

**ORDINANCE NO. 2024-00050**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 7084 AND THE OFFICIAL MAP OF THE CITY OF LUBBOCK MAKING THE FOLLOWING CHANGES: ZONE CASE NO. 2985-E; A ZONING CHANGE FROM HDR TO NC AND SF-2 ZONING DISTRICT GENERALLY LOCATED NORTH OF 114<sup>TH</sup> STREET AND WEST OF ELKHART AVENUE, ON 7.44 ACRES OF UNPLATTED LAND OUT OF BLOCK E2, SECTION 25, LUBBOCK, TEXAS; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING FOR PUBLICATION.**

**WHEREAS**, the proposed changes in zoning as hereinafter made have been duly presented to the Planning and Zoning Commission for its recommendation which was received by the City Council and, after due consideration, the City Council found that due to changed conditions, it would be expedient and in the interest of the public health, safety and general welfare to make those proposed changes in zoning; and

**WHEREAS**, the 2040 Future Land Use Plan is a guide to help the Lubbock Planning and Zoning Commission and the City Council determine the physical development of the community; however, planning is a continuous process and change is inevitable; and

**WHEREAS**, the Lubbock Planning and Zoning Commission and City Council recognize that the zone change is a minor deviation from the 2040 Future Land Use Plan, which protects the public and private commitments that have been previously based on the Plan; and

**WHEREAS**, all conditions precedent required by law for a valid amendment to the Zoning Ordinance and Map have been fully complied with, including giving notices in compliance with Section 40.01.005 of the Code of Ordinances, City of Lubbock, Texas, and the notices provided by the Texas Local Government Code §211.007 (Vernon, 1990), and notice was duly published in the Lubbock Avalanche-Journal more than fifteen (15) days prior to the date of the public hearing before the City Council on such proposed amendment, and the public hearing according to said notice, was held in the City Council Chamber of the Municipal Building, Lubbock, Texas, at which time persons appeared in support of the proposal; and after said hearing, it was by the City Council determined that it would be in the public interest, due to changed conditions, that the Zoning Ordinance and the Zoning Map be amended in the manner hereinafter set forth in the body of this Ordinance and this Ordinance having been introduced prior to first reading hereof; **NOW THEREFORE:**

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

**ZONE CASE NO. 2985-E**

**SECTION 1. THAT** Ordinance No. 7084 and the Official Zoning Map are amended as follows:

A change of zoning under the provisions of Section 40.01.005 of the Code of Ordinances of the City of Lubbock from **HDR** to **NC and SF-2** zoning district **generally located North of 114<sup>th</sup> Street and west of Elkhart Avenue, on 7.44 acres of unplatted land out of Block E2, Section 25**, City of Lubbock, Lubbock County, Texas, and being further described as follows:

**METES AND BOUNDS DESCRIPTION: Attached as Exhibit “A”.**

**SECTION 2. THAT** violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed Two Thousand and No/100 Dollars (\$2,000.00) as provided in Section 40.01.006 of the Zoning Ordinance of the City of Lubbock.

**SECTION 3. THAT** should any paragraph, sentence, clause, phrase 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 is hereby authorized 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 on March 26, 2024.**

**Passed by the City Council on second reading on April 9, 2024.**

/s/ Tray Payne  
**TRAY PAYNE, MAYOR**

**ATTEST:**

/s/ Courtney Paz  
Courtney Paz, City Secretary

**APPROVED AS TO CONTENT:**

/s/ Kristen Sager  
Kristen Sager, Director of Planning

**APPROVED AS TO FORM:**

/s/ Kelli Leisure  
Kelli Leisure, Senior Assistant City Attorney

Exhibit "A"  
NC Zoning Request

**BEING** a 2.21 acre tract of land out of the proposed Elkhart Townhomes Addition to the City of Lubbock, said Elkhart Townhomes Addition, being the same as a 7.44 acres tract of land described in a Special Warranty Deed with Vendor's Lien to Cody Craig Custom Homes, LLC., recorded in County Clerk File Number 2023030032, Official Public Records, Lubbock County, Texas, situated in Section 25, Block E2, of the LA PATILLO Survey, Abstract 269, Lubbock County, Texas and being further described by metes and bounds as follows;

**BEGINNING** at a 1/2 inch iron rod with yellow cap stamped "HUGO REED & ASSOC." (N: 7,242,421.07', E: 920,906.65') found for the southwest corner of this tract on the north line of 114th Street (110 feet Right-of-Way), as described in a Street Dedication Deed, recorded in County Clerk File Number 2010019980, Official Public Records, Lubbock County, Texas, from which a 1/2 inch iron rod with yellow cap stamped "HUGO REED & ASSOC." found for a corner of the remainder of a called 17.43 acres tract of land described in a Special Warranty Deed to Panhandle Land Investments I, LP., recorded in County Clerk File Number 2021000735, Official Public Records, Lubbock County, Texas, bears North 88°43'35" West, 361.87 feet;

**THENCE North 01°45'38" East**, along the west line of Tract B of said Elkhart Townhomes Addition, a distance of **180.24 feet** to a Point for a corner of this tract and being the same as the southwest corner of Tract C of said Elkhart Townhomes Addition and Northwest corner of said Tract B;

**THENCE South 88°29'36" East**, a distance of **538.46 feet** to a Point for the northeast corner of this tract and being the same as the northeast corner of Tract A and southeast corner of Tract E of said of said Elkhart Townhomes Addition, on the west line of Elkhart Avenue (56 feet Right-of-Way), as shown on the 114th & Elkhart Office Park Addition, recorded as County Clerk's File Number 2021002807 of the Official Public Records of Lubbock County, Texas;

**THENCE South 01°31'10" West**, along the common east line of said Tract A and west line of said Elkhart Avenue, a distance of **163.05 feet** to a 1/2 inch iron rod with yellow cap stamped "HUGO REED & ASSOC." found for the most eastern southeast corner of this tract and being the same as a corner of said 114th & Elkhart Office Park Addition;

**THENCE South 46°21'59" West**, along said common line, a distance of **21.23 feet** to a 1/2 inch iron rod with yellow cap stamped "HUGO REED & ASSOC." found for the most southern southeast corner of this tract on the north line of said 114th Street;

**THENCE North 88°43'35" West**, along the north line of said 114th Street, a distance of **524.25 feet** to the POINT OF BEGINNING and containing within these calls a calculated area of 2.21 acres (96,412 square feet) of land.

Exhibit "A"  
SF-2 Zoning Request

**BEING** a 5.23 acre tract of land out of the proposed Elkhart Townhomes Addition to the City of Lubbock, said Elkhart Townhomes Addition being the same as a 7.44 acres tract of land described in a Special Warranty Deed with Vendor's Lien to Cody Craig Custom Homes, LLC., recorded in County Clerk File Number 2023030032, Official Public Records, Lubbock County, Texas, situated in Section 25, Block E2, of the LA PATILLO Survey, Abstract 269, Lubbock County, Texas and being further described by metes and bounds as follows;

**BEGINNING** at a 1/2 inch iron rod with red cap stamped "AMD ENGINEERING found for the northeast corner of this tract and being the same as the northeast corner of said Elkhart Townhomes Addition, the northeast corner of Tract E of said Elkhart Townhomes Addition, and a corner of the Springfield Addition to the City of Lubbock, Lubbock County, Texas, as shown in County Clerk File Number 2014013666, Official Public Records, Lubbock County, Texas, on the west Right-of-Way line of Elkhart Avenue (56 feet Right-of-Way) as shown on said Springfield Addition;

**THENCE South 01°31'10" West**, along the common east line of the plat limits of said Elkhart Townhomes Addition and west line of said Elkhart Avenue, a distance of **385.00 feet** to a Point for the southeast corner of this tract and being the same as the southeast corner of said Tract E;

**THENCE North 88°29'36" West**, a distance of **538.46 feet** to a Point for the southwest corner of this tract on the west line of said Elkhart Townhomes Addition and being the same as the southwest corner of Tract C of said Elkhart Townhomes Addition;

**THENCE North 01°45'38" East**, along the west line of said Elkhart Townhomes Addition, a distance of **79.84 feet** to a 5/8 inch iron rod with yellow cap stamped "COBB FENDLEY BOUNDARY" set for a corner of this tract and being the same as a corner for said Elkhart Townhomes Addition;

**THENCE North 88°29'25" West**, along a south line of said Elkhart Townhomes Addition, a distance of **67.68 feet** to a 1/2 inch iron rod with cap stamped "HUGO REED & ASSOC." found for a corner of this tract and being the same as a corner of said Elkhart Townhomes Addition and southwest corner of Lot 25 of said Elkhart Townhomes Addition;

**THENCE North 01°45'59" East**, along the west line of said Elkhart Townhomes Addition, a distance of **305.16 feet** to a 1/2 inch iron rod with cap stamped "HUGO REED & ASSOC." found for the northwest corner of this tract and being the same as the northwest corner of said Elkhart Townhomes Addition and Lot 16 of said Elkhart Townhomes Addition on the south line of a 20 feet wide alley dedicated by said Springfield Addition;

**THENCE South 88°29'36" East**, along the common north line of said Elkhart Townhomes Addition and said 20 feet wide alley, a distance of **604.49 feet** to the POINT OF BEGINNING and containing within these calls a calculated area of 5.23 acres (227,643 square feet) of land.