

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING MESA SPRINGS 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 9th day of January, A.D. 19 86.

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 5th day of January, 19 86, 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 23rd day of January, 19 86, 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 23rd day of January, A.D. 19 86.

ATTEST:

William W. Bushy
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

James Cayless
CITY ATTORNEY

Z-00286

Rezone the following property from Agricultural Open Space, Residential Single Family & Residential Multi-Family (AO, RS-6 & RM-3) to Planned Development Mixed Use (PDMX) district:

BEING 112.38 Acres out of the G. H. Harlan Survey A-1259 and the M. Talbot Survey No. 102, Taylor County, Texas and being more particularly described as follows:

BEGINNING at an iron pin and fence corner at the Southeast corner of the G. E. Harlan Survey;

THENCE North 89 degrees 51 minutes West with a fence 2588.1 feet to an iron pin and fence corner set in the East right of way of Highway 89;

THENCE North 24 degrees 11-1/2 minutes East with the East right of way Highway 89 2447.0 feet past an iron pin and fence corner for a total of 2654.9 feet to an iron pin set in the East line of Highway 89 and the South line of a 40 foot Public Road for the Northwest corner;

THENCE South with the South line of a 40 foot Public Road 186.1 feet past an iron pin and continue on a distance of 1345.3 feet in all to an iron pin set in the south line of said Public Road;

THENCE South 150 feet to an iron pin;

THENCE East 150 feet to a 2-inch iron pipe;

THENCE South 0 degrees 07 minutes East 2278.4 feet to the place of beginning and containing 112.3847 acres.

SUBJECT TO the design criteria and development conditions stipulated below:

NAME. This PDMX district shall hereafter be known and referred to as the "Mesa Springs Planned Development Mixed Use" district.

SUBDIVISION AND PLATTING. Subdivision or resubdivision of the property represented on the site plan shall be undertaken in conformance with Subdivision Regulations of the City of Abilene applicable at the time of resubdivision. Amendment of the Planned Development ordinance shall not be necessary for resubdivision; however, the regulations herein described and regarding land use and development shall remain applicable to the lots represented on the attached site plan, unless such regulations are modified by amendment to this ordinance.

BUILDING SPECIFICATIONS. All structures in the Mesa Springs 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 the Mesa Springs 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 1-11.

Development permits shall be issued based on the conceptual drainage plan developed for the district. Said plan is kept on file and is herein adopted by reference. Development permits may also be issued based on alternative plan for the district accepted by the Director of Public Works or his authorized designee, when such alternative meets the criteria established by the conceptual drainage plan.

STREETS AND ROADS. Public streets within the Mesa Springs PDMX shall be generally located in conformance with that depicted on the site plan filed in connection with this district and attached as Exhibit B. Actual subdivision or resubdivision of the property contained within the district shall determine exact alignment, curvatures, right-of-way, and paving widths and design. All public streets shall be constructed to the specifications and standards of the City of Abilene and be formally accepted by and dedicated to the City of Abilene by means of subdivision plat(s) and the policies of the Director of Public Works.

Areas depicted on the attached site plan as private streets, being access, drainage, utility and emergency vehicle access easements, shall be labelled as such on the site plan filed in connection with this ordinance and subdivision plats. The developer shall enter into appropriate agreements with the City of Abilene as necessary for purposes of refuse collection.

COMMON AREAS. Land held commonly by owners of property within the district, or held by the developer for access, drainage, courtyards, open space and other similar purposes shall be depicted on site plans submitted to the City of Abilene for construction purposes. Said areas are therefore not depicted on the site plan filed in connection with this district ordinance. Said areas shall furthermore be shown on subdivision plats submitted for approval by the City of Abilene.

TRACT 1

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Limited Commercial (LC) zoning classification.

1. A six foot high solid opaque fence of wood or masonry construction shall be placed along the southern and eastern boundary lines and be in place at the time any building on this site is to be occupied.
2. Primary access to development in this tract shall be from Buffalo Gap Road.
3. Setbacks shall be 30 feet from property lines relative to Forrest Hill Road and Buffalo Gap Road. Rear and interior side setbacks shall be 20 feet from property lines.
4. Free standing pole signs shall be limited to a height of 50 feet, with one sign per street frontage; one of which may be a project/development sign. Said pole signs shall not exceed an area of 200 square feet. All other signs shall be permitted per standard Limited Commercial district regulations.
5. A total of 10% of this tract shall be landscaped.
6. Buildings shall be limited in height to no more than two stories, which shall be no more than 30 feet in height, excluding architectural exceptions normally permitted in the Zoning Ordinance.
7. Off-street parking shall be provided in accordance with the Zoning Ordinance requirements as specific uses for development are identified.

8. Each separate business having greater than 10,000 square feet of gross floor area shall be provided with a minimum of one truck loading space, with one additional loading space per each additional 20,000 square feet (or major fraction thereof). Each loading space shall be at least 12 feet wide and 30 feet long, with an all-weather surface composed of asphalt or cement. Loading areas shall be screened from streetside boundaries by an opaque wall, fencing, or landscaping of at least six feet in height.
9. A maximum Floor Area Ratio of 1/2:1 shall be employed.

