

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
July 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:

VIDEOCONFERENCE INFORMATION

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87040362971>

Or One tap mobile :

US: +13462487799,,87040362971# or +16699006833,,87040362971#

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 +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592

Webinar ID: 870 4036 2971

International numbers available: <https://us02web.zoom.us/j/87040362971>

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 July 6, 2021.

3. Consider a proposed Preliminary Plat of Proposed plat of Moody Addition, Section 14, being a re-plat of Lots 1 through 4, Lots 9 through 12, and a 0.69 acre portion of alley right-of-way located adjacent to said lots, all out of Block 2, Moody Addition; and Lot 1A, Block 9 Moody addition, Section 10; City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of East Front Street and North Carver Street. Council District 2) (DEVELOPMENT SERVICES)
4. Consider a proposed Preliminary Plat of Shenandoah Bar M Ranch, Section 2 being a replat of Tract 16, Shenandoah Bar M Ranch, Midland County, Texas. (Generally located northwest of the intersection of N. County Road 1123 and E. County Road 59. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)
5. Consider a Proposed Final Plat of Chase Five Addition, Section 3, being 6.756-acres out of the north part of Block 38, T-2-S, C.A. Miller Survey, A-633, Midland County Texas. (Generally located on the south side of East County Road 130, approximately 1,447-feet east of Farm to Market Road 1213. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

6. Hold a public hearing and consider a request by Betenbough for a Zone Change from AE, Agricultural Estate District to TH, Townhouse Dwelling District on a 9.70-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 northeast intersection of Occidental Parkway and Fairgrounds Road. Council District 1) (DEVELOPMENT SERVICES)
7. Hold a public hearing and consider a proposed Preliminary Plat of West End Addition, Section 26, being a residential replat of Lots 1 & 2, Block 37, West End Addition, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Indiana Avenue and South E Street. Council District 3) (DEVELOPMENT SERVICES)
8. Hold a public hearing and consider a request by FP Westridge Energy Plaza, LP, for a zone change from O-2, Office District to RR, Regional Retail District, on the east 3.093 acres of Lot 3, Block 6, Westridge Park Addition, Section 31, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Champions Drive and N. Loop 250 West Frontage Road. Council District 4) (DEVELOPMENT SERVICES)
9. Hold a public hearing and consider a proposed Preliminary Plat of Southern Addition, Section 24, being a residential re-plat of Lots 7, 8 and 9, Block 190, Southern Addition, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of E. Dakota Avenue and S. Dallas Street. Council District 2) (DEVELOPMENT SERVICES)
10. Hold a public hearing and consider a request by Joann Cervantes for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a vendor market, on a 5,790 square foot portion of a 0.4-acre tract of land out of the

SW/4 of Section 33, Block 39, T-1-S, T&P RR Co Survey, City and County of Midland, Texas. (Generally located on the southwest side of the intersection of West Wall Street and Bankhead Highway. Council District 2) (DEVELOPMENT SERVICES)

11. Hold a public hearing and consider a request by Jamie Bowers for a zone change from C, Commercial District to TH, Townhouse Dwelling District on Lot 9, Block 10, Greenwood Addition 3rd, 4th, 5th Section, City and County of Midland, Texas. (Generally located on the east side of S. Stonewall Street, approximately 140-feet north of E. Washington Avenue. Council District 2) (DEVELOPMENT SERVICES)

MISCELLANEOUS

Elizabeth Shaughnessy
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
July 6, 2021
Council Chambers – City Hall**



The City Council convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:31 p.m., July 06, 2021.

Commissioners present: Stacy Grosse, Karmen Bryant, Reggie Lawrence, Dianne Williams, Lucy Sisniega, Zachary Deck

Commissioners absent: Chase Gardaphe

Staff members present: Charles Harrington, Elizabeth Shaughnessy, Joseph Marynak, Dalia Salinas, Valerie Sherman, Kelly Martinez.

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 3:34 p.m. With no one wishing to speak, the public comment period was closed at 3:35 p.m.

CONSENT ITEMS

Commissioner Sisniega moved to approve the Consent Items 2-7; seconded by Commissioner Bryant.

The motion passed by the following vote: 6 to 0

AYE: Grosse, Bryant, Lawrence, Williams, Sisniega, Deck

NAY: None

ABSTAIN: None

ABSENT: Gardaphe

2. Consider a motion approving the Planning and Zoning Commission meeting minutes for June 21, 2021.
3. Consider a proposed Final Plat of Original Town, Section 20, being a replat of the middle 50 feet of the northeast quarter of Block 74, Original Town, City and County of Midland, Texas. (Generally located on the west side of S. Jefferson Street, approximately 70 feet south of E. Wall Street. Council District 2)
4. Consider a proposed Final Plat of TSC Development, being a plat of 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)
5. Consider a proposed Final Plat of Riverbend Addition, Section 2, being a plat of a 0.989-acre tract of land located in Section 31, Block 38, T-1-S. T&P RR Co. Survey, City and County of Midland, Texas. (Generally located southeast of the intersection of Maple Avenue and North Fairgrounds Road. Council District 2)
6. Consider a proposed Preliminary Plat of Original Town, Section 23, being a replat of Lot 1, Block 79, Original Town, and a 0.032-acre portion of previously vacated East Missouri Avenue right-of-way located adjacent to said lot, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of E. Missouri Avenue and S. Mineola Street. Council District 2)
7. Consider a proposed Preliminary Plat of Toppel Addition, being a plat of a 6.89-acres tract of land located in Section 16, Block 40, T-2-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the south side of West Interstate 20, approximately 1,430 feet east of South County Road 1270. Extraterritorial Jurisdiction)

PUBLIC HEARINGS

8. Hold a public hearing and consider a proposed Final Plat of The Vineyard Addition, Section 9, being a residential replat of Lots 1, 3, and 4, Block 4, The Vineyard Addition, Section 7, City and County of Midland, Texas. (Generally located on northwest corner of the intersection of Sandstone Drive and Sherwood Drive. Council District 1)

Former Planning Manager Cristina Odenborg Burns gave an overview of the project. With no letters of objection received staff recommended approval.

The public hearing was opened at 3:39 p.m.

The applicant, Devon Benson, was present but deferred to staff.

The co-applicant Daniel Chaconne was present but deferred to staff.

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

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

The motion passed by the following vote: 6 to 0

AYE: Grosse, Bryant, Lawrence, Williams, Sisniega, Deck

NAY: None

ABSTAIN: None

ABSENT: Gardaphe

9. Hold a public hearing and consider a request by SRP Properties, LLP for a Zone Change from AE, Agricultural Estate District to SF-3, Single Family Dwelling District on the northern 0.43 acres portion of Lot 14, Block 1, 349 Ranch Estates, City and County of Midland, Texas. (Generally located on the west side of Shawnee, approximately 175-feet north of Tejas. Council District 1)

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

The public hearing was opened at 3:44 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 Sisniega.

The motion passed by the following vote: 6 to 0

AYE: Grosse, Bryant, Lawrence, Williams, Sisniega, Deck

NAY: None

ABSTAIN: None

ABSENT: Gardaphe

10. Hold a public hearing and consider a request by CBOCS Texas, LLC for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on Lot 8A, Block 27, Wyndwood Estates, Section 29, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of N. Loop 250 West Frontage Road and Preston Drive. Council District 4)

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

The public hearing was opened at 3:49 p.m.

The applicant Catherine Chamblee spoke on behalf of the applicant and was open for questions.

The public hearing was closed at 3:51 p.m.

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

The motion passed by the following vote: 6 to 0
AYE: Grosse, Bryant, Lawrence, Williams, Sisniega, Deck
NAY: None
ABSTAIN: None
ABSENT: Gardaphe

11. Hold a public hearing and consider a request by Safe Place of the Permian Basin, for a zone change from SF-1, Single-Family Dwelling District to PD, Planned Development District for an Office Center and Housing Development, on the north half of Tracts 12, 13, and 14, Hillcrest Acres; and Lot 2, Block 3, Hillcrest Acres, Section 10; City and County of Midland, Texas. (Generally located on the south side of Andrews Highway, approximately 170 feet east of Woodcrest Drive. Council District 4)

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

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

The applicant was present but deferred to staff.

Resident Derick Crass, 4632 Princeton, Midland, Texas, spoke in opposition to the project due to the increase in traffic.

TJ McClure with Safe Place of Midland spoke on behalf of the applicant. He addressed Mr. Crass's concerns and was open for questions.

Commissioner Lawrence asked what type of client traffic does the shelter have. Mr. McClure explained that typically the shelter clients do not have their own vehicles and are bused by the shelter.

Commissioner Grosse asked if they will be keeping the original location. Mr. McClure explained that they would be closing that location and would only be using the new one.

The public hearing was closed at 4:05 p.m.

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

The motion passed by the following vote: 5 to 0 with 1 Abstention.
AYE: Grosse, Lawrence, Williams, Sisniega, Deck
NAY: None
ABSTAIN: Bryant
ABSENT: Gardaphe

12. Hold a public hearing and consider a request by Christopher Sean Elphick for a Specific Use Designation without Term for a Mobile Food Vendor Park, on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of North Big Spring Street and West 250 Loop North. Council District 3)

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

Commissioner Lawrence asked for clarification on the procedure for an alcohol permit. Staff explained the process.

The public hearing was opened at 4:10 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 4:10 p.m.

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

The motion passed by the following vote: 6 to 0
AYE: Grosse, Bryant, Lawrence, Williams, Sisniega, Deck
NAY: None
ABSTAIN: None
ABSENT: Gardaphe

13. Hold a public hearing and consider a request by Christopher Sean Elphick for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a mobile food vendor park, on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of North Big Spring Street and West 250 Loop North. Council District 3)

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

Commissioner Williams asked if each food truck would have to their own SUD. Staff explained that the SUD is given to the site.

Commissioner Lawrence asked if a stop light will be put into the nearby road. Planner Joseph Marynak explained that unless future development determines that, for now there will only be a restricted turn

The public hearing was opened at 4:17 p.m.

The applicant, Christopher S Elphick, addressed the commissioner. He explained that none of the food truck will be permitted to sell alcohol, only the onsite bar will be selling and they will be the only ones holding a TABC license.

Resident, Shafik Tejani, 40113 Ratliff Court, Odessa, Texas spoke in favor of the project.

The public hearing was closed at 4:20 p.m.

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

The motion passed by the following vote: 6 to 0
AYE: Grosse, Bryant, Lawrence, Williams, Sisniega, Deck
NAY: None
ABSTAIN: None
ABSENT: Gardaphe

14. Hold a public hearing and consider a request by Jose Chavez for a zone change from LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lot 2, Block 3, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of N. Madison Street, approximately 97-feet south of South Street. Council District 2)

Planner Kelly Martinez gave an overview of the project. With no letters of object received, staff recommended approval.

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

The applicant was not present.

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

Commissioner Williams moved to approve this request; seconded by Commission Sisniega.

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

MISCELLANEOUS

With no further items or business to come before the Commission, Commissioner Lawrence adjourned the meeting at 4:23 p.m.

Reggie Lawrence, Chairman

Date

Elizabeth Shaughnessy, Planning Division Manager
Department of Development Services

Date



Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Joseph Marynak, Planner

SUBJECT: Consider a proposed Preliminary Plat of Proposed plat of Moody Addition, Section 14, being a re-plat of Lots 1 through 4, Lots 9 through 12, and a 0.69 acre portion of alley right-of-way located adjacent to said lots, all out of Block 2, Moody Addition; and Lot 1A, Block 9 Moody addition, Section 10; City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of East Front Street and North Carver Street. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Parkhill, is proposing to replat a 3.41-acre tract of land of Lots 1 through 4, Lots 9 through 12, and a 0.69 acre portion of alley right-of-way located adjacent to said lots, all out of Block 2, Moody Addition; and Lot 1A, Block 9 Moody addition, Section 10; City and County of Midland, Texas, into one (1) lot for the development of commercial use.

Current Zoning:

LI, Light Industrial 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)

Location map shows Section 14, plat title shows Section 12?

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Okay as shown

ROW: Okay as shown

PAVING: Existing roads (Carver, Madison, South) okay as is. No public improvements required.

Pre TxDOT, access to BI 20 (Front Street) is not recommended based on the available frontage and recommended Access Management Standards.

WATER: Existing 6-inch and 8-inch water mains in Carver, Madison, and South 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: Existing 15-inch and 12-inch sewer mains on South and Carver streets okay as is. No public sewer improvements required.

DRAINAGE: Drainage study required. Post-development drainage/runoff should not be increased from pre-development conditions. FEMA firm data (zone, firm number, date) to be on plat face.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit

DIMENSION: * * *

OTHER: * * *

TRAFFIC: (Approved)

TxDOT comments, "Do not recommend allowing access to BI 20 (Front street) based on the available frontage and recommended Access Management Standards. 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.

FIRE: (Approved)

All future development shall comply with IFC 2015 ed. and local ordinances.

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.

PLANNING:

Verify Legal Description. Our records show the correct legal description should be “being a re-plat of Lots 1 through 4, Lots 9 through 12, and a 0.69 acre portion of alley right-of-way located adjacent to said lots, all out of Block 2, Moody Addition; and Lot 1A, Block 9 Moody addition, Section 10; City and County of Midland, Texas.”

Rename plat to “Moody, Section 14“

Show owners certificate, certificate of approval, and utility company certificates.

Provide a section for the plat recordation information.

Show existing, and proposed easements.

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

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

Staff recommends approval of the preliminary plat of Moody Addition, Section 14 subject to conditions A through C.

Conditions:

A. That the technical items listed above are addressed.

B. That a drainage study is approved.

C. 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

Application

Maps



Preliminary Plat Application

Project Number: Sub-21-0425
Case Number: P-21-1123

Proposed Subdivision Plat Name: Moody Addition, Section 14

Legal Description (attached sealed Metes and Bounds): Being a Replat of Lots 1-4, Lots 9-12, all out of Block 2, Moody Addition; and Lot 1A, Block 9, Moody Addition, Section 10, City and County of Midland, Texas

Property Owner Printed Name: <u>City of Midland</u>		Phone (432) <u>685-7100</u> Email	
Address <u>300 N. Loraine</u>	City <u>Midland</u>	State <u>Tx</u>	Zip <u>79701</u>

Developer (if different than Owner) Printed Name:		Phone () Email	
Address	City	State	Zip

Representative (if acting as Agent, see affidavit on page 2) Firm: <u>Parkhill</u> Printed Name: <u>Josh Wallender</u> (PSC PROJ # 6077.21)		Phone (432) <u>697-1447</u> Email <u>jwallender@Parkhill.com</u>	
Address <u>1700 West Wall, Suite 100</u>	City <u>Midland</u>	State <u>Texas</u>	Zip <u>79701</u>

Current Zoning: LI

Reason for Platting: Combining two smaller lots for commercial use
3.41 Ac.

Plat Information	Total Acreage:
Type: ☒ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Lots:	Number of Multi-family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

- 1 FOLDED Copy of Dimensioned Plat
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF)
- Application Fee – Payable to the 'City of Midland'

Request for a Development Agreement

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): City of Midland

Date: 6-23-2021

Property Owner (printed): City of Midland

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 _____ or is authorized by City of Midland the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 23 day of June, 20 21, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization ☒ 1 Copy of Dimensioned Plat ☒ Plat in Digital Format (PDF/JPEG)

☒ Application Fee ☒ 1 Copy of Plat (11x17)

Check # N/A

Received By: [Signature]

Date: 11/19/2021

BY: [Signature]

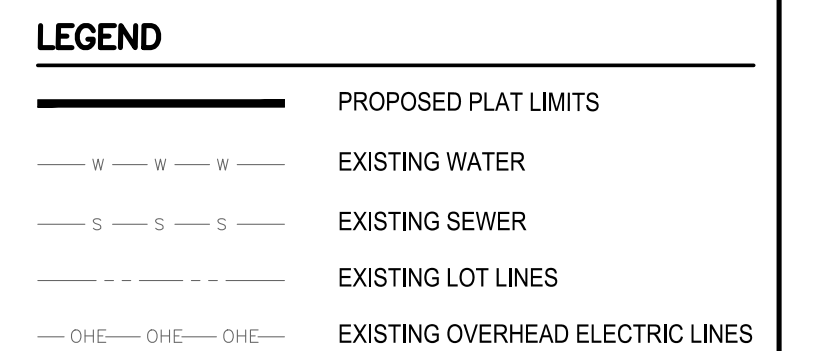
****Application will not be considered for scheduling until reviewed by a planner.****

Preliminary Plat Application 2

Revised 07/01/19

Being a Replat of Lot 10, Block 2, Moody Addition,
and
Lot 1A, Block 9, Moody Addition, Section 10
City and County of Midland, Texas

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. 1/2" IRON ROD WITH PLASTIC CAP MARKED "PSC RPLS 6453" SET AS INDICATED ON THIS PLAT.
3. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THESE LOTS MAY BE DEVELOPED OR BEFORE A BUILDING PERMIT MAY BE OBTAINED.
4. INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATING 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.

