



City of Abilene City Council Agenda

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

Anthony Williams, Mayor

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

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on November 19, 2020, at 4:30 p.m., at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

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

INVOCATION

2. Councilmember Kyle McAlister

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

3. **Service Awards Video Presentation:**

- James Bradshaw - 25 Years - Public Works

CONSENT AGENDA

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

4. **Minutes:** Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on November 5, 2020 (**Shawna Atkinson**)

5. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve the Contract with United Way of Abilene to Manage the Regionally Coordinated Transportation Planning (RCTP) **(Don Green)**
6. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve Individual Purchases from Various Vendors that may exceed an Aggregate Expenditure of \$50,000 for each Vendor in Fiscal Year 2021 **(Don Green)**
7. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster Issued October 22, 2020 **(Robert Hanna)**
8. **Ordinance (First Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021 Annual Operating Budget for the City of Abilene by Appropriating Funds from the Bureau Justice Assistance Grant to Add One (1) Civilian Position to the Abilene Fire Department Budget Ordinance **(Cande Flores)**
9. **Ordinance (First Reading) Z-2020-15:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Carriage Hills Development Corporation, agent Jacob & Martin LLC, to rezone property from Agricultural Open Space (AO) to a Residential Single-Family (RS-6) District on 52.88 acres of now-vacant land in the 7700-7800 blocks (east side) of Maple Street in far south Abilene **(Mike Warrix)**
10. **Ordinance (First Reading) Z-2020-16:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Carriage Hills Development Corporation, agent Jacob & Martin LLC, to rezone property from Agricultural Open Space (AO) to a Planned Development (PD) District allowing residential townhome development having clusters of as few as two dwelling units, on 22.13 acres of now-vacant land located east from the 7700-7800 blocks of Maple Street and west from Kristie Path and Alex Way in the Sawgrass Addition **(Mike Warrix)**
11. **Ordinance (First Reading) Z-2020-17:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from QT South LLC, agent Lauren Montgomery, to change the terms of Planned Development (PD) District Number PD 116 located on southeast corner of Old Anson Road and Interstate Highway 20 in northwest Abilene, specifically regarding the height and area of signs allowed there. Legal description being Lot 1 in Block 1 of the subdivision known as QT South LLC **(Mike Warrix)**
12. **Ordinance (First Reading) Z-2020-19:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Oldham Partners LP and Windmill Circle Partners LP, agent Tony Conder, to rezone approximately 3.8 acres in a General Retail (GR) District extending 300 feet north from the 900 block of Gateway Street, and approximately 4.3 acres in an adjacent Neighborhood Retail (NR) District extending 300 feet west from the 3600-3700 blocks of Oldham Lane, to a General Commercial (GC) District **(Mike Warrix)**
13. **Ordinance (First Reading) Z-2020-20:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Albert Houle, agents Chris Barnett and Dale Scoggins, to rezone approximately 8.14 acres at 7602 thru 7734 Hwy. 83-84 and situated at or near the southwest corner of Waldrop Drive and U.S. Hwys. 83-84, from an Agricultural Open Space (AO) District to a General Commercial (GC) District **(Mike Warrix)**
14. **Ordinance (First Reading) Z-2020-21:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Vinson Higginbotham, agent Jack Zanger of Triangle Engineering, to rezone approximately 4.04 acres on the 4900-5000 blocks (southwest side) of South Clack Street, from an Agricultural Open Space (AO) to a General Commercial (GC) District **(Mike Warrix)**

15. **Ordinance (First Reading) CUP-2020-08:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Oldham Partner LP and Windmill Circle Partners LP, agent Tony Conder, for approval of a Conditional Use Permit allowing retail sales and rental of trucks and other large vehicles and equipment on 24.371 acres in a General Commercial (GC) District at 750 Gateway Street and the 3600-3700 blocks (east side) of Loop 322 **(Mike Warrix)**
16. **Ordinance (First Reading) OAM-2020-02:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Land Development Code, Chapter 2, "Zoning Regulations," Article 3, "Zoning Districts," Division 3, TABLE 2-4: Site Layout and Building Requirements for Nonresidential Zoning Districts," and Article 4, "Use Regulations," Division 3, "Requirements Applicable to Specific Land Uses," Section 2.4.3.3, "All Other Uses with Specific Requirements," to clarify Multiple Family Dwellings by Conditional Use Permit in Certain Non-Residential Districts **(Mike Warrix)**

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

17. **Resolution:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the Renewal of the Water Supply Contract with the Hawley Water Supply Corporation **(Rodney Taylor)**
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)**
 - Airport Development Board
 - Board of Building Standards
 - Citizens Advisory Board for People with Disabilities
19. **Discussion:** Receive a Report, Hold a Discussion and Public Hearing, and Provide Direction on Recommended Budget Cuts FY 2021 **(Robert Hanna)**

EXECUTIVE SESSION

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

A. 551.071 (Consultation with Attorney)

1. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
2. Officer Patrick Sumrall and City of Abilene, Case No. 01-18-000-8653; Appeal of Indefinite Suspension to Arbitration, filed February 6, 2018
3. Alfredo Valencia v. Corey Davis and City of Abilene; Case No. 1:19-cv-00017-C; In the United States District Court, Northern District of Texas, Abilene Division, filed February 4, 2019.
4. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
5. 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
6. City of Abilene, Texas and Garfield Public/Private LLC v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-000900, In the 261st Judicial District Court, Travis County, Texas, filed February 13, 2020
7. Chandler Brooks v. Taylor County, et al.; Civil Action No. 1:20-cv-00049, In the United States District Court, Northern District of Texas, Abilene Division; filed March 5, 2020
8. John Doe v. Robert Hanna, Individually and as City Manager; Cause No. 28078-B; In the 104th Judicial District Court, Taylor County, Texas; filed July 7, 2020
9. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-004598, In the 53rd Judicial District Court, Travis County, Texas; filed September 1, 2020
10. Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District, et al.; Cause No. P-8277-83-CV, In the 83rd Judicial District Court, Pecos County, Texas; filed September 11, 2020
11. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
12. Governor's Executive Orders - COVID-19

B. 551.072 (Deliberations about Real Property)

1. Clyde Water

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)

F. 551.087 (Business Prospect/Economic Development)

1. Abilene Convention Center Hotel Project

RECONVENE

PUBLIC COMMENTS

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

ADJOURNMENT

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

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 13th day of November, 2020, at 11:30 a.m.

Shawna Atkinson, TRMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

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 November 5, 2020
(*Shawna Atkinson*)

GENERAL INFORMATION

Approval of the Minutes from the Regular Meeting held on November 5, 2020

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

None

STAFF RECOMMENDATION

Approval of the Minutes

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 11-05-2020 Minutes - Regular - Morning

CITY COUNCIL MEETING
November 5, 2020 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 November 5, 2020, at 8:30 a.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Mayor Pro-tem Weldon Hurt, Deputy Mayor Pro-tem Donna Albus and Councilmembers Shane Price, Jack Rentz, and Travis Craver. Councilmember Kyle McAlister was absent. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, and City Secretary Shawna Atkinson.

Councilmember Shane Price delivered the invocation and led the Pledge of Allegiance to the Flag of the United States of America and State of Texas Flag.

PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS

Mayor Williams gave a brief overview of the COVID-19 numbers in the area. He introduced Brad Holland from Hendricks Medical Center who spoke more in depth about the rising COVID-19 numbers, and the hospital capacity in the area. Mr. Holland introduced Dr. Steven Lowery, Chief of Staff at Hendricks, and Sue Castle, Chief Nursing Officer at Hendricks, who both spoke about requesting help from the state for staffing of ICU beds and updates on therapeutics for the virus.

Robert Hanna, City Manager, asked Abilene citizens to do their part to help slow the spread, because local authorities cannot take stricter measures under the current Governor's orders. Mr. Hanna encouraged everyone to wear a mask when you cannot socially distance, and to take care of the vulnerable population.

Mayor Williams opened a Public Comment period for this discussion. The following addressed the Council:

- David Swart – stated that masks are a big issue and there is debate on if they do any good or not. A doctor told him that even if you wear a mask it could get in through your eyes. He stated that the military has a biohazard suit they wear for hazardous materials, and even that suit is only 80% effective, so a mask your grandmother made is not that effective, comparatively. Mr. Swart stated everyone should do their best and try to stay apart.

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

CONSENT AGENDA

The Consent Agenda consisted of items 2-8. No items were pulled for individual consideration.

Mayor Pro-tem Hurt moved to approve the consent agenda as presented. Councilmember Price seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and Craver

NAYS (0): None

ABSENT (1): Councilmember McAlister

2. Minutes: Receive a Report, Hold a Discussion and Take Action on Approving the Minutes from the Regular Meeting Held on October 22, 2020

3. Correction Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the City Manager to Execute a Contract Between the City of Abilene and the The Crowe Group, Inc., for the Construction of a New Fire Training Facility
[ASSIGNED RESOLUTION NO. 211-2020]
4. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action to Authorize the City Manager to Execute a Contract with Texas Fire Apparatus, LLC for the Purchase of One (1) Custom Built HazMat/Communication Apparatus
[ASSIGNED RESOLUTION NO. 212-2020]
5. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Authorizing the City Manager to Continue the Agreement Between the Abilene Public Library and Overdrive, for the Purchase of Library Materials
[ASSIGNED RESOLUTION NO. 213-2020]
6. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Authorizing the City Manager to Continue the Agreement Between the Abilene Public Library and Midwest Tape (Hoopla), for the Purchase of Library Materials
[ASSIGNED RESOLUTION NO. 214-2020]
7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Resolution Authorizing the City Manager to Continue the Agreement Between the Abilene Public Library and Baker & Taylor, for the Purchase of Library Materials
[ASSIGNED RESOLUTION NO. 215-2020]
8. Resolution: Receive A Report, Hold A Discussion And Public Hearing, And Take Action On A Resolution Authorizing The Continuation Of The Agreement With The Abilene Library Consortium
[ASSIGNED RESOLUTION NO. 216-2020]

REGULAR AGENDA

9. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021 Annual Operating Budget for the City of Abilene by Appropriating Funds to Add Four Customer Service Representative II Positions to the Water Utilities Department
[ASSIGNED ORDINANCE NO. 41-2020]

Rodney Taylor, Director of Water Utilities, presented the item. Adoption of the item would approve the hiring of four additional Customer Service Representative II positions for the Water Utilities Department's Customer Service Center, which are necessary to reduce call wait times, improve the processing time for emails and website applications, and reopen the front office to allow for walk in customers.

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

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

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and Craver

NAYS (0): None

ABSENT (1): Councilmember McAlister

10. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal year 2021 Annual Operating Budget of the City of Abilene by Appropriating Funds necessary for Adding One Additional Telecommunicator Position to the Abilene Police Department's 9-1-1 System

[ASSIGNED ORDINANCE NO. 42-2020]

Stan Standridge, Chief of Police, presented the item. Adoption of the item would promote one current telecommunicator to supervisor, and will add six new telecommunicator positions to the Abilene Police Department's 9-1-1 system.

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

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

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and Craver

NAYS (0): None

ABSENT (1): Councilmember McAlister

11. Resolution SNC-2020-01: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a Street Name Change request to add an honorary street name "Larry and Mary Gill's Way" to the street known as Lytle Way Circle extending west from Lytle Way in southeast central Abilene

[ASSIGNED RESOLUTION NO. 217-2020]

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would approve an honorary street name "Larry and Mary Gill's Way" to the street known as Lytle Way Circle extending west from Lytle Way, in southeast central Abilene.

Council thanked Larry and Mary Gill for their service to the community.

Mayor Williams opened the public hearing. The following addressed the Council:

- Dennis O'Connell, from the Lytle Lake WID – stated that he made the request to honor the Gill's for all of their work in the community, specifically on Lytle Lake and their board.

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

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

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and Craver

NAYS (0): None

ABSENT (1): Councilmember McAlister

12. Ordinance (Final Reading) CUP-2020-07: Receive A Report, Hold A Discussion And Public Hearing, And Take Action On A Request Conditional Use Permit Allowing Multiple-Family Dwellings In General Retail (GR) District and In An Adjoining Office (O) District

[ASSIGNED ORDINANCE NO. 43-2020]

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would approve a request for a Conditional Use Permit to allow the development of multiple-family dwellings in a General Retail (GR) District and in an Office (O) District, at the 6800-6900 blocks (west side) of Highway 83-84.

Councilmember Price stated that the density was discussed in the first reading and wants clarification on what staff is expecting. The density levels differ and he would like the conditional use permit to specify a limit of 24 units per acre.

Mayor Williams opened the public hearing. The following addressed the Council:

- Tal Filmingham, agent – stated that this is intended to be a mixed use development. The density is 15 units per acre, but he is wanting to keep the 24 units per acre in the motion, just in case that shifts in their plans going forward.

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

Councilmember Price moved to approve the item as presented, with the addition of language limiting the conditional use permit to 24 units per acre. Councilmember Craver seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and Craver

NAYS (0): None

ABSENT (1): Councilmember McAlister

13. Ordinance (Final Reading) Z-2020-14: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Rogers Recreation Inc., agent Jacob & Martin LLC, to rezone property from Planned Development (PD) District Number 58 to a Residential Single-Family (RS-6) District and a Residential Medium-Density (MD) District on 60.83 acres of now-vacant land wrapped around (but not adjoining) the southeast corner of Maple Street and Berry Lane in southeast central Abilene
[ASSIGNED ORDINANCE NO. 44-2020]

Mike Warrix, Director of Planning & Development Services, presented the item. Adoption of the item would trezone the above referenced property from Planned Development (PD) District Number 58 to a Residential Single-Family (RS-6) District and a Residential Medium-Density (MD) District.

Mayor Williams opened the public hearing. The following addressed the Council:

- Clayton Farrow, agent – stated this will be a single family and duplex development.
- Robyn Wertheim – lives in the subdivision that borders this and wants Council to consider traffic flow and high speed limit roads in the area before approval. The State Supported Living Center has created traffic issues in the area already, and she does not want further infrastructure issues with this development.
- Quirico Torres – had questions about the fencing, stormwater drainage, and purposes.

Mr. Warrix clarified that this is just a rezoning request, not design work for the project. All infrastructure will have to go through the Development Review Committee, and be looked at by engineers and the Public Works Department before the site plan is approved.

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

Mayor Pro-tem Hurt moved to approve the item as presented, with the stipulation that the medium density zoning be limited to duplexes. There was no second; motion withdrawn.

City Attorney Smith clarified that since it is strictly a rezoning request, conditions cannot be implemented.

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

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and Craver

NAYS (0): None

ABSENT (1): Councilmember McAlister

14. Ordinance (Final Reading) Z-2020-10: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Sharon Riley, agent H.C. Zachry, to amend existing Planned Development (PD) District Number 32 by removing from subparagraph (f) 1 and 2 stating “no other signs shall be allowed” from Lots 25-30 and allowing all signage allowed in General Retail (GR)
[ASSIGNED ORDINANCE NO. 45-2020]

Zack Rainbow, Assistant Director of Planning & Development Services, presented the item. Adoption of the item would approve an amendment to the current PD 32 ordinance to allow one off-site advertising billboard on Lot 232.

Mayor Williams opened the public hearing. The following addressed the Council:

- H.C. Zachry, agent – is for this proposal. He stated that the current regulations allow one billboard on the north side and that there are already two in the area, so it is only fair if they are allowed to have one, as well.

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

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

AYES (6): Mayor Williams, Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and Craver

NAYS (0): None

ABSENT (1): Councilmember McAlister

PUBLIC COMMENTS

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

- David Swart – congratulated the local race winners. He stated there was a lot of frustration when the County Judge backtracked on the COVID-19 hospital numbers, and that it makes people question if the numbers can be trusted at all. Mr. Swart hopes that Mike Perry will be compensated for his time as the Interim Police Chief, and stated that the lights under the Mockingbird underpass are destroyed and need to be replaced, and that AEP is not fixing them.
- Larry and Mary Gill - thanked Council for approving their honorary street name.
- Samuel Garcia – congratulated the newly elected officials, and stated that it is easy to help businesses that go above and beyond, like in regards to approving Sharon Allen’s sign request. Mr. Garcia also stated that the DCOA’s board meetings are unprofessional, and that he would like to see the changes the DCOA is proposing to their bylaws well in advance of a vote.

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

EXECUTIVE SESSION

Mayor Williams recessed into Executive Session at 9:50 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:

- 15. A. 551.071 (Consultation with Attorney)
 - 1. John Doe v Robert Hanna, Individually and as City Manager
 - 2. Cockrell Investment Partners, L.P. v Middle Pecos Groundwater Conservation District
 - 3. Sharra Sampson v. City of Abilene
 - 4. Cedar Creek Reservoir
 - 5. YMCA Lease (also agenda item #16)
- 15. B 557.072 (Deliberations about Real Property)
 - 1. Clyde Water
 - 2. Cedar Creek Reservoir
 - 3. YMCA Lease (also agenda item #16)
- 15. F. 551.087 (Business Prospect/Economic Development)
 - 1. Abilene Convention Center Hotel Development Project

Mayor Williams left the meeting at the conclusion of Executive Session. Mayor Pro-tem Hurt presided over the remainder of the meeting.

The Executive Session ended at 10:32 a.m. and reconvened to Open Session. Mayor Pro-tem Hurt reported no votes or action were taken in Executive Session.

REGULAR AGENDA

- 16. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Approval of Consent to Deed of Trust (Leasehold) and Estoppel Certificate between the YMCA and AIMBank pertaining to YMCA's lease at Redbud Park
[ASSIGNED RESOLUTION NO. 218-2020]

Earlier in the meeting, under Section 551.072 (Deliberations about Real Property) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 9:50 a.m. and ended at 10:32 a.m. No votes or actions were taken at that time.

Robert Hanna, City Manager, presented the item. Adoption of the item would approve the consent to Deed of Trust (Leasehold) and Estoppel Certificate between the YMCA and AIMBank pertaining to YMCA's lease at Redbud Park.

Mayor Pro-tem 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 Craver seconded the motion; motion carried.

AYES (5): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and Craver
NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember McAlister

17. 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. 200-2020]

Mayor Pro-tem Hurt opened the public hearing, and with no speakers coming forward, the public hearing was closed.

Councilmember Craver moved to (re)appoint the following:

Board	Term End Date
<i>Abilene Housing Authority</i>	
James Batiste [Reappointment]	November 2022
Jud Beall [Reappointment]	November 2022
David Ekombe [Reappointment]	November 2022
<i>Airport Development Board</i>	
Nanci Liles [New]	November 2023
<i>Board of Adjustment</i>	
Scott Hay [Reappointment]	November 2022
Mark Odle [Reappointment]	November 2022
Dani Ramsay [Reappointment] [Alternate]	November 2022
Bryce Stickney [New] [Alternate]	November 2021 [unexpired term]
Bob Thomas [Reappointment] [Alternate]	November 2022
<i>Board of Building Standards</i>	
Delbert Allred [Reappointment]	November 2022
<i>Civil Service Commission</i>	
Izair Lankford [Reappointment]	November 2023
<i>Landmarks Commission</i>	
Pebbles Lee [Reappointment]	November 2023
<i>Planning & Zoning Commisison</i>	
Izair Lankford [Reappointment]	November 2023
<i>Street Maintenance Advisory & Appeals Board</i>	
Niccolus Moses [New]	March 2021 [unexpired]

Councilmember Price seconded the motion; motion carried

AYES (7): Mayor Pro-tem Hurt, Deputy Mayor Pro-tem Albus and Councilmembers Price, Rentz and Craver

NAYS (0): None

ABSENT (2): Mayor Williams and Councilmember McAlister

ADJOURNMENT

There being no further business, the meeting adjourned at 10:37 a.m.

Shawna Atkinson
City Secretary

Anthony Williams
Mayor

Minutes approved on: _____



**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 5. Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve the Contract with United Way of Abilene to Manage the Regionally Coordinated Transportation Planning (RCTP) (*Don Green*)

GENERAL INFORMATION

TXDOT requires that each transportation region establish Regionally Coordinated Transportation Planning (RCTP) with participation of all rural and urban transit grant recipients in that region. The purpose is to promote efficiencies and partnerships particularly in providing better contiguous transportation from rural areas to the urban area for medical and shopping trips for qualified passengers. The responsibility to establish and maintain the RCTP typically falls to the largest transit system; for Region 7, this is CityLink. TXDOT awards CityLink an annual grant that fully funds this management cost.

To keep staff more focused on the City's transit services, CityLink has contracted United Way in previous years to perform this management and coordination role using the TXDOT grant funds and wants to continue this arrangement.

United Way has agreed to the contract terms and a not-to-exceed fee of \$40,000.00 for FY21. The term of the contract follows TXDOT's fiscal year for grant funding purposes and will be September 1, 2020 to August 31, 2021, with three additional one-year options at the mutual agreement of the City and United Way and only with 100% funding provided by TXDOT.

TXDOT's FY21 grant for RCTP management is \$35,000. A separate grant awarded for RCTP planning for \$90,000 will make up the \$5,000 difference.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

This contract is funded 100% by TXDOT.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2020 United Way RCTP Resolution 11-19-20
2. Final RCTP Agreement United Way 11-3-20
3. United Way RCTP Management Contract Presentation (11-19-20)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING A CONTRACT WITH UNITED WAY OF ABILENE FOR MANAGEMENT OF
THE TEXAS DEPARTMENT OF TRANSPORTATION REGION 7 REGIONALLY
COORDINATED TRANSPORTATION PLANNING**

WHEREAS, the City of Abilene (City) contracts for the operation of CityLink as the City's public transit service; and

WHEREAS, the City receives grant funding through Federal Transportation Administration (FTA), as authorized by the Congress of the United States of America and Texas Department of Transportation (TXDOT) operating costs; and

WHEREAS, TXDOT requires each transportation region to establish Regionally Coordinated Transportation Planning (RCTP) with participation of all rural and urban transit grant recipients in that region to promote efficiencies and partnerships particularly in providing better contiguous transportation from rural areas to the urban area for medical and shopping trips for qualified passengers.

WHEREAS, CityLink is the Lead Agency for Region 7 and responsible for management of the RCTP; and

WHEREAS, CityLink proposes to contract with United Way of Abilene to perform this management and coordination role using TXDOT grant funds; and

WHEREAS, CityLink has been awarded two grants this fiscal year from TXDOT for RCTP management and for RCTP planning. These fully fund this contract.

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

- Part 1. That the City Manager is authorized to enter into this contract with United Way of Abilene for an initial term of September 1, 2020 to August 31, 2021 and a fee not to exceed \$40,000.00.
- Part 2. That the City Council approves that this contract may be renewed for three additional one-year terms upon the annual mutual agreement of the City and United Way of Abilene, with the annual fee not to exceed \$40,000.00 and provided TXDOT fully funds such renewal terms.
- Part 3. That this resolution is effective immediately.

ADOPTED this 19th day of November, 2020

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

AGREEMENT
BETWEEN
CITY OF ABILENE
AND
UNITED WAY OF ABILENE
FOR MANAGEMENT OF
REGIONALLY COORDINATED TRANSPORTATION PLANNING LEAD AGENCY DUTIES

This agreement is entered into by and between the City of Abilene (City), and United Way of Abilene (United Way). The City and the United Way may be referred to in this Agreement individually as a "Party" and collectively as the "Parties." The programs of the parties will be the duties of CityLink for the City and 2-1-1 Texas A Call for Help for United Way.

WITNESSETH

WHEREAS, the 2-1-1 Texas A Call for Help of the United Way of Abilene, as designated by the State of Texas, is the 2-1-1 Area Information Center for West Central Texas. By providing easier access to services, 2-1-1 encourages prevention and fosters self-sufficiency; and

WHEREAS, CityLink is the public transit system, providing affordable transportation for the City of Abilene through a contract with First Transit; and

WHEREAS, 2-1-1 Texas A Call for Help is responsible for providing general information and referral services 24-hours a day, seven days a week, year-round; and

WHEREAS, both services connects persons through the services they provide. Both service have an ongoing commitment to increasing efficiency and, tracking service needs that are both met and unmet; and

WHEREAS, both services play a key roles during times of disaster; and

WHEREAS, 2-1-1 Texas A Call for Help is an established provider of general information and referral services; has the skills, qualifications, expertise, and experience necessary to provide the services and deliverables described in this Agreement, and

WHEREAS, the City desires to provide coordination services to the citizens of Abilene in the most efficient and effective manner;

NOW, THEREFORE, the parties hereby agree as follows:

ARTICLE I. PURPOSE

The purpose of this agreement is to leverage the existing partnership to provide for the management of the Texas Department of Transportation's (TxDOT) Regionally Coordinated Transportation Planning (RCTP) Lead Agency Duties. Through this collaborative partnership, the United Way serves as the facilitator and coordinator of the Region 7 RCTP stakeholders group with the duties of monitoring progress of the plan, compiling metrics reports, and coordinating input from stakeholders for updating the plan. For consideration described in Article III, 2-1-1 Texas A Call for Help of United Way provides the cooperative relationship management services by keeping the plan up to date for the purpose of addressing the needs of mobility and accessibility for Region 7 for CityLink of the City, who is the designated Lead Agency by TxDOT.

ARTICLE II. TERM AND FUNDING AMOUNT

The term of this Agreement will begin on the 1st day of September, 2020 through 31st Day of August, 2021. The Agreement will be reviewed during the budget cycle of the City of Abilene for TXDOT Fiscal Year (FY) 2021. This Agreement is dependent upon TxDOT grant funding.

The total amount for the (FY) 2021 Funding Period will not exceed \$40,000.

This contract may be extended to three additional one-year terms upon mutual agreement by both parties.

ARTICLE III. DESCRIPTION OF SERVICES

The City agrees to provide ongoing oversight of the grant through CityLink's General Manager's office. Oversight responsibilities include being the point of contact for TxDOT and assuring compliance on all terms of the master grant agreement, all reporting requirements and applicable state and federal regulations and requirements.

United Way agrees to provide the following deliverables (**Attachment A**): coordination and management of the FY21 coordinated plan including calling meetings, providing regular reporting of activities of the stakeholders regarding the plan, providing data to the selected planning consultant for the updated coordination plan in FY21. All expenses will be documented and invoiced quarterly.

ARTICLE IV. PERSONNEL MANAGEMENT

1. The City will appoint a City staff liaison to interface with the United Way and assist United Way in management matters pertaining to the management of the RCTP Lead Agency grant.
2. The grant performance evaluations for the management duties and tasks will be the sole responsibility of the City staff liaison.

ARTICLE V. OPERATIONS

1. The United Way will provide management and supervision of all grant deliverables.

2. The United Way will continue to meet and/or exceed all TxDOT requirements of the Lead Agency.
3. The United Way will continue to work closely with CityLink and all stakeholders of the RCTP.
4. The United Way will provide regular reporting of metrics and plan updates.

ARTICLE VI. INDEMNIFICATION

A. Definitions

For the purpose of this section the following definitions apply:

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

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

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

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

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

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

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

"United Way's employees" shall mean any employees, officers, agents, subcontractors, licensee and invitees.

B. Indemnity

The United Way is not, with respect to its acts or omissions, an agent or employee of the City.

The United Way must indemnify, hold harmless, and defend the City from and against liability for any claims arising out of the United Way's work and activities conducted in connection with this Agreement, including claims arising out of the work or activities by City employees directed by the United Way.

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

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects. Responsibility for all such defects is expressly assumed by the United Way. The United Way agrees that this indemnity provision applies to all claims arising from all premise defects or conditions.

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

ARTICLE VII. CONTACTS

Contact for CityLink: Bobby Sharpe, General Manager, 1189 S. 2nd, Abilene, Texas 79602 325.676.6403

Contact for City: Don Green, Director for Transportation Services, City of Abilene 2933 Airport Blvd. Ste. 200 Abilene, Texas 79602 325.676.6061

Contact for United Way: Mary Cooksey, 2-1-1 Texas A Call for Help Program Director United Way of Abilene PO Box 82 Abilene, Texas 79604 325.676.7065 Extension 1

ARTICLE VIII. GOVERNING LAW

The laws of the State of Texas shall govern this Agreement and all obligations hereunder of the Parties are performable in Abilene, Texas. Venue for any legal proceeding is Taylor County, Texas.

ARTICLE IX. SEVERABILITY

Should any provision of this Agreement for any reasons be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof.

ARTICLE X. ENTIRETY OF AGREEMENT

This is entire Agreement between the parties and no modification of this Agreement shall be of any force or effect, unless it is in writing signed by both parties.

IN WITNESS HEREOF, the City and the United Way have each caused this Agreement to be signed and delivered by its duly authorized representative.

CITY OF ABILENE

Robert Hanna, City Manager
Date _____

UNITED WAY OF ABILENE

Cathy Ashby, President/CEO
Date _____

City Council Meeting

November 19, 2020



RCTP Management Contract with United Way of Abilene

- TXDOT requires that each transportation region establish Regionally Coordinated Transportation Planning with participation of all rural and urban transit grant recipients in that region. The purpose is to promote efficiencies and partnerships particularly in providing better contiguous transportation from rural areas to the urban area for medical and shopping trips for qualified passengers.
- The responsibility to establish and maintain the RCTP typically falls to the largest transit system; for Region 7, this is CityLink. TXDOT awards CityLink an annual grant that fully funds this management cost.
- CityLink has contracted United Way in previous years to perform this management and coordination role using the TXDOT grant funds and wants to continue this arrangement.



- United Way has agreed to the contract terms and a not-to-exceed fee of \$40,000.00 for FY21. The term of the contract follows TXDOT's fiscal year for grant funding purposes and will be September 1, 2020 to August 31, 2021, with three additional one-year options at the mutual agreement of the City and United Way and only with 100% funding provided by TXDOT.



Questions??





**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Robert Hanna, City Manager

FROM: Don Green, Director

SUBJECT: 6. Resolution: Receive a Report, Hold a Discussion and Public Hearing and Take Action to Approve Individual Purchases from Various Vendors that may exceed an Aggregate Expenditure of \$50,000 for each Vendor in Fiscal Year 2021 (*Don Green*)

GENERAL INFORMATION

Staff requests Council approve a resolution to allow the City to purchase goods and services from the following companies that may exceed \$50,000 in aggregate for each company throughout this Fiscal Year in the normal course of business.

Abilene Equipment Center
Alliance Bus Group
Amsoil
Arrow Ford
ASCO Equipment
B&H Photo Supply
Big Country Supply
Bruckner's Truck Center
BTE Body Company, Inc.
Corley-Wetsel Freightliner
Elwood Staffing
Heil of Texas
Lawrence Hall Chevrolet
Mayfield
Napa Auto Parts
O'Bar Wrecker Service

O'Reilly Auto Parts
Pannell Industries
Roberts Truck Center
Southern Tire Mart
Summit Truck
Unifirst
Warren Cat
Western Trailer & Equipment
Wingfoot Commercial Tire
Yellowhouse Machinery

Individual purchases that exceed \$50,000 will be brought to Council for consideration and approval in accordance with State Law and the City Charter.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

Such purchases are typically within the annual operating budget.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Cumulative Large Purchases Resolution 11-19-20
2. FY 21 Cumulative Purchases Presentation

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ABILENE, TEXAS APPROVING PURCHASES OF
PARTS AND SERVICES WITH VARIOUS VENDORS EXCEEDING \$50,000 IN
FISCAL YEAR 2021**

WHEREAS, the City of Abilene has the need to purchase parts and services to repair city vehicles and equipment; and

WHEREAS, the City of Abilene cannot anticipate many purchases in advance and must make such purchases when needed to return its vehicles and equipment to operation in a timely manner; and

WHEREAS, such purchases cumulatively may exceed \$50,000 with a single company throughout FY 21; and

WHEREAS, such purchases that individually exceed \$50,000 have been and will continue to be brought to Council for prior approval; and

WHEREAS, the City may purchase parts and services from the following companies, each cumulatively exceeding \$50,000 in FY 21:

Abilene Equipment Center
Alliance Bus Group
Amsoil
Arrow Ford
ASCO Equipment
B&H Photo Supply
Big Country Supply
Bruckner's Truck Center
BTE Body Company, Inc.
Corley-Wetsel Freightliner
Elwood Staffing
Heil of Texas
Lawrence Hall Chevrolet
Mayfield
Napa Auto Parts
O'Bar Wrecker Service
O'Reilly Auto Parts
Pannell Industries
Roberts Truck Center
Southern Tire Mart
Summit Truck
Unifirst
Warren Cat
Western Trailer & Equipment
Wingfoot Commercial Tire
Yellowhouse Machinery

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

PART 1: That City Council approves cumulative purchases exceeding \$50,000 with each of the abovenamed companies in FY 21.

PART 2: Individual purchases exceeding \$50,000 will continue to be brought to City Council for approval.

PART 3: That this Resolution shall take effect immediately from and after passage.

ADOPTED this 19th day of November, 2020

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

Vehicles and Equipment Parts and Services Cumulative Purchases Authorization For FY 21



- During the course of each fiscal year City Staff is required to make numerous purchases of materials, services, parts, and equipment from various companies to maintain and repair City vehicles and equipment.
- Many of these purchases are not planned and occur as needed to return the vehicle or equipment to operation.
- This results in cumulative purchases with individual companies exceeding \$50,000 in a Fiscal Year.
- Individual purchases exceeding \$50,000 have been and will continue to be brought to Council for approval consideration.



- Cumulative purchases with the following companies may exceed \$50,000 in FY 21:

Abilene Equipment Center, Alliance Bus Group, Amsoil, Arrow Ford, ASCO Equipment, B&H Photo Supply, Big Country Supply, Bruckner's Truck Center, BTE Body Company, Inc.

Corley-Wetsel Freightliner, Elwood Staffing, Heil of Texas, Lawrence Hall Chevrolet, Mayfield, Napa Auto Parts, O'Bar Wrecker Service, O'Reilly Auto Parts, Pannell Industries, Roberts Truck Center, Southern Tire Mart, Summit Truck, Unifirst, Warren Cat, Western Trailer & Equipment, Wingfoot Commercial Tire, Yellowhouse Machinery



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

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

FROM: **Robert Hanna, City Manager**

SUBJECT: **7. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Modifying and Extending the Declaration of Local Disaster Issued October 22, 2020 (Robert Hanna)**

GENERAL INFORMATION

On October 22, 2020, the City Council adopted a Further Modification and Extension of Declaration of Local Disaster due to the COVID-19 pandemic. That extension lasts through November 19, 2020.

On July 2, 2020, the Governor of the State of Texas issued his Executive Order GA-29, relating to the use of face coverings during the COVID-19 disaster.

On October 7, 2020, the Governor of the State of Texas issued his Executive Order GA-32, relating to the continued response to the COVID-19 disaster as Texas reopens, and which is effective state-wide until modified, amended, rescinded, or superseded by the Governor.

On October 27, 2020, the Governor of the State of Texas extended the State of Disaster for all counties in Texas due to the continuing COVID-19 pandemic.

SPECIAL CONSIDERATIONS

The Governor's Executive Orders GA-29 and GA-32 supersede any conflicting order issued by local officials in response to the COVID-19 disaster. This includes Mayors and City Councils. A local order may not restrict essential services or reopened services allowed by the Governor's orders. A local order may not allow gatherings prohibited by the Governor's orders. A local

order may not expand the list of essential services or the list or scope of reopened services as set forth in the Governor's orders.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 12th Resolution Extending Declaration of Local Disaster COVID-19 redline draft
2. EO-GA-29-use-of-face-coverings-during-COVID-19-IMAGE-07-02-2020
3. GA-32
4. Disaster Declaration PPT

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL, CITY OF ABILENE, TEXAS, FURTHER
MODIFYING ITS EXTENSION OF DECLARATION OF DISASTER ISSUED ON
OCTOBER~~SEPTEMBER~~ 22~~24~~, 2020.**

WHEREAS, on March 16, 2020, the Mayor of the City of Abilene, by proclamation, issued a Declaration of Local Disaster; and

WHEREAS, on March 23, 2020, the City Council issued its Resolution Renewing and Continuing the Mayor's Declaration of Disaster Issued on March 16, 2020, which prohibited the social gathering of more than 10 persons; and

WHEREAS, on March 30, 2020, the City Council issued its Resolution Modifying its Extension of Declaration of Disaster, which created a limited shelter in place through 11:59 p.m., April 14, 2020; and

WHEREAS, on April 13, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which continued the limited shelter in place through 11:59 p.m., April 30, 2020; and

WHEREAS, on April 30, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-18; and

WHEREAS, on May 15, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-21; and

WHEREAS, on June 1, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-23, which was effective until June 25, 2020; and

WHEREAS, on June 25, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-26, which was effective until July 23, 2020; and

WHEREAS, on July 23, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor's Executive Order GA-28, as amended, and Executive Order GA-29, which was effective until August 27, 2020; and

WHEREAS, on August 27, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which continued to adopt the regulations and restrictions issued in the Governor's Executive Order GA-28, as amended, and Executive Order GA-29, which was effective until September 24, 2020; and

WHEREAS, on September 24, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which continued the adopt the regulations and restrictions issued in the Governor’s Executive Order GA-29, and Executive Order GA-30, which was effective until October 22, 2020; and

WHEREAS, on October 22, 2020, the City Council issued its Resolution Further Modifying its Extension of Declaration of Disaster, which adopted the regulations and restrictions issued in the Governor’s Executive Order GA-29, and Executive Order GA-32, which was effective until November 19, 2020; and

WHEREAS, on July 2, 2020, the Governor of the State of Texas issued his Executive Order GA-29, effective until it is modified, amended, rescinded, or superseded by the Governor, and which related to the use of face coverings during the COVID-19 disaster; and

~~**WHEREAS**, on October 7, 2020, the Governor of the State of Texas renewed his disaster proclamation for all counties in Texas due to COVID-19 continuing a state of disaster; and~~

WHEREAS, on October 7, 2020, the Governor of the State of Texas issued his Executive Order GA-32, effective until it is modified, amended, rescinded, or superseded by the Governor, and which relates to the continued response to the COVID-19 disaster as Texas reopens; and

WHEREAS, on November 6, 2020, the Governor of the State of Texas renewed his disaster proclamation for all counties in Texas due to COVID-19 continuing a state of disaster; and

WHEREAS, because of the continuing risk of the rapid spread of the COVID-19 virus, the need to protect the most vulnerable members of the community, the intent to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services and commerce to continue, and the desire to slow the spread of COVID-19 to maximum extent possible, this Order is required; and

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the City of Abilene and Taylor County, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; and

WHEREAS, the City Council has determined that extraordinary and immediate measures must continue to be taken to respond quickly to prevent and slow down community spread of COVID-19 in the City of Abilene; and

WHEREAS, the City Council finds that it is in the public interest to authorize additional authority as described herein pursuant to the Texas Disaster Act of 1975, as amended, Texas Government Code, and provide rules to protect the health of persons in the City of Abilene, pursuant to the Texas Government Code and Texas Health and Safety Code.

NOW THEREFORE, IT IS HEREBY RESOLVED AND DECLARED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

1. The foregoing recitals as incorporated herein and made findings of fact.
2. That the City Council, effective immediately, hereby renews and continues the local state of disaster for the City of Abilene, Texas, pursuant to Section 418.108(b) of the Texas Government Code.
3. Pursuant to Section 418.108(c) of the Government Code, this renewal and continuation of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to Section 418.108(d) of the Government Code, this renewal and continuation of the declaration of a local state of disaster continues activation of the emergency management plan for the City of Abilene. The furnishing of aid and assistance under the declaration is hereby authorized. The appropriate preparedness and response aspects of the plan are continued.
5. The use of all available resources of the City of Abilene that are reasonably necessary to cope with this disaster are hereby authorized.
6. To the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement with would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.
7. Pursuant to Section 418.108(g) of the Government Code, the City of Abilene may control ingress to and egress from a disaster area within the incorporated limits of the City of Abilene and control the movement of persons and the occupancy of premises in that area.
8. Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Abilene may adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease.
9. The intent of this Order is to protect the physical health and well-being of City of Abilene residents, to protect the financial health and well-being of City of Abilene residents and businesses, and to slow the spread of COVID-19 to the maximum extent possible while safeguarding the Constitutional liberties of City of Abilene residents by utilizing the least restrictive means possible and encouraging the highest level of personal responsibility.

All persons should follow the CDC recommended guidelines to protect themselves from exposure and to protect the public from further community spread.

10. The City of Abilene hereby adopts and incorporates herein Governor Greg Abbott's Executive Order GA-29 and Executive Order GA-32, the same as if they were copied and set-forth at length herein. The City of Abilene will follow and enforce the conditions and restrictions as set forth in GA-29 and GA-32, and adopts and incorporates any further Proclamations modifying, amending or superseding GA-29 or GA-32 during the term of Abilene's declaration of local disaster.

The City Manager is authorized without further Council action to enforce these provisions to the fullest extent allowed by law.

11. In the event the Governor of the State of Texas amends or modifies his Executive Order GA-29 or GA-32, this Declaration and Order is automatically amended or modified without further Council action to reflect said amendments or modifications to the Governor's Executive Order. It being the express intent of the City Council and this Declaration and Order to follow the Governor's Executive Order.

12. All public, private and commercial laboratories operating within the City of Abilene and performing COVID-19 testing shall report by 5:00 p.m. each day for the prior 24-hour period to the Abilene-Taylor County Public Health District the following information:

- (a) The number of COVID-19 tests performed;
- (b) The number of positive COVID-19 tests; and
- (c) The patient names and demographic information of positive COVID-19 tests.

This information will be used solely for public health purposes to monitor the testing conducted in the City of Abilene, and mitigate and contain the spread of COVID-19.

13. That any City ordinance or regulation imposing a time requirement for payment, filing or appealing a decision, may be extended by the Mayor without further confirmation by the City Council.
14. That the Mayor may suspend or modify any other ordinance or regulation of the City of Abilene for a period of not more than seven days from the date of this resolution unless continued or renewed by the City Council.
15. That the City Manager or designee of the City Manager is authorized, without further approval of the City Council, to:

- (a) Make application for local, state and federal assistance as necessary and/or applicable;
- (b) Accept on behalf of the City services, gifts, grants, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources;
- (c) Enter into Interlocal cooperation agreements or memorandums of understanding with other cities, counties, or jurisdictions to provide for law enforcement assistance or other shared services to assist in this Resolution or the COVID-19 pandemic;
- (d) Contract for expenditures for budgeted items and emergency expenditures in an amount not to exceed \$250,000; and
- (e) Defer any fines or fees imposed by the City.

After cessation of this emergency and state of disaster, the City Manager shall provide the City Council a list of all actions taken under this paragraph.

16. That although not required by law and out of an abundance of caution, the City Manager is authorized to (and any prior acts in response to the COVID-19 pandemic are ratified):

- (a) Close, including closure to the public, of any City offices, facilities, or properties, including parks, playgrounds, or playground equipment; and
- (b) Provide city services by means other than in-person delivery, such as accepting permit applications online or by mail only, and/or to cease any city service that are not required by state or federal law.

17. That any ordinances, rules, or regulations of the City of Abilene, Texas, that conflict with this Resolution are hereby suspended, such suspension to remain in effect until the state of disaster is terminated or until there is a subsequent Resolution of this Council, whichever occurs first.

18. That pursuant to Section 418.020(d) of the Texas Government Code, the City of Abilene is authorized to:

- (a) Temporarily or permanently acquire by lease, purchase, or other means sites required for installation of temporary housing units or emergency shelters for disaster victims; and
- (b) Enter into arrangements necessary to prepare or equip the site to use the housing units or shelters, including arrangements for the purchase of temporary housing units or shelters and the payment of transportation charges.

19. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
20. Pursuant to Section 418.173, Government Code, failure to comply with this Order is an offense punishable by a fine not to exceed \$1,000. Pursuant to the Governor's Executive Order GA-29, failure to wear a face covering as required in GA-29 is punishable by a fine not to exceed \$250 for a second violation and each subsequent violation.
21. That any violation of this Resolution, Declaration and Order can be enjoined by the City of Abilene by a suit filed in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Resolution, Declaration and Order or in the Code of Ordinances, City of Abilene, Texas.
22. That nothing in this Resolution, Declaration and Order shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this Resolution.
23. All provisions of this Resolution, Declaration and Order should be interpreted to effectuate its intent.
24. That this Declaration and Order is effective immediately and continues until 11:59 p.m. ~~December~~November ~~17~~19, 2020 unless otherwise modified, terminated or extended.
25. That the terms and provisions of this Resolution, Declaration and Order shall be deemed to be severable and that if any section, subsection, sentence, clause, phrase or word herein shall be declared to be invalid or unconstitutional, the same shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word herein, and the remainder of this Resolution, Declaration and Order shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

ADOPTED this ~~19th~~22nd day of ~~November~~October, 2020.

ATTEST:

Anthony Williams, Mayor

Shawna Atkinson, City Secretary

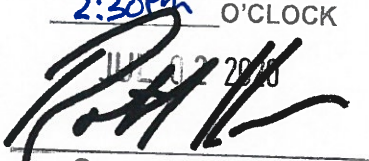
APPROVED:

Stanley Smith, City Attorney



GOVERNOR GREG ABBOTT

July 2, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30 PM O'CLOCK
JUL 02 2020

Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

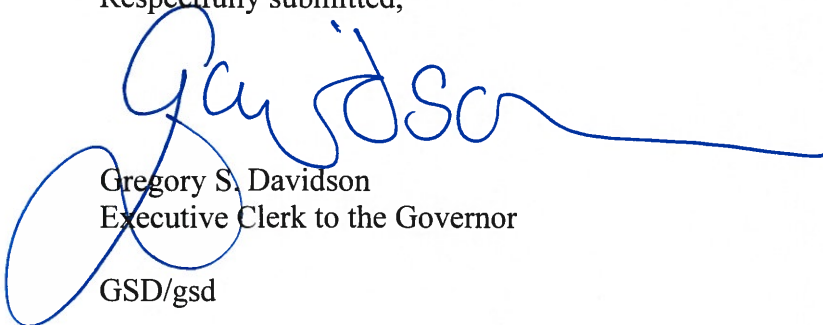
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-29 relating to the use of face coverings during the
COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
July 2, 2020

EXECUTIVE ORDER GA 29

Relating to the use of face coverings during the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texans safe is for all people to consistently follow good hygiene and social-distancing practices; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, further measures are needed to achieve the least restrictive means for reducing the growing spread of COVID-19, and to avoid a need for more extreme measures; and

WHEREAS, I have joined the medical experts in consistently encouraging people to use face coverings, and health authorities have repeatedly emphasized that wearing face coverings is one of the most important and effective tools for reducing the spread of COVID-19; and

WHEREAS, given the current status of COVID-19 in Texas, requiring the use of face coverings is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming fellow Texans, especially given that many people who go into public may have COVID-19 without knowing it because they have no symptoms; and

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2:30pm O'CLOCK

JUL 02 2020

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by fine;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective at 12:01 p.m. on July 3, 2020:

Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:

1. any person younger than 10 years of age;
2. any person with a medical condition or disability that prevents wearing a face covering;
3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal-care service involving the face, but only to the extent necessary for the temporary removal;
7. any person while the person is in a swimming pool, lake, or similar body of water;
8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. any person while the person is giving a speech for a broadcast or to an audience; or
11. any person in a county (a) that meets the requisite criteria promulgated by

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the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards.

Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

TDEM shall maintain on its website a list of counties that are not subject to this face-covering requirement pursuant to paragraph number 11. The list can be found at: www.tdem.texas.gov/ga29.

Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

Local law enforcement and other local officials, as appropriate, can and should enforce this executive order, Executive Order GA-28, and other effective executive orders, as well as local restrictions that are consistent with this executive order and other effective executive orders. But no law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this executive order or for related non-violent, non-felony offenses that are predicated on a violation of this executive order; provided, however, that any official with authority to enforce this executive order may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner.

This executive order hereby prohibits confinement in jail as a penalty for the violation of any face-covering order by any jurisdiction.

Executive Order GA-28 is hereby amended to delete from paragraph number 15 the phrase: “, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.”

The governor may by proclamation amend this executive order or add to the list of people to whom this face-covering requirement does not apply.

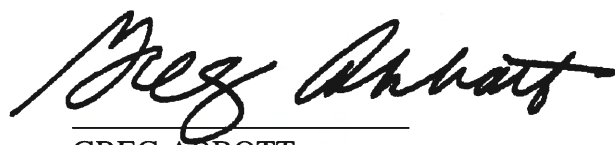
This executive order does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, GA-27, or GA-28 as amended. This executive order shall remain in effect and in full force until modified, amended, rescinded, or superseded by the governor.

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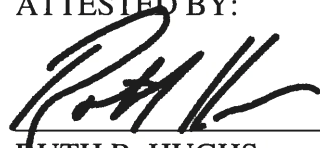


Given under my hand this the 2nd
day of July, 2020.



GREG ABBOTT
Governor

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
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GOVERNOR GREG ABBOTT

October 7, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3pm O'CLOCK

OCT 7 2020

Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-32 relating to the continued response to the COVID-19
disaster as Texas reopens.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
October 7, 2020

EXECUTIVE ORDER GA 32

Relating to the continued response to the COVID-19 disaster as Texas reopens.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain social-distancing restrictions for Texans in accordance with guidelines promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC); and

WHEREAS, I issued Executive Order GA-14 on March 31, 2020, expanding the social-distancing restrictions for Texans based on guidance from health experts and the President; and

WHEREAS, I subsequently issued Executive Orders GA-16, GA-18, GA-21, GA-23, and GA-26 from April through early June 2020, aiming to achieve the least restrictive means of combatting the threat to public health by continuing certain social-distancing restrictions, while implementing a safe, strategic plan to reopen Texas; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texas residents safe is for all Texans to consistently follow good hygiene and social-distancing practices, especially those set forth in the minimum standard health protocols from the Texas Department of State Health Services (DSHS); and

WHEREAS, in June 2020, Texas experienced substantial increases in COVID-19 cases and hospitalizations, necessitating targeted and temporary adjustments to the reopening plan to achieve the least restrictive means for reducing the growing spread of COVID-19 and the resulting imminent threat to public health, and to avoid a need for more extreme measures; and

WHEREAS, I therefore issued Executive Orders GA-28 and GA-29 in late June and early

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OCT 07 2020

July 2020, respectively, and amended Executive Order GA-28 by proclamation on July 2, 2020; and

WHEREAS, due to improved medical treatments for COVID-19 patients, substantial increases in testing, abundant supplies of personal protective equipment, and Texans' adherence to safe practices like social distancing, hand sanitizing, and use of face coverings, the spread of COVID-19 and the number of new COVID-19 cases and hospitalizations have steadily and significantly declined since late July; and

WHEREAS, I therefore issued Executive Orders GA-30 and GA-31 on September 17, 2020, allowing additional reopening and non-essential medical surgeries and procedures in Texas, except in some areas with high hospitalizations as defined in those orders; and

WHEREAS, as Texas continues to reopen, everyone must act safely, and to that end, this executive order and prior executive orders provide that all persons should follow the health protocols from DSHS, which whenever achieved will mean compliance with the minimum standards for safely reopening, but which should not be used to fault those who act in good faith but can only substantially comply with the standards in light of scarce resources and other extenuating COVID-19 circumstances; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility "for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders ... hav[ing] the force and effect of law;" and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed \$1,000, and may be subject to regulatory enforcement;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, and in accordance with guidance from the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, other medical advisors, the White House, and the CDC, do hereby order the following on a statewide basis effective at 12:01 a.m. on October 14, 2020:

Every business establishment in Texas shall operate at no more than 75 percent of the total listed occupancy of the establishment; provided, however, that:

1. There is no occupancy limit for the following:

- a. any services listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 4.0 or any subsequent version;
- b. religious services, including those conducted in churches, congregations, and houses of worship;
- c. local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;

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- d. child-care services;
 - e. youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps and other daytime and overnight camps for youths;
 - f. recreational sports programs for youths and adults;
 - g. any public or private schools, and any public or private institutions of higher education, not already covered above;
 - h. drive-in concerts, movies, or similar events, under guidelines that facilitate appropriate social distancing, that generally require spectators to remain in their vehicles, and that minimize in-person contact between people who are not in the same household or vehicle; and
 - i. the following establishments that operate with at least six feet of social distancing between work stations: cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade; massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services.
2. In areas with high hospitalizations as defined below, any business establishment that otherwise would have a 75 percent occupancy or operating limit may operate at up to only 50 percent. This paragraph does not apply, however, to business establishments located in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19.
- “Areas with high hospitalizations” means any Trauma Service Area that has had seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity exceeds 15 percent, until such time as the Trauma Service Area has seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity is 15 percent or less. A current list of areas with high hospitalizations will be maintained at www.dshs.texas.gov/ga3031.
3. Except as provided below by paragraph No. 5, there is no occupancy limit for outdoor areas, events, and establishments, with the exception of the following outdoor areas, events, or establishments that may operate at no more than 75 or 50 percent, as applicable, of the normal operating limits as determined by the owner:
- a. amusement parks;
 - b. water parks;
 - c. swimming pools;
 - d. museums and libraries; and
 - e. zoos, aquariums, natural caverns, and similar facilities.
4. All indoor and outdoor professional, collegiate, and similar sporting events, including rodeos and equestrian events, shall remain limited to 50 percent of the normal operating limits as determined by the owner.
5. For any outdoor gathering in excess of 10 people, including rafting, tubing, and related services, other than those set forth above in paragraph Nos. 1, 3, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order.

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6. Restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, and whose customers eat or drink only while seated, may offer dine-in services.
7. Bars or similar establishments that hold a permit from the Texas Alcoholic Beverage Commission (TABC), and are not restaurants as defined above in paragraph No. 6, may offer on-premises services only as described by this paragraph. A bar or similar establishment may offer on-premises services at up to 50 percent of the total listed occupancy of the establishment *if*:
 - a. the bar or similar establishment is not in an area with high hospitalizations as defined above, and the county judge of the county in which the bar or similar establishment is located files the requisite form with TABC; or
 - b. the bar or similar establishment is in an area with high hospitalizations as defined above, but is located in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19, and the county judge of the county in which the bar or similar establishment is located also files the requisite form with TABC.

Patrons at bars or similar establishments operating under this paragraph may eat or drink only while seated, except that in an establishment that holds a permit from TABC as a brewer, distiller/rectifier, or winery, customers may sample beverages while standing so long as they are in a group of six people or fewer and there is at least six feet of social distancing or engineering controls, such as partitions, between groups.

Where applicable, this 50 percent occupancy limit applies only indoors; the limit does not apply to outdoor areas, events, or establishments, although social distancing and other protocols must be followed.

People shall not visit bars or similar establishments that are located in counties not included in parts (a) or (b) above. A current list of all counties reopening under this paragraph will be maintained on TABC's website.

The use by bars or similar establishments of drive-thru, pickup, or delivery options for food and drinks remains allowed to the extent authorized by TABC.

8. For purposes of this executive order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed.
9. Staff members are not included in determining operating levels, except for manufacturing services and office workers.
10. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.
11. People over the age of 65 are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.
12. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS.
13. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining

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services.

14. People may visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.
15. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education are encouraged to establish similar standards.

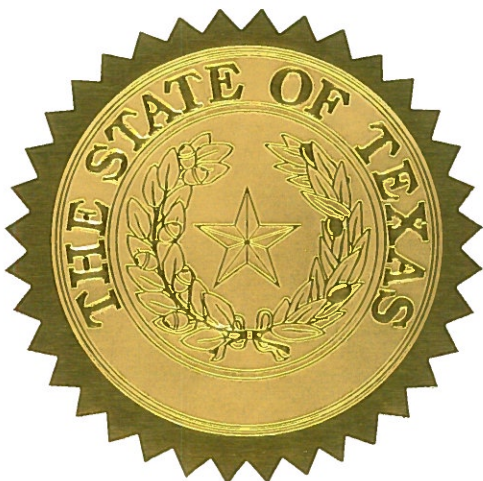
Notwithstanding anything herein to the contrary, the governor may by proclamation add to the list of establishments or venues that people shall not visit.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list or scope of services as set forth in this executive order.

Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

All existing state executive orders relating to COVID-19 are amended to eliminate confinement in jail as an available penalty for violating the executive orders. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes Executive Order GA-30, but does not supersede Executive Orders GA-10, GA-13, GA-17, GA-24, GA-25, GA-29, or GA-31. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 7th
day of October, 2020.

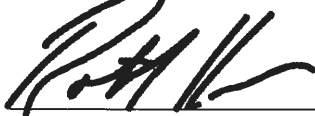
A handwritten signature in black ink that reads "Greg Abbott". The signature is written in a cursive, flowing style.

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3pm O'CLOCK

OCT 07 2020

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

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3pm O'CLOCK
OCT 07 2020

Resolution:
**Modifying & Extending the
Local Disaster Declaration**



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Robert Hanna, City Manager

FROM: Cande Flores, Fire Chief

SUBJECT: **8. Ordinance (First Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Fiscal Year 2021 Annual Operating Budget for the City of Abilene by Appropriating Funds from the Bureau Justice Assistance Grant to Add One (1) Civilian Position to the Abilene Fire Department Budget Ordinance (Cande Flores)**

GENERAL INFORMATION

The FY 2021 budget ordinance, in regards to Fire Department staffing, currently designates (8) non-civil service staff personnel.

In September of 2019, the Behavioral Action Team (BAT) was notified that we had been awarded a federal grant from the Bureau of Justice Assistance, under the Department of Justice. The grant has been named the Justice Reinvestment Initiative (JRI). This is a 3-year grant that will be used to fund a second Community Response Team (CRT) for response within the Abilene city limits.

The second CRT will be staffed by a non-civil service paramedic from the Abilene Fire Department. This member will be supervised by AFD staff and will follow AFD policies and protocols.

SPECIAL CONSIDERATIONS

There is an active CRT (CRT-1) in place that has successfully been operating since June, 2019. The second team will be named CRT-2 and will be scheduled to cover certain portions of the week that are not covered by CRT-1.

FUNDING/FISCAL IMPACT

The JRI is a non-matching grant that will fully fund the salary and benefits of the CRT-2 paramedic for a 3-year period.

STAFF RECOMMENDATION

Staff recommends amending the budget ordinance to increase non-civil service staff from (8) to (9) personnel.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. ORDINANCE-Amending FY2021 Annual Operating Budget-Transfer funds-Add AFD civil position
2. CRT2 Budget Ordinance Amendment Presentation

AN ORDINANCE AMENDING THE FISCAL YEAR 2021 ANNUAL OPERATING BUDGET FOR THE CITY OF ABILENE; BY APPROPRIATING FUNDS FROM THE BUREAU JUSTICE ASSISTANCE GRANT IN ORDER TO ADD ONE NON-CIVIL SERVICE POSITION TO THE ABILENE FIRE DEPARTMENT AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, on August 13, 2020 the City Council of the City of Abilene (City) approved on final reading the Fiscal Year 2021 Annual Operating Budget (FY21 Budget); and,

WHEREAS, the FY21 Budget included sufficient funding for eight approved non-civil service positions within the Abilene Fire Department; and,

WHEREAS, additional staffing is needed in order to meet the requirements of a second Community Response Team; and,

WHEREAS, the award of the Bureau Justice Assistance Grant to the Betty Hardwick Center provides full funding for additional Community Response Team staff; and,

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

PART 1: That the Fiscal Year 2021 Annual Operating Budget be amended by increasing from eight (8) to nine (9) the approved number of non-civil service positions in the Abilene Fire Department.

PART 2: That the Fiscal Year 2021 Annual Operating Budget be amended by transferring up to \$69,092.40 from the Betty Hardwick Center to the Fiscal Year 2021 Annual Operating Budget, Abilene Fire Department Fund, Support Services Division.

PART 3: That any ordinance, resolution, policy or any provision or section of the code of the City of Abilene, Texas, as amended, in conflict herewith, be, and the same is hereby repealed to the extent of any conflict.

PASSED ON FIRST READING this 19th day of November, 2020.

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 29th day of November, 2020, 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 3rd day of December, 2020, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 3rd day of December, 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

BUDGET ORDINANCE AMENDMENT

ABILENE FIRE DEPARTMENT

November, 2020



CRT HISTORY

- 2018
 - Behavioral Action Team (BAT) created to find solutions for increasing local behavioral and mental health problems
 - Review of the local system recommended a Community Response Team to serve behavioral and mental health clientele
- 2019
 - CRT-1 was initiated as a three-person team
 - APD Police Officer
 - AFD Paramedic
 - Betty Hardwick Center (BHC) Mental Health Specialist
 - June 13, 2019 – CRT-1 placed into service
 - Immediately produced positive results in the targeted areas



JUSTICE REINVESTMENT INITIATIVE (JRI)

- February 2019
 - Council approved AFD and APD to pursue the Justice Assistance Grant (JAG)
 - Grant submission was specifically related to the CRT
 - Betty Hardwick Center was listed as the Grant Administrator
- September 2019
 - Betty Hardwick Center was notified that we had been awarded the Grant
 - The Grant named had changed to the Justice Reinvestment Initiative
 - Award was just over \$1 million
 - Award period is 36 months



CRT-2

- JRI will be utilized to fund CRT-2 for the next 36 months
- CRT-2 will have the same team composition as CRT-1
- AFD will hire a civilian paramedic to serve on CRT-2
 - Paramedic will be a non-civil service AFD employee
 - Will follow all AFD protocols and policies
 - AFD's Budget Ordinance for Authorized Personnel will have to increase by (1) during the Grant Period
 - Non-civil service staff will increase from (8) to (9) personnel
 - CRT-2 will be evaluated during the Grant Period and at the conclusion
 - Available funding will determine if CRT-2 continues after the Grant Period



FISCAL IMPACT

- Justice Reinvestment Initiative (JRI) is a non-matching grant
- Zero impact to the City's Annual Budget during the Grant Period
- Grant Period is for 36 months
- Fully covers AFD paramedic salary and benefits



Questions?





**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: 9. Ordinance (First Reading) Z-2020-15: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Carriage Hills Development Corporation, agent Jacob & Martin LLC, to rezone property from Agricultural Open Space (AO) to a Residential Single-Family (RS-6) District on 52.88 acres of now-vacant land in the 7700-7800 blocks (east side) of Maple Street in far south Abilene *(Mike Warrix)*

GENERAL INFORMATION

The applicant is requesting to rezone vacant property from Agricultural Open Space (AO) to Residential Single Family (RS-6).

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 7-0.

ATTACHMENTS:

1. Z-2020-15 council ordinance
2. Z-2020-15 Council Staff Report full
3. Z-2020-15 Council presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

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

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

PASSED ON FIRST READING the 19th day of November, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of October, 2020, 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 3rd day of December, 2020, 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 3rd day of December, 2020.

ATTEST:

CITY SECRETARY

MAYOR

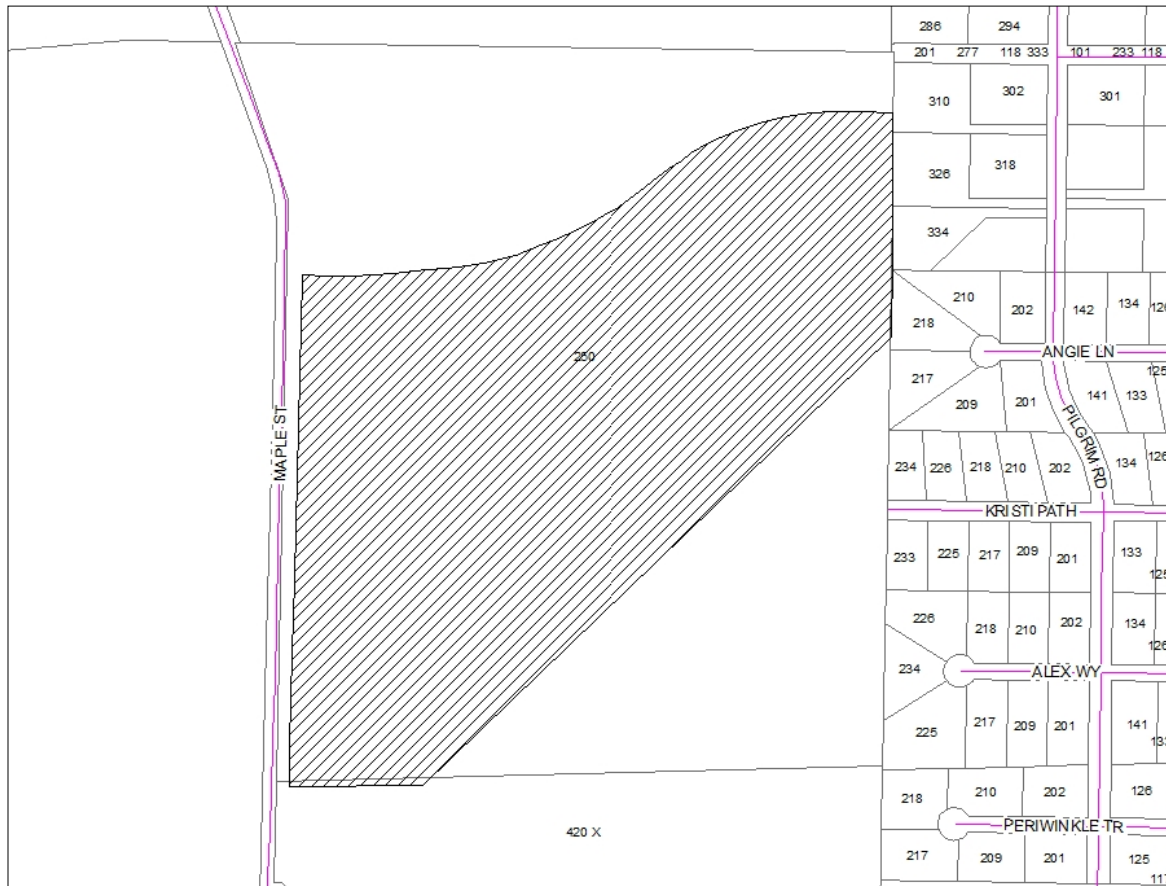
APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described tract, from an Agricultural Open Space (AO) District to a Residential Single Family (RS-6) District 6:

Legal Description being approximately 52.88 acres out of the Southwest quarter of Section 14, Lunatic Asylum Lands, City of Abilene, Taylor County, Texas.



Location: Northeast corner of Maple & FM 707

-END-

ZONING CASE Z-2020-15

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Carriage Hills Development Corporation

Agent: Jacob & Martin

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- Northeast corner of Maple & FM 707
- Legal description (s): 52.88 acres out of the Southwest quarter of Section 14, Lunatic Asylum Lands, City of Abilene, Taylor County, Texas.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone vacant property from Agricultural Open Space (AO) to Residential Single Family (RS-6).

APPLICATION REVIEW:

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

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

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area for single family use. The Residential Single-Family (RS-6) District-6 is intended to permit the residential development of detached single-family dwelling units, permitted accessory structures, and appropriate desirable open space on lots of not less than 6,000 square feet in area. This proposed zone change promotes the Comprehensive Plan's goal of protecting the residential character of the included areas by excluding most commercial and other incompatible activities as appropriate while encouraging a suitable environment for single family residences.

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

Currently the property is zoned AO and is undeveloped. Agricultural Open Space zoning is considered a 'holding' zone until the land is ready to be developed. Adjacent properties to the West have been developed with single-family RS-6 homes. The proposed change of zoning to RS-6 would allow for single-family houses to be built in the next section of Carriage Hills Subdivision which is primarily RS-6. The zone change to RS-6 would be appropriate in the immediate area.

	Zoning	Existing Land Use
North	RS-6	Residential Single Family
South	AO	Agricultural Open Space
East	Outside City Limits	Residential Single Family
West	AO	Agricultural Open Space

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

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

STAFF COMMENTS:

According to the Future Land Use and Development Plan Map of the Comprehensive Plan, this location is designated to provide an option for more dense single-family lots than the other single-family zoning districts in order to serve a range of individual requirements represented by the citizenry of Abilene.

STAFF RECOMMENDATION:

Staff recommends approval of the request. The rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval). It is consistent with the General Land Use and zoning character of the immediate area (Section 2.3.2.5 Residential Single-Family), and with the Comprehensive Plan and Future Land Use and Development Plan Maps.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval of the requested rezoning by a vote of seven (7) to zero (0) on November 3, 2020.

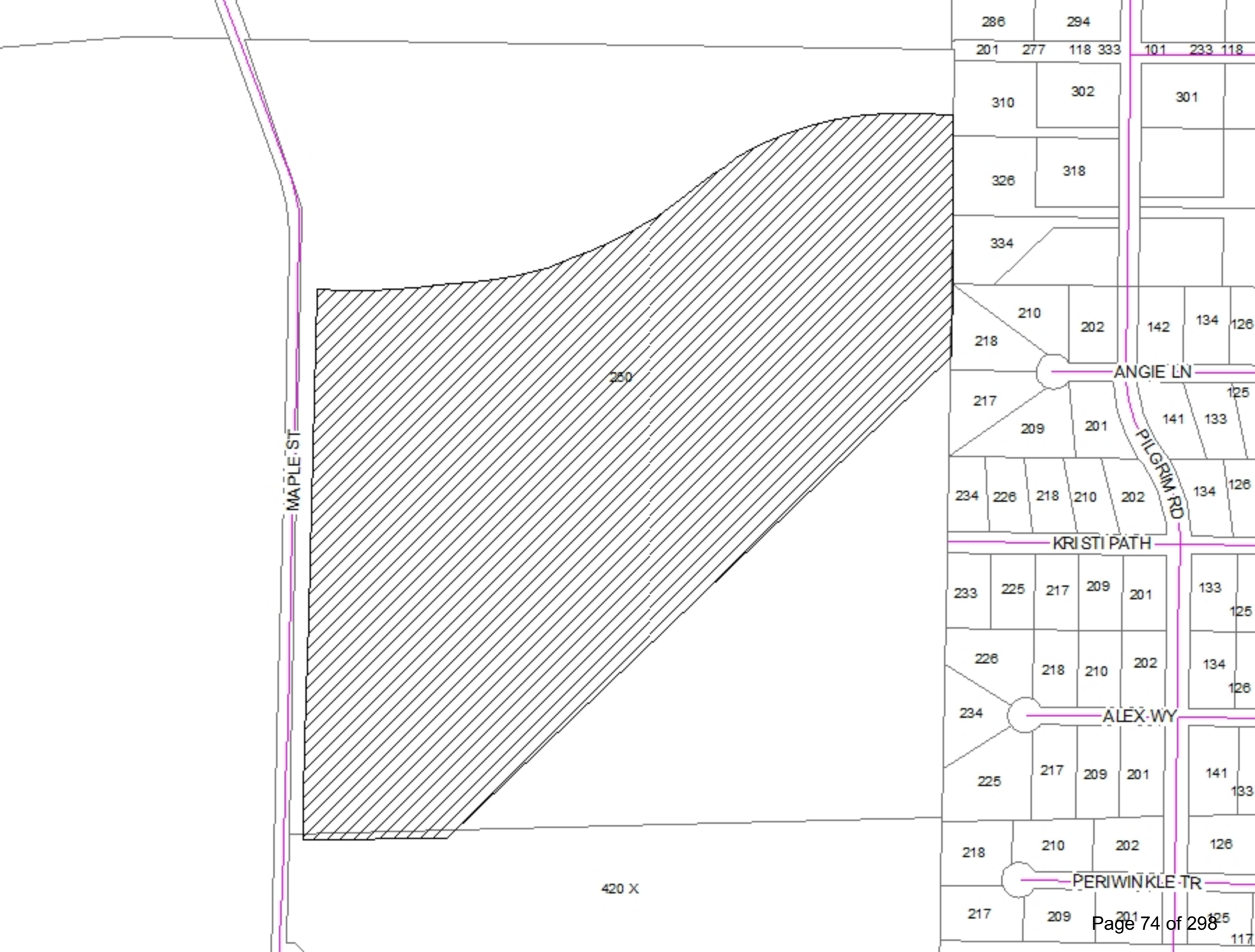
NOTIFICATION:

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

Owner	Situs	Response
BRIGGS DEREK & CRYSTAL	326 PILGRIM RD	
CANARIO DANIEL G	334 PILGRIM RD	Opposed
CARRIAGE HILLS DEV CORP		
CITY OF ABILENE		
EZEKE CHUKWUEMEKA CHARLES &	218 ANGIE LN	
JOHNSON HEATH & CHERA MCCALL	210 ANGIE LN	
LEIJA PETE ANTHONY & MONICA	217 ANGIE LN	
SHOPS AT CARRIAGE HILLS LLC	420 X E BELTWAY S	In favor
SHOPS AT CARRIAGE HILLS LLC	250 E BELTWAY S	In favor
THYNE CHARLES J II & ANNA F		
WILLIAMSON ASHLEY KAYE	310 PILGRIM RD	

ATTACHMENTS:

- Application
- Site Plan Exhibit
- PowerPoint





Development Application

Planning

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

Project Name: Carriage Hills
 Address: NE Corner of Maple & FM707 No. of lots: _____ Acreage: 75.023
 Legal Description: A0777 SUR 14 L A L SW/4, ACRES 92.013
 Subdivision Name: Carriage Hills Block: _____ Lot: _____
 Current Zoning: AO Proposed Zoning (if applicable): RS-6 & PD (Base Zoning) MD

OWNER AND AUTHORIZATION

Owner Name: Carriage Hills Development Corporation
 Address: 13209 Villa Montana Way
 City, State, Zip: Austin, TX 78732-1635 Fax: _____
 Phone: 325-665-4348 Email: _____

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

Agent Name: Jacob & Martin
 Address: 3465 Curry Lane
 City, State, Zip: Abilene, TX 79606 Fax: 325-691-5134
 Phone: 325-695-1070 Email: cfarrow@jacobmartin.com

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

Signature Owner: [Signature] Date: _____

FOR OFFICE USE ONLY

Received: 9/16/20 Fee: \$ \$2000 Receipt No.: 0001055778
 Case No.: Z-2020-15 Reviewed By: [Signature]
 AND

Z-2020-16 (PDD 167)

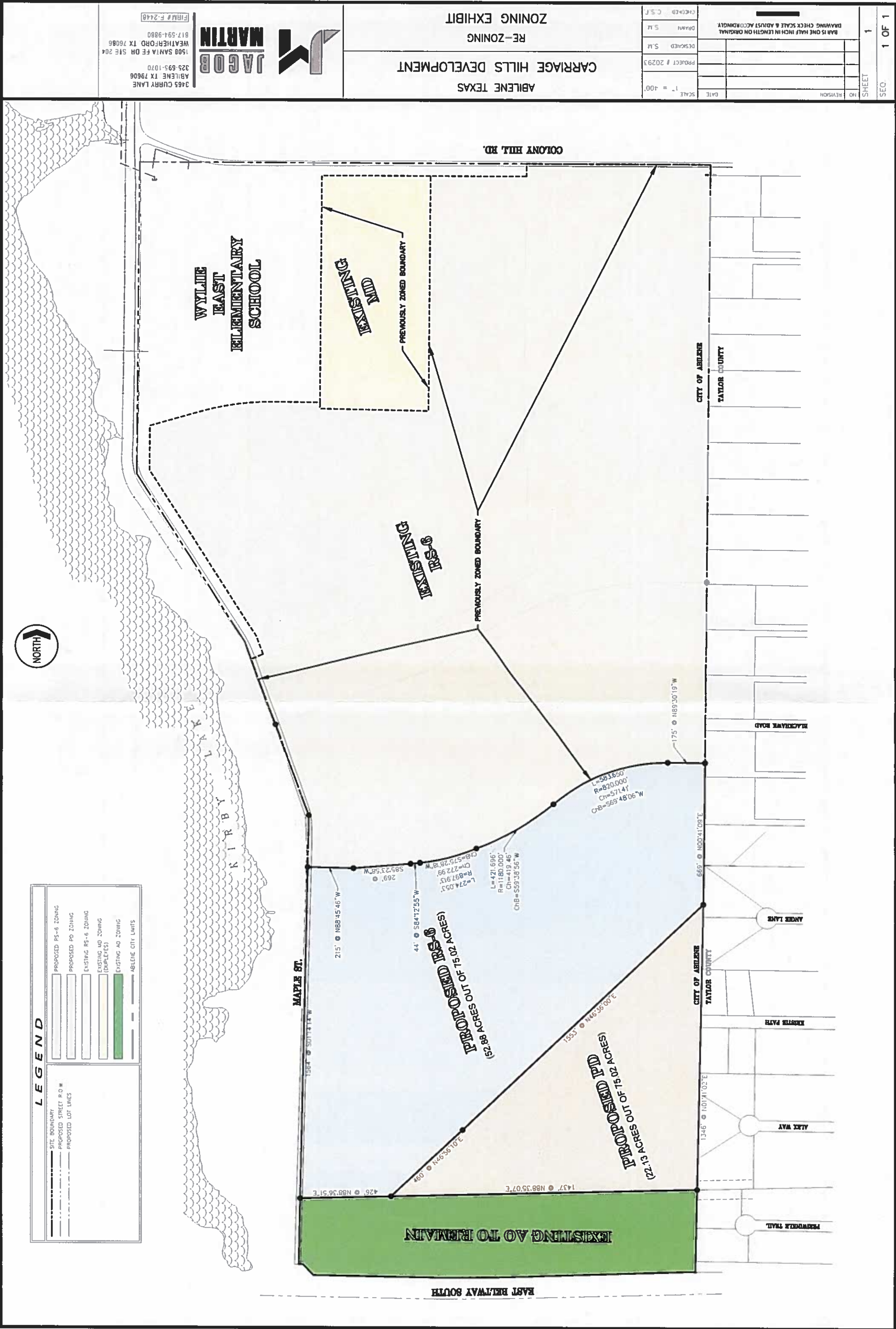


1. Please (if necessary) provide background information for the zoning request and explain why you feel it is appropriate.

This zoning request is to support the next phase of residential development of the Carriage Hills subdivision. We believe single family residential and planned development district are appropriate land use for this property given the recent development in the area as well as the future land use plan and request staff's support in this regard. RS-6 and PD zoning (with the intent to construct duplex housing) is requested for a portion of this property, and would be replacing AO, typically a holding zoning until a property is developed.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

X:\CTM_Workshop\2023\Carriage Hills, Section 4\Engineering\Draw\2020 09 15, Carriage Hills SEC 4 zoning exhibit.dwg



CASE #: Z-2020-15

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: SHOPS AT CARRIAGE HILLS LLC
Address: 250 E BELTWAY S

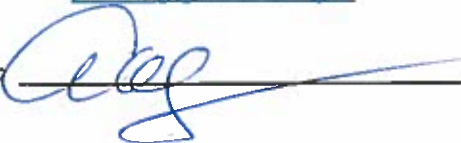
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒

I am opposed ☐

Additional Comments:

Signature: 

NOV 2 AM11:12

CASE #: Z-2020-15

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below.
You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

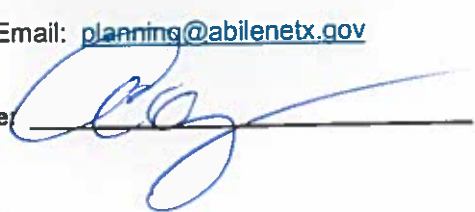
Name: SHOPS AT CARRIAGE HILLS LLC
Address: 420 X E BELTWAY S

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: 

NOV 2 AM 11:12



Watts, Nick <nick.watts@abilenetx.gov>

[Planning] Zone change

1 message

Charity Canario <dccanario@gmail.com>

Wed, Nov 11, 2020 at 5:20 PM

To: planning@abilenetx.gov

To Whom it may concern,

I am opposed to zone change Z-2020-16.

I am opposed to zone change Z-2020-15.

Sincerely,

Daniel G. Canario
334 Pilgrim Road
Abilene, TX 79602

--

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

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

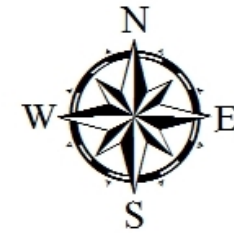
To view this discussion on the web visit [https://groups.google.com/a/abilenetx.gov/d/msgid/](https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAHj7b0EfzOdP044r%2BJenPFihkreQvaU7WrbBcrc2F7zdvTs-nw%40mail.gmail.com)

[planning/CAHj7b0EfzOdP044r%2BJenPFihkreQvaU7WrbBcrc2F7zdvTs-nw%40mail.gmail.com](https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAHj7b0EfzOdP044r%2BJenPFihkreQvaU7WrbBcrc2F7zdvTs-nw%40mail.gmail.com).

Case:	Z-2020-15
Owner:	Carriage Hills Development Corporation.
Agent:	Jacob & Martin
Request:	Rezone from AO to RS-6
Legal Description:	52.88 acres out of the Southwest quarter of Section 14, Lunatic Asylum Lands, Taylor County, Texas
Notification:	2 in Favor, 1 Opposed
Planning & Zoning Recommendation:	Approval

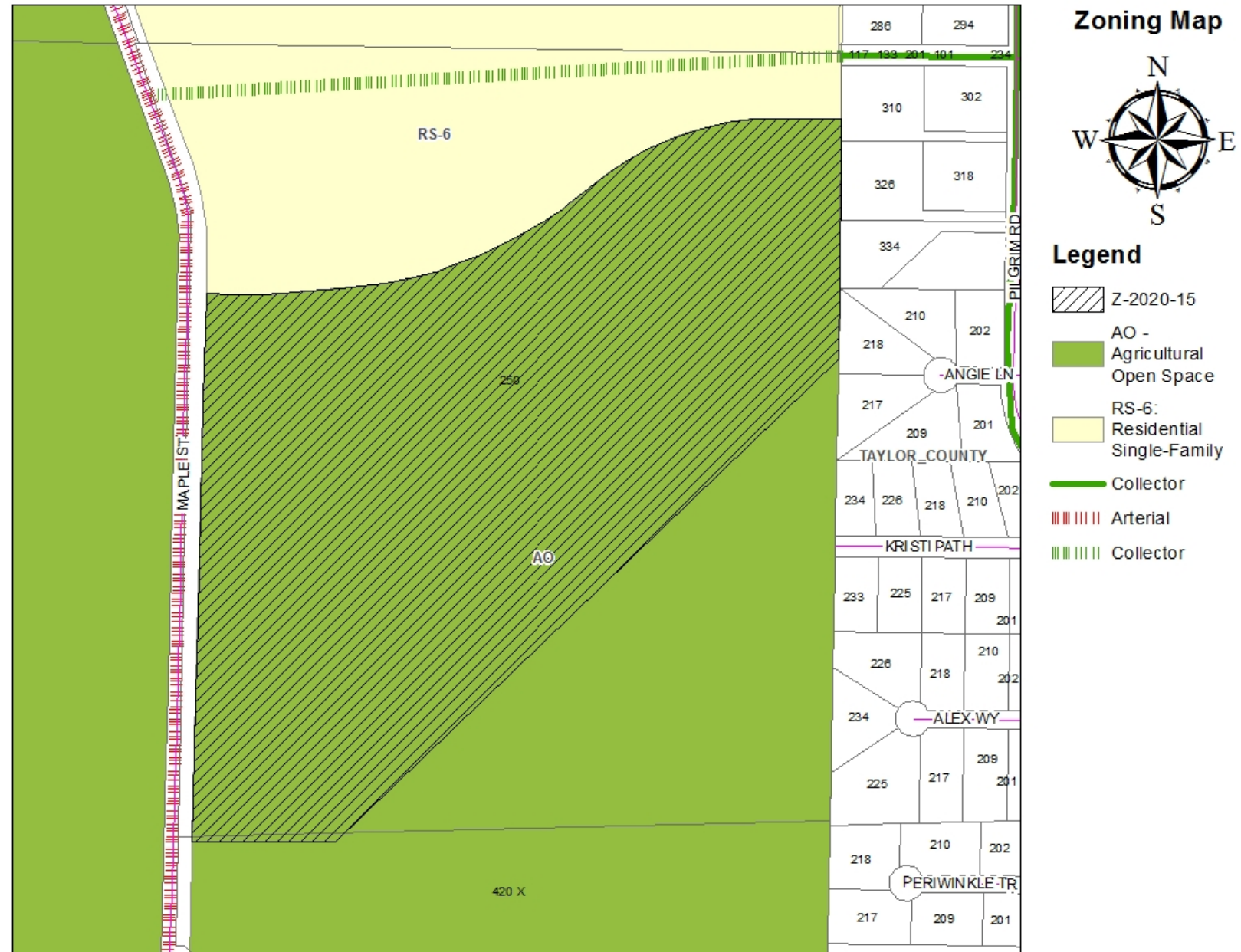


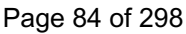
Location Map



Legend

 Z-2020-15





RESIDENTIAL SINGLE FAMILY (RS-6) PERMITTED USES

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- P Fire/Police Station
- C Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Church or Place of Worship
- P School: Public/Private

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P
C
TP

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

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 Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- 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)

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

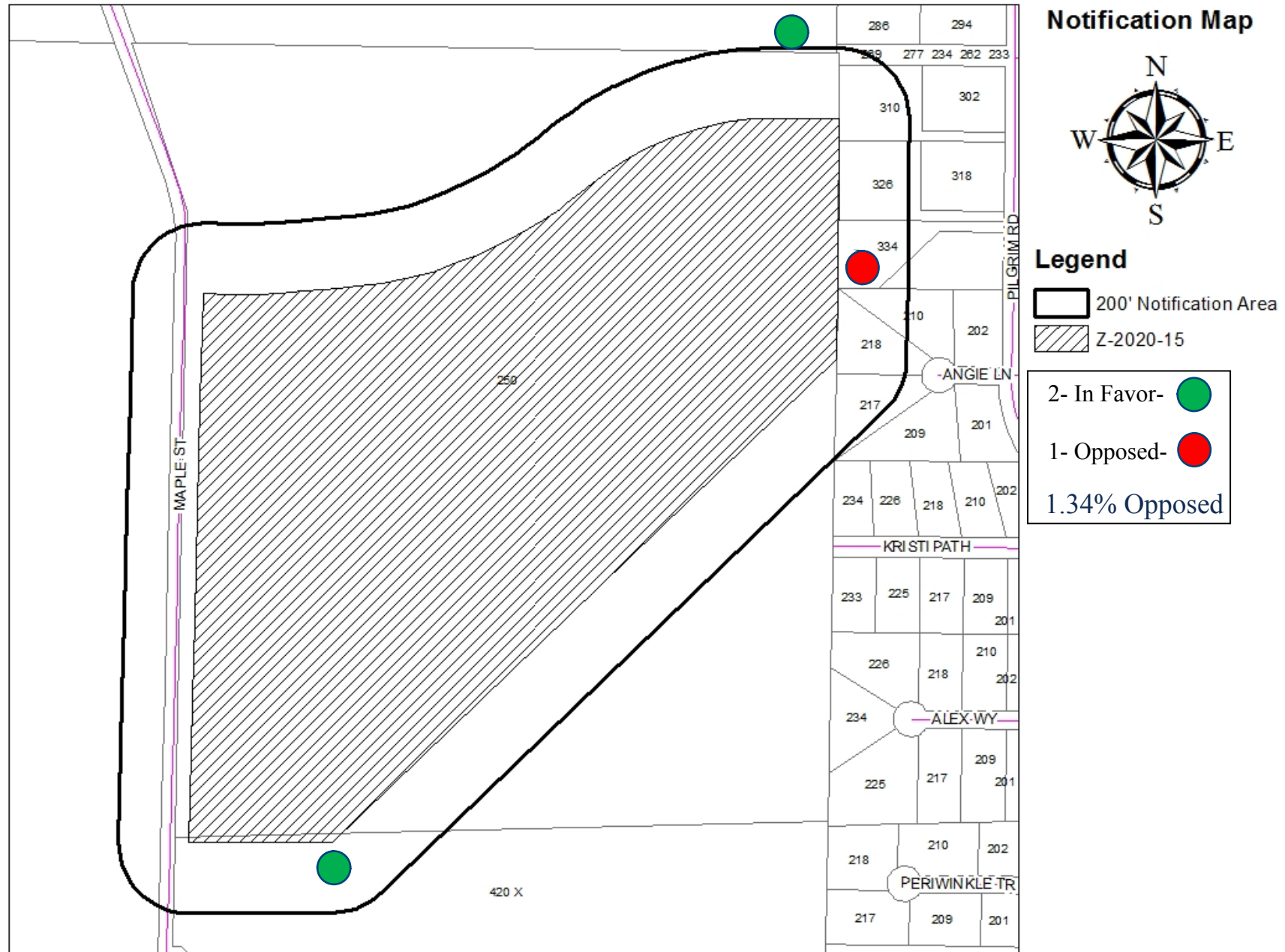
LEGEND

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

Z-2020-15 VIEWS OF SUBJECT PROPERTY



Z-2020-15 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **10. Ordinance (First Reading) Z-2020-16:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Carriage Hills Development Corporation, agent Jacob & Martin LLC, to rezone property from Agricultural Open Space (AO) to a Planned Development (PD) District allowing residential townhome development having clusters of as few as two dwelling units, on 22.13 acres of now-vacant land located east from the 7700-7800 blocks of Maple Street and west from Kristie Path and Alex Way in the Sawgrass Addition *(Mike Warrix)*

GENERAL INFORMATION

The applicant is requesting to rezone from Agricultural Open space (AO) to a Planned Development (PD167) District with a base zoning of Medium Density (MD).

