

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD #58 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 11 day of May A.D. 19 95.

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 5 day of March, 19 95, 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 25 day of May, 19 95, 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 25 day of May, A.D. 19 95.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

ORDINANCE NO. 25-1995

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. Site Plan is attached as Exhibit B, with two attachments.

Further, all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of this P.D.D. 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 AO, LI & GC (Agricultural Open Space, Light Industrial & General Commercial) 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:

TRACT 1

Being all of Lot 1, Block "A", Parkview Addition, Abilene, Taylor County, Texas as recorded in Cabinet No. 2, Slide 318-B, Plat Records, Taylor County, Texas and a 2.27 acres tract out of a 82.5 acre tract out of the Northwest Quarter of Section 51, Blind Asylum Lands, Abilene, Taylor County, Texas as recorded in Volume 1651, Page 48, Deed Records, Taylor County, Texas and being more particularly described as follows:

Beginning at the Northwest corner of said Section 51;

THENCE South 89 degrees 55 minutes 00 seconds East a distance of 225.06 feet to a 1/2" iron rod, set for corner;

THENCE North 0 degrees 05 minutes 00 seconds East a distance of 321.07 feet to a 5" iron post, in concrete, in the South right-of-way line of South 14th Street for corner;

THENCE North 89 degrees 03 minutes 43 seconds East along the South right-of-way line of said South 14th Street, a distance of 153.24 feet to a 5" iron post, in concrete, for a point of curve;

THENCE in the Southeasterly direction along a curve to the right, also along the South right-of-way line of said South 14th Street, said curve having a delta of 52 degrees 25 minutes 32 seconds, a radius of 173.38 feet, an arc length of 158.64 feet and a long chord that bears South 64 degrees 43 minutes 31 seconds East a distance of 153.16 feet to a 5" iron post, in concrete, for a point of tangency;

THENCE South 38 degrees 30 minutes 45 seconds East along the South right-of-way line of said South 14th Street, a distance of 245.81 feet to a 5" iron post, in concrete, for a point of curve;

THENCE in the Southeasterly direction along a curve to the right, also along the South right-of-way line of said South 14th Street, said curve having a delta of 51 degrees 24 minutes 15 seconds, a radius of 259.00 feet, an arc length of 232.37 feet and a long chord that bears South 64 degrees 12 minutes 53 seconds East a distance of 224.65 feet to a 1/2" iron rod, set for a point of tangency;

THENCE South 89 degrees 55 minutes 00 seconds East along the South right-of-way line of said South 14th Street (Berry Lane), a distance of 78.59 feet to a 5/8" iron rod, found at the intersection of the South right-of-way line of said South 14th Street (Berry Lane) and the West right-of-way line of Maple Street for corner;

THENCE South 20 degrees 18 minutes 10 seconds West along the West right-of-way line of said Maple Street, a distance of 2709.33 feet to a 1/2" iron rod, set in the West line of said Section 51, Blind Asylum Lands, for corner;

THENCE North 0 degrees 14 minutes 50 seconds West along the West line of said Section 51, Blind Asylum Lands, a distance of 2573.35 feet to the place of beginning, containing 31.043 acres of land.

TRACT 2

BEING all of a 47.56 acre tract out of a 82.5 acre tract out of the Northwest Quarter of Section 51, Blind Asylum Lands, Abilene, Taylor County, Texas and all of Tract 11, Lakeland Farms as recorded in Volume 1651, Page 48, Deed Records, Taylor County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod, found at the intersection of the South right-of-way line of Berry lane and the East right-of-way line of Maple Street, same being the Northwest corner of said 47.56 acre tract;

THENCE South 89 degrees 55 minutes 00 seconds East along the South right-of-way line of said Berry Lane, at 300.80 feet pass a 3/8" iron rod, found at the Northeast corner of said 47.56 acre tract, same being the Northwest corner of Tract 11, and continuing on for a total distance of 1015.72 feet to a 3/8" iron rod, found at the Northeast corner of said Tract 11;

THENCE South 0 degrees 02 minutes 27 seconds West along the East line of said Tract 11, a distance of 2608.70 feet to a 3/8" iron rod, found at the Southeast corner of said Tract 11, for corner;

THENCE South 89 degrees 58 minutes 30 seconds West along the South line of said Tract 11, at 691.36 feet pass the Southwest corner of said Tract 11, same being the Southeast corner of said 47.56 acre tract, and continuing on for a total distance of 1959.07 feet to a brass cap, in concrete, found at the intersection of the South line of said 47.56 acre tract and the East right-of-way line of Maple Street, for corner;

THENCE North 0 degrees 14 minutes 50 seconds West along the East right-of-way line of said Maple Street a distance of 55.55 feet to a 1/2" iron rod, set for corner;

THENCE North 20 degrees 18 minutes 10 seconds East along the East right-of-way line of said Maple Street a distance of 2724.76 feet to the place of beginning, containing 89.729 acres of land.

PART 6: Purpose. The purpose of the Berry/Maple Street Planned Development District request is to allow for development of a large tract which has not developed under present zoning and development procedures. The intention is to achieve the following:

- a. Create an environment which is visually and functionally compatible with adjacent land use.
- B. Promote economical and efficient land use, an improved level of amenities, appropriate variety in physical development, creative design, and a better urban environment.

