

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #57 PLANNED DEVELOPMENT DISTRICT; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

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

PASSED ON FIRST READING this 9 day of March A.D. 1995.

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 March, 1995, 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 March, 1995, 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 March, A.D. 1995.

ATTEST:

[Signature]
CITY SECRETARY

[Signature]
MAYOR

APPROVED:

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[Signature]
CITY ATTORNEY

ORDINANCE NO. 14-1995

Exhibit "A"

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

PART 2: Development Specifications. All development in the Planned Development District shall be in accordance with the maps, topographical and drainage plans, utility plans, architectural drawings, site plan, plat, and any other required plans filed in connection with this requested Planned Development District and are hereby incorporated by reference and included as part of this ordinance. 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.D. are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development District must be in compliance with the general Comprehensive Zoning Ordinance of the City of Abilene except as otherwise specifically provided herein.

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

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

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

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

Proposed Lot 1:

BEING an approximate 24.66-acre tract of land situated in the J. C. Donley Survey, Abstract Number 95, City of Abilene, Taylor County, Texas said 24.66- acre tract of land being a portion of Lot 1, Block A, Section 4, Southwest Drive Addition, an addition to the City of Abilene, according to the plat recorded in Taylor County, Plat Records, and a portion of a tract of land as conveyed to Kickapoo Land Company and recorded in Volume 1551, Page 823, Taylor County, Deed Records, said 24.66-acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a railroad spike found in the west right-of-way line of Catclaw Drive (a 60' wide public right-of-way), said point being the northeast corner of said Lot 1, Block A, Section 4, Southwest Drive Addition and also being in a curve to the right whose radius is 816.89 feet and long chord bears South 08° 52' 14 West, 245.94 feet;

THENCE along said right-of-way line and along said curve in a southerly direction, through a central angle of 17° 18' 57", an arc length of 246.88 feet to a ½" iron pin found;

THENCE South 17° 31' 43" West, along said right-of-way line, a distance of 32.83 feet to a ½" iron pin found at the beginning of a curve to the left whose radius is 442.31 feet and long chord bears South 14° 32' 08" West, 46.19 feet;

THENCE along said right-of-way line and along said curve, in a southerly direction, through a central angle of 5° 59' 09", an arc length of 46.21 feet;

THENCE leaving said right-of-way and beginning at a curve to the right whose radius is 115.00 feet and long chord bears North 64° 07' 15" West, 51.83 feet;

THENCE along said curve in a westerly direction through a central angle of 26° 02' 39" an arc length of 52.27 feet to the beginning of a curve to the left whose radius is 235.00 feet and long chord bears North 64° 17' 06" West, 107.22 feet;

THENCE along said curve in a westerly direction through a central angle of 26° 22' 22" an arc length of 108.17 feet;

THENCE North 77° 28' 17" West a distance of 157.50 feet;

THENCE South 17° 28' 17" East a distance of 217.07 feet to the beginning of a curve to the right whose radius is 265.00 feet and long chord bears South 02° 28' 17" East, 137.17 feet;

THENCE along said curve in a southerly direction, through a central angle of 30° 00' 00", an arc length of 138.75 feet.

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THENCE South 12° 31' 43" West a distance of 63.52 feet to the beginning of a curve to the left whose radius is 85.00 feet and long chord bears South 09° 58' 17" East, 65.06 feet;

THENCE along said curve in a southerly direction through a central angle of 45° 00' 00" an arc length of 66.76 feet;

THENCE South 32° 28' 17" East a distance of 103.99 feet to a point in the northerly right-of-way line of Southwest Boulevard (a 120' wide public right-of-way);

THENCE South 57° 31' 43" West, along said right-of-way line, a distance of 330.02 feet;

THENCE North 77° 28' 17" West leaving said right-of-way a distance of 389.71 feet;

THENCE South 12° 31' 43" West a distance of 125.45 feet to the beginning of curve to the left whose radius is 200.00 feet and long chord bears South 09° 58' 17" East, 153.07 feet;

THENCE along said curve in a southerly direction through a central angle of 45° 00' 00", an arc length of 157.08;

THENCE South 32° 28' 17" East to a point on said right-of-way a distance of 45.44 feet;

THENCE South 57° 31' 43" West continuing along said right-of-way a distance of 66.00 feet to a 5/8" iron pin set;

THENCE North 32° 28' 17" West, a distance of 39.44 feet to a 5/8" iron pin set at the beginning of a curve to the right whose radius is 260.00 feet and long chord bears North 20° 48' 25" West, 107.35 feet;

THENCE along said curve in a northwesterly direction, through a central angle of 23° 19' 46", an arc length of 105.87 feet to a 5/8" iron pin set;

THENCE North 09° 08' 32" West, a distance of 171.63 feet to a 5/8" iron pin set;

THENCE North 77° 28' 17" West, a distance of 418.44 feet to a 5/8" iron pin set;

