

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

**December 19, 2022 - 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. A quorum of the Planning and Zoning Commission intends to be physically present at the aforementioned location.

VIDEOCONFERENCE INFORMATION

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89693331803>

Or One tap mobile :

US: +13462487799,,89693331803# or +16694449171,,89693331803#

Or Telephone:

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

US: +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or
+1 253 215 8782 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 931
3860 or +1 929 436 2866 or +1 301 715 8592 or +1 309 205 3325

Webinar ID: 896 9333 1803

International numbers available: <https://us02web.zoom.us/j/89693331803>

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

CONSENT ITEMS

2. Motion approving the Planning and Zoning Commission Meeting minutes for December 5, 2022
3. Motion approving the 2023 Planning and Zoning Meeting Schedule.

4. Motion approving a Final Plat of Hines Addition, Section 3, being a replat of Lots 12 and 13, Hines Addition, An Addition to the City and County of Midland, Texas. (Generally located on the north side of Carter Avenue, approximately 210-feet east of Cotton Flat Road. – Council District 2) (DEVELOPMENT SERVICES)
5. Motion approving a Final Plat of Green Tree North Addition, Section 23, being a residential replat of Lots 12 & 13, Block 5, Correction Plat Green Tree North, City and County of Midland, Texas. Generally located on the southeast corner of the intersection of Island Dr and Rustic Trail. (Council District 1)
6. Motion approving a Final Plat of Redneck Retreat, 12.80-acre tract of land out of the northwest Section 15, Block 15, T-2-S, RR. Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 130, approximately 920-feet east of FM715 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

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

7. Consider a request by Green Acres Golf, LLC to amend an ordinance for a PD, Planned District for Transition out of Lot 5, Block 1, Rolling Green Acres, Section 3, City and County of Midland, Texas. Generally located on the north side of East State Highway 80, approximately 250-feet west of Todd Drive - Council District 2) (DEVELOPMENT SERVICES)
8. Consider a request by 237 West Wall LLC., for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a bar on a 5,792-square foot portion of the west 90-feet of Lots 10, 11, and 12, Block 61, Original Town, City and County of Midland, Texas. (Generally located southeast of the intersection of West Wall Street and South Carrizo Street - Council District 3) (DEVELOPMENT SERVICES)
9. Consider a request by Parkhill for a zone change from PD, Planned District, for Housing Development in part, Office Center in Part, Recreation Center in part, and Shopping Center in part, to an amended PD, Planned District, for Housing Development in part, Office Center in Part, Recreation Center in part, and Shopping Center in part, on a 38.22-acre tract of land out of the Northeast Quarter of Section 48, Block 40, T-1-S, T & P. R.R. Co. Survey, City and County Midland, Texas. (Generally located on the southwest corner of the intersection of Thomason Dr and Loop 250 West – Council District 4) (DEVELOPMENT SERVICES)
10. Consider a request by Jorge Chavez for a zone change from RR, Regional Retail District, to SF-3, Single-Family Dwelling District, on Lot 155, Block 3, Southern Addition, City and County of Midland, Texas. Generally located on the west side of South Loraine, approximately 143 feet south of intersection West Pennsylvania. (Council District 2) (DEVELOPMENT SERVICES)
11. Consider a request by Steve Jeter, d/b/a The Venue, for a Specific Use Designation with

Term for the sale of all alcoholic beverages, for on-premises consumption, on Lot 1, Block 1, Belmont Addition, Camelot Addition, City and County of Midland, Texas. (Generally located on the west side of Elkins Rd, approximately 6,200-feet north of East State Highway 80 – Council District 4) (DEVELOPMENT SERVICES)

MISCELLANEOUS

12. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Westridge Park Addition, Section 46, being a Re-Plat of the Northwest 1.61 Acres of Lot 10, Block 7, Westridge Park Addition, Section 39, City and County of Midland, Texas. (Generally located south of Andrews Hwy, approximately 330ft east of Avalon Drive - Council District 4) (DEVELOPMENT SERVICES)

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
December 5, 2022
Council Chambers – City Hall**



The Planning and Zoning Commission convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:31 p.m., December 05, 2022.

Commissioners present: Dianne Williams, Zachary Deck, Adrian Carrasco, Abraham Bejil, Beverly Dillow, Sallie Vega

Commissioners absent: Stacy Grosse, Lucy Sisniega, Emily Holeva

Staff members present: Charles Harrington, Elizabeth Shaughnessy, Landon Ochoa, James Reber, Alexandra Walling, Dalia Salinas

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

Commissioner Carrasco moved to approve; seconded by Commissioner Deck.

The motion passed by the following vote: 6 to 0

AYE: Williams, Deck, Carrasco, Bejil, Dillow, Vega

NAY: None

ABSTAIN: None

ABSENT: Sisniega, Grosse, Holeva

2. Motion approving the Planning and Zoning Commission Meeting minutes for November 21, 2022
3. Motion approving a Final Plat Permian Estates, Section 21, being a replat of Lots 2 and 3, Block 27, Permian Estates, City and County of Midland, Texas. (Generally located on the south side of Tanner Drive, approximately 95 feet to the west of S. Raymond Road. – Council District 4)
4. Motion approving a Final Plat Midkiff Industrial Center, Section 27, being a plat of a 0.629-acre tract of land located in the SE/4 of Section 5, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas and also being that certain 0.65-acre tract described and recorded in Volume 1427, Page 67, Public Records of Midland County, Texas. (Generally located on the south side of West Stokes Avenue, approximately 390 feet west of South Midkiff Road – Council District 2)
5. Motion approving a Final Plat of Grafaland, Section 7, being a residential replat of Lot 1, Block 23, Grafaland Second Section, and Tract A, the west 11/15th Lot 6, and all of Lot 7, Block 14, North Park Hill Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of East Broadway St and Bedford Drive - Council District 3)

PUBLIC HEARINGS

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

6. Consider a request by Elisama Corzo for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a Restaurant on a 1,763 square foot portion of Lot 6A, Block 62, Belmont Addition, Section 23, City and County of Midland, Texas. (Generally located on the north side of East Interstate 20, approximately 478-feet west of South Terrell Street. - Council District 2)

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

Commissioner Carrasco asked if staff received documentation of the certified letter from Richard Milburn Academy. Staff confirmed that we had received a letter from Richard Milburn Academy.

The public hearing was opened at 3:37 p.m.

The applicant was present but deferred to staff.

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

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

The motion passed by the following vote: 5 to 1

AYE: Deck, Carrasco, Bejil, Dillow, Vega

NAY: Williams

ABSTAIN: None

ABSENT: Sisniega, Grosse, Holeva

7. Consider a request by Jorge Chavez for a Zone Change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District, on Lot 8, Block 30, Greenwood Addition, Section 3, City and County of Midland, Texas. (Generally located on the east side of South Clay Street, approximately 90-feet north of East Pennsylvania Avenue - Council District 2)

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

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

The applicant was not present.

The public hearing was closed at 3:41 p.m.

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

The motion passed by the following vote: 6 to 0

AYE: Williams, Deck, Carrasco, Bejil, Dillow, Vega

NAY: None

ABSTAIN: None

ABSENT: Sisniega, Grosse, Holeva

8. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Cowden Addition, Section 8, being a replat of Lots 5 and 6, Block 2, Cowden Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Humble Avenue and Marienfeld Street - Council District 3)

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

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

The applicant was not present.

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

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

The motion passed by the following vote: 6 to 0

AYE: Williams, Deck, Carrasco, Bejil, Dillow, Vega

NAY: None

ABSTAIN: None

ABSENT: Sisniega, Grosse, Holeva

MISCELLANEOUS

9. Motion approving with staff's recommended conditions, proposed Preliminary plat of Westridge Park Addition, Section 49, being a plat of a 38.22-acre tract of land out of the Northeast quarter of Section 48, Block 40, T-1-S,

T & P. R.R. Co. Survey, City and County Midland, Texas. (Generally located northeast of the intersection of Leisure and South Loop 250 - Council District 4)

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

The motion passed by the following vote: 6 to 0
AYE: Williams, Deck, Carrasco, Bejil, Dillow, Vega
NAY: None
ABSTAIN: None
ABSENT: Sisniega, Grosse, Holeva

10. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Siesta Storage Addition, being a 10.8-acre tract of land out of a 50.060-acre tract of land, all out of Section 28, Block 38, T-1-S, T&P RR Co. Survey Midland County, Texas. (Generally located on the south side of E. Loop 250 N, approximately 290 – feet west of N. County Road 1140 - Extraterritorial Jurisdiction)

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

The motion passed by the following vote: 6 to 0
AYE: Williams, Deck, Carrasco, Bejil, Dillow, Vega
NAY: None
ABSTAIN: None
ABSENT: Sisniega, Grosse, Holeva

With no further items or business to come before the Commission, Vice Chairwomen Williams adjourned the meeting at 3:49 p.m.

Lucy Sisniega, Chairwomen

Date

Elizabeth Shaughnessy, Planning Division Manager
Department of Development Services

Date



2023 PLANNING AND ZONING COMMISSION MEETINGS

January 3*	July 10
January 17*	July 24
February 6	August 7
February 21*	August 21
March 6	September 5*
March 20	September 18
April 3	October 2
April 17	October 16
May 1	November 6
May 15	November 20
June 5	December 4
June 20*	December 18

* Indicates a Tuesday Meeting



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: December 19, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Alexandra Walling, Planner

SUBJECT: Motion approving a Final Plat of Hines Addition, Section 3, being a replat of Lots 12 and 13, Hines Addition, An Addition to the City and County of Midland, Texas. (Generally located on the north side of Carter Avenue, approximately 210-feet east of Cotton Flat Road. – Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

C, Commercial District

Preliminary Plat Approval:

The applicant, Maverick Engineering, is requesting to replat of Lots 12 and 13, Hines Addition, Section 3, City and County of Midland, Texas for ownership purpose.

Final Plat Requirements:

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

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

Below are the departments' comments.

Departmental Review:**Engineering: Approved**

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

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

PAVING: This section of Carter Avenue was constructed as part of the Bond Projects. No pavement improvements required. [For Applicant's Information Only.]

WATER: 12" water exists in Carter Ave south of tract, okay as is. No public water improvements required. [For Applicant's Information Only.]

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

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

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

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

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

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

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

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

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

Fire: Approved

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

Oil and Gas: Approved

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

Code Administration: Approved

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

GIS: Approved

No comments.

Planning: Approved

All departments' comments have been satisfied.

Staff recommends approval once all comments have been met of the Final Plat of Hines Addition, Section 3, subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number:

Sub-22-0542

Case Number:

P-22-1475

Proposed Subdivision Plat Name: Hines Addition, Section 3**Legal Description (attached sealed Metes and Bounds):** Being a Replat of Lots 12 and 13, Block 9, Hines Addition, an Addition to the City and County of Midland, Texas**Property Owner**

Printed Name: Greg and Josie Long

Phone ()

Email

Address 1301 Cottonflat Rd

City Midland

State TX

Zip 79701

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999

Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: C**Reason for Platting:** New Building**Plat Information**

Total Acreage: 0.53

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

Number of Lots: 1

Number of Multi-Family Dwelling Units:

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Date: 11/18/22

Property Owner (printed):

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

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

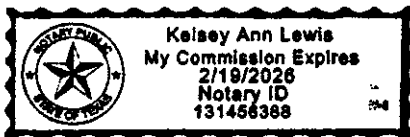
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Andrew L Mellen
Authorized Agent (signature)

Subscribed and sworn to before me, this 18th day of November, 2022, to certify which witness my hand and seal of office.



Kelsey Ann Lewis

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

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

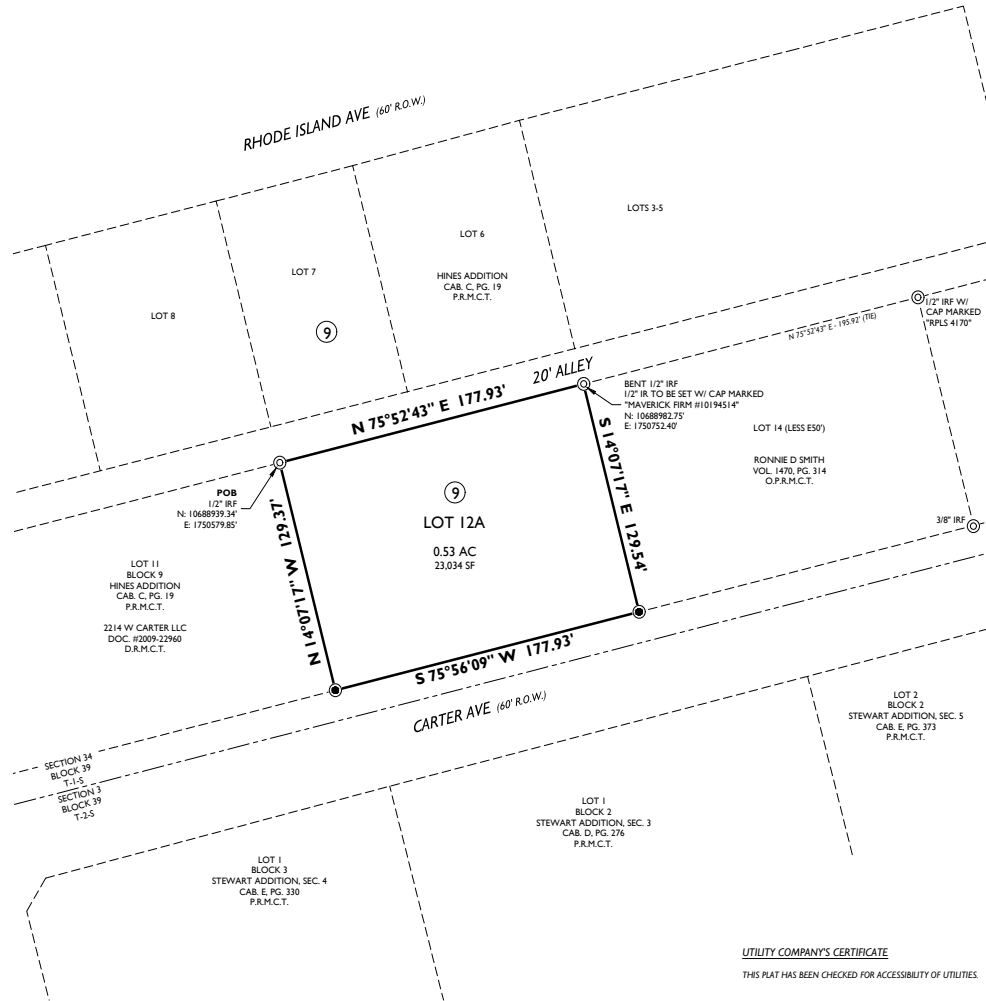
Received By: _____

Date: _____

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

HINES ADDITION, SECTION 3

BEING A REPLAT OF LOTS 12 AND 13, BLOCK 9, HINES ADDITION,
AN ADDITION TO THE CITY AND COUNTY OF MIDLAND, TEXAS.



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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

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



OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS GREG LONG, IS THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 34, BLOCK 39, T-1-S, T&P, RAILWAY, CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT GREG LONG, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS HINES ADDITION, SECTION 3, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEYS, AND EASEMENTS SHOWN THEREON, AND DO HEREBY GIVE AN EASEMENT OF INGRESS AND EGRESS TO THE CITY OF MIDLAND FOR GARBAGE COLLECTION, UTILITY FACILITY ACCESS AND MAINTENANCE, LOCATION AND MAINTENANCE OF TRASH CONTAINERS AND ACCESS THEREO, AND CONDITION SAID EASEMENT THAT NO CONSTRUCTION SHALL COMMENCE ON SAID LOT OR LOTS UNTIL THE EXACT LOCATION OF SAID CONTAINERS THEREWITH HAS BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.

WITNESS MY HAND AT _____, M.,
THE _____ DAY OF _____, 2022.

BY: GREG LONG

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

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

THE _____ DAY OF _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS JOSIE LONG, IS THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 34, BLOCK 39, T-1-S, T&P, RAILWAY, CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT JOSIE LONG, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS HINES ADDITION, SECTION 3, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEYS, AND EASEMENTS SHOWN THEREON, AND DO HEREBY GIVE AN EASEMENT OF INGRESS AND EGRESS TO THE CITY OF MIDLAND FOR GARBAGE COLLECTION, UTILITY FACILITY ACCESS AND MAINTENANCE, LOCATION AND MAINTENANCE OF TRASH CONTAINERS AND ACCESS THEREO, AND CONDITION SAID EASEMENT THAT NO CONSTRUCTION SHALL COMMENCE ON SAID LOT OR LOTS UNTIL THE EXACT LOCATION OF SAID CONTAINERS THEREWITH HAS BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.

WITNESS MY HAND AT _____, M.,
THE _____ DAY OF _____, 2022.

BY: JOSIE LONG

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

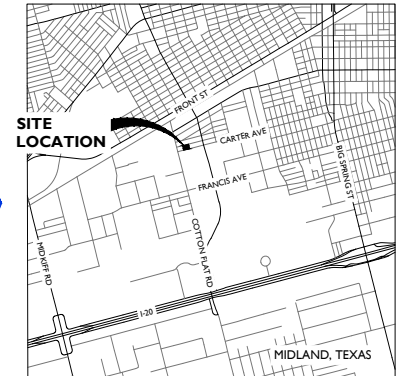
BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JOSIE LONG, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS OWNER, AND THAT HE EXECUTED THE SAME FOR THE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

THE _____ DAY OF _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PROPERTY OWNER

GREG & JOSIE LONG
1301 COTTONFLAT RD
MIDLAND, TX 79701
DEED INSTRUMENT #2017-10488



VICINITY MAP

N.T.S.

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S NFIP FLOOD INSURANCE RATE MAPS #48320C0201F & #48320C0202F, BOTH DATED SEPTEMBER 14, 2005, THIS PROPERTY IS WITHIN THE UNSHADDED PORTION OF ZONE "X", DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF MAVERICK ENGINEERING.

DEVELOPMENT NOTES

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND 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.
- THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:
(1) THE REPRESENTED LOT IS REPLATTED FOR SUBDIVISION INTO MORE THAN ONE LOT OR;
(2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE PERMITTING PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.

SURVEY NOTES

- BASIS OF BEARING, COORDINATES, DISTANCE AND ACREAGE ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE, NAD 83, U.S. SURVEY FOOT WITH A CONVERGENCE ANGLE (theta) OF -0°54'25.06" AND A CSF OF 0.999897289 AT THE POINT OF BEGINNING.
- 1/2-INCH IRON ROD WIRE PLASTIC CAP MARKED "MAVERICK FIRM #10194514" AT ALL SET CORNER, UNLESS OTHERWISE NOTED.
- SEE DOCUMENTS OR ELECTRONIC DATA FILED IN THE OFFICE OF MAVERICK ENGINEERING FOR COMPLETE RECONSTRUCTION OF THIS SURVEY.

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF HINES ADDITION, SECTION 3, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS ON THIS

_____ DAY OF _____, 2022.

LUCY SSNIGGA, CHAIRMAN

ELIZABETH SHAUGHNESSY, SECRETARY



MAVERICK
CIVIL ENGINEERING / LAND SURVEYING

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

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____
DATE _____ PAGE _____

HINES ADDITION
December 2, 2022
SECTION 3

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

ATMOS ENERGY

BY: _____

AT&T

BY: _____

OPTIMUM

BY: _____

ASTOUND BROADBAND

BY: _____

ONCOR ELECTRIC DELIVERY

BY: _____

LEGEND

● DENOTES SET 1/2-INCH IRON ROD WIRE PLASTIC CAP MARKED "MAVERICK FIRM #10194514"

○ FOUND MONUMENT AS NOTED

— BOUNDARY LINE

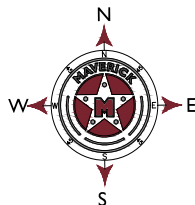
- - - SECTION LINE

- - - EXISTING LOTS

O.P.R.M.C.T. OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX

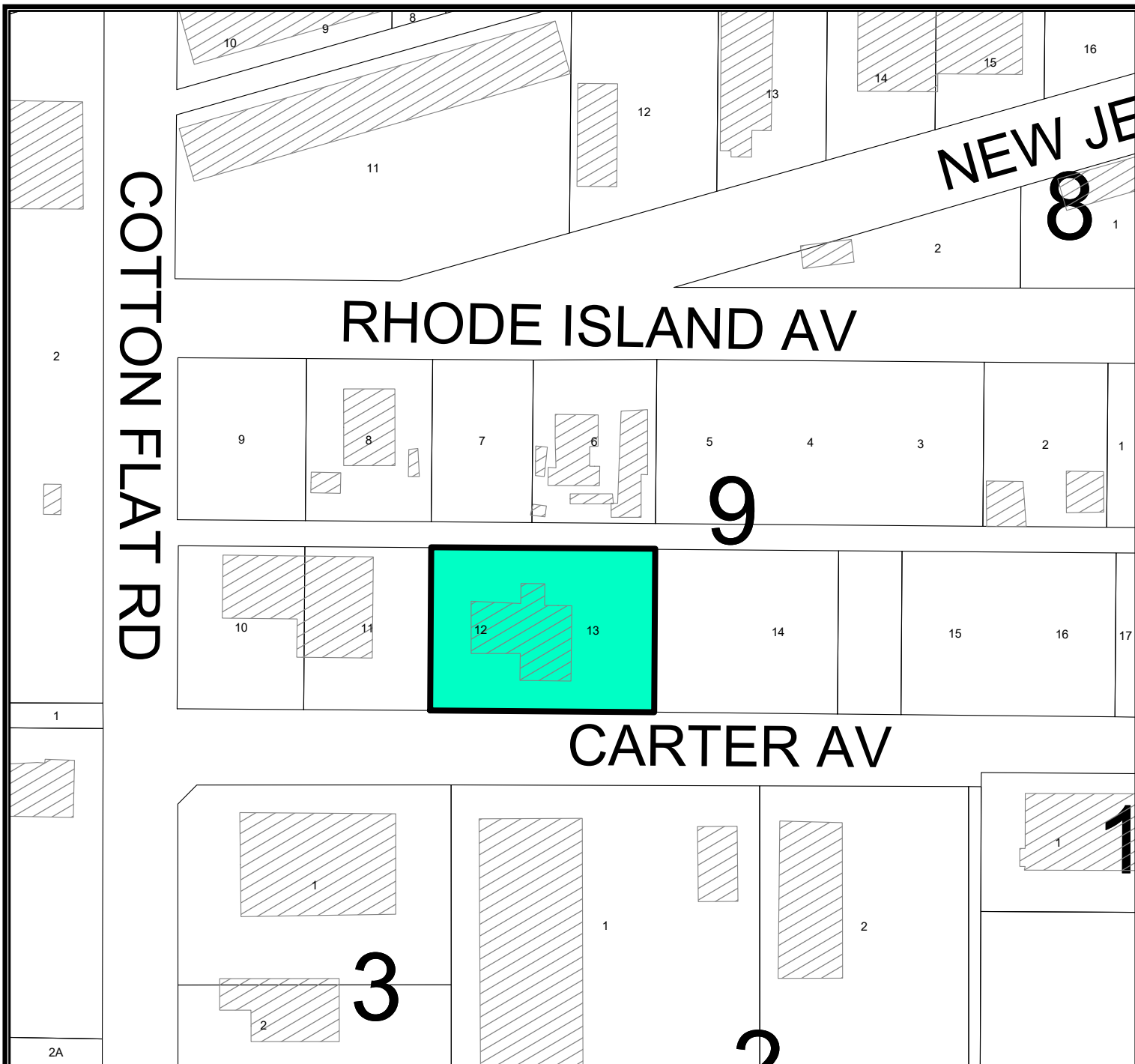
D.R.M.C.T. DEED RECORDS, MIDLAND CO., TX

P.R.M.C.T. PLAT RECORDS, MIDLAND CO., TX



0' 50' 100' 150'
SCALE 1" = 50'

PACKET



LOCATION MAP

SUB-22-0542

Scale: 1" = 200'

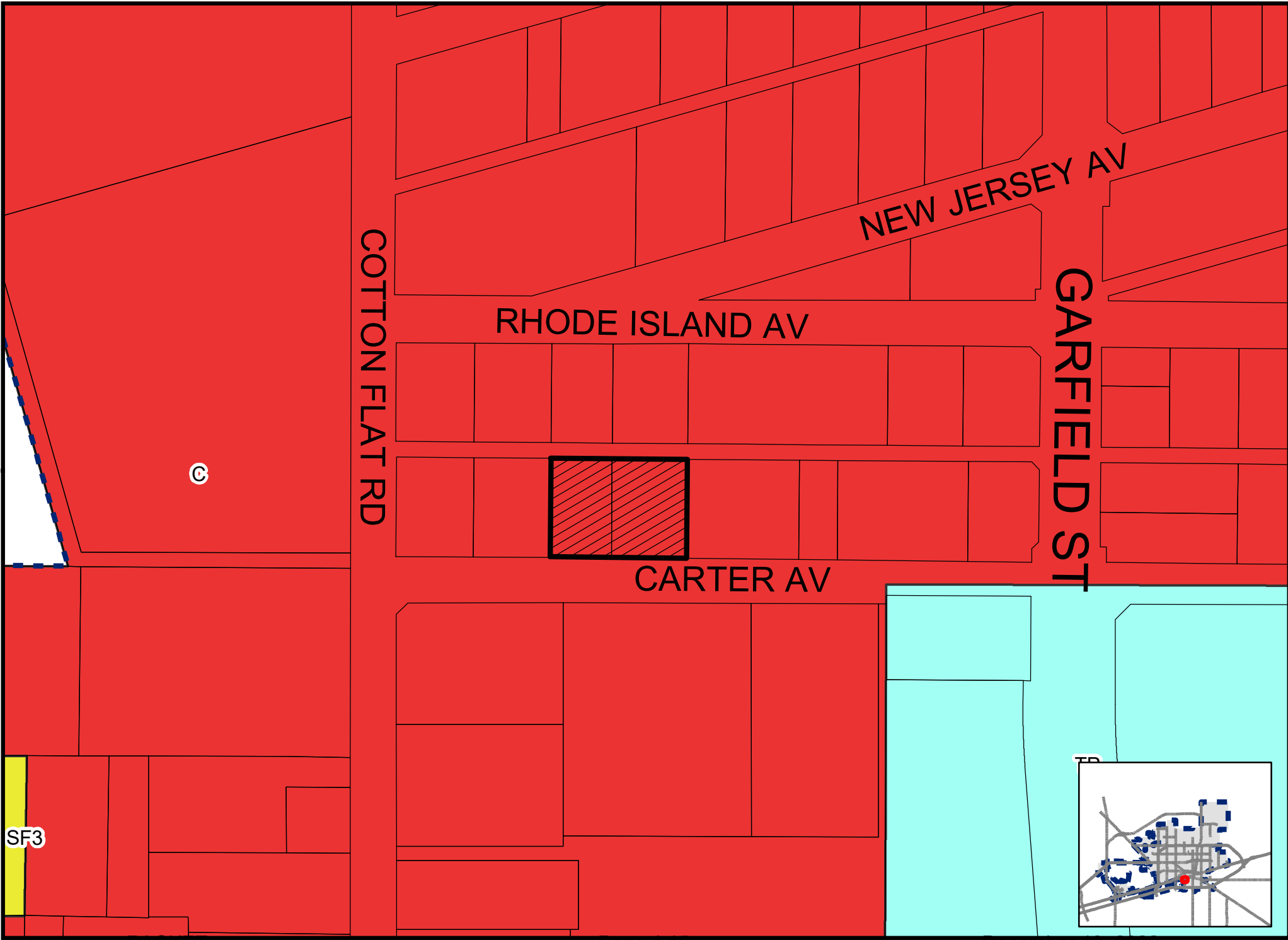
Proposed plat of Hines Addition, Section 3, being a replat of Lots 12 and 13, Hines Addition, An Addition to the City and County of Midland, Texas

Generally located on the north side of Carter Avenue, approximately 210-feet east of Cotton Flat Road.
(Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaugnessy

MEETING DATE: December 19, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: James Reber, Planner

SUBJECT: Motion approving a Final Plat of Green Tree North Addition, Section 23, being a residential replat of Lots 12 & 13, Block 5, Correction Plat Green Tree North, City and County of Midland, Texas. Generally located on the southeast corner of the intersection of Island Dr and Rustic Trail. (Council District 1)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

SF1, Single Family Dwelling District.

Preliminary Plat Approval:

The applicant, Landpoint, is requesting to replat Lots 12 and 13, Block 5, Correction Plat Green Tree North, City and County of Midland, Texas, for ownership purposes. The Preliminary Plat was approved at the September 6, 2022, Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

Departmental Review:

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

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved)

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

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

PAVING: Rustic Trail and Island Drive are okay as is. [For the Applicant's information only.]

WATER: 6" water exists in Island Drive and 6" water in Rustic Trail and Island Drive, okay as is. No public water improvements are required. [For the Applicant's information only.]

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

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

SEWER: 8" sewer exists in Rustic Trail and a 6" in Island Drive, okay as is. No public wastewater improvements are required. [For the Applicant's information only.]

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

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

SIDEWALKS: Required with building permit. [For the Applicant's information only.]

DIMENSION: * * *

TRANSPORTATION: (Approved)

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

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

FIRE: (Approved)

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

CODE COMPLIANCE: (Approved)

No Oil and Gas issues.

GIS: (Approved)

The third call has the direction S W instead of N E.

PLANNING: (Approved)

All staff departments' comments have been satisfied.

Staff recommends approval of the Final Plat of Green Tree North Addition, Section 23, 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:

Application
Proposed Preliminary Plat (Exhibit A)
Maps



Final Plat Application

Project Number:

Case Number:

SUB-22-0528
P-22-1467**Proposed Subdivision Plat Name:** GREEN TREE NORTH ADDITION, SECTION 23**Legal Description (attached sealed Metes and Bounds):** BEING A REPLAT OF LOTS 12 & 13, BLOCK 5,
BEING A REPLAT OF LOTS 12 & 13, BLOCK 5, CORRECTION PLAT GREEN TREE NORTH, CITY AND COUNTY OF MIDLAND, TEXAS.**Property Owner**

Printed Name: Brent D. Hilliard

Phone (432) 683-9100

Email: hilliard@mmbo.com

Address P.O. Box 52510

City MIDLAND

State TX

Zip 79701

Developer (if different than Owner)

Printed Name: The Hilliard Companies, LLC

Phone (432) 683-9100

Email: hilliard@mmbo.com

Address P.O. Box 52510

City MIDLAND

State TX

Zip 79701

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

Firm: LANDPOINT

Printed Name: Larry H. Walker, PE

Phone (432) 528-3159

Email: lwalker@team-west.com

Address 110 W. Louisiana Street Suite 110

City MIDLAND

State TX

Zip 79701

Current Zoning: SF1**Reason for Platting:** REPLATTING SAID PROPERTY**Plat Information**

Total Acreage: 1.52 AC

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

Number of Lots: 2

Number of Multi-Family Dwelling Units: 0

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00
For plats that exceed 24" \$81.00
For related documents, \$26.00 for first page, \$4.00 for each additional page.

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

Property Owner (signature):

Brent D Hilliard

Date:

Property Owner (printed): BRENT D. HILLIARD

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

RECEIVED
NOV 21 2022

BY: James Kelly

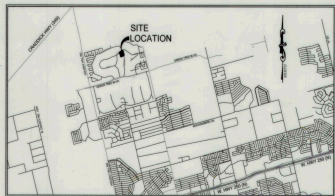
FOR OFFICE USE ONLY

- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☒ Mylar | ☒ 1 Copy of Plat (11x17) | ☒ CADD File |
| ☒ Application Fee | ☒ Title Opinion | ☒ Public Improvement |
| Check # <u>26341</u> <u>26340</u> | ☒ Tax Certificates | ☒ Recording Fee <u>26341</u> |

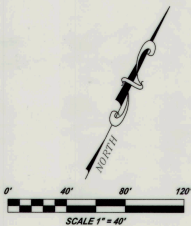
Received By: James Kelly

Date: 11/21/22

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



VICINITY MAP
(NOT TO SCALE)



LEGEND

- DENOTES SET 5/8" IRON ROD w/ RED PLASTIC CAP MARKED "LANDPOINT"
- DENOTES FOUND MONUMENT AS NOTED
- DENOTES BOUNDARY LINE
- DENOTES PROPOSED LOT LINE
- - - DENOTES EXISTING LOT LINE, ADJACENT DEED, OR PROPERTY LINE
- - - DENOTES EXISTING EASEMENT
- DEED RECORD, MIDLAND COUNTY, TEXAS
- PLAT RECORDS, MIDLAND COUNTY, TEXAS
- OFFICIAL PLAT RECORDS, MIDLAND COUNTY, TEXAS

Curve Data

Curve #	Rad	Tan	Chord	Arc	Delta	Chord Bearing
C1	870.00	7.50	14.999	15.00	0°59'16"	N 17°59'05" W
C2	419.03	29.52	58.897	58.95	8°03'37"	N 22°30'32" W
C3	25.00	30.41	38.626	44.14	101°09'36"	N 77°07'08" W

NOTICE:

- 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.
- COORDINATES, SHOWN HEREON ARE LAMBERT GRID AND CONFORM TO THE "TEXAS COORDINATE SYSTEM", TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM 1983.
- BASIS OF BEARING (& DISTANCES): CORRECTION PLAT GREEN TREE NORTH CABINET C, PG 149, P.R.M.C.T.
- WITH REFERENCE TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, MAP NO. 48329C00666, EFFECTIVE DATE: 12/07/99, THIS SURVEYOR HAS DETERMINED THAT PART OF THIS PROPERTY IS LOCATED IN ZONE "X" WITH THE 100 YEAR FLOODPLAIN. THIS DETERMINATION SHALL NOT CREATE A LIABILITY UPON SAID SURVEYOR.
- THE FOLLOWING BLANKET EASEMENTS ENCOMBER THIS PROPERTY:
A. TO MAGNOLIA PIPE LINE COMPANY, RECORDED IN VOLUME 67, PAGE 531, DEED RECORDS MIDLAND COUNTY, TEXAS.
B. TO CAP ROCK ELECTRIC COOPERATIVE, INC., RECORDED IN VOLUME 751, PAGE 278, DEED RECORDS MIDLAND COUNTY, TEXAS.
C. TO TEXAS ELECTRIC SERVICE COMPANY, RECORDED IN VOLUME 774, PAGE 155, DEED RECORDS MIDLAND COUNTY, TEXAS.

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

Mark Sub
ATMOS ENERGY

Mark Lieb
Print Name:

Ruben Guerra
ASTOUND

PACK

Luis Montez
OPTIMUM

Luis Montez
Print Name:

Ruben Guerra
Print Name:

Vincent Gonzalez
AT&T-TEXAS

Vincent Gonzalez
Print Name:

INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE PERMITTING PROCESS. ADDITIONAL IMPACT FEES OR INCREASES MAY BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.

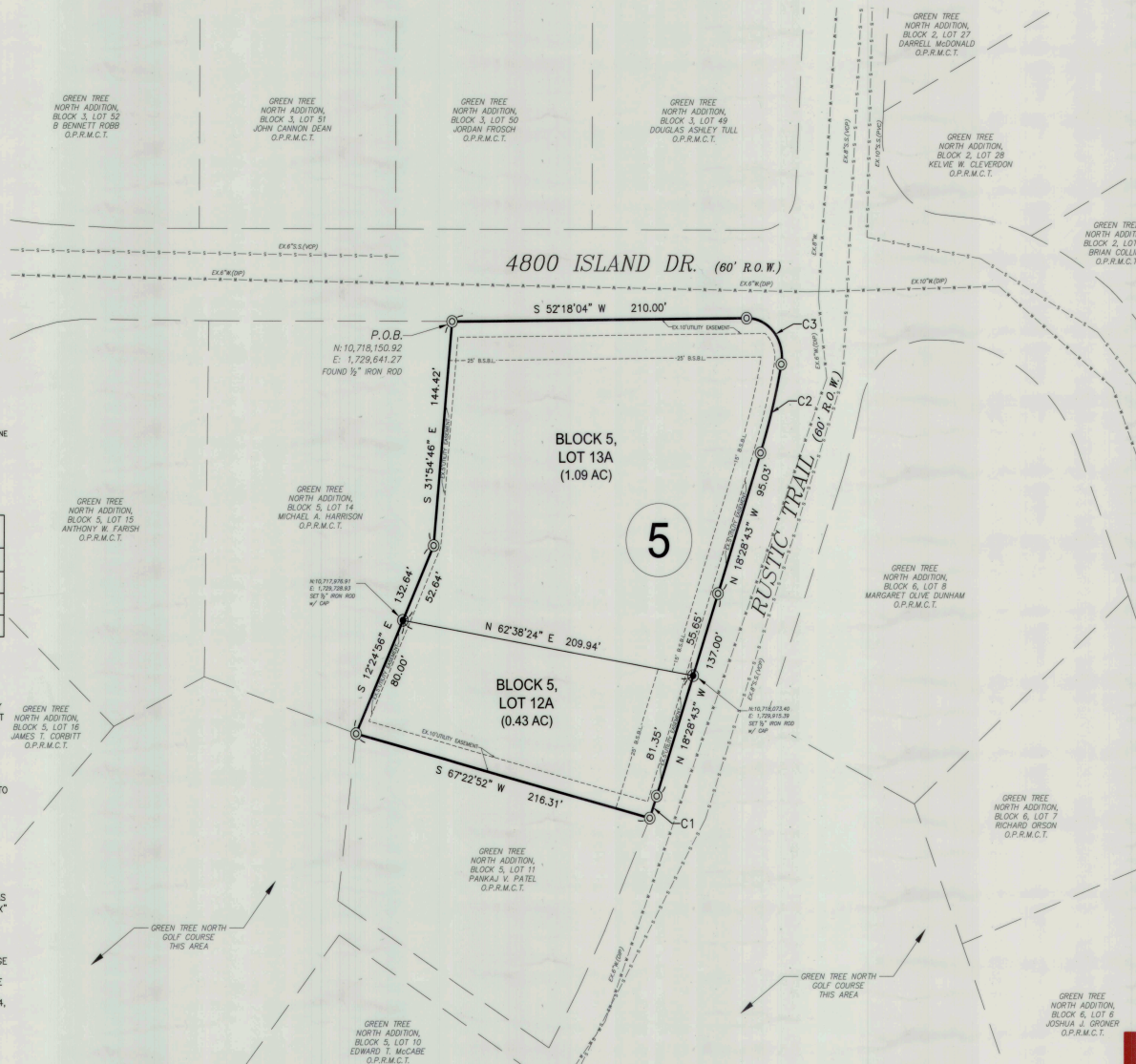
PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____
DATE: _____ PAGE _____

FINAL PLAT

GREEN TREE NORTH ADDITION, SECTION 23

BEING A REPLAT OF LOTS 12 & 13, BLOCK 5, CORRECTION
PLAT GREEN TREE NORTH, CITY AND COUNTY OF MIDLAND, TEXAS.



OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, BRENT D. & STACY H. HILLIARD, is the record owner of a 1.52 Acre Tract of land being a re-plat of all of Lots 12 & 13, Block 5, correction Plat Green Tree North, Section 23 on addition to the City of Midland, Midland County, Texas, according to the plat recorded in Plat Cabinet "C", on page 149 of the Plat Records of Midland County, Texas,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, BRENT D. HILLIARD, being the owner of the land shown on this plat designated as GREEN TREE NORTH ADDITION, SECTION 23, on Addition to the City of Midland, Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon; and do hereby give an easement of ingress and egress to the City of Midland for garbage and trash collection, and location and maintenance of trash containers and access thereto, and condition said easement that no construction shall commence on said lot or until the exact location of said containers therewith have been selected and approved by the Director of Utilities.

WITNESS my hand at Midland, Texas, this

the 17th day of November, 2022.

By: BRENT D. HILLIARD

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

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

the 17th day of November, 2022.

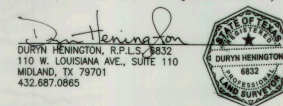
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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



CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "GREEN TREE NORTH ADDITION, SECTION 23", was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

the ____ day of _____, 2022.

LUCY SISNEGA, CHAIRMAN

ELIZABETH SHAUGHNESSY, SECRETARY

OWNER:

Brent D. & Stacy H. Hilliard
P.O. Box 52510
Midland, Texas 79710



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

December 19, 2022
GREEN TREE NORTH ADDITION, SECTION 23

FINAL PLAT

GREEN TREE NORTH ADDITION, SECTION 23

BEING A REPLAT OF LOTS 12 & 13, BLOCK 5, CORRECTION
PLAT GREEN TREE NORTH, CITY AND COUNTY OF MIDLAND, TEXAS.

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, BRENT D. & STACY H. HILLIARD, are the record owners of a 1.52 Acre Tract of land being a re-plat of all of Lots 12 & 13, Block 5, correction Plat Green Tree North, Section 23 an addition to to the City of Midland, Midland County, Texas, according to the plat recorded in Plat Cabinet "C", on page 149 of the Plat Records of Midland County, Texas,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, STACY H. HILLIARD, being the owner of the land shown on this plat designated as GREEN TREE NORTH ADDITION, SECTION 23, an Addition to the City of Midland, Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon; and do hereby give an easement of ingress and egress to the City of Midland for garbage and trash collection, and location and maintenance of trash containers and access thereto, and condition said easement that no construction shall commence on said lot or lots until the exact location of said containers therewith have been selected and approved by the Director of Utilities.

WITNESS my hand at Midland, Texas, this

the 14th day of December, 2022.

Stacy Hilliard
By: STACY H. HILLIARD

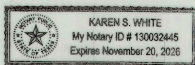
ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

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

the 14th day of December, 2022.

Karen S. White
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



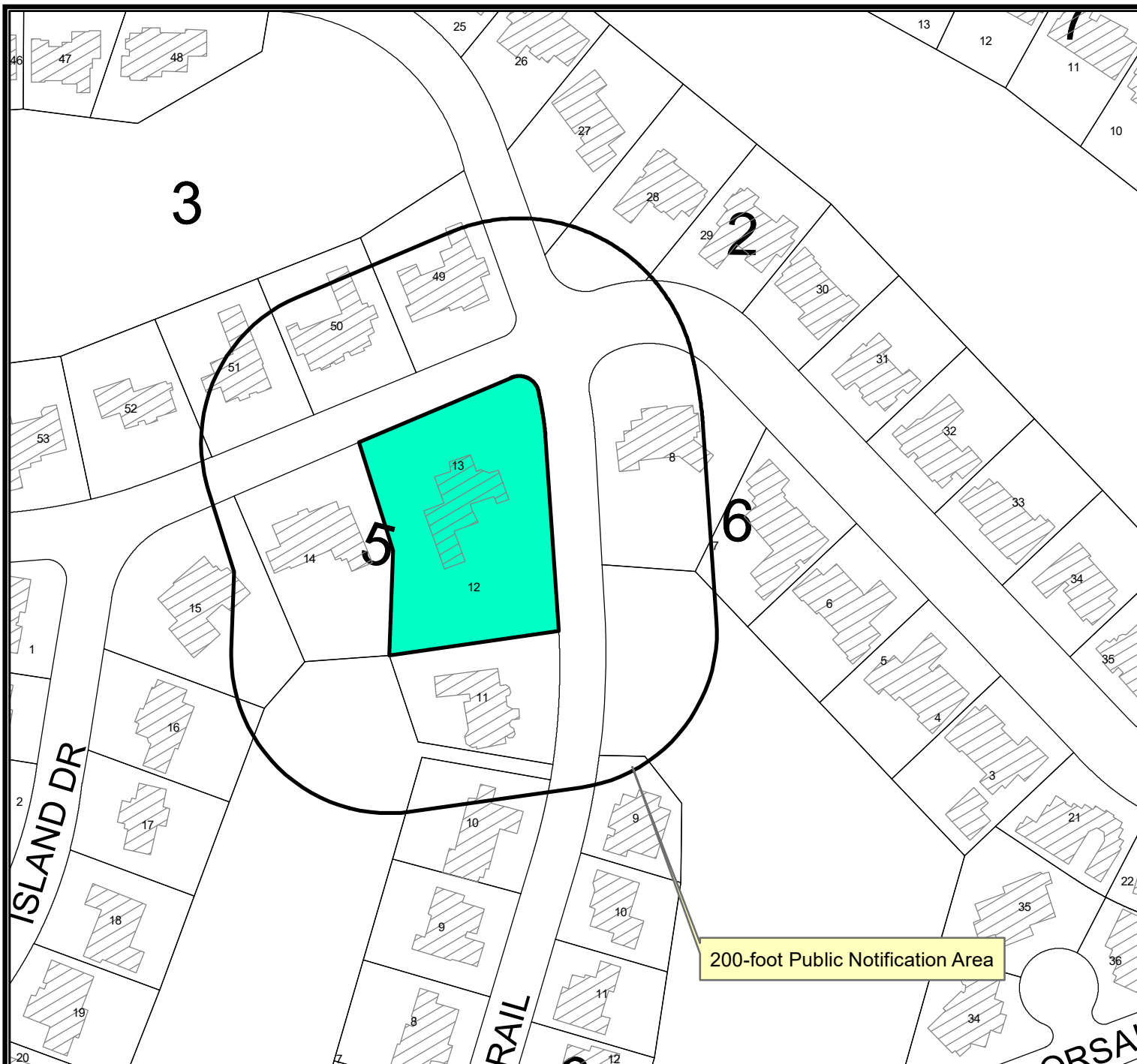
OWNER:
Brent D. & Stacy H. Hilliard
P.O. Box 52510
Midland, Texas 79710

**LAND
POINT**

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

OCTOBER 2022

GREEN TREE NORTH ADDITION, SECTION 23



LOCATION MAP

P-22-1394

Scale: 1" = 200'

Proposed re-plat of Green Tree North Addition, Section 23, being a residential replat of Lots 12 & 13, Block 5, Green Tree North Correction Plat, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of Island Dr and Rustic Trail. (Council District 1)

LEGEND

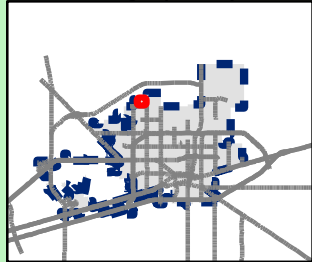
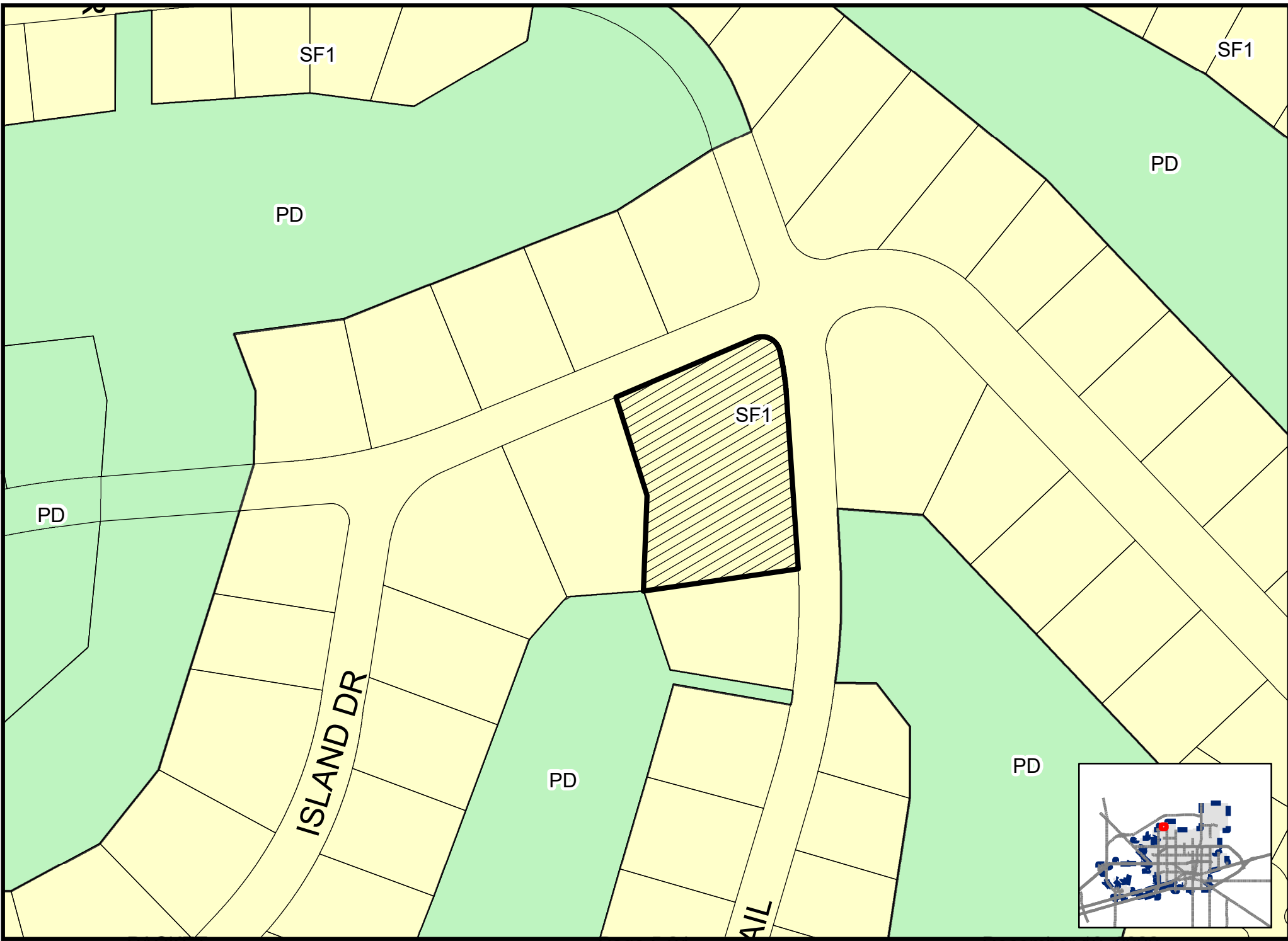
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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





Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: December 19, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Alexandra Walling, Planner

SUBJECT: Motion approving a Final Plat of Redneck Retreat, 12.80-acre tract of land out of the northwest Section 15, Block 15, T-2-S, RR. Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 130, approximately 920-feet east of FM715 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

ETJ, Extraterritorial District

Preliminary Plat Approval:

The applicant, Redneck Metal Buildings, LLC – Clarence Sauer, is requesting to plat a 12.80-acre tract of land out of the northwest Section 15, Block 15, T-2-S, RR. Co. Survey, Midland County, Texas, to obtain septic permits and addresses.

Final Plat Requirements:

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

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

Below are the departments' comments.

Engineering: Approved

IMPACT FEES: Property is outside of designated service areas. Remove impact fee language. [For applicant's information only.]

ROW: ROW okay as is. [For the Applicant's information only.]

PAVING: Paving improvement were administratively approved on 12/14/2022. [For Applicant's Information Only.]

WATER: Water improvement were administratively approved on 12/14/2022. [For Applicant's Information Only.]

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

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

SEWER: Wastewater improvement were administratively approved on 12/14/2022. [For Applicant's Information Only.]

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

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

DRAINAGE: Drainage report has been approved for platting purposes. [For the Applicant's information only.]

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

SIDEWALKS: Sidewalk improvement were administratively approved on 12/14/2022. [For Applicant's Information Only.]

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

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

Fire: Approved

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

Oil and Gas: Approved

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

Code Administration: Approved

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

GIS: Approved

Survey section block number 15 should be 38 in legal description.

Planning: Approved

All departments' comments have been satisfied.

Staff recommends approval once all comments have been met of the Final Plat of Redneck Retreat, 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-22-0524
Case Number: P-22-1477

Proposed Subdivision Plat Name: **Redneck Retreat**

Legal Description (attached sealed Metes and Bounds): **A 12.80-ACRE TRACT OF LAND OUT OF THE NORTHWEST SECTION 15, BLOCK 15, T-2-S, RR. CO. SURVEY, MIDLAND COUNTY, TEXAS..**

Property Owner

Printed Name: **Redneck Metal Buildings, LLC**

Address **PO Box 53104**

City **Midland**

Phone **(432)458-3716**

Email
clarence@redneckmetalbuildings.com

State **TX**

Zip **79710**

Developer (if different than
Owner) Printed Name:

Address

City

Phone ()

Email

State

Zip

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

Printed Name: **Eduardo L. Aleman**

Address **800 N. Marienfeld Suite 100**

City **Midland**

Phone **(432) 684-5548**

Email
ealeman@schumannonline.net

State **TX**

Zip **79701**

Current Zoning:

Reason for Platting: **To obtain septic permits and addresses.**

Plat Information

Total Acreage: **12.8**

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: **4**

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'

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): Clarence Sauer

Date: 11-29-22

Property Owner (printed): Clarence Sauer

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.

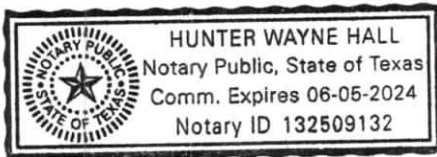
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Ed Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 29th day of Nov., 20 22 to certify which witness my hand and seal of office.



HWH
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 \$350 ☒ 1 Copy of Plat (11x17)

Check # _____

Received By: Lexie Walling

Date: NOV 30 2022

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

REDNECK RETREAT

A 12.80-ACRE TRACT OF LAND OUT OF THE NORTHWEST SECTION 15, BLOCK 38, T-2-S, RR. CO. SURVEY, MIDLAND COUNTY, TEXAS.

STATE OF TEXAS:
COUNTY OF MIDLAND:

WHEREAS, I AM THE RECORD OWNER OF A TRACT OF LAND SITUATED IN MIDLAND COUNTY TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

FIELD NOTE DESCRIPTION OF A 12.80 ACRE TRACT OF LAND OUT OF THE NORTHWEST PART OF SECTION 15, BLOCK 38, T-2-S, T&P RR CO SURVEY, MIDLAND COUNTY, TEXAS, SAID 12.80 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT (N:10677523.97, E:1770652.23) A 1/2 INCH REINF BAR SET FOR THE NORTHWEST CORNER OF THIS TRACT, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 15 BEARS SOUTH 75°39'19" WEST 917.09 FEET;
THENCE NORTH 75°39'19" EAST 915.00 FEET TO A 1/2 INCH REINF BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT;
THENCE SOUTH 14°19'50" EAST 768.50 FEET TO A 1/2 INCH REINF BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT;
THENCE SOUTH 75°40'14" WEST 120.00 FEET TO A 1/2 INCH REINF BAR SET FOR A CORNER OF THIS TRACT;
THENCE NORTH 14°19'50" WEST 183.00 FEET TO A 1/2 INCH REINF BAR SET FOR AN INTERNAL CORNER OF THIS TRACT;
THENCE SOUTH 75°40'10" WEST 795.00 FEET TO A 1/2 INCH REINF BAR SET FOR THE SOUTHWEST CORNER OF THIS TRACT;
THENCE NORTH 14°19'50" WEST 585.27 FEET TO THE PLACE OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINAbove DESCRIBED PROPERTY AS REDNECK RETREAT, AN ADDITION OF 12.80 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS ____ DAY OF _____, 2022.

REDNECK METAL BUILDINGS, LLC.

STATE OF TEXAS:
COUNTY OF MIDLAND:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2022, REDNECK METAL BUILDINGS, LLC.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

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



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



**SCHUMANN
ENGINEERING CO.**
A LATERAL LAND COMPANY
CIVIL ENGINEERING - LAND SURVEYING
TEXAS FIRM No. F1880 - TEXAS FIRM No. 10149500

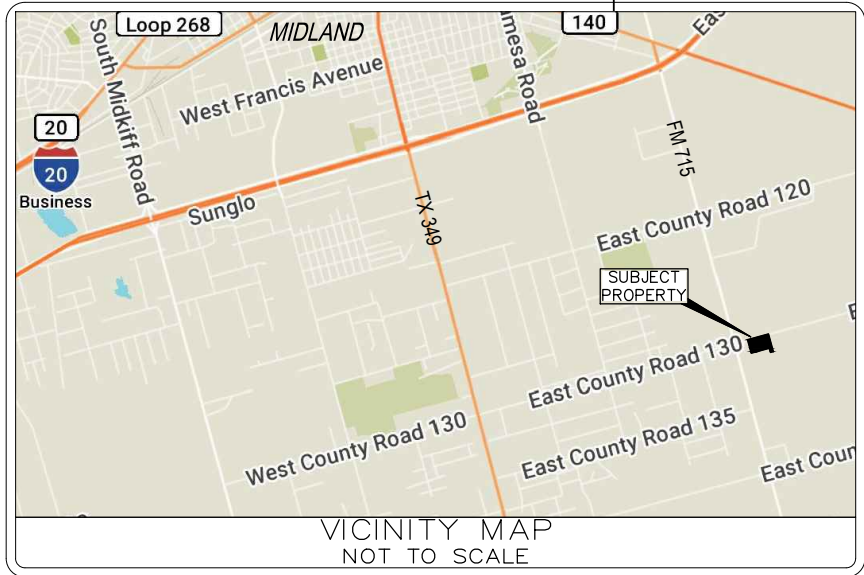
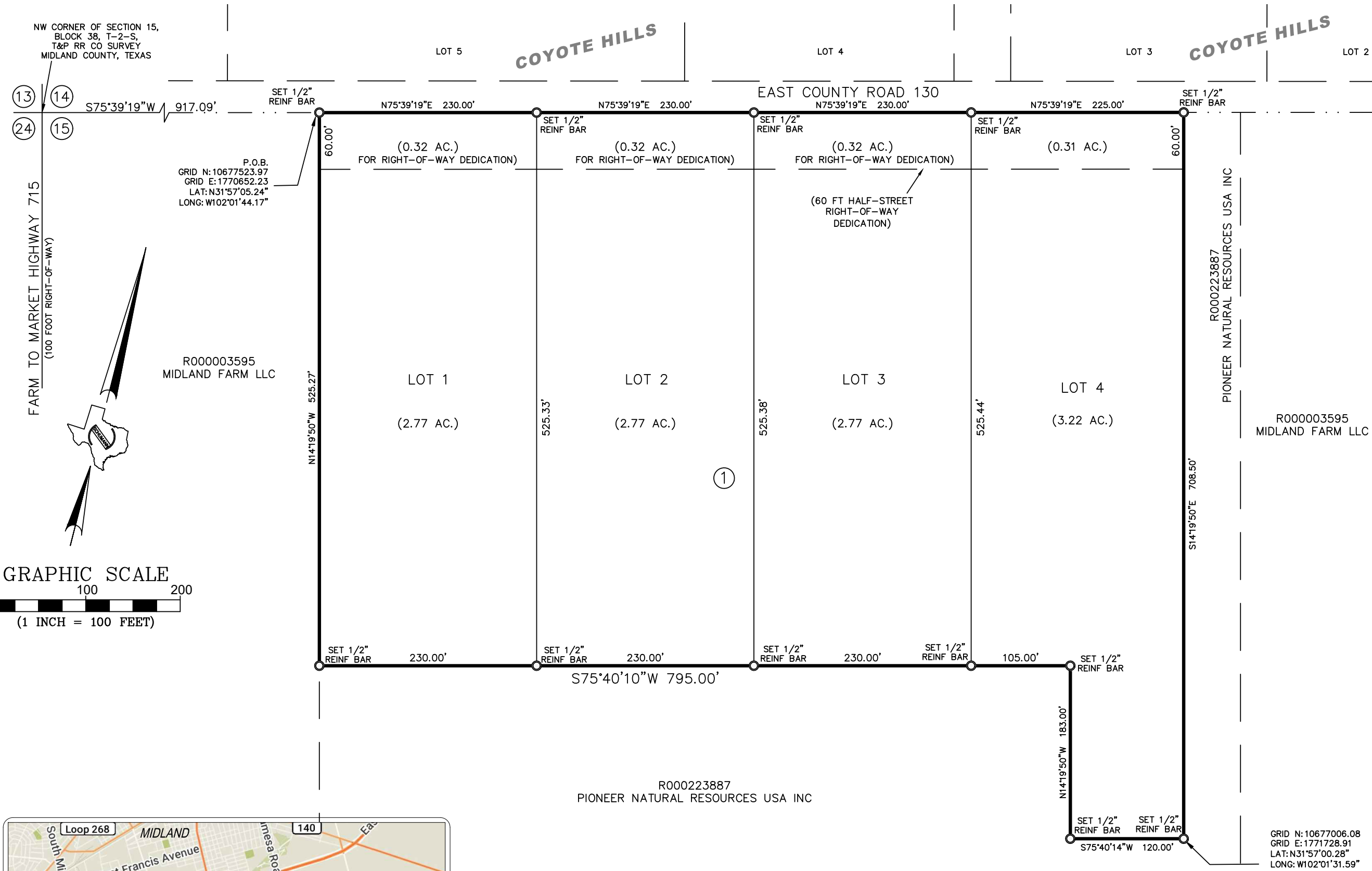
800 N. MARSHFIELD ST. #100
MIDLAND, TEXAS 79701 (432) 684-5548

NO.	DATE	DESCRIPTION	BY	DRAWN BY:	DATE:
1	05/06/2022	SKETCH PLAN	JD	JD	08/04/2022
1	10/5/2022	PRELIMINARY PLAT	ELA	ED/RJ	78384
				CHECKED BY:	PROJECT NO.:
				78,384	78384
				JOB NO.:	SHEET: 1 OF 1

RJ DAUM
TEXAS RPLS 4826

COYOTE HILLS

COYOTE HILLS



SYMBOLS LEGEND
○ MONUMENT AS DESCRIBED
— PROPERTY LINE
- - - ADJOINING LOT LINES
- - - - - EDGE OF RIGHT OF WAY
R ##### MIDLAND TAX ACCT ID

OWNER:

REDNECK METAL BUILDINGS, LLC.
PO BOX 53104
MIDLAND, TX 79710
(432) 458-3716

MIDLAND FARM, LLC.
902 W WALL STREET
MIDLAND, TX 79701

NOTES:

- BEARINGS, DISTANCES AND ACREAGE SHOWN ARE GRID BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
- MONUMENTS ARE A 1/2 INCH REINFORCING BAR SET WITH YELLOW PLASTIC CAP STAMPED "SCHUMANN ENGINEERING" UNLESS OTHERWISE NOTED.
- 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.
- 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 INCREASE OF FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
- THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) ANY LOT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- REPRESENTATION OF FLOODPLAIN BOUNDARIES ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY. THIS PROPERTY IS IN FEMA'S FLOOD INSURANCE RATE MAP NO. 48329C0209F, EFFECTIVE DATE, SEPTEMBER 16, 2005, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA, ALL OF TRACT IS IN ZONE "X".

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES:

SIGNED: _____
ONCOR ELECTRIC DELIVER COMPANY

SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
SUDDENLINK COMMUNICATIONS

SIGNED: _____
GRANDE COMMUNICATIONS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE DIRECTOR OF DEVELOPMENT SERVICES:

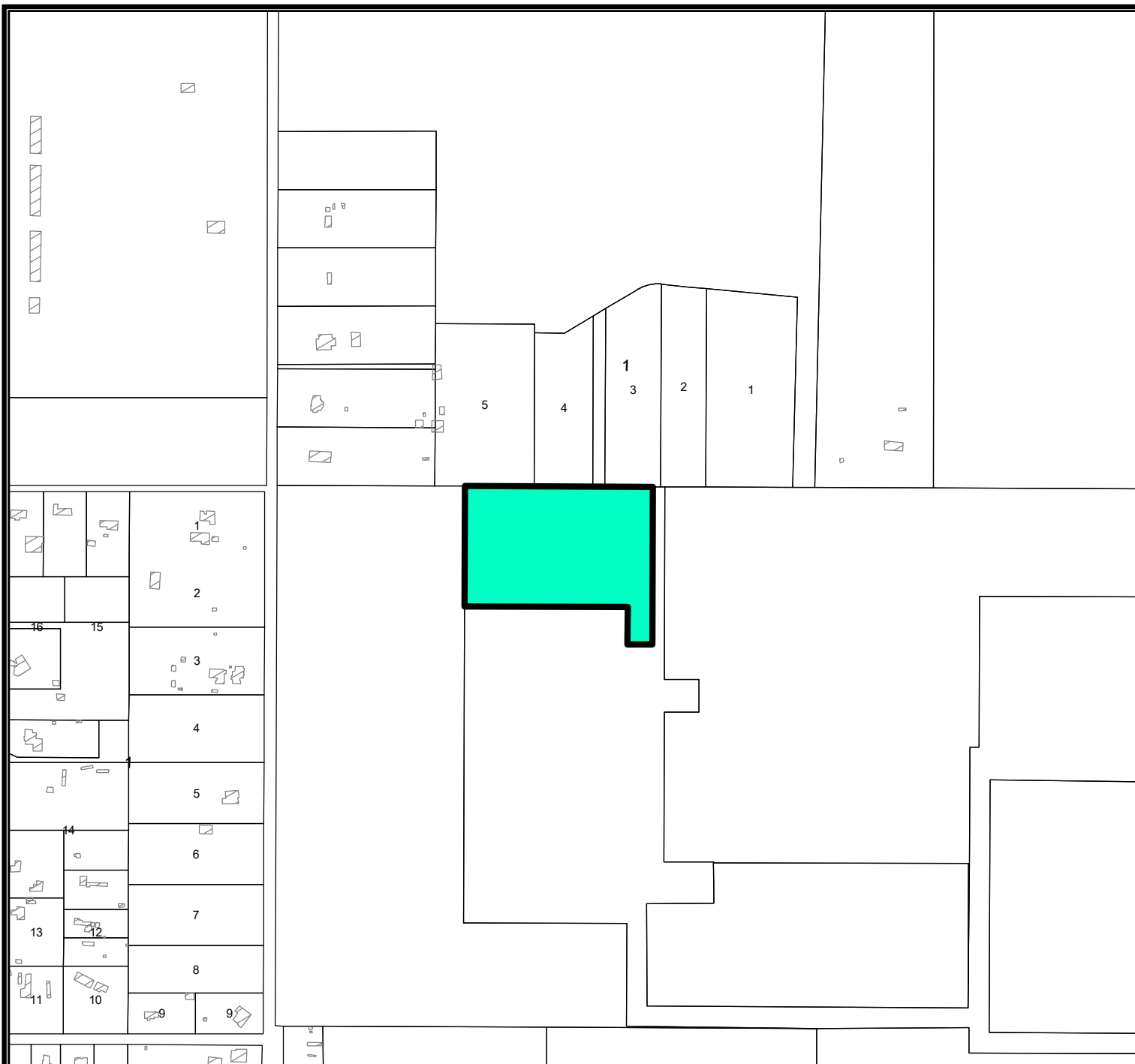
THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF REDNECK RETREAT, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS ____ DAY OF _____, 2022.

SIGNED: _____
CHAIRMAN LUCY SISNIEGA

ATTEST: _____
SECRETARY ELIZABETH SHAUGHNESSY

REDNECK RETREAT

REDNECK RETREAT



LOCATION MAP

SUD-22-0524

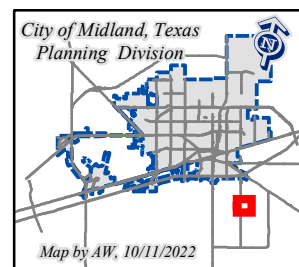
Scale: 1" = 200'

Proposed plat of a subdivision, being a 12.80-acre tract of land out of the northwest section 15, T-2-S, RR. Co. Survey, Midland County, Texas.

Generally located on the south side of East County Road 130, approximately 920-feet east of FM715. (Extraterritorial Jurisdiction).

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: December 19, 2022

TO: Planning and Zoning Commission

FROM: Landon Ochoa, Planner

SUBJECT: Motion approving a request by Green Acres Golf, LLC for a zone change from a PD, Planned District for Transition District to a PD, Planned District for Transition District out of Lots 1A and 5, Block 1, Rolling Green Acres, Section 3, City and County of Midland, Texas. (Generally located on the north side of East State Highway 80, approximately 250-feet west of Todd Drive - Council District 2)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Purpose:

The applicant, Green Acres Golf, LLC, is requesting a zone change from PD, Planned District for Transition District (Ordinance 9590) to PD, Planned District for Transition District to update their site plan to show a proposed go-kart track and maintenance garage.

Current Zoning:

PD, Planned District for Transition District. (Ordinance 9590)

Surrounding Zoning and Land Use:

The properties to the west and to the east are zoned PD, Planned District for Transition and are the location. The property to the east is the location of a Dollar General. The property to west is the location of Green Acres Golf, LLC. The property to the north is zoned AE, Agricultural Estate District and is currently vacant.

Analysis:

The applicant, Green Acres Golf, LLC, is requesting to amend their site plan to accommodate a proposed go-cart track and maintenance garage. The new site plan, attached hereto as Exhibit A, shows a design of a new Go-Kart track and a Go-Kart warehouse building. The existing miniature golf course, golf building, and arcade building will remain and are not being altered. The proposed site plan shows a total of 97 parking spaces, of which 5 of these parking spaces are accessible spaces. This site has adequate internal circulation.

The applicant will be required to adhere to the site plan review standards outline within the City of Midland Zoning Ordinance Section 5.0, Non-residential Zoning District Dimensional Regulation Chart as well as Chapter 9, Landscape Regulations for future landscaping.

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 to zone change request.

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

Engineering: (Approved)

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

Code: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

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

Planning:

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, "Future Land Use Map" as it designates this area for Employment Reserve, a classification which calls for centers with major office and business uses. In addition to *Chapter 6-Character Plan Goal 4, which is to* "Encourage the development of places where Midland residents can gather and socialize to build connections." (Tall City Tomorrow page 137) This zone change amendment would promote and provide Midland residents with a unique outdoor social gathering experience.

Therefore, staff recommends approval of this zone change from PD, Planned District for Transition District to PD (Ordinance 9590), Planned District for Transition District subject to conditions A through F.

Conditions:

- A. That the use and development of the property shall conform to the regulations of the LR-1, Local Retail District.**
- B. That the use of the property for a miniature golf course, Go-Kart track and Go-Kart garage shall be permitted.**
- C. That this property shall conform to the site plan, which are attached hereto and incorporated herein as Exhibits "A".**
- D. That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.**
- E. That all signage shall conform to the City of Midland Sign Code.**
- F. That prior to any development or the issuance of any building permit, a Planned District Site Plan must be submitted and approved in the same manner prescribed for a zone change.**

Letters of Objection:

Staff has not received any letters of objection as of December 15, 2022.

Attachments:

Application
Site Plan (Exhibit A)
Maps
Ordinance No. 9590



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

Project Number: 2-22-0314
Case Number: _____

Applicant (if acting as Agent. see affidavit on page 2) Printed Name: <u>Green Acres Golf, LLC</u>		Phone () Email	
Address P.O. Box 52268	City Midland	State TX	Zip 79710

Property Owner Printed Name: <u>Same as applicant</u>		Phone () Email	
Address	City Midland	State TX	Zip 79710

Representative (if different from Applicant or Property Owner) Firm: <u>Newton Engineering, PC</u> Printed Name: <u>Chase Dunnam</u>		Phone (<u>432</u>) <u>559-5128</u> Email <u>chase@newtoncivil.com</u>	
Address 4501A Santa Rosa Dr.	City Midland	State TX	Zip 79707

Street Address: <u>2905 E. Hwy 80</u>	
Legal Description Lot: <u>1A & 5</u> Block: <u>1</u> Subdivision: <u>Rolling Green Acres Addition, Section 3</u>	

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

Reason for Zone Change Request: Update site plan to show proposed go-cart track and maintenance garage

Present Use of Property: Mini Golf course/arcade

Proposed Use of Property: Adding a go-cart track and maintenance garage

How would this zone change affect the public health, safety and welfare? No change

Describe how conditions affecting the property have changed since present zoning designation: No change

Submittal and Fees

Items to be submitted with this application form:

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

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>[Signature]</u>	Date: <u>11/17/22</u>
Applicant (printed): <u>Jeff Beard</u>	
Property Owner (signature): <u>[Signature]</u>	Date: <u>11/17/22</u>
Property Owner (printed): <u>Jeff Beard</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.	

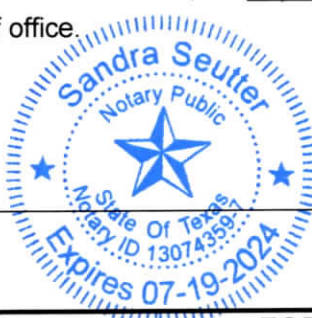
STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Jeff Beard who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or authorized by Green Acres, 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 17 day of November, 2022, to certify which witness my hand and seal of office.

[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

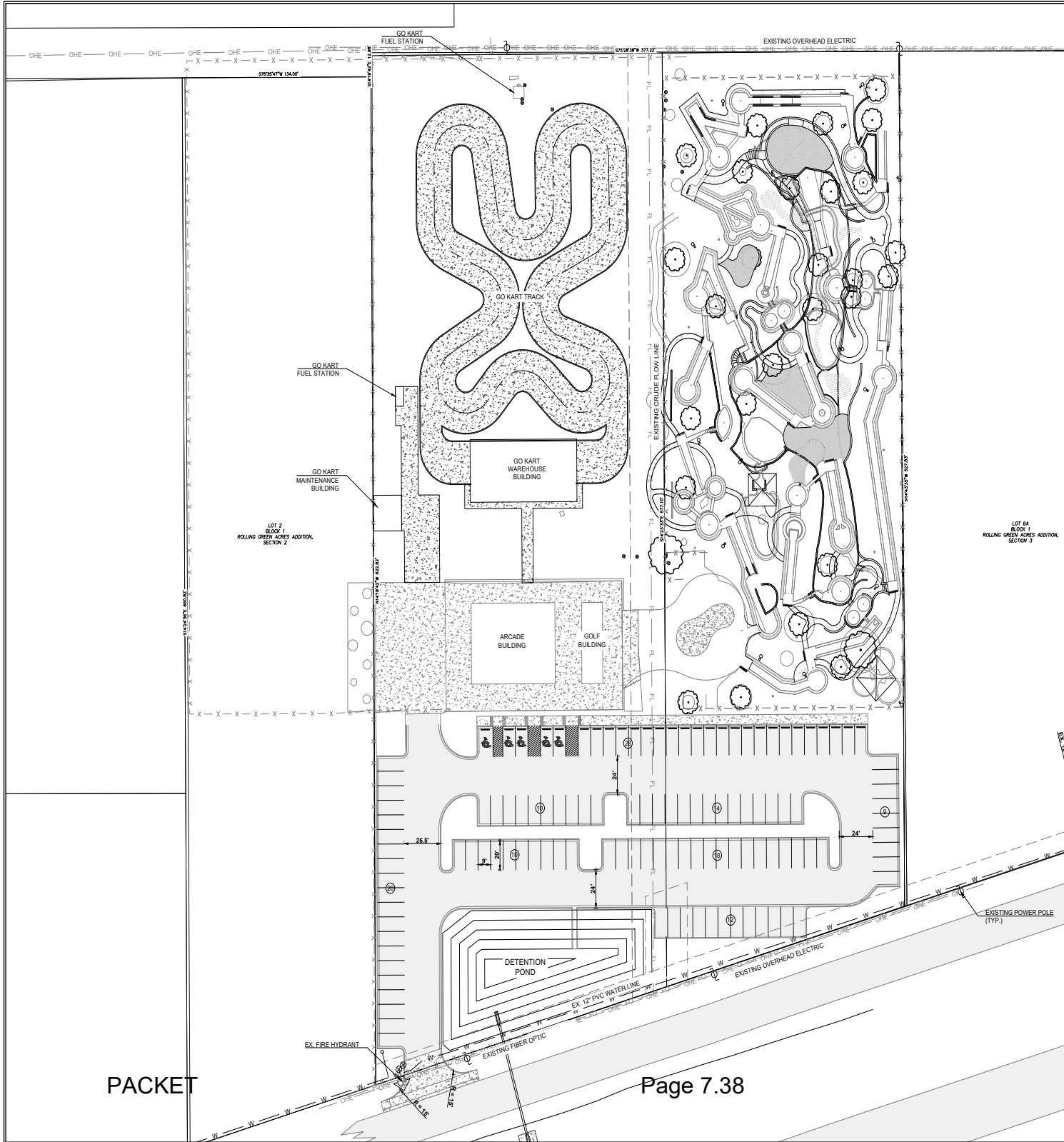


FOR OFFICE USE ONLY	
☒ Property Owner Authorization ☒ Application Fee Check # <u>1235</u>	☒ Dimensioned Site Plan ☒ Plans in Digital Format (PDF/JPEG) BY: <u>[Signature]</u> Date: <u>11/17/22</u>
Received By: <u>[Signature]</u>	

RECEIVED

NOV 17 2022

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



LEGEND

- EXISTING ASPHALT
- EXISTING CONCRETE
- EXISTING WATER
- EXISTING OVERHEAD ELECTRIC
- EXISTING CRUDE FLOW LINE
- EXISTING FIBER OPTIC
- EXISTING FENCE
- PROPOSED ASPHALT
- PROPOSED CONCRETE

GRAPHIC SCALE

0 30' 60'

(IN FEET)

1 inch = 30 ft.

