

City of Lubbock, Texas
Regular City Council Meeting
Monday, November 1, 2021

Daniel M. Pope, Mayor
Steve Massengale, Mayor Pro Tem, District 4
Juan A. Chadis, Councilman, District 1
Shelia Patterson Harris, Councilwoman, District 2
Jeff Griffith, Councilman, District 3
Randy Christian, Councilman, District 5
Latrell Joy, Councilwoman, District 6



W. Jarrett Atkinson, City Manager
Chad Weaver, City Attorney
Rebecca Garza, City Secretary

<http://www.mylubbock.us>

City Council Chambers, Citizens Tower, 1314 Avenue K, Lubbock, Texas

City of Lubbock City Council Meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at (806)775-2061 or write to Post Office Box 2000, Lubbock, Texas 79457 at least 48 hours in advance of the meeting.

Note: On occasion the City Council may consider agenda items out of order.

1:00 p.m. - City Council convenes in City Council Chambers in Work Session regarding items for presentation and discussion on such issues that may require in-depth consideration by the City Council. No action will be taken by the City Council in Work Session.

1. Hear and discuss presentations regarding the following and provide guidance to staff as appropriate.
 1. 1. Parks, Recreation and Open Space Master Plan Update
 1. 2. American Rescue Plan Act (ARPA) Funds Update
 1. 3. Unified Development Code Update

At the completion of the Work Session, City Council recesses into Executive Session.

2. **Executive Session**
 2. 1. Hold an executive session in accordance with Texas Government Code, Section 551.071, with legal counsel for advice about pending or contemplated litigation or settlement agreement and on matters in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct conflicts with Chapter 551.
 2. 1. 1. Waivers for Utility Infrastructure Requirements (when platting land)

Adjourn from Executive Session

4:30 p.m. - City Council reconvenes in Open Session in City Council Chambers.

3. Ceremonial Items

3. 1. Invocation

3. 2. Pledges of Allegiance

3. 3. Proclamations and Presentations

3. 4. Board Recognitions

Health/Educational Facilities Development Corporation Board of Directors
Winter Chambers Horton

Lubbock Economic Development Alliance, Inc. Board of Directors
Walter Cathey

Lubbock Water Advisory Commission
Donna McCallister

Market Lubbock Economic Development Corporation Board of Directors
Walter Cathey

Planning & Zoning Commission
Brandon Hardaway

Call to Order

4. Citizen Comments - According to Lubbock City Council Rules, any citizen wishing to appear in-person before a regular meeting of the City Council, regarding any matter posted on the City Council Agenda below, shall complete the sign-up form provided at the meeting, no later than 5:00 p.m. on November 1, 2021. Citizen Comments is an opportunity for citizens to make comments and express a position on agenda items. Any comment received that is in the nature of asking a question will be referred to an appropriate member of the City staff for a response.

5. Minutes

5. 1. October 12, 2021 Special City Council Meeting - LPD South Patrol Division Ribbon Cutting
October 12, 2021 Regular City Council Meeting

6. **Consent Agenda - Items considered to be routine are enacted by one motion without separate discussion. If the City Council desires to discuss an item, the item is removed from the Consent Agenda and considered separately.**

6. 1. **Ordinance 2nd Reading - Right-of-Way:** Consider Ordinance No. 2021-00150, abandoning and closing a 20-foot alley right-of-way, located in Block 7, Original Town of Lubbock, Lubbock County Texas, at 5th Street and Avenue J.

6. 2. **Ordinance 1st Reading - Right-of-Way:** Consider an ordinance abandoning and closing a 2-foot Underground Street Light Cable Easement located along the east side of Lot 328, Hatton Place Addition, Lubbock County, Texas, at 3721 116th Street.

6. 3. **Resolution - Right-of-Way:** Consider a resolution authorizing the Mayor to execute a Street Use License and all related documents, by and between the City of Lubbock and A & A Skibell Equities, LLC, d/b/a KFC, located at 5004 Slide Road, Lubbock County, Texas.

6. 4. **Resolution - Water Utilities:** Consider a resolution authorizing the Mayor to execute a four-year Interlocal Wholesale Wastewater Contract, with Texas Tech University, to serve a classroom/research facility located outside the City's incorporated boundaries.

6. 5. **Resolution - Water Utilities:** Consider a resolution authorizing the Mayor to execute a four-year Interlocal Wholesale Water Sales Contract, with Texas Tech University, to serve potable water to a classroom/research facility located outside the City's incorporated boundaries.

6. 6. **Ordinance 2nd Reading - Traffic Operations:** Consider Ordinance No. 2021-00151, amending Section 20.05.103 of the Code of Ordinances of the City of Lubbock, with regard to the removal of school zones.

6. 7. **Ordinance 2nd Reading - Business Development:** Consider Ordinance No. 2021-00152, reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the Northwest Passage PID; approving, adopting, and filing with the City Secretary the assessment roll; levying 2022 assessments for the cost of certain services and improvements to be provided in the district during FY 2022-23; fixing charges and liens against the property in the district and against the owners thereof; and providing for the collection of the assessment.

6. 8. **Resolution - Health Benefits:** Consider a resolution authorizing and directing the City Manager to purchase, for and on behalf of the City of Lubbock, Individual Stop Loss insurance coverage from Blue Cross Blue Shield of Texas, for the City's health benefits program, in an amount not to exceed \$14.79 per member, per month.

6. 9. **Resolution - City Manager:** Consider a resolution authorizing the Mayor to execute the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet, and related documents, including any settlement participation forms.

7. **Regular Agenda**

7. 1. **Public Hearing - Planning:** Consider a request for Zone Case 763-C, a request of Frank Hayward for Austin M. Carrizales, Tory Brueggeman, Anthony and Rebecca Guajardo, Glaytus Lee Rumsey, Daniel and Sherri Henley, and John and Mary Jan Beakley, for a zone change from Single-Family District (R-1) to Commercial - Apartment District (CA) at 5201, 5202, 5203, 5204 70th Street and 7004 Slide Road, located west of Slide Road and south of 69th Street, Ranch Acres Addition, Lots 1, 2, 16, and the east 116.12 feet of Lot 15, and consider an ordinance.
7. 2. **Public Hearing - Planning:** Consider a request for Zone Case 1624-A, a request of OJD Engineering, LLC for SDIRA Wealth, for a zone change from High-Density Apartment District (A-2) to Reduced Setback Single-Family District (R-1A), at: 2405 North Avenue N, located north of Wabash Street and east of North Avenue P, on 15.164 acres of unplatted land out of Block A, Section 78, and consider an ordinance.
7. 3. **Public Hearing - Planning:** Consider a request for Zone Case 1927-C, a request of Darcey Achin for Godbold Multi Arts, Inc., for a zone change from Local Retail District (C-2) Specific Use to Commercial District (C-4) Specific Use for an Event Center, at 2601 19th Street, located south of 19th Street and west of University Avenue, Ellwood Place Addition, Block 7, Lot 1 and the East 26.5 feet of Lot 2, and consider an ordinance.
7. 4. **Public Hearing - Planning:** Consider a request for Zone Case 2538-W, a request of AMD Engineering, LLC for 806 Land Group, LLC, for a zone change from Single-Family District (R-1) to Two-Family District (R-2), generally located south of 4th Street and east of Upland Avenue, on 73.45 acres of unplatted land out of Block JS, Section 10, and consider an ordinance.
7. 5. **Public Hearing - Planning:** Consider a request for Zone Case 2538-Y, a request of Betenbough Homes, for a zone change from Transition (T) and Single-Family District (R-1) to Two-Family District (R-2), at 7311 34th Street, located south of 34th Street and west of Upland Avenue, on 34.294 acres of unplatted land out of Block AK, Section 39, and consider an ordinance.
7. 6. **Public Hearing - Planning:** Consider a request for Zone Case 2573-S, a request of AMD Engineering, LLC for North Park Development, Inc., for a zone change from Interstate Highway Commercial District (IHC) and General Retail District (C-3) to High-Density Apartment District (A-2) at 316 and 401 North Winston Avenue, located west of Winston Avenue and north of Auburn Street, on 15.65 acres of unplatted land out of Block A, Section 22, and consider an ordinance.
7. 7. **Public Hearing - Planning:** Consider a request for Zone Case 2895-Q, a request of Betenbough Homes, for a Specific Use for an Event Center, on property zoned General Retail District (C-3), at 6305 82nd Street and 6303 82nd Street, Suite B, located south of 82nd Street and east of Milwaukee Avenue, Betenbough II Addition, Tracts A and B1 and Betenbough Garden Office Addition, Tract A, and consider an ordinance.

7. 8. **Public Hearing - Planning:** Consider a request for Zone Case 2918-B, a request of Seventeen Services, Inc. for Keith McNeese, for a zone change from Garden Office District (GO) to Apartment-Medical District (AM) at 10701 Upland Avenue, located east of Upland Avenue and north of 109th Street, Devonshire Estates Addition, Tract A, and consider an ordinance.
7. 9. **Public Hearing - Planning:** Consider a request for Zone Case 2952-D, a request of SPSM, LTD, for a zone change from Local Retail District (C-2) to General Retail District (C-3), at 601 North Slide Road, located north of Erskine Street and west of Slide Road, North Pointe Addition, Tract C, and consider an ordinance.
7. 10. **Public Hearing - Planning:** Consider a request for Zone Case 3031-B, a request of SK Architecture Group for Nesloney Homes, for a zone change from Garden Office District (GO) to Local Retail District (C-2), at 8309 Upland Avenue, located east of Upland Avenue and south of 82nd Street, Westwood Addition, Lot 4, and consider an ordinance.
7. 11. **Public Hearing - Planning:** Consider a request for Zone Case 3291-A, a request of OJD Engineering, LLC for John C. Owens, for a zone change from Local Retail District (C-2) to Family Apartment District (A-1) at 1901 82nd Street, located east of Avenue U and south of 82nd Street, on 3.82 acres of unplatted land out of Block E, Section 9, and consider an ordinance.
7. 12. **Public Hearing - Planning:** Consider a request for Zone Case 3432-A, a request of Dwain Lane for Carolyn Lane Musgrave, for a Specific Use for an Event Center, on property zoned Commercial District (C-4) and Local Retail District (C-2) at 1801 19th Street and 1904 and 1906 Avenue R, located south of 19th Street and west of Avenue R, Lane Addition, Block 1, Lots 1, 2, 5 and 6, and consider an ordinance.
7. 13. **Public Hearing - Planning:** Consider a request for Zone Case 3437, a request of D's Auto, for a zone change from Single-Family District (R-1) to Local Retail District (C-2), at 3407 Idalou Road, located west of Idalou Road and north of East 3rd Place, on 1.77 acres of unplatted land out of Block A, Section 3, and consider an ordinance.



Information

Agenda Item

Board Recognitions

Health/Educational Facilities Development Corporation Board of Directors

Winter Chambers Horton

Lubbock Economic Development Alliance, Inc. Board of Directors

Walter Cathey

Lubbock Water Advisory Commission

Donna McCallister

Market Lubbock Economic Development Corporation Board of Directors

Walter Cathey

Planning & Zoning Commission

Brandon Hardaway

Item Summary

Fiscal Impact

Staff/Board Recommending

Attachments

No file(s) attached.



Regular City Council Meeting
11/01/2021:

5.1.

Information

Agenda Item

October 12, 2021 Special City Council Meeting - LPD South Patrol Division Ribbon Cutting
October 12, 2021 Regular City Council Meeting

Item Summary

October 12, 2021 Special City Council Meeting - LPD South Patrol Division Ribbon Cutting
October 12, 2021 Regular City Council Meeting

Fiscal Impact

None

Staff/Board Recommending

Rebecca Garza, City Secretary

Attachments

10.12.2021 S Ribbon Cutting
10.12.2021

**CITY OF LUBBOCK
SPECIAL CITY COUNCIL MEETING
October 12, 2021
10:00 A.M.**

The City Council of the City of Lubbock, Texas met in special session on the 12th of October, 2021, at the Lubbock Police Department South Patrol Division, 14005 Indiana Avenue, Lubbock, Texas at 10:00 a.m.

10:05 A.M. CITY COUNCIL CONVENED

Lubbock Police Department South Patrol Division, 14005 Indiana Avenue, Lubbock, Texas

Present: Mayor Daniel M. Pope; Mayor Pro Tem Steve Massengale; Council Member Randy Christian; Council Member Jeff Griffith; Council Member Latrelle Joy; Council Member Shelia Patterson Harris; City Manager W. Jarrett Atkinson; Deputy City Secretary Courtney Paz; Deputy City Attorney Amy Sims

Absent: Council Member Juan A. Chadis

Note: City Council addressed agenda items in the following order:

- 1.1-1.6

1. Regular Agenda

1. 1. Welcome, Introductions & Opening Remarks - Mayor Daniel M. Pope

Mayor Daniel M. Pope gave opening remarks and welcomed those in attendance.

1. 2. Public Safety Improvement Plan - Council Member Latrelle Joy, Facilities Committee Member

Council Member Latrelle Joy, member of the Facilities Committee, gave comments on the Public Safety Improvement Plan.

1. 3. Community Impact - Mayor Pro Tem Steve Massengale, District 4 Council Member

Mayor Pro Tem Steve Massengale, District 4 Council Member, gave comments on the community impact of the Lubbock Police Department South Patrol Division.

1. 4. Community Policing & South Patrol Division Commander Introduction - Police Chief Floyd Mitchell

Floyd Mitchell, chief of police, gave comments on the importance of community policing in the city of Lubbock and introduced Jon Tutino, deputy chief of police/South Patrol Division commander.

1. 5. South Patrol Division Commander Remarks - Deputy Chief of Police Jon Tutino

Jon Tutino, deputy chief of police/South Patrol Division commander; and Thomas Payne, donor of the property, gave comments on the importance of the South Patrol Division to the city of Lubbock.

1. 6. Closing Remarks & Ribbon Cutting - Mayor Pro Tem Steve Massengale, Facilities Committee Chair

Mayor Pro Tem Steve Massengale, chair of the Facilities Committee, gave closing remarks; and City Council participated in a ribbon cutting ceremony for the Lubbock Police Department South Patrol Division.

10:25 A.M. CITY COUNCIL ADJOURNED

There being no further business to come before Council, the meeting was adjourned.

The October 12, 2021 Special City Council Meeting minutes were approved by the City Council on the 1st day of November, 2021.

DANIEL M. POPE, MAYOR

ATTEST:

Rebecca Garza, City Secretary

CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
October 12, 2021
1:00 P. M.

The City Council of the City of Lubbock, Texas met in regular session on the 12th of October, 2021, in City Council Chambers, Citizens Tower, 1314 Avenue K, Lubbock, Texas at 1:00 p.m.

1:06 P.M. CITY COUNCIL CONVENED

City Council Chambers, Citizens Tower, 1314 Avenue K, Lubbock, Texas

Present: Mayor Daniel M. Pope; Mayor Pro Tem Steve Massengale; Council Member Juan A. Chadis; Council Member Randy Christian; Council Member Jeff Griffith; Council Member Latrelle Joy; Council Member Shelia Patterson Harris; City Manager W. Jarrett Atkinson; City Secretary Rebecca Garza; City Attorney Chad Weaver

Note: City Council addressed agenda items in the following order:

- *Citizen Comments 1; 2.1-2.4; Executive Session; 4.1-4.3.2; Citizen Comments 5; 6.1; 7.1-7.7; 7.9-7.20; 7.8; 8.1-8.4; 8.6-8.13; 8.15; 8.5; 8.14; and 8.16-8.18.*
- *Item No. 8.14 was amended.*

1. **Citizen Comments - According to Lubbock City Council Rules, any citizen wishing to appear in person before the meeting of the City Council, regarding Items 2.1. and 2.4. on the Work Session Agenda, shall complete the sign-up form provided at the meeting, no later than 1:00 p.m. on October 12, 2021. Citizen Comments is an opportunity for citizens to make comments and express a position on agenda items. Any comment received that is in the nature of asking a question will be referred to an appropriate member of the City staff for a response.**

No one appeared to speak.

2. Hear and discuss presentations regarding the following and provide guidance to staff as appropriate.
2. 1. Receive and discuss the Initial Assessment regarding redistricting for City Councilmember Districts considering the new 2020 Census data

Rebecca Garza, city secretary, introduced the item, gave comments, and answered questions from City Council. David Mendez, with Bickerstaff, Heath, Delgado, Acosta, LLP, gave a presentation on the initial assessment regarding redistricting and answered questions from City Council. Topics discussed included: applicable laws and principles related to redistricting; district population deviation requirements and relevant calculations; available census data and demographics; the Voting Rights Act, Shaw v. Reno, the 14th Amendment to the United States

Constitution, and other legal obligations; adoption criteria and benchmarks; and a proposed timeline. Mr. Mendez further presented on city of Lubbock census data from 2020 including total population, voting age population, and population dispersion, and answered questions from City Council.

2. 2. Neighborhood Planning Update

Wilson Bowling, neighborhood planner, gave a presentation and update on the City of Lubbock Neighborhood Planning program and answered questions from City Council. Topics discussed included: a history of the Neighborhood Planning program; outreach methods; staff research into other neighborhood planning programs; neighborhood health performance indicators; neighborhood plans and services; neighborhood association workshops; collaborative efforts with the City of Lubbock Health Department and Parks and Recreation Department; the Lubbock Loving Neighbors program; and guidance that is needed from City Council.

Jarrett Atkinson, city manager, gave comments and answered questions from City Council.

2. 3. Keep Lubbock Beautiful Update

Brenda Haney, director of solid waste, introduced the item, gave comments, and answered questions from City Council. Del Rio Mullen, solid waste customer service supervisor/Keep Lubbock Beautiful Advisory Board staff liaison, gave a presentation and update on the Keep Lubbock Beautiful program and answered questions from City Council. Topics discussed included: a history of the program; the Keep Lubbock Beautiful mission statement; outreach methods; Keep Lubbock Beautiful programs; and the new mascot for the Keep Lubbock Beautiful program, Jacque Lapin.

2. 4. City of Lubbock Public Health Department Mini-Hub Vaccination Clinic and Update

Jarrett Atkinson, city manager, introduced the item, gave comments, and answered questions from City Council. Katherine Wells, director of public health, gave a presentation and update on the Public Health Department Mini-Hub Vaccination Clinic and answered questions from City Council. Topics discussed included: current city of Lubbock COVID-19 vaccination rates and statistics; vaccine mini-hub location, hours, and services offered; and current COVID-19 vaccine recommendations.

At the completion of the Work Session, City Council recessed into Executive Session.

3. Executive Session

The meeting recessed at 2:55 p.m. and reconvened in Executive Session under the provisions of Section 551, Texas Government Code. City Council reconvened in open session at 5:19 p.m., and the meeting was called to order at 5:35 p.m.

3. 1. Hold an executive session in accordance with Texas Government Code, Section 551.071, with legal counsel for advice about pending or contemplated litigation or settlement agreement and on matters in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct conflicts with Chapter 551.
3. 1. 1. *In Re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152nd District Court of Harris County, Texas
3. 1. 2. Redistricting Obligations
3. 1. 3. Discuss Chapter 143 of the Texas Local Government Code
3. 1. 4. Texas Department of Transportation (TxDOT) Turnover Program
3. 2. Hold an executive session in accordance with the Texas Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property.
3. 2. 1. Texas Department of Transportation (TxDOT) Turnover Program
3. 3. Hold an executive session in accordance with Texas Government Code Section 551.074, to discuss personnel matters, regarding the duties, responsibilities, and/or appointments to the Building Board of Appeals, Health/Educational Facilities Development Corporation Board of Directors, LECD Board of Directors, Planning and Zoning Commission, Urban Design/Historic Preservation Commission, and the Water Board of Appeals.

4:30 p.m. - City Council reconvenes in Open Session in City Council Chambers.

City Council reconvened at 5:19 p.m.

4. Ceremonial Items

4. 1. Invocation

Pastor Ryan Smallwood, Aldersgate Church, led the invocation.

4. 2. Pledges of Allegiance

Pledges of Allegiance, to the United States and Texas Flags, were led by Mayor Pro Tem Steve Massengale.

4. 3. Proclamations and Presentations

4.3. 1. Presentation of a Special Recognition in support of National Arts and Humanities Month

Mayor Pro Tem Steve Massengale presented a special recognition in support of National Arts and Humanities Month. Stacy Keith, executive director of the Lubbock Cultural Arts Foundation, gave comments and thanked the City Council and the Lubbock community for their continued support of the arts. Members of the Lubbock arts community were also in attendance to receive this recognition.

4.3. 2. Presentation of a Special Recognition in support of National Community Planning Month

Council Member Latrelle Joy presented a special recognition in support of National Community Planning Month. Jesica McEachern, assistant city manager; Steve O'Neal, director of development services; and Bryan Isham, director of planning, gave comments and thanked the City Council for their support of the City of Lubbock Planning Department. Mr. Isham also introduced the following members of the Planning Department: Jacob Hawkins, Wilson Bowling, Ashley Vasquez, Karen Edwards, Cathie Flud, Kristen Sager, Shane Spencer, Bailey Shillings, Aslyn Henry, and Maria Villagrana and thanked them for their hard work and dedication.

Call to Order

The meeting was called to order at 5:35 p.m.

- 5. Citizen Comments - According to Lubbock City Council Rules, any citizen wishing to appear in-person before a regular meeting of the City Council, regarding any matter posted on the City Council Agenda below, shall complete the sign-up form provided at the meeting, no later than 5:00 p.m. on October 12, 2021. Citizen Comments is an opportunity for citizens to make comments and express a position on agenda items. Any comment received that is in the nature of asking a question will be referred to an appropriate member of the City staff for a response.**

No one appeared to speak.

6. Minutes

- 6.1. July 20, 2021 Special City Council Meeting - Transportation Policy Committee
August 25, 2021 Special City Council Meeting - Lubbock Economic Development Alliance
September 14, 2021 Regular City Council Meeting**

Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Juan A. Chadis to approve the July 20, 2021 Special City Council Meeting - Transportation Policy Committee minutes; the August 25, 2021 Special City Council Meeting - Lubbock Economic Development Alliance minutes; and the September 14, 2021 Regular City Council Meeting minutes.

Vote: 7 - 0 Motion carried

7. **Consent Agenda - Items considered to be routine are enacted by one motion without separate discussion. If the City Council desires to discuss an item, the item is removed from the Consent Agenda and considered separately.**

Motion by Council Member Juan A. Chadis, seconded by Council Member Jeff Griffith to approve items 7.1-7.7 and 7.9-7.20.

Vote: 7 - 0 Motion carried

7. 1. **Budget Amendment Ordinance 2nd Reading - Finance:** Ordinance No. 2021-O0135, Amendment 1, amending the Adopted FY 2021-22 Budget for municipal purposes respecting the Pay Plans; providing for filing; and providing for a savings clause.
7. 2. **Budget Amendment Ordinance 1st Reading - Finance:** Ordinance No. 2021-O0148, Amendment 2, amending the FY 2021-22 Budget for municipal purposes respecting the Grant Fund to accept and appropriate funding from the FY 2021 Federal Transit Administration Section 5310 Coronavirus Response and Relief Supplemental Appropriation Act Grant and Airport Capital Fund, to appropriate additional funding for Capital Improvement Project 92717, replace Aircraft Rescue Fire Fighting (ARFF) Vehicle; providing for filing; and providing for a savings clause.
7. 3. **Resolution - Risk Management:** Resolution No. 2021-R0392 ratifying the actions of the City Manager in purchasing, for and on behalf of the City of Lubbock, property insurance coverage. The subject insurers are listed in the attachment along with the terms and conditions, and said attachment is incorporated hereto as if fully set forth herein.
7. 4. **Resolution - Risk Management:** Resolution No. 2021-R0393 ratifying the actions of the City Manager in purchasing, for and on behalf of the City of Lubbock, Network Security Privacy Insurance coverage. The subject insurer is listed in the attachment along with the terms and conditions, and said attachment is incorporated hereto as if fully set forth herein.
7. 5. **Ordinance 1st Reading - Right-of-Way:** Ordinance No. 2021-O0149, abandoning and closing an easement, located at 4601 23rd Street, Lubbock County, Texas.
7. 6. **Resolution - Right-of-Way:** Resolution No. 2021-R0394 authorizing the Mayor to accept on behalf of the City of Lubbock, four Street and Public Use Dedication Deeds out of Sections 30 and 31, Block AK, Lubbock County, Texas, to be utilized for the Upland Avenue Roadway Expansion Project.
7. 7. **Resolution - Engineering:** Resolution No. 2021-R0395 authorizing the Mayor to execute Amendment No. 1 to Contract 15317, with Freese and Nichols, Inc., for additional engineering services for the design of 114th Street from Indiana Avenue to Quaker Avenue.

7. 8. **Resolution - Public Works:** Resolution No. 2021-R0408 authorizing the Mayor to execute Contract 16164, a cost-sharing agreement, with Lubbock County, for a full mill and relay asphalt maintenance project on North University, from the Clovis Highway (US 84) to the Marsha Sharp Freeway (US 62/82).

Wood Franklin, division director of public works, gave a presentation and answered questions from City Council. Jarrett Atkinson, city manager, gave comments and answered questions from City Council.

Motion by Council Member Juan A. Chadis, seconded by Mayor Pro Tem Steve Massengale to approve Resolution No. 2021-R0408.

Vote: 7 - 0 Motion carried

7. 9. **Resolution - Business Development:** Resolution No. 2021-R0396 approving a Downtown Grant Program (Facade) expenditure of Market Lubbock, Inc., to be provided to Cha-Cha's Mexican Café, pursuant to Article IV, Section 5 of the Amended and Restated Bylaws of the Market Lubbock Development Corporation.
7. 10. **Resolution - Business Development:** Resolution No. 2021-R0397 approving a Downtown Grant Program (Permittable) expenditure of Market Lubbock, Inc., to be provided to Cha-Cha's Mexican Café, pursuant to Article IV, Section 5 of the Amended and Restated Bylaws of the Market Lubbock Development Corporation.
7. 11. **Resolution - Public Health Services:** Resolution No. 2021-R0398 ratifying the actions of the Mayor in executing a Temporary Lease Agreement, with BayCal Lubbock Partners, LLC and MBABAB, LLC as TIC c/o NetCo Investment, Inc., for a testing and vaccination clinic at 2717 and 2721 50th Street, Lubbock, Texas, for the Health Department.
7. 12. **Resolution - Public Health Services:** Resolution No. 2021-R0399 ratifying the acts of the Mayor in executing Amendment No. 1 to Contract HHS001019500024, and all related documents, under the COVID-19 Immunizations Grant Program, by and between the City of Lubbock and the Texas Department of State Health Services.
7. 13. **Resolution - Community Development:** Resolution No. 2021-R0400 authorizing the Mayor to execute Community Development Funding Contract 16001 and all related documents, with the YWCA of Lubbock, through the Community Development Block Grant administered by the U.S. Department of Housing and Urban Development, to provide childcare assistance to qualified low-to-moderate income persons and families.
7. 14. **Resolution - Community Development:** Resolution No. 2021-R0401 authorizing the Mayor to execute Community Development Funding Contract 16002 and all related documents, with the Lubbock Housing Finance Corporation, through the Community Development Block Grant, administered by the U.S. Department of Housing and Urban Development, to provide mortgage assistance to qualified low-to-moderate income persons and families.

7. 15. **Resolution - Public Transit Services:** Resolution No. 2021-R0402 ratifying the acts of the Chief Financial Officer, in executing FY 2021 Section 5310 Grant, TX-2021-104-00, from the Federal Transit Administration, for operating and capital to enhance the mobility of elderly individuals and individuals with disabilities.
7. 16. **Resolution - Public Transit Services:** Resolution No. 2021-R0403 authorizing the Mayor to execute FY 2022 Section 5307 Grant, TxDOT URB 2202 (05), Project ID 51309020522, from the Texas Department of Transportation, for operating assistance to maintain its public transportation system.
7. 17. **Resolution - Public Transit Services:** Resolution No. 2021-R0404 ratifying the acts of the Chief Financial Officer, in executing FY 2021 Section 5307 Grant, Project TX-2021-113-00, from the Federal Transit Administration, to provide operating assistance, preventative maintenance, Americans with Disabilities Act (ADA) paratransit service, capital, and planning assistance.
7. 18. **Resolution - Public Transit Services:** Resolution No. 2021-R0405 ratifying the actions of the Chief Financial Officer in executing Section FY 2019 and FY 2020 Section 5339(a) Grant, Project ID TX-2021-118-00, from the Federal Transit Administration, for the purchase of eight paratransit replacement buses which are compliant with the Americans with Disabilities Act (ADA).
7. 19. **Resolution - Information Technology:** Resolution No. 2021-R0406 authorizing the Mayor to execute Agreement 16113 and related documents, between the City of Lubbock Public Libraries and SirsiDynix, for the Enterprise SaaS Annual Subscription, Support, and Software Maintenance.
7. 20. **Resolution - Fleet Services:** Resolution No. 2021-R0407 authorizing the Mayor to execute an agreement, with Wild West Harley-Davidson, to lease fourteen Police motorcycles and related equipment, for use by the Police Department.

8. Regular Agenda

8. 1. **Resolution - City Secretary:** Resolution No. 2021-R0409 adopting redistricting criteria to apply to development of new districting plans.

Rebecca Garza, city secretary, gave comments and answered questions from City Council.

Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Jeff Griffith to approve Resolution No. 2021-R0409.

Vote: 7 - 0 Motion carried

8. 2. **Resolution - City Secretary:** Resolution No. 2021-R0410 adopting redistricting guidelines regarding public participation in the redistricting process.

Rebecca Garza, city secretary, gave comments and answered questions from City Council.

Motion by Council Member Latrelle Joy, seconded by Council Member Jeff Griffith to approve Resolution No. 2021-R0410.

Vote: 7 - 0 Motion carried

- 8.3. Board Appointments - City Secretary:** Consider appointments to the Airport Advisory Board, Building Board of Appeals, Citizens Traffic Commission, Health/Educational Facilities Development Corporation Board of Directors, Lubbock Emergency Communication District Board of Directors, Lubbock Economic Development Alliance, Inc. Board of Directors, Lubbock Water Advisory Commission, Market Lubbock Economic Development Corporation Board of Directors, Model Codes & Construction Advisory Board, Planning and Zoning Commission, Urban Design/Historic Preservation Commission, and the Water Board of Appeals.

Appointments to the Airport Advisory Board were not considered.

Building Board of Appeals: Motion by Council Member Latrelle Joy, seconded by Mayor Pro Tem Steve Massengale, to appoint Alex Cardenas to replace John Vineyard.

Vote: 7-0 Motion carried

Citizens Traffic Commission: Motion by Council Member Latrelle Joy, seconded by Council Member Juan A. Chadis, to appoint Leslie Landeros to replace Eric Finely.

Vote: 7-0 Motion carried

Health/Educational Facilities Development Corporation Board of Directors: Motion by Council Member Shelia Patterson Harris, seconded by Council Member Latrelle Joy, to appoint Winter Chambers Horton to replace Cory Church.

Vote: 7-0 Motion carried

Lubbock Emergency Communications District Board of Directors: Motion by Council Member Shelia Patterson Harris, seconded by Mayor Pro Tem Steve Massengale, to reappoint Robert Keinast.

Vote: 7-0 Motion carried

Lubbock Economic Development Alliance, Inc., Board of Directors: Motion by Council Member Juan A. Chadis, seconded by Council Member Randy Christian, to reappoint Chris Carpenter and Brett Cate; and appoint Walter Cathey to replace Regina Johnston.

Vote: 7-0 Motion carried

Lubbock Water Advisory Commission: Motion by Council Member Juan A. Chadis, seconded by Council Member Randy Christian, to appoint Donna McCallister to replace Ruth Schiermeyer.

Vote: 7-0 Motion carried

Market Lubbock Economic Development Corporation Board of Directors: Motion by Council Member Juan A. Chadis, seconded by Council Member Latrelle Joy, to reappoint Chris Carpenter and Brett Cate; and appoint Walter Cathey to replace Regina Johnston.

Vote: 7-0 Motion carried

Model Codes & Construction Advisory Board: Motion by Council Member Randy Christian, seconded by Council Member Juan A. Chadis, to reappoint Alanna Watts; appoint Robbie Moon to replace Larry Driskill; appoint Mark Branscome to replace Terry Drum; and appoint Robert Bichard to replace Natalie Harvill.

Vote: 7-0 Motion carried

Planning and Zoning Commission: Motion by Council Member Jeff Griffith, seconded by Council Member Latrelle Joy, to reappoint Zach Sawyer, Susan Tomlinson, and Jordan Wheatley; and appoint Brandon Hardaway to replace Dan Wilson.

Vote: 7-0 Motion carried

Urban Design/Historic Preservation Commission: Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Jeff Griffith, to appoint Deborah Bigness to replace Cody Vanzandt.

Vote: 7-0 Motion carried

Water Board of Appeals: Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Latrelle Joy, to appoint Dennis Carrizales to replace Anthony Presley.

Vote: 7-0 Motion carried

- 8. 4. Resolution - Business Development:** Resolution No. 2021-R0411 a Resolution of Intent to create the City of Lubbock Property Assessed Clean Energy Program (Lubbock City PACE).

Brianna Gerardi, business development director, gave a presentation and answered questions from City Council.

Motion by Council Member Jeff Griffith, seconded by Mayor Pro Tem Steve Massengale to approve Resolution No. 2021-R0411.

Vote: 6 - 0 Motion carried

Other: Council Member Randy Christian (AWAY)

- 8. 5. Ordinance 2nd Reading - Planning:** Ordinance No. 2021-O0144, for Zone Case 2690-D, a request of AMD Engineering, LLC for KWTHEM, LLC, for a zone change from Family Apartment District (A-1) and General Retail District (C-3) to Local Retail District (C-2) with a Specific Use for a Self-Storage Facility, at 2501 Iola Avenue, located east of Iola Avenue and north of 26th Street, West End North Addition, Tract D1.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council. Gary Andrews, with GRACO Real Estate, gave comments and answered questions from City Council.

Motion by Council Member Jeff Griffith, seconded by Council Member Randy Christian to approve Ordinance No. 2021-O0144.

Vote: 5 - 2 Motion carried

NAY: Council Member Latrelle Joy
Council Member Shelia Patterson Harris

- 8. 6. Ordinance 2nd Reading - Planning:** Ordinance No. 2021-O0145, for Zone Case 2904-H, a request of Ingenium Civil Engineering, Inc. for Inn of South Plains, LLC, for a zone change from Interstate Highway Commercial District (IHC), Commercial District (C-4), and Multi-Family District (R-3) to IHC, at 301, 303, 305, 307, 309, 311, and 313 Avenue R and 302, 304, 306, and 310 Avenue Q, located north of Marsha Sharp Freeway and west of Avenue Q, Roberts & McWhorter Addition, Block 3, Lot 1 and part of Lot 2, and Tracts A-C and the north part of Tract D, and Dodson Addition, Block 3, Lots 1-5, and the south 16 feet of Lot 6.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council.

Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Latrelle Joy to approve Ordinance No. 2021-O0145.

Vote: 7 - 0 Motion carried

- 8. 7. Ordinance 2nd Reading - Planning:** Ordinance No. 2021-O0136, for Zone Case 2904-I, a request of Stough Real Estate Holdings, LLC for Isom E34, LLC, for a zone change from General Retail District (C-3) and Interstate Highway Commercial District (IHC) to Interstate Highway Commercial District (IHC) with a Specific Use for a Blood Bank and Blood Plasma Center, at 5120 34th Street, located east of Slide Road and north of 34th Street, Eckerd Addition, Tract A, less 3,585 square feet of right-of-way.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council.

Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Latrelle Joy to approve Ordinance No. 2021-O0136.

Vote: 7 - 0 Motion carried

- 8. 8. Ordinance 2nd Reading - Planning:** Ordinance No. 2021-O0137, for Zone Case 3135-B, a request of Westar Commercial Realty for TopHat Operators, LLC, for a zone change from General Retail District (C-3) to Commercial District (C-4) Specific Use for a bar at 11824 Indiana Avenue, Suites #400 and #500, located west of Indiana Avenue and south of 118th Street, Cooper Plaza Addition, Tract C.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council.

Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Latrelle Joy to approve Ordinance No. 2021-O0137.

Vote: 7 - 0 Motion carried

- 8. 9. Ordinance 2nd Reading - Planning:** Ordinance No. 2021-O0138, for Zone Case 3257-M, a request of Hugo Reed and Associates, Inc. for 1585 Development, LLC and Rocket Partners I, LLC, for a zone change from Single-Family District (R-1) Specific Use to Single-Family District (R-1) with a Specific Use for Townhomes, generally located south of 137th Street and west of Elgin Avenue, on 3.4 acres of unplatted land out of Block AK, Section 1.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council.

Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Latrelle Joy to approve Ordinance No. 2021-O0138.

Vote: 7 - 0 Motion carried

- 8. 10. Ordinance 2nd Reading - Planning:** Ordinance No. 2021-O0139, for Zone Case 3308-D, a request of AMD Engineering, LLC for Dreambuilt Homes, Inc., Bushland Springs, LLC, Bo Properties, and HomeMakers Building Group, LLC, for a zone change from Single Family District (R-1) to Single Family District with Reduced Setbacks (R-1A), at 7211 through 7224 23rd Street, located east of Upland Avenue on the north and south sides of 23rd Street, Bushland Springs Addition, Lots 245-258, and 1.48 acres of unplatted land out of Block AK, Section 43, located at the northeast corner of Upland Avenue and 26th Street.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council.

Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Latrelle Joy to approve Ordinance No. 2021-O0139.

Vote: 7 - 0 Motion carried

- 8. 11. Ordinance 2nd Reading - Planning:** Ordinance No. 2021-O0140, for Zone Case 3443, a request of Dr. Piyush Mittal and Greg Garrett for JKLM Investments, for a zone change from Restricted Local Retail District (C-2A) to Local Retail District (C-2), at 10301 Indiana Avenue, located east of Indiana Avenue and south of 103rd Street, on 0.8193 acres of unplatted land out of Block E2, Section 19.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council.

Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Latrelle Joy to approve Ordinance No. 2021-O0140.

Vote: 7 - 0 Motion carried

- 8. 12. Ordinance 2nd Reading - Planning:** Ordinance No. 2021-O0141, for Zone Case 3444, a request of AMD Engineering, LLC for Escondido Lubbock, LLC, for a zone change from Transition District (T) to Two-Family District (R-2), at 5802 Upland Avenue, located west of Upland Avenue and south of 58th Street on 32.63 acres of unplatted land out of Block AK, Section 34.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council.

Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Latrelle Joy to approve Ordinance No. 2021-O0141.

Vote: 7 - 0 Motion carried

- 8. 13. Ordinance 2nd Reading - Planning:** Ordinance No. 2021-O0142, for Zone Case 3445, a request of Hugo Reed and Associates, Inc. for Lubbock Economic Development Alliance, for a zone change from Transition District (T) to Heavy Manufacturing District (M-2), located east of East Loop 289 and south of 4th Street on 407.3 acres of unplatted land out of Block O, Section 6.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council.

Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Latrelle Joy to approve Ordinance No. 2021-O0142.

Vote: 7 - 0 Motion carried

- 8. 14. Ordinance 2nd Reading - Planning:** Ordinance No. 2021-O0146, for Zone Case 3447, a request of AMD Engineering, LLC for NWP EB-5 Project, LLC, for a zone change from Single-Family District (R-1) to General Retail District (C-3) with a Specific Use for a Self-Storage Facility, generally located east of Frankford Avenue and south of Princeton Street, on 4.21 acres of unplatted land out of Block JS, Section 6.

This item was amended.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council. Cory Dulin, with AMD Engineering, gave comments and answered questions from City Council.

Motion by Council Member Latrelle Joy, seconded by Council Member Jeff Griffith to amend the Ordinance as follows:

- replacement of General Retail District (C-3) with a specific use for a Self-Storage Facility with General Retail District (C-2) with a specific use for a Self-Storage Facility.

Vote: 7 - 0 Motion carried

Motion by Council Member Latrelle Joy, seconded by Council Member Jeff Griffith to approve Ordinance No. 2021-O0146, as amended.

Vote: 7 - 0 Motion carried

- 8. 15. Ordinance 2nd Reading - Planning:** Ordinance No. 2021-O0143, for Zone Case 3446, a request of AMD Engineering, LLC for NWP EB-5 Project, LLC, for a zone change from Single-Family District (R-1) to Two-Family District (R-2) and High-Density Apartment District (A-2), at 5601 Ursuline Street, located south of Ursuline Street and east of Frankford Avenue, on 134.45 acres of unplatted land out of Block JS, Section 6.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council.

Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Latrelle Joy to approve Ordinance No. 2021-O0143.

Vote: 7 - 0 Motion carried

- 8. 16. Ordinance 2nd Reading - Planning:** Ordinance No. 2021-O0147, amending Chapter 40 "Zoning" of the City of Lubbock Code of Ordinances, amending Section 40.01.003 "Definitions" to add a definition for "Office/Warehouse"; amending Division 15 "C-3 General Retail District" to update General Provisions and Permitted Uses; and amending Section 40.03.2233 "C-4 Permitted Uses" to add "Office/Warehouse", setting forth regulations for outside storage in the "Office/Warehouse" use.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council.

Motion by Mayor Pro Tem Steve Massengale, seconded by Council Member Latrelle Joy to approve Ordinance No. 2021-O0147.

Vote: 7 - 0 Motion carried

- 8. 17. Resolution - Planning:** Resolution No. 2021-R0412 approving and granting a variance from the applicable 300-foot minimum distance provisions of the City of Lubbock Ordinance No. 2009-O0060, at 3314 4th Street, for an alcoholic beverage permit for Everest Mart.

Bryan Isham, director of planning, gave a presentation and answered questions from City Council.

Motion by Council Member Juan A. Chadis, seconded by Council Member Jeff Griffith to approve Resolution No. 2021-R0412.

Vote: 7 - 0 Motion carried

- 8. 18. Resolution - Business Development:** Resolution No. 2021-R0413 approving the method of assessment classification for the Northwest Passage Public Improvement District, and calling for a public hearing on October 26, 2021.

Brianna Gerardi, business development director, gave comments and answered questions from City Council.

Motion by Council Member Latrelle Joy, seconded by Council Member Randy Christian to approve Resoluton No. 2021-R0413.

Vote: 7 - 0 Motion carried

6:37 P.M. CITY COUNCIL ADJOURNED

There being no further business to come before Council, Mayor Pope adjourned the meeting.

The October 12, 2021 Regular City Council Meeting minutes were approved by the City Council on the 1st day of November, 2021.

DANIEL M. POPE, MAYOR

ATTEST:

Rebecca Garza, City Secretary



Information

Agenda Item

Ordinance 2nd Reading - Right-of-Way: Consider Ordinance No. 2021-O0150, abandoning and closing a 20-foot alley right-of-way, located in Block 7, Original Town of Lubbock, Lubbock County Texas, at 5th Street and Avenue J.

Item Summary

On October 26, 2021, the City Council approved the first reading of the ordinance.

The City of Lubbock is in receipt of a request to abandon and close a 20-foot alley, located in Block 7 Original Town of Lubbock, Lubbock County, Texas.

The total area being closed is 2,389 square feet. The Right-of-Way Department has valued the closure 2,389 square feet at \$1.00 per square foot based on adjacent property land values, for a total value of \$2,389.00 due to City of Lubbock.

All City departments and franchise utility companies are in agreement with the closure.

Fiscal Impact

\$2,389.00 to General Fund

Staff/Board Recommending

Jesica McEachern, Assistant City Manager

Attachments

Ordinance Abandon and Close an Alley Right-of-Way - Block 7 Original Town

Exhibit A - Closure Alley ROW - Blk 7 Original Town

Map - Closure of Alley Blk 7 Original Town

ORDINANCE NO. _____

AN ORDINANCE ABANDONING AND CLOSING AN ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 7, ORIGINAL TOWN OF LUBBOCK, LUBBOCK COUNTY, TEXAS ACCORDING TO THE MAP, PLAT, AND/OR DEDICATION DEED THEREOF RECORDED IN VOLUME 5, PAGE 384 AND 385 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, WHICH IS MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; DIRECTING THE CITY ENGINEER TO MARK THE OFFICIAL MAPS OF THE CITY TO REFLECT SAID ABANDONMENT AND CLOSING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council finds that the alley right-of-way hereinafter described in the body of this Ordinance is no longer needed for alley right-of-way purposes and for public use; and it would be in the public interest to close, vacate and abandon the same for alley right-of-way purposes and for public use; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the alley right-of-way as hereinafter described shall BE and the same is hereby closed, vacated and abandoned for alley right-of-way purposes and for public use, such alley right-of-way being more particularly described in the attached Exhibit "A."

SECTION 2. THAT the City Engineer is hereby authorized and directed to mark the official maps of the City of Lubbock to reflect said abandonment and closing, showing the number of this Ordinance and the date of its final passage.

SECTION 3. THAT should any section, paragraph, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary of the City of Lubbock is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading this _____ day of _____, 2021.

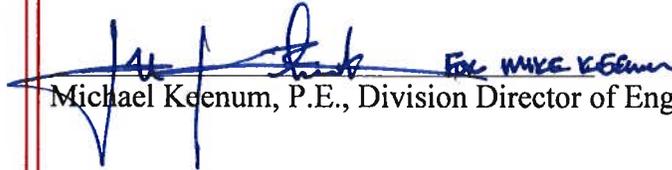
Passed by the City Council on second reading this _____ day of _____, 2021.

DANIEL M. POPE, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

~~ For MIKE KEENUM~~
Michael Keenum, P.E., Division Director of Engineering/City Engineer

APPROVED AS TO FORM:


Ryan Brooke, Assistant City Attorney

Ord.A&C-Alley ROW, Block 7, Original Town
9.27.21



AMD Engineering and Surveying

**AN ALLEY RIGHT-OF-WAY
TO BE CLOSED, ABANDONED AND VACATED
IN BLOCK 7 OF THE ORIGINAL TOWN OF LUBBOCK,
AN ADDITION TO THE CITY OF LUBBOCK,
LUBBOCK COUNTY, TEXAS**

Sheet 1 of 2

(Sketch of easement tract attached herewith as Exhibit "A", Sheet 2 of 2)

A closure, abandonment and vacation of an alley right-of-way, 20 feet in width, located in Block 7 of the Original Town of Lubbock, Lubbock County, Texas, according to the map, plat and/or dedication deed thereof recorded in Volume 5, Page 384 and 385 of the Deed Records of Lubbock County, Texas, said alley to be closed and abandoned contains 0.0549 acres (2,389 sq. feet) of land being further described by metes and bounds as follows:

BEGINNING at a point in the north right-of-way line of 5th Street, as previously dedicated by the plat of said Original Town, and the southwest corner of Lot 13, Block 7 of said Original Town for the southeast corner of this alley closure and having coordinates of Northing: 7,278,075.93 and Easting: 949,687.24 of the Texas Coordinate System of 1983 (2011), Texas North Central Zone;

THENCE N. 88° 24' 17" W. a distance of 20.00 feet to a point for the southeast corner of Lot 12, Block 7 of said Original Town and the southwest corner of this alley closure;

THENCE N. 01° 35' 27" E., along the west line of said alley, a distance of 130.09 feet to a point of intersection with the southwestern right-of-way line of the B.N. & S.F. Railroad, as described in a Deed recorded in Volume 1047, Page 343 of the Deed Records of Lubbock County, Texas, for the northwest corner of this alley closure;

THENCE southeasterly, along a curve to the right and said railroad right-of-way, an arc distance of 29.19 feet, said curve having a radius of 5629.58 feet, a delta angle of 00° 17' 49", a chord distance of 29.19 feet and a chord bearing of S. 41° 39' 32" E., to a point of intersection with the east line of said alley for the northeast corner of this alley closure;

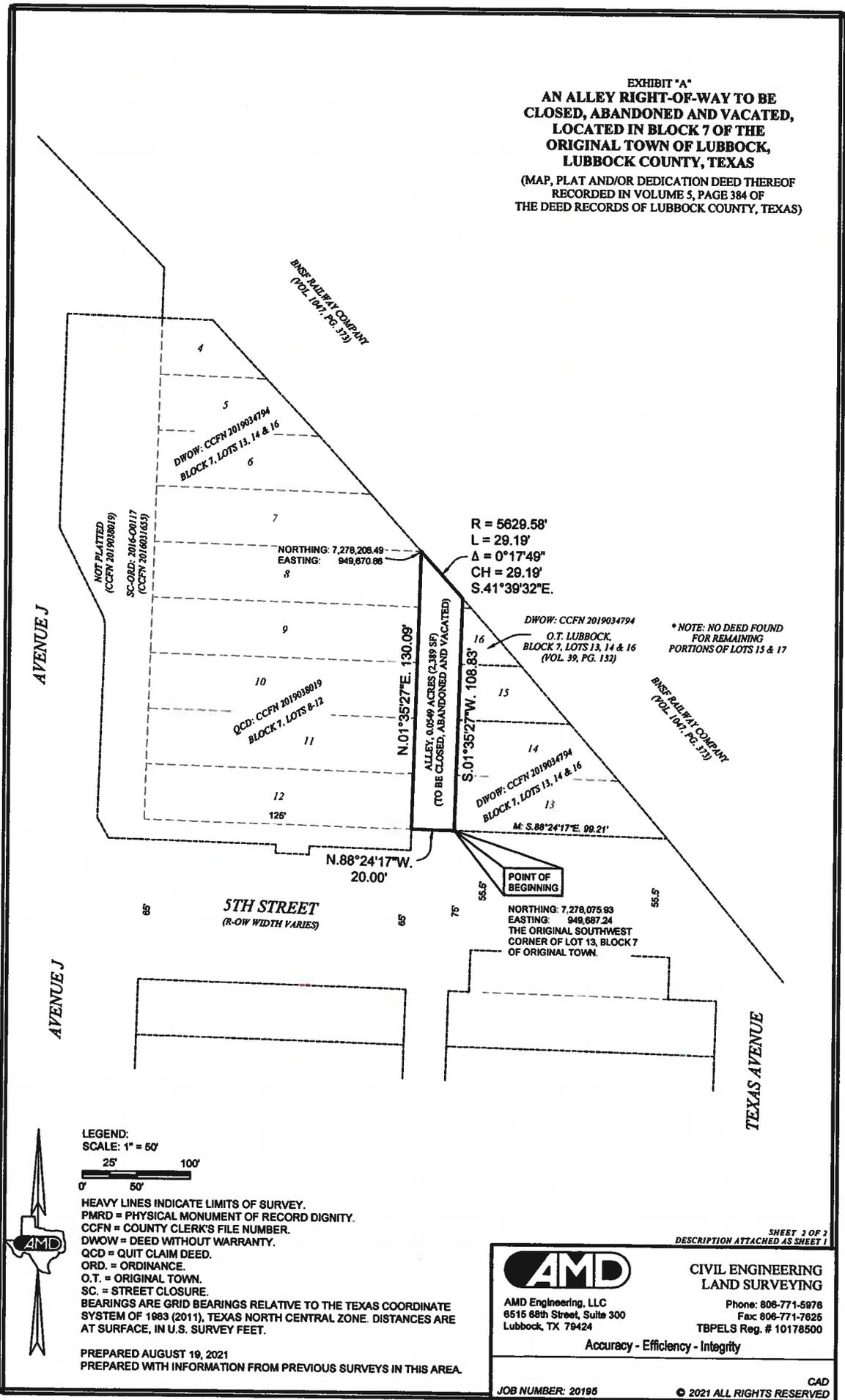
THENCE S. 01° 35' 27" W. a distance of 108.83 feet to the **POINT OF BEGINNING**. Bearings are relative to the Texas Coordinate System of 1983 (2011), Texas North Central Zone. Distances are at surface, in U.S. Survey feet.

Prepared: August 19, 2021

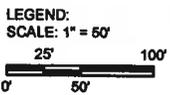
This description was prepared with information from previous surveys in this area.

20195 Exhibit "A" - ALLEY R-O-W CLOSURE

EXHIBIT "A"
AN ALLEY RIGHT-OF-WAY TO BE
CLOSED, ABANDONED AND VACATED,
LOCATED IN BLOCK 7 OF THE
ORIGINAL TOWN OF LUBBOCK,
LUBBOCK COUNTY, TEXAS
 (MAP, PLAT AND/OR DEDICATION DEED THEREOF
 RECORDED IN VOLUME 5, PAGE 384 OF
 THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS)



* NOTE: NO DEED FOUND FOR REMAINING PORTIONS OF LOTS 15 & 17



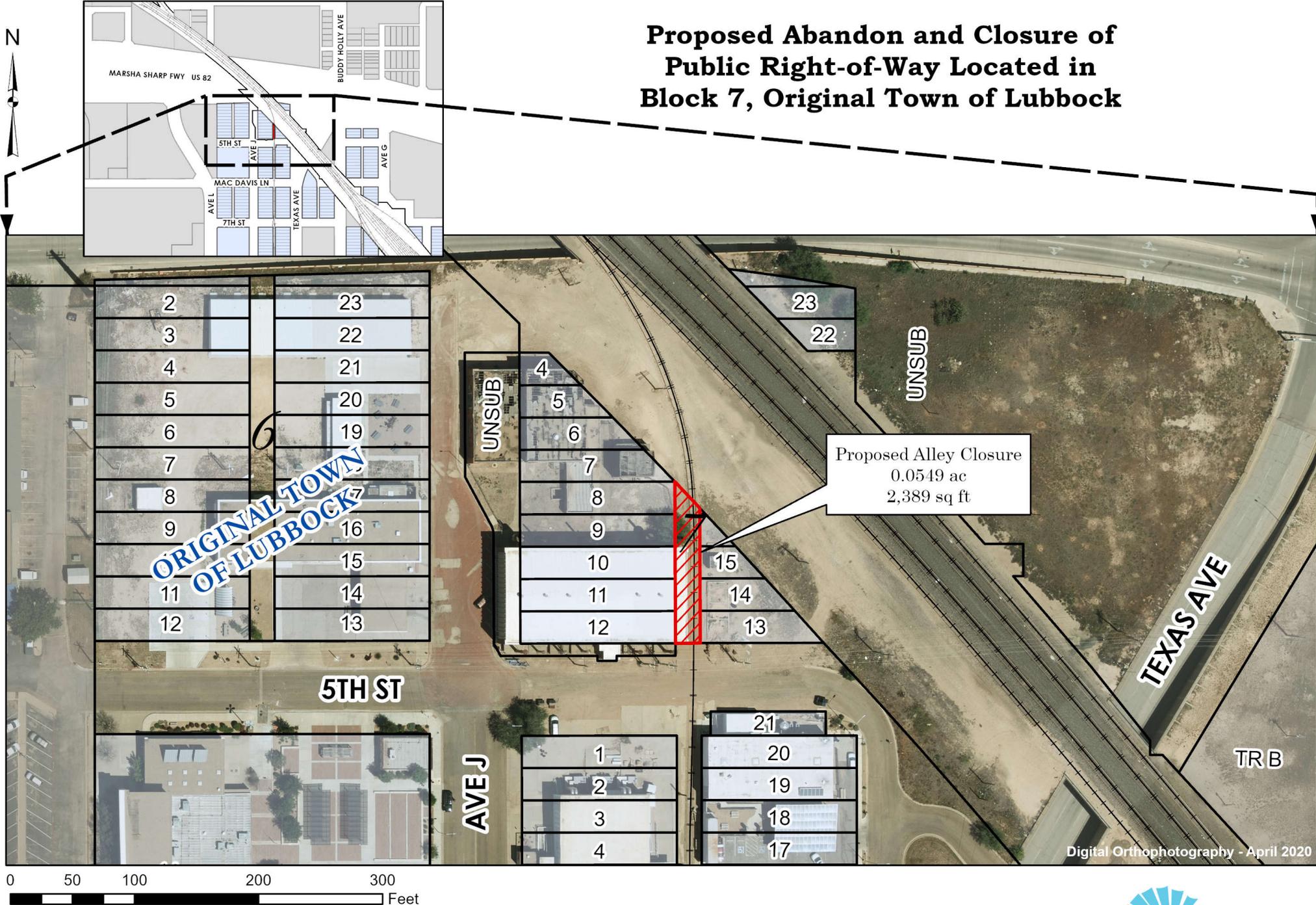
HEAVY LINES INDICATE LIMITS OF SURVEY.
 PMRD = PHYSICAL MONUMENT OF RECORD DIGNITY.
 CCFN = COUNTY CLERK'S FILE NUMBER.
 DWOW = DEED WITHOUT WARRANTY.
 QCD = QUIT CLAIM DEED.
 ORD. = ORDINANCE.
 O.T. = ORIGINAL TOWN.
 SC. = STREET CLOSURE.
 BEARINGS ARE GRID BEARINGS RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET.

PREPARED AUGUST 10, 2021
 PREPARED WITH INFORMATION FROM PREVIOUS SURVEYS IN THIS AREA.

SHEET 2 OF 2
 DESCRIPTION ATTACHED AS SHEET 1

	CIVIL ENGINEERING LAND SURVEYING
	AMD Engineering, LLC 6515 68th Street, Suite 300 Lubbock, TX 79424 Phone: 806-771-5978 Fax: 806-771-7825 TBPELS Reg. # 10178500
Accuracy - Efficiency - Integrity	

Proposed Abandon and Closure of Public Right-of-Way Located in Block 7, Original Town of Lubbock



As required by Chapter 2051, SUBCHAPTER D. GEOSPATIAL DATA PRODUCTS of the Government Code, the City of Lubbock hereby provides notice that the data on this map was created by the City of Lubbock. Any data that appears to represent property boundaries is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Information

Agenda Item

Ordinance 1st Reading - Right-of-Way: Consider an ordinance abandoning and closing a 2-foot Underground Street Light Cable Easement located along the east side of Lot 328, Hatton Place Addition, Lubbock County, Texas, at 3721 116th Street.

Item Summary

The City of Lubbock is in receipt of a request to abandon and close a 2-foot Underground Street Light Cable Easement, located along the east side of Lot 328 Hatton Place Addition.

All City departments and franchise utility companies are in agreement with the closure.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager

Attachments

Ordinance Abandon and Close a 2-foot Underground Street Light Cable Easement-Lot 328 Hatton Place
Exhibit A - Closure of a 2-foot USLCE - Lot 328 Hatton Place
Map - Abandon and Close a 2 foot USLCE - Lot 328 Hatton Place

ORDINANCE NO. _____

AN ORDINANCE ABANDONING AND CLOSING A TWO-FOOT UNDERGROUND STREET LIGHT CABLE EASEMENT LOCATED IN LOT 328, HATTON PLACE ADDITION, LUBBOCK COUNTY, TEXAS ACCORDING TO THE MAP, PLAT, AND/OR DEDICATION DEED THEREOF RECORDED AS COUNTY CLERK'S FILE NUMBER 2021026076 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, WHICH IS MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; DIRECTING THE CITY ENGINEER TO MARK THE OFFICIAL MAPS OF THE CITY TO REFLECT SAID ABANDONMENT AND CLOSING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council finds that the easement hereinafter described in the body of this Ordinance is no longer needed for easement purposes and for public use; and it would be in the public interest to close, vacate and abandon the same for easement purposes and for public use; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the easement as hereinafter described shall BE and the same is hereby closed, vacated and abandoned for easement purposes and for public use, such easement being more particularly described in the attached Exhibit "A."

SECTION 2. THAT the City Engineer is hereby authorized and directed to mark the official maps of the City of Lubbock to reflect said abandonment and closing, showing the number of this Ordinance and the date of its final passage.

SECTION 3. THAT should any section, paragraph, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary of the City of Lubbock is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading this _____ day of _____, 2021.

Passed by the City Council on second reading this ___ day of _____, 2021.

