

ORDINANCE NO. 16-2002

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-75 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 11 day of April A.D. 2002

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 31 day of March, 2002, the same being for a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 18 day of April, 2002, 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 18 day of
April A.D. 2002.

ATTEST:

Op Moore
CITY SECRETARY

Grady Barr
MAYOR

APPROVED:

Sharon Hicks
CITY ATTORNEY

ORDINANCE NO. 16-2002

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.

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 AO (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:

BEING a 14.372-acre tract of land situated in the J. C. Donley Survey, Abstract Number 95, City of Abilene, Taylor County, Texas. Said 14.372-acre tract being a portion of a tract of land conveyed to Kickapoo Land Company, et al and recorded in Volume 1551, Page 823, Deed Records, Taylor County, Texas, said 14.372-acre tract of land being more particularly described as follows:

BEGINNING at a $\frac{3}{4}$ inch aluminum rod with 2 inch aluminum cap, denoted in the remainder of these field notes as a Standard Monument, set replacing a $\frac{5}{8}$ inch iron rod found damaged at the most Southerly Southwest corner of Lot 1, Block 1 of the Wal-Mart Addition to the City of Abilene as recorded on plat of said Wal-Mart Addition in Cabinet 3, Slide 187, Plat Records, Taylor County, Texas. Said Point of Beginning being in the Northerly right-of-way line of Southwest Drive, a 120 feet wide public right-of-way, as recorded in Volume 1310, Page 477 of said Deed Records;

THENCE: S59°31'54"W along Northerly right-of-way line of Southwest Drive, a distance of 36.15 feet to a Standard Monument set at the beginning of a curve to the right whose radius is 2383.30 feet and long chord bears S66°31'54"W 580.90 feet;

THENCE: along said curve in the Northerly right-of-way line of Southwest Drive, in a Southwesterly direction through a central angle of 14°00'00" an arc length of 582.33 feet to a Standard Monument set at the end of said curve;

THENCE: S73°31'54"W 440.00 feet along said Northerly Right-of-Way line of Southwest Drive to a Standard Monument set for corner;

THENCE: N01°13'12"E 920.00 feet to a Standard Monument set for corner;

THENCE: S88°46'48"E 500.00 feet to a Standard Monument set for corner in the Westerly line of said Lot 1, Block 1, Wal-Mart Addition;

THENCE: S03°27'39"W 127.81 feet along said Westerly line of said Lot 1 to a $\frac{5}{8}$ inch iron rod found for corner;

THENCE: S75°27'57"E along said Westerly line of said Lot 1, at 10.00 feet a Standard Monument set as reference, continuing a total distance of 394.64 feet to a $\frac{5}{8}$ inch iron rod found for corner;

THENCE: S12°04'39"E along said Westerly line of said Lot 1, at 10.00 feet a Standard Monument set as reference, at 191.21 a Standard Monument set as reference, continuing a total distance of 201.21 feet to a $\frac{5}{8}$ inch iron rod found for corner at the beginning of a non-tangent curve to the left with a radius of 260.00 feet and a long chord which bears S21°18'22"E 83.08 feet;

THENCE: Along said non-tangent curve to the left in a Southeasterly direction through a central angle of 18°23'17", an arc length of 83.44 feet to a 5/8 inch iron rod found at the end of said non-tangent curve;

THENCE: S30°22'11"E along said Westerly line of said Lot 1, at 10.00 feet a Standard Monument set for reference, continuing a total distance of 39.36 feet to the Point of Beginning and containing 14.372 acres of land.

This date, February 13, 2002, the foregoing field notes were prepared from a survey made on the ground under my supervision completed on February 8, 2002. Bearings are based on grid north as tied to the State Plane Coordinate System North Central Zone, NAD 27, occupying City of Abilene monument #316 and backsighting City of Abilene monument # 692.

Location:

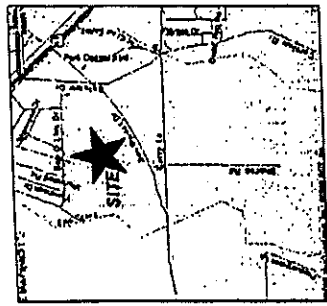
4500 block of Southwest Drive

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for commercial development and related activities of a large tract which generally has not developed under present zoning and development procedures.