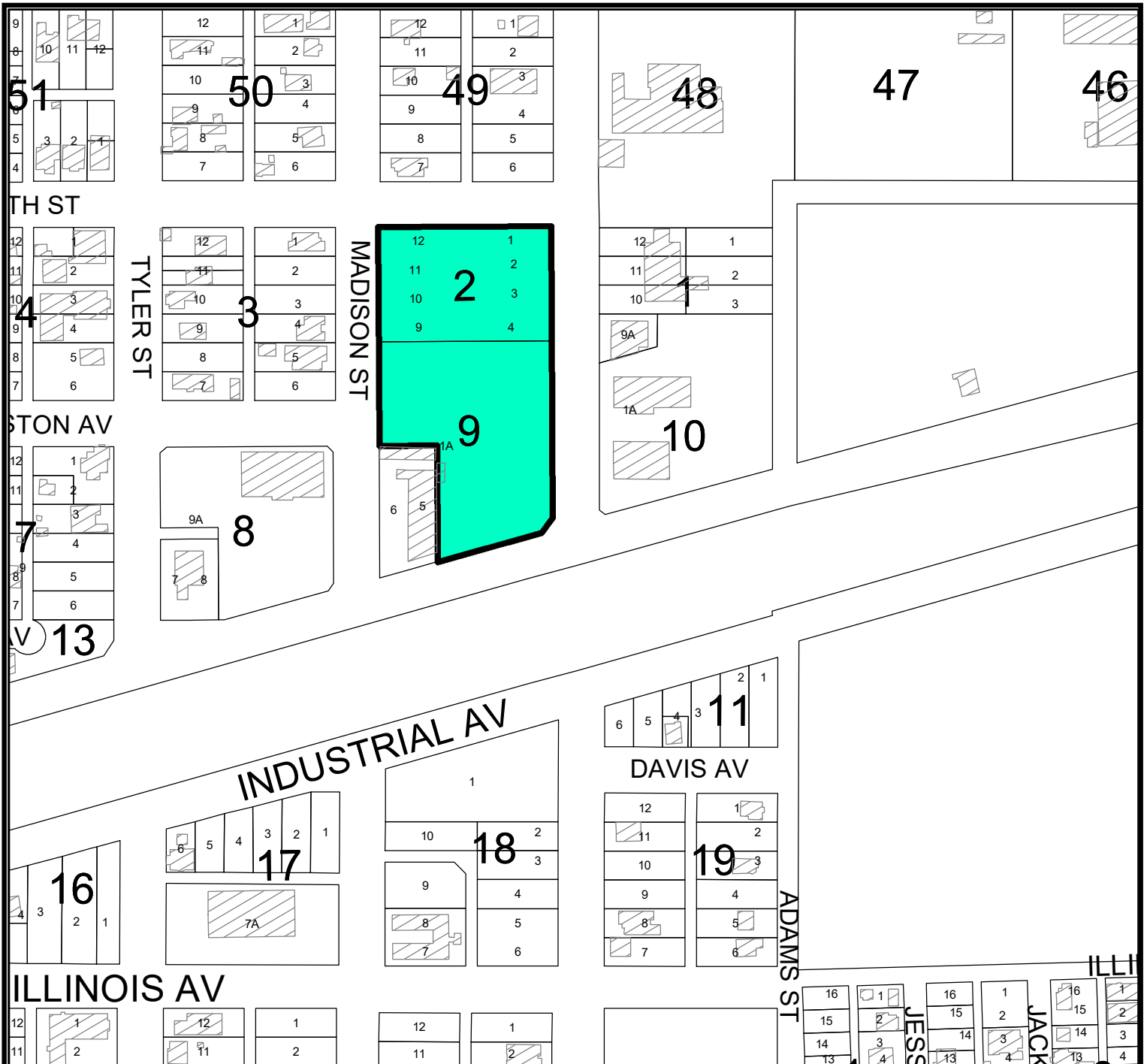


Parkhill

TBPELS FIRM REGISTRATION NO. 10194091

PACKET
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LOCATION MAP

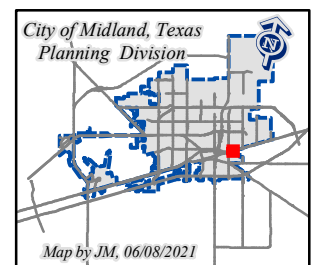
SUB-21-0425

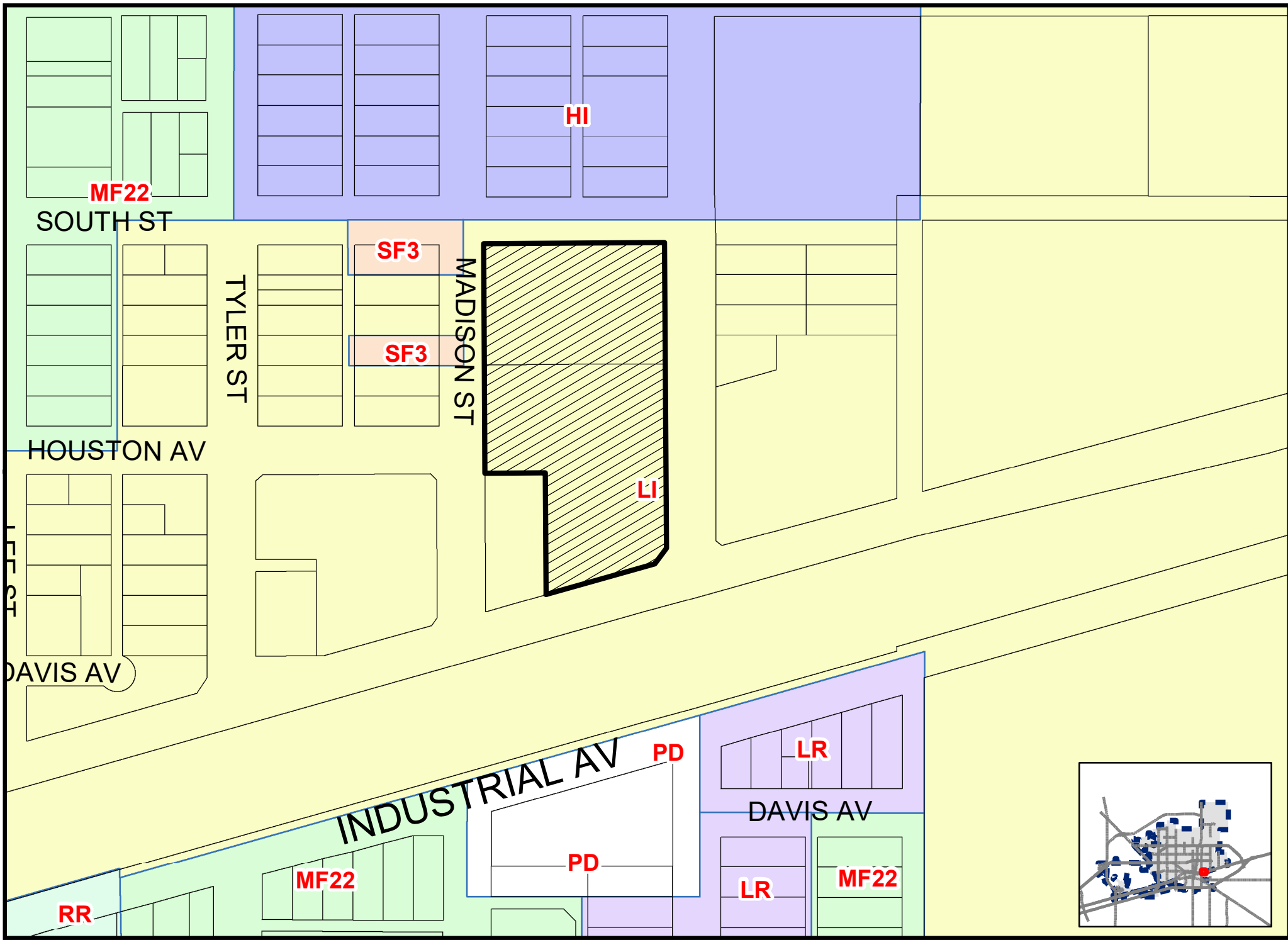
Scale: 1" = 250'

Consider a proposed Preliminary Plat of Proposed plat of Moody Addition, Section 14, being a re-plat of Lots 1 through 4, Lots 9 through 12, and a 0.69 acre portion of alley right-of-way located adjacent to said lots, all out of Block 2, Moody Addition; and Lot 1A, Block 9 Moody addition, Section 10; City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of East Front Street and North Carver Street. Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Kelly Martinez, Planner

SUBJECT: Consider a proposed Preliminary Plat of Shenandoah Bar M Ranch, Section 2 being a replat of Tract 16, Shenandoah Bar M Ranch, Midland County, Texas. (Generally located northwest of the intersection of N. County Road 1123 and E. County Road 59. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Watson Professional Group Inc., is requesting to replat Tract 16, Shenandoah Bar M Ranch, Midland County, Texas for ownership purposes.

Current Zoning:

ETJ, Extraterritorial Jurisdiction

Departmental Review:

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

BUILDING CODE: (Approved)

ETJ, no jurisdiction

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Impact fee statement okay as shown.

ROW: ROW dedication okay as shown.

PAVING: Paving on both ECR 59 and NCR 1123 is substandard. Install paving in compliance with City of Midland Standards along the platted frontage, or request a deferral.

WATER: No water existing in ECR 59 or NCR 1123. Install public water lines in ECR 59 and NCR 1123 along the platted frontage, or request a deferral.

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: No sewer existing ECR 59 and NCR 1123. Install public water lines in ECR 59 and NCR 1123 along the platted frontage, or request a deferral.

DRAINAGE: No Drainage Report required at this time. Existing site is developed; if proposing to re-develop site drainage can be reviewed with building permit.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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 applications from the 2 proposed lots of Shenandoah Bar Ranch, Section 2, REPLAT OF TRACT 16 SHENANDOAH BAR M RANCH MIDLAND COUNTY TEXAS lot 1 is 1 acre, lot 2 is 1 acre, to ensure the proposed plans for the existing residences on both lots 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.

Midland County:

They are on a private road so they will not need anything from Road & Bridge.

PLANNING:

The plat name should be "Shenandoah Bar M Ranch, Section 2"

According to the Midland Central Appraisal District, the property owners are Damon E and Patricia Tipping. Please include both names on the face of the plat and application.

The property acreage does not match with what is on record at the Midland Central Appraisal District.

Add the subdivision name; block number, and lot number for abutting property owners.

Under Certificate of Approval, please change the name to Elizabeth Shaughnessy.

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

Conditions:

- A. That the technical items listed above are addressed.
- B. That all public improvements required are addressed.
- C. 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 (Exhibit A)
Maps
Application



Preliminary Plat Application

Project Number: SUB-21-0432
Case Number: P-21-1122

Proposed Subdivision Plat Name: Shenandoah Bar Ranch, Section 2"

Legal Description (attached sealed Metes and Bounds): _____

being a replat of Tract 16, Shenandoah Bar M Ranch, Midland County, Texas

Property Owner DAMON TIPPING
Printed Name: DAMON TIPPING

Phone (817) 271-8542
Email d.tipping@sbcglobal.net

Address 6701 E. CR 59

City MIDLAND

State TX

Zip 79706

Developer (if different than Owner)
Printed Name: _____

Phone ()
Email _____

Address _____

City _____

State _____

Zip _____

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

Firm: WATSON PROFESSIONAL GROUP INC

Printed Name: Ashlee Johnson

Phone (432) 520-9200
Email _____

ajohnson@wpg-us.com

Address PO Drawer 11186

City Midland

State TX

Zip 79702

Current Zoning: ETJ

Reason for Platting: Ownership

Plat Information

Total Acreage: 2.081

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☒ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 2

Number of Multi-Family Dwelling Units: _____

Submittal and Fees

Items to be submitted with this application form:

- 1 FOLDED Copy of Dimensioned Plat
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF)
- Application Fee – Payable to the 'City of Midland'

Request for a Development Agreement

Do you expect to request a development agreement with the City? ☐ Yes ☐ No

If yes, contact the City Engineer at (432) 685-7286

RECEIVED
JUN 23 2021

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): *Damon Tipping* Date: 6/21/2021

Property Owner (printed): Damon Tipping

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.

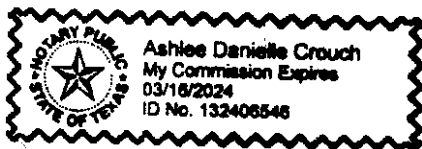
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Ashlee Johnson who, being by me duly sworn, upon oath says: That (s)he is authorized by Damon Tipping, 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.

Ashlee Johnson
Authorized Agent (signature)

Subscribed and sworn to before me, this 23rd day of June, 20 21, to certify which witness my hand and seal of office.



Ashlee Danielle Crouch
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

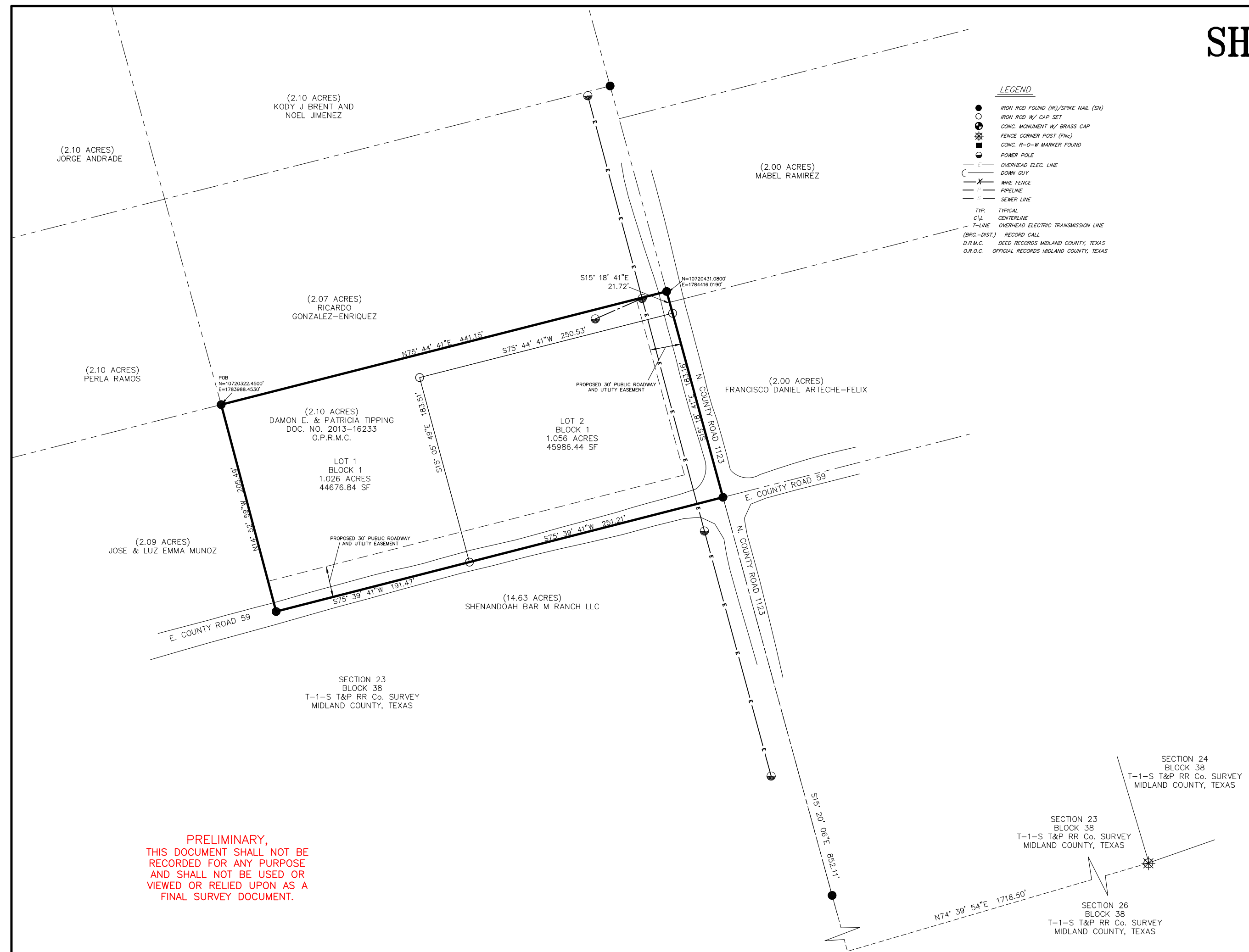
☐ Property Owner Authorization ☐ 1 Copy of Dimensioned Plat ☐ Plat in Digital Format (PDF/JPEG)
☐ Application Fee ☐ 1 Copy of Plat (11x17)
Check # _____

Received By: _____

Date: _____

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

SHENANDOAH BAR RANCH, SECTION 2
BEING A REPLAT OF TRACT 16, SHENANDOAH BAR M RANCH,
MIDLAND COUNTY, TEXAS.



OWNER'S CERTIFICATE
THE STATE OF TEXAS
COUNTY OF MIDLAND
Whereas, DAMON TIPPING is the record owner of a 2.081 acre tract of land, being out of Section 23, Block 38, T-1-S,
T & P RR CO. Survey, Midland County, Texas.
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, DAMON TIPPING, do hereby adopt this plat designating the herein above described property as "SHENANDOAH
BAR RANCH, SECTION 2", an addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public
use forever the streets, alleys and easements shown hereon, for the purpose and consideration herein expressed, and an
easement of ingress and egress for trash location, and location and maintenance of trash containers, 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.

DAMON TIPPING Date

CERTIFICATE OF APPROVAL
STATE OF TEXAS }
COUNTY OF MIDLAND }

This is to certify that the above and foregoing plat of "SHENANDOAH BAR RANCH,
SECTION 2" was approved by proper action of the City Planning and Zoning
Commission of the City of Midland, Texas on this the ____ day of
_____, 2021, A.D.

REGGIE LAWRENCE, CHAIRMAN

CRISTINA ODENBORG BURNS, SECRETARY

ACKNOWLEDGEMENT
STATE OF TEXAS }
COUNTY OF MIDLAND }

Before me, the undersigned authority, on this day
personally appeared DAMON TIPPING, known to me to be
the person whose name is subscribed to the foregoing
instrument and acknowledged to me that he executed
the same for the purposes and considerations therein
expressed.

Given under my hand and seal of office this the ____
day of _____, 2021, A.D.

Notary Public in and for the State of Texas

Printed name of Notary _____
My commission expires: _____

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

ATMOS ENERGY
BY: _____

AT&T
BY: _____

SUDDENLINK COMMUNICATION
BY: _____

GRANDE COMMUNICATION
BY: _____

ONCOR ELECTRIC DELIVERY
BY: _____

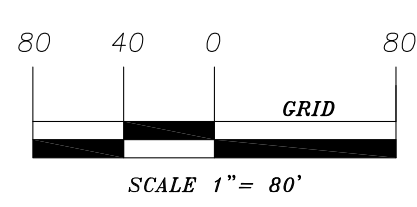
PRELIMINARY,
THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE
AND SHALL NOT BE USED OR
VIEWED OR RELIED UPON AS A
FINAL SURVEY DOCUMENT.

OWNER: DAMON TIPPING
6701 E. COUNTY ROAD 59
MIDLAND, TX 79706

SURVEYOR'S CERTIFICATE
THE UNDERSIGNED DOES 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 THE LICENSED SURVEYOR'S PERSONAL SUPERVISION, IN
ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF
MIDLAND, TEXAS.

