

ORDINANCE NO. 18-1985

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING SOUTHWEST DRIVE 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; 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 One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 14 day of February

A.D. 19 85.

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 3 day of February, 19 85, 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 9:00 a.m., on the 28 day of February, 19 85, 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 28 day of

FEBRUARY, A.D. 19 85.

ATTEST:

Patricia Patton
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Karen Anderson
CITY ATTORNEY

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Exhibit "A"

ORDINANCE NO. 18-1985

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.

Further, all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of this P.D.D. are hereby incorporated by reference and included as part of this ordinance. (Some of these documents may be attached as Exhibit B.)

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 PD MX (Planned Development Mixed Use) 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 P.D.D. is as follows:

Legal description:

Tract 1 (Block A)

METES AND BOUNDS DESCRIPTION of a 13.0523 acre tract of land to be granted as a floodway easement out of J.C. Donley Survey No. 95, Taylor County, Texas, being further described as follows:

BEGINNING at a point which bears S. 89°49' E. a distance of 2353.55 feet and S. 00°09'56" W. a distance of 5.00 feet from the Northwest corner of J.C. Donley Survey No. 95;

THENCE S. 89°49' E. a distance of 376.71 feet;

THENCE N. 83°03'30" E. a distance of 40.31 feet;

THENCE S. 89°49' E. a distance of 281.15 feet;

THENCE Southwesterly around a curve to the right, said curve having a radius of 816.89 feet, a central angle of 17°19', tangent lengths of 124.39 feet, and a chord distance of 245.95 feet;

THENCE S 17°30' W. a distance of 32.83 feet to a point of curvature;

THENCE Southeasterly around a curve to the left, said curve having a radius of 442.31 feet, a central angle of 35°, tangent lengths of 139.46 feet, and a chord distance of 266.01 feet;

THENCE S. 17°30' E. a distance of 89.97 feet to a point of curvature;

THENCE Southwesterly around a curve to the right, said curve having a radius of 15.00 feet, a central angle of 75°, tangent lengths of 11.51 feet, and a chord distance of 18.26 feet;

THENCE S. 57°30' W. a distance of 799.26 feet;

THENCE N. 00°09'56" E. a distance of 1070.00 feet to the Point of Beginning.

Tract 2 (Block B, Section 4)

METES AND BOUNDS DESCRIPTION for a tract of land located in J. C. Donley Survey No. 95, Taylor County, Texas, being further described as follows:

BEGINNING at a point in the South right-of-way line of Southwest Drive which bears S. 89°49' E. a distance of 2741.04 feet and S. 00°09'56" W. a distance of 968.99 feet from the Northwest corner of J. C. Donley Survey No. 95;

THENCE N. 57°30' E., along said right-of-way, a distance of 365.36 feet;

THENCE Northeasterly around a curve to the right, said curve having a radius of 15.00 feet, a central angle of 105°, tangent lengths of 19.55 feet, a chord distance of 23.80 feet, and an arc length of 27.49 feet to a point in the West right-of-way line of Catclaw Drive;

THENCE S. 17°30' E., along said Catclaw Drive right-of-way, a distance of 43.01 feet;

THENCE Southeasterly, along said right-of-way around a curve to the left, said curve having a radius of 774.80 feet, a central angle of 15°30', tangent lengths of 105.45 feet, a chord distance of 208.97 feet, and an arc length of 209.60 feet;

THENCE S. 33° E., along said right-of-way, a distance of 504.21 feet;

THENCE Southeasterly, along said right-of-way around a curve to the left, said curve having a radius of 464.69 feet, a central angle of 26°30', tangent lengths of 109.42 feet, a chord distance of 213.01 feet, and an arc length of 214.92 feet;

THENCE S. 59°30' E., along said right-of-way, a distance of 238.00 feet;

THENCE Southeasterly, along said right-of-way around a curve to the right, said curve having a radius of 384.69 feet, a central angle of 6°15'30", tangent lengths of 21.03 feet, a chord distance of 42.00 feet, and an arc length of 42.02 feet to a point of compound curvature;

THENCE Southerly around a curve to the right, said curve having a radius of 15.00 feet, a central angle of 96°59'30", tangent lengths of 16.95 feet, a chord distance of 22.47 feet, and an arc length of 25.39 feet to a point of compound curvature in the North right-of-way line of Curry Lane;

