

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING TRACTS 14, 15, 16, AND 17, WALLACE HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, MF-2, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND TH, TOWNHOUSE DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 290 FEET EAST OF NORTH LOOP 250 WEST); 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 Housing Development, as 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 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, MF-2, Multiple-Family Dwelling District, in part, and TH, Townhouse Dwelling District, in part,

and it shall be used as a PD, Planned District for a Housing Development, said property being described as follows:

Tracts 14, 15, 16, and 17, Wallace Heights Addition, City and County of Midland, Texas.

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

- A. That the use and development of the property shall conform to the regulations of the MF-1, Multiple-Family Dwelling District, except as otherwise stated below.
- B. That the use and development of the property shall significantly conform to the site plan, which is attached hereto and incorporated herein as Exhibit "A".
- C. That the landscaping of the property shall significantly conform to the landscape notes in Exhibit "A".
- D. That the internal landscaping of the property may be installed in phases as construction progresses.
- E. That the fencing shall significantly conform to Exhibit "A"
- F. That there shall be no fewer parking spaces on the property than the number of parking spaces shown in Exhibit "A".
- G. That all lighting shall significantly conform to the standards set forth in the City Code.

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 with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars (\$2,000.00).

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 26th day of July, A.D., 2016; and passed to second reading on motion of Council member Love, seconded by Council member Lacy, by the following vote:

Council members voting "AYE": Love, Sparks, Morales, Dufford, Lacy, Robnett

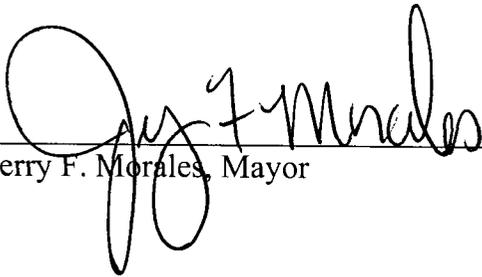
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Hotchkiss, seconded by Council member Lacy, on the 9th day of August, A.D., 2016, at a regular meeting of the City Council:

Council members voting "AYE": Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett

Council members voting "NAY": None

PASSED AND APPROVED THIS 9th day of August, A.D., 2016.

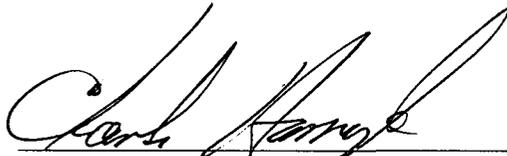

Jerry F. Morales, Mayor

ATTEST:


Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

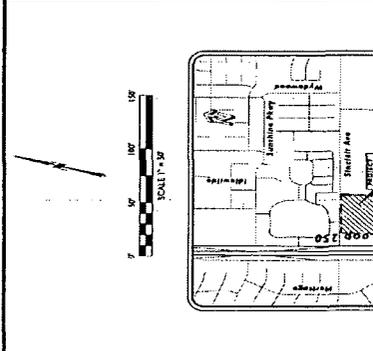

Frank Salvato, Assistant City Manager


Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:


John Ohnemiller, City Attorney

MAVERICK ENGINEERING
 1909 West Vash Street, Suite "C"
 Midland, Texas 79701 (817) 731-1509
 www.maverick-eng.com

DATE	11/11/2014
PROJECT	LOT 1 WALLAGE HEIGHTS SECTION 9
CLIENT	CONTRACTOR
SCALE	AS SHOWN
DRAWN BY	AS
CHECKED BY	AS
DATE	11/11/2014

SITE PLAN
 MANOR PARK SOUTH
 LOT 1 BLOCK 2 WALLAGE HEIGHTS SECTION 9
 CITY AND COUNTY OF MIDLAND, TEXAS

LEGEND

- ⊙ DENSITIES/ROOMS/STAIRS/FACED
- DENSITIES/STAIRS/IRON TOOD
- DENSITIES/FIRE/HOT/ANT
- DENSITIES/WATER/VALVE
- DENSITIES/MANHOLE
- DENSITIES/PROPERTY BOUNDARY LINE
- DENSITIES/LANDSCAPE LINE
- DENSITIES/PROPOSED DRIVE
- DENSITIES/SEWER LINE
- DENSITIES/SEWER LINE
- DENSITIES/SEWER LINE
- DENSITIES/WATER LINE
- DENSITIES/WATER LINE

GENERAL:
 THE 15 ACRES OF PROPERTY OF LOT 1, BLOCK 2, MANOR PARK SOUTH, CITY AND COUNTY OF MIDLAND, TEXAS, AS SHOWN ON THE PLAT OF WALLAGE HEIGHTS SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, IS HEREBY SUBDIVIDED INTO 100 BUILDING SITES AS SHOWN ON THIS SITE PLAN. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE.

ACCESS:
 THE 15 ACRES OF PROPERTY OF LOT 1, BLOCK 2, MANOR PARK SOUTH, CITY AND COUNTY OF MIDLAND, TEXAS, IS HEREBY SUBDIVIDED INTO 100 BUILDING SITES AS SHOWN ON THIS SITE PLAN. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE.

UTILITIES:
 THE 15 ACRES OF PROPERTY OF LOT 1, BLOCK 2, MANOR PARK SOUTH, CITY AND COUNTY OF MIDLAND, TEXAS, IS HEREBY SUBDIVIDED INTO 100 BUILDING SITES AS SHOWN ON THIS SITE PLAN. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE.

DENSITY:
 THE 15 ACRES OF PROPERTY OF LOT 1, BLOCK 2, MANOR PARK SOUTH, CITY AND COUNTY OF MIDLAND, TEXAS, IS HEREBY SUBDIVIDED INTO 100 BUILDING SITES AS SHOWN ON THIS SITE PLAN. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE.

LANDSCAPE:
 THE 15 ACRES OF PROPERTY OF LOT 1, BLOCK 2, MANOR PARK SOUTH, CITY AND COUNTY OF MIDLAND, TEXAS, IS HEREBY SUBDIVIDED INTO 100 BUILDING SITES AS SHOWN ON THIS SITE PLAN. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE.

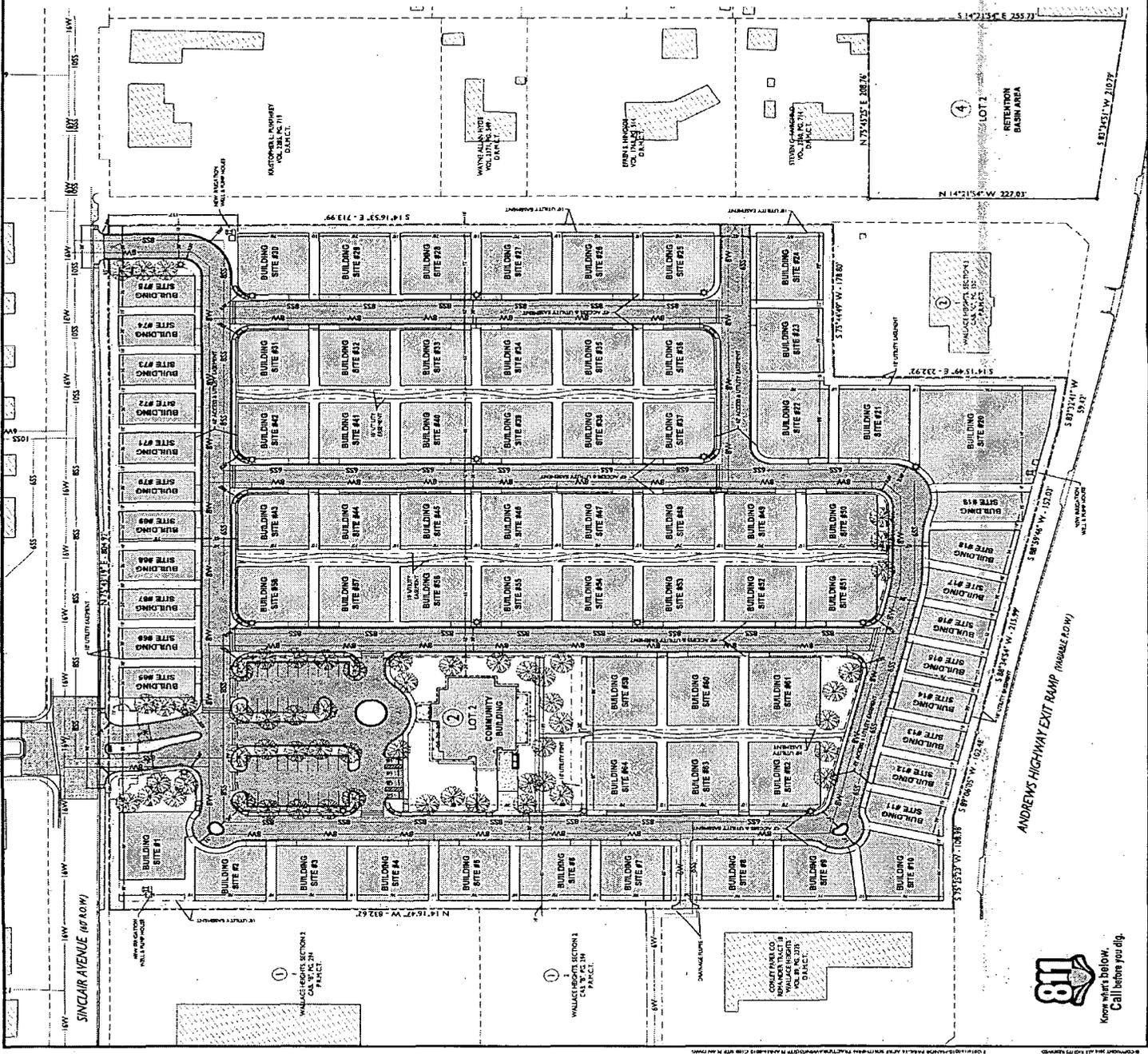
PARKING:
 THE 15 ACRES OF PROPERTY OF LOT 1, BLOCK 2, MANOR PARK SOUTH, CITY AND COUNTY OF MIDLAND, TEXAS, IS HEREBY SUBDIVIDED INTO 100 BUILDING SITES AS SHOWN ON THIS SITE PLAN. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE.