DATED: _____, 2021

W.D. WATSON
REGISTERED PROFESSIONAL LAND SURVEYOR
#1989

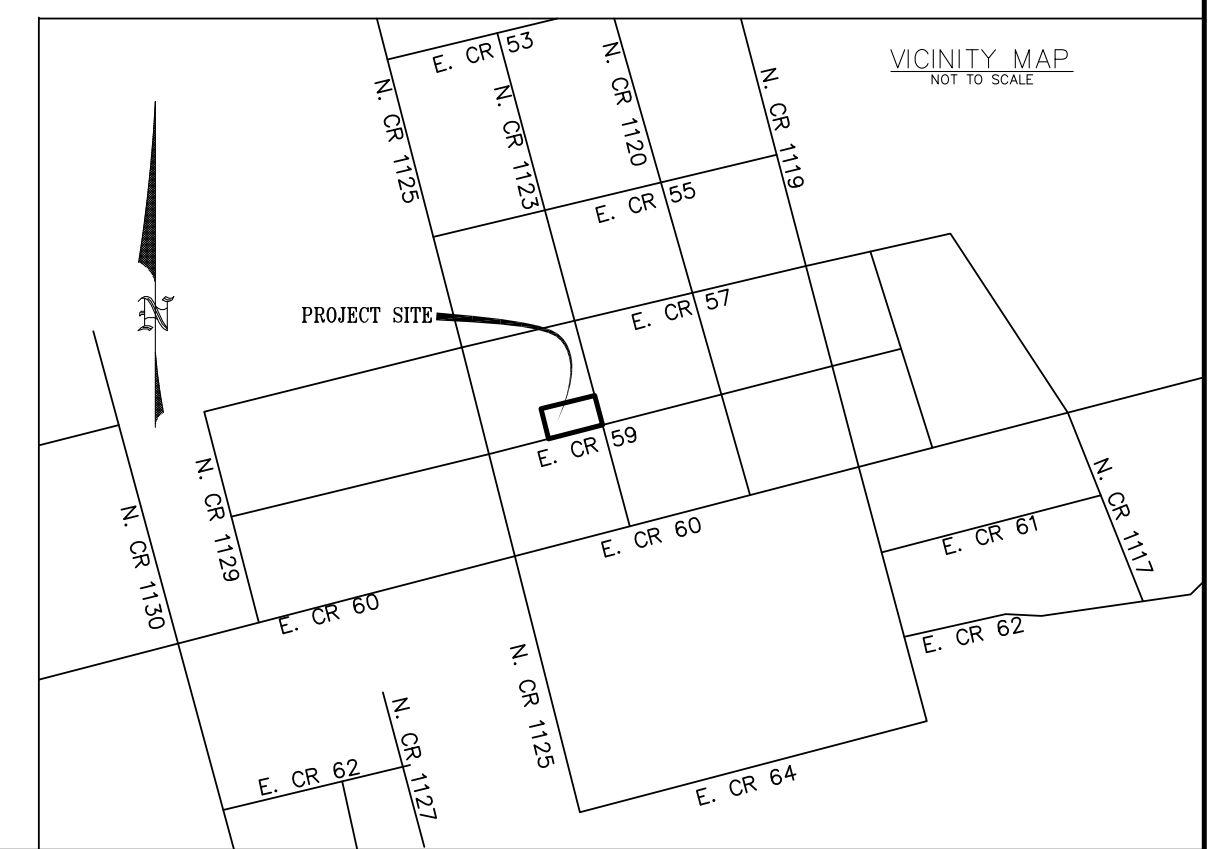


P.O. DRAWER 11186
MIDLAND, TEXAS 79702
(432) 520-9200
FAX (432) 520-9212
FIRM#10146900

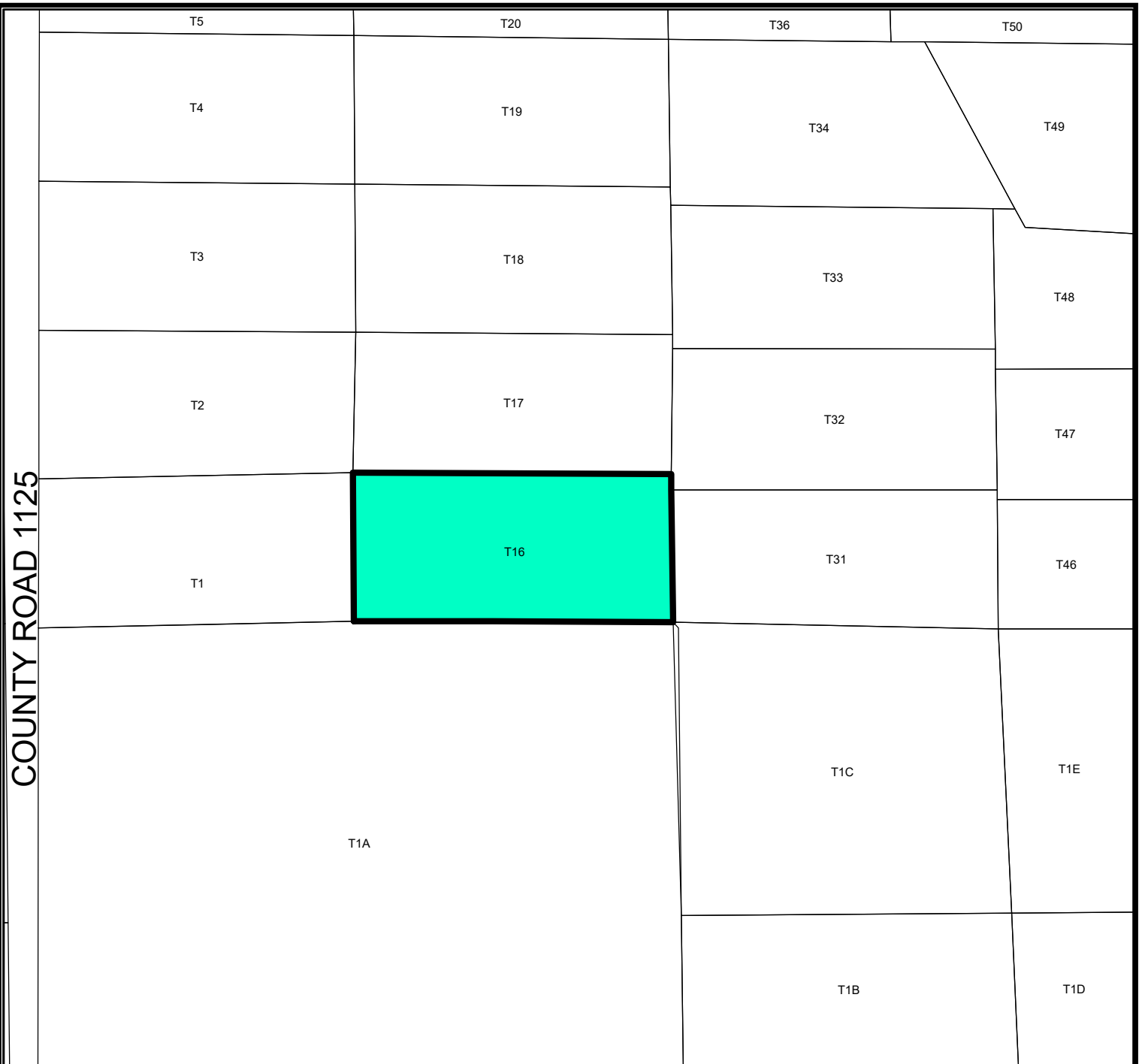
CONSULTING ENGINEERS, LAND SURVEYORS & PLANNERS
JOB NO.: 21-1016-00 DRAFT A.J. REV. 0
FILE: T:MIDLAND/TITLE SURVEYS/ 6701 E CR 59

- NOTE:
- BEARINGS, DISTANCES AND ACREAGE SHOWN HEREON ARE NAD83, LAMBERT GRID COORDINATES AND CONFORM TO THE TEXAS COORDINATE SYSTEM, "TEXAS CENTRAL ZONE".
 - 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.
 - ACCORDING TO FEMA MIDLAND COUNTY IS A "MAPPED" COUNTY, BUT ONLY CERTAIN FEDERAL FLOOD INSURANCE RATE MAP PANELS ARE AVAILABLE. THE SUBJECT TRACT DESCRIBED HEREON IS LOCATED IN ZONE X AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD BOUNDARY MAP, PANELS NO. 48329C0125F AND WITH A REVISED DATE OF SEPTEMBER 16, 2005.
 - 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.

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



COUNTY ROAD 1125



LOCATION MAP

SUB-21-0432

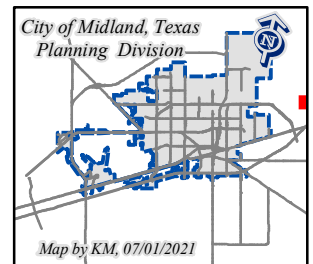
Scale: 1" = 200'

Proposed Plat of Shenandoah Bar M Ranch, Section 2 being a replat of Tract 16, Shenandoah Bar M Ranch, Midland County, Texas.

Generally located northwest of the intersection of N. County Road 1123 and E. County Road 59.
(Extraterritorial Jurisdiction)

LEGEND

-  CITY LIMITS
-  PARCEL
-  PRIVATE BLDGS





Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Kelly Martinez, Planner

SUBJECT: Consider a Proposed Final Plat of Chase Five Addition, Section 3, being 6.756-acres out of the north part of Block 38, T-2-S, C.A. Miller Survey, A-633, Midland County Texas. (Generally located on the south side of East County Road 130, approximately 1,447-foot east of Farm to Market Road 1213. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

ETJ, Extraterritorial Jurisdiction

Preliminary Plat Approval:

The preliminary plat was approved on May 17th at the 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 Chase Five Addition, Section 3, has been circulated to all City departments for their review. The comments are below

Engineering: (Approved)

IMPACT FEES: Ok as shown

ROW: Ok as shown.

PAVING: Deferral Approved by City of Midland on 6/29/2021

WATER: Deferral Approved by City of Midland on 6/29/2021.

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: Deferral Approved by City of Midland on 6/29/2021.

DRAINAGE: Drainage study approved by City of Midland on 6/28/2021.

EASEMENTS: Ok as shown.

SIDEWALKS: Deferral Approved by City of Midland on 6/29/2021.

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

No objections to plat.

Fire: (Approved)

No comments.

Code Compliance: (Approved)

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

Building: (Approved)

ETJ, no jurisdiction. All septic systems are permitted and regulated by the City of Midland Health Department.

Midland County:

They will need to get a permit to tie into ECR 130.

Planning: (Approved)

Staff recommends approval of the Final Plat of Chase Five Addition, Section 3, 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
Maps



Final Plat Application

Project Number:

SUB-21-0405

Case Number:

P-21-1110

Proposed Subdivision Plat Name: Chase Five Addition Section 3

Legal Description (attached sealed Metes and Bounds): BEING 6.756 ACRES OUT OF THE NORTH PART OF BLOCK 38, T-2-S, C.A. MILLER SURVEY, A-633, MIDLAND COUNTY, TEXAS .

Property Owner

Printed Name: DFW Well Services LLC

Phone (940) 536-8560

Email mmuller@enercorp.net

Address 2222 County Road 340

City Gainesville

State TX

Zip 76240

Developer (if different than Owner) Printed Name:

Phone ()

Email

Address

City

State

Zip

Representative (if acting as Agent, see affidavit on page 2) Firm: Schumann Engineering Co., Inc.

Printed Name: Eduardo L. Aleman

Phone (432) 684-5548

Email

ealeman@schumannonline.net

Address 800 N. Marienfeld Suite 100

City Midland

State TX

Zip 79701

Current Zoning:**Reason for Platting:** To obtain septic Permits.**Plat Information**

Total Acreage: 6.756

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)
- 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: 6-1-21

Property Owner (printed): Matt Muller

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.

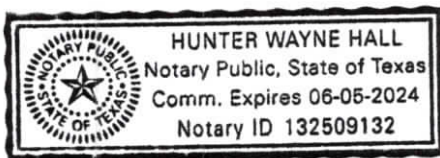
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Eduardo L. Aleman who, being by me duly sworn, upon oath says: That (s)he is authorized by Matt Muller, 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 1st day of June, 20 21, to certify which witness my hand and seal of office.



[Signature]

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 (missing)	☒ 1 Copy of Plat (11x17)	☐ Public Improvements
☒ Application Fee	☒ Title Opinion	☒ Recording Fee
Check # <u>1645</u>	☒ Tax Certificates	Check # <u>1644</u>
Received By: <u>Joseph Marynack</u>		Date:

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

BEING 6.756 ACRES OUT OF THE NORTH PART OF
BLOCK 38, T-2-S, C.A. MILLER SURVEY, A-633,
MIDLAND COUNTY, TEXAS



SCHUMANN
ENGINEERING CO.
A LATERAL LAND COMPANY

CIVIL ENGINEERING - LAND SURVEYING
TEXAS FIRM NO. F1880 - TEXAS FIRM NO. 10149500

800 N. WARENFELD STREET
SUITE 100
HOUSTON, TEXAS 77071

Office (432) 684-5548

CHASE FIVE ADDITION, SECTION 3



				DRAWN BY:	KDS	DATE:	2/4/2021
2	5/18/2021	PREPARED FINAL PLAT	EA				
1	4/8/2021	PREPARED PRELIMINARY PLAT	EA	CHECKED BY:	RJD	DRAWING NO.:	77806
NO.	DATE	DESCRIPTION	BY	JOB NO.:	77,806	SHEET	1 OF 1

E CR 130

1

3

1A

LOCATION MAP

SUB-21-0405

Scale: 1" = 200'

Proposed plat of Chase Five Addition, Section 3, being 6.756-acres out of the north part of Block 38, T-2-S, C.A. Miller Survey, A-633, Midland County, Texas.

Generally located on the south side of East County Road 130, approximately 1447-feet east of Farm to Market Road 1213. (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:
Elizabeth Shaughnessy

MEETING DATE: July 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Elizabeth Shaughnessy, Planning Division Manager

SUBJECT: Hold a public hearing and consider a request by Betenbough for a Zone Change from AE, Agricultural Estate District to TH, Townhouse Dwelling District on a 9.70-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 northeast intersection of Occidental Parkway and Fairgrounds Road. Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

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

Current Zoning:

AE, Agricultural Estate District.

Surrounding Zoning and Land Use:

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

Analysis:

The applicant, Betenbough Homes is requesting approval of a zone change for the development of smaller, more affordable homes. The requested zoning for this property is TH, Townhouse Dwelling District, which requires a minimum lot area of 2,500 square

feet per Dwelling unit. This proposed subdivision will have forty (40) residential lots and three (3) common area.

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 and Gas issues.- For Zone Change.

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:

The Tall City Tomorrow Comprehensive Plan future land use map calls for Urban-Low uses at this location. The Urban-Low classification calls for diverse complementary uses such as mostly single-family, with some attached, townhome and small multi-family projects, schools, small parks and churches, and neighborhood retail or mixed use. This promotes compatibility to be achieved through gradual increases of intensity transitioning from one land use to another.

Staff recommends approval of the zone change from AE, Agricultural Estate District to TH, Townhouse Dwelling District, subject to condition A.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the TH, Townhouse Dwelling District.**

Letters of Objection:

As of July 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: 2-21-0246
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 <u>9.70 Acre Tract In Section 7, Block 38, T-1-S, T. & P. RR. Co. Survey,</u> Lot: <u>See Attached Plat</u> Block: <u>See Attached Plat</u> Subdivision: <u>City and County of Midland, Texas (NW Corner of Lone Star Trails II)</u>	

Current Zoning: <u>AE</u>	Proposed Zone: <u>TH (Townhomes)</u> (List by tracts if more than one district is requested)
Reason for Zone Change Request: <u>Townhomes are in demand throughout the Permian Basin.</u>	
Present Use of Property: <u>Vacant</u>	
Proposed Use of Property: <u>Townhomes</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>N/A</u>	

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

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>Ronnie Wallace</u>	Date: June 21, 2021
Applicant (printed): Ronnie Wallace, Land Planner, Betenbough Homes	
Property Owner (signature): <u>Ronnie Wallace</u>	Date: June 21, 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: <u>Y. Shaman</u>	Date: <u>JUN 21 2021</u>

RECEIVED
 JUN 21 2021
 BY: 115

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

METES & BOUNDS DESCRIPTION

9.70 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 9.70 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:10727017.37', E:1757323.48') a point in the north line of said 354.08 acre tract, the north line of Midland County, the south line of Martin County, and the east right of way line of Fairgrounds Road for the northwest corner of this tract, whence the northwest corner of said 354.08 acre tract bears South 89°46'09" West, a distance of 286.60 feet;

Thence South 89°06'49" East with the north line of said 354.08 acre tract and the common line between Midland and Martin Counties, a distance of 1321.08 feet to a point in the north right of way line of Occidental Parkway for the northeast corner of this tract;

Thence with the north right of way line of said Occidental Parkway the following seven (7) courses and distances:

1. with a curve to the left in a southwesterly direction, said curve having a radius length of 1092.00 feet, an arc length of 512.27 feet, a delta angle of 26°52'42", and a chord length of 507.59 feet bearing South 58°22'01" West to a point of tangency in the south line of this tract;
2. South 44°55'41" West, a distance of 112.97 feet to a point of curvature in the south line of this tract;
3. with a curve to the right in a southwesterly direction, said curve having a radius length of 908.00 feet, an arc length of 15.84 feet, a delta angle of 00°59'59", and a chord length of 15.84 feet bearing South 45°25'41" West to a point of tangency in the south line of this tract;
4. North 44°04'19" West, a distance of 30.00 feet to a point of curvature in the south line of this tract;
5. with a curve to the right in a southwesterly direction, said curve having a radius length of 878.00 feet, an arc length of 454.10 feet, a delta angle of 29°38'00", and a chord length of 449.05 feet bearing South 60°44'40" West to a point of tangency in the south line of this tract;
6. South 75°33'40" West, a distance of 147.31 feet to a point of deflection in the south line of this tract;
7. North 59°23'53" West, a distance of 13.78 feet to a point in the east right of way line of said Fairgrounds Road for the southwest corner of this tract;

Thence with the east right of way line of said Fairgrounds Road the following three (3) courses and distances:

1. North 14°23'53" West, a distance of 166.26 feet to a point of curvature in the west line of this tract;
2. with a curve to the left in a northwesterly direction, said curve having a radius length of 1490.00 feet, an arc length of 395.87 feet, a delta angle of 15°13'22", and a chord length of 394.71 feet bearing North 22°00'34" West to a point of reverse curvature in the west line of this tract;
3. with a reverse curve to the right in a northwesterly direction, said curve having a radius length of 1360.00 feet, an arc length of 88.60 feet, a delta angle of 03°43'58", and a chord length of 88.59 feet bearing North 27°45'16" West to the Point of Beginning;

Containing 9.70 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.

17 June 2021



Aaron S. Burrell
Registered Professional Land Surveyor
Texas No. 5689

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 Zoning TH

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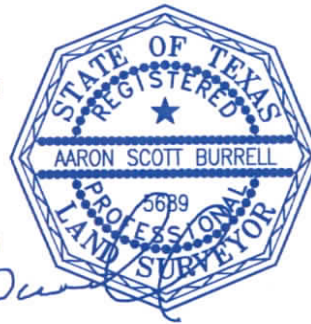
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17 June 2021



Aaron S. Burrell
Registered Professional Land Surveyor
Texas No. 5689



PACKET

Page 6.39

Professional Land Surveying & Mapping

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Midland, Texas 79701 Midland, Texas 79708

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Page 2 of 2
LSTII Zoning TH

July 19, 2021

METES & BOUNDS DESCRIPTION

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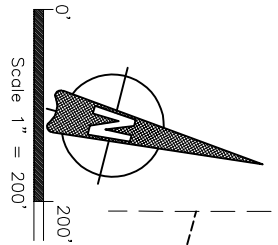
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July 19, 2021

Page 2 of 2
LSTII Zoning TH



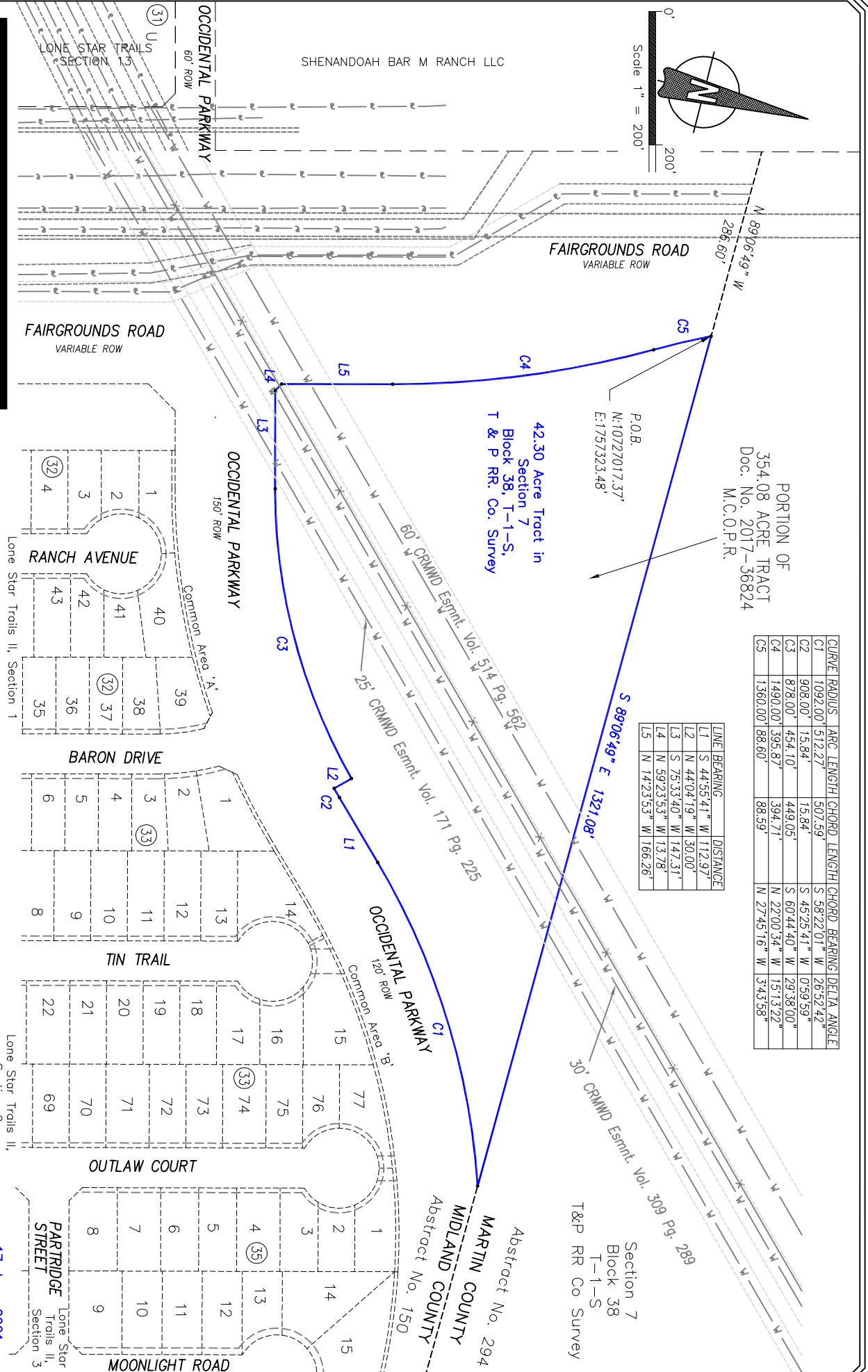
PORTION OF
354.08 ACRE TRACT
Doc. No. 2017-36824
M.C.O.P.R.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1092.00'	512.27'	507.59'	S 58°22'01" W	26°52'42"
C2	908.00'	15.84'	15.84'	S 45°25'41" W	0°59'59"
C3	878.00'	454.10'	449.05'	S 60°44'40" W	29°36'00"
C4	1490.00'	395.87'	394.71'	N 22°00'34" W	15°13'22"
C5	1360.00'	188.60'	88.59'	N 27°45'16" W	3°43'58"