NEWTON ENGINEERING, P.C.

2500 E. 8th St.
F-1085B
3200 Galleria Blvd.
Rolling Green Acres Addition,
Section 3
Midland, TX 79705
(432) 832-0707
(432) 770-0499

GREEN ACRES FAMILY FUN
MIDLAND, TX

PLANNED DEVELOPMENT SITE PLAN

Project No. 20-ME02101
Date: JUN 2020
Drawn By: CSD
Checked By: JUN
Scale:

Sheet: 01

PACKET



LOCATION MAP

Z-22--0314

Scale: 1" = 3,387'

Consider a request by Green Acres Golf, LLC for a zone change from PD, Planned District for Transition District to PD, Planned District for Transition District out of Lots 1A and 5, Block 1, Rolling Green Acres, Section 3, City and County of Midland, Texas.

Generally located on the north side of East State Highway 80, approximately 250-feet west of Todd Drive. (Council District 2)

LEGEND

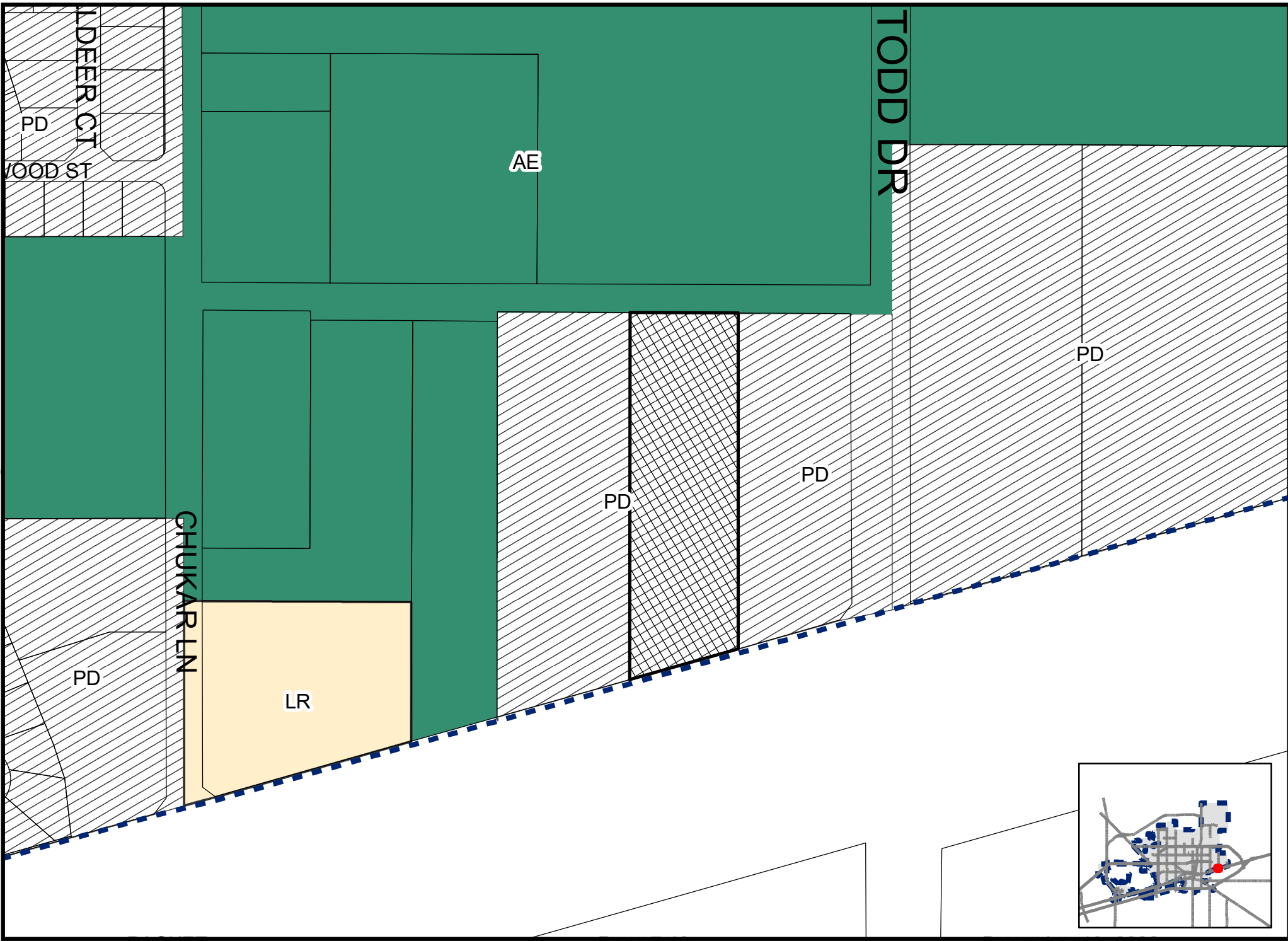
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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











ORDINANCE NO. 9590

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.45-ACRE TRACT OF LAND, BEING ALL OF LOT 1, BLOCK 1, ROLLING GREEN ACRES ADDITION, AND A 6.25-ACRE TRACT OF LAND OUT OF SECTION 42, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED CE, COUNTRY ESTATE DISTRICT, IN PART, AND AE, AGRICULTURE ESTATE DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF TODD DRIVE AND EAST HIGHWAY 80); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, and it shall be used as a PD, Planned District for a Transition District, said property being described as follows:

A 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, said 7.45-acre tract being more specifically described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein.

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

- A. That the use and development of this property shall conform to the regulations of the LR-1, Local Retail District, except as otherwise stated below.
- B. That the use of the property for a miniature golf course is permitted.
- C. That prior to any development or the issuance of any building permit, a site plan must be submitted and approved in the same manner prescribed for a zone change.

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

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 23rd day of August, A.D., 2016; and passed to second reading on motion of Council member Sparks, seconded by Council member Lacy, by the following vote:

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

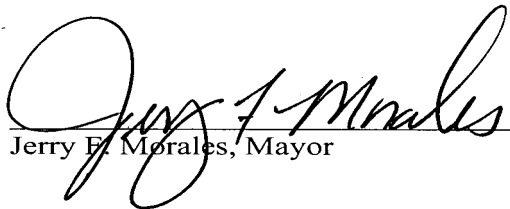
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Lacy, seconded by Council member Hotchkiss, on the 13th day of September, A.D., 2016, at a regular meeting of the City Council:

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

Council members voting "NAY": None

PASSED AND APPROVED THIS 13th day of September, A.D., 2016.

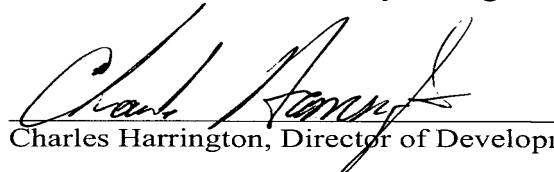

Jerry F. Morales, Mayor

ATTEST:


Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:


Frank Salvato, Assistant City Manager


Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:


John Onnemiller, City Attorney

FIELD NOTE DESCRIPTION OF THE SURVEY OF A 7.45 ACRE TRACT OF LAND, BEING ALL OF LOT 1, BLOCK 1, ROLLING GREEN ACRES ADDITION AND 6.25 ACRE TRACT OF LAND OUT OF A 12.28 ACRE TRACT OF LAND OUT OF THE SOUTH/2 OF SECTION 42, BLOCK 38, T-1-S, T&P RR CO SURVEY, MIDLAND COUNTY, TEXAS, SAID 7.45 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

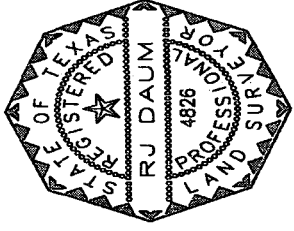
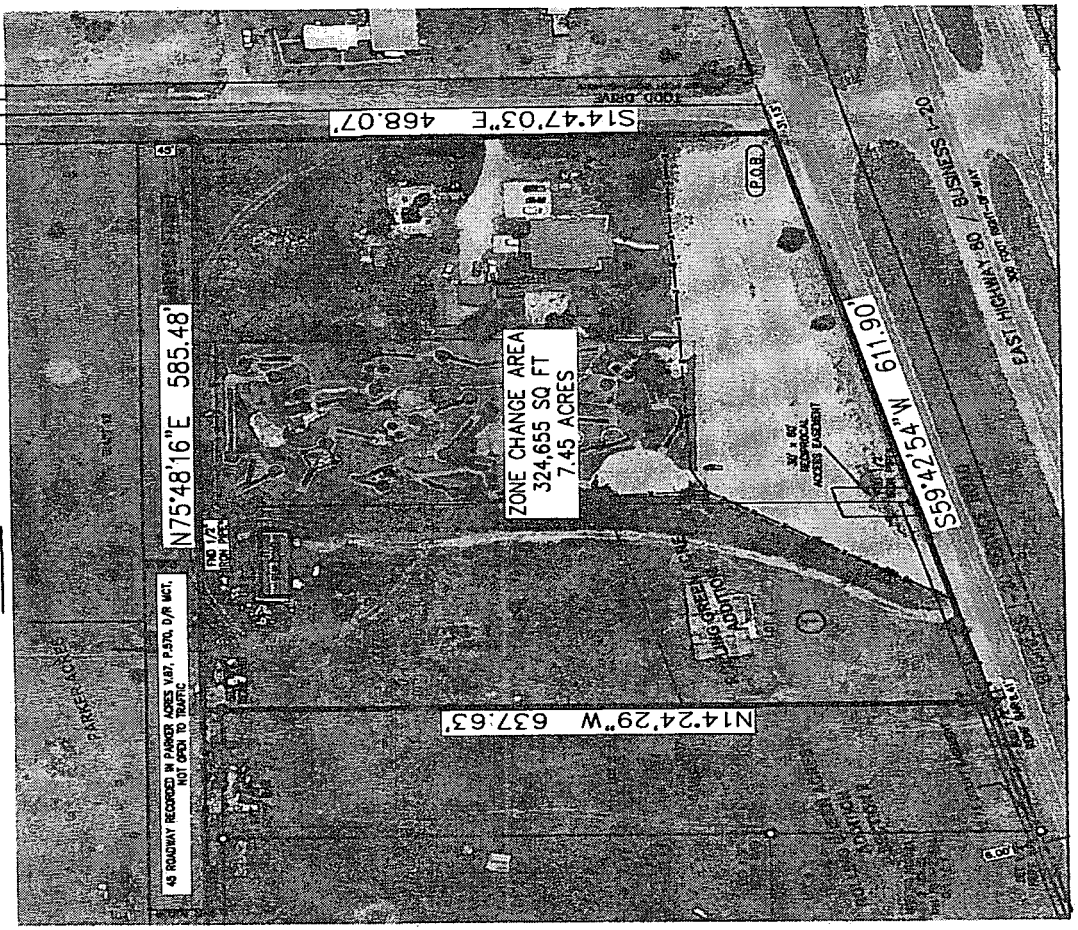
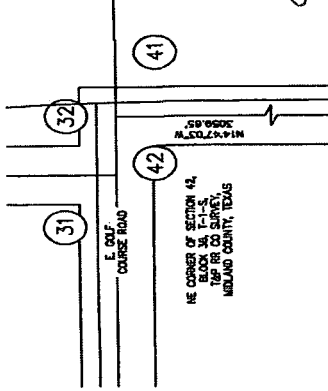
BEGINNING AT A POINT FOR THE SOUTHEAST CORNER OF THIS TRACT AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF TODD DRIVE WITH THE NORTH RIGHT OF WAY LINE OF BUSINESS 120 SERVICE ROAD, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 42 BEARS NORTH 14°47'03" WEST 3059.65 FEET;

THENCE SOUTH 59°42'54" WEST 611.90 FEET ALONG THE NORTH RIGHT OF WAY LINE OF BUSINESS 120 SERVICE ROAD TO A 1/2" REINFORCED CONCRETE CORNER OF THIS TRACT, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1;

THENCE NORTH 14°24'29" WEST 637.63 FEET TO A 1/2" REINFORCED CONCRETE CORNER OF THIS TRACT;

THENCE NORTH 75°48'16" EAST 585.48 FEET ALONG THE SOUTH LINE OF REYES STREET TO A 1" IRON PIPE FOUND IN THE WEST RIGHT OF WAY LINE OF TODD DRIVE FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 14°47'03" EAST 4687.07 FEET ALONG THE WEST RIGHT OF WAY LINE OF TODD DRIVE TO THE PLACE OF BEGINNING.



DATED THIS 10TH DAY OF MAY, 2016.

[Signature]
RJ DAUM
TEXAS RPLS 4826

SURVEY

A 7.45 ACRE TRACT OF LAND,
BEING ALL OF LOT 1, BLOCK 1,
ROLLING GREEN ACRES ADDITION
AND 6.25 ACRE TRACT
OF LAND OUT OF A 12.28 ACRE TRACT
OF LAND OUT OF THE SOUTH/2 OF
SECTION 42, BLOCK 38, T-1-S,

T&P RR CO SURVEY,
MIDLAND COUNTY, TEXAS

SCALE: 1" = 150'
PROJECT: 75201ZR
JOB NO.: 75,201-Z

SCHUMANN ENGINEERING CO., INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
REGISTERED PROFESSIONAL CIVIL ENGINEERS
Civil Engineering ~ Land Surveying
TEXAS FIRM No. F1080 TEXAS FIRM No. 10149500
408 N. PECOS STREET - P. O. BOX 504 Office (432) 684-5548
MIDLAND, TEXAS 79702-0504 Fax (432) 684-6973



City Council Agenda

APPROVED

Approved for Agenda:
fsalvato
City Manager's Office

MEETING DATE: September 13, 2016

TO: City Council / City Manager

FROM: Kierra Williams, Planner

SUBJECT: Consider an ordinance on a request by Johnny Reyes for a Zone Change from CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, to PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District, on a 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located northwest of the intersection of Todd Drive and E. Highway 80.)

Purpose:

Consider an ordinance on a request by Johnny Reyes for a Zone Change from CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, to PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The property is located northwest of the intersection of Todd Drive and E. Highway 80 in a CE, Country Estate District, in part, and AE, Agriculture Estate District, in part. The zoning to the north of the property is AE, Agriculture Estate District, and the location of a residence. Zoning to the East is PD, Planned District for a Transition District, and the location of a residence. The property to the south is located in the ETJ, Extraterritorial Jurisdiction, and is the location of Eastex Crude Company. Zoning to the west is AE, Agriculture Estate District, and is currently vacant.

The applicant's first request went before the Planning and Zoning Commission on June 6, 2016 to request a zone change from CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, to LR-1, Local Retail District. The commission approved the request unanimously. The zone change request then went before City Council on June 28, 2016 with several oppositions. The applicant withdrew the application, on the floor on a request by Council, to apply again for a Planned District so that the City Council can revisit again for a site plan approval.

The applicant is now requesting a zone change to PD, Planned District for a Transition District for future retail use and to expand upon the Green Acres Golf Course. The subject area is currently serving as the site of two (2) residential properties and the mentioned golf course. The applicant is also in the process of platting the property.

The most recent approved action taken on the property was on the property currently designated as CE, Country Estate District. The lot was rezoned in 2009 to PD, Planned District for a Recreation Center, with an underlying zoning of LR-1, Local Retail District, with the intention of opening an indoor golf facility. Although, the use is permitted in the underlying zoning, the proposed full metal building façade was not, hence the planned district designation. The plans for the facility did not come to fruition, therefore, the property was rezoned again in 2014 to CE, Country Estate District to build a single-family home.

LR-1 is the most restrictive zoning classification to allow retail uses. The Planned District designation will allow the property to go before City Council to seek site plan approval and allow area residents to speak. The City code has design standards and setbacks in place to buffer residential districts from nonresidential districts if the circumstance arises. Todd Drive is projected to become a major arterial in the future. The intersection of Todd Drive and E. Highway 80 is an ideal location for retail uses.

Staff recommends approval of this zone change from CE, Country Estate District, in part, and AE, Agricultural Estate District, in part, to PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the LR-1, Local Retail District, except as otherwise stated below.
- B. That the use of the property for a miniature golf course shall be permitted.
- C. That prior to any development or the issuance of any building permit, a Planned District Site Plan must be submitted and approved in the same manner prescribed for a zone change.

Letters of Objection:

As of August 19, 2016, staff has received eleven (11) letters of objection to this request. Only two (2) of the letters are within the 200-ft. notification area and accounts for a 43% opposition rate. This request will require a super majority vote to be approved.

Attachments:

Application

Maps

Metes and Bounds (Exhibit A)



APPLICATION TO CHANGE ZONING CLASSIFICATION

I. APPLICATION

Applicant:

JOHNNY REYES

432-978-3346

(Name)

(Phone)

1722 E OAK ST

ZREYES@YAHOO.COM

(Address)

(Email)

Property Owner:

SAME AS ABOVE

(Name)

(Phone)

(Address)

(Email)

Representative (please see affidavit on page 2):

Schumann Engineering Co, Inc.

432-684-5548

(Name)

(Phone)

408 N. Pecos St., Midland, TX 79701

ben@schumannonline.net

(Address)

(Email)

Street address:

Legal Description of property (complete Lot, Block, and Subdivision Name or if unplatted, attach a Metes and Bounds description with surveyor's seal, each district must be described separately):

See attached metes and bounds

Present Zone: **AE**

Proposed Zone: **PD-TD (underlying LR-1)**

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

Reason for Zone Change Request: **upgrades to existing miniature golf-course and potential retail**

Present Use of Property: **residential and a miniature-golf business**

Proposed Use of Property: **1.) Retain residential and miniature golf business use, and**

2.) Use the property at the intersection of Todd Rd and Hwy 80 for retail development; unknown at this time

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

no effect

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

The growth to the east of Midland has produced a need for more stores and shopping availability

II. APPLICATION FEES:

Single, standard zone change: **\$400**, Multiple, standard zone change: add **\$100** per additional district.
Single PD zone change: **\$550**, Multiple PD proposal: add **\$100** per district.

Total: \$ _____

III. SITE PLAN SUBMITTALS (if applicable):

5 FOLDED copies of the PD site plan: _____
Site Plan in digital format (PDF & JPEG): _____

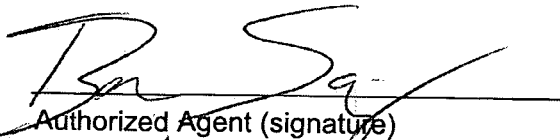
VI. Signature

Property Owner (signature): _____ Date: _____

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

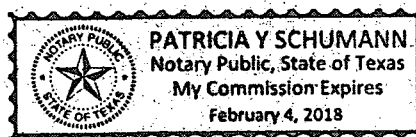
Before me, the undersigned authority, on this day personally appeared **BEN SANCHEZ** who, being by me duly sworn, upon oath says: That (s)he is authorized by **JOHNNY REYES**, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right,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


Authorized Agent (signature)

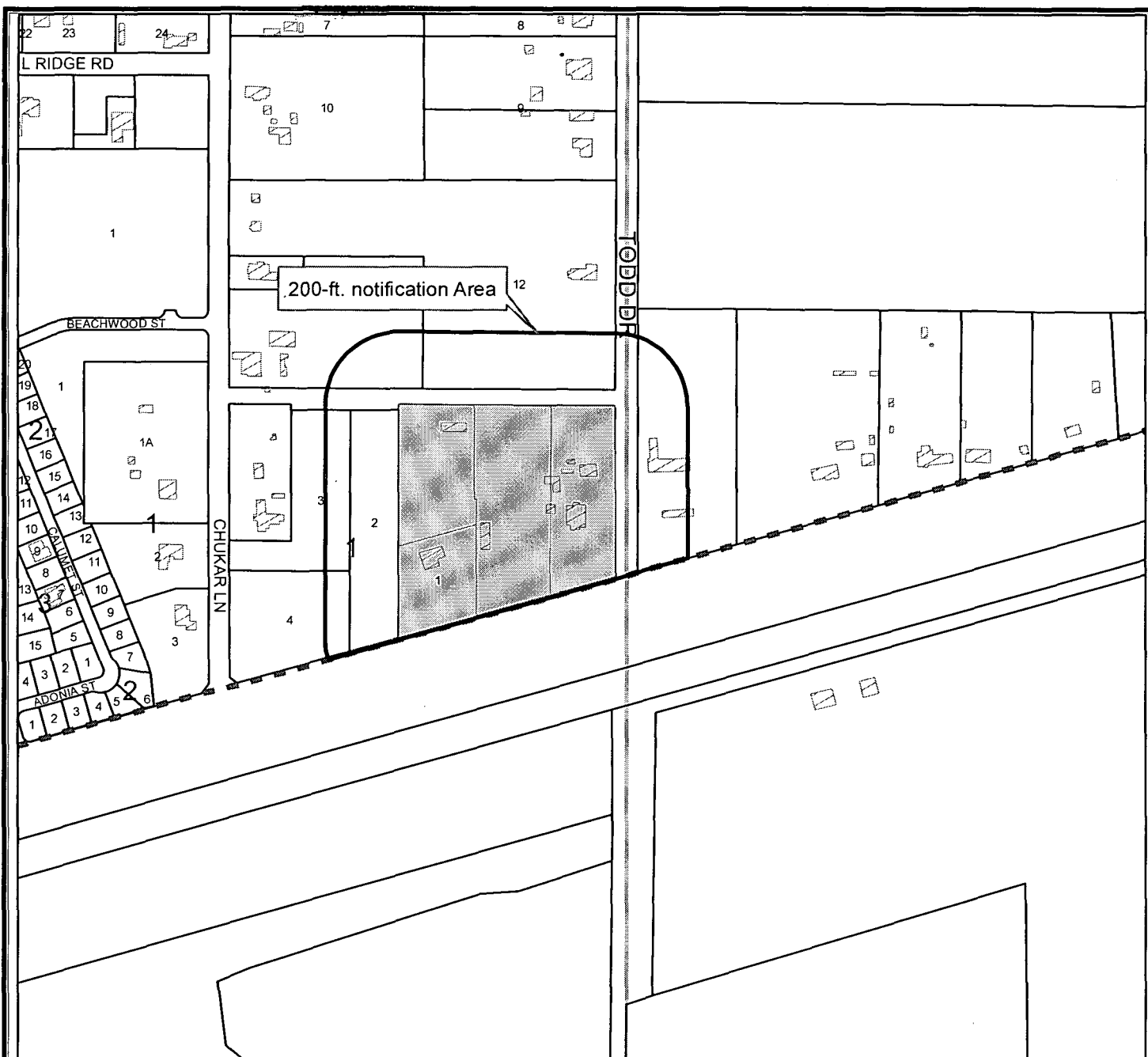
Subscribed and sworn to before me, this 1ST day of July, 2016, to certify which witness my hand and seal of office.


NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
Rec'd By: _____	Date: _____
Assigned: _____	
For: _____	On: _____



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



LOCATION MAP

Z-16-0018

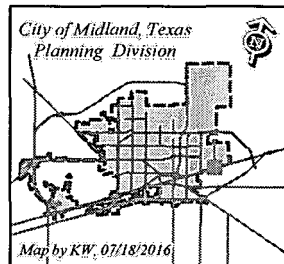
Scale: 1" = 400'

Consider a request for a zone change from CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, to a PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District, on a 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located northwest of the intersection of Todd Drive and E. Highway 80.
(Council District 2)

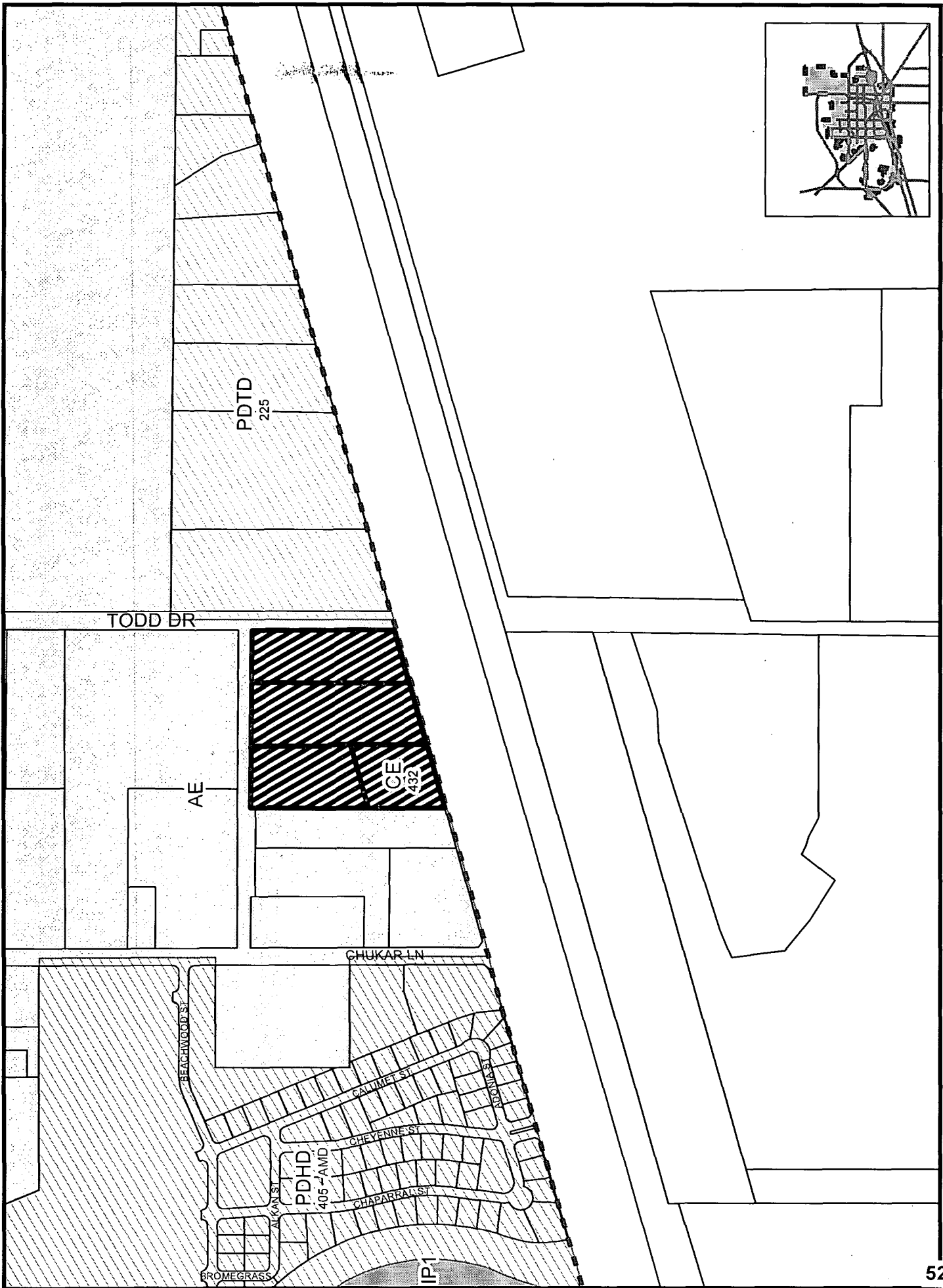
LEGEND

- CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTE 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
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52.11



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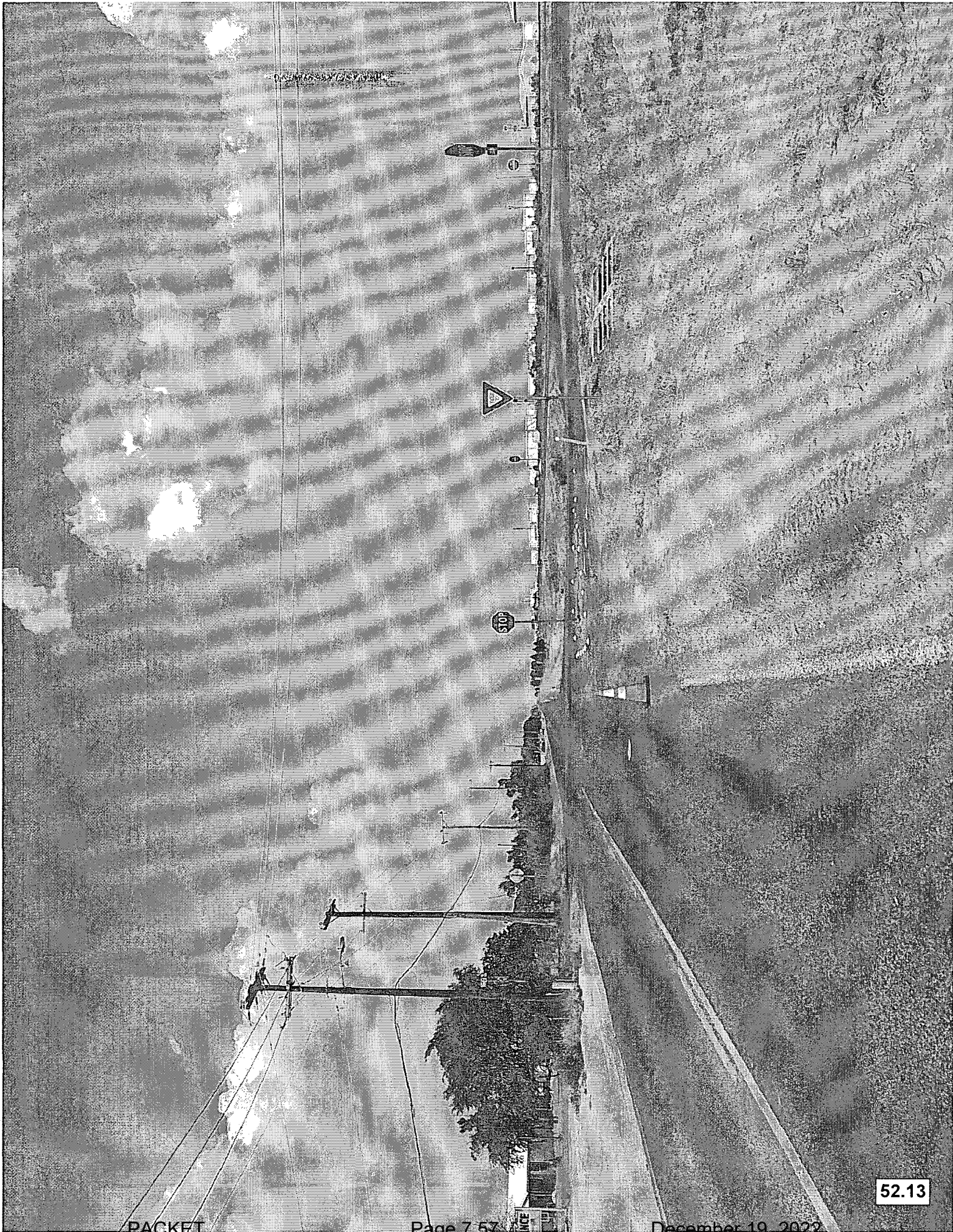


ZONING MAP

Scale: 1" = 400'

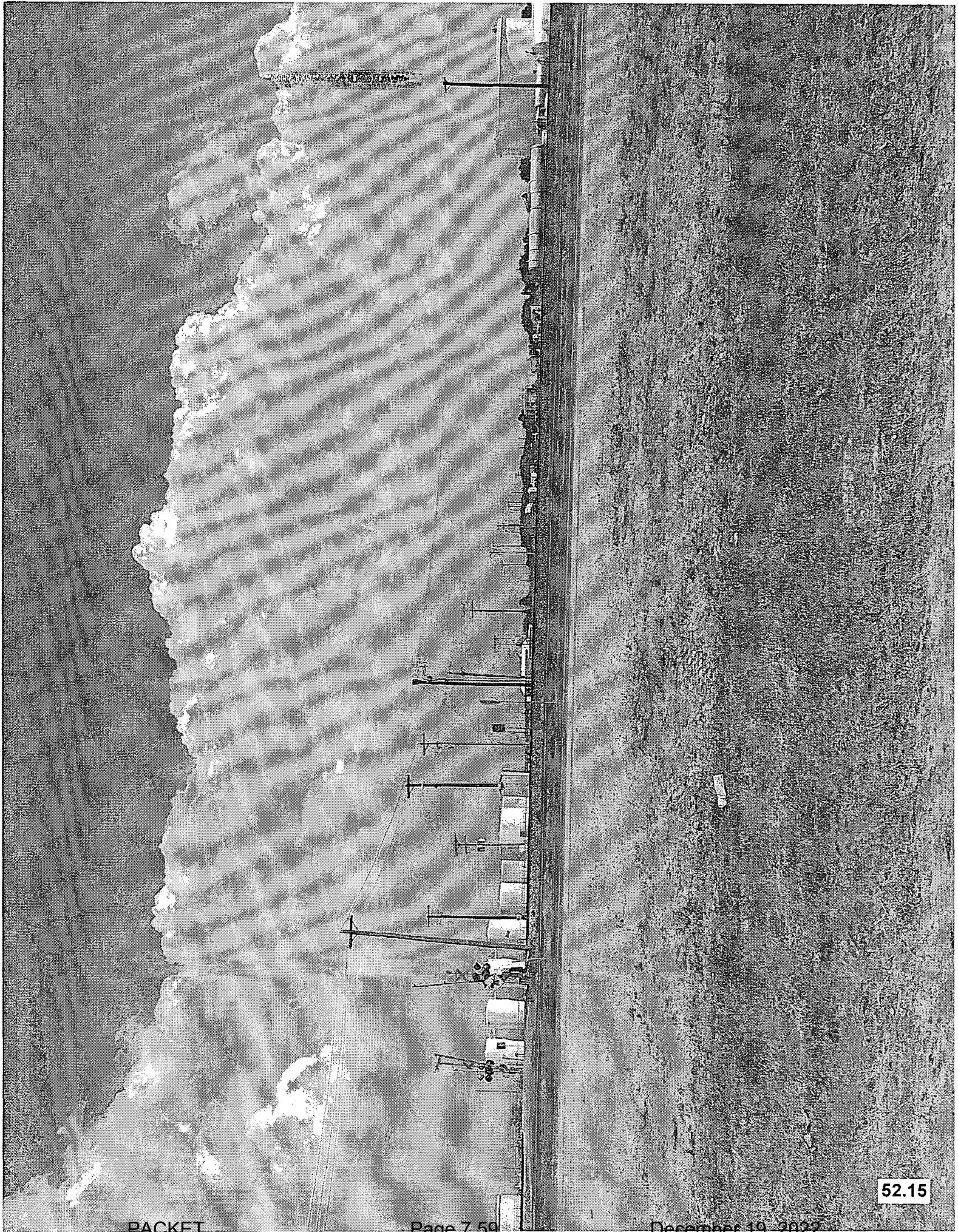
Z-16-0018

ap By K/W 7/1/2016





52.14

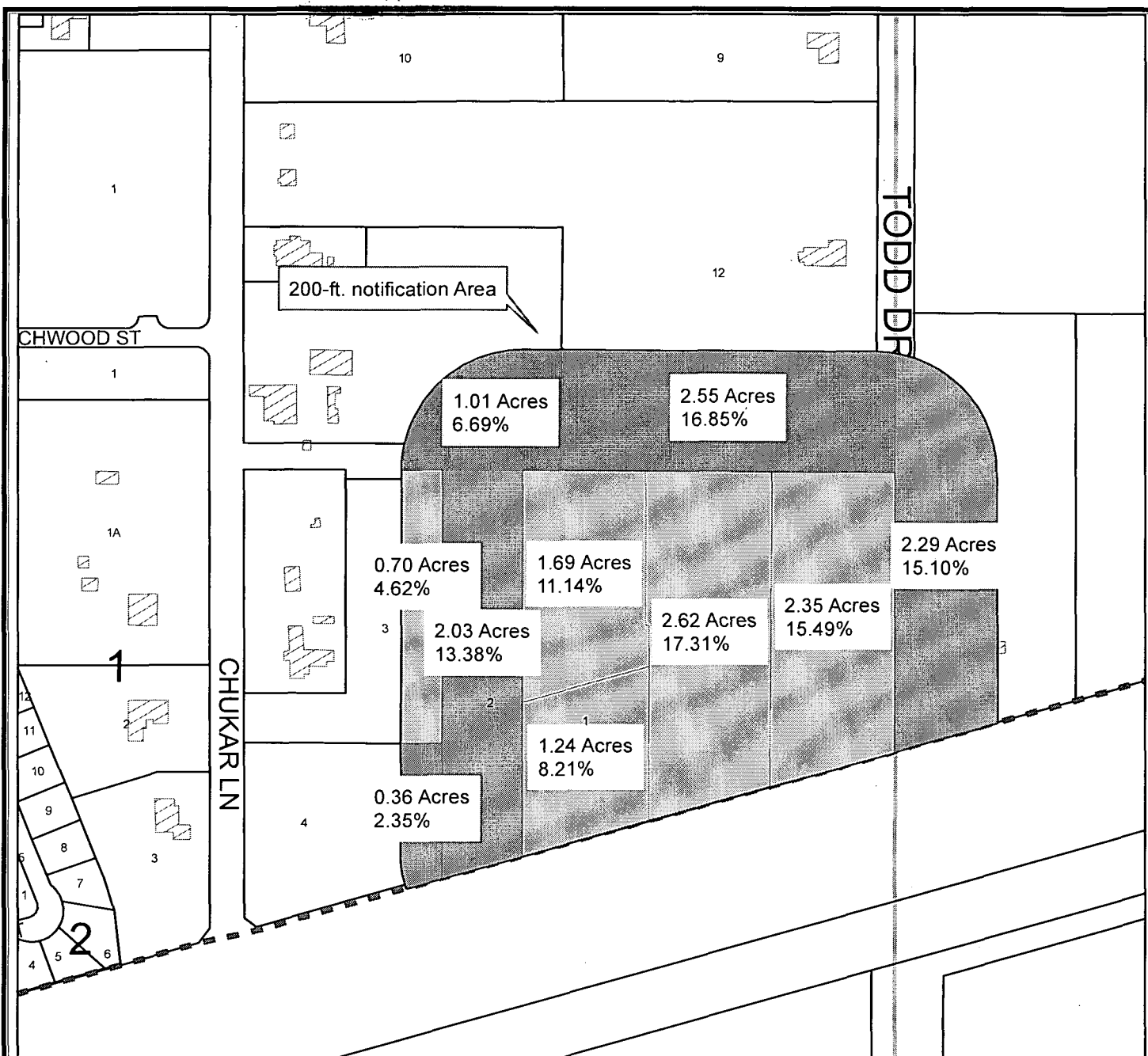




Johnny Reyes Zone Change Z-16-0018

Objection Table

ADDRESS	OWNER	Acreage	Percent	Opposed	Percent Against
1117 HICKORY AVE	NATIVIDAD RAYMUNDO G	2.29	27.78%	0	0.00%
1101 TODD DR	KETTER ROBERT J	2.55	30.98%	1	30.98%
1002 CHUKAR LN	DAVIS HAROLD E	1.01	12.30%	1	12.30%
P O BOX 1337	DOMINGUEZ EPIFANIO & ANDREA DOMIN	2.03	24.61%	0	0.00%
1909 E HUDSON	MUNGUIA MARCOS A & VERONICA MUNI	0.36	4.33%	0	0.00%
TOTAL:		8.24	100.00%		43.29%



JOHNNY REYES OBJECTION MAP

Z-16-0018

Scale: 1" = 400'

Consider a request for a zone change from CE, Country Estate District, in part, and AE, Agricultural Estate District, in part, to PDTD, with an underlying zoning of LR-1, Local Retail District, on Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

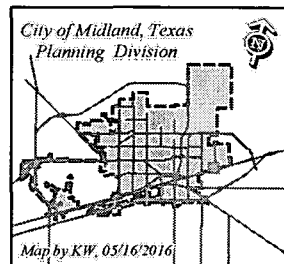
Generally located on the northwest corner of Todd Drive and E. Highway 80.
(Council District 2)

LEGEND

-- CITY LIMITS

□ PARCEL

▨ PRIVATE BLDGS



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52.18



PUBLIC NOTICE

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LEGAL DESCRIPTION: A 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

LOCATION: Generally located northwest of the intersection of Todd Drive and E. Highway 80.

