

ORDINANCE NO. 32-2024

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING A 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 the 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 Two Thousand Dollars (\$2,000.00). 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 11th day of July, 2024.

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 14th day of June, 2024, 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 25th day of July, 2024, 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 25th day of July, 2024.

ATTEST:

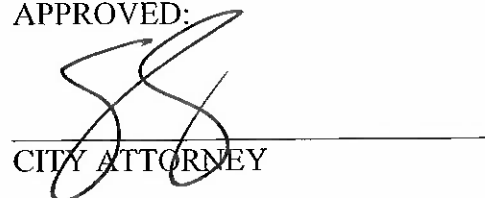


CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY



EXHIBIT A

Change the zoning classification of the following described land, from General Retail (GR), Neighborhood Retail (NR) and Medium Density (MD) District to a Planned Development District (PDD-186):

Location: 7400 Block of Buffalo Gap Road.

BEING a 12.578 acre zoning tract out of the M. Talbot Survey No. 102, Abstract 318, the M. Talbot Survey No. 103, Abstract 319, and the G.E. Harlan Survey, Abstract No. 1259, all in Taylor County, Texas and being out of a called 5.23 acre tract more particularly described in that certain document to Antilley West, LLC, recorded in Instrument Number 2024-01207, and being out of a called 5.0 acre tract more particularly described in that certain document to Antilley West, LLC, recorded in Instrument Number 2024-01206, and being out of a called 49.031 acre tract more particularly described in that certain document to Robert Martinez and Rebecca Martinez, recorded in Instrument Number 2015-10669, all in the Official public Records of Taylor County, Texas. Said 12.578 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at a point for the northwest corner of this described tract and being in the southeast right-of-way line F.M. 89, also known as Buffalo Gap Road, also being the Southwest corner of Lot 1, Block A, Kingdom Park Subdivision, as recorded in Cabinet 4, Slide 79, Plat Records of Taylor County, Texas;

THENCE S 64°55'02" E along a northeast line of this described tract and a southwest line of said Lot 1, a distance of 403.79 feet to a northeast corner of this tract and an interior corner of said Lot 1;

THENCE S 00°58'11" W along an east line of this described tract and a west line of said Lot 1, a distance of 119.11 feet to an interior corner of this tract and a southwest corner of said Lot 1;

THENCE S 89°03'45" E along a north line of this described tract and a south line of said Lot 1, a distance of 60.03 feet to an interior corner of this tract and a southeast corner of said Lot 1;

THENCE N 00°57'33" E along a west line of this described tract and an east line of said Lot 1, a distance of 119.13 feet to a northwest corner of this tract and an interior corner of said Lot 1;

THENCE S 89°03'16" E along a north line of this described tract and a south line of said Lot 1, at a distance of 704.82 feet pass a southeast corner of said Lot 1 and being the west line of said Martinez tract, continuing on in and across said Martinez tract, for a total distance of 791.07 feet to the most northerly northeast corner of this tract;

THENCE S 00°37'35" W, in and across said Martinez tract, a distance of 120.00 feet to an interior corner of this tract;

THENCE S 89°03'16" E, in and across said Martinez tract, a distance of 404.54 feet to the most easterly northeast corner of this tract;

THENCE S 00°56'10" W, in and across said Martinez tract, a distance of 189.03 feet to the most easterly Southeast corner of this tract and being in a north line of Mesquite Forest Estates, Section 5, as recorded on Cabinet 1, Slide 312, Plat Records of Taylor County, Texas;

THENCE N 89°01'15" W, with the south line of this described tract, a north line of said Mesquite Forest Estates, Section 5, the north line of Mesquite Forest Estates, Section 4 as recorded in Cabinet 1, Slide 222, a north line of Mesquite Forest Estates, Section 3 as recorded in Cabinet 1, Slide 103, in the Plat Records of Taylor County, Texas, a distance of 489.89 feet to an exterior corner of this tract in a north line of said Mesquite Forest Estates, Section 3;

THENCE N 88°59'01" W, with the south line of this described tract, a north line of said Mesquite Forest Estates, Section 3, a north line of Mesquite Forest Estates Continuation 2, as recorded in Cabinet 1, Slide 327, and the north line of Mesquite Forest Estates, Replat of Lots 1, 2 & 3, Block A, Continuation 2, as recorded in Cabinet 3, Slide 212, all in the Plat Records of Taylor County, Texas, a distance of 707.32 feet to an exterior corner of this tract in a north line of said replat of continuation 2;

THENCE N 89°12'25" W, with a north line of said Mesquite Forest Estates, Continuation 2 and the north line of the said replat of Mesquite Forest Estates, Continuation 2, a distance of 302.32 feet to an interior corner of this tract and a northwest corner of said Mesquite Forest Estates, Continuation 2;

THENCE S 00°36'42" W, with the east line of this described tract and a west line of said Mesquite Forest Estates, Continuation 2, a distance of 62.20 feet to the most southern southeast corner of this tract and a northeast corner of a called 2.02 acre tract of land as described in that certain document to CPC Investments, LLC, recorded in Instrument Number 2023-05453, Official Public Records of Taylor County, Texas;

THENCE N 88°55'00" W, with the most southerly south line of this tract and a north line of said CPC Investments tract, a distance of 365.18 feet to the most westerly southwest corner of this tract and a northwest corner of said CPC Investments tract, and being in the southeast right-of-way line of said F.M. 89, and being a point in a curve to the right;

THENCE along said curve to the right, with the northwest line of this tract and the southeast right-of-way line of said F.M. 89, having an arc length of 44.12 feet, a radius of 11399.16 feet, a delta angle of 0°13'18", a tangent of 22.06 feet, a chord bearing of N 24°55'03" E and a chord length of 44.12 feet to an exterior corner of this tract;

THENCE N 25°04'26" E, with the northwest line of this tract and the southeast right-of-way line of said F.M. 89, a distance of 542.14 feet to the **POINT OF BEGINNING** and containing **12.578 acres** of land, more or less.

EXHIBIT B

Purpose. The purpose of the Planned Development (PDD) District is to allow development of retail and commercial type development along the Buffalo Gap Road frontage (Tract 1) and a mixture of single family attached, single family detached, and traditional two-family duplexes in the rear (Tract 2), illustrated in the concept plan shown in Exhibit "C".