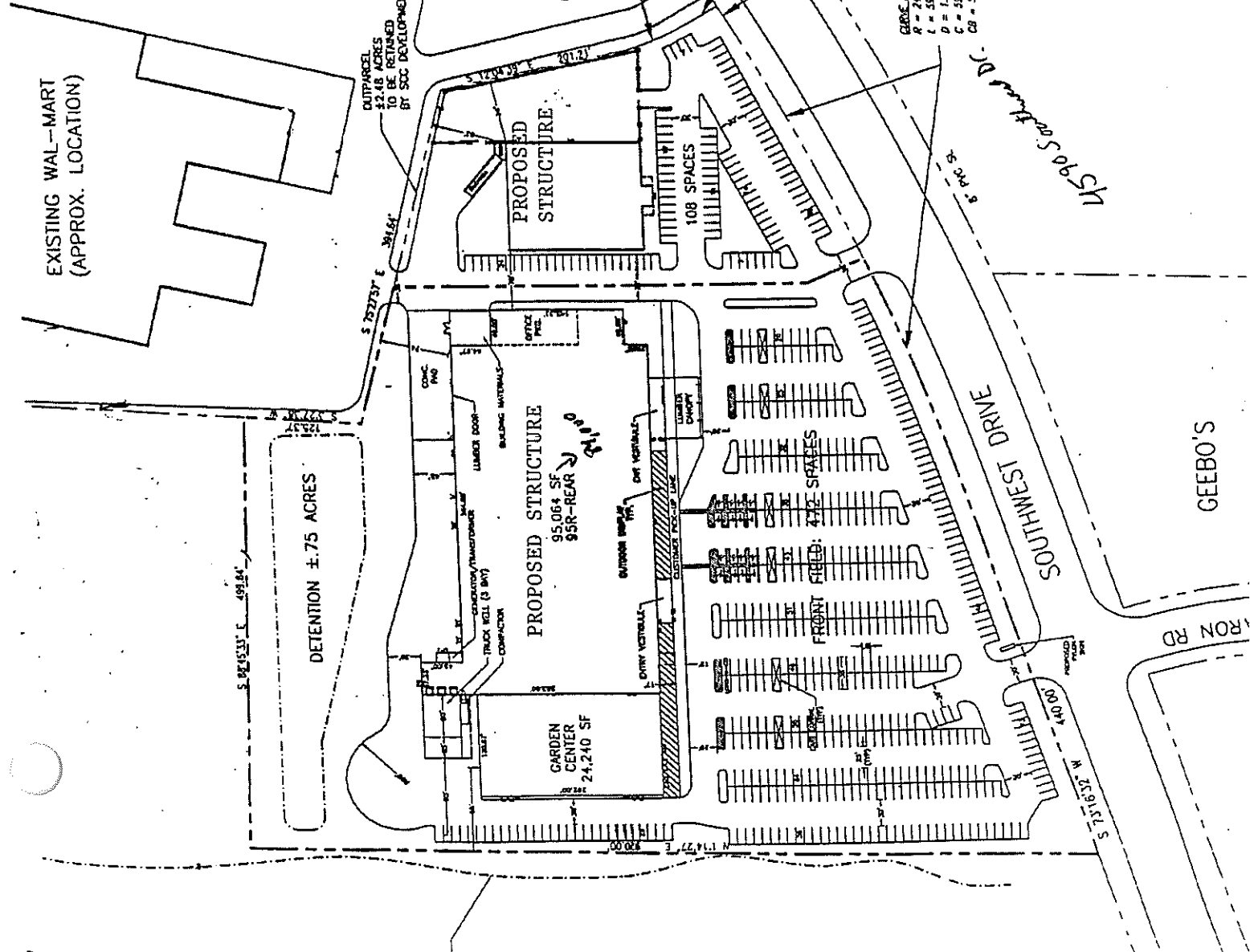
PART 7: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District:

1. Permitted Uses:
 - A. Wholesale and retail sale of building materials and lumber
 - B. Retail trade with the following exceptions:
 - Aircraft and accessories
 - Auctions
 - Automobiles and trucks
 - Marine craft
 - Mobile homes
 - Travel trailers and motor homes
 - Motorcycles
 - Pawn Shops
 - Scrap and waste material
 - Secondhand merchandise – including flea markets
2. Site Development shall be in accordance with the following regulations and as generally depicted on the site plan attached hereto as Exhibit B.