PROPOSED ZONING: From: CE, Country Estate District, in part, and AE, Agricultural Estate District, in part.
To: PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District.

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

I object to this request ☒ Comments:

This will take away from our quiet neighborhood

Required Information:

[Signature] *Alicia Fulton* *Gary Fulton* *Alicia Fulton* *2701 Quail Ridge Rd.*
Property Owner's Signature Printed Name Property Address (No P. O. Boxes)

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

Notices Mailed: 6
Date Mailed: July 22, 2016
Case Number: Z-16-0018
Case Name: Johnny Reyes
KW Planner's Initials

[Signature]
Jessica Carpenter
Planning Division Manager
Department of Development Services

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

300 N. Loraine, Midland TX 79701 • 432-685-7400 • fax 432-686-1609

52.19



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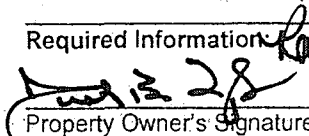
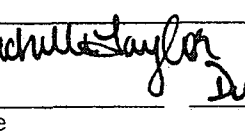
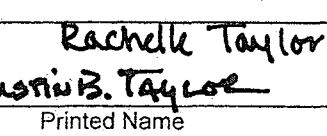
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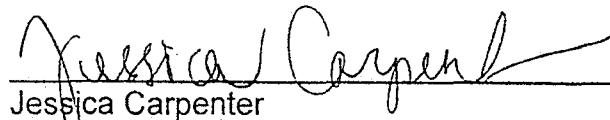
I object to this request ☒ Comments:

Required Information

		
Property Owner's Signature	Printed Name	Property Address (No P. O. Boxes)

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

Notices Mailed: 6
Date Mailed: July 22, 2016
Case Number: Z-16-0018
Case Name: Johnny Reyes
KW Planner's Initials


Jessica Carpenter
Planning Division Manager
Department of Development Services

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52.20



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I object to this request ☒ Comments:

Reduced Information:

Property Owner's Signature

Jackie Taylor
Jouce Taylor

Printed Name

1213 Chukar Lane 79701
Property Address (No P. O. Boxes)

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

Notices Mailed: 6

Date Mailed: July 22, 2016

Case Number: Z-16-0018

Case Name: Johnny Reyes

KW Planner's Initials

Jessica Carpenter
Jessica Carpenter
Planning Division Manager
Department of Development Services

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52.21



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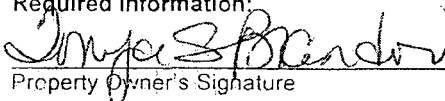
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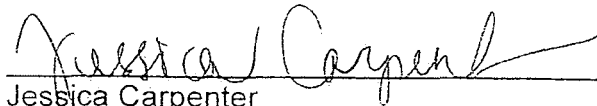
I object to this request ~~TSB~~ Comments:

Required Information:

	<u>Tonya S Brandon</u>	<u>904 Checker Ln</u>
Property Owner's Signature	Printed Name	Property Address (No P. O. Boxes)

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

Notices Mailed: 6
Date Mailed: July 22, 2016
Case Number: Z-16-0018
Case Name: Johnny Reyes
KW Planner's Initials



Jessica Carpenter
Planning Division Manager
Department of Development Services

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52.22



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I object to this request ☒ Comments:

do not want a store or the increased traffic in our neighborhood.

Required Information:

[Signature]
Property Owner's Signature

Justin Berdes
Printed Name

901 Chukar Ln.
Property Address (No P. O. Boxes)

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

Notices Mailed: 6
Date Mailed: July 22, 2016
Case Number: Z-16-0018
Case Name: Johnny Reyes
KW Planner's Initials

[Signature]
Jessica Carpenter
Planning Division Manager
Department of Development Services

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52.23



PUBLIC NOTICE

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LEGAL DESCRIPTION: A 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

LOCATION: Generally located northwest of the intersection of Todd Drive and E. Highway 80.

PROPOSED ZONING: **From:** CE, Country Estate District, in part, and AE, Agricultural Estate District, in part.
To: PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District.

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

I object to this request ☒ Comments:

TO MUCH ADDED TRAFFIC & CRIME

Required Information:

Paul Perry
 Property Owner's Signature

PAUL PERRY
 Printed Name

905 CHUKAR Ln.
 Property Address (No P. O. Boxes)

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

Notices Mailed: 6

Date Mailed: July 22, 2016

Case Number: Z-16-0018

Case Name: Johnny Reyes

KW Planner's Initials

Jessica Carpenter
 Jessica Carpenter
 Planning Division Manager
 Department of Development Services

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

300 N. Loraine, Midland TX 79701 • 432-685-7400 • fax 432-686-1609



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I object to this request. YES Comments:

I do not want the added traffic.

Required Information:

Property Owner's Signature

Richard C BATE
Printed Name

1401 TODD RD
Property Address (No P. O. Boxes)

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

Notices Mailed: 6

Date Mailed: July 22, 2016

Case Number: Z-16-0018

Case Name: Johnny Reyes

KW Planner's Initials

Jessica Carpenter
Jessica Carpenter
Planning Division Manager
Department of Development Services

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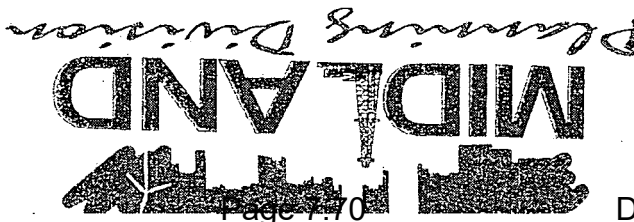
300 N. Loraine, Midland TX 79701 • 432-685-7400 • fax 432-686-1609

52.25

December 19, 2022

Page 1 of 10

PACKET



PUBLIC NOTICE

The Planning and Zoning Commission of the City of Midland, Texas will hold a public hearing at 3:30 p.m. on Monday, August 1, 2016, in the Council Chambers, City Hall, 300 N. Loreine, on a request by Johnny Reyes for approval of a Zone Change on the following described property:

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Comments: *THIS IS A NEIGHBORHOOD, NOT A BUSINESS DISTRICT. ALLEGEDLY RETAIL ZONES CURRENTLY EXIST IN THE CITY OF MIDLAND. THE DESTRUCTION OF A PEACEFUL NEIGHBORHOOD AND THE PRIVACY OF PEOPLES HOMES FOR REVENUE MAKES NO SENSE.*

Property Owner's Signature: *[Signature]* Printed Name: *JOHNNIE LOWE* Property Address (No P. O. Boxes): *1203 TODD RD*

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

Notices Mailed: 6

Date Mailed: July 22, 2016

Case Number: Z-16-0018

Case Name: Johnny Reyes

KW Planner's Initials

Planning Division Manager
Department of Development Services

Jessica Carpenter

[Signature]

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300 N. Loreine, Midland TX 79701 • 432-685-7400 • fax 432-686-1609



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I object to this request ☒ Comments:

This is no business district!

Required Information:

Marian V. Jones Marian V. Jones 1307 Todd
Property Owner's Signature Printed Name Property Address (No P. O. Boxes)

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

Notices Mailed: 6
Date Mailed: July 22, 2016
Case Number: Z-16-0018
Case Name: Johnny Reyes
KW Planner's Initials

Jessica Carpenter
Jessica Carpenter
Planning Division Manager
Department of Development Services

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300 N. Loraine, Midland TX 79701 • 432-685-7400 • fax 432-686-1609

52.27

MIDLAND

Planning Division

KETTER ROBERT J
1101 TODD DR
MIDLAND TX 79706-4348

7/25/16

PUBLIC NOTICE

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I object to this request ~~XXV~~ Comments:

Required Information:

<u>Robert Ketter</u>	<u>Robert Ketter</u>	<u>1101 Todd Dr.</u>
Property Owner's Signature	Printed Name	Property Address (No P. O. Boxes)

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

Notices Mailed: 6
Date Mailed: July 22, 2016
Case Number: Z-16-0018
Case Name: Johnny Reyes
KW Planner's Initials

Jessica Carpenter
Jessica Carpenter
Planning Division Manager
Department of Development Services

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300 N. Loraine, Midland TX 79701 • 432-685-7400 • fax 432-686-1609

52.28



DAVIS HAROLD E
1002 CHUKAR LN
MIDLAND TX 79706 4327

PUBLIC NOTICE

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I object to this request ☒ Comments:

Required Information:

Harold Davis
Property Owner's Signature

Harold Davis
Printed Name

1002 Chukar Ln.
Property Address (No P. O. Boxes)

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

Notices Mailed: 6
Date Mailed: July 22, 2016
Case Number: Z-16-0018
Case Name: Johnny Reyes
KW Planner's Initials

Jessica Carpenter
Jessica Carpenter
Planning Division Manager
Department of Development Services

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300 N. Loraine, Midland TX 79701 • 432-685-7400 • fax 432-686-1609

52.29



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: December 19, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Alexandra Walling, Planner

SUBJECT: Consider a request by 237 West Wall LLC., for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a bar on a 5,792-square foot portion of the west 90-feet of Lots 10, 11, and 12, Block 61, Original Town, City and County of Midland, Texas. (Generally located southeast of the intersection of West Wall Street and South Carrizo Street - Council District 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, 237 West Wall LLC., is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a bar located at 621 West Wall Street.

Current Zoning:

CB, Central Business District.

Surrounding Zoning and Land Use:

The properties to the north, east, and south are zoned CB, Central Business District and the location of businesses. The properties to the west are zoned CB, Central Business District, in part, PD, Planned Development District for an office center, and in part O-1, Office District and are the locations of offices.

Analysis:

The property is located in the CB, Central Business District. This zoning district permits the sale and on premises consumption of alcoholic beverages, with the approval of a Specific Use Designation with Term.

The bar is not in operation and does not have a specific use designation for the sale of all alcoholic beverages. The floor plan attached hereto as "Exhibit A" illustrates that the establishment will have a total square footage of 5,792-square feet, with an alcohol serviceable area of 4,462-square feet. The site currently does not have adequate parking; according to the calculation of one parking spot per four seats inside the bar, 21 spots are required; however, the proposed amount of parking spots is currently 20. In addition, many of the surrounding bars in the area have successfully met parking requirements by utilizing off-street parking and adjacent parking lots.

The bar has the following hours of operation:

Monday through Sunday from 12 p.m. to 2 a.m.

The bar is proposing the following hours of alcohol service:

Monday through Sunday from 12 p.m. to 2 a.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 to zone change.

Engineering: (Approved)

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

Transportation: (Approved)

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

Building Code: (Approved)

The SUD for the Double Bar is acceptable. The property must adhere to the maximum occupant load of 115 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). The Tailgate will create a vibrant atmosphere where residents can feel relaxed and enjoy alcoholic beverages with their food.

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

Conditions:

- A. That the serviceable area shall be limited to approximately 4,462 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.**
- B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- C. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- D. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.**
- E. That the days and hours of alcoholic beverages sales and consumption shall be limited to:**

Monday through Sunday, from 12 p.m. to 2 a.m.

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

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

Letters of Objection:

As of December 15, 2022, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Application
Maps



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

Project Number: 500-22-0145
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: 237 West Wall, LLC.		Phone (432) 770-2193 Email csmith@luxcdtx.com	
Address 1401 Ainslee St.	City Midland	State TX	Zip 79701

Property Owner Printed Name: Wall Street Joint Ventures		Phone (713) 385-6527 Email becky.thomson@rtspecialty.com	
Address 918 Malone St.	City Houston	State TX	Zip 77007

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

Street Address: 621 W. Wall St.		
Business Name: Double Bar Saloon		
Legal Description Lot: 13 Block: 61 Subdivision: Original Town, Section 25		
Current Zoning: CB		
Reason for Request: We are planning to open a bar at this location.		

Type of Business (restaurant, bar, lounge, nightclub, etc.): Bar			
Proposed/Current Days and Hours of Operation: Sunday-Saturday 12:00PM-2:00AM			
Proposed Days and Hours of Alcohol Service: Sunday-Saturday 12:00PM-2:00AM			
Total Square Footage of Business: 5,792			
Square Footage of Alcohol Serviceable Area: 4,462			
Restroom Fixtures:	Men	Toilets/Urinals: 1 / 2	Bathroom Sinks: 2
	Women	Toilets: 3	Bathroom Sinks: 2

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

Applicant (signature): Carlin Smith + Raymon Griffith Date: 8/29/2022

Applicant (printed): Carlin Smith + Raymon Griffith

Property Owner (signature): Frank G. Ticey Date: 8/29/2022

Property Owner (printed): Frank G. Ticey

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.

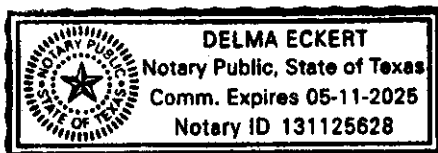
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Carlin Smith + Raymon Griffith who, being by me duly sworn, upon oath says: That (s)he is authorized by Frank G. Ticey, 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.

Carlin Smith + Raymon Griffith
Authorized Agent (signature)

Subscribed and sworn to before me, this 29 day of August, 2022 to certify which witness my hand and seal of office.



Delma Eckert
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Floor Plan

☒ Application Fee

☒ Site Plan

Check # _____

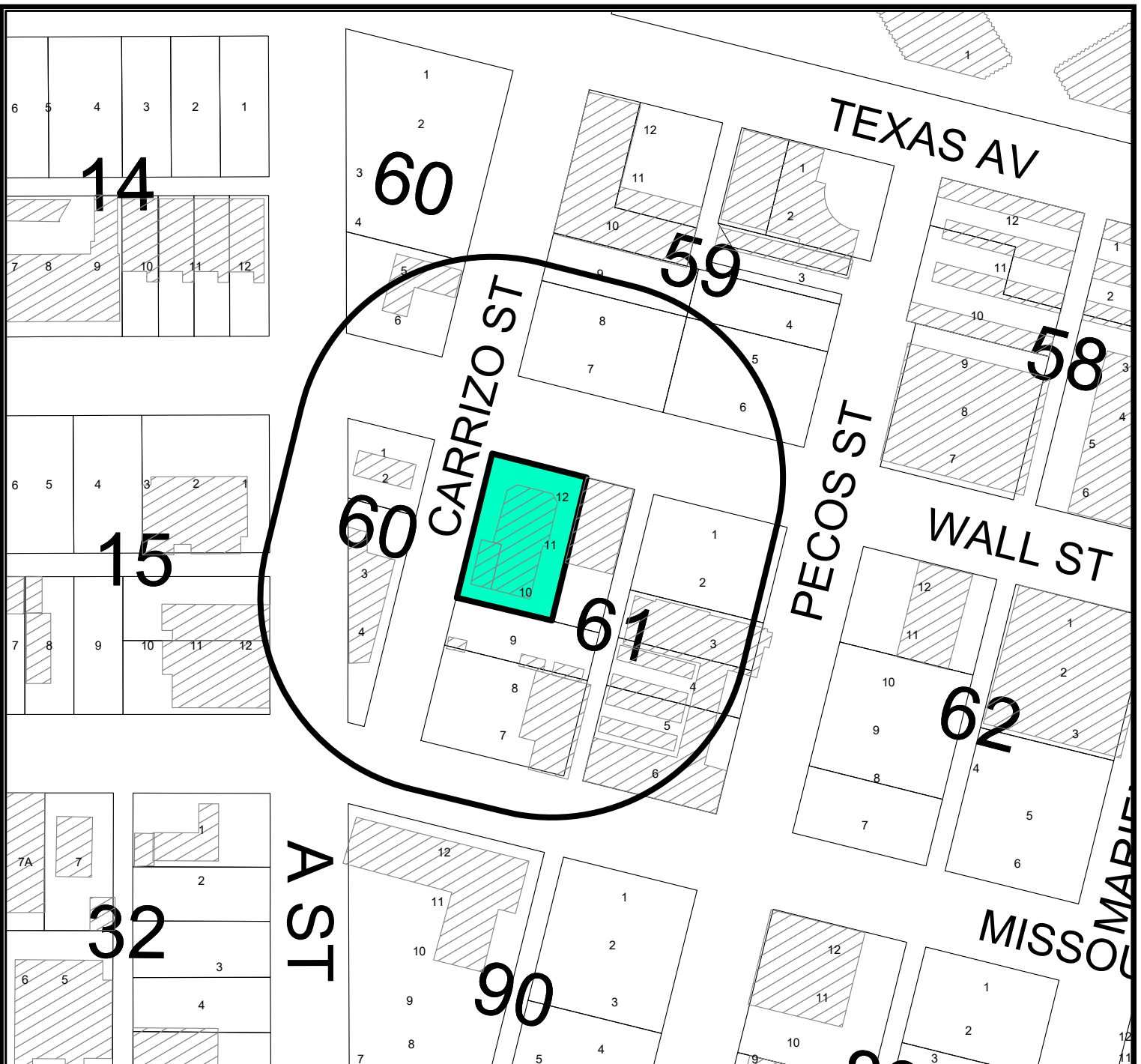
☒ Plans in Digital Format (PDF/JPEG)

Received By: _____

Date: NOV 17 2022

NOV 17 2022

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



LOCATION MAP

SUD-22-0145

Scale: 1" = 200'

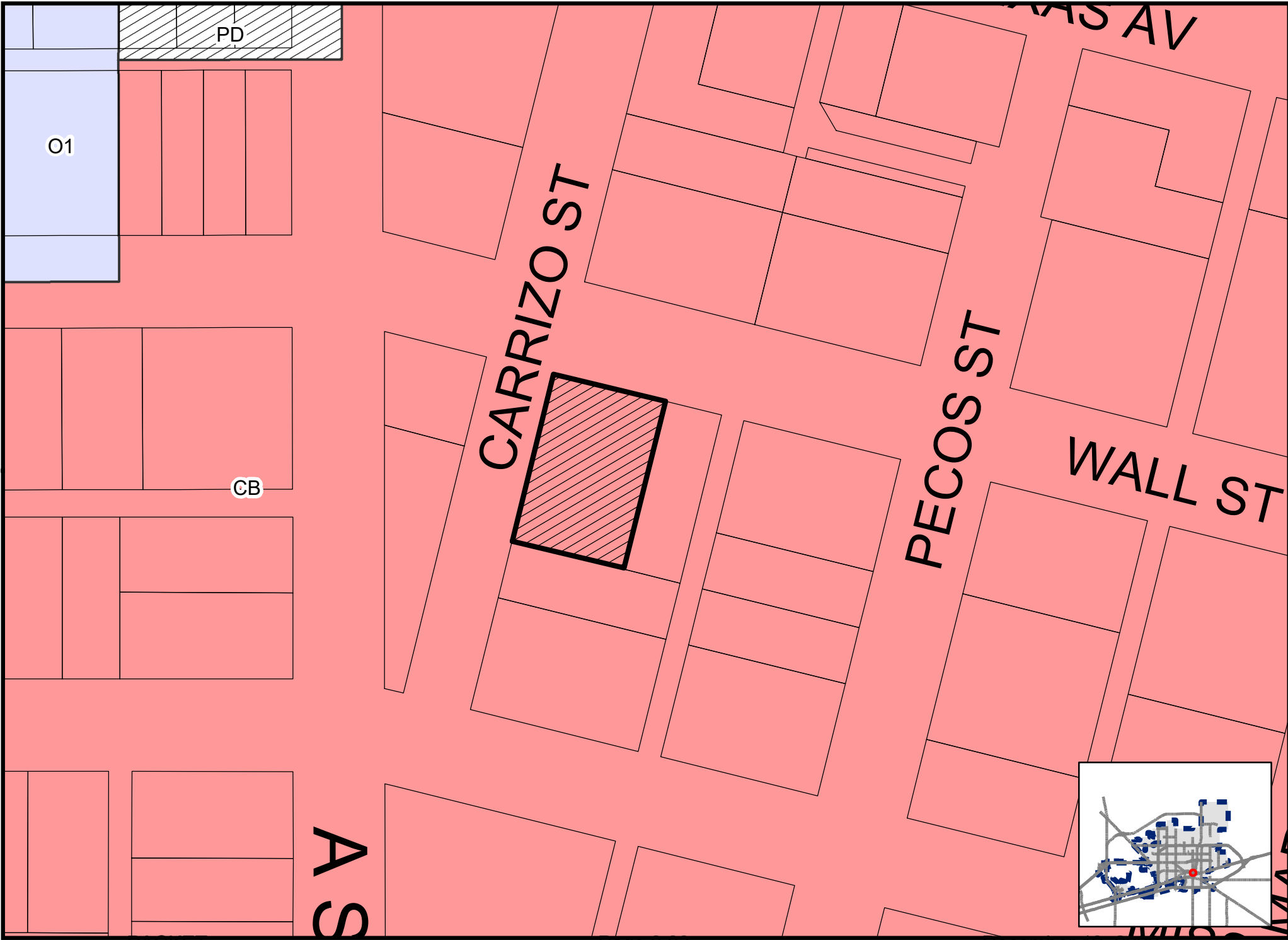
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Generally located southeast of the intersection of West Wall Street and South Carrizo Street - (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS















Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: December 19, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: James Reber, Planner

SUBJECT: Consider a request by Parkhill for a zone change from PD, Planned District, for Housing Development in part, Office Center in Part, Recreation Center in part, and Shopping Center in part, to an amended PD, Planned District, for Housing Development in part, Office Center in Part, Recreation Center in part, and Shopping Center in part, on a 38.22-acre tract of land out of the Northeast Quarter of Section 48, Block 40, T-1-S, T & P. R.R. Co. Survey, City and County Midland, Texas. Generally located on the southwest corner of the intersection of Thomason Dr and Loop 250 West. (Council District 4)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant, Parkhill, is requesting a Zone Change from PD, Planned District, for Housing Development in part, Office Center in Part, Recreation Center in part, and Shopping Center in part, to an amended PD, Planned District, for Housing Development in part, Office Center in Part, Recreation Center in part, and Shopping Center in part, to amend the site plan and density table.

Current Zoning:

PD, Planned Development District.

Surrounding Zoning and Land Use:

The properties to the north are zoned PD, Planned District for a Shopping Center (Ordinance No. 8227) and PD, Planned District for an Office Center (Ordinance No. 8227 and 8559). The properties to the east are zoned PD, Planned District for a Shopping Center (Ordinance No. 8219), and PD, Planned District for a Housing Development Ordinance No. 9843) and the location of a gas station and multifamily structures. The property to the west is zoned MF-22, Multiple-Family Dwelling District, and is currently vacant. The property to the south is located in the ETJ, Extraterritorial Jurisdiction, and is the location of undeveloped property.

Analysis:

The applicant, Parkhill, is requesting a zone change for the amendment from PD, Planned District, for Housing Development in part, Office Center in Part, Recreation Center in part, and Shopping Center in part, to an amended PD, Planned District, for Housing Development in part, Office Center in Part, Recreation Center in part, and Shopping Center in part. The lot is currently vacant.

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

Fire: (Approved)

No objections

Building: (Approved)

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

Engineering: (Approved)

No objections to zoning/zone change. [For Applicant's Information Only.]

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For Applicant's Information Only.]

Code: (Approved)

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

Transportation: (Approved)

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway. [Reference City Code Section 9-4-5(D).]

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

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

Planning (Approved):

The site plan, attached hereto as Exhibit "B," shows a total of two Multi-Family buildings and five Retail / Entertainment buildings. The new density table (Exhibit "B") calls for the same criteria as the old density table for Retail/Restaurant, Office, Hotel, and Apartments, but has created a new section for Entertainment Retail (defined as venues such as a Driving Range, Indoor Go-Carts, Arcades, Miniature Golf, and similar Types.) The exhibit below reflects the criteria for the Entertainment Retail:

Product Type	Maximum Criteria	Maximum GSF **	Maximum Height	Parking
Entertainment Retail***	15,000 SF Per Acre	100,000	56 Feet (Bldg) 175 Feet (Net/Fence)*	1/300 RSF Retail

The new site plan configuration has changed as shown in Exhibit "C."

Staff recommends approval of this zone change from PD, Planned District, for Housing Development in part, Office Center in Part, Recreation Center in part, and Shopping Center in part, to an amended PD, Planned District, for Housing Development in part, Office Center in Part, Recreation Center in part, and Shopping Center in part, subject to conditions A through N.

Conditions:

- A. That the use and development of Westridge Village shall conform to the regulations of the 0-2, Office District, except as stated below.**

- B. That the Planned District Site Layout Plan, which is attached hereto as Exhibit "C" and incorporated herein, shall be considered illustrative and shall only serve as a vision of Westridge Village.**
- C. That the proposed driveways and drive aisles shown in Exhibit "C" shall be considered preliminary and are subject to approval by the City Manager or his designee.**
- D. That a Traffic Impact Analysis shall be required before the issuance of a building permit.**
- E. Use regulations. Land and buildings in the Westridge Village PD may be used for any of the following listed uses, but no land shall hereafter be used and no buildings erected, altered or converted which are arranged, designed or used for other than the following uses:**
- 1. Any use permitted in the 0-2 Office District, MF- 2 Multiple Family Dwelling District, TH Townhouse Dwelling District, and RR, Regional Retail District (with the exception of the prohibited uses listed below) is permitted within the aggregate limitations shown in the Program Density Table, which is attached hereto as Exhibit "C" and incorporated herein.**
 - 2. The following uses from the RR, Regional Retail District will be prohibited, including:**
 - a. Mortuary or funeral home;**
 - b. Monument sales;**
 - c. Mobile home camping and travel trailer sales, rental and service;**
 - d. Motor homes sales, rental and service;**
 - e. Heavy truck (exceeding one -ton capacity) sales, rental and service;**
 - f. Scientific or research laboratories which comply with the noise and odor control standards of an IP- 3 Industrial Park District;**
 - g. Pawnshops;**
 - h. Dancehalls; and**
 - i. Establishments primarily offering appliances, equipment, vehicles or other commodities for rent or lease (commonly referred to as " rent -all"). Vehicles licensed for use on public roadways may be stored and displayed outside without compliance with the screening provisions of the performance standards contained herein.**
- F. Area regulations. Except as hereinafter provided in this Section, no building shall be erected, altered or converted for dwelling purposes**

or any other main use permitted in this Westridge Village PD, unless such use complies with the following regulations.

1. The Westridge Village PD has no minimum or maximum Lot Area, Lot Width or Lot Depth or Front, Side, or Rear Yard requirements. Such requirements will be set forth on the approved comprehensive site plan applicable to each portion of Westridge Village.
- G. Height regulations. No building shall be erected to exceed the limitations in height and stories as shown in the Program Density Table on Exhibit "B." "Building Height" shall be measured from the mean ground level elevation immediately adjacent to the building to the rooftop, excluding any rooftop accessories, including without limitation, mechanical equipment and enclosing rooms, stair penthouses and building parapets not in excess of 8 feet in height.
- H. Floor Area. Buildable area shall be limited by the Program Density Table on Exhibit " B". A maximum of 1,500,000 gross square feet of Floor Area may be constructed at Westridge Village.
- I. Parking: Parking within Westridge Village shall be as set forth on Exhibit " C" for the various uses listed
- J. Outdoor Sign Standards: A Master Sign Plan will provide a hierarchy Of signage for Westridge Village typical of mixed -use neighborhood projects, including but not limited to project identification signage located on the perimeter of the property and/ or within the surrounding right-of-way.
- K. Site Plan Requirement
1. Committee. The Mayor of the City shall appoint a Westridge Village Site Plan Review Committee (the " Committee"). The Committee shall be composed of City staff, one or more members of the City Council, and one or more members of the Planning and Zoning Commission; provided, however, that the Committee shall not contain a quorum of the City Council or a quorum of the Planning and Zoning Commission.
 2. Review. A separate comprehensive site plan for each area of Westridge Village shall be submitted to the City' s Development Services Department for review by the Committee. The Committee may approve or deny a comprehensive site plan or request additional information about a comprehensive site plan. Each separate comprehensive site plan shall be reviewed and approved by

the Committee as a condition precedent to the granting of a certificate of occupancy, as per Section 11- 1- 9(C) of the Code.

3. **Appeal.** Any person or entity aggrieved by the action of the Committee in the denial of a comprehensive site plan approval shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the City manager's Office, not later than 14 days after notice of the action complained of has been mailed to such person' s last known address, a written statement shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed to the appellant. The decision of the City Council on such appeal shall be final and conclusive.

L. General Traffic Regulations: As long as the streets within Westridge Village remain private, no permits, other than appropriate permits for alcohol consumption, shall be required for any special events held on the streets.

M. Function of this Ordinance. This Ordinance functions as the exclusive land use and zoning regulatory document for Westridge Village. As development proceeds, additional public hearings for zoning approvals are not required; however, site plan approval is required as set out in Section Two, paragraph of this Ordinance. The provisions of the Code shall apply to Westridge Village except as expressly identified and referenced within this Ordinance.

N. A cross access parking agreement will need to be provided.

Letters of Objection:

Staff has not received any letters of objection as of December 15, 2022.