THENCE North 02° 23' 13" East, a distance of 535.85 feet to a 5/8" iron pin set;

THENCE North 12° 31' 43" East, a distance of 297.64 feet to a 5/8" iron pin set in the south line of a 15' wide alley as shown on the plat of Wyndrock, Section 5, an addition to the City of Abilene, according to the plat recorded in Taylor County, Plat Records;

THENCE South 89° 48' 21" East, along the south line of said alley, a distance of 633.51 feet to a 5/8" iron pin set at the northwest corner of the aforementioned plat of Lot 1, Block A, Section 4, Southwest Drive Addition;

THENCE South $00^{\circ} 11' 39''$ West, a distance of 4.77 feet to a point in the south line of a 20' wide alley according to said plat of Lot 1, Block A;

THENCE South $89^{\circ} 47' 17''$ East, along the south line of said 20' alley, a distance of 376.71 feet to a $5/8''$ iron pin set;

THENCE North $83^{\circ} 05' 13''$ East, a distance of 40.30 feet to a $5/8''$ iron pin set;

THENCE South $89^{\circ} 47' 17''$ East, a distance of 281.15 feet to the **POINT OF BEGINNING** and containing, an approximate 24.66 acres of land.

Located:

Southwest corner of Southwest & Catclaw Drives

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PART 6: Purpose. The purpose of the Southwest Drive Planned Development District is to integrate the scale of retail building development and activities in the district with less intensive residential use existing to the north and anticipated to the west, as well as with relatively intensive commercial development planned to the east. District regulations described in the following Part 7 are designed to achieve this purpose.

PART 7: Specific Modifications. The following regulations shall govern the use and development of the Planned Development District for Lot 1.

- A. The use of land shall be restricted to retail sales with the following incidental uses:
1. Retail sales of plant material (flowers, small plants, shrubs, trees, garden supplies, and furniture).
 2. Automotive repair (tires, batteries, lubrication and incidental repairs).
- B. The site development shall be in accordance with the following regulations and as generally depicted on the site plan attached hereto as Exhibit B.
1. The building shall be in the general location as indicated in the approved site plan. The minimum setback shall be ninety (90) feet from the northern and western boundaries of Lot 1.
 2. The size of the building and lot coverage of the site shall be as generally depicted in the approved site plan. No more than 25% of Lot 1 (or any lot resubdivided within Lot 1) shall be covered with buildings.
 3. Buildings shall be limited in height to thirty-five (35) feet, excluding architectural exceptions generally allowed by the Zoning Ordinance of the City of Abilene.
 4. Off-street parking spaces shall be provided as a minimum in accordance with the Zoning Ordinance.
 5. Off-street loading requirements as a minimum shall consist of one (1) off-street loading space per each 30,000 square feet of building.
 6. The number of driveways permitted shall be limited to two on Southwest Drive and one on Catclaw Drive. Driveways shall be at least 250 feet from street intersections. Driveways shall have widths and radii in accordance with City standards; however, the westmost driveway shall have minimum curb return radii of 25 feet.
 7. Access from activities located on Lot 1 to the alley bordering the tract on its north side shall be prohibited. Additionally, paving of the alley surface shall not be required.

8. A landscaped area, a minimum of fifty (50) feet in width, shall be extended around the streetside boundary of the lot. Such landscape area shall be located entirely on private property. Landscaping shall mean the planting and maintenance of living materials such as grass, trees, or shrubs. The types and arrangements of trees, shrubs plant materials shall be generally in keeping with the approved site plan. Landscaping shall be installed in association with erection of buildings on Lot 1 prior to occupancy of said building.
9. A solid screening wall of masonry construction, at least seven (7) feet in height, shall be provided along the length of the adjacent residential property on the north of Lot 1 and 280 feet along the northernmost part of the western property line of Lot 1.
10. Wall signage shall be permitted only on walls facing streets, however, no building signage is permitted facing the alley to the north. One free-standing sign will be permitted for the overall building and one free-standing sign will be permitted for the automotive center.
11. The screening wall on the west side of the property shall have sufficient openings at its base to pass the overland flow of stormwater off of the property to the west.
12. Development shall incorporate the berm along the south side of the alley or a replacement berm of sufficient design to accomplish the intended purpose of keeping stormwater from flowing to the residential area.
13. Lighting of the parking lot shall be directed away from the residential areas.
14. Floodway easements, stormwater routing, and on-site detention shall be provided in accordance with the drainage plan required by the Subdivision Regulations. A copy of the drainage plan shall, after approval, be attached to Exhibit "B" of this ordinance.
15. Air conditioning and/or heat generating facilities, and power generating equipment adjacent to any residential area shall be enclosed or meet the Performance Standards of Section 23-316 of the Zoning Ordinance.
16. If development does not ensue within one year after the approval of this ordinance by the City Council, the Planning and Zoning Commission shall recommend that the development be rezoned to its former status or extend the development period as it deems appropriate.

-END-

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