DANIEL M. POPE, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

~~~~ FOR MIKE KEENUM
Michael Keenum, P.E., Division Director of Engineering/City Engineer

APPROVED AS TO FORM:



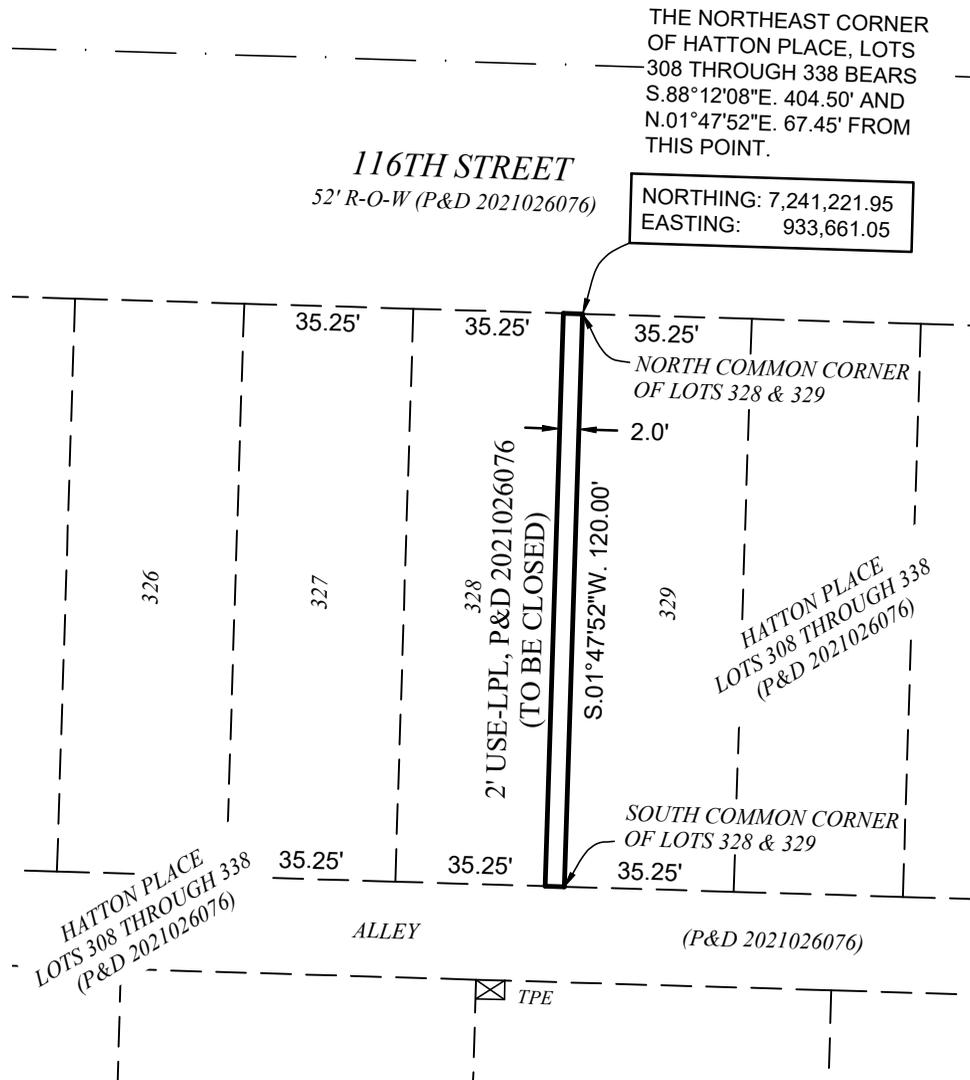
Ryan Brooke, Assistant City Attorney

Ord.A&C-2-Foot Underground Street Light Cable Easement-Lot 328, Hatton Place
10.11.21

**CLOSURE & VACATION OF AN
UNDERGROUND STREET LIGHT CABLE EASEMENT
LOCATED IN THE EAST 2.00' OF LOT 328,
HATTON PLACE,
LOTS 308 THROUGH 338,
AN ADDITION TO THE CITY OF LUBBOCK,
LUBBOCK COUNTY, TEXAS**

EXHIBIT A

(ACCORDING TO THE MAP, PLAT AND/OR DEDICATION DEED RECORDED IN
COUNTY CLERK'S PLAT AND DEDICATION NUMBER 2021026076 OF
THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS)



DESCRIPTION:

A CLOSURE AND VACATION OF AN UNDERGROUND STREET LIGHT CABLE EASEMENT, 2.00 FEET IN WIDTH AND PREVIOUSLY GRANTED TO LUBBOCK, POWER AND LIGHT, BEING THE EAST 2.00 FEET OF LOT 328, SAID LOT 328 PREVIOUSLY DEDICATED WITH THE PLAT OF HATTON PLACE, LOTS 308 THROUGH 338, AN ADDITION TO THE CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS, ACCORDING TO THE MAP, PLAT AND/OR DEDICATION DEED THEREOF RECORDED IN COUNTY CLERK'S PLAT AND DEDICATION NUMBER 202026076 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS.

NOTE: WIDTH OF 2' UNDERGROUND STREET LIGHT CABLE EASEMENT IS EXAGGERATED FOR CLARITY.

LEGEND:
SCALE: 1" = 40'



HEAVY LINES INDICATE LIMITS OF SURVEY.
CCFN = COUNTY CLERK'S FILE NUMBER.
P&D = PLAT & DEDICATION NUMBER.
DRE = DRAINAGE EASEMENT.
LPL = LUBBOCK POWER & LIGHT.
R-O-W = RIGHT OF WAY.
SDD = STREET DEED DEDICATION.
SPEC = SOUTH PLAINS ELECTRIC COOPERATIVE.
TPE = 4'x6' (MINIMUM) TRANSFORMER PAD EASEMENT (GRANTED TO SPEC), AS INDICATED BY SYMBOL .
USE = UNDERGROUND STREET LIGHT CABLE EASEMENT (GRANTED TO LPL).
BEARINGS ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. THE CONVERGENCE ANGLE OF -01°51'00.60" AND A COMBINED SCALE FACTOR OF 0.99975037.
COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET.
ALL CORNERS MONUMENTED TEMPORARILY WITH A 2" X 2" HUB OR PERMANENTLY WITH A 1/2" IRON ROD WITH CAP MARKED "AMD ENGINEERING", UNLESS OTHERWISE SPECIFIED.

PREPARED: SEPTEMBER 16, 2021
PREPARED FROM THE RECORDED PLAT AND PREVIOUS SURVEYS IN THIS AREA.



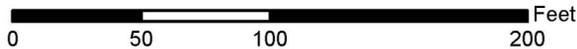
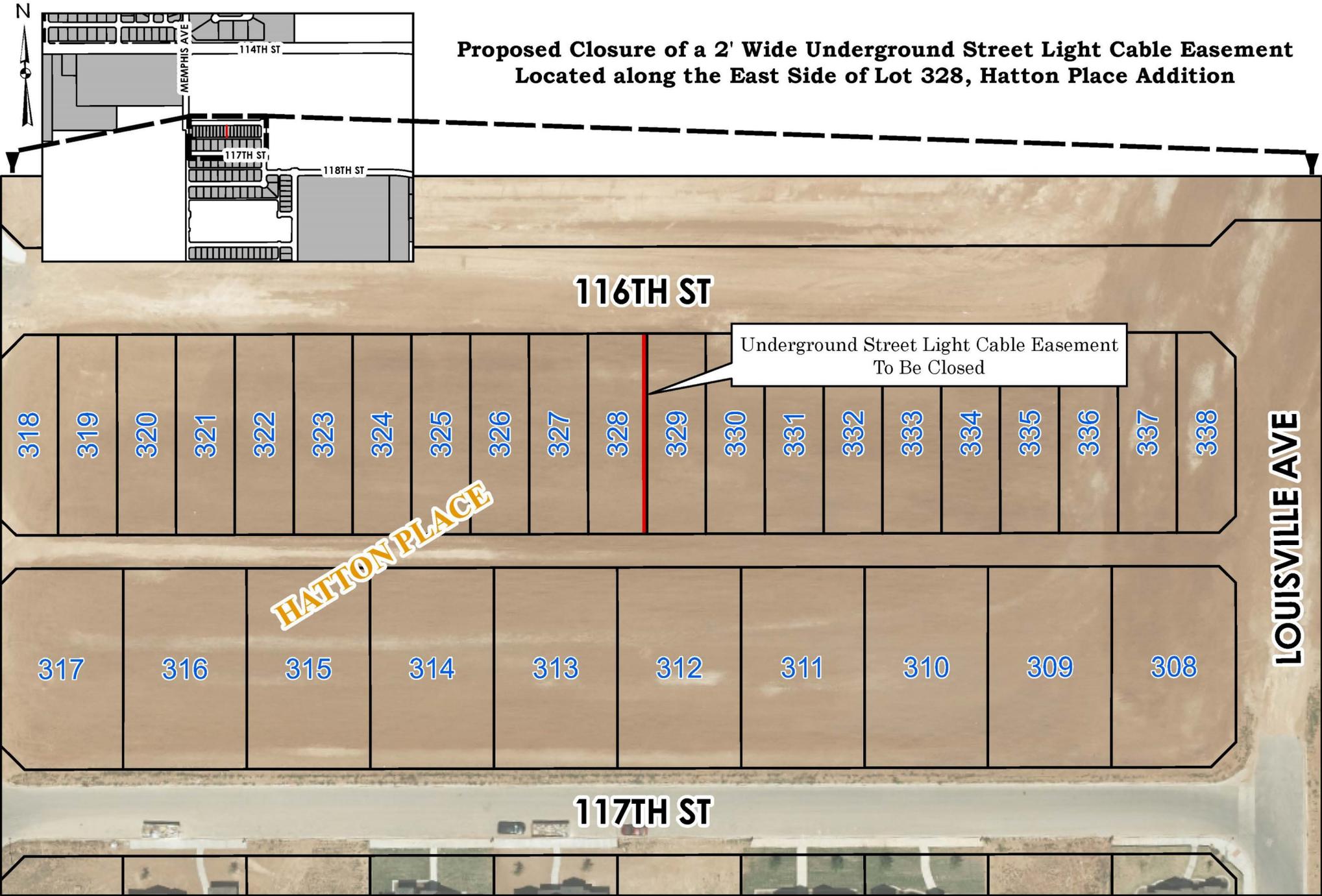
AMD Engineering, LLC
6515 68th Street, Suite 300
Lubbock, TX 79424

**CIVIL ENGINEERING
LAND SURVEYING**

Phone: 806-771-5976
Fax: 806-771-7625
TBPELS Reg. # 10178500

Accuracy - Efficiency - Integrity

Proposed Closure of a 2' Wide Underground Street Light Cable Easement Located along the East Side of Lot 328, Hatton Place Addition



As required by Chapter 2051, Geospatial Data Products of the Government Code, this product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





Information

Agenda Item

Resolution - Right-of-Way: Consider a resolution authorizing the Mayor to execute a Street Use License and all related documents, by and between the City of Lubbock and A & A Skibell Equities, LLC, d/b/a KFC, located at 5004 Slide Road, Lubbock County, Texas.

Item Summary

Upon authorization, this Street Use License will grant the right to A & A Skibell Equities, LLC, d/b/a KFC, to utilize a 1073.5 square-foot portion of the dedicated right-of-way, for a restaurant's paved drive-up lane. The Right-of-Way Department has valued the encroachment at \$5.00 per square foot, for a total cost of \$5,367.50, of which 10 percent per annum shall be collected. The term of this license shall be for 5 years from date hereof, and shall be automatically extended for successive 5-year terms, not to exceed 20 years. The license fee for each 5-year period is \$2,683.75.

Fiscal Impact

\$2,683.75 revenue to the General Fund

Staff/Board Recommending

Jesica McEachern, Assistant City Manager

Attachments

Resolution - Street Use License - A & A Skibell Equities, LLC dba KFC

Street Use License - A & A Skibell Equities, LLC dba KFC

Exhibit A -Street Use License - A & A Skibell Equities, LLC dba KFC

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, a Street Use License by and between the City of Lubbock and the A & A Skibell Equities, LLC d/b/a KFC, and related documents. Said License is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

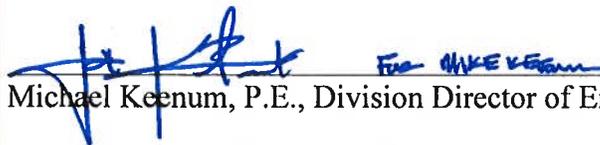
Passed by the City Council on _____.

DANIEL M. POPE, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Michael Keenum, P.E., Division Director of Engineering/City Engineer

APPROVED AS TO FORM:



Ryan Brooke, Assistant City Attorney

such improvements, and the expense incurred shall be assessed against LICENSEE, for which LICENSEE shall be liable.

1. LICENSEE shall pay to the CITY OF LUBBOCK as compensation for such grant the sum of TWO THOUSAND SIX HUNDRED EIGHTY-THREE AND 75/100 DOLLARS (\$2,683.75) cash in advance contemporaneously with the acceptance and execution hereof by LICENSEE for the first five (5) year term of this License, and thereafter such rate of compensation may be changed for each succeeding five (5) year term by the CITY OF LUBBOCK to a rate of compensation which is based on procedures and policies as established by the City Council of the CITY OF LUBBOCK, based on an appraisal of the fair market value of such land by the Right-of-Way Department of the CITY OF LUBBOCK, as applied to the formula for determining such rate established by the City Council. If such rate is not changed by the CITY OF LUBBOCK, the rate for the preceding five (5) year term shall apply. The CITY OF LUBBOCK shall notify the LICENSEE of any change in rates in writing ninety (90) days before the start of the five (5) year term to which such change in rate shall apply, and if such notification is not made, then the rate for the preceding five (5) year term shall apply.

2. The LICENSEE agrees to pay all costs arising out of the exercise of this License herein granted including, but not limited to, the cost of cleanup of any oil, hazardous substance, or other material, the replacement and repair of paving, sidewalks and utilities of any nature damaged as a result of the construction authorized by the License.

3. In the event the CITY OF LUBBOCK determines that the License herein granted interferes with or causes the rerouting or realignment of any public utility, franchised utility or sanitary or storm sewer line constructed or to be constructed by the CITY OF LUBBOCK or franchised utility, LICENSEE agrees to reimburse the CITY OF LUBBOCK or such utility, as the case may be, for its expense in relocating or rerouting over and above the expense which would have been incurred except for LICENSEE'S use herein.

4. This License is not transferable by the LICENSEE without first receiving the written consent of the City Manager of the CITY OF LUBBOCK.

5. This License is made subject to the condition that should the LICENSEE exercise any right under this License and prepare or begin or complete any part of the construction as herein contemplated across any or all of the above described property, then and in that event, said LICENSEE, its successors and assigns, will at all time defend, indemnify and otherwise hold the CITY OF LUBBOCK, its agents, servants and employees harmless from any and all claims, demands, actions, causes of action and suits at law or in equity of whatsoever kind or nature which may grow out of or be related to the making of this License or the construction or maintenance use permitted herein. The CITY OF LUBBOCK, at its option, may require an agreement with any contractors hired by LICENSEE to perform the construction, repair or maintenance permitted herein, which agreement will indemnify the CITY OF LUBBOCK from and against all claims, liability, cost and expense growing out of the performance of the work to be done by such contractors. The CITY OF LUBBOCK may further require any of said contractors, when engaged in the construction, repair or maintenance permitted herein, to furnish, without expense to the CITY OF LUBBOCK, a reliable surety bond, in an amount and in a form satisfactory to the said CITY OF LUBBOCK, guaranteeing the faithful performance of

all the terms, covenants and conditions contained in said agreement, and a certified copy of a policy of public liability insurance assumed by said contractors in said agreement with the CITY OF LUBBOCK. The CITY OF LUBBOCK agrees to give notice to LICENSEE prior to incurring any costs or expenses or the payment of any such claims or demands in order to give LICENSEE a reasonable opportunity to settle or adjust the same.

6. LICENSEE agrees and is required to furnish a policy of public liability and property damage insurance within limits specified by and in a form satisfactory to the City Attorney for the CITY OF LUBBOCK, and which names the CITY OF LUBBOCK as the insured, said policy covering the uses herein granted.

7. All of the covenants and provisions of this License shall be binding upon and inure to the benefit of the successors, legal representatives, assigns and the duly authorized agents and contractors of the parties hereto to the same extent and effect as the same are binding upon and inure to the benefit of the parties hereto, but no assignment hereof by the LICENSEE, its successors or assigns shall be binding upon the CITY OF LUBBOCK without the consent of the CITY OF LUBBOCK in each instance, except as specified in numbered paragraph four (4).

8. LICENSEE, by the acceptance of the uses permitted herein, understands and agrees that no interest, title or rights of possession are intended or implied except those expressly set forth herein, and LICENSEE waives any and all claims in and to the public way it is permitted to use hereby and agrees to give peaceful possession of said property covered herein upon termination or cancellation of this license. No interest for real property is conveyed or granted by this License.

9. The CITY OF LUBBOCK reserves the right to exercise any right or remedy available to it by law, contract, equity, or otherwise, including without limitation, the right to seek any and all forms of relief in a court of competent jurisdiction. Further, the CITY OF LUBBOCK shall not be subject to any arbitration process prior to exercising its unrestricted right to seek judicial remedy. The remedies set forth herein are cumulative and not exclusive, and may be exercised concurrently. To the extent of any conflict between this provision and another provision in, or related to, this document, this provision shall control.

AGREED TO AND ACCEPTED this _____ day of _____, 2021.

CITY OF LUBBOCK

A & A SKIBELL EQUITIES, LLC D/B/A
KFC:

DANIEL M. POPE, MAYOR

Name: 
Title: 

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:


Michael Keenum, P.E., Division Director of Engineering/City Engineer

APPROVED AS TO FORM:


Ryan Brooke, Assistant City Attorney

THE STATE OF TEXAS §

COUNTY OF LUBBOCK §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared **Daniel M. Pope**, Mayor of the City of Lubbock, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021.

Notary Public in and for the State of Texas

My Commission Expires: _____

THE STATE OF Texas §

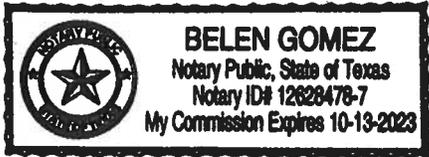
COUNTY OF Lubbock §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Charles Skibell, on behalf of A & A SKIBELL EQUITIES, LLC D/B/A/ KFC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 12th day of October, 2021.

Belen Gomez
Notary Public in and for the State of Texas

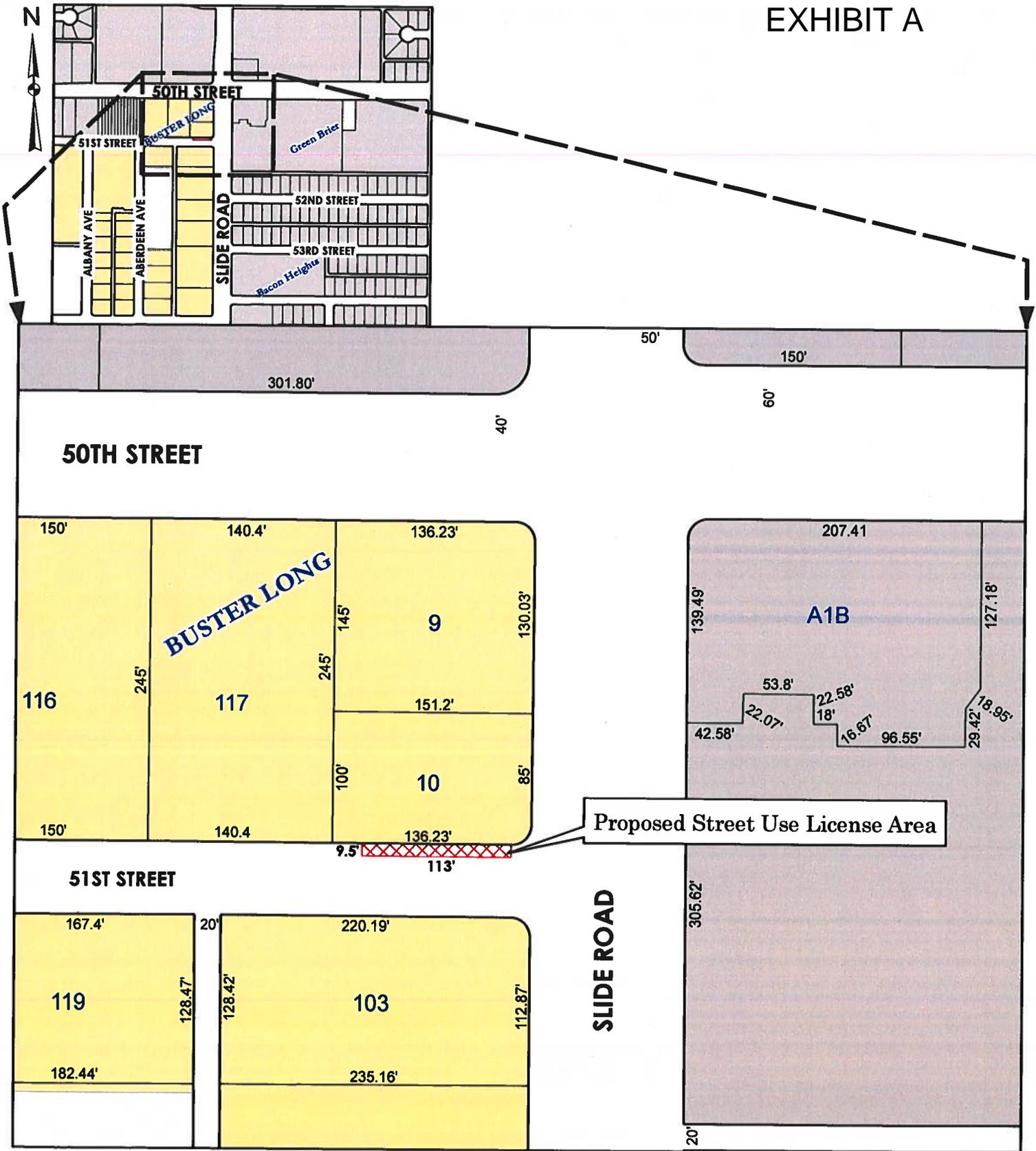
My Commission Expires: 10-13-2023



Licenses-Street Use-A & A Skibell Equities LLC-dba KFC
10.11.21

**Proposed Street Use License Along a Portion of 51st Street at Slide Road
Located Adjacent to Lot 10, Buster Long Addition**

EXHIBIT A



As required by SECTION 1. Chapter 2051, SUBCHAPTER D. GEOSPATIAL DATA PRODUCTS of the Government Code, the City of Lubbock hereby provides notice that the data on this map was created by the City of Lubbock. Any data that appears to represent property boundaries is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





Information

Agenda Item

Resolution - Water Utilities: Consider a resolution authorizing the Mayor to execute a four-year Interlocal Wholesale Wastewater Contract, with Texas Tech University, to serve a classroom/research facility located outside the City's incorporated boundaries.

Item Summary

During 2017, Texas Tech University (TTU) constructed a classroom/research facility located east of the Texas Tech Research Facility at 1051 East Loop 289 outside of Lubbock's incorporated limits. The facility is part of the East Campus Oilfield Technology Center. TTU contacted the City and requested that the City provide wastewater service to the new classroom facility.

On December 7, 2017, the City executed an Interlocal Wholesale Wastewater Contract with TTU. The contract allowed TTU to purchase Lubbock's wastewater services for 4 years to serve the classroom facility. Since the TTU classroom is located outside the City's incorporated limits, it is considered a wholesale customer. Wholesale customers are required by ordinance to pay wholesale wastewater rates adopted by the City Council in Section 22.04.041 of the City's Code of Ordinances, unless the City Council specifically approves other wastewater rate provisions.

The contract being considered will allow TTU to continue to purchase Lubbock's wastewater service for an additional 4 years to serve the classroom facility that is located outside the City's incorporated limits. The terms and conditions of the proposed contract are the same as agreed upon in the current contract with TTU.

Fiscal Impact

If TTU uses all of their allocated water for this classroom, the City will receive approximately \$690 in wastewater revenue annually for the next 4 years.

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
L. Wood Franklin, P.E., Division Director of Public Works

Attachments

Resolution - TTU Wastewater
Contract - TTU Wastewater

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock BE and is hereby authorized and directed to execute for and on behalf of the City of Lubbock, an Interlocal Wholesale Wastewater Contract by and between the City of Lubbock and the Texas Tech University for the provision of wastewater collection, treatment, and disposal/reuse services. Said Agreement is attached hereto and incorporated in this Resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on the ____ day of _____, 2021.

DANIEL M. POPE, MAYOR

ATTEST:

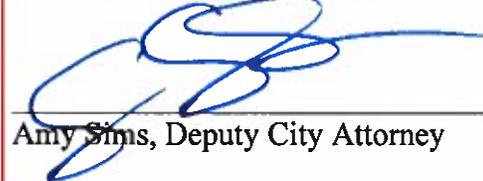
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Jessica McEachern, Assistant City Manager

APPROVED AS TO FORM:



Amy Sims, Deputy City Attorney

INTERLOCAL WHOLESALE WASTEWATER CONTRACT

STATE OF TEXAS §

CITY OF LUBBOCK §

This Contract is made and entered into this, the ____ day of November, 2021 between the City of Lubbock, a home rule municipal corporation located in Lubbock County, acting by and through its Mayor as authorized by specific action of its City Council; and the **Texas Tech University** (herein called "Customer"), a State of Texas public institution of higher education, acting by and through its Board of Regents.

WITNESSETH

WHEREAS, the Customer is a public institution of higher education of the State of Texas, operating, in part, within the municipal limits of Lubbock;

WHEREAS, citizens of the City of Lubbock will conduct research, take classes, and benefit from the Customer facilities located outside of the incorporated limits of LUBBOCK as depicted on in Exhibit "A", attached hereto (the "East Loop Research Building");

WHEREAS, the public health, welfare and safety of the residents of Lubbock and tenants and residents of the Customer require the development of adequate systems of sewage collection and disposal, the elimination of water pollution and the preservation of the water resources of the State of Texas; and

WHEREAS, Lubbock is required to comply with standards and treatment methods for wastewater, as set forth in federal, state and local laws and regulations and permits; and

WHEREAS, Lubbock and Customer have an interest in maintaining and restoring integrity of waters and the chemical, physical and biological integrity of waters and water resources and ensuring the reduction of pollution in said waters and water resources and planning the use, development, restoration, preservation, and enhancement of said waters and water resources; and

WHEREAS, Customer desires to enter into a contract for wastewater collection, treatment, and disposal/reuse services and Lubbock desires to provide these wastewater services to Customer; and

WHEREAS, Chapter 791 of the Government Code, authorizes Lubbock and Customer to enter into this Contract for goods and services;

NOW, THEREFORE, Lubbock and Customer, in consideration of the terms, covenants and conditions herein contained, hereby agree as follows:

ARTICLE 1 PROVISIONS OF WASTEWATER

1.1 TERMS, PROVISIONS, AND CONSIDERATIONS

Lubbock agrees to collect, treat, and reuse or dispose of wholesale wastewater received from the Customer, subject to the conditions precedent and under and pursuant to the terms, provisions, and conditions of this Contract.

1.2 DEFINITIONS

When used in this Contract, these terms shall be defined as follows:

Act – The Clean Water Act, as amended. (33 U.S.C. 1251, et seq.)

Biochemical Oxygen Demand (BOD) – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, as specified in “Standard Methods” in five (5) days at twenty (20) degrees Centigrade expressed as milligrams per liter (mg/l).

Calibration – Verification of primary measuring device and secondary instrumentation accuracy utilizing standard primary device procedures and calibration signals and/or a separate flow measurement instrument.

Customer System – The facilities of Customer used for pretreatment, collection and transportation of wastewater to the point of entry.

Delivery Facilities – All facilities necessary for the transmission of wastewater to the Lubbock System that are on the Customer’s side of the point of entry that are constructed specifically to allow Lubbock to serve Customer.

Director – The Director of Water Utilities of the City of Lubbock.

Lubbock System – Lubbock’s wastewater collection and treatment system, also defined as “publicly owned treatment works” as provided in Title 40 of the Code of Federal Regulations.

Industrial User – Any industry that discharges industrial processing wastewater, including sanitary wastewater in the City of Lubbock’s sanitary sewer system.

Industrial Wastes – All water-borne solids, liquids or gaseous substances resulting from any commercial, industrial, manufacturing or food processing operations, or from the development of a natural resource, or any mixture of these with water or domestic sewage.

Infiltration – Water that has migrated from the ground into the wastewater system.

Inflow – Water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers, and sanitary catch basins, cooling towers, storm waters, surface runoff, street wash waters of drainage. Inflow does not include, and is distinguished from, infiltration water.

Liquid Waste – The water-borne solids, liquids, and gaseous substances derived from certain sources including, but not limited to, grease trap, septic tank, chemical toilet waste, and sand trap waste.

Metering and Sampling Facility – The meter, meter vault, and all metering and telemetry equipment required to measure and/or sample wastewater flows of the Customer at the point of entry or other such locations, as may be mutually agreed upon in writing.

Non-metered Area – Areas within the Customer’s statutory boundaries that generate wastewater that do not drain into a part of the Customer System for which wastewater flow is measured by an approved metering and sampling facility.

Point of Entry – Collectively, the metering facilities or, where no metering facilities are utilized, the points of connection to the Lubbock System, as set forth in Section 2.2, below, unless otherwise mutually agreed upon in writing.

Pretreatment or Treatment – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a Publicly Owned Treatment Works (“POTW”). The reduction of alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d). Pretreatment or treatment shall also include, without limitation, such devices as grease, oil, or sand interceptors, and hydrocarbon removal units.

Pretreatment Requirements – Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

Significant Industrial User - Any user which discharges industrial wastes directly or indirectly into the Customer System or Lubbock System that:

- (1) Is subject to National Pretreated Standards or categorical pretreatment Standards of the U.S. Environmental Protection Agency or Texas Commission on Environmental Quality, or the successors thereof; or
 - (2) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - (3) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the Lubbock System treatment plant;
- or

- (4) Has a reasonable potential, in the opinion of the Director, for adversely affecting the Lubbock System due to discharge or wastewater or for violating any pre-treatment standard or requirement.

Standard Methods – The examination and analytical procedures set forth in the latest edition of “Standard Methods for the Examination of Water and Wastewater,” as prepared, approved and published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation.

System Access Fee – A capital contribution (impact fee, capital recovery fee, system development charge) which represents a proportional capital cost of the capacity of Lubbock facilities that provide utility services and benefits common to all customers, less depreciation, outstanding debt, and appropriate contributions paid to Lubbock, required to provide service for new connections, whether located within the jurisdictional limits of Lubbock or Customer.

Total Suspended Solids (TSS) or Suspended Solids – The solids that either float on the surface of, or in suspension in water, sewage or other liquids, and which are largely removable by laboratory filtration. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in “Standard Methods.”

Wastewater – Liquid or water-carried waste products and sewage from whatever source, including without limitation, residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are discharged into or permitted to enter the Lubbock System. The terms wastewater and sewage are interchangeable.

ARTICLE 2 CONDITIONS OF SALE OF WASTEWATER SERVICES

2.1 CONNECTION TO THE LUBBOCK SYSTEM

Subject to the terms hereof, Lubbock hereby grants to Customer, upon compliance with the terms and conditions contained herein, permission to connect its System to the Lubbock System. Lubbock agrees to accept all wastewater from Customer at the point of entry as designated on Exhibit “A”, attached hereto and incorporated herein.

The cost of all delivery facilities necessary to convey wastewater to the designated point of entry, whether shown on Exhibit “A” or mutually agreed upon at a later date, together with the cost of connection of the Customer System to the Lubbock System, including metering and sampling facilities, shall be the responsibility of the Customer. All such metering and delivery facilities shall be approved by Lubbock. In the event Lubbock requires Customer to increase the size of any such delivery facility, the difference in the cost of the delivery facility of Customer previously approved by Lubbock, and the cost of the delivery facility as requested by Lubbock, shall be at Lubbock’s expense and may be allocated as a system cost if so determined in future cost-of-service studies.

Customer shall be responsible for the design and construction of additional delivery facilities. All designs, materials and specifications shall conform to Lubbock's requirements. Plans and specifications for any additional delivery facility which actually connects to the Lubbock System shall be submitted to the Director for written approval. Such approval shall not be unreasonably withheld. No construction shall begin until such approval has been given. Customer agrees that Lubbock has the right to make periodic inspections during the construction phase of the delivery facilities and final acceptance of same is subject to written approval of Director. Final acceptance of such facility from the point of connection up to and including the metering and sampling facility is subject to the inspection and written approval of the Director.

2.2. SERVICE AREA

Customer agrees not to provide wastewater service to or contract or subcontract with any new customer who needs wastewater service. The Customer may provide sewer service solely to the facilities associated with the facilities described in Exhibit A. No other customer, geographic area or premises, of any kind or nature, shall be served by Customer, directly or indirectly.

2.3 WASTEWATER SYSTEM MAINTENANCE

Customer agrees to maintain its system in good condition and to make repairs in a timely manner. Lubbock shall not have any responsibility or liability now or ever for the operation of the Customer's System.

Lubbock agrees to maintain its system in good condition and to make repairs in a timely manner. Customer shall not have any responsibility or liability now or ever for the operation of the Lubbock System, except as otherwise provided herein.

2.4 METERING AND SAMPLING

Customer shall be responsible for providing metering, if required by Lubbock, and sampling facilities at the point of entry in accordance with the Lubbock Code of Ordinances, Sec 22.04.212, as may be amended from time to time.

All flow discharged into the Lubbock System by Customer shall be metered, unless specifically agreed to by both parties in writing. Should both parties agree in writing that metering is not possible, the agreed upon method for determining the volume shall include an adjustment for infiltration and inflow. The City Council of Lubbock hereby delegates the authority to approve such alternative flow measurement to the City Manager of Lubbock, or his or designee. The Customer and Lubbock may agree to differing methods of volume determination for each point of entry.

All readings of the meter will be maintained by Customer. Lubbock shall have access to such records during reasonable business hours and shall be furnished with monthly totalizer reading for the point of entry metering and sampling facility.

Customer shall calibrate and routinely service the meter not less than once during every one - year (1) period. Copies of the results of such calibration and all related information shall be provided to Lubbock. Customer shall notify Lubbock at least seventy-two (72) hours in advance of the date and time for any calibration and Lubbock may observe, if so desired.

Upon any calibration, if it is determined that the accuracy envelope of such meter is found to be lower than ninety-five percent (95%) or higher than one hundred five percent (105%) expressed as a percentage of the full scale of the meter, the registration of the flow as determined by such inaccuracy began, if such time is ascertainable; or, if such time is not ascertainable, then for a period extending back one-half (1/2) of the time elapsed since the date of the last calibration, but in no event further back than a period of six (6) months.

If any meter used to determine volume from Customer is out of service or out of repair so that the amount of wastewater metered cannot be ascertained or computed from the reading thereof, the wastewater delivered through the period such meter is out of service or out of repair shall be estimated and agreed upon by the parties hereto upon the basis of the best data available. This basis for estimating such flow includes, but is not limited to, extrapolation of past patterns of flow for said metering station under similar conditions.

Lubbock may periodically determine the quality of the wastewater at the metering and sampling facilities or other agreed upon sampling points for the purpose of billing for the strength of the wastewater and relating to compliance with pre-treatment requirements. To determine the quality of the wastewater, in the event Lubbock desires to conduct sampling activities, Lubbock shall collect twenty-four (24) hour composite samples or other sampling methods as deemed necessary or advisable by Lubbock. If, at the request of Customer or at the request of the Director, more extensive monitoring is desired, such additional monitoring shall be paid for by the party making the request and shall be done in compliance with Paragraph 2.5.

Lubbock shall analyze the samples collected in accordance with standard methods. Customer may be present during the initial setup of sampling equipment and at the time of pickup for the sample. Lubbock agrees, if requested, to split said wastewater samples with Customer. If in the opinion of the Director compliance monitoring is required, the Director may order that additional monitoring be performed with or without prior notice to Customer. Wastewater sampling costs incurred under this section will be at the sole cost and expense of Lubbock.

2.5 BILLING PROCEDURES

A monthly statement of the amount of wastewater determined to be discharged to Consumer/User at the point of delivery during the preceding month shall be mailed to:

Operations Division
Business Office Box 43171
Lubbock, Texas 79409
(806) 834-1401

All such bills shall be due and payable by the Customer not more than thirty (30) days from the billing date. The bill will show current charges, as well as past-due charges, if any. Current charges shall be the amount due for wastewater collection, treatment and disposal service provided since the prior billing period. Past-due shall be the total amount unpaid from all prior billings as of the current billing date. Payments received by Lubbock shall first be applied to the past-due charges, if any, and thereafter to the current charges.

In the event a payment is not paid as specified in the Agreement, a late charge of four- and one-half percent (4.5%), or the maximum amount allowable by Texas law, per annum will be calculated from the date which the payment was required to be made.

The parties hereto agree that services obtained pursuant to this Contract are essential and necessary to the operation of Customer's waterworks and wastewater facilities and that all payments made by each Customer hereunder shall constitute reasonable and necessary operating expenses of Customer's waterworks and wastewater systems.

2.6 TERMS OF CONTRACT

The term of this Contract shall be for a period of four (4) years commencing upon execution of the contract and ending four (4) years thereafter.

In the event of continued and mutual interest of the terms of this Contract, a new contract shall be negotiated, developed, approved, and executed for the period after the expiration of this contract. However, in the event that a new contract is not or cannot be agreed upon, there shall be no further discharge or responsibilities of the City of Lubbock and the Customer.

Customer or the City of Lubbock may terminate this Contract for any reason by providing each other one hundred twenty (120) days prior written notice.

ARTICLE 3 CONDITIONS OF RECEIVING SERVICE

3.1 RATES AND PAYMENTS

Customer shall pay Lubbock, in a timely manner as provided in this Contract, those charges for wastewater services provided to Customer pursuant to the terms of the contract. The base monthly rate for the meters installed at the Point of Delivery shall be equal to the rate established by the City Council of Lubbock for meter of equal size as set forth in Section 22.04.041 of Code of Ordinances of the City of Lubbock, as may be amended from time to time. The volume rate charges for wastewater services provided shall be equal to the rate established by the City Council of the City of Lubbock charged to wholesale customers as set forth in Section 22.04.041 of Code of Ordinances of the City of Lubbock, as may be amended from time to time.

The setting of wastewater rates is a legislative function of Lubbock. To the extent the Customer has any protest to the rates charged pursuant to this Contract, Customer understands and agrees that it has the right to ask to address the City Council of the City of Lubbock as to said rates, but

that the City Council of the City of Lubbock ultimately has the legislative authority to determine such rates.

3.2 CONNECTIONS AND MONITORING

Customer agrees that it will not permit any significant industrial user within its jurisdiction to connect directly or indirectly either to its system or to the Lubbock System.

Customer agrees to conduct any and all monitoring, sampling and inspection of Customer System necessary to ensure that industrial waste introduced into the Customer System meets the quality standards set out in Section 9.2 hereof. Upon request to Customer, a representative of Lubbock will be permitted to observe Customer's collection of samples, and Customer agrees to furnish Lubbock separate duplicate samples for independent testing, and, upon request, to provide the Director sample analysis results and pretreatment records.

Customer agrees that Lubbock shall have the right to sample wastewater at the point of entry and such other locations as may be needed for the purpose of determining the volume and quality of wastewater entering the Lubbock System. Customer agrees to disconnect from its system any user found to be in violation of allowable discharges or who refuses access to its facilities for the purpose of sampling wastewater being discharged into the Customer System; provided, however, that said disconnected user shall be afforded the same rights privileges of appeal and deficiency cure periods as are industrial users operating within Lubbock's jurisdiction.

Customer grants to Lubbock the right to enter Customer's jurisdiction or property if Lubbock determines that questionable discharges or prohibited discharges are entering the Lubbock System emanating from the Customer System. Customer agrees to assist Lubbock in locating and eliminating such prohibited discharges.

3.3 WASTEWATER QUALITY

Customer agrees that on or before thirty (30) days from date of execution of this Contract it shall enact and cause to be enforced rules, regulations or ordinances at least as stringent as (i) Division 4 and Division 5 of Article 22.04 of Chapter 22 of the Lubbock Code of Ordinances, as may be amended from time to time; and (ii) applicable state and federal regulations relating to (a) discharged substances; (b) prohibited discharges; (c) pretreatment requirements; (d) industrial discharge permitting systems; and (e) industrial self-monitoring reports.

Customer agrees that the quality of the wastewater discharge into the Customer System shall be equal to or better than the quality standards established by Division 3 of Article 22.04 of Chapter 22 of the Lubbock Code of Ordinances, as may be amended from time to time.

Customer shall not, at any time during the term of this Contract, conduct any activity or discharge any wastewater to the Lubbock System which would cause it to be classified as a significant industrial user.

3.4 INFILTRATION AND INFLOW

Customer agrees that it has an obligation to prevent infiltration and inflow into its System and then into the Lubbock System. Customer further agrees that all sewer connections within its jurisdiction which ultimately enter into the Lubbock System will be constructed in accordance with applicable specifications and standards at least equal to those of the Lubbock System. Further, Customer covenants and agrees to maintain strict supervision and maintenance of its System to prevent connections through which surface drainage can enter ultimately into the Lubbock System. Customer shall not make, nor shall it permit to be made, any connection which will contribute storm water run-off of any kind, including without limitation, from rainwater spouts, rainwater areas, streets, gutter drain or other source, into its sanitary sewer system.

3.5 WASTE HAULER PROHIBITION

Customer agrees to prohibit the introduction of liquid waste or wastewater from waste haulers into the Customer System, directly or indirectly.

3.6 INSPECTION AND AUDIT

Complete records and accounts shall be maintained by each party hereto for a period required by law or five (5) years, whichever is greater. Each party shall at all times, upon notice, have the right at reasonable times to examine and inspect said records and accounts during normal business hours. Further, if required by any law, rule or regulation, make said records and accounts available to federal and/or state auditors.

3.7 COMPLIANCE AND PERMIT CONDITIONS

Customer acknowledges that Lubbock is the holder of discharge permits issued by the United States and/or the State of Texas and is subject to regulations and requirements related to the collection and treatment of wastewater (collectively the "Permit"). Customer agrees that it will comply with all Permit conditions in any way relating to the collection system and the discharge into the collection system.

3.8 REPORTS AND RECORDS

If requested by the Director, the Customer shall provide quarterly data that may assist Lubbock in developing methodology for cost-of-service studies, planning studies for analyzing federal grants, and system access fees.

**ARTICLE 4
MUTUAL CONDITIONS**

4.1 SYSTEM ASSISTANCE

In the event Customer requests assistance with its System, Lubbock may, at its option, assist Customer. Customer agrees to pay Lubbock its actual costs incurred, including, but not limited to, labor and material expended. Nothing herein shall be construed to require Lubbock to assist Customer. Such costs will be invoiced to Customer and payment made within ten (10) days after receipt of invoice.

4.2 NOTICES

Any notice, communication, request, reply or advice herein provided or permitted to be given, made or accepted by either party to the other party must be in writing to:

LUBBOCK

City of Lubbock
Attn: Aubrey Spear
Director of Water Utilities
P.O. Box 2000
Lubbock, Texas 79457
Facsimile: (806) 775-3027
Email: aspear@mylubbock.us

CUSTOMER

Texas Tech University
Attention: Carey Hewett
Contracting
Box 43171
Lubbock, Texas 79409
Phone: (806) 834-1657
Email: carey.hewett@ttu.edu

w/copy to:

Procurement Services
Contracting
Box 41094
Lubbock, TX 79409
Email: contracting@ttu.edu

The parties hereto shall indicate in writing any change that may occur in such respective addresses from time to time.

4.4 CONSENT

Whenever, under the terms of this Agreement, either party is permitted to give its written consent or approval, either party, in its discretion, may give or may refuse such written consent or approval and, if given, may restrict, limit or condition such consent or approval in any manner it shall deem advisable.

4.5 WAIVER, REMEDY, SEVERABILITY

No waiver by either party hereto of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

In addition to any other remedy as may be provided by law, this Agreement shall be specifically enforceable by the parties hereto. Laws of the State of Texas shall govern the terms, performance, and enforcement of the Agreement. Sole and exclusive venue for any action shall be in Lubbock County, Texas.

It is agreed that, in the event any term or provision herein contained is held to be invalid by any court of competent jurisdiction, the invalidity of such term or provision shall in no way affect any other term or provision contained herein. In such event, this Agreement shall continue as if such invalid term or provision had not been contained herein.

4.6 OWNERSHIP AND LIABILITY

No provision of this Agreement shall be construed to create any type of joint or equity ownership of any property, any partnership or joint venture nor shall same create any other right or liabilities and customer payments (whether past, preset, or future) will not be construed as granting Customer partial ownership of, pre-paid capacity in, or equity in the Lubbock System.

Each party to this agreement will be responsible for its own actions in providing services under this agreement.

Contracts made and entered into by Customer for the construction, reconstruction or repair of any delivery facility shall include the requirements that the independent contractor(s) must provide adequate insurance protecting both the Customer and Lubbock as insured. Such contract must also provide that the independent contractor covenant to indemnify, hold harmless and defend both the Customer and Lubbock against any and all suits or claims for damages of any nature arising out of the performance of such contract.

4.7 FORCE MAJEURE

No party hereto shall be considered to be in default in the performance of any of the obligations hereunder (other than obligations of either party to pay costs and expenses) if such failure of performance shall be due to an uncontrollable force beyond the control of the parties, including but not limited to, the failure of facilities, flood earthquake, tornado, storm, fire, lightning,

epidemic, war, riot, civil disturbance or disobedience, labor dispute and action or non-action by a failure to obtain the necessary authorizations and approvals from any governmental agency or authority of the electorate, labor or material shortage, sabotage, or restraint by a court order or public authority, which by the exercise of due diligence it shall be unable to overcome. Either party rendered unable to fulfill any obligation by reason of an uncontrollable force shall exercise due diligence to remove such inability with all reasonable dispatch.

4.8 DEFAULT AND REMEDIES

The dispute resolution process provided for in the Texas Government Code, Chapter 2260 will be used by Lubbock in an attempt to resolve any unresolved claim for breach of this Agreement arising under this Agreement.

- a. The dispute resolution process provided for in Government Code Chapter 2260 will not, at any time, affect Customer's right of ability to bring suit against Lubbock for disputes arising under this Agreement, nor will it affect Customer's ability to assert all claims and defenses in a lawsuit. Customer reserves its right to seek redress in the courts for any matter it deems appropriate; and
- b. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise requested or approved in writing by Customer, Lubbock shall continue performance and shall not be excused from performance during the period any breach of contract claim or dispute is pending under either of the above processes; however, Lubbock may suspend performance during the pendency of such claim or dispute if it has complied with all provisions of Section 2251.051, Texas Government Code, and such suspension of performance is expressly applicable and authorized under that law.

NEITHER THE EXECUTION OF THIS AGREEMENT BY CUSTOMER NOR ANY OTHER CONDUCT OF ANY OF CUSTOMER'S REPRESENTATIVES RELATING TO THE AGREEMENT CONSTITUTES OR IS INTENDED TO CONSTITUTE A WAIVER OF TTU'S OR THE STATE'S SOVERIGN IMMUNITY TO SUIT; AND TTU HAS NOT WAIVED ITS RIGHT TO SEEK REDRESS IN THE COURTS.

In the event a condition arises that creates a danger to health and safety of the public, the City shall have the right to immediately suspend service without liability until such time as the condition is remedied. City shall give notice to CONSUMER/USER of such suspension of service as soon as practical; however, the City shall not have any liability for failure to give notice and such a failure to give notice shall not abrogate the City's authority to take any action to abate a danger to health and safety of the public.

4.9 EFFECTIVE DATE

This Contract, together with all terms and conditions and covenants, shall be effective as of the date of the execution hereof by Lubbock.

4.10 CONDITION PRECEDENT

The obligation of Lubbock to perform under this Agreement is subject to the condition precedent that, prior to accepting any liquid waste, wastewater or other water pursuant to the terms hereof, Lubbock and Customer shall have received written approval and authorization to perform hereunder by the Environmental Protection Agency of the United States of America, the Texas Commission of Environmental Quality and any other governmental or regulatory body or authority having jurisdiction over such matters.

4.11 MISCELLANEOUS

This Agreement is subject to all applicable federal and state laws and any applicable permits, rules, or amendments adopted pursuant to Section 3.3 rules, orders, and regulations of any state of federal governmental authority having or asserting jurisdiction.

The Customer agrees to abide by and comply with any changes in this Agreement made necessary by an amendment or revision to state or federal regulations.

Upon prior notice by Lubbock, any duly authorized employee of Lubbock bearing proper credentials and identification shall notify Customer of need for access to any premises located within Customer's jurisdiction as may be necessary for the purpose of inspections and observation, measurement, sampling and testing and/or auditing, in accordance with the provisions of this Contract. Upon such notice Customer shall immediately allow access to the Lubbock representative. Customer may elect to accompany the Lubbock representative. In each instance herein where reference is made to a federal or state statute regulation or rule, it is the intention of the parties that, at any given time, the current federal or state statute, regulation or rule shall apply.

If a publication or reference work referred to herein is discontinued or ceases to be the general accepted work in its field, or if conditions change, or new methods or processes are implemented by Lubbock, new standards shall be adopted which are in compliance with state and federal laws and any valid rules and regulations pursuant thereto.

Lubbock must comply with all federal, state and local government requirements to obtain grants and assistance for system design, system construction and studies. Customer agrees to assist Lubbock in compliance by setting adequate rates, establishing proper user charges and complying with governmental requirements.

Section headings in this Agreement are for convenience only and do not purport to accurately or completely describe and contents of any section. Such headings are not to be construed as part of this Agreement or any way defining, limiting or amplifying the provision hereof.

4.12 CURRENT REVENUES

Each party paying for performance under this Agreement shall make all payments from current revenues available to the pay party.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective officers thereunto duly authorized.

LUBBOCK:
City of Lubbock
BY:

CUSTOMER:
Texas Tech University
BY:

Daniel M. Pope, Mayor

Noel Sloan

Noel Sloan, Senior Vice President of
Administration & Finance and Chief Financial
Officer

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

L. Wood Franklin

L. Wood Franklin, P.E., Division Director of Public Works

Aubrey A. Spear

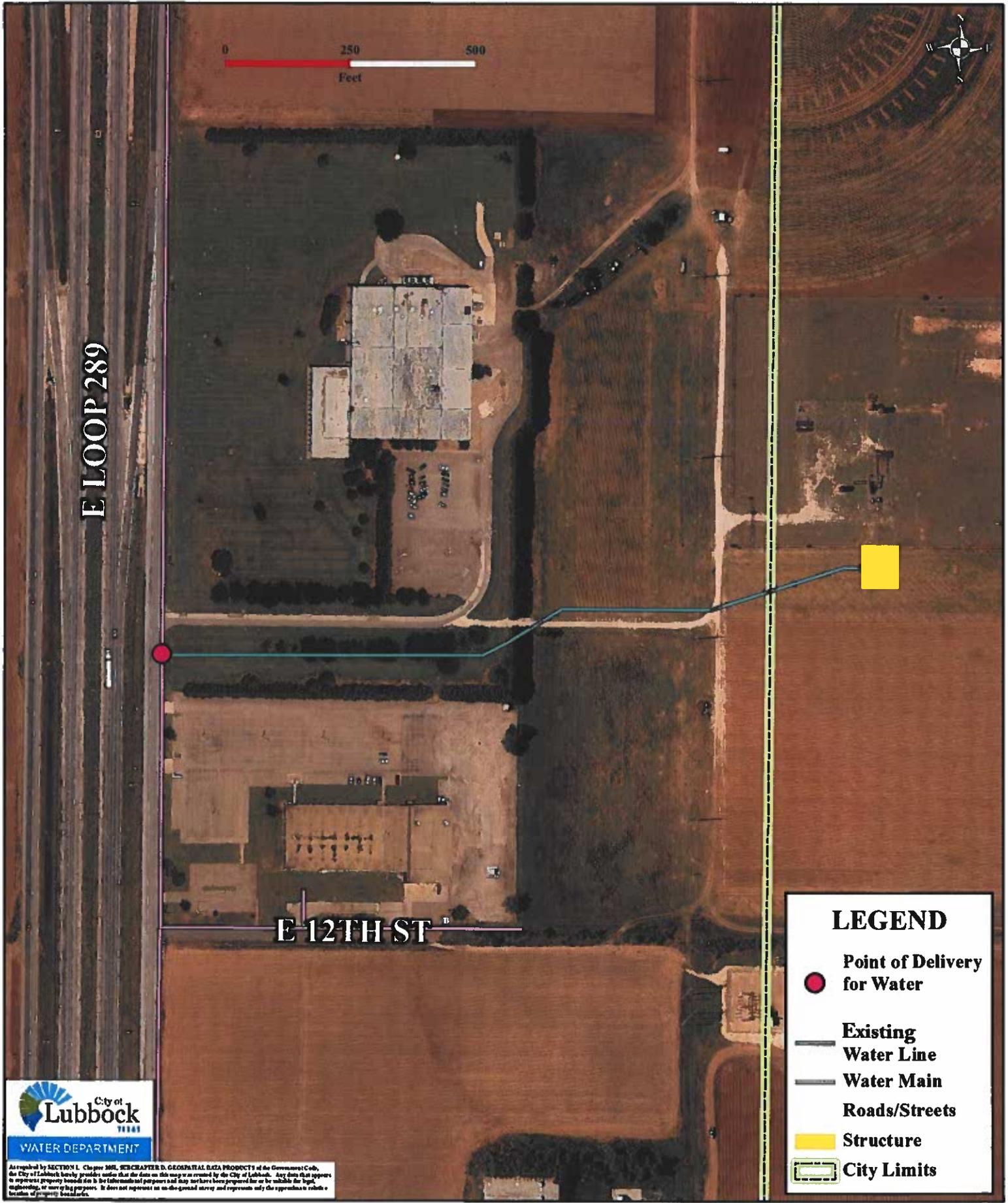
Aubrey A. Spear, P.E., Director of Water Utilities

APPROVED AS TO FORM:

Amy Sims

Amy Sims, Assistant City Attorney

Exhibit A





Information

Agenda Item

Resolution - Water Utilities: Consider a resolution authorizing the Mayor to execute a four-year Interlocal Wholesale Water Sales Contract, with Texas Tech University, to serve potable water to a classroom/research facility located outside the City's incorporated boundaries.

Item Summary

During 2017, Texas Tech University (TTU) constructed a classroom/research facility located east of the Texas Tech Research Facility at 1051 East Loop 289 outside of Lubbock's incorporated limits. The facility is part of the East Campus Oilfield Technology Center. TTU contacted the City and requested that the City provide water service to the new classroom facility.

On December 7, 2017, the City executed an Interlocal Wholesale Water Sales Contract with TTU based on a template recommended by the Lubbock Water Advisory Commission. The contract allowed TTU to purchase Lubbock's potable water for 4 years to serve the classroom facility. Since the TTU classroom is located outside the City's incorporated limits, it is considered a wholesale customer.

Wholesale customers are required by ordinance to pay wholesale water rates adopted by the City Council in Section 22.03.085(6) of the City's Code of Ordinances unless the City Council specifically approves other water rate provisions. The contract limits the amount of water that can be purchased to 120,000 gallons each year.

The contract being considered will allow TTU to continue to purchase Lubbock's potable water for an additional 4 years to serve the classroom facility that is located outside the City's incorporated limits. The terms and conditions of the proposed contract are the same as agreed upon in the current contract with TTU.

Fiscal Impact

If TTU uses all of their allocated water for this classroom, the City will receive approximately \$940 in metered water revenue annually for the next 4 years.

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
L. Wood Franklin, P.E., Division Director of Public Works

Attachments

Resolution - TTU Water
Contract - TTU Water

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock BE and is hereby authorized and directed to execute for and on behalf of the City of Lubbock, an Interlocal Wholesale Water Contract by and between the City of Lubbock and the Texas Tech University for the provision of wholesale water. Said Agreement is attached hereto and incorporated in this Resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on the ____ day of _____, 2021.

DANIEL M. POPE, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Jessica McEachern, Assistant City Manager

APPROVED AS TO FORM:



Amy Sims, Deputy City Attorney

INTERLOCAL WHOLESALE WATER SALES CONTRACT

STATE OF TEXAS §

COUNTY OF LUBBOCK §

This Contract is made and entered into this, the _____ day of November, 2021 between the City of Lubbock, a home rule municipal corporation located in Lubbock County, acting by and through its Mayor as authorized by specific action of its City Council; and the **Texas Tech University** (herein called "Consumer/User"), a State of Texas public institution of higher education, acting by and through its Board of Regents.

WITNESSETH

WHEREAS, the Consumer/User is a public institution of higher education of the State of Texas, operating, in part, within the municipal limits of Lubbock;

WHEREAS, citizens of the City of Lubbock will conduct research and take classes within the Consumer/User research building located outside of LUBBOCK but immediately adjacent to the east city limits, located east of the Texas Tech Research Facility at 1051 East Loop 289, Lubbock, Texas 79403., as depicted on Exhibit "A", attached hereto ("Building 504 East Campus Oilfield Technology Center");

WHEREAS, due to the expansion of the East Loop Research Building, the Consumer/User needs to provide a source of water for the East Loop Research Building;

