

ORDINANCE NO. 18-1987

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23,
SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING
PDD #48 PLANNED DEVELOPMENT DISTRICT;
CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended; 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 One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 9 day of April,
A.D. 19 87.

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 5 day of April, 19 87, 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 9:00 a.m., on the 23 day of April, 19 87, 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 23 day of _____
April, A.D. 19 87.

ATTEST:

Patricia Hancock
CITY SECRETARY

David Stubbleman
MAYOR

APPROVED:

Harry Cagell
CITY ATTORNEY

Exhibit "A"

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

PART 2: Development Specifications. All development in the P.D.R. shall be in accordance with the maps, site plan, plat, and any other required plans filed in connection with this requested P.D.R. and are hereby incorporated by reference and included as part of this ordinance. Site Plan is attached as Exhibit B.

Further, all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of this P.D.R. are hereby incorporated by reference and included as part of this ordinance. (Some of these documents may be attached as Exhibit C, if applicable.)

All use and development within the P.D.R. 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 P.D.R. shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

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

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EXHIBIT "A"

PART 5:

Legal Description: (also illustrated in Exhibit "C")

Being 15.89 acres (692,163 square feet) of land out of an 85.4 acre tract lying West of U.S. Highway 277 out of the South 140 acres of the East 300 acres of the J. H. Beck Survey No. 42, Taylor County, Texas, and being more particularly described as follows:

BEGINNING at a point on the Northwest Right-of-Way line of U.S. Highway 277 being the Northeast corner this tract and also the said 85.4 acre tract whence the Southeast corner of said Beck Survey No. 42 bears S 37° 40' 45" W 1,249.4 feet and East 2,669.6 feet;

THENCE S 37° 40' 45" W 261.04 feet along Highway 277 to a point for the Southeast corner this tract;

THENCE N 89° 46' 06" W 3,352.84 feet with the South line of this tract to a point on the East Right-of-Way line of Bishop Road for the Southwest corner this tract;

THENCE N 0° 20' W 200.01 feet with the East line of Bishop Road to a point for the Northwest corner this tract and also of the said 85.4 acre tract;

THENCE S 89° 51' E 1,821.17 feet along the South line of a 20' alley to a point of intersection;

THENCE S 89° 31' 21" E 603.47 feet to a found pipe in the South line of said 20' alley being the North line of this tract;

THENCE S 89° 59' E 626.62 feet to a found pipe for a point of intersection in the North line of this tract;

THENCE N 89° 37' 35" E 462.31 feet to the place of Beginning and containing 15.89 acres of land.

Surveyed on the ground
February 16, 1987

Revised March 30, 1987

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PART 6: Name: This planned development residential district shall hereafter be known and referred to as Planned Development District Number 48.

PART 7: Purpose: The purpose of the PDR District is to accommodate a residential environment for the retired elderly planned and developed on a unified basis. The district is also intended to promote economical and efficient land use and an improved level of amenities. This ordinance is also intended to prescribe land use regulations to the entire 15.71 acre tract described in Part 5 above, while accommodating a phased approach to development. As such, the ordinance shall be amended to include future preliminary site plans illustrating various phases of development. Phase 1, as shown on attached Exhibit B, shall be considered the first such site plan.

PART 8: Specific Modifications: The following regulations shall govern the use and development of the PDR District. The attached site plan, Exhibit B, reflects the following regulations and depicts Phase 1 of the development. Subsequent phases shall be permitted only upon amendment of this ordinance in the form of additional site plans depicting future phases of development.

