

ORDINANCE NO. 59-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-114 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 Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 19th day of October A.D. 2006.

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 4th day of October, 2006, 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 5:30 p.m., on the 2nd day of November, 2006, 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 2nd day of November, A.D. 2006.

ATTEST:

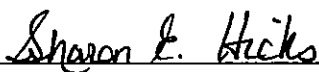


CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

ORDINANCE NO. 59-2006

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 possession of 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 any 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, which 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 GC (General Commercial) 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.

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EXHIBIT "A"

PAGE 2

PART 5: Legal Description. The legal description of this PDD is as follows:

BEING 17.788 acres and containing all of the North 5 acre tract of a 15 acre tract recorded in Volume 423, Page 378, Deed Records, all of two 1.0 acre tracts recorded in Volume 2748, Page 321 and Volume 2774, Page 711, Official Public Records and the North part of a 46.476 acre tract recorded in Volume 1271, Page 783, Deed Records, all of the remainder of a 0.89 acre tract recorded in Volume 891, Page 799, Deed Records, all out of Tract No. 4, of the Subdivision of the J. E. Shepard Survey No. 96, all of a 0.308 acre tract recorded in Volume 1539, Page 189, Deed Records and a 0.731 acre tract, Curry Lane now being closed, out of the J. E. Shepard Survey No. 96, and all of a 0.24 acre tract recorded in Volume 1551, Page 820, Deed Records, and all of a 0.811 acre remainder of a 2.4705 acre tract recorded in Volume 2933, Page 178, Official Public Records, out of the J. C. Donley Survey No. 95, Abilene, Taylor County, Texas, said 17.686 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the recognized NE corner of said 5 acre tract a chain-link fence corner post at the intersection of the South boundary line of Curry Lane and the West boundary line of Sharon Road a 40' street by deed recorded in Volume 423, Page 475, Deed Records, Taylor County, Texas;

THENCE S 0°16'48"E 574.08 feet more or less along existing fence to found 3/8" iron rod by 7" corner post for the SE corner of said 5 acre tract and the SE corner this tract;

THENCE S 89°55'48"W more or less along an existing fence at 379.96 feet pass a found 3/8" iron rod by corner post for the SE corner of said 5 acre tract at 891.91 feet pass a 1/2" iron rod and cap set for a reference on the bank of Elm Creek continuing in all 995.30 feet to a point in the called for centerline of Elm Creek by said 46.476 acre deed;

THENCE along the meanders of Elm Creek as called for by said 46.476 acre deed as follows:

N 14°47'W 23.21 feet to a point;

N 67°45'W 215.39 feet to a point;

N 16°41'W 252.69 feet to a point;

N 45°34'W 65.88 feet to a point for the NW corner this tract on the South boundary line of Southwest Drive in a curve to the right;

THENCE along said curve to the right having a Partial Delta of 13°58'25", a Radius of 2714.64 feet on a Chord bearing of N 64°30'48"E 660.42 feet to a found 3/8" iron rod in concrete at the end of said curve on the North boundary line of said 0.24 acre tract;

THENCE N 71°30'E at 90.70 feet pass the NE corner of said 0.24 acre tract continuing in all 387.92 feet to a point for the NW corner of Lot 1, Block A, Coleman County State Bank Addition, recorded in Plat Cabinet 3, Slide 661, Plat Records, Taylor County, Texas, from which a 1/2" iron rod in concrete bears S 0°07'E 0.14 feet;

THENCE S 0°07'50"E 164.35 feet to a 1/2" iron rod in concrete found for the NW corner of a called for 14.19 foot street dedication and being the SW corner of said Block A, Coleman County State Bank Addition on the North boundary line of said 0.731 acre Curry Lane to be closed tract;

THENCE 89°55'03"E 313.88 feet to a 1/2" iron rod and cap set for the SE corner of said Lot 1, Block A, Coleman County State Bank Addition;

THENCE S 0°05'37"E 60.29 feet to a point on the North boundary line of said 5 acre tract;

THENCE N 89°57'16"E 38.97 feet to the POINT OF BEGINNING and containing 17.788 acres of land more or less.

Location:

South side of Southwest Drive approximately 300 feet west of Sharon Road.

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 shall govern the use and development of this Planned Development District. Exhibits B and C shall be used for information purposes only and all City of Abilene ordinances and regulations, including the provisions of Exhibit A below, shall apply if in conflict with anything shown in Exhibits B and C.

A. PERMITTED USES: Uses Permitted in the Shopping Center Zoning District

B. SITE DEVELOPMENT

1. Building Setbacks

- a. If parking is placed between the structure and the right-of-way:
 - (1) Along Southwest Drive: 30 feet
 - (2) Along Sharon Road: 25 feet
 - (3) Along any new streets dedicated after the date of this ordinance: 25 feet
 - (4) Western and southern PDD boundary: 30 feet
 - (5) All interior setbacks within the PDD: 0 feet
- b. If parking is not placed between the structure and the right-of-way:
 - (1) Along Southwest Drive: 10 feet
 - (2) Along Sharon Road: 10 feet
 - (3) Along any new streets dedicated after the date of this ordinance: 10 feet
 - (4) Western and southern PDD boundary: 30 feet
 - (5) All interior setbacks within the PDD: 0 feet

2. Maximum Structure Height: 40 feet

3. Building Materials:

- a. Any building over 25,000 square feet shall include both horizontal and vertical articulation in the building design for the front façade. Smaller structures shall utilize a design similar to the elevation plans shown in Exhibit C of this ordinance.
- b. Any building over 25,000 square feet shall include visual enhancements providing architectural details such as building offsets and variation in color, texture, and materials, which will serve to reduce the apparent mass of a large building on all side and rear facades that are visible from the public right-of-way.
- c. A minimum of 20% of the front facades of all primary and accessory structures shall be composed of brick, stone, porcelain tile, or similar materials. This requirement shall also apply to side facades where they are visible from the public right-of-way.
- d. A minimum of 15% of the rear façade of all primary and accessory structures, where visible from the public right-of-way, shall be composed of brick, stone, porcelain tile, or similar materials.

- e. The remaining area of the building face shall be limited to glass, stucco, stucco-like finishes, decorative block, concrete tilt-wall panels, or other similar materials.
- f. Elevation plans shall be submitted with the Site Plan for review and approval by the Planning Director. Any variation from the materials listed above will be subject to review and may be permissible at the discretion of the Planning Director.

4. Off-street parking:

- a. All parking areas shall comply with the provisions specified in the Zoning Ordinance.
- b. Truck loading areas shall be screened from street-side lot boundaries and residential zoning districts by an opaque wall or barrier constructed of solid materials compatible with the exterior face of the building. Such screening shall extend the full length of the loading areas, exclusive of maneuvering areas for trucks.

5. Driveway Access

- a. A maximum of three (3) driveways shall be permitted along Southwest Drive and (3) three along Sharon Road. The northern driveway providing access to the fire lane (westernmost driveway on Southwest Drive on Exhibit B) shall display signage designating their use for trucks only. Such signage shall be limited to 3 feet in height and 9 square feet in area.
- b. Driveways shall be separated from the edges of the nearest driveway or adjoining right-of-way on either side of the roadway by a minimum of 100 feet, unless they are located directly across from existing driveways or rights-of-way.
- c. Driveways shall comply with all applicable City of Abilene access management regulations in addition to the requirements of this ordinance.
- d. Internal circulation of vehicular and pedestrian traffic shall be required within the development.

