

ORDINANCE NO. 38-2021

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE," OF THE ABILENE CITY CODE, CONCERNING PD-172 A 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 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: 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 29th day of July, 2021.

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 19th day of June, 2021, 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 8:30 a.m., on the 12th day of August, 2021, 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 12th day of August, 2021.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

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 the Land Development Code of the City of Abilene is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: from Planned Development (PD) 144 to Planned Development (PD) District 172.

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

TRACT 1

BEING a 14.478-acre tract comprised of a 12.04-acre tract out of Fractional Section 84, Block No. 14, T&P Railway Company Lands in Taylor County, Texas, conveyed to Abilene Independent School District and recorded on Page 132 in Volume 542 of Deed Records for Taylor County, Texas (legal description does not form a mathematically closed figure) together with Lots 4 and 5, Block 10 and all of Block 11, Section 4 on the Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas, conveyed to Abilene Independent School District by deed recorded on Page 461 in Volume 542 of Deed Records for Taylor County, Texas, said 14.478-acre tract being more particularly described as follows:

BEGINNING at a found 3/8-inch iron rod in concrete at the northwest corner of right-of-way for Campus Court, on the south line of said 12.04-acre tract, for the northeast corner of the said Block 11;

THENCE South 21° 01' 41" West, along the west right-of-way line of Campus Court, for a distance of 220.77 feet (called 221.8') to a found, damaged 3/8-inch iron rod at the intersection of the west line of right-of-way for Campus Court and the north line of right-of-way for Garfield Avenue, for the southeast corner of the said Block 11;

THENCE North 69° 07' 40" West, along the north line of right-of-way for Garfield Avenue, for a distance of 32.77 feet, to a found 3/8-inch iron rod for a point-of-curvature;

THENCE along the north right-of-way for Garfield Avenue, being along a curve to the left having a radius of 950.00 feet (called 929.3') and an arc length of 335.25 feet (called 332.7') being subtended by a chord bearing North 79° 14' 15" West for a distance of 333.51 feet to a found 3/8-inch iron rod for a point-of-tangency;

THENCE North 89° 20' 50" West along the north line of right-of-way for Garfield Avenue, for a distance of 157.33 feet to a found 3/8-inch iron rod, for a point-of-curvature;

THENCE along the north line of right-of-way for Garfield Avenue, being along a curve to the left having a radius of 530.00 feet and an arc length of 135.80 feet, being subtended by a chord bearing South 83° 18' 44" West for a distance of 135.43 feet, to a set 1/2-inch iron rod with cap stamped "H&T" for the southwest corner of Lot 4 in Block 10 of said Hillcrest Addition, same being the southeast corner of Lot 102 in A Replat of Lots 1, 2 and 3, Section 4, Hillcrest Addition to the City of Abilene, Taylor County, Texas and recorded on Slide 289D in Cabinet 2 of Plat Records for Taylor County, Texas;

THENCE North 11° 58' 00" West for a distance of 138.66 feet (called 140') to a set 1/2-inch iron rod with cap stamped "H&T" on the south line of a 20' wide alley, for the northwest corner of said Lot 4 and from where a found 3/8-inch iron rod bears 1.71 feet South 74° 55' 26" West;

THENCE South 89° 16' 40" East along the south line of a 20-foot-wide alley, for a distance of 159.14 feet (called 160.68') to a set 1/2-inch iron rod with cap stamped "H&T" at the southeast corner of a 20-foot-wide alley, for the northeast corner of Lot 5 in Block 10 of said Hillcrest Addition;

THENCE North 00° 13' 20" East for a distance of 20.00 feet to a set 1/2-inch iron rod with cap stamped "H&T" at the northeast corner of a 20' wide alley and on the south line of said 12.04-acre tract, for the northwest corner of the said Block 11;

THENCE North 89° 16' 40" West for a distance of 166.55 feet to a found 3/8-inch iron rod in concrete for the southwest corner of said 12.04-acre tract, same being the southeast corner of a 3.25-acre tract conveyed to the First Baptist Church of Abilene, Texas and recorded on Page 569 in Volume 604 of Deed Records for Taylor County, Texas;

THENCE North 23°18' 16" East for a distance of 92.02 feet (called 92.5') to a found 3/8-inch iron rod in concrete, for an angle point in the west line of said 12.04-acre tract;

THENCE North 24° 20' 44" East for a distance of 883.01 feet to a found 3/8-inch iron rod in concrete for the northwest corner of said 12.04-acre tract, same being an angle point in the south line of a 12.12-acre tract conveyed to Southwest Housing Providers, LLC and recorded on Page 644 in Volume 2893 of Official Public Records of Real Property (O.P.R.R.P.) in Taylor County, Texas;

THENCE South 51° 51' 16" East for a distance of 725.00 feet (called 725.3') to a found 1/2-inch iron rod on the west line of a 30-foot-wide right-of-way dedicated by The Grove Addition, Abilene, Taylor County, Texas and recorded on Slide 3453 in Cabinet 2 of Plat Records for Taylor County, Texas, for the northeast corner of said 12.04-acre tract;

THENCE South 21° 00' 00" West (being the Reference Bearing for this description) along the west line of said 30-foot-wide right-of-way for a distance of 483.48 feet to a found 1/2-inch iron rod on the north end of right-of-way for Campus Court, for the southeast corner of said 12.04-acre tract;

THENCE North 89° 04' 03" West for a distance of 31.94 feet to the Point of Beginning and containing 14.478 acres or 630,642 square feet of land;

SAVE AND EXCEPT for all of Block 11 as well as Lots 4 and 5 in Block 10, Section 4, as said lots and blocks are shown on a Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, and which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas.

TRACT 2

BEING all of Block 11 in Section 4, as said block is shown on a Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, and which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas.

TRACT 3

BEING all of Lots 4 and 5 in Block 10, Section 4, as said lots and block are shown on the Corrected Plat of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, and which said corrected plat is recorded on Slides 18A and 18B in Plat Records for Taylor County, Texas.

PART 6: Purpose. The purpose of this Planned Development (PD) request is to allow for Residential Single-Family base zoning on both TRACTS 2 and 3 and Medium Density base zoning on TRACT 1

PART 7: Specific Modifications.

1. Development Regulations:

- a. No street connection shall be allowed between Tract 1 Medium Density (MD) boundaries and Tract 2 and 3 Residential Single-Family (RS-6) boundaries.