TRASH:
 THE 15 ACRES OF PROPERTY OF LOT 1, BLOCK 2, MANOR PARK SOUTH, CITY AND COUNTY OF MIDLAND, TEXAS, IS HEREBY SUBDIVIDED INTO 100 BUILDING SITES AS SHOWN ON THIS SITE PLAN. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE.

FIRE LINES:
 THE 15 ACRES OF PROPERTY OF LOT 1, BLOCK 2, MANOR PARK SOUTH, CITY AND COUNTY OF MIDLAND, TEXAS, IS HEREBY SUBDIVIDED INTO 100 BUILDING SITES AS SHOWN ON THIS SITE PLAN. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE.

FINANCING:
 THE 15 ACRES OF PROPERTY OF LOT 1, BLOCK 2, MANOR PARK SOUTH, CITY AND COUNTY OF MIDLAND, TEXAS, IS HEREBY SUBDIVIDED INTO 100 BUILDING SITES AS SHOWN ON THIS SITE PLAN. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE.

DRAINAGE:
 THE 15 ACRES OF PROPERTY OF LOT 1, BLOCK 2, MANOR PARK SOUTH, CITY AND COUNTY OF MIDLAND, TEXAS, IS HEREBY SUBDIVIDED INTO 100 BUILDING SITES AS SHOWN ON THIS SITE PLAN. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN ACCORDANCE WITH THE CITY OF MIDLAND ZONING ORDINANCE AND THE CITY OF MIDLAND SUBDIVISION ORDINANCE.





City Council Agenda

APPROVED

Approved for Agenda:
fsalvato
City Manager's Office

MEETING DATE: August 9, 2016

TO: City Council / City Manager

FROM: Geoff Solomonson, Planner

SUBJECT: Consider an ordinance on second reading on a request by Manor Park for a Zone Change from 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, to PD, Planned District for a Housing Development, on Tracts 14, 15, 16, and 17, Wallace Heights Addition, City and County of Midland, Texas. (Generally located on Sinclair Avenue, approximately 290-feet east of N. Loop 250 West. – Council District 4)

Purpose:

Consider an ordinance on second reading on a request by Manor Park for a Zone Change from 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, to PD, Planned District for a Housing Development, to allow for a future expansion of the Manor Park Retirement Community.

Recommended City Council Action

Approve Deny Directional / Informational

Fiscal Impact:

No City funds are required to process this request.

Discussion:

Current Zoning:

1F-1, One-Family Dwelling District, in part, MF-1, Multiple Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple Family Dwelling District, in part.

Surrounding Zoning and Land Use:

The property is located near the intersection of N. Loop 250 West and Andrews Highway and is currently undeveloped. The zoning to the north, across Sinclair Avenue, is a PD, Planned District for a Housing Development (Ordinance No. 8126), with an underlying zoning of MF-1, Multiple-Family Dwelling District, and is the location of Manor Park Retirement Community. The properties to the east are zoned 1F-1, One-Family Dwelling District, and O1, Office District, and contain single-family residences within the 1F-1, One-Family Dwelling District, and an office building within the O1, Office District.

To the south are properties zoned LR-1, Local Retail District, and LR-2, Local Retail District, which are mainly undeveloped with a few single-family residences. Zoning to the west is LR-2, Local Retail District, in part, and a PD, Planned District for a Transition District (Ordinance No. 6739). Tracker Boat Center is located in the PD, Planned District for a Transition District.

Analysis:

The parcels proposed for rezoning were originally platted as Wallace Heights Addition in 1946, with the intent of 1F-1, One-Family Dwelling District, for single-family residential. In 1980, the properties were rezoned to MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, by Ordinance No. 5613.

PD, Planned District for a Housing Development, with an underlying zoning of MF-1, Multiple-Family Dwelling District, is an appropriate application of a zone change to match the current Manor Park Retirement Community campus, as the expansion is a large housing development. This Zone Change is in process along with the re-platting of the property as Wallace Heights, Section 9.

Exhibit A, provided by the applicant, shows the proposed site plan for an expansion of the Manor Park Retirement Community. Seventy Five (75) building sites are proposed as an expansion to the south from the adjacent Manor Park Retirement Community campus. Each site can have up to 2 units for a maximum density of 4.8 dwelling units per acre. The PD, Planned District for a Housing Development, with an underlying zoning of MF-1, Multiple-Family Dwelling District, allows for a maximum of 16 dwelling units per acre according to the Midland City Zoning Ordinance Chapter 11-1-6, Zoning district classification; use and development regulations.

This proposed development would generate approximately 15 morning peak hour (7 a.m. to 9 a.m.) trips and 20 evening peak hour (4 p.m. to 6 p.m.) trips based on Senior Adult Housing from the Trip Generation Manual by the Institute of Transportation Engineers.

Landscaping on the site meets Midland City Zoning Ordinance Chapter 11-9, Landscape Regulations of 1 tree per 30 feet of street frontage and 1 tree per 15 parking spaces. Landscaping around the community building and main entrance will be provided in accordance with the City of Midland Landscape Ordinance. The remainder of the landscaping of the development will be considered residential and will be installed at each residence at the time of construction.

The site will have a primary access point and another emergency access point with gates both along Sinclair Avenue.

Staff recommends approval of a Zone Change from 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, to PD, Planned District for a Housing Development, subject to conditions A through G.

Conditions:

A. That the use and development of this property shall significantly conform to the regulations of the MF-1, Multiple-Family Dwelling District, except as otherwise stated below.

B. That the use and development of the property shall significantly conform to the attached site plan, Exhibit "A."

C. That the landscaping shall significantly conform to the Exhibit "A" Landscaping Notes.

D. That the landscaping internal to the site may be installed in phases as construction progresses.

E. That the fencing shall significantly conform to Exhibit "A."

F. That the minimum number of required parking spaces shall be shown on Exhibit "A."

G. That all lighting shall significantly conform to the standards set forth in the Midland City Code.

Letters of Objection:

As of July 22, 2016, staff has received no letters of objection.

Attachments:

Application

Maps

Proposed Site Plan (Exhibit A)

Ordinance No. 8126



APPLICATION TO CHANGE ZONING CLASSIFICATION

I. APPLICATION

Applicant:

<u>Manor Park Inc. Alan Hale, Executive Director</u>	<u>432-689-9898</u>
(Name)	(Phone)
<u>2208 N Loop 250 West, Midland, TX 79707</u>	<u>ahale@manorparkinc.org</u>
(Address)	(Email)

Property Owner:

_____	_____
(Name)	(Phone)
_____	_____
(Address)	(Email)

Representative (please see affidavit on page 2):

<u>Andrew Hobby, P.E. - Maverick Engineering</u>	<u>432-262-0999</u>
(Name)	(Phone)
<u>1909 West Wall St. Ste K, Midland, TX 79701</u>	<u>ahobby@maverick-eng.com</u>
(Address)	(Email)

Street address: _____

Legal Description of property (complete Lot, Block, and Subdivision Name or if unplatted, attach a Metes and Bounds description with surveyor's seal, each district must be described separately):

Tracts 17, 16, 15, and the North 4 Acres of Tract 14. Wallace Heights Addition. City and County of Midland, Texas.

Present Zone: MF-1, MF-2, TH Proposed Zone: PD-HD

(List by tracts if more than one district is requested)

Reason for Zone Change Request: Development of site for future phase of Manor Park.

Present Use of Property: Undeveloped

Proposed Use of Property: Senior housing community

How would this zone change affect the public health, safety and welfare?

NA

Describe how conditions affecting the property have changed since present zoning designation:

NA

II. APPLICATION FEES:

Single, standard zone change: **\$400**, Multiple, standard zone change: add **\$100** per additional district.
Single PD zone change: **\$550**, Multiple PD proposal: add **\$100** per district.

Total: \$ 550.00

III. SITE PLAN SUBMITTALS (if applicable):

5 FOLDED copies of the PD site plan: x
Site Plan in digital format (PDF & JPEG): x

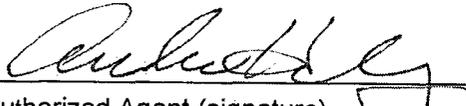
VI. Signature

Property Owner (signature): _____ Date: _____

If an Agent is authorized by the property owner to file and execute the application on behalf of the property owner, the Agent must complete the affidavit below.

STATE of TEXAS
COUNTY OF MIDLAND

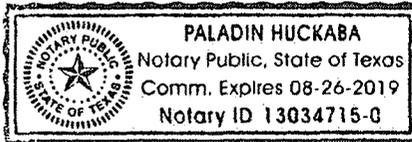
Before me, the undersigned authority, on this day personally appeared Andrew Hobby who, being by me duly sworn, upon oath says: That (s)he is authorized by Alan Hale, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.


Authorized Agent (signature)

Subscribed and sworn to before me, this 10th day of June, 20 16, to certify which witness my hand and seal of office.

