

ORDINANCE NO. 53-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-112 A 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 Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 25th day of September A.D. 2006.

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 16th day of March, 2006, 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 8:30 a.m., on the 12th day of October, 2006, 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 12th day of October, A.D. 2006.

ATTEST:

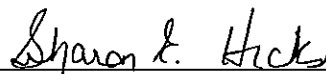


CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

ORDINANCE NO. 53-2006

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 possession of 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 any 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. 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 SC (Shopping Center) 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 PDD is as follows:

BEING 3.898 acres of land out the NW/4 of Section 25 of the Blind Asylum Lands, Abstract No. 1007, Abilene, Taylor County, Texas and also out of Lot 1, Block F, Section 1, Quail Valley Northeast Addition to the City of Abilene, Taylor County, Texas per plat thereof recorded in Cabinet 1, Slide 424 of the Plat Records of said Taylor County, Texas. Said 3.898 acre tract is more particularly described in metes in bounds as follows:

BEGINNING at a point in the Northeast line of said Lot 1 and in the Southwest line of Lot 30 of said Block F whence a ½ inch iron rod found at the Southwesterly corner of said Lot 30 bears N29°10'34"W 1.12 feet, a ½ inch iron rod found in the Northwesterly right-of-way line of State Highway 351 and at the most Easterly corner of said Lot 1, Block F bears S29°10'34"E 58.82 feet and from said ½ inch iron rod in said right-of-way line a concrete right-of-way monument found in said right-of-way line at the Southeasterly end of the clipped corner at the Northeast corner of the intersection of said Highway 351 and East Lake Road bears S60°52'43"W 1651.59 feet;

THENCE S60°52'43"W 300.00 feet along a line which is parallel to and 160.00 feet at right angles in a Northwesterly direction from said Northwesterly right-of-way line;

THENCE N29°10'34"W 58.62 feet to the beginning of a curve to the left which has a radius of 1100.00 feet, a delta angle of 23°15'09", and a long chord with a bearing and distance of N40°47'07"W 443.36 feet;

THENCE along the arc of said curve to the left a distance of 446.41 feet to the end of said curve to the left;

THENCE N37°35'17"E 300.00 feet to a point in said Northeasterly line of said Lot 1, Block F and the Southwesterly line of Lot 19 of said Block F, said point is the beginning of a curve to the right with radius of 1400.00 feet, delta angle of 23°15'09" and a long chord with a bearing and distance of S40°47'07"E 564.26 feet;

THENCE along the arc of said curve, being the Northerly line of said Lot 1, Block F, a distance of 568.17 feet to the end of said curve to the right;

THENCE S29°10'34"E, continuing along said Northerly line of said Lot 1, Block F a distance of 58.82 feet to the point of beginning and containing 3.898 acres of land.

The bearings recorded hereon are referenced to the North American Datum of 1983, Texas North Central Zone. The distances hereon are surface and can be converted to grid by multiplying each distance by the combined scale factor of 0.9998464.

This date, September 4, the foregoing field note description was prepared from a survey completed in December, 2005.

Mark T. Brown, R.P.L.S. No. 4247

Location:

PART 6: Purpose. The purpose of the Planned Development District (PDD) request is to allow for mix of commercial and residential development: and related activities of a tract, which generally has not developed under present zoning and development procedures.

PART 7: Specific Modifications. The following regulations and the attached concept plan (Exhibit B) shall govern the use and development of this Planned Development District.

I. PERMITTED USES:

- A. Uses permitted in the Shopping Center district (See Exhibit C) and Self-storage units with the following provisions:

II. SITE DEVELOPMENT

A. Minimum Building Setbacks:

- 1) 15' along all roads with only landscaping between building and street, otherwise 25'.
- 2) 15' along all other exterior PDD boundaries
- 3) 0' for all internal parcels

B. Maximum Structure Height:

- 1) 35 feet and no more than 2 stories

C. Controlled ingress and egress:

- 1) Maximum of two (2) driveways (curb cuts) off of local streets

D. Building Materials:

- 1) Any facade which is visible and facing a public right-of-way shall be limited to glass, EIFS, stucco, stucco like finishes, decorative block, or other similar materials.
- 2) A minimum of 20% of the exterior walls of all structures that are visible and facing a public right-of-way shall be composed of brick, stone, or similar materials.
- 3) No metal paneling shall be allowed on facades that are visible and facing a public right-of-way.

E. Off-street parking and Circulation:

- 1) All parking areas shall comply with the provisions specified in the Zoning Ordinance.
- 2) Internal circulation of vehicular and pedestrian traffic shall be required between parcels except for self-storage units that are surrounded by security fencing.

F. Signage:

- 1) Signage within the PDD must comply with the requirements of the City's Sign Ordinance, except as modified by the following:
- 2) Freestanding:
 - (a) One pole sign with a maximum height of 35' and a maximum area of 100 square feet.
 - (b) One monument sign for each parcel with a maximum height of 6' and a maximum area of 60 square feet.
- 3) Wall signs:
 - (a) Wall signage may not exceed 10% of the area of any wall on which the signs are located.
 - (b) Wall signage may only be attached to the main structure.
- 4) Banners
 - (a) Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.

- 5) Prohibited signs
 - (a) Portable signs
 - (b) Off-site advertising
 - (c) Streamers, pennants, balloons, and similar devices
 - (d) Temporary signs and freestanding banners, except for a "grand opening" event within 30 days of the issuance of a Certificate of Occupancy.

G. Landscaping and buffers:

- 1) Landscaping in the PDD must comply with the requirements of the City's Landscaping Ordinance, but in no case shall be less than the following.
 - (a) A minimum of a 10-foot wide landscaped area shall be provided along all roads and the eastern PDD boundary. The landscaped areas shall be located entirely on private property.
 - (b) Landscaping within the required 10-foot wide strip must consist of living materials, except for sidewalks, paths, or driveway crossings, and shall include at least 1 tree and 2 shrubs per 40 linear feet of frontage.
 - (c) The eastern boundary shall include an evergreen tree every 20 feet with a mature height of 20 feet.
 - (d) Xeriscape principles shall be utilized.
 - (e) All parkways shall be landscaped, excluding sidewalks, paths, or driveway crossings.
 - (f) A Landscaping Plan must be submitted in conjunction with a Site Plan.

H. Screening and Fencing:

- 1) Fencing within a street yard setback shall be limited to wrought iron, or similar in appearance, and/or masonry construction. All other fencing must be constructed of wrought iron, or similar, masonry, wood, or vinyl-coated chain link or similar materials.
- 2) Facilities for power, air conditioning, mechanical equipment, and solid waste handling shall be screened from view of publicly accessible areas by an opaque wall or fence at least six (6) feet in height.
- 3) All vehicles which are being stored must be completely screened from adjacent residential areas and from visible and facing rights-of-way.

I. Sidewalks:

- 1) All development must comply with the Sidewalk Master Plan.

J. Outdoor Storage and Display:

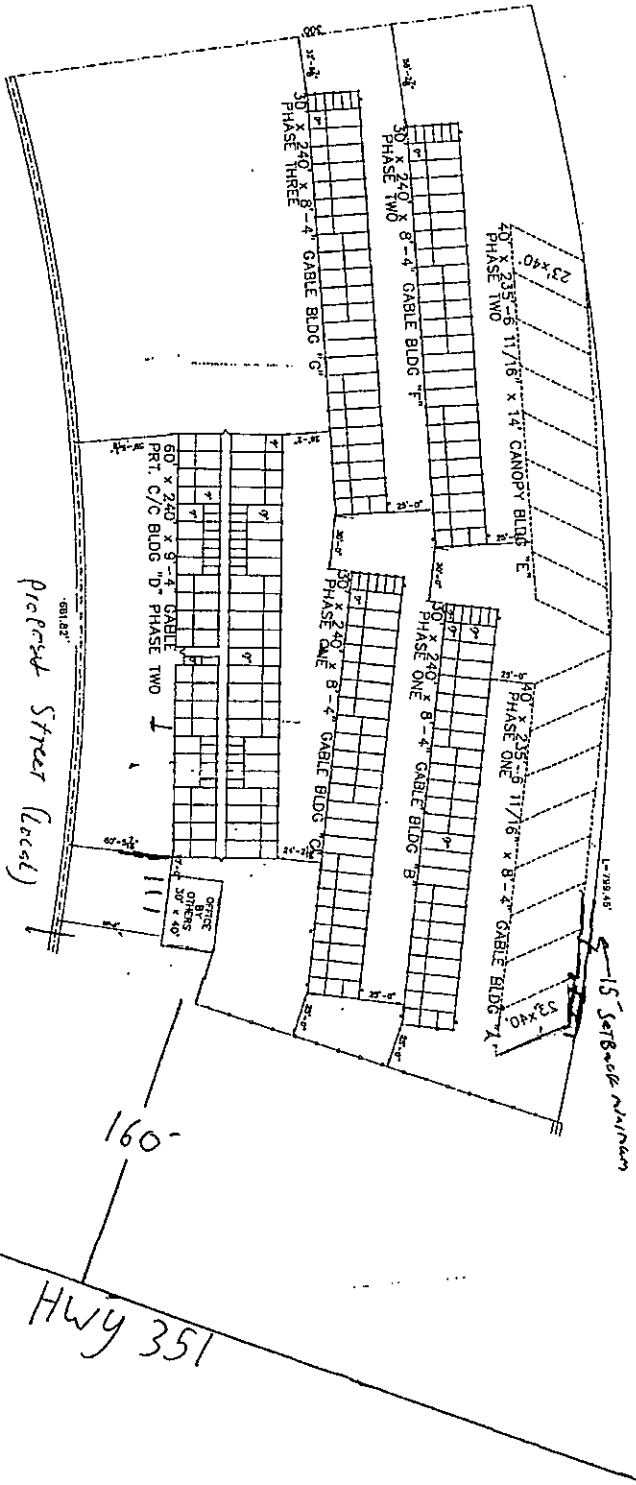
- 1) Outdoor display of merchandise is prohibited.
- 2) Outdoor storage is prohibited.
- 3) Freight containers are prohibited

