

ORDINANCE NO. 23-2005

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDH-97 PLANNED DEVELOPMENT HISTORIC 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 Exhibits "A" and "B," 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 12th day of May 2005.

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 11th day of May, 2005, 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 8:30 a.m., on the 26th day of May, 2005, 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 26th day of May, A.D. 2005.

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 Historic 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 Historic District and are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development Historic 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 Historic 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 RS6/H (Single Family Residential with Historic Overlay) and RS6 (Single Family Residential) to PDH (Planned Development Historic 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 PDH is provided in Exhibit "B" of this ordinance.

Location: 2442 & 2465 Old Anson Road

PART 6: Purpose. The purpose of the Planned Development Historic District (PDH) request is to allow for religious, educational, social services, multi-family residential development and related activities of the tracts located at 2442 and 2465 Old Anson Road.

PART 7: Specific Modifications. The following regulations and the attached site plan shall govern the use and development of this Planned Development Historic District, and where any conflict exists, this PDH text shall override the site plan. Before any building permits for buildings or signage are issued the City of Abilene Landmarks Commission shall review the development proposals by way of a Certificate of Appropriateness on Tracts 1, 2, and 3. The Landmarks Commission will not review Tract 4 on the east side of Old Anson Road.

Permitted Uses:

TRACT 1: (Non-contributing to the historic district)
Multi-Family Residential (RM-2)
Single Family Residential
Antenna Tower
Radio Studio
Recreational Building
Multi-Purpose Community Center
Television Studio

TRACT 2: (Contributing to the historic district)
The existing Ball House and Garage (exterior rehabilitation, alterations or additions to historic structures must be approved by the City of Abilene Landmarks Commission) A no-development buffer shall exist around the historic house and yard area. The yard area is to be defined by the area that is fenced in by the existing historic white picket fence and other fenced-in areas that have created a yard to the house over the years on the north, east and west sides of the house. Development (as reviewed by the Landmarks Commission) may be permitted on the south side of the house, but shall be set back at least 40' from the house. The intent is to define a boundary as to what is historic and what is the historic setting. Part of the setting is the trees surrounding the house that are inside the fenced area. No mature or older trees in the yard shall be removed unless permitted by the City of Abilene Landmarks Commission.

Single Family Residential

Social Services Organization
Group Residential

TRACT 3: (Non-contributing to the historic district)
Single Family Residential
College and University-related activities
Churches or Places of Worship
Kindergartens or Child Care

TRACT 4: (Non-contributing to the historic district)
Single Family Residential
College and University-related Activities
Churches or Places of Worship
Special Education Centers
Rehabilitation Centers

Access Standards:

A maximum of two driveway cuts per tract, per street shall be permitted
No driveway shall be permitted onto Victoria Street.

Building Setbacks (from property line):

TRACTS 1,2,3:

From Vogel Street: 25 feet
From Old Anson Road: 25 feet
From Little League Road: 25 feet
From Ambrocio Flores Jr. Road: 25 feet

TRACT 4: From Old Anson Road: 25 feet
From Vogel Street: 25 feet
From Victoria Street: 20 feet

Development Phases or Schedule:

Tract 1 (multi-family dwellings) may be developed as defined in a comprehensive site plan

Tract 2 (Ball House and yard) shall be rehabilitated before any development on Tracts 3&4 can be initiated or started.

Buildings, Massing, Scale and Architectural Materials:

The architectural design, materials, massing and scale should complement and enhance the existing historical structure of the Ball House. In addition to providing floor plans and elevations of proposed structures, documentation of massing and scale relative to the Ball House should be provided in order to secure a Certificate of Appropriateness. RM-2 Zoning shall establish the density of Tract 1. (up to 24 units an acre)

View-shed Protection

An unobstructed view of the Ball House and other historic structures shall be maintained from portions of the public rights-of-ways of Vogel Street and Old Anson Road. No structure shall be constructed that visually breaks the view-shed or line of sight as determined by metes and bounds and illustrated by the shaded areas on the attached site plan and made a part of this ordinance.

Pavement Setback

All paved areas, except for permitted driveways and sidewalks, shall be at least 5 feet from any property line. The area within this setback shall be maintained with landscaping such as grass or other vegetative ground cover.

Screening and Fencing:

Fencing materials such as chain link, razor wire, or new barbed wire are prohibited. Historic barbed wire that is found on the north and west boundaries of the property may be allowed to remain along with the natural vegetation.

Refuse containers, HVAC equipment, and other utility or mechanical equipment shall be screened from view from the public right-of-way by an opaque fence or vegetative cover.

An ornamental fence shall be permitted between the historic posts or brick columns on Old Anson Rd. The fence shall be metal and black in color and shall be open or non-opaque. The purpose of the fence is to prevent vehicles from driving between the columns.

The historic white picket fence shall be restored and maintained around the Ball House. Other fencing allowed to replace the white picket fence over the years shall be removed and replaced with a replica of the historic white picket fence.

Lighting:

All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Zoning Ordinance. Additionally, all lighting shall be fully shielded and directed away from adjacent residential areas.

Landscaping and Buffers:

- The parkways shall remain landscaped.
- A minimum 5' width of landscaping shall be provided along all street frontages to include additional shrubs, grasses, or other low-profile materials.
- Xeriscape principles and drought tolerant landscaping shall be utilized.

Signage:

One monument-style group sign per street frontage per tract is permitted. The sign shall not exceed 8 feet in height or 10 feet in width. Sign design shall include low profile landscaping along bottom of sign. Signage will comply with existing City standards for signage, or those adopted at a later date by the City Council, whichever is more

restrictive. No sign shall be permitted on or between the historic gateposts along Old Anson Rd. The City of Abilene Landmarks Commission shall review all signage.

The following temporary signs shall not be permitted on this site: banners, balloons, pennants, or portable signs.

Storage and Display:

No freight containers shall be permitted.

No outdoor storage of materials shall be permitted.

Roll-back Provision:

If a site plan for development in accordance with this PDH ordinance is not approved by April 1, 2007, the Planning Director shall initiate rezoning of the property back to the zoning in place as of May 1, 2005 (RS-6 H).

-END-

FIELD NOTES
19.46 ACRES

BEING 19.46 acres of land and being all of an existing 20 acre tract (Volume 1381, Page 214, Deed Records, Taylor County, Texas) out of Subdivision No. 20 of the Steffens Subdivision of Merchants Pasture, City of Abilene, Taylor County, Texas, which lies South of Vogel Avenue, West of Old Anson Road, North of Little League Road and East of Ambrocio Flores Jr. Road, said 19.46 acres being more particularly described as follows:

BEGINNING at a set 1/2" rebar the Northeast intersection of Little League Road and Ambrocio Flores, Jr. Road, said point being at or near the Southwest corner of said 20 acre tract;

THENCE North 713.59 feet along the EBL of said Ambrocio Flores Jr. Road to a set 1/2" rebar the Southeast intersection of said Ambrocio Flores Jr. Road and Vogel Avenue;

THENCE East 1073.87 feet along the SBL of said Vogel Avenue to a found 3/8" rebar for the Northeast corner of this tract at the intersection of Vogel Avenue and Old Anson Road;

THENCE S17°48'50"E 565.82 feet along the WBL of said Old Anson Road to a set 1/2" rebar;

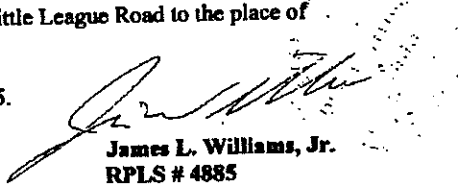
THENCE S16°00'52"E 179.17 feet along the WBL of said Old Anson Road to a set 1/2" rebar at a corner clip at the intersection of Old Anson Road and Little League Road;

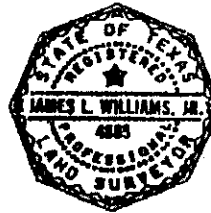
THENCE S37°07'02"W 3.37 feet along said corner clip to a set 1/2" rebar on the NBL of said Little League Road;

THENCE West 1294.37 feet along the NBL of said Little League Road to the place of beginning and containing 19.46 acres.

Surveyed on the ground during the month of May 2005.

