

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW; DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

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 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 11 day of July, 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 30 day of June, 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 25 day of July, 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 25 day of July, A.D. 19 85.

ATTEST:

Patricia Patton
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Kary Cargill

EXHIBIT A

3. **Z-06085**

Approved by P & Z Commission (4-0)

Rezone the following property from Agricultural Open Space (AO) to Residential Single-Family (RS-12) district:

0.558 acre being out of the Southwest corner of a 4.875 acre tract conveyed from Burl G. Owens and wife Erma Lee Owens to C.W. Gill, Trustee, as recorded in Deed of Trust Records, Taylor County, Texas and being out of Fractional Survey 22, Blind Asylum Lands, Abilene, Taylor County, Texas with metes and bounds as follows:

BEGINNING at the Southwest corner of this tract also being the Southwest corner of said 4.875 acre tract in the North line of Rainey Road from whence the Southwest corner of Fractional Survey 22, Blind Asylum Lands bears South 530 feet and West for a distance of 1535.67 feet,

THENCE North along a fence and the West line of said 4.875 acre tract for a distance of 189 feet to point for corner and an iron pin;

THENCE East 128.58 feet to point for corner and an iron pin;

THENCE South for a distance of 189 feet to point for corner and an iron pin in the South line of said 4.875 acre tract and in the North line of Rainey Road;

THENCE West along the South line of said 4.875 acre tract and along the North line of Rainey Road for a distance of 128.58 feet to the place of beginning and containing 0.558 acre, and located on Rainey Road north of its intersection with Shawnee Road.

4. **Z-06185**

Approved by P & Z Commission (4-0)

Add an Historic (H) overlay zone to underlying Residential Single-Family (RS-12) district, on the following property:

Lots B and C, John Sayles Subdivision of Lot 11 in Block 9, Highland Addition to the City of Abilene, Taylor County, Texas, and located at 642 Sayles Boulevard.

5. Z-06285

Approved by P & Z Commission (4-0)

Rezone the following property from Agricultural Open Space (AO) to PDMX (Planned Development Mixed Use) district:

Being a tract of land out of Lot 2, Alfred and May Fasshauer Subdivision of Surveys 10 and 12, Lunatic Asylum Land, Survey 65, Blind Asylum Land, and the Northeast part of C.A. Donovan Pre-Emption Survey as shown by plat recorded in Volume 1, Page 274, Plat Records of Taylor County, Texas, and described by metes and bounds as follows:

BEGINNING at a point 1502.34' N 89° 49' E of the Southwest Corner of said Lot 2.

Said point being a 3/8" Iron Rod set on the East Right-of-Way of Abilene and Southern Rail Road, for the Southwest Corner of this tract, from which the Northwest Corner of said Survey 10, a 3/8" Iron Rod set by a corner post brs. S 89° 49' W 1502.34' and N 0° 09' 22" E 2273.16'.

THENCE N 8° 20' E 667.50' along the East line of said Rail Road to a 3/8" Iron Rod set for the Northwest Corner of this tract.

THENCE N 89° 23' 45" E 1670.34' to a 3/8" Iron Rod set on the West R.O.W. of Access Road at U.S. Highway 83-84, for the Northeast Corner of this tract.

THENCE along the West line of said Access Road, along a curve to the right, having a Central-Angle of 19° 00' and a Radius of 2804.93', a distance of 249.428' to a 3/8" Iron Rod set for the most Easterly Southeast Corner of this tract, and Northeast Corner of the Joe A. Adams tract.

THENCE S 89° 23' 45" W 995.17' along a property fence on the North line of said Adams tract to a 3/8" Iron Rod by a corner post set for the Northwest Corner of said Adams tract and being an interior corner of this tract.

THENCE S 0° 01' 38" E 417.40' along a property fence to a 3/8" Iron Rod set by a corner post on the South line of said Lot 2, for the most Southerly Southeast Corner of this tract.

THENCE S 89° 49' W 797.16' along a property fence on the South line of said Lot 2, to the point of beginning and containing 17.00 Acres of land more or less;

and

9.424 being a part of an original South 10 acres of a 15 acre tract out of Lot 2 of the Alfred & Mary Fasshauer Subdivision of Section 10, Lunatic Asylum Lands, Abilene, Taylor County, Texas, and being more particularly described as follows: BEGINNING at an iron pin on the SBL of said Lot 2 and the West right-of-way line of U.S. Hwy. 83-84 and being S89°44'W 96' from the original Southeast corner of said 10 acre tract;
THENCE S89°44'W 947.5' along a fence line to an iron pin;
THENCE N0°22'E 417.4' along a fence line to an iron pin;
THENCE N89°44'E 993.6' along a fence line to an iron pin on the West right-of-way line of U.S. Hwy. 83-84, said iron pin being on a curve to the right;
THENCE along said curve to the right with a central angle of 19°, a radius of 2766.93' and a long chord bearing S0°40'E 102.37' to a broken concrete right-of-way marker;
THENCE S0°23'W 112.14' to a concrete right-of-way marker;
THENCE S13°37'W 209.55' to the place of beginning and containing 9.424 acres, more or less;

located in the 5500 block of South Clack; and

SUBJECT TO the design criteria and development conditions stipulated below:

NAME. This PDMX shall hereafter be known and referred to as "Continuation One of the South Clack Planned Development Mixed Use" district.