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

- A. This PDD is as depicted on the attached sketch (Exhibit B) with attachments. It should be noted only two tracts, Tract 1 and Tract 2, are initially proposed for development. The remainder of the PDD area, the areas indicated as "Future Development", will be designated as Agricultural Open Space uses until appropriate submittal of the amendment of this PDD as pertains to land uses, design, and layout.
- B. Tract 1: The use of the land shall be restricted to permanent amusement facilities and related activities to include miniature golf course, go-cart track, batting cages, children play areas, parking and service areas and structures. Attachment 1 provides a general site plan for Tract 1.
- C. Tract 2: The use of the land shall be restricted to development of a water park with related activities and structures. Attachment 2 provides a general site plan for Tract 2.
- D. The development of Tract 1 and Tract 2 will require adherence to the appropriate land development and building codes of the City of Abilene.

PART 8: Schedule. If development of Tracts 1 and 2 are not initiated within two years, the Planning and Zoning Commission may recommend that the tracts and remainder of land zoned PDD be rezoned to its former status.

-END-

321.07 FT

8 AC WATER LINE

BERRY LANE

915.72 FT

FUTURE DEVELOPMENT

AO USES

SEWER

100 FT. BUILDING LINE

100 FT. BUILDING LINE

MAINTENANCE ACCESS ROAD

FUTURE DEVELOPMENT

AO USES

6 FT. FENCE

WATER PARK

TRACT 2

(ATTCHMENT 2)

PARKING

PICNIC AREA

PARKING

ENCLOSED PLAY AREA

FENCE

MINITURE GOLF
GO CART COURSE
BATTING CAGES

TRACT 1

(ATTCHMENT 1)

FENCE

FUTURE DEVELOPMENT

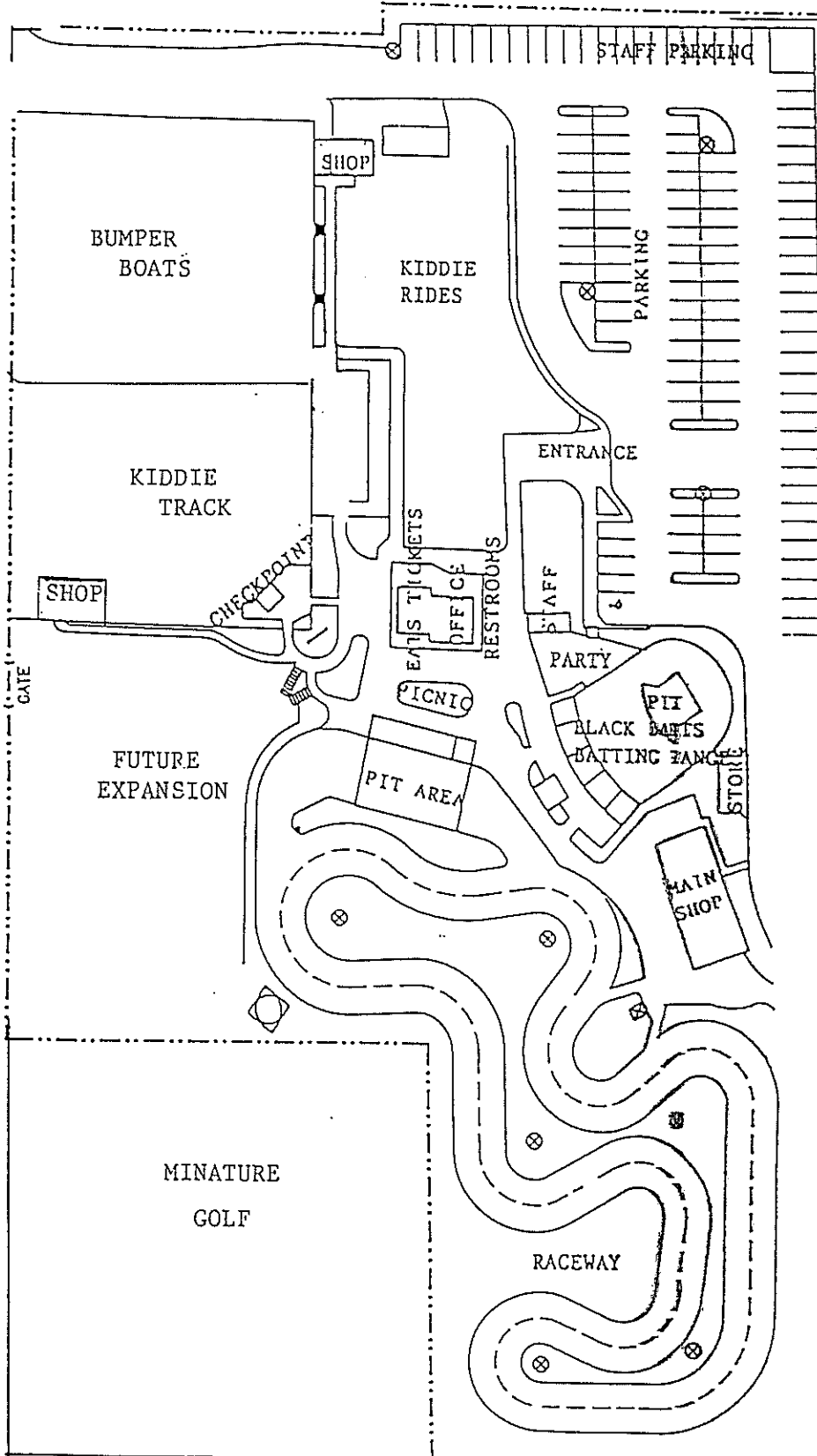
2473.35 FT

2615.42 FT

Maple Street

2608.70 FT

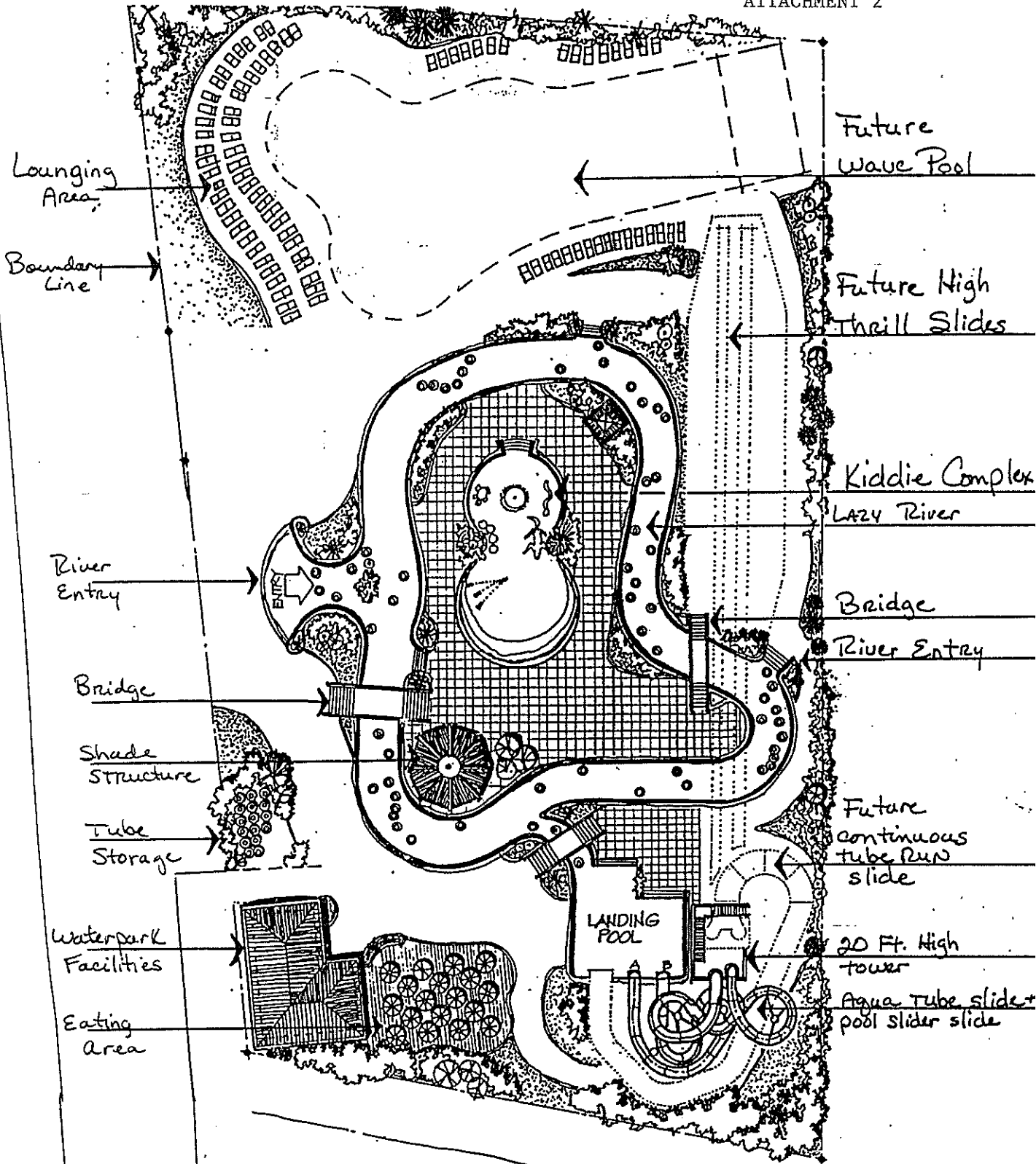
1859.07 FT



WATERPARK
PARKING

FORMULA
KART
TRACK

Maple Street



Waterpark Facilities

Eating Area

Landscaping

Parking

Future Wave Pool

Future High Thrill Slides

Kiddie Complex
Lazy River

Bridge

River Entry

Future continuous tube Run slide

20 Ft. High tower

Aqua Tube slider + pool slider slide

Lounging Area

Boundary Line

River Entry

Bridge

Shade Structure

Tube Storage

LANDING POOL