

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-126 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.

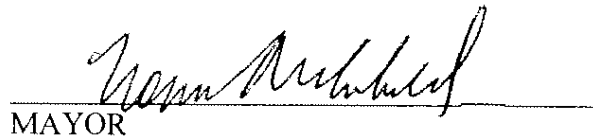
PASSED ON FIRST READING this 25th day of September, A.D. 2008.

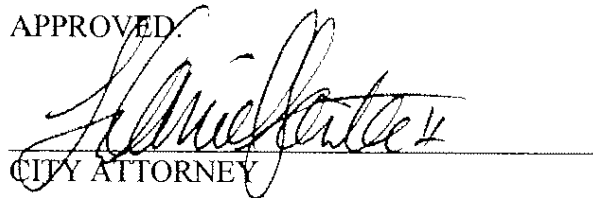
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 12th day of August, 2008, the same 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 9th day of October, 2008, 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 9th day of October, A.D. 2008.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. 53-2008

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 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: 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:

PRELIMINARY
FIELD NOTE DESCRIPTION

CITY OF ABILENE
COUNTY OF TAYLOR
STATE OF TEXAS

BEING 1.392 acres out of the Southeast one-quarter of Section 62 of the Blind Asylum Lands, Taylor County, Texas and out of land conveyed to the State Of Texas as recorded in Volume 14, Page 127, Deed Records, Taylor County, Texas. Said 1.392 acres also being out of the Southwest corner of that land bounded by Loop 322 on the Northwest, F.M. Highway 1750 on the East and Industrial Boulevard on the South. Said 1.392 acres is more particularly described in metes and bounds as follows:

BEGINNING at a 1/4 inch aluminum, detachable rod with a 2 inch aluminum cap marked "I&M", henceforth called a standard monument, found at the intersection of the westerly right-of-way line of said Loop 322 with the North right-of-way line of Industrial Boulevard, said North right-of-way line is established by a certain Street and Utility Improvement Easement to the City of Abilene recorded in Volume 1246, Page 394 of said Deed Records, and whence the Southeast corner of said Section 62 bears S89°36'17"E 2140.6' and South 76.9;

THENCE N16°34'40"E 228.76 feet along said westerly right-of-way line of Loop 322 to a standard monument set for the Northwest corner of said 1.392 acre tract;

THENCE S89°36'17"E 250.00 feet to a standard monument set for the Northeast corner of said tract;

THENCE S03°25'27"W 220.00 feet to a standard monument set in said North right-of-way line of Industrial Boulevard;

THENCE N89°36'17"W 302.13 feet along said North right-of-way line which is parallel to and 110.00 feet North of the North line the Cisco Junior College Addition to the City of Abilene referred to on the plat of said addition recorded in Plat Cabinet 3, Slide 394 of said Taylor County, to the POINT OF BEGINNING.

This date, October 5, 2005, the foregoing field note description was prepared from a survey made on the ground in September, 2005. Bearings are based on True North referenced to the City of Abilene COORS CORS ARP "ABL1".



Mark T. Brown, R.P.L.S. No. 4247

SEE ATTACHED PLAT OF EQUAL DATE

JACOB MARTIN LTD
3465 Curry Lane
Abilene, Texas 79606
(325) 695-1070
(325) 690-6417 Fax

Location:

Northeast corner of Loop 322 and E. Industrial Blvd.

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for retail 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. Development shall comply with the standards of the GC (General Commercial) Zoning District except as modified below.

A. PERMITTED USES:

All uses permitted in the GC (General Commercial) Zoning District listed in the Zoning Ordinance.

B. SITE DEVELOPMENT

1. Building Materials:

- a. Metal siding and standard concrete block (CMU) are prohibited on exterior façades visible from a street or a parking lot. The same or similar front face/elevation material shall also be used for gas canopy columns and predominant signage base.
- b. 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.

2. Driveway Access

Driveways shall comply with the City of Abilene or State of Texas access management regulations, whichever is applicable.

3. Signage

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

a. Freestanding Signs

One (1) pole sign may be erected within the PDD with the following limitations:

- (1) Maximum height: 30 feet
- (2) Maximum area: 100 square feet
- (3) Setback from street-side boundary: 5 feet
- (4) Two (2) monument signs, one per street frontage, with a maximum height of 10 feet and maximum area of 80 square feet may be substituted for the single pole sign.

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 structure.

c. Banners

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

- d. Illumination shall only be permitted if it is fully shielded away from residential uses.
- e. Portable signs are prohibited.

4. Freight Containers are prohibited.

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.

-END-