

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

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION
PACKET
July 20, 2020 - 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 at or following the time specified, to consider the following:

VIDEOCONFERENCE INFORMATION

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85202710596>

Or iPhone one-tap :

US: +13462487799,,85202710596# or +12532158782,,85202710596#

Or Telephone:

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

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

Webinar ID: 852 0271 0596

International numbers available: <https://us02web.zoom.us/j/85202710596>

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

CONSENT ITEMS

2. Consider a motion approving the Planning and Zoning Commission Meeting Minutes for July 6, 2020.
3. Consider a proposed Final Plat of Bankhead Addition, Section 12, being a plat of a 1.098-acre tract of land located in Section 33, Block 39, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of W. Front Street, approximately 475 feet east of W. Wall Street. Council District 2) (DEVELOPMENT SERVICES)
4. Consider a proposed Final Plat of College Heights Addition, Section 8, being a replat of Lots 1 through 5, Block 40, College Heights Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Washington Avenue and S. Garfield Street. Council District 2) (DEVELOPMENT SERVICES)
5. Consider a proposed Final Plat of Overstreet Addition, Section 12, being a replat of Lots 3 & 4, Block 2, Overstreet Addition, Section 2, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Garden City Highway and King Street. Council District 2) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

6. Hold a public hearing and consider a request by Vicente Carrasco for a zone change from AE, Agricultural Estate District and PD, Planned District for an Industrial District, to SF-1, Single Family Dwelling District, on Lot 4A, Block 17, 349 Ranch Estates, Section 18, City and County of Midland, Texas. (Generally located on the north side of Arapahoe Road, approximately 830 feet east of N. State Highway 349. Council District 1) (DEVELOPMENT SERVICES)
7. Hold a public hearing and consider a request by Labonita LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant on a 6,811 square foot portion of Lots 3 through 9, Block 138, Replat of Blocks 137 and 138, Wilshire Park, City and County of Midland, Texas. (Generally located on the south side of West Illinois Avenue, approximately 160-feet west of North Midland Drive. Council District 4) (DEVELOPMENT SERVICES)
8. Hold a public hearing and consider a request by Zakery Davis for a Specific Use Designation without Term for Automobile or other Motorized Vehicle Sales and Services on Lots 1 and 2, Block 3, Hines Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Florida Avenue and South Garfield Street. Council District 2) (DEVELOPMENT SERVICES)
9. Hold a public hearing and consider a request by Aimee Valenzuela, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 2,233 square foot portion of Lot 23B, Block 40, Fairmont Park Addition,

Section 39, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North Loop 250 West and Tremont Avenue. Council District 1) (DEVELOPMENT SERVICES)

10. Hold a public hearing and consider a request by Newton Engineering, PC for a zone change from PD, Planned Development District for a Transition District to Amended PD, Planned Development District for a Transition District, on Lots 1A and 5, Block 1, Rolling Green Acres Addition, Section 3, City and County of Midland, Texas. (Generally located on the north side of East State Highway 80, approximately 245 feet west of Todd Drive. Council District 2) (DEVELOPMENT SERVICES)
11. Hold a public hearing and consider a request by Zhiguan Yu for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant on a 1,700 square foot portion of Lot 18, Block 1, Providence Park, Section 2, City and County of Midland, Texas (Generally located on the west side of North Midkiff Road, approximately 150 feet north of West Wadley Avenue. Council District 1) (DEVELOPMENT SERVICES)

MISCELLANEOUS

Cristina Odenborg Burns
Planning Division Manager
Department of Development Services

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

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

July 6, 2020

Council Chambers – City Hall



The Planning and Zoning Commission convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 3:32 PM on July 06, 2020.

Commissioners present: Karmen Bryant, Kevin Wilton, Warren Ivey, Reggie Lawrence, Lucy Sisniega

Commissioners absent: Chase Gardaphe, Joshua Sparks, Dianne Williams

Staff members present: Dalia Salinas, Cristina Odenborg Burns, Elizabeth Shaughnessy, Glenda Arroyo-Cruz, Joseph Marynak, Charles Harrington

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.)

The public comment period was opened at 3:32 p.m. With no one wishing to speak, the public comment period was closed at 3:33 p.m.

CONSENT ITEMS

Lucy Sisniega moved to approve the Consent Agenda, excluding item 5 ; seconded by Warren Ivey.

The motion passed by the following vote:

AYE: Bryant, Lawrence, Ivey, Sisniega

NAY: None

ABSTAIN: None

ABSENT: Wilton, Williams, Sparks, Gardaphe

2. Consider a motion approving the following minutes:
 - a. Planning and Zoning Commission Meeting Minutes for June 15, 2020

3. Consider a proposed Preliminary Plat of Grassland Estates West, Section 13, being a plat of a 25.3859 - acres tract of land located in Section 35, Block 40, T-1-S, T&P RR Co Survey, City and County of Midland, Texas. (Generally located on the west side of W. State Highway 158, approximately 1,631 - feet north of Brandy Hill Road. Council District 4) (DEVELOPMENT SERVICES)
4. Consider a proposed Final Plat of Johnson & Moran Addition, Section 7, being a replat of Lots 1 and 2, Block A-1, Resubdivision of Tracts A & The East Half of B, Johnson & Moran Addition, City and County of Midland Texas. (Generally located on the southwest corner of the intersection of West Cuthbert Avenue and North Garfield Street. Council District 3) (DEVELOPMENT SERVICES)
5. Consider a proposed Final Plat of Los Patios, Section 6, being an 8.47-acres tract of land located in Section 25, Block 40, T-1-S, T&P RR. Co. Survey City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Briarwood Avenue and Holiday Hill Road. Council District 4) (DEVELOPMENT SERVICES)

Commissioner Ivey asked if the easements that are shown on the final plat are still there. Planner Glenda Arroyo-Cruz explained that yes the water easements are still there. Commissioner Ivey then asked if the properties are going to be able to be used with the easements being so wide. Planning Manager Cristina Odenborg Burns explained that the lots are still able to be developed.

Commissioner Ivey then requested to hear from the applicant.

Robert Randall, 6 Desta Drive, Suite 1000, Midland, TX 79705, spoke on behalf of the applicant. He gave a summary of the project and was open for questions.

Warren Ivey moved to approve this request; seconded by Lucy Sisniega.

The motion passed by the following vote:

AYE: Wilton, Bryant, Lawrence, Ivey, Sisniega

NAY: None

ABSTAIN: None

ABSENT: Williams, Sparks, Gardaphe

6. Consider a proposed Final Plat of Lost Mountain Addition, Section 5, being a re-plat of Lot 5, Block 2, Lost Mountain Addition, Section 3, City and County of Midland, Texas. (Generally located on the north side of Passage Way, approximately 1,725-feet east of Midkiff Road. Council District 1) (DEVELOPMENT SERVICES)
7. Consider a proposed Final Plat of Sunridge Ranch Estates, Section 7, being a re-plat of Lots 6 and 7, Block 5, Sunridge Ranch Estates, Section 3, Midland County, Texas. (Generally located on the north side of West County Road 44, approximately 1,221-feet west of North County Road 1246. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

8. Consider a proposed Preliminary Plat of Rusty Arrow Addition, being a plat of a 4.001-acres tract of land located in the southwest quarter of Section 16, Block 38, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the south side of E. County Road 136, approximately 336 feet west of S. County Road 1157. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

9. Hold a public hearing and consider a proposed Final Plat of Country Sky Addition, Section 26, being a residential replat of Lot 6F, Block 2, Country Sky Addition, Section 21, City and County of Midland, Texas. (Generally located on the west side of Roadrunner Trail, approximately 625 feet south of Briarwood Avenue. Council District 4) (DEVELOPMENT SERVICES)

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

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

The applicant was present but deferred to staff.

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

Kevin Wilton moved to approve this request; seconded by Karmen Bryant.

The motion by the following vote:

AYE: Wilton, Bryant, Lawrence, Ivey, Sisniega

NAY: None

ABSTAIN: None

ABSENT: Williams, Sparks, Gardaphe

10. Hold a public hearing and consider a request by James Tynes Jr. for a Specific Use Designation with Term, for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 2,508 square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas. (Generally located on the north side of West Longview Avenue, approximately 290 feet east of Belmont Street. Council District 2) (DEVELOPMENT SERVICES)

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

The public hearing was opened at 3:58 p.m.

The applicant present but deferred to staff.

The public hearing was closed at 4:00 p.m.

Warren Ivey moved to approve this request ; seconded by Karmen Bryant.

The motion passed by the following vote:

AYE: Wilton, Bryant, Lawrence, Ivey, Sisniega

NAY: None

ABSTAIN: None

ABSENT: Williams, Sparks, Gardaphe

11. Hold a public hearing and consider a request by Rosa R. Ramirez for a Specific Use Designation with Term for a Child Care: Day Care Center on Lots 7 & 8, Block 11A, Highland Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Parker Avenue and N. Main Street. Council District 2) (DEVELOPMENT SERVICES)

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

The public hearing was opened at 4:04 p.m.

The applicant was present but deferred to staff.

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

Kevin Wilton moved to approve this request ; seconded by Karmen Bryant.

