

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION
PACKET**

May 6, 2024 - 3:30 PM

Council Chambers – City Hall



Notice is hereby given that a public meeting will be held by the Planning and Zoning Commission of the City of Midland, in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at or following the time specified, to consider the following:

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

Receive comments from members of the public who desire to address the Planning and Zoning Commission regarding items on the present agenda for which public hearings will not be held. (Please limit comments to three minutes or less.)

CONSENT ITEMS

2. Motion approving a Final Plat of Haley Heights Addition, being a replat of a 0.42-acre portion Of Lot 2, Block 30, Haley Heights Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of South Mckenzie Street and West Francis Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES) **(DEVELOPMENT SERVICES)**
3. Motion approving a Final Plat of Melody Acres, Section 18, being a replat of Lot 2, Block 3, Melody Acres, Section 4, City and County of Midland, Texas. (Generally located on the north side of Tanforan Avenue, approximately 200-feet east of Oriole Drive.) (DISTRICT 4) (DEVELOPMENT SERVICES) **(DISTRICT 4) (DEVELOPMENT SERVICES)**
4. Motion approving a proposed Final Plat of West End Addition, Section 31, being a replat of Lot 6 and the west half of Lot 5, Block 12, West End Addition, City and County of Midland, Texas. (Generally located at the southeast corner of the intersection of West Texas Avenue and North D Street) **(DISTRICT 3) (DEVELOPMENT SERVICES)**
5. Motion approving a Final Plat of West End Addition, Section 33, being a Replat of Lots 5 & 6, Block 3, West End Addition, City and County of Midland, Texas. (Generally located at the southeast corner of the intersection of West Illinois Avenue and North D Street.) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

6. Motion approving with the condition that a revised plat with the requested access easement is submitted, a final plat of Sunset Acres, Section 10 being a 7.01-acre tract of land and a 0.25-acre portion of Sinclair Avenue right-of-way and a 0.08-acre portion of alley right-of-way, all out of Tract 2, Sunset Acres, City and County of Midland, Texas. (Generally located northeast of the intersection of Upland Street and W. Golf Course Road.) (DEVELOPMENT SERVICES) (DISTRICT 3) **(DISTRICT 3) (DEVELOPMENT SERVICES)**
7. Motion approving a Final Plat of Original Town, Section 26, being a replat of Lots 1 through 24 and a 0.138-acre portion of previously vacated alley right-of-way, Block 97, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of S. Main Street and E. Indiana Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

PUBLIC HEARINGS

The Planning and Zoning Commission will hold public hearings on the following items:

8. Consider a request by Armando Sanchez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 2, Block 60, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located on the west side of South Lee Street, approximately 55 feet south of East California Avenue.) (Council District 2) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
9. Consider a request by Armando Sanchez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 1, Block 60, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located southwest intersection of S. Lee Street and East California Avenue.) (Council District 2) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
10. Consider a request by Armando Sanchez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 3, Block 60, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located west of S. Lee Street, approximately 110 feet south of E. California Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
11. Consider a request by Darpan Bhakta for a Specific Use Designation with Term for the sale of beer and wine for On-Premises Consumption in a Hotel Lounge, on Lot 31A, Block 39, Fairmont Park Addition, Section 38, City and County of Midland, Texas. (Generally located on east side of W Loop 250 N frontage road approximately 920 feet north of Tremont Avenue. **(DISTRICT 1) (DEVELOPMENT SERVICES)**
12. Consider a request by Twin Restaurants Midland for a Specific Use Designation with Term for the sale of Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, on Lot 24C, Block 6, Crestgate Addition, Section 27, City and County of Midland, Texas. (Generally located on the north side of West Loop 250 North approximately 350-feet east of N Midland Drive. **(DISTRICT 1) (DEVELOPMENT SERVICES)**

13. Consider a request by Jose Mendez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on all of Lot 7 and the south 48 feet of Lot 8, Block 41, Greenwood Addition, Third, Fourth, and Fifth Sections, City and County of Midland, Texas. (Generally located on the east side of South Webster Street, approximately 65-feet south of E. Pennsylvania Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
14. Hold a public hearing and consider a request by Schumann Surveying for a zone change from MF-22, Multiple-Family Dwelling District, to 2F, Two-Family Dwelling (Duplex) District for a one-acre tract of land out of Tract 1, Bizzell Kiser Addition, City and County of Midland, Texas. (Generally located on the north side of East Montgomery Avenue, approximately 135 feet east of South Fort Worth Street.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
15. Hold a public hearing and consider a request by Antojo Pura Vida for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant on a 4,799-square-foot portion of the south 32 feet of Lot 2 and all of Lots 3 through 6, Block 205, Southern Addition, City and County of Midland, Texas. (Generally located northwest of the intersection of Big Spring Street and West New Jersey Avenue.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
16. Hold a public hearing and consider a request by Mission Agape for a zone change from SF-2, Single-Family Dwelling District, to O-1, Office District for Lot 2, Block 92, Wilshire Park Addition, Section 25, City and County of Midland, Texas. (Generally located on the south side of Thomason Drive, approximately 240 feet west of South Midland Drive.) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

MISCELLANEOUS

17. Motion approving a Preliminary Plat of Campgrounds Addition, Section 2, being a replat of a 4.55-acre tract of land out of Lot 7, Block 1, 1788 Industrial Park, County of Midland, Texas. (Generally located on the west side of South County Road 1270, approximately 540 feet north of West County Road 157. (EXTRA TERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Xavier Bauguess
Planning Division Manager
Department of Development Services

The City of Midland Planning and Zoning Commission meetings are available to all persons regardless of disability. If you require special assistance, please contact the Planning Division at 432-685-7400 or write to us at P.O. Box 1152, Midland, Texas 79702, at least 48 hours in

advance of the meeting.



Planning and Zoning Commission

Item Number: 2
Meeting Date: May 6, 2024
To: PLANNING AND ZONING COMMISSION
From: Daniel Humbert, Planner
Subject: Motion approving a Final Plat of Haley Heights Addition, being a replat of a 0.42-acre portion Of Lot 2, Block 30, Haley Heights Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of South Mckenzie Street and West Francis Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Current Zoning:

MH, Manufactured Housing District.

Preliminary Plat Approval:

Pennell Land Surveying, LLC, on behalf of Carl Englestad, is requesting to replat a 0.42-acre property located at 1503 S McKenzie Street into three lots for manufactured housing.

The reduced lot widths were approved by Council on December 12, 2023, by City Council (Ordinance 10460).

The preliminary plat is a residential replat and had public hearing that was approved at the March 18, 2024, Planning and Zoning Commission meeting.

Final Plat Requirements:

The official signed Mylar copy of the final plat, the original tax certificates from both Midland County and the Midland Central Appraisal District and a title opinion have been received. All other conditions for final plat approval have been satisfied.

The final plat attached hereto has been circulated to all City departments for review.

Below are the departments' comments.

Engineering: (Approved)

IMPACT FEES: Okay as shown. [For the Applicant's information only.]

ROW: Okay as shown. [For the Applicant's information only.]

PAVING: McKenzie roadway okay as is. Deferral request for paving improvements were administratively approved. [For the Applicant's information only.]

WATER: 4" water exists in McKenzie, okay as is. 12" water exists in Francis, okay as is. No public water improvements required. [For the Applicant's information only.]

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 14, 2020 - Fire hydrants shall be spaced no more than 500' apart, Pressure Indicator Rings are to be installed and will require the developers/contractors to pay for the flow test. [For the Applicant's information only.]

PRO RATA: None. [For the Applicant's information only.]

SEWER: 6" sewer exists in Francis, okay as is. 6" sewer exists in alley, okay as is. No public wastewater improvements required. [For the Applicant's information only.]

DRAINAGE: Drainage study not required for development into single family residences. Development considered infill. [For the Applicant's information only.]

EASEMENTS: Show existing and proposed. [For the Applicant's information only.]

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.] No objections to plat. [For the Applicant's information only.]

Fire: (Approved)

No objections.

Oil and Gas: (Approved)

No Oil and Gas issues.

Building Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

GIS: (Approved)

No comments.

Planning: (Approved)

Staff recommends approval of the Final Plat of Haley Heights Addition.

Attachments:

Application
Proposed Final Plat
Maps

City Manager's Office

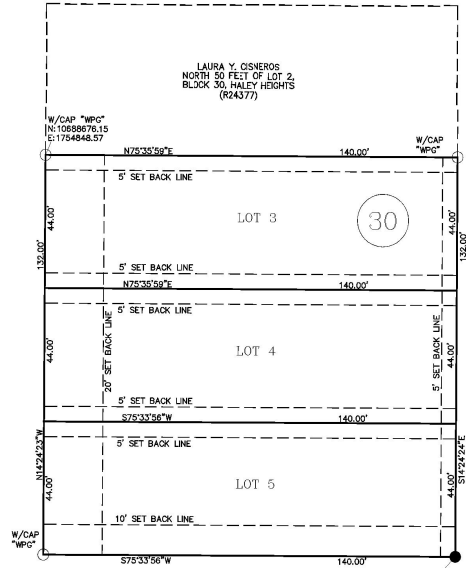


VICINITY MAP
(NOT TO SCALE)

NOTICE:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. COORDINATES, BEARINGS, DISTANCES AND AREAS SHOWN HEREON ARE LAMBERT GRID AND CONFORM TO THE "TEXAS COORDINATE SYSTEM", TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM 1983.
4. WITH REFERENCE TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, MAP NO. 48329C0202 F, EFFECTIVE DATE: 09/16/05, THIS SURVEYOR HAS DETERMINED THAT PART OF THIS PROPERTY IS LOCATED IN ZONE "X" WITH THE 100 YEAR FLOODPLAIN. THIS DETERMINATION SHALL NOT CREATE A LIABILITY UPON SAID SURVEYOR.
5. PROPOSED WATER, SANITARY SEWER, AND STORM WATER PIPELINES WITH CULVERTS BRIDGES, AND OTHER APPURTENANCES OR STRUCTURES SHOWN (ONE-LINE PLANS), ARE REQUIRED BEFORE PRELIMINARY PLAT APPROVAL.

S. MCKENZIE STREET
(63' RIGHT-OF-WAY)



FRANCIS AVENUE
(43' RIGHT-OF-WAY)

P.O.B.
SET IR "5832"
N:1068893.11
E:1755016.97



SCALE 1" = 30'

FINAL PLAT HALEY HEIGHTS, SECTION 7

BEING A RE-PLAT 0.42 ACRES IN LOT 2, BLOCK 30,
HALEY HEIGHTS ADDITION,
AN ADDITION TO THE CITY OF MIDLAND,
MIDLAND COUNTY, TEXAS,

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, CARL ENGLESTAD, is the record owner of THE SOUTH 132 FEET OF LOT 2, BLOCK 30, HALEY HEIGHTS ADDITION, An addition to the City of Midland, Midland County, Texas, according to the plat recorded in Plat Cabinet D, Page 215, of the Plat Records of Midland County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, CARL ENGLESTAD, being the owner of the land shown on this plat designated as HALEY HEIGHTS, SECTION 7, an Addition to the City of Midland, Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon, and do hereby give an easement of ingress and egress to the City of Midland for garbage and trash collection, and location and maintenance of trash containers and access thereto, and condition said easement that no construction shall commence on said lot or lots until the exact location of said containers therewith have been selected and approved by the Director of Utilities.

WITNESS my hand at _____, this the _____ day of _____, 2024.

By: CARL ENGLESTAD OWNER

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, CARL ENGLESTAD, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he was acting as the authorized agent, and that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated. Given under my hand and seal of office this

the _____ day of _____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, DURYN HENNINGTON, a Registered Professional Land Surveyor of the State of Texas, do hereby certify that this plat was prepared from an actual and accurate survey of the land and that the corner monuments shown thereon were properly located under my personal supervision, in accordance with the Subdivision Regulations of the City of Midland, Texas.

DURYN HENNINGTON, R.P.L.S. 6832
2030 W. CUTHBERT, STE. 4
MIDLAND, TX 79701
432.570.6256

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "HALEY HEIGHTS, SECTION 7" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

the _____ day of _____, 2024.

LUCY SISNEGA, CHAIRMAN

XAVIER BAUGUCESS, SECRETARY

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____

DATE: _____

OWNER:
CARL ENGLESTAD
371 SAVANNAH HILL
ROCKWALL, TX 75032
432-664-2355

APRIL 2024

May 3, 2024
HALEY HEIGHTS,
SECTION 7

PENNELL LAND SURVEYING
PROFESSIONAL LAND SURVEYING
P.O. BOX 51622, MIDLAND, TEXAS 79710

VOICE: (432) 670-6256
brucepennell@yahoo.com

FIRM No: 10193978

INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE PERMITTING PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.

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UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY Print Name: _____

OPTIMUM Print Name: _____

AT&T-TEXAS Print Name: _____

ONCOR ELECTRIC DELIVERY Print Name: _____

ASTOUND Print Name: _____

PACKET

**Final Plat Application**

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: **HALEY HEIGHTS, SECTION 7**Legal Description (attached sealed Metes and Bounds): **LOT 3, LOT 4, LOT 5, BLOCK 30**Property Owner
Printed Name: **CARL ENGLESTAD**Phone **432 2355**
Email **carlenglestad@gmail.com**Address **371 SAVANNAH HILL**City **ROCKWALL**State **TX**Zip **75032**Developer (if different than Owner)
Printed Name: _____Phone ()
Email

Address

City

State

Zip

Representative (if acting as Agent, see affidavit on page 2)

Firm: **PENNEL LAND SURVEYING, LLC**Phone **432 770-0600**
Email **dhenington.pennellsurvey@gmail.com**Printed Name: **DURYN HENINGTON**Address **2030 W. CUTHBERT, STE 4**City **MIDLAND**State **TX**Zip **79701**Current Zoning: **MH**Reason for Platting: **DIVIDE FOR INDIVIDUAL RESIDENTIAL LOTS****Plat Information**Total Acreage: **0.42**Type: ☒ Single-Family Residential☐ Multi-Family Residential☐ Commercial☐ Extraterritorial Jurisdiction (ETJ)Number of Lots: **3**

Number of Multi-Family Dwelling Units:

Submittal Information: Standard Plats must be submitted at least 20 days and a Residential Replat must be submitted at least 25 days prior to the P&Z Commission meeting at which action is desired, unless Short Form or Administrative Procedure is applicable.**Items to be submitted with this application form:**

- 2 FOLDED Copies of Dimensioned Plat
- 2 Signed Mylar (or more if applicant does not request a signed reproduction)
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF) & CADD File
- Original Tax Certificates (Midland Central Appraisal District – MCAD)
- Title Opinion/Policy (dated less than 90 days)
- Application Fee – Payable to the 'City of Midland'
- Recording Fee – Payable to 'Midland County Clerk'

Mylar Reproductions

This application authorizes the City to file the approved plat and associated documents with the County Clerk for recording. This application also authorizes the City to reproduce 1 mylar copy of the approved plat at the expense of the engineering firm/applicant for the City's records if needed. (Applicant can submit additional signed mylar instead of reproduction.)

- ☐ Applicant would like a reproduction made for their records
☐ Applicant does not want a reproduction/will make their own

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

For related documents, \$26.00 for first page, \$4.00 for each additional page.

Signature (by property owner only – authorized agent must sign affidavit below)

Property Owner (signature): [Signature]

Date: 4/9/24

Property Owner (printed): CARL ENGELSTAD

The Final Plat shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Subdivision Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

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

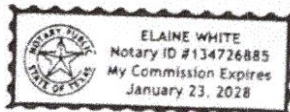
STATE OF TEXAS

COUNTY OF MIDLAND ROCKWALL

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

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 9 day of April, 2024, to certify which witness my hand and seal of office.



Elaine White
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS
ROCKWALL

FOR OFFICE USE ONLY

- | | | |
|---|---|--|
| ☐ Property Owner Authorization | ☐ 1 Copy of Dimensioned Plat | ☐ Plat in Digital Format (PDF/JPEG) |
| ☐ Mylar | ☐ 1 Copy of Plat (11x17) | ☐ CADD File |
| ☐ Application Fee | ☐ Title Opinion | ☐ Public Improvement |
| Check # _____ | ☐ Tax Certificates | ☐ Recording Fee |

Received By: [Signature]

Date: APR 10 2024

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

Final Plat Application

2

Revised 7/01/19



200-foot Public Notification Area

Location Map

SUB-23-0665

Scale: 1" = 105'

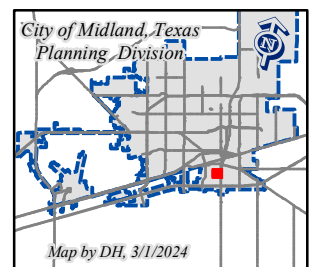
Proposed Plat of Haley Heights Addition, being a Replat of a 0.42-acre portion of Lot 2, Block 30, Haley Heights Addition, City and County of Midland, Texas.

Generally located northeast of the intersection of South McKenzie Street and West Francis Avenue. (Council District 2)

PACKET

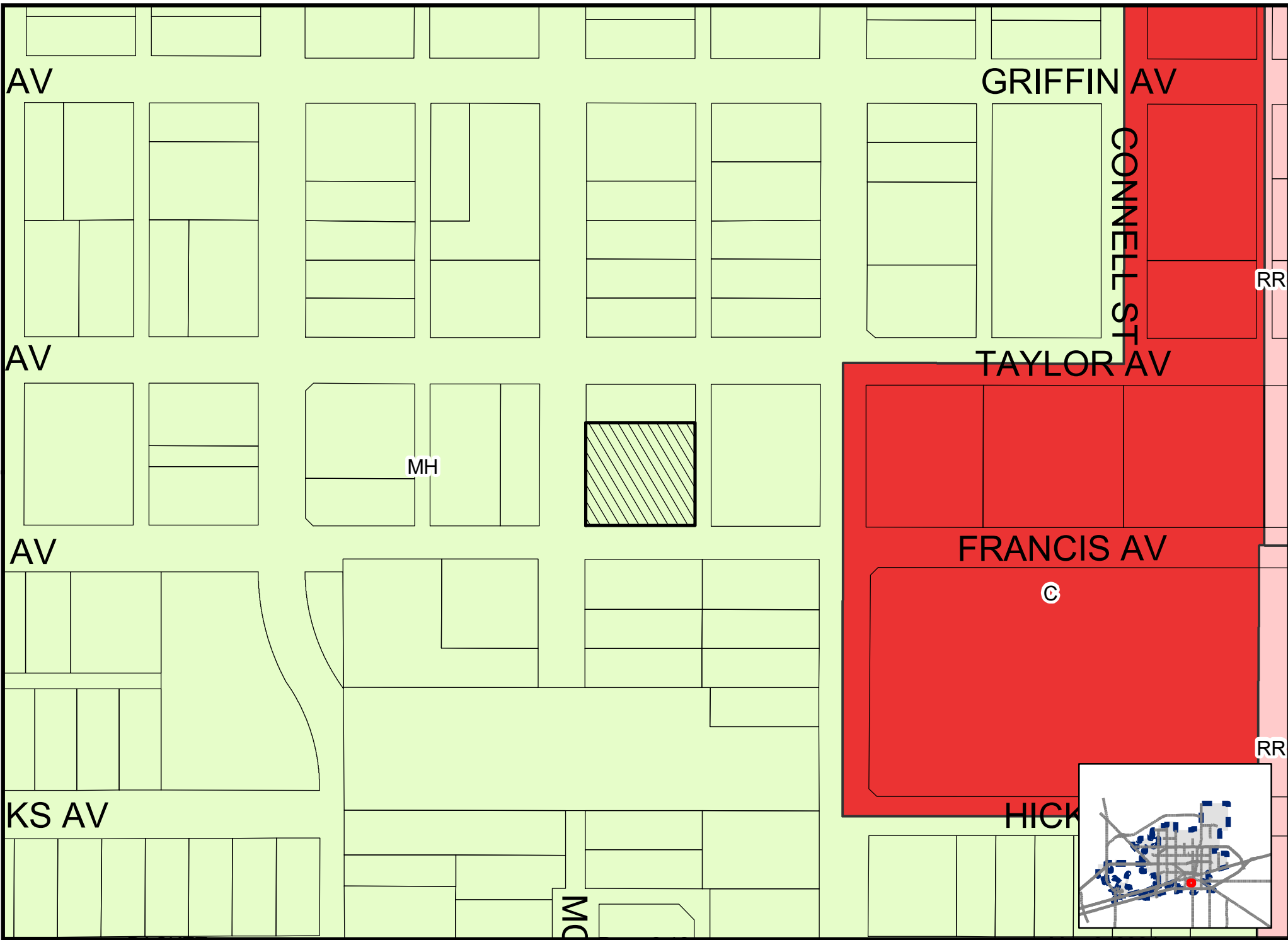
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT. NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



PACKET

Page 2.12

May 6, 2024

Map By DH, 3/1/2024

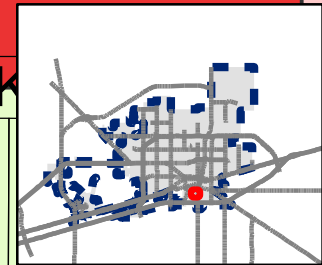
SUB-23-0665

Scale: 1" = 155'

ZONING MAP



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Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 6, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving a Final Plat of Melody Acres, Section 18, being a replat of Lot 2, Block 3, Melody Acres, Section 4, City and County of Midland, Texas. (Generally located on the north side of Tanforan Avenue, approximately 200-feet east of Oriole Drive.) (DISTRICT 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

AE, Agricultural Estate District

Preliminary Plat Approval:

Maverick Engineering, on behalf of Shane Huffman, is requesting to replat Lot 2, Block 3, Melody Acres, Section 4, City and County of Midland, Texas for ownership purposes.

The Planning & Zoning Commission approved the preliminary plat on December 4, 2023.
[Informational]

Final Plat Requirements:

The official signed Mylar copy of the final plat, the original tax certificates from both Midland County and the Midland Central Appraisal District and a title opinion have been received. All other conditions for final plat approval have been satisfied.

The final plat attached hereto has been circulated to all City departments for review.

Below are the departments' comments.

Engineering: (Approved)

IMPACT FEES: Okay as shown. [For Applicant's Information Only.]

ROW: Okay as shown. [For Applicant's Information Only.]

PAVING: Deferral request for paving improvements were administratively approved on 11/17/2023. [For Applicant's Information Only.]

WATER: 6" water exists in Tanforan Street, okay as is. No public water improvements required. [For Applicant's Information Only.]

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 14, 2020 - Fire hydrants shall be spaced no more than 500' apart, Pressure Indicator Rings are to be installed and will require the developers/contractors to pay for the flow test. [For Applicant's Information Only.]

PRO RATA: None. [For Applicant's Information Only.]

SEWER: Deferral request for sewer improvements were administratively approved on 11/17/2023. [For Applicant's Information Only.]

DRAINAGE: Drainage study not required for development into single family residences. Development considered infill. [For Applicant's Information Only.]

EASEMENTS: Show existing and proposed. [For Applicant's Information Only.]

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.]

No objections to plat. [For the Applicant's information only.]

Fire: (Approved)

No objections.

Oil and Gas: (Approved)

No Oil and Gas Issues.

Building Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

GIS: (Approved)

No comments.

Health Department:

Yes, the health department will review application from the 2 proposed lot of Melody Acres Section 18, RE-PLAT OF LOT 2, BLOCK 3, MELODY ACRES FOURTH SECTION, AND ADDITION TO THE CITY AND COUNTY OF MIDLAND TEXAS the lot 2A is 1.6 acre and Lot 2B is 2 acres to ensure the proposed plans on existing structures on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

Planning: (Approved)

This property is zoned AE, Agricultural Estate District, which requires a minimum lot size of 2 acres. However, a request for a reduced minimum lot area was approved by City Council on November 14, 2023 under ordinance 10451 which permits a minimum of 1.69 acres for the west lot. The proposed plat meets this requirement. [Informational]]

Staff recommends approval of the Final Plat of Melody Acres, Section 18.

Attachments:

Proposed Final Plat
Application
Location Map
Zoning Map
Aerial
Ordinance 10451



Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: Melody Acres, Section 18**Legal Description (attached sealed Metes and Bounds):** Being a Replat of Lot 2, Block 3, Melody Acres Fourth Section, an Addition to the City and County of Midland, Texas**Property Owner**

Printed Name: Shane & Jennifer Huffman

Phone (432) 262-0999

Email
slh.huffman@gmail.com

Address 4416 Tanforan Ave

City Midland

State TX

Zip 79707

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

Representative (if acting as Agent, see affidavit on page 2)Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999

Email
phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: AE**Reason for Platting:** ownership purposes**Plat Information**

Total Acreage: 3.69

Type: ☒ Single-Family Residential☐ Multi-Family Residential☐ Commercial☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 2

Number of Multi-Family Dwelling Units:

Submittal Information: Standard Plats must be submitted at least 20 days and a Residential Replat must be submitted at least 25 days prior to the P&Z Commission meeting at which action is desired, unless Short Form or Administrative Procedure is applicable.**Items to be submitted with this application form:**

- ✓ 2 FOLDED Copies of Dimensioned Plat
- ✓ 2 Signed Mylar (or more if applicant does not request a signed reproduction)
- ✓ 1 Extra Copy (11x17)
- ✓ Digital Files (JPEG & PDF) & CADD File
- ✓ Original Tax Certificates (Midland Central Appraisal District – MCAD)
- ✓ Title Opinion/Policy (dated less than 90 days)
- ✓ Application Fee – Payable to the 'City of Midland'
- ✓ Recording Fee – Payable to 'Midland County Clerk'

Mylar Reproductions

This application authorizes the City to file the approved plat and associated documents with the County Clerk for recording. This application also authorizes the City to reproduce 1 mylar copy of the approved plat at the expense of the engineering firm/applicant for the City's records if needed. (Applicant can submit additional signed mylar instead of reproduction.)

- ☐ Applicant would like a reproduction made for their records
☒ Applicant does not want a reproduction/will make their own

Recording Fee (Payable to 'Midland County Clerk')For plats 18" to 24" \$61.00For plats that exceed 24" \$81.00For related documents, \$26.00 for first page, \$4.00 for each additional page.**Signature (by property owner only – authorized agent must sign affidavit below)**

Property Owner (signature):

Jennifer HuffmanDate: 4/9/24

Property Owner (printed):

BA701329F537418... Jennifer Huffman

The Final Plat shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Subdivision Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

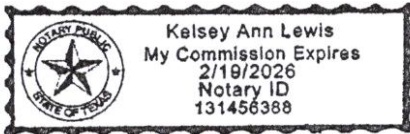
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 9th day of April, 2024, to certify which witness my hand and seal of office.



[Signature]

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY☒ Property Owner Authorization☒ Mylar☒ Application FeeCheck # 4727☒ 1 Copy of Dimensioned Plat☐ 1 Copy of Plat (11x17)☒ Title Opinion☐ Tax Certificates☒ Plat in Digital Format (PDF/JPEG)☒ CADD File☒ Public Improvement☒ Recording FeeCheck # 4728Received By: [Signature]Date: APR 10 2024

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

PACKET

Page 3.18

May 6, 2024

Final Plat Application

2

Revised 7/01/19

Mylar Reproductions

This application authorizes the City to file the approved plat and associated documents with the County Clerk for recording. This application also authorizes the City to reproduce 1 mylar copy of the approved plat at the expense of the engineering firm/applicant for the City's records if needed. (Applicant can submit additional signed mylar instead of reproduction.)

- ☐ Applicant would like a reproduction made for their records
☒ Applicant does not want a reproduction/will make their own

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

For related documents, \$26.00 for first page, \$4.00 for each additional page.

Signature (by property owner only – authorized agent must sign affidavit below)

Property Owner (signature): Shane Huffman Date: 4/9/24
 Property Owner (printed): Shane Huffman

The Final Plat shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Subdivision Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

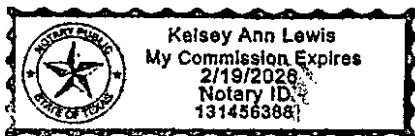
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

**STATE OF TEXAS
COUNTY OF MIDLAND**

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

Andrew L Mellen
 Authorized Agent (signature)

Subscribed and sworn to before me, this 9th day of April, 2024, to certify which witness my hand and seal of office.



Kelsey Ann Lewis

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

- | | | |
|---|---|--|
| ☐ Property Owner Authorization | ☐ 1 Copy of Dimensioned Plat | ☐ Plat in Digital Format (PDF/JPEG) |
| ☐ Mylar | ☐ 1 Copy of Plat (11x17) | ☐ CADD File |
| ☐ Application Fee | ☐ Title Opinion | ☐ Public Improvement |
| Check # _____ | ☐ Tax Certificates | ☐ Recording Fee |
| | | Check # _____ |

Received By: _____

Date: _____

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

PACKET

Page 3.19

May 6, 2024

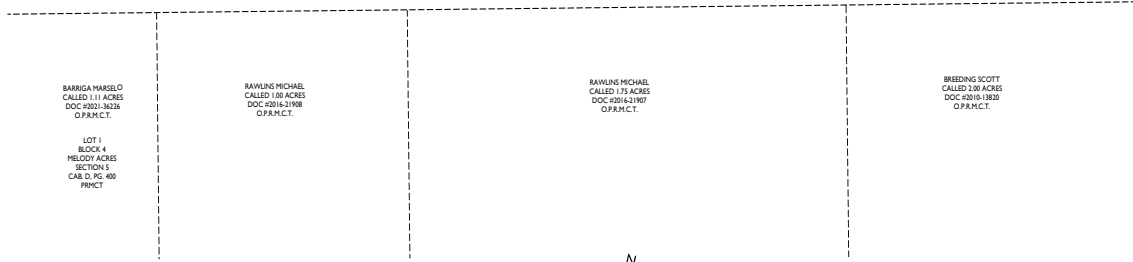
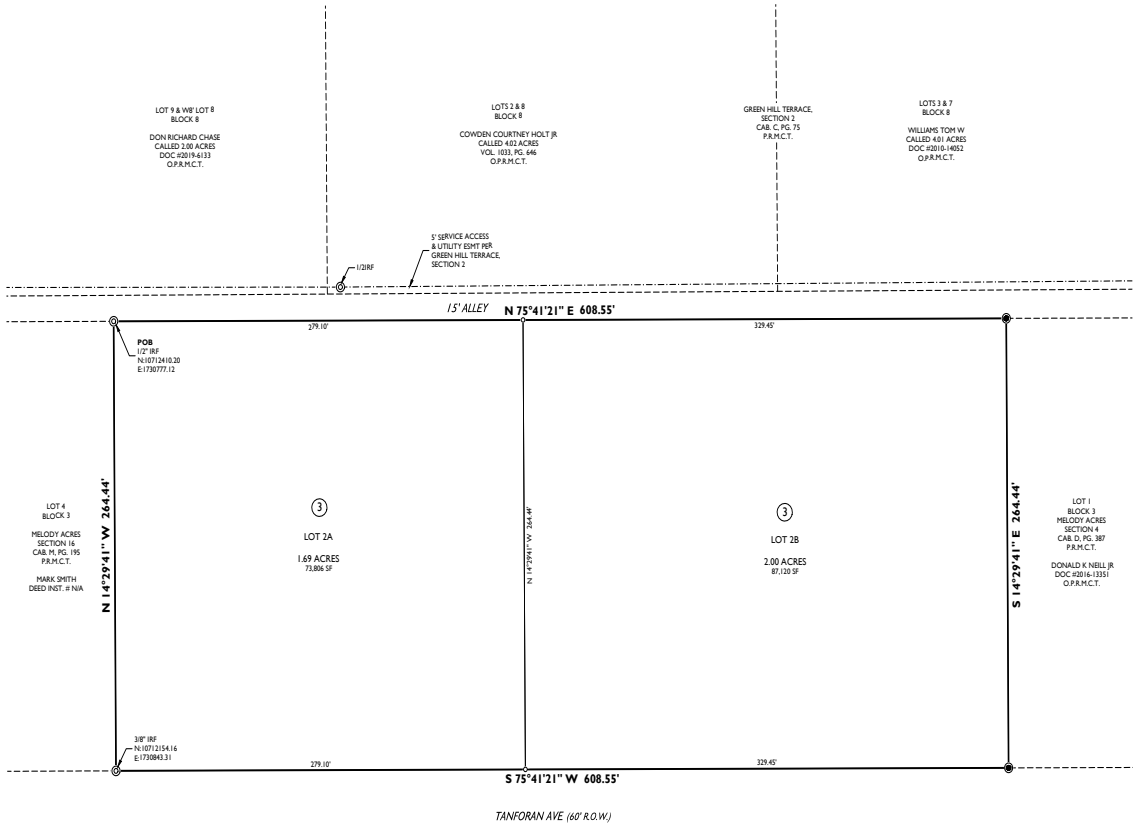
Final Plat Application

2

Revised 7/01/19

MELODY ACRES, SECTION 18

BEING A REPLAT OF LOT 2, BLOCK 3, MELODY ACRES FOURTH SECTION, AN ADDITION TO THE CITY AND COUNTY OF MIDLAND, TEXAS

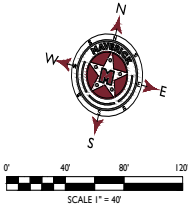


LEGEND

- 1/2" IRON ROD SET WITH RED PLASTIC CAP MARKED "MAVERICK FIRM # F-15089"
- BOUNDARY LINE
- ADJACENT PROPERTY LINES
- EXISTING EASEMENTS
- OP.R.M.C.T.
- PR.M.C.T.

OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX

PACKET



PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____
DATE _____

PROPERTY OWNER

SHANE & JENNIFER HURPMAN
4414 TANFORAN AVE
MIDLAND, TEXAS 79701
PHONE: (432) 262-0899
FAX: (432) 262-0989

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND
WHEREAS SHANE & JENNIFER HURPMAN ARE THE RECORD OWNERS OF A TRACT OF LAND SITUATED IN SECTION 17, BLOCK 3, 1/4-1/4, MAP 88, CO. SURREY, CITY AND COUNTY OF MIDLAND, TEXAS.
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT SHANE & JENNIFER HURPMAN, BEING THE OWNERS OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS MELODY ACRES, SECTION 18, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY DEDICATE TO THE PUBLIC USE, FOREVER THE STREETS, ALLEYS, AND EASEMENTS SHOWN THEREON, AND DO HEREBY GIVE AN EASEMENT OF ROADS AND EGRESS TO THE CITY OF MIDLAND FOR GARBAGE COLLECTION, UTILITY FACILITY ACCESS AND MAINTENANCE, LOCATION AND MAINTENANCE OF TRAIL CONTAINERS AND ACCESS THERETO, AND CONSENT AND EASEMENT THAT NO CONSTRUCTION SHALL COMMENCE ON SAID LOT OR LOTS UNTIL THE EXACT LOCATION OF SAID CONTAINERS THEREWITH HAS BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.

WITNESS MY HAND AT _____, TX,
THIS _____ DAY OF _____, 2024.

Subscribed by:
Shane Hurpman
SHANE HURPMAN, OWNER

WITNESS MY HAND AT _____, TX,
THIS _____ DAY OF _____, 2024.

Subscribed by:
Jennifer Hurpman
JENNIFER HURPMAN, OWNER

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND
BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED SHANE HURPMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS OWNER, AND THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND
BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JENNIFER HURPMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS OWNER, AND THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE COMMISSION: THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING SURVEY OF MELODY ACRES, SECTION 18, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS ON THIS _____ DAY OF _____, 2024.

LUCY SENECA, CHAIRMAN

DESTINY O. BURKS, SECRETARY

DEVELOPMENT NOTES

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHDRAWING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:
(1) THE REPRESENTED LOT IS REPARCELLED FOR SUBDIVISION INTO MORE THAN ONE LOT OR;
(2) THE PROPERTY IS REDZONED FOR A MORE INTENSIVE USE.
- IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS, IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
- AS OF THE RECORDING DATE OF THIS PLAT, THE SUBJECT PROPERTY IS ZONED (AG) AGRICULTURAL EXISTING DISTRICT, WHICH REQUIRES LOTS HAVE A MINIMUM AREA OF 2 ACRES. A VARIANCE FOR THIS CODE REQUIREMENT, APPROVED BY COUNCILMAN ACTION, ON NOVEMBER 14, 2023, AS ORDINANCE 2023-1061, APPLIES TO LOT 2A SHAWN HERSON.

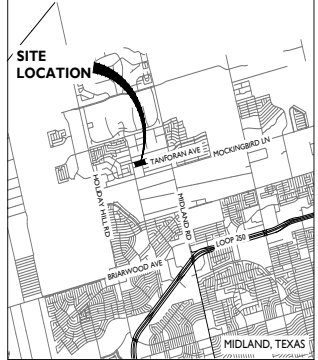
SURVEY NOTES

- BASES OF BEARING, COORDINATES, DISTANCE AND ACREAGE ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE, AND 81.15 SURVEY FOOT WITH A CONVERGENCE ANGLE (theta) OF -0°54'48.40" AND A COMBINED SCALE FACTOR OF 0.99999811 AT NGS "MIDLAND".
- 1/2" IRON ROD WITH RED PLASTIC CAP MARKED "MAVERICK FIRM # F-15089" AT ALL SET CORNERS, UNLESS OTHERWISE SPECIFIED.
- SEE DOCUMENTS OR ELECTRONIC DATA FILED IN THE OFFICE OF MAVERICK ENGINEERING FOR COMPLETE RECONSTRUCTION OF THIS SURVEY.
- LOCATION OF BURIED UTILITIES AND PIPELINES, IF ANY, IS APPROXIMATE BASED UPON OBSERVED EXISTING SCENIC, CITY OF MIDLAND GAS AND VISUAL EVIDENCE, OR BY ONE CALL 811 SITE MARKINGS AT THE TIME OF THIS SURVEY. ONE CALL IS RECOMMENDED CALL 811 BEFORE ANY EXCAVATION PRIOR TO ANY CONSTRUCTION OR EXCAVATION.

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S NFIP FLOOD INSURANCE RATE MAP #4802200046, DATED SEPTEMBER 14, 2002, THIS PROPERTY IS WITHIN THE UNSHADOWED PORTION OF ZONE "X", DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN".

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MANMADE OR NATURE CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF MAVERICK CIVIL & SURVEY, LLC.



VICINITY MAP

N.T.S.

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

Subscribed by:
Mark J. Lutz
MARK J. LUTZ, UTILITY REPRESENTATIVE

By:
Lucy Seneca
LUCY SENECA, CHAIRMAN

By:
Destiny O. Burks
DESTINY O. BURKS, SECRETARY

By:
Gregory W. Shoultz
GREGORY W. SHOULTZ, REGISTERED PROFESSIONAL LAND SURVEYOR

ONCOR ELECTRIC DELIVERY

By:

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, GREGORY W. SHOULTZ, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY LOCATED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

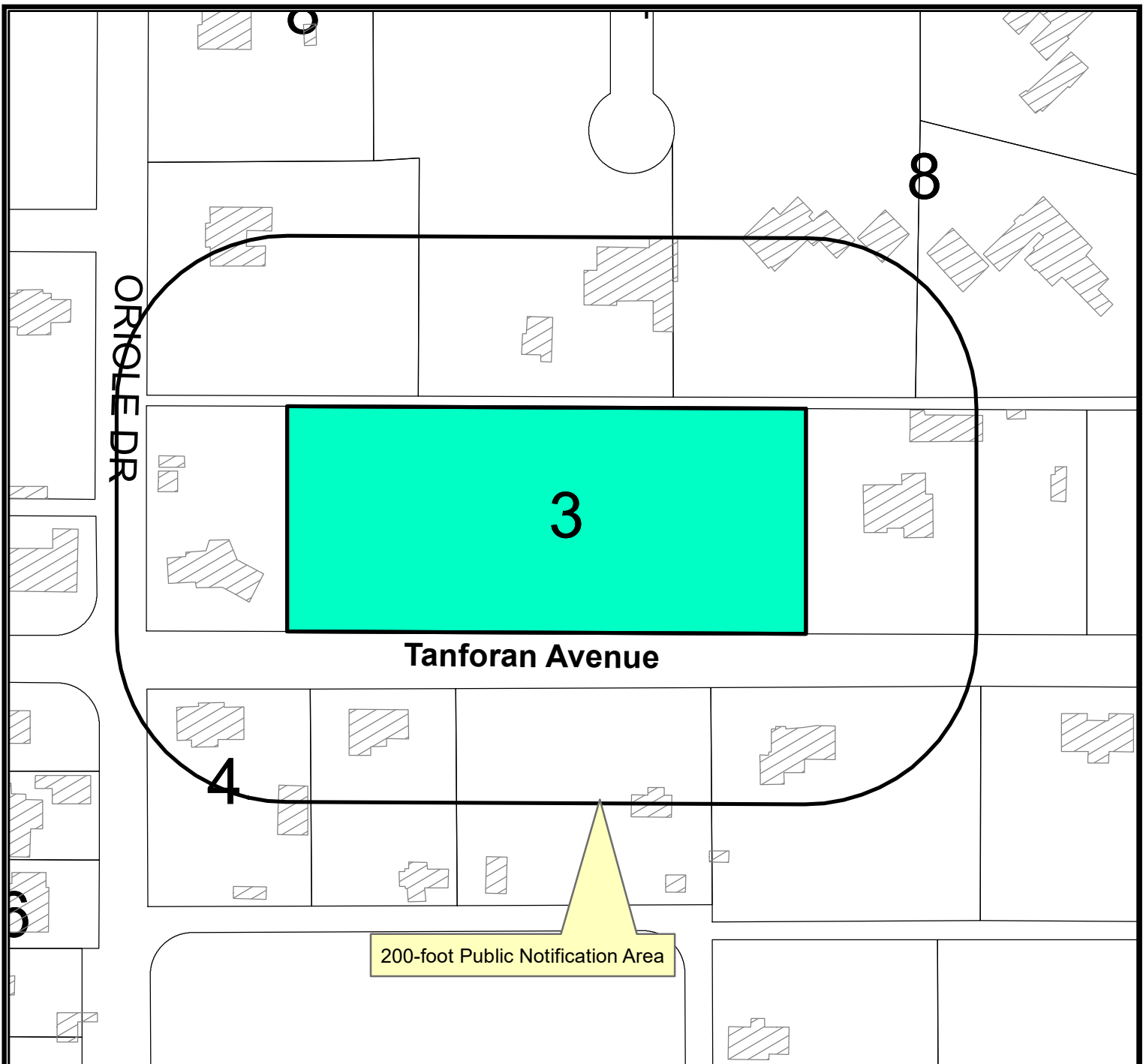
Subscribed by:
Gregory W. Shoultz
GREGORY W. SHOULTZ, REGISTERED PROFESSIONAL LAND SURVEYOR
1009 W. WALL STREET, SUITE K
MIDLAND, TX 79701



MAVERICK
CIVIL ENGINEERING / LAND SURVEYING

1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: F-104514
Tel: (432) 262-0899 Fax: (432) 262-0989
www.Maverick-Eng.com

MELODY ACRES
May 6, 2024
SECTION 18



LOCATION MAP

SUB-23-0687

Scale: 1" = 169'

Proposed Plat of Melody Acres, Section 18, being a Replat of Lot 2, Block 3, Melody Acres, Section 4, City and County of Midland, Texas.

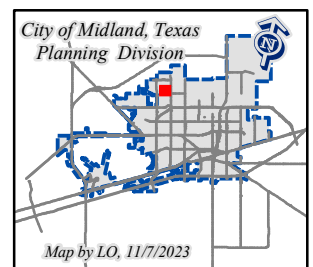
Generally located on the north side of Tanforan Avenue, approximately 200-feet east of Oriole Drive (DISTRICT: 4)

PACKET

Page 3.21

LEGEND

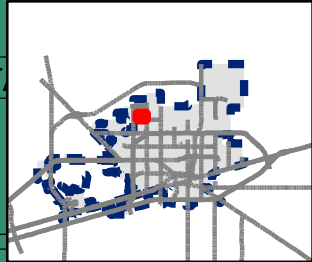
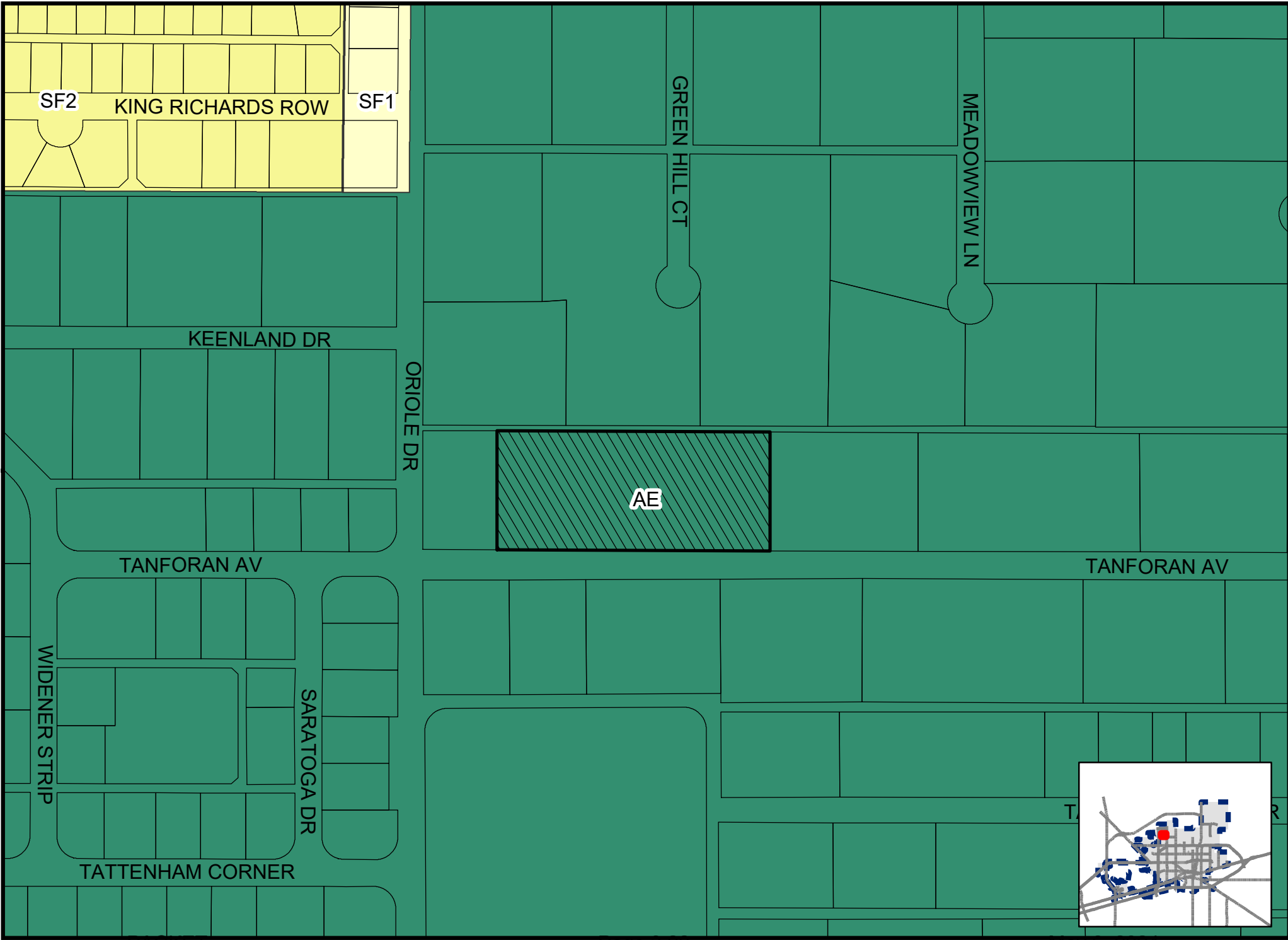
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT. NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

May 6, 2024





15

8

CT

NEW LN

ENLAND DR

ORIOLE DR

8

3

AN AV

SARATOGA DR

4

PACKET

ORDINANCE NO. 10451

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 3, MELODY ACRES, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF TANFORAN AVENUE, APPROXIMATELY 200 FEET EAST OF ORIOLE DRIVE), BY PERMITTING A REDUCED MINIMUM LOT AREA; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

WHEREAS, the City Council modified the authority of the Board of Adjustment in Title XI, Chapter 1, Section 7²("Section 11-1-7") of the Midland City Code; and

WHEREAS, Section 11-1-7 provides for the consideration of requests for special exceptions to the Midland Zoning Ordinance; and

WHEREAS, the Council finds that satisfactory evidence has been presented that the use to be authorized by the granting of the special exception will not be detrimental to the health, safety, comfort and welfare of the occupants of the land area near the tract on which the use to be allowed by special exception will be located; and

WHEREAS, the Council finds that it is clearly and specifically authorized by the terms of Section 11-1-7 to grant such a special exception, and said exception will be in harmony with the general purposes and intent of the zoning provisions of the Midland City Code; and

WHEREAS, after a full and fair public hearing at which all parties in interest were offered an opportunity to be heard, all pursuant to law, the Council finds it to be in the public interest to grant a special exception to the Zoning Ordinance, pursuant to Section 11-1-7, for the purposes herein stated, subject to special conditions;

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

SECTION ONE. That a special exception is hereby granted for the property described as Lot 2, Block 3, Melody Acres, Section 4, City and County of Midland, Texas (the "Property"). Said special exception shall allow a reduced minimum lot area.

SECTION TWO. Said special exception is subject to the following special conditions:

That the Property shall not be subdivided unless the Property is subdivided into two lots as follows:

- A. The east lot shall have an area of 2.00 acres as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes; and
- B. The west lot shall have an area that is equal to the remainder of the area of the Property (approximately 1.69 acres) as shown in Exhibit "A".

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

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

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars (\$2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to file this ordinance with the Office of the County Clerk for purposes of recordation.

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 24th day of October, A.D., 2023; and passed to second reading on motion of Council member Poole, seconded by Council member Corrales, by the following vote:

Council members voting "AYE": Stretcher Burkes, Corrales, Poole, Blong, Dufford, Norman

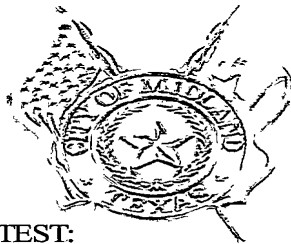
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Stretcher Burkes, seconded by Council member Dufford, on the 14th day of November, A.D., 2023, at a regular meeting of the City Council:

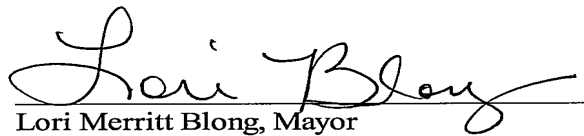
Council members voting "AYE": Stretcher Burkes, Poole, Blong, Dufford, Ladd, Norman

Council members voting "NAY": None

PASSED AND APPROVED THIS 14th day of November, A.D., 2023.

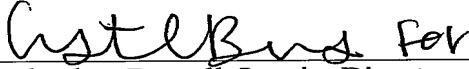


ATTEST:


Lori Merritt Blong, Mayor

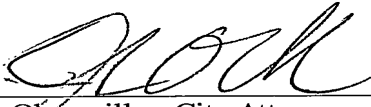

Marcia Bentley-German, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:



Rolandrea Russell, Interim Director of Development Services

APPROVED ONLY AS TO FORM:



John Ohnemiller, City Attorney

PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS
FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS
EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED
THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS
THE _____ DAY OF _____, 2023.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF MELODY ACRES, SECTION
PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND

DAY OF _____, 2023.

LUCY SISNIEGA, CHAIRMAN

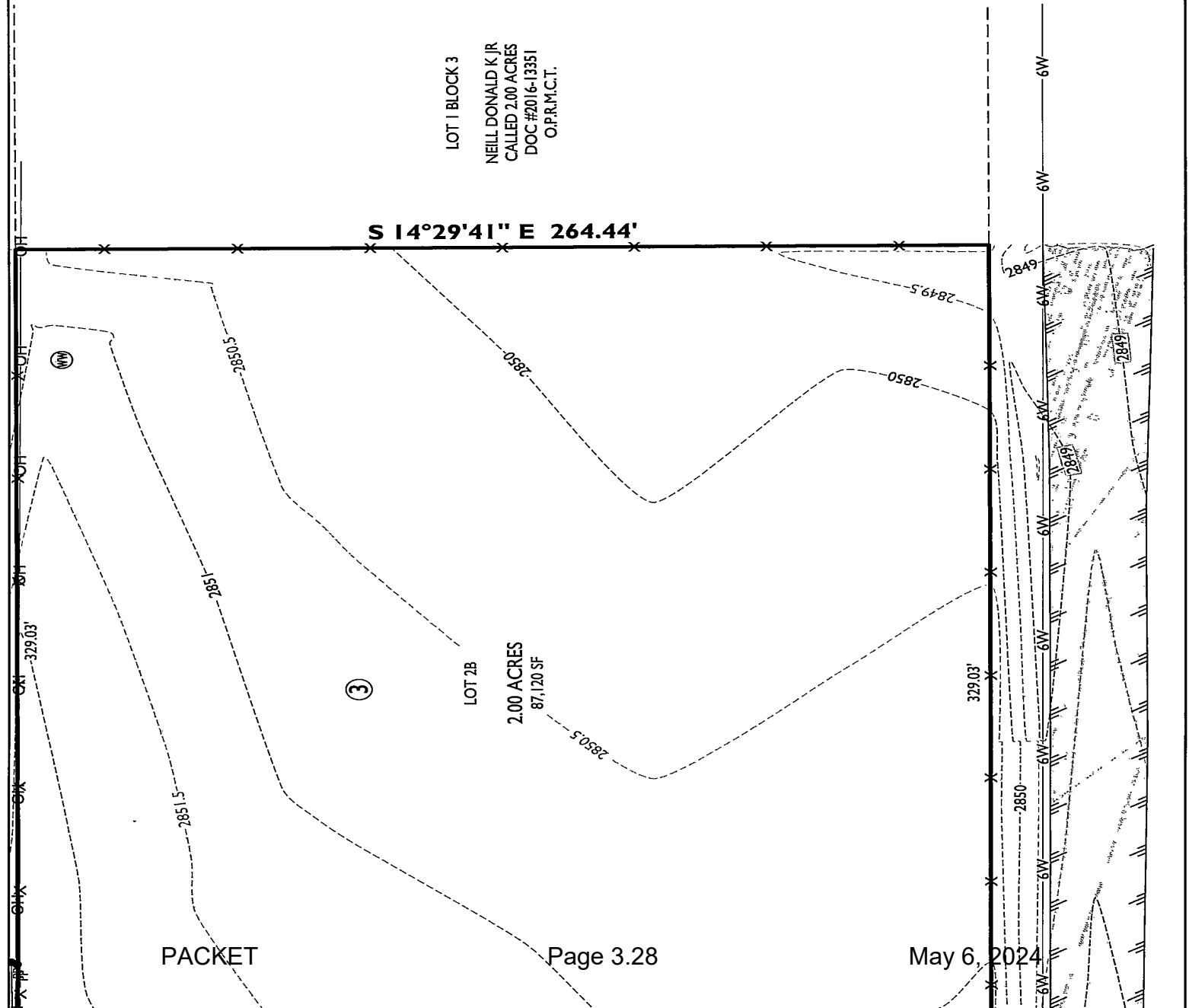
JEFFREY FISHER, SECRETARY

DEVELOPMENT NOTES

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION
AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE
LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AND
(1) THE REPRESENTED LOT IS REPLATTED FOR SUBDIVISION INTO MORE THAN ONE LOT
(2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
4. IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS, IMPLEMENTATION
OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL
INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER
BE DEVELOPED ON THE TRACT INCREASED.

SURVEY NOTES:

1. BASIS OF BEARING, COORDINATES, DISTANCE AND ACREAGE ARE A LAMBERT CONFORMAL
THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE, NAD 83, UTM





City Council Meeting

Item Number: 33
Meeting Date: October 24, 2023, November 14, 2023
To: City Council / City Manager
From: Landon Ochoa, Senior Planner
Subject: AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 3, MELODY ACRES, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF TANFORAN AVENUE, APPROXIMATELY 200 FEET EAST OF ORIOLE DRIVE), BY PERMITTING A REDUCED MINIMUM LOT AREA; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 4) (DEVELOPMENT SERVICES) (DEFERRED FROM SEPTEMBER 26, 2023)

Purpose:

The applicant, Shane Huffman, is requesting a Special Exception from the City of Midland Zoning Ordinance, *Section 5.04 - Residential District Dimensional Regulations Chart*, to allow the creation of two lots with the west lot being a minimum 1.69 acres instead of the required 2.0 acre minimum in the AE, Agricultural Estate District.

Recommended City Council Action:

Deny

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The AE, Agricultural Estate District requires a minimum lot area of 2 acres (87,120 square feet).

An exception is required because the proposed west lot will be less than the required acreage.

This request has been circulated to all pertinent City departments for review. Below are the departments' comments.

Fire: (Approved)

No objections.

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objections. [For the Applicant's information only.]

Code Compliance: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

No objections. [For the Applicant's information only.]

Planning (Denied):

The properties along Tanforan Avenue were annexed into the city in 1980 and the subject property was platted as one 3.7-acre lot in 1987 as part of Melody Acres, Fourth Section in compliance with the AE, Agricultural Estate Zoning District minimum 2.0-acre lot area requirement. The adjacent lot to the east which contains a single-family home is 2.0 acres in size, also in compliance. There is no hardship for the proposed request, as the lots were legally platted with the minimum lot sizes. The AE, Agricultural Estate District is intended for a minimum of 2.0-acre sized lots.

This request was approved in its first reading at the September 12, 2023 City Council meeting and deferred at the September 26, 2023 City Council meeting in its second reading.

Staff is recommending denial of this special exception, however, should it be approved, staff recommends that it be subject to conditions A and B.

Condition:

A. The east lot shall have an area of 2.00 acres as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes; and

B. The west lot shall have an area that is equal to the remainder of the area of the Property (approximately 1.69 acres) as shown in Exhibit "A".

Letters of Objection:

Staff has received four letters of objection as of October 13, 2023.

Attachments:

Proposed Plat (Exhibit A)
Metes & Bounds (Exhibit B)
Application
Maps
Objection Letters

City Manager's Office



Special Exception Application

Project Number: _____

Case Number: E-23-0103**Applicant** (if acting as Agent, see affidavit on page 2)Printed Name: See OwnerPhone ()
Email

Address

City

State

Zip

Property OwnerPrinted Name: Shane HuffmanPhone ()
Email

Address

4709 Woodbar Court

City

Midland

State

TX

Zip

79707**Representative** (if different from Applicant or Property Owner)Firm: Maverick EngineeringPrinted Name: Andrew MellenPhone (432) 262-0999

Email

amellen@maverick-eng.comAddress 1909 W Wall St Ste KCity MidlandState TXZip 79701**Street Address:** 4416 Tanforan Avenue, Midland, TX**Legal Description**Lot: 2 Block: 3 Subdivision: Melody Acres, Section 4 (also see attached Metes & Bounds)**Current Zoning:** AE Agricultural Estates**This property qualifies as an exception to the City Code because:**

- ☒ It is an expansion of a nonconforming use.
- ☐ There are existing nonconforming structures in the area.
- ☐ The addition of architectural or other projections of a minor extent.

Reason for Request: Applicant is seeking to re-plat the existing Lot 2, (approximately 3.7 acres total) into two lots less than the 2-acre minimum required by existing zoning. Other area non-conforming lots exist within this subdivision.

Submittal and Fees**Items to be submitted with this application form:**

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan showing:
 - Parking
 - Building Footprint
- Digital Copies of Site Plan (PDF/JPEG)

Signatures

Applicant (signature):

Date:

Applicant (printed):

Property Owner (signature):

Date: 7/24/23

Property Owner (printed): Shane Hoffman

The Special Exception shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

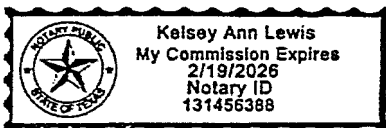
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Andrew L. Mellen
Authorized Agent (signature)

Subscribed and sworn to before me, this 24th day of July, 2023, to certify which witness my hand and seal of office.



Kelsey Ann Lewis

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Site Plan

☒ Application Fee

☒ Plans in Digital Format (PDF/JPEG)

Check # 4369

DEF - 1111

Received By: Forster

Date:

JUL 24 2023

BY:

PACKET

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

33.10

November 14, 2023

PACKET

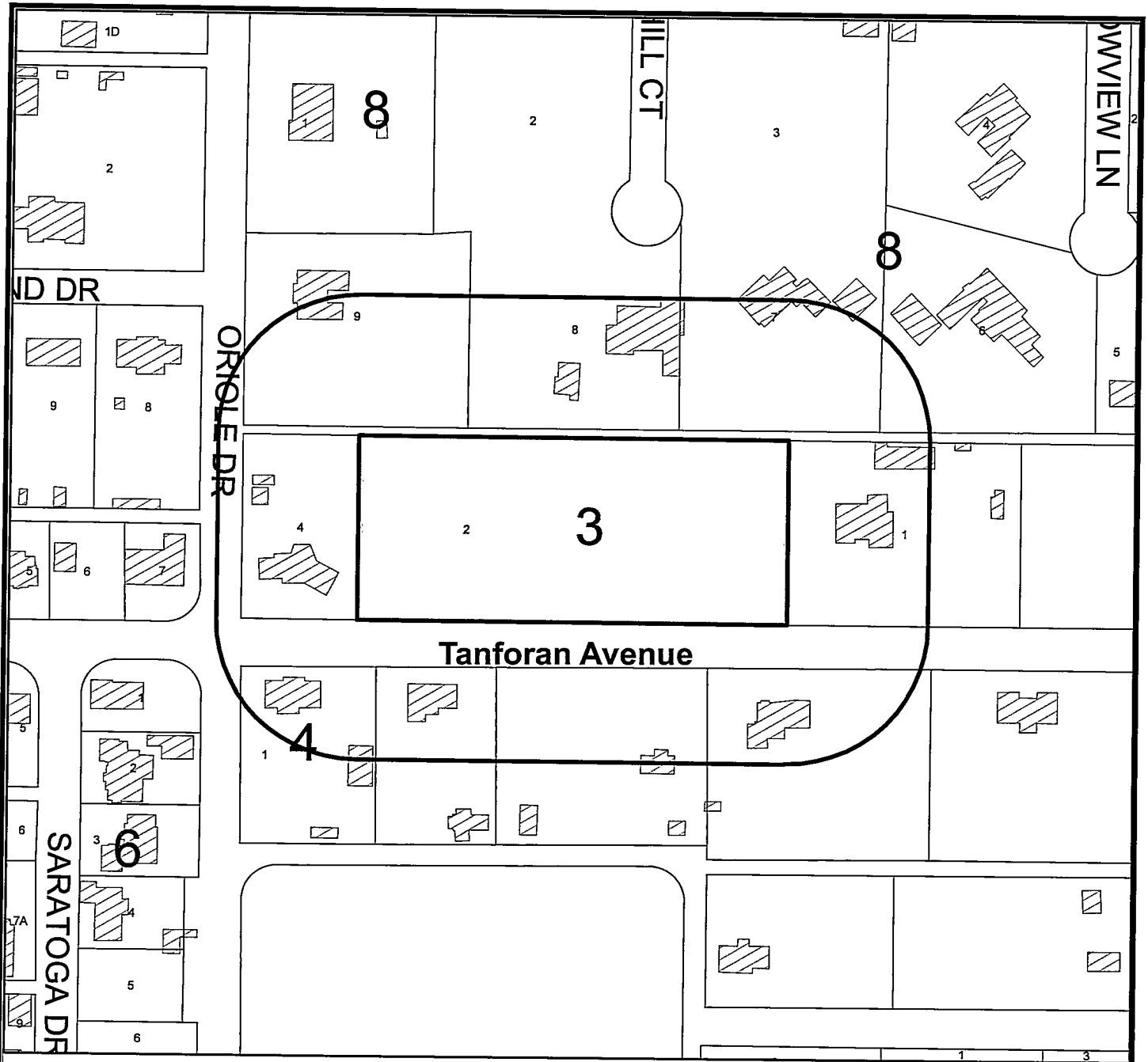
33.11

November 14, 2023

PACKET

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May 6, 2024



LOCATION MAP

E-23-0103

Scale: 1" = 2,442'

A request by Maverick Engineering for a Special Exception from the City of Midland Zoning Ordinance, Section 5.04 - Residential District Dimensional Regulations Chart, for a reduced minimum lot area on Lot 2, Block 3, Melody Acres, Section 4, City of and County of Midland, Texas.

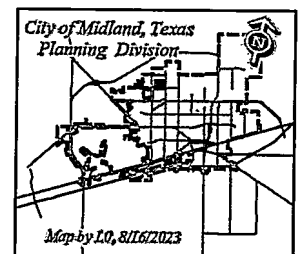
Generally located on the north side of Tanforan Avenue approximately 200-feet east of Oriole Drive.

(Council District 4)

33.12

LEGEND

- CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS

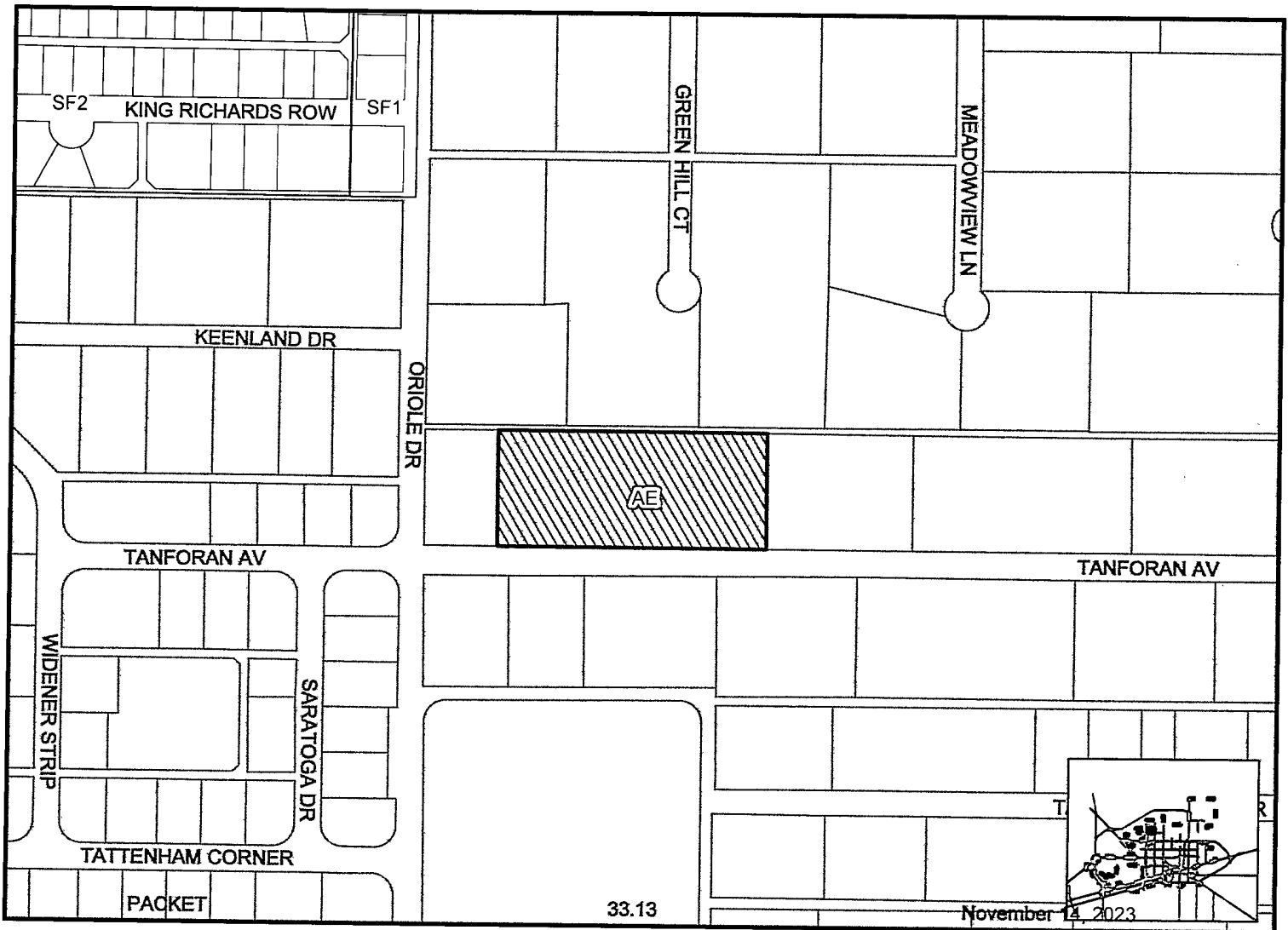


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THIS DATA IS NOT A SUBSTITUTION FOR A PROFESSIONAL ENGINEER'S DESIGN OR IT IS DESIGNED TO BE USED AS A TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.

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

November 14, 2023



November 14, 2023

Map By LO, 8/30/2023

E-23-0103

Scale: 1" = 3,233' **ZONING MAP**



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STATE OF TEXAS §
COUNTY OF MIDLAND §

**FIELD NOTE DESCRIPTION OF LOT 2, BLOCK 3,
FOURTH SECTION, MELODY ACRES**

FIELD NOTE DESCRIPTION OF A 3.69 ACRE TRACT OF LAND, BEING LOT 2, BLOCK 3, MELODY ACRES, FOURTH SECTION (SECTION 4), AN ADDITION TO THE CITY AND COUNTY OF MIDLAND, TEXAS, AS SHOWN ON A PLAT RECORDED AS DOCUMENT NUMBER 7257 IN PLAT CABINET D ON PAGE 387 OF THE PLAT RECORDS OF SAID MIDLAND COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

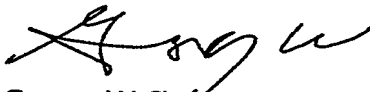
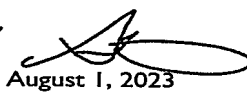
BEGINNING AT N.(y):10712410.20, E.(x):1730777.12, A ONE HALF INCH IRON ROD FOUND AND ACCEPTED AS BEING THE NORTHEAST CORNER OF LOT 4, BLOCK 3, MELODY ACRES, SECTION 16, AS SHOWN ON A PLAT RECORDED AS DOCUMENT NUMBER 2023-5355, IN PLAT CABINET M ON PAGE 195 OF SAID PLAT RECORDS FOR THE NORTHWEST CORNER HEREOF;

THENCE N.75°41'21"E., ALONG THE SOUTH LINE OF A CALLED 15 FOOT ALLEY, 608.55 FEET TO A POINT WITHIN A FENCE CORNER, BEING THE NORTHWEST CORNER OF LOT 1 OF THIS BLOCK FOR THE NORTHEAST CORNER HEREOF;

THENCE S.14°29'41"E., ALONG THE WEST LINE OF SAID LOT 1, 264.44 FEET TO A POINT WITHIN A FENCE CORNER, BEING ON THE NORTH RIGHT-OF-WAY LINE OF TANFORAN AVENUE, AS RECORDED IN VOLUME 469 ON PAGE 269 OF THE DEED RECORDS OF SAID MIDLAND COUNTY FOR THE SOUTHEAST CORNER HEREOF;

THENCE S.75°41'21"W., ALONG SAID TANFORAN AVENUE, 608.55 FEET TO A THREE EIGHTHS INCH IRON ROD FOUND AND ACCEPTED AS THE SOUTHEAST CORNER OF SAID LOT 4 FOR THE SOUTHWEST CORNER HEREOF;

THENCE N.14°29'41"W., ALONG THE EAST LINE OF SAID LOT 4, 264.44 FEET TO THE **POINT OF BEGINNING**, CONTAINING 160925 SQUARE FEET OR 3.69 ACRES OF LAND.

Gregory W. Shoults

www.maverick-eng.com

Texas RPLS - No. 5356

Maverick Engineering (FIRM – No. 10194514)



PACKET

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PACKET

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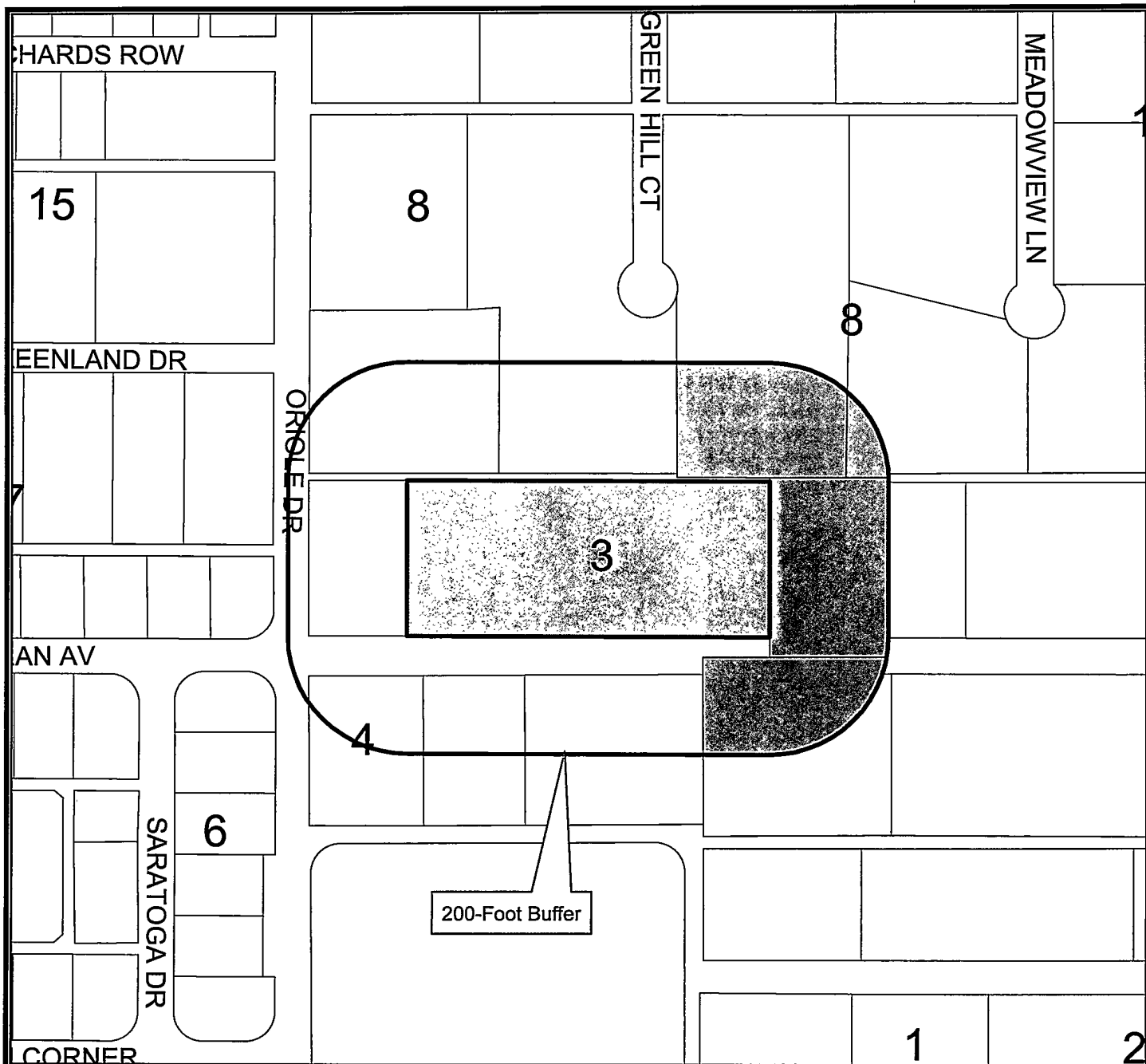
33.19

November 14, 2023

PACKET

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May 6, 2024



36.6% Objection

E-23-0103

Scale: 1" = 4,057'

A request by Maverick Engineering for a Special Exception from the City of Midland Zoning Ordinance, Section 5.04 - Residential District Dimensional Regulations Chart, for a reduced minimum lot area on Lot 2, Block 3, Melody Acres, Section 4, City of and County of Midland, Texas.

Genrally located on the north side of Tanforan Avenue approximately 200-feet east of Oriole Drive. (Council District 4)

LEGEND

- - CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY. NO LIABILITY IS ASSUMED FOR ANY ERRORS OR OMISSIONS. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

November 14, 2023

1



NEILL DONALD K JR
4414 TANFORAN AV
MIDLAND TX 79707

PUBLIC NOTICE

SEP 20 2023

The City Council of the City of Midland, Texas will hold a public hearing at 10:00 a.m. on Tuesday, September 12, 2023, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701, on a request by Maverick Engineering for approval of a Special Exception to the City of Midland Zoning Ordinance, 5.04 – Residential Zoning District Dimensional Regulations Chart, for a reduced minimum lot area on the following described property:

LEGAL DESCRIPTION: Lot 2, Block 3, Melody Acres, Section 4, City and County of Midland, Texas.

LOCATION: Generally located on the north side of Tanforan Avenue approximately 200-feet east of Oriole Drive. (Council District 4)

Not to be considered a part of the Public Notice: 1) See reverse side for location map; 2) In order to be considered as an official objection to this request a response must be submitted by mail or delivered in writing to the Planning Division at the address listed above. An official objection may be filed by completing this notice and returning it to the address listed above.

I object to this request YES Comments: _____

Required Information:

Don Neill
Property Owner's Signature

DON NEILL
Printed Name

4414 TANFORAN
Property Address (No P. O. Boxes)

If any further information is desired, please contact the Planning Division, at 685-7400.
Si ud. desea más información en Español sobre este caso, llame al 685-7400.

Notices Mailed: 9
Date Mailed: 8/25/2023
Case Number: E-23-0103
Case Name: 4416 Tanforan Ave
LO Planner's Initials

Jeff Fisher

Jeff Fisher, AICP
Planning Division Manager
Department of Development Services

The meeting facility is accessible to disabled persons. A wheelchair entry ramp is located at the southeast entrance to City Hall. A parking space designated for use by disabled persons is available near the southeast entrance doors. Any disabled person needing special accommodations or hearing impaired persons wishing to have an interpreter should request services through the Administrative Services Department at least 48 hours prior to the scheduled meeting by contacting Compliance Coordinator for the City of Midland at (432) 685-7251. If communication via TDD is required, please call 1-800-735-2989.

PACKET

33.21

November 14, 2023

PACKET

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May 6, 2024



2

PUBLIC NOTICE

SEP 25 2023 7:18 PM

The City Council of the City of Midland, Texas will hold a public hearing at 10:00 a.m. on Tuesday, September 12, 2023, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701, on a request by Maverick Engineering for approval of a Special Exception to the City of Midland Zoning Ordinance, 5.04 – Residential Zoning District Dimensional Regulations Chart, for a reduced minimum lot area on the following described property:

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I object to this request YES Comments: NEED DETAILS, FUTURE ZONING WHY? DE-SPACING? WHO CHANGE? NO.

Required Information:

[Signature]
Property Owner's Signature

TON W. WILLIAMS
Printed Name

600 GREEN HILL CT.
Property Address (No P. O. Boxes)
MIDLAND, TX 79707

If any further information is desired, please contact the Planning Division, at 685-7400.
Si ud. desea más información en Español sobre este caso, llame al . 685-7400.

DE-VALUATION, POTENTIAL LEGAL SUITS THAT WILL BE PURSUED.

Notices Mailed: 9

Date Mailed: 8/25/2023

Case Number: E-23-0103

Case Name: 4416 Tanforan Ave

LO Planner's Initials

Jeff Fisher

Jeff Fisher, AICP
Planning Division Manager
Department of Development Services

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PACKET

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November 14, 2023

PACKET

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May 6, 2024



3

PUBLIC NOTICE

SEP 25 2023

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I object to this request yes Comments: Concerned with Property devaluation and the road access is terrible

Required Information:

Scott Breeding Scott Breeding 4415 Tanforan Ave
Property Owner's Signature Printed Name Property Address (No P. O. Boxes)

If any further information is desired, please contact the Planning Division, at 685-7400.
Si ud. desea más información en Español sobre este caso, llame al 685-7400.

Notices Mailed: 9
Date Mailed: 8/25/2023
Case Number: E-23-0103
Case Name: 4416 Tanforan Ave
LO Planner's Initials

Jeff Fisher

Jeff Fisher, AICP
Planning Division Manager
Department of Development Services

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PACKET

33.23

November 14, 2023

PACKET

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May 6, 2024



4

PUBLIC NOTICE

SEP 25 2023

The City Council of the City of Midland, Texas will hold a public hearing at 10:00 a.m. on Tuesday, September 12, 2023, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701, on a request by Maverick Engineering for approval of a Special Exception to the City of Midland Zoning Ordinance, 5.04 – Residential Zoning District Dimensional Regulations Chart, for a reduced minimum lot area on the following described property:

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I object to this request ☒ Comments: I BOUGHT OUT HERE BECAUSE OF THE

OPENESS AND SPACING OF THE HOUSES, I DON'T WANT TO CHANGE
Required Information: ANYTHING THAT WILL EFFECT VALUATION OF PROPERTY.

Property Owner's Signature: B. J. Printed Name: BYRON FENNER Property Address (No P. O. Boxes): 6001 MEADOWVIEW LN,

If any further information is desired, please contact the Planning Division, at 685-7400.
Si ud. desea más información en Español sobre este caso, llame al . 685-7400.

Notices Mailed: 9
Date Mailed: 8/25/2023
Case Number: E-23-0103
Case Name: 4416 Tanforan Ave
LO Planner's Initials

Jeff Fisher
Jeff Fisher, AICP
Planning Division Manager
Department of Development Services

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PACKET

33.24

November 14, 2023

PACKET

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May 6, 2024



PUBLIC NOTICE

SEP 25 2023

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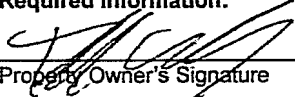
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I object to this request ☒ Comments: Reason for purchasing 20 plus years ago was no lot less than 2 Acres. We have 3 Acres + we told the zoning laws then.

Required Information:


Property Owner's Signature

Russell Winkley
Printed Name

4410 Tanforan Ave
Property Address (No P. O. Boxes)

If any further information is desired, please contact the Planning Division, at 685-7400.
Si ud. desea más información en Español sobre este caso, llame al : 685-7400.

Notices Mailed: 9
Date Mailed: 8/25/2023
Case Number: E-23-0103
Case Name: 4416 Tanforan Ave
LO Planner's Initials

Jeff Fisher

Jeff Fisher, AICP
Planning Division Manager
Department of Development Services

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PACKET

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November 14, 2023

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May 6, 2024



PUBLIC NOTICE

SEP 25 2023

D.V.

The City Council of the City of Midland, Texas will hold a public hearing at 10:00 a.m. on Tuesday, September 12, 2023, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701, on a request by Maverick Engineering for approval of a Special Exception to the City of Midland Zoning Ordinance, 5.04 – Residential Zoning District Dimensional Regulations Chart, for a reduced minimum lot area on the following described property:

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I object to this request ☒ Comments: Bought Property for space. Road is already to busy, lower value of homes. **STRONGLY OBJECT**

Required Information:

Ryan Thomas
Property Owner's Signature

Ryan Thomas
Printed Name

4413 Tanforan
Property Address (No P. O. Boxes)

If any further information is desired, please contact the Planning Division, at 685-7400.
Si ud, desea más información en Español sobre este caso, llame al 685-7400.

Notices Mailed: 9

Date Mailed: 8/25/2023

Case Number: E-23-0103

Case Name: 4416 Tanforan Ave

LO Planner's Initials

Jeff Fisher

Jeff Fisher, AICP

Planning Division Manager

Department of Development Services

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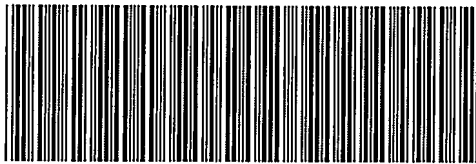
33.26

November 14, 2023

PACKET

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May 6, 2024



VG-66-2023-28385

**Midland County
Alison Haley
Midland County Clerk**

Instrument Number: 28385

Real Property Recordings

Recorded On: November 30, 2023 11:08 AM

Number of Pages: 7

" Examined and Charged as Follows: "

Total Recording: \$46.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

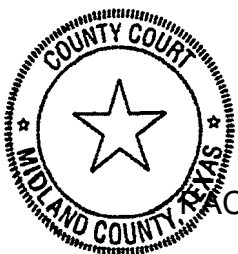
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 28385
Receipt Number: 20231130000042
Recorded Date/Time: November 30, 2023 11:08 AM
User: Pam M
Station: cc10297

Record and Return To:

THE CITY OF MIDLAND
ATTN: VANESSA MAGALLANES
PO BOX 1152
MIDLAND TX 79701



STATE OF TEXAS

Midland County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Midland County, Texas

Alison Haley
Midland County Clerk
Midland County, TX

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Alison Haley

CERTIFICATION

THE STATE OF TEXAS

COUNTY OF MIDLAND

I, **Marcia Bentley-German, City Governance Officer/ City Secretary** of the City of Midland, Midland County, Texas, do hereby certify that the following is a true and correct copy of an Ordinance styled:

ORDINANCE NO. 10451

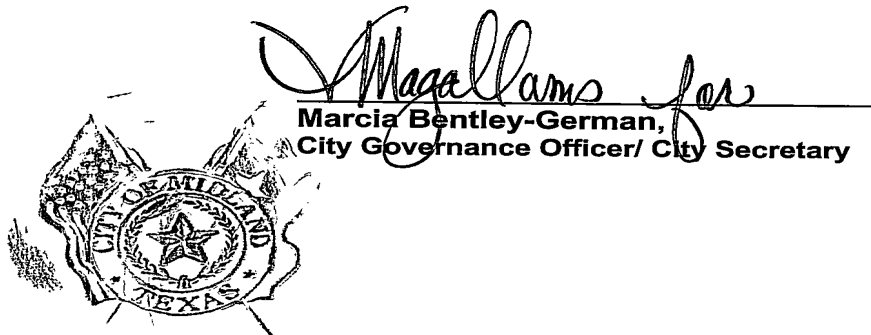
AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 3, MELODY ACRES, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF TANFORAN AVENUE, APPROXIMATELY 200 FEET EAST OF ORIOLE DRIVE), BY PERMITTING A REDUCED MINIMUM LOT AREA; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 4) (DEVELOPMENT SERVICES) (DEFERRED FROM SEPTEMBER 26, 2023) (FIRST READING HELD OCTOBER 24, 2023)

which was duly passed and approved at a regular meeting of the City Council of said City on the **14th** day of **November 2023** showing those present, the motions made, and votes taken in connection with said Ordinance.

THIS certification makes no representation regarding possible modification or repeal of said Ordinance, which may have taken place since its adoption.

WITNESS my hand and seal of said City this the **29th** day of **November 2023**.

SEAL:



ORDINANCE NO. 10451

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 3, MELODY ACRES, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF TANFORAN AVENUE, APPROXIMATELY 200 FEET EAST OF ORIOLE DRIVE), BY PERMITTING A REDUCED MINIMUM LOT AREA; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

WHEREAS, the City Council modified the authority of the Board of Adjustment in Title XI, Chapter 1, Section 7 ("Section 11-1-7") of the Midland City Code; and

WHEREAS, Section 11-1-7 provides for the consideration of requests for special exceptions to the Midland Zoning Ordinance; and

WHEREAS, the Council finds that satisfactory evidence has been presented that the use to be authorized by the granting of the special exception will not be detrimental to the health, safety, comfort and welfare of the occupants of the land area near the tract on which the use to be allowed by special exception will be located; and

WHEREAS, the Council finds that it is clearly and specifically authorized by the terms of Section 11-1-7 to grant such a special exception, and said exception will be in harmony with the general purposes and intent of the zoning provisions of the Midland City Code; and

WHEREAS, after a full and fair public hearing at which all parties in interest were offered an opportunity to be heard, all pursuant to law, the Council finds it to be in the public interest to grant a special exception to the Zoning Ordinance, pursuant to Section 11-1-7, for the purposes herein stated, subject to special conditions;

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

SECTION ONE. That a special exception is hereby granted for the property described as Lot 2, Block 3, Melody Acres, Section 4, City and County of Midland, Texas (the "Property"). Said special exception shall allow a reduced minimum lot area.

SECTION TWO. Said special exception is subject to the following special conditions:

That the Property shall not be subdivided unless the Property is subdivided into two lots as follows:

- A. The east lot shall have an area of 2.00 acres as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes; and
- B. The west lot shall have an area that is equal to the remainder of the area of the Property (approximately 1.69 acres) as shown in Exhibit "A".

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

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

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars (\$2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to file this ordinance with the Office of the County Clerk for purposes of recordation.

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 24th day of October, A.D., 2023; and passed to second reading on motion of Council member Poole, seconded by Council member Corrales, by the following vote:

Council members voting "AYE": Stretcher Burkes, Corrales, Poole, Blong, Dufford, Norman

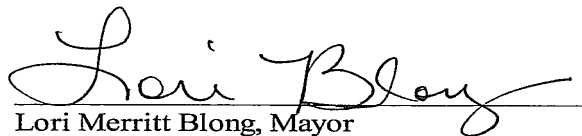
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Stretcher Burkes, seconded by Council member Dufford, on the 14th day of November, A.D., 2023, at a regular meeting of the City Council:

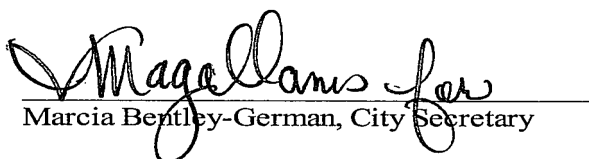
Council members voting "AYE": Stretcher Burkes, Poole, Blong, Dufford, Ladd, Norman

Council members voting "NAY": None

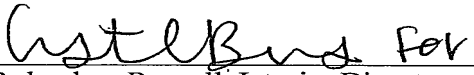
PASSED AND APPROVED THIS 14th day of November, A.D., 2023.


Lori Merritt Blong, Mayor

ATTEST:

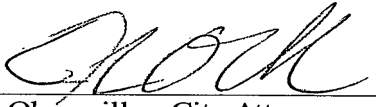

Marcia Bentley-German, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:



Rolandrea Russell, Interim Director of Development Services

APPROVED ONLY AS TO FORM:



John Ohnemiller, City Attorney

PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME
FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS
EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED
THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

THE _____ DAY OF _____, 2023.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF MELODY ACRES, SECTION
PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND

DAY OF _____, 2023.

LUCY SISNIEGA, CHAIRMAN

JEFFREY FISHER, SECRETARY

DEVELOPMENT NOTES

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION
AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILD
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE
LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AND
(1) THE REPRESENTED LOT IS REPLATTED FOR SUBDIVISION INTO MORE THAN ONE LOT
(2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
4. IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION
OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL
INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER
BE DEVELOPED ON THE TRACT INCREASED.

SURVEY NOTES:

1. BASIS OF BEARING, COORDINATES, DISTANCE AND ACREAGE ARE A LAMBERT CON
THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE, NAD 83.

LOT 1 BLOCK 3

NEILL DONALD K JR
CALLED 2.00 ACRES
DOC #2016-13351
O.P.R.M.C.T.

S 14°29'41" E 264.44'

LOT 2B

2.00 ACRES
87,120 SF



Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 06, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Andrew Meyers, Planner

SUBJECT: Motion approving a proposed Final Plat of West End Addition, Section 31, being a replat of Lot 6 and the west half of Lot 5, Block 12, West End Addition, City and County of Midland, Texas. (Generally located at the southeast corner of the intersection of West Texas Avenue and North D Street) (DISTRICT 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

O-1, Office District.

Preliminary Plat Approval:

The applicant, Maverick Engineering, is requesting to replat Lots 3-6, Block 11, Correction Plat of Cloverdale East, Section 2, Midland County, Texas, into one (1) Lot for ownership purposes.

The Preliminary Plat was approved at the Planning and Zoning Commission meeting on December 4, 2023.

Final Plat Requirements:

The official signed Mylar copy of the final plat, the original tax certificates from both Midland County and the Midland Central Appraisal District and a title opinion have all been received.

The final plat attached hereto has been circulated to all City departments for review.

Below are the departments' comments.

Departmental Review:

ENGINEERING: (Approved)

IMPACT FEES: Okay as shown. [For Applicant's Information Only.]

ROW: Okay as shown. [For Applicant's Information Only.]

PAVING: North "D" roadway okay as is. W Texas roadway okay as is, No public paving improvements required. [For Applicant's Information Only.]

WATER: "4" water exists in Alley S of tract, okay as is. No public water improvements required. [For Applicant's Information Only.]

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 14, 2020 - Fire hydrants shall be spaced no more than 500' apart, Pressure Indicator Rings are to be installed and will require the developers/contractors to pay for the flow test. [For Applicant's Information Only.]

PRO RATA: None. [For Applicant's Information Only.]

SEWER: "6" sewer exists in alley S of tract, okay as is. No public wastewater improvements required. [For Applicant's Information Only.]

DRAINAGE: Development considered infill. Site drainage will be reviewed with building permit. [For Applicant's Information Only.]

EASEMENTS: Show existing and proposed. [For Applicant's Information Only.]

SIDEWALKS: Required with building permit. [For Applicant's Information Only.]

TRANSPORTATION: (Approved)

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.]

No objections to plat. [For the Applicant's information only.]

FIRE: (Approved)

All future development shall meet the requirements of IFC 2015 ed. and local ordinances.

OIL AND GAS: (Approved)

No Oil and Gas issues.

BUILDING CODE: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and

floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

GIS: (Approved)

No comments.

CRMWD: (Approved)

We do not have any comments on this plat.

Planning: (Approved)

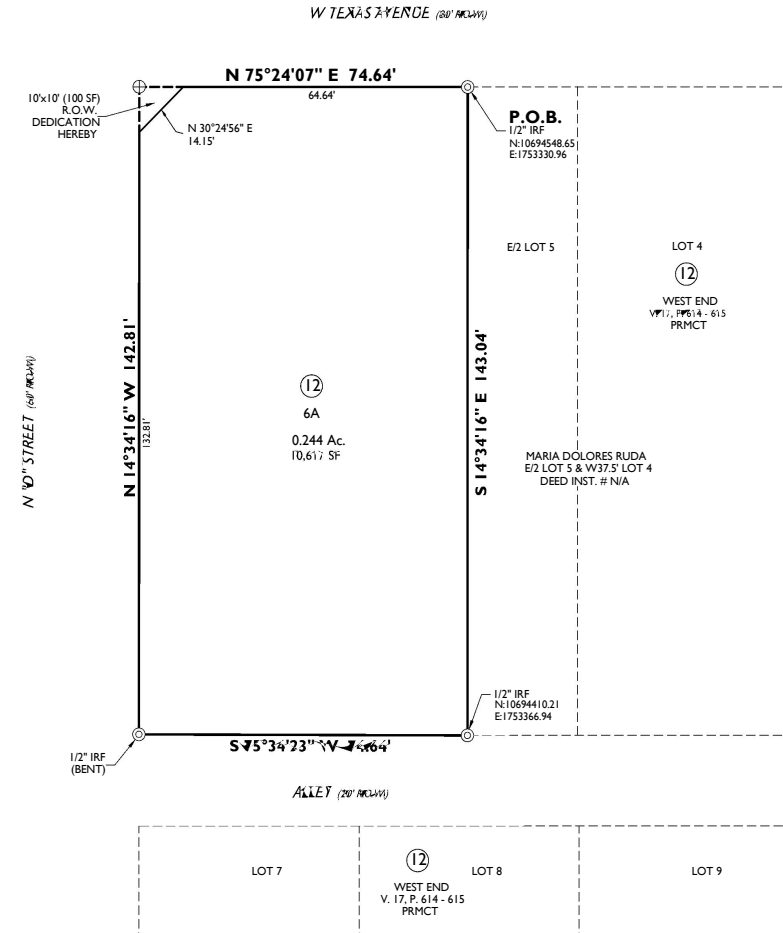
All comments have been addressed.

Attachments:

Proposed Final Plat
Application
Maps
Aerial Photo

WEST END ADDITION, SECTION 31

BEING A REPLAT OF LOT 6 AND THE WEST HALF OF LOT 5, BLOCK 12, WEST END ADDITION, AN ADDITION TO THE CITY AND COUNTY OF MIDLAND, TEXAS



FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S N.F.I.P. FLOOD INSURANCE RATE MAP #48329C0202F, DATED SEPTEMBER 16, 2005, THIS PROPERTY IS WITHIN THE UNSHADED PORTION OF ZONE "X", DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOOD FLOODPLAIN. THESE NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF DEVELOPER/ENGINEER NOTES

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE

2. LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

3. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.

4. THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:

(1) THE REPRESENTED LOT IS REPLATTED FOR SUBDIVISION INTO MORE THAN ONE LOT OR:

(2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.

5. IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS, IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT

SURVEY NOTES:

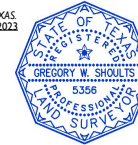
1. BASIS OF BEARING, COORDINATES, DISTANCE AND ACREAGE ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE, NAD 83, U.S. SURVEY FOOT WITH A CONVERGENCE ANGLE (theta) OF -0°54'48.40" AND A COMBINED SCALE FACTOR OF 0.999896911
2. 1/2" IRON ROD WITH RED PLASTIC CAP MARKED "MAVERICK FIRM # 10194514" AT ALL SET CORNERS/MIDLAND.
3. UNLESS OTHERWISE SPECIFIED, SEE DOCUMENTS OR ELECTRONIC DATA FILED IN THE OFFICE OF MAVERICK ENGINEERING FOR COMPLETE RECONSTRUCTION OF THIS SURVEY.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, GREGORY W. SHOULTS, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY LOCATED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS, NOVEMBER 29, 2023.

GREGORY W. SHOULTS, RPLS 53356
MAVERICK ENGINEERING (TX FIRM #10194514)
1909 W. WALL STREET, SUITE K
MIDLAND, TX 79701



OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS CM BUTLER CONSTRUCTION LLC IS THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 34, BLOCK 39, T-1-S, T&P, RY. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT CM BUTLER CONSTRUCTION LLC, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS WEST END ADDITION, SECTION 31, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEYS, AND EASEMENTS SHOWN THEREON, AND DO HEREBY GIVE AN EASEMENT OF INGRESS AND EGRESS TO THE CITY OF MIDLAND FOR GARBAGE COLLECTION, UTILITY FACILITY ACCESS AND MAINTENANCE, LOCATION AND MAINTENANCE OF TRASH CONTAINERS AND NOTICES THEREON, AND CONDITION AND EASEMENT THAT NO CONSTRUCTION SHALL COMMENCE ON SAID LOT OR LOTS UNTIL THE EXACT LOCATION OF SAID CONTAINERS THEREWITH HAS BEEN SELECTED AND APPROVED BY THE CITY OF MIDLAND, TEXAS.

Chris Butler
FOR CM BUTLER CONSTRUCTION LLC

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS OWNER, AND THAT HE EXECUTED THE SAID INSTRUMENT FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

UTILITY COMPANIES' CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF

Mark Liel
AT&T ENERGY

BY: _____
DocuSigned by: _____

Jerry Underwood
AT&T ENERGY

BY: _____
DocuSigned by: _____

Louis Montoya
AT&T ENERGY

BY: _____
DocuSigned by: _____

CASTANEDA BAND

BY: _____
DocuSigned by: _____

Jeffrey R. Henderson
MIDLAND ELECTRIC DELIVERY

BY: _____

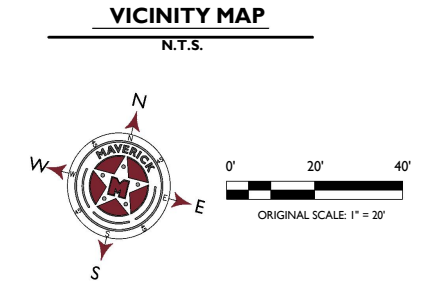
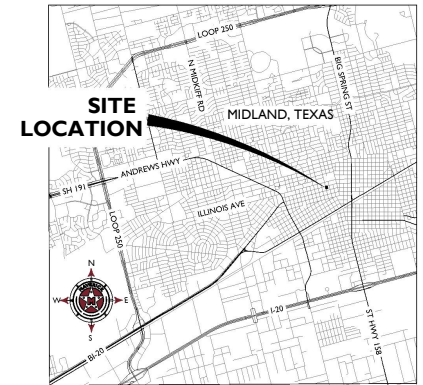
PROPERTY OWNER

CM BUTLER CONSTRUCTION LLC
4416 BRIARWOOD AV
STE 110 BOX 23
MIDLAND, TX 79707
DEED INSTRUMENT #2022-16104

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____

DATE _____



LEGEND

- FOUND MONUMENT AS NOTED
- ⊕ "X" IN CONCRETE FOUND
- BOUNDARY LINE
- - - EXISTING PROPERTY LINES
- P.R.M.C.T. OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
- D.R.M.C.T. DEED RECORDS, MIDLAND CO., TX
- P.R.M.C.T. PLAT RECORDS, MIDLAND CO., TX

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF WEST END ADDITION, SECTION 31, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS ON THIS 2024.

CHAIRMAN

CRISTINA O. BURNS, SECRETARY



MAVERICK
CIVIL ENGINEERING / LAND SURVEYING
1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: 10194514
Tel: (432) 262-0999 Fax: (432) 262-0989
www.Maverick-Eng.com

WEST END ADDITION
May 6, 2024



Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: West End Addition, Section 31**Legal Description (attached sealed Metes and Bounds):** Being a Replat of Lot 6 and the West Half of Lot 5, Block 12, West End Addition, an Addition to the City and County of Midland, Texas**Property Owner**

Printed Name: CM Butler Construction

Phone (432) 262-0999

Email
chris@cmbcllc.com

Address 4416 Briarwood Ste 110 box 23

City Midland

State TX

Zip 79707

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

Representative (if acting as Agent, see affidavit on page 2)Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999

Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste.K

City Midland

State TX

Zip 79701

Current Zoning: PD**Reason for Platting:** ownership purposes**Plat Information**

Total Acreage: 0.244

Type: ☐ Single-Family Residential☐ Multi-Family Residential☒ Commercial☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 1

Number of Multi-Family Dwelling Units:

Submittal Information: Standard Plats must be submitted at least 20 days and a Residential Replat must be submitted at least 25 days prior to the P&Z Commission meeting at which action is desired, unless Short Form or Administrative Procedure is applicable.**Items to be submitted with this application form:**

- ✓ 2 FOLDED Copies of Dimensioned Plat
- ✓ 2 Signed Mylar (or more if applicant does not request a signed reproduction)
- ✓ 1 Extra Copy (11x17)
- ✓ Digital Files (JPEG & PDF) & CADD File
- ✓ Original Tax Certificates (Midland Central Appraisal District – MCAD)
- ✓ Title Opinion/Policy (dated less than 90 days)
- ✓ Application Fee – Payable to the 'City of Midland'
- ✓ Recording Fee – Payable to 'Midland County Clerk'

Mylar Reproductions

This application authorizes the City to file the approved plat and associated documents with the County Clerk for recording. This application also authorizes the City to reproduce 1 mylar copy of the approved plat at the expense of the engineering firm/applicant for the City's records if needed. (Applicant can submit additional signed mylar instead of reproduction.)

- ☐ Applicant would like a reproduction made for their records
☒ Applicant does not want a reproduction/will make their own

Recording Fee (Payable to 'Midland County Clerk')For plats 18" to 24" \$61.00For plats that exceed 24" \$81.00For related documents, \$26.00 for first page, \$4.00 for each additional page.**Signature (by property owner only – authorized agent must sign affidavit below)**

DeauSigned by:

Property Owner (signature) Chris ButlerDate: 4/9/24Property Owner (printed): 8850D3C9528640B... Chris Butler

The Final Plat shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Subdivision Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Andrew L Mellen
Authorized Agent (signature)

Subscribed and sworn to before me, this 9th day of April, 2024, to certify which witness my hand and seal of office.



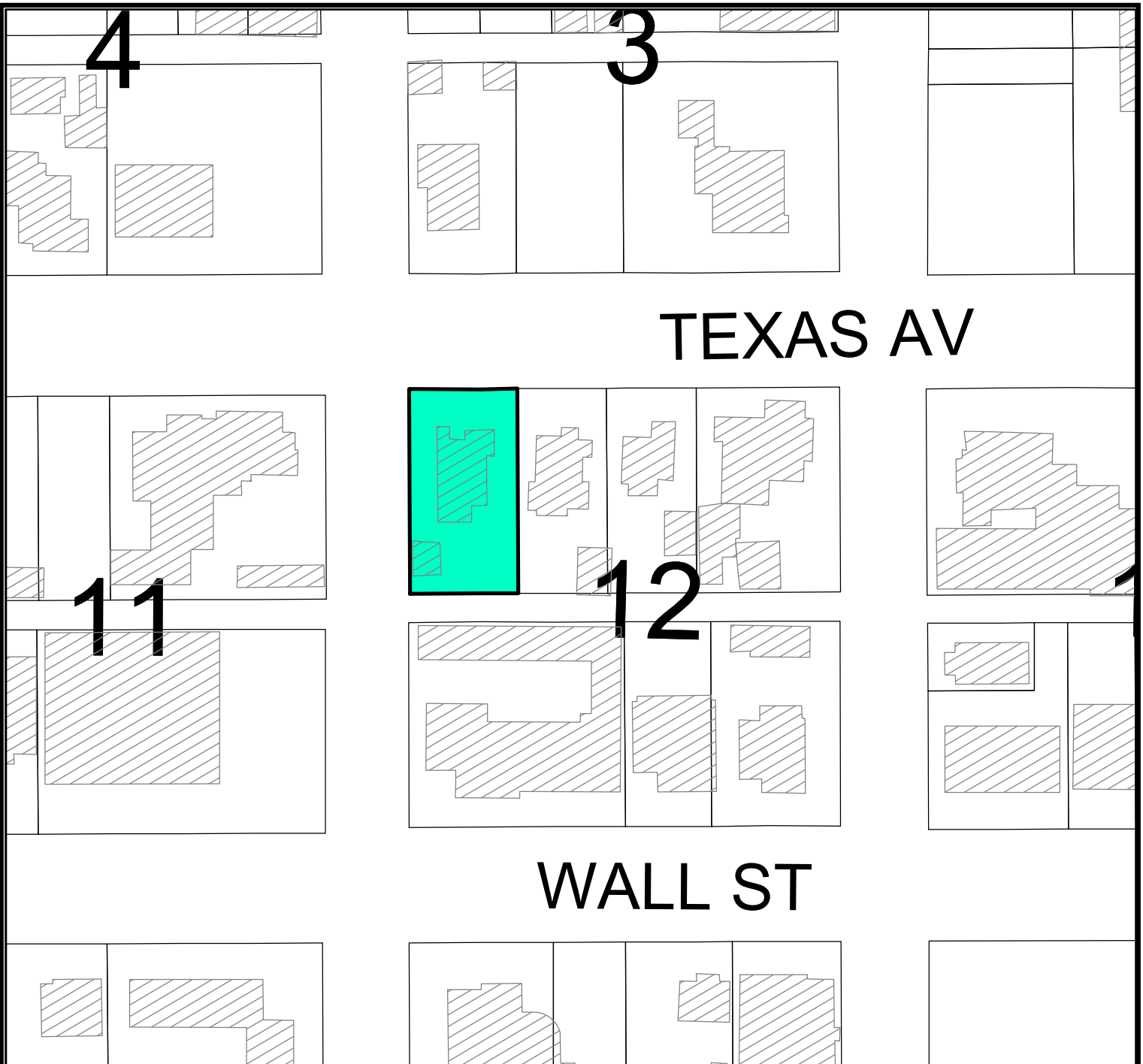
Kelsey Ann Lewis
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☒ Mylar | ☒ 1 Copy of Plat (11x17) | ☒ CADD File |
| ☒ Application Fee | ☒ Title Opinion | ☒ Public Improvement |
| Check # <u>4729</u> | ☒ Tax Certificates | ☒ Recording Fee |

Received By: [Signature]Date: APR 10 2024

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



LOCATION MAP

SUB-23-0686

Scale: 1" = 1700'

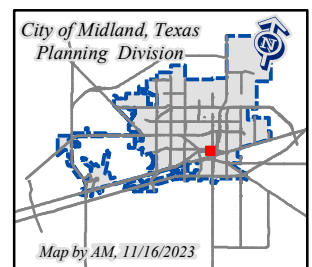
Proposed plat of West End Addition, Section 31, being a replat of Lot 6 and the east half of Lot 5, Block 12, West End Addition, to the City and County of Midland, Texas.

Generally located at the southwest corner of the intersection of West Texas Avenue and North D Street. (Council District 3)

PACKET

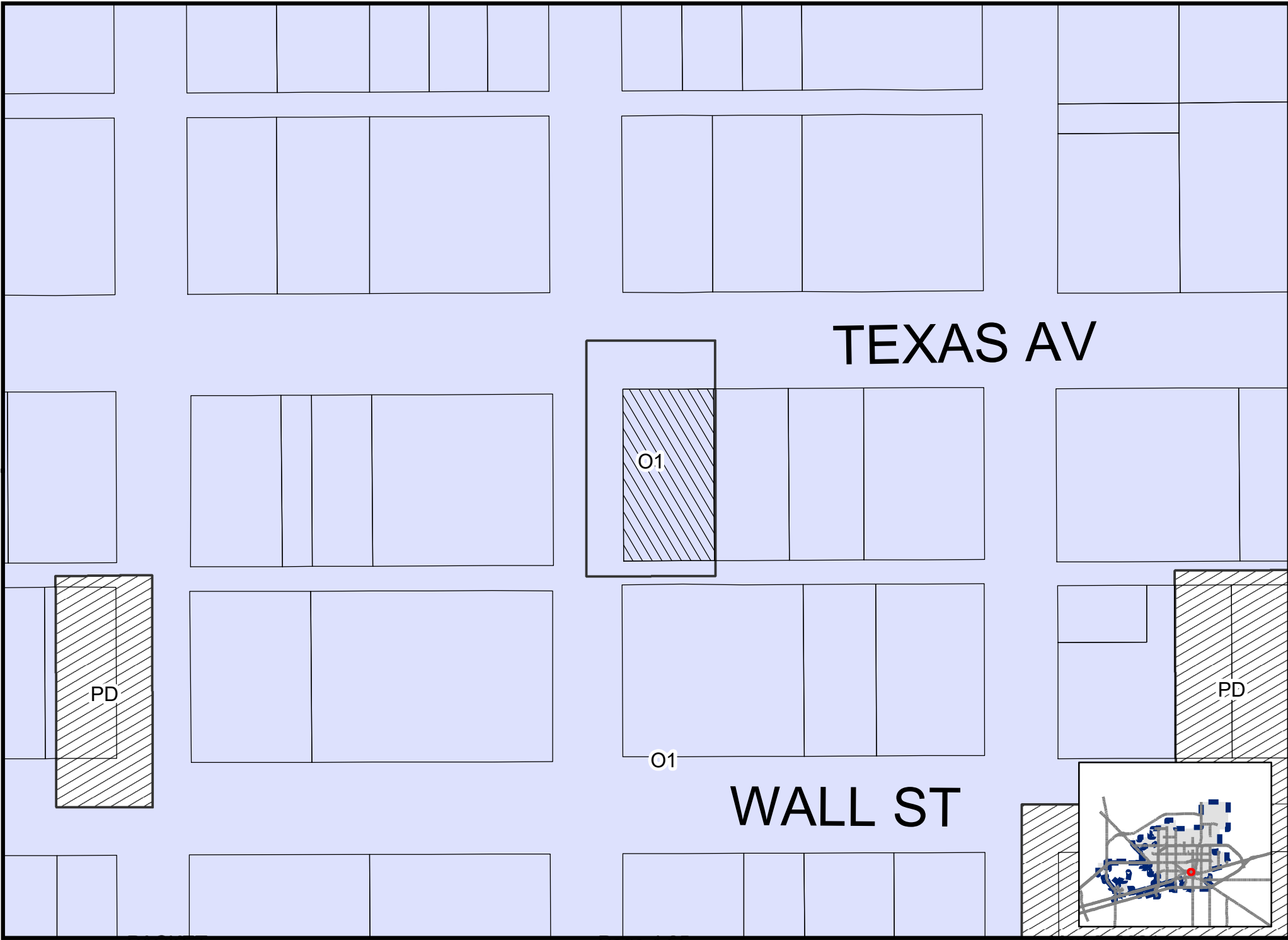
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT. NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.







Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 06, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Andrew Meyers, Planner

SUBJECT: Motion approving a Final Plat of West End Addition, Section 33, being a Replat of Lots 5 & 6, Block 3, West End Addition, City and County of Midland, Texas. (Generally located at the southeast corner of the intersection of West Illinois Avenue and North D Street.) (DISTRICT 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

O-1, Office District.

Preliminary Plat Approval:

The applicant, Maverick Engineering, on behalf of Head Above Water Midland, LLC, is requesting to replat Lots 5 and 6, Block 3, West End Addition, into one (1) Lot for ownership purposes.

This Plat was approved through the short form procedure.

Final Plat Requirements:

The official signed Mylar copy of the final plat, the original tax certificates from both Midland County and the Midland Central Appraisal District and a title opinion have all been received.

The final plat attached hereto has been circulated to all City departments for review.

Below are the departments' comments.

Departmental Review:

ENGINEERING: (Approved)

IMPACT FEES: Okay as shown. [For Applicant's Information Only.]

ROW: Refer to transportation's comments. [For Applicant's Information Only.]

PAVING: Illinois roadway okay as is. No public paving improvements required. N "D" roadway okay as is. No public paving improvements required. [For Applicant's Information Only.]

WATER: 8" water exists in Illinois Street N of tract, okay as is. No public water improvements required. 6" water exists in alley S of tract, okay as is. No public water improvements required. [For Applicant's Information Only.]

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 14, 2020 - Fire hydrants shall be spaced no more than 500' apart, Pressure Indicator Rings are to be installed and will require the developers/contractors to pay for the flow test. [For Applicant's Information Only.]

PRO RATA: None. [For Applicant's Information Only.]

SEWER: 6" sewer exists in alley S of tract, okay as is. No public wastewater improvements required. [For Applicant's Information Only.]

DRAINAGE: Development considered infill. Site drainage will be reviewed with building permit. [For Applicant's Information Only.]

EASEMENTS: Show existing and proposed. [For Applicant's Information Only.]

SIDEWALKS: Required with building permit. [For Applicant's Information Only.]

TRANSPORTATION: (Approved)

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.]

No objections to plat. [For the Applicant's information only.]

FIRE: (Approved)

All future development shall meet the requirements of IFC 2015 ed. and local ordinances.

OIL AND GAS: (Approved)

No Oil and Gas issues.

BUILDING CODE: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

GIS: (Approved)

No comments.

CRMWD: (Approved)

We do not have any comments on this plat.

Planning: (Approved)

All comments have been addressed.

Attachments:

Proposed Final Plat
Application
Maps
Aerial Photo



Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: West End Addition, Section 33**Legal Description (attached sealed Metes and Bounds):** Being a Replat of Lots 5 & 6, Block 3, West End Addition, City and County of Midland, Texas**Property Owner**

Printed Name:

Head Above Water Midland LLC

Phone (432) 262-0999

Email

jessicagardnermccoy@gmail.com

Address 2510 Dartmouth Dr

City Midland

State TX

Zip 79707

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

Representative (if acting as Agent, see affidavit on page 2)Firm: Maverick EngineeringPrinted Name: Paladin Huckaba

Phone (432) 262-0999

Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: O1**Reason for Platting:** ownership purposes**Plat Information**

Total Acreage: 0.334

Type: ☐ Single-Family Residential☐ Multi-Family Residential☒ Commercial☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 1

Number of Multi-Family Dwelling Units:

Submittal Information: Standard Plats must be submitted at least 20 days and a Residential Replat must be submitted at least 25 days prior to the P&Z Commission meeting at which action is desired, unless Short Form or Administrative Procedure is applicable.

Items to be submitted with this application form:

- ✓ 2 FOLDED Copies of Dimensioned Plat
- ✓ 2 Signed Mylar (or more if applicant does not request a signed reproduction)
- ✓ 1 Extra Copy (11x17)
- ✓ Digital Files (JPEG & PDF) & CADD File
- ✓ Original Tax Certificates (Midland Central Appraisal District – MCAD)
- ✓ Title Opinion/Policy (dated less than 90 days)
- ✓ Application Fee – Payable to the 'City of Midland'
- ✓ Recording Fee – Payable to 'Midland County Clerk'

Mylar Reproductions

This application authorizes the City to file the approved plat and associated documents with the County Clerk for recording. This application also authorizes the City to reproduce 1 mylar copy of the approved plat at the expense of the engineering firm/applicant for the City's records if needed. (Applicant can submit additional signed mylar instead of reproduction.)

- ☐ Applicant would like a reproduction made for their records
☒ Applicant does not want a reproduction/will make their own

Recording Fee (Payable to 'Midland County Clerk')For plats 18" to 24" \$61.00For plats that exceed 24" \$81.00For related documents, \$26.00 for first page, \$4.00 for each additional page.**Signature (by property owner only – authorized agent must sign affidavit below)**

Property Owner (signature):

Date: 4/9/24

Property Owner (printed):

FB890F3F0A504C9...

Jessica Gardner McCoy

The Final Plat shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Subdivision Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

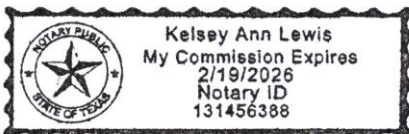
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

Subscribed and sworn to before me, this 9th day of April, 2024, to certify which witness my hand and seal of office.



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY☒ Property Owner Authorization☒ Mylar☒ Application FeeCheck # 4731☒ 1 Copy of Dimensioned Plat☒ 1 Copy of Plat (11x17)☒ Title Opinion☒ Tax Certificates☒ Plat in Digital Format (PDF/JPEG)☒ CADD File☒ Public Improvement☒ Recording FeeCheck # 1742R 10 2024

Received By:

Date:

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

PACKET

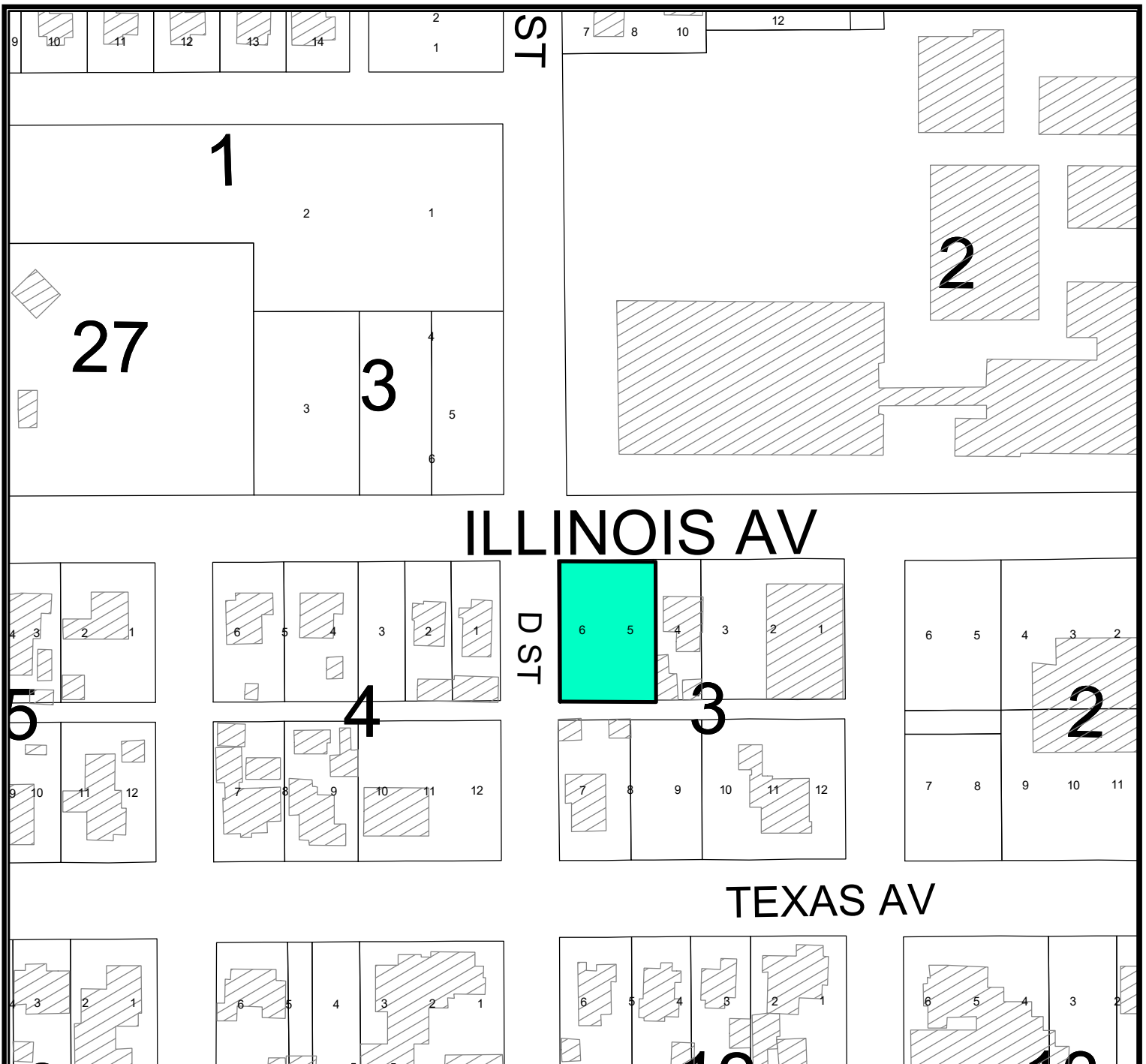
Page 5.72

May 6, 2024

Final Plat Application

2

Revised 7/01/19



Location Map

SUB-23-0705

Scale: 1" = 150'

Proposed Plat of West end Addition, Section 33, being a replat of Lots 5 & 6, Block 3, West End Addition, City and County of Midland, Texas.

Gnerally located southeast of the intersection of West Illinois Avenue and North D Street. (Council Distrit 3)

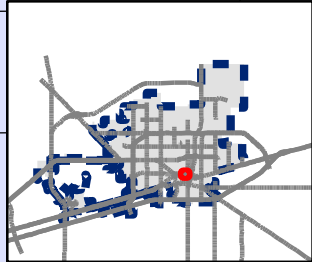
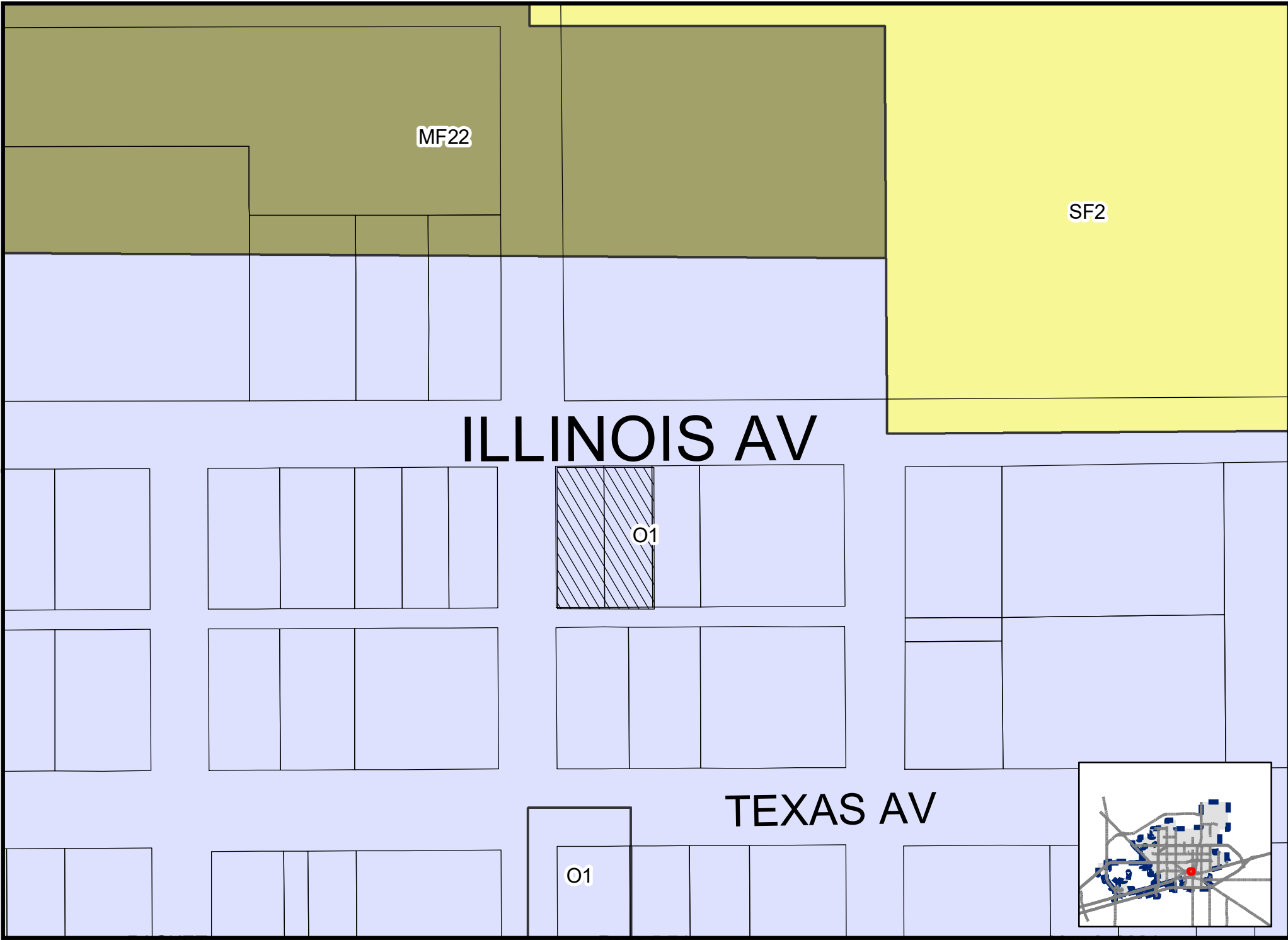
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT. NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.







Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 06, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Motion approving with the condition that a revised plat with the requested access easement is submitted, a final plat of Sunset Acres, Section 10 being a 7.01-acre tract of land and a 0.25-acre portion of Sinclair Avenue right-of-way and a 0.08-acre portion of alley right-of-way, all out of Tract 2, Sunset Acres, City and County of Midland, Texas. (Generally located northeast of the intersection of Upland Street and W. Golf Course Road.) (DEVELOPMENT SERVICES) (DISTRICT 3)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

SF-1, Single Family Dwelling District and PD, Planned Development District (Ord. 10243) for an Office Center.

Preliminary Plat Approval:

Schumann Surveying, Inc. is requesting to plat a 7.01-acre tract of land, a 0.25 acre-portion of previously vacated Sinclair Avenue, and a 0.08 acre-portion of previously vacated alley right-of way, into one (1) lot. The proposed subdivision will have a total acreage of 7.01.

The vacation of the 0.25 acre-portion of Sinclair Avenue was approved at the January 9, 2024, City Council Meeting.

The preliminary plat was approved at the December 18, 2023, Planning and Zoning Commission meeting.

Final Plat Requirements:

The official signed Mylar copy of the final plat, the original tax certificates from both Midland County and the Midland Central Appraisal District and a title opinion have been received. All other conditions for final plat approval have been satisfied.

The final plat attached hereto has been circulated to all City departments for review.

Below are the departments' comments.

Engineering: (Approved)

IMPACT FEES: Okay as shown. [For Applicant's Information Only.]

ROW: Refer to transportation's comments. [For Applicant's Information Only.]

PAVING: Sinclair roadway okay as is. Midkiff roadway okay as is. Golf Course roadway okay as is. Upland roadway okay as is. No public paving improvements required. [For Applicant's Information Only.]

WATER: 8" water exists in Midkiff, okay as is. 6" water exists in Golf Course, okay as is. 6" water exists in Upland, okay as is. No public water improvements required.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 14, 2020 - Fire hydrants shall be spaced no more than 500' apart, Pressure Indicator Rings are to be installed and will require the developers/contractors to pay for the flow test. [For Applicant's Information Only.]

PRO RATA: None [For Applicant's Information Only.]

SEWER: 12" wastewater exists in Golf Course, okay as is. 10" wastewater exists in Upland, okay as is. No public wastewater improvements required.

DRAINAGE: No Drainage Report required at this time. Existing site is developed; if proposing to re-develop site drainage can be reviewed with building permit. [For Applicant's Information Only.]

EASEMENTS: Show existing and proposed. [For Applicant's Information Only.]

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved with Conditions)

Provide access easement to 1905 N Midkiff Rd. No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.]

Fire: (Approved)

No comments or objections.

Oil and Gas: (Approved)

No Oil and Gas issues.

Building Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

GIS: (Approved with Conditions)

Please revise legal to say "Being a re-plat of a 7.01 Acre-portion of Tract 2, a 0.25 acre-portion of previously vacated Sinclair Av, and a 0.08 acre-portion of previously vacated alley right-of way..." Please check plat boundaries. (The 15' ROW dedication on the plat seems to be already dedicated.) (V348, pg 482) Please depict the vacation of Sinclair and the portion of alley on the plat visual and provide recording information (ordinance) by which it was vacated. Please label Sunset Acres, Sec 8, south of this plat. Is an access easement needed to allow the property to the north access to their land? Has it become landlocked?

Planning: (Approved)

Staff recommends approval of the Final Plat of Sunset Acres, Section 10, subject to Condition A.

Condition(s):

A. A revised plat with the requested access easement is submitted.

Attachments:

Application
Proposed Final Plat
Maps
Ordinance 10243



Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: SUNSET ACRES, SECTION 10**Legal Description (attached sealed Metes and Bounds):** BEING A RE-PLAT OF A 7.01 ACRE-PORTION OF TRACT 2, AND AN ORDINANCE VACATING AND ABANDONING A 0.25 ACRE-PORTION OF PREVIOUSLY VACATED SINCLAIR AVENUE, AND A 0.08 ACRE-PORTION OF ALLEY RIGHT-OF-WAY, SUNSET ACRES, CITY AND COUNTY OF MIDLAND, TEXAS.**Property Owner**

Printed Name: COMMUNITY AND SENIOR SERVICES OF MIDLAND

Phone (432-) 689-6693

Email
Kathleen Kirwan-HaynieAddress
P.O. Box 80519City
MIDLANDState
TXZip
80519**Developer (if different than Owner)**

Printed Name:

Phone ()
Email

Address

City

State

Zip

Representative (if acting as Agent, see affidavit on page 2)

Firm: Schumann Surveying

Phone (432) 2540327

Email

Printed Name: Ed Aleman

ealeman@schumannonline.net

Address
800 N. Marienfeld, Suite 100City
MidlandState
TXZip
79705**Current Zoning:** PD**Reason for Platting:** To combine lots**Plat Information**

Total Acreage: 7.01

Type: ☐ Single-Family Residential☐ Multi-Family Residential☐ Commercial☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 1

Number of Multi-Family Dwelling Units:

Submittal Information: Standard Plats must be submitted at least 20 days and a Residential Replat must be submitted at least 25 days prior to the P&Z Commission meeting at which action is desired, unless Short Form or Administrative Procedure is applicable.**Items to be submitted with this application form:**

- 2 FOLDED Copies of Dimensioned Plat
- 2 Signed Mylar (or more if applicant does not request a signed reproduction)
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF) & CADD File
- Original Tax Certificates (Midland Central Appraisal District – MCAD)
- Title Opinion/Policy (dated less than 90 days)
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- Recording Fee – Payable to 'Midland County Clerk'

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- ☐ Applicant would like a reproduction made for their records
☐ Applicant does not want a reproduction/will make their own

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

For related documents, \$26.00 for first page, \$4.00 for each additional page.

Signature (by property owner only – authorized agent must sign affidavit below)

Property Owner (signature):

Property Owner (printed):

Kathleen Haynie
Kathleen Haynie
The Final Plat shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Subdivision Code of Ordinances of the City of Midland and when such required items for the application are also received.

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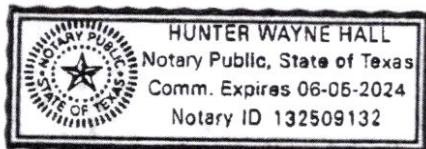
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Ed Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 29th day of April, 20 24 to certify which witness my hand and seal of office.



Halle
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

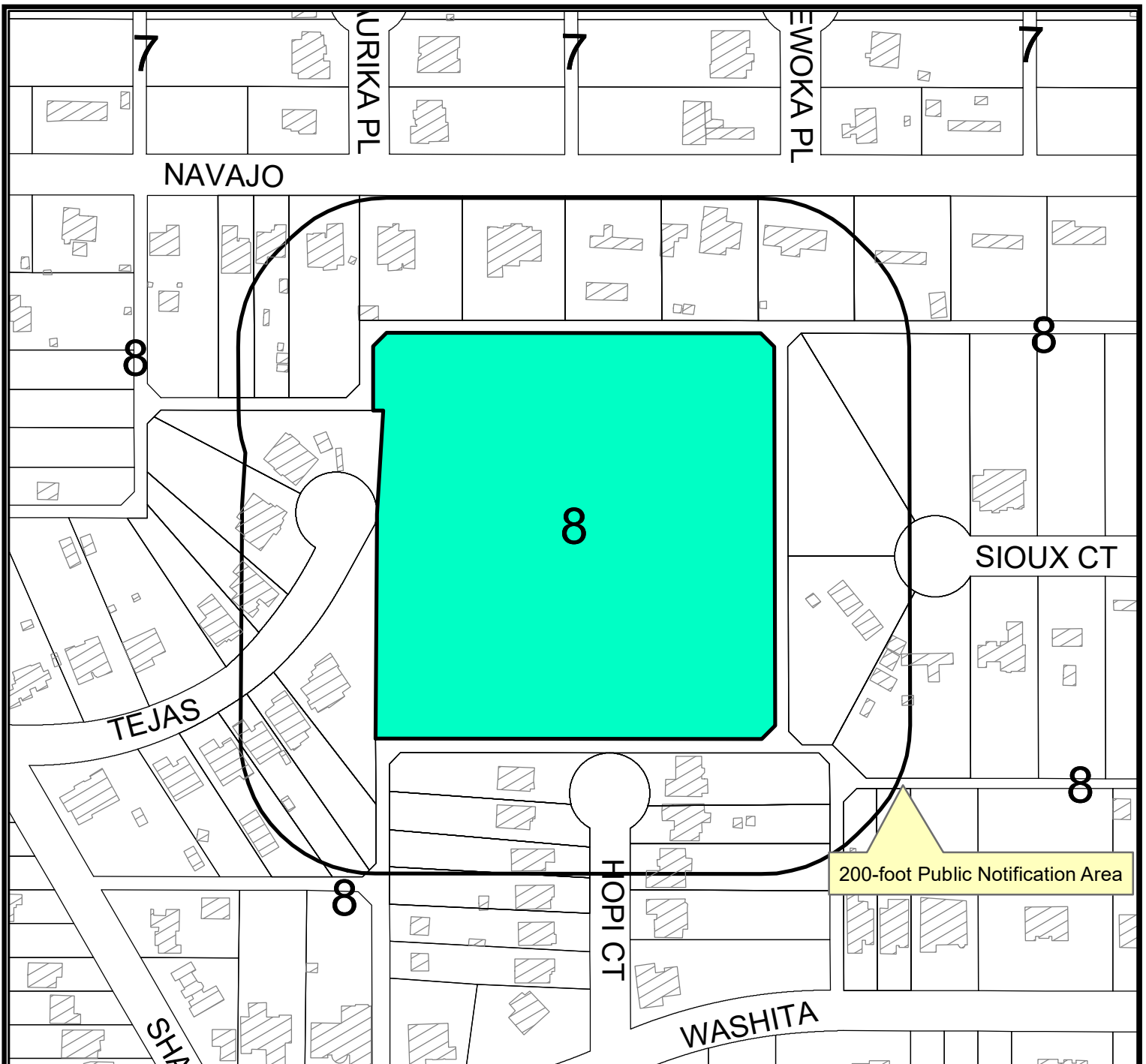
- | | | |
|---|---|--|
| ☐ Property Owner Authorization | ☐ 1 Copy of Dimensioned Plat | ☐ Plat in Digital Format (PDF/JPEG) |
| ☐ Mylar | ☐ 1 Copy of Plat (11x17) | ☐ CADD File |
| ☐ Application Fee | ☐ Title Opinion | ☐ Public Improvement |
| Check # | ☐ Tax Certificates | ☐ Recording Fee |
| Received By: <u>[Signature]</u> | Date: <u>1/1/19</u> | Check # <u>1158</u> |

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

Final Plat Application
PACKET

2
Page 6.80

Revised 7/01/19
May 6, 2024



LOCATION MAP

SUB-23-0652

Scale: 1" = 214'

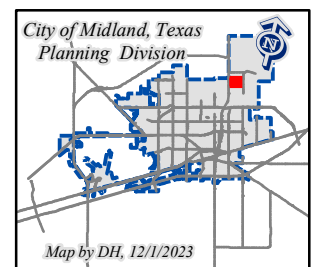
Proposed plat of 349 Ranch Estates,
Section 25 being a replat of Lot 55,
Block 8, 349 Ranch Estates, City and
County of Midland, Texas.

Generally located immediately east of
Tejas, approximately 190 feet south of
Navajo. (Council District 1)

PACKET

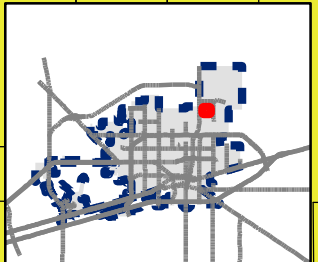
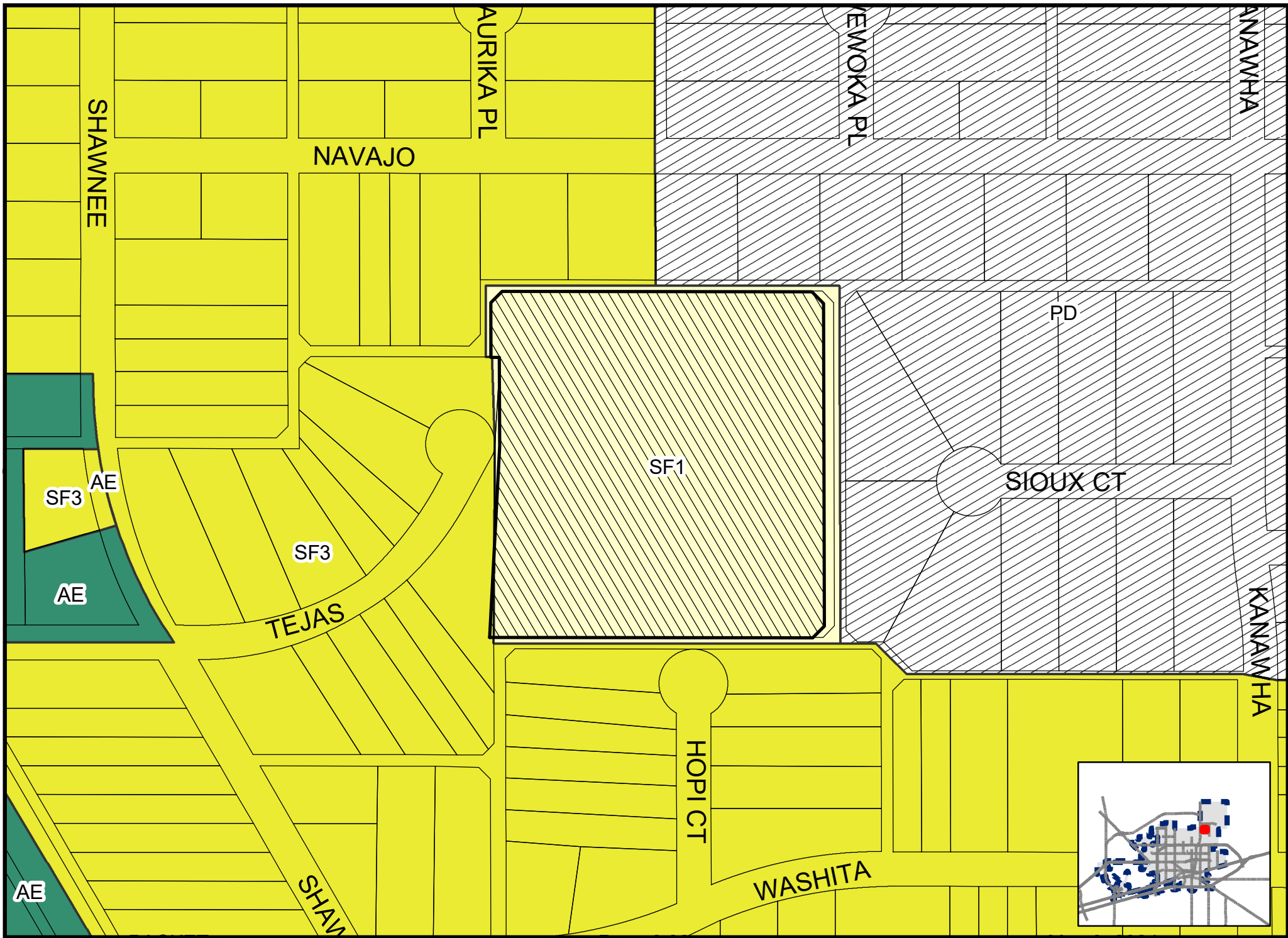
LEGEND

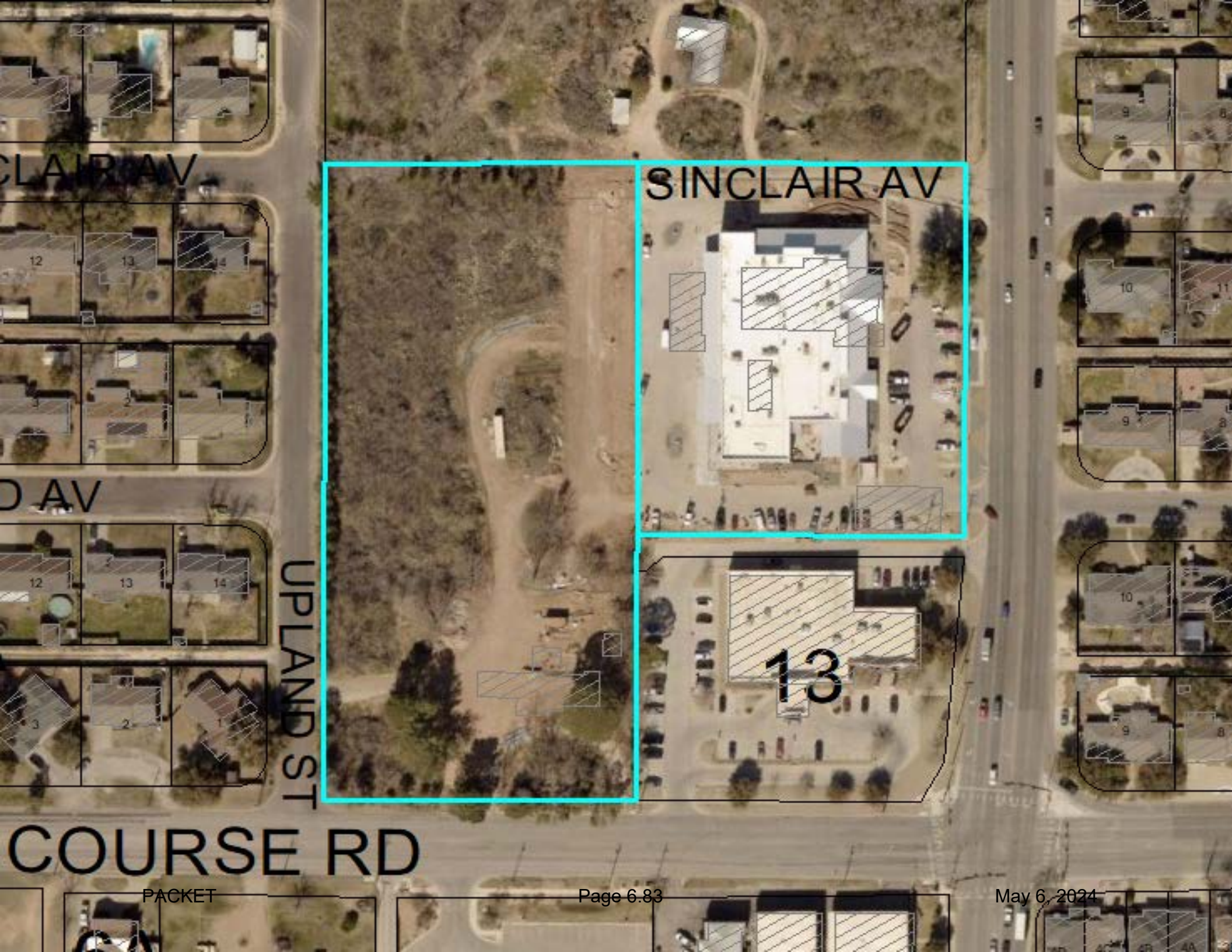
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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SURVEY PRODUCT, NOR IS IT DESIGNED TO
BE USED AS A PRIMARY TOOL IN PERMITTING
OR OTHER DECISIONS BASED SOLELY ON THE
INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR
ANY DECISIONS BASED UPON THE USE OF THIS DATA.





SINCLAIR AV

SINCLAIR AV

D AV

UPLAND ST

COURSE RD

13

ORDINANCE NO. 10243

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 2.273-ACRE TRACT OF LAND OUT OF SECTION 20, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND SINCLAIR AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning a 2.273-acre tract of land out of Section 20, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, said tract being more specifically described by metes and bounds in Exhibit “A”, which is attached hereto and incorporated herein (the “Property”) to PD, Planned Development District for an Office Center and adopting a site plan therefor, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from SF-1, Single-Family Dwelling District to PD, Planned Development District for an Office Center.

O-1, Office District.

SECTION THREE. That a site plan, which is attached hereto as Exhibit “B” and incorporated herein for all purposes, is hereby adopted, and the use and development of the Property shall be subject to the following conditions and restrictions:

- A. That the Property shall significantly conform to the site plan and elevations attached hereto as Exhibit “B”.
- B. That the landscaping shown in Exhibit “B” shall be considered illustrative. The landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.

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

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

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

SECTION SEVEN. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 28th day of September, A.D., 2021; and passed to second reading on motion of Council member Trost, seconded by Council member Norman, by the following vote:

Council members voting "AYE": Blong, Trost, Robnett, Dufford, Ladd, Norman

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Ladd, seconded by Council member Norman, on the 12th day of October, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE": Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman

Council members voting "NAY": None

PASSED AND APPROVED THIS 12th day of October, A.D., 2021.



Patrick N. Payton, Mayor

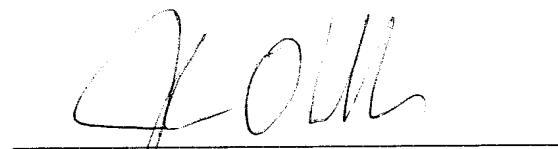
ATTEST:
PACKET

APPROVED AS TO CONTENT
AND COMPLETENESS:



Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:



John Ohnemiller, City Attorney

EXHIBIT "A"

SURVEY PLAT

(4.78 ACRES)
1443/06 M.C.D.R.

SEE DETAIL E

SEE DETAIL D

SEE DETAIL B

SEE DETAIL A

SINCLAIR AVENUE (VARIABLE R.O.W.)

2.273 ACRES
BEING ALL OF
913/525 M.C.D.R.

SEE DETAIL I

SEE DETAIL C

SEE DETAIL F

SEE DETAIL H

N 59°24'23" W
20.00'
(N 60°00'00" W)
(20.00')

S 75°35'37" W 282.06'
S 75°35'37" W 282.06'
345/141&143 M.C.D.R.

LOT 1
SUNSET ACRES
FILE NO: 2011-17424 M.C.O.P.R.

LEGAL DESCRIPTION: Being 2.273 acres of land out of Section 20, Block 39, T.1 S.7. & P.3E. Co. Survey, Abstract No. 1166 in Midland County, Texas and also being all of that certain 2.269 acre tract described in Volume 913, Page 525 of the Deed Records of Midland County, Texas, said 2.273 acre tract being more particularly described as follows and as surveyed under the supervision of Cruse Trust Land Services, Inc. on December, 2011 & January, 2015.

BEGINNING at a 1/2 inch iron rod set in the west Right of Way line of Midland Road, the north line of a 20 foot alley and the east line of said Tract 2 for the southeast corner of said 2.269 acre tract and the southeast corner hereof and from which an "X" cut in concrete found for the northeast corner of that certain tract described in File No. 2011-17424 of the Official Public Records of Midland County, Texas bears South 120°04' East a distance of 19.47 feet;

THENCE South 79°50'50" West a distance of 282.06 feet along the north line of said 20 foot alley and the south line of said 2.269 acre tract to a 1/2 inch iron rod set for the most southerly southeasterly corner hereof;

THENCE North 59°24'23" West a distance of 20.00 feet along the southeasterly line of said 2.269 acre tract to a 1/2 inch iron rod set in the east line of a 10 foot alley for the most westerly southeasterly corner hereof;

THENCE North 14°24'29" West a distance of 335.85 feet along the east line of said 10 foot alley and the west line of said 2.269 acre tract to an "X" marked in concrete in the south line of Sinclair Avenue for the northwestern corner of said 2.269 acre tract and the northwestern corner hereof;

THENCE along the south line of Sinclair Avenue and the north line of said 2.269 acre tract, the following 4 courses:

1. North 79°50'50" East a distance of 165.80 feet to a 1/2 inch iron rod set for a corner hereof;
2. West 88°52'33" East a distance of 88.68 feet, with a radius of 258.64 feet, with a chord bearing of North 85°22'39" East, with a chord length of 88.68 feet;
3. West 88°52'33" East a distance of 23.31 feet, with a radius of 339.46 feet, with a chord bearing of South 80°49'58" East, with a chord length of 23.31 feet to a 1/2 inch iron rod set for a corner hereof;
4. With a reverse curve bearing to the right with an arc length of 39.95 feet, with a radius of 30.00 feet, with a chord bearing of South 52°32'12" East, with a chord length of 37.96 feet to a 1/2 inch iron rod set in the west line of said Midland Road and the east line of said 2.269 acre tract;

THENCE South 14°24'29" East a distance of 286.54 feet along the west line of said Midland Road and the north line of said 2.269 acre tract to the POINT OF BEGINNING containing 2.273 acres more or less, and as shown herein.

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	88.68	258.64	18°04'	N 85°22'39" E	88.68
C2	23.31	339.46	4°10'40"	S 80°49'58" E	23.30
C3	39.95	30.00	16°17'54"	S 52°32'12" E	37.96

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	88.68	258.64	18°04'	N 85°22'39" E	88.68
C2	23.31	339.46	4°10'40"	S 80°49'58" E	23.30
C3	39.95	30.00	16°17'54"	S 52°32'12" E	37.96

TREE NUMBER	SPECIES	DIAMETER
1	OAK	24"
2	OAK	24"
3	MESQUITE	6"
4	OAK	10"
5	OAK	42"
6	OAK	16"
7	OAK	TWIN 12"
8	OAK	17"
9	PECAN	21"
10	PECAN	24"
11	PECAN	20"
12	PECAN	18"

PACKET

EXHIBIT "B"

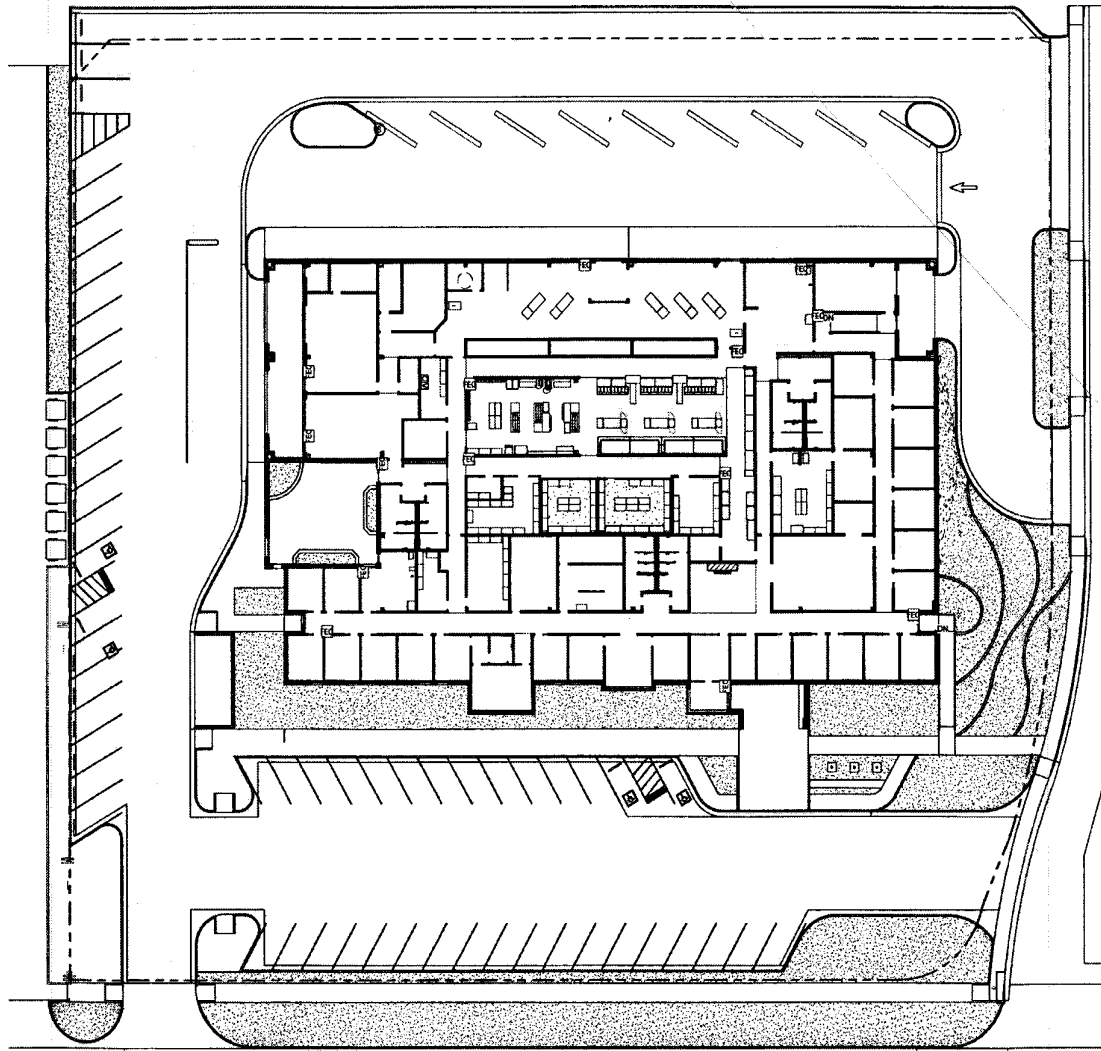
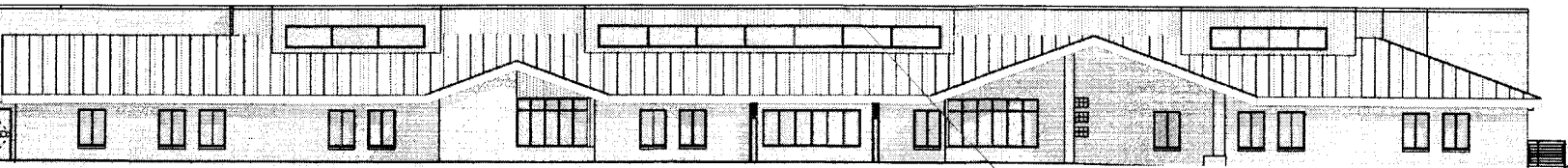
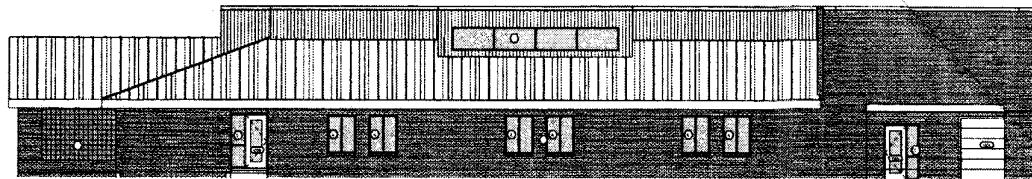


EXHIBIT "B" (cont'd)



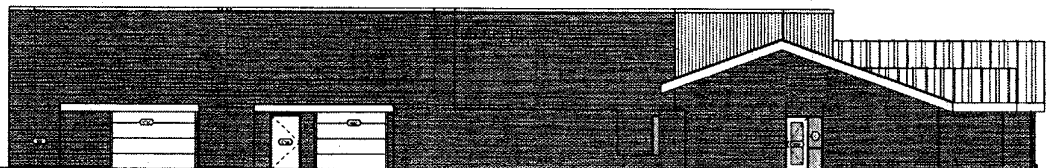
NORTH ELEVATION EXHIBIT



2 EAST ELEVATION EXHIBIT
X:1.00 1/8" = 1'-0"



SOUTH ELEVATION EXHIBIT



4 WEST ELEVATION EXHIBIT
X:1.00 1/8" = 1'-0"

NEW FACILITY

PACKET

Page 6.90



VANDERGRIFF GROUP
ARCHITECTS
312 N. BIG SPRING BLVD. SUITE 100 (409) 207-0791 MIDLAND, TEXAS
© Copyright 2017 Vandergriff Group Architects, P.C.

May 6, 2024



City Council Meeting

Item Number: 22
Meeting Date: September 28, 2021
To: City Council / City Manager
From: Kelly Martinez, Planner
Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 2.273-ACRE TRACT OF LAND OUT OF SECTION 20, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND SINCLAIR AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 3) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Stephen T. Marcum is requesting to rezone the property located at 3301 Sinclair Avenue, to redevelop the existing Senior Life Midland building.

Recommended City Council Action:

Approve

Surrounding Zoning and Land Uses:

The properties to the north, east, and west are zoned SF-1, Single-Family District, and are the locations of residential homes. The property to the south is zoned PD, Planned District for an Office Center, and the location of Permian Nephrology Associates.

Current Zoning:

SF-1, Single-Family Dwelling District (Ordinance No. 6723).

Analysis:

The applicant Stephen T. Marcum, is requesting to rezone the property from SF-1, Single-Family Dwelling District to PD, Planned Development District for an Office Center to allow for the redevelopment of Senior Life Midland on the property located at 3301 Sinclair Avenue. Senior Life Midland is a private, non-profit agency that offers programs designed to meet the needs of older Midland Residents.

The property has a specific use permit (Ordinance No. 6723), which allows the property to be used as a senior citizen center. Since the current zoning ordinance does not allow this use, through a specific use designation, a planned development district provides some flexibility to allow for these uses.

The proposed site plan (Exhibit B) shows 28,837 square feet of building, including twenty-three (23) office spaces, three (3) conference rooms, a handy man shop, a kitchen, several storage rooms, a receiving area, and a volunteer pick-up area. Sixty-three (63) parking spaces are proposed out of the seventy-two (72) that are required per our code (1 per 400 square feet). Therefore, this site does not have adequate parking. However, the applicant has noted that the 63 parking spaces are more than adequate for their staff and the population that they serve.

Furthermore, a business office is not allowed in the SF-1, Single-Family Dwelling District. Therefore, this zone change request will bring this lot into conformance with the current zoning ordinance and allow for the redevelopment of the site. Additionally, this property is in the process of platting.

This proposed zone change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objections

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Engineering: (Approved)

No objection to zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Code: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat. Please note if oil & gas wells are not identified or left off of plat, this could prevent receiving city permits for structures. Any plugged and abandoned well would need to be identified.

Transportation: (Approved)

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review.

No objections to plat.

Planning:

This proposed development fits with chapter 3, An Integrated Land Use Vision, "Future Land Use Map" of the Tall City Tomorrow comprehensive plan as this area is called for Urban-Medium Neighborhood Center. This designation calls for a mix of traditional neighborhood business including small-scale commercial, office, civic, and residential. The commercial uses should be low impact and provide a variety of neighborhood services. Therefore, the redevelopment of Senior Life Midland is compliant with the recommendations of the Tall City Tomorrow.

This request was approved at the September 7, 2021 Planning and Zoning Commission meeting.

Staff recommends approval of this zone change from SF-1, Single-Family Dwelling District to PD, Planned Development District for an Office Center, subject to condition A through C.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the O-1, Office District.**
- B. That this property shall conform to the site plan and elevations, which are attached hereto and incorporated herein as Exhibits "B".**
- C. That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.**

Letters of Objection:

Staff has not received any letters of objection as of September 22, 2021.

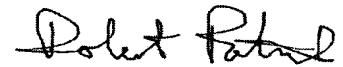
Attachments:

PACKET

22.3

October 12, 2021

Application
Property Survey (Exhibit A)
Site Plan and Elevations (Exhibit B)
Maps
Ordinance No. 6723



City Manager's Office

PACKET

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EXHIBIT "A"

(4.78 ACRES)
1443/06 M.C.D.R.

SURVEY PLAT

SEE DETAIL E

SEE DETAIL D

SEE DETAIL A

SEE DETAIL B

SINCLAIR AVENUE (VARIABLE R.O.W.)

N 75°35'37" E 165.00'
N 75°35'37" E 165.00'

2.273 ACRES
BEING ALL OF
913/525 M.C.D.R.

SEE DETAIL I

SEE DETAIL C

SEE DETAIL F

SEE DETAIL H

N 59°24'23" W
20.00'
(N 60°00'00" W)
(20.00')

S 35°00'00" W 282.06'
S 75°35'37" W 282.06'

LOT 1
SUNSET ACRES
FILE NO: 2011-17424 M.C.O.P.R.

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	88.58'	258.68'	18°34'04"	N 85°23'38" E	88.25'
C2	23.31'	119.56'	6°10'40"	N 89°43'30" E	23.25'
C3	38.80'	30.00'	78°17'58"	S 52°33'21" E	39.26'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	88.58'	258.68'	18°34'04"	N 85°23'38" E	88.25'
C2	23.31'	119.56'	6°10'40"	N 89°43'30" E	23.25'
C3	38.80'	30.00'	78°17'58"	S 52°33'21" E	39.26'

TREE NUMBER	SPECIES	DIAMETER
1	OAK	24"
2	OAK	24"
3	MESQUITE	6"
4	OAK	10"
5	OAK	42"
6	OAK	16"
7	OAK	TWIN 12"
8	OAK	TWIN 12"
9	PECAN	21"
10	PECAN	14"
11	PECAN	20"
12	PECAN	18"

LEGAL DESCRIPTION: Being 2.273 acres or lot out of Section 36, Block 35, T.14N. & P.10E, Co. Surber, Abstract No. 1100 in Midland County, Texas and also being all of that certain 2.269 acre tract described as Volume 913, Page 545 of the Deed Records of Midland County, Texas, said 2.273 acre tract being more particularly described as follows and as surveyed under the supervision of Grant & Land Services, Inc. on November 2014 & January 2015.

BEGINNING at a 1/2 inch iron rod set in the west Right of Way line of Midland Road, the north line of a 26 foot alley and the east line of said Tract 1 for the southeast corner of said 2.269 acre tract and the southeast corner hereof and from thence as "S" set as concrete found for the northeast corner of that certain tract described as File No. 4011-17424 of the Official Public Records of Midland County, Texas, bearing North 14°00'00" East a distance of 19.87 feet.

THENCE North 75°35'37" West a distance of 282.06 feet along the north line of said 26 foot alley and the south line of said 2.269 acre tract to a 1/2 inch iron rod set in the most westerly southeasterly corner hereof.

THENCE North 59°24'23" West a distance of 20.00 feet along the southeasterly line of said 2.269 acre tract to a 1/2 inch iron rod set in the east line of a 10 foot alley for the north line of Sinclair Avenue for the southeast corner of said 2.269 acre tract and the southeast corner hereof.

THENCE North 14°21'21" West a distance of 25.85 feet along the east line of said 10 foot alley and the west line of said 2.269 acre tract to an "S" marked in concrete in the north line of Sinclair Avenue for the northeast corner of said 2.269 acre tract and the northeast corner hereof.

THENCE North 14°21'21" East a distance of 25.85 feet along the west line of said 10 foot alley and the east line of said 2.269 acre tract to the POINT OF BEGINNING containing 2.273 acres more or less, and as shown hereon.

1. North 75°35'37" East a distance of 195.88 feet to a 1/2 inch iron rod set for a corner hereof.
2. At a curve bearing to the right with an arc length of 88.58 feet, with a radius of 258.68 feet, with a chord bearing of North 85°23'38" East, with a chord length of 88.25 feet to a 1/2 inch iron rod set for a corner hereof.
3. At a curve bearing to the left with an arc length of 23.31 feet, with a radius of 119.56 feet, with a chord bearing of North 89°43'30" East, with a chord length of 23.25 feet to a 1/2 inch iron rod set for a corner hereof.
4. At a curve bearing to the right with an arc length of 38.80 feet, with a radius of 30.00 feet, with a chord bearing of South 52°33'21" East, with a chord length of 39.26 feet to a 1/2 inch iron rod set at the west line of said Midland Road and the east line of said 2.269 acre tract.

THENCE North 14°21'21" East a distance of 25.85 feet along the west line of said 10 foot alley and the east line of said 2.269 acre tract to the POINT OF BEGINNING containing 2.273 acres more or less, and as shown hereon.

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EXHIBIT "B"

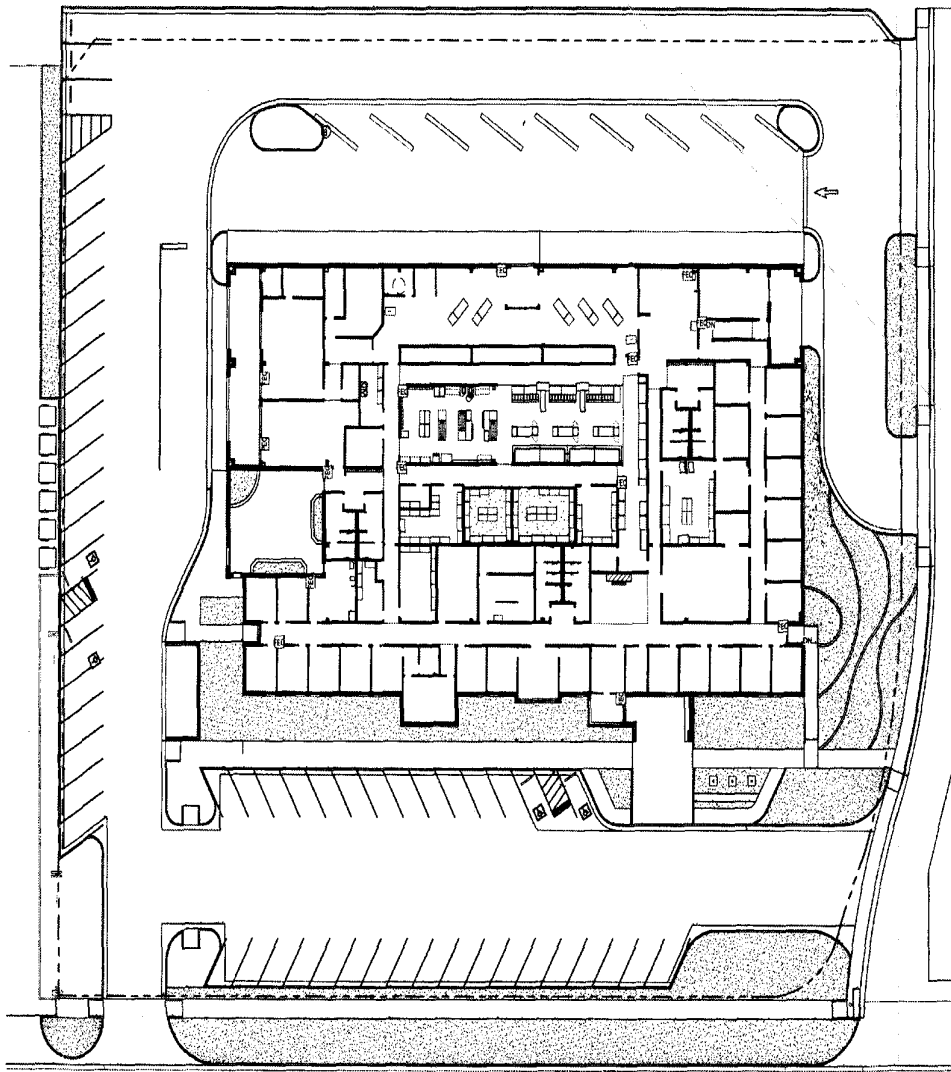
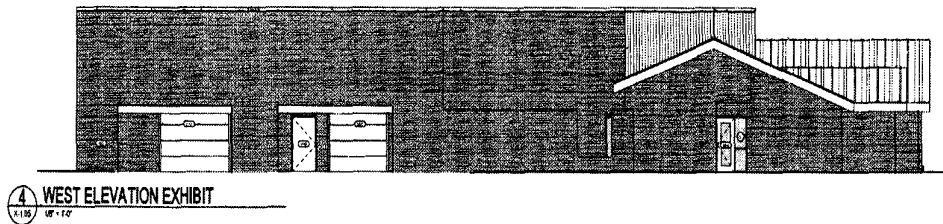
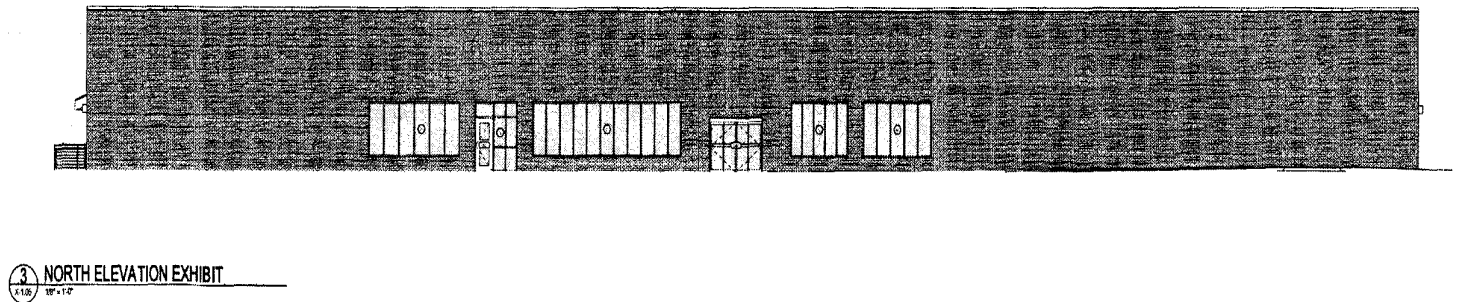
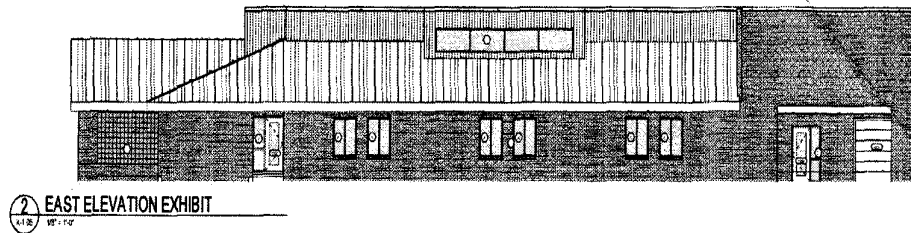
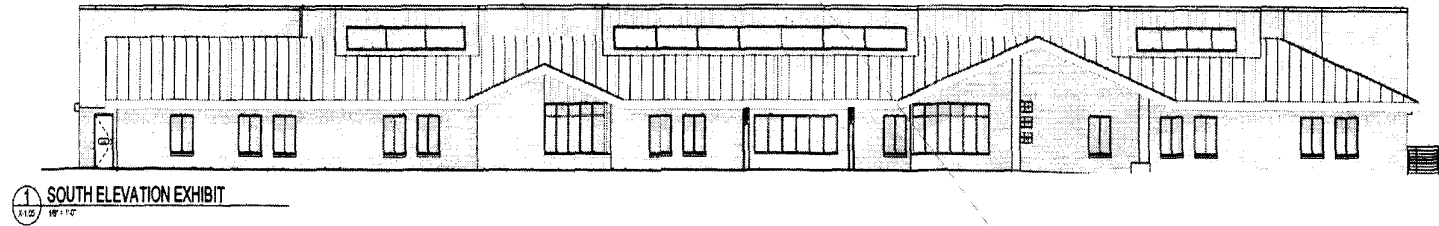


EXHIBIT "B" (cont'd)





**Zone Change/Planned District
Amendment/Site Plan Approval**

Project Number: 2-21-0256

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2)

Printed Name: Stephen T. Marcum, P.E.

Phone (432) 685-1226

Email
smarcum@skylinecivilgroup.com

Address

3323 N. Midland Drive, STE 113-166

City

Midland

State

TX

Zip

79707

Property Owner

Printed Name: Community & Senior Services of Midland

Phone (432) 689-6693

Email

Address

3301 Sinclair Ave.

City

Midland

State

TX

Zip

79707

Representative (if different from Applicant or Property Owner)

Firm: Skyline Civil Group, LLC

Printed Name: Stephen T. Marcum, P.E.

Phone ()

Email

Address

Same as Above

City

State

Zip

Street Address: 3301 Sinclair Ave.

Legal Description

Lot: Block: Subdivision: RE: Survey Attached Herein

Current Zoning:

SF1

Proposed Zone: O-1

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

Reason for Zone Change Request: Commercial Business / Office Proposed

Community driven business / very important/appreciated by senior's within The Midland Community.

Present Use of Property: Senior Life Facility / Meals on Wheels / Meal Preparation and Delivery

Proposed Use of Property: Same Use

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

Community driven business / very important/appreciated by senior's within The Midland Community.

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

Community driven business / very important/appreciated by senior's within The Midland Community.

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

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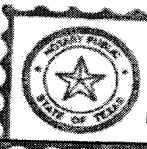
Signature (by property owner only - authorized agent must sign affidavit below)	
Applicant (signature): <u>[Signature]</u>	Date: 08.01.21
Applicant (printed): Stephen T. Marcum	
Property Owner (signature): <u>[Signature]</u>	Date: 08.01.21
Property Owner (printed): <u>Kathleen K. Haynie (Senior Life Midland)</u>	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received. All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Stephen T. Marcum who, being by me duly sworn, upon oath says: That (s)he is the owner of Kathleen K. Haynie or authorized by Senior Life Midland, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 11th day of August, 2021, to certify which witness my hand and seal of office.



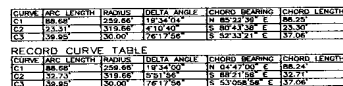
Rebekah Taylor
Notary Public, State of Texas
Notary ID 449819-2
My Commission Exp. 06-23-2024

[Signature]
(Rebekah Taylor)
Lubbock County
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☐ Property Owner Authorization	☐ Dimensioned Site Plan
☐ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # _____	
Received By: _____	Date: _____

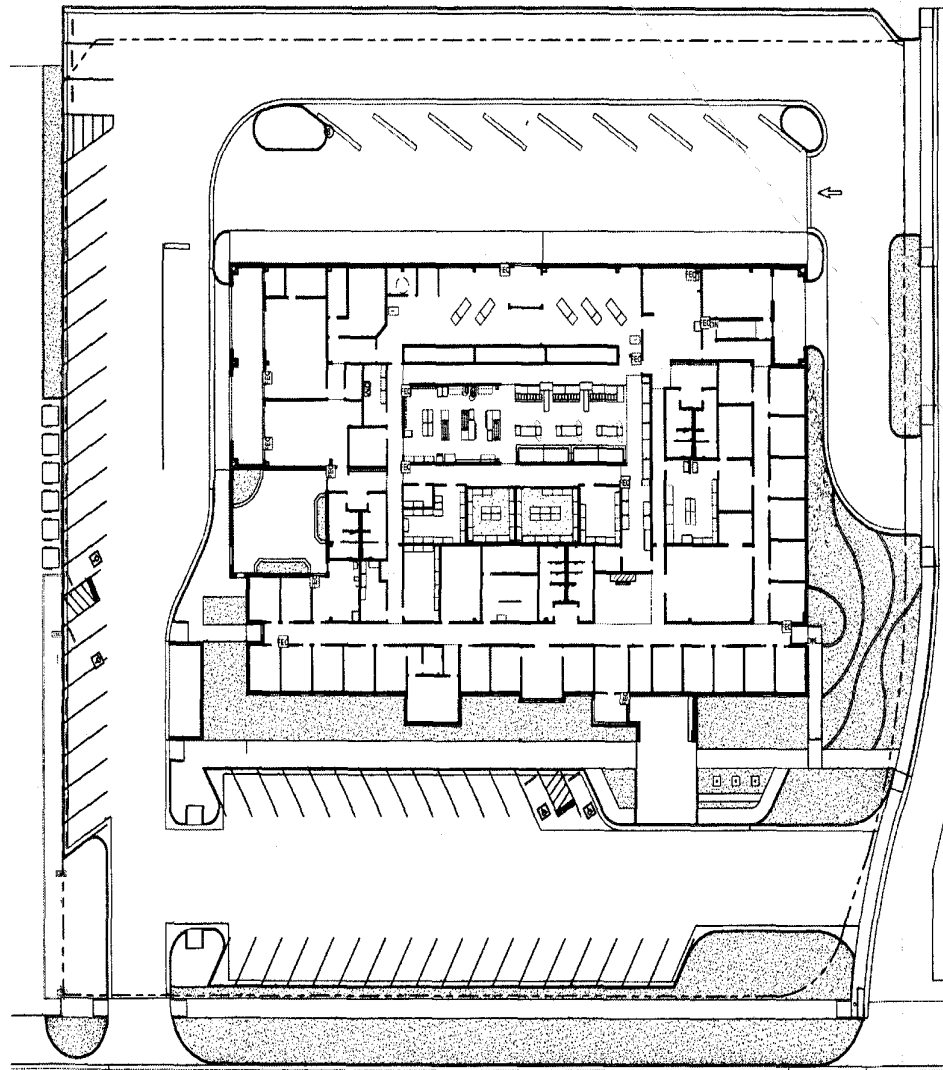
Application will not be considered for scheduling until reviewed by a planner.

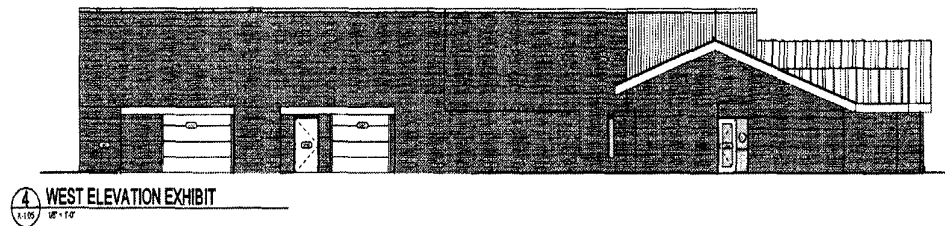
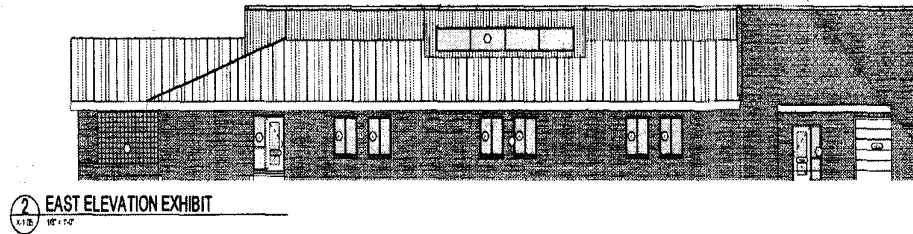
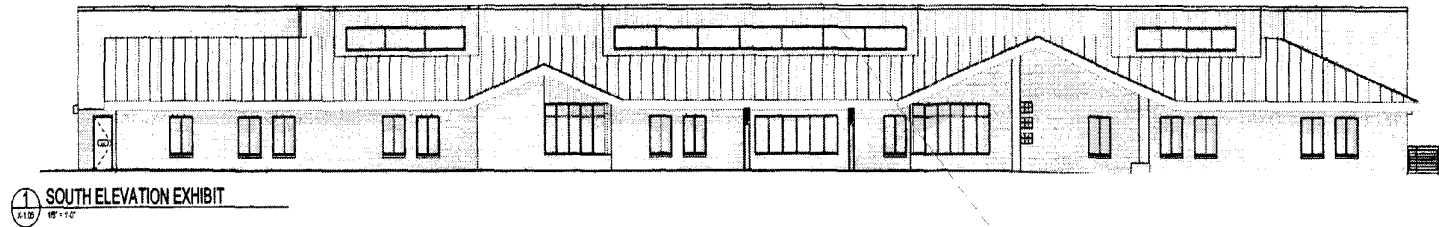
PACKET 22.13 October 12, 2021
 Special Exception Application 2 Revised 12/6/16

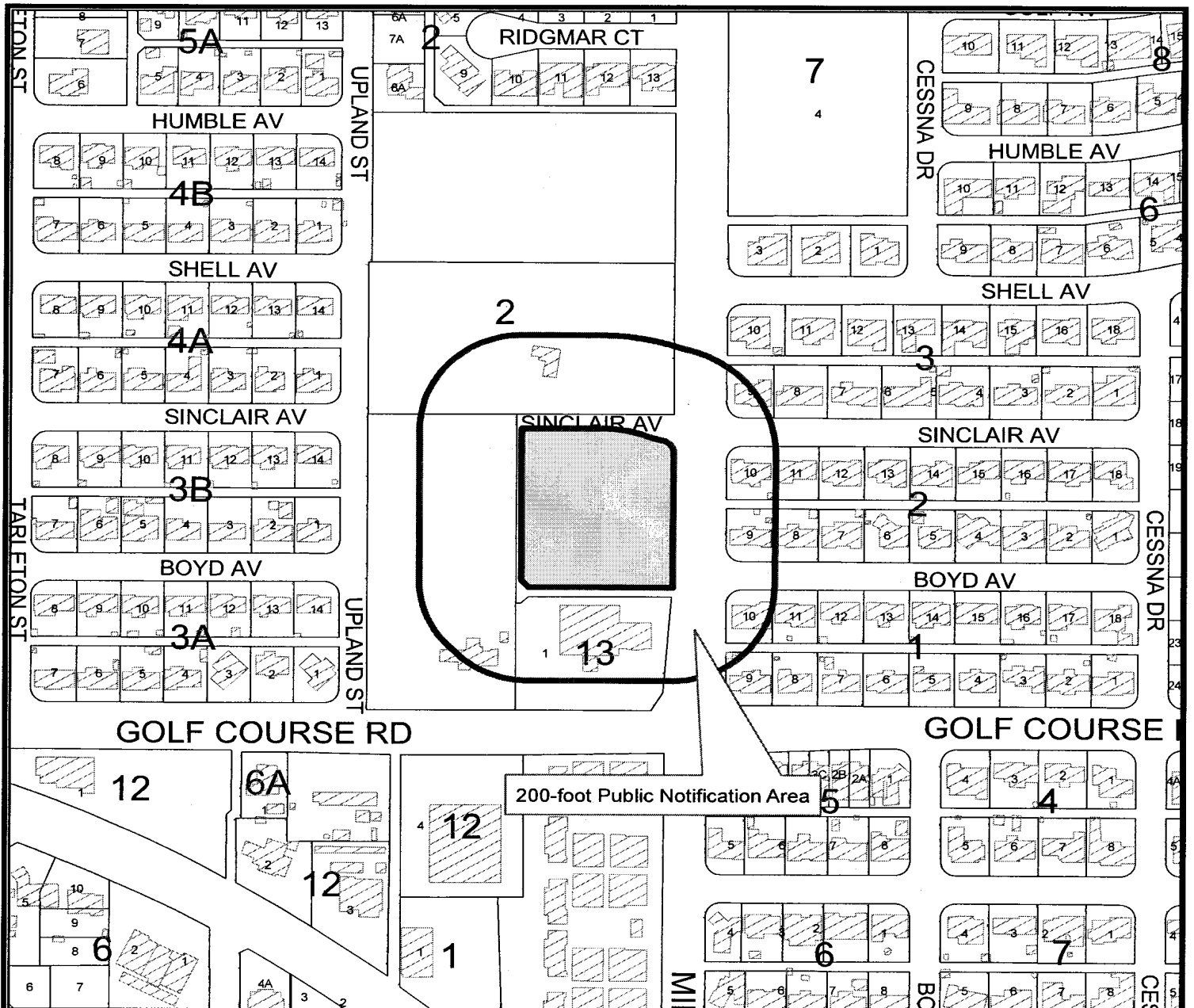


TREE NUMBER	SPECIES	DIAMETER
1	OAK	24"
2	OAK	24"
3	MESQUITE	6"
4	OAK	10"
5	OAK	42"
6	OAK	16"
7	OAK	TWIN 12"
8	OAK	TWIN 17"
9	PECAN	21"
10	PECAN	14"
11	PECAN	20"
12	PFCAN	18"

THENCE South 14°24'25" East a distance of 296.50 feet along the west line of said Midkiff Road and the east line of said 2.765 acre tract to the POINT OF BEGINNING containing 2.275 acres more or less, and as shown herein.







LOCATION MAP

Z-21-0256

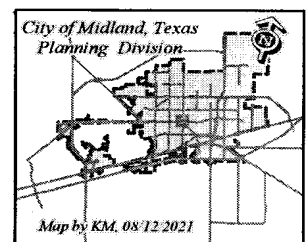
Scale: 1" = 200'

Consider a request by Stephen T. Marcum for a zone change from SF-1, Single-Family Dwelling District to PD, Planned Development District for an Office Center on a 2.273-acre tract of land located in Section 20, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of Sinclair Avenue and Golf Course Road (Council District 3)

LEGEND

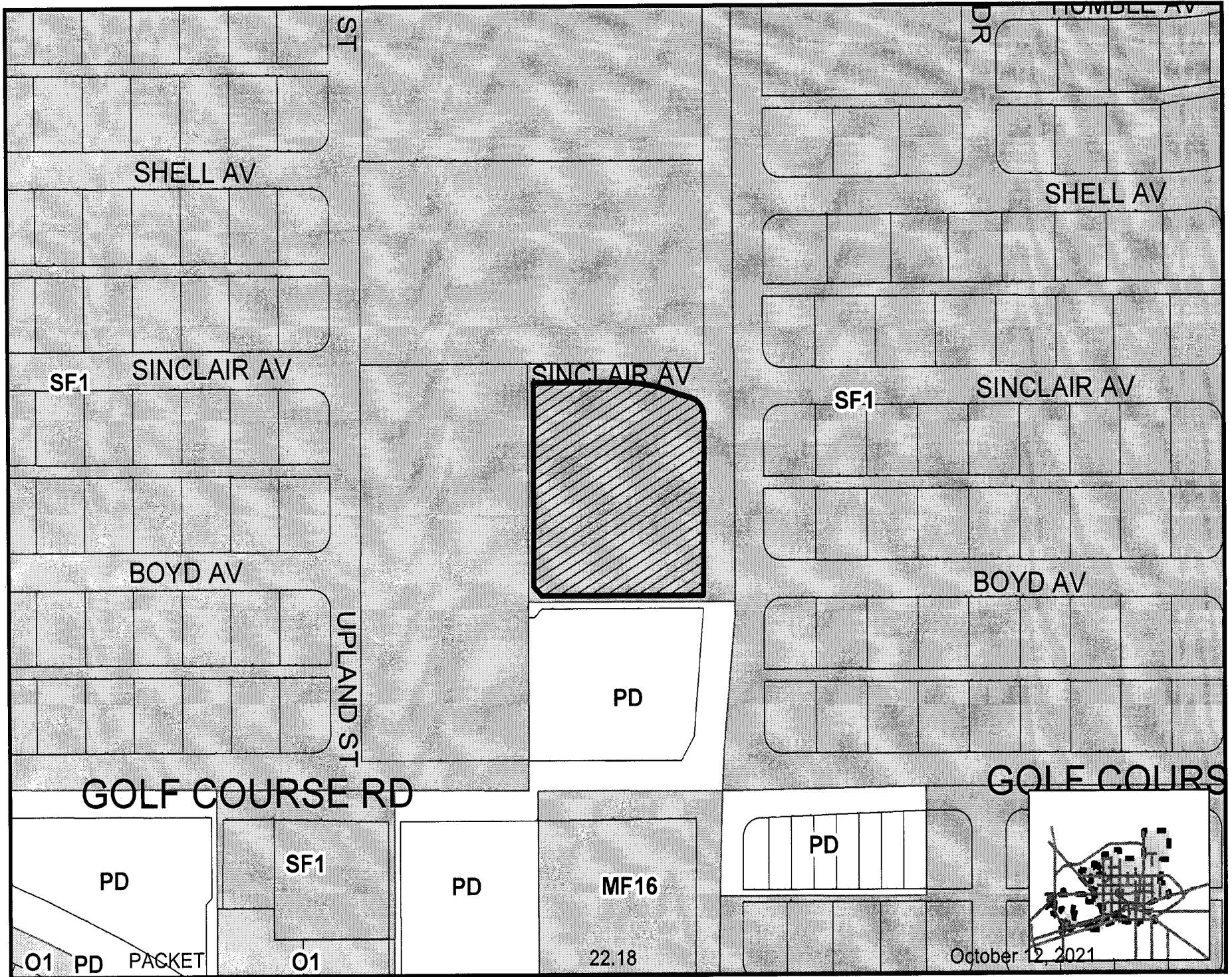
- CITY LIMITS
- ▭ PARCEL
- ▨ PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

October 12, 2021

THIS DATA IS NOT A SUBSTITUTION FOR A PROFESSIONAL ENGINEER OR ARCHITECT'S DESIGN OR FOR THE CITY'S LIABILITY TO THE USER. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



ORDINANCE NO. 6723

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF CERTAIN PROPERTY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED "1F-1", ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT FOR A SENIOR CITIZENS CENTER; MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF ONE THOUSAND DOLLARS (\$1,000.00); AND ORDERING PUBLICATION

WHEREAS, the Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter and the State law with reference to the granting of specific use permits under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by the granting of a Specific Use Permit, set out hereinafter, subject to the special conditions and restrictions set out hereinafter, on the property described in Section One hereof;

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned "1F-1", One-Family Dwelling District, to wit:

The N/380' of the E/2 of the S/2 of Tract 2, Sunset Acres Addition to the City of Midland, Midland County, Texas: is hereby changed to permit said premises to be used under a Specific Use Permit for a Senior Citizens Center, together with the uses permitted in a "1F-1", One-Family Dwelling District, subject to the following conditions:

A. That the use and development of this tract for a Senior Citizens Center shall conform to the site plan attached hereto as Exhibit "A" and made a part hereof for all legal purposes.

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B. That permitted activities shall be limited to those defined under Section 11-1-10-(A)-33-b of the City Code of Midland, Texas, pertaining to a Senior Citizens Center.

C. That the hours of operation shall not exceed 7:00 a.m. to 10:00 p.m. daily.

D. That the number of paid and volunteer staff members shall not exceed 20 at any time.

E. That the gross area of office space shall not exceed 6,971 square feet, including both the main and detached structures.

F. That the kitchen area, as located on Exhibit "A" shall not exceed 765 square feet in area, and may be used for the preparation of meals for both on-site and off-site serving. The maximum number of vehicle arrivals to distribute offsite meals shall not exceed 15 per day, and the number of on-site meals served shall not exceed 48 per day.

G. That any combination of group meetings, seminars, counseling services, director meetings or similar group activities shall be limited to a total of 30 participants at any time.

H. A van shall be available for the purpose of transporting participants to and from the center and shall be used to the greatest extent practical for reducing the number of personal vehicle trips to the center.

I. Adult day care shall be limited to 20 participants, in addition to persons attending counseling sessions or other group activities.

J. That the respective staff and participant limits stated above shall not apply to special receptions, meetings, and other similar group activities held not more than four (4) days per year.

SECTION TWO. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding one thousand dollars (\$1,000.00).

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 16th day of December, A.D., 1986; and passed to second reading on motion of Council member Corrales, seconded by Council member Godfrey, by the following vote:

Council members voting "AYE": Corrales, Godfrey, Heck, Marcum, Fish and Rendall

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Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Corrales, seconded by Council member Godfrey, on the 22nd day of December, A.D., 1986, at a special meeting of the City Council:

Council members voting "AYE": Corrales, Godfrey, Heck, Rendall, Marcum and Fish

Council members voting "NAY": None

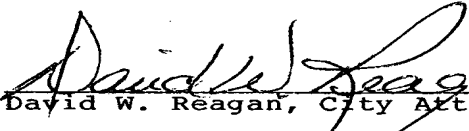
PASSED AND APPROVED THIS 22nd day of December, A.D., 1986.


Carroll M. Thomas, Mayor

ATTEST:


B. C. Stanton, City Secretary

APPROVED AS TO FORM:


David W. Reagan, City Attorney

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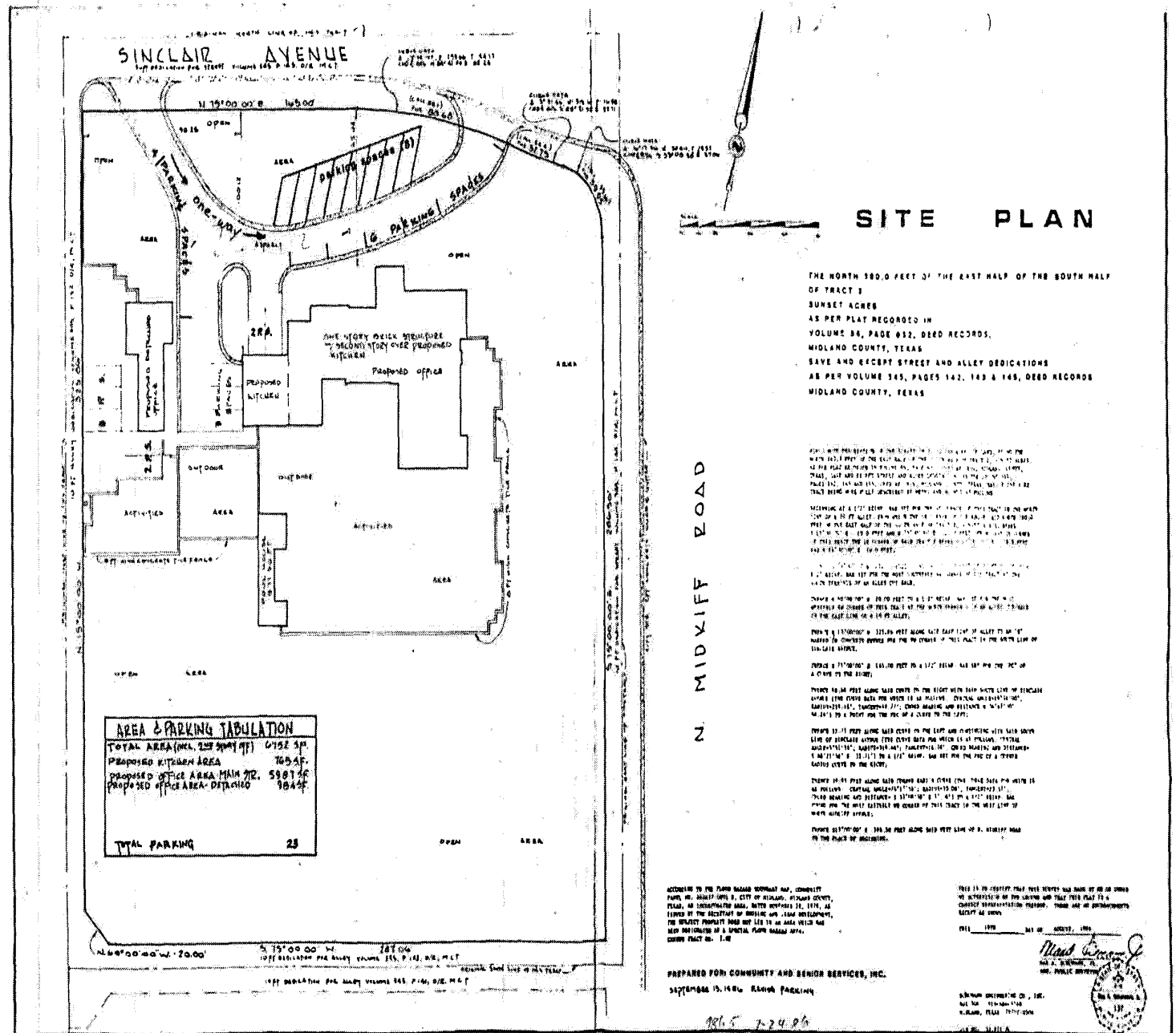
October 12, 2021

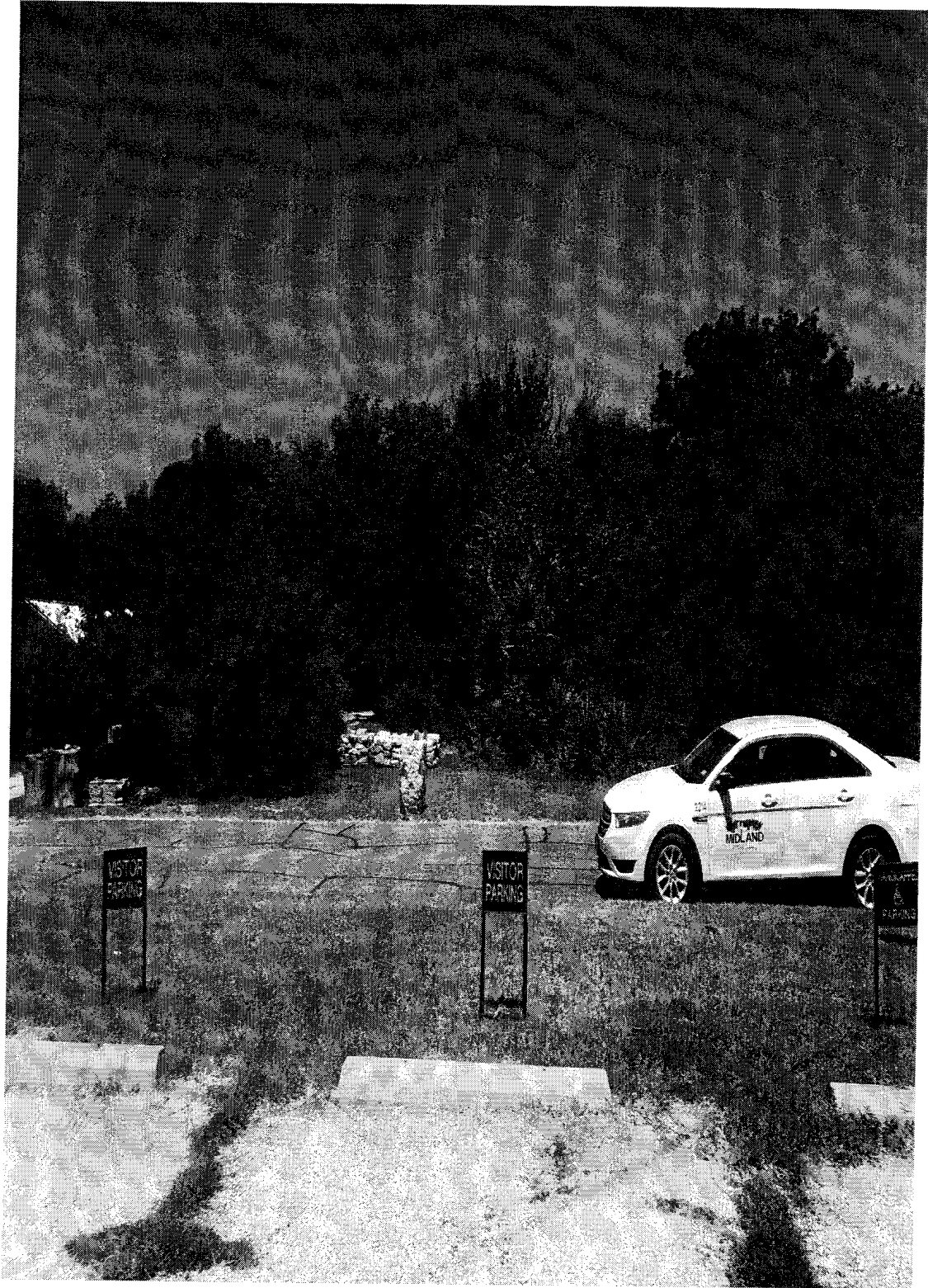
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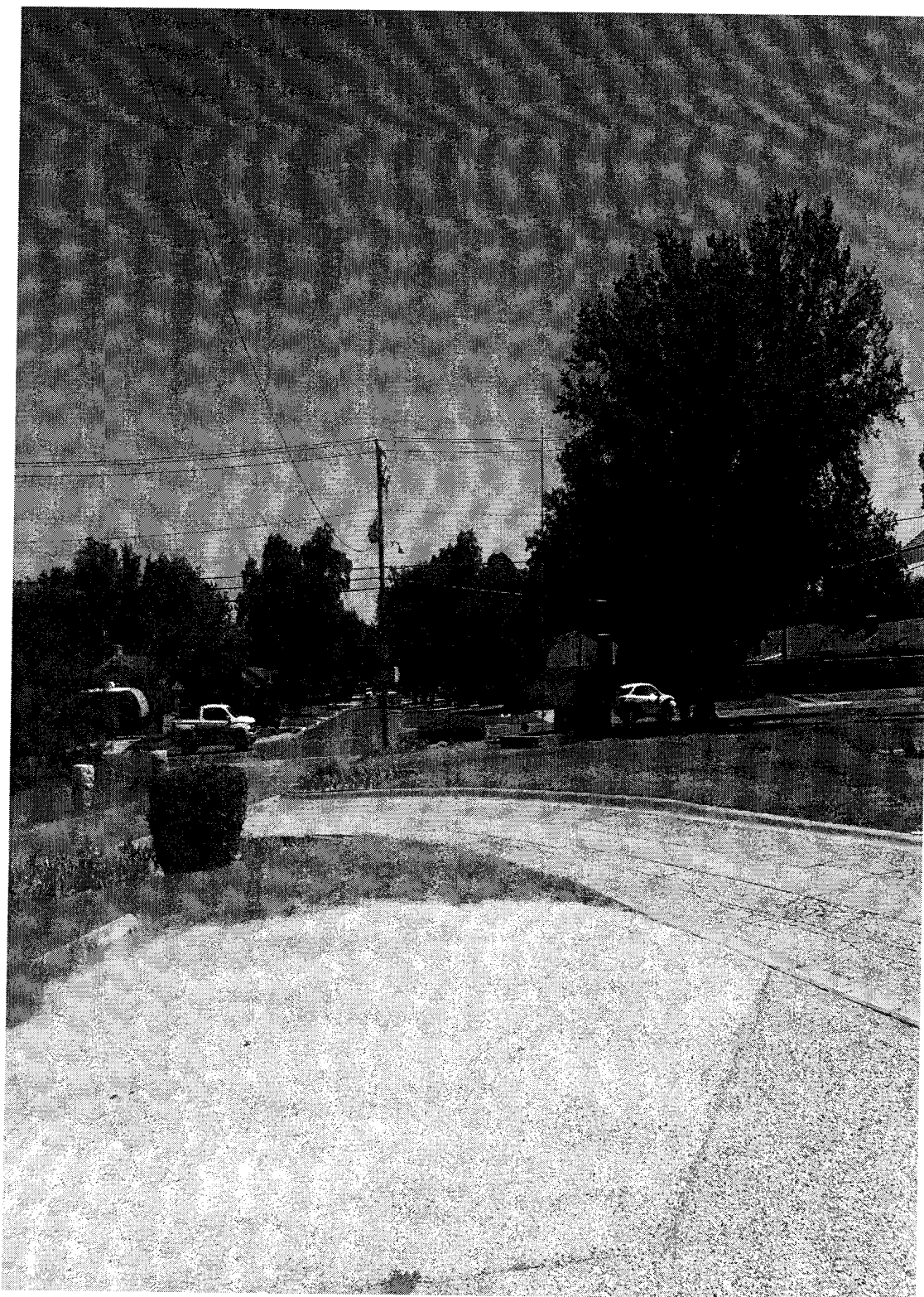
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May 6, 2024



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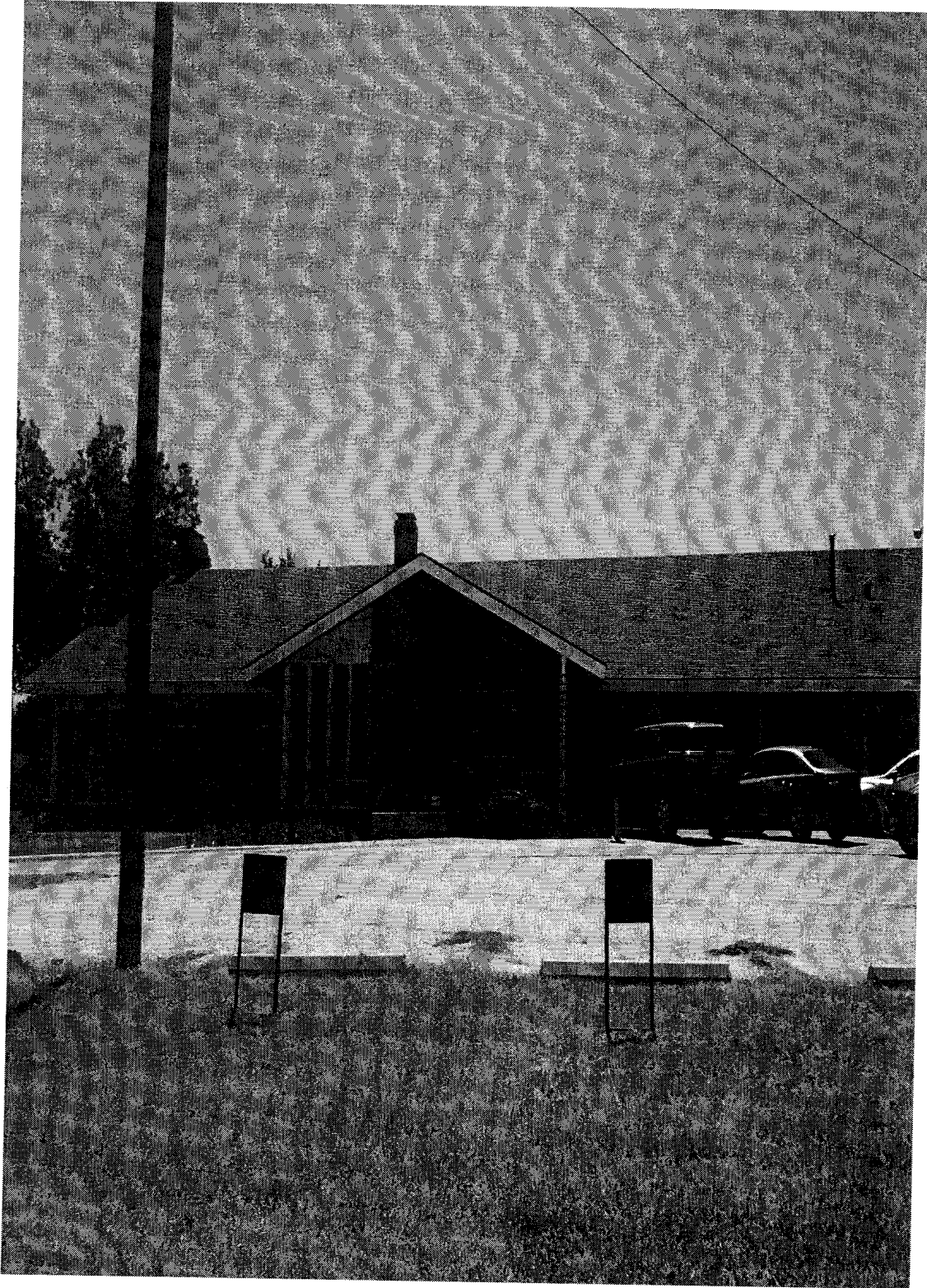
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October 12, 2021

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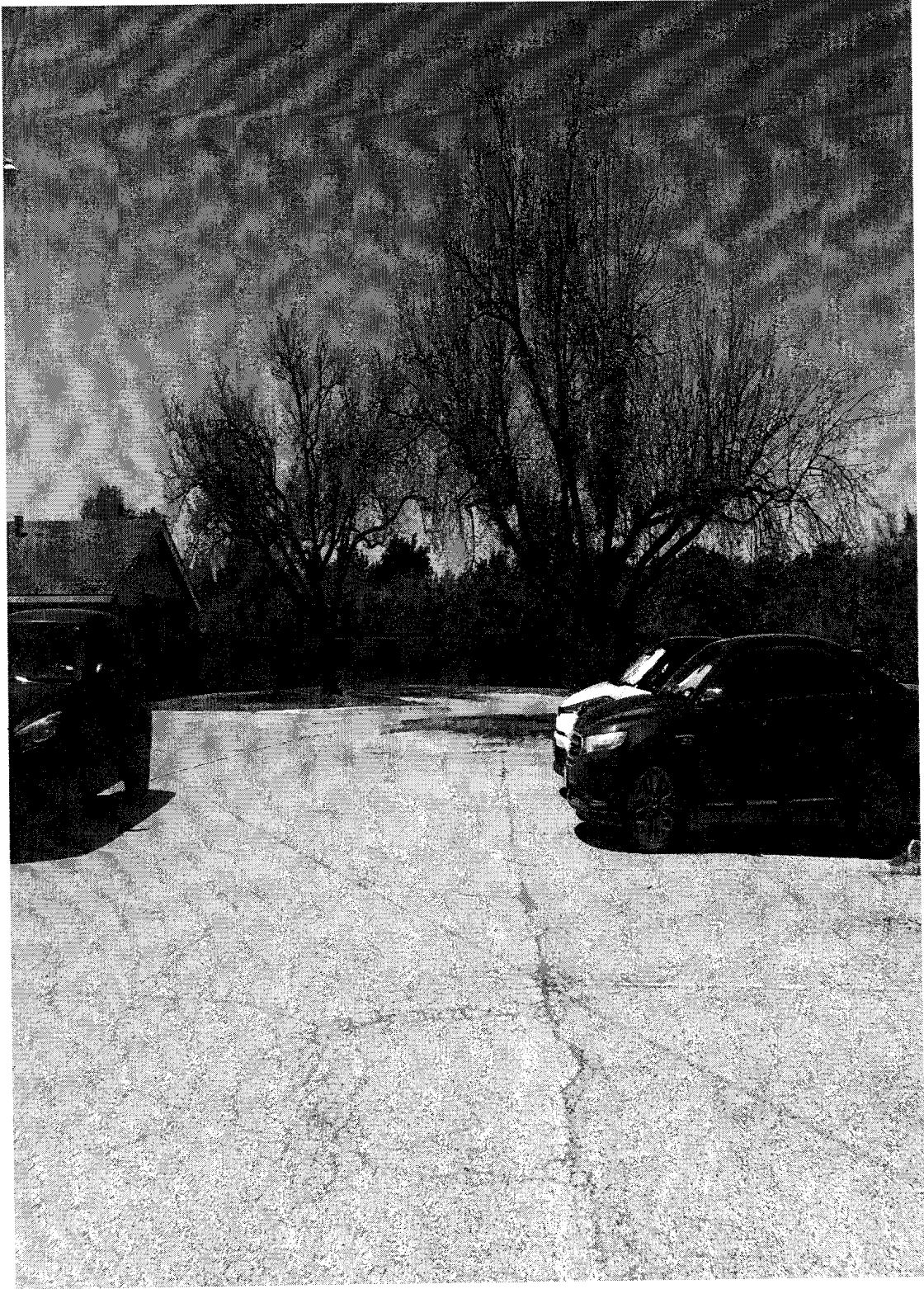
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Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 06, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Motion approving a Final Plat of Original Town, Section 26, being a replat of Lots 1 through 24 and a 0.138-acre portion of previously vacated alley right-of-way, Block 97, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of S. Main Street and E. Indiana Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

☒ **Approve** ☐ **Deny** ☐ **Directional/Informational**

Current Zoning:

LI, Light Industrial District.

Preliminary Plat Approval:

Parkhill, on behalf of Midland County, is requesting to replat to combine ownership of 24 lots and a vacated portion of alley right-of-way that was approved by City Council on January 9, 2024. The proposed subdivision will have one (1) lot with a total acreage of 2.01.

The preliminary plat was approved at the January 16, 2024, Planning and Zoning Commission meeting.

Final Plat Requirements:

The official signed Mylar copy of the final plat, the original tax certificates from both Midland County and the Midland Central Appraisal District and a title opinion have been received. All other conditions for final plat approval have been satisfied.

The final plat attached hereto has been circulated to all City departments for review.

Below are the departments' comments.

Engineering: (Approved)

IMPACT FEES: Okay as shown. [For Applicant's Information Only.]

ROW: Okay as shown. [For Applicant's Information Only.]

PAVING: S Main roadway okay as is. No public paving improvements required. E Industrial roadway okay as is. No public paving improvements required. E Kentucky roadway okay as is. No public paving improvements required. S Baird roadway okay as is. No public paving improvements required.[For Applicant's Information Only.]

WATER: 6" water exists in S Main Street W of tract, okay as is. No public water improvements required. 6" water exists in E Kentucky Street S of tract, okay as is. No public water improvements required. [For Applicant's Information Only.]

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 14, 2020 - Fire hydrants shall be spaced no more than 500' apart, Pressure Indicator Rings are to be installed and will require the developers/contractors to pay for the flow test. [For Applicant's Information Only]

PRO RATA: None. [For Applicant's Information Only.]

SEWER: 8" sewer exists in alley E of tract, okay as is. 6" sewer exists in S Main W of tract, okay as is. No public wastewater improvements required. [For Applicant's Information Only.]

DRAINAGE: Existing site is developed; If proposing to re-develop site drainage can be reviewed with building permit. [For Applicant's Information Only.]

EASEMENTS: Show existing and proposed. [For Applicant's Information Only.]

SIDEWALKS: Required with building permit. [For Applicant's Information Only.]

Transportation: (Approved)

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.] No objections to plat. [For the Applicant's information only.]

Fire: (Approved)

No comments or objections.

Oil and Gas: (Approved)

No Oil and Gas issues.

Building Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

GIS: (Approved)

No comments.

Planning: (Approved)

Staff recommends approval of the Final Plat of Original Town, Section 26.

Attachments:

Application
Proposed Final Plat
Maps



Final Plat Application

Project Number: SUB-23-0695

Case Number: _____

Proposed Subdivision Plat Name: Original Town Section 25Legal Description (attached sealed Metes and Bounds): Being a replat of Block 97, Lots 13 through 23, and Lots 7 through 12, Original Town Addition, City and County of Midland, Texas**Property Owner**Printed Name: Midland County

Phone ()

Email

Address 500 N Loraine, 11th FloorCity MidlandState TxZip 79701**Property Owner**Printed Name: Sandra Gonzales

Phone ()

Email

Address 405 E Kansas AveCity MidlandState TxZip 79701**Representative** (if acting as Agent, see affidavit on page 2)Firm: Parkhill

Phone ()

Email

Printed Name: Josh Wallenderjwallender@parkhill.comAddress 1700 W Wall Street, Suite 100City MidlandState TxZip 79701Current Zoning: CReason for Platting: Replat of the land to combine North 5 lots of the west half of the block**Plat Information**Total Acreage: 0.962 AcType: ☐ Single-Family Residential☐ Multi-Family Residential☒ Commercial☐ Extraterritorial Jurisdiction (ETJ)Number of Lots: 2

Number of Multi-Family Dwelling Units:

Submittal Information: Standard Plats must be submitted at least 20 days and a Residential Replat must be submitted at least 25 days prior to the P&Z Commission meeting at which action is desired, unless Short Form or Administrative Procedure is applicable.

Items to be submitted with this application form:

- 2 FOLDED Copies of Dimensioned Plat
- 2 Signed Mylar (or more if applicant does not request a signed reproduction)
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF) & CADD File
- Original Tax Certificates (Midland Central Appraisal District – MCAD)
- Title Opinion/Policy (dated less than 90 days)
- Application Fee – Payable to the 'City of Midland'
- Recording Fee – Payable to 'Midland County Clerk'

Mylar Reproductions

This application authorizes the City to file the approved plat and associated documents with the County Clerk for recording. This application also authorizes the City to reproduce 1 mylar copy of the approved plat at the expense of the engineering firm/applicant for the City's records if needed. (Applicant can submit additional signed mylar instead of reproduction.)

- ☐ Applicant would like a reproduction made for their records
☐ Applicant does not want a reproduction/will make their own

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

For related documents, \$26.00 for first page, \$4.00 for each additional page.

Signature (by property owner only – authorized agent must sign affidavit below)

Property Owner (signature): Andrew Avis

Date: 4/2/24

Property Owner (printed): Andrew Avis Director of Public Works

The Final Plat shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Subdivision Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

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

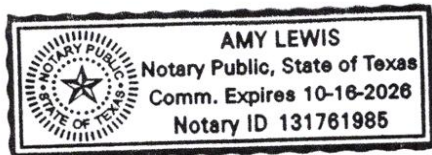
STATE OF TEXAS
COUNTY OF MIDLAND

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

Shelby Freeman
Authorized Agent (signature)

Subscribed and sworn to before me, this 9th day of April, 2024, to certify which witness my hand and seal of office.

Amy Lewis



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☐ Mylar | ☐ 1 Copy of Plat (11x17) | ☐ CADD File |
| ☒ Application Fee | ☐ Title Opinion | ☐ Public Improvement |
| Check # <u>Invoice</u> <u>payment</u> | ☒ Tax Certificates | ☒ Recording Fee <u>1612</u> |

Received By:

Date:

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

PACKET

Page 7.117

May 6, 2024

Being a Replat of Lots 1
through 12,
and a 0.138 Acre portion of
previously vacated alley
Town Addition
City and County of
Midland, Texas

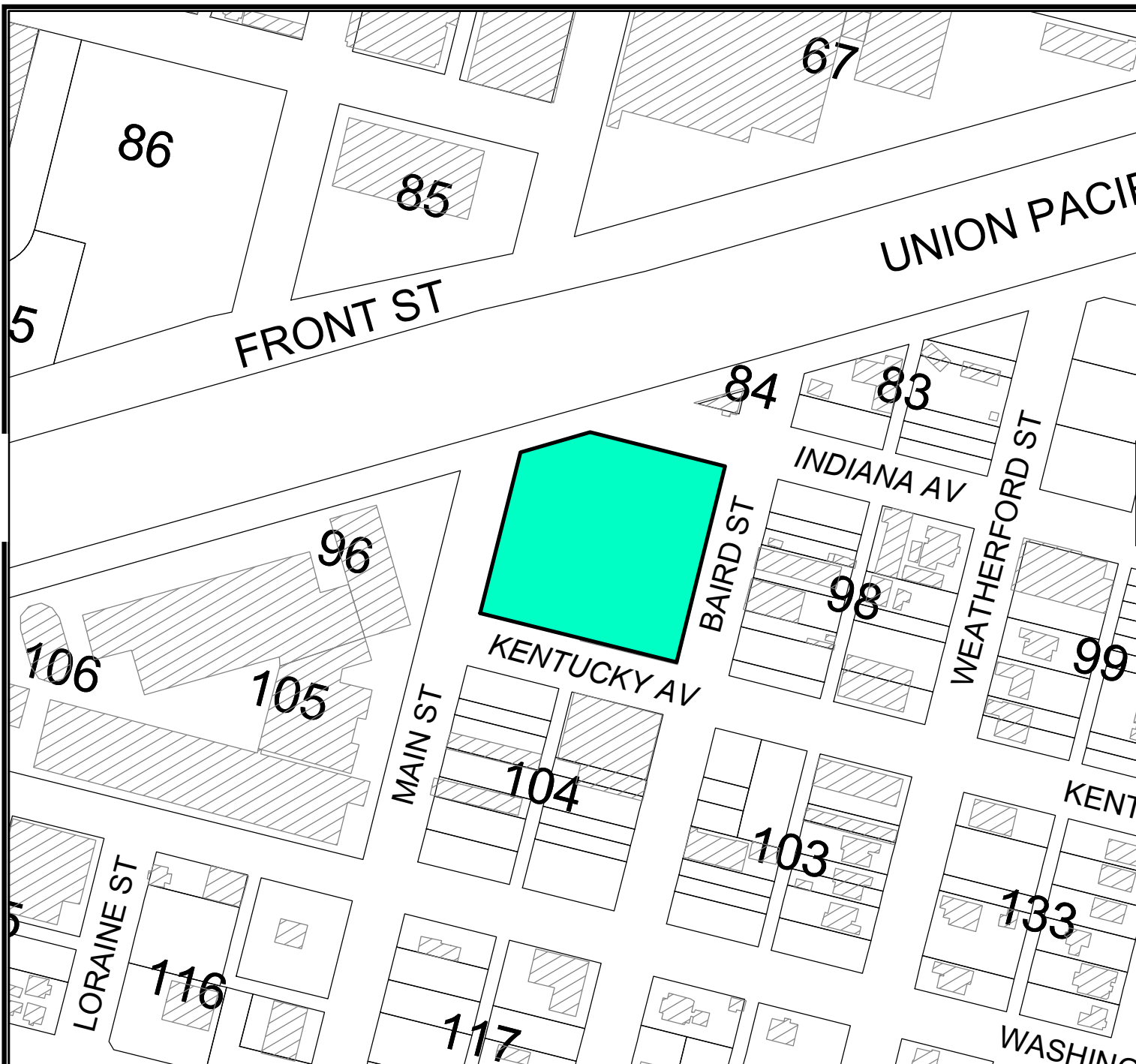
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432-742-
7777



LOCATION MAP

SUB-23-0695

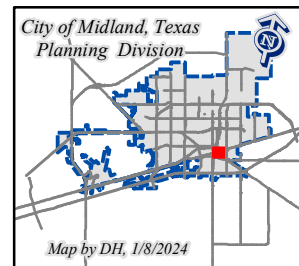
Scale: 1" = 214'

Proposed plat of Original Town, Section 26, being a replat of Lots 1 through 24 and a 0.138 acre portion of previously vacated alley right-of-way, Block 97, Original Town Addition, City and County of Midland, Texas.

Generally located southeast of the intersection of S. Main Street and E. Indiana Avenue (District 2)

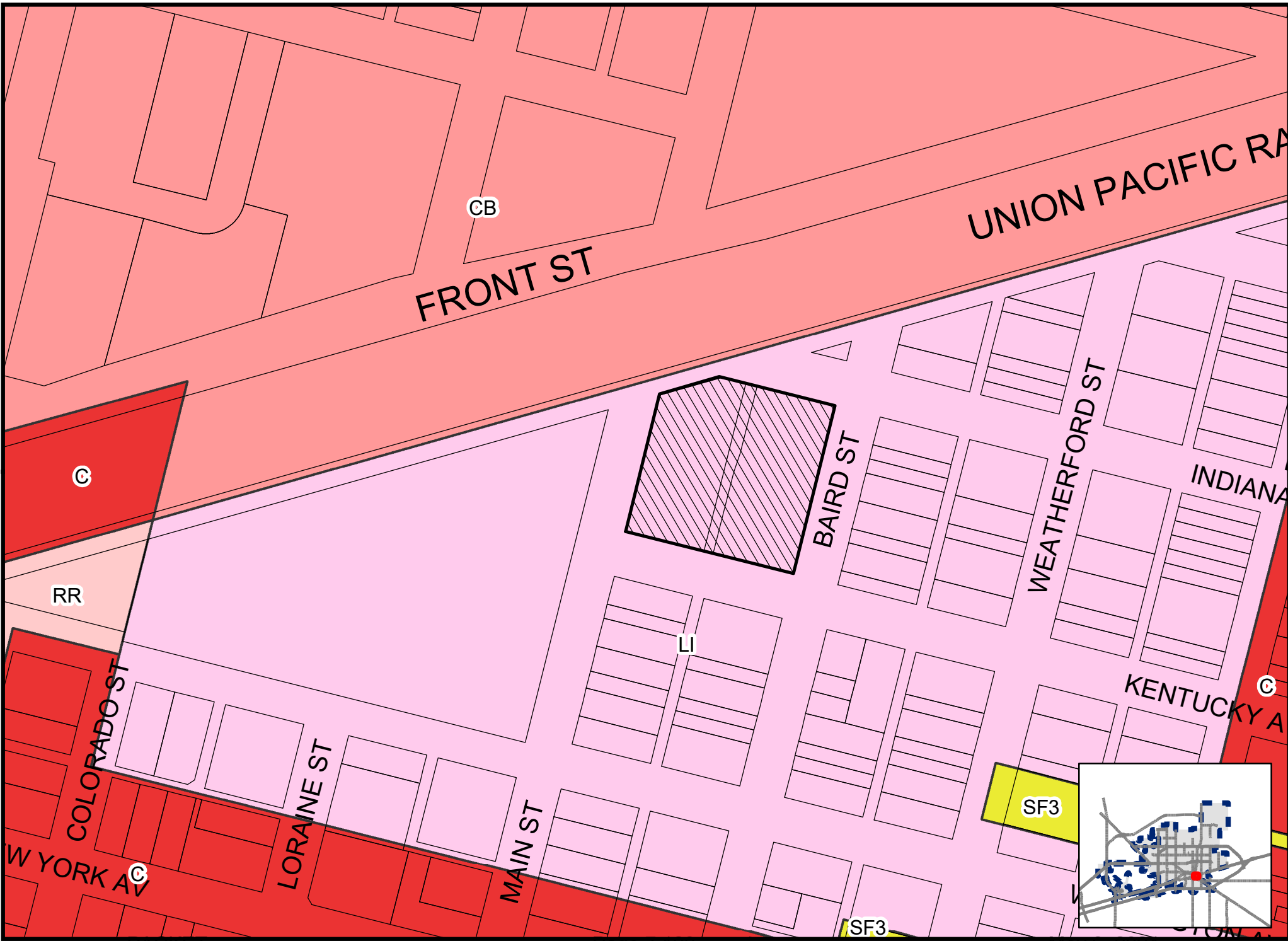
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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84

BAIRD ST

97





Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 6, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Alexis M. Martinez, Planner Associate

SUBJECT: Consider a request by Armando Sanchez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 2, Block 60, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located on the west side of South Lee Street, approximately 55 feet south of South Lee Street and East California Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Armando Sanchez, is requesting a Zone Change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District to build a new single-family dwelling at 802 South Lee Street.

Current Zoning:

MF-22, Multiple-Family Dwelling District

Surrounding Zoning and Land Use:

The parcels to the north and south are zoned MF-22, Multiple-Family Dwelling District and are currently vacant. The parcel to the east is zoned MF-22, Multiple-Family Dwelling District and is developed with a single-family dwelling. The parcel to the west is currently zoned MF-22, Multiple-Family Dwelling District and is currently vacant.

Analysis:

The subject property is zoned MF-22, Multiple-Family Dwelling District. Armando Sanchez is seeking this zone change in in order to build a single-family dwelling. The lot

is currently undeveloped and the surrounding neighborhood is developed with single family homes. The lot does meet the requirements for the SF-3, Single-Family Dwelling District zoning district.

This request is consistent with the Tall City Tomorrow Comprehensive Plan, Chapter 3; The Tall City Tomorrow Plan designated this area as U-M, Urban-Medium which supports any single-family zoning district.

This proposed zone change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No comments or objections.

Oil and Gas: (Approved)

No Oil and Gas issues.

Engineering: (Approved)

No objection. [For Applicant's Information Only.]

Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.] No objection to zone change. [For the Applicant's information only.]

Planning:

Therefore, staff recommends approval of this zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District.

Letters of Objection:

Staff has not received any letters of objection as of April 26, 2024.

Attachments:

**Application
Site Plan (Exhibit A)
Maps**



**Zone Change/Planned District
Amendment/Site Plan Approval**

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Armando Sanchez</u>		Phone <u>(432) 631 2177</u>	
Address <u>1300 Convoir Ct</u>		Email <u>wtx@buildartifex.com</u>	
City <u>Midland</u>	State <u>TX</u>	Zip <u>79705</u>	

Property Owner Printed Name: <u>Armando Sanchez</u>		Phone <u>(432) 631 2177</u>	
Address <u>1300 Convoir Ct</u>		Email <u>wtx@buildartifex.com</u>	
City <u>Midland</u>	State <u>TX</u>	Zip <u>79705</u>	

Representative (if different from Applicant or Property Owner) Firm: _____ Printed Name: _____		Phone () _____ Email _____	
Address _____	City _____	State _____	Zip _____

Street Address: <u>802 S Lee St. Midland TX 79701</u>			
Legal Description Lot: <u>2</u> Block: <u>60</u> Subdivision: <u>Park Avenue Heights, second section</u>			

Current Zoning: <u>MF22</u>	Proposed Zone: <u>SF3</u> (List by tracts if more than one district is requested)
------------------------------------	--

Reason for Zone Change Request: <u>To build a single-family home on the lots</u>

Present Use of Property: <u>Vacant</u>

Proposed Use of Property: <u>SFH - Single family new home</u>
--

How would this zone change affect the public health, safety and welfare? <u>Current Surrounding properties are vacant, surrounding neighborhood SFH</u>
--

Describe how conditions affecting the property have changed since present zoning designation: <u>N/A</u>

Submittal and Fees Items to be submitted with this application form: • Application Fee – Payable to the 'City of Midland' • Dimensioned Site Plan • Digital Copies of Site Plan (PDF/JPEG)
--

Signature (by property owner only – authorized agent must sign affidavit below)

Applicant (signature):

Sanchez

Date:

4-1-24

Applicant (printed):

Armando Sanchez

Property Owner (signature):

Sanchez

Date:

4-1-24

Property Owner (printed):

Armando Sanchez

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

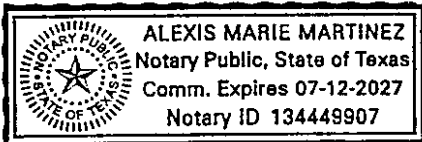
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Sanchez
Authorized Agent (signature)

Subscribed and sworn to before me, this 1st day of April, 2024, to certify which witness my hand and seal of office.



[Signature]

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization

☐ Dimensioned Site Plan

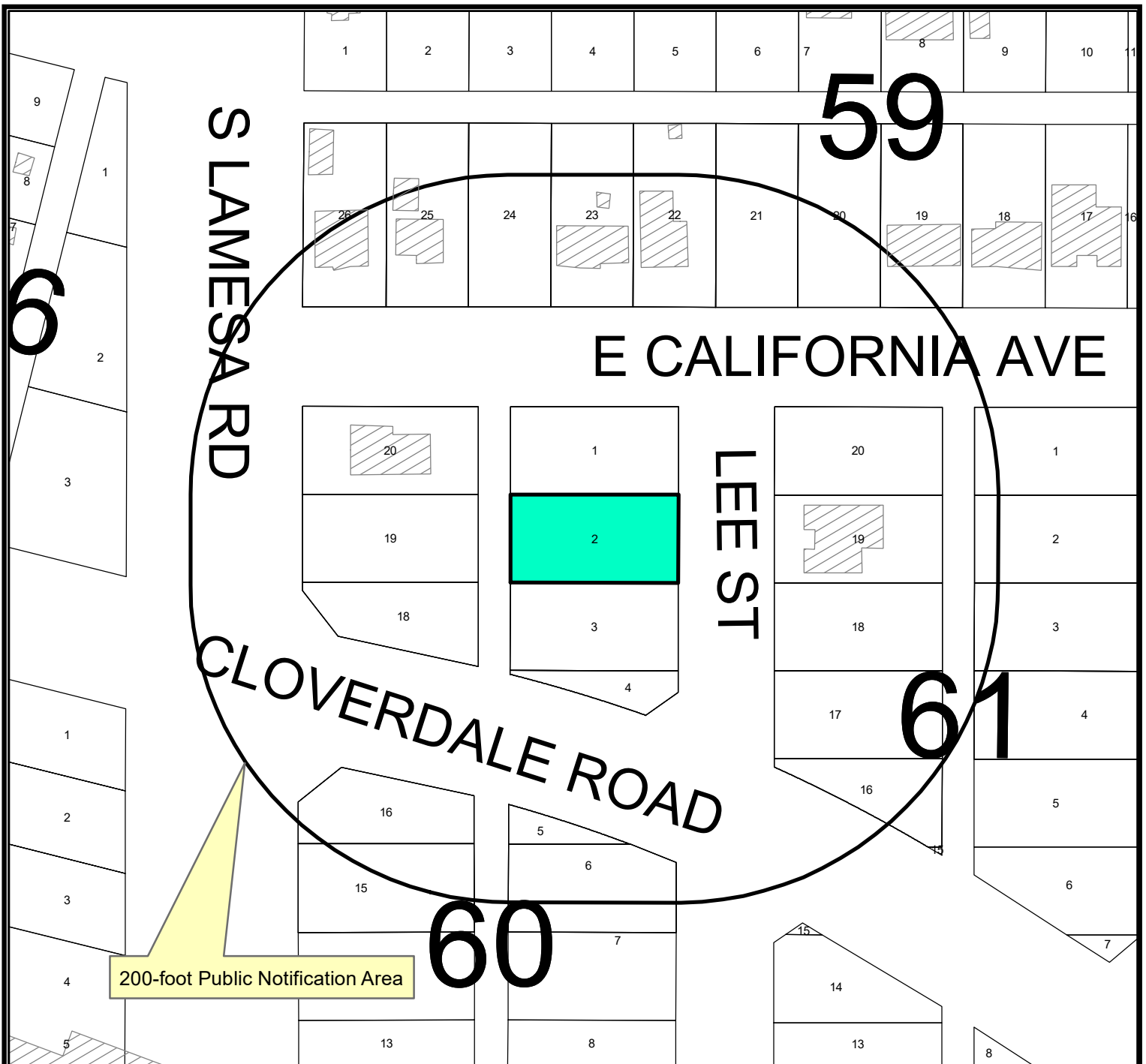
☐ Application Fee

☐ Plans in Digital Format (PDF/JPEG)

Check # _____

Received By: _____

Date: _____



Location Map

Z-24-0369

Scale: 1" = 55,603'

Consider a request by Armando Sanchez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 2, Block 60, Park Avenue Heights, Section 2, City and County of Midland, Texas.

Generally located on the west side of South Lee Street, approximately 55 feet south of East California Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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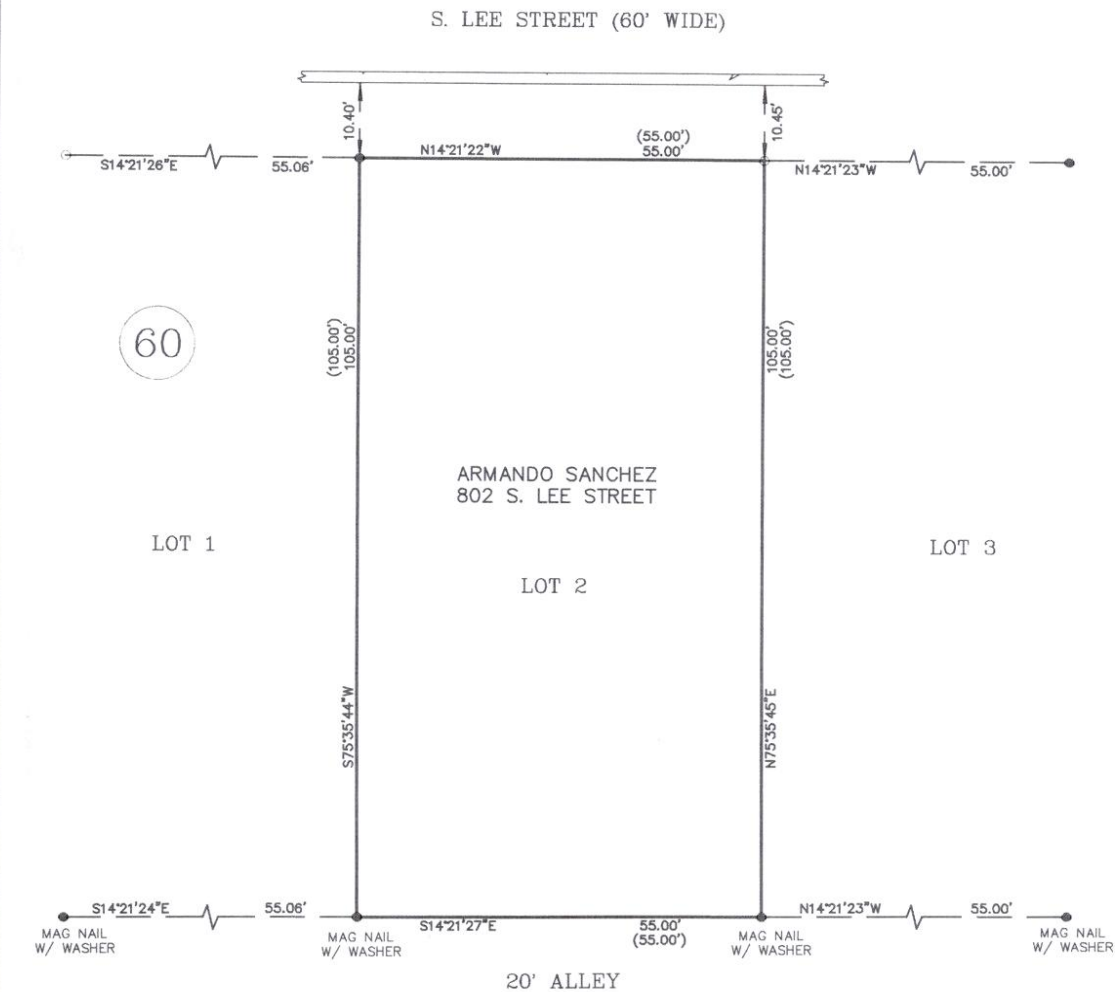




LES

*COPYRIGHT 2023

This survey plat is being provided solely for the use of: Armando Sanchez & West Texas Abstract & Title Co., and that no license has been created, express or implied, to copy the survey plat except as is necessary in conjunction with the original transaction dated November 29, 2023, which shall take place within 90 days after the survey was provided.



The following Easements, Rights-of-way, and Restrictive covenants as listed on the title commitment furnished by:
West Texas Abstract and Title Co., Inc.,
G.F. No.: 48802325750

Restrictive Covenants:
Vol. 294, Pg. 278,
Deed Records,
Midland Co., Texas

Right-of-Way:
Western Gas Resources,
Vol. 1910, Pg. 176,
Official Records,
Midland Co., Texas

Census Tract: 15

This tract is in Flood Zone "X" as shown on the Flood Insurance Rate Map, Dated September 16, 2005 provided by the Federal Emergency Management Agency Flood Map Number: 48329C0206 F

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way, except as shown hereon, and that said property has access to and from a dedicated roadway.

Dated this the 29th day of November 2023.

Bruce R. Pennell
Registered Professional Land Surveyor No. 4170
Date: 11/29/2023

IF SURVEYORS SIGNATURE IS NOT SIGNED IN RED INK, THIS IS NOT AN ORIGINAL DOCUMENT

PENNELL LAND SURVEYING PROFESSIONAL LAND SURVEYING P.O. BOX 51622, MIDLAND, TEXAS 79710 VOICE: (432) 570-6256 FAX: (432) 682-3262 MOBILE: (432) 528-1027		
ABSTRACT OFFICE: WEST TEXAS	G.F. #: 48802325750	COMMITMENT EFFECTIVE DATE: 11/07/2023
CAD FILE: BRP24624	DATA FILE: 200-204SLEE	DRAWN BY: MARCY N. FIRM NO.: 10193978

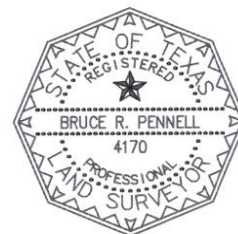
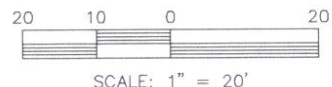
SURVEY OF
LOT TWO (2), BLOCK SIXTY (60),
PARK AVENUE HEIGHTS, SECOND SECTION,
AN ADDITION TO THE CITY OF MIDLAND
MIDLAND COUNTY, TEXAS
ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN
CABINET B, PAGE 114, PLAT RECORDS, MIDLAND COUNTY, TEXAS

LEGEND

- Set 1/2" I.R.
W/Cap "RPLS 4170"
- End. 1/2" I.R.

Basis of Bearings:
NAD 83 Lambert Grid

Bearings and Distances Shown
Inside () Indicate Record Information





Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 6, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Alexis M. Martinez, Planner Associate

SUBJECT: Consider a request by Armando Sanchez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 1, Block 60, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located southwest of the intersection of South Lee Street and East California Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

X Approve Deny Directional/Informational

Details of Request:

The applicant, Armando Sanchez, is requesting a Zone Change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District to build a new single-family dwelling at 800 South Lee Street.

Current Zoning:

MF-22, Multiple-Family Dwelling District

Surrounding Zoning and Land Use:

The parcels to the north are zoned MF-22, Multiple-Family Dwelling District and is developed with single-family dwellings. The parcels to the south and east are zoned MF-22, Multiple-Family Dwelling District and are currently vacant. The parcel to the west is currently zoned MF-22, Multiple-Family Dwelling District and is currently developed with a single-family dwelling.

Analysis:

The subject property is zoned MF-22, Multiple-Family Dwelling District. Armando Sanchez is seeking this zone change in in order to build a single-family dwelling. The lot

is currently undeveloped and the surrounding neighborhood is developed with single family-homes. The lot does meet the requirements for the SF-3, Single-Family Dwelling District zoning district.

This request is consistent with the Tall City Tomorrow Comprehensive Plan, Chapter 3; The Tall City Tomorrow Plan designated this area as U-M, Urban-Medium which supports any single-family zoning district.

This proposed zone change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No comments or objections.

Oil and Gas: (Approved)

No Oil and Gas issues.

Engineering: (Approved)

No objection. [For Applicant's Information Only.]

Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.] No objection to zone change. [For the Applicant's information only.]

Planning:

Therefore, staff recommends approval of this zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District.

Letters of Objection:

Staff has not received any letters of objection as of April 26, 2024.

Attachments:

**Application
Site Plan (Exhibit A)
Maps**



**Zone Change/Planned District
Amendment/Site Plan Approval**

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Armando Sanchez</u>		Phone <u>(432) 631 2177</u> Email <u>armando@diamondhomes.es</u>	
Address <u>5801 Landon Court</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79707</u>

Property Owner <u>Sanchez Diamond Homes</u> Printed Name: <u>Construction Inc.</u>		Phone <u>(432) 631 2177</u> Email <u>midland@diamondhom.es</u>	
Address <u>5801 Landon Court</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79707</u>

Representative (if different from Applicant or Property Owner) Firm: _____ Printed Name: _____		Phone () _____ Email _____	
Address _____	City _____	State _____	Zip _____

Street Address: <u>800 S Lee St Midland TX 79701</u>			
Legal Description Lot: <u>1</u> Block: <u>60</u> Subdivision: <u>Park Avenue Heights, Second Section</u>			

Current Zoning: <u>MF22</u>	Proposed Zone: <u>SF3</u> (List by tracts if more than one district is requested)
------------------------------------	---

Reason for Zone Change Request: To build a single family home on the lot

Present Use of Property: Vacant

Proposed Use of Property: SFH - single family new home

How would this zone change affect the public health, safety and welfare? Current Surrounding properties are vacant, surrounding neighborhood SFH

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

Submittal and Fees Items to be submitted with this application form: • Application Fee – Payable to the 'City of Midland' • Dimensioned Site Plan • Digital Copies of Site Plan (PDF/JPEG)
--

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>Sando</u>	Date: <u>4-1-24</u>
Applicant (printed): <u>Armando Sanchez</u>	
Property Owner (signature): <u>Elia Sanchez</u>	Date: <u>4/1/24</u>
Property Owner (printed): <u>Elia Sanchez</u>	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received. All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

STATE OF TEXAS
COUNTY OF MIDLAND

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

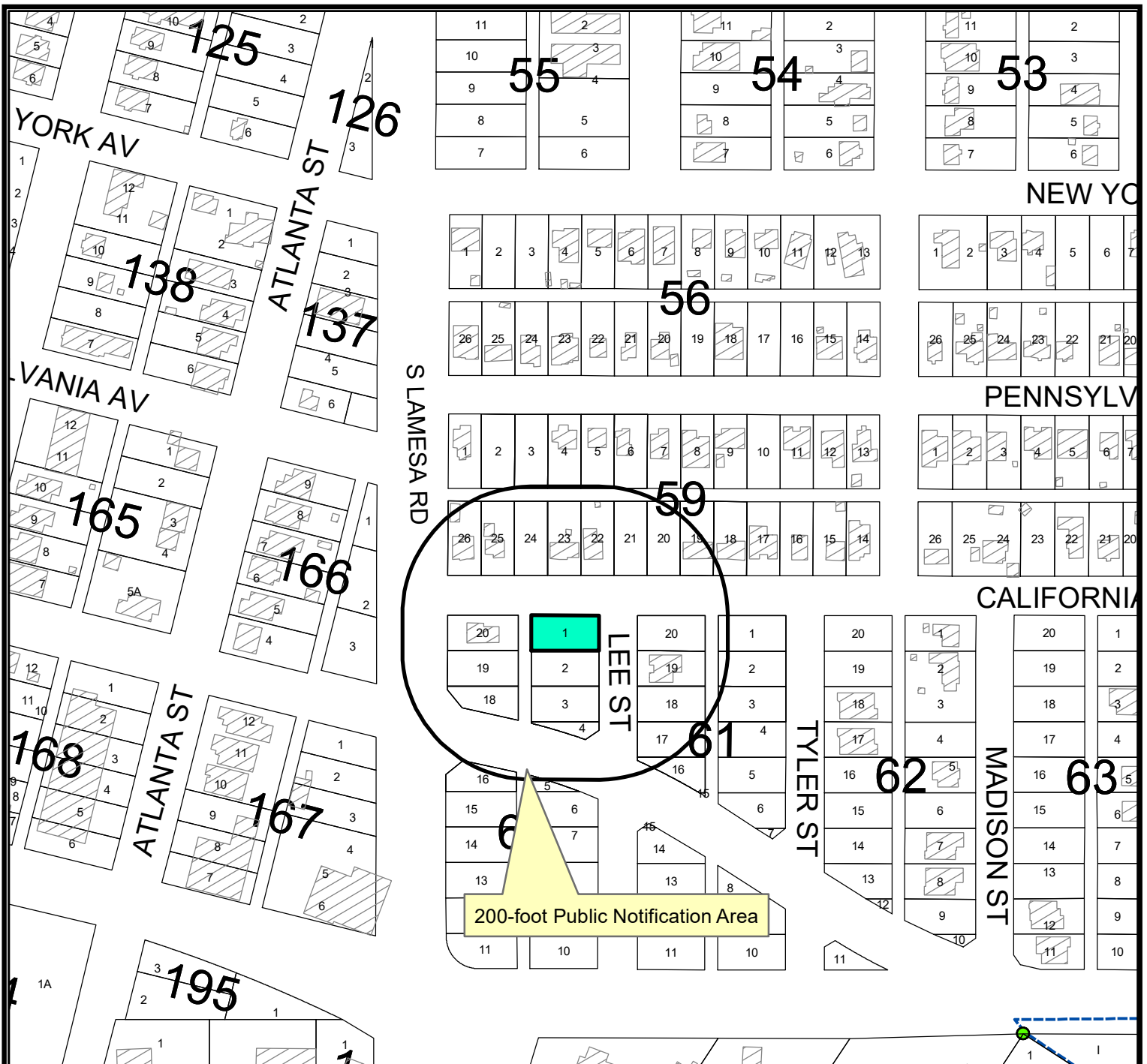
Elia Marquez
Authorized Agent (signature)

Subscribed and sworn to before me, this 1st day of April, 2024, to certify which witness my hand and seal of office.

ALEXIS MARIE MARTINEZ
Notary Public, State of Texas
Comm. Expires 07-12-2027
Notary ID 134449907

[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # <u>Waived by Xavier/Armando</u>	
Received By: <u>[Signature]</u>	Date: <u>APR 01 2024</u>



Location Map

Z-24-0370

Scale: 1" = 2,684

Consider a request by Armando Sanchez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 1, Block 60, Park Avenue Heights, Section 2, City and County of Midland, Texas.

Generally located southwest of the intersection of South Lee Street and East California Avenue.

(Council District 2)

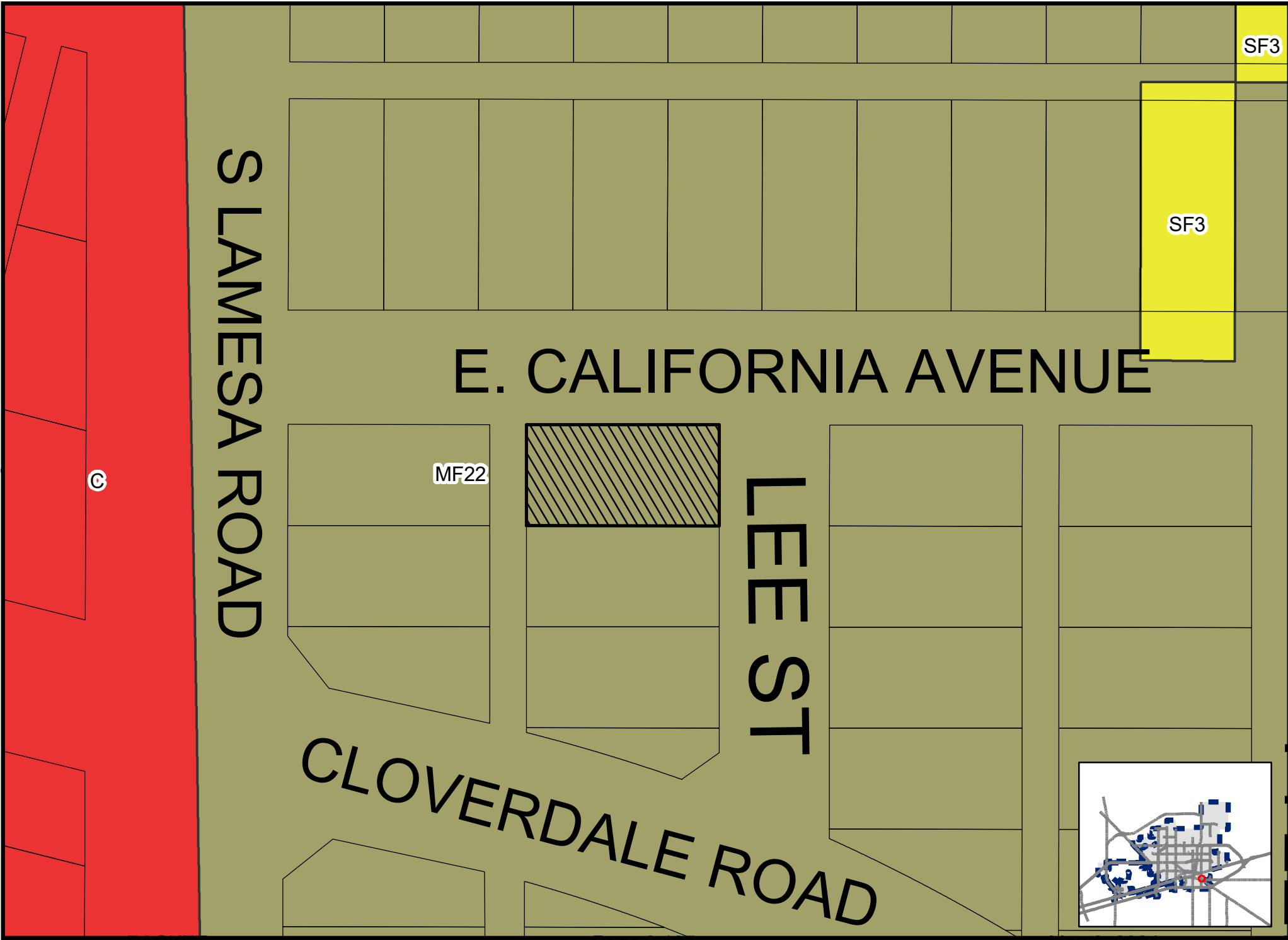
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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CALIFORNIA

LEE

1100

20

800

1

801

20

705

19

MF22

802

2

803

19

707

18

804

3

805

18

CLOVERDALE

n

4

807

17

n

16

809

16

PACKET

803

15

n

5

n

6

n 15

LEE ST

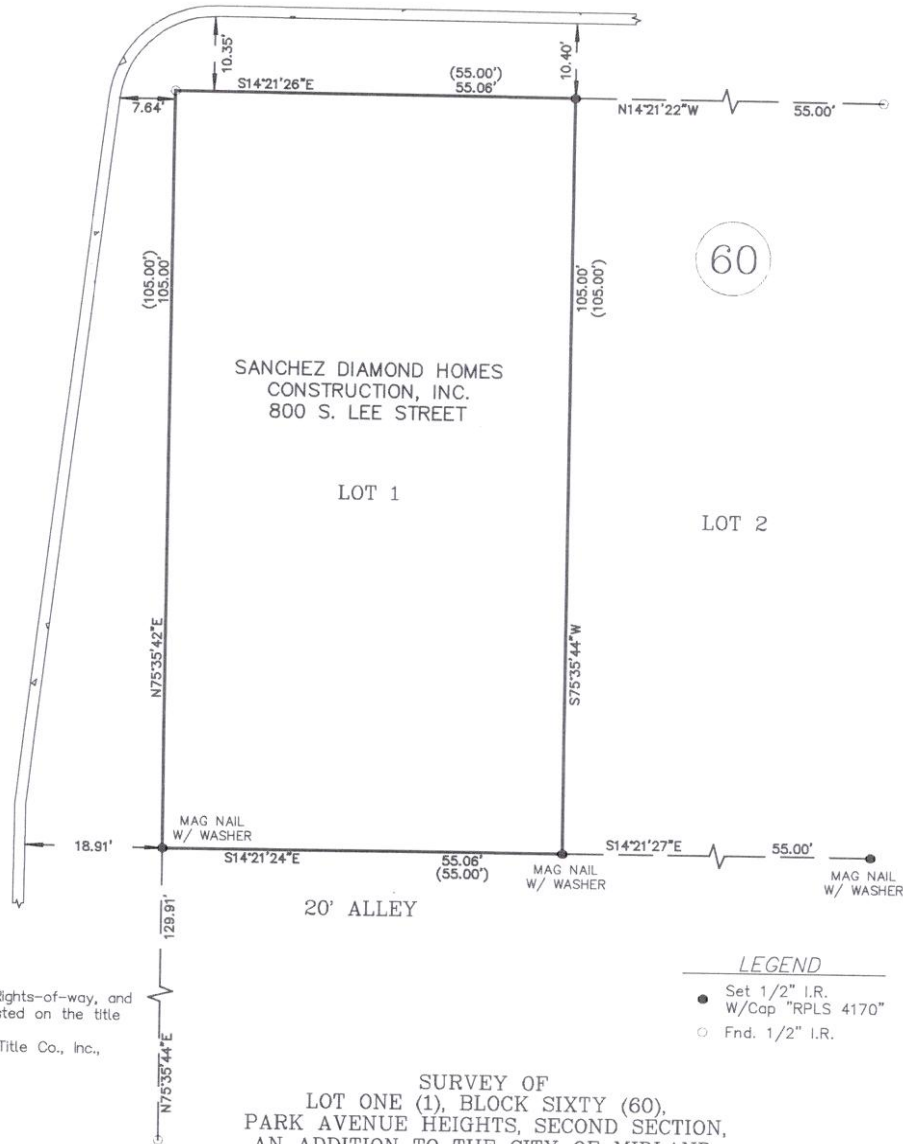
6

* COPYRIGHT 2023

This survey plat is being provided solely for the use of: Sanchez Diamond Homes Construction, Inc. & West Texas Abstract & Title Co., and that no license has been created, express or implied, to copy the survey plat except as is necessary in conjunction with the original transaction dated November 29, 2023, which shall take place within 90 days after the survey was provided.

E. CALIFORNIA AVENUE (60' WIDE)

S. LEE STREET (60' WIDE)



SURVEY OF
LOT ONE (1), BLOCK SIXTY (60),
PARK AVENUE HEIGHTS, SECOND SECTION,
AN ADDITION TO THE CITY OF MIDLAND
MIDLAND COUNTY, TEXAS
ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN
CABINET B, PAGE 114, PLAT RECORDS, MIDLAND COUNTY, TEXAS

LEGEND

- Set 1/2" I.R.
W/Cap "RPLS 4170"
- End. 1/2" I.R.

The following Easements, Rights-of-way, and Restrictive covenants as listed on the title commitment furnished by: West Texas Abstract and Title Co., Inc., G.F. No.: 48802325748

Restrictive Covenants:
Vol. 294, Pg. 278,
Deed Records,
Midland Co., Texas

Right-of-Way:
Western Gas Resources,
Vol. 1910, Pg. 176,
Official Records,
Midland Co., Texas

Census Tract: 15

This tract is in Flood Zone "X" as shown on the Flood Insurance Rate Map, Dated September 16, 2005 provided by the Federal Emergency Management Agency Flood Map Number: 48329C0206 F

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way, except as shown hereon, and that said property has access to and from a dedicated roadway.

Dated this the 29th day of November 2023.

Bruce R. Pennell

Registered Professional Land Surveyor No. 4170
Date: 11/29/2023

IF SURVEYORS SIGNATURE IS NOT SIGNED IN RED INK, THIS IS NOT AN ORIGINAL DOCUMENT

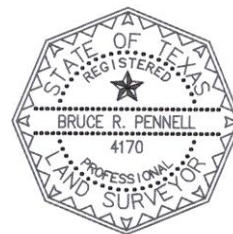
PENNELL LAND SURVEYING PROFESSIONAL LAND SURVEYING P.O. BOX 51622, MIDLAND, TEXAS 79710 VOICE: (432) 670-6256 FAX: (432) 682-3262 MOBILE: (432) 528-1027			
ABSTRACT OFFICE: WEST TEXAS	G.F. #: 48802325748	COMMITMENT EFFECTIVE DATE: 11/07/2023	
CAD FILE: BRP24623	DATA FILE: 200-204SLEE	DRAWN BY: MARCY N.	FIRM NO.: 10193978

Basis of Bearings:
NAD 83 Lambert Grid

Bearings and Distances Shown
Inside () Indicate Record Information



SCALE: 1" = 20'





Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 6, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Alexis M. Martinez, Planner Associate

SUBJECT: Consider a request by Armando Sanchez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 3, Block 60, Park Avenue Heights, Section 2, City and County of Midland, Texas. (Generally located west of South Lee Street, approximately 110 feet south of East California Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Armando Sanchez, is requesting a Zone Change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District to a build a new single-family dwelling at 804 South Lee Street.

Current Zoning:

MF-22, Multiple-Family Dwelling District

Surrounding Zoning and Land Use:

All the surrounding parcels are zoned MF-22, Multiple-Family Dwelling District and are vacant.

Analysis:

The subject property is zoned MF-22, Multiple-Family Dwelling District. Armando Sanchez is seeking this zone change in order to build a single-family dwelling. The lot is currently undeveloped, and the surrounding neighborhood is developed with single family homes. The lot does meet the requirements for the SF-3, Single-Family Dwelling District

zoning district.

This request is consistent with the Tall City Tomorrow Comprehensive Plan, Chapter 3; The Tall City Tomorrow Plan designated this area as U-M, Urban-Medium which supports any single-family zoning district.

This proposed zone change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No comments or objections.

Oil and Gas: (Approved)

No Oil and Gas issues.

Engineering: (Approved)

No objections to zone change. [For Applicant's Information Only.] Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For Applicant's Information Only.]

Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.] No objection to zone change. [For the Applicant's information only.]

Planning:

Therefore, staff recommends approval of this zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District.

Letters of Objection:

Staff has not received any letters of objection as of April 26, 2024.

Attachments:

**Application
Site Plan (Exhibit A)
Maps**



**Zone Change/Planned District
Amendment/Site Plan Approval**

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2)

Printed Name: Armando Sanchez

Phone (432) 631 2177

Email armando@diamonddhomes

Address 5801 Landon Court

City Midland

State TX

Zip 79707

Property Owner Sanchez Diamond Homes

Printed Name: Construction Inc.

Phone (432) 631 2177

Email midland@diamonddhomes

Address 5801 Landon Court

City Midland

State TX

Zip 79707

Representative (if different from Applicant or Property Owner)

Firm: _____

Printed Name: _____

Phone () _____

Email _____

Address _____

City _____

State _____

Zip _____

Street Address: 804 S Lee St Midland TX 79701

Legal Description

Lot: 3 Block: 60 Subdivision: Park Avenue Heights, Second Section

Current Zoning: MF22

Proposed Zone: SF3

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

Reason for Zone Change Request: To build a single family home on the lot

Present Use of Property: Vacant

Proposed Use of Property: SFH - single family new home

How would this zone change affect the public health, safety and welfare? Current surrounding properties are vacant, surrounding neighborhood SFH

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

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

Signature (by property owner only – authorized agent must sign affidavit below)

Applicant (signature): Sand Date: 4-1-24

Applicant (printed): Armando Sanchez

Property Owner (signature): Elia Sanchez Date: 4/1/24

Property Owner (printed): Elia Sanchez

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

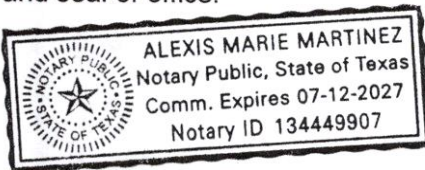
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Elia Marquez
Authorized Agent (signature)

Subscribed and sworn to before me, this 1st day of April, 2024, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

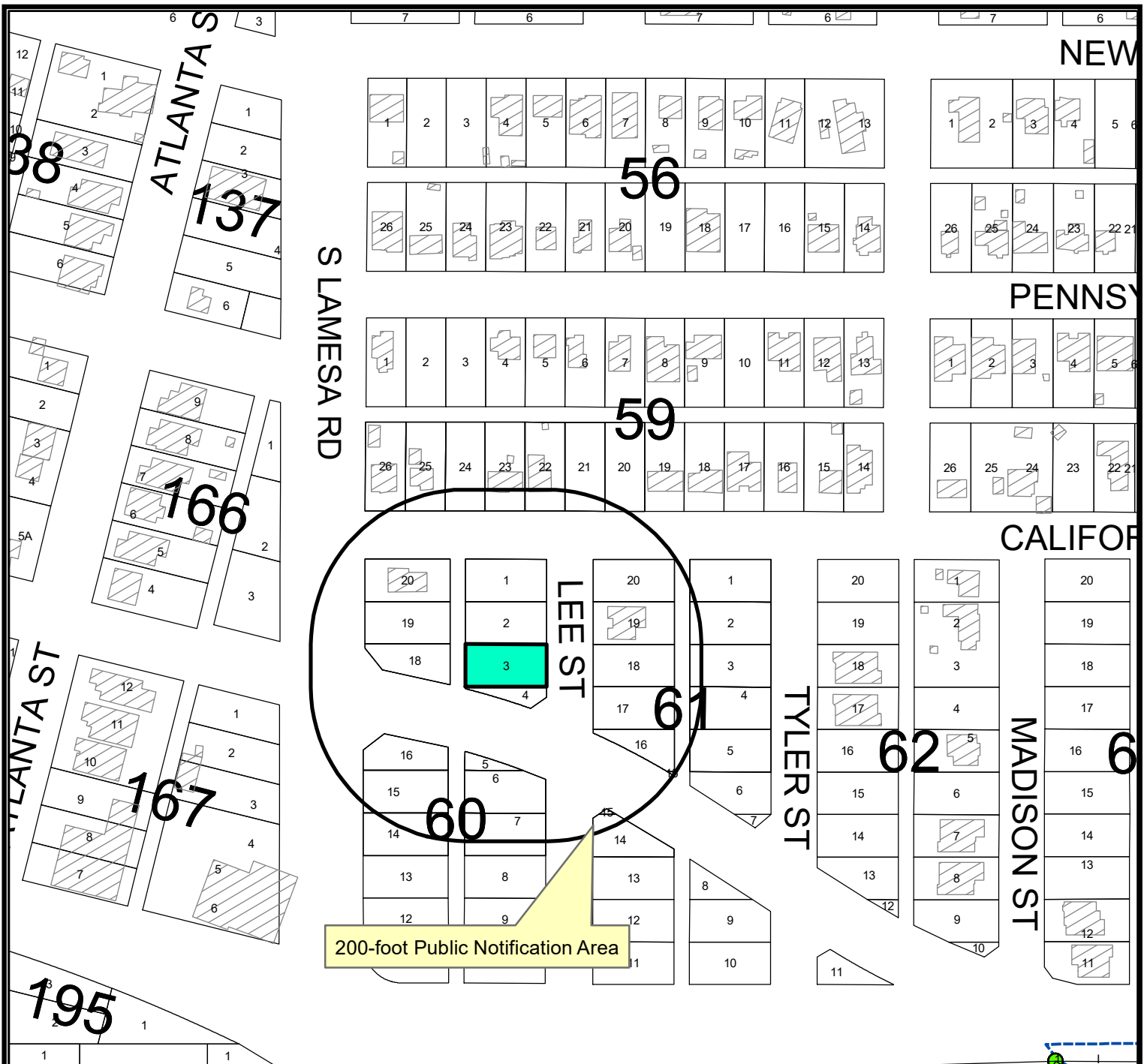
FOR OFFICE USE ONLY

☒ Property Owner Authorization ☒ Dimensioned Site Plan

☒ Application Fee ☐ Plans in Digital Format (PDF/JPEG)

Check # Waived by Xaver / Elia

Received By: [Signature] Date: APR 01 2024



Location Map

Z-24-0371

Scale: 1" = 2,236

Consider a request by Armando Sanchez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 3, Block 60, Park Avenue Heights, Section 2, City and County of Midland, Texas.

Generally located west of South Lee Street, approximately 110 feet south of East California Avenue. (Council District 2)

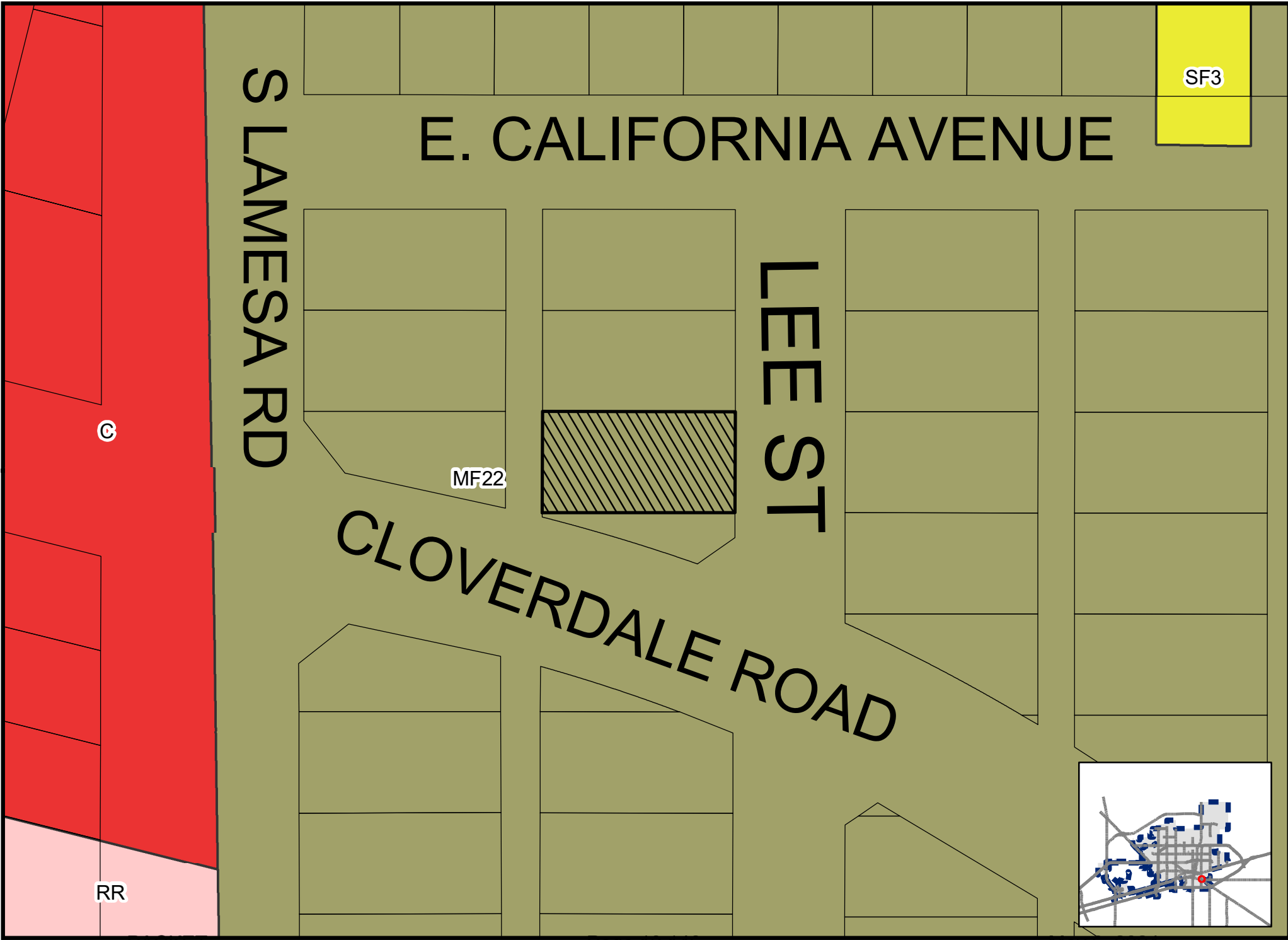
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT. NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



PACKET

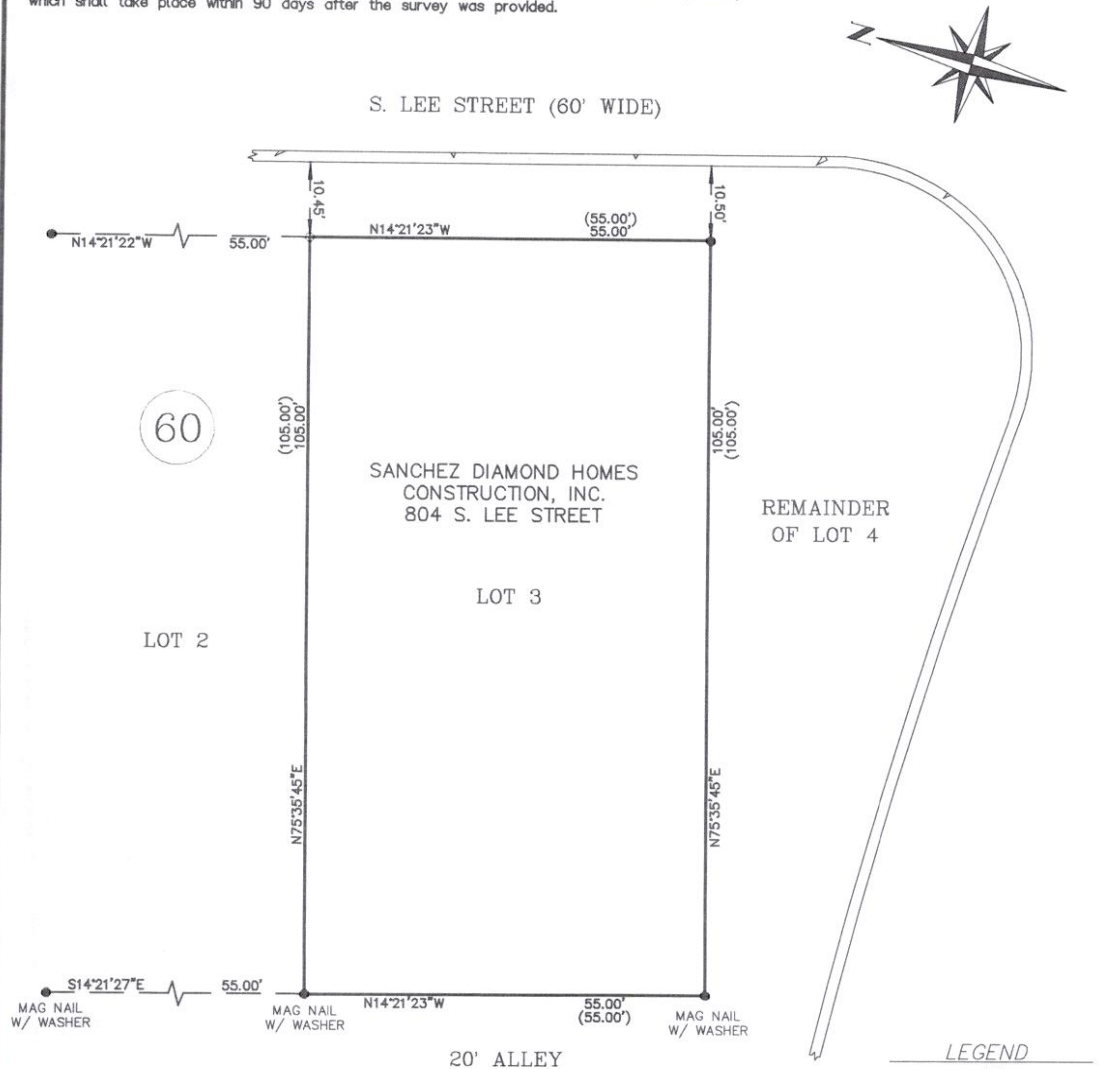
Page 10.146

May 6, 2024



* COPYRIGHT 2023

This survey plat is being provided solely for the use of: Sanchez Diamond Homes Construction, Inc. & West Texas Abstract & Title Co., and that no license has been created, express or implied, to copy the survey plat except as is necessary in conjunction with the original transaction dated November 29, 2023, which shall take place within 90 days after the survey was provided.



The following Easements, Rights-of-way, and Restrictive covenants as listed on the title commitment furnished by:
West Texas Abstract and Title Co., Inc.,
G.F. No.: 48802325751

Restrictive Covenants:
Vol. 294, Pg. 278,
Deed Records,
Midland Co., Texas

Right-of-way:
Western Gas Resources,
Vol. 1910, Pg. 176,
Official Records,
Midland Co., Texas

Census Tract: 15

This tract is in Flood Zone "X" as shown on the Flood Insurance Rate Map, Dated September 16, 2005 provided by the Federal Emergency Management Agency Flood Map Number: 48329C0206 F

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way, except as shown hereon, and that said property has access to and from a dedicated roadway.

Dated this the 29th day of November 2023.

Bruce R. Pennell

Registered Professional Land Surveyor No. 4170
Date: 11/29/2023

IF SURVEYORS SIGNATURE IS NOT SIGNED IN RED INK, THIS IS NOT AN ORIGINAL DOCUMENT

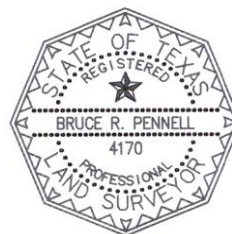
PENNELL LAND SURVEYING PROFESSIONAL LAND SURVEYING P.O. BOX 51622, MIDLAND, TEXAS 79710 VOICE: (432) 570-6256 FAX: (432) 682-3262 MOBILE: (432) 528-1027			
ABSTRACT OFFICE: WEST TEXAS	G.F. #: 48802325751	COMMITMENT EFFECTIVE DATE: 11/07/2023	
CAD FILE: BRP24625	DATA FILE: 200-204SLEE	DRAWN BY: MARCY N.	FIRM NO.: 10193978

Basis of Bearings:
NAD 83 Lambert Grid

Bearings and Distances Shown
Inside () Indicate Record Information



SCALE: 1" = 20'







Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 06, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Diana Geerts, Senior Planner

SUBJECT: Consider a request by Darpan Bhakta for a Specific Use Designation with Term for the sale of beer and wine for On-Premises Consumption in a Hotel Lounge, on Lot 31A, Block 39, Fairmont Park Addition, Section 38, City and County of Midland, Texas. (Generally located on east side of W Loop 250 N frontage road approximately 920 feet north of Tremont Avenue. (DISTRICT 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Darpan Bhakta, is requesting a Specific Use Designation (SUD) with Term for the sale of beer and wine for On-Premises Consumption in a Hotel Lounge. Holiday Inn Express is located at 5309 West Loop 250 North.

Current Zoning:

PD, Planned Development District for a Shopping Center. (Ordinance No. 8271)

Surrounding Zoning and Land Use:

The property to the north is zoned PD, Planned District for a Shopping Center, and the location of an office building. The properties to the east are zoned MF-16, Multiple-Family Dwelling District, and the location of apartment buildings. The property to the south is zoned RR, Regional Retail District, and the location of a fast-food restaurant. The property to the west is zoned RR, Regional Retail District, and the location of a bowling alley.

Analysis:

The property is zoned PD, Planned District for a Shopping Center. The original ordinance 8271, approved the Shopping Center with a base zoning of LR-2, Local Retail District, which is now RR, Regional Retail District in the current Zoning Ordinance. The RR zoning allows for the sale of beer and wine for On-Premises Consumption in a Hotel Lounge with the approval of an SUD. The total area of the hotel, Holiday Inn Express, is 50,000-square feet and the proposed alcohol serviceable area is 896-square feet.

The proposed hours of operation:

Monday through Sunday-24 hours a day / 7 days a week

The proposed hours of alcohol service:

Monday through Saturday from 4:30 p.m. to 12:00 a.m. (midnight)

Closed on Sundays

Per Midland City Code, Section 5-4-4, Prohibited Places of Business:

The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public-school, public-school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

There are no churches, private schools, public schools, public school grounds, athletic stadium, public hospital within 300 feet measurement along the property lines of the street fronts, and from the front door in a direct line across intersection where they occur within this site.

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4*, which is to “Encourage the development of places where Midland residents can gather and socialize to build connections.” Holiday Inn Express is a destination where Midland residents will gather and socialize.

This project has been circulated to all City departments for review. Below are the department comments.

Fire: (Approved)

No comments or objections

Engineering: (Approved)

No objection. [For the Applicant's information only.]

Transportation: (Approved)

No objection to zone change. [For the Applicant's information only.]

Building Code: (Approved)

The SUD is acceptable. The property must adhere to the maximum occupant load of 237 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning: (Approved with Conditions)

This request meets all requirements; therefore, staff recommends approval of this Specific Use Designation with Term for the sale of beer and wine, for on-premises consumption, in a hotel lounge, subject to Condition A through F.

Conditions:

- A. That the serviceable area of the establishment shall be limited to approximately 896 square feet as shown in Exhibit "A".**
- B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- C. That the permitted hours of the sale of alcoholic beverages sales and consumption shall be limited to:**
 - Monday through Saturday from 4:30 p.m. to 12:00 a.m. (midnight)***
 - Closed on Sundays***
- D. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.**
- E. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- F. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.**

Letters of Objection:

As of May 1, 2024, staff has not received any letters of objection.

Attachments:

Application
Floor Plan (Exhibit A)
Site Plan (Exhibit B)
Maps
Ordinance (No. 8271)



**Specific Use Designation with
Term for the Sale of Alcoholic
Beverages for On-Premises
Consumption**

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page

2) Printed Name: Darpan Bhakta

Phone (432 6990989

Email
darpan@insigniamgmt.com

Address 401 Tradewinds Blvd

City Midland

State TX

Zip 79706

Property Owner

Printed Name: Midland HIE Dev LP

Phone (432) 699-0989

Email
darpan@insigniamgmt.com

Address 401 Tradewinds Blvd

City Midland

State TX

Zip 79706

Representative (if different from Applicant or Property Owner)

Firm: Maverick Engineering

Phone (432) 262-0999

Email
amellen@maverick-eng.com

Printed Name: Andrew Mellen

Address 1909 W Wall St ste K

City Midland

State TX

Zip 79701

Street Address: 5309 W Loop 250 N

Business Name: Holiday Inn Express

Legal Description

Lot: 31A

Block: 39

Subdivision: Fairmont Park

Current Zoning: PD

Reason for Request: self-pour beer station

Type of Business (restaurant, bar, lounge, nightclub, etc.): lounge hotel

Proposed/Current Days and Hours of Operation: Hotel: 24/7 7 days a week

Proposed Days and Hours of Alcohol Service: Monday - Saturday 4:30-midnight. Closed Sundays

Total Square Footage of Business: 50,000

Square Footage of Alcohol Serviceable Area: 896

Restroom Fixtures:

Men

Toilets/Urinals: 3 / 1

Bathroom Sinks: 1

Women

Toilets: 3

Bathroom Sinks: 1

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
 - Seating
 - Exits
 - Restrooms
 - Kitchen (if applicable)
 - Total Square Footage
 - Serviceable Square Footage
- Dimensioned Site Plan showing:
 - Parking
 - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

Signatures

Applicant (signature): [Signature]

Date: 03/26/24

Applicant (printed): Darpan Bhakta

Property Owner (signature): [Signature]

Date: 03/26/24

Property Owner (printed): Darpan Bhakta

The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

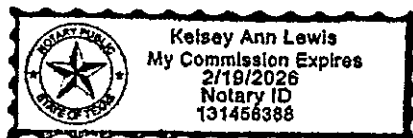
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 21st day of March, 2024, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization

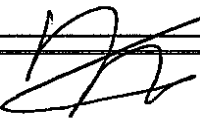
☒ Dimensioned Floor Plan

☐ Application Fee

☒ Site Plan

Check # 4733

☒ Plans in Digital Format (PDF/JPEG)

Received By: 

Date: 4 10 24

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

PACKET

Page 11.155

May 6, 2024

SUD Alcoholic Beverages Application

3

Revised 07/02/19



- 9 DBL Q
- 1 ACC DBL Q
- 8 K SUITE
- 2 ACC K SUITE

CONNECTING

1 FIRST FLOOR PLAN
SCALE: 3/32"=1'-0" (18,708 SQ. FT.)

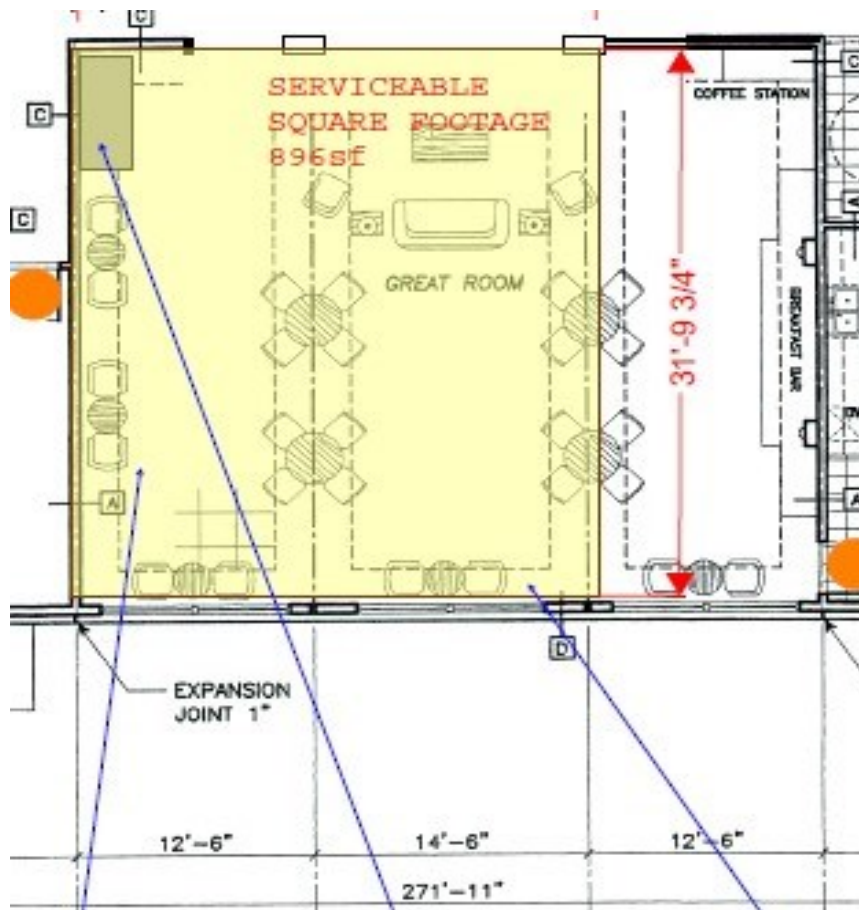
REVISIONS	DESCRIPTION
No.	DATE
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2	
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4	
5	

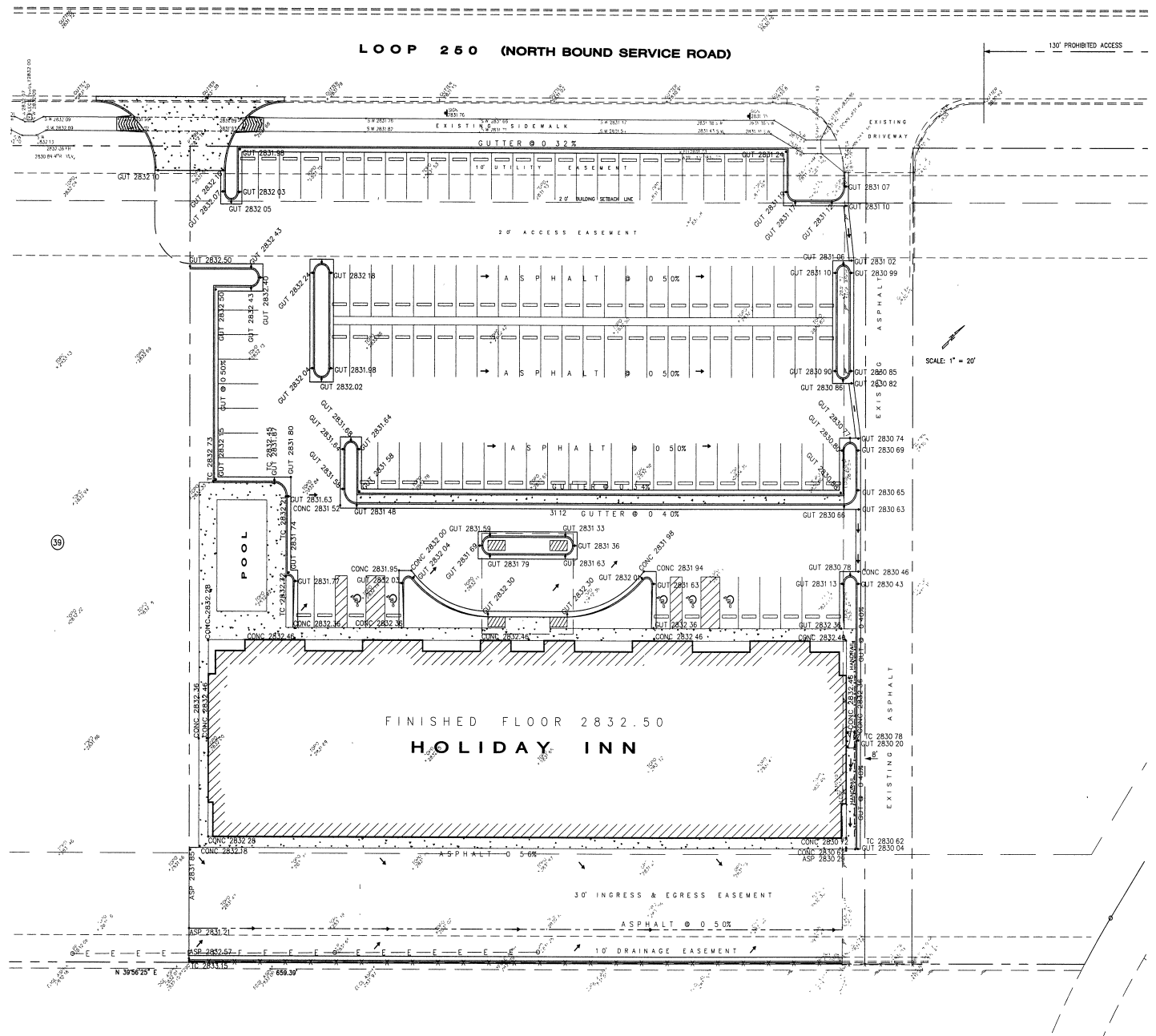


D.R. ASSOCIATES
ARCHITECTS
800 W. SAM HOUSTON PKWY S. #123
HOUSTON, TX 77042 E-Mail: info@drassociates.net
713-266-3304

Holiday Inn EXPRESS
HOTEL & SUITES MIDLAND, TX.

DATE: MAY-02-2005	CHECKED BY:	3/32"=1'-0"	JOB No: 4003	FILE: MIDLAND 01	SHEET: A-11	OF
	DRAWN BY:					





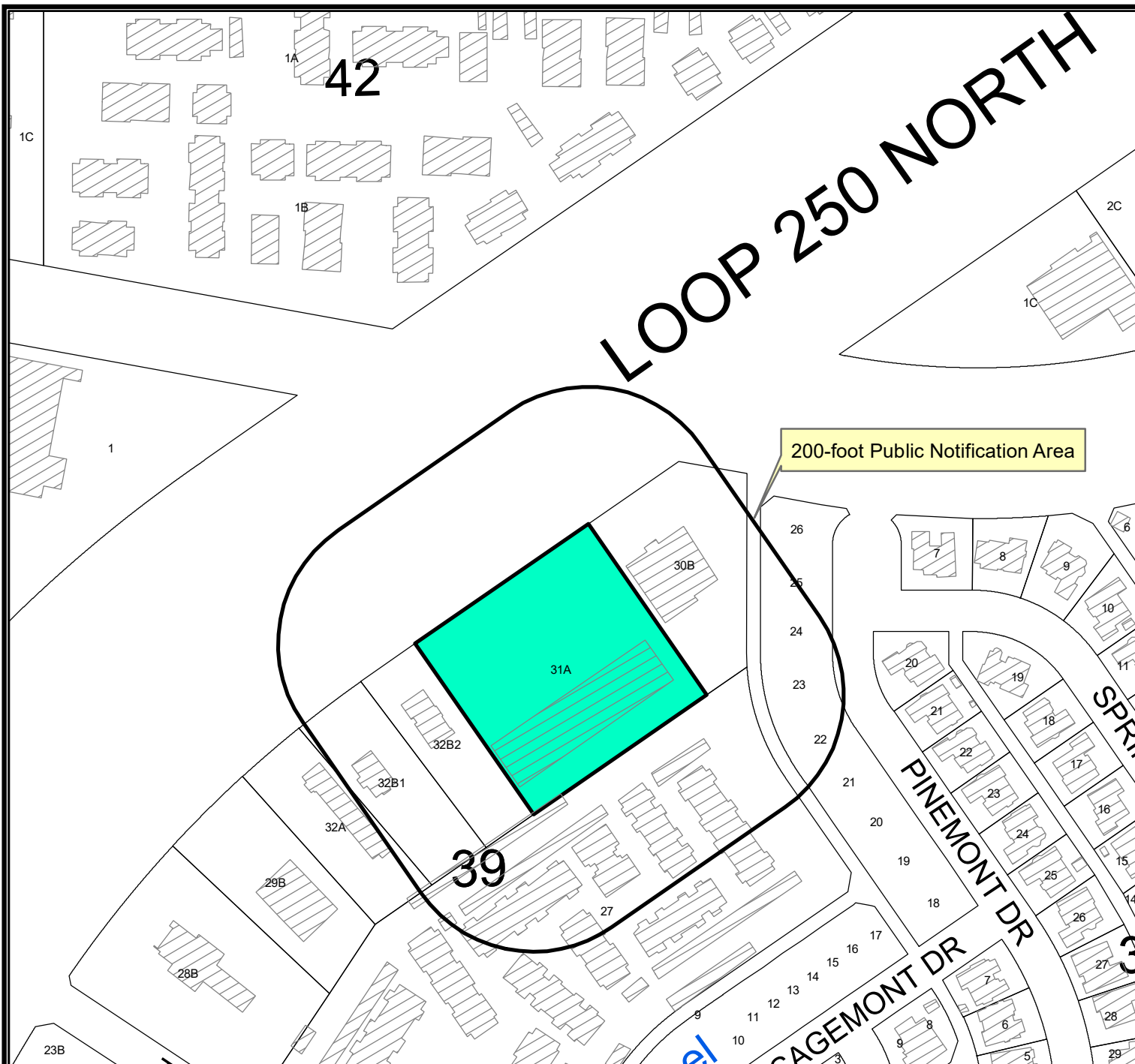
SCALE: 1" = 20'



PACKET

DATE	REVISIONS	BY	PROJECT NUMBER: 2004-0413
			NOTES:

APPROVED:	DRAWN BY: JRP
	CHECKED BY:
	DATE: 10/20/2004
	DWG. NO.: 0413



Location Map

SUD-24-0179

Scale: 1" = 600'

Consider a request by Darpan Bhakta for a Specific Use Designation with Term for the Sale of Beer and Wine for on premises consumption in a hotel lounge on Lot 31A, Block 39, Fairmont Park Addition, Section 38, City and County of Midland, Texas.

Generally located on east side of W Loop 250 N frontage road approximately 920 feet north of Tremont Avenue.

(District 1) PACKET

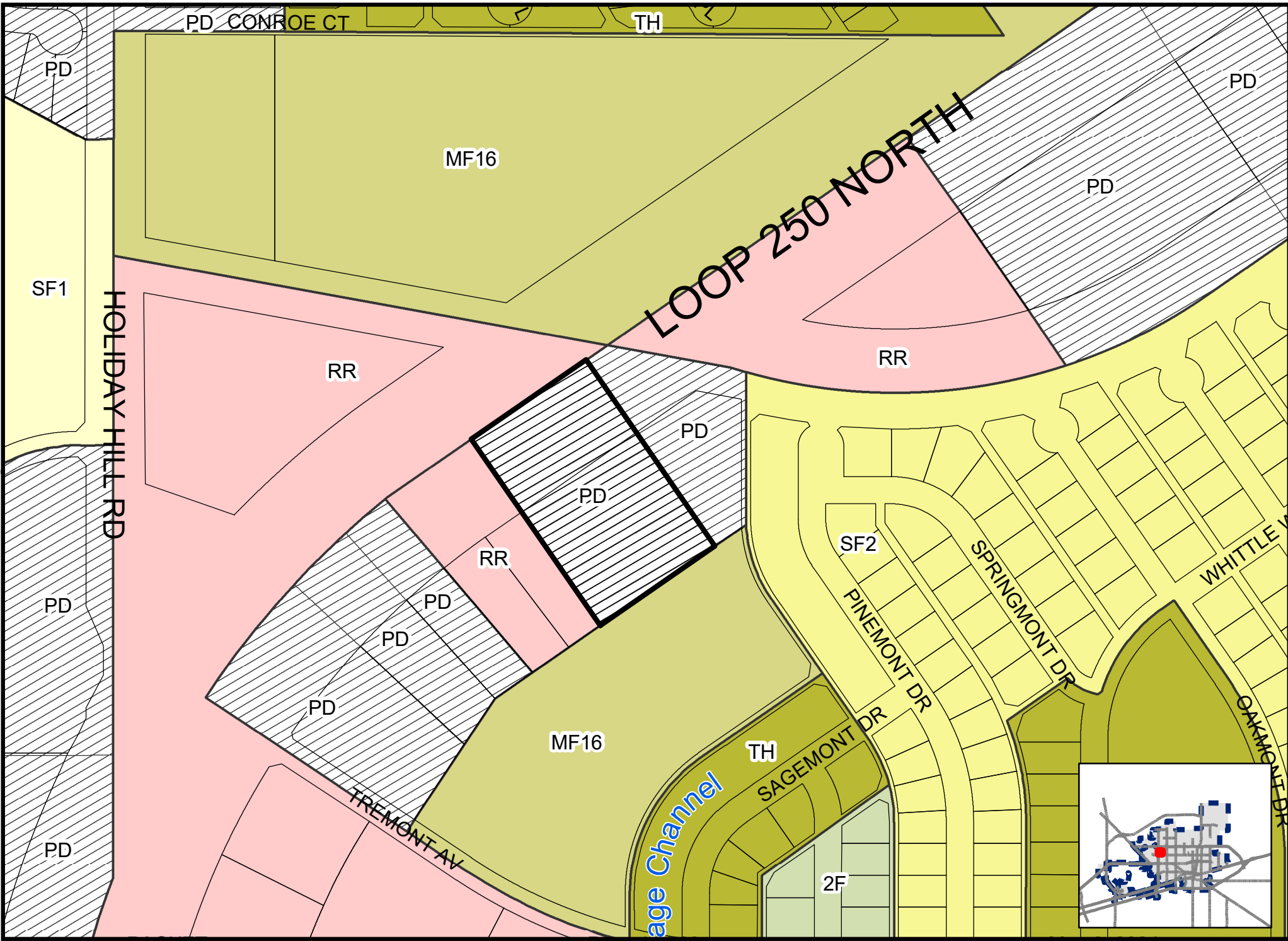
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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ORDINANCE NO. 8271

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 31A, BLOCK 39, FAIRMONT PARK ADDITION, SECTION 38, CITY AND COUNTY OF MIDLAND, TEXAS WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER TO BE USED AS AN AMENDED PLANNED DISTRICT FOR A SHOPPING CENTER; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

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

Lot 31A, Block 39, Fairmont Park Addition, Section 38, City and County of Midland,

Texas.

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

1. The use and development of this property shall conform to the regulations of the LR-2, Local Retail District, except as otherwise stated below.
2. The development of a hotel on this property shall conform to the conditions shown on the attached site plans, Exhibits "A", "B" and "C" in all respects.
3. That the maximum building height for the hotel shall not exceed 42 feet, as defined in the Zoning Code.
4. That the landscaping indicated on Exhibit "A" shall be installed prior to the issuance of a Certificate of Occupancy. All landscaping shall be irrigated with an underground sprinkler system, and shall be maintained in a healthy, growing condition.
5. That the exterior of the hotel shall be a combination of brick veneer, stucco and glazing, as indicated on Exhibit "B" and "C".
6. All signs on this lot shall conform to the Midland Sign Code.
7. All solid waste containers shall be located at the rear of the hotel, opposite Loop 250.
8. All exterior lighting shall conform to the City of Midland Outdoor Lighting Policy.

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

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

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of

subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars (\$2,000.00).

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 26th day of October, A.D., 2004; and passed to second reading on motion of Council member Dufford, seconded by Council member Morgan, by the following vote:

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

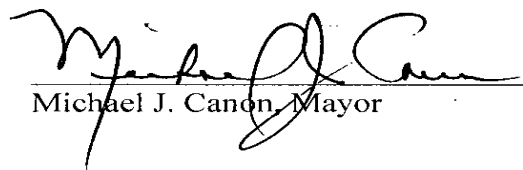
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Morgan, seconded by Council member Simpson, on the 9th day of November, A.D., 2004, at a regular meeting of the City Council:

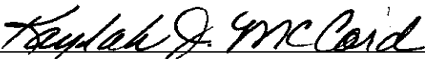
Council members voting "AYE": Morgan, Simpson, Perry,
Dingus, Canon, Dufford
and Hailey

Council members voting "NAY": None

PASSED AND APPROVED THIS 9th day of November, A.D., 2004.


Michael J. Canon, Mayor

ATTEST:



Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:



Keith Stretcher, City Attorney



City Council Agenda

Approved for Agenda:
MJohnston
City Manager's Office

MEETING DATE: October 26, 2004
TO: CITY COUNCIL/CITY MANAGER
FROM: Cameron Walker, Planning Division Manager
SUBJECT: Z-04-018, Approval of a Planned District Site Plan

Purpose:

Hold a public hearing at 11:00 a.m. to consider an ordinance on a request from West Company of Midland for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District.

Recommended City Council Action:

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

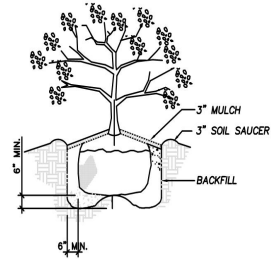
N/A

Discussion:

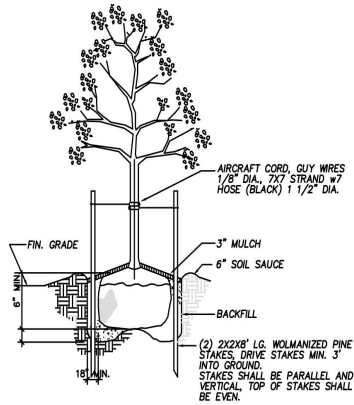
This 2.1-acre lot is zoned Planned District for a Shopping Center, subject to LR-2 District regulations and site plan approval. The applicant wishes to construct a three-story hotel on this lot. The LR-2 District restricts the maximum building height to two and one-half standard stories, or 28.75 feet. However, the City Council has used Planned Districts to allow taller buildings along Loop 250 where three additional feet of building setback is provided for each one foot a building exceeds the maximum height. With a building height of 40 feet, a building setback of 48.75 feet would be required. The proposed setback from Loop 250 is 140 feet. Therefore, the building setback far exceeds this previously applied ratio.

Exhibit A illustrates the plan view of the proposed hotel, as well as the landscaping plan. The landscaping is generally consistent with the landscape ordinance the Council considered at its last meeting. Exhibits B and C illustrate the elevation views of the hotel. The exterior of the building will consist of brick and EIFS, which includes a stucco finish. A pitched roof with composition shingles is included. The staff is satisfied that the conditions shown on these exhibits will result in an attractive development consist with previous approvals along Loop 250. We concur with the unanimous recommendation of the Planning and Zoning Commission for approval of this request. To this date, we have not received any opposition to this proposal.

CDS



SHRUB PLANTING
N.T.S.



TREE PLANTING
N.T.S.

CITY OF MIDLAND DEPARTMENT OF PLANNING AND DEVELOPMENT
LANDSCAPE ANALYSIS FORM

- A. STREET TREES:
Length of property line to Street tree as measured along all sides of the property fronting on a public street(s) = 112 feet/30 = 12 Street trees required.
(Staff may create an additional lot)
- B. PARKING LOT TREES:
Number of new parking stalls to be constructed 112 / 10 = 12 Parking lot trees required.
- C. TOTAL TREE REQUIREMENT:
A + B = 24 Total number of street and parking lot trees required.
- F. SHRUBS: (See required for new or the expanded portion of parking lots)
Total number of street trees required, from A above X 10 = 112 shrubs.

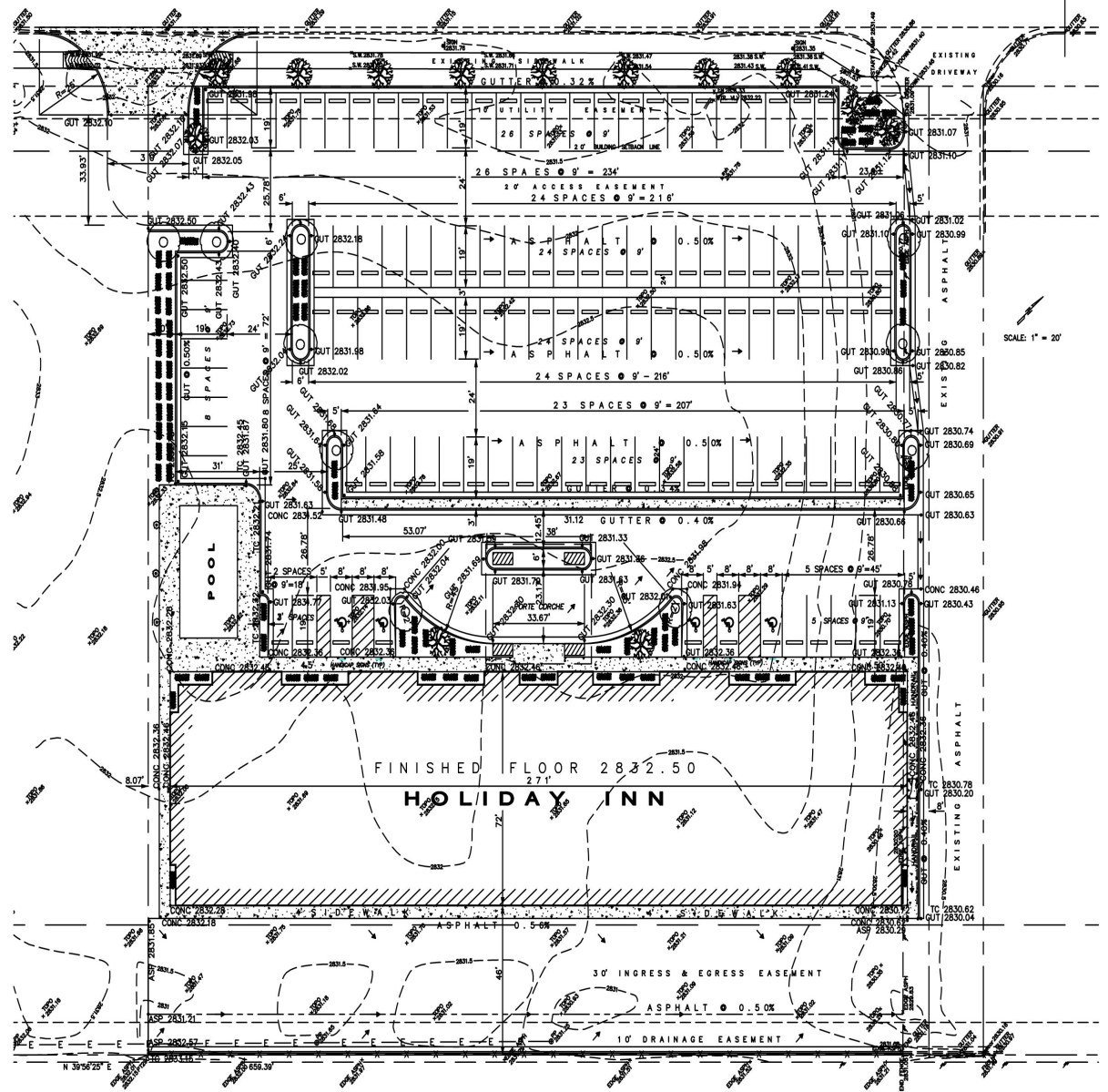
PLANT SCHEDULE

SYMBOL	KEY	QTY.	SCIENTIFIC NAME	COMMON NAME	SIZE
	0		EXISTING TREES TO PRESERVE		
	QV	12	QUERCUS VIRGINIANA	LIVE OAK	2" CAL.
	OS	11	QUERCUS SHUMARII	SHUMARD OAK	2" CAL.
	PN	100	NANDINA DOMESTICA NANA "PURPUREA"	DWARF PURPLE NANDINA	5 GAL.
	LJ	10	MAX LEAF LIQUISTRUM	LAGISTRUM JAPONICUM	5 GAL.
	SS	FULL	ATENTATAPHRUM SECUNDATUM	SAINT AUGUSTINE	

- GENERAL NOTES:
- ALL PLANTS SHALL BE FULL POT AND HEAD, SYMMETRICAL FOLIAGE AND BRANCHING STRUCTURE.
 - CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES PRIOR TO EXCAVATION OR TRENDING. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING OR REPLACING ANY DAMAGE TO UTILITIES OR OTHER IMPROVEMENTS.
 - GRADE SURFACE TO ENSURE AREAS DRAIN AWAY FROM PLANTING AND TO PREVENT FLOODING AND POCKETS OF STANDING WATER. SPREAD AND AVERAGE OF 1" SHARP SAND OVER PLANTING AREA. SOLID SOCCED. HAND RAKE ENTIRE AREA PRIOR TO SOCCED. OBTAIN OWNER'S REPRESENTATIVE'S APPROVAL OF GRADE PRIOR TO SOCCED.
 - ALLOW FOR FINISHED GRADE AT EDGE OF WALKS AND CURBS AND CURBS AREAS SO GRASS WILL NOT HOLD WATER ON WALK AND SHALL BE CONSISTENT ALONG EDGE.
 - LANDSCAPE CONTRACTOR TO COORDINATE AND SCHEDULE HIS WORK WITH OTHER CONTRACTORS WORKING ON THE PROJECT SITE.
 - IRRIGATION SPRINKLER @ ALL LANDSCAPING.

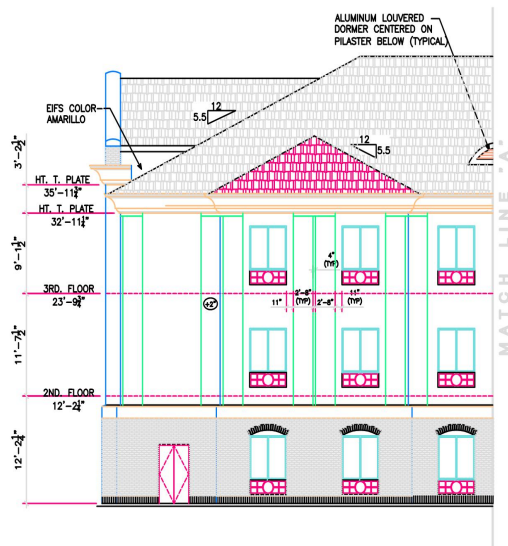
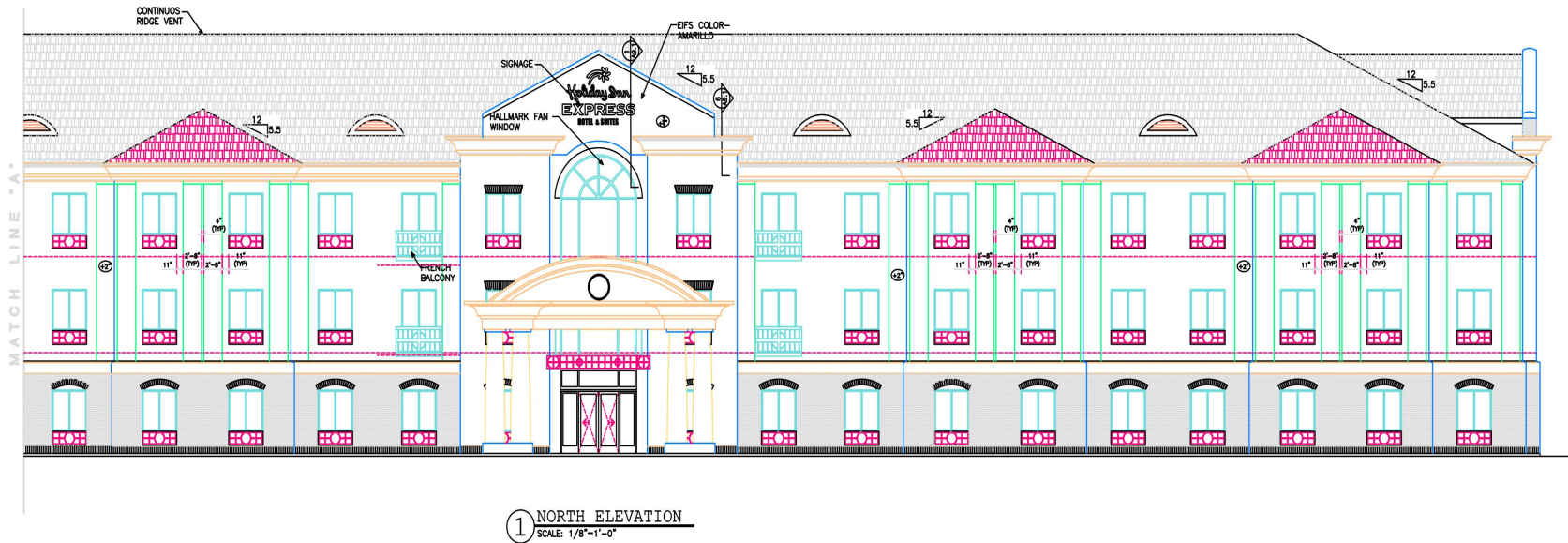
PROJECT INFORMATION:

TOTAL AREA	91,606 SQ. FT.
FIRST FLOOR	17,516 SQ. FT.
SECOND FLOOR	17,516 SQ. FT.
THIRD FLOOR	17,516 SQ. FT.
TOTAL LANDSCAPE AREA	10,606 SQ. FT.
# OF TREES	23
# OF SHRUBS	110
# OF ROOMS	102
# OF PARKING SPACES	117



SITE PLAN

LOT 27
BLOCK 39
FAIRMONT PARK
ADDITION SECTION 2

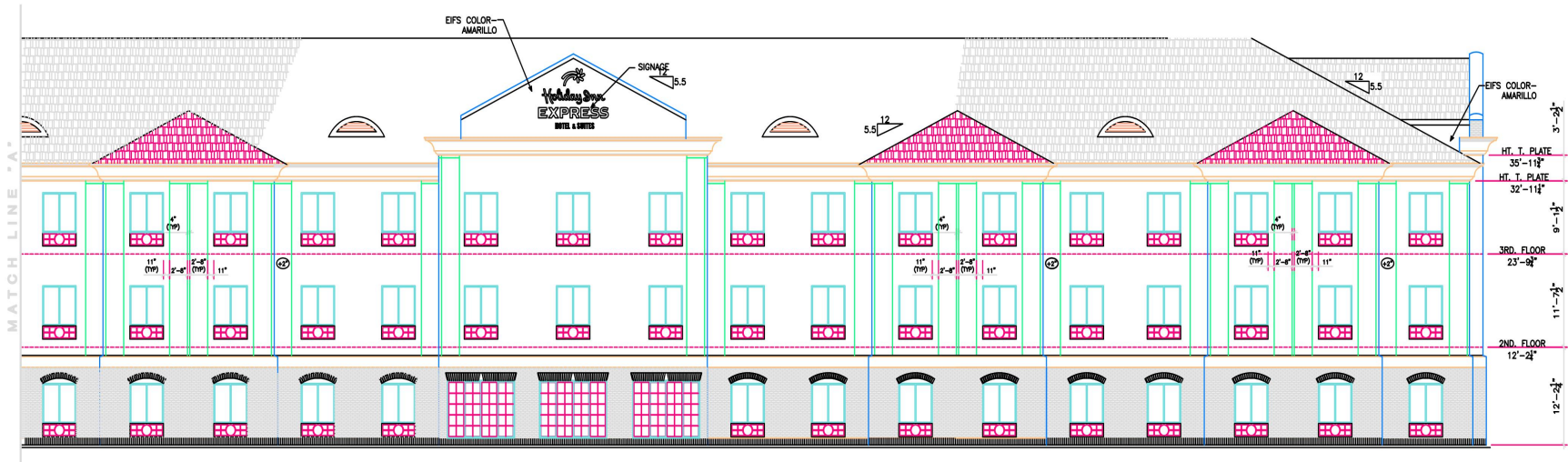


REVISIONS		DATE	DESCRIPTION
No.	1		
	2		
	3		
	4		
	5		

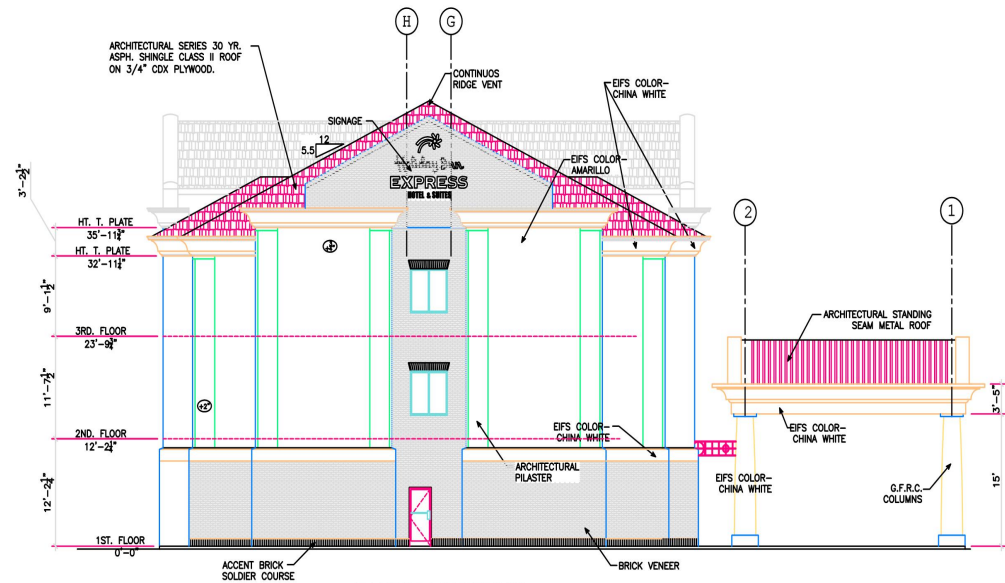
D.R. ASSOCIATES
ARCHITECTS
888 W. SAM HOUSTON PKWY S. #100
HOUSTON, TX 77042 E-Mail: info@drassociates.net
713-266-3304

HOLIDAY INN EXPRESS HOTEL & SUITES
MIDLAND, TX.

DATE: 09/01/04	CHECKED BY:	DRAWN BY:	SCALE: 1/8"=1'-0"	JOB NO: MIDLAND/05	FILE:	SHEET: A-5	OF
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② SOUTH ELEVATION
SCALE: 1/8"=1'-0"



② EAST ELEVATION
SCALE: 1/8"=1'-0"

PACKET

Page 11.169

May 6, 2024

REVISIONS	DATE	DESCRIPTION
No.		
1		
2		
3		
4		
5		

D.R. ASSOCIATES
ARCHITECTS
888 W. SAM HOUSTON PKWY S. #281
HOUSTON, TX 77042
(713) 266-3304

HOLIDAY INN EXPRESS HOTEL & SUITES
MIDLAND, TX.

DATE: NOVEMBER 12, 2001
CHECKED BY:
DRAWN BY:
SCALE: 1/8"=1'-0"
JOB No:
FILE: D:\DRA\BIC-SPRING\A05-1
SHEET: **A-5.1** OF

06/20/01



Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 06, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Diana Geerts, Senior Planner

SUBJECT: Consider a request by Twin Restaurants Midland for a Specific Use Designation with Term for the sale of Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant, on Lot 24C, Block 6, Crestgate Addition, Section 27, City and County of Midland, Texas. (Generally located on the north side of West Loop 250 North approximately 350-feet east of N Midland Drive. (DISTRICT 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

Twin Restaurants Midland is requesting a Specific Use Designation (SUD) with Term for Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant. Twin Peaks is located at 4306 West Loop 250 North.

Current Zoning:

PD, Planned Development District for a Shopping Center. (Ordinance No. 5358)

Surrounding Zoning and Land Use:

The properties to the north are zoned PD, Planned District for Housing Development, and the location of single-family houses. The property to the east is zoned PD, Planned District for a Shopping Center, and the location of retail stores. The properties to the south are zoned RR, Reginal Retail District, and the location of a shopping center. The property to the west is zoned PD, Planned District for a Shopping Center, and the location of a retail store.

Analysis:

The property is zoned PD, Planned District for a Shopping Center. The original Ordinance 5358 approved the Shopping Center with a base zoning of LR-2, Local Retail District, which is now RR, Regional Retail District in the current Zoning Ordinance. The RR zoning allows for Alcoholic Beverages Sales for On-Premises Consumption in a Restaurant with the approval of an SUD. The total area of the restaurant, Twin Peaks, is 8,168-square feet and the proposed alcohol serviceable area is 2,243 -square feet which includes a patio.

The proposed hours of operation:

Monday through Thursday from 11 a.m. to 12 a.m. (midnight)
Friday and Saturday from 9 a.m. to 2 a.m. (next day)
Sunday from 11 a.m. to 12 a.m. (midnight)

The proposed hours of alcohol service:

Monday through Thursday from 11 a.m. to 12 a.m. (midnight)
Friday and Saturday from 9 a.m. to 2 a.m. (next day)
Sunday from 11 a.m. to 12 a.m. (midnight)

Per Midland City Code, Section 5-4-4, Prohibited Places of Business:

The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public-school, public-school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

There are no churches, private schools, public schools, public school grounds, athletic stadium, public hospital within 300 feet measurement along the property lines of the street fronts, and from the front door in a direct line across intersection where they occur within this site.

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, which is to “Encourage the development of places where Midland residents can gather and socialize to build connections.” Twin Peaks is a destination where Midland residents will gather and socialize.

This project has been circulated to all City departments for review. Below are the department comments.

Fire: (Approved)

No objection.

Engineering: (Approved)

No objection. [For the Applicant's information only.]

Transportation: (Approved)

No objection to zone change. [For the Applicant's information only.]

Building Code: (Approved)

Application does not specify the difference between the alcohol serviceable area and the Sq Ft of the entire building.

Planning: (Approved with Conditions)

This request meets all requirements; therefore, staff recommends approval of the request of the Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, subject to Condition A through G.

Conditions:

A. That the serviceable area of the establishment shall be limited to approximately 2,243 square feet as shown in Exhibit "A".

B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

C. That the permitted hours of the sale of alcoholic beverages sales and consumption shall be limited to:

Monday through Thursday from 9 a.m. to 12 a.m. (midnight)
Friday and Saturday from 9 a.m. to 2 a.m. (next day)
Sunday from 9 a.m. to 12 a.m. (midnight)

D. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.

E. That the establishment shall meet all requirements of the Fire Department and Code Administration.

F. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.

G. That in accordance with Section 9.07.E.3 of the zoning ordinance, the restaurant shall be in operation within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of May 1, 2024, staff has not received any letters of objection.

Attachments:

Application
Floor Plan (Exhibit A)
Site Plan (Exhibit B)
Maps
Ordinance (No. 5358)



**Specific Use Permit with Term for
the Sale of Alcoholic Beverages for
On-Premises Consumption**

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2)

Printed Name: Twin Restaurant Midland, LLC

Phone (972) 905-7137

Email licensing@tprest.com

Address 5151 Beltline Road, Suite 1200

City Dallas

State TX

Zip 75254

Property Owner

Printed Name: The Du and Li Family Trust

Phone (949) 333-9089

Email shoujendu@yahoo.com

Address PO Box 62185

City Irvine

State CA

Zip 92602

Representative (if different from Applicant or Property Owner)

Firm: _____

Printed Name: _____

Phone ()

Email _____

Address _____

City _____

State _____

Zip _____

Street Address: 4306 W Loop 250 N., Midland, TX 79707

Business Name: Twin Peaks

Legal Description

Lot: _____ Block: _____ Subdivision: _____

SEE LEGAL DESCRIPTION ATTACHED

Current Zoning: Currently zoned for restaurant with alcohol

Reason for Request: To obtain a bar permit for a full service restaurant with alcohol service

Type of Business (restaurant, bar, lounge, nightclub, etc.): Full Service Restaurant with Alcohol

Proposed/Current Days and Hours of Operation: N/A

Proposed Days and Hours of Alcohol Service: M-Thu & Sun. 9 am to 12 am; Fri/Sat. 9 am to 2 am

Total Square Footage of Business: 6,668 SF Interior; 1,500 SF Patio

Square Footage of Alcohol Serviceable Area: 6,668 Interior; 1,500 Patio

Restroom Fixtures:

Men

Toilets/Urinals: 4 / 2

Bathroom Sinks: 2

Women

Toilets: 6

Bathroom Sinks: 2

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
 - Seating
 - Exits
 - Restrooms
 - Kitchen
 - Total Square Footage
 - Serviceable Square Footage
- Dimensioned Site Plan showing:
 - Parking
 - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

Signatures

Applicant (signature):

Michael P. Locey

Date: April 5, 2024

Applicant (printed):

Michael P. Locey

Property Owner (signature):

Shoujen Daniel Du

Date: April 5, 2024

Property Owner (printed): Shoujen Daniel Du

The Specific Use Permit with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

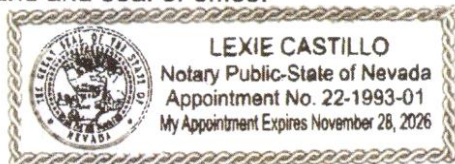
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

NEVADA
STATE OF ~~TEXAS~~ CALIFORNIA
COUNTY OF ~~MIDLAND~~ CLARK

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

Shoujen Daniel Du
Authorized Agent (signature)

Subscribed and sworn to before me, this 6th day of April, 2024, to certify which witness my hand and seal of office.



Lexie Castillo
NOTARY PUBLIC, ~~MIDLAND~~ CLARK COUNTY, ~~TEXAS~~ NEVADA

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



LEGEND

CLAM ROOM SPACE

30" WIDE CUP HALL

BUILDING DATA

BLDG. AREA	1,700	SQ. FT.
RENOVATED AREA	1,700	SQ. FT.
TOTAL AREA	3,400	SQ. FT.

SEATING COUNT

BAR SEATING	10
STAY SEATING	10
4 TOP SEATING	10
6 TOP SEATING	10
8 TOP SEATING	10
10 TOP SEATING	10
12 TOP SEATING	10
14 TOP SEATING	10
16 TOP SEATING	10
18 TOP SEATING	10
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94 TOP SEATING	10
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98 TOP SEATING	10
100 TOP SEATING	10



TWIN PEAKS RESTAURANT
MIDLAND, TX
 CLIENT: **Page 12.176**

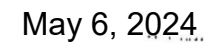
studio
 MAYNARD CIRCLE DRIVE 1
 MIDLAND, TEXAS 79701
 TEL: 432.437.1000
 WWW.STUDIOX.COM

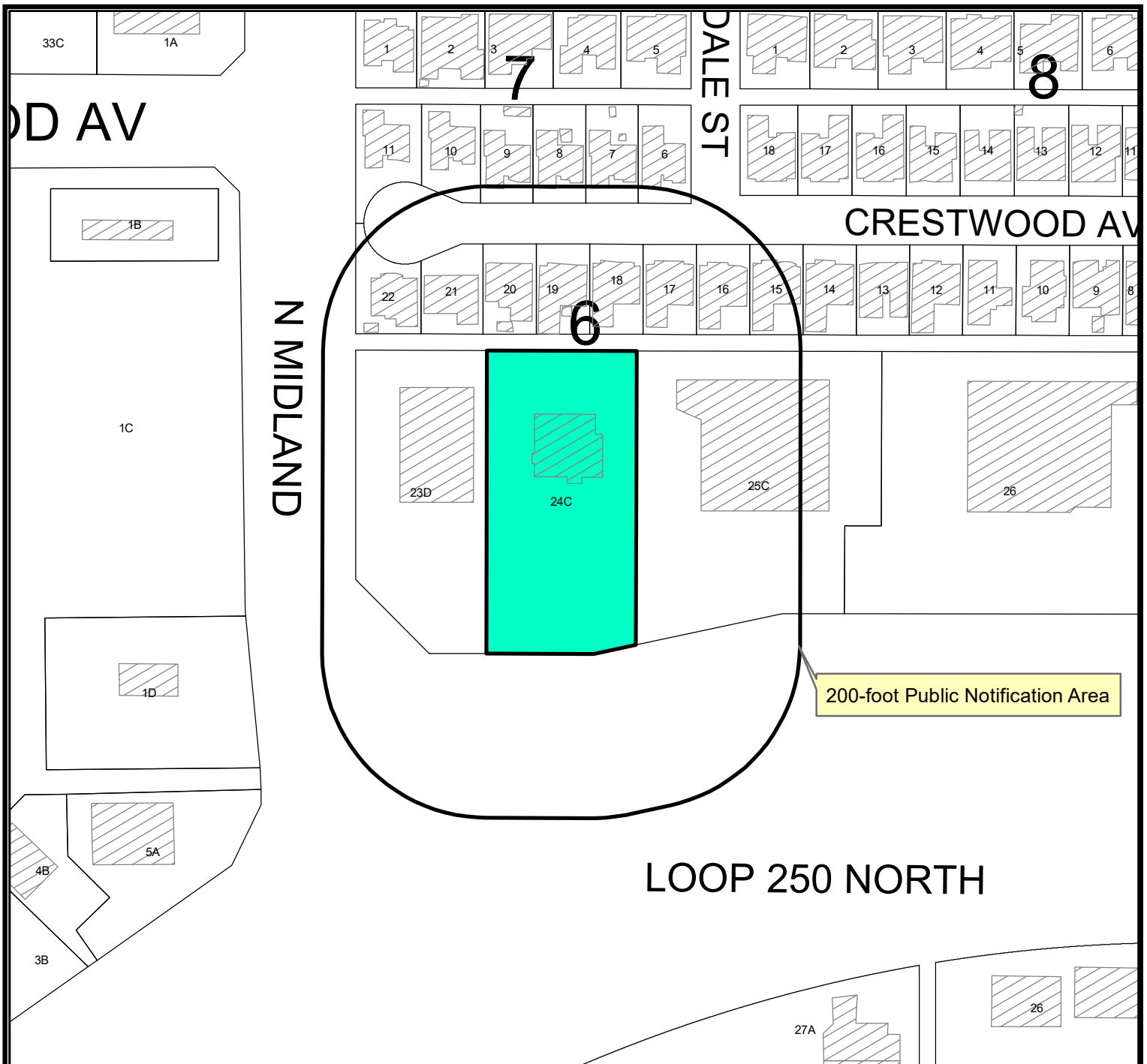
TESTFIT
PACKET

A1.2

NOVA

1. The first part of the document is a list of names and their corresponding dates of birth. The names are listed in a column on the left, and the dates are listed in a column on the right. The names are: J. A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z. The dates are: 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2





Location Map

SUD-24-0180

Scale: 1" = 600'

Consider a request by Twin Restaurant Midland, for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages for on premises consumption in a Restaurant on Lot 24C, Block 6, Crestgate Addition, Section 27, City and County of Midland, Texas.

Generally located on the north side of West Loop 250 North approximately 350-feet east of N Midland Drive.
(District 1) PACKET

LEGEND

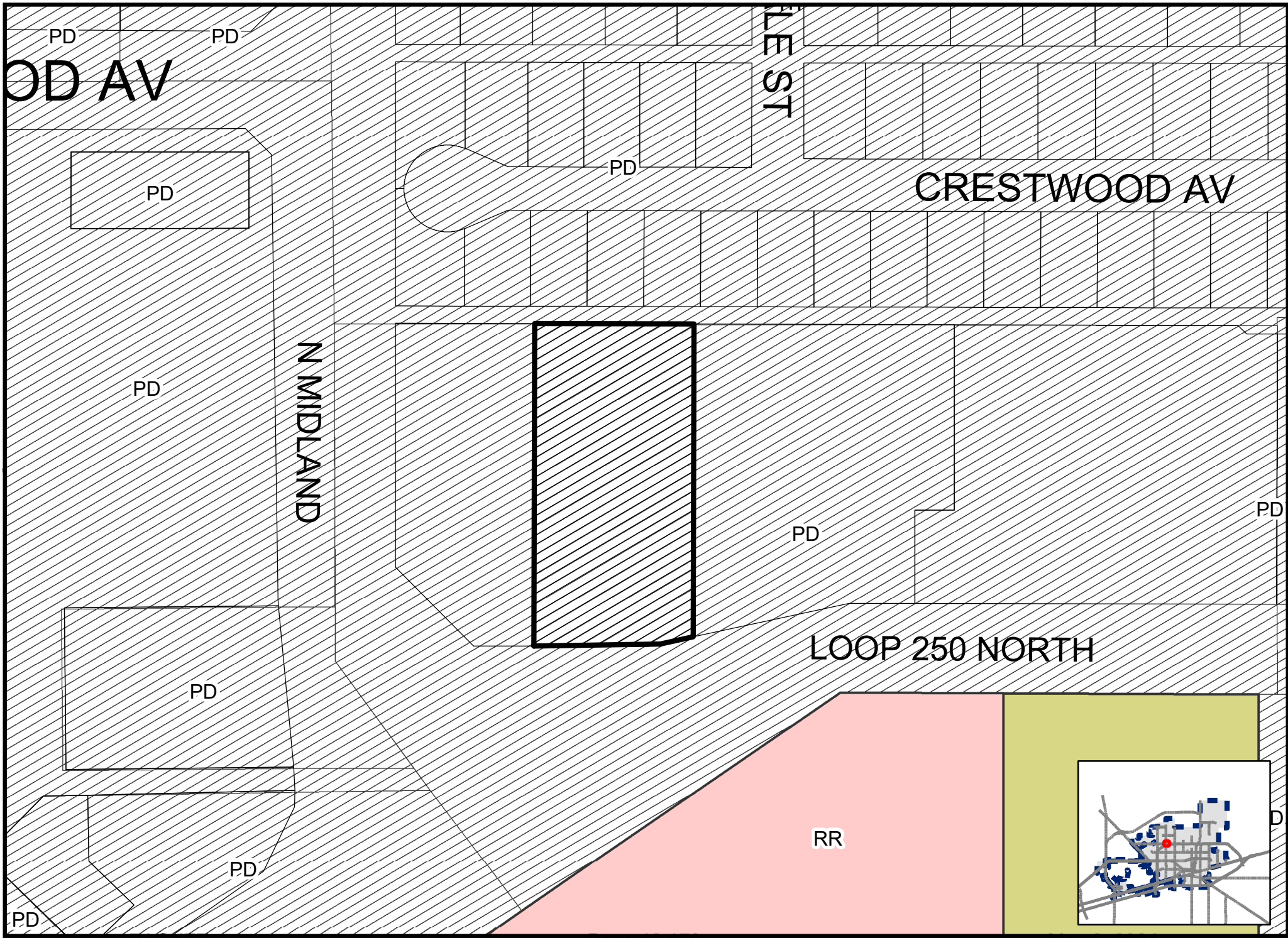
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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May 6, 2024



PACKET

Page 12.179

May 6, 2024



ORDINANCE NO. 5358

AN ORDINANCE AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE PROPERTY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED "1F-1", ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A "PLANNED DISTRICT" FOR A HOUSING PROJECT; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; PROVIDING THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE SITE PLAN, ORDINANCES AND OTHER SPECIFICATIONS SET OUT AND REFERRED TO HEREIN; ADDING A PORTION OF SAID PROPERTY TO THE FIRE DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

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

WHEREAS, the Council, by Ordinance No. 4531, created a Fire District within the City limits of Midland, Texas, and adopted a Fire District Map, appropriately shaded; and

WHEREAS, because of the less restrictive zoning being established for Tract 1 (shown as Lot 23, Block 6 on the general site plan) of the property involved in Section One hereof, the Council finds it to be in the public interest to amend the Fire District so as to add the said premises thereto;

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

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned "1F-1", One-Family Dwelling District, and it shall be used as a "Planned District" for a Housing Project, subject to the special conditions and restrictions hereinafter set out:

Said property is described as follows:

A tract of land out of the West part of the S/2 of Section 5, Block X, H. P. Hilliard Survey, Midland County, Texas, being further described by metes and bounds as follows:

BEGINNING at a 1/2" Reinf. Bar set for the West Southwest corner of this tract in the East Right of Way line of North Midland Drive and at the North return of a curve with a Radius of 100 feet, from whence the Southwest corner of said Section 5 bears S. 74° 53' 13" W., 45 feet, and S. 15° 17' 34" E., 149.69 feet, the BEGINNING CORNER OF THIS TRACT;

THENCE N. 15° 17' 34" W., 1,200.68 feet along the East Right of Way line of North Midland Drive to a 1/2" Reinf. Bar set for the Northwest corner of this tract, at the Southwest corner of the City of Midland, Texas, 80 Acre Filtration Plant Site;

THENCE N. 74° 55' 11" E., 2,686.18 feet to a point in a fence line at the Southeast corner of the Filtration Plant Tract for the Northeast corner of this tract;

THENCE S. 15° 19' 45" E., 1,298.88 feet along the fence line to a point for the Southeast corner of this tract in the North Right of Way line of F.M. Highway 868;

THENCE S. 74° 53' 13" W., 2,587.31 feet along the North Right of Way line of F.M. Highway 868, to a 1/2" Reinf. Bar set for the South Southwest corner of this tract at the P.C. of a curve to the right with radius of 100 feet;

THENCE around said curve to the right for 156.77 feet to the PLACE OF BEGINNING.

SAVE AND EXCEPT THE EAST 70 FEET OF THE ABOVE DESCRIBED TRACT leaving a remaining 78.01 acres of land more or less.

SECTION TWO. That Tract 1 (shown as Lot 23, Block 6 on the general site plan) shall be developed and used according to the regulations contained in the City Code for an "LR-2", Local Retail District Zone, except as otherwise permitted or required on the general site plan attached hereto, marked

Exhibit "A", and made a part hereof for all legal purposes.

Development within this "Planned District" shall comply with the said site plan in all respects except the dimensions of lots as shown in Tract 2.

SECTION THREE. That Tract 2 (the remainder of the "Planned District" as depicted on the said site plan) shall be developed and used according to the regulations contained in the City Code applicable to a "1F-2", One-Family Dwelling District, Zone, except as follows:

(1) On all corner lots, a side yard of not less than ten (10) feet shall be observed adjacent to the side street (the street opposite the interior side yard), except that, on Lot 6 of Block 6, a front yard of twenty (20) feet shall be observed adjacent to Crestwood Avenue and a front yard of fifteen (15) feet shall be observed adjacent to Crestfield Street. In no case shall a vehicle entrance to a garage, carport or similar facility off a street be less than twenty (20) feet from the street line.

(2) The front yard set backs shall be no less than twenty (20) feet except where the lots abut upon the turn-around area of a cul-de-sac street where they shall be no less than fifteen (15) feet and except for the front set backs specified for Lot 6, Block 6, above.

(3) All garages, carports or similar facilities shall be constructed so as to be entered from alleyways only and not from streets. No drive-ways shall enter any side street.

(4) There shall be no entries upon the fronts of the lots for vehicular traffic other than a hard surface circular drive which may not occupy more than 80% of the front yards (20% reserved for landscaping).

(5) All dedications shown on said Exhibit "A" including streets, easements for drainage purposes, and alleys behind lots

with rear entrance garages shall be paved at the sole expense of the owner, but shall be afterwards accepted and maintained by the City of Midland. All paving performed and elevations for drainage shall be approved by the Director of Public Works of the City of Midland.

SECTION FOUR. That a true copy of the site plan, attached hereto as Exhibit "A", shall be retained by the Director of Planning and furnished to the Building Inspector for observance in the issuing of permits, for these improvements.

SECTION FIVE. That the Fire District be amended so as to add Tract 1 (shown as Lot 23, Block 6, on Exhibit "A") thereto, and the Building Inspector is authorized and directed to add to the Fire District Map said premises.

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

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

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

SECTION NINE. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance, together with the general penalty provision contained in Section 1-3-1 of the City Code of Midland, Texas, in the manner and for the length of time prescribed by law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 25th day of July, A.D., 1978, and passed to second reading on motion of Councilman Marcum, seconded by Councilman Sloan, by the following vote:

Councilmen voting "AYE": Marcum, Sloan, Angelo, Akins, and Howbert

Councilmen voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Councilman Marcum, seconded by Councilman Howbert, on the 8th day of August, A.D., 1978, at a regular meeting of the City Council:

Councilmen voting "AYE": Marcum, Howbert, Angelo, Sloan, and Akins

Councilmen voting "NAY": None

Councilmen "ABSTAINING": Thomas

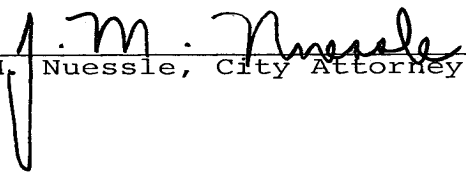
PASSED AND APPROVED THIS 8th day of August, A.D., 1978.


Ernest Angelo, Jr., Mayor

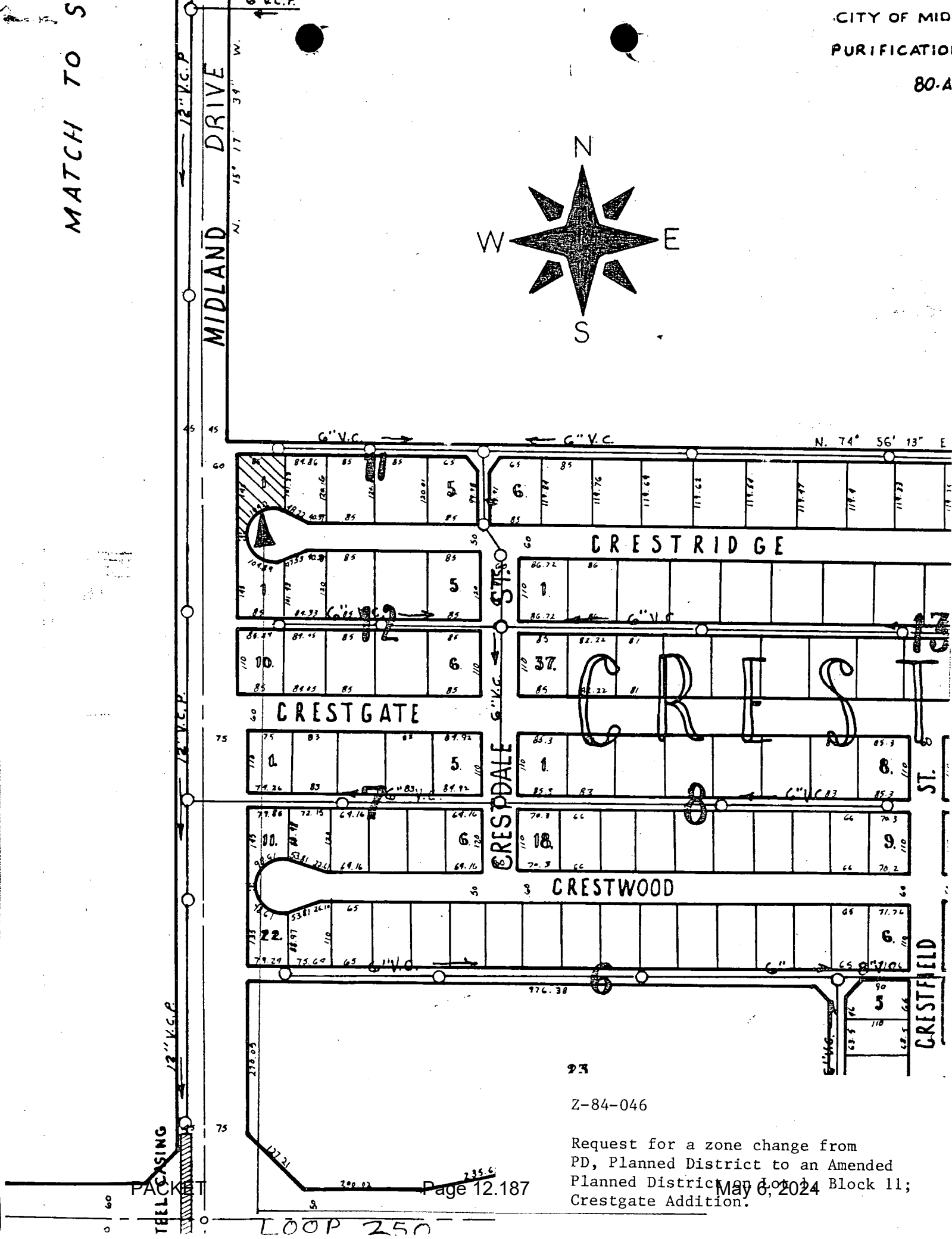
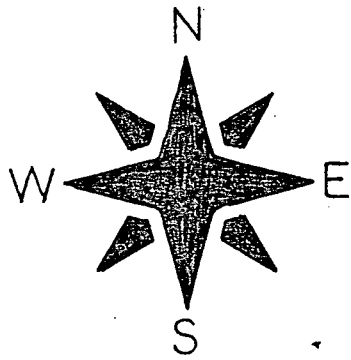
ATTEST:


J. W. McCullough, City Secretary

APPROVED AS TO FORM:


J. M. Nuessle, City Attorney

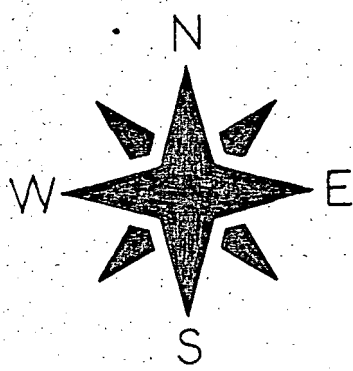
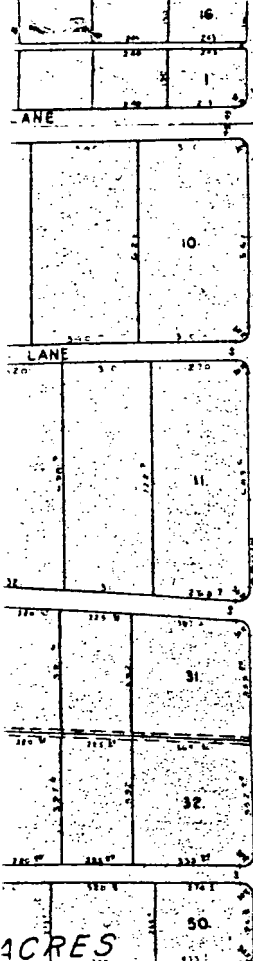
MATCH TO S.



23

Z-84-046

Request for a zone change from
PD, Planned District to an Amended
Planned District, May 6, 2024 Block 11;
Crestgate Addition.



AE

CRESTGATE
22 ADDITION
7TH SECTION

CRESTGATE
8TH
SECTION
33
ADDITION

ACRES

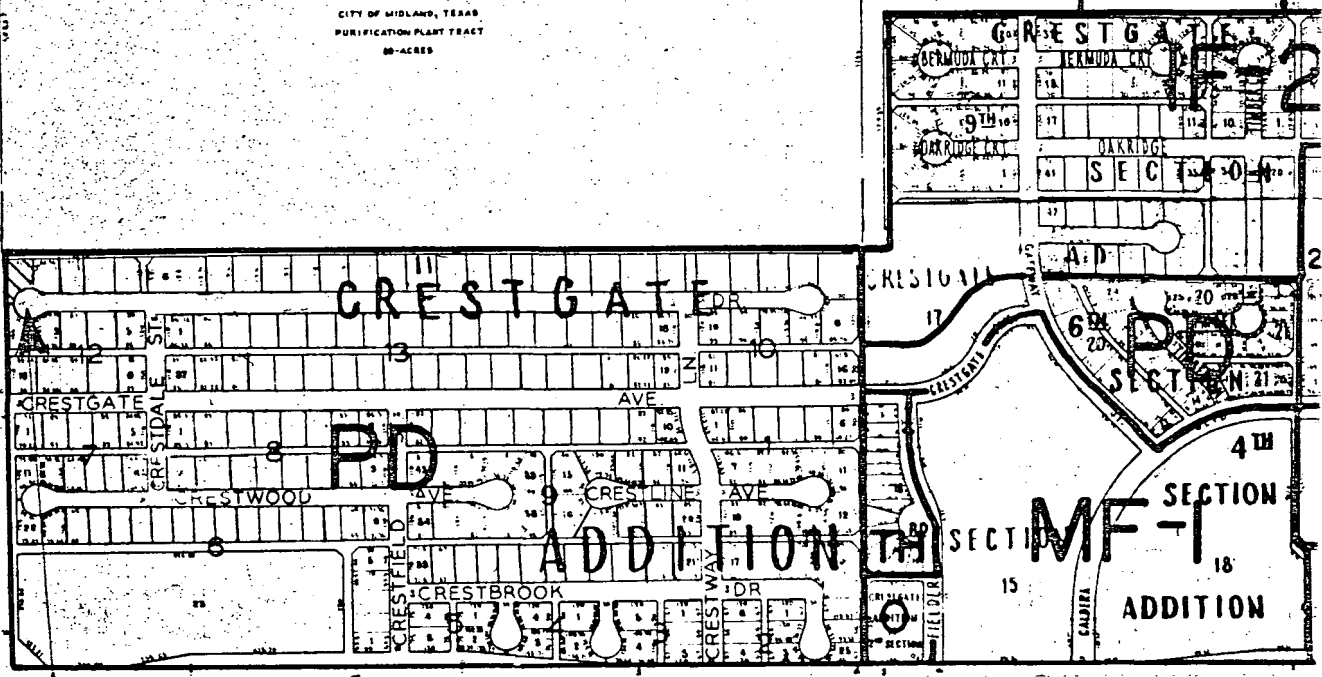
PD

PD

IF-1

PD

CITY OF MIDLAND, TEXAS
PURIFICATION PLANT TRACT
80-ACRES



LOOP 250
... SEE GRID SHEET

Z-84-046

Request for a zone change from
PD, Planned District to an Amended
Planned District of May 6, 2024 Lock 11;
Crestgate Addition.

PACKET

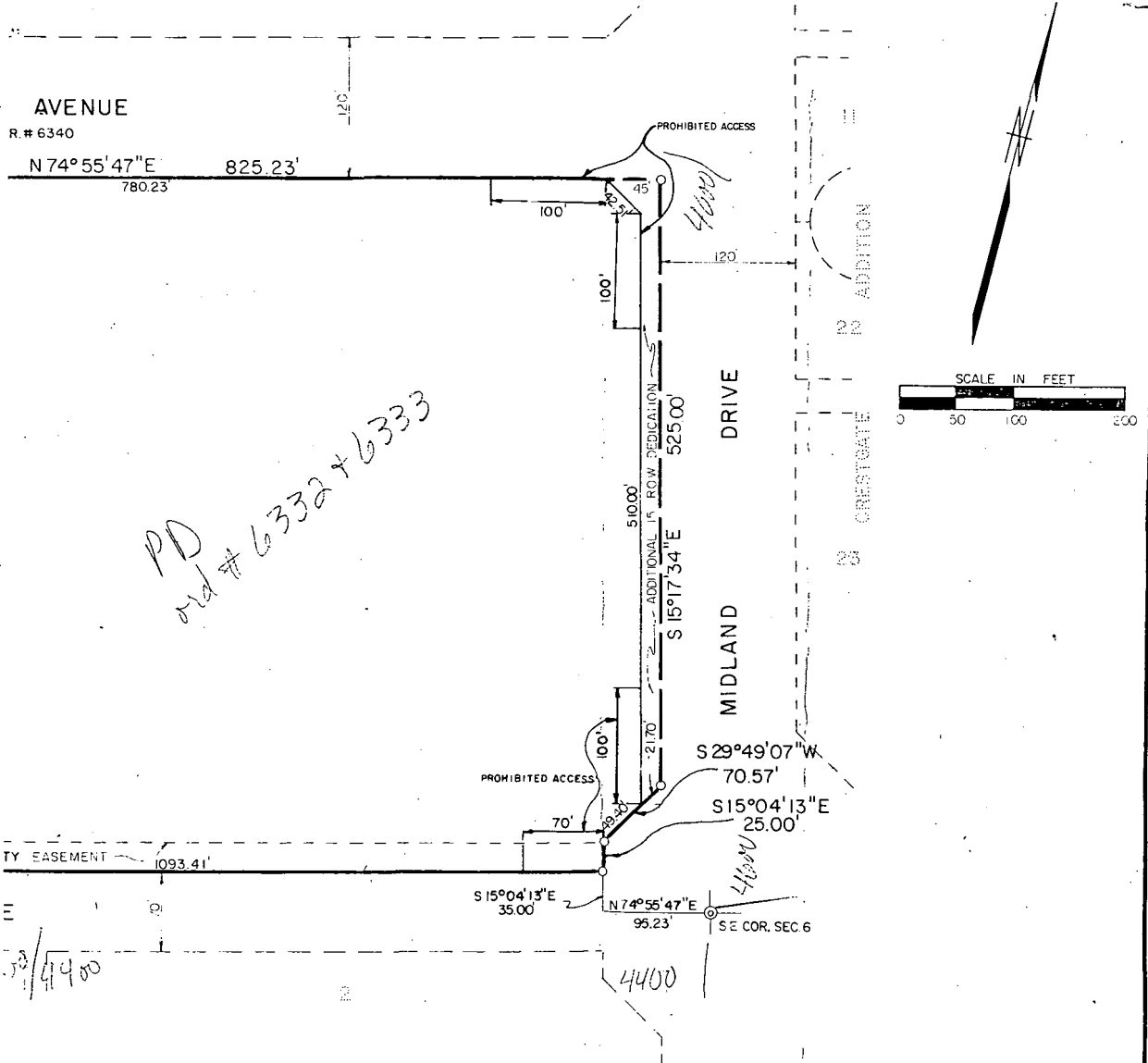
Page 12.188

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G3	G6	G9	G12	G15
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DN SECTION 1

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Survey



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THIS IS TO CERTIFY THAT THIS SUBDIVISION, "BRIARWOOD
ADDITION", BEING 19.84 ACRES OF LAND IN SECTION 5, BLOCK "X",
H. P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS, WAS SURVEYED ON
THE GROUND UNDER MY SUPERVISION, AND THAT THIS PLAT IS A TRUE
AND CORRECT REPRESENTATION OF THAT SURVEY.

DATED APRIL 9, 1984

Max W. Richardson
MAX W. RICHARDSON
REGISTERED PUBLIC SURVEYOR

PACKET

Page 12 189

May 6, 2024

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES:

Wanda
Wanda

TEXAS ELECTRIC CREDIT COMPANY





Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 06, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Consider a request by Jose Mendez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on all of Lot 7 and the south 48 feet of Lot 8, Block 41, Greenwood Addition, Third, Fourth, and Fifth Sections, City and County of Midland, Texas. (Generally located on the east side of South Webster Street, approximately 65-feet south of E. Pennsylvania Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

☒ **Approve** ☐ **Deny** ☐ **Directional/Informational**

The applicant, Jose Mendez, is requesting a Zone Change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District to build a new single-family dwelling at both 703 and 705 South Webster Street.

Current Zoning:

MF-22, Multiple-Family Dwelling District.

Surrounding Zoning and Land Use:

The properties to the north, east, south and west are zoned MF-22, Multiple-Family Dwelling District and is an existing single family residential neighborhood.

Analysis:

The subject property is zoned MF-22, Multiple-Family Dwelling District. Jose Mendez is seeking this zone change in in order to construct a single-family home, which is not allowed in the MF-22 district. This vacant lot is located in a residential neighborhood that is developed with single-family homes. Changing this zoning would help the future

residential development of this area. This lot does meet the requirements for the SF-3, Single-Family Dwelling District zoning.

This request is consistent with the Tall City Tomorrow Comprehensive Plan, Chapter 3; which designated this area as U-M, Urban-Medium. This designation calls for any single-family zoning district.

This proposed zone change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No comments or objections.

Oil and Gas: (Approved)

No Oil and Gas Issues.

Engineering: (Approved with Conditions)

No objections to zone change. [For Applicant's Information Only.] Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For Applicant's Information Only.]

Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.] No objection to zone change. [For the Applicant's information only.]

Planning:

Therefore, staff recommends approval of this Zone Change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District.

Letters of Objection:

Staff has not received any letters of objection as of April 29, 2024.

Attachments:

Application
Site Plan (Exhibit A)
Maps



**Zone Change/Planned District
Amendment/Site Plan Approval**

Project Number:

Case Number:

2-24-0368

Applicant (if acting as Agent, see affidavit on page 2)

Printed Name:

Phone ()

Email

Address

City

State

Zip

Property Owner

Printed Name: José Alfredo Zarate Mendez

Phone (432) 2606127

Email

Address

City

State

Zip 79701

Representative (if different from Applicant or Property Owner)

Firm:

Printed Name: José Alfredo Zarate Mendez

Phone ()

Email

Address

City

State

Zip 79701

Street Address: 409-411 S Tilden St.

Legal Description 015/041

Lot: 008 Block: 015/041 Subdivision: Greenwood

~~703 Webster~~

~~705 Webster~~

Current Zoning:

MultiFamily

Proposed Zone: single Family SF-3

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

Reason for Zone Change Request: building a family home for my son

Present Use of Property: Vacante lots.

Proposed Use of Property: Family home

How would this zone change affect the public health, safety and welfare? I don't think affects anything

Describe how conditions affecting the property have changed since present zoning designation: I don't think it will affect an area that was named multiFamily where most of the houses are made for single family

Submittal and Fees

Items to be submitted with this application form:

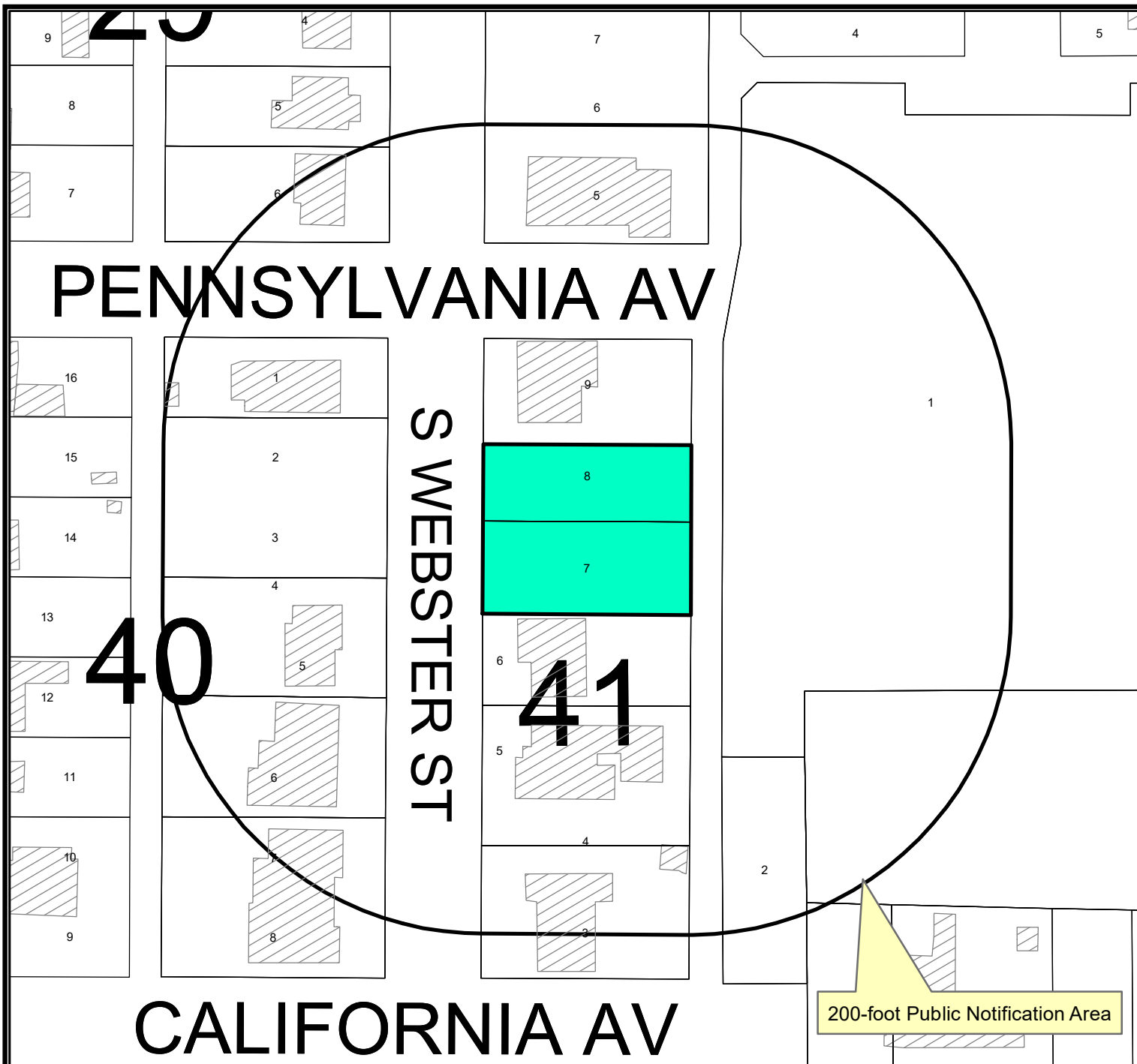
- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): <u>Jose Alfredo Zarate Mendez</u>	Date:
Property Owner (printed):	
<i>The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.</i> <i>All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.</i>	

STATE OF TEXAS COUNTY OF MIDLAND	
Before me, the undersigned authority, on this day personally appear _____ who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.	
_____ Authorized Agent (signature)	
Subscribed and sworn to before me, this _____ day of _____, 20____, to certify which witness my hand and seal of office.	
_____ NOTARY PUBLIC, MIDLAND COUNTY, TEXAS	

FOR OFFICE USE ONLY	
☒ Property Owner Authorization ☒ Application Fee Check # <u>2149</u>	☒ Dimensioned Site Plan ☒ Plans In Digital Format (PDF/JPEG)
Received By: <u>DB</u>	Date: RECEIVED MAR 19 2024

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



Location Map

Z-24-0372

Scale: 1" = 90.07'

Consider a request by Jose Mendez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lots 7 and 8, Block 41, Greenwood Addition, Third, Fourth, and Fifth Sections, City and County of Midland, Texas.

Generally located on the east side of South Webster Street, approximately 65-feet south of E. Pennsylvania Avenue. (Council District 2)

LEGEND

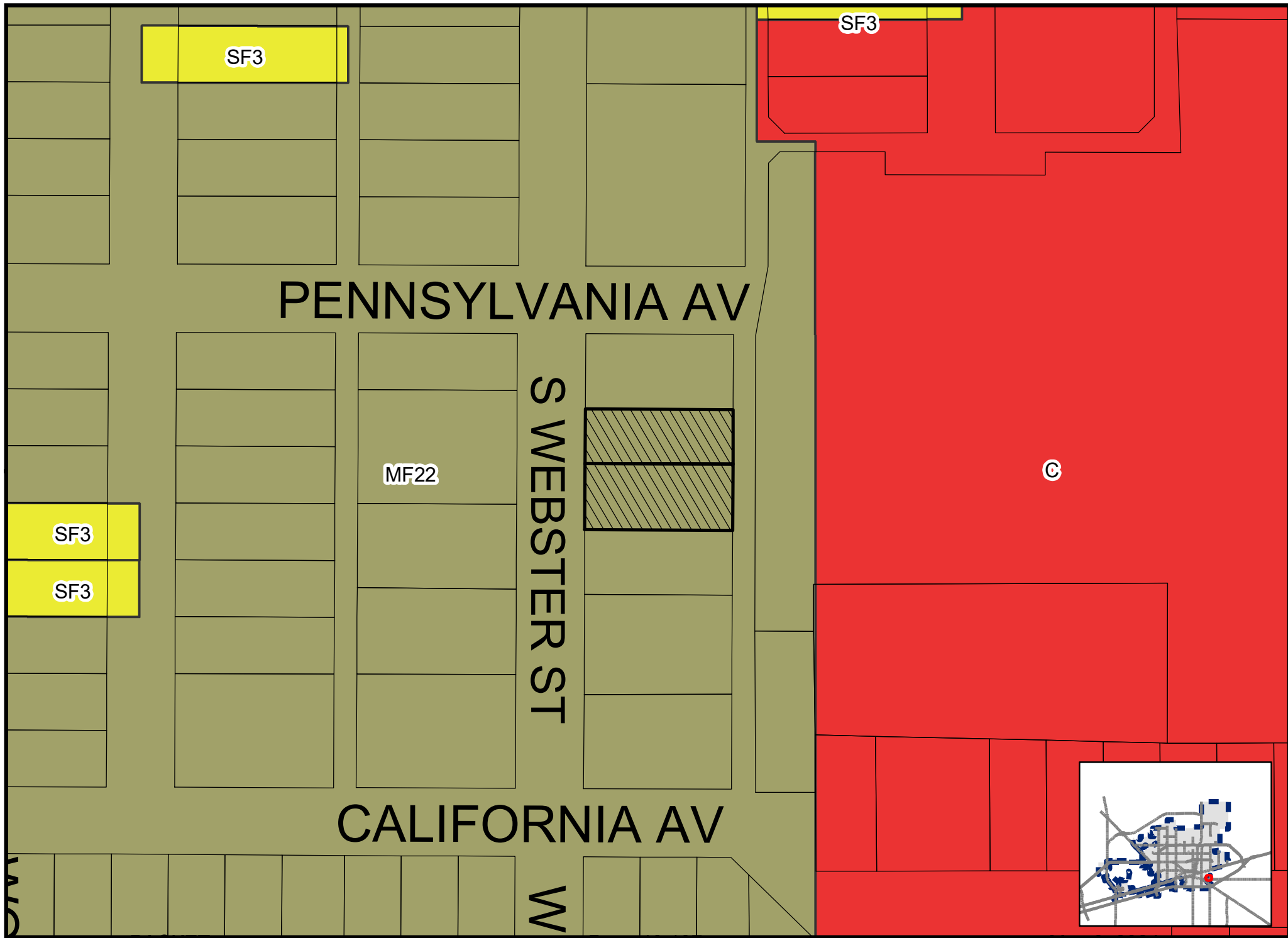
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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May 6, 2024

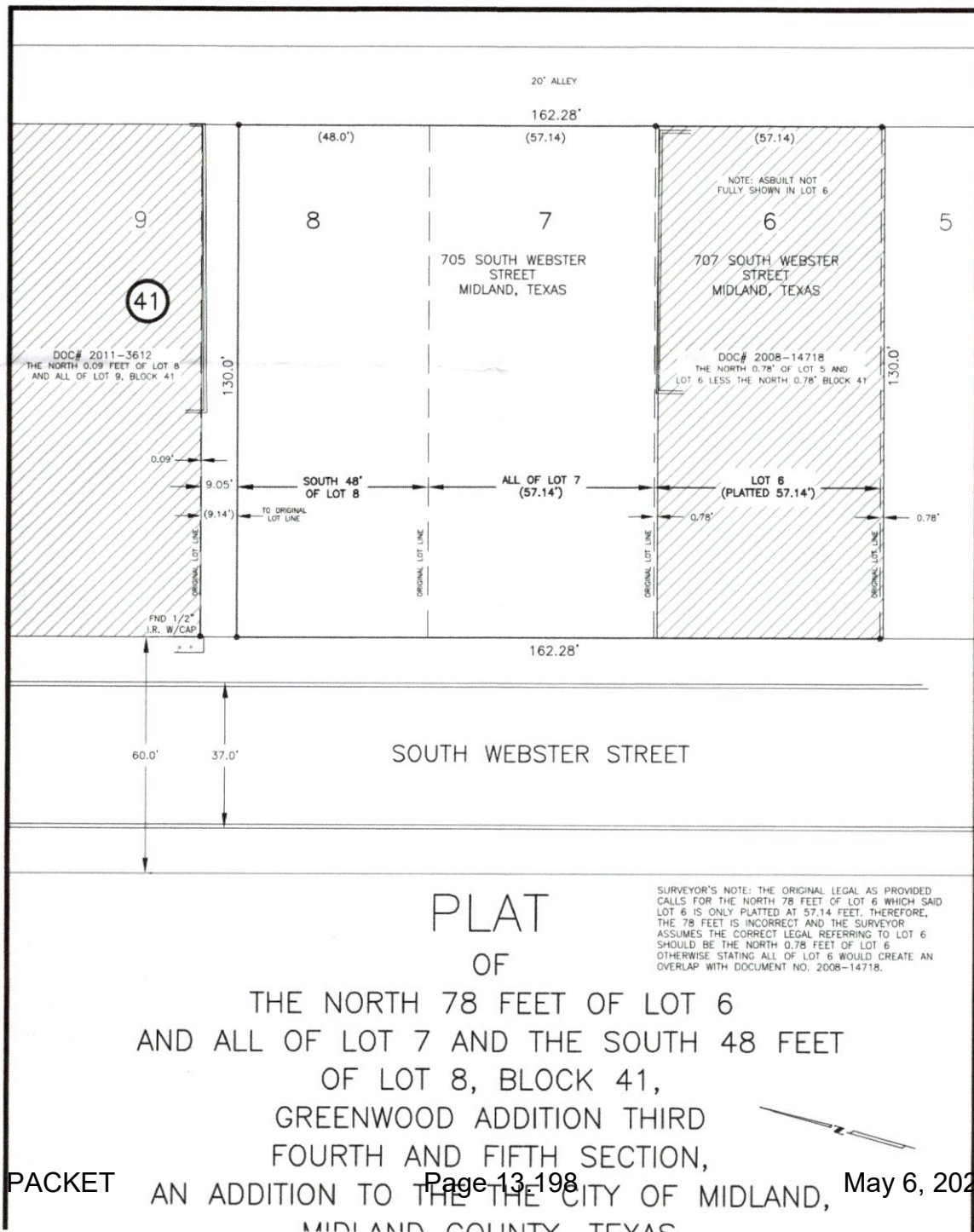


9:59

703 &
705 Webster



Survey.pdf









Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 6, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Hold a public hearing and consider a request by Schumann Surveying for a zone change from MF-22, Multiple-Family Dwelling District, to 2F, Two-Family Dwelling (Duplex) District for a one-acre tract of land out of Tract 1, Bizzell Kiser Addition, City and County of Midland, Texas. (Generally located on the north side of East Montgomery Avenue, approximately 135 feet east of South Fort Worth Street.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

Schumann Surveying, on behalf of Ben Luna, is requesting a zone change for the construction of duplexes located at 407 E. Montgomery Avenue.

Current Zoning:

MF-22, Multiple-Family Dwelling District

Surrounding Zoning and Land Use:

The properties to the north are zoned SF-2, Single-Family Dwelling District and MF-22 and are the location of residences. The properties to the east, south, and west are zoned MF-22, Multiple-Family Dwelling District and are the locations of single-family and mobile home residences and a vacant property.

Analysis:

The applicant is requesting a zone change from MF-22, Multiple-Family Dwelling District to 2F, Two-Family Dwelling (Duplex) District to build Duplexes. The Future Land Use Map Chapter 3 of the *Tall City Tomorrow Comprehensive Plan* designates this area as Urban

Residential-Medium (UR-M) which calls for a mix of housing styles and supports the 2F zoning and the construction of duplexes.

This proposed zone change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objections.

Building Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objection to zone change. [For Applicant's Information Only.]

Code Compliance: (Approved)

No Oil and Gas issues.

Transportation: (Approved with Conditions)

Right-of-Way dedication may be required during the platting process.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

No objection to zone change. [For the Applicant's information only.]

Planning:

Staff recommends approval of this request for a zone change.

Letters of Objection:

As of April 29, 2024, Staff has not received any letters of objection.

Attachments:

Application
Zoning Map

Location Map
Aerial
Photo



**Zone Change/Planned District
Amendment/Site Plan Approval**

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2)

Printed Name: Schumann Surveying

Address 800 N. Marienfeld Suite 100 City Midland

Phone (432) 684-5548

Email caleman@schumannsurveying.net

State Tx Zip 79701

Property Owner

Printed Name: Ben Luna

Address 1209 Hick Ave City Midland

Phone (432) 238-1299

Email

State Tx Zip 79703

Representative (if different from Applicant or Property Owner)

Firm: Schumann Surveying

Printed Name: Ed Aleman

Address 800 N. Marienfeld Suite 100 City Midland

Phone (432) 254-0327

Email

State Tx Zip 79701

Street Address: 407 E. Montgomery

Legal Description E. 1 acre of the west 2.00 acres of tract 1

Lot: _____ Block: _____ Subdivision: Bizzel-Kiser Subdivision

Current Zoning: MF 22

Proposed Zone: 2F
(List by tracts if more than one district is requested)

Reason for Zone Change Request: Construction of Duplexes

Present Use of Property: Vacant

Proposed Use of Property: Duplexes

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

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

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

Signature (by property owner only – authorized agent must sign affidavit below)

Applicant (signature):

Eduardo J Aleman

Date: 4-8-24

Applicant (printed):

Eduardo Aleman

Property Owner (signature):

Ben Luna

Date: 04/08/24

Property Owner (printed):

Ben Luna

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

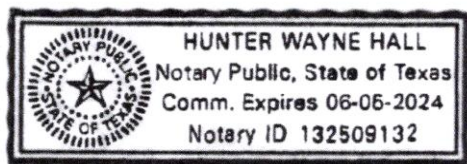
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Eduardo J Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 8th day of April, 20 24, to certify which witness my hand and seal of office.



Halle
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Site Plan

☒ Application Fee

☒ Plans in Digital Format (PDF/JPEG)

Check #

Paid online

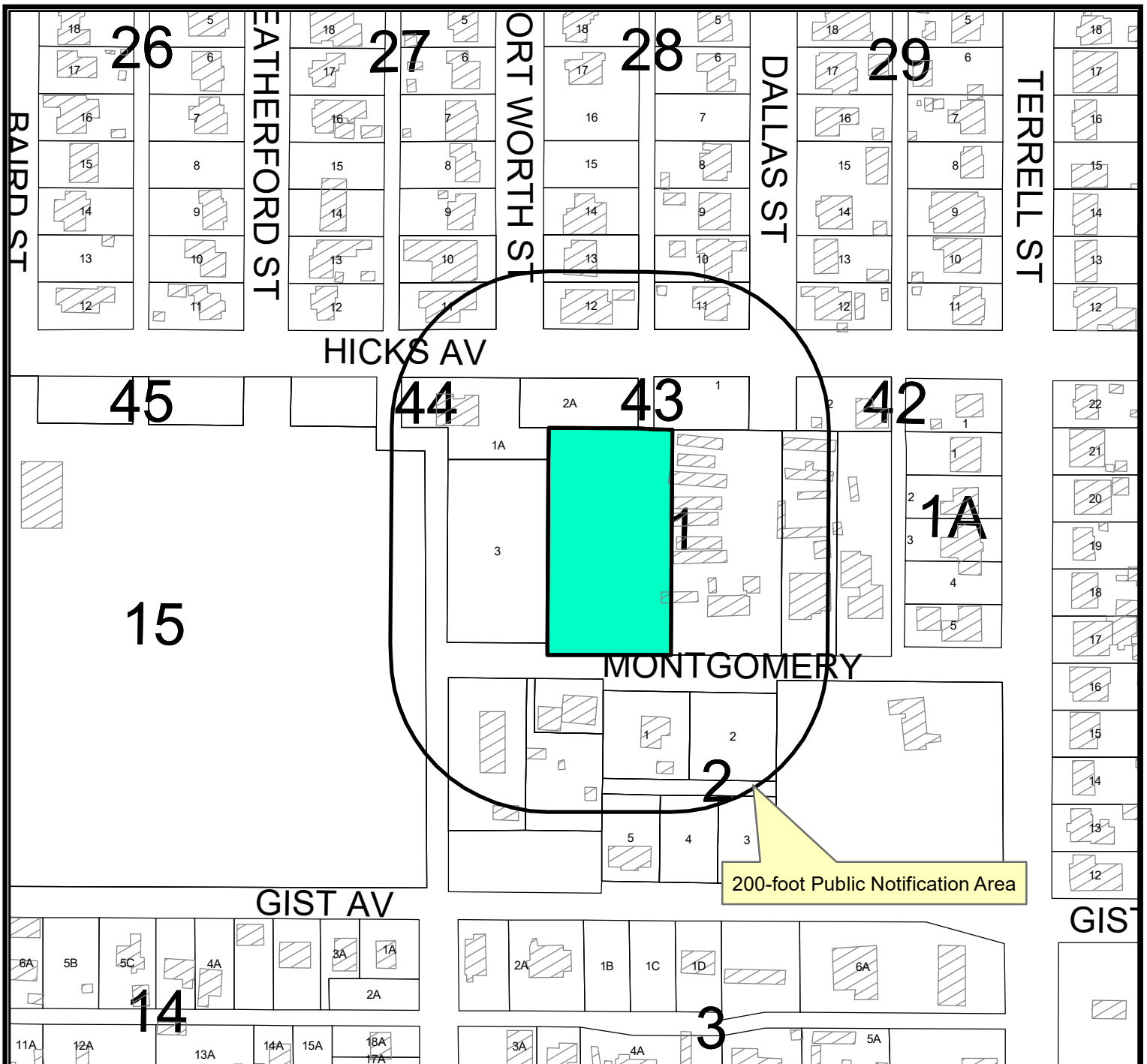
Received By:

[Signature]

Date:

APR 10 2024





Location Map

Z-24-0374

Scale: 1" = 184'

A request by Schumann Surveying on behalf of Ben Luna for a zone change from, MF-22, Multiple-Family Dwelling District, to 2F, Two-Family Dwelling (Duplex) District for a one-acre tract of land out of Tract 1, Bizzell Kiser Addition, City and County of Midland, Texas

Generally located on the north side of East Montgomery Avenue, approximately 135 feet east of South Fort Worth Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



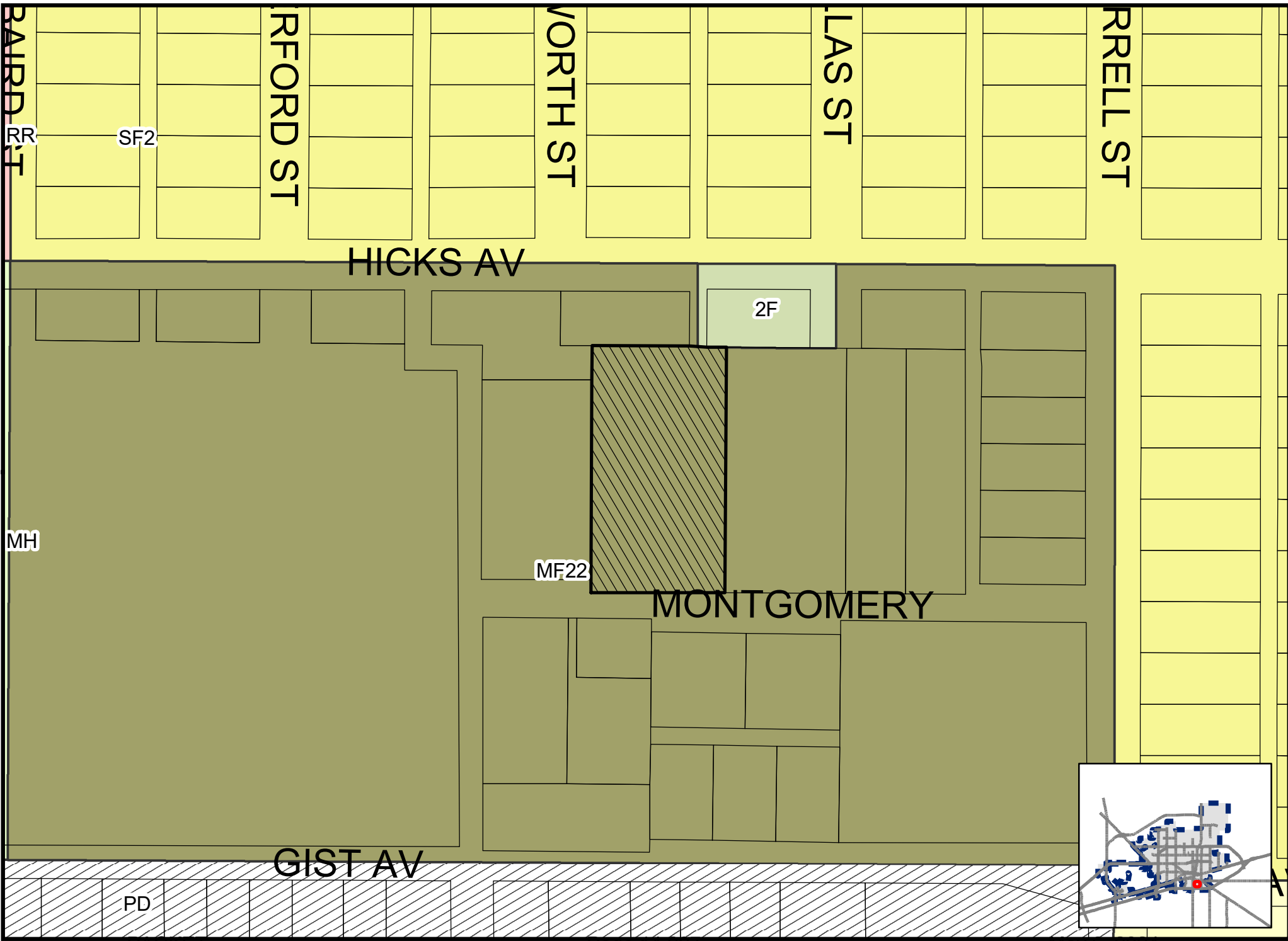
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May 6, 2024

PACKET

Page 14.206





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LASS ST

CRELL ST

HICKS AV

MONTGOMERY

GIST AV

GIST

PACKET

Page 14.208

May 6, 2024





Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 6, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Hold a public hearing and consider a request by Antojo Pura Vida for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant on a 4,799-square-foot portion of the south 32 feet of Lot 2 and all of Lots 3 through 6, Block 205, Southern Addition, City and County of Midland, Texas. (Generally located northwest of the intersection of Big Spring Street and West New Jersey Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X **Approve** **Deny** **Directional/Informational**

Details of Request:

Perla Bisoño is requesting a Specific Use Designation (SUD) with Term for Alcoholic Beverages Sales for On-Premises Consumption in a restaurant called Antojo Pura Vida located at 1008 S Big Spring.

Current Zoning:

RR, Regional Retail District

Surrounding Zoning and Land Use:

The properties to the north, east, and south are zoned RR, Regional Retail District and are locations of various businesses such as restaurants and shops. The property to the west is zoned C, Commercial and is the location of what looks to be a building for storage.

Analysis:

The applicant is requesting a Specific Use Designation for a restaurant located at 1008 S Big Spring to be able to sell all alcoholic beverages for on-premises consumption, within

a restaurant. The property is zoned RR, Regional Retail District, which permits the sale of all alcoholic beverages for on-premises consumption, in a restaurant with the approval of a Specific Use Designation with Term.

The applicant is requesting a Specific Use Designation for a restaurant located at 1008 S Big Spring to be able to sell all alcoholic beverages for on premises consumption, within a restaurant. The floor plan attached hereto as "Exhibit A" illustrates that the establishment has a total square footage of 4,799 square feet, with an alcohol serviceable area of 2,461 square feet. The site currently has adequate parking, access, and internal circulation.

The restaurant has the following hours of operation:

Monday through Sunday from 11 a.m. – 11 p.m.

The restaurant is proposing the following hours of alcohol service:

Monday through Sunday from 11 a.m. – 2 a.m.

Per Midland City Code, Section 5-4-4, Prohibited Places of Business:

The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public-school, public-school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

There are no churches, schools, hospitals, etc. Therefore, this request is compliant with Section 5-4-4, Prohibited Places of Business.

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4*, which is to "Encourage the development of places where Midland residents can gather and socialize to build connections." (Tall City Tomorrow page 137) Antojo Pura Vida is an establishment that will provide Midland residents with a unique social gathering experience.

This project has been circulated to all City departments for review. Below are the department comments.

Fire: (Approved)

No comments or objections.

Engineering: (Approved)

No objection. [For Applicant's Information Only.]

Transportation: (Approved)

No objections. [For the Applicant's information only.]

Building Code: (Approved)

The SUD for Antojo Pura Vida is acceptable. The property must adhere to the maximum occupant load of 128 persons for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning: (Approved with Conditions)

Therefore, staff recommend approval of this request subject to conditions A through G.

Conditions:

- A. That the serviceable area of the restaurant shall be limited to approximately 2,461 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.**
- B. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.**
- C. That the days and hours of alcoholic beverages sales and consumption shall be limited to Monday through Sunday from 11 a.m. to 2 a.m., the following day.**
- D. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- E. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- F. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.**
- G. That in accordance with Section 11-1-9.07.E.3 of the zoning ordinance, the restaurant shall be in operation within 120 days from the final adoption date of this ordinance.**

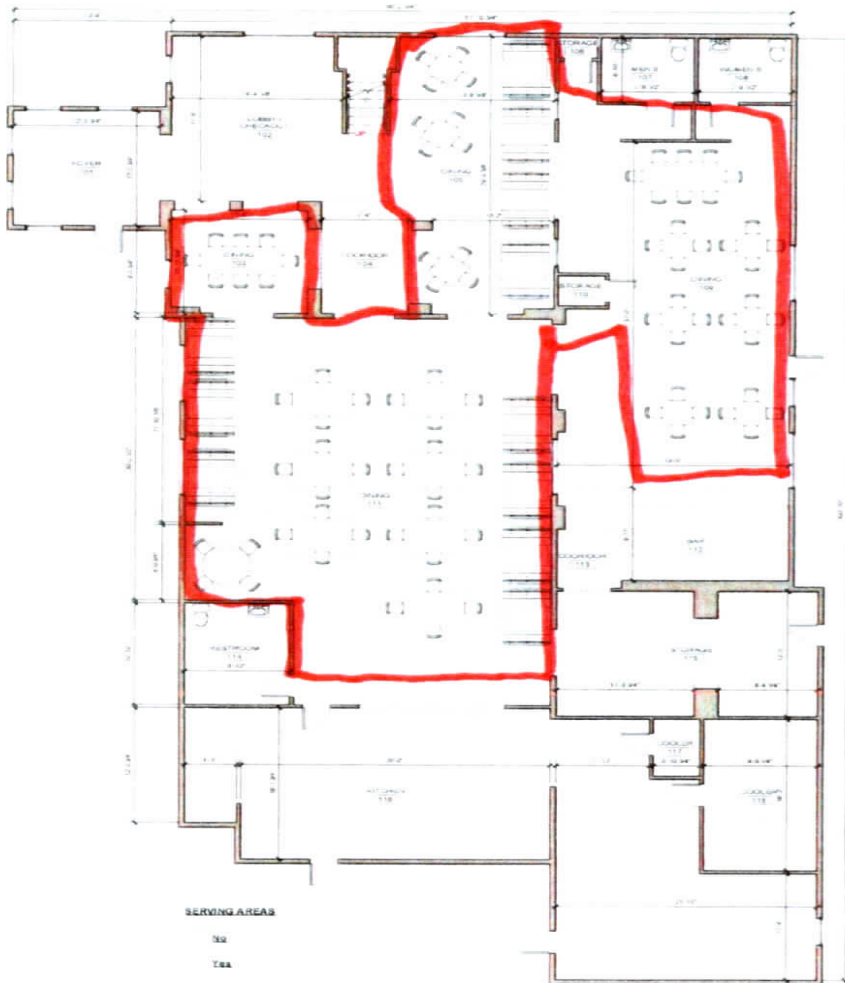
Letters of Objection:

As of April 26, staff has not received any letters of objection.

Attachments:

Application

Floor Plan (Exhibit A)
Location Map
Zoning Map
Photo
Aerial
Ordinance 8269



Seating Schedule				
ROOM SEATING	Description	Seating Count		
CHAIR		44		
COOK AREA		44		
		44		
		44		
ROOM SCHEDULE				
ROOM NUMBER	ROOM NAME	AREA	COMMENTS	SERVING
101	LOBBY	1,100 SF		700
102	LOBBY / CONFERENCE	500 SF		700
103	LOBBY	400 SF		700
104	STORAGE	7 SF		700
105	STORAGE	50 SF		700
106	STORAGE	50 SF		700
107	STORAGE	50 SF		700
108	STORAGE	50 SF		700
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197	STORAGE	50 SF		700
198	STORAGE	50 SF		700
199	STORAGE	50 SF		700
200	STORAGE	50 SF		700

Alcohol Serviceable Area
2,461 square feet



H3 DIGITAL DESIGN
220 WEST BROADWAY
SUITE 100
HOUSTON, TEXAS 77002
713.555.1111
H3DESIGN.COM

CLIENT
ANTONIO PURA VIDA
EXISTING FLOOR PLAN
1008 S Big Spring Blvd.,
TX 79701

FLOOR PLAN AREA 141
Project No. H3C24004
Scale: As indicated
Date: 4.2.24

NO.	DATE	DESCRIPTION
1	4.2.24	ISSUED FOR PERMIT

PERMIT PRICING
A-101



Specific Use Designation with
Term for the Sale of Alcoholic
Beverages for On-Premises
Consumption

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2)

Printed Name: Perla Bisoño

Phone (516) 360-4017

Email Perla@AntojosRavida.com

Address 6000 Briarwood Ave Apt 1308

City Midland

State TX

Zip 79707

Property Owner

Printed Name: Bertha Ramirez

Phone (432) 559-5096

Email angelicatram4@gmail

Address 1407 WCK 130

City Midland

State TX

Zip 79706

Representative (if different from Applicant or Property Owner)

Firm: _____

Printed Name: _____

Phone ()

Email _____

Address _____

City _____

State _____

Zip _____

Street Address: 1008 S Big Spring St Midland TX 79701

Business Name: Antojos Rara Vida

Legal Description

Lot: 2-6 Block: 205 Subdivision: Southern Add.

Current Zoning: RR, Regional Retail

Reason for Request: We would like the Alcohol and liquor license for our Restaurant.

Type of Business (restaurant, bar, lounge, nightclub, etc.): Restaurant

Proposed/Current Days and Hours of Operation: Monday to Sunday 11am - 11pm

Proposed Days and Hours of Alcohol Service: Monday to Sunday 11am - 2am next day

Total Square Footage of Business: 4,799 SF

Square Footage of Alcohol Serviceable Area: ~~2,462~~ 2,461

Restroom Fixtures:

Men

Toilets/Urinals: 1 / 2

Bathroom Sinks: 1

Women

Toilets: 3

Bathroom Sinks: 2

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
 - Seating
 - Exits
 - Restrooms
 - Kitchen (if applicable)
 - Total Square Footage
 - Serviceable Square Footage
- Dimensioned Site Plan showing: *Parking *Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

Signatures

Applicant (signature): <u>[Signature]</u>	Date: <u>4/3/24</u>
Applicant (printed): <u>Perla Bisano</u>	
Property Owner (signature): <u>[Signature]</u>	Date: <u>4/3/24</u>
Property Owner (printed): <u>Bertha Ramirez</u>	

The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

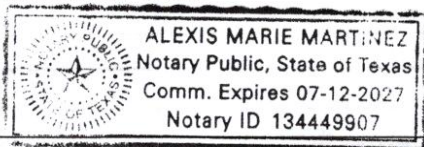
All materials, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

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

STATE OF TEXAS COUNTY OF MIDLAND

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

Subscribed and sworn to before me, this 8th day of April, 2024, to certify which witness my hand and seal of office.



Notary Public

FOR OFFICE USE ONLY

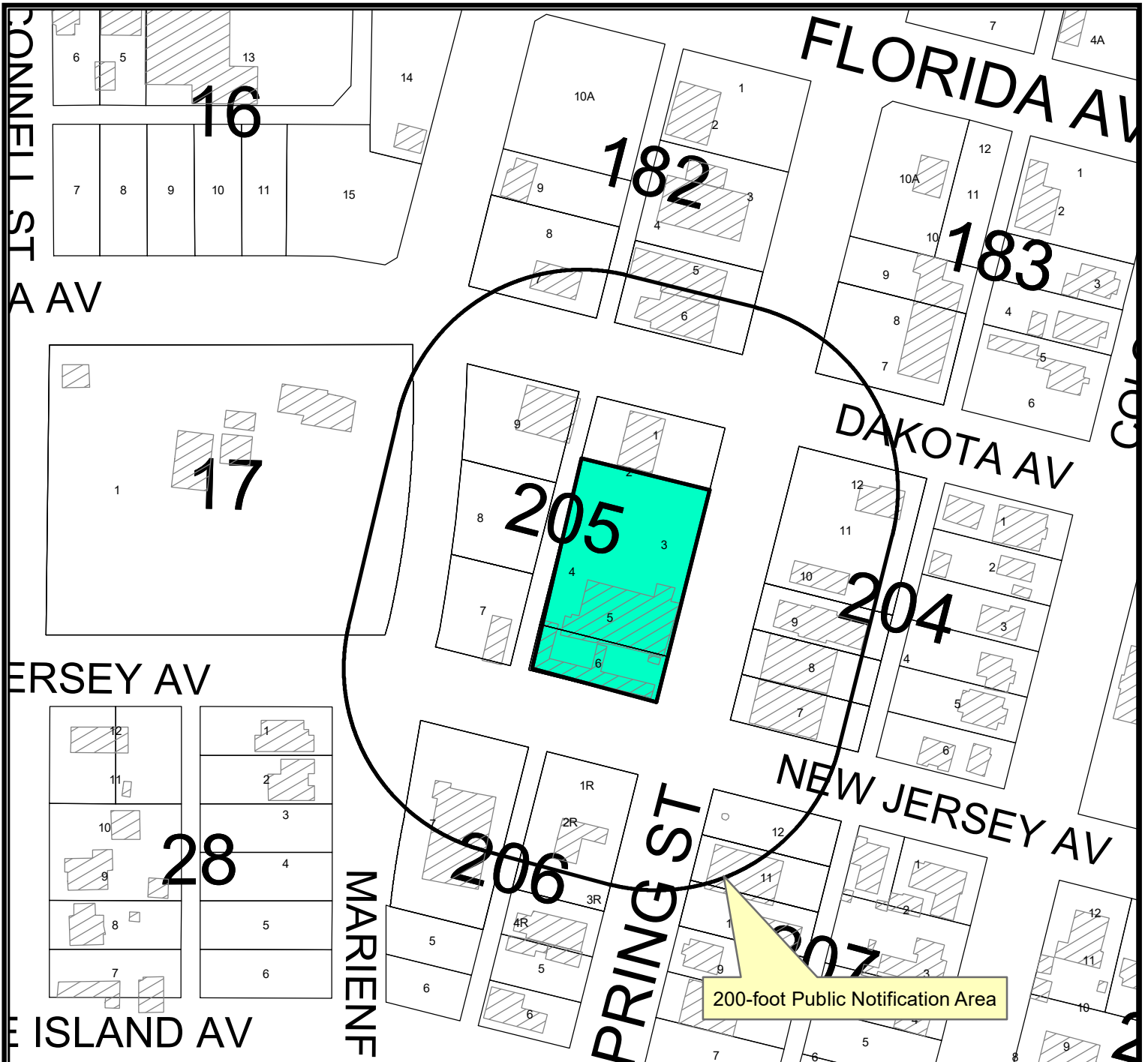
- | | |
|--|--|
| ☒ Property Owner Authorization | ☒ Dimensioned Floor Plan |
| ☒ Application Fee | ☒ Site Plan |
| Check # <u>1017</u> | ☒ Plans in Digital Format (PDF/JPEG) |

Received By: [Signature]

Date: APR 08 2024

BY:

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



Location Map

SUD-24-0178

Scale: 1" = 153'

Consider a request by Antojo Pura Vida for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant on a 4,799-square-foot portion of the south 32 feet of Lot 2 and all of Lots 3 through 6, Block 205, Southern Addition, City and County of Midland, Texas.

Generally located at northwest corner of the intersection of Big Spring Street and West New Jersey Avenue. (Council District 2) **PACKET**

LEGEND

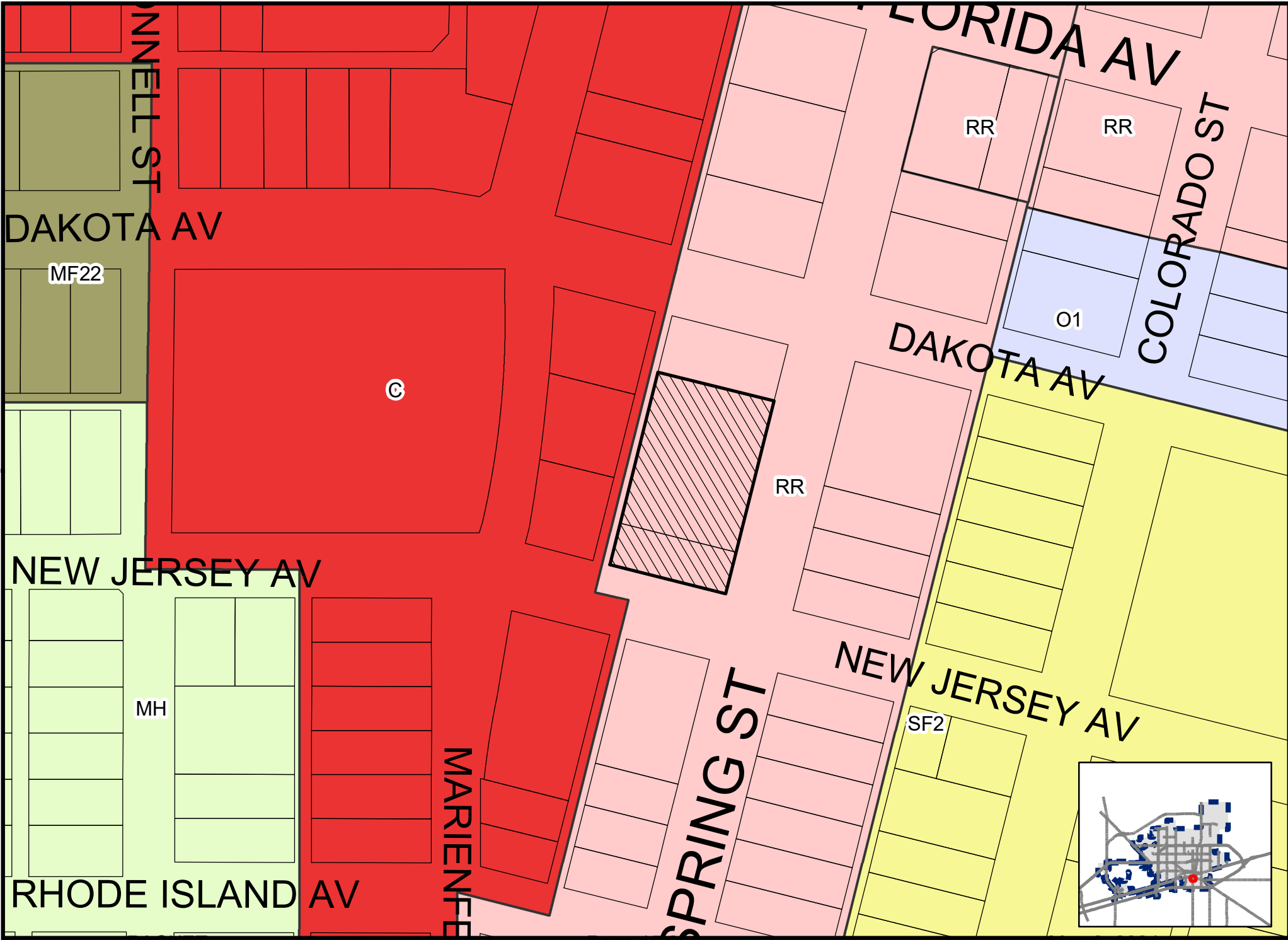
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT. NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

May 6, 2024





ORDINANCE NO. 8269

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF CERTAIN PROPERTY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT AND C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISE CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter and the State law with reference to the granting of specific use permits under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by the granting of a Specific Use Permit With Term for the sale of alcoholic beverages in a restaurant for on-premise consumption, set out hereinafter, on the property described in Section One hereof;

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned LR-2, Local Retail District and C-3, Commercial District, to wit:

The south 32 feet of Lot 2, and all of Lots 3 through 8, Block 205, Southern Addition, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term for the sale of alcoholic beverages for on-premise consumption in a restaurant, together with

the uses permitted in the present LR-2, Local Retail District and C-3, Commercial District.

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

- A. That the use of this property as a restaurant with alcoholic beverages sales and consumption shall conform to the attached site plan;
- B. That the maximum square footage of the restaurant shall not exceed 8,000 contiguous square feet;
- C. That the seating capacity of the restaurant shall not exceed 270 persons;
- D. That the days and hours of operation shall not exceed Monday through Friday from 11:00 a.m. until 10:00 p.m., Saturday from 9:00 a.m. until 10:00 p.m. and Sunday from 9:00 a.m. until 3:00 p.m.;
- E. That no sign advertising alcoholic beverages sales shall be permitted on the outside of the building and no outside entrance to the patio area shall be allowed.

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

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

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars (\$2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the

descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 12th day of October, A.D., 2004; and passed to second reading on motion of Council member Morgan, seconded by Council member Dufford, by the following vote:

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

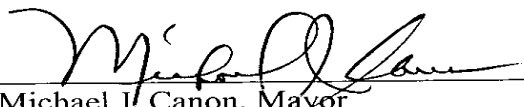
Council members voting "NAY": Simpson

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Morgan, seconded by Council member Dufford, on the 26th day of October, A.D., 2004, at a regular meeting of the City Council:

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

Council members voting "NAY": Simpson

PASSED AND APPROVED THIS 26th day of October, A.D., 2004.


Michael J. Canon, Mayor

ATTEST:

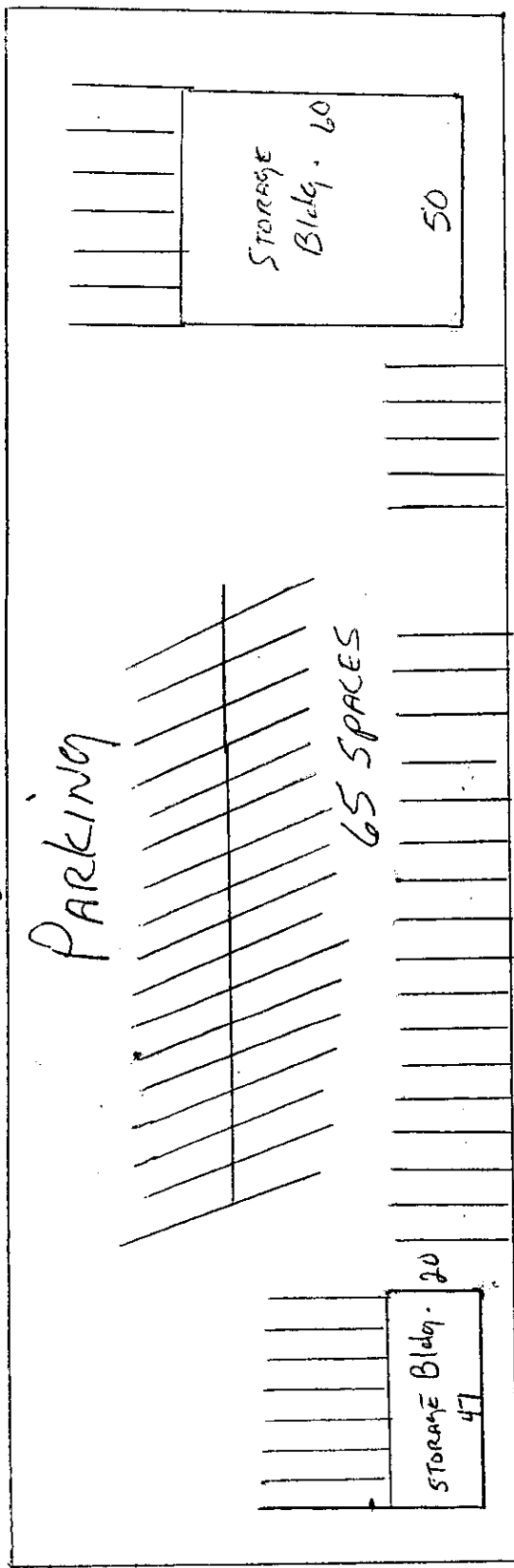

Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:


Keith Stretcher, City Attorney

340- 1118101010101010

Seating -
Main 140
Patio 100
Upstairs 30

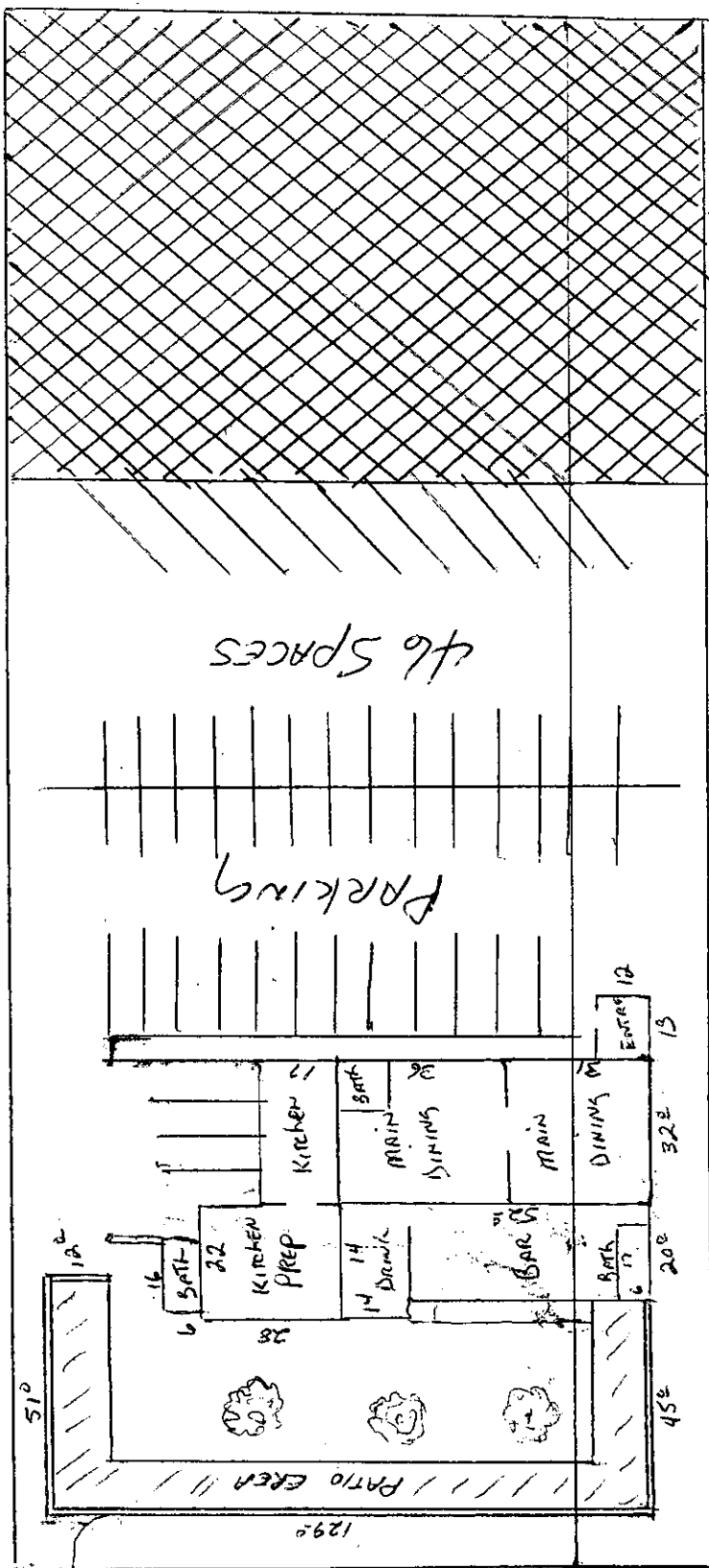


PACKET 110

NEW Jersey

Alley

2350



Page 15.223

CASE NO. S-04-013

1/24/2014

Foyer & Hall 2800
Office 8120

Main Dining 26740
Patio 24120
Kitchen 13560
Bathrooms 4040

Building Sq Ft. 55280

Big Spring St

May 6, 2024

L.A. Mission Restaurant



City Council Agenda

Approved for Agenda:
MJohnston
City Manager's Office

MEETING DATE: October 12, 2004
TO: CITY COUNCIL/CITY MANAGER
FROM: Cameron Walker, Planning Division Manager
SUBJECT: Specific Use Permit With Term

Purpose:

Hold a public hearing at 11:06 a.m. and consider an ordinance for a Specific Use Permit With Term, for the sale of alcoholic beverages, for on-premises consumption, in a restaurant by Javier and Bertha Ramirez of La Mision Restaurant.

Recommended City Council Action

☒ Approve

☐ Deny

☐ Direction/Informational

Fiscal Impact:

N/A

Discussion:

Mr. and Mrs. Ramirez, owners of La Mision restaurant, are requesting a Specific Use Permit With Term for the sale and on-premise consumption of alcoholic beverages. At present, they are permitted to sell and consume all alcoholic beverages in a restaurant. In addition to the restaurant they have recently added an outdoor patio in which they wish to sell alcoholic beverages. The patio will provide an additional 100 seats resulting in a maximum seating capacity of 270 persons. We find the parking requirements for the seating capacity to be satisfied with a total of 111 available spaces.

The days and hours of operation are consistent for this type of use. The patio is enclosed with a 10-foot masonry fence with no separate outside entrance proposed. No alcoholic beverage advertisements will be allowed on or outside of the building. We believe these measures will ensure that the main function of the business continues to be a restaurant.

Attachments: Application, Maps, Proposed Ordinance and Site Plan

CDS



ORDINANCE NO. 8269

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF CERTAIN PROPERTY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT AND C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISE CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter and the State law with reference to the granting of specific use permits under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by the granting of a Specific Use Permit With Term for the sale of alcoholic beverages in a restaurant for on-premise consumption, set out hereinafter, on the property described in Section One hereof;

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned LR-2, Local Retail District and C-3, Commercial District, to wit:

The south 32 feet of Lot 2, and all of Lots 3 through 8, Block 205, Southern Addition, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term for the sale of alcoholic beverages for on-premise consumption in a restaurant, together with

the uses permitted in the present LR-2, Local Retail District and C-3, Commercial District.

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

- A. That the use of this property as a restaurant with alcoholic beverages sales and consumption shall conform to the attached site plan;
- B. That the maximum square footage of the restaurant shall not exceed 8,000 contiguous square feet;
- C. That the seating capacity of the restaurant shall not exceed 270 persons;
- D. That the days and hours of operation shall not exceed Monday through Friday from 11:00 a.m. until 10:00 p.m., Saturday from 9:00 a.m. until 10:00 p.m. and Sunday from 9:00 a.m. until 3:00 p.m.;
- E. That no sign advertising alcoholic beverages sales shall be permitted on the outside of the building and no outside entrance to the patio area shall be allowed.

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

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

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars (\$2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the

descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 12th day of October, A.D., 2004; and passed to second reading on motion of Council member Morgan, seconded by Council member Dufford, by the following vote:

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

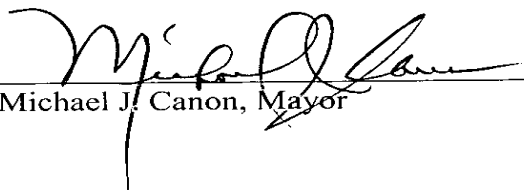
Council members voting "NAY": Simpson

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Morgan, seconded by Council member Dufford, on the 26th day of October, A.D., 2004, at a regular meeting of the City Council:

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

Council members voting "NAY": Simpson

PASSED AND APPROVED THIS 26th day of October, A.D., 2004.


Michael J. Canon, Mayor

ATTEST:

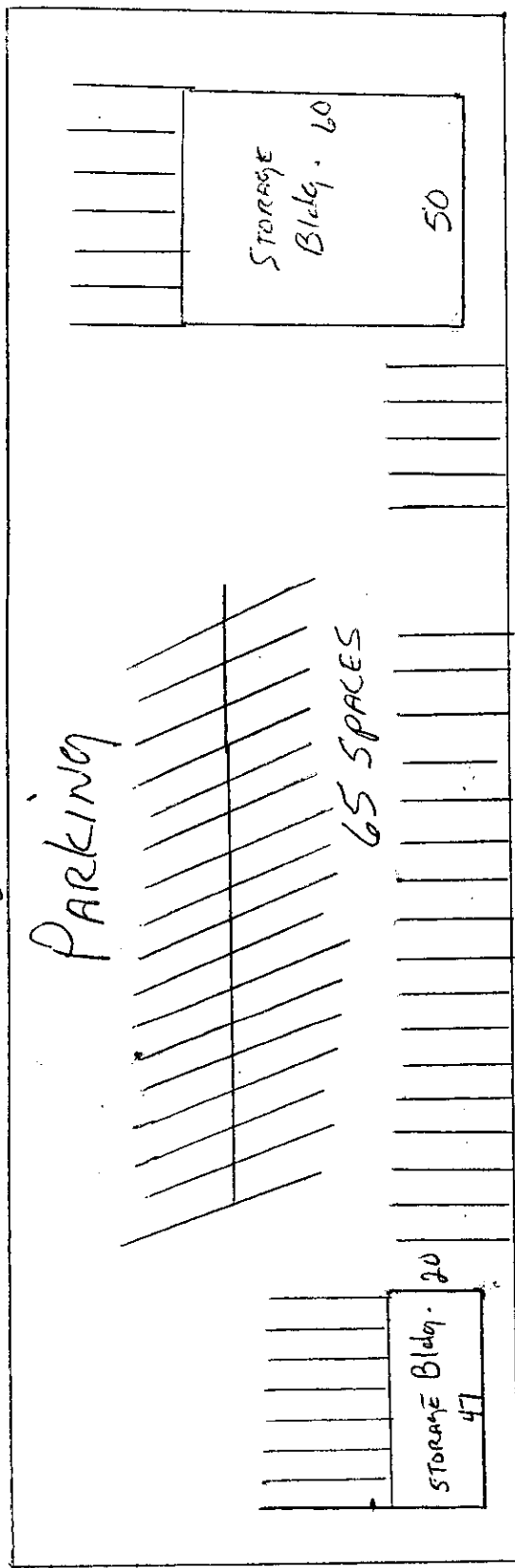

Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:


Keith Stretcher, City Attorney

340- 11181010710114

SEATING -
MAIN 140
PATIO 100
UPSTAIRS 30

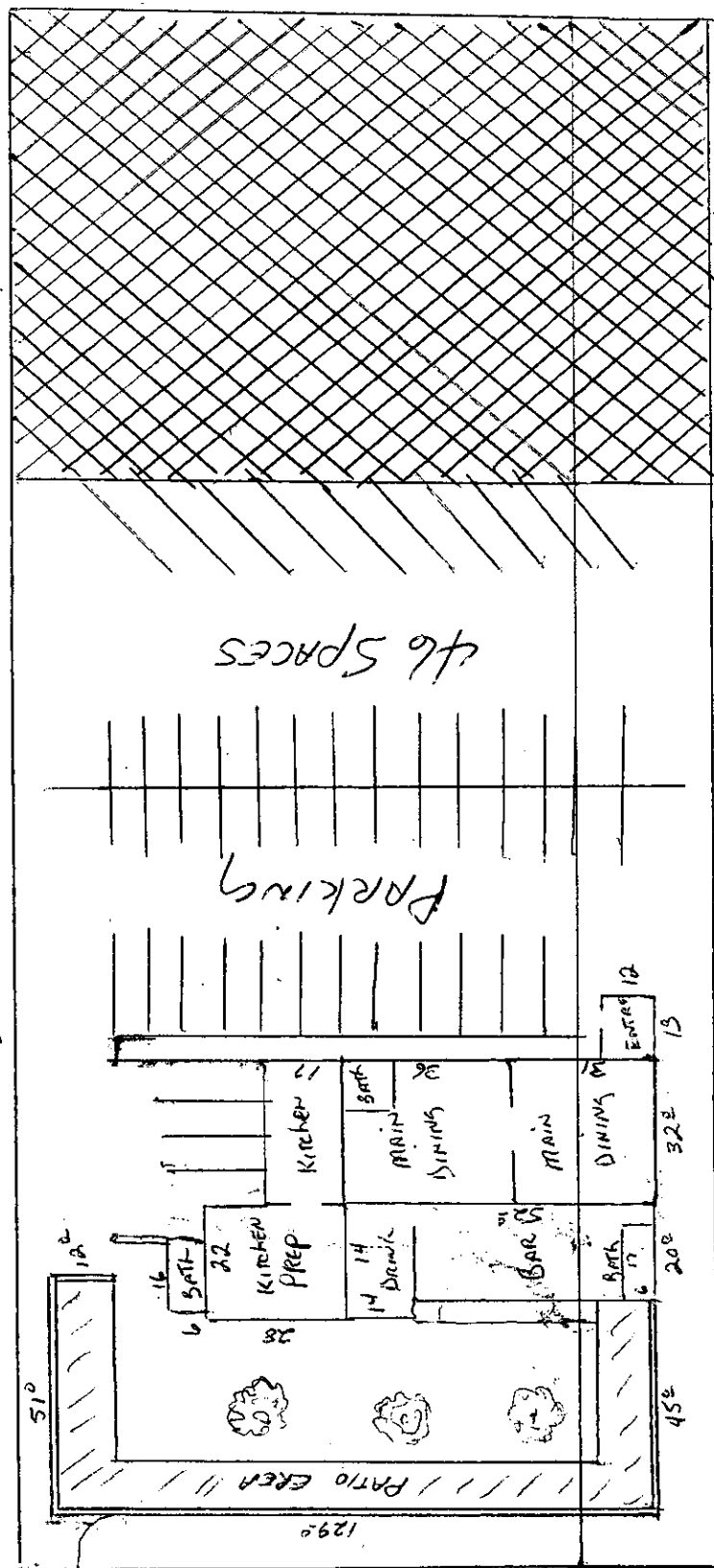


PACKET 110

NEW JERSEY

Alley

2350



Page 15.229

1530

May 6, 2024

CASE NO. S-04-013

1/4 Acre

Main Dining 26740
Patio 24120
Kitchen 13560
Bathrooms 4040
Foyer & Hall 2880
Office 8120

Big Springs St

Building Sq Ft. 55280

L.A. Mission Restaurant



City Council Agenda

Approved for Agenda:
MJohnston
City Manager's Office

MEETING DATE: October 12, 2004
TO: CITY COUNCIL/CITY MANAGER
FROM: Cameron Walker, Planning Division Manager
SUBJECT: Specific Use Permit With Term

Purpose:

Hold a public hearing at 11:06 a.m. and consider an ordinance for a Specific Use Permit With Term, for the sale of alcoholic beverages, for on-premises consumption, in a restaurant by Javier and Bertha Ramirez of La Mision Restaurant.

Recommended City Council Action

☒ Approve

☐ Deny

☐ Direction/Informational

Fiscal Impact:

N/A

Discussion:

Mr. and Mrs. Ramirez, owners of La Mision restaurant, are requesting a Specific Use Permit With Term for the sale and on-premise consumption of alcoholic beverages. At present, they are permitted to sell and consume all alcoholic beverages in a restaurant. In addition to the restaurant they have recently added an outdoor patio in which they wish to sell alcoholic beverages. The patio will provide an additional 100 seats resulting in a maximum seating capacity of 270 persons. We find the parking requirements for the seating capacity to be satisfied with a total of 111 available spaces.

The days and hours of operation are consistent for this type of use. The patio is enclosed with a 10-foot masonry fence with no separate outside entrance proposed. No alcoholic beverage advertisements will be allowed on or outside of the building. We believe these measures will ensure that the main function of the business continues to be a restaurant.

Attachments: Application, Maps, Proposed Ordinance and Site Plan

CDS



Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: May 6, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Hold a public hearing and consider a request by Mission Agape for a zone change from SF-2, Single-Family Dwelling District, to O-1, Office District for Lot 2, Block 92, Wilshire Park Addition, Section 25, City and County of Midland, Texas. (Generally located on the south side of Thomason Drive, approximately 240 feet west of South Midland Drive.) (DISTRICT 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

Mission Agape is requesting a zone change for the future development of a non-profit food distribution business for those in need. The subject property is located at 4415 Thomason Drive.

Current Zoning:

SF-2, Single-Family Dwelling District

Surrounding Zoning and Land Use:

The properties to the north are zoned 2F, Two-Family Dwelling (Duplex) District and are the location of duplexes. The properties to the south, east, and west are zoned SF-2, Single-Family Dwelling District and are the locations of residences and a church.

Analysis:

The applicant is requesting a zone change from SF-2 to O-1 for a non-profit food distribution business that will help distribute food to serve those in need. The Future Land Use Map Chapter 3 of the *Tall City Tomorrow Comprehensive Plan* designates this area

as Civic/Institutional/ School/University which calls for non-profit organizations as one of the uses for this designation while allowing various zoning districts.

This proposed zone change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

All future development shall meet the requirements of IFC 2015 ed. and local ordinances.

Building Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objection to zoning. [For Applicant's Information Only.]

Code Compliance: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

No objection to zone change. [For the Applicant's information only.]

Planning:

Staff recommends approval of this request for a zone change.

Letters of Objection:

As of April 29, 2024, Staff has not received any letters of objection.

Attachments:

Application
Location Map
Zoning Map
Aerial

Photo



Zone Change/Planned District
Amendment/Site Plan Approval

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2)

Printed Name: Stacy Baccus

Phone (432) 599-9123

Email sbaccus@missionagape-tx.org

Address 2901 Maranatha Place City Midland

State TX Zip 79707

Property Owner

Printed Name: Mission Agape

Phone ()
Email same as above

Address 2901 Maranatha Place City Midland

State TX Zip 79707

Representative (if different from Applicant or Property Owner)

Firm: _____
Printed Name: _____

Phone ()
Email _____

Address _____ City _____

State _____ Zip _____

Street Address: 4415 Thomason

Legal Description

Lot: 2 Block: 92 Subdivision: Wilshire Park Addition, Section 25

Current Zoning: SF-2

Proposed Zone:

(List by tracts if more than one district is requested) O-1

Reason for Zone Change Request: construction of building

Present Use of Property: Vacant lot - undeveloped

Proposed Use of Property: Office and food storage

How would this zone change affect the public health, safety and welfare? We do not
for see any issue this building will cause.

Describe how conditions affecting the property have changed since present zoning
designation: No change

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

Signature (by property owner only - authorized agent must sign affidavit below)

Applicant (signature):

Date: 4-3-24

Applicant (printed):

Stacy Baccus

Property Owner (signature):

Stacy Baccus

Date: 4-3-24

Property Owner (printed):

Mission Agape

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

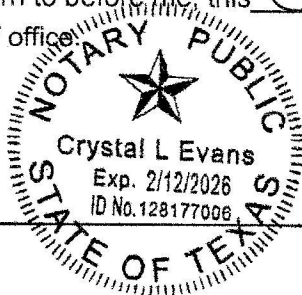
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Stacy Baccus
Authorized Agent (signature)

Subscribed and sworn to before me, this 3rd day of April, 2024, to certify which witness my hand and seal of office.



Crystal Evans

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization

☐ Dimensioned Site Plan

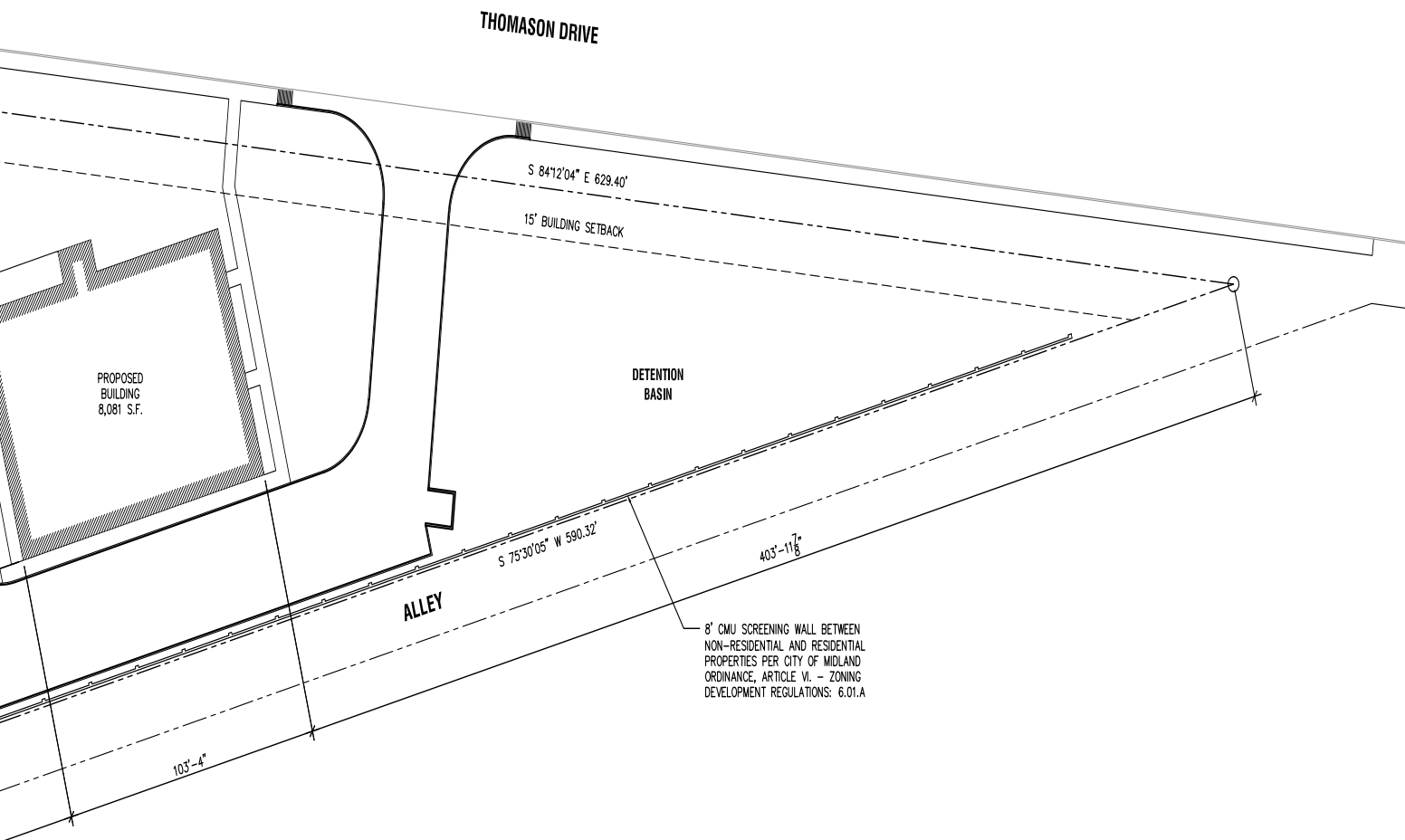
☐ Application Fee

☐ Plans in Digital Format (PDF/JPEG)

Check # _____

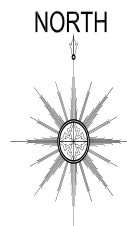
Received By: _____

Date: _____



1 SITE PLAN

SCALE: 1" = 30'-0"





Location Map

Z-24-0376

Scale: 1" = 245'

A request by Mission Agape for a zone change from, SF-2, Single-Family Dwelling District, to O-1, Office District for a Lot 2, Block 92, Wilshire Park Addition, Section 25, City and County of Midland, Texas.

Generally located on the south side of Thomason Drive, approximately 240 feet west of South Midland Drive (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS

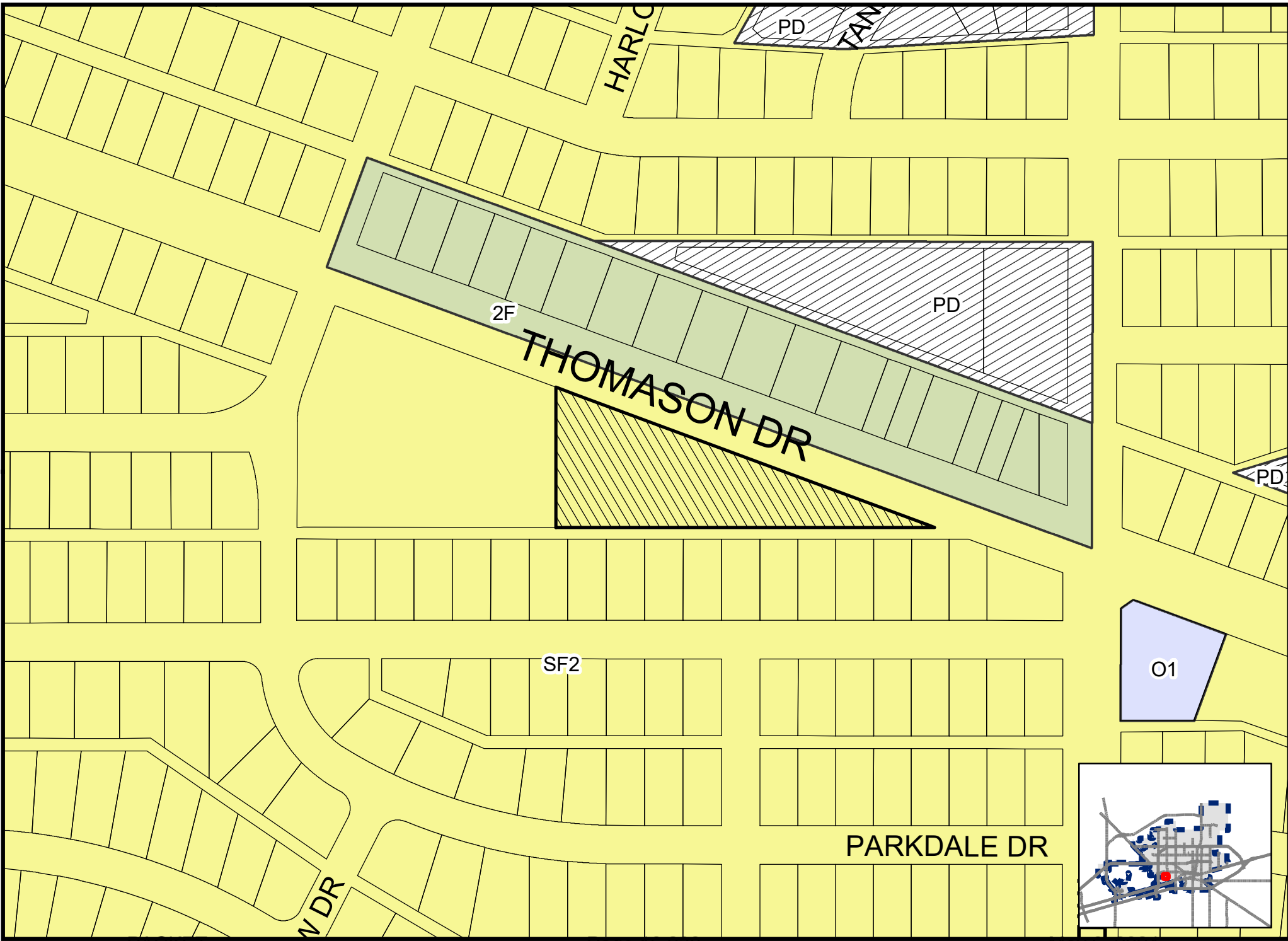


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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT. NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

May 6, 2024

Page 16.237





132

THOMASON DR

92

17

15

16





Planning and Zoning Commission

Approved for
Agenda:
Xavier Bauguess

MEETING DATE: May 06, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Diana Geerts, Senior Planner

SUBJECT: Motion approving a Preliminary Plat of Campgrounds Addition, Section 2, being a replat of a 4.55-acre tract of land out of Lot 7, Block 1, 1788 Industrial Park, County of Midland, Texas. (Generally located on the west side of South County Road 1270, approximately 540 feet north of West County Road 157. (EXTRA TERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

Maverick Engineering, on behalf of SRR Enterprises, is requesting to replat a 4.55-acre tract of land out of Lot 7, Block 1, 1788 Industrial Park, County of Midland, Texas. The property is proposed to be replatted into one lot for ownership purposes.

Current Zoning:

ETJ, Extra Territorial Jurisdiction

Departmental Review:

This request has been routed to all respective departments for internal review. The comments are below.

BUILDING CODE: (Approved)

ETJ, no jurisdiction

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: There are no impact fees associated with this plat. Plat outside designated service areas. [For Applicant's Information Only.]

ROW: No frontage along Public ROW. [For Applicant's Information Only.]

PAVING: No frontage along Public ROW. [For Applicant's Information Only.]

WATER: No frontage along Public ROW. [For Applicant's Information Only.]

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 14, 2020 - Fire hydrants shall be spaced no more than 500' apart, Pressure Indicator Rings are to be installed and will require the developers/contractors to pay for the flow test. [For the Applicant's information only.]

PRO RATA: None. [For Applicant's Information Only.]

SEWER: No frontage along Public ROW. [For Applicant's Information Only.]

DRAINAGE: Drainage report has been approved for platting purposes. [For Applicant's Information Only.]

EASEMENTS: Show existing and proposed. [For Applicant's Information Only.]

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

No objections to plat. [For the Applicant's information only.]

FIRE: (Approved)

No comments.

OIL AND GAS: (Approved)

Not in the City limits- no oil or gas jurisdiction.

GIS: (Approved)

No comments.

CRMW: (Approved)

We do not have any comments on this plat.

Midland County: (Approved)

They will need to get a driveway permit to tie into WCR 157 from Public Works Department at the Courthouse.

Health Department: (Approved)

Yes, the health department will review application from the 1 proposed lot of Campgrounds Addition, Section 2, RE-PLAT OF A 4.5 ACRE TRACT OF LOT 7, BLOCK 1, 1788 INDUSTRIAL PARK AN ADDITION TO THE COUNTY OF MIDLAND the lot is 4.5 acre to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well and existing structures on the property and the water wells on the adjacent properties.

Public Works: (Approved)

The only comment I have is to change the city signature line.

PLANNING: (Approved)

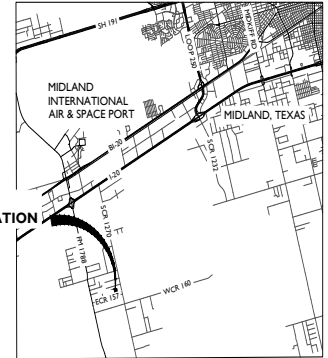
Owner information provided is different from MCAD information, MCAD shows Montana Texas Enterprises Inc. as property owner. Provided ownership documentation by final for plat to be accepted. [Informational]

Staff recommends approval of the Preliminary Plat of Campgrounds Addition, Section 2.

Attachments:

Proposed Preliminary Plat
Application
Maps

BEING A REPLAT OF A 4.55-ACRE TRACT OF LAND OUT OF LOT 7, BLOCK 1,
1788 INDUSTRIAL PARK, AN ADDITION TO THE COUNTY OF MIDLAND, TEXAS



VICINITY MAP

N.T.S.



LEGEND

- | | |
|---|-------------------------------------|
|  | SET 1/2" IRON ROD W/ RED CAP MARKED |
|  | "MAVERICK" FIRM #10194514" |
| | FOUND MONUMENT AS NOTED |
| ————— | BOUNDARY LINE |
| - - - - - | PROPERTY LINES |
| - . - . - | EASEMENT LINES |
| ===== | SECTION LINE |
| O.P.R.M.C.T. | OFFICIAL PUBLIC RECORDS, MIDLAND |
| P.R.M.C.T. | PLAT RECORDS, MIDLAND CO., TX |
| D.R.M.C.T. | DEED RECORDS, MIDLAND CO., TX |

SURVEY NOTES:

1. SELLING A PORTION OF THIS ADDITION BY NOTES AND BONDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF TAX REVENUES
2. LOSS OF BEARING COORDINATES, DISTANCES AND ACRESAGE ARE A LAMBERT COUNTY PROSECUTION OF THE TEXAS CONCRETE SUPPLY STATE PLANE GRID, CENTRAL ZONE, NORTHERN ADJUSTMENT 1983 US FOOT WITH NEW YORK ADJUSTMENT 1983 US FOOT OF 67347.74' AND A CORRECTION FOR CURVATURE OF 0.00000042 AT TWP. 24S R. 1E
3. SEE DOCUMENTS OR ELECTRONIC DATA FILED IN THE OFFICE OF MAYOR/CITY CLERK FOR COMPLETION OF CONSTRUCTION OF THIS PROJECT.
4. THIS SITE LIES WITHIN CITY OF HOLAND'S DEDICATION JURISDICTION (J-3) IN AN ADJACENT QUARTER. THERE ARE NO ZONING DESIGNATIONS WITHIN THE EJ3 OR CITY CODE. HOWEVER, THIS IS ALSO SITUATED WITHIN THE AMPORT HOUSING DEVELOPMENT AREA, ANY PERMITTING REQUIRED FOR THIS PROJECT WILL REQUIRE A REBID, RAISED, OR CHANGE IN EXISTING STRUCTURE OR ESTABLISH A NEW USE OR SUBSTANTIAL CHANGE IN EXISTING USE IN THE JCD#4001000100 FPA#1000000000. PLEASE NOTE THIS STATUS.
5. LOCATION OF BURIED UTILITIES AND PIPELINES, IF ANY, IS APPROXIMATE BASED UPON OBSERVED IDENTIFIED SOURCE, CITY OF HOLAND GIS AND VISUAL EVIDENCE, OR BY OTHER MEANS. MANAGING ENGINEER HAS BEEN ADVISED OF THIS INFORMATION AND RECOMMENDED CALL A 400-EGGERS FOR LOCATOR PRIOR TO ANY CONSTRUCTION OR EXCAVATION.
6. THIS IS A PHYSICAL PRELIMINARY MAP. IT IS NOT TO BE RECORDS OR USED FOR CONSTRUCTION PURPOSES. SET MONUMENTS SHOWN HEREIN ARE ALSO PRELIMINARY AND SHALL ONLY BE PLACED IN ACCORDANCE WITH A FINAL SURVEY MADE BY THE SURVEYOR.

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S N.F.I.P. FLOOD INSURANCE RATE MAPS #48329C0200F & #48329C0325F DATED SEPTEMBER 16, 2005, THIS PROPERTY IS WITHIN THE UNSHADED PORTION OF ZONE "X", DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF MAVERICK CIVIL & SURVEY, LLC.

AOZ-4 AIRPORT OVERLAY DISTRICT (NOTE PER 11-11-11 A (2

ANY PERSON WHO DESIRES TO ERECT A NEW STRUCTURE OR REBUILD, REPLACE, OR ENLARGE AN EXISTING STRUCTURE OR ESTABLISH A NEW USE OR SUBSTANTIALLY CHANGE AN EXISTING USE IN THE A02.4 MUST APPLY FOR AND RECEIVE A PERMIT. A PERMIT SHALL BE GRANTED UNLESS THE NEW STRUCTURE OR THE NEW USE WOULD BE A HEIGHT HAZARD OR A PROHIBITED LAND USE AS SET FORTH IN SECTION 11-1-1.8, 11-1-1.9, AND TABLE 1 OF THIS CHAPTER OR WOULD OTHERWISE VIOLATE THIS CHAPTER. APPLICATIONS FOR PERMITS SHALL BE SUBMITTED TO AND ISSUED BY THE CITY OF MIDLAND BUILDING OFFICIAL.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, PALADIN R. HUCKABA, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY LOCATED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF MIDLAND COUNTY, TEXAS.

PALADIN R. HUCKABA, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
MAYRICK ENGINEERING, P.C., #1000
1909 W. WALL STREET
MIDLAND, TX 79701

PROPERTY OWNER

SRR ENTERPRISES, LP
RAVI MEHTA
125 EAST JOHN CARPENTER FREEWAY, SUITE 1050
IRVING, DALLAS COUNTY, TEXAS 75062
DEED INSTRUMENT #2023-28885
OPRMCT

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____

DATE _____

PRELIMINARY - THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.



MAVERICK
CIVIL ENGINEERING / LAND SURVEYING

1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: 10194514
Tel: (432) 262-0999 Fax: (432) 262-0989
www.Maverick-Eng.com

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS SRR ENTERPRISES, LP, IS THE RECORD OWNER OF
T-2-S, T&P, RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND

THAT SRR ENTERPRISES, LP, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS CAMPGROUNDS ADDITION, SECTION 2, AN ADDITION TO MIDLAND COUNTY, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEYS, AND EASEMENTS SHOWN THEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS
THE _____ DAY OF _____, 2024

By: RAVI MEHTA, FOR SRR ENTERPRISES LP

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED RAJVI MEHTA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS OWNER, AND THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

THE _____ DAY OF _____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

ATMOS ENERGY

AT&T

OPTIMUM

ASTOLINI

ONCOR ELECTRIC DELIVERY

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF CAMPGROUNDS ADDITION, SECTION 2, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS ON THIS

DAY OF 2024

LUCY SISNEGA CHARMAN



Preliminary Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: Campgrounds Addition, Section 2**Legal Description (attached sealed Metes and Bounds):** Being a Replat of a 4.55-Acre Tract of Land out of Lot 7, Block 1
1788 Industrial Park, an Addition to the County of Midland, Texas**Property Owner**Printed Name: **SRR Enterprises**

Phone (432) 262-0999

Email mehtarp3@gmail.comAddress 123 E John Carpenter Freeway Ste 1050 City DallasState TX Zip 75062**Developer (if different than Owner)**

Printed Name: _____

Phone (432) 262-0999

Email _____

Address _____ City _____ State _____ Zip _____

Representative (if acting as Agent, see affidavit on page 2)Firm: Maverick EngineeringPrinted Name: Paladin Huckaba

Phone (432) 262-0999

Email phuckaba@maverick-eng.comAddress 1909 W Wall St Ste K City Midland State TX Zip 79701**Current Zoning:** ETJ**Reason for Platting:** ownership purposes**Plat Information**Total Acreage: 4.551Type: ☐ Single-Family Residential ☐ Multi-Family Residential
☐ Commercial ☒ Extraterritorial Jurisdiction (ETJ)Number of Lots: 1 Number of Multi-family Dwelling Units: _____**Submittal and Fees****Items to be submitted with this application form:**

- 1 FOLDED Copy of Dimensioned Plat
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF)
- Application Fee – Payable to the 'City of Midland'

Request for a Development AgreementDo you expect to request a development agreement with the City? ☐ Yes ☒ No

If yes, contact the City Engineer at (432) 685-7286

Provisions

A plat application will not be considered filed pursuant to Section 212.009 of the Texas Local Government Code until all required documents and fees have been submitted and ***all of the terms and conditions of the Subdivision Ordinance, including all necessary studies, plans and supporting information are accepted and approved***, or the applicant has filed a waiver request for sections from which the plat deviates. Once a plat meets the requirements to be considered filed with the City, the application will be placed on the Planning and Zoning Commission agenda for consideration under the time requirements set out in Section 212.009.

Signature (by property owner only – authorized agent must sign affidavit below)

DocuSigned by:
 Property Owner (signature) Ravi Mehta Date: 2/5/2024
 Property Owner (printed) Ravi Mehta

The Preliminary Plat shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Subdivision Code of Ordinances of the City of Midland and when such required items for the application are also received.

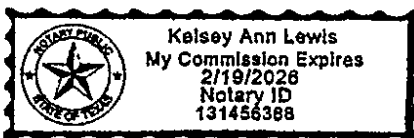
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
 COUNTY OF MIDLAND

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

[Signature]
 Authorized Agent (signature)

Subscribed and sworn to before me, this 10th day of February, 2024, to certify which witness my hand and seal of office.



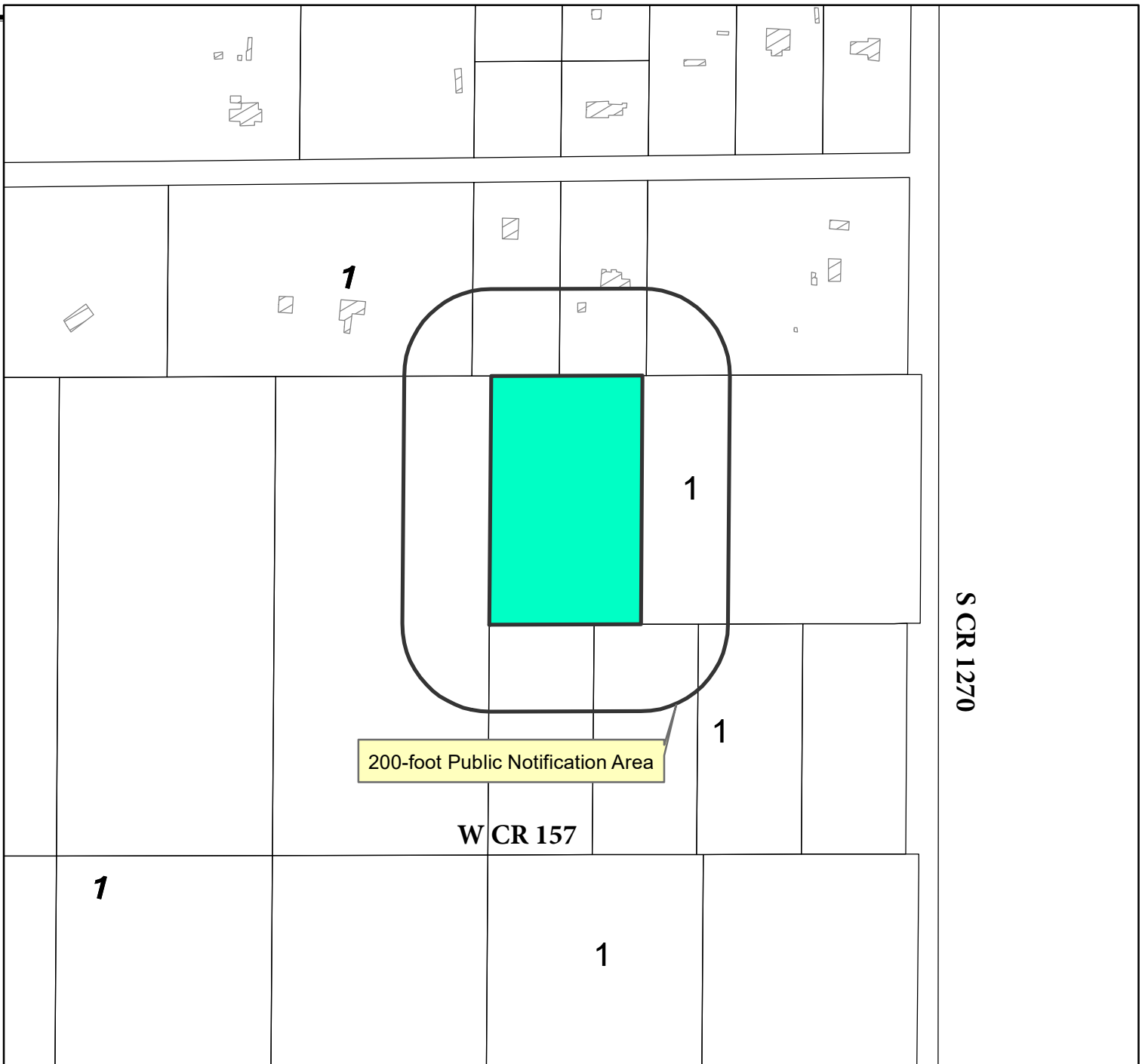
[Signature]
 NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization ☐ 1 Copy of Dimensioned Plat ☐ Plat in Digital Format (PDF/JPEG)
☐ Application Fee ☐ 1 Copy of Plat (11x17)
 Check # _____

Received By: _____ Date: _____

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



LOCATION MAP

SUB-23-0708

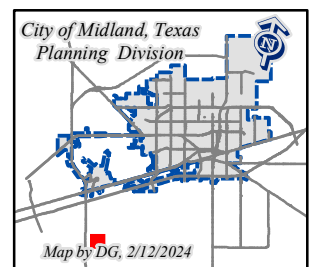
Scale: 1" = 333'

Proposed Plat of Campgrounds Addition, Section 2, being a replat of a 4.55-acre tract of land out of Lot 7, Block 1, 1788 Industrial Park, County of Midland, Texas.

Generally located on the west side of South County Road 1270, approximately 540 feet north of West County Road 157 (Extra Territorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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