K. Lighting:

- 1) All site lighting shall comply with the performance standards governing exterior illumination in the City of Abilene Zoning Ordinance. Additionally, all lighting shall be fully shielded and directed away from residential areas.

PART 10: Development Schedule. If a building permit is not approved within 18 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD to the previous zoning designation.

Exhibit "B"



UNIT MIX PHASE-1

UNIT SIZE	# UNITS	SQ. FEET
5' x 10'	11	500
10' x 10'	34	3400
10' x 15'	20	3000
10' x 20'	28	5600
10' x 30'	6	1800
23' x 40'	9	7560
TOTAL	108	21760

UNIT MIX PHASE-2

UNIT SIZE	# UNITS	SQ. FEET	COL. CENTER
5' x 10'	6	300	N
10' x 10'	50	5000	N
10' x 15'	17	2550	N
10' x 20'	16	3200	N
10' x 30'	21	6300	N
10' x 20'	17	3400	N
10' x 30'	3	900	N
23' x 40'	8	6720	N
TOTAL	168	27810	

UNIT MIX PHASE-3

UNIT SIZE	# UNITS	SQ. FEET
5' x 10'	8	400
10' x 10'	17	1700
10' x 15'	14	2100
10' x 20'	3	600
10' x 30'	3	900
TOTAL	50	7600

TOTAL UNIT MIX

UNIT SIZE	# UNITS	SQ. FEET	COL. CENTER
5' x 10'	25	1250	N
10' x 10'	107	10700	N
10' x 15'	47	7050	N
10' x 20'	41	8200	N
10' x 30'	34	10200	N
23' x 40'	17	14280	N
TOTAL	368	43680	

NOTICE:
 THE DRAWING IS PREPARED BY THE ARCHITECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE STORAGE SYSTEM AS SHOWN ON THIS DRAWING. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY ANY OTHER PARTY. PLEASE REFER TO THE INFORMATION SHEET FOR FURTHER DETAILS.

PROPOSED MINI-STORAGE SYSTEM for:
ANDY STANTON
ABILENE, TX

DATE: 2/1/00

SITE PLAN

SCALE: 1" = 30'

DATE: 2/1/00

BY: [Signature]



TRACTE BUILDING SYSTEMS, Inc.
 One building and an acre
 located in the southern property of
 Tracte Building Systems, Inc., 274
 Wilson Road, San Diego, California
 (602) 534-5621 (local 602/211-7899)
 who may not be licensed in other
 or past states within the jurisdiction.

DATE	BY	REVISION
2/1/00	[Signature]	1
2/1/00	[Signature]	2
2/1/00	[Signature]	3
2/1/00	[Signature]	4
2/1/00	[Signature]	5
2/1/00	[Signature]	6
2/1/00	[Signature]	7
2/1/00	[Signature]	8
2/1/00	[Signature]	9
2/1/00	[Signature]	10

Exhibit "C"

SC – SHOPPING CENTER DISTRICT

RESIDENTIAL USES:

- X Multi-Family Dwellings
- C Patio Homes
- X Single Family Detached Dwellings
- C Townhouses

ACCESSORY AND INCIDENTAL USES:

- C Accessory Building
- C Fences, Walls and Hedges
- C-TP Field Office or Construction Office (temporary)
- C-TP Mobile Home (temporary security residence)
- C Recreation Equipment, Mobile (storage and parking)
- X Satellite Dish Antenna
- C Swimming Pools, Private (accessory to residential use)
- C Tennis Courts, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

- C-TP Amusement Facility (temporary)
- X Arcade, for Games
- X Art Galleries
- X Bowling Lanes
- X Civic, Social, and Fraternal Organizations
- X Libraries
- X Museums
- X Park and/or Playground
- X Pool or Billiard Halls
- X Skating Rink
- X Theaters and Playhouses (See also Drive-In Movies)