WHEREAS, Section 22.03.091 of the Code of Ordinances of the City of Lubbock permits the sale of wholesale water outside of its municipal boundaries to federal, state, or local governments pursuant to appropriate intergovernmental contracts;

WHEREAS, the City of Lubbock is amenable to providing said wholesale water, subject to the conditions precedent and upon the terms and conditions of this Contract, to Consumer/User;

WHEREAS, the Government Code authorizes certain intergovernmental cooperation contracts.

NOW THEREFORE, for and in consideration of the mutual Contracts, covenants, obligations, and benefits herein expressed, the City of Lubbock and Consumer/User contract and agree as follows:

ARTICLE I PROVISIONS OF WATER

1.1 TERMS, PROVISIONS, AND CONSIDERATIONS

The City of Lubbock agrees to sell and convey wholesale water to Consumer/User outside the City of Lubbock, subject to the conditions precedent and under and pursuant to the terms, provisions, and conditions of this Contract.

ARTICLE II CONDITIONS OF SALE OF WHOLESALE WATER

2.1 QUALITY AND TREATMENT

The City of Lubbock shall supply potable water of similar quality that the City of Lubbock distributes to the residents of Lubbock, Texas treated by disinfectants and other such treatment as may in the future be directed by appropriate regulatory agencies and meeting the applicable primary drinking water standards of the Texas Commission on Environmental Quality and other local, State, and Federal government agencies at the point of delivery, as hereinafter defined, during the term of this Contract or any renewal or extension thereof. The City of Lubbock may at its sole discretion, furnish this supply out of surface water, groundwater, potable reclaimed water, or any combination of same.

THE CITY OF LUBBOCK MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESSED, STATUTORY, OR IMPLIED, INCLUDING WITHOUT LIMITATION, AS TO THE DESCRIPTION, VALUE, QUALITY, PHYSICAL CONDITION, MERCHANTABILITY, OR FITNESS FOR PURPOSE OF THE WATER SUBJECT TO THIS CONTRACT EXCEPT AS EXPRESSLY SET FORTH ABOVE.

2.2 QUANTITY

The City of Lubbock shall supply and deliver a total maximum amount of **120,000 gallons** of wholesale water per any three hundred sixty-five (365) day period of time beginning October 1 of each year, based upon the historical usage of Consumer/User. The peak maximum usage per twenty-four (24) hour period of time shall be **50,000 gallons**. Maximum hourly flow for any one (1) hour period shall not exceed **175 gallons per minute**. In the event Consumer/User shall use more than the allotted maximum amount of water in the above-described (365) day period given period as set forth above, Consumer/User shall pay an amount equal to two (2x) times the water rate set forth in Paragraph 3.2 for that amount of water that exceeds the allotted maximum quantity. However, in no event shall Consumer/User consume more than \$1 million worth of water per year.

Based on these calculations, the City of Lubbock shall supply a set quantity to the Consumer/User at the Point of Delivery as shown in Exhibit A. All water quantities delivered shall be measured at the Point of Delivery by a metering device as specified by the City of Lubbock at the sole cost to Consumer/User. The meter shall be located in an area reasonably accessible by the City of Lubbock

at all times. If the metering device is to include remote monitoring equipment, Consumer/User, shall bear the sole cost of this additional equipment. Installation of this metering device shall be the responsibility of the City of Lubbock with all cost and expense of such installation reimbursed by Consumer/User. Consumer/User shall be charged such installation costs no more than once, unless such installation is necessitated by the remedying of a danger to health and safety of the public in accordance with Section 4.1.

Such metering device may include and manage: (1) control of rate of flow; (2) measure the instantaneous flow of gallons per day; (3) measure peak hourly flow during the day of maximum flow in gallons per twenty-four hour period; (4) measure the cumulative volume of water taken; and (5) control changes in the rate of flow. At the City of Lubbock's discretion, the metering device may be remotely monitored and documented as to usage of Consumer/User. Deliveries shall be contingent upon facilities necessary or convenient for the City of Lubbock to deliver water to Consumer/User from existing water conveyance system to the Point of Delivery.

2.3 POINT OF DELIVERY AND TITLE

Water provided to Consumer/User shall be delivered to the Point of Delivery described in Exhibit "A". Title to water passing through the flow meter shall become the property of Consumer/User at the outlet side of the meter. Consumer/User shall be responsible for the water, for all purposes and intents, from and after title passage to Consumer/User.

2.4 METERING DEVICE, CALIBRATION, AND READING

The City of Lubbock shall provide the maintenance of the necessary Point of Delivery metering device for properly measuring the quantity of water delivered to Consumer/User. Calibration of such metering device shall be done on a reasonable time schedule, but not less frequently than once every twenty-four (24) months, or more frequently than once every six (6) months. A meter registering not more than three percent (3%) accuracy above or below the test result shall be deemed to be accurate or non-material.

The previous reading of any meter disclosed by test to be inaccurate beyond the acceptable range of plus or minus three percent (3%) shall be corrected in accordance with the percentage of inaccuracy found by such tests for a period extending back one-half (1/2) of the time elapsed since the last calibration date but, in no event, further back than a period of six (6) months. If the meter is out of service or out of repair so that the amount of water delivered cannot be ascertained or computed from reading thereof, the water delivered during the period such meter is out-of-service or out-of-repair shall be estimated upon the basis the best available data and information. The meter register shall be read by the City of Lubbock at least once a month. All metering equipment, valves, and other appurtenances associated with the metering device and installation shall be and remain the property of the City of Lubbock.

2.5 BILLING PROCEDURE

A monthly statement of the amount of water determined to be delivered to Consumer/User through

the meter at the point of delivery during the preceding month shall be mailed to:

Operations Division
Business Office
Box 43171
Lubbock, Texas 79409
(806) 834-1401

All statements for water delivered shall be due and payable from current revenues available to Consumer/User on or before thirty (30) days after receipt of said statement. A late payment charge of four and one half percent (4.5%), or the maximum amount allowable by Texas law, per annum shall be charged for failure to pay the current due amount within thirty (30) days after receipt of the statement. If payment is not received by the City of Lubbock within thirty-five (35) days after the date of issuance of the statement, the statement shall be deemed delinquent. The City of Lubbock shall notify Consumer/User in writing when any such payment shall become delinquent, and if such delinquency is not removed within forty-two (42) days after the date of issuance of the statement, the City of Lubbock may, at its discretion, cease deliveries of water to the Consumer/User under the terms specified in this Contract.

After water has ceased to be supplied, the City of Lubbock may, at its sole discretion, notify Consumer/User of its intention to declare the wholesale water supply contract forfeited and null and void. Upon such notice, Consumer/User shall have thirty (30) days to pay all delinquent charges, late fees, and reconnect charges, in order to reinstate wholesale water services prior to final action by the City of Lubbock declaring the Contract forfeited and null and void. Upon a declaration by the City of Lubbock that the Contract is forfeited and null and void, all connections providing the capability to deliver water shall be removed by the City of Lubbock.

2.6 AREA OF SERVICE

Use of water purchased under this Contract shall be restricted to the facilities described in Exhibit A. No other customer, geographic area or premises, of any kind or nature, shall be served by Consumer/User, directly or indirectly, with water purchased subject to the right of Consumer/User to resell water within its defined service area.

2.7 TERM OF CONTRACT

The term of this Contract shall be a period of four (4) years commencing upon execution of the contract and ending four (4) years thereafter.

In the event of continued and mutual interest of the terms of this Contract, a new contract shall be negotiated, developed, approved, and executed for the period after the expiration of this contract. However, in the event that a new contract is not or cannot be agreed upon, there shall be no further discharge or responsibilities of the City of Lubbock and the Consumer/User.

Consumer/User or the City of Lubbock may terminate this Contract for any reason by providing each other one hundred twenty (120) days prior written notice.

ARTICLE III CONDITIONS OF RECEIVING SERVICE

3.1 CONSUMER/USER FACILITIES

Consumer/User agrees and understands that it will install and maintain, at its sole expense, all facilities necessary for receiving, operating and distributing water into its water system from and after the Point of Delivery and that the City of Lubbock shall be under no obligation whatsoever to bear any of said expenses aforementioned. Consumer/User shall not alter, modify, or change the metering device under any circumstances.

3.2 RATES AND PAYMENT

Consumer/User shall pay to the City of Lubbock, in a timely manner, those charges for water provided to Consumer/User pursuant to the terms of this Contract.

The base monthly rate for the meter installed at the point of delivery shall be equal to the rate established by the City Council of the City of Lubbock (City of Lubbock) for meter of equal size as set forth in Section 22.03.084 of Code of Ordinances of the City of Lubbock, as may be amended from time to time. The volume rate charged for water provided shall be equal to the rate established by the City Council of the City of Lubbock charged to wholesale customers as set forth in Section 22.03.085 of the Code of Ordinances of the City of Lubbock, as may be amended from time to time, by the City Council of the City of Lubbock.

All expenses on Consumer/User side of the point of delivery shall be the sole expense of Consumer/User.

In the event any user fee is imposed on the delivery, taking, sale, use, or consumption of the water received by Consumer/User from the City of Lubbock, the amount of the user fee allocable to Consumer/User shall be borne by Consumer/User. When and if the City of Lubbock shall be required to pay, collect or remit any user fee on water received by Consumer/User, then the user fee that is not included in the rates under this Contract will be added to the charges otherwise payable and shall be the responsibility of Consumer/User.

3.3 SANITARY CONTROL

A Reduced Pressure Zone (RPZ) prevention device or air gap shall be maintained at all times by the Consumer/User at the point of delivery. Where applicable, all costs associated with the installation and maintenance of this backflow prevention device shall be the sole responsibility of Consumer/User. The plans of such RPZ prevention device or air gap shall be approved in writing by the City of Lubbock and any and all regulatory agencies with appropriate jurisdiction, including the Texas Commission of Environmental Quality. At

no time shall a by-pass be installed on or around the backflow prevention device.

Consumer/User may allow service by direct pressure, if available, from the City of Lubbock's line to the point of delivery. However, the City of Lubbock is under no obligation to provide water at any pressure above and over pressures necessary to deliver the quantities of water described in Section 2.2, above.

Consumer/User shall permit personnel of the City of Lubbock's staff to enter upon the property of Consumer/User for the purpose of inspecting any and all facilities of both parties relating to and regarding necessary sanitary control. Should the City of Lubbock have reasonable grounds to believe that any condition exists which might result in contamination of the City of Lubbock's water supply or jeopardize any of their certifications with the Texas Commission on Environmental Quality and/or any other federal, state, or local regulatory permits or certifications, then the City of Lubbock shall notify the Consumer/User. Consumer/User shall immediately correct such condition.

In the event the Consumer/User fails to correct such condition then the City of Lubbock may, at its sole discretion, either correct the condition, at the Consumer/User expense, and include the cost of materials and labor in subsequent billing statements or cease delivering water until such condition is corrected to the satisfaction of the City of Lubbock.

In the event the City of Lubbock determines that contamination of its water supply actually exists, the City of Lubbock shall have the absolute right to discontinue service to Consumer/User until such time as said contamination has been eliminated by the Consumer/User. Nothing herein shall be construed to impose upon the City of Lubbock the duty and obligation to make any inspection or to regulate the quality of water beyond the point of delivery to Consumer/User, and Consumer/User be solely responsible for the operation, maintenance, regulation, employment and prudent management of all facilities beyond the point of delivery and the use and delivery of water herein to the citizens of Consumer/User.

Consumer/User water system operators should be aware that any water received from the City of Lubbock will contain chloramines disinfectant. As such, Consumer/User should adjust their disinfection system operations and monitoring for chloramines accordingly. Since 1983, the City of Lubbock has utilized chloramines as its water system disinfectant. This practice is common for larger cities in Texas and throughout the United States. The use of chloramines reduces the levels of disinfection byproducts (DBPs) in the system, while still providing protection from waterborne disease. If these chloramines are passed on to the water customers of the Consumer/User, Consumer/User should notify them of the following:

Chloramines can cause problems to persons dependent on dialysis machines. A condition known as hemolytic anemia can occur if the disinfectant is not completely removed from the water that is used for the dialysate. Consequently, the pretreatment scheme used for dialysis units must include some means, such as a charcoal filter, for removing the chloramines. Medical facilities should also determine if additional precautions are required for other medical equipment.

Chlorinated water may be toxic to fish. Fish tank owners, must make sure that the chemicals or filters used are designed for use in water that has been treated with chloramines. The type of filter used for fish tanks may also need to be changed.

3.4 INSURANCE REQUIREMENT

The City of Lubbock agrees that Consumer/User, as an agency of the state of Texas, may self-fund against the risks described in this section. The Texas Tort Claims Act governs relief with respect to property damage, personal injury and death proximately caused by the wrongful act or omission of a Consumer/User employee acting within the scope of employment.

3.5 WATER CONSERVATION

In the event the City of Lubbock must implement its Water Conservation and/or Drought Contingency Plan for its system, then the Consumer/User shall receive the same water allotment under such plan as any other customer of similar size and water needs served by the City of Lubbock.

Consumer/User shall adopt, develop, implement, and maintain water conservation and drought contingency plans, programs, and rules incorporating loss-reduction measures and management practices, techniques, and technologies. These water conservation and drought contingency plans, programs, and rules shall be at least as promotional of conservation as the plans, programs, and rules as developed and adopted by the City of Lubbock as determined by the City Council of the City of Lubbock. Such plans shall be designed to reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, and increase the recycling and reuse of water in a manner that at a minimum reflects the plans, programs, and rules as developed and adopted by the City of Lubbock. Consumer/User will at all times practice due diligence and monitoring of water for beneficial use. Consumer/User will establish and enforce its water conservation and drought contingency plan, program, and rules, and the Consumer/User will make annual reports on its enforcement efforts to the City of Lubbock.

The Consumer/User shall develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30, Chapter 288, of the Texas Administrative Code, and any successor regulations thereto. In case of a shortage of water resulting from drought, the water to be distributed shall be divided in a fair manner among all customers as determined by the City Council of the City of Lubbock in accordance with state laws and regulations.

The City of Lubbock's obligations under this Contract shall be subject to water conservation plans and drought contingency plans adopted by the Lubbock City Council or required or approved by the Texas Commission on Environmental Quality, or any other or additional federal, state, or local regulatory district or entity with power to require or approve water conservation and drought contingency plans.

3.6 INSPECTION AND AUDIT

Complete records and accounts are to be maintained by each party hereto for a period required by law or five (5) years, whichever is greater. Each party shall at all times, upon notice, have the right

at reasonable times to examine and inspect said records and accounts during normal business hours. Further, if required by any law, rule or regulation, make said records and accounts available to federal and/or state auditors.

ARTICLE IV DEFAULTS AND REMEDIES

4.1 NOTICE OF DEFAULT

In the event of that either the City of Lubbock or the Consumer/User should breach, fail to comply with or violate any term or provision of a wholesale water supply contract under the terms of this Contract (“Default”), the other party shall promptly notify, with specificity as to the alleged Default, the other respective party of the Default. Except as otherwise provided by this Contract, upon receiving such notice, the defaulting party shall have thirty (30) days to cure the Default.

To the extent that Chapter 2260, Texas Government Code, is applicable to the Contract and is not preempted by other applicable law, the dispute resolution process provided for in Chapter 2260 and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, will be used by Consumer/User and City of Lubbock to attempt to resolve any claim for breach of contract made by City of Lubbock that cannot be resolved in the ordinary course of business. The chief business officer of Consumer/User will examine City of Lubbock's claim and any counterclaim and negotiate with City of Lubbock in an effort to resolve such claims. The parties specifically agree that (i) neither the execution of the Contract by Consumer/User nor any other conduct, action or inaction of any representative of Consumer/User relating to the Contract constitutes or is intended to constitute a waiver of Consumer/User's or the state's sovereign immunity to suit; and (ii) Consumer/User has not waived its right to seek redress in the courts. Any term or provision in any other document indicating agreement to arbitration, other alternative dispute resolution, or litigation options in the event of a dispute between the parties is expressly rejected and is null and void.

In the event a condition arises that creates a danger to health and safety of the public, the City shall have the right to immediately suspend service without liability until such time as the condition is remedied. City shall give notice to Consumer/User of such suspension of service as soon as practical; however, the City shall not have any liability for failure to give notice and such a failure to give notice shall not abrogate the City's authority to take any action to abate a danger to health and safety of the public.

**ARTICLE V
MUTUAL CONDITIONS**

5.1 FAILURE TO DELIVER

The City of Lubbock does not warrant that the services and deliveries provided for under this Contract will be free from, and the City of Lubbock is excused from performing hereunder in the event and for the period of, an interruption or stoppage caused by maintenance, repair, substitution, renewal, replacement, or improvement of any of the equipment involved in furnishing of any such services or deliveries of water or caused by floods, drought, alterations, strikes, lockouts, blackouts, shortages of equipment or material, labor controversies, accidents, or acts of God, the elements, or any other event of "force majeure" or cause beyond the reasonable control of the City of Lubbock. In the event of a shortage of water, or if distribution of water by the City of Lubbock to the Consumer/User to Consumer/User is deemed inappropriate by any regulatory agency or law, the supply of water to Consumer/User under this Contract shall be reduced or ceased as deemed necessary by the City of Lubbock to protect the interests of its citizens and/or comply with all rules and regulations of any regulatory agency having jurisdiction over the operation of the City of Lubbock's facilities.

5.2 NO ASSIGNMENT

All promises, undertakings, Contracts, covenants and contracts herein contained by or on behalf of either the City of Lubbock or the Consumer/User shall bind the successors and permitted assigns of either party, whether so expressed or not; but neither the City of Lubbock nor Consumer/User shall have the right to assign under this Contract, without the written consent of the other party.

5.3 ENTIRETY AND AMENDMENTS

It is expressly stipulated that the City of Lubbock and the City of Lubbock's agents have made no representations, warranties, or promises with respect to the delivery of water and all other matters contained in this Contract, except as herein expressly set forth, and this Contract supersedes all prior Contracts and understandings, if any, relating to the subject matter hereof.

This Contract may only be amended by an instrument in writing executed by the duly authorized representative of the party against whom the amendment is sought to be enforced.

5.4 WAIVER

No failure on the part of the City of Lubbock at any time to require the performance by Consumer/User of any portion of this Contract shall in any way affect the City of Lubbock's right to enforce such provision or any other provision. Nor shall any waiver by the City of Lubbock of any provision hereof be taken or held to be a waiver of any other provision hereof or any other breach hereof. No rights under this Contract may be waived except by written amendment executed and authorized by the governing bodies of the parties. No officer or agent of the City of Lubbock or Consumer/User authorized to waive or modify any provision of this Contract.

5.5 REGULATORY AGENCIES

This Contract is subject to all applicable federal, state, and local laws and any applicable ordinances, rules, orders and regulations of any local, state, or federal governmental authority, having or asserting jurisdiction. However, nothing contained in this Contract shall be construed as a waiver by any party to the Contract of any right to question or contest any law, order, rule or regulation which may affect the terms and conditions of the Contract in any forum having jurisdiction, and Consumer/User and the City of Lubbock each agree to make a good faith effort to support proposed laws and regulations which would be consistent with the performance of this Contract in accordance with its terms. Consumer/User represents and warrants to the City of Lubbock that it has obtained and will maintain during the term of its wholesale water supply contract all necessary permits and consents to supply water to Consumer/User.

5.6 HEADINGS

All heading in this Contract have been inserted for convenient reference only and shall not in any manner be construed as modifying, amending, or affecting in any way the express terms, provisions, and intent hereof.

5.7 NOTICE

All notices, payments and communication required or allowed by this Contract, unless otherwise provided herein, shall be in writing and be given either (i) in person or by telephonic facsimile; or (ii) by depositing the notice in the United States mail, postpaid and certified, with return receipt requested, and addressed to the party to be notified. Notice, as herein provided, shall be conclusively deemed to have been provided (i) in the event of delivery in person or by telephonic facsimile, when it is actually received; or (ii) in the event of certified mail, as described above, three (3) days after the notice is deposited in the mail, certified mail, return receipt requested. For the purposes of the notice, the addresses and parties is set forth immediately below.

CITY OF LUBBOCK

ATTN: Aubrey Spear, Director of Water Utilities
P.O. BOX 2000
Lubbock, Texas 79457
FACSIMILE (806) 775-3027
Email: aspear@mylubbock.us

CONSUMER/USER

Texas Tech University
ATTN: Carey Hewett
MS43171
Lubbock, Texas 79409
Phone (806) 834-0790
Email: carey.hewett@ttu.edu

w/copy to:
Procurement Services
Contracting
Box 41094
Lubbock, TX 79409
Email: contracting@ttu.edu

Either party may change its address by giving written notice of the change to the other party at least fifteen (15) days before the change becomes effective.

5.8 AUTHORITY

Consumer/User represents and warrants to the City of Lubbock that it is a public institution of higher education of the State of Texas and is authorized to enter into a contract under the terms of this Contract and perform each and every term and provision of said Contract, and will continue to be duly authorized to so perform during the term hereof.

5.9 PARTIAL INVALIDITY

In the event one or more of the provisions contained in this Contract shall be invalid, illegal, or unenforceable in any respect under any law, rule or regulation, the validity, legality, and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.

5.10 CURRENT REVENUES

Each party paying for performance under this Contract shall make all payments from current revenues available to the paying party.

The parties understand and acknowledge that the funding of this Contract is contained in each party's annual budget and is subject to the approval of each party in each fiscal year. The parties further agree that should the governing body of either the City of Lubbock or the Consumer/User fail to approve a budget which includes sufficient funds for the continuance of this Contract, or should fail to certify funds for any reason, then and upon the occurrence of such event, this Contract shall terminate as to that party, and the party shall then have no further obligation to the other party. When the funds budgeted or certified during any fiscal year by a party to discharge its obligations under this Contract are expended, any other party's sole and exclusive remedy shall be to terminate this Contract.

5.11 EFFECTIVE DATE

This Contract shall be effective and binding between the parties hereto as of the date of execution by the City of Lubbock.

5.12 VENUE AND APPLICABLE LAW

THIS CONTRACT IS SUBJECT TO ALL PRESENT AND FUTURE VALID LAWS, ORDERS, RULES AND ORDINANCES AND/OR REGULATIONS OF THE UNITED STATES OF AMERICA, THE STATE OF TEXAS, THE CITY OF LUBBOCK, Consumer/User, AND ANY OTHER REGULATORY BODY HAVING JURISDICTION. THIS CONTRACT SHALL BE CONSTRUED AND GOVERNED ACCORDING TO THE LAWS OF THE STATE OF TEXAS. THE SOLE VENUE FOR ANY ACTION, CONTROVERSY, DISPUTE OR CLAIM ARISING UNDER THIS CONTRACT SHALL BE IN A COURT OF APPROPRIATE JURISDICTION IN LUBBOCK COUNTY, TEXAS EXCLUSIVELY.

5.13 PUBLIC INFORMATION

This Contract is public information. To the extent, if any, that any provision of this Contract is in conflict with Tex. Gov't. Code Ann. Chapter 552 et seq., as amended (the "Texas Public Information Act") the same shall be of no force and effect.

5.14 NO THIRD-PARTY BENEFICIARIES

This Contract is entered solely by and between, and may be enforced only by and among the Parties. Except as set forth above, this Contract shall not be deemed to create any rights in or obligations to any third parties.

5.15 NO PERSONAL LIABILITY

Nothing in this Contract is construed as creating any personal liability on the part of any employee, officer or agent of any public body that may be a party to this Contract.

5.16 NO JOINT ENTERPRISE

This Contract is not intended to, and shall not be construed to create any joint enterprise between or among the parties.

5.17 SOVEREIGN IMMUNITY ACKNOWLEDGED AND RETAINED

THE PARTIES EXPRESSLY ACKNOWLEDGE AND AGREE THAT NO PROVISION OF THIS CONTRACT IS IN ANY WAY INTENDED TO CONSTITUTE A WAIVER BY ANY PARTY OF ANY IMMUNITIES FROM SUIT OR LIABILITY THAT A PARTY MAY HAVE BY OPERATION OF LAW. THE PARTIES RETAIN ALL GOVERNMENTAL IMMUNITIES.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective officers thereunto duly authorized.

CITY OF LUBBOCK

TEXAS TECH UNIVERSITY

BY:

BY:

Daniel M. Pope, Mayor



Noel Sloan, Senior Vice President of
Administration & Finance and Chief
Financial Officer

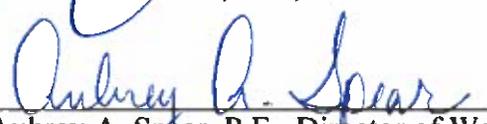
ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



L. Wood Franklin, P.E., Director of Public Works



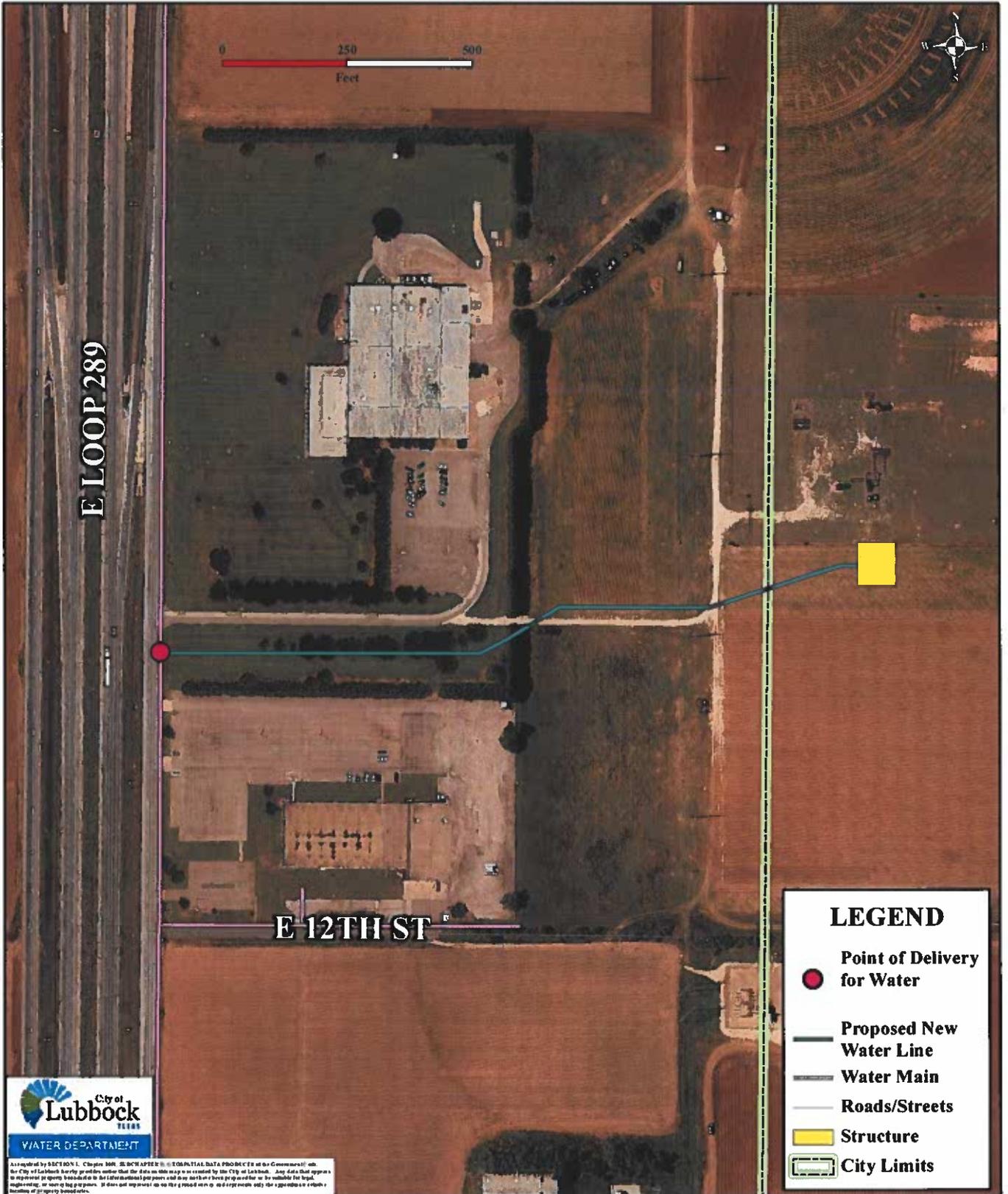
Aubrey A. Spear, P.E., Director of Water Utilities

APPROVED AS TO FORM:



Amy Sims, Assistant City Attorney

Exhibit A



All as required by SECTION 1, Chapter 506, SUBCHAPTER B, "EMPIRICAL DATA PRODUCTS of the Commission" with the City of Lubbock hereby certifies that the data on this map was created by the City of Lubbock. Any data that appears in this report is provided for informational purposes only and should not be used for any other purpose without the express written consent of the City of Lubbock. The City of Lubbock is not responsible for any errors or omissions in this report, including any errors or omissions that may appear in this report.

Texas Tech East Research Building



Information

Agenda Item

Ordinance 2nd Reading - Traffic Operations: Consider Ordinance No. 2021-O0151, amending Section 20.05.103 of the Code of Ordinances of the City of Lubbock, with regard to the removal of school zones.

Item Summary

On October 26, 2021, the City Council approved the first reading of the ordinance.

Section 20.05.103, Chapter 20, of the Code of Ordinances establishes the locations of school zone reduced speed limits. Staff recommends amending this section to remove two school zones with reduced speed limit sign assemblies at the following locations:

- 1) Guadalupe Elementary - Avenue P - 20 MPH - Line Item 22
- 2) Jackson Elementary - Avenue U - 20 MPH - Line Item 26

Fiscal Impact

None

Staff/Board Recommending

L. Wood Franklin, Division Director of Public Works
Jessica McEachern, Assistant City Manager

Attachments

Ordinance - School Zone Speed Limits (s)
Current Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 20.05.103 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, WITH REGARD TO THE ESTABLISHMENT OF SCHOOL ZONES AND SPEED LIMITS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Lubbock deems it to be in the best interests of the health, safety and welfare of the citizens of the City of Lubbock to make the following amendment to Section 20.05.103 of the Code of Ordinances of the City of Lubbock, Texas; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK;

SECTION 1. THAT Section 20.05.103, Code of Ordinances of the City of Lubbock, Texas, is hereby amended to read as follows:

Sec. 20.05.103. School zone speed limits.

A reduced school speed zone as indicated herein shall be in effect when the designated school speed limit beacon is flashing during school hours or the reduced speed limit sign assembly is present upon the streets or highways or portions thereof within the city limits which shall be as follows:

Item	Lubbock Street Name (TxDOT Name)	Travel Direct.	School Zone Speed Limit Description	School Zone Type	Speed	School Name
1	11th Place	E/W	Beginning at a point 95 feet East of Liberty Avenue extending to a point 230 feet East of LaSalle Avenue	Flashing Beacon	20	FISD Northridge Elementary
2	11th Street	E/W	Beginning at a point 100 feet West of Jason Avenue extending to a point 100 feet East of 8th Street	Sign Assembly	20	FISD Willow Bend Elementary
3	19th Street (US 62/SH 114)	E/W	Beginning at a point 145 feet West of Avenue U extending to a point 100 feet East of Avenue T	Flashing Beacon	20	Lubbock High School
4	East 24th Street	E/W	Beginning at a point 32 feet East of Oak Avenue extending to a point 677 feet West of Oak Avenue	Flashing Beacon	20	LISD Project Intercept
5	30th Street	E/W	Beginning at a point 214 feet East of Avenue N extending to a point 158 feet West of Avenue N	Flashing Beacon	20	Bean Elementary
6	34th Street	E/W	Beginning at a point 194 feet East of Avenue N extending to a point 251 feet West of Avenue N	Flashing Beacon	20	Bean Elementary
7	34th Street	E/W	Beginning at a point 214 feet East of Toledo Avenue extending to a point 200 feet West of Vicksburg Avenue	Flashing Beacon	20	Coronado High School
8	43rd Street	E/W	Beginning at a point 160 feet East of Milwaukee Avenue extending to a point 600 feet East of Milwaukee Avenue	Flashing Beacon	20	FISD Westwind Elementary

Item	Lubbock Street Name (TxDOT Name)	Travel Direct.	School Zone Speed Limit Description	School Zone Type	Speed	School Name
9	50th Street	E/W	Beginning at a point 320 feet West of Avenue P extending to a point 308 feet East of Avenue P	Flashing Beacon	20	Hodges Elementary
10	50th Street	E/W	Beginning at a point 146 feet East of Gary Avenue extending to a point 219 feet West of Gary Avenue	Flashing Beacon	20	Monterey High School
11	58th Street	E/W	Beginning at a point 198 feet East of Avenue U extending to a point 136 feet West of Avenue V	Flashing Beacon	20	Bayless Elementary
12	58th Street	E/W	Beginning at a point 150 feet East of Peoria Avenue extending to a point 255 feet West of Peoria Avenue	Flashing Beacon	20	Evans Middle School
13	58th Street	E/W	Beginning at a point 169 feet East of Canton Avenue and extending to a point 158 feet West of Elgin Avenue	Flashing Beacon	20	Parsons Elementary
14	58th Street	E/W	Beginning at a point 85 feet West of 55th Drive extending to a point 209 feet East of Wayne Avenue	Flashing Beacon	20	Williams Elementary
15	68th Street	E/W	Beginning at a point 130 feet East of Oakridge Avenue extending to a point 55 feet West of 70th Street	Sign Assembly	20	FISD Oakridge Elementary
16	73rd Street	E/W	Beginning 200 feet East of Ironton Avenue extending to a point 200 feet West of Ironton Avenue	Flashing Beacon	20	Heritage Middle School
17	78th Street	E/W	Beginning at a point 188 feet West of Flint Avenue extending to a point 200 feet East of Elgin Avenue	Flashing Beacon	20	Waters Elementary
18	79th Street	E/W	Beginning at a point 221 feet West of Hope Avenue extending to a point 165 feet East of Hope Avenue	Flashing Beacon	20	FISD Crestview Elementary
19	108th Street	E/W	Beginning at a point 350 feet West of Gary Avenue extending to a point 350 feet East of Gary Avenue	Flashing Beacon	20	Lubbock-Cooper North Elementary
20	Avenue D	N/S	Beginning at a point 50 feet North of 40th Street extending to a point 50 feet South of 42nd Street	Sign Assembly	20	Harwell Elementary
21	Avenue L	N/S	Beginning at a point 15 feet South of 29th Street extending to a point 50 feet North of 30th St	Flashing Beacon	20	Bean Elementary
22	Avenue P	N/S	Beginning at a point 218 feet North of 79th Street extending to a point 58 feet North of 81st Street	Flashing Beacon	20	Roberts Elementary
23	Avenue Q (US 84)	N/S	Beginning at a point 210 feet North of 32nd Street extending to a point 135 feet South of 32nd Street	Flashing Beacon	30	O.L. Slaton Middle School
24	Avenue T	N/S	Beginning at a point 26 feet North of 20th Street extending to a point 40 feet South of 22nd Street	Flashing Beacon	20	Dupree Elementary

Item	Lubbock Street Name (TxDOT Name)	Travel Direct.	School Zone Speed Limit Description	School Zone Type	Speed	School Name
25	Avenue U	N/S	Beginning at a point 90 feet North of 58th Street extending to a point 125 feet South of 53rd Street	Flashing Beacon	20	Atkins Middle School
26	Avenue U	N/S	Beginning at a point 115 feet South of 58th Street extending to a point 74 feet North of 62nd Street	Flashing Beacon	20	Bayless Elementary
27	Boston Avenue	N/S	Beginning at a point 161 feet North of 1st Street and extending to a point 135 feet North of 2nd Street	Flashing Beacon	20	McWhorter Elementary
28	Chicago Avenue	N/S	Beginning at a point 16 feet North of 16th Street extending to a point 16 feet South of 13th Street	Flashing Beacon	20	Hardwick Elementary
29	Chicago Avenue	N/S	Beginning at a point 145 feet South of 48th Street extending to a point 143 feet North of 46 th Street	Flashing Beacon	20	Wester Elementary
30	Chicago Avenue	N/S	Beginning at a point 56 feet South of 87th Street extending to a point 59 feet North of 89 th Street	Flashing Beacon	20	Smith Elementary
31	Dover Avenue	N/S	Beginning at a point 172 feet South of 27th Street extending to a point 228 feet North of 27th Street	Flashing Beacon	20	Lubbock Christian School
32	Elgin Avenue	N/S	Beginning at a point 150 feet North of 41st Street extending to a point 155 feet South of 42nd Street	Flashing Beacon	20	Wheelock Elementary
33	Elgin Avenue	N/S	Beginning at a point 260 feet North of 58th Street extending to a point 156 feet South of 42nd Street	Flashing Beacon	20	Parsons Elementary
34	Elgin Avenue	N/S	Beginning at a point 103 feet South of 78th Street extending to a point 40 feet of 75th Street	Flashing Beacon	20	Waters Elementary
35	Erskine Street	E/W	Beginning at a point 19 feet West of North Hartford Avenue extending to a point 134 feet East of North Gary Avenue	Flashing Beacon	20	Wolffarth Elementary
36	Flint Avenue	N/S	Beginning at a point 135 feet South of 39th Street extending to a point 134 feet South of 43rd Street	Flashing Beacon	20	Wheelock Elementary
37	Fulton Avenue	N/S	Beginning at a point 112 feet South of 100th Street extending to a point 295 feet North of 101st Street	Flashing Beacon	20	Lubbock-Cooper West Elementary
38	Glenna Goodacre Boulevard	E/W	Beginning at a point 50 feet West of Avenue U extending to a point 50 feet East of Avenue T	Flashing Beacon	20	Ramirez Elementary
39	Joliet Drive	N/S	Beginning at a point 106 feet West of Louisville Drive extending to a point 68 feet Southwest of 68th Street	Flashing Beacon	20	Miller Elementary
40	Dr. M. L. King, Jr., Boulevard*	N/S	Beginning at a point 106 feet South of East Erskine Street extending to a point 213 feet South of East Emory Street	Flashing Beacon	20	Estacado High School

Item	Lubbock Street Name (TxDOT Name)	Travel Direct.	School Zone Speed Limit Description	School Zone Type	Speed	School Name
41	Dr. M. L. King, Jr., Boulevard*	N/S	Beginning at a point 220 feet South of East 29th Street extending to a point 230 feet North of East 29th Street	Flashing Beacon	20	Ervin Elementary
42	Memphis Avenue	N/S	Beginning at a point 135 feet North of 31st Street extending to a point 122 feet South of 28th Street	Flashing Beacon	20	Overton Elementary
43	Memphis Avenue	N/S	Beginning at a point 132 feet South of 46th Street extending to a point 242 feet North of 44th Street	Flashing Beacon	20	Maedgen Elementary
44	Memphis Avenue	N/S	Beginning at a point 115 feet North of 86th Street extending to a point 230 feet South of 86th Street	Flashing Beacon	20	Honey Elementary
45	Milwaukee Avenue	N/S	Beginning at a point 300 feet north of Lehigh Street extending to a point 60 feet south of Kemper Street	Flashing Beacon	30	Legacy Elementary
46	Norfolk Avenue	E/W	Beginning at a point 595 feet South of 130th Street extending to a point 200 feet South of 133rd Street	Sign Assembly	20	Lubbock-Cooper Central Elementary
47	Parkway Drive (US 82)	E/W	Beginning at a point 560 feet Southwest of Zenith Avenue extending 600 feet to a point 115 feet southwest of Walnut Avenue	Flashing Beacon	30	Alderson Elementary School
48	Quaker Avenue	N/S	Beginning at a point 213 feet North of 31st Street extending to a point 137 feet South of 31st Street	Flashing Beacon	20	Smylie Wilson Middle School
49	Teak Avenue	N/S	Beginning at a point 200 feet North of East 29th Street extending to a point 250 feet South of East 29th Street	Flashing Beacon	20	Ervin Elementary
50	Toledo Avenue	N/S	Beginning at a point 153 feet Northwest of 13th Street extending to a point 163 feet Southeast of 15th Street	Flashing Beacon	20	Rush Elementary
51	South Upland Avenue	N/S	Beginning at a point 100 feet North of 100th Street extending to a point 100 feet South of 103rd Street	Flashing Beacon	35	Upland Heights Elementary
52	North Upland Avenue	N/S	Beginning at a point 200 feet South of 12 th Street extending to a point 1000 feet North of 12 th Street	Flashing Beacon	35	Terra Vista Middle School
53	North University Avenue	N/S	Beginning at a point 212 feet South of Auburn Street extending to a point 156 feet North of Baylor Street	Flashing Beacon	20	Cavazos Middle School
54	North Utica Avenue	N/S	Beginning at a point 220 feet North of Kemper Street extending to a point 195 feet South of Kemper Street	Flashing Beacon	20	Centennial Elementary
55	Utica Avenue	N/S	Beginning at a point 94 feet North of 45th Street extending to a point 200 feet South of 48th Street	Flashing Beacon	20	Stewart Elementary

Item	Lubbock Street Name (TxDOT Name)	Travel Direct.	School Zone Speed Limit Description	School Zone Type	Speed	School Name
56	Utica Avenue	N/S	Beginning at a point 163 feet North of 56th Street extending to a point 30 feet North of 59th Street	Flashing Beacon	20	Williams Elementary

SECTION 2. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 3. THAT violation of any provision of this Ordinance shall be a misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00).

SECTION 4. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication as provided by law.

AND SO IT IS ORDERED.

Passed by the City Council on first reading this _____ day of _____, 2021.

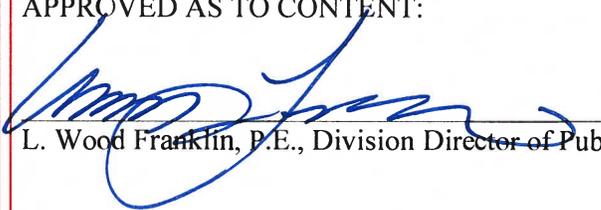
Passed by the City Council on second reading this _____ day of _____, 2021.

DANIEL M. POPE, MAYOR

ATTEST:

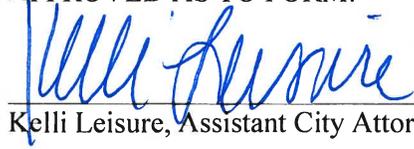
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



L. Wood Franklin, P.E., Division Director of Public Works

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Kelli Leisure", is written over a horizontal line.

Kelli Leisure, Assistant City Attorney

Ord. Amended 2021 School Zone
10.18.21

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 20.05.103 OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, WITH REGARD TO THE ESTABLISHMENT OF SCHOOL ZONES AND SPEED LIMITS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Lubbock deems it to be in the best interests of the health, safety and welfare of the citizens of the City of Lubbock to make the following amendment to Section 20.05.103 of the Code of Ordinances of the City of Lubbock, Texas; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK;

SECTION 1. THAT Section 20.05.103, Code of Ordinances of the City of Lubbock, Texas, is hereby amended to read as follows:

Sec. 20.05.103. School zone speed limits.

A reduced school speed zone as indicated herein shall be in effect when the designated school speed limit beacon is flashing during school hours or the reduced speed limit sign assembly is present upon the streets or highways or portions thereof within the city limits which shall be as follows:

Item	Lubbock Street Name (TxDOT Name)	Travel Direct.	School Zone Speed Limit Description	School Zone Type	Speed	School Name
1	11th Place	E/W	Beginning at a point 95 feet East of Liberty Avenue extending to a point 230 feet East of LaSalle Avenue	Flashing Beacon	20	FISD Northridge Elementary
2	11th Street	E/W	Beginning at a point 100 feet West of Jason Avenue extending to a point 100 feet East of 8th Street	Sign Assembly	20	FISD Willow Bend Elementary
3	19th Street (US 62/SH 114)	E/W	Beginning at a point 145 feet West of Avenue U extending to a point 100 feet East of Avenue T	Flashing Beacon	20	Lubbock High School
4	East 24th Street	E/W	Beginning at a point 32 feet East of Oak Avenue extending to a point 677 feet West of Oak Avenue	Flashing Beacon	20	LISD Project Intercept
5	30th Street	E/W	Beginning at a point 214 feet East of Avenue N extending to a point 158 feet West of Avenue N	Flashing Beacon	20	Bean Elementary
6	34th Street	E/W	Beginning at a point 194 feet East of Avenue N extending to a point 251 feet West of Avenue N	Flashing Beacon	20	Bean Elementary

Item	Lubbock Street Name (TxDOT Name)	Travel Direct.	School Zone Speed Limit Description	School Zone Type	Speed	School Name
7	34th Street	E/W	Beginning at a point 214 feet East of Toledo Avenue extending to a point 200 feet West of Vicksburg Avenue	Flashing Beacon	20	Coronado High School
8	43rd Street	E/W	Beginning at a point 160 feet East of Milwaukee Avenue extending to a point 600 feet East of Milwaukee Avenue	Flashing Beacon	20	FISD Westwind Elementary
9	50th Street	E/W	Beginning at a point 320 feet West of Avenue P extending to a point 308 feet East of Avenue P	Flashing Beacon	20	Hodges Elementary
10	50th Street	E/W	Beginning at a point 146 feet East of Gary Avenue extending to a point 219 feet West of Gary Avenue	Flashing Beacon	20	Monterey High School
11	58th Street	E/W	Beginning at a point 198 feet East of Avenue U extending to a point 136 feet West of Avenue V	Flashing Beacon	20	Bayless Elementary
12	58th Street	E/W	Beginning at a point 150 feet East of Peoria Avenue extending to a point 255 feet West of Peoria Avenue	Flashing Beacon	20	Evans Middle School
13	58th Street	E/W	Beginning at a point 169 feet East of Canton Avenue and extending to a point 158 feet West of Elgin Avenue	Flashing Beacon	20	Parsons Elementary
14	58th Street	E/W	Beginning at a point 85 feet West of 55th Drive extending to a point 209 feet East of Wayne Avenue	Flashing Beacon	20	Williams Elementary
15	68th Street	E/W	Beginning at a point 130 feet East of Oakridge Avenue extending to a point 55 feet West of 70th Street	Sign Assembly	20	FISD Oakridge Elementary
16	73rd Street	E/W	Beginning 200 feet East of Ironton Avenue extending to a point 200 feet West of Ironton Avenue	Flashing Beacon	20	Heritage Middle School
17	78th Street	E/W	Beginning at a point 188 feet West of Flint Avenue extending to a point 200 feet East of Elgin Avenue	Flashing Beacon	20	Waters Elementary
18	79th Street	E/W	Beginning at a point 221 feet West of Hope Avenue extending to a point 165 feet East of Hope Avenue	Flashing Beacon	20	FISD Crestview Elementary

Item	Lubbock Street Name (TxDOT Name)	Travel Direct.	School Zone Speed Limit Description	School Zone Type	Speed	School Name
19	108th Street	E/W	Beginning at a point 350 feet West of Gary Avenue extending to a point 350 feet East of Gary Avenue	Flashing Beacon	20	Lubbock-Cooper North Elementary
20	Avenue D	N/S	Beginning at a point 50 feet North of 40th Street extending to a point 50 feet South of 42nd Street	Sign Assembly	20	Harwell Elementary
21	Avenue L	N/S	Beginning at a point 15 feet South of 29th Street extending to a point 50 feet North of 30th St	Flashing Beacon	20	Bean Elementary
22	Avenue P	N/S	Beginning at a point 211 feet South of 1st Street extending to a point 218 feet North of 1st Street	Flashing Beacon	20	Guadalupe Elementary
23	Avenue P	N/S	Beginning at a point 218 feet North of 79th Street extending to a point 58 feet North of 81st Street	Flashing Beacon	20	Roberts Elementary
24	Avenue Q (US 84)	N/S	Beginning at a point 210 feet North of 32nd Street extending to a point 135 feet South of 32nd Street	Flashing Beacon	30	O.L. Slaton Middle School
25	Avenue T	N/S	Beginning at a point 26 feet North of 20th Street extending to a point 40 feet South of 22nd Street	Flashing Beacon	20	Dupree Elementary
26	Avenue U	N/S	Beginning at a point 214 feet South of 2nd Street extending to a point 162 feet North of 2nd Street	Flashing Beacon	20	Jackson Elementary
27	Avenue U	N/S	Beginning at a point 90 feet North of 58th Street extending to a point 125 feet South of 53rd Street	Flashing Beacon	20	Atkins Middle School
28	Avenue U	N/S	Beginning at a point 115 feet South of 58th Street extending to a point 74 feet North of 62nd Street	Flashing Beacon	20	Bayless Elementary
29	Boston Avenue	N/S	Beginning at a point 161 feet North of 1st Street and extending to a point 135 feet North of 2nd Street	Flashing Beacon	20	McWhorter Elementary
30	Chicago Avenue	N/S	Beginning at a point 16 feet North of 16th Street extending to a point 16 feet South of 13th Street	Flashing Beacon	20	Hardwick Elementary

Item	Lubbock Street Name (TxDOT Name)	Travel Direct.	School Zone Speed Limit Description	School Zone Type	Speed	School Name
31	Chicago Avenue	N/S	Beginning at a point 145 feet South of 48th Street extending to a point 143 feet North of 46 th Street	Flashing Beacon	20	Wester Elementary
32	Chicago Avenue	N/S	Beginning at a point 56 feet South of 87th Street extending to a point 59 feet North of 89 th Street	Flashing Beacon	20	Smith Elementary
33	Dover Avenue	N/S	Beginning at a point 172 feet South of 27th Street extending to a point 228 feet North of 27th Street	Flashing Beacon	20	Lubbock Christian School
34	Elgin Avenue	N/S	Beginning at a point 150 feet North of 41st Street extending to a point 155 feet South of 42nd Street	Flashing Beacon	20	Wheelock Elementary
35	Elgin Avenue	N/S	Beginning at a point 260 feet North of 58th Street extending to a point 156 feet South of 42nd Street	Flashing Beacon	20	Parsons Elementary
36	Elgin Avenue	N/S	Beginning at a point 103 feet South of 78th Street extending to a point 40 feet of 75th Street	Flashing Beacon	20	Waters Elementary
37	Erskine Street	E/W	Beginning at a point 19 feet West of North Hartford Avenue extending to a point 134 feet East of North Gary Avenue	Flashing Beacon	20	Wolffarth Elementary
38	Flint Avenue	N/S	Beginning at a point 135 feet South of 39th Street extending to a point 134 feet South of 43rd Street	Flashing Beacon	20	Wheelock Elementary
39	Fulton Avenue	N/S	Beginning at a point 112 feet South of 100th Street extending to a point 295 feet North of 101st Street	Flashing Beacon	20	Lubbock-Cooper West Elementary
40	Glenna Goodacre Boulevard	E/W	Beginning at a point 50 feet West of Avenue U extending to a point 50 feet East of Avenue T	Flashing Beacon	20	Ramirez Elementary