Attachments:

Application
Maps
Preliminary Plat (Exhibit A)
Density Table (Exhibit B)
Site Plan (Exhibit C)
Ordinance 9949



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

Project Number: 2-22-0312
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: Pontikes Development, LLC		Phone (713) 266-1101 Email	
Address 1885 St James Place, Suite 1100	City Houston	State Tx	Zip 77056
Property Owner Printed Name: Westridge Village, LP		Phone (713) 266-1101 Email	
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 (Parkhill PROJ # 6883.19)		Phone (432) 697-1447 Email jwallender@Parkhill.com	
Address 1700 West Wall, Suite 100	City Midland	State Texas	Zip 79701

Street Address: Please see attached Sketch Plan		
Legal Description Lot: Block: Subdivision:		

Current Zoning: PD - Ordinance 9949	Proposed Zone: Amended PD (List by tracts if more than one district is requested)
Reason for Zone Change Request: <u>Better fit for the use of the land</u>	
Present Use of Property: <u>Vacant land</u>	
Proposed Use of Property: <u>Entertainment Retail, General Retail, Restaurants, Office, Hotel, Multi-Family</u>	
How would this zone change affect the public health, safety and welfare? <u>It would bring a new atmosphere to the surrounding community and improve safety, health, and welfare.</u>	
Describe how conditions affecting the property have changed since present zoning designation: <u>No Changes</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): Alan D Feinsilver Date: Nov 8, 2022

Applicant (printed): ALAN D FEINSILVER

Property Owner (signature): Alan D Feinsilver Date: Nov 8, 2022

Property Owner (printed): ALAN D FEINSILVER

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

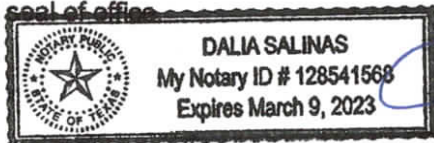
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Josh Wellender who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or authorized by Westridge Village 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 9th day of November, 2022, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Site Plan

☒ Application Fee

☒ Plans in Digital Format (PDF/JPEG)

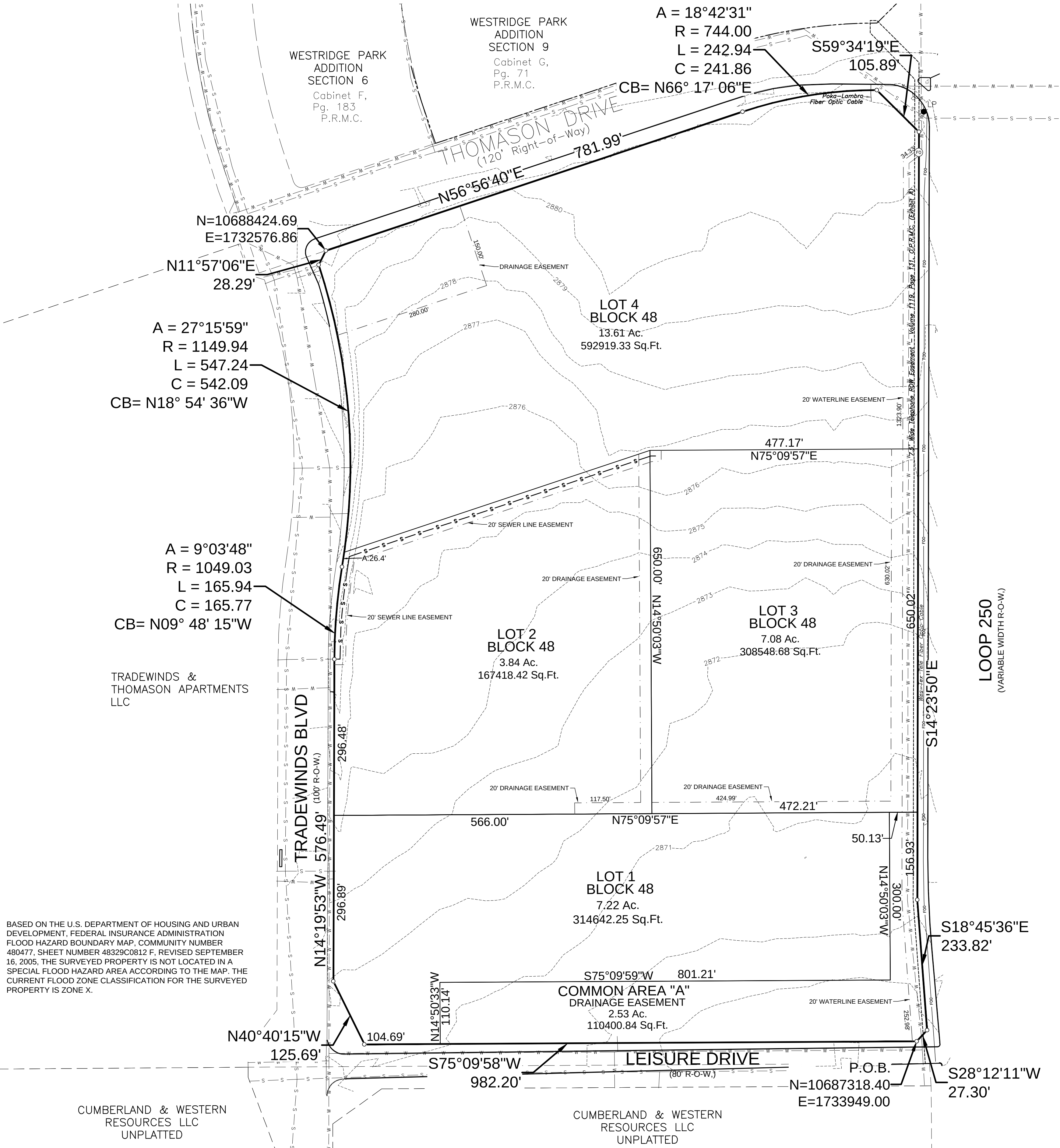
Check # 001563

Received By: Jessie Walling

Date: NOV 8 2022

BY: _____

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



PACKET
Page 9.96
December 19, 2017

Westridge Village
Southwest Corner Loop 250
and Thomason

EXHIBIT "B"

PD Zoning - Program Density Table

Product Type	Maximum Criteria	Maximum GSF **	Maximum Height	Parking
Entertainment Retail***	15,000 SF Per Acre	100,000	56 Feet (Bldg) 175 Feet (Net/Fence)*	1/300 RSF Retail
Retail/Restaurant	15,000 SF Per Acre	300,000	35 Feet	1/300 RSF Retail 8/1000 RSF Restaurant
Office	Floor Area Ratio 1.2:1 Excluding Parking Garage	600,000	98 Feet	2.5/1000 RSF
Hotel	Floor Area Ratio 1.2:1 Excluding Parking Garage	150,000	98 Feet	1/Per Key
Apartments	50 Units Per Acre	900,000	56 Feet	1/Unit 1.5/Unit 2/Unit 2.5/Unit Studio 1 Bedroom 2 Bedroom 3 Bedroom

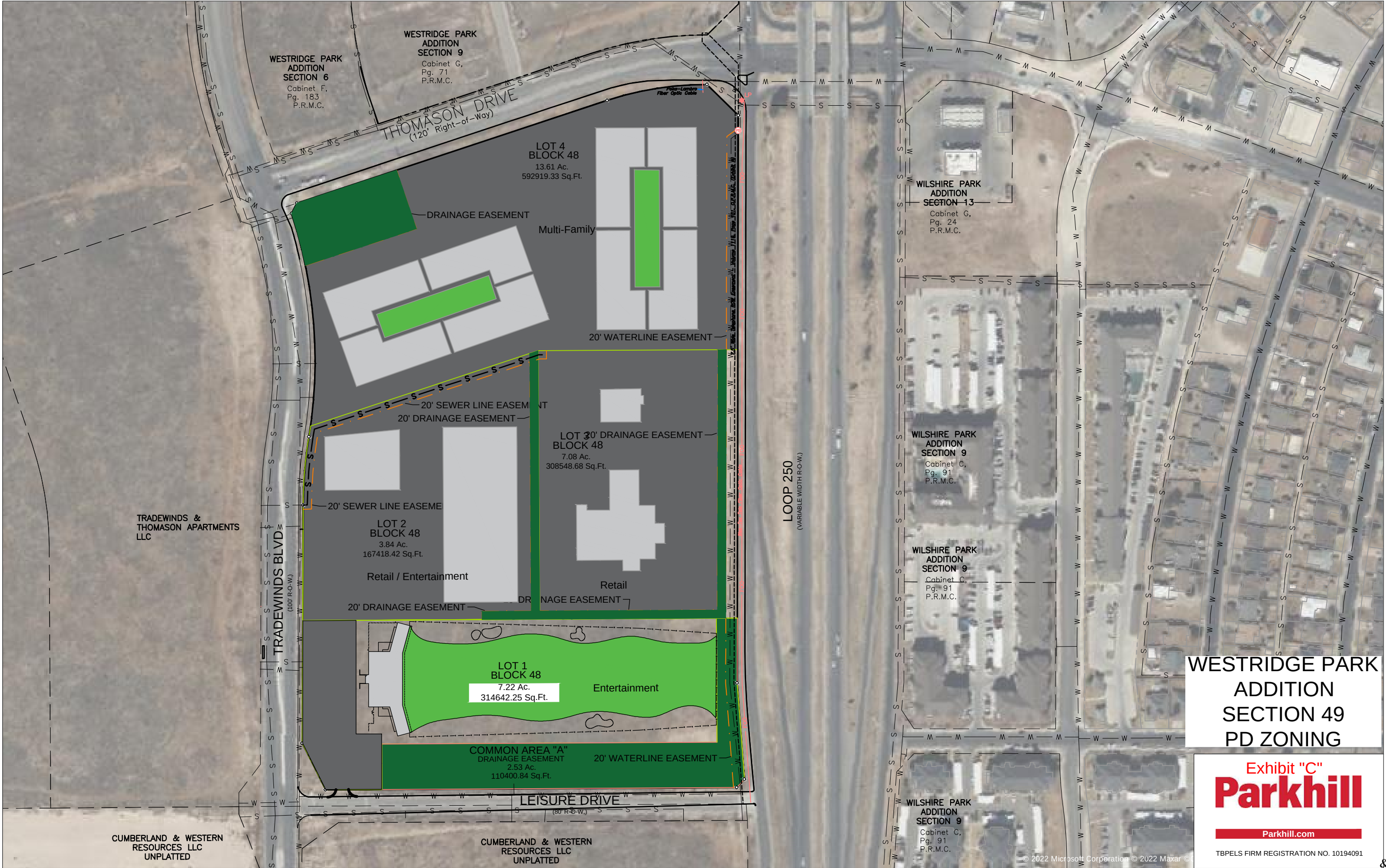
* Net/Fence is Specific to a Driving Range Entertainment Venue only.

** Overall Maximum GSF = 1,500,000 GSF (No combination of the above can exceed an overall 1,500,000 GSF)

Note: Gross Square Footage is calculated using Floor Area less square footage related to parking structures, loading dock areas, corridors, mezzanine space, balconies, vertical circulation, and utility rooms.

*** Entertainment Retail is defined as venues such as a Driving Range, Indoor Go-Carts, Arcades, Miniature Golf, and similar Types

X:\2019\688319\03_DSG\050_CIVIL\03_PLATTING\Westridge 45\03_Zone Change\6883_ZONE_20221109 - 4 Lots.dwg, 11/29/2022 2:35:48 PM, AutoCAD PDF (Smallest File).pc3

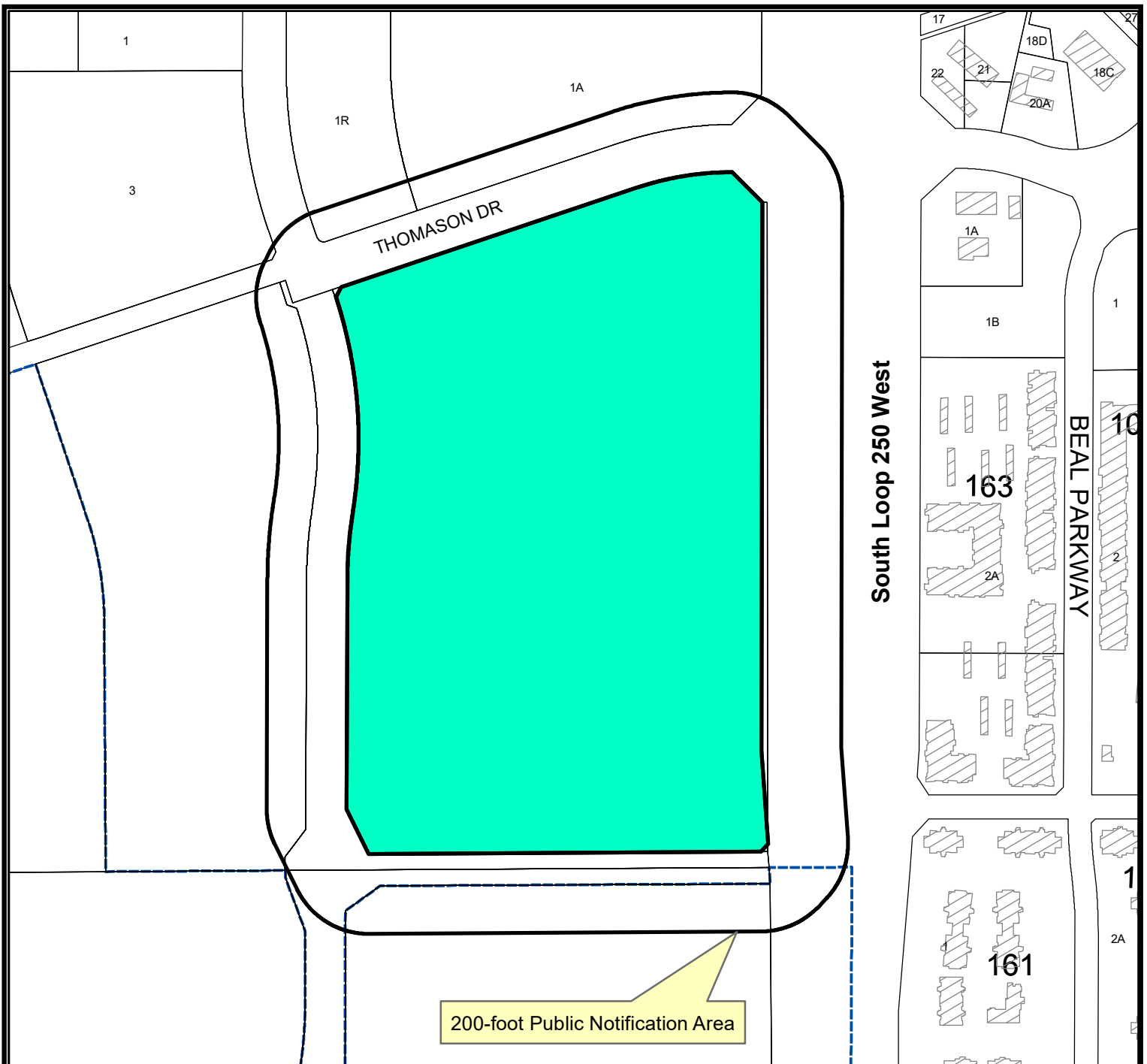


WESTRIDGE PARK
ADDITION
SECTION 49
PD ZONING

Exhibit "C"
Parkhill

Parkhill.com

TBPELS FIRM REGISTRATION NO. 10194091



LOCATION MAP

Z-22-0312

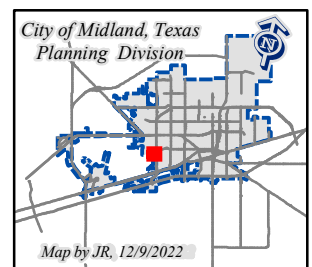
Scale: 1" = 4,336'

Consider a request by Parkhill for a zone change from PD, Planned District for a Housing Development District, Office Center District in Part, Recreation Center District in part, and Shopping Center District in part, to an amended PD, Planned District for a Housing Development District, Office Center District in Part, Recreation Center District in part, and Shopping Center District in part, on a 38.22-acre tract of land out of the Northeast Quarter of Section 48, Block 40, T-1-S, T & P. R.R. Co. Survey, City and County Midland, Texas.

Generally located on the northeast corner of the intersection of Thomason Dr. and Loop 250 West. (Council District 4)

LEGEND

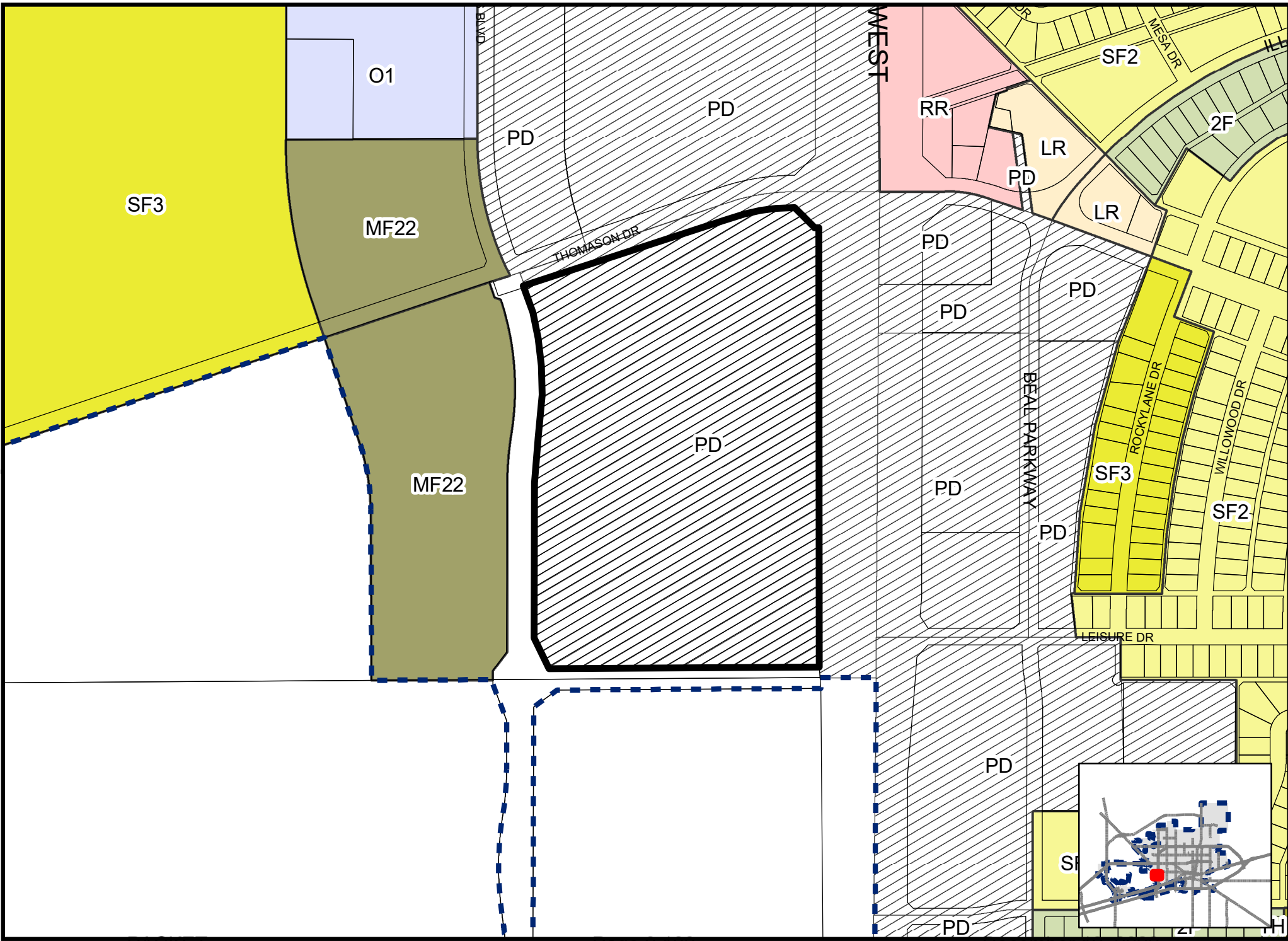
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

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











ORDINANCE NO. 9949

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 46.38-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A PD, PLANNED DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise of a hearing to be held before the City Council on July 9, 2019, to consider amendments to the zoning regulations and map establishing the zoning classification of the property described in Section One hereof as a PD, Planned District, as set out in Title XI, Chapter 1 of the City Code of Midland, Texas; and

WHEREAS, such a public hearing was held in the Council Chambers on July 9, 2019, as advertised; and

WHEREAS, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after considering among other things, the character of the property involved and the surrounding area and its peculiar suitability for particular uses; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality, the Council finds it to be in the best interest of the health, safety, morals and general welfare of the City of Midland to amend the zoning regulations accordingly;

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

SECTION ONE. That the zoning classification of the area indicated on Exhibit "A", attached hereto and incorporated herein by reference, is hereby established as a PD, Planned District.



City Council Agenda

#9949
Approved for Agenda:
mwilliams
City Manager's Office

MEETING DATE: 7/23/2019

TO: City Council / City Manager

FROM: Rolandrea Russell, Senior Planner

SUBJECT: Consider an ordinance on second reading on a request by Pontikes Development, LLC, for the initial zoning of a 46.38-acre tract of land located in Section 48, Block 40, T-1-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive.)

APPROVED

Purpose:

The applicant, Pontikes Development, LLC, is requesting for the initial zoning of a 46.38-acre tract of land located in Section 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas located on the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive that was recently annexed to PD, Planned District.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

This request does not have a significant financial impact to the City.

Current Zoning:

No Current Zoning

Surrounding Zoning and Land Use:

The properties to the north are zoned PD, Planned District for a Shopping Center (Ordinance No. 8227) and PD, Planned District for an Office Center (Ordinance Nos. 8227 and 8559). The properties to the east are zoned PD, Planned District for a Shopping Center (Ordinance No. 8219), and PD, Planned District for a Housing Development (Ordinance No. 9843) and the location of a gas station and undeveloped property. The

property to the west was recently annexed and zoned MF-2, Multiple-Family Dwelling District (Ordinance No. 9911). The property to the south is located in the ETJ, Extraterritorial Jurisdiction and the location of undeveloped property.

Analysis:

The applicant, Pontikes Development, LLC, is requesting for the initial zoning of annexed land to a Planned District for the development of a mixed-use development, including office space, retail and multi-family uses. The subject property is immediately east of a recently annexed 17.55-acre tract of land.

The site is currently in the process of being annexed into City Limits.

This case has been circulated to and reviewed by all pertinent City departments for internal review and has received no objections. Their comments are as follows.

Engineering: Approved with Conditions

No objection to zone change.

Developer participation towards the cost of a future traffic signal at Thomason and Tradewinds will be required.

Access points on Tradewinds must align with the pre-planned median break locations already under construction by the City. Coordinate with Engineering for the approved plans.

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 with Conditions

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

Developer participation towards the cost of a future traffic signal at Thomason and Tradewinds will be required.

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway. Minimum spacing on the service road must be at least 360 ft, so the southern driveway will have to be moved farther north while still remaining well south of the physical ramp gore. The northern driveway location appears to be acceptable as shown.

Both access points on the LP 250 service road will likely require right-turn deceleration lanes.

Access points on Tradewinds must align with the pre-planned median break locations already under construction by the City. Coordinate with Engineering for the approved plans.

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:

Awaiting Comments.

Code Administration: Approved

No issues with zone change. Future structures must adhere to the International Building Code, local ordinances, and floodplain requirements if necessary.

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:

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, policies that encourage development of prime sites remaining along the 250 Loop and mixed use developments with similar land use intensities along the arterial corridors" (Tall City Tomorrow, Page 63). This development will make full use of existing infrastructure, while also respecting the character of the surrounding neighborhood.

The Planning and Zoning Commission recommended this request for approval at the May 20, 2019 meeting.

The City Council approved this request at the July 9, 2019 meeting.

Staff recommends approval of this initial zoning of Planned District, subject to the following conditions:

Conditions:

- A. That the use and development of Westridge Village shall conform to the regulations of the O-2, Office District, except as stated below.**
- B. That the Planned District Site Layout Plan, which is attached hereto as Exhibit "B" and incorporated herein, shall be considered illustrative and shall only serve as a vision of Westridge Village.**
- C. That the proposed driveways and drive aisles shown in Exhibit "B" shall be considered preliminary and are subject to approval by the City Manager or his designee.**

D. That a Traffic Impact Analysis shall be required before the issuance of a building permit.

E. *Use regulations.* Land and buildings in the Westridge Village PD may be used for any of the following listed uses, but no land shall hereafter be used and no buildings erected, altered or converted which are arranged, designed or used for other than the following uses:

1. Any use permitted in the O-2 Office District, MF-2 Multiple Family Dwelling District, TH Townhouse Dwelling District, and LR-3 Local Retail District (with the exception of the prohibited uses listed below) is permitted within the aggregate limitations shown in the Program Density Table, which is attached hereto as Exhibit "C" and incorporated herein.

2. The following uses from the LR-3 Local Retail District will be prohibited, including:

- a. Mortuary or funeral home;
- b. Monument sales;
- c. Mobile home camping and travel trailer sales, rental and service;
- d. Motor homes sales, rental and service;
- e. Heavy truck (exceeding one-ton capacity) sales, rental and service;
- f. Scientific or research laboratories which comply with the noise and odor control standards of an IP-3 Industrial Park District;
- g. Pawnshops;
- h. Dancehalls; and
- i. Establishments primarily offering appliances, equipment, vehicles or other commodities for rent or lease (commonly referred to as "rent-all"). Vehicles licensed for use on public roadways may be stored and displayed outside without compliance with the screening provisions of the performance standards contained herein.

F. *Area regulations.* Except as hereinafter provided in this Section, no building shall be erected, altered or converted for dwelling purposes or any other main use permitted in this Westridge Village PD, unless such use complies with the following regulations.

1. The Westridge Village PD has no minimum or maximum Lot Area, Lot Width or Lot Depth or Front, Side, or Rear Yard requirements. Such requirements will be set forth on the approved comprehensive site plan applicable to each portion of Westridge Village.

G. *Height regulations.* No building shall be erected to exceed the limitations in height and stories as shown in the Program Density Table on Exhibit "C". "Building Height" shall be measured from the mean ground level elevation

immediately adjacent to the building to the rooftop, excluding any rooftop accessories, including without limitation, mechanical equipment and enclosing rooms, stair penthouses and building parapets not in excess of 8 feet in height.

H. **Floor Area.** Buildable area shall be limited by the Program Density Table on Exhibit "C". A maximum of 1,500,000 gross square feet of Floor Area may be constructed at Westridge Village.

I. **Parking:** Parking within Westridge Village shall be as set forth on Exhibit "C" for the various uses listed

J. **Outdoor Sign Standards:** A Master Sign Plan will provide a hierarchy of signage for Westridge Village typical of mixed-use neighborhood projects, including but not limited to project identification signage located on the perimeter of the property and/or within the surrounding right-of-way.

K. **Site Plan Requirement**

1. **Committee.** The Mayor of the City shall appoint a Westridge Village Site Plan Review Committee (the "Committee"). The Committee shall be composed of City staff, one or more members of the City Council, and one or more members of the Planning and Zoning Commission; provided, however, that the Committee shall not contain a quorum of the City Council or a quorum of the Planning and Zoning Commission.

2. **Review.** A separate comprehensive site plan for each area of Westridge Village shall be submitted to the City's Development Services Department for review by the Committee. The Committee may approve or deny a comprehensive site plan or request additional information about a comprehensive site plan. Each separate comprehensive site plan shall be reviewed and approved by the Committee as a condition precedent to the granting of a certificate of occupancy, as per Section 11-1-9(C) of the Code.

3. **Appeal.** Any person or entity aggrieved by the action of the Committee in the denial of a comprehensive site plan approval shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the City manager's Office, not later than 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed to the appellant. The decision of the City Council on such appeal shall be final and conclusive.

L. **General Traffic Regulations:** As long as the streets within Westridge Village remain private, no permits, other than appropriate permits for alcohol consumption, shall be required for any special events held on the streets.

M. **Function of this Ordinance.** This Ordinance functions as the exclusive land use and zoning regulatory document for Westridge Village. As development

proceeds, additional public hearings for zoning approvals are not required; however, site plan approval is required as set out in Section Two, paragraph (11) of this Ordinance. The provisions of the Code shall apply to Westridge Village except as expressly identified and referenced within this Ordinance.

Letters of Objection:

As of July 5, 2019, staff has received no letters of objection to this request.

Attachments:

Exhibit A, Metes & Bounds
Exhibit B, Illustrative Site Layout Plan
Exhibit C, Proposed Program Density Table
Application
Maps

**Annexation/Initial Zoning**

Project Number:

A-19-0014

Case Number:

2-19-0091**Applicant (if acting as Agent, see affidavit on page 2)**

Printed Name: Pontikes Development, LLC

Phone ()
Email

Address 1885 St. James Place, Suite 1100

City Houston

State TX

Zip 77056

Property Owner

Printed Name: SBC LP

Phone ()
Email

Address 1811 Heritage Blvd, Suite 100

City Midland

State TX

Zip 79707

Representative (if different from Applicant or Property Owner)

Firm: Parkhill, Smith, & Cooper

Printed Name: Josh Wallender (PSC Job # 01.6881.18)

Phone (432) 697-1447

Email
jwallender@team-psc.com

Address 1700 W. Wall Street, Suite 100

City Midland

State TX

Zip 79701

Street Address: Please See Attached Metes and Bounds**Legal Description**

Lot: Block: Subdivision:

Proposed Zone: PD - Please See Attached

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

Reason for Zone Change Request: Allow for Development of Lots**Present Use of Property:** Vacant Land**Proposed Use of Property:** Multiple Uses**How would this zone change affect the public health, safety and welfare?** This would improve the public, health, and welfare**Submittal and Fees****Items to be submitted with this application form:**

- Application Fee – Payable to the 'City of Midland'
- Metes and Bounds Description
- Survey Map
- Dimensioned Site Plan (If applicable)
- Digital Copies of Documents(PDF/JPEG)

RECEIVED

APR 24 2019

CITY OF MIDLAND
PLANNING DIVISION OFFICE

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>Alan D. Silver</u>	Date: <u>7/24/19</u>
Applicant (printed): <u>ALAN D. SILVER</u>	
Property Owner (signature): <u>Shelly K Smith (President)</u>	Date: <u>4-24-19</u>
Property Owner (printed): <u>SBC, LP</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 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.	

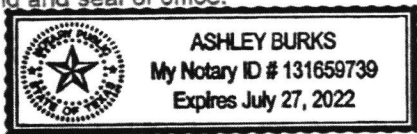
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Josh Wallender who, being by me duly sworn, upon oath says: That (s)he is authorized by SBC 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 24th day of April, 2019, to certify which witness my hand and seal of office.



Ashley Burks
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # <u>1333</u>	RECEIVED
Received By: <u>Rolandrea Russell</u>	
Date:	<u>APR 24 2019</u>

CITY OF MIDLAND
PLANNING DIVISION OFFICE

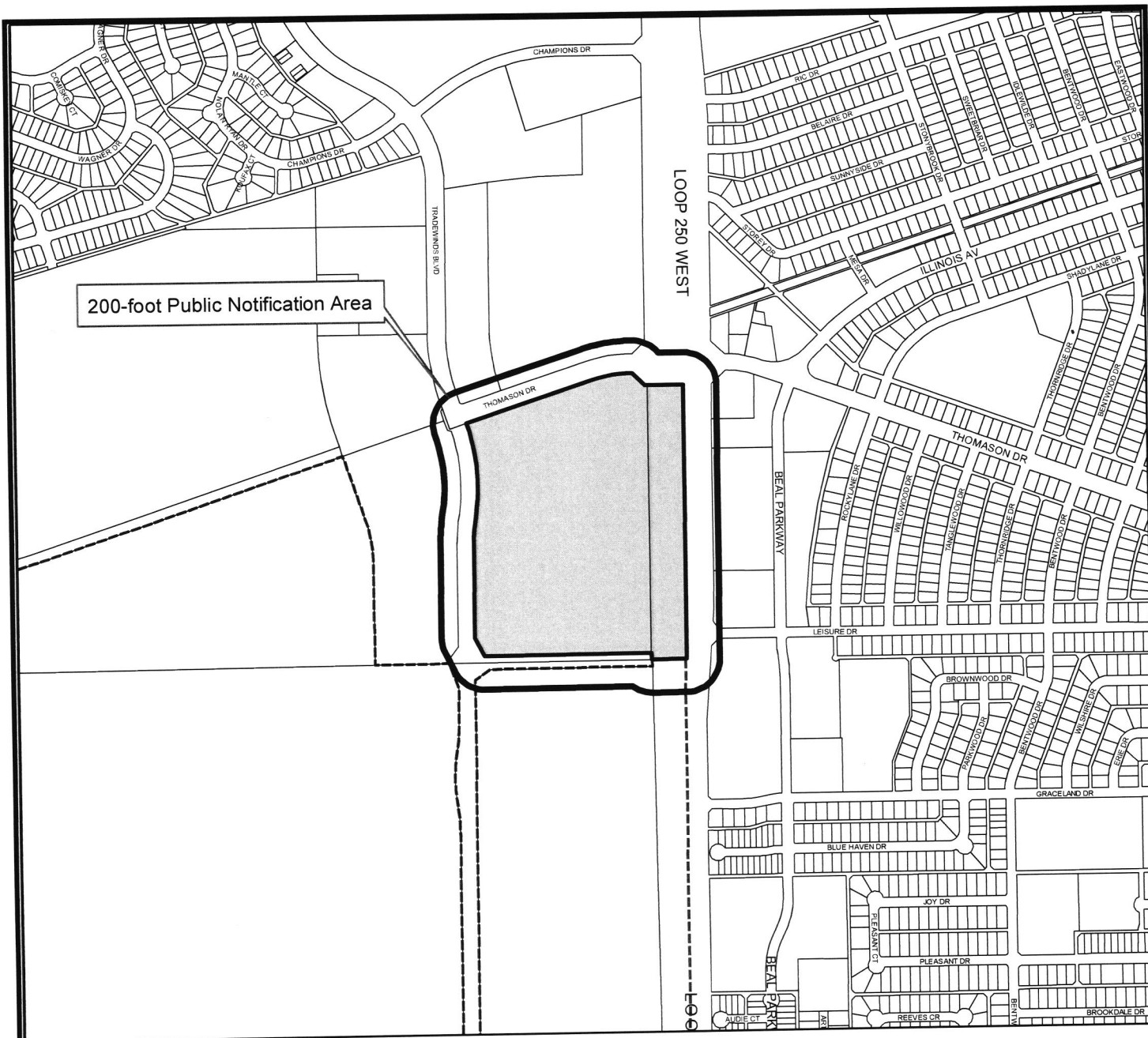
****Application will not be considered for scheduling until reviewed by a planner.****

Special Exception Application

2

Revised 12/6/16

19.17



LOCATION MAP

Z-19-0091

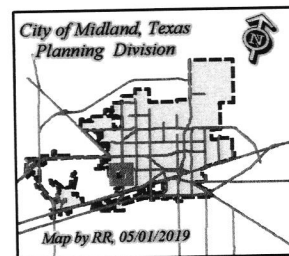
Scale: 1" = 500'

Consider a request for the Initial Zoning of a 46.38-acre tract of land located in Section 48, Block 40, T-1-S, T&P RR. Survey, Midland County, Texas.

Generally located on the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive.

LEGEND

- CITY LIMITS
- ▭ PARCEL
- ▨ PRIVATE BLDGS



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19.18

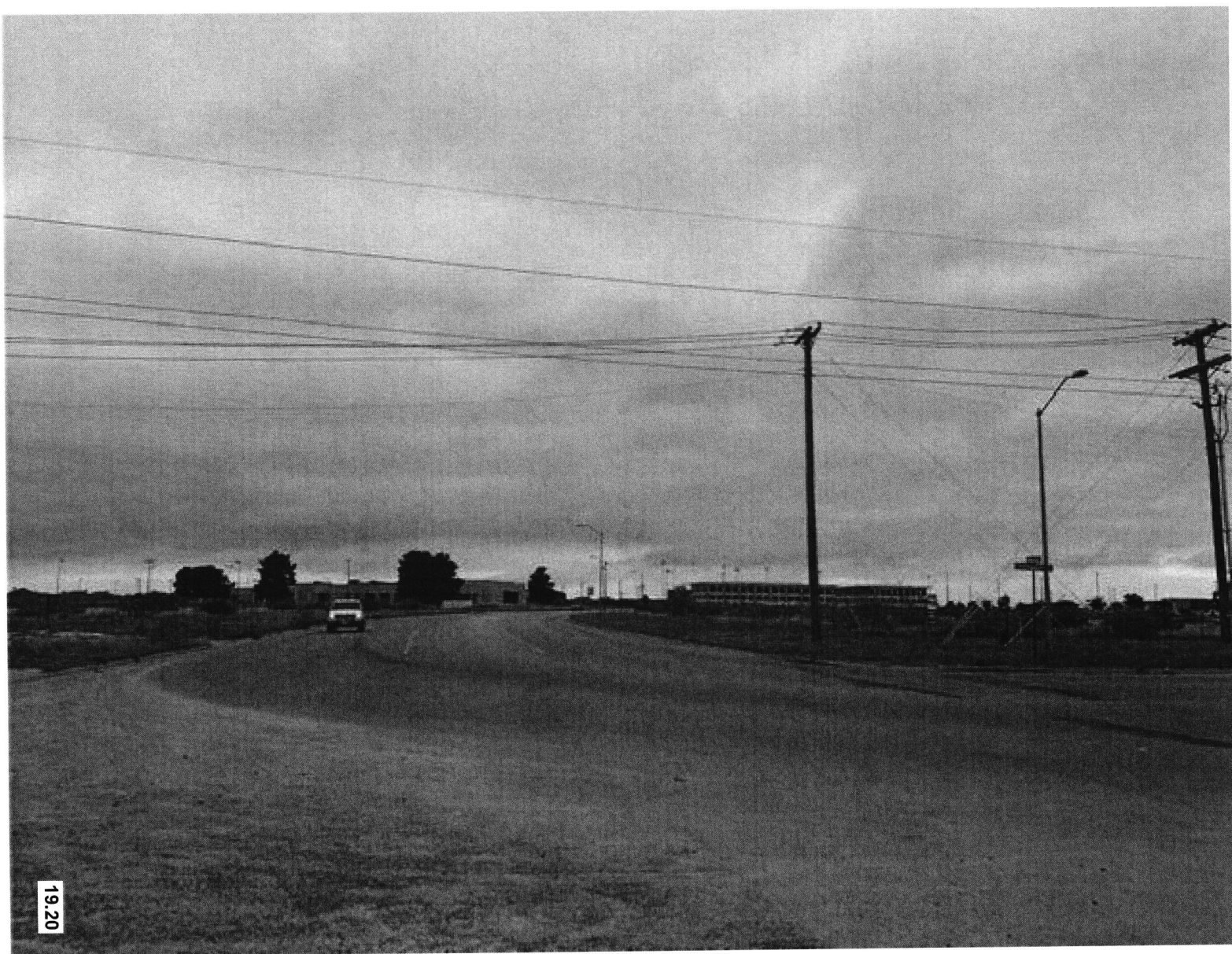
SECTION TWO. That the area indicated on Exhibit “A” (“Westridge Village” or the “Westridge Village PD”) shall be subject to the following special conditions and restrictions:

- A. That the use and development of Westridge Village shall conform to the regulations of the O-2, Office District, except as stated below.
- B. That the Planned District Site Layout Plan, which is attached hereto as Exhibit “B” and incorporated herein, shall be considered illustrative and shall only serve as a vision of Westridge Village.
- C. That the proposed driveways and drive aisles shown in Exhibit “B” shall be considered preliminary and are subject to approval by the City Manager or his designee.
- D. That a Traffic Impact Analysis shall be required before the issuance of a building permit.
- E. *Use regulations.* Land and buildings in the Westridge Village PD may be used for any of the following listed uses, but no land shall hereafter be used, and no buildings erected, altered or converted which are arranged, designed or used, for other than the following uses:

Any use permitted in the O-2, Office District, MF-2, Multiple-Family Dwelling District, TH, Townhouse Dwelling District, and LR-3, Local Retail District, with the exception of the prohibited uses listed below, is permitted within the aggregate limitations shown in the Program Density Table, which is attached hereto as Exhibit “C” and incorporated herein.

The following uses from the LR-3, Local Retail District, are prohibited, including:

- 1. Mortuary or funeral home;
- 2. Monument sales;
- 3. Mobile home camping and travel trailer sales, rental and service;
- 4. Motor homes sales, rental and service;
- 5. Heavy truck (exceeding one-ton capacity) sales, rental and service;
- 6. Scientific or research laboratories which comply with the noise and odor control standards of an IP-3, Industrial Park District;
- 7. Pawnshops;
- 8. Dancehalls; and







19.22



19.23



19.24

9. Establishments primarily offering appliances, equipment, vehicles or other commodities for rent or lease (commonly referred to as “rent-all”); however, vehicles licensed for use on public roadways may be stored and displayed outside without compliance with the screening provisions of the performance standards contained herein.
- F. *Area regulations.* Except as hereinafter provided in this Section, no building shall be erected, altered or converted for dwelling purposes or any other main use permitted in this Westridge Village PD unless such use complies with the following regulations:
- The Westridge Village PD has no minimum or maximum Lot Area, Lot Width or Lot Depth or Front, Side, or Rear Yard requirements. Such requirements shall be set forth on the approved comprehensive site plan applicable to each portion of Westridge Village.
- G. *Height regulations.* No building shall be erected to exceed the limitations in height and stories as shown in the Program Density Table on Exhibit “C”. “Building Height” shall be measured from the mean ground level elevation immediately adjacent to the building to the rooftop, excluding any rooftop accessories, including without limitation, mechanical equipment and enclosing rooms, stair penthouses and building parapets that do not exceed eight feet in height.
- H. *Floor area.* Buildable area shall be limited by the Program Density Table on Exhibit “C”. A maximum of 1,500,000 Gross Square Feet of Floor Area may be constructed at Westridge Village.
- I. *Parking.* Parking within Westridge Village shall be as set forth in Exhibit “C” for the various uses listed therein.
- J. *Outdoor sign standards.* A Master Sign Plan shall provide a hierarchy of signage for Westridge Village typical of mixed-use neighborhood projects, including but not limited to project identification signage located on the perimeter of the property and/or within the surrounding right-of-way.
- K. *Site plan requirement.*
1. *Committee.* The Mayor of the City shall appoint a Westridge Village Site Plan Review Committee (the “Committee”). The Committee shall be composed of City staff, one or more members of the City Council, and one or more members of the Planning and Zoning Commission; provided, however, that the Committee shall not contain a quorum of the City Council or a quorum of the Planning Zoning and Commission.
 2. *Review.* A separate comprehensive site plan for each area of Westridge Village shall be submitted to the City’s Development Services Department for review by the Committee. The Committee may approve or deny a comprehensive site plan or request additional information about a comprehensive site plan. Each separate comprehensive site plan shall be reviewed and approved by the Committee as a condition precedent to the granting of a certificate of

occupancy, as per Section 11-1-9(C) of the City Code.