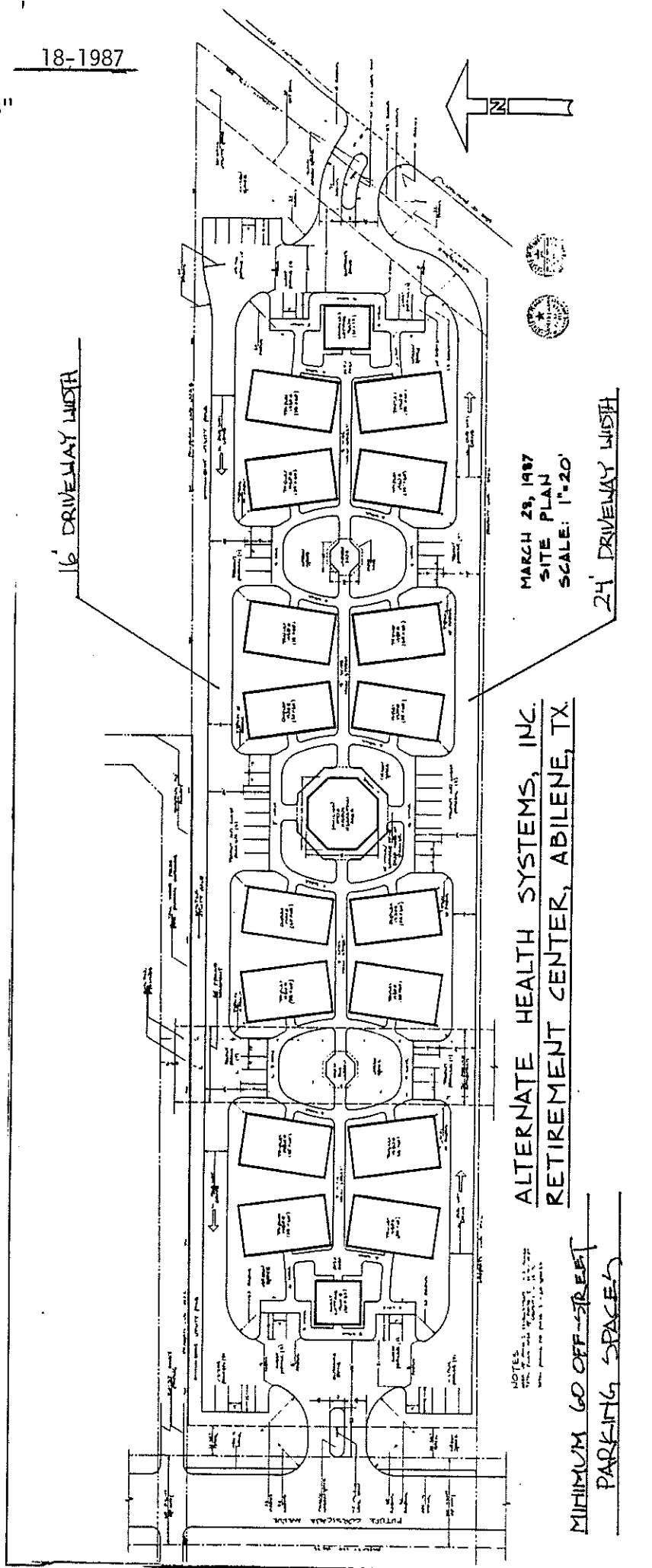
- A. Permitted Uses: The district shall be used for multi-family residential purposes, including clustered duplexes, triplexes, open areas, walkways, group dining areas, activity centers and manager's residence designed to provide a retirement community. Within Phase 1 of the development, the activity center shall be allowed to contain limited commercial activity aimed toward providing day-to-day retail and service needs of the residents of the community, including but not limited to, pharmaceuticals, personal items and foodstuffs.
- B. Building Setbacks and Separations: All primary and accessory buildings shall be set back a minimum of thirty (30) feet of adjoining street rights-of-way. All buildings shall be separated from each other by a distance of at least ten (10) feet.
- C. Land Use Intensity: The land use intensity index/rating for the project shall be 4.4 and further defined within the Zoning Ordinance of the City of Abilene.

