and collector streets:

Butternut St.

S. 1st St. from Elm St. to S. Treadaway Blvd.

S. 2nd St. from Elm St. to S. Treadaway Blvd.

S. 3rd St. from Elm St. to S. Treadaway Blvd.

S. 4th St. from Elm St. to S. Treadaway Blvd.

Elm St. from S. 1st St. to S. 4th St.

Sycamore St. from S. 1st St. to S. 4th St.

Chestnut St. from S. 1st St. to S. 4th St.

Oak St. from S. 1st St. to S. 4th St.

Pecan St. from S. 1st St. to S. 4th St.

Locust St. from S. 1st St. to S. 4th St.

Cherry St. from S. 1st St. to S. 4th St.

Willow St. from S. 1st St. to S. 4th St.

- *Allowed in zoning districts as classified within type I and II

* **Exception** - CB district for only S 1st St. to S 4th St. and from Elm St. to S Treadaway Blvd shall be allowed.

- Height

- Limited to the height of the side wall on which it is mounted. Maximum height of twenty (20) feet.

- Mounting

- Type III signs shall be mounted flat to a side wall (no cantilevered mounting allowed)
- Signs shall not be mounted onto any façade in a location that is located within 200 feet of the property line of any residentially zoned property or any residential use.

- **Spacing**
 - Type III signs shall be subject to all of the existing spacing regulations set out for Type I and Type II signs.
- **Prohibited Sign Types**
 - Free-standing signs
 - Roof Signs
 - Signs mounted onto an accessory structure
 - Signs mounted onto a fence or any structure other than the primary structure
- **Other**
 - Signs shall be subject to all existing electronic message sign regulations

Sign Classification	Permitted Zoning Districts	Maximum Area	Maximum Height	Minimum Setback Required	Number And/or Spacing Limitations	Illumination Permitted	Motion Permitted	Additional Requirements
Type III Off-Site	CB* GR GC HC LI HI AO (SE)	50 sq. ft.	20 ft. on facade	200 ft. from any Residential use or District	1 per parcel - 500 ft. spacing on same side of street and 250 ft. radial spacing	Yes	Yes	Permit Required



LDC TEXT AMENDMENT REQUEST

Case: OAM-2024-02

Applicant: City of Abilene

Request: An amendment to create development standards for a Type III off-site advertising sign.

Planning & Zoning: December 5, 2024

City Council Hearing: December 19, 2024
January 9, 2025





PROPOSED STANDARDS

Sign Classification	Permitted Zoning Districts	Maximum Area	Maximum Height	Minimum Setback Required	Number And/or Spacing Limitations	Illumination Permitted	Motion Permitted	Additional Requirements
Type III (4) Off-Site	GR GC HC LI HI CB* AO (SE)	50 sq. ft.	20 ft. on facade	200 from any Residential use or District	1 per parcel - 500 ft. spacing on same side of street and 250 ft. radial spacing	Yes	Yes	Permit Required *Electronic Message signs shall adhere to requirements set forth in Section 4.2.8.11

*Only permitted as specified





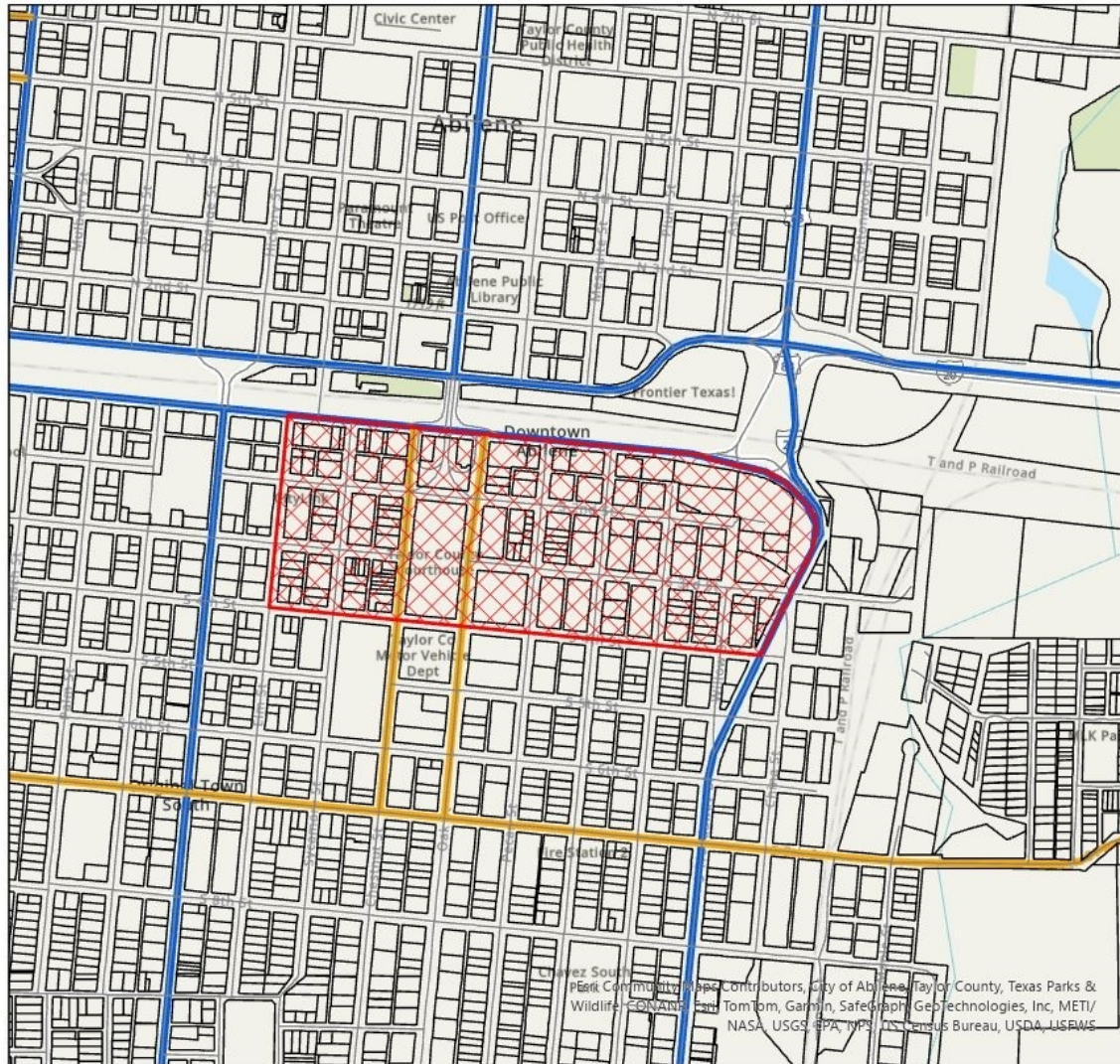
PROPOSED STANDARDS

- Allowed on collector and arterial streets as permitted for Type I and II signs and:
 - Butternut St.
 - S. 1st St from Elm St. to S. Treadaway Blvd.
 - S. 2nd St from Elm St. to S. Treadaway Blvd.
 - S. 3rd St from Elm St. to S. Treadaway Blvd.
 - S. 4th St from Elm St. to S. Treadaway Blvd.
 - Elm St. from S. 1st St. to S. 4th St.
 - Sycamore St. from S. 1st St. to S. 4th St.
 - Chestnut St from S. 1st St. to S. 4th St.
 - Oak St from S. 1st St. to S. 4th St.
 - Pecan St from S. 1st St. to S. 4th St.
 - Locust St from S. 1st St. to S. 4th St.
 - Cherry St from S. 1st St. to S. 4th St.
 - Willow St from S. 1st St. to S. 4th St.
- A small portion of the Central Business (CB) district if all Development Standards are met.





STREETS EXHIBIT



-  Type III Signs
-  Thoroughfare Plan
-  Arterial
-  Collector

0.15

Miles



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FINDINGS/RECOMMENDATIONS

The proposed LDC amendment will implement the direction provided by the City Council on 10/17/2024

P&Z Recommendation:

Approval





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **13. Ordinance (Final Reading) Z-2024-32:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, to Change the Zoning of Approximately 2.59 acres from Planned Development District 28 (PDD-28) to General Commercial (GC), Located at the 4300 block of Southwest Drive (*Tim Littlejohn*)

GENERAL INFORMATION

Change the zoning of approximately 2.59 acres from Planned Development District 28 (PDD-28) to General Commercial (GC).

SPECIAL CONSIDERATIONS

The subject property was annexed in 1959 and is currently used as a recycling drop off. The City of Abilene has entered a lease with Chick-Fil-A to build a new restaurant at this location.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

On November 19, 2024, the Parks and Recreation Board recommended approval. The Planning and Zoning Commission recommends approval by a vote of 6-0.

ATTACHMENTS:

1. Ordinance
2. Staff Report
3. Z-2024-32 Application
4. Presentation

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 19st day of December, 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 October, 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 9th day of January, 2025, 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 9th day of January 2025.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning of approximately 2.59 acres from Planned Development District 28 (PD-28) to General Commercial (GC).

Legal Description being as follows:

BEING A TRACT OF LAND LOCATED IN THE J.C. DONLEY SURVEY, ABSTRACT NO. 95, TAYLOR COUNTY, TEXAS, BEING A PORTION OF LOT 101, BLOCK C, SOUTHWEST DRIVE ADDITION, AN ADDITION TO THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET 3, SLIDE 551, PLAT RECORDS, TAYLOR COUNTY, TEXAS (P.R.T.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND IN CONCRETE IN THE SOUTH RIGHT-OF-WAY LINE OF SOUTHWEST DRIVE (A 120' WIDE RIGHT-OF-WAY) BEING THE NORTHWEST CORNER OF SAID LOT 101 AND THE NORTHEAST CORNER OF LOT 1, BLOCK A, LITHIA ADDITION, AN ADDITION TO THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET 2, SLIDE 337-D, P.R.T.C.T.;

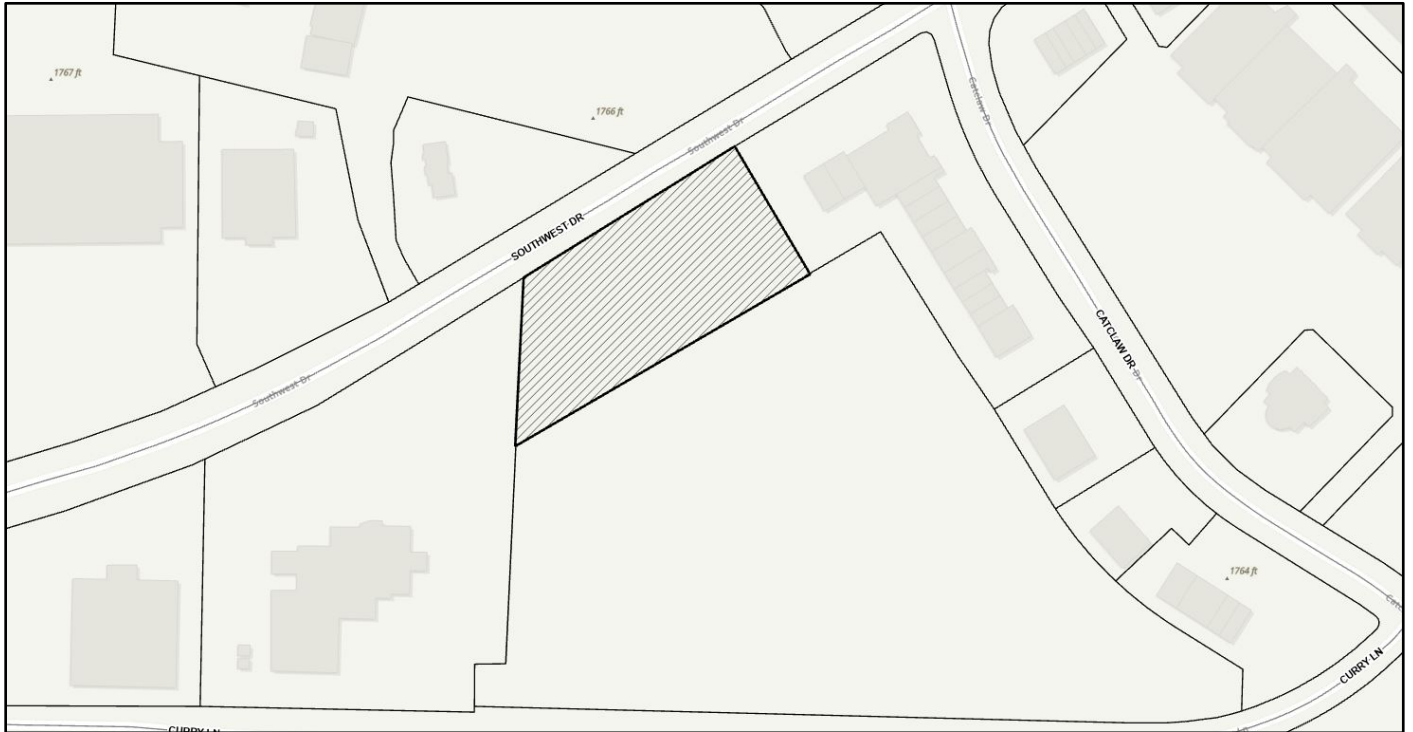
THENCE N 58°57'54" E, ALONG THE NORTH LINE OF SAID LOT 101 AND THE SOUTH RIGHT-OF-WAY LINE OF SAID SOUTHWEST DRIVE, AT A DISTANCE OF 450.41 FEET, PASSING A 1/2" IRON ROD FOUND WITH A CAP STAMPED "ABILENE RPLS 4389", CONTINUING IN ALL A TOTAL DISTANCE OF 460.45 FEET TO A POINT BEING THE MOST NORTHERLY NORTHEAST CORNER OF SAID LOT 101 AND THE NORTHWEST CORNER OF LOT 201, BLOCK B OF SECTION 4, SOUTHWEST DRIVE ADDITION, AN ADDITION TO THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET 3, SLIDE 248, P.R.T.C.T.;

THENCE S 31°32'08" E, DEPARTING THE SOUTH RIGHT-OF-WAY LINE OF SAID SOUTHWEST DRIVE, ALONG A EAST LINE OF SAID LOT 101 AND THE WEST LINE OF SAID LOT 201, A DISTANCE OF 210.29 FEET TO A POINT BEING AN ELL CORNER OF SAID LOT 101 AND THE SOUTHWEST CORNER OF SAID LOT 201;
THENCE S 58°21'48" W, DEPARTING AN EAST LINE OF SAID LOT 101, A DISTANCE OF 601.19 FEET TO A POINT IN THE WEST LINE OF SAID LOT 101 AND THE EAST LINE OF SAID LOT 1;

THENCE N 01°37'57" E, ALONG THE WEST LINE OF SAID LOT 101 AND THE EAST LINE OF SAID LOT 1, A DISTANCE OF 257.29 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.596 ACRES (113,075 SQUARE FEET) OF LAND, MORE OR LESS.

ORDINANCE NO. _____

Located at 4300 Southwest Drive



-END-

ZONING CASE Z-2024-32

STAFF REPORT

Scheduled Hearings

Parks and Recreation Board: November 19, 2024
Planning & Zoning Commission: December 3, 2024
City Council 1st Reading: December 19, 2024
City Council 2nd Reading: January 9, 2025

Applicant

Owner: City of Abilene

Case Manager

Adam Holland – Planner

Request

Change the zoning of approximately 2.59 acres from Planned Development District 28 (PDD-28) to General Commercial (GC).

Location

Located at 4300 Southwest Drive

Background

The subject property was annexed in 1959 and is currently used as a recycling drop off. The City of Abilene has entered a lease with Chick-Fil-A to build a new restaurant at this location.

Zoning, Existing and Proposed Land Use

	Zoning	Existing Land Use
North	PD-57/GC	Retail use
East	PD-28	Retail use
South	PD-28	Detention Area
West	GC	Automotive sales

Criteria Assessment

Section 1.4.1.4 of Abilene's Land Development Code states that, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

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

The proposed request is consistent with the Comprehensive Plan and Future Land Use Map.

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

The proposed zoning would be appropriate as it would be consistent with the surrounding uses.

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

This property has access to all required utilities necessary for development.

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

None known.

Parks and Recreation Board Recommendation

On November 19, 2024, the PRB recommended **approval**.

