

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-119 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 23rd day of August A.D. 2007.

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 18th day of July, 2007, 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 13th day of September, 2007, 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.

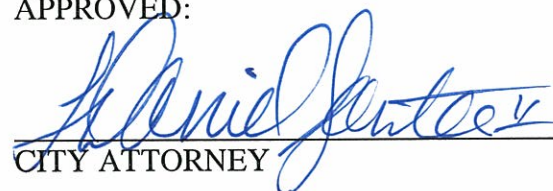
PASSED ON SECOND AND FINAL READING THIS 13th day of September, A.D. 2007.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO.

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 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. Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space) District to PDD (Planned Development District).

The Planning Director 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:

Tract 1: BEING a 1.50 acre tract out of the Southeast quarter of Section 40 and the Southwest quarter of Section 41, Blind Asylum Land, Abstract Nos. 1641 and 1642, City of Abilene, Taylor County, Texas and further being out of a 22.93 acre tract which is the same property conveyed to Mark and Karen McKenna by deed dated January 29, 2004 recorded in Volume 2925, Page 890 of the Official Public Records of Taylor County, Texas. Said 1.50 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with cap stamped "J & M 4247" set and replacing a bent 1/2 inch iron rod found in the Southwesterly right-of-way line of U.S. Interstate Highway 20 and the North right-of-way line of Newman Road, at the Southeast corner of said 22.93 acre tract and from which a nail found for the Southeast corner of said Section 40 bears N89°58'20"W 284.22 feet and South 19.93 feet;

THENCE N89°58'42"W 412.38 feet along said North right-of-way line of Newman Road and the South line of said 22.93 acre tract to a point;

THENCE N00°01'18"E 316.90 feet to a point in said southwesterly right-of-way line of U.S. Interstate Highway 20 and the northeasterly line of said 22.93 acre tract;

THENCE S52°26'16"E 520.08 feet along said Southwest right-of-way line to the **POINT OF BEGINNING**,

Tract 2: BEING a 2.50 acre tract out of the Southeast quarter of Section 40, Blind Asylum Land, Abstract No. 1641, City of Abilene, Taylor County, Texas and further being out of a 22.93 acre tract which is the same property conveyed to Mark and Karen McKenna by deed dated January 29, 2004 recorded in Volume 2925, Page 890 of the Official Public Records of Taylor County, Texas. Said 2.50 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found in the southwesterly right-of-way line of U.S. Interstate Highway 20, at the Northwest corner of said 22.93 acre tract and the Northeast corner of a 64.10 acre tract described in a deed recorded in Volume 365, Page 414 of the Deed Records of said Taylor County, Texas and from which a nail found at the Southeast corner of said Section 40 bears East 1336.97 feet and South 1237.74 feet;

THENCE S52°19'48"E 250.58 feet along said southwesterly right-of-way line of U.S. Interstate Highway 20 and the northeasterly line of said 22.93 acre tract to a 1/2 inch iron rod found at an angle point in said right-of-way line;

THENCE S56°52'31"E 443.84 feet along said right-of-way line and said northeasterly line of said 22.93 acre tract to a point;

THENCE N89°38'06"W 567.52 feet to a point in the West line of said 22.93 acre tract and the East line of said 64.10 acre tract;

THENCE N00°21'55"W 399.30 feet to the **POINT OF BEGINNING**,

Tract 3: BEING approximately 18.93 acres out of a 22.93 acre tract out of the Southeast ¼ Section 40 and the Southwest ¼ Section 41, Blind Asylum Land, Taylor County, Texas being the same tract described as 22.93 acres conveyed to Mark and Karen McKenna by deed dated January 29, 2004 recorded in Volume 2925, Page 890 of the Official Public Records of Taylor County, Texas. Said 22.93 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at a ½" iron rod with cap stamped "J & M 4247" set and replacing a bent ½ inch iron rod found at the Southeast corner of said 22.93 acres from whence a nail found for the Southeast corner Section 40 of said survey bears N89°58'20"W, 284.22 feet and South 19.93 feet; said beginning point being at the intersection of the Southwest right-of-way of Interstate Highway 20 and the North right-of-way line of Newman Road;

THENCE: N89°58'42"W 1630.10 along said North right-of-way line of Newman Road 1630.10 feet to a capped 1/2" iron rod set and replacing a 5/8 inch iron rod found bent at the Southwest corner of said 22.93 acre tract same being the Southeast corner of a 64.10 acre tract recorded in Volume 365, Page 414 of the Deed Records of Taylor County, Texas;

THENCE: N00°21'55"W 1199.64 generally along a fence, also along the West line of said 22.93 acre tract and the East line of said 64.10 acres to a ½ inch iron rod found at a fence corner and in said Southwest right-of-way line of Interstate Highway 20 for the Northwest corner of said 22.93 acre tract and the Northeast corner of said 64.10 acres;

THENCE: S52°19'48"E 250.58 feet along said Southwest right-of-way line and fence to a ½" iron rod found for corner;

THENCE: S56°52'31"E 613.48 feet along said Southwest right-of-way line and fence to a 3/8 inch iron rod found against a wood fence post for corner;

THENCE: S52°26'16"E 1167.70 feet along said Southwest right-of-way line and fence to the point of beginning and containing 22.93 acres of land, more or less.