6. Signage

Signs shall comply with the City of Abilene Sign Regulations except as modified below:

a. Freestanding/Monument Signs:

- (1) One free-standing group monument sign shall be permitted along Southwest Drive with a maximum height of 30' and a maximum area of 420 square feet. The design and materials shall be consistent with Sign #1 shown in Exhibit C.
- (2) Two freestanding monument signs (may be group signs) shall be permitted with a maximum height of 8 feet and maximum area of 96 square feet. The design and materials shall be consistent with Sign #3 shown in Exhibit C.

b. Wall Signs

Wall signage may not exceed 10% of the area of any wall on which the sign(s) is(are) located and must be attached to a permitted primary structure.

c. Banners shall only be located flat against the face of a building and shall have a maximum area of 60 square feet per building face.

d. Prohibited Signs

- (1) Portable Signs
- (2) Off-site Advertising

7. Screening

- a. Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be screened from street-side lot boundaries and residential zoning districts by an opaque wall or fence. Roof-mounted facilities shall be screened using materials that are consistent with the structure to which they are attached.
- b. Any additional fencing on site must be constructed from wood, masonry, wrought iron, or materials with a similar appearance.
- c. Where a fence is adjacent to, or visible from, a public right-of-way, other than an alley, the finished side of wood fencing must face the right-of-way.

8. Landscaping and Buffers

Landscaping shall comply with the City of Abilene Landscaping Regulations except as modified below:

- a. A minimum 10-foot wide landscaped area shall be provided along all street-side boundaries within the PDD. The landscaped area shall be located entirely on private property.
- b. In addition to the landscaped strip along the street-side boundaries, no less than five (5) percent of the remaining lot area shall be landscaped. The remaining area shall be calculated by subtracting the area of the required landscaped strip in item a. above from the total tract area. Floodway area shall be excluded from the calculations of both lot area and landscape area.
- c. Landscaping within the required 10-foot wide strip must consist of living materials and shall include at least 2 trees and 4 shrubs per 60 linear feet of required landscape area.
- d. Landscaping within the remaining required area must consist of living materials and shall include at least 2 trees and 4 shrubs per 1000 square feet of landscape area.
- e. Landscaped aisle-end islands are required in all parking areas. All aisle-end and interior islands must be at least 162 square feet in area. All parking lot landscaping shall count toward the 5% landscape area required by item b. above. Interior islands or diamonds must be provided in compliance with one or a combination of the two following options:
 - (1) Landscaped interior islands are required at a rate of 1 per 20 parking spaces in a row. At least 50% of the aisle-end and interior islands must contain a tree.
 - (2) Landscaped tree diamonds are required at a rate of 1 per 15 parking spaces in a row. All tree diamonds and at least 50% of any aisle-end or interior islands must contain a tree.
- f. Screening of parking lots from public rights-of-way is required for parking lots of greater than 50 spaces. Screening must be at least 36 inches in height and include one or more of the following: hedge, closely spaced shrubs, masonry wall, berm, or similar. These materials may be placed within the 10-foot wide landscaped strip required in item a. above and all shrubs shall count toward the minimum required in item c. above.
- g. Xeriscape materials and principles shall be utilized.
- h. All parkways shall be landscaped.
- i. A Landscaping Plan must be submitted in conjunction with the Site Plan.

9. Sidewalks

All sidewalks must comply with the standards set forth in the City of Abilene Sidewalk Master Plan and the Texas Accessibility Standards.

10. Outdoor Storage and Display

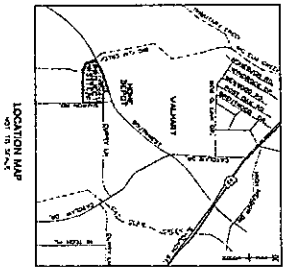
- a. Outdoor display of merchandise is limited to the walkway projecting from the front façades and shall be placed to allow passage of pedestrians.
- b. Outdoor storage is prohibited.

11. Freight Containers shall be permitted 14 days preceding and 14 days following Christmas Day and are subject to all applicable regulations of the Zoning Ordinance pertaining to General Commercial zoning.

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 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 may initiate rezoning of the PDD to the previous zoning designations.

