

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, ZONING, OF THE ABILENE MUNICIPAL CODE, CONCERNING JUDGE ELY BLVD. PDMX 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 10th day of April,

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 8th day of April, 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 24th day of April, 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 24th day of April,

April, A.D. 19 86.

ATTEST:

Patricia Patten  
CITY SECRETARY

David Stubbeman  
MAYOR

APPROVED:

Kenny Cayell  
CITY ATTORNEY

ORDINANCE NO. 23-1986  
EXHIBIT "A"

Legal Description:

Tract 1:

BEING 9.64 Ac. of land out of a 28.9 Ac. tract out of the North 40 Ac. of the SW $\frac{1}{4}$  of Sec. 38 Blind Asylum Lands, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a point for the NE corner of this tract being the NE corner of said 28.9 Ac. tract being on the South line of a 159.9' WTU ROW and on the West line of a 100.0' WTU ROW whence the NW corner of said SW $\frac{1}{4}$  of section 38, bears N89°24'W 2563.0'.

THENCE South 673.0' along the East line of this tract and of the said 28.9 ac. tract being the West line of the said 100.0' WTU ROW to a point for the SE corner of this tract.

THENCE N89°24'W 624.0' along the South line of this tract to a point for the SW corner of this tract.

THENCE North 673.0' to a point on the North line of said 28.9 ac. tract and the South line of said 159.9' WTU ROW for the NW corner of this tract.

THENCE S89°24'E 624.0' to the point of beginning and containing 9.64 Ac. of land.

Tract 2:

BEING 19.31 Ac. of land out of a 28.9 Ac. tract out of the north 40 Ac. of the SW $\frac{1}{4}$  of Sec. 38, Blind Asylum Lands, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a point on the East ROW line of Judge Ely Blvd. (100' ROW) on the NBL of said SW $\frac{1}{4}$  of Sec. 38, said beginning point being the NW corner of this tract also being on the South line of a 159.9' WTU ROW, whence the NW corner of the SW $\frac{1}{4}$  of Sec. 38 bears N89°24'W 689.0'

THENCE S89°24'E 1250.0' along the North line of this tract and of the original 28.9 Ac. tract, also being the South line of said WTU ROW to a point for the NE corner of this tract.

THENCE South 673.0' to a point on the South line of the said 28.9 Ac. tract for the SE corner of this tract being the North line of Judge Ely North Add.

THENCE N89°24'W 1250.0' along the South line of said 28.9 Ac. tract and the North line of said Judge Ely North Add. to a point on the East ROW of Judge Ely Blvd. for the SW corner of this tract.

THENCE North 673.0' along Judge Ely Blvd. to the place of beginning and containing 19.31 Ac. of land.

Name. This PDMX district shall hereafter be known and referred to as the "Judge Ely Blvd. PDMX" district.

Purpose. The purpose of the Judge Ely Blvd. Planned Development Mixed Use district is to integrate development of facilities for shopping center and residential multi-family activity. District regulations in the following Specific Modifications are designed to achieve the following:

- A. designate particular areas within the district for appropriate selected activities, and
- B. integrate the scale of building development in the district with less intensive surrounding use to the north, east and west, as well as with relatively intensive commercial use existing to the south.

Specific Modifications.

A. The following regulations shall govern the use and development of the Planned Development Mixed Use district, for each of the Tracts indicated on the site plan (attached as Exhibit "B") and as set forth below:

Tract 1

Use and development of land shall be subject to regulations applicable to the Residential Multi-Family (RM-2) zoning classification.