SUBDIVISION AND PLATTING. Except as may otherwise be specifically described herein, land within Continuation One of the South Clack Planned Development Mixed Use district shall be subdivided according to the Subdivision Regulations of the City of Abilene. Resubdivision of any one or more lots within the district shall 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, regulations described herein and regarding land 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.

BUILDING SPECIFICATIONS. All structures within Continuation One of the South Clack Planned Development Mixed Use district shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

DEVELOPMENT SPECIFICATIONS. All use and development within Continuation One of the South Clack Planned Development Mixed Use district must be in compliance with the Zoning Ordinance of the City of Abilene, except as may otherwise be specified herein for Tracts 1 and 2.

TRACT 1

Tract 1 lies within 400 feet of U.S. Hwy 83/84. It is proposed for use and development in conformance with regulations normally applicable to the General Commercial (GC) zoning classification, except for the following features:

The following principal activities shall not be permitted:

- automobile and small truck repair, painting, body work and servicing
- building construction services
- cabinet making
- electrical appliance repair, large
- furniture repair and storage services
- electrical installation and repair
- landscaping services
- painting, paperhanging services
- sales of gasoline (with and including automobile services)
- sales of mobile homes, camping trailers and motor homes
- sales of plant materials, other than flowers and household plants

Outdoor storage of material, inventory and equipment shall be screened by a solid, opaque wall or fence at least six (6) feet in height.

Free-standing business or identification signs shall be limited to one such sign per business, no larger than 150 square feet in area or more than 35 feet in height. Roof-type signs shall be prohibited. Free-standing business or identification signs shall be set back from any streetside boundary by a minimum of ten (10) feet.

All areas for truck loading and storage shall have a surface composed of asphaltic or portland cement binder pavement.

All buildings or structures (except for unattached accessory buildings, fences, walls, hedges and signs) shall be set back from streetside boundaries the distance set forth within the Zoning Ordinance and Subdivision Regulations. Setback lines from other lot boundaries shall be as follows:

interior side yard	- - - - -	10 feet
rear yard	- - - - -	20 feet

Sales, rental and leasing of automobiles and small trucks shall be permitted only under the following conditions.

- a. Any secondary activities (accessory to sales, rental and leasing) and involving automotive servicing or repair shall be located on the (interior) side or rear of the tract on which it is located, so that such activities are not generally visible from direct street view.
- b. A landscaped area shall be extended around the streetside boundary of any portion of the tract used for parking, display or storage of automobiles or trucks. Such landscaped area shall be at least 10 feet wide and be located entirely on private property. Landscaping shall mean the planting of living materials such as grass, trees or shrubs.
- c. A minimum of 10 percent of the tract shall be landscaped. Landscaping shall mean the planting of living materials such as grass, trees or shrubs. The required landscaped area extended around the streetside boundary (and described in item b directly above) may be included in the required 10% landscaped area.
- d. Lighting of such activities shall not include exposed, bare bulbs.

TRACT 2

Tract 2 includes the remainder of property under consideration, extending westward to the Abilene Southern Railway. It is proposed for use and development of more heavy commercial activity, in conformance with regulations normally applicable to the HC zoning classification, except for the following:

Outdoor storage of materials, equipment and inventory shall be screened by a solid, opaque fence at least six (6) feet high.

Free-standing business or identification signs shall be limited to one such sign per business, no larger than 100 square feet in area and standing at a height no taller than 25 feet. No roof signs or marquees shall be permitted for business or identification purposes.

All areas for automobiles and truck loading shall have a surface composed of asphaltic or portland cement binder pavement, except that areas intended for truck loading and storage (only) may be surfaced by gravel, so long as such areas are screened by a solid, opaque wall or fence at least six (6) feet high.

All buildings or structures (except for unattached accessory buildings, fences, walls, hedges and signs) shall be set back from lot boundaries as follows:

from streetside lot boundaries - - - - - 25 feet

from interior side boundaries - - - - - 20 feet

from rear lot boundaries - - - - - 25 feet

The maximum height of all structures on the site shall be twenty-five (25) feet.