Less Tracts 1 and 2 as defined above.

Location:

4034 Newman Rd.

PART 6: Purpose. The Planned Development District is designed to promote, through unified planning and development, more efficient land use, more sensitive treatment of natural features, harmonious integration of diverse activities, creative urban design, and the protection of the existing historic environment.

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

- A. The PDD shall be developed in accordance with standards applicable in the LI district, except as modified below.
- B. Permitted Uses (except as modified below in this PDD)
 - (1) Tracts 1 and 2: Uses permitted in Light Industrial (LI).
 - (2) Tract 3: Uses permitted in Agricultural Open Space (AO).
- C. Setbacks
 - (1) The following setbacks shall apply to all structures as well as any paved surfaces, except for paved sidewalks, driveways, and approaches.
 - (2) Property line adjacent to Newman Rd.: 30 feet
 - (3) Property line adjacent to I-20 (East Stamford St.): 30 feet
 - (4) Interior Sides: 20 feet
 - (5) Any structure to be located on the property shall also conform to setback regulations set by Texas Department of Transportation.
- D. Aesthetic Requirements

This PDD is located within the City of Abilene's eastern gateway. Aesthetic enhancements to the site shall be of central importance to this PDD, for both permitted and future uses of the site. Development within this PDD shall include the following improvements for the overall appearance, image, and beautification of the eastern gateway:

 - (1) Landscaping

Landscaping must comply with the requirements of the City's landscaping standards.
 - (2) Signage
 - (a) Freestanding signs: In order to promote an image in the gateway reflecting order and high-quality development, one (1) monument sign with a masonry base is permitted for each tract (as identified by part 5, Legal Description). Each sign shall not exceed 14 feet in width, nor 18 feet in height, nor a maximum square footage of 252 square feet per side. The sign shall be located at least 40 feet from the edge of the travel lane of Stamford.
 - (b) Wall signs: Wall signage may not exceed 10% of the area of any wall on which the signs are located and may only be attached to the principal structure.
 - (c) Portable signs are prohibited.
 - (d) Banners: Banners shall only be located flat against the face of a building and shall count toward the maximum allowable wall signage.

(3) Architectural Standards

In order to ensure a high-quality, attractive appearance from the I-20 corridor, the façade of any structure facing Interstate 20, not including glass and doors, shall consist of brick, natural stone, concrete, or masonry.

(4) Fencing

Barbed wire, razor wire, or similar fencing materials shall be prohibited within the required setback from the I-20 frontage, except barbed wire fencing located on Tract 3.

(5) Site Plan

The aesthetic requirements described above delineate general standards for development. The final details of the requirements and design for development on these tracts shall be negotiated between the developer and City staff during the site plan review process. In the event that the parties are unable to agree upon these details, the developer may file an application to amend this PDD to resolve the outstanding issues. All aesthetic improvements shall be properly maintained, repaired, restored or replaced, whichever may be necessary, to sustain the aesthetic integrity of the site.

F. Lighting

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.

G. Driveway Access

- (1) Driveways shall comply with the standards for access management of the City of Abilene or State of Texas, whichever is more restrictive, except that the following standards shall apply if they are more restrictive.
- (2) Driveway access on Newman Road shall be set back at least 250' from the intersection of Newman Road and East Stamford St.
- (3) Driveways on Newman Rd. shall be separated 180' from center-line to center-line.

H. Storage and Display

- (1) No outdoor storage of materials shall be permitted.
- (2) Storage of all vehicles, trucks, tractors, trailers or other equipment shall be located on paved surfaces only, and located to the side or rear of the building.
- (3) There shall be no storage of derelict, dilapidated, or inoperable vehicles, trucks, trailers, tractors, or other equipment on the property, except for temporary storage not to exceed fourteen (14) days and while pending repair.
- (4) Freight Containers shall be prohibited.

I. Parking and Loading

- (1) Parking between the front building façade and the frontage road of I-20 (East Stamford Street) shall be limited to cars, motorcycles, pickup trucks, vans, and light trucks which have only two (2) axles, which have a maximum box length of twenty-six (26) feet, and which are no more than twelve (12) feet in height.

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(2) Loading areas and loading docks shall only be permitted on the rear of the building, facing away from the right-of-way of Interstate 20.

PART 8: Development Schedule. If a subdivision plat for all or a portion of this PDD is not approved within 12 months of the date of this ordinance, the Planning Director may initiate rezoning of the PDD.

-END-