

ORDINANCE NO. 53-2020

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 Exhibits A and B, 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 19th day of November, 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 17th day of October, 2020, 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 3rd day of December, 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 3rd day of December, 2020.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

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EXHIBIT A

Conditional Use Permit (CUP) to allow sales and rental of trucks or other large vehicles and equipment on the property described in attached EXHIBIT B (LEGAL DESCRIPTION) and subject to the following conditions:

1. Storage and/or display of trucks or other large vehicles and equipment shall be prohibited within the following two areas of this subject property described on attached EXHIBIT B (LEGAL DESCRIPTION):
 - a. an area extending 50 feet north from the south boundary of this subject property, which coincides with the north line of right-of-way for Gateway Street, and projecting a distance 855 feet west from the west line of right-of-way for Oldham Lane (a.k.a. Farm-to-Market Highway 1750); and
 - b. an area extending 50 feet west from the east boundary of this subject property, which coincides with the west line of right-of-way for Oldham Lane (a.k.a. Farm-to-Market Highway 1750) and projecting a distance 613 feet north from the north line of right-of-way for Gateway Street.
2. Storage and/or display of trucks or other large vehicles and equipment shall be effectively screened (by a solidly opaque wall or fence at least 6 feet high) from land in adjacent residential zoning districts, and, for the purpose of this ordinance, the term adjacent includes any residential zoning district separated from the subject property by a street right-of-way.
3. Use of the subject property shall comply with all other ordinary site development standards of Abilene's Land Development Code and applicable to General Commercial zoning districts, including but not limited to standards for landscaping, driveway access and exterior illumination, as well as outside storage and display.

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EXHIBIT B
(LEGAL DESCRIPTION)

BEING 24.371 acres of land situated in the City of Abilene, Taylor County, Texas, and being out of the southeast quarter of Section 62, Blind Asylum Lands (Abstract No. 679) and being out of a 98.33-acre tract described in a certain Deed Without Warranty to Musgrave and Musgrave LLP, dated October 4 of 2005, and recorded on Page 821 in Volume 3151 of Official Public Records of Real Property (O.P.R.R.P.) in Taylor County, Texas, and said 24.317-acre tract being more particularly described in metes-and-bounds as follows:

BEGINNING at an "X" set in concrete at the point of intersection of the north line of right-of-way for Oldham Lane (a.k.a Farm-to-Market Highway 1750) which said right-of-way line is the east line of said 98.33-acre tract, and said POINT OF BEGINNING being the northeast corner of Section 1, Tuscan Village Addition to said City of Abilene as shown per plat recorded on Slide 351-A in Cabinet 2 of Plat Records for said Taylor County, Texas;

THENCE in a westerly direction along said north line of right-of-way for Gateway Street according to the following calls:

North 89° 42' 12" West along said north right-of-way line, at 10.00 feet passed a found ¾-inch aluminum rod with 2-inch aluminum Jacob & Martin cap, henceforth call a standard monument, and continuing a total distance of 76.30 feet to a standard monument found for a corner;

South 88° 20' 54" West for a distance of 120.00 feet to a standard monument found for a corner;

North 89° 41' 48" West for a distance of 597.79 feet to a standard monument found for a corner at the beginning of a curve to the right which is concave to the east-northeast and having a radius of 485.00 feet, a delta angle of 23° 08' 58" and being subtended by a chord bearing North 78° 11' 30" West and 194.63 feet in length;

Along said curve for a distance of 195.96 feet to a standard monument found for a corner;

North 66° 34' 03" West for a distance of 413.09 feet to a standard monument found for a corner;

North 64° 39' 19" West for a distance of 120.04 feet to a standard monument found for a corner;

North 66° 37' 21" West for a distance of 66.34 feet to a standard monument found for a corner in the westerly line of said 98.33-acre tract, same being the easterly right-of-way line of Texas Highway Loop 322;

THENCE North 23° 28' 45" East along the westerly line of said 98.33-acre tract and the easterly line of right-of-way for Texas Highway Loop 322, for a distance of 314.48 feet to a found standard monument at the beginning of a curve to the right which is concave to the southeast and which has a radius of 2714.54 feet, a delta angle of 12° 56' 29" and being subtended by a chord bearing North 30° 08' 17" East being 611.84 feet in length;

THENCE along said easterly right-of-way line and said westerly tract line and said curve to the right a distance of 613.14 feet to a found 5/8-inch rebar rod with a cap stamped "J&M BOUNDARY" for the most northerly southwest corner of the Grocery Retail Addition #2220-00 to the City of Abilene as shown

on the plat of record of said addition recorded on Slide 180 in Cabinet 4 of Plat Records for Taylor County, Texas;