THENCE Southwesterly, along said Curry Lane right-of-way around a curve to the right, said curve having a radius of 576.23 feet, a central angle of 27°06'28", tangent lengths of 138.91 feet, a chord distance of 270.09 feet, and an arc length of 272.63 feet;

THENCE N. 00°10'10" E. a distance of 71.50 feet;

THENCE N. 59°30' W. a distance of 135.00 feet;

THENCE Northwesterly around a curve to the right, said curve having a radius of 664.69 feet, a central angle of 26°30', tangent lengths of 156.51 feet, a chord distance of 304.69 feet, and an arc length of 307.43 feet;

THENCE N. 33° W. a distance of 564.92 feet;

THENCE S. 57° W. a distance of 140.00 feet;

THENCE N. 33° W. a distance of 210.00 feet to the Point of Beginning.

Tract 3 (Block C)

METES AND BOUNDS DESCRIPTION for a tract of land located in J.C. Donley Survey No. 95, Taylor County, Texas, being further described as follows:

BEGINNING at a point in the South right-of-way line of Southwest Drive which bears S. 89°49' E. a distance of 2741.04 feet and S. 00°09'56" W. a distance of 968.99 feet from the Northwest corner of J.C. Donley Survey No. 95;

THENCE S. 33° E. a distance of 210.00 feet;

THENCE N. 57° E. a distance of 140.00 feet;

THENCE S. 33° E. a distance of 564.92 feet;

THENCE Southeasterly around a curve to the left, said curve having a radius of 664.69 feet, a central angle of 26°30', tangent lengths of 156.51 feet, a chord distance of 304.69 feet, and an arc length of 307.43 feet;

THENCE S. 59°30' E. a distance of 135.00 feet;

THENCE S. 00°10'10" W. a distance of 71.50 feet to a point in the North right-of-way line of Curry Lane;

THENCE Southwesterly, along said Curry Lane right-of-way around a curve to the right, said curve having a radius of 576.23 feet, a central angle of 19°18'42", tangent lengths of 98.04 feet, a chord distance of 193.30 feet, and an arc length of 194.22 feet;

THENCE N. 89°49'50" W. along North right-of-way line of said Curry Lane a distance of 1075.26 feet;

THENCE N. 00°09'56" E. a distance of 705.67 feet, to a point in the South right-of-way line of Southwest Drive;

THENCE N. 57°30' E., along said South right-of-way line of Southwest Drive, a distance of 460.30 feet to the Point of Beginning.

PART 6: Purpose. The purpose of the Southwest Drive Planned Development District is to integrate the development and use of retail, office, and recreational facilities. District regulations described in the following Part 7 are designed to achieve the following:

- A. designate particular areas within the district for appropriate selected activities,
- B. integrate the scale of building development and activities in the district with less intensive residential use existing to the north and anticipated to the west, as well as with relatively intensive commercial development planned to the east, and
- C. provide for adequate recreational facilities to be enjoyed by the citizens of Abilene.

PART 7: Specific Modifications.

A. The following regulations shall govern the use and development of the Planned Development district for each of the three tracts, as set forth below:

1. Tract 1 (Block A)

- a. The use of land shall be restricted to activities permitted in the Shopping Center (SC) zoning classification. In addition, retail sales of lumber and building materials is permitted. Outdoor storage of material, equipment or other inventory associated with such an activity is prohibited.
- b. Buildings shall be limited in height to twenty-five (25) feet, excluding architectural exceptions generally allowed by the Zoning Ordinance of the City of Abilene.
- c. Building setbacks shall be a minimum of thirty-five (35) feet from Southwest Drive, thirty (30) feet from the northern and western boundaries of Block A, and zero (0) feet from interior lot boundaries within Block A which may be created by future subdivision.
- d. No more than 50% of Block A (or any lot resubdivided within Block A) shall be covered with buildings.
- e. Off-street parking spaces shall be provided at a ratio of 1:500 square feet of gross floor area of any facility in which the retail sales of lumber and other building materials takes place. Off-street parking spaces shall be provided in accordance with the Zoning Ordinance, for other activities located on Block A.
- f. A landscaped area, a minimum of seven (7) feet in width, shall be extended around the streetside boundary of parking lots. Such landscaped area shall be located entirely on private property. Landscaping shall mean the planting and maintenance of living materials such as grass, trees or shrubs. Required landscaping shall be installed in association with erection of buildings on subdivided lots or blocks, prior to occupancy of said buildings.
- g. Each separate business or activity located in a structure having 10,000 square feet of gross floor area shall be provided with one truck loading and unloading area, as defined by the Zoning Ordinance of the City of Abilene. One additional such loading space shall be provided for each additional 20,000 square feet.
- h. Access from activities located on Block A to the alley bordering the tract on its north side shall be prohibited. Additionally, paving of the alley surface shall not be required.