3. *Appeal.* Any person or entity aggrieved by the action of the Committee in the denial of a comprehensive site plan approval shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the City Manager's Office, not later than 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The City Council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be mailed to the appellant. The decision of the City Council on such appeal shall be final and conclusive.

L. *General traffic regulations.* As long as the streets within Westridge Village remain private, no permits, other than appropriate permits for alcohol consumption, shall be required for any special events held on the streets.

M. *Function of this Ordinance.* This Ordinance functions as the exclusive land use and zoning regulatory document for Westridge Village. As development proceeds, additional public hearings for zoning approvals are not required; however, site plan approval is required as set out in Subsection K above. The provisions of the City Code shall apply to Westridge Village except as expressly identified and referenced within this Ordinance.

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 9th day of July, A.D., 2019; and passed to second reading on motion of Council member Lacy, seconded by Council member Robnett, by the following vote:

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

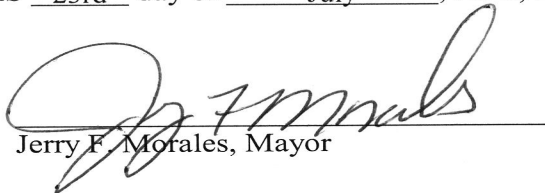
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Lacy, seconded by Council member Love, on the 23 day of July, A.D., 2019, at a regular meeting of the City Council:

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

Council members voting "NAY": None

PASSED AND APPROVED THIS 23rd day of July, A.D., 2019.


Jerry F. Morales, Mayor

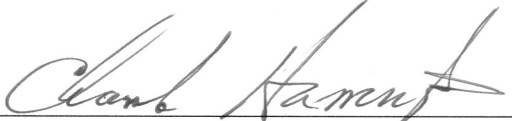
ATTEST:


Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:



Robert Patrick, Assistant City Manager



Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:



John Ohnemiller, City Attorney

**ANNEXATION TRACT
EXHIBIT A
LEGAL DESCRIPTION FOR A 46.38 ACRE TRACT
LOCATED IN NORTHEAST QUARTER OF SECTION 48,
BLOCK 40, T-1-S, T. & P. RR. Co. SURVEY, MIDLAND COUNTY, TEXAS**

Boundary being further described by metes and bounds as follows:

BEGINNING at (N= 10,688,952.08' E= 1,733,767.86') the Northeast corner of this tract and an exterior corner of the City of Midland City Limits boundary, from whence the Northeast corner of said Section 48, bears N75°38'52"E a distance of 93.21 feet and N14°21'08"W a distance of 998.90 feet;

THENCE S14°24'00"E with the West right-of-way line of old FM 1369 and said City Limits boundary, a distance of 1665.23 feet to the Southeast corner of this tract;

THENCE S75°09'57"W with the South line of said Northeast Quarter of Section 48, a distance of 207.83 feet to a 1/2" iron rod with a plastic cap marked "RPLS 4413" found at an exterior corner of this tract;

THENCE N18°45'12"W along a boundary line of said City Limits boundary, a distance of 39.68 feet to a 1/2" iron rod with a plastic cap marked "RPLS 4413" found at an interior corner of this tract and the Southeast corner of a 37.65 Acre Tract previously surveyed on September 20, 2014;

THENCE S75°09'57"W along a boundary line of said City Limits boundary and with the South line of said 37.65 Acre Tract, a distance of 1002.20 feet to a 1/2" iron rod with a plastic cap marked "RPLS 4413" previously found at the most Southerly cutback corner of this tract and said 37.65 Acre Tract;

THENCE N40°40'15"W with a cutback line of said Water and Sewer Line Easement and proposed Tradewinds Boulevard, a distance of 125.69 feet to a 1/2" iron rod with a plastic cap marked "RPLS 4413" found at an interior corner of said Water and Sewer Line Easement and the most Westerly Southwest corner of this tract and said 37.65 Acre Tract;

THENCE N14°19'54"W with an East boundary line of said Water and Sewer Line Easement proposed as Tradewinds Boulevard, a distance of 576.50 feet to a 1/2" iron rod with a plastic cap marked "RPLS 4413" found at a point of curvature of this tract and said 37.65 Acre Tract;

THENCE along an East boundary line of said Water and Sewer Line Easement proposed as Tradewinds Boulevard in a Northerly direction, with a curve to the right with a radius of 1049.89 feet, a delta angle of 9°03'20", an arc length of 165.94 feet, and a chord length of 165.77 feet, which bears N9°48'15"W, to a 1/2" iron rod with a plastic cap marked "RPLS 4413" found at point of reverse curvature of this tract and said 37.65 Acre Tract;

THENCE along a East boundary line of said Water and Sewer Line Easement in a Northerly direction with a reverse curve turning to the left with a radius of 1149.88 feet, a delta angle of 28°15'50", an arc length of 567.23 feet, and a chord length of 561.50 feet, which bears N19°24'29"W, to a 1/2" iron rod with a plastic cap marked "PLS 1974" set at the Northwest corner of this tract and said 37.65 Acre Tract;

THENCE N56°56'40"E with the South boundary line of said Thomason Drive, a distance of 801.99 feet to a 1/2" iron rod found at a point of curvature of said Thomason Drive and this tract and said 37.65 Acre Tract;

THENCE along a South boundary line of said Thomason Drive in an Easterly direction, with a curve to the right with a radius of 745.25 feet, a delta angle of 18°40'38", an arc length of 242.94 feet, and a chord length of 241.86 feet, which bears N66°16'59"E, to a 1/2" iron rod with a plastic cap marked "PLS 1974" set at a cutback corner of Thomason Drive and the most Northerly Northeast corner of this tract, from whence a bent 1/2" iron rod with plastic cap found bears S83°E, a distance of 0.26 feet;

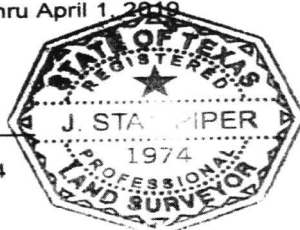
THENCE S59°34'19"E with the cutback of Thomason Drive, a distance of 105.89 feet to a 1/2" iron rod with a plastic cap marked "PLS 1974" set at the most Easterly Southeast cutback corner of Thomason Drive and Westridge Park Addition, Section 6 as recorded in Cabinet "F", Page 183, Plat Records of Midland County and the most Easterly Northeast cutback corner of this tract, from whence a 5/8" iron rod with plastic cap found bears S60°E, a distance of 0.25 feet;

THENCE N75°36'00"E along a boundary line of said City Limits boundary, a distance of 230.07 feet to the **PLACE OF BEGINNING**. Tract contains an area of 46.38 acres of land.

Bearings, distances, and coordinates are relative to the Texas State Plane Coordinate System, NAD 1983/86, Central Zone, with a combined grid factor of 0.9998958, and a theta angle equal to -0°54'48.39" at U.S.C. & G. station "MIDLAND" with published values of Y= 10,690,154.70 and X= 1,746,696.78 in U.S. Survey Feet.

I, J. Stan Piper, Registered Professional Land Surveyor, do hereby certify that this legal description is based on an actual survey made by me or under my supervision, and that the same is true and correct to the best of my knowledge and ability as surveyed on the ground on various dates thru April 1, 2019.

J. Stan Piper
Registered Professional Land Surveyor #1974



Prepared for:
Parkhill, Smith & Cooper, Inc.
1700 W. Wall St., Suite 100
Midland, TX 79701

PIPER SURVEYING FIRM NO. 10155200; P.O. BOX 60432; MIDLAND, TX 79711; 432.550.7810
EXHIBIT A

19.13



Kirksey
ARCHITECTURE

Thomason at 250
Master Plan
Midland, Texas



19.14

EXHIBIT B

Westridge Village
Southwest Corner Loop 250
and Thomason

EXHIBIT "C"

PD Zoning - Program Density Table

Product Type	Maximum Criteria	Maximum GSF *	Maximum Height	Parking	
Retail/Restaurant	15,000 SF Per Acre	300,000	35 Feet	1/300 RSF Retail 8/1000 RSF Restaurant	
Office	Floor Area Ratio 1.2:1 Excluding Parking Garage	600,000	98 Feet	2.5/1000 RSF	
Hotel	Floor Area Ratio 1.2:1 Excluding Parking Garage	150,000	98 Feet	1/Per Key	
Apartments	50 Units Per Acre	900,000	56 Feet	1/Unit 1.5/Unit 2/Unit 2.5/Unit	Studio 1 Bedroom 2 Bedroom 3 Bedroom

* Overall Maximum GSF = 1,500,000 GSF (No combination of the above can exceed an overall 1,500,000 GSF)

Note: Gross Square Footage is calculated using Floor Area less square footage related to parking structures, loading dock areas, corridors, mezzaine space, balconies, vertical circulation, and utility rooms.

19.15

EXHIBIT C



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: December 19, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: James Reber, Planner

SUBJECT: Consider a request by Jorge Chavez for a zone change from RR, Regional Retail District, to SF-3, Single-Family Dwelling District, on Lot 155, Block 3, Southern Addition, City and County of Midland, Texas. (Generally located on the west side of South Loraine, approximately 143 feet south of intersection West Pennsylvania- Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant, Jorge Chavez, is requesting a Zone Change from RR, Regional Retail District, to SF-3, Single-Family Dwelling District, for a future development of a house located at 704 South Loraine.

Current Zoning:

RR, Residential Retail District.

Surrounding Zoning and Land Use:

The properties to the north, east, and south, are zoned RR, Regional Retail District, and are the location of residential properties. Properties to the west are zoned C, Commercial District, and are the location of commercial properties.

Analysis:

The property is located at 704 S. Loraine and is currently vacant. The applicant is requesting this zone change for the purposes of constructing a single-family residence on the property. The current zoning is RR, Regional Retail District. Per the previous zoning ordinance, single-family detached dwellings were allowed within this zoning district. As of July 1, 2019, the new zoning ordinance does not allow the use of single-family detached dwellings within the RR, Regional Retail District. The property does meet the minimum lot size requirements for the SF-3, Single Family Dwelling District.

The applicant will be required to adhere to the site plan review standards outline within the City of Midland Zoning Ordinance Section 5.04: - Residential Zoning District Dimensional Regulations Chart.

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

Fire: (Approved)

No objections.

Building: (Approved)

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

Engineering: (Approved)

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

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

Code: (Approved)

No Oil and Gas Issues.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

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

Planning (Approved):

The City of Midland Planning Department supports this rezone because of the existing surrounding uses. The surrounding use is comprised of single-family and multi-family residences. According to the Tall City Tomorrow Comprehensive Plan, Urban Residential-Medium (UR-M) land use intends to blend a mix of housing types, especially in older neighborhoods. Potential zoning for UR-M land use includes Single-Family Dwelling District, however, does not list RR, Regional Retail District. Therefore, changing 704 S Loraine Street to SF-3, Single Family Dwelling District would fit in the intended land use appropriately.

Staff recommends approval of this zone change from RR, Regional Retail District, to SF-3, Single-Family Dwelling District, subject to condition A.

Conditions:

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

Letters of Objection:

Staff has not received any letters of objection as of December 15, 2022.

Attachments:

Application
Maps
Aerial Map



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

Project Number: 2-22-0315
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Jorge Chavez</u>		Phone (432) 889-7005 Email: <u>ferre-chavez@gmail.com</u>	
Address: <u>714 N. Calhoun St.</u>	City: <u>Midland</u>	State: <u>TX</u>	Zip: <u>79701</u>

Property Owner Printed Name: <u>Jorge Chavez</u>		Phone (432) 889-7005 Email: <u>ferre-chavez@gmail.com</u>	
Address: _____	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>704 S. Lorraine St.</u>		
Legal Description Lot: <u>3</u> Block: <u>155</u> Subdivision: <u>of Southern addition</u>		

Current Zoning: <u>RR</u>	Proposed Zone: <u>SF 3</u> (List by tracts if more than one district is requested)
----------------------------------	--

Reason for Zone Change Request: New house

Present Use of Property: Vacant

Proposed Use of Property: Vacant New house

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

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

Submittal and Fees

Items to be submitted with this application form:

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

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>Jorge Chavez</u>	Date: <u>11-21-2022</u>
Applicant (printed): <u>Jorge Chavez</u>	
Property Owner (signature): <u>Jorge Chavez</u>	Date: <u>11-21-2022</u>
Property Owner (printed): _____	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received. All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

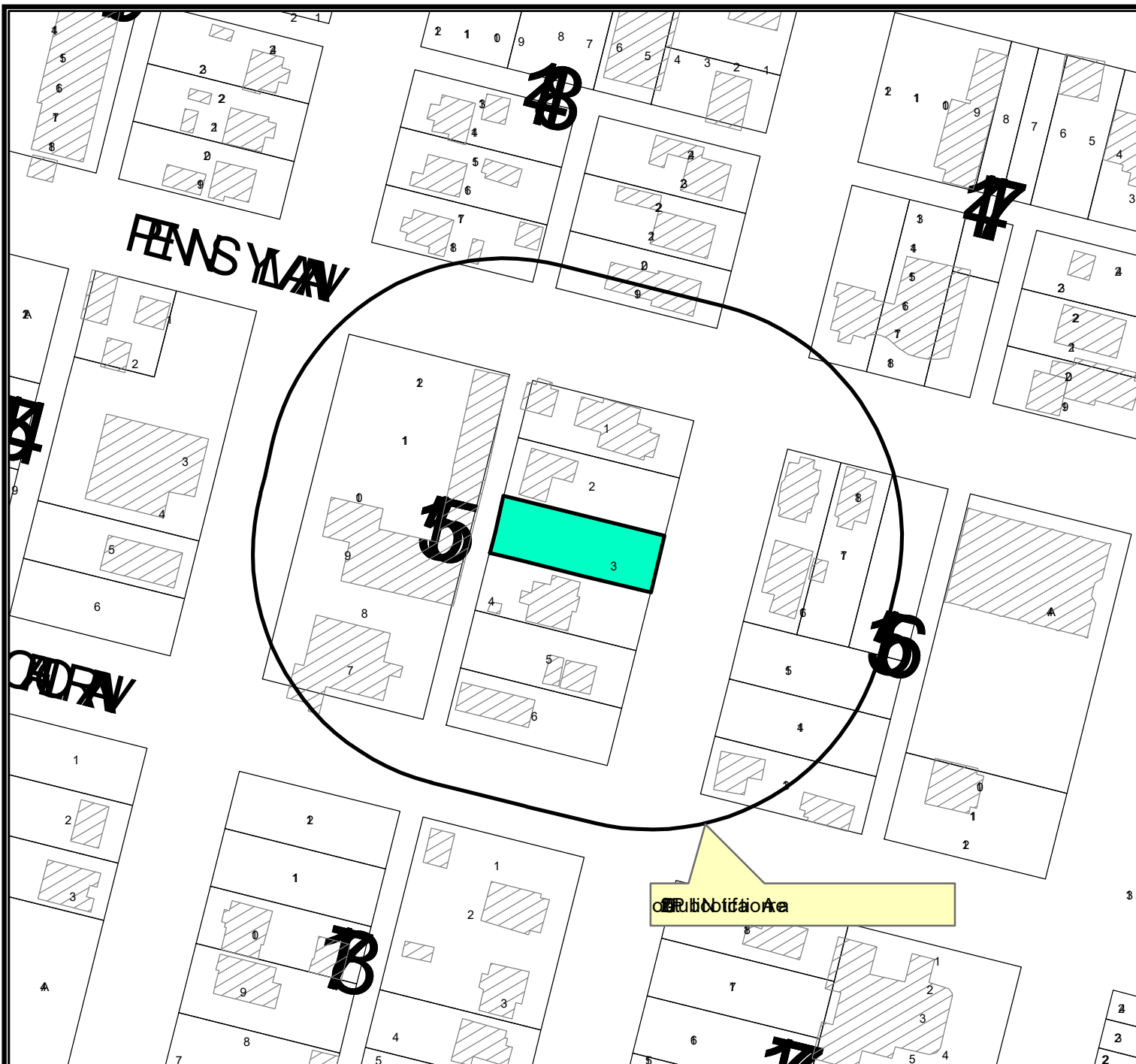
Subscribed and sworn to before me, this _____ day of _____, 20____, to certify which witness my hand and seal of office.

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

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





LOCATION MAP

Z-22-0315

Scale: 1" = 200'

Consider a request by Jorge Chavez for a zone change from RR, Regional Retail District, to SF-3, Single-Family Dwelling District, on Lot 155, Block 3, Southern Addition, City and County of Midland, Texas. Generally located on the west side of South Loraine, approximately 143 feet south of West Pennsylvania. (Council District 2)

Generally located on the west side of South Loraine, approximately 143 feet south of West Pennsylvania. (Council District 2)

LEGEND

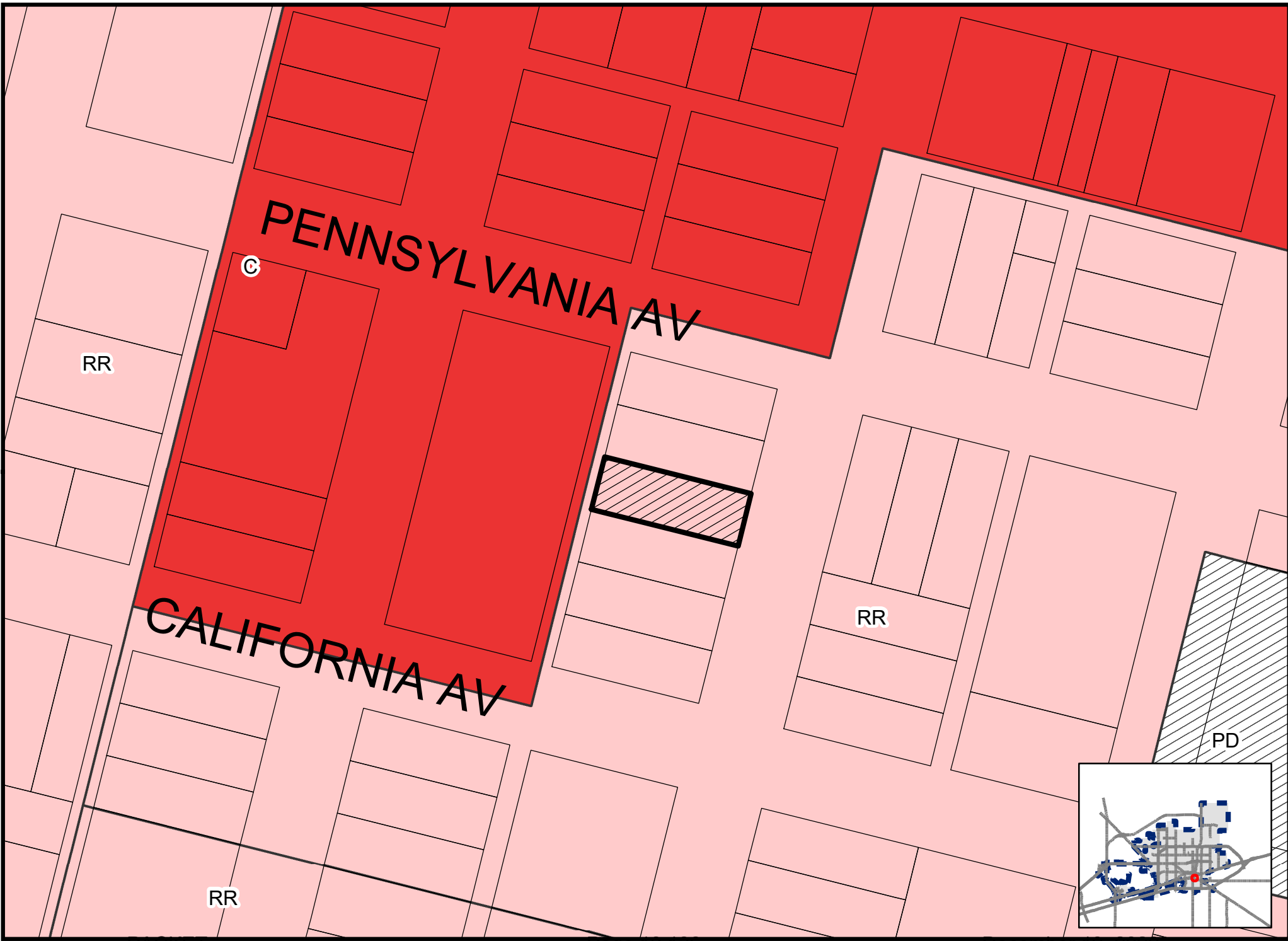
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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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: December 19, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: James Reber, Planner

SUBJECT: Consider a request by Steve Jeter, d/b/a The Venue, for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, on Lot 1, Block 1, Belmont Addition, Camelot Addition, City and County of Midland, Texas. Generally located on the west side of Elkins Rd, approximately 6,200-feet north of East State Highway 80. (Council District 4)
(DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Steve Jeter, d/b/a The Venue, is requesting to a Specific Use Designation with term, for the sale of all alcoholic beverages, for on-premises consumption, in a wedding chapel, reception facility, and special events center, located at 3201 Elkins Rd.

Current Zoning:

O1, Office District (Ordinance No. 9759)

Surrounding Zoning and Land Use:

The properties to the north, south, and west are zoned AE, Agriculture-Estate District. The northern and southern properties are vacant, and the western property is the location of a residential property. The property to the east is in the Extraterritorial Jurisdiction.

Analysis:

The property is located at 3201 Elkins Rd and is currently zoned O1, Office District, which permits the sale of all alcoholic beverages for on-premises consumption, in a in a wedding chapel, reception facility, and special events center, with the approval of a Specific Use Designation with Term.

The event center currently in operation. The site and floor plan attached hereto a "Exhibit A and B" illustrates that the establishment has a total of two buildings and an outdoor enclosed space. The event building (primary) has a total square footage of 8,448, of which 3,763 square feet will be dedicated to the alcohol serviceable area. In addition to an enclosed outdoor space located to the southwest of the event building, of which 24,786 square feet will be dedicated to the alcohol serviceable area. Therefore, this property will have a grand total of 33,234 square feet dedicated to the alcohol serviceable area. The second building on the property will not be used as part of the event center.

The proposed site plan provides adequate parking, access, and internal circulation. A total of 141 shared parking spaces for all proposed buildings, of which 8 will be accessible spaces.

The proposed days and hours of operation are:

**Sunday through Thursday from 10:00 a.m. to 12:00 a.m.
Friday and Saturday from 10:00 a.m. to 2:00 a.m.**

The applicant is requesting the following alcohol serviceable hours.

**Sunday through Thursday from 10:00 a.m. to 12:00 a.m.
Friday and Saturday from 10:00 a.m. to 2:00 a.m.**

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

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

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

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

Fire: (Approved)

No objections

Engineering: (Approved)

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

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For Applicant's Information Only.]

Transportation: (Approved)

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

Building Code: (Approved)

The SUD for the property is acceptable. The property must adhere to the maximum occupant load of 116 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, which is to* "Encourage the development of places where Midland residents can gather and socialize to build connections." (Tall City Tomorrow page 137) The Venue at Live Oak is an establishment that will provide Midland residents with a unique social gathering experience.

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

Conditions:

- A. That the serviceable area shall be limited to approximately 33,234 square feet as shown in Exhibit "A and B", which is attached hereto and incorporated herein for all purposes.**
- B. That the days and hours of alcoholic beverages sales and consumption shall be limited to:**
 - Sunday through Thursday from 10:00 a.m. to 12:00 a.m.**
 - Friday and Saturday from 10:00 a.m. to 2:00 a.m.**
- 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 applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.**

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

Letters of Objection:

As of December 15, staff has not received any letters of objections.

Attachments:

Application
Site Plan (Exhibit A)
Floor Plan (Exhibit B)
Maps
Ordinance 9759



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

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: Steve Jeter		Phone (432) 413-1501 Email Steve@kvloperating.com	
Address P.O. Box	City Midland	State TX	Zip 79708

Property Owner Printed Name: 3201 Properties, LLC		Phone (432) 220-5136 Email Contact@thevenueat10.com	
Address P.O. Box 7307	City Midland	State TX	Zip 79708

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

Street Address: 3201 Elkins Rd.			
Business Name: 3201 Properties, LLC			
Legal Description Lot: 1 Block: 1 Subdivision: Camelot			
Current Zoning: Office 1			
Reason for Request: Alcohol consumption & sale of alcohol on premises			

Type of Business (restaurant, bar, lounge, nightclub, etc.): venue center			
Proposed/Current Days and Hours of Operation: Sunday - Thursday from 10AM - 12AM Friday - Saturday from 10AM - 2AM			
Proposed Days and Hours of Alcohol Service: Sunday - Thursday from 10AM - 12AM & Friday - Saturday from 10AM - 2AM			
Total Square Footage of Business: 33,234			
Square Footage of Alcohol Serviceable Area: 28,549			
Restroom Fixtures:	Men	Toilets/Urinals: 3 / 1	Bathroom Sinks: 2
	Women	Toilets: 4	Bathroom Sinks: 2

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

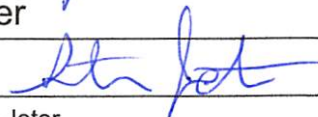
Applicant (signature):



Date: 11/23/2022

Applicant (printed): Steve Jeter

Property Owner (signature):



Date: 11/23/2022

Property Owner (printed): Steve Jeter

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)

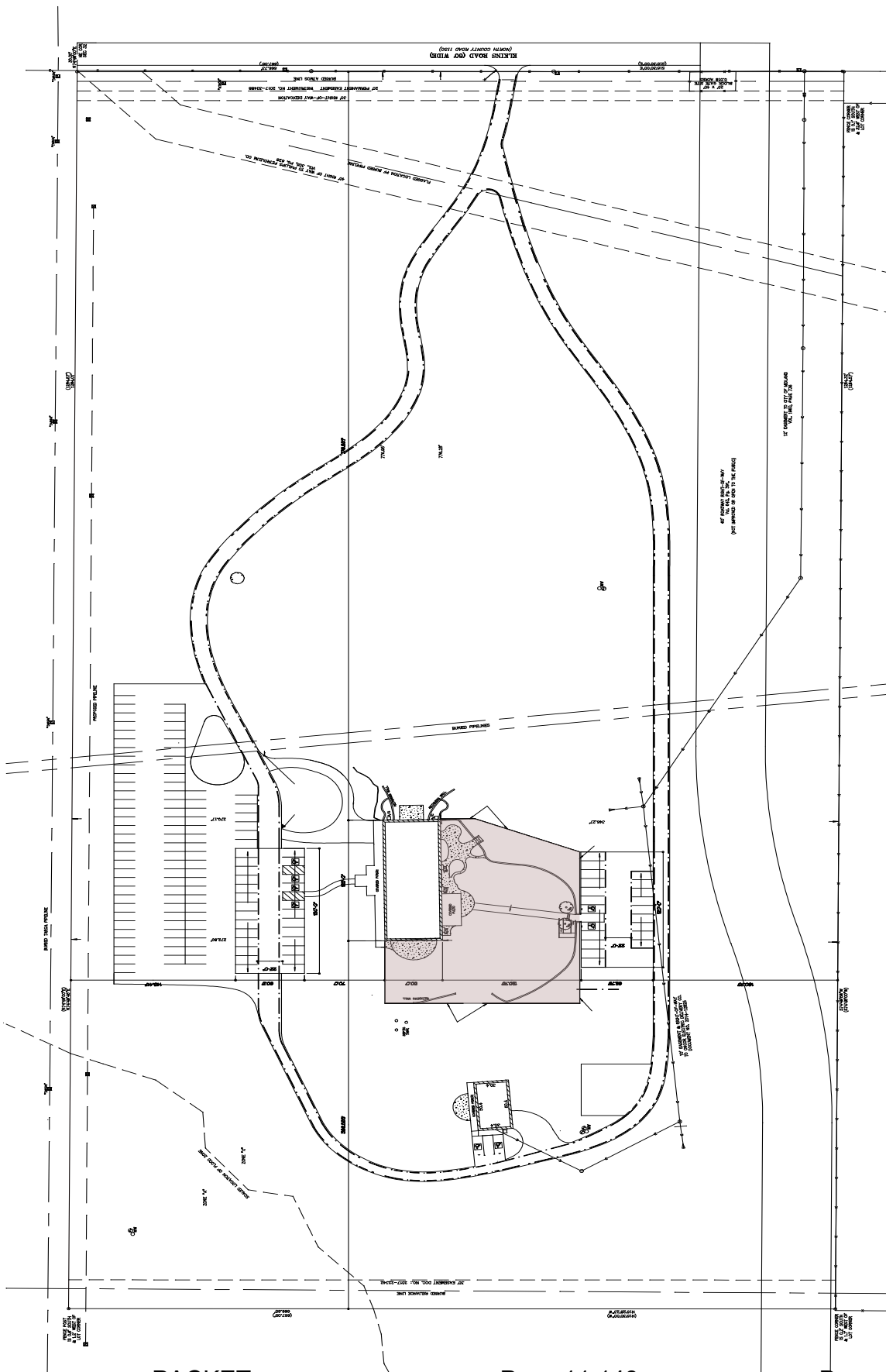
Subscribed and sworn to before me, this _____ day of _____, 20 ____, to certify which witness my hand and seal of office.

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)
Received By: _____	Date: _____

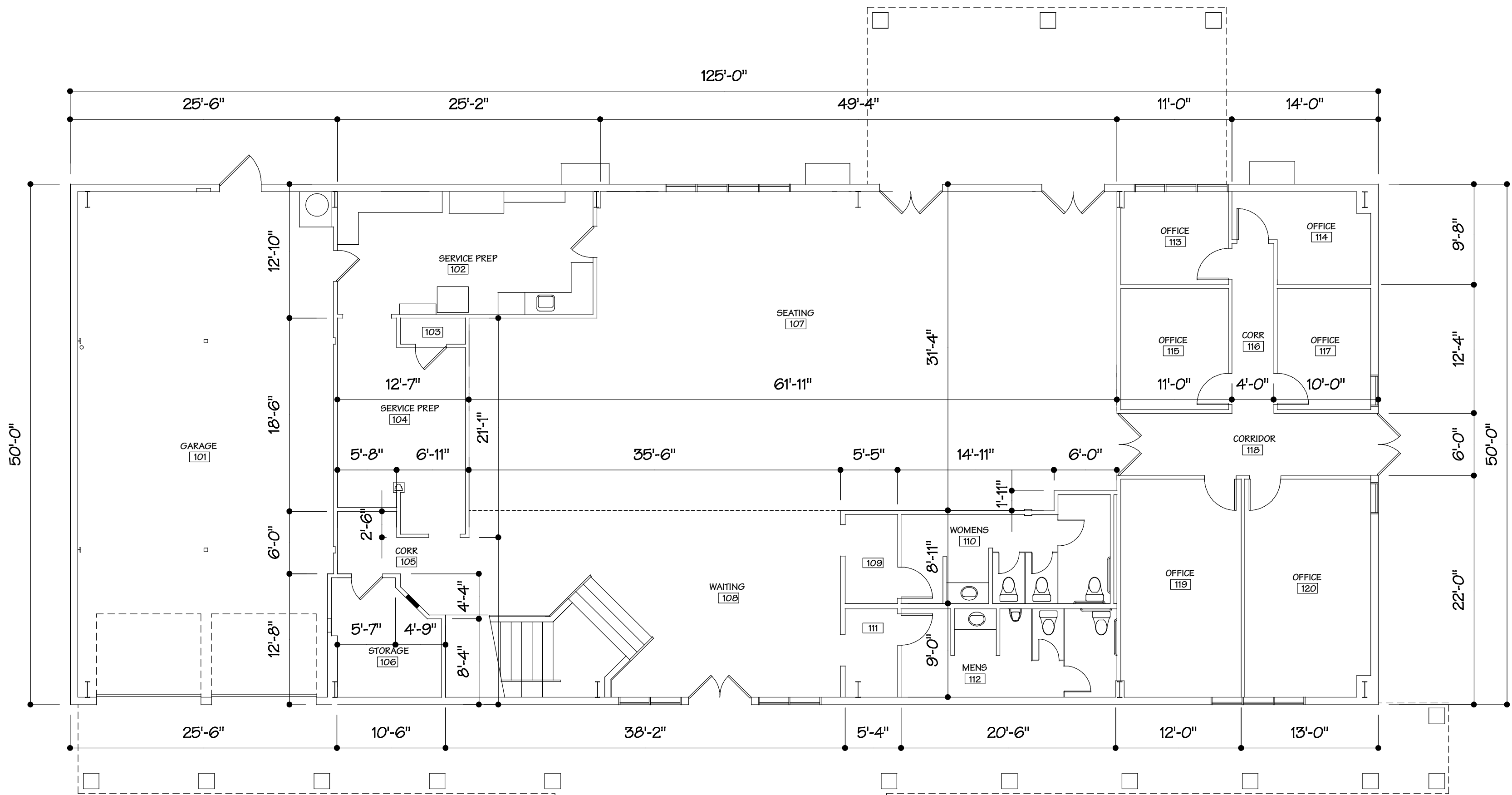
****Application will not be considered for scheduling until reviewed by a planner.****



SERVICE
VEHICLES
ONLY
DO NOT
ENTER

2014-01-01
 2014-01-01

NO PARKING FIRE LANE
25' O.C. 25' O.C.

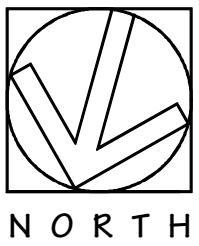


LEGEND

ROOM NUMBER	ROOM NAME	OCCUPANCY CLASS	SQUARE FOOTAGE	FACTOR /SQ. FT.	OCCUPANCY LOAD
101	GARAGE	N/A	N/A	N/A	N/A
102	SERVICE PREP	BUSINESS	736	150 GROSS	5
103	MECHANICAL				
104	SERVICE PREP				
105	CORRIDOR				
106	STORAGE	ASSEMBLY A3	1737	5 NET 7 NET 15 NET	348 248 116
107	SEATING				
108	WAITING	ASSEMBLY A3	500	5 NET	106
109	VESTIBULE	N/A	N/A	N/A	N/A
110	WOMENS	N/A	N/A	N/A	N/A
111	VESTIBULE	N/A	N/A	N/A	N/A
112	MENS	N/A	N/A	N/A	N/A
113	OFFICE	BUSINESS	1153	150 GROSS	8
114	OFFICE				
115	OFFICE				
116	CORRIDOR				
117	OFFICE				
118	CORRIDOR				
119	OFFICE				
120	OFFICE				
201	MEETING	ASSEMBLY A3	260	15 NET	18
202	TOILET	N/A	N/A	N/A	N/A
203	MEETING	ASSEMBLY A3	189	15 NET	14
204	STORAGE	N/A	N/A	N/A	N/A
205	MEETING	ASSEMBLY A3	308	15 NET	21
206	STORAGE	N/A	N/A	N/A	N/A
207	CORRIDOR	N/A	N/A	N/A	N/A
208	STORAGE	N/A	N/A	N/A	N/A
209	WAITING	ASSEMBLY A3	508	15 NET	34
210	MEETING	ASSEMBLY A3	251	15 NET	17
211	TOILET	N/A	N/A	N/A	N/A

FIRST FLOOR PLAN

1/8"=1'-0"



BUILDING AREA ANALYSIS

TOTAL BUILDING FOOT PRINT	8,448	SQ. FT.
TOTAL EXTERIOR AREA	24,786	SQ. FT.
TOTAL INTERIOR & EXTERIOR AREA	33,234	SQ. FT.
TOTAL INTERIOR SERVICEABLE AREA	3763	SQ. FT.
TOTAL EXTERIOR SERVICEABLE	24,786	SQ. FT.
TOTAL SERVICABLE AREA	28,549	SQ. FT.

J. PHILLIP FURQUERON, Architect

JPFA

BUILDING REMODEL

3201 ELKINS ROAD

MIDLAND

TEXAS

PROJECT NUMBER:

REVISED:

FILE NAME:

SHEET

A1

OF

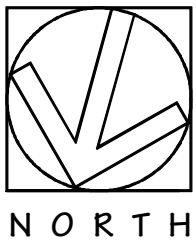
MIDLAND, TEXAS

79705

407 CHARISMATIC DRIVE

432 270 3646

07-25-22


$$1/8'' = 1' - 0''$$


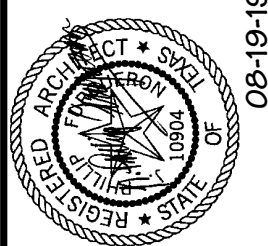
BUILDING REMODEL

3201 ELKINS ROAD

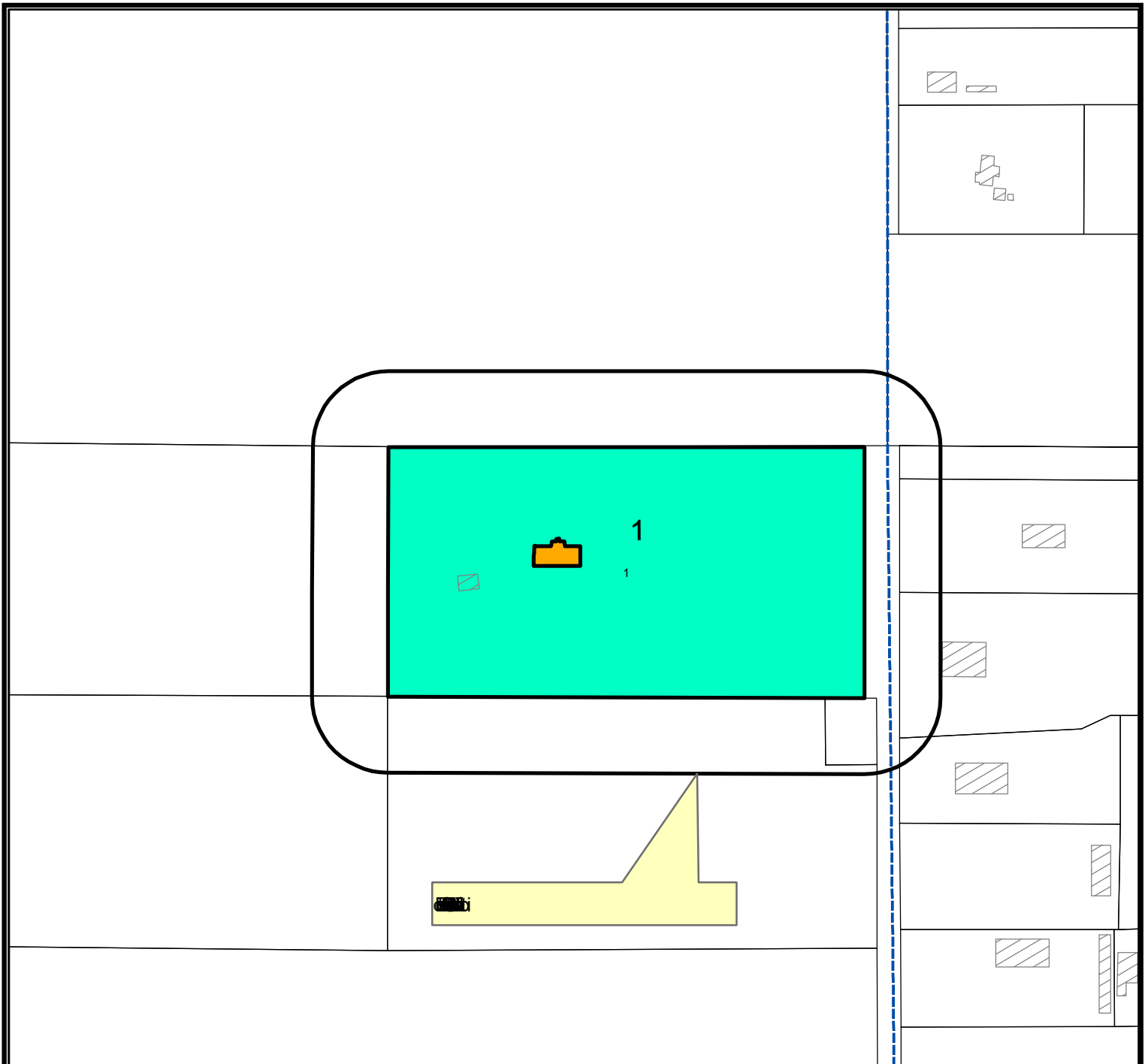
TEXAS

J. PHILLIP FURQUERON, Architect

**407 CHARISMATIC DRIVE
432 270 3846
MIDLAND, TEXAS 79705**



PACKET
Page 11.150
December 19, 2023



LOCATION MAP

SUD-22-0138

Scale: 1" = 200'

Consider a request by Steve Jeter for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a wedding chapel, reception facility, and special events center, on Lot 1, Block 1, Belmont Addition, Camelot Addition, City and County of Midland, Texas.

Generally located on the west side of Elkins Rd., approximately, 6,200-feet north of E. State Highway 80. (Council District 2)

LEGEND

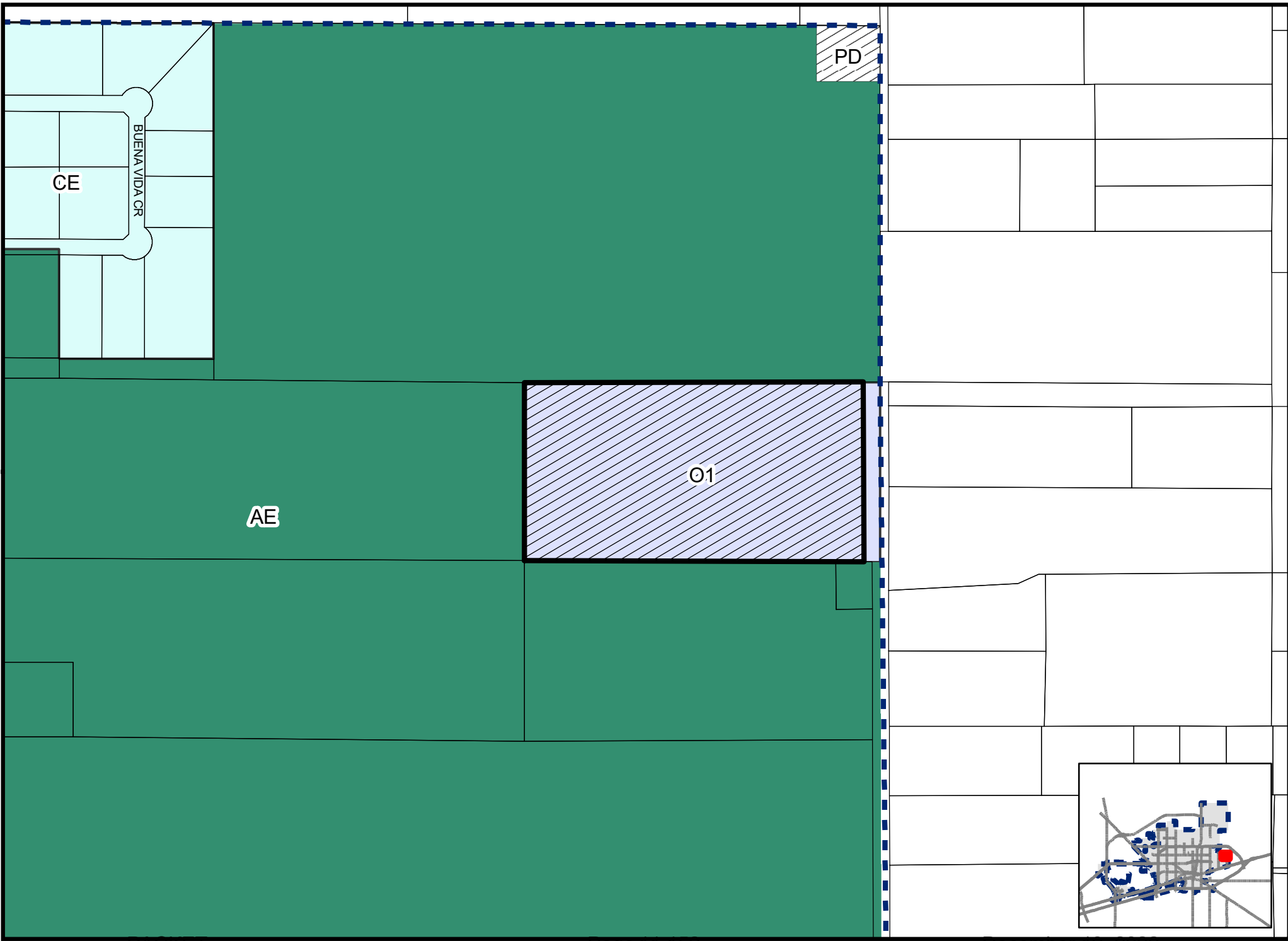
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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













ORDINANCE NO. 9759

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 1, CAMELOT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF ELKINS ROAD, APPROXIMATELY 610 FEET NORTH OF EAST COUNTY ROAD 72); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter and the State law with reference to the creation of Districts under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by the creation of an O-1, Office District, as set out hereinafter;

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

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned AE, Agriculture Estate District, and it shall be used as an O-1, Office District, said property being described as follows:

Lot 1, Block 1, Camelot Addition, City and County of Midland, Texas.

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

**Planning and Zoning Commission
Minutes
October 31, 2011**

S-11-017 - Hold a public hearing and consider a request by **Gary Dawson** for a *Specific Use Permit Without Term* for an accessory building for living or sleeping quarters on Lot 1, Block 1, Camelot Addition, City and County of Midland, Texas. (Generally located on the west side of Elkins Road, approximately 1 mile north of Business I-20.)

Mr. Compton explained that the applicant wishes to construct an additional small residence on the lot, that current zoning allows for only one residence on the lot, but the specific use permit will allow for the requested residence. He stated that an accessory building may not be rented as a separate living unit.

Chairman Carney opened the public hearing and there being no one wishing to speak in favor or in opposition to the item, closed the public hearing.

A motion for approval, subject to Conditions A-D, was made by Commissioner Watkins, seconded by Commissioner Gatten. The motion carried by the following vote: AYE: Wolf, York, Gatten, Carney, Ferguson, Wilton and Watkins. NAY: None. ABSTAIN: None. ABSENT: Lanning and Woodruff

PLANNING AND ZONING COMMISSION

October 31, 2011

CASE: S-11-017.

REQUEST: Hold a public hearing and consider a request for a Specific Use Permit, Without Term, for an Accessory Building for Living and Sleeping Quarters.

APPLICANT/OWNER: Gary Dawson.

LEGAL DESCRIPTION: Lot 1, Block 1, Camelot Addition, City and County of Midland, Texas.

LOCATION: West side of Elkins Road, approximately one mile north of Business I-20.

CURRENT ZONING: AE, Agriculture Estate District.

DETAILS OF REQUEST:

1. Mr. Dawson owns a 19.67-acre lot on the west side of Elkins Road. He wishes to construct another small residence on this lot. Since the AE District only allows one residence per lot, he is requesting a specific use permit to allow an accessory building that can be used for living and sleeping quarters. The accessory building is proposed to be 1,780 square feet in area, and is located as shown on the attached Exhibit A.

SURROUNDING ZONING AND LAND USE:

2. This lot is located on the west side of Elkins Road. The land on the east side is outside the City limit, and is generally vacant except of an oil well. The land to the north, west and south of this property is zoned AE District, and is generally vacant with the exception of the occasional pump jack. The nearest residence is over one-quarter mile from the applicant's home.

ANALYSIS:

3. The Planning and Zoning Commission has developed several policies that are helpful in reviewing applications for accessory buildings that are used as a living and sleeping quarter:
 - A. The maximum floor area should not exceed 600 square feet, or 35 percent of the size of the principle residence, whichever is larger.

- B. Vehicular access to the accessory building should not be allowed from the rear of the lot.
- C. The specific use permit should delineate who is allowed to stay in the accessory building.

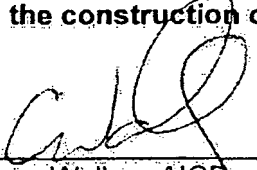
In addition to these policies, the Zoning Code prohibits the use of the accessory building as rental property.

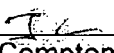
- 4. The principle residence contains 6,250 square feet, while the accessory building is proposed to be 1,780 square feet, which represents 28 percent the principle residence. With no alley system serving this lot, all access to the accessory building must be through the front of the lot. The applicant indicates that the guesthouse will only be occupied by family members or guests, and he has been advised that it cannot be rented as a separate dwelling unit. We find that this application meets the policy guidelines and regulations of the Zoning Code. Further, there are no nearby residences that could be negatively impacted by approval of this request.

STAFF RECOMMENDATION:

We recommend approval of this request for a Specific Use Permit, Without Term, to allow an accessory building to be used as a living and sleeping quarters, subject to the following conditions:

- A. That the accessory building shall not exceed 1,800 square feet in area.
- B. That the accessory building shall be located in the location illustrated on Exhibit A.
- C. That the accessory building may be occupied only by family members or guests of the owner. It may never be rented as a separate dwelling unit.
- D. The owner shall obtain all of the necessary permits from the City of Midland related to the construction of the accessory building.


Cameron Walker, AICP
Planning Division Manager
Department of Development Services


Jim Compton, Senior Planner
Department of Development Services

Attachments:

Application
Maps
Exhibit A

Case Number: 5-11-017

CITY OF MIDLAND
Planning Division

SPECIFIC USE PERMIT APPLICATION

GARY DAWSON 432 352 5365
Applicant Name Contact Phone #s
3201 ECKINS Rd 79705
Address Zip Code
E-Mail address: joshua.gd1977@yahoo.com

S A A
Property Owner Name Contact Phone #s
Address Zip Code
E-Mail address:

Operator (if different from Applicant or Property Owner) Contact Phone #s
Address Zip Code

Type of Permit: SPECIFIC USE
ACCESSORY LIVING QUARTERS

SUP with Term: ☐ Yes ☐ No
(For Office Use)

Street address and Legal Description of property on which SUP is desired (complete Lot, Block, and Subdivision, or if unplatted, attach a Metes and Bounds description with surveyor's seal.)

3201 ECKINS Rd Lot 1 Blk. 1 CAMELOT Sub.

Current Zoning: AE

Maximum Floor Area: 1780 sq ft. Max. Occupancy: 1 Adult

Proposed hours and days of use or operation: NA

Reason for request: Family & friends place to stay

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: NO NEIGHBORS WITHIN 1/4 MILE

PROPERTY IS 20 AC IN SIZE THIS WILL BE THE
ONE AND ONLY OUT BUILDING USED AS A LIVING QUARTERS

30.10

20.13

REQUIRED SUBMITTALS

1. Application fee: **\$300.** (80% of fee will be refunded if no P&Z public hearing is called; if no City Council public hearing is called, then 30% of fee will be refunded.)
2. Site plan – 16 copies (FOLDED)
3. On a CD in .pdf and .jpg format.

SIGNATURES:

Applicant: *Mary Brown* Date: 9/15/11
Property Owner: *Mary Brown* Date: 9/15/11

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

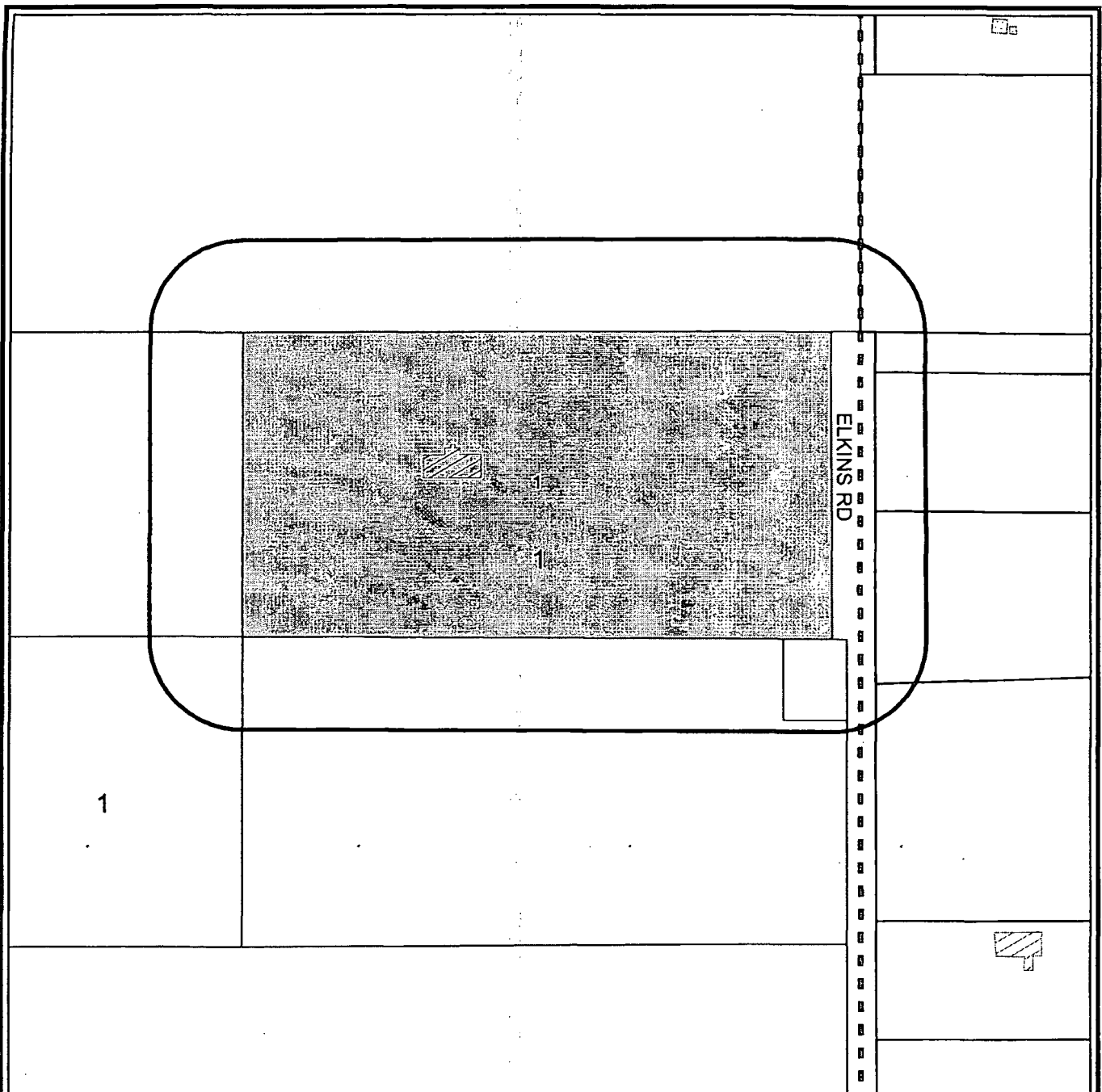
_____ who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

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	
Rec'd By: <u><i>BL</i></u>	Date: <u>09/16/11</u>
Assigned: <u><i>JC</i></u>	
For: <u><i>P+Z</i></u>	On: <u>10/31/11</u>

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



OWNER NOTIFICATION WITHIN CITY LIMITS ONLY

S - 11 - 017

Scale: 1" = 300'

Consider a request for a Specific Use Permit Without Term for an accessory building for living or sleeping quarters on Lot 1, Block 1, Camelot Addition, City and County of Midland, Texas.

LEGEND

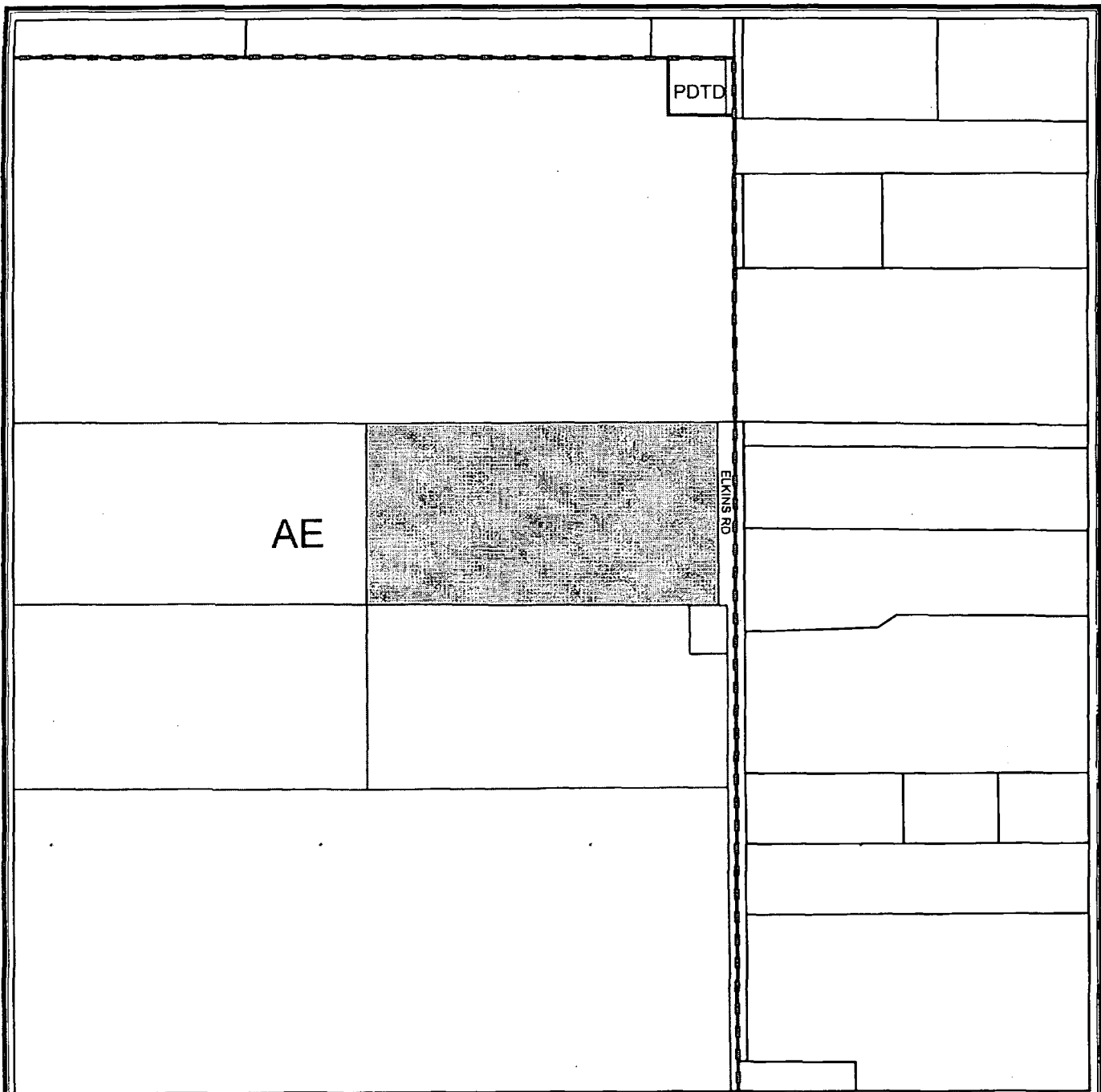
- CITY LIMITS
- 200 FT. LEGAL NOTICE LIMIT
- CITY PARCEL
- COUNTY PARCEL
- PUBLIC BLDGS
- PRIVATE BLDGS
- ACCESSORY BLDGS



THE CITY OF MIDLAND, TEXAS
 THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.
 THE DATA WAS MADE AVAILABLE TO THE PUBLIC BY THE CITY OF MIDLAND, TEXAS, AND IS NOT TO BE USED AS A BASIS FOR ANY DECISIONS OR ACTIONS.
 30.12

30.12

20.15



ZONING MAP

S - 11 - 017

Scale: 1" = 500'

Consider a request for a Specific Use Permit Without Term for an accessory building for living or sleeping quarters on Lot 1, Block 1, Camelot Addition, City and County of Midland, Texas.

LEGEND

- ZONING
 PARCELS
 COUNTY PARCELS
 CITY LIMITS
 SPECIFIC USE PERMITS

ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, 02	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR1, LR2, LR3	LOCAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP JP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY



30.13

20.16

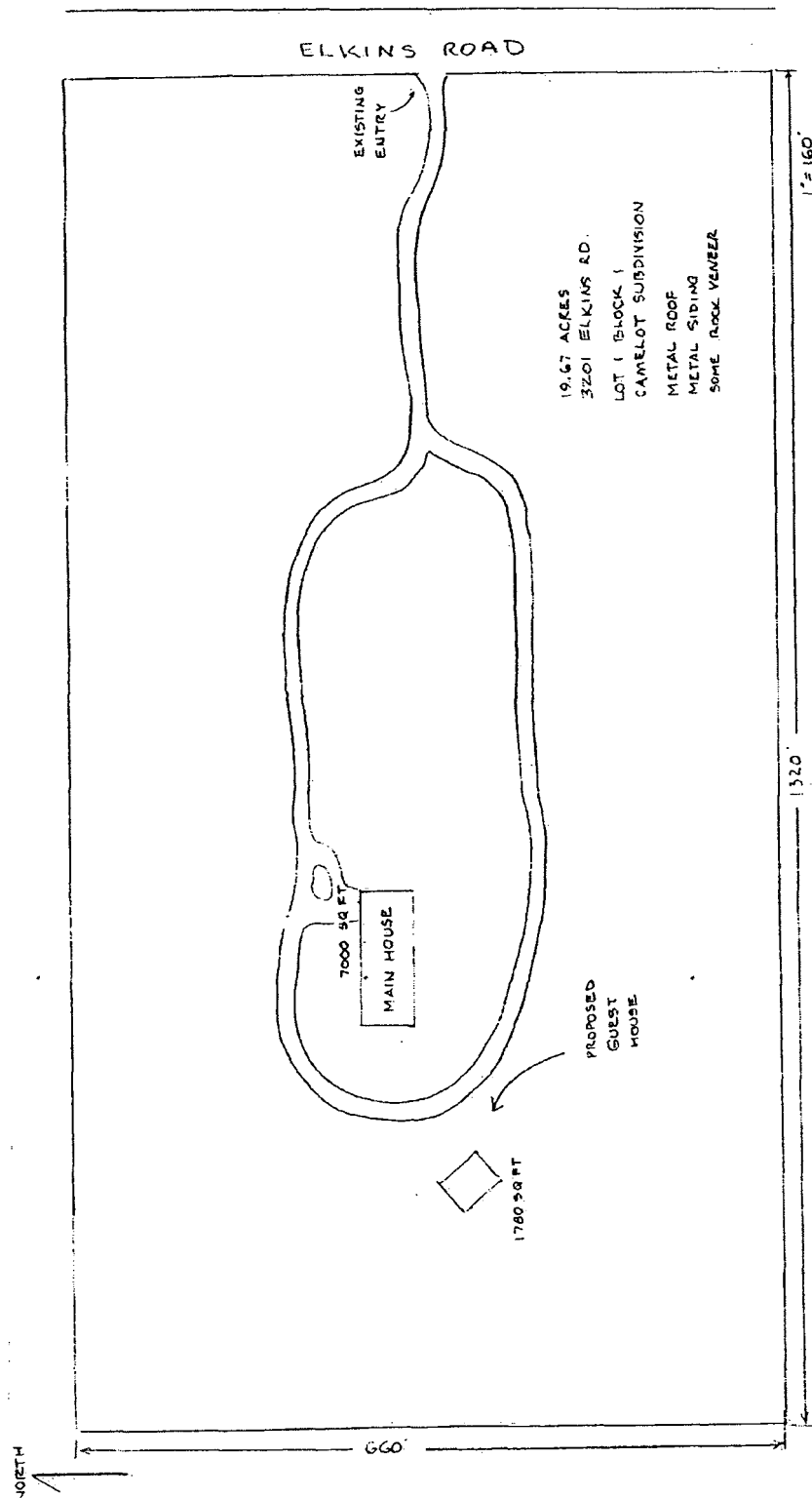


EXHIBIT A

S-11-017

30.14

20.17



City Council Agenda

Permits-Temp. Land Use-
Accessory Bldg.
8961

Approved for Agenda:
JNichols
City Manager's Office

MEETING DATE: January 10, 2012
TO: CITY COUNCIL/CITY MANAGER
FROM: Cameron Walker, Planning Division Manager
SUBJECT: S-11-017, Gary Dawson

Purpose:

Consider an ordinance on second reading on a request by Gary Dawson for a Specific Use Permit for an Accessory Building to be used as a Living and Sleeping Quarters.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

There is no cost to the City to consider this application.

Discussion:

Mr. Dawson owns a 20-acre lot on the west side of Elkins Road, one mile north of Business 20. The land is zoned AE District. He wishes to construct another residential structure; however, he does not wish to subdivide his lot at this time. Consequently, he has submitted this application. The accessory building (1,780 square feet) would not exceed 35 percent of the size of the residential structure, there is no vehicular access from the rear of the property, the residence would only be occupied by family members or guests and the property cannot be rented as a separate dwelling. The Planning and Zoning Commission recommended unanimous approval, and no opposition was expressed at that meeting. No changes have been requested regarding this zone change since first reading.

Attachments:
Proposed Ordinance

30.1
20.18



City Council Agenda

Approved for Agenda:
JNichols
City Manager's Office

MEETING DATE: December 13, 2011
TO: CITY COUNCIL/CITY MANAGER
FROM: Cameron Walker, Planning Division Manager
SUBJECT: S-11-017, Gary Dawson

Purpose:

Hold a public hearing at approximately 10:39 a.m. and consider an ordinance on a request by Gary Dawson for a Specific Use Permit for an Accessory Building to be used as a Living and Sleeping Quarters.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

There is no cost to the City associated with this application.

Discussion:

Mr. Dawson owns a 20-acre lot on the west side of Elkins Road, one mile north of Business 20. The land is zoned AE District. He wishes to construct another residential structure on his property, however, he does not wish to subdivide his lot at this time. Consequently, he has submitted this permit request. The size of the proposed accessory building (1,780 square feet) would be less than 35% of the existing residential structure. There is no vehicular access from the rear of the property and the residence would only be occupied by family members or guests. Approval of this permit request would be conditioned upon the property not being utilized as a separate rental dwelling. The Planning and Zoning Commission recommended unanimous approval, and no public opposition was expressed at that meeting.

Attachments:

October 31, 2011 P&Z Staff Report
Proposed Ordinance

30.2

20.19

used herein.

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 24th day of April, A.D., 2018; and passed to second reading on motion of Council member Sparks, seconded by Council member Lacy, by the following vote:

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

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the



City Council Agenda

Approved for Agenda:
JNichols
City Manager's Office

MEETING DATE: December 13, 2011
TO: CITY COUNCIL/CITY MANAGER
FROM: Cameron Walker, Planning Division Manager
SUBJECT: S-11-017, Gary Dawson

Purpose:

Hold a public hearing at approximately 10:39 a.m. and consider an ordinance on a request by Gary Dawson for a Specific Use Permit for an Accessory Building to be used as a Living and Sleeping Quarters.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

There is no cost to the City associated with this application.

Discussion:

Mr. Dawson owns a 20-acre lot on the west side of Elkins Road, one mile north of Business 20. The land is zoned AE District. He wishes to construct another residential structure on his property, however, he does not wish to subdivide his lot at this time. Consequently, he has submitted this permit request. The size of the proposed accessory building (1,780 square feet) would be less than 35% of the existing residential structure. There is no vehicular access from the rear of the property and the residence would only be occupied by family members or guests. Approval of this permit request would be conditioned upon the property not being utilized as a separate rental dwelling. The Planning and Zoning Commission recommended unanimous approval, and no public opposition was expressed at that meeting.

Attachments:

October 31, 2011 P&Z Staff Report
Proposed Ordinance

A SUBDIVISION OF A 19.67 ACRE TRACT
OF LAND OUT OF THE NE/4 OF
SECTION 32, BLOCK 38, T-1-S,
T&P RR CO SURVEY,
MIDLAND COUNTY, TEXAS

[illegible][illegible]

HOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED, DO HEREBY ADVERTISE THE FOLLOWING: WHEREAS WE, THE UNDERSIGNED, AS COUNCIL MEMBERS, IN ADDITION TO THE CITY OF NEWARK, AND TO ORDER RESPECT TO THE PUBLIC USE THROUGH THE STREETS, ALLEYS AND PASSEWAYS (AND PARKWAYS) AS SHOWN HEREON.

Said Plaintiff further certifies that an agreement of working and control to the City of Oakland for all of Oakland, as shown herein, for garbage and trash collection and location and maintenance of trash containers and containers said agreement that no construction shall commence until the exact location of said container and evidence in connection therewith, have been selected and approved by the Director of Utilities.

WITNESS MY HAND AT WHEELAND, TEXAS, THIS 27th DAY OF June, 1902.

James A. Thompson
JAMES A. THOMPSON

STATE OF TEXAS
COUNTY OF SHERROD
Tom C. Howell
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 2ND DAY OF
JULY 1968, BY SAID PARTY.
AT LAST, A. HOWARD
NOTARY PUBLIC
TAMU, LITTLE ROCK, ARK.
JULY 10, 1968



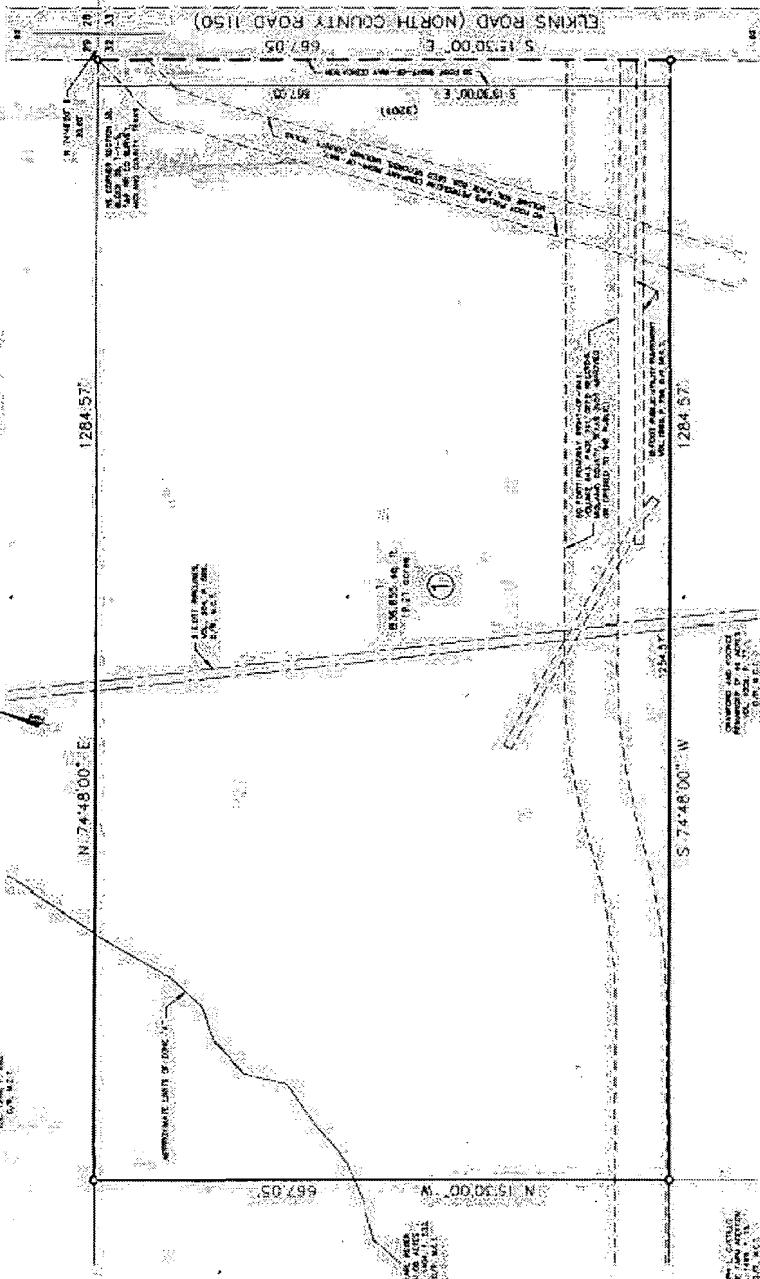
DEPARTMENT OF DEFENSE
OFFICE OF THE SECRETARY
JUNE 21, 2004

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 13TH DAY OF EMERSON 1951 AT THE CO. CLERK'S OFFICE & DEPOSITED FOR RECORD IN THE COUNTY OF CLATSOP COUNTY, STATE OF OREGON.

Cynthia Jean West
NOTARY PUBLIC
HIGHLAND COUNTY, TEXAS

[illegible]

CAMELOT ADDITION



THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAN OF CANCELLED
 LOT 10, BLOCK 10, SUBDIVISION NO. 1, CITY OF CHICAGO, ILLINOIS, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING
 COMMISSION OF THE CITY OF CHICAGO, ILLINOIS, ON THIS 11th DAY OF
 February, 1908.

SIGNED: Pete Markon
 WITNESSES: ROBERTA PETERSON
 DATED: January 2, 1964
 SECRETARY: ROBERTA PETERSON

THAT I, SAUL SCHWARTZ, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAN FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN IN THE MAP WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF WILMINGTON, DE.



Wm. C. Williams, Jr.
JAN 1 1897

[illegible]

IT'S MAIN MESSAGE: OFFER THE ASSISTANCE OF MILLIONS.

NAME: W. H. Shuler

DATE: 11/11/2011

SECRET: *U.S. Army*

NAME: Full Bentley

DATE: _____
BY: _____
FOR: _____

COMMUNICATIONS SECTION
FBI - NEW YORK

[Signature]

OF THE ELECTRIC OPERATING CO. WITH POWER
PLANT, 1000 W. 10TH ST., ST. LOUIS, MO.

APPROVED FOR RELEASE

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO. 4466 CABINET E
DATE 3-5-02 PAGE 209

NOTES:
Selling a portion of this addition by lot and boulders may be a violation of city ordinance and state law and subject to fines and withholding of utilities and building permits.

