

Effective March 16, 2020, Governor Greg Abbott authorized the temporary suspension of certain statutory provisions of the Texas Open Meetings Act. This Meeting of the Planning and Zoning Commission of the City of Midland is being held pursuant to such authorization and will limit face-to-face interactions for the purpose of slowing the spread of the Corona Virus (COVID19).

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

**April 19, 2021 - 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, and via videoconference using the following information:

VIDEOCONFERENCE INFORMATION

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84608574127>

Or One tap mobile :

US: +13462487799,,84608574127# or +16699006833,,84608574127#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 846 0857 4127

International numbers available: <https://us02web.zoom.us/j/84608574127>

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. Consider a motion approving the Planning and Zoning Commission meeting minutes for

April 5, 2021.

3. Consider a proposed Final Plat of Northwestern Addition, Section 17, being a plat of a 3.50-acre tract of land located in the northeast part of Section 5, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Cardinal Lane, approximately 2,406 – feet east of N. Midland Drive. Council District 1) (DEVELOPMENT SERVICES)
4. Consider a proposed Final Plat of Spanish Trails Station, Section 4, being a replat of Lot 1, Block 1, Spanish Trails Station, and Lot 3, Block 1, Spanish Trails Station, Section 3, City and County of Midland, Texas. (Generally located on the north side of West Interstate 20, approximately 435 feet west of South County Road 1250. Council District 2)
5. Consider a proposed preliminary plat of Yates 191 Addition, being a plat of a 5 acre tract of land located Section 32, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas. (Generally located on the north of South Highway 191, approximately 1,232-feet west of Westlake. Council District 4) (DEVELOPMENT SERVICES)
6. Consider a proposed preliminary plat of Crossroads Industrial Park, Section 3, being a replat of a 21.582 acre portion of Lot 1, Block 3, Crossroads Industrial Park, Midland County, Texas. (Generally located on the northeast corner of the intersection of S. Farm to Market Road 1788 and W. Interstate Hwy 20. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)
7. Consider a proposed Final Plat of Truelove Addition being a plat of a 60.57-acre tract of land located in Section 38, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the south side of East Interstate 20, approximately 2,100 feet northeast of Loop 250. Extraterritorial Jurisdiction.) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

8. Hold a public hearing and consider a proposed Preliminary Plat of East Midland Addition, Section 22, being a residential replat 14.8050 acre tract of land located in Blocks 83 and 86, East Midland Addition, City and County of Midland, Texas. (Generally located on the east side of Tilden Street, approximately 667 Feet north of E. Cuthbert Avenue. Council District 2) (DEVELOPMENT SERVICES)
9. Hold a public hearing and consider a request by Betenbough Homes for a zone change from SF-3, Single Family Dwelling District to PD, Planned Development District for a Housing Development on a 27.05 acre tract of land located in Section 7, Block 38, T-1-S, T. & P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Occidental Parkway, approximately 1, 335- feet east of Carriage Road. Council District 1) (DEVELOPMENT SERVICES)
10. Hold a public hearing and consider a request by Daniel Lira for a zone change from MH, Manufactured Housing District to SF-3, Single-Family Dwelling District on a 1.494-acre

tract of land out of the west half of Tract 5, and a 0.14-acre tract of land out of the west half of Tract 6, Lindsay Acres Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Montgomery Avenue and Moran Street. Council District 2) (DEVELOPMENT SERVICES)

11. Hold a public hearing and consider a request by Landgraf, Crutcher & Associates, for a zone change from AE, Agricultural Estate District to PD, Planned Development District for a Shopping Center on a 9.92-acre tract of land out of Section 11, Block X, Hilliard Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of N. State Highway 349 and Tejas. Council District 1) (DEVELOPMENT SERVICES)
12. Hold a public hearing and consider a request by Chad Walters for a Zone Change from MF-22, Multiple-Family Dwelling District to 2F, Two-Family Dwelling District on Lots 7 and 8, Block 5, Greenwood Addition, First Section, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of South Calhoun Street and East Kentucky Avenue. Council District 2) (DEVELOPMENT SERVICES)
13. Hold a public hearing and consider a request by Gomca Family Restaurant, LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption in a restaurant, on a 10,250-square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of N. Garfield Street and W. Loop 250 North. Council District 1). (DEVELOPMENT SERVICES)

MISCELLANEOUS

Cristina Odenborg Burns
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.

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION MINUTES
April 5, 2021
Council Chambers – City Hall**

The Planning and Zoning Commission convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:30 p.m., April 05, 2021.

Commissioners present: Reggie Lawrence, Dianne Williams, Lucy Sisniega, Stacy Grosse, Zachary Deck, Emily Holeva, Adrian Carrasco

Commissioners absent: Karmen Bryant, Chase Gardaphe

Staff members present: Charles Harrington, Dalia Salinas, Elizabeth Shaughnessy, Joseph Marynak,

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.)

Commissioner Lawrence opened the public comment period at 3:31 p.m. With no one wishing to speak, the public comment period was closed at 3:32 p.m.

CONSENT ITEMS

Commissioner Carrasco moved to approve; seconded by Commissioner Williams.

The motion passed by the following vote: 7 to 0

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe,

2. Consider a motion approving the Planning and Zoning Commission meeting minutes for March 15, 2021.
3. Consider a proposed Final Plat of Lone Star Trails II, Section 8, being a plat of a 9.90-acre tract of land located in Section 7, Block 38, T-1-S, T&P, R.R. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Carriage Road, approximately 137- feet south of Rio Place. Council District 1)
4. Consider a proposed Final Plat of Sun Country Addition, Section 2, being a re-plat of Lot 1, Block 1, Sun County Addition, Midland County, Texas. (Generally located on the east side of N. County Road 1130, approximately 164 feet north of E. County Road 90. Extraterritorial Jurisdiction)
5. Consider a proposed Preliminary Plat of Tower Addition, Section 1, being a plat of a 2.00-acre tract of land located in the southwest quarter of Section 9, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of S. County Road 1210, approximately 53 ft north of W. County Rd 118. Extraterritorial Jurisdiction)
6. Consider a proposed Final Plat of Vaquero Addition, being a plat of a 7.666-acres tract of land located in the northwest quarter of Section 35, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of North County Rd 1130, approximately 2,147-ft north of East Business Interstate 20. Extraterritorial Jurisdiction)
7. Consider a proposed Final Plat of Lozoya Addition, Section 2, being a plat of a 4.42-acres tract of land located in the southeast quarter of Section 12, Block 41, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the west side of N. FM 1788, approximately 1054 feet south of W. County Road 35. Extraterritorial Jurisdiction)
8. Consider a proposed Final Plat of Southern Addition, Section 22, being a replat of Lots 1 through 9, Block 156, Southern Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Pennsylvania Avenue and S. Main Street. Council District 2)

9. Consider a proposed Final Plat of Southwest Ranch Addition, being a plat of a 9.98-acres tract of land located in Section 19, Block 39, T-2-S, T & P RR Co. Survey, Midland County, Texas. (Generally located on the west side of South County Road 1226, approximately 340 feet south of West County Road 130. Extraterritorial Jurisdiction)
10. Consider a proposed Final Plat of Greenwood Retail Addition, being a plat of a 6-acre tract of land located in Section 47, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northeast corner of the intersection of South County Road 1130 and Farm to Market Road 307. Extraterritorial Jurisdiction)
11. Proposed Final Plat of Rusty Arrow Addition, being a plat of a 4.001-acre tract of land located in the southwest quarter of Section 16, Block 38, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the south side of E. County Road 136, approximately 336 feet west of S. County Road 1157. Extraterritorial Jurisdiction)

PUBLIC HEARINGS

12. Hold a public hearing and consider a request by Aaron Burrell Land Surveyors, LLC for a Zone Change from AE, Agricultural Estate District to CE, Country Estate District on a 9.53 acre tract of Lot 1, Block 4, Freeland Addition, Section 6, City and County Of Midland, Texas (Generally located at the southwest corner of the intersection of East Golf Course Road and Elkins Road. Council District 2)

Senior Planner Elizabeth Shaughnessy gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was open at 3:38 p.m.

The applicant was not present.

The public hearing was closed at 3:40 p.m.

Commissioner Sisniega moved to approve this request; seconded by Commissioner Holeva.

The motion passed by the following vote: 7 to 0

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

13. Hold a public hearing and consider a request by Manor Park, Inc., for a zone change from PD, Planned District for a Housing Development to Amended PD, Planned Development District for a Housing Development on Lot 2, Block 2, Wallace Heights Addition, Section 9, City and County of Midland, Texas. (Generally located on the south side of Sinclair Avenue, approximately 290 feet east of N. Loop 250 West. Council District 4)

Senior Planner Elizabeth Shaughnessy gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:43 p.m.

The applicant was not present.

The public hearing was closed at 3:44 p.m.

Commissioner Williams moved to approve this request; seconded by Commissioner Carrasco.

The motion passed by the following vote: 7 to 0

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

14. Hold a public hearing and consider a request by Daniel Lira for a zone change from MH, Manufactured Housing District to SF-3, Single-Family Dwelling District on the west half less 0.798-acres of Tract 5, the west 100 feet of the north 134.4 feet of Block 6; and 204 feet of the north 134.4 feet of the west part of Block 6, all out of Lindsay Acres, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Montgomery Avenue and Moran Street. Council District 2)

Senior Planner Elizabeth Shaughnessy gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:47 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 3:48 p.m.

Commissioner Carrasco moved to approve this request; seconded by Commissioner Grosse.

The motion passed by the following vote: 7 to 0

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

15. Consider a proposed Preliminary Plat of Wilshire Park Addition, Section 25, being a replat of Lots 1-13, Block 91, and Lot 1, Block 92, Wilshire Park Addition, and a previously vacated portion of Leisure Drive adjacent to said blocks, City and County of Midland, TX (Generally located on the southeast corner of the intersection of Thomason Drive and Monty Drive. (Council District 4)

Senior Planner Elizabeth Shaughnessy gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:52 p.m.

Commissioner Williams asked if the applicant has specified what they are planning to do with the property. Senior Planner Elizabeth Shaughnessy explained that the applicant was not present and that on the application it was not stated what the plans are but that it is most likely going to be a housing development.

The applicant was not present.

The public hearing was closed at 3:53 p.m.

Commissioner Williams moved to approve this request; seconded by Commissioner Holeva.

The motion passed by the following vote: 7 to 0

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

16. Hold a public hearing and consider a request by Roy Avila for a Zone Change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on the south 50 feet of the northwest quarter, also known as Lot 10, Block 4, Homestead Addition, City and County of Midland, Texas. (Generally located on the east side of North Terrell Street approximately 150 feet north of East Kansas Avenue. Council District 2)

Planner Joseph Marynak gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:56 p.m.

The applicant was not present.

The public hearing was closed at 3:57 p.m.

Commissioner Deck moved to approve this request; seconded by Commissioner Sisniega.

The motion passed by the following vote: 7 to 0

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None
ABSENT: Bryant, Gardaphe

17. Hold a public hearing and consider a request by Ruedas Homes, Inc. for a Zone Change from C, Commercial District, to SF-3, Single-Family Dwelling District on the north 50 feet of Lot 2, Block 11, Original Town Addition, City and County of Midland, Texas. (Generally located on the west side of North Fort Worth Street approximately 100 feet north of East Ohio Avenue. Council District 2)

Planner Joseph Marynak gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:59 p.m.

The applicant, Rafael Ruedas owner of Ruedas homes, was present and open to any questions.

Resident Kevin Williams, 401 N. Fort Worth, Midland Texas, spoke in opposition to the project due to safety and security issue to his future project.

Planner Joseph Marynak addressed some of Mr. Williams safety concerns and deferred to the applicant for further questions.

Commissioner Carrasco asked staff if the applicant was to build a residential home would Mr. Williams have to conform to new standards. Staff explained that Mr. Williams property would be considered nonconforming and he would not have to make improvements.

The applicant, Rafael Ruedas owner of Ruedas Homes, spoke to the commission to address some of Mr. Williams concerns. He explained that he has been building homes for years and has always complied with the city standards.

Commissioner Lawrence asked Mr. Ruedas if he has plans to make accommodation for commercial lighting to be next door to the home. Mr. Ruedas explained that he is ready to build the home to accommodate the additional lighting.

The public hearing was closed at 4:11 p.m.

Commissioner Grosse moved to approve this request; seconded by Commissioner Sisniega.

The motion passed by the following vote: 7 to 0
AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco
NAY: None
ABSTAIN: None
ABSENT: Bryant, Gardaphe

18. Hold a public hearing and consider a request by Ruedas Homes, Inc. for a zone change from LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lots 5 and 6, Block 118, Southern Addition, City and County of Midland, Texas. (Generally located on the west side of S. Weatherford Street, approximately 122-feet south of E. Washington Avenue. Council District 2)

Planner Joseph Marynak gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 4:14 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 4:14 p.m.

Commissioner Deck moved to approve this request; seconded by Commissioner Holeva.

The motion passed by the following vote: 7 to 0
AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco
NAY: None
ABSTAIN: None
ABSENT: Bryant, Gardaphe

19. Hold a public hearing and consider a request by Rosalinda Acosta for a zone change from C, Commercial District to SF-3, Single-Family Dwelling District on Lot 3, Block 14, Original Town, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of N. Terrell Street and E. Ohio Ave. Council District 2)

Planner Joseph Marynak gave an overview of the project. With 1 letter of objection received, staff recommended approval.

Commissioner Williams asked staff to clarify where the property was located and what was next to it. Staff used the map to specify the location to the commissioners.

The public hearing was opened at 4:18 p.m.

The applicant was not present.

The public hearing was closed at 4:19 p.m.

Commissioner Deck moved to approve this request; seconded by Commissioner Williams.

The motion passed by the following vote: 7 to 0

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

20. Hold a public hearing and consider a request by KEA Builders, LLC for a zone change from RR, Regional Retail District to SF-3, Single-Family Dwelling District on Lot 6, Block 44, Moody Addition, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of S. Lee Street and E. Kentucky Avenue. Council District 2)

Planner Joseph Marynak gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 4:21 p.m.

The applicant was not present.

Resident, Keith Stretcher, 5000 Chappell Hill Drive, Midland Texas, requested additional information. He addressed the commission with question and comments in regard to the lot size and the projected size of the home to be built. Staff addressed his concerns and explained the allotted lot size and the city required setbacks.

The public hearing was closed at 4:23 p.m.

Commissioner Carrasco moved to approve this request; seconded by Commissioner Deck.

The motion passed by the following vote: 7 to 0

AYE: Lawrence, Williams, Sisniega, Grosse, Deck, Holeva, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Bryant, Gardaphe

21. Hold a public hearing and consider a request by Midland-Odessa Golf Corp., for the initial zoning of a 21.91-acre tract of land located in Lot 1, Block 21, Grassland Estates, Section 16, Midland County, Texas. (Generally located approximately 266 feet east of Homeland Drive and approximately 258 feet east of Homestead Boulevard. Extraterritorial Jurisdiction)

Senior Planner Elizabeth Shaughnessy gave an overview of the project. With 17 letters of objection received, staff recommended approval.

Commissioner Williams asked for clarification on an item from the application. Planning staff deferred to the applicant for clarification.

Commissioner Lawrence asked staff to explain what the properties to north, south and west are zoned. Planning staff explained that the properties to the north, south and west are zoned as SF-1 and the property to the east is zoned AE.

Commissioner Carrasco asked what changes were made to the new application. Staff explained that the applicant had originally applied to change the zoning to a PD with an SF-1 underlining. The new application is an annexation with an AE zoning.

Commissioner Deck and Commissioner Williams asked if this application is just to zone the land in order to annex it into the city. Planning staff confirmed that it is just to do an initial zoning in order to annex the property.

The public hearing was opened at 4:36 p.m.

The applicant Eric West with Parkhill, Smith & Cooper was present. He gave a summary of the project and was open for questions.

Resident Alka Kumar 2608 Homeland Drive, Midland Texas, spoke in opposition of the project due to lack of information of the future plans for the project.

Resident Kim Helm, 6508 Homestead, Midland Texas, spoke in opposition to the project due to it becoming an apartment complex.

Resident Mr. Kumar, 2608 Homeland Drive, Midland Texas, spoke in opposition to the project.

Resident Amy Stretcher Burks, 6408 Homestead Blvd, Midland Texas, spoke in opposition to the project due to the lack of recreational activities in Midland.

Resident Cindy Smith, 6412 Homestead Blvd, Midland Texas, spoke in opposition to the project lack of green space in Midland.

Resident Dr. Doug Cooper, 6504 Homestead Blvd, Midland Texas, spoke in opposition to the project due to the impact the loss of the golf course would have.

Resident James Garret, 6404 Homestead Blvd, Midland Texas, spoke in opposition to the project on behalf of the HOA for Grasslands Estates West.

Resident Vicky Byers, 6900 Homestead Blvd, Midland Texas, spoke in opposition to the project due to the drainage in the area.

Resident Ken Smith, 6412 Homestead Blvd, Midland Texas, spoke in opposition to the project due to the intended use on the application.

The applicant, Eric West, readdressed the commissioner to answer some of the concerns of the residents and was open for further questions from the commission.

Commissioner Grosse asked if the property has been sold. Mr. West confirmed that it is under contract but there has been no final sale.

Commissioner Carrasco asked Mr. West to explain why he stated that the golf course is not viable. Mr. West explained that he is not at liberty to give any specifics.

The public hearing was closed at 5:16 p.m.

Resident, Mr. Kumar, 6508 Homeland Drive, Midland Texas, readdressed to the commission to call out the applicant for their lack of transparency.

Commissioner Carrasco asked staff to once again clarify the process of an annexation with initial zoning. Staff explained the process and the need to choose a zoning in order to proceed with the annexation. However, the applicant can come and request a new zone change which would then include plans for the development.

Commissioner Lawrence stated that he can see both sides of the equation and understands the requests and oppositions of both sides.

Commissioner Carrasco stated that he would like to emphasize that just because the annexation goes through does not mean that any development can go through without approval.

Commissioner Williams commented that the audience will have another opportunity to voice their concerns. She explained to the audience that the applicant will still need to process additional applications before any development can begin.

Commissioner Deck addressed the also audience to thank them for voicing their concerns and reassuring them that they will get another opportunity to address their concerns.

Commissioner Grosse commented that the Grasslands community could take the opportunity to invest in the property as a group in order to keep their community the same.

Commissioner Lawrence advised the audience to appeal to the City Council since they will have the final say.

Commissioner Williams moved to approve this request; seconded by Commissioner Deck.

The motion passed by the following vote: 6 to 0

AYE: Lawrence, Williams, Deck, Grosse, Holeva, Carrasco

NAY: None

ABSTAIN: Sisniega

ABSENT: Bryant, Gardaphe

MISCELLANEOUS

With no further items or business to come before the Commission, Chairman Lawrence adjourned the meeting at

Reggie Lawrence, Chairman

Date

Charles Harrington
Director of Department of Development Services

Date



Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: April 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Elizabeth Shaughnessy, Senior Planner

SUBJECT: Consider a proposed Final Plat of Northwestern Addition, Section 17, being a plat of a 3.50-acre tract of land located in the northeast part of Section 5, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Cardinal Lane, approximately 2,406 – feet east of N. Midland Drive. Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X **Approve** **Deny** **Directional/Informational**

Current Zoning:

AE, Agricultural Estates District.

Preliminary Plat Approval:

The property owner, Drew Scott, is proposing to replat a 3.50-acre tract of land located in the northeast part of Section 5, Block X, H.P. Hilliard Survey, City and County of Midland, Texas into one (1) lot for ownership purposes. The Preliminary Plat was approved at the February 22, 2021 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.

Departmental Review:

Engineering: Approved

IMPACT FEES: Impact Fee statement okay as shown.

ROW: ROW okay as shown.

PAVING: Deferral Approved by City of Midland on 4-12-2021

WATER: Water existing in Cardinal Lane. 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 1, 2019 - Fire hydrants shall be spaced no more than 400' apart, color coded rings shall be installed on the fire hydrant to indicate flow rate per NFPA (less than 500gpm RED, 500-999gpm YELLOW, 1000-1499gpm GREEN, Greater than 1500GPM BLUE)

PRO RATA: PID Phase 1. Fee required is \$13.00 per Linear foot of property frontage. Pro-rata has been paid in full.

SEWER: Deferral approved by City of Midland on 4-12-2021.

DRAINAGE: Drainage report approved.

EASEMENTS: Okay as shown.

SIDEWALKS: required with building permit.

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.

No objections to plat.

Fire: Approved

No additional comments.

Oil and Gas: 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.

Code Administration: 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.

Colorado River Municipal Water District:

No comments.

Planning:

Staff recommends approval of the Final Plat of Northwestern Addition, Section 17, subject to condition A.

Conditions:

- A. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number:

SUB-20-0385

Case Number:

P-21-1064

Proposed Subdivision Plat Name: Northwestern Addition, Section 17**Legal Description (attached sealed Metes and Bounds):** Being a 3.50 Acre Tract of Land out of the Northeast Quarter of Section 5, Block X, H.P. Hilliard Survey, City and County of Midland, Texas**Property Owner**
Printed Name: Drew Scott

Phone ()

Email
phuckaba@maverick-eng.com

Address 5616 Drexel Court

City Midland

State TX

Zip 79707

Developer (if different than Owner)
Printed Name:

Phone ()

Email
phuckaba@maverick-eng.com

Address

City

State

Zip

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

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone ()

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: 3.50

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" \$61.00

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: 3/31/21

Property Owner (printed): Drew Scott

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 Drew Scott, 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 31st day of March, 2021, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

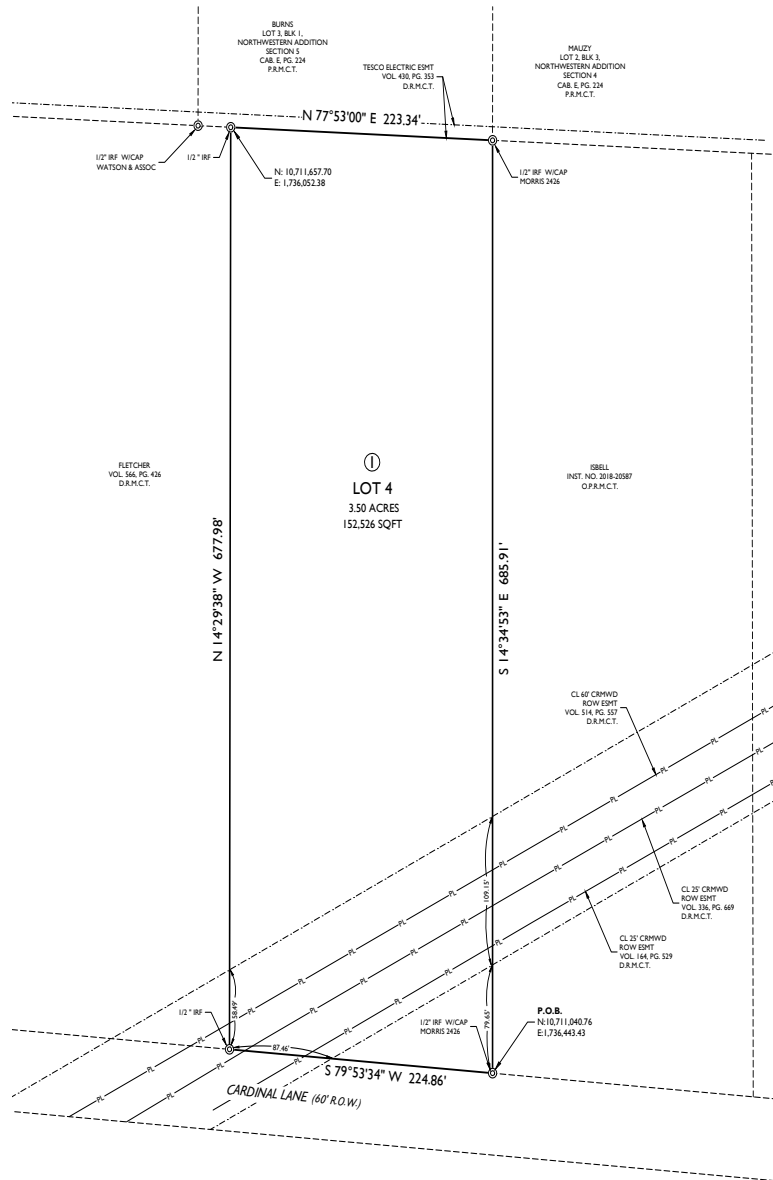
FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☒ Mylar	☒ 1 Copy of Plat (11x17)	☐ CADD File
☒ Application Fee	☒ Title Opinion	☐ Public Improvement
Check # <u>3424</u>	☒ Tax Certificates	☒ Recording Fee
Received By: <u>KM</u>		Check # <u>3425</u>
		Date: <u>4/1/21</u>

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

NORTHWESTERN ADDITION, SECTION 17

BEING A 3.50 ACRE TRACT OF LAND OUT OF THE NORTHEAST
QUARTER OF SECTION 5, BLOCK X, H. P. HILLIARD SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS



OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS DREW SCOTT, is the record owner of a tract of land situated in Section 5, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That DREW SCOTT, being the owner of the land shown on this plat designated as NORTHWESTERN ADDITION, SECTION 17, in Addition to the City of Midland, Midland County, Texas; and where same is subdivided hereon, do hereby declare to the public use for 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 access thereto, and condition said easement that no construction shall commence on said lot or lots used the exact location of said containers therewith has been selected and approved by the Director of Utilities.

WITNESS my hand at _____, Mo.
the _____ day of _____, 2021.

By DREW SCOTT

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 DREW SCOTT, 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 _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of NORTHWESTERN ADDITION, SECTION 17, was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

_____ day of _____, 2021.

REGGIE LAWRENCE, CHAIRMAN

CIRSTINA DOENENBORG-BURNS, SECRETARY

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS

That I, GREGORY W. SHIELDS, 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.

GREGORY W. SHIELDS BY REGGIE LAWRENCE
Midland Registered Professional Land Surveyor (TX Reg. #10194514)
1909 West Wall Street, Suite K
Midland, TX 79701



PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

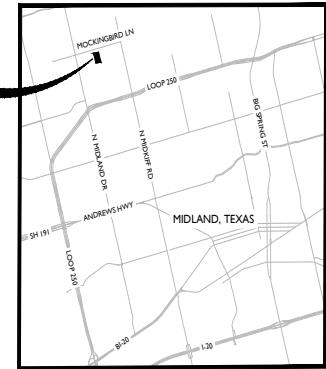
DATE _____ PAGE _____

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S NFIP, FLOOD INSURANCE RATE MAP #18020C0049, DATED SEPTEMBER 14, 2005, THIS PROPERTY IS WITHIN ZONE "X", DESIGNATED AS "AREAS SUBJECT TO MINOR RISK BY PERCENT ANNUAL CHANCE SHALLOW FLOODING (USUALLY AREAS OF FLOODING WHERE AVERAGE DEPTHS ARE BETWEEN ONE AND THREE FEET). BASE FLOOD ELEVATIONS (BFE) DERIVED FROM DETAILED HYDRAULIC ANALYSES ARE SHOWN IN THIS ZONE. MANDATORY FLOOD INSURANCE PURCHASE REQUIREMENTS AND FLOODPLAIN MANAGEMENT STANDARDS APPLY."

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 ENGINEERING COMPANY.

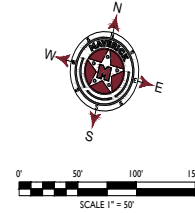
SITE
LOCATION



VICINITY MAP
N.T.S.

DEVELOPMENT NOTES

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. BASIS OF BEARINGS, COORDINATES AND DISTANCES ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE (430), NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FOOT.
4. 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 REZONED FOR A MORE INTENSIVE USE.
5. IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLANNING 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.



LEGEND

- | | |
|--|--|
| <p> O.P.M.C.T.
 D.M.C.T.
 P.M.C.T. </p> | <p> DENOTES FOUND MONUMENT AS NOTED
 DENOTES OFFICIAL PUBLIC RECORDS, MIDLAND CO. TX.
 DENOTES DEED RECORDS, MIDLAND CO. TX.
 DENOTES PLAT RECORDS, MIDLAND CO. TX.
 DENOTES BOUNDARY LINE
 DENOTES EXISTING PROPERTY LINE
 DENOTES EXISTING UNDERGROUND PIPELINE
 DENOTES EXISTING EASEMENT LINE </p> |
|--|--|

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATKINS ENERGY

BY _____

AT&T

BY _____

STERNSUNN COMMUNICATION

BY _____

GRANDE COMMUNICATION

BY _____

ONCOR ELECTRIC DELIVERY

BY _____



MAVERICK
ENGINEERING / SURVEY / WATER RESOURCES
1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: 10194514
Tel: (432) 362-0999 Fax: (432) 362-0989
www.Maverick-Eng.com

**NORTHWESTERN ADDITION,
SECTION 17**

April 19, 2021

PACKET

Page 3.17



LOCATION MAP

SUB-20-0385

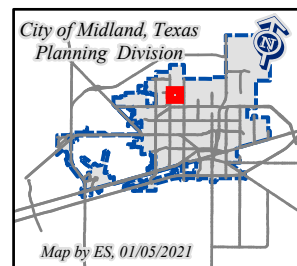
Scale: 1" = 250'

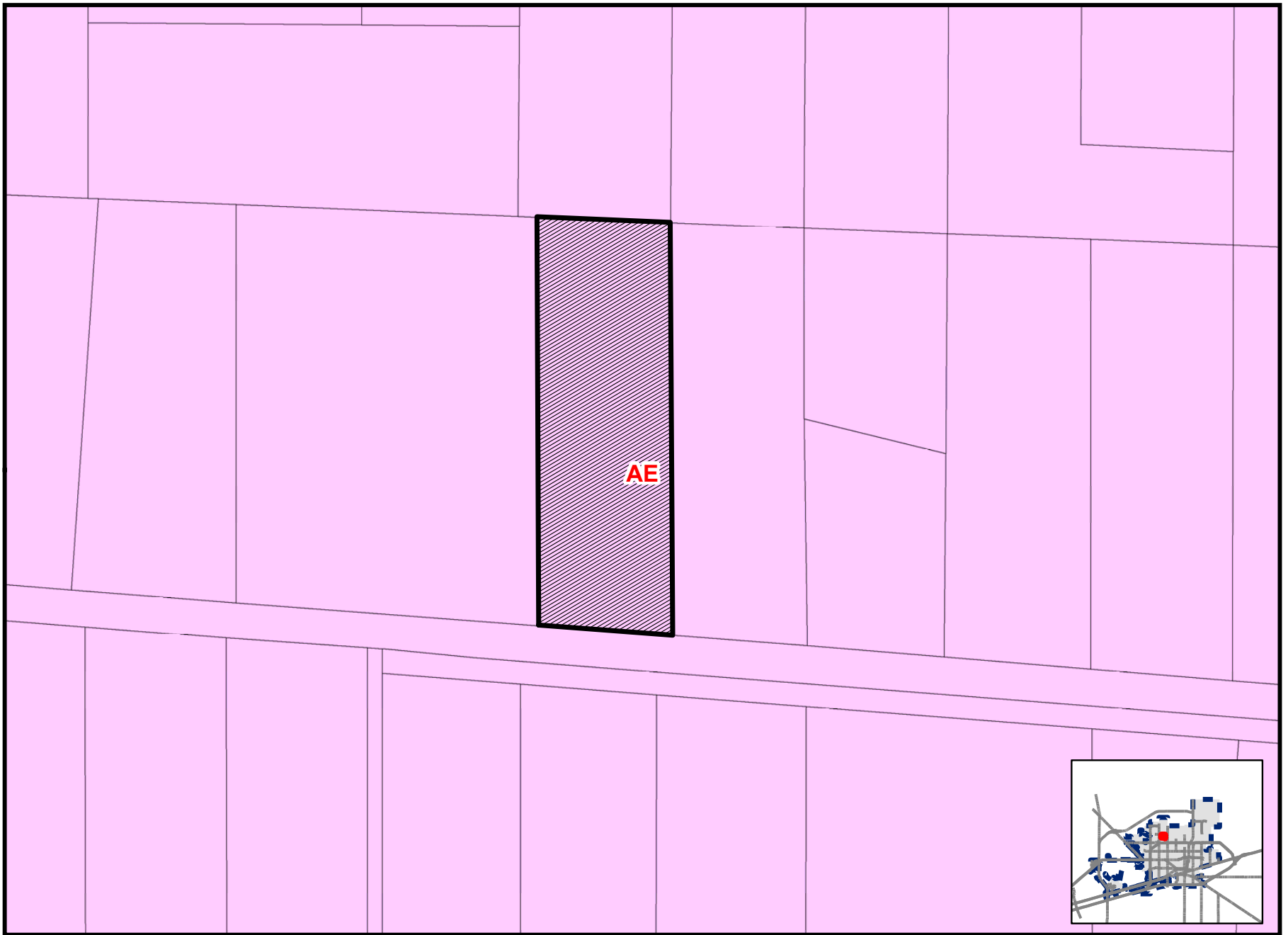
Proposed Plat of Northwestern Addition, Section 17, being a plat of a 3.50 acre tract of land, located in the northeast part of Section 5, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

Generally located on the north side of Cardinal Lane, approximately 2,406 – feet east of N. Midland Drive. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for
Agenda:
Cristina Odenborg Burns

MEETING DATE: April 19, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Valerie A. Sherman, Senior Planner

SUBJECT: Consider a proposed Final Plat of Spanish Trails Station, Section 4, being a replat of Lot 1, Block 1, Spanish Trails Station, and Lot 3, Block 1, Spanish Trails Station, Section 3, City and County of Midland, Texas. (Generally located on the north side of West Interstate 20, approximately 435 feet west of South County Road 1250. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

BP, I-20 Business Park District

Preliminary Plat Approval:

The property owner, Childress Family Investments, Inc. is proposing to replat Lot 1, Block 1, Spanish Trails Station, and Lot 3, Block 1, Spanish Trails Station, Section 3, City and County of Midland Texas, into two (2) lots to adjust the interior lot line. The preliminary plat was approved at the November 16, 2020 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 the final approval have been met.

Departmental Review:

The proposed Final Plat of Spanish Trails Station, Section 4, has been circulated to all City departments for their review. The comments are below.

Engineering: (Approved)

IMPACT FEES: Impact Fee Statement okay as shown.

ROW: ROW okay as shown.

PAVING: Previously approved deferrals will be valid for this plat. No paving improvements required.

WATER: Water existing along the platted frontage. 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 1, 2019 - Fire hydrants shall be spaced no more than 400' apart, color coded rings shall be installed on the fire hydrant to indicate flow rate per NFPA (less than 500gpm RED, 500-999gpm YELLOW, 1000-1499gpm GREEN, Greater than 1500GPM BLUE)

PRO RATA: None.

SEWER: Previously approved deferral will be valid for this plat. No sewer improvements required.

DRAINAGE: Comply with the previously approved PSC Drainage Report. Please not the property owner to the West is complaining about runoff entering their property. The City cannot allow drainage changes that would increase the runoff onto the adjacent property.

EASEMENTS: Okay as shown.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved with Conditions)

TxDOT comment, "Access should be managed in accordance with current Access Management standards. Use of shared access or cross access should be incorporated into the plat as the is a subdivision of a larger plat into multiple smaller lots. Not sure if the segment between Lot 1A and Lot 3A represents an access, but there is an existing access approximately 70' from the western edge of Lot 1A that would also need to be considered for access management. There is a proposed IH 20 interchange with CR 1250 and need to verify that access locations do not interfere with proposed ramp locations. Post development drainage/runoff should not exceed pre-development conditions."

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway.

No objections to plat.

Fire: (Approved)

No additional comments.

Code Compliance: (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.

Building: (Approved)

No objections.

Planning: (Approved)

The dates in the Owner's Certificates Acknowledgments, and Certificate of Approval should be 2021.

All department's comments must be addressed as a condition of Final Plat approval.

Staff recommends approval of the Final Plat of Spanish Trails Station, Section 4, subject to condition A.

Conditions:

- A. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filing for recording with the County Clerk of Midland County, Texas

Attachments:

Proposed Final Plat
Application
Map



Final Plat Application

Project Number:

Case Number:

SIB-20-0364
P-21-1033

Proposed Subdivision Plat Name:

Spanish Trails Station, Section 4

Legal Description (attached sealed Metes and Bounds):

Replat of Lot 1, Block 1, Spanish Trails Station, and Lot 3, Block 1, Spanish Trails Station, Section 3, City and County of Midland, Texas.

Property Owner

Printed Name:

MG Real Properties LTD

Childress Family Investments, Inc

Phone (409) 833-2665

Email

713-248-7979

Address

1655 Louisiana St.

City

Beaumont

State

TX

Zip

77701

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm:

Aaron Burrell Land Surveyors, LLC

Printed Name:

Aaron Burrell

Phone (432) 848-4439

Email

aaron@ashsurveyors.com

Address

415 W. Wall St #204

City

Midland

State

TX

Zip

79701

Current Zoning:

BP

Reason for Platting:

Adjust interior lot line

Plat Information

Total Acreage:

20.72

Type:

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

Number of Lots:

2

Number of Multi-Family Dwelling Units:

0

Submittal Information: Standard Plats must be submitted at least 20 days and a Residential Repat 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 -need City Approval)
- ✓ 1 Extra Copy (11x17)
- ✓ Digital Files (JPEG & PDF) & CADD File
- Original Tax Certificates (Midland Central Appraisal District - MCAD) -waiting on 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):

Ray Childress / Ben Broussard

Date: 2/5/21 / 2/18/2021

Property Owner (printed):

Ray Childress Ben Broussard

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 Aaron Burrell who, being by me duly sworn, upon oath says: That (s)he is authorized by Ray Childress, 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.

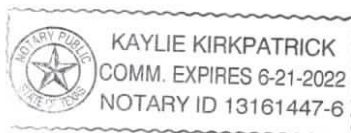
A Burrell

Authorized Agent (signature)

Subscribed and sworn to before me, this 26th day of January, 2021, to certify which witness my hand and seal of office.

Kaylie Kirkpatrick

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS



FOR OFFICE USE ONLY

☒ Property Owner Authorization

☐ Mylar

☒ Application Fee

Check # 3028

☒ 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 Fee

Check # 3029

Received By: 1/5/21

Date: 2/5/21

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

April 19, 2024 **FINAL PLAT**
SPANISH TRAILS STATION, SECTION 4



LOCATION MAP

SUB-20-0364

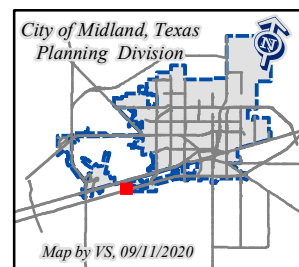
Scale: 1" = 200'

Proposed Preliminary Plat of Spanish Trails Station, Section 4, being a replat of Lot 1, Block 1, Spanish Trails Station, and Lot 3, Block 1, Spanish Trails Station, Section 3, City and County of Midland, Texas.

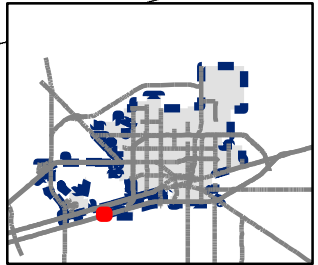
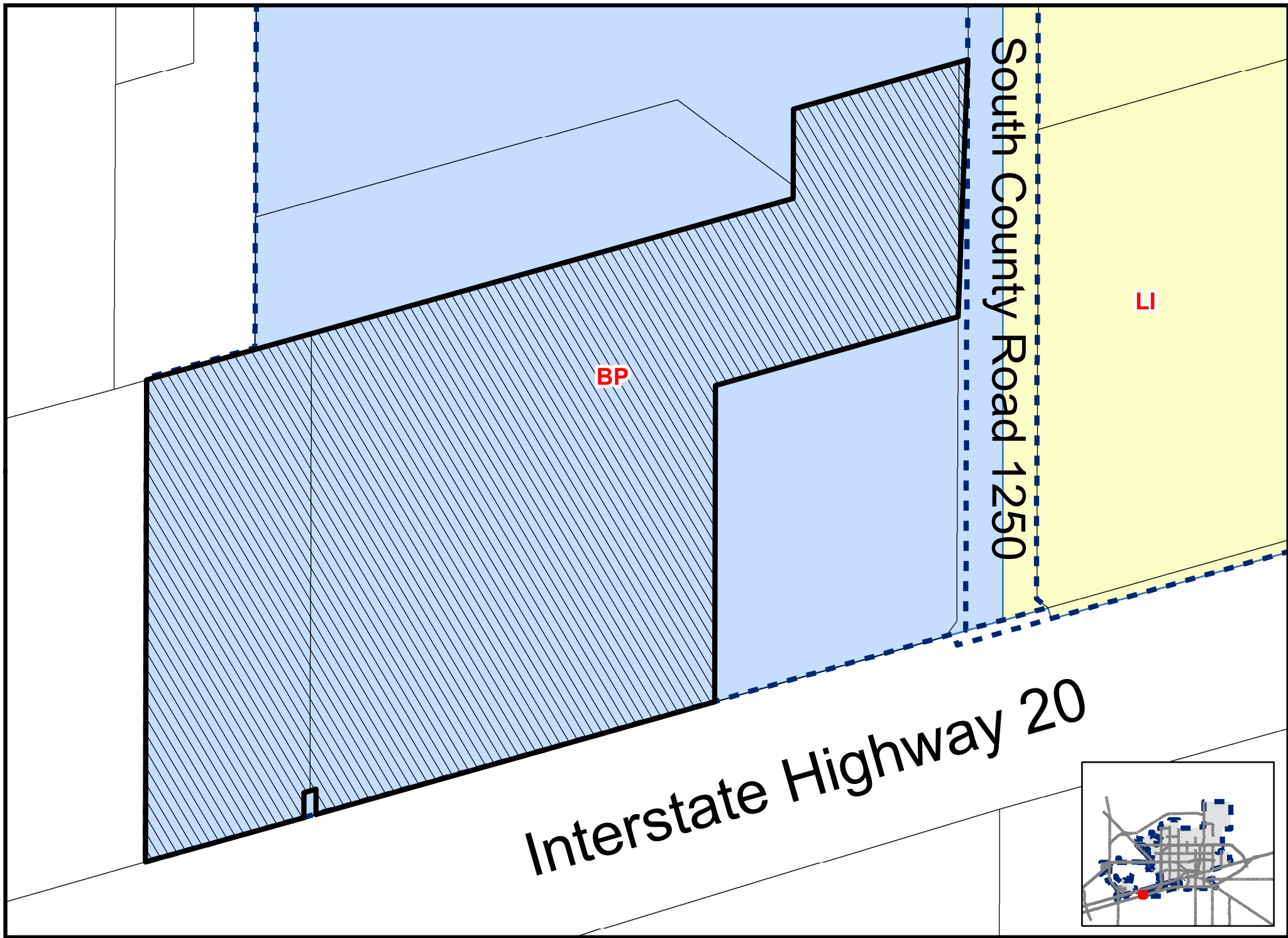
Generally located on the north side of West Interstate 20, approximately 435 feet west of South County Road 1250. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020
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:
Cristina Odenborg Burns

MEETING DATE: April 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Kelly Martinez, Planner

SUBJECT: Consider a proposed preliminary plat of Yates 191 Addition, being a plat of a 5 acre tract of land located Section 32, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas.
(Generally located on the north of South Highway 191, approximately 1,232-feet west of Westlake. Council District 4)
(DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X **Approve** **Deny** **Directional/Informational**

Details of Request:

The applicant, Centerline Engineering & Consulting, is requesting to plat a 5-acre tract of land to construct a warehouse and a storefront.

Current Zoning:

RR, Regional Retail District

Departmental Review:

This request has been routed to all respective departments for internal review. The comments are below.

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, and floodplain requirements if necessary.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Provide the following general note on the plat face- Initial 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.

ROW: TXDOT Review has been requested for 191 Highway ROW. Dedicate 50 ft Access & Utility Easement along north boundary of parcel as public right-of-way instead to allow for extension of Sinclair Ave as required per the 2020 Thoroughfare Plan.

PAVING: State Highway 191 Frontage is TXDOT facility built and maintained by TXDOT, no improvements required. Sinclair Ave and N CR 1278 roads are substandard, construct, construct to City Standards for entire platted frontage or request a deferral.

WATER: Existing 16" transmission water main that cannot be tapped. Existing 8-inch water main can be extended for water service for future development.

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.

PRO RATA: NONE

SEWER: None existing. Construct to City standards along entire platted frontage, serving all lots within the subdivision and to adjacent lot lines along exterior roadways. Sewer capacity studies are required for all developments over 5 acres, serving 20 residences or more or multi-family sites, per Policy Statement. This will require an extension from.

Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (A) Areas served by public water systems shall have lots of at least ½ acre.

DRAINAGE: Drainage Report has been submitted and pending approval. FEMA Firm data (zone, firm number, date) to be on plat face.

EASEMENTS: Change wording on utility easement to public ROW instead. See Transportation comments.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved with Conditions)

Dedicate 50 ft Access & Utility Easement along north boundary of parcel as public right-of-way instead to allow for extension of Sinclair Ave as required per the 2020 Thoroughfare Plan.

TxDOT comments, "Access should be placed on the eastern side of the development as to provide maximum separation from the access to the existing entrance ramp. Post development drainage/runoff should not exceed pre-development conditions."

FIRE: (Approved)

Future development is required to meet IFC 2015ed and local ordinances

CODE COMPLIANCE: (Approved)

Not in the City limits- no oil or gas jurisdiction.

HEALTH:

Yes, the health department will review application from the 1 proposed lot of Yates 191 Addition, PLAT OF A 5 ACRE TRACT OF LAND OUT OF SECTION 32, BLOCK 40, T-1-S, T. & P. RR. CO. SURVEY the lot is 5 acre to ensure the proposed plans 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:

Provide a section for the plat recordation information.

Provide a vicinity map.

This plat should be drawn to a scale of 1"=200 feet.

Under the Certificate of Approval, the signature lines should be "Reggie Lawrence, Chairman" and "Cristina Odenborg Burns, Secretary"

List all utility companies under the utility company's certificate.

Railroad Commission Laterals (2015) run vertically across the lot.

A portion of this plat is located in the AOZ-4, Airport Overlay Zoning District. An AOZ-4 determination will be required. 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 AOZ-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 Sections 11-11-8, 11-11-9, and Table 1 of this Chapter or would otherwise violate this Chapter. Applications for permits shall be submitted to and issued by the Administrative Agency.

Provide all existing and proposed easements.

The planning department supports approval of the preliminary plat subject to conditions A through D.

Conditions:

- A. That a drainage study and deferrals are approved.
- B. That all public improvements above are addressed.
- C. That the technical items listed above are addressed.

All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas

Attachments:

Proposed Preliminary Plat
Maps
Application



Preliminary Plat Application

Project Number:

P-21-1057

Case Number:

Proposed Subdivision Plat Name: Yates 191 Addition

Legal Description (attached sealed Metes and Bounds): 5.00 acres located in the SW/4 of Section 32, Block 40, T-1-S, T&P RR Company Survey, City and County of Midland.. Texas

Property Owner

Printed Name: Bobby Yates

Yates IBY, LC

Phone (806) - 795 - 0070

Email

Address 1901 W. Loop 289 #11

City Lubbock

State TX

Zip 79407

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Centerline Engineering and Consulting LLC. (O) (806) - 470 - 8686

Printed Name: Phillip Truong

Phone (909) - 201 - 4910

Email

ptruong@centerlineengineering.net

Address 8312 Upland Avenue

City Lubbock

State TX

Zip 79424

Current Zoning: RR, Regional Retail District

Reason for Platting: Purpose of Constructing a arehouse and storefront

Plat Information 1 Commercial Tract

Total Acreage: 5.00

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

Number of Lots: 1

Number of Multi-family Dwelling Units: 0

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)

Property Owner (signature): Bobby Yates MGR for Yates IBX, LC Date: 3-22-21

Property Owner (printed): BOBBY YATES MGR FOR YATES IBX, LC

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.

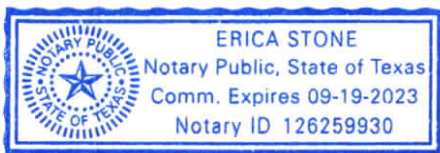
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Phillip Truong who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or is authorized by Bobby Yates 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 23rd day of March, 20 21, to certify which witness my hand and seal of office.



[Signature: Erica Stone]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

- | | | |
|--|--|--|
| ☒ Property Owner Authorization | ☒ Copy of Dimensioned Plat | ☐ Plat in Digital Format (PDF/JPEG) |
| ☐ Application Fee | ☒ 1 Copy of Plat (11x17) | |

Check # wrong amount

Received By: Joseph Mampall

Date:

MISSING
RECEIVED
MAR 24 2021

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

Preliminary Plat Application

2

Revised 07/01/19

WHEREAS, Joel G. Soilis is the record owner of a 5.00 acre tract out of a 17.455 acre tract in the Southwest Quarter (SW/4) of Section 32, Block 40, T1S, T&P RR Company Survey, Midland County, Texas, recorded in Volume 1054, Page 727, Official Public Records, Midland County, Texas and being further described by metes and bounds as follows;

BEGINNING at a 1/2" Iron Rod with Cap marked "Shuman" Found in the North Right-of-Way of State Highway 191 for the Southwest Corner of said 17.455 acre parent tract and the Southwest Corner of this Tract, also being the same as the Southeast Corner of a 5.75 acre tract recorded as Instrument # 2009013031, Official Public Records, Midland County, Texas;

THENCE North 15°41'56" West a distance of 633.78 feet along the East Line of said 5.75 acre tract to a 1/2" Iron Rod Found for the Northwest Corner of this tract and the Northeast Corner of said 5.75 acre tract, also being the same as the Northwest Corner of said parent tract;

THENCE North 74°17'20" East a distance of 333.30 feet along the North Line of said parent tract to a 1/2" Iron Rod marked "RPLS 4960" Found for the Northeast Corner of this tract;

THENCE South 15°42'02" East a distance of 653.72 feet along the West Line of a 10.01 acre tract recorded as Volume 1054, Page 727, Official Public Records, Midland County, Texas, to a 1/2" Iron Rod Found in the North Right-of-Way Line of State Highway 191 for the Southeast Corner of this tract;

THENCE South 74°16'40" West a distance of 333.32 feet along the North Right-of-Way Line of State Highway 191 to the POINT OF BEGINNING and containing within these calls a calculated area of 5.00 acres (217900.11 sqft.) more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That Joel G. Soilis does hereby adopt this plat designating the hereinabove described property as Yates 91, an addition to the City of Midland, Texas, and, hereby dedicate to the public use forever the streets, alleys and easements shown thereon.

WITNESS our hands at Midland, Texas, this the _____ day of _____, 2021

Joel G. Soilis	Owner
----------------	-------

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF LUBBOCK

This plat was acknowledged before me on _____ by Joel G. Soilis.

Notary Public, State of Texas

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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

Justin Cantwell, RPLS 6331
Date: *****, 2021

CERTIFICATE OF APPROVAL

For approval by the commission:

This is to certify that the above and foregoing plat of Yates 191 Addition was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on

this _____ day of _____, 2021.

Signed: _____ Chairman

Attest: _____ Secretary

Property Owner: YATES 2 BY, L.C.
Owner Address: 1901 W. Loop 289 #11, Lubbock, TX 79407
Phone Number: 806-795-0070

PRELIMINARY PLAT

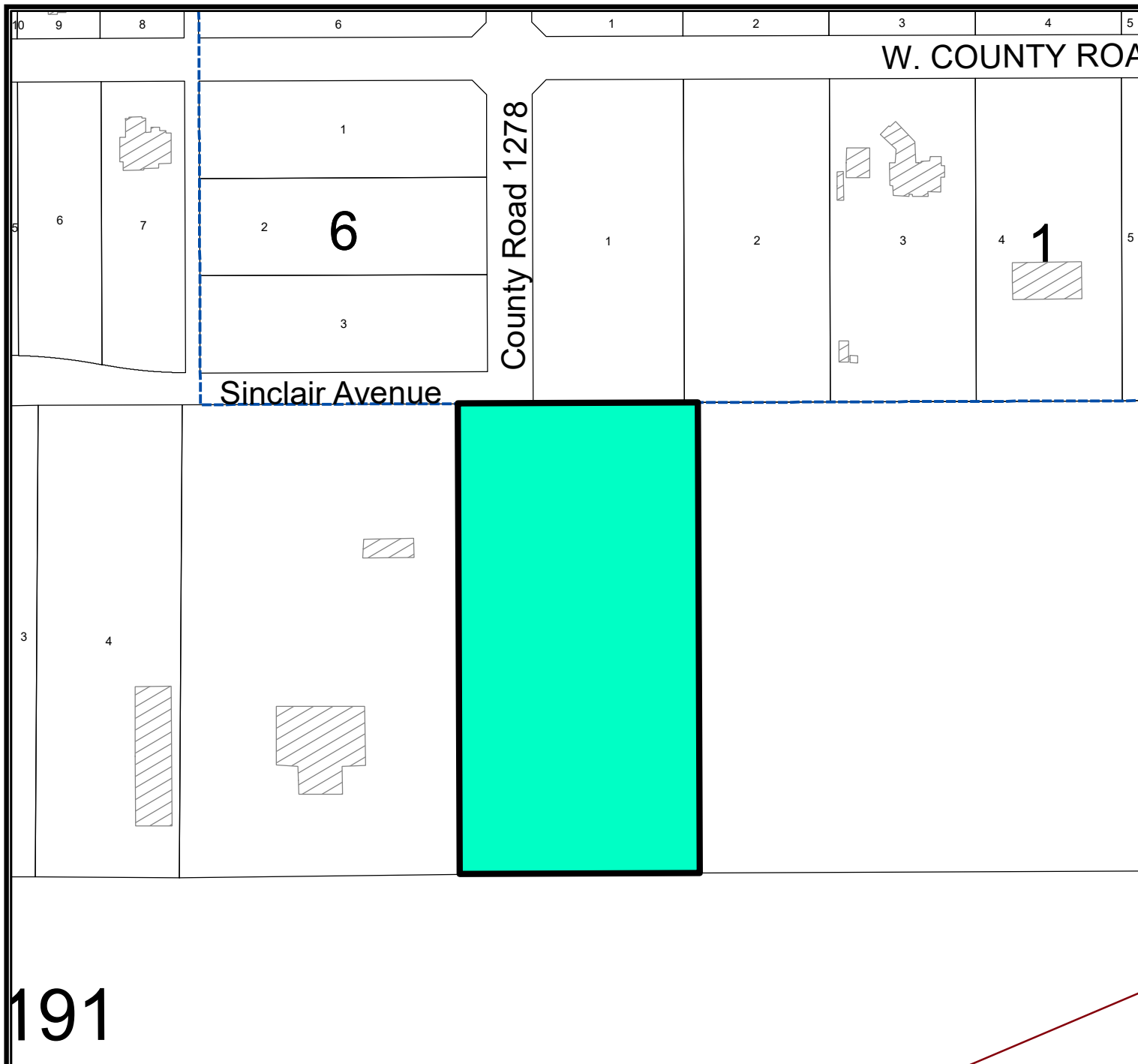
for inspection purposes only and in no way official or approved for recording purpose

Lot 1, Yates 191 Addition
5.00 Acres
SW/4 of Sec. 32, Block 40,
T-1-S, T&P RR Company Survey
Midland, Midland County, Texas



CENTERLINE ENGINEERING & CONSULTING, L.
8312 Upland Avenue, Lubbock, Texas 79424
(806) 470-8686
TBPE Reg. No. F-16713
TBPLS Reg. No. 10194378

for inspection purposes only and in no way official or approved for recording purposes



LOCATION MAP

SUB-21-0401

Scale: 1" = 200'

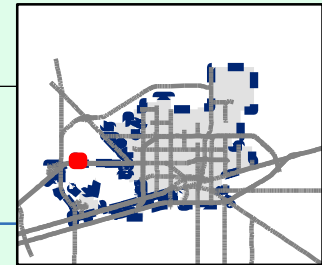
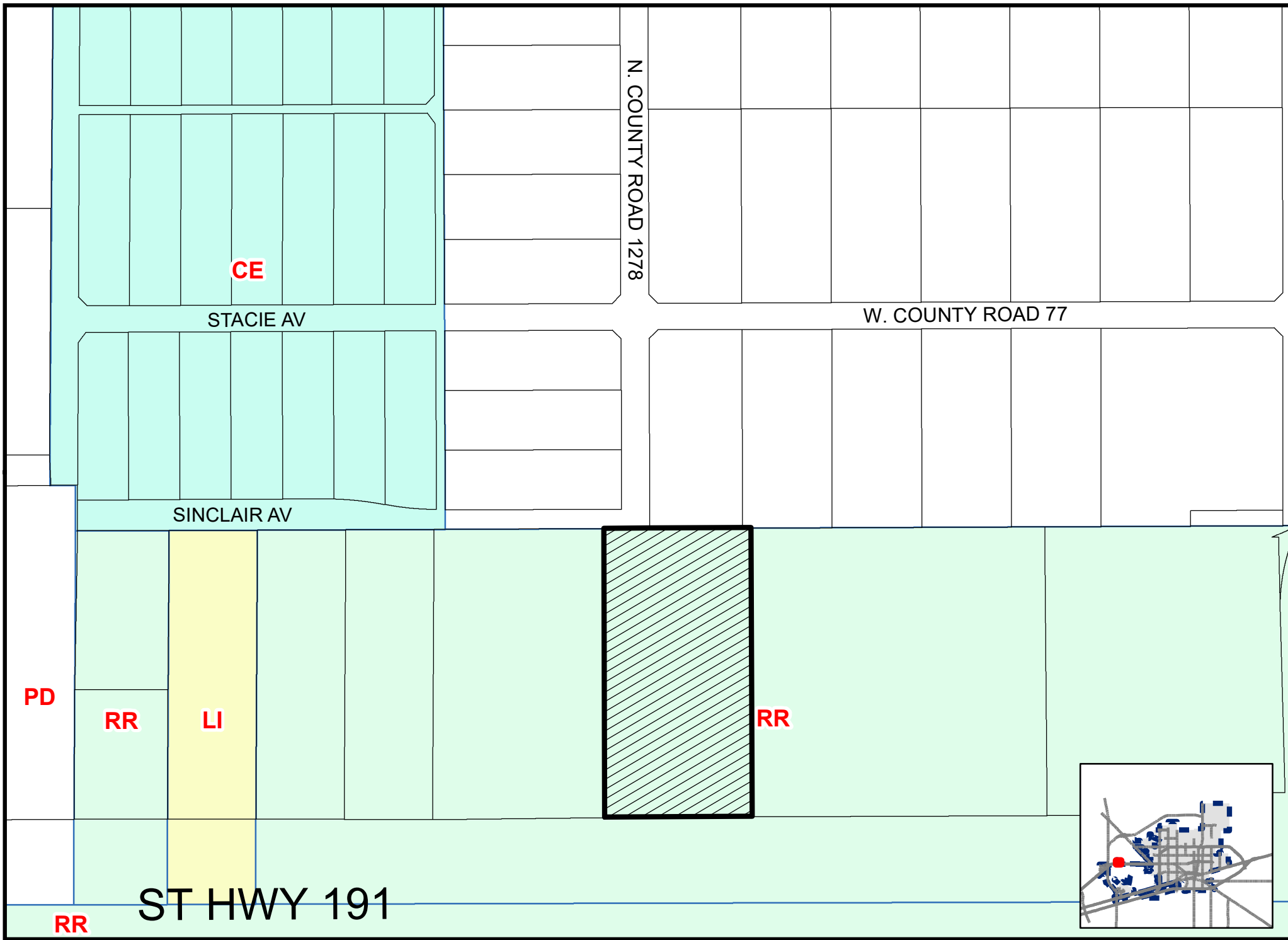
Proposed plat of Yates 191 Addition, being a plat of a 5.00 acre tract of land located in Section 32, Block 40, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas.

Generally located north of South Highway 191, approximately 1,232 feet west of Westlake (Council District 4).

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for
Agenda:
Cristina Odenborg Burns

MEETING DATE: April 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Kelly Martinez, Planner

SUBJECT: Consider a proposed preliminary plat of Crossroads Industrial Park, Section 3, being a replat of a 21.582 acre portion of Lot 1, Block 3, Crossroads Industrial Park, Midland County, Texas. (Generally located on the northeast corner of the intersection of S. Farm to Market Road 1788 and W. Interstate Hwy 20. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X **Approve** **Deny** **Directional/Informational**

Details of Request:

The applicant, Parkhill, Smith, & Cooper, Inc., is requesting to replat Lot 1, Block 3, Crossroads Industrial Park, Midland County, Texas, into several lots.

Current Zoning:

ETJ, Extraterritorial Jurisdiction

Departmental Review:

BUILDING CODE: (Approved)

ETJ, no jurisdiction

SURVEYOR: (Approved)

Check closure between the shown pob coordinate and the shown coordinate for the southeast corner.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Provide the following general note on the plat face:

Initial 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.

ROW: Label WCR 127 to the North of the Plat and label the proposed road to the east of the plat.

PAVING: Pave WCR 127 and the proposed road to City Standards along the entire platted frontage or request a deferral.

WATER: Install the public water line through the proposed public utility easement.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 1, 2019 - Fire hydrants shall be spaced no more than 400' apart, color coded rings shall be installed on the fire hydrant to indicate flow rate per NFPA (less than 500gpm RED, 500-999gpm YELLOW, 1000-1499gpm GREEN, Greater than 1500GPM BLUE)

PRO RATA: None

SEWER: Install the public sewer line in the proposed public utility easement.

DRAINAGE: Drainage Report required.

EASEMENTS: Label public easements as "Public". Also, the easement between Lot 6 and Lot 7 cannot be an access easement. Change this to read Public Utility easement.

SIDEWALKS: Install sidewalk along the platted frontage, or request a deferral.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved with Conditions)

Extend "access prohibited" markings along FM 1788 frontage of Lot 2.

Access spacing will be required to adhere to the TxDOT Access Management Standards and existing access control restrictions along I-20.

No objections to plat.

FIRE: (Approved)

No comments

CODE COMPLIANCE: (Approved)

Not in the City limits- no oil or gas jurisdiction.

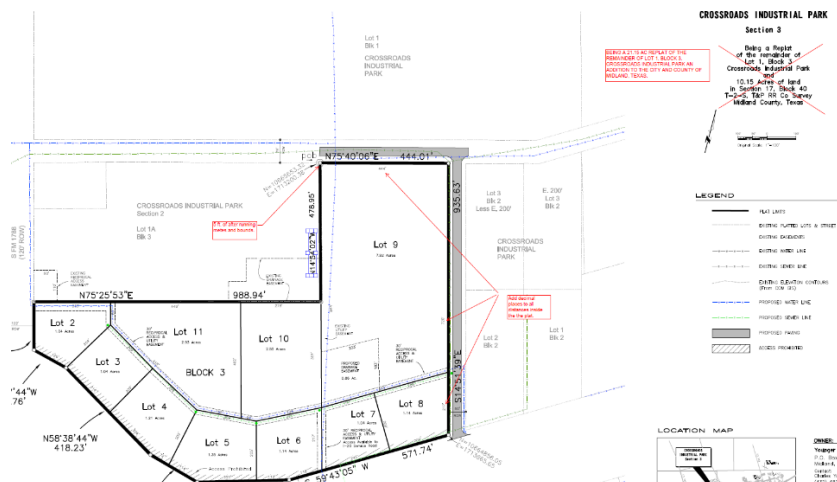
HEALTH:

Yes, the health department will review application from the 1 proposed lot of Yates 191 Addition, PLAT OF A 5 ACRE TRACT OF LAND OUT OF SECTION 32, BLOCK 40, T-1-S, T. & P. RR. CO. SURVEY the lot is 5 acre to ensure the proposed plans 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.

GIS:

After running the metes and bounds of the proposed plat my end point was around 5 ft. away from my point of beginning. Please have them double check their coordinates and distances. I also noticed that the distances located inside the plat were round to the nearest tenth. If they are going to be using decimals for the outline of the plat we need at least two decimals for the distances that are inside too.

Please have them correct the description of the plat. I wasn't sure why they were referring a 10.15 AC tract if the proposed plat is more than 20 acres and all of is from the remainder of lot 1 block 3 of Crossroads Industrial Park.



External Reviewers:

Write in the County Road numbers or city streets to the east and north sides.

The two driveways as shown would need review from TxDOT (one off of 1788 and one onto frontage). Both seem very close to other driveways and the intersection.

PLANNING:

The legal description should be "being a replat of a 21.582 acre portion of Lot 1, Block 3, Crossroads Industrial Park, Midland County, Texas."

Double check meets and bounds

The plat should be drawn to a scale of 1'=200 feet.

Provide a section for the plat recordation information.

Please add the following notes on the face of the plat:

"Approval of a site plan by the City of Midland may be required before these lot(s) may be developed and before a building permit may be obtained."

"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."

"Bearings/distances/coordinates to the Texas State Plane Coordinate System, Texas Central Zone, North American Datum of 1983"

Show owners certificate, certificate of approval, surveyor's certificate, and utility company's certificate.

Show utility poles.

Property is located in the AOZ-4, Airport Overlay Zoning District. If structures are being constructed on the property, apply for Airport Overlay Zoning waiver. The waiver will be processed through the building official.

The planning department supports approval of the preliminary plat subject to conditions A through D.

Conditions:

- A. That a drainage study and deferrals are approved.
- B. That all public improvements above are addressed.
- C. That the technical items listed above are addressed.
- D. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Preliminary Plat
Maps
Application



Preliminary Plat Application

Project Number: P-21-1056

Case Number: _____

Proposed Subdivision Plat Name: Crossroads Industrial Park, Section 3Legal Description (attached sealed Metes and Bounds): Being a replat of the remainder of lot 1, block 3, Crossroads Industrial Park and 10.15 acres out of Section 17, Block 40, T-2-S, T&P RR Co Survey, Midland County Texas.**Property Owner**Printed Name: Younger Partners LTDPhone (432) 682-9031

Email _____

Address P.O. Box 11004City MidlandState TXZip 79702**Developer (if different than Owner)**Printed Name: Net Lease DevelopmentPhone (651) 357-5723Email mh@netleasedev.comAddress 3200 Westcliff Rd. WCity Ft WorthState TXZip 76109**Representative (if acting as Agent, see affidavit on page 2)**Firm: ParkhillPrinted Name: Josh Wallender (Parkhill PROJ # 9802.21 - PLAT)Phone (432) 697-1447

Email _____

jwallender@parkhill.comAddress 1700 West Wall, Suite 100City MidlandState TexasZip 79701Current Zoning: N/AReason for Platting: Platting for future development**Plat Information**Total Acreage: 21.2 Ac.Type: ☐ Single-Family Residential☐ Multi-Family Residential☒ Commercial☒ Extraterritorial Jurisdiction (ETJ)Number of Lots: 10Number of Multi-family Dwelling Units: N/A**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'

RECEIVED
MAR 23 2021**Request for a Development Agreement**

BY: _____

Do 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)

Property Owner (signature): Charles M. Younger Date: 03/16/2021

Property Owner (printed): Charles M. Younger

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.

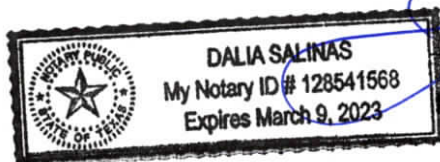
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Josh Wallender who, being by me duly sworn, upon oath says: That (s)he is the owner of Younger Partners LTD or 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.

Authorized Agent (signature)

Subscribed and sworn to before me, this 23 day of March, 2021, to certify which witness my hand and seal of office.



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) missing
Check # 1492

Received By: CS Date: 3/23/2021

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

PRELIMINARY PLAT

CROSSROADS INDUSTRIAL PARK

Section 3

Being a Replat
of the remainder of
Lot 1, Block 3
Crossroads Industrial Park
and
10.15 Acres of land
in Section 17, Block 40
T-2-S, T&P RR Co Survey
Midland County, Texas

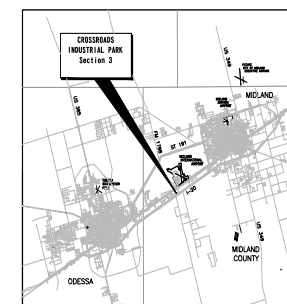


100' 50' 0 100'
Original Scale: 1"=100'

LEGEND

- PLAT LIMITS
- EXISTING PLATTED LOTS & STREET R/W
- EXISTING EASEMENTS
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING ELEVATION CONTOURS
(From COM GIS)
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- PROPOSED PAVING
- ACCESS PROHIBITED

LOCATION MAP



OWNER:

Younger Partners, Ltd.
P.O. Box 11004
Midland, TX 79701-1004
Contact:
Charles Younger
(432) 682-9031

ENGINEER:

PARKHILL, SMITH & COOPER, INC.
1700 W. WALL STREET
MIDLAND, TEXAS 79701
Contact:
Eric West P.E.
(432) 697-1447

CROSSROADS INDUSTRIAL PARK

Section 3

UNPLATTED
WEST TEXAS
EQUIPMENT
LP

Lot 2
Blk 2
WARFIELD
INDUSTRIAL
PARK

Lot 1
Blk 1
WARFIELD
INDUSTRIAL
PARK

Lot 1
Blk 1
CROSSROADS
INDUSTRIAL
PARK

Lot 3
Blk 2
Less E. 200'

E. 200'
Lot 3
Blk 2

CROSSROADS
INDUSTRIAL
PARK

Lot 2
Blk 2

Lot 1
Blk 2

UNPLATTED

ENTRADA
BUSINESS
CENTER LTD

Lot 1
Blk 1
ENTRADA
BUSINESS
PARK

CROSSROADS INDUSTRIAL PARK
Section 2

Lot 1A
Blk 3

BLOCK 3

Lot 9
7.92 Acres

Lot 11
2.93 Acres

Lot 10
2.50 Acres

Lot 2
1.04 Acres

Lot 3
1.04 Acres

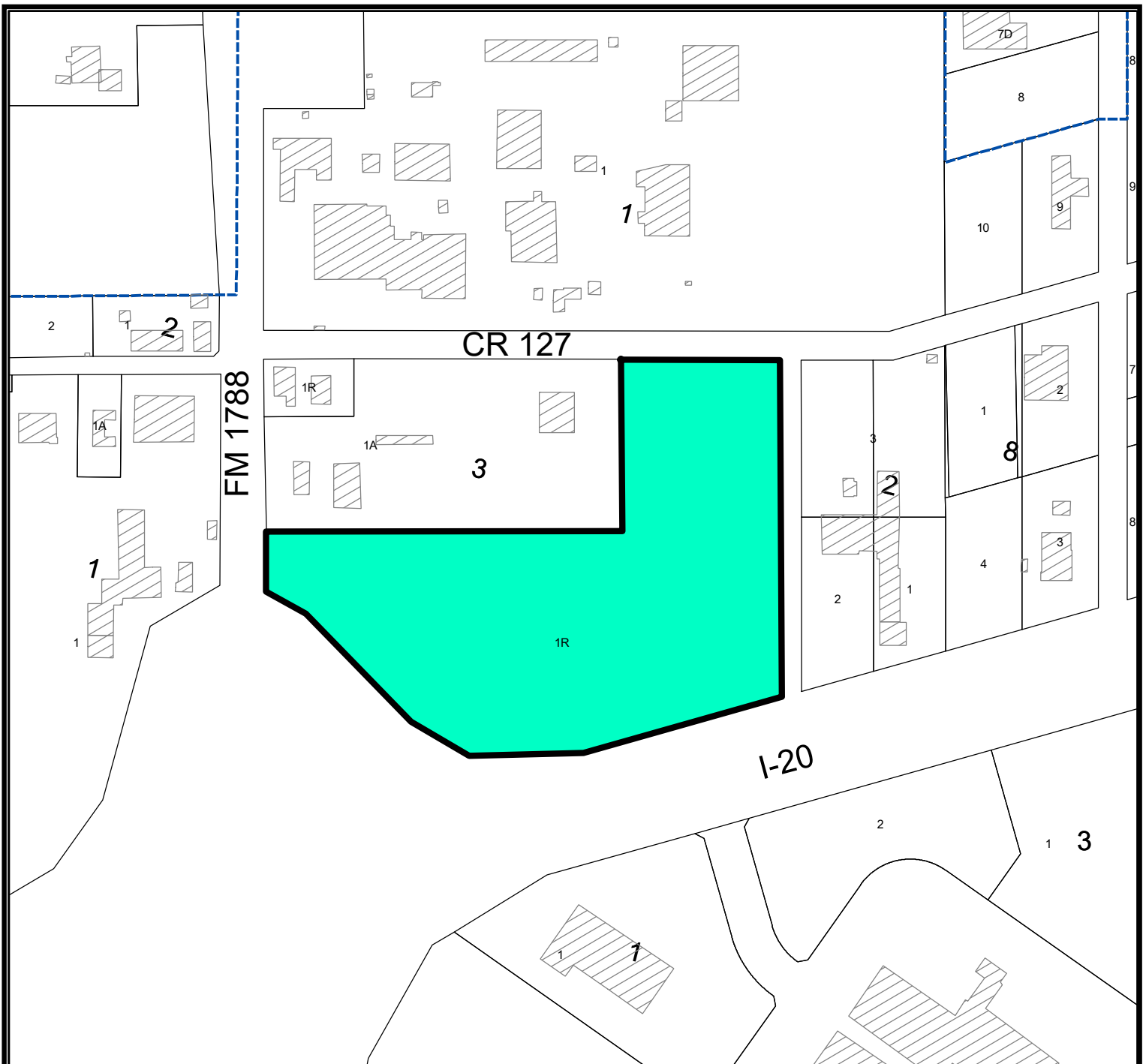
Lot 4
1.21 Acres

Lot 5
1.35 Acres

Lot 6
1.14 Acres

Lot 7
1.04 Acres

Lot 8
1.14 Acres



LOCATION MAP

P-21-1056

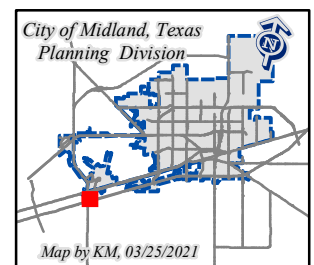
Scale: 1" = 200'

Proposed plat of Crossroads Industrial Park, Section 3, being a replat of a 21.20-acre portion of Lot 1, Block 3, Crossroads Industrial Park, Midland County, Texas.

Generally located on the northeast corner of the intersection of S. Farm to Market Road 1788 and W. Interstate Hwy 20. (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: April 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Joseph Marynak, Planner

SUBJECT: Consider a proposed Final Plat of Truelove Addition being a plat of a 60.57-acre tract of land located in Section 38, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the south side of East Interstate 20, approximately 2,100 feet northeast of Loop 250. Extraterritorial Jurisdiction.)
(DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

_____ **Approve** _____ **Deny** _____ **Directional/Informational**

Current Zoning:

ETJ, Extraterritorial Jurisdiction

Preliminary Plat Approval:

.

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 submitted. 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.

Departmental Review:

Details of Request:

The applicant, Newton Engineering, is requesting to plat a 60.57-acre tract of land located in Section 38, Block 38 T-1-S, T&P RR Co. Survey, into one (1) lot for development.

BUILDING CODE: (Approved)

ETJ, no jurisdiction.

ENGINEERING: (Approved)

ROW: TxDOT comment, "Other than the southern section of this plat, this area is already developed with access from the IH 20 service road. Access to CR 1130 should be coordinated with Midland County. Post-development drainage/runoff should not be increased from pre-development conditions."

PAVING: Administratively Deferred on 03/01/21. Interstate 20 Frontage road is TxDOT facility, built and maintained by TxDOT, no improvements required.

WATER: Administratively Deferred on 03/01/21

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.

PRO RATA: "None"

SEWER: Administratively Deferred on 03/01/21.

Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (A) Areas served by public water systems shall have lots of at least ½ acre.

Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (B) Areas NOT served by public water systems shall have lots of at least 1 acre.

DRAINAGE: Drainage Study approved for platting purposes.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Administratively Deferred on 03/01/21.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

TxDOT comment, "Other than the southern section of this plat, this area is already developed with access from the IH 20 service road. Access to CR 1130 should be coordinated with Midland County. Post-development drainage/runoff should not be increased from pre-development

conditions.”

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.

FIRE: (Approved)

No additional comments.

CODE COMPLIANCE: (Approved)

Not in the City limits- no oil or gas jurisdiction.

MIDLAND COUNTY:

The County’s only comment would be access related. The Plat doesn’t indicate access via CR 1130. There is an implied access at the I-20 service road. Will EMS, etc. accept this set up?

PLANNING:

Verify northings and eastings. The point in the northeast corner of the map seems to be shifted approximately 45 feet to the northwest.

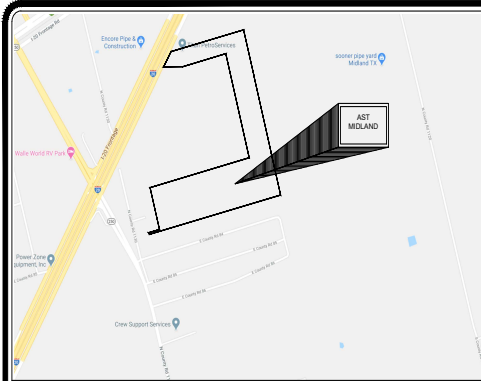
Staff recommends approval of the final plat of Truelove Addition subject to condition A.

Conditions:

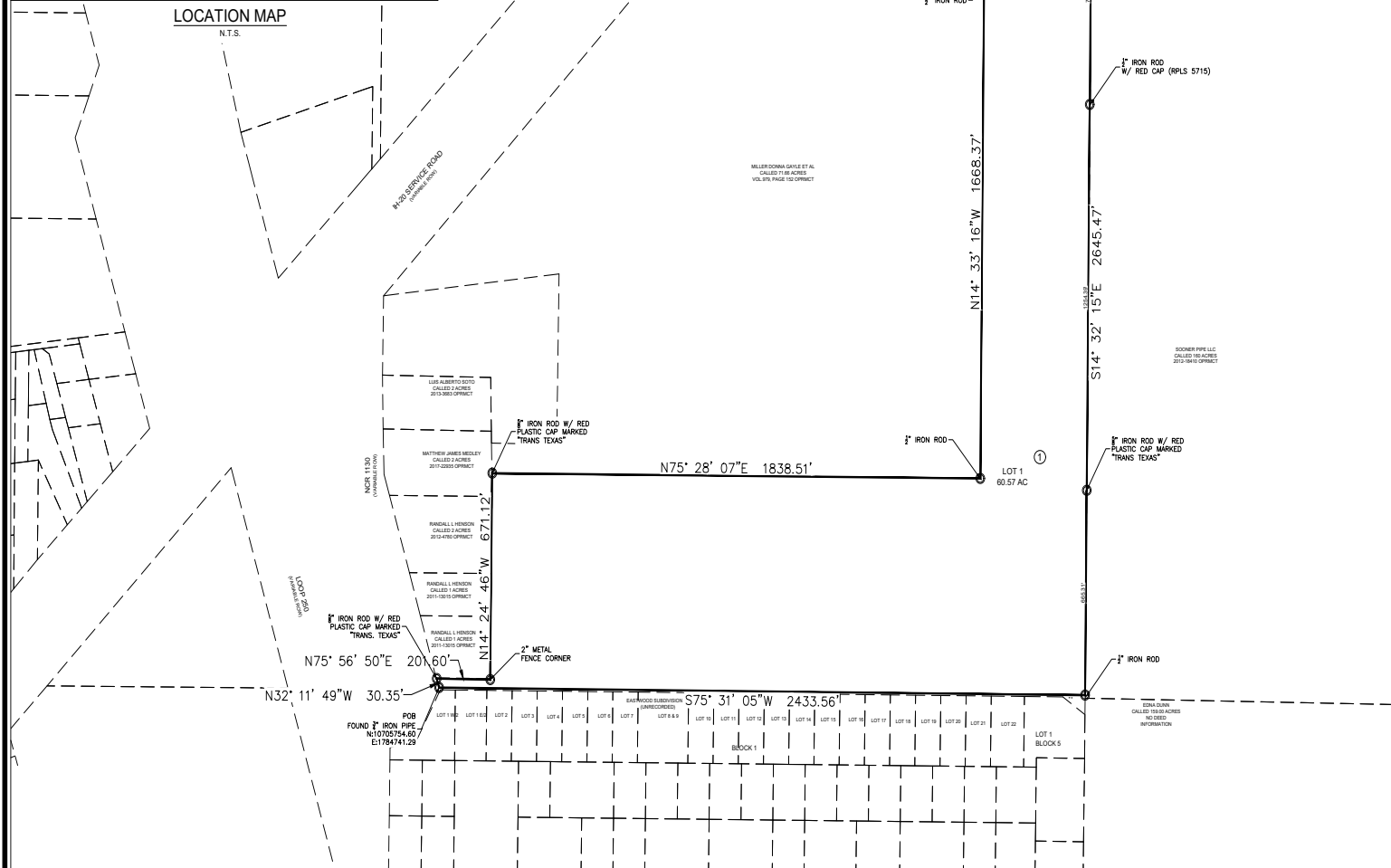
A. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Final Plat
Application
Maps



LOCATION MAP
N.T.S.



UTILITY COMPANY CERTIFICATE:
This plat has been checked for accessibility of utilities.

Signed: Oscar Electric Delivery Company
Signed: A. T. & T.
Signed: Atmos Energy
Signed: Suddenlink
Signed: Grande Communications

SURVEYOR'S CERTIFICATE:
Know all Men by these Presents:
That I, Marcus L. Hostos, 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 and County of Midland, Texas.
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.
MARCUS L. HOSTOS, R.P.L.S. No. 5643
303 WEST WALL STREET #204
MIDLAND, TEXAS 79701
TEXAS SURVEYING FIRM LICENSE NO. 18180414



CERTIFICATE OF APPROVAL:
For approval by the Commission:
This is to certify that the above and foregoing plat of TRUELOVE ADDITION was approved by proper action of the Planning and Zoning Commission of the City of Midland, Texas, on this _____ day of _____, 2021.
Signed: Reggie Lawrence, Chairman
Signed: Cristina Odenburg Burns, Secretary

NOTE:
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. BEARING DISTANCES COORDINATE AREAS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
4. THE AREA SHOWN ON THIS PLAT IS NOT TO BE USED FOR ANY PURPOSE TO FORM MAPS OR RECORDS OF ANY KIND.

GRAPHIC SCALE
0 200 400
(IN FEET)
1 inch = 200 ft.
LEGEND
RR Spike Found
Property Corner found (see description)
1/2" Iron rod set

OWNER'S CERTIFICATE
STATE OF TEXAS
COUNTY OF MIDLAND
WHEREAS, Advanced Stimulation Technologies, Inc. is the record owner of a 60.53 acre tract out of Section 38, Block 38, T-1-S, T&P RR CO Survey as described in Document #2013-4223 and Vol. 1079, Page 151 Midland County Deed Record Midland County, Texas and being more particularly shown hereon:
Now, therefore, know all men by these present:
That I, Joey Fields, do hereby adopt this plat designating the hereinabove described property as True Love Addition, an addition to the City of Midland, Texas, and hereby dedicate to the public use forever of the streets and easements shown hereon.
WITNESS our hands at Midland, Texas, this _____ day of _____, 2021
Advanced Stimulation Technologies, Inc.
Joey Fields, Manager
ACKNOWLEDGEMENT
STATE OF TEXAS
COUNTY OF MIDLAND
This plat was acknowledged before me on _____, 2021 by Joey Fields.
Notary Public, State of Texas

OWNER:
ADVANCED STIMULATION TECHNOLOGIES, INC.
PO BOX 2948
MIDLAND, TEXAS 79702
(432)617-3250
PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
CABINET _____
PAGE _____

TRUELOVE ADDITION
SCALE: 1"=200'
DATE: FEB 2021
DRAWN BY: JAW
FILE NAME:
NEWTON ENGINEERING, PC
4501A Santa Rosa Dr
Midland, Texas 79707
(432)770-0488
FINAL PLAT
PROJECT NUMBER



Final Plat Application

Project Number:

SUB-20-0325

Case Number:

P-21-1031

Proposed Subdivision Plat Name: TRUELOVE ADDITION**Legal Description (attached sealed Metes and Bounds):** See attached.**Property Owner** ADVANCED STIMULATION

Printed Name: TECHNOLOGIES, LLC

Phone (432) 617-3250

Email williep@fehrrs.com

Address P.O. Box 2948

City MIDLAND

State TX

Zip 79702

Developer (if different than Owner)

Printed Name: Same as owner.

Phone ()

Email

Address

City

State

Zip

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

Firm: Newton Engineering, PC

Printed Name: John M. Newton

Phone (432) 770-0499

Email

john@newtoncivil.com

Address 4501A SANTA ROSA DR.

City Midland

State TX

Zip 79707

Current Zoning: None**Reason for Platting:** To create a lot for an industrial development**Plat Information**

Total Acreage: 60.57 acres

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

Number of Lots: 1

Number of Multi-Family Dwelling Units: 0

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
- 1 Signed Mylar (or more if applicant does not request a signed reproduction)
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF)
- 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):

Date: Feb 9, 2021

Property Owner (printed):

Jerry Fields
Jerry Fields
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 _____ 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.

Authorized Agent (signature)

Subscribed and sworn to before me, this _____ day of _____, 20 ____, to certify which witness my hand and seal of office.

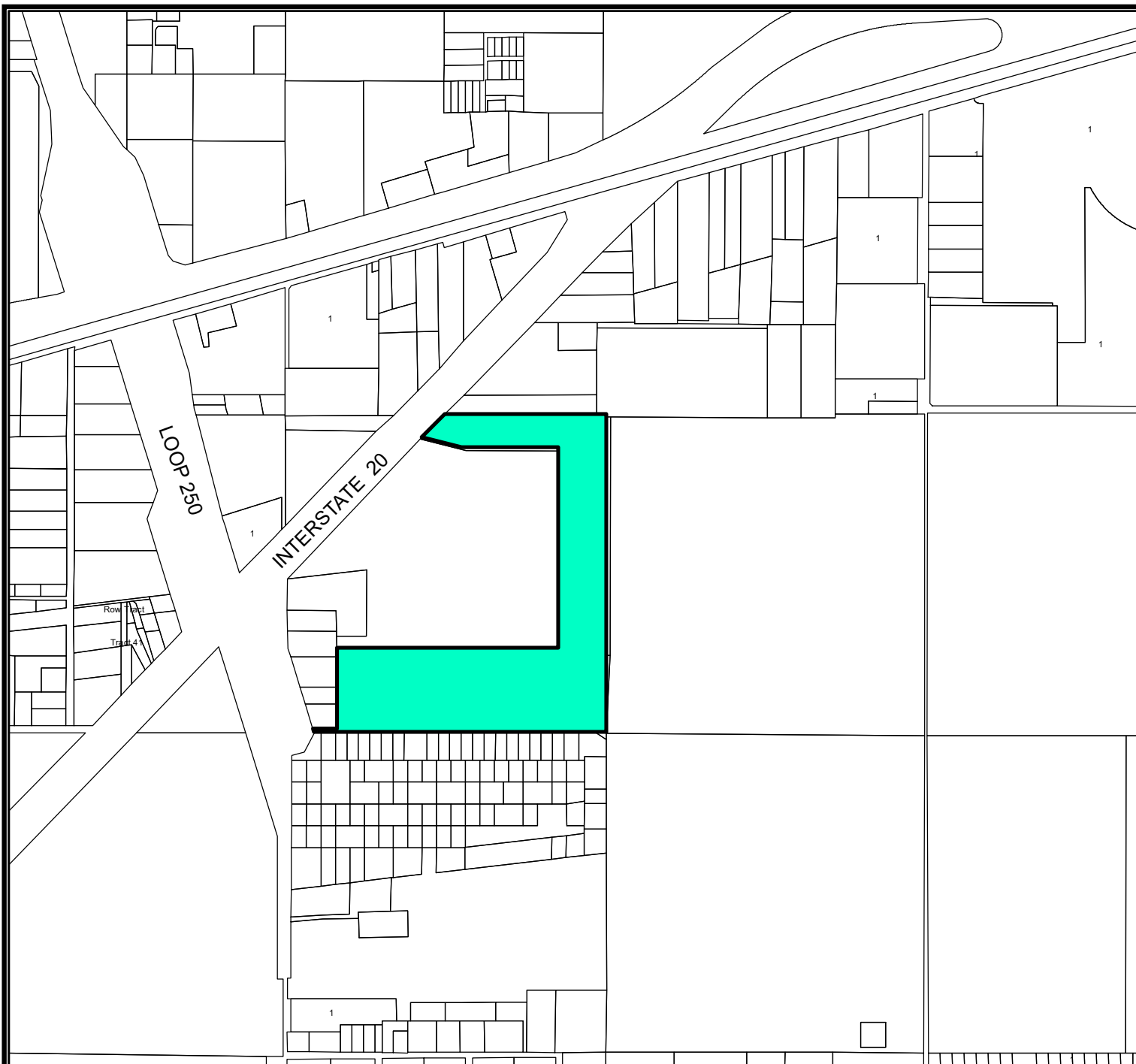
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY		
☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☐ Plat in Digital Format (PDF/JPEG)
☐ Mylar	☒ 1 Copy of Plat (11x17)	☐ Public Improvements
☒ Application Fee	☐ Title Opinion	☒ Recording Fee
Check # <u>Credit Card</u>	☒ Tax Certificates	Check # <u>1149</u>
Received By: <u>Joseph Mangione</u>		Date:

RECEIVED
FEB 10 2021
 BY: jm

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



LOCATION MAP

SUB-20-0325

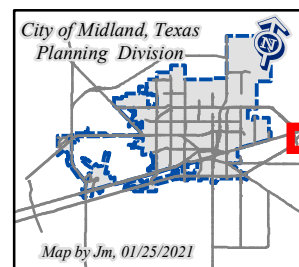
Scale: 1" = 1200'

Proposed plat of Truelove Addition being a plat of a 60.57-acre tract of land located in Section 38, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas.

Generally located on the south side of East Interstate 20, approximately 2,100 feet northeast of Loop 250. (Extraterritorial Jurisdiction.)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020
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:
Cristina Odenborg Burns

MEETING DATE: April 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Elizabeth Shaughnessy, Senior Planner

SUBJECT: Hold a public hearing and consider a proposed Preliminary Plat of East Midland Addition, Section 22, being a residential replat 14.8050 acre tract of land located in Blocks 83 and 86, East Midland Addition, City and County of Midland, Texas. (Generally located on the east side of Tilden Street, approximately 667 Feet north of E. Cuthbert Avenue. Council District 2)
(DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X **Approve** **Deny** **Directional/Informational**

Details of Request:

The applicant, IDEA Public Schools, is proposing to replat the property into one (1) lot for the development of a school. This plat is considered a residential replat, which requires a public hearing.

Current Zoning:

PD, Planned District for a Housing Development (Ordinance No. 9314).

This request has been routed to all respective departments for internal review. The comments are below.

Departmental Review:

BUILDING CODE: (Approved)

No issues.

All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire

Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

SURVEYOR: (Approved)

In ref. to 100' Electrical Easement shown at vol. 123, pg. 95, consider looking at vol. 124, pg. 95 showing 100' right-of-way.
Also Coordinates show on plat seem out of position.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Note has been included on the face of the plat.

ROW: ROW along Tilden St. is fine as shown.

PAVING: A portion of Tilden St. roadway is not built to City Standards, construct to City standards for entire platted frontage.

WATER: 8" water exists in Tilden Street west of tract, 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.

PRO RATA: None.

SEWER: 6" sewer exists in Tilden Street west of tract, okay as is. No public wastewater improvements required.

DRAINAGE: Drainage study required.

EASEMENTS: Show existing and proposed. The POB at the given northing and easting appears to be in the middle of an existing electric easement Vol. 123 Pg. 95 MCDR with a 100 ft. width (easement location does not correspond with what we have on record). POB conflicts with COM records.

SIDEWALKS: Required with building permit for area near POB where sidewalk does not exist.

DIMENSION: Northing and easting conflicts with property corner shown on our GIS, need to determine which one is correct. * * *

OTHER: * * *

TRANSPORTATION: (Approved with Conditions)

Sketch review comment not addressed: What is a "future" ingress-egress easement? Is

the easement being dedicated with this plat, or is it just planned to be dedicated in the future?

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.

FIRE: (Approved)

Future development must meet the requirements of IFC 2015 ed. and local amendments.

CODE COMPLIANCE: (Approved with Compliance)

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.

CRMWD:

No Comments.

PLANNING:

Double check metes and bounds.

Conditions:

- A. That the technical items listed above are addressed.
- B. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Preliminary Plat
Maps
Application



Preliminary Plat Application

Project Number

Case Number

SUB-20-0351
P-21-1054

Proposed Subdivision Plat Name: EAST MIDLAND ADDITION, SECTION 22

Legal Description (attached sealed Metes and Bounds): BEING A REPLAT OF 14.8050 ACRE TRACT OF LAND LOCATED IN BLOCKS 83 AND 86, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS

Property Owner

Printed Name: IDEA PUBLIC SCHOOLS

Phone (956) 337-8000

Email info@ideapublicschools.org

Address 2115 W. PIKE BLVD.

City WESLACO

State TX

Zip 78596

Developer (if different than Owner)

Printed Name: TODD ROPER

Phone (832) 763-6910

Email troper@pmstix.com

Address 1822 W. BRAKER LANE, STE #81734

City AUSTIN

State TX

Zip 78708

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

Firm: WEST COMPANY

Printed Name: LARRY H. WALKER, P.E.

Phone (432) 687-0865

Email lwalker@team-west.com

Address 110 W. LOUISIANA AVE., STE #110

City MIDLAND

State TX

Zip 79701

Current Zoning: PDHD

Reason for Platting: TO DEVELOPE PROPERTY FOR A SCHOOL

Plat Information

Total Acreage: 14.8050 acres

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

Number of Lots: 1

Number of Multi-Family Dwelling Units: 0

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'

RECEIVED
MAR 16 2021

Request for a Development Agreement

Do you expect to request a development agreement with the City? ☐ Yes ☒ No
If yes, contact the City Engineer at (432) 685-7286

BY:

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)Property Owner (signature): 

Date: 2/10/2021

Property Owner (printed) : Leanne Hernandez

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.

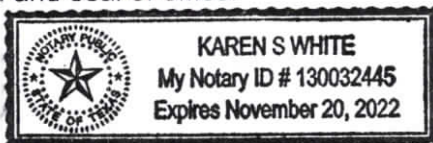
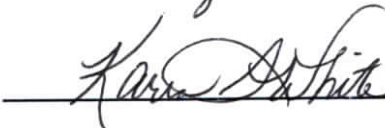
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

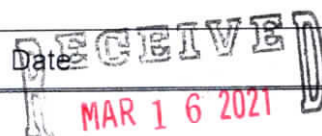
Before me, the undersigned authority, on this day personally appeared Larry H. Walker, PE who, being by me duly sworn, upon oath says: That (s)he is authorized by Leanne Hernandez the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right,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


Authorized Agent (signature)

Subscribed and sworn to before me, this 10th day of February, 2021, to certify which witness my hand and seal of office.



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)

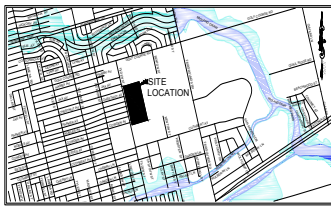
Check # 15716Received By: ESDate: 2/10/2021

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

PRELIMINARY PLAT

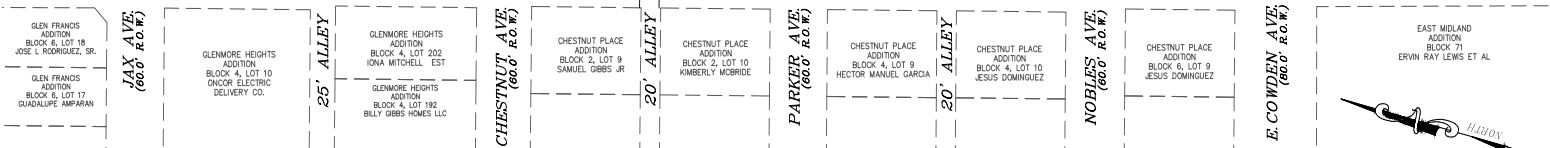
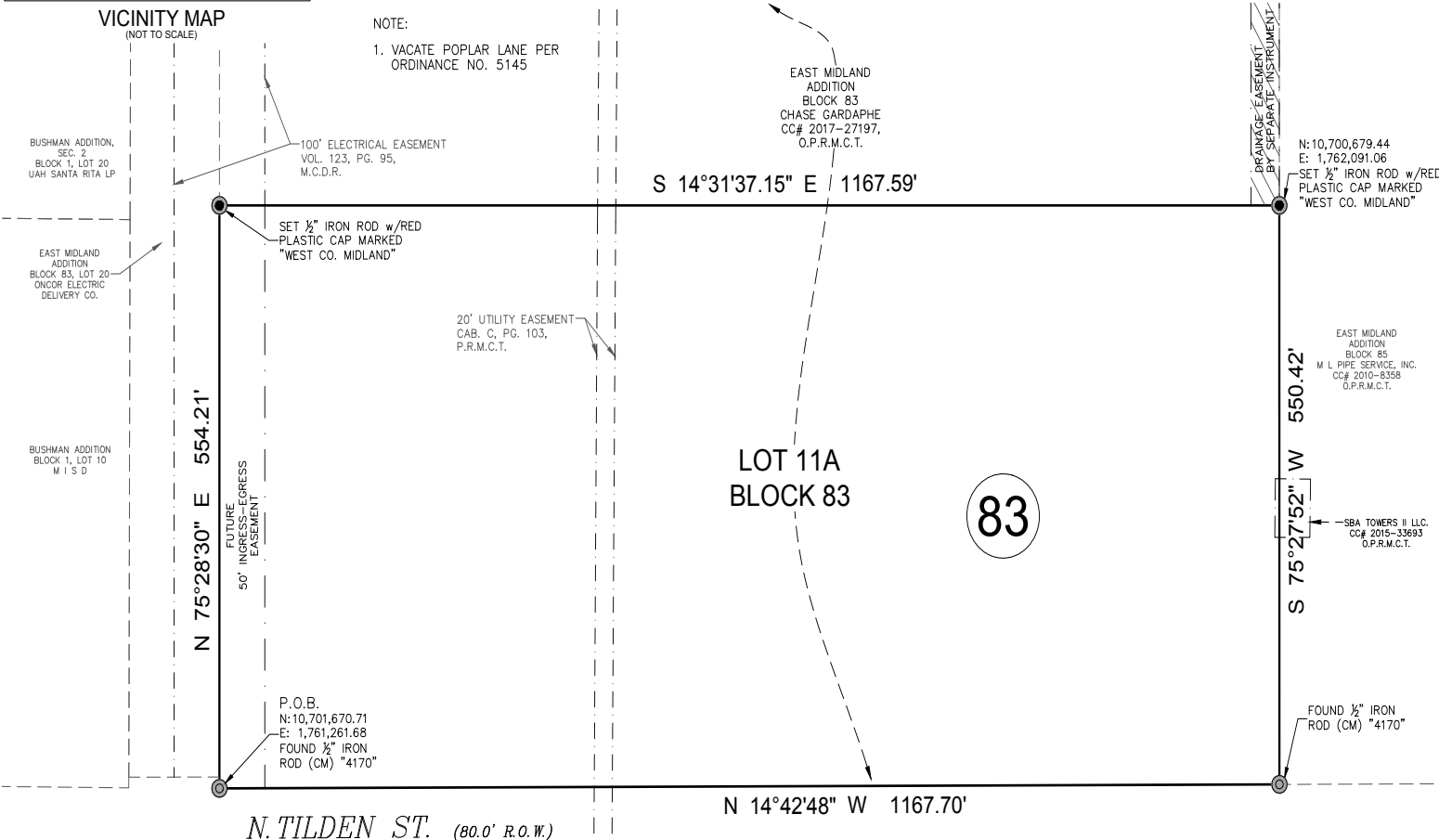
EAST MIDLAND ADDITION, SECTION 22

BEING A RE-PLAT OF 14.8050 ACRE TRACT OF LAND LOCATED IN
BLOCKS 83 AND 86, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS

VICINITY MAP
(NOT TO SCALE)

NOTE:

1. VACATE POPLAR LANE PER
ORDINANCE NO. 5145



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. 48329C0093F, EFFECTIVE DATE: 09/16/05, THIS SURVEYOR HAS DETERMINED THAT PART OF THIS PROPERTY IS LOCATED IN ZONE "X" WITH THE 100 YEAR FLOOD DETERMINATION SHALL NOT CREATE A LIABILITY OF SAID SURVEYOR.

LEGEND

- ⊙ DENOTES SET 1/2" IRON ROD w/ RED PLASTIC CAP MARKED "WEST CO. MIDLAND"
- ⊙ DENOTES FOUND MONUMENT AS NOTED
- DENOTES BOUNDARY LINE
- - - DENOTES ADJACENT DEED OR PROPERTY LINE
- - - DENOTES FUTURE EASEMENT LINE
- - - DENOTES EXISTING EASEMENT LINE
- W.C.D.R. DENOTES MIDLAND COUNTY DEED RECORD
- P.R.M.C.T. DENOTES PUBLIC RECORD MIDLAND COUNTY TEXAS
- O.P.R.M.C.T. DENOTES OFFICIAL PUBLIC RECORD MIDLAND COUNTY TEXAS

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY Print Name: _____

ONCOR ELECTRIC DELIVERY Print Name: _____

SUDENLINK Print Name: _____

GRANDE COMMUNICATIONS Print Name: _____

AT&T-TEXAS Print Name: _____

Page 8.58

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, IDEA PUBLIC SCHOOLS is the record owner of a 14.8050 acre tract of land situated in EAST MIDLAND ADDITION, BLOCK 83 & 86, City & County of Midland, Texas,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, LEANNE HERNANDEZ of IDEA PUBLIC SCHOOLS, being the owner of the land shown on this plat designated as EAST MIDLAND ADDITION, SECTION 22, 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 Midland, Texas, this

the _____ day of _____, 2021.

By: LEANNE HERNANDEZ for IDEA PUBLIC SCHOOLS

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, LEANNE HERNANDEZ, 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 of IDEA PUBLIC SCHOOLS, 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 _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Kerry M. Hoefner, 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.

Preliminary, this document shall not be
recorded for any purpose.

KERRY M. HOEFNER, RPLS 4562
2713 CANTRELL ST.
IRVING, TX 75062
214.714.2340

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "EAST MIDLAND ADDITION, SECTION 22", was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

the _____ day of _____, 2021.

JOSH SPARKS, CHAIRMAN

CRISTINA ODENBORG BURNS, SECRETARY

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.

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE: _____ PAGE _____

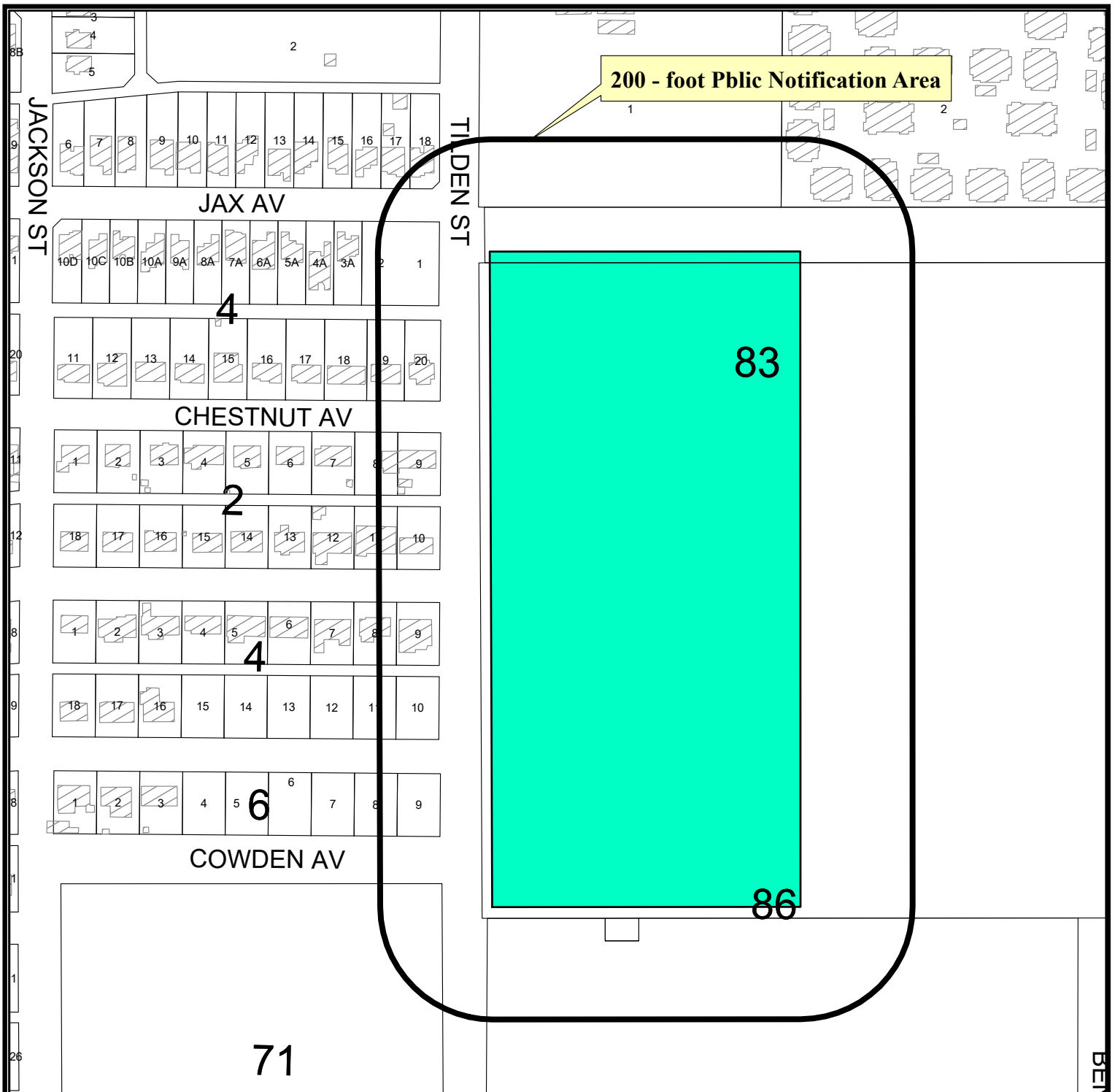
OWNER:
IDEA Public Schools
2115 W. Pike Blvd.
Weslaco, Texas 78596



SURVEYORS - ENGINEERS - PLANNERS,
ENGINEER REGISTRATION: FIRM 2184
SURVEYOR REGISTRATION: FIRM 100682-00
110 W. LOUISIANA AVE., SUITE 110,
MIDLAND, TEXAS 79701
(432) 687-0865 - FAX (432) 687-0868

MARCH 2021

April 19, 2021
EAST MIDLAND ADDITION, SECTION 22



LOCATION MAP

SUB-20-0351

Scale: 1" = 250'

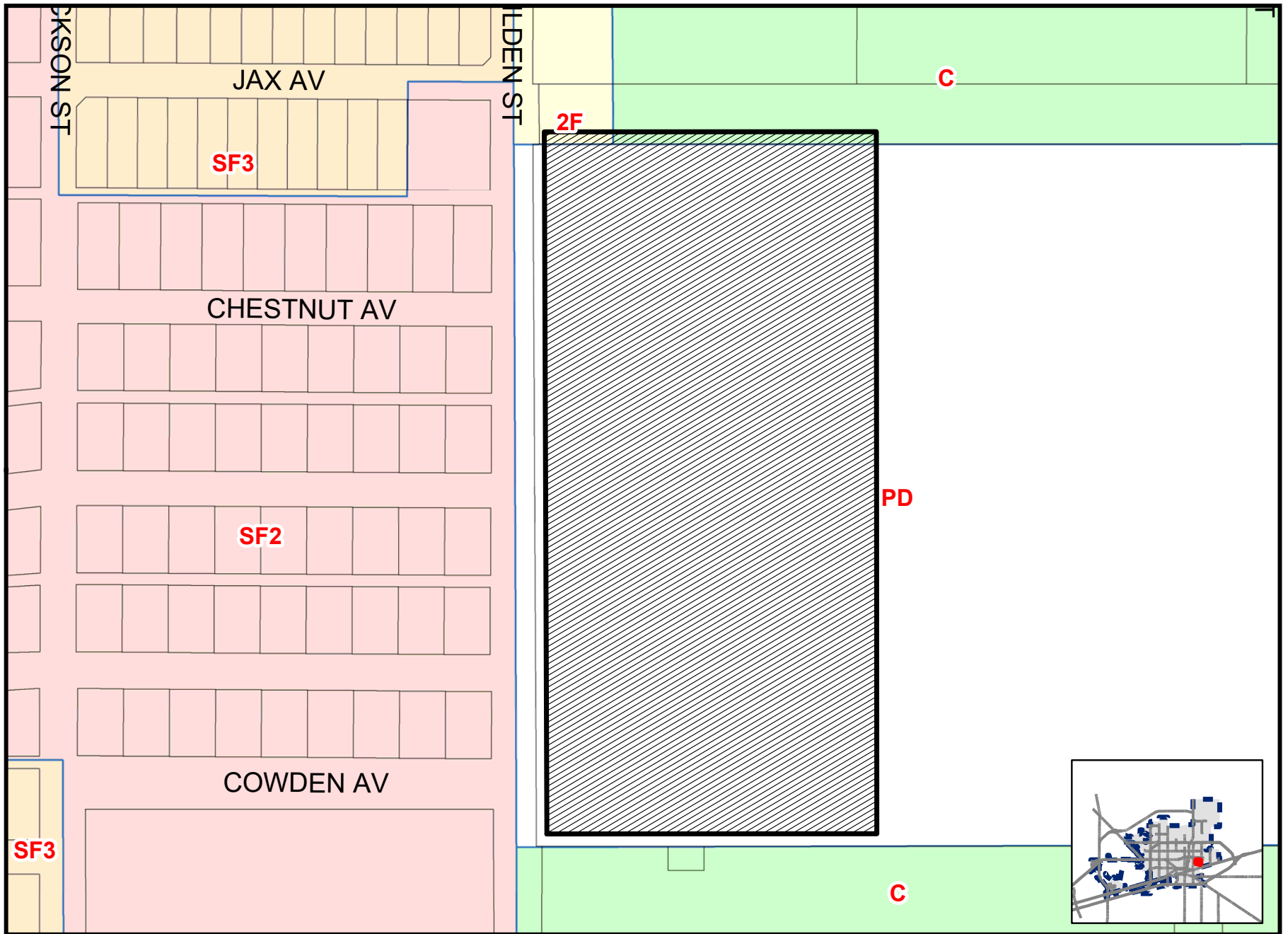
Consider a proposed Preliminary Plat of East Midland Addition, Section 22, being a residential replat 14.8050 acre tract of land located in Blocks 83 and 86, East Midland Addition, City and County of Midland, Texas.

Generally located on the east side of Tilden Street, approximately 667 Feet south of E. Cuthbert Avenue. Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS















Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: April 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Elizabeth Shaughnessy, Senior Planner

SUBJECT: Hold a public hearing and consider a request by Betenbough Homes for a zone change from SF-3, Single Family Dwelling District to PD, Planned Development District for a Housing Development on a 27.05 acre tract of land located in Section 7, Block 38, T-1-S, T. & P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Occidental Parkway, approximately 1, 335- feet east of Carriage Road. Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X **Approve** **Deny** **Directional/Informational**

Current Zoning:

SF-3, Single-Family Dwelling District.

Details of Request:

The applicant, Betenbough Homes is requesting approval of a zone change to allow for the development of smaller, more affordable homes.

Surrounding Zoning and Land Use:

The properties to the north and east are zoned AE, Agricultural Estate District, and the location of vacant land; The property to the south is zoned SF-3, Single Family Dwelling District, and the location of vacant land. The property to the west is zoned PD, Planned Development District and the location of vacant land.

Analysis:

The applicant, Betenbough Homes is requesting approval of a zone change for the development of smaller, more affordable homes. This proposed subdivision will have a

total of one hundred and twenty-two (122) residential lots and two (2) common areas. The current zoning of this property is SF-3, Single-Family Dwelling District, which requires a minimum lot area of 5,500 square feet. With this zone change, the developer will be able to plat 72 lots with widths ranging from 37.14 - 45 feet, and depths ranging from 65 – 85 feet. The areas will range from 4,145 to 5,192 square feet, with a majority of the lots with a square footage of 4,250.

The appropriate setbacks and maximum height of future development must meet the regulations as described in Section 5.04 Residential Zoning District Dimensional Regulations chart.

This proposed zone change has been circulated to and reviewed by respective City departments and their comments, conditions, and requirements are as follows:

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.

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.

Code Compliance: (Approved)

No Oil or Gas wells or tank battery identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat.

Transportation: (Approved with Conditions)

Street layout may need to be adjusted as per discussion with the Applicant's engineer regarding the plat.

Provide 20 ft x 20 ft intersection corner clips at property corners adjacent to all public street intersections, including at Todd Dr.

No objection to zoning variances.

Planning:

This request is not in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3- An Integrated Land Use Vision, Land Use and Development Principles No.8 which states, "Land use policies and regulations should create and support balanced neighborhoods." (TCTCP pg. 59).

If this Zone Change from SF-3, Single Family Dwelling District to PD, Planned Development District for a Housing Development is approved, staff recommends that it should be subject to conditions A through D.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the SF-3, Single-Family Dwelling District, except as stated below.**
- B. That this property shall significantly conform to the site plan, attached hereto and incorporated herein as Exhibit B.**
- C. That the minimum lot width shall be 37.14 feet.**
- D. That the minimum lot area shall be 4,145 square feet.**

Letters of Objection:

As of April 14, 2021, staff has not received any letters of objection.

Attachments:

Application
Metes and Bounds (Exhibit A)
Site Plan (Exhibit B)
Maps



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

Project Number: 2-21-0231
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Ronnie Wallace, Betenbough Homes</u>		Phone (806) 412 - 6611 Email <u>Ronniew@betenbough.com</u>	
Address <u>6305 82nd Street</u>	City <u>Lubbock</u>	State <u>Texas</u>	Zip <u>79424</u>

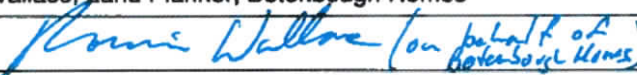
Property Owner Printed Name: <u>Betenbough Homes</u>		Phone (806) 412 - 6611 Email <u>Ronniew@betenbough.com</u>	
Address <u>6305 82nd Street</u>	City <u>Lubbock</u>	State <u>Texas</u>	Zip <u>79424</u>

Representative (if different from Applicant or Property Owner) Firm: <u>N / A</u> Printed Name: _____		Phone () Email <u>N / A</u>	
Address _____	City _____	State _____	Zip _____

Street Address: <u>See Attached Site Plan</u>			
Legal Description		27.32 Acre Tract In Section 7, Block 38, T-1-S, T. & P. RR. Co.	
Lot: <u>See Attached Plat</u>	Block: <u>See Attached Plat</u>	Subdivision: <u>Survey, City and County of Midland, Texas (Lone Star Trails)</u>	

Current Zoning: <u>SF-3</u>	Proposed Zone: <u>PD (Planned District)</u> <i>(List by tracts if more than one district is requested)</i>
Reason for Zone Change Request <u>Request to build affordable, smaller homes on lots less than 5,500 Total Square Feet and therefore requesting PD (Planned District) Zone designation. (See attached Site Plan)</u>	
Present Use of Property: <u>Vacant</u>	
Proposed Use of Property: <u>Single Family Homes</u>	
How would this zone change affect the public health, safety and welfare? <u>Our smaller homes provide an additional, affordable option for new homeowners in Midland.</u>	
Describe how conditions affecting the property have changed since present zoning designation: <u>We want to meet the needs of future homebuyers in Midland.</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): 	Date: March 24th, 2021
Applicant (printed): Ronnie Wallace, Land Planner, Betenbough Homes	
Property Owner (signature):  (on behalf of Betenbough Homes)	Date: March 24th, 2021
Property Owner (printed): Ronnie Wallace, Land Planner, Betenbough Homes	
<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>	

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 _____ 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.

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 # _____	☐ Dimensioned Site Plan ☐ Plans in Digital Format (PDF/JPEG)
Received By: _____	Date: _____

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

METES & BOUNDS DESCRIPTION

27.32 ACRE TRACT IN SECTION 7, BLOCK 38, T-1-S, T&P RR Co SURVEY, CITY & COUNTY OF MIDLAND, TEXAS.

Legal Description for Zoning:

Being a 27.32 Acre Tract of Land in a 354.08 acre tract recorded in Document No. 2017-36824, Official Public Records, located in Section 7, Block 38, T-1-S, T&P RR Co. Survey, City of Midland, Midland County, Texas.

Boundary being more fully described as follows:

Beginning at (N:10725114.25', E:1762998.10'') a point in the east line of said Section 7 for the southeast corner of this tract, whence a 1/2" iron rod found at the southeast corner of said Section 7 bears South 14°32'16" East, a distance of 299.87 feet;

Thence through said Section 7 the following seven (7) courses and distances:

1. South 76°04'30" West, a distance of 752.13 feet to a point for the southwest corner of this tract;
2. North 13°55'23" West, a distance of 120.65 feet to a point of curvature in the west line of this tract;
3. With a curve to the left in a northeasterly direction, said curve having a radius length of 80.00 feet, an arc length of 95.77 feet, a delta angle of 68°35'30", and a chord length of 90.15 feet bearing North 19°45'29" East to a point of tangency in the west line of this tract;
4. North 14°32'16" West, a distance of 98.82 feet to a point of deflection in the west line of this tract;
5. North 30°27'44" East, a distance of 28.28 feet to a point of deflection in the west line of this tract;
6. North 75°27'44" East, a distance of 95.00 feet to a point of deflection in the west line of this tract;
7. North 14°32'16" West, a distance of 1722.33 feet to a point in the Midland County and Martin County line for the northwest corner of this tract;

Thence South 89°06'49" East with the common line of said Midland and Martin Counties, a distance of 606.85 feet to a point in the east line of said Section 7 for the northeast corner of this tract;

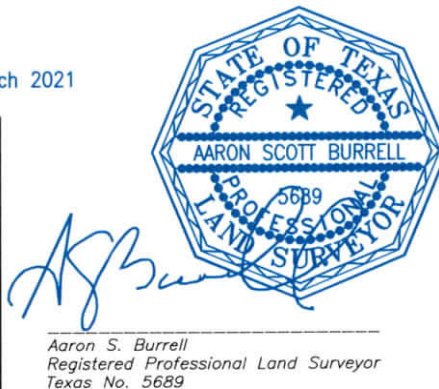
Thence South 14°32'16" East with the east line of said Section 7, a distance of 1882.93 feet to the Point of Beginning;

Containing 27.32 total surface acres of land.

Bearings, distances and coordinates are based on the Texas Coordinate System, NAD 83, Central Zone (CORS). Acreage stated is horizontal surface as measured.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

11 March 2021

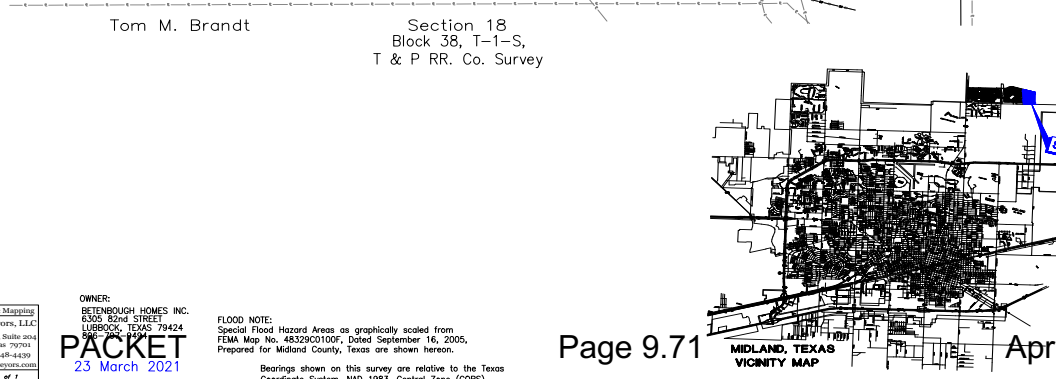


Professional Land Surveying & Mapping
Aaron Burrell Land Surveyors, LLC
TBPLS Firm No. 10194217
415 W. Wall St., Suite 204 P.O. Box 81041
Midland, Texas 79701 Midland, Texas 79708
432-848-4439
www.asbsurveyors.com

Page 2 of 2
LSTII Zone 13-14

SITE PLAN

LONE STAR TRAILS II BEING A 27.32 ACRE TRACT OF LAND IN SECTION 7, BLOCK 38, T-1-S, T. & P. RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS



Scale 1" = 100'

LEGEND

- 1/2" Iron Rod
- 3/4" Iron Rod
- Utility Easement

Professional Land Surveying & Mapping
Aaron Burrell Land Surveys, LLC
410 W. Wall St., Suite 204
Midland, Texas 79701
432-848-4439
aaronburrell.com

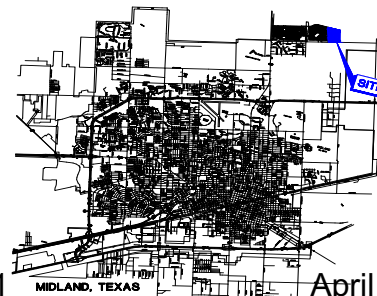
P.O. Box 83041
Midland, Texas 79708
79708-0341
Page 1 of 1
12/15/21 Site Plan

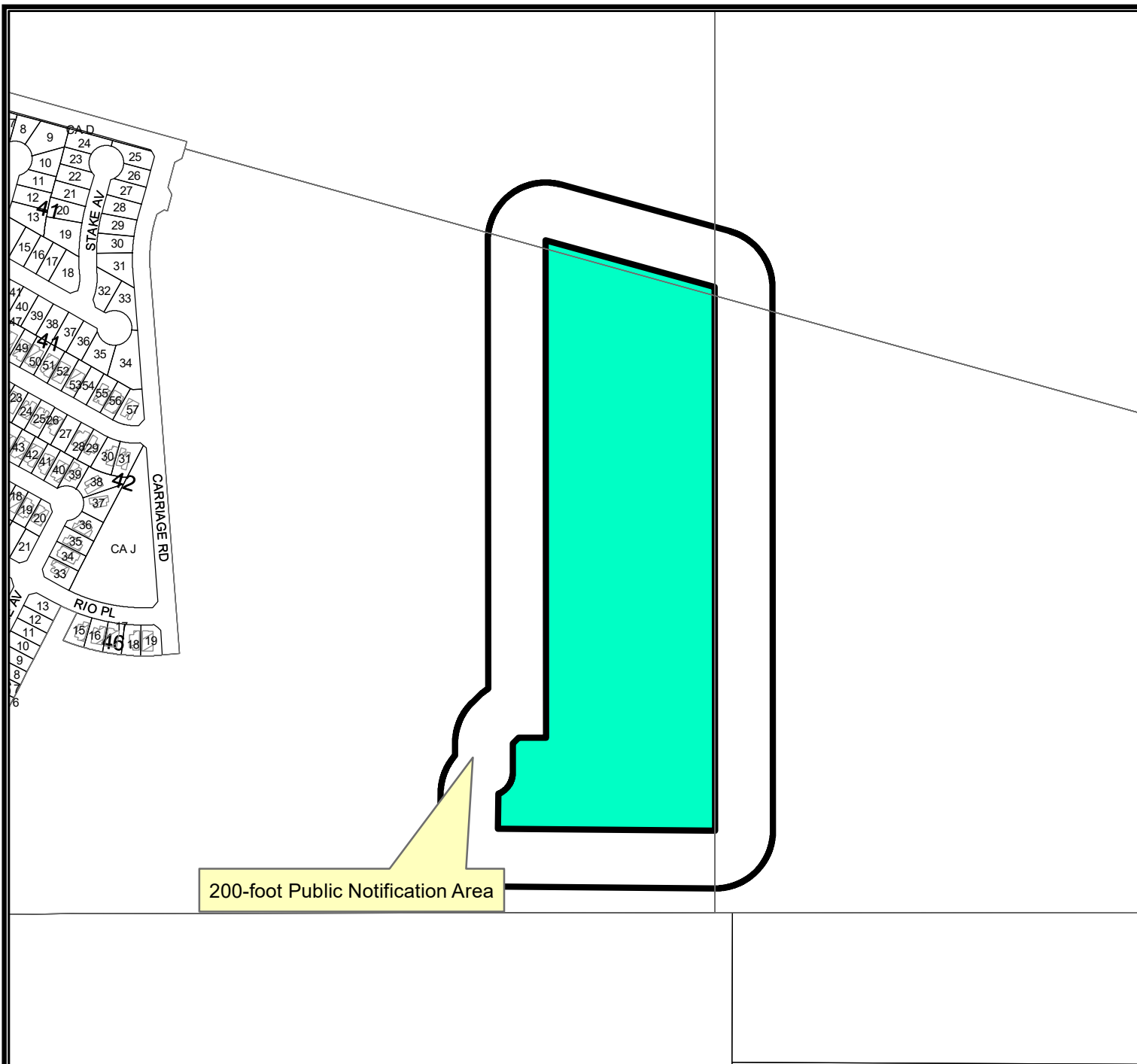
OWNER:
BETENBOUGH HOMES INC.
6305 42ND STREET
LUBBOCK, TEXAS 79424

PACKET
23 March 2021

FLOOD NOTE:
Special Flood Hazard Areas are graphically scaled from
FEMA Map No. 48329C0100F, Dated September 16, 2005,
Prepared for Midland County, Texas are shown hereon.

Bearings shown on this survey are relative to the Texas
Coordinate System, NAD 1983, Central Zone (CORS).





LOCATION MAP

Z-21-0231

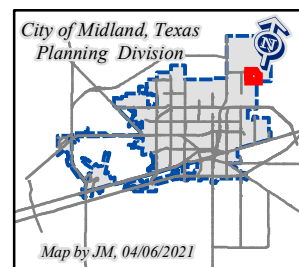
Scale: 1" = 500'

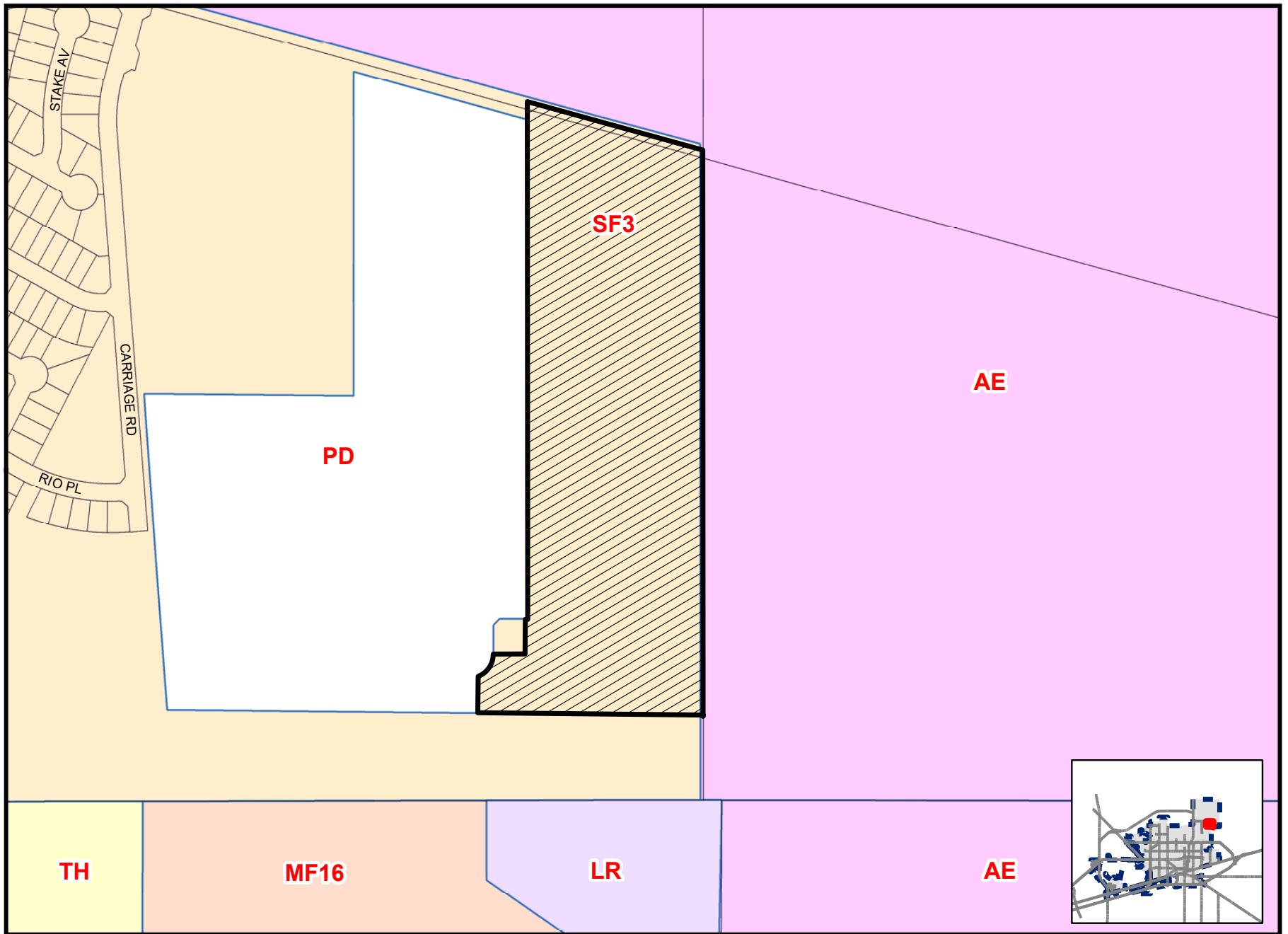
Consider a request by Betenbough Homes for a Zone Change from SF-3, Single Family Dwelling District to PD, Planned Development District for a Housing Development on a 27.05-acre tract of land located in Section 7, Block 38, T-1-S, T&P, R.R. Co. Survey, City and County of Midland, Texas.

Generally located on the south side of Occidental Parkway, approximately 1, 335- feet east of Carriage Road..(Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS















Planning and Zoning Commission

Approved for
Agenda:
Cristina Odenborg-Burns

MEETING DATE: April 19, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Valerie A. Sherman, Senior Planner

SUBJECT: Hold a public hearing and consider a request by Daniel Lira for a zone change from MH, Manufactured Housing District to SF-3, Single-Family Dwelling District on a 1.494-acre tract of land out of the west half of Tract 5, and a 0.14-acre tract of land out of the west half of Tract 6, Lindsay Acres Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Montgomery Avenue and Moran Street. Council District 2)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant, Daniel Lira, is requesting a zone change from MH, Manufactured Housing District to SF-3, Single-Family Dwelling District, to meet minimum width of lots.

Current Zoning:

MH, Manufactured Housing District

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are zoned MH, Manufactured Housing District.

Analysis:

The applicant is requesting this zone change to meet the minimum widths of lots. The lot dimensions satisfy the minimum requirements for the SF-3, Single-Family Dwelling Zoning District.

This proposed project has been circulated to and reviewed by 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.

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.

No objection to zone change.

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 Residential Medium Neighborhood. This designation calls for a mix of housing types, including single-family detached, single-family

attached and townhouse uses, along with civic uses. Additionally, the prevailing land uses in this area are mostly residential.

Staff recommends approval of this zone change from MH, Manufactured Housing District to SF-3, Single-Family Dwelling District, subject to condition A.

Condition:

- A. That the use and development of the property shall conform to the regulations of the SF-3, Single-Family Dwelling District.**

Letters of Objection:

Staff has not received any letters of objection as of April 14, 2021.

Attachments:

Application
Maps



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

Project Number: _____

Case Number: 2-21-0223

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: _____		Phone () Email _____	
Address _____	City _____	State _____	Zip _____

Property Owner Printed Name: <u>Daniel Lira</u>		Phone <u>(325) 714-3868</u> Email _____	
Address <u>607 Martin Av.</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79701</u>

Representative (if different from Applicant or Property Owner) Firm: <u>Schumann Engineering</u> Printed Name: <u>Eduardo L. Aleman</u>		Phone <u>(432) 254-0327</u> Email <u>ealeman@schumannonline.net</u>	
Address <u>900 N. Marienfeld Suite 100</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79701</u>

Street Address: _____			
Legal Description Lot: _____ Block: _____ Subdivision: <u>Lindsay Acres</u>			

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

Reason for Zone Change Request: To meet minimum widths of lots

Present Use of Property: N/A Vacant lot

Proposed Use of Property: Residential

How would this zone change affect the public health, safety and welfare? it won't

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

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)

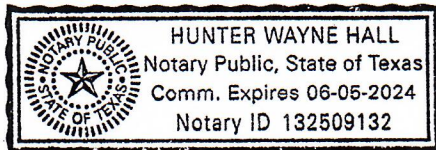
Signature (by property owner only - authorized agent must sign affidavit below)	
Applicant (signature): <u><i>[Signature]</i></u>	Date: <u>2-23-21</u>
Applicant (printed): <u>Daniel Lira</u>	
Property Owner (signature): _____	Date: _____
Property Owner (printed): _____	
The Zone Change/Planned District 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 Ed Aleman who, being by me duly sworn, upon oath says: That (s)he is the owner of Daniel Lira or authorized by Daniel Lira, 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.

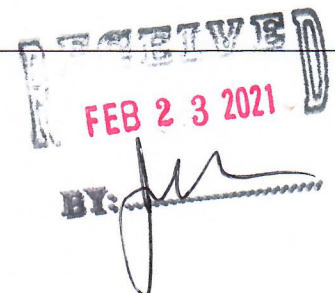
[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 23rd day of February, 2021, to certify which witness my hand and seal of office.

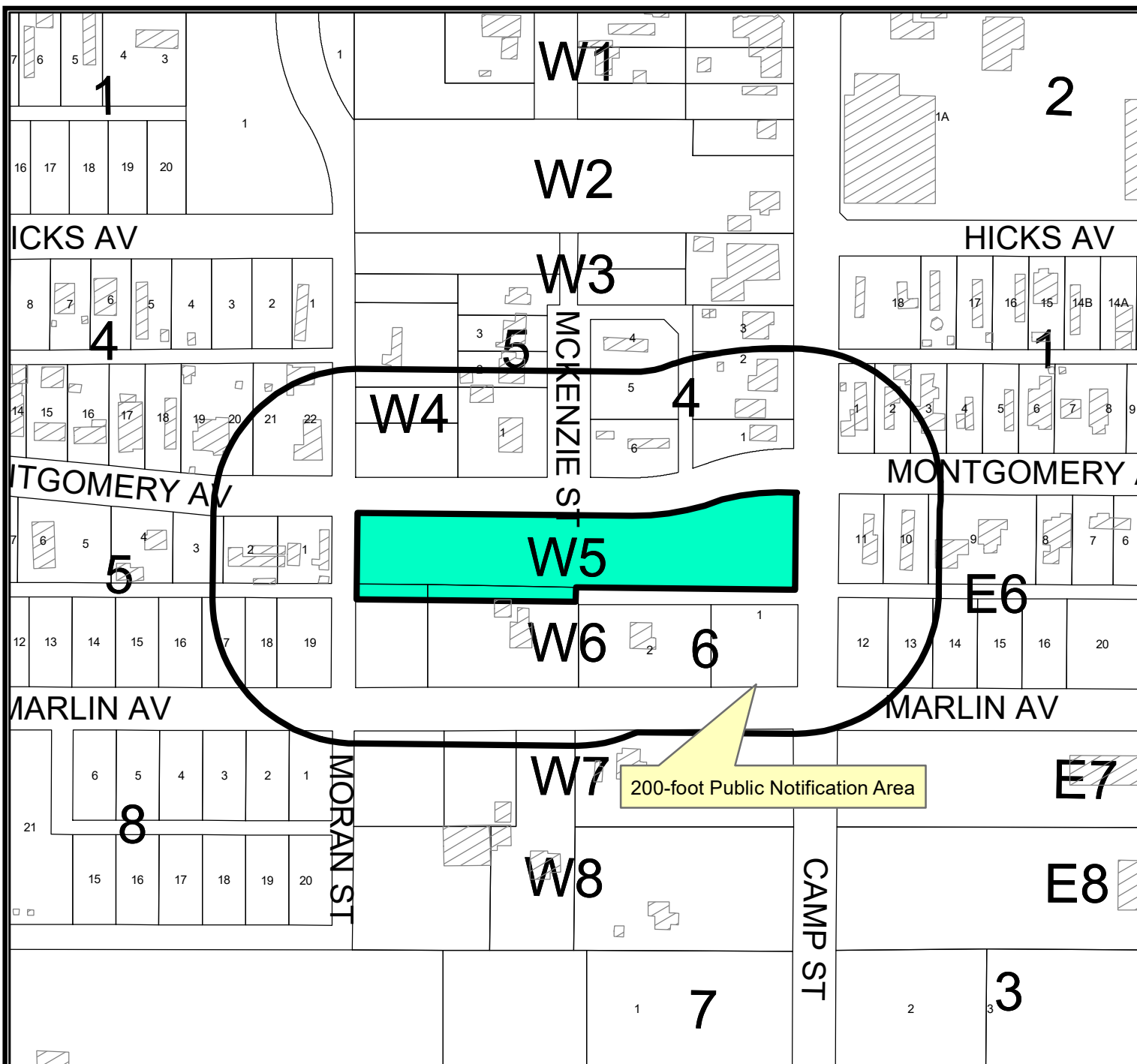


NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization ☒ Application Fee Check # <u>1448</u>	☐ Dimensioned Site Plan ☐ Plans in Digital Format (PDF/JPEG)
Received By: <u><i>[Signature]</i></u>	Date: _____



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



LOCATION MAP

Z-21-0223

Scale: 1" = 200'

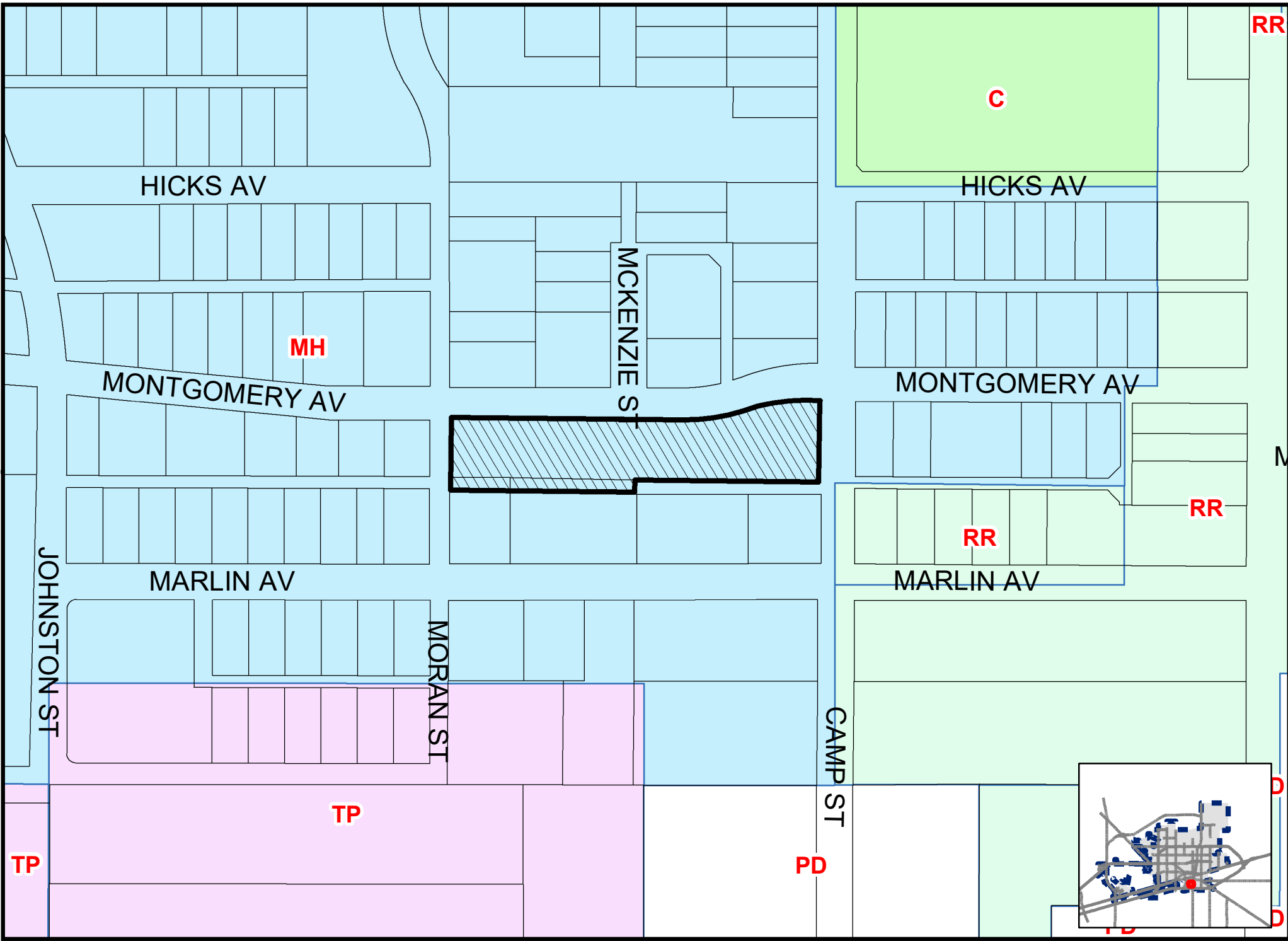
Consider a request by Daniel Lira, for a zone change from MH, Manufactured Housing District to SF-3, Single-Family Dwelling District on a 1.494-acre tract of land out of the west half of Tract 5, and a 0.14-acre tract of land out of the west half of Tract 6, Lindsay Acres Addition, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of Montgomery Avenue and Moran Street.
(Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS















Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: April 19, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Valerie A. Sherman, Senior Planner

SUBJECT: Hold a public hearing and consider a request by Landgraf, Crutcher & Associates, for a zone change from AE, Agricultural Estate District to PD, Planned Development District for a Shopping Center on a 9.92-acre tract of land out of Section 11, Block X, Hilliard Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of N. State Highway 349 and Tejas. Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

AE, Agricultural Estate District

Departmental Review:

Surrounding Zoning and Land Use:

The property to the north is zoned PD, Planned District for an Industrial District and the location of a business park. The properties to the east across N. State Highway 349, are zoned PD, Planned District for an Industrial District and the location of a storage facility, and RR, Regional Retail District, and the location of vacant lots. The property to the south is zoned PD, Planned District for a Housing Development and the location of a residence. The properties to the west are zoned AE, Agricultural Estate District and the location of a residence, and PD, Planned Development District for a Recreation Center and the location of a golf course.

Analysis:

The applicant is requesting this zone change to PD, Planned Development District to include an underlying zoning district of RR, Regional Retail District, to develop a shopping center.

Per the Zoning Ordinance, a Shopping Center is permitted in the RR, Regional Retail District.

This proposed project has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

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.

Our staff has examined the FEMA flood map and it appears that this property lies entirely within Zone AH, which is a Special Flood Hazard Area subject to inundation by the 1% annual chance flood. Compensatory excavation will be required within floodplain for any fill being placed within the floodplain.

An elevation certificate based off of construction drawings will be required to get a building permit to show compliance to the 1 foot of freeboard above the base flood elevation for residential structures. An elevation certificate based off of finish construction will be required for the Certificate of Occupancy.

Transportation: (Approved)

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway.

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.

No objection to zone change.

Fire: (Approved)

No objection.

Oil and Gas: (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.

Planning:

Staff recommends approval of the zone change from AE, Agricultural Estate District to PD, Planned Development District for a Shopping Center, subject to conditions A and E.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the RR, Regional Retail District, except as stated below.**
- B. That this property shall conform to the site plan, which is attached hereto and incorporated herein as Exhibit A.**
- C. That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.**
- D. That the minimum number of required parking spaces shall be shown on Exhibit "A."**
- E. That the fencing shall significantly conform to Exhibit "A."**

Letters of Objection:

As of April 14, 2021, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Application
Maps


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

Project Number:

Case Number:

2-21-0232

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

Printed Name:

Phone ()

Email

Address

City

State

Zip

Property OwnerPrinted Name: **Christopher Lewis Gurgevich**

Phone (N/A)

Email N/A

Address: **6401 N. Hwy 349**City: **Midland**State: **TX**Zip: **79705****Representative** (if different from Applicant or Property Owner)Firm: **Landgraf, Crutcher & Associates**Printed Name: **LCA**Phone (**432**) **332-5058**

Email

lca@lcaodessa.comAddress **521 N. Texas Avenue**City **Odessa**State **TX**Zip **79761****Street Address: 6401 N. Hwy 349****Legal Description**Lot: **Prop. 1** Block: **Prop. 1** Subdivision: **Proposed TSC DEVELOPMENT, SECTION 1****Current Zoning: Agricultural Estates District
(AE)****Proposed Zone: Planned Development (PD)**
(List by tracts if more than one district is requested)**Reason for Zone Change Request: To comply with a shopping center zoning requirements****Present Use of Property: residential and partially vacant****Proposed Use of Property: Shopping center****How would this zone change affect the public health, safety and welfare?****Traffic may increase in this area****Describe how conditions affecting the property have changed since present zoning designation. Not known****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):

Date:

Property Owner (printed):

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 George E. Thornley who, being by me duly sworn, upon oath says: That (s)he is authorized by Texas NH Management LLC, 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.

George E. Thornley
Authorized Agent (signature)

Subscribed and sworn to before me, this 24 day of March, 2021, to certify which witness my hand and seal of office.



Melanie Martinez
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Site Plan

☒ Application Fee

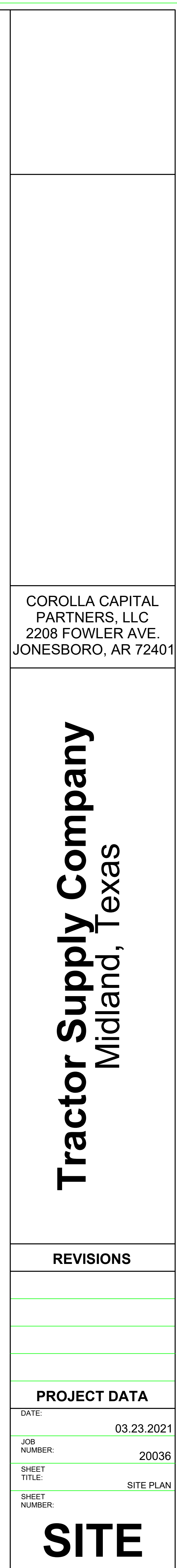
☒ Plans in Digital Format (PDF/JPEG)

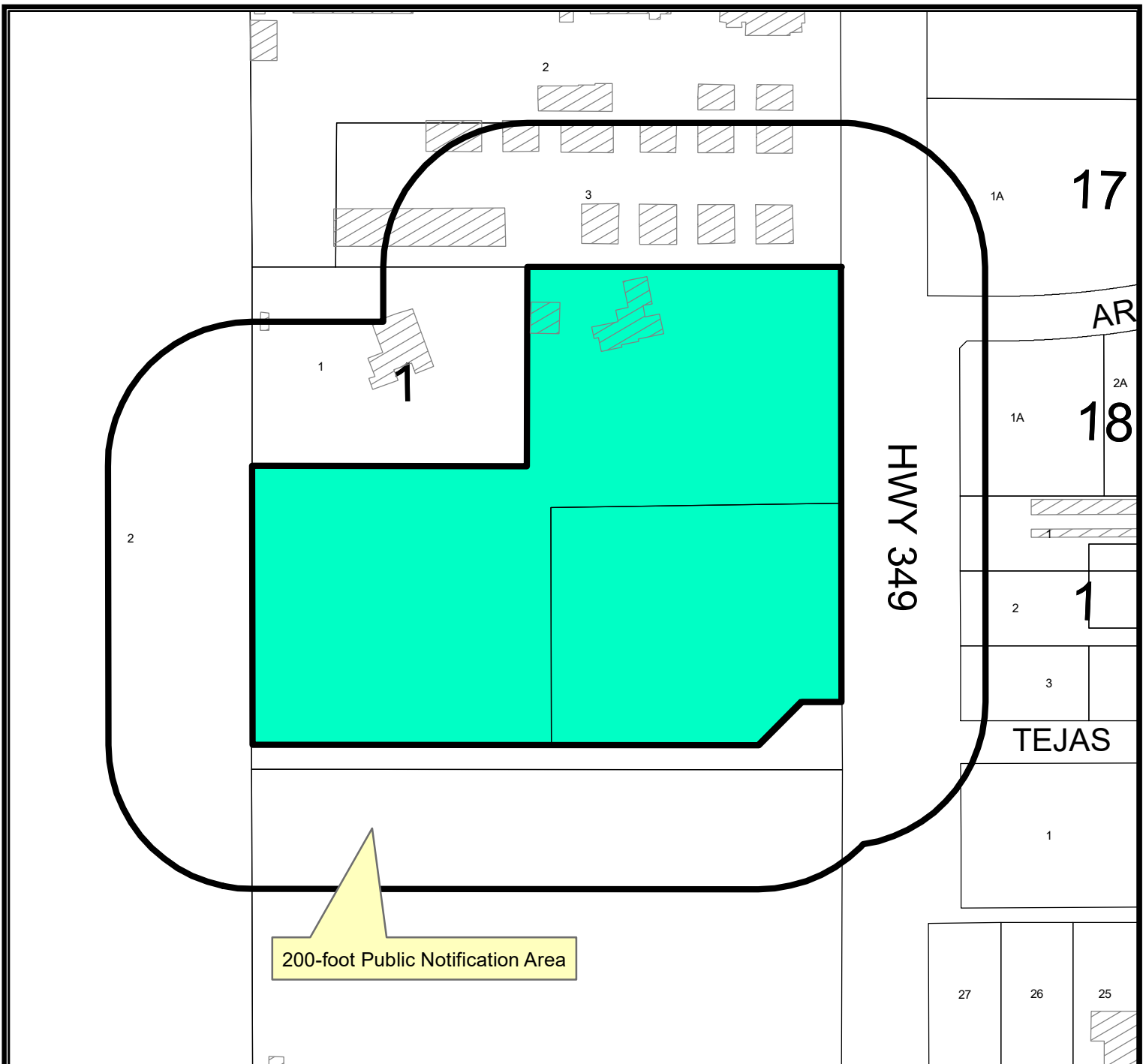
Check # 38967

Received By: KM

Date: 3/24/21

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





LOCATION MAP

Z-21-0232

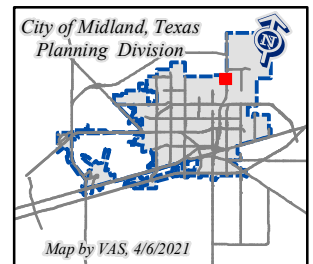
Scale: 1" = 200'

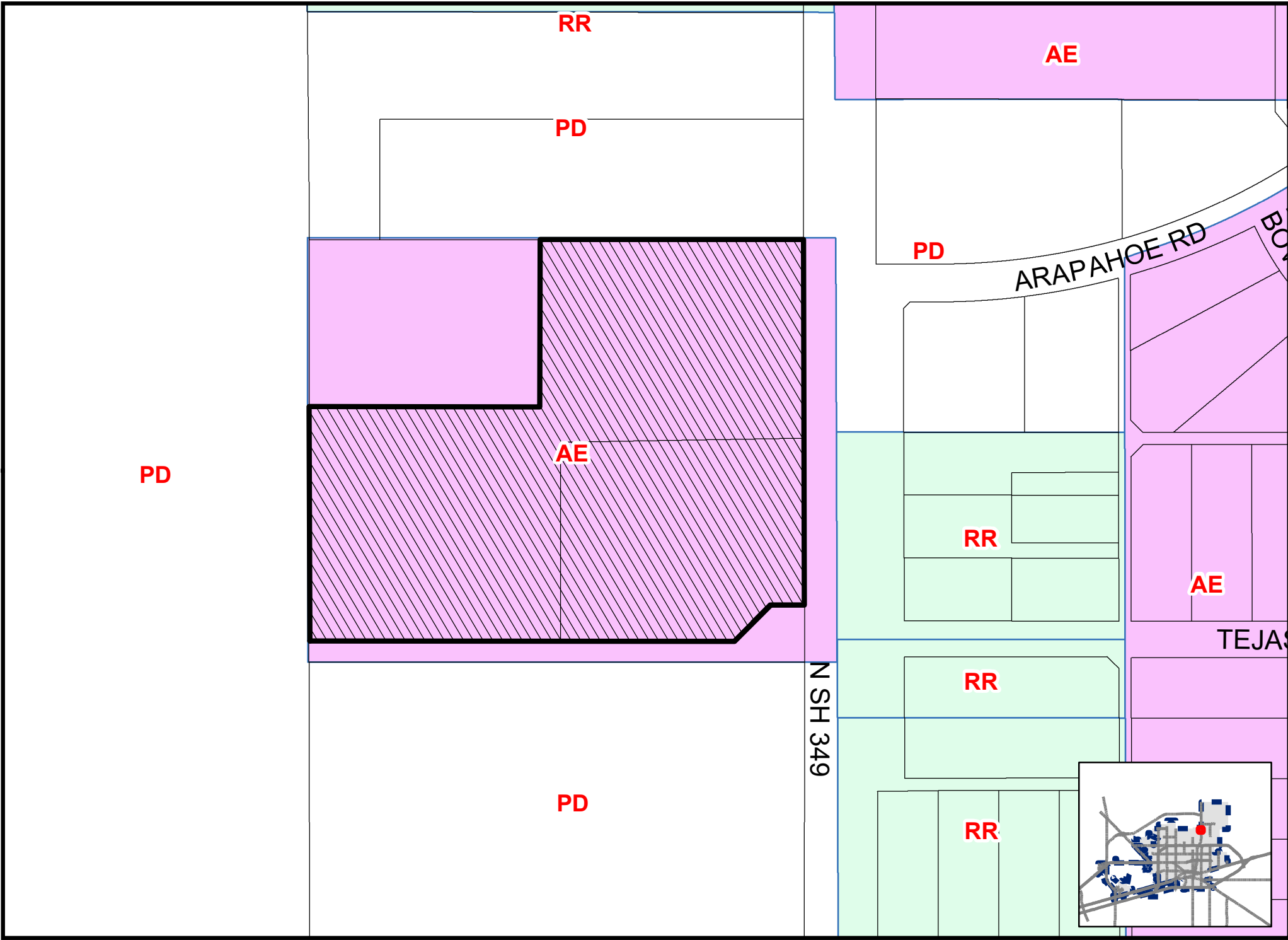
Consider a request by Landgraf, Crutcher & Associates, for a zone change from AE, Agricultural Estates District, to PD, Planned Development District for a Shopping Center, on a 9.92-acres tract of land located in Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

Generally located on the northwest corner of the intersection of N. State Highway 349 and Tejas. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS

















Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: April 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Joseph Marynak

SUBJECT: Hold a public hearing and consider a request by Chad Walters for a Zone Change from MF-22, Multiple-Family Dwelling District to 2F, Two-Family Dwelling District on Lots 7 and 8, Block 5, Greenwood Addition, First Section, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of South Calhoun Street and East Kentucky Avenue. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X **Approve** **Deny** **Directional/Informational**

Current Zoning:

MF-22, Multiple-Family Dwelling District

Departmental Review:

Purpose:

The applicant, Chad Walters, is requesting a Zone Change from MF-22, Multiple-Family Dwelling District to 2F, Two-Family Dwelling District at 311 S Calhoun in order to re-plat 2 lots into one for the remodeling of an existing duplex.

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are also zoned MF22, Multiple Family Dwelling District and the location of single family residences.

Analysis:

The applicant is requesting this zone change for the purposes of remodeling an existing duplex. The property meets the minimum lot size requirements for the 2F, Two-Family Dwelling

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 objection.

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 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.

No objection to zone change.

Planning:

Under the previous zoning code, the current zoning district would have allowed for the construction of this two family home as well as single family homes despite this area being zoned for multiple-family housing. Under the new Zoning Ordinance adopted in 2019, construction of single family homes and duplexes was restricted their respective zoning districts.

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, "Future Land Use Map" as it designates this area for Urban Residential-Medium, a classification which calls for a mix of residential uses including multiple-family and single-family. As this property lies on a large corner lot, it is a great candidate to integrate a two family dwelling unit into this largely single family area without causing a drastic increase in the intensity of uses.

Staff recommends approval of this zone change from MF-22, Multiple Family Dwelling District to 2F, Two-Family Dwelling District, subject to condition A.

Conditions:

A. That the use and development of this property shall conform to the regulations of the 2F, Two-Family Dwelling District.

Letters of Objection:

Staff has not received any letters of objection as of April 14, 2021.

Attachments:

Proposed Plat of Greenwood Addition, Section 14
Application
Maps



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

Project Number: _____

Case Number: 2-21-0233

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: Chad Walters		Phone (432) 352-0788 Email chad@midland-dci.com	
Address 407 N Big Spring, Suite 204	City Midland	State TX	Zip 79701

Property Owner Printed Name: Oliver & Thompson COmpanies		Phone (325) 207-3974 Email rangersrvmidland@gmail.com	
Address	City Midland	State TX	Zip 79701

Representative (if different from Applicant or Property Owner) Firm: <u>Midland DCI, LLC</u> Printed Name: Chad Walters		Phone (432) 352-0788 Email chad@midland-dci.com	
Address 407 N Big Spring, Suite 204	City Midland	State TX	Zip 79701

Street Address: 311 S Calhoun	
Legal Description Lot: 7A Block: 5 Subdivision: Greenwood Addition, Section 11	

Current Zoning: MF-22	Proposed Zone: 2F (List by tracts if more than one district is requested)
---------------------------------	---

Reason for Zone Change Request: While working on Remodel, we re-platted property. New lot does not meet standards for current zone, and we would like to rezone to 2F to keep and use existing duplex. Re: email from Joseph Marynak to Stephen Marcum P.E. on 3-19-21.

Present Use of Property: Existing Duplex

Proposed Use of Property: Remodeling Existing Dueplex

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) <u>Chad Walters</u>	Date <u>3-24-21</u>
Applicant (printed) Chad Walters	
Property Owner (signature) <u>Tyler Thompson</u>	Date <u>1-19-2021</u>
Property Owner (printed) <u>Oliver & Thompson Companies</u>	
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 Tyler Thompson, who being by me duly sworn, upon oath says: That (s)he is the owner of 311 S Calhoun or authorized by Oliver & Thompson Companies 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.

Tyler Thompson
Authorized Agent (signature)

Subscribed and sworn to before me, this 9 day of January, 2021, to certify which witness my hand and seal of office.



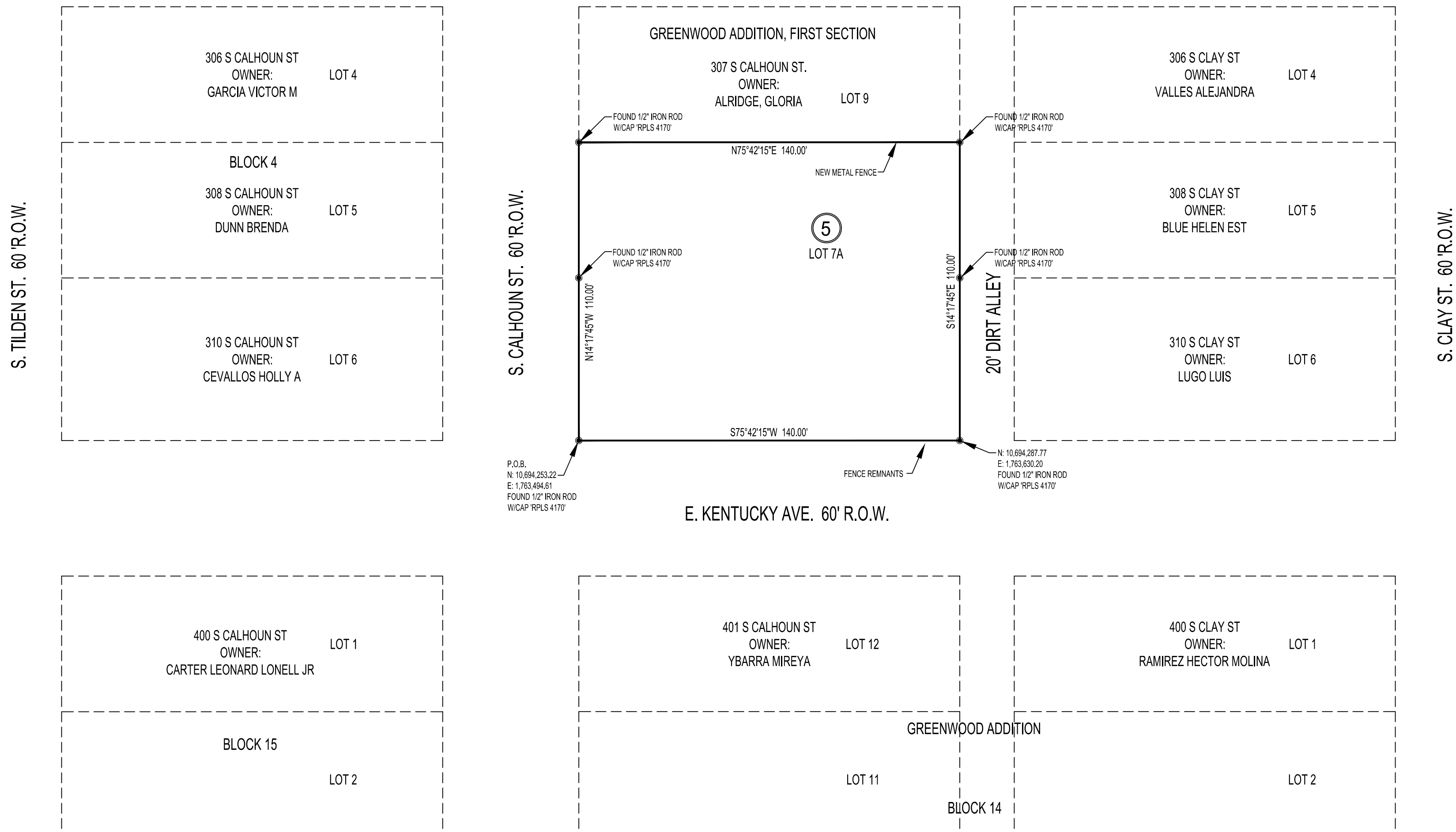
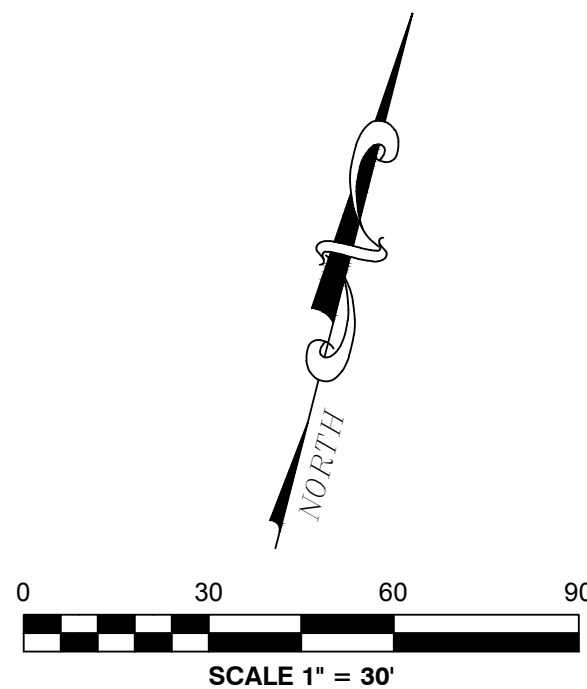
[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

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

GREENWOOD ADDITION, SECTION 14

BEING A RE-PLAT OF LOTS 7 & 8, BLOCK 5,
GREENWOOD ADDITION, FIRST SECTION, CITY & COUNTY OF MIDLAND, TEXAS.



OWNER:
OLIVER AND THOMPSON COMPANIES, LLC
3809 CRESTRIDGE DRIVE
MIDLAND, TX 79707

NOTES:
ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, TEXAS, INCORPORATED AREA, COMMUNITY MAP NO. 48329 C0206F, DATED SEPTEMBER 16TH, 2005, THIS PROPERTY IS SITUATED WITHIN ZONE X, WHICH IS NOT A SPECIAL FLOOD HAZARD AREA, AKA DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

- LEGEND**
- DENOTES FOUND 1/2" IRON ROD W/ CAP "RPLS 4170"
 - DENOTES UTILITY POWER POLE
 - DENOTES PLAT BOUNDARY LINE
 - DENOTES ADJACENT LOT LINE
 - EX-OH — DENOTES OVERHEAD ELECTRIC LINE
 - X — X — X — DENOTES FENCE LINE

UTILITY COMPANY'S CERTIFICATE
This plat has been checked for accessibility of utilities.

ATMOS ENERGY
BY: _____

GRANDE COMMUNICATION
BY: _____

AT&T
BY: _____

ONCOR ELECTRIC DELIVERY
BY: _____

SUDDENLINK COMMUNICATION
BY: _____

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "GREENWOOD ADDITION, SECTION 14", was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this the ____ day of _____, 2021.

CHAIRMAN, REGGIE LAWRENCE

SECRETARY, CRISTINA ODENBORG BURNS

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 WITHHOLDING 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.
- BEARINGS/DISTANCES/COORDINATES TO THE TEXAS STATE PLANE COORDINATES SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1988.
- THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) THE 0.353 ACRE TRACT IS RE-PLATTED OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS OLIVER & THOMPSON COMPANIES, LLC, is the record owner of a tract of land described herein as a Re-plat of Lots 7 & 8, Block 5, Greenwood Addition, First Section, City & County of Midland, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____, being the owner of the aforementioned land shown on this plat designated as a portion of GREENWOOD ADDITION, SECTION 14, an Addition to Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, and easements shown thereon.

WITNESS my hand at Midland, Texas, this
the ____ day of _____, 2021.

By: _____

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 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 _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Marcus L. Hostas, 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.

Marcus L. Hostas, R.P.L.S.
Registration Number - 5643

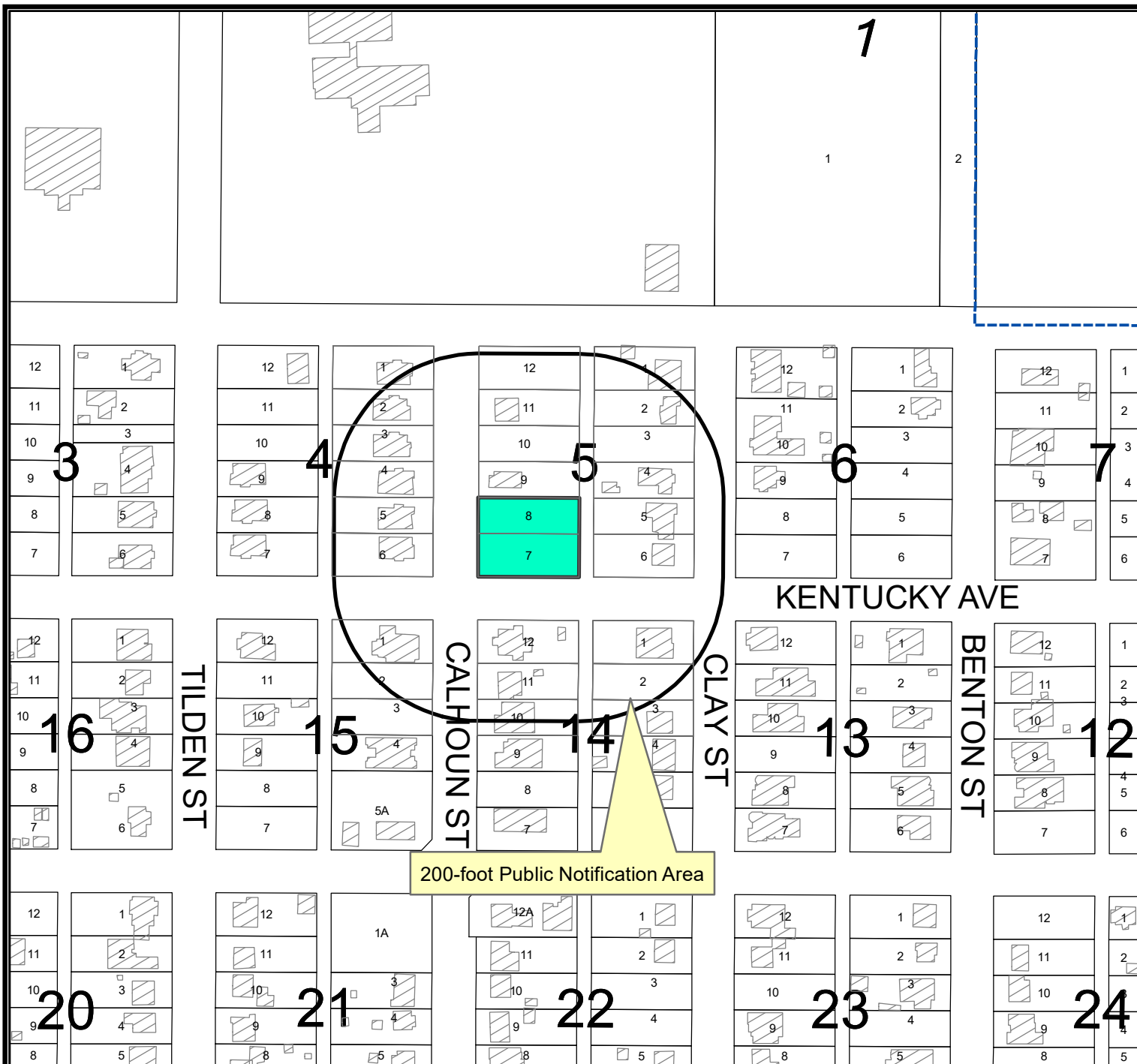


PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO. _____ CABINET _____
DATE _____ PAGE _____



PERCHERON
professional
services, L L C
203 WEST WALL STREET #724
MIDLAND, TEXAS 79701
(432) 688-2588
TEXAS SURVEYING FIRM LICENSE:
NO. 110194314

GREENWOOD ADDITION, SECTION 14



LOCATION MAP

Z-21-0233

Scale: 1" = 200'

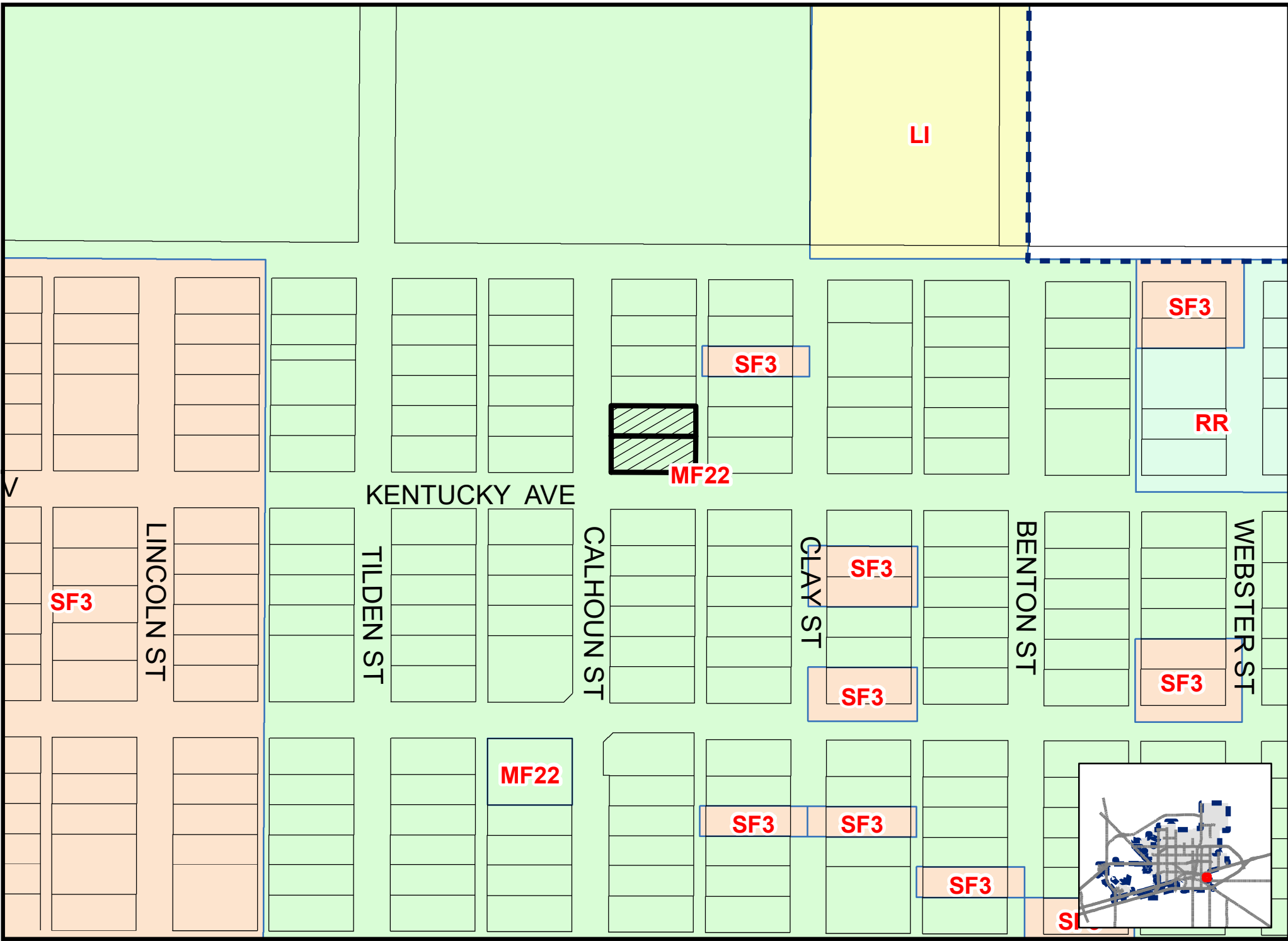
Hold a public hearing and consider a request by Chad Walters for a zone change from MF-22, Multiple-Family Dwelling District to 2F, Two-Family Dwelling District on Lots 7 and 8, Block 5, Greenwood Addition, First Section, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of South Calhoun Street and East Kentucky Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS















Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: April 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Kelly Martinez, Planner

SUBJECT: Hold a public hearing and consider a request by Gomca Family Restaurant, LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption in a restaurant, on a 10,250-square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of N. Garfield Street and W. Loop 250 North. Council District 1). (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 Approve **Deny** X **Directional/Informational**

Current Zoning:

PD, Planned District for a Shopping Center. (Ordinance 7771)

Details of Request:

The applicant, Gomca Family Restaurant, LLC, is requesting to amend the Specific Use Designation with Term (SUD) for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant located at 4610 Garfield Street, Suite C1.

Surrounding Land Uses:

The properties to north are zoned O-1, Office District, and PD, Planned District for a Housing Development, and are the locations of Quality Suites and Polo Park Retirement Center. The properties to the east are zoned SF-2, Single- Family Dwelling District, and PD, Planned District for a Shopping Center, and the location of single-family houses and Extra Space Storage. The property to the south is zoned SF-1, Single Family Dwelling District, and the location of the Midland Airpark. The properties to the west across Garfield Street are zoned LR, Local Retail District and PD, Planned District for a Shopping Center, and the residences, Fairfield Inn & Suites by Marriot Midland, and Talbots.

Analysis:

The property is located at 4610 N. Garfield Street, Suite C1, in a PD, Planned District for a Shopping Center, which is regulated by Ordinance No. 7771. This zoning district permits the sale of all alcoholic beverages, for on-premises consumption, in a restaurant with the approval of a Specific Use Designation.

The restaurant, Tkilaz Restaurant and Bar, currently has a Specific Use Permit (Ordinance No. 9835) for the sale of alcoholic beverages for on-premises consumption. The alcohol serviceable area includes a maximum floor area of 10,250 square feet. Currently, the allowed days and hours of alcoholic beverage sales is the following:

**Monday through Saturday from 11:00 a.m. to 12:00 a.m. (midnight); and
Sunday from 12:00 p.m. to 11:00 p.m.**

The applicant is requesting to amend their alcohol service hours to the following:

**Monday through Wednesday from 11:00 a.m. to 10:00 p.m.
Thursday through Friday from 11:00 a.m. to 11:00 p.m.
Saturday from 10:00 a.m. to 11:00 p.m.
Sunday from 10:00 a.m. to 10:00 p.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 schools or churches within 300 feet of the property using the front door to door distance measurement.

This request has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Engineering: (Approved)

No objections

Transportation: (Approved)

No objection to zone change.

Fire: (Approved)

No objections

Code Administration: (Approved)

The SUD for Tkilaz is acceptable. The property must adhere to the current maximum occupant load of 306. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

This request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 2*, "Identify partnerships to produce neighborhood and commercial centers that are attractive, functional, and of high quality." (Tall City Tomorrow page 137) Tkilaz Restaurant and Bar is an establishment that promotes a positive environment where Midland residents can gather and socialize.

Staff recommends informational of this Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, subject to the following conditions A through E.

Conditions:

- A. That the serviceable area of the establishment shall be limited to approximately 10, 250-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 shall be limited to:**

Monday through Wednesday from 11:00 a.m. to 10:00 p.m.
Thursday through Friday from 11:00 a.m. to 11:00 p.m.
Saturday from 10:00 a.m. to 11:00 p.m.
Sunday from 10:00 a.m. to 10:00 p.m.

- D. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.**
- E. That the establishment shall meet the requirements of the Fire Department and the Code Administration Division.**

Letters of Objection:

As of April 16, 2021, staff has not received any letters of objection.

Attachments:

Application
Floor Plan (Exhibit A)
Maps
Ordinance 7771, 9835



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

Project Number:

Case Number:

SW-21-0098

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Gomca Family Restaurants LLC</u>		Phone (432) 247 5455 Email: <u>frago.k13@hotmail.com</u>	
Address: <u>4610 N Garfield st, ste c1</u>	City: <u>Midland</u>	State: <u>TX</u>	Zip: <u>79705</u>

Property Owner Printed Name: <u>Colonnade @ Polo Park LP</u>		Phone (817) 927 0050 Email:	
Address: <u>3113 S University Dr #600</u>	City: <u>Fort Worth</u>	State: <u>TX</u>	Zip: <u>76109</u>

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

Street Address: <u>4610 N Garfield st, ste c1</u>			
Business Name: <u>Gomca Family Restaurants, LLC.</u>			
Legal Description Lot: <u>1</u> Block: <u>8</u> Subdivision: <u>Polo Park</u>			
Current Zoning: <u>PDSC</u>			
Reason for Request: <u>Change of hours</u>			

Type of Business (restaurant, bar, lounge, nightclub, etc.): _____			
Proposed/Current Days and Hours of Operation: <u>Mon - Wed 11 am - 10 pm</u> <u>Thu - Frid 11 am - 11 pm</u> <u>Sat 10 am - 11 pm</u> <u>Sun 10 am - 10 pm</u>			
Proposed Days and Hours of Alcohol Service: _____			
Total Square Footage of Business: _____			
Square Footage of Alcohol Serviceable Area: _____			
Restroom Fixtures:	<i>Men</i>	Toilets/Urinals: <u>1 / 3</u>	Bathroom Sinks: <u>2</u>
	<i>Women</i>	Toilets: <u>3</u>	Bathroom Sinks: <u>2</u>

RECEIVED
MAR 25 2021

BY:

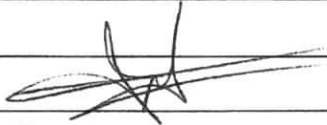
Submittal and Fees

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):



Date: 03-25-2021

Applicant (printed):

Francisco Gomez Castellanos

Property Owner (signature):

Date:

Property Owner (printed):

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.

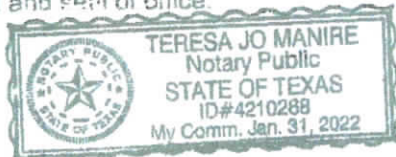
STATE OF TEXAS

COUNTY OF ~~MIDLAND~~ Tarrant

Before me, the undersigned authority, on this day personally appeared James A. Ryffel who, being by me duly sworn, upon oath says That (s)he is authorized by Colonade at Polo Park LP, 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)

sworn to before me, this 25 day of March, 2021, to certify which witness hand and seal of office.



NOTARY PUBLIC, ~~MIDLAND~~ COUNTY, TEXAS
Tarrant County

RECEIVED
MAR 25 2021

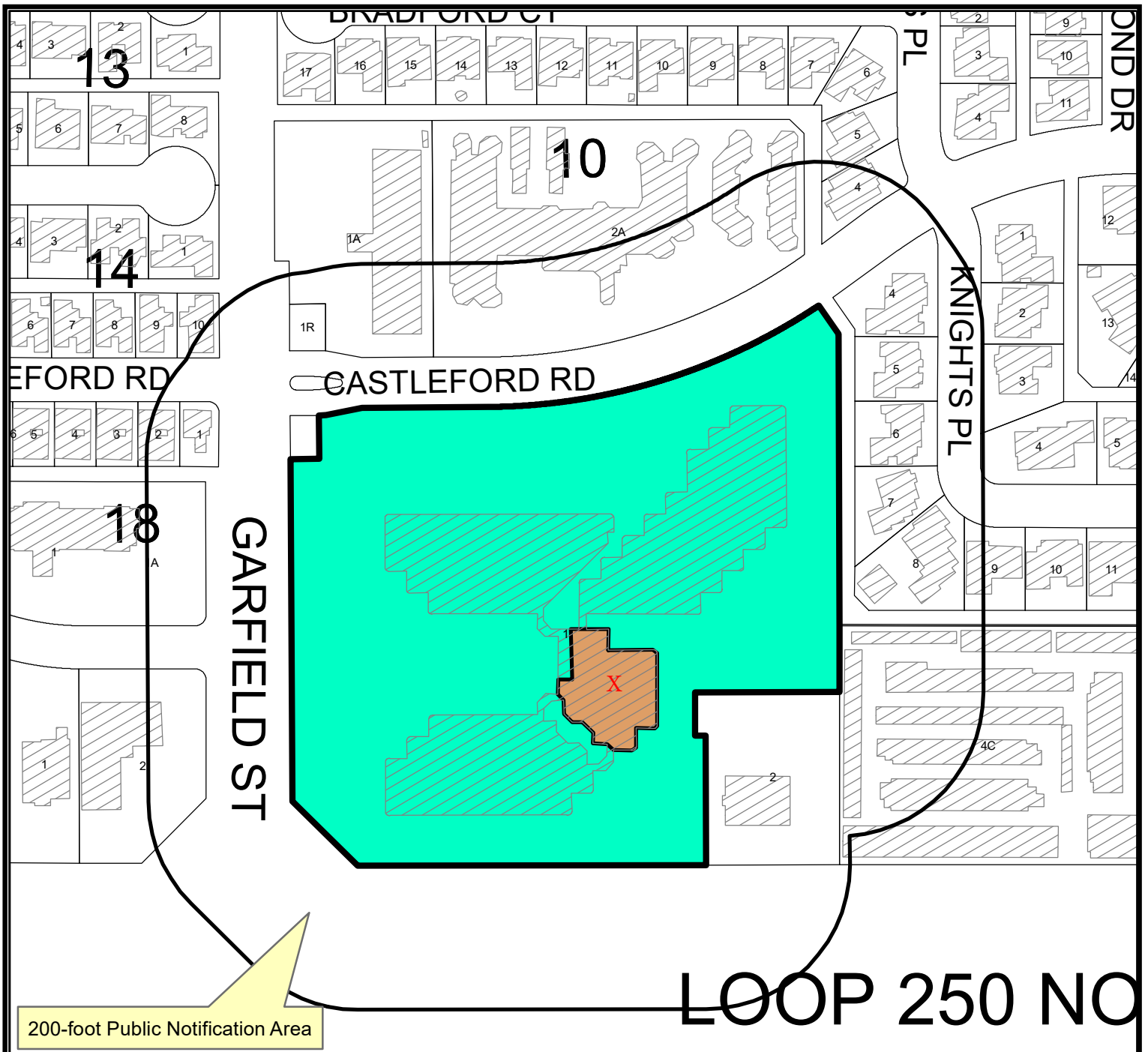
Application will not be considered for scheduling until reviewed by a planner.**

BY:

Application

2

Revised 07/02/19



LOCATION MAP

SUD-21-0098

Scale: 1" = 200'

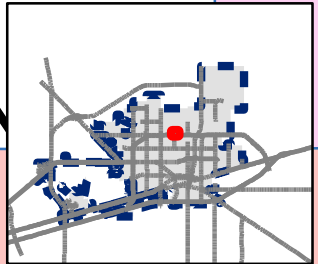
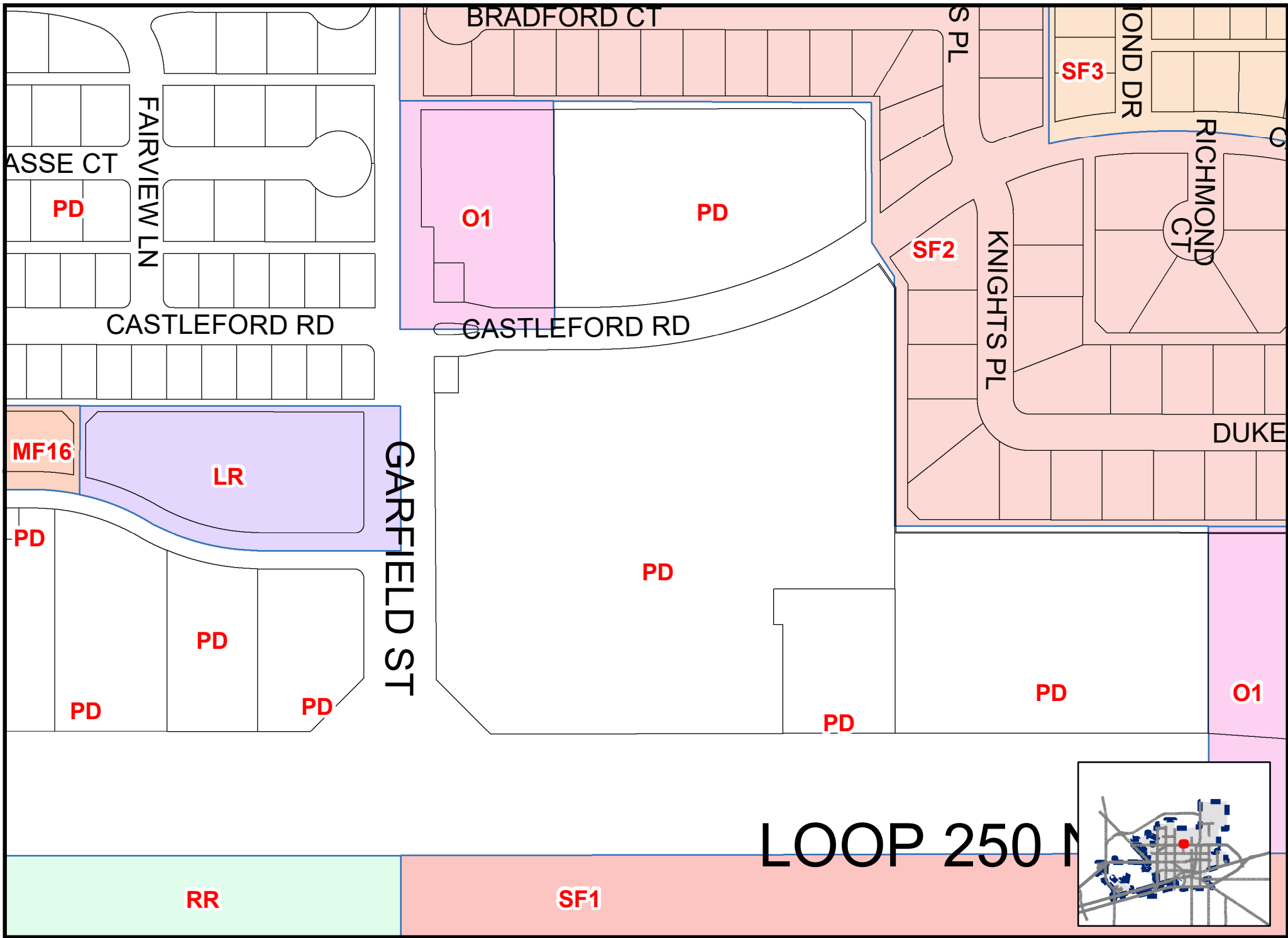
Consider a request by Gomca Family Restaurant for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 10,250 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of N. Garfield Street and W. Loop 250 North. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





ORDINANCE NO. 7771

AN ORDINANCE AMENDING ORDINANCE NO. 7324, WHICH ADOPTED A SITE PLAN FOR A "PLANNED DISTRICT" FOR A SHOPPING CENTER SO AS TO ADOPT AN AMENDED SITE PLAN; 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 amending the site plan for a "Planned District" for a Shopping Center by amending Ordinance No. 7324; 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 amend the site plan adopted by Ordinance No. 7324;

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

SECTION ONE. That the "Planned District" site plan adopted for the property described in Section One of

Ordinance No. 7324, specifically Lot 1, Block 8, Polo Park, Section III, City and County of Midland, Texas, shall be amended in its entirety as set forth in Exhibit "A", attached hereto and incorporated herein by reference subject to the following conditions:

- A. That the maximum sign area for all free standing signs for this development not exceed 640 square feet.
- B. That no future free standing sign associated with this development be allowed on the Loop 250 frontage.
- C. That the Site Plan (Exhibits A & B) be adhered to in regard to the locations and types of signs proposed for this development.

SECTION TWO. 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 THREE. 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 FOUR. 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 FIVE. 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 8th day of September, A.D., 1998; and passed to second reading on motion of Council member Brooks, seconded by Council member Cuevas, by the following vote:

Council members voting "AYE":	Brooks, Cuevas, Wood, Brown, Burns, Simpson and Washburn
-------------------------------	--

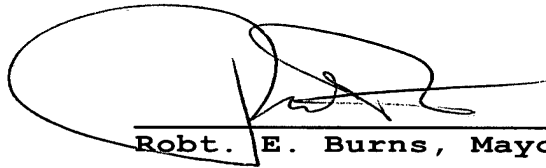
Council members voting "NAY":	None
-------------------------------	------

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Brooks, seconded by Council member Cuevas, on the 22nd day of September, A.D., 1998, at a regular meeting of the City Council:

Council members voting "AYE":	Brooks, Cuevas, Wood, Brown, Burns, Simpson and Washburn
-------------------------------	--

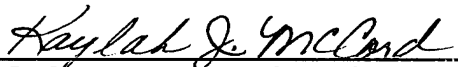
Council members voting "NAY":	None
-------------------------------	------

PASSED AND APPROVED THIS 22nd day of September,
A.D., 1998.



Robt. E. Burns, Mayor

ATTEST:



Kaylah J. McCord, City Secretary

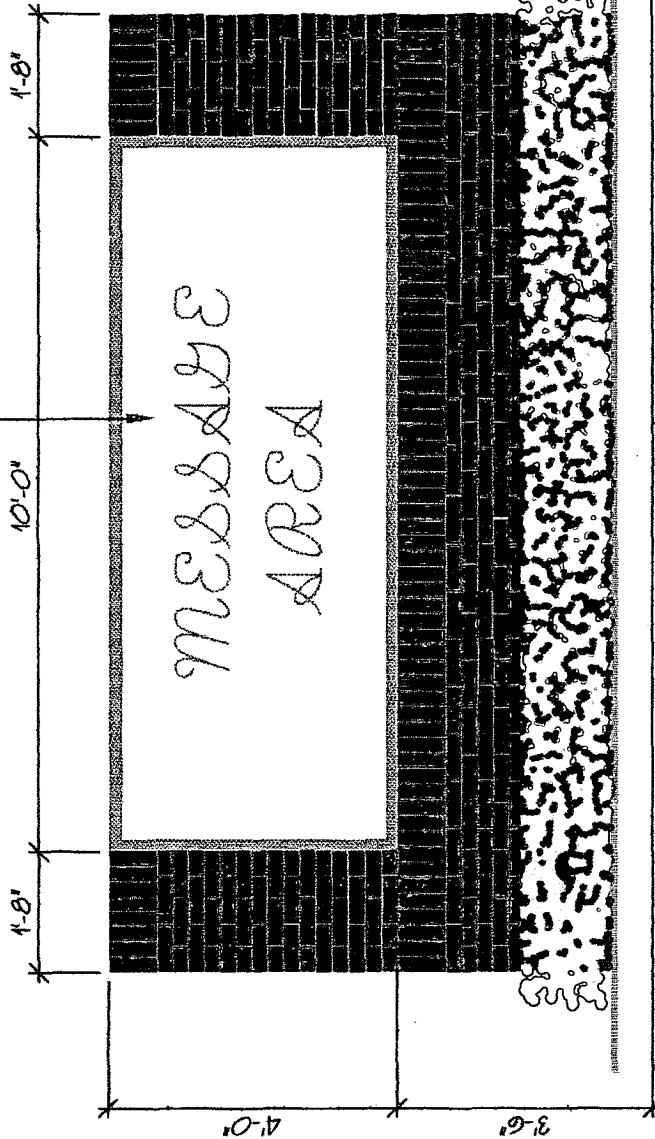
APPROVED AS TO FORM:



Keith Stretcher, City Attorney

ord\planning\plndist\Z-98-022 Red Oak

COLORED OR WHITE BACKGROUND
WITH BLACK LITE BOX &
CONTRASTING MESSAGE.



RECEIVED

AUG 25 1998

PLANNING & DEVELOPMENT
CITY OF MIDLAND



VANDERGRIFF GROUP
ARCHITECTS • PLANNERS
92 N. 833 STREET, SUITE 200 • MIDLAND, TEXAS 79701
MEMBER AMERICAN INSTITUTE OF ARCHITECTS

8-11-98

MONUMENT SIGN PROPOSAL

COLOHADE SHOPPING CENTER
MIDLAND, TEXAS

EXHIBIT B CASE NO. Z-98-022

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 10,250-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES 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, 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 PD, Planned District for a Shopping Center, to-wit:

A 10,250-square foot portion of Lot 1, Block 8, Polo Park, Section 3, 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 all alcoholic beverages for on-premises consumption in a restaurant (the "Establishment"), together with the uses permitted in the present PD, Planned District for a Shopping Center.

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

- A. That the location of the Establishment shall conform to the site plan, which is attached hereto as Exhibit "A" and incorporated herein.
- B. That the area of the Establishment shall be limited to 10,250 contiguous square feet as shown in the floor plan, which is attached hereto as Exhibit "B" and incorporated herein.
- C. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.
- D. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.
- E. That the days and hours of alcoholic beverage sales and consumption shall be limited to the following:

Monday through Saturday from 11:00 a.m. to 12:00 a.m. (midnight); and
Sunday from 12:00 p.m. (noon) to 11:00 p.m.
- F. That the Establishment shall meet all requirements of the Fire Department and the Code Administration Division.

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 23rd day of October, A.D., 2018; and passed to second reading on motion of Council member Love, seconded by Council member Robnett, by the following vote:

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

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Lacy, seconded by Council member Robnett, on the 6th day of November, A.D., 2018, at a regular meeting of the City Council:

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

Council members voting "NAY": None

PASSED AND APPROVED THIS 6th day of November, A.D., 2018.



Jerry F. Morales, Mayor

ATTEST:



Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

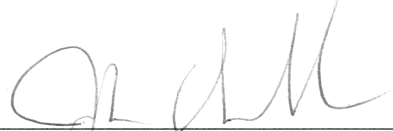


Frank Salvato, Assistant City Manager

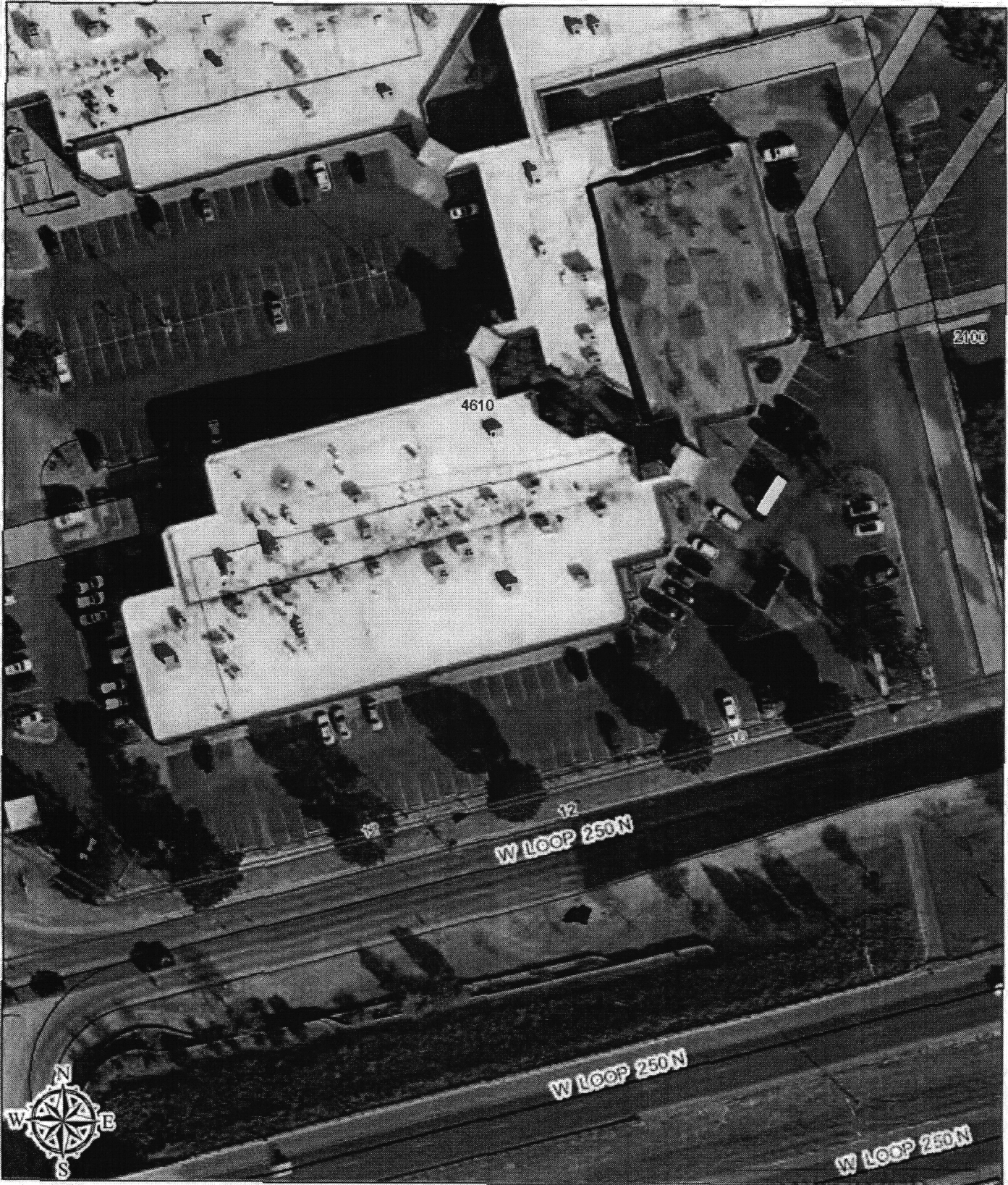


Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:



John Ohnemiller, City Attorney



- | | | | |
|---|-----------------------------------|--------------------------|------------------------|
| ☐ Parcel | Street
Centerline_En... | Resid.;
County | Interstate;
State |
| ☐ School
Property | Arterial;
Collector | Rd;
Frontage;
Park | Highway |
| ☐ City Limit | | | Lease
Road;
Misc |

EXHIBIT A

0 0.004 0.008 0.016 Miles

SEP 24 2018

CITY OF MIDLAND
PLANNING DIVISION OFFICE

18.9



City Council Agenda

Approved for Agenda:

fsalvato

City Manager's Office

MEETING DATE: November 6, 2018

TO: City Council / City Manager

FROM: Rolandrea Russell, Senior Planner

SUBJECT: Consider an ordinance on second reading on a request by Tkilaz Mexican Restaurant Bar and Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 10,250 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North Garfield Street and West Loop 250 North. Council District 1)

Purpose:

The applicant, Tkilaz Mexican Restaurant Bar, is requesting a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 10,250 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas.

Recommended City Council Action:

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The property located at 4610 North Garfield Street, Suite C-1, is currently zoned PD, Planned District for a Shopping Center with the underlying zoning of LR-2, Local Retail District, which permits the sale of alcoholic beverages, with the approval of a Specific Use Permit.

The property is a part of an existing shopping center that was rezoned from a 1F-1, One-Family Dwelling District to PD, Planned District for a Shopping Center (Ordinance No. 5864) on November 24, 1981, with the condition that no building permit shall be issued unless a detailed site plan was reviewed and approved by the Planning and Zoning Commission and City Council. Since the establishment of the PD, Planned District for a Shopping Center, at this location the site plan and ordinance have been amended several times with the final amendment being approved on September 22, 1998 (Ordinance No. 7771).

The floor plan provided, attached hereto as Exhibit B, shows the proposed alcohol serviceable area will have a total square footage of 10,250 square feet, including the dining area, party room, and bar area. The breakdown of the square footage of the proposed alcohol serviceable areas are as follows;

- Dining area = 7,750 square feet
- Bar area = 1,550 square feet
- Party Room = 950 square feet

The applicant is now requesting the following alcohol serviceable hours.

Monday through Saturday, from 11:00 a.m. to 12:00 a.m. (midnight)
Sunday, from 12:00 p.m. (noon) to 11:00 p.m.

The proposed operating hours for the restaurant are;

Monday through Wednesday, from 11:00 a.m. to 10:00 p.m.
Thursday through Friday, from 11:00 a.m. to 11:00pm.
Saturday, from 9:00 a.m. to 11:00 p.m.
Sunday, from 9:00 a.m. to 10:00 p.m.

There are no schools or churches within 300 feet of the property using the front door to door distance measurement.

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.

This request has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Engineering: Approved

No objection.

Transportation: Approved

No Comments

Fire: Approved

No comments.

Code Administration: Approved

Occupant load has been calculated to be a maximum of 359 persons.

Planning:

This request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 2*, "Identify partnerships to produce neighborhood and commercial centers that are attractive, functional, and of high quality." (Tall City Tomorrow page 137) Tall City Brewing Company is an establishment that promotes a positive environment where Midland residents can gather and socialize.

Staff recommends approval of a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, for on-premises consumption, in a restaurant, subject to the following conditions.

Conditions:

- A. That the establishment shall not exceed 10,250 contiguous square feet in area as shown in Exhibit "B", which is attached hereto and incorporated herein.
- B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.
- C. That the establishment shall meet all requirements of the Fire Department and the Code Administration Division.
- D. That the sale and on-premises consumption of all alcoholic beverages shall conform to all applicable state and local laws.
- E. That the days and hours of all alcoholic beverages sales and consumption shall be limited to:

Monday through Saturday, from 11:00 a.m. to 12:00 a.m. (midnight)
Sunday, from 12:00 p.m. (noon) to 11:00 p.m.

Letters of Objection:

As of October 12, 2018, staff has received no letters of objection to this request.

Attachments:

Site Plan (Exhibit A)
Floor Plan (Exhibit B)
Ordinance Nos. 5864 and 7771
Application
Maps



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

Project Number 34P-18-0025
Case Number: _____

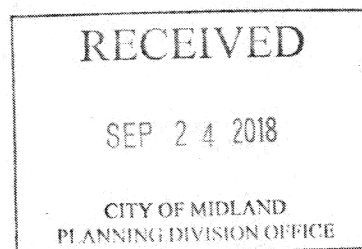
Applicant (if acting as Agent, see affidavit on page 2) <u>Francisco Gomez</u>		Phone <u>(432) 318-7870</u>	
Printed Name: <u>THIAZ Mexican Restaurant bar and Grill</u>		Email <u>Mely62@hotmail.com</u>	
Address <u>4610 N. Garfield St / 10 Marchelock</u>		City <u>Midland</u>	State <u>TX</u> Zip <u>79705</u>

Property Owner		Phone ()	
Printed Name: <u>Woodcrest Capital</u>		Email	
Address		City	State Zip

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

Street Address: <u>4610 N Garfield St Suite G-1</u>			
Business Name: <u>THIAZ Mexican Restaurant bar and Grill</u>			
Legal Description			
Lot:	Block:	Subdivision:	
Current Zoning:			
Reason for Request: _____			

Type of Business (restaurant, bar, lounge, nightclub, etc.): <u>Restaurant</u>			
Proposed/Current Days and Hours of Operation: <u>Monday to Thursday 11am to 22pm Friday and Saturday 11:00am to 23:00pm</u>			
Proposed Days and Hours of Alcohol Service: <u>All days Mon-Fri 11:00 - 22:00 11:00-2300 Fri Sat</u>			
Total Square Footage of Business:			
Square Footage of Alcohol Serviceable Area:			
Restroom Fixtures: <u>1</u> Men	Toilets/Urinals: <u>1 / 3</u>	Bathroom Sinks: <u>2</u>	
	Toilets: <u>3</u>	Bathroom Sinks: <u>2</u>	
<u>1</u> Women			



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):

Date: 09/21/2018

Applicant (printed):

Francisco Gomez

Property Owner (signature):

Date:

Property Owner (printed) :

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.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared _____ 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.

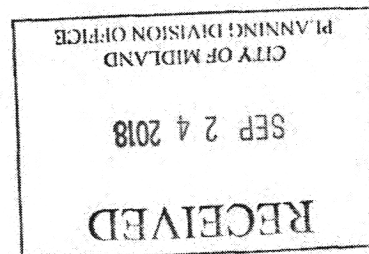
Authorized Agent (signature)

Subscribed and sworn to before me, this _____ day of _____, 20 ____, to certify which witness my hand and seal of office.

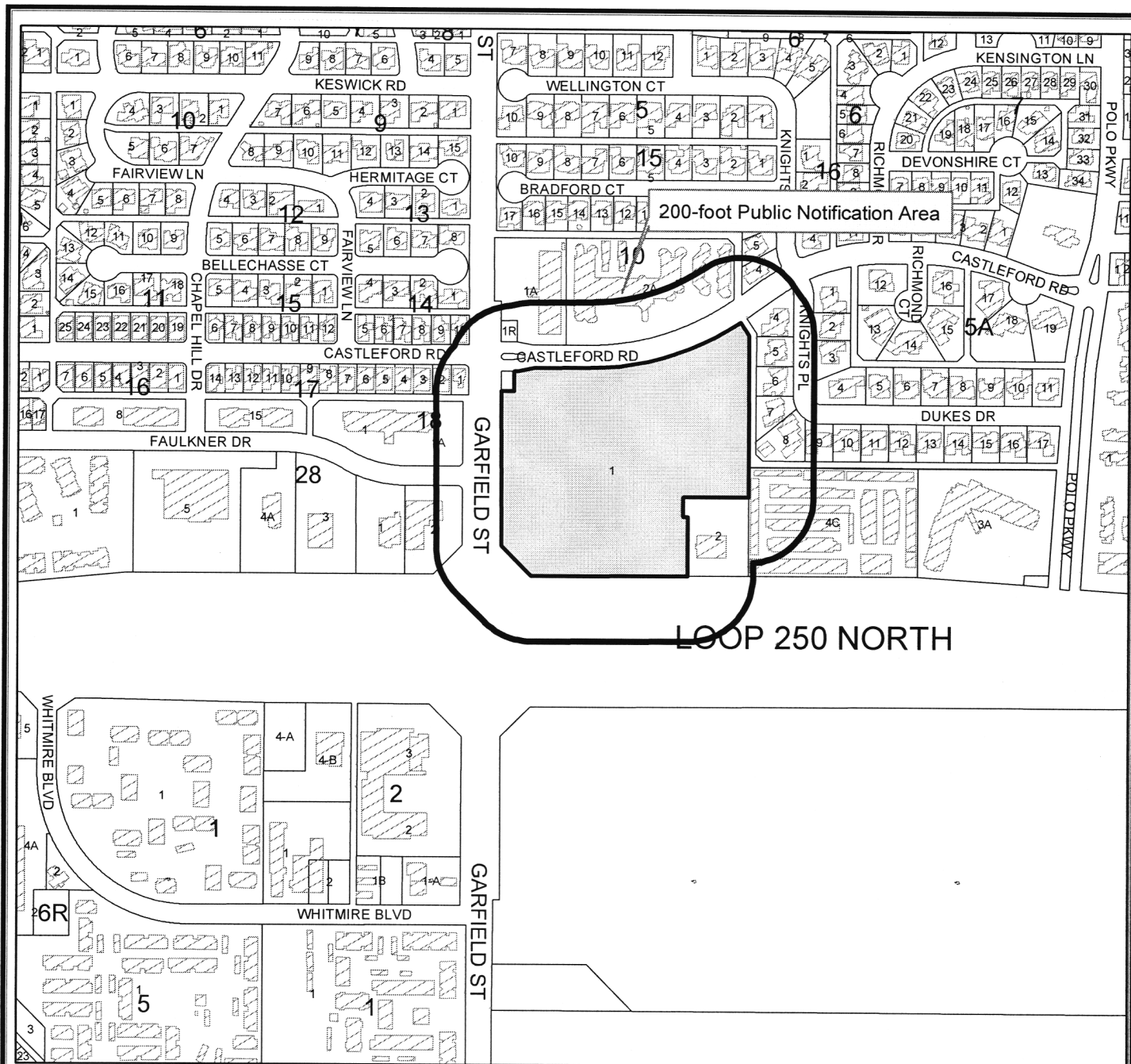
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

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



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



LOCATION MAP

SUP-18-0025

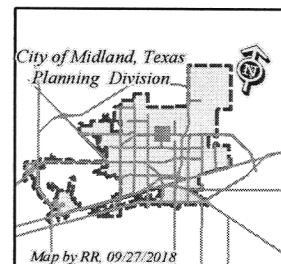
Scale: 1" = 3000'

Consider a request for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 10, 250 square foot portion Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of North Garfield Street and West Loop 250 North. Council District 1

LEGEND

- CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS



©THE CITY OF MIDLAND - 2017
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.

18.14

ORDINANCE NO. 5864

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 SHOPPING CENTER; 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 THE PROPERTY DESCRIBED IN SECTION ONE HEREOF 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 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 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 Shopping Center, subject to the special conditions and restrictions hereinafter set out.

Said property is described as follows:

A 12.088 acre tract of land out of the SW/4 of Section 3, Block "X", H. P. Hilliard Survey, Midland County, Texas, and being a part of a tract formerly referred to as "St. Ann's Catholic Church Property", and being more particularly described by metes and bounds as follows:

Commencing at the SW corner of said Section 3, and the centerline of North Garfield Street;

Thence N. 15° 20' 52" W., a distance of 311.69 feet along the centerline of North Garfield Street, to a point for reference;

Thence N. 74° 47' 55" E., a distance of 150.00 feet to a point on the north right-of-way line of State Highway Loop 250, said point being the Point of Beginning;

Thence N. 60° 13' 52" W., a distance of 127.54 feet along the NE cut-back for said North Garfield Street to a point on the easterly right-of-way line of North Garfield Street;

Thence N. 15° 20' 52" W., along the easterly right-of-way line of North Garfield Street, a distance of 572.00 feet to a point for a corner;

Thence N. 74° 39' 08" E., a distance of 263.25 feet to the beginning of a curve to the left, having a central angle of 34° 29' 44", and a radius of 800.00 feet;

Thence along the arc of said curve a distance of 481.65 feet to a point for a corner at the end of said curve;

Thence S. 49° 50' 36" E., a distance of 82.41 feet to a point for a corner;

Thence S. 15° 06' 52" E., a distance of 737.85 feet to a point on the north right-of-way line of the aforementioned State Highway Loop 250;

Thence S. 74° 53' 08" W., along the north right-of-way of said State Highway Loop 250, a distance of 670.00 feet to the Point of Beginning and containing 12.088 acres of land, more or less.

SECTION TWO. That the property described in Section One hereof shall be subject to the following special conditions and restrictions:

A. That the development and use of the property shall conform to all regulations applicable to an "LR-2", Local Retail District, except as specified otherwise on the attached site plan or in this ordinance.

B. That no building permit shall be issued for any construction on any part of the property involved herein until a detailed site plan for that part of the development thereof has

been reviewed by the Planning and Zoning Commission and reviewed and approved by the City Council, all in accordance with the procedure applicable to a zoning change. Each such detailed site plan, upon final approval, shall automatically become a part of this ordinance and be placed on file in the office of the City Secretary, identified by the number of this ordinance and date adopted.

SECTION THREE. That the Fire District be amended so as to add thereto the premises described in Section One hereof and the Building Inspector is authorized and directed to add to the Fire District Map said premises.

SECTION FOUR. 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 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 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 10th day of November, A.D., 1981; and passed to second reading on motion of Councilman Marcum, seconded by Councilman Hatfield, by the following vote:

Councilmen voting "AYE": Marcum, Hatfield, Davidson, Akins and Thomas

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 Thomas, on the 24th day of November, A.D., 1981, at a regular meeting of the City Council:

Councilmen voting "AYE": Marcum, Thomas, Davidson, Akins and Hatfield

Councilmen voting "NAY": None

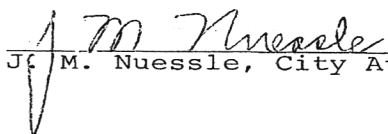
PASSED AND APPROVED THIS 24th day of November, A.D., 1981.


G. Thane Akins, Mayor

ATTEST:


J. W. McCullough, City Secretary

APPROVED AS TO FORM:


J. M. Nuessle, City Attorney



ORDINANCE NO. 7771

AN ORDINANCE AMENDING ORDINANCE NO. 7324, WHICH ADOPTED A SITE PLAN FOR A "PLANNED DISTRICT" FOR A SHOPPING CENTER SO AS TO ADOPT AN AMENDED SITE PLAN; 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 amending the site plan for a "Planned District" for a Shopping Center by amending Ordinance No. 7324; 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 amend the site plan adopted by Ordinance No. 7324;

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

SECTION ONE. That the "Planned District" site plan adopted for the property described in Section One of

Ordinance No. 7324, specifically Lot 1, Block 8, Polo Park, Section III, City and County of Midland, Texas, shall be amended in its entirety as set forth in Exhibit "A", attached hereto and incorporated herein by reference subject to the following conditions:

- A. That the maximum sign area for all free standing signs for this development not exceed 640 square feet.
- B. That no future free standing sign associated with this development be allowed on the Loop 250 frontage.
- C. That the Site Plan (Exhibits A & B) be adhered to in regard to the locations and types of signs proposed for this development.

SECTION TWO. 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 THREE. 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 FOUR. 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 FIVE. 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 8th day of September, A.D., 1998; and passed to second reading on motion of Council member Brooks, seconded by Council member Cuevas, by the following vote:

Council members voting "AYE":	Brooks, Cuevas, Wood, Brown, Burns, Simpson and Washburn
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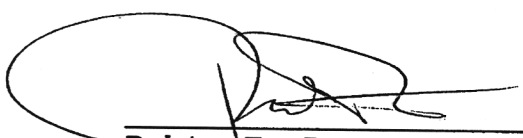
Council members voting "NAY":	None
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The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Brooks, seconded by Council member Cuevas, on the 22nd day of September, A.D., 1998, at a regular meeting of the City Council:

Council members voting "AYE":	Brooks, Cuevas, Wood, Brown, Burns, Simpson and Washburn
-------------------------------	--

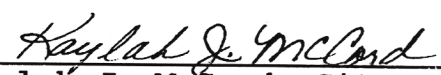
Council members voting "NAY":	None
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PASSED AND APPROVED THIS 22nd day of September,
A.D., 1998.



Robt. E. Burns, Mayor

ATTEST:



Kaylah J. McCord, City Secretary

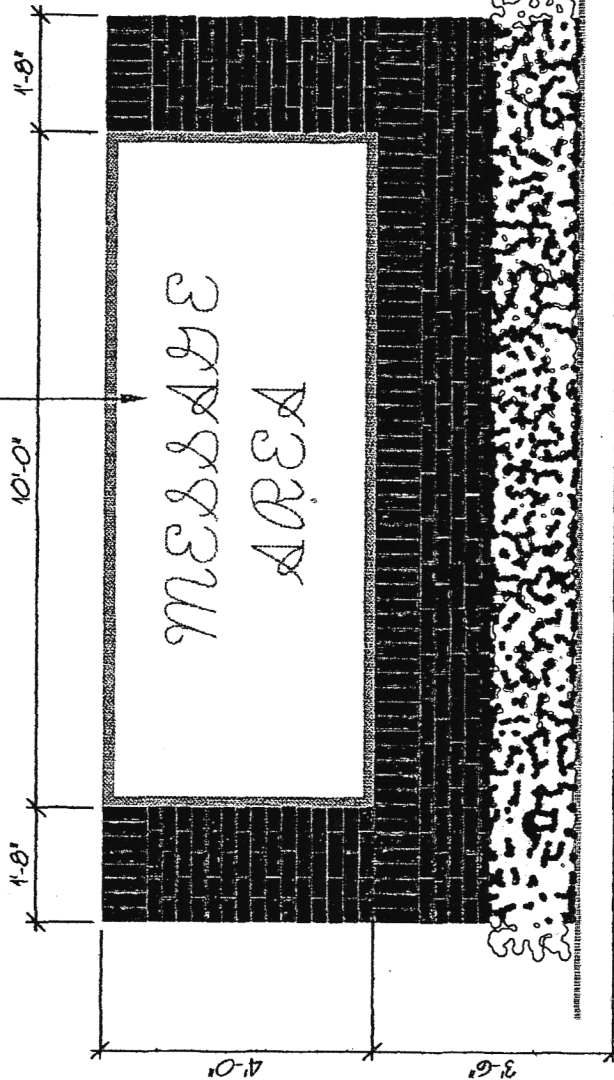
APPROVED AS TO FORM:



Keith Stretcher, City Attorney

ord\planning\plndist\Z-98-022 Red Oak

COLORED OR WHITE BACKGROUND
WITH BLACK LITE BOX &
CONTRASTING MESSAGE.



RECEIVED

AUG 25 1998

PLANNING & DEVELOPMENT
CITY OF MIDLAND



VANDERGRIFF GROUP
ARCHITECTS + PLANNERS
222 N. 9TH STREET, SUITE 200
MIDLAND, TEXAS 79701
8-11-98

MONUMENT SIGN PROPOSAL

COLONADE SHOPPING CENTER
MIDLAND, TEXAS

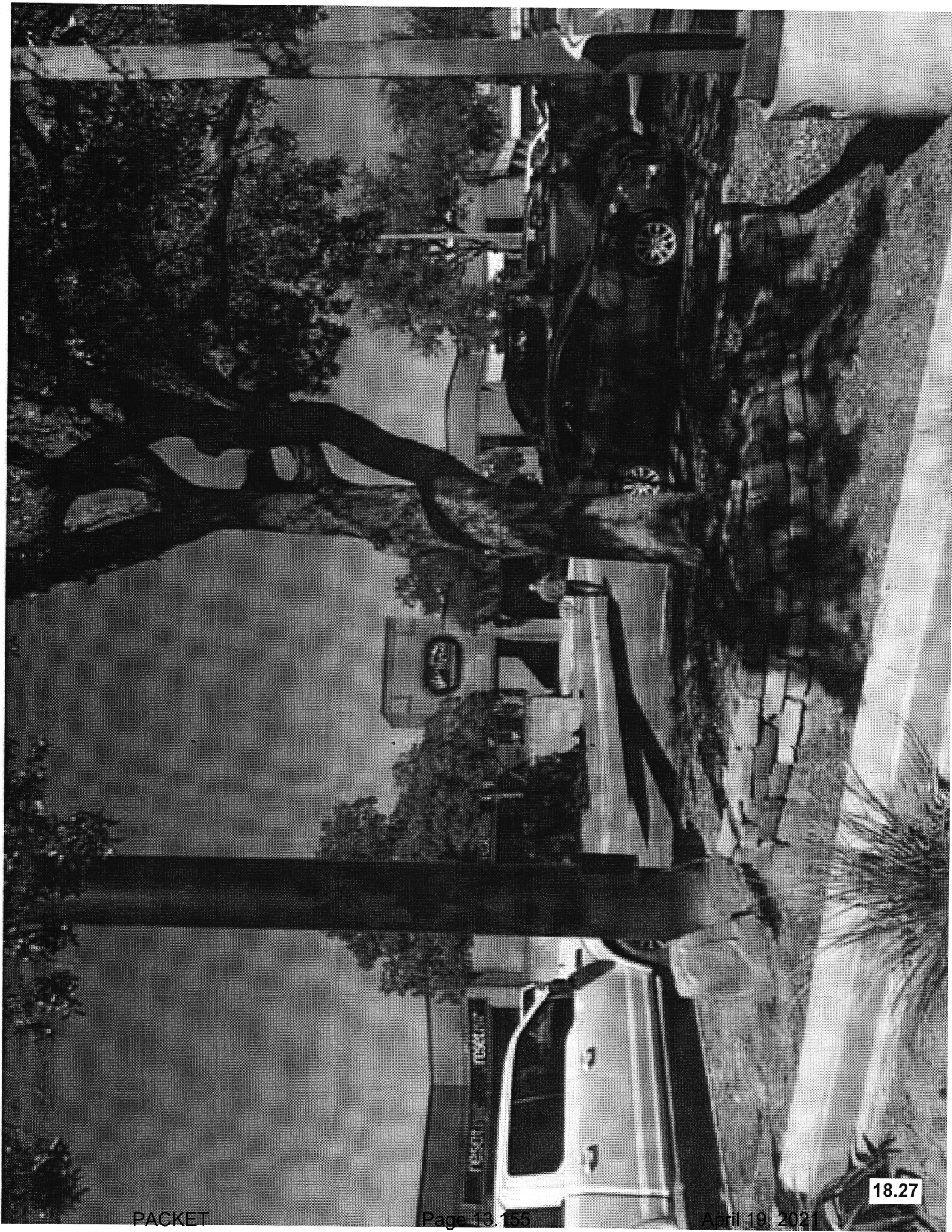
EXHIBIT B

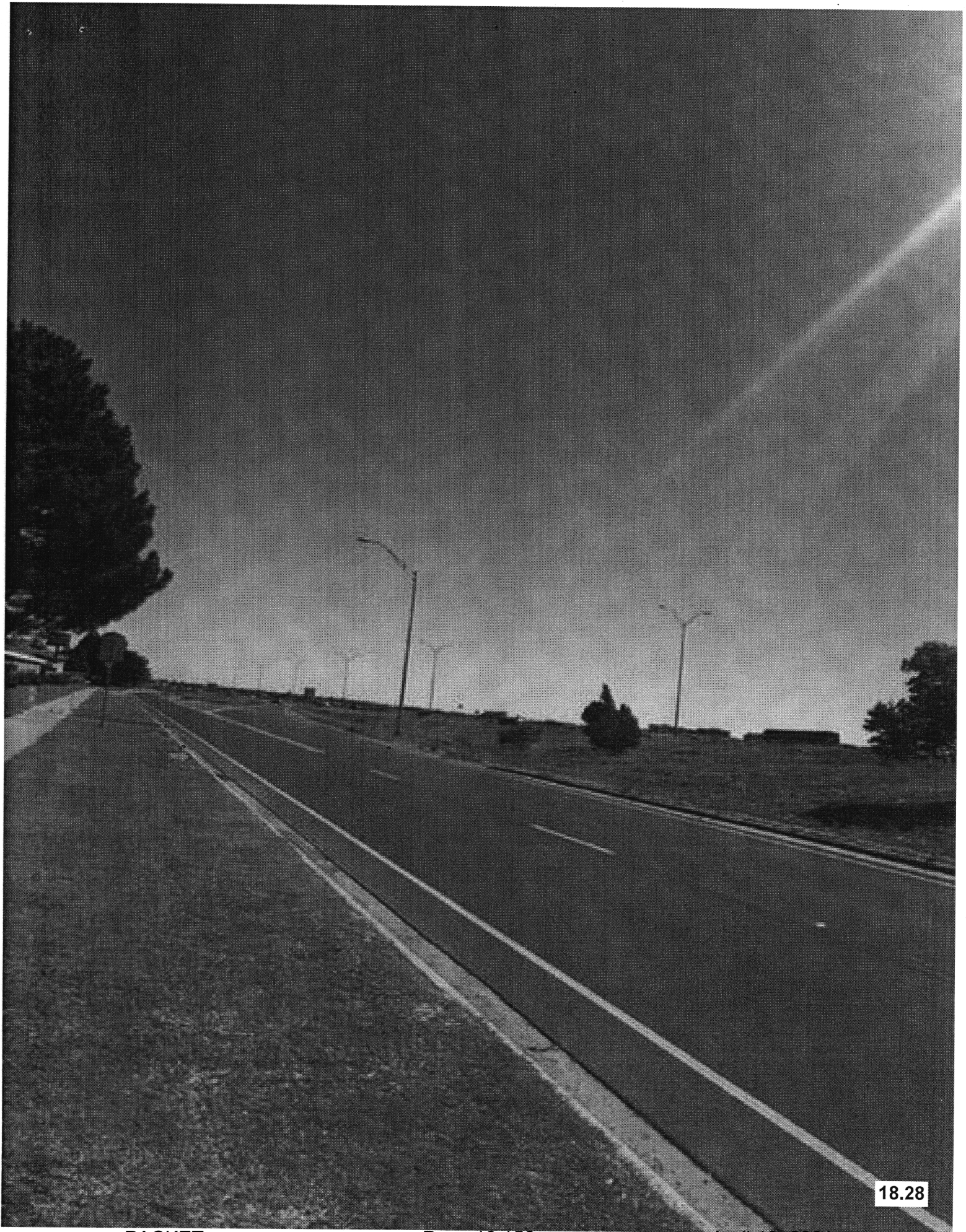
CASE NO. Z-98-022

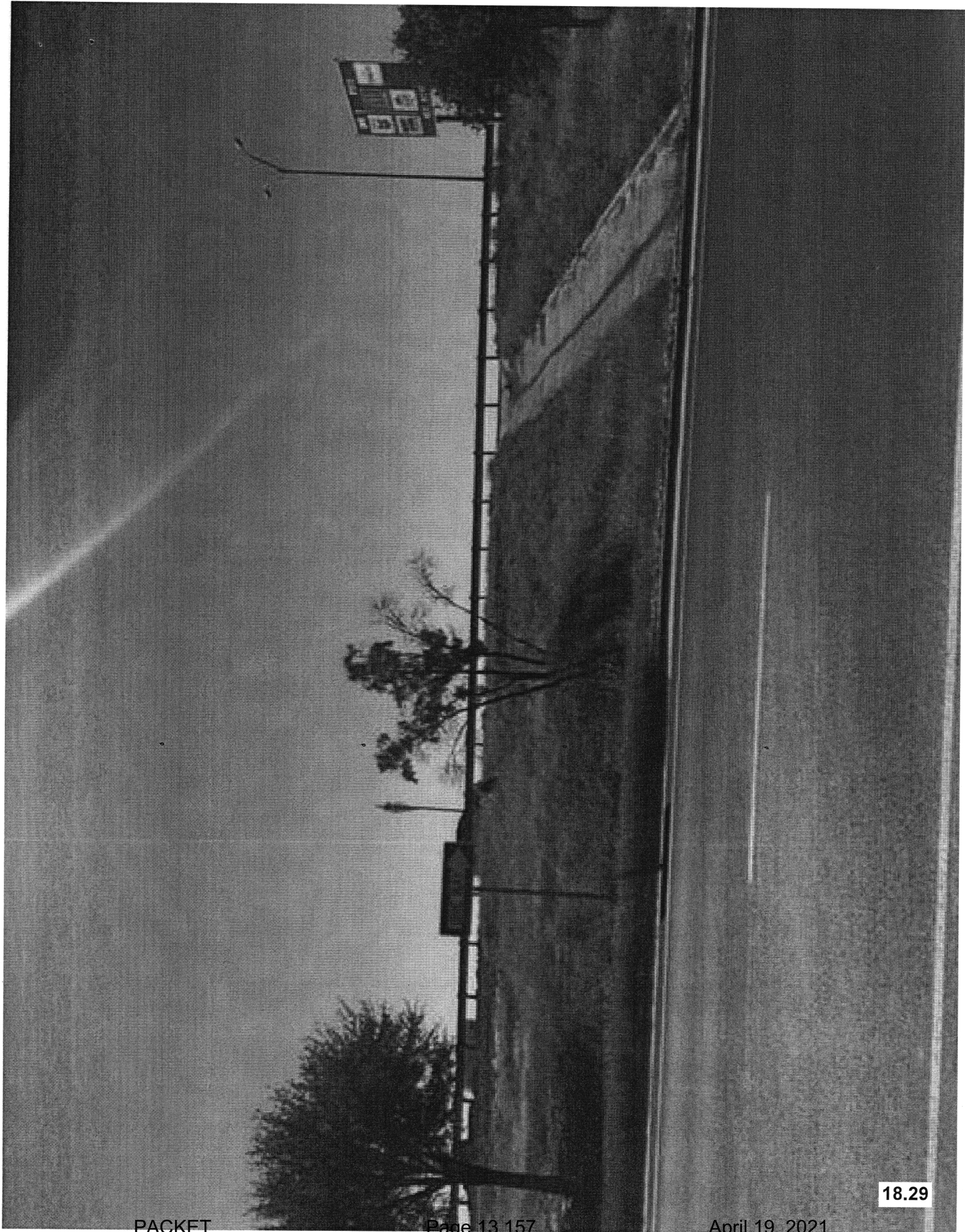
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2	N 42°25' 11" 33" W	48.88

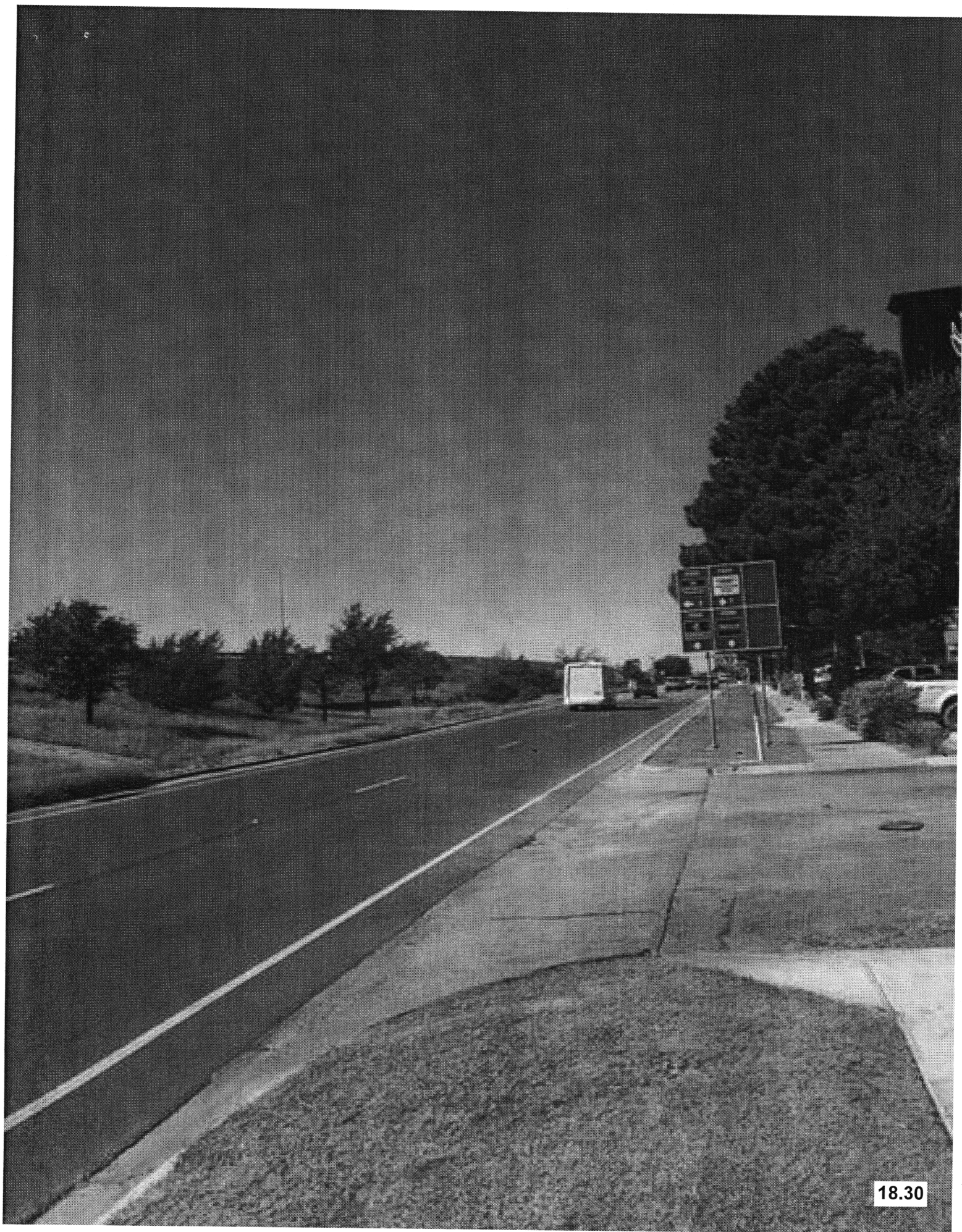
LEGEND

- Fed. VI. Hwy. Rte.
- State VI. Hwy. Rte.
- 3/4" 1/2" 1/4" 1/8" 1/16" 1/32" 1/64" 1/128" 1/256" 1/512" 1/1024" 1/2048" 1/4096" 1/8192" 1/16384" 1/32768" 1/65536" 1/131072" 1/262144" 1/524288" 1/1048576" 1/2097152" 1/4194304" 1/8388608" 1/16777216" 1/33554432" 1/67108864" 1/134217728" 1/268435456" 1/536870912" 1/1073741824" 1/2147483648" 1/4294967296" 1/8589934592" 1/17179869184" 1/34359738368" 1/68719476736" 1/137438953472" 1/274877906944" 1/549755813888" 1/1099511627776" 1/2199023255552" 1/4398046511104" 1/8796093022208" 1/17592186044416" 1/35184372088832" 1/70368744177664" 1/140737488355328" 1/281474976710656" 1/562949953421312" 1/1125899906842624" 1/2251799813685248" 1/4503599627370496" 1/9007199254740992" 1/18014398509481984" 1/36028797018963968" 1/72057594037927936" 1/144115188075855872" 1/288230376151711744" 1/576460752303423488" 1/1152921504606846976" 1/2305843009213693952" 1/4611686018427387904" 1/9223372036854775808" 1/18446744073709551616" 1/36893488147419103232" 1/73786976294838206464" 1/147573952589676412928" 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18.30

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 10,250-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES 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, 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 PD, Planned District for a Shopping Center, to-wit:

A 10,250-square foot portion of Lot 1, Block 8, Polo Park, Section 3, 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 all alcoholic beverages for on-premises consumption in a restaurant (the "Establishment"), together with the uses permitted in the present PD, Planned District for a Shopping Center.

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

- A. That the location of the Establishment shall conform to the site plan, which is attached hereto as Exhibit "A" and incorporated herein.
- B. That the area of the Establishment shall be limited to 10,250 contiguous square feet as shown in the floor plan, which is attached hereto as Exhibit "B" and incorporated herein.
- C. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.
- D. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.
- E. That the days and hours of alcoholic beverage sales and consumption shall be limited to the following:

Monday through Saturday from 11:00 a.m. to 12:00 a.m. (midnight); and
Sunday from 12:00 p.m. (noon) to 11:00 p.m.
- F. That the Establishment shall meet all requirements of the Fire Department and the Code Administration Division.

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 23rd day of October, A.D., 2018; and passed to second reading on motion of Council member Love, seconded by Council member Robnett, by the following vote:

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

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Lacy, seconded by Council member Robnett, on the 6th day of November, A.D., 2018, at a regular meeting of the City Council:

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

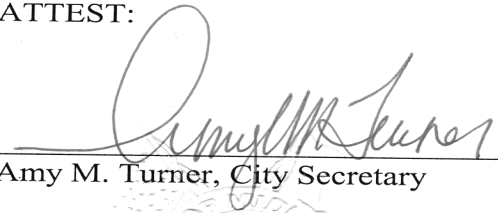
Council members voting "NAY": None

PASSED AND APPROVED THIS 6th day of November, A.D., 2018.



Jerry F. Morales, Mayor

ATTEST:

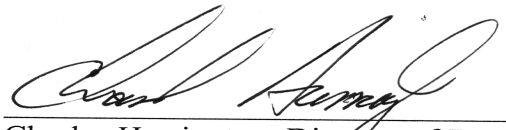


Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

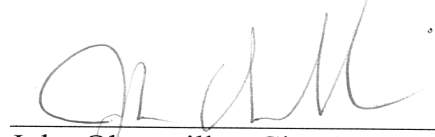


Frank Salvato, Assistant City Manager



Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:



John Ohnemiller, City Attorney



- | | | | |
|--|-------------------------|-----------------------------------|---------------------------|
| ☐ Parcel | Street Centerline_En... | Resid.; County Rd; Frontage; Park | Interstate; State Highway |
| ☐ School Property | Arterial; Collector | | Lease Road; Misc |
| ☐ City Limit | | | |

EXHIBIT A

0 0.004 0.008 0.016 Miles

SEP 24 2018

CITY OF MIDLAND
PLANNING DIVISION OFFICE

18.9







