

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-88 A 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 25 day of March A.D. 2004.


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 23rd day of March 2004, the same being more than fifteen (15) days prior to a public hearing to be held in the Civic Center of the City of Abilene, Texas, at 8:30 a.m., on the 8th day of April 2004, 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 8 day of April, A.D. 2004.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:  
  
CITY ATTORNEY

ORDINANCE NO.

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 PDD is as follows:

**BEING** a 20.888 acre tract of land out of Section No. 44, Blind Asylum Lands Survey, Taylor County, Texas, and being out of a 34.985 acre tract, comprised of Tract 1, and Tract 2, conveyed to Bryan Butler, recorded in Volume 1671, Page 46, Official Public Records, Taylor County, Texas, said 20.888 acre tract being more particularly described as follows:

**BEGINNING** at the northwest corner of said Tract 1, the northeast corner of a 35.65 acre tract conveyed to Ellis McMillin, recorded in Volume 756, Page 53, Deed Records, Taylor County, Texas, where a found 3/8" spike in Newman Road at the northwest corner of Section No. 44, Blind Asylum Lands Survey, Taylor County, Texas bears 22.14' north 00 degrees 04 minutes 18 seconds East;

**THENCE** South 89 degrees 44 minutes 48 seconds East, along the south side of Newman Road, for a distance of 339.40 feet to the southwestern right of way of Interstate 20, conveyed to the State of Texas, recorded in Volume 612, Page 124, Deed Records, Taylor County, Texas;

**THENCE** South 52 degrees 11 minutes 46 seconds East, along the southwestern right of way of Interstate 20, for a distance of 1037.40 feet to the centerline of a drainage channel easement, conveyed to the City of Abilene, recorded in Volume 1717, Page 267, Official Public Records, Taylor County, Texas;

**THENCE** South 37 degrees 46 minutes 51 seconds West, along the centerline of said drainage channel easement for a distance of 136.35 feet to the beginning of a curve to the right;

**THENCE**, with the centerline of said drainage channel easement, along a curve to the right having a radius of 566.33 feet and an arc length of 384.51 feet, being subtended by a chord of South 57 degrees 13 minutes 54 seconds West, for a distance of 377.17 feet;

**THENCE** South 76 degrees 40 minutes 56 seconds West, along the centerline of said drainage channel easement, at 253.49 feet, crossing from Tract 1 to Tract 2, for a total distance of 289.29 feet to the beginning of a curve to the left;

**THENCE**, with the centerline of said drainage channel easement, along a curve to the left having a radius of 313.80 feet and an arc length of 356.11 feet, being subtended by a chord of South 44 degrees 10 minutes 13 seconds West for a distance of 337.31;

**THENCE** South 11 degrees 39 minutes 36 seconds West, along the centerline of said drainage channel easement, for a distance of 100.00 feet to the southeast corner of this tract, at the northern right of way of US Highway 80, conveyed to the State of Texas, recorded in Volume 363, Page 319, Deed Records, Taylor County, Texas;

**THENCE** North 78 degrees 23 minutes 08 seconds West, along the northern right of way of US Highway 80, for a distance of 227.93 feet the west line of Section No. 44, Blind Asylum Lands Survey, for the southwestern corner of this tract and the southeastern corner of a 3.60 acre tract conveyed to Carpenter Truck Center, recorded in Volume 2520, Page 431, Official Public Records, Taylor County, Texas;

**THENCE** North 00 degrees 04 minutes 18 seconds East, with the west line of Section No. 44, Blind Asylum Lands Survey, along the east side of said 3.60 acre tract, at 448 feet, crossing from Tract 2 to Tract 1, at 563.12 feet passing the northeast corner of said 3.60 tract and the southeastern corner of said 35.65 acre tract, at 1307.15 feet passing a fence corner post, for a total distance of 1309.92 feet to the Point of Beginning, containing 20.888 acres, being 17.687 acres out of Tract 1, and 3.201 acres out of Tract 2.

Location:

4980 E. Highway 80

PART 6: Purpose. The Planned Development District is designed to promote, through unified planning and development, more efficient land use, more sensitive treatment of natural features, harmonious integration of diverse activities, creative urban design, and the protection of the existing historic environment.

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

- A. The PDD shall be developed in accordance with the attached site plan (Exhibit A)
- B. Permitted Uses (primary or accessory):
- Motor freight terminal (primary)
  - Offices
  - Parking lot
- C. Setbacks\*(shall pertain to all structures as well as any paved surfaces)
- Property line adjacent to East Highway 80: 30 feet
  - Property line adjacent to I-20: 30 feet
  - Interior Sides: 20 feet

\*Any structure to be located on the property shall also conform to setback regulations set by Texas Department of Transportation.

D. GATEWAY IMPROVEMENTS

This PDD is located within the City of Abilene's eastern gateway. Aesthetic enhancements to the site shall be of central importance to this PDD, for both permitted and future uses of the site. Development within this PDD shall include the following improvements for the overall appearance, image and beautification of the eastern gateway:

(1) Landscaping

General: Landscaping shall consist of xeriscape materials and shall be designed and maintained according to xeriscape principles. Landscaping should include the use of berming, trees, shrubs, bushes, or other similar means.

A band of trees (such as the afghan pine or other drought-tolerant species suitable for effective screening) shall be placed along the southern edge of the outdoor vehicle storage surface for the width of the property so as to create an effective visual backdrop from IH-20. (see Exhibit A, Feature A)

General landscaping consisting of ornamental shrubs, grasses, or other low-profile materials shall be installed at the base of signage, across the front of the structure and the front boundary of the site.

Clusters or groups of trees shall be placed in the NW and NE corners of the site to provide focal points of visual interest, frame the frontage of the site, and break visual monotony. (see Features B)

The developer shall dedicate to the City an easement of thirty feet (30') adjacent to East Highway 80 for the installation of entryway improvements by the City at a future date. Said easement shall be included within, and not be in addition to, the required setback. (see Feature C)

(2) Signage

One (1) monument sign with a masonry base is permitted to promote an image in the gateway reflecting order and high-quality development. The sign shall not exceed 14 feet in width, nor 18 feet in height, nor a maximum square footage of 252 square feet per side. The sign is required to be at least 40 feet from the edge of the travel lane of Stamford.

Portable signs and off-site advertising signs shall be prohibited.

A permit is required for all signs.

(3) Architectural Standards

The façade of the structure facing Interstate 20 should provide an image of quality. The façade area, not including glass and doors, shall consist of brick, natural stone, concrete, or masonry. (see photo of planned facility provided by the applicant)

(4) The Gateway Improvements described above, together with the site plan that is incorporated into this PDD ordinance, delineate only the general parameters, placement and coverage for the Gateway Improvements. The final details of the requirements and design for the Gateway Improvements shall be negotiated between the developer and City staff during site plan review. In the event that the parties are unable to agree upon said details, the developer may file an application to amend this PDD to resolve the outstanding issues.

(5) Gateway Improvements shall be properly maintained, repaired, restored or replaced, whichever may be necessary, to sustain the aesthetic integrity of the site.

E. Lighting:

All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Zoning Ordinance. Additionally, lighting of any parking or vehicular areas shall be directed away from residential areas.

F. Access:

Driveway access shall be determined by the regulations set forth by the Texas Department of Transportation.