LINE	BEARING	DISTANCE
L1	S 44°55'41" W	112.97'
L2	N 44°04'19" W	30.00'
L3	S 75°33'40" W	147.31'
L4	N 59°23'53" W	13.78'
L5	N 14°23'53" W	166.26'

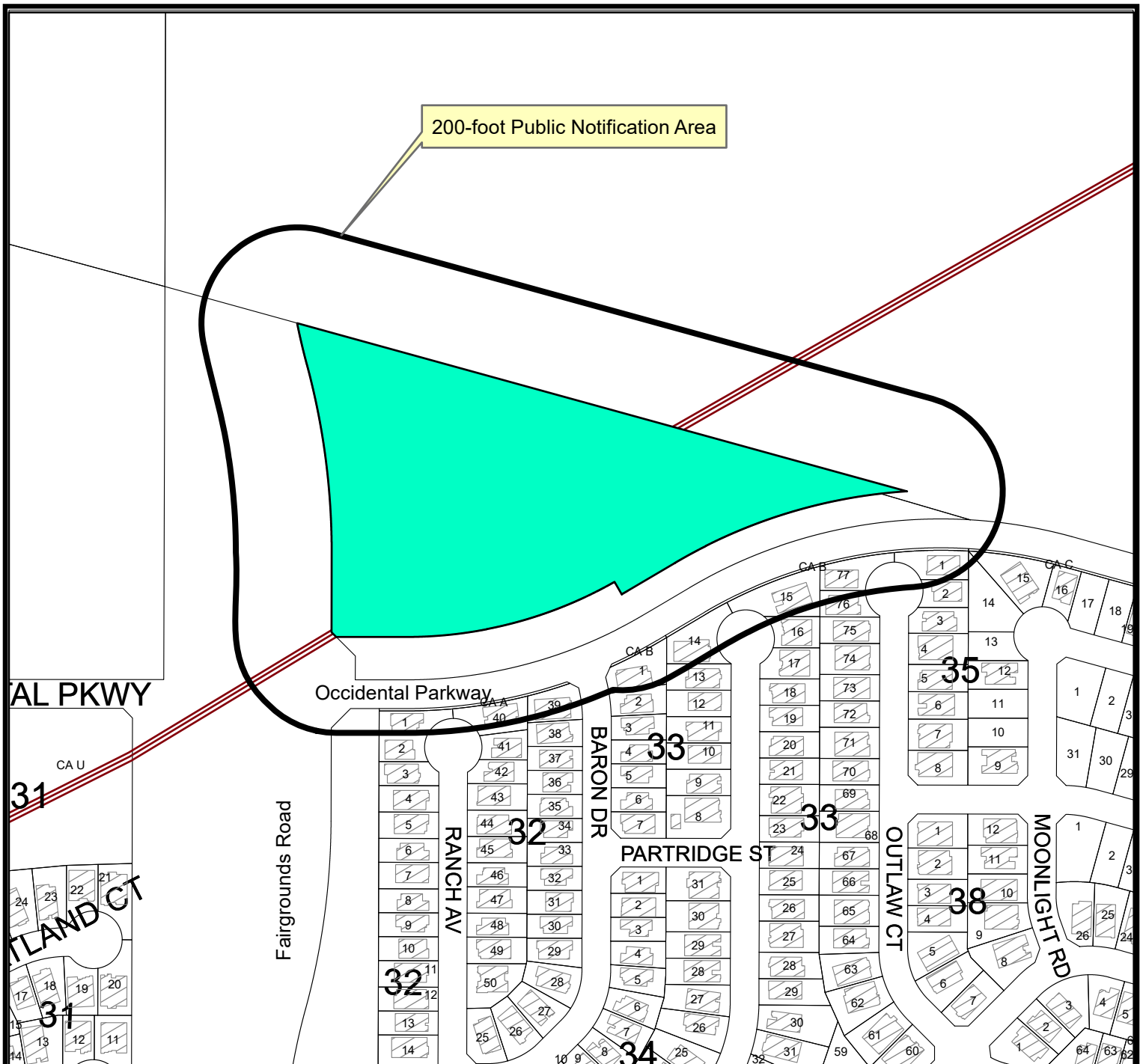
42.30 Acre Tract in
Section 7
Block 38, T-1-S,
T & P RR. Co. Survey

Section 7
Block 38
T-1-S
T&P RR Co Survey



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

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LSTII Zoning TH



LOCATION MAP

Z-21-0426

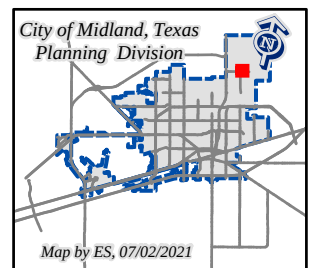
Scale: 1" = 200'

Consider a request by Betenbough Homes for a zone change from AE, Agricultural Estate District to TH, Townhouse Dwelling District on a 9.70-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 northeast intersection of Occidental Parkway and Fairgrounds Road.
(Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS













Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Elizabeth Shaughnessy, Planning Division Manager

SUBJECT: Hold a public hearing and consider a proposed Preliminary Plat of West End Addition, Section 26, being a residential replat of Lots 1 & 2, Block 37, West End Addition, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Indiana Avenue and South E Street. Council District 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The property owner, Alamo Heights Homes, LLC is proposing to replat Lots 1 & 2, Block 37, West End Addition, City and County of Midland, Texas into two (2) lots to correct the internal lot line placement. This is considered a residential replat, which requires a public hearing.

Current Zoning:

SF-3, Single-Family Dwelling District.

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

Departmental Review:

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Okay as shown

ROW: Okay as shown

PAVING: W. Indiana Ave and E-Street roadways okay as is. No public paving improvements required.

WATER: Existing 16-inch water main on north of property, 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: Existing 6-inch wastewater main on alley south of property okay as is. No public wastewater improvements required.

DRAINAGE: FEMA Firm data (zone, firm number, date) to be on plat face. Drainage study not required for development into single family residences. Development considered infill.

EASEMENTS: Our records show the public utility easement in the alley being 20-ft wide instead of the shown 10-ft wide easement shown on the plat. Confirm the correct width of the public utility easement and revise accordingly.

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)

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

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 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)

Check closure from coordinate at the POB to coordinate at the southeast corner.

Colorado River Municipal Water District:

No comments.

PLANNING: (Approved with Conditions)

Verify that all easements and dedications are all described within the title opinion.

Double check metes and bounds.

Remove the label Lot 1 and Lot 2. Relabel them Lot 2A and Lot 1A. Add square footage of each proposed lot.

Provide the Owner's Certificate, Acknowledgment, Surveyor's Certificate, Certificate of Approval, and Utility Company's Certificate.

Under Certificate of Approval, please change the secretary name to Elizabeth Shaughnessy.

Add the subdivision name, block number, and lot number for abutting property owners.

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

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

The planning department supports approval of the preliminary plat of West End Addition, Section 26 subject to conditions A and B.

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
Application
Map



Preliminary Plat Application

Project Number:

Case Number:

SUB-21-0421
P-21-1124Proposed Subdivision Plat Name: West End Addition, Section 26Legal Description (attached sealed Metes and Bounds): Lots 1 & 2, Block 37, West End Addition**Property Owner**Printed Name: Alamo Heights Homes, LLC

Phone (806) 441-6453

Email
mdawson@dawsonparrish.comAddress 309 W 7TH ST STE 915City Ft WorthState TxZip 76102**Developer (if different than Owner)**

Printed Name:

Phone ()

Email

Address

City

State

Zip

Representative (if acting as Agent, see affidavit on page 2)Firm: ParkhillPrinted Name: Josh Wallender

(PSC PROJ # 6077.21)

Phone (432) 697-1447

Email
jwallender@Parkhill.comAddress 1700 West Wall, Suite 100City MidlandState TexasZip 79701Current Zoning: LIReason for Platting: To Correct a lot line placement**Plat Information**

Total Acreage:

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

Number of Lots:

Number of Multi-family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

- 1 FOLDED Copy of Dimensioned Plat
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF)
- Application Fee – Payable to the 'City of Midland'

Request for a Development AgreementDo you expect to request a development agreement with the City? ☐ Yes ☐ No

If yes, contact the City Engineer at (432) 685-7286

Provisions

A plat application will not be considered filed pursuant to Section 212.009 of the Texas Local Government Code until all required documents and fees have been submitted and ***all of the terms and conditions of the Subdivision Ordinance, including all necessary studies, plans and supporting information are accepted and approved***, or the applicant has filed a waiver request for sections from which the plat deviates. Once a plat meets the requirements to be considered filed with the City, the application will be placed on the Planning and Zoning Commission agenda for consideration under the time requirements set out in Section 212.009.

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

Property Owner (signature): [Signature]

Date: 06/22/2021

Property Owner (printed): Michael Dawson

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 _____ 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.

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 23 day of June, 20 21, to certify which witness my hand and seal of office.



[Signature]

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ 1 Copy of Dimensioned Plat

☒ Plat in Digital Format (PDF/JPEG)

☒ Application Fee

☒ 1 Copy of Plat (11x17)

Check # 001509

Received By: [Signature]

Date: JUN 22 2021

BY: [Signature]

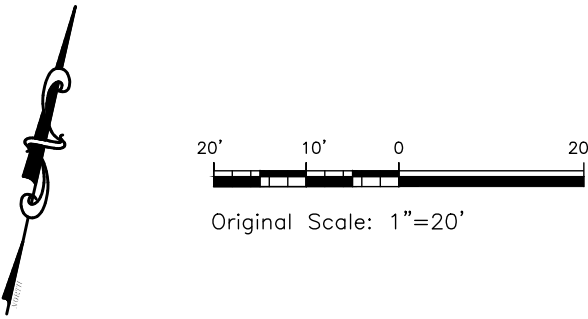
****Application will not be considered for scheduling until reviewed by a planner.****

PRELIMINARY PLAT
WEST END ADDITION
SECTION 24

Being a Replat of Lots 1 and 2, Block 37
West End Addition
City and County of Midland, Texas

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. 1/2" IRON ROD WITH PLASTIC CAP MARKED "PSC RPLS 6453" SET AS INDICATED ON THIS PLAT.
3. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THESE LOTS MAY BE DEVELOPED OR BEFORE A BUILDING PERMIT MAY BE OBTAINED.
4. 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.



LEGEND

- PROPOSED PLAT LIMITS
- PROPOSED PLATTED LOT LINES
- EXISTING WATER
- EXISTING SEWER
- EXISTING LOT LINES
- EXISTING OVERHEAD ELECTRIC LINES
- BUILDING SETBACK LINE

OWNER &
DEVELOPER:

ALAMO HEIGHTS HOMES, LLC
309 W 7TH ST, STE. 915
FT WORTH, TEXAS 76102

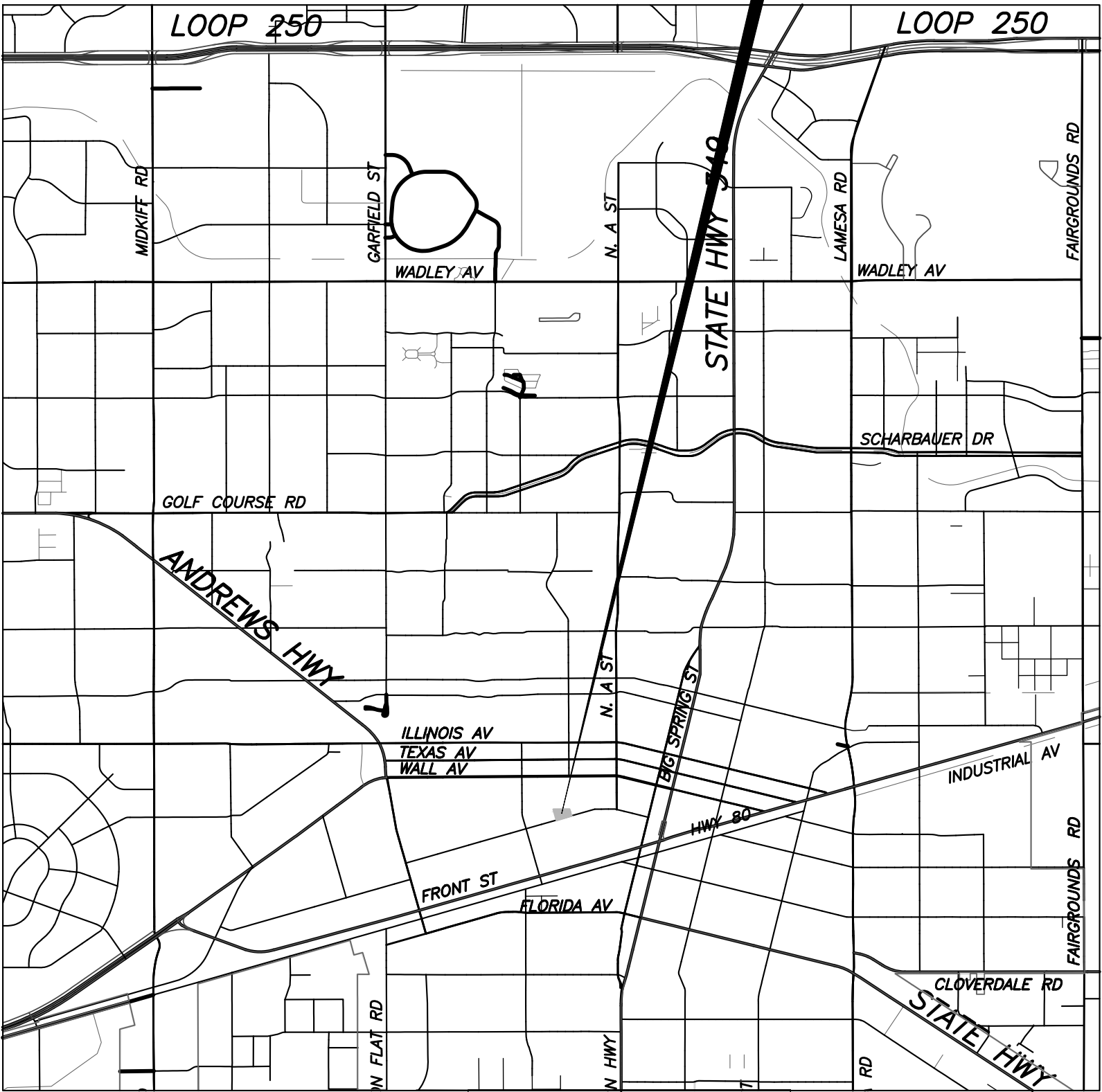
ENGINEER:

PARKHILL
1700 W Wall St., #100
Midland, Texas 79701
432-697-1447

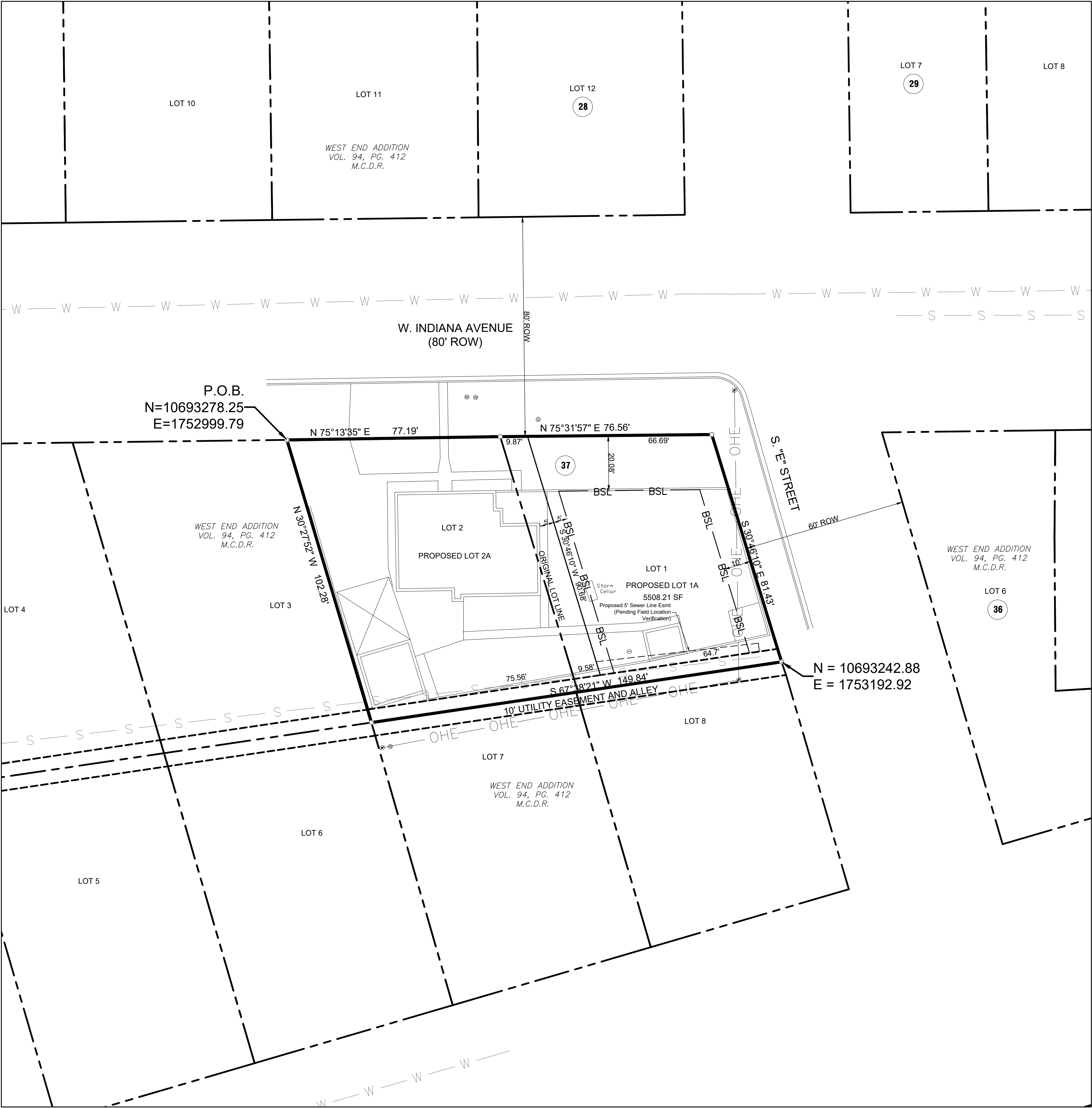
Parkhill

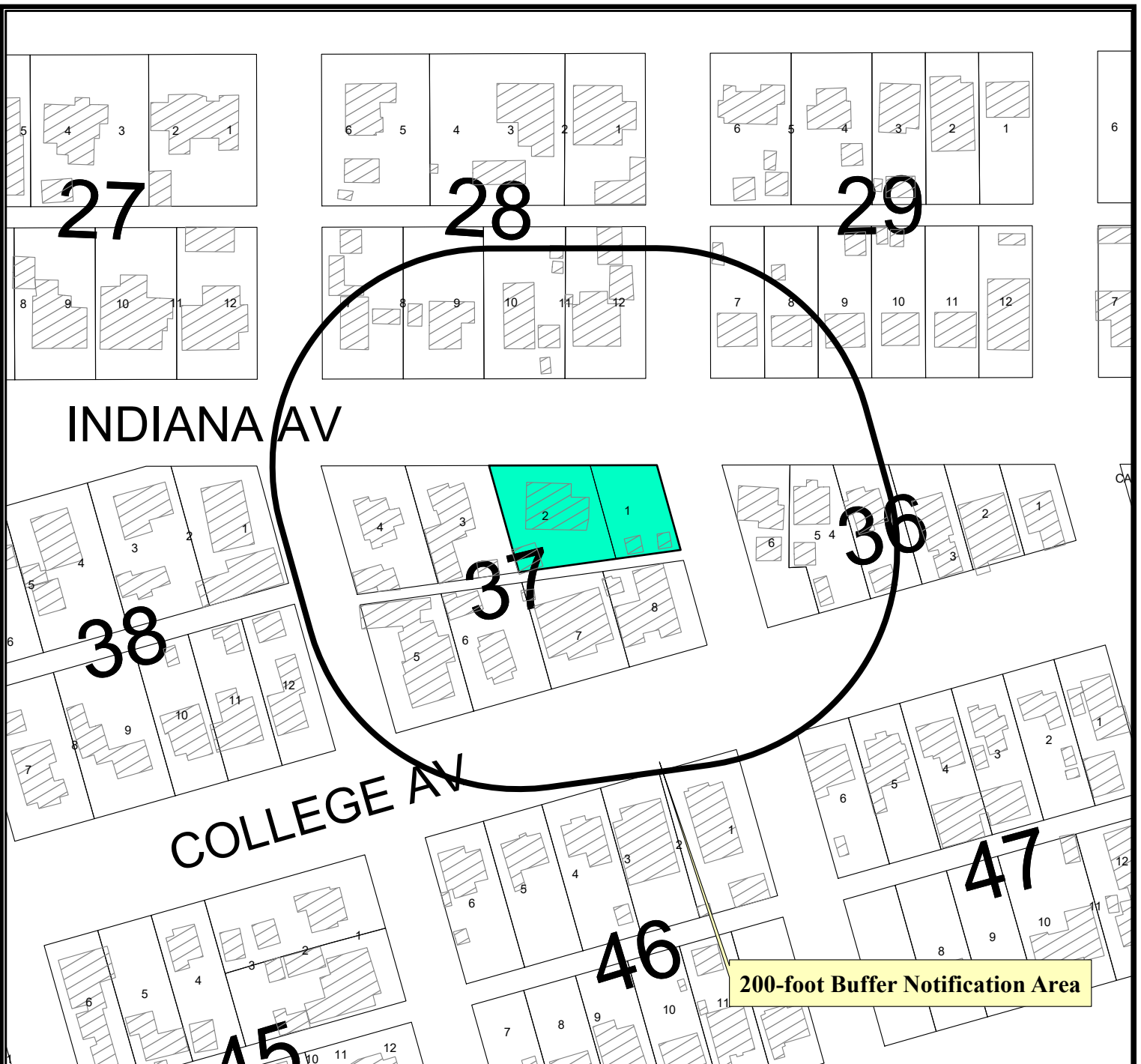
Parkhill.com

TBPELS FIRM REGISTRATION NO. 10194091



LOCATION MAP





LOCATION MAP

SUB-21-0421

Scale: 1" = 250'

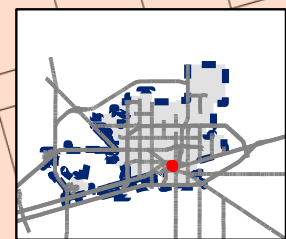
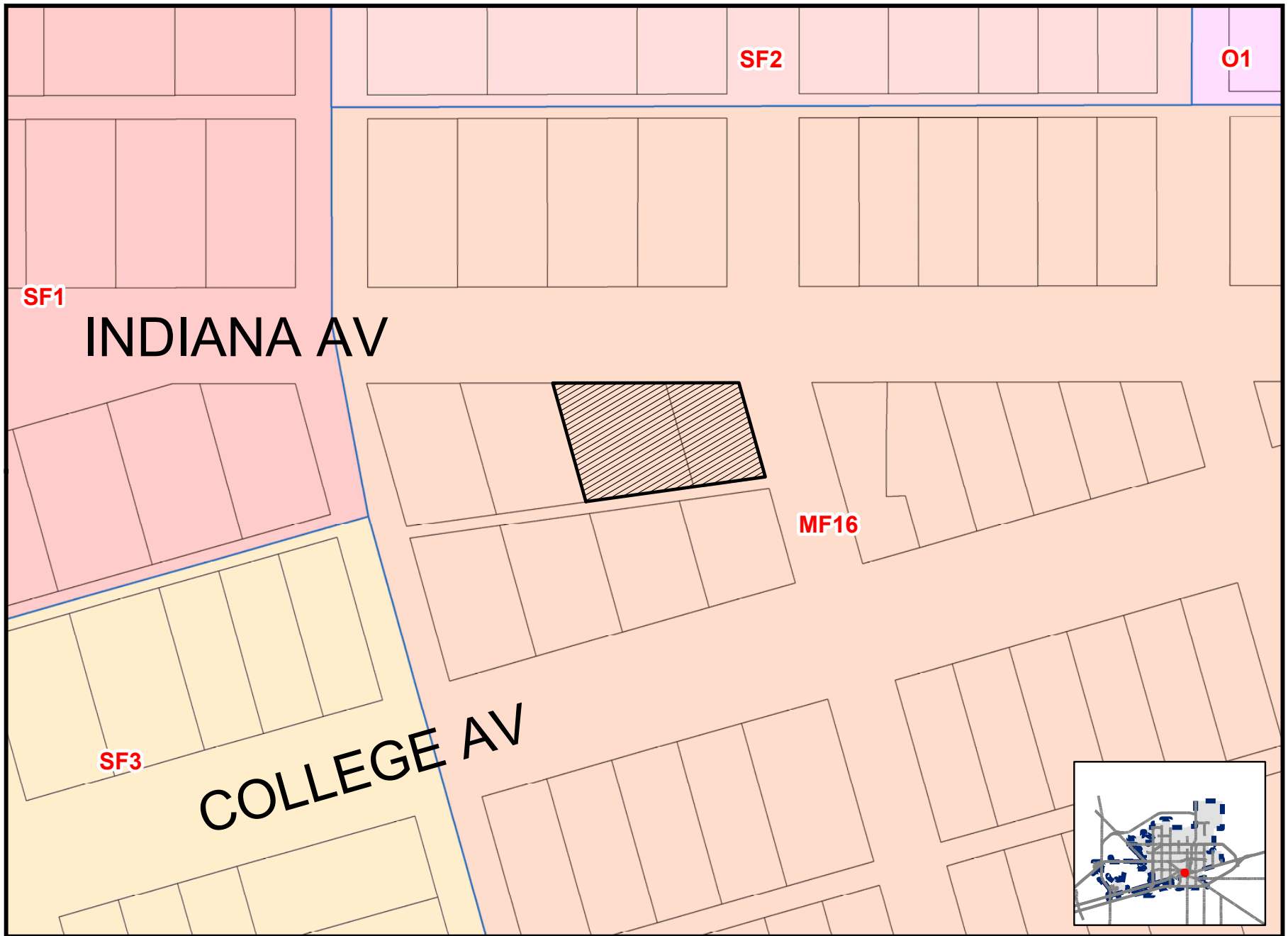
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Generally located on the southwest corner of the intersection of West Indiana Avenue and South E Street. (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS















Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 19, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Valerie A. Sherman, Senior Planner

SUBJECT: Hold a public hearing and consider a request by FP Westridge Energy Plaza, LP, for a zone change from O-2, Office District to RR, Regional Retail District, on the east 3.093 acres of Lot 3, Block 6, Westridge Park Addition, Section 31, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Champions Drive and N. Loop 250 West Frontage Road. Council District 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

O-2, Office District

Departmental Review:

Surrounding Zoning and Land Use:

The property to the north is zoned PD, Planned District for a Recreation Center and the location of the Scharbauer Sports Complex. The properties to the east across N. Loop 250 West, are zoned MF-16, Multiple-Family Dwelling District and the location of multi-family housing, and SF-2, Single-Family Dwelling District, and the location of residences. The properties to the south are zoned PD, Planned District for an Office Center and PD, Planned District for a Shopping Center, and the location of a vacant lot, and O-2, Office District, and the location of a parking lot. The property to the west is zoned O-2, Office District and the location of a vacant lot.

Analysis:

The applicant is requesting this zone change to RR, Regional Retail District, for future development.

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.

Transportation: (Approved)

Depending on the nature and scale of the proposed development, a Traffic Impact Analysis MAY be required prior to approval of construction drawings.

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 objections.

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:

The Future Land Use map in the Tall City Tomorrow Comprehensive Plan calls for Urban– High lot (U-H) in which these areas improve economic performance and opportunities for social interaction, by locating diverse and complementary uses in close proximity. Such as higher-density mix of housing, major commercial, office, and service uses, and limited industrial in suitable locations, and allows for a density of 12+ (DU/A).

Therefore, staff recommends approval of the zone change from O-2, Office District to RR, Regional Retail District, subject to condition A.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the RR, Regional Retail District.**

Letters of Objection:

As of July 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: 2-21-0247

Case Number: _____

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

Printed Name: FP Westridge Energy Plaza, LP

Phone (713) 266-1101

Email afeinsilver@pontikesdev.com

Address 1885 St James Place, Suite 1100

City Houston

State TX

Zip 77056

Property Owner

Printed Name: FP Westridge Energy Plaza, LP

Phone (713) 266-1101

Email afeinsilver@pontikesdev.com

Address 1885 St James Place, Suite 1100

City Houston

State TX

Zip 77056

Representative (if different from Applicant or Property Owner)

Firm: Parkhill

Printed Name: Josh Wallender

Job # 7061.21

Phone (432) 697-1447

Email jwallender@parkhill.com

Address 1700 W. Wall Street, Suite 100

City Midland

State Tx

Zip 79701

Street Address: 5500 Champions Drive

Legal Description Please see attached metes and bounds

Lot: E 1/2 of 3 Block: 6

Subdivision: Westridge Park Addition, Section 31

Current Zoning: O2

Proposed Zone: RR

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

Reason for Annexation/Zone Change Request: To suit the zoning needs of the developer

Present Use of Property: Vacant land

Proposed Use of Property: Commercial

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

No adverse effect

Describe how this annexation/zone change will affect adjacent properties: No adverse effect

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): Alan Feinsilver Date: 6/19/21

Applicant (printed): ALAN FEINSILVER

Property Owner (signature): Alan Feinsilver Date: 6/19/21

Property Owner (printed): ALAN FEINSILVER

The Annexation/Initial Zoning 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 Josh Wallender, Parkhill who, being by me duly sworn, upon oath says: That (s)he is authorized by FP Westridge Energy Plaza, 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.

[Signature]
Authorized Agent (signature)

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

[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS



FOR OFFICE USE ONLY

☒ Property Owner Authorization ☒ Metes and Bounds (Sealed by Surveyor) not sealed

☒ Application Fee ☒ Files in Digital Format (PDF/JPEG)

Check # 001507 ☐ Petition

Received By: Josh Maynor Date: June 22, 2021

RECEIVED **RECEIVED** **RECEIVED**

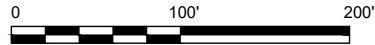
BY: [Signature] BY: [Signature]

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



PLAT CABINET "J", PAGE 41, PLAT RECORDS OF MIDLAND COUNTY, TEXAS

"EXHIBIT A"



80' R-O-W, PLAT CAB. F, PG. 183

N.75°36'08"E. 420.63'

NORTHING: 10,690,846.17
EASTING: 1,732,992.49

S.59°23'51"E.
70.71'

S.14°23'50"E. 203.16'

NORTHING: 10,690,613.40
EASTING: 1,733,103.87

A 1/2" IRON ROD WITH CAP "PLS
1974" BEARS S.14°23'50"E.
1504.55' FROM THIS POINT

Parkhill

Parkhill.com

TBPELS FIRM REGISTRATION NO. 10194091

PACKET
Page 8.65
July 19, 2021

REMAINDER OF
LOT 3, BLOCK 6,
WESTRIDGE PARK

3.093-ACRE
RE-ZONE TRACT
PORTION OF LOT 3, BLOCK 6,
WESTRIDGE PARK

LOT 1A, BLOCK 6,
WESTRIDGE PARK
PLAT CAB. G, PG. 71

LOT 2, BLOCK 6,
WESTRIDGE PARK
PLAT CAB. J, PG. 88

PAGE 2 OF 2
SEE PAGE 1 FOR A METES
AND BOUNDS DESCRIPTION

30' WATER LINE EASEMENT
PLAT C&B, "G", PG. 71

12' UTILITY EASEMENT
PLAT CAB. J, PG. 41

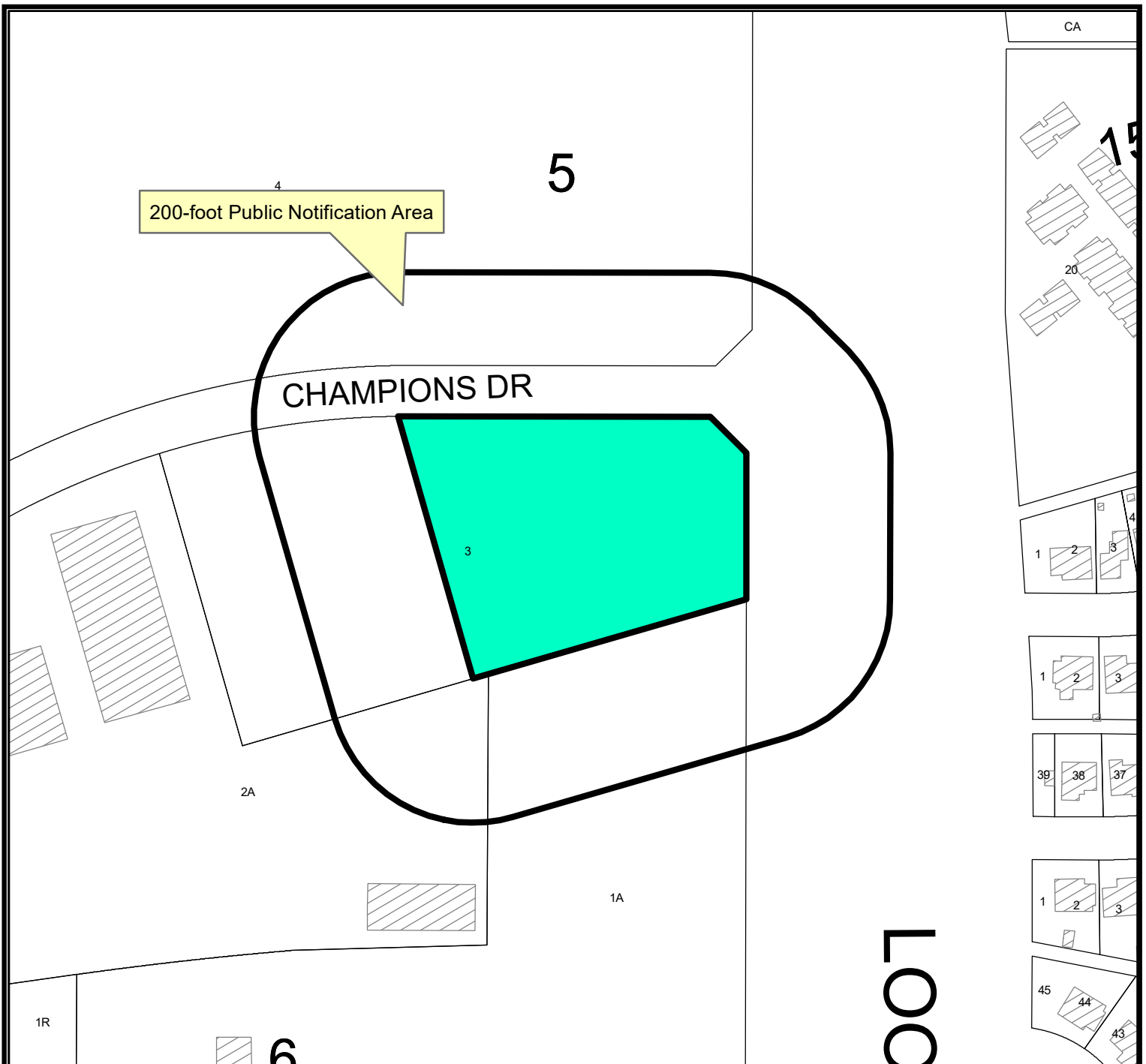
10' ONCOR ELECTRIC EASEMENT - INST #2013-2004
ENERGAS PIPELINE EASEMENT - VOL. 42, PG. 289
S. 59°15'58"W. 332.79'

TO: ONCOR ELECTRIC EASEMENT - INST #20713-2004
ENERGAS PIPELINE EASEMENT - VOL. 42, PG. 289
372.68'
S.59°15'58"W. 394.56'

R = 1160.00'
 $\Delta = 16^\circ 37' 25''$
 L = 336.56'
 CH BEARING = S.66°39'03"W.
 CH DISTANCE = 335.38'

R = 1160.00'
 $\Delta = 00^\circ 38' 22''$
 L = 12.95'
 CH BEARING = N.75°16'57"E.
 CH DISTANCE = 12.95'

N 30° 28' 44" W. 421.99'



LOCATION MAP

Z-21-0247

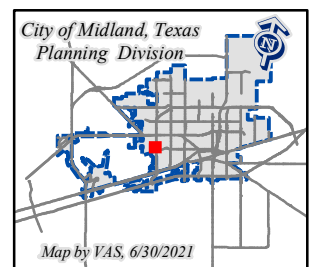
Scale: 1" = 200'