INVESTIGATIONS SHOWING THIS PLAYBACK RELATIVE TO THE LAST LINE OF SECTION 25.
 BLOCKS 25, 1, 1, 2, 130 AND 20 SHOWED NO EVIDENT, IT WAS
 THIS CASE IS SUBJECT TO THE FOLLOWING ELEMENTS:

ALBERT, PENELOPE C. EMPLOYMENT, VOLUME 17, PAGE 231, DELO RECORDS,
WYOMING COUNTY, TEXAS
TILUS-NEW MEXICO, PRR LINE CO. COLUMBUS, VOLUME 284, PAGE 548, DELO
RECORDS, WYOMING COUNTY, TEXAS
ADKINS & HILLMAN OIL CO. RICH-OF-NAT EMPLOYMENT VOLUME 17, PAGE 10

DEED RECORDS, MIDLAND COUNTY, TEXAS.
MUSKALUMMA PIPE LINE CO. CASEMENT, VOLUME 418. PAGE 149. DEED RECORDS,
MIDLAND COUNTY, TEXAS.
THEL. OIL CO. CASEMENT, VOLUME 471. PAGE 361. DEED RECORDS, MIDLAND
COUNTY, TEXAS.

[illegible]



Zone Change/Planned District
Amendment/Site Plan Approval

Project Number:

Case Number: Z-18-0008

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

Printed Name:

Phone: ()

Email:

Address

City

State

Zip

Property Owner

Printed Name: GARY J. DAWSON

(312 E. ILLINOIS ST
MIDLAND TX 79701)
MAILING ADDRESS

Phone (432) 694 5023

Email: joshua-gd4ttic@att.net

Address: 3201 ELKINS RD

City: MIDLAND

State: TX

Zip: 79705

Representative (if different from Applicant or Property Owner)

Firm:

Printed Name:

Phone: ()

Email:

Address

City

State

Zip

Street Address: 3201 ELKINS RD

Legal Description

Lot: 1 Block: 1 Subdivision: CAMELOT

Current Zoning:

RESIDENTIAL AE

Proposed Zone: 01 OFFICE USE

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

Reason for Zone Change Request: NEIGHBORHOOD IS MORE COMMERCIAL MOSTLY COMMERCIAL IN RECENT YEARS - MY 20 AC TRACT IS THE ONLY RESIDENT IN THE NEIGHBORHOOD WITHIN CITY LIMITS - ALL ELSE IS COMMERCIAL

Present Use of Property: AE AGRICULTURAL ESTATE RESIDENTIAL

Proposed Use of Property: LIGHT INDUSTRIAL TO OFFICE

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

NONE

Describe how conditions affecting the property have changed since present zoning designation: INFLUX OF INDUSTRIAL USE HAS CHANGED THE NEIGHBORHOOD AWAY FROM RESIDENTIAL

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>Mary J. Dawson</u>	Date: <u>2/16/18</u>
Applicant (printed): <u>GARY J. DAWSON</u>	
Property Owner (signature): <u>Mary J. Dawson</u>	Date: <u>2/16/18</u>
Property Owner (printed): <u>GARY J. DAWSON</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 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.

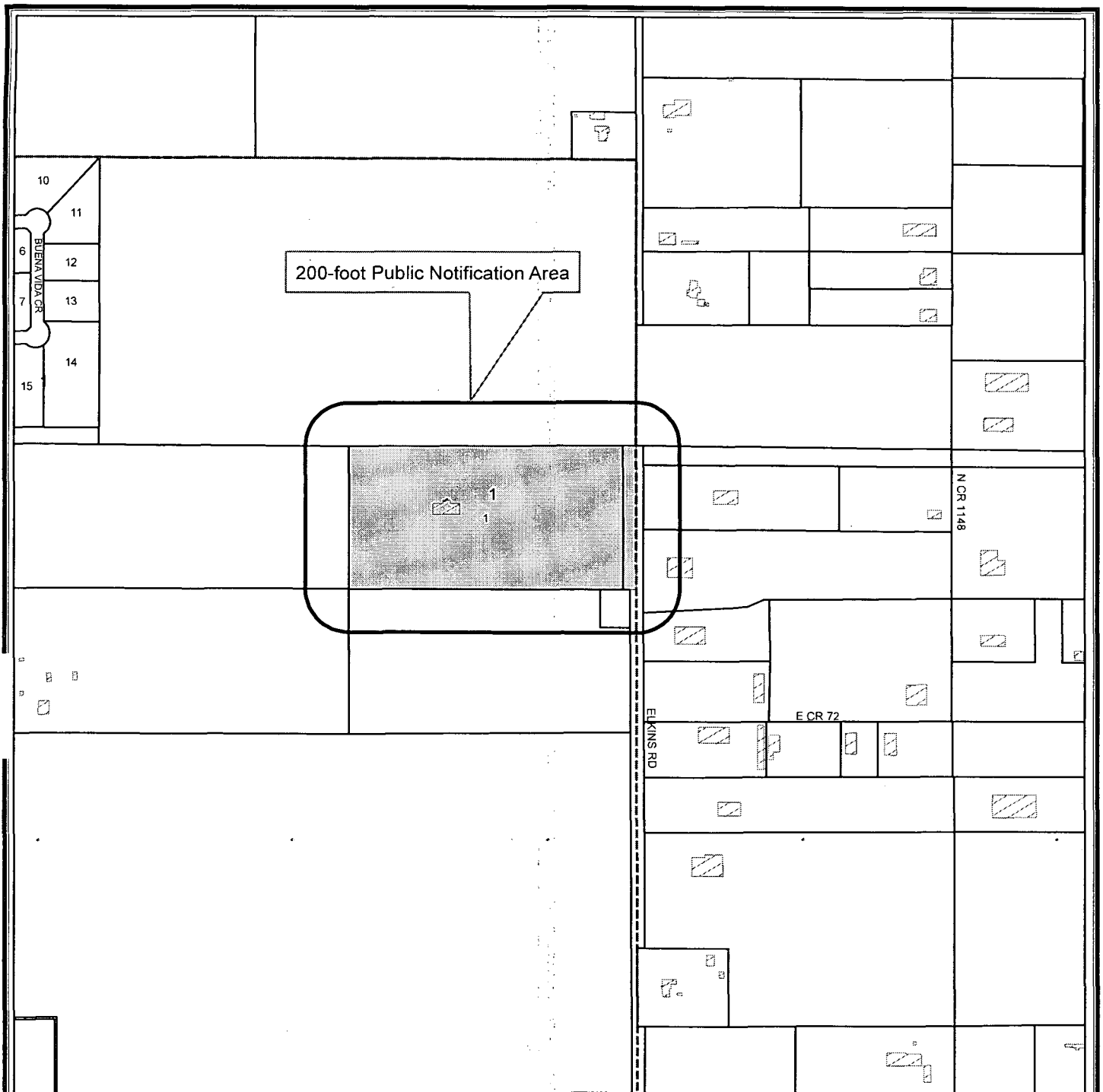
Authorized Agent (signature)

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

FOR OFFICE USE ONLY	
☐ Property Owner Authorization	☐ Dimensioned Site Plan
☐ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # <u>1574</u>	
Received By: <u>[Signature]</u>	Date: <u>2/16/18</u>

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



LOCATION MAP

Z-18-0008

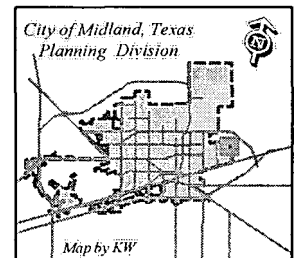
Scale: 1" = 400'

Consider a request for a Zone Change from AE, Agriculture Estates District, to O-1, Office District on Lot 1, Block 1, Camelot Addition, City and County of Midland, Texas.

Generally located on the west side of Elkins Road, approximately 610-feet north of East County Road 72. (Council District 2)

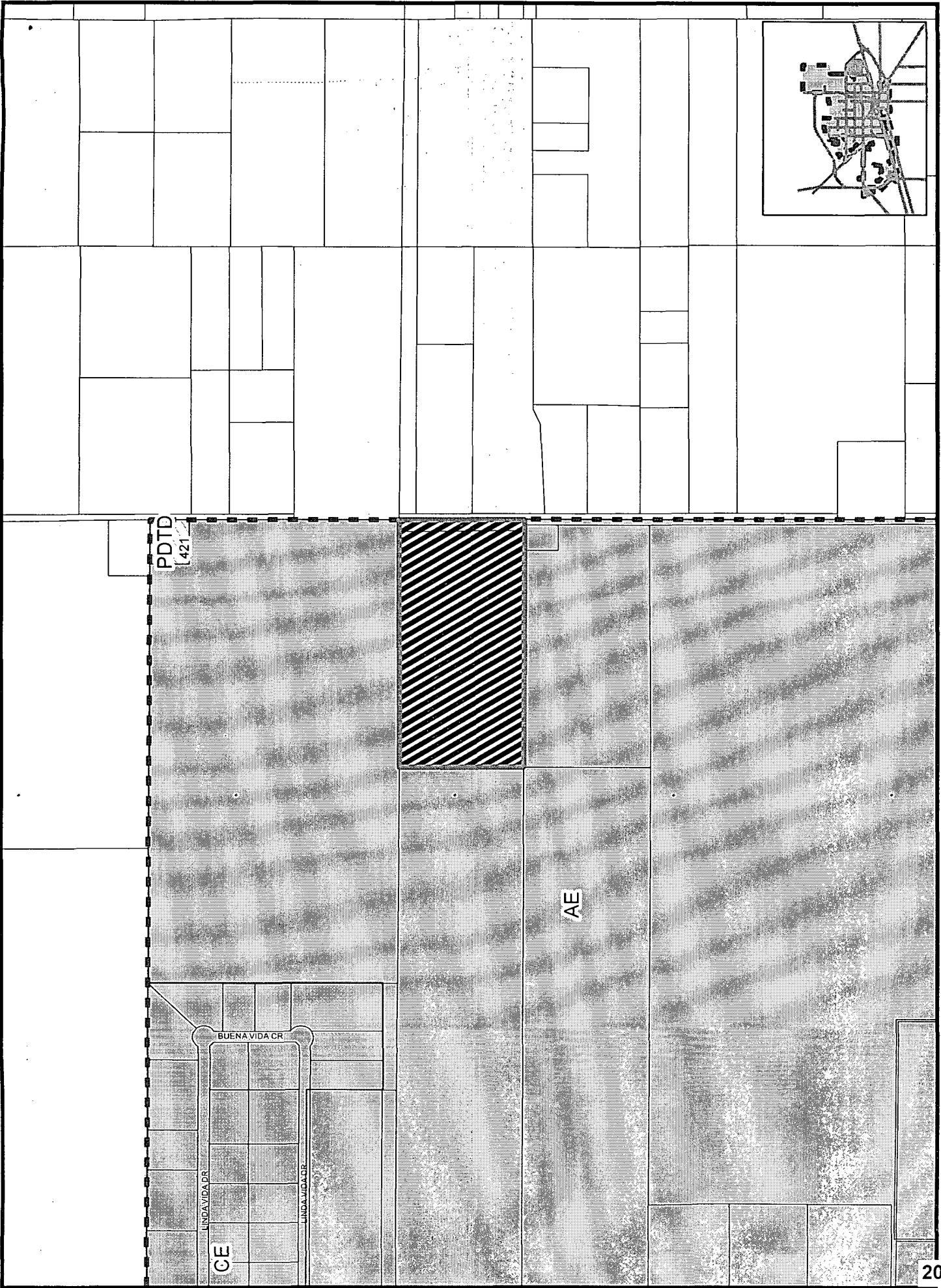
LEGEND

- CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTE 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.

20.24



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ZONING MAP

Scale: 1" = 400'

Z-18-0008

Map by KTW

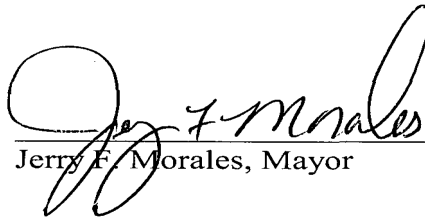
20.25

following vote upon motion of Council member Lacy, seconded by Council member Robnett, on the 8th day of May, A.D., 2018, at a regular meeting of the City Council:

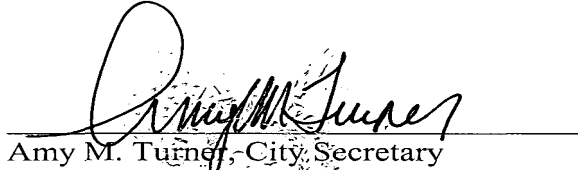
Council members voting "AYE": Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett

Council members voting "NAY": None

PASSED AND APPROVED THIS 8th day of May, A.D., 2018.

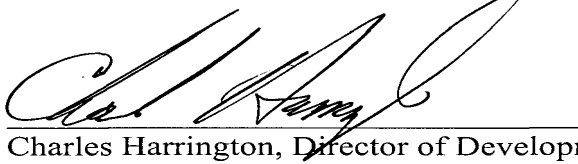

Jerry F. Morales, Mayor

ATTEST:

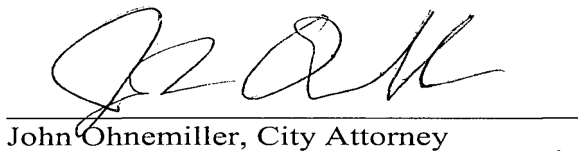

Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:


Frank Salvato, Assistant City Manager


Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:


John Ohnemiller, City Attorney



City Council Agenda

Approved for Agenda:
fsalvato
City Manager's Office

MEETING DATE: May 8, 2018

TO: City Council / City Manager

FROM: Rolandrea Russell, Planner

SUBJECT: Consider an ordinance on second reading on a request by Gary J Dawson for a zone change from AE, Agriculture Estates District, to O-1, Office District on Lot 1, Block 1, Camelot Addition, City and County of Midland, Texas. (Generally located on the west side of Elkins Road, approximately 610-feet north of East County Road 72.)

Purpose:

The applicant, Gary J. Dawson, is requesting a Zone Change from AE, Agricultural Estate District to O-1, Office District on a 20-acre tract of land out of Section 32, Block 38, T-1-S, RR Co. Survey, City and County of Midland, Texas for office use.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

This proposal does not have a significant financial impact to the city.

Discussion:

Current Zoning:

AE, Agriculture Estate District

Comprehensive Zoning:

Urban-Low (U-L)

- Single-Family Dwelling District
- Manufactured Housing District
- Office District
- Local Retail District

Urban-Low are neighborhoods with relatively low-density housing and easily accessed neighborhood commercial services. As compared to denser areas, U-L has more space and separation of uses, with farther distances between destinations and fewer shared amenities.

Surrounding Zoning and Land Use:

The properties to the north, south and west are zoned AE, Agriculture Estate District which is a single family-residential zoning district. The properties to the east, across Elkins Road, are located in the ETJ, Extraterritorial Jurisdiction where there are primarily commercial and industrial uses.

Analysis:

The property is currently zoned AE, Agriculture Estate District with an existing Specific Use Permit without Term (Ordinance No.8961) for an accessory dwelling structure to be used for living or sleeping quarters, together with the uses permitted in an AE.

The Specific Use Permit without term does not conflict with the proposed O-1, Office District as per the City of Midland Zoning Ordinance Section, 11-1-10. - *Specific use permits.*

(B) Specific use permits without term may be issued for the following types of uses and subject to, but not limited to, the specified restrictions, in the following districts:

1. Accessory building for living or sleeping quarters in any district, not including rental as a separate dwelling.

The applicant, Gary J. Dawson, is now requesting a Zone Change from AE, Agricultural Estate District to O-1, Office District for office; this use is due to an influx of industrial uses across Elkins Rd in the ETJ, Extraterritorial Jurisdiction.

The aforementioned ETJ, Extraterritorial Jurisdiction uses has deterred residential uses, and the proposed O-1, Office District will provide a buffer for future a residential zoning district west of the property. This is the first of an anticipated number of changes along Elkins Rd. which is destined to be a major arterial.

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

Engineering:

No objections to zoning.

Transportation:

No objections to zoning.

Driveway access evaluated with building permits, not zoning.

Oil and Gas:

No Oil or Gas wells identified within 500 ft. radius of location.

Code Administration:

No comments.

Planning:

This request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision*, Principle 8, "Land use policies and regulations should create and support balanced neighborhoods." (Tall City Tomorrow, Page 59) This request will aid in promoting appropriate transitions between higher intensity uses such as industry, and lower intensity uses, such as homes.

Staff recommends approval of the zone change from AE, Agriculture Estates, to O-1, Office District, subject to condition A.

Condition:

- A. That the use and development of this property shall conform to the regulations of the O-1, Office District

Letters of Objection:

As of March 14, 2018 staff has received no letters of objection to this request.

Attachments:

Plat (Exhibit A)
Ordinance No. 8961
Application
Maps

ORDINANCE NO. 8961

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 1, BLOCK 1, CAMELOT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ELKINS ROAD, APPROXIMATELY ONE MILE NORTH OF BUSINESS INTERSTATE 20), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter and the State law with reference to the granting of specific use permits under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the health, safety and general welfare will be best served by the granting of a Specific Use Permit Without Term, set out hereinafter, subject to the special conditions and restrictions set out hereinafter on the property described in Section One hereof;

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned AE, Agriculture Estate District, to wit:

Lot 1, Block 1, Camelot Addition, City and County of Midland, Texas;

is hereby changed to permit same to be used under a Specific Use Permit Without Term for an accessory building to be used for living or sleeping quarters, together with the uses

permitted in an AE, Agriculture Estate District, subject to the following conditions:

1. That the accessory building shall be located as shown on Exhibit "A", which is attached hereto and incorporated herein.
2. That the accessory building shall not exceed 1,800 contiguous square feet in area.
3. That the use of the accessory building for living or sleeping quarters shall be limited to family members or guests of the occupant of the primary residence; the accessory building shall not be rented out as a separate residence or used for any commercial purpose.
4. That the applicant shall obtain all necessary permits from the City of Midland related to the construction of the accessory building.

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on

first reading, the 10th day of January, A.D., 2011; and passed to second reading on motion of Council member Sparks, seconded by Council member James, by the following vote:

Council members voting "AYE": Morales, Trost, Hailey, Perry, Dufford, James and Sparks

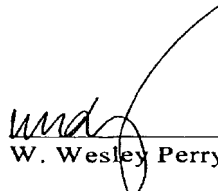
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Hailey, seconded by Council member Dufford, on the 10th day of January, A.D., 2012, at a regular meeting of the City Council:

Council members voting "AYE": Morales, Trost, Hailey, Perry, Dufford and Sparks

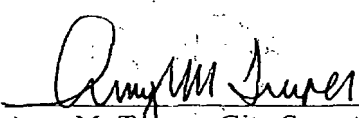
Council members voting "NAY": None

PASSED AND APPROVED THIS 10th day of January, A.D., 2012.



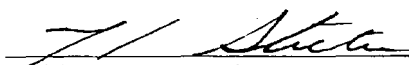
W. Wesley Perry, Mayor

ATTEST:



Amy M. Turner, City Secretary

APPROVED AS TO FORM:



Keith Stretcher, City Attorney

L:\Ordinances\Planning\Specific Use Permit\2011\15-11-017.Dawson - Accessory Bldg.wpd



Planning and Zoning
Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: December 19, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: James Reber, Planner

SUBJECT: Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Westridge Park Addition, Section 46, being a Re-Plat of the Northwest 1.61 Acres of Lot 10, Block 7, Westridge Park Addition, Section 39, City and County of Midland, Texas. (Generally located south of Andrews Hwy, approximately 330ft east of Avalon Drive - Council District 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Landpoint, is requesting to plat 1.61-acres of land situated Lot 10, Block 7, Westridge Park Addition, Section 39, City and County of Midland, Texas, for ownership purposes.

Current Zoning:

PD, Planned Development District (Ordinance 9369)

This request has been routed to all respective department 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. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Ok as Shown [For Applicant's Information Only.]

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

PAVING: SH 191 Frontage roads is a TxDOT facility, built and maintained by TxDOT, no improvements are required. [For Applicant's Information Only.]

WATER: 12" water exists in Griffith Street, 16 "water line located in Deauville Blvd South of tract, and 12" water line in the Utility easement South East of the tract, okay as is. Water improvements will be constructed as part of the building permit. [For Applicant's Information Only.]

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

PRO RATA: None. SEWER: None existing. Wastewater improvements are to be constructed as part of the building permit. [For Applicant's Information Only.]

DRAINAGE: Drainage report has been submitted and is in review. [For Applicant's Information Only.]

EASEMENTS: Show existing and proposed.

[For Applicant's Information Only.]

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

DIMENSION: * * * OTHER: * * *

TRANSPORTATION: (Approved with conditions)

Driveway permitting within city limits on I-20, LP 250, SH 191, and FM 1788 is under the jurisdiction of TxDOT. A copy of an approved TxDOT driveway permit must be provided to the City with the building permit application before a City building permit can be issued. The TxDOT Driveway Permit Coordinator is Rachael Ramirez (Rachael.Ramirez@txdot.gov, 432-498-4789). [For the Applicant's information only.]

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

FIRE: (Approved)

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

ordinances.

CODE COMPLIANCE: (Approved)

No Oil and Gas Issues.

GIS: (Approved)

The last call goes over 42.7 feet from the point of beginning. I think that there should be a call where the parcel goes further south than lot 10b.

PLANNING: (Approved with Conditions)

Please fix minor typos in the plat description.

Double check metes and bounds. [Midland City Code 11-2-3(D)4.]

Staff recommends approval of the Preliminary Plat of Westridge Park Addition, Section 46, subject to condition A:

Conditions:

- A. Approval of this preliminary plat is subject to the plat including a drawing of the boundary description which has been prepared by a registered surveyor and shall bear his seal, signature and date on each sheet and a statement that the boundary description shown thereon accurately describes the survey of the tract boundary conducted by said surveyor. Midland City Code 11-2-3(D)4.**

Attachments:

Application
Proposed Preliminary Plat
Maps



Preliminary Plat Application

Project Number: _____

Case Number: 22-1474Proposed Subdivision Plat Name: WESTRIDGE PARK, SECTION 46Legal Description (attached sealed Metes and Bounds): LOT 10A & LOT 10B**Property Owner**Printed Name: **MIDLAND OWNER, LLC**

Phone (720) 946-4649

Email roger.pecsok@continuumpartners.comAddress 1881 16th Street, Suite 500City DenverState COZip 80202**Developer (if different than Owner)**

Printed Name: _____

Phone (432) 770-0600

Email _____

Address _____

City _____

State _____

Zip _____

Representative (if acting as Agent, see affidavit on page 2)Firm: LANDPOINT MIDLAND, LLCPrinted Name: Duryn Henington, RPLS

Phone (432) 770-0600

Email dhenington@team-west.comAddress 110 W. LouisianaCity MidlandState TXZip 79701Current Zoning: PD-SCReason for Platting: Development of Commercial Lots**Plat Information**Total Acreage: 1.61Type: ☐ Single-Family Residential☐ Multi-Family Residential☒ Commercial☐ Extraterritorial Jurisdiction (ETJ)Number of Lots: 3Number of Multi-family Dwelling Units: 0**Submittal and Fees**

Items to be submitted with this application form:

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

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

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

Provisions

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

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

Property Owner (signature): [Signature] Date: 11/17/2022

Property Owner (printed): Midland Owner, LLC

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.

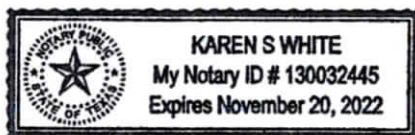
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

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

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 17th day of November, 20 22 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 # 26338

NOV 23 2022

Received By: [Signature]

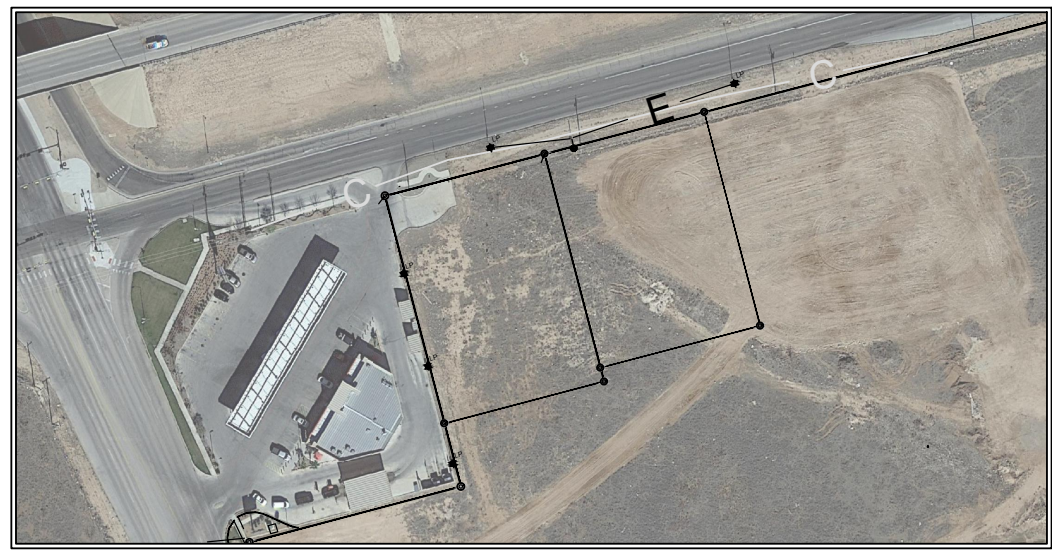
Date:

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

Preliminary Plat Application

2

Revised 07/01/19



VICINITY MAP
(NOT TO SCALE)



LEGEND

- DENOTES SET 1/2" IRON ROD w/ RED PLASTIC CAP MARKED "WEST CO. MIDLAND"
- DENOTES FOUND MONUMENT AS NOTED
- DENOTES PROPOSED LOT LINE
- DENOTES EXISTING LOT LINE, ADJACENT DEED, OR PROPERTY LINE
- DENOTES EXISTING FENCE
- DENOTES EXISTING OVERHEAD POWER LINE
- DENOTES EXISTING BURIED WATER LINE
- DENOTES EXISTING EASEMENT BORDERS
- DENOTES EXISTING BURIED CABLE
- DENOTES EXISTING ELECTRIC LINE
- DENOTES EXISTING CURB
- DENOTES RETAINING WALL
- DENOTES PIPELINE SIGN (AS NOTED)
- LP DENOTES LIGHT POLE
- PP DENOTES OVERHEAD ELECTRIC POWER POLE
- DENOTES LIGHTING BOX AND METER
- DENOTES CONCRETE FILL
- D.R.M.C.T. DEED RECORD, MIDLAND COUNTY, TEXAS
- O.P.R.M.C.T. OFFICIAL PLAT RECORDS, MIDLAND COUNTY, TEXAS
- P.R.M.C.T. PROBATE RECORDS, MIDLAND COUNTY, TEXAS

NOTICE:

- 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.
- COORDINATES, BEARINGS, DISTANCES AND AREAS SHOWN HEREON ARE LAMBERT GRID AND CONFORM TO THE "TEXAS COORDINATE SYSTEM", TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM 1983.
- WITH REFERENCE TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, MAP NO. 48328C0066E, EFFECTIVE DATE: 12/07/99, THIS SURVEYOR HAS DETERMINED THAT PART OF THIS PROPERTY IS LOCATED IN ZONE "X" WITH THE 100 YEAR FLOODPLAIN. THIS DETERMINATION SHALL NOT CREATE A LIABILITY UPON SAID SURVEYOR.
- THE FOLLOWING BLANKET EASEMENTS ENCUMBER THIS PROPERTY:
 - A. TO MAGNOLIA PIPE LINE COMPANY, RECORDED IN VOLUME 67, PAGE 531, DEED RECORDS MIDLAND COUNTY, TEXAS.
 - B. TO CAP ROCK ELECTRIC COOPERATIVE, INC., RECORDED IN VOLUME 751, PAGE 278, DEED RECORDS MIDLAND COUNTY, TEXAS.
 - C. TO TEXAS ELECTRIC SERVICE COMPANY, RECORDED IN VOLUME 774, PAGE 155, DEED RECORDS MIDLAND COUNTY, TEXAS.

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY Print Name:

ONCOR ELECTRIC DELIVERY Print Name:

OPTIMUM Print Name:

ASTOUND Print Name:

AT&T-TEXAS Print Name:

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

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE: _____ PAGE _____

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, MIDLAND OWNER, LLC, is the record owner of a 15.74 Acre Tract of land being a re-plat of THE Norwest 1.61 Acres of Lot 10, WESTRIDGE PARK ADDITION, SECTION 39, Block 7, Midland County, Texas, according to the plat recorded in Section 39, Plat Cabinet "L", Page 63 of the Plat Records of Midland County, Texas,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That We, MIDLAND OWNER, LLC, being the owner of the land shown on this plat designated as WESTRIDGE PARK ADDITION, SECTION 39, an Addition to the City of Midland, Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon; and do hereby give an easement of ingress and egress to the City of Midland for garbage and trash collection, and location and maintenance of trash containers and access thereto, and condition said easement that no construction shall commence on said lot or lots until the exact location of said containers therewith have been selected and approved by the Director of Utilities.

WITNESS my hand at _____, this the _____ day of _____, 2022.

By: PAUL WASSERMAN VICE PRESIDENT

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

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

the _____ day of _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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

PRELIMINARY. NOT TO BE FILED OF RECORD FOR ANY PURPOSE.

DURYN HENINGTON, R.P.L.S. 6832
110 W. LOUISIANA AVE., SUITE 110
MIDLAND, TX 79701
432.687.0865

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "WESTRIDGE PARK", _____, was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

the _____ day of _____, 2022.

LUCY SISNIEGA, CHAIRMAN

ELIZABETH SHAUGHNESSY, SECRETARY

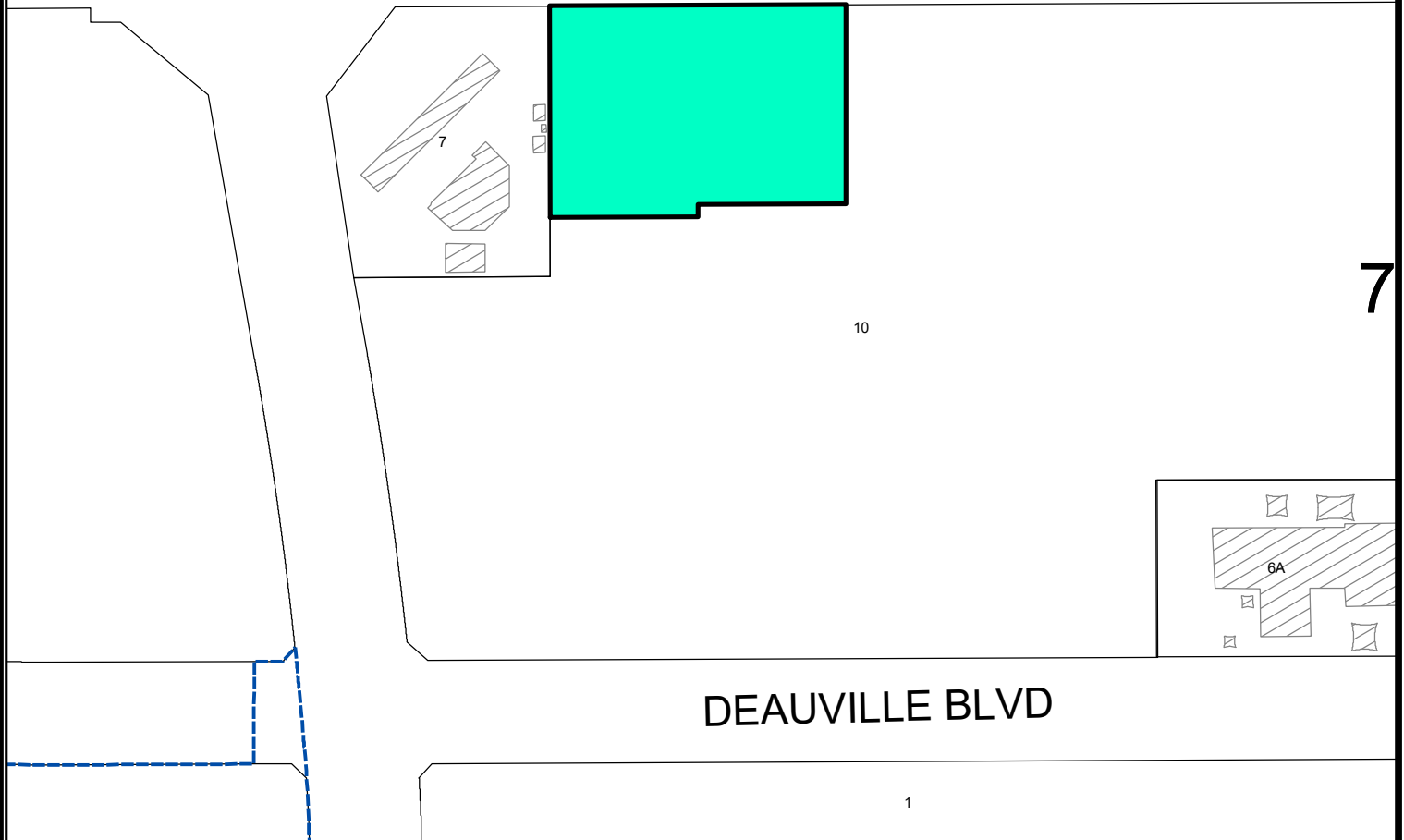
OWNER:
Midland Owner, LLC
1881 16th Street, Suite 500
Denver, Colorado 80202
720-946-4643

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

JANUARY 2023

WESTRIDGE PARK ADDITION
SECTION 46

LAND
POINT



LOCATION MAP

P-22-1470

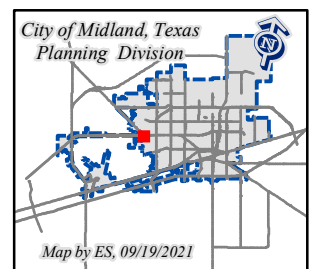
Scale: 1" = 335'

Proposed Preliminary plat of Westridge Park Addition, Section 6, being a Re-Plat of the Northwest 1.61 Acres of Lot 10, Block 7, Westridge Park Addition, Section 39, City and County of Midland, Texas.

Generally located south of Andrews Hwy, approximately 330ft east of Avalon Drive.
(Council District 4)

LEGEND

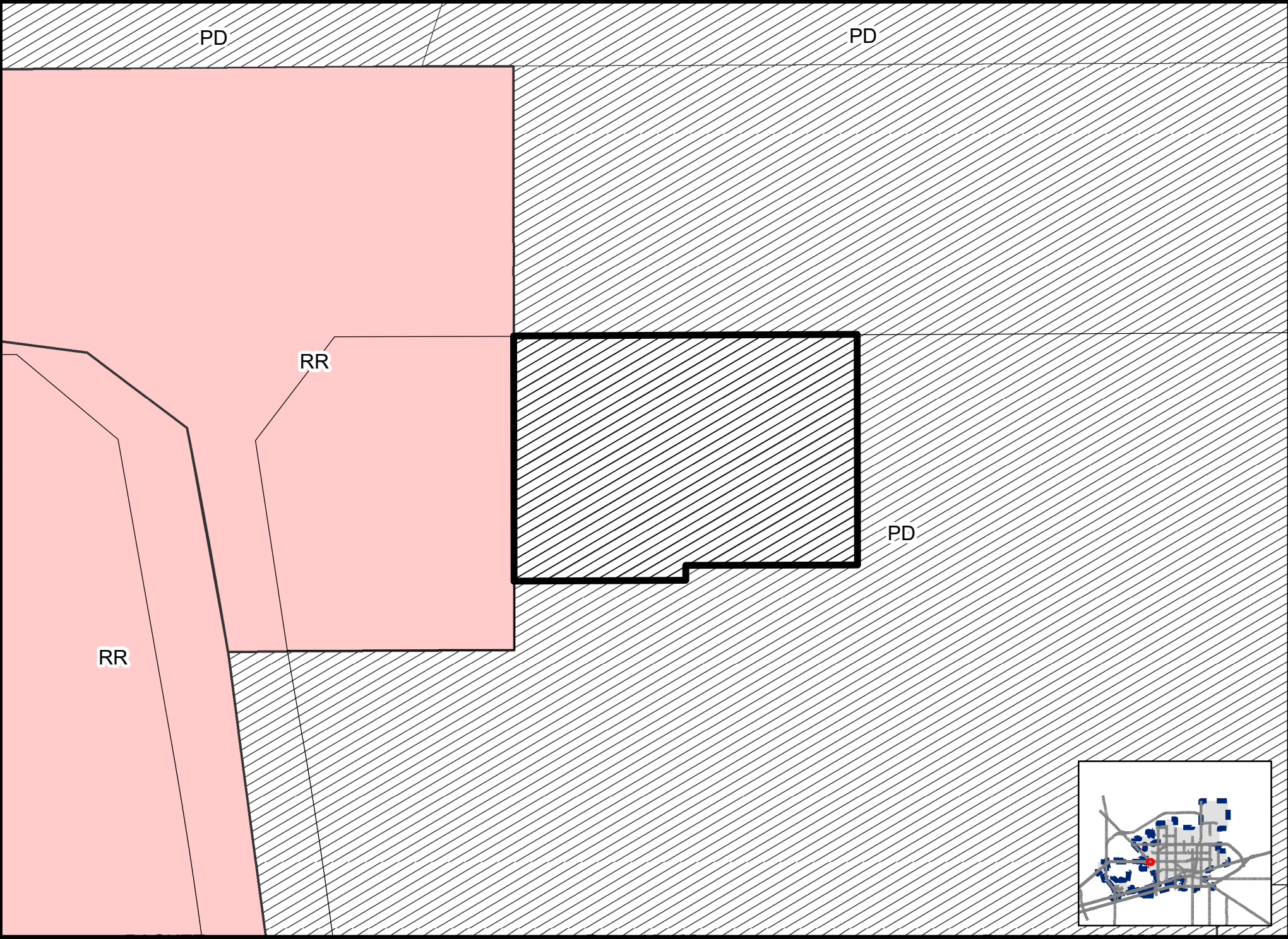
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

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



PACKET

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December 19, 2022