P&Z Recommendation

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

Attachments

- PowerPoint Presentation

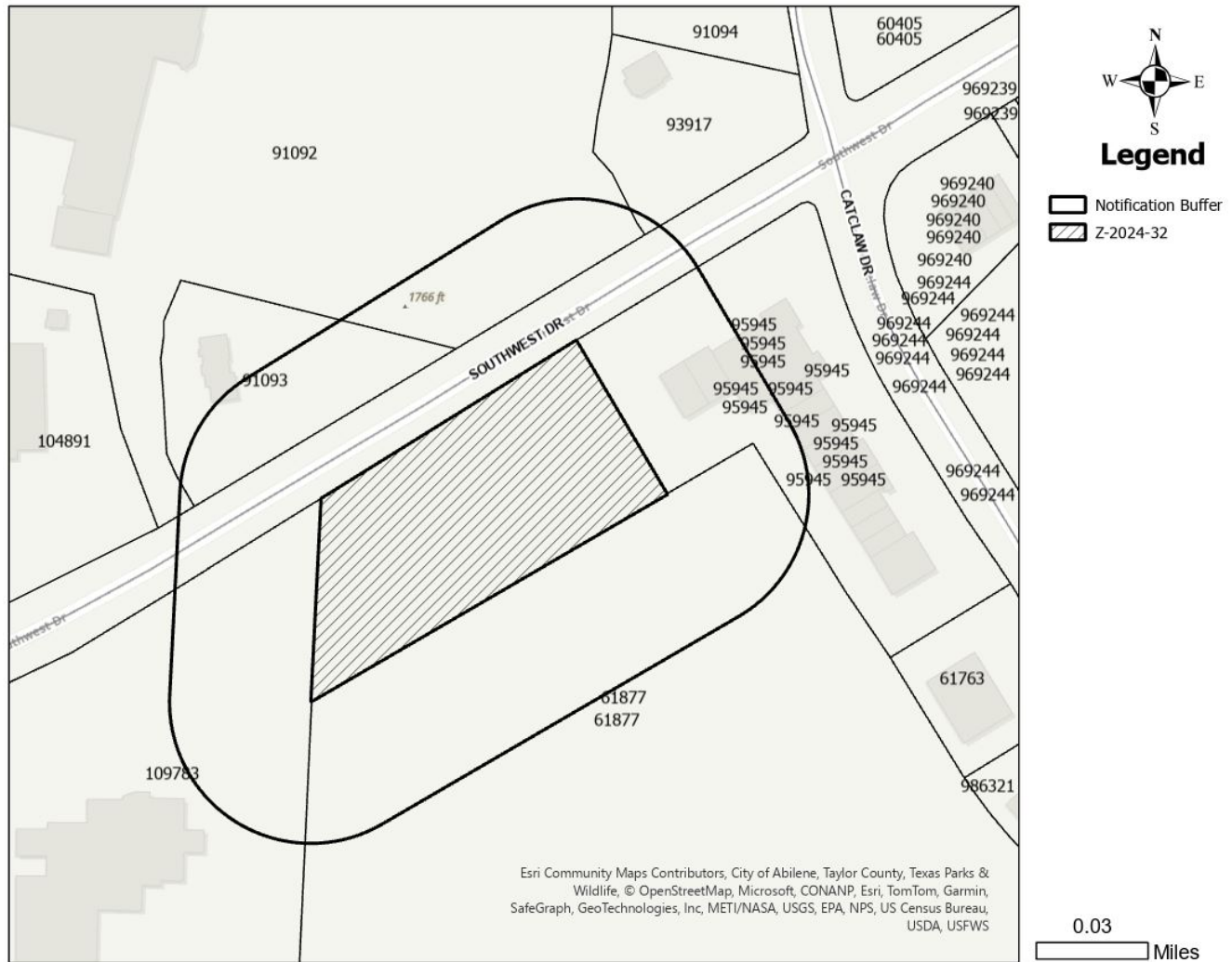
Notification

Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on October 16, 2024, via standard mail to the owners of property within a 200-foot radius of the subject street right of way. The property owners and associated parcel identification numbers are identified below:

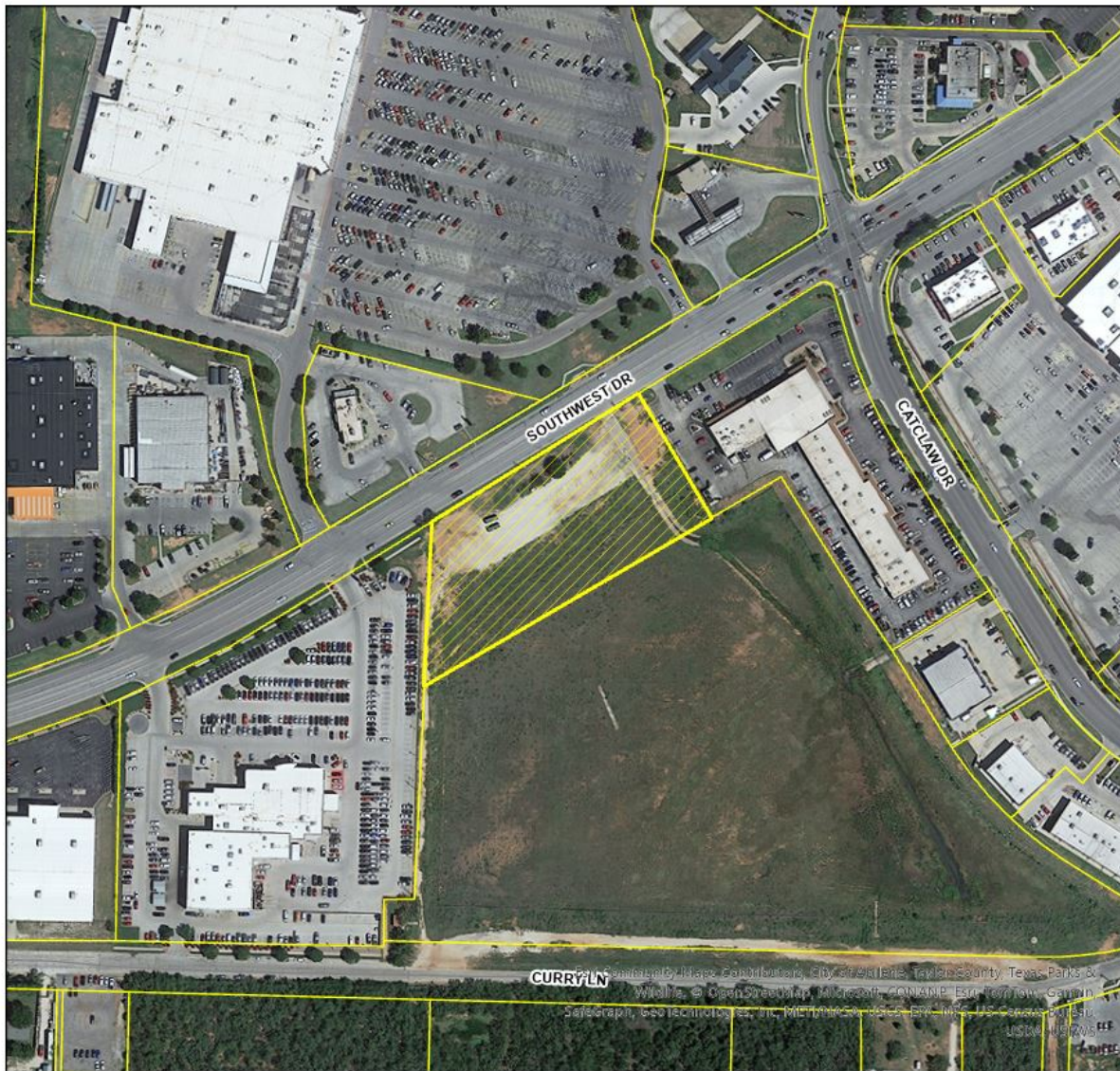
PROPERTY OWNER Legend: O - Opposed, F - In Favor

OWNER	SITUS	PROP_ID	RESPONSE
FRANKLIN REAL ESTATE VENTURES LTD	4325 SOUTHWEST DR	95945	
LITHIA REAL ESTATE INC	4449 SOUTHWEST DR	109783	
SKINNYS INC	3350 CATCLAW DR	93917	
WAL-MART STORES #DIVISION STORE	4350 SOUTHWEST DR	91092	
WEND-ABILENE REALTY LP	4374 SOUTHWEST DR	91093	

NOTIFICATION MAP



LOCATION MAP



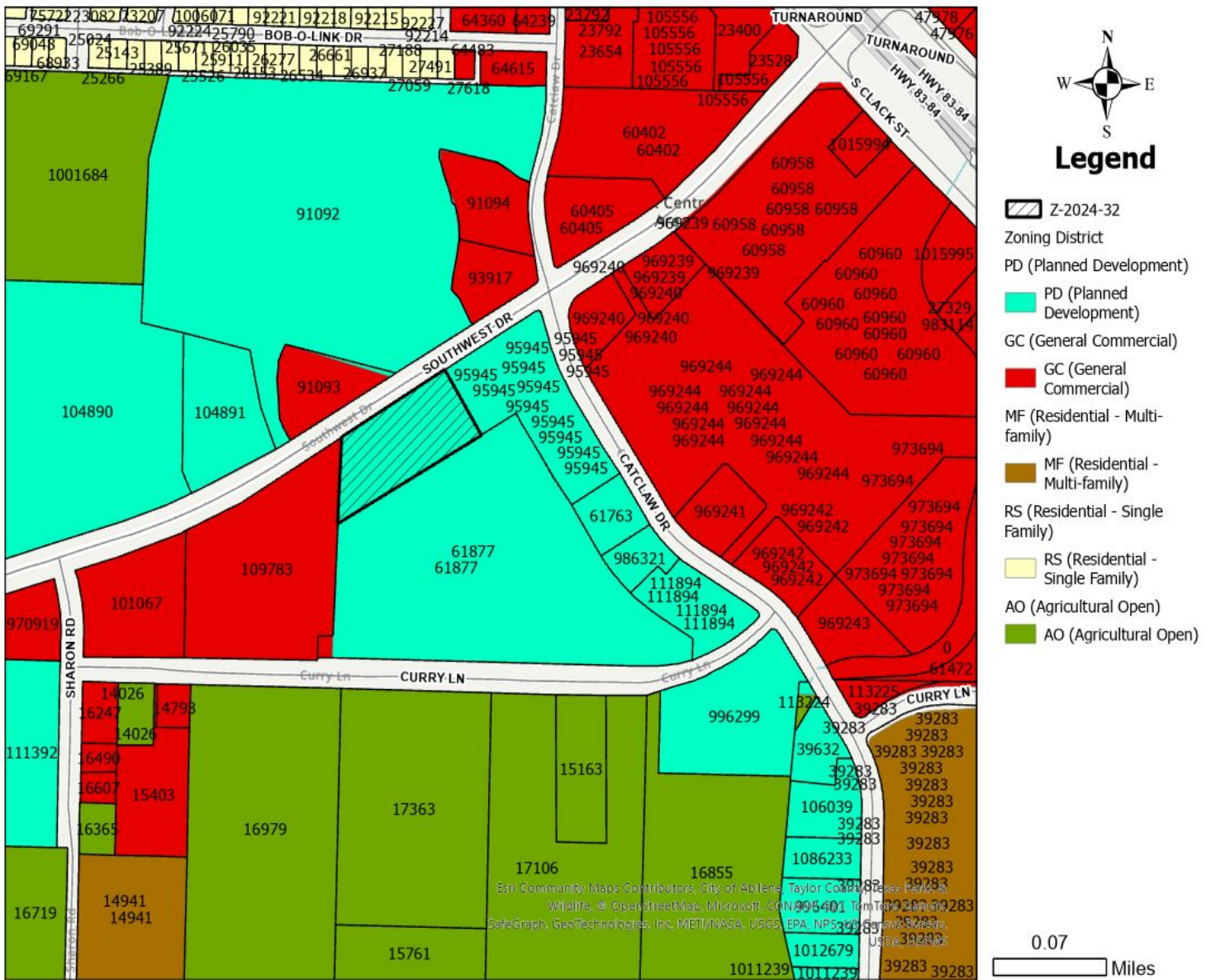
Legend

 Z-2024-32

0.04

Miles

ZONING MAP



Case # Z-2024-32
October 15, 2024



2024 Development Application

Owner Authorization and Representative Designation

Property Description

Subdivision: Southwest Drive Addition Total Number of Acres: 2.596 acres
Zoning Classification(s): rezone from PD to GC Total Number of Lots: 1
Location: 4300 Southwest Drive

Property Owner Information & Authorization

Name/Company: City of Abilene
Address: 555 Walnut Street
City: Abilene State: TX Zip Code: 79601
Phone: _____ Email: _____

Project Representation (check one):

- ☐ I will represent the application myself; OR
☒ I hereby designate Chick-fil-A, Inc. and its consultants (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

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

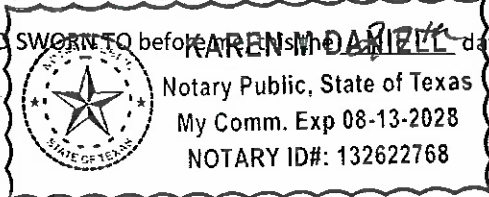
Property Owner's Signature: Robert Hanna Date: September 27, 2024

STATE OF: _____

COUNTY OF: _____

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

SUBSCRIBED AND SWORN TO before me on this 27 day of September, 20 24



Karen M. Daniell
NOTARY PUBLIC in and for the State of Texas

Project Representative Information (complete if designated by owner)

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

Name: Priya Acharya Company: Wier & Associates, Inc.
Address: 2201 E. Lamar Blvd. Suite 200E City: Arlington State: TX
Zip Code: 76006 Number: 817-467-7700 Email: PriyaA@WierAssociates.com



2024 Development Application

Zoning Application Page 1 of 3

Planning

☐ Conditional Use ☐ Special Exceptions ☒ Rezoning ☐ Variance

☐ PDD Amendment ☐ Street Name Change ☐ Thoroughfare Abandonment
☐ Easement Release

Relief Procedures

☐ Petition for Relief ☐ Proportionality Appeal ☐ Vested Rights Petition ☐ Appeal
Other: N/A

Project Name: Chick-fil-A Abilene 05677

Address: 4300 Southwest Dr, Abilene, TX 79606 Number of Lots: 1 Acreage: 2.596 acres

Legal Description: a portion of Lot 101, Block C, Southwest Drive Addition

Subdivision Name: Southwest Drive Addition Block: C Lot: 101

Current Zoning: PD Proposed Zoning (if applicable): GC - General Commercial

OWNER AND AUTHORIZATION

Owner Name: City of Abilene

Address: 555 Walnut St

City, State, Zip: Abilene, TX 79606

Fax:

Phone: 325-676-6200

Email: N/A

Agent Name: Wier & Associates, Inc.: Priya Acharya, submitting on behalf of Chick-fil-A, Inc.

Address: 2201 E Lamar Blvd, Suite 200E

City, State, Zip: Arlington, TX 76006

Fax:

Phone: 817-467-7700

Email: PriyaA@WierAssociates.com

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

Signature of Owner: Robert Hanne

Date: Sept. 27, 2024

FOR OFFICE USE ONLY

Received: _____

Fee: \$ _____

Receipt No.: _____

Case No.: _____

Reviewed By: _____



2024 Development Application

Zoning Application Page 2 of 3

Existing Zoning

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

Reason for Zoning Change

The parcel is currently zoned as Planned development (PD), called out under PD-28 (Ord. 18-1985) to be a public recreational facility. We are requesting to rezone a portion of the existing overall lot to GC to allow for trade-retail uses, specifically a Restaurant, Fast Food.

Fees

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

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

Fees can be paid online with credit card.



2024 Development Application

Zoning Application Page 3 of 3

Zoning Impact Analysis

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

1. Does the proposed zoning map amendment implement the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map?
— The Future Land Use Map recognizes this area as being Highway Commercial. Highway Commercial is noted —
— as being compatible with the GR zoning district and is intended to have a primary zoning district that includes —
— GR. As a result, the proposed zoning map amendment to GR does implement the policies of the intended —
— future Highway Commercial designation.
2. Is the use permitted by the proposed change in the zoning district's classification? Are the standards applicable to such uses appropriate in the immediate area of the land to be reclassified?

Yes, the proposed use is permitted by the proposed changed to a GC zoning district.

Yes, the surrounding areas are zoned GC. We are proposing a consistent zoning as the uses appropriate in the immediate area.

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

Yes.

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

No

Other Required Forms - Disclosure of Interest (See Attached)



ZONING REQUEST

Case: Z-2024-32

Agent: Chick-Fil-A, Inc. and its consultants

Owner: City of Abilene

Requests: Change the zoning of approximately 2.59 acres from Planned Development District 28 (PDD-28) to General Commercial (GC).