WILLIAMS SURVEYING
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File # 312-20-05


James L. Williams, Jr.
RPLS # 4885



FIELD NOTES
8.28 ACRES
TRACT ONE

BEING 8.28 acres of land off the West side of a 20 acre tract (Volume 1381, Page 214, Deed Records, Taylor County, Texas) out of Subdivision No. 20 of The Steffens Subdivision of Merchants Pasture, City of Abilene, Taylor County, Texas, said 8.28 acre tract being more particularly described as follows:

BEGINNING at a set 1/2" rebar the Northeast intersection of Little League Road and Ambrocio Flores Jr. Road, said point being at or near the Southwest corner of said 20 acre tract;

THENCE North 713.59 feet along the EBL of said Ambrocio Flores Jr. Road to a set 1/2" rebar at the Southeast intersection of said Ambrocio Flores Jr. Road and Vogel Avenue;

THENCE East 515.29 feet along the SBL of said Vogel Avenue to a set 1/2" rebar for the Northeast corner of this tract;

THENCE South 461.0 feet parallel with the WBL of this tract to a set 1/2" rebar for an interior corner of this tract;

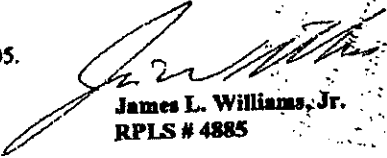
THENCE S45°00'W 42.43 feet to a set 1/2" rebar for an interior corner of this tract;

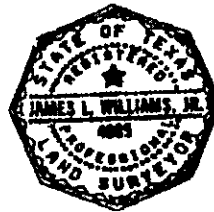
THENCE South 222.59 feet parallel with the WBL of this tract to a set 1/2" rebar on the NBL of said Little League Road for the Southeast corner of this tract;

THENCE West 485.29 feet along the NBL of said Little League Road to the place of beginning and containing 8.28 acres of land.

Surveyed on the ground during the month of May 2005.

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FIELD NOTES
1.62 ACRES
TRACT TWO

BEING 1.62 acres of land out of a 20 acre tract (Volume 1381, Page 214, Deed Records, Taylor County, Texas) out of Subdivision No. 20 of the Steffens Subdivision of Merchants Pasture, City of Abilene, Taylor County, Texas, said 1.62 acre tract being more particularly described as follows:

BEGINNING at a set 1/2" rebar on the SBL of Vogel Avenue, from whence a set 1/2" rebar at or near the Southwest corner of said 20 acre tract bears South 713.59 feet and West 515.29 feet;

THENCE East 201.0 feet along the SBL of said Vogel Avenue to a set 1/2" rebar;

THENCE South 351.0 feet to a set 1/2" rebar;

THENCE West 201.0 feet to a set 1/2" rebar;

THENCE North 351.0 feet to the place of beginning and containing 1.62 acres of land.

Surveyed on the ground during the month of May 2005.

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FIELD NOTES
2.56 ACRES
TRACT THREE

BEING 9.56 acres of land off the East side of a 20 acre tract (Volume 1381, Page 214, Deed Records, Taylor County, Texas) out of Subdivision No. 20 of The Steffens Subdivision of Merchants Pasture, City of Abilene, Taylor County, Texas, said 9.56 acre tract being more particularly described as follows:

BEGINNING at a set 1/2" rebar on the SBL of Vogel Avenue, from whence a set 1/2" rebar at or near the Southwest corner of said 20 acre tract bears South 716.29 feet and West 716.29 feet;

THENCE East 357.58 feet along the SBL of said Vogel Avenue to a found 3/8" rebar at the intersection of Vogel Avenue and Old Anson Road;

THENCE S17°48'50"E 565.82 feet along the WBL of said Old Anson Road to a set 1/2" rebar;

THENCE S16°00'52"E 179.17 feet along the WBL of said Old Anson Road to a set 1/2" rebar at a corner clip at the intersection of Old Anson Road and Little League Road;

THENCE S37°07'02"W 3.37 feet along said corner clip to a set 1/2" rebar on the NBL of said Little League Road;

THENCE West 809.08 feet along the NBL of said Little League Road to a set 1/2" rebar;

THENCE North 222.59 feet to a set 1/2" rebar;

THENCE N45°10'E 42.43 feet to a set 1/2" rebar;

THENCE North 110.0 feet to a set 1/2" rebar;

THENCE East 201.0 feet to a set 1/2" rebar;

THENCE North 351.0 feet to the place of beginning and containing 9.56 acres of land.

Surveyed on the ground during the month of May 2005.