- i. Only one wall sign shall be permitted per business, except those businesses enclosed within a building having more than one wall facing a street, in which case each wall may contain a business sign.

Free standing signs may be no taller than the maximum height of buildings and no larger than 150 square feet in area. There shall be permitted only one (1) free standing pole sign per business.
 - j. One center or development sign shall be allowed on each street frontage, but it shall be limited in area to 150 square feet and in height to the maximum height of buildings. All other types of signs not specifically spoken to herein are prohibited.
 - k. Only two driveways on both Southwest Drive and Catclaw Drive shall be permitted, and each shall be separated from street intersections and each other appropriate distances to accommodate queing and proper traffic movements.
 - l. A solid screening fence, at least six feet in height, shall be provided along the complete length of the western boundary line of Block A.
2. Tract 2
 - a. The use of land shall be restricted to activities permitted within the Office (O) zoning classification.
 - b. Building height(s) and density shall be regulated by the provisions of the Office (O) zoning classification.
 - c. Building setbacks shall be a minimum of thirty-five (35) feet from Southwest Drive, thirty (30) feet from Catclaw Drive, and thirty (30) feet from Curry Lane. All other rear or interior lot boundary setbacks shall be as set forth in the Office (O) zoning category.
 - d. Off-street parking spaces shall be provided at a ratio required by the Zoning Ordinance for specific uses permitted in an Office (O) classification, such requirements to be determined at the time specific uses are proposed for development.
 - e. A landscaped area a minimum of seven (7) feet in width shall be extended around the streetside boundary of parking lots. Such landscaped area shall be located entirely on private property. Landscaping shall mean the planting and maintenance of living materials such as grass, trees or shrubs. Required landscaping shall be installed in association with erection of buildings on subdivided lots or blocks, prior to occupancy of said buildings.
 - f. The location, size, type and character of signs shall be regulated by the provisions of the Office (O) zoning category.
 3. Tract 3
 - a. Tract 3 shall be developed and used as a public recreational facility in accordance with the provisions listed below. The owner of Tract 3 (described herein Exhibit A) shall dedicate said property to the City of Abilene, prior to subdivision approval of Tract 3 or any proposed lot within the Southwest Drive PDMX. Said owner shall furthermore guarantee proper construction of all facilities and appurtenances described below by providing appropriate security agreements, prior to subdivision approval of Tract 3 or any proposed lot within the Southwest Drive PDMX, described herein Exhibit A, in the amount and format necessary to ensure timely construction.

Specific improvements to Tract 3 shall be as follows:

1. Reshaping and hydromulching of approximately twelve (12) acres of land to locate four (4) multi-purpose athletic fields.
2. Installation of an electric sprinkler system for approximately twelve (12) acres.
3. Providing a dirt area to accommodate the parking of at least two hundred and forty (240) vehicles.
4. Construction of a six (6) foot chain link fence around the perimeter of the fields and holding pond(s). An additional fence shall be constructed to enclose holding pond(s) if such pond(s) is eventually designed and constructed to hold water indefinitely.
5. Reset existing water evacuation pump or install a larger pump, if necessary.
6. All design and construction shall utilize specifications as set forth by the Director of Public Works and the Director of Community Services in conjunction with the developer.

- b. The proponent shall be responsible for improving that portion of Curry Lane right-of-way which borders Tract 3. The proponent shall, prior to subdivision of Tract 3 or any proposed lot within the Southwest Drive PDMX, described herein Exhibit A, deposit into the City's Assessment Paving Fund, or similar fund, the amount of money necessary to install eighteen (18) feet of paving as well as curb and gutter for one side of the street, said monies to be in an amount sufficient to meet municipal standards for street construction.

- B. Except as otherwise specifically described within this Part 7, Tracts 1 and 2 are to be subdivided according to the Subdivision Regulations of the City of Abilene. Resubdivision of any one of these tracts shall also be undertaken in conformance with the Subdivision Regulations applicable at the time of resubdivision. Amendment of this Planned Development ordinance shall not be necessary for resubdivision; however, above-described regulations regarding use and development shall remain applicable to the tracts represented on the attached site plan, unless such regulations are modified by amendment to this ordinance.