

ORDINANCE NO. 74-2019

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE AND CONCERNING PD-165, A PLANNED DEVELOPMENT DISTRICT FOR INDUSTRIAL USE AND AUTOMATIC RELIEF FROM SUBDIVISION-RELATED PUBLIC IMPROVEMENTS; 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 I: That the Land Development Code of the City of Abilene is hereby amended by changing the zoning district boundaries as set out in accompanying Exhibits "A, B and C" 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 Two Thousand Dollars (\$2,000.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING the 21st day of November, 2019.

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 October, 2019, 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 5th day of December, 2019, 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 5th day of December, 2019.

ATTEST:




Shawna Atkinson
City Secretary



Anthony Williams,
Mayor

APPROVED:



Stanley Smith,
City Attorney



ORDINANCE NO. 74-2019

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 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 use and development within this Planned Development District must be undertaken in compliance with the Land Development Code for the City of Abilene, except as otherwise specifically provided herein.

PART 3: Building Specifications. All structures in this Planned Development District 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 Heavy Industrial (HI) District, to Planned Development (PD) District Number 165.

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 Planned Development (PD) District Number 165 includes approximately 8.69 acres as specifically described on attached Exhibit "B" to this ordinance. These approximately 8.69 acres encompass properties at 749 China Street, 750 Rose Street and 397 South 8th Street in the City of Abilene, Taylor County, Texas.

PART 6: Purpose. The purpose of this Planned Development District is to facilitate industrial re-use and redevelopment of a site formerly occupied by agricultural processing facilities, with automatic relief from any public improvements (including boundary street pavement) required in conjunction with approval of a subdivision plat or replat of properties encompassed therein.

PART 7: Specific Modifications: The use and development of this Planned Development District shall generally be subject to applicable requirements of the Heavy Industrial (HI) zoning classification, except as otherwise specified below:

- A. Subdivision (inc. Resubdivision) of Land and Improvement of Related Public Facilities.** Subdivision and resubdivision of land in this Planned Development District shall generally be undertaken in conformance with Subdivision Regulations applicable at the time of subdivision and resubdivision, except that any and all public improvements ordinarily required by such regulations shall not be applicable to the subdivision or resubdivision of land in this Planned Development District. This includes relief from any and all public improvements required for compliance with Chapter 3 (Subdivision Regulations) in the Land Development Code for the City of Abilene, Texas.
- B. Graphic Concept Plan.** Use and development of land in this Planned Development District shall generally conform to that shown on plan sheet attached as Exhibit "C" to this ordinance

legal description of land within Planned Development District Number 165:

tract one

Lots 1 thru 22 in Peck's Subdivision of Outlot No. 1 in Block 164 of the Original Townsite for Abilene, Taylor County Texas, as said Lots 1 thru 22 are shown on a plat of Peck's Subdivision recorded on Slide 136-C in Cabinet 2 of Plat Records for Taylor County.

tract two

5.277 acres of land out of Lots 1, 2 and 4 in Block 190 of the Original Townsite of Abilene, Taylor County, Texas, including all of Lot 1 and parts of Lots 2, 3, 4 and 5 in the Lewis Subdivision (as shown on a plat of said Lewis Subdivision recorded on Page 2 in Volume 1 of Taylor County Plat Records) and part of a 20-foot-wide alley shown on the plat of said Lewis Subdivision (no record of abandonment found), with all said 5.277 acres being in the City of Abilene, Taylor County, Texas and as described more completely by metes-and-bounds as follows:

BEGINNING at a found 3/8-inch iron pin with cap marked JLW 4885 at the intersection of the south line of right-of-way for South 8th Street and the west line of right-of-way for Rose Street, for the northeast corner of Lot 1 in Block 190 of the Original Townsite of Abilene and the northeast corner of a parcel described as Tract Four in a deed to Archer Daniels Midland Company recorded on Page 765 in Volume 1708 of Official Public Records of Real Property (O.P.R.R.P.) in Taylor County, Texas;

THENCE S. 04° 53' 56" W. for a distance of 759.81 feet along the west line of right-of-way for Rose Street, to found 3/8-inch iron pin with cap marked JLW 4885 for the southeast corner of Lot 5 in the Lewis Subdivision and the southeast corner of the Archer Daniels Midland Company tract;

THENCE N. 26° 52' 57" W. for a distance of 92.79 feet to a set 1/2-inch iron pin with cap marked MORRIS 2426 for an angle corner of the Archer Daniels Midland Company tract;

THENCE N. 39° 28' 14" W. for a distance of 48.08 feet to a found 3/8-inch iron pin with cap marked JLW 4885 for an angle corner of the Archer Daniels Midland Company tract;

THENCE N. 31° 10' 59" W. for a distance of 74.90 feet to a set 1/2-inch iron pin with cap marked MORRIS 2426 for an angle corner of the Archer Daniels Midland Company tract;

THENCE 41° 06' 23" W. for a distance of 200.00 feet to a set 1/2-inch iron pin with cap marked MORRIS 2426 for an angle corner of the Archer Daniels Midland Company tract;

THENCE N. 30°02' 04" W. for a distance of 94.05 feet to a found railroad spike for an angle corner of the Archer Daniels Midland Company tract;

EXHIBITS "B"

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THENCE N. 85° 06' 52" W. for a distance of 205.62 feet to a set ½-inch iron pin with cap marked MORRIS 2426 for the most westerly southwest corner of the Archer Daniels Midland Company tract;

THENCE N. 04° 53' 37" E. for a distance of 215.98 feet along the east line of a 10-foot-wide alley shown on a plat of J.S. Johnston Subdivision as recorded on Slide 135-C in Cabinet 2 of Plat Records for Taylor County (and said alley having been formally abandoned by virtue of instrument recorded on Page 19 in Volume 358 of Taylor County Deed Records) to a point located N. 85° 09' 37" W. 10 feet from the northeast corner of Lot 4 in Block V of said J.S. Johnston Subdivision, that same point being on the south boundary line of a tract of land described in deed to Abilene Hope Haven Inc. and recorded on Page 212 in Volume 2430 of Official Public Records of Real Property (O.P.R.R.P.) in Taylor County, Texas;

THENCE S. 85° 09' 37" E. for a distance of 150.88 feet along the south boundary line of a tract of land described in deed to Abilene Hope Haven Inc. and recorded on Page 212 in Volume 2430 of Official Public Records of Real Property in Taylor County, Texas, to a found ½-inch iron pin with cap marked COJER and the most southerly southeast corner of said tract conveyed to Abilene Hope Haven Inc.;

THENCE N. 04° 40' 53" E. for a distance of 32.33 feet to a found ½-inch iron pin with cap marked COJER for an angle corner of the Abilene Hope Haven, Inc. tract;

THENCE N. 28° 58' 15" E. for a distance of 83.01 feet to a set ½-inch iron pin with cap marker MORRIS 2426 for an angle corner of the Abilene Hope Haven Inc. tract;

THENCE N. 04° 50' 57" E. for a distance of 41.90 feet to a found ½-inch iron pin with cap marked COJER in the south line of right-of-way for South 8th Street and the northeast corner of the Abilene Hope Haven Inc. tract;

THENCE S. 85° 44' 46" E. for a distance of 345.46 feet along the south line of right-of-way for South 8th Street, to the POINT OF BEGINNING and containing 5.277 acres of land, more or less.

EXHIBIT B LOCATION MAP



EXHIBITS "C" CONCEPT PLAN FOR PLANNED DEVELOPMENT



EXHIBITS "C" GRAPHIC CONCEPT PLAN FOR LANDUSE