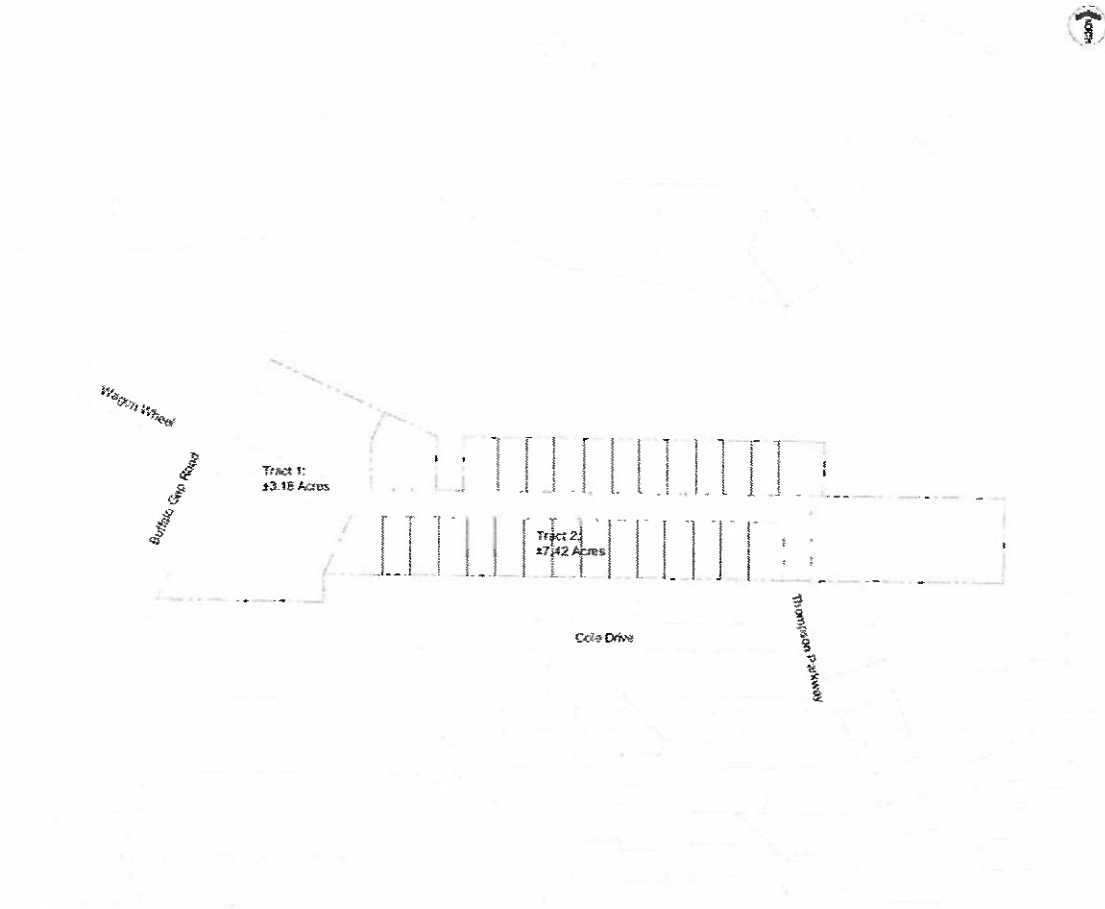
Base Zoning.

- A. Tract 1 - General Retail (GR) district.
- B. Tract 2 – Medium Density (MD) district.

Development Standards. The development of land and buildings in this Planned Development (PDD) District shall be subject to the following development standards:

- A. Tract 1 – All development standards set out in the General Retail (GR) district, except as modified below:
 - 1. Signs:
 - a. A monument sign limited to a height of six feet (6') and an area of 75 square feet is permitted along Buffalo Gap Road for development on Tract 2. This modification does not limit or restrict a monument sign for development on Tract 1.
 - b. Wayfinding signs that identify and direct visitors to each unique residential community in Tract 2 are permitted on Tract 1.
- B. Tract 2 – All development standards of the Medium Density (MD) district, except as modified below:
 - 1. Lot Size:
 - a. Minimum lot area of 3,000 square feet.
 - b. Minimum lot width shall be 30 feet.
 - 2. Setbacks:
 - a. Minimum Front Setback: 15 feet
 - b. Minimum Side Setback: 5 feet
 - 3. Signs:
 - a. A monument sign limited to a height of six feet (6') and an area of 75 square feet is permitted along Buffalo Gap Road on Tract 1.
 - b. Wayfinding signs that identify and direct visitors to each unique residential community in Tract 2 are permitted on Tract 2.
 - 4. Buffer Yard:
 - a. A Type A buffer yard shall be required between Tract 2 and adjacent properties to the east and south zoned as Residential Single-Family-6 (RS-6) district.
 - b. The required buffer yard shall have a uniform design along the entire length of the buffer yard in terms of fencing/wall height and materials.
- C. Concept Plan Requirements:
 - 1. The subject property shall be platted in general accordance with Concept Plan shown in Exhibit C.

EXHIBIT C



END

ARDENNE ESTATE BUFFALO GAP EAST OF WAGON WHEEL	
Date: _____ Title: _____	Date: _____ Title: _____
PROJECT NO.: _____ SHEET NO.: _____ OF _____	