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request with a "Type B" buffer by a vote of 7-0.

ATTACHMENTS:

1. PD 167 Council Ordinance
2. Z-2020-16 Staff Report full
3. Z-2020-16 Council Presentation

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CONCERNING PDD 167, A PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

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

PASSED ON FIRST READING the 19th day of November, 2020.

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 17rd day of October, 2020, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 3rd day of December, 2020, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 3rd day of December, 2020.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

Exhibit "A"

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

PART 2: Development Specifications. All development in the Planned Development shall be in accordance with any maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

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

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

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

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

22.13 acres out of the Southwest quarter of Section 14, Lunatic Asylum Lands, City of Abilene, Taylor County, Texas.



Location:
Northeast corner of Maple Street and FM 707

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow the development of duplexes with half of each duplex on one lot.

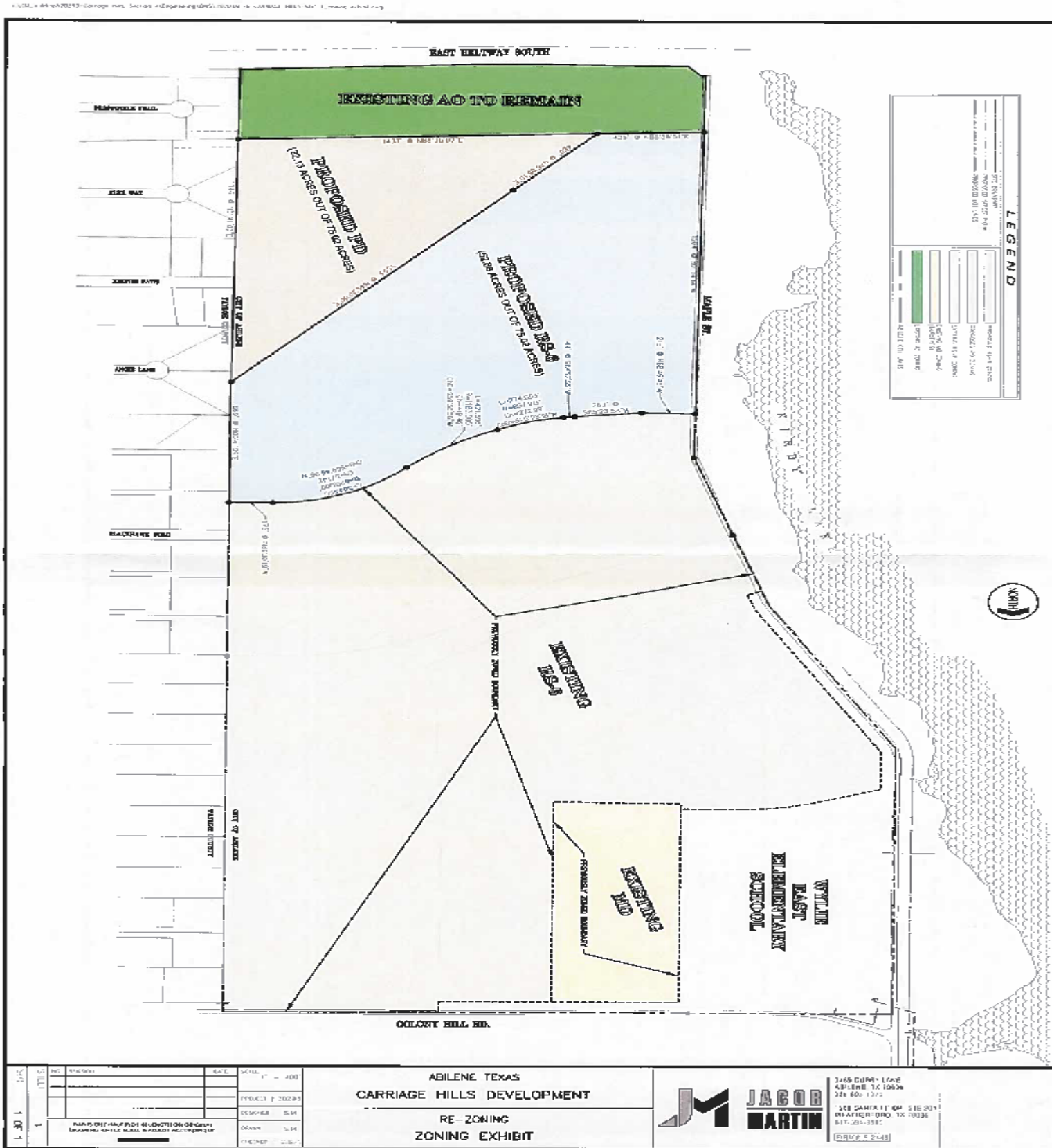
PART 7: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District:

A. Permitted uses and Specific Regulations

1. Minimum lot width of 40 feet with half of each duplex on one lot
2. Minimum lot area of 4000 square feet
3. Minimum of 12 feet separation between each duplex structure

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 Medium Density (MD) zoning classification.

Graphic Concept Plan



-END-

ORDINANCE NO. _____
EXHIBIT "A"
PAGE 4

ZONING CASE Z-2020-16

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Carriage Hills Development Corporation

Agent: Jacob & Martin

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- Northeast corner of Maple Street & FM 707
- Legal description (s): 22.13 acres out of the Southwest quarter of Section 14, Lunatic Asylum Lands, Taylor County, Texas.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone from Agricultural Open space (AO) to a Planned Development (PD167) District with a base zoning of Medium Density Residential (MD). The development planned for this property will be subject to all regulations of Abilene's Land Development Code ordinarily applicable to the Medium Density (MD) zoning classification, except as follows:

1. Site Layout and Building Requirements applicable in MD Districts amended to stipulate:
 - a. Minimum lot width of 40 feet (Duplex's with shared wall with half of each duplex on one lot)
 - b. Minimum lot area of 4000 square feet
 - c. Minimum of 12 feet of separation between each structure on each lot

APPLICATION REVIEW:

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

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

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as low-density residential. However, the first section of Carriage Hills Subdivision has approximately 12.5 acres zoned as Medium Density (MD). The Medium Density (MD) District is designed to encourage the provision of conveniently located, centrally maintained accommodations, with a combination of single-family, two-family (duplex), triplex, quadraplex, and townhouse housing units. The proposed zone change would be consistent with the existing subdivision and protect the residential character of the included areas by excluding most commercial and other incompatible activities as appropriate while encouraging a suitable environment for family life.

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

The proposed land use is consistent with the surrounding properties in the immediate vicinity, which are primarily residential.

	Zoning	Existing Land Use
North	AO	Vacant Land
South	AO	Vacant Land
East	Outside City Limits	Residential Single Family
West	AO	Vacant Land

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

The subject property has access to an existing water mains and sewer mains. Therefore, water and sewer capacity should not be a limiting factor to the development of these properties. The subject property is located along an existing arterial street (Maple St.). Roads of this nature are customarily appropriate for accommodating the projected increase in traffic.

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

It is the opinion of the staff that there are no other factors, which substantially affect the public health, safety, morals, or general welfare of the City of Abilene.

STAFF COMMENTS: The Land Development Code site layout and building requirements for residential zoning districts states that the minimum lot size for MD districts is an area of 6,000 square feet, 60 feet in width and 100 feet in depth. MD districts also permit a maximum of 12 dwelling units per acre with a minimum of 6 feet separation between each structure on opposing lots. This proposed PD would decrease the lot dimensions by 2,000 square feet to 4,000 square feet but would increase the separation of structures by 6 feet to 12 feet. This increase of separation between structures should preserve open space and avoid overcrowding this proposed residential district.

STAFF RECOMMENDATION:

This rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval) in the Land Development Code and staff recommends approval. However, staff is not recommending the Type "B" landscape buffer recommended by the Planning & Zoning Commission because the Land Development Code requires only a Type "A" buffer when adjacent to a lower intensity residential districts. Adjacent properties fall within Taylor County and are not zoned for a lower intensity residential district, therefore a Type "A" land use buffer would not be enforceable.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval of this request with at Type "B" buffer by a vote of seven (7) to zero (0).

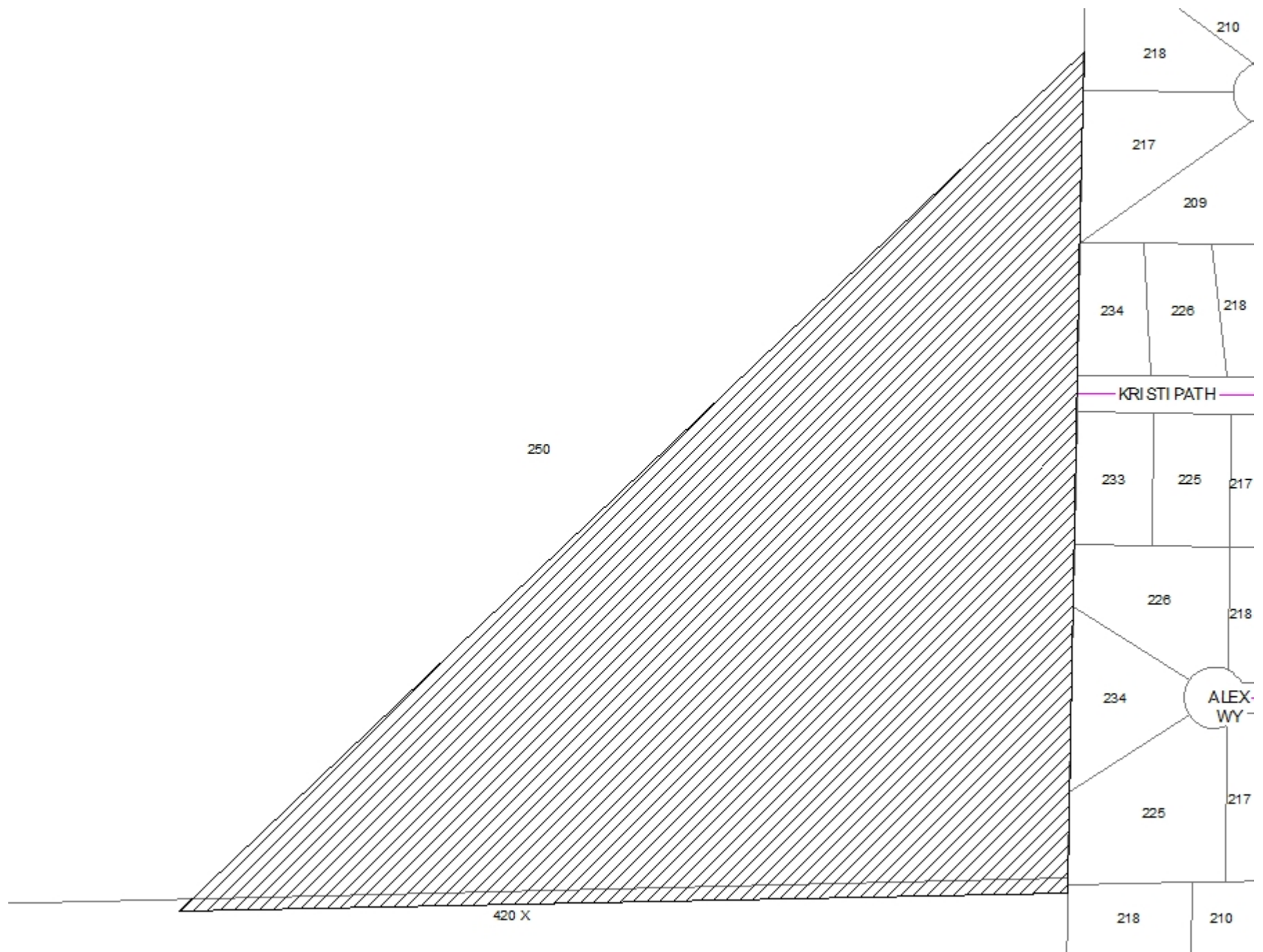
NOTIFICATION:

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

Owner	Situs	Response
CANARIO DANIEL G	334 PILGRIM RD	Opposed
EZEOKO CHUKWUEMEKA CHARLES &	218 ANGIE LN	
GIBSON KYLE C & KATIE M	225 KRISTI PATH	Opposed
GIESECKE LEON & JANET	225 ALEX WY	Opposed
HALE DEREK & LINDSEY	226 KRISTI PATH	
JOHNSON HEATH & CHERA MCCALL	210 ANGIE LN	
LEIJA PETE ANTHONY & MONICA	217 ANGIE LN	
MINEAR JASON M	233 KRISTI PATH	
MOORE MICHAEL D & LACEY ERIN	226 ALEX WY	Opposed
NEESE JOHN MELVIN &	218 PERIWINKLE TR	Opposed
PRICE NOEL SCOTT & MISTY	234 KRISTI PATH	
SHOPS AT CARRIAGE HILLS LLC	420 X E BELTWAY S	In favor
SHOPS AT CARRIAGE HILLS LLC	250 E BELTWAY S	In favor
TAYLOR CLINT	209 ANGIE LN	
TAYLOR COUNTY		
TOVAR ROGELIO & MARTHA	234 ALEX WY	
URY JEFFREY S & BUSHRA	217 PERIWINKLE TR	

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

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

Project Name: Carriage Hills
 Address: NE Corner of Maple & FM707 No. of lots: _____ Acreage: 75.023
 Legal Description: A0777 SUR 14 L A L SW/4, ACRES 92.013
 Subdivision Name: Carriage Hills Block: _____ Lot: _____
 Current Zoning: AO Proposed Zoning (if applicable): RS-6 & PD (Base Zoning) MD

OWNER AND AUTHORIZATION

Owner Name: Carriage Hills Development Corporation
 Address: 13209 Villa Montana Way
 City, State, Zip: Austin, TX 78732-1635 Fax: _____
 Phone: 325-665-4348 Email: _____

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

Agent Name: Jacob & Martin
 Address: 3465 Curry Lane
 City, State, Zip: Abilene, TX 79606 Fax: 325-691-5134
 Phone: 325-695-1070 Email: cfarrow@jacobmartin.com

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

Signature Owner: [Signature] Date: _____

FOR OFFICE USE ONLY

Received: 9/16/20 Fee: \$ 2000 Receipt No.: 0001055778
 Case No.: Z-2020-15 Reviewed By: [Signature]
 AND

Z-2020-16 (PDD 167)



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

This zoning request is to support the next phase of residential development of the Carriage Hills subdivision. We believe single family residential and planned development district are appropriate land use for this property given the recent development in the area as well as the future land use plan and request staff's support in this regard. RS-6 and PD zoning (with the intent to construct duplex housing) is requested for a portion of this property, and would be replacing AO, typically a holding zoning until a property is developed.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

dwelling units. There shall be no more than six (6) contiguous townhouse units with the same or approximately the same front building line where such units front onto a minor street or sub collector. More than six (6) contiguous units shall have variable front building lines as set forth herein this subsection.

- (e) **Building Lines.** The minimum building setback from lot boundaries shall be as set forth in Table 2-2 for all principal buildings adjacent to streets. Where private streets are installed over lot boundaries, measurement of building lines shall be from the edge of pavement or face of curb.
 - (1) **Front Building Line.** Townhouse units shall be set back from the front property line a minimum of twenty feet (20').
 - (2) **Exterior Side Building Line.** Townhouse units that have lot frontage separated from a side street by at least ten feet (10') of parkway, as defined herein this LDC, shall be set back from the exterior side boundary by at least ten feet (10'). Townhouse units having lot frontage separated from the side street by less than ten feet (10') of parkway, or where fronting onto a private street, shall be set back from the exterior side boundary by at least twenty feet (20').
 - (3) **Interior Side Building Line.** If not contiguous to another townhouse unit, all townhouse units shall be set back from any interior side boundary a minimum of five feet (5').
 - (4) **Rear Building Line.** The minimum setback line from rear lot boundaries, for all townhouse units, shall be ten feet (10').
- (e) **Number of Dwelling Units per Lot.** There shall be a maximum of one (1) dwelling unit per lot, with each townhouse unit located on an individual lot.
- (f) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, including private streets, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.
- (g) **Garage Setback.** The garage for each townhouse unit shall be setback no less than twenty feet (20') from the most proximate parallel property line.
- (h) **Separate Utilities:** All utilities shall be provided separately to each lot within the TH district so that each unit is individually metered.
- (i) **Site Plan Required.** A Site Plan in accordance with Chapter 4, Article 1, Division 1 shall be required for all development, except single-family and two-family, within this TH District.
- (j) **Concept Plan Required.** A concept plan is required at the time of a zoning change to a TH zoning district.

Section 2.3.2.8 Residential Medium Density (MD) District

- (a) **Purpose.** The Residential Medium Density (MD) District is designed to encourage the provision of conveniently located, centrally maintained accommodations, with a combination of single-family, two-family (duplex), triplex, quadraplex, and townhouse housing units. This district provides for a combination of these housing

types at a density maximum of twelve (12) dwelling units per acre. This district may provide a medium density “buffer” or transition district between lower density residential areas and multi-family, non-residential areas, or major thoroughfares. This district is also designed to achieve the following:

- (1) Protect the residential character of the included areas by excluding most commercial and other incompatible activities, as appropriate.
- (2) Encourage a suitable environment by permitting certain appropriate institutions and facilities to be located in residential neighborhoods.
- (3) Preserve open space and avoid overcrowding by requiring certain minimum yards, open spaces, and lot areas.
- (4) Provide an option for housing unit diversity to serve a range of individual requirements represented by the citizenry of Abilene.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

- (1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;
- (2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Site Layout and Building Requirements.**

- (1) All development within this district shall meet building requirements outlined in Table 2-2.
- (2) The maximum number of units permitted on a lot shall be four (4).

With the following exceptions:

- Minimum lot width=40' (shared wall, half of each duplex on one lot)
- Minimum lot area = 4000 SF
- Minimum 12' between structures

(d) **Common Areas – Management & Maintenance.** For any land and/or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owners association to manage and maintain such common land and/or facilities.

(e) **Site Plan Required.** A Site Plan in accordance with Chapter 4, Article 1, Division 1 shall be required for all development, except single-family and two-family, within this MD District.

Section 2.3.2.9 Residential Multiple-Family (MF) District

(a) **Purpose.** The Residential Multiple-Family (MF) District is designed to encourage the provision of conveniently located, centrally maintained rental accommodations with traditional apartment units. This district provides for a maximum of twenty-four (24) dwelling units per acre. As one of the multiple-family zoning districts provided for development in Abilene, this district is also designed to achieve the following:

- (1) Protect the residential character of the included areas by excluding most commercial and other incompatible activities, as appropriate.
- (2) Encourage a suitable environment by permitting certain appropriate institutions and facilities to be located in residential neighborhoods.

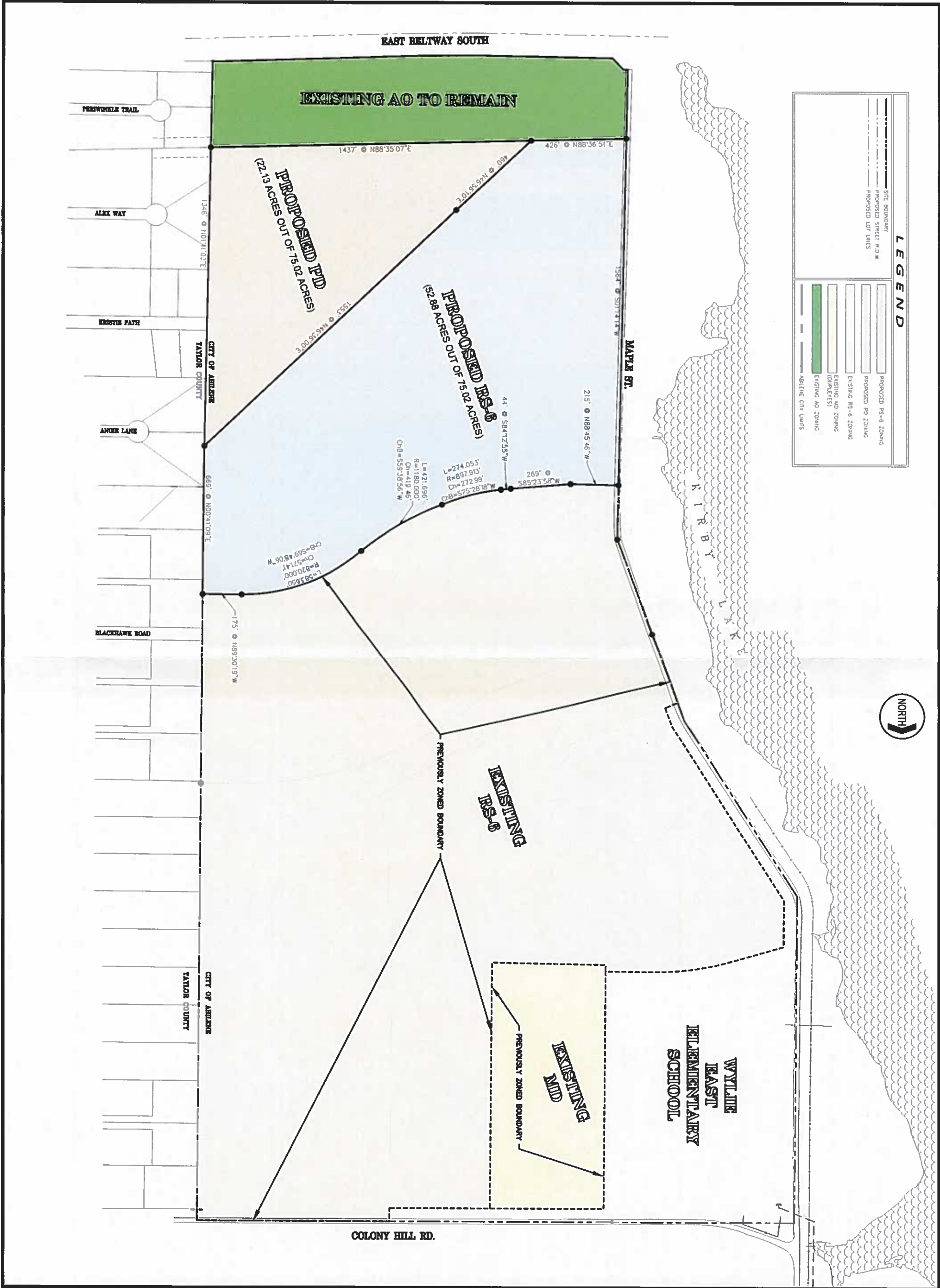
TABLE 2-2: SITE LAYOUT AND BUILDING REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS

Zoning District	Maximum Density of Dwelling Units Per Acre	Minimum Lot Size			Minimum Building Line Setbacks							Maximum Height (ft.)	Maximum Lot Coverage (% of lot area)	Single-Family Standards
		Area (s.f.)	Width (ft) ¹	Depth (ft)	Sub-Collector or Minor Street	Collect or	Arterial or Expressway With Frontage Rd	Expressway Without Frontage Rd	Garage Setback (front facing only, not on arterials and Expressways)	Rear Yard (next to Other Lot Boundary)	Side Yard			
AO	n/a	217,800	200	500	25	25	30	40	25	40	25	None except add 1 ft setback for every 1 ft of height over 45 ft	15%	n/a
RR-5	n/a	217,800	150	400	25	25	30	40	25	50	30	35	15%	n/a
RR-1	n/a	43,560	100	200	25	25	30	40	25	50	25	35	40%	n/a
RS-12	n/a	12,000	80	100	25	25	30	40	25	30	10	35	40%	n/a
RS-8	n/a	8,000	70	100	15	20	30	40	20	25	7.5	35	50%	n/a
RS-6	n/a	6,000	60	100	15	20	30	40	20	20	6	35	50%	n/a
PH	n/a	4,500	40	100	15	20	30	40	20	20	0*	35	75%	n/a
TH	n/a	2,500 4,000	30 40	100	10	20	30	40	20	10	5	35	70%	RS-6 District
MID	12	6,000	60	100	15	20	30	40	25	20	6	35	70%	
MIF	24	6,000	60	100	15	20	30	40	25	20	10	40; 3 stories	90%	
MH	n/a	5,000	50	100	15	20	30	40	20	15	7.5	n/a	n/a	

n/a-not applicable

¹ A minimum width of 100 feet is required along arterial streets (2.6.1.1(e)(3)).
*This applies to one side only. A 10 foot separation between homes is required.

* Each lot will have half of a structure, there will be a shared wall along the property line. Minimum 12' separation between structures



SEQ 1 OF 1	SHEET 1	NO. REVISION	DATE	SCALE 1" = 400'	ABILENE TEXAS CARRIAGE HILLS DEVELOPMENT RE-ZONING ZONING EXHIBIT	 JACOB MARTIN	3465 CURRY LANE ABILENE TX 79606 325-695-1070 1508 SANTA FE DR STE 204 WEATHERFORD TX 76086 817-594-9880 FIRM # F-2448	
		PROJECT # 20293	DESIGNED S.M.	DRAWN S.M.				CHECKED C.S.F.
		BAR IS ONE HALF INCH IN LENGTH ON ORIGINAL DRAWING. CHECK SCALE & ADJUST ACCORDINGLY.						

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

CASE #: Z-2020-16

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below.
You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: SHOPS AT CARRIAGE HILLS LLC
Address: 250 E BELTWAY S

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: _____

NOV 2 AM 11:12

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2020-16

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: SHOPS AT CARRIAGE HILLS LLC

Address: 420 X E BELTWAY S

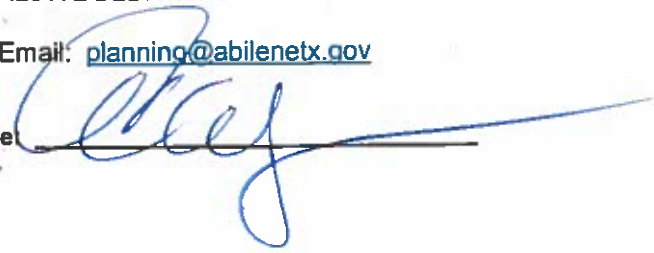
Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature



NOV 2 AM 11:12



Smith, Jared <jared.smith@abilenetx.gov>

[Planning] Case#Z-2020-16

1 message

amdelacr@gmail.com <amdelacr@gmail.com>
To: planning@abilenetx.gov

Fri, Oct 30, 2020 at 10:19 AM

Dear Council,

My name is Aileengale Dizon and I currently live on 202 Kristi Path. I am in strong opposition to the plan of the re-zoning of the 22 acres of land between Sawgrass subdivision and Maple street. I also oppose having street access between Kristi Path and Carriage Hills. I strongly urge you to disapprove the proposed rezoning. Thank you.

Sincerely,
Aileengale Dizon

--
You received this message because you are subscribed to the Google Groups "Planning Services" group.
To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.
To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/0C9A6538-E439-4739-B9FC-88F5A488F960%40gmail.com>.



Sawyers, Cheryl <cheryl.sawyers@abilenetx.gov>

[Planning] Zone Change Application Number Z-2020-16 Revised

1 message

Neese, John <jneese@hsutx.edu>

Sun, Nov 1, 2020 at 1:50 PM

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

John and Melissa Neese are opposed to the request to rezone property from Agricultural Open Space to a Planned Development on 22.13 acres of vacant land.

This vacant land is at the Northeast corner of Maple and FM 707.

Thank you,

John and Melissa Neese

[218 Periwinkle Trail](#)

[Abilene, Texas 79602](#)

--

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To view this discussion on the web visit [https://groups.google.com/a/abilenetx.gov/d/msgid/planning/](https://groups.google.com/a/abilenetx.gov/d/msgid/planning/SA0PR20MB345424187DE175DFC7172B88D0130%40SA0PR20MB3454.namprd20.prod.outlook.com)

[SA0PR20MB345424187DE175DFC7172B88D0130%40SA0PR20MB3454.namprd20.prod.outlook.com](https://groups.google.com/a/abilenetx.gov/d/msgid/planning/SA0PR20MB345424187DE175DFC7172B88D0130%40SA0PR20MB3454.namprd20.prod.outlook.com).



Smith, Jared <jared.smith@abilenetx.gov>

[Planning] Zone Change Application Number Z-2020-16

1 message

Leon Giesecke <leon.giesecke@milsoft.com>
To: planning@abilenetx.gov

Thu, Oct 29, 2020 at 7:54 PM

I am Opposed to the Zoning Change AG to planned development

Additional Comments:

I am not opposed to Single Family which was the original intent of Carriage hills, duplexes near school, then smaller homes then larger ones toward 707 or at least that was the story being told. We knew about the commercial and I asked Aaron himself, he said no apartments but I guess I should have asked about duplex and quadplexes, The traffic situation with single family would be bad but adding the traffic from duplexes would increase the danger along kristi path and especially pilgrim which is currently to narrow and unsafe due to increased school traffic.

Signed,

Leon and Janet Giesecke
[225 Alex Way](#)
[Abilene, Texas 79602](#)
Leon Giesecke
leon.giesecke@milsoft.com

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To view this discussion on the web visit https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAJne_hx%2B9mWjCzdQOa4%3DNXJLApMjquJAuYNM%2BW0aR5sD8sbQNg%40mail.gmail.com.



Watts, Nick <nick.watts@abilenetx.gov>

Case #Z-2020-16

1 message

gibbi42@gmail.com <gibbi42@gmail.com>
To: planning@abilenetx.gov, nick.watts@abilenetx.gov
Cc: Katie <katie0018@gmail.com>

Sun, Nov 1, 2020 at 7:44 AM

Sir or Ma'am,

My wife and I, Katie and Kyle Gibson at 225 Kristi Path Abilene TX 79602, are OPPOSED to the rezoning of southwest quarter of section 14 of Lunatic Asylum Lands. The original rezoning was for single family homes. I speak for the families in Sawgrass subdivision who did not get the rezoning letter but are as equally affected as us, that we do not want multi family units built next to our homes. One of the concerns is that our property values will decrease. Additionally, we do not want Kristi Path/our neighborhood connected to whatever does get eventually built on that land. We do not want the additional traffic and safety concerns in our neighborhood that connecting Kristi Path would bring.

Kyle and Katie Gibson



Watts, Nick <nick.watts@abilenetx.gov>

[Planning] Case #Z-2020-16

1 message

Mike Moore <vfautomotive@suddenlinkmail.com>
To: planning@abilenetx.gov

Tue, Nov 3, 2020 at 1:14 PM

I'm opposed to the planned development on the 22.13 acres due to increase traffic and decreased home values. Mike and Lacey Moore
226 Alex Way.

Sent from my iPhone

--

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To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.
To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/093AF64E-813C-40C2-84C4-573F2CE56423%40suddenlinkmail.com>.



Watts, Nick <nick.watts@abilenetx.gov>

[Planning] Zone change

1 message

Charity Canario <dccanario@gmail.com>
To: planning@abilenetx.gov

Wed, Nov 11, 2020 at 5:20 PM

To Whom it may concern,

I am opposed to zone change Z-2020-16.
I am opposed to zone change Z-2020-15.

Sincerely,

Daniel G. Canario
334 Pilgrim Road
Abilene, TX 79602

--

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To unsubscribe from this group and stop receiving emails from it, send an email to planning+unsubscribe@abilenetx.gov.
To view this discussion on the web visit <https://groups.google.com/a/abilenetx.gov/d/msgid/planning/CAHj7b0EfzOdP044r%2BJenPFihkreQvaU7WrbBcrc2F7zdvTs-nw%40mail.gmail.com>.

Case:	Z-2020-16
Owner:	Carriage Hills Development Corporation.
Agent:	Jacob & Martin
Request:	Rezone from AO to PDD 167
Legal Description:	22.13 acres out of the Southwest quarter of Section 14, Lunatic Asylum Lands, City of Abilene, Taylor County, Texas
Notification:	2 in Favor, 5 Opposed
Planning & Zoning Recommendation:	Approval with conditions

Z-2020-16 AERIAL LOCATION MAP



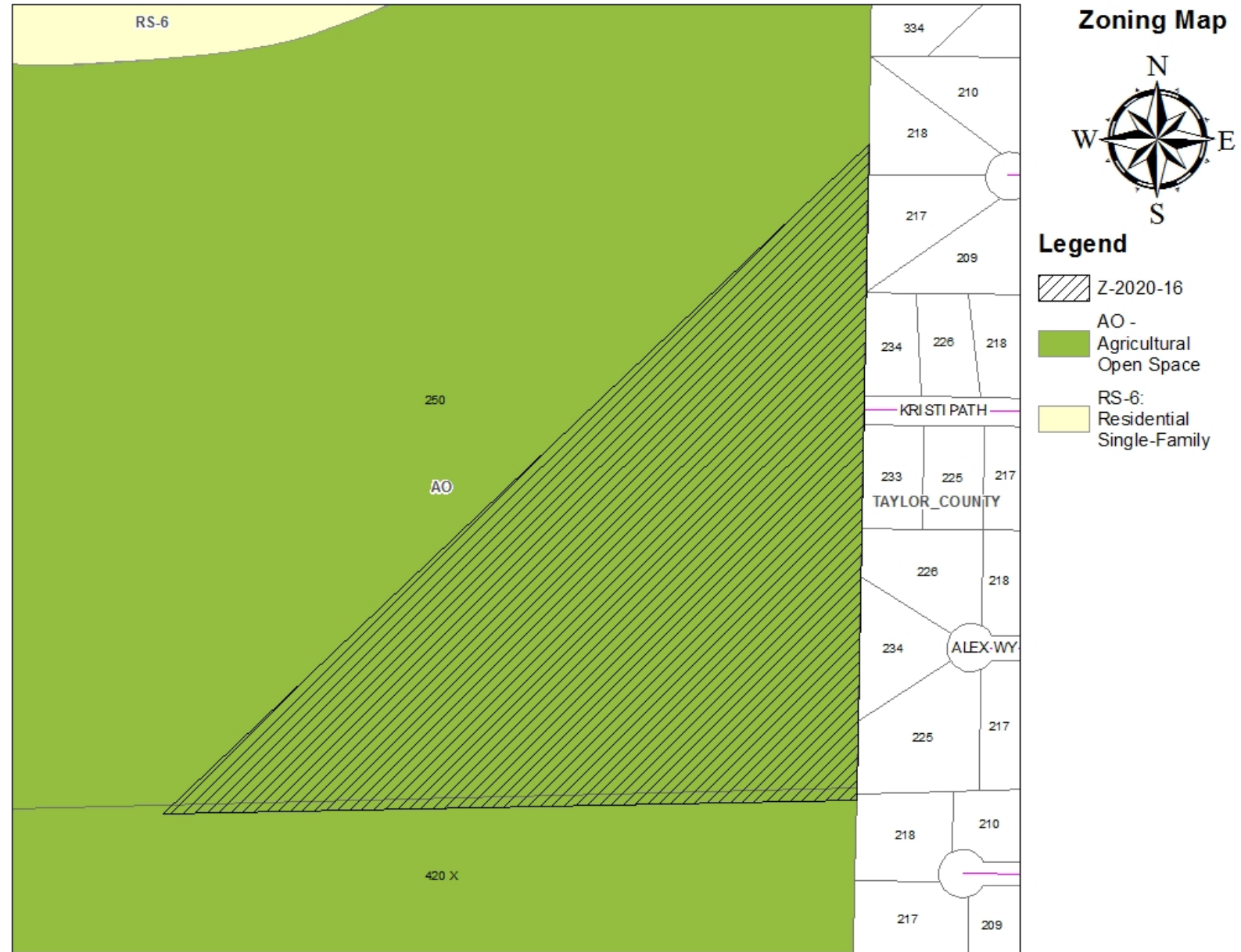
Location Map

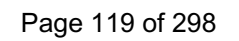


Legend

 Z-2020-16

Z-2020-16 ZONING MAP





MEDIUM DENSITY PERMITTED USES

RESIDENTIAL USES:

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

ACCESSORY AND INCIDENTAL USES:

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

CULTURAL AND RECREATIONAL USES:

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

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

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

EDUCATIONAL AND RELIGIOUS USES:

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

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)

C

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

TP

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

AGRICULTURAL OPEN SPACE (AO) DISTRICT PERMITTED USES

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 Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- 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)

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

LEGEND

P

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)

C

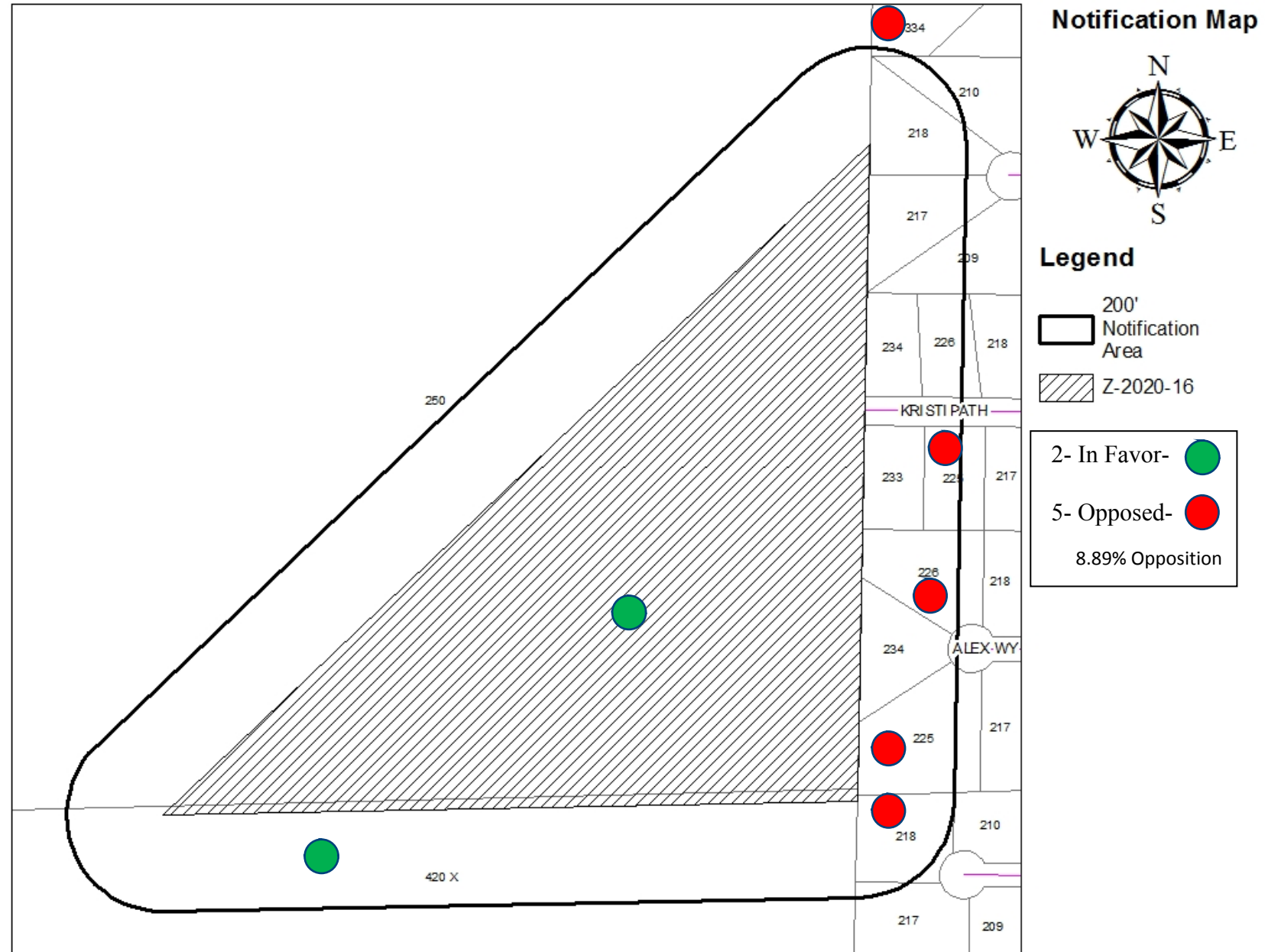
Permitted as a Conditional Use Permit, Requiring Approval by City Council

TP

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



Z-2020-16 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval without conditions
- Planning & Zoning Recommendation: Approval with conditions

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **11. Ordinance (First Reading) Z-2020-17:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from QT South LLC, agent Lauren Montgomery, to change the terms of Planned Development (PD) District Number PD 116 located on southeast corner of Old Anson Road and Interstate Highway 20 in northwest Abilene, specifically regarding the height and area of signs allowed there. Legal description being Lot 1 in Block 1 of the subdivision known as QT South LLC *(Mike Warrix)*

GENERAL INFORMATION

The applicant is requesting to amend the PD ordinance to allow a free standing pole sign as tall as 100-feet and as large as 700 square feet. The applicant also wishes to add a provision to permit up to eight (8) directional signs on the site, not to exceed 8' in height and 25 square feet in sign area.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends denial.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval with conditions by a vote of 6-1.