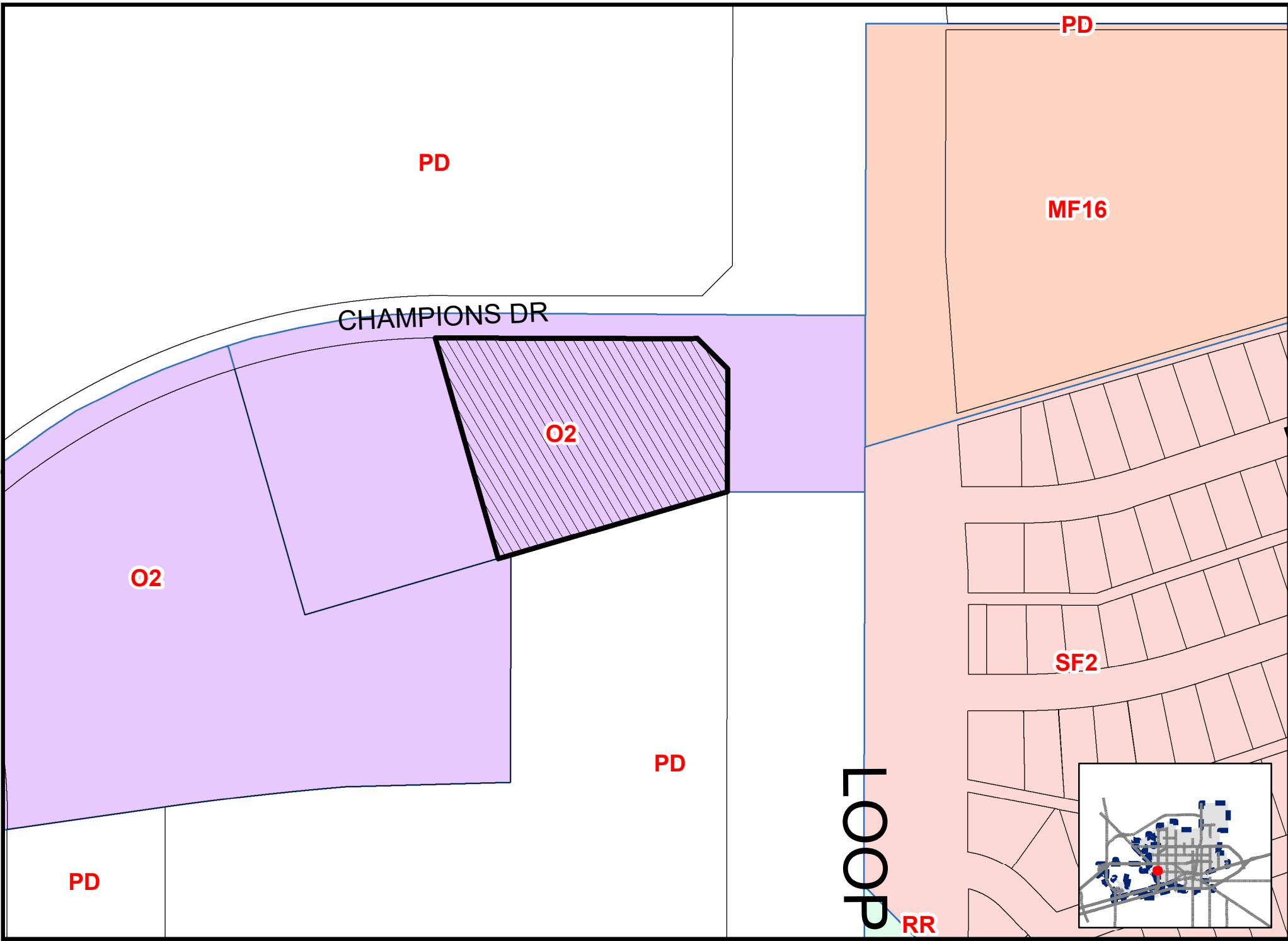
Consider a request by FP Westridge Energy Plaza LP, for a zone change from O-2, Office District, to RR, Regional Retail District, on the east 3.093 acres of Lot 3, Block 6, Westridge Park Addition, Section 31; City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of Champions Drive and N. Loop 250 West Frontage Road. (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS















Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 19, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Valerie A. Sherman, Senior Planner

SUBJECT: Hold a public hearing and consider a proposed Preliminary Plat of Southern Addition, Section 24, being a residential re-plat of Lots 7, 8 and 9, Block 190, Southern Addition, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of E. Dakota Avenue and S. Dallas Street. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Javier Soto, is proposing a residential re-plat of Lots 7, 8 and 9, Block 190, Southern Addition, City and County of Midland, Texas, into one (1) lot for future development. This is considered a residential replat, which requires a public hearing.

Current Zoning:

MH, Manufactured Housing District

Departmental Review:

Engineering: (Approved with Conditions)

IMPACT FEES: Impact fee statement okay as shown.

ROW: Okay as shown.

PAVING: Dallas Street and Dakota Ave are paved to City of Midland Standards. No paving improvements are required.

WATER: Water existing in Dallas Street and Dakota Ave. No water improvements are 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: Sewer existing in the alley to the East of the site. No wastewater improvements required.

DRAINAGE: No Drainage Report required at this time. Existing site is developed; if proposing to re-develop site drainage can be reviewed with building permit.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Extend sidewalk all the way to the edge of the property or request a deferral.

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)

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

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 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.

Planning:

The following technical items need to be addressed:

All department's comments must be addressed as a condition of final plat approval.

The planning department supports approval of the preliminary plat of Southern Addition, Section 24 subject to conditions A and B.

Conditions:

A. That the technical items are addressed.

B. 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 Preliminary Plat
Application
Maps



Preliminary Plat Application

Project Number:

Case Number:

SUB-21-0426
P-21-1126

Proposed Subdivision Plat Name: Southern Addition, Section 24

Legal Description (attached sealed Metes and Bounds): Being a replat of Lots 7, 8, & 9, Block 190, Southern Addition, city & county of Midland, Texas.

Property Owner

Printed Name:

Javier Soto

Address

911 S. Dallas ST.

City

Midland

Phone (806) 240-1646

Email

State

TX

Zip

79701

Developer (if different than Owner)

Printed Name:

NONE

Address

City

Phone ()

Email

State

Zip

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

Firm: Aaron Burrell Land Surveyors, LLC

Printed Name:

Aaron Burrell

Address

415 W. Wall ST. Suite 204

City

Midland

Phone (432) 848-4439

Email

aaron.easbsurveyors.com

State

TX

Zip

79701

Current Zoning: MH

Reason for Platting: Combine three lots into one lot.

Plat Information

Total Acreage:

0.482

Type:



Single-Family Residential



Multi-Family Residential



Commercial



Extraterritorial Jurisdiction (ETJ)

Number of Lots:

1

Number of Multi-family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

- 1 FOLDED Copy of Dimensioned Plat
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF)
- Application Fee – Payable to the 'City of Midland'

Request for a Development AgreementDo you expect to request a development agreement with the City? ☐ Yes ☐ No

If yes, contact the City Engineer at (432) 685-7286

Provisions

A plat application will not be considered filed pursuant to Section 212.009 of the Texas Local Government Code until all required documents and fees have been submitted and **all of the terms and conditions of the Subdivision Ordinance, including all necessary studies, plans and supporting information are accepted and approved**, or the applicant has filed a waiver request for sections from which the plat deviates. Once a plat meets the requirements to be considered filed with the City, the application will be placed on the Planning and Zoning Commission agenda for consideration under the time requirements set out in Section 212.009.

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

Property Owner (signature): Javier Soto

Date: 6-18-21

Property Owner (printed): JAVIER SOTO

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.

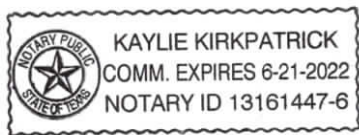
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Aaron Burrell who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or is authorized by Javier Soto 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 17th day of June, 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

☒ 1 Copy of Dimensioned Plat

☐ Plat in Digital Format (PDF/JPEG)

☒ Application Fee

☒ 1 Copy of Plat (11x17)

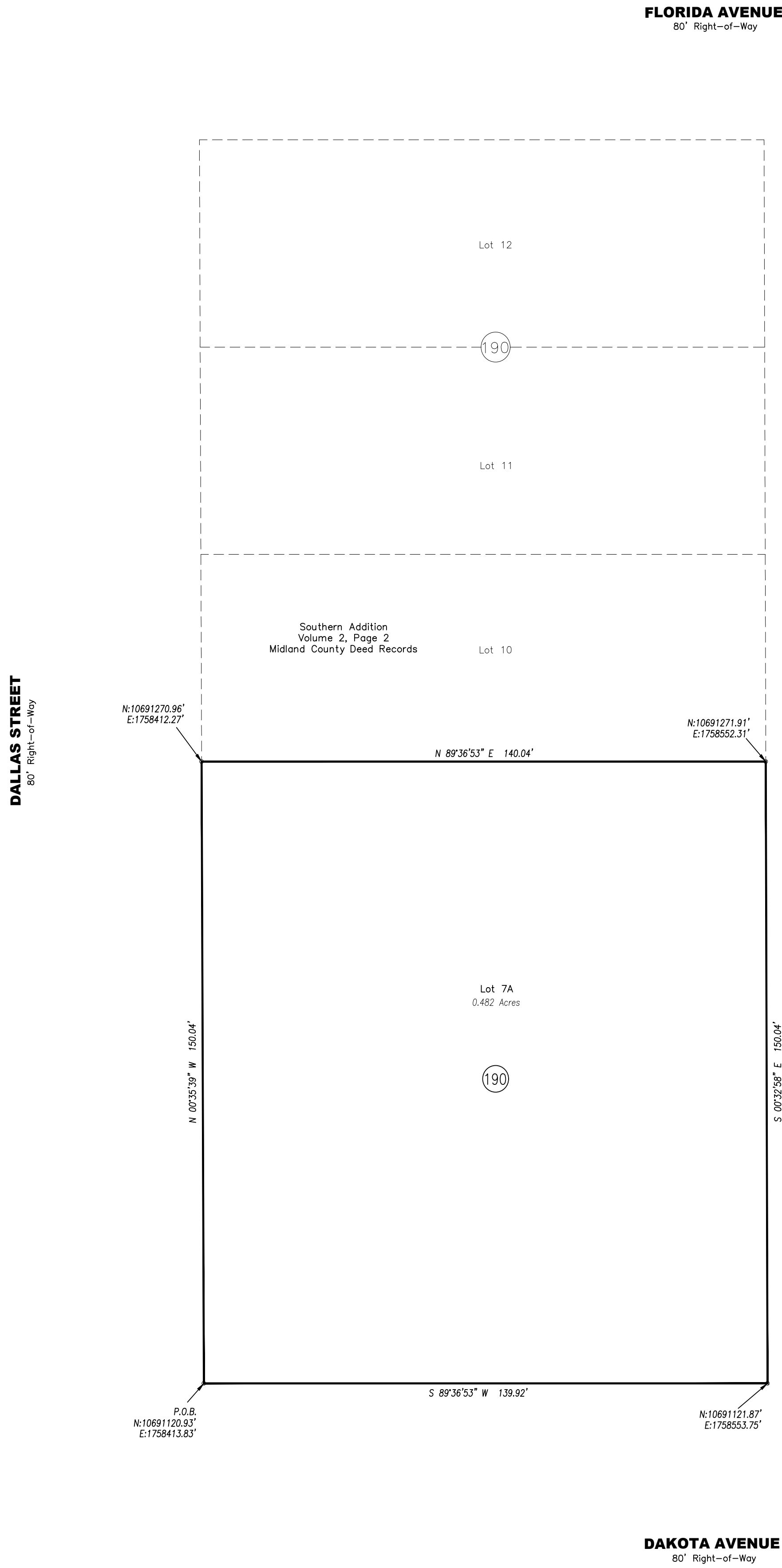
Check # 3645

Received By: KM

Date: _____

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

SOUTHERN ADDITION, SECTION 24
Being a Replat of Lots 7, 8, & 9, Block 190,
Southern Addition, City & County of Midland, Texas.



CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "SOUTHERN ADDITION, SECTION 24" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, on this ____ day of _____, 2021.

SIGNED: _____

PRINT: _____
Chairman

ATTEST: _____

PRINT: _____
Secretary

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____
ATMOS ENERGY PRINT NAME

SIGNED: _____
ONCOR ELECTRIC DELIVERY PRINT NAME

SIGNED: _____
AT&T TEXAS PRINT NAME

SIGNED: _____
SUDDENLINK COMMUNICATIONS PRINT NAME

SIGNED: _____
GRANDE COMMUNICATIONS PRINT NAME

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. BEARING & COORDINATES SHOWN ON THIS SURVEY ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM, NAD 1983, CENTRAL ZONE (CORS).

4. THIS PROPERTY IS IN ZONE X AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS GRAPHICALLY SCALED ONTO FEMA MAP NO. 48329C0202F, DATED SEPTEMBER 16, 2005, PREPARED FOR MIDLAND COUNTY, TEXAS.

5. 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.

OWNERS' CERTIFICATE:

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, I, JAVIER SOTO as the recorded owner of Lot 7, Lot 8, and Lot 9, Block 190, Southern Addition, recorded in Document No. 2016-7850, Midland County Official Public Records, County Of Midland, Texas, and more particularly shown hereon:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, JAVIER SOTO, do hereby adopt this plat designating the herein above described property as "SOUTHERN ADDITION, SECTION 24" an Addition to the City of Midland, Midland County, Texas, and do 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.

JAVIER SOTO

ACKNOWLEDGMENT
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 JAVIER SOTO, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act as owner, and that he executed the same as the act for the purpose and consideration therein expressed and in the capacity therein stated.

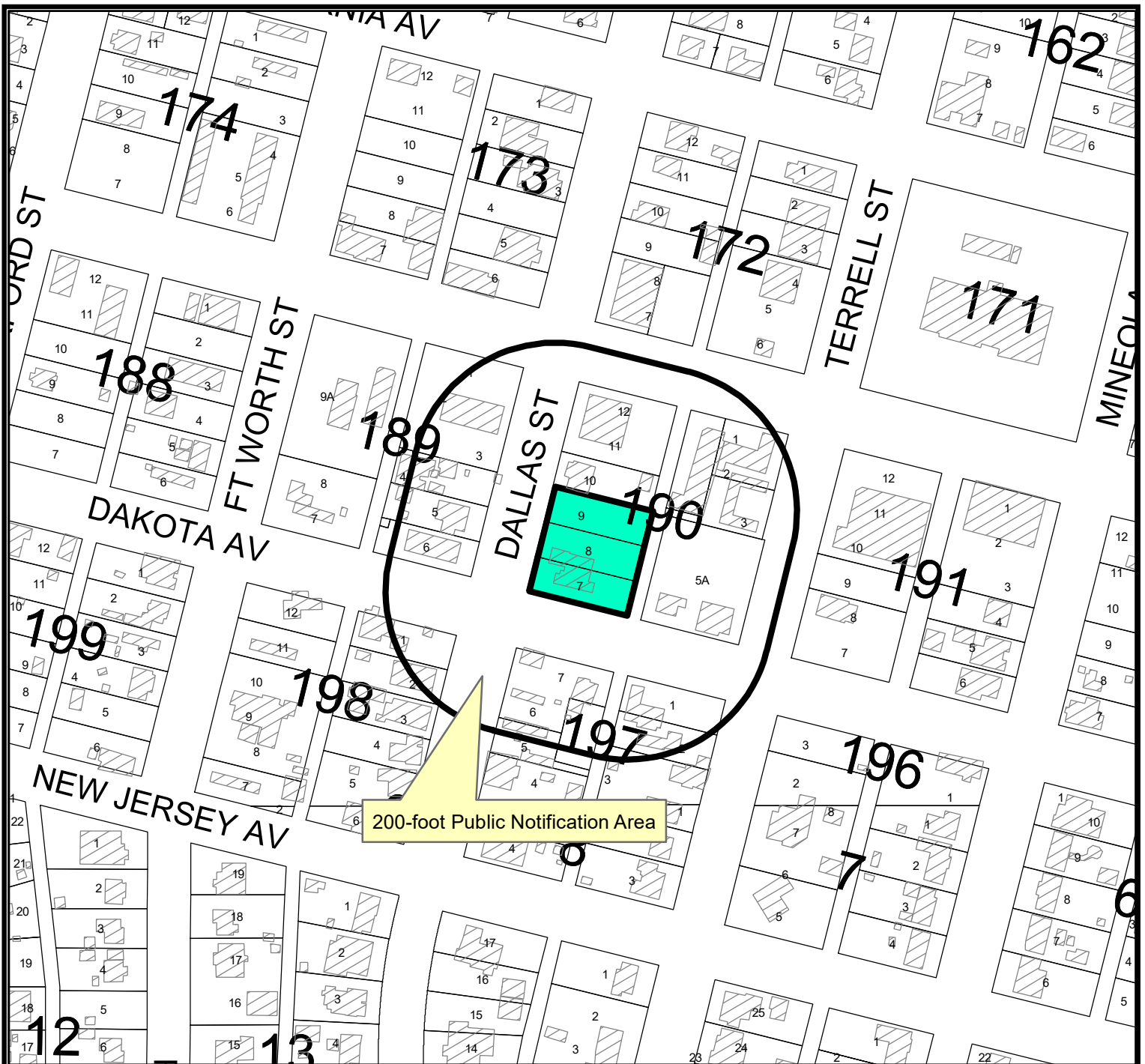
Given under my hand and seal of office this ____ day of _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

OWNER:
JAVIER SOTO
911 S DALLAS ST
MIDLAND, TEXAS 79701
(806)240-1646

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

PRELIMINARY PLAT
SOUTHERN ADDITION, SECTION 24



LOCATION MAP

SUB-21-0426

Scale: 1" = 200'

