

ORDINANCE NO. 8-2011

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-135 A PLANNED DEVELOPMENT; 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 B, known as the Land Development Code 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 24th day of February A.D. 2011.

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 20th day of January, 2011, 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 5:30 p.m., on the 10th day of March, 2011, 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 10th day of March, A.D. 2011.

ATTEST:

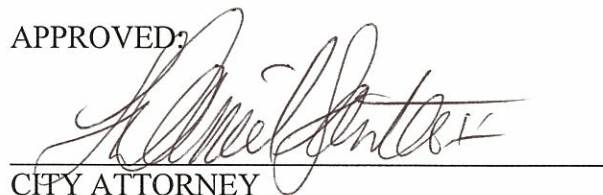


CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

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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 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, which are hereby incorporated by reference and included as part of this ordinance. All use and development within the Planned Development must be in compliance with the general Land Development Code of the City of Abilene except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in the herein said Planned Development shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Subpart B, Abilene Municipal Code, known as the Land Development Code of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From AO (Agricultural Open Space) and LI (Light Industrial) Districts to PD (Planned Development).

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 PD is as follows:

TRACT ONE:

BEING 34.0 acres out of an original 46.15 acre tract out of the Southeast 1/4 of Section 40, Blind Asylum Lands, Taylor County, Texas, and being more particularly described as follows:

BEGINNING at an iron pin found at the Northeast corner of said 46.15 acre tract, same being the Northeast corner of said South-east 1/4 of Section 40, Blind Asylum Lands;

THENCE S 0° 59' W 1430.0' along the EBL said 46.15 acre tract and the EBL said Section 40 to an iron pin found at the Northeast corner of a 2.0 acre tract;

THENCE N 89° 01' W 159.5' along the NBL said 2.0 acre tract to an iron pin found at the Northwest corner said 2.0 acre tract;

THENCE S 0° 59' W 486.1' along the WBL said 2.0 acre tract to an iron pin found at the Southwest corner said 2.0 acre tract on the NBL of Interstate Hwy. 20;

THENCE in a northwesterly direction along the NBL of said Interstate Hwy. 20 to concrete monuments as follows: N 52° 01' W 350.7', N 47° 15' W 602.08' and N 52° 01' W 60.7' to the Southeast-corner of a 10.3 acre tract;

THENCE N 0° 07' E 1262.3' along the EBL said 10.3 acre tract to an iron pin at the Northeast corner said 10.3 acre tract on the NBL said Southeast 1/4 Section 40;

THENCE S 89° 23' E 956.7' along the NBL said Southeast 1/4 of Section 40 to the place of beginning and containing 34.0 acres, more or less.

TRACT TWO::

Lot 1, Block 1, Bradshaw Addition, being 10.3 acres out of the SE 1/4 of Section 40, Blind Asylum Lands, Taylor County, Texas as shown by Plat recorded in Plat Cabinet No. 2, Slide No. 186-D, Plat Records, Taylor County, Texas.

Location: 4000 E. Overland Trail

PART 6: Purpose. The purpose of the Planned Development (PD) request is to allow for commercial development and related activities for re-use of a building.

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the AO (Agricultural Open Space) zoning district, except as modified below.

A. PERMITTED USES:

1. Tract 1: All uses permitted in the AO (Agricultural Open Space) Zoning District listed in the Land Development Code, to include the following as permitted uses:

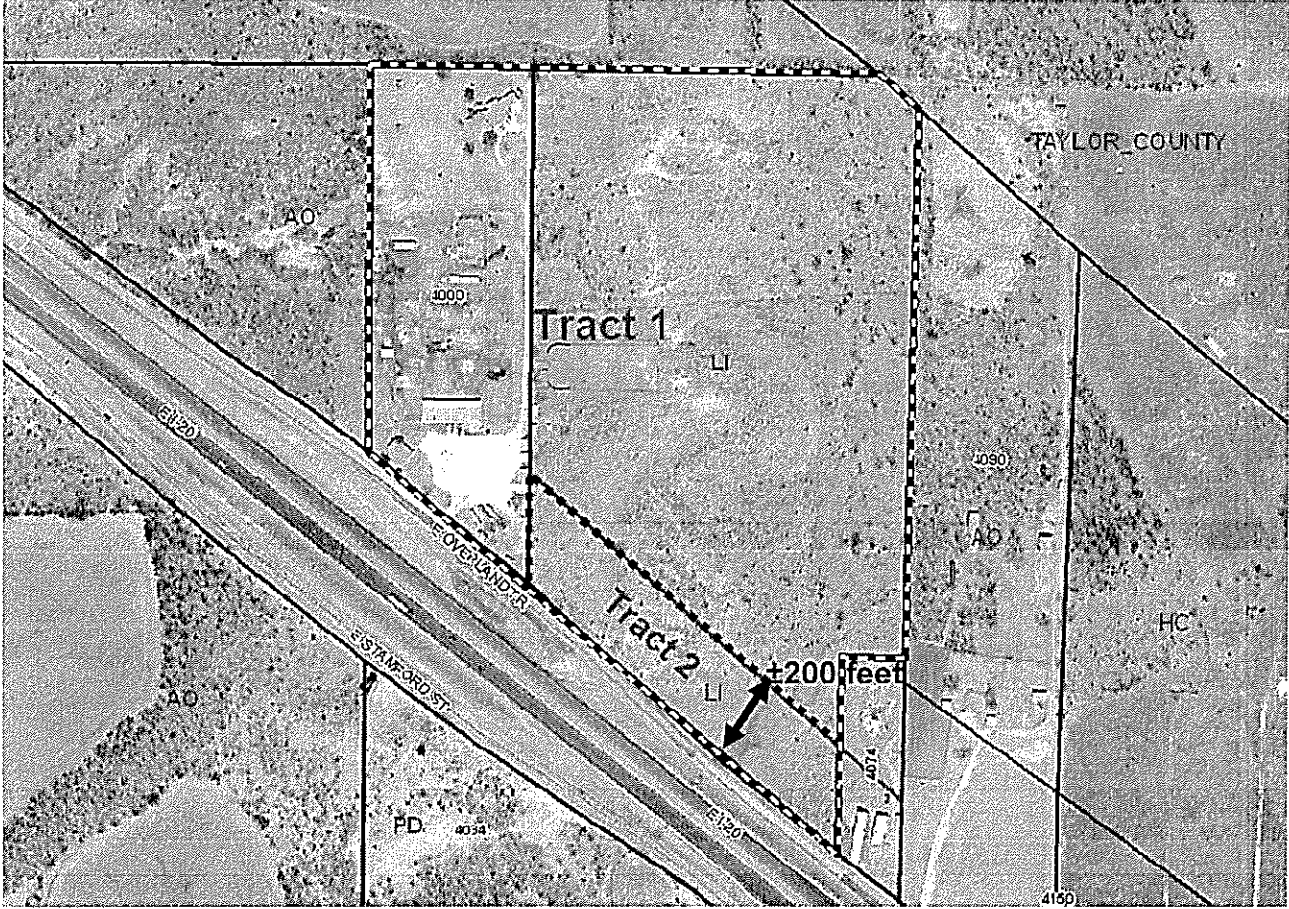
- Vacation Travel Trailer Park
- Rodeo, Stables, Training Facilities & Associated Uses
- The following uses shall be permitted when accessory to the primary uses:
 - Retail Sales/Rental (Indoor)
 - Office (General, Professional, financial)
 - Liquor Stores (Off-Premises Consumption)
 - Liquor Stores (On-Premises Consumption)