The motion passed by the following vote:

AYE: Wilton, Bryant, Lawrence, Ivey, Sisniega

NAY: None

ABSTAIN: None

ABSENT: Williams, Sparks, Gardaphe

12. Hold a public hearing and consider a request by Jamie Alvarado Lopez for a zone change from SF-3, Single-Family Dwelling District to 2F, Two-Family Dwelling (Duplex) District on Lot 1, Block 43, South Park Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of East Hicks Avenue and South Dallas Street. Council District 2) (DEVELOPMENT SERVICES)

Planner Glenda Arroyo-Cruz gave an overview of the project. With no letters of objection received, staff recommended denial.

Commissioner Ivey asked if staff had recommended denial. Planner Glenda Arroyo-Cruz and Planning Manager Cristina Odenborg Burns explained the reason for the recommendation of denial.

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

The applicant, Alvarado Lopez, 404 S. Jefferson Street, Midland, TX 79701, gave a summary of the project and was open for questions.

Commissioner Wilton asked if the rezoning was the problem with this application. Planning Manager Cristina Odenborg Burns explained that the existing lot does not meet the minimum lot requirements and also according the land use map of Tall City Tomorrow Plan this area is designated for future residential, which call for single family zoning.

Commissioner Lawrence asked what the overall square footage of the property is. Planning Manager Cristina Burns explained that it was 8,520 feet.

Commissioner Lawrence asked staff if they were aware of the property that was mentioned by the applicant as a reference to his own project. Planning Manager Cristina Odenborg Burns explained that staff was not aware of the property, but that it could be that the said property has been grandfathered in.

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

Karmen Bryant moved to approve this request; seconded by Kevin Wilton.

The motion failed by the following vote:

AYE: Wilton, Bryant

NAY: Lawrence, Ivey, Sisniega

ABSTAIN: None

ABSENT: Williams, Sparks, Gardaphe

13. Hold a public hearing and consider a request by Slam-Dunk Food #2, LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, on Lot 26, Block 5, North Park Addition, Section 18, City and County of Midland, Texas. (Generally located on the west side of Whitman Drive, approximately 165-foot north of West Loop 250 North. Council District 1) (DEVELOPMENT SERVICES)

Planner Glenda Arroyo-Cruz gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 4:27 p.m.

The applicant was not present.

The public hearing was closed at 4:28 p.m.

Lucy Sisniega moved to approve this request ; seconded by Warren Ivey.

The motion passed by the following vote:

AYE: Wilton, Bryant, Lawrence, Ivey, Sisniega

NAY: None

ABSTAIN: None

ABSENT: Williams, Sparks, Gardaphe

14. Hold a public hearing and consider a proposed Preliminary Plat of Southern Addition, Section 18, being a residential re-plat of Lots 15 through 18, Block 133, Southern Addition, City and County of Midland, Texas. (Generally located on the east side of South Weatherford Street, approximately 80-foot north of East Washington Avenue. Council District 2) (DEVELOPMENT SERVICES)

Planner Glenda Arroyo-Cruz gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 4:30 p.m.

The applicant was not present.

The public hearing was closed at 4:30 p.m.

Warren Ivey moved to approve this request ; seconded by Lucy Sisniega.

The motion passed by the following vote:

AYE: Wilton, Bryant, Lawrence, Ivey, Sisniega

NAY: None

ABSTAIN: None

ABSENT: Williams, Sparks, Gardaphe

15. Hold a public hearing and consider a request by Jorge Chavez for a zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District on Lot 3, Block 5, Greenwood Addition, City and County of Midland, Texas. (Generally located on the west side of South Clay Street, approximately 110 feet south of East Indiana Avenue. Council District 2) (DEVELOPMENT SERVICES)

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

The public hearing was opened at 4:33 p.m.

The applicant was not present.

The public hearing was closed at 4:34 p.m.

Kevin Wilton moved to approve this request ; seconded by Warren Ivey.

The motion passed by the following vote:

AYE: Wilton, Bryant, Lawrence, Ivey, Sisniega

NAY: None

ABSTAIN: None

ABSENT: Williams, Sparks, Gardaphe

16. Hold a public hearing and consider a request by Jorge Chavez for a zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District on Lot 10, Block 23, Greenwood Addition, Third, Fourth, and Fifth Sections, City and County of Midland, Texas. (Generally located on the east side of South Clay Street, approximately 110 feet south of East Washington Avenue. Council District 2)

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

The public hearing was opened at 4:38 p.m.

The applicant was not present.

Commissioner Lawrence asked if staff had plans to make these types of zone changes a blanket response. Planning Manager Cristina Odenborg Burns explained the process is already in the works. She also explained that staff is still in the process of gathering all the information to begin the process.

Director of Development Services, Chuck Harrington, also spoke on the process and progress of allowing for these zone change applications.

Commissioner Lawrence asked for staff to walk him through the current process for a zone change application. Planning Manager Cristina Odenborg Burns explained the process, fees and timeline.

The public hearing was closed at 4:42 p.m.

Lucy Sisniega moved to approve Approve; seconded by Karmen Bryant.

The motion passed by the following vote:

AYE: Wilton, Bryant, Lawrence, Ivey, Sisniega

NAY: None

ABSTAIN: None

ABSENT: Williams, Sparks, Gardaphe

MISCELLANEOUS

With no further items or business to come before the Commission, Vice Chairman Lawrence adjourned the meeting at 4:44 PM

Joshua Sparks, Chairman

Date

Cristina Odenborg Burns, Planning Division Manager
Department of Development Services

Date



Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 20, 2020

TO: PLANNING AND ZONING COMMISSION

FROM: Joseph Marynak

SUBJECT: Consider a proposed Final Plat of Bankhead Addition, Section 12, being a plat of a 1.098-acre tract of land located in Section 33, Block 39, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of W. Front Street, approximately 475 feet east of W. Wall Street. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

C, Commercial District.

Preliminary Plat Approval:

The applicant's property is located at 3305 W. Front Street. The applicant is requesting to plat the property into one (1) lot for development. The preliminary plat of Bankhead Addition, Section 12 was approved at the May 4, 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.

Departmental Review:

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.

Fire: (Approved)

No additional 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.

Transportation: (Approved)

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

No objections to plat.

Engineering: (Approved)

ROW: Ok as shown

PAVING: ok as is. No public improvements required.

WATER: Existing water connection confirmed by surveyor. No public 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: Future sewer connection being reviewed with Building Permit. No deferral required.

DRAINAGE: Drainage report submitted to our office along with building permit. Approved for platting purposes.

EASEMENTS: Ok as shown.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

Planning:

Staff recommends approval of this final plat, subject to Condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

Being a 1.098-acre tract of land located in Section 33, Block 39, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas.

BEGINNING at a TxDOT type II concrete right of way monument (found) for the Northwest corner of the above mentioned 1.098 acre tract, the Northeast corner of the Jadylan, LLC 0.74 acre tract described in Document No. 2008-23641, in the South right of way of Interstate 20 Business Loop West (Front Street);

THENCE South 84 deg. 46 min. 25 sec. East with the South right of way of Front Street, the North line of the 1.098 acre tract, a distance of 199.26 ft. to a 3/8" iron rod (found) for the Northeast corner of same, the Northwest corner of the Grella Oil and Gas 0.978 acre tract described in Document No. 2017-29611;

THENCE South 05 deg. 39 min. 01 sec. West with the West line of the 0.978 acre tract, the East line of the 1.098 acre tract, a distance of 240.07 ft. to a 1/2" iron rod (set) for the Southeast corner of same, the Southwest corner of the 0.978 acre tract;

THENCE North 84 deg. 46 min. 25 sec. West with the South line of the 1.098 acre tract, a distance of 199.26 ft. to a 5/8" iron rod (found) for the Southwest corner of same, the Southeast corner of the 0.74 acre tract;

THENCE North 05 deg. 39 min. 01 sec. East with the East line of the 0.74 acre tract, the West line of the 1.098 acre tract, a distance of 240.07 ft. to the place of beginning, containing 1.098 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Ramon S. Carrasco and Diana L. Villarreal do hereby adopt this plat designating the hereinabove described property as Bankhead Addition, Section 12, an addition to the City of Midland, Texas, and, hereby dedicate to the public use forever the streets, alleys and easements shown thereon.

WITNESS our hands at Midland, Texas this the _____ day of _____, 2020.

By: _____

NAME: _____

TITLE: _____

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF MIDLAND

This plat was acknowledged before me on _____.

By: _____

Ramon S. Carrasco

Notary Public, State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF MIDLAND

This plat was acknowledged before me on _____.

By: _____

Diana L. Villarreal

Notary Public, State of Texas

CERTIFICATE OF APPROVAL

For approval by the commission:

This is to certify that the above and foregoing plat of the Bankhead Addition, Section 12 was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this _____ day of _____, 2020.