- A. The southwesternmost building shall be in the general location as indicated in Exhibit B. The northeasternmost building shall be located a minimum of 80 feet from the front property line and a minimum of 20 feet from all other lot lines. Lot coverage by structures shall not exceed 25 percent.
 - B. Buildings shall be limited in height to 35 feet, excluding architectural exceptions generally allowed by the Zoning Ordinance of the City of Abilene.
 - C. Off-street parking spaces shall be provided in accordance with the Zoning Ordinance of the City of Abilene, as a minimum.
 - D. Off-street loading requirements shall consist of 3 spaces or the southwesternmost structure and 1 space for each additional structure.
 - E. The number of driveways shall be limited to 2 along Southwest Drive and shall meet the City of Abilene's standards for width, and return radii.
 - F. Wall signage shall be limited to one wall per building. Wall signs shall not cover more than 20 percent of the wall on which they are located.
 - G. One freestanding sign shall be permitted on each lot. Freestanding signs shall not exceed 35 feet in height or 200 square feet in area.
 - H. Portable signs and off-site advertising signs are prohibited.
 - I. Banners shall only be permissible when attached to and flat against a building.
 - J. Landscaping shall be provided along the street side boundary of the lot, in general accordance with Exhibit "C". Landscaping of the northeastern lot shall be similar to that shown in Exhibit "C". Specific landscaping of the northeastern site shall be approved by the City of Abilene in the site plan review for that site. Such landscaping shall be located entirely on private property. Landscaping shall be defined as the planting and maintenance of living materials such as plants, trees and shrubs. Landscaping shall be installed prior to the issuance of a Certificate of Occupancy.
 - K. In ground irrigation shall be required for all required landscaped areas.
 - L. Display of goods shall be prohibited in landscaped and parking area.
3. Development Schedule: If a building permit for at least one building has not been issued within two years of the approval of this Ordinance by the City Council, the Planning Director shall initiate rezoning of the property back to the zoning classification in place prior to the approval of this Ordinance.



LOCATION MAP



THIS SITE PLAN IS
 BASED ON A
 JACOB - MARTIN SURVEY
 OF THE PROPERTY DATED
 02/14/02.
 WAL - MART'S BUILDING,
 CURB AND GUTTER, AND
 ...

GREENBERG & WILLOW ARCHITECTURE
 ARCHITECTURE ENGINEERING DEVELOPMENT
 15443 ENCLIN TRAIL, SUITE 200, DALLAS, TEXAS 75244
 VOICE 972-960-6036 FAX 972-960-6764

PROJECT INFORMATION
 SITE AREA 111.74 ACRES
 BUILDING AREA 95,064 SF
 THE HOME DEPOT 24,240 SF
 GARDEN CENTER 119,304 SF
 TOTAL

USER	RATIO REQUIRED	SPACES PROVIDED	SPACES REQUIRED
THE HOME DEPOT	1 SP/200 SF	317	410
GARDEN CENTER	1 SP/200 SF	81	81
TOTAL		398	491

PARKING SUMMARY
 HOME DEPOT RATIO PROVIDED 1 SP/213 SF
 HOME DEPOT FRONT FIELD PROVIDED 472 SPACES

ZONING CLASSIFICATION
 JURISDICTION
 EXISTING ZONING
 REQUIRED ZONING

LANDSCAPE REGULATIONS
 OPEN SPACE

BUILDING SETBACKS
 FRONT
 SIDE
 REAR

ORDINANCE NO. 16-2002
 EXHIBIT "B"

PROJECT NOTES
 1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
 2. THIS SITE PLAN IS BASED ON A SITE SURVEY BY JACOB - MARTIN DATED 02/14/02.
 3. ALL CURB CUTS AND TRAFFIC SIGNALS SHOWING ENGINEERING AND PROFESSIONAL MUST BE PROVIDED.

