

ORDINANCE NO. 28-2022

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, CHANGING THE ZONING DISTRICT BOUNDARIES 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 changing 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.

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.

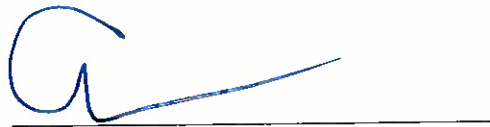
PASSED ON FIRST READING the 23rd day of June 2022.

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 21st day of May 2022, the same being more than fifteen (15) days prior to a public hearing held at the Council Chambers of the City Hall at 555 Walnut St. in Abilene, Texas, at 8:30 a.m. on the 14th day of July 2022, 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 14th day of July 2022.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from Residential Multi-Family (MF), Office (O), and Agricultural Open Space (AO) to a Residential Multi-Family (MF), General Retail (GR), and General Commercial (GC) zoning district:

GC Zoning Tract

BEING a 18.73 acre zoning tract out of the southeast-quarter (Abstract No. 766) of Section No. 12, Lunatic Asylum Lands, City of Abilene, Taylor County, Texas, and being out of Subdivision No.5, Alfred and Mary Fasshauer Subdivision of Survey No. 12, Lunatic Asylum Land, as shown per plat recorded in Volume 1, Page 274, Plat Records, Taylor County, Texas. Said 18.73 acre tract of land being out of and a part of a called 125.04 acre tract of land described in a Warranty Deed with Vendor's Lien to PB 6950, LLC recorded in Instrument No. 2021-17398, Official Public Records, Taylor County, Texas, and being out of and a part of a 6.04 acre tract of land, known as Tract 1, and a 6.04 acre tract of land, known as Tract 2, described in a Warranty Deed with Vendor's Lien to PB 6950, LLC recorded in Instrument No. 2021-21155, of said Official Public Records. Said 18.73 acre tract being more particularly described as follows:

BEGINNING at a point for the northeast corner of this described tract, and being at the northeast corner of said Tract 2, same being the southeast corner of Lot 1, Block A of The Denali Addition as shown per plat recorded in Cabinet 4, Slide 588, of said Plat Records, said point being in the west right-of-way line of U.S. Highway 83/84;

THENCE S00°47'27"W a distance of 344.46 feet along the east line of this described tract and said Tract 2, and the west right-of-way line of said U.S. Highway 83/84, to a point for a slight angle corner of this described tract, said point also being at the southeast corner of said Tract 2 and the northeast corner of said 125.04 acre tract; **THENCE** S00°51'36"W a distance of 358.54 feet along the east line of this described tract and said 125.04 acre tract, and the west right-of-way line of said U.S. Highway 83/84, to a point for the southeast corner of this described tract;

THENCE S89°29'06"W a distance of 1276.48 feet along the south line of this described tract and over and across said 125.04 acre tract, to a point for the southwest corner of this described tract;

THENCE N00°29'37"W along the west line of this described tract and over and across said 125.04 acre tract, passing a north line of said 125.04 acre tract at 357.97 feet, and continuing over and across said Tract 1 a total distance of 703.00 feet to a point for the northwest corner of this described tract, said point being in the north line of said Tract 1, and being in the south right-of-way line of Horse Head Crossing as shown per plat of said The Denali Addition, same being the most easterly south line of said The Denali Addition;

THENCE N89°29'37"E a distance of 273.18 feet along a north line of this described tract and the north line of said Tract 1, and along the most easterly south line of said The Denali Addition to a point for an exterior corner of this described tract, and being at the northeast corner of said Tract 1, said point also being at the northwest corner of a 2.00 acre tract retained by James L. Parker, et ux described in said Warranty Deed with Vendor's Lien to PB 6950, LLC recorded in Instrument No. 2021-21155, of said Official Public Records;

THENCE S00°28'02"E a distance of 344.89 feet along an east line of this described tract, and along the east of said Tract 1, and along the west line of said 2.00 acre tract to a point for an interior corner of this described tract, and being at the southeast corner of said Tract 1, and being at the southwest corner of said 2.00-acre tract, and being in a north line of said 125.04 acre tract;

THENCE N89°27'52"E a distance of 252.67 feet along a north line of this described tract, and along the south line of said 2.00 acre tract, and along a north line of said 125.04 acre tract, to a point for an interior corner of this described tract, and being at the southeast corner of said 2.00 acre tract, and being at the southwest corner of said Tract 2;

THENCE N00°29'23"W a distance of 344.76 feet along a west line of this described tract, and along the west line of said Tract 2, and along the east line of said 2.00 acre tract to a point for an exterior corner of this described tract, and being at the northwest corner of said Tract 2, and being at the northeast corner of said 2.00 acre tract;

THENCE N89°29'37"E a distance of 766.96 feet along a north line of this described tract, and along the north line of said Tract 2, and along the easterly south line of said The Denali Addition to the **POINT OF BEGINNING** and containing **18.73 acres** of land, more or less.

GR Zoning Tract

BEING a 3.24 acre zoning tract out of the southwest-quarter (Abstract No. 831) and southeastquarter (Abstract No. 766) of Section No. 12, Lunatic Asylum Lands, City of Abilene, Taylor County, Texas, and being out of Subdivision Nos. 5 & 7, Alfred and Mary Fasshauer Subdivision of Survey No. 12, Lunatic Asylum Land, as shown per plat recorded in Volume 1, Page 274, Plat Records, Taylor County, Texas. Said 3.24 acre tract of land being out of and a part of the west end of Lot 9, Block D of The Denali Addition as shown per plat recorded in Cabinet 4, Slide 588, of said Plat Records, and being out of and a part of a called 125.04 acre tract of land described in a Warranty Deed with Vendor's Lien to PB 6950, LLC, recorded in Instrument No. 2021-17398, Official Public Records, Taylor County, Texas. Said 3.24 acre tract being more particularly described as follows:

BEGINNING at a point for the northwest corner of this described tract and said Lot 9, said point being at the intersection of the south right-of-way line of McKinley Drive and the east right-of-way line of Memorial Drive as shown per plat of said The Denali Addition;

THENCE N89°27'26"E a distance of 254.00 feet along the north line of this described tract and said Lot 9, and along the south right-of-way line of said McKinley Drive, to a point for the northeast corner of this described tract;

THENCE S09°07'47"W along the east line of this described tract and over and across said Lot 9, passing the South line of said Lot 9 and a north line of said 125.04 acre tract at a distance of 534.84 feet, and continuing over and across said 125.04 acre tract, for a total distance of 563.38 feet to a point for the southeast corner of this described tract;

THENCE S89°27'26"W a distance of 253.89 feet along the south line of this described tract and over and across said 125.04 acre tract, to a point for the southwest corner of this described tract;

THENCE N08°54'47"E a distance of 28.53 feet along the west line of this described tract and over and across said 125.04 acre tract to a point for an angle corner of this described tract, and being at the southwest corner of said Lot 9, same being the southeast corner of said Memorial Drive;

THENCE N09°07'47"E a distance of 534.84 feet along the west line of this described tract and said Lot 9 and along the east right-of-way line of said Memorial Drive, to the **POINT OF BEGINNING** and containing **3.24 acres** of land, more or less.

MF Zoning Tract

BEING a **13.50 acre** zoning tract out of the southeast-quarter (Abstract No. 766) of Section No. 12, Lunatic Asylum Lands, City of Abilene, Taylor County, Texas, and being out of Subdivision No. 5, Alfred and Mary Fasshauer Subdivision of Survey No. 12, Lunatic Asylum Land, as shown per plat recorded in Volume 1, Page 274, Plat Records, Taylor County, Texas, said 13.50 acre tract of land being out of and a part of Lot 9, Block D of The Denali Addition as shown per plat recorded in Cabinet 4, Slide 588, Plat Records, Taylor County, Texas, and being out of and a part of a called 125.04 acre tract of land described in a Warranty Deed with Vendor's Lien to PB 6950, LLC recorded in Instrument No. 2021-17398, Official Public Records, Taylor County, Texas and being out of and a part of a 6.04 acre tract of land, known as Tract 1, described in a Warranty Deed with Vendor's Lien to PB 6950, LLC recorded in Instrument No. 2021-21155, of said Official Public Records. Said **13.50 acre** tract being more particularly described as follows:

BEGINNING at a point for the northwest corner of this described tract, said point being in the north line of said Lot 9 and being in the south right-of-way line of said McKinley Drive as shown per plat of said The Denali Addition; from which a point at the northwest corner of said Lot 9 bears S89°27'26"W 254.00 feet;

THENCE N89°27'26"E a distance of 963.36 feet along the north line of this described tract and said Lot 9, and along the south right-of-way line of McKinley Drive to a point for the most northerly northeast corner of this described tract, and being the north corner of the southwest clip corner of the intersection of said McKinley Drive and Horse Head Crossing, as shown per plat of said The Denali Addition;

THENCE S45°07'57"E a distance of 42.12 feet along the northeast line of this described tract and said Lot 9, and along the clip corner of said McKinley Drive and said Horse Head Crossing, to a point for a northeast corner of this described tract and said Lot 9, same being the east corner of said southwest clip corner;

THENCE S00°16'40"W a distance of 152.37 feet along the most northerly east line of this described tract and said Lot 9, and along the west right-of-way line of said Horse Head Crossing, to a point for an interior corner of this described tract, and being at the most easterly southeast corner of said Lot 9, and being at the southwest corner of said Horse Head Crossing right-of-way, and being in the north line of said 6.04 acre tract;

THENCE N89°29'37"E a distance of 31.44 feet along a north line of this described tract, and along the south right-of-way line of said Horse Head Crossing, and along the north line of said 6.04 acre tract, to a point for the most easterly northeast corner of this described tract;

THENCE S00°29'37"E along the east line of this described tract, and over and across said 6.04 acre tract, passing the South line of said 6.04 acre tract, same being a north line of said 125.04 acre tract, at a distance of 345.03 feet, and continuing over and across said 125.04 acre tract, for a total distance of 373.00 feet to a point for the southeast corner of this described tract;

THENCE S89°27'26"W a distance of 1116.53 feet along the south line of this described tract, and continuing over and across said 125.04 acre tract, to a point for the southwest corner of this described tract;

THENCE N09°07'0847"E along the west line of this described tract, and continuing over and across said 125.04 acre tract, passing a north line of said 125.04 acre tract, same being the south line of said Lot 9, at a distance of 28.51 feet, and continuing along the west line of this described tract, and over and across said Lot 9 for a total distance of 563.38 feet to the **POINT OF BEGINNING** and containing **13.50 acres** of land, more or less.