41	Joliet Drive	N/S	Beginning at a point 106 feet West of Louisville Drive extending to a point 68 feet Southwest of 68th Street	Flashing Beacon	20	Miller Elementary
42	Dr. M. L. King, Jr., Boulevard*	N/S	Beginning at a point 106 feet South of East Erskine Street extending to a point 213 feet South of East Emory Street	Flashing Beacon	20	Estacado High School

Item	Lubbock Street Name (TxDOT Name)	Travel Direct.	School Zone Speed Limit Description	School Zone Type	Speed	School Name
43	Dr. M. L. King, Jr., Boulevard*	N/S	Beginning at a point 220 feet South of East 29th Street extending to a point 230 feet North of East 29th Street	Flashing Beacon	20	Ervin Elementary
44	Memphis Avenue	N/S	Beginning at a point 135 feet North of 31st Street extending to a point 122 feet South of 28th Street	Flashing Beacon	20	Overton Elementary
45	Memphis Avenue	N/S	Beginning at a point 132 feet South of 46th Street extending to a point 242 feet North of 44th Street	Flashing Beacon	20	Maedgen Elementary
46	Memphis Avenue	N/S	Beginning at a point 115 feet North of 86th Street extending to a point 230 feet South of 86th Street	Flashing Beacon	20	Honey Elementary
47	Milwaukee Avenue	N/S	Beginning at a point 300 feet north of Lehigh Street extending to a point 60 feet south of Kemper Street	Flashing Beacon	30	Legacy Elementary
48	Norfolk Avenue	E/W	Beginning at a point 595 feet South of 130th Street extending to a point 200 feet South of 133rd Street	Sign Assembly	20	Lubbock-Cooper Central Elementary
49	Parkway Drive (US 82)	E/W	Beginning at a point 560 feet Southwest of Zenith Avenue extending 600 feet to a point 115 feet southwest of Walnut Avenue	Flashing Beacon	30	Alderson Elementary School
50	Quaker Avenue	N/S	Beginning at a point 213 feet North of 31st Street extending to a point 137 feet South of 31st Street	Flashing Beacon	20	Smylie Wilson Middle School
51	Teak Avenue	N/S	Beginning at a point 200 feet North of East 29th Street extending to a point 250 feet South of East 29th Street	Flashing Beacon	20	Ervin Elementary
52	Toledo Avenue	N/S	Beginning at a point 153 feet Northwest of 13th Street extending to a point 163 feet Southeast of 15th Street	Flashing Beacon	20	Rush Elementary
53	South Upland Avenue	N/S	Beginning at a point 100 feet North of 100th Street extending to a point 100 feet South of 103rd Street	Flashing Beacon	35	Upland Heights Elementary

Item	Lubbock Street Name (TxDOT Name)	Travel Direct.	School Zone Speed Limit Description	School Zone Type	Speed	School Name
54	North Upland Avenue	N/S	Beginning at a point 200 feet South of 12 th Street extending to a point 1000 feet North of 12 th Street	Flashing Beacon	35	Terra Vista Middle School
55	North University Avenue	N/S	Beginning at a point 212 feet South of Auburn Street extending to a point 156 feet North of Baylor Street	Flashing Beacon	20	Cavazos Middle School
56	North Utica Avenue	N/S	Beginning at a point 220 feet North of Kemper Street extending to a point 195 feet South of Kemper Street	Flashing Beacon	20	Centennial Elementary
57	Utica Avenue	N/S	Beginning at a point 94 feet North of 45th Street extending to a point 200 feet South of 48th Street	Flashing Beacon	20	Stewart Elementary
58	Utica Avenue	N/S	Beginning at a point 163 feet North of 56th Street extending to a point 30 feet North of 59th Street	Flashing Beacon	20	Williams Elementary

SECTION 2. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 3. THAT violation of any provision of this Ordinance shall be a misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00).

SECTION 4. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication as provided by law.

AND SO IT IS ORDERED.

Passed by the City Council on first reading this _____ day of _____, 2021.

Passed by the City Council on second reading this _____ day of _____, 2021.

DANIEL M. POPE, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

L. Wood Franklin, P.E., Division Director of Public Works

APPROVED AS TO FORM:

Kelli Leisure, Assistant City Attorney



Information

Agenda Item

Ordinance 2nd Reading - Business Development: Consider Ordinance No. 2021-O0152, reviewing classifications for the methods of assessing special benefits for the services and improvements of property in the Northwest Passage PID; approving, adopting, and filing with the City Secretary the assessment roll; levying 2022 assessments for the cost of certain services and improvements to be provided in the district during FY 2022-23; fixing charges and liens against the property in the district and against the owners thereof; and providing for the collection of the assessment.

Item Summary

On October 26, 2021, a public hearing was held, and the City Council approved the first reading of the ordinance.

The purpose of the public hearing is to provide the opportunity for property owners in the Northwest Passage PID to speak in favor of, or in opposition to, the assessment to be levied in the Northwest Passage PID for 2022. The City of Lubbock is required to hold a public hearing annually to levy the assessment. A notice of public hearing was published in the Lubbock Avalanche Journal, and notices were mailed to the property owners on Tuesday, October 12, 2021, as required by the statute. At or on the adjournment of the hearing on proposed assessments, the governing body of the municipality must hear and pass on any objections to the proposed assessment.

The proposed assessment for the first year is for tax year 2022 which will fund the budget for FY 2022-23. The total estimated cost of services provided by the District is estimated at \$516,836 over the next five years. The estimated annual cost rises from \$9,000 in the first year to \$479,742 in year five. The method of assessment for the Northwest Passage PID will be based on taxable value. The proposed assessment rate for 2022 is \$0.15 per \$100 valuation. All property will be assessed for 2022.

The funds raised by the assessment will be used to provide design, construction and maintenance of parks and green space, along with any ancillary features or amenities including water features, lighting, signage, the repair and replacement of said amenities, and any other maintenance needed on projects in the District, as well as cover the costs of administering the PID.

Fiscal Impact

The estimated assessment that will be collected for 2022, based on projected values, is \$7,503.

Staff/Board Recommending

Jesica McEachern, Assistant City Manager

Attachments

Assessment Ordinance

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A SERVICE PLAN FOR THE NORTHWEST PASSAGE PUBLIC IMPROVEMENT DISTRICT, WITH SUCH SERVICE PLAN INCLUDING AN ASSESSMENT PLAN FOR SAID PUBLIC IMPROVEMENT DISTRICT; ESTABLISHING REASONABLE CLASSIFICATIONS AND FORMULAS FOR THE APPORTIONMENT OF THE COST BETWEEN THE CITY OF LUBBOCK, TEXAS AND THE NORTHWEST PASSAGE PUBLIC IMPROVEMENT DISTRICT, AND THE METHODS OF ASSESSING SPECIAL BENEFITS FOR VARIOUS CLASSES OF IMPROVEMENTS OF PROPERTY WITHIN THE NORTHWEST PASSAGE PUBLIC IMPROVEMENT DISTRICT; APPROVING, ADOPTING, AND FILING WITH THE CITY SECRETARY OF THE CITY OF LUBBOCK, TEXAS AN ASSESSMENT ROLL FOR THE NORTHWEST PASSAGE PUBLIC IMPROVEMENT DISTRICT; AND, LEVYING THE ASSESSMENT FOR THE NORTHWEST PASSAGE PUBLIC IMPROVEMENT DISTRICT AS A SPECIAL ASSESSMENT, SPECIFYING THE METHOD OF PAYMENT OF THE ASSESSMENT, AND FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE NORTHWEST PASSAGE PUBLIC IMPROVEMENT DISTRICT AND AGAINST THE OWNERS OF PROPERTY WITHIN THE NORTHWEST PASSAGE PUBLIC IMPROVEMENT DISTRICT.

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") provides the process by which the City of Lubbock, Texas (the "City") may create a public improvement district; and

WHEREAS, through Resolution No. 2021-R0363 the City Council of the City (the "Council") authorized the Northwest Passage Public Improvement District (the "PID"); established the boundaries of the PID; approved the estimated costs, method of assessment, and apportionment of costs for the PID; and, created the initial advisory board for the PID; and

WHEREAS, through Resolution No. 2021-R0413, the Council directed City staff to:

- (1) prepare a Service Plan for the PID according to the Act with such Service Plan covering a period of at least five (5) years, defining the annual indebtedness of the PID, projecting the costs for improvements in the PID, and including an assessment plan for the PID;
- (2) prepare an assessment roll for the PID that states the assessment against each parcel of land in the PID, with such proposed assessment roll to be filed with the municipal secretary and being made available for public inspection;
- (3) send and publish notice of a public hearing according to the Act concerning the Service Plan; and

WHEREAS, City staff has prepared a Service Plan for the PID according to the Act, prepared an assessment roll for the PID, and has sent and published notice of a public hearing to be held at five o'clock in the evening (5:00 PM), Tuesday, October 26, 2021, in the City Council Chambers, 1314 Avenue K, Lubbock, Texas, to consider the proposed apportionment and assessment for the PID; and

WHEREAS, at the adjournment of the public hearing the Council desires to hear and pass on any objections to the proposed assessment for the PID and, through this Ordinance, to establish reasonable classifications and formulas for the apportionment of the costs for the services and improvements of the PID between the City and the PID, to approve, adopt, and file with the City Secretary the Service Plan for the PID that includes an assessment plan and assessment roll for the PID, and to levy an assessment as a special assessment on the property within the PID; and **NOW, THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1: THAT the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2: THAT the Council has reviewed the Service Plan for the PID, which is attached to this Ordinance as "Exhibit 1", and finds that it: covers a period of at least five (5) years; defines the annual indebtedness of the PID; estimates the costs for improvements in the PID; and, includes an assessment plan for the PID.

SECTION 3: THAT the Council hereby finds that the assessment rate provided in the Service Plan for the PID is feasible and sound and will serve the needs and desires of the property owners within the PID, and the Council hereby adopts the assessment rate of fifteen cents (\$0.15) per one hundred dollars (\$100) of net taxable value for tax year 2022, as determined by the Lubbock Central Appraisal District, of the property or improvements to the property located in the PID.

SECTION 4: THAT the Council finds that the assessment plan included in the Service Plan for the PID provides for the apportionment of the cost of improvements to be assessed against the property within the PID on the basis of special benefits accruing to the property within the PID because of the improvements, and the Council hereby establishes the reasonable classifications and formulas for the apportionment of the costs between the City and the PID and the methods of assessment of the special benefits for the various classes of improvements within the PID as such classifications, formulas, and methods are provided for in the assessment plan.

SECTION 5: THAT the Council hereby approves, adopts, and files with the City Secretary the assessment roll that is attached to this Ordinance as "Exhibit 2", with such assessment roll stating an estimate of the assessment to be levied against the property within the PID, and with the City Secretary filing the assessment roll in the official records of the City and being subject to public inspection.

SECTION 6: THAT the Council finds that the assessments should be made and levied against the property within the PID and against the owners thereof, and that such assessments are in proportion to the benefits to the property by means of the services and improvements in the PID for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements of the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the Act.

SECTION 7: THAT there is hereby levied and assessed against the parcels of property within the PID, and against the real and true owners thereof, whether such owners be correctly named or not, the sums of money calculated by applying the assessment rate to in the manner described in the assessment plan and assessment roll.

SECTION 8: THAT the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate per annum established herein, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for ad valorem taxes and is a personal liability of and charge against the owners of the property regardless of whether the owners are named; and, with such lien being attached on January 1 of each year to the property to secure the payment of all assessments, penalties, and interest ultimately imposed for the year on the property, whether or not the assessments are imposed in the year the lien attaches and shall be effective until the assessment is paid; and, with such lien being perfected on attachment requiring no further action by the Council.

SECTION 9: THAT the assessments levied herein shall be due and payable in full on receipt of the assessment bill and are delinquent if not paid by January 31, 2023 except as provided in Sections 31.02(b), 31.03, and 31.04 of the Texas Property Tax Code. A delinquent assessment incurs a penalty of six percent (6%) of the amount of the assessment for the first (1st) calendar month it is delinquent plus one percent (1%) for each additional month or portion of a month the assessment remains unpaid prior to July 1 of the year in which it becomes delinquent. However, an assessment delinquent on July 1 incurs a total penalty of twelve percent (12%) of the amount of the delinquent assessment without regard to the number of months the assessment has been delinquent. A delinquent assessment continues to incur the penalty provided by this Section as long as the assessment remains unpaid, regardless of whether a judgment for the delinquent assessment has been rendered. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including costs and attorney's fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body under Chapters 31, 32 and 33 of the Texas Property Tax Code. The owner of the assessed property may pay at any time the entire assessment on any lot or parcel, along with any interest and penalty that has accrued on the assessment.

SECTION 10: THAT all assessments herein levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____, 2021.

Passed by the City Council on second reading on _____, 2021.

DANIEL M. POPE, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Blu Kostelich, Chief Financial Officer

APPROVED AS TO FORM:



Kelli Leisure, Assistant City Attorney

EXHIBIT 1
City of Lubbock, TX
Finance Department
Northwest Passage PID FY 2022-23 Service and Assessment Plan

Method of Assessment

- * Properties will be assessed based on the City's 2022 "net taxable value" as established by the Lubbock Central Appraisal District and submitted to the City under Tax Code Section 26.04.
- * Assessment rate will be \$0.15/\$100 valuation.
- * All property will be assessed based on the final 2022 "net taxable value".

Service Plan

Tax Year	PROJECTIONS						Totals
	2021	2022	2023	2024	2025	2026	
Property Values* (Taxable)	5,001,669	5,001,669	37,062,953	193,493,429	219,576,954	250,438,980	250,438,980
Discounted Property Values	5,001,669	5,001,669	33,356,658	174,144,086	197,619,259	225,395,082	225,395,082
Number of Homes							
Fiscal Year Revenues	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	Totals^
Interest	-	-		457	3,383	6,750	10,590
Assessment @ \$0.15	-	7,503	50,035	261,216	296,429	338,093	953,275
Total	-	7,503	50,035	261,673	299,812	344,843	963,865
Expense							
Debt Service						470,000	470,000
Administrative Costs		4,000	4,080	4,162	4,245	4,330	20,816
Annual Operation Cost <i>(Notices, Public Hearings, Collection Costs, Advisory Group meeting costs, postage, office supplies, Maint PT)</i>		5,000	5,100	5,202	5,306	5,412	26,020
Total	-	9,000	9,180	9,364	9,551	479,742	516,836
Cash Reserve	-	(1,497)	39,357	291,667	581,928	447,029	447,029

*Property Value growth rate = 2% annually

Assessment Information for 100,000 home \$150.00

EXHIBIT 1
Service and Assessment Plan Required Attachment

Sec. 5.014. NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT. (a) A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code, or Chapter 382, Local Government Code, shall first give to the purchaser of the property the [a] written notice prescribed by Subsection (a-1) or (a-2), as applicable.

(a-1) Except for the notice prescribed by Subsection (a-2), the notice required by Subsection (a) shall be executed by the seller and must, except as provided by Subsection (b), read as follows:

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO (insert name of municipality or county
levying assessment), TEXAS CONCERNING THE FOLLOWING PROPERTY
(insert property address)

As the [a] purchaser of the real property described above, you are obligated to pay assessments [~~an~~
~~assessment~~] to (insert name of [a] municipality or county, as applicable), Texas, for the costs of a portion of a public
[~~an~~] improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property
within (insert name of public improvement district) (the "District") created under (insert Subchapter A, Chapter 372,
Local Government Code, or Chapter 382, Local Government Code, as applicable).

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS,
WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE
IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID,
COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from (insert name of municipality or county, as
applicable). The exact amount of each annual installment will be approved each year by (insert name of city council
or county commissioners court, as applicable) in the annual service plan update for the district. More information
about the assessments, including the amounts and due dates, may be obtained from (insert name of [the]
municipality or county, as applicable).

Your failure to pay any assessment or any annual installment may result in penalties and interest being
added to what you owe or in a lien on and the foreclosure of your property.

The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding
contract for the purchase of the real property at the address described above.

Date: _____

Signature of Purchaser

(a-2) For a district described by Section 372.0035, Local Government Code, the notice required by
Subsection (a) shall be executed by the seller and must, except as provided by Subsection (b), read as follows:

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO (insert name of municipality levying
assessment), TEXAS CONCERNING THE FOLLOWING HOTEL PROPERTY
(insert property address)

As the purchaser of the real property described above, you are obligated to pay assessments to (insert
name of municipality), Texas, for the costs of a portion of a public improvement or services project (the "Authorized
Services") undertaken for the benefit of the property within (insert name of public improvement district) (the
"District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED SERVICES, WHICH
MUST BE PAID IN FULL WITH EVERY PAYMENT BY THE HOTEL OF LOCAL HOTEL OCCUPANCY TAX REMITTANCES TO
THE MUNICIPALITY. YOUR FAILURE TO PAY THE ASSESSMENT MAY RESULT IN PENALTIES AND INTEREST BEING
ADDED TO WHAT YOU OWE, AND MAY INCLUDE THE PURSUIT OF ANY OTHER REMEDY THAT IS AUTHORIZED UNDER
SECTION 372.0035(d), LOCAL GOVERNMENT CODE.

EXHIBIT 1
2021 Service and Assessment Plan

Information about the calculation of the assessment may be obtained from (insert name of the municipality). The exact assessment rate will be approved each year by (insert name of city council) in the annual service plan update for the district. More information about the assessments, including the assessment rate and due dates, may be obtained from (insert name of municipality).

The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

Date: _____

Signature of Purchaser

(b) The seller or the municipality or county that created the public improvement district may provide additional information regarding the district in the notice prescribed by Subsection (a-1) or (a-2), including whether an assessment has been levied, the amount of the assessment, and the payment schedule for assessments.

(c) This section does not apply to a transfer:

- (1) under a court order or foreclosure sale;
- (2) by a trustee in bankruptcy;
- (3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
- (4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
- (5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
- (6) from one co-owner to another co-owner of an undivided interest in the real property;
- (7) to a spouse or a person in the lineal line of consanguinity of the seller;
- (8) to or from a governmental entity; or
- (9) of only a mineral interest, leasehold interest, or security interest.

(d) For the purposes of this section, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring notice

EXHIBIT 2
City of Lubbock, TX
Finance Department
Northwest Passage PID Projected Assessment Roll

Property ID	Owner Name	Owner Address	Property Address	Legal Description	Land Size in Acres	2021 Prelim Market Value	2021 Prelim Taxable Value	Projected 2022 Taxable Value	Estimated 2022 Assessment	
R63099	NWP EB-5 PROJECT LLC	1500 BROADWAY ST LUBBOCK, TX 79401	STE 1500	BLK JS SEC 11 AB 343 TR A AC: 233.7	233.70	1,168,500	1,168,500	1,168,500	\$ 1,752.75	
R66307	NWP EB-5 PROJECT LLC	1500 BROADWAY ST LUBBOCK, TX 79401	STE 1500	BLK A SEC 14 AB 861 TR A OF S/ 2 ACS: 206.14	206.14	1,030,700	1,030,700	1,030,700	1,546.05	
R82421	NWP EB-5 PROJECT LLC	1500 BROADWAY ST LUBBOCK, TX 79401	STE 1500	5601 URSULINE ST, LUBBOCK, TX 79416	BLK JS SEC 6 AB 1492 TR A & A10F NW/4 AC: 152.606	152.61	757,939	757,939	757,939	1,136.91
R82485	NWP EB-5 PROJECT LLC	1500 BROADWAY ST LUBBOCK, TX 79401	STE 1500	5201 URSULINE ST, LUBBOCK, TX 79416	BLK JS SEC 6 AB 1516 TR B ACS: 154.12	154.12	770,600	770,600	770,600	1,155.90
R63214	NWP EB-5 PROJECT LLC	1500 BROADWAY ST LUBBOCK, TX 79401	STE 1500	5521 N CR 2000	BLK JS SEC 11 AB 343 TR B AC:245.49	245.49	1,273,930	1,273,930	1,273,930	1,910.90
					992.06	5,001,669	5,001,669	5,001,669	\$ 7,502.50	



Information

Agenda Item

Resolution - Health Benefits: Consider a resolution authorizing and directing the City Manager to purchase, for and on behalf of the City of Lubbock, Individual Stop Loss insurance coverage from Blue Cross Blue Shield of Texas, for the City's health benefits program, in an amount not to exceed \$14.79 per member, per month.

Item Summary

The purpose of Individual Stop Loss (ISL) coverage is to protect the City's health plan fund from excessive claim activity in a calendar year. Our current stop loss contract is with Blue Cross & Blue Shield of Texas (BCBSTX), with a \$700,000 specific individual deductible. BCBSTX reimburses the City for individual claims in excess of \$700,000. Reimbursement is based on the claims incurred in a 12-month period, and paid within a 15-month period. Current monthly premiums are \$13.93 per member, per month - approximately \$411,381 annually. The current contract expires December 31, 2021.

ISL coverage is experience rated. In 2020, two claimants exceeded the \$700,000 threshold and the City was reimbursed \$194,494. As of August 2021, sixty claimants had claims greater than \$50,000, for a total paid of \$7,217,682. BCBSTX proposed a 10% increase for 2022 due to high claimant costs.

The City's benefit consultant, Travis Sartain of Marsh & McLennan Agency, bid the stop loss coverage based on a \$500,000, \$600,000 and \$700,000 maximum, and received responses from HCC, Anthem, American Fidelity, UNUM, and BCBSTX.

The BCBSTX bid reduced the increase from 10% to 6% on the \$700,000 ISL, which will result in ISL rates increasing from \$13.92 to \$14.79 per member, per month. This is an approximate annual increase of \$25,000 over 2021. However, along with the 6% increase, BCBSTX offered a \$26,000 administrative credit, resulting in zero net effect to the City.

Fiscal Impact

None

Staff/Board Recommending

Bill Howerton, Deputy City Manager
Clifton Beck, Director of Human Resources

Attachments

Resolution (c) - Blue Cross Stop Loss Insurance
Application - Blue Cross Stop Loss Insurance (s)

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the City Manager of the City of Lubbock is hereby authorized and directed to purchase and renew for and on behalf of the City of Lubbock and its health benefits program, specific stop loss insurance coverage from BlueCross BlueShield of Texas, consistent with the terms and conditions attached hereto, and all related documents.

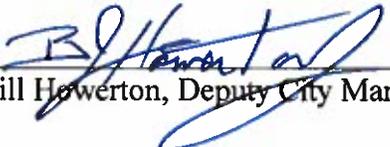
Passed by the Council on _____, 2021.

DANIEL M. POPE, MAYOR

ATTEST:

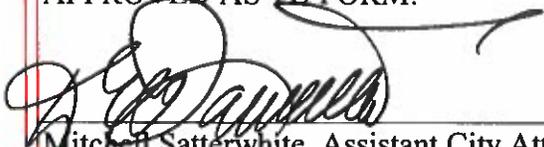
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Bill Howerton, Deputy City Manager

APPROVED AS TO FORM:



Mitchell Satterwhite, Assistant City Attorney

ccdcs/RES.Stop Loss Renewal
October 12, 2021



APPLICATION FOR STOP LOSS COVERAGE

Employer Group Name: City of Lubbock
 Employer Group Address: 1625 13th Street
 City: Lubbock State of Situs: TX Zip Code: 79401
 Account Number: 010097
 Employer Group Number(s): 219476
 Current Effective Date of Policy: 01/01/2022
 Current Policy Period: These specifications are for the Policy Period commencing on 01/01/2022 and ending on 12/31/2022

The specifications below shall become effective on the first day of the Policy Period specified above and shall continue in full force and effect until the earliest of the following dates: (1) The last day of the Policy Period; (2) The date the Policy terminates; or (3) The date this Application is superseded in whole or in part by a later executed Application.

A. Aggregate Stop Loss Coverage: Yes No
If yes, complete items 1 through 9 below.

1. New Coverage Renewal of Existing Coverage

2. Stop Loss Coverage during the current Policy Period:

New Coverage (Select one from below):

Incurred and paid during the Policy Period: Claims incurred and paid from _____ to _____

Incurred with Run-Out: Claims incurred from _____ to _____
and Claims paid from _____ to _____

Run-in coverage: Claims incurred from _____ to _____
and Claims paid from _____ to _____

If coverage is for claims incurred prior to the effective date of the Policy and paid by Policyholder's prior claim administrator, then such claims must be reported by the Policyholder to the Company (Blue Cross and Blue Shield of Texas, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company) and paid by the Policyholder's prior claim administrator by the end of the current Policy Period.

Renewal of Existing Coverage:

Claim Administrator's Claims: Claims incurred on or after the original Effective Date of Policy and paid during the Policy Period.

Incurred with Run-Out: Claims incurred from _____ to _____
and Claims paid from _____ to _____

3. Aggregate Stop Loss Coverage shall apply to:

- Medical Claims
- Outpatient Prescription Drug Claims with Company's Pharmacy Benefit Manager
- Outpatient Prescription Drug Claims with Policyholder's Pharmacy Benefit Manager: _____
- Dental Claims
- Other (please specify): _____

4. Average Claim Value: _____ (per Employee per Month)

Attachment Factor: _____% of the Average Claim Value

5. Aggregate Claim Liability and Run-Off Claim Liability Factors

a. Employer's Claim Liability for each Policy Period shall be the sum of the Monthly amounts obtained by multiplying the number of Individual and Family Coverage Units for each Month by the following factors:

\$_____ for each Coverage Unit

\$_____ for each Family Coverage Unit

*Please use the continuous text field directly below for any other structure (leaving the fields above blank).
Note: you can use the "return" key to create additional rows, if needed:*

b. Employer's Run-Off Claim Liability shall be calculated by multiplying the sum average of the total of all Coverage Units during each of the three calendar Months immediately preceding termination by the factors shown below. Settlement for the final accounting period will be described in the section of the Policy entitled SETTLEMENTS.

\$_____ for each Coverage Unit

\$_____ for each Family Coverage Unit

*Please use the continuous text field directly below for any other structure (leaving the fields above blank).
Note: you can use the "return" key to create additional rows, if needed:*

6. CAP Arrangement Yes No

7. Aggregate Stop Loss Claims

a. The amount of Paid Claims during the current Policy Period, less:

i. Individual (Specific) Stop Loss Claims

ii. Any claims in excess of the Individual (Specific) Stop Loss Claims per Covered Person per Lifetime Maximum

iii. Any claims in excess of the Individual (Specific) Stop Loss Claims maximum Point of Attachment

that exceeds the Aggregate Point of Attachment. The Aggregate Point of Attachment shall equal the sum of the Employer's Claim Liability amounts calculated Monthly as described in item A.5.a. above for the current Policy Period.

b. In the event of termination at the end of a Policy Period, the Final Settlement Aggregate Point of Attachment shall equal the sum of the Employer's Claim Liability amount for the Final Policy Period and the Employer's Run-Off Claim Liability calculated as described in item A.5.b. above. However, for the current Policy Period the minimum Aggregate Point of Attachment shall be \$_____.

8. Stop Loss Premium (Select one):

Annual Premium (Due on the first day of the current Policy Period): \$_____.

Monthly Premium shall be equal to the amounts obtained by multiplying the number of Individual and Family Coverage Units for a particular Month by:

\$_____ for each Coverage Unit

\$_____ for each Family Coverage Unit

Please use the continuous text field directly below for any other structure (leaving the fields above blank). Note: you can use the "return" key to create additional rows, if needed:

9. The premium is based upon a current membership of _____ Individual Coverage Units and _____ Family Coverage Units.

B. Individual (Specific) Stop Loss Coverage: Yes No
If yes, complete items 1 through 6 below.

1. New Coverage Renewal of Existing Coverage

2. Stop Loss Coverage Period:

New Coverage (Select one from below):

Incurred and paid during the Policy Period: Claims incurred and paid from 1/1/2022 to 12/31/2022

Incurred with Run-Out: Claims incurred from _____ to _____
and Claims paid from _____ to _____

Run-in coverage: Claims incurred from _____ to _____
and Claims paid from _____ to _____

If coverage is for claims incurred prior to the effective date of the Policy and paid by Policyholder's prior claim administrator, then such claims must be reported by the Policyholder to the Company (Blue Cross and Blue Shield of Texas, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company) and paid by the Policyholder's prior claim administrator by the end of the current Policy Period.

Renewal of Existing Coverage:

Claim Administrator's Claims: Claims incurred on or after the original Effective Date of Policy and paid during the Policy Period.

Incurred with Run-Out: Claims incurred from _____ to _____
and Claims paid from _____ to _____

3. Individual (Specific) Stop Loss Coverage shall apply to:

Medical Claims

Outpatient Prescription Drug Claims with Company's Pharmacy Benefit Manager

Outpatient Prescription Drug Claims with Policyholder's Pharmacy Benefit Manager: _____

Dental Claims

Vision Claims

Other (please specify): _____

4. Individual (Specific) Stop Loss Claims

a. For NA who is identified by the health identification (ID) number NA, the amount of Paid Claims during the current Policy Period in excess of the Individual Point of Attachment of \$NA. Such amount shall apply for the current Policy Period.

b. For each other Covered Person:

The amount of Paid Claims during the current Policy Period in excess of the Individual Point of Attachment of \$700,000 per Covered Person but not to exceed a maximum Point of Attachment of \$ Unlimited per Policy Period. Paid Claims in excess of the maximum point of attachment shall not be eligible to satisfy the Aggregate Point of Attachment. Such amount shall apply for the current Policy Period.

c. Covered Person per Lifetime Maximum:

The Individual (Specific) Stop Loss Claims shall not exceed Unlimited per Covered Person per Lifetime. Paid Claims in excess of the Covered Person per Lifetime Maximum shall not be eligible to satisfy the Aggregate Point of Attachment.

Point of Attachment Includes Claim Administrator's Provider Access Fee
 Excludes Claim Administrator's Provider Access Fee

5. Stop Loss Premium (select one):

Annual Premium (Due on the first day of the current Policy Period): \$_____.

Monthly Premium shall be equal to the amounts obtained by multiplying the number of Individual and Family Coverage Units for a particular Month by:

\$_____ for each Coverage Unit

\$_____ for each Family Coverage Unit

Please use the continuous text field directly below for any other structure (leaving the fields above blank). Note: you can use the "return" key to create additional rows, if needed:

\$14.79 Composite

6. The premium is based upon a current membership of 1,193 Individual Coverage Units and 1,272 Family Coverage Units.

Additional Provisions:

Run-in claims incurred 1/1/2021 through 12/31/2021 and paid from 4/1/22 through 12/31/22 will be added to the BCBSTX 12/12 contract to be utilized in the specific stop loss settlement. Specific stop loss for the run-in claims will be provided at the end of the first policy period and not monthly. Settlements incorporating the run-in claims will be completed 90 days following the end of the first policy period.

Client is renewing stop loss, therefore a \$26,000 credit would apply for 2022.

Premium is based on 2,465 composite.

The undersigned person represents that he/she is authorized and responsible for purchasing stop loss coverage on behalf of the Employer. It is understood that the actual terms and conditions of coverage are those contained in Application the Stop Loss Coverage Policy into which this Application shall be incorporated at the time of acceptance by Blue Cross and Blue Shield of Texas, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company ("HCSC"). Upon acceptance, HCSC shall issue a Stop Loss Coverage Policy to the Employer. Upon acceptance of this Application and issuance of the Stop Loss Coverage Policy, the Employer shall be referred to as the "Policyholder."

Holly Herin Wallace Digitally signed by Holly Herin Wallace
Date: 2021.10.22 10:34:50 -05'00'

Sales Representative

Signature of Authorized Purchaser

Sydney Wilkins

Name of Underwriter

Title of Authorized Purchaser

Sydney Wilkins

Signature of Underwriter

Date

INTERNAL USE ONLY

Date Application approved by Underwriting:

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

Bill Howerton

Bill Howerton, Deputy City Manager

Mitchell Satterwhite

Mitchell Satterwhite, First Assistant City Attorney



Information

Agenda Item

Resolution - City Manager: Consider a resolution authorizing the Mayor to execute the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet, and related documents, including any settlement participation forms.

Item Summary

The State of Texas, through the Office of the Attorney General and a negotiation group representing Texas Political Subdivisions, entered into an Agreement to resolve a portion of the ongoing Opioid litigation. The Agreement is between the State and eligible local jurisdictions who choose to participate and various pharmaceutical supply chain participants (manufacturer and/or distributors). The Agreement is to effectuate the resolution of the Litigation and to create an effective means of distributing potential settlement funds.

The City of Lubbock is an eligible local jurisdiction and entitled to participate in the Agreement. Passage of this item will ensure the City receives an allocation from any settlement funds paid through the negotiated Agreement. Note that the City is one of many eligible jurisdictions and must sign-on to the agreement to participate. Once the required number of political subdivisions choose to participate, the State Attorney General's office and their outside counsel will complete the Agreement on behalf of all jurisdictions who agreed to participate.

The City of Lubbock has no cost associated with this Agreement.

Fiscal Impact

Once the Agreement is completed, the City of Lubbock will be eligible to receive an allocated share of the settlement funds. The allocated share estimated at this time is \$319,867.

Staff/Board Recommending

W. Jarrett Atkinson, City Manager

Attachments

Resolution (c) - Texas Opioid Abatement Agmt.
Agreement (c) - Texas Opioid Abatement Fund
Agmt Exhibit K (c) - Settlement Participation Form
Agmt Exhibit K (c) Subdivision Settlement Participation Form

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

THAT the Mayor of the City of Lubbock is hereby authorized and directed to execute for and on behalf of the City of Lubbock, the Adoption of the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet, and related documents including any settlement Participation Forms. Said Agreement is attached hereto and incorporated in this resolution as if fully set forth herein and shall be included in the minutes of the City Council.

Passed by the City Council on _____.

DANIEL M. POPE, MAYOR

ATTEST:

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



W. Jarrett Atkinson, City Manager

APPROVED AS TO FORM:



Jeff Hartsell, Chief Litigation Attorney

**ADOPTION OF TEXAS ABATEMENT FUND
COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET**

WHEREAS, CITY OF LUBBOCK obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants") have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs to the City of Lubbock; and

WHEREAS, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas. The Texas Term Sheet is attached hereto; and

WHEREAS, Special Counsel and the State of Texas have recommended that local governmental entities in the State of Texas support the adoption and approval of the Texas Term Sheet in its entirety.

NOW, THEREFORE, BE IT RESOLVED that we, the City of Lubbock:

1. Support the adoption and approval the Texas Term Sheet in its entirety; and
2. finds as follows:
 - a. There is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City of Lubbock; and
 - b. The City of Lubbock supports in its entirety and hereby adopts the allocation method for opioid settlement proceeds as set forth in the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET, attached hereto. The City of Lubbock understands that the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants as defined therein. The City of Lubbock understands that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic in the City and throughout Texas.

EXECUTED on this ____ day of _____, 2021.

By: _____

DANIEL M POPE, MAYOR

**TEXAS OPIOID ABATEMENT FUND COUNCIL AND
SETTLEMENT ALLOCATION TERM SHEET**

WHEREAS, the people of the State of Texas and its communities have been harmed through the National and Statewide epidemic caused by licit and illicit opioid use and distribution within the State of Texas; and now,

WHEREAS, the State of Texas, though its elected representatives and counsel, including the Honorable Ken Paxton, Attorney General of the State of Texas, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the supply chain accountable for the damage caused; and now,

WHEREAS, the State of Texas, through its Attorney General and its Political Subdivisions, share a common desire to abate and alleviate the impacts of the epidemic throughout the State of Texas; and now,

THEREFORE, the State of Texas and its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this State of Texas and Texas Political Subdivisions' Opioid Abatement Fund Council and Settlement Allocation Term Sheet (Texas Term Sheet) relating to the allocation and use of the proceeds of any Settlements as described.

A. Definitions

As used in this Texas Term Sheet:

1. "The State" shall mean the State of Texas acting through its Attorney General.
2. "Political Subdivision(s)" shall mean any Texas municipality and county.
3. "The Parties" shall mean the State of Texas, the Political Subdivisions, and the Plaintiffs' Steering Committee and Liaison Counsel (PSC) in the Texas Opioid MDL, *In Re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152d District Court of Harris County, Texas.
4. "Litigating Political Subdivision" means a Political Subdivision that filed suit in the state courts of the State of Texas prior to the Execution Date of this Agreement, whether or not such case was transferred to Texas Opioid MDL, or removed to federal court.
5. "National Fund" shall mean any national fund established for the benefit of the Texas Political Subdivisions. In no event shall any National Fund be used to create federal jurisdiction, equitable or otherwise, over the Texas Political Subdivisions or those similarly situated state-court litigants who are included in the state coalition, nor shall the National Fund require participating in a class action or signing a participation agreement as part of the criteria for participating in the National Fund.
6. "Negotiating Committee" shall mean a three-member group comprising four representatives for each of (1) the State; (2) the PSC; and (3) Texas'

Political Subdivisions (collectively, “Members”). The State shall be represented by the Texas Attorney General or his designees. The PSC shall be represented by attorneys Mikal Watts, Jeffrey Simon, Dara Hegar, Dan Downey, or their designees. Texas’ Political Subdivisions shall be represented by Clay Jenkins (Dallas County Judge), Terrence O’Rourke (Special Assistant County Attorney, Harris County), Nelson Wolff (Bexar County Judge), and Nathaniel Moran (Smith County Judge) or their designees.

7. “Settlement” shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant that includes the State and Political Subdivisions.
8. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this Texas Term Sheet.
8. “Approved Purpose(s)” shall mean those uses identified in Exhibit A hereto.
9. “Pharmaceutical Supply Chain” shall mean the process and channels through which opioids or opioids products are manufactured, marketed, promoted, distributed, or dispensed.

10. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.
11. “Texas Opioid Council” shall mean the Council described in Exhibit A hereto, which has the purpose of ensuring the funds recovered by Texas (through the joint actions of the Attorney General and the Texas Political Subdivisions) are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts.

B. Allocation of Settlement Proceeds

1. All Opioid Funds distributed in Texas shall be divided with 15% going to Political Subdivisions (“Subdivision Share”), 70% to the Texas Opioid Abatement Fund through the Texas Opioid Council (Texas Abatement Fund Share) identified and described on Exhibits A and C hereto, and 15% to the Office of the Texas Attorney General as Counsel for the State of Texas (“State Share”). Out of the Texas Opioid Abatement Fund, reasonable expenses up to 1% shall be paid to the Texas Comptroller for the administration of the Texas Opioid Council pursuant to the Opioid

Abatement Fund (Texas Settlement) Opioid Council Agreement, Exhibit A hereto.

2. The Subdivisions Share shall be allocated in accordance with the division of proceeds on Exhibit B hereto.
3. The Texas Abatement Fund Share shall be allocated to the Opioid Council to be apportioned in accordance with the guidelines of Exhibit A, and Exhibit C hereto.
4. In the event a Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Subdivision shall be redistributed as directed by the settlement document, and if not specified, equitably based on the composition of the successor Subdivision. If a Subdivision for any reason is excluded from a specific settlement, the allocation percentage for that Subdivision shall be redistributed as directed by the settlement document, and if not specified, equitably among the participating Subdivisions.
5. Funds obtained from parties unrelated to the Litigation, via grant, bequest, gift or the like, separate and distinct from the Litigation, may be directed to the Texas Opioid Council and disbursed as set forth below.
6. The Subdivision share shall be initially deposited and paid in cash directly to the Subdivision under the authority and guidance of the Texas MDL Court, who shall direct any Settlement funds to be held in trust in a

segregated account to benefit the Subdivisions and to be promptly distributed as set forth herein and in accordance with Exhibit B.

7. Nothing in this Texas Term Sheet should alter or change any Subdivision's rights to pursue its own claim. Rather, the intent of this Texas Term Sheet is to join all parties to disburse settlement proceeds from one or more defendants to all parties participating in that settlement within Texas.
8. Opioid Funds from the Texas Abatement Fund Share shall be directed to the Texas Opioid Council and used in accordance with the guidelines as set out on Exhibit A hereto, and the Texas Abatement Fund Share shall be distributed to the Texas Opioid Council under the authority and guidance of the Texas MDL Court, consistent with Exhibits A and C, and the by-laws of the Texas Opioid Council documents and disbursed as set forth therein, including without limitation all abatement funds and the 1% holdback for expenses.
9. The State of Texas and the Political Subdivisions understand and acknowledge that additional steps may need to be undertaken to assist the Texas Opioid Council in its mission, at a predictable level of funding, regardless of external factors.

C. Payment of Counsel and Litigation Expenses

1. Any Master Settlement Agreement settlement will govern the payment of fees and litigation expenses to the Parties. The Parties agree to direct control of any Texas Political Subdivision fees and expenses to the “Texas Opioid Fee and Expense Fund,” which shall be allocated and distributed by the Texas MDL Court, *In re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152nd District Court of Harris County, Texas, and with the intent to compensate all counsel for Texas Political Subdivisions who have not chosen to otherwise seek compensation for fees and expenses from any federal MDL common benefit fund.
2. The Parties agree that no portion of the State of Texas 15% allocation share from any settlement shall be administered through the National Fund, the Texas MDL Court, or Texas Opioid Fee and Expense Fund, but shall be directed for payment to the State of Texas by the State of Texas.
3. The State of Texas and the Texas Political Subdivisions, and their respective attorneys, agree that all fees – whether contingent, hourly, fixed or otherwise – owed by the Texas Political Subdivisions shall be paid out of the National Fund or as otherwise provided for herein to the Texas Opioid Fee and Expense Fund to be distributed by the 152nd

District Court of Harris County, Texas pursuant to its past and future orders.

4. From any opioid-related settlements with McKesson, Cardinal Health, ABDC, and Johnson & Johnson, and for any future opioid-related settlements negotiated, in whole or in part, by the Negotiating Committee with any other Pharmaceutical Supply Chain Participant, the funds to be deposited in the Texas Opioid Fee and Expense Fund shall be 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions of each payment (annual or otherwise) to the State of Texas for that settlement, plus expenses from the National Fund, and shall be sought by Texas Political Subdivision Counsel initially through the National Fund. The Texas Political Subdivisions' percentage share of fees and expenses from the National Fund shall be directed to the Texas Opioid Fee and Expense Fund in the Texas MDL, as soon as is practical, for allocation and distribution in accordance with the guidelines herein.
5. If the National Fund share to the Texas Political Subdivisions is insufficient to cover the guaranteed 9.3925%, plus expenses from the National Fund, per subsection 4, immediately *supra*, or if payment from the National Fund is not received within 12 months after the date the

first payment is made by the Defendants pursuant to the settlement, then the Texas Political Subdivisions shall recover up to 12.5% of the Texas Political Subdivision Share to make up any difference.

6. If the National Fund and the Texas Political Subdivision share are insufficient to cover the guaranteed 9.3925%, plus expenses from the National Fund, or if payment from the National Fund is not received within 12 months after the date the first payment is made by the Defendants pursuant to the settlement, then the Texas Political Subdivisions shall recover up to 8.75% of the Abatement Fund Share to make up any difference. In no event shall the Texas Political Subdivision share exceed 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions of any settlement, plus expenses from the National Fund. In the event that any payment is received from the National Fund such that the total amount in fees and expenses exceeds 9.3925%, the Texas Political Subdivisions shall return any amounts received greater than 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions to those respective Funds.

7. For each settlement utilizing a National Fund, the Texas Political Subdivisions need only make one attempt at seeking fees and expenses there.
8. The total amount of the Texas Opioid Fee and Expense Fund shall be reduced proportionally, according to the agreed upon allocation of the Texas Subdivision Fund, for any Texas litigating Political Subdivision that (1) fails to enter the settlement; and (2) was filed in Texas state court, and was transferred to the Texas MDL (or removed before or during transfer to the Texas MDL) as of the execution date of this Agreement.

D. The Texas Opioid Council and Texas Abatement Fund

The Texas Opioid Council and Texas Abatement Fund is described in detail at Exhibit A, incorporated herein by reference.

E. Settlement Negotiations

1. The State and Negotiating Committee agree to inform each other in advance of any negotiations relating to a Texas-only settlement with a Pharmaceutical Supply Chain Participant that includes both the State and its Political Subdivisions and shall provide each other the opportunity to participate in all such negotiations. Any Texas-only Settlement agreed to with the State and Negotiating Committee shall be subject to the approval

of a majority of litigating Political Subdivisions. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants and to include the Negotiating Committee or designees. Neither this provision, nor any other, shall be construed to state or imply that either the State or the Negotiating Committee is unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the State's and Negotiation Committee's efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.

2. Any Master Settlement Agreement (MSA) shall be subject to the approval and jurisdiction of the Texas MDL Court.
3. As this is a Texas-specific effort, the Committee shall be Chaired by the Attorney General. However, the Attorney General, or his designees, shall endeavor to coordinate any publicity or other efforts to speak publicly with the other Committee Members.
4. The State of Texas, the Texas MDL Plaintiff's Steering Committee representatives, or the Political Subdivision representatives may withdraw

from coordinated Settlement discussions detailed in this Section upon 10 business days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section.

5. The obligations in this Section shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case specific resolution with that particular Pharmaceutical Supply Chain Participant.

F. Amendments

The Parties agree to make such amendments as necessary to implement the intent of this agreement.

Acknowledgment of Agreement

We, the undersigned, have participated in the drafting of the above Texas Term Sheet, including consideration based on comments solicited from Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the State and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require

acceptance by the State of Texas and a majority of the Litigating Political Subdivisions.

We, the undersigned, hereby accept the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET. We understand that the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Texas.

Executed this 13 day of May, 2020.

FOR THE STATE OF TEXAS:

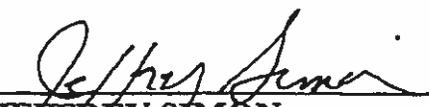


KENNETH PAXTON, JR.
ATTORNEY GENERAL

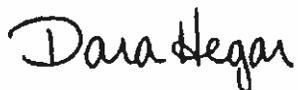
FOR THE SUBDIVISIONS
AND TEXAS MDL PSC:



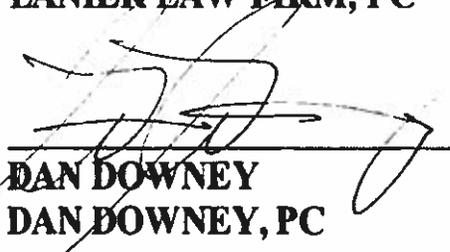
MIKAL WATTS
WATTS GUERRA LLP



JEFFREY SIMON
SIMON GREENSTONE PANATIER, PC



DARA HEGAR
LANIER LAW FIRM, PC



DAN DOWNEY
DAN DOWNEY, PC

:sas

EXHIBIT A

Opioid Abatement Fund (Texas) Settlement

Opioid Council

As part of the settlement agreement and upon its execution, the parties will form the Texas Opioid Council (Council) to establish the framework that ensures the funds recovered by Texas (through the joint actions of the Attorney General and the state's political subdivisions) are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts.

I. Structure

The Council will be responsible for the processes and procedures governing the spending of the funds held in the Texas Abatement Fund, which will be approximately 70% of all funds obtained through settlement and/or litigation of the claims asserted by the State and its subdivisions in the investigations and litigation related to the manufacturing, marketing, distribution, and sale of opioids and related pharmaceuticals.

Money paid into the abatement fund will be held by an independent administrator, who shall be responsible for the ministerial task of releasing funds solely as authorized below by the Council, and accounting for all payments to and from the fund.

The Council will be formed when a court of competent jurisdiction enters an order settling the matter, including any order of a bankruptcy court. The Council's members must be appointed within sixty (60) days of the date the order is entered.

A. Membership

The Council shall be comprised of the following thirteen (13) members:

1. Statewide Members.

Six members appointed by the Governor and Attorney General to represent the State's interest in opioid abatement. The statewide members are appointed as follows:

- a. The Governor shall appoint three (3) members who are licensed health professionals with significant experience in opioid interventions;
- b. The Attorney General shall appoint three (3) members who are licensed professionals with significant experience in opioid incidences; and
- c. The Governor will appoint the Chair of the Council as a non-voting member. The Chair may only cast a vote in the event there is a tie of the membership.

2. Regional Members.

Six (6) members appointed by the State's political subdivisions to represent their designated Texas Health and Human Services Commission "HHSC" Regional Healthcare

Partnership (Regions) to ensure dedicated regional, urban, and rural representation on the Council. The regional appointees must be from either academia or the medical profession with significant experience in opioid interventions. The regional members are appointed as follows:

- a. One member representing Regions 9 and 10 (Dallas Ft-Worth);
- b. One member representing Region 3 (Houston);
- c. One member representing Regions 11, 12, 13, 14, 15, 19 (West Texas);
- d. One member representing Regions 6, 7, 8, 16 (Austin-San Antonio);
- e. One member representing Regions 1, 2, 17, 18 (East Texas); and
- f. One member representing Regions 4, 5, 20 (South Texas).

B. Terms

All members of the Council are appointed to serve staggered two-year terms, with the terms of members expiring February 1 of each year. A member may serve no more than two consecutive terms, for a total of four consecutive years. For the first term, four (4) members (two (2) statewide and two (2) for the subdivisions) will serve a three-year term. A vacancy on the Council shall be filled for the unexpired term in the same manner as the original appointment. The Governor will appoint the Chair of the Council who will not vote on Council business unless there is a tie vote, and the subdivisions will appoint a Vice-Chair voting member from one of the regional members.

C. Governance

1. Administration

The Council is attached administratively to the Comptroller. The Council is an independent, quasi-governmental agency because it is responsible for the statewide distribution of the abatement settlement funds. The Council is exempt from the following statutes:

- a. Chapter 316 of the Government Code (Appropriations);
- b. Chapter 322 of the Government Code (Legislative Budget Board);
- c. Chapter 325 of the Government Code (Sunset);
- d. Chapter 783 of the Government Code (Uniform Grants and Contract Management);
- e. Chapter 2001 of the Government Code (Administrative Procedure);
- f. Chapter 2052 of the Government Code (State Agency Reports and Publications);
- g. Chapter 2261 of the Government Code (State Contracting Standards and Oversight);
- h. Chapter 2262 of the Government Code (Statewide Contract Management);

- i. Chapter 262 of the Local Government Code (Purchasing and Contracting Authority of Counties); and
- j. Chapter 271 of the Local Government Code (Purchasing and Contracting Authority of Municipalities, Counties, and Certain Other Local Governments).

2. Transparency

The Council will abide by state laws relating to open meetings and public information, including Chapters 551 and 552 of the Texas Government Code.

- i. The Council shall hold at least four regular meetings each year. The Council may hold additional meetings on the request of the Chair or on the written request of three members of the council. All meetings shall be open to the public, and public notice of meetings shall be given as required by state law.
- ii. The Council may convene in a closed, non-public meeting:
 - a. If the Commission must discuss:
 - 1. Negotiation of contract awards; and
 - 2. Matters specifically exempted from disclosure by federal and state statutes.
 - b. All minutes and documents of a closed meeting shall remain under seal, subject to release only order of a court of competent jurisdiction.

3. Authority

The Council does not have rulemaking authority. The terms of each Judgment, Master Settlement Agreement, or any Bankruptcy Settlement for Texas control the authority of the Council and the Council may not stray outside the bounds of the authority and power vested by such settlements. Should the Council require legal assistance in determining their authority, the Council may direct the executive director to seek legal advice from the Attorney General to clarify the issue.

D. Operation and Expenses

The independent administrator will set aside up to one (1) percent of the settlement funds for the administration of the Council for reasonable costs and expenses of operating the foregoing duties, including educational activities.

1. Executive Director

The Comptroller will employ the executive director of the Council and other personnel as necessary to administer the duties of the Council and carry out the functions of the Council. The executive director must have at least 10 years of experience in government or public administration and is classified as a Director V/B30 under the State Auditor's State Classification. The Comptroller will pay the salaries of the Council employees from the

one (1) percent of the settlement funds set aside for the administration of the Council. The Comptroller will request funds from the Texas Abatement Fund Point of Contact.

2. Travel Reimbursement

A person appointed to the Council is entitled to reimbursement for the travel expenses incurred in attending Council duties. A member of the Council may be reimbursed for actual expenses for meals, lodging, transportation, and incidental expenses in accordance with travel rates set by the federal General Services Administration.

II. Duties/Roles

It is the duty of the Council to determine and approve the opioid abatement strategies and funding awards.

A. Approved Abatement Strategies

The Council will develop the approved Texas list of abatement strategies based on but not limited to the existing national list of opioid abatement strategies (see attached Appendix A) for implementing the Texas Abatement Fund.

1. The Council shall only approve strategies which are evidence-informed strategies.
2. The Texas list of abatement strategies must be approved by majority vote. The majority vote must include a majority from both sides of the statewide members and regional members in order to be approved, e.g., at least four (4) of six (6) members on each side.

B. Texas Abatement Fund Point of Contact

The Council will determine a single point of contact called the Abatement Fund Point of Contact (POC) to be established as the sole entity authorized to receive requests for funds and approve expenditures in Texas and order the release of funds from the Texas Abatement Fund by the independent administrator. The POC may be an independent third party selected by the Council with expertise in banking or financial management. The POC will manage the Opioid Council Bank Account (Account). Upon a vote, the Council will direct the POC to contact the independent administrator to release funds to the Account. The Account is outside the State Treasury and not managed by any state or local officials. The POC is responsible for payments to the qualified entities selected by the Council for abatement fund awards. The POC will submit a monthly financial statement on the Account to the Council.

C. Auditor

An independent auditor appointed by the Council will perform an audit on the Account on an annual basis and report its findings, if any, to the Council.

D. Funding Allocation

The Council is the sole decision-maker on the funding allocation process of the abatement funds. The Council will develop the application and award process based on the parameters outlined below. An entity seeking funds from the Council must apply for funds; no funds will be awarded without an application. The executive director and personnel may assist the Council in gathering and compiling the applications for consideration; however, the Council members are the sole decision-makers of awards and funding determination. The Council will use the following processes to award funds:

1. *Statewide Funds.* The Council will consider, adopt and approve the allocation methodology attached as Exhibit C, based upon population health data and prevalence of opioid incidences, at the Council's initial meeting. Adoption of such methodology will allow each Region to customize the approved abatement strategies to fit its communities' needs. The statewide regional funds will account for seventy-five (75) percent of the total overall funds, less the one (1) percent administrative expense described herein.
2. *Targeted Funds.* Each Region shall reserve twenty-five (25) percent of the overall funds, for targeted interventions in the specific Region as identified by opioid incidence data. The Council must approve on an annual basis the uses for the targeted abatement strategies and applications available to every Region, including education and outreach programs. Each Region without approved uses for the targeted funds from the Council, based upon a greater percentage of opioid incidents compared to its population, is subject to transfer of all or a portion of the targeted funds for that Region for uses based upon all Regions' targeted funding needs as approved by the Council on an annual basis.
3. *Annual Allocation.* Statewide regional funds and targeted funds will be allocated on an annual basis. If a Region lapses its funds, the funds will be reallocated based on all Regions' funding needs.

E. Appeal Process

The Council will establish an appeal process to permit the applicants for funding (state or subdivisions) to challenge decisions by the Council-designated point of contact on requests for funds or expenditures.

1. To challenge a decision by the designated point of contact, the State or a subdivision must file an appeal with the Council within thirty (30) days of the decision. The Council then has thirty (30) days to consider and rule on the appeal.
2. If the Council denies the appeal, the party may file an appeal with the state district court of record where the final opioid judgment or Master Settlement Agreement is filed. The Texas Rules of Civil Procedure and Rules of Evidence will govern these proceedings. The Council may request representation from the Attorney General in these proceedings.

In making its determination, the state district court shall apply the same clear error standards contained herein that the Council must follow when rendering its decision.

3. The state district court will make the final decision and the decision is not appealable.
4. Challenges will be limited and subject to penalty if abused.
5. Attorneys' fees and costs are not recoverable in these appeals.

F. Education

The Council may determine that a percentage of the funds in the Abatement Fund from the targeted funds be used to develop an education and outreach program to provide materials on the consequences of opioid drug use, prevention and interventions. Any material developed will include online resources and toolkits for communities.

EXHIBIT B

Exhibit B: Municipal Area Allocations: 15% of Total (\$150 million)

(County numbers refer to distribution to the county governments after payment to cities within county borders has been made. Minimum distribution to each county is \$1000.)

Municipal Area	Allocation	Municipal Area	Allocation
Abbott	\$688	Lakeport	\$463
Abernathy	\$110	Lakeside	\$4,474
Abilene	\$563,818	Lakeside City	\$222
Ackerly	\$21	Lakeview	\$427
Addison	\$58,091	Lakeway	\$31,657
Adrian	\$181	Lakewood Village	\$557
Agua Dulce	\$43	Lamar County	\$111,598
Alamo	\$22,121	Lamb County	\$50,681
Alamo Heights	\$28,198	Lamesa	\$29,656
Alba	\$3,196	Lampasas	\$28,211
Albany	\$180	Lampasas County	\$12,818
Aledo	\$331	Lancaster	\$90,653
Alice	\$71,291	Laredo	\$763,171
Allen	\$315,081	Latexo	\$121
Alma	\$1,107	Lavaca County	\$45,973
Alpine	\$29,686	Layton	\$7,435
Alto	\$3,767	Lawn	\$58
Alton	\$11,540	League City	\$302,118
Alvarado	\$29,029	Leakey	\$256
Alvin	\$113,962	Leander	\$88,611
Alvord	\$358	Leary	\$797
Amarillo	\$987,661	Lee County	\$30,457
Ames	\$5,571	Lefors	\$159
Amherst	\$22	Leon County	\$67,393
Anahuac	\$542	Leon Valley	\$23,258
Anderson	\$19	Leona	\$883
Anderson County	\$268,763	Leonard	\$8,505
Andrews	\$18,983	Leroy	\$176
Andrews County	\$37,606	Levelland	\$16,848
Angelina County	\$229,956	Lewisville	\$382,091
Angleton	\$62,791	Lexington	\$2,318
Angus	\$331	Liberty	\$72,343
Anna	\$9,075	Liberty County	\$531,212
Annetta	\$5,956	Liberty Hill	\$2,780
Annetta North	\$31	Limestone County	\$135,684

(Table continues on multiple pages below)

Ametta South	\$602	Lincoln Park	\$677
Amona	\$738	Lindale	\$21,202
Anson	\$5,131	Linden	\$3,661
Anthony	\$1,514	Lindsay	\$1,228
Anton	\$414	Lipan	\$11
Appleby	\$1,551	Lipscomb County	\$10,132
Aquilla	\$208	Little Elm	\$69,326
Aransas County	\$266,512	Little River-Academy	\$798
Aransas Pass	\$57,813	Littlefield	\$7,678
Archer City	\$10,554	Live Oak	\$32,710
Archer County	\$45,534	Live Oak County	\$39,716
Arcola	\$7,290	Liverpool	\$1,435
Argyle	\$11,406	Livingston	\$73,165
Arlington	\$735,803	Llano	\$23,121
Armstrong County	\$974	Llano County	\$115,617
Arp	\$2,000	Lockhart	\$19,050
Asherton	\$112	Lockney	\$3,301
Aspermont	\$9	Log Cabin	\$1,960
Atascosa County	\$176,903	Lometa	\$1,176
Athens	\$105,942	Lone Oak	\$1,705
Atlanta	\$30,995	Lone Star	\$8,283
Aubrey	\$15,141	Longview	\$182,254
Aurora	\$1,849	Loraine	\$188
Austin County	\$76,030	Lorena	\$3,390
Austin	\$1,877,716	Lorenzo	\$11,358
Austwell	\$109	Los Fresnos	\$11,185
Avery	\$138	Los Indios	\$159
Avinger	\$1,115	Los Ybanez	\$0
Azle	\$32,213	Lott	\$1,516
Bailey	\$950	Lovelady	\$249
Bailey County	\$15,377	Loving County	\$1,000
Bailey's Prairie	\$5,604	Lowry Crossing	\$783
Baird	\$2,802	Lubbock	\$319,867
Balch Springs	\$27,358	Lubbock County	\$1,379,719
Balcones Heights	\$23,811	Lucas	\$5,266
Ballinger	\$9,172	Lueders	\$508
Balmorhea	\$63	Lufkin	\$281,592
Bandera	\$2,893	Luling	\$29,421
Bandera County	\$86,815	Lumberton	\$36,609
Bangs	\$3,050	Lyford	\$3,071

Bardwell	\$362	Lynn County	\$6.275
Barry	\$200	Lytle	\$7.223
Barstow	\$61	Mabank	\$19.443
Bartlett	\$3.374	Madison County	\$49.492
Bartonville	\$8.887	Madisonville	\$11.458
Bastrop	\$16.320	Magnolia	\$26.031
Bastrop County	\$313.960	Malakoff	\$12.611
Bay City	\$57.912	Malone	\$439
Baylor County	\$29.832	Manor	\$12.499
Bayou Vista	\$6.240	Mansfield	\$150.788
Bayside	\$242	Manvel	\$12.305
Baytown	\$216.066	Marble Falls	\$37.039
Bayview	\$11	Marfa	\$65
Beach City	\$12.505	Marietta	\$338
Bear Creek	\$906	Marion	\$275
Beasley	\$130	Marion County	\$51.728
Beaumont	\$683.010	Marlin	\$21.631
Beckville	\$1.247	Marquez	\$1.322
Bedford	\$91.311	Marshall	\$108.371
Bedias	\$3.475	Mart	\$928
Bee Cave	\$12.863	Martin County	\$10.862
Bee County	\$97.811	Martindale	\$2.437
Beeville	\$21.027	Mason	\$777
Bell County	\$650.748	Mason County	\$3.134
Bellaire	\$11.261	Mataador	\$1.203
Bellevue	\$56	Matagorda County	\$135.239
Bellmead	\$11.487	Mathis	\$15.720
Bells	\$1.891	Maud	\$423
Bellville	\$7.488	Maverick County	\$115.919
Belton	\$72.680	Maypearl	\$986
Benavides	\$152	McAllen	\$361.424
Benbrook	\$43.919	McCamey	\$512
Benjamin	\$951	McGregor	\$9.155
Berryville	\$11.379	McKinney	\$150.383
Bertram	\$182	McLean	\$14
Beverly Hills	\$1.336	McLendon-Chisholm	\$111
Bevil Oaks	\$519	McCulloch County	\$20.021
Bexar County	\$7,007.152	McLennan County	\$529.611
Big Lake	\$547	McMullen County	\$1.000
Big Sandy	\$4.579	Meadow	\$1.121

Big Spring	\$189.928	Meadowlakes	\$905
Big Wells	\$236	Meadows Place	\$18.148
Bishop	\$8.213	Medina County	\$48.355
Bishop Hills	\$323	Megargel	\$611
Blackwell	\$31	Melissa	\$15.381
Blanco	\$6.191	Melvin	\$345
Blanco County	\$49.223	Memphis	\$7.203
Blanket	\$117	Menard	\$991
Bloomburg	\$1.010	Menard County	\$14.717
Blooming Grove	\$352	Mercedes	\$21.411
Blossom	\$198	Meridian	\$3.546
Blue Mound	\$2.888	Merkel	\$10.117
Blue Ridge	\$1.345	Mertens	\$239
Blum	\$1.622	Mertzou	\$29
Boerne	\$15.576	Mesquite	\$310.709
Bogata	\$3.649	Mexia	\$21.096
Bonham	\$100.909	Miami	\$155
Bonney	\$2.510	Midland County	\$279.927
Booker	\$1.036	Midland	\$521.849
Borden County	\$1.000	Midlothian	\$95.799
Borger	\$69.680	Midway	\$78
Bosque County	\$71.073	Milan County	\$97.386
Bovina	\$173	Milano	\$901
Bowie	\$83.620	Mildred	\$286
Bowie County	\$233.190	Miles	\$93
Boyd	\$6.953	Millford	\$6.177
Brackettville	\$8	Miller's Cove	\$97
Brady	\$27.480	Millican	\$117
Brazoria	\$11.537	Mills County	\$19.931
Brazoria County	\$1,021.090	Millsap	\$31
Brazos Bend	\$462	Mineola	\$48.719
Brazos Country	\$902	Mineral Wells	\$92.061
Brazos County	\$342.087	Mingus	\$189
Breckenridge	\$23.976	Mission	\$124.768
Bremond	\$5.551	Missouri City	\$209.633
Brenham	\$54.750	Mitchell County	\$20.850
Brewster County	\$60.087	Mobeetie	\$52
Briarcliff	\$572	Mobile City	\$2.031
Briaroaks	\$57	Monahans	\$5.849
Bridge City	\$80.756	Mont Belvieu	\$19.669

Bridgeport	\$33.301	Montague County	\$94.796
Briscoe County	\$977	Montgomery	\$1.884
Broadus	\$31	Montgomery County	\$2,700.911
Bronte	\$99	Moody	\$828
Brooks County	\$20.710	Moore County	\$40.627
Brookshire	\$6.406	Moore Station	\$772
Brookside Village	\$1.110	Moran	\$50
Brown County	\$193.417	Morgan	\$605
Browndell	\$152	Morgan's Point	\$3.105
Brownfield	\$14.452	Morgan's Point Resort	\$8.024
Brownsboro	\$3.176	Morris County	\$53.328
Brownsville	\$125.057	Morton	\$167
Brownwood	\$166.572	Motley County	\$3.311
Bruceville-Eddy	\$1.692	Moulton	\$999
Bryan	\$246.897	Mount Calm	\$605
Bryson	\$1.228	Mount Enterprise	\$1.832
Buckholts	\$1.113	Mount Pleasant	\$65.684
Buda	\$10.781	Mount Vernon	\$6.019
Buffalo	\$11.866	Mountain City	\$1.518
Buffalo Gap	\$88	Muenster	\$1.656
Buffalo Springs	\$188	Muleshoe	\$1.910
Bullard	\$7.487	Mullin	\$384
Bulverde	\$11.436	Munday	\$2.017
Bunker Hill Village	\$472	Murchison	\$2.302
Burkburnett	\$37.841	Murphy	\$51.893
Burke	\$1.114	Mustang	\$7
Burleson County	\$70.244	Mustang Ridge	\$2.462
Burleson	\$151.779	Nacogdoches	\$205.992
Burnet	\$33.345	Nacogdoches County	\$198.583
Burnet County	\$189.829	Naples	\$1.224
Burton	\$937	Nash	\$7.999
Byers	\$77	Nassau Bay	\$11.247
Bynum	\$350	Natalia	\$625
Cactus	\$4.779	Navarro	\$334
Caddo Mills	\$13	Navarro County	\$103.513
Caldwell	\$18.245	Navasota	\$37.676
Caldwell County	\$86.113	Nazareth	\$124
Calhoun County	\$127.926	Nederland	\$41.585
Callahan County	\$12.894	Needville	\$10.344
Callisburg	\$104	Nevada	\$237

Calvert	\$772	New Berlin	\$4
Cameron	\$11,091	New Boston	\$6,953
Cameron County	\$537,026	New Braunfels	\$307,313
Camp County	\$28,851	New Chapel Hill	\$288
Camp Wood	\$122	New Deal	\$338
Campbell	\$1,116	New Fairview	\$2,331
Canadian	\$1,090	New Home	\$9
Caney City	\$2,005	New Hope	\$1,021
Canton	\$56,731	New London	\$4,129
Canyon	\$26,251	New Summerfield	\$112
Carbon	\$620	New Waverly	\$2,562
Carl's Corner	\$18	Newark	\$520
Carmine	\$385	Newcastle	\$911
Carrizo Springs	\$1,671	Newton	\$6,102
Carrollton	\$310,255	Newton County	\$158,006
Carson County	\$29,493	Neylandville	\$163
Carthage	\$18,927	Niederwald	\$16
Cashion Community	\$322	Nixon	\$2,283
Cass County	\$93,155	Nocona	\$16,536
Castle Hills	\$12,780	Nolan County	\$50,262
Castro County	\$1,120	Nolanville	\$1,217
Castroville	\$1,525	Nome	\$391
Cedar Hill	\$70,127	Noonday	\$226
Cedar Park	\$185,567	Nordheim	\$697
Celeste	\$1,280	Normangee	\$6,192
Celina	\$18,283	North Cleveland	\$105
Center	\$58,838	North Richland Hills	\$116,119
Centerville	\$385	Northlake	\$8,905
Chambers County	\$153,188	Novice	\$76
Chandler	\$17,361	Nueces County	\$1,367,932
Channing	\$2	O'Brien	\$76
Charlotte	\$1,257	O'Donnell	\$27
Cherokee County	\$156,612	Oak Grove	\$2,769
Chester	\$1,171	Oak Leaf	\$612
Chico	\$2,928	Oak Point	\$9,011
Childress	\$37,916	Oak Ridge	\$358
Childress County	\$50,582	Oak Ridge North	\$33,512
Chillicothe	\$172	Oak Valley	\$7
China	\$522	Oakwood	\$118
China Grove	\$598	Ochiltree County	\$15,176

Chireno	\$1.568	Odem	\$7.420
Christine	\$354	Odessa	\$559.163
Cibolo	\$13.690	Oglesby	\$29
Cisco	\$7.218	Old River-Winfree	\$21.653
Clarendon	\$114	Oldham County	\$10.318
Clarksville	\$20.891	Olmos Park	\$9.801
Clarksville City	\$51	Olney	\$6.038
Claude	\$26	Olton	\$1.197
Clay County	\$72.050	Omaha	\$1.185
Clear Lake Shores	\$6.682	Omatoka	\$31.654
Cleburne	\$228.184	Opdyke West	\$179
Cleveland	\$96.897	Orange	\$311.339
Clifton	\$9.939	Orange County	\$689.818
Clint	\$375	Orange Grove	\$1.677
Clute	\$51.350	Orchard	\$867
Clyde	\$17.287	Ore City	\$6.806
Coahoma	\$2.291	Overton	\$7.900
Cochran County	\$3.389	Ovilla	\$13.391
Cockrell Hill	\$512	Oyster Creek	\$9.633
Coffee City	\$1.087	Paducah	\$125
Coke County	\$5.522	Paint Rock	\$141
Coldspring	\$117	Palacios	\$14.036
Coleman	\$5.112	Palestine	\$178.009
Coleman County	\$4.164	Palisades	\$240
College Station	\$258.117	Palm Valley	\$1.918
Colleyville	\$46.019	Palmer	\$12.666
Collin County	\$1,266.721	Palmhurst	\$4.660
Collingsworth County	\$19.234	Palmview	\$7.577
Collinsville	\$1.831	Palo Pinto County	\$121.621
Cohesneil	\$2.211	Pampa	\$67.227
Colorado City	\$8.405	Panhandle	\$9.536
Colorado County	\$19.084	Panola County	\$80.699
Columbus	\$6.867	Panorama Village	\$1.292
Comal County	\$396.142	Pantego	\$12.898
Comanche	\$16.503	Paradise	\$52
Comanche County	\$50.964	Paris	\$201.180
Combes	\$1.710	Parker	\$10.307
Combine	\$1.892	Parker County	\$176.254
Commerce	\$33.869	Parmer County	\$15.866
Como	\$415	Pasadena	\$356.536

Concho County	\$3.859	Pattison	\$1.148
Conroe	\$166.671	Patton Village	\$9.268
Converse	\$27.693	Payne Springs	\$1.770
Cooke County	\$200.451	Pearland	\$333.752
Cool	\$731	Pearsall	\$11.570
Coolidge	\$213	Pecan Gap	\$719
Cooper	\$362	Pecan Hill	\$229
Coppell	\$86.593	Pecos	\$7.622
Copper Canyon	\$489	Pecos County	\$46.997
Copperas Cove	\$133.492	Pelican Bay	\$1.199
Corinth	\$75.298	Penelope	\$115
Corpus Christi	\$1,812.707	Penitas	\$312
Corral City	\$143	Perryton	\$23.364
Corrigan	\$21.318	Petersburg	\$1.691
Corsicana	\$87.310	Petrolia	\$17
Coryell County	\$123.659	Petronila	\$5
Cottle County	\$875	Pflugerville	\$86.408
Cottonwood	\$289	Pharr	\$111.721
Cottonwood Shores	\$1.203	Pilot Point	\$11.613
Cotulla	\$1.251	Pine Forest	\$3.894
Coupland	\$266	Pine Island	\$3.111
Cove	\$387	Pinehurst	\$32.671
Covington	\$519	Pineland	\$1.138
Coyote Flats	\$1.472	Piney Point Village	\$15.738
Crandall	\$12.091	Pittsburg	\$20.526
Crane	\$10.599	Plains	\$129
Crane County	\$26.146	Plainview	\$60.298
Cranfills Gap	\$128	Plano	\$1,151.608
Crawford	\$383	Pleak	\$270
Creedmoor	\$16	Pleasant Valley	\$308
Cresson	\$1.086	Pleasanton	\$29.011
Crockett	\$23.403	Plum Grove	\$258
Crockett County	\$18.210	Point	\$1.519
Crosby County	\$18.388	Point Blank	\$355
Crosbyton	\$1.498	Point Comfort	\$417
Cross Plains	\$1.877	Point Venture	\$588
Cross Roads	\$214	Polk County	\$370.831
Cross Timber	\$542	Ponder	\$1.282
Crowell	\$6.335	Port Aransas	\$31.022
Crowley	\$22.345	Port Arthur	\$367.945

Crystal City	\$19.412	Port Isabel	\$9.802
Cuero	\$24.689	Port Lavaca	\$11.752
Culberson County	\$789	Port Neches	\$38.849
Cumby	\$5.320	Portland	\$76.517
Cumey	\$606	Post	\$2.332
Cushing	\$1.120	Post Oak Bend City	\$1.031
Cut and Shoot	\$2.141	Poteet	\$6.767
DISH	\$19	Poth	\$3.971
Daingerfield	\$12.476	Potter County	\$371.701
Daisetta	\$5.370	Pottsboro	\$12.302
Dalhart	\$11.609	Powell	\$110
Dallam County	\$21.686	Poynor	\$1.180
Dallas County	\$8,538,291	Prairie View	\$7.600
Dallas	\$2,999,902	Premont	\$3.321
Dalworthington Gardens	\$6.060	Presidio	\$118
Danbury	\$1,231	Presidio County	\$787
Darrrouzett	\$101	Primera	\$2.958
Dawson	\$600	Princeton	\$19,215
Dawson County	\$46,911	Progreso	\$8,072
Dayton	\$47,122	Progreso Lakes	\$39
Dayton Lakes	\$38	Prosper	\$22,770
De Kalb	\$1,035	Providence Village	\$508
De Leon	\$8,218	Putnam	\$11
De Witt County	\$68,895	Pvote	\$22
DeCordova	\$13,778	Quanah	\$207
DeSoto	\$72,400	Queen City	\$1,837
Deaf Smith County	\$31,532	Quinlan	\$7,301
Dean	\$111	Quintana	\$492
Decatur	\$56,669	Quitaque	\$8
Deer Park	\$49,388	Quitman	\$15,619
Del Rio	\$59,056	Rains County	\$53,190
Dell City	\$15	Ralls	\$3,967
Delta County	\$30,584	Rancho Viejo	\$3,836
Denison	\$210,126	Randall County	\$278,126
Denton	\$458,334	Ranger	\$12,186
Denton County	\$1,132,298	Rankin	\$1,613
Denver City	\$2,101	Ransom Canyon	\$930
Deport	\$42	Ravenna	\$685
Detroit	\$965	Raymondville	\$7,466
Devers	\$191	Reagan County	\$25,215

Devine	\$1.354	Real County	\$5.073
Diboll	\$25.533	Red Lick	\$23
Dickens	\$71	Red Oak	\$26.813
Dickens County	\$1.573	Red River County	\$29.306
Dickinson	\$83.683	Redwater	\$1.058
Dilley	\$2.633	Reeves County	\$103.350
Dimmit County	\$33.291	Refugio	\$8.839
Dimmitt	\$1.012	Refugio County	\$16.216
Dodd City	\$1.211	Reklaw	\$1.136
Dodson	\$117	Reno	\$3.791
Domino	\$196	Reno	\$11.161
Donley County	\$22.370	Retreat	\$52
Donna	\$13.798	Rhame	\$12.285
Dorchester	\$231	Rice	\$1.972
Double Oak	\$1.765	Richardson	\$260.315
Douglasville	\$574	Richland	\$210
Dripping Springs	\$811	Richland Hills	\$21.138
Driscoll	\$39	Richland Springs	\$2.231
Dublin	\$11.178	Richmond	\$77.606
Dumas	\$26.229	Richwood	\$12.112
Duncanville	\$58.328	Riesel	\$1.118
Duval County	\$19.109	Rio Bravo	\$8.518
Eagle Lake	\$1.882	Rio Grande City	\$25.917
Eagle Pass	\$56.005	Rio Hondo	\$3.550
Early	\$14.838	Rio Vista	\$1.119
Earth	\$212	Rising Star	\$1.933
East Bernard	\$5.551	River Oaks	\$11.917
East Mountain	\$2.491	Riverside	\$858
East Tawakoni	\$2.723	Roanoke	\$275
Eastland	\$15.896	Roaring Springs	\$161
Eastland County	\$52.275	Robert Lee	\$85
Easton	\$329	Roberts County	\$517
Ector	\$1.108	Robertson County	\$11.612
Ector County	\$180.000	Robinson	\$18.002
Edeouch	\$1.101	Robstown	\$10.151
Eden	\$197	Roby	\$128
Edgecliff Village	\$2.232	Rochester	\$671
Edgewood	\$13.151	Rockdale	\$20.973
Edinburg	\$120.881	Rockport	\$54.253
Edmonson	\$136	Rocksprings	\$25

Edna	\$18,194	Rockwall	\$114,308
Edom	\$2,149	Rockwall County	\$168,820
Edwards County	\$975	Rocky Mound	\$280
El Campo	\$31,700	Rogers	\$3,818
El Cenizo	\$621	Rollingwood	\$4,751
El Lago	\$5,601	Roma	\$16,629
El Paso	\$1,221,371	Roman Forest	\$8,610
El Paso County	\$2,592,121	Ropesville	\$2,122
Eldorado	\$50	Roscoe	\$778
Electra	\$15,716	Rose City	\$1,012
Elgin	\$26,281	Rose Hill Acres	\$2,311
Elkhart	\$301	Rosebud	\$1,489
Ellis County	\$315,372	Rosenberg	\$126,593
Elmendorf	\$716	Ross	\$117
Elsa	\$7,720	Rosser	\$519
Emhouse	\$83	Rotan	\$1,493
Emory	\$3,878	Round Mountain	\$151
Enchanted Oaks	\$1,299	Round Rock	\$175,992
Encinal	\$1,515	Round Top	\$140
Emis	\$81,839	Rowlett	\$99,963
Erath County	\$102,616	Roxton	\$17
Escobares	\$40	Royse City	\$23,491
Estelline	\$909	Rule	\$800
Eules	\$92,824	Runaway Bay	\$6,931
Eureka	\$331	Runge	\$255
Eustace	\$2,089	Runnels County	\$33,831
Evant	\$2,068	Rusk	\$17,991
Everman	\$7,692	Rusk County	\$151,390
Fair Oaks Ranch	\$8,077	Sabinal	\$1,811
Fairchilds	\$81	Sabine County	\$46,179
Fairfield	\$1,245	Sachse	\$23,400
Fairview	\$32,245	Sadler	\$925
Falfurrias	\$2,221	Saginaw	\$31,973
Falls City	\$11	Salado	\$3,210
Falls County	\$34,522	San Angelo	\$536,509
Fannin County	\$131,653	San Antonio	\$1,365,416
Farmers Branch	\$94,532	San Augustine	\$25,182
Farmersville	\$10,532	San Augustine County	\$37,854
Farwell	\$343	San Benito	\$40,015
Fate	\$3,473	San Diego	\$11,771

Fayette County	\$92,440	San Elizario	\$7,831
Fayetteville	\$391	San Felipe	\$1,498
Ferris	\$13,873	San Jacinto County	\$197,398
Fisher County	\$5,518	San Juan	\$28,815
Flatonia	\$5,661	San Leanna	\$36
Florence	\$3,919	San Marcos	\$325,688
Floresville	\$21,699	San Patricio	\$1,213
Flower Mound	\$215,256	San Patricio County	\$271,916
Floyd County	\$9,019	San Perlita	\$2,219
Floydada	\$6,357	San Saba	\$10,057
Foard County	\$5,761	San Saba County	\$17,562
Follett	\$212	Sanctuary	\$17
Forest Hill	\$26,132	Sandy Oaks	\$9,863
Forney	\$80,112	Sandy Point	\$1,637
Forsan	\$576	Sanford	\$308
Fort Bend County	\$1,506,719	Sanger	\$22,237
Fort Stockton	\$1,111	Sansom Park	\$223
Fort Worth	\$2,120,790	Santa Anna	\$329
Franklin	\$3,931	Santa Clara	\$87
Franklin County	\$25,783	Santa Fe	\$33,272
Frankston	\$271	Santa Rosa	\$2,138
Fredericksburg	\$56,186	Savoy	\$2,319
Freeport	\$72,973	Schertz	\$60,110
Freer	\$3,271	Schleicher County	\$5,695
Freestone County	\$50,195	Schulenburg	\$2,560
Friendswood	\$140,330	Scotland	\$118
Frio County	\$19,951	Scottsville	\$708
Friona	\$2,818	Scurry	\$1,110
Frisco	\$105,309	Scurry County	\$73,116
Fritch	\$1,518	Seabrook	\$30,270
Frost	\$321	Seadrift	\$991
Fruitvale	\$2,311	Seagoville	\$17,106
Fulshear	\$5,272	Seagraves	\$7,531
Fulton	\$1,602	Sealy	\$20,637
Gaines County	\$51,317	Seguin	\$376,538
Gainesville	\$153,980	Selma	\$22,429
Galena Park	\$13,093	Seminole	\$16,092
Gallatin	\$1,253	Seven Oaks	\$3,917
Galveston	\$188,187	Seven Points	\$7,452
Galveston County	\$1,121,093	Seymour	\$11,218

Ganado	\$5,510	Shackelford County	\$1,288
Garden Ridge	\$11,351	Shady Shores	\$594
Garland	\$120,244	Shallowater	\$1,907
Garrett	\$2,510	Shamrock	\$1,328
Garrison	\$3,555	Shavano Park	\$3,178
Gary City	\$450	Shelby County	\$109,925
Garza County	\$8,944	Shenandoah	\$17,122
Gatesville	\$26,994	Shepherd	\$117
George West	\$6,207	Sherman	\$330,585
Georgetown	\$225,896	Sherman County	\$7,930
Gholson	\$1,505	Shiner	\$4,042
Giddings	\$12,674	Shoreacres	\$958
Gillespie County	\$63,191	Silsbee	\$66,442
Gilmer	\$33,951	Silverton	\$14
Gladewater	\$24,638	Simonton	\$1,906
Glasscock County	\$1,000	Sinton	\$23,658
Glen Rose	\$540	Skellytown	\$400
Glenn Heights	\$16,593	Slaton	\$154
Godley	\$3,115	Smiley	\$655
Goldsmith	\$677	Smith County	\$758,961
Goldthwaite	\$1,225	Smithville	\$17,009
Goliad	\$3,563	Smyer	\$300
Goliad County	\$34,660	Snook	\$1,422
Golinda	\$100	Snyder	\$9,018
Gonzales	\$14,882	Socorro	\$11,125
Gonzales County	\$33,230	Somerset	\$1,527
Goodlow	\$221	Somervell County	\$57,076
Goodrich	\$9,643	Somerville	\$3,806
Gordon	\$365	Sonora	\$7,337
Goree	\$749	Sour Lake	\$17,856
Gorman	\$3,107	South Houston	\$25,620
Graford	\$23	South Mountain	\$154
Graham	\$235,128	South Padre Island	\$30,629
Granbury	\$71,735	Southlake	\$70,846
Grand Prairie	\$145,439	Southmayd	\$7,096
Grand Saline	\$36,413	Southside Place	\$885
Grandfalls	\$65	Spearman	\$14,000
Grandview	\$6,600	Splendora	\$7,756
Granger	\$2,744	Spofford	\$7
Granite Shoals	\$11,834	Spring Valley Village	\$16,404

Graujeno	\$43	Springlake	\$3
Grapeland	\$7,287	Springtown	\$11,211
Grapevine	\$129,195	Spur	\$427
Gray County	\$65,881	St. Hedwig	\$111
Grays Prairie	\$17	St. Jo	\$7,360
Grayson County	\$539,083	St. Paul	\$21
Greenville	\$203,112	Stafford	\$75,115
Gregg County	\$213,711	Stagecoach	\$3,036
Gregory	\$1,697	Stamford	\$398
Grey Forest	\$171	Stanton	\$3,838
Grimes County	\$91,878	Staples	\$19
Groesbeck	\$5,745	Star Harbor	\$151
Groom	\$965	Starr County	\$99,896
Groves	\$10,752	Stephens County	\$35,211
Groveton	\$8,827	Stephenville	\$83,172
Gruver	\$1,166	Sterling City	\$62
Guadalupe County	\$116,821	Sterling County	\$939
Gun Barrel City	\$36,302	Stinnett	\$1,097
Gunter	\$1,609	Stockdale	\$711
Gustine	\$31	Stonewall County	\$1,822
Hackberry	\$91	Stratford	\$8,378
Hale Center	\$6,012	Strawn	\$987
Hale County	\$79,150	Streetman	\$5
Hall County	\$8,933	Sudan	\$32
Hallettsville	\$6,895	Sugar Land	\$321,561
Hallsburg	\$272	Sullivan City	\$6,121
Hallsville	\$10,239	Sulphur Springs	\$121,603
Haltom City	\$71,800	Sun Valley	\$1
Hamilton	\$3,581	Sundown	\$2,592
Hamilton County	\$66,357	Sunnyvale	\$3,218
Hamlin	\$1,656	Sunray	\$2,571
Hansford County	\$16,116	Sunrise Beach Village	\$2,083
Happy	\$327	Sunset Valley	\$9,125
Hardeman County	\$15,219	Surfside Beach	\$6,530
Hardin	\$100	Sutton County	\$6,511
Hardin County	\$379,800	Sweeny	\$1,503
Harker Heights	\$113,681	Sweetwater	\$68,218
Harlingen	\$165,129	Swisher County	\$7,251
Harris County	\$11,966,202	Taft	\$5,861
Harrison County	\$185,910	Tahoka	\$130

Hart	\$86	Talco	\$372
Hartley County	\$786	Talty	\$9,124
Haskell	\$10,829	Tarrant County	\$6,171,159
Haskell County	\$22,011	Tatum	\$972
Haslet	\$1,908	Taylor	\$57,915
Hawk Cove	\$674	Taylor County	\$351,078
Hawkins	\$7,932	Taylor Lake Village	\$112
Hawley	\$931	Taylor Landing	\$153
Hays	\$506	Teague	\$1,714
Hays County	\$529,189	Tehuacana	\$12
Hearne	\$16,821	Temple	\$280,717
Heath	\$28,751	Tenaha	\$1,718
Hebron	\$687	Terrell	\$118,706
Hedley	\$70	Terrell County	\$5,737
Hedwig Village	\$13,067	Terrell Hills	\$9,858
Helotes	\$15,790	Terry County	\$25,123
Hemphill	\$8,035	Texarkana	\$192,094
Hemphill County	\$11,391	Texas City	\$298,702
Hempstead	\$21,240	Texhoma	\$156
Henderson	\$59,966	Texline	\$865
Henderson County	\$327,965	The Colony	\$114,297
Henrietta	\$2,720	The Hills	\$1,001
Hereford	\$20,123	Thompsons	\$1,897
Hewitt	\$19,776	Thorndale	\$1,595
Hickory Creek	\$16,510	Thornton	\$270
Hico	\$5,534	Thorntonville	\$87
Hidalgo	\$26,621	Thrall	\$825
Hidalgo County	\$1,253,103	Three Rivers	\$1,669
Hideaway	\$922	Throckmorton	\$29
Higgins	\$43	Throckmorton County	\$5,695
Highland Haven	\$320	Tiki Island	\$2,178
Highland Park	\$13,383	Timbercreek Canyon	\$369
Highland Village	\$50,315	Timpson	\$12,612
Hill Country Village	\$6,485	Tioga	\$2,390
Hill County	\$127,177	Tira	\$185
Hillcrest	\$5,345	Titus County	\$70,611
Hillsboro	\$46,609	Toro	\$1
Hilshire Village	\$859	Todd Mission	\$1,680
Hitchcock	\$28,796	Tolar	\$2,369
Hockley County	\$46,407	Tom Bean	\$2,293

Holiday Lakes	\$1,795	Tom Green County	\$282,427
Holland	\$77	Tomball	\$34,620
Holliday	\$5,910	Tool	\$14,787
Hollywood Park	\$9,424	Toyah	\$40
Hondo	\$115,288	Travis County	\$1,703,173
Honey Grove	\$7,196	Trent	\$63
Hood County	\$292,105	Trenton	\$3,089
Hooks	\$2,702	Trinidad	\$5,859
Hopkins County	\$149,518	Trinity	\$23,652
Horizon City	\$7,520	Trinity County	\$105,766
Horseshoe Bay	\$18,173	Trophy Club	\$29,370
Houston County	\$78,648	Troup	\$7,918
Houston	\$7,021,793	Troy	\$5,320
Howard County	\$89,330	Tulia	\$8,911
Howardwick	\$81	Turkey	\$737
Howe	\$9,177	Tuscola	\$138
Hubbard	\$3,635	Tye	\$1,766
Hudson	\$6,840	Tyler	\$723,829
Hudson Oaks	\$15,637	Tyler County	\$131,743
Hudspeth County	\$955	Uhlard	\$1,545
Hughes Springs	\$1,412	Uncertain	\$185
Humble	\$73,952	Union Grove	\$991
Hunt County	\$309,851	Union Valley	\$666
Hunters Creek Village	\$14,708	Universal City	\$28,428
Huntington	\$8,792	University Park	\$50,833
Huntsville	\$80,373	Upshur County	\$128,300
Hurst	\$99,187	Upton County	\$8,499
Hutchins	\$9,551	Uvalde	\$18,439
Hutchinson County	\$71,630	Uvalde County	\$36,241
Hutto	\$38,316	Val Verde County	\$117,815
Huxley	\$738	Valentine	\$207
Idalou	\$1,999	Valley Mills	\$2,228
Impact	\$8	Valley View	\$1,824
Indian Lake	\$173	Van	\$6,206
Industry	\$601	Van Alstyne	\$43,719
Ingleside on the Bay	\$142	Van Horn	\$211
Ingleside	\$40,457	Van Zandt County	\$248,747
Ingram	\$5,243	Vega	\$974
Iola	\$3,164	Venus	\$9,792
Iowa Colony	\$1,090	Vernon	\$81,337

Iowa Park	\$23.457	Victoria	\$84.598
Iraan	\$56	Victoria County	\$520.886
Iredell	\$216	Vidor	\$95.620
Irion County	\$9.105	Vinton	\$622
Irving	\$127.818	Volente	\$333
Italy	\$5.319	Von Ormy	\$513
Itasca	\$8.691	Waco	\$512.007
Ivanhoe	\$26	Waelder	\$3.127
Jacinto City	\$11.111	Wake Village	\$174
Jack County	\$11.799	Walker County	\$181.621
Jacksboro	\$23.251	Waller County	\$126.206
Jackson County	\$37.981	Waller	\$11.295
Jacksonville	\$80.179	Wallis	\$2.698
Jamaica Beach	\$1.913	Walnut Springs	\$183
Jarrell	\$2.123	Ward County	\$67.920
Jasper	\$78.122	Warren City	\$66
Jasper County	\$218.855	Washington County	\$83.727
Jayton	\$63	Waskom	\$5.316
Jeff Davis County	\$8.500	Watauga	\$33.216
Jefferson	\$11.191	Waxahachie	\$152.091
Jefferson County	\$756.614	Weatherford	\$207.872
Jersey Village	\$36.317	Webb County	\$505.301
Jewett	\$9.338	Webberville	\$1.280
Jim Hogg County	\$12.718	Webster	\$53.202
Jim Wells County	\$166.539	Weimar	\$5.830
Joaquin	\$810	Weinert	\$231
Johnson City	\$3.581	Wetr	\$113
Johnson County	\$105.692	Wellington	\$9.111
Jolly	\$26	Wellman	\$383
Jones County	\$22.001	Wells	\$1.357
Jones Creek	\$5.078	Weslaco	\$73.919
Jonestown	\$6.119	West	\$3.522
Josephine	\$881	West Columbia	\$17.958
Joshua	\$20.619	West Lake Hills	\$17.056
Jourdanton	\$9.600	West Orange	\$12.152
Junction	\$1.825	West Tawakoni	\$6.995
Justin	\$8.575	West University Place	\$31.672
Karnes City	\$11.632	Westbrook	\$13
Karnes County	\$35.219	Westlake	\$11.510
Katy	\$52.167	Weston	\$266

Kaufman	\$27.607	Weston Lakes	\$189
Kaufman County	\$353.017	Westover Hills	\$1,509
Keene	\$38.296	Westworth Village	\$7,842
Keller	\$79.189	Wharton	\$31,700
Kenah	\$28.325	Wharton County	\$72,887
Kemp	\$6,419	Wheeler	\$417
Kempner	\$330	Wheeler County	\$26,273
Kendall County	\$100,643	White Deer	\$1,273
Kendleton	\$13	White Oak	\$15,305
Kenedy	\$676	White Settlement	\$23,301
Kenedy County	\$1,000	Whiteface	\$155
Kenefick	\$116	Whitehouse	\$29,017
Kenard	\$132	Whitesboro	\$18,932
Kennedale	\$21,024	Whitewright	\$7,098
Kent County	\$939	Whitney	\$73
Kerens	\$1,921	Wichita County	\$552,371
Kermit	\$5,652	Wichita Falls	\$832,574
Kerr County	\$218,452	Wickett	\$87
Kerrville	\$190,357	Willbarger County	\$55,424
Kilgore	\$105,583	Willacy County	\$21,581
Killeen	\$535,650	Williamson County	\$1,195,987
Kimble County	\$20,480	Willis	\$21,381
King County	\$1,000	Willow Park	\$26,737
Kingsville	\$20,083	Wills Point	\$43,765
Kimney County	\$2,142	Wilmer	\$426
Kirby	\$8,752	Wilson	\$12
Kirbyville	\$10,690	Wilson County	\$121,034
Kirvin	\$2	Wimberley	\$724
Kleberg County	\$124,109	Winderest	\$12,908
Knollwood	\$1,160	Windom	\$1,087
Knox City	\$1,962	Windthorst	\$3,385
Knox County	\$11,730	Winfield	\$290
Kosse	\$2,468	Wink	\$120
Kountze	\$19,716	Winkler County	\$61,163
Kress	\$186	Winnboro	\$28,791
Krugerville	\$1,508	Winona	\$319
Krum	\$9,661	Winters	\$6,229
Kurten	\$686	Wise County	\$289,074
Kyle	\$51,835	Wixon Valley	\$441
La Feria	\$10,381	Wolfe City	\$5,466

La Grange	\$9.623	Wolfforth	\$4.022
La Grulla	\$1.708	Wood County	\$267.018
La Jova	\$8.457	Woodbranch	\$9.617
La Marque	\$98.930	Woodcreek	\$358
La Porte	\$91.532	Woodloch	\$1.012
La Salle County	\$14.975	Woodshoro	\$1.130
La Vernia	\$3.217	Woodson	\$122
La Villa	\$572	Woodville	\$20.310
La Ward	\$321	Woodway	\$25.713
LaCoste	\$159	Wortham	\$376
Lacy-Lakeview	\$11.599	Wylie	\$114.708
Ladonia	\$2.011	Yantis	\$2.072
Lago Vista	\$13.768	Yoakum County	\$31.921
Laguna Vista	\$3.689	Yoakum	\$20.210
Lake Bridgeport	\$232	Yorktown	\$5.417
Lake City	\$2.918	Young County	\$41.120
Lake Dallas	\$25.314	Zapata County	\$56.180
Lake Jackson	\$75.781	Zavala County	\$38.117
Lake Tanglewood	\$613	Zavalla	\$1.088
Lake Worth	\$20.051		

EXHIBIT C

Exhibit C: TX Opioid Council & Health Care Region Allocations plus Administrative Costs
70% of Total (\$700 million)

Health Care Region Allocation*: \$693 million; Administrative Costs: \$7 million		
Region	Counties in Health Care Region	Allocation
1	Anderson, Bowie, Camp, Cass, Cherokee, Delta, Fannin, Franklin, Freestone, Gregg, Harrison, Henderson, Hopkins, Houston, Hunt, Lamar, Marion, Morris, Panola, Rains, Red, River, Rusk, Smith, Titus, Trinity, Upshur, Van, Zandt, Wood	\$38,223,336
2	Angelina, Brazoria, Galveston, Hardin, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Tyler	\$51,149,215
3	Austin, Calhoun, Chambers, Colorado, Fort Bend, Harris, Matagorda, Waller, Wharton	\$120,965,680
4	Aransas, Bee, Brooks, De Witt, Duval, Goliad, Gonzales, Jackson, Jim Wells, Karnes, Kenedy, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio, Victoria	\$27,017,477
5	Cameron, Hidalgo, Starr, Willacy	\$17,619,875
6	Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gillespie, Guadalupe, Kendall, Kerr, Kimrey, La Salle, McMullen, Medina, Real, Uvalde, Val Verde, Wilson, Zavala	\$68,228,017
7	Bastrop, Caldwell, Fayette, Hays, Lee, Travis	\$50,489,691
8	Bell, Blanco, Burnet, Lampasas, Llano, Milam, Mills, San Saba, Williamson	\$21,220,521
9	Dallas, Kaufman	\$66,492,091
10	Ellis, Erath, Hood, Johnson, Navarro, Parker, Somervell, Tarrant, Wise	\$65,538,414
11	Brown, Callahan, Comanche, Eastland, Fisher, Haskell, Jones, Knox, Mitchell, Nolan, Palo Pinto, Shackelford, Stephens, Stonewall, Taylor	\$9,509,818
12	Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Floyd, Gaines, Garza, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Kent, King, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Sherman, Swisher, Terry, Wheeler, Yoakum	\$23,498,027
13	Coke, Coleman, Concho, Crockett, Irion, Kimble, Mason, McCulloch, Menard, Pecos, Reagan, Runnels, Schleicher, Sterling, Sutton, Terrell, Tom Green	\$5,195,605
14	Andrews, Brewster, Crane, Culberson, Ector, Glasscock, Howard, Jeff Davis, Loving, Martin, Midland, Presidio, Reeves, Upton, Ward, Winkler	\$12,121,351
15	El Paso, Hudspeth	\$17,991,285
16	Bosque, Coryell, Falls, Hamilton, Hill, Limestone, McLennan	\$9,452,018
17	Brazos, Burleson, Grimes, Leon, Madison, Montgomery, Robertson, Walker, Washington	\$23,042,947
18	Collin, Denton, Grayson, Rockwall	\$39,787,684
19	Archer, Baylor, Clay, Cooke, Foard, Hardeman, Jack, Montague, Throckmorton, Wichita, Wilbarger, Young	\$12,665,268
20	Jim Hogg, Maverick, Webb, Zapata	\$6,755,656
	Administrative Costs	\$7,000,000

* Each Region shall reserve 25% of its allocation for Targeted Funds under the guidelines of Exhibit A.

EXHIBIT K

Settlement Participation Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("Janssen Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of

Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.

9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Settlement Participation Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“*Distributor Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Distributor Settlement.

7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 763-C, a request of Frank Hayward for Austin M. Carrizales, Tory Brueggeman, Anthony and Rebecca Guajardo, Glaytus Lee Rumsey, Daniel and Sherri Henley, and John and Mary Jan Beakley, for a zone change from Single-Family District (R-1) to Commercial - Apartment District (CA) at 5201, 5202, 5203, 5204 70th Street and 7004 Slide Road, located west of Slide Road and south of 69th Street, Ranch Acres Addition, Lots 1, 2, 16, and the east 116.12 feet of Lot 15, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 763-C Staff Report
Zone Case 763-C Documentation

Staff Report	Zone Case 763-C
City Council Meeting	November 1, 2021

Applicant Frank Hayward

Property Owner Austin M. Carrizales, Tory Brueggeman, Anthony and Rebecca Guajardo, Glaytus Lee Rumsey, Daniel and Sherri Henley, and John and Mary Jan Beakley,

Council District 5

Recommendations

- Staff recommends Approval.

Prior Board or Council Action

- September 11, 1958: This property was annexed through Ordinance No. 2535.
- April 23, 1959: This property was zoned Single-Family district (R-1) through Ordinance No. 2760.

Notification Summary

- Notifications Sent: 33
- Received In Favor: 3
- Received In Opposition: 8

Site Conditions and History

The home at 5203 70th was built in 1963, the homes at 5201 and 5204 70th were built in 1967, the home at 5202 70th was built in 1970, and the home at 7004 Slide was built in 1985.

Adjacent Property Development

The properties to the west, south, and east are developed with homes and zoned R-1. To the north and north-east are commercial properties zoned General Retail District (C-3) and Commercial District (C-4).

Zoning Request and Analysis

Item Summary

The subject properties are located at 5201, 5202, 5203, 5204 70th Street and 7004 Slide Road, located west of Slide Road and south of 69th Street, Ranch Acres Addition, Lots 1, 2, 16, and the east 116.12 feet of Lot 15. The applicant is requesting a zone change from R-1 to Commercial-Apartment District (CA).

Current zoning: Single Family District (R-1)

Requested zoning: Commercial-Apartment District (CA)

Intent Statements

The intent of the current R-1 zoning is "...to promote orderly and proper development of single-family residential units; to protect established and future single-family residential developments from inharmonious and harmful land uses; and to provide a "quality environment" for the residents of the district and city."

The intent of the proposed CA zoning is, "...to allow residential-commercial buildings to develop within or adjacent to commercial districts. Commercial uses should be compatible with residential uses. When proposed development is adjacent to any residentially zoned property, the proposed development shall be designed to provide for maximum compatibility with the adjacent development."

Traffic Network/Infrastructure Impacts

The location is along Slide Road, which is designated as a Principal Arterial by the Master Thoroughfare Plan, 2018. Principal Arterial streets are continuous routes whose function is to serve high volumes of local and regional traffic. Speeds are relatively high on arterial streets and handle high volumes of traffic.

Compatibility with Surrounding Property

The proposed zone change is compatible with the surrounding area and will not change the character of the existing development.

Conformance with Comprehensive Plan Principles and Future Land Use Map

The Future Land Use map designates this area for "Low-Density Residential" land uses. While the CA district does not conform to the Future Land Use map designation, it is compatible with both the adjacent residential area as well as the nearby commercial properties to the north and north-east and the location being along Slide Road. CA zoning in this location does abide by the Comprehensive Plan's description of balanced land uses as it provides "strong opportunities for new urbanist/mixed-use development areas" (Pg. 47).

Conformance with Zoning Ordinance

The CA district is intended to have mixed residential-commercial buildings and commercial uses are intended to be compatible with residential uses. Commercial uses are not to exceed 40 percent of the gross floor area within the development. Additionally, a solid 6 foot screening fence would be required as well as a rear setback requirement of one foot per one foot of total height. Lastly, the permitted uses in the CA district are of reasonably low intensity such as: antique shops, arts and crafts stores, restaurants, gift shops, florist shops and other boutique shops. The combination of these low intensity commercial uses, protections from over-commercialization and setback requirements makes the location of this proposed zoning ordinance appropriate next to the existing commercial and residential uses and is in conformance with the zoning ordinance.

Suitability of Property for Allowed Uses

The property is suitable for the proposed uses with Slide Road being able to adequately serve the traffic associated with CA uses.

Attachments

- A. Case Information
- B. Thoroughfare Plan Map
- C. Notification Map
- D. Aerial Map
- E. Zoning Map
- F. Future Land Use Map
- G. Photos
- H. Application and supporting documentation
- I. Notification Replies

Staff Contacts

Shane Spencer
Planner
Planning Department
806-775-2103
sspencer@mylubbock.us

Kristen Sager
Planning and Zoning Manager
Planning Department
806-775-2109
ksager@mylubbock.us

Allowable Uses: [Commercial Apartment District \(CA\)](#)

Transportation: The proposed development has points of access from Slide Road.

Thoroughfare	Existing	Per Thoroughfare Development Plan
Slide Road <i>Principal Arterial, Completed</i>	R.O.W. 110 feet, 7-lane, undivided, paved	R.O.W. 110 feet, 7-lane, undivided, paved

Engineering Comments: No comments.

Public Works Comments: No comments.

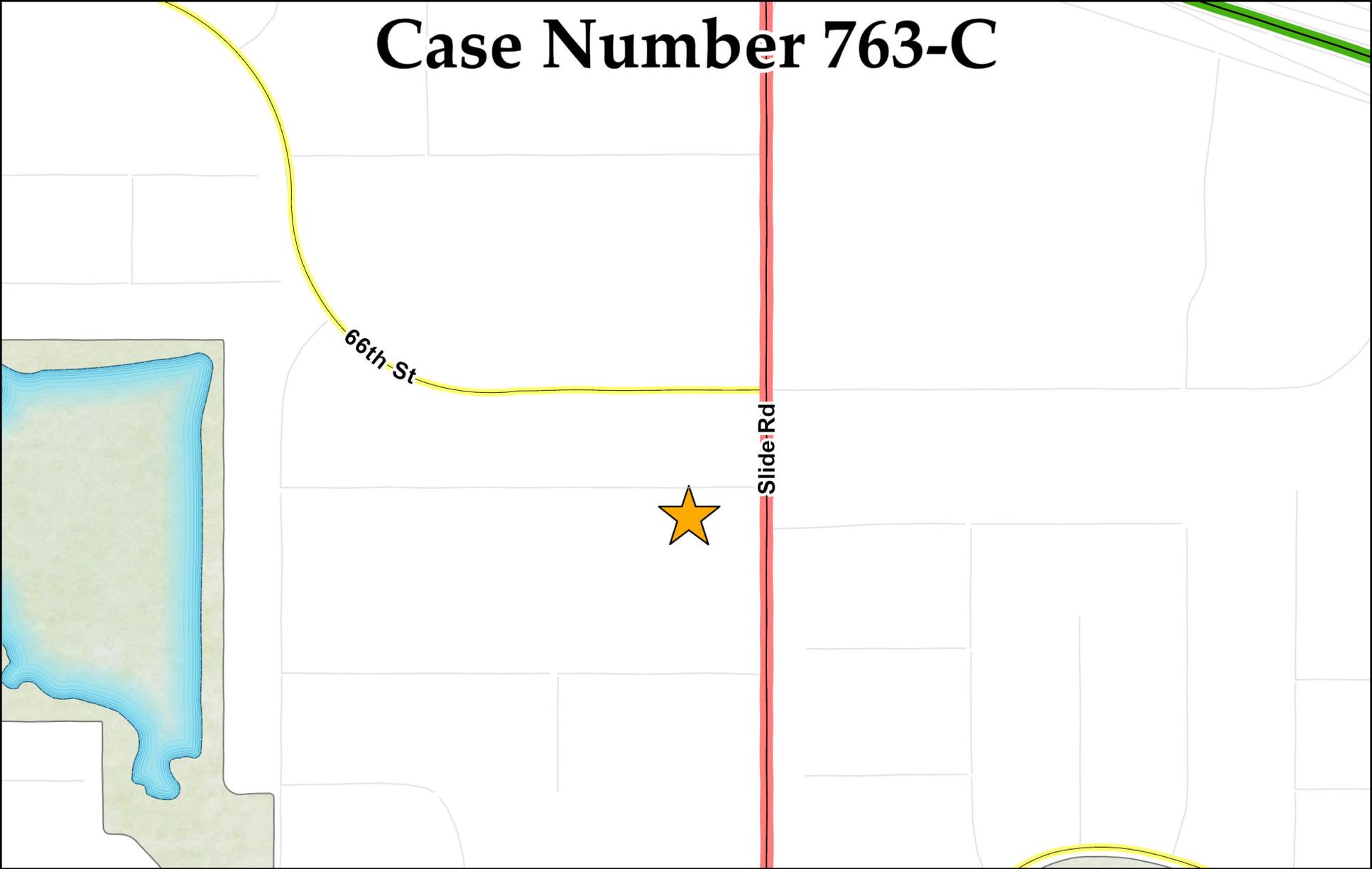
Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Draft Planning and Zoning Commission Minutes

N/A

Case Number 763-C



Collector	Minor Arterial	Modified Arterial	Principal Arterial	Freeway
Completed	Completed	Partial	Completed	Completed
Partial	Partial	Future	Partial	Partial
Future	Future		Future	Proposed Outer Loop

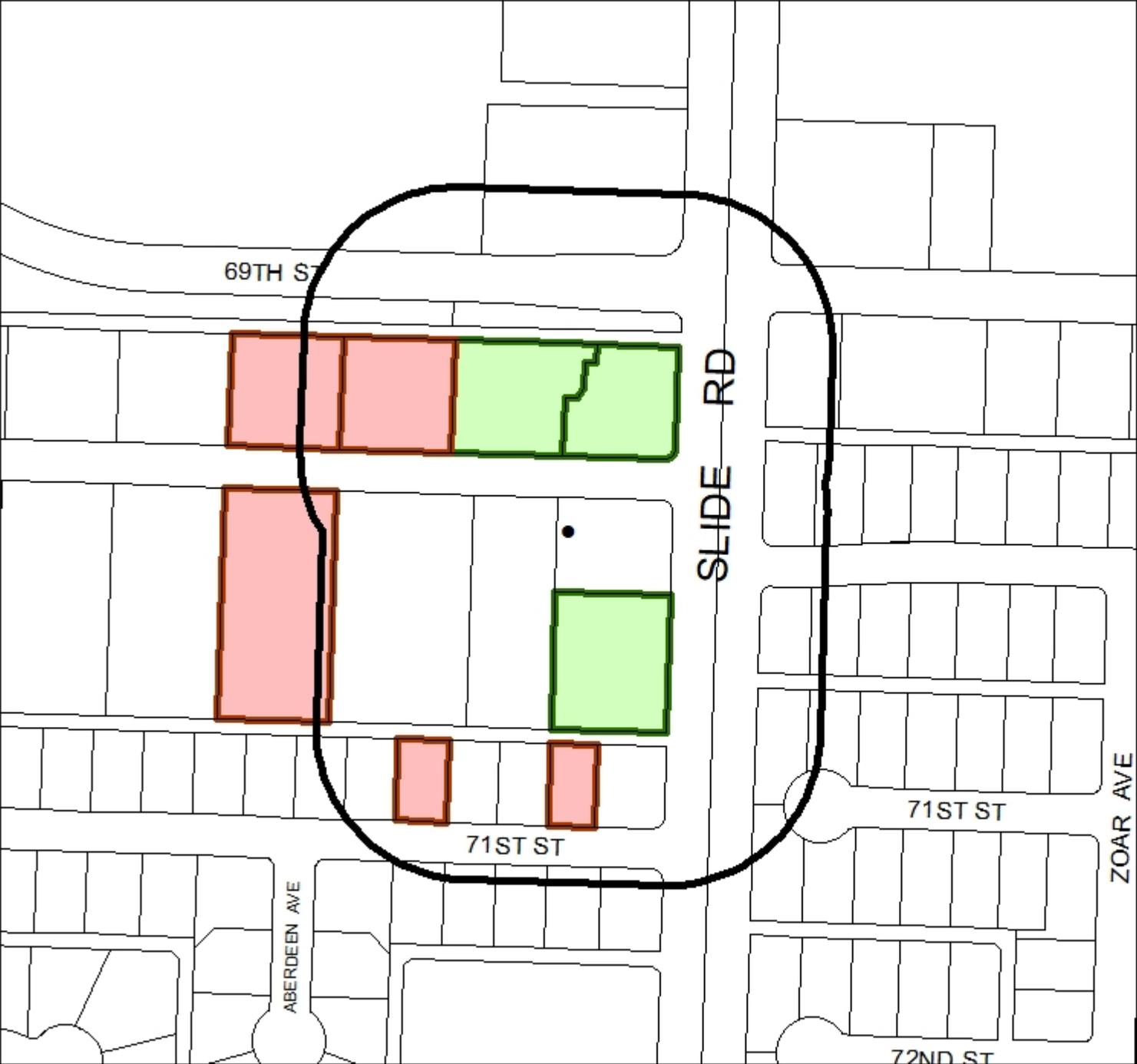


PZC Mailout Notifications Received



Legend

- LocatorPnt763_C
- ◻ MailoutBuffer763_C
- Notification Result**
 - ◻ In Favor
 - ◻ Opposed



0 120 240 480 Feet

Created by Planning Department
Date: 10/8/2021

Case Number 763-C



69TH ST

70TH ST

71ST ST

72ND ST

SLIDE RD

ZOAR AV

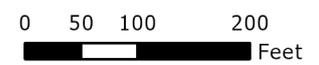
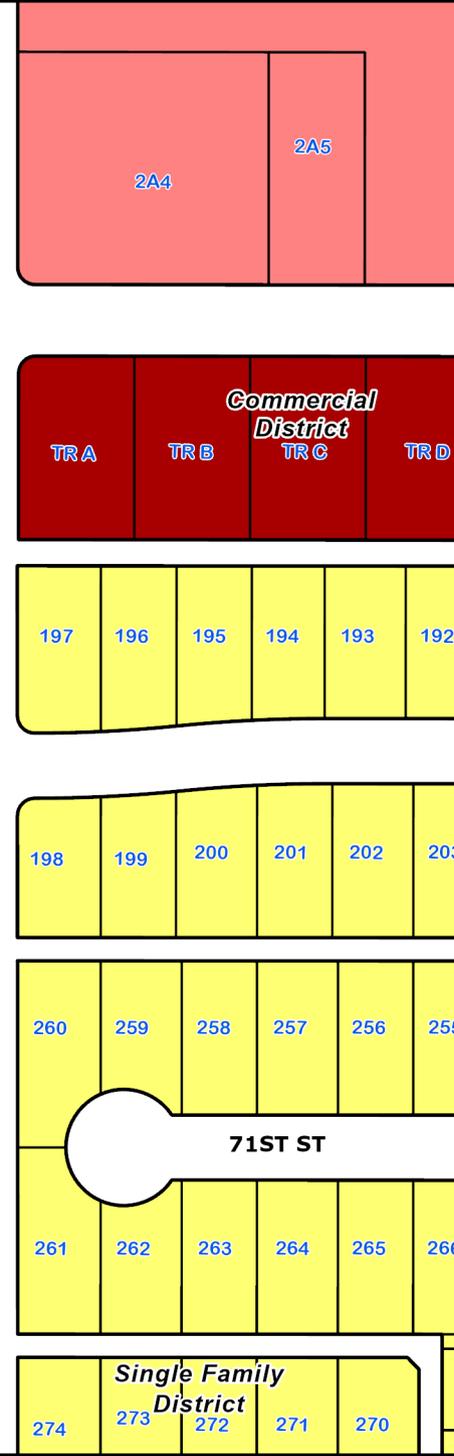
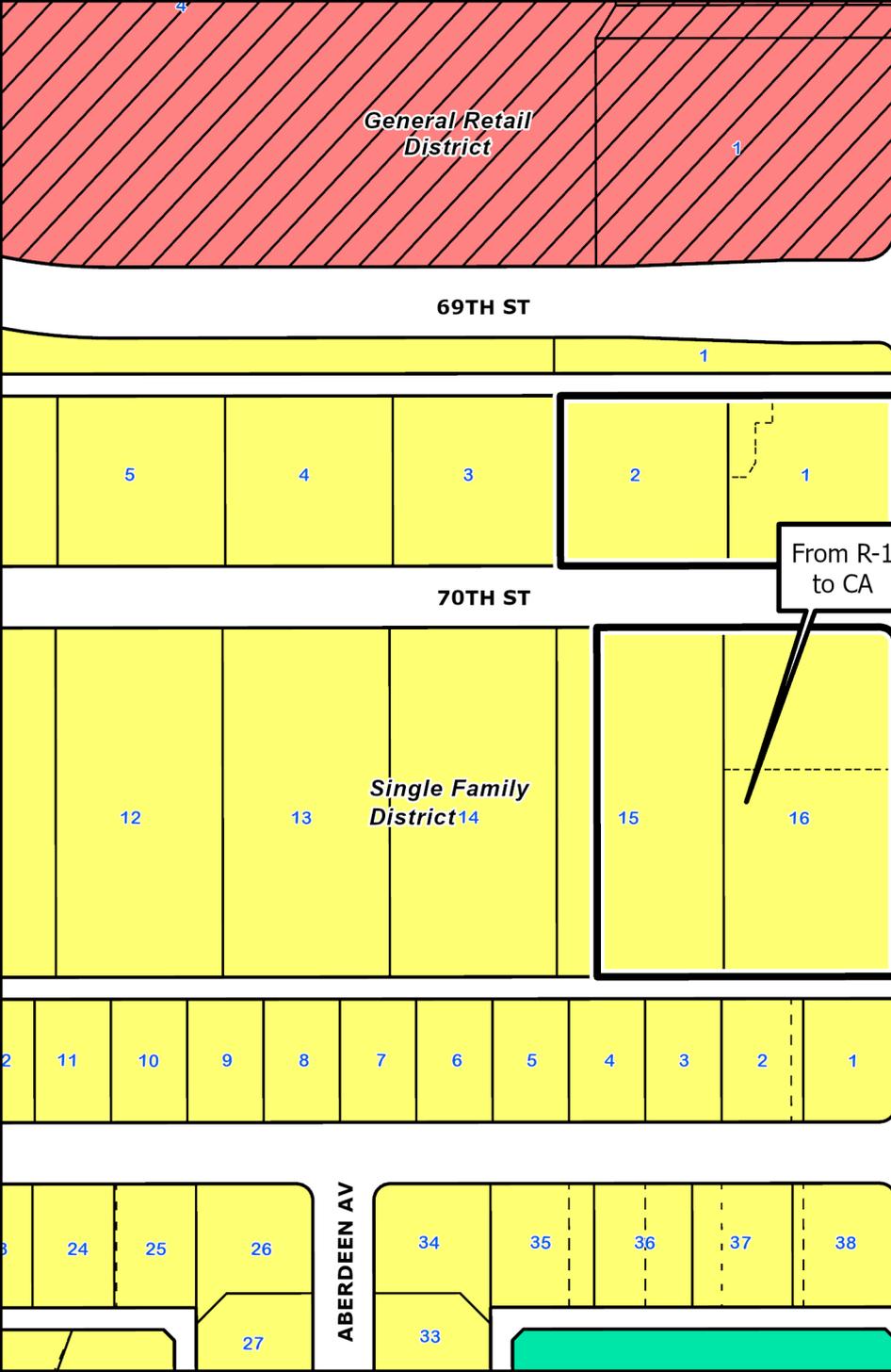


Current Zoning

763-C

Zoning Districts

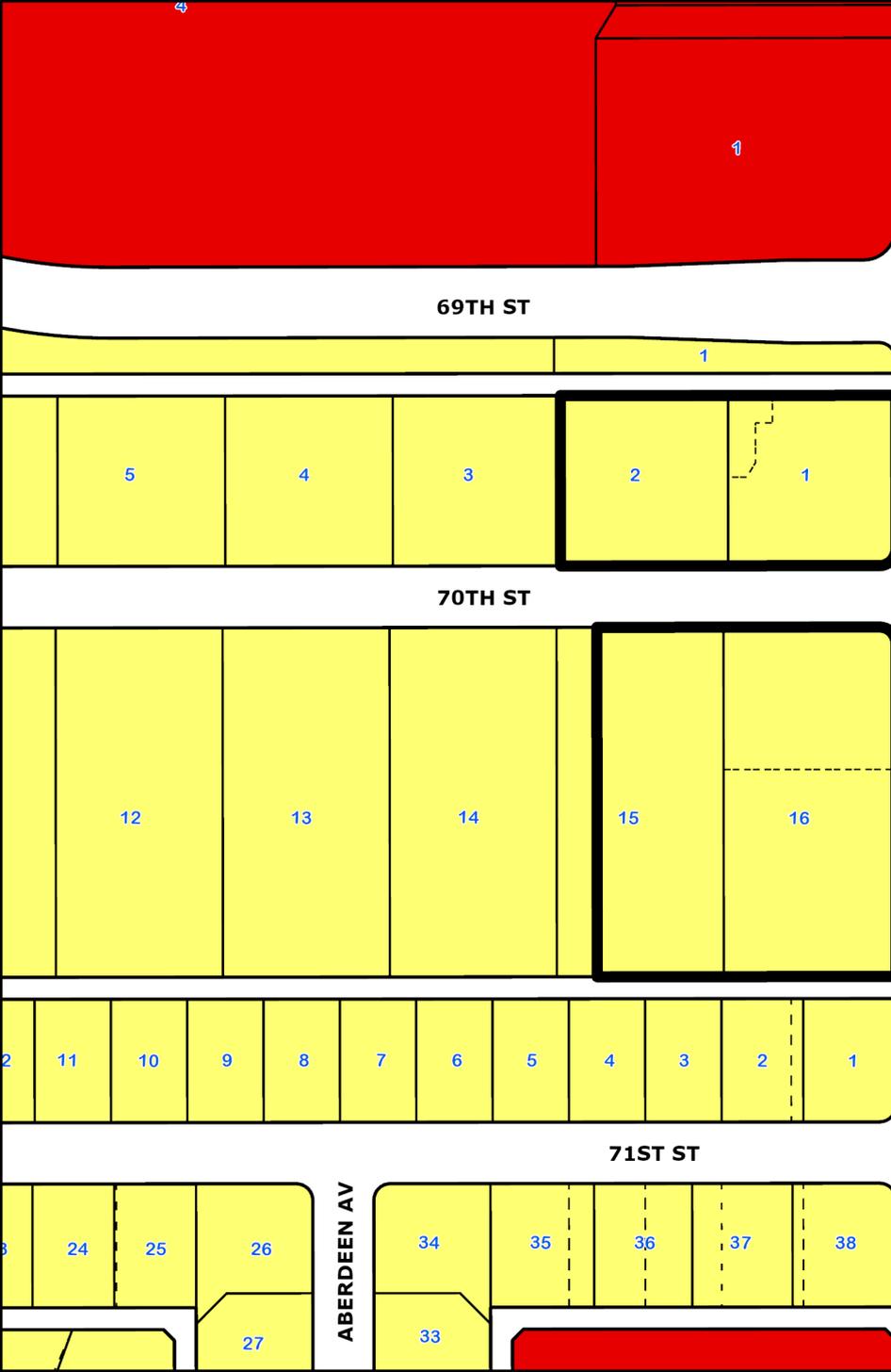
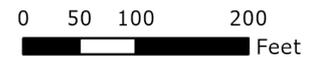
-  Apartment-Medical
-  General Retail
-  General Retail Specific Use
-  Commercial
-  Single Family



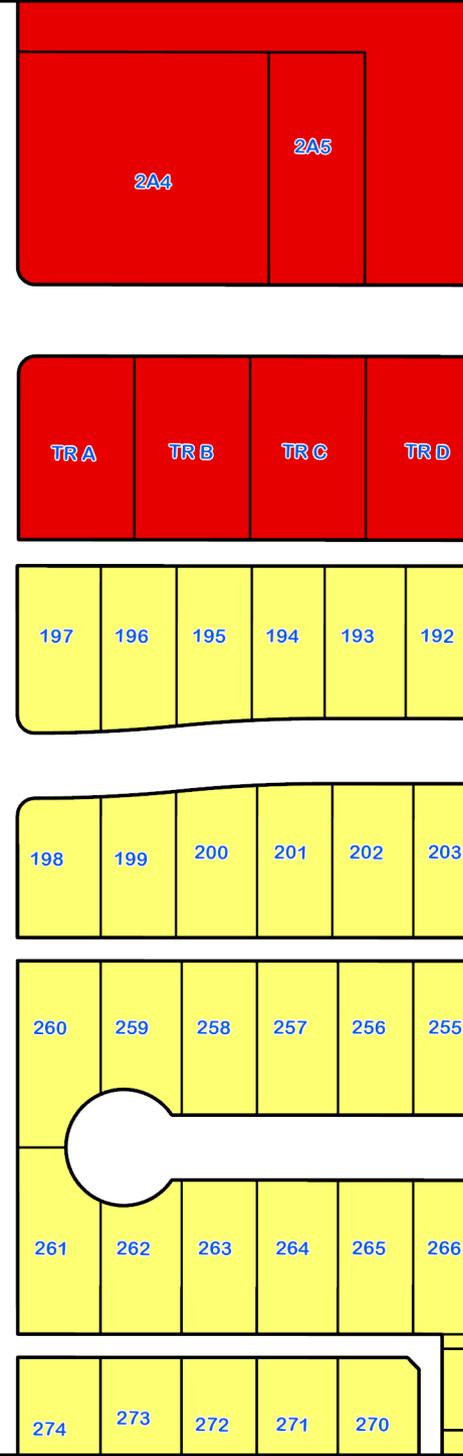
Future Land Use Plan Case 763-C

Future Land Use Type

- Commercial
- Heavy Commercial
- Downtown
- Office
- Industrial
- Interstate Commercial
- Interstate Industrial
- Mixed Use
- Parks
- Public/ Semi-Public
- Residential Low Density
- Residential Medium Density
- Residential High Density



SLIDE RD



763-C



View of subject property. View south.



View of subject property. View south.



View of adjacent property. View east.



View of adjacent property. View west.

763-C



View of subject property. View north.



View of subject property. View north.



View of subject property. View west along Slide Road.



Lubbock Planning Department
 PO Box 2000 / 1314 Avenue K
 Lubbock, TX 79457
APPLICATION FOR ZONING CHANGE

Project Information

Location or Address: 5201, 5202, 5203, 5204 70TH ST., AND 7004 SLIDE RD.
 Lots/Tracts: LOTS 1, 2, 15, 16 (N. 130 FT) AND 16 (S. 189 FT)
 Survey & Abstract: RANCH ACRES
 Metes and Bounds Attached: Yes No Total Acreage of Request: APPX 3.06 ACRES
 Existing Land Use: SINGLE FAMILY Existing Zoning: R1
 Requested Zoning: CA (COMMERCIAL/APARTMENT)
 If property is not subdivided, will a preliminary plat be submitted? Yes No

Representative/Agent Information (if different from owner)

Firm Name: SELF
 Name: FRANK HAYWARD
 Address: 12700 PRESTON RD. #190 City: DALLAS State: TX
 ZIP Code: 75230 Telephone: (214) 682-9157 Email: FRANK HAYWARD@SBCGLOBAL.NET
 Applicant's Signature: *Frank Hayward*
 Date: 9/1/2021 Printed Name: FRANK HAYWARD

Owner Information

Firm Name: _____
 Owner: MULTIPLE OWNERS - PLEASE SEE ATTACHED ⁶ 2 PAGES FOR INFO AND SIGNATURES
 Address: _____ City: _____ State: _____
 ZIP Code: _____ Telephone: _____ Email: _____
 Property Owner's Signature: _____
 Date: _____ Printed Name: _____

Preparer Information

Preparer's Signature: *Frank Hayward*
 Date: 9/1/2021 Printed Name: FRANK HAYWARD

For City Use Only

Zone Case No: _____ Planning and Zoning Commission Date: _____
 Request for zoning change from: _____ To: _____
 Lots: _____ Blocks: _____
 Addition: _____

If you have any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department by phone at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.



Lubbock Planning Department
PO Box 2000 / 1314 Avenue K
Lubbock, TX 79457
APPLICATION FOR ZONING CHANGE

P.2

Project Information

Location or Address: 5201, 5202, 5203, 5204 70TH ST., AND 7004 SLIDE RD.
Lots/Tracts: LOTS 1, 2, 15, 16 (N. 130 FT) AND 16 (S. 189 FT)
Survey & Abstract: RANCH ACRES
Metes and Bounds Attached: Yes No Total Acreage of Request: APPX 3.06 ACRES
Existing Land Use: SINGLE FAMILY Existing Zoning: R1
Requested Zoning: CA (COMMERCIAL/APARTMENT)
If property is not subdivided, will a preliminary plat be submitted? Yes No

Owner Information

Firm Name: _____
Owner: AUSTIN M. CARRIZALES, TORY BRUEGGEMAN
Address: 5201 70TH ST. City: LUBBOCK State: TX
ZIP Code: 79424 Telephone: (806) 500-1131 Email: AUSTIN.CARRIZALES@GMAIL.COM
Property Owner's Signature: [Signature]
Date: _____ Printed Name: AUSTIN M. CARRIZALES, TORY BRUEGGEMAN

SIGNED →

Owner Information

Firm Name: _____
Owner: ANTHONY GUAJARDO, REBECCA GUAJARDO
Address: 5202 70TH ST City: LUBBOCK State: TX
ZIP Code: 79424 Telephone: (806) 549-1500 Email: ANTHONYGUAJARDO79@GMAIL.COM
Property Owner's Signature: _____
Date: _____ Printed Name: ANTHONY GUAJARDO, REBECCA GUAJARDO

Owner Information

Firm Name: _____
Owner: GLAYTUS LEE RUMSEY
Address: 5203 70TH ST. City: LUBBOCK State: TX
ZIP Code: 79424 Telephone: (806) 794-2309 Email: _____
Property Owner's Signature: [Signature]
Date: _____ Printed Name: GLAYTUS LEE RUMSEY

SIGNED →

- PLEASE SEE NEXT PAGE -



Lubbock Planning Department
 PO Box 2000 / 1314 Avenue K
 Lubbock, TX 79457
 APPLICATION FOR ZONING CHANGE

P.2

Project Information

Location or Address: 5201, 5202, 5203, 5204 70TH ST, AND 7004 SLIDE RD.
 Lots/Tracts: LOTS 1, 2, 15, 16 (N. 130 FT) AND 16 (S. 189 FT)
 Survey & Abstract: RANCH ACRES
 Metes and Bounds Attached: Yes No Total Acreage of Request: APPX 3.06 ACRES
 Existing Land Use: SINGLE FAMILY Existing Zoning: R1
 Requested Zoning: CA (COMMERCIAL/APARTMENT)
 If property is not subdivided, will a preliminary plat be submitted? Yes No

Owner Information

Firm Name: _____
 Owner: AUSTIN M. CARRIZALES, TORY BRUEGGEMAN
 Address: 5201 70TH ST. City: LUBBOCK State: TX
 ZIP Code: 79424 Telephone: (806) 500-1131 Email: AUSTIN.CARRIZALES@GMAIL.COM
 Property Owner's Signature: _____
 Date: _____ Printed Name: AUSTIN M. CARRIZALES, TORY BRUEGGEMAN

Owner Information

Firm Name: _____
 Owner: ANTHONY GUAJARDO, REBECCA GUAJARDO
 Address: 5202 70TH ST City: LUBBOCK State: TX
 ZIP Code: 79424 Telephone: (806) 549-1500 Email: ANTHONYGUAJARDO79@GMAIL.COM
 Property Owner's Signature: Anthony Guajardo, Rebecca Guajardo
 Date: 9/2/21 Printed Name: ANTHONY GUAJARDO, REBECCA GUAJARDO

SIGNED →

Owner Information

Firm Name: _____
 Owner: GLAYTHUS LEE RUMSEY
 Address: 5203 70TH ST. City: LUBBOCK State: TX
 ZIP Code: 79424 Telephone: (806) 794-2309 Email: _____
 Property Owner's Signature: _____
 Date: _____ Printed Name: GLAYTHUS LEE RUMSEY

- PLEASE SEE NEXT PAGE -



Project Information

Location or Address: 5201, 5202, 5203, 5204 70TH ST., AND 7004 SLIDE RD.
 Lots/Tracts: LOTS 1, 2, 15, 16 (N. 130 FT) AND 16 (S. 189 FT)
 Survey & Abstract: RANCH ACRES
 Metes and Bounds Attached: Yes No Total Acreage of Request: APPX 3.06 ACRES
 Existing Land Use: SINGLE FAMILY Existing Zoning: R1
 Requested Zoning: CA (COMMERCIAL/APARTMENT)
 If property is not subdivided, will a preliminary plat be submitted? Yes No

Owner Information

Firm Name: _____
 Owner: DANIEL HENLY, SHERRI HENLY
 Address: 5204 70TH ST. City: LUBBOCK State: TX
 ZIP Code: 79424 Telephone: (806) 548-1219 Email: DMHENLY@SBC
GLOBAL.NET
 Property Owner's Signature: _____
 Date: _____ Printed Name: DANIEL HENLY, SHERRI HENLY

Owner Information

Firm Name: _____
 Owner: JOHN BEAKLEY, MARY JAN BEAKLEY
 Address: 7004 SLIDE ROAD City: LUBBOCK State: TX
 ZIP Code: 79424 Telephone: (806) 790-5203 Email: JOHN@BEAKLEYCPA.COM
 Property Owner's Signature: [Signature]
 Date: 9/1/21 Printed Name: JOHN BEAKLEY, MARY JAN BEAKLEY

SIGNED →



Lubbock Planning Department
PO Box 2000 / 1314 Avenue K
Lubbock, TX 79457
APPLICATION FOR ZONING CHANGE

P.3

Project Information

Location or Address: 5201, 5202, 5203, 5204 70TH ST, AND 7004 SLIDE RD.

Lots/Tracts: LOTS 1, 2, 15, 16 (N. 180 FT) AND 16 (S. 189 FT)

Survey & Abstract: RANCH ACRES

Metes and Bounds Attached: Yes No Total Acreage of Request: APPX 3.06 ACRES

Existing Land Use: SINGLE FAMILY Existing Zoning: R1

Requested Zoning: CA (COMMERCIAL/APARTMENT)

If property is not subdivided, will a preliminary plat be submitted? Yes No

Owner Information

Firm Name: _____

Owner: DANIEL HENLY, SHERRI HENLY

Address: 5204 70TH ST. City: LUBBOCK State: TX

ZIP Code: 79424 Telephone: (806) 548-1219 Email: DMHENLY@SBC

Property Owner's Signature: Dan Henly Smiley GLOBAL.NET

Date: _____ Printed Name: DANIEL HENLY, SHERRI HENLY

SIGNATURES
←

Owner Information

Firm Name: _____

Owner: JOHN BEAKLEY, MARY JAN BEAKLEY

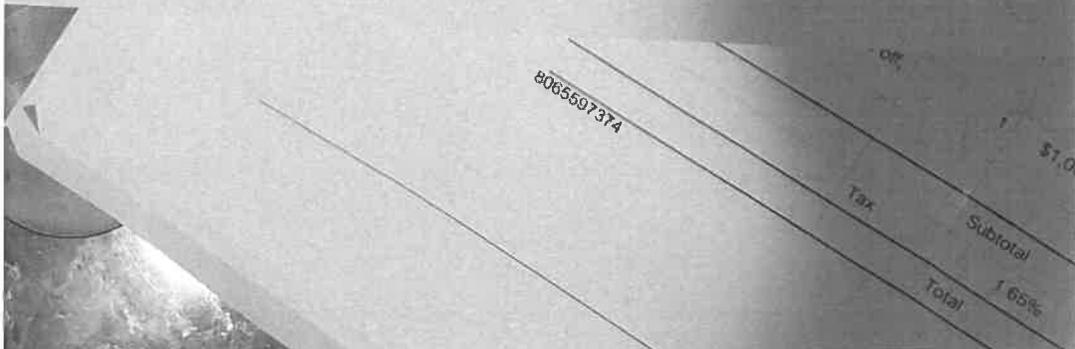
Address: 7004 SLIDE ROAD City: LUBBOCK State: TX

ZIP Code: 79424 Telephone: (806) 790-5203 Email: JOHN@BEAKLEYCPA.COM

Property Owner's Signature: _____

Date: _____ Printed Name: JOHN BEAKLEY, MARY JAN BEAKLEY

- END -



City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX 79457 or email to CityPlanning@mylubbock.us.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **763-C**

In Favor

Opposed

Reasons and/or Comments:

Strictly monetary reason.
My house would sell to commercial developer for more money than the residential value.
I've heard others are opposed due to increased noise levels. Slide Rd noise ~~will~~ only get worse as time goes by. Maybe a 3/4 story building would actually block the noise.

Print Name Dan Henly

Signature: Dan Henly

Address: 5204-70th

Address of Property Owned: 5204-70th

Phone Number: 806 548 1219

Email: dmhenly@sbcglobal.net

Zone Case Number: **763-C**
HENLY DANIEL M & SHERRI L
5204 70TH ST

R103214

Recipient 7 of 33

LUBBOCK

TX 79424-2018



City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **763-C**

In Favor

Opposed

Reasons and/or Comments:

- 1) Allow for 7004 street to be closed off to Slide Road access by turning it into a cul-de-sac with access to the west to Albany.
- 2) 70th street has become a dangerous cut through to Slide road with cars speeding through the neighborhood.
- 3) This commercial corner will be contiguous to other commercial properties on the other three corners of East St. & Slide.
- 4) Increase property value and the taxes to the city.
- 5) Highest and best use of the property.

Print Name John W. Beakley

Signature: *John W. Beakley*

Address: 7004 Slide Road

Address of Property Owned: 7004 Slide Road

Phone Number: 806-790-5203

Email: john@beakleycpa.com

Zone Case Number: **763-C**

R103619

Recipient 18 of 33

BEAKLEY, JOHN W

41 DUNROBIN

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **763-C**

In Favor

Opposed

Reasons and/or Comments: A zone change to Commercial-Apartment District would help generate revenue for the City of Lubbock. The 5200 block of 70th street is very narrow with no curbs and has a lot of cut through traffic. Making a zone change would help eliminate the unnecessary traffic by creating a cul-de-sac on 70th street. Our family moved here to 70th + Slide in 2015 and I can honestly say the traffic noise from Slide Road is very loud, especially with cars hot-rodding down Slide. Building here and creating a cul-de-sac would most likely help reduce excessive traffic noise from Slide Road.

Print Name Anthony Guajardo Rebecca Guajardo
Signature: Anthony Guajardo Rebecca Guajardo
Address: 5202 70th St.
Address of Property Owned: 5202 70th St.
Phone Number: (806) 549-1500
Email: anthonyguajardo79@gmail.com

Zone Case Number: **763-C**

R103185

Recipient 12 of 33

GUAJARDO REBECCA & ANTHONY
5202 70TH ST

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX 79457 or email to CityPlanning@mylubbock.us.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **763-C**

In Favor

Opposed

Reasons and/or Comments:

UNKNOWN MULTI OR SINGLE STORES
INCREASED TRAFFIC - NOISE
HIGH END RENT - SECTION "8"?
TRASHED
LOWER MY PROPERTY VALUE!

Print Name: JAMES WELCH
Signature: James Welch
Address: 4201-52ND-
Address of Property Owned: 5210-71ST
Phone Number: 806-792-7556
Email: _____

Zone Case Number: **763-C**
WELCH, JAMES G
C/O JAMES L WELCH
15601 COUNTY ROAD 1500

R36679

Recipient 17 of 33

WOLFFORTH

TX 79382-4377



City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the

zone change requested by: P&Z Case No.: **763-C**

In Favor

Opposed

Reasons and/or Comments:

The zoning will decrease property value, it will also bring too much traffic and noise

Print Name Justin Blocker

Signature: Justin Blocker

Address: 5207 70th Lubbock TX 79424

Address of Property Owned: 5207 70th Lubbock TX 79424

Phone Number: 806 544 8478

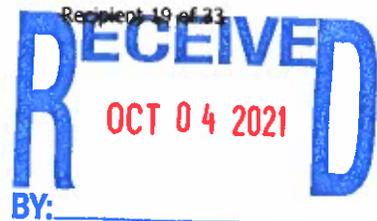
Email: NIKE18721@AOL.COM

Zone Case Number: **763-C**
BLOCKER CARIE B & JUSTIN W
5207 70TH ST

R103548

LUBBOCK

TX 79424



From: CityPlanning
Sent: Wednesday, October 6, 2021 2:31 PM
To: Shane Spencer
Subject: FW: Zone change for Ranch Acres Addition 70th Street

From: julie wright <juliewright7882@gmail.com>
Sent: Tuesday, October 05, 2021 6:05 PM
To: CityPlanning <cityplanning@mail.ci.lubbock.tx.us>
Cc: Wesley Wright <wbw23@hotmail.com>
Subject: Zone change for Ranch Acres Addition 70th Street

WARNING: This message was sent from outside the City of Lubbock's email system.

It could contain harmful attachments or links to harmful web pages.

I am sending this email to vehemently oppose the rezoning of 70th and Slide. Ranch Acres Addition is a unique and quiet neighborhood. We recently purchased our forever family home on this street. I have spoken with the other residents and everyone that did not sell to the developer is completely against the rezone. This proposal would destroy our street, increase traffic on our very narrow road and decrease our property value. It is my understanding that this type of rezone should require a majority vote from the residents of Ranch Acres Addition which it does not have. Please consider this email our vote opposing the rezoning.

Thank you

Julie and Wesley Wright
5211 70th Street
806-535-7800
512-698-6146

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: **P&Z Case No.: 763-C**

In Favor

Opposed

Reasons and/or Comments:

This is our home. It is a residential area. It is a nice quiet street. The increase in traffic would not be good. We moved here for the quiet neighborhood.

Print Name: Rod & Vonda Brown
Signature: Rod Brown Vonda Brown
Address: 5208 70th Street
Address of Property Owned: 5208 70th Street
Phone Number: 806-777-5269
Email: vbrownbrown@aol.com

Zone Case Number: **763-C**
BROWN ROD & VONDA
5208 70TH ST

R103298

Recipient 15 of 33

LUBBOCK

TX 79424



Marisa

Oct 28th @ 6:00

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **763-C**

In Favor

Opposed

Reasons and/or Comments:

We are against this for several reasons:

1. Will lower property value
2. Bought this as our retirement home after 40 plus years as an Educator.
3. Believe that it could cause more traffic on 70th due to deliveries to building if there is Retail.
4. Beautiful neighborhood, not very many places like this in Lubbock
5. Worried about our neighborhood becoming less peaceful depending on if it is an apartment complex
6. 70th street is not a dangerous street, not as dangerous as any other neighborhood streets.

Print Name: Steve + Pam McLaren

Signature: Steve McLaren Pam McLaren

Address: 5212 70th Street

Address of Property Owned: 5212 70th Street

Phone Number: 806-201-1889

Email: Steve.mclaren@klawakeisd.net

Zone Case Number: **763-C**

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX 79457 or email to CityPlanning@mylubbock.us.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **763-C**

In Favor

Opposed

Reasons and/or Comments:

It would significantly diminish the aesthetic appeal of our neighborhood, would block view of sky, cause incredible traffic flow issues (on 70th and slide), ~~also~~ introduce unpleasant light/noise/odors (depending on ultimate use of premises) all of which would negatively affect property values and quality of life for residents of 70th Street.

Print Name Chris Penner

Signature: 

Address: 5210 70th St.

Address of Property Owned: 11

Phone Number: 806 790 5219

Email: pennerchris@gmail.com

Zone Case Number: **763-C**

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX 79457 or email to CityPlanning@mylubbock.us.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **763-C**

In Favor

Opposed

Reasons and/or Comments:

No one on this street wants commercial to be developed on the street. It would be injurious to Residential property values. We have talked to everyone on the street, excluding those selling their property, and everyone is in opposition of this zoning change.

Print Name: Jordan Wood - Power of Attorney for Patty Gailey
Signature:  POA
Address: 5206 70th Street Lubbock, TX 79424
Address of Property Owned: 5206 70th Street Lubbock, TX 79424
Phone Number: 806-317-4666
Email: JordanWood@CBCWorldWide.com

Zone Case Number: **763-C**
GAILEY, PATTY LARUE
5206 70TH ST

R103240

Recipient 32 of 33

LUBBOCK

TX 79424

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX 79457 or email to CityPlanning@mylubbock.us.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **763-C**

In Favor

Opposed



Reasons and/or Comments:

Home depreciation, tax increases, noise, vandalism, influx of rats and other rodents, roaches traffic at an already dangerous intersection

I would want: 8 foot high brick barrier, paved alley and compensation for depreciation on home

Print Name

Dani K. CLARK

Signature:

Dani K. Clark

Address:

5204 71st St. Lubbock TX 79424

Address of Property Owned:

5204 71st St Lubbock TX 79424

Phone Number:

505-269-5195

Email:

dankclark@yahoo.com

Zone Case Number: **763-C**

R36603

Recipient 1 of 33

CLARK, DANI

5204 71ST ST

LUBBOCK

TX 79424



Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 1624-A, a request of OJD Engineering, LLC for SDIRA Wealth, for a zone change from High-Density Apartment District (A-2) to Reduced Setback Single-Family District (R-1A), at: 2405 North Avenue N, located north of Wabash Street and east of North Avenue P, on 15.164 acres of unplatted land out of Block A, Section 78, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 1624-A Staff Report
Zone Case 1624-A Documentation

Staff Report	Zone Case 1624-A
City Council Meeting	November 1, 2021

Applicant OJD Engineering, LLC

Property Owner SDIRA Wealth

Council District 1

Recommendations

- Staff recommends Approval.

Prior Board or Council Action

- September 11, 1958: This property was annexed through Ordinance No. 2536 and zoned Transition (T).
- April 6, 1960, Zone Case 0804: This property was rezoned from Transition (T) to Single-Family District (R-1) through Ordinance No. 3093.
- October 9, 1969, Zone Case 1624: This property was rezoned from Single-Family District (R-1) to High-Density Apartment District (A-2) through Ordinance No. 5761.

Notification Summary

- Notifications Sent: 49
- Received In Favor: 2
- Received In Opposition: 0

Site Conditions and History

The property was annexed in 1958 and has remained vacant and unsubdivided.

Adjacent Property Development

The properties to the north are zoned High-Density Apartment District (A-2) and A-2 with a Special Exception for Townhomes. The properties to the south, east, and west are zoned Single-Family District (R-1) and are developed with single-family residences or subdivided as residential lots. Property to the southeast is zoned Single-Family District (R-1) with a Specific Use for Reduced Setbacks.

Zoning Request and Analysis

Item Summary

The subject property is located at 2405 North Avenue N, north of Wabash Street and east of North Avenue P on 15.164 acres of unplatted land out of Block A, Section 78. The applicant is requesting to rezone the property from A-2 to R-1A.

Current zoning: High-Density Apartment District (A-2)

Requested zoning: Reduced Setback Single-Family District (R-1A)

Intent Statements

The intent of the current A-2 zoning is “to promote high-density multi-family developments and compatible land uses in harmony with lower-density uses.”

The intent of the proposed R-1A zoning is “to promote orderly and proper development of single-family residential units, to protect established and future single-family residential developments from inharmonious and harmful land uses, and to provide a ‘quality environment’ for the residents of the district and city.”

Traffic Network/Infrastructure Impacts

The proposed rezoning location is north of Wabash Street and east of North Avenue P, both of which are designated as local streets. Local streets provide access to smaller, destination-oriented areas such as neighborhoods, subdivisions, or local business districts.

Compatibility with Surrounding Property

The proposed zoning is compatible with the surrounding area and will not change the character of the existing development.

Conformance with Comprehensive Plan Principles and Future Land Use Map

The Future Land Use Map designates this area for “Low Density Residential” land uses. The proposed zone change to R-1A is consistent with this designation and conforms to the principles of the Comprehensive Plan.

Conformance with Zoning Ordinance

The proposed zoning request is in conformance with the zoning ordinance and is appropriate adjacent to existing residential areas.

Suitability of Property for Allowed Uses

The property is suitable for the proposed uses but may require additional public improvements, as the property is currently unsubdivided.

Attachments

- A. Case Information
- B. Thoroughfare Plan Map
- C. Notification Map
- D. Aerial Map
- E. Zoning Map
- F. Future Land Use Map
- G. Photos
- H. Application and supporting documents
- I. Notification Replies

Staff Contacts

Aslyn Henry
Planner
Planning Department
806-775-2021
ahenry@mylubbock.us

Kristen Sager
Planning and Zoning Manager
Planning Department
806-775-2109
ksager@mylubbock.us

Case Information: Zone Case 1624-A



Allowable Uses: [Reduced Setback Single-Family District \(R-1A\)](#)

Transportation: The proposed development has points of access from Wabash Street and Avenue P.

Thoroughfare	Existing	Per Thoroughfare Development Plan
Wabash Street <i>Local Street</i>	R.O.W. 64 feet, two-lane, undivided, paved	R.O.W. 64 feet, two-lane, undivided, paved
Avenue P <i>Local Street</i>	R.O.W. 56 feet, two-lane, undivided, paved	R.O.W. 64 feet, two-lane, undivided, paved

Engineering Comments: No comments.

Public Works Comments: No comments.

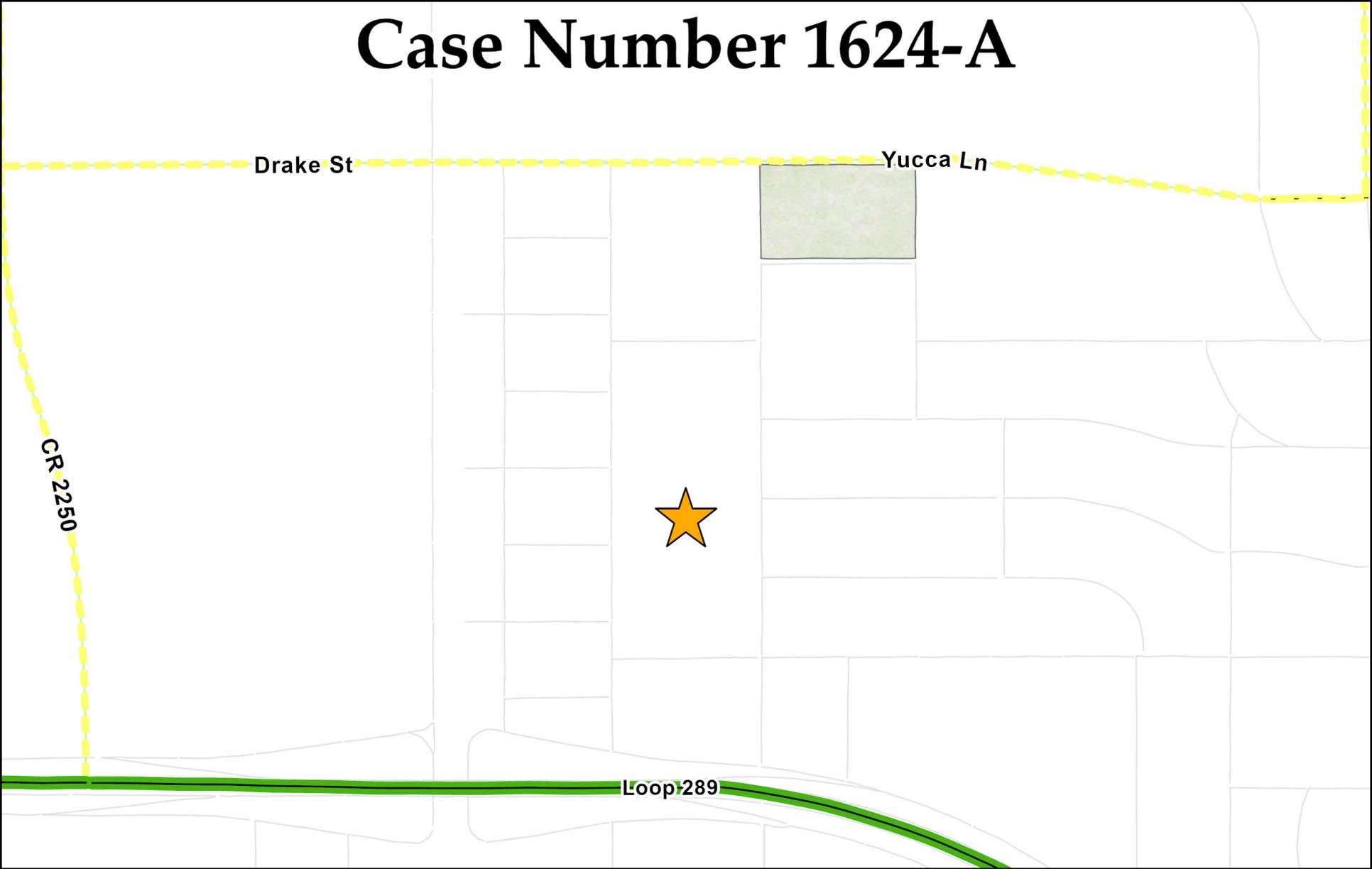
Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Draft Planning and Zoning Commission Minutes

N/A

Case Number 1624-A



Collector	Minor Arterial	Modified Arterial	Principal Arterial	Freeway
Completed	Completed	Partial	Completed	Completed
Partial	Partial	Future	Partial	Partial
Future	Future		Future	Proposed Outer Loop

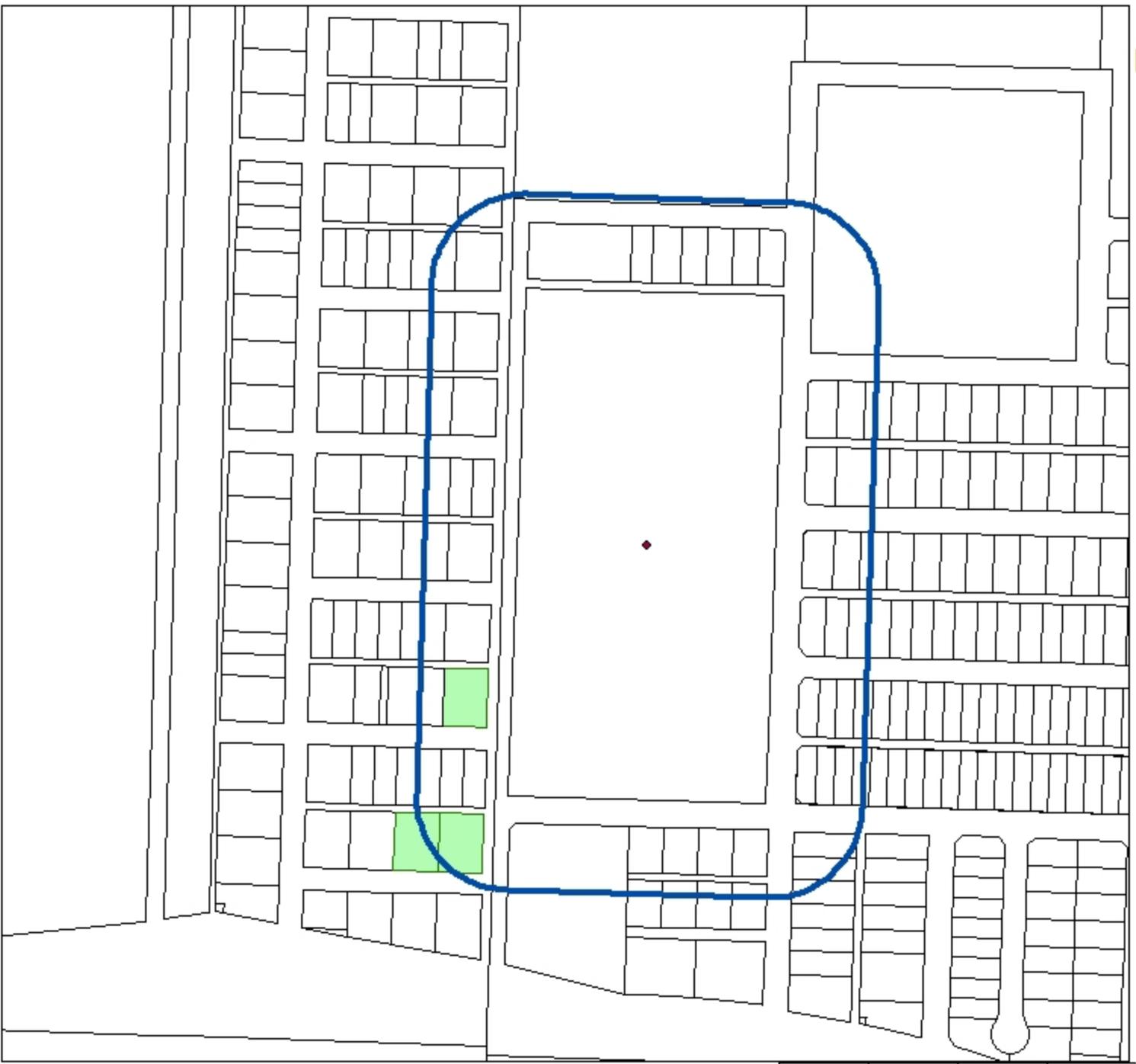


PZC Mailout Notifications Received



Legend

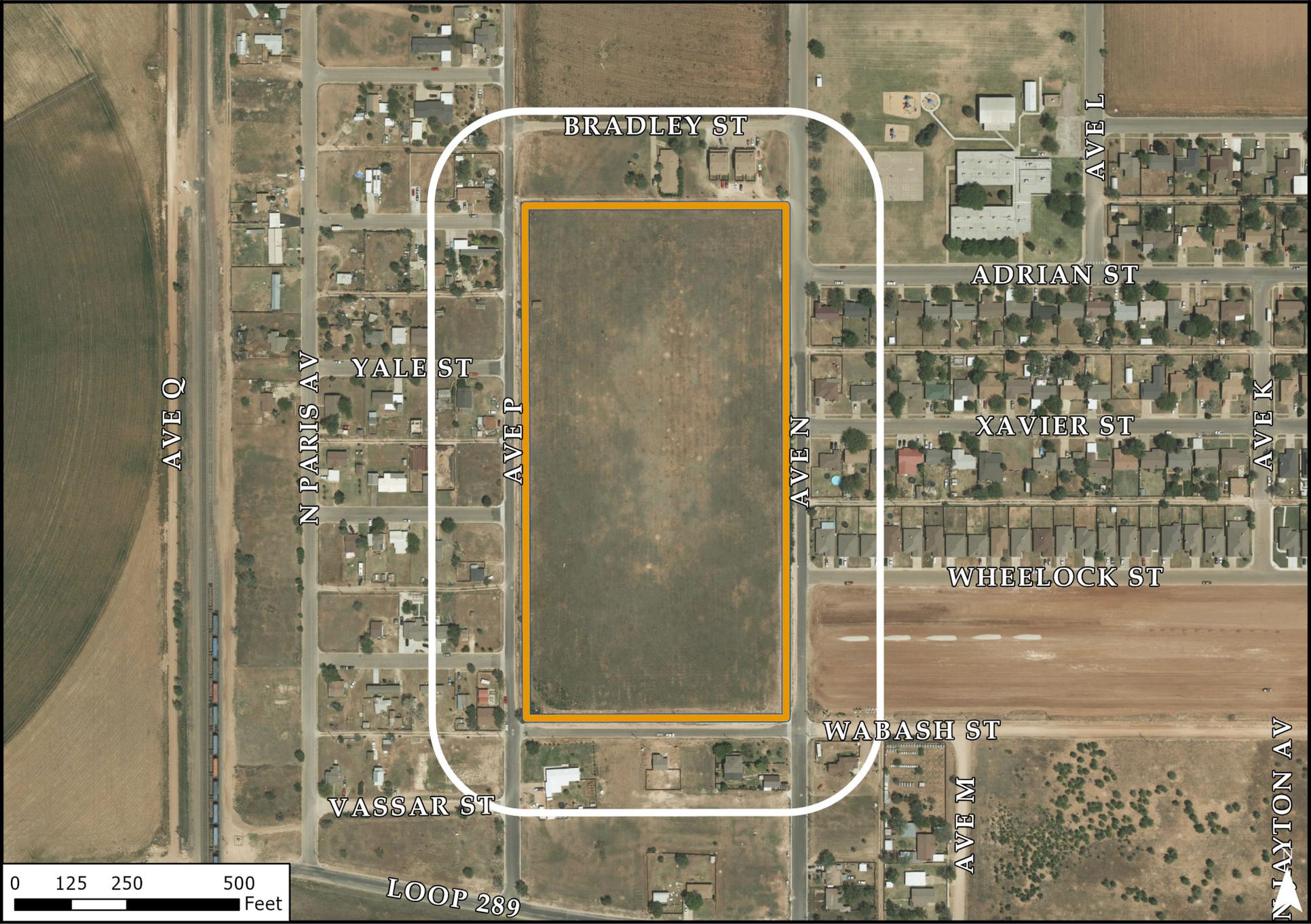
- ◆ LocatorPnt1624_A
- ▭ MailoutBuffer1624_A
- ▭ <all other values>
- Notification Result**
- ▭ In Favor
- ▭ No Feedback
- ▭ Opposed
- ▭ LCAD.DBO.TaxParcel



0 200 400 800 Feet

Created by Planning Department
Date: 9/30/2021

Case Number 1624-A



BRADLEY ST

AVE L

ADRIAN ST

AVE Q

N PARIS AV

YALE ST

AVE P

AVE N

XAVIER ST

AVE K

WHEELOCK ST

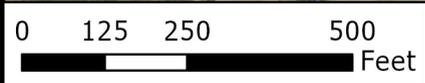
VASSAR ST

WABASH ST

AVE M

N LAYTON AV

LOOP 289

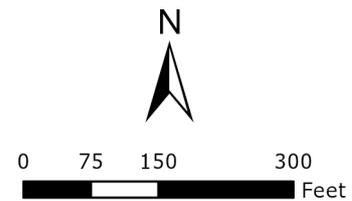
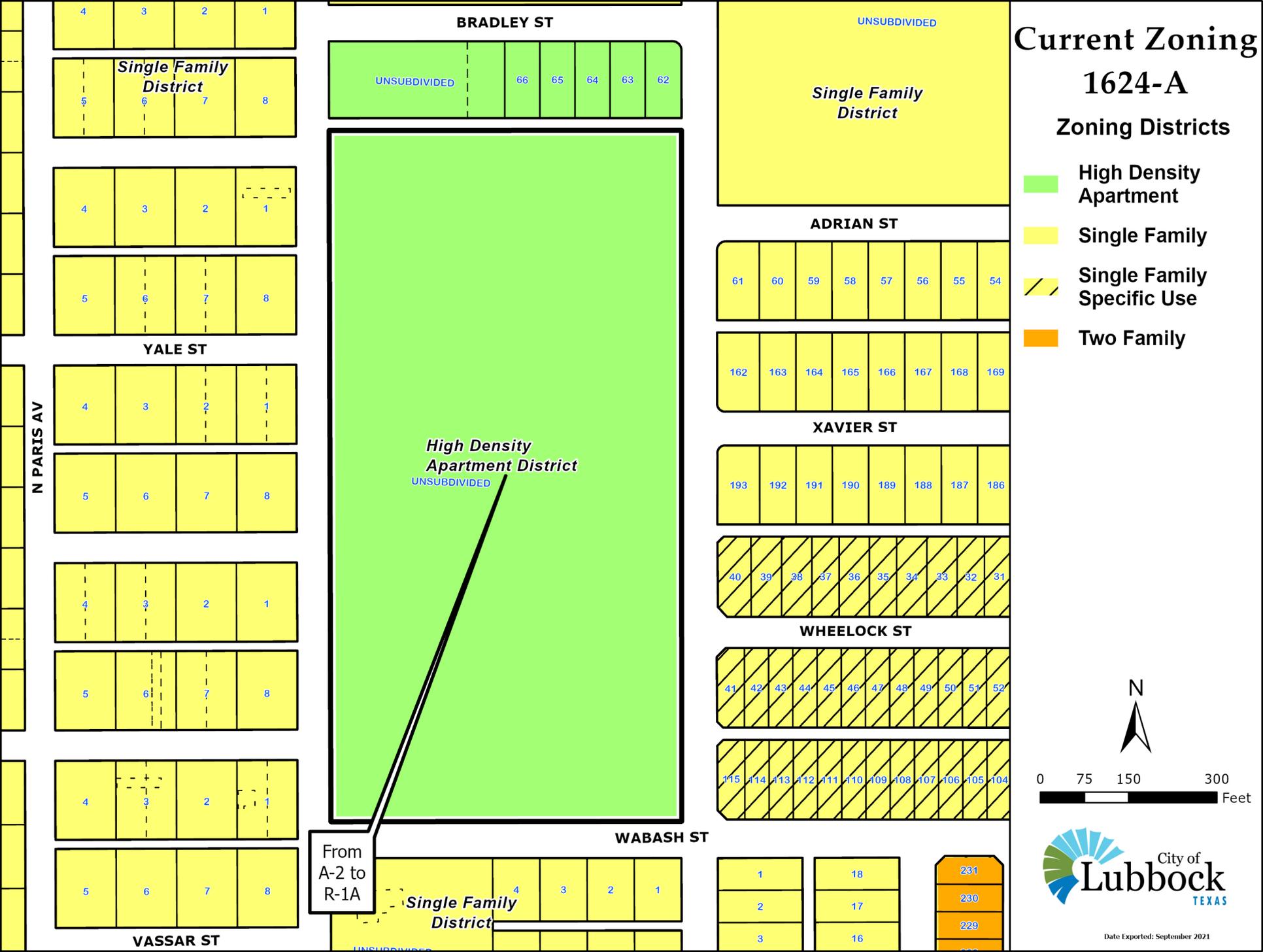


Current Zoning

1624-A

Zoning Districts

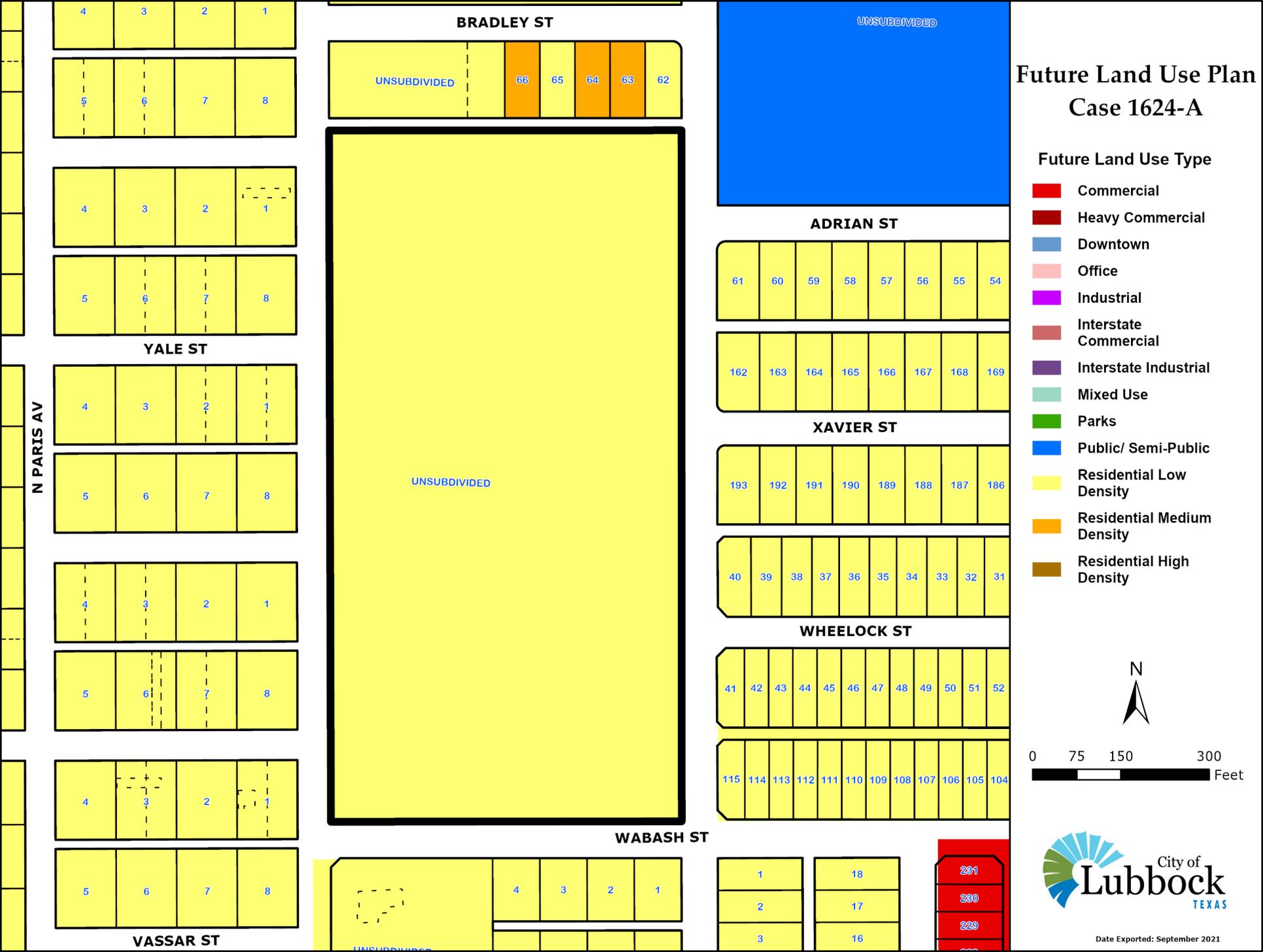
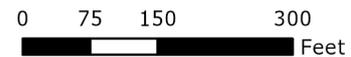
-  High Density Apartment
-  Single Family
-  Single Family Specific Use
-  Two Family



Future Land Use Plan Case 1624-A

Future Land Use Type

- Commercial
- Heavy Commercial
- Downtown
- Office
- Industrial
- Interstate Commercial
- Interstate Industrial
- Mixed Use
- Parks
- Public/ Semi-Public
- Residential Low Density
- Residential Medium Density
- Residential High Density



BRADLEY ST

UNSUBDIVIDED

66 65 64 63 62

UNSUBDIVIDED

ADRIAN ST

61 60 59 58 57 56 55 54

162 163 164 165 166 167 168 169

XAVIER ST

193 192 191 190 189 188 187 186

40 39 38 37 36 35 34 33 32 31

WHELOCK ST

41 42 43 44 45 46 47 48 49 50 51 52

115 114 113 112 111 110 109 108 107 106 105 104

WABASH ST

1 18

2 17

3 16

231

230

229

YALE ST

4 3 2 1

5 6 7 8

VASSAR ST

4 3 2 1

5 6 7 8

N PARIS AV

UNSUBDIVIDED

4 3 2 1

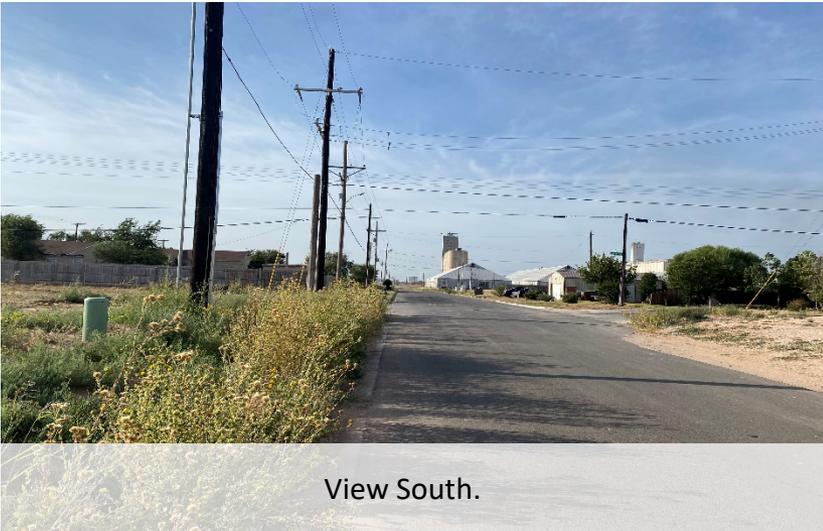
5 6 7 8



View North.



View East—Subject Property



View South.



View West.



Lubbock Planning Department
 PO Box 2000 / 1314 Avenue K
 Lubbock, TX 79457
APPLICATION FOR ZONING CHANGE

Project Information

Location or Address: Northeast Corner - Wabash Street & North Avenue P
 Lots/Tracts: Tracts I & II
 Survey & Abstract: Survey: Block A, Section 78 Abstract: 688
 Metes and Bounds Attached: Yes No Total Acreage of Request: 15.164 Acres
 Existing Land Use: Vacant Land Unsubdivided Existing Zoning: A-2
 Requested Zoning: R-1A
 If property is not subdivided, will a preliminary plat be submitted? Yes No

Representative/Agent Information (if different from owner)

Firm Name: OJD Engineering, LLC
 Name: Michael Adams
 Address: 328 E HWY 62 City: Wolfforth State: TX
 ZIP Code: 79382 Telephone: 806-791-2300 Email: michael.adams@ojdengineering.com
 Applicant's Signature: 
 Date: 9/2/2021 Printed Name: Michael J Adams

Owner Information

Firm Name: SDIRA Wealth
 Owner: Preston M. Despenas
 Address: 5721 82nd Street City: Lubbock State: TX
 ZIP Code: 79423 Telephone: (773) 419-7661 Email: preston@sdirawealth.com
 Property Owner's Signature: 
 Date: 9/2/2021 Printed Name: Preston M. Despenas

Preparer Information

Preparer's Signature: _____
 Date: _____ Printed Name: _____

For City Use Only

Zone Case No: _____ Planning and Zoning Commission Date: _____
 Request for zoning change from: _____ To: _____
 Lots: _____ Blocks: _____
 Addition: _____

If you have any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department by phone at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **1624-A**

In Favor

Opposed

Reasons and/or Comments:

Print Name: Kevin Walkup
Signature: Kevin Walkup
Address: 4833-45th ST LBK TX 79414
Address of Property Owned: 1604 Wabash LBK TX
Phone Number: 806 789 6562
Email: Woodgrinder135@yahoo.com

Zone Case Number: **1624-A** R136349 Recipient 33 of 47
WALKUP, KEVIN
4833 45TH ST
LUBBOCK TX 79414

RECEIVED
SEP 28 2021
BY: Ashlyn E. Henry

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **1624-A**

In Favor

Opposed

Reasons and/or Comments:

Print Name: DANA L. WELLER
Signature: *Dana L. Weller*
Address: 1609 YALE ST.
Address of Property Owned: 1602, 1604, 1612 VASSAR, 2303 + 2319 N. PARIS
Phone Number: (806) 548-9855
Email: weller.dana@yahoo.com

Zone Case Number: **1624-A** R136606 Recipient 35 of 47
WELLER, DANA L
PO BOX 2101



Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 1927-C, a request of Darcey Achin for Godbold Multi Arts, Inc., for a zone change from Local Retail District (C-2) Specific Use to Commercial District (C-4) Specific Use for an Event Center, at 2601 19th Street, located south of 19th Street and west of University Avenue, Ellwood Place Addition, Block 7, Lot 1 and the East 26.5 feet of Lot 2, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 1927-C Staff Report
Zone Case 1927-C Documentation

Staff Report	Zone Case 1927-C
City Council Meeting	November 1, 2021

Applicant Darcey Achin
Property Owner Godbold Multi Arts Inc.
Council District 3

Recommendations

- Staff recommends Approval of this request.

Prior Board or Council Action

- March 13, 1941: Ordinance No. 661. This property was originally zoned Apartment District (D).
- April 6, 1955: Ordinance No, 1695. This property was rezoned from Apartment District (D) to Multi-Family District (R-3).
- December 20, 1973; Ordinance No. 6770. Zone Case 1927: This property was rezoned from R-3 to C-3 Specific Use for a Hotel or Motel with Alcohol Sales for on premise or off premise consumption as an incidental use.
- May 13, 1982; Ordinance No. 8312. Zone Case 1927-A: The site plan for the property’s Specific Use for a Hotel or Motel with Alcohol Sales for on premise or off premise consumption as an incidental was amended to include office uses.
- May 13, 1993; Ordinance No. 9609. Zone Case 1927-B: This property was rezoned from R-3 and C-3 Specific Use to C-2 Specific Use for Theater and Staff or Visiting Artist Living Quarters.
- July 8, 2009; Ordinance No. 2009-00055. Zone Case 2134-D: A portion of this property was zoned from C-2 Specific Use for Theater and Staff or Visiting Artist Living Quarters to C-4 limited to a restaurant with a separate exterior entrance to a bar area.
- July 1, 2021; Zone Case 1927-C: This case was presented to the Planning and Zoning Commission and was postponed to July 29th in order to update the zone change boundary.
- July 29, 2021; Zone Case 1927-C: This case was presented to the Planning and Zoning Commission and was postponed to October 7th.

Notification Summary

- Notifications Sent: 29
- Received In Favor: 2
- Received In Opposition: 5

Site Conditions and History

The subject property was previously developed with St. Mary’s of the Plains Hospital and Al Hambra Hotel and Restaurant. The structure was built in 1936.

Adjacent Property Development

To the north across 19th Street is Texas Tech University, which is zoned Single-Family District (R-1). To the east are the Colony House Apartments and Lutheran Student Center zoned Apartment-Medical District (AM). Properties to the south are developed with single family homes and zoned R-1. To the west is the Staybridge Suites hotel, zoned R-3 and Café J which is zoned C-4.

Zoning Request and Analysis

Item Summary

The subject property is addressed as 2601 19th Street, located south of 19th Street and west of University Avenue. The applicant requests a zone change from Local Retail District (C-2) Specific Use to Commercial District (C-4) Specific Use for an Event Center on a property described as Ellwood Place Addition, Block 7, Lot 1 and East 26.5' of Lot 2.

Current zoning: Local Retail District (C-2) Specific Use

Requested zoning: Commercial District (C-4) Specific Use for an Event Center

Intent Statements

The intent of the current C-2 zoning is, "... to provide limited local retail and service commercial uses which serve one of several neighborhoods. Such districts may be located on existing thoroughfares or at the intersections of major thoroughfares."

The intent of the requested C-4 zoning is, "... to provide for heavy retail and wholesale commercial uses which serve a city-wide or regional area. Such districts should have frontage on regional thoroughfares such as state or federal highways. Because of the heavy commercial nature of the permitted uses, compatibility with adjacent residential areas should be carefully considered."

The intent of the requested Specific Use zoning is, "... to provide for design and land use flexibility in the various districts. This district provides for variations in the land use standards within the zoning ordinance, provided the intent, principles, and innovations of modern urban planning and design are used."

Traffic Network/Infrastructure Impacts

The proposed zone change location is along 19th Street, which is designated as a Principal Arterial by the Master Thoroughfare Plan, 2018. Arterials are intended to move high volumes of traffic at relatively high speeds. The current infrastructure is suitable for the requested zone change in this location.

Compatibility with Surrounding Property

The proposed zone change is compatible with the surrounding area, there is C-4 zoning existing directly to the west of the subject property. It is important to note that there is a residential neighborhood to the south of the property and "because of the heavy commercial nature of the permitted uses, compatibility with adjacent residential areas should be carefully considered" (Sec. 40.03.2231 of the Code of Ordinances).

Conformance with Comprehensive Plan Principles and Future Land Use Map

The Future Land Use Map designates the subject property for Commercial/Light Retail uses. The proposed zone change to C-4 would bring the property into alignment with the FLUP. This area would also be considered a "retail node" because of its proximity to a major thoroughfare intersection. Uses located in a retail node are intended to be commercial.

Conformance with Zoning Ordinance

The zone change is in conformance with the zoning ordinance. The proposed use for this property was recently considered to fall under the categorization of "dance hall", however the City Council approved an amendment to the zoning ordinances to distinguish an event center from a dance hall. An Event Center is now permitted as a Specific Use in C-2, C-3, and C-4 districts through Section 40.03.3103 (d)(1) and 40.03.3103 (f)(3). An event center is defined as "A public or privately owned structure or area used for the purposes of public performances, private receptions or parties, conferences, ceremonies or similar attractions that may generate heavy traffic. Accessory uses may include food preparation facilities, concessions, offices, and restaurants" (Sec. 40.01.003(64a)). It is important to note that the subject property abuts a residential neighborhood to the south and "compatibility with adjacent residential areas should be carefully considered" when rezoning to C-4 (according to Section 40.03.2231 of the Code of Ordinance).

Suitability of Property for Allowed Uses

The property is suitable for the proposed uses.

Attachments

- A. Case Information
- B. Thoroughfare Map
- C. Notification Map
- D. Aerial Map
- E. Zoning Map
- F. Future Land Use Map
- G. Photos
- H. Application and supporting documentation
- I. Notification Replies

Staff Contacts

Bailey Shillings
Planner

Planning Department
806-775-3147

bshillings@mylubbock.us

Kristen Sager

Planning and Zoning Manager

Planning Department
806-775-2109

ksager@mylubbock.us

Case Information: Zone Case 1927-C



Allowable Uses: [Commercial District \(C-4\)](#)
[Specific Use for an Event Center](#)

Transportation: The proposed development has points of access from 19th Street.

Thoroughfare	Existing	Per Thoroughfare Development Plan
19 th Street <i>Principal Arterial, Completed</i>	R.O.W. 110 feet, 7-lane, divided, paved	R.O.W. 110 feet, 7-lane, divided, paved

Engineering Comments: No comments.

Public Works Comments: No comments.

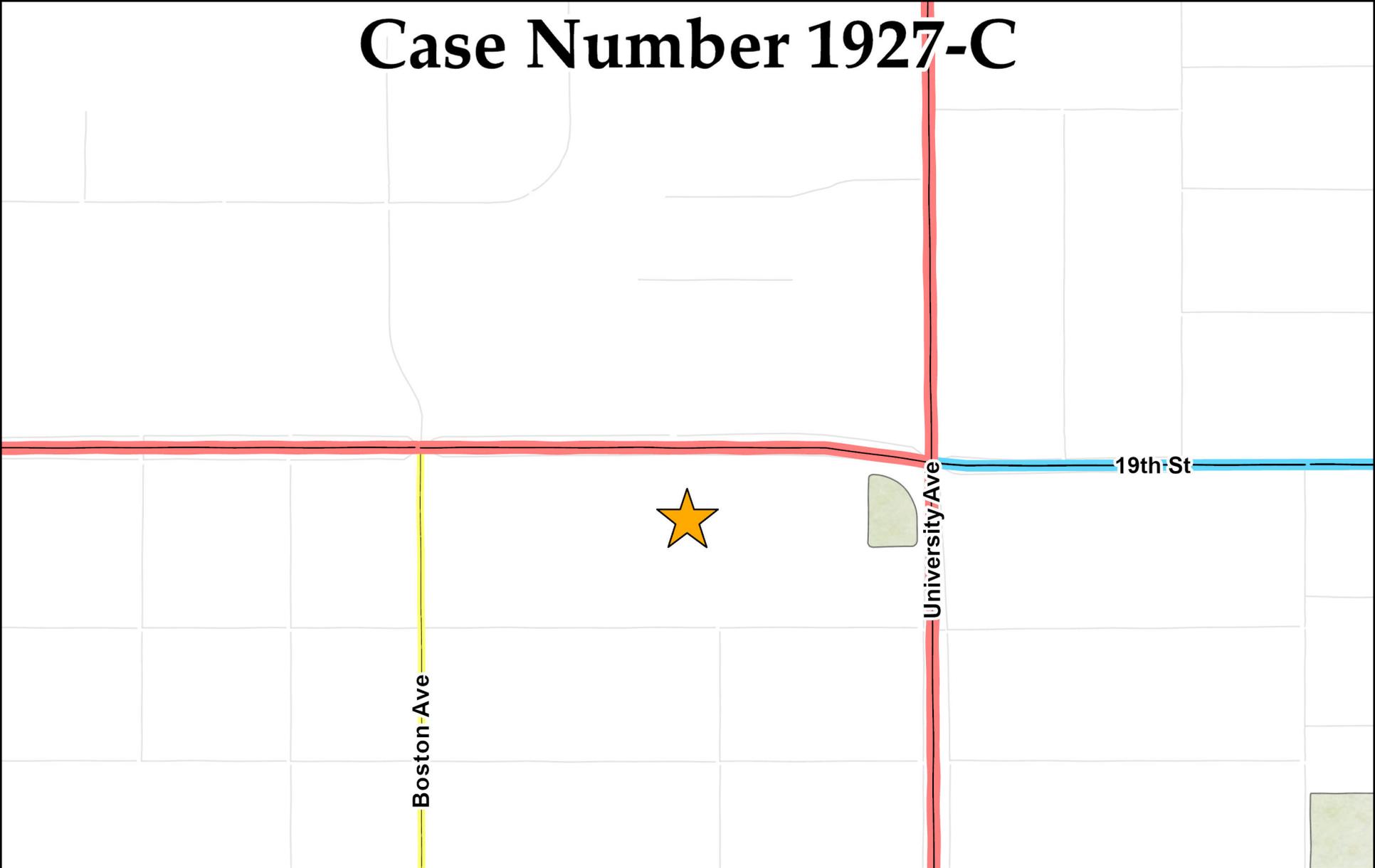
Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Draft Planning and Zoning Commission Minutes

N/A

Case Number 1927-C



Collector	Minor Arterial	Modified Arterial	Principal Arterial	Freeway
Completed	Completed	Partial	Completed	Completed
Partial	Partial	Future	Partial	Partial
Future	Future		Future	Proposed Outer Loop



PZC Mailout Notifications Received



Legend

- LocatorPnt1927_C
- ▭ MailoutBuffer1927_C
- ▭ <all other values>
- Notification Result**
- ▭ In Favor
- ▭ No Feedback
- ▭ Opposed



20TH ST

0 80 160 320 Feet

Created by Planning Department
Date: 10/14/2021

Case Number 1927-C



18TH ST

19TH ST

20TH ST

21ST ST

BOSTON AV

AKRON AV

UNIVERSITY AV

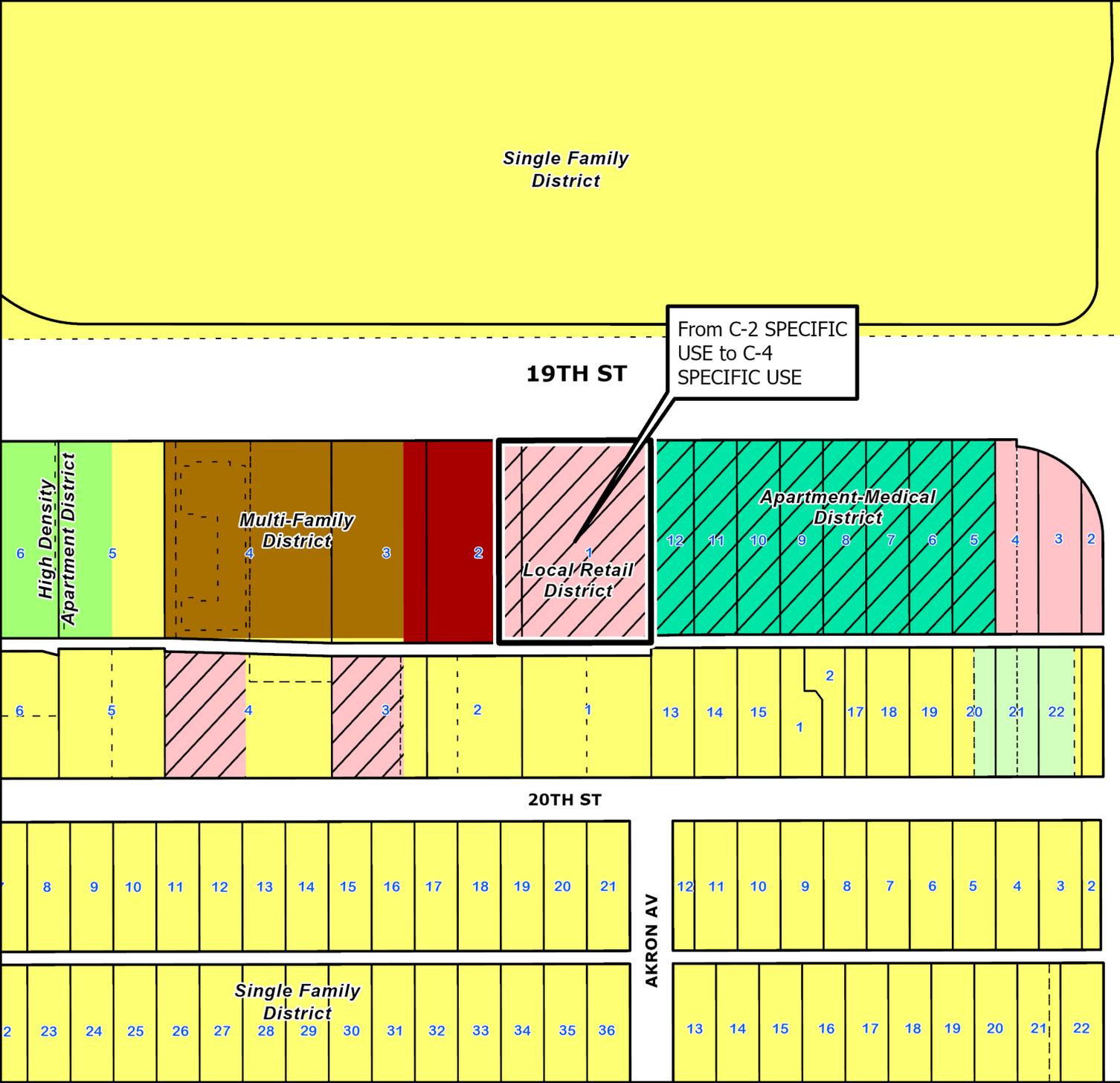
0 125 250 500 Feet



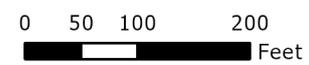
Current Zoning 1927-C

Zoning Districts

-  Family Apartment
-  High Density Apartment
-  Apartment-Medical Specific Use
-  Local Retail
-  Local Retail Specific Use
-  Commercial
-  Single Family
-  Multi-Family



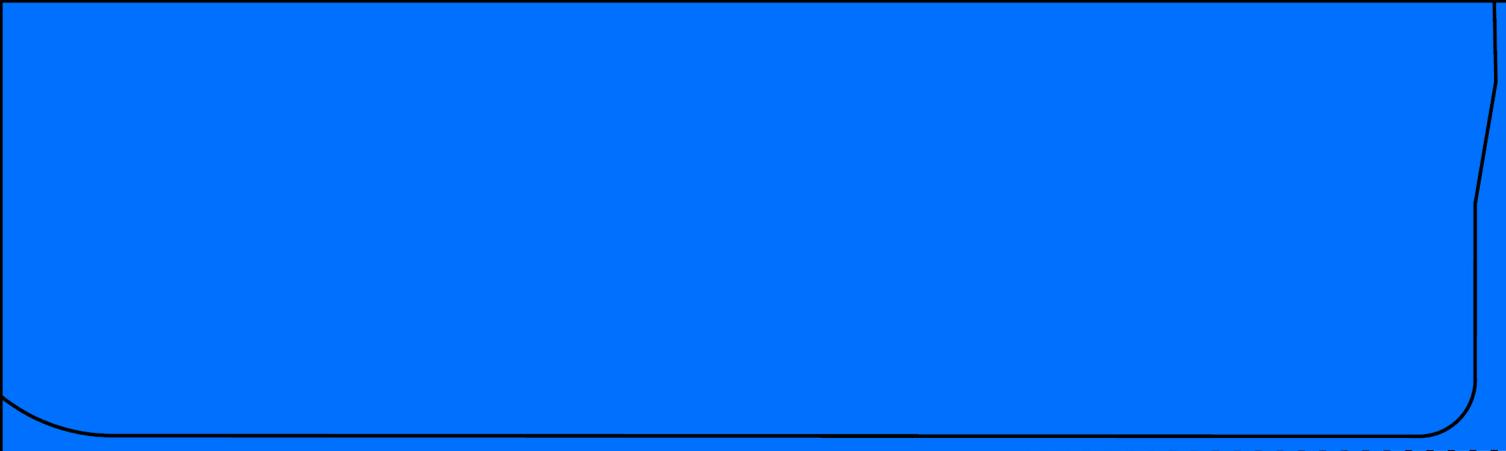
UNIVERSITY AV



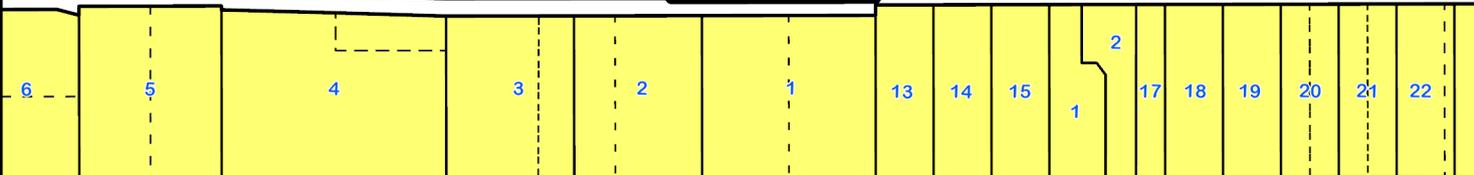
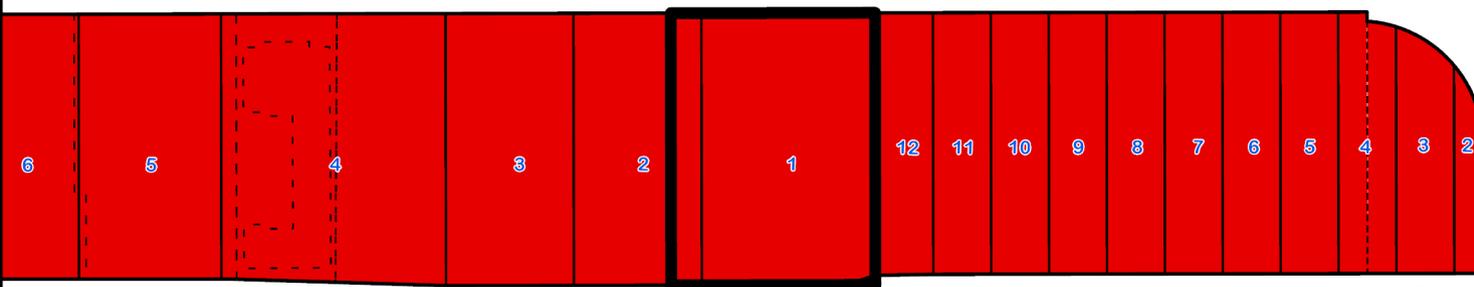
Future Land Use Plan Case 1927-C

Future Land Use Type

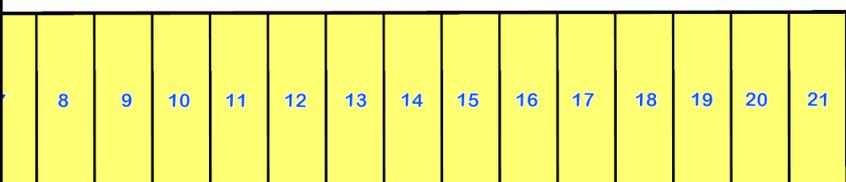
- Commercial
- Heavy Commercial
- Downtown
- Office
- Industrial
- Interstate Commercial
- Interstate Industrial
- Mixed Use
- Parks
- Public/ Semi-Public
- Residential Low Density
- Residential Medium Density
- Residential High Density



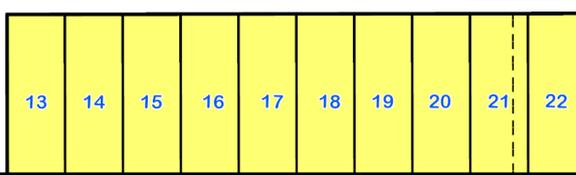
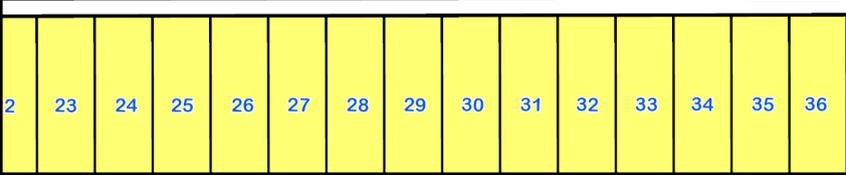
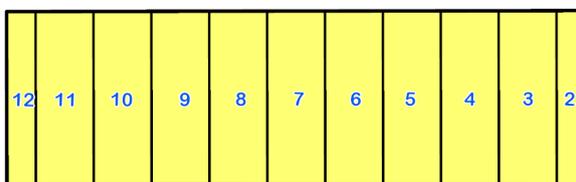
19TH ST



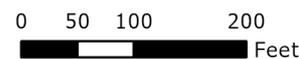
20TH ST



AKRON AV



UNIVERSITY AV



1927-C



Subject property. View to the south.



View to the east.



View to the north.



View to the west.



Lubbock Planning Department
PO Box 2000 / 1314 Avenue K
Lubbock, TX 79457

APPLICATION FOR ZONING CHANGE

Project Information

Location or Address: 2601 19th
Lots/Tracts: _____
Survey & Abstract: _____
Metes and Bounds Attached: Yes No Total Acreage of Request: _____
Existing Land Use: theater, restraunt Existing Zoning: c2 c4 r3
Requested Zoning: c4 specific use for a dance hall
If property is not subdivided, will a preliminary plat be submitted? Yes No

Representative/Agent Information (if different from owner)

Firm Name: Darcey Achin
Name: LBK FOOD PARK and Vintage Godbold Theater
Address: 2601 19th City: Lubbock State: TX
ZIP Code: 79410 Telephone: (806)392-3677 Email: d.achin@yahoo.com
Applicant's Signature: _____
Date: 05/26/2021 Printed Name: Darcey Achin

Owner Information

Firm Name: Godbold Multi arts inc
Owner: Carlton Godbold
Address: 2601 19th City: Lubbock State: TX
ZIP Code: 79410 Telephone: (806)787-0465 Email: carltongodbold@yahoo.com
Property Owner's Signature: _____
Date: 05/26/2021 Printed Name: Carlton Godbold

Preparer Information

Preparer's Signature: _____
Date: 05/26/2021 Printed Name: Darcey Achin

For City Use Only

Zone Case No: _____ Planning and Zoning Commission Date: _____
Request for zoning change from: _____ To: _____
Lots: _____ Blocks: _____
Addition: _____

If you have any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department by phone at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX 79457 or email to CityPlanning@mylubbock.us.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **1927-C**

In Favor

Opposed

Reasons and/or Comments:

SEE ATTACHED

Print Name GARY STEPHENS

Signature: [Signature]

Address: 1006 JUNEAU AVE

Address of Property Owned: 20TH ST - 2519, 2521, 2522

Phone Number: 806-831-1550 2601, 2602, 2603

Email: GRS LUBBOCK@GMAIL. 2609 & 2605 20TH

Zone Case Number: **1927-C**
STEPHENS, GARY R
1006 JUNEAU ST

R39238

Recipient 12 of 29

06/20/2019

City of Lubbock
Planning and Zoning Commission
Re: 1927-C

Gary Stephens owner – 2519, 2521, 2522, 2601, 2602, 2603, 2604, 2605 20th Street; 2005 and 2006 Akron
Opposed to proposed zoning change.

Statement

Allowing for the specific use of “Dance Hall” bar over time will significantly decrease my rental income and therefor significantly decrease the value of my property and endanger the current trend of property enhancement.

Comments

- **No separation between commercial and residential.**
The commercial buildings directly access the alley way. The proposed parking area directly accesses the residential neighborhood. There is no fence or screening wall. The activities of the dance hall will openly flow into the neighborhood. There already existing altercation with Café Js bar customers. There are City of Lubbock police records of intoxicated individual harassing adjacent tenants and breaking and entering adjacent properties.
- **Increased utilities demand in alleyway.**
Infrastructure is already burdened. There is a history of electrical “brown outs” to adjacent properties. Electrical load of a dance hall will exasperate the issue. There is a history of sewage smell and overflow that have been reported to TCEQ in the past. The occupant load and subsequent required toilet fixture count will also exasperate this issue. With previous occupants (Chrome) the existing trash / waste receptacles would not accommodate the shared commercial / residential collection. The alleyway required consistent maintenance and cleaning to keep adjacent properties acceptable. This will also be exasperated.
- **Noise nuisance.**
This is a quiet rental neighborhood. Typical occupants include young professionals, upper class students and graduates. There already existing late-night noise from the hotel pool but typically noise ends by 10pm as required by ordinance. The dance hall will create a noise nuisance until 2am. Once again, there is not a separation. The noise of the facility will create an unacceptable nuisance.

Closing

I have owned property for 20 years on 20th Street. I have high end rentals with carefully screened and selected tenants. I manage and maintain all my owner properties on daily basis. I have significantly invested my time and finances into the long-term enhancement of the neighborhood. Allowing the occupancy of a “night hall” bar due to the comments above will greatly endanger my future success in the neighborhood as well as the continued enhancement of the neighborhood.

I appreciated the zoning ordinance structure allowing for business to grow while protecting our communities. I also greatly appreciate the P&Z considering changes to allow for the change in growth patterns. But, It is my opinion, allowing for this specific use, will **not** be in the City of Lubbock’s or the community’s best interest.

Thank you,

Gary Stephens

Baynetta M. Jordan, P.C.

Attorney at Law
Baynetta M. Jordan

3305 66th St., Ste.3
Lubbock, TX 79413

baynetta@baynettajordanattorney.com

Telephone:(806)763-3661
Fax:(806) 741-1396

June 23, 2021

Planning and Zoning Commission
PO Box 2000
Lubbock, TX 79457

RE: P&Z Case No.: 1927-C

Dear Members:

I own the property at 2615 20th street and I oppose the proposed zoning changes which you will be considering on July 1, 2021. My property is located directly across the street from the parking lot which is on 20th street and is apparently included in the proposed zone change.

I oppose the change to C-4 commercial use as I believe it will be harmful to the residents and property owners in the area contiguous to the parking lot. The commercial use will undoubtedly attract many individuals to the area and will increase the traffic, congestion, noise and parking issues. The noise produced by the cars, and particularly the racing cars on 19th Street and University Avenue , already cause an inordinate amount of noise pollution. Adding additional traffic, compounded by late hours of operation for the proposed use , will be a nightmare for the residents in the area.

Additionally, the excess trash and garbage which will be produced by the activities proposed will be a great nuisance to everyone living or owning property in the area. Commercial use will also likely bring more crime into the area which will spill over into the surrounding properties and place an undue burden on the residents. The commercial use directly next to a residential neighborhood, does not provide a buffer for the activities which commercial use attracts and is not a sound and reasonable city plan. The zoning change will also be detrimental to the residential property values in the surrounding area.

The approval of this request and the subsequent rezoning will be the beginning of the erosion of an historic neighborhood in Lubbock and should not be approved. The UNIT neighborhood and Tech Terrace area has been an attraction to single families, professionals, faculty, staff and students at Texas Tech for generations. This encroachment on the neighborhood for commercial activity does nothing to add to the attractiveness or value of the neighborhood and will in all likelihood be deleterious to the entire area including the area which abuts Texas Tech and 19th Street.

Please oppose the zoning change so that it may remain as it is currently zoned. Thank you for the opportunity to respond.

Very Truly Yours,



BAYNETTA M. JORDAN



City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

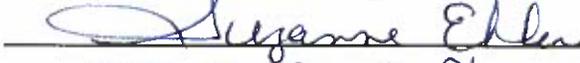
Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **1927-C**

In Favor

Opposed

Reasons and/or Comments:

20th narrow street

Print Name SUZANNE EHLER
Signature: 
Address: 3909 85th Pl. 79423
Address of Property Owned: 2621 20th St.
Phone Number: 806-535-1802
Email: ehler7@suddenlink.net

Zone Case Number: **1927-C**
MEEKS DORTHA &
SUZANNE EHLER
3909 85th PLACE

R39003

Recipient 3 of 29

LUBBOCK

TX 79423

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **1927-C**

In Favor

Opposed

Reasons and/or Comments:

20th. Narrow Street

Print Name: SUZANNE EHLER
Signature: Suzanne Ehler
Address: 3909-85th. Pl. 79423
Address of Property Owned: 2623-20th. ST.
Phone Number: 806-535-1802
Email: ehler7@suddenlink.net

Zone Case Number: **1927-C**
EHLER, SUZANNE
Attn: DORTHA MEEKS
3909 85TH PL

R39026

Recipient 21 of 29

LUBBOCK

TX 79423

email to: CityPlanning@mylubbock.us

C. W. Foose
3129 Hanover St.
Dallas, TX 75225

July 1, 2021

City of Lubbock Planning Dept.
1314 Avenue K
Lubbock, TX 79457

Re: Zoning Case # 1927-C Godbold Multi Arts, Inc.

Attention: Bailey

Dear Bailey:

I am a property owner of a single family residence at 2606 20th St., Lubbock, TX 79410.

This letter is emailed to you to express my objection to the zoning case mentioned above that would allow "Food Truck uses" on the land along 19th St. and on 20th St.. This does not seem to be a use that would be compatible with residential uses along 20th St. due to the factors listed as follows: excessive noise in the neighborhood, traffic increase on a residential street, late night-time uses that may not be compatible with residential uses, and lastly, trash that usually accompanies such uses even beyond the location of the restaurants. In addition, such a use may lead to devaluing the neighboring residential properties.

The zoning notice letter stated a use for **Dance Hall** which definitely does not belong in a residential neighborhood for reasons stated above.

It is my understanding that the City Staff does not support this zoning change and I hope the Planning and Zoning Commission will agree and vote against such a change of use.

Sincerely,

C.W. (Bill) Foose

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **1927-C**

In Favor

Opposed

Reasons and/or Comments:

Need to Add previous uses:
* Staff Living Quarters
* Visiting Artists Living Quarters
please!

Print Name: Carlton Godbold
Signature: Carlton Godbold
Address: 222 Chuck Wagon Rd Lubbock Tx 79404
Address of Property Owned: 2601 19th
Phone Number: 806 787-0465
Email: carltongodbold@yahoo.com

Zone Case Number: **1927-C** R38502
GODBOLD MULTIARTS INC
222 CHUCKWAGON RD

LUBBOCK TX 79404

Recipient 12 of 14



City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX 79457 or email to CityPlanning@mylubbock.us.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by:

P&Z Case No.: **1927-C**

In Favor

Opposed

Reasons and/or Comments:

Print Name: Linda M. Hagge, Tx District of the Lutheran Church
Signature: Linda M. Hagge
Address: 7900 E Hwy 290, Austin, TX 78724
Address of Property Owned: 2615 19th St., Lubbock, TX 79410
Phone Number: 512-926-4272 x251
Email: lindahagge@txlcms.org

Zone Case Number: **1927-C**

R38680

Recipient 3 of 14

TEX DIST LUTHERAN CHURCH
7900 E HIGHWAY 290

AUSTIN

TX 78724-2402

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX 79457 or email to CityPlanning@mylubbock.us.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **1927-C**

In Favor

Opposed

Reasons and/or Comments:

Expanding the use of the cultural center would benefit the community without burdening the adjacent neighborhood.
The Godbold's have shown care & concern for the community.

Print Name Steve Diffenderfer
Signature: [Signature]
Address: 2235 Pecan Grove Ct, Dallas
Address of Property Owned: 2610 20th Street, Lubbock
Phone Number: 214-704-0973
Email: steve@diffrealestate.com

Zone Case Number: **1927-C** R38611 Recipient 1 of 14
DIFFENDERFER, STEPHEN W
2235 PECAN GROVE CT

DALLAS TX 75228





Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 2538-W, a request of AMD Engineering, LLC for 806 Land Group, LLC, for a zone change from Single-Family District (R-1) to Two-Family District (R-2), generally located south of 4th Street and east of Upland Avenue, on 73.45 acres of unplatted land out of Block JS, Section 10, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 2538-W Staff Report
Zone Case 2538-W Documentation

Staff Report	Zone Case 2538-W
City Council Meeting	November 1, 2021

Applicant AMD Engineering, LLC

Property Owner 806 Land Group, LLC

Council District 6

Recommendations

- Staff recommends Approval.

Prior Board or Council Action

- September 27, 1984: This property was annexed and zoned Transition (T) through Ordinance No. 8660.
- October 10, 1985, Zone Case 2538: This property was zoned from Transition (T) to Single-Family District (R-1) through Ordinance No. 8827.

Notification Summary

- Notifications Sent: 17
- Received In Favor: 2
- Received In Opposition: 0

Site Conditions and History

The subject property was annexed in 1984 and has remained vacant. There is a middle school developed between the two properties.

Adjacent Property Development

The subject property is surrounded by Single-Family District (R-1) zoning, with some additional Two-Family District (R-2) and Family Apartment District (A-1) zoning to the west. There are some established residential homes to the west and a middle school developed directly between the two subject properties. The remaining land around the subject properties is vacant.

Zoning Request and Analysis

Item Summary

The subject property is located south of 4th Street and east Upland Avenue, on 73.45 acres of unplatted land out of Block JS Sec 10. The applicant requests a zone change from Single-Family District (R-1) to Two-Family District (R-2).

Current zoning: Single-Family District (R-1)

Requested zoning: Two-Family District (R-2)

Intent Statements

The intent of the current R-1 zoning is, “...to promote orderly and proper development of single-family residential units; to protect established and future single-family residential developments from inharmonious and harmful land uses; and to provide a “quality environment” for the residents of the district and city.”

The intent of the proposed R-2 zoning is, “...to promote stable, quality residential development of slightly increased densities and multiple occupancy. This district may include entire neighborhoods or when used in

accordance with the intent of the comprehensive plan, may provide a “buffer” district between low-density and high-density or non-residential districts.

Traffic Network/Infrastructure Impacts

The proposed rezoning location will be along 4th Street, 12th Street and Upland Avenue, with 4th Street designated as a Minor Arterial, 12th Street designated as a Collector, and Upland Avenue designated as a Principal Arterial by the Master Thoroughfare Plan, 2018. Arterial streets provide connectivity across the transportation network, and are continuous routes whose function is to serve high volume needs to local traffic and regional traffic. Collector streets provide access and movement within residential, commercial, and industrial areas. All of these roadways will be able to adequately serve the traffic associated with the uses in the R-2 district.

Compatibility with Surrounding Property

The proposed zoning is compatible with the surrounding area and will not change the character of the existing development.

Conformance with Comprehensive Plan Principles and Future Land Use Map

The Future Land Use Map designates this area for “Residential Low Density” land uses. While R-2 is considered “Residential Medium Density,” it is appropriate for this area, adjacent to other residential zoning and land uses, and is consistent with the Comprehensive Plan Principles.

Conformance with Zoning Ordinance

The proposed zoning request is in conformance with the zoning ordinance and is appropriate adjacent to other residential zoning and uses that are already established.

Suitability of Property for Allowed Uses

The property is suitable for the proposed uses and may need additional public improvements to support the intensity of use described in the R-2 zoning district, as the property is still unsubdivided.

Attachments

- A. Case Information
- B. Thoroughfare Plan Map
- C. Notification Map
- D. Aerial Map
- E. Zoning Map
- F. Future Land Use Map
- G. Photos
- H. Application and supporting documentation
- I. Notification Replies

Staff Contacts

Ashley Vasquez
Planner
Planning Department
806-775-2107

ashleyvasquez@mylubbock.us

Kristen Sager
Planning and Zoning Manager
Planning Department
806-775-2109

ksager@mylubbock.us

Case Information: Zone Case 2538-W



Allowable Uses: [Two-Family District R-2](#)

Transportation: The proposed development has points of access from 4th Street, Upland Avenue and 12th Street.

Thoroughfare	Existing	Per Thoroughfare Development Plan
4 th Street, <i>Minor Arterial, Completed</i>	R.O.W. 100 feet, five-lane, undivided, paved	R.O.W. 100 feet, five-lane, undivided, paved
Upland Avenue, <i>Principal Arterial, Completed</i>	R.O.W. 110 feet, seven-lane, undivided, paved	R.O.W. 110 feet, seven-lane, undivided, paved
12 th Street, <i>Collector, Future</i>	R.O.W 64 feet, four-lane, undivided, paved	R.O.W 64 feet, four-lane, undivided, paved

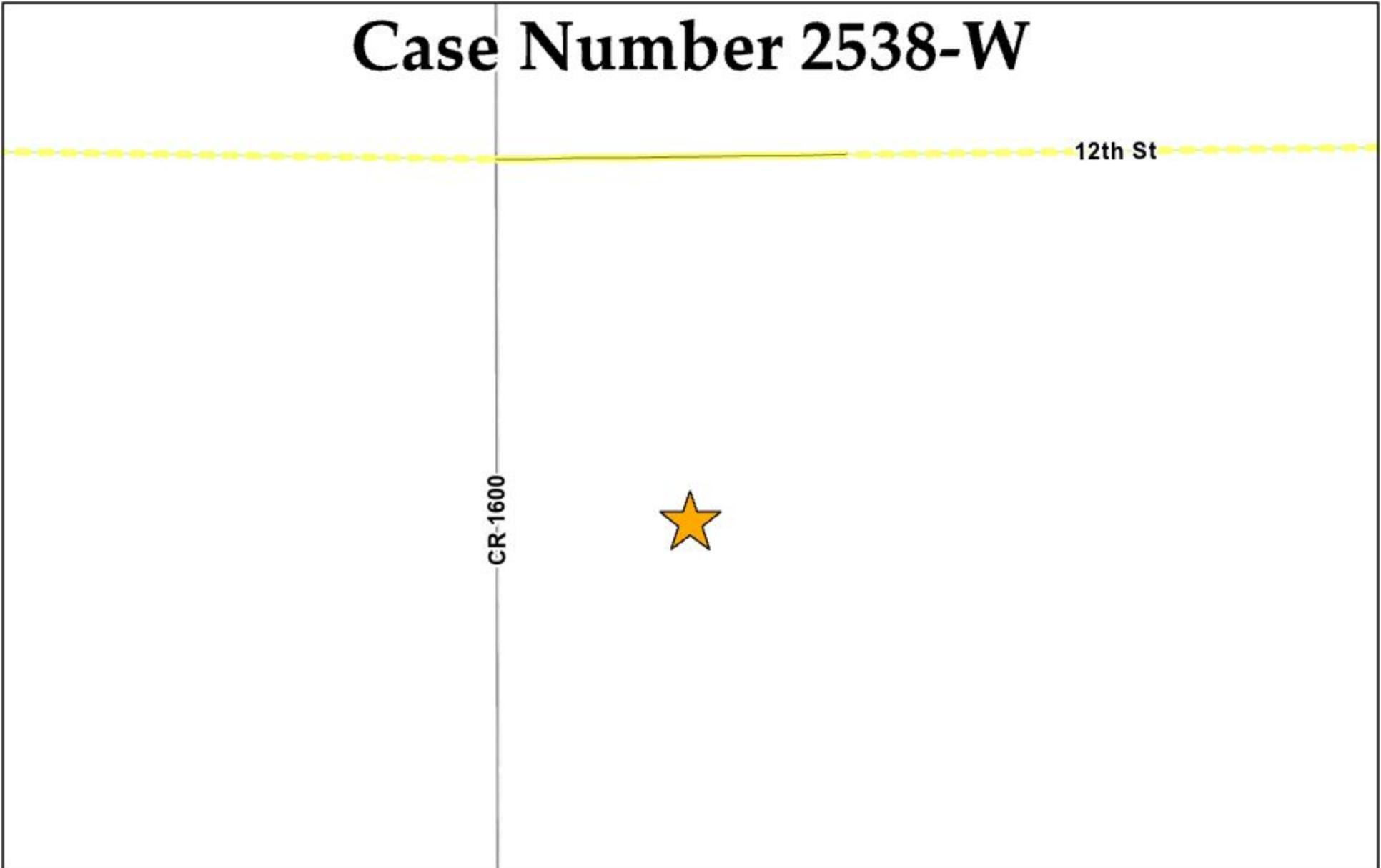
Engineering Comments: No comments.

Public Works Comments: No comments.

Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Case Number 2538-W



Collector

- Completed
- Partial
- Future

Minor Arterial

- Completed
- Partial
- Future

Modified Arterial

- Partial
- Future

Principal Arterial

- Completed
- Partial
- Future

Freeway

- Completed
- Partial
- Proposed Outer Loop



PZC Mailout Notifications Received



Legend

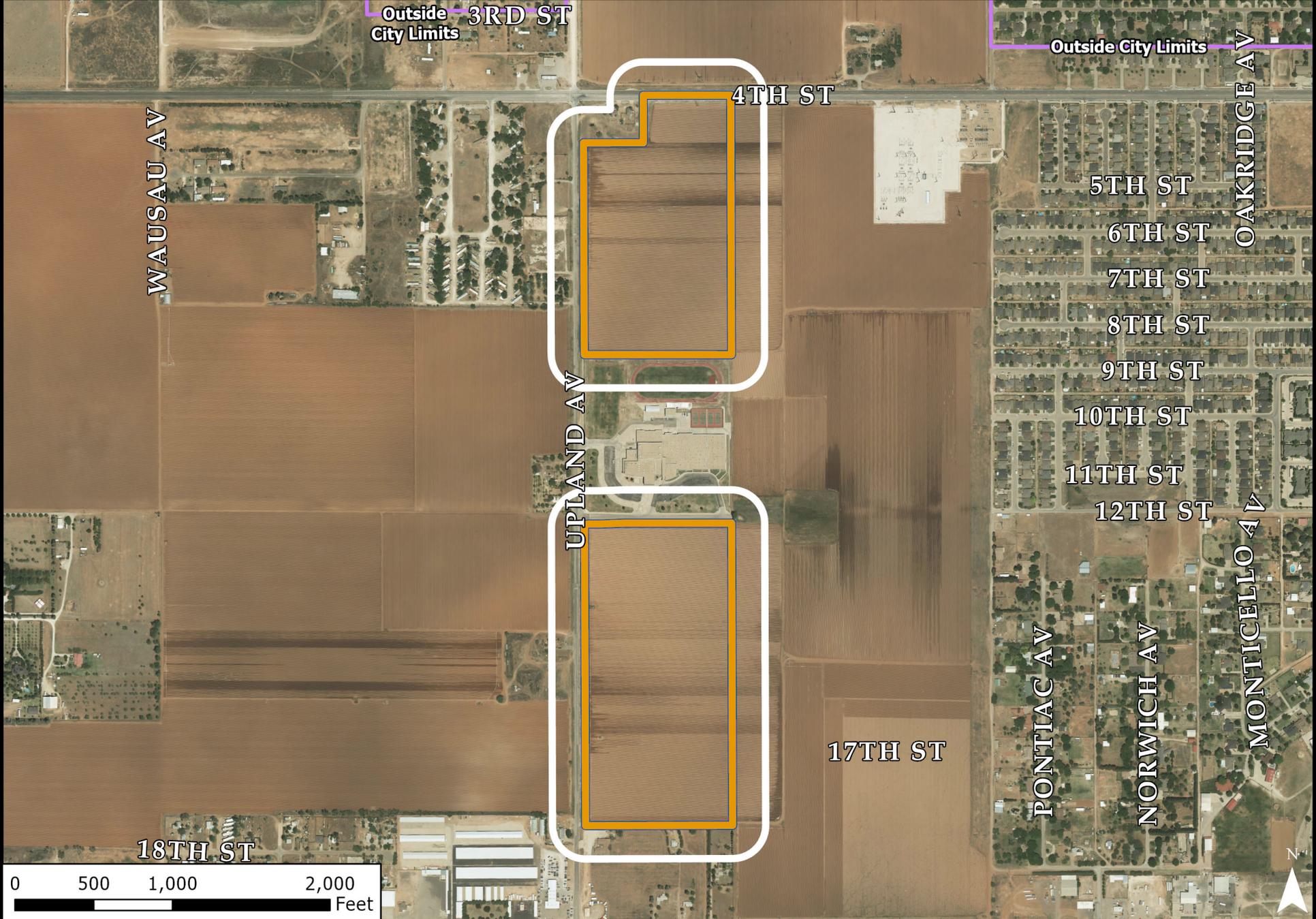
-  LocatorPnt2538_W
-  MailoutBuffer2538_W
-  <all other values>
- Notification Result**
-  In Favor
-  No Feedback
-  Opposed
-  LCAD.DBO.TaxParcel



0 500 1,000 2,000 Feet

Created by Planning Department
Date: 10/1/2021

Case Number 2538-W



Outside City Limits 3RD ST

Outside City Limits

WAUSAU AV

4TH ST

OAKRIDGE AV

5TH ST

6TH ST

7TH ST

8TH ST

9TH ST

10TH ST

11TH ST

12TH ST

UPLAND AV

17TH ST

PONTIAC AV

NORWICH AV

MONTICELLO AV

18TH ST

0 500 1,000 2,000 Feet

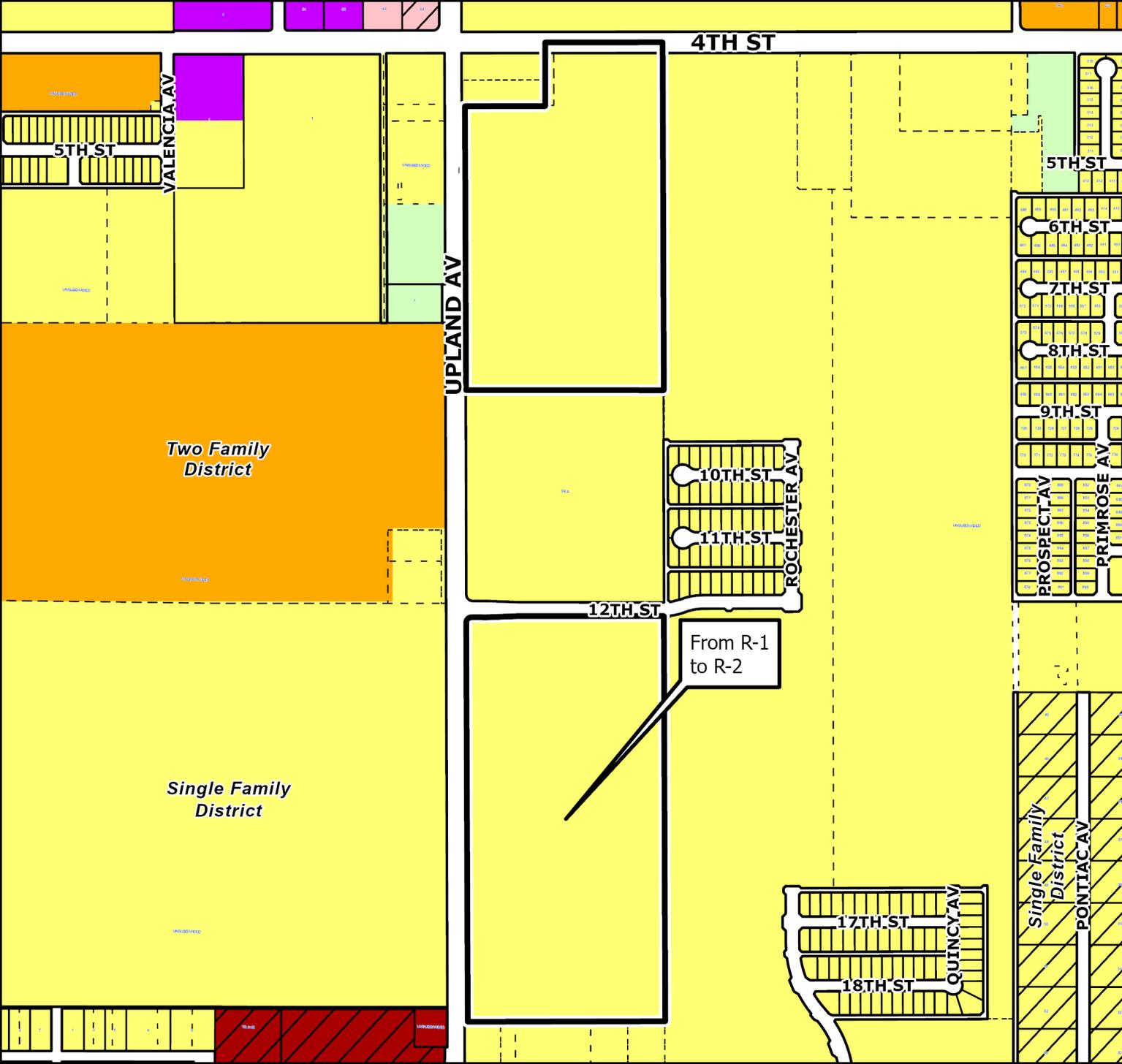


Current Zoning

2538-W

Zoning Districts

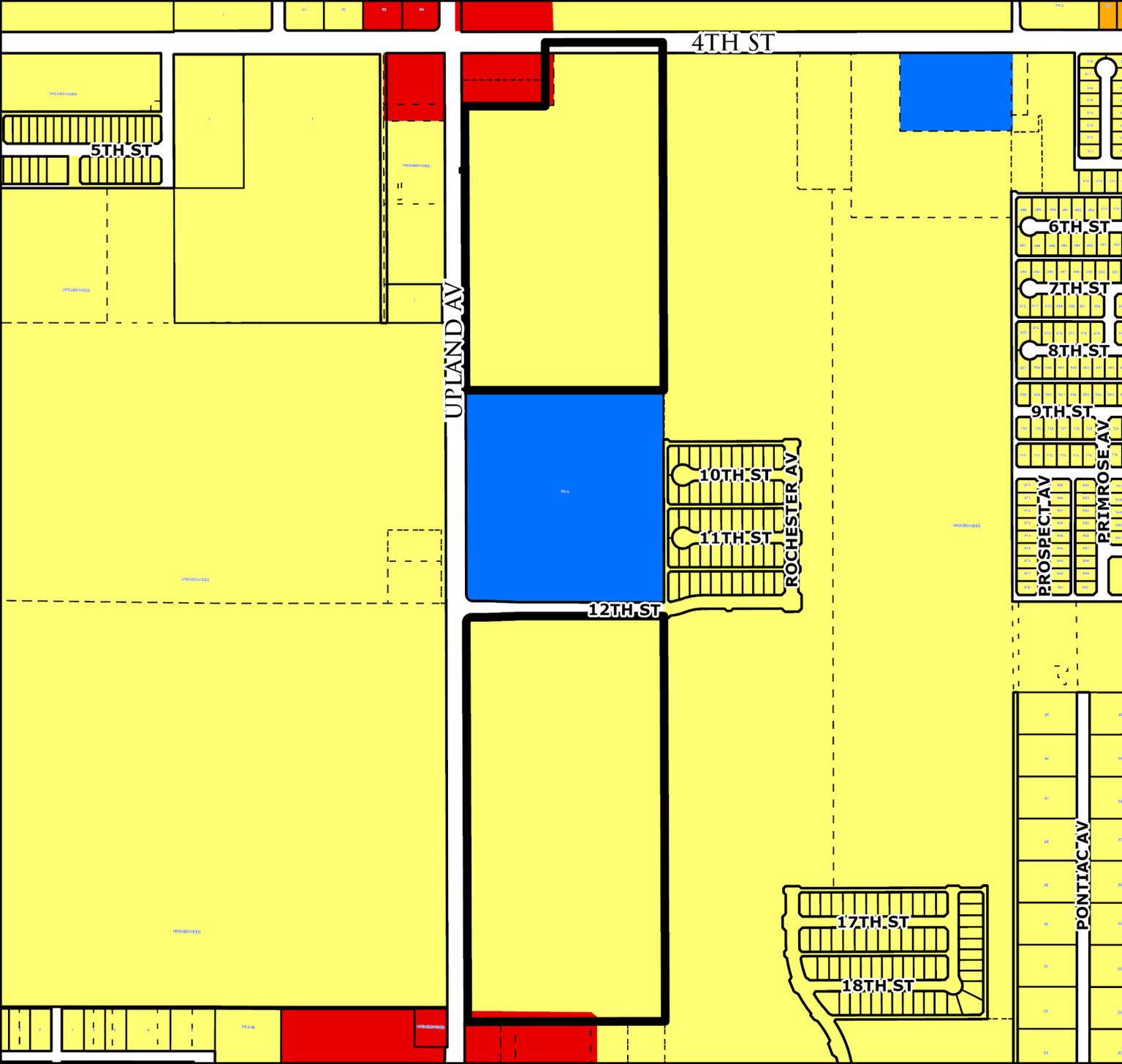
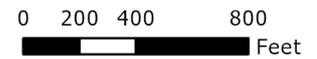
-  Family Apartment
-  Local Retail
-  Local Retail Specific Use
-  Commercial
-  Commercial Specific Use
-  Interstate Highway Commercial
-  Single Family
-  Single Family Specific Use
-  Two Family



Future Land Use Plan Case 2538-W

Future Land Use Type

- Commercial
- Heavy Commercial
- Downtown
- Office
- Industrial
- Interstate Commercial
- Interstate Industrial
- Mixed Use
- Parks
- Public/ Semi-Public
- Residential Low Density
- Residential Medium Density
- Residential High Density



2538-W



Subject property view to the east.



View to the north.



View to the west.



Subject property view to the south.



Lubbock Planning Department
 PO Box 2000 / 1314 Avenue K
 Lubbock, TX 79457
APPLICATION FOR ZONING CHANGE

Project Information

Location or Address: 12th Street and Upland Avenue. Refer to sketch.
 Lots/Tracts: Burgamy Park West
 Survey & Abstract: Section 10, Block JS (Refer to attached Metes and Bounds Description)
 Metes and Bounds Attached: Yes No Total Acreage of Request: 73.45 Acres
 Existing Land Use: Undeveloped Existing Zoning: R-1
 Requested Zoning: R-2
 If property is not subdivided, will a preliminary plat be submitted? Yes No

Representative/Agent Information (if different from owner)

Firm Name: AMD Engineering, LLC
 Name: Westin McCowen, P.E.
 Address: 6515 68th Street, Suite 300 City: Lubbock State: TX
 ZIP Code: 79424 Telephone: (806) 771-5976 Email: wmccowen@amdeng.com
 Applicant's Signature: *Westin McCowen*
 Date: 8/20/21 Printed Name: Westin McCowen

Owner Information

Firm Name: 806 Land Group, LLC
 Owner: Jordan Wheatley
 Address: 3913 114th Street, Suite 7 City: Lubbock State: TX
 ZIP Code: 79423 Telephone: (806) 781-7928 Email: jordan@jwlubbock.com
 Property Owner's Signature: *Jordan Wheatley* 8/20/21
 Date: 8/20/21 Printed Name: Jordan Wheatley

Preparer Information

Preparer's Signature: *Westin McCowen*
 Date: 8/20/21 Printed Name: Westin McCowen

For City Use Only

Zone Case No: _____ Planning and Zoning Commission Date: _____
 Request for zoning change from: _____ To: _____
 Lots: _____ Blocks: _____
 Addition: _____

If you have any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department by phone at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.



DESCRIPTION FOR A ZONING CHANGE REQUEST IN
SECTION 10, BLOCK JS,
LUBBOCK COUNTY, TEXAS

(1 OF 2)

METES AND BOUNDS DESCRIPTION of a 32.54-acre tract of land located in Section 10, Block JS, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point for the southwest corner of said 32.54-acre tract, whence the southwest corner of Section 10, Block JS bears S 06°23'33" W, a distance of 5286.30';

THENCE S 88° 09' 35" E a distance of 555.16 feet to a point of intersection;

THENCE S 01° 41' 25" W a distance of 1637.91 feet to a point of intersection;

THENCE N 88° 06' 14" W a distance of 934.92 feet to a point of intersection;

THENCE N 01° 39' 56" E a distance of 1337.00 feet to a point of intersection;

THENCE S 88° 09' 35" E a distance of 379.68 feet to a point of intersection;

THENCE N 01° 50' 47" E a distance of 300.00 to the Point of Beginning and containing approximately 32.54 acres.

This description was prepared for purposes of a zoning request and does not represent a survey made upon the ground.

August 20, 2021



DESCRIPTION FOR A ZONING CHANGE REQUEST IN
SECTION 10, BLOCK JS,
LUBBOCK COUNTY, TEXAS

(2 OF 2)

METES AND BOUNDS DESCRIPTION of a 40.91-acre tract of land located in Section 10, Block JS, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point for the southwest corner of said 40.91-acre tract, whence the southwest corner of Section 10, Block JS bears S 06°26'48" W, a distance of 659.87';

THENCE N 01° 39' 56" E a distance of 1878.79 feet to a point of curvature;

THENCE northeasterly, along a curve to the right, an arc distance of 40.16 feet, said curve having a radius of 25.50 feet, a delta angle of 90° 13' 50", a chord distance of 36.13 feet and a chord bearing of N 46° 46' 51" E, to a point of tangency;

THENCE S 88° 06' 14" E a distance of 74.27 feet to a point of intersection;

THENCE N 89° 47' 48" E a distance of 150.12 feet to a point of intersection;

THENCE S 88° 07' 29" E a distance of 684.55 feet to a point of intersection;

THENCE S 01° 41' 25" W a distance of 1907.54 feet to a point of intersection;

THENCE N 88° 19' 28" W a distance of 933.63 to the Point of Beginning and containing approximately 40.91 acres.

This description was prepared for purposes of a zoning request and does not represent a survey made upon the ground.

August 20, 2021

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

EMAIL

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX 79457 or email to CityPlanning@mylubbock.us.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **2538-W**

In Favor

Opposed

Reasons and/or Comments:

Print Name: JORDAN WHEATZEL
Signature: *[Handwritten Signature]*
Address: 3913 114th ST, SUITE #7, LUBBOCK, TX
Address of Property Owned: BLK D6 SEC 1 AB 253 TR A10:7B A C
Phone Number: 806 781 7928
Email: BILLS@JWLUBBOCK.COM

Zone Case Number: **2538-W**

R52910

Recipient 5 of 17

806 LAND GROUP LLC

3913 114TH ST

STE 7

LUBBOCK

TX 79423-2277

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX 79457 or email to CityPlanning@mylubbock.us.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **2538-W**

In Favor

Opposed

Reasons and/or Comments:



Print Name KIRITI SUVEDI
Signature: *K. Suvedi*
Address: 741 Milan Ct, Edmond, OK 73034
Address of Property Owned: 1504 Upland Avenue, Lubbock, TX 79416
Phone Number: (806) 517 1319
Email: ksuvedi@hotmail.com

Zone Case Number: **2538-W**

R115912

Recipient 16 of 17

SUVEDI CONSTRUCTION SOLUTIONS
741 MILAN CT

EDMOND

OK 73034



Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 2538-Y, a request of Betenbough Homes, for a zone change from Transition (T) and Single-Family District (R-1) to Two-Family District (R-2), at 7311 34th Street, located south of 34th Street and west of Upland Avenue, on 34.294 acres of unplatted land out of Block AK, Section 39, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 2538-Y Staff Report
Zone Case 2538-Y Documentation

Staff Report	Zone Case 2538-Y
City Council Meeting	November 1, 2021

Applicant AMD Engineering, LLC

Property Owner Betenbough Homes

Council District 5

Recommendations

- Staff recommends Approval.

Prior Board or Council Action

- September 27, 1984: A portion of this property was annexed and zoned Transition (T) through Ordinance No. 8660.
- October 10, 1985, Zone Case 2538: A portion of this property was zoned from Transition (T) to Single-Family District (R-1) through Ordinance No. 8827.
- January 14, 1999: A portion of this property was annexed and zoned Transition (T) through Ordinance number 10117.
- September 28, 2021: A portion of this property was annexed and zoned Transition (T) through Ordinance No. 2021-00133.

Notification Summary

- Notifications Sent: 16
- Received In Favor: 0
- Received In Opposition: 0

Site Conditions and History

Portions of the subject property were annexed in 1984, 1999, and 2021 and have all remained vacant.

Adjacent Property Development

A new residential neighborhood is currently being developed to the north and is zoned R-1. To the east of the subject property, land is developed with single-family homes and is zoned R-1. To the south and west, there are manufacturing uses as well as vacant land. The areas are zoned T and M-2 respectively.

Zoning Request and Analysis

Item Summary

The applicant requests a zone change from Single-Family District (R-1) and Transition (T) to Two-Family District (R-2). The subject property is located south of 34th Street and west Upland Avenue, on 34.294 acres of unplatted land out of Block AK Sec 39.

Current zoning: Single-Family District (R-1) and Transition (T)

Requested zoning: Two-Family District (R-2)

Intent Statements

The intent of the current R-1 zoning is, "...to promote orderly and proper development of single-family residential units; to protect established and future single-family residential developments from inharmonious and harmful land uses; and to provide a "quality environment" for the residents of the district and city."

The intent of the current T zoning is, “...to protect existing and future development in newly annexed territory until the proper zone classification can be determined and established by zone change.”

The intent of the proposed R-2 zoning is, “...to promote stable, quality residential development of slightly increased densities and multiple occupancy. This district may include entire neighborhoods or when used in accordance with the intent of the comprehensive plan, may provide a “buffer” district between low-density and high-density or non-residential districts.”

Traffic Network/Infrastructure Impacts

The subject property has access from 34th Street which is designated as a Principal Arterial, by the Master Thoroughfare Plan, 2018. Arterials are continuous routes whose function is to serve high volume needs to local traffic and regional traffic.

Compatibility with Surrounding Property

The proposed zoning is compatible with the surrounding area and will not change the character of the existing development.

Conformance with Comprehensive Plan Principles and Future Land Use Map

The Future Land Use Map designates this area for “Residential Low Density” land uses. While R-2 zoning is typically considered medium density residential, the Comprehensive Plan notes that land uses in these areas can take numerous forms depending on context. The level of intensity of the uses in R-2 is appropriate for this area and the request is in conformance with the Comprehensive Plan Principles.

Conformance with Zoning Ordinance

The proposed zoning request is in conformance with the zoning ordinance and is appropriate in this location.

Suitability of Property for Allowed Uses

The property is suitable for the proposed uses and may need additional public improvements to support the intensity of uses described in the R-2 zoning district, as the property has not been platted.

Attachments

- A. Case Information
- B. Thoroughfare Plan Map
- C. Aerial Map
- D. Zoning Map
- E. Future Land Use Map
- F. Photos
- G. Application and supporting documentation

Staff Contacts

Bailey Shillings
Planner
Planning Department
806-775-3147
bshillings@mylubbock.us

Kristen Sager
Planning and Zoning Manager
Planning Department
806-775-2109
ksager@mylubbock.us

Case Information: Zone Case 2538-Y



Allowable Uses: [Two-Family District \(R-2\)](#)

Transportation: The proposed development has points of access from 34th Street.

Thoroughfare	Existing	Per Thoroughfare Development Plan
34 th Street <i>Principal Arterial (Modified), Partially Completed</i>	R.O.W. 110 feet, 2-lane, divided, paved	R.O.W. 110 feet, 5-lane, divided, paved

Engineering Comments: No comments.

Public Works Comments: No comments.

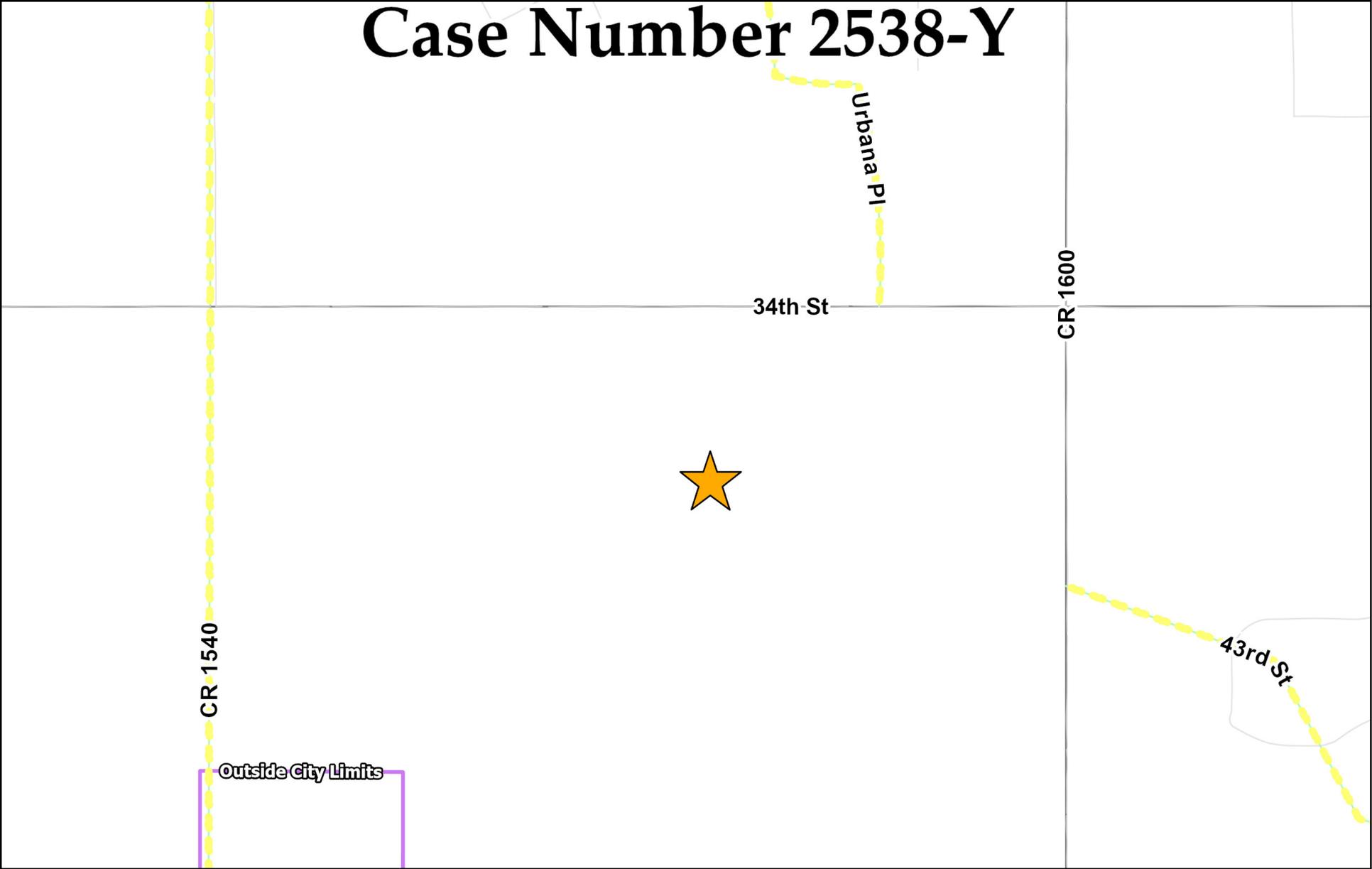
Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Draft Planning and Zoning Commission Minutes

N/A

Case Number 2538-Y



Collector	Minor Arterial	Modified Arterial	Principal Arterial	Freeway
Completed	Completed	Partial	Completed	Completed
Partial	Partial	Future	Partial	Partial
Future	Future		Future	Proposed Outer Loop



Case Number 2538-Y

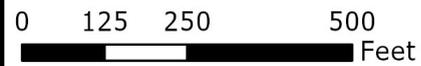
WAUSAU AV

VIOLA AV

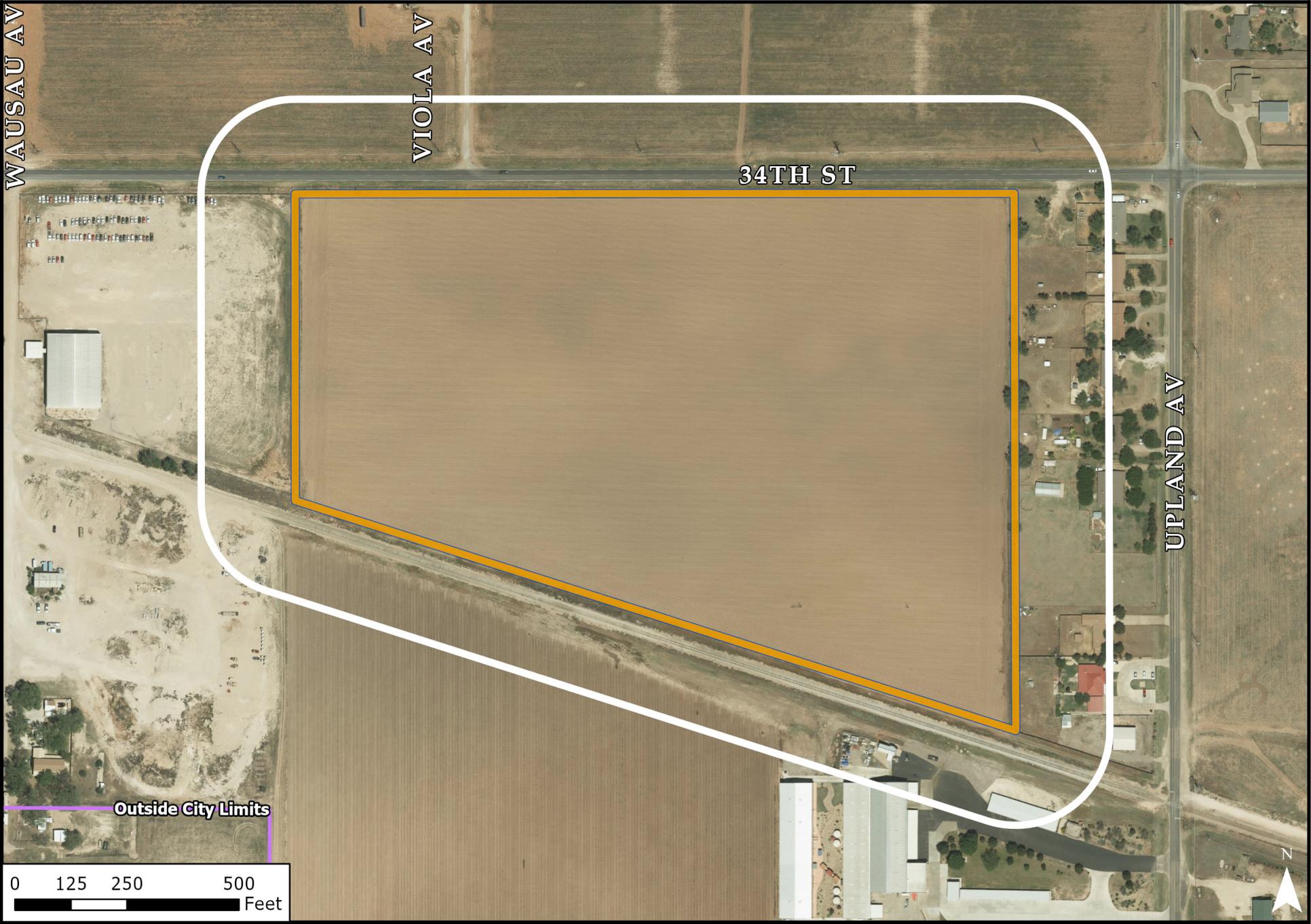
34TH ST

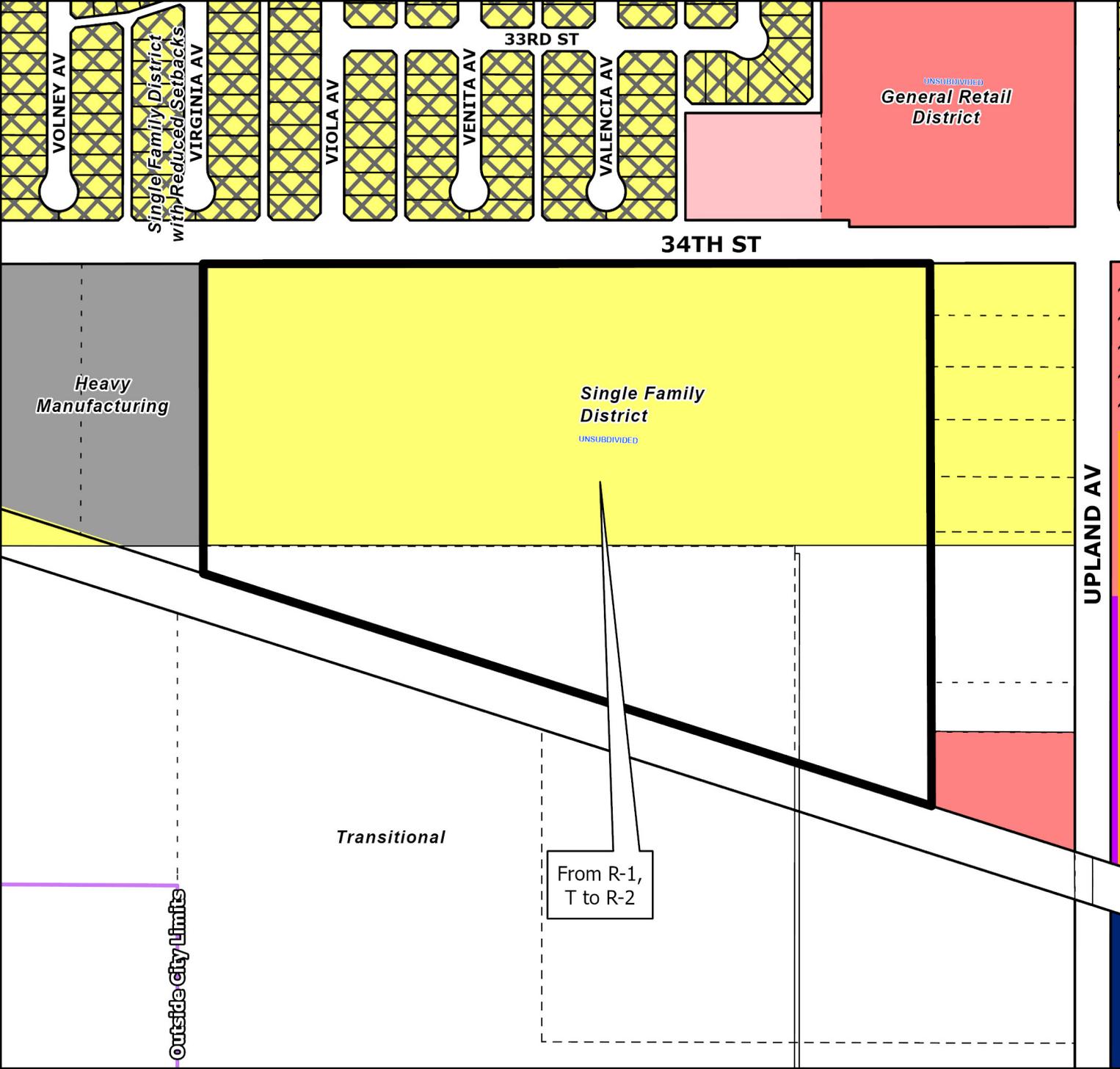
UPLAND AV

Outside City Limits



N





Current Zoning

2538-Y

Zoning Districts

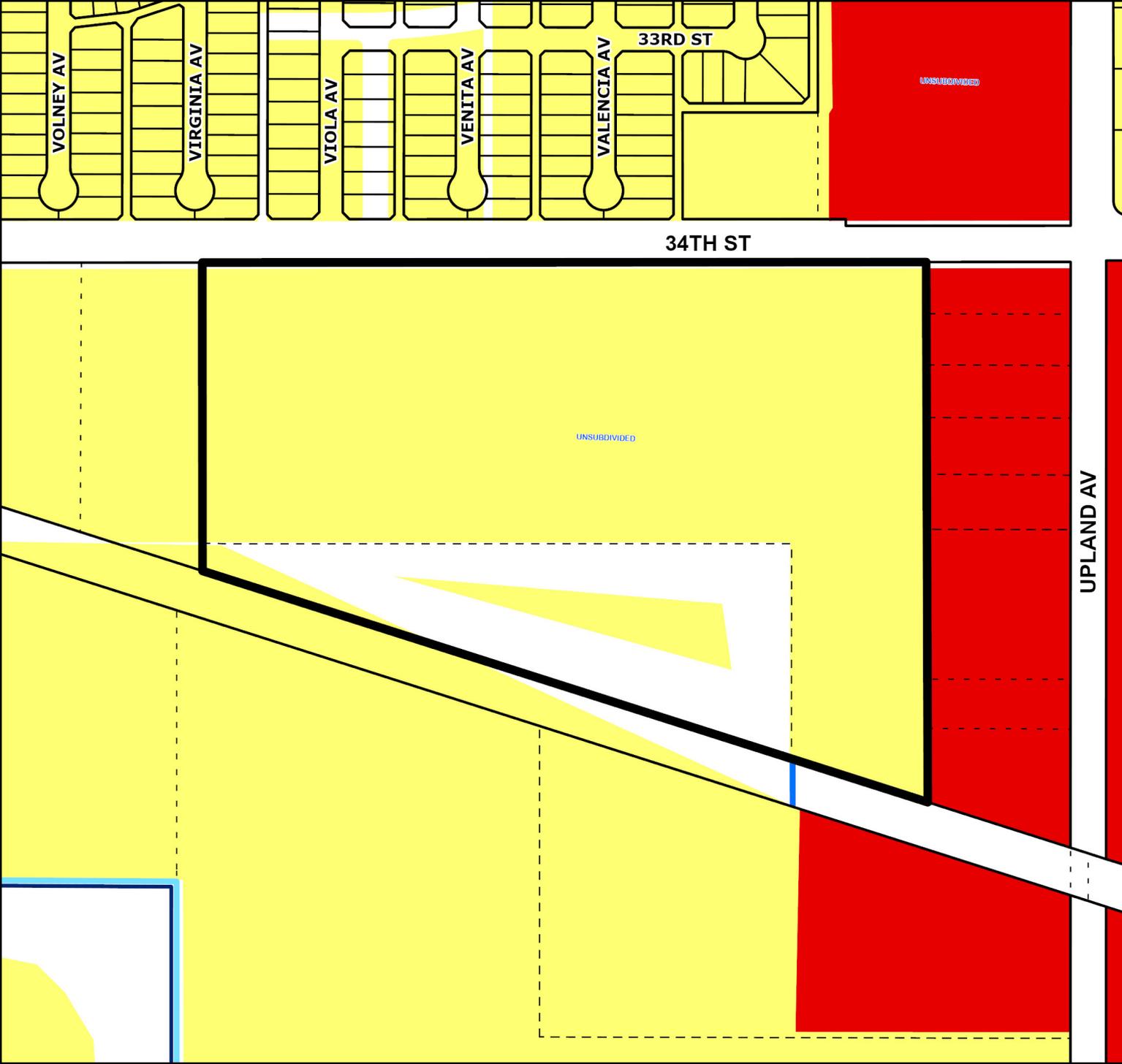
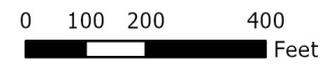
-  Local Retail
-  General Retail
-  General Retail Specific Use
-  Industrial Park
-  Interstate Highway Commercial
-  Heavy Manufacturing
-  Single Family
-  Single Family Specific Use
-  Single Family with Reduced Setbacks
-  Two Family
-  Transitional



Future Land Use Plan Case 2538-Y

Future Land Use Type

-  Commercial
-  Heavy Commercial
-  Downtown
-  Office
-  Industrial
-  Interstate Commercial
-  Interstate Industrial
-  Mixed Use
-  Parks
-  Public/ Semi-Public
-  Residential Low Density
-  Residential Medium Density
-  Residential High Density



2538-Y



View to the north.



View to the east.



View to the south. Subject Property.



View to the west.



Lubbock Planning Department
 PO Box 2000 / 1314 Avenue K
 Lubbock, TX 79457
APPLICATION FOR ZONING CHANGE

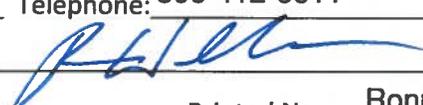
Project Information

Location or Address: 7311 34th Street (South of 34th & West of Upland)
 Lots/Tracts: LCAD R#: R102962 & LCAD R#: R126622
 Survey & Abstract: A 34.294 Acre Tract of Land in Section 39, Block AK, G.C. & S.F. RR. Co. Survey, Abstract No. 228, Lubbock County, Texas
 Metes and Bounds Attached: Yes No Total Acreage of Request: 34.294
 Existing Land Use: Agriculture Existing Zoning: T (Transitional)
 Requested Zoning: R2 (To potentially build single family 45's, 50's, Cottage, Duplex, Townhome)
 If property is not subdivided, will a preliminary plat be submitted? Yes No

Representative/Agent Information (if different from owner)

Firm Name: See Below
 Name: _____
 Address: _____ City: _____ State: _____
 ZIP Code: _____ Telephone: _____ Email: _____
 Applicant's Signature: _____
 Date: _____ Printed Name: _____

Owner Information

Firm Name: Betenbough Homes
 Owner: Ronnie Wallace, Land Planner, Betenbough Homes
 Address: 6305 82nd Street City: Lubbock State: Texas
 ZIP Code: 79424 Telephone: 806-412-6611 Email: ronniew@betenbough.com
 Property Owner's Signature: 
 Date: July 29th, 2021 Printed Name: Ronnie Wallace

Preparer Information

Preparer's Signature: 
 Date: 7/29/2021 Printed Name: Brock Maudy

For City Use Only

Zone Case No: _____ Planning and Zoning Commission Date: _____
 Request for zoning change from: _____ To: _____
 Lots: _____ Blocks: _____
 Addition: _____

If you have any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department by phone at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.

**A BOUNDARY SURVEY OF
A 34.294 ACRE TRACT OF LAND IN
SECTION 39, BLOCK AK,
G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 228,
LUBBOCK COUNTY, TEXAS**

(ORIGINAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NUMBER 2014004363 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS)

SURVEYOR'S REPORT:

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE INDIVIDUAL AND/OR INSTITUTIONS NAMED ON THIS SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR INDIVIDUALS WITHOUT EXPRESSED RECONSTRUCTION BY AND ENGINEERING.

THIS PLAT IS THE PROPERTY OF AND ENGINEERING. REPRODUCTION OF THIS PLAT FOR ANY PURPOSE IS EXPRESSLY FORBIDDEN WITHOUT THE WRITTEN CONSENT OF AN AUTHORIZED AGENT OF AND ENGINEERING. THIS SURVEY IS SUBJECT TO ANY FACTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. RECORD DOCUMENTS OTHER THAN THOSE SHOWN MAY AFFECT THIS TRACT.

VISIBLE EVIDENCE OF CONDITIONS AFFECTING THIS TRACT ARE AS SHOWN ON THIS PLAT.

MONUMENTS INDICATED AS FOUND BY THIS SURVEY ARE NOT "PHYSICAL MONUMENTS OF RECORD DIGNITY" UNLESS SO NOTED.

FOUND MONUMENTS ARE ACCEPTED BY THIS SURVEYOR AS CONTROLLING EVIDENCE DUE TO SUBSTANTIAL AGREEMENT WITH RECORD DOCUMENTS.

BEARINGS AND COORDINATES ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. DISTANCES ARE AT SURFACE, IN U.S. SURVEY FEET, THE CONVERGENCE ANGLE TO TRUE NORTH IS -13.5450" AND THE COMBINED SCALE FACTOR IS 0.9997587, AS COMPUTED FROM A POINT OF BEGINNING AT NORTHING: 7,269,537.172 AND EASTING: 908,334.485.

THIS PLAT INVALID UNLESS IT BEARS SURVEYOR'S ORIGINAL SIGNATURE AND SEAL.

FLOOD CERTIFICATE:

BASED ON EVIDENCE PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, IT APPEARS THAT THIS TRACT DOES NOT LIE IN A 1% ANNUAL FLOOD (100-YEAR FLOOD) SPECIAL FLOOD HAZARD AREA AS SHOWN ON PLATE 250 OF 500, MAP NUMBER 483020200 E OF THE FLOOD INSURANCE RATE MAP FOR LUBBOCK COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY NUMBER 480452, EFFECTIVE DATE: SEPTEMBER 26, 2007 AND AS LUBBOCK COUNTY, TEXAS, INCORPORATED AREAS, COMMUNITY NUMBER 480452, UNINCORPORATED AREAS COMMUNITY NUMBER 480915, EFFECTIVE DATE: FEBRUARY 3, 2017.

DESCRIPTION:

A 34.294 ACRE TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 39 BLOCK AK, G.C. & S.F. RR. CO. SURVEY, ABSTRACT NO. 228, LUBBOCK COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A CORRECTED SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NUMBER 2014004363 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, SAID 34.294 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH CAP MARKED "HUGO REED & ASSOC'S" FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF 34TH STREET, AS DESCRIBED IN A RIGHT-OF-WAY DEED RECORDED IN VOLUME 558, PAGE 677 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, AND IN THE WEST LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NUMBER 2013047847 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THIS TRACT, HAVING COORDINATES OF NORTHING: 7,269,158.33 AND EASTING: 908,971.59 OF THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE, WHENCE A RAILROAD SPIKE FOUND AT THE NORTHEAST CORNER OF SAID SECTION 39 BEARS N. 01° 51' 40" E. A DISTANCE OF 4.00 FEET AND S. 88° 10' 50" E. A DISTANCE OF 30.29 FEET, SAID SECTION JOINER HAVING COORDINATES OF NORTHING: 7,269,186.91 AND EASTING: 910,332.91 OF THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE;

THENCE S. 01° 51' 40" W. ALONG THE WEST LINES OF THOSE CERTAIN TRACTS OF LAND DESCRIBED IN WARRANTY DEEDS RECORDED IN VOLUME 3266, PAGE 02 AND VOLUME 6287, PAGE 250 OF THE REAL PROPERTY RECORDS AND COUNTY CLERK'S FILE NUMBERS 200501119, 200803206, 201304787 AND 201303608 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, A DISTANCE OF 919.76 FEET TO A 5/8" IRON ROD FOUND AT THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A WARRANTY DEED RECORDED IN VOLUME 6287, PAGE 150 OF THE REAL PROPERTY RECORDS OF LUBBOCK COUNTY, TEXAS, FOR AN ALL CORNER OF THIS TRACT;

THENCE S. 88° 10' 50" E. ALONG THE SOUTH LINE OF SAID TRACT DESCRIBED IN VOLUME 6267, PAGE 250, A DISTANCE OF 0.40 FEET TO A 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A WARRANTY DEED RECORDED IN VOLUME 1491, PAGE 52 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, FOR A CORNER OF THIS TRACT;

THENCE S. 01° 51' 40" W. A DISTANCE OF 270.08 FEET TO A 1" IRON PIPE FOUND AT THE SOUTHWEST CORNER OF THAT CERTAIN 1.811 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NUMBER 2014012486 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE N. 70° 17' 30" W. ALONG THE NORTH LINE OF THE WEST TEXAS & LUBBOCK RAILROAD, A RIGHT-OF-WAY BEING 00.00 FEET IN WIDTH AS DESCRIBED IN A DEED RECORDED IN COUNTY CLERK'S FILE NUMBER 2015020381 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, A DISTANCE OF 1686.40 FEET TO A 5/8" IRON ROD FOUND AT THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NUMBER 013044872 OF THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS, FOR THE SOUTHWEST CORNER OF THIS TRACT, HAVING COORDINATES OF NORTHING: 7,269,537.79 AND EASTING: 908,366.09 OF THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE;

THENCE N. 01° 55' 00" E. A DISTANCE OF 572.00 FEET TO A 1/2" IRON ROD FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF SAID 34TH STREET AT THE NORTHEAST CORNER OF SAID TRACT DESCRIBED IN COUNTY CLERK'S FILE NUMBER 2013044872 FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE S. 88° 10' 50" E. A DISTANCE OF 1604.24 FEET TO THE POINT OF BEGINNING BEARINGS ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE. INSTANCES ARE AT SURFACE, IN U.S. SURVEY FEET.

I, NORRIS STEVENS, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY TO TEXAS LEGAL LAND TITLE, GFA 215267, AND BETENBACH HOMES, LLC, THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY AND THAT THE INFORMATION HEREON REPRESENTS THE FINDINGS OF THIS SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SURVEYED: JUNE 21, 2021

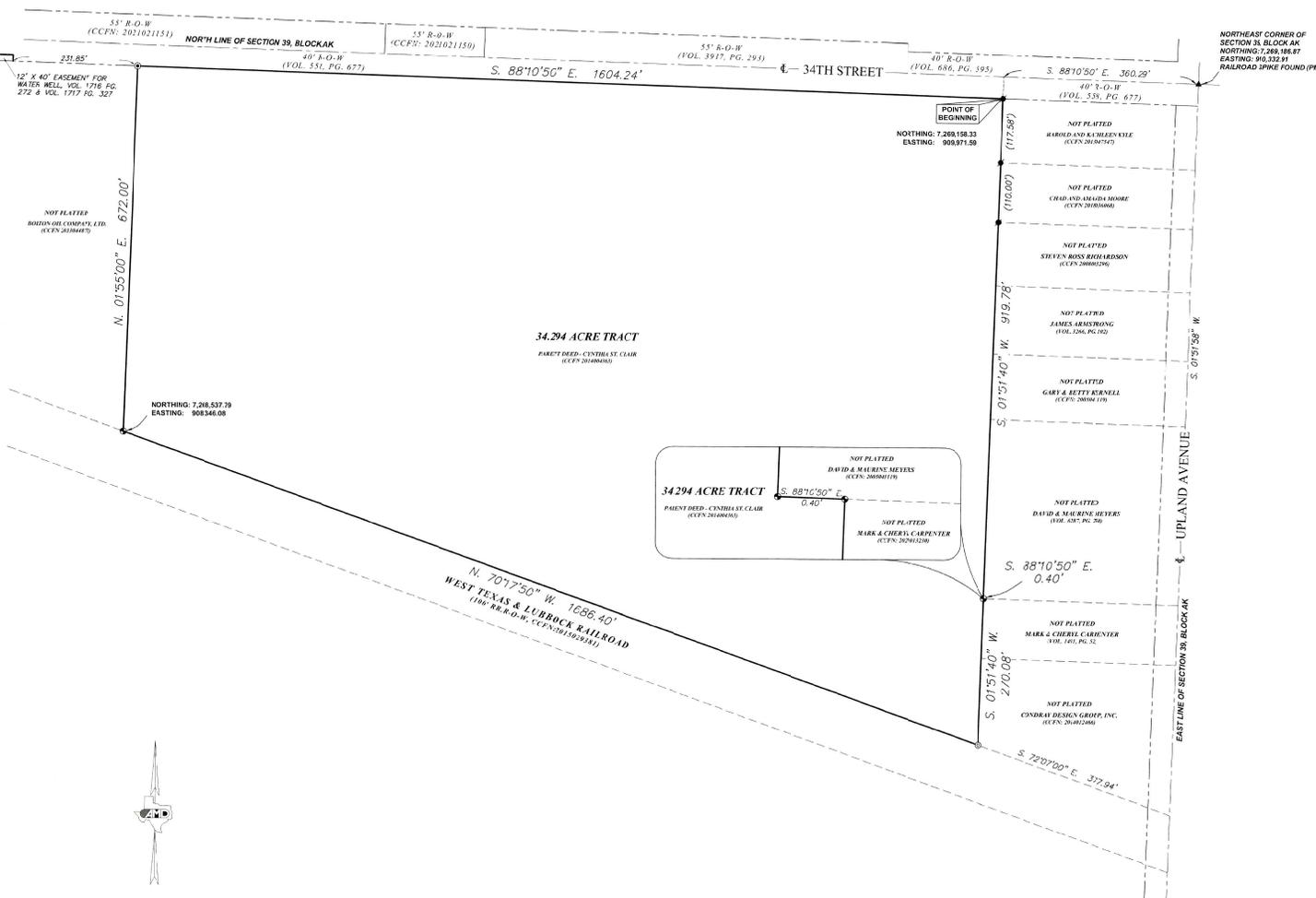
Norris Stevens

NORRIS STEVENS
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS, SEAL NO. 4335
RENEWED JULY 1, 2021. ADD TITLE COMPANY, OF NUMBER AND EASEMENT IN
VOL. 1716 PG. 272 & VOL. 1717 PG. 327



AMD
CIVIL ENGINEERING
LAND SURVEYING
Phone: 806-771-5428
8310 Birch Street, Suite 300
Lubbock, TX 79424 Fax: 806-771-2582
TBPB Reg # 10178900
Accuracy: Efficiency Integrity

PREPARED FOR: BETENBACH HOMES, LLC
G.P.# 215267
JOB NUMBER: 20447 © 2021 ALL RIGHTS RESERVED



LEGEND:

SCALE: 1" = 100'

HEAVY LINES INDICATE LIMITS OF SURVEY.

● = FOUND 1/2" IRON ROD (CM)
⊙ = FOUND 5/8" IRON ROD (PMD)
⊙ = FOUND 1/2" IRON ROD WITH CAP MARKED "H. R. & ASSOC." (CM)
⊙ = FOUND 1" IRON PIPE (PMD)
PMD = PHYSICAL MONUMENT OF RECORD DIGNITY.
CM = CONTROLLING MONUMENT.
R-O-W = RIGHT-OF-WAY.



Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 2573-S, a request of AMD Engineering, LLC for North Park Development, Inc., for a zone change from Interstate Highway Commercial District (IHC) and General Retail District (C-3) to High-Density Apartment District (A-2) at 316 and 401 North Winston Avenue, located west of Winston Avenue and north of Auburn Street, on 15.65 acres of unplatted land out of Block A, Section 22, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 2573-S Staff Report
Zone Case 2573-S Documentation

Staff Report	Zone Case 2573-S
City Council Meeting	November 1, 2021

Applicant AMD Engineering, LLC

Property Owner North Park Development, Inc.

Council District 6

Recommendations

- Staff recommends Approval.

Prior Board or Council Action

- September 11, 1958: This property was annexed through Ordinance No. 2536 and zoned Single-Family District (R-1).
- May 13, 2004, Zone Case 2573-F: This property was zoned from R-1 to General Retail District (C-3) through Ordinance 2004-00051.
- December 19, 2006, Zone Case 2573-I: A portion of this property was zoned from C-3 to Interstate Highway Commercial (IHC) through Ordinance 2006-00125.

Notification Summary

- Notifications Sent: 5
- Received In Favor: 0
- Received In Opposition: 0

Site Conditions and History

The subject property was annexed in 1958 and is vacant.

Adjacent Property Development

The properties to the north and west of the subject property are zoned C-3 and are vacant. The property to the south is zoned Apartment-Medical District (AM) and is developed with a hotel. The property to the east is zoned High-Density Apartment District (A-2) and has been developed with apartment buildings.

Zoning Request and Analysis

Item Summary

The subject property is addressed as 316 and 401 North Winston Avenue, and is located west of Winston Avenue and north of Auburn Street on 15.65 acres of unplatted land out of Block A, Section 22. The applicant requests to rezone the subject property from C-3 and IHC to A-2.

Current zoning: General Retail District (C-3) and Interstate Highway Commercial District (IHC)

Requested zoning: High-Density Apartment District (A-2)

Intent Statements

The intent of the current C-3 zoning is “...to provide for general commercial uses which are medium activity centers in terms of generated traffic. Such districts should be adjacent to local or regional thoroughfares such as state or federal highways. Because of the commercial nature of the permitted uses, compatibility with adjacent residential areas should be considered.”

The intent of the current IHC zoning is “...to provide for quality commercial office, retail and wholesale uses which serve a city-wide or regional area. Such uses require careful consideration when adjacent to residential areas.”

The intent of the proposed A-2 zoning is “...to promote high-density multi-family developments and compatible land uses in harmony with lower-density uses. The regulations are designed to provide the occupants with safe and convenient housing within an aesthetically pleasing environment in proper relationship to adjacent land uses.”

Traffic Network/Infrastructure Impacts

The proposed rezoning location is along Winston Avenue, which is designated as a Collector by the Master Thoroughfare Plan, 2018. Collector streets are designed for medium volumes of vehicles operating at lower speeds and provide access and movement within residential, commercial, and industrial areas (Comprehensive Plan, page 87). The proposed rezoning will be suitable for this type of road.

Compatibility with Surrounding Property

The proposed zoning is compatible with the surrounding area and will not change the character of the existing development. The proposed use is for apartments.

Conformance with Comprehensive Plan Principles and Future Land Use Map

The Future Land Use Map designates this property for “Commercial/Light Retail” land uses. Although A-2 zoning is not consistent with this designation, it is appropriate for this area, is compatible with the A-2 zoning to the east, and is in conformance with the Comprehensive Plan principles.

Conformance with Zoning Ordinance

The proposed zoning request is in conformance with the zoning ordinance and is appropriate adjacent to other commercial and apartment zoning districts and uses that are already established.

Suitability of Property for Allowed Uses

The property is suitable for the proposed uses and may need additional public improvements to support the intensity of uses described in the A-2 zoning district, as the property has not been platted.

Attachments

- A. Case Information
- B. Thoroughfare Plan Map
- C. Aerial Map
- D. Zoning Map
- E. Future Land Use Map
- F. Photos
- G. Application and supporting documents

Staff Contacts

Jacob Hawkins
Planner
Planning Department
806-775-2096
jhawkins@mylubbock.us

Kristen Sager
Planning and Zoning Manager
Planning Department
806-775-2109
ksager@mylubbock.us

Case Information: Zone Case 2573-S



Allowable Uses: [High-Density Apartment District \(A-2\)](#)

Transportation: The proposed development has points of access from Winston Avenue.

Thoroughfare	Existing	Per Thoroughfare Development Plan
Winston Avenue <i>Collector</i>	R.O.W. 60 feet, two-lane, undivided, paved	R.O.W. 60 feet, two-lane, undivided, paved

Engineering Comments: No comments.

Public Works Comments: No comments.

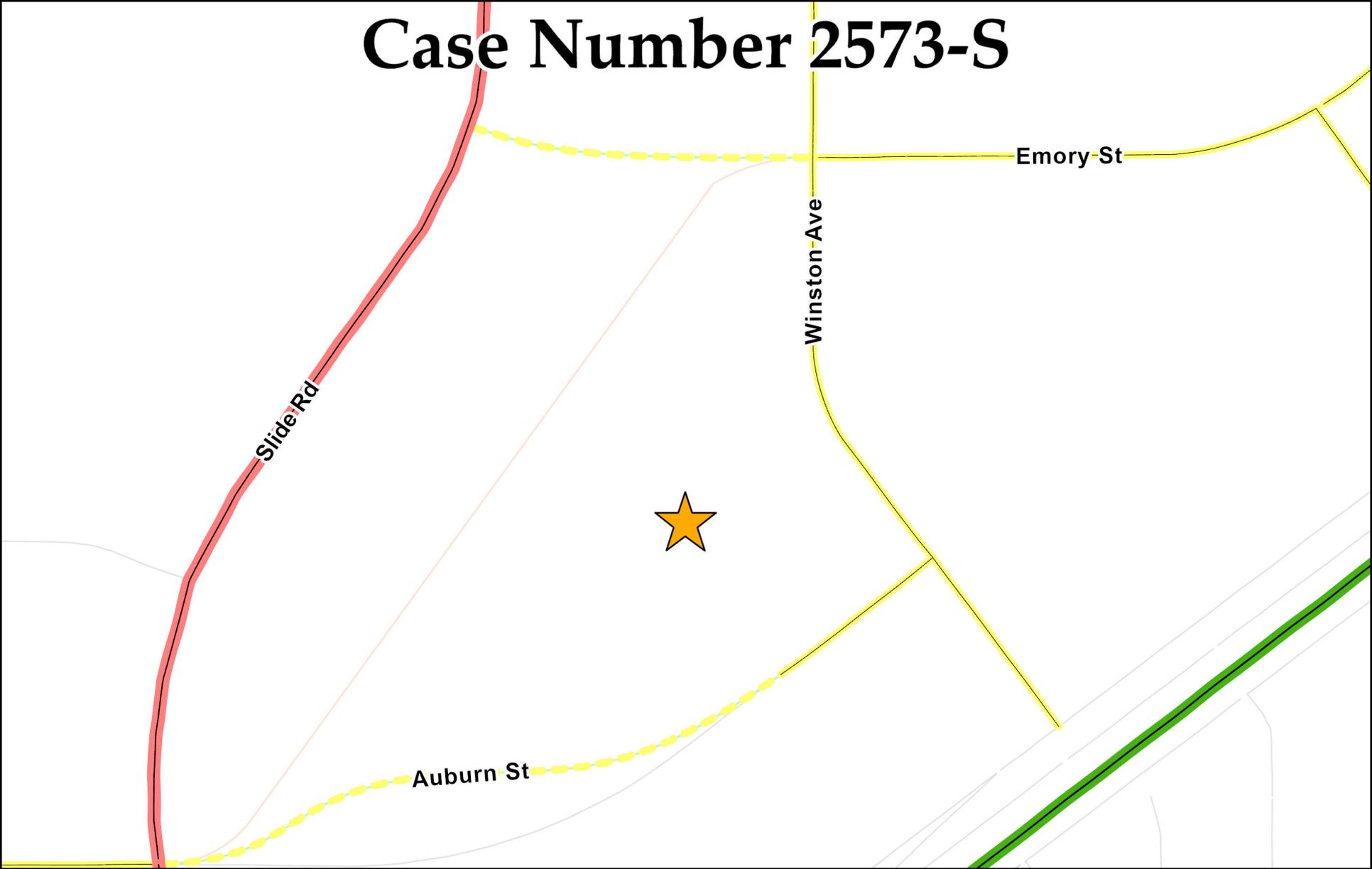
Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Draft Planning and Zoning Commission Minutes

N/A

Case Number 2573-S



Collector	Minor Arterial	Modified Arterial	Principal Arterial	Freeway
Completed	Completed	Partial	Completed	Completed
Partial	Partial	Future	Partial	Partial
Future	Future		Future	Proposed Outer Loop



Case Number 2573-S



N SLIDE RD

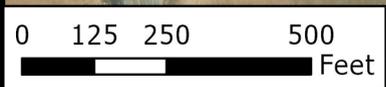
EMORY ST

N WINSTON AV

AUBURN ST

LOOP 289
N LOOP 289

N TROY AV

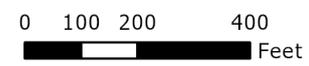
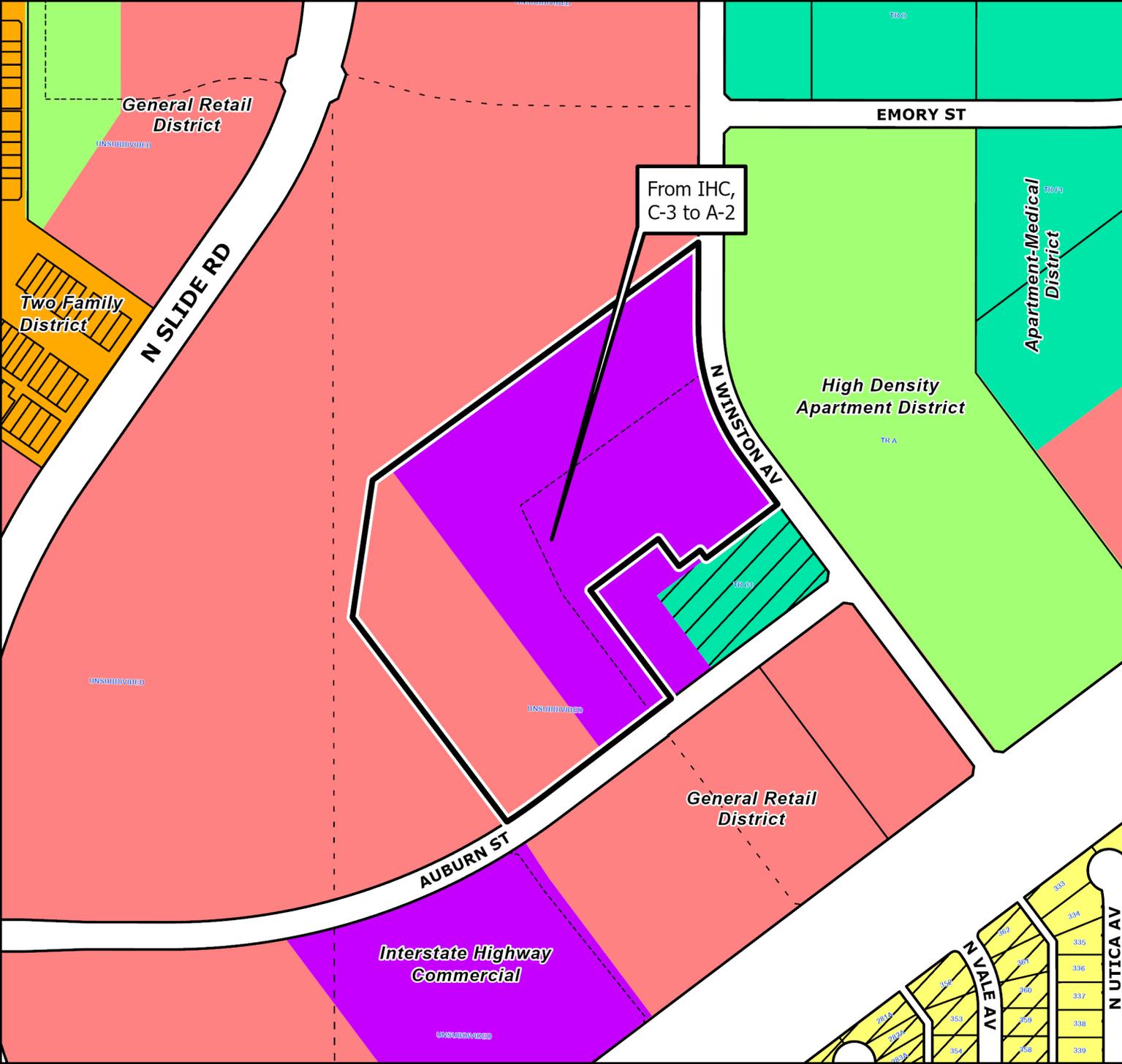


Current Zoning

2573-S

Zoning Districts

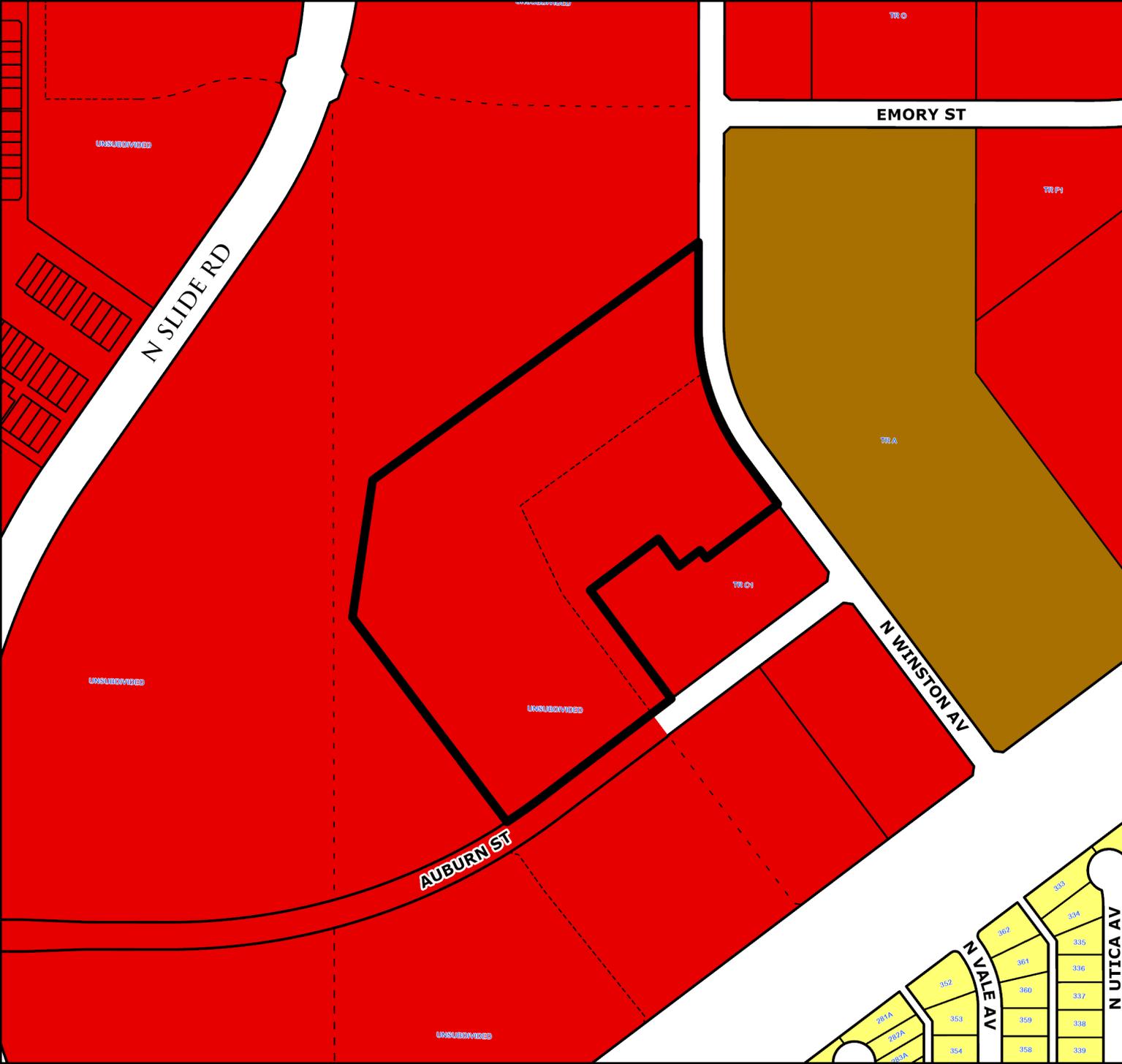
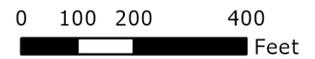
-  High Density Apartment
-  Apartment-Medical
-  Apartment-Medical Specific Use
-  General Retail
-  Interstate Highway Commercial
-  Single Family
-  Single Family Specific Use
-  Two Family



Future Land Use Plan Case 2573-S

Future Land Use Type

- Commercial
- Heavy Commercial
- Downtown
- Office
- Industrial
- Interstate Commercial
- Interstate Industrial
- Mixed Use
- Parks
- Public/ Semi-Public
- Residential Low Density
- Residential Medium Density
- Residential High Density



2573-S



View of subject property. View west.



View of subject property. View north.



View of adjacent property. View east.



View of adjacent property. View south.

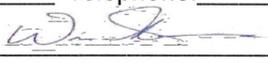


Lubbock Planning Department
 PO Box 2000 / 1314 Avenue K
 Lubbock, TX 79457
APPLICATION FOR ZONING CHANGE

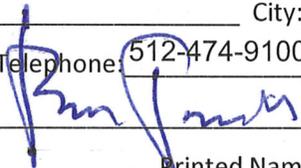
Project Information

Location or Address: Approx. 610 ft. west of the intersection of Auburn St. and N. Winston Ave. (See attached exhibit)
 Lots/Tracts: Un-platted - 15.65 acres located in Block A, Section 22.
 Survey & Abstract: _____
 Metes and Bounds Attached: Yes No Total Acreage of Request: 15.65
 Existing Land Use: _____ Existing Zoning: IHC & C-3
 Requested Zoning: A-2
 If property is not subdivided, will a preliminary plat be submitted? Yes No

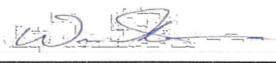
Representative/Agent Information (if different from owner)

Firm Name: AMD Engineering, LLC
 Name: Will Stephens
 Address: 6515 68th St., Suite 300 City: Lubbock State: TX
 ZIP Code: 79424 Telephone: 806-771-5976 Email: wstephens@amdeng.com
 Applicant's Signature: 
 Date: 09/02/2021 Printed Name: Will Stephens

Owner Information

Firm Name: North Park Development, Inc.
 Owner: North Loop 289, Ltd.
 Address: 810 W 10th Street City: Austin State: TX
 ZIP Code: 78701 Telephone: 512-474-9100 Email: mwilliamson@terrillwaldrop.com
 Property Owner's Signature: 
 Date: 9/1/2021 Printed Name: Paul Terrill

Preparer Information

Preparer's Signature: 
 Date: 09/02/2021 Printed Name: Will Stephens

For City Use Only

Zone Case No: _____ Planning and Zoning Commission Date: _____
 Request for zoning change from: _____ To: _____
 Lots: _____ Blocks: _____
 Addition: _____

If you have any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department by phone at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.



DESCRIPTION FOR A ZONING CHANGE REQUEST IN
SECTION 22, BLOCK A,
LUBBOCK COUNTY, TEXAS

(Sheet 1 of 3, Sketch of tract attached as Sheet 3)

METES AND BOUNDS DESCRIPTION of a 15.65 acre tract of land located in Section 22, Block A, Lubbock County, Texas, prepared for Zone Change Purposes only and being further described as follows:

BEGINNING at a point for the southeast corner of said 15.65 acre tract, whence the most northern, northeast corner of Tract C1, North Park (CCFN: 2009034314).

THENCE S 54° 52' 00" W an approximate distance of 211.64 feet;

THENCE N 35° 08' 00" W an approximate distance of 23.50 feet;

THENCE S 54° 52' 00" W an approximate distance of 63.00 feet;

THENCE N 35° 08' 00" W an approximate distance of 80.98 feet;

THENCE S 54° 52' 00" W an approximate distance of 201.66 feet;

THENCE S 35° 08' 46" E an approximate distance of 319.47 feet;

THENCE S 54° 53' 36" W an approximate distance of 384.16 feet;

THENCE Southwesterly along a curve to the left having a radius of 1071.42 feet, an arc length of 101.47 feet, a central angle of 05° 25' 34", a chord distance of 101.43 feet, and a chord bearing of S 56° 51' 35" W to a point of intersection along the southwestern property line of this tract;

THENCE N 35° 06' 48" W an approximate distance of 604.23 feet;

THENCE N 10° 29' 39" E an approximate distance of 326.32 feet;

THENCE N 56° 06' 06" E an approximate distance of 944.83 feet;

THENCE S 01° 49' 19" W an approximate distance of 182.70 feet;

THENCE Southeasterly along a curve to the right having a radius of 530.00 feet, an arc length of 342.10 feet, a central angle of 36° 58' 58", a chord distance of 336.19 feet, and a chord bearing of S 16° 40' 52" E to a point of intersection along the northeastern property line of this tract;

THENCE S 35° 06' 04" E an approximate distance of 135.88 feet to the Point of Beginning and containing approximately 15.65 acres.



AMD ENGINEERING, LLC

DESCRIPTION FOR A ZONING CHANGE REQUEST IN
SECTION 22, BLOCK A,
LUBBOCK COUNTY, TEXAS

(Sheet 2 of 3, Sketch of tract attached as Sheet 3)

This description was prepared for purposes of a zoning request and does not represent a survey made upon the ground.

Prepared for: North Loop 289, LLC
September 2, 2021

ZONE CHANGE APPLICATION
EXHIBIT
(SHEET 3)

A 15.65 ACRE TRACT OF LAND
LOCATED IN SECTION 22,
BLOCK A, LUBBOCK COUNTY,
TEXAS

NOTES:
SCALE: 1" = 200'

 - ZONING REQUEST A-2 FROM TRACT (C-3) GENERAL
RETAIL DISTRICT AND (IHC) INTERSTATE HIGHWAY
COMMERCIAL



SCALE: 1"=200'



VICINITY MAP
NOT TO SCALE

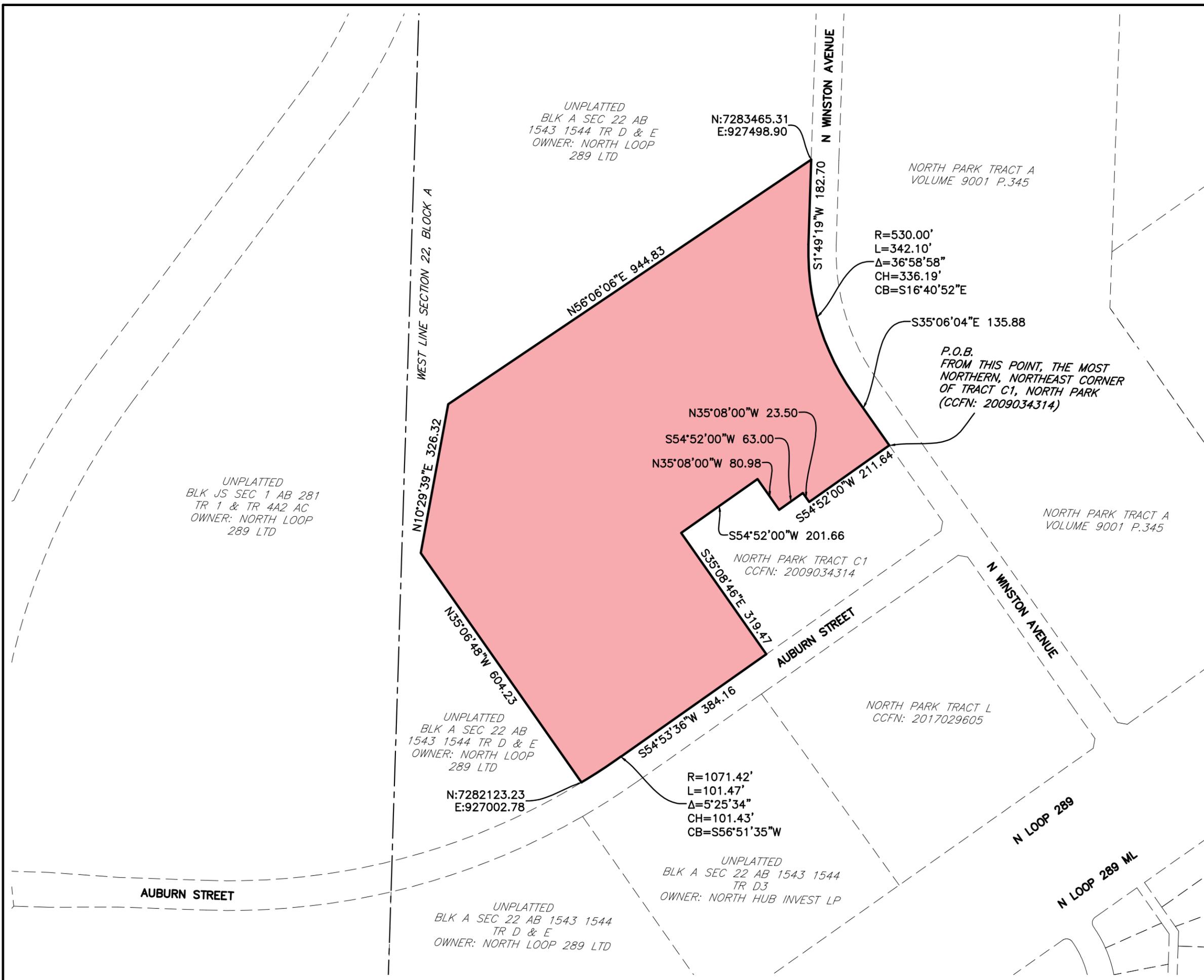


CIVIL ENGINEERING
LAND SURVEYING

AMD Engineering, LLC
6515 68th Street, Suite 300
Lubbock, TX 79424

Phone: 806-771-5976
Fax: 806-771-7625
TBPE Reg. # F-9197

Accuracy - Efficiency - Integrity





Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 2895-Q, a request of Betenbough Homes, for a Specific Use for an Event Center, on property zoned General Retail District (C-3), at 6305 82nd Street and 6303 82nd Street, Suite B, located south of 82nd Street and east of Milwaukee Avenue, Betenbough II Addition, Tracts A and B1 and Betenbough Garden Office Addition, Tract A, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 2895-Q Staff Report
Zone Case 2895-Q Documentation

Staff Report	Zone Case 2895-Q
City Council Meeting	November 1, 2021

Applicant Betenbough Homes

Property Owner Betenbough Homes

Council District 5

Recommendations

- Staff recommends Approval.

Prior Board or Council Action

- December 13, 1984: This property was annexed and zoned Transition (T) through Ordinance 8688.
- December 04, 2000, Zone Case 2895: This property was zoned from Transition (T) to General Retail (C-3), High Density Apartment (A-2), Single-Family District (R-1) Specific Use and Two-Family (R-2) through Ordinance 2000-O0073.
- December 12, 2002, Zone Case 2895-A: This property was zoned from Single-Family District (R-1) Specific Use to Two-Family District (R-2) Specific Use, High Density Apartment (A-2) and Garden Office (GO) through Ordinance 2002-O0128.
- May 26, 2020, Zone Case 2895-O: This property was zoned from Garden Office (GO), High Density Apartment (A-2) and General Retail (C-3) to General Retail (C-3) through Ordinance 2020-O0069.

Notification Summary

- Notifications Sent: 12
- Received In Favor: 0
- Received In Opposition: 0

Site Conditions and History

The subject property was annexed in 1984 and a commercial office building was constructed in 2018.

Adjacent Property Development

The properties to the north and west are developed with fast food restaurants and zoned General Retail District (C-3) and Local Retail District (C-2). The properties to the south and east are zoned C-2 and developed with a Wal-Mart and a commercial office, respectively.

Zoning Request and Analysis

Item Summary

The subject property is addressed as 6305 82nd Street and 6303 82nd Street, Suite B and is located south of 82nd Street and east of Milwaukee Avenue, on 3.812 acres of land, Betenbough II Addition, Tracts A and B1 and Betenbough Garden Office Addition, Tract A. The applicant requests a Specific Use for an Event Center on property zoned C-3.

Current zoning: General Retail District (C-3)

Requested zoning: Specific Use for an Event Center

Intent Statements

The intent of the current C-3 zoning is, “to provide for general commercial uses which are medium activity centers in terms of generated traffic.”

The intent of the proposed Specific Use zoning is, “...to provide for design and land use flexibility in the various districts. This district provides for variations in the land use standards within the [zoning] ordinance, provided the intent, principles, and innovations of modern urban planning and design are used. The regulations require specific site planning on all aspects of proposed development to ensure that any variations of land uses or land use standards will be in harmony with the purposes and objectives of the zoning ordinance.”

Traffic Network/Infrastructure Impacts

The proposed rezoning location will be along 82nd Street, which is designated as a Principal Arterial by the Master Thoroughfare Plan, 2018. Arterial streets provide connectivity across the transportation network and are continuous routes whose function is to serve high volume needs to local traffic and regional traffic.

Compatibility with Surrounding Property

The proposed zoning is compatible with the surrounding area and will not change the character of the existing development.

Conformance with Zoning Ordinance

The proposed zoning request is in conformance with the zoning ordinance and is appropriate adjacent to other commercial uses that are already established.

Suitability of Property for Allowed Uses

The property is suitable for the proposed use of an Event Center and will not need additional public improvements.

Attachments

- A. Case Information
- B. Thoroughfare Plan Map
- C. Aerial Map
- D. Zoning Map
- E. Future Land Use Map
- F. Photos
- G. Application and supporting documentation

Staff Contacts

Ashley Vasquez
Planner
Planning Department
806-775-2107
ashleyvasquez@mylubbock.us

Kristen Sager
Planning and Zoning Manager
Planning Department
806-775-2109
ksager@mylubbock.us

Case Information: Zone Case 2895-Q



Allowable Uses: [Specific Use District](#) [General Retail District C-3](#)

Transportation: The proposed development has a point of access from 82nd Street.

Thoroughfare	Existing	Per Thoroughfare Development Plan
82 nd Street, <i>Principal Arterial, Completed</i>	R.O.W. 110 feet, seven-lane, undivided, paved	R.O.W. 110 feet, seven-lane, undivided, paved

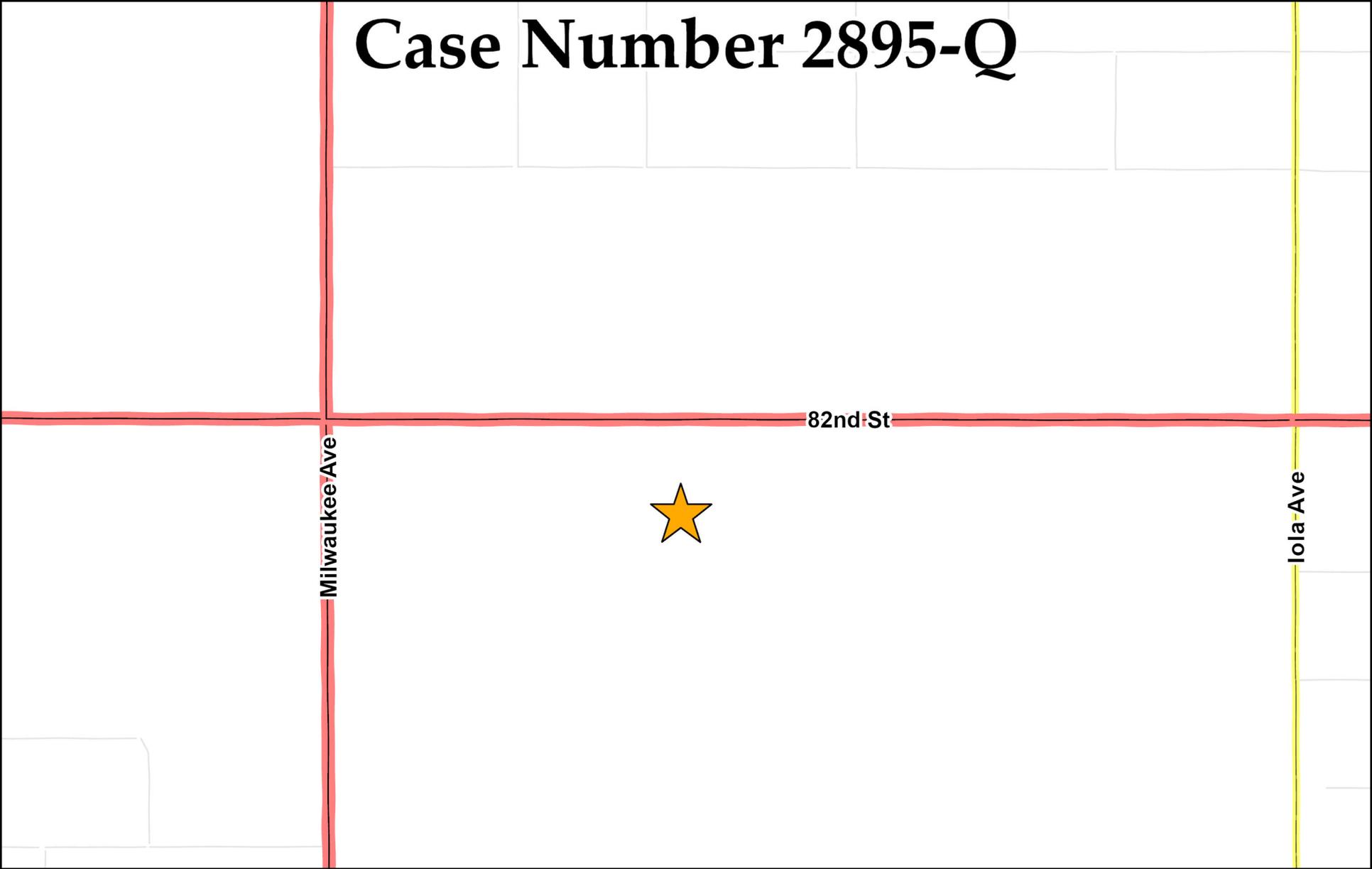
Engineering Comments: No comments.

Public Works Comments: No comments.

Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Case Number 2895-Q

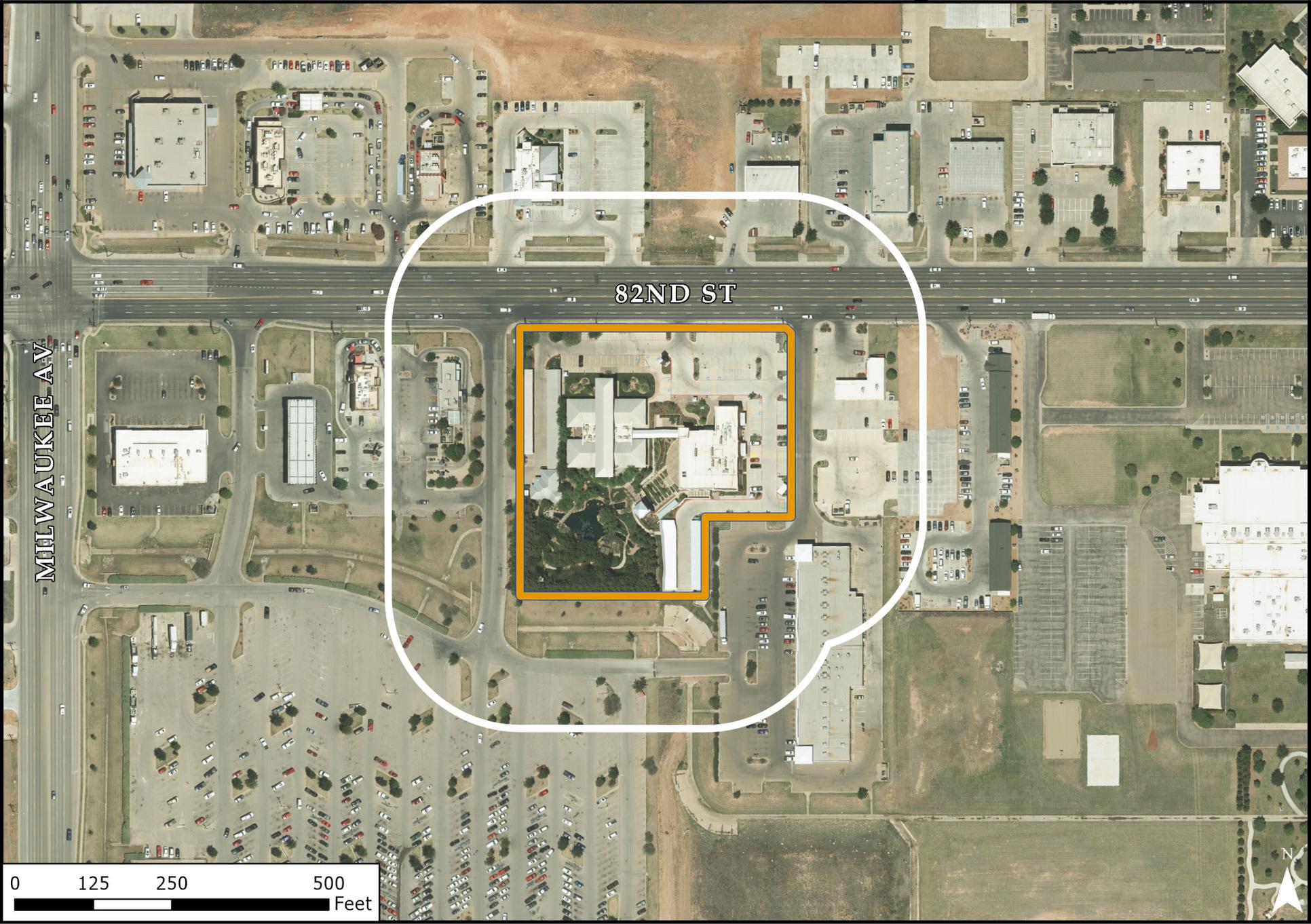


Collector	Minor Arterial	Modified Arterial	Principal Arterial	Freeway
Completed	Completed	Partial	Completed	Completed
Partial	Partial	Future	Partial	Partial
Future	Future		Future	Proposed Outer Loop

W N E S

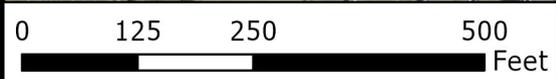
Date Exported: September 2021

Case Number 2895-Q



82ND ST

MILWAUKEE AV

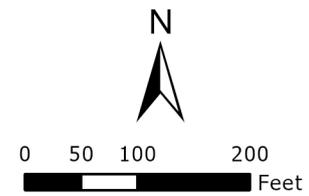
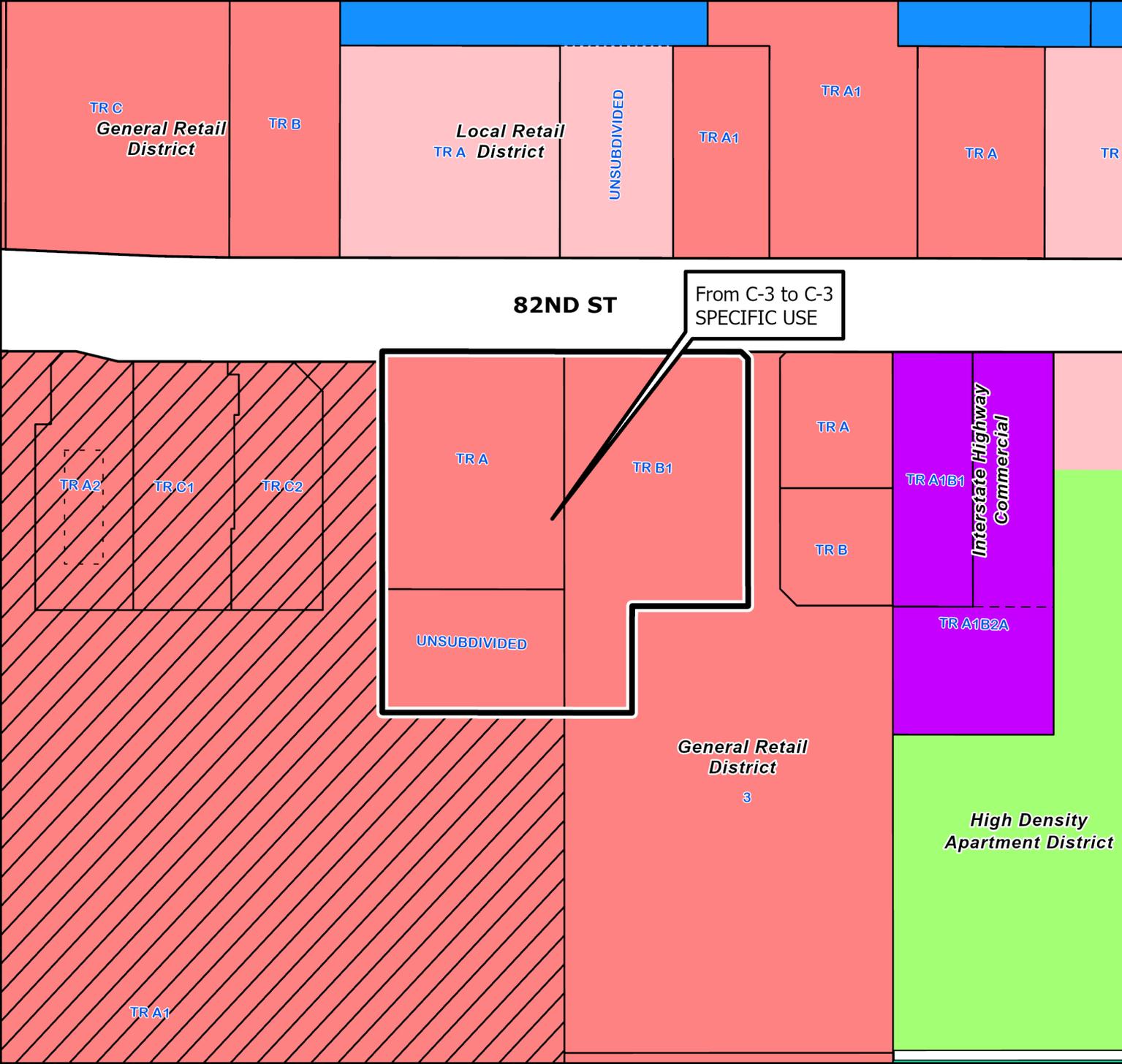


Current Zoning

2895-Q

Zoning Districts

-  High Density Apartment
-  Apartment-Medical
-  Local Retail
-  General Retail
-  General Retail Specific Use
-  Garden Office
-  Interstate Highway Commercial
-  Transitional



2895-Q



Subject property view to the north.



View to the south.



View to the east.



View to the north.

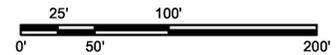
SKETCH OF A
**3.820 ACRE TRACT OF LAND IN
 SECTION 28, BLOCK AK, ABST. NO. 750,
 LUBBOCK COUNTY, TEXAS**

(PARENT TRACTS: BETENBOUGH ADDITION II, TRACT "A" AND TRACT "B-1",
 ADDITIONS TO THE CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS,
 ACCORDING TO THE MAPS, PLATS AND/OR DEDICATION DEEDS THEREOF
 RECORDED (RESPECTIVELY) IN VOLUME 8263, PAGE 297 AND
 COUNTY CLERK'S FILE NUMBER 2015003550 OF
 THE OFFICIAL PUBLIC RECORDS OF
 LUBBOCK COUNTY, TEXAS,
 AND

AN UNPLATTED 0.7155 ACRE TRACT OF LAND DESCRIBED IN A
 WARRANTY DEED RECORDED IN CLERK'S FILE NUMBER 2018024849 OF
 THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS)

ZONE CHANGE REQUEST

LEGEND:
 SCALE: 1" = 100'



HEAVY LINES INDICATE LIMITS OF SURVEY.
 ACE = ACCESS EASEMENT.
 DRE = DRAINAGE EASEMENT.
 GSE = GARABAGE SERVICE EASEMENT.
 UE = UTILITY EASEMENT.
 UUE = UNDERGROUND UTILITY EASEMENT.
 R-O-W = RIGHT-OF-WAY.
 SPEC = SOUTH PLAINS ELECTRIC COOPERATIVE.
 CM = CONTROLLING MONUMENT.
 PMRD = PHYSICAL MONUMENT OF RECORD DIGNITY.
 CCFN = COUNTY CLERK'S FILE NUMBER.
 BEARINGS ARE GRID BEARINGS RELATIVE TO THE TEXAS
 COORDINATE SYSTEM OF 1983, TEXAS NORTH CENTRAL
 ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS
 -01°53'11".
 COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS
 COORDINATE SYSTEM OF 1983, TEXAS NORTH CENTRAL ZONE.
 DISTANCES AS SHOWN HEREON ARE AT SURFACE, IN U.S.
 SURVEY FEET.

PREPARED SEPTEMBER 2, 2021

SHEET 2 OF 2
DESCRIPTION ATTACHED AS SHEET 1



AMD Engineering, LLC
 6515 68th Street, Suite 300
 Lubbock, TX 79424

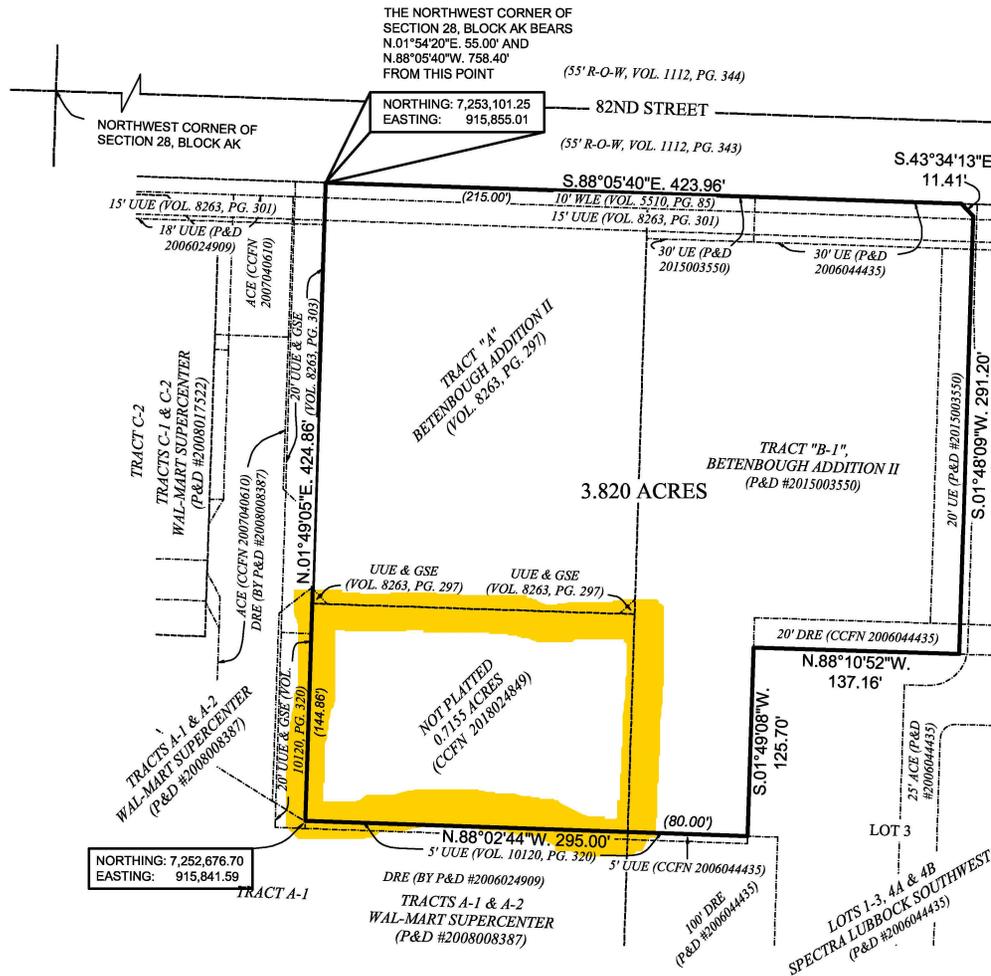
CIVIL ENGINEERING
 LAND SURVEYING

Phone: 806-771-5976
 Fax: 806-771-7625
 TBPELS Reg. # 10178500

Accuracy - Efficiency - Integrity

JOB NUMBER: 20203

CAD
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Lubbock Planning Department
PO Box 2000 / 1314 Avenue K
Lubbock, TX 79457

APPLICATION FOR ZONING CHANGE

Project Information

Location or Address: 6305 82nd street
Lots/Tracts: See attached legal description
Survey & Abstract: See attached
Metes and Bounds Attached: Yes No Total Acreage of Request: 3.812
Existing Land Use: commercial Existing Zoning: c-3 specific use
Requested Zoning: C-3 specific use for event center
If property is not subdivided, will a preliminary plat be submitted? Yes No

Representative/Agent Information (if different from owner)

Firm Name: _____
Name: _____
Address: _____ City: _____ State: _____
ZIP Code: _____ Telephone: _____ Email: _____
Applicant's Signature: _____
Date: _____ Printed Name: _____

Owner Information

Firm Name: Chris Berry
Owner: Betenbough Homes
Address: 6305 82nd Street City: Lubbock State: TX
ZIP Code: 79424 Telephone: 8060-789-9558 Email: chrisb@betenbough.com
Property Owner's Signature: *Chris Berry*
Date: 9-2-2021 Printed Name: Chris Berry

Preparer Information

Preparer's Signature: _____
Date: _____ Printed Name: _____

For City Use Only

Zone Case No: _____ Planning and Zoning Commission Date: _____
Request for zoning change from: _____ To: _____
Lots: _____ Blocks: _____
Addition: _____

If you have any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department by phone at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.



**DESCRIPTION FOR A ZONING REQUEST IN
THE NORTHWEST QUARTER OF
SECTION 28, BLOCK AK, ABSTRACT NO. 750,
LUBBOCK COUNTY, TEXAS**

A 3.812 acre tract of land located in the Northwest Quarter (NW/4) of Section 28, Block AK, Abstract No. 750, Lubbock County, Texas, being comprised Betenbough Addition II, Tract "A" and Tract "B-1", additions to the City of Lubbock, Lubbock County, Texas, according to the maps, plats and/or dedication deeds thereof recorded (respectively) in Volume 8263, Page 297 and County Clerk's File Number 2015003550 of the Official Public Records of Lubbock County, Texas, and an unplatted 0.7155 acre tract of land described in a Warranty Deed recorded in Clerk's File Number 2018024849 of the Official Public Records of Lubbock County, Texas, said 3.812 acres being further described by metes and bounds as follows:

BEGINNING at a point in the south right-of-way line of 82nd Street at the original northwest corner of said Betenbough Addition II, Tract "A", for the northwest corner of this tract and having coordinates of Northing: 7,253,101.25 and Easting: 915,855.01 of the Texas Coordinate System of 1983 (2011), Texas North Central Zone, whence the northwest corner of Section 28, Block AK, Abstract No. 750, Lubbock County, Texas, bears N. 01° 54' 20" E. a distance of 55.00 feet and N. 88° 05' 40" W. a distance of 758.40 feet;

THENCE S. 88° 05' 40" E., along the south right-of-way line of said 82nd Street at a distance of 215.00 feet pass the north common corner of said Tract "A" and Tract "B-1", continuing for a total distance of 423.96 feet to the most northerly northeast corner of said Tract "B-1" and this tract;

THENCE S. 43° 34' 13" E. a distance of 11.41 feet to the most easterly northeast corner of said Tract "B-1" and this tract;

THENCE S. 01° 48' 09" W. a distance of 291.20 feet to the most easterly southeast corner of this said Tract "B-1" and this tract;

THENCE N. 88° 10' 52" W. a distance of 137.16 feet to an ell corner of said Tract "B-1" and this tract;

THENCE S. 01° 50' 34" W. a distance of 125.70 feet to a point for the most southerly southeast corner of said Tract "B-1" and this tract;

THENCE N. 88° 02' 44" W., at a distance of 80.00 feet pass the southwest corner of said Tract "B-1" and the southeast corner of said 0.7155 acre tract, same being the most easterly northeast corner of Wal-Mart Supercenter, Tract "A-1", an addition to the City of Lubbock, Lubbock County, Texas, according to the map, plat and/or dedication deed thereof recorded in County Clerk's Plat and Dedication Number 2008008387 of the Official Public Records of Lubbock County, Texas, continuing for a total distance of 295.00 feet to an ell corner of said Wal-Mart Supercenter, Tract "A-1", and the southwest corner of said 0.7155 acre tract and this tract, having coordinates of Northing: 7,252,676.70 and Easting: 915,841.59 of the Texas Coordinate System of 1983 (2011), Texas North Central Zone;

THENCE N. 01° 49' 05" E., at a distance of 144.86 feet pass the original west common corner of said Betenbough Addition II, Tract "A", and 0.7155 acre tract, continuing for a total distance of 424.86 feet to the **Point of Beginning**. Bearings are relative to the north line of said Betenbough Addition II, Tract "A" and based on the Texas Coordinate System of 1983 (2011), Texas North Central Zone. Distances are at surface, in U.S. survey feet.

This description was prepared for purposes of a zoning request and does not represent a survey made upon the ground. This description was compiled from information obtained in previous surveys and data contained within the recorded plats cited herein.

20203 Betenbough Office Description for Zoning Case

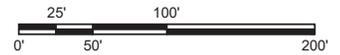
SKETCH OF A
**3.820 ACRE TRACT OF LAND IN
 SECTION 28, BLOCK AK, ABST. NO. 750,
 LUBBOCK COUNTY, TEXAS**

(PARENT TRACTS: BETENBOUGH ADDITION II, TRACT "A" AND TRACT "B-1",
 ADDITIONS TO THE CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS,
 ACCORDING TO THE MAPS, PLATS AND/OR DEDICATION DEEDS THEREOF
 RECORDED (RESPECTIVELY) IN VOLUME 8263, PAGE 297 AND
 COUNTY CLERK'S FILE NUMBER 2015003550 OF
 THE OFFICIAL PUBLIC RECORDS OF
 LUBBOCK COUNTY, TEXAS,
 AND

AN UNPLATTED 0.7155 ACRE TRACT OF LAND DESCRIBED IN A
 WARRANTY DEED RECORDED IN CLERK'S FILE NUMBER 2018024849 OF
 THE OFFICIAL PUBLIC RECORDS OF LUBBOCK COUNTY, TEXAS)

ZONE CHANGE REQUEST

LEGEND:
 SCALE: 1" = 100'



HEAVY LINES INDICATE LIMITS OF SURVEY.
 ACE = ACCESS EASEMENT.
 DRE = DRAINAGE EASEMENT.
 GSE = GARABAGE SERVICE EASEMENT.
 UE = UTILITY EASEMENT.
 UUE = UNDERGROUND UTILITY EASEMENT.
 R-O-W = RIGHT-OF-WAY.
 SPEC = SOUTH PLAINS ELECTRIC COOPERATIVE.
 CM = CONTROLLING MONUMENT.
 PMRD = PHYSICAL MONUMENT OF RECORD DIGNITY.
 CCFN = COUNTY CLERK'S FILE NUMBER.
 BEARINGS ARE GRID BEARINGS RELATIVE TO THE TEXAS
 COORDINATE SYSTEM OF 1983, TEXAS NORTH CENTRAL
 ZONE. THE CONVERGENCE ANGLE TO TRUE NORTH IS
 -01°53'11".
 COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS
 COORDINATE SYSTEM OF 1983, TEXAS NORTH CENTRAL ZONE.
 DISTANCES AS SHOWN HEREON ARE AT SURFACE, IN U.S.
 SURVEY FEET.

PREPARED SEPTEMBER 2, 2021

SHEET 2 OF 2
DESCRIPTION ATTACHED AS SHEET 1



**CIVIL ENGINEERING
 LAND SURVEYING**

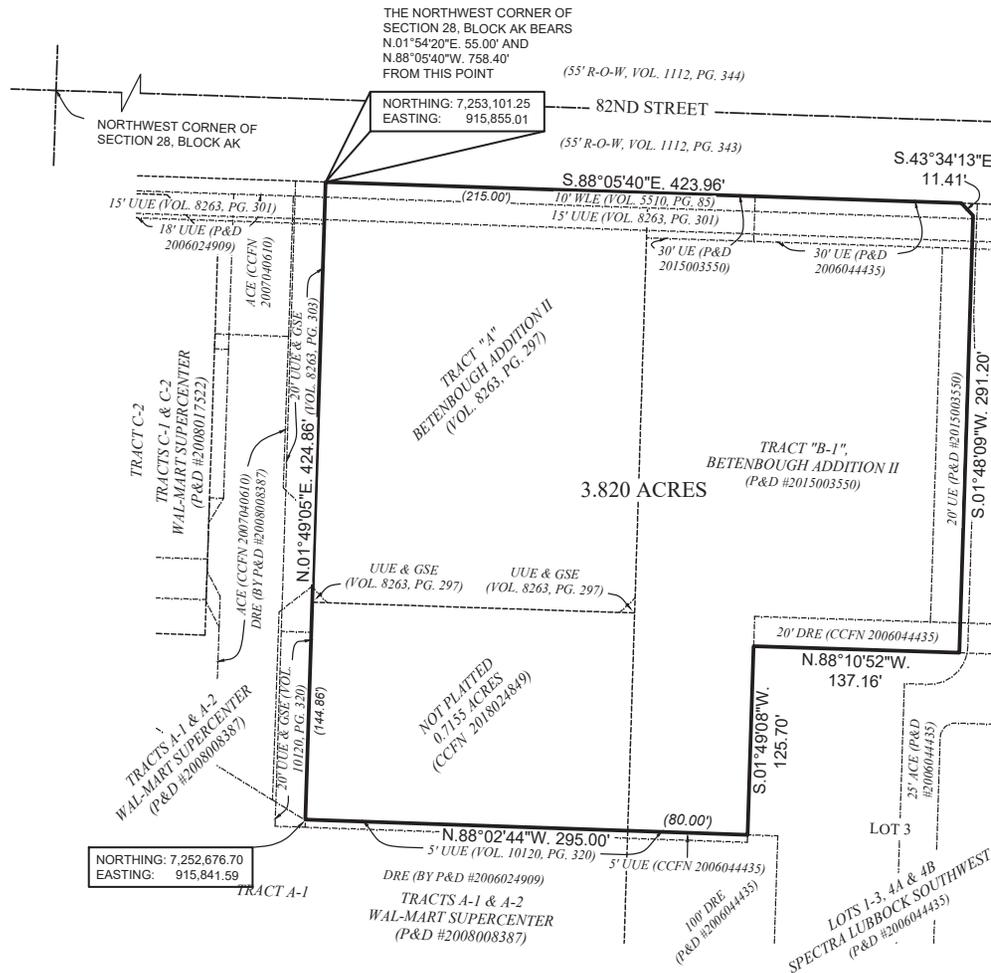
AMD Engineering, LLC
 6515 68th Street, Suite 300
 Lubbock, TX 79424

Phone: 806-771-5976
 Fax: 806-771-7625
 TBPELS Reg. # 10178500

Accuracy - Efficiency - Integrity

JOB NUMBER: 20203

CAD
 © 2021 ALL RIGHTS RESERVED



THE NORTHWEST CORNER OF
 SECTION 28, BLOCK AK BEARS
 N.01°54'20"E. 55.00' AND
 N.88°05'40"W. 758.40'
 FROM THIS POINT

NORTHING: 7,253,101.25
 EASTING: 915,855.01

NORTHWEST CORNER OF
 SECTION 28, BLOCK AK

15' UUE (VOL. 8263, PG. 301)
 18' UUE (P&D
 2006024909)

TRACTS C-1 & C-2
 WAL-MART SUPERCENTER
 (P&D #2008017322)

TRACTS A-1 & A-2
 WAL-MART SUPERCENTER
 (P&D #2008008387)

NORTHING: 7,252,676.70
 EASTING: 915,841.59

TRACT A-1

TRACTS A-1 & A-2
 WAL-MART SUPERCENTER
 (P&D #2008008387)

TRACT "A"
 BETENBOUGH ADDITION II
 (VOL. 8263, PG. 297)

3.820 ACRES

NOT PLATTED
 0.7155 ACRES
 (CCFN 2018024849)

TRACT "B-1",
 BETENBOUGH ADDITION II
 (P&D #2015003550)

LOTS 1-3, 4A & 4B
 SPECTRA LUBBOCK SOUTHWEST
 (P&D #2006044435)





Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 2918-B, a request of Seventeen Services, Inc. for Keith McNeese, for a zone change from Garden Office District (GO) to Apartment-Medical District (AM) at 10701 Upland Avenue, located east of Upland Avenue and north of 109th Street, Devonshire Estates Addition, Tract A, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 2918-B Staff Report
Zone Case 2918-B Documentation

facilities for the public; provide proper accessory uses; and promote, stabilize, and enhance the city as a medical center.”

Traffic Network/Infrastructure Impacts

The location is along Upland Avenue, which is designated as a Principal Arterial in the Master Thoroughfare Plan, 2018. Principal Arterial streets are continuous routes whose function is to serve high volumes of local and regional traffic. Speeds are relatively high on arterial streets and handle high volumes of traffic. This type of road can adequately handle the traffic associated with the uses allowed in the AM district.

Compatibility with Surrounding Property

The proposed zone change is compatible with the surrounding area and will not change the character of the existing development.

Conformance with Comprehensive Plan Principles and Future Land Use Map

The Future Land Use map designates this area for “Low-Density Residential” land uses. The AM district does not conform to the Future Land Use Map, but it does conform to the Comprehensive Plan’s concept of a neighborhood center, as it sits between two retail nodes along Upland Avenue.

Conformance with Zoning Ordinance

The proposed zoning request is in conformance with the zoning ordinance and is appropriate adjacent to other residential and commercial uses that are already established.