Conditions being the PD ordinance to allow a free standing pole sign as tall as 70-feet and as large as 400 square feet.

ATTACHMENTS:

1. Z-2020-17 recommended PD ordinance
2. Z-2020-17 Council Staff Report
3. Z-2020-17 Council presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE AND CONCERNING PD-116, A PLANNED DEVELOPMENT DISTRICT, AS WELL AS ORDINANCE NUMBERS 72-2019; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That the Land Development Code of the City of Abilene is hereby amended by changing Ordinance Number 72-2019 specifically as set out in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 19th day of November 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of October, 2020, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 3rd day of December, 2020, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 3rd day of December, 2020.

ATTEST:

Shawna Atkins,
City Secretary

Anthony Williams,
Mayor

APPROVED:

Stanley Smith,
City Attorney

ORDINANCE NO. _____

Exhibit "A"
1st Amendment to Ordinance No. 72-2019

PART 7:Specific Modifications: Part 7, Section II, Paragraph D, Subsection 1

DELETE: Existing paragraph (D), subparagraph (1) which reads as:

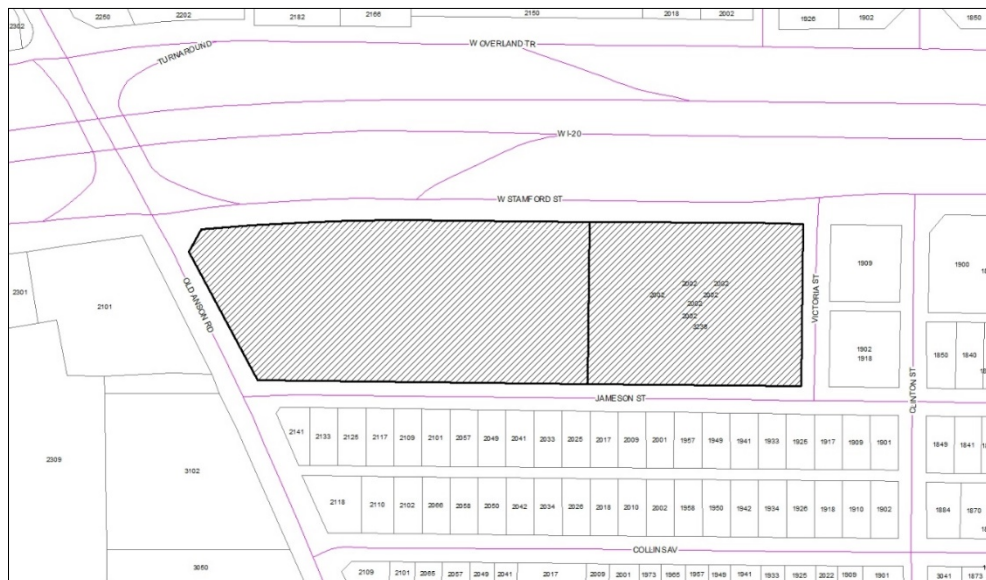
D. Signage within this Planned Development District shall generally comply with provisions and limitations of Sign Regulations adopted by the City of Abilene and which are generally applicable to General Retail zoning districts, except as modified below:

1. Freestanding signs:
 - (a) Pole signs shall only be allowed to face in the direction of West Stamford Street, the eastbound frontage road for Interstate Highway 20.
 - (b) Monument signs shall be allowed along other street frontages with a maximum height of six feet (6') and a maximum allowable area of 60 square feet.

ADD: New paragraph (D), subparagraph (1) to read as follows:

D. Signage within this Planned Development District shall generally comply with provisions and limitations of Sign Regulations adopted by the City of Abilene and which are generally applicable to General Retail zoning districts, except as modified below:

1. Freestanding signs:
 - (a) Pole signs shall only be allowed to face in the direction of West Stamford Street, the eastbound frontage road for Interstate Highway 20.
 - (b) Monument signs shall be allowed along other street frontages with a maximum height of six feet (6') and a maximum allowable area of 60 square feet.
 - (c) One on site advertising pole sign shall be permitted up to 70-feet in height and 400 square feet in area.
 - (d) Maximum of eight (8) directional signs are allowed, not to exceed 8-feet in height and 25 square feet in sign area.



ZONING CASE Z-2020-17

STAFF REPORT



REQUEST: Amend existing Planned Development District Number 116 (PD 116)

APPLICANT:

Owner: QT South, LLC

Agent: Lauren Montgomery, of JGH Consultants

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- 3217 Old Anson Rd.
- Legal description: Lot 1, Block A of QT 7904 Addition to Abilene, Taylor County, Texas.

BACKGROUND:

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

Planned Development District 116 (PD 116) was approved in 2007 and was amended in 2013 to include a graphic concept plan which included a mixture of uses. The amendment distinctly states all development must occur as shown on the provided site plan exhibit. In 2019, this planned development district was once again amended to illustrate a new site exhibit which proposed the construction of a convenience groceries and fuel sales facility on the western most 6 acres of PD 116. In July, Abilene's Development Review Committee approved an official Site Plan for a Quick Trip at this location and a building permit was issued in August of 2020.

PROPOSAL AND REQUESTED ACTION:

The current Planned Development District ordinance which exists for this subject property limits signage to the standards which are applicable in General Retail (GR) Zoning. General Retail zoning allows free standing pole signs with a maximum height of 50-feet and square footage of 300 square feet. The applicant is requesting to amend the PD ordinance to allow a free standing pole sign as tall as 100-feet and as large as 700 square feet. The applicant also wishes to add a provision to permit up to eight (8) directional signs on the site, not to exceed 8' in height and 25 square feet in sign area.

APPLICATION REVIEW:

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

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

The proposed amendment is **not** consistent with the base zoning of the Planned Development District that the subject property is embraced within. Although the future land use and development plan map illustrates this area to be a major commercial business center, the proposed amendment to allow a free standing pole sign as tall as 100-feet and 700 square feet would greatly exceed the standards which are ordinarily permitted within commercial zoning districts in the City of Abilene.

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

Staff believes that the proposed amendment is **not** appropriate for the immediate area of the subject property. Although the property is situated along the Interstate Highway 20 frontage road, it is also adjacent to residential homes south of Jameson Street. The previous amendment which was approved by City Council allowing fuel sales on the western 6 acres of PD 116 required a strict land use buffer. This land use buffer was implemented in an effort to protect and preserve the residential character of the homes south of Jameson Street from visual and auditory nuisances which may be created by this commercial development. The proposal to allow a 100-foot pole sign as large as 700 square feet in such close proximity to the residential homes along Jameson Street may be detrimental to the preservation of the residential character of this area. Furthermore, as stated previously this proposed amendment to allow a pole sign of this size is contrary to what is ordinarily permitted within commercial zoning districts in the City of Abilene.

	Zoning	Existing Land Use
North	N/A	Expressway (I-20)
South	RS-6	Single Family Residences
East	RS-6	Single Family Residences
West	HC	Fuel Sales/Convenience Store

(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 proposed amendment will not affect existing public streets, water supply, sanitary sewer and other public services and utilities in the area.

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

It is the opinion of the staff that there are no other factors, which substantially affect the public health, safety, morals, or general welfare of the City of Abilene.

STAFF COMMENTS:

In 2005, City Council approved an amendment to existing Planned Development District 91 (PDD 91). Ordinance #45-2005 permits freestanding signs which exceed the standard 50-foot height limitation near the north east corner of the intersection at Interstate Highway 20 (IH-20) and Texas Highway 351 (HWY-351). This ordinance amendment permits multiple 60-foot signs and one 75-foot sign. As a compromise to allowing signage which exceeds the standard sign height of commercial zoning districts the total area of the signage in this ordinance was reduced to no greater than 200 square feet in area; rather than the standard 300 square feet. The location which Quick Trip is developing is comparable to the aforementioned Planned Development District 91; in that it is also at an elevated section of IH-20 with and overpass at the Old Anson Road interchange. However, unlike the location near the intersection of IH-20 and HWY-351 this development is in close proximity to single family residences along Jameson Street. Permitting a free standing pole sign as tall

as 100-feet and as large as 700 square feet would be contrary to not only the base General Retail zoning of PD 116, but would greatly exceed all other sign standards permitted within commercial zoning districts and would effectively become the largest on-site advertising sign within the City of Abilene. Furthermore, throughout the development of this project City staff has been mindful of any adverse impacts that may be created by this fuel sales facility being in such close proximity to existing single family residences along Jameson Street. Permitting a pole sign of this magnitude may create an adverse visual nuisance to the residences south of Jameson Street.

STAFF RECOMMENDATION:

This rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval) in the Land Development Code and staff recommends denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission recommended approval with conditions by a vote of six (6) to one (1) on November 3, 2020.

Conditions being the PD ordinance to allow a free standing pole sign as tall as 70-feet and as large as 400 square feet.

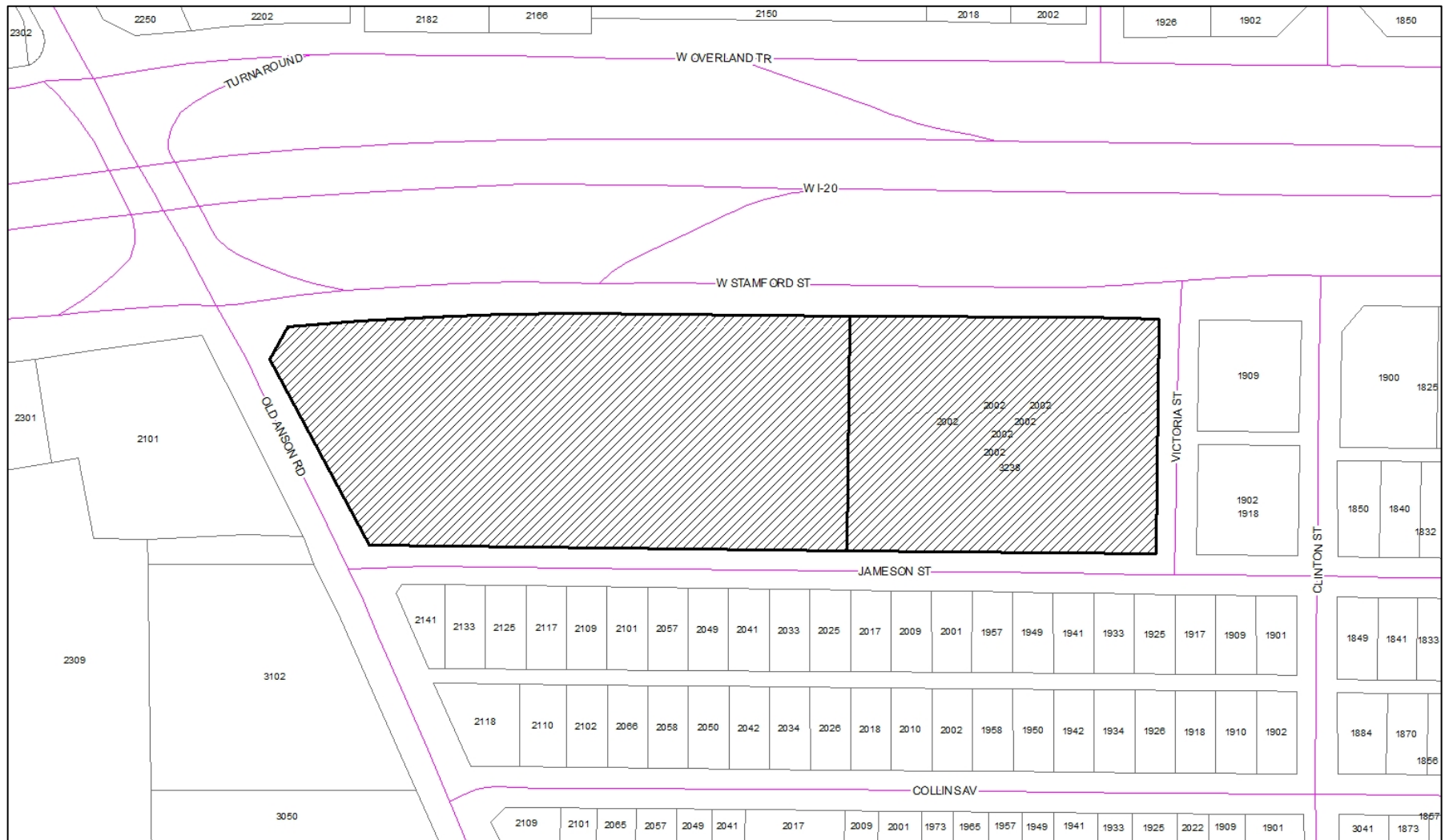
NOTIFICATION:

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

Owner	Situs	Response
ALLSUPS CONVENIENCE STORES INC		
ASSEMBLY OF GOD CHURCH	1902 JAMESON ST	
ASSEMBLY OF GOD CHURCH	1918 JAMESON ST	
BENGS ERIC & JOANNA	2133 JAMESON ST	
BENGS ERIC & JOANNA	2057 JAMESON ST	
BENGS ERIC D & JOANNA I	2101 JAMESON ST	
BENNETT MELISSA A	1917 JAMESON ST	
CITY OF ABILENE	1909 W STAMFORD ST	
COOPER SHIRLEY J MYERS	1957 JAMESON ST	
DAWKINS MILES A	2041 JAMESON ST	
DULANEY DEANNE J	1901 JAMESON ST	
FAIRCHILD KENT E & MARY A	2109 JAMESON ST	
GONZALES OSCAR JR & TRACIE	2141 JAMESON ST	
JGN PROPERTIES LLC SERIES B	1933 JAMESON ST	
LYALL DANIEL &	1949 JAMESON ST	
MARTIN JACKIE G JR	2033 JAMESON ST	
MARTIN PAUL G	2025 JAMESON ST	
MARTINEZ VELIA RODRIGUEZ	2049 JAMESON ST	
MC KEEVER SANDRA K	1925 JAMESON ST	
MC KEEVER SANDRA KAY	1941 JAMESON ST	
MC KINNON JOHNNY R	2009 JAMESON ST	
NATIONAL RETAIL PROPERTIES LP	2101 W STAMFORD ST	
NIETO JESSE JR	2001 JAMESON ST	
NIETO MELANIE MARIE	2017 JAMESON ST	
PAMPA INVESTMENT GROUP LP	3102 OLD ANSON RD	
SNEARLY TOM	1909 JAMESON ST	
VALERIO MARY LINDA	2125 JAMESON ST	
WEST KELLY D	2117 JAMESON ST	
	2002 JAMESON ST BLDG E	
	2002 JAMESON ST BLDG F	
	2002 JAMESON ST BLDG C	
	2002 JAMESON ST BLDG D	
	3238 VICTORIA ST	
	2002 JAMESON ST BLDG B	
	2002 JAMESON ST BLDG A	

ATTACHMENTS:

- Application
- Site Plan Exhibit
- PowerPoint





Development Application

Planning

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

Project Name: QuikTrip Number 7084

Address: 2002 Jameson Street No. of lots: 1 Acreage: 6.207

Legal Description: See attached legal description

Subdivision Name: J.B Collins Subdivision

Block: _____

Lot: _____

Current Zoning: Planned Development District 116

Proposed Zoning (if applicable): _____

OWNER AND AUTHORIZATION

Owner Name: QT South, LLC

Address: 1120 North Industrial

City, State, Zip: Euless, Texas 76039

Fax: _____

Phone: 913-593-1690

Email: mtalcott@quiktrip.com

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

Agent Name: Lauren Montgomery

Address: 4447 North Central Expressway, Suite 110

City, State, Zip: Dallas, Texas 75205

Fax: _____

Phone: 214.478.5414

Email: lauren@jghconsultants.com

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

Signature Owner: _____

Date: _____

FOR OFFICE USE ONLY

Received: 9/28/20

Fee: \$ \$1000

Receipt No.: 0001055779

Case No.: Z-2020-17 (PD 116 Amendment)

Reviewed By: [Signature]



Development Application

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

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

This application is submitted on behalf of QT South, LLC for an amendment to the existing planned development district to permit specific detached signage on shown on the attached site plan - a 100' tall pole sign, not to exceed 700 square feet in sign area near the southeast corner of Stamford and Old Anson Road and a maximum of eight (8) directional signs on the site not to exceed 8' in height and 25 square feet in sign area.



Development Application

RECOMMENDATIONS

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

PUBLIC NOTIFICATION

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

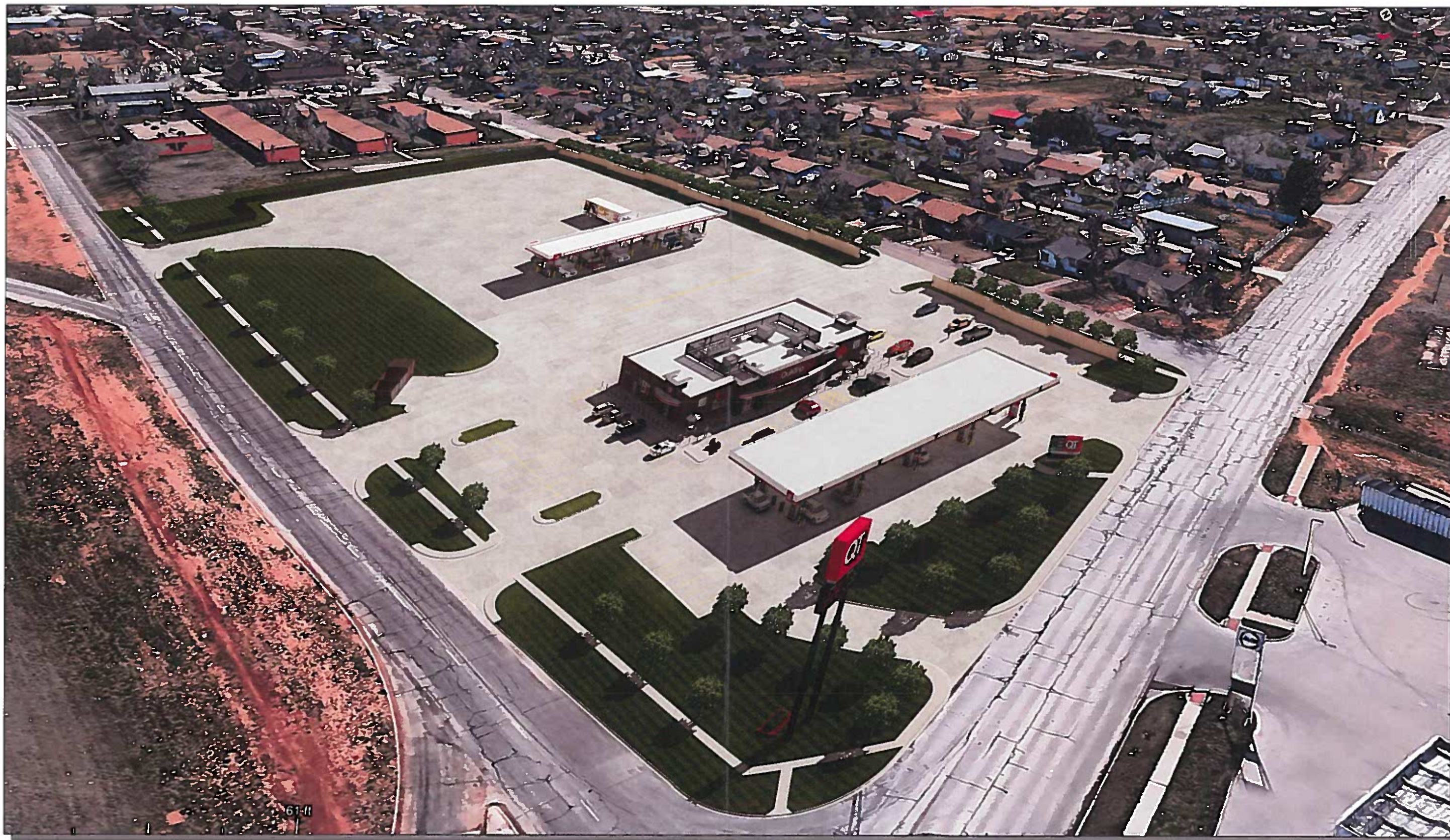
PLEASE READ BEFORE SIGNING

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

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

SIGNED: Michael Talcott

DATE: September 28, 2020



Store 7084
89-7084-PE00

Abilene, TX
Date: 11.15.19 By:JK



Store 7084
89-7084-PE08

Abilene, TX
Date: 11.15.19 By:JK





Store 7084
89-7084-PE09

Abilene, TX
Date: 11.15.19 By:JK

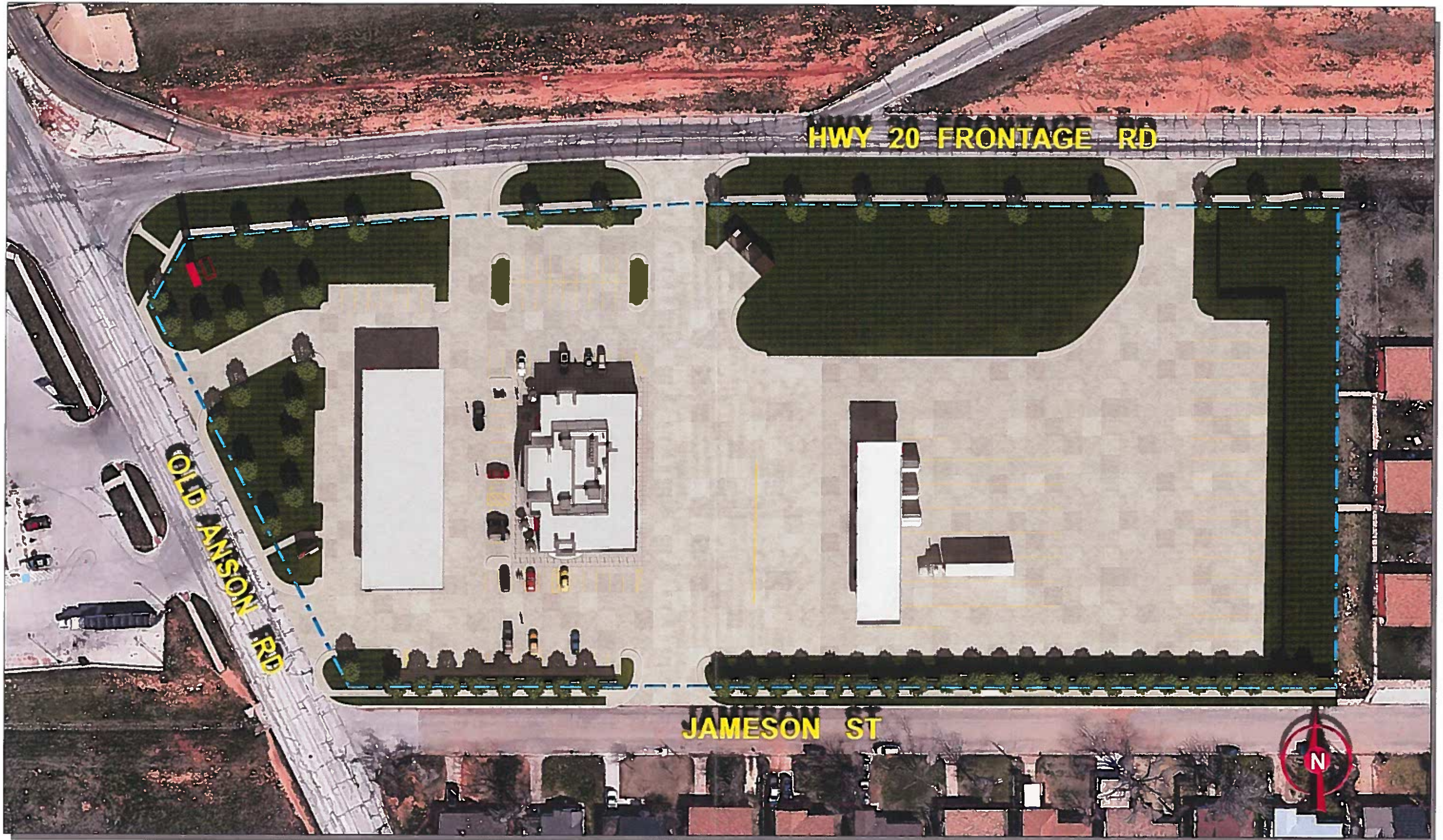




Store 7084
89-7084-PE02

Abilene, TX
Date: 11.15.19 By: JK





Store 7084
89-7084-SP01

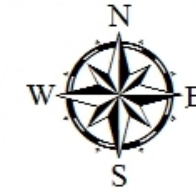
Abilene, TX
Date: 11.15.19 By:JK

Case: Z-2020-17
Owner: QT South, LLC
Agent: Lauren Montgomery, JGH Consultants
Request: Amend Existing Planned Development District
Number 116 (PD 116)
Location: 3217 Old Anson Road
Notification: 0 in Favor, 0 Opposed
Planning & Zoning Recommendation: Approval

Z-2020-17 AERIAL LOCATION MAP



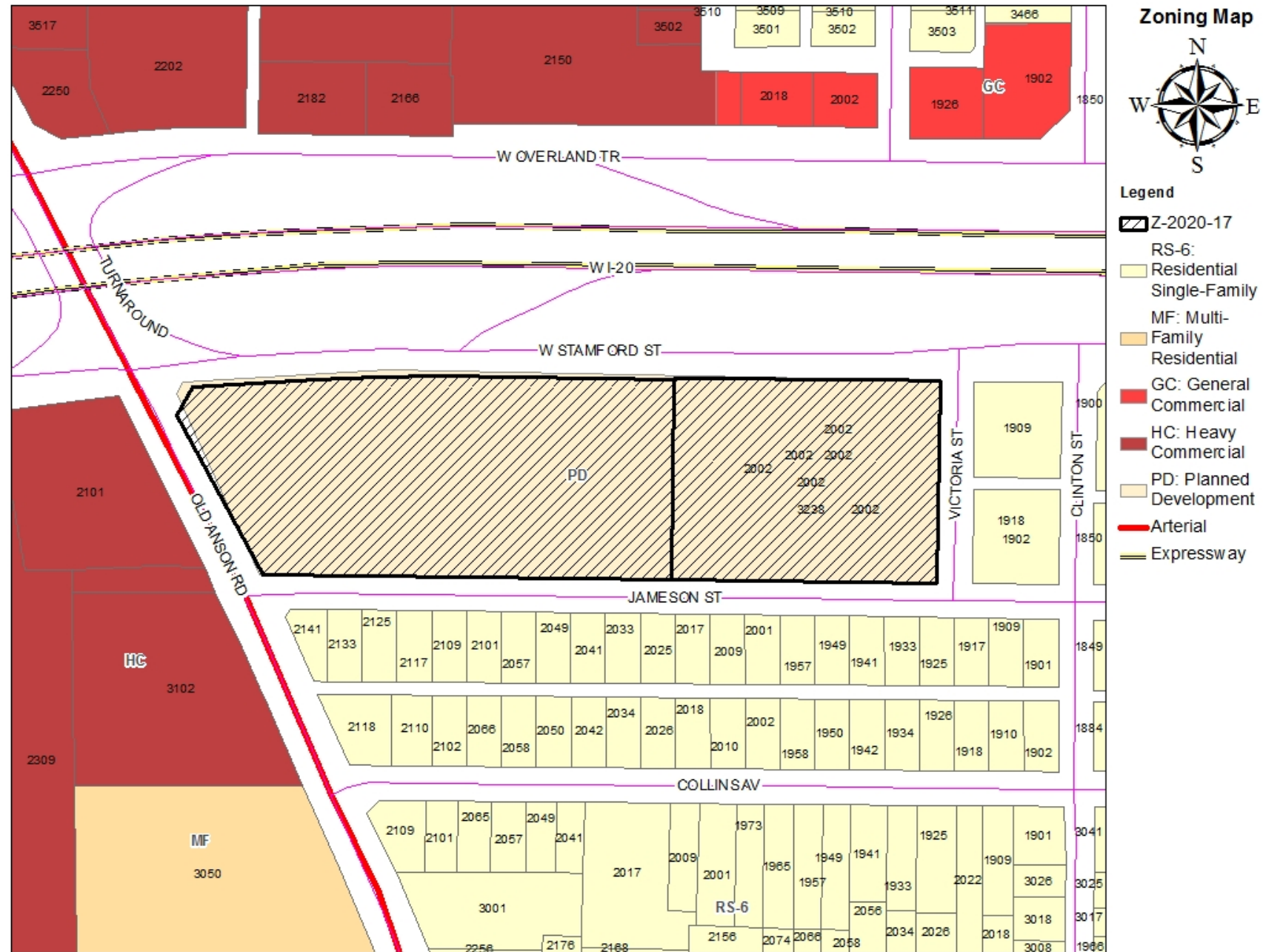
Location Map



Legend

 Z-2020-17

Z-2020-17 ZONING MAP





Store 7084
89-7084-PE00

Abilene, TX
Date: 11.15.19 By:JK









Store 7084
89-7084-SP01

Abilene, TX
Date: 11.15.19 By:JK

Z-2020-17 VIEWS OF SUBJECT PROPERTY

Subject Property



Neighboring property to the West



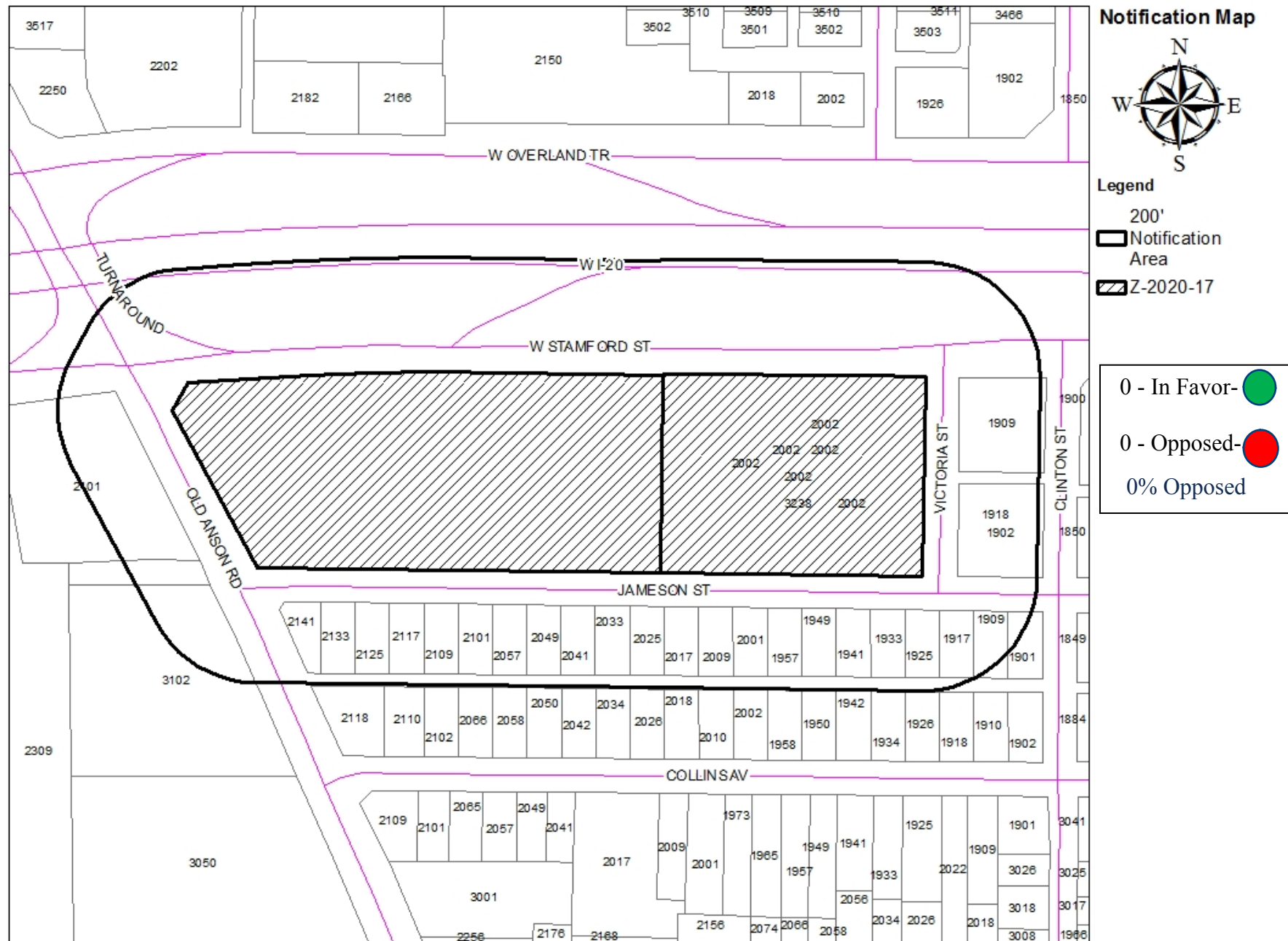
Subject property from Jameson St.



Residences South of Jameson St.



Z-2020-17 NOTIFICATION AREA MAP



- Not consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Request is not consistent with General Land Use and Zoning Character of Immediate Area (Section 2.3.3.5)
- Reviewed Pursuant to Section 1.4.3.5 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Denial, the request is non-compliant with general retail sign standards for on site advertising in the City of Abilene.
- Planning & Zoning Commission: Approval with conditions

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **12. Ordinance (First Reading) Z-2020-19: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Oldham Partners LP and Windmill Circle Partners LP, agent Tony Conder, to rezone approximately 3.8 acres in a General Retail (GR) District extending 300 feet north from the 900 block of Gateway Street, and approximately 4.3 acres in an adjacent Neighborhood Retail (NR) District extending 300 feet west from the 3600-3700 blocks of Oldham Lane, to a General Commercial (GC) District**
(Mike Warrix)

GENERAL INFORMATION

The applicants are requesting to change the zoning of approximately 8.1 acres of vacant land, from what is now a combination of General Retail (3.8 acres) and Neighborhood Retail (4.3 acres) Districts. This acreage is planned to be combined with an adjoining 16.271 acres of vacant land already in a General Commercial District, to form a site for what is categorized as “sales and rental of trucks and other large vehicles.”

Specifically, these combined 24.371 acres are proposed to be a new location for Warren Caterpillar Sales and Rental in Abilene, now headquartered at 3601 South Treadaway Boulevard.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

City staff recommends approval

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 7-0.

ATTACHMENTS:

1. Z-2020-19 draft ordinance
2. Z-2020-19 Council staff report
3. Z-2020-19 Council Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

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

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

PASSED ON FIRST READING the 19th day of November, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of October, 2020, 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 3rd day of December, 2020, 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 3rd day of December, 2020.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of all the following described tract (not already embraced within a General Commercial District) from its present General Retail (GR) and Neighborhood Retail (NR) classifications, to a General Commercial (GC) zoning district:

BEING 24.371 acres of land situated in the City of Abilene, Taylor County, Texas, and being out of the southeast quarter of Section 62, Blind Asylum Lands (Abstract No. 679) and being out of a 98.33-acre tract described in a certain Deed Without Warranty to Musgrave and Musgrave LLP, dated October 4 of 2005, and recorded on Page 821 in Volume 3151 of Official Public Records of Real Property (O.P.R.R.P.) in Taylor County, Texas, and said 24.317-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at an "X" set in concrete at the point of intersection of the north line of right-of-way for Oldham Lane (a.k.a Farm-to-Market Highway 1750) which said right-of-way line is the east line of said 98.33-acre tract, and said POINT OF BEGINNING being the northeast corner of Section 1, Tuscan Village Addition to said City of Abilene as shown per plat recorded on Slide 351-A in Cabinet 2 of Plat Records for said Taylor County, Texas;

THENCE in a westerly direction along said north line of right-of-way for Gateway Street according to the following calls:

North 89° 42' 12" West along said north right-of-way line, at 10.00 feet passed a found $\frac{3}{4}$ -inch aluminum rod with 2-inch aluminum Jacob & Martin cap, henceforth call a standard monument, and continuing a total distance of 76.30 feet to a standard monument found for a corner;

South 88° 20' 54" West for a distance of 120.00 feet to a standard monument found for a corner;

North 89° 41' 48" West for a distance of 597.79 feet to a standard monument found for a corner at the beginning of a curve to the right which is concave to the east-northeast and having a radius of 485.00 feet, a delta angle of 23° 08' 58" and being subtended by a chord bearing North 78° 11' 30" West and 194.63 feet in length;

Along said curve for a distance of 195.96 feet to a standard monument found for a corner;

North 66° 34' 03" West for a distance of 413.09 feet to a standard monument found for a corner;

North 64° 39' 19" West for a distance of 120.04 feet to a standard monument found for a corner;

North 66° 37' 21" West for a distance of 66.34 feet to a standard monument found for a corner in the westerly line of said 98.33-acre tract, same being the easterly right-of-way line of Texas Highway Loop 322;

THENCE North 23° 28' 45" East along the westerly line of said 98.33-acre tract and the easterly line of right-of-way for Texas Highway Loop 322, for a distance of 314.48 feet to a found standard monument at the beginning of a curve to the right which is concave to the southeast and which has a radius of 2714.54 feet, a delta angle of 12° 56' 29" and being subtended by a chord bearing North 30° 08' 17" East being 611.84 feet in length;

THENCE along said easterly right-of-way line and said westerly tract line and said curve to the right a distance of 613.14 feet to a found 5/8-inch rebar rod with a cap stamped “J&M BOUNDARY” for the most northerly southwest corner of the Grocery Retail Addition #2220-00 to the City of Abilene as shown on the plat of record of said addition recorded on Slide 180 in Cabinet 4 of Plat Records for Taylor County, Texas;

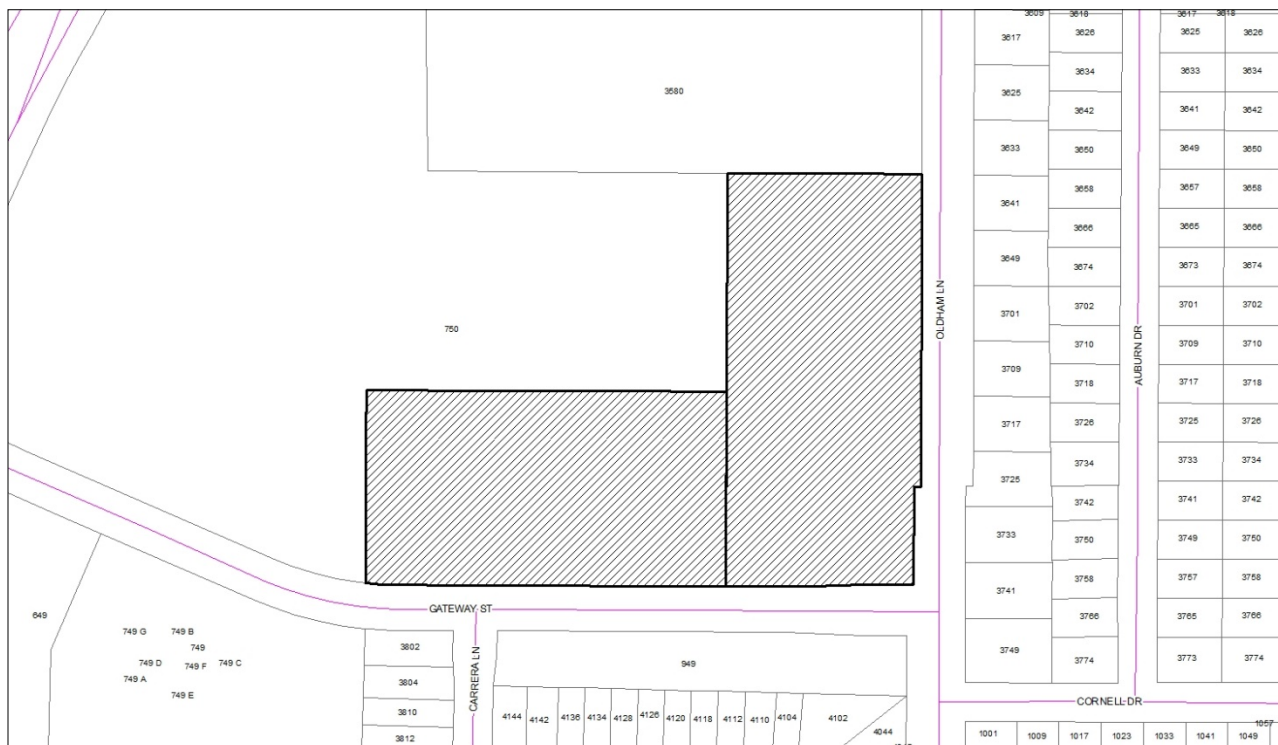
THENCE South 54° 38’ 38” East along a southerly line of said Grocery Retail Addition #2220-00 for a distance of 78.47 feet to a found 5/8-inch rebar rod with cap for a corner;

THENCE South 89° 43’ 36” East along a southerly line of said Grocery Retail Addition #2220-00 for a distance of 289.86 feet to a found 5/8-inch rebar rod with cap for a corner;

THENCE South 00° 16’ 24” West along the most southerly west line of said Grocery Retail Addition #2220-00 for a distance of 436.04 feet to a found 5/8-inch rebar rod with cap for a corner;

THENCE South 89° 43’ 36” East along the most easterly south line of said Grocery Retail Addition #2220-00 for a distance of 751.61 feet to a found 5/8-inch rebar rod with cap for the southeast corner of said Grocery Retail Addition #2220-00 and the northeast corner of this tract and being located in the west line of right-of-way for Oldham Lane (a.k.a. Farm-to-Market Highway 1750) and the east line of said 98.33-acre tract;

THENCE South 00° 16’ 24” West along the west line of right-of-way for Oldham Lane (a.k.a. Farm-to-Market Highway 1750) and the east line of said 98.33-acre tract, for a distance of 613.07 feet to the POINT OF BEGINNING and containing 24.371 acres of land, more or less.



ZONING CASE Z-2020-19

STAFF REPORT



REQUEST: Rezone approximately 3.8 acres in a General Retail (GR) District and approximately 4.3 acres in an adjacent Neighborhood Retail (NR) District, to a General Commercial (GC) District.

APPLICANT:

Owners: Oldham Partners, LP and Windmill Circle Partners, LP

Agent: Tony Conder

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- Approximately 3.8 acres out of southeast quarter of Blind Asylum Lands Section 62 extending 300 feet north from 900 block of Gateway Street in an existing General Retail (GR) District
- Approximately 4.3 acres out of southeast quarter of Blind Asylum Lands Section 62 extending 300 feet west from 3600-3700 blocks of Oldham Lane in an existing Neighborhood Retail (NR) District

PROPOSAL AND REQUESTED ACTION:

The applicants are requesting to change the zoning of approximately 8.1 acres of vacant land, from what is now a combination of General Retail (3.8 acres) and Neighborhood Retail (4.3 acres) Districts. This acreage is planned to be combined with an adjoining 16.271 acres of vacant land already in a General Commercial District, to form a site for what is categorized as “sales and rental of trucks and other large vehicles.” Specifically, these combined 24.371 acres are proposed to be a new location for Warren Caterpillar Sales and Rental in Abilene, now headquartered at 3601 South Treadaway Boulevard.

