

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #59 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 7 day of December 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 November, 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 21 day of December, 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 21 day of December, A.D. 1995.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 49-1995

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 topographical plan, site plan, 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 (and vicinity map) is attached as Exhibit B.

Drainage plans, utility plans, site plans, and architectural drawings will be provided as required by the City of Abilene.

Further, all segments, 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: Tract 1 - From AO & RS-6 (Agricultural Open Space & Residential Single Family) District to PDMX (Planned Development Mixed Use) District; Tract 2 - From AO & RM-2 (Agricultural Open Space & Residential Multi-Family) to PDMX (Planned Development Mixed Use) District; and Tract 3 - From RM-2 (Residential Multi-Family) to PDMX (Planned Development Mixed Use) 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:

TRACT 1:

BEING 2.775 acres out of a 76.1 acre tract, recorded in Volume 1454, Page 402, Deed Records, and Volume 1473, Page 853, Deed Records, out of Lot 6, J.M. Cunningham Subdivision of the J. Blakemore Survey No. 97, and 0.832 acres, being all of Lots 7, 8 & 9, and part of Lot 10, Block A, Section 1, Ridgmar Addition, according to plat recorded in Cabinet 3, Slide 120, Plat Records, Taylor County, Texas, and being described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod, found, for the northeast corner of said Lot 7, Block A, on the west boundary line of Ridgway Road for the northeast corner of this tract.

THENCE S 0° 36' 10" E 290 feet to a point for the southeast corner of this tract, from which the northeast corner of said Lot 10, Block A bears N 0° 36' 10" W 50.00 feet;

THENCE S 89° 23' 50" W at 125 feet pass a 3/8" iron rod, found, on the the west boundary line of said Lot 10, continuing in all 535.55 feet to a 3/8" iron rod, found, on the east boundary line of Catclaw Drive, for the southwest corner of this tract, in a curve to the right;

THENCE Along said curve to the right, having a partial delta of 10° 20' 12", a radius of 419.21 feet on a chord bearing of N 5° 46' 16" W 75.53 feet for an arc distance of 75.63 feet to the PT of said curve;

THENCE N 0° 36' 10" W 214.78 feet to a 3/8" iron rod, found, for the southeast corner of Lot 1, Block A, Section 1, Ridgmar Addition;

THENCE N 89° 23' 50" E along the south boundary line of Lots 1 through 6, Block A, 542.35 feet to the POINT OF BEGINNING, and containing 3.607 acres of land, more or less.

TRACT 2:

BEING 2.490 acres out of a 76.1 acre tract, recorded in Volume 1454, Page 402, Deed Records, and Volume 1473, Page 853, Deed Records, Taylor County, out of Lot 6, J.M. Cunningham Subdivision of the J. Blakemore Survey No. 97, Abilene, Taylor County, Texas, and being described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod, found, for the southwest corner of Lot 13, Block A, Section 1, Ridgmar Addition, according to plat recorded in Cabinet 3, Slide 120, Plat Records, Taylor County, on the north boundary line of Rebecca Lane, for the southeast corner of this tract.

THENCE S 89°17'10" W 310.76 feet to the PC of a curve to the right;

THENCE Along said curve to the right, having a delta of 82 23'54", a radius of 43.10 feet on a chord bearing of N 49°33'00" W 56.78 feet for an arc distance of 61.98 feet to the PT of said curve on the east boundary line of Catclaw Drive;

THENCE N 8°21'02" W 93.50 feet to the PC of a curve to the left;

THENCE Along said curve to the left, having a delta of 10 36'33" , a radius of 494.67 feet, on a chord bearing of N 15°57'20" W 91.47 feet for an arc distance of 91.60 feet to the PRC of a curve to the right;

THENCE Along said curve to the right, having a partial delta of 10°19'15", a radius of 419.21 feet, on a chord bearing of S 16°06'08" E 75.41 feet for an arc distance of 75.51 feet to a 3/8" iron rod, found, for the northwest corner of this tract;

THENCE N 89°23'50" E 410.55 feet to a 3/8" iron rod, found, for the northeast corner of this tract, on the west boundary line of Lot 10, Block A, Section 1, Ridgmar Addition, from which the northwest corner of said Lot 10 bears N 0°36'10" W 50 feet;

THENCE S 0°36'10" E 290.20 feet to the POINT OF BEGINNING, and containing 2.490 acres of land, more or less. Save & Except the south 30 feet of the above described tract of land, being approximately 0.24 acre.

TRACT 3:

The South 30 feet of a certain 2.49 acre tract, known as PDD Zone Tract 2, being approximately 0.24 acre.

Location:

Northeast corner of Rebecca Lane and Catclaw Drive

00203

PART 6: Purpose: The purpose of the Planned Development district request is to allow for quality development of a large tract which generally has not developed under present zoning and development procedures.

PART 7: Permitted Uses: The uses permitted are as follows:

- A. Tract 1 - Uses shall be limited to those uses permitted in the Residential (RS-6) zoning district.
- B. Tract 2 - Uses shall be limited to bank (branch) services and to those uses permitted in the Office (O) zoning district, excluding uses in the Trade-Retail Uses category.
- C. Tract 3 - Uses shall be limited to a landscape strip.

PART 8: Specifications:

- A. Use and development of land shall conform to the general layout of structures and improvements as indicated by the attached Site Plan (Exhibit B).
 1. Development in Tract 1 shall conform with the area, height, and placement requirements, and all regulations applicable to Residential Single Family (RS-6) zoning classifications.
 2. Development in Tract 2 shall conform with the area, height, and placement requirements of the following zoning districts.
 - With the exception of a 30 foot setback for the northern boundary and a 30 foot setback for the eastern boundary, Tract 2 shall conform with regulations applicable to Office (O) zoning classification.
 3. Development in Tract 3 shall be landscaping only and one driveway to serve development in Tract 2.
- B. Signs:
 1. Tract 2 will have a maximum of four freestanding monument signs.
 2. Shopping Center Signs

Tract 2 shall have a maximum of one multi-tenant pole sign. The multi-tenant pole sign shall have a maximum area of 200 square feet with a maximum height of 24 feet.

3. Freestanding monument signs in Tract 2 shall conform too the Sign Regulations pertaining to signs in Office districts.
4. Portable signs shall not be allowed.

C. Landscaping:

1. Tract 3 and the adjacent parkways of Rebecca Lane and Catclaw Drive, shall be landscaped by use of berms, shrubs, trees, bushes, grass, and other similar means as indicated in Exhibit C, Landscaping Plan. There shall NOT be any berms, shrubs, bushes and other similar means placed in the right-of-way along Rebecca Lane or along Catclaw Drive. There should not be any berms, shrubs, trees, bushes and other similar means placed where they create any blind corners at driveways or at the intersection of Rebecca Lane and Catclaw Drive.
2. The west five (5) feet of Tract 2 plus the adjacent parkway of Catclaw Drive shall be landscaped by use of berms, shrubs, trees, bushes, grass, and other similar means.
3. Along the north property line of Tract 2, and the east property line of Tract 2, screening shall be accomplished by wood fences at least six feet but no more than seven feet high.

D. Driveways:

1. For Tract 2, a maximum of one driveway onto Rebecca Lane will be permitted. The driveway shall be located the following minimum distance from the Catclaw Drive intersection (measured from the east curbline of Catclaw Drive).
 - On Tract 2 - 250 feet
2. For Tract 2, a maximum of two driveways onto Catclaw Drive will be permitted.
 - a. The southmost driveway shall be located a minimum of 100 feet from the north right-of-way line of Rebecca Lane.
 - b. The minimum separation between driveways shall be 50 feet (measured from edge of driveway to edge of driveway).
 - c. The access from the property onto Rebecca will be right turn only.

PART 9: Platting: All property within the PDD area shall be platted in accordance with the City's Subdivision Regulations.

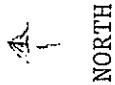
- A. Tract 1 shall be platted as residential lots.
- B. Tract 2 shall be platted as an office lot. The tract may be platted as one or more lots. If platted into more than one lot, an access easement of 24 foot minimum width shall be platted such that all lots have access via the access easement to Catclaw Drive and Rebecca Lane at the designated driveways.
- C. Tract 3 shall be platted as a single lot incorporated into the Tract 2 plat.

PART 10: Time Frame: Development will begin on this PDD as set forth below.

- Development of Tracts 1 & 2 shall begin by October 31, 1997. Issuance of a building permit shall constitute beginning of development. If development fails to begin within this deadline, the Planning and Zoning Commission shall have the authority to grant an extension of the time frame or recommend that the property be rezoned to its previous status.

-END-

NOTE: ORIGINAL ON FILE IN CITY PLANNING DIVISION.



Copy of Landscape Plan

410.55

16,190 sf

278'

228'

24 spruce

265'

Drive Thru

3000 sf

21 spruce

155'

187'

50'

15 spruce

24'

12 spruce

116'

GRASS

31076

112 - RED-TIP PHAENIX

GRASS

GRASS

290.20

CATCLAW DR.

88'08

80208

1/4" = 10' 0" 11/20/01

2'-3" 8/22/01

55'00

162.81

11/20/01