Signed: _____

Joshua Sparks, Chairman

Signed: _____

Cristina Odenborg Burns, Secretary

ENGINEER:
GRESHAM, SMITH & PARTNERS
511 UNION STREET
NASHVILLE, TN 37219
(615) 770-8100

OWNER:
RAMON S. CARRASCO AND
DIANA L. VILLARREAL
704 SPRABERRY DR.
MIDLAND, TX 79703
432-664-7550
432-269-3262

DEVELOPER:
GBT REALTY LLC
9010 OVERLOOK BLVD.
BRENTWOOD, TN 37027
(615) 370-0670



FINAL PLAT

BANKHEAD ADDITION,
SECTION 12

Part of Section 33, Block 39, Township 1
South of the Texas Pacific Railway Company
Survey, Abstract No. 45, City of Midland,
Midland County, Texas

TREE TABLE			
QTY	NO	TRUNKS	SIZE TYPE
1	4320	SINGLE	18" LIVE OAK
2	444	SINGLE	12" LIVE OAK

NOTES

1. BEARINGS/DISTANCES/COORDINATES TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.

2. SITE ELEVATION DATUM IS NAVD 88.

3. CONTOUR INTERVAL = 1.0'

SITE BENCHMARK 1
TOP OF MAG NAIL SET IN ASPHALT
BEING N 04°15'55" E 120.88' FROM N.W.C. OF TRACT
ELEVATION = 2830.82'

SITE BENCHMARK 2
TOP OF MAG NAIL SET IN ASPHALT
BEING N 36°57'26" E 118.79' FROM THE N.E.C. OF TRACT
ELEVATION = 2830.08'

7. PROPERTY ADDRESS: 3305 W FRONT ST.
MIDLAND, TX 79701

8. 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.

9. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THESE LOT(S) MAY BE DEVELOPED AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.

10. THE SUBJECT TRACT LIES IN ZONE "X". AREAS DETERMINED TO BE OUTSIDED THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NO. 48329C0201F WITH A REVISED DATE OF SEPTEMBER 16, 2005, COUNTY OF MIDLAND, TEXAS.

11. RIGHT OF WAY EXECUTED BY F.F. ELKIN TO HUMBLE PIPE LINE COMPANY, DATED JANUARY 4, 1959, AND RECORDED IN VOLUME 61, PAGE 585, DEED RECORDS OF MIDLAND COUNTY, TEXAS IS A BLANKET EASEMENT AND DOES AFFECT THIS TRACT.

12. The contractor(s) shall be responsible for confirming the location (horizontal & vertical) of any buried cables, conduits, pipes, and structures (storm sewer, sanitary sewer and water). The contractor(s) shall be responsible for confirming the location (horizontal & vertical) of gas, television, telephone and other utility easements which impact the construction site. The contractor(s) shall notify the owner if any discrepancies are found between the actual conditions and the data contained in the construction plans. Any costs incurred as a result of not verifying the actual location (horizontal & vertical) of said cables, conduits, pipes and structures shall be borne by the contractor(s).

13. Adequate research to determine the location of intended boundary lines was made. In accordance with the Texas Board of Professional Land Surveyors, General Rules and Practices, Section 663.16 (c), research to support the delineation of easements, rights-of-way and restrictive covenants was not performed. The location of utilities shown hereon are from observed evidence of above ground appurtenances only. The surveyor was not provided with underground plans or surface ground markings to determine the location of any subterranean uses.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

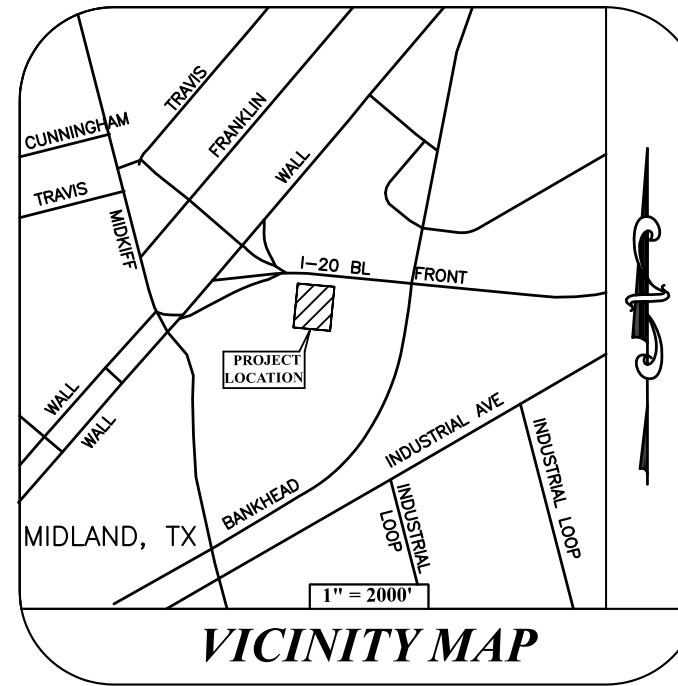
That I, Philip W. Cornett, a Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations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

Philip W. Cornett
Registered Professional Land Surveyor
Texas Registration No. 5515

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____



JOHN COWAN & ASSOCIATES, INC.

10147 COUNTY ROAD 135, FLINT, TEXAS 75762
PH: (903) 581-2238 txsurveys.com
FIRM REGISTRATION CERTIFICATION NO. 10025500

UTILITY COMPANIES CERTIFICATE

Atmos Energy

AT&T Telephone Company

Oncor Electric

Suddenlink Communications

Grande Communications



Final Plat Application

Project Number

Case Number:

SUB-20-0327
P-20-0886**Proposed Subdivision Plat Name:** Bankhead Addition, Section 12**Legal Description (attached sealed Metes and Bounds):** Part of Section 33, Block 39, Township 1 South of the Texas Pacific Railway Company Survey, Abstract No. 45, City of Midland, Texas**Property Owner**

Printed Name: Ramon S. Carrasco and Diana L. Villarreal

Phone (432) 664-7550

Email

Address 704 Spraberry Dr.

City Midland

State TX

Zip 79703

Developer (if different than Owner)

Printed Name: GBT Realty Corporation

Phone (615) 370-0670

Email

ggglaser@gbtrealty.com

Address 9010 Overlook Boulevard

City Brentwood

State TN

Zip 37027

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

Firm: John Cowan & Associates, Inc.

Printed Name: Philip Cornett

Phone ((903) 581-2238

Email

pcornett@jcowaninc.com

Address 10147 CR 135

City Flint

State TX

Zip 75762

Current Zoning: BP - I-20 Business Park District**Reason for Platting:** Subdivide lot for commercial use.**Plat Information**

Total Acreage: 1.098

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

Number of Lots: 1

Number of Multi-Family Dwelling Units:

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Date:

Property Owner (printed) : Ramon S. Carrasco and Diana L. Villarreal

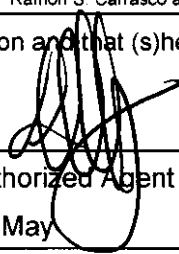
The Final Plat shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Subdivision Code of Ordinances of the City of Midland and when such required items for the application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

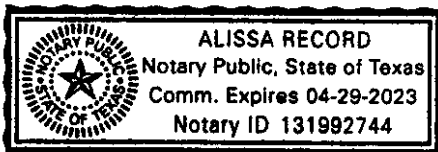
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Philip Cornett who, being by me duly sworn, upon oath says: That (s)he is authorized by Ramon S. Carrasco and Diana L. Villarreal, 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 21 day of May, 20 20, to certify which witness my hand and seal of office.




NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

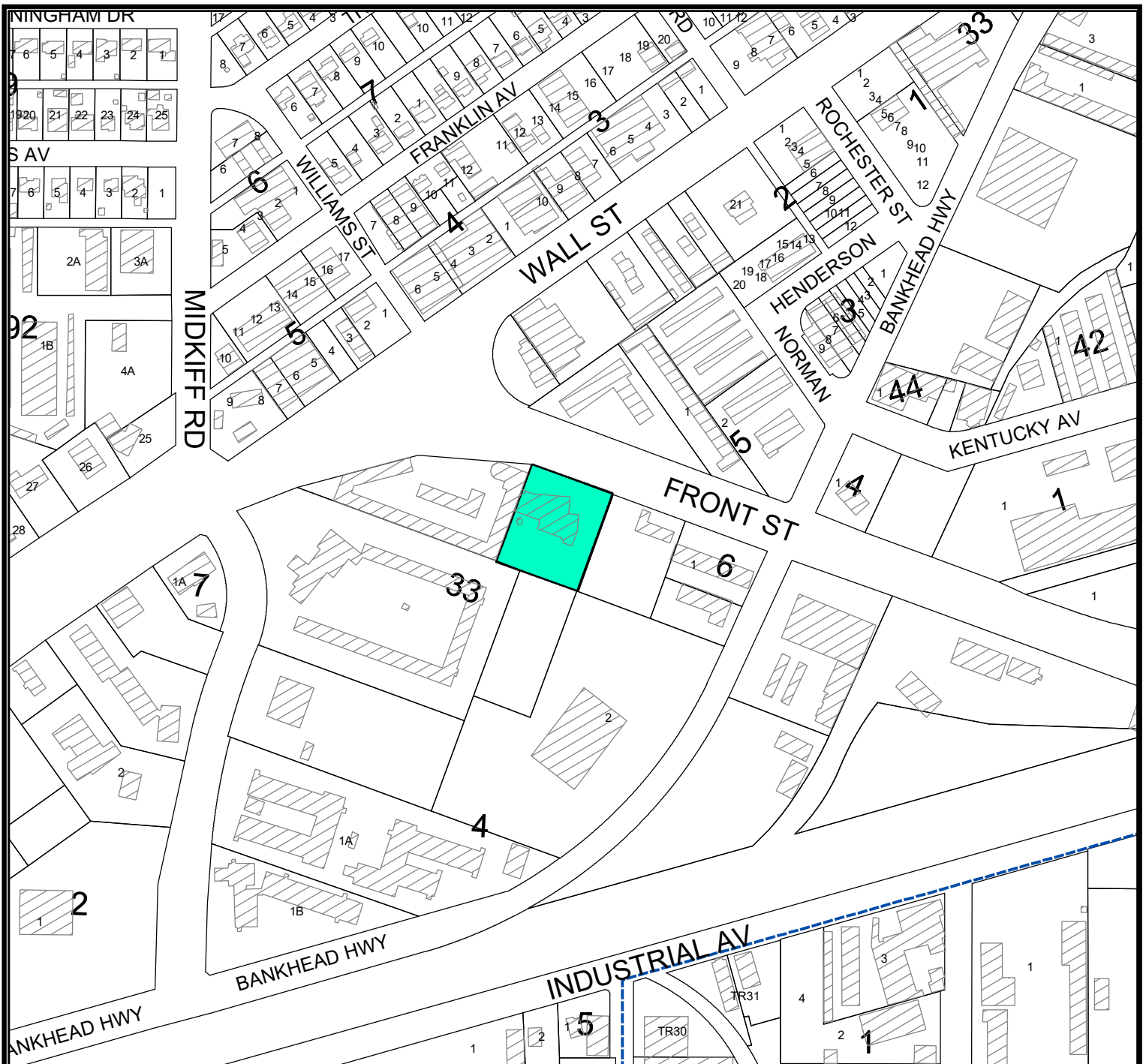
****Application will not be considered for scheduling until reviewed by a planner.****

FOR OFFICE USE ONLY		
☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☐ Mylar	☒ 1 Copy of Plat (11x17)	☐ CADD File
☒ Application Fee	☒ Title Opinion	☒ Public Improvement
Check # <u>023525</u>	☒ Tax Certificates	Check # <u>2619</u>
Received By: <u><i>[Signature]</i></u>		Date: <u>07/01/2020</u>

RECEIVED
JUL 01 2020
 BY: *[Signature]*

RECEIVED
JUL 01 2020

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



LOCATION MAP

SUB-20-0327

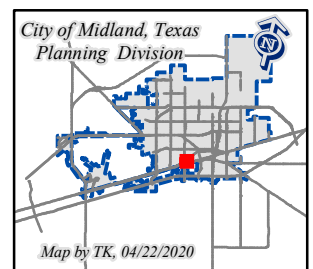
Scale: 1" = 250'

Proposed plat of Bankhead Addition, Section 12, being a plat of a 1.098-acre tract-of-land located in Section 33, Block 39, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas.

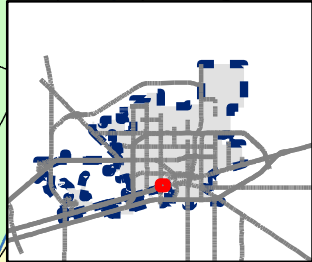
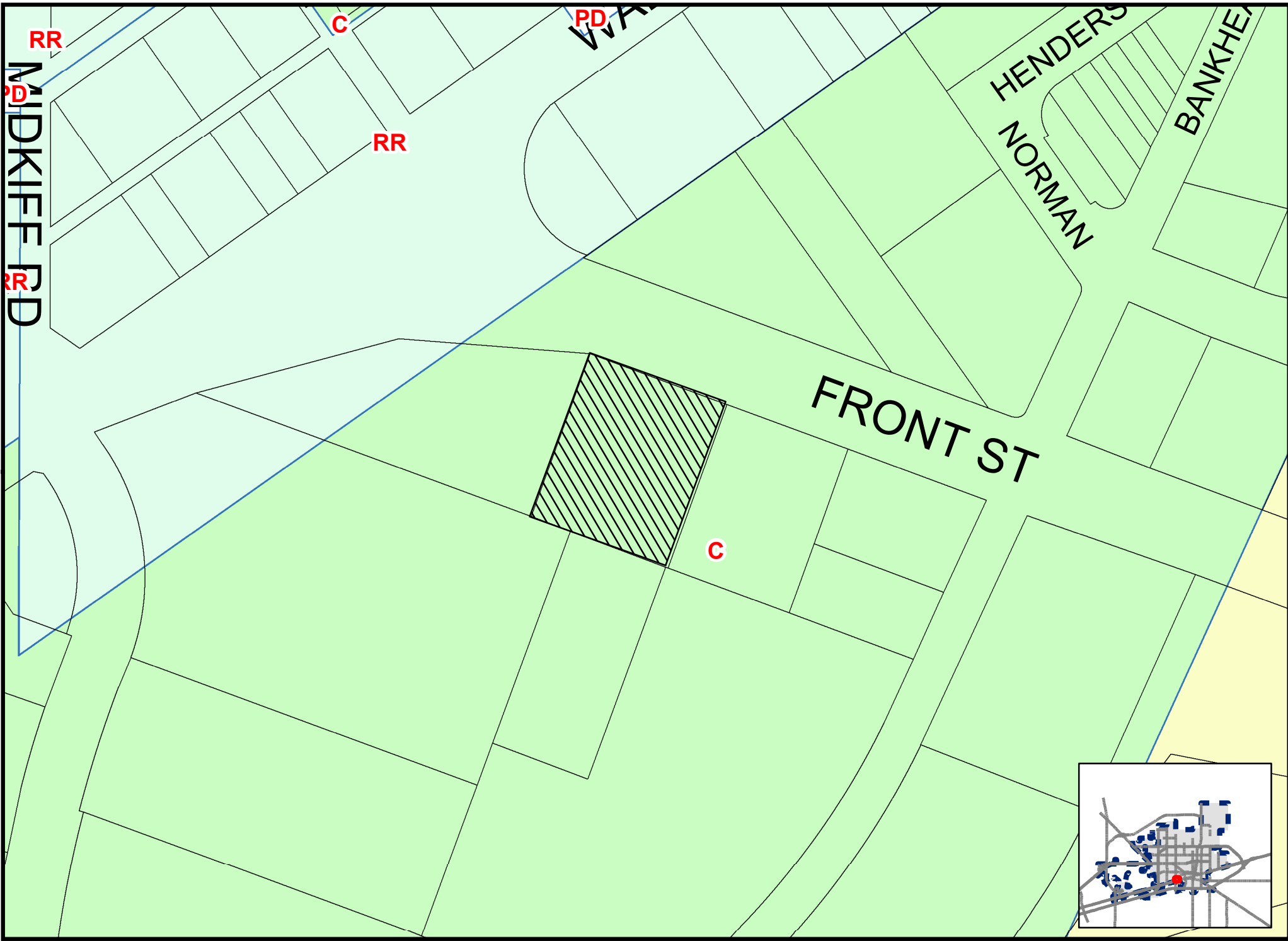
Generally located on the south side of W. Front Street, approximately 475 feet east of W. Wall Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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





Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 20, 2020

TO: PLANNING AND ZONING COMMISSION

FROM: Joseph Marynak

SUBJECT: Consider a proposed final plat of College Heights Addition, Section 8, being a replat of Lots 1 through 5, Block 40, College Heights Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Washington Avenue and S. Garfield Street. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

LR, Local Retail District.

Preliminary Plat Approval:

The applicant's property is located at 802 South Garfield Street. The applicant is requesting to re plat the property into (2) two for ownership purposes. This application is being processed using the short form procedure at the request of the applicant.

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.

Departmental Review:

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.

Fire: (Approved)

No additional 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.

Transportation: (Approved)

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

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

No objections to plat.

Engineering: (Approved with Conditions)

ROW: Ok as shown.

PAVING: ok as shown

WATER: Ok as shown.

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: Ok as shown.

DRAINAGE: Drainage Study approved for platting purposes on 06/05/2020. Additional changes to the report will be needed if development is to be commercial.

EASEMENTS: Ok as shown.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

Planning:

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

Staff recommends approval of this final plat of College Heights Addition, Section 8 subject to Conditions A and B.

Conditions:

A. That the technical items listed above are addressed.

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

Attachments:

Proposed Final Plat
Application
Maps

BEING A RE-PLAT OF LOTS 1-5, BLOCK 40, COLLEGE HEIGHTS ADDITION,
CITY AND COUNTY OF MIDLAND, TEXAS



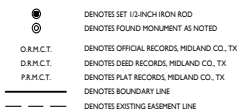
NO. _____ CABINET _____
DATE _____ PAGE _____

ONCOR ELECTRIC DELIVERY
BY: _____

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 INCREASED.

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

Paul Wilson
PAUL WILSON RPLS#6135
Maverick Engineering (TX Firm #10194514)
1909 W. Wall Street, Suite, K
Midland, TX 79701



July 20, 2020



Final Plat Application

Project Number:

SUB-20-0321

Case Number:

P-20-0885

Proposed Subdivision Plat Name: College Heights, Section "8"**Legal Description (attached sealed Metes and Bounds):** Being a Re-Plat of Lots 1-5, Block 40, College Heights Addition, City and County of Midland, Texas**Property Owner**

Printed Name: Roberto Andrade Fernandez

Phone ()

Email

Address 900 S Garfield St

City Midland

State TX

Zip 79701

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262.0999

Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: LR**Reason for Platting:** Ownership Purposes**Plat Information**

Total Acreage: 0.803

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

Number of Lots: 2

Number of Multi-Family Dwelling Units: 0

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

- 2 FOLDED Copies of Dimensioned Plat & 1 Extra Copy of 11X17
- 2 Signed Mylar (or more if applicant does not request a signed reproduction)
- Autocad File Submitted
- 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: 06/08/20

Property Owner (printed): Roberto Andrade Fernandez

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.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L Mellen who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or is authorized by Roberto Andrade Fernandez, 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.

Andrew L Mellen
Authorized Agent (signature)

Subscribed and sworn to before me, this 30th day of June, 2020, to certify which witness my hand and seal of office.

Kelsey Ann Stine

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS



RECEIVED
JUL 01 2020

BY: [Signature]

FOR OFFICE USE ONLY

- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☒ Mylar | ☒ 1 Copy of Plat (11x17) | ☒ Public Improvements |
| ☒ Application Fee | ☒ Title Opinion | ☒ Recording Fee |
| Check # <u>3177</u> | ☒ Tax Certificates | Check # <u>3178</u> |

Received By: [Signature]

Date: 7/6/2020



LOCATION MAP

SUB-20-0321

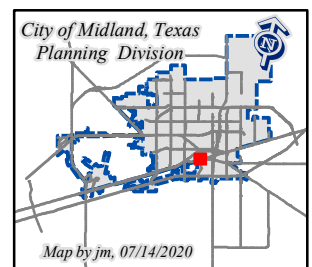
Scale: 1" = 250'

Proposed final plat of College Heights Addition, Section 8, being a replat of Lots 1 through 5, Block 40, College Heights Addition, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of W. Washington Avenue and S. Garfield Street. (Council District 2).

LEGEND

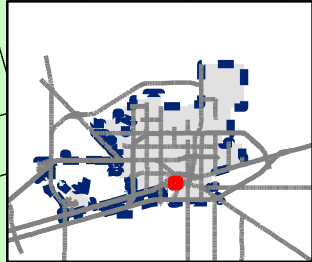
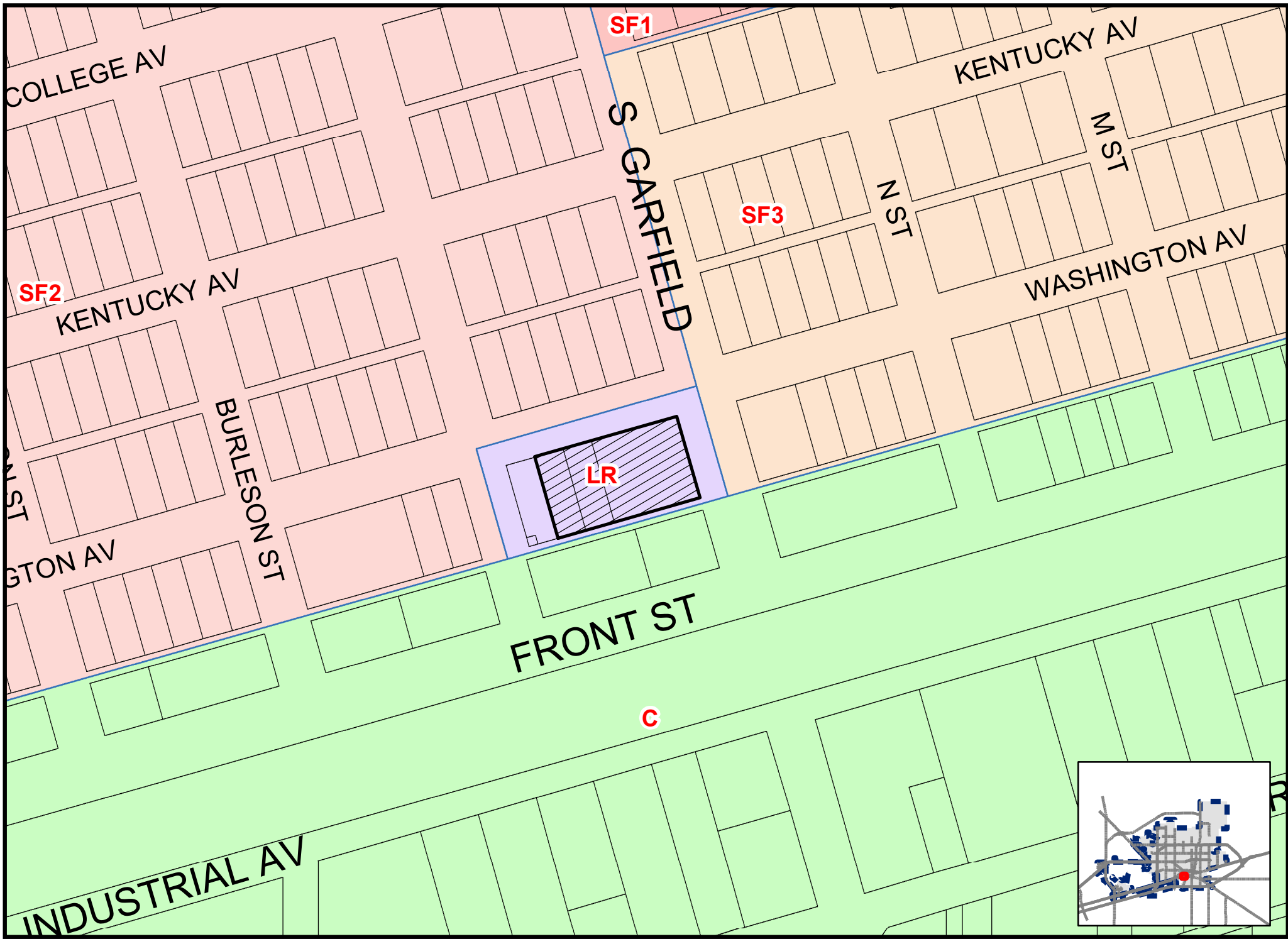
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 20, 2020

TO: PLANNING AND ZONING COMMISSION

FROM: Joseph Marynak

SUBJECT: Consider a proposed Final Plat of Overstreet Addition, Section 12, being a replat of Lots 3 & 4, Block 2, Overstreet Addition, Section 2, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Garden City Highway and King Street. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

C, Commercial District.

Preliminary Plat Approval:

The applicant's property is located at 2410 Garden City Highway. The applicant is requesting to re-plate the property into (1) one lot for future development. This application is being processed using the short form procedure at the request of the applicant.

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.

Departmental Review:

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.

Fire: (Approved)

Future development shall meet all requirements of the IFC 2015 ed. as well as city amendments.

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.

Transportation: (Approved)

TxDOT comment, "From TxDOT access management standards the access spacing for this location is 360'. For lots 2, 3, and 4 there is only 360' of SH 158 frontage. Cross access between all 3 lots should be incorporated with access to King street. Post development runoff should not be increased from pre-development conditions. Typically this would be achieved through on-site detention."

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

No objections to plat.

Engineering: (Approved)

ROW: TxDOT comment, "From TxDOT access management standards the access spacing for this location is 360'. For lots 2, 3, and 4 there is only 360' of SH 158 frontage. Cross access between all 3 lots should be incorporated with access to King street. Post development runoff should not be increased from pre-development conditions. Typically this would be achieved through on-site detention."

PAVING: ST HWY 158 Frontage road is TX DOT facility, built and maintained by TX DOT, no improvements required. King St. roadway okay as is. (If existing paved street with curb and gutter) No public paving improvements required.

WATER: 6" water exists in King Street E 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: None existing. Wastewater will be extended through the alley to the south to serve this parcel. Plans for the infrastructure extension will be part of the building permit. A security has been put in place for the construction of the wastewater main.

DRAINAGE: Drainage study has been submitted with the building report and is approved for platting purposes.

EASEMENTS: Ok as shown.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

Planning:

Staff recommends approval of this Final Plat of Overstreet Addition, Section 12, 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

GENERAL NOTES

- LEGAL DESCRIPTION SHOWN HEREON.
- BEARINGS ARE ORIENTED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, SURVEY FEET.
- SITE ELEVATION DATUM IS NAVD 88.
- CONTOUR INTERVAL = 1.0'
- SITE BENCHMARK 1
TOP OF MAG NAIL SET IN ASPHALT
BEING N 01°48'11" E 100.75' FROM NORTHERLY N.E.C. OF TRACT
ELEVATION = 2747.91'
- SITE BENCHMARK 2
TOP OF MAG NAIL SET IN ASPHALT
BEING S 58°31'47" E 49.07' FROM THE S.E.C. OF TRACT
ELEVATION = 2747.89'
- THE SUBJECT TRACT LIES IN ZONE "X". AREAS DETERMINED TO BE OUTSIDED THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NO. 48329C0206F WITH A REVISED DATE OF SEPTEMBER 16, 2005, COUNTY OF MIDLAND, TEXAS.
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THESE LOT(S) MAY BE DEVELOPED AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- RIGHT-OF-WAY EXECUTED BY JOHN M. GIST TO GULF PRODUCTION COMPANY, DATED JANUARY 25, 1927, AND RECORDED IN VOLUME 35, PAGE 639, DEED RECORDS OF MIDLAND COUNTY, TEXAS, CANNOT BE LOCATED FROM DESCRIPTION.
- RIGHT-OF-WAY EXECUTED BY JOHN M. GIST TO ATLANTIC OIL PRODUCING COMPANY, DATED OCTOBER 28, 1927, AND RECORDED IN VOLUME 38, PAGE 428, DEED RECORDS OF MIDLAND COUNTY, TEXAS, CANNOT BE LOCATED FROM DESCRIPTION.
- RIGHT-OF-WAY EXECUTED BY J. M. GIST TO MAGNOLIA PIPE LINE COMPANY, DATED FEBRUARY 18, 1929, AND RECORDED IN VOLUME 43, PAGE 472, DEED RECORDS OF MIDLAND COUNTY, TEXAS, IS A CANNOT BE LOCATED FROM DESCRIPTION.
- RIGHT OF WAY EXECUTED BY JOHN M. GIST TO GULF PIPE LINE COMPANY, DATED FEBRUARY 4, 1929, AND RECORDED IN VOLUME 44, PAGE 38, DEED RECORDS OF MIDLAND COUNTY, TEXAS, CANNOT BE LOCATED FROM DESCRIPTION.
- RIGHT-OF-WAY AGREEMENT EXECUTED BY J. A. MCCLURG TO ATLANTIC PIPE LINE COMPANY, DATED MAY 1, 1946, AND RECORDED IN VOLUME 88, PAGE 476, DEED RECORDS OF MIDLAND COUNTY, TEXAS, CANNOT BE LOCATED FROM DESCRIPTION.
- RIGHT-OF-WAY EASEMENT EXECUTED BY J. A. MCCLURG TO CAP ROCK ELECTRIC COOPERATIVE, INC., DATED JUNE 16, 1965, AND RECORDED IN VOLUME 449, PAGE 66, DEED RECORDS OF MIDLAND COUNTY, TEXAS, IS A BLANKET EASEMENT AND DOES AFFECT THESE LOT.

15. THE CONTRACTOR(S) SHALL BE RESPONSIBLE FOR CONFIRMING THE LOCATION (HORIZONTAL & VERTICAL) OF ANY BURIED CABLES, CONDUITS, PIPES, AND STRUCTURES (STORM SEWER, SANITARY SEWER AND WATER). THE CONTRACTOR(S) SHALL BE RESPONSIBLE FOR CONFIRMING THE LOCATION (HORIZONTAL & VERTICAL) OF GAS, TELEVISION, TELEPHONE AND OTHER UTILITY EASEMENTS WHICH IMPACT THE CONSTRUCTION SITE. THE CONTRACTOR(S) SHALL NOTIFY THE OWNER IF ANY DISCREPANCIES ARE FOUND BETWEEN THE ACTUAL CONDITIONS AND THE DATA CONTAINED IN THE CONSTRUCTION PLANS. ANY COSTS INCURRED AS A RESULT OF NOT VERIFYING THE ACTUAL LOCATION (HORIZONTAL & VERTICAL) OF SAID CABLES, CONDUITS, PIPES AND STRUCTURES SHALL BE BORNE BY THE CONTRACTOR(S).

16. ADEQUATE RESEARCH TO DETERMINE THE LOCATION OF INTENDED BOUNDARY LINES WAS MADE. IN ACCORDANCE WITH THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, GENERAL RULES AND PRACTICES, SECTION 863.16 (C), RESEARCH TO SUPPORT THE DELINEATION OF EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIVE COVENANTS WAS NOT PERFORMED. THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

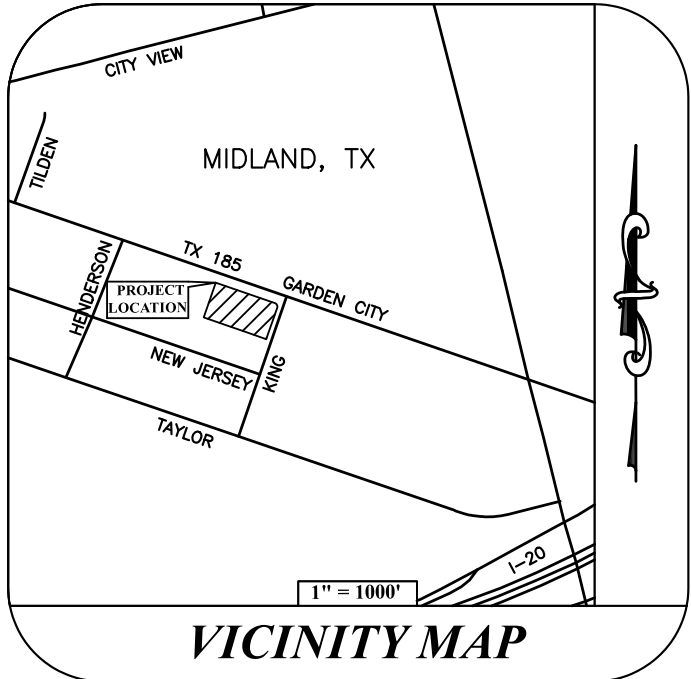
17. INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING, IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER PF SERVICE UNITS TO BE DEVELOPED ON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

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

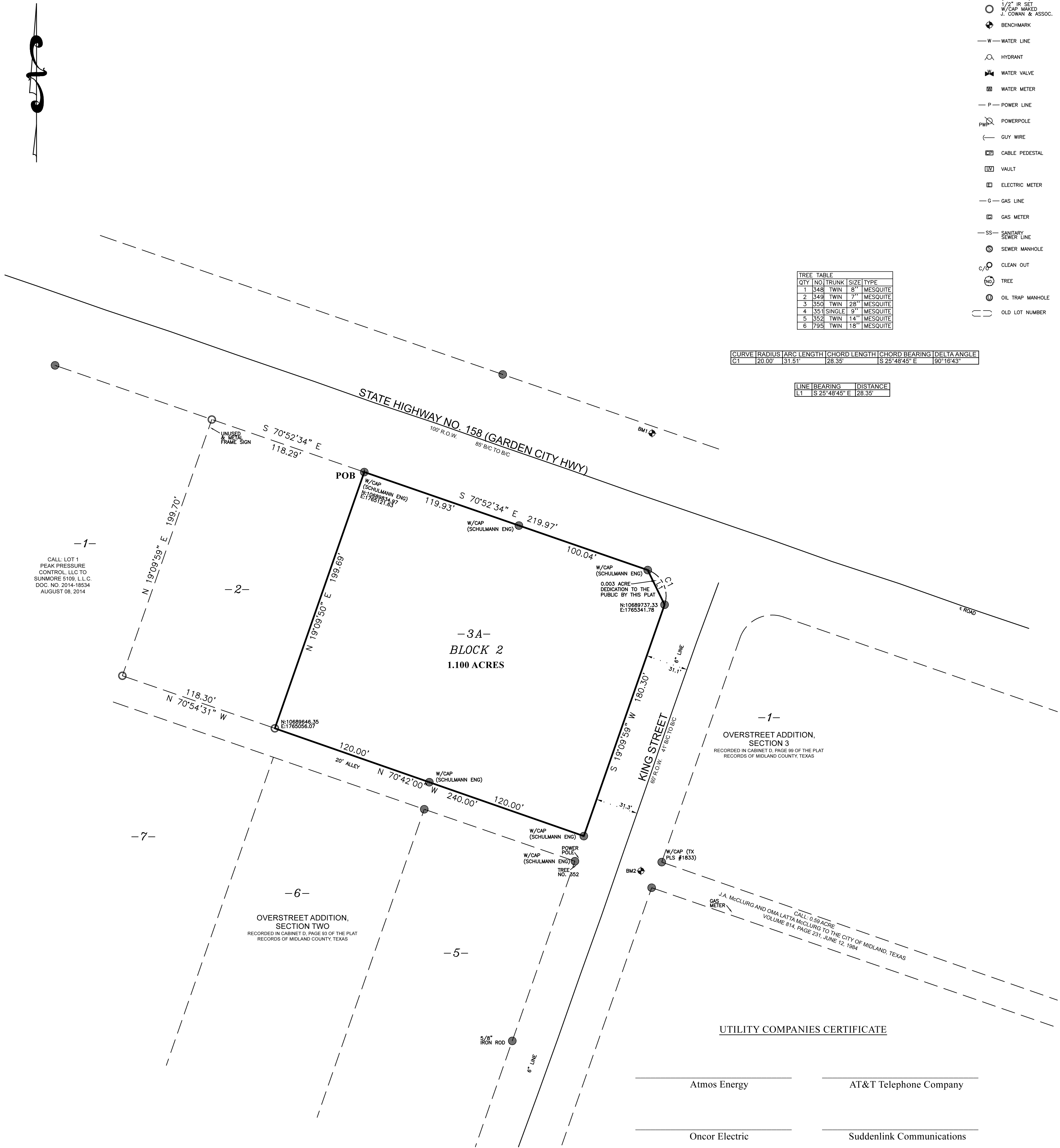
That I, Philip Cornett, a Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of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

Philip W. Cornett
Registered Professional Land Surveyor
Texas Registration No. 5515



JOHN COWAN & ASSOCIATES, INC.

10147 COUNTY ROAD 135, FLINT, TEXAS 75762
PH: (903) 581-2238 txsurveys.com
FIRM REGISTRATION CERTIFICATION NO. 10025500



OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

Whereas, Alfredo Chavez is the sole owners of all that certain lot, tract, or parcel of land, Being A Plat of a 1.100 Acre Tract of Land out of the Section 1, Block 39, Township 2 South, Texas and Pacific Railway Company Survey, Abstract No. 180, Midland County, Texas, being all of Lot 3 and 4 of the Overstreet Addition, Section Two, as shown by plat of same recorded in Cabinet D, Page 93 of the Plat Records of Midland County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Alfredo Chavez does hereby adopt this plat designating the hereinabove described property as Lot 3-A, Block 2, Overstreet Addition, Section 12, an addition to the City of Midland, Texas, and, hereby dedicate to the public use forever the streets, alleys and easements shown thereon.

WITNESS our hands at Midland, Texas this the _____ day of _____, 2020.

BY: _____

NAME: _____

TITLE: _____

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF MIDLAND

This plat was acknowledged before me on _____

By: _____
Alfredo Chavez

Notary Public, State of Texas

CERTIFICATE OF APPROVAL

For approval by the commission:

This is to certify that the above and foregoing plat of the Lot 3-A, Block 2, Overstreet Addition, Section 12 was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

_____ day of _____, 2020.

Signed: _____
Joshua Sparks, Chairman

Signed: _____
Cristina Odenberg Burns, Secretary

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

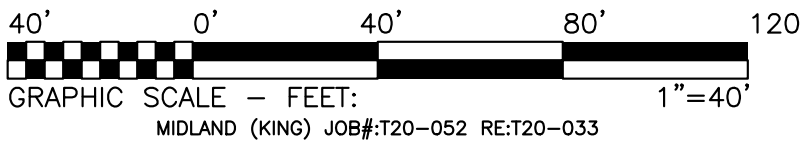
NO. _____ CABINET _____

DATE: _____ PAGE _____

ENGINEER:
GRESHAM, SMITH & PARTNERS
511 UNION STREET
NASHVILLE, TN 37219
(615) 770-8100

OWNER:
ALFREDO CHAVEZ
900 W. FLORIDA
MIDLAND, TX 79701
432-978-7540

DEVELOPER:
GBT REALTY LLC
9010 OVERLOOK BLVD.
BRENTWOOD, TN 37027
(615) 370-0670



FINAL PLAT

OVERSTREET ADDITION,
SECTION 12

Being a replat of Lots 3 and 4, Block 2,
Overstreet Addition, Section 2,
City and County of Midland



Final Plat Application

Project Number: P-20-0827

Case Number: _____

Proposed Subdivision Plat Name: Overstreet Addition, Section 12

Legal Description (attached sealed Metes and Bounds): _____

Property Owner

Printed Name: Alfredo Chavez

Phone (432) 978-7540
Email

Address 900 W Florida

City Midland

State TX

Zip 79701

Developer (if different than Owner)

Printed Name: GBT Realty Corporation

Phone (615) 370-0670

Email ggslaser@gbtrealty.com

Address 9010 Overlook Boulevard

City Brentwood

State TN

Zip 37027

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

Firm: John Cowan & Associates, Inc.

Phone (903) 581-2238 ext. 16

Email pcorbett@jcowaninc.com

Printed Name: Philip Cornett

Address 10147 CR 135

City Flint

State TX

Zip

Current Zoning: LI, Light Industrial District

Reason for Platting: Subdivide lot for commercial use.

Plat Information

Total Acreage: 1.100

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) & CADD File
- Original Tax Certificates (Midland Central Appraisal District – MCAD)
- Title Opinion/Policy (dated less than 90 days)
- Application Fee – Payable to the 'City of Midland'
- Recording Fee – Payable to 'Midland County Clerk'

RECEIVED
APR 08 2020

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.

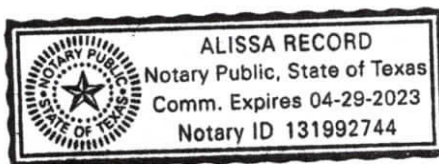
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

Subscribed and sworn to before me, this 1st day of April, 20 20, to certify which witness my hand and seal of office.



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

RECEIVED
APR 08 2020

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

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☐ Mylar

☒ Application Fee

Check # 2525

☒ 1 Copy of Dimensioned Plat

☒ 1 Copy of Plat (11x17)

☒ Title Opinion

☒ Tax Certificates

☐ Plat in Digital Format (PDF/JPEG)

☐ CADD File

☐ Public Improvement

☐ Recording Fee

Check #

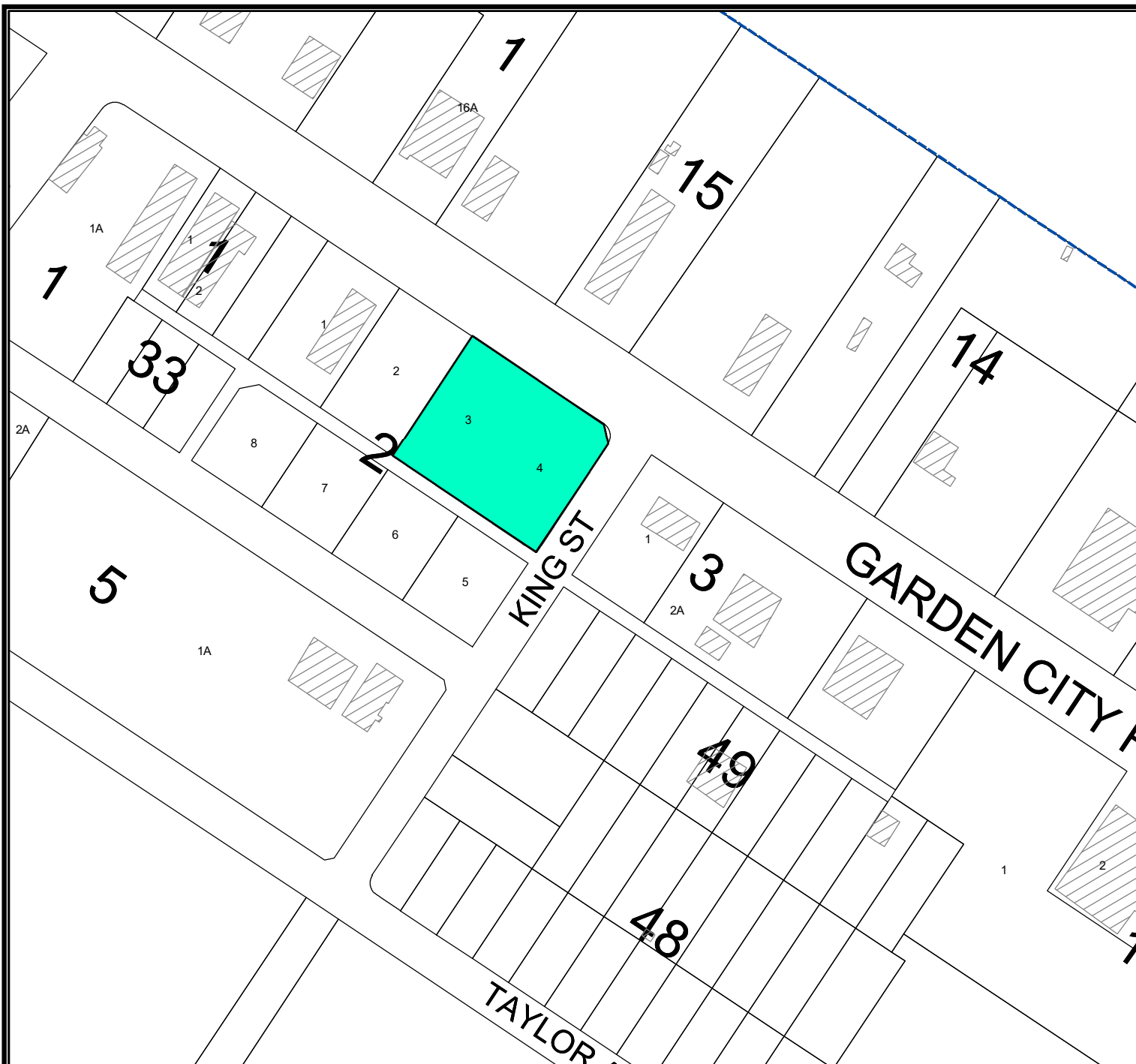
Received By:

Date:

APR 08 2020

BY:

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



LOCATION MAP

SUB-20-0326

Scale: 1" = 250'

Consider a proposed Plat of Overstreet Addition, Section 12, being a replat of Lots 3 & 4, Block 2, Overstreet Addition, Section 2, City and County of Midland, Texas.