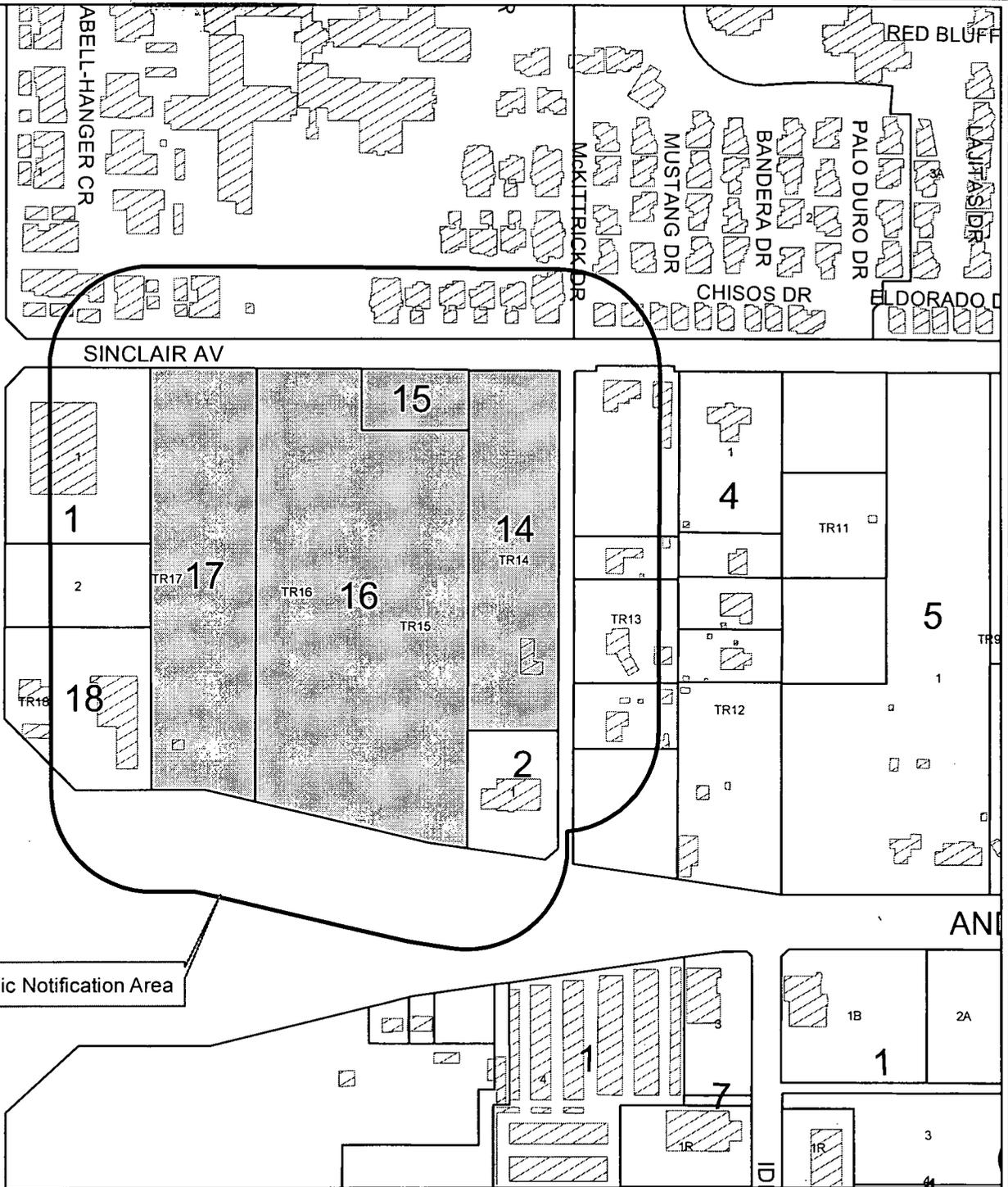

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY
Rec'd By: _____ Date: _____
Assigned: _____
For: _____ On: _____



****Application will not be considered for scheduling until reviewed by a planner.****

LOOP 250 WEST



LOCATION MAP

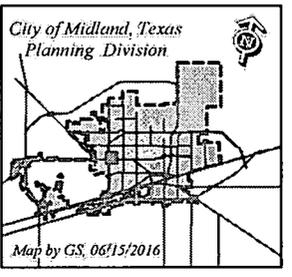
Z - 16 - 0016 **Scale: 1" = 300'**

Consider a request for a Zone Change from 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, to PD, Planned Development for a Housing Development on Tracts 14, 15, 16, and 17, Wallace Heights Addition, City and County of Midland, Texas.