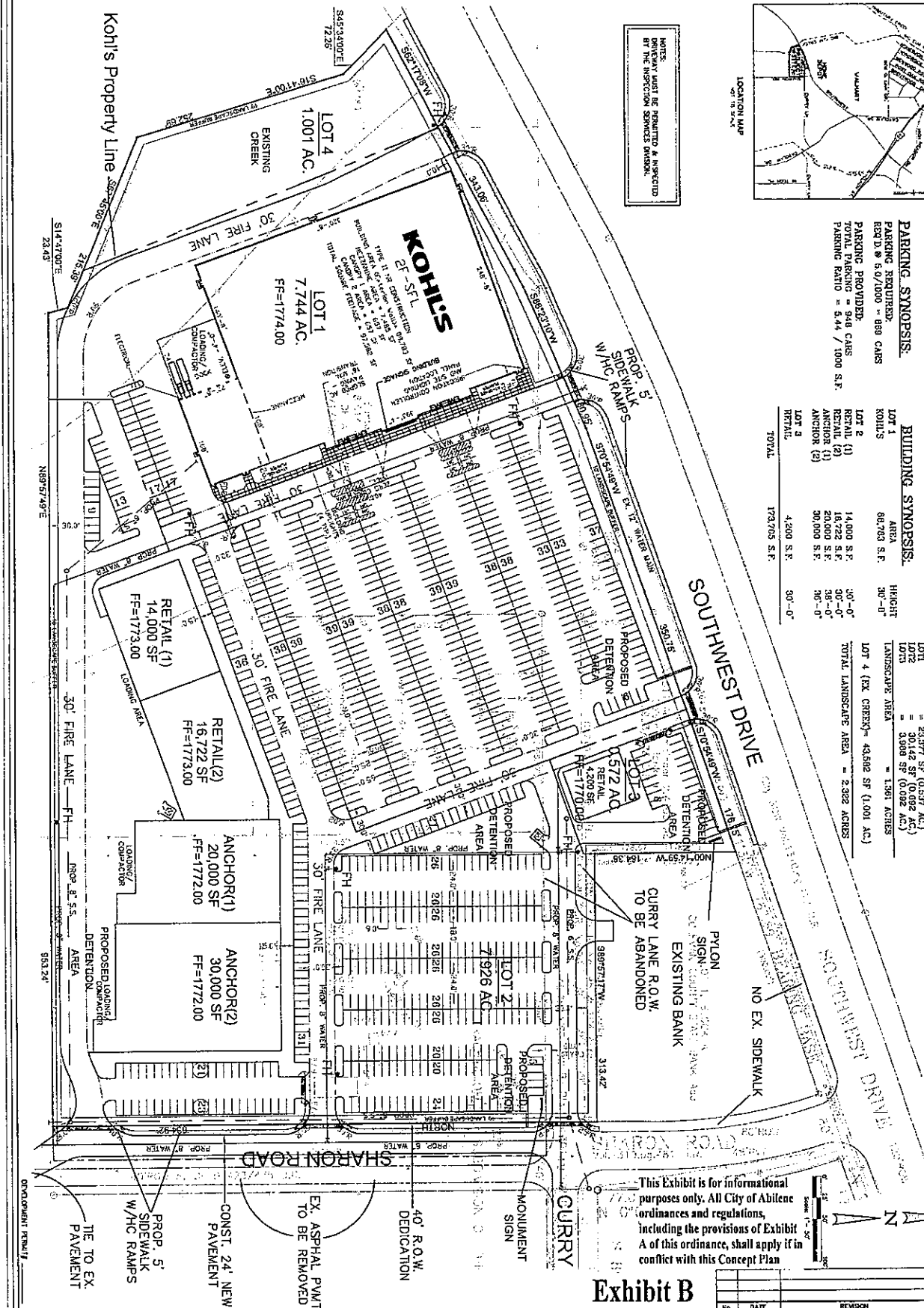
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NOTES:
 1. PRELIMINARY DESIGN IS SUBMITTED AS A CONCEPT OF THE PROPOSED SHOPPING CENTER.
 2. ALL DIMENSIONS ARE IN FEET AND INCHES.