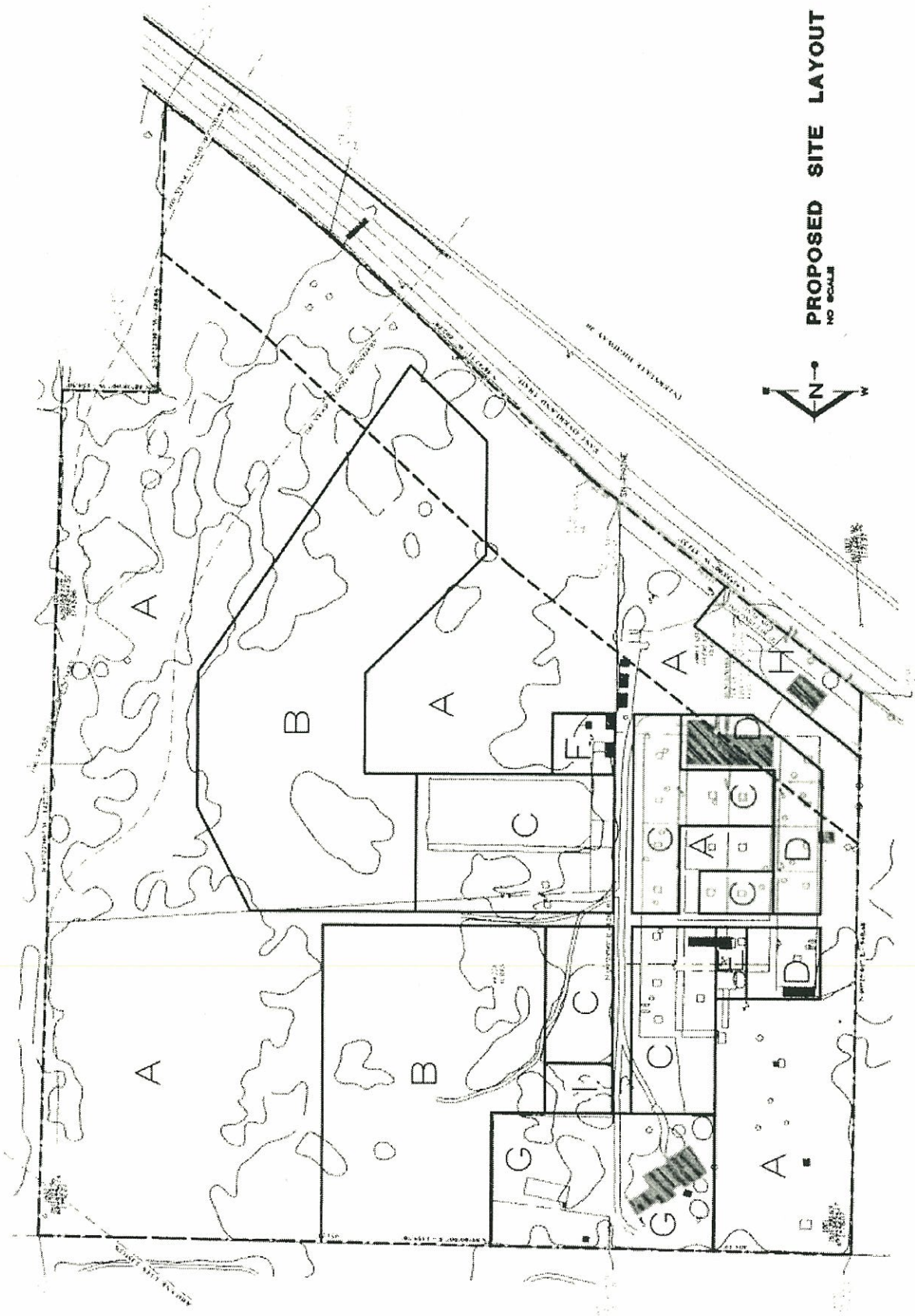
2. Tract 2: All uses permitted in the GC (General Commercial) Zoning District.

B. SITE DEVELOPMENT

The development shall comply with the requirements of the Land Development Code with the following exceptions:

1. The required landscaping area (10' landscape strip) shall be provided in Tract 1; however, no additional plantings shall be required in addition to the existing natural vegetation. Landscaping areas in Tract 1 shall not be considered natural areas and shall be subject to maintenance requirements of Ch 19 of the Abilene Code of Ordinances.
2. Sidewalks shall not be required along E. Overland Drive until such time as a retail or other commercial use develops on Tract 2. Any site improvements constructed or installed prior to construction of sidewalks should be designed to accommodate future sidewalk construction.





PROPOSED SITE LAYOUT
NO SCALE