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- X Fire Station
- X Governmental Administrative Offices
- X Medical and Dental Clinic or Office
- X Medical and Dental Laboratory
- X Optical Shop
- X Police Station
- X Post Office
- X Social Service Organization Offices
- X Surgical Center

EDUCATIONAL AND RELIGIOUS USES:

- X Business School

Exhibit "C"

- C Church or Place of Worship
- C Kindergarten or Child Care Center
- X Youth Organizations and Centers (i.e. Boy Scouts, YMCA, YWCA)

OFFICE-TYPE USES:

- X Accounting, Auditing, Tax and Bookkeeping Services
- X Adjustment and Collection Services
- X Advertising Services
- X Appraisal Services
- X Architectural and Planning Services
- X Business Associations
- X Consumer and Mercantile Credit Reporting Services
- X Detective Services
- X Employment Services
- X Engineering Services
- X Educational and Scientific Research Offices
- X Government Administration Offices
- X Insurance Agents, Carriers, and Brokers
- X Legal Services
- X Medical or Dental Office or Clinic
- X Office Space (general/unspecified)
- X Protective and Security Services
- X Real Estate Agent, Brokers, and Management
- X Security and Commodity Brokers, Dealers, and Exchanges
- X Social Service Organization Office
- X Stenographic, Duplicating and Mailing Services
- X Telephone Answering
- X Title Abstractors

SERVICES (OTHER THAN OFFICE-TYPE):

- X Automobile Wash
- X Banking Services
- X Banking Services (remote automatic)
- X Beauty and Barber Services
- X Blueprinting and Photocopying Services
- X Credit Unions
- X Financing and Loan Services
- X Health Club or Physical Fitness Services
- X Interior Decorating Services
- X Key and Lock Repair
- X Laundry and Dry Cleaning (self-service)
- X Laundry and Dry Cleaning Services, Including Pressing, Alteration and Garment Repair (does not accept items from pick-up stations)
- X Photographic Services
- X Savings and Loan Associations
- X Shoe Repair, Shoe Shining and Hat Cleaning Services

Exhibit "C"

- C Church or Place of Worship
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- X Photographic Services
- X Savings and Loan Associations
- X Shoe Repair, Shoe Shining and Hat Cleaning Services

Exhibit "C"

- X Tailoring (custom)
- X Trading Stamp Services
- X Travel Arranging and Ticket Services
- C-SE Veterinary Service (small animals)
- X Watch, Clock and Jewelry Repair Service

TRADE-RETAIL USES:

- X Antiques
- X Appliances (household)
- X Automobile Parts and Supplies (including tires)
- C-SE Bait Store and Live Bait Sales
- X Bakery Products (on premise sales)
- X Bicycles (includes servicing)
- X Book and Stationery
- X Cameras and Photographic Supplies
- X China, Glassware, and Metalware
- X Christmas Trees
- X Clothing and Apparel Accessories
- X Coins and Stamps
- X Dairy Products (on-premise sales)
- X Department Stores
- X Drug Store/Pharmacy
- C Farm Products (open-air)
- X Floor Coverings
- X Furniture and Home Furnishings
- X Furriers and Fur Apparel
- C Gasoline
- C Gasoline (with and including automobile service)
- X Gifts, Novelties, Souvenirs
- X Grocery Store (convenience type)
- X Grocery Store (supermarket)
- X Hardware
- X Hobby and Craft Supplies
- X Jewelry
- X Keys and Locks
- C Liquor Store On-Premise Consumption
- C-SE Liquor Store Off-Premise Consumption (unrestricted)
- C Liquor Store Off-Premise Consumption (beer/wine)
- X Meats and Fish
- X Music Supplies and/or Records
- X Newspapers and Magazines
- X Office Supplies and Equipment
- X Optical Goods
- X Paint, Glass, and Wallpaper
- X Pets and Pet Supplies
- X Plant Material (flowers and household plants)

Exhibit "C"

- X Radios and Televisions
- X Restaurants, Standard
- X Restaurants, Drive-In and Fast Food
- X Shoes
- X Shopping Centers
- X Sporting Goods and Athletic Equipment
- X Tobacco Products
- X Variety Stores

TRANSPORTATION, COMMUNICATION AND UTILITIES

USES:

- X Automobile Parking Lot or Structure (commercial)
- SE Electric Substations
- X Gas Line Regulating or Compression Station
- X Radio Studios (without broadcast tower)
- X Sewage Pressure Control Stations and Lift Stations
- X Water Pressure Control Stations
- X Water Storage

- * LEGEND
- X Permitted as a Right-of-Use
 - SE Permitted by Special Exception Only, Requiring Approval by Board of Adjustment.
 - C Permitted Subject to Compliance with Conditions Described within Section 23-306.5 of Zoning Ordinance.
 - TP Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment.