

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

**January 3, 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/83552476381>

Or One tap mobile :

US: +13462487799,,83552476381# or +16699006833,,83552476381#

Or Telephone:

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

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

Webinar ID: 835 5247 6381

International numbers available: <https://us02web.zoom.us/j/83552476381>

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 20, 2021.
3. Motion approving a Final Plat of Moody Addition, Section 15 being a replat of the west half of Lot 1, Block 4, Moody Addition, City and County of Midland, Texas. (Generally located on the south side of South Street, approximately 115-feet west of N. Tyler Street. (Council District 2) (DEVELOPMENT SERVICES)

4. Motion approving a Final Plat of Kingsway Addition, Section 2, being a residential re-plat of Lots 3 through 6, Block 2, Kingsway Addition, City and County of Midland, Texas. (Generally located at the southwest corner of the intersection of East Pecan Avenue and Butternut Lane. Council District 2) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

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

5. Motion approving a request by Michael Smith, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in an axe bar, on a 3,627 square foot portion of Lot 1, Block 6, Bankhead Addition, Section 7, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Front Street and Bankhead Highway. Council District 2) (DEVELOPMENT SERVICES)
6. Motion approving a request by Just a Closet #10, LLC for a zone change from O-2, Office District to PD, Planned Development District for an Office Center on Lots 1-28 and the west 28-feet of Lot 29, Block 168, Wilshire Park Addition, Section 11, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of S. Loop 250 and Graceland Drive. Council District 4) (DEVELOPMENT SERVICES)
7. Motion approving a request by Garely's Mexican Restaurant, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 4,011 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 E. Interstate 20, approximately 615 feet north of W. Terrell Street - Council District 2) (DEVELOPMENT SERVICES)
8. Motion approving a request by Chip Hight, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 5,000 square foot portion of Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas. (Generally located southwest of the intersection of N. Colorado Street and W. Louisiana Avenue. – Council District 2) (DEVELOPMENT SERVICES)
9. Motion approving a request by Sylvia Howard for a zone change from HI, Heavy Industrial District to SF-3, Single-Family Dwelling District on Lot 12, Block 50, East Midland Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Tyler Street and Orchard Lane. (Council District 2) (DEVELOPMENT SERVICES)

MISCELLANEOUS

10. Motion approving with staff's recommended conditions, a proposed Final Plat of Moody Addition, Section 14, being a re-plat of Lots 1 through 4, Lots 9 through 12, and a 0.69 acre portion of alley right-of-way located adjacent to said lots, all out of Block 2, Moody Addition; and Lot 1A, Block 9 Moody addition, Section 10; City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of East Front Street and North

Carver Street. Council District 2) (DEVELOPMENT SERVICES)

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 20, 2021
Council Chambers – City Hall**



The Planning & Zoning Commission convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:30 p.m., December 20, 2021.

Commissioners present: Karmen Bryant, Beverly Dillow, Dianne Williams, Lucy Sisniega, Zachary Deck, Emily Holeva, Adrian Carrasco

Commissioners absent: Stacy Grosse, Chase Gardaphe

Staff members present: Charles Harrington, Elizabeth Shaughnessy, Kelly Martinez, Cole Furqueron, Justin Smith, Paul Rodriguez, Mirna Granados

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

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

CONSENT ITEMS

Commissioner Carrasco moved to approve; seconded by Commissioner Williams.

The motion passed by the following vote: 7 to 0

AYE: Sisniega, Williams, Bryant, Deck, Holeva, Carrasco, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

2. Motion approving the Planning and Zoning Commission meeting minutes for December 6, 2021.
3. Motion approving a proposed Final Plat of Kent Addition, being a plat of a 4.519-acres tract of land located in Section 39, Block 38, T-1-S, T&P RR Co. Survey, Midland County, TX (Generally located on the Southwest intersection of Loop 250 and E. Interstate 20. Extraterritorial Jurisdiction)
4. Motion approving a Final Plat of West End Addition, Section 26, being a residential replat of Lots 1 & 2, Block 37, West End Addition, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Indiana Avenue and South E Street. Council District 3)
5. Motion approving a Final Plat of Fuse Industrial Park, Section 2, being a plat of a 6.41 acres tract of land located in the northeast quarter of Section 36, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located approximately 289 feet east of N. Calhoun Street and approximately 771 feet north of E. Indiana Street. Council District 2)
6. Motion to approve Final Plat of Southwest Crossing, Section 14, being an 8.134-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co. Survey, County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Cnty Rd 123 and South Cnty Rd 1235 Extraterritorial Jurisdiction)
7. Motion approving a Final Plat of W.W. Harris Addition, Section 5 being a plat of a 0.829-acre tract of land located in the east half of the northwest quarter in the southeast quarter of Section 26, Block 39, T-1-S, T&P R.R. Co. Survey, City and County of Midland, Texas – Council District 2

PUBLIC HEARINGS

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

8. Motion approving a request by Salvador Hernandez for a Specific Use Designation without Term for Automobile or other Motorized Vehicle Sales and Service on Lots 9-12, Block 37, College Heights, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of W. Front Street and Carlton Street. Council District 2)

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

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

The applicant was present but deferred to staff.

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

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

The motion passed by the following vote: 7 to 0

AYE: Sisniega, Williams, Bryant, Deck, Holeva, Carrasco, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

9. Motion approving a request by Faulk & Foster, for a Specific Use Designation without Term for the installation of a mono-pole cell tower on a 200 square foot portion of Lot 3, Block 1, Polo Club Addition, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of N. Garfield Street and Bluebird Lane - Council District 1)

Senior Planner Cole Furqueron gave an overview of the project. With 5 letters of objection received, staff recommended denial.

Commissioner Deck asked if there are any commercial properties in the area. Staff explained that there are some commercial buildings in the planning stage.

Commissioner Carrasco asked if there has ever been an application similar to this.

Director of Development, Services Charles Harrington, explained to the commission that there have been such applications in the past but only in commercial areas.

The public hearing was opened at 3:42 p.m.

The applicant, Ralph Wyngarden, 678 Front Ave, Grand Rapids, MI, a representative of Faulk & Foster gave a summary of the project and was open to questions from the commission.

Resident Jack Bledsoe, 5514 Kingston Drive, Midland, Tx, spoke in opposition to the project due to the loss of his property value.

Resident Clint Walker, 2108 Bluebird Lane, Midland, Tx, spoke in opposition to the project due to the negative appearance the tower would bring.

Resident Ed Runyan, 5114 Polo Club Road, Midland Tx, spoke in opposition to the project due to the lack of need for a 100-foot tower in a residential neighborhood.

The public hearing was closed at 4:31 p.m.

Director of Development Services, Charles Harrington, readdressed the commission to explain the difference between a mono-pole and micro cell towers, which is what communication companies have moved to using.

Commissioner Carrasco voiced his opposition to the project due to the precedent an approval would set.

The applicant readdressed the commission to address some of the residents' concerns.

Commissioner Carrasco moved to deny this request; seconded by Commissioner Holeva.

The motion to deny passed by the following vote: 7 to 0

AYE: Sisniega, Williams, Bryant, Deck, Holeva, Carrasco, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

MISCELLANEOUS

10. Motion approving with staff's recommended conditions a proposed Preliminary Plat of NGL Addition, Section 2, being a plat of an 8.56-acre tract of land out of Section 14, Block 38, T-2-S, RR Co. Survey, Midland County, Texas. (Generally located on the south side of South County Road 1161, approximately 1,079-feet east of South County Road 1165 Extraterritorial Jurisdiction).

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

The motion passed by the following vote: 7 to 0

AYE: Sisniega, Williams, Bryant, Deck, Holeva, Carrasco, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

11. Motion to approving with staff's recommended conditions a proposed Final Plat of Westcliff Addition, Section 5, being a residential re-plat of Lots 1 through 3, Block 6, Westcliff Addition, City and County of Midland, Texas. (Generally located at the northeast corner of the intersection of Princeton Avenue and Westcliff Drive. Council District 4)

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

The motion passed by the following vote: 7 to 0

AYE: Sisniega, Williams, Bryant, Deck, Holeva, Carrasco, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

12. Motion approving with staff's recommended conditions a Preliminary Plat of Kimber-Lea Addition, Section 14, being a 4.67-acre tract of land out of Lot 15, Block 10, Kimber-Lea Second Section, Blocks 8,9,10, & 11, an addition to the City and County of Midland, Texas. Generally located on the north side of Wadley Avenue, approximately 170 feet to the east of Midkiff Road - (Council District 3)

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

The motion passed by the following vote: 7 to 0

AYE: Sisniega, Williams, Bryant, Deck, Holeva, Carrasco, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

13. Motion approving with staff's recommended conditions a proposed Preliminary Plat of Wilshire Park Addition, Section 26, being a replat of Lots 1-28 and the west 28-feet of Lot 29, including a previously vacated 20-foot alley, and a previously vacated 0.57-acre portion of Blue Haven Court Right-of-Way, Block 168, Wilshire Park Addition, Section 11, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Graceland Drive and S. Loop 250 West. Council District 1)

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

The motion passed by the following vote: 7 to 0

AYE: Sisniega, Williams, Bryant, Deck, Holeva, Carrasco, Dillow

NAY: None
ABSTAIN: None
ABSENT: Grosse, Gardaphe

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:57 p.m.

Lucy Sisniega, Chairman

Date

Elizabeth Shaughnessy, Planning Division Manager
Department of Development Services

Date



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: January 03, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving a Final Plat of Moody Addition, Section 15 being a replat of the west half of Lot 1, Block 4, Moody Addition, City and County of Midland, Texas. (Generally located on the south side of South Street, approximately 115-feet west of N. Tyler Street. (Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

Light Industrial District

Preliminary Plat Approval:

The applicant, Aaron Burrell Land Surveyors, LLC is requesting to replat the west half of Lot 1, Block 4, Moody Addition, City and County of Midland, Texas to obtain building permits. This plat went short form procedure; therefore, no preliminary plat was required.

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:

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

Below are the departments' comments.

Engineering: Approved

IMPACT FEES: Impact fees okay as shown.

ROW: ROW okay as shown.

PAVING: South St. roadway okay as is. No public paving improvements required.

WATER: 6" water exists in the alley west of tract, okay as is. No public water improvements required.

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

PRO RATA: None.

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

DRAINAGE: Existing site is developed; If proposing to re-develop site, drainage can be reviewed with building permit.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

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

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

Fire: Approved

No additional comments.

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 of 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.

Planning: Approved

Staff recommends approval of the Final Plat of Moody Addition, Section 15 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-21-0462

Case Number:

P-21-1256

Proposed Subdivision Plat Name:

Moods Addition, Section 15

Legal Description (attached sealed Metes and Bounds): Being a Replat of the w/2 of Lot 1, Block, Moods Addition, City & County of Midland, Texas.

Property Owner

Printed Name:

Ramona L. Ruiz

Phone (432) 212-7523

Email

Address

3600 S. County Road 1230 Lot 248

City

Midland

State

TX

Zip

79706

Developer (if different than Owner)

Printed Name:

NONE

Phone ()

Email

Address

City

State

Zip

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

Firm:

Aaron Burrell Land Surveyors, LLC

Printed Name:

Aaron Burrell

Phone (432) 848-4439

Email

aaron@ablsurveyors.com

Address

415 W. Wan St #204

City

Midland

State

TX

Zip

79701

Current Zoning:

Reason for Platting:

Acquire Permits

Plat Information

Total Acreage:

0.080

Type:

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

Number of Lots:

/

Number of Multi-Family Dwelling Units:

0

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): Ramona Ruiz Date: 11/10/2021
Property Owner (printed): Ramona Ruiz

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

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

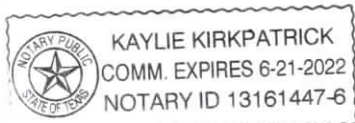
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

A S Burrell
Authorized Agent (signature)

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



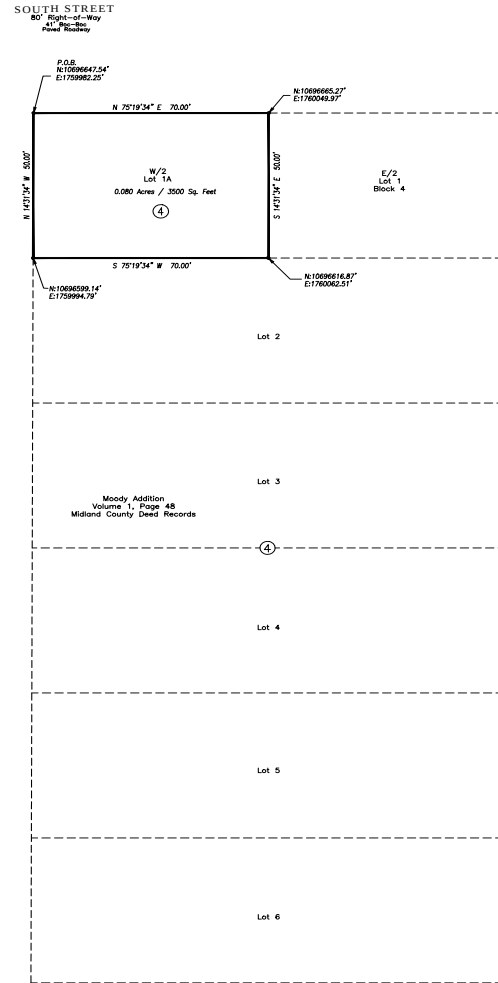
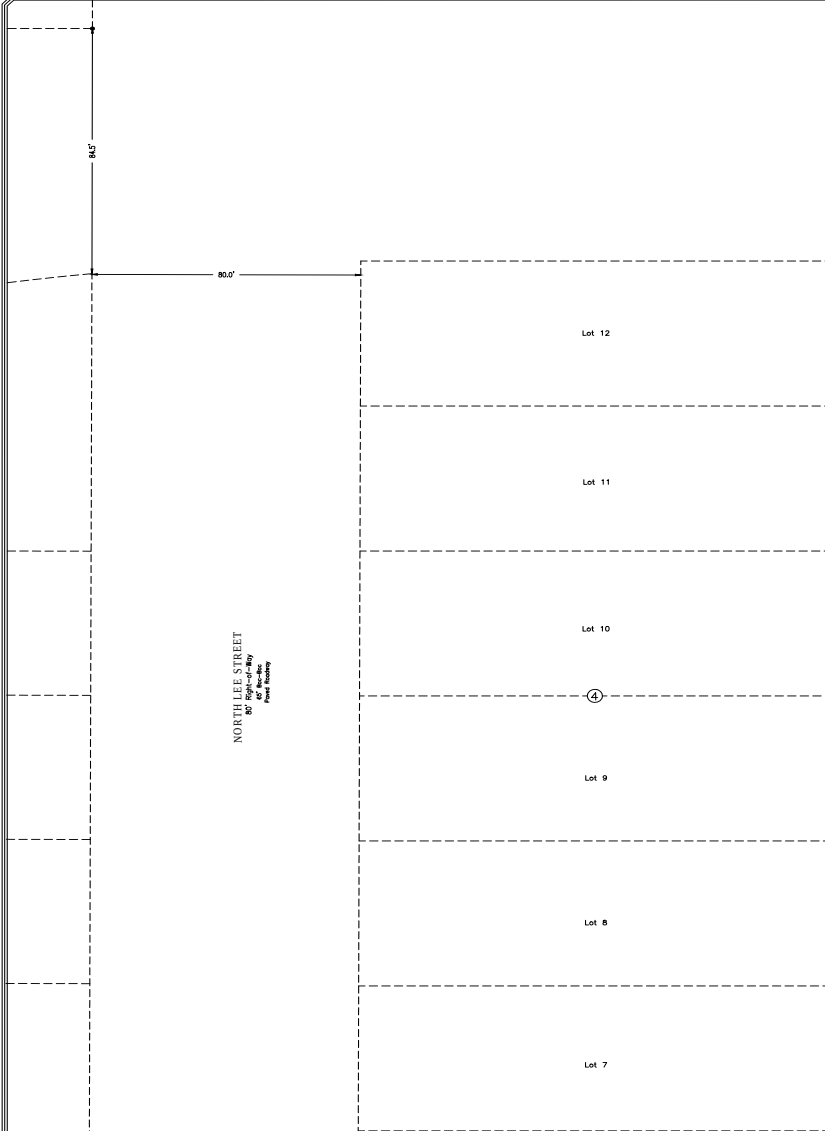
Kaylie Kirkpatrick

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY☒ Property Owner Authorization☒ 1 Copy of Dimensioned Plat☒ Plat in Digital Format (PDF/JPEG)☒ Mylar☒ 1 Copy of Plat (11x17)☒ Public Improvements☒ Application Fee☒ Title Opinion☒ Recording FeeCheck # 1415☒ Tax CertificatesCheck # 108923194226Received By: ble FergusonDate: 12-15-21****Application will not be considered for scheduling until reviewed by a planner.****

MOODY ADDITION, SECTION 15
Being a Replat of the W/2 of Lot 1, Block 4,
Moody Addition, City & County of Midland, Texas.



HOUSTON AVENUE
 80' Right-of-Way
 Street Right-of-Way

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "MOODY ADDITION, SECTION 15" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, on this _____ day of _____, 2021.

SIGNED: _____

LUCY SISNEGA
 Chairman

ATTEST: _____

ELIZABETH SHAUGHNESSY
 Secretary

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____ PRINT NAME: _____

SIGNED: _____ PRINT NAME: _____

SIGNED: _____ PRINT NAME: _____

SIGNED: _____ PRINT NAME: _____

SIGNED: _____ PRINT NAME: _____

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. A BLANKET EASEMENT OF INGRESS AND EGRESS WILL BE GRANTED FOR MOODY ADDITION, SECTION 15 TO THE CITY OF MIDLAND FOR GARBAGE AND TRASH COLLECTION AND LOCATION AND MAINTENANCE OF TRASH STRUCTURES, AND EXCEPT THOSE AREAS OCCUPIED BY A BUILDING OF STRUCTURE, SAID EASEMENT IS CONDITIONED SUCH THAT EXACT LOCATION OF SAID CONTAINERS AND THE EASEMENTS IN CONNECTION THEREWITH HAVE BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.
4. BEARING & COORDINATES SHOWN ON THIS SURVEY ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM, NAD 1983, CENTRAL ZONE (CORS).
5. THIS PROPERTY IS IN ZONE X AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS GRAPHICALLY SCALED ONTO FEMA MAP NO. 48329C0089F, DATED SEPTEMBER 16, 2005, PREPARED FOR MIDLAND COUNTY, TEXAS.
6. INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.

OWNER:
 RAMONA L. RUIZ
 3600 S COUNTY ROAD 1230 LOT 248
 MIDLAND, TEXAS 79706
 (432)212-7523

OWNERS' CERTIFICATE:

THE STATE OF TEXAS
 COUNTY OF MIDLAND

WHEREAS, I, RAMONA L. RUIZ, as the recorded owner of the W/2 of Lot 1, Block 4, Moody Addition, recorded in Document Number 2020-11028, Midland County Official Plat Records, County of Midland, Texas, and more particularly shown hereon:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, RAMONA L. RUIZ, do hereby adopt this plat designating the herein above described property as "MOODY ADDITION, SECTION 15" an Addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon.

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

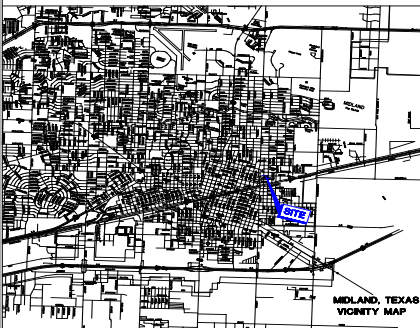
RAMONA L. RUIZ

ACKNOWLEDGMENT
 THE STATE OF TEXAS
 COUNTY OF MIDLAND

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared RAMONA L. RUIZ, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of owner, and that he executed the same as the act for the purpose and consideration therein expressed and in the capacity therein stated.

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



LEGEND
 1/4" = 1' from Red W/ Cap
 marked "ASB 5689"

Professional Land Surveying & Mapping
 Aaron Burrell Land Surveyors, LLC

415 W. Wall St., Suite 404
 Midland, Texas 79701

432-848-4439
 aaronburrell.com

P.O. Box 8044
 Midland, Texas 79708

TRPLS Form No. 10094217
 2017 L&L 1a

THAT I, AARON S. BURRELL, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, 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



AARON SCOTT BURRELL TX RPLS 5689

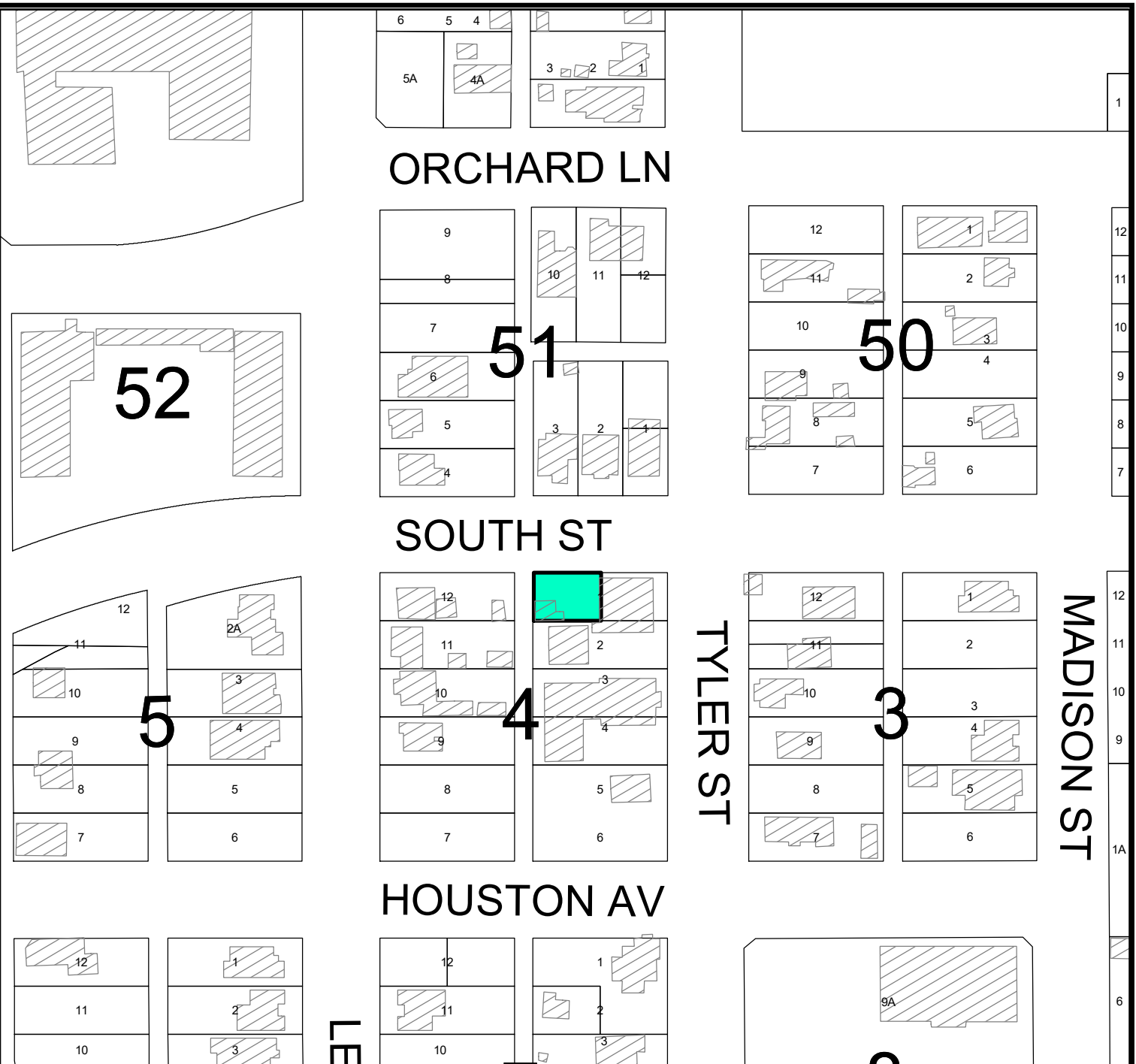


PACKET November 2021

Page 3.14

January 2021

FINAL PLAT
 MIDLAND COUNTY, TEXAS
 NO. _____ CABINET
 DATE _____ PAGE _____



LOCATION MAP

SUB-21-0462

Scale: 1" = 200'

Proposed plat of Moody Addition, Section 15, being a replat of the west half of Lot 1, Block 4, Moody Addition, City and County of Midland, Texas.

Generally located on the south side of South Street, approximately 115-feet west of N. Tyler Street.
(Council District 2)

LEGEND

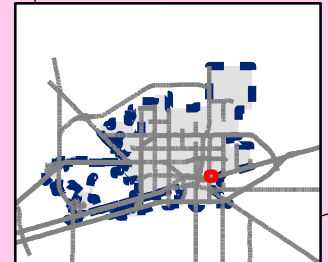
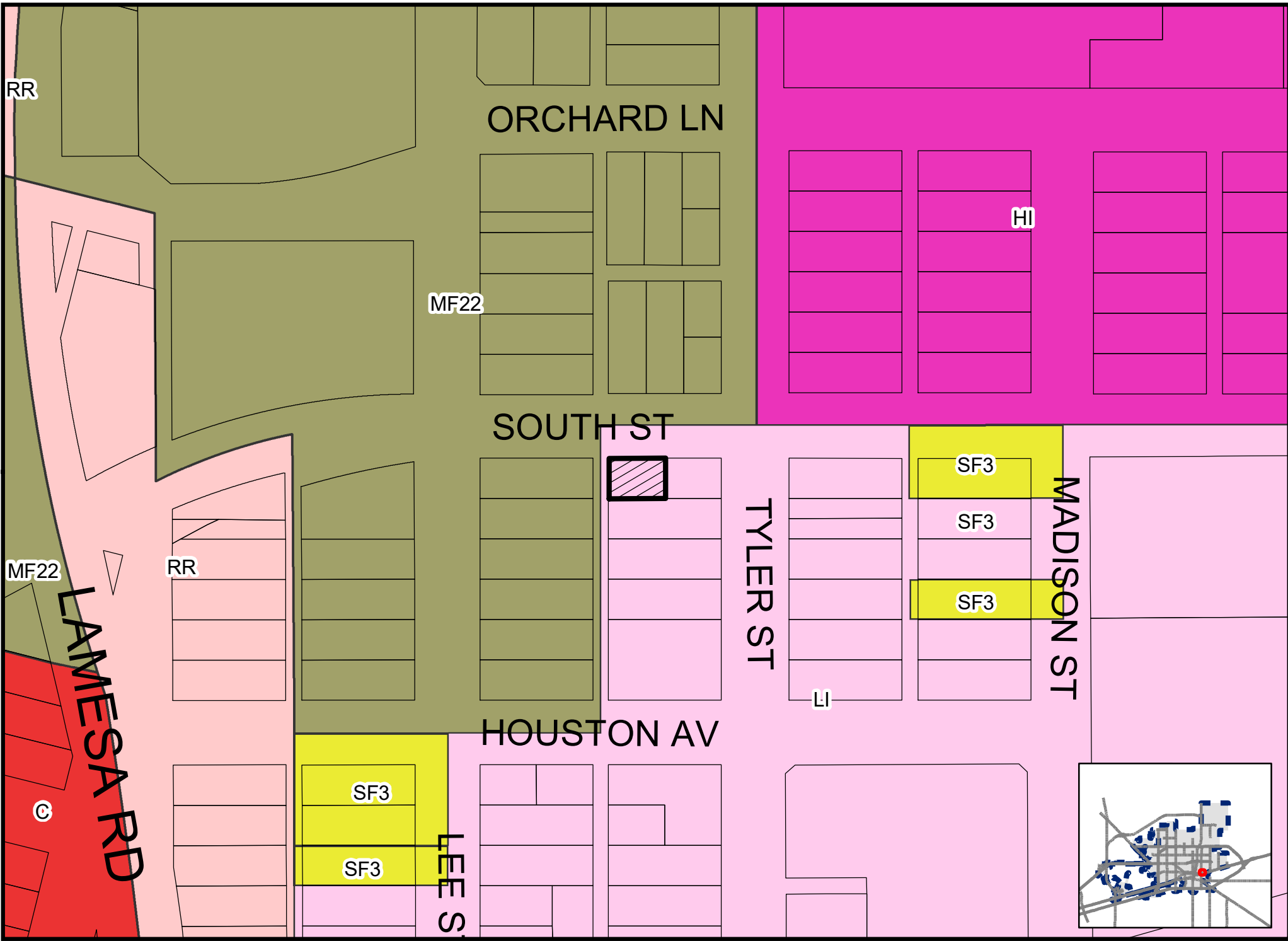
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©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.





Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: January 03, 2022

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Justin Smith, Planner**

SUBJECT: Motion approving a proposed Final Plat of Kingsway Addition, Section 2, being a residential re-plat of Lots 3 through 6, Block 2, Kingsway Addition, City and County of Midland, Texas. (Generally located at the southwest corner of the intersection of East Pecan Avenue and Butternut Lane. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Skyline Civil Group, is requesting to re-plat the properties located at 1304, 1306, and 1308 East Pecan Avenue to consolidate the lots into one.

Current Zoning:

SF-3, Single Family Dwelling District

Preliminary Plat:

A public hearing was held and the preliminary plat for this addition was approved at the September 21, 2020 Planning and Zoning Commission meeting.

Final Plat Requirements:

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

BUILDING CODE: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

ENGINEERING: (Approved)

IMPACT FEES: Impact fee statement okay as shown. [For the Applicant's information only.]

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

PAVING: Paving deferral approved by City of Midland on 06/04/2021. [For the Applicant's information only.]

WATER: 6" water exists in E Pecan Ave north of tract, okay as is. No public water improvements required.

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

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

SEWER: 18" sewer exists in E Pecan Ave north of tract, okay as is. 6" sewer exists in alley south of tract, okay as is. No public wastewater improvements required. [For the Applicant's information only.]

DRAINAGE: Existing site is developed; If proposing to re-develop site drainage can be reviewed with building permit. [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: * * *

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.]

No objections to plat.

FIRE: (Approved)

No additional comments

CODE COMPLIANCE: (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 of plat, this could prevent receiving city permits for structures. Any plugged and abandoned well would need to be identified.

PLANNING:

Staff recommends approval of the final plat of Kingsway Addition, Section 2 subject to conditions A through B.

Owner's Certificate and Acknowledgement must list the current property owner.

Conditions:

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

Attachments:

Proposed Final Plat
Maps
Application



Final Plat Application

Project Number: _____

Case Number: P-21-1254

Proposed Subdivision Plat Name: Kingsway Addition, Section 2

Legal Description (attached sealed Metes and Bounds): Previously provided

Property Owner

Printed Name: Iglesia Jehova Krocera

Phone (432) 528-7521

Email: vallemata@yahoo.com

Address: 301 S. Tyler

City: Midland

State: TX

Zip: 79701

Developer (if different than Owner)

Printed Name: same

Phone ()

Email

Address

City

State

Zip

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

Firm: Skyline Civil Group, LLC

Printed Name: Stephen Marcum

Phone (432) 430-4081

Email: smarcum@skylinecivilgroup.com

Address: 3323 N. Midland Pr. Ste. 113-166

City: Midland

State: TX

Zip: 79707

Current Zoning: SF3

Reason for Platting: Consolidating into one lot.

Plat Information

Total Acreage: 0.69

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☒ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 1

Number of Multi-Family Dwelling Units: NA

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

Items to be submitted with this application form:

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

RECEIVED
DEC 09 2021

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ 1 Copy of Dimensioned Plat

☒ Plat in Digital Format (PDF/JPEG)

☒ Mylar

☒ 1 Copy of Plat (11x17)

☒ Public Improvements

☒ Application Fee

☒ Title Opinion

☒ Recording Fee

Check # 5307

☒ Tax Certificates

Check # 5308

Received By: ES

Date:

DEC 09 2021

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

INVOICE

BILLING CONTACT

Stephen Marcum
Skyline Civil Group, LLC
112 S Loraine St
79701



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
00076120	12/10/2021	12/20/2021	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
P-21-1254	Final Plat	\$350.00
SUB TOTAL		\$350.00

TOTAL \$350.00

Please detach this stub and return it with your remittance payable to the City of Midland, Texas

Remit to:

City of Midland
PO Box 1152
Midland, TX 79702

Customer Name	INVOICE NUMNER	INVOICE DATE
Skyline Civil Group, LLC	00076120	12/10/2021
	DUE DATE	AMOUNT DUE
	12/10/2021	\$ 350.00
	AMOUNT ENCLOSED	

Bill to:

Stephen Marcum
Skyline Civil Group, LLC
112 S Loraine St
79701

Payment Method: Check ☐ Money Order ☐

☐ Please check if the address has changed. Write correct address on the back of stub and attach with payment

Please write Invoice No on front of check or Money Order, DO NOT MAIL CASH

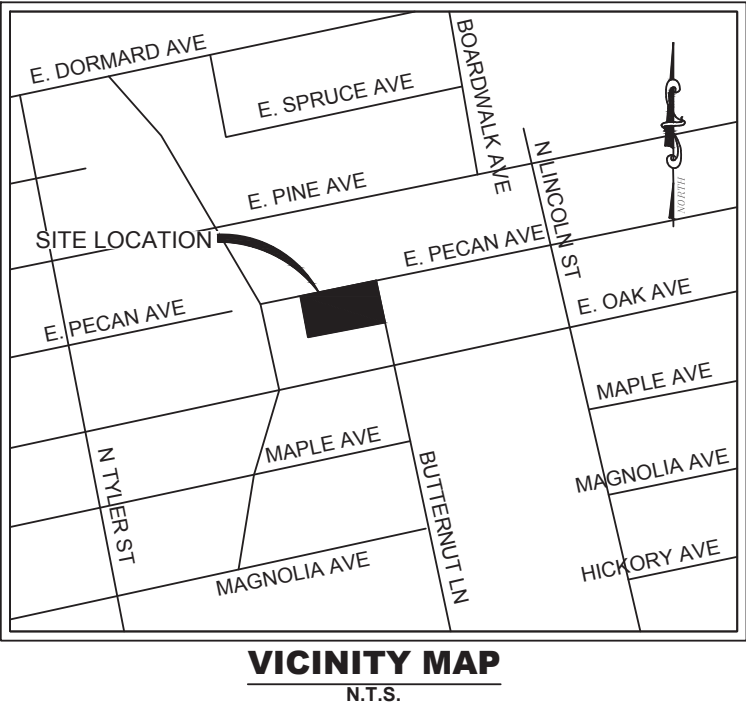
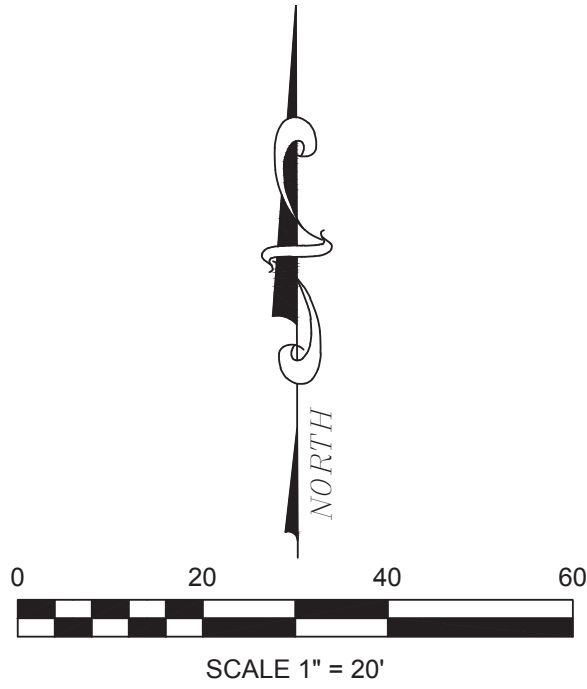
Contact:	Building Permits: 432-685-7390	Code Enforcement: 432-685-7410
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KINGSWAY ADDITION, SECTION 2

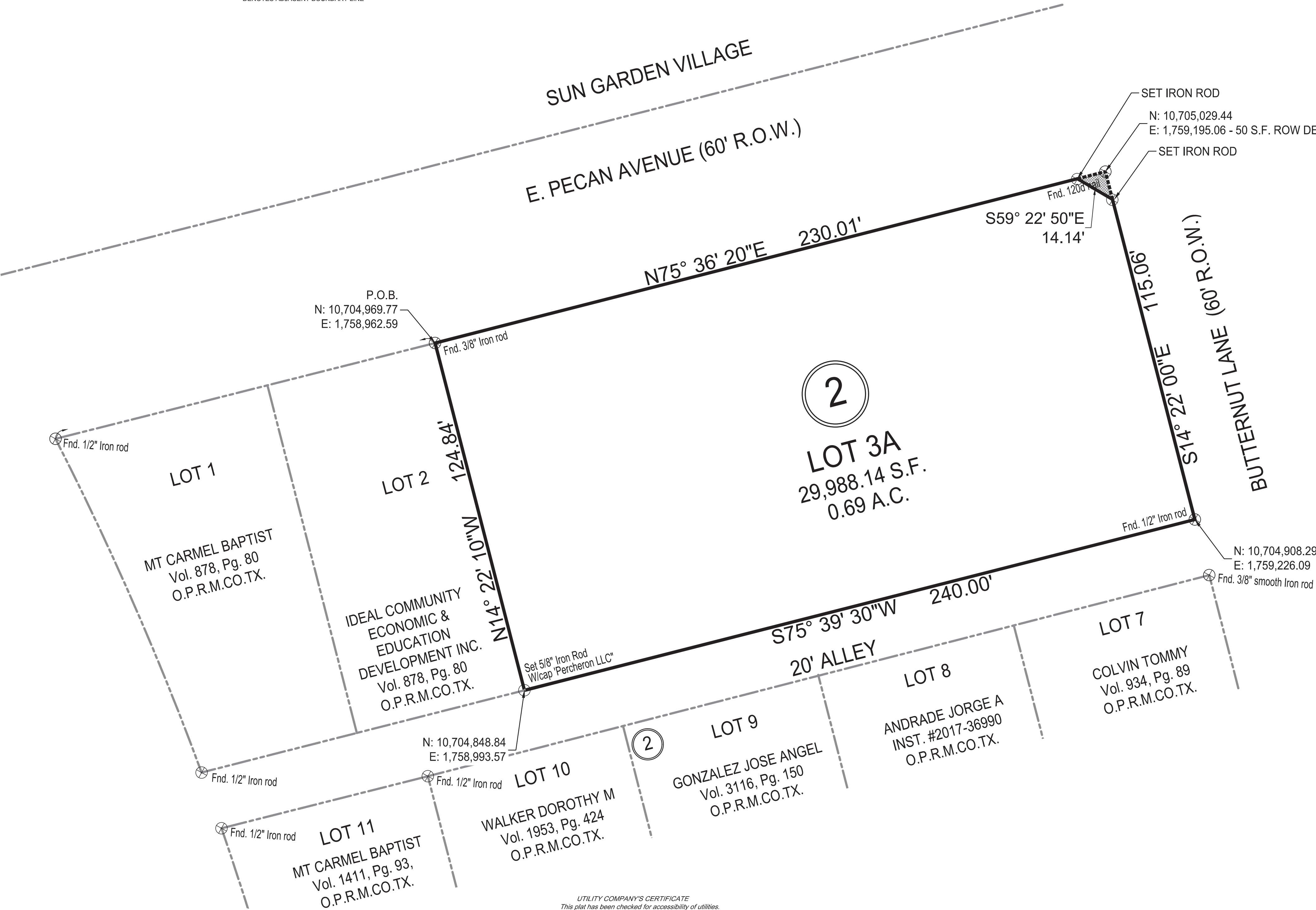
A 0.69 ACRE REPLAT OF LOTS 3-6, BLOCK 2,
KINGSWAY ADDITION,
CITY AND COUNTY, MIDLAND TEXAS

LEGEND

- O.P.R.M.CO.TX OFFICIAL PUBLIC RECORDS MIDLAND COUNTY TEXAS
- IRON ROD FOUND
⊗ FOUND IRON ROD W/ CAP
MRKD "PERCHERON LLC" (CONTROL MONUMENT)
- DENOTES BOUNDARY LINE
- - - - - DENOTES ADJACENT BOUNDARY LINE



VICINITY MAP
N.T.S.



OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS Rudy Valle, is the record owner of a tract of land described as A REPLAT OF LOTS 3-6, BLOCK 2, KINGSWAY ADDITION, CITY AND COUNTY MIDLAND, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Rudy Valle, being the owner of the land shown on this plat designated as KINGSWAY ADDITION SECTION 2, an Addition to Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, and easements shown thereon.

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

Subscribed by:
Rudy Valle,
By: Rudy Valle, President

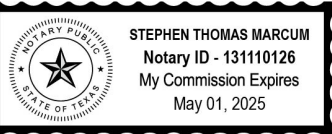
ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

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

1st day of November, 2021.

Notary Public in and for the State of Texas



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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

Documented by:
Marcus Hostas
MARCUS L. HOSTAS, R.L.S.
Registration Number - 5843



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

PROPERTY OWNER:
IGLESIA JEHOVA PROVEERA
RUDY VALLE, PRESIDENT
301 S. TYLER
MIDLAND, TX 79701

- NOTES:
1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
 2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
 3. BEARINGS, DISTANCES AND ACREAGE SHOWN HEREON ARE NAD83 (GRS98), LAMBERT GRID AND CONFORM TO THE TEXAS COORDINATE SYSTEM, "TEXAS CENTRAL ZONE", UTILIZING CITY OF MIDLAND GPS BASE STATION.
 4. INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

Investigated by:
Mark Lieb
AT&T ENERGY
BY: Mark Lieb
Date: 03/04/21
Investigated by:
Jerry Underwood
AT&T
BY: Jerry Underwood
Date: 03/04/21
Investigated by:
Luis Montez
SUDDENLINK COMMUNICATION
BY: Luis Montez
Date: 03/04/21

Investigated by:
Vicky Byler
GRANDTELECOMMUNICATION
BY: Vicky Byler
Date: 03/04/21
Investigated by:
Jeffrey R. Henderson
GRANDTELECOMMUNICATION
BY: Jeffrey R. Henderson
Date: 03/10/21

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "KINGSWAY ADDITION, SECTION 2" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

the ____ day of _____, 2021.

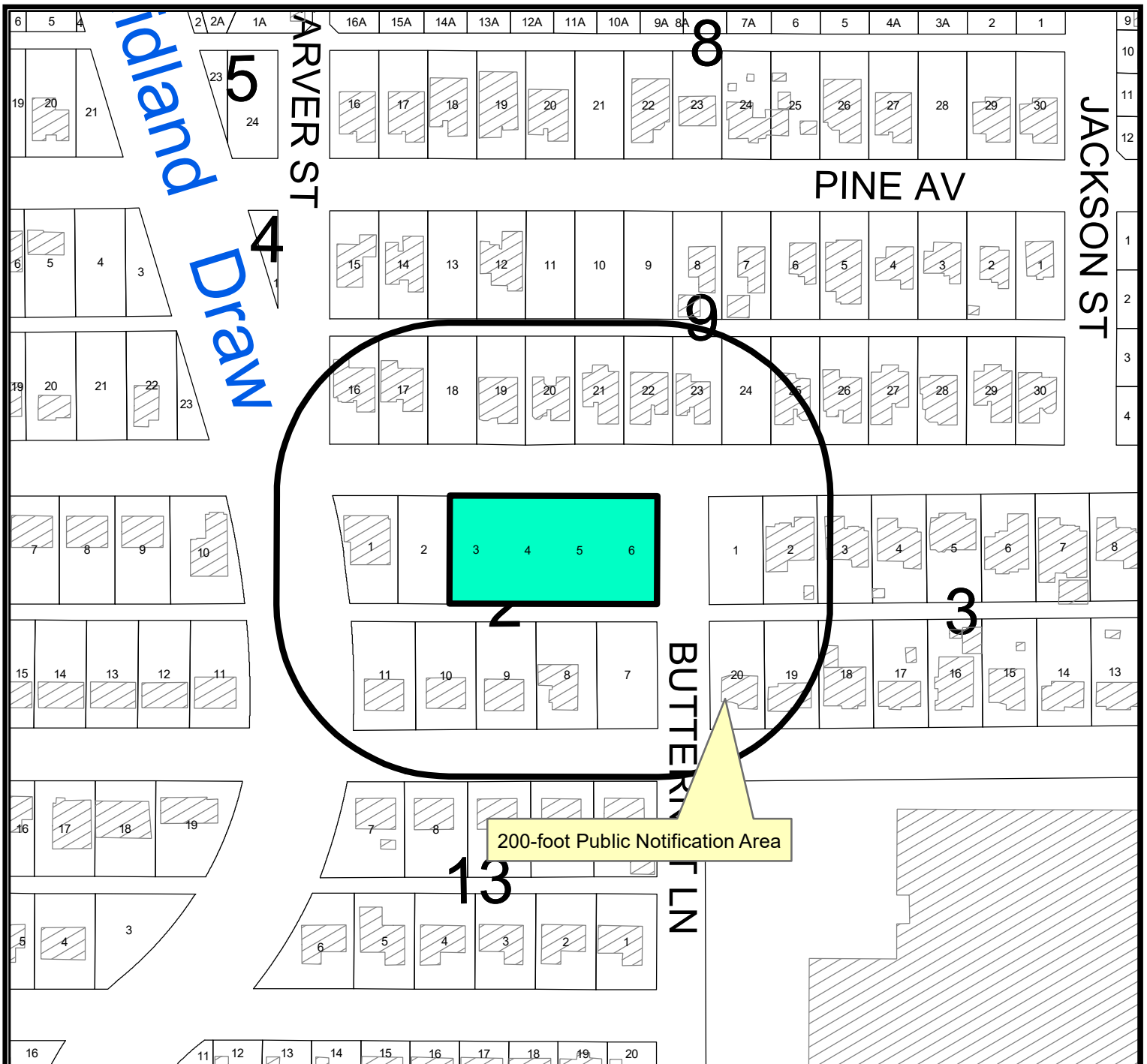
_____, CHAIRMAN

_____, SECRETARY



PERCHERON
professional
services, L L C
203 WEST WALL STREET #724
MIDLAND, TEXAS 79701
(432) 686-2588
TEXAS SURVEYING FIRM LICENSE:
NO. 10194314

KINGSWAY ADDITION, SECTION 2



LOCATION MAP

SUB-20-0354

Scale: 1" = 2000'

Proposed plat of Kingsway Addition, Section 2, being a residential plat of Lots 3 through 6, Block 2, Kingsway Addition, City and County of Midland, Texas.

Generally located at the southwest corner of the intersection of East Pecan Avenue and Butternut Lane.

LEGEND

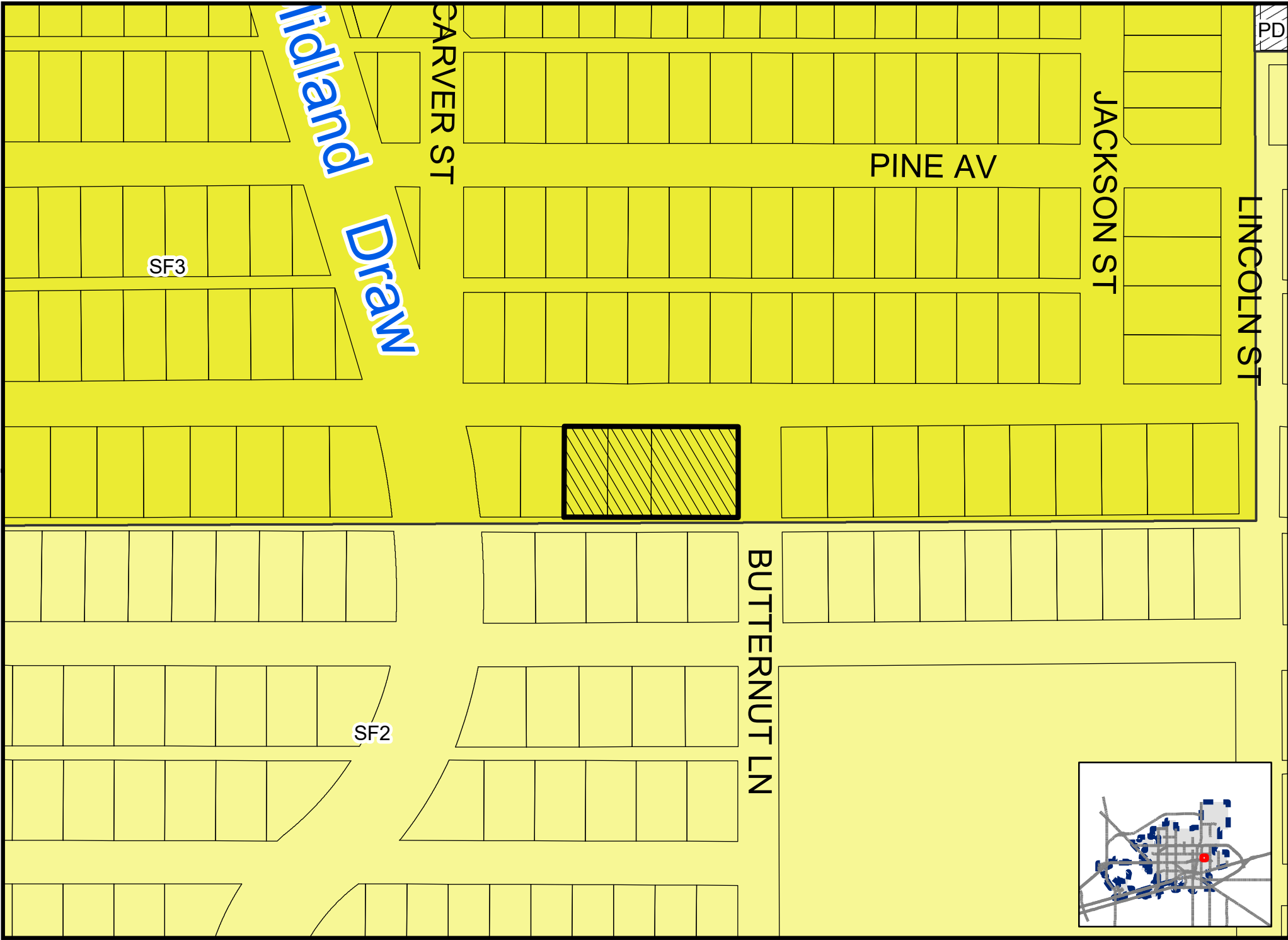
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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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.



PD

LINCOLN ST

JACKSON ST

PINE AV

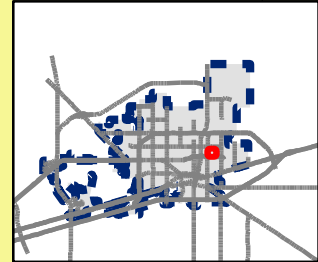
CARVER ST

Midland Draw

BUTTERNUT LN

SF3

SF2





Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: January 03, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving a request by Michael Smith, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in an Axe Bar, on a 3,627 square foot portion of Lot 1, Block 6, Bankhead Addition, Section 7, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Front Street and Bankhead Highway. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of the Request:

The applicant, Michael Smith is requesting a Specific Use Designation with term for the sale of alcoholic beverages for on-premises consumption in an axe bar at 3201 W. Front Street, Suite C and D, Midland, Texas 79701.

Current Zoning:

C, Commercial District

Surrounding Zoning and Land Uses:

The properties to the north, east, south, and west are all zoned C, Commercial District, and the locations a tint shop, window shop, an auto body shop, a Budget Inn, a muffler shop, and a vacant building.

Departmental Review:

The applicant is requesting a Specific Use Designation to be able to sell all alcoholic beverages for on premises consumption, within an axe bar. The property is zoned C,

Commercial District, which allows for the sale and on-premises consumption of alcoholic beverages with the approval of a Specific Use Designation.

Tall City Axe House is currently 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 3,627 square feet, with an alcohol serviceable area of 1,833 square feet. Tall City Axe House will feature four (4) axe throwing lanes with two (2) targets per lane. All customers will have to sign a waiver whether participating in axe throwing or not. Alcohol will not be allowed in throwing lanes and all axe throwers will be limited to two drinks. There will be coaches monitoring these lanes to ensure safety.

This site requires a minimum of 18 parking spaces. The site currently has 23 parking spaces, which are shared by all businesses on this lot. The adjacent businesses operate Monday through Friday and close at 5 p.m. This will allow Tall City Axe House to have access to all parking spaces after 5 p.m. Therefore, this property has adequate parking and restroom facilities.

The axe bar will have the following hours of operation and alcohol service:

Monday through Thursday from 5:00 p.m. to 11:00 p.m.

Friday from 4:00 p.m. to 12:00 p.m. (midnight)

Saturday from 12:00 p.m. (noon) to 12:00 a.m. (midnight)

Sunday from 12:00 p.m. (noon) to 10:00 p.m.

Per Midland City Code 5.4.4. –Prohibited place of business

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

There are no churches or schools within 300 feet of the property.

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

Fire: (Approved)

No objections.

Engineering: (Approved)

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

Transportation: (Approved)

No objection to zone change.

Building Code: (Approved with Conditions)

The previous use of this space was an Auto Mobile related occupancy, therefore a Building Permit is required to receive a Certificate of Occupancy for the new use.

Planning:

The request is compliant 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) Tall City Axe House will create a unique entertainment experience where Midland Residents can enjoy gather and socialize.

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

Conditions:

- A. That the alcoholic serviceable area of the axe bar shall be limited to approximately 1,833 square feet as shown in Exhibit “A”, 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:**
 - Monday through Thursday from 5:00 p.m. to 11:00 p.m.**
 - Friday from 4:00 p.m. to 12:00 p.m. (midnight)**
 - Saturday from 12:00 p.m. (noon) to 12:00 a.m. (midnight)**
 - Sunday from 12:00 p.m. (noon) to 10:00 p.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 axe bar shall be in operation within 120 days from the final adoption date of this ordinance.**

Letters of Objection:

As of December 29, 2021, staff has not received any letters of objections.

Attachments:

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



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

Project Number SUD-21A120
Case Number: _____

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

Printed Name: Michael Smith

Phone (432) 703-6940

Email mikebsmith@hotmail.com

Address 615 Dallas St.

City Big Spring

State TX

Zip 79720

Property Owner

Printed Name: William Reinert

Phone (432) 967-3348

Email willreinert@bentmark.com

Address P.O. Box 198

City Midland

State TX

Zip 79702

Representative (if different from Applicant or Property Owner)

Firm: _____

Printed Name: _____

Phone ()

Email _____

Address _____

City _____

State _____

Zip _____

Street Address: 3201 W Front Suite C3D

Business Name: Tall City Axe House

Legal Description

Lot: 001 Block: 006 Subdivision: Bankhead Sec. 7

Current Zoning: Commercial

Reason for Request: _____

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

Proposed/Current Days and Hours of Operation: Mon-Thurs 5pm-11pm

Sun 12pm-10pm Fri-Sat 12pm-12am

Proposed Days and Hours of Alcohol Service: Mon-Thurs 5pm-11pm

Sun 12pm-10pm Fri-Sat 12pm-12am

Total Square Footage of Business: 3627

Square Footage of Alcohol Serviceable Area: 3627

Restroom Fixtures:

Men

Toilets/Urinals: 0 1 1

Bathroom Sinks: 1

Women

Toilets: 1

Bathroom Sinks: 1

RECEIVED
DEC 07 2021

PY:

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

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

Signatures

Applicant (signature): [Signature] Date: _____

Applicant (printed): Mike Smith

Property Owner (signature): [Signature] Date: _____

Property Owner (printed): William Reiner Reiner Mgmt

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.

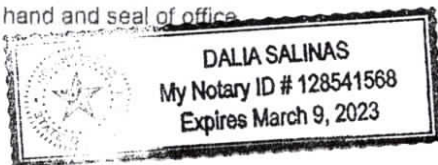
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Michael Smith who, being by me duly sworn, upon oath says: That (s)he is authorized by William Reiner, 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 7th day of Dec, 2021, to certify which witness my hand and seal of office.



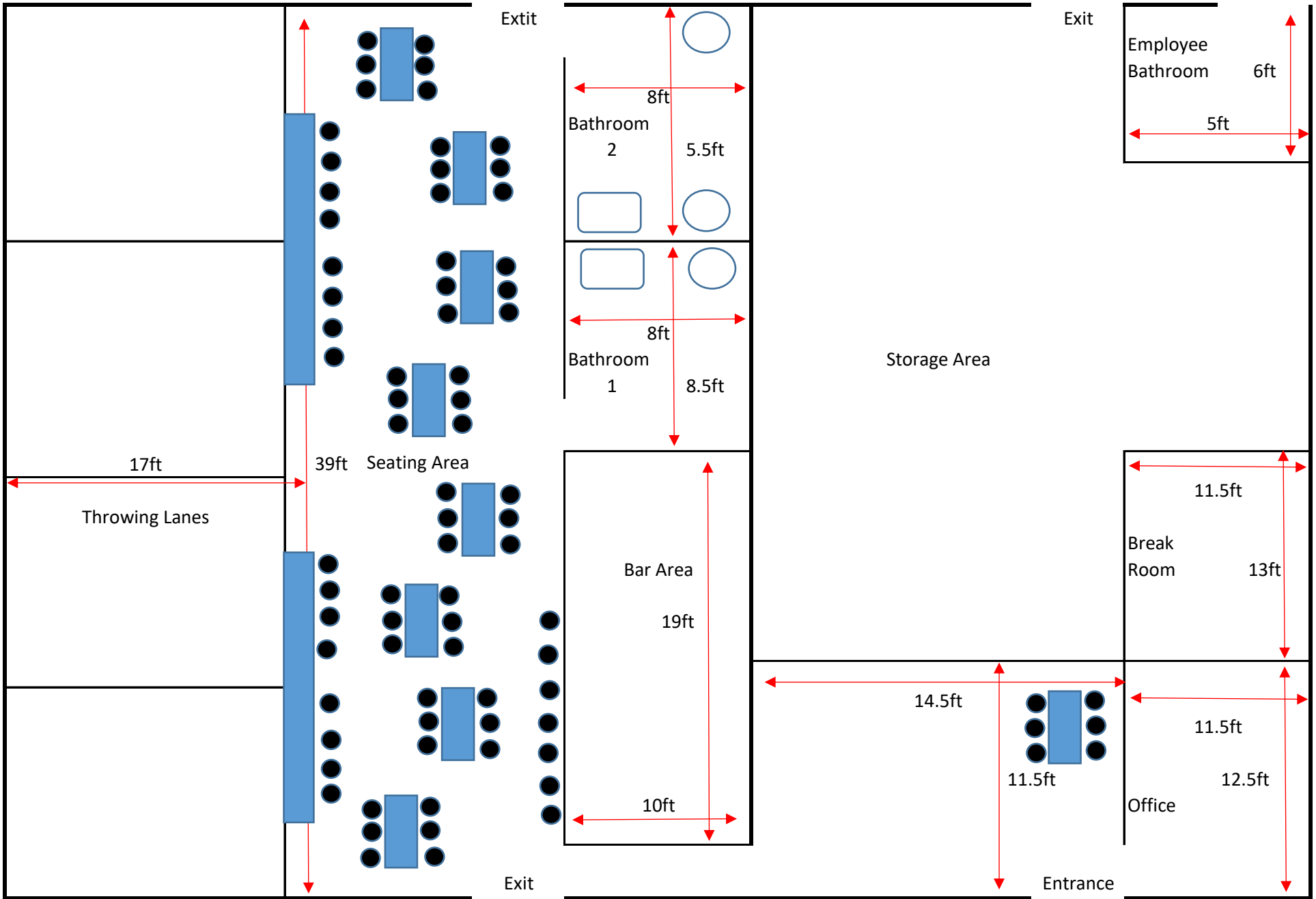
[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

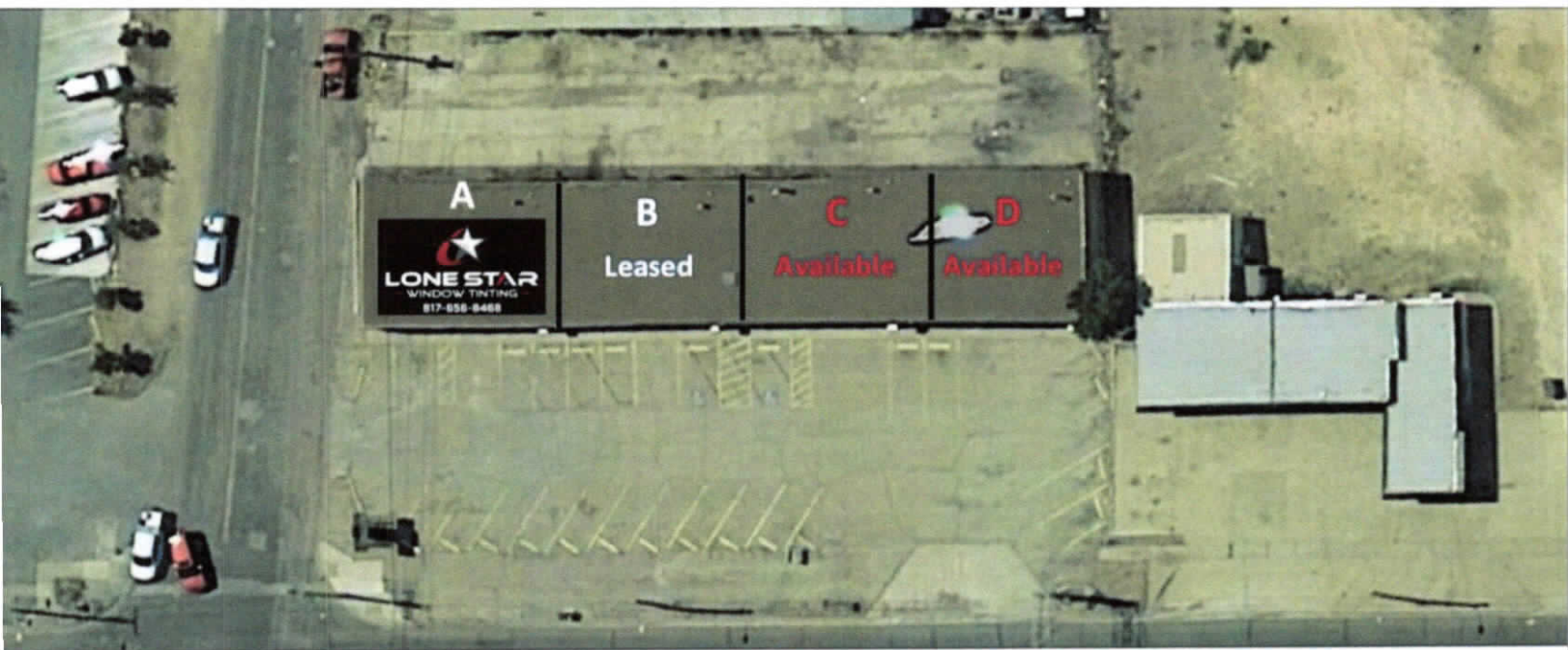
SUD Alcoholic Beverages Application

2

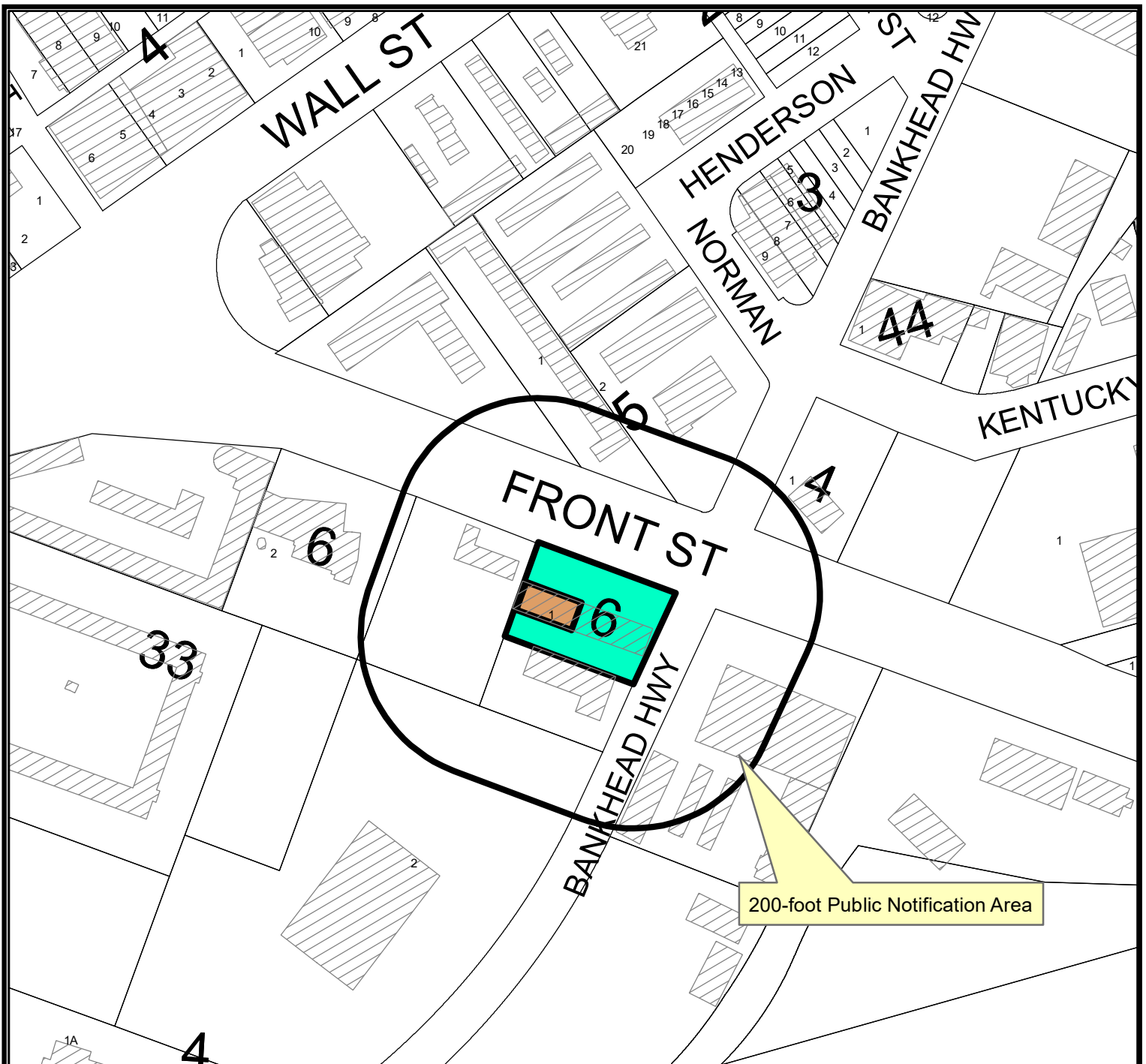
Revised 07/02/19



(Serviceable) 1833 SF



RECEIVED
DEC 07 2021



LOCATION MAP

SUD-21-0120

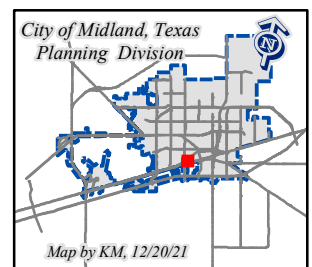
Scale: 1" = 200'

Consider a request by Michael Smith for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in an axe bar, on a 3,627 square foot portion of Lot 1, Block 6, Bankhead Addition, Section 7, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of W. Front Street and Bankhead Highway. (Council District 2)

LEGEND

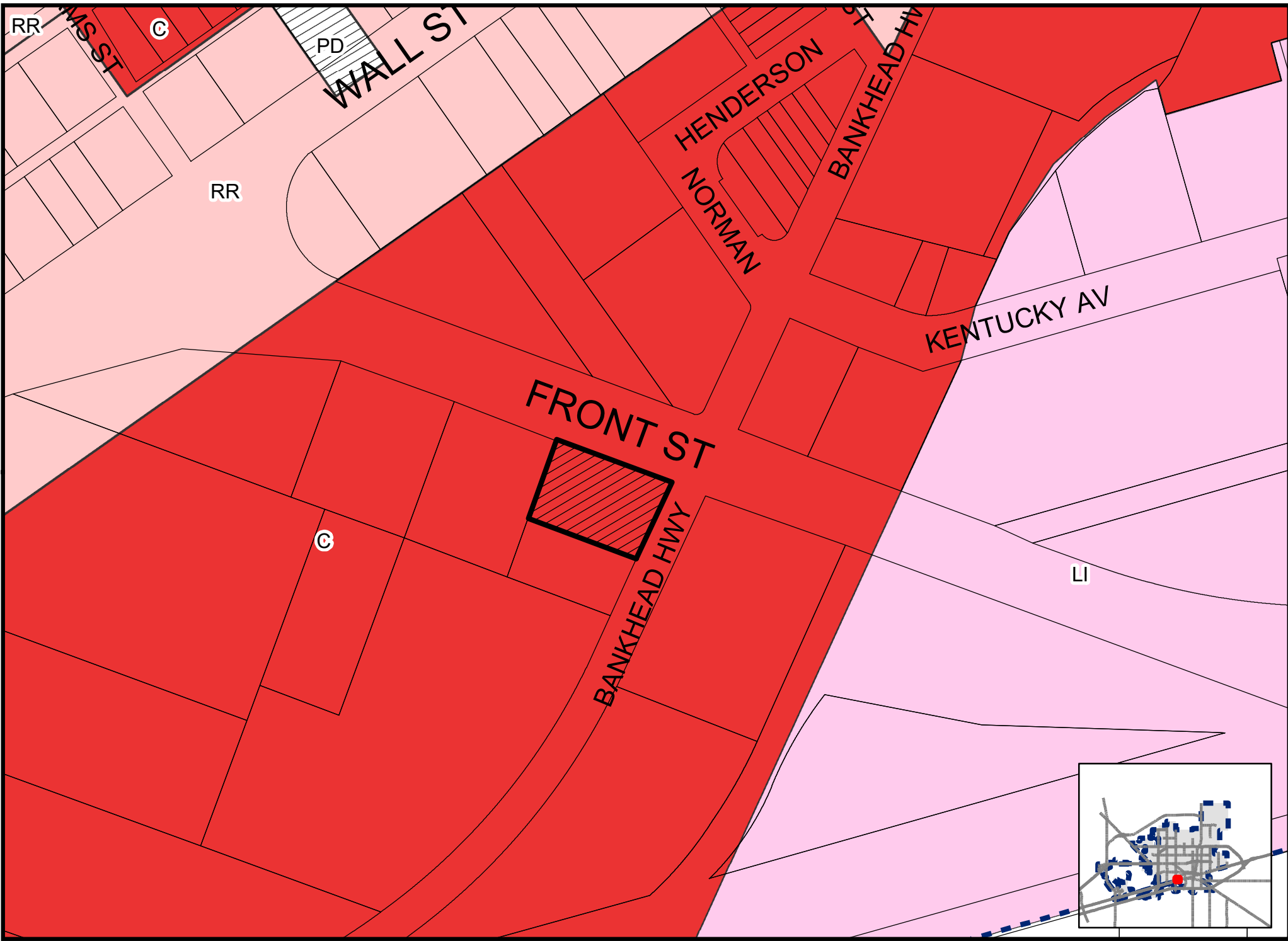
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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













Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: January 03, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving a request by Just a Closet #10, LLC for a zone change from O-2, Office District to PD, Planned Development District for an Office Center on Lots 1-28 and the west 28-feet of Lot 29, Block 168, Wilshire Park Addition, Section 11, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of S. Loop 250 and Graceland Drive. Council District 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Purpose:

The applicant, Just a Closet #10, LLC, is requesting to rezone Lots 1-28 and the west 28-feet of Lot 29, Block 168, Wilshire Park Addition, Section 11, City and County of Midland, Texas for the development of a self-storage facility.

Current Zoning:

O-2, Office District

Fiscal Impact

This request does not require any City funds.

Surrounding Zoning and Land Uses:

The property to the north is zoned PD, Planned Development District for a Housing Development, and the location of an apartment complex. The properties to the east are zoned TH, Townhouse District, and 2F-Two-Family Dwelling District and the location of single-family homes and duplexes. The property to the South is zoned PD, Planned Development District for a Shopping Center, and the location of a nursing home. The

property to the west across Loop 250 is zoned ETJ, Extraterritorial Jurisdiction and the location of vacant land.

Analysis:

The property is currently vacant and in the process of replatting. The applicant, Just a Closet #10, LLC, is requesting a zone change to allow for the development of a self-storage facility since the current zoning district (O-2, Office District) does not allow for this type of development. If approved, the development will need to conform to section 5.05, Nonresidential Zoning District Dimensional Regulations and section 6.01 through 6.05, Zoning Development Regulations of the Zoning Ordinance.

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)

Proposed occupancy must meet all requirements of IFC 2015 ed. and local ordinances.

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)

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:

The request is compliant with the *Tall City Tomorrow Comprehensive Plan, Chapter 3-An Integrated Land Use Vision*. This area is classified as the current development area, where the development of prime sites is encouraged along the 250 Loop. Furthermore, commercial uses should be directed along arterial streets. Therefore, this request follows the recommendations of the Tall City Tomorrow.

This request was deferred at the City Council Meeting on December 14, 2021. City Council recommended to rezone the property from O-2, Office District to PD, Planned Development District for an Office Center with an underlying zoning of C, Commercial District. However, the development of a storage facility will be the only commercial use allowed on this property.

Staff recommends approval of this request from O-2, Office District to PD, Planned Development District for an Office Center, subject to condition A through E.

Conditions:

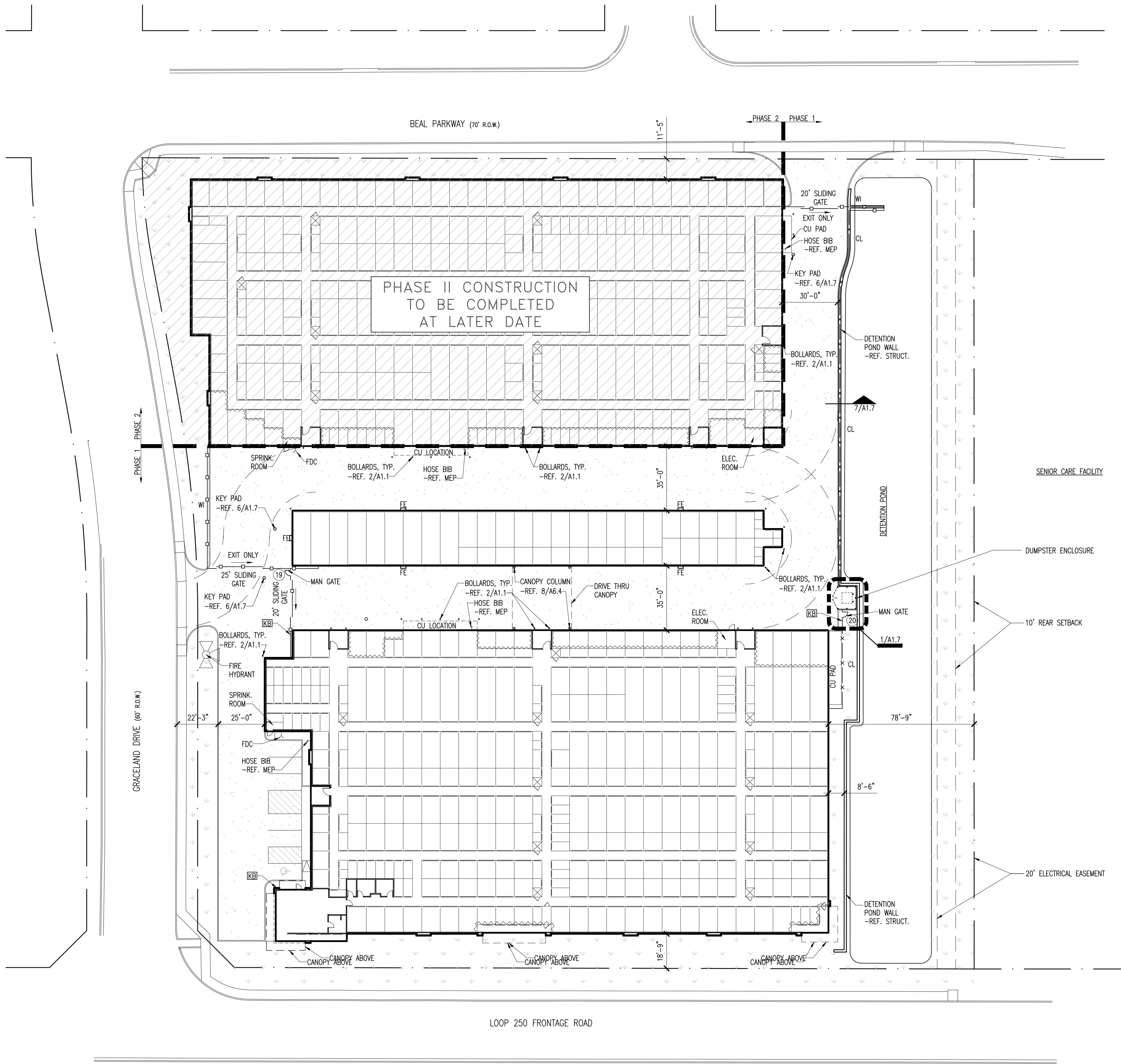
- A. That the use and development of this property shall conform to the regulations of the C, Commercial District, except as stated below.**
- B. That the development of storage units, mini shall be the only commercial use allowed.**
- C. That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.**
- D. That all signage shall conform to the City of Midland Sign Code.**
- E. That this property shall significantly conform to the site plan, attached hereto and incorporated herein as Exhibit A.**

Letters of Objection:

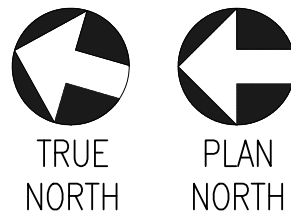
Staff has not received any letters of objection as of December 29, 2021.

Attachments:

Site Plan (Exhibit A)
Application
Maps

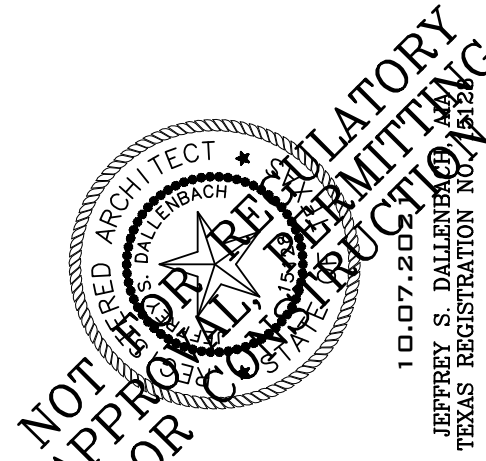


1 SITE PLAN
SCALE: 1" = 30'-0"



SITE PLAN LEGEND	
	BUFFERS/ EASEMENTS
	PROPERTY LINES
	6'-0" HIGH, CHAIN LINK FENCE, VINYL WRAPPED
	6'-0" HIGH, ORNAMENTAL IRON FENCE W/ SLIDING GATE
	CONCRETE PAVING -REF. CIVIL DWGS.
	LANDSCAPE AREA
	6" STEEL PIPE BOLLARD -REF. 2/A1.1
	FIRE EXTINGUISHER
	4" STRIPES PAINTED ON PAVING AT 2'-0" O.C. -PARKING LOT STRIPING TO BE WHITE

- SITE PLAN NOTES**
- REFER CIVIL DRAWINGS FOR RECORDED PLAT/SURVEY FOR PROPERTY BOUNDARIES, EASEMENTS, SETBACKS, ETC. REPORT ANY DISCREPENCIES TO ARCHITECT PRIOR TO CONSTRUCTION.
 - REFER CIVIL DRAWINGS FOR ALL DRIVE, PARKING, AND CURB LOCATIONS, DETAILS, AND DIMENSIONAL INFORMATION.
 - REFER LANDSCAPE DRAWINGS FOR EXTENTS OF REQUIRED LANDSCAPING.
 - PROVIDE CONCRETE FILLED STEEL TUBE BOLLARD AT BUILDING CORNERS AND BUILDING ENTRIES AT DRIVE AREAS (REF. DETAIL 2/A1.1 FOR LOCATIONS, CIVIL FOR DETAIL).
 - PROVIDE MANUAL FAIL SAFE OPERATION, KEY BOX, AND 20'-0" GATE OPENING FOR ELECTRICAL GATE PER FIRE MARSHALL REQUIREMENTS.

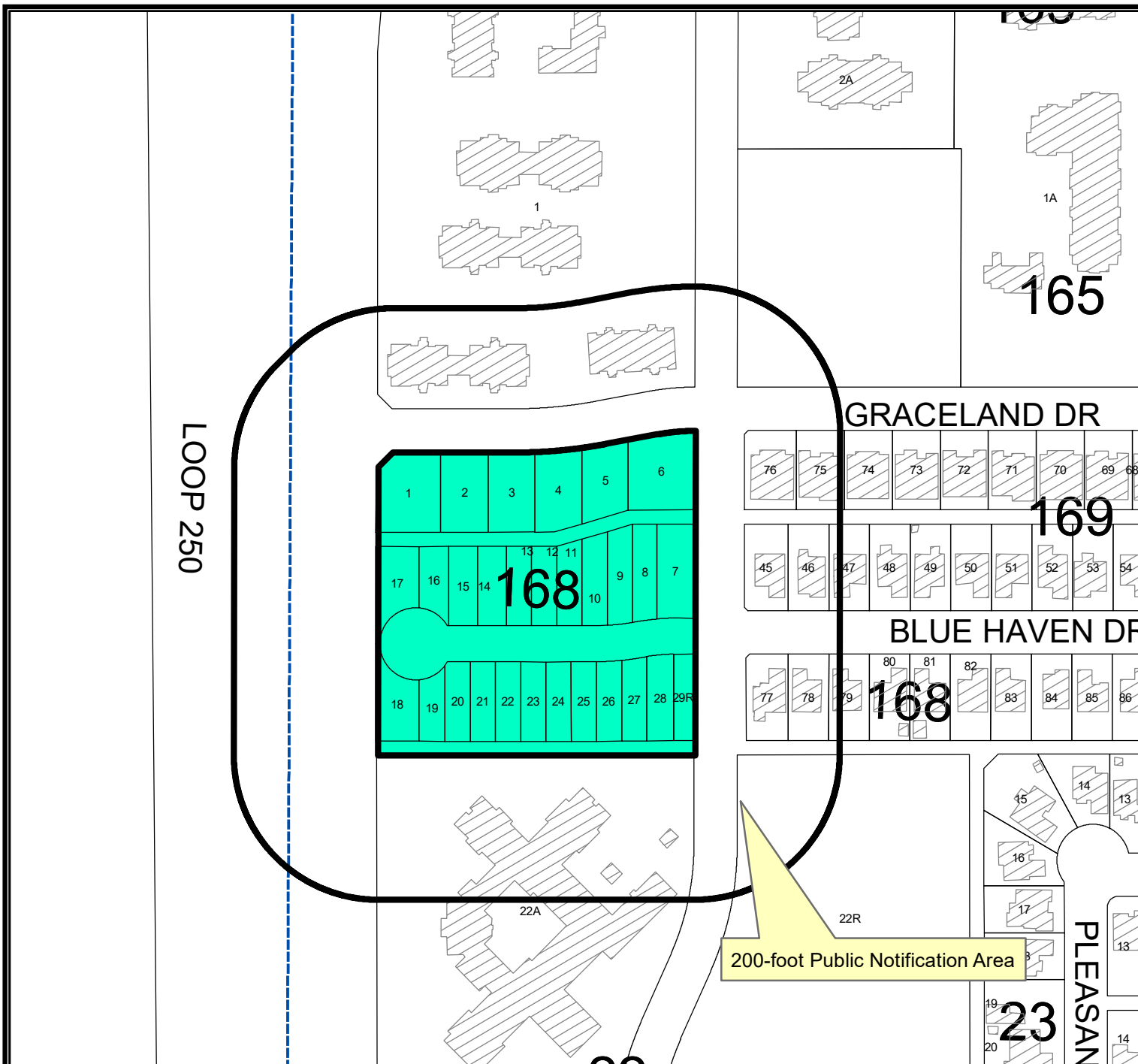


**JUST-A-CLOSET
SELF STORAGE #10**

GRACELAND DRIVE
MIDLAND, TX 79703

PROJECT NO. 2130
DATE : 10.07.2021
DRAWN : CAH
REVISIONS:





LOCATION MAP

Z-21-0277

Scale: 1" = 200'

Consider a request by Just a Closet #10 for a zone change from O-2, Office District to PD, Planned Development District for an Office Center on Lots 1-28 and the west 28-feet of Lot 29, Block 168, Wilshire Park Addition, Section 11, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of S. Loop 250 and Graceland Drive. (Council District 4)

LEGEND

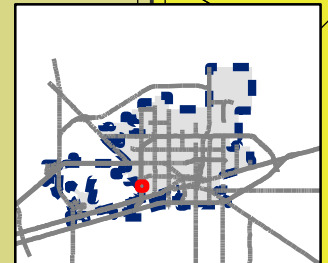
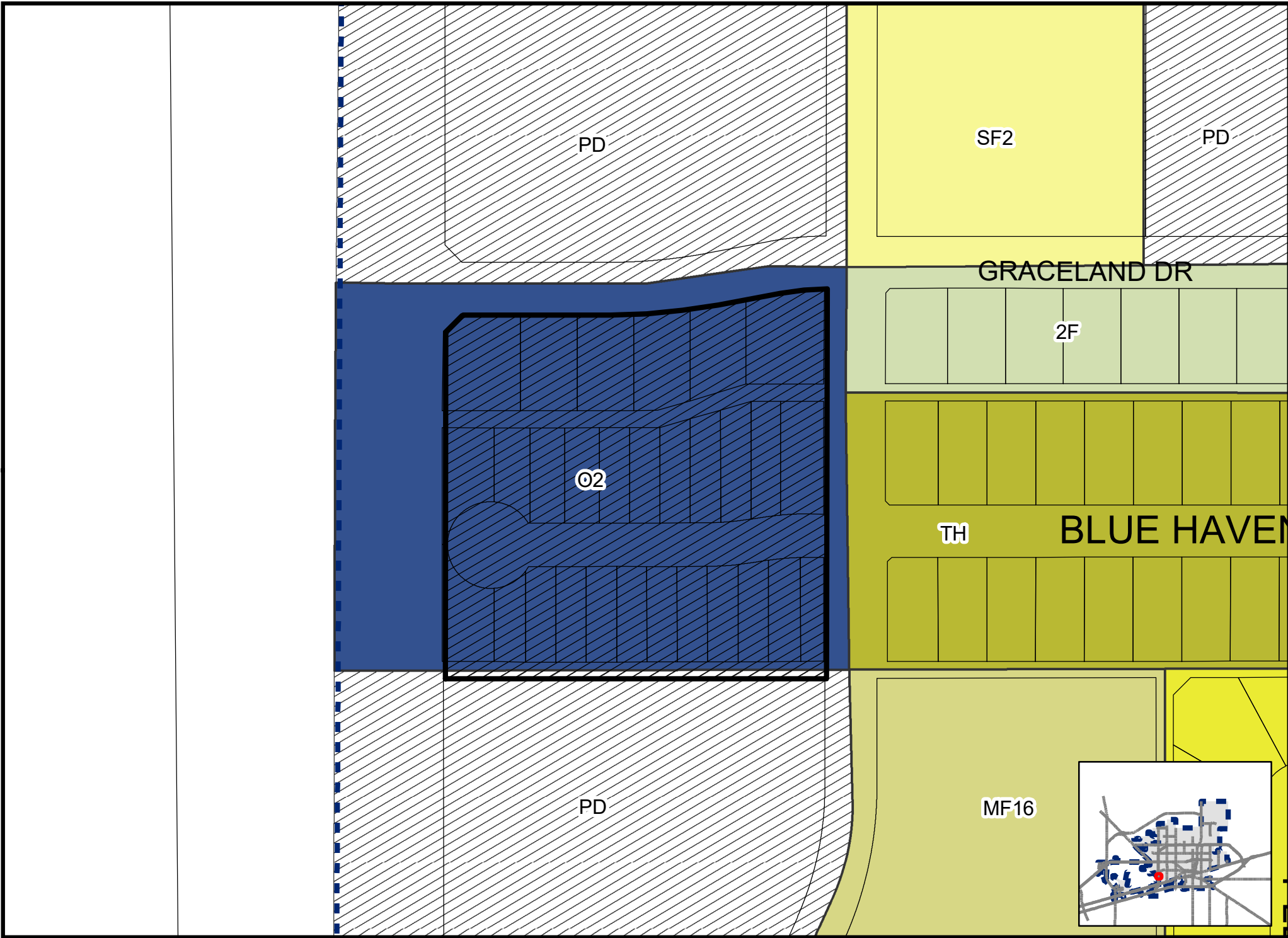
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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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.













Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaugnessy

MEETING DATE: January 03, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Justin Smith, Planner

SUBJECT: Motion approving a request by Garely's Mexican Restaurant, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 4,011 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 E. Interstate 20, approximately 615 feet north of W. Terrell Street - Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

BP, I-20 Business Park District.

Details of Request:

The applicant, Samuel Leyva, is requesting a Specific Use Designation with term for the sale of alcoholic beverages for on-premises consumption in a restaurant at 503 E Interstate 20, Suite 124, Midland, Texas, 79701.

Surrounding Zoning and Land Use:

The property is located at 503 E Interstate 20, Suite 124 in a BP, I-20 Business Park District. The property to the north is zoned PD, Planned Development District and the location of commercial buildings and single-family housing. The properties to the east are zoned RR, Regional Retail District, and BP, I-20 Business Park. They are the location of retail shops and a hotel. The property to the west is zoned BP, I-20 Business Park District, and the location of vacant lots. The property to the south is zoned BP, I-20 Business Park is undeveloped and located across Interstate 20.

Analysis:

The applicant is requesting a Specific Use Designation to be able to sell all alcoholic beverages for on premises consumption, within a restaurant. The property is zoned BP, I-20 Business Park District, which allows for the sale and on-premises consumption of alcoholic beverages with the approval of a Specific Use Designation.

Garely's Mexican Restaurant is currently 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 4,011 square feet, with an alcohol serviceable area of 1,467 square feet inside of the establishment. The site currently has adequate parking and restroom facilities.

The restaurant will have the following hours of operation:

Monday through Thursday: 5:30 a.m. to 9:00 p.m.
Friday and Saturday: 5:30 a.m. to 10:00 a.m.
Sunday: 7:30 a.m. through 9 p.m.

The restaurant will have the following hours of alcohol service:

Monday through Thursday: 7:00 a.m. to 12:00 a.m. (midnight)
Friday and Saturday: 7:00 a.m. to 1:00 a.m.
Sunday: 10:00 a.m. to 12:00 a.m. (midnight)

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 or schools within 300 feet of the property.

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

Building Code: (Approved with Conditions)

The SUD for Garely's Restaurant is acceptable. The property must adhere to the maximum occupant load of 140. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Oil and Gas: (Approved)

No objections.

Engineering: (Approved)

No objection.

Fire: (Approved)

No objections

Transportation: (Approved with Conditions)

No objections

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) Garely’s Restaurant will create a sophisticated atmosphere where Midland Residents can relax and enjoy drinks with their meal.

This request meets all requirements; therefore, staff recommends approval of a 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 alcoholic serviceable area of the restaurant shall be limited to approximately 1,467 square feet as shown in Exhibit “A”, 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:**
 - Monday through Thursday: 7:00 a.m. to 12:00 a.m. (midnight)**
 - Friday and Saturday: 7:00 a.m. to 1:00 a.m.**
 - Sunday: 10:00 a.m. to 12:00 a.m. (midnight)**
- 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 restaurant shall be in operation within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of December 29, 2021, staff has not received any letters of objections.

Attachments:

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



**Specific Use Designation
Application (Non-Alcohol)**

Case Number: SUP-21-0119
Ord. Number: _____

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

Printed Name: Damuel Leyva Garely's Mexican Restaurant Phone (361) 233-7077
Email: Damuelleyva711@gmail.com
Address: 503 E I-20 City: Midland State: TX Zip: 79701

Property Owner

Printed Name: Belmont Realty Phone (439) 570-9206
Email: bob.weidner@sbcglobal.net
Address: P.O. Box 2932 City: Midland State: TX Zip: 79702

Representative (if different from Applicant or Property Owner)

Firm: _____ Phone () _____
Printed Name: _____ Email _____
Address _____ City _____ State _____ Zip _____

Type of Permit: Late hours - 1:00 am

For Office Use Only

☐ with Term ☐ without Term

Is there any Code Enforcement action pending on property? ☐ Yes ☐ No

Street Address: 503 E I-20 Midland, TX 79701

Legal Description

Lot: 06A Block: 062 Subdivision: Belmont, Sec 23 Suites 1223 124

Current Zoning:

Maximum Floor Area: 60 x 60

Maximum Occupancy: 125

Proposed hours and days of use or operation: Monday - Sunday
m-Thurs 5:30 am - 11:00 pm Fri - Sunday 5:30 am - 1:00 am

Reason for request: Bar addition to restaurant

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: _____

Submittal and Fees

Items to be submitted with this application form:

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

SignaturesApplicant (signature): Samuel LeyvaDate: 12-06-2021Applicant (printed): Samuel LeyvaProperty Owner (signature): Robert B WeidnerDate: 12-06-2021Property Owner (printed): Robert B Weidner

The Specific Use Designation 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 Samuel Leyva who, being by me duly sworn, upon oath says: That (s)he is authorized by Robert Weidner, 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.

Samuel Leyva
Authorized Agent (signature)

Subscribed and sworn to before me, this 6th day of December, 20 21, to certify which witness my hand and seal of office.



Melissa Ay

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

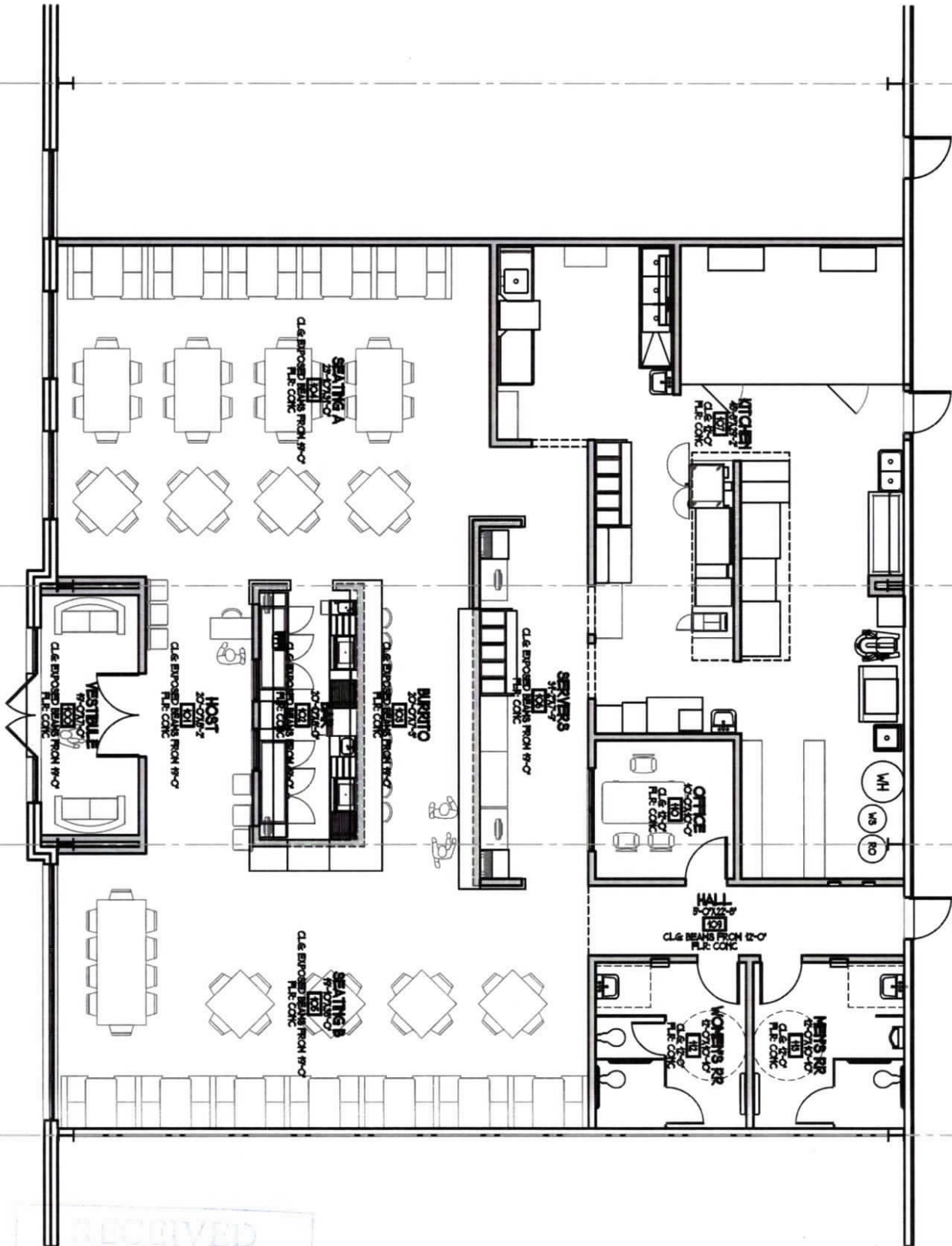
FOR OFFICE USE ONLY☐ Property Owner Authorization☐ Dimensioned Site Plan☐ Application Fee☐ Site Plan in Digital Format (PDF/JPEG)

Check # _____

Received By: _____

Date: _____

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



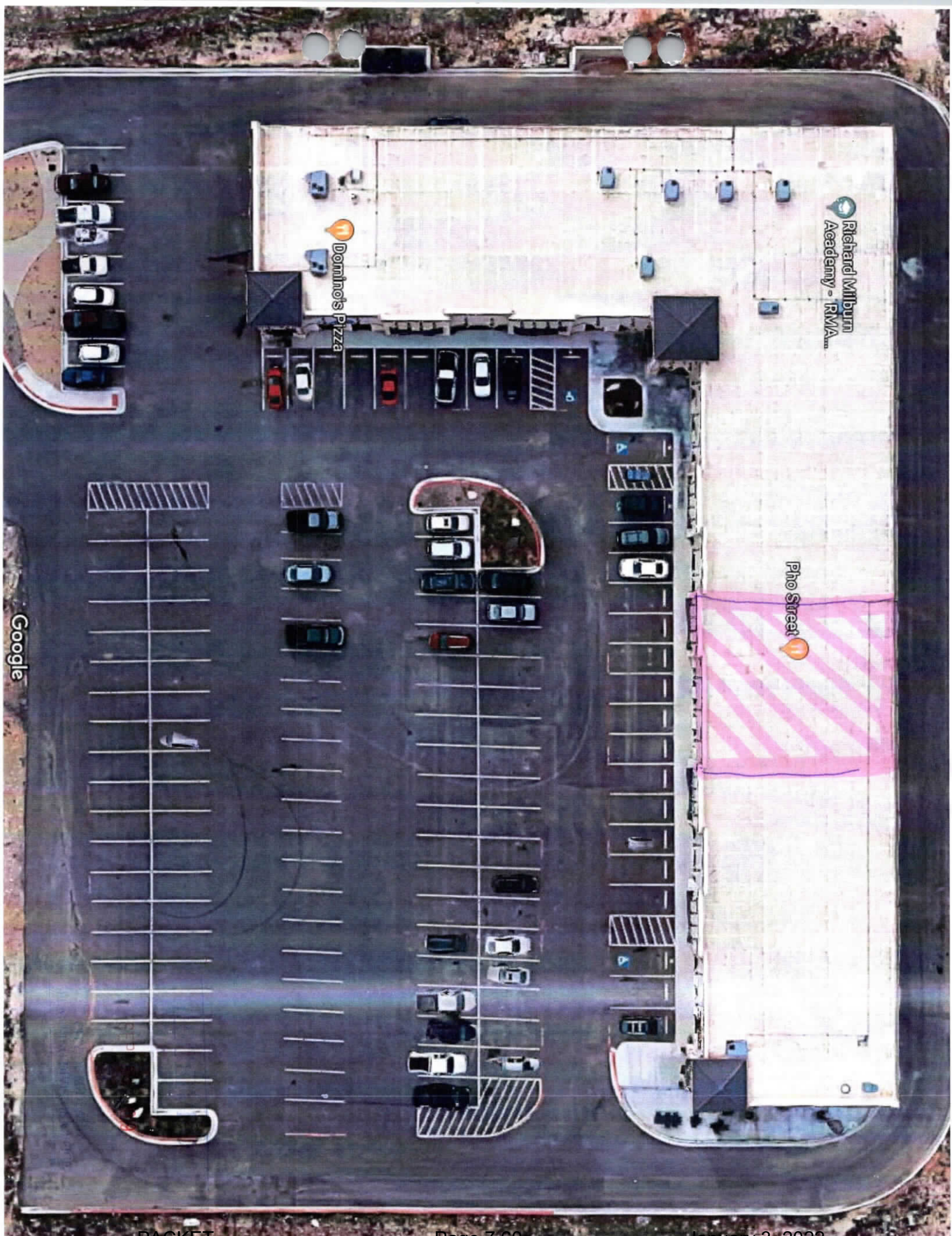
RECEIVED
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 1111 10th Street
 1111 10th Street
 1111 10th Street

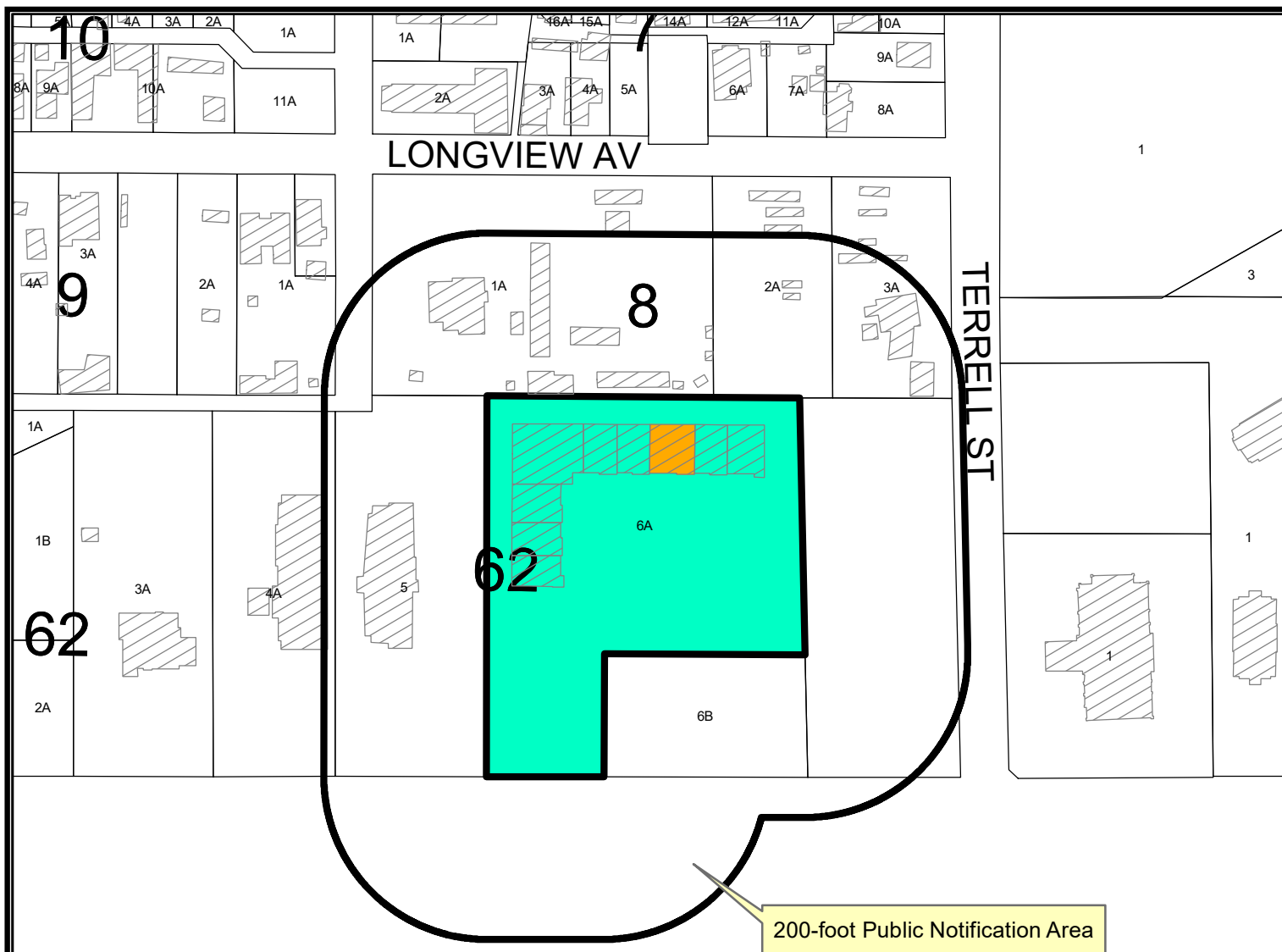
OCCUPANCY SCHEDULE					
ROOM NAME	OCCUPANCY DESIGNATION	ALLOWANCE	SQUARE FOOTAGE	OCCUPANCY LOAD	
100 VESTIBULE	ACCESSORY	300	43 SQ. FT.	0.4	
101 HOST	ASSEMBLY UNCONCENTRATED	6	43 SQ. FT.	40.9	
102 BAR	ASSEMBLY UNCONCENTRATED	6	40 SQ. FT.	40.7	
103 BURRITO	ITCHEN	200	48 SQ. FT.	0.7	
104 SEATING A	ASSEMBLY UNCONCENTRATED	6	73 SQ. FT.	48.9	
105 SEATING B	ASSEMBLY UNCONCENTRATED	6	74 SQ. FT.	48.9	
106 SERVERS	ITCHEN	200	28 SQ. FT.	1.2	
107 KITCHEN	ITCHEN	200	1,000 SQ. FT.	6.0	
109 HALL	ACCESSORY	300	48 SQ. FT.	0.4	
110 OFFICE	BUSINESS	100	100 SQ. FT.	1.0	
112 WOMEN'S RR	ACCESSORY	300	80 SQ. FT.	0.4	
113 MEN'S RR	ACCESSORY	300	80 SQ. FT.	0.4	
				28.9	

PLUMBING FIXTURE COUNT			
USE GROUP - A1	86 MALE & 86 FEMALE		
TOTAL OCCUPANCY: 42			
	REQUIRED	PROVIDED	
WATER CLOSETS FEMALE	1	1	
WATER CLOSETS MALE	1	1	
URINALS MALE	0	1	
LAVATORIES	2	2	
OTHER			
SERVICE SINK	1	1	

EGRESS CALCULATION	
OCCUPANCY: 42	
REQUIRED EGRESS WIDTH OF 1.02 = 25.4'	
PROVIDED EGRESS WIDTH 41.36 = 144'	
NUMBER OF EXITS PROVIDED: 3	

CODE REVIEW	
OCCUPANCY: A2 - RESTAURANT	
100% AUTOMATIC FIRE-SPRINKLERED	
NON-COMBUSTIBLE WALLS (METAL STUD)	
FIRE-RATED WALLS BETWEEN TENANT SPACES	





LOCATION MAP

SUD-21-0119

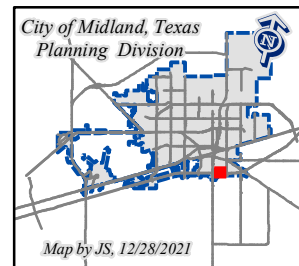
Scale: 1" = 2400'

Consider a request by Garely's Meixcn Restaurant, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 4,011 square foot portion of Lot 6A, Block 62, Belmont Addition, Section 23, City and County of Midland, Texas.

Generally located on the north of E. Interstate 20,
approximately 615 feet west of W. Terrell Street.
(Council District 2)

LEGEND

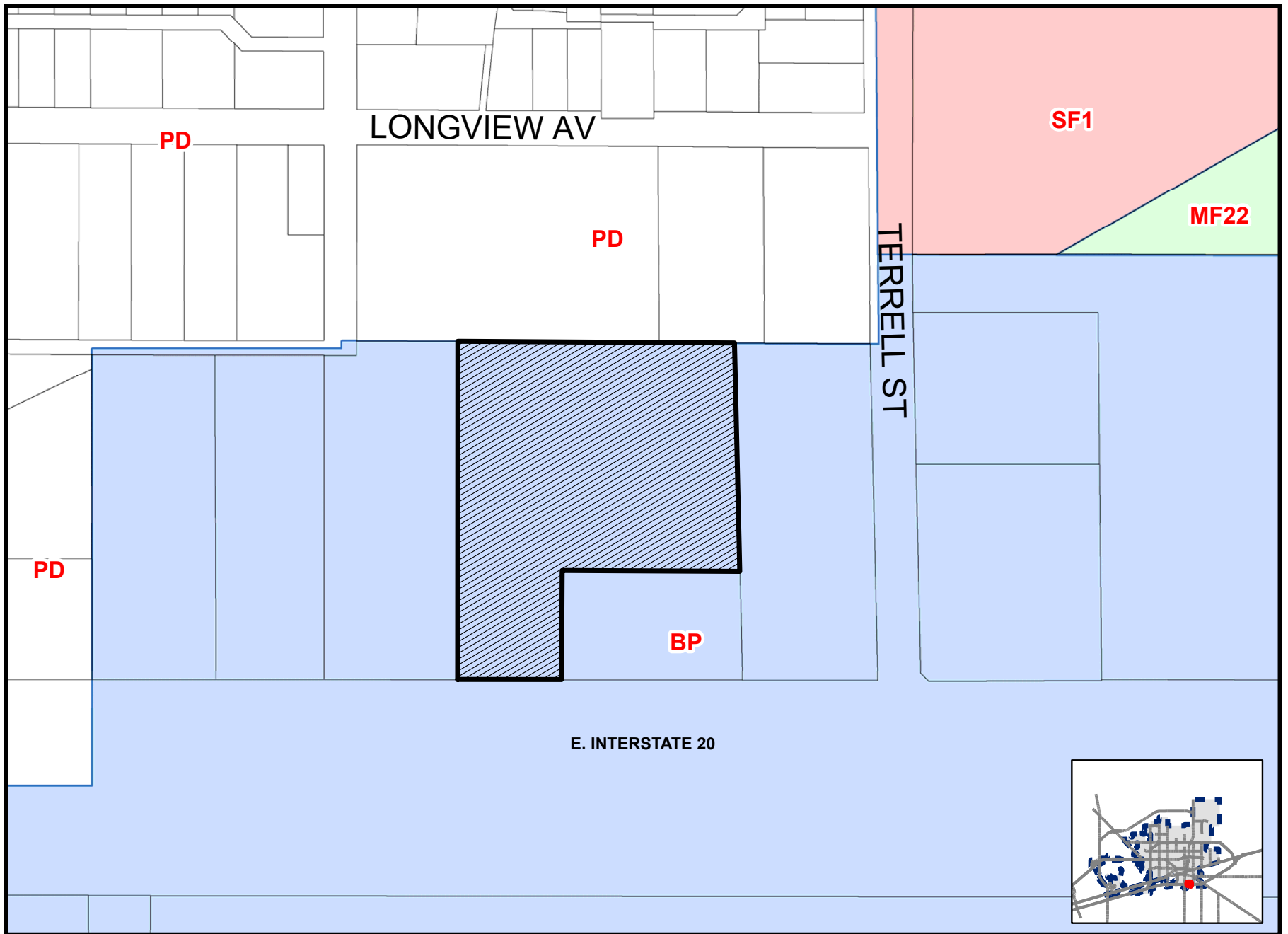
-  CITY LIMITS
 PARCEL
 PRIVATE BLDGS



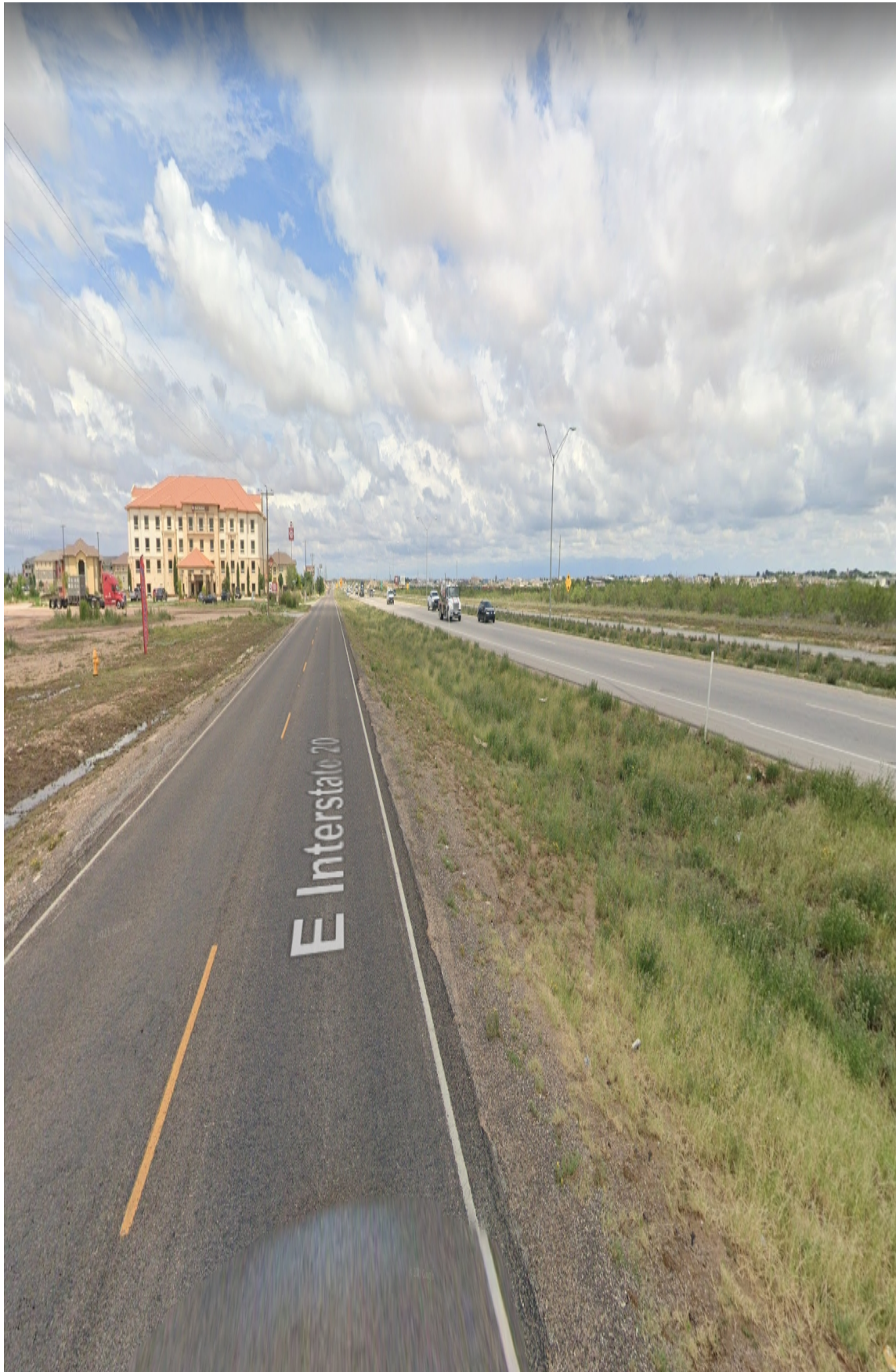
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THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR
ANY DECISIONS BASED UPON THE USE OF THIS DATA.













Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: January 03, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Justin Smith, Planner

SUBJECT: Motion approving a request by Chip Hight, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 5,000 square foot portion of Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas. (Generally located southwest of the intersection of N. Colorado Street and W. Louisiana Avenue. – Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

CB, Central Business District

Details of Request:

The applicant, Chip Hight, is requesting a Specific Use Designation with term for the sale of alcoholic beverages for on-premises consumption in a restaurant at 3607 N. Colorado Street, Midland, Texas.

Surrounding Zoning and Land Use:

This property is located at 607 N. Colorado Street in the CB, Central Business District. To the north, east, south, and west is also zoned CB, Central Business District. The property to the north is an office building. The property to the east is the City of Midland Police Department. The property to the south is a parking lot uses by Midland Police Department. The property to the west is a retail center that has a Subway and The Fuel Bar.

Analysis:

Chip Hight business owner of Hight Hospitality, INC. AKA Mister Chip's Kitchen is requesting a Specific Use Designation to be able to sell all alcoholic beverages for on premises consumption, within a restaurant. The property is zoned CB, Central Business District, which allows for the sale and on-premises consumption of alcoholic beverages with the approval of a Specific Use Designation.

Mister Chip's Kitchen is currently not in operation and does not have a specific use designation for the sale of all alcoholic beverages. However, this location previously has an approved SUD that lapsed over a year ago under the business of Basin Burger, ordinance number 9628. The floor plan attached hereto as "Exhibit A" illustrates that the establishment will have a total square footage of 5,000 square feet, with an alcohol serviceable area of 4,386 square feet. The site currently has adequate parking that is being shared with the parking lot to the south and restroom facilities.

The restaurant will have the following hours of operation:

**Monday through Sunday: 11:00 a.m. to 2:00 p.m.
and 4:00 p.m. to 10:00 p.m.**

The restaurant will have the following hours of alcohol service:

**Monday and Saturday: 11:00 a.m. to 12:00 a.m. (midnight)
Sunday: 11:00 a.m. to 10:00p.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 or schools within 300 feet of the property.

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

Building Code: (Approved with Conditions)

The occupant load passes the threshold for Fire Sprinklers. This is due to the occupant load being larger than 100 patrons for the dining areas. If a fire barrier is erected between the interior dining areas and the outdoor patio seating area, the occupant loads for each area will be less than 100 and will not trigger the need for fire sprinklers. The fire barrier would separate the two spaces into separate fire areas. The barrier must also consider openings such as windows and doors which would also need to be rated.

Oil and Gas: (Approved)

No objections.

Engineering: (Approved)

No objection.

Fire: (Approved)

No objections

Transportation: (Approved with Conditions)

Patio appears to extend into City right-of-way. Separate ROW License required, if so.

No objections to use.

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) Mister Chip’s Kitchen will create a sophisticated atmosphere where Midland Residents can relax and enjoy drinks with their meal.

This request meets all requirements; therefore, staff recommends approval of a 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 alcoholic serviceable area of the restaurant shall be limited to approximately 4,386 square feet as shown in Exhibit “A”, 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:**
 - Monday and Saturday: 11:00 a.m. to 12:00 a.m. (midnight)**
 - Sunday: 11:00 a.m. to 10:00p.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 restaurant shall be in operation within 120 days from the final adoption date of this ordinance.**

Letters of Objection:

As of December 29, 2021, staff has not received any letters of objections.

Attachments:

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



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

Project Number: SUD-21-0122
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>LEONARD (CHIP) HIGHT</u>		Phone (832) 496-2640 Email: <u>CHIP@MISTERCHIPSKITCHEN.COM</u>	
Address: <u>206 CLUB DRIVE</u>	City: <u>MIDLAND</u>	State: <u>TX</u>	Zip: <u>79701</u>

Property Owner <u>A & D EXCHANGE ENERGY MNCMT</u> Printed Name: <u>DUKE EDWARDS / ANA MANQUEZ</u>		Phone (432) 349 6410 Email: _____	
Address: <u>706 N COLONAS</u>	City: <u>MIDLAND</u>	State: <u>TX</u>	Zip: <u>79701</u>

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

Street Address: <u>607 NORTH COLONAS MIDLAND, TX 79701</u>	
Business Name: <u>HIGHT Hospitality, Inc dba MISTER CHIP'S KITCHEN</u>	
Legal Description Lot: <u>1A</u> Block: <u>29</u> Subdivision: <u>HOMESTEAD EX ADDITION SEC. 8</u>	
Current Zoning: _____	
Reason for Request: <u>OPENING NEW RESTAURANT</u>	

Type of Business (restaurant, bar, lounge, nightclub, etc.): <u>RESTAURANT</u>			
Proposed/Current Days and Hours of Operation: <u>Monday - Sunday</u> <u>11-2 PM & 4-10:30 PM</u>			
Proposed Days and Hours of Alcohol Service: <u>Monday - Sunday</u> <u>11-2 PM 4-10:30 PM</u>			
Total Square Footage of Business: <u>5,600</u>			
Square Footage of Alcohol Serviceable Area: <u>4,600</u>			
Restroom Fixtures:	Men	Toilets/Urinals: <u>1 1 2</u>	Bathroom Sinks: <u>1</u>
	Women	Toilets: <u>3</u>	Bathroom Sinks: <u>1</u>

RECEIVED
DEC 15 2021

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
- Dimensioned Site Plan showing:
 - Parking
 - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)
- Kitchen (if applicable)
- Total Square Footage
- Serviceable Square Footage



Signatures

Applicant (signature):

Date: 12/14/21

Applicant (printed):

LEONARD (CHP) HIGHT

Property Owner (signature):

Date:

Property Owner (printed):

Duke Edwards, Pres. White Star Energy Inc

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.

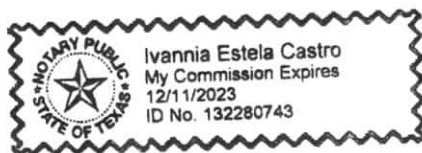
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Leonard Hight who, being by me duly sworn, upon oath says: That (s)he is authorized by Duke Edwards, 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 15 day of December, 20 21, to certify which witness my hand and seal of office.



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

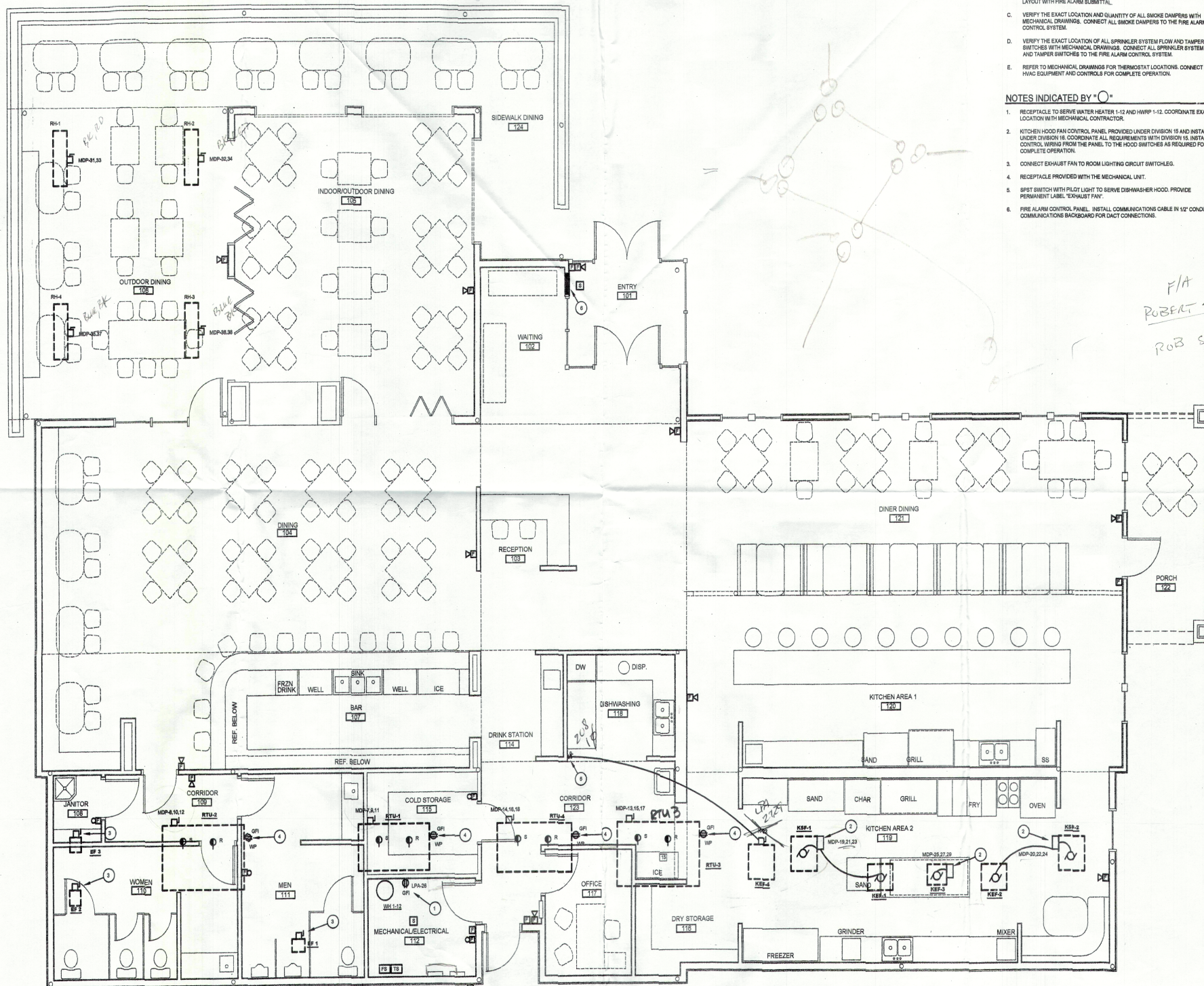
****Application will not be considered for scheduling until reviewed by a planner.****

GENERAL NOTES

- PROVIDE A COMPLETE AND OPERATIONAL FIRE ALARM SYSTEM AS INDICATED ON THE DRAWINGS AND AS DETAILED IN SECTION 9771 OF THE SPECIFICATIONS.
- PROVIDE ALL FIRE ALARM WIRING IN 1/2" CONDUIT. PROVIDE COMPLETE CONDUIT LAYOUT WITH FIRE ALARM SUBMITTAL.
- VERIFY THE EXACT LOCATION AND QUANTITY OF ALL SMOKE DAMPERS WITH MECHANICAL DRAWINGS. CONNECT ALL SMOKE DAMPERS TO THE FIRE ALARM CONTROL SYSTEM.
- VERIFY THE EXACT LOCATION OF ALL SPRINKLER SYSTEM FLOW AND TAMPER SWITCHES WITH MECHANICAL DRAWINGS. CONNECT ALL SPRINKLER SYSTEM FLOW AND TAMPER SWITCHES TO THE FIRE ALARM CONTROL SYSTEM.
- REFER TO MECHANICAL DRAWINGS FOR THERMOSTAT LOCATIONS. CONNECT ALL HVAC EQUIPMENT AND CONTROLS FOR COMPLETE OPERATION.

NOTES INDICATED BY "O"

- RECEPTACLE TO SERVE WATER HEATER 1-12 AND HMRP 1-12. COORDINATE EXACT LOCATION WITH MECHANICAL CONTRACTOR.
- KITCHEN HOOD FAN CONTROL PANEL PROVIDED UNDER DIVISION 15 AND INSTALLED UNDER DIVISION 18. COORDINATE ALL REQUIREMENTS WITH DIVISION 15. INSTALL CONTROL WIRING FROM THE PANEL TO THE HOOD SWITCHES AS REQUIRED FOR COMPLETE OPERATION.
- CONNECT EXHAUST FAN TO ROOM LIGHTING CIRCUIT SWITCHES.
- RECEPTACLE PROVIDED WITH THE MECHANICAL UNIT.
- SPST SWITCH WITH PILOT LIGHT TO SERVE DISHWASHER HOOD. PROVIDE PERMANENT LABEL "EXHAUST FAN".
- FIRE ALARM CONTROL PANEL. INSTALL COMMUNICATIONS CABLE IN 1/2" CONDUIT TO COMMUNICATIONS BACKBOARD FOR DACT CONNECTIONS.



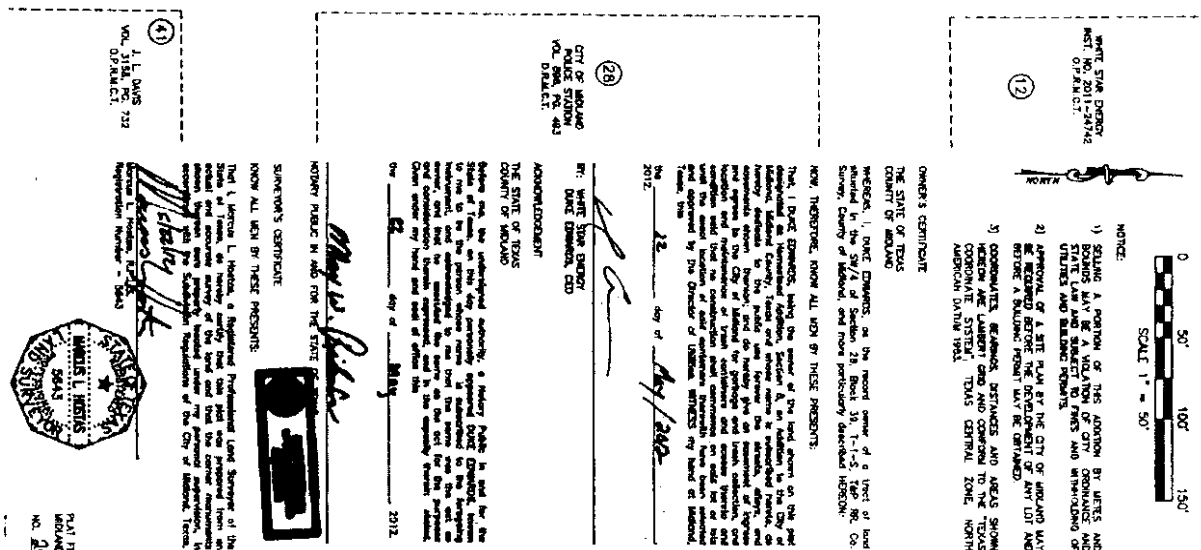
PACKET

1 FLOOR Page 8173 ALARM & EQUIPMENT

January 3, 2022



BEING A REPLAT OF THE NORTH 125 FEET OF THE EAST HALF OF BLOCK 29, AND THE ADJACENT 10 FEET TO THE NORTH VACATED RIGHT-OF-WAY, BEING A 0.0324-ACRE PORTION OF W. LOUISIANA AVE., HOMESTEAD ADDITION, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS



NOTES:

- 1) STAKE A PORTION OF THE LOGGERS BY LINES AND BORDERS MAY BE IN VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND IMPROVEMENT OF UTILITIES AND BUILDING PERMITS.
- 2) APPROVAL OF A LITE PLAN BY THE CITY OF ANCHORAGE MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- 3) COORDINATE ELEVATIONS, DISTANCES AND AREAS SHOWN HEREON BY CURRENT DATA AND COMPARED TO THE TEXAS AGRICULTURAL SYSTEM. TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM 1983.

SCALE 1" = 50'

OWNERS'S CERTIFICATE
THE STATE OF TEXAS
COUNTY OF MIDLAND
WHEREAS, I, DANIEL D. CHAMBERS, as the record owner of a tract of land situated in the SW/4 of Section 28, Block 33, T-5-S, R-10-W, Co. Survey, County of Midland, and more particularly described HEREON;
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

[illegible][illegible]

This L. Arthur L. Hertz, a Shadington Postpaid 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 measurements shown thereon are true and correct.

In Witness Whereof I have hereunto set my hand and the Seal of said Office at Austin, Texas, this 1st day of September, A.D. 1964.

L. Arthur L. Hertz, Land Surveyor
Registration Number - 5843

[Handwritten signature]

[Seal: LAND SURVEYOR STATE OF TEXAS, L. ARTHUR L. HERTZ, 5843]

PAT F
MAY 1964
NO. 2

[illegible]

This plot has been checked for accessibility of utilities.

<i>Mark Reid</i> ALBION TOWNSHIP	<i>Mark Reid</i> PARTIAL INTEREST
<i>Russ E. O'Neil</i> DOORON ELECTRIC COMPANY	<i>Louis R. Acquilla</i> PARTIAL INTEREST
<i>Art Gentry</i> SUBDIVISION	<i>Bill Bentley</i> PARTIAL INTEREST
<i>Sherry Sanders</i> GRANDVIEW SUBDIVISION	<i>Sherry Sanders</i> PARTIAL INTEREST
<i>Ken Barlow</i> ALBION TOWNSHIP	<i>Ernestine Barlow</i> PARTIAL INTEREST
<i>Willis A.</i> PROVIDENCE TOWNSHIP	<i>Doris McGee</i> PARTIAL INTEREST

This is to certify of approval
 to be to accept that the above said temporary post of MANAGER
ADDITIONAL SECTION II was approved by the proper action of the Director
 of the Development Services of the City of Montreal, Quebec on this
25 day of MAY 2012.
 SIGNED: P. A. D. L...
Director of Development Services

OWNER:
DAVE DENNIS
WESTERN EQUINE SERVICE
P.O. BOX 31108
MCKINNEY, TEXAS 75710

WEST COMPANY



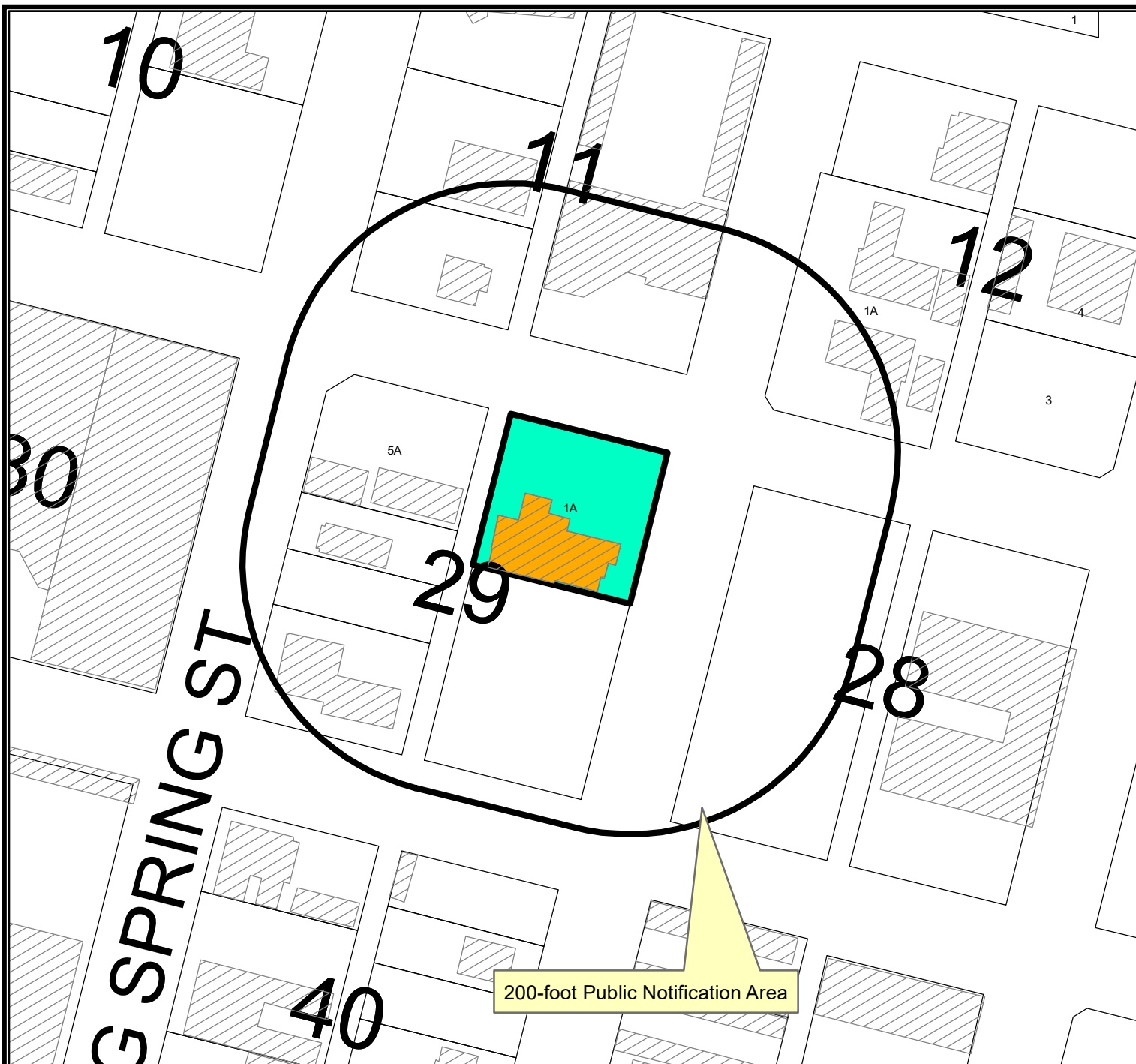
OF MIDLAND, INC.
1000 WEST 10TH STREET
MIDLAND, TEXAS 79701
TELEPHONE 335-2111
TELEX 154000
FAX 335-2112

PROPERTY:
HOMESTEAD ADDITION,
SECTION 8

1988-89 COUNTRY
17

169

1988-89 COUNTRY
17



LOCATION MAP

SUD-21-0122

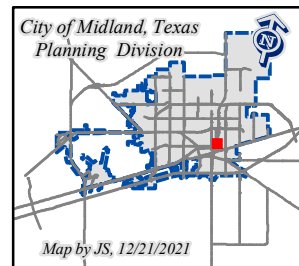
Scale: 1" = 1500'

Consider a request by Master Chip's Kitchen, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 5,000 square foot portion of Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas.

Generally located southwest of the intersection of N. Colorado Street and W. Louisiana Avenue.
(Council District 2)

LEGEND

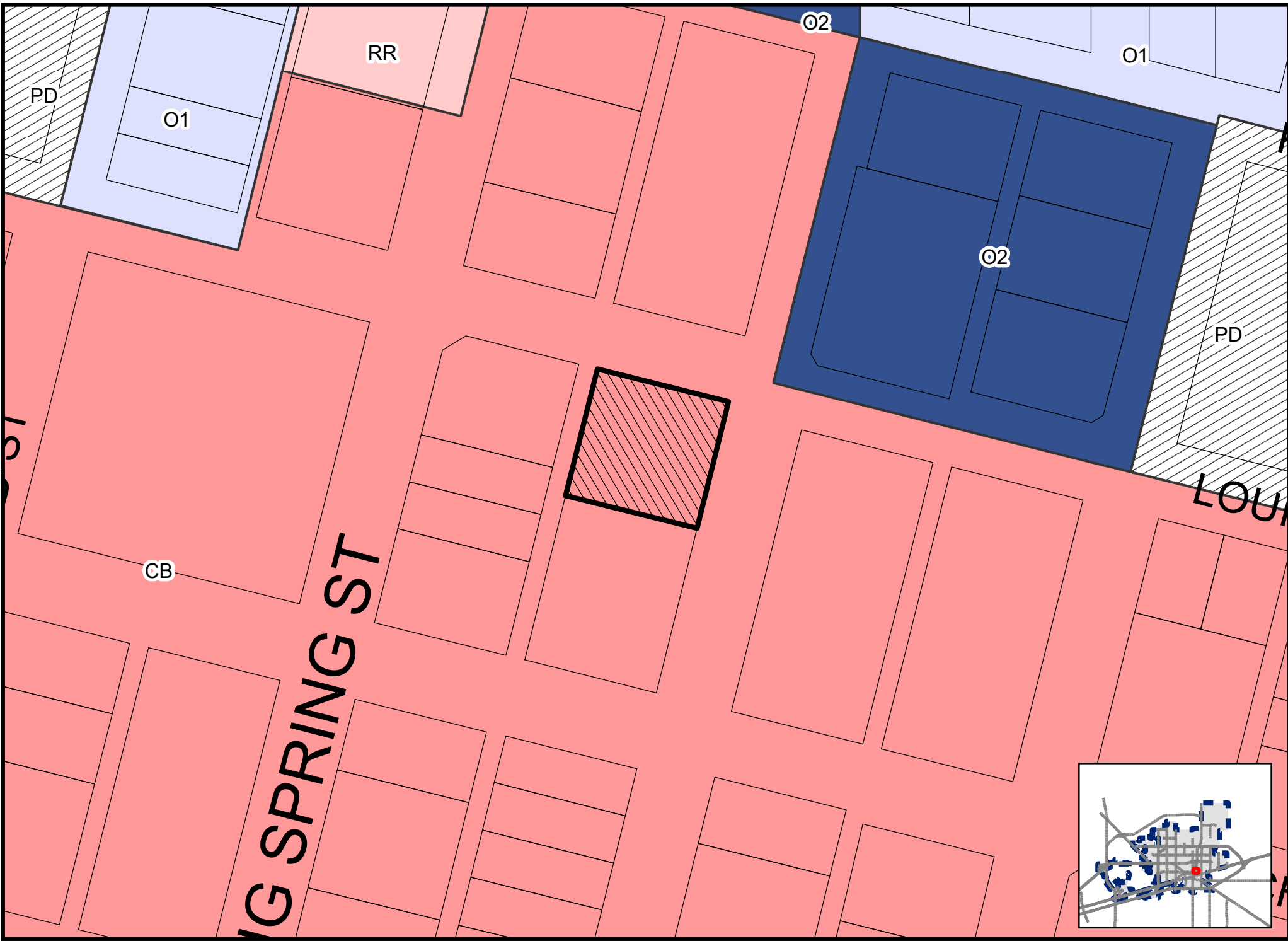
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS

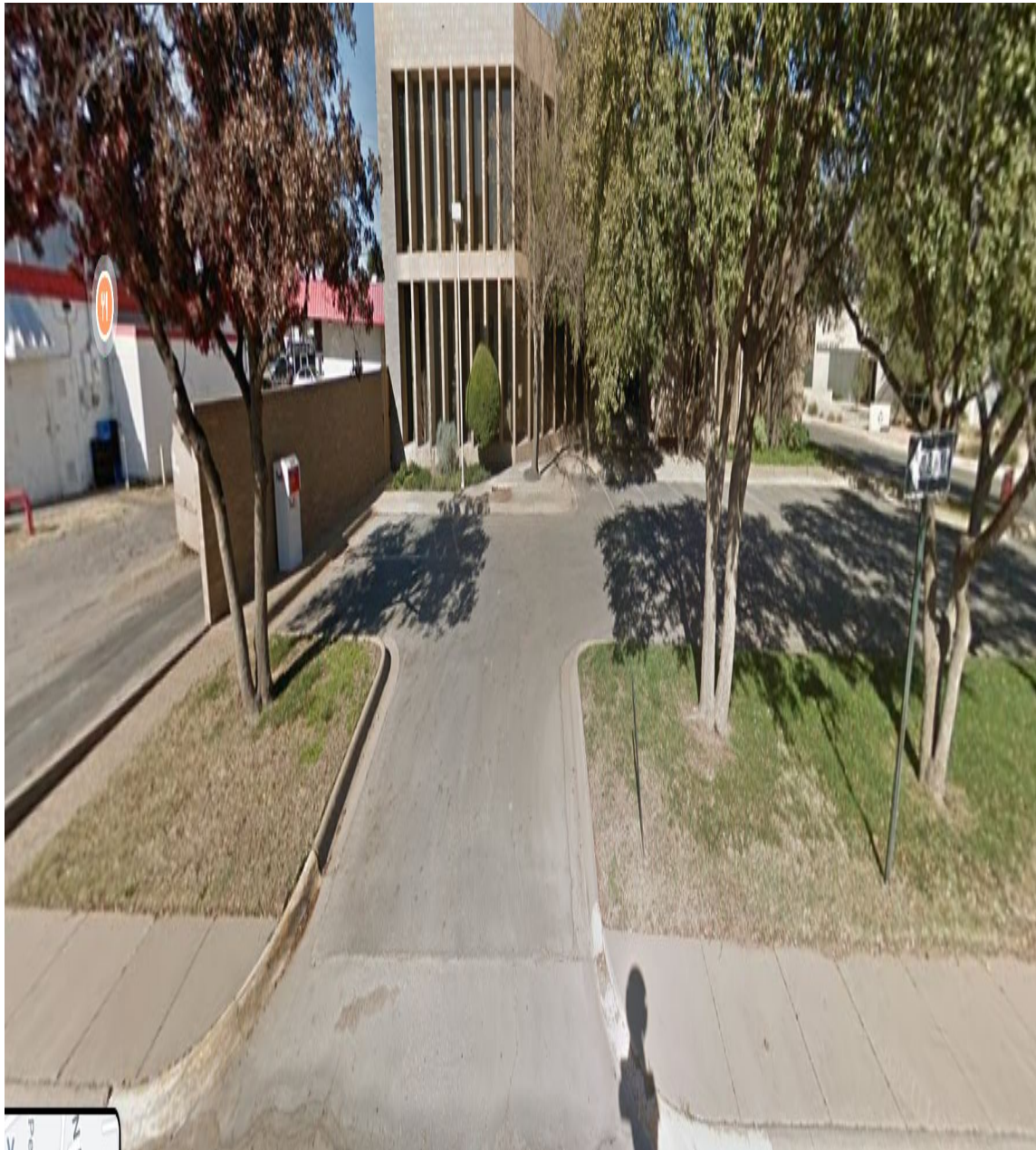


©THE CITY OF MIDLAND - 2021

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. 9628

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1A, BLOCK 29, HOMESTEAD ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST LOUISIANA AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned C-1, Central Area District, to-wit:

Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant, together

with the uses permitted in the present C-1, Central Area District.

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

- A. That the serviceable area of the restaurant shall be limited to approximately 4,386 contiguous square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.
- B. That the occupancy of the restaurant shall not exceed the maximum occupancy determined by the Building Code and Fire Code.
- C. That the restaurant shall meet all requirements of the Fire Department and the Code Administration Division.
- D. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.
- E. That the days and hours of alcoholic beverage sales and consumption shall be limited to Monday through Sunday from 10:00 a.m. to 12:00 a.m. (midnight).
- F. That Ordinance No. 9107 is hereby repealed.

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 10th day of January, A.D., 2017; and passed to second reading on motion of Council member Robnett, seconded by Council member Love, by the following vote:

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

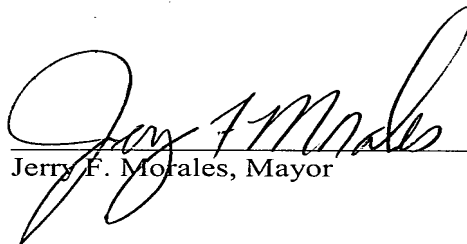
Council members voting "NAY": Sparks, Lacy

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Hotchkiss, seconded by Council member Love, on the 24th day of January, A.D., 2017, at a regular meeting of the City Council:

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

Council members voting "NAY": Sparks, Lacy

PASSED AND APPROVED THIS 24th day of January, A.D., 2017.



Jerry F. Morales, Mayor

ATTEST:



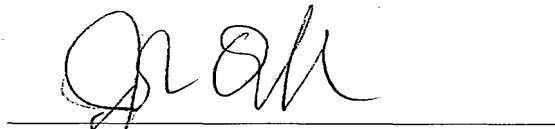
Amy M. Turner, City Secretary

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

A-2



NOT FOR CONSTRUCTION
 PROJECT: 1201
 DATE: 6-1-12
 DRAWN BY: ...
 REVISION: ...

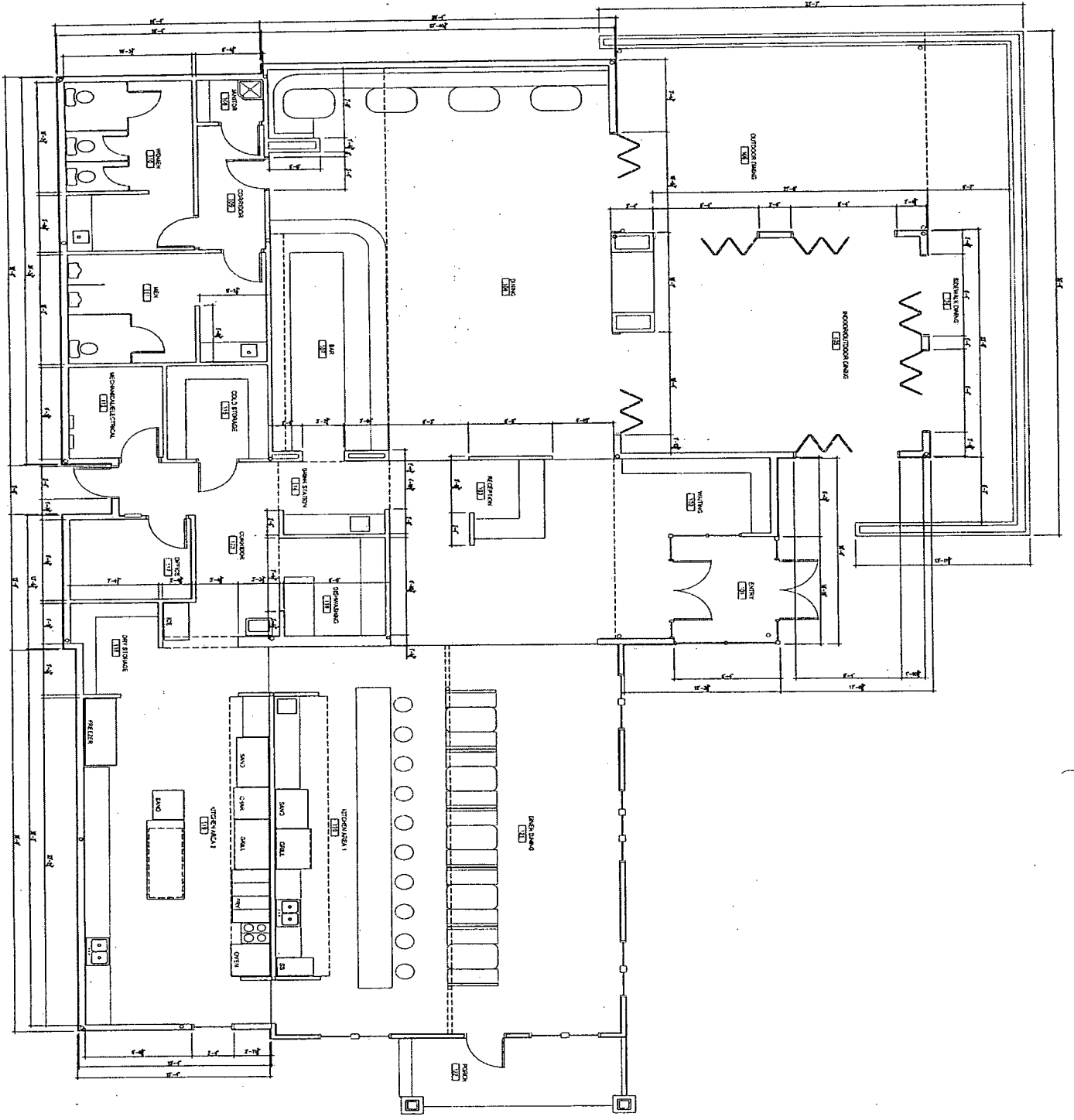
RECEIVED
 NOV 4 2016
 CITY OF MIDLAND
 PLANNING DIVISION OFFICE

BASIN BURGER HOUSE

607 COLORADO AVE.
 MIDLAND, TEXAS 79701

TRAVIS
 DURHAM ARCHITECT
 1306 G West Wall Street
 Midland, Texas 79701
 P 432.665.1907
 F 432.665.0525

Ⓢ FLOOR PLAN - DIMENSIONS





City Council Agenda

APPROVED

Approved for Agenda:
fsalvato
City Manager's Office

MEETING DATE: 1/24/2017

TO: City Council / City Manager

FROM: Cristina Odenborg, Downtown Development Coordinator

SUBJECT: Consider an ordinance on second reading on a request by Basin Burger House for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas. (Generally located southwest of the intersection of N. Colorado Street and W. Louisiana Avenue. – Council District 2)

Purpose:

Consider an ordinance on second reading on a request by Basin Burger House for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The applicant is requesting to amend the Specific Use Permit with Term (SUP) for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant for Basin Burger House.

This property is located at 607 N. Colorado Street in the C-1, Central Area District. To the north, east, south, and west is also zoned C-1, Central Area District. The property to the north is an office building. The property to the east is the City of Midland Police Department. The property to the south is a parking lot. The property to the west is a retail center that has a Subway and Living 360 Organics.

The property is located in the C-1, Central Area District, which allows for the sale of alcoholic beverages for on-premises consumption through a Specific Use Permit with Term.

The floor area of the restaurant is 5,000-square feet, and the serviceable area for alcohol is approximately 4,386-square feet. The applicant is requesting a maximum seating capacity of 250.

Basin Burger House's **hours of operation** are as follows:

Tuesday through Friday from 7:00 a.m. to 10:00 a.m. (Breakfast)

Monday through Thursday from 11:00 a.m. to 9:00 p.m. (Lunch and Dinner)

Friday and Saturday from 11:00 a.m. to 10:00 p.m. (Lunch and Dinner)

Sunday from 9:00 a.m. to 2:00 p.m. (Brunch)

Basin Burger House currently has an active SUP (Ordinance No. 9107), which allows for a maximum occupancy of 250 and alcoholic serviceable hours of 11:00 a.m. to 12:00 a.m. (midnight) for every day of the week; however, the restaurant offers brunch beginning at 9:00 a.m. on Sunday.

In order to conform to the SUP, the applicant is requesting to amend the **serviceable hours for alcohol sales** as follows:

Sunday - Saturday: 9:00 a.m. to 12:00 a.m. (midnight)

However, staff recommends that only the serviceable hours for alcohol sales for Sunday change.

There are no schools or churches located within 300-feet (walking distance) of this site.

This establishment, Basin Burger House, is in compliance with Chapter 7, Goal #3 of the Tall City Tomorrow Comprehensive Plan for Midland's Central Business District. Successful multi-use city centers are an urban lifestyle, and Downtown Midland is working on establishing a greater variety of employment, retail, and entertainment options to offer this type of lifestyle. Since Basin Burger House adds to the variety of restaurant establishments located downtown, this Specific Use Permit with Term is in compliance with the goals and objectives of the Tall City Tomorrow Comprehensive Plan. Furthermore, with the addition of the new convention center, more early morning and late night establishments will be beneficial to the downtown area.

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

The Planning and Zoning Commission recommended approval of this request unanimously at their December 5, 2016 meeting with the condition that only the serviceable hours for alcohol sales on Sunday change to 9:00 a.m. to 12:00 a.m. (midnight). The serviceable hours for alcohol sales from Monday through Saturday will remain the same from 11:00 a.m. to 12:00 a.m. (midnight).

City Council voted to approve this ordinance on first reading with the amendment that the hours of alcohol sales shall be Sunday through Saturday from 10:00 a.m. to 12:00 a.m. (midnight) with a 5-2 vote on January 10, 2017. This ordinance is now ready for consideration on second and final reading.

Letters of Objection:

Staff has not received any letters of objection.



Planning and Zoning Commission

Approved for
Agenda:
Jessica Carpenter

MEETING DATE: 12/5/2016

TO: PLANNING AND ZONING COMMISSION

FROM: Cristina Odenborg, Downtown Development Coordinator

SUBJECT: Hold a public hearing and consider a request by Basin Burger House for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas. (Generally located southwest of the intersection of N. Colorado Street and W. Louisiana Avenue. – Council District 2)

Recommended Planning and Zoning Commission Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Details of Request:

The applicant is requesting to amend the Specific Use Permit with Term (SUP) for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant for *Basin Burger House*.

Current Zoning:

C-1, Central Area District.

Surrounding Zoning and Land Use:

This property is located at 607 N. Colorado Street in the C-1, Central Area District. To the north, east, south, and west is also zoned C-1, Central Area District. The property to the north is an office building. The property to the east is the *City of Midland Police Department*. The property to the south is a parking lot.

The property to the west is a retail center that has a *Subway* and *Living 360 Organics*.

Analysis:

The property is located in the C-1, Central Area District, which allows for the sale of alcoholic beverages for on-premises consumption through a Specific Use Permit with Term.

The floor area of the restaurant is 5,000-square feet, and the serviceable area for alcohol is approximately 4,386-square feet. The applicant is requesting a maximum seating capacity of 250.

Basin Burger House's hours of operation are as follows:

Tuesday - Friday	7:00 a.m. to 10:00 a.m. (Breakfast)
Monday –Thursday	11:00 a.m. to 9:00 p.m. (Lunch and Dinner)
Friday and Saturday	11:00 a.m. to 10:00 p.m. (Lunch and Dinner)
Sunday	9:00 a.m. to 2:00 p.m. (Brunch)

Basin Burger House currently has an active SUP (Ordinance No. 9107), which allows for a maximum occupancy of 250 and alcoholic serviceable hours of 11:00 a.m. to 12:00 a.m. (midnight) for every day of the week; however, the restaurant offers brunch beginning at 9:00 a.m. on Sunday.

In order to conform to the SUP, the applicant is requesting to amend the **serviceable hours for alcohol sales** as follows:

Sunday - Saturday: 9:00 a.m. to 12:00 a.m. (midnight)

There are no schools or churches located within 300-feet (walking distance) of this site.

This establishment, *Basin Burger House*, is in compliance with Chapter 7, Goal #3 of the Tall City Tomorrow Comprehensive Plan for Midland's Central Business District. Successful multi-use city centers are an urban lifestyle, and Downtown Midland is working on establishing a greater variety of employment, retail, and entertainment options to offer this type of lifestyle. Since *Basin Burger House* adds to the variety of restaurant establishments located downtown, this Specific Use Permit with Term is in compliance with the goals and objectives of the Tall City Tomorrow Comprehensive Plan. Furthermore, with the addition of the new convention center, more early morning and late night establishments will be beneficial to the downtown area.

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

Engineering & Transportation:

Engineering stated they had no comments regarding the request, and Transportation stated they had no objections to the request.

Public Safety:

Fire stated that they had no concerns or issues with the request.

Code Administration:

Code had no comments regarding the request.

Planning:

Planning reviewed this request according to the City Code.

Conditions:

A. That the serviceable area of the restaurant shall be limited to approximately 4,386-square feet, as shown in Exhibit A, which is attached hereto and incorporated herein

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

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

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

E. That the days and hours of alcoholic beverage sales and consumption shall be limited to:

Sunday - Saturday: 9:00 a.m. to 12:00 a.m. (midnight)

F. That Ordinance No. 9107 shall be repealed.

Letters of Objection:

As of November 30, 2016, staff has not received any letters of objection.

Attachments:

Application

Maps

Floor Plan (Exhibit A)

Ordinance No. 9107

Case Number: SUP. 14-0054



**APPLICATION FOR A SPECIFIC USE PERMIT WITH TERM
FOR THE SALE OF ALCOHOLIC BEVERAGES
FOR ON-PREMISE CONSUMPTION**

I. APPLICATION

Applicant: Basin Burgun House 432-688-2650
(Name) (Phone)
607 N Colorado DUKEOFOIL-TEX@msn.com
(Address) (Email)

Property Owner: ADD Management 432-688-2650
(Name) (Phone)
706 N Colorado St DUKEOFOIL-TEX@msn.com
(Address) (Email)

Operator (if different than the Applicant or Property Owner):

(Name) _____ (Phone) _____

(Address) _____ (Email) _____

Street Address: 607 N Colorado St

Legal Description:

If Platted: Lot: 1-A If Unplatted: *Attach Metes &
Block: 29 Bounds Description
Subdivision: Hornestead Addition with Surveyor's Seal

Current Zoning: C-1

Reason for Request: change hours for serving alcohol
to 9:00 AM on Sundays for our
brunch service

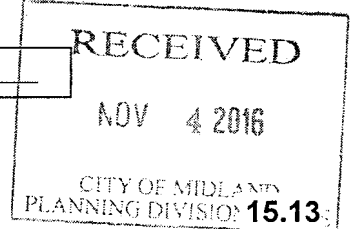
Type of Business: Restaurant
(Restaurant, Bar, Lounge, Nightclub, etc.)

Proposed Days and Hours of Alcoholic Beverage Sales: 9:00 12:00 AM

Total Square Footage of Business: 5,000 Square Footage of Area: 5,000

Restroom Fixtures: Men Toilets/Urinals 13 Bathroom Sinks 1
Women Toilets 3 Bathroom Sinks 1

FOR OFFICE USE ONLY: Maximum Seating Capacity Per City Code: _____



II. FEE & SUBMITTALS

Application Fee (\$300.00):

\$ 300

2 FOLDED Copies of Dimensioned Floor Plan:

2 FOLDED Copies of Dimensioned Site Plan:

Digital Copies of Floor Plan & Site Plan (PDF & JPEG):

III. SIGNATURES

Applicant:

[Signature]

Date:

10/31/16

Property Owner:

[Signature]

Date:

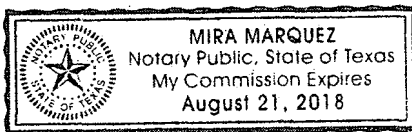
10/31/16

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

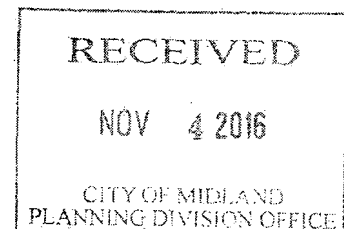
Before me, the undersigned authority, on this day personally appeared DUKE EDWARDS who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority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

Subscribed and sworn to before me, this 31 day of OCTOBER, 2016, to certify which witness my hand and seal of office.

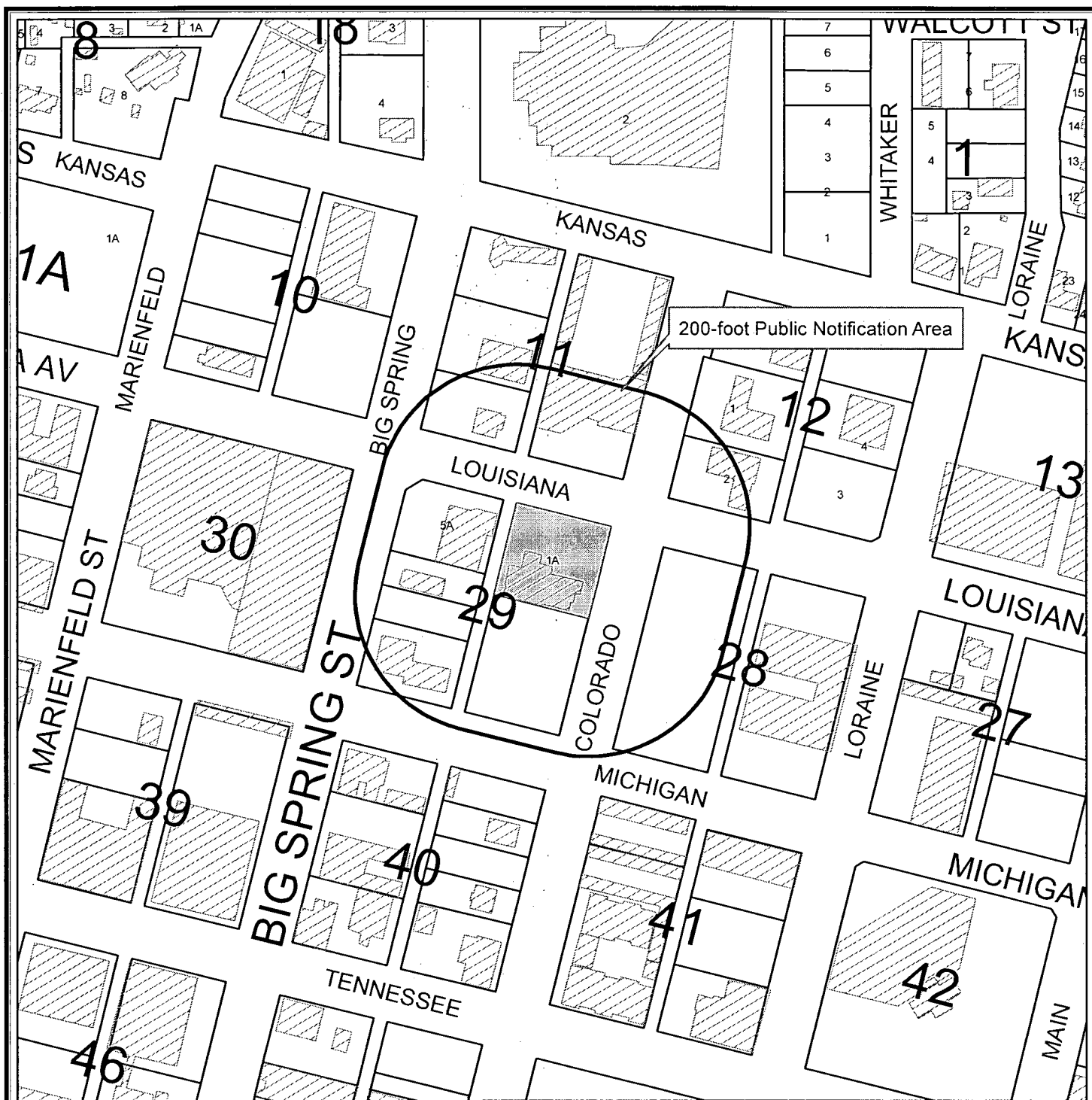


Mira Marquez
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY:	
Rec'd By: <u>[Signature]</u>	Date: <u>11/4/16</u>
Assigned: _____	
For: _____	On: _____



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



LOCATION MAP

SUP- 16 - 0056

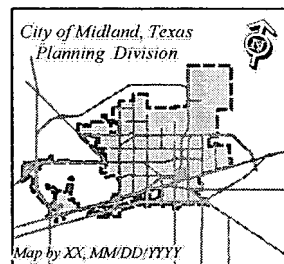
Scale: 1" = 200'

Consider a request by Basin Burger House for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas.

Generally located southwest of the intersection of N. Colorado Street and W. Louisiana Avenue.
(Council District 2)

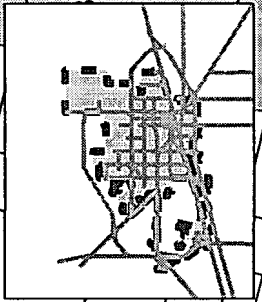
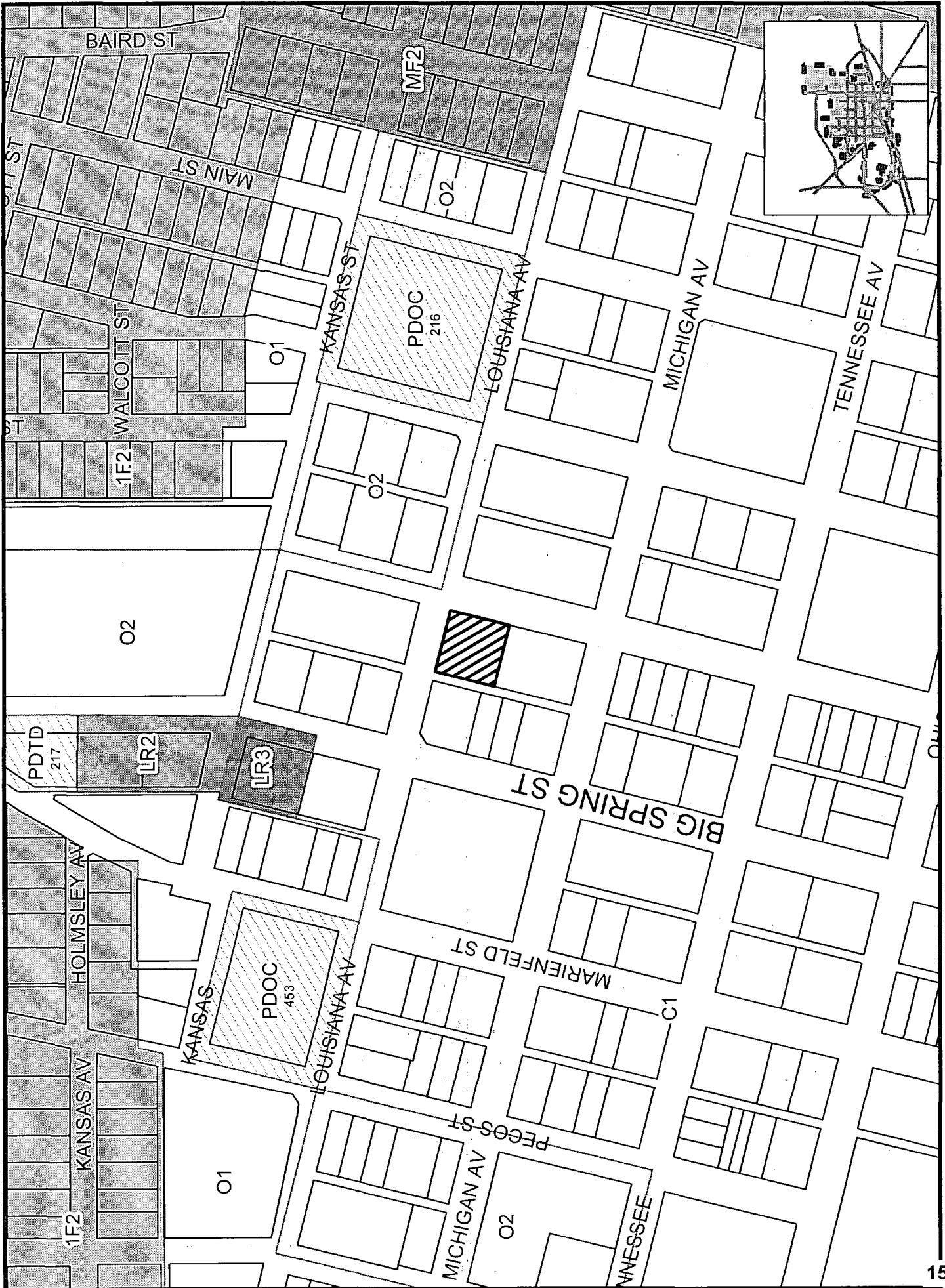
LEGEND

- CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS



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15.15



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ZONING MAP

Scale: 1" = 200'

SUP - 16 - 0056

ORDINANCE NO. 9107

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1A, BLOCK 29, HOMESTEAD ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOUISIANA AVENUE AND NORTH COLORADO STREET), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned C-1, Central Area District, to-wit:

Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant, together

with the uses permitted in the present C-1, Central Area District.

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

- A. That the alcohol serving area shall be a maximum of 4,100 square feet, and the maximum occupancy shall be 250 persons.
- B. That all applicable provisions of the Building Code and Fire Code shall be complied with.
- C. That the days and hours of alcoholic beverage sales and consumption shall be allowed on every day of the week, not to exceed the hours of 11:00 a.m. until 12:00 a.m. (Midnight), unless otherwise prohibited by law.
- D. That the sale and on-premise consumption of alcoholic beverages shall conform to all applicable laws established by the City of Midland and the State of Texas.
- E. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale and consumption of alcoholic beverages at the restaurant to ensure that the terms of this permit are satisfied.
- F. That the development of a restaurant on this property shall conform to Exhibit "A", which is attached hereto and incorporated herein.
- G. That City of Midland Ordinance No. 9043 is hereby repealed.

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 22nd day of January, A.D., 2013; and passed to second reading on motion of Council member Trost, seconded by Council member Sparks, by the following vote:

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

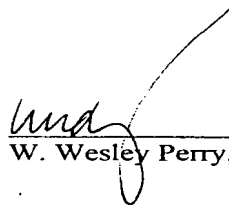
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Trost, seconded by Council member James, on the 12th day of February, A.D., 2013, at a regular meeting of the City Council:

Council members voting "AYE": Love, Morales, Trost, Perry, James, Sparks

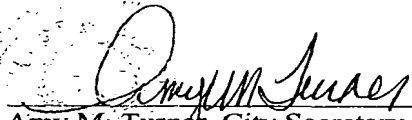
Council members voting "NAY": None

PASSED AND APPROVED THIS 12th day of February, A.D., 2013.



