

ORDINANCE NO. 31-2005

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-99 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 23rd day of June A.D. 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 18th 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 14th day of July, 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 14th day of July,
A.D. 2005.

ATTEST:

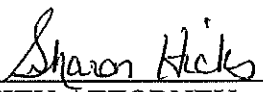


CITY SECRETARY



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 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) and O (Office) 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 3.143-acre tract out of Subdivision No. 3 of the Alfred and Mary Fasshauer Subdivision of Survey No. 12, Lunatic Asylum Land, Abilene, Taylor County, Texas, said 3.143-acre tract being comprised of a called 1.520-acre tract conveyed to FUNERAL DIRECTORS LIFE INSURANCE COMPANY, a Texas corporation, recorded in Volume 1967, Page 107, Official Public Records, Taylor County, Texas,

together with a called 0.349-acre tract, a called 0.285-acre tract, and a 1.000-acre tract out of the north part of Lot 1, Block "B", Section 1, Antilley Square Addition, recorded in Cabinet #1, Slide 567, Plat Records, Taylor County, Texas, said 0.349-acre tract, 0.285-acre tract, and Lot 1, Block "B", Section 1, Antilley Square Addition, conveyed as TRACT 1 to Directors Real Estate Management, L.P., a Delaware Limited Partnership, recorded in Volume 2135, Page 701, Official Public Records, Taylor County, Texas, said 3.143-acre tract being more particularly describe as follows:

BEGINNING at a set 30" detachable monument with 2" aluminum cap, stamped "Hibbs & Todd", on the south right of way of Antilley Road for the northwest corner of the said 0.349-acre tract for the northwest corner of this tract, where a found 1/2" iron rod for the northeast corner of the Antilley West Addition, recorded in Cabinet 3, Slide 256, Plat Records, Taylor County, Texas, bears 0.26' South 88 degrees 09 minutes 00 seconds West, and where the southeast corner of said Subdivision No. 3 is calculated to bear 1329' South 05 degrees 12 minutes 00 seconds West, 1305' North 88 degrees 15 minutes 45 seconds East;

THENCE North 88 degrees 09 minutes 00 seconds East, along the south right of way of Antilley Road, for a distance of 414.48 feet to a set chiseled "x" in concrete for the northwest corner of Director's Parkway (formerly known as Antilley Square Drive);

THENCE along a curve to the right having a radius of 30.47 feet (called 30.29') and an arc length of 48.90 feet (called 48.60'), being subtended by a chord of South 45 degrees 51 minutes 53 seconds East for a distance of 43.82 feet to a set 30" detachable monument with 2" aluminum cap, stamped "Hibbs & Todd", where a found 1/2" iron rod bears 0.36' South 82 degrees 28 minutes 55 seconds West;

THENCE along a curve to the right, along the west right of way of Director's Parkway, having a radius of 744.63 feet, at an arc length of 180.26' pass the southeast corner of the said 0.285-acre tract, same being the northeast corner of the said Lot 1, Block "B", Section 1, Antilley Square Addition, continuing for a total arc length of 287.44 feet, being subtended by a chord of South 11 degrees 10 minutes 15 seconds West for a distance of 285.66 feet to a set 30" detachable monument with 2" aluminum cap, stamped "Hibbs & Todd", for the southeast corner of this tract;

THENCE South 88 degrees 24 minutes 00 seconds West for a distance of 418.67 feet to a set 30" detachable monument with 2" aluminum cap, stamped "Hibbs & Todd", on the west line of the said Lot 1, Block "B", Section 1, Antilley Square Addition, for the southwest corner of this tract;

THENCE North 05 degrees 12 minutes 00 seconds East, at a distance of 101.53' pass the northwest corner of the said Lot 1, Block "B", Section 1, Antilley Square Addition, continuing for a total distance of 310.35 feet to the Point of Beginning, containing 3.143-acres.

Location:

1801 Antilley Rd.

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

PART 7: Specific Modifications. The following regulations and the attached site plan shall govern the use and development of this Planned Development District, and where any conflict exists, this PDD text shall override the site plan.

A. PERMITTED USES:

Hotel/Motel
Restaurant (standard and fast-food)
Medical/Dental (offices, labs, and clinics)
Office
Pharmacy

B. SITE DEVELOPMENT

1. Building Setbacks

Front: 35'
All Other: 30'

2. Maximum Structure Height: 4 stories

3. Building Materials (for structures)

The exterior face of all structures shall be composed of at least 60% masonry materials.

4. Off-street parking: Shall comply with the parking provisions as specified in the Zoning Ordinance

5. Driveway Access

A maximum of 1 driveway shall be permitted from Antilley Rd.
A maximum of 2 driveways shall be permitted from Director's Pkwy
Driveways shall be separated from the nearest parallel street curb by a minimum of 50 feet.

6. Signage

Freestanding/Monument Signs

Each business may have a maximum of one free-standing sign. Such sign must be a monument sign with a maximum height of 10 feet and a maximum area of 80 square feet.

Wall Signs

Wall signage may not exceed 10% of the area of any wall on which the sign(s) is(are) located.

Banners

Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.

Prohibited Signs

Portable Signs
Off-site Advertising

7. Landscaping and Buffers

- A minimum 10 feet wide landscaped area shall be provided along all boundaries of the PDD. The landscaped area shall be located entirely on private property. Landscaping shall mean the planting of living materials and shall include at least 2 large trees, or four small trees, plus 4 shrubs per 600 square feet of required landscape area.
- Xeriscape principles shall be utilized.
- At least half of all required trees and shrubs must be located in the front yard.

8. Fences

- Any fencing on site must be constructed from wood and/or masonry materials.
- Where a fence is adjacent to, or visible from, a public right-of-way, except an alley, the finished side of wood fencing must face the right-of-way.

9. Sidewalks

Sidewalks are required along any arterial or collector street and must comply with standards set forth in the Sidewalk Master Plan

10. Outdoor Storage and Display is prohibited

11. Freight Containers are prohibited

12. 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.

PART 8: Development Schedule. If a building permit is not approved within 18 months of the date of this ordinance, the Planning Director shall initiate rezoning of the PDD to the previous zoning designations.

-END-