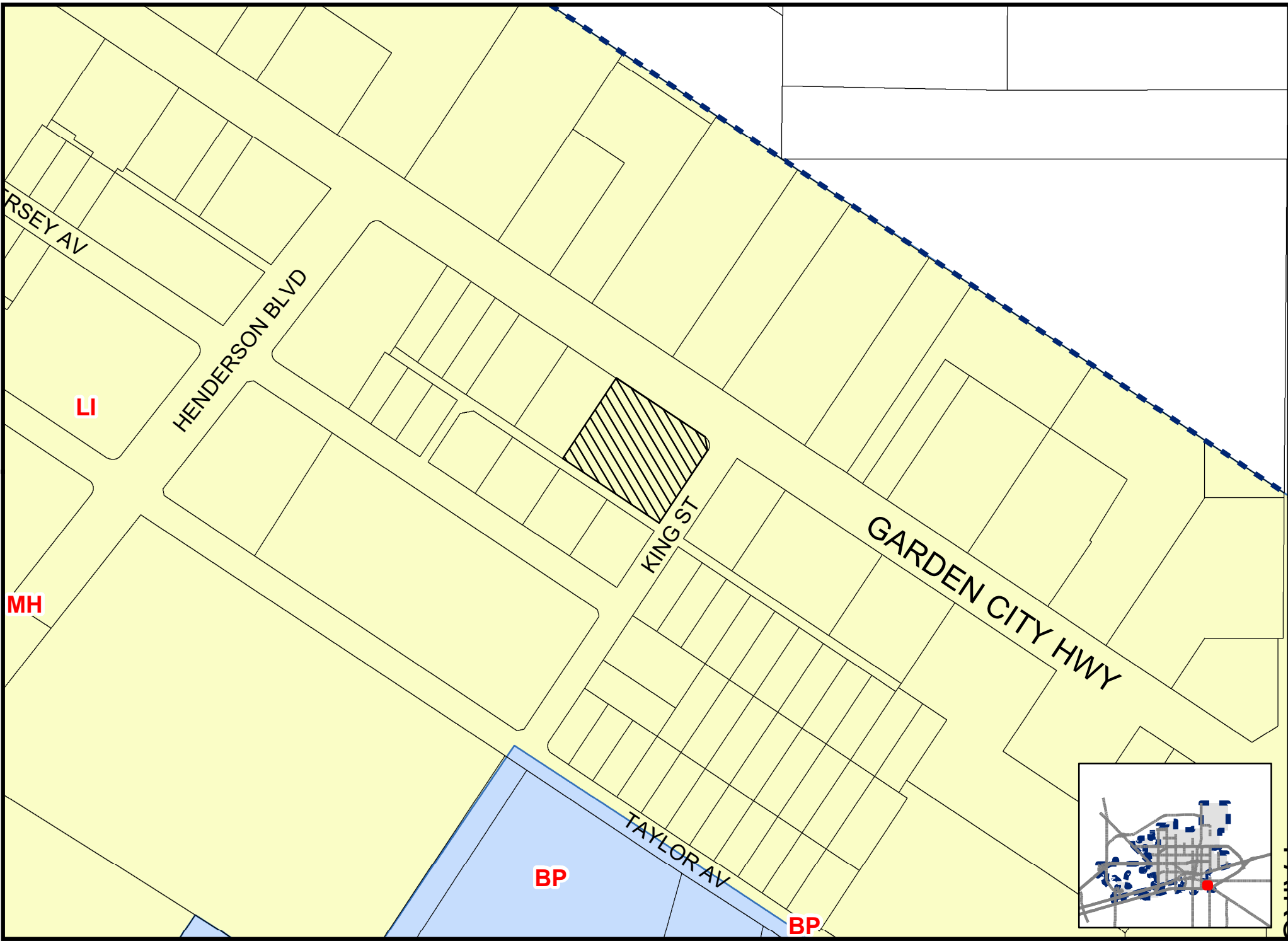
Generally located on the southwest corner of the intersection of Garden City Highway and King Street. Council District 2.

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.





Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 20, 2020

TO: PLANNING AND ZONING COMMISSION

FROM: Elizabeth Shaughnessy, Senior Planner

SUBJECT: Hold a public hearing and consider a request by Vicente Carrasco for a zone change from AE, Agricultural Estate District and PD, Planned District for an Industrial District, to SF-1, Single Family Dwelling District, on Lot 4A, Block 17, 349 Ranch Estates, Section 18, City and County of Midland, Texas. (Generally located on the north side of Arapahoe Road, approximately 830 feet east of N. State Highway 349. Council District 1)
(DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Vicente Carrasco, is requesting approval of a zone change for the construction of a residential home.

Current Zoning:

AE, Agricultural Estate District and PD, Planned District for an Industrial District.
(Ordinance No. 8543)

Surrounding Zoning and Land Use:

The property to the north is zoned PD, Planned District for a Housing Development, and the location of vacant land. The properties to the east and south are zoned AE, Agricultural Estate District and the location of residential homes. The properties to the west are zoned AE, Agricultural Estate District and PD, Planned District for an Industrial District and the location of a cemetery and an oil well, respectively.

Analysis:

The property is located at 1205 Arapahoe Road and is currently vacant. The applicant is proposing the development of a residential home. The current zoning of this property is

AE, Agricultural Estate District, in part and PD, Planned District for an Industrial District, in part. The applicant is requesting to change the zoning to SF-1, Single-Family Dwelling District to make the zoning of the property consistent.

The property does not meet the minimum lot requirements for the AE, Agricultural Estate District since the minimum lot area required for the zoning district is 2 acres; the lot area of this property is 0.71 acres. The appropriate setbacks and maximum height must also be met as described in Section 5.04 Residential Zoning District Dimensional Regulations chart.

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

Engineering: (Approved)

No objection to zone change.

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

Fire: (Approved)

No objection.

Building: (Approved)

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

Code Compliance: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

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

No objection to zone change.

Planning:

Per the Future Land Use map, this location is designated as Urban Residential-Low. Potential zoning for this area includes single-family dwelling districts; therefore, this zone change is in compliance with the Future Land Use plan.

Staff recommends approval of this request, subject to condition A.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the SF-1, Single-Family Dwelling District.**

Letters of Objection:

As of July 15, 2020, staff has not received any letters of objection.

Attachments:

Application
Maps
Ordinance No. 8543



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

Project Number: 2-20-0187
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Vicente Carrasco</u>		Phone <u>(432) 553-6344</u> Email <u>Carrascohomes11c@sbcglobal.net</u>	
Address <u>3417 Caldera Blvd</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79707</u>

Property Owner Printed Name: <u>Vicente Carrasco</u>		Phone <u>(432) 553 6344</u> Email _____	
Address _____	City _____	State _____	Zip _____

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

Street Address: <u>1205 Arapahoe</u>			
Legal Description Lot: <u>4</u> Block: <u>17</u> Subdivision: <u>349 Ranch Estates Sec 3</u>			

Current Zoning: <u>AE & PD</u>	Proposed Zone: <u>SF</u> (List by tracts if more than one district is requested)
Reason for Zone Change Request: <u>build residential home</u>	
Present Use of Property: <u>Vacant lot</u>	
Proposed Use of Property: <u>Build residential home</u>	
How would this zone change affect the public health, safety and welfare? <u>NONE</u>	
Describe how conditions affecting the property have changed since present zoning designation: <u>NONE</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)

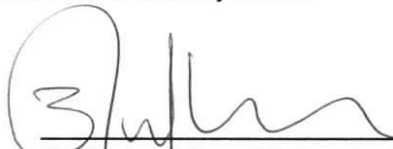


BY:

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>Vicente Carrasco</u>	Date: <u>6-15-2020</u>
Applicant (printed): <u>Vicente Carrasco</u>	
Property Owner (signature): <u>Vicente Carrasco</u>	Date: <u>6-15-2020</u>
Property Owner (printed): <u>Vicente Carrasco</u>	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received. All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

STATE OF TEXAS
COUNTY OF MIDLAND

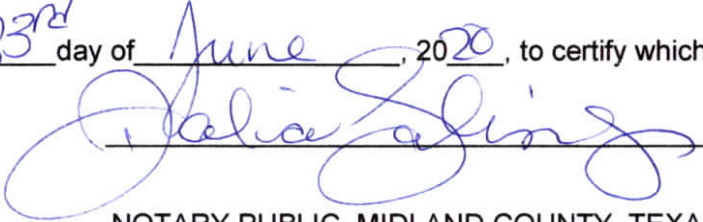
Before me, the undersigned authority, on this day personally appear Jennifer Carrasco who, being by me duly sworn, upon oath says: That (s)he is the owner of 1205 Arapahoe or authorized by Vicente Carrasco, the owner of the above described property, to fully represent him/her in this application and 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 23rd day of June, 2020, to certify which witness my hand and seal of office