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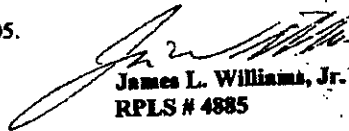

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EXHIBIT "B"
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FIELD NOTES
0.50 ACRES
NO DEVELOPMENT BUFFER

BEING 0.50 acres of land off the West side of a 20 acre tract (Volume 1381, Page 214, Deed Records, Taylor County, Texas) out of Subdivision No. 20 of the Steffens Subdivision of Merchants Pasture, City of Abilene, Taylor County, Texas, said 0.50 acre tract being more particularly described as follows:

BEGINNING at a point in an existing fenceline, from whence a set 1/2" rebar at or near the Southwest corner of said 20 acre tract bears South 451.65 feet and West 522.69 feet and an existing fence corner post bears S4°50'35"E 8.19 feet;

THENCE N4°50'35"W 87.68 feet along a fenceline to an existing fence corner post;

THENCE N52°34'19"E 49.07 feet to an existing 10" pecan tree;

THENCE S89°26'02"E 117.17 feet to an existing fence corner post;

THENCE S57°18'01"E 31.50 feet to an existing fence corner post;

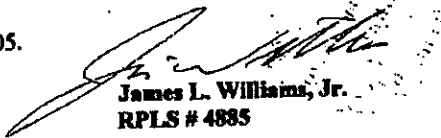
THENCE S33°46'58"E 32.55 feet to an existing fence corner post;

THENCE S0°54'18"W 71.97 feet to an existing fence corner post;

THENCE West 192.19 feet to the place of beginning and containing 0.50 acres.

Surveyed on the ground during the month of May 2005.

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FIELD NOTES
1.47 ACRES
VIEW CORRIDOR

BEING 1.47 acres of land out of a 20 acre tract (Volume 1381, Page 214, Deed Records, Taylor County, Texas) out of Subdivision No. 20 of the Steffens Subdivision of Merchants Pasture, City of Abilene, Taylor County, Texas, said 1.47 acre tract being more particularly described as follows:

BEGINNING at a set 1/2" rebar on the WBL of Old Anson Road, from whence a set 1/2" rebar at or near the Southwest corner of said 20.0 acre tract bears South 174.90 feet and West 1246.97 feet;

THENCE N62°52'05"W 606.86 feet to a point;

THENCE East 8.0 feet to an existing fence corner post;

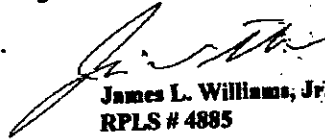
THENCE N0°54'18"E 62.0 feet to a point from whence an existing fence corner post bears N0°54'18"E 9.97 feet;

THENCE S75°25'40"E 476.05 feet to a set 3/8" rebar on the WBL of said Old Anson Road;

THENCE S17°48'50"E 230.0 feet to the place of beginning and containing 1.47 acres.

Surveyed on the ground during the month of May 2005.

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FIELD NOTES
0.89 ACRES
VIEW CORRIDOR

BEING 0.89 acres of land out of a 20 acre tract (Volume 1381, Page 214, Deed Records, Taylor County, Texas) out of Subdivision No. 20 of the Steffens Subdivision of Merchants Pasture, City of Abilene, Taylor County, Texas, said 0.89 acre tract being more particularly described as follows:

BEGINNING at a set 3/8" rebar on the SBL of Vogel Avenue, from whence a set 1/2" rebar at or near the Southwest corner of said 20 acre tract bears South 713.59 feet and West 405.29 feet;

THENCE East 381.0 feet along the SBL of said Vogel Avenue to a set 3/8" rebar;

THENCE S39°24'57"W 188.79 feet to a point in an existing fenceline, from whence an existing fence corner post bears S89°26'02"E 5.0 feet;

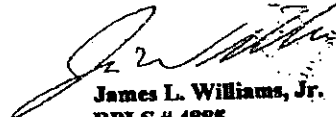
THENCE N89°26'02"W 112.17 feet to an existing 10" pecan tree;

THENCE S52°34'19"W 29.07 feet to a point from whence an existing fence corner post bears S52°34'19"W 20.0 feet;

THENCE N37°46'42"W 205.49 feet to the place of beginning and containing 0.89 acres of land.

Surveyed on the ground during the month of May 2005.

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