PROPOSED SHOPPING CENTER

PARKING SYNOPSIS:		BUILDING SYNOPSIS:		LANDSCAPE AREA:	
PARKING REQUIRED:	REQ'D @ 5.0/1000 = 889 CARS	LOT 1	AREA	LOT 1	23,377 SF (0.537 AC.)
PARKING PROVIDED:	TOTAL PARKING = 844 / 1000 S.F.	LOT 2	86,703 S.F.	LOT 2	30,142 SF (0.692 AC.)
		ANCHOR (1)	14,000 S.F.	LOT 3	3,908 SF (0.092 AC.)
		ANCHOR (2)	16,722 S.F.	LANDSCAPE AREA	1,381 ACRES
		ANCHOR (3)	20,000 S.F.	TOTAL LANDSCAPE AREA	43,882 SF (1.001 AC.)
		ANCHOR (4)	30,000 S.F.	TOTAL LANDSCAPE AREA	2,332 ACRES
		ANCHOR (5)	20,000 S.F.		
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		ANCHOR (100)	30,000 S.F.		



This Exhibit is for informational purposes only. All City of Abilene ordinances and regulations, including the provisions of Exhibit A of this ordinance, shall apply if in conflict with this Concept Plan

Exhibit B

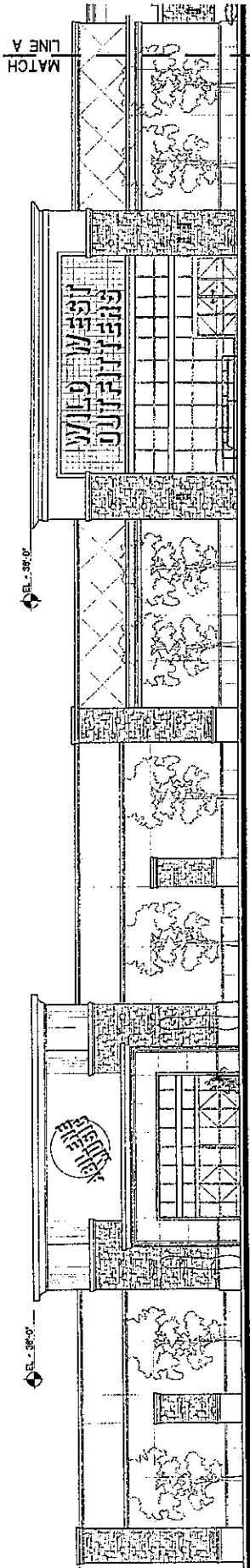
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 Drawn By: TCT
 Checked By: WAI
 Project No.: 34536.01(2)

CONCEPT PLAN
 ABILENE MARKETPLACE
 ABILENE, TEXAS

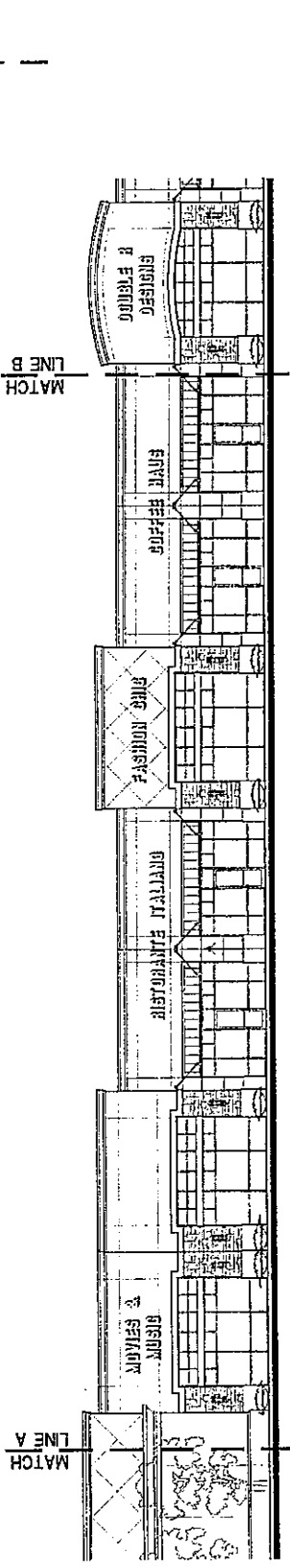
H.B.L. SHEPARD SURVEY, ABST. No. 56
 S.B.L. J.C. DIXLEY SURVEY, ABST. No. 95 & 104
 CITY OF ABILENE
 TARRANT COUNTY, TEXAS
 CANYON ABILENE PROPERTIES, L.P.
 8222 DONOLAS AVE. STE. #450
 DALLAS, TEXAS 75225

NO.	DATE	REVISION	APPROV.

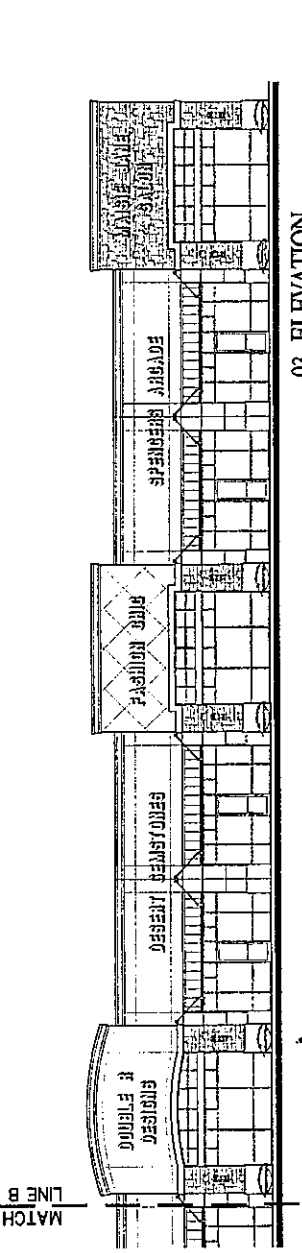
Winkelmann & Associates, Inc.
 CONSULTING ENGINEERS & ARCHITECTS
 4000 W. 11TH ST. SUITE 200
 ABILENE, TEXAS 79602



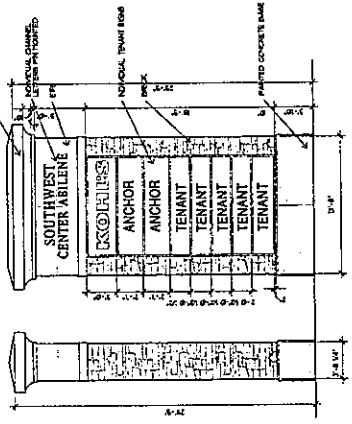
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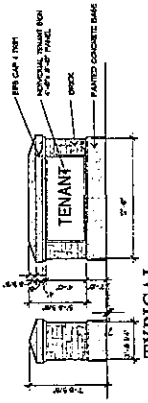
02 ELEVATION
1/8" = 1'-0"



03 ELEVATION
1/8" = 1'-0"



04 SHOPPING CENTER SIGN ELEV.
SCALE 3/4" = 1'-0" SIGN # 1



TYPICAL
05 MONUMENT SIGN ELEV.
SCALE 3/4" = 1'-0" SIGN # 3

EL02
DATE: 06-03
SCALE: 1/8" = 1'-0"
APPROVED BY: _____
DATE: _____

Exhibit C



SOUTHWEST DRIVE & SHARON ROAD
ABILENE, TEXAS
Canyon Partners

510 Harvest Hill Rd. Suite 146
Dallas, Texas 75230
972-385-9631
fax 972-385-3462