

ORDINANCE NO. 52-2013

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, CONCERNING PD-141 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, part 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 26th day of September A.D. 2013.

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 August, 2013, 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 7th day of October, 2013, 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 7th day of October, A.D. 2013.

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 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 shall be constructed in accordance with all pertinent building and construction codes of the City of Abilene.

PART 4: Zoning. That Chapter 23, Abilene Municipal Code, part 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 PD (Planned Development) 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:

**FIELD NOTES
FOR
A 4.274 ACRE TRACT
OUT OF
THE J. C. DONLEY SURVEY NO. 95
AND
THE J. E. SHEPPARD SURVEY NO. 96
TAYLOR COUNTY, TEXAS**

BEING a 4.274-acre tract with 0.725 acres out of the J. C. Donley Survey No. 95, Taylor County, Texas, conveyed as Tract 3 to Kade L. Matthews, recorded in Volume 1980, Page 183, Official Public Records, Taylor County, Texas, and with 3.549 acres out of the J. E. Sheppard Survey No. 96, Taylor County, Texas, being 3.000 acres out of a 9.56-acre tract conveyed as Tract One to Morrison & Hallmark L.P., recorded as Instrument Number 2013-12113, Official Public Records, Taylor County, Texas, and 0.549 acres out of the abandoned Old Curry Lane. The said 4.274-acre tract being more particularly described as follows:

BEGINNING at the intersection of the west right of way of Catclaw Drive and the north right of way of old Curry Lane (abandoned) for the southeast corner of the said 0.725-acre tract;

THENCE North 89 degrees 49 minutes 50 seconds West, along the north right of way of old Curry Lane, for a distance of 19.15 feet to a point for the northeast corner of the said 9.56-acre tract;

THENCE South 03 degrees 51 minutes 00 seconds West, along the east line of the said 9.56-acre tract, for a distance of 327.96 feet to a point for the southeast corner of this tract;

THENCE South 89 degrees 55 minutes 00 seconds West for a distance of 465.32 feet to a point for the southwest corner of this tract;

THENCE North 00 degrees 04 minutes 00 seconds East for a distance of 296.22 feet to a point on the current south right of way of Curry Lane;

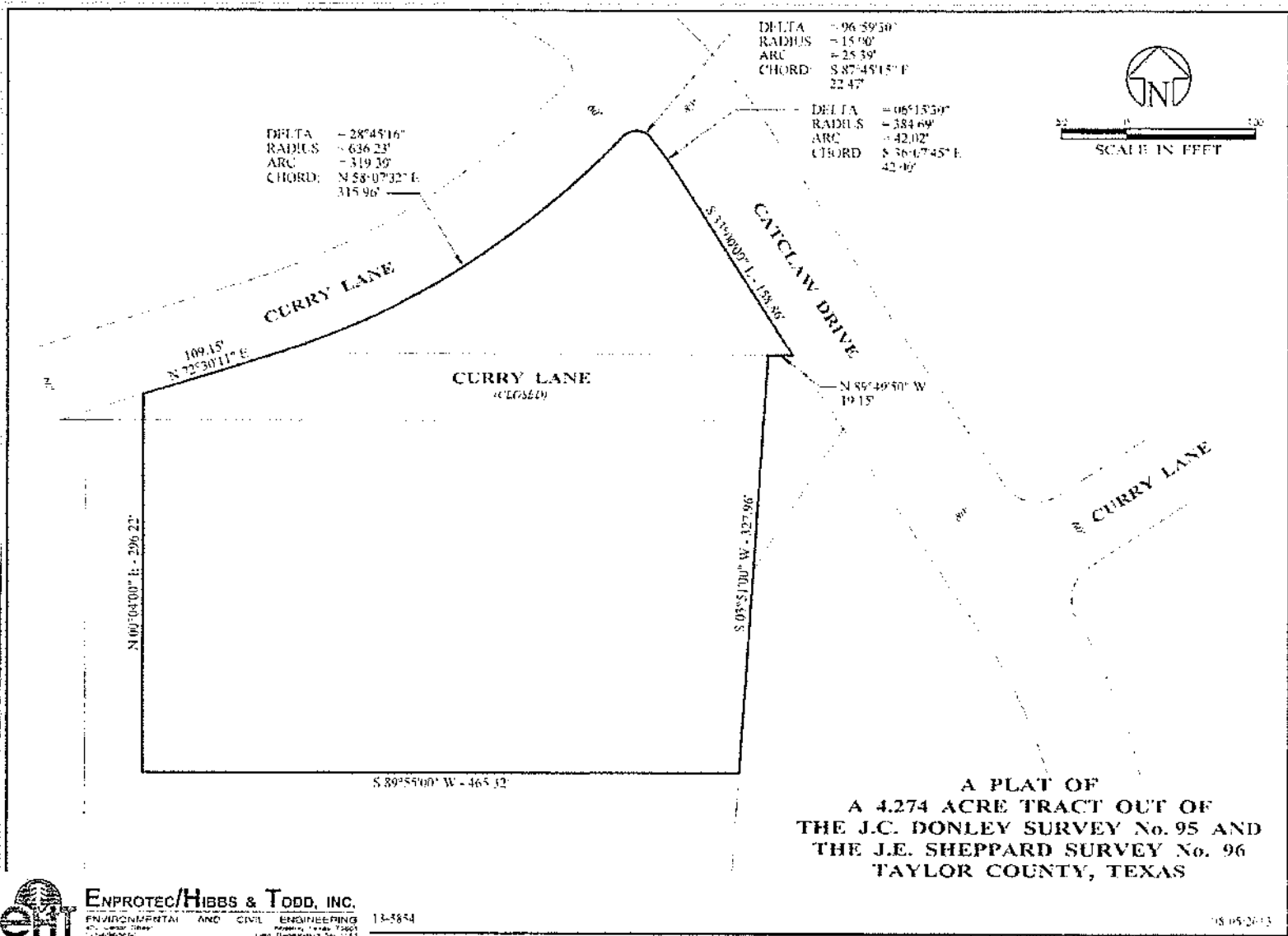
THENCE North 72 degrees 30 minutes 11 seconds East, along the south right of way of the current Curry Lane, for a distance of 109.15 feet to a point of curvature;

THENCE along the south right of way of Curry Lane, being along a curve to the left having a radius of 636.23 feet and an arc length of 319.30 feet, being subtended by a chord of North 58 degrees 07 minutes 32 seconds East for a distance of 315.96 feet to a point of reverse curvature;

THENCE with a reverse curve to the right having a radius of 15.00 feet and an arc length of 25.39 feet, being subtended by a chord of South 87 degrees 45 minutes 15 seconds East for a distance of 22.47 feet to the beginning of a compound curve;

THENCE along the west right of way of Catclaw Drive, being a compound curve to the right having a radius of 384.69 feet and an arc length of 42.02 feet, being subtended by a chord of South 36 degrees 07 minutes 45 seconds East for a distance of 42.00 feet to a point of tangency;

THENCE South 33 degrees 00 minutes 00 seconds East for a distance of 158.86 feet to the Point of Beginning, containing 4.274 acres or 186182 square feet.



Location:

Approximately 4.27 acres located at 3602 Catclaw Dr & a portion of 4491 Curry Ln.

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

PART 7: Specific Modifications. This Planned Development shall be subject to the requirements of the GR (General Retail) zoning district, except as modified below.

A. BUILDING MATERIALS: The building materials used for this site shall be compatible and consistent with the development within PDD-28 to the north.

-END-