PHASE 1

- A. Driveway Design: The "island" depicted on the attached site plan shall be within at least fifteen (15) feet of the edge of the pavement of U.S. Highway 277. It shall be considered private property and maintained by the owners of the development. The island need not be a raised concrete structure, but may consist of a solid yellow line painted onto the pavement. The purpose of the minimum distance from U.S. 277 is to safely channel traffic by way of providing visibility to motorists entering and leaving the development. The northernmost interior driveway within Phase 1 may be 16 feet in width. The southernmost driveway within Phase 1 shall be at least 24 feet in width. Traffic flow on the driveways shall be in a one-way direction.
- B. Signs: One development identification sign shall be allowed per street frontage of Phase 1. (Signage requirements for future phases of development shall be as amendments to this ordinance.)
1. Any sign placed along the U.S. 277 frontage may be either;
 - a. A freestanding sign no greater than 20 square feet in area, 10 feet in height and set back 10' from property lines. Illumination is permitted, but not motion.
 - b. A ground sign no greater than 4 feet in height and no more than 88 square feet in area. This sign shall be located entirely on private property and, if placed in the "island" within the driveway, shall be located a sufficient distance away from the right-of-way line to provide adequate sight distance for motorists.
 2. The sign allowed along the Corsicana Avenue frontage shall be subject to the requirements of B(1)(b) above.
- C. Screening: Phase 1 shall be screened on its northern side by a six (6) foot solid wall or fence, or by landscaping of similar height and character, so as to screen parking areas from adjoining single family residential development. Any screening along the south side of the alley should be no higher than three (3) feet for a distance of at least twenty-five (25) feet from the Corsicana Avenue right-of-way.
- D. Any gates located at the entrances shall be in conjunction with approval of the Fire Department. The operation of the gates shall be such that vehicles when stopped to open the gate is completely out of the street. Also, the control mechanisms shall be located out of street rights-of-way.
- E. Approximate stormwater runoff detention area locations, as required by the City of Abilene and the development permit associated with the project, are displayed on Exhibit B.

- F. Corsicana Avenue shall be extended as a public street through Phase 1 as depicted on the attached site plan. Right-of-way dedication, construction plans, actual construction or performance guarantee for such construction shall be associated with the required subdivision application for the property and is required prior to development.
- G. No less than sixty (60) off-street parking spaces shall be provided on-site within Phase 1 of the project.
- H. Structures shall be no greater than one story or twenty-five (25) feet in height.

PART 9: Subdivision and Platting: At the time subdivision is proposed, land within the PDR District shall be subdivided according to the City of Abilene's Subdivision Regulations in effect at the time of subdivision. Amendment of this Planned Development Ordinance shall not be necessary for subdivision or resubdivision; however, the regulations herein described regarding land use and development shall remain applicable to the tract represented on the attached site plan, unless such regulations are modified by amendment.



FIELD NOTES DESCRIPTION

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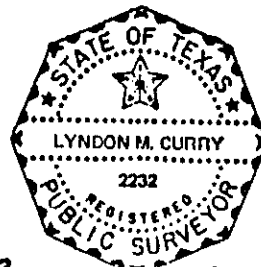
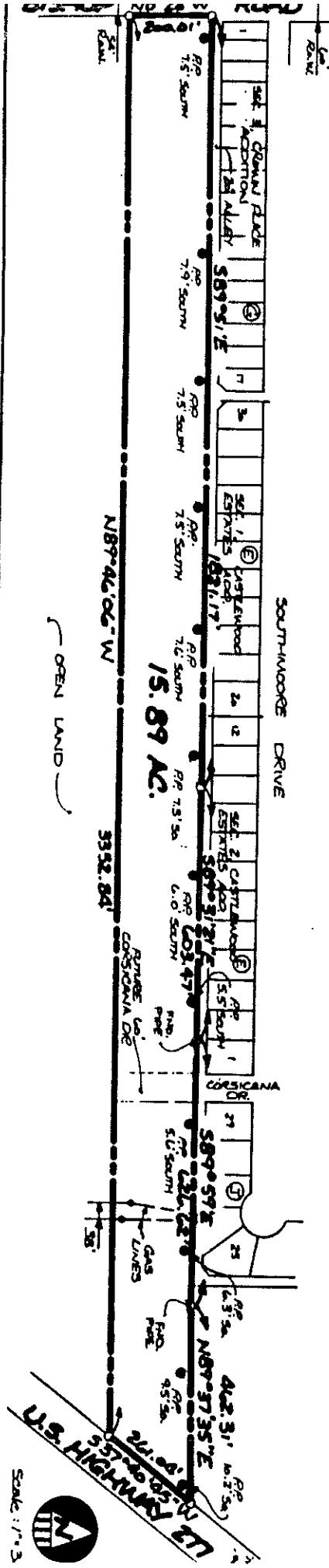
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Lyndon M. Curry
 Lyndon M. Curry, P.E.