

ORDINANCE NO. 8264

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 3.33 ACRE TRACT OF LAND OUT OF SECTION 3, BLOCK 39, T-2-S, T & P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT TO BE USED AS PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter and the State law with reference to the creation of "Planned Districts" under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by the creation of a PD, Planned District for a Transition District set out hereinafter and subject to the conditions and restrictions set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned LR-2, Local Retail District, and it shall be used as a PD, Planned District for a Transition District, subject to the special conditions and restrictions hereinafter set out, said property being described as follows:

A 3.33 acre tract of land out of Section 3, Block 39, T-2-S, T & P RR Co. Survey

City and County of Midland, Texas.

SECTION TWO. That said property shall be subject to the following conditions and restrictions:

- A. That the use of this property as an office complex with a shop building shall conform to Exhibit A (site plan) and Exhibit B (elevation drawings);
- B. That the shop building may be used for the storage and maintenance of oil-field related equipment, provided that all such uses shall be conducted within the enclosed shop;
- C. That outdoor storage on this tract shall be strictly prohibited;
- D. That all landscaping shall be installed as indicated on the site plan shall be irrigated and maintained in a healthy, growing condition;
- E. That all building lighting shall be directed downward and that no lighting shall be directed upward except for lighting of the United States flag.
- F. That a Certificate of Occupancy shall be obtained to ensure that all conditions of this ordinance are met prior to use of the property.

SECTION THREE. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION FOUR. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. The penalty for violation of this ordinance shall be in accordance

SECTION SEVEN. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 28th day of September, A.D., 2004; and passed to second reading on motion of Council member Dingus, seconded by Council member Hailey, by the following vote:

Council members voting "AYE": Dingus, Hailey, Perry,
Morgan, Canon and
Simpson

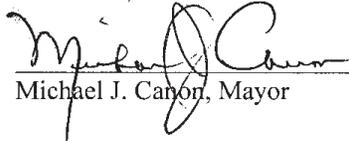
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Dingus, seconded by Council member Dufford, on the 12th day of October, A.D., 2004, at a regular meeting of the City Council:

Council members voting "AYE": Dingus, Dufford, Perry,
Morgan, Canon, Simpson
and Hailey

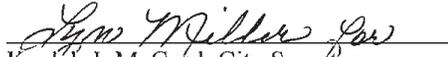
Council members voting "NAY": None

PASSED AND APPROVED THIS 12th day of October, A.D., 2004.



Michael J. Canon, Mayor

ATTEST:



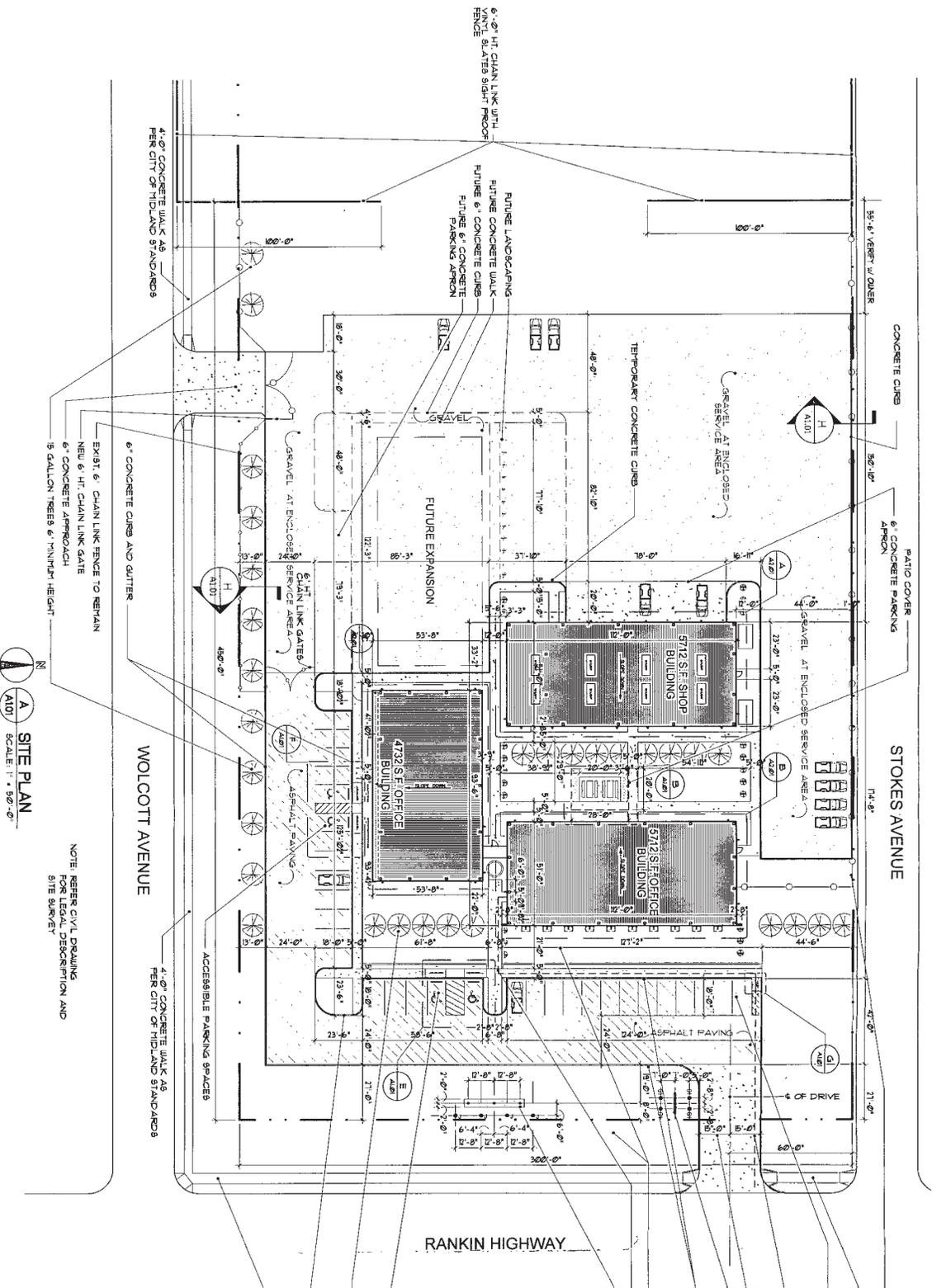
Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:



Keith Stretcher, City Attorney

DR 8264



- EXIST. 6'-0" HT. CHAIN LINK FENCE
- 5'-0" CONCRETE WALK AS PER CITY OF MIDLAND STANDARDS
- PAINTED WHITE STRIPES & PARKING SPACES - TYP.
- ACCESSIBLE ROUTE
- 6" CONCRETE APPROACH
- 11'-0" HT. GROUND SIGN (REF. DRAWING)
- 6" CONCRETE CURB AND GUTTER
- CONTROL BERNIDA HYDROLYCAL GRASS
- CONCRETE WALK
- 30" HT. FLAGPOLES & SIGNS (TOTAL 2) W/ 5'x8' CHESAPEAKE CENTER @ 6'-0" IS. FLDS
- 6" CONCRETE CURB AND GUTTER
- 5 GALLON TREES @ FINISH HEIGHT
- 6" CONCRETE CURB AND GUTTER
- 5'-0" CONCRETE WALK AS PER CITY OF MIDLAND STANDARDS

NOTE: REFER CIVIL DRAWING FOR LEGAL DESCRIPTION AND SITE SURVEY

RECEIVED
 SEP 13 2004
 PLANNING & DEVELOPMENT
 CITY OF MIDLAND

EXHIBIT A

SITE PLAN
 SCALE: 1" = 50'-0"

CASE NO. 2-04-015

Old 2864



EXHIBIT B



City Council Agenda

Approved for Agenda:
M. Johnston
City Manager's Office

MEETING DATE: September 28, 2004
TO: CITY COUNCIL/CITY MANAGER
FROM: Cameron Walker, Planning Division Manager
SUBJECT: Z-04-015, Chesapeake Energy Corporation.

Purpose:

At 11:06, hold a public hearing and consider a request for a zone change from LR-2, Local Retail District to PD, Planned District for an Transition District.

Recommended City Council Action

Approve Deny Direction/Informational

Fiscal Impact:

N/A

Discussion:

Chesapeake Energy proposes to construct a new office complex with a three-bay shop for truck parking, storage, and equipment maintenance work for their Midland based well-service operations. The office use is allowed in the LR-2 district, however, the uses planned for the shop are limited to a commercial district. Thus, a zone change is needed.

The complex will initially consist of three buildings; a fourth may be added if expansion is warranted. The buildings will be 4,700 to 5,700 square feet in area, one-story in height, and constructed of metal. At the Planning and Zoning Commission meeting, concern was expressed over the intended metal facade, and the Commission recommended that elevation drawings be submitted. The applicant has supplied elevation drawings, but no changes have been made in regards to the building material.

Landscaping will consist of grass, shrubs, and over thirty trees, which will be 15-gallon size and at least 6-feet in height. Regarding signage, the site plan shows an 11-foot, externally lit business sign near the north driveway, plus a wall sign on the main building.

This zone change request applies to only a 3.33-acre portion of the 12.47 total acreage owned by Chesapeake. The applicant has expressed a need for outdoor storage of oil-field related equipment, but is aware that such storage would be prohibited on the office tract. The remaining acreage is in the IP-1, Industrial Park District, in which outdoor storage is permitted provided that a six-foot screening fence is erected. Open chain link fence is planned along Wolcott Avenue and Stokes Avenue. A slatted chain link fence will be installed along the PD and IP-1 zoning boundaries to ensure adequate screening of any outdoor storage.

Attachments:

Application

Maps

Exhibit A - Site Plan

Exhibit B - Elevation Drawings

Exhibit C - Illustrative Rendering

CDS