

ORDINANCE NO. 04-2020

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY APPROVING A CONDITIONAL USE PERMIT (CUP) AFFECTING CERTAIN PROPERTY; 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 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by approving a Conditional Use Permit (CUP) 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.

PART 3: 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.

PASSED ON FIRST READING the 23rd day of January, 2020.

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 December, 2019, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 13th day of February, 2020, 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 FINAL READING THIS 13th day of February, 2020.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

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EXHIBIT A

Conditional Use Permit (CUP) to allow Retail Sales/Rental of Trucks as well as Other Large Vehicles and Equipment on the following described property in a General Commercial (GC) zoning district:

BEING 12.704 acres of land out of the southeast quarter of Section 62, Blind Asylum Lands, Abstract No. 679, in the City of Abilene, Taylor County, Texas and being the southerly portion of that certain tract described as 17.255 acres in a deed to Windmill Circle Partners LP and Oldham Partners LP, as recorded in Instrument No. 2014-017836, Official Public Records of Real Property in Taylor County, Texas. Said 12.704-acre tract is more particularly described by metes-and-bounds as follows:

COMMENCING at a found $\frac{3}{4}$ -inch aluminum rod with a 2-inch aluminum J&M cap (henceforth called a FOUND MONUMENT) located at the intersection of the southwesterly right-of-way line for Gateway Street, dedicated per plat of Tuscan Village Addition Section 1, as shown on plat recorded in Cabinet 2, Slide 351-A of Plat Records for Taylor County, Texas and the easterly right-of-way line for Loop 322, said point being the northwest corner of that certain 17.255-acre tract described above, THENCE along said easterly right-of-way line of Loop 322 and the west line of that 17.855-acre tract the following bearings and distances:

- S. 23° 24' 23" W. 445.59 feet to a found concrete right-of-way marker,
- S. 21° 41' 22" W. 221.45 feet to a point for the northwest corner and POINT OF BEGINNING for this 12.704-acre tract, and whence a found $\frac{1}{2}$ -inch rebar rod with J&M cap for an angle point in said easterly right-of-way line bears S. 21° 41' 22" W. 68.46 feet;

THENCE S. 88° 32' 15" E. over and across said 17.255-acre tract, along the north line of this described tract, at 486.42 feet pass a found $\frac{1}{2}$ -inch rebar rod with J&M cap for the southwest corner of Lot 2 in Block A of Tuscan Village Addition Section 2 as shown on subdivision plat recorded in Cabinet 4, Slide 101 of Plat Records for Taylor County, Texas and continuing a total distance of 969.46 feet to a FOUND MONUMENT for the southeast corner of said Lot 2 and the northeast corner of this described tract, and lying on the west line of Tuscan Village Section 1, Replat as recorded in Cabinet 2, Slide 369-D of Plat Records for Taylor County, Texas;

THENCE S. 01° 27' 45" W. 380.49 feet along the east line of said 17.855-acre tract and the west line of said Tuscan Village Section 1, Replat to a FOUND MONUMENT for the most northerly southeast corner of said 17.255-acre tract and the southwest corner of said Tuscan Village Section 1, Replat, said point lying on the north line of the Abilene State School Cemetery which is a portion of the remainder of land conveyed from the City of Abilene to the State of Texas in a deed recorded in Volume 14, Page 127 of Deed Records of Taylor County, Texas;

THENCE N. 88° 32' 31" W. 598.43 feet along the north line of said Abilene State School Cemetery and the most easterly south line of said 17.255-acre tract to a FOUND MONUMENT for the northwest corner of said Abilene State School Cemetery and an interior corner of said 17.255-acre tract;

THENCE S. 04° 11' 08" W. along the west line of said Abilene State School Cemetery and the most southerly east line of said 17.255-acre tract, at 511.77 feet pass a FOUND MONUMENT in the north line of an "Easement Deed" to the City of Abilene "for all street and waterline purposes" and recorded in Volume 1246, Page 394 of Deed Records for Taylor County, Texas, same being the occupied north right-of-way line for Industrial Boulevard as established by said "Easement Deed," at 571.99 feet pass the south line of said "Easement Deed" and continuing a total distance of 590.11 feet to a point in the occupied right-of-way for Industrial Boulevard, on the approximate south line of said Section 62 (the location of said survey line determined from highway right-of-way maps) for the southeast corner of said 17.255-acre tract;

THENCE N. 88° 55' 59" W. along said approximate section line and the south line of said 17.255-acre tract 304.84 feet to a point for the southwest corner of this tract;

THENCE N. 04° 13' 43" E. along the most southerly west line of said 17.255-acre tract, at 78.81 feet pass an "X" found in a concrete sidewalk in the north line of said "Easement Deed" and occupied right-of-way line for Industrial Boulevard, at 88.80 feet pass a point for the southeast corner of Lot 1 in Block A of Tuscany Village Addition Section 2 as shown on the plat thereof recorded in Cabinet 2, Slide 372-A of Plat Records for Taylor County, Texas, and continuing a total distance of 299.00 feet to a found 5/8-inch capped rebar rod for the northeast corner of the aforementioned Lot 1, same being the southeast corner of a called 1.893-acre tract to Handley Family Trust as described in deed recorded in Volume 3212, Page 302 of Official Public Records of Real Property in Taylor County, Texas;

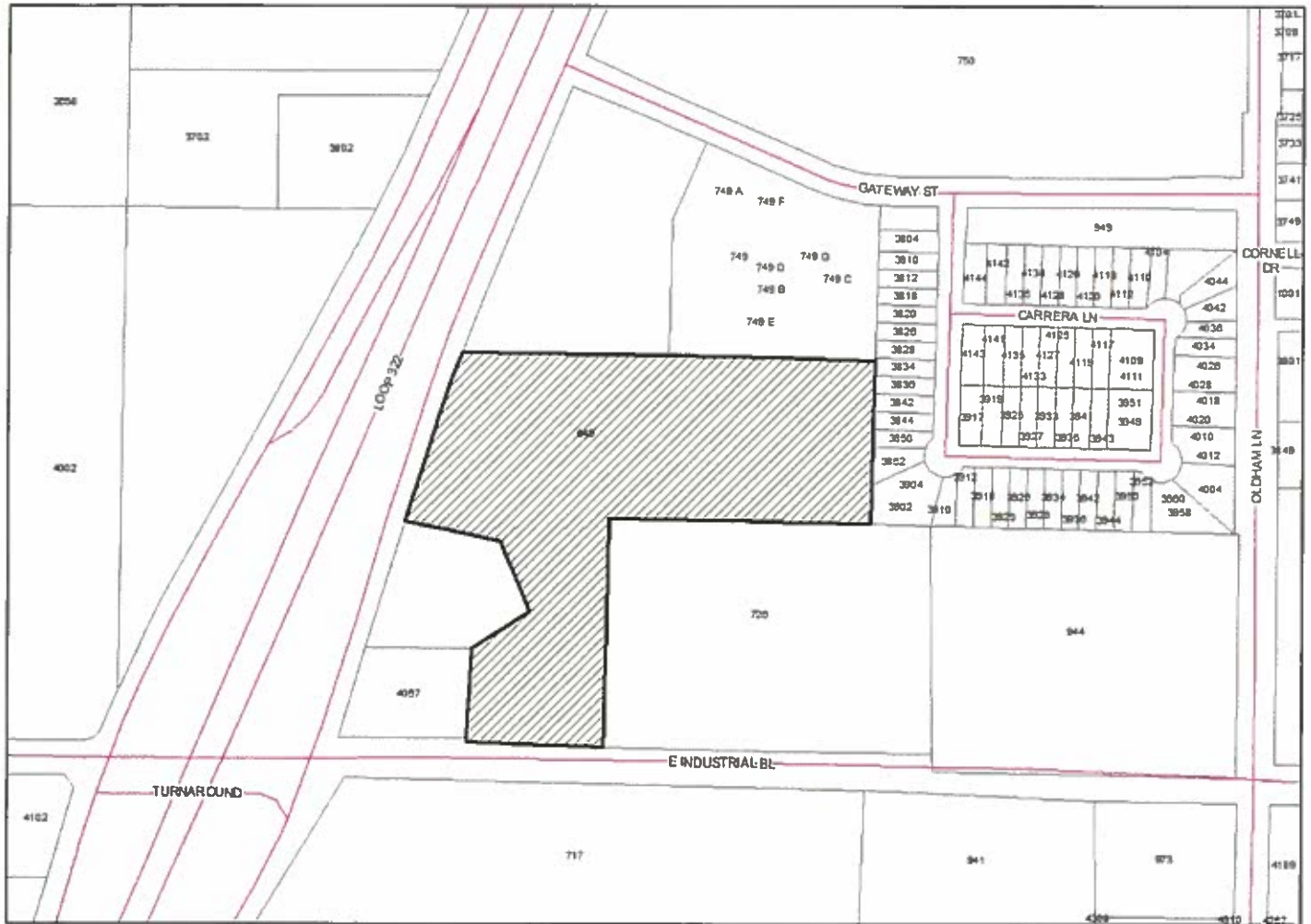
THENCE along the east line of said 1.893-acre tract and the westerly line of said 17.255-acre tract the following bearings and distances:

- N. 58° 03' 26" E. 159.98 feet to a FOUND MONUMENT and common corner,
- N. 22° 12' 25" W. 177.95 feet to a FOUND MONUMENT for the northeast corner of said 1.893-acre tract and an interior corner of said 17.855-acre tract;

THENCE N 77° 41' 43" W. 231.93 feet along the north line of said 1.893-acre tract and the most westerly south line of said 17.855-acre tract, to a found ½-inch rebar rod for the northwest corner of said 1.893-acre tract, the most northerly southwest corner of said 17.855-acre tract, and said point lying on the easterly right-of-way line for Loop 322;

THENCE N. 17° 19' 59" E. along said easterly right-of-way line, and the westerly line of said 17.855-acre tract, a distance of 326.98 feet to a found ½-inch rebar rod for a corner;

THENCE N. 21° 41' 22" E. 68.46 feet along said easterly right-of-way and westerly line of said 17.255-acre tract, to the POINT OF BEGINNING and containing 12.704 acres of land with 0.549 acre located in right-of-way for Industrial Boulevard, thereby leaving a net area of 12.155 acres, more or less.



Located near northeast corner of Loop 322 and Industrial Boulevard

CONDITIONS:

With the addition of opaque screening between area of the CUP and the residential and cemetery properties.

-END-