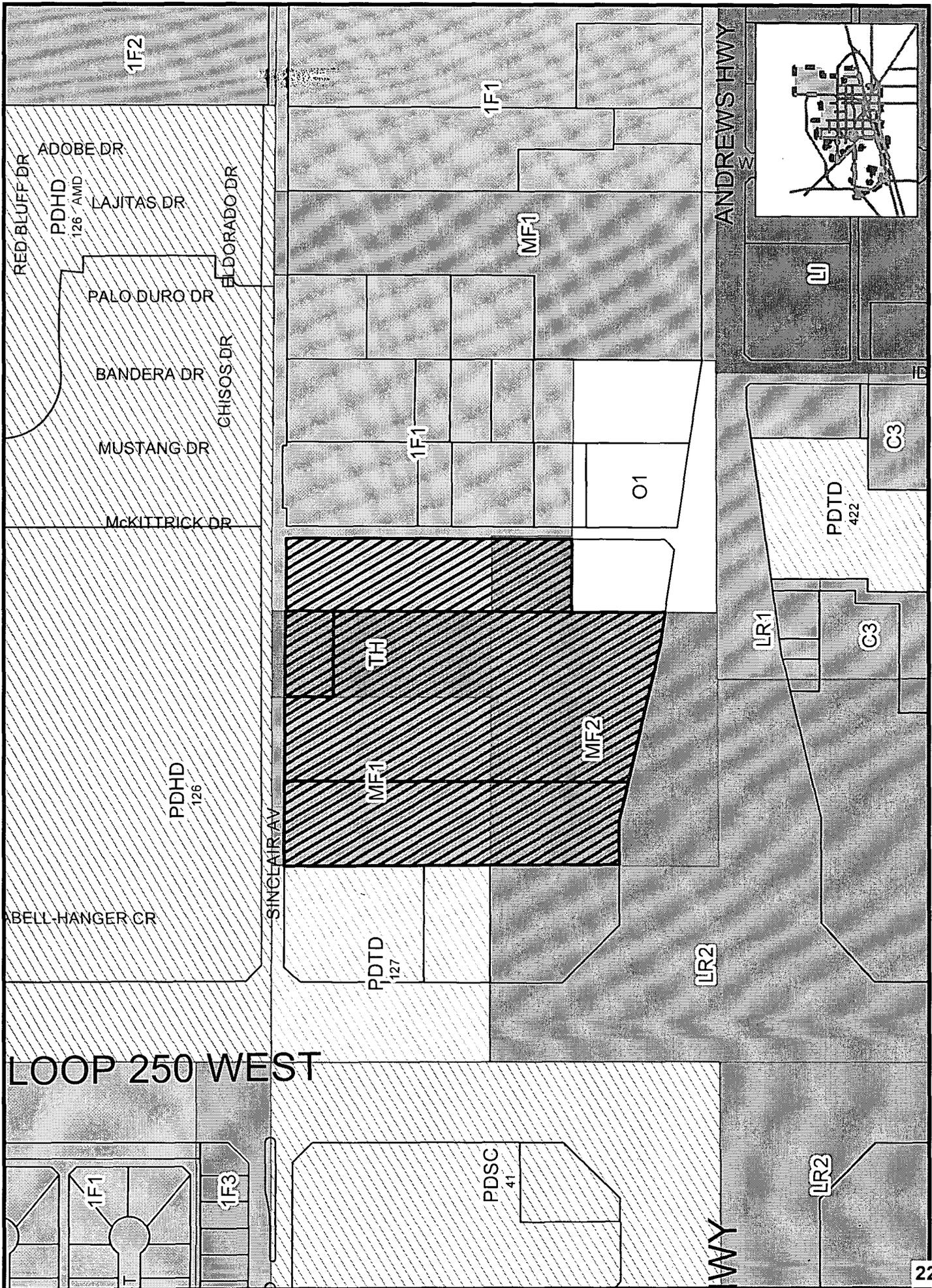
Generally located on Sinclair Avenue approximately 290-feet east of N. Loop 250 W. (Council District 4)

LEGEND

- - - CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS



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THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA!



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ZONING MAP

Scale: 1" = 300'

Z - 16 - 0016

ip By: GS, 06/15/2016
22.12

ORDINANCE NO. 8126

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 1, TRINITY TOWERS MANOR, SECTION 1; AND A 25.71-ACRE TRACT OUT OF SECTION 19, BLOCK 39, T-1-S, T & P RAILROAD COMPANY SURVEY, MIDLAND COUNTY, TEXAS WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT AND 1F-3, ONE-FAMILY DWELLING DISTRICT TO BE USED AS PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; AND EXPRESSLY REPEALING ORDINANCE NO. 6213; 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 Housing Development 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 PD, Planned District for a Housing Development and 1F-3, One-Family Dwelling District, and it shall be used as a PD, Planned District for a Housing Development, subject to the special conditions and

restrictions hereinafter set out, said property being described as follows:

Lot 1, Block 1, Trinity Towers Manor, Section 1; and a 25.71-acre tract out of Section 19, Block 39, T-1-S, T & P Railroad Company Survey, Midland County, Texas. (As further described on the attached metes and bounds description, Exhibit "A", incorporated herein by reference.)

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

- A. That the use and development of this property shall conform to the regulations of the MF-1, Multiple-Family Dwelling District, except as otherwise stated below.
- B. That the use and development of this property shall conform to the conditions shown on the attached site plan, Exhibit "B", in all respects.
- C. That the maximum building height for Lot 1, Block 1, Trinity Towers Manor, Section 1 shall not exceed 65 feet or four stories. The maximum building height for Lot 2, Block 2 shall be 80 feet, or five stories.
- D. That the indicated six-foot tall screening fence around the east 25 acres of this property may be installed in phases. The landscaping indicated along Sinclair Avenue may also be installed in phases, concurrently with the fence construction.
- E. That the landscaping internal to the site may be installed in phases as construction progresses, provided that a minimum of 15 percent of each developing area is landscaped, and that the total landscaping once all construction is complete is 15 percent. All landscaping shall be irrigated with an automatic sprinkler system, and shall be maintained in a healthy, growing condition.
- F. That the minimum number of required parking spaces shall be as shown on Exhibit "B."
- G. That all fixtures for security lighting within the eastern 25 acres shall not be mounted higher than 20 feet above natural grade.
- H. That Ordinance 6213 is repealed.