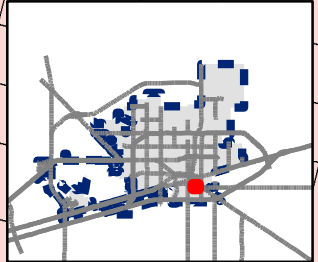
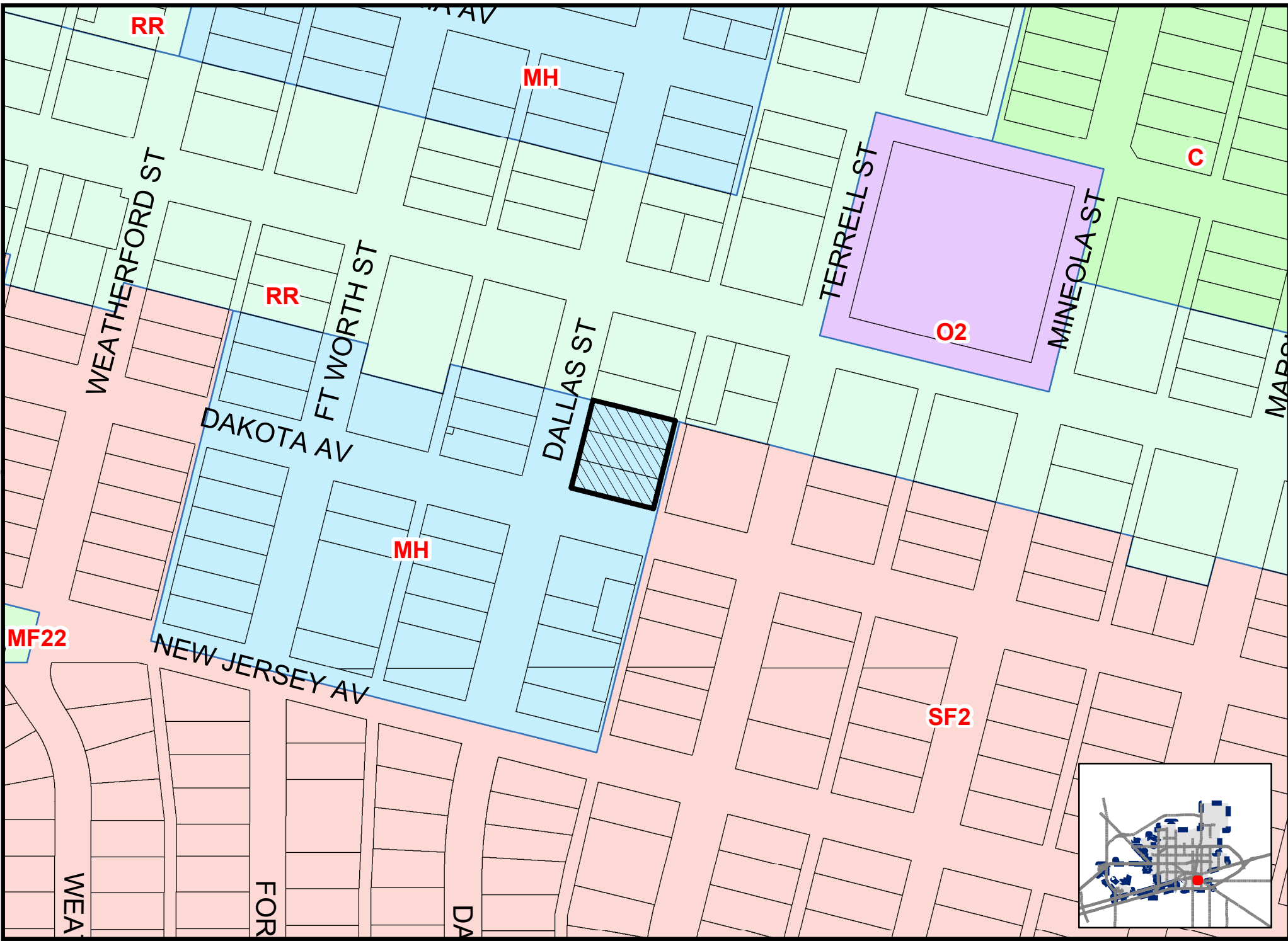
Proposed plat of Southern Addition, Section 24, being a replat of Lots 7, 8 and 9, Block 190, Southern Addition, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of E. Dakota Avenue and S. Dallas Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS















Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Joseph Marynak, Planner

SUBJECT: Hold a public hearing and consider a request by Joann Cervantes for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a vendor market, on a 5,790 square foot portion of a 0.4-acre tract of land out of the SW/4 of Section 33, Block 39, T-1-S, T&P RR Co Survey, City and County of Midland, Texas. (Generally located on the southwest side of the intersection of West Wall Street and Bankhead Highway. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

RR, Regional Retail District

Departmental Review:

Surrounding Zoning and Land Use:

The properties to the north, south, and west are zoned RR, Regional Retail District, and the location of car dealerships. The property to the east are zoned C, Commercial District and the location district.

Analysis:

The property is located in the RR, Regional Retail District. This zoning district permits the sale and on premises consumption of alcoholic beverages in a vendor market, with the approval of a Specific Use Designation with Term.

The site is located at 3201 W Wall St, and does not currently have a Specific Use Designation for sale and on premises consumption of alcoholic beverages. The serviceable area will have a

maximum indoor floor area of 5,790 square feet. The applicant will only be using the first floor of the location. As such, the site currently exceeds the parking requirement of 20 parking spaces. The site has adequate restroom facilities. The applicant is requesting alcohol service hours the same as their hours of operations which are as the following:

Tuesday through Saturday, 9:00 a.m. to 6:00 p.m. and Sunday, 12:00 p.m. (noon) to 6:00 p.m.

Per Midland City Code 5.4.4. –Prohibited place of business

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

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

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

Fire: (Approved)

No objections.

Engineering: (Approved)

No objections.

Traffic: (Approved)

No objection to zone change.

Building Code: (Approved)

The SUD for One More Round is acceptable. The property must adhere to the current maximum occupant load of 386 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, “Encourage the development of places where Midland residents can gather and socialize to build connections” (Tall City Tomorrow page 137). One More Round will create a vibrant atmosphere where residents can browse and shop with local small businesses while enjoying alcoholic beverages.

This request meets all requirements; therefore, staff recommends approval of the request of the

Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a vendor market, subject to Condition A through H.

Conditions:

A. That the serviceable area of the restaurant shall be limited to approximately 5,790 square feet as shown in Exhibit “A”, which is attached hereto and incorporated herein for all purposes.

B. That use of the second floor shall be prohibited unless a new floor plan is adopted delineating said use.

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

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

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

F. That the days and hours of alcoholic beverages sales and consumption shall be limited to:

Tuesday through Saturday, from 9:00 a.m. to 11:00 p.m. and Sunday from 12:00 p.m. (noon) to 6:00 p.m.

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

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

Letters of Objection:

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

Attachments:

Application
Site Plan (Exhibit A)
Floor Plan (Exhibit A)
Lease Agreement
Maps



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

Project Number: SUD-21-0103
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2)
Printed Name: JOANNI CERVANTES

Phone (432) 631-2113
Email MIDJOANN@GMAIL.COM

Address 6414 SCR 1160 City MIDLAND

State TX Zip 79706

Property Owner
Printed Name: Nancy Roys

Phone (432) 967-3584
Email nancyroys@gmail.com

Address 160 E. Gran Vista Dr City FBG

State TX Zip 78624

Representative (if different from Applicant or Property Owner)

Firm: _____
Printed Name: _____

Phone () _____
Email _____

Address _____ City _____

State _____ Zip _____

Street Address: 3201 W. WALL STREET

Business Name: ONE MORE ROUND

Legal Description

Lot: _____ Block: _____ Subdivision: _____

Current Zoning: _____

Reason for Request: _____

Type of Business (restaurant, bar, lounge, nightclub, etc.): "SIP & SHOP"

Proposed/Current Days and Hours of Operation: _____
TUES.- SATURDAY 9-6 SUN. 12-6

Proposed Days and Hours of Alcohol Service: _____

Total Square Footage of Business: 11,424

Square Footage of Alcohol Serviceable Area: 5790

Restroom Fixtures:	Men	Toilets/Urinals: <u>2 / 1</u>	Bathroom Sinks: <u>2</u>
	Women	Toilets: <u>2</u>	Bathroom Sinks: <u>2</u>

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: 5/24/2021

Applicant (printed):

Property Owner (signature):

Date: 4/2/2021

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

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) *N/A*

Received By: *Joseph Marynuk*

Date: _____

RECEIVED
MAY 24 2021

BY: *[Signature]*

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



COMMERCIAL LEASE EXHIBIT

USE OF THIS FORM BY PERSONS WHO ARE NOT MEMBERS OF THE TEXAS ASSOCIATION OF REALTORS®, INC. IS NOT AUTHORIZED.
©Texas Association of REALTORS®, Inc. 2010

EXHIBIT see attached pages
TO COMMERCIAL LEASE BETWEEN THE UNDERSIGNED PARTIES CONCERNING THE LEASED
PREMISES AT 3201 W Wall St, Midland, Midland, 79706

Lessee will only have access to bottom of building approximately 7000 sq feet Renter is responsible
for all utilities to be transferred in their name Lessor will keep confidential name of renters. See
Attached utilities

Landlord: Nancy Roys

By: _____

By (signature): Nancy Roys
Printed Name: 5/5/2021 8:47:36 PM CDT
Title: _____

By: _____

By (signature): _____
Printed Name: _____
Title: _____

Tenant: JOANN CERVANTES

By: _____

By (signature): Joann Cervantes
Printed Name: JOANN CERVANTES
Title: BUSINESS OWNER

By: _____

By (signature): _____
Printed Name: _____
Title: _____

(TXR-2115) 1-26-10

Page 1 of 1

FIELD NOTE DESCRIPTION OF THE SURVEY OF A 0.42 ACRE TRACT OF LAND OUT OF THE SW/4 OF SECTION 33, BLOCK 39, T-1-S, T&P RR CO SURVEY, MIDLAND COUNTY, TEXAS, SAID 0.42 ACRE TRACT BEING DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

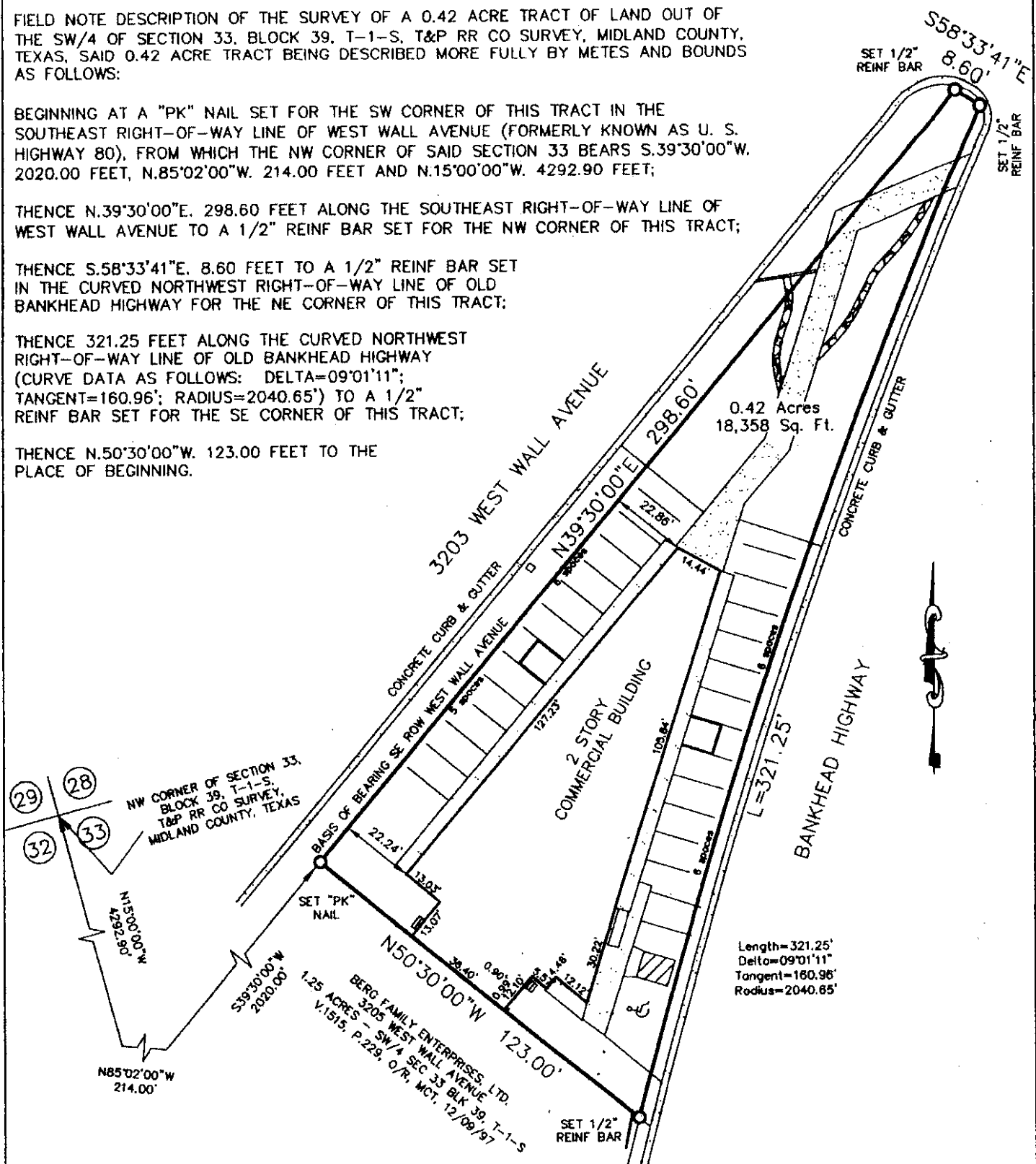
BEGINNING AT A "PK" NAIL SET FOR THE SW CORNER OF THIS TRACT IN THE SOUTHEAST RIGHT-OF-WAY LINE OF WEST WALL AVENUE (FORMERLY KNOWN AS U. S. HIGHWAY 80), FROM WHICH THE NW CORNER OF SAID SECTION 33 BEARS S.39°30'00"W. 2020.00 FEET, N.85°02'00"W. 214.00 FEET AND N.15°00'00"W. 4292.90 FEET;

THENCE N.39°30'00"E. 298.60 FEET ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF WEST WALL AVENUE TO A 1/2" REINF BAR SET FOR THE NW CORNER OF THIS TRACT;

THENCE S.58°33'41"E. 8.60 FEET TO A 1/2" REINF BAR SET IN THE CURVED NORTHWEST RIGHT-OF-WAY LINE OF OLD BANKHEAD HIGHWAY FOR THE NE CORNER OF THIS TRACT;

THENCE 321.25 FEET ALONG THE CURVED NORTHWEST RIGHT-OF-WAY LINE OF OLD BANKHEAD HIGHWAY (CURVE DATA AS FOLLOWS: DELTA=09°01'11"; TANGENT=160.96'; RADIUS=2040.65') TO A 1/2" REINF BAR SET FOR THE SE CORNER OF THIS TRACT;

THENCE N.50°30'00"W. 123.00 FEET TO THE PLACE OF BEGINNING.



FOR FLOOD INSURANCE RATING PURPOSES: THIS PROPERTY LIES WITHIN FLOOD INSURANCE ZONE DESIGNATION "X" AS DEPICTED ON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 48329-C0201E, MIDLAND COUNTY, TEXAS AND INCORPORATED AREAS EFFECTIVE DATE, DECEMBER 8, 1999, AS ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

TO THE LIENHOLDERS, NANCY ROYS AND CURTIS ROYS

(OWNER) OF THE PREMISES AND TO THE ISSUING TITLE INSURANCE UNDERWRITER: THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY,



SURVEY PLAT

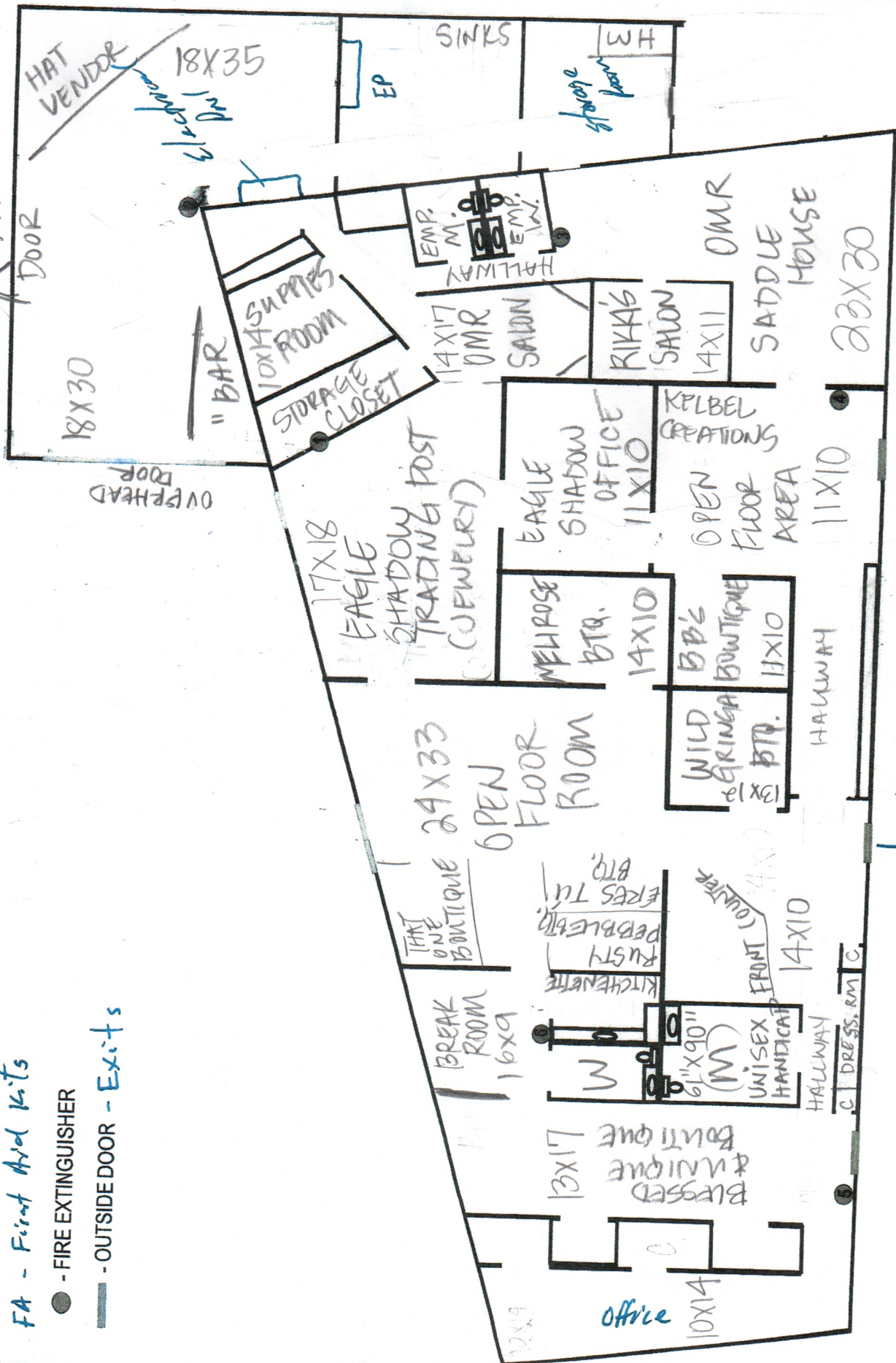
July 19, 2021

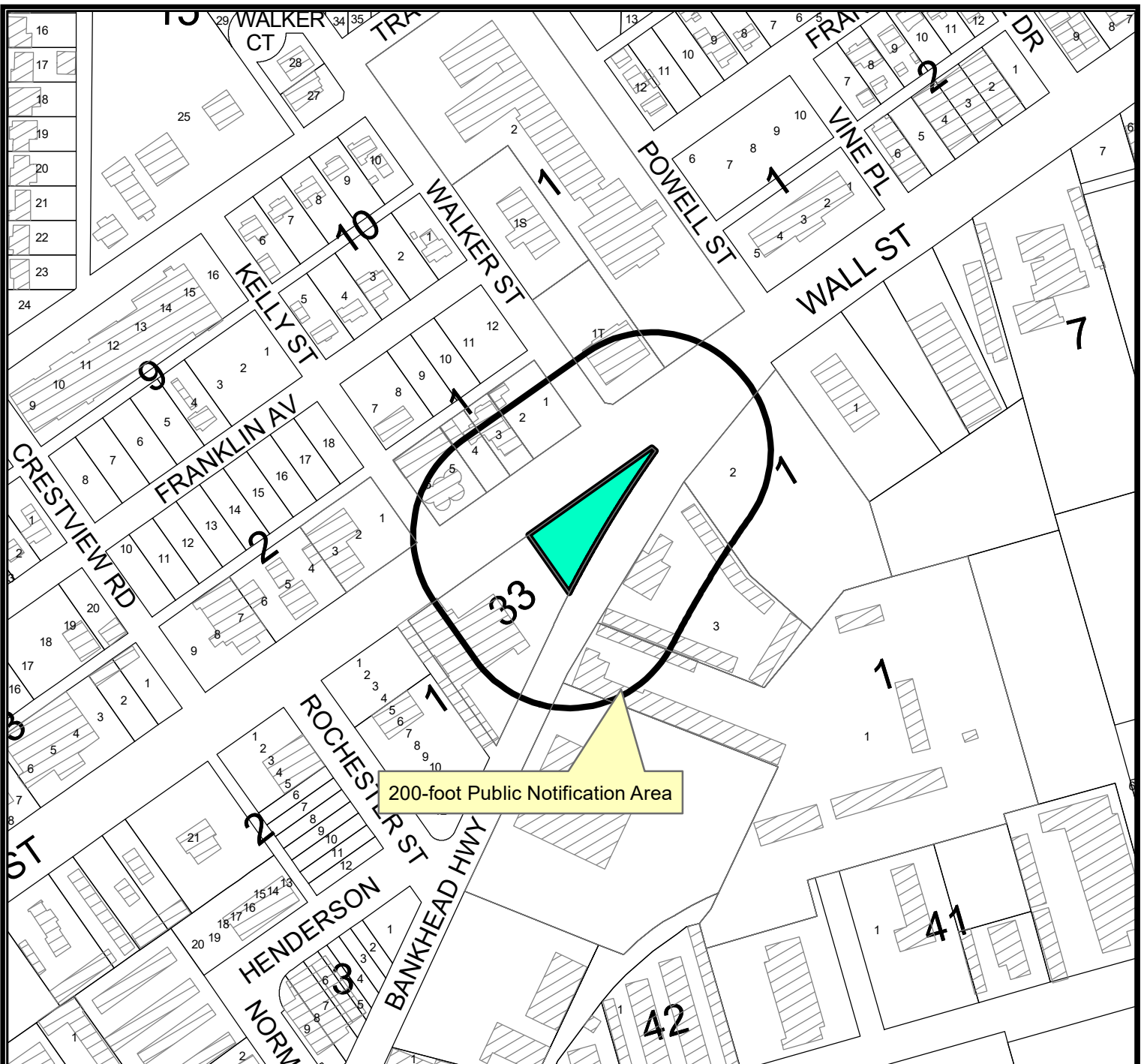
Pre Sample

FA - Fire and Kits

● - FIRE EXTINGUISHER

— - OUTSIDE DOOR - Exits





LOCATION MAP

SUD-21-0103

Scale: 1" = 250'

Consider a request by Joann Cervantes for a Specific Use Designation, with term, for the sale and on premises consumption of all alcoholic beverages in a vendor market, on a 0.4 acre tract of land located in the SW/4 of Section 33, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located on the southwest side of the intersection on West Wall Street and Bankhead Highway. (Council District 2)

LEGEND

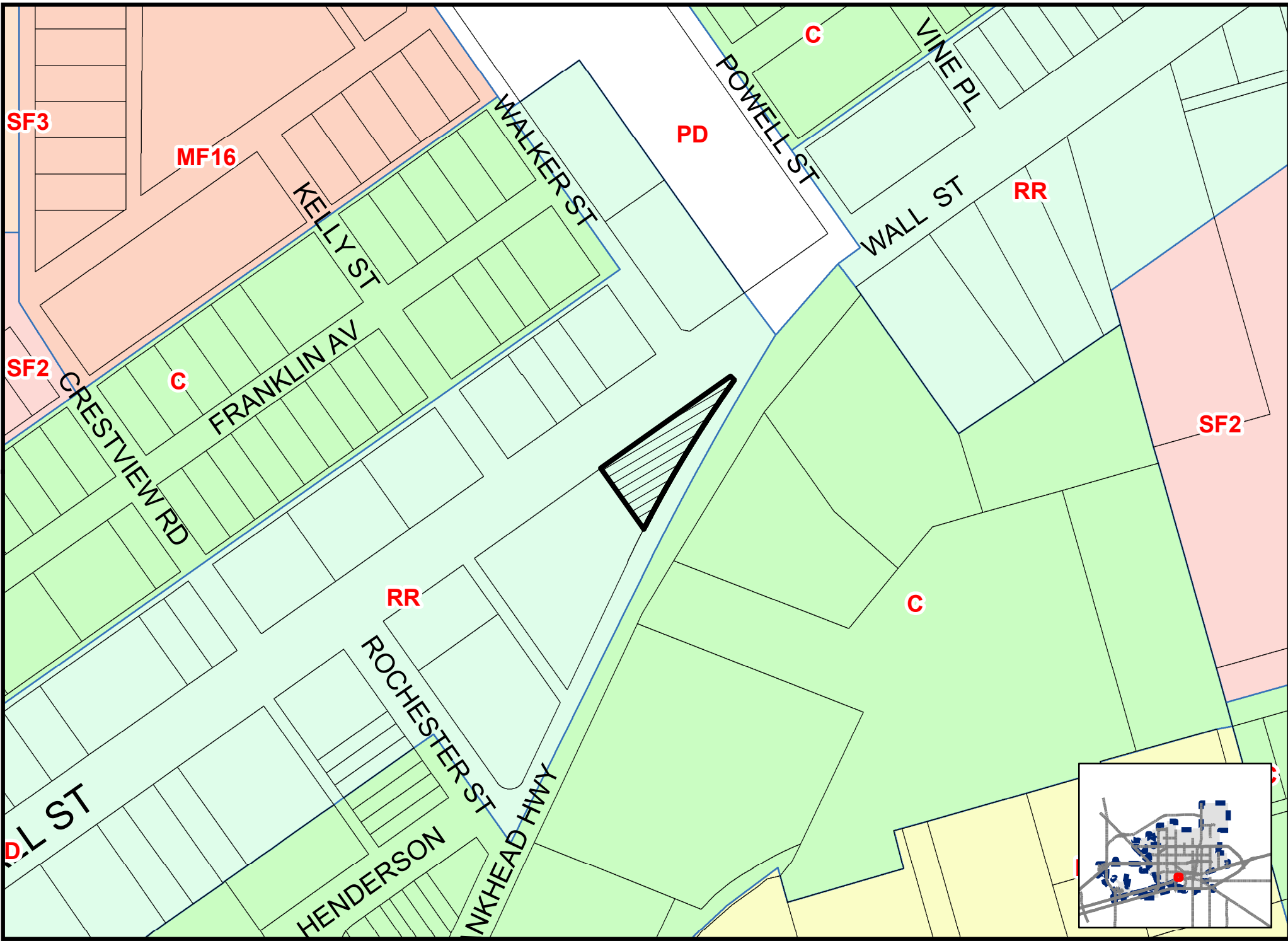
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT. NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.

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













Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Kelly Martinez, Planner

SUBJECT: Hold a public hearing and consider a request by Jamie Bowers for a zone change from C, Commercial District to TH, Townhouse Dwelling District on Lot 9, Block 10, Greenwood Addition 3rd, 4th, 5th Section, City and County of Midland, Texas. (Generally located on the east side of S. Stonewall Street, approximately 140-feet north of E. Washington Avenue. Council District 2)
(DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

C, Commercial District

Purpose:

The applicant, Jamie Bowers is requesting to rezone the property located at 407 S. Stonewall Street to allow for the construction of a duplex.

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are zoned C, Commercial District and the locations of single-family homes and vacant land.

Analysis:

The property is located at 407 S. Stonewall Street and is currently vacant. The applicant is proposing the development of an attached Two-Family Dwelling (duplex). While the property meets the minimum lot requirements in the TH, Townhouse Dwelling District, it is inconsistent with the character of the area. The majority of the existing homes around the area are single-family homes. In addition, the surrounding area is zoned C,

Commercial District which allows vacant land to be developed as commercial uses. Due to concerns of future commercial development, staff does not support this request.

Furthermore, one of the main issues in the eastside area is the incompatibility between land uses. In order to prevent incompatibility, a smooth transition between higher intensity uses and lower intensity uses must take place. The subject property's location does not allow for a smooth transition between residential homes and potential commercial development. Especially when only one parcel in the middle of the block will change as opposed to several.

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

Fire: (Approved)

No objections.

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 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 the Tall City Tomorrow Comprehensive Plan, Chapter 3, An Integrated Land Use Vision, Future Land Use Map as this area calls

for urban residential-medium. This designation calls for a mix of housing types, including single-family, townhouse, and two-family dwelling uses. However, medium and higher density residential uses should be directed towards arterial streets with proper transition or adhere to the setbacks from existing lower density residential areas. In conclusion, this project does not represent a true diversity of mix use housing development.

If this zone change from C, Commercial District to TH, Townhouse Dwelling District is approved; staff recommends that it should be subject to condition A.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the TH, Townhouse Dwelling District.**

Letters of Objection:

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

Attachments:

Property Survey (Exhibit A)
Application
Maps



Zone Change/Planned District
Amendment/Site Plan Approval

Project Number: 2-21-0245
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Jamie Bowers</u>		Phone <u>(432) 210-4384</u> Email <u>jbowlers479@gmail.com</u>	
Address <u>940 N. Weatherford</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79701</u>

Property Owner Printed Name: <u>Jamie Bowers</u>		Phone <u>(432) 210-4384</u> Email <u>jbowlers479@gmail.com</u>	
Address <u>940 N. Weatherford</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79701</u>

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

Street Address: <u>407 S. Stonewall St.</u>			
Legal Description Lot: <u>9</u> Block: <u>10</u> Subdivision: <u>Greenwood Addition</u>			

Current Zoning: <u>Commercial</u>	Proposed Zone: <u>TH townhouse</u> (List by tracts if more than one district is requested)
Reason for Zone Change Request: <u>Originally zoned MF2. Recently zone changed to single-family. I would like to put a affordable family duplex to offer housing to two families.</u>	
Present Use of Property: <u>vacant lot</u>	
Proposed Use of Property: <u>Affordable family townhome</u>	
How would this zone change affect the public health, safety and welfare? <u>The zone change would allow affordable housing for two families in need of housing.</u>	
Describe how conditions affecting the property have changed since present zoning designation: <u>Conditions has not changed. This would offer multifamily rental opportunities.</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)	RECEIVED JUN 2 1 2021 BY:
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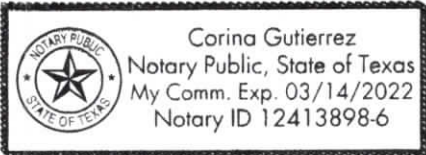
Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>[Signature]</u>	Date: <u>3-16-21</u>
Applicant (printed): <u>Jamie Bowers</u>	
Property Owner (signature): <u>[Signature]</u>	Date: <u>3-16-21</u>
Property Owner (printed): <u>Jamie Bowers</u>	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received. All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Jamie Bowers who, being by me duly sworn, upon oath says: That (s)he is the owner of 407 S. Stonewall or authorized by Jamie Bowers, 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 16th day of March, 2021, to certify which witness my hand and seal of office.

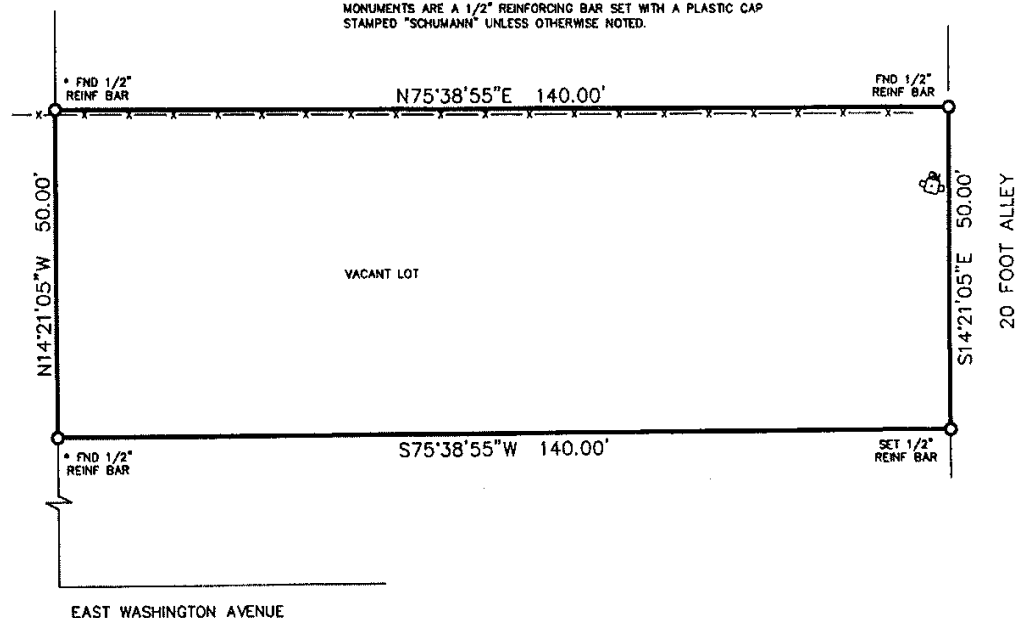


[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization ☒ Application Fee Check # <u>1043</u> Received By: <u>[Signature]</u>	☒ Dimensioned Site Plan ☐ Plans in Digital Format (PDF/JPEG) RECEIVED JUN 21 2021 Date: _____ BY: _____



407 SOUTH STONEWALL STREET



NOTES:

BEARINGS AND DISTANCES SHOWN ARE GRID BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF TITLE COMMITMENT. NOT ALL EASEMENTS OR MATTERS OF TITLE MAY BE SHOWN.

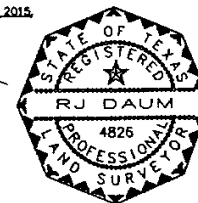
* ASTERISK DENOTES CONTROLLING MONUMENT

MONUMENTS ARE A 1/2" REINFORCING BAR SET WITH A PLASTIC CAP STAMPED "SCHUMANN" UNLESS OTHERWISE NOTED.

TO THE LIENHOLDERS, JAMES BOWERS (OWNER) OF THE PREMISES AND TO THE ISSUING TITLE INSURANCE UNDERWRITER: THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND THAT THERE ARE NO KNOWN DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY, EXCEPT AS SHOWN HEREON.

DATED THIS 25TH DAY OF SEPTEMBER, 2015.

RJ Daum
RJ DAUM
TEXAS RRLS 4826



SURVEY PLAT

LOT 9

BLOCK 10

GREENWOOD ADDITION
THIRD, FOURTH AND FIFTH SECTIONS

AN ADDITION TO THE CITY OF MIDLAND,
AS PER PLAT OF RECORD IN
CABINET "C", PAGE 56, PLAT RECORDS,
MIDLAND COUNTY, TEXAS

SCALE: 1" = 20'

PROJECT: 75001JB
JOB NO.: 75,001

SCHUMANN ENGINEERING CO., INC.

REGISTERED PROFESSIONAL LAND SURVEYORS
LICENSED STATE LAND SURVEYORS

REGISTERED PROFESSIONAL CIVIL ENGINEERS
TEXAS and NEW MEXICO

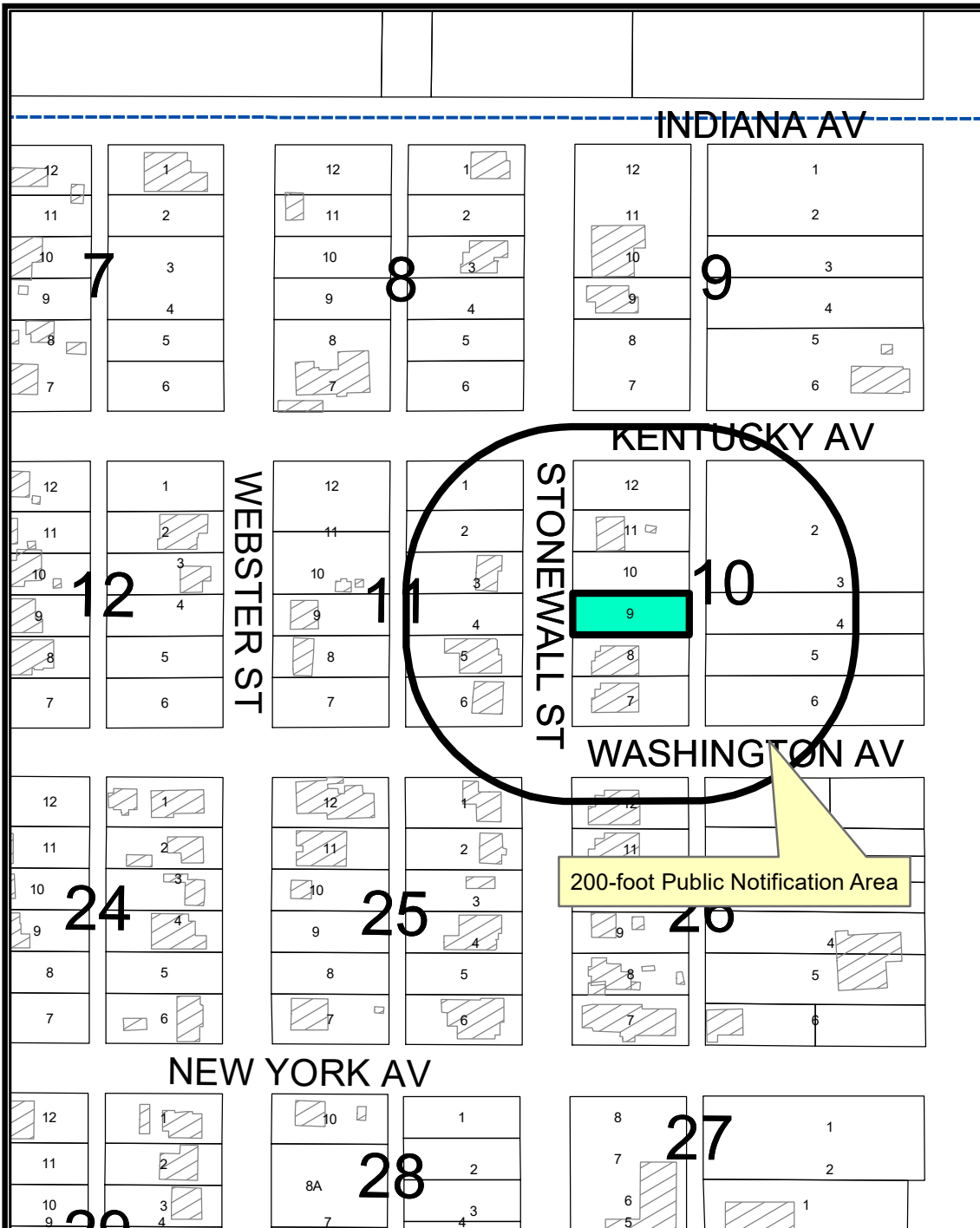
Civil Engineering ~ Land Surveying

TEXAS FIRM No. F1880

TEXAS FIRM No. 10149500

408 N. PECOS STREET - P. O. BOX 504
MIDLAND, TEXAS 79702-0504

Office (432) 684-5548
Fax (432) 684-6973



LOCATION MAP

Z-21-0245

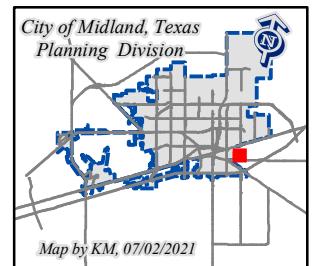
Scale: 1" = 200'

Consider a request by Jamie Bowers for a zone change from C, Commercial District to TH, Townhouse Dwelling District on Lot 9, Block 10, Greenwood Addition, 3rd, 4th, 5th Sections, City and County of Midland, Texas.

Generally located on the east side of S. Stonewall Street, approximately 140-feet north of E. Washington Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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