BACKGROUND:

The subject property was annexed to the City limits of Abilene in 1968, with the initial construction of Loop 322.

Until 2013, this subject property, the entire triangular block bounded by Loop 322, Oldham Lane and Gateway Street was zoned Agricultural Open Space (AO). During 2013, this entire block was rezoned to its present arrangement of General Commercial (GC), General Retail (GR) and Neighborhood Retail (NR) Districts.* This triangular block was vacant then (in 2013) and remains vacant today.

EXISTING AND PROPOSED ZONING:

These 2013 zone changes included creation of:

- an approximately 3.8-acre General Retail District extending 300 north from Gateway Street, across from a residential development known as the Tuscany Village Addition; and
- an approximately 4.3-acre Neighborhood Retail District extending 300 feet west from Oldham Lane, across from eight single-family homes at 3541 thru 3741 Oldham Lane.

* See Zone Change Case No. Z-2020-13 and City Council Ordinance No. 50-2013.

As mentioned above, these two zoning districts (a GR District and an NR District) are both proposed to be changed to a General Commercial zoning district with the intent to accommodate planned future development of a site for sales and rental of trucks and other large vehicles with an approved Conditional Use Permit.

APPLICATION REVIEW:

Section 1.4.1.4 of Abilene’s Land Development Code concerns criteria for approval of zoning changes. This Section stipulates that, in making a recommendation regarding a requested zone change, the Planning and Zoning Commission and the City Council should consider the following factors:

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

The Future Land Use and Development component of Abilene’s Comprehensive Plan suggests the entire triangular block bounded by Loop 322, Oldham Lane and Gateway Street to be part of a Major Commercial/Business Center. It was on this basis that the present arrangement of commercial zoning (inc. GC, GR and NR Districts) was applied during 2013.

- (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.**

Both General Retail (GR) and Neighborhood Retail (NR) zoning classifications are intended for closer compatibility with nearby residences than is General Commercial (GC) zoning. GC zoning also allows the opportunity to seek approval of a Conditional Use Permit (CUP) allowing sales and rental of trucks and other large vehicles. This particular opportunity for CUP approval is not available in GR and NR Districts.

Zoning		Existing Land Use
North	GC, GR	vacant land
South	MD	townhomes, duplexes (across Gateway Street)
East	RS-6	single-family homes (across Oldham Lane)
West	GC	vacant land

- (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 proposed change from a combination of GR and NR zoning, to GC zoning, should have no significant impact on public services for water distribution, sewage collection, schools or other such public facilities.

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

It is the opinion of staff that the requested change may affect the general welfare of the adjacent neighborhoods due to the variety of uses allowed in GC zoning. However, screening requirements and landscape buffers can be addressed during the platting and site plan processes.

STAFF RECOMMENDATION:

City staff recommends approval

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval by a vote of seven (7) to zero (0) on November 3, 2020.

NOTIFICATION:

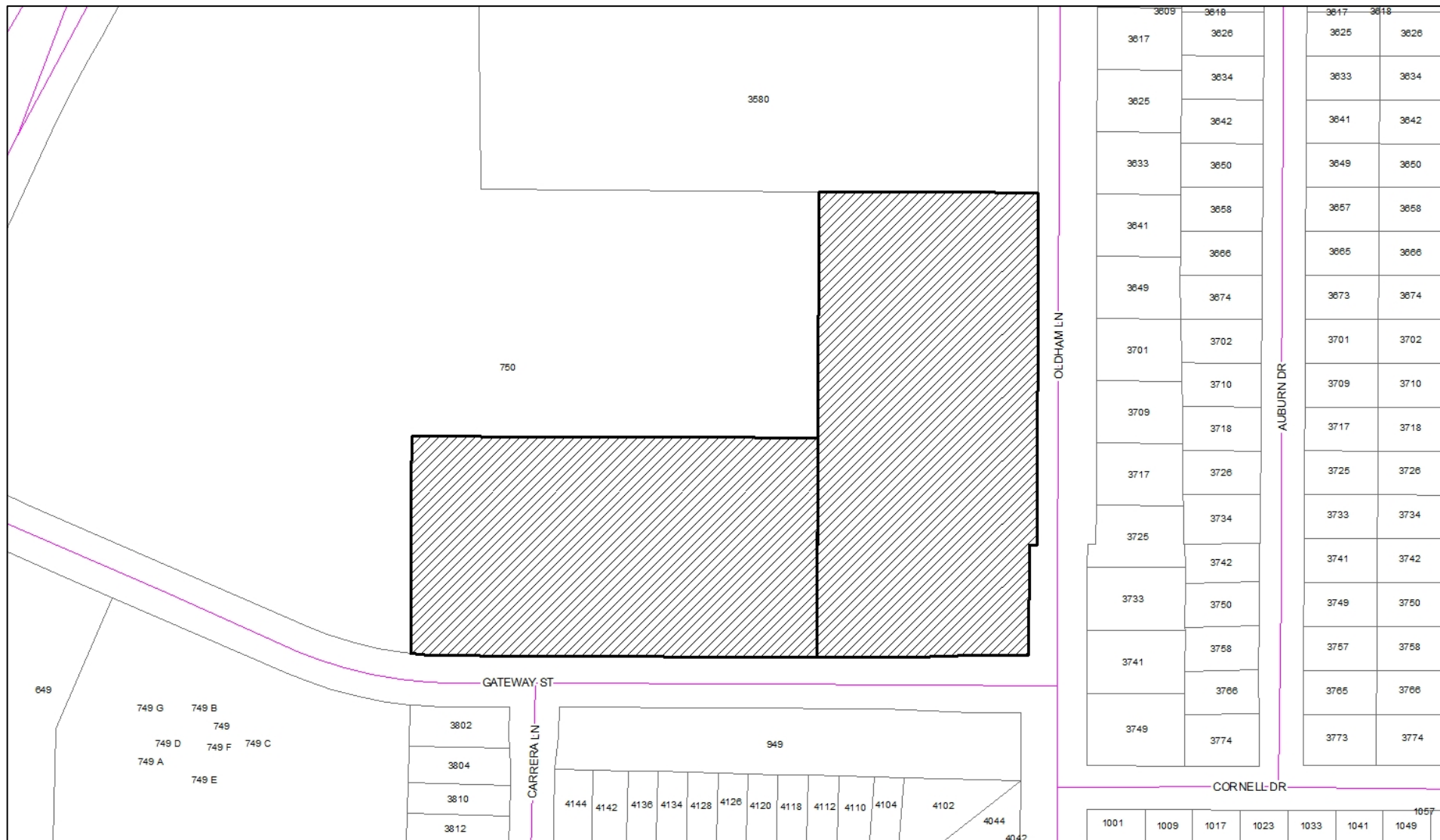
The Planning Services Division sent, with a certificate of mailing, public notices to the applicant and to owners of property within a 200-foot radius of this subject property;

Owner	Situs	Response
ABILENE TUSCANY LLC	749 GATEWAY ST	
ABILENE TUSCANY LLC	749 G GATEWAY ST	
ABILENE TUSCANY LLC	749 A GATEWAY ST	
ABILENE TUSCANY LLC	749 B GATEWAY ST	
ABILENE TUSCANY LLC	749 C GATEWAY ST	
ABILENE TUSCANY LLC	749 D GATEWAY ST	
ABILENE TUSCANY LLC	749 E GATEWAY ST	
ABILENE TUSCANY LLC	749 F GATEWAY ST	
ALLEN ROBERT G	3649 OLDHAM LN	
BARNES JUSTIN & HANNAH MARIE	3617 OLDHAM LN	
BENAVIDES MIGUEL & ASHLEY N	3718 AUBURN DR	
COX BURL C	3725 OLDHAM LN	
FESTEJO CHARLEMAGNE F & MIRIAM E	3658 AUBURN DR	
HALL BRANDON C ET AL	4136 CARRERA LN	
HAMILTON WALTER J II	3709 OLDHAM LN	
JONES MICHAEL L & PATRICIA A	3734 AUBURN DR	Opposed
JSALINAS PROPERTIES LLC	4112 CARRERA LN	
JSALINAS PROPERTIES LLC	4110 CARRERA LN	
LIGHT BOY PROPERTIES	3710 AUBURN DR	
MARTIN GRADY LYNN	3701 OLDHAM LN	
MATTHEW WILLIAM M & NANCY A	3650 AUBURN DR	
MC DONALD ASSETS INC	4120 CARRERA LN	
MC DONALD ASSETS INC	4118 CARRERA LN	
MCDONALD ASSETS INC	4044 CARRERA LN	
MUSGRAVE & MUSGRAVE LLP	949 GATEWAY ST	
NOBLES ROBERT R & CYNTHIA G	4142 CARRERA LN	
NOBLES ROBERT R & CYNTHIA G	4144 CARRERA LN	
NOBLES ROBERT R II &	3802 CARRERA LN	
NOBLES ROBERT R II &	3804 CARRERA LN	
NOBLES ROBERT R II &	3810 CARRERA LN	
RAINY CREEK MANAGEMENT INC	3633 OLDHAM LN	
REYNA EDUARDO & SOLEDAD	3625 OLDHAM LN	
SNOW MICHAEL	3741 OLDHAM LN	
STITTS JERRY & JUDY	4134 CARRERA LN	
STREET MICHAEL E JR	3717 OLDHAM LN	
SWANSON KENNETH W &	3641 OLDHAM LN	
VAUGHN CHRIS L &	3666 AUBURN DR	
WADE LANTHA A	3733 OLDHAM LN	
WALKER COLBY & RHONDA LYNN	3674 AUBURN DR	
WALMART REAL ESTATE	3580 OLDHAM LN	
WEST JARROD & RACHEL	4104 CARRERA LN	
WEST JARROD & RACHEL	4102 CARRERA LN	
WICHNER JUSTIN ANDREW & TIMEA	4128 CARRERA LN	
WICHNER JUSTIN ANDREW & TIMEA	4126 CARRERA LN	
WILKINSON CLYDE C &	3702 AUBURN DR	Opposed In Favor
WINDMILL CIRCLE PARTNERS LP &	750 GATEWAY ST	
WYATT JESSE A & TINA L	3749 OLDHAM LN	
ZHANG XIANGLING	3726 AUBURN DR	

ATTACHMENTS:

- Application
- PowerPoint

Case # Z-2020-19
October 23, 2020





Development Application

Planning

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

Project Name: Warren Caterpillar

Address: Loop 322 access rd./Gateway Blvd. No. of lots: 1 Acreage: 24.371

Legal Description: see attached

Subdivision Name: Southeast Quarter of Section 62 of the Blind Asylum Lands, Abstract No. 679

Block: _____ Lot: _____

Current Zoning: GR/NR Proposed Zoning (if applicable): GC

OWNER AND AUTHORIZATION

Owner Name: Oldham Partners, LP and Windmill Circle Partners, LP

Address: 4150 Southwest Dr., Ste. 210

City, State, Zip: Abilene, TX 79606

Fax: _____

Phone: 325.692.9141

Email: tconder@condercompany.com

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

Agent Name: Tony Conder

Address: 4150 Southwest Dr., Ste. 210

City, State, Zip: Abilene, TX 79606

Fax: _____

Phone: 325.692.9141

Email: tconder@condercompany.com

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

Signature Owner: [Signature] Date: 10/5/2020

FOR OFFICE USE ONLY

Received: 10/05/2020 Fee: \$ 1500 Receipt No.: 0001055776 & 0001055775
 Case No.: Z-2020-19 Reviewed By: [Signature]

AND
CUP-2020-08



Development Application

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

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

The subject property was zoned in anticipation of a Wal-Mart development a number of years ago. Wal-Mart subsequently decided to not develop the site. Consequently the nature of development has transitioned to vehicle and machinery sales as evidenced by the adjacent development of a new John Deere power equipment facility. The proposed use is consistent with recent zoning changes and more accurately reflects the long term use and viability of this parcel of land along loop 322.

This application for conditional use is to provide Warren Equipment the eligible zoning for a new sales and service center similar to the John Deere facility

EXHIBIT A

BEING 24.371 acres of land situated in the City of Abilene, Taylor County, Texas, and being out of the Southeast Quarter of Section 62 of the Blind Asylum Lands, Abstract No. 679, and being out of a 98.33 acre tract described in a certain Deed Without Warranty to Musgrave and Musgrave, LLP dated October 4, 2005, and recorded in Volume 3151, Page 821, Official Public Records, Taylor County, Texas, and said 24.371 acre tract being more particularly described in metes and bounds as follows:

BEGINNING at an "X" set in concrete at the point of intersection of the North right-of-way line of Gateway Street and the West right-of-way line of Oldham Lane, a.k.a. Farm to Market Road 1750 (said right-of-way line is the East line of said 98.33 tract), with said point of beginning being the Northeast corner of Section 1, Tuscany Village Addition to said City of Abilene as shown per plat recorded in Cabinet 2, Slide 351-A of the Plat Records of said Taylor County, Texas;

THENCE in a Westerly direction along said North right-of-way line of Gateway Street the following calls:

North 89°42'12" West along said North right-of-way line, at 10.00 feet passed a found 3/4 inch aluminum rod with 2 inch aluminum, Jacob & Martin cap, henceforth called a standard monument, and continuing a total distance of 76.30 feet to a standard monument found for corner;

South 88°20'54" West 120.00 feet to a standard monument found for corner;

North 89°41'48" West 597.79 feet to a standard monument found for corner at the beginning of a curve to the right which is concave to the East-Northeast and having a radius of 485.00 feet, a delta angle of 23°08'58" and being subtended by a chord having a bearing of North 78°11'30" West and a length of 194.63 feet;

Along said curve a distance of 195.96 feet to a standard monument found for corner;

North 66°34'03" West 413.09 feet to a standard monument found for corner;

North 64°39'19" West 120.04 feet to a standard monument found for corner;

North 66°37'21" West 66.34 feet to a standard monument found for corner in the Westerly line of said 98.33 acre tract, same being the Easterly right-of-way line of Loop 322;

THENCE North 23°28'45" East along said Westerly line of said 98.33 acre tract and said Easterly right-of-way line of Loop 322 a distance of 314.48 feet to a found standard monument for the beginning of a curve to the right which is concave to the Southeast and having a radius of 2714.54 feet, delta angle of 12°56'29" and being subtended by a chord having a bearing of North 30°08'17" East, and a length of 611.84 feet;

THENCE along said Easterly right-of-way line and said Westerly tract line and said curve to the right a distance of 613.14 feet to a found 5/8 inch rebar rod with a cap stamped "J&M BOUNDARY" for the most Northerly Southwest corner of the Grocery Retail Addition #2220-00 to the City of Abilene as shown in the plat of record of said addition recorded in Cabinet 4, Slide 180, Plat Records, Taylor County, Texas;

THENCE South 54°38'38" East along a Southerly line of said Grocery Retail Addition #2220-00 a distance of 78.47 feet to a found 5/8 inch rebar rod with cap for corner;

THENCE South 89°43'36" East along a Southerly line of said Grocery Retail Addition #2220-00 a distance of 289.86 feet to a found 5/8 inch rebar rod with cap for corner;

THENCE South 00°16'24" West along the most Southerly West line of said Grocery Retail Addition #2220-00 a distance of 436.04 feet to a found 5/8 inch rebar rod with cap for corner;

THENCE South 89°43'36" East along the most Easterly South line of said Grocery Retail Addition #2220-00 a distance of 751.61 feet to a found 5/8 inch rebar rod with cap for the Southeast corner of said Grocery Retail Addition #2220-00 and the Northeast corner of this tract and being located in said West right-of-way line of Oldham Lane and said East line of said 98.33 acre tract;

THENCE South 00°16'24" West along said East line of said 98.33 acre tract and said right-of-way line a distance of 613.07 feet to the POINT OF BEGINNING and containing 24.371 acres of land, more or less.

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2020-19

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: WILKINSON CLYDE C &

Address: 3702 AUBURN DR

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: Clyde C Wilkinson

NOV 3 AM 10:49

CASE #: Z-2020-19

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: JONES MICHAEL L & PATRICIA A
Address: 3734 AUBURN DR

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

Email: planning@abilenetx.gov

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature: Michael Jones Patricia A Jones

For the PLANNING & ZONING COMMISSION

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

CASE #: Z-2020-19

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: WINDMILL CIRCLE PARTNERS LP &
Address: 750 GATEWAY ST

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

Email: planning@abilenetx.gov

I am in favor ☒

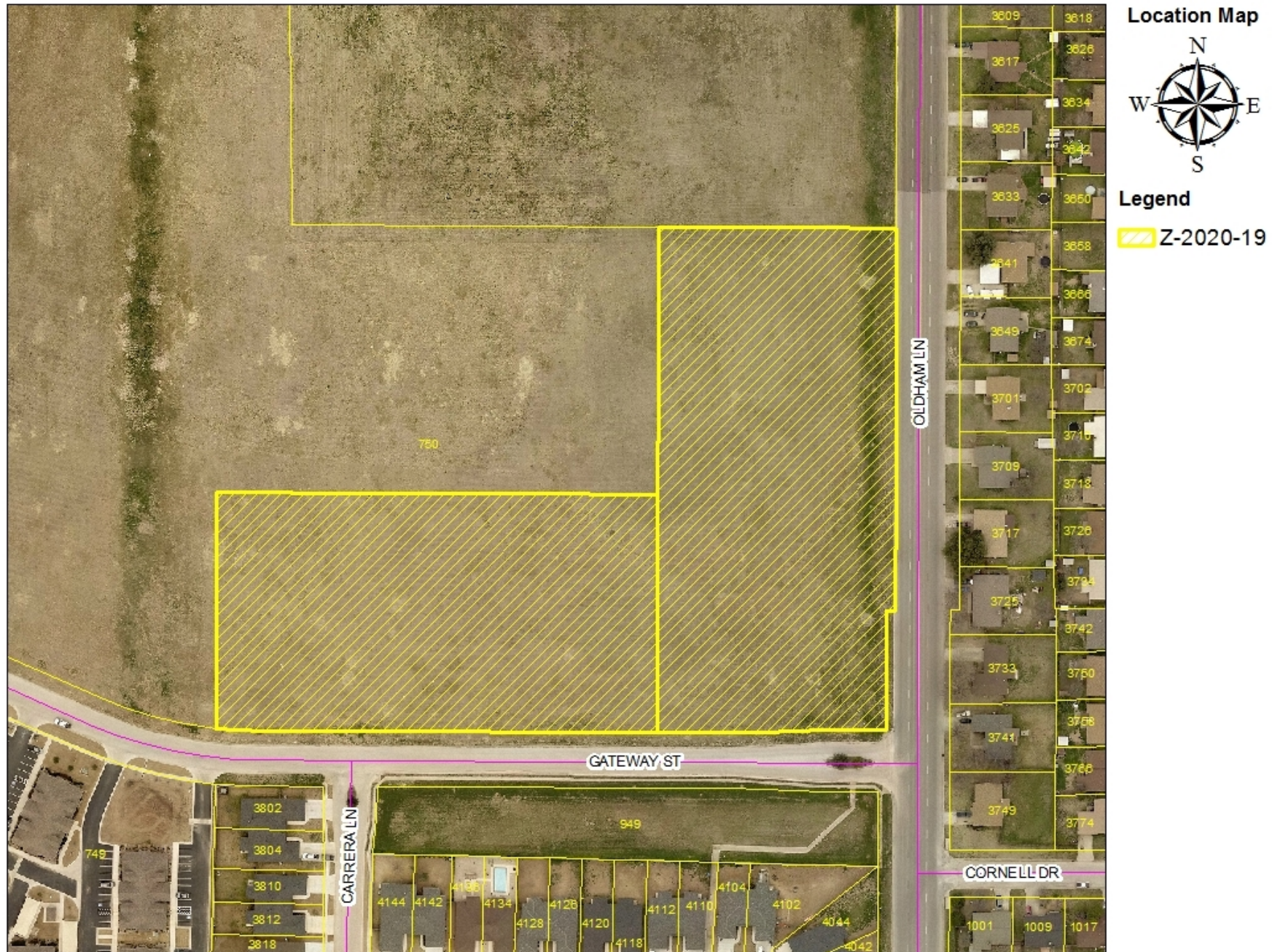
I am opposed ☐

Additional Comments:

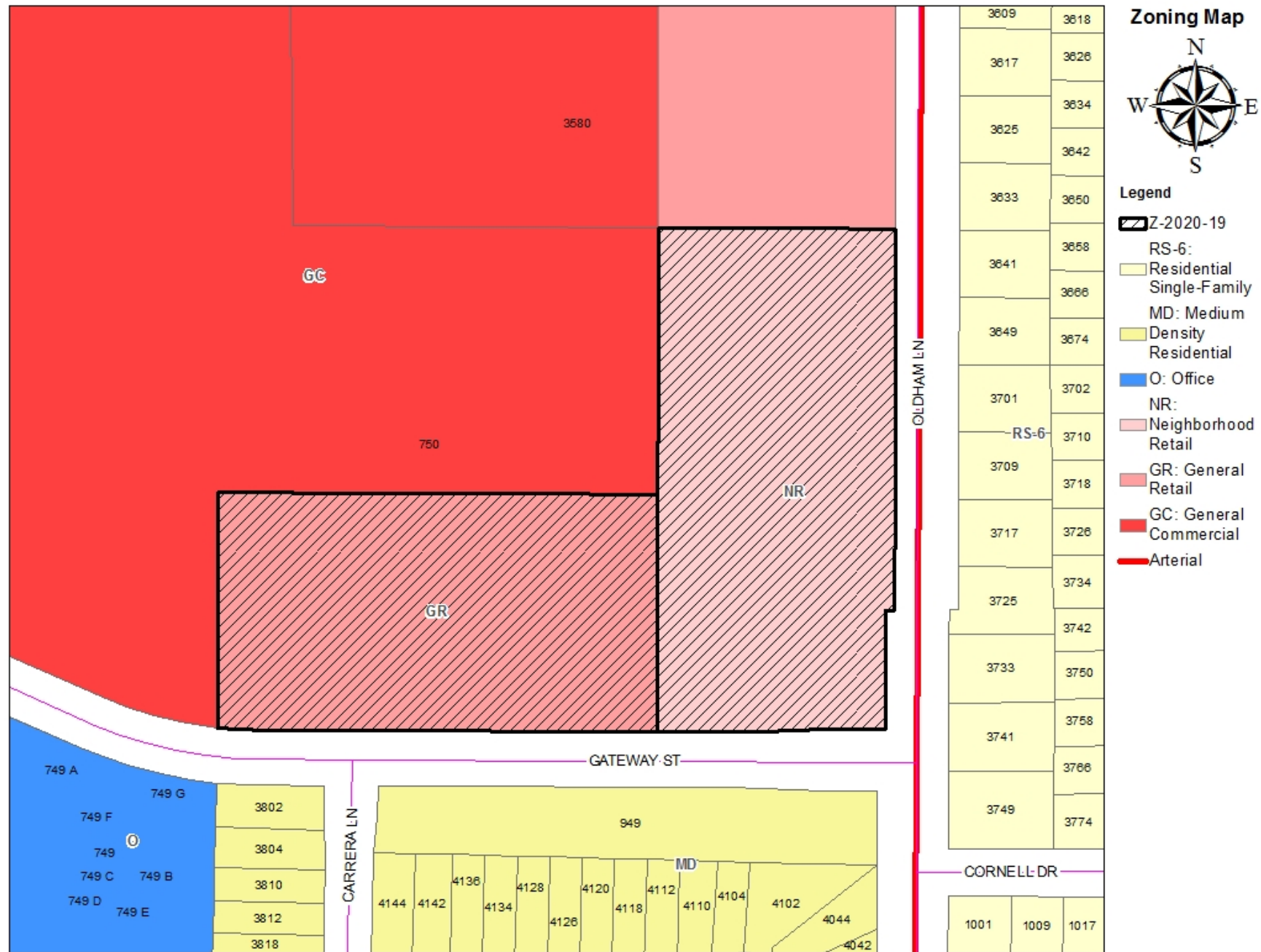
Signature: 

Case:	Z-2020-19
Owner:	Oldham Partners, LP & Windmill Circle Partners, LP
Agent:	Tony Conder
Request:	Rezone approximately 3.8 acres in GR and 4.3 acres in NR to GC
Location:	3.8 acres out of southeast quarter of Blind Asylum Lands Section 62 extending 300 feet north from 900 block of Gateway Street in an existing General Retail (GR) District and 4.3 acres out of southeast quarter of Blind Asylum Lands Section 62 extending 300 feet west from 3600-3700 blocks of Oldham Lane in an existing Neighborhood Retail (NR) District
Notification:	1 in Favor, 2 Opposed
Planning & Zoning Recommendation:	Approval

Z-2020-19 AERIAL LOCATION MAP



Z-2020-19 ZONING MAP



USES IN GENERAL RETAIL (GR)

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P 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 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, 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 Garden11

USES IN NEIGHBORHOOD RETAIL (NR)

RESIDENTIAL USES:

- P Bed & Breakfast
- P Dwelling - Duplex
- P Dwelling – Industrialized Housing Unit
- P Dwelling – Institutional
- P 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 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, 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

USES IN GENERAL COMMERCIAL (GC)

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)

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, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (automobile/small truck)
- P Retail Sales/Rental (indoor)
- P Retail Sales/Rental (outdoors, non-vehicle)
- C Retail Sales/Rental (trucks and other large vehicles and equipment)**

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

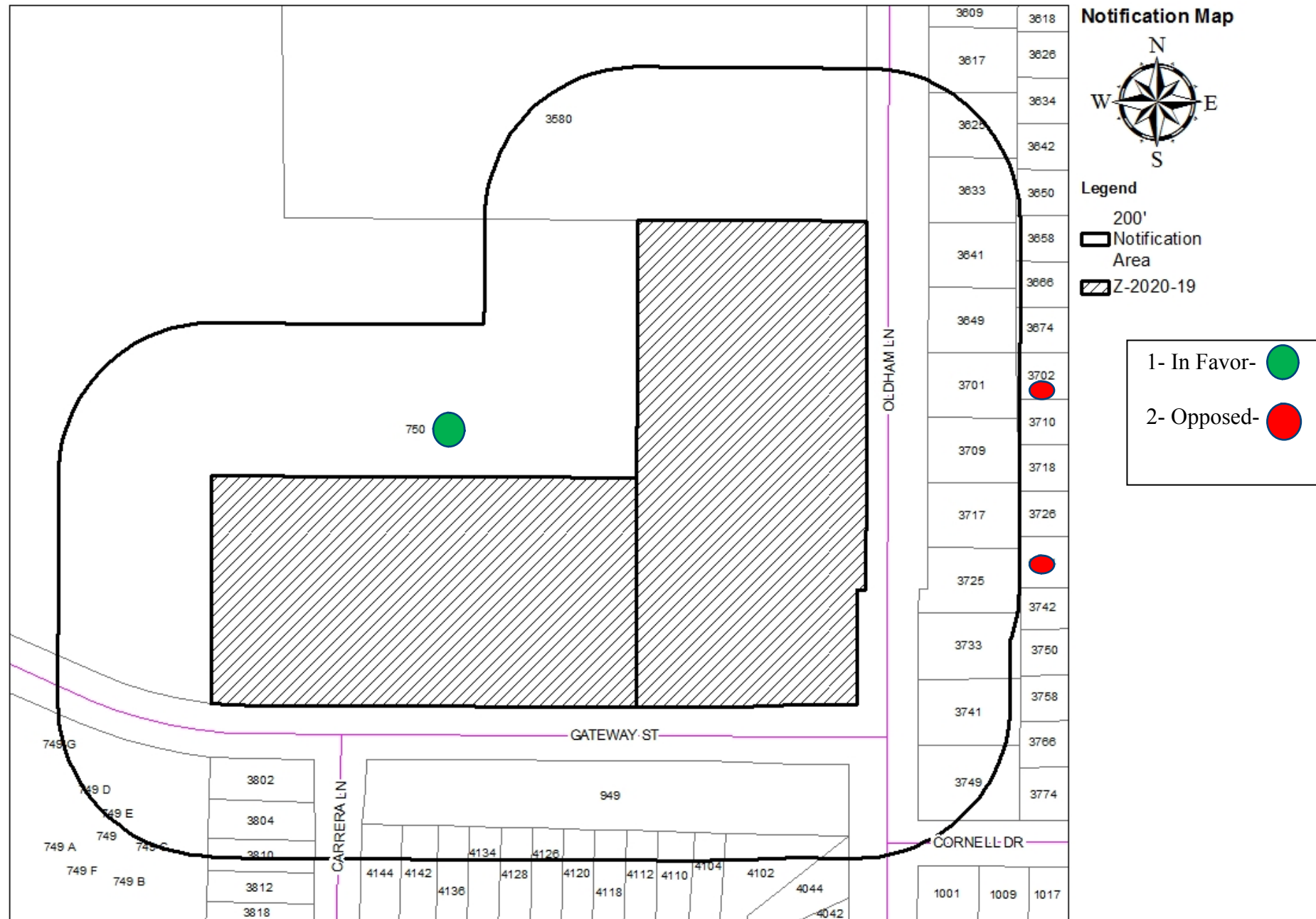
- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden



Z-2020-19 NOTIFICATION AREA MAP



- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **13. Ordinance (First Reading) Z-2020-20: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Albert Houle, agents Chris Barnett and Dale Scoggins, to rezone approximately 8.14 acres at 7602 thru 7734 Hwy. 83-84 and situated at or near the southwest corner of Waldrop Drive and U.S. Hwys. 83-84, from an Agricultural Open Space (AO) District to a General Commercial (GC) District *(Mike Warrix)***

GENERAL INFORMATION

The applicant is requesting to rezone from Agricultural Open (AO) to General Commercial (GC) in order to promote development of a wide range of commercial activities.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 7-0.

ATTACHMENTS:

1. Z-2020-20 draft ordinance
2. Z-2020-20 Council Staff Report
3. Z-2020-20 Council presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

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

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

PASSED ON FIRST READING the 19th day of November, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of October, 2020, 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 3rd day of December, 2020, 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 3rd day of December, 2020.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described tract(s), from Agricultural Open Space (AO) District to a General Commercial (GC) District:

TRACT 1

Being 3.380 acres of land containing a 2.0 acre tract and two 1.0 acre tracts, recorded in Volume 1595, Page 691, Deed Records, Taylor County, Texas, Save and Except a 0.615 acre tract deeded to the State of Texas for right-of-way and recorded in Volume 2580, Page 310, Official Public Records, Taylor County, Texas. Said 3.380 acre tract being more particularly described as follows.

Beginning at a found brass cap highway right-of-way monument on the West line of Highway 83-84, Highway Sta. 22+331.687, the South line of Waldrop Road and the North line of the 1.0 acre tract (Tract 2) recorded in Volume 1595, Page 691, for the Northerly Northeast corner of this tract and the Northwest corner of said 0.615 acre tract, whence the Northeast corner of said Section 23 is record to bear N89°28'E 206.26' and N0°05'W 22.0';

THENCE S43°30'48"E, with the West line of said Highway, 42.25' to a found brass cap right-of-way monument, at Highway Sta. 22+340.900, for the Southerly Northeast corner of this tract;

THENCE S00°49'28"W, with the West line of said Highway, 287.49' to a point whence the center of a 2.5" pipe fence corner post bears S61°05'22"E 0.14'. Said point being on the South line of said 2.0 acre tract and the North line of a 3.73 acre tract recorded in Volume 1948, Page 568, Official Public Records, Taylor County, Texas, for the Southwest corner of this tract, whence a found brass cap highway right-of-way monument bears S00°49'28"W 1054.31';

THENCE N89°37'42"W 465.54' to a found ½" metal rebar at the Southwest corner of said 2.0 acre tract and the Northwest corner of said 3.73 acre tract, for the Southeast corner of this tract;

THENCE N00°57'13"E 316.98' to a found 3/8" metal rebar on the South line of said Waldrop Road, at the Northwest corner of said 1.0 acre tract (Tract 3) recorded in Volume 1595, Page 691, for the Northwest corner of this tract;

THENCE S89°45'21"E, with the South line of said Waldrop Road, 435.31' to the point of beginning and containing 3.380 acres of land.

Bearing Basis – right-of-way markers on the West line of Highway 83-84. Records S00°49'28"W.

TRACT 2

BEING 3.14 acres of land out of Section 23, Lunatic Asylum Lands, Taylor County, Texas and being all of that same tract recorded as 3.73 acres in Volume 1948, Page 568, Official Public Records, Taylor County, Texas less a 0.586 acre tract deeded to the State of Texas in Volume 2580, Page 863, Official Public Records, Taylor County, Texas, said 3.14 acres being more particularly described as follows:

BEGINNING at an existing aluminum highway monument on the WBL of South U. S. Highway 83 – 84 at the Southeast corner of a 3.380 acre tract recorded in Volume 2971, Page 435, Official Public Records, Taylor County, Texas for the Northeast corner of this tract;

THENCE S0°10'40"W 293.81 feet along the WBL of said South U. S. Highway 83 – 84 and the WBL of said 0.586 acre tract to an existing aluminum highway monument at the Northeast corner of a 1.000 acre tract recorded in Clerk File No. 2012-6530, Official public Records, Taylor County, Texas for the Southeast corner of this tract;

THENCE S89°42'19"W 465.07 feet to the Southwest corner of said 3.73 acre tract and the Northwest corner of a 5.55 acre tract recorded as Tract 2 in Clerk File No. 2010-6979, Official Public Records, Taylor County, Texas for the Southwest corner of this tract, from whence an existing 4" pipe fence corner post bears North 0.8 feet and East 0.3 feet;

THENCE N0°02'34"W 293.80 feet to a 1/2" rebar found at the Southwest corner of said 3.380 acre tract for the Northwest corner of this tract;

THENCE N89°42'19"E 465.76 feet along the NBL of said 3.73 acre tract and the SBL of said 3.380 acre tract to the place of beginning and containing 3.14 acres of land.

TRACT 3

Being 1.000 acre out of a 10.100 acre tract recorded in Volume 3139, Page 821, Official Public Records, Taylor County, Texas, containing an 11.98 acre tract recorded in Volume 1185, Page 551, Deed Records, Taylor County, Texas, Save and Except a 1.883 acre (0.762 hectare) tract dedicated to the State of Texas for right-of-way, recorded in Volume 2580, Page 305, Official Public Records, Taylor County, Texas. Said 10.100 acre tract being out of the Northeast ¼ of Section 23, Lunatic Asylum Lands, Taylor County, Texas and said 1.000 acre tract being more particularly described as follows.

Beginning at a set ½" metal rebar on the North line of said 10.100 acre tract and the South line of a 3.73 acre tract recorded in Volume 1948, Page 568, Official Public Records, Taylor County, Texas, for the Northwest corner of this tract, whence a found 60D nail on the East line of Steve Roth Addition to the City of Abilene, Taylor County, Texas, recorded in Plat Cabinet 3, Slide 392, Plat Records, Taylor County, Texas, at the Southwest corner of said 3.73 acre tract, the Northwest corner of said 11.98 acre tract and the Northwest corner of said 10.100 acre tract bears N89°30'59"W 112.06', from said found 60D nail a found 3/8" metal rebar at the Northeast corner of said Steve Roth Addition bears N00°50'30"E 609.96' and from said 60D nail the Northwest corner of the Northeast ¼ of said Section 23 is record to bear North 620.1' and S89°57'W 2043.9' per Volume 1185, Page 551, Deed Records, Taylor County, Texas;

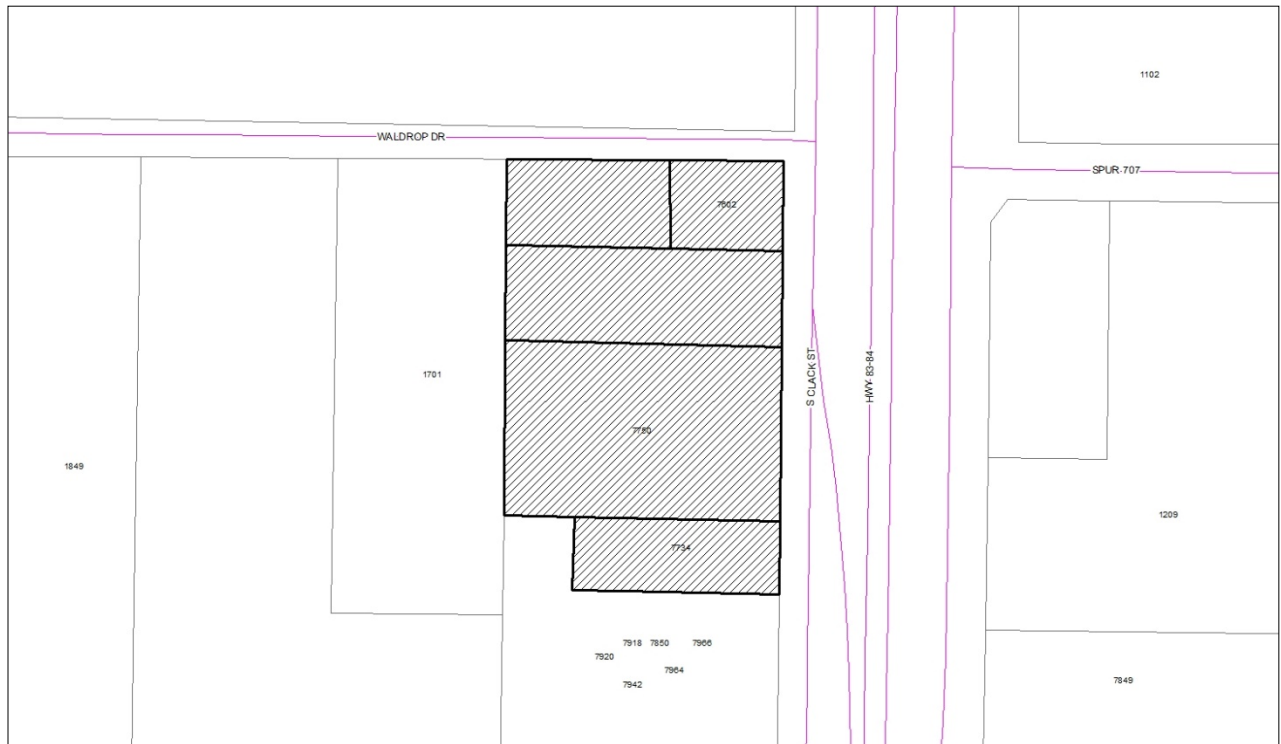
THENCE S89°30'59"E, with the North line of said 10.100 acre tract and the south line of said 3.73 acre tract, 352.95' to found ½" metal rebar with cap marked "TxDot" on the West line of U.S. Highway 83-84 (200' right-of-way) at the Northeast corner of said 10.100 acre tract, for the Northeast corner of this tract, whence a found ½" metal rebar with cap marked "TxDot" on the North line of said 3.73 acre tract bears N00°49'40"E 293.81';

THENCE S00°49'28"W with the West line of said Highway 83-84 123.42' to a set ½" metal rebar for the Southeast corner of this tract, whence a found brass cap highway monument bears S00°49'28"W 349.54' and from said monument a found ½" metal rebar with cap marked "TxDot" at the Southeast corner of said 10.100 acre tract bears S00°49'28"W 472.98';

THENCE N89°30'59"W 352.95' to a set ½" metal rebar for the Southwest corner of this tract;

THENCE N00°49'28"E 123.42' to the point of beginning and containing 1.000 acre of land.

Bearing basis – West line of U.S. Highway 83-84. S00°49'28"W



location: 7600-7800 blocks (west side) of South Clack Street

ZONING CASE Z-2020-20

STAFF REPORT



REQUEST: Rezoning

APPLICANT:

Owner: Albert Houle

Agent: Chris Barnett and Dale Scoggins

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- 7602, 7750 and 7734 HWY 83-84
- Legal description(s): 8.15 acres out of the northeast quarter of Lunatic Asylum Lands Section Number 23 in Taylor County, TX

BACKGROUND:

The subject properties were annexed into the City limits of Abilene in 1980, at which time they were zoned Agricultural Open Space (AO). The subject properties are currently occupied by single family residences which pre-date the annexation of the tracts of land into the City of Abilene.

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone from Agricultural Open Space (AO) to General Commercial (GC) in order to promote development of a wide range of commercial activities.

APPLICATION REVIEW:

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

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

The Future Land Use and Development Plan Map of the Comprehensive Plan designates this general area as a mixed use gateway. Specifically, the Comprehensive Plan states the importance of this gateways proximity to the Special Activity Center which has developed around Abilene Regional Medical Center. This mixed use gateway should build on the supporting land uses of this activity center. General Commercial (GC) Zoning will continue to promote the goal of further supporting the land uses which have developed around the Abilene Regional Medical Center as well as Kirby Lake by providing a wide range of retail/office activities, personal and business services, and other commercial opportunities in close proximity to the regional activity center.

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

The retail and commercial uses permitted by the proposed zone change would be appropriate in the immediate area. Rezoning this property will provide an opportunity for a wide range of commercial and retail activities, which will encourage the Comprehensive Plan's objective of creating a mixed use gateway.

The subject lots have been Agricultural Open Space (AO) since 1980. West of these lots is a single family residence within AO zoning. East of the subject properties is HWY 83-84. North of the subject properties is vacant acreage which is currently zoned Agricultural Open Space. South of the subject properties is a Planned Development District (PD 150), this planned development was created to promote general retail development as well as serve as the office and service yard for a public utility agency.

	Zoning	Existing Land Use
North	AO	Vacant Acreage
South	PD-150	Utility Company Office/Service Yard
East	N/A	HWY 83-84
West	AO	Single Family Residence

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

The subject properties have access to existing water mains and sewer mains. Therefore water and sewer capacity should not be a limiting factor to the development of these properties. As it stands today, Waldrop Drive is an under improved collector road; the developer will be responsible for improving their share of Waldrop in accordance with the City of Abilene's collector road standards at the time of subdividing. Such improvements will include widening and providing curb/gutter along the subject property lines adjacent to Waldrop.

According to the Land Development Code good automobile accessibility within General Commercial (GC) districts is essential. The subject property is located near the intersection of HWY 83-84 and Waldrop Dr. Traditional planning considers intersections of freeways and collector roads such as this, to be customarily appropriate for commercial purposes.

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

It is the opinion of the staff that there are no other factors, which substantially affect the public health, safety, morals, or general welfare of the City of Abilene.

STAFF COMMENTS:

The subject properties have been zoned AO since at least 1980, when the properties were annexed by the City of Abilene. The AO district is typically used as a "holding zone", until an applicant requests and the City considers a more intensive zoning district of the land. Properties near these tracts of land have undergone rezoning and development that is consistent with the Future Land Use and Development Plan Maps goal of creating a mixed use gateway; specifically along Highway 83-84 in between Antilley Road and Beltway South (FM707). According to the Comprehensive Plan, this gateway should provide a mixture of mutually supportive land uses which support the special activity center that has developed around Abilene Regional

Medical Center. Rezoning the subject properties to GC will allow a wide range of land uses that will further promote a mixed use gateway south of the special activity center surrounding Abilene Regional Medical Center.

STAFF RECOMMENDATION:

This rezoning request was reviewed pursuant to Section 1.4.1.4 (Criteria for Approval) in the Land Development Code and staff recommends approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval by a vote of seven (7) to zero (0) on November 3, 2020.

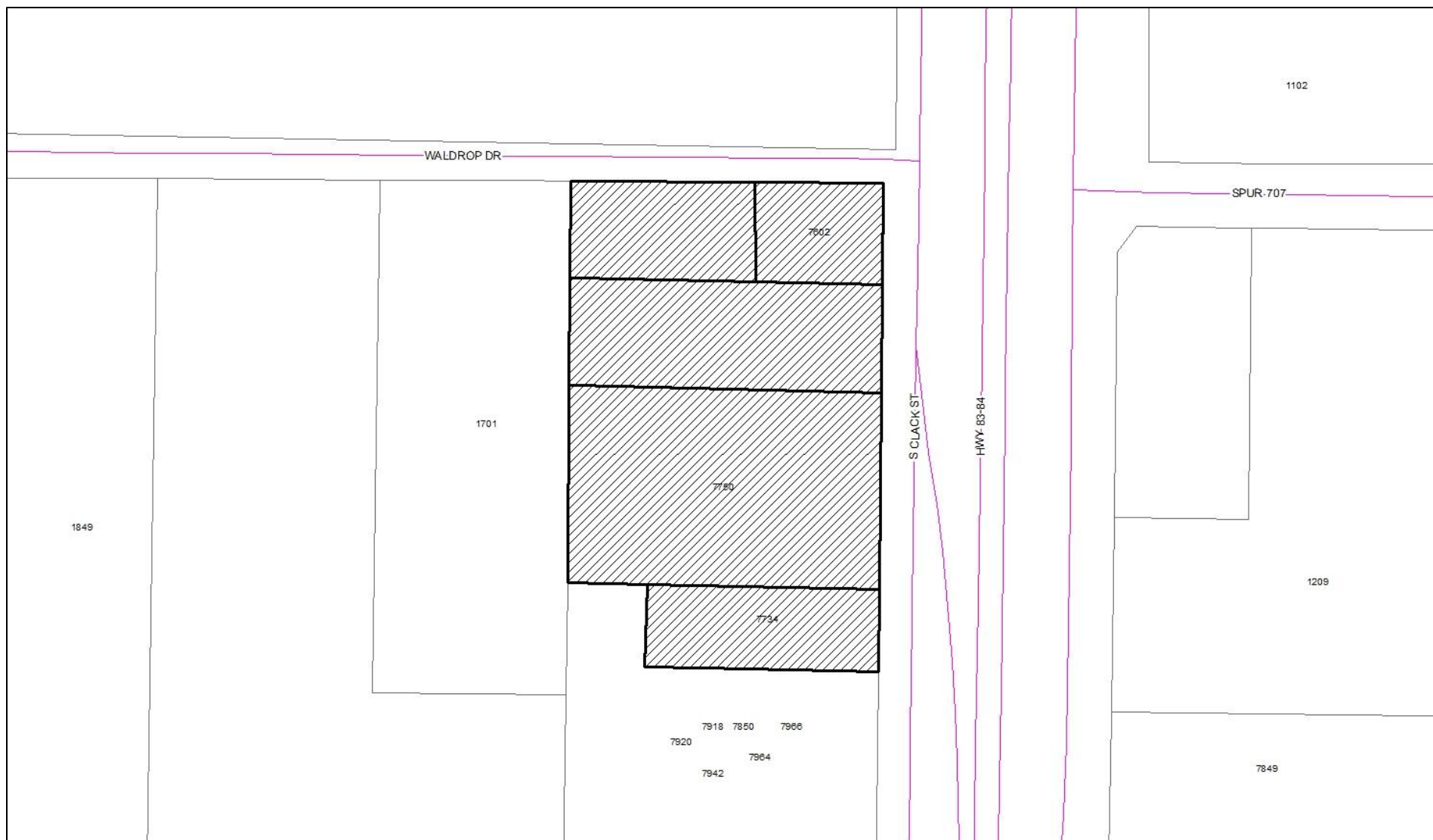
NOTIFICATION:

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

Owner	Situs	Response
ENSOR JOSH & PATTI		
HOULE ALBERT	7750 HWY 83-84	
HOULE ALBERT L	7734 HWY 83-84	
HOULE ALBERT L		
HOULE ALBERT L	7602 HWY 83-84	
HOULE ALBERT L		
SCHAFER VICTORIA L	1701 WALDROP DR	
TAYLOR ELECTRIC COOP INC	7964 HWY 83-84	
TAYLOR ELECTRIC COOP INC	7850 HWY 83-84	
TAYLOR ELECTRIC COOP INC	7918 HWY 83-84	
TAYLOR ELECTRIC COOP INC	7942 S CLACK ST	
TAYLOR ELECTRIC COOP INC	7920 S CLACK ST	
TAYLOR ELECTRIC COOP INC	7966 HWY 83-84	
WEST TEXAS UTILITIES CO		

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

☐ Conditional Use

☐ Easement Release

☒ Rezoning

☐ Other

☐ PDD

☐ Street Name Change

☐ Thoroughfare Abandonment

☐ PDD Amendment

Other: _____

Project Name: HIGHWAY 83/84 COMMERCIAL DEVELOPMENT

Address: 7602, 7750, 7734 HWY 83-84 No. of lots: 5 Acreage: 8.14

Legal Description: A0980 SUR 23 L A L NE/4 ACRES 8.14

Subdivision Name: CORONADO, EL DORADO TRAILS E Block: _____ Lot: _____

Current Zoning: A0 Proposed Zoning (if applicable): GC

OWNER AND AUTHORIZATION

Owner Name: ALBERT HOULE

Address: 7602 VS HWY. 83

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

Phone: 325/665-1233 Email: _____

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

Agent Name: CHRIS BARNETT (RREC) / Dale Scoggins

Address: 2438 INDUSTRIAL BLVD, 136

City, State, Zip: ABILENE, TX. 79605 (PH) 325/201-7679

Phone: _____ Email: CBARNETT@RRECTEXAS.COM

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

Signature Owner: Albert Houle

Date: 10/5/2020

FOR OFFICE USE ONLY

Received: _____ Fee: \$ 1500

Receipt No.: 0001055774

Case No.: 2-2020-20

Reviewed By: _____



Development Application

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

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

THE PROPERTY FRONTS ON HWY 83/84 APPROX 1/4 MILE NORTH OF FM 707 WHICH MAKES IT SUITABLE FOR COMMERCIAL ZONING PER STAFF RECOMENDATION, AND IS CONSISTENT WITH THE FUTURE LAND USE DEVELOPMENT PLAN.

THE TAYLOR ELECTRIC SERVICE YARD IS DIRECTLY SOUTH OF THIS PROPERTY WITH WALDROP DR. TO THE NORTH. THE PROPERTY HAS APPROX. TWICE AS MUCH FRONTAGE ON 83/84 AS IT DOES DEPTH AND IS ACCESSED BY THE ON AND OFF RAMPAS FROM HWY 83/84.



Development Application

RECOMMENDATIONS

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

PUBLIC NOTIFICATION

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

PLEASE READ BEFORE SIGNING

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

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

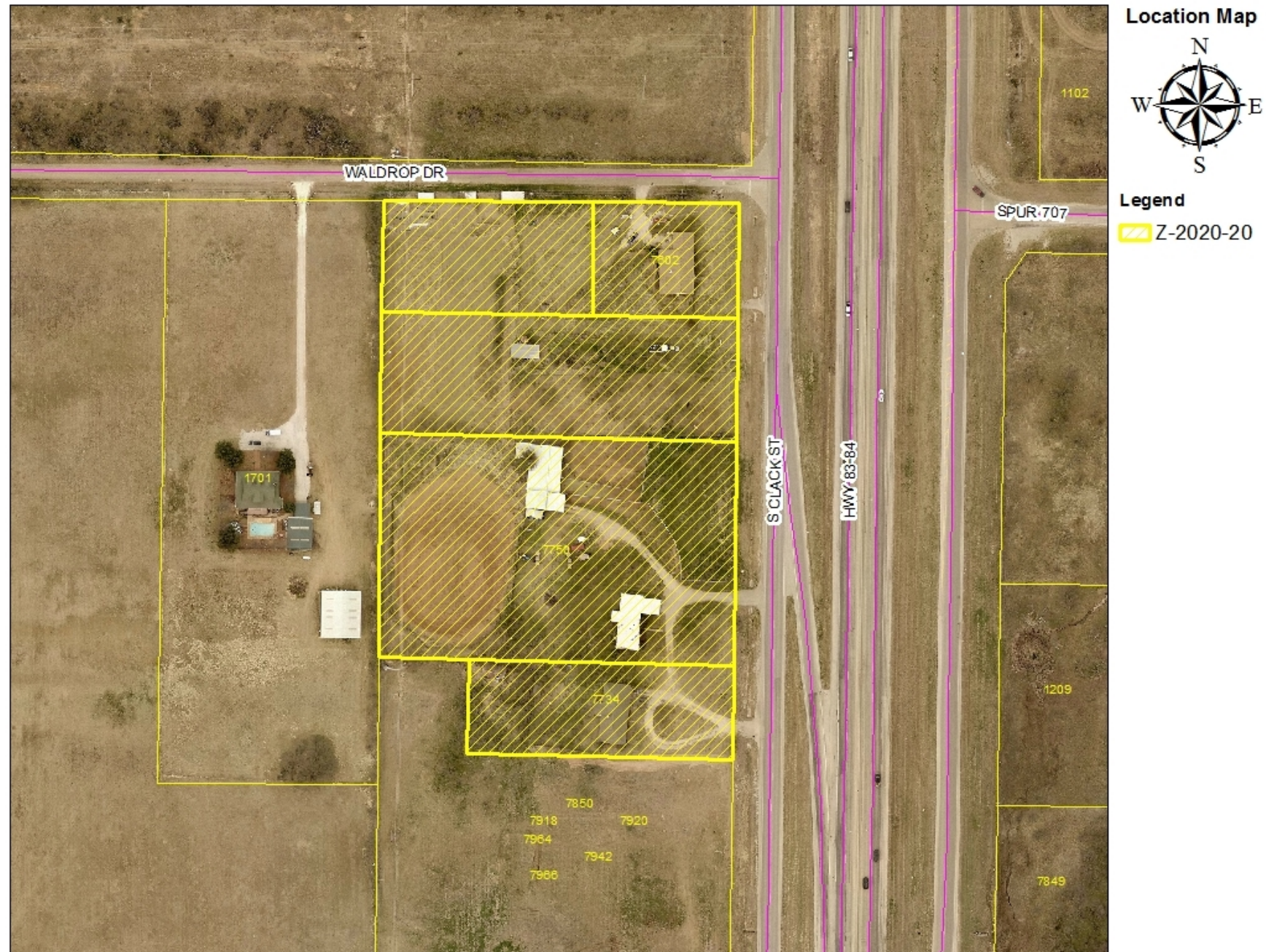
SIGNED: _____

DATE: _____

10/5/20

Case:	Z-2020-20
Owner:	Albert Houle
Agent:	Chris Barnett & Dale Scoggins
Request:	Rezone from AO to GC
Legal Description:	8.15 acres out of the northwest quarter of Lunatic Aslum Lands Section number 23 Abilene, Taylor County, Texas
Notification:	0 in Favor, 0 Opposed
Planning & Zoning Recommendation:	Approval

Z-2020-20 LOCATION MAP



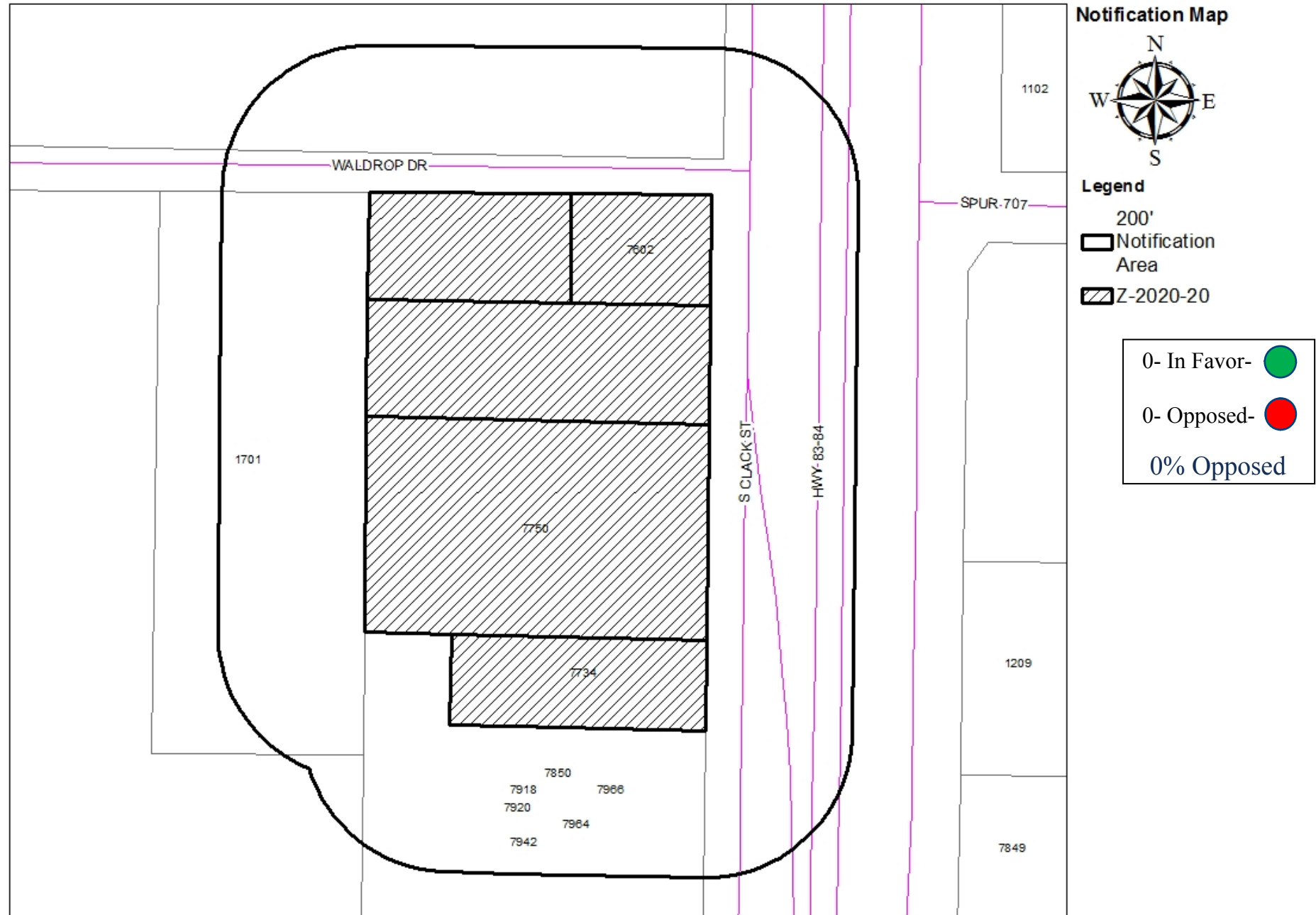
Z-2020-20 ZONING MAP



Z-2020-20 VIEWS OF SUBJECT PROPERTY



Z-2020-20 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **14. Ordinance (First Reading) Z-2020-21:** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Vinson Higginbotham, agent Jack Zanger of Triangle Engineering, to rezone approximately 4.04 acres on the 4900-5000 blocks (southwest side) of South Clack Street, from an Agricultural Open Space (AO) to a General Commercial (GC) District *(Mike Warrix)*

GENERAL INFORMATION

The applicant is requesting to rezone the subject property from Agricultural Open Space (AO) to a General Commercial (GC) District. The northern half of this 4.04-acre tract is planned for immediate development as a site for automotive body repair. No planned use of the remaining southern half has been identified.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 7-0.

ATTACHMENTS:

1. Z-2020-21 draft ordinance
2. Z-2020-21 staff report
3. Z-2020-21 Council presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

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

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

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

PASSED ON FIRST READING the 19th day of November, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of October, 2020, 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 3rd day of December, 2020, 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 3rd day of December, 2020.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described tract, from an Agricultural Open Space (AO) District to a General Commercial (GC) District:

4.019 acres of land being a part of Lot 6, Alfred and Mary Fausshauer Subdivision of Section 65, Blind Asylum Lands in the City of Abilene, Taylor County, Texas, according to the plat thereof recorded on Page 274 in Volume 1 of Plat Records for Taylor County, Texas and being more particularly described as follows:

BEGINNING at a ½-inch iron rod with a yellow plastic cap stamped “RPLS 5310” set for a corner in the present west line of South Clack Street (southbound frontage road for U.S. Highway 83-84) and at the northeast corner of a tract of land described in deed to Perry Sayles, as recorded on Page 243 in Volume 435 of Deed Records for Taylor County, Texas;

THENCE South 84° 36’ 31” West for a distance of 458.76 feet to a ½-inch iron rod found in the north line of said Sayles tract and at the southeast corner of a tract of land described as Tract 1 in a deed to the City of Abilene, as recorded on Page 252 in Volume 3173 of Official Public Records of Real Property (O.P.R.R.P.) in Taylor County, Texas;

THENCE North 08°56’ 50” East for a distance of 673.77 feet to a ½-inch iron rod with a yellow plastic cap stamped “RPLS 5310” set for corner at the southeast corner of a tract of land described as Tract 2 in a deed to the City of Abilene, as recorded on Page 531 in Volume 3175 of Official Public Records of Real Property (O.P.R.R.P.) in Taylor County, Texas, and at the southwest corner of a tract of land described as Tract 1 in a deed to the City of Abilene, as recorded on Page 531 in Volume 3175 of Official Public Records of Real Property (O.P.R.R.P.) in Taylor County, Texas;

THENCE South 89° 21’ 03” East for a distance of 81.92 feet to a ½-inch iron rod found in said west line of South Clack Street (southbound frontage road for U.S. Highway 83-84) and at the southeast corner of said City of Abilene Tract 1 described in deed recorded on Page 531 in Volume 3175 of Official Public Records of Real Property (O.P.R.R.P.) in Taylor County, Texas;

THENCE South 23° 28’ 58” East along said west line of South Clack Street, for a distance of 677.66 feet to the PLACE OF BEGINNING and containing 175,066 square feet or 4.019 acres of land.

ZONING CASE Z-2020-21

STAFF REPORT



REQUEST: Rezone a 4.04-acre tract of vacant land, from Agricultural Open Space (AO) to General Commercial (GC) District

APPLICANT:

Owner: Carlynn Enterprise (Vinson Higginbotham)

Agent: Triangle Engineering, represented by Jack Zanger

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- 4900-5000 blocks (west side) of South Clack Street, and east of Canyon Rock Lake
- Legal description: approximately 4.04 acres out of Lot 6 in the Alfred and Mary Fasshauer Subdivision of Blind Asylum Lands Section 65 in Abilene, Taylor County, Texas

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting to rezone the subject property from Agricultural Open Space (AO) to a General Commercial (GC) District. The northern half of this 4.04-acre tract is planned for immediate development as a site for automotive body repair. No planned use of the remaining southern half has been identified.

BACKGROUND:

This site was annexed to the City limits of Abilene during the late 1950's. This was approximately the same period of time as the initial construction of Winters Freeway (Hwy. 83-84). The subject property is believed to have been vacant during these 60+ years, although possibly used for excavation of fill material.

Winters Freeway and its southbound frontage road (South Clack Street) borders the subject property's entire eastern boundary, over a distance of 670+ feet. Since 2012, this adjoining segment of South Clack Street has been a one-way frontage road.

The west side of this subject property is bordered by a 100-foot-wide strip of land which long served as the route of Abilene & Southern Railroad. During the 1980's, this railway was abandoned and the tracks removed. This 100-foot-wide strip of vacant land is now owned by the City of Abilene.

Land located farther west of this 100-foot-wide strip is developed as a subdivision of single-family homes, more specifically known as Canyon Rock Lake Addition.

EXISTING AND PROPOSED ZONING:

The subject property has been within an Agricultural Open Space (AO) zoning district since the current zoning map was initially approved during 1974. Although sometimes applied to actual farm and ranch land with scattered single-family homes, the AO zoning classification is most often used as a "holding" zone until some more intensive use of that land is deemed appropriate and zoning for such is approved. The current owners of this subject property now seek a change in zoning to a General Commercial (GC) District.

APPLICATION REVIEW:

Section 1.4.1.4 of Abilene's Land Development Code concerns criteria for approval of zoning changes. This Section stipulates that, in making a recommendation regarding a requested zoning change, the Planning and Zoning Commission and the City Council should consider the following factors:

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

The Future Land Use and Development component of Abilene's Comprehensive Plan suggests the entire vicinity wedged between U.S. Hwy. 83-84 and the former Abilene & Southern Railroad* to be a Special Activity Center. This triangular-shaped area encompasses approximately 280 acres within which a variety of commercial (but not industrial) uses are encouraged. For the subject property and its immediate surroundings north and south, the practical choice of potential commercial zoning seems limited to either General Commercial (GC) or General Retail (GR) classifications. Both forms of commercial zoning are identical in many ways with the following meaningful distinctions:

1. The following uses are automatically allowed in GC Districts, but not in GR Districts, whatsoever:
 - a. sales of automobiles and small trucks;
 - b. major automotive repair.
2. The following uses are allowed in GC Districts with approval of a Conditional Use Permit (CUP) but are not allowed in GR Districts, whatsoever:
 - a. sales of trucks and other large vehicles;
 - b. contractor services;
 - c. wholesale trade (indoor storage only).

In both GC and GR Districts, outdoor storage of materials not displayed for sale is not allowed.

In both GC and GR Districts, outdoor display of merchandise available for sale is allowed, but subject to the same limiting conditions.

(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.

General Retail (GR) zoning is most appropriate for consumer-oriented retail trade and services requiring maximum access by passing motorists, often at or near the intersection of arterial streets. General Commercial (GC) zoning will accommodate all the same consumer-oriented retail activities as GR zoning, but GC zoning also allows opportunities for some commercial activities not necessarily relying on heavy traffic passing by. These "destination-dependent" businesses are those to which customers may be obliged to travel occasionally, but not routinely. These businesses include automotive repair, automobile sales and even wholesale trade, all of which are at least potentially allowable in GC Districts but not in GR Districts.

The only existing roadway adjacent to this subject property is South Clack Street, which is one-way. The subject property also lies a long way from any existing cross street suitable for commercial traffic. As a result, opportunities for some "destination-dependent" businesses may need to be made available in order to make any effective use of this subject property. General Commercial (GC) zoning may achieve this, in a way which General Retail (GR) zoning does not.

* north from a line located ¼-mile south of Antilley Road

	Zoning	Existing Land Use
North	AO	vacant tract; Winters Freeway
South	AO	vacant tracts; petroleum pipeline
East	AO	Winters Freeway (Highway 83-84)
West	AO	100-foot-wide strip of vacant land

(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.

As mentioned above, this subject property has a border over 670 feet along on a fully-improved frontage road for Winters Freeway (Hwy. 83-84). The subject property also has direct access to a 10-inch-wide water main and an 18-inch-wide sewer main. All the basic infrastructure necessary for commercial use of this subject property is already in place. No additional demand on public schools or other such public facilities may reasonably be expected to emerge from commercial use of this property.

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

Only a 100-foot-wide strip of land separates the rear of this subject property from the rear of existing single-family home sites in the Canyon Rock Lake Addition. This 100-foot separation may represent enough of a separation to minimize any ill effects that commercial use may have on the value and comfort of nearby homes.

STAFF RECOMMENDATION:

City staff recommends approving the request for General Commercial (GC) zoning on this subject property. GC zoning represents an appropriate “balance” between allowable nonresidential use and this property’s proximity to nearby residences. Unsightly industrial-like uses and unmitigated outdoor storage will be prohibited altogether, while a 100-foot-wide vacant strip separates any allowed commercial use from the rear of nearby residences.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval by a vote of seven (7) to zero (0) on November 3, 2020.

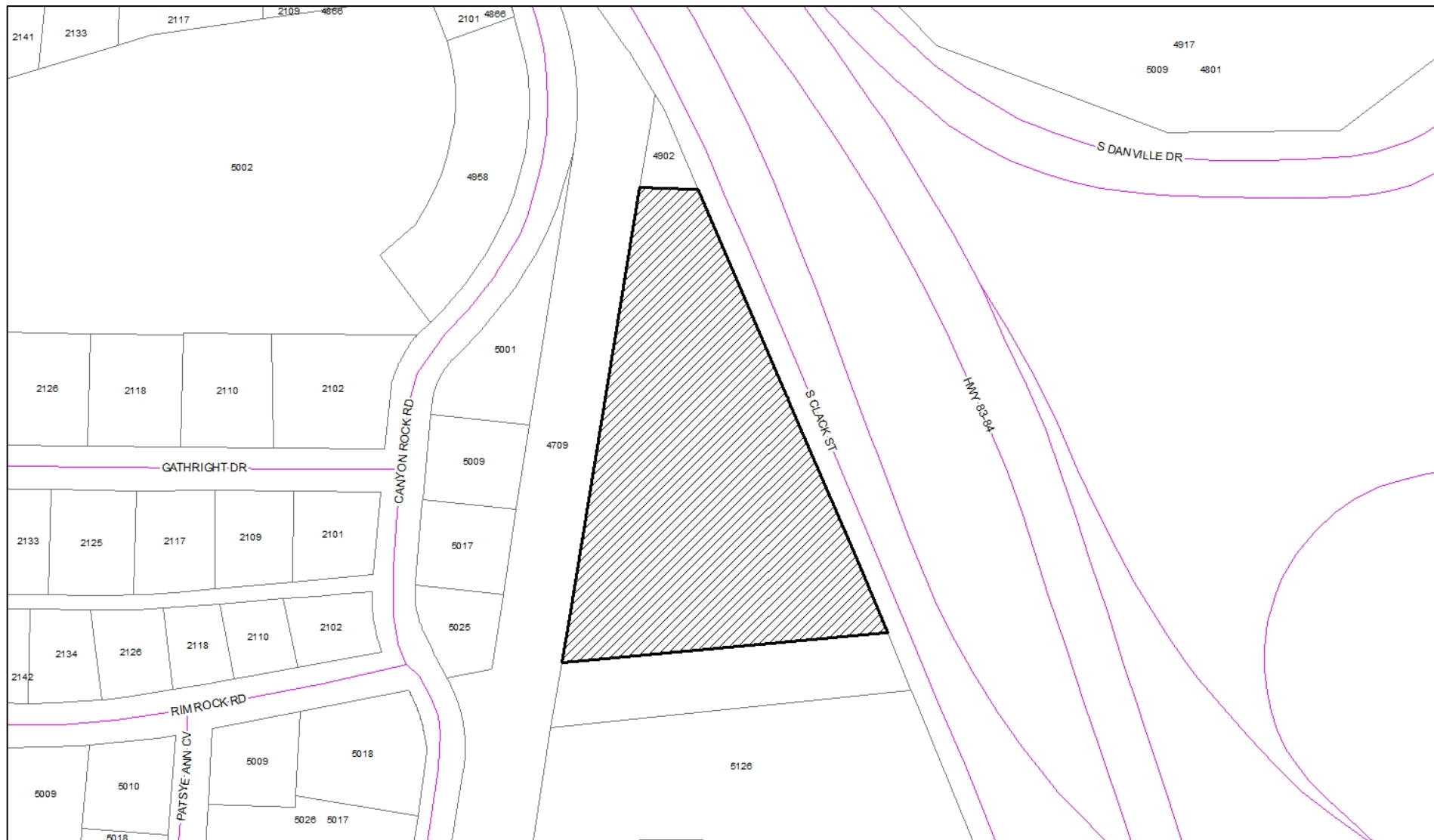
NOTIFICATION:

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

Owner	Situs	Response
CARLYNN ENTERPRISE	5126 S CLACK ST	In favor
CARLYNN ENTERPRISE		In favor
CITY OF ABILENE	4902 S CLACK ST	
CITY OF ABILENE	4709 S DANVILLE DR	
FAIN CECIL	4958 CANYON ROCK RD	
HARRUFF DOUGLAS KIRK &	5009 CANYON ROCK RD	
LAWSON CHARLES L & DEON	5025 CANYON ROCK RD	
MAR DANIEL K JR & TERESA A	5017 CANYON ROCK RD	
WEST TEXAS GULF PIPE LINE CO		
WILCOX STEVEN M & SARA S	5001 CANYON ROCK RD	

ATTACHMENTS:

- Application
- PowerPoint





Development Application

Planning

☐ Conditional Use

☐ Easement Release

☒ Rezoning

☐ Other

☐ PDD

☐ Street Name Change

☐ Thoroughfare Abandonment

☐ PDD Amendment

Other: _____

Project Name: Caliber Collision

Address: UnAddressed No. of lots: N/A Acreage: 4.04

Legal Description: A0946 SUR 65 B A L SE/4, TRACT 6 FASSHAUER 4.04 ACRE

Subdivision Name: N/A Block: N/A Lot: N/A

Current Zoning: (AO) Agricultural Open Space Proposed Zoning (if applicable): (GC) General Commercial

OWNER AND AUTHORIZATION

Owner Name: Vinson Higginbotham

Address: 4001 South 1st Street

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

Phone: _____ Email: vinsonh@arrowford.com

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

Agent Name: Jack Zanger, Project Manager, Triangle Engineering

Address: 1784 West McDermott Dr. Suite 110

City, State, Zip: Allen, Texas, 75013 Fax: _____

Phone: 469.331.8566 Ext. 113 Email: jzanger@triangle-engr.com

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

Signature Owner: Vinson Higginbotham Date: 9-10-2020

FOR OFFICE USE ONLY

Received: _____ Fee: \$ 1,500 Receipt No.: 0001055777

Case No.: Z-2020-21 Reviewed By: _____



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

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



Development Application

RECOMMENDATIONS

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

PUBLIC NOTIFICATION

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

PLEASE READ BEFORE SIGNING

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

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

SIGNED: _____

A handwritten signature in black ink, appearing to be "V. [unclear]".

DATE: 9-11-20 _____

RECEIVED
OCT 30 2020
PLANNING

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

CASE #: Z-2020-21

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: CARLYNN ENTERPRISE

Address:

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: Vinson Higginbotham

OCT 30 AM 10:08

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

CASE #: Z-2020-21

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: CARLYNN ENTERPRISE

Address: 5126 S CLACK ST

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

Email: planning@abilenetx.gov

I am in favor ☒
Additional Comments:

I am opposed ☐

Signature: Vinson Higginbotham

OCT 30 AM 10:08

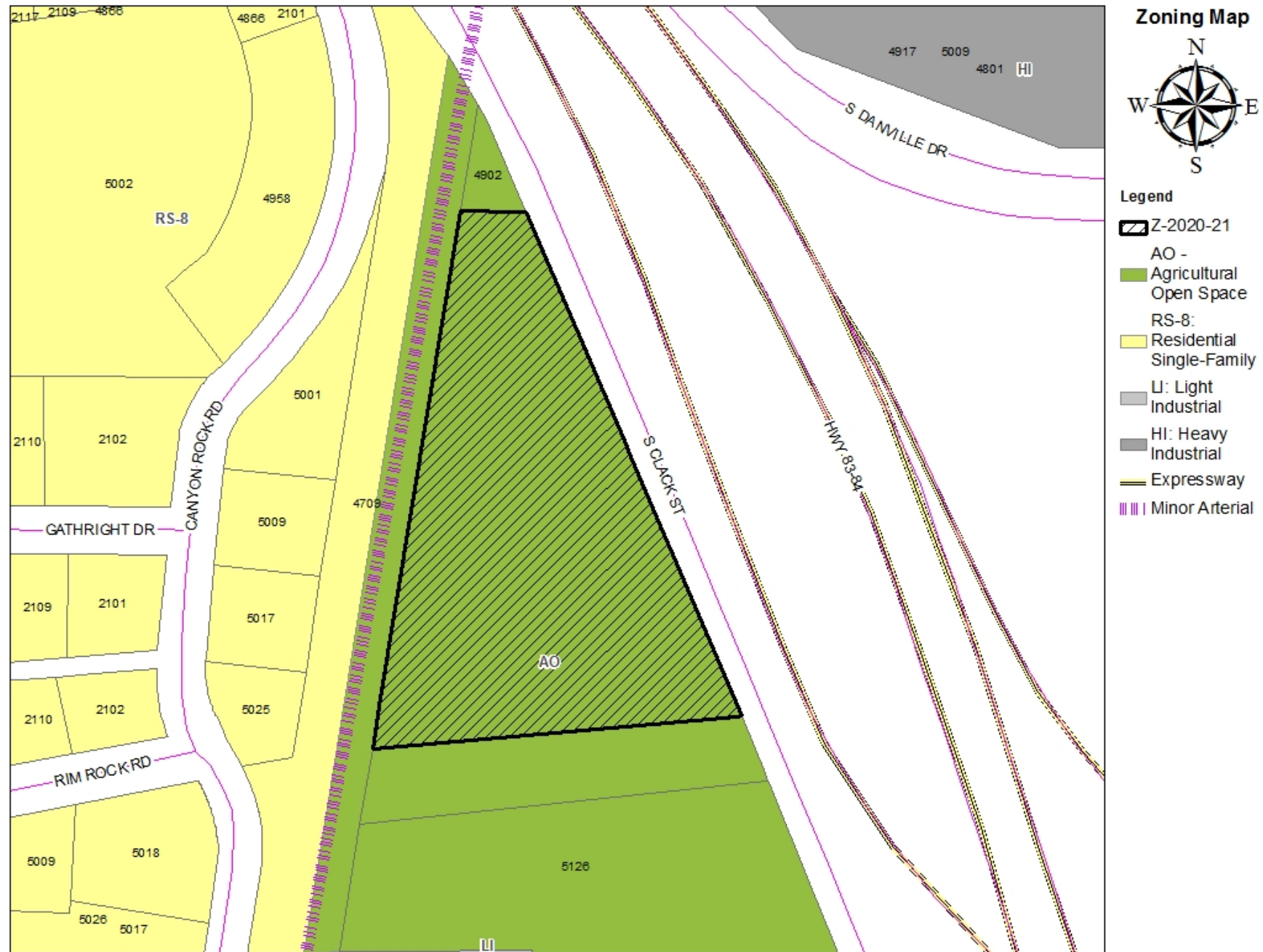
RECEIVED
OCT 30 2020
PLANNING

Case:	Z-2020-21
Owner:	Carlynn Enterprise
Agent:	Jack Zanger, Triangle Engineering
Request:	Rezone from AO to GC
Legal Description:	4.04 acres out of Lot 6 in the Alfred and Mary Fasshauer Subdivision of Blind Asylum Lands Section 65 in Abilene, Taylor County, Texas
Notification:	2 in Favor, 0 Opposed
Planning & Zoning Recommendation:	Approval

Z-2020-21 LOCATION MAP



Z-2020-21 ZONING MAP



Memorial Drive



View of Subject Property South



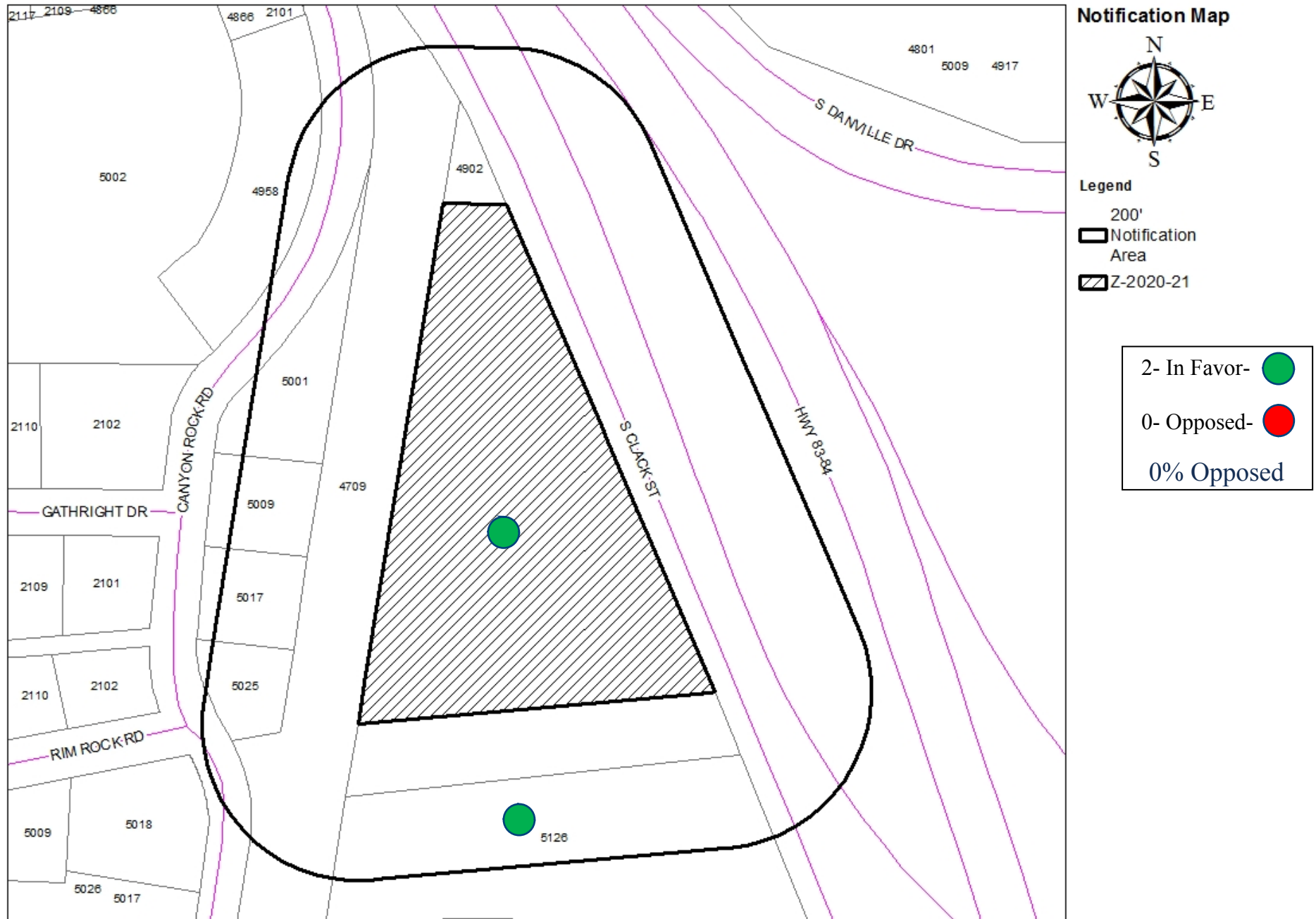
Clack Street view north



Clack Street view south



Z-2020-21 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.1.4 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval
- Planning & Zoning Recommendation: Approval

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **15. Ordinance (First Reading) CUP-2020-08: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on a request from Oldham Partner LP and Windmill Circle Partners LP, agent Tony Conder, for approval of a Conditional Use Permit allowing retail sales and rental of trucks and other large vehicles and equipment on 24.371 acres in a General Commercial (GC) District at 750 Gateway Street and the 3600-3700 blocks (east side) of Loop 322 (Mike Warrix)**

GENERAL INFORMATION

Conditional Use Permit allowing retail sale and rental of trucks or other large vehicles in a General Commercial (GC) zoning district.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

City staff recommends approving this requested Conditional Use Permit allowing sales and rental of trucks or other large vehicles, but only on the western portion of this subject property which is presently in a General Commercial (GC) District.

BOARD OR COMMISSION RECOMMENDATION

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

Conditions being that the CUP ordinance allows sales and rental of trucks or other large vehicles, but only up to 50-feet before the property line on the sections currently zoned NR and GR, in the event they are rezoned to GC.

Shall provide screening by means of an opaque wall or fence from less intensive zoning districts. Outside storage of trucks or other large vehicles shall conform with that allowed by General Commercial (GC) districts. Save and except for when adjacent to residential properties. For the purpose of this CUP adjacent includes properties separated by street rights-of-way.

ATTACHMENTS:

1. CUP-2020-08 draft ordinance
2. CUP-2020-08 Council staff report
3. CUP-2020-08 Council Presentation

ORDINANCE NO. _____

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

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

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by approving a Conditional Use Permit (CUP) as set out in Exhibits A and B, attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED ON FIRST READING the 19th day of November, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of October, 2020, 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 3rd day of December, 2020, 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 3rd day of December, 2020.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT A

Conditional Use Permit (CUP) to allow sales and rental of trucks or other large vehicles and equipment on the property described in attached EXHIBIT B (LEGAL DESCRIPTION) and subject to the following conditions:

1. Storage and/or display of trucks or other large vehicles and equipment shall be prohibited within the following two areas of this subject property described on attached EXHIBIT B (LEGAL DESCRIPTION):
 - a. an area extending 50 feet north from the south boundary of this subject property, which coincides with the north line of right-of-way for Gateway Street, and projecting a distance 855 feet west from the west line of right-of-way for Oldham Lane (a.k.a. Farm-to-Market Highway 1750); and
 - b. an area extending 50 feet west from the east boundary of this subject property, which coincides with the west line of right-of-way for Oldham Lane (a.k.a. Farm-to-Market Highway 1750) and projecting a distance 613 feet north from the north line of right-of-way for Gateway Street.
2. Storage and/or display of trucks or other large vehicles and equipment shall be effectively screened (by a solidly opaque wall or fence at least 6 feet high) from land in adjacent residential zoning districts, and, for the purpose of this ordinance, the term adjacent includes any residential zoning district separated from the subject property by a street right-of-way.
3. Use of the subject property shall comply with all other ordinary site development standards of Abilene's Land Development Code and applicable to General Commercial zoning districts, including but not limited to standards for landscaping, driveway access and exterior illumination, as well as outside storage and display.