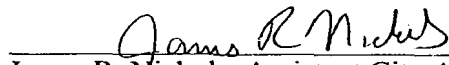
W. Wesley Perry, Mayor

ATTEST:



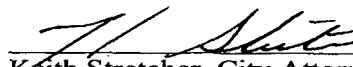
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:



James R. Nichols, Assistant City Attorney

APPROVED AS TO FORM:



Keith Stretcher, City Attorney

SHEET TITLE

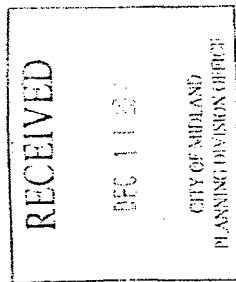
A-2



PROJECT: 1201
DATE: 5-24-12
DRAWN BY: [blank]
REVIEWER: [blank]

BASIN BURGER HOUSE
607 COLORADO AVE.
MIDLAND, TEXAS 79701

TRAVIS
DURHAM ARCHITECT
1306 O West Vase Street
Midland, Texas 79701
P 432.685.3597
F 432.685.0529



CASE NO. S12-017

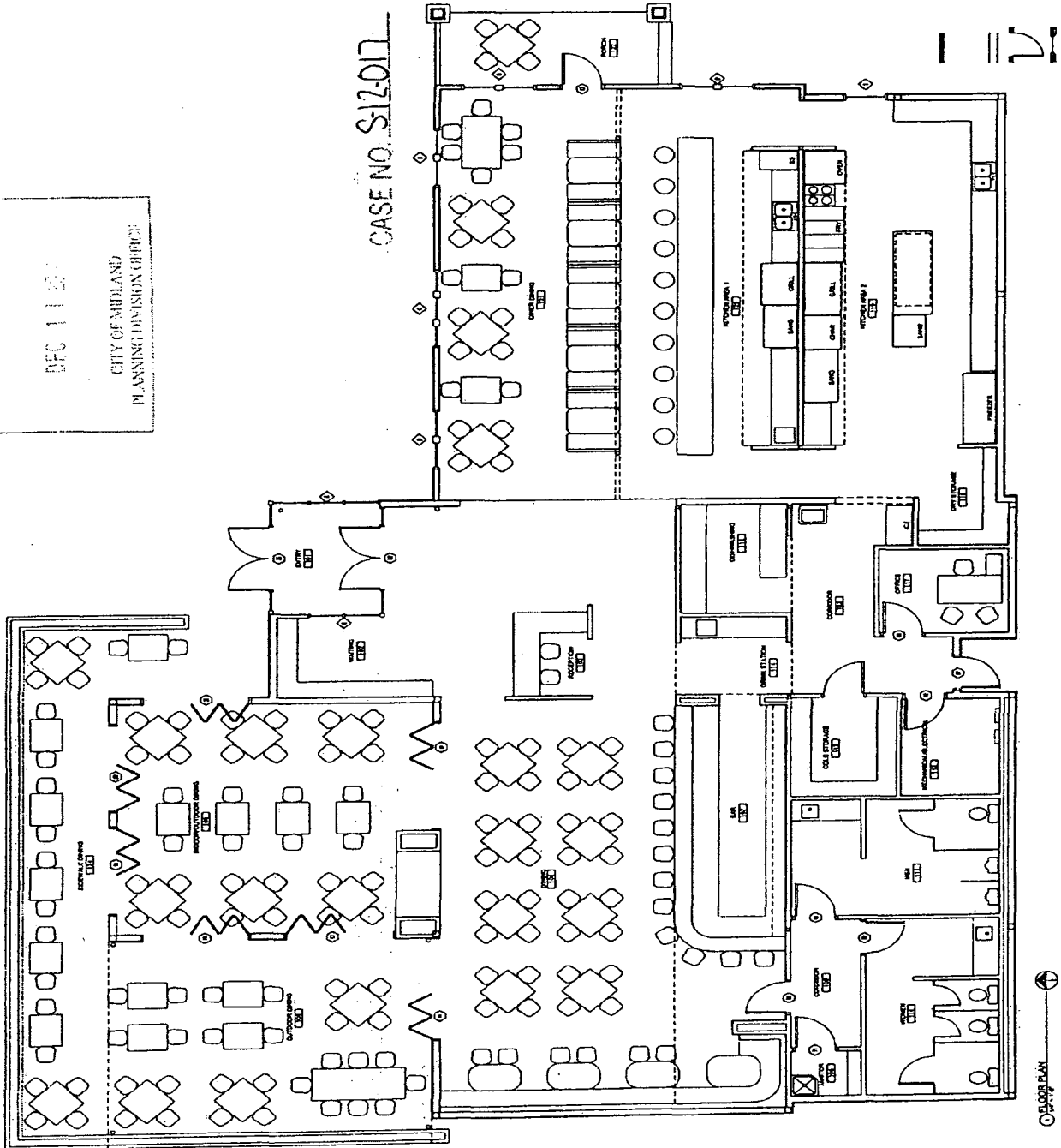


EXHIBIT A

36.7

15.21



City Council Agenda

Approved for Agenda:
JNichols
City Manager's Office

MEETING DATE: 2/12/2013

TO: City Council / City Manager

FROM: Cameron Walker, Planning Division Manager

SUBJECT: Consider an ordinance on second reading on a request by Basin Burger House for an amended Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Louisiana Avenue and N. Colorado Street.)

Purpose:

Consider an ordinance on second reading on a request by Basin Burger House for an amended Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas. No changes have been made to this item since its first reading on January 22, 2013.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

There is no cost to the City associated with approving this request.

Discussion:

Duke Edwards requests to amend the previously approved Specific Use Permit for on-premise consumption of all alcoholic beverages in a restaurant. The City Council approved the applicant's original request on August 14, 2012. Since then, the new construction has been completed with internal design and seating changes that can accommodate 250 patrons throughout a 4,100 square foot area. Mr. Edwards would like to amend the Specific Use Permit to reflect this greater capacity rather than the previous estimate of seating for 175 people in 4,000 square feet of serving area as the current ordinance states. Additionally, Mr. Edwards requests 11:00 a.m. to midnight operating hours for all days of the week. This request would extend the approved Sunday through Thursday closing time by one hour (Fridays & Saturdays already being approved for midnight closing). Being a C-1, Central Area District, there are no established off-street parking requirements. With the original site plan remaining consistent, this change is essentially one of recognizing greater seating capacity post-construction with a slightly modified floor layout. Staff concurs with the Planning and Zoning Commission approval based on the assessment that the request for amending preconstruction capacity estimates is reasonable and the operation hours request is minor.

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1A, BLOCK 29, HOMESTEAD ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOUISIANA AVENUE AND NORTH COLORADO STREET), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned C-1, Central Area District, to-wit:

Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant, together

with the uses permitted in the present C-1, Central Area District.

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

- A. That the alcohol serving area shall be a maximum of 4,100 square feet, and the maximum occupancy shall be 250 persons.
- B. That all applicable provisions of the Building Code and Fire Code shall be complied with.
- C. That the days and hours of alcoholic beverage sales and consumption shall be allowed on every day of the week, not to exceed the hours of 11:00 a.m. until 12:00 a.m. (Midnight), unless otherwise prohibited by law.
- D. That the sale and on-premise consumption of alcoholic beverages shall conform to all applicable laws established by the City of Midland and the State of Texas.
- E. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale and consumption of alcoholic beverages at the restaurant to ensure that the terms of this permit are satisfied.
- F. That the development of a restaurant on this property shall conform to Exhibit "A", which is attached hereto and incorporated herein.
- G. That City of Midland Ordinance No. 9043 is hereby repealed.

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 _____ day of _____, A.D., 2013; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2013, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2013.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

James R. Nichols, Assistant City Attorney

APPROVED AS TO FORM:

Keith Stretcher, City Attorney

L:\Ordinances\Planning\Specific Use Permit\2013\S-12-017.Basin Burger - Alcohol Sales.wpd

36.6

15.27

PLANNING AND ZONING COMMISSION

January 14, 2013

CASE: S-12-017.

REQUEST: Hold a public hearing and consider a request for an Amended Specific Use Permit with Term for on-premise consumption of all alcoholic beverages in a restaurant.

APPLICANT: Basin Burger House, LLC.

OWNER: Duke Edwards.

LEGAL DESCRIPTION: Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas.

LOCATION: Generally located on the southwest corner of the intersection of W. Louisiana Avenue and N. Colorado Street.

CURRENT ZONING: C-1, Central Area District.

DETAILS OF REQUEST:

1. The applicant requests to amend the previously approved Specific Use Permit for on-premise consumption of all alcoholic beverages in a restaurant. The City Council approved the applicant's original request on August 14, 2012. Since that date, the construction of the restaurant has been completed with internal design and seating changes that can accommodate 250 patrons in 4,100 square feet of space. Mr. Edwards would like to amend the Specific Use Permit to reflect this greater capacity rather than the previous estimate of seating for 175 people in 4,000 square feet of serving area as the current ordinance states. Additionally, Mr. Edwards requests 11:00 a.m. to midnight operating hours for all days of the week. This request would extend the approved Sunday through Thursday closing time by one hour (Fridays & Saturdays already being approved for midnight closing).

SURROUNDING ZONING AND LAND USE:

2. The restaurant and most of the surrounding area is zoned C-1, Central Area District. Just west of this is the Subway restaurant located on Big Spring Street. To the south is large parking lot, to the east is the police station, and to the north is an office building. To the immediate northeast is a vacant lot in an O-2, Office District.

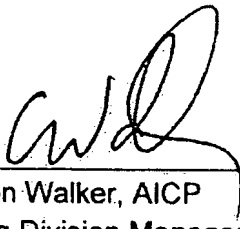
ANALYSIS:

3. This request to amend the Specific Use Permit for on-premise consumption is primarily one of recognizing greater seating capacity post-construction with a slightly modified floor layout. The overall building size has not been discernibly changed and the parking remains the same; however, there are no minimum parking spaces required in the C-1, Central Area District. Staff concurs that the request for amending preconstruction capacity estimates is reasonable and the operation hours request is minor.

STAFF RECOMMENDATION:

Staff recommends approval of this request for an Amended Specific Use Permit with Term for the sale and on-premise consumption of alcoholic beverages in a restaurant, subject to the following conditions:

- A. That the maximum area of the alcohol serving area shall be 4,100 square feet and the occupancy shall be 250 persons;
- B. All applicable Building and Fire Codes must be maintained;
- C. That the days and hours of alcoholic beverage sales and consumption shall not exceed the following: All days of the week 11:00 a.m. to midnight;
- D. That the operation of the Lounge shall conform to all laws established by the City of Midland and the State of Texas;
- E. Ordinance 9043 is repealed by this action.



Cameron Walker, AICP
Planning Division Manager
Department of Development Services



Ken Van Dyne, Senior Planner
Department of Development Services

Attachments:

Application
Exhibit A – Floor Plan
Maps

Case Number: S-12-017

CITY OF MIDLAND
Planning Division

APPLICATION FOR A SPECIFIC USE PERMIT WITH TERM
FOR THE SALE OF ALCOHOLIC BEVERAGES
FOR ON-PREMISE CONSUMPTION

Basin Burger House 432-688-2650
Applicant Name Phone/e-mail
607 N Colorado 79701
Address Zip Code

A4D ~~Mad House~~ Alliance 432-688-2650
Property Owner Name Phone/e-mail
Box 5110 8 79710
Address Zip Code

Operator (if different from Applicant or Property Owner) Phone/e-mail
Address Zip Code

Type of Business: Restaurant, Bar
(Restaurant, Bar, Lounge, Nightclub, etc.)

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

607 N Colorado Lot 1A Block 29
Homesite Addition

Current Zoning: C-1

Max. Floor Area: ~~5,200~~ 4,100 ^{ve} Seating Capacity: 215 250

Proposed hours and days of alcoholic beverage sales: 11 AM to 12 Midnight
Mon - Sunday - 7 Days

Reason for request: _____

REQUIRED SUBMITTALS

36.10

15.30

1. Application fee: \$300 ✓.
2. Site plan – 16 copies (FOLDED) ____.
3. On a CD in .pdf and .jpg digital format ____.

SIGNATURES:

Applicant: [Signature] Date: 12-11-12
Property Owner: [Signature] Date: 12-11-12

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

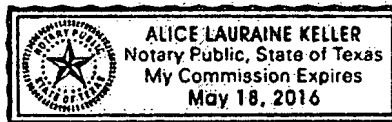
Before me, the undersigned authority, on this day personally appeared

Duke Edwards who, being by me duly sworn, upon oath says: That (s)he is authorized by Ad Alliance, 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.

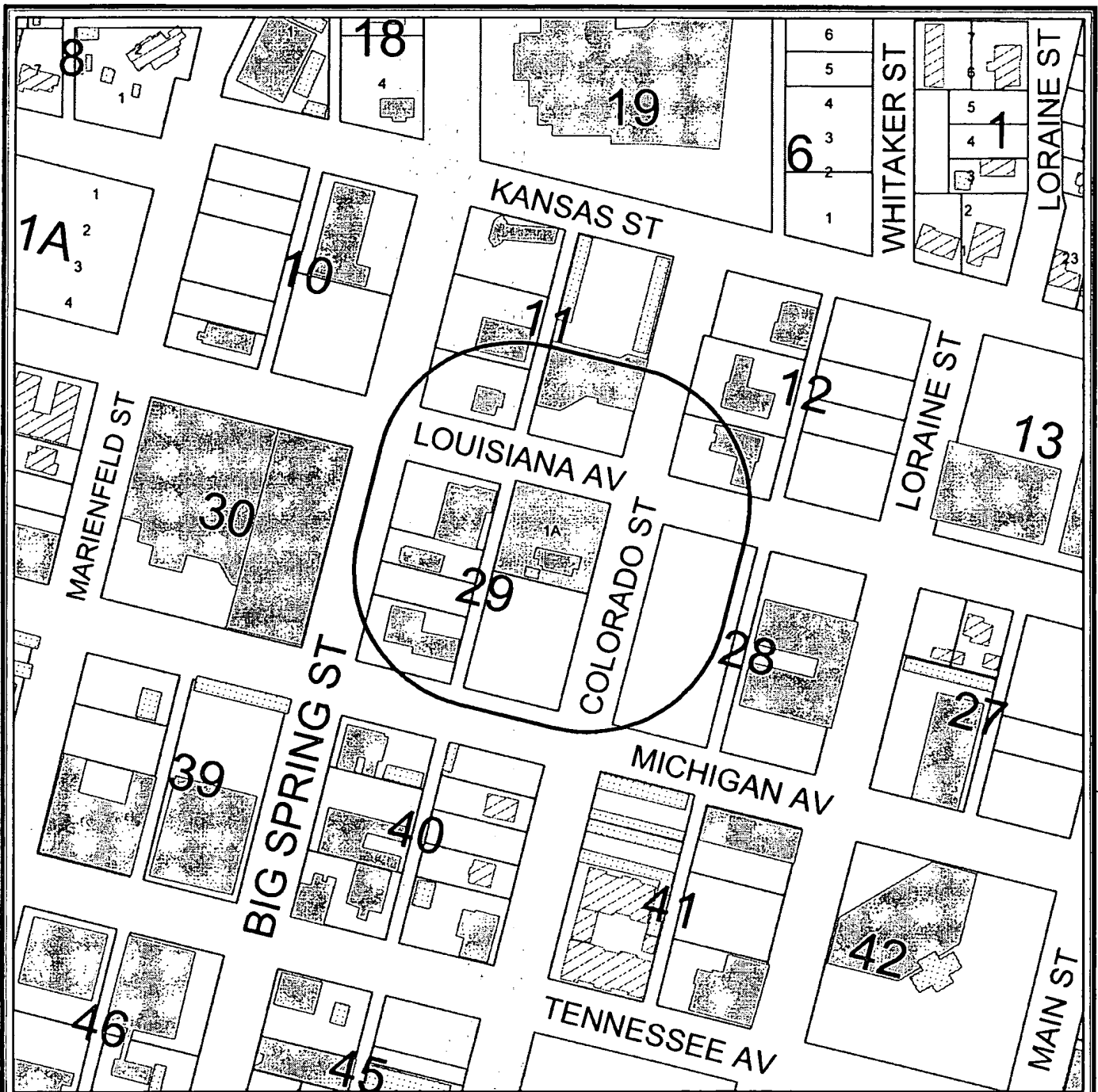
Subscribed and sworn to before me, this 11 day of Dec, 2012, to certify which witness my hand and seal of office.

Alice Lauraine Keller
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
Rec'd By: <u>[Signature]</u>	Date: <u>12/11/12</u>
Assigned: _____	
For: _____	On: _____



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



PROPERTY OWNER NOTIFICATION MAP

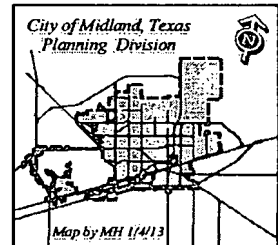
S - 12 - 017

Scale: 1" = 200'

Consider a request for an Amended Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas.

LEGEND

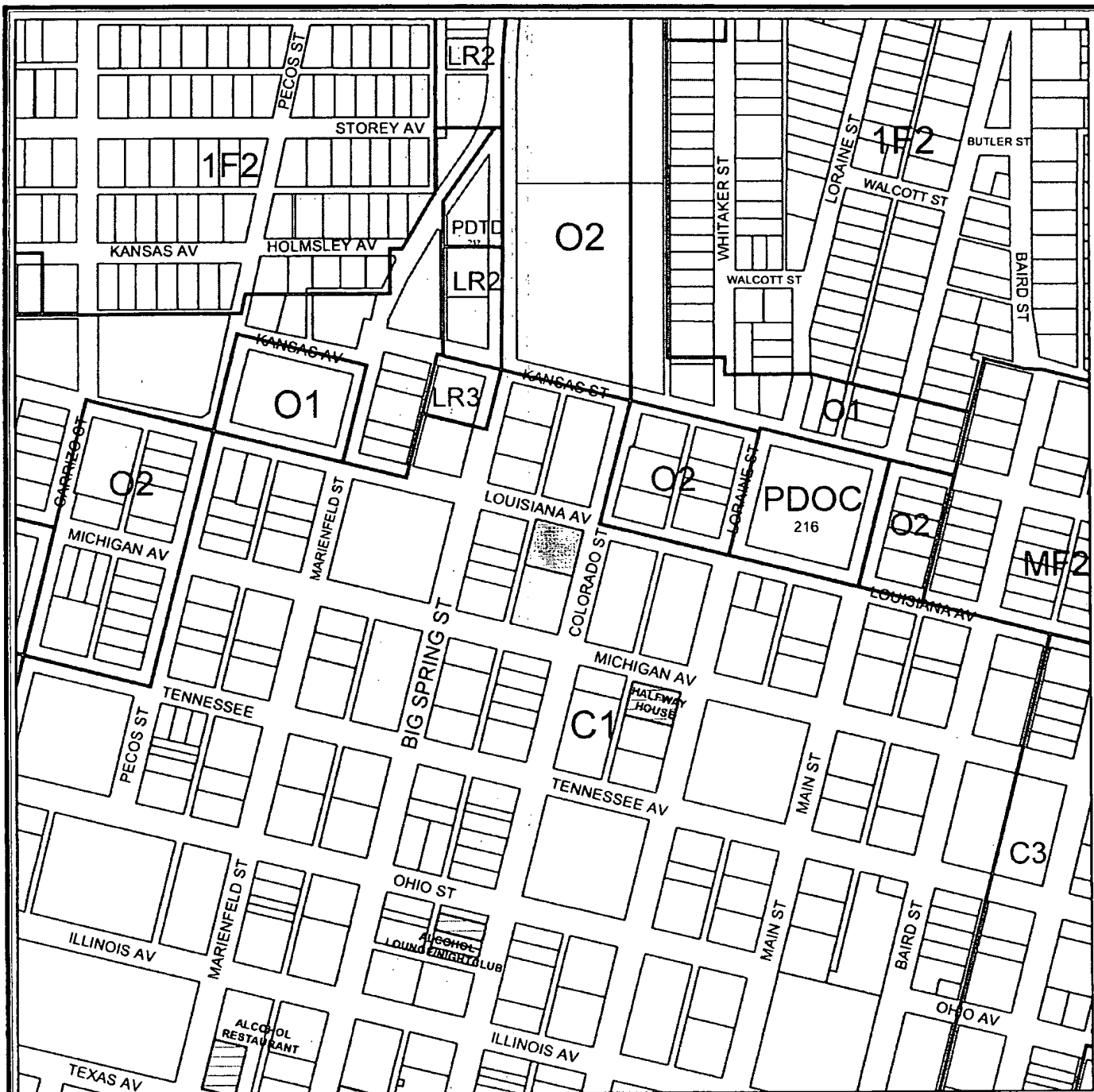
- CITY LIMITS
- 200 FT. LEGAL NOTICE LIMIT
- CITY PARCEL
- PUBLIC BLDGS
- ACCESSORY BLDGS



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36.12

15.32



ZONING MAP

S - 12 - 017

Scale: 1" = 400'

Consider a request for an Amended Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas.

LEGEND

ZONING
 PARCELS
 SPECIFIC USE PERMITS

ZONING DISTRICTS:

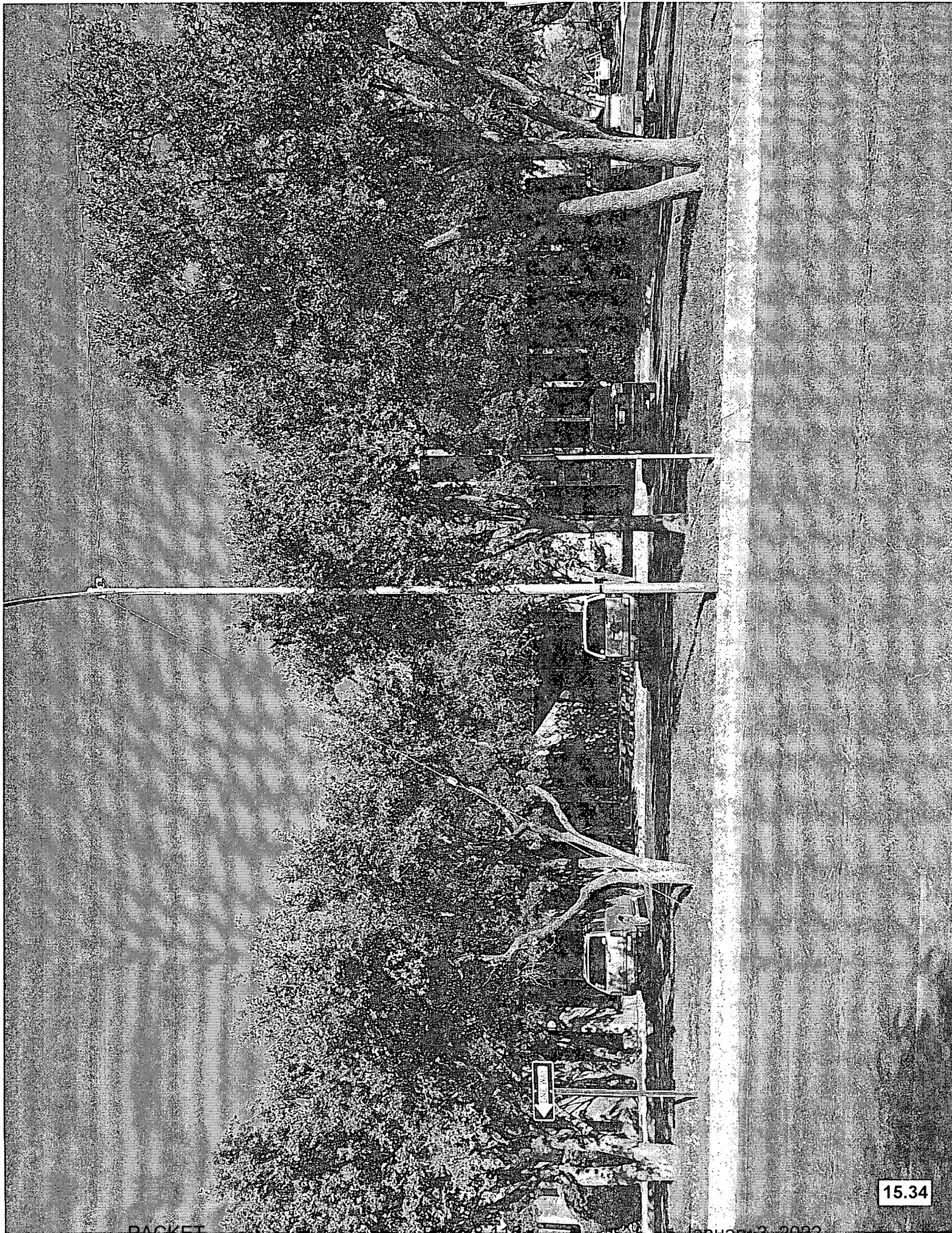
FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	O1, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR1, LR2, LR3	LOCAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP, JP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

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 AS A MAP OR TOOL FOR DETERMINING CLAIMS OR OTHER DISPUTES BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.

