



ORDINANCE NO. 38-2002

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 LC & RM-2 (Limited Commercial & Residential Multi-Family) 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 6.967 acres of land out of Tract No. 2, a subdivision of the J. E. Sheppard Survey No. 96, Abilene, Taylor County, Texas, and being part of that certain 122.376 acre tract recorded in Volume 1093, Page 818, Deed records, Taylor County, Texas, and being described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod, found for the Northwest corner this tract same being the Southwest corner of Lot 1, Block A, Section 1, Continuation No 4, Curry Park Addition, Abilene, Taylor County, Texas, recorded in Plat Cabinet 7, Slide 666, Plat Records, Taylor County, Texas, from which the Northwest corner of said Tract No. 2 bears N 4°00'E 258.00 feet and the Northeast corner of the J. E. Sheppard Survey No. 96 by deeds bears N 4°00'E 258.00 and S 89°59'E 3555.20 feet;

THENCE S 89°59'E 207.81 feet to a 3/8" iron rod, found in a curve to the right on the West boundary line of Catclaw Drive for the Northeast corner this tract same being the Southeast corner of said Lot 1;

THENCE along said curve to the right having a radius of 387.89 feet, a partial delta of 26°23'43", on a chord bearing of S 13°10'52"E 177.12 feet, for an arc distance of 128.70 feet to a 3/8" iron rod, found for the P.T. of said curve;

THENCE S 0°01'E 612.93 feet (called 612.66 feet) to a 3/8" iron rod, found for the P.C. of a curve to the left;

THENCE along said curve to the left having a central angle of 32 00', a radius of 534.50 feet, on a chord bearing of S 16°00'10"E 294.66 feet, for an arc distance of 298.52 feet to a 3/8" iron rod, found for the P.T. of said curve;

THENCE S 31°59'02"E 93.38 feet (called 93.34 feet) to a 3/8" iron rod, found for the P.C. of a curve to the left;

THENCE along said curve to the left having a partial delta of 1°29'03", a radius of 2171.53 feet, on a chord bearing of S 32°44'E 56.25 feet for an arc distance of 56.26 feet;

THENCE S 58°00'32"W 139.57 feet along the Northwest line of a 0.0875 acre Easement Deed recorded in Volume 1977, Page 95, Official Public Records, Taylor County, Texas, to a point on the Northeast line of a 8.78 acre pond deed recorded in Volume 1789, Page 269, Official Public Records, Taylor County, Texas'

ORDINANCE NO. 38-2002

EXHIBIT "A"

Page 3

THENCE N 64°00'W 45.59 feet to a point for a corner of said 8.78 acre tract;

THENCE S 89°00'W 121.0 feet to a 3/8" iron rod and cap, set for the Northwest corner of said 8.78 acre tract on the West boundary line of said Tract No. 2;

THENCE N 1°00'W 86.00 feet to a 3/8" iron rod, found for a corner of said Tract 2;

THENCE N 14°30'W 648.61 feet to a 3/8" iron rod, found for a corner of said Tract 2;

THENCE N 4°00'E 508.59 feet to the POINT OF BEGINNING and containing 6.967 acres of land more or less.

Bearings based on the West boundary line of Catclaw Drive as Platted as N 0°01'E between 3/8" iron rods found.

Certified correct as surveyed on the ground September, 2002.

Location:

Catclaw Drive, between Curry Lane & Cedar Run, west side

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:

**The following regulations shall govern the use and development of the Planned Development District (PDD) for the two parcels of land located off Catclaw Drive, between Curry Lane and Cedar Run Drive.**

a. Permitted Uses:

- The use of land shall be restricted to the activities listed below. Specific uses may include home improvement type businesses, professional offices, and neighborhood commercial-type uses.

**Home Improvement Type Businesses:**

- Plumbing Supply
- Appliance Repair
- Paint Supply
- Carpet
- Specialty Home Improvement
- Hardware Store
- Electrical Supplies
- Furniture stores/galleries

**Professional Offices**

- Including legal, medical, insurance, or financial offices.