ORDINANCE NO. _____

EXHIBIT B
(LEGAL DESCRIPTION)

BEING 24.371 acres of land situated in the City of Abilene, Taylor County, Texas, and being out of the southeast quarter of Section 62, Blind Asylum Lands (Abstract No. 679) and being out of a 98.33-acre tract described in a certain Deed Without Warranty to Musgrave and Musgrave LLP, dated October 4 of 2005, and recorded on Page 821 in Volume 3151 of Official Public Records of Real Property (O.P.R.R.P.) in Taylor County, Texas, and said 24.317-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at an "X" set in concrete at the point of intersection of the north line of right-of-way for Oldham Lane (a.k.a Farm-to-Market Highway 1750) which said right-of-way line is the east line of said 98.33-acre tract, and said POINT OF BEGINNING being the northeast corner of Section 1, Tuscany Village Addition to said City of Abilene as shown per plat recorded on Slide 351-A in Cabinet 2 of Plat Records for said Taylor County, Texas;

THENCE in a westerly direction along said north line of right-of-way for Gateway Street according to the following calls:

North 89° 42' 12" West along said north right-of-way line, at 10.00 feet passed a found $\frac{3}{4}$ -inch aluminum rod with 2-inch aluminum Jacob & Martin cap, henceforth call a standard monument, and continuing a total distance of 76.30 feet to a standard monument found for a corner;

South 88° 20' 54" West for a distance of 120.00 feet to a standard monument found for a corner;

North 89° 41' 48" West for a distance of 597.79 feet to a standard monument found for a corner at the beginning of a curve to the right which is concave to the east-northeast and having a radius of 485.00 feet, a delta angle of 23° 08' 58" and being subtended by a chord bearing North 78° 11' 30" West and 194.63 feet in length;

Along said curve for a distance of 195.96 feet to a standard monument found for a corner;

North 66° 34' 03" West for a distance of 413.09 feet to a standard monument found for a corner;

North 64° 39' 19" West for a distance of 120.04 feet to a standard monument found for a corner;

North 66° 37' 21" West for a distance of 66.34 feet to a standard monument found for a corner in the westerly line of said 98.33-acre tract, same being the easterly right-of-way line of Texas Highway Loop 322;

THENCE North 23° 28' 45" East along the westerly line of said 98.33-acre tract and the easterly line of right-of-way for Texas Highway Loop 322, for a distance of 314.48 feet to a found standard monument at the beginning of a curve to the right which is concave to the southeast and which has a radius of 2714.54 feet, a delta angle of 12° 56' 29" and being subtended by a chord bearing North 30° 08' 17" East being 611.84 feet in length;

THENCE along said easterly right-of-way line and said westerly tract line and said curve to the right a distance of 613.14 feet to a found $\frac{5}{8}$ -inch rebar rod with a cap stamped "J&M BOUNDARY" for the most northerly southwest corner of the Grocery Retail Addition #2220-00 to the City of Abilene as shown

on the plat of record of said addition recorded on Slide 180 in Cabinet 4 of Plat Records for Taylor County, Texas;

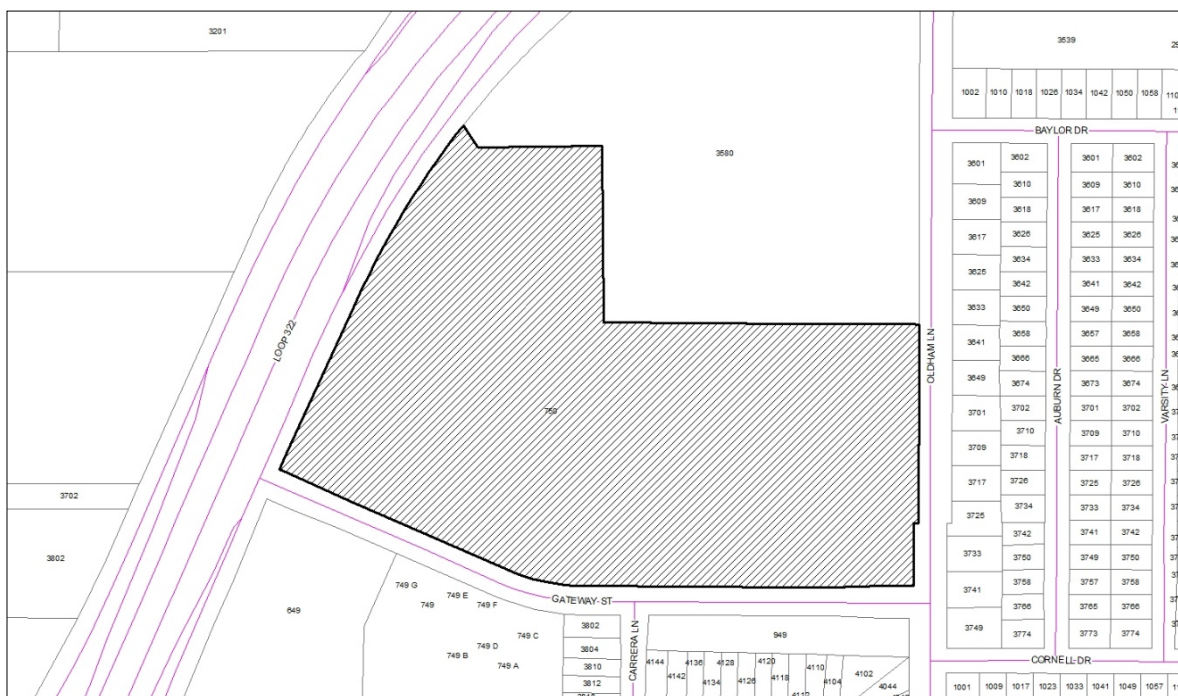
THENCE South 54° 38' 38" East along a southerly line of said Grocery Retail Addition #2220-00 for a distance of 78.47 feet to a found 5/8-inch rebar rod with cap for a corner;

THENCE South 89° 43' 36" East along a southerly line of said Grocery Retail Addition #2220-00 for a distance of 289.86 feet to a found 5/8-inch rebar rod with cap for a corner;

THENCE South 00° 16' 24" West along the most southerly west line of said Grocery Retail Addition #2220-00 for a distance of 436.04 feet to a found 5/8-inch rebar rod with cap for a corner;

THENCE South 89° 43' 36" East along the most easterly south line of said Grocery Retail Addition #2220-00 for a distance of 751.61 feet to a found 5/8-inch rebar rod with cap for the southeast corner of said Grocery Retail Addition #2220-00 and the northeast corner of this tract and being located in the west line of right-of-way for Oldham Lane (a.k.a. Farm-to-Market Highway 1750) and the east line of said 98.33-acre tract;

THENCE South 00° 16' 24" West along the west line of right-of-way for Oldham Lane (a.k.a. Farm-to-Market Highway 1750) and the east line of said 98.33-acre tract, for a distance of 613.07 feet to the POINT OF BEGINNING and containing 24.371 acres of land, more or less.



ZONING CASE CUP-2020-08

STAFF REPORT



REQUEST: Conditional Use Permit allowing retail sale and rental of trucks or other large vehicles in a General Commercial (GC) zoning district.*

APPLICANT:

Owners: Oldham Partners, LP and Windmill Circle Partners, LP

Agent: Tony Conder

HEARING DATES:

P & Z Commission: November 3, 2020

City Council 1st Reading: November 19, 2020

City Council 2nd Reading: December 3, 2020

LOCATION:

- The subject property includes 24.371 acres bordering the entire north side of Gateway Street, between Loop 322 (on the west) and Oldham Lane (on the east).
- All this acreage lies in the southeast quarter of Blind Asylum Lands Section 62 inside the City limits of Abilene.

BACKGROUND:

The proponents own 24.371 acres comprising the approximate south half of a large triangular block bounded by Loop 322, Oldham Lane and Gateway Street. The proponents' 24.371 acres are presently included within a combination of three zoning districts:

- General Commercial (GC) District on approximately 16.271 acres;
- General Retail (GR) District on approximately 3.8 acres;
- Neighborhood Retail (NR) District on approximately 4.1 acres.

The proponents are simultaneously seeking to change the zoning of these GR and NR Districts, to GC zoning. That application for GC zoning is planned to be heard on the same meeting agenda as the requested Conditional Use Permit. The opportunity to seek approval of a Conditional Use Permit (CUP) allowing sales and rental of trucks or other large vehicles is available in General Commercial (GC) zoning but not in GR or NR Districts.†

The proponents' 24.371-acre tract is planned to be a new location for Warren Caterpillar Sales and Rental in Abilene, now headquartered at 3601 South Treadaway Boulevard.

* Approximately 8.1 acres of this 24.371-acre request are presently in General Retail (GR) or Neighborhood Retail (NR) zoning districts. The proponents have, however, submitted a concurrent request for rezoning these particular 8.1 acres of land, to a GC District.

† Sales and rental of trucks and other large vehicles are ordinarily allowed (by right) only in Heavy Commercial and Light Industrial zoning districts.

ANALYSIS:

Section 1.4.3.5 of Abilene's Land Development Code concerns criteria for approving Conditional Use Permits. This Section stipulates that, in making a recommendation regarding approval of a Conditional Use Permit, the Planning & Zoning Commission should consider the following factors:

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

The Future Land Use and Development component of Abilene's Comprehensive Plan suggests the entire triangular block bounded by Loop 322, Oldham Lane and Gateway Street to be part of a Major Commercial/Business Center. Furthermore, much of southeastern Abilene located on or near Loop 322[‡] is viewed as suitable for light industrial use. Sales and rental of heavy equipment may conform to this long-emerging pattern, alongside Loop 322.

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

General Commercial (GC) zoning allows a wide variety of consumer-oriented retail trade and services requiring maximum access by passing motorists. GC zoning also permits opportunity for certain commercial activities to which customers may be obliged to travel occasionally, but not routinely. Such businesses include automotive sales and major automotive repair. Such businesses may also even include sales and rental of trucks or other large vehicles, but only where appropriate in the context of nearby use.

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 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.

If sales and rental of trucks or other large vehicles are allowed to encroach into existing General Retail (GR) and Neighborhood Retail (NR) Districts, then threats to the character and integrity of nearby residences are likely. With no such encroachment, then future use and development of these GR and NR Districts can provide a useful and effective transition between heavy equipment sales and nearby residences. These existing GR and NR Districts (embraced by the proponents' acreage) are 300 feet in depth from streets across from which residential development is located. A buffer of 50-feet from the property lines of the less intense zones are recommended along with additional requirements for landscaping and opaque fencing.

Location	Zoning	Existing Land Use
North	GC, GR	vacant land
South	GC, O, MD	vacant land, offices, residences (across Gateway)
East	RS-6	single-family homes (across Oldham Lane)
West	PD 107	vacant land, offices (across Loop 322)

[‡] south and west from Oldham Lane; north and east from Treadaway Boulevard

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

Overall traffic generated by this particular proposed use (sales and rental of trucks or other large vehicles) will not be more than that generated by most other uses allowed in GC, GR and NR zoning districts.

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.**

Western portions of the proponents' 24.371 acres lie adjacent to:

- Loop 322 and its northbound frontage road, and
- Gateway Street which is a fully-improved subcollector with a 36-foot width of pavement as well as curb-and-gutter.

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

Development of this property for the proposed use will be subject to ordinary site improvement standards of Abilene's Land Development Code. These include but are not limited to standards for landscaping, driveway access and exterior illumination, as well as limitations on outdoor storage and display. However, applications of these standards alone are not expected to mitigate any potential threat to the character and integrity of nearby residences so additional screening should be discussed.

STAFF RECOMMENDATION:

City staff recommends approving this requested Conditional Use Permit with the following conditions:

1. Allowing sales and rental of trucks or other large vehicles, but only up to 50-feet before the property line on the sections currently zoned NR and GR, in the event they are rezoned to GC.
2. Shall provide screening by means of an opaque wall or fence from less intensive zoning districts. Outside storage of trucks or other large vehicles shall conform with that allowed by General Commercial (GC) districts. Save and except for when adjacent to residential properties. For the purpose of this CUP adjacent includes properties separated by street rights-of-way.
3. Adhere to any improvement standards in the Land Development Code to include but not limited to landscaping, driveway access, exterior illumination, outdoor storage and display.

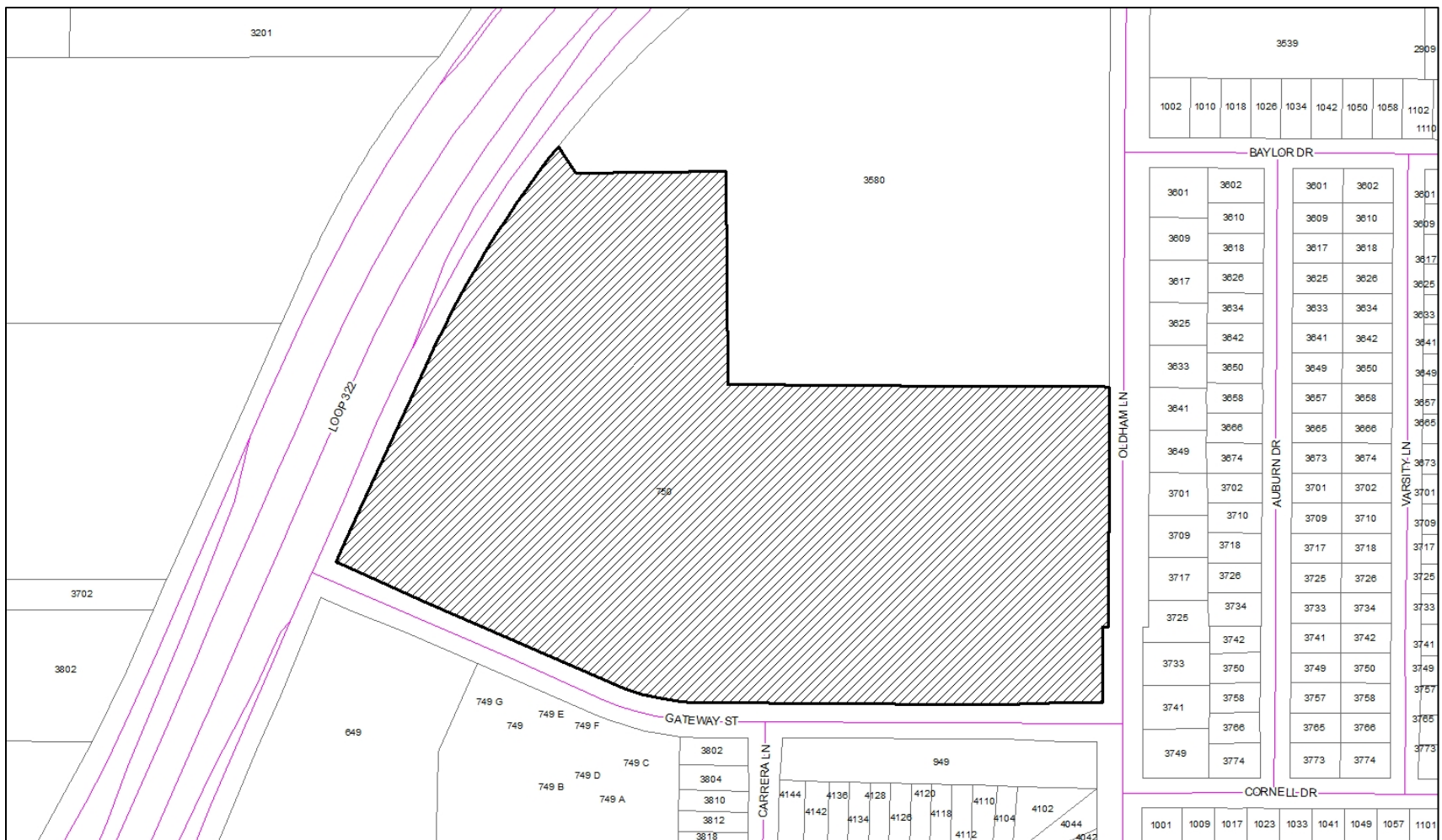
PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval of the requested Conditional Use Permit by a vote of six (6) to zero (0) on November 3, 2020.

NOTIFICATION:

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

Owner	Situs	Response
ABILENE TUSCANY LLC	749 GATEWAY ST	
ABILENE TUSCANY LLC	749 G GATEWAY ST	
ABILENE TUSCANY LLC	749 A GATEWAY ST	
ABILENE TUSCANY LLC	749 B GATEWAY ST	
ABILENE TUSCANY LLC	749 C GATEWAY ST	
ABILENE TUSCANY LLC	749 D GATEWAY ST	
ABILENE TUSCANY LLC	749 E GATEWAY ST	
ABILENE TUSCANY LLC	749 F GATEWAY ST	
ALLEN ROBERT G	3649 OLDHAM LN	
BARNES JUSTIN & HANNAH MARIE	3617 OLDHAM LN	
BENAVIDES MIGUEL & ASHLEY N	3718 AUBURN DR	
COX BURL C	3725 OLDHAM LN	
FESTEJO CHARLEMAGNE F & MIRIAM E	3658 AUBURN DR	
HALL BRANDON C ET AL	4136 CARRERA LN	
HAMILTON WALTER J II	3709 OLDHAM LN	
JONES MICHAEL L & PATRICIA A	3734 AUBURN DR	Opposed
JSALINAS PROPERTIES LLC	4112 CARRERA LN	
JSALINAS PROPERTIES LLC	4110 CARRERA LN	
LIGHT BOY PROPERTIES	3710 AUBURN DR	
MARTIN GRADY LYNN	3701 OLDHAM LN	
MATTHEW WILLIAM M & NANCY A	3650 AUBURN DR	
MC DONALD ASSETS INC	4120 CARRERA LN	
MC DONALD ASSETS INC	4118 CARRERA LN	
MCDONALD ASSETS INC	4044 CARRERA LN	
MUSGRAVE & MUSGRAVE LLP	949 GATEWAY ST	
NOBLES ROBERT R & CYNTHIA G	4142 CARRERA LN	
NOBLES ROBERT R & CYNTHIA G	4144 CARRERA LN	
NOBLES ROBERT R II &	3802 CARRERA LN	
NOBLES ROBERT R II &	3804 CARRERA LN	
NOBLES ROBERT R II &	3810 CARRERA LN	
RAINY CREEK MANAGEMENT INC	3633 OLDHAM LN	
REYNA EDUARDO & SOLEDAD	3625 OLDHAM LN	
SNOW MICHAEL	3741 OLDHAM LN	
STITTS JERRY & JUDY	4134 CARRERA LN	
STREET MICHAEL E JR	3717 OLDHAM LN	
SWANSON KENNETH W &	3641 OLDHAM LN	
VAUGHN CHRIS L &	3666 AUBURN DR	
WADE LANTHA A	3733 OLDHAM LN	
WALKER COLBY & RHONDA LYNN	3674 AUBURN DR	
WALMART REAL ESTATE	3580 OLDHAM LN	
WEST JARROD & RACHEL	4104 CARRERA LN	
WEST JARROD & RACHEL	4102 CARRERA LN	
WICHNER JUSTIN ANDREW & TIMEA	4128 CARRERA LN	
WICHNER JUSTIN ANDREW & TIMEA	4126 CARRERA LN	
WILKINSON CLYDE C &	3702 AUBURN DR	Opposed
WINDMILL CIRCLE PARTNERS LP &	750 GATEWAY ST	
WINDMILL CIRCLE PARTNERS LP &	649 GATEWAY ST	In favor
WYATT JESSE A & TINA L	3749 OLDHAM LN	
ZHANG XIANGLING	3726 AUBURN DR	





PRELIMINARY SITE PLAN



WARREN CAT
ABILENE, TX

SEPT. 30, 2020

PRESENTATION
SITE PLAN

1 20' 40' 80'

ARCHITECTURAL RENDERING



SAVIEN - ROBERT
& ASSOCIATES



The Conder

C o m p a n y

Real Estate Management ■ Development ■ Investments

4150 Southwest Drive

Suite 202

Abilene, TX 79606

Michael G. Rice, P.E.
Assistant City Manager
555 Walnut St.
Abilene, TX 79601

Re: Zoning request – 24 +/- acres along Loop 322, Oldham Ln., and Gateway St.

Via email: Michael.rice@abilenetx.gov

Mr. Rice,

Relative to our conversation this morning, it is the request of Oldham Partners, LP and Windmill Circle Partners, LP, collectively the owner(s) of the above referenced property, I am presenting the elements of the conditional use permit requested.

- A. The owner is requesting that all of the owned tract be granted General Commercial (GC) zoning.
- B. The owner is requesting that a maximum of fifty feet in depth from the property line be set as a buffer zone along Oldham Ln (FM 1750) and Gateway Street only to the extent that the property is adjacent to residential uses. The attached site graphic will detail that further as shown in the hatch marked area.
 - i. The buffer zone may not be used for Heavy Equipment Storage.
 - ii. The buffer zone may be used for non Heavy Equipment Storage.
 - iii. The buffer zone may be used for landscaping and screening.
- C. Opaque fencing may be required fifty feet from the property line and along the buffer zone only.

Thank you for your assistance and attention in this matter. Feel free to call me with any questions.

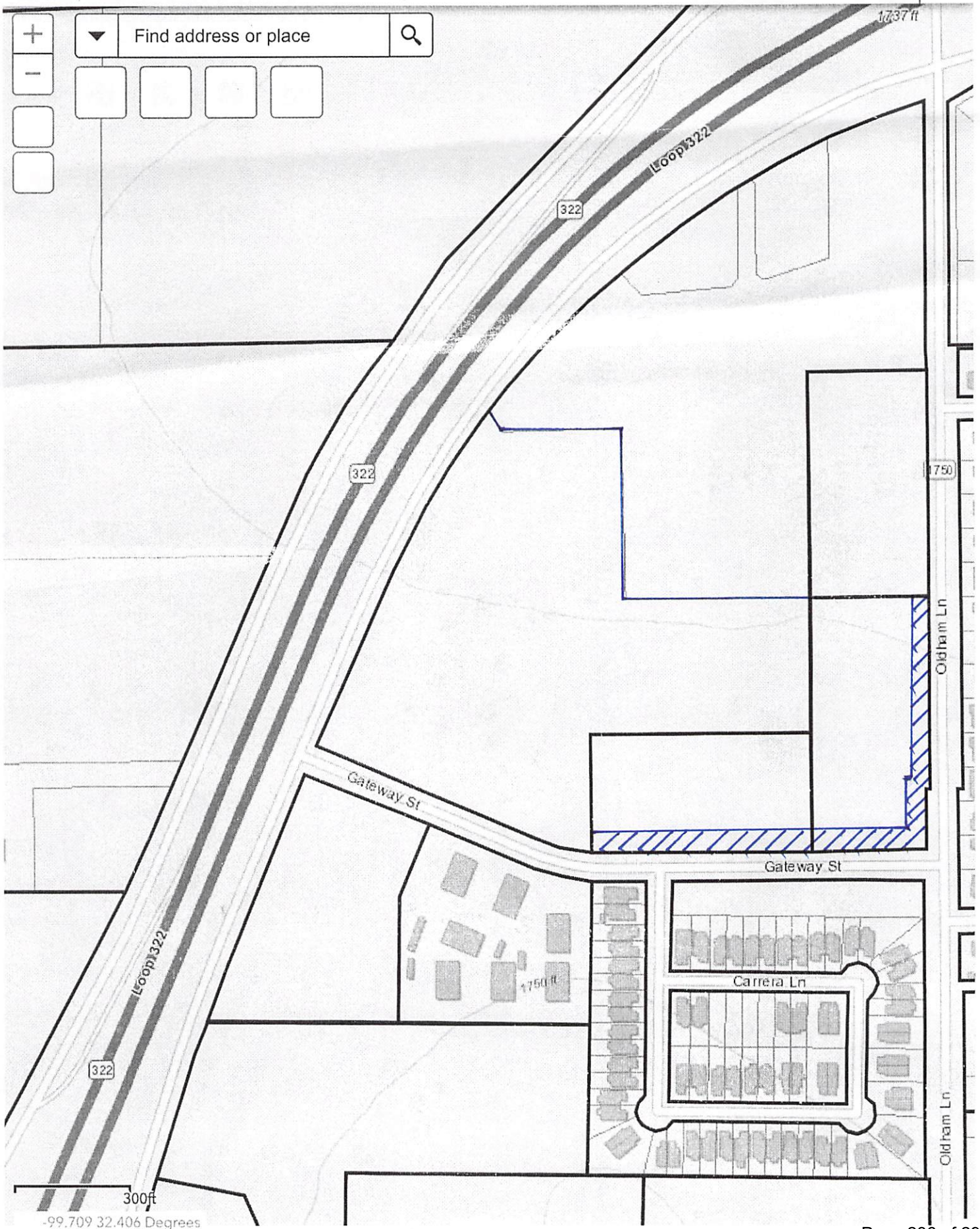
Best regards,

Tony Conder



Parcel Information

Taylor County Appraisal District City of Abilene





Development Application

Planning

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

Project Name: Warren Caterpillar

Address: Loop 322 access rd./Gateway Blvd. No. of lots: 1 Acreage: 24.371

Legal Description: see attached

Subdivision Name: Southeast Quarter of Section 62 of the Blind Asylum Lands, Abstract No. 679 Block: _____ Lot: _____

Current Zoning: GC/GR/NR Proposed Zoning (if applicable): conditional use overlay

OWNER AND AUTHORIZATION

Owner Name: Oldham Partners, LP and Windmill Circle Partners, LP

Address: 4150 Southwest Dr., Ste. 210

City, State, Zip: Abilene, TX 79606 Fax: _____

Phone: 325.692.9141 Email: tconder@condercompany.com

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

Agent Name: Tony Conder

Address: 4150 Southwest Dr., Ste. 210

City, State, Zip: Abilene, TX 79606 Fax: _____

Phone: 325.692.9141 Email: tconder@condercompany.com

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

Signature Owner: [Signature] Date: 10/5/2020

FOR OFFICE USE ONLY

Received: 10/05/2020 Fee: \$ 1500 Receipt No.: 0001055776 & 0001056775
 Case No.: Z-2020-19 Reviewed By: [Signature]

AND
CUP-2020-08



Development Application

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

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

The subject property was zoned in anticipation of a Wal-Mart development a number of years ago. Wal-Mart subsequently decided to not develop the site. Consequently the nature of development has transitioned to vehicle and machinery sales as evidenced by the adjacent development of a new John Deere power equipment facility. The proposed use is consistent with recent zoning changes and more accurately reflects the long term use and viability of this parcel of land along loop 322.

This application for conditional use is to provide Warren Equipment the eligible zoning for a new sales and service center similar to the John Deere facility.

EXHIBIT A

BEING 24.371 acres of land situated in the City of Abilene, Taylor County, Texas, and being out of the Southeast Quarter of Section 62 of the Blind Asylum Lands, Abstract No. 679, and being out of a 98.33 acre tract described in a certain Deed Without Warranty to Musgrave and Musgrave, LLP dated October 4, 2005, and recorded in Volume 3151, Page 821, Official Public Records, Taylor County, Texas, and said 24.371 acre tract being more particularly described in metes and bounds as follows:

BEGINNING at an "X" set in concrete at the point of intersection of the North right-of-way line of Gateway Street and the West right-of-way line of Oldham Lane, a.k.a. Farm to Market Road 1750 (said right-of-way line is the East line of said 98.33 tract), with said point of beginning being the Northeast corner of Section 1, Tuscany Village Addition to said City of Abilene as shown per plat recorded in Cabinet 2, Slide 351-A of the Plat Records of said Taylor County, Texas;

THENCE in a Westerly direction along said North right-of-way line of Gateway Street the following calls:

North 89°42'12" West along said North right-of-way line, at 10.00 feet passed a found 3/4 inch aluminum rod with 2 inch aluminum, Jacob & Martin cap, henceforth called a standard monument, and continuing a total distance of 76.30 feet to a standard monument found for corner;

South 88°20'54" West 120.00 feet to a standard monument found for corner;

North 89°41'48" West 597.79 feet to a standard monument found for corner at the beginning of a curve to the right which is concave to the East-Northeast and having a radius of 485.00 feet, a delta angle of 23°08'58" and being subtended by a chord having a bearing of North 78°11'30" West and a length of 194.63 feet;

Along said curve a distance of 195.96 feet to a standard monument found for corner;

North 66°34'03" West 413.09 feet to a standard monument found for corner;

North 64°39'19" West 120.04 feet to a standard monument found for corner;

North 66°37'21" West 66.34 feet to a standard monument found for corner in the Westerly line of said 98.33 acre tract, same being the Easterly right-of-way line of Loop 322;

THENCE North 23°28'45" East along said Westerly line of said 98.33 acre tract and said Easterly right-of-way line of Loop 322 a distance of 314.48 feet to a found standard monument for the beginning of a curve to the right which is concave to the Southeast and having a radius of 2714.54 feet, delta angle of 12°56'29" and being subtended by a chord having a bearing of North 30°08'17" East, and a length of 611.84 feet;

THENCE along said Easterly right-of-way line and said Westerly tract line and said curve to the right a distance of 613.14 feet to a found 5/8 inch rebar rod with a cap stamped "J&M BOUNDARY" for the most Northerly Southwest corner of the Grocery Retail Addition #2220-00 to the City of Abilene as shown in the plat of record of said addition recorded in Cabinet 4, Slide 180, Plat Records, Taylor County, Texas;

THENCE South 54°38'38" East along a Southerly line of said Grocery Retail Addition #2220-00 a distance of 78.47 feet to a found 5/8 inch rebar rod with cap for corner;

THENCE South 89°43'36" East along a Southerly line of said Grocery Retail Addition #2220-00 a distance of 289.86 feet to a found 5/8 inch rebar rod with cap for corner;

THENCE South 00°16'24" West along the most Southerly West line of said Grocery Retail Addition #2220-00 a distance of 436.04 feet to a found 5/8 inch rebar rod with cap for corner;

THENCE South 89°43'36" East along the most Easterly South line of said Grocery Retail Addition #2220-00 a distance of 751.61 feet to a found 5/8 inch rebar rod with cap for the Southeast corner of said Grocery Retail Addition #2220-00 and the Northeast corner of this tract and being located in said West right-of-way line of Oldham Lane and said East line of said 98.33 acre tract;

THENCE South 00°16'24" West along said East line of said 98.33 acre tract and said right-of-way line a distance of 613.07 feet to the POINT OF BEGINNING and containing 24.371 acres of land, more or less.

Case: CUP-2020-08

Owner: Oldham Partners, LP & Windmill Circle Partners, LP

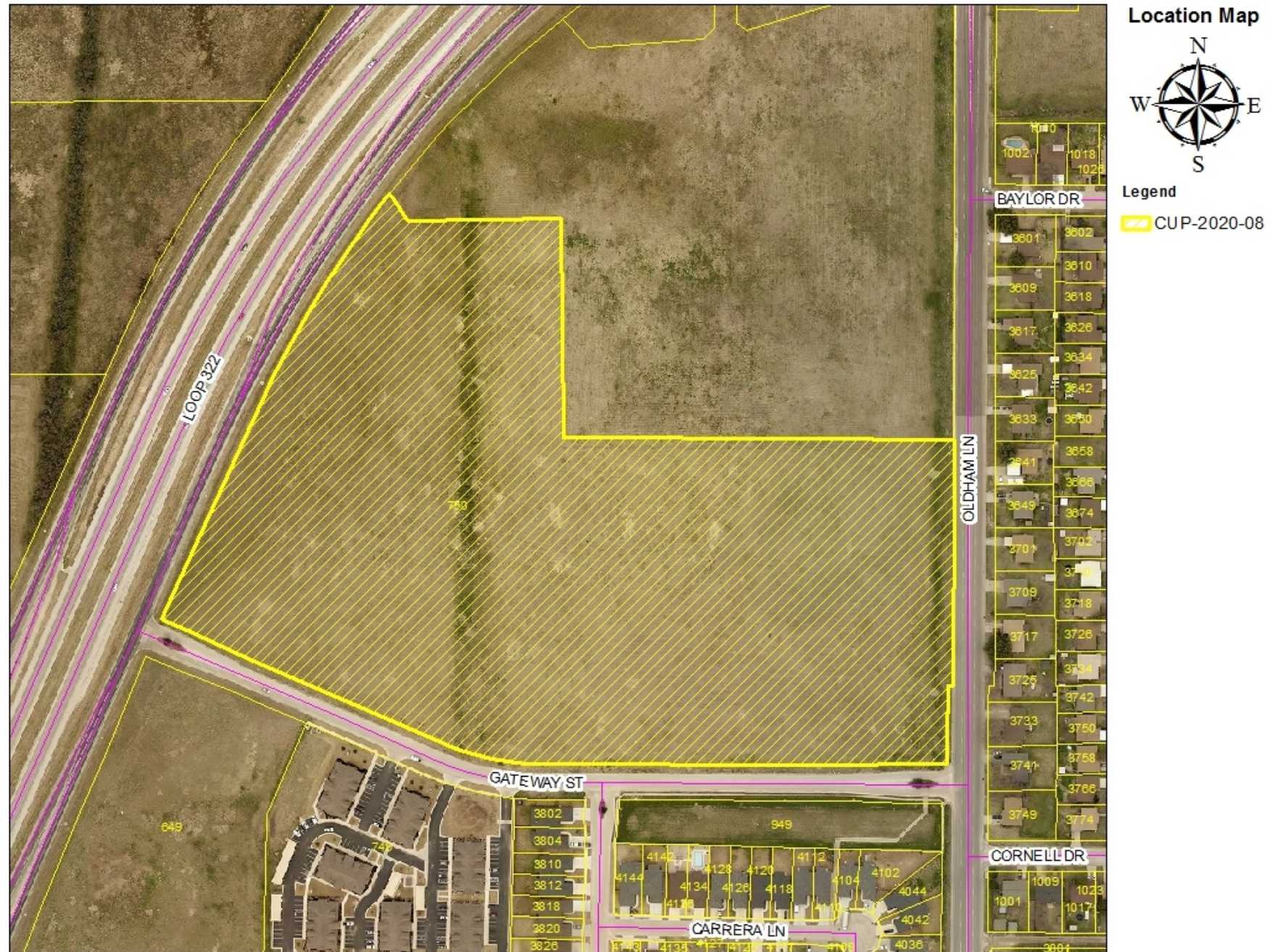
Agent: Tony Conder

Request: Conditional Use Permit to allow retail sale and rental of trucks or other large vehicles in GC

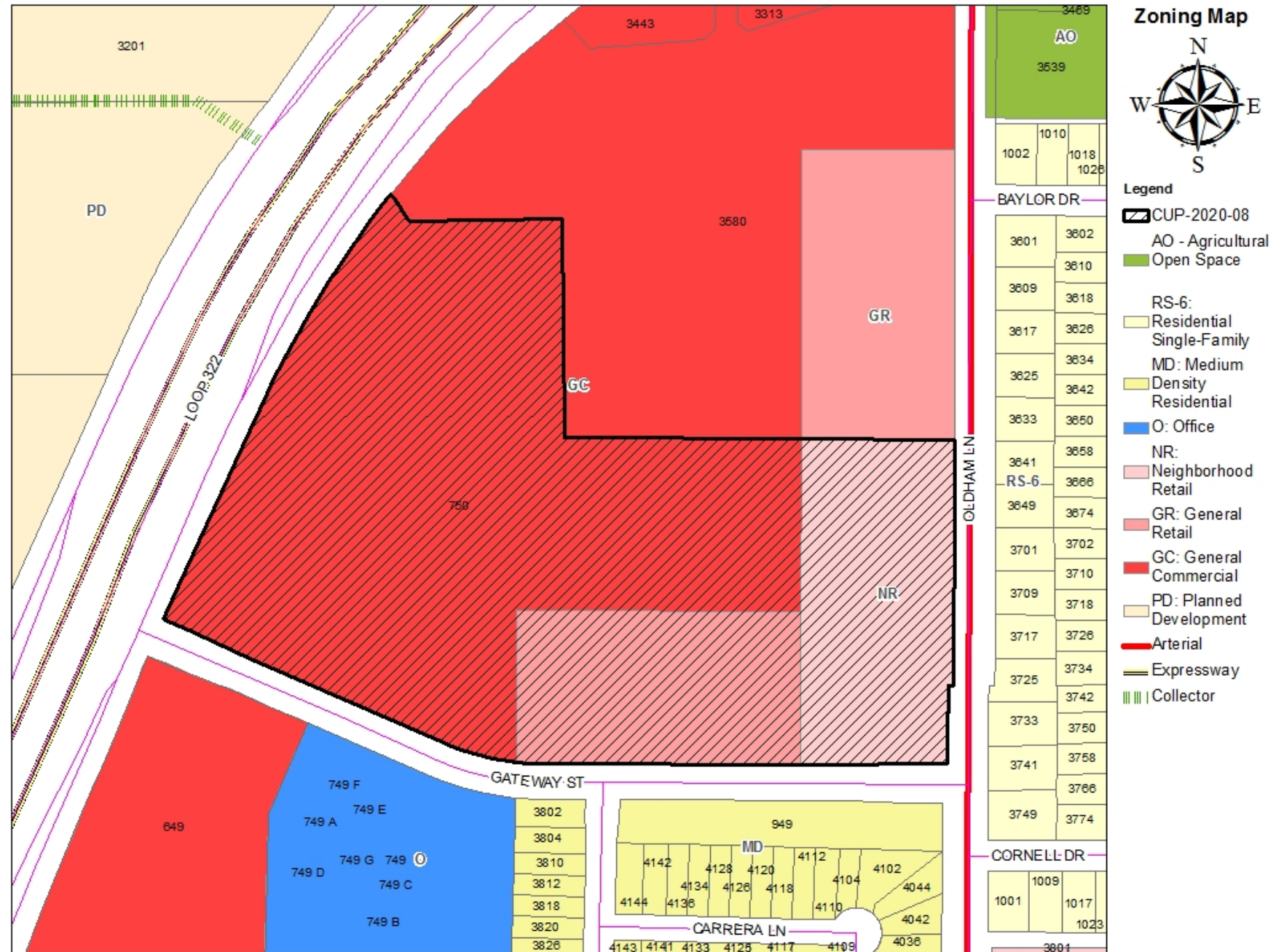
Location: 24.371 acres bordering Gateway St. between LP322 and Oldham Lane

Notification: 2 in Favor, 2 Opposed

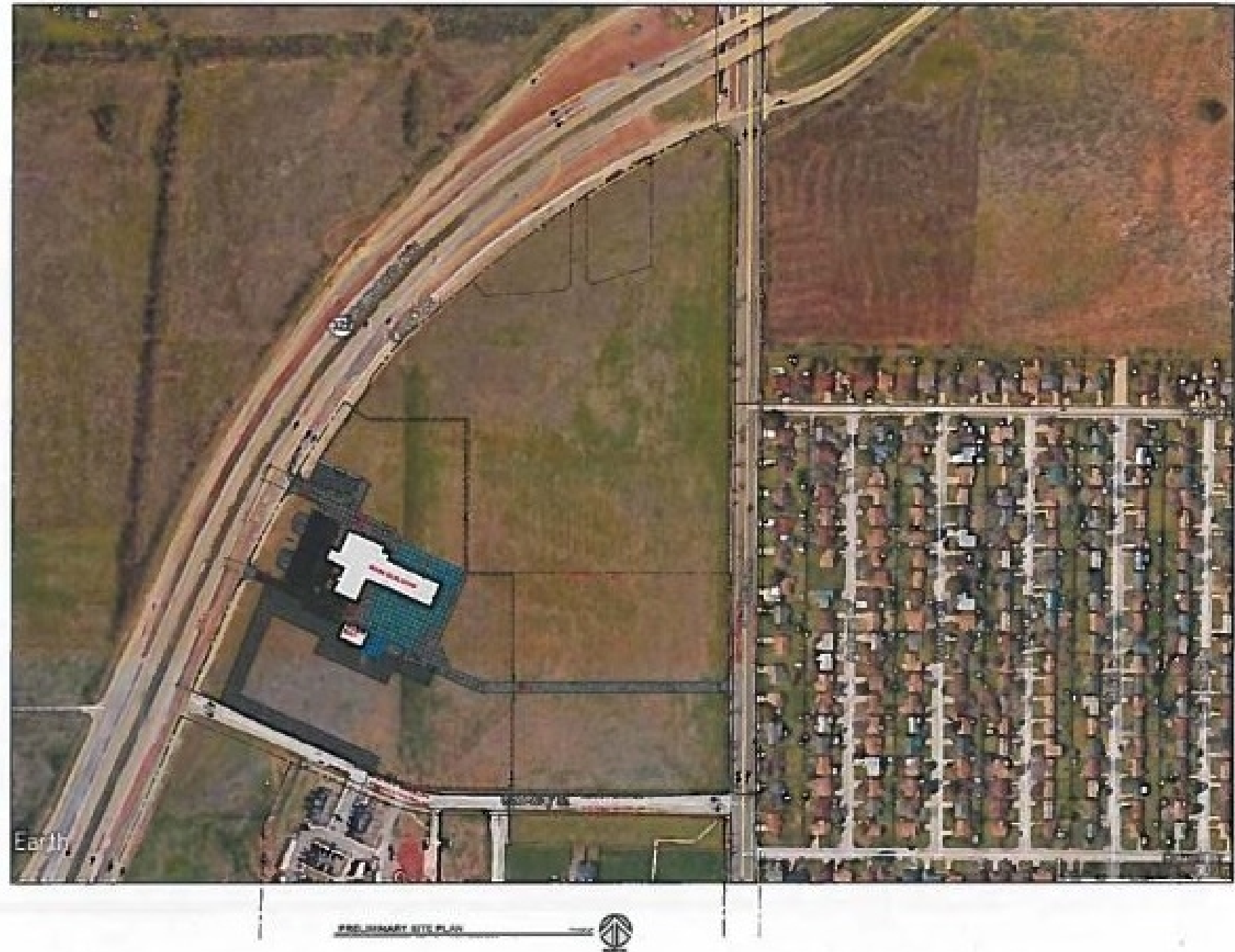
Planning & Zoning Recommendation : Approval