G. Storage and Display

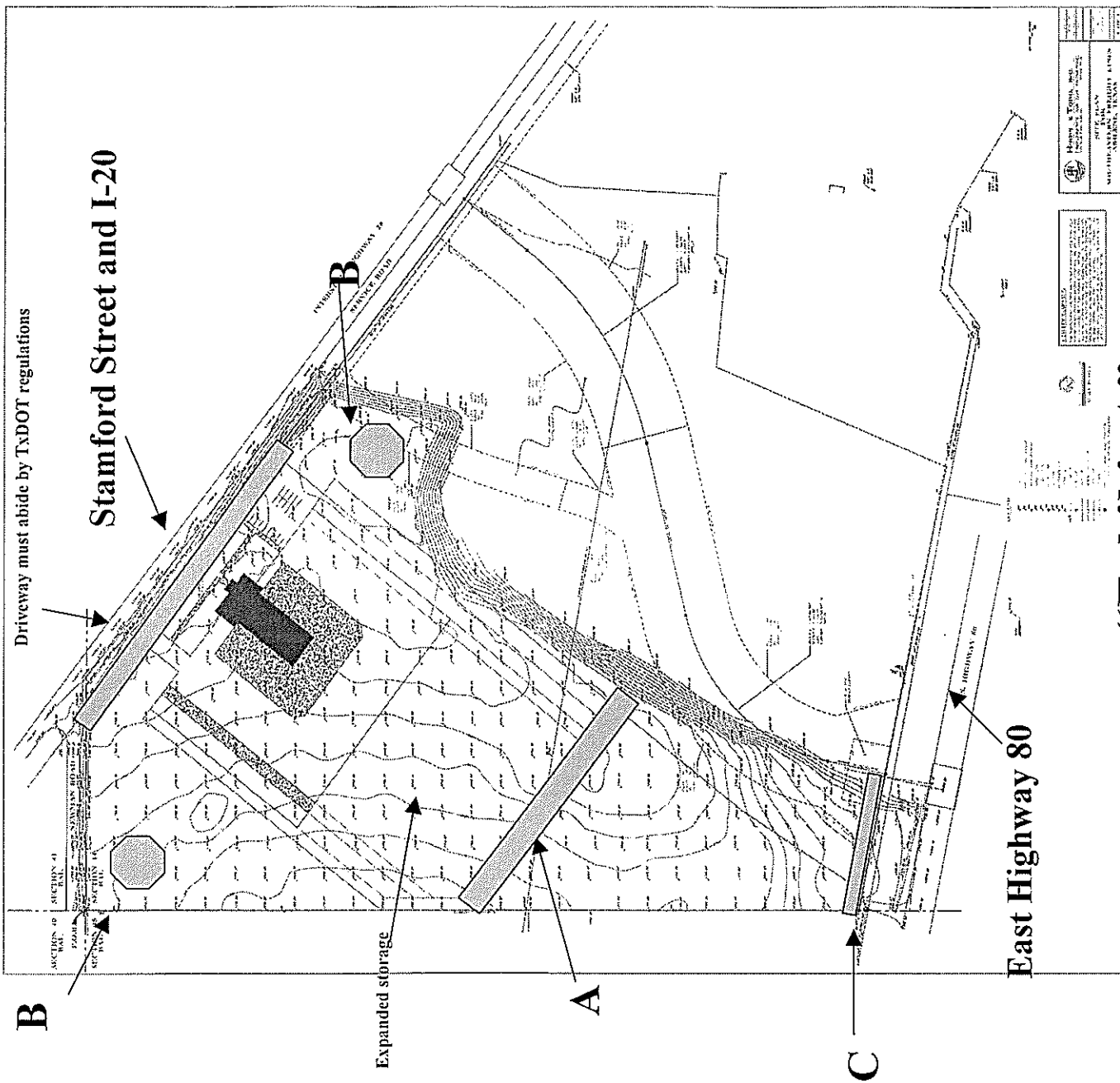
- (1) No outdoor storage of materials shall be permitted.
- (2) Storage of all vehicles, trucks, tractors, trailers or other equipment shall be located on paved surfaces only, provided that the expanded storage area, if used, may be an improved surface.
- (3) There shall be no storage of derelict, dilapidated, or inoperable vehicles, trucks, trailers, tractors, or other equipment on the property, except for temporary storage not to exceed fourteen (14) days and while pending repair.
- (4) Freight Containers shall be prohibited.

H. Effect of Future Regulations

It is contemplated that in the future the City shall revise the zoning regulations governing the development of land within the eastern gateway. In the event that a change in the primary use of the site should occur, other than for the motor freight terminal permitted herein, then said use shall comply with the regulations in effect at the time of the change for similarly situated property within the gateway or with the conditions of this PDD, whichever is most restrictive.

PART 8: Development Schedule. If a subdivision plat for all or a portion of this PDD is not approved within 12 months of the date of this ordinance, the Planning Director shall initiate rezoning of the PDD to AO (Agricultural Open Space).

-END-



<p>   <b>Michael S. Smith, P.E.</b>                  Professional Engineer                  State of Texas                  License No. 12345                  Exp. 12/31/2024             </p>	<p>                 PROJECT NO. 12345                  SHEET NO. 12345                  DATE: 12/31/2024                  LOCATION: STAMFORD STREET AND I-20                  COUNTY: TARRANT COUNTY, TEXAS             </p>
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PREPARED BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

**“Exhibit A”**