Location: 4300 Southwest Drive

Notification: 0 in Favor, 0 in Opposition

Parks and Recreation Board : November 19, 2024

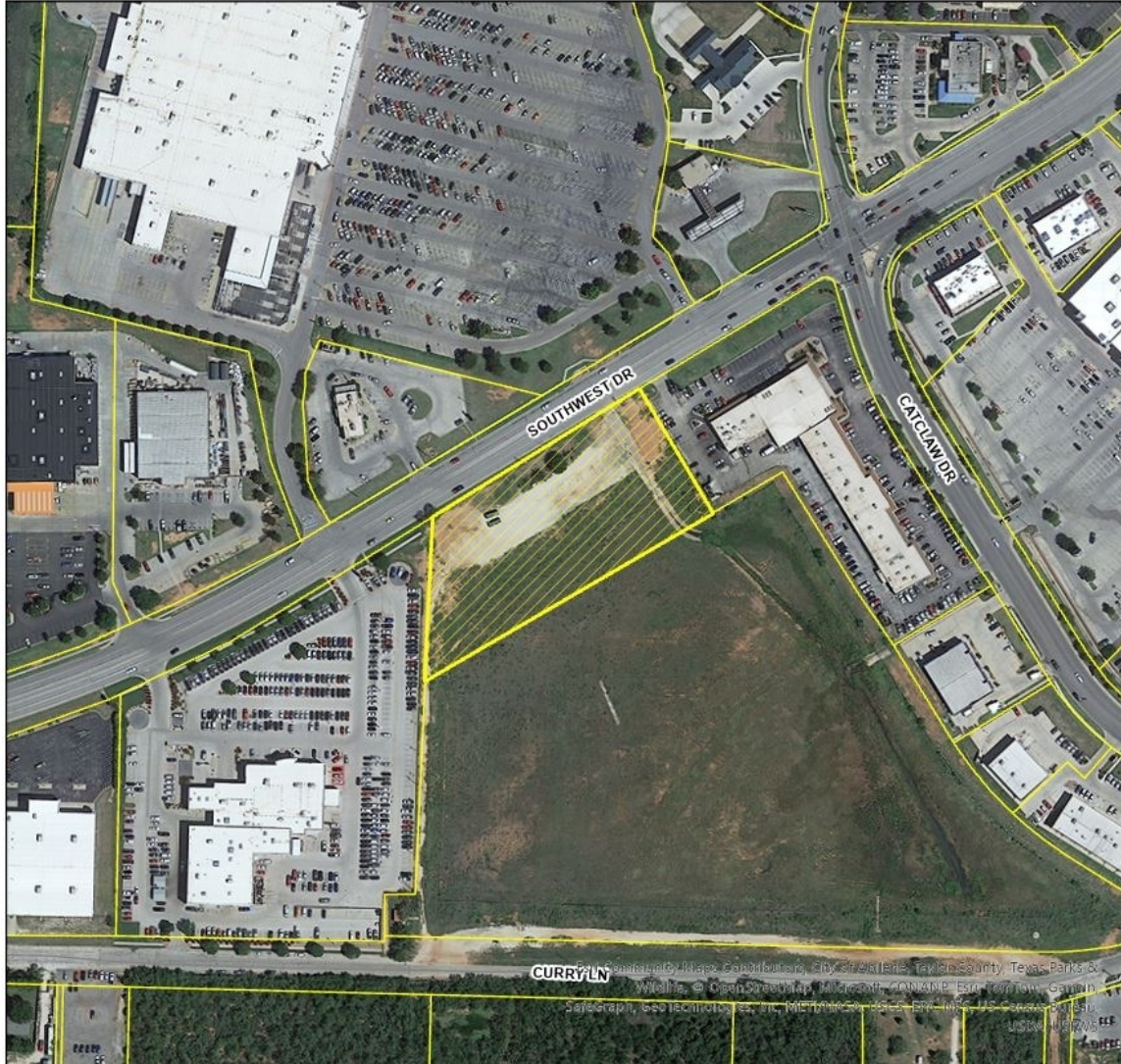
Planning & Zoning: December 3, 2024

Council Hearing: December 19, 2024
January 9, 2025





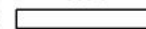
AERIAL LOCATION MAP



Legend

 Z-2024-32

0.04

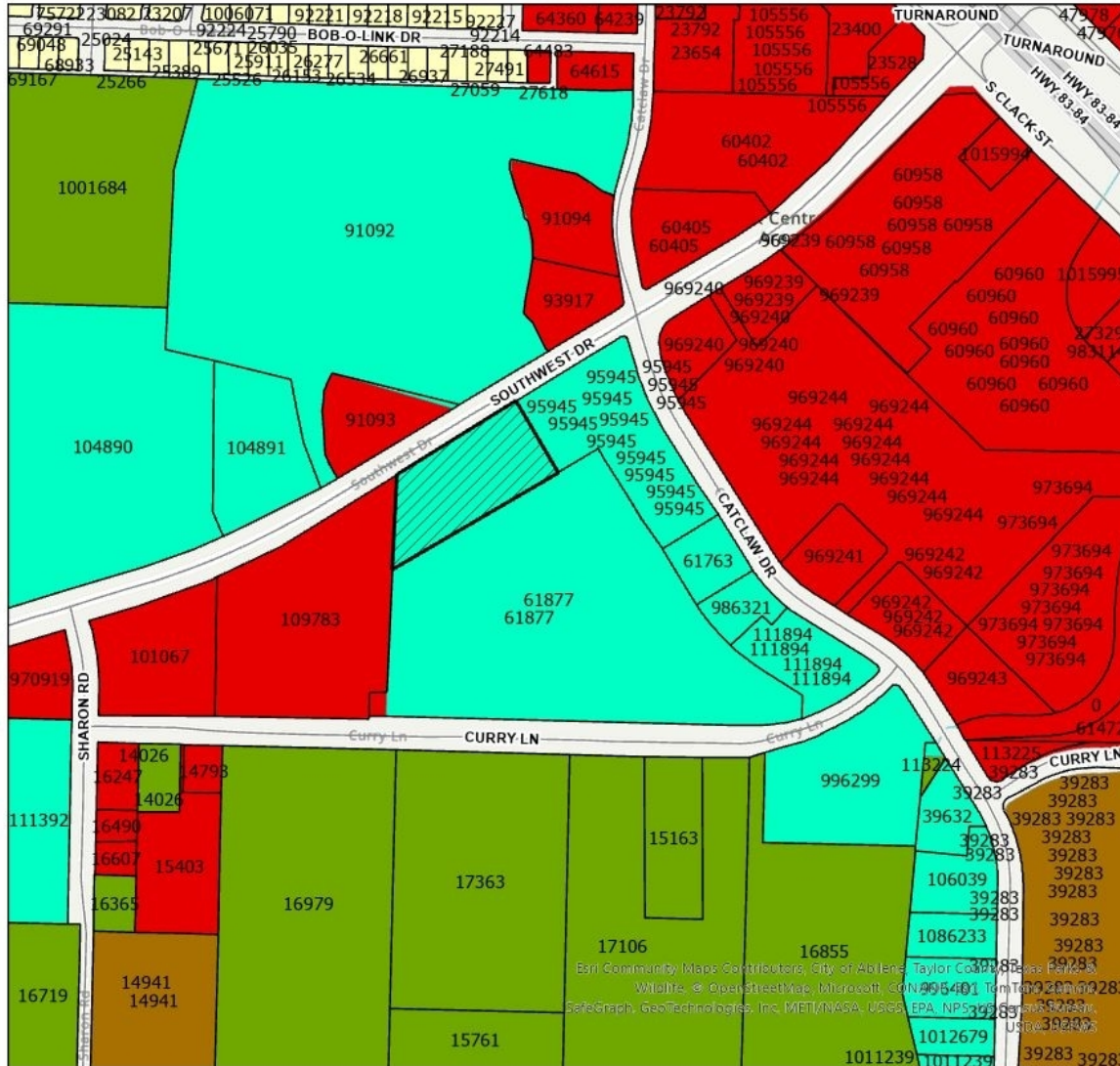
 Miles



CITY OF
ABILENE
TEXAS



ZONING MAP



Legend

Z-2024-32

Zoning District

PD (Planned Development)

PD (Planned Development)

GC (General Commercial)

GC (General Commercial)

MF (Residential - Multi-family)

MF (Residential - Multi-family)

RS (Residential - Single Family)

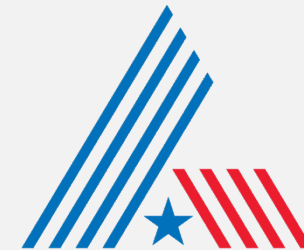
RS (Residential - Single Family)

AO (Agricultural Open)

AO (Agricultural Open)

0.07

Miles



CITY OF
ABILENE
TEXAS



USES IN GENERAL COMMERCIAL ZONING

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Fire/Police Station
- C Homeless/Emergency Shelter
- P Hospital
- P Medical/Dental Laboratory
- P Post Office
- C Rehabilitation Facility
- P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

TRADE – WHOLESALE USES:

- C Wholesaling and Storage (indoor)

TRADE – RETAIL USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility

LEGEND

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



CITY OF
ABILENE
TEXAS



PROPERTY VIEWS

East Neighboring property



North Neighboring property



South Neighboring property



West Neighboring property

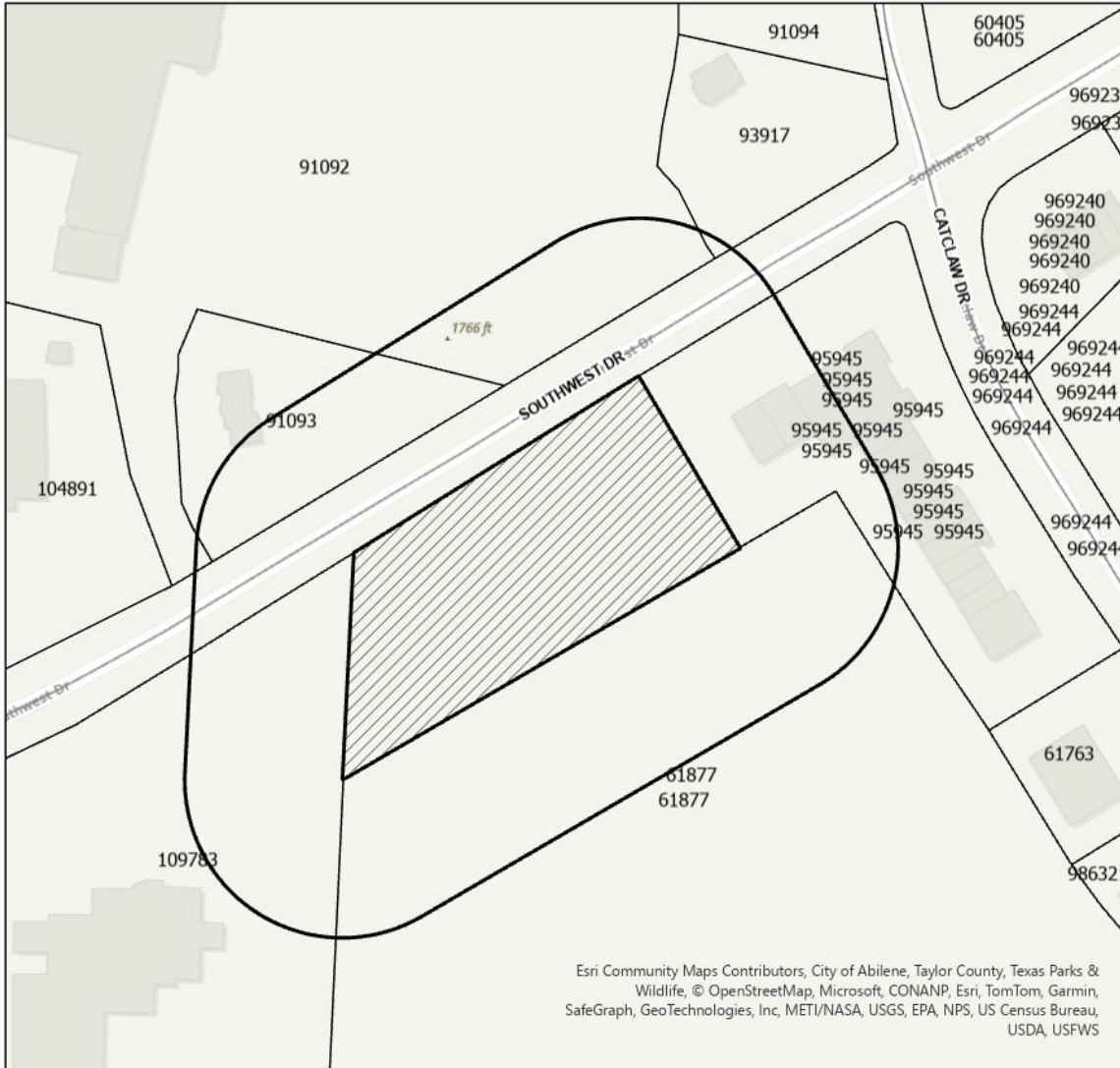


Subject property





NOTIFICATION AREA MAP



Legend

- Notification Buffer
- Z-2024-32

0- In Favor- ●

0- Opposed- ●



CITY OF
ABILENE
TEXAS

Esri Community Maps Contributors, City of Abilene, Taylor County, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

0.03

Miles



FINDINGS AND RECOMMENDATION

The request is consistent with:

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

Parks and Recreation Board Recommendation:

Approval

Planning and Zoning Commission Recommendation:

Approval





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **14. Ordinance (Final Reading) Z-2024-35:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, Represented by Jacob & Martin, to Change the Zoning of Approximately 64.25 Acres from Agricultural Open to Planned Development District 191, Specifically, to Have a Residential Single-Family Base Zoning, Located at 7501 Old Forrest Hill Road. *(Tim Littlejohn)*

GENERAL INFORMATION

Change the zoning of approximately 64.24 acres from AO to PDD-191.

SPECIAL CONSIDERATIONS

The subject property was annexed in 1980 and has remained vacant and zoned as AO. The applicant proposes 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.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval subject to the Concept Plan.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Z-2024-35 Ordinance
2. Z-2024-35 Staff Report
3. Application
4. Concept Plan
5. Legal Description
6. Owner Authorization
7. Z-2024-35 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 19th day of December, 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 November, 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 9th day of January, 2025, 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 9th day of January, 2025.

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-191):

Location: 7501 Old Forrest Hill Rd

Being 64.249 acres and being out of and a part of a 52.291 acre tract (Tract 1) out of Lots 2, 3, 4, 6 and 7 and a 4.2 acre tract (Tract 3) out of Lot 8 of a subdivision of the T.C. Garner Survey, Taylor County, Texas, of record in Cabinet 4, Slide 11, Plat Records of Taylor County, Texas, and a 2.354 acre tract (Tract 2) out of the North part of the D.A. Douthit Survey No. 25, Taylor County, Texas, said tract being described in deed to Roy Earl Underwood, dated October 6, 2006, of record in Volume 3286, Page 869, Official Public Records, Taylor County, Texas, and said 64.249 acres being more thoroughly described as follows:

Beginning at a found Stone Mound, on the East line of said J. G. Douthit Survey and the North line of a 10.576 acre tract, described in Deed to Stephen R. Lowry et ux, dated July 11, 2011, of record in Instrument No. 2011-9677, Official Public Records of Taylor County, Texas, for the Northwest corner of the W.T. Redell Survey, and exterior corner of said T.C. Garner Survey, the Southeast corner of said 2.354 acre tract, the Southwest corner of said Lot 7, the Southerly Southwest corner of said 56.291 acre tract and an exterior corner of this tract;

Thence S88°52'31 "W, generally along a fence line, a distance of 324.2' to a found 2 3/8" pipe post, on the East line of Forest Hill Road, for the Northwest corner of said 10.576 acre tract, the Southwest corner of said 2.354 acre tract and the Southerly Southwest corner of this tract;

Thence along the East line of said Forest Hill Road as follows: N00°11 '27"W a distance of 276.4' to a found 3/8" rebar, N56°02'02"W a distance of 45.25' to a found 3/8" rebar, N62°02'13"W a distance of 7.45' to a found 3/8" rebar, N00°09'02"W at 11.31 passing a found 3/8" rebar and continuing for a total distance of 11.61' to a point, on the Northerly South line of said T.C. Garner Survey, for the Northwest corner of said 2.354 acre tract and an interior corner of this tract;

Thence N89°43'19"W, along the North line of said Forest Hill Road, a distance of 282.33' to a point in said road for the Northerly Southwest corner of said 56.291 acre tract, and the Northerly Southwest corner of this tract from which a found 1/2" rebar, on the West line of said Forest Hill Road bears N89°43'19"W 40.34';

Thence N07°05'13 "W, generally along a fence line, on the East line of said Forest Hill Road, a distance of 909.99' to a found 2 3/8" pipe for the Southwest corner of a 5 acre tract, described in Deed to Frank J. Cozby Jr., dated December 7, 1964, of record in Volume 758, Page 252, Deed Records of Taylor County, Texas, the Southerly Northwest corner of said 56.291 acre tract and the Southerly Northwest corner of this tract;

Thence S89°49'19"E, generally along a fence line, a distance of 429.53' to a found 1 1/2" pipe for the Southeast corner of said 5 acre tract, an interior corner of said 56.291 acre tract and an interior corner of this tract;

Thence N00°02'26"E, generally along a fence line, a distance of 469.99' to a found 3/8" rebar, on the South line of Hunters Landing Subdivision, of record in Cabinet 4, Slide 584, Plat Records of Taylor

County, Texas, for the Northeast corner of said 5 acre tract, the Northerly Northwest corner of said 56.291 acre tract and the Northerly Northwest corner of this tract;

Thence S89°53'44"E, generally along a fence line, a distance of 1898.77' to a found ½" rebar, on the West line of Section 11 Lunatic Asylum Lands Survey, the East line of said T.C. Garner Survey, and the West line of a 30 acre tract, described in Deed to Mike Byrd, dated October 14, 2014, of record in Instrument No. 2014-16082, Official Public Records of Taylor County, Texas, for the Southeast corner of the remainder of a 63.95 acre tract, described in deed to Abilene Forest Hills, LLC. of record in Instrument No. 2019-1937 Official Public Records of Taylor County, Texas, the Northeast corner of said 56.291 acre tract and the Northeast corner of this tract;

Thence S26°55'23"W, generally along a fence line, a distance of 1872.3' to a found ½" rebar, on the North line of said

W.T. Redell Survey and the North line of the Griggs Subdivision, of record in Cabinet 3, Slide 383, Plat Records of Taylor County, Texas, for the Southwest corner of said Section 11, the Southeast corner of said T.C. Garner Survey, the Southeast corner of said Lot 8, and the Southeast corner of this tract;

Thence S89° 15'51 "W, generally along a fence line, a distance of 705.02' to the **POINT OF BEGINNING**, containing **64.249 acres** of land, more or less.

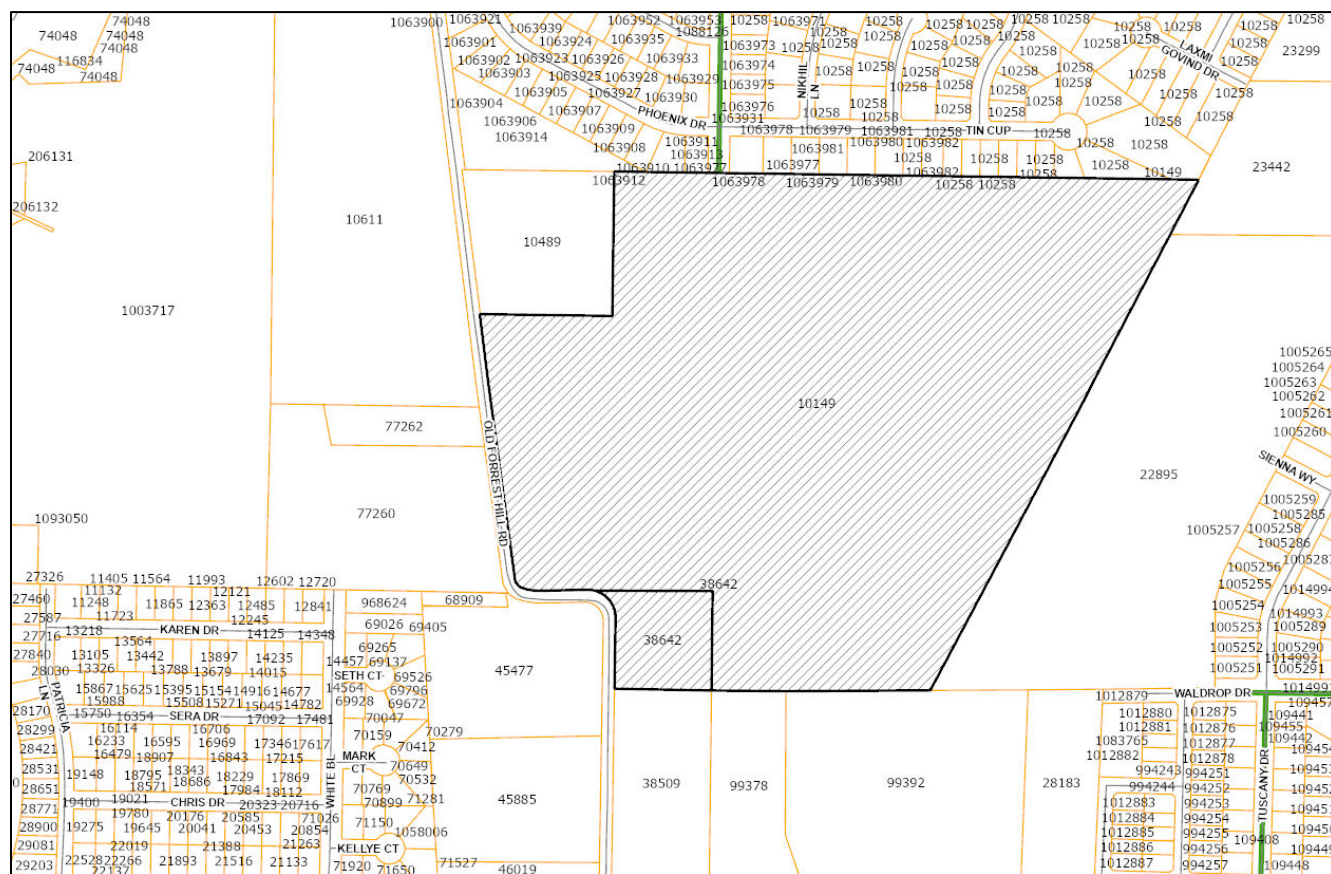


EXHIBIT B

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. Corner lot side yard setback is 15 feet

B. Concept Plan Requirements:

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



-END-

ZONING CASE Z-2024-35

STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: December 3, 2024
 City Council 1st Reading: December 19, 2024
 City Council 2nd Reading: January 9, 2025

Applicant

Applicant: Hummingbird Hill LLC
 Agent: Jacob | Martin

Case Manager

Clarissa Ivey – Planner

Request

Change the zoning of approximately 64.24 acres from AO to PDD-191.

Location

7501 Old Forrest Hill Road

Background

The subject property was annexed in 1980 and has remained vacant and zoned as AO. The applicant proposes 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 in 2022 to Medium Density along with Residential Single Family. The property east is zoned Patio Homes. The property to the south and across Old Forrest Hill Rd are both zoned Agricultural Open and remain undeveloped.

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 low density residential, thus making the proposed use of this Planned Development District 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 as well as higher density residential uses. The proposed use is appropriate.

(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 utilities to serve the proposed development.

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

None known.