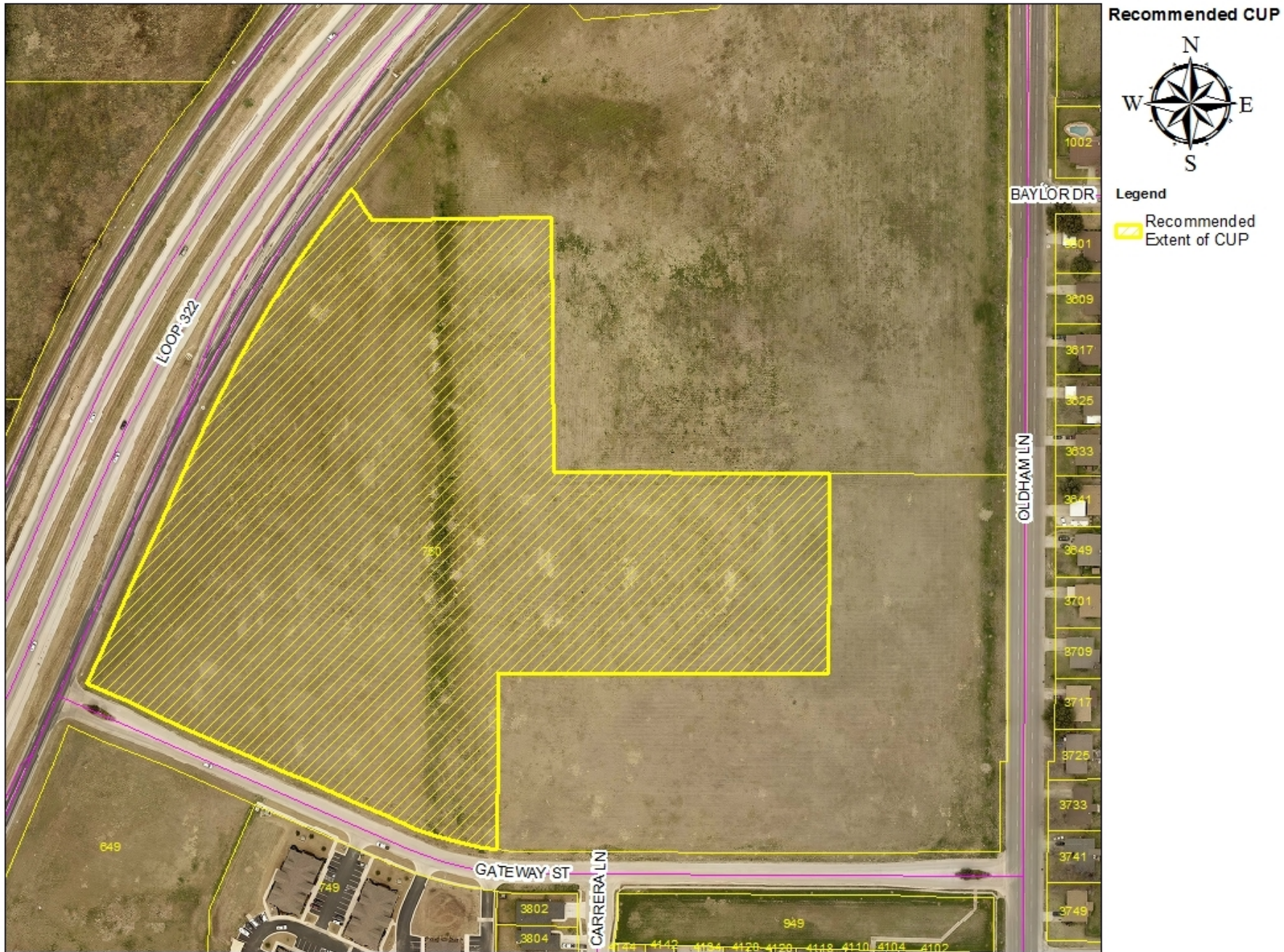


CUP-2020-08 ZONING MAP

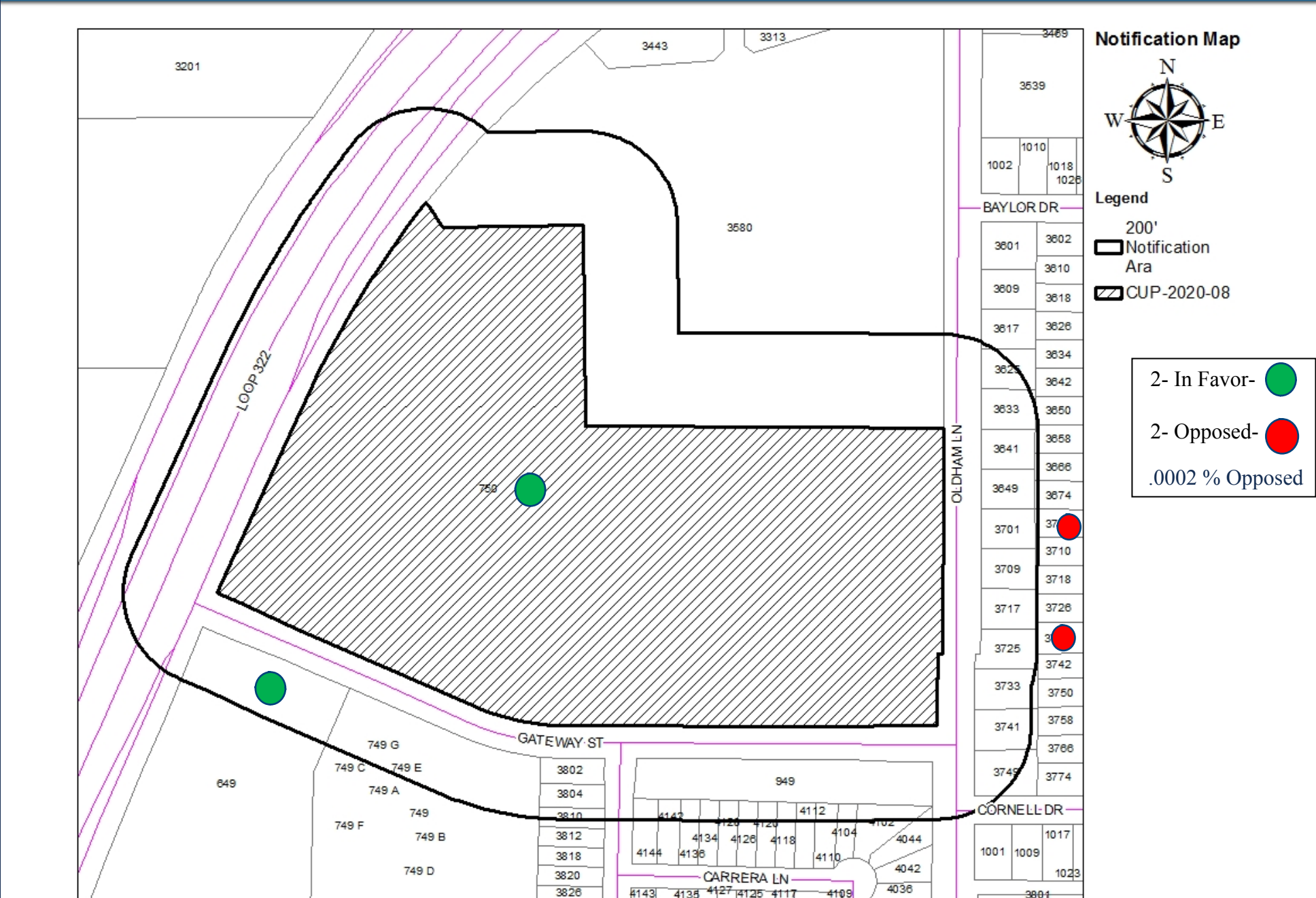








CUP-2020-08 NOTIFICATION AREA MAP



- Consistent with *Comprehensive Plan* and *Future Land Use and Development Plan Map*
- Reviewed Pursuant to Section 1.4.3.5 of Land Development Code (Criteria for Approval)
- Staff Recommendation: Approval with conditions
- Planning & Zoning Commission: Approval with conditions

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Robert Hanna, City Manager

FROM: Mike Warrix, Director

SUBJECT: **16. Ordinance (First Reading) OAM-2020-02: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Amending the Land Development Code, Chapter 2, “Zoning Regulations,” Article 3, “Zoning Districts,” Division 3, TABLE 2-4: Site Layout and Building Requirements for Nonresidential Zoning Districts,” and Article 4, “Use Regulations,” Division 3, “Requirements Applicable to Specific Land Uses,” Section 2.4.3.3, “All Other Uses with Specific Requirements,” to clarify Multiple Family Dwellings by Conditional Use Permit in Certain Non-Residential Districts *(Mike Warrix)***

GENERAL INFORMATION

Amend Land Development Code concerning development of multi-family dwellings in certain non-residential districts.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends approval

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS:

1. OAM-2020-02 ordinance
2. 2- OAM 2020-02 staff memo to P&Z
3. 3- OAM-2020-02 PZC Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE “LAND DEVELOPMENT CODE,” CHAPTER 2, “ZONING REGULATIONS;” ARTICLE 3, “ZONING DISTRICTS,” DIVISION 3, “TABLE 2-4: SITE LAYOUT AND BUILDING REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS;” AND ARTICLE 4, “USE REGULATIONS,” DIVISION 3, “REQUIREMENTS APPLICABLE TO SPECIFIC LAND USES,” SECTION 2.4.3.3, “ALL OTHER USES WITH SPECIFIC REQUIREMENTS,” TO CLARIFY MULTIPLE FAMILY DWELLINGS BY CONDITIONAL USE PERMIT IN CERTAIN NON-RESIDENTIAL DISTRICTS; CALLING A PUBLIC HEARING; PROVIDING A PENALTY.

WHEREAS, the Planning and Zoning Commission recommends that, to clarify Multiple-Family Use in certain non-residential districts, additional ordinance changes are needed.

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

PART 1: That Chapter 2 (Zoning Regulations) in the Land Development Code of the Abilene City Code is hereby amended 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 these chapters shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

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

PASSED ON FIRST READING this 19th day of November, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 17th day of October, 2020, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 3rd day of December, 2020 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 3rd day of December, 2020.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

EXHIBIT "A"

AMEND: TABLE 2-4 SITE LAYOUT AND BUILDING REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS, at the end of Division 3 – Nonresidential Zoning Districts

REVISE: For the entry pertaining to Applicable Multiple-Family Standards in MX Zoning Districts, change the text from “MD or MF District Standards” to “MD District Standards.”

TABLE 2-4: SITE LAYOUT AND BUILDING REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS (Continued)

Zoning District	Minimum Lot Size		Minimum Building Line Setbacks					Max. Height (ft)	Max. Floor Area Ratio (FAR)	Applicable Single-Family Standards	Applicable Multiple-Family Standards
	Width (ft) ¹	Depth (ft)	Street Setback (ft)			Rear Yard (next to other lot boundary) (ft)	Interior Side (ft) ²				
			Subcollector or Minor Street*	Collector, Arterial, or Expressway With Frontage Rd*	Expressway Without Frontage Rd						
MX			10			0	0	35'	4:1	RS-6 District Standards	MD or MF District Standards
GC	60	100	25	30	40	10;	0; abutting	none	2:1	none	none

						abutting AO or Residential, 25	AO or Residential, 25				
HC	60	100	25	30	40	25; abutting AO or Residential, 50	0; abutting AO or Residential, 30	none	2:1		
LI	60	100	25	30	40		0; abutting AO or Residential, 50	none	2:1		none
HI	60	100	25	30	40	25; abutting AO or Residential, 75	0; abutting AO or Residential District, 100	none	2:1		none

AMEND: Section 2.4.3.3 All Other Uses With Specific Requirements

REVISE: Add and delete the following entries in alphabetical order and renumber accordingly:

(a) Specific Requirements

~~RESIDENTIAL MULTIPLE-FAMILY (MF) DISTRICT~~

~~Allow for Residential Multiple-Family (MF) within other non-residential zoning districts with a Conditional Use Permit (C), per Section 2.4.2.1~~

DWELLING MULTIPLE-FAMILY

- a. In MX and NR zoning districts where allowed with approval of a Conditional Use Permit, multiple-family dwellings shall be subject to limitations on overall residential density, building height and lot coverage, as well as standards for minimum lot size and building setback, the same as if such dwellings were located in a Residential Medium Density (MD) District. The maximum number of dwelling units allowed on any one (1) individual lot in an MX zoning district shall be four (4).

- b. In CU and CB zoning districts, and in NO, O, GR and MU zoning districts where allowed with approval of a Conditional Use Permit, multiple-family dwellings shall be subject to limitations on overall residential density, and building setback, the same as if such dwellings were located in a Residential Multiple-Family (MF) District.

-END-

TO: Planning and Zoning Commissioners

FROM: Planning Services Staff

DATE: October 23, 2020

SUBJECT: Amend ordinance concerning development of multi-family dwellings in certain nonresidential districts

BACKGROUND:

In Abilene's Zoning Regulations, uses allowed only with approval of a Conditional Use Permit (CUP) may be appropriate at some but not all locations in the zoning districts where such approval is required. City Council reserves (for itself) the privilege of deciding where and under what conditions such uses shall be permitted, after a public hearing and recommendation by the Planning & Zoning Commission. As the name implies, approval of a Conditional Use Permit may be made subject to appropriate conditions necessary to make that particular proposed use a "good fit" in its specific environment.

On September 12, 2017, Abilene's City Council approved Ordinance No. 35-2017, a copy of which accompanies this correspondence. The basic intent of this ordinance was to require approval of a Conditional Use Permit (CUP) for all new multiple-family dwellings in these zoning districts:

- General Retail (GR),
- Neighborhood Retail (NR),
- Medical Use (MU),
- Mixed Use (MX),
- Neighborhood Office (NO), and
- Office (O) Districts.

When Abilene's Land Development Code was adopted in 2010, multiple-family dwellings were automatically allowed in all six above-mentioned zoning classifications.

ANALYSIS:

Amendments approved on September 12, 2017 were never integrated with the online text of Abilene's Land Development Code appearing in Franklin Legal Publishing, for one or both of the following reasons:

1. The effective date of amendments approved on September 12, 2017 was delayed more than one year, until October 1, 2018.
2. Much of the specific text in Ordinance No. 35-2017 is confusing. It appears to have confused the use category known as “multiple-family dwelling” with the zoning district classification known as “Residential Multiple-Family (MF).”

In order to clarify the law for planning staff who must use the LDC on a daily basis, 35-2017 has now been sent to Franklin Legal so that the ordinance changes will be included in our online code. To further clarify that multiple-family dwelling is a use in other zoning districts, staff recommends amending the ordinance to reflect the following changes.

RECOMMENDATION:

City staff recommends the Planning & Zoning Commission to consider recommending a draft ordinance amending Ordinance No. 35-2017 to simplify text clarifying the fundamental intent of City Council in 2017. A draft amended ordinance also accompanies this correspondence.

Besides identifying the six nonresidential zoning districts wherein development of multiple-family dwellings will require approval of a Conditional Use Permit, the draft new ordinance clarifies some basic rules for such development:

- In GR, NR, MU, NO and O Districts, multiple-family dwellings shall meet ordinary standards of Residential Multiple-Family (MF) Districts. This includes a limitation of no more than 24 dwelling units per acre.
- In MX Districts, multiple-family dwellings shall meet ordinary standards of Residential Medium Density (MD) Districts. This includes a limitation of no more than 12 dwelling units per acre.

Multiple-family dwellings will continue to be automatically allowed in Central Business (CB) and College-University (CU) zoning districts. Such development in these districts is subject to ordinary standards of Residential Multiple-Family (MF) zoning.

ORDINANCE NO. 35-2017

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

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

PART 4: This Ordinance, although it shall be published in the newspaper within 20 days from passage, shall be effective beginning October 1, 2018.

PASSED ON FIRST READING this 24nd day of August, A.D. 2017.

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 20th day of July, 2017, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 12th day of September, 2017 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene. This ordinance shall be effective on October 1, 2018.

PASSED ON SECOND AND FINAL READING THIS 12th day of September, A.D. 2017.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

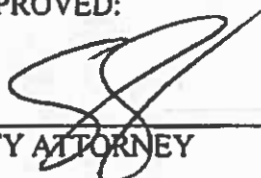

CITY ATTORNEY

EXHIBIT "A"

AMEND: Section 2.4.2.1 The Land Use Matrix

REVISE: Change MF (Multiple-Family Residential) from a P (Permitted) use to a C (Conditional Use) in the O (Office), NO (Neighborhood Office), GR (General Retail), MX (Mixed Use), MU (Medical Use), and NR (neighborhood Retail),

Amend: Section 2.3.2.9 Residential Multiple-Family (MF) District

(a) **Purpose.** The Residential Multiple-Family (MF) District is designed to encourage the provision of conveniently located, centrally maintained rental accommodations with traditional apartment units. This district provides for a maximum of twenty-four (24) dwelling units per acre. As one of the multiple-family zoning districts provided for development in Abilene, this district is also designed to achieve the following:

(1) Protect the residential character of the included areas by excluding most commercial and other incompatible activities, as appropriate. Allow for Residential Multiple-Family (MF) within other non-residential zoning districts with a Conditional Use Permit (C), per Section 2.4.2.1 The Land Use Matrix.

(2) Encourage a suitable environment by permitting certain appropriate institutions and facilities to be located in residential neighborhoods.

AMEND: Section 2.4.3.3 All Other Uses With Specific Requirements

REVISE: Add the regulations pertaining to MF (Multi-Family Residential).

(a) Specific Requirements.

(61) Residential Multiple-Family (MF) District

Allow for Residential Multiple-Family (MF) within other non-residential zoning districts with a Conditional Use Permit (C), per Section 2.4.2.1 The Land Use Matrix.

-END-

Amend Ordinance 35-2017

- Section 2.4.2.1 The Land Use Matrix
- Section 2.4.3.3 All other Uses with Specific Requirements

- **AMEND: Section 2.3.3.12 Heavy Industrial (HI) District, TABLE 2-4 SITE LAYOUT AND BUILDING REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS**
- **REVISE:** For the entry pertaining to Applicable Multiple-Family Standards in MX Zoning Districts, change the text from “MD or MF District Standards” to “MD District Standards.”
- **AMEND: Section 2.4.3.3 All Other Uses With Specific Requirements**
- **REVISE:** Add and delete the following entries in alphabetical order and renumber accordingly:
 - **Specific Requirements**
 - ~~**RESIDENTIAL MULTIPLE-FAMILY (MF) DISTRICT:**~~
~~Allow for Residential Multiple Family (MF) within other non—~~
~~residential zoning districts with a Conditional Use Permit (C), per~~
~~Section 2.4.2.1~~

- **AMEND: Section 2.4.3.3 All Other Uses With Specific Requirements**
- **REVISE: (a) Specific Requirements**
- **DWELLING MULTIPLE-FAMILY**
 - a) In MX zoning districts where allowed with approval of a Conditional Use Permit, multiple-family dwellings shall be subject to limitations on overall residential density, building height and lot coverage, as well as standards for minimum lot size and building setback, the same as if such dwellings were located in a Residential Medium Density (MD) District. The maximum number of dwelling units allowed on any one (1) individual lot in an MX zoning district shall be four (4).
 - b) In CU and CB zoning districts, and in NO, O, NR, GR and MU zoning districts where allowed with approval of a Conditional Use Permit, multiple-family dwellings shall be subject to limitations on overall residential density, building height and lot coverage, as well as standards for minimum lot size and building setback, the same as if such dwellings were located in a Residential Multiple-Family (MF) District.

Questions?



**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Robert Hanna, City Manager

FROM: Rodney Taylor, Director

SUBJECT: 17. Resolution: Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Authorizing the Renewal of the Water Supply Contract with the Hawley Water Supply Corporation (*Rodney Taylor*)

GENERAL INFORMATION

The Water Utilities Department is requesting that the Abilene City Council approve the resolution authorizing the renewal of the water supply contract with the Hawley Water Supply Corporation (HWSC).

The HWSC is planning to construct improvements to its water system. The United States Department of Agriculture Rural Utilities Service (RUS) program is the funding agency for those improvements. That agency requires that the HWSC must establish a new 40 year contract period to coincide with the funding period and make other minor changes to the current water supply contract with the City of Abilene.

SPECIAL CONSIDERATIONS

The Abilene City Council authorized the initial wholesale water supply agreement with the HWSC in 1966. The current contract with the HWSC was effective January 1, 2004, and has a 40 year period.

This contract renewal includes a fixed Base Contract Amount of 125,000,000 gallons annually, and for which future adjustments to the contract amount would require approval of the Abilene City Council. The current contract does not have a cap on annual quantity. The current Delivery Points and respective Maximum Delivery Rates are unchanged.

FUNDING/FISCAL IMPACT

NA

STAFF RECOMMENDATION

Staff recommends that the Abilene City Council approve the resolution to renew the water supply contract with the Hawley Water Supply Corporation as described herein.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. 2020 Resolution-WSC-Renewal-Hawley WSC-11-19-2020
2. Water Supply Contract-Hawely WSC-Signed by HWSC-V2-11-19-20
3. Presentation-Resolution-Authorize renewal WSC with Hawley WSC-11-19-2020

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AUTHORIZING THE RENEWAL OF THE WATER SUPPLY CONTRACT BETWEEN
THE CITY OF ABILENE AND THE HAWLEY WATER SUPPLY CORPORATION.**

WHEREAS, the City of Abilene (City) is currently a regional supplier of potable water to area cities and rural water supply corporations including the Hawley Water Supply Corporation (HWSC); and

WHEREAS, the HWSC is planning for infrastructure improvements to its water supply system that will be funded through the United States Department of Agriculture Rural Utilities Service (RUS) program; and

WHEREAS, the RUS requires that the water supply contract between City and HWSC be changed to include certain terms and conditions and to establish a new 40 year contract period that would coincide with the funding period of the RUS; and

WHEREAS, the renewed contract incorporates a new fixed Base Contract Amount which will require approval of the Abilene City Council for future adjustments, and it makes no change to the existing delivery points or respective take rates; and

WHEREAS, it is required that the Abilene City Council and the Board of Directors of the HWSC must each approve of the renewed Water Supply Contract.

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

That the City of Abilene City Manager is hereby authorized to execute the renewed Water Supply Contract between the City of Abilene and the Hawley Water Supply Corporation establishing a new forty year contract period.

ADOPTED this 19th day of November, 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED :

Stanley E. Smith, City Attorney

THE STATE OF TEXAS

COUNTY OF TAYLOR

WATER SUPPLY CONTRACT

This contract ("Contract") is made this ____ day of MONTH, 2020, by and between the City of Abilene, Texas, a Municipal Corporation of Taylor and Jones Counties, Texas, (hereinafter referred to as "Abilene" or "City"), acting by and through its City Manager, who has been duly authorized to act by the City Council of Abilene, and the Hawley Water Supply Corporation (hereinafter referred to as "Purchaser") a Water Supply Corporation organized under Article 1434a, Texas Revised Civil Statutes, as supplemented by the Texas Non-Profit Corporation Act, Article 1396-1.01 et seq., Texas Revised Civil statutes, as amended. .

WITNESSETH:

That for and in consideration of the covenants, promises and agreements set forth herein, it is mutually agreed as follows:

I. GENERAL PROVISIONS

A. Purpose

The purpose of this Contract is for Abilene to sell and provide potable water to the Purchaser for rural residential and rural agricultural uses and those purposes incidental to rural residential and rural agricultural uses under the provisions of this Contract.

Abilene shall act by and through its City Manager unless otherwise stated in this Contract. Purchaser shall act by and through its Board President, or his duly authorized representative, unless otherwise stated in this Contract.

B. Modification

This Contract may be changed or modified only with the consent of the City Council of Abilene and the Board of Directors of Purchaser. Some such amendments may be necessitated by the positions of the United States Department of Agriculture - Rural Utilities Service (RUS), hereafter referred to as RUS, as Purchaser will implement various projects pursuant to an RUS-approved funding, which includes various requirements under federal law. Any modification shall be in writing. Such modification may be requested by either party, in which event a joint meeting of such parties shall be held within ninety (90) days after the giving of such notice, at which joint meeting the requested changes or modifications shall be considered and discussed. No such change or modification may be made which will affect adversely the prompt payment, when due, of all monies required to be paid by Purchaser to Abilene under the terms of this Contract.

C. Assignment

Purchaser shall not assign nor transfer in whole or in part the rights and obligations granted in this Contract without first obtaining the written consent of Abilene, except that Purchaser may pledge this Contract as part of the security for any loan.

Upon default by Purchaser, it is agreed by the parties that upon Abilene's written consent, RUS may assign this Contract to a successor in interest if the assignee agrees to comply with all provisions of the Contract.

This Contract shall be fully assignable by Abilene to the United States Department of Agriculture - Rural Utilities Services ("RUS"), with such assignment not requiring the written consent of Purchaser.

D. Duration, Termination

This Contract shall be effective for a period of forty (40) years, beginning on the effective date, and may be amended by mutual written agreement by the parties, as may be necessary for Purchaser to repay a RUS loan to be made to Purchaser by the United States of America acting by and

through the Administrator of the Rural Utilities Services. Seller agrees that it will continue to make water available, subject to availability, when requested by the Purchaser. Upon mutual agreement of the parties, this Contract may be renewed for additional terms.

a) Upon the breach by Abilene of any of the provisions of this Contract, Purchaser may terminate this Contract by giving written notice within thirty (30) days of such breach to Abilene by registered or certified mail to the address shown on the signature page.

The notice shall explain in detail the provision(s) of the Contract that is breached and the circumstances giving rise to the breach.

Abilene shall have ninety (90) days upon receipt of written notice to correct the violation of the Contract.

b) Upon the breach by Purchaser of any of the provisions of this Contract, Abilene may terminate this Contract after providing written notice of the breach to RUS and the Purchaser. While indebtedness exists, RUS reserves the right to assume all rights and obligations of Purchaser. It is agreed that Purchaser shall have ninety (90) days and if RUS reserves the right to assume all rights and obligations of Purchaser, RUS shall have one hundred and twenty (120) days to correct any and all violations of the Contract after receipt of Abilene's initial written notice of same under this paragraph, with such notice being sufficient if sent to either Purchaser or RUS. Such notice shall be provided by registered or certified mail to the address shown on the signature page.

The notice shall explain in detail the provision(s) of the contract that is breached and the circumstances giving rise to the breach. It is specifically provided that a failure to pay Abilene for water supplied under this Contract according to Abilene's billing schedule is a breach of this Contract.

Should Purchaser pay the amount of money owed to Abilene after Abilene has given notice, but within the 90-day period to correct the violation, this Contract shall remain in full force and effect. If Purchaser pays only the monthly charges, and not the full amount owed to Abilene, Abilene, by accepting the payments, shall not be considered as having waived any of its rights under this Contract.

E. Notices

All notices required under the terms of this Contract shall be in writing and sent by registered or certified mail to the address shown on the signature page.

F. Venue

Venue for any legal proceeding shall be in the City of Abilene, Taylor County, Texas. The laws of Texas as to interpretation and performance govern this Contract.

G. Force Majeure

That in case by reason of force majeure either party hereto shall be rendered unable wholly or in part to carry out its obligations under this agreement, other than the obligation of the Purchaser to make payment required under the terms hereof, then if such party shall give notice and full particulars of such force majeure in writing to the other party within ten (10) days after occurrence of the event or cause relied on, the obligation of the party filing such notice, so far as it is affected by such force majeure, shall be suspended during the continuance of the inability then claimed, but for no longer period, and any such party shall endeavor to remove or overcome

such inability with all reasonable dispatch. The term "force majeure" includes, but is not limited to, acts of God, strikes, or other industrial disturbances, acts of war, orders of any kind of the government of the United States or the State of Texas or any civil or military authority, epidemics, landslides, lightning, earthquake, fires, hurricanes, storms, floods, washouts, drought, civil disturbances, explosions, breakage or accidents to machinery, pipelines or canals, partial or entire failure of water supply, and inability on part of Abilene to deliver water under, or of Purchaser to receive water hereunder, on account of any other causes not reasonably within the control of the party claiming such inability. It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of the party having the difficulty, and that the above requirement that any force majeure shall be remedied with all reasonable dispatch shall not require the settlement of strikes and lockouts as acceding to the demands of the opposing party or parties when such course is unfavorable in the judgement of the party having the difficulty.

H. Paragraph Headings

The paragraph headings contained herein are for convenience in reference to this Contract and are not intended to define or to limit the scope of any provision of this Contract.

I. Pay Delinquent Accounts

Purchaser agrees that no legally enforceable obligations owed by it to Abilene, including payment in advance for service charges or any sums of any character whatsoever, shall become delinquent or in arrears.

J. Attorney's Fees

If either party brings legal action to enforce the terms of this Contract, and prevails, that party shall be entitled to reasonable attorney's fees.

K. Violation of Contract

If Purchaser does any of the following, it shall be liable and owe to Abilene a fee of \$1,000 per violation per month that violation continues:

1. Fails to comply with Abilene's Water Conservation Plan, which is attached as Exhibit A and made a part of this Contract.
2. Sells or resells water in violation of this Contract.
3. Purchaser fails to prohibit service to any structure existing in a designated floodplain area after the date of public environmental notification. (September 13, 2001).
4. Purchaser fails to scrutinize any service applications in areas where wetlands exist to verify that potential users have obtained, where applicable, Section 404 permits from the U.S. Army Corps of Engineers, prior to any modification of an aquatic or wetland area.

L. Conflict

In the event any provision of this Contract shall conflict with a State law, the Texas Constitution, or a Federal law or the U.S. Constitution, the State law or the Texas Constitution or Federal law or U.S. Constitution shall control.

II. FURNISHING WATER

A. Delivery Point

Abilene agrees to sell and to provide water to Purchaser at a point of metering which shall be known as the "Delivery Point(s)". The Delivery Point(s) shall be the Master Meter (s), after the water has passed through the Master Meter(s).

Delivery Point No. 1 - Located on North Highway 277 and City Limits.

Delivery Point No. 2 - Located on North Highway 277 and City Limits.

Delivery Point No. 3 - Located near FM 2404 and City Limits.

Delivery Point No. 4 - Located at FM 600 and Highway 1082.

Delivery Point No. 5 - Located near the northeast corner of Lake Fort Phantom Hill.

Delivery Point No. 6 - Located near FM 3034 and Nugent Road.

Delivery Point No. 7 - Located near the intersection of Nugent Road and Beltway North.

Additional "Delivery Points" may be designated as negotiated between Abilene and Purchaser.

Purchaser agrees to purchase and to take delivery of said water at the delivery point(s) for Purchaser's own use. Except as to customers of Purchaser that may exist at the time of the signing of the Contract (which are provided hereto as **Exhibit A**) , Purchaser shall not install customer service taps located within Abilene's protected service area or resell the water provided under this Contract.

Abilene shall be obligated to treat and to filter the water to be delivered to and received by Purchaser so that the water is the same quality as that supplied to the customers of Abilene.

Purchaser shall protect its storage and distribution system from cross connections under the specifications required by the health standards, statutes, and laws, of the State of Texas, as same may be amended from time to time.

B. Quantity and Demand

Purchaser represents that its contracted quantity of water available to the Hawley WSC will be 125,000,000 gallons per Water Year which shall be known as the "Base Contract Amount", which Hawley WSC deems adequate to meet its needs. Abilene will not provide water to the Hawley WSC in excess of the Base Contract Amount during any Water Year. The Base

Contract Amount can only be increased if Purchaser presents a written request to Abilene to increase the Base Contract Amount. Such a request must be presented prior to the Water Year where the increased Base Contract Amount is required. Such request must be approved by the Abilene City Council before the increased Base Contract Amount will be provided.

The “Maximum Daily Amount” being the sum total of all Delivery Points is 1,857,600 gallons per day (gpd). The “Maximum Delivery Rate” in gallons per minute (gpm) of water that Abilene’s system is capable of delivering to Purchaser for each Delivery Point is as follows:

Delivery Point No. 1 – 450 gpm

Delivery Point No. 2 – 120 gpm

Delivery Point No. 3 – 100 gpm

Delivery Point No. 4 – 150 gpm

Delivery Point No. 5 – 50 gpm

Delivery Point No. 6 – 20 gpm

Delivery Point No. 7 – 400 gpm

Abilene will not deliver water to Purchaser at a rate exceeding the “Maximum Daily Amount” and/or the “Maximum Delivery Rate”. The Maximum Daily Amount and/or the Maximum Delivery Rate can only be increased if Purchaser presents a written request to Abilene to increase the Maximum Daily Amount and/or the Maximum Delivery Rate. Such a request must be presented prior to the Water Year where the increased Maximum Daily Amount and/or the Maximum Delivery Rate is required. Such request must be approved in writing by Abilene before the increased Maximum Daily Amount and/or the Maximum Delivery Rate will be provided. In addition to the Contract charge and the Demand charge, should Abilene approve of an increase in the Maximum Daily Amount and/or Maximum Delivery Rate, a one-time

"Increase Charge" shall be paid by Purchaser in order to reserve additional capacity in Abilene's system.

Purchaser agrees that Abilene's capability to provide increases of water in quantity above the Base Contract Amount is subject to available supply and deliverability, as determined by Abilene. The availability of supply and deliverability does not obligate Abilene to increase water quantity available to Purchaser above the Base Contract Amount.

"Demand" means the quantity of water used by Purchaser within a water year.

"Water Year" means the year beginning January 1 and ending December 31.

"Base Contract Amount" will be 125,000,000 gallons per water year.

"Demand Charge" represents the cost of reserving the water for the Purchaser.

Abilene will use its best efforts to remain in a position to furnish water sufficient for the reasonable demands of Purchaser but Abilene's obligation under this Contract shall be dependent on the amount of water available to Abilene from its own source of supply. In case of shortages of Abilene's water supply, Abilene and all of Abilene's customers/users will proportionately share shortages, in accordance with the provisions of Texas Water Code Section 11.039.

If unavoidable distribution problems arise, Abilene reserves the right to further limit Purchaser's quantity of water to be taken on an hourly, daily, and/or monthly basis as Abilene determines necessary to preserve adequate water for both parties.

If Stage I, II, or III of the City's Water Conservation Plan becomes in effect which may result in the Purchaser using less water, then the annual demand charge amount will be reduced 1/12 for each month a Water Conservation stage is in effect during the water year.

If there is a change in the City's Water Conservation Plan, written notice of such change shall be mailed to the Purchaser.

C. Water Conservation Plan

Abilene has adopted a Water Conservation Plan that provides for year round Water Conservation measures. The Purchaser hereby agrees to comply with all provisions of Abilene's Water Conservation Plan that is in effect or hereafter adopted. See attached Exhibit A. If there is a change in Abilene's Water Conservation Plan, written notice of such change shall be mailed to the Purchaser.

D. Rates

Purchaser agrees to purchase water based on the Contract Rate, as described in this section, which shall be the effective rate at the date of execution of this agreement. Purchaser agrees that the Abilene City Council has the right to revise the Contract Rate from time to time to cover all reasonable, actual, and expected costs, including the costs of future water supplies. It is specifically understood and agreed that, in increasing or decreasing the Contract Rate, Abilene shall act in good faith, and any such increase or decrease in such standard rate shall be based upon valid economic reasons including the costs of Abilene supplying such water. The most current City of Abilene Fee Ordinance, as adopted by the Abilene City Council, describes the Wholesale Water rate applicable to all Wholesale Water rate purchasers, including to Purchaser under this Contract, and its value in comparison to the Residential Tier 1 rate. The Wholesale Water rate, consistent with this paragraph, may be raised or lowered proportionately for all such Wholesale Water purchasers. Abilene shall give sixty (60) days advance written notice of any rate change to Purchaser and RUS.

Purchaser agrees to pay a total monthly Ivie Surcharge on all water purchased under this agreement. The Ivie Surcharge rate shall be applied to each 1000 gallons purchased during each month. Purchaser agrees that the Abilene City Council has the right to rename and/or restructure

the Ivie Surcharge, and to revise the Ivie Surcharge rate from time to time to cover all reasonable, actual, and expected costs associated with financing capital improvement projects of Abilene's Water Utility including but not limited to the original construction, expansion, or improvements to infrastructure of the Ivie System.

Purchaser agrees to pay a total annual demand charge for each water year in which the current water year demand is less than base contract amount. The Demand Charge rate shall be applied to the base contract amount less current water year demand. Purchaser agrees that the Abilene City Council has the right to revise the Demand Charge rate from time to time to cover all reasonable, actual, and expected costs associated with reserving system capacity for Purchaser.

The following Rate Schedule applies to this Contract:

Wholesale Water Rate*- \$6.20 per 1,000 gallons

Demand Charge - \$ 0. 10 per 1,000 gallons

Ivie Surcharge - \$ 0 .60 per 1,000 gallons

*Note: The Contract Rate will be based on the standard established rate for potable water, established by the Abilene City Council, and published in the City of Abilene Water Utility Department Schedule of Rates and Charges for at least the highest consumption tier of the "Commercial Class" water user customers, unless otherwise revised by the Abilene City Council.

E. Payment

Abilene agrees to render to Purchaser a statement of charges monthly. The Contract Rate and the Ivie Surcharge rate shall be applied to the metered quantity delivered during the previous month. Payment is due upon receipt of the statement. Purchaser agrees to pay promptly. The demand charge shall be billed within sixty (60) days after each Water Year. Payment will be in a lump sum which is due thirty (30) days from receipt of the statement.

F. Additional Surface Water Supplies

If Purchaser develops or acquires additional surface water supplies from any source other than Abilene, resulting in reduced quantity from Abilene, then Abilene is released from the obligation to supply the contract amount mutually established under Part II. B. of this Contract. In such event, Abilene may adjust its supply obligation to levels commensurate with Purchaser's reduced demand.

If within the term of this Contract, Purchaser totally or partially discontinues taking water from Abilene because such other water supplies have been developed or acquired, Purchaser shall for three (3) years or the balance of this Contract, whichever is less, remain liable for demand charges at the billing level in effect at the date of written notification of such partial or total cessation of Base Contract Amount. However, Abilene may waive Purchaser's obligation in the event of nominal reductions based on Purchaser's plans if Abilene has received prior notice of the plans and concurred in the reduction.

G. Maintain Facilities and Equipment

Purchaser is responsible to construct, install, and maintain its facilities and appurtenances existing beyond the Delivery Point(s). Ownership and maintenance responsibilities of the Master Meter(s) and all pipe, materials, equipment and related appurtenances used in connecting the Master Meter(s) to the Abilene Water Supply System shall be the responsibility of Abilene. All other facilities constructed by Purchaser, in order to meet quantity and demand requirements as set forth in paragraph B of this Section, will be owned and maintained by Purchaser. Purchaser must install and maintain an appropriate air gap or back flow prevention device, located before the first chemical injection point and/or the first customer tap, at each delivery

point to prevent backflow contamination of the Abilene Water Supply, and shall comply with state law and Abilene ordinances regarding protections of the water distribution system.

Both parties to this Contract shall have access to such meter equipment at all reasonable times. It shall be the duty of either party to this Contract to notify the other party in the event that the meter(s) is registering inaccurately or malfunctioning so the meter(s) can be promptly repaired. Each meter will be operated and maintained so as to record with commercial accuracy. Abilene will notify Purchaser prior to any meter tests. Either party has the right to request a meter be tested with the other party having the right to witness such test. If Purchaser requires that an independent testing service be used, Purchaser shall pay the cost of said testing service if the meter(s) is found to be accurate. If the meter(s) is found to be inaccurate, Abilene shall pay the costs of said testing service.

H. Unit of Measurement

The unit of measurement for water delivered hereunder shall be 1,000 gallons of water, U. S. Standard Liquid Measure.

I. Title to water

Title to all water supplied hereunder shall remain in Abilene to the delivery point(s). From such point(s) (whether metered there or not), title shall pass to Purchaser. Ownership by Purchaser of facilities and water beyond the delivery point does not relieve Purchaser of the conditions contained in this contract.

J. Hold Harmless

To the extent permitted by law, Purchaser agrees to indemnify, hold harmless, and defend Abilene and its officers, agents, and employees from and against all liability for any and all claims, liens, suits, demands, and/or actions for damages, injuries to persons

(including death), property damage (including loss of use), and expense, including court costs, attorneys' fees, and other reasonable costs occasioned in connection with the transportation, delivery and disposal of said water while title to the water remains with Purchaser.

K. Relocation of delivery points

If Purchaser moves or abandons the designated delivery point(s), Purchaser shall pay all costs incurred in relocating the delivery point(s).

III. AGREEMENT

Entire Agreement

This Contract is the entire agreement of the parties, and any prior representations, warranties, agreements, promises, or negotiations, verbal or otherwise, pertaining to this agreement not expressly set forth in this written agreement are for no force and effect. This Contract shall be binding upon and shall insure to the benefit of the respective successors and/or assigns of the City and the Purchaser.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed.

CITY OF ABILENE, TEXAS

Business Address:
c/o City Manager
P.O. Box 60, Abilene, Texas 79604

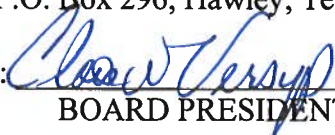
By: _____
CITY MANAGER

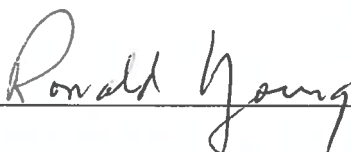
ATTEST:

Page 14 of 15

HAWLEY WATER SUPPLY CORORATION

Business Address:
c/o Board President
P.O. Box 296, Hawley, Texas 79525

By:  _____
BOARD PRESIDENT

 _____

Abilene City Secretary (City Seal)

APPROVED AS TO FORM:

Abilene City Attorney

Board Secretary

APPROVED AS TO FORM:



Purchaser's Attorney

Resolution Authorizing the Renewal of the Water Supply Contract with the Hawley Water Supply Corporation.



- **The current Water Supply Contract between City of Abilene and the Hawley Water Supply Corporation (HWSC) was effective January 1, 2004 and has an effective period of 40 years.**
- **The HWSC is planning for infrastructure improvements to its water supply system that will be funded through the United States Department of Agriculture Rural Utilities Service (RUS) program.**



- The RUS requires that certain terms and conditions be incorporated into the Water Supply Contract including establishing a new 40-year period that coincides with the period of the RUS funding.
- The renewed water supply contract incorporates a new fixed Base Contract Amount which will require approval of the Abilene City Council for future adjustments of the base contract amount.
- The current Take Points and respective Take Rates are unchanged.



**Resolution Authorizing the Renewal of the
Water Supply Contract with the
Hawley Water Supply Corporation.**

QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

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*)

- **Airport Development Board**
- **Board of Building Standards**
- **Citizens Advisory Board for People with Disabilities**

GENERAL INFORMATION

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

SPECIAL CONSIDERATIONS

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

FUNDING/FISCAL IMPACT

No cost consideration to the city.

STAFF RECOMMENDATION

(Re)Appointment

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. 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 19th day of November, 2020.

ATTEST:

Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____

Board	Term End Date
<i>Airport Development Board</i>	
Joe Crowder [Reappointment]	November 2023
Gray Bridwell [Reappointment]	November 2023
<i>Board of Building Standards</i>	
Gary Webb [Reappointment]	November 2022
<i>Citizens Advisory Board for People with Disabilities</i>	
Michelle Daniels [New]	October 2022
Pamela Barnhill [Reappointment]	October 2022

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

- Airport Development Board
- Board of Building Standards
- Citizens Advisory Board for People with Disabilities





**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Honorable Mayor & Members of City Council

FROM: Robert Hanna, City Manager

SUBJECT: 19. Discussion: Receive a Report, Hold a Discussion and Public Hearing, and Provide Direction on Recommended Budget Cuts FY 2021 *(Robert Hanna)*

GENERAL INFORMATION

Discussion and direction on recommended budget cuts for FY 2021

SPECIAL CONSIDERATIONS

This agenda item is for discussion only, and no votes or action is required. The City Manager is seeking Council direction on permanent program cuts.

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Staff recommends the City Council provide direction on recommended budget cuts.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

1. Budget Cuts Discussion PPT

Discussion on Budget Cuts for FY 2021



QUESTIONS?





**City Council
Agenda Memo**

City Council Meeting Date: 11/19/2020

TO: Honorable Mayor & Members of City Council

FROM: Stanley Smith, City Attorney

SUBJECT: 20. The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the noted Texas Government Code Sections:

GENERAL INFORMATION

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

A. 551.071 (Consultation with Attorney)

1. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
2. Officer Patrick Sumrall and City of Abilene, Case No. 01-18-000-8653; Appeal of Indefinite Suspension to Arbitration, filed February 6, 2018
3. Alfredo Valencia v. Corey Davis and City of Abilene; Case No. 1:19-cv-00017-C; In the United States District Court, Northern District of Texas, Abilene Division, filed February 4, 2019.
4. City of Abilene v. Patrick Sumrall; Cause No. 27,733-B, In the 104th Judicial District Court, Taylor County, Texas, filed May 28, 2019
5. 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
6. City of Abilene, Texas and Garfield Public/Private LLC v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-000900, In the 261st Judicial District Court, Travis County, Texas, filed February 13, 2020
7. Chandler Brooks v. Taylor County, et al.; Civil Action No. 1:20-cv-00049, In the United States District Court, Northern District of Texas, Abilene Division; filed March 5, 2020

8. John Doe v. Robert Hanna, Individually and as City Manager; Cause No. 28078-B; In the 104th Judicial District Court, Taylor County, Texas; filed July 7, 2020
9. The City of Abilene, Texas v. Ken Paxton, Attorney General of Texas; Cause No. D-1-GN-20-004598, In the 53rd Judicial District Court, Travis County, Texas; filed September 1, 2020
10. Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District, et al.; Cause No. P-8277-83-CV, In the 83rd Judicial District Court, Pecos County, Texas; filed September 11, 2020
11. Sharra Sampson v. City of Abilene; Cause No. 8144-B, In the 104th Judicial District Court, Taylor County, Texas; filed September 14, 2020
12. Governor's Executive Orders COVID-19

B. 551.072 (Deliberations about Real Property)

1. Clyde Water
2. Cedar Creek Reservoir

C. 551.073 (Deliberations about Gifts and Donations)

D. 551.074 (Personnel Matters)

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

E. 551.076 (Deliberations about Security Devices)

F.551.087 (Business Prospect/Economic Development)

1. Abilene Convention Center Hotel Project

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

None