Suitability of Property for Allowed Uses

The property is suitable for the proposed uses and should not need additional public improvements to handle the uses allowed in the AM district.

Attachments

- A. Case Information
- B. Thoroughfare Plan Map
- C. Aerial Map
- D. Zoning Map
- E. Future Land Use Map
- F. Photos
- G. Application and supporting documentation

Staff Contacts

Shane Spencer
Planner
Planning Department
806-775-2103
sspencer@mylubbock.us

Kristen Sager
Planning and Zoning Manager
Planning Department
806-775-2109
ksager@mylubbock.us

Allowable Uses: [Apartment Medical District \(AM\)](#)

Transportation: The proposed development has points of access from Upland Avenue.

Thoroughfare	Existing	Per Thoroughfare Development Plan
Upland Avenue, <i>Principal Arterial (Modified), Partial</i>	R.O.W. 25 feet, 2-lane, undivided, paved	R.O.W. 110 feet, 5-lane, undivided, paved

Engineering Comments: No comments.

Public Works Comments: No comments.

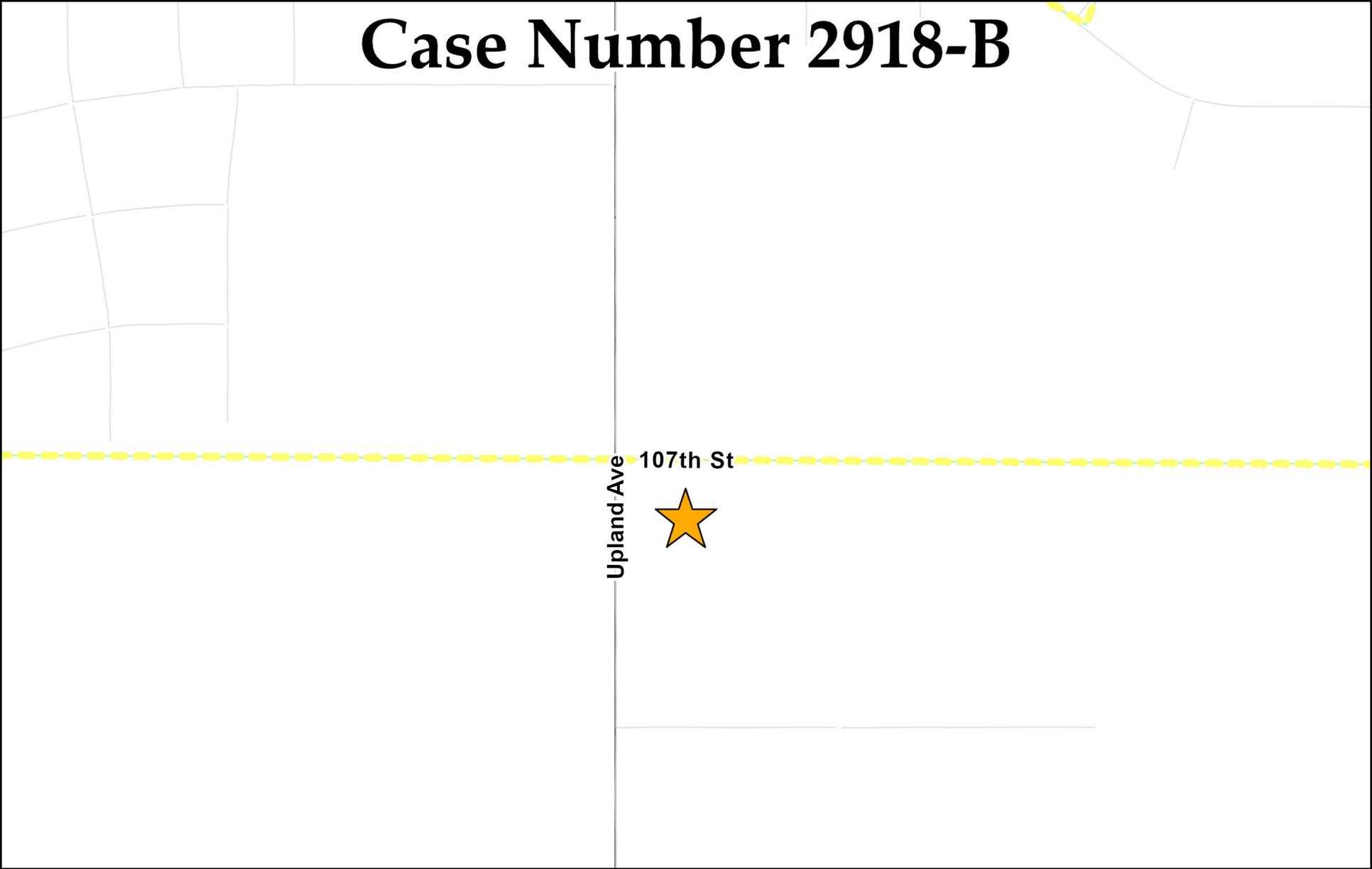
Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Draft Planning and Zoning Commission Minutes

N/A

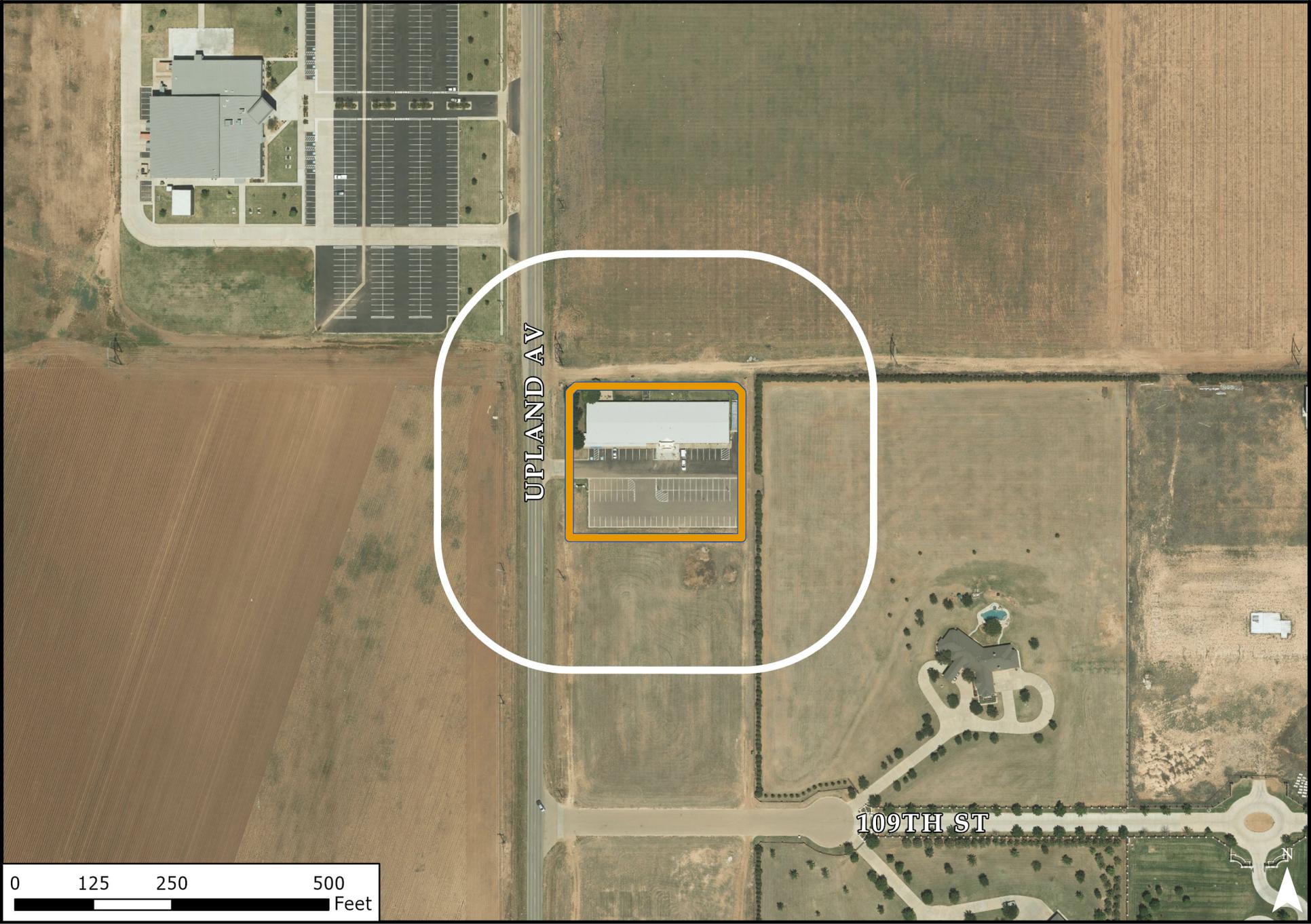
Case Number 2918-B



Collector	Minor Arterial	Modified Arterial	Principal Arterial	Freeway
Completed	Completed	Partial	Completed	Completed
Partial	Partial	Future	Partial	Partial
Future	Future		Future	Proposed Outer Loop

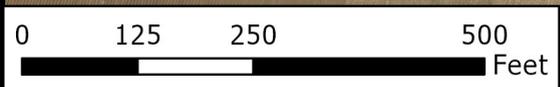


Case Number 2918-B



UPLAND AV

109TH ST

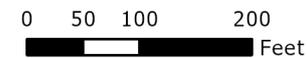
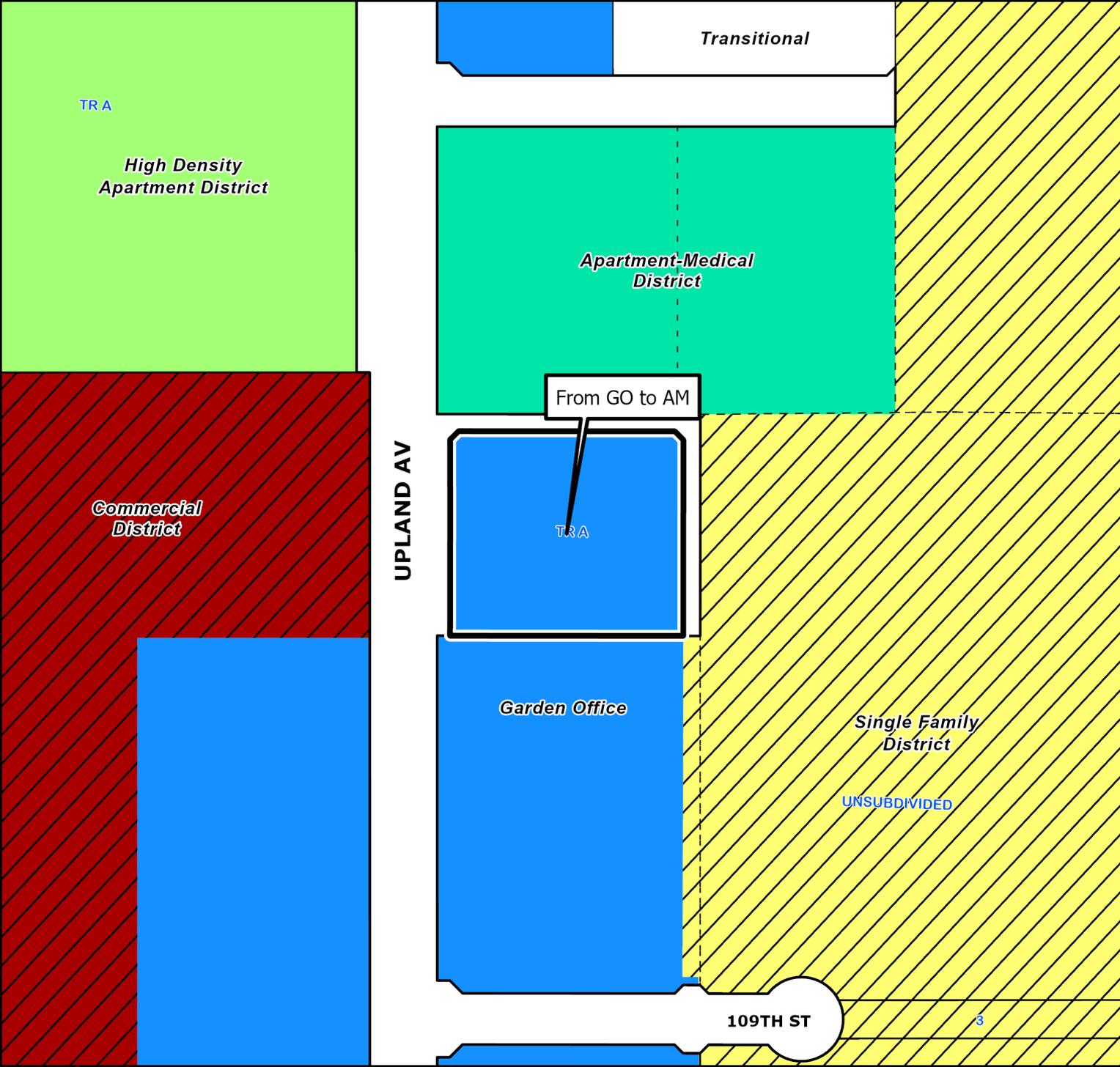


Current Zoning

2918-B

Zoning Districts

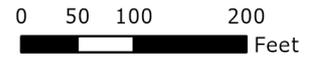
-  High Density Apartment
-  Apartment-Medical
-  Commercial Specific Use
-  Garden Office
-  Single Family Specific Use
-  Transitional



Future Land Use Plan Case 2918-B

Future Land Use Type

-  Commercial
-  Heavy Commercial
-  Downtown
-  Office
-  Industrial
-  Interstate Commercial
-  Interstate Industrial
-  Mixed Use
-  Parks
-  Public/ Semi-Public
-  Residential Low Density
-  Residential Medium Density
-  Residential High Density



TRA

UPLAND AV

TRA

UNSUBDIVIDED

109TH ST

3

2918-B



View of adjacent property. View south.



View of adjacent property. View east.



View of subject property. View north.



View of adjacent property. View west.



Lubbock Planning Department
PO Box 2000 / 1314 Avenue K
Lubbock, TX 79457

APPLICATION FOR ZONING CHANGE

Project Information

Location or Address: 10701 UPLAND AVE, LUBBOCK, TX 79424
Lots/Tracts: DEVONSHIRE ESTATES TR A
Survey & Abstract: _____
Metes and Bounds Attached: Yes No Total Acreage of Request: 1.51
Existing Land Use: COMMERCIAL SERVICE Existing Zoning: GO
Requested Zoning: AM
If property is not subdivided, will a preliminary plat be submitted? Yes No

Representative/Agent Information (if different from owner)

Firm Name: SEVENTEEN SERVICES LLC
Name: TYLER GENTRY
Address: 1500 BROADWAY, STE. 200 City: LUBBOCK State: TX
ZIP Code: 79401 Telephone: 806-787-8533 Email: TYLER@17SERVICES.COM
Applicant's Signature: _____
Date: 8/24/21 Printed Name: TYLER GENTRY

Owner Information

Firm Name: CM WIGGLE LLC
Owner: CM WIGGLE LLC
Address: 3309 67TH ST #STE 22 City: LUBBOCK State: TX
ZIP Code: 79413 Telephone: 806-548-3392 Email: _____
Property Owner's Signature: _____
Date: 8/24/21 Printed Name: KEITH MCNEESE

Preparer Information

Preparer's Signature: _____
Date: 8/24/21 Printed Name: TYLER GENTRY

For City Use Only

Zone Case No: _____ Planning and Zoning Commission Date: _____
Request for zoning change from: _____ To: _____
Lots: _____ Blocks: _____
Addition: _____

If you have any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department by phone at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.



Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 2952-D, a request of SPSM, LTD, for a zone change from Local Retail District (C-2) to General Retail District (C-3), at 601 North Slide Road, located north of Erskine Street and west of Slide Road, North Pointe Addition, Tract C, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 2952-D Staff Report
Zone Case 2952-D Documentation

Staff Report	Zone Case 2952-D
City Council Meeting	November 1, 2021

Applicant SPSM, LTD

Property Owner SPSM, LTD

Council District 6

Recommendations

- Staff recommends Approval.

Prior Board or Council Action

- September 11, 1958: This property was annexed through Ordinance No. 2536 and zoned Transition (T).
- November 14, 2002, Zone Case 2952: This property was rezoned from Transition (T) to Local Retail District (C-2) through Ordinance No. 2002-00122.

Notification Summary

- Notifications Sent: 6
- Received In Favor: 0
- Received In Opposition: 0

Site Conditions and History

The property was annexed in 1958 and has remained vacant.

Adjacent Property Development

The properties to the north and west are unsubdivided vacant land zoned High-Density Apartment District (A-2). Property to the south is unsubdivided vacant land zoned General Retail District (C-3). Property to the east is zoned General Retail District (C-3) and is developed with a drug store.

Zoning Request and Analysis

Item Summary

The subject property is located at 601 North Slide Road, north of Erskine Street and west of Slide Road, North Pointe Addition, Tract C. The applicant is requesting to rezone the property from C-2 to C-3.

Current zoning: Local Retail District (C-2)

Requested zoning: General Retail District (C-3)

Intent Statements

The intent of the current C-2 zoning is “to provide limited local retail and service commercial uses which serve one of several neighborhoods.”

The intent of the proposed C-3 zoning is “to provide for general commercial uses which are medium activity centers in terms of generated traffic.”

Traffic Network/Infrastructure Impacts

The proposed rezoning location is north of Erskine Street and west of Slide Road, both of which are designated as Principal Arterials by the Master Thoroughfare Plan and can adequately handle the traffic associated with the uses in the C-3 district.

Compatibility with Surrounding Property

The proposed zoning is compatible with the surrounding area and will not change the character of the existing development. The other three corners at this intersection are zoned C-3.

Conformance with Comprehensive Plan Principles and Future Land Use Map

The Future Land Use Map designates this area for “Commercial” land uses. The proposed zone change to C-3 is consistent with this designation and conforms to the principles of the Comprehensive Plan.

Conformance with Zoning Ordinance

The proposed zoning request is in conformance with the zoning ordinance and is appropriate adjacent to existing commercial uses and zoning.

Suitability of Property for Allowed Uses

The property is suitable for the proposed uses and will not require additional public improvements to support the intensity of uses described in the C-3 zoning district.

Attachments

- A. Case Information
- B. Thoroughfare Plan Map
- C. Aerial Map
- D. Zoning Map
- E. Future Land Use Map
- F. Photos
- G. Application and supporting documents

Staff Contacts

Aslyn Henry
Planner
Planning Department
806-775-2021
ahenry@mylubbock.us

Kristen Sager
Planning and Zoning Manager
Planning Department
806-775-2109
ksager@mylubbock.us

Case Information: Zone Case 2952-D



Allowable Uses: [General Retail District \(C-3\)](#)

Transportation: The proposed development has points of access from Erskine Street and Slide Road.

Thoroughfare	Existing	Per Thoroughfare Development Plan
Erskine Street <i>Principal Arterial</i>	R.O.W. 110 feet, seven-lane, undivided, paved	R.O.W. 110 feet, seven-lane, undivided, paved
Slide Road <i>Principal Arterial</i>	R.O.W. 110 feet, seven-lane, undivided, paved	R.O.W. 110 feet, seven-lane, undivided, paved

Engineering Comments: No comments.

Public Works Comments: No comments.

Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Draft Planning and Zoning Commission Minutes

N/A

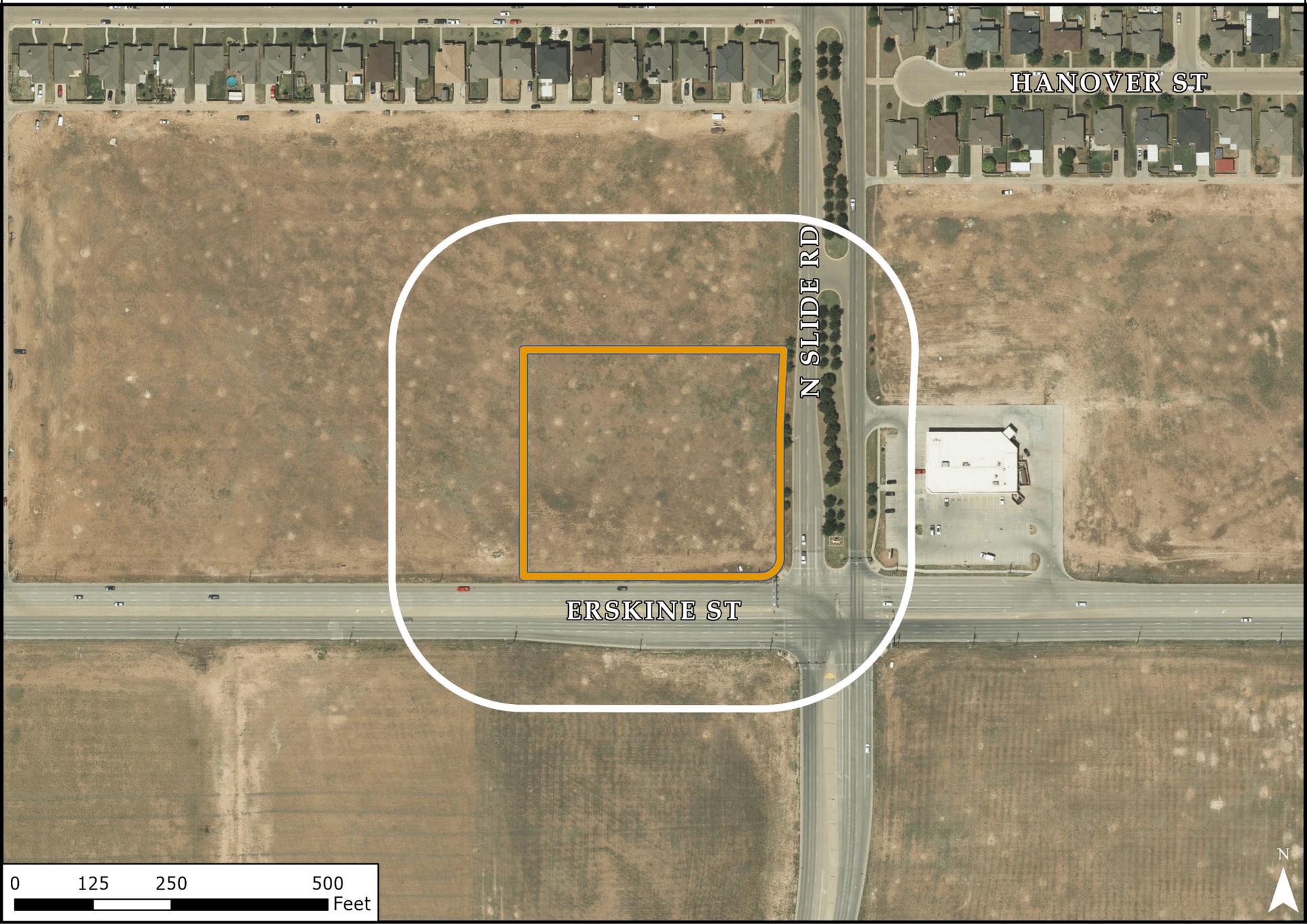
Case Number 2952-D



Collector	Minor Arterial	Modified Arterial	Principal Arterial	Freeway
Completed	Completed	Partial	Completed	Completed
Partial	Partial	Future	Partial	Partial
Future	Future		Future	Proposed Outer Loop



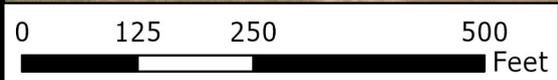
Case Number 2952-D

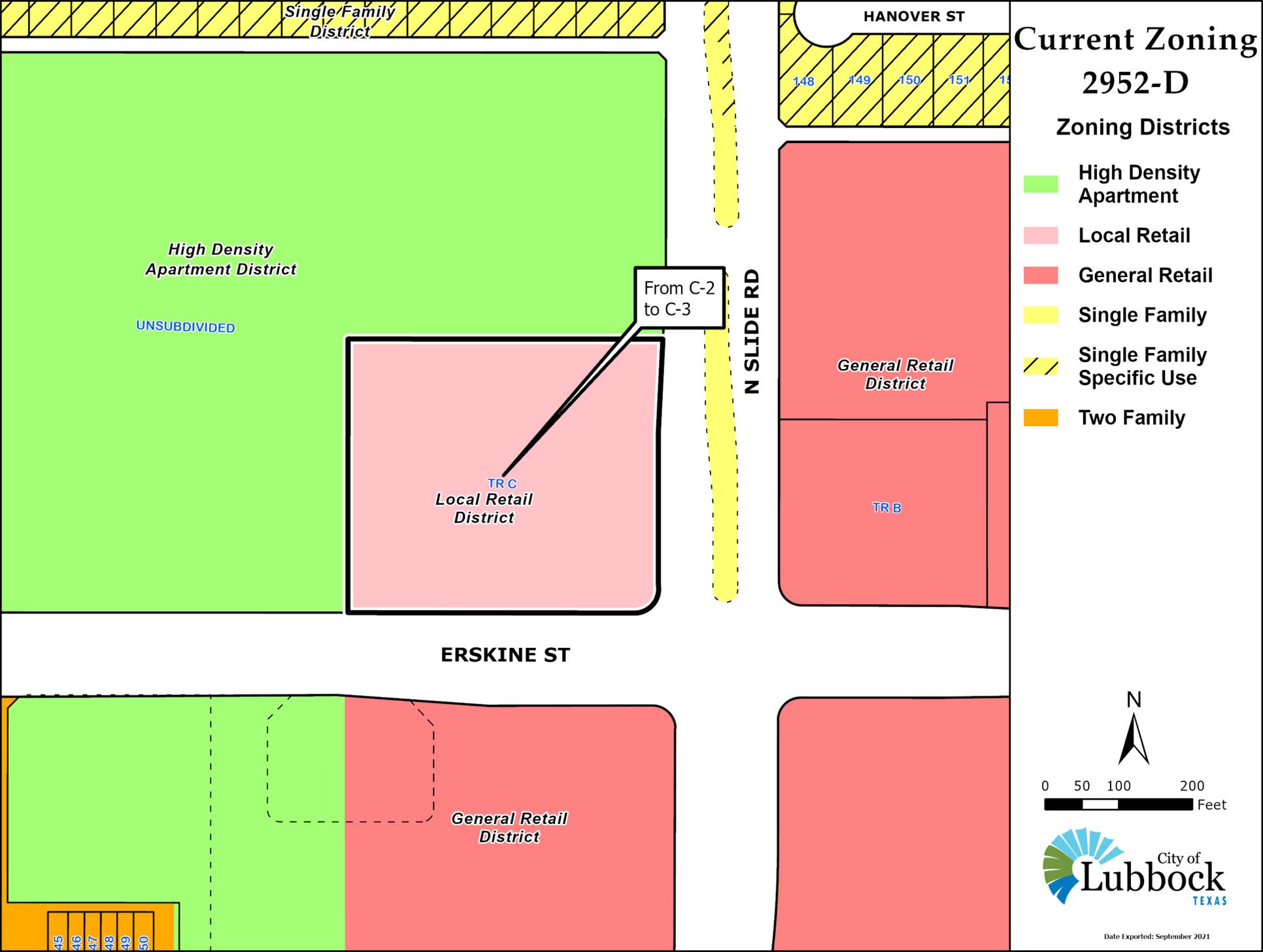


HANOVER ST

N SLIDE RD

ERSKINE ST





Current Zoning 2952-D

Zoning Districts

- High Density Apartment
- Local Retail
- General Retail
- Single Family
- Single Family Specific Use
- Two Family

*High Density
Apartment District*

UNSUBDIVIDED

TRC
*Local Retail
District*

From C-2
to C-3

N SLIDE RD

*General Retail
District*

TRB

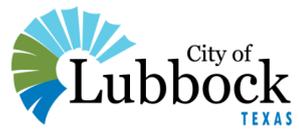
ERSKINE ST

*General Retail
District*

HANOVER ST
148 149 150 151 152



0 50 100 200
Feet



45 46 47 48 49 50

HANOVER ST

148

149

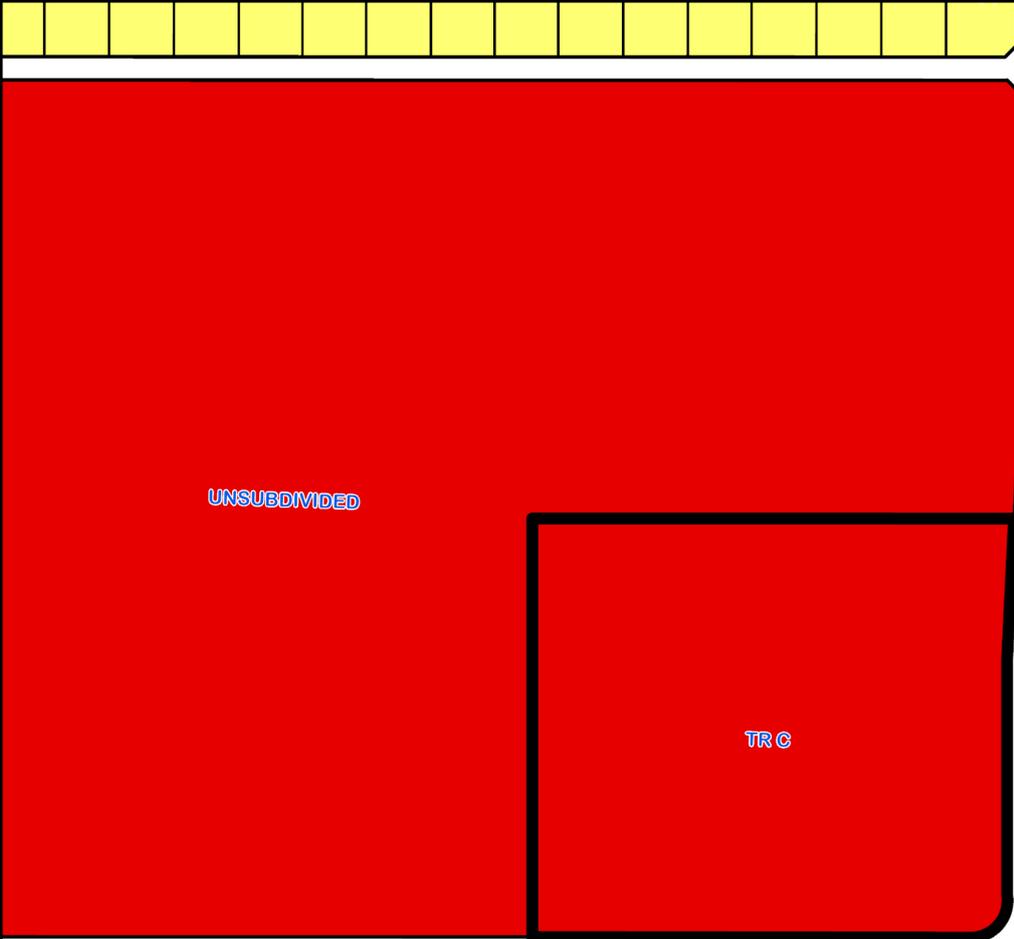
150

151

Future Land Use Plan Case 2952-D

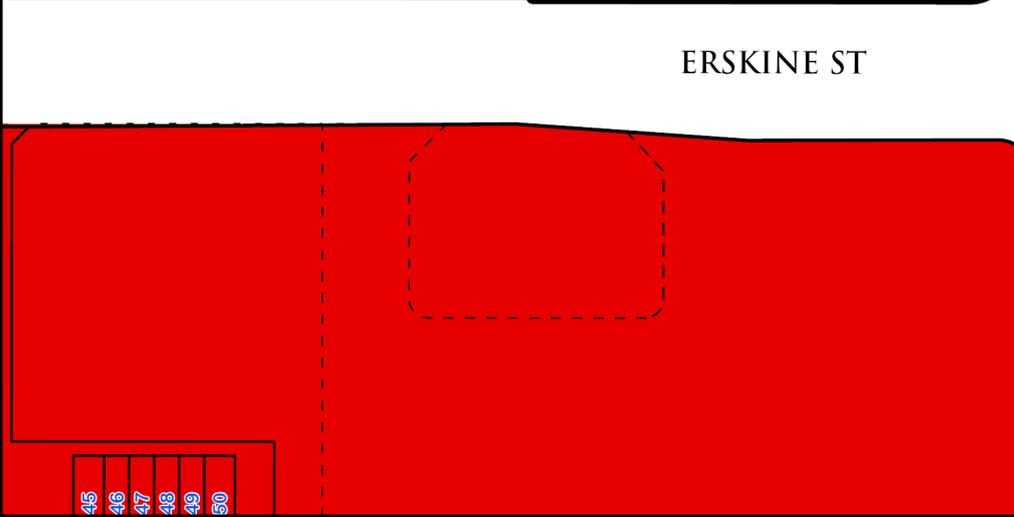
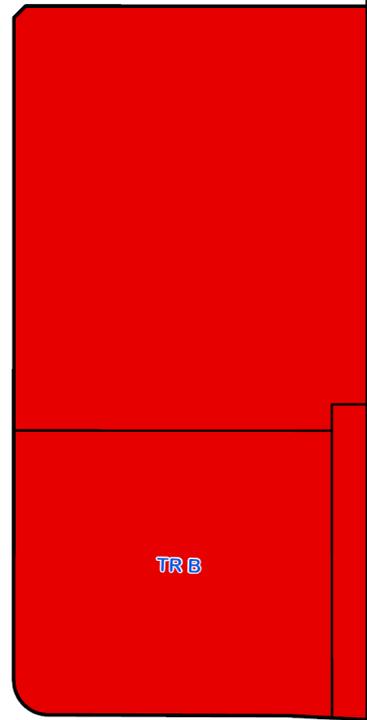
Future Land Use Type

- Commercial
- Heavy Commercial
- Downtown
- Office
- Industrial
- Interstate Commercial
- Interstate Industrial
- Mixed Use
- Parks
- Public/ Semi-Public
- Residential Low Density
- Residential Medium Density
- Residential High Density



N SLIDE RD

ERSKINE ST



45
46
47
48
49
50



View North—Subject Property



View East.



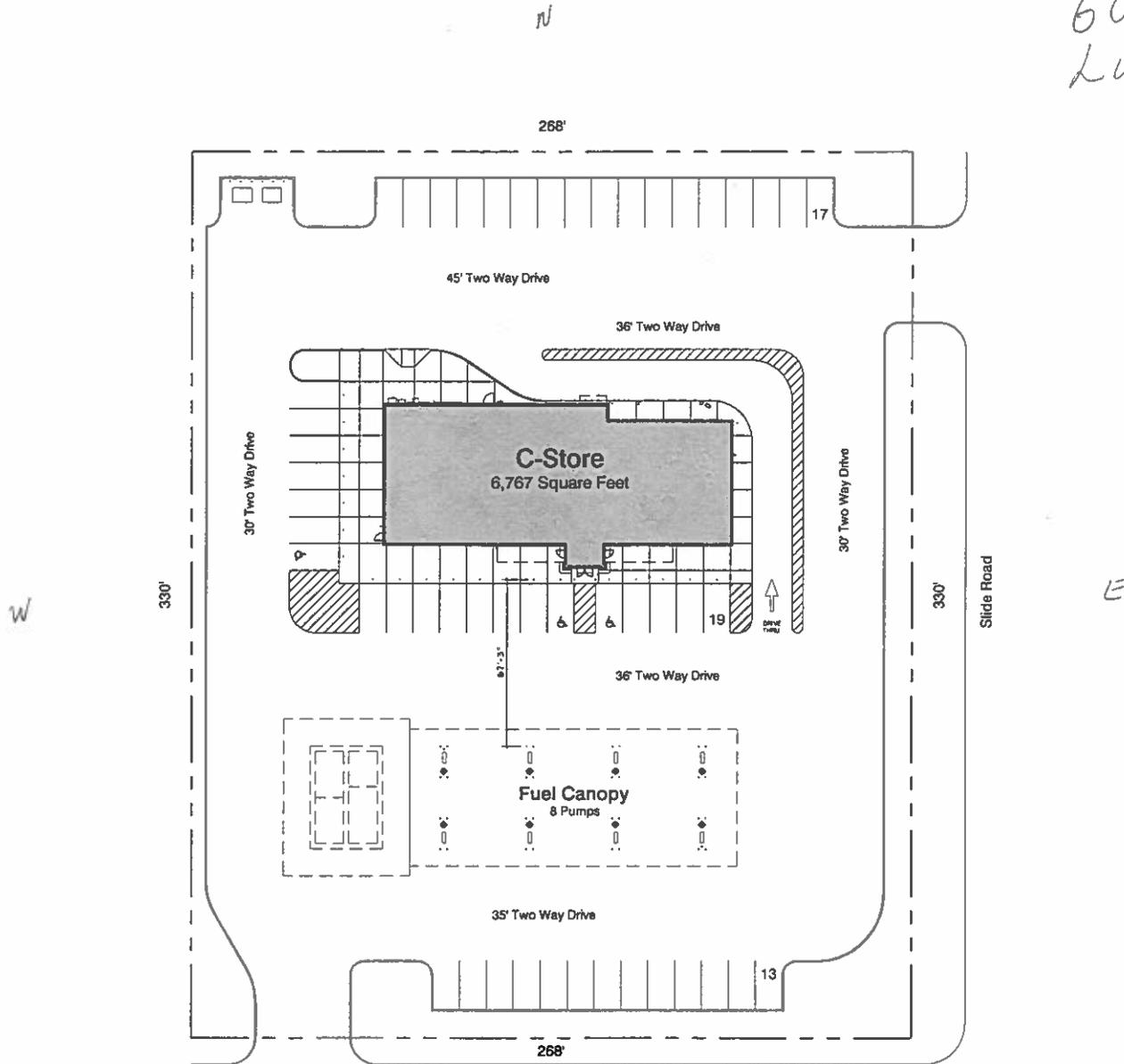
View South.



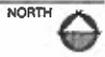
View West.

North Point, TR C

601 North Slide
Lubbock, TX 79416



Erskine
~~Erskine~~
S
Proposed Site Plan
SCALE: 1" = 40'





Lubbock Planning Department
 PO Box 2000 / 1314 Avenue K
 Lubbock, TX 79457
APPLICATION FOR ZONING CHANGE

Project Information

Location or Address: 601 North Slide, Lubbock, TX 79416
 Lots/Tracts: TRACT C
 Survey & Abstract: NORTH POINT TRC
 Metes and Bounds Attached: Yes No Total Acreage of Request: 3.4
 Existing Land Use: VACANT Existing Zoning: C2
 Requested Zoning: C3 General Retail
 If property is not subdivided, will a preliminary plat be submitted? Yes No

Representative/Agent Information (if different from owner)

Firm Name: _____
 Name: _____
 Address: _____ City: _____ State: _____
 ZIP Code: _____ Telephone: _____ Email: _____
 Applicant's Signature: _____
 Date: _____ Printed Name: _____

Owner Information

Firm Name: SPSM, LTD.
 Owner: SPSM, LTD.
 Address: 3003 98th St. City: Lubbock State: TX
 ZIP Code: 79423 Telephone: 806-7687-3788 Email: RWWarren@aol.com
 Property Owner's Signature: [Signature]
 Date: 31-AUG 2021 Printed Name: RORNEY W. WARREN

Preparer Information

Preparer's Signature: [Signature] 806 548 0023
 Date: 8-31-21 Printed Name: DONNA CARREY BARNES

For City Use Only

Zone Case No: _____ Planning and Zoning Commission Date: 7
 Request for zoning change from: _____ To: _____
 Lots: _____ Blocks: _____
 Addition: _____

If you have any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department by phone at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.



Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 3031-B, a request of SK Architecture Group for Nesloney Homes, for a zone change from Garden Office District (GO) to Local Retail District (C-2), at 8309 Upland Avenue, located east of Upland Avenue and south of 82nd Street, Westwood Addition, Lot 4, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 3031-B Staff Report
Zone Case 3031-B Documentation

Staff Report	Zone Case 3031-B
City Council Meeting	November 1, 2021

Applicant SK Architecture Group

Property Owner Nesloney Homes

Council District 5

Recommendations

- Staff recommends Approval.

Prior Board or Council Action

- January 14, 1999: This property was annexed and zoned Transition (T) through Ordinance 10117.
- February 10, 2005, Zone Case 3031: This property was zoned from Transition (T) to Garden Office (GO) through Ordinance No. 2005-O0018.

Notification Summary

- Notifications Sent: 9
- Received In Favor: 0
- Received In Opposition: 0

Site Conditions and History

The subject property was annexed in 1999 and has since remained vacant.

Adjacent Property Development

The properties to the north and south are zoned Garden Office (GO) and are vacant. Properties to the east are zoned Transition (T) and developed with single-family homes. The property to the west is zoned Interstate Highway Industrial (IHI) and is developed with a warehouse.

Zoning Request and Analysis

Item Summary

The subject property is addressed as 8309 Upland Avenue and is located south of 82rd Street and east of Upland Avenue, on 1.39 acres of land, on Lot 4, Westwood Addition. The applicant requests a zone change from GO to Local Retail District (C-2).

Current zoning: Garden Office (GO)

Requested zoning: Local Retail District (C-2)

Intent Statements

The intent of the current GO zoning is, "... to provide for quality garden office development through proper planning and design. The regulations are intended to produce an attractive environment which will ensure the compatibility between offices and adjacent uses and promote a stable environment between residential and commercial uses."

The intent of the proposed C-2 zoning is, "... to provide limited local retail and service commercial uses which serve one of several neighborhoods. Such districts may be located on existing thoroughfares or at the intersections of major thoroughfares."

Traffic Network/Infrastructure Impacts

The proposed rezoning location will be along Upland Avenue, which is designated as a Principal Arterial by the Master Thoroughfare Plan, 2018. Arterial streets provide connectivity across the transportation network and are continuous routes whose function is to serve high volume needs to local traffic and regional traffic.

Compatibility with Surrounding Property

The proposed zoning is compatible with the surrounding area and will not change the character of the existing development.

Conformance with Comprehensive Plan Principles and Future Land Use Map

The Future Land Use Map designates this property for “Residential Low Density” land uses, but notes that land uses in these areas can take numerous forms depending on context. The level of intensity for C-2 is appropriate for this area and the request is consistent with the Comprehensive Plan Principles.

Conformance with Zoning Ordinance

The proposed zoning request is in conformance with the zoning ordinance and is appropriate adjacent to other commercial uses that are already established to the west.

Suitability of Property for Allowed Uses

The property is suitable for the proposed uses and will not need additional public improvements to support the intensity of uses described in the C-2 zoning district.

Attachments

- A. Case Information
- B. Thoroughfare Plan Map
- C. Aerial Map
- D. Zoning Map
- E. Future Land Use Map
- F. Photos
- G. Application and supporting documentation

Staff Contacts

Ashley Vasquez
Planner
Planning Department
806-775-2107
ashleyvasquez@mylubbock.us

Kristen Sager
Planning and Zoning Manager
Planning Department
806-775-2109
ksager@mylubbock.us

Case Information: Zone Case 3031-B



Allowable Uses: [Local Retail District C-2](#)

Transportation: The proposed development has a point of access from Upland Avenue.

Thoroughfare	Existing	Per Thoroughfare Development Plan
Upland Avenue, <i>Principal Arterial, Partial</i>	R.O.W. 110 feet, two-lane, undivided, paved	R.O.W. 110 feet, seven- lane, undivided, paved

Engineering Comments: No comments.

Public Works Comments: No comments.

Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Case Number 3031-B

Quincy Ave

82nd St

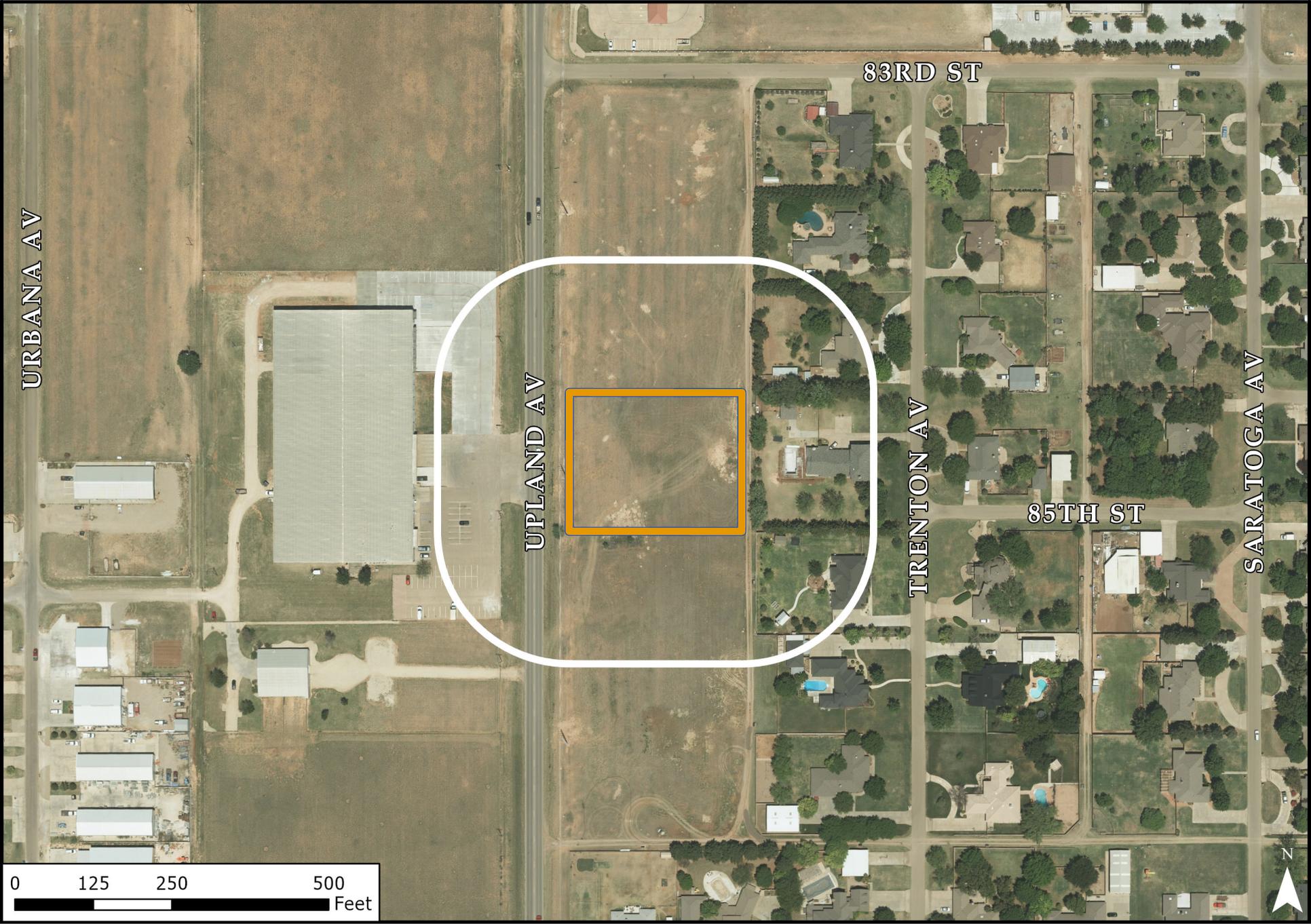
Upland Ave



Collector	Minor Arterial	Modified Arterial	Principal Arterial	Freeway
Completed	Completed	Partial	Completed	Completed
Partial	Partial	Future	Partial	Partial
Future	Future		Future	Proposed Outer Loop



Case Number 3031-B



URBANA AV

UPLAND AV

83RD ST

TRENTON AV

85TH ST

SARATOGA AV



UNSUBDIVIDED
General Retail District

TRA
Interstate Highway Industrial

TRA TRB TRC

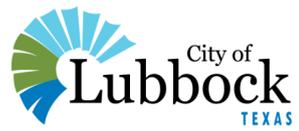
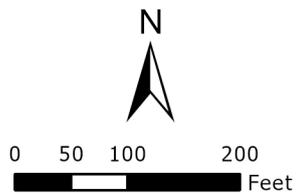
UNSUBDIVIDED



Current Zoning 3031-B

Zoning Districts

- General Retail
- Garden Office
- Interstate Highway Industrial
- Transitional



UNSUBDIVIDED

TR A

TR A

TR B

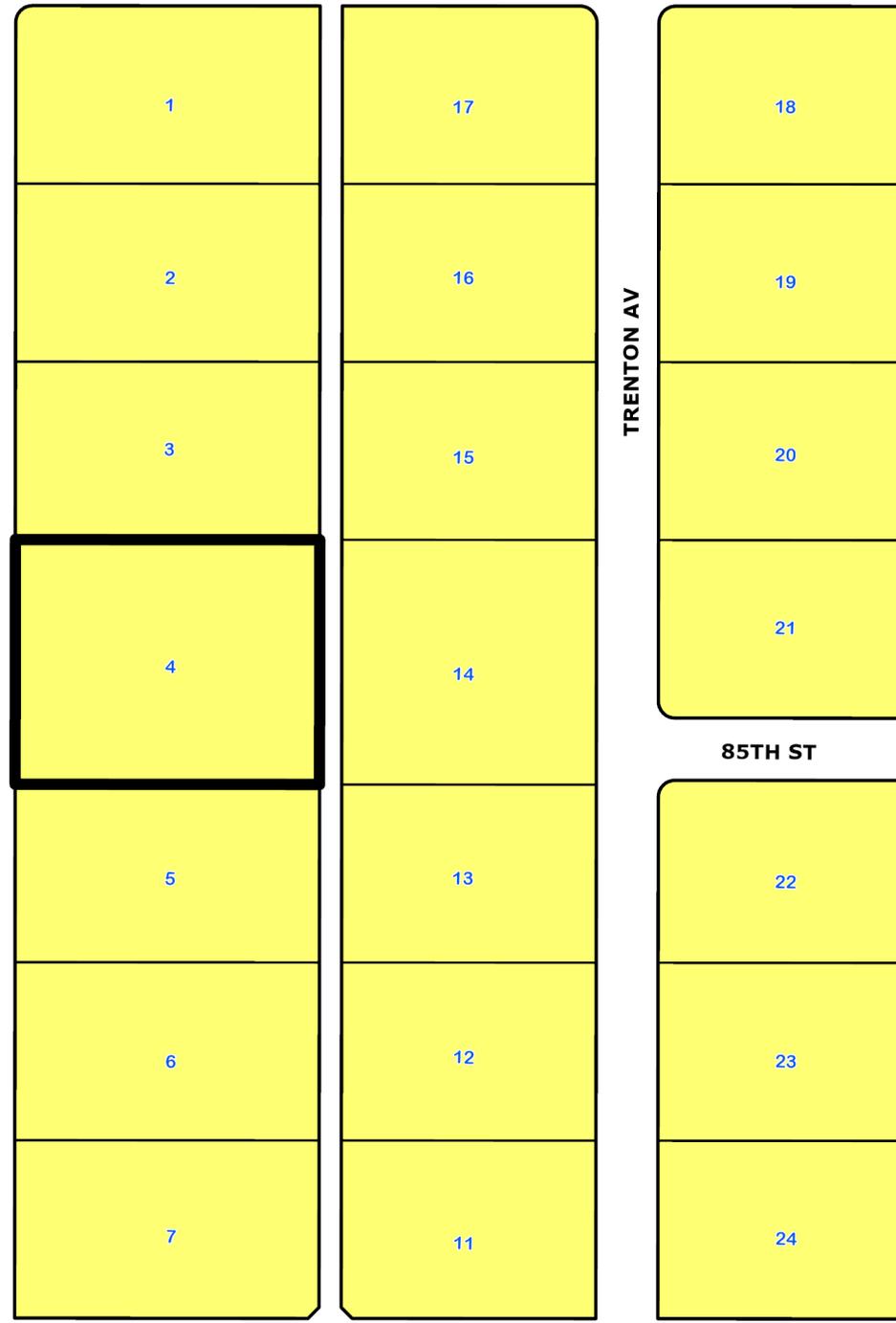
TR C

UNSUBDIVIDED

UPLAND AV

TRENTON AV

85TH ST



Future Land Use Plan Case 3031-B

Future Land Use Type

- Commercial
- Heavy Commercial
- Downtown
- Office
- Industrial
- Interstate Commercial
- Interstate Industrial
- Mixed Use
- Parks
- Public/ Semi-Public
- Residential Low Density
- Residential Medium Density
- Residential High Density



3031-B



Subject property view to the east.



View to the south.



View to the west.



View to the north.

WESTWOOD

AN ADDITION IN LUBBOCK COUNTY, TEXAS

LOTS 1-78



THIS PLAT BEING PART OF SECTION 36, T12N, R10E, S11E, L1187.0

NOT SUBDIVIDED

07811

NOTES:
 SCALE: 1"=100'
 ALL LINES INDICATE PLAT LINES.
 ALL STREETS, ALLEYS AND EASEMENTS WITHIN PLAT LIMITS ARE HEREBY DESIGNATED.
 ALL OTHER SERVICES TO BE IN ACCORDANCE WITH THE UNDERGROUND UTILITIES POLICY STATEMENT BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF LUBBOCK, TEXAS.
 NO BUILDING PERMIT SHALL BE ISSUED ON ANY SURVEY CERTIFICATE THAT IS NOT IN ACCORDANCE WITH AN APPROVED FINAL PLAN.
 ALL EASEMENTS INDICATED HEREBY SHALL ENTITLE THE CITY OR THE UTILITY COMPANY USING SUCH EASEMENT TO THE RIGHT TO REMOVE, BORROW OR USE AS ANY LINES, DUES, FRANCHISE OR DEVICES WITHIN SUCH EASEMENTS, AS MAY BE DETERMINED BY THE CITY OR UTILITY COMPANY WITHOUT THE CITY OR UTILITY COMPANY BEING RESPONSIBLE FOR THE REPLACEMENT OR REPAIR THEREOF, WITHIN OR SUBJECT TO THE PROVISIONS OR ASSOCIATED BY SUCH TERMS, REMOVAL OR REPLACEMENT.
 EASEMENTS SHALL NOT BE FENCED OR OTHERWISE OBSTRUCTED TO THE PASSAGE OF VEHICULAR TRAFFIC.
 USE - UNDERGROUND UTILITY EASEMENT.
 USE - UNDERGROUND STREET LIGHT CABLE EASEMENT.
 USE - UNDERGROUND POWER AND LIGHT CABLE EASEMENT.
 USE - SOUTH PLUMBING ELECTRIC EASEMENT.
 SET SQUARE FEET AT ALL CORNERS UNLESS OTHERWISE INDICATED.

KNOW ALL MEN BY THESE PRESENTS THAT I, JENNIE E. ANDERSON, REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF LUBBOCK, TEXAS.

Jennie E. Anderson
 REGISTERED PUBLIC SURVEYOR
 LUBBOCK, TEXAS
 JANUARY 17, 1978
 REVISED JANUARY 30, 1979
 REVISED FEBRUARY 27, 1979



APPROVED THIS 24th day of March, 1979, BY THE COMMISSIONERS COURT OF LUBBOCK COUNTY, TEXAS.

ATTEST: *Frank G. Brown* COUNTY CLERK
 ATTEST: *Robert L. Brown* COUNTY JUDGE

APPROVED THIS 24th day of March, 1979, BY THE CITY PLANNING COMMISSION OF THE CITY OF LUBBOCK, TEXAS.

APPROVED: *James K. Pettif* CHAIRMAN
 ATTEST: *Paul M. ...* SECRETARY

HUGO REED AND ASSOCIATES, INC.
 LAND SURVEYORS
 1111 S. ...
 LUBBOCK, TEXAS 79401
 806/763-8540

1187.0



Project Information

Location or Address: 8309 Upland Ave.
 Lots/Tracts: Westwood Lot 4
 Survey & Abstract: N/A
 Metes and Bounds Attached: Yes No Total Acreage of Request: 62,720
 Existing Land Use: Vacant Land Subdivided Existing Zoning: Garden Office
 Requested Zoning: C2 - Local Retail District
 If property is not subdivided, will a preliminary plat be submitted? Yes No

Representative/Agent Information (if different from owner)

Firm Name: SK Architecture Group
 Name: Sara Bradshaw
 Address: 6302 70th St. City: Lubbock State: Tx
 ZIP Code: 79424 Telephone: 806-300-8151 Email: sara@skarchgroup.com
 Applicant's Signature: *Sara Bradshaw*
 Date: 09/01/2021 Printed Name: Sara Bradshaw

Owner Information

Firm Name: Nesloney Homes
 Owner: Jason Nesloney
 Address: 10101 Saratoga Ave City: Lubbock State: Tx
 ZIP Code: 79424 Telephone: 806-620-3031 Email: nesloneyhomes@gmail.com
 Property Owner's Signature: *JN*
 Date: 09/01/2021 Printed Name: Jason Nesloney

Preparer Information

Preparer's Signature: *Juan Moya*
 Date: 09/01/2021 Printed Name: Juan Moya

For City Use Only

Zone Case No: _____ Planning and Zoning Commission Date: _____
 Request for zoning change from: _____ To: _____
 Lots: _____ Blocks: _____
 Addition: _____

If you have any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department by phone at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.



Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 3291-A, a request of OJD Engineering, LLC for John C. Owens, for a zone change from Local Retail District (C-2) to Family Apartment District (A-1) at 1901 82nd Street, located east of Avenue U and south of 82nd Street, on 3.82 acres of unplatted land out of Block E, Section 9, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 3291-A Staff Report
Zone Case 3291-A Documentation

Staff Report	Zone Case 3291-A
City Council Meeting	November 1, 2021

Applicant OJD Engineering, LLC

Property Owner John C Owens

Council District 4

Recommendations

- Staff recommends Approval.

Prior Board or Council Action

- September 11, 1958: A portion of this property was annexed and zoned Transition District (T) through Ordinance No. 2535.
- June 11, 1959: A portion of this property was rezoned to Single Family District (R-1) through Ordinance No. 2813.
- November 18, 1976: A portion of this property was annexed and zoned Transition District (T) through Ordinance No. 7361.
- December 13, 1984: A portion of this property was annexed and zoned Transition District (T) through Ordinance No. 8689.
- September 9, 2016: This property was rezoned Local Retail District (C-2) through Ordinance No. 2016-00132.

Notification Summary

- Notifications Sent: 24
- Received In Favor: 0
- Received In Opposition: 1

Site Conditions and History

This property was annexed between 1958 and 1984 and has remained vacant and unsubdivided.

Adjacent Property Development

The property to the south and west is zoned Family Apartment District (A-1) and developed with apartments. To the north are offices on property zoned Garden Office District (GO) and homes on property zoned R-1. Finally, to the east is a commercial building zoned C-2 as well as vacant land zoned T.

Zoning Request and Analysis

Item Summary

This property is addressed as 1901 82nd Street, located east of Avenue U and south of 82nd Street, on 3.82 acres of unplatted land out of Block E, Section 9. The applicant is requesting a zone change from C-2 to A-1.

Current zoning: Local Retail District (C-2)

Requested zoning: Family Apartment District (A-1)

Intent Statements

The intent of the current C-2 zoning is "...to provide limited local retail and service commercial uses which serve one of several neighborhoods. Such districts may be located on existing thoroughfares or at the intersections of major thoroughfares."

The intent of the proposed A-1 zoning is, "...to promote medium-density, multiple-occupancy development. The regulations are designed to promote family-oriented development which provides the occupants with the proper environmental quality, and compatibility with lower-density development. The purpose of this district is not to isolate multi-family units, but to encourage compatible residential land uses through effective planning and urban design."

Traffic Network/Infrastructure Impacts

The location is along 82nd Street, which is designated as a Principal Arterial by the Master Thoroughfare Plan, 2018. Principal Arterial streets are continuous routes whose function is to serve high volumes of local and regional traffic. Speeds are relatively high on arterial streets and handle high volumes of traffic. This roadway will be able to adequately handle the traffic associated with the uses in the A-1 district.

Compatibility with Surrounding Property

The proposed zone change is compatible with the surrounding area and will not change the character of the existing development.

Conformance with Comprehensive Plan Principles and Future Land Use Map

The Future Land Use map designates this area for "Commercial" land uses. The A-1 district does not conform to the Future Land Use Map designation though it would be considered appropriate at an intersection node according to the Future Land Use Compatibility Matrix (pg. 64).

Conformance with Zoning Ordinance

The proposed zoning request is in conformance with the zoning ordinance and is appropriate adjacent to other residential uses that are already established.

Suitability of Property for Allowed Uses

The property is suitable for the proposed uses, though additional public improvements may be needed, as the property has not been platted yet.

Attachments

- A. Case Information
- B. Thoroughfare Plan Map
- C. Notification Map
- D. Aerial Map
- E. Zoning Map
- F. Future Land Use Map
- G. Photos
- H. Application and supporting documentation
- I. Notification Replies

Staff Contacts

Shane Spencer
 Planner
 Planning Department
 806-775-2103
sspencer@mylubbock.us

Kristen Sager
 Planning and Zoning Manager
 Planning Department
 806-775-2109
ksager@mylubbock.us

Allowable Uses: [Family Apartment District \(A-1\)](#)

Transportation: The proposed development has points of access from 82nd Street

Thoroughfare	Existing	Per Thoroughfare Development Plan
82 nd Street, <i>Principal Arterial Completed</i>	R.O.W. 110 feet, 7-lane, undivided, paved	R.O.W. 110 feet, 7-lane, undivided, paved

Engineering Comments: No comments.

Public Works Comments: No comments.

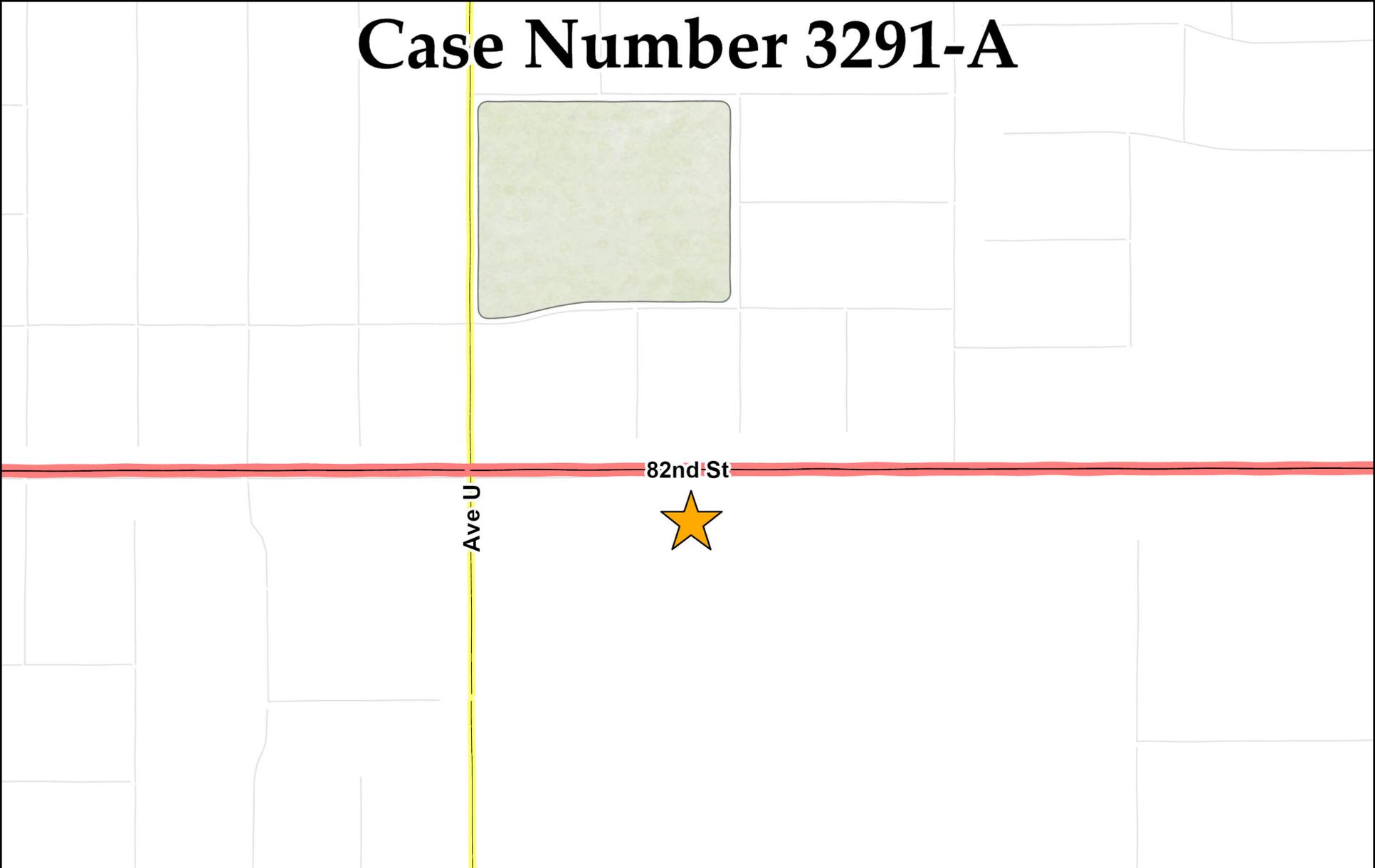
Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Draft Planning and Zoning Commission Minutes

N/A

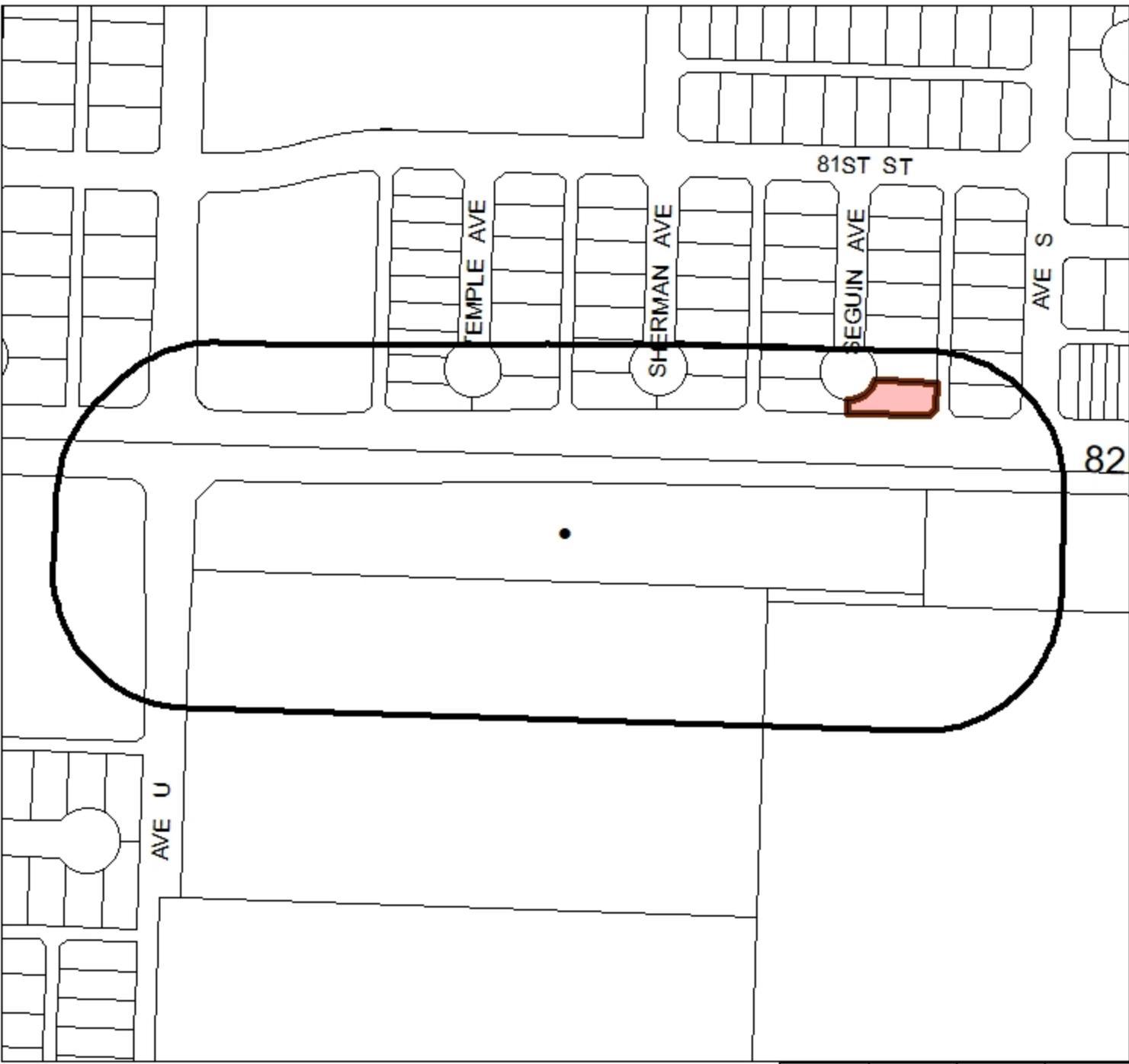
Case Number 3291-A



Collector	Minor Arterial	Modified Arterial	Principal Arterial	Freeway
Completed	Completed	Partial	Completed	Completed
Partial	Partial	Future	Partial	Partial
Future	Future		Future	Proposed Outer Loop



PZC Mailout Notifications Received



Legend

- LocatorPnt3291_A
- MailoutBuffer3291_A
- Notification Result**
 - In Favor
 - Opposed

Created by Planning Department
Date: 9/29/2021

0 135 270 540 Feet

Case Number 3291-A



0 125 250 500 Feet

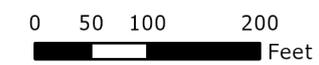
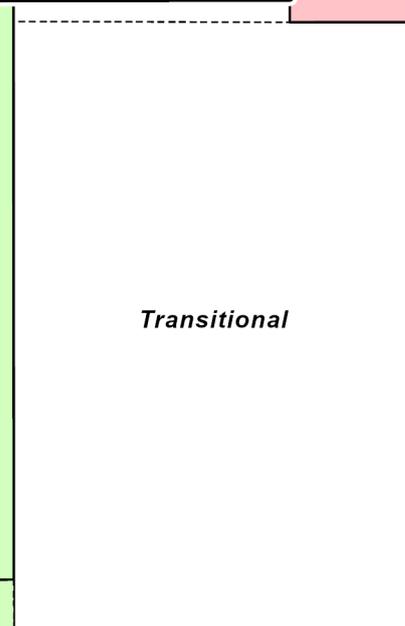
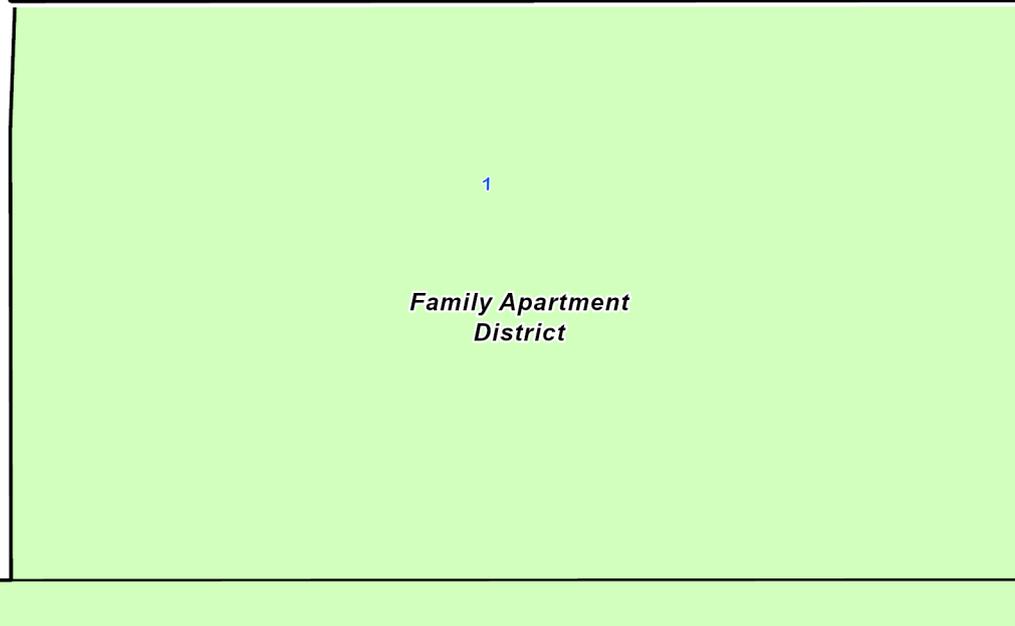
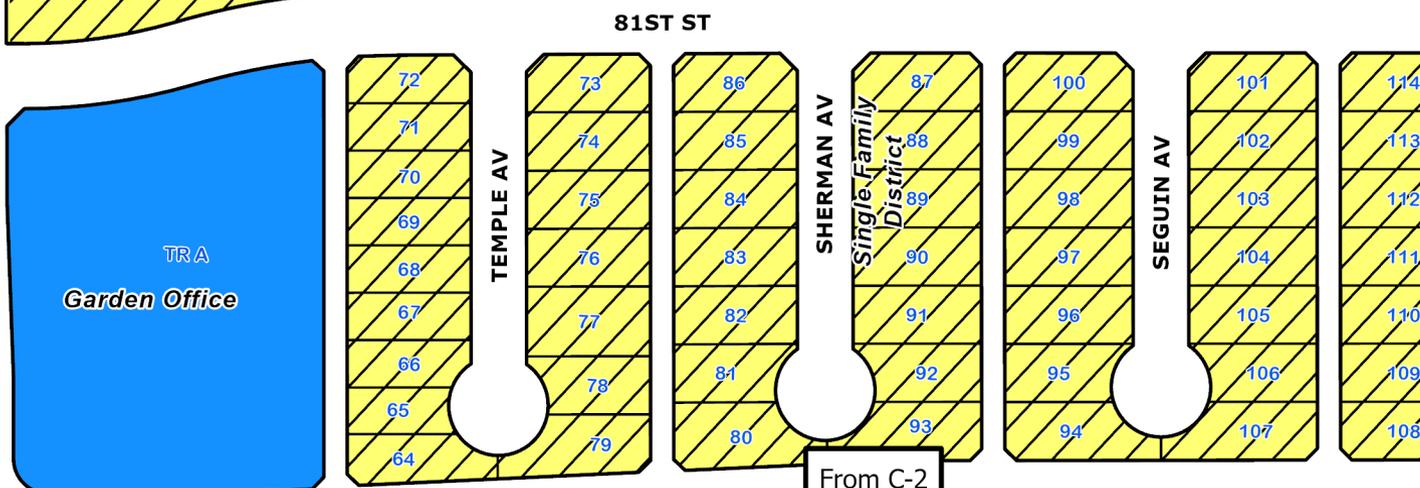


Current Zoning

3291-A

Zoning Districts

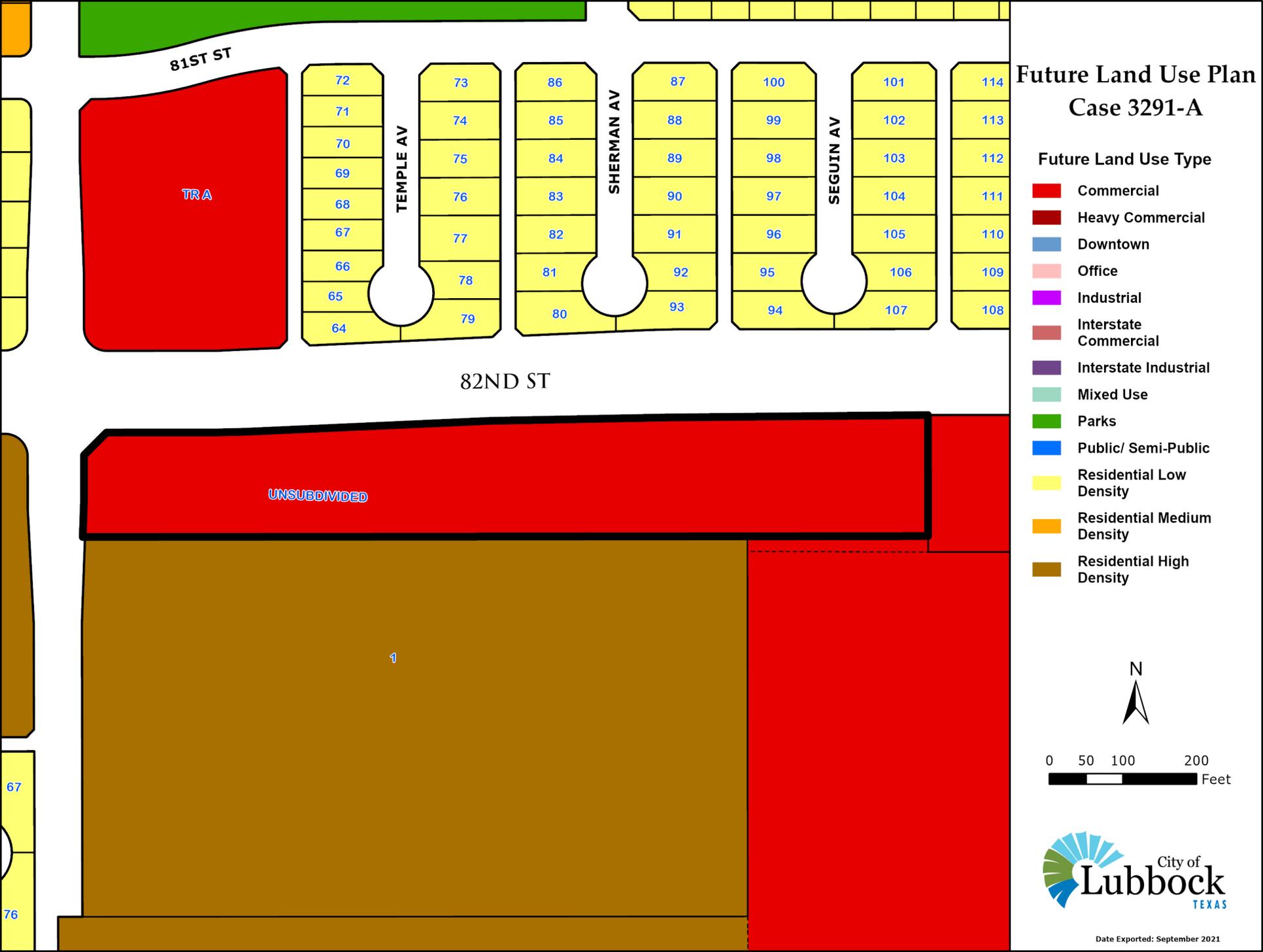
-  Family Apartment
-  Local Retail
-  Garden Office
-  Single Family
-  Single Family Specific Use
-  Two Family
-  Transitional



Future Land Use Plan Case 3291-A

Future Land Use Type

- Commercial
- Heavy Commercial
- Downtown
- Office
- Industrial
- Interstate Commercial
- Interstate Industrial
- Mixed Use
- Parks
- Public/ Semi-Public
- Residential Low Density
- Residential Medium Density
- Residential High Density



3291-A



View of adjacent property. View south.



View of adjacent property. View east.



View of subject property. View north.



View of adjacent property. View west.



Lubbock Planning Department
PO Box 2000 / 1314 Avenue K
Lubbock, TX 79457
APPLICATION FOR ZONING CHANGE

Project Information

Location or Address: Southeast Corner - 82nd Street & Avenue U
Lots/Tracts: Tract B4
Survey & Abstract: Survey: Block E, Section 9 Abstract: 47
Metes and Bounds Attached: Yes No Total Acreage of Request: 3.82 Acres
Existing Land Use: Vacant Land Unsubdivided Existing Zoning: C-2
Requested Zoning: A-1
If property is not subdivided, will a preliminary plat be submitted? Yes No

Representative/Agent Information (if different from owner)

Firm Name: OJD Engineering, LLC
Name: Michael Adams
Address: 328 E HWY 62 City: Wolfforth State: TX
ZIP Code: 79382 Telephone: 806-791-2300 Email: michael.adams@ojdengineering.com
Applicant's Signature: [Signature]
Date: 9/1/21 Printed Name: Michael J Adams

Owner Information

Firm Name: _____
Owner: John C Owens
Address: 4618 5th St. City: Lubbock State: TX
ZIP Code: 79416 Telephone: 806-317-3880 Email: jowens@plainscapital.com
Property Owner's Signature: John C Owens
Date: 9/1/21 Printed Name: Johnny Owens

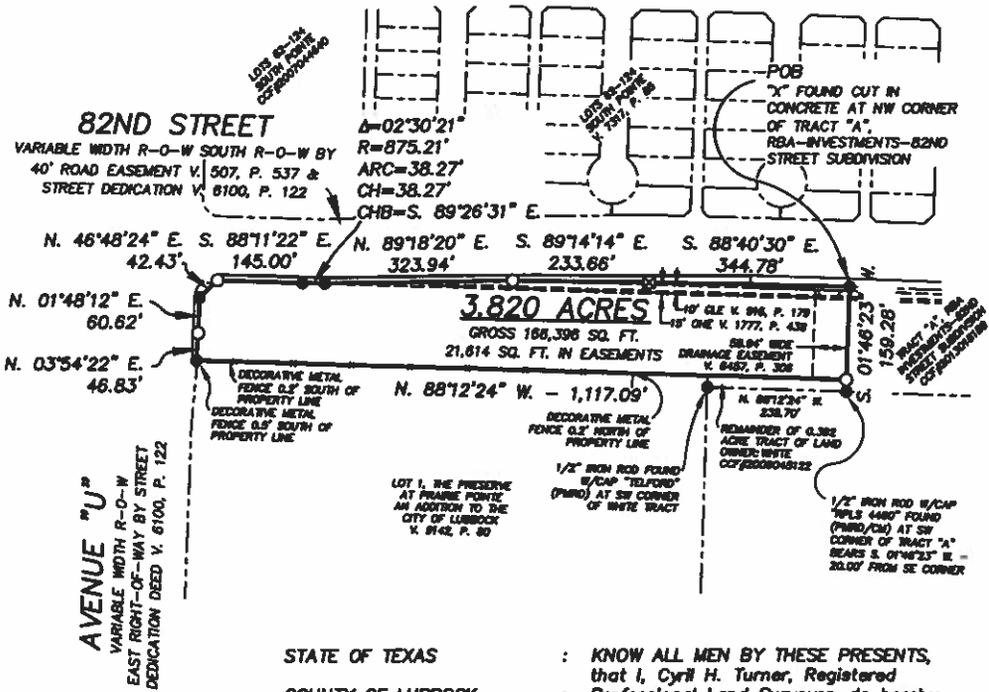
Preparer Information

Preparer's Signature: _____
Date: _____ Printed Name: _____

For City Use Only

Zone Case No: _____ Planning and Zoning Commission Date: _____
Request for zoning change from: _____ To: _____
Lots: _____ Blocks: _____
Addition: _____

If you have any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department by phone at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.



NOTE:

POB = Point of Beginning.

- = 1/2" iron rod with cap inscribed "HUGO REED" found. (PMRD/CM)
- ⊠ = 1/2" iron rod with cap inscribed "CHT RPLS 6460" set.
- = 1/2" iron rod found (PMRD/CM), unless otherwise noted.

PMRD = Physical Monument of Record Dignity

CM = Controlling Monument

OHE = Overhead Electrical Lines

Parent tract recorded in County Clerk File Number 2016041815, Official Public Records of Lubbock County, Texas.

Bearings are relative to Grid North, Texas Coordinate System of 1983, North Central Zone, (2011, epoch 2010.0)

Distances are surface, U.S. Survey Feet.

This survey is subject to any facts which may be disclosed by a full and accurate title search. A current title commitment was not provided for this survey.

Mets & Bounds Description of even survey date accompanies this plat. This plat invalid unless it bears surveyor's seal and signature.

Field notes with even certification date accompany this plat.

NOT TO SCALE

STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS,
 COUNTY OF LUBBOCK : that I, Cyril H. Turner, Registered
 Professional Land Surveyor, do hereby
 certify that I did cause to be surveyed
 on the ground the tract of land shown on this plat, and to the best
 of my knowledge and belief, the said description is true and correct.
 IN WITNESS THEREOF, my hand and seal.



Cyril H. Turner

Cyril H. Turner
 Registered Professional
 Land Surveyor #6460

09/01/2021



BOUNDARY SURVEY OF A 3.820 ACRE TRACT OF LAND SITUATED IN SECTION 9, BLOCK E, G.C.&S.F. R.R. CO. SURVEY, A-47, LUBBOCK COUNTY, TEXAS		
SCALE: 1" = 200'	APPROVED BY: CHT Surveyed - 08/18-08/30/2021	DRAWN BY: CHT FILE NAME: 21-LS00101
OJD Engineering, L.L.C. Consulting Engineers & Surveyors		806-791-2300 328 E. Hwy. 82, Unit #1 Wolforth, Texas 79382
Surveying Firm # 10183983		

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX 79457 or email to CityPlanning@mylubbock.us.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **3291-A**

In Favor

Opposed

Reasons and/or Comments:

Print Name Orlando & Becky Lucero
Signature: Orlando Lucero & Becky Lucero
Address: 8113 Seguin Ave, Lubbock, TX 79423
Address of Property Owned: 8113 Seguin Ave, Lubbock, TX 79423
Phone Number: 806-787-3872 or 806-787-3874
Email: becky.lucero@lubbockisd.org

Zone Case Number: **3291-A**
LUCERO ORLANDO & REBECCA
8113 SEGUIN AVE

R163716

Recipient 12 of 24

LUBBOCK

TX 79423-2439





Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 3432-A, a request of Dwain Lane for Carolyn Lane Musgrave, for a Specific Use for an Event Center, on property zoned Commercial District (C-4) and Local Retail District (C-2) at 1801 19th Street and 1904 and 1906 Avenue R, located south of 19th Street and west of Avenue R, Lane Addition, Block 1, Lots 1, 2, 5 and 6, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 3432-A Staff Report
Zone Case 3432-A Documentation

Staff Report	Zone Case 3432-A
City Council Meeting	November 1, 2021

Applicant Dwain Lane
Property Owner Carolyn Lane Musgrave
Council District 1

Recommendations

- Staff recommends Approval of the request.

Prior Board or Council Action

- February 7, 1921: This property was annexed through the adoption of an Official Map of the City of Lubbock through Ordinance No. 197.
- March 13, 1941, Original Zoning Ordinance: This property was zoned Commercial District (District H) and Two-Family District (District B) through Ordinance No. 661.
- December 22, 1960, Zone Case 0884: This property was zoned Commercial District (C-4) through Ordinance No. 3320.
- March 13, 2014, Zone Case 3224: The northern section of this property was zoned Local Retail District (C-2) through Ordinance No. 2014-00021.
- June 8, 2021, Zone Case 3432: City Council denied a zone change from C-2 to C-4 with a Specific Use for a Dance Hall.

Notification Summary

- Notifications Sent: 25
- Received In Favor: 0
- Received In Opposition: 0

Site Conditions and History

The subject property was annexed in 1921 and was developed with a commercial building in 1941. The building was originally granted a certificate of occupancy as a café on January 10, 1942; and on February 6, 1974, the use of the building was changed to a public bar. On February 24, 1989, the bar was then turned into a game room and club.

Adjacent Property Development

The properties to the north, east and west are zoned C-2 and have been developed with commercial buildings. The property to the south is zoned C-4 and is developed with a parking lot.

Zoning Request and Analysis

Item Summary

The subject property is addressed as 1801 19th Street and 1904 and 1906 Avenue R, and is located south of 19th Street and west of Avenue R. The applicant is requesting a Specific Use for an Event Center.

Current zoning: Local Retail District (C-2) and Commercial District (C-4)
Requested zoning: Specific Use for an Event Center

Intent Statements

The intent of the current C-2 zoning is “...to provide limited local retail and service commercial uses which serve one of several neighborhoods. Such districts may be located on existing thoroughfares or at the intersections of major thoroughfares.”

The intent of the current C-4 zoning is “...to provide for heavy retail and wholesale commercial uses which serve a city-wide or regional area. Such districts should have frontage on regional thoroughfares such as state or federal highways. Because of the heavy commercial nature of the permitted uses, compatibility with adjacent residential areas should be carefully considered.”

The intent of the proposed Specific Use is “...to provide for design and land use flexibility in the various districts. This district provides for variations in the land use standards within the [zoning] ordinance, provided the intent, principles, and innovations of modern urban planning and design are used.”

Traffic Network/Infrastructure Impacts

The property is located along 19th Street and Avenue R. 19th Street is designated as Minor Arterial by the Master Thoroughfare Plan, 2018, and Avenue R is designated as a Local street. Minor Arterial roads are designed for a higher intensity of traffic, and Local streets are designed for medium volumes of vehicles operating at lower speeds and provide access and movement within residential, commercial, and industrial areas (Comprehensive Plan, page 87).

Compatibility with Surrounding Property

The proposed Specific Use for an event center is compatible with the surrounding area and will not change the character of the existing development.

Conformance with Zoning Ordinance

The proposed Specific Use for an event center is in conformance with the zoning ordinance and is appropriate adjacent to other commercial uses that are already established. The existing building was used as a club and game room (Crossroads) until 2017; but according to the owner, it began its use as a venue (Stiletto’s) in 2019 and therefore it lost its nonconforming status as a bar/nightclub due to there being no alcohol sales for over a year. It appears that it was allowed to continue as a similar use when the current tenants occupied the building, and so the building retains its nonconforming status as a dance hall today. The proposed use for this property was previously considered to fall under the categorization of a dance hall; however, the City Council recently approved an amendment to the zoning ordinances to distinguish an event center from a dance hall. The request for an event center would bring the use of the building into conformance.

Suitability of Property for Allowed Uses

The property is suitable for the proposed use of an event center and will not need additional public improvements.

Attachments

- A. Case Information
- B. Thoroughfare Plan Map
- C. Aerial Map
- D. Zoning Map
- E. Future Land Use Map
- F. Photos
- G. Application and supporting documents

Staff Contacts

Jacob Hawkins
 Planner
 Planning Department
 806-775-2096
jhawkins@mylubbock.us

Kristen Sager
 Planning and Zoning Manager
 Planning Department
 806-775-2109
ksager@mylubbock.us

Case Information: Zone Case 3432-A



Allowable Uses: [Local Retail District \(C-2\)](#), [Commercial District \(C-4\)](#), and [Specific Use District](#)

Transportation: The proposed development has points of access from 19th Street and Avenue R.

Thoroughfare	Existing	Per Thoroughfare Development Plan
19 th Street <i>Minor Arterial, Completed</i>	R.O.W. 88 feet, five-lane, undivided, paved	R.O.W. 100 feet, five-lane, undivided, paved
Avenue R <i>Local, Completed</i>	R.O.W. 50 feet, two-lane, undivided, paved	Two-lane, undivided, paved

Engineering Comments: No comments.

Public Works Comments: No comments.

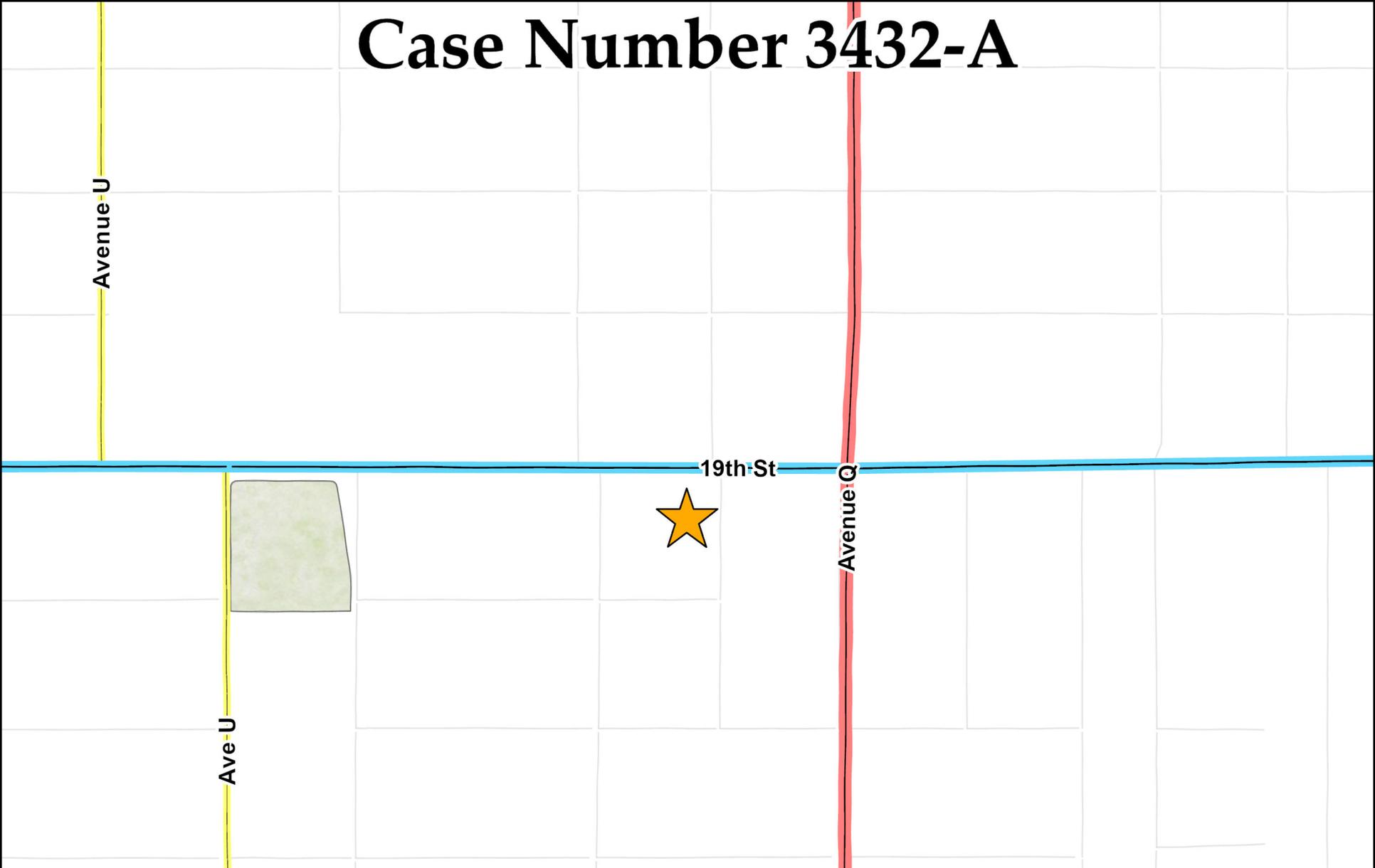
Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Draft Planning and Zoning Commission Minutes

N/A

Case Number 3432-A



Collector	Minor Arterial	Modified Arterial	Principal Arterial	Freeway
Completed	Completed	Partial	Completed	Completed
Partial	Partial	Future	Partial	Partial
Future	Future		Future	Proposed Outer Loop



Case Number 3432-A



18TH ST

19TH ST

20TH ST

21ST ST

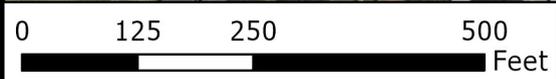
AVE T

AVE S

AVE R

AVE Q

DIXIE DR

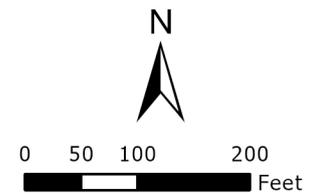
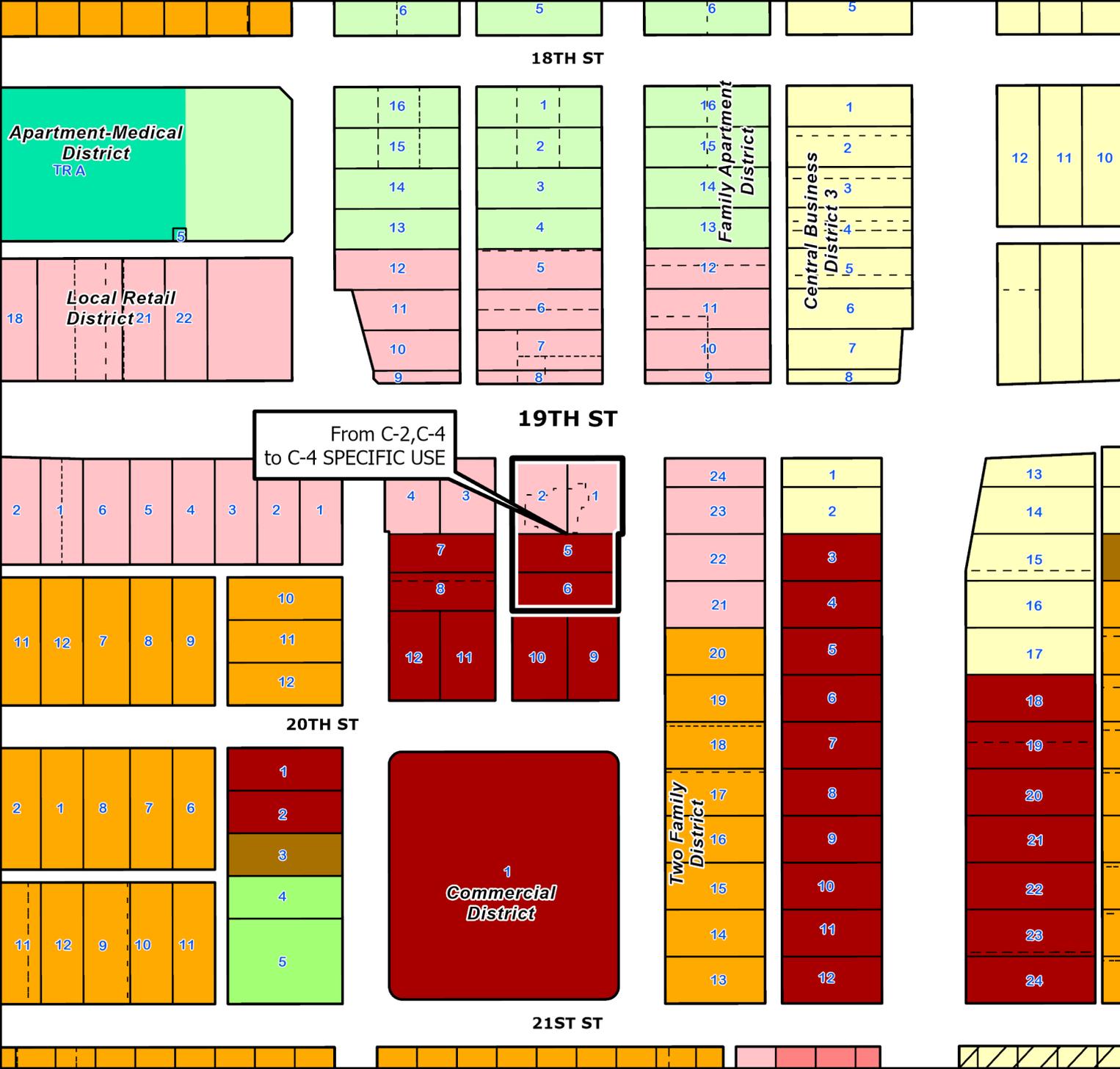


Current Zoning

3432-A

Zoning Districts

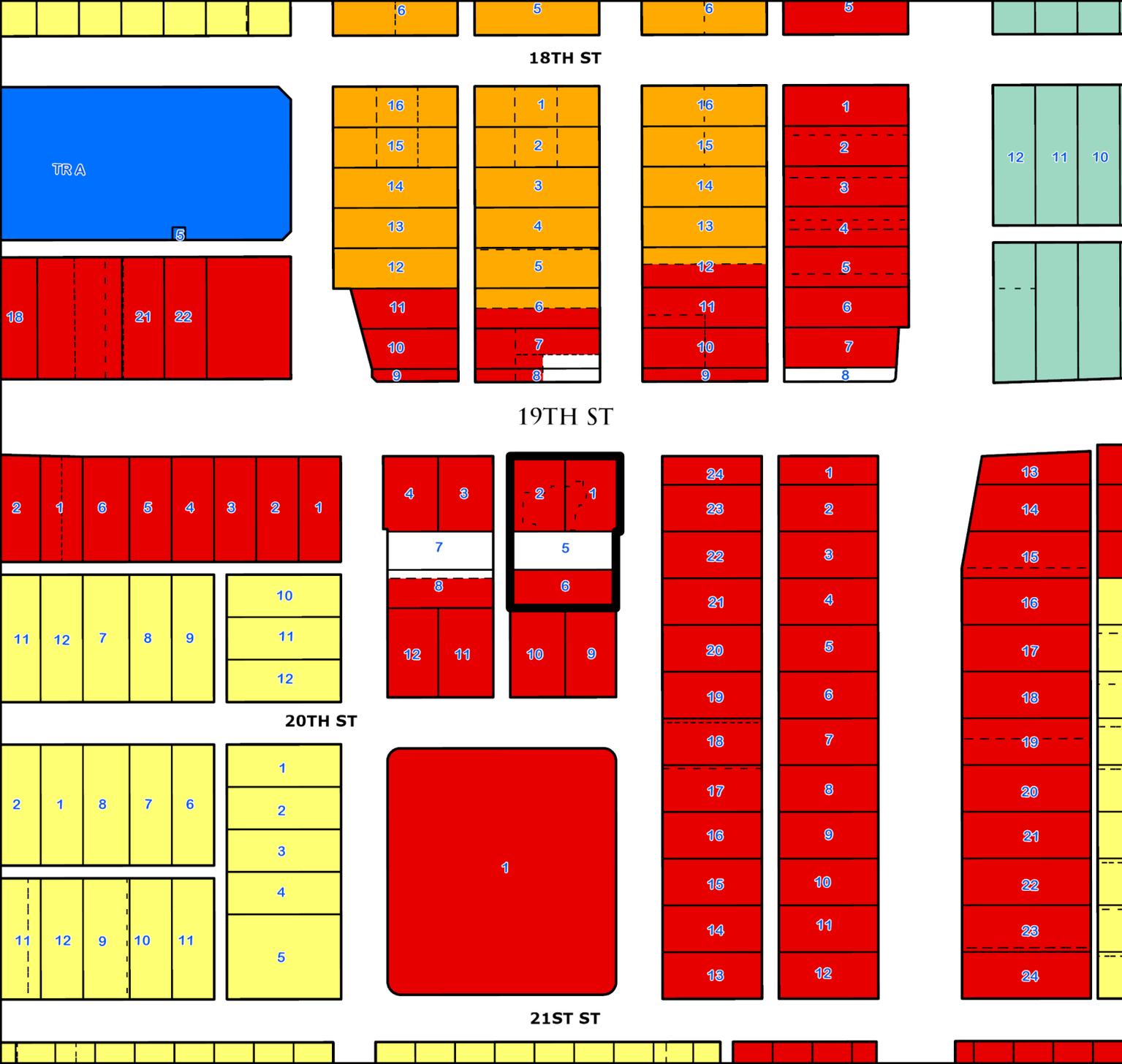
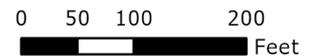
-  Family Apartment
-  High Density Apartment
-  Apartment-Medical
-  Local Retail
-  General Retail
-  Commercial
-  Central Business District 3
-  Central Business District 3 Specific Use
-  Two Family
-  Multi-Family



Future Land Use Plan Case 3432-A

Future Land Use Type

- Commercial
- Heavy Commercial
- Downtown
- Office
- Industrial
- Interstate Commercial
- Interstate Industrial
- Mixed Use
- Parks
- Public/ Semi-Public
- Residential Low Density
- Residential Medium Density
- Residential High Density



3432-A



View of subject property. View south.



View of adjacent property. View east.



View of adjacent property. View west.



View of adjacent property. View north.



Project Information

Location or Address: 1801-19TH
Lots/Tracts: 192 586
Survey & Abstract: _____
Metes and Bounds Attached: Yes No Total Acreage of Request: 0.5
Existing Land Use: EVENT CENTER Existing Zoning: 181-C-2 586 C-4
Requested Zoning: SPECIFIC USE EVENT CENTER
If property is not subdivided, will a preliminary plat be submitted? Yes No

Representative/Agent Information (if different from owner)

Firm Name: _____
Name: DWAIN LANE
Address: 18810 SLIDE ROAD City: LUBBOCK State: TEXAS
ZIP Code: 79424 Telephone: 806-252-3194 Email: DLHR@YAHOO.COM
Applicant's Signature: Dwain Lane
Date: SEPT 15 2021 Printed Name: DWAIN LANE

Owner Information

Firm Name: _____
Owner: COROLYN LANE MUSGRAVE
Address: P.O. BOX 118 City: CARRIZO CAMINO State: CA.
ZIP Code: 95709 Telephone: 575-649-8941 Email: LANE.CORIE@GMAIL.COM
Property Owner's Signature: Carolyn Lane Musgrave
Date: 9/16/2021 Printed Name: COROLYN LANE MUSGRAVE

Preparer Information

Preparer's Signature: _____
Date: _____ Printed Name: _____

Use Only

Case No: 3432-A Planning and Zoning Commission Date: October 7
Request for zoning change from: Specific Use C-2/C4 To: Specific Use for an Event Center
Lots: 192 and 586 Blocks: _____
Location: Lane

For any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.



Information

Agenda Item

Public Hearing - Planning: Consider a request for Zone Case 3437, a request of D's Auto, for a zone change from Single-Family District (R-1) to Local Retail District (C-2), at 3407 Idalou Road, located west of Idalou Road and north of East 3rd Place, on 1.77 acres of unplatted land out of Block A, Section 3, and consider an ordinance.

Item Summary

For detailed information on this request, please refer to the Planning Department Staff Report attached hereto. As noted in the report, staff recommends approval of the request. The Planning and Zoning Commission heard this case on October 28, 2021. The ordinance and recommendation from the Planning and Zoning Commission will be provided at the City Council meeting.

Fiscal Impact

None

Staff/Board Recommending

Jesica McEachern, Assistant City Manager
Planning and Zoning Commission

Attachments

Zone Case 3437 Staff Report
Zone Case 3437 Documentation

Staff Report		Zone Case 3437
City Council Meeting		November 1, 2021

Applicant D’s Auto
Property Owner Donald D Smith
Council District 2

Recommendations

- Staff recommends APPROVAL of this request.

Prior Board or Council Action

- October 22, 1954: The property was annexed through Ordinance No. 1595 and zoned Single-Family District (R-1).
- September 2, 2021: Zone Case 3437 was postponed to the October 7th Planning and Zoning Commission meeting.

Notification Summary

- Notifications Sent: 16
- Received In Favor: 0
- Received In Opposition: 4

Site Conditions and History
The subject property is developed with a single family residence and an automotive repair business.

Adjacent Property Development
The property to the northeast is occupied by a farm equipment and supply wholesale business zoned R-1. To the east, south, and west properties are developed primarily with single family residences with a few vacant commercial buildings zoned R-1. There is also a fair amount of vacant land in the area as well, with additional C-3 and C-4 to the southwest along Idalou Road.

Zoning Request and Analysis
Item Summary
The subject property is addressed as 3407 Idalou Avenue, located west of Idalou Road and north of East 3rd Place. The applicant requests a zone change from Single Family District (R-1) to Local Retail District (C-2) on 1.77 acres of unplatted land out of Block A, Section 3. The applicant originally applied for Commercial District (C-4), but have subsequently updated the request to C-2.

Current zoning: Single Family District (R-1)
Requested zoning: Local Retail District (C-2)

Intent Statements
The intent of the current R-1 zoning is, “... to promote orderly and proper development of single-family residential units; to protect established and future single-family residential developments from inharmonious and harmful land uses; and to provide a “quality environment” for the residents of the district and city.”

The intent of the requested C-2 zoning is, "... to provide limited local retail and service commercial uses which serve one of several neighborhoods. Such districts may be located on existing thoroughfares or at the intersections of major thoroughfares."

Traffic Network/Infrastructure Impacts

The proposed zone change location is along Idalou Road, which is designated as a Minor Arterial in this location, though just northeast of the property it is designated as a Freeway by the Master Thoroughfare Plan, 2018. Freeways are intended to move high volumes of traffic at relatively high speeds. The current infrastructure is suitable for the requested zone change in this location.

Compatibility with Surrounding Property

The proposed zone change is compatible with the surrounding area. There are currently C-4 and C-3 zoning districts along Idalou Road to the north and south of the subject property.

Conformance with Comprehensive Plan Principles and Future Land Use Map

The Future Land Use Map designates the subject property for Commercial/Light Retail uses. The proposed zone change to C-2 would bring this property into conformance with the Future Land Use Map.

Conformance with Zoning Ordinance

The proposed zone change is in conformance with the zoning ordinance and is appropriate in this location.

Suitability of Property for Allowed Uses

The property is suitable for the allowed uses in C-2 and will not require additional public improvements.

Attachments

- A. Case Information
- B. Thoroughfare Map
- C. Notification Map
- D. Aerial Map
- E. Zoning Map
- F. Future Land Use Map
- G. Photos
- H. Application and supporting documentation
- I. Notification Replies

Staff Contacts

Bailey Shillings
Planner
Planning Department
806-775-3147
bshillings@mylubbock.us

Kristen Sager
Planning and Zoning Manager
Planning Department
806-775-2109
ksager@mylubbock.us

Case Information: Zone Case 3437



Allowable Uses: [Local Retail District \(C-2\)](#)

Transportation: The proposed development has points of access from Idalou Road.

Thoroughfare	Existing	Per Thoroughfare Development Plan
Idalou Road <i>Minor Arterial, Completed</i>	R.O.W. 100 feet, four-lane, undivided, paved	R.O.W. 100 feet, five-lane, undivided, paved

Engineering Comments: No comments.

Public Works Comments: No comments.

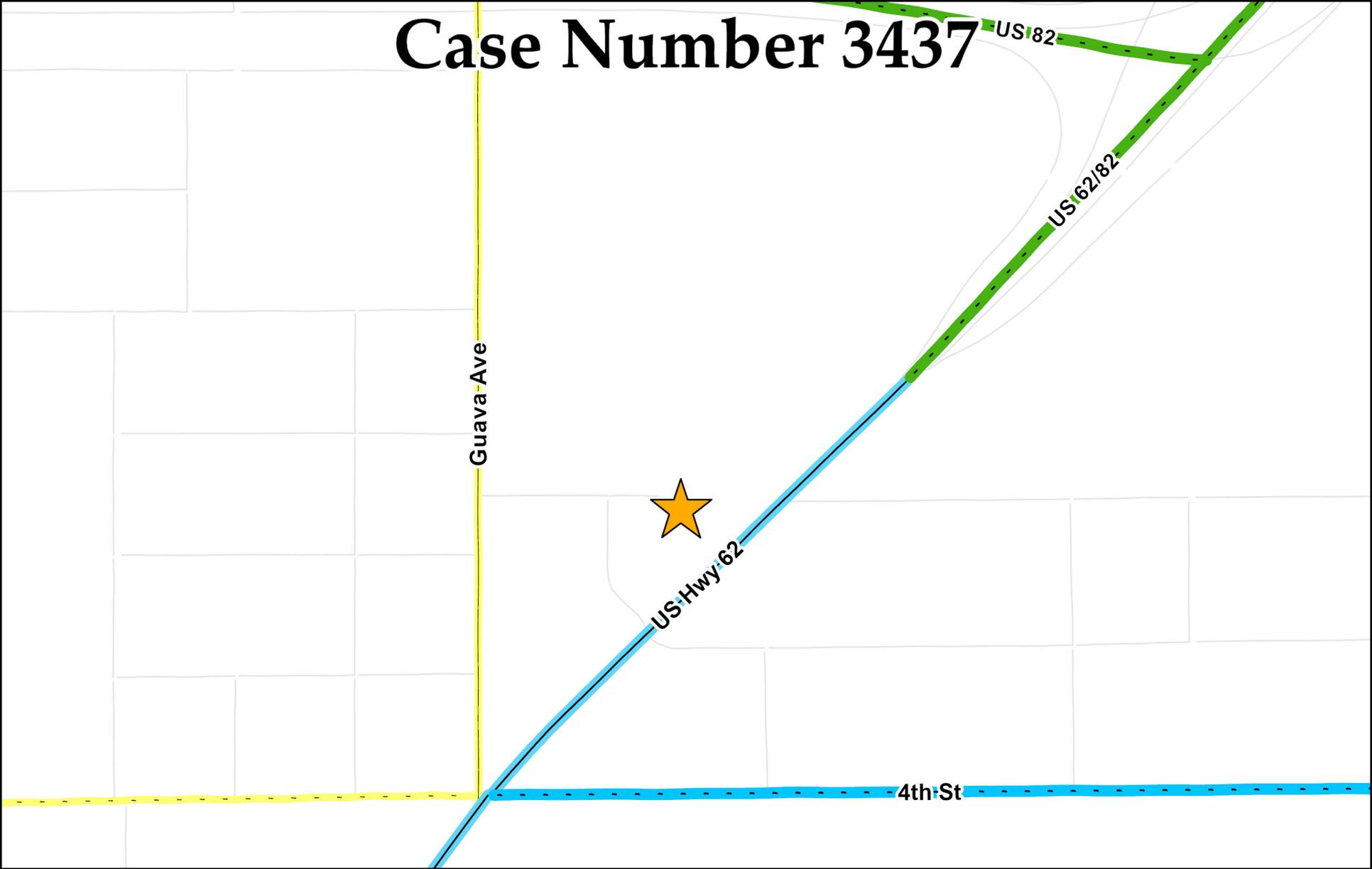
Building Safety Comments: No comments.

Fire Marshal Comments: No comments.

Draft Planning and Zoning Commission Minutes

N/A

Case Number 3437



Collector	Minor Arterial	Modified Arterial	Principal Arterial	Freeway
Completed	Completed	Partial	Completed	Completed
Partial	Partial	Future	Partial	Partial
Future	Future		Future	Proposed Outer Loop

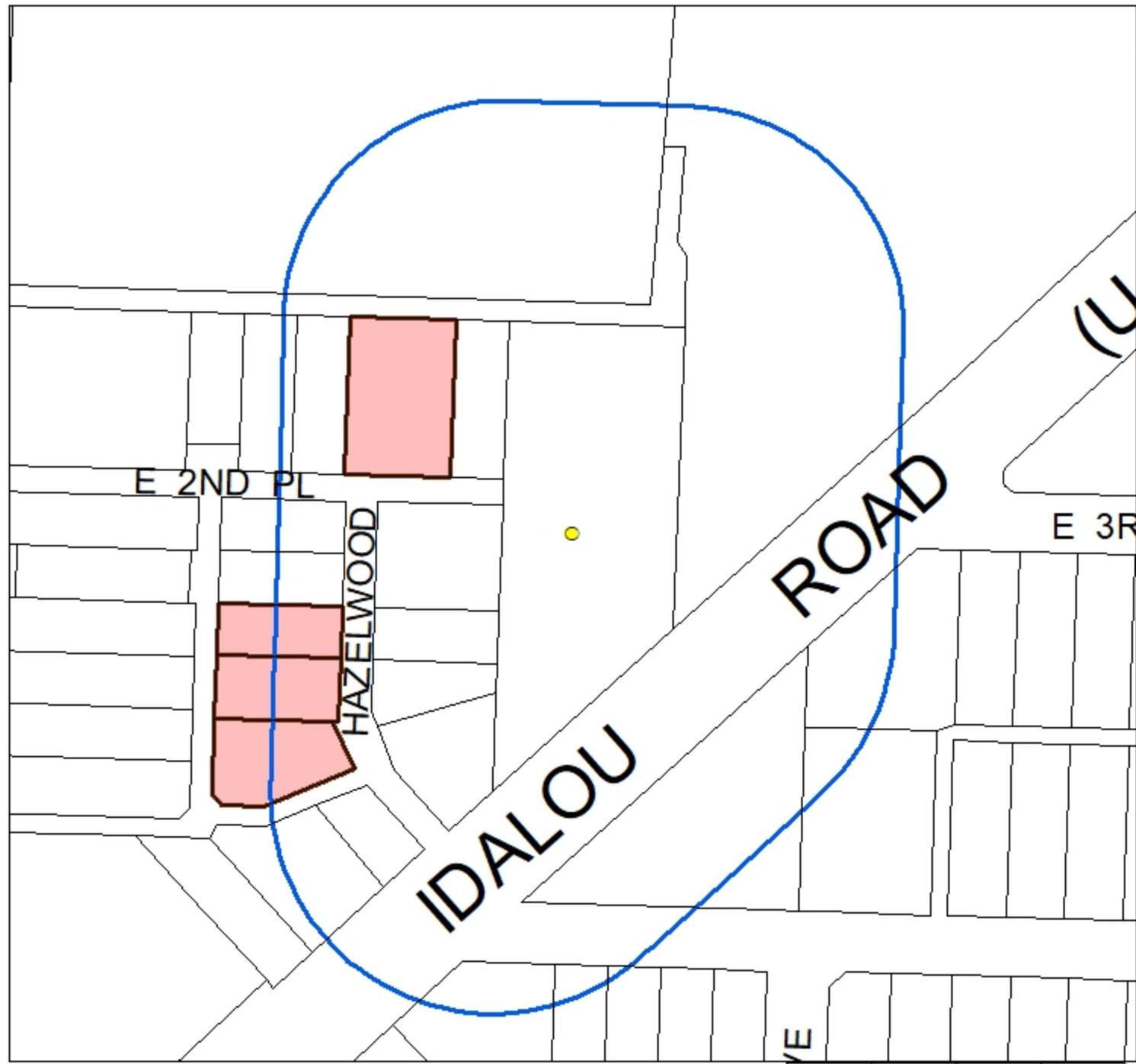


PZC Mailout Notifications Received



Legend

- LocatorPnt3437
- MailoutBuffer3437
- <all other values>
- Notification Result**
- In Favor
- No Feedback
- Opposed



0 80 160 320 Feet

Created by Planning Department
Date: 10/6/2021

Case Number 3437



E 2ND ST

E 2ND PL

FIG AV

E 3RD PL

GUAVA AV

HAZELWOOD AV

IDALOU RD

HOLLY AV

PARKWAY DR

IDALOU AR

E 3RD ST

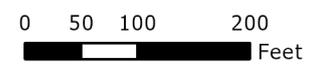
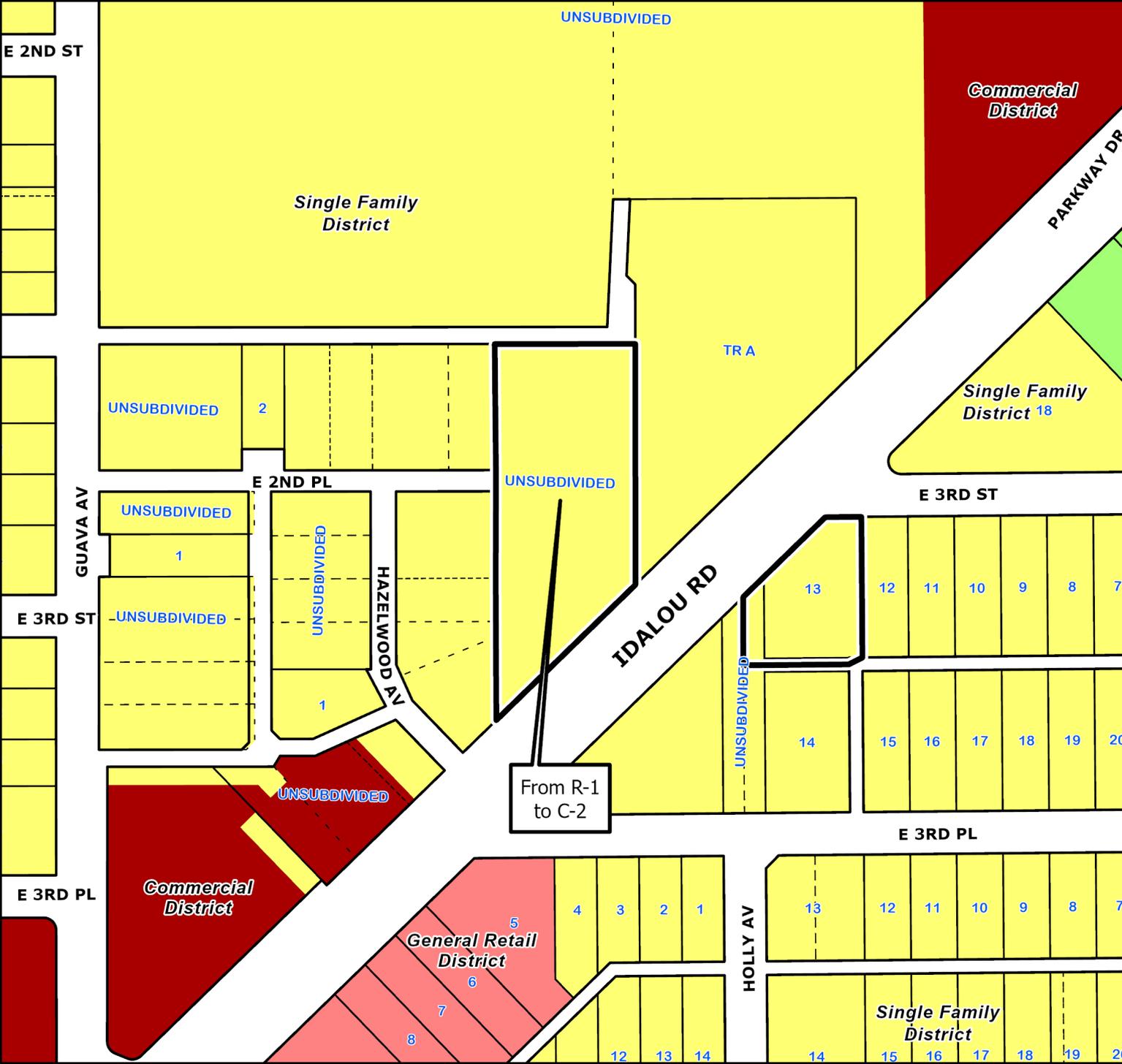


Current Zoning

3437

Zoning Districts

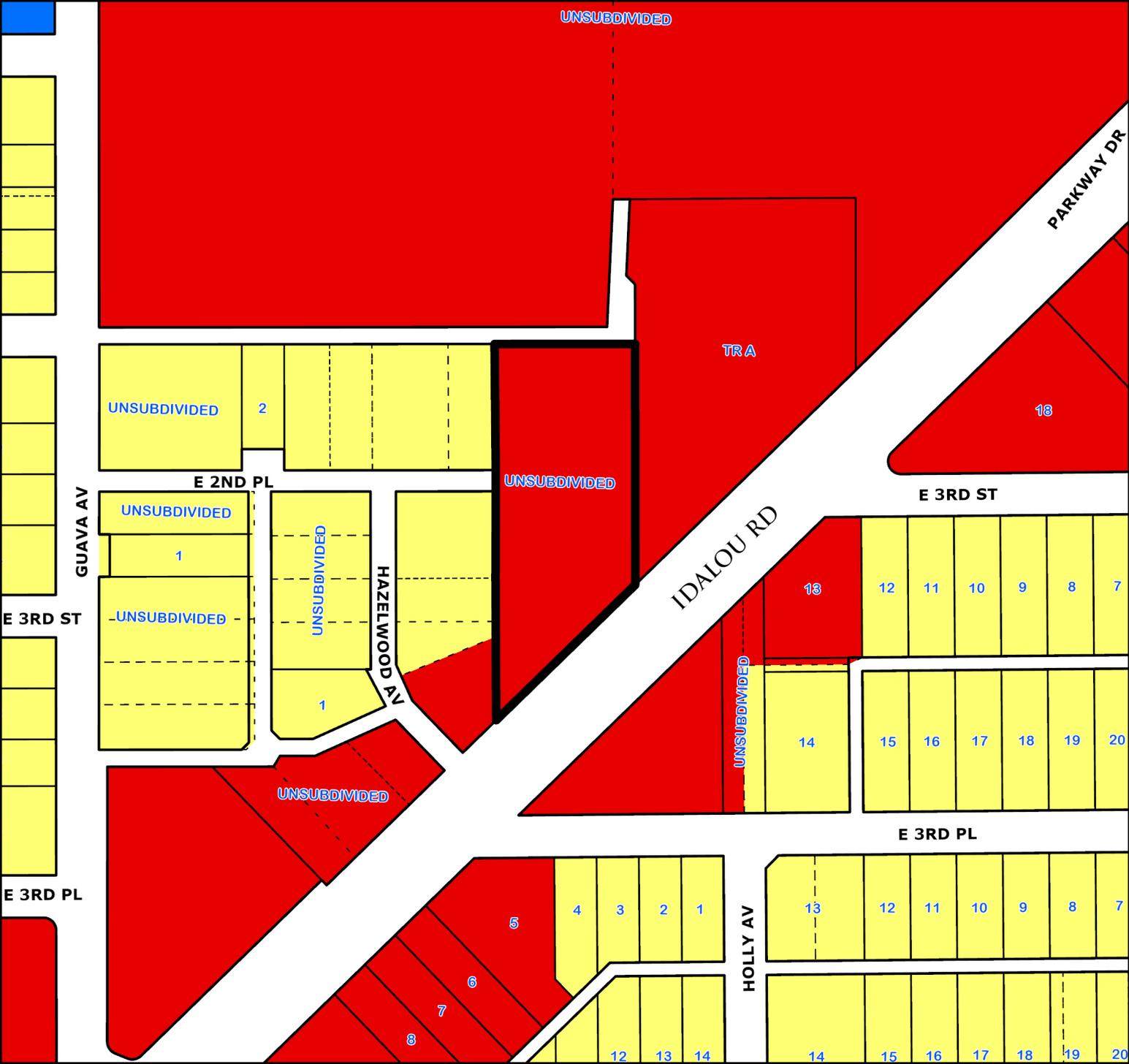
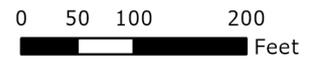
-  High Density Apartment
-  General Retail
-  Commercial
-  Single Family



Future Land Use Plan Case 3437

Future Land Use Type

- Commercial
- Heavy Commercial
- Downtown
- Office
- Industrial
- Interstate Commercial
- Interstate Industrial
- Mixed Use
- Parks
- Public/ Semi-Public
- Residential Low Density
- Residential Medium Density
- Residential High Density



3437



View to the north.



View to the east.



View to the south.



View to the west. Subject Property.



Lubbock Planning Department
 PO Box 2000 / 1314 Avenue K
 Lubbock, TX 79457
APPLICATION FOR ZONING CHANGE

Project Information

Location or Address: 3405 Idalou Rd
 Lots/Tracts: _____
 Survey & Abstract: yes
 Metes and Bounds Attached: Yes No Total Acreage of Request: 2
 Existing Land Use: Auto Existing Zoning: R1
 Requested Zoning: to Commercial C-4
 If property is not subdivided, will a preliminary plat be submitted? Yes No

Representative/Agent Information (if different from owner)

Firm Name: _____
 Name: _____
 Address: _____ City: _____ State: _____
 ZIP Code: _____ Telephone: _____ Email: _____
 Applicant's Signature: _____
 Date: _____ Printed Name: _____

Owner Information

Firm Name: D's Auto
 Owner: Donald D Smith
 Address: 2725 E 3rd St City: Lubbock State: TX
 ZIP Code: 79403 Telephone: 806-218-0816 Email: dsmith07261964@mi.com
 Property Owner's Signature: Donald D Smith
 Date: 5-23-21 Printed Name: Donald D Smith

Preparer Information

Preparer's Signature: _____
 Date: _____ Printed Name: _____

For City Use Only

Zone Case No: _____ Planning and Zoning Commission Date: _____
 Request for zoning change from: _____ To: _____
 Lots: _____ Blocks: _____
 Addition: _____

If you have any questions pertaining to the zoning process, please contact the City of Lubbock Planning Department by phone at (806) 775 - 2108 or by e-mail at cityplanning@mylubbock.us.

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

If for any reason you will be unable to attend the public hearing advertised by this notice, and wish to present your comments regarding the case, please complete this form and return it to the Secretary of the Planning and Zoning Commission, c/o Planning Department, P.O. Box 2000, Lubbock, TX 79457 or email to CityPlanning@mylubbock.us.

If you have any questions pertaining to the case, please call the City of Lubbock Planning Department at 806-775-2108.

Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **3437**

In Favor
Opposed

Reasons and/or Comments:

8-25-2021
WED.

Print Name: Steve P. Cantu Pabla O. Turner
Signature: Steve Cantu Pabla O. Turner
Address: 308 Hazelwood Ave Lubbock Tx 79403
Address of Property Owned: 308 Hazelwood Ave Lubbock Tx 79403
Phone Number: (806) 300-4525
Email: _____

Zone Case Number: **3437** R63820
CANTU STEVE P & PABLA O TURNER
308 HAZELWOOD AVE

LUBBOCK TX 79403

Recipient 18 of 21
RECEIVED
AUG 30 2021
BY: _____

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **3437**

In Favor

Opposed

Reasons and/or Comments:



Print Name Manuela Reyes

Signature: Manuela Reyes

Address: 308 Hazelwood Lubbock Tx 79403

Address of Property Owned: 307 Hazelwood Lubbock Tx 79403

Phone Number: 806 441-1971

Email: _____

Zone Case Number: **3437**
REYES, MANUELA B
308 HAZELWOOD AVE

R105845

Recipient 10 of 21

LUBBOCK

TX 79403

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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In Favor

Opposed



Reasons and/or Comments: Our family has lived in this area for over 30 years. We are against this cause these are family residence and this will bring more traffic and different kinds of people to this area. Our family owns three different homes in this zone area. We try to keep it nice and quite as possible and bring a business to the area is just going to bring more havoc to the area. So I am asking you to please don't allow this to happen.

Print Name: Pam Allen
Signature: Pam Allen
Address: P.O. Box 188 Dickens TX 79229
Address of Property Owned: 3315 E 2nd Place Lubbock TX 79403
Phone Number: 806-577-6719
Email: 1Brooklyn2014@gmail.com

Zone Case Number: **3437**

R64079

Recipient 2 of 21

ALLEN, PAM
PO BOX 188

DICKENS

TX 79229-0188



City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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Please check one of the following to indicate if you are in favor of, or opposed to, the zone change requested by: P&Z Case No.: **3437**

In Favor

Opposed

Reasons and/or Comments:



Print Name: Steve P. Cantu + Pabla O Turner
Signature: Steve Cantu Pabla O Turner
Address: 308 Hazelwood Ave Lubbock Tx 79403
Address of Property Owned: 308 Hazelwood Ave Lubbock Tx 79403
Phone Number: 806 300 4525
Email: _____

Zone Case Number: **3437**
CANTU STEVE P & PABLA O TURNER
308 HAZELWOOD AVE

R63820

Recipient 1 of 21

LUBBOCK

TX 79403

City of Lubbock, TX
Planning Department
Planning and Zoning Commission
Reply Form

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Please check one of the following to indicate if you are in favor of, or opposed to, the

zone change requested by: P&Z Case No.: **3437**

In Favor

Opposed

Reasons and/or Comments:



Print Name Manuela B. Reyes

Signature: Manuela B Reyes

Address: 307 Hazelwood Ave

Address of Property Owned: 307 Hazelwood Ave

Phone Number: _____

Email: _____

Zone Case Number: **3437**

R63851

Recipient 7 of 21

REYES, MANUELA B
308 HAZELWOOD AVE

LUBBOCK

TX 79403