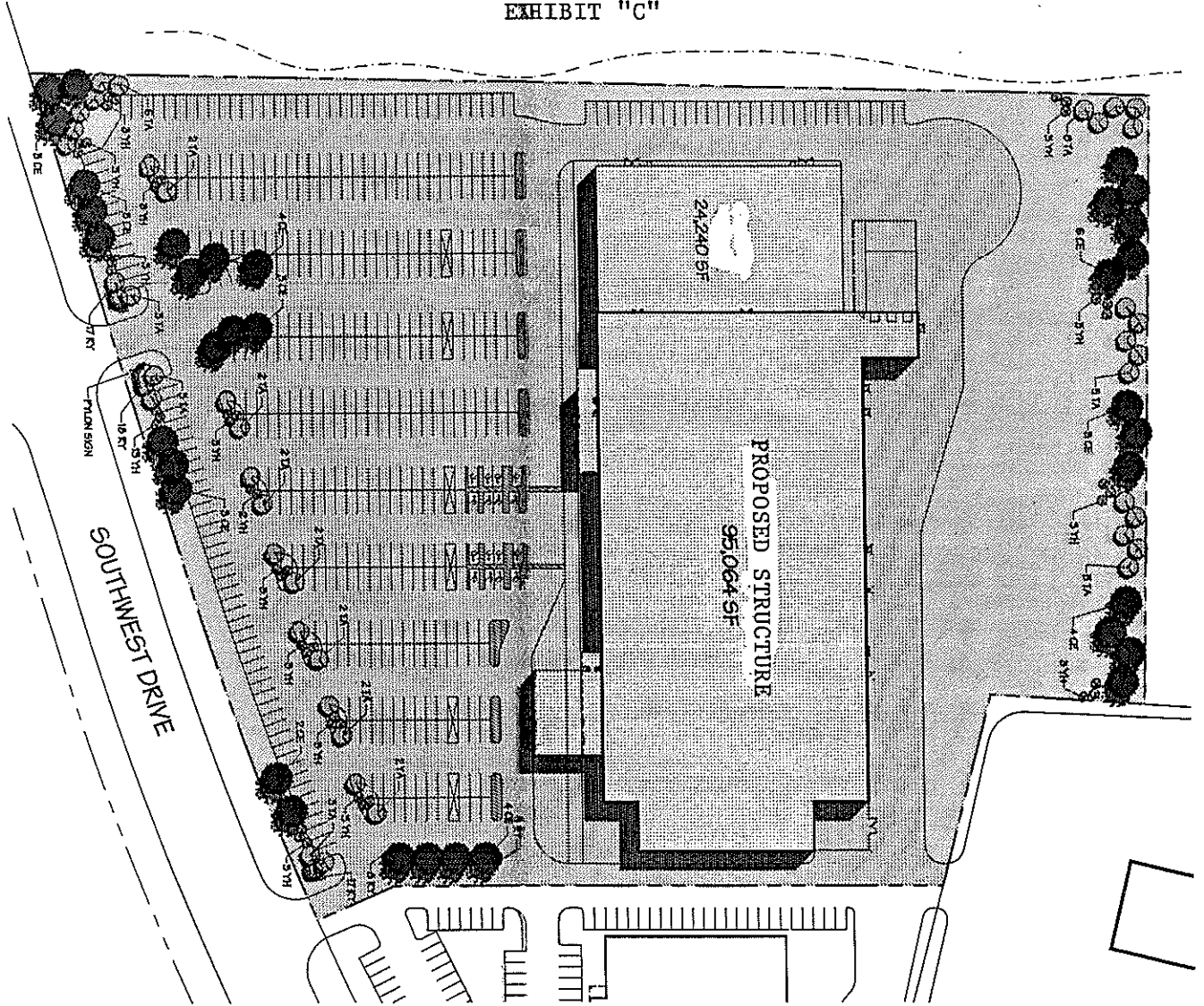
ABILENE, TX
 NEQ SOUTHWEST DRIVE
 AND SHARON ROAD
 2002000402
 GFA PROJECT NUMBER

DATE: 02/14/02
 INITIAL RELEASE: 02/14/02
 PROJECT: 02/14/02
 REV: 02/14/02
 BACK TO 2014 TRACTOR SUPPLY MAKE USE/JAN

SCOTT JOHN
 SITE PLAN COORDINATOR
 SINGLE STORE
 SMALL STORE
 000111

SCALE 1"=50'

EXHIBIT "C"



PLANT LIST

QUANTITY	TREE	NAME	SIZE	REMARKS
02	02	Large specimen	12' Cal. db	Consider trunk & limb
01	01	Medium specimen	10' Cal. db	Consider trunk & limb
01	01	Small specimen	8' Cal. db	Consider trunk & limb

SPACING	TYPE	NAME	SIZE	REMARKS
10'	02	Medium specimen	10' Cal. db	Match to adjacent
10'	02	Medium specimen	10' Cal. db	Match to adjacent