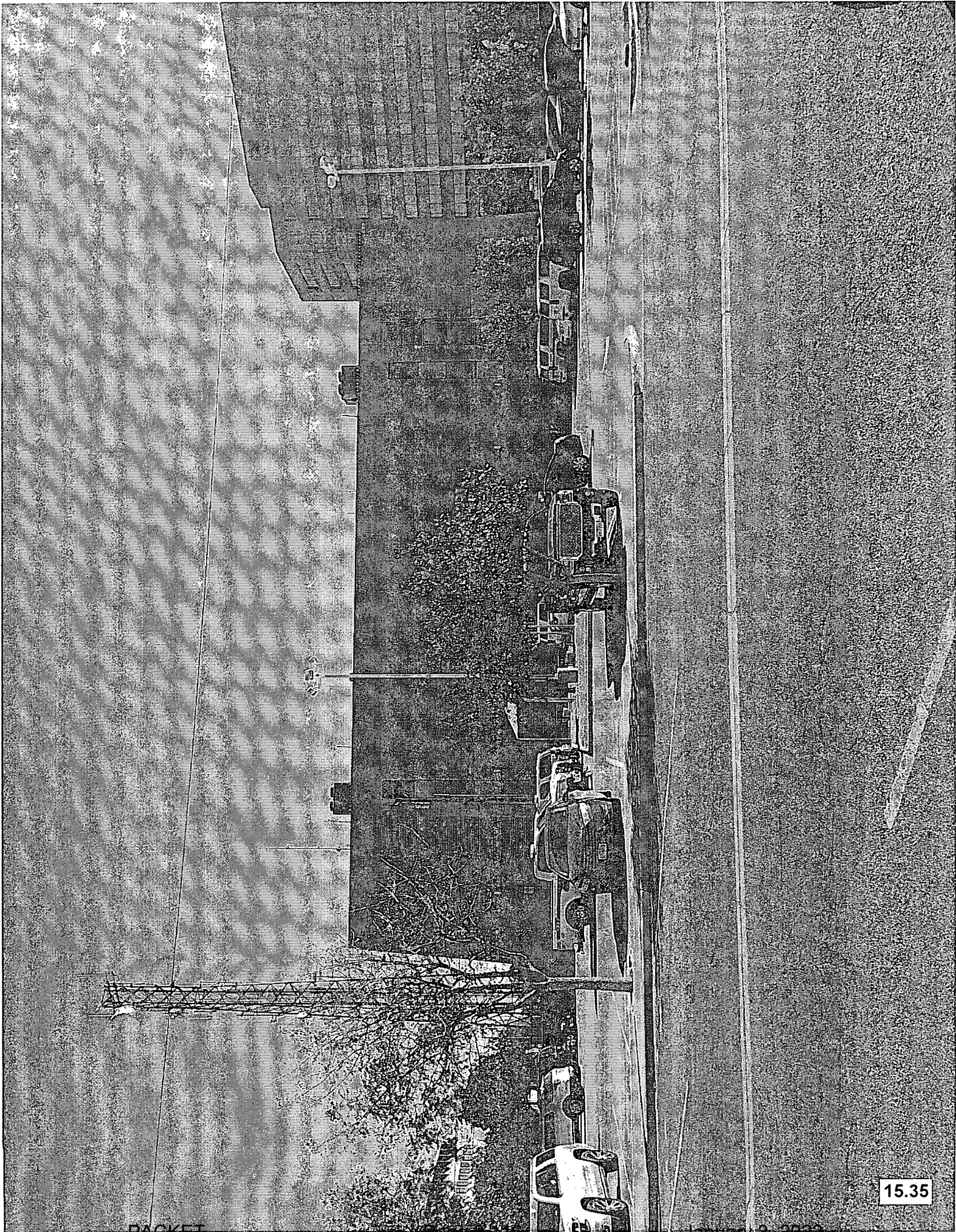


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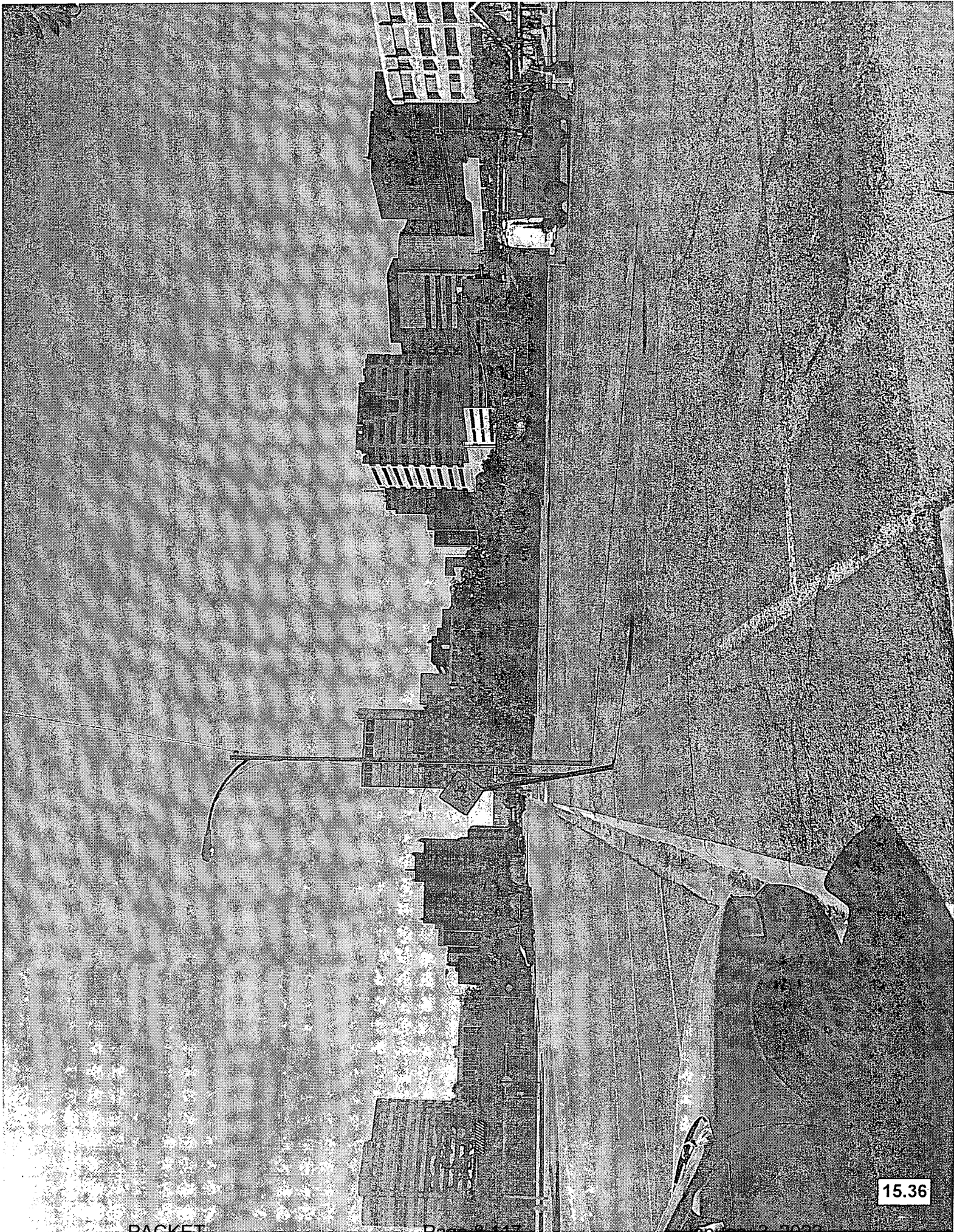
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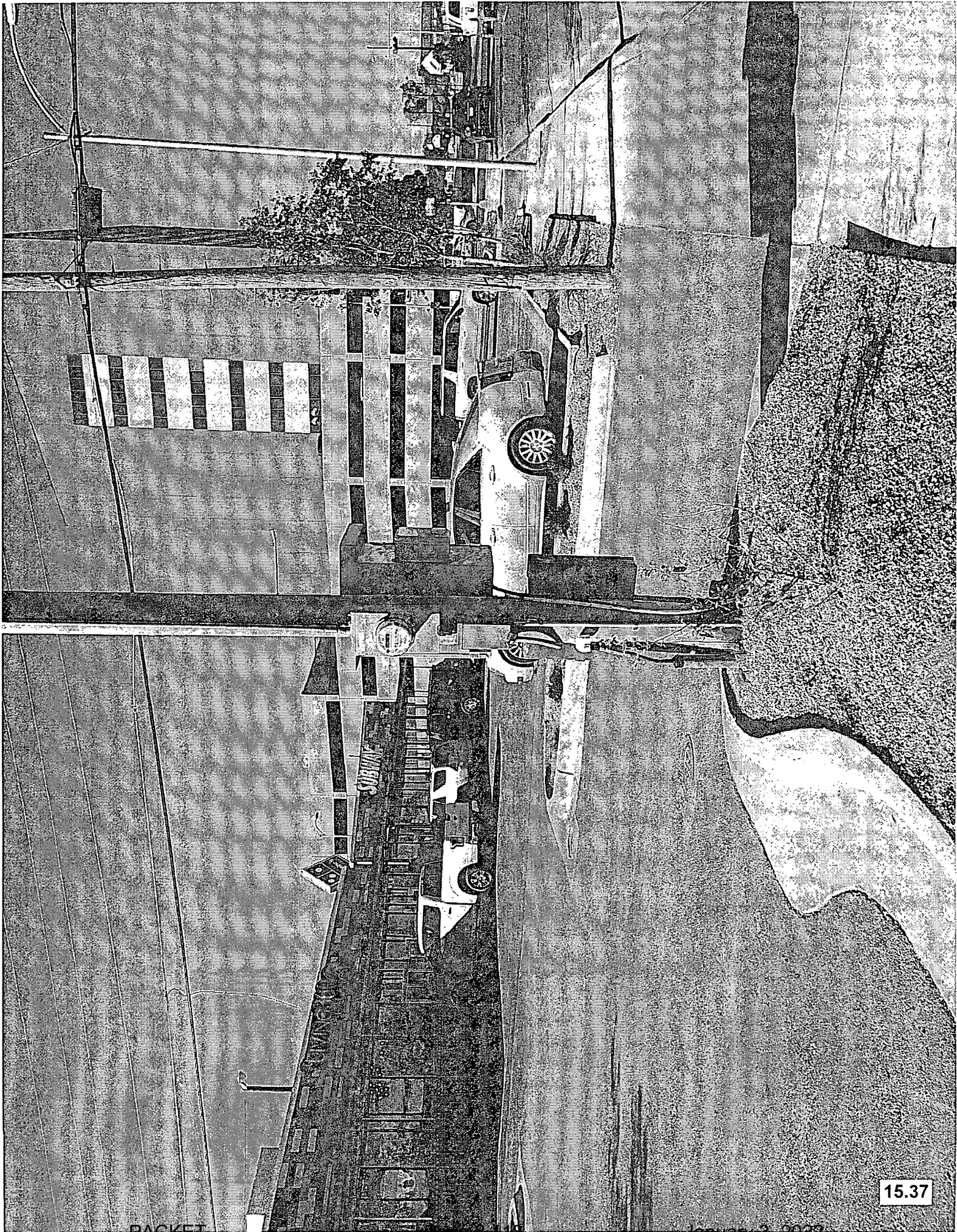
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15.35



15.36



15.37



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: January 03, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Cole Furqueron, Senior Planner

SUBJECT: Motion approving a request by Sylvia Howard for a zone change from HI, Heavy Industrial District to SF-3, Single-Family Dwelling District on Lot 12, Block 50, East Midland Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Tyler Street and Orchard Lane. (Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

HI, Heavy Industrial District.

Surrounding Zoning and Land Use:

The property to the north across Orchard Lane is zoned HI, Heavy Industrial District, and the location of Hidalgo Park. The properties to the east and south are zoned HI, Heavy Industrial District, and the location of single-family residences. The properties to the west across N. Tyler Street are zoned MF-22, Multiple-Family Dwelling District, and the location of a single-family residence and a vacant lot, respectively.

Analysis:

The property is located at 610 N. Tyler Street and is currently vacant. The applicant, Sylvia Howard, is requesting this zone change to allow for the construction of a single-family residence on the property. The current zoning of this property is HI, Heavy Industrial 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 HI, Heavy Industrial District.

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

Fire: (Approved)

No objections.

Building: (Approved)

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

Engineering: (Approved)

No objection to zone change.

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

Code: (Approved)

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

Transportation: (Approved)

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

No objection to zone change.

Planning:

The applicant is requesting this zone change for the purposes of constructing a single family home. The property does not meet the minimum lot size requirements for the SF-3, Single Family Dwelling District, however; a special exception for the minimum lot dimensions was approved by the City Council on December 20, 2021.

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, "Future Land Use Map" as it designates this area for urban medium. This designation calls for a mix of uses that include single-family and commercial development. Therefore, the construction of single-family housing at this location is in conformance with the recommendations of the Tall City Tomorrow plan as

it provides for the integration of uses. It would also support the existing neighborhood characteristics and uses of the area.

Staff recommends approval of this zone change from HI, Heavy Industrial District, to SF-3, Single-Family Dwelling District, subject to condition A.

Conditions:

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

Letters of Objection:

As of December 29, 2021, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Application
Maps



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

Project Number: 2-21-0269
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>G+S Electric Co. Sylvia Howard</u>		Phone (432) <u>6611493</u> Email <u>syiscountry@gmail.com</u>	
Address <u>2505 W. County Rd 130</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79706</u>

Property Owner Printed Name: <u>G+S Electric Co.</u>		Phone (432) <u>6611493</u> Email <u>syiscountry@gmail.com</u>	
Address <u>250 N. Tyler 2505 W. County Rd. 130</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79706</u>

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

Street Address: <u>610 N. Tyler, Midland TX, 79701</u>	
Legal Description Lot: <u>12</u> Block: <u>50</u> Subdivision: <u>East Midland Addition</u>	

Current Zoning: <u>Commercial</u>	Proposed Zone: <u>Single family residential</u> (List by tracts if more than one district is requested)
--	---

Reason for Zone Change Request: <u>change to residential to build a single family residential dwelling</u>

Present Use of Property: <u>vacant lot</u>

Proposed Use of Property: <u>build a house on the vacant lot</u>

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

Describe how conditions affecting the property have changed since present zoning designation: <u>None known</u>
--

Submittal and Fees Items to be submitted with this application form: • Application Fee – Payable to the 'City of Midland' • Dimensioned Site Plan • Digital Copies of Site Plan (PDF/JPEG)	RECEIVED SEP 23 2021 BY: <u>MR</u>
--	--

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

Applicant (signature):

Date:

Applicant (printed):

Property Owner (signature):

Date:

Property Owner (printed) :

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

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

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

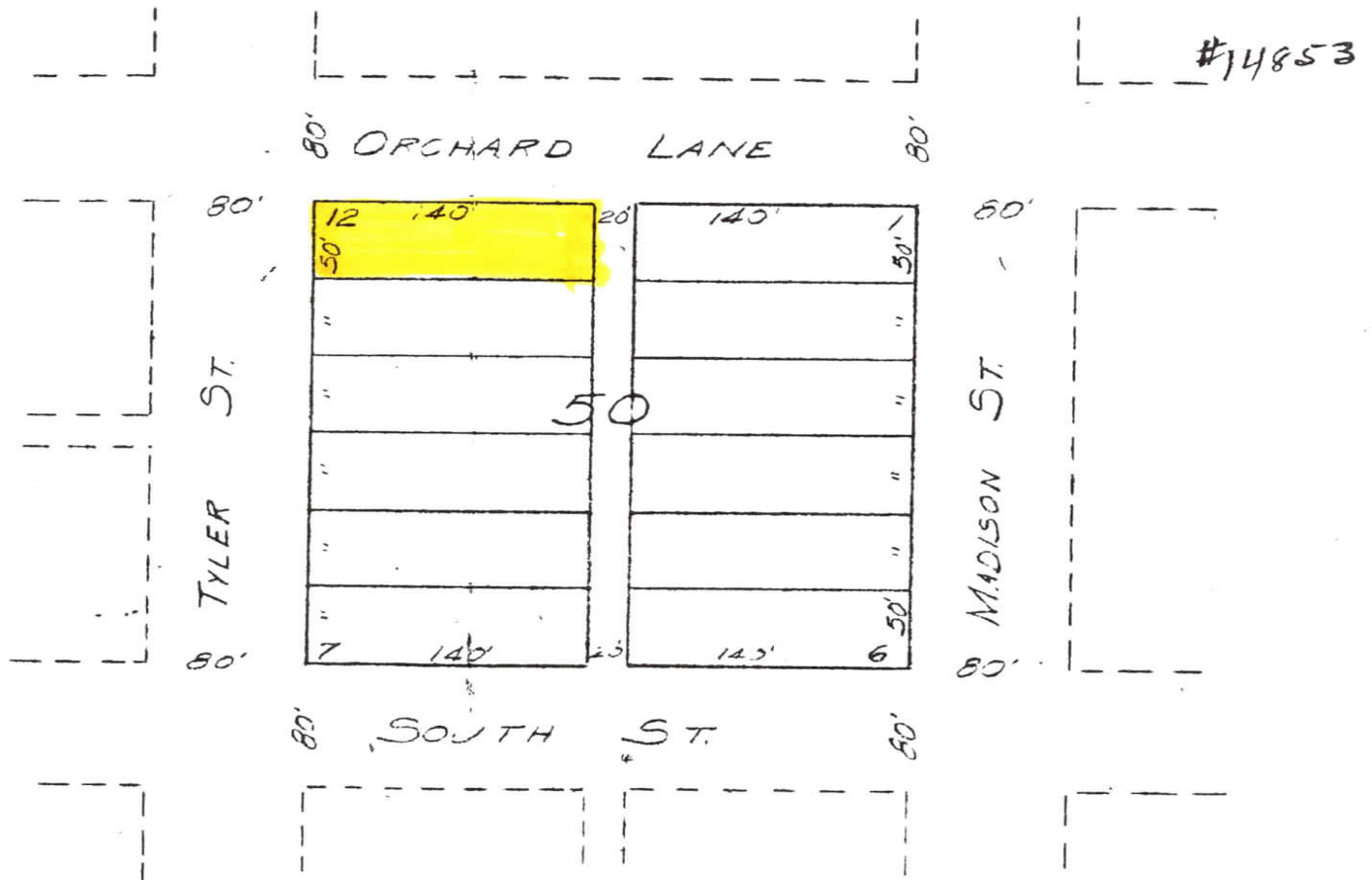
☐ Plans in Digital Format (PDF/JPEG)

Check # _____

Received By: _____

Date: _____

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

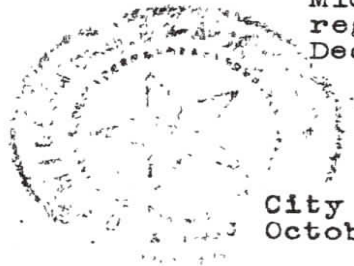


Approved 12-15-52
by City Planning
& Zoning Commission
W. B. Harkrider
Chairman.

Approved by action of
the City Council of
Midland, Texas, in
regular meeting held
Dec. 23, 1952.

SKETCH SHOWING DEDICATION OF
AN ALLEY IN BLOCK 50,
EAST MIDLAND ADDITION TO THE
CITY OF MIDLAND, TEXAS

Scale: 1" = 100'



Ray Pichard
Mayor
J. C. Friedman
Secretary

City Planning Department
October 21, 1952

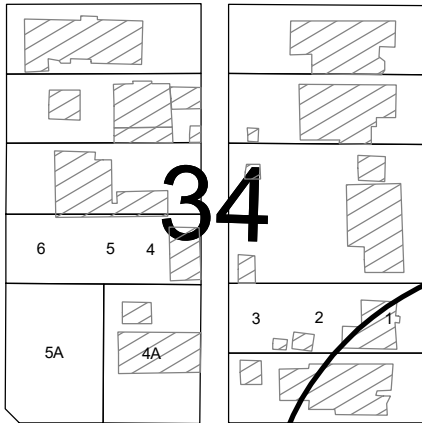
RECEIVED
OCT 13 2021

RECEIVED
SEP 23 2021

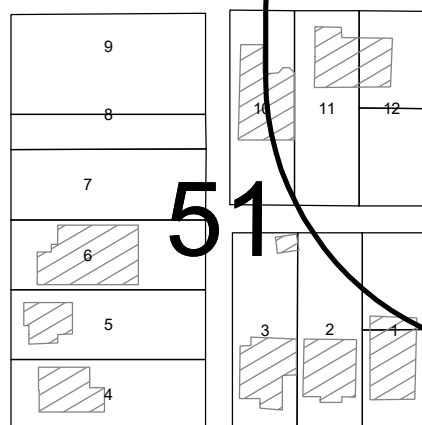
BY:

PA-31

MESQUITE LN



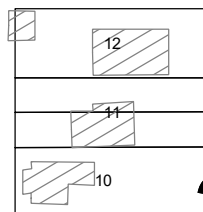
ORCHARD LN



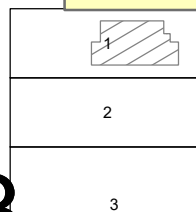
SOUTH ST



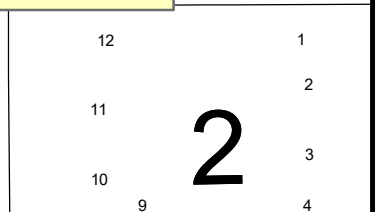
TYLER



MADISON



MADISON



200-foot Public Notification Area

LOCATION MAP

Z-21-0269

Scale: 1" = 200'

A request by Sylvia Howard for a Zone Change from HI, Heavy Industrial District to SF-3, Single-Family Dwelling District on Lot 12, Block 50, East Midland Addition, City and County of Midland, Texas.

Generally located Southeast corner of the intersection of N. Tyler Street and Orchard Lane- (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.

ORCHARD LN

MF22

SOUTH ST

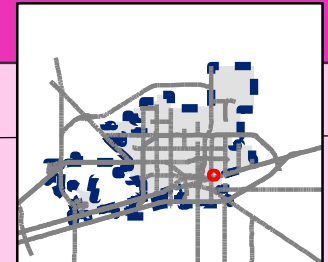
LI

HI

SF3

SF3

MA













Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: January 3, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Cole Furqueron, Senior Planner

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

Recommended Planning and Zoning Commission Action:

☐ Approve

☒ Deny

☐ Direction/Informational

Details of Request:

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

Current Zoning:

LI, Light Industrial District.

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

BUILDING CODE: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes,

the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

SURVEYOR: (Approved)

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

ENGINEERING: (Denied)

*** Denied because a preliminary drainage report needs to be submitted and an initial review needs to be conducted to ensure that the big picture drainage concept complies with City of Midland Stormwater Design Manual.

Per Midland City Code Sect. 11-2-3(D)8:

"Standards for approval. No preliminary plat shall be approved by the commission or by the Council unless the following standards have been met:

(a)A preliminary drainage plan has been approved by the City engineer. The city engineer may approve a preliminary drainage plan which does not include information in sufficient detail to determine whether public street, alley and drainage improvement plans which will be submitted later will conform to all usual standards, but the lack of such detailed information shall result in approval of the preliminary plat being conditioned as described in paragraph 13 below, whether such condition is or is not explicit in the commission or Council's action.

(b)The plat conforms to applicable zoning and other regulations.

(c)The plat meets all other requirements of these regulations, subject to approval of variances."***

IMPACT FEES: Okay as shown

ROW: Okay as shown

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

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

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

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

PRO RATA: None

SEWER: Existing 15-inch and 12-inch sewer mains on South and Carver streets okay as is. No public sewer improvements required.

DRAINAGE: Drainage study required. Post-development drainage/runoff should not be increased from pre-development conditions. FEMA firm data (zone, firm number, date) to be on plat face. [Reference City Code Sect. 11-2-3(D)8]

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

TxDOT comments, "Do not recommend allowing access to BI 20 (Front street) based on the available frontage and recommended Access Management Standards. Post-development drainage/runoff should not be increased from pre-development conditions."

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

FIRE: (Approved)

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

CODE COMPLIANCE: (Approved)

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

PLANNING:

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

Staff recommends denial, due to outstanding technical issues, of the Final Plat of Moody Addition, Section 14 subject to conditions A through C.

Conditions:

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

Attachments:

Proposed Preliminary Plat
Application
Maps



Final Plat Application

Project Number: SUB-21-0425

Case Number: P-21-1250

Proposed Subdivision Plat Name: Moody Addition, Section 14

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

Property Owner

Printed Name: City of Midland

Phone (432) 685-7100

Email

Address 300 N. Loraine

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: Parkhill

Printed Name: Josh Wallender

(PSC PROJ # 6077.21)

Phone (432) 697-1447

Email

jwallender@Parkhill.com

Address 1700 West Wall, Suite 100

City Midland

State Tx

Zip 79701

Current Zoning: LI

Reason for Platting: Combining two smaller lots for commercial use

Plat Information

Total Acreage: 3.41 Ac.

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Date:

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.

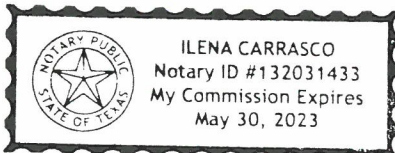
STATE OF TEXAS
COUNTY OF MIDLAND

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

Shelby Freeman

Authorized Agent (signature)

Subscribed and sworn to before me, this 17th day of November, 2021, to certify which witness my hand and seal of office.



Ilena Carrasco

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

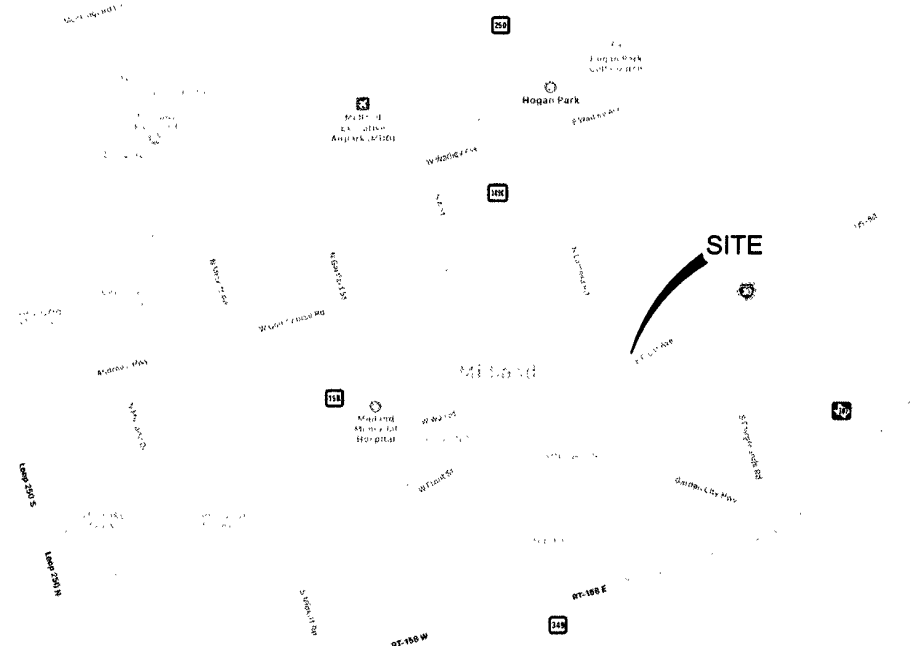
****Application will not be considered for scheduling until reviewed by a planner.****

FOR OFFICE USE ONLY		
☐ Property Owner Authorization	☐ 1 Copy of Dimensioned Plat	☐ Plat in Digital Format (PDF/JPEG)
☐ Mylar	☐ 1 Copy of Plat (11x17)	☐ Public Improvements
☐ Application Fee	☐ Title Opinion	☐ Recording Fee
Check # _____	☐ Tax Certificates	Check # _____
Received By:		Date:

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

Being a re-plot of all of Lot 1A, Block 9,
Moody Addition, Section 10 and
all of Lots 1-4 and 10-12, Block 2,
Moody Addition,
City and County of Midland, Texas

Being a re-plot of all of Lot 1A, Block 9,
Moody Addition, Section 10 and
all of Lots 1-4 and 10-12, Block 2,
Moody Addition,
City and County of Midland, Texas



WLE = Water Line Easement
DRE = Drainage Easement
UEE = Underground Electric Easement

CITY OF MIDLAND
300 N. Loraine
Midland, Texas 79701

Parkhill, Smith & Cooper, Inc.
1700 W Wall St., #100
Midland, Texas 79701
432-697-1447

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

Chairman - PRINT NAME Secretary - PRINT NAME

Parkhill

Parkhill.com

TBPELS FIRM REGISTRATION NO. 10194091

PACKET
Page 10.138
January 3, 2022

WHEREAS, THE CITY OF MIDLAND is the record owner of Lot 1B, Block 9, Moddy Addition, Section 14, City and County of Midland, and more particularly described, shown on the plat hereon.

That we, the City of Midland, do hereby adopt this plat designating the herein above described property as MOODY ADDITION, SECTION 14, City and County of Midland, Texas, and we do hereby dedicate to the public use forever the streets, and easements shown thereon.

By: _____

NAME _____ Title _____

This instrument was acknowledged before me

on _____, 2021

by _____

on behalf of THE CITY OF MIDLAND.

Notary Public Signature

1. Selling a portion of this addition by metes and bounds may be a violation of city ordinance and state law and subject to fines and withholding of utilities and building permits.
2. A blanket easement of ingress and egress is hereby granted for Muddy Addition Section 14 to the City of Midland for garbage and trash collection and location and maintenance of trash containers, save and except those areas occupied by a building or structure. Said easement is conditioned such that no construction shall commence on the property until each location of trash containers and the easements in connection therewith have been selected and approved by the director of utilities.
3. Approval of a site plan by the City of Midland may be required before these lots may be developed or before a building permit may be obtained.
4. Initial impact fees will be assessed during the final platting process. Implementation and collection of impact fees will take place during the building permit process. Additional impact fees or increases in fees may not be assessed against the tract unless the number of service units to be developed on the tract increases.

This plat has been checked for accessibility of utilities.

Digitally signed by David
Hutchason
Date: 2021.11.10 17:42:39
+06'00'

Oncor Electric Delivery Service (PLEASE PRINT)

1

AT&T Texas (PLEASE PRINT)

<u>Mark Lieb</u>	<u>Mark Lieb</u>
Atmos Energy	(PLEASE PRINT)

Luis.Montez Digitally signed by Luis.Montez
Date: 2021.10.22 08:34:17
-05'00'

SuddenLink Communications (PLEASE PRINT)

Grande Communications (PLEASE PRINT)

Based on the U.S. Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map, Community Number 480477, Map Number 48329C0089F & 48329C0093F, Panel 89 and 93 of 525, revised September 16, 2005, the surveyed property is not located in a Special Flood Hazard Area. According to the map, the current flood zone classification for the surveyed property is Zone X.

KNOW ALL MEN BY THESE PRESENTS

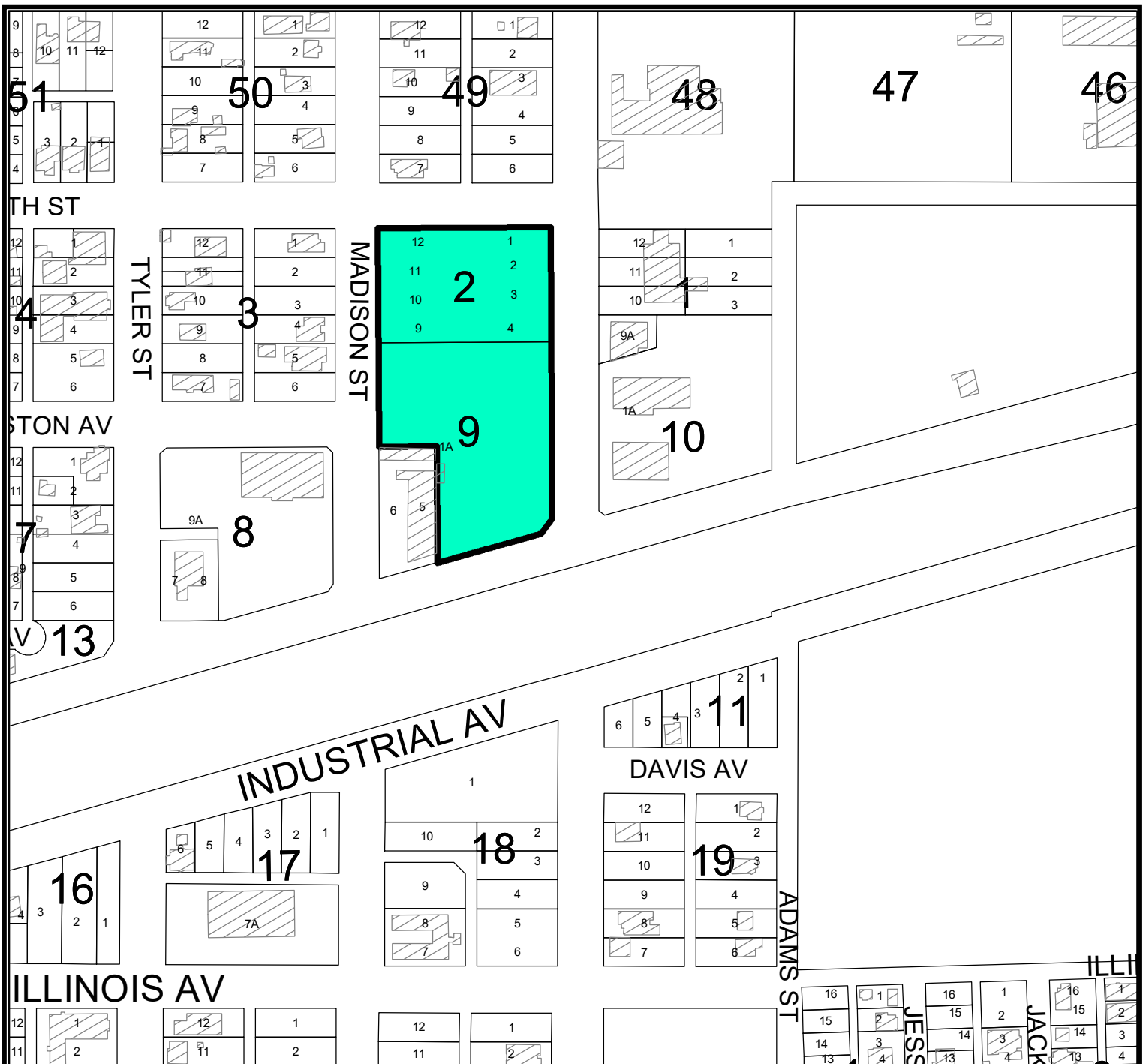
That I, Samuel Wyatt, a Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the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

Samuel Wyatt, R.P.L.S. #6453

Bearings, distances and coordinates are relative to the Texas State Plane Coordinate System (Central Zone 1983 NAD), with a combined grid factor of 0.9998958 for mean project datum. The theta angle is equal to -00°54'48.39" at USC&GS station "Midland", with published values of N=10,690,154.70 and E=1,746,696.78 in U.S. Survey Feet.

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____
DATE _____ PAGE _____



LOCATION MAP

SUB-21-0425

Scale: 1" = 250'

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

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS