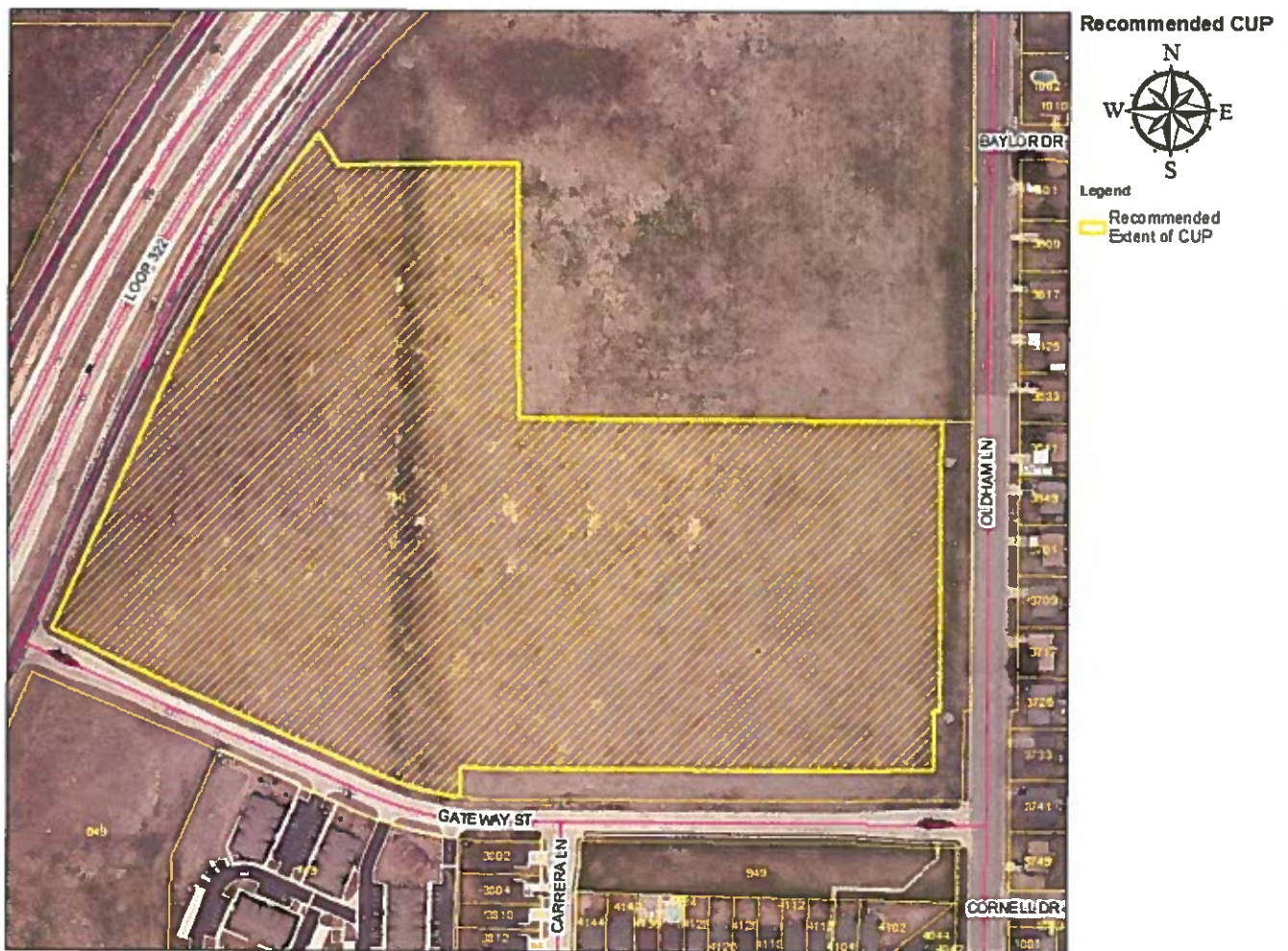
THENCE South 54° 38' 38" East along a southerly line of said Grocery Retail Addition #2220-00 for a distance of 78.47 feet to a found 5/8-inch rebar rod with cap for a corner;

THENCE South 89° 43' 36" East along a southerly line of said Grocery Retail Addition #2220-00 for a distance of 289.86 feet to a found 5/8-inch rebar rod with cap for a corner;

THENCE South 00° 16' 24" West along the most southerly west line of said Grocery Retail Addition #2220-00 for a distance of 436.04 feet to a found 5/8-inch rebar rod with cap for a corner;

THENCE South 89° 43' 36" East along the most easterly south line of said Grocery Retail Addition #2220-00 for a distance of 751.61 feet to a found 5/8-inch rebar rod with cap for the southeast corner of said Grocery Retail Addition #2220-00 and the northeast corner of this tract and being located in the west line of right-of-way for Oldham Lane (a.k.a. Farm-to-Market Highway 1750) and the east line of said 98.33-acre tract;

THENCE South 00° 16' 24" West along the west line of right-of-way for Oldham Lane (a.k.a. Farm-to-Market Highway 1750) and the east line of said 98.33-acre tract, for a distance of 613.07 feet to the POINT OF BEGINNING and containing 24.371 acres of land, more or less.



Location: 24.371 acres bordering the entire north side of Gateway Street, between Loop 322 (on the west) and Oldham Lane (on the east)