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, and Ordinance no. 6213 is hereby expressly repealed..

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 with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars (\$2,000.00).

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 27th day of August, A.D., 2002; and passed to second reading on motion of Council member Simpson, seconded by Council member Bradford, by the following vote:

Council members voting "AYE":	Simpson, Bradford, Perry, Morgan, Dingus, Canon and Dufford
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Council members voting "NAY":	None
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The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Simpson, seconded by Council member Dufford, on the 10th day of September, A.D., 2002, at a regular

meeting of the City Council:

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

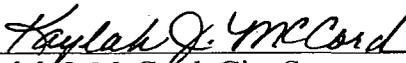
Council members voting "NAY": None

PASSED AND APPROVED THIS 10th day of September, A.D., 2002.



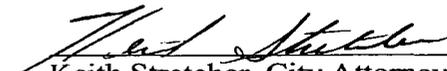
Michael J. Canon, Mayor

ATTEST:



Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:



Keith Stretcher, City Attorney

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

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ZONING FOR TRINITY TOWER MANOR, SECTION 2

LEGAL DESCRIPTION FOR A 25.71 ACRE TRACT LOCATED IN SECTION 19, BLOCK 39, T-1-S, T. & P. RR. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

Boundary being further described by metes and bounds as follows:

BEGINNING at the Southwest corner of this tract in the center of Sinclair Avenue, from whence a 5/8" iron rod found, as set by the City of Midland, Engineering Department, at the Southeast corner of Lot 1, Block 1, Trinity Tower Manor, as recorded in Cabinet D, Page 76, Plat Records of Midland County, Texas and the Northwest corner of said 0.271 Acre right of way dedication in Volume 1185, Page 543, bears N15°15'02"W, a distance of 34.18 feet, also from said point of beginning, the Southwest corner of said Section 19, Block 39, T-1-S, based on calls of the 10.0 Acre Tract recorded in Volume 961, Page 1, bears S74°45'W, a distance of 1202.3 feet and S15°15'E, a distance of 1113.00 feet;

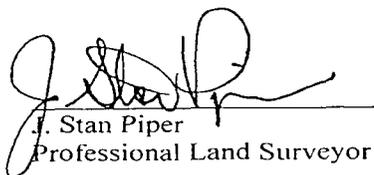
THENCE N15°15'02"W with and projections of the East line of said Lot 1, Block 1, and the West boundary line of said 10.0 Acre tract, at 1062.94 feet pass the Northwest corner of said 10.0 Acre Tract, continuing for a total distance of 1072.94 feet to the Northwest corner of this tract in the center of an existing alley, from whence a 1/2" iron rod found at the Northeast corner of said Lot 1, Block 1, bears N15°15'02"W a distance of 472.87 feet;

THENCE N74°48'58"E with the center of an existing alley, a distance of 1044.56 feet to the Northeast corner of this tract, from whence the Northeast corner of a 5.0 Acre Tract as described in Volume 649, Page 288, Deed Records bears S15°11'17"E, a distance of 10.00 feet;

THENCE S15°11'17"E with and projections of the West boundary line of Wydeewood Estates, Section 4, as recorded in Cabinet C, Page 47, Plat Records of Midland County, at 1042.64 feet pass a 5/8" iron rod found at the Northeast corner of said 0.058 Acre dedicated for right of way as described in Volume 1221, Page 485, Official Records of Midland County, continuing for a total distance of 1072.70 feet to the Southeast corner of this tract, in the center of Sinclair Avenue;

THENCE S74° 48'10"W with the center of Sinclair Avenue, a distance 1043.40 feet to the Place of Beginning.

I, J. Stan Piper, Professional Land Surveyor, do hereby certify that this legal description is based on an actual survey made by me or under my supervision, and that the same is true and correct to the best of my knowledge and belief as surveyed on the ground at various dates through June 5, 2002.


J. Stan Piper
Professional Land Surveyor

Prepared for:
Parkhill, Smith, and Cooper, Inc.
Attn.: Mr. Jay Edwards
5214 Thomason
Midland, TX 79703
(915) 697-1447

PIPER SURVEYING CO., BOX 60432, MIDLAND, TX 79711, (915) 550-7810