**Mixed-Use Strip Mall (Neighborhood Commercial)**

- Video Shop
- Dry Cleaners
- Barber Shop/Salon
- Coffee Shop
- Golf Shop
- Bicycle Shop
- Photographic Services
- Printing

- Tailoring
- Shoe Shop
- Watch, Clock, Jewelry Repair/Sales
- Gifts, Novelties, Souvenirs
- Liquor store
- Pharmacy/Drugstore
- Convenience Store
- Specialty café/restaurant

b. Area, Height, Placement:

- Buildings shall be limited in height to 30 feet, excluding architectural exceptions generally allowed by the Zoning Ordinance of the City of Abilene.
- Due to floodway constraints and aesthetic concerns, the developer is encouraged to build parking in the rear of the proposed development. The building setbacks shall be determined in accordance to the placement of the parking. If parking is placed in the rear of the building, the front setback shall be a minimum of 5 feet from Catclaw Drive, and 30 feet on all other sides. If parking is placed in the front of the development, the front setback shall be a minimum of 30 feet from Catclaw Drive, and 30 feet on all other sides.

c. Landscaping:

- A landscaped areashall be extended along the streetside boundary, on private property. Landscaping shall mean the planting and maintenance of living materials such as grass, trees, shrubs, and/or flowers, etc. The landscaping shall include at least 6 trees, spaced at intervals that would allow for ultimate growth and health. Suitable planting materials are provided in the City of Abilene Zoning Ordinance. Required landscaping shall be installed in association with erection of buildings on said parcels, prior to occupancy of buildings.
- If the parking lot is located at the rear of the building, the landscaped area shall be a minimum of 5 feet in width. If the parking lot is established in the front of the building, the landscaped area shall be a minimum of 10 feet in width.

d. Signage:

- The location, size, type, and character of signs shall be regulated by the City of Abilene.
- No portable or billboard-type signs are allowed.
- Wall signs shall occupy no more than 20% of the wall they occupy.

- A large pole sign containing multiple business identification signs is encouraged. Individual pole signs advertising a business shall not exceed 40 square feet. If at least  $\frac{3}{4}$  of the businesses locate their identification signs on one pole, the total square footage of the pole sign may be increased to 120 square feet, maximum.
- If a monument sign is erected and advertises a single business, it shall not exceed 60 square feet.
- If a monument sign is erected and advertises  $\frac{3}{4}$  of the businesses located in the development, the square footage maximum shall be increased to 120 square feet.
- No signs shall extend into the public-right-of-way.
- Pole signs shall have a minimum grade clearance of 8 feet.

e. Access Control:

- The driveways shall be located so as to not interfere with traffic operations at other driveways or street intersections. Layout and location of all driveways is subject to the approval of the Traffic and Transportation Administrator.
- Two scenarios have been developed for driveway appearance and function:

Scenario 1:

If parking is located in the rear of the development, three driveways will be allowed. All driveways shall have a curbed landscaped island. The island shall be at least 20 feet long, and 8 to 14 feet wide. Plantings within the island shall consist of drought-tolerant flowering plants or shrubs. Examples of regional plants may be found in the City of Abilene Zoning Ordinance. These plants shall not exceed a mature height of 30 inches.

Scenario 2:

If parking is located in the front of the development, two driveways will be allowed. Curbed landscaped islands shall not be located within the driveways.

f. Storage:

- No outside storage is to be conducted on said property (including appliances, boxes of any sort, and storage containers).

g. Refuse:

- Refuse containers shall be located in the rear of the development. The containers shall be screened with a wood or masonry fence, of a minimum height of 8 feet, or shielded with a row of shrubs/hedges of a variety that would grow tall enough to hide the receptacle. The hedges must be a minimum of 4 feet in height when planted.

h. Development Schedule:

If a building permit is not obtained within 2 years, the Planning Director shall initiate rezoning to the previous designation.

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