

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-69 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 10 day of August A.D. 2000.

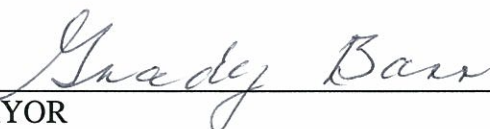
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 6 day of August, 1900, the same being 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 24 day of August, 2000, 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 24 day of August, A.D. 2000.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

ORDINANCE NO. 36-2000

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 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 Mixed Use District and are hereby incorporated by reference and included as part of this ordinance.

All use and development within the Planned Development Mixed Use 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 Mixed Use 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 SC, LC and AO (Shopping Center, Limited Commercial and 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 P.D.D. is as follows:

1.307 acres out of the southern part of Lot 203, Block A, a replat of part of Lot 101 and Lot 102, Block A, Section 1, Hunter's Creek Addition, Abilene, Taylor County, Texas; filed for record June 17, 1998, Taylor County Clerk File Number 10625;

Lot 1, Block A, Mindy Morris Subdivision, Abilene, Taylor County, Texas; filed for record May 27, 1993, Taylor County Clerk File Number 8686;

All of 0.57 of an acre tract out of the North 5 acres of the Gooch 10 acre tract, located in the J. Smith Survey No. 99, Abilene, Taylor County, Texas, recorded in Official Public Records volume 2003, page 636; and

All of 5 acre tract out of the 10 acre tract out of the SWC of the 148 acre tract of the J. Smith Survey No. 99, Taylor County, Texas, recorded in Deed Records volume 828, page 695;

and being more particularly described as follows:

BEGINNING at a point on the East right of way line of Buffalo Gap Road (120 foot right of way), said point bears North 34 degrees 11 minutes 30 seconds East a distance of 227.12 feet from the Southwest corner of said Lot 203, Block "A", Hunter's Creek Addition;

THENCE South 55 degrees 48 minutes 30 seconds East a distance of 160.00 feet to a point for corner;

THENCE South 81 degrees 28 minutes 37 seconds East a distance of 106.44 feet to a point for corner;

THENCE South 89 degrees 56 minutes 49 East a distance of 200.00 feet to a point on the West line of a 20 foot Alley, for corner;

THENCE South 00 degrees 03 minutes 10 seconds West a distance of 82.51 feet to the Southeast corner of said Lot 203, Block "A", said point also being on the North line of said Lot 1, Block "A", Mindy Morris Subdivision, for corner;

THENCE South 89 degrees 56 minutes 49 seconds East along the North line of said Mindy Morris Subdivision, a distance of 404.75 feet to the Northeast corner of said Mindy Morris Subdivision;

THENCE South 00 degrees 28 minutes 10 seconds East at 185.02 feet pass the Southeast corner of said Mindy Morris Subdivision, same being the Northeast corner of said 5 acre tract, continuing on for a total distance of 391.92 feet to the Southeast corner of said 5 acre tract, for corner;

THENCE North 89 degrees 58 minutes 04 seconds West along the South line of said 5 acre tract, a distance of 1239.53 feet to a point on the East line of said Buffalo Gap Road, for corner;

THENCE North 34 degrees 11 minutes 30 seconds East along the East right of way line of said Buffalo Gap Road, at 251.90 feet pass the Southwest corner of said 0.57 of an acre tract, at 360.7 feet pass the Northwest corner of said 0.57 of an acre tract, at 474.04 feet pass the Southwest corner of said Lot 203, continuing on for a total distance of 701.16 feet to the place of beginning, containing 11.251 acres of land.

Location:

5300 block of Buffalo Gap Road

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for a limited number of commercial uses and provide development standards which make those uses compatible with the surrounding residential area.

PART 7: Specific Modifications. The following regulations shall govern the use and development of this Planned Development District:

A. Development of the site

The site shall be developed in compliance with the amended site plan (attached as Exhibit B) and the landscaping plan (attached as Exhibit C).

B. Permitted uses

Grocery Store with Gas Pumps
Restaurant, Standard
Offices

C. Height

Maximum height of structures: 30 feet and 1 story

D. Screening:

A solid screening wall or fence shall be located on the property as identified on Exhibit C. The fence shall be a minimum of eight (8) feet in height and made of brick.

E. No free standing signs shall be permitted.

F. Wall signs shall be permitted only on the front facade of any building. Wall signage shall not exceed twenty (20) percent of the surface area of the front facade.

G. The parking requirements shall be a minimum of one (1) space per two hundred (200) square feet of floor area.

H. Exterior lighting shall be designed to be directed away from residential areas and must comply with Section 23-316.9 of the Zoning Ordinance. Exterior lighting will be dimmed fifty (50) percent between 11:00 p.m. and 6:00 a.m.

- I. The area designated as "Undeveloped Land" on Exhibit B shall be maintained as landscaped area in accordance with the landscape plan. Weeds and grass in this area shall not be permitted to exceed six (6) inches in height.
- J. The vehicular aisle along the south side of the building shall be marked as a "no parking" area.
- K. The fuel dispensing facilities shall be located as shown on the approved site plan.
- L. A minimum twenty (20) foot landscape buffer shall be maintained in accordance with the approved site plan.
- M. Truck traffic shall be prohibited in the southernmost driveway and the south side of the building. An overhead barrier shall be installed in the southernmost driveway.

PART 8 Development Schedule. A building permit must be obtained for this project within twelve (12) months of approval by the City Council. If a permit is not obtained by that time, the Planning Director shall initiate rezoning of the property to the previous zoning classifications.