6. **Z-06385**

Disapproved by P & Z Commission (3-1)

Rezone the following property from Agricultural Open Space (AO) to General Commercial (GC) district:

TRACT 1

BEING 0.427 acre of land out of a subdivision of the J.E. Sheppard Survey No. 96, Abilene, Taylor County, Texas, as surveyed by John A. White, County Surveyor, August 1941.

BEGINNING at a point on the north boundary line of Curry Lane and being on a curve to the left, from which the NE corner of said J.E. Sheppard Survey No. 96 bears S 89°59' E 3103.35;

THENCE with the north line of Curry Lane and the arc of said curve to the left, having a partial delta of 21°50'31", a property line radius of 435.0 feet, a chord bearing S 67°56' W 164.83 feet a distance of 165.83 to the P.T. of said curve and a corner of this tract;

THENCE S 57°00'30" W 91.0 feet to a point for a corner and the P.C. of a curve to the right;

THENCE with the arc of said curve to the right, having a central angle of 90°00' a property line radius of 30.0 feet, a chord bearing N 77°59'30" W 42.43 feet a distance of 47.12 feet to the P.T. of said curve on the northeast boundary line of Catclaw Drive for a corner of this tract;

THENCE N 32°59'30" W 122.51 feet with the northeast boundary line of said Catclaw Drive to a point for a corner of this tract and being on the north line of said J.E. Sheppard Survey No. 96;

THENCE S 89°59' E 337.28 feet with the north boundary line of said J.E. Sheppard Survey No. 96 to the POINT OF BEGINNING, and containing 0.427 acre of land, more or less;

TRACT 2

BEING 0.547 acre of land out of a subdivision of the J.E. Sheppard Survey No. 96, Abilene, Taylor County, Texas, as surveyed by John A. White, County Surveyor, August 1941.

BEGINNING at a point on the northwest boundary line of Catclaw Drive for the most northerly corner of this tract, from which the NE corner of said J.E. Sheppard Survey No. 96 bears N 34°11' W 70.0 feet and S 89°59' E 3536.03 feet and the NW corner of said Tract No. 2 bears N 34°11' W 70.0 feet and N 89°59' W 19.17 feet;

THENCE S 34°11' E 194.53 feet with the NW boundary line of said Catclaw Drive to a point for the P.C. of a curve to the right and a corner of this tract;

THENCE with the arc of said curve to the right and the said northwest boundary line of Catclaw Drive, having a partial delta of 6°34', a property line radius of 387.89 feet a chord bearing S 29°42'30" E 44.43 feet a distance of 44.46 feet to a point for a corner of this tract;

THENCE N 89°59' W 207.81 feet to a point on the west boundary line of said Tract No. 2 for a corner of this tract;

THENCE N 4°00' E 88.0 feet with the west line of said Tract No. 2 to a point for a corner of this tract;

THENCE N 32°13' E 131.99 feet to the POINT OF BEGINNING, and containing 0.547 acre of land, more or less;

located in the 3700-3800 blocks of Catclaw Drive, south of Curry Lane.

Rezone the following property from Agricultural Open Space and Residential Multi-Family (AO and RM-2) to Limited Commercial (LC) district:

TRACT 3

BEING 1.50 acres of land out of Tract No. 2, a subdivision of the J.E. Sheppard Survey No. 96, Abilene, Taylor County, Texas, as surveyed by John A. White, County Surveyor, August 1941, and described by metes and bounds as follows:

BEGINNING at a point on the northwest boundary line of Catclaw Drive and being on a curve to the right for the NE corner of this tract, from which the NE corner of said J.E. Sheppard Survey No. 96 bears N 33°32'30" W 308.85 feet and S 89°59' E 3536.03 feet, and the NW corner of said Tract No. 2 bears N 33°32'30" W 308.85 feet and N 89°59' W 19.17 feet;

THENCE with the arc of said curve to the right and the northwest boundary line of Catclaw Drive, having a partial delta of 26°26'30", a property line radius of 387.89 feet, a chord bearing S 13°12'15" E 177.43 feet, a distance of 179.01 feet to the P.T. of this curve, and a point for a corner of this tract;

THENCE S 0°01' W 89.91 feet continuing with the west boundary line of said Catclaw Drive to a point for the SE corner of this tract;

THENCE N 89°59' W 266.68 feet to a point on the west boundary line of said Tract No. 2 for the SW corner of this tract;

THENCE N 4°00' E 263.27 feet with the west boundary line of said Tract No. 2 to a point for the NW corner of this tract;

THENCE S 89°59' E 207.81 feet to the POINT OF BEGINNING, and containing 1.50 acres of land, more or less;

located in the 3800 block of Catclaw Drive, between Curry Lane and Cedar Run Drive.