P&Z Recommendation

Staff recommends **approval** subject to the **Concept Plan** attached with this report and regulations as set forth within the proposed PD ordinance, which sets out the following development standards:

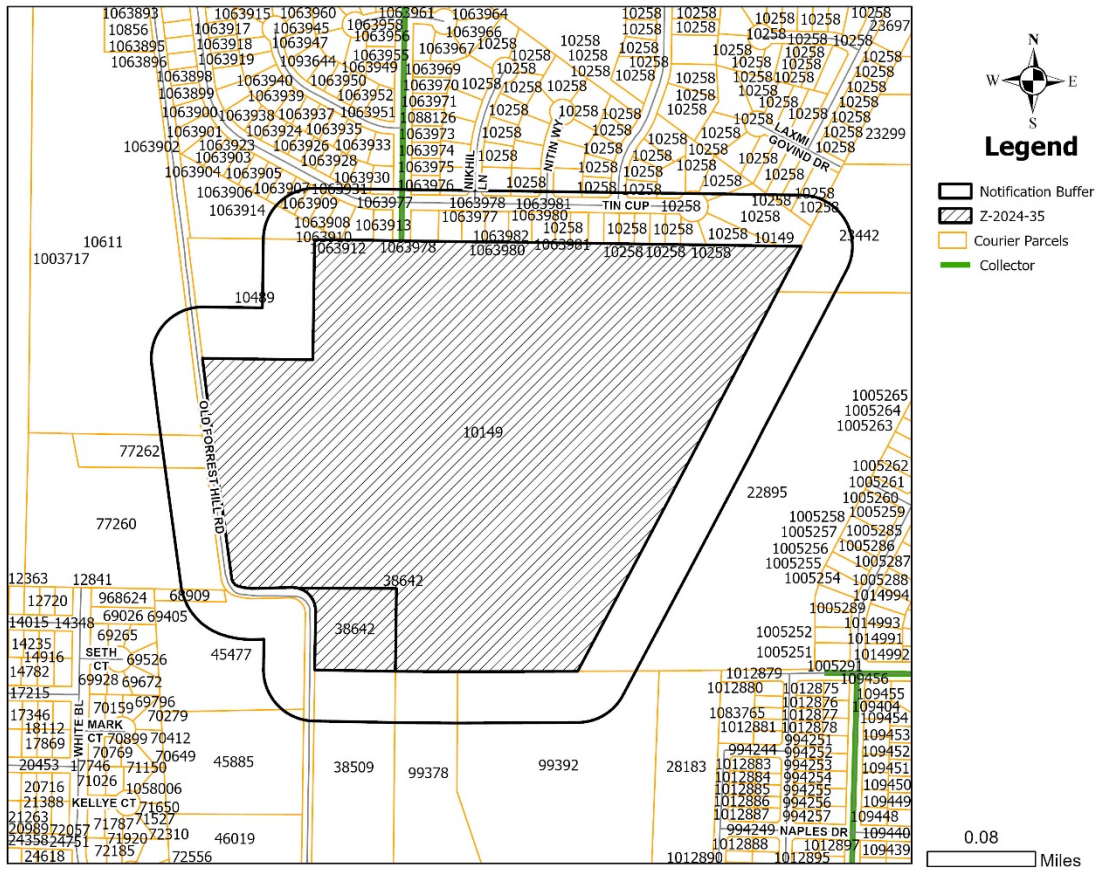
- Lot size minimum 5,000 sq feet and a minimum width of 50 feet;
- Interior side yard setback shall be 5 feet minimum. The exterior side setback on corner lots shall be a minimum of 15 feet; and
- All other regulations as set forth in the RS-6 base zoning district.

NOTIFICATIONS

Legend:
O- Opposed
F- In Favor

OWNER

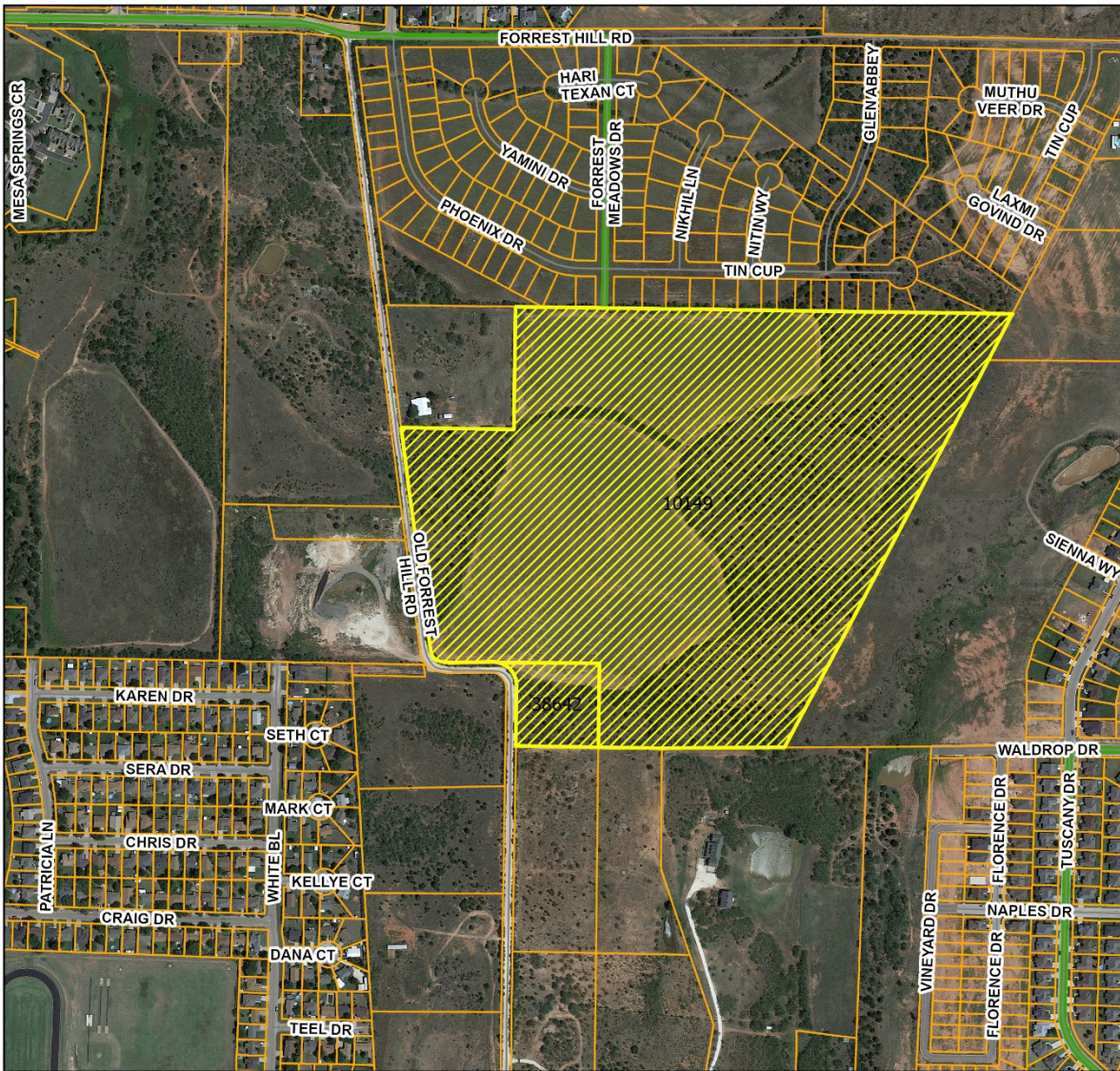
Owner	Property ID	Situs	Response
ABILENE FORREST HILL LLC	1063913	7150 PHOENIX DR	
ARZOLA JOSE & JOSEFINA	77260		
COZBY FRANKLIN JACKSON JR	10489	7341 OLD FORREST HILL RD	
HAWKS WESLEY D & SHERRY K	22895		
HUMMINGBIRD HILL DEVELOPMENT LLC	38642	7501 OLD FORREST HILL RD	
LOUDERMILK ENTERPRISES LLC	45477	7502 OLD FORREST HILL RD	
LOUDERMILK JONATHAN	68909	7503 WHITE BL	
LOWRY STEPHEN R & TONJA J	38509	7601 OLD FORREST HILL RD	
THOMPSON JACK W JR &	10611		
WELCH BUSTER	45885	7602 OLD FORREST HILL RD	
WILSON RICKY & RACHEL	23442	7212 HARDWICK RD	



CONCEPT PLAN



LOCATION MAP

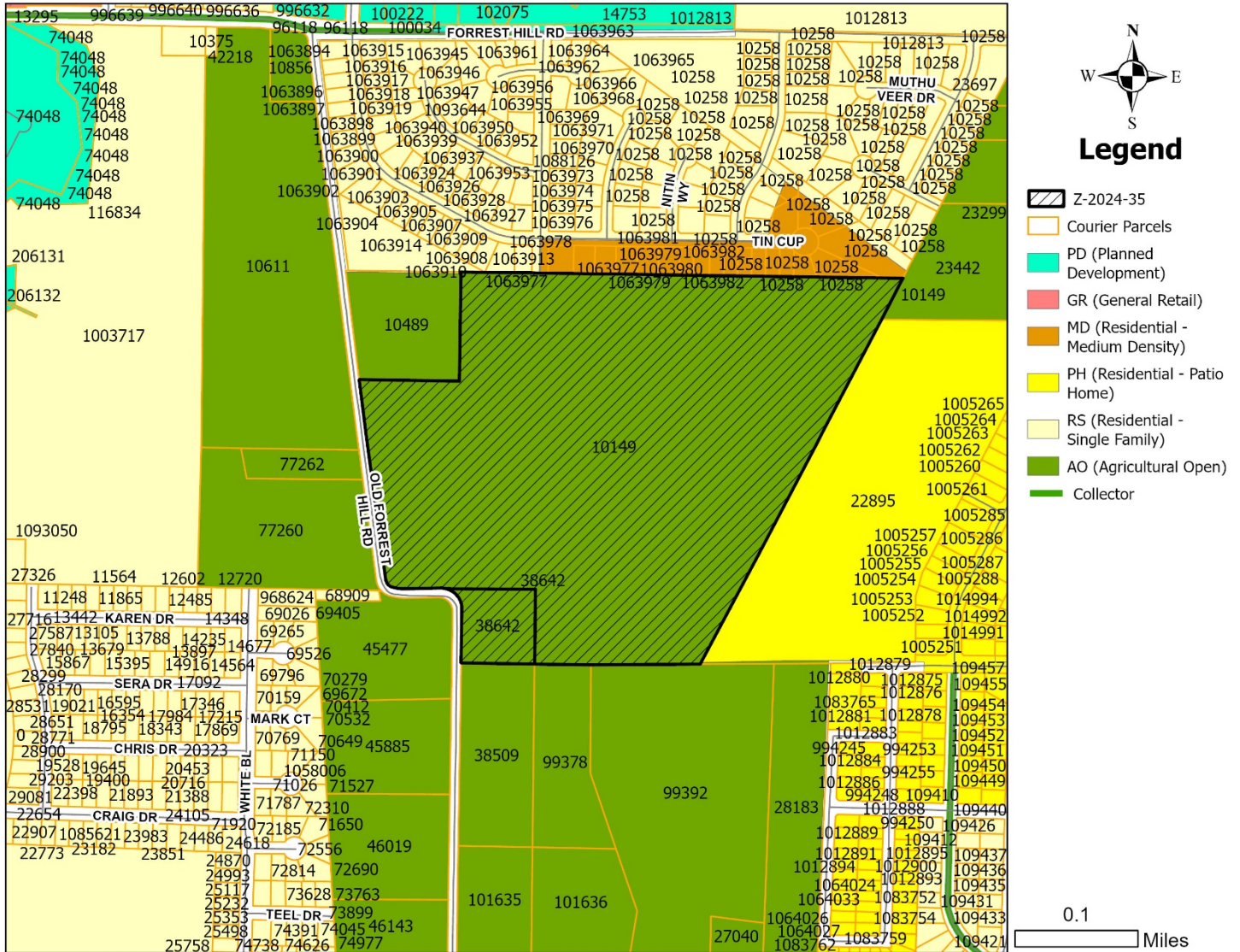


Legend

- Z-2024-35
- Courier Parcels
- Collector

0.1
Miles

ZONING MAP



PROJECT OVERVIEW

Project Type: Zoning Application | **Project Title:** Z-2024-35 AO to PDD-191 (7501 Old Forrest Hill Rd.)
ID # 24-000226 | **Started** 10/04/2024 at 11:21 AM



Address

7501 Old Forrest Hill Rd, Abilene, TX USA 79606

Legal

A1878 D A Doughtit Blk Acres 2.35
A1878 D A Doughtit, Acres 2.354

Description

Rezone property described in the legal description from AO to PD. PD to have a base zoning of RS-6

PROPERTY DETAILS

Property ID	38642
GEO ID	54156
Enforcement Area	Far Southside

PROPERTY ADDITIONAL INFORMATION

Account Number	A1878000200
Property ID	54156
Land Use	Vacant
High School	Wylie
Middle School	Wylie
Elementary School	Wylie
Super Neighborhood	Far Southside
Courier - Building Square Feet	0

INFORMATION FIELDS

Owner Name

Hummingbird Hill Development LLC

Agent Name

Jacob & Martin

Block

-

Lot

-

Acreage

-

Legal Description of property

Being 64.249 acres and being out of and a part of a 52.291 acre tract (Tract 1) out of Lots 2, 3, 4, 6 and 7 and a 4.2 acre tract (Tract 3) out of Lot 8 of a subdivision of the T.C. Garner Survey, Taylor County , Texas, of record in Cabinet 4, Slide 11, Plat Records of Taylor County, Texas, and a 2.354 acre tract (Tract 2) out of the North part of the D.A. Douthit Survey No. 25, Taylor County, Texas, said tract being described in deed to Roy Earl Underwood, dated October 6, 2006, of record in Volume 3286, Page 869, Official Public Records, Taylor County, Texas, and said 64.249 acres

Subdivision Name

-

Current Zoning

AO

Proposed Zoning

PD

Agree to Terms

Clayton Farrow



SCALE
1" = 200'

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





3465 Curry Lane Abilene, Texas
325-695-1070 www.jacobmartin.com
Firm # 10194493

**METES & BOUNDS DESCRIPTION
PROPOSED "PD" ZONING TRACT
CITY OF ABILENE
TAYLOR COUNTY, TEXAS**

Being 64.249 acres and being out of and a part of a **52.291** acre tract (Tract 1) out of Lots 2, 3, 4, 6 and 7 and a 4.2 acre tract (Tract 3) out of Lot 8 of a subdivision of the T.C. Garner Survey, Taylor County, Texas, of record in Cabinet 4, Slide 11, Plat Records of Taylor County, Texas, and a 2.354 acre tract (Tract 2) out of the North part of the D.A. Douthit Survey No. 25, Taylor County, Texas, said tract being described in deed to Roy Earl Underwood, dated October 6, 2006, of record in Volume 3286, Page 869, Official Public Records, Taylor County, Texas, and said **64.249 acres** being more thoroughly described as follows:

Beginning at a found Stone Mound, on the East line of said J. G. Douthit Survey and the North line of a 10.576 acre tract, described in Deed to Stephen R. Lowry et ux, dated July 11, 2011, of record in Instrument No. 2011-9677, Official Public Records of Taylor County, Texas, for the Northwest corner of the W.T. Redell Survey, and exterior corner of said T.C. Garner Survey, the Southeast corner of said 2.354 acre tract, the Southwest corner of said Lot 7, the Southerly Southwest corner of said 56.291 acre tract and an exterior corner of this tract;

Thence S88°52'31"W, generally along a fence line, a distance of 324.2' to a found 2 3/8" pipe post, on the East line of Forest Hill Road, for the Northwest corner of said 10.576 acre tract, the Southwest corner of said 2.354 acre tract and the Southerly Southwest corner of this tract;

Thence along the East line of said Forest Hill Road as follows: N00°11'27"W a distance of 276.4' to a found 3/8" rebar, N56°02'02"W a distance of 45.25' to a found 3/8" rebar, N62°02'13"W a distance of 7.45' to a found 3/8" rebar, N00°09'02"W at 11.31 passing a found 3/8" rebar and continuing for a total distance of 11.61' to a point, on the Northerly South line of said T.C. Garner Survey, for the Northwest corner of said 2.354 acre tract and an interior corner of this tract;

Thence N89°43'19"W, along the North line of said Forest Hill Road, a distance of 282.33' to a point in said road for the Northerly Southwest corner of said 56.291 acre tract, and the Northerly Southwest corner of this tract from which a found 1/2" rebar, on the West line of said forest Hill Road bears N89°43'19"W 40.34';

Thence N07°05'31"W, generally along a fence line, on the East line of said Forest Hill Road, a distance of 909.99' to a found 2 3/8" pipe for the Southwest corner of a 5 acre tract, described in

Deed to Frank J. Cozby Jr., dated December 7, 1964, of record in Volume 758, Page 252, Deed Records of Taylor County, Texas, the Southerly Northwest corner of said 56.291 acre tract and the Southerly Northwest corner of this tract;

Thence S89°49'19"E, generally along a fence line, a distance of 429.53' to a found 1 1/2" pipe for the Southeast corner of said 5 acre tract, an interior corner of said 56.291 acre tract and an interior corner of this tract;

Thence N00°02'26"E, generally along a fence line, a distance of 469.99' to a found 3/8" rebar, on the South line of Hunters Landing Subdivision, of record in Cabinet 4, Slide 584, Plat Records of Taylor County, Texas, for the Northeast corner of said 5 acre tract, the Northerly Northwest corner of said 56.291 acre tract and the Northerly Northwest corner of this tract;

Thence S89°53'44"E, generally along a fence line, a distance of 1898.77' to a found 1/2" rebar, on the West line of Section 11 Lunatic Asylum Lands Survey, the East line of said T.C. Garner Survey, and the West line of a 30 acre tract, described in Deed to Mike Byrd, dated October 14, 2014, of record in Instrument No. 2014-16082, Official Public Records of Taylor County, Texas, for the Southeast corner of the remainder of a 63.95 acre tract, described in deed to Abilene Forest Hills, LLC. of record in Instrument No. 2019-1937 Official Public Records of Taylor County, Texas, the Northeast corner of said 56.291 acre tract and the Northeast corner of this tract;

Thence S26°55'23"W, generally along a fence line, a distance of 1872.3' to a found 1/2" rebar, on the North line of said W.T. Redell Survey and the North line of the Griggs Subdivision, of record in Cabinet 3, Slide 383, Plat Records of Taylor County, Texas, for the Southwest corner of said Section 11, the Southeast corner of said T.C. Garner Survey, the Southeast corner of said Lot 8, and the Southeast corner of this tract;

Thence S89°15'51"W, generally along a fence line, a distance of 705.02' to the **POINT OF BEGINNING**, containing **64.249 acres** of land, more or less.