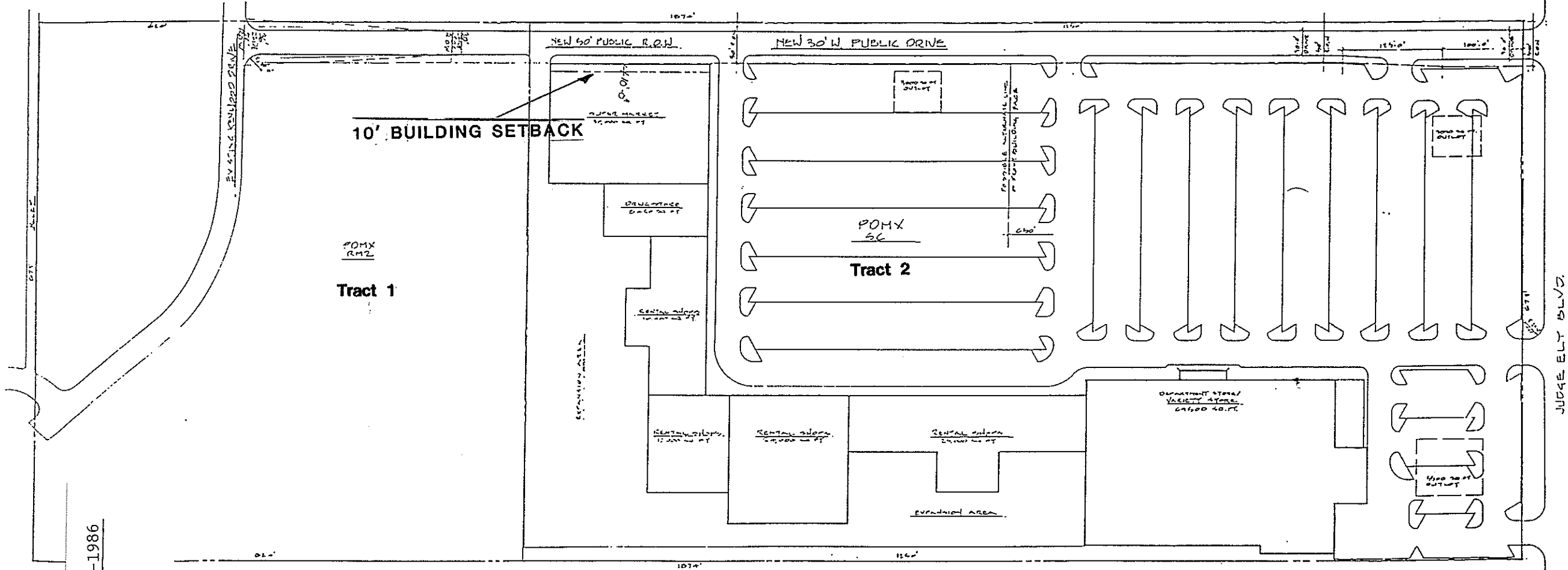
Tract 2

Except as otherwise specified below, use and development of land shall be subject to regulations applicable to the Shopping Center (SC) zoning classification. Furthermore, location of buildings, driveways, and other physical features, shall be guided by the site plan attached as Exhibit B.

- 1. A 7-foot high solid opaque fence of wood or masonry construction shall be placed along the eastern boundary line of Tract 2 at the time development is proposed on Tract 1.
- 2. Mechanical and refuse disposal equipment not screened from view by buildings shall be effectively screened by fencing, landscaping, or other similar means.
- 3. Building density shall be subject to a floor area to lot area ratio of 1:1.
- 4. Only one shopping center identification sign shall be permitted on the site and shall not exceed a height of 30-feet nor an area of 200 square feet. No other free-standing signs shall be permitted.
- 5. Wall signs shall be permitted, provided that the said sign(s) occupy 25% or less of the wall on which they are located. Portable type signs shall be prohibited.
- 6. All principal structures shall be set back from Judge Ely Boulevard 30 feet and from the new east-west street 10 feet and shall be set back a minimum of 15 feet from all other existing and future lot boundaries.
- 7. Maximum heights of buildings shall be 24 feet, excluding architectural exceptions specified by the Zoning Ordinance.
- 8. Accessory structures shall be permitted in compliance with standard accessory structure provisions of the Zoning Ordinance.

9. Unless some specific use may be identified (for which parking demand may be more specifically measured), area for off-street automobile parking and maneuvering shall be provided at a ratio of 1 space/222 square feet of gross floor area for unspecified retail trade and 1 space/300 square feet of gross floor area devoted to variety store retail trade. Grocery store parking shall be at a 1/200 square feet ratio, and drug store at 1/400 square feet floor area. Fast food restaurant parking is at 1 space per 75 square feet floor area (10 minimum).
10. Off-street loading spaces shall be required for buildings with a minimum gross floor area of 10,000 square feet. Additional loading spaces shall be required for each additional 20,000 square feet, or major fraction thereof.
11. A landscaped area 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.
- B. A public street shall be constructed and dedicated within the district connecting Judge Ely Boulevard with Kenwood Drive. Said street shall consist of at least fifty (50) feet of right-of-way and thirty (30) feet of paving surface, measured from face of curb to face of curb. The street shall be indicated on the subdivision plat to be approved prior to development of the subject property. Construction shall occur according to the specifications and standards of the City of Abilene.
- C. Subdivision and Platting. Except as otherwise specified herein and on the attached site plan, land within this PDMX district shall be resubdivided according to the City of Abilene's Subdivision Regulations in effect at the time of resubdivision. Amendment of this 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 tracts represented on the attached site plan, unless such regulations are modified by amendment to this ordinance.

ORDINANCE NO. 23-1986  
 EXHIBIT "B"



UTILITY EASEMENT

TABULATIONS

TOTAL SITE	18,000 sq. ft.
POMX SC	11,872 sq. ft.
POMX R2E	2,128 sq. ft.
RIGHT DEDICATED PUBLIC	1,000 sq. ft.
RIGHT OF WAY	1,000 sq. ft.
TOTAL BUILDING CONSTRUCTION	100,000 sq. ft.
OUTLOTS	11,500 sq. ft.
CUSTOMER PARKING	1,000 spaces
EMPLOYEE PARKING	100 spaces

SITE PLAN  
 SCALE 1/8" = 1'-0"

North

Rev. 4-10-86  
 Rev. 4-9-86  
 DATE: 6-20-86  
 JOB NO. 80010

**CONNOR TRACT**

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 Project No. 80010

JUDGE ELY BLVD.