TRACT 2

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Residential Multi-Family (RM-3) zoning classification.

1. Future residential lots shall not front onto Buffalo Gap Road.
2. Setbacks shall be 20 feet to the rear property line; with a combined side yard interior setback of 12 feet, with one side having at least 5 feet. Front setbacks along interior streets shall be 25 feet. A setback of 25 feet shall be employed on those properties adjacent to Buffalo Gap Road.
3. Building height shall be limited to 35 feet in height, excluding architectural exceptions normally permitted in the Zoning Ordinance.
4. Off-street parking shall be required at a ratio of three per every two dwelling units for multi-family development.
5. On-site permanent signs shall be limited to two ground signs indicating the name of the development, and said signs shall not exceed 42 inches in height. The placement of said signs is limited to the privately maintained median in the center of the entranceway between Tracts 2 and 4 and to the privately maintained median in the center of the entranceway between Tracts 2 and 3. The location of ground signs must be set back 10 feet from Forrest Hill Road and Buffalo Gap Road curb lines. Freestanding ground signs identifying individual residential clusters may also be allowed, provided they do not exceed 42 inches in height, do not extend into any visibility triangle created by private or public streets and drives, and are a minimum of 15 feet from the back of any curb or edge of pavement.
6. A Land Use Intensity ratio of no more than 3.9 shall be employed for multi-family residential development. Single family residential development shall be permitted to occur at RS-6 zoning district standards.

TRACT 3

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Medical Use (MU) zoning classification.

1. Setbacks shall be 20 feet from rear, front, and streetside property lines and 15 feet from interior side lot boundaries.
2. Buildings shall be limited in height to a maximum of 40 feet and to not exceed 3 stories, excluding architectural exceptions.

3. Off-street parking, refuse collection areas, open storage areas, or power generation facilities that face or adjoin residential or limited commercial portions of this planned development district shall be visually buffered by a six foot high fence, wall, or earthen berm. Other MU activities not specifically stated above in the six-foot high buffer requirements, will require a four foot high visual buffer when facing or adjoining residential or limited commercial uses in this planned development district.
4. Interior side and rear yard setbacks shall be increased by one foot for each foot of building height exceeding 30 feet, excluding architectural exceptions.
5. Excluding 42 inch high ground signs and temporary on-site signs, signs shall be restricted to only wall signs which occupy no more than 25% of the area of the wall on which they are located.
6. Retail-trade uses specified by the permitted use chart of the Zoning Ordinance as conditional for MU districts are permitted by right.
7. A maximum Floor Area Ratio of 2:1 shall be employed for MU district development.

TRACT 4

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Residential Multi-Family (RM-3) zoning classification.

1. If a 42 inch high ground sign is not employed in Tract 2 or in a privately maintained median between Tracts 2 and 4, only then shall a 42 inch high ground sign be permitted in the northwest corner of Tract 4.
2. Those regulations specified for Tract 2 of this ordinance shall also govern the activities on this tract.

TRACT 5

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Medical Use (MU) zoning classification.

1. A ground sign of 42 inches in height may be employed at the southwest corner of this tract to announce the project/development.
2. Free standing pole signs of a maximum height of 12 feet may be used along Buffalo Gap Road only. Interior tract signs shall be limited to temporary on-site signs, 42 inch high ground signs, and wall signs that do not exceed 25% of the area of the wall in which they are located.
3. Setbacks for lot boundaries adjoining Buffalo Gap Road and an as-yet unnamed east-west collector street shall be 30 feet. All rear and interior side lot setbacks shall be 20 feet.
4. Regulations 2-7, specified for Tract 3 of this ordinance, shall also govern the activities on this tract.

TRACT 6

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Limited Commercial (LC) zoning classification.

1. Those regulations specified for Tract 1 of this ordinance shall also govern the activities on this tract.

TRACT 7 and TRACT 8

Use and development of land shall be subject to regulations applicable to the Residential Multi-Family (RM-3) zoning classification. In addition, freestanding ground signs identifying individual residential clusters may also be allowed, provided they do not exceed 42 inches in height, do not extend into any visibility triangle created by private or public streets and drives, and are a minimum of 15 feet from the back of any curb or edge of pavement.

TRACT 9

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Office (O) zoning classification.

1. The area, height, and placement of signs shall be governed by the standard Office zoning classification regulations.
2. Parking shall be required as specified in the Zoning Ordinance for each particular office-type use as it is proposed. Otherwise parking shall be provided at a ratio of one parking space per 300 square feet of gross floor space.
3. Buildings shall be limited in height to no more than two stories, which shall be no more than 30 feet in height, excluding architectural exceptions normally permitted in the Zoning Ordinance.
4. Rear and interior side setbacks shall be 20 feet. Setback from the proposed collector street shall be 30 feet. All other front setbacks shall be 25 feet.
5. The Floor Area Ratio governing the overall density for this tract shall be 2:1.
6. A 6-foot high visually opaque screening barrier shall be employed along the northern and eastern boundary of the tract.
7. The Catclaw Creek crossing proposed on the attached site plan shall be completed prior to development on this tract.

TRACT 10

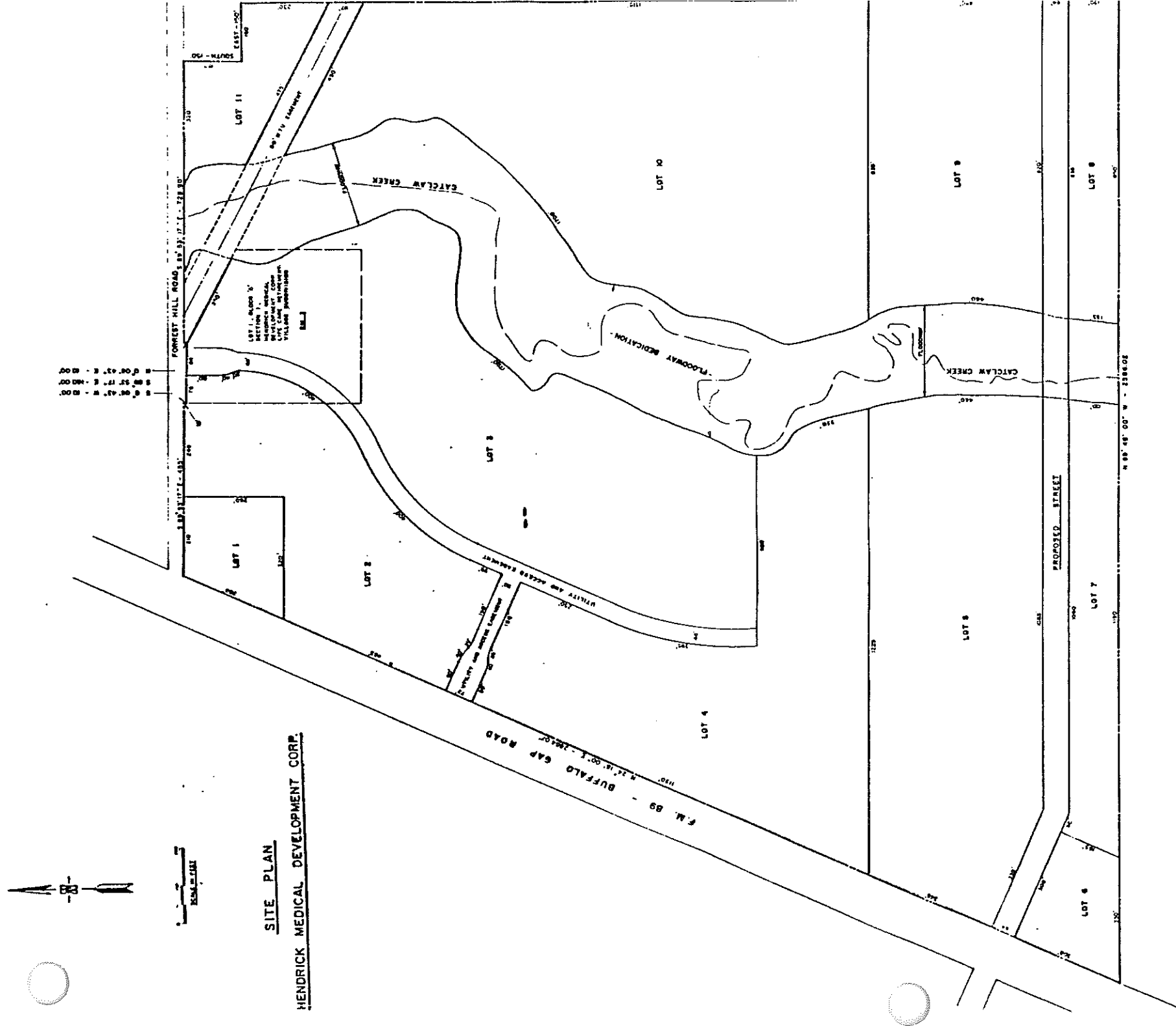
Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Residential Multi-Family (RM-3) zoning classification. In addition, freestanding ground signs identifying individual residential clusters may also be allowed, provided they do not exceed 42 inches in height, do not extend into any visibility triangle created by private or public streets and drives, and are a minimum of 15 feet from the back of any curb or edge of pavement.

ORDINANCE NO. 2-1986
EXHIBIT A

TRACT 11

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Residential Multi-Family (RM-3) zoning classification. In addition, freestanding ground signs identifying individual residential clusters may also be allowed, provided they do not exceed 42 inches in height, do not extend into any visibility triangle created by private or public streets and drives, and are a minimum of 15 feet from the back of any curb or edge of pavement.

ORDINANCE NO. 2-1986
EXHIBIT B



SITE PLAN
HENDRICK MEDICAL DEVELOPMENT CORP.