EXHIBIT “A”

(Base Zoning Districts/Land Uses/Development Standards)

Purpose: The purpose of the Planned Development District (PDD) is to allow for development of residential homes with 50’ minimum width and 5,000 s.f. lots instead of the typical 60’ minimum width and 6,000 s.f. lots.

Specific Modifications:

This Planned Development District shall be subject to the requirements of the Residential Single-Family District-6 (RS-6) zoning district, except as modified below:

1. Permitted Uses and Specific Regulations
 - a. All residential uses ordinarily permitted within Residential Single-Family District-6 (RS-6) Zoning in addition to the following modifications:
2. Site Layout & Building Requirements
 - i. Lot Area:
 1. 5,000 Minimum s.f.
 - ii. Lot Width:
 1. 50’ Minimum width
 - iii. Setbacks:
 1. Side Yard: 5-feet

Except as otherwise specified in and allowed by this ordinance, the use and development of this subject property shall be governed by regulations applicable to the RS-6 zoning classification.

Owner Information and Representative Designation

OWNER INFORMATION			
Name: HUMMINGBIRD HILL LLC			
Address: 1013 ENERGY DRIVE			
City: ABILENE		State: TEXAS	Zip: 79602
Number:		Email: cmcustomandremodel@gmail.com	

AGENT INFORMATION (if applicable)			
Name: JACOB MARTIN			
Address: 3465 CURRY LANE			
City: ABILENE		State: TEXAS	Zip: 79606
Number: 325-695-1070		Email: CFARROW@JACOBMARTIN.COM	

Project Representation (check one):

☐ I will represent the application myself; OR

☒ I hereby designate JACOB | MARTIN (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this request.

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

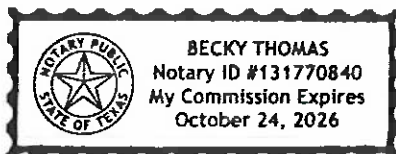
Property Owner's Signature: [Signature]

STATE OF: Texas

COUNTY OF: Taylor

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

SUBSCRIBED AND SWORN TO before me, this the 9th day of October, 2024



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



REZONE REQUEST

Case: Z-2024-35

Applicant: Hummingbird Hill LLC

Agent: Jacob | Martin

Request: Change the zoning of approximately 64.24 acres from AO to PDD-191

Location: 7501 Old Forrest Hill Road

Notification: 0 in Favor, 0 Opposed

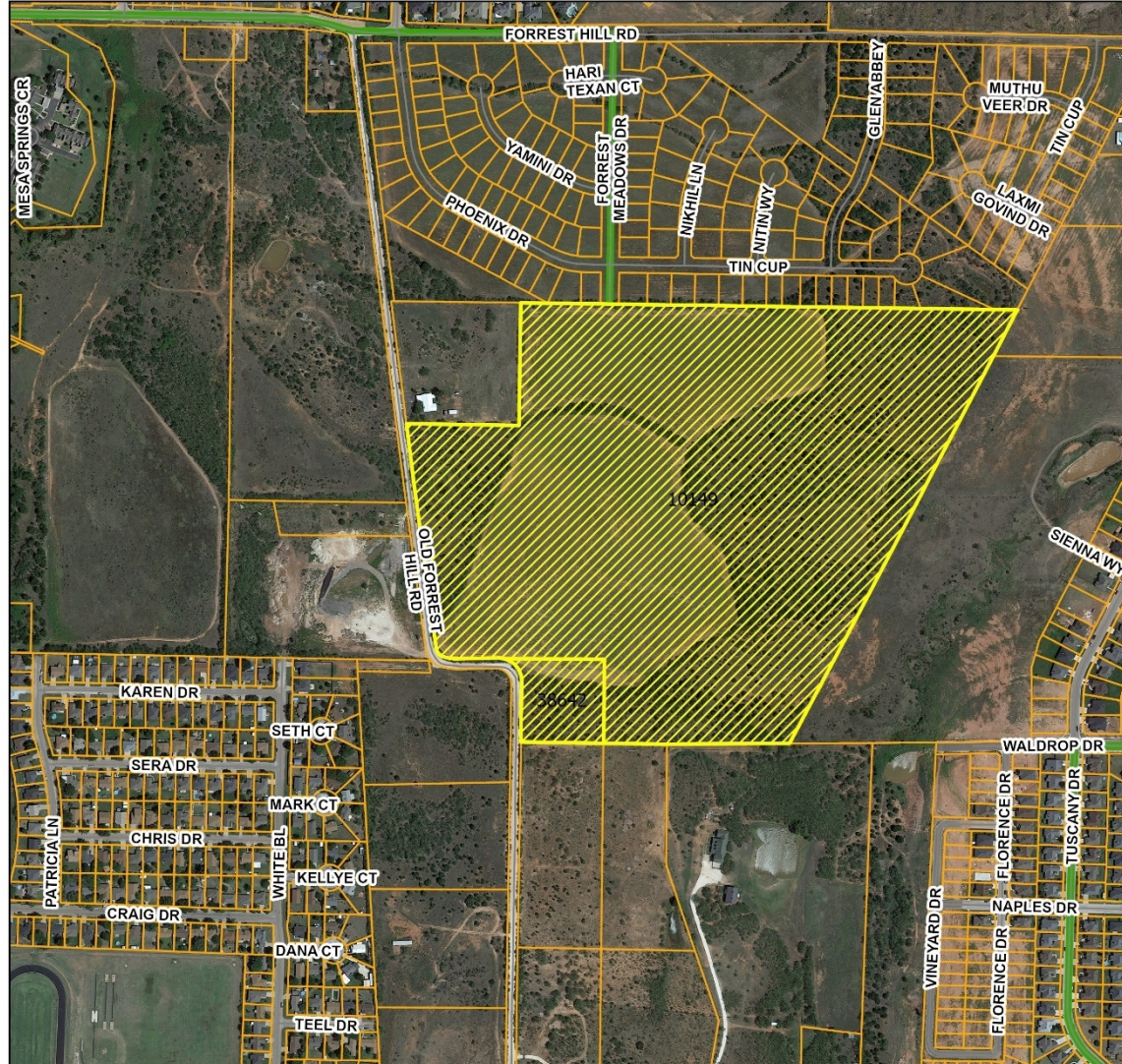
Planning & Zoning: December 3, 2024

Council Hearing: December 19, 2024
January 9, 2025



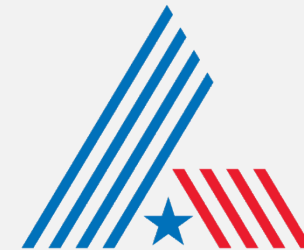


AERIAL LOCATION MAP



Legend

- Z-2024-35
- Courier Parcels
- Collector



CITY OF
ABILENE
TEXAS

0.1
Miles





VIEWS OF SUBJECT PROPERTY



Subject Property



West Neighboring Property



Neighboring Property



Subject Property



Neighboring Property





PROPOSED CONCEPT PLAN

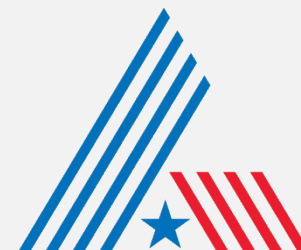




 Notification Buffer
 Z-2024-35
 Courier Parcels
 Collector



0 % OPPOSITION



**CITY OF
ABILENE
TEXAS**

Miles



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 proposed Concept Plan and
And the pro[posed ordinance, which sets out:

- RS-6 as the base zoning district;
- Minimum lot area of 5,000 sq. ft. and a lot width of 50’;
- Interior side setback of 5’; and
- Corner lot exterior side setback of 15 feet.





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Robert Hanna, City Manager

FROM: Tim Littlejohn, Director of Planning & Development Services

SUBJECT: **15. Ordinance (Final Reading) Z-2024-36:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Request from the Owner, to Change the Zoning of Approximately 134.86 Acres from Agricultural Open (AO) to General Retail (GR), General Commercial (GC), and Multi-Family (MF), Located at 7450 HWY 83-84 (*Tim Littlejohn*)

GENERAL INFORMATION

The applicant is requesting to change the zoning of approximately 134.86 acres from Agricultural Open (AO) to General Retail (GR), General Commercial (GC), and Multi-Family (MF).

SPECIAL CONSIDERATIONS

The subject property was annexed into the City of Abilene in 1980 and has remained vacant since. This property has been zoned Agricultural Open (AO) since annexation. The proposed zoning changes are in continuation with the current development of the area.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Approval

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. Ordinance
2. Staff Report
3. zoning concept plan
4. 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 19th day of December, 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 November, 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 9th day of January, 2025, 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 9th day of January, 2025.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT A

Change the zoning classification of the following described land from Agricultural Open (AO) to General Retail (GR), General Commercial (GC), and Multi-Family (MF). A zoning concept plan is included as EXHIBIT B.

Legal description for General Retail (GR) zoning:

BEING a **39.34 acre** zoning tract out of the SE/4 & SW/4 of Section No. 12, Lunatic Asylum Lands, M. Jones Survey, Abstract No. 766, & M. Pogue Survey, Abstract No. 831, City of Abilene, Taylor County, Texas and being out of the east end of that certain 125.04 acre tract more particularly described in a deed to PB 6950, L.L.C. recorded in Instrument No. 2021-17398, Official Public Records, Taylor County, Texas. Said **39.34 acre** tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the northwest corner of this described tract and said 125.04 acre tract;

THENCE S89°27'57"E along the north line of this described tract and said 125.04 acre tract, a distance of 1178.71 feet to a point for northeast corner of this described tract, being the northeast corner of said 125.04 acre tract and being in the west right-of-way line of Memorial Drive;

THENCE S09°07'47"W along the east line of this described tract and said 125.04 acre tract, and the west right-of-way line of said Memorial Drive, a distance of 674.64 feet to a point for an interior corner of this described tract and said 125.04 acre tract;

THENCE N89°27'50"E along a north line of this described tract and said 125.04 acre tract, a distance of 356.35 feet to a point for the most easterly northeast corner of this described tract;

THENCE S09°00'29"W along the east line of this described tract and over and across said 125.04 acre tract, a distance of 691.29 feet to a point for the southeast corner of this described tract and being in the south line of said 125.04 acre tract;

THENCE N89°36'27"W along the south line of this described tract and said 125.04 acre tract, a distance of 303.65 feet to a point for an interior corner of this described tract;

THENCE S09°02'02"W along a east line of this described tract and said 125.04 acre tract, a distance of 22.65 feet to a point for the most southerly southeast corner of this described tract;

THENCE N89°27'05"W along the south line of this described tract and over and across said 125.04 acre tract, a distance of 1024.76 feet to a point for the southwest corner of this described tract and being the most westerly southwest corner of said 125.04 acre tract;

THENCE N00°30'42"E along the west line of this described tract and said 125.04 acre tract, a distance of 1367.04 feet to said **POINT OF BEGINNING** and containing **39.34 acres** of land, more or less.

Legal description for northeast General Commercial (GC) zoning:

BEING a **32.42 acre** zoning tract out of the SE/4 of Section No. 12, Lunatic Asylum Lands, M. Jones Survey, Abstract No. 766, City of Abilene, Taylor County, Texas and being out of the east end of that certain 125.04 acre tract more particularly described in a deed to PB 6950, L.L.C. recorded in Instrument No. 2021-17398, Official Public Records, Taylor County, Texas and being out of and a part of those certain 6.04 acre tracts of land, known as Tract One and Tract Two, described in a deed to PB 6950, LLC recorded in Instrument No. 2021-21155, Official Public Records, Taylor County, Texas. Said **32.42 acre** tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the northeast corner of this described tract and said Tract Two, being in the west right-of-way line of U.S. Highway 83/84;

THENCE S00°50'25"W along the east line of this described tract, said Tract Two and said 125.04 acre tract, a distance of 1168.22 feet to a point for the southeast corner of this described tract;

THENCE S89°27'26 "W along the south line of this described tract and over and across said 125.04 acre tract, a distance of 1277.65 feet to a point for the southwest corner of this described tract;

THENCE N00°16'40"E along the west line of this described tract and over and across said 125.04 acre tract and over and across said Tract One, a distance of 1168.82 feet to a point for the northwest corner of this described tract;

THENCE N89°29'37"E along the north line of this described tract and said Tract One, a distance of 269.62 feet to a point for the most westerly northeast corner of this described tract;

THENCE S00°28'02"E along a east line of this described tract, and along the east line of said Tract One, a distance of 344.89 feet to a point for an interior corner of this described tract;

THENCE N89°29'55"E along a north line of this described tract, and the a north line of said 125.04 acre tract, a distance of 252.67 feet to a point for an interior corner of this described tract;

THENCE N00°29'23"E along a west line of this described tract, and along the west line of said Tract Two, a distance of 344.91 feet to a point for the most easterly northwest corner of this described tract;

THENCE N89°29'37"E along the north line of this described tract and said Tract Two, a distance of 766.96 feet to said **POINT OF BEGINNING** and containing **32.42 acres** of land, more or less.

Legal description for southwest General Commercial (GC) zoning:

BEING a **12.32 acre** zoning tract out of the SW/4 of Section No. 12, Lunatic Asylum Lands, M. Pogue Survey, Abstract No. 831, City of Abilene, Taylor County, Texas and being out of the east end of that certain 125.04 acre tract more particularly described in a deed to PB 6950, L.L.C. recorded in Instrument No. 2021-17398, Official Public Records, Taylor County, Texas. Said **12.32 acre** tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the southwest corner of this described tract and said 125.04 acre tract, being in the north right-of-way line of Waldrop Drive;

THENCE N00°32'43"E along the west line of this described tract and said 125.04 acre tract, a distance of 1279.55 feet to a point for northeast corner of this described tract;

THENCE S89°27'05"E along the north line of this described tract and over and across said 125.04 acre tract, a distance of 514.12 feet to a point for the northeast corner of this described tract and being in a east line of said 125.04 acre tract;

THENCE S09°02'02"W along the east line of this described tract and said 125.04 acre tract, a distance of 1298.87 feet to a point for the southeast corner of this described tract and being the most southerly southeast corner of said 125.04 acre tract, said point being in the north right-of-way line of said Waldrop Drive;

THENCE N88°32'36"W along the south line of this described tract and said 125.04 acre tract, and along the north right-of-way line of said Waldrop Drive, a distance of 322.44 feet to said **POINT OF BEGINNING** and containing **12.32 acres** of land, more or less.

Legal description for Multi-Family (MF) zoning:

BEING a **50.78 acre** zoning tract out of the SE/4 of Section No. 12, Lunatic Asylum Lands, M. Jones Survey, Abstract No. 766, City of Abilene, Taylor County, Texas and being out of the east end of that certain 125.04 acre tract more particularly described in a deed to PB 6950, L.L.C. recorded in Instrument No. 2021-17398, Official Public Records, Taylor County, Texas and being out of and a part of that certain 6.04 acre tract of land, known as Tract One, described in a deed to PB 6950, LLC recorded in Instrument No. 2021-21155, Official Public Records, Taylor County, Texas, and being out of a part of Lot 9, Block D, The Denali Addition, as shown per plat recorded in Cabinet 4, Slide 588, Plat Records, Taylor County, Texas. Said **50.78 acre** tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the most northerly northeast corner of this described tract and said Lot 9, being in the south right-of-way line of McKinley Drive;

THENCE S45°07'57"E along the clip corner of said Lot 9, and between the south right-of-way line of said McKinley Drive and the west right-of-way line of Horse Head Crossing, a distance of 42.12 feet to a point for the most southerly clip corner of this described tract;

THENCE S00°16'40"W along the east line of this described tract and said Lot 9,, and the west right-of-way line of said Horse Head Crossing, a distance of 152.37 feet to a point for an interior corner of this described tract;

THENCE N89°29'37"E along a north line of this described tract and the north line of said Tract One, a distance of 35.00 feet to a point for the most easterly northeast corner of this described tract;
THENCE along the east lines of this described tract and over and across said Tract One and said 125.04 acre tract the following bearings and distances:

- S00°16'40"W 1168.82 feet to a point;
- N89°27'26"E 212.27 feet to a point;
- S00°32'34"E, 640.01 feet to a point for the southeast corner of this described tract, being in the south line of said 125.04 acre tract;

THENCE N89°41'01"W along the south line of this described tract and said 125.04 acre tract, a distance of 1162.43 feet to a point for the southwest corner of this described tract and the most easterly southwest corner of said 125.04 acre tract;

THENCE N00°48'23"E along the west line of this described tract and said 125.04 acre tract, a distance of 760.32 feet to a point for an interior corner of this described tract;

THENCE N89°36'27"W along a south line of this described tract and said 125.04 acre tract, a distance of 280.59 feet to a point for the most westerly southwest corner of this described tract;

THENCE N09°00'29"E along the west line of this described tract and over and across said 125.04 acre tract and said Lot 9, a distance of 1225.96 feet to a point for the northwest corner of this described tract, being in the north line of said Lot 9, and the south right-of-way line of said McKinley Drive;

THENCE N89°27'26"E along the north line of this described tract and said Lot 9, a distance of 963.61 feet to said **POINT OF BEGINNING** and containing **50.78** acres of land, more or less.

Located at 7450 HWY 83-84.

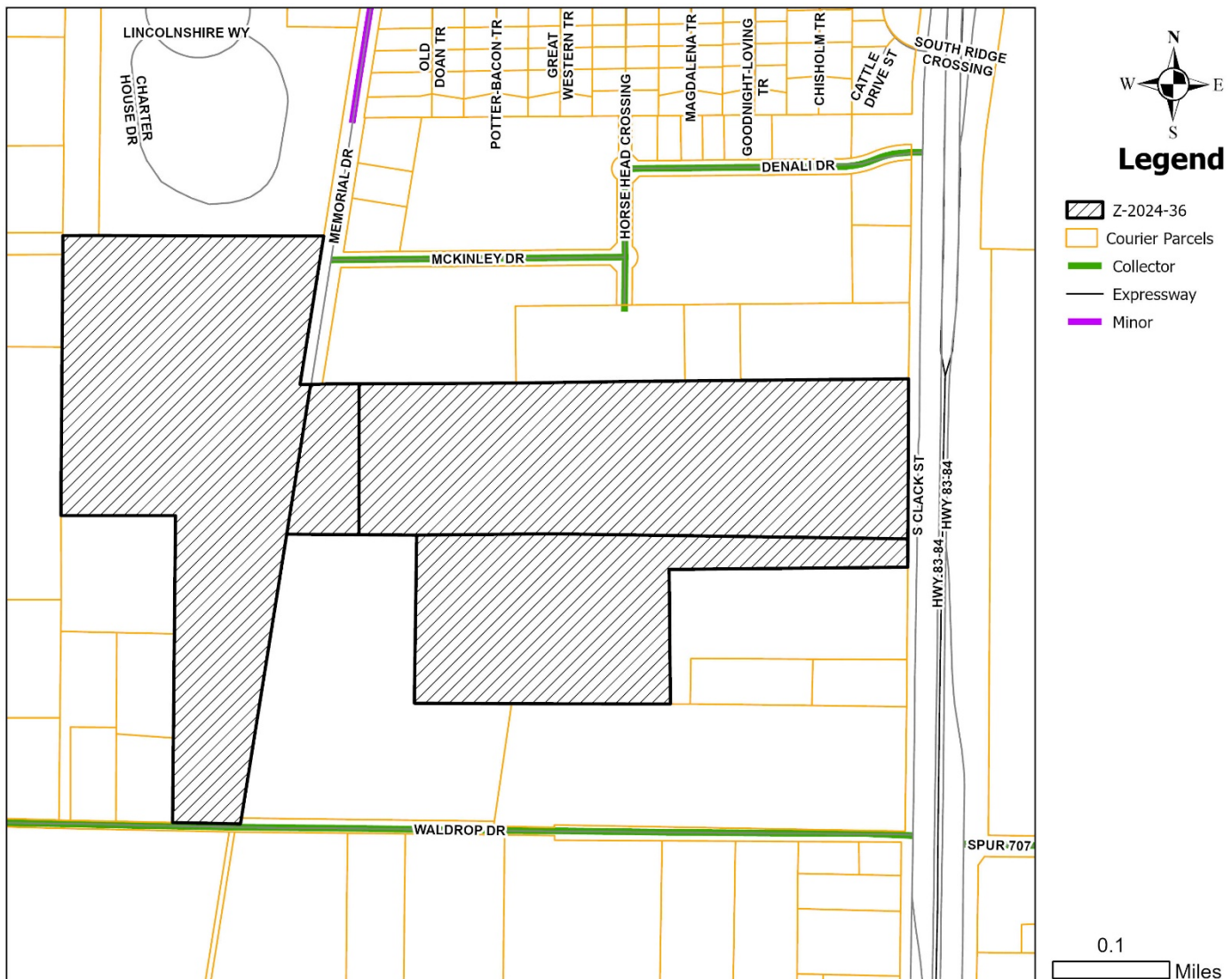
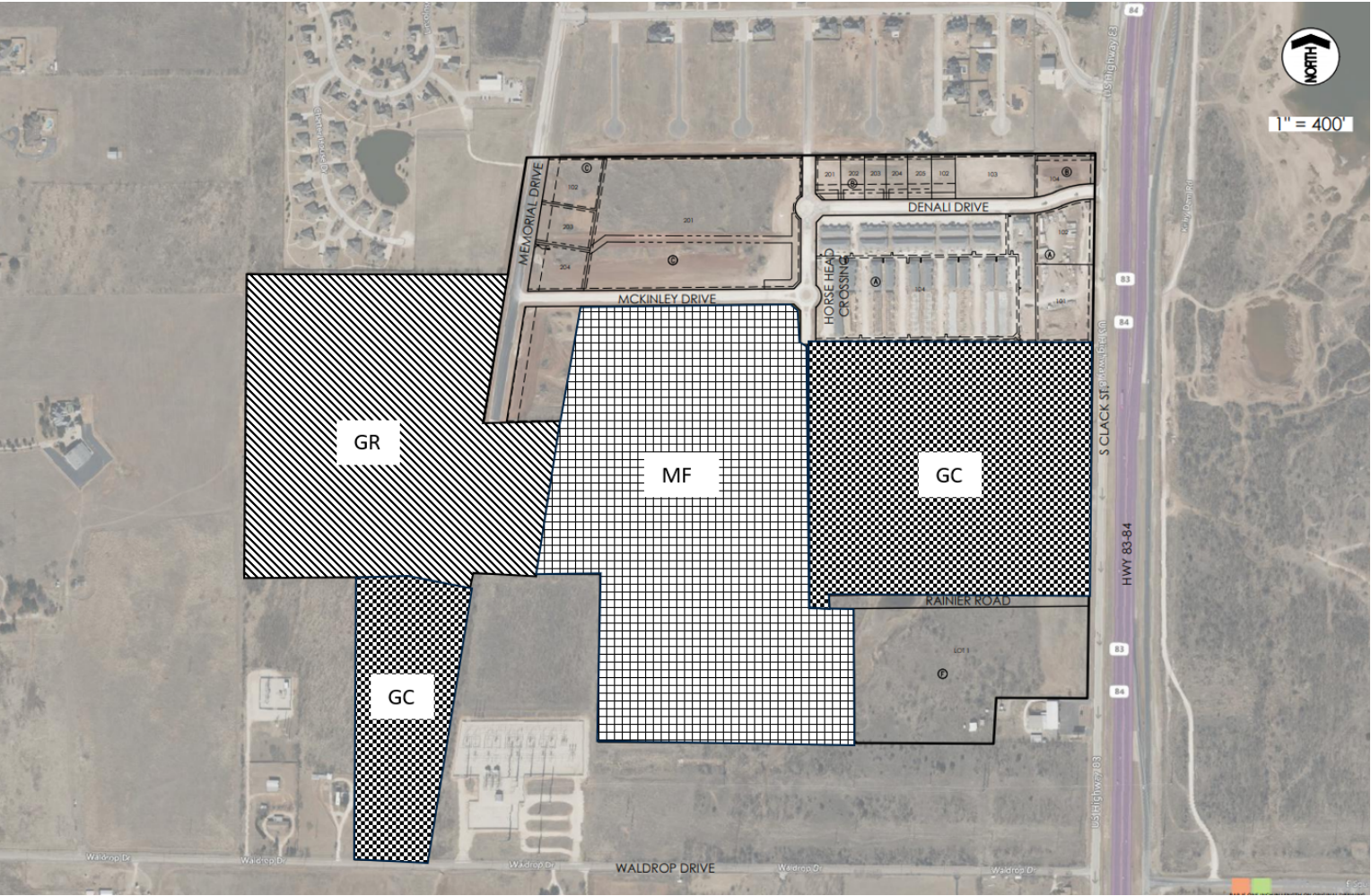


EXHIBIT B



END

ZONING CASE Z-2024-36 STAFF REPORT

Scheduled Hearings

Planning & Zoning Commission: December 3, 2024
City Council 1st Read: December 19, 2024
City Council 2nd Read: January 9, 2025

Applicant

Owner: PB 6950 LLC
Agent: Jacob & Martin

Case Manager

Mason Teegardin – Planner

Request

Rezone approximately 134.86 acres from Agricultural Open (AO) to General Retail (GR), General Commercial (GC), and Multi-Family (MF).

Location

The subject property is located at 7450 HWY 83-84. Legal description being 134.86 acres out of Survey 12, Lunatic Asylum Lands, Abilene, Taylor County, Texas.

Background

The subject property was annexed into the City of Abilene in 1980 and has remained vacant since. This property has been zoned Agricultural Open (AO) since annexation. The proposed zoning changes are in continuation with the current development of the area. A Zoning Concept Plan is included with this report.

Zoning, Existing and Proposed Land Use

	Zoning	Existing Land Use
North	MD, GR, MF, GC	Retirement Community, Offices, Apartments
East	GC, AO	New Uhaul, Abilene Clay Sports
South	AO, GC	Utility Facility, New Uhaul
West	RS-8	Residences, Vacant Lots

Criteria Assessment

Section 1.4.1.4 of Abilene's Land Development Code states that, in making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council may consider the following factors:

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

The Future Land Use Map recommends Medium Density Residential, Institutional, and Retail uses in this area. The Comprehensive Plan allows the proposed zonings included in the request as 'compatible zoning districts' to this area.

- (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 zoning is consistent with the uses surrounding 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 will need to be platted before development can proceed. During platting and development, the subject area will be adequately served by utilities and public infrastructure.

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

None known.

P&Z Recommendation

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

Attachments

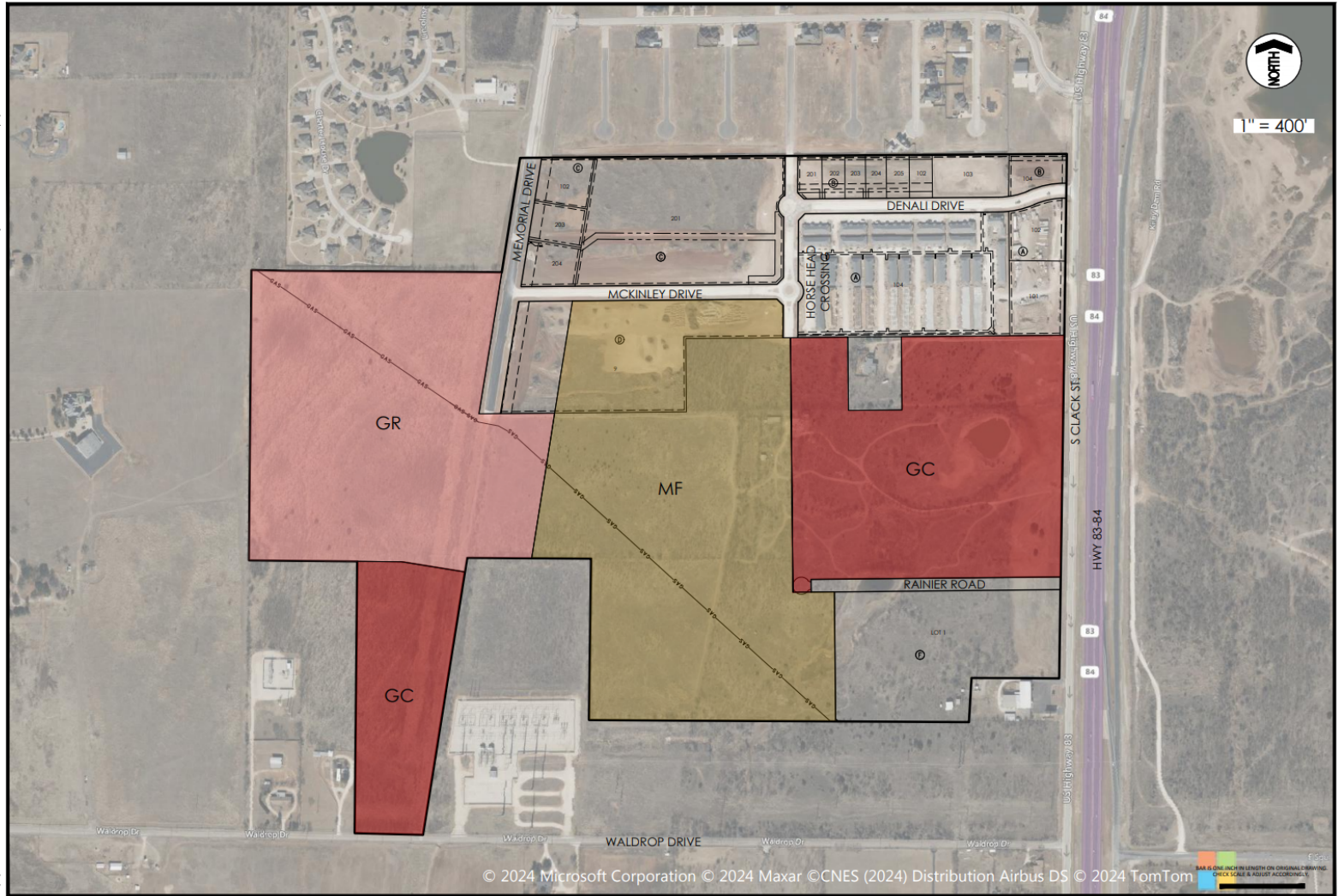
- PowerPoint Presentation
- Zoning concept plan

Notification

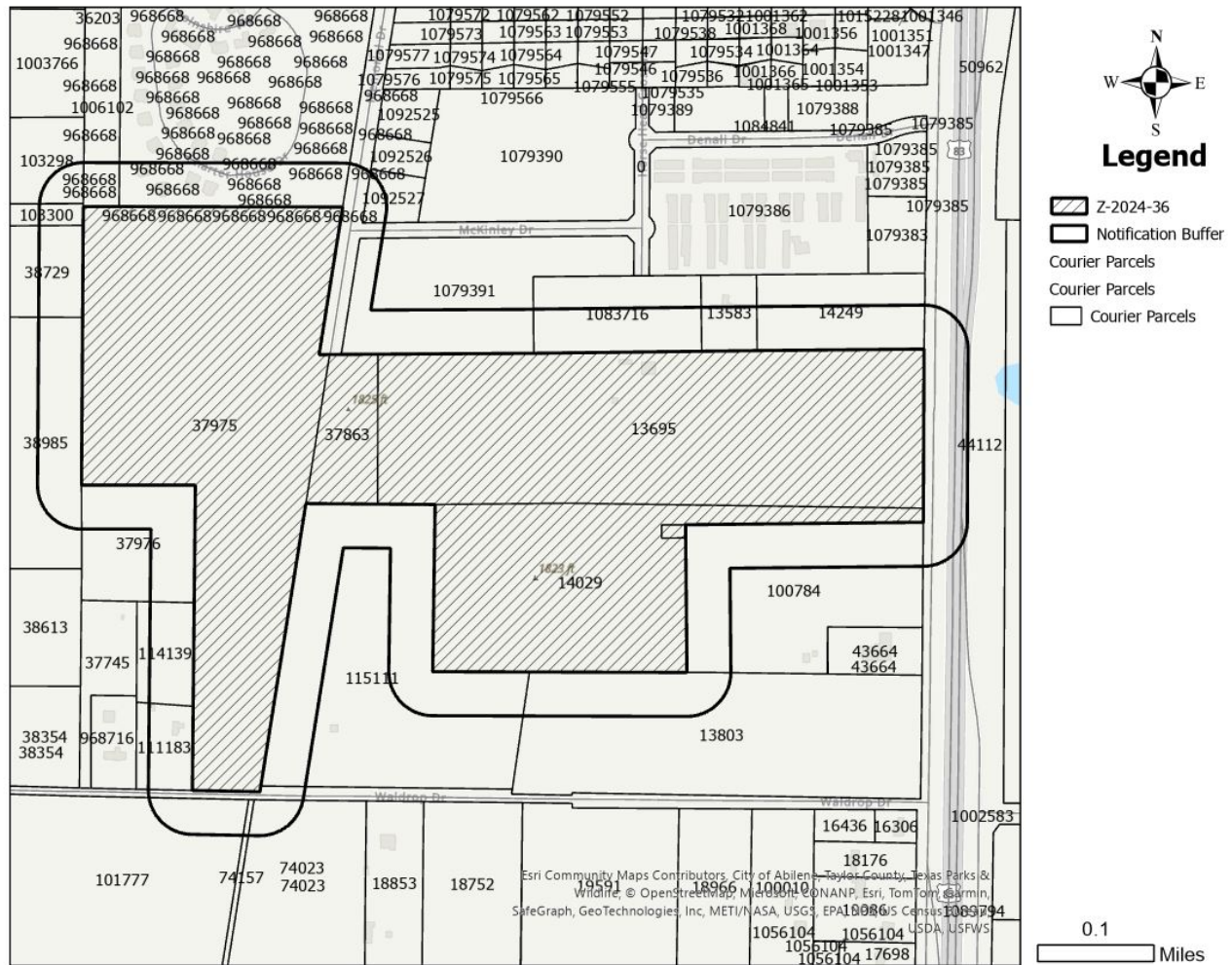
Pursuant to Section 1.2.2.2 of the Land Development Code, City staff mailed personal notices on November 15, 2024, via standard mail to the owners of property within a 200-foot radius of the subject street right of way. The property owners and associated parcel identification numbers are identified below:

PROPERTY OWNER			Legend: O - Opposed, F - In Favor
OWNER	PROP_ID	SITUS	RESPONSE
AMERCO REAL ESTATE CO	100784		
BYRD MIKE	38729		
BYRD MIKE	38985		
BYRD MIKE	103298		
BYRD MIKE	103300		
BYRD MIKE	1006102		
GRAHAM SARA L TR	74023	2317 WALDROP DR	
GRAHAM SARA L TR	74023	2429 WALDROP DR	
GRAHAM SARA L TR	101777		
PARKER CYNTHIA	13583	7050 HWY 83-84	
PB 6950 LLC	13695	7450 HWY 83-84	
PB 6950 LLC	14029	7458 S CLACK ST	
PB 6950 LLC	14249		
PB 6950 LLC	37863		
PB 6950 LLC	37975		
PB 6950 LLC	1083716		
PB 6950 LLC	1092401		
STRICKLIN JACK JR	37976		
TAYLOR ELECTRIC COOP INC	111183	2550 WALDROP DR	
TAYLOR ELECTRIC COOPERATIVE INC	114139		
WESLEY COURT LLC	968668	2606 BRISTOL CT	
WESLEY COURT LLC	968668	6525 LINCOLNSHIRE WY	
WEST TEXAS UTILITIES CO	13803		
WEST TEXAS UTILITIES CO	115111	2418 WALDROP DR	

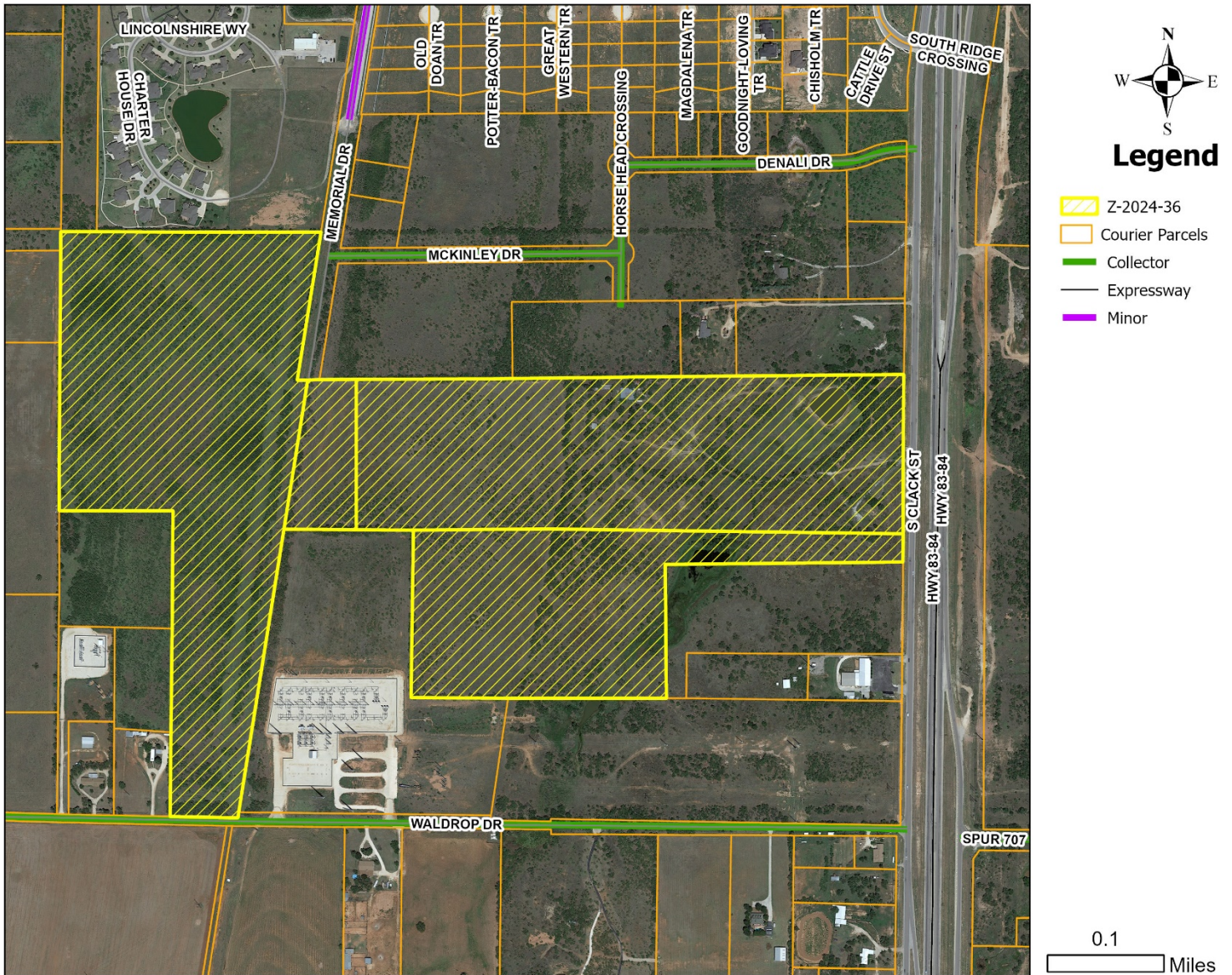
ZONING CONCEPT PLAN



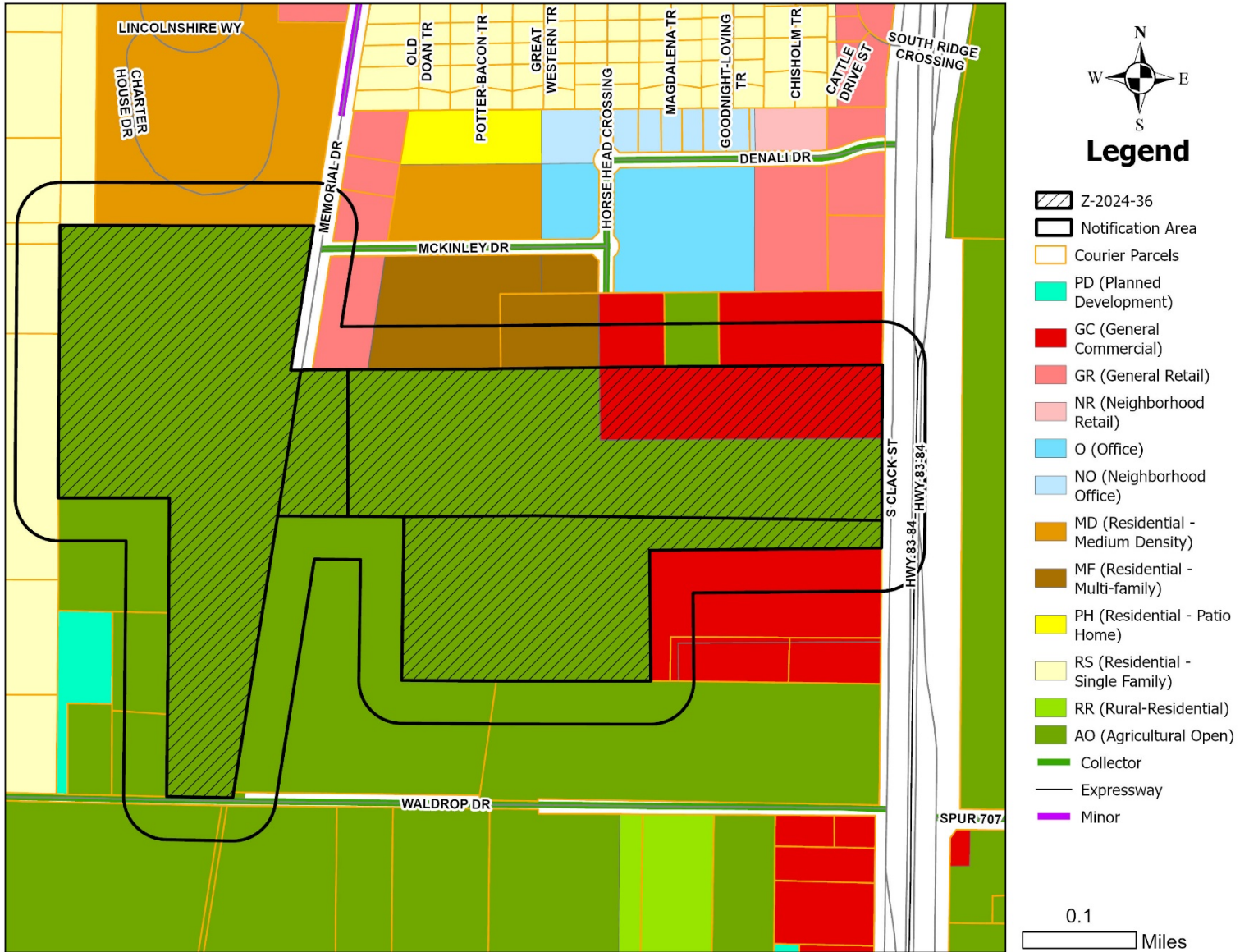
NOTIFICATION MAP

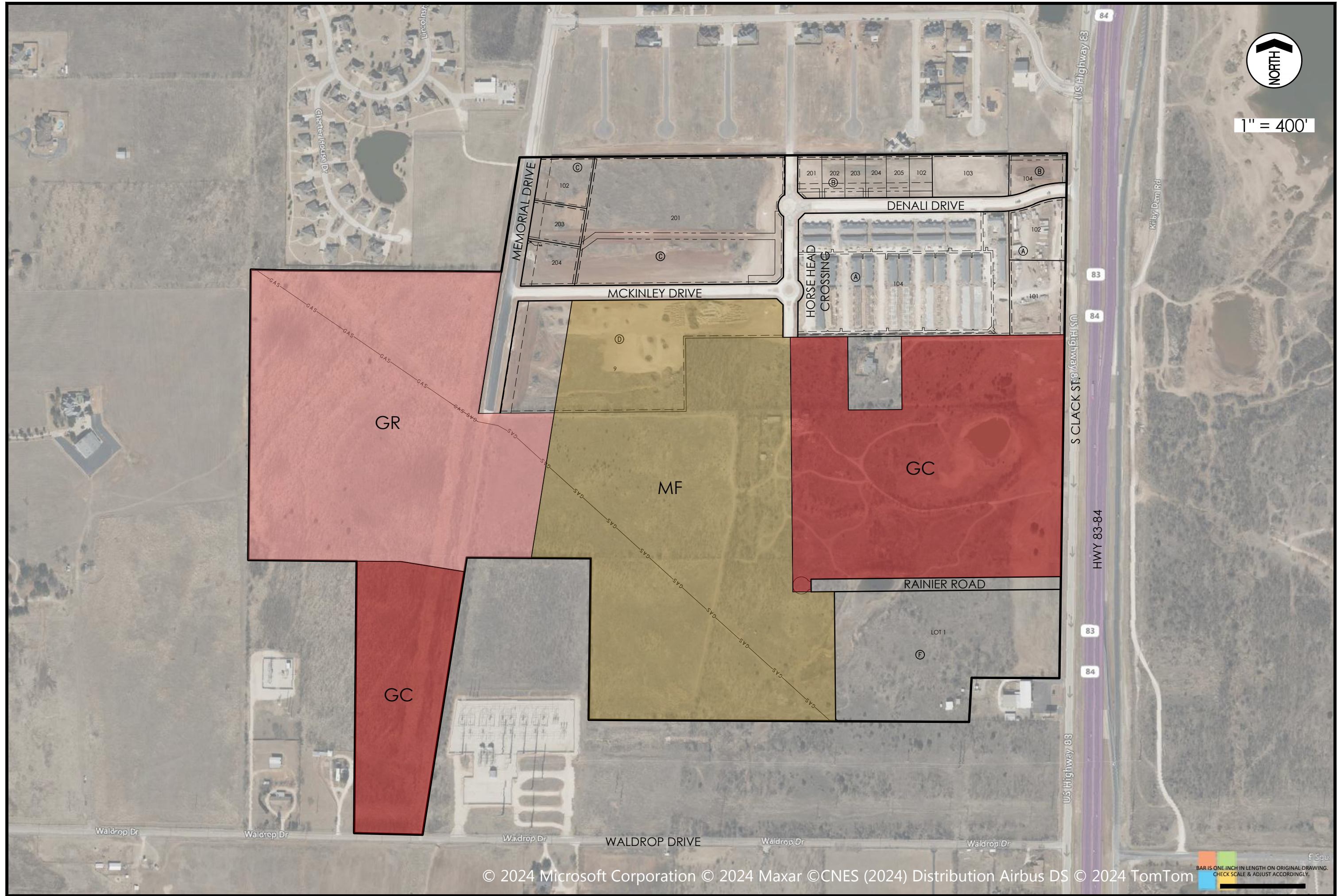


LOCATION MAP



ZONING MAP







REZONE REQUEST

Case: Z-2024-36

Agent: Jacob & Martin

Request: Rezone approximately 134.86 acres from Agricultural Open (AO) to General Retail (GR), General Commercial (GC), and Multi-Family (MF).

Location: 7450 HWY 83-84

Notification: 0 in Favor, 0 in Opposition

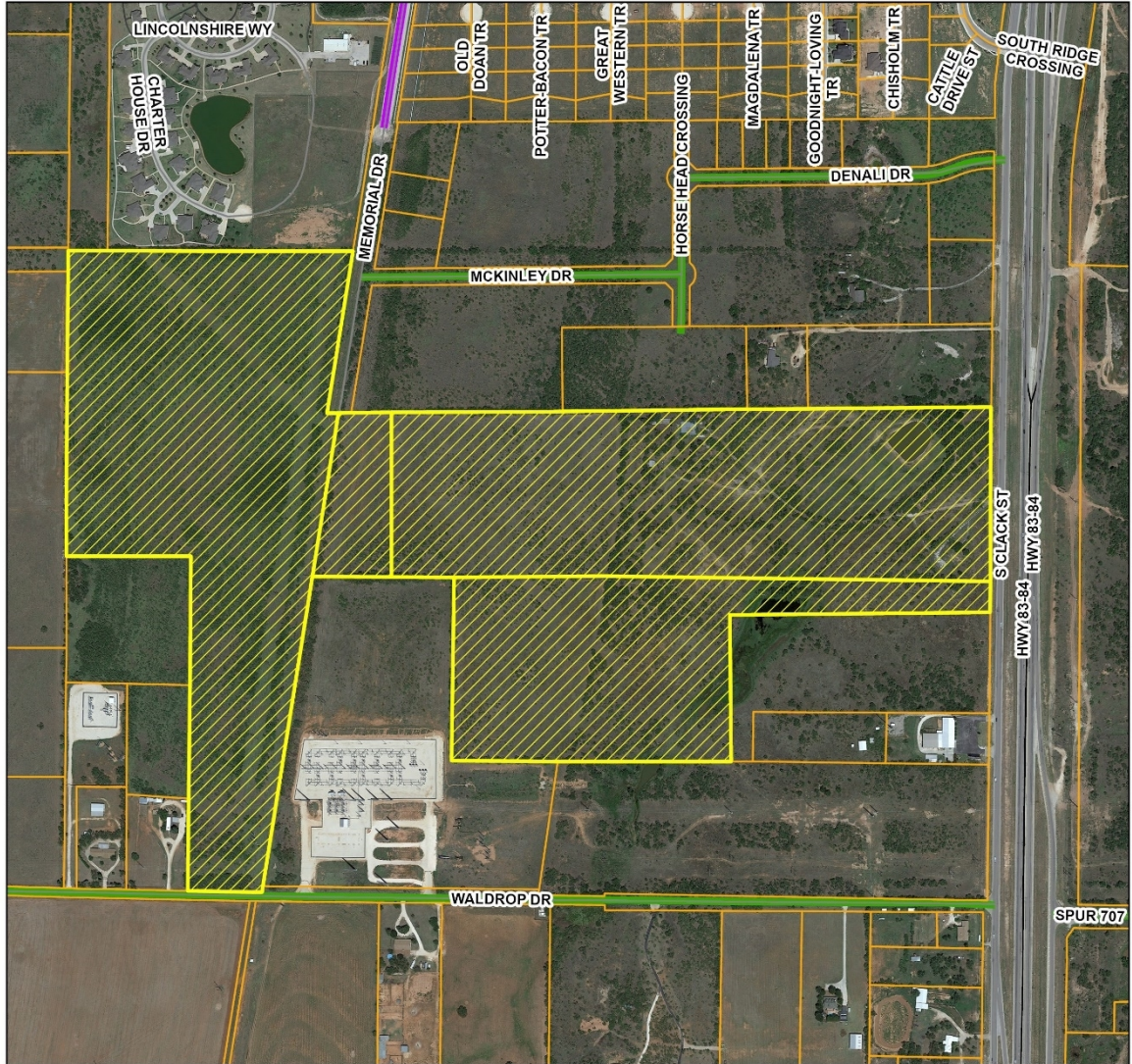
Planning & Zoning: December 3, 2024

Council Hearing: December 19, 2024
January 9, 2025





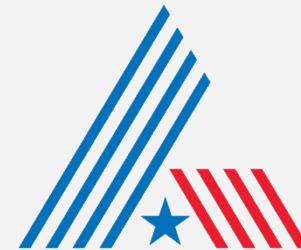
AERIAL LOCATION MAP



Legend

- Z-2024-36
- Courier Parcels
- Collector
- Expressway
- Minor

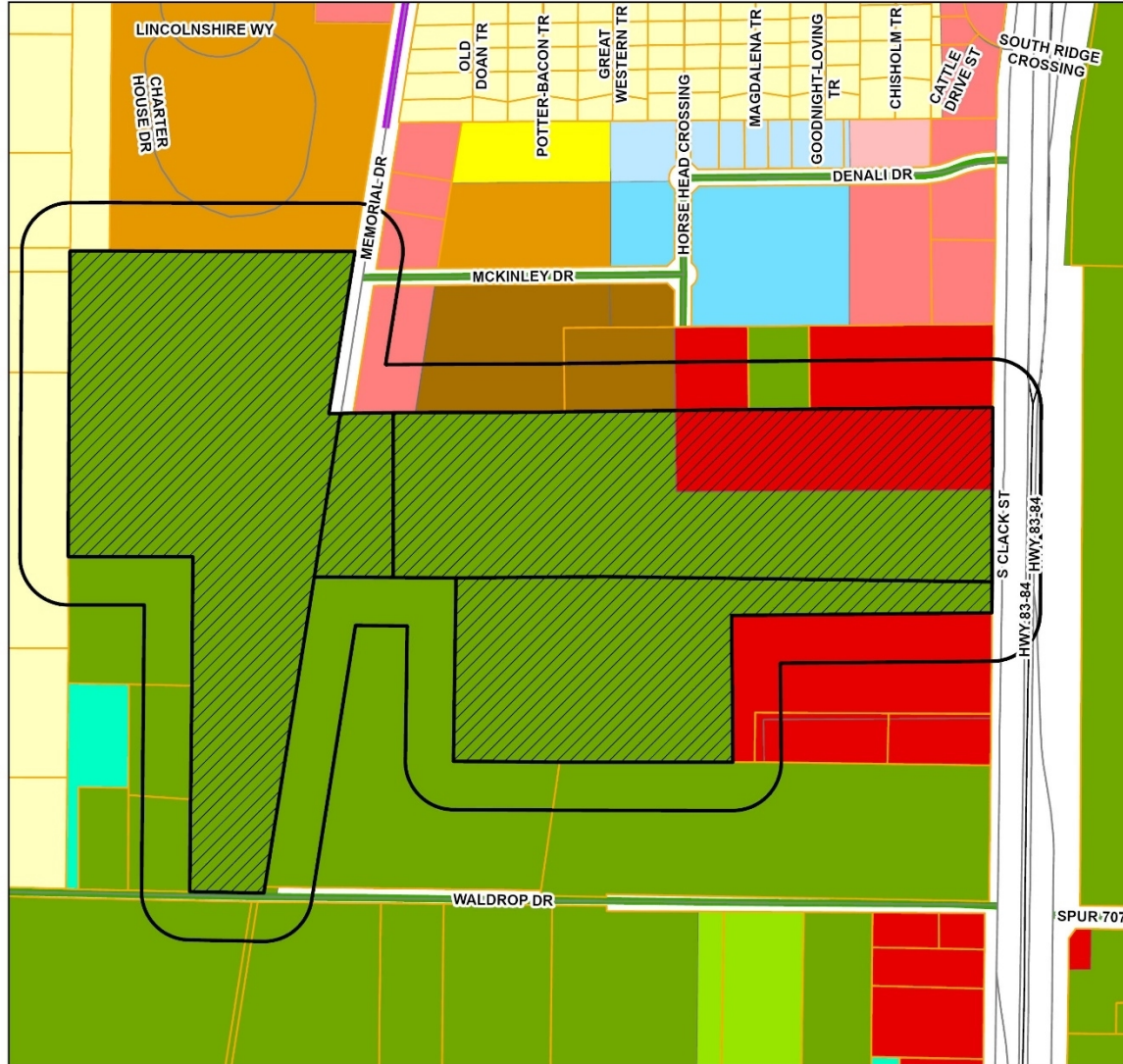
0.1
Miles



CITY OF
ABILENE
TEXAS



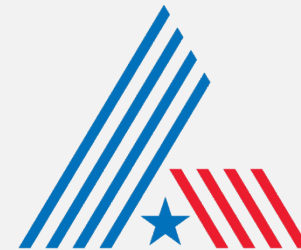
ZONING MAP



Legend

- Z-2024-36
- Notification Area
- Courier Parcels
- PD (Planned Development)
- GC (General Commercial)
- GR (General Retail)
- NR (Neighborhood Retail)
- O (Office)
- NO (Neighborhood Office)
- MD (Residential - Medium Density)
- MF (Residential - Multi-family)
- PH (Residential - Patio Home)
- RS (Residential - Single Family)
- RR (Rural-Residential)
- AO (Agricultural Open)
- Collector
- Expressway
- Minor

0.1
Miles



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TEXAS

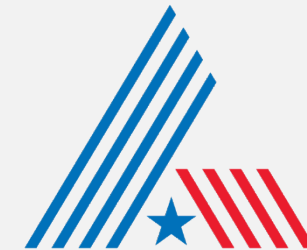
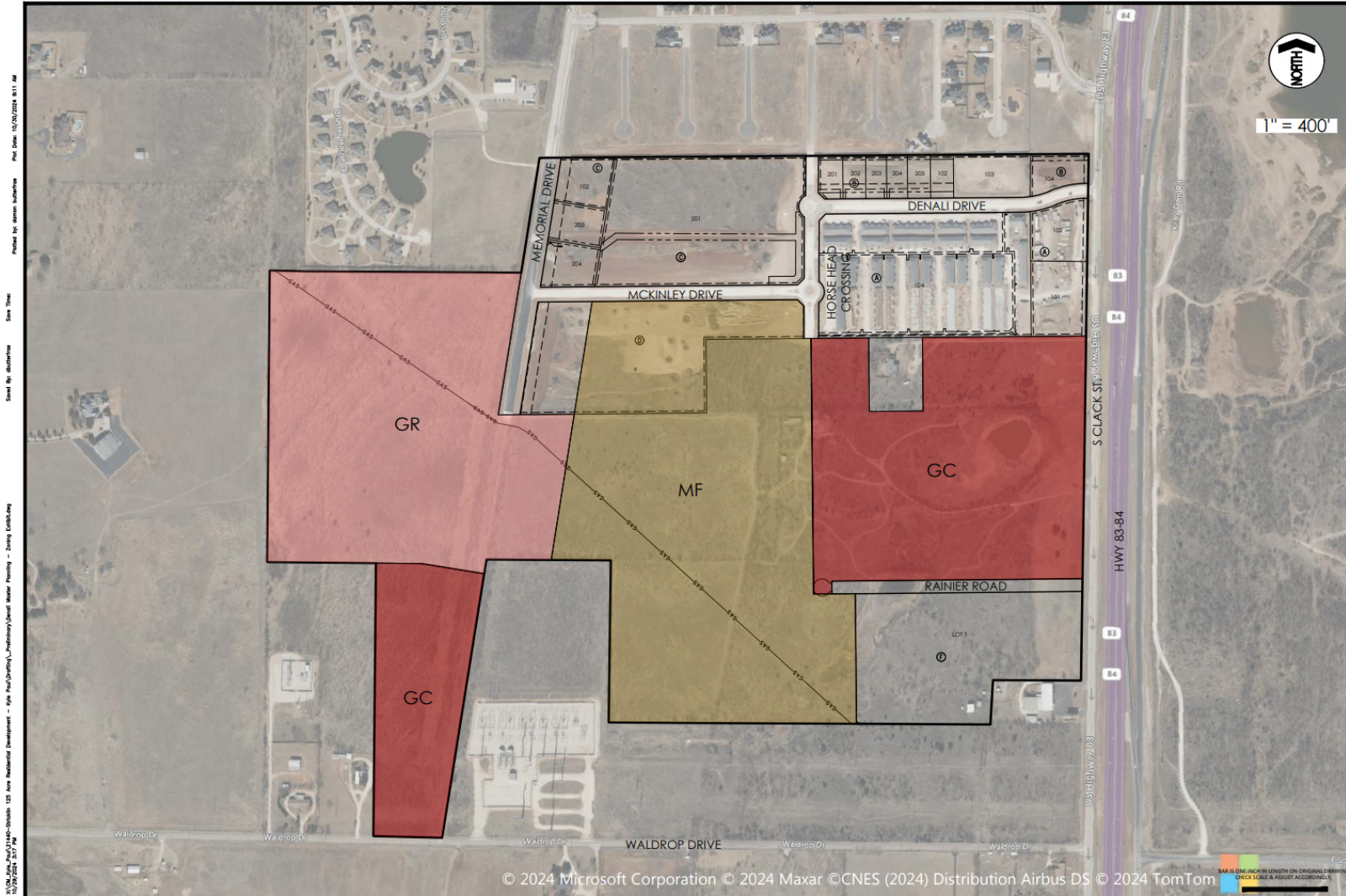


PROPERTY VIEWS





ZONING CONCEPT PLAN



CITY OF
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TEXAS



USES IN AGRICULTURAL OPEN 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





USES IN GENERAL RETAIL 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





USES IN GENERAL COMMERCIAL ZONING

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Fire/Police Station
- C Homeless/Emergency Shelter
- P Hospital
- P Medical/Dental Laboratory
- P Post Office
- C Rehabilitation Facility
- P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

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

SERVICE:

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

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

TRADE – WHOLESALE USES:

- C Wholesaling and Storage (indoor)

TRADE – RETAIL USES:

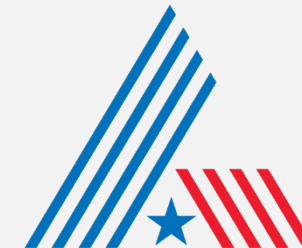
- C Aircraft and Accessories
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Brew Pub
- P Restaurant, Fast Food
- P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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility

LEGEND

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



CITY OF
ABILENE
TEXAS



USES IN MULTI-FAMILY 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-2024-36
 Notification Buffer
 Courier Parcels
 Courier Parcels
 Courier Parcels

0 - in Opposition -





FINDINGS AND RECOMMENDATIONS

The proposed request is consistent with:

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

P&Z Recommendation: **Approval**





Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: **16. Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Repealing Ordinance 53-2000 and Permanently Terminating the Fluoridation of Water Supplies Within the City of Abilene's Water Distribution System (Rodney Taylor)

GENERAL INFORMATION

An Ordinance Repealing Ordinance 53-2000; Permanently Terminating the Fluoridation of Water Supplies within the City of Abilene's Distribution System; and Providing a Severability Clause. The Ordinance provides for the permanent discontinuation of fluoridation of Abilene's Public Water Supply System upon giving sixty (60) days' written notice of termination to the water utility customers and to the Texas Health and Human Services Commission. The City of Abilene temporarily discontinued fluoridation on September 30, 2024 in an abundance of caution, for protection of the public health and safety of its water consumers. On December 19, 2024 the Abilene City Council approved the consent agenda, without individual discussion, which included the first reading of this proposed ordinance.

SPECIAL CONSIDERATIONS

On December 14, 2000, the City Council passed Ordinance 53-2000, which authorized and directed the City to fluoridate all water supplies within its distribution system to reach a total fluoride concentration as recommended by the Texas Department of Health.

On September 24, 2024, in the United States District Court, Northern District of California, Case No. 17-cv-02162-EMC, Food & Water Watch, Inc., et al. v. United States Environmental Protection Agency, et al., the District Judge found, by a preponderance of the evidence, that community water fluoridation at 0.7 mg/L presents an unreasonable risk of injury to the public's health and ordered the United States Environmental Protection Agency to take regulatory action in response. Based on the Judge's finding, and in an abundance of caution, the City of Abilene initiated the temporary discontinuance of fluoridation on September 30, 2024, for protection of

the public health and safety of its water consumers.

On November 7, 2024, the City Council passed Ordinance 54-2024, which temporarily suspended Ordinance 53-2000, and temporarily suspended the fluoridation of the City of Abilene's water supply. At that time, the City Council expressed the general consensus that it is in the best interest of the city of Abilene, and its residents, that the fluoridation of the City's water supply be permanently terminated.

By approving this ordinance, the City Council does not make an independent finding or conclusion that the fluoridation of the City's water supply presents an unreasonable risk of injury to the health of the City's residents or those consuming the City's water supply, and the City Council does not make an independent finding or conclusion that the fluoridation of the City's water supply is injurious to public health.

Section 341.033(j), Texas Health & Safety Code, provides that a owner, agent, manager, operator, or other person in charge of a public water supply system that furnishes for public or private use drinking water containing added fluoride may not permanently terminate the fluoridation of the water unless the owner, agent, manager, operator, or person provides written notice to the customers of the system and the Texas Health and Human Services Commission (THHSC) of the termination at least 60 days before the termination. Upon approval of final reading of this ordinance, staff will initiate actions making 60 day written notice to water utility customers and to the THHSC of its intent to permanently discontinue the fluoridation of the City of Abilene Public Water Supply. This action will affect all City of Abilene retail and wholesale potable water customers.

FUNDING/FISCAL IMPACT

The discontinuation of fluoridation of the City of Abilene Public Water Supply will result in an annual savings of approximately \$73,000 dollars in FY25.

STAFF RECOMMENDATION

It is the desire of the Abilene City Council to consider on Final Reading **An Ordinance Repealing Ordinance 53-2000; Permanently Terminating the Fluoridation of Water Supplies within the City of Abilene's Distribution System; and Providing a Severability Clause.**

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2024 Ordinance Permanent Terminate Fluoride-1-9-2025
2. Ordinance 054-2024-Temporarily Suspending the Fluoridation of Water Supplies Within

- the City of Abilene's Distribution System
3. Ordinance 53-2000-Authorizing fluoridation of Abilene Water Supplies
 4. Presentation-Ordinance Permanently Discontinuing Fluoridation-1-9-2024

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE 53-2000; PERMANENTLY TERMINATING THE FLUORIDATION OF WATER SUPPLIES WITHIN THE CITY OF ABILENE'S DISTRIBUTION SYSTEM; AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, on December 14, 2000, the City Council passed Ordinance 53-2000, which authorized and directed the City to fluoridate all water supplies within its distribution system to reach a total fluoride concentration of as recommended by the Texas Department of Health; and

WHEREAS, on September 24, 2024, in the United States District Court, Northern District of California, Case No. 17-cv-02162-EMC, Food & Water Watch, Inc., et al. v. United States Environmental Protection Agency, et al., the District Judge found, by a preponderance of the evidence, that community water fluoridation at 0.7 mg/L presents an unreasonable risk of injury to the public's health and ordered the United States Environmental Protection Agency to take regulatory action in response; and

WHEREAS, on November 7, 2024, the City Council passed Ordinance 54-2024, which temporarily suspended Ordinance 53-2000, and temporarily suspended the fluoridation of the City of Abilene's water supply; and

WHEREAS, the City Council finds that it is in the best interest of the city of Abilene, and its residents, that the fluoridation of the City's water supply be permanently terminated; and

WHEREAS, the City Council does not make an independent finding or conclusion that the fluoridation of the City's water supply presents an unreasonable risk of injury to the health of the City's residents or those consuming the City's water supply;

WHEREAS, the City Council does not make an independent finding or conclusion that the fluoridation of the City's water supply is injurious to public health; and

WHEREAS, Section 341.033(j), Texas Health & Safety Code, provides that a owner, agent, manager, operator, or other person in charge of a public water supply system that furnishes for public or private use drinking water containing added fluoride may not permanently terminate the fluoridation of the water unless the owner, agent, manager, operator, or person provides written notice to the customers of the system and the Texas Health and Human Services Commission of the termination at least 60 days before the termination.

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

PART 1: That Ordinance 53-2000, requiring the fluoridation of the City of Abilene's water supply within its distribution system, is hereby repealed.

PART 2: That all findings and conclusions made in the above Whereas clauses are hereby adopted by the City Council.

PART 3: That the adding of fluoride to the City of Abilene's public water supply system shall permanently terminate upon the giving of sixty (60) days' written notice to the customers of the system and to the Texas Health and Human Services Commission of the termination.

PART 4: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

APPROVED ON FIRST READING the 19th day of December, 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 5th day of January, 2025, 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 9th day of January, 2025, to permit the public to be heard.

APPROVED AND PASSED ON FINAL READING this _____ day of _____, 2025.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. 54-2024

AN ORDINANCE TEMPORARILY SUSPENDING THE FLUORIDATION OF WATER SUPPLIES WITHIN THE CITY OF ABILENE'S DISTRIBUTION SYSTEM; AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, on December 14, 2000, the City Council passed Ordinance 53-2000, which authorized and directed the City to fluoridate all water supplies within its distribution system to reach a total fluoride concentration of as recommended by the Texas Department of Health; and

WHEREAS, on September 24, 2024, in the United States District Court, Northern District of California, Case No. 17-cv-02162-EMC, Food & Water Watch, Inc., et al. v. United States Environmental Protection Agency, et al., the District Judge found, by a preponderance of the evidence, that community water fluoridation at 0.7 mg/L presents an unreasonable risk of injury to the public's health and ordered the United States Environmental Protection Agency to take regulatory action in response; and

WHEREAS, the City Council finds that it is in the best interest of the city of Abilene, and its residents, that the fluoridation of the City's water supply be temporarily suspended due to the Court's findings; and

WHEREAS, the City Council does not make an independent finding or conclusion that the fluoridation of the City's water supply presents an unreasonable risk of injury to the health of the City's residents or those consuming the City's water supply;

WHEREAS, the City Council does not make an independent finding or conclusion that the fluoridation of the City's water supply is injurious to public health; and

WHEREAS, the City Council does not hereby permanently terminate the fluoridation of the City's water supply, and that any permanent termination of the fluoridation of the City's water supply shall require further action by the City Council as required by law.

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

PART 1: That enforcement of Ordinance 53-2000, requiring the fluoridation of the City of Abilene's water supply within its distribution system, is hereby temporarily suspended.

PART 2: That all findings and conclusions made in the above Whereas clauses are hereby adopted by the City Council.

PART 3: That upon the occurrence of one or more of the following events, the temporary suspension of Ordinance 53-2000 shall automatically terminate without further action from the City Council:

- A. After two (2) years have elapsed from the date of passage of this Ordinance;
- or

- B. Upon the final adoption of regulations by the United States Environmental Protection Agency regarding fluoridation of community water supplies; or
- C. Upon further ruling in Case No. 17-cv-02162-EMC, or on appeal, that fluoridation of community water supplies does not present an unreasonable risk of injury to public health.

PART 4: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

APPROVED ON FIRST READING the 17th day of October, 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 3rd day of November, 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 7th day of November, 2024, to permit the public to be heard.

APPROVED AND PASSED ON FINAL READING this 7th day of November, 2024.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY



ORDINANCE NO. 53-2000

AN ORDINANCE REPEALING THE 1964 ORDINANCE NO. 127 OF THE CITY OF ABILENE; AUTHORIZING AND DIRECTING THE FLUORIDATION OF ALL WATER SUPPLIES OF THE CITY OF ABILENE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, an election was held in the City of Abilene on November 7, 2000 on the proposition of adding fluoride to the city's water supply; and

WHEREAS, said election resulted in the citizens voting to add fluoride to the water supply and thereby recommending repeal of Ordinance No. 127; now therefore,

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

PART 1: That the 1964 Ordinance No. 127, prohibiting the addition of fluoride to the water supply of the City of Abilene is hereby repealed.

PART 2: That the community water system as defined by the Federal Safe Drinking Water Act, P. L. 93-523 enacted by the United States Congress in 1974, which is the direct supplier of drinking water through piping systems serving properties within the City of Abilene, or to all communities and water supply corporations receiving water from the City of Abilene, is hereby authorized and directed to fluoridate all water supplies within its distribution systems to reach a total fluoride concentration of as recommended by the Texas Department of Health.

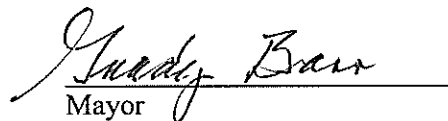
PART 3: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PASSED ON FIRST READING this 30th day of November, A.D. 2000.

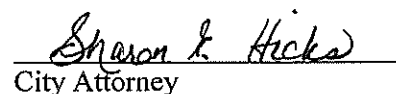
PASSED ON SECOND AND FINAL READING this 14th day of December, A.D. 2000.

ATTEST:


City Secretary


Mayor

APPROVED:


City Attorney

An Ordinance Repealing Ordinance 53-2000; Permanently Terminating the Fluoridation of Water Supplies within the City of Abilene's Distribution System; and Providing a Severability Clause





Ordinance Discontinuing Fluoridation

- **An Ordinance Repealing Ordinance 53-2000; Permanently Terminating the Fluoridation of Water Supplies within the City of Abilene's Distribution System; and Providing a Severability Clause.**
- The Ordinance provides for the permanent discontinuation of fluoridation of Abilene's Public Water Supply System upon giving sixty (60) days' written notice of termination to the water utility customers and to the Texas Health and Human Services Commission.
- On December 19, 2024 the Abilene City Council approved the first reading of this proposed ordinance.





Ordinance Discontinuing Fluoridation

- On December 14, 2000, the City Council passed Ordinance 53-2000, which authorized and directed the City to fluoridate all water supplies within its distribution system to reach a total fluoride concentration as recommended by the Texas Department of Health.





Ordinance Discontinuing Fluoridation

- On September 24, 2024, in the United States District Court, Northern District of California, Case No. 17-cv-02162-EMC, Food & Water Watch, Inc., et al. v. United States Environmental Protection Agency, et al., the District Judge found, by a preponderance of the evidence, that community water fluoridation at 0.7 mg/L presents an unreasonable risk of injury to the public's health and ordered the United States Environmental Protection Agency to take regulatory action in response.
- On September 30, 2024, based on the Judge's finding, and in an abundance of caution, the City of Abilene temporarily discontinued fluoridation for the protection of public health and safety of its water consumers.





Ordinance Discontinuing Fluoridation

- On November 7, 2024, the City Council passed Ordinance 54-2024, which temporarily suspended Ordinance 53-2000, and temporarily suspended the fluoridation of the City of Abilene's water supply.
- By approving this ordinance, the City Council does not make an independent finding or conclusion that the fluoridation of the City's water supply presents an unreasonable risk of injury to the health of the City's residents or those consuming the City's water supply, and the City Council does not make an independent finding or conclusion that the fluoridation of the City's water supply is injurious to public health.



An Ordinance Repealing Ordinance 53-2000; Permanently Terminating the Fluoridation of Water Supplies within the City of Abilene's Distribution System; and Providing a Severability Clause

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Honorable Mayor & Members of City Council

FROM: Stanley Smith, City Attorney

SUBJECT: 17. The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:

GENERAL INFORMATION

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

A. 551.071 (Consultation with Attorney)

1. City of Abilene 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
2. 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
3. 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
4. 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
5. 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
6. Richard Scheriger, et al. v. City of Abilene; Cause No. CV33253, In the 90th Judicial District Court, Stephens County, Texas, filed April 21, 2023
7. 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
8. PFAS Litigation
9. 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
10. City of Dallas, et al, v. Disney DTC, LLC, et al., Cause No. DC-22-09128, In the 14th Judicial District Court, Dallas County, Texas, filed August 3, 2022
11. Patricia Anderson v. City of Abilene; Cause No. 51867-A, In the 42nd Judicial District Court, Taylor County, Texas; filed March 1, 2024

12. Mary Lou Gonzales v. City of Abilene, Board of Building Standards; Cause No. 29156-B; In the District Court, 104th Judicial District, Taylor County, Texas; filed April 10, 2024

B. 551.072 (Deliberations about Real Property)

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)

F.551.087 (Business Prospect/Economic Development)

1. Edmundson Subdivision

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None



**City Council
Agenda Memo**

City Council Meeting Date: 1/9/2025

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 18.

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

- **Board of Building Standards**

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 9th day of January, 2025.

ATTEST:

Shawna Atkinson, City Secretary

Weldon Hurt, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____ EXHIBIT "A"	
Board	Term End Date
<i>Board of Building Standards</i>	
Will Dugger [Regular] [Reappointment]	November 2026



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

- Board of Building Standards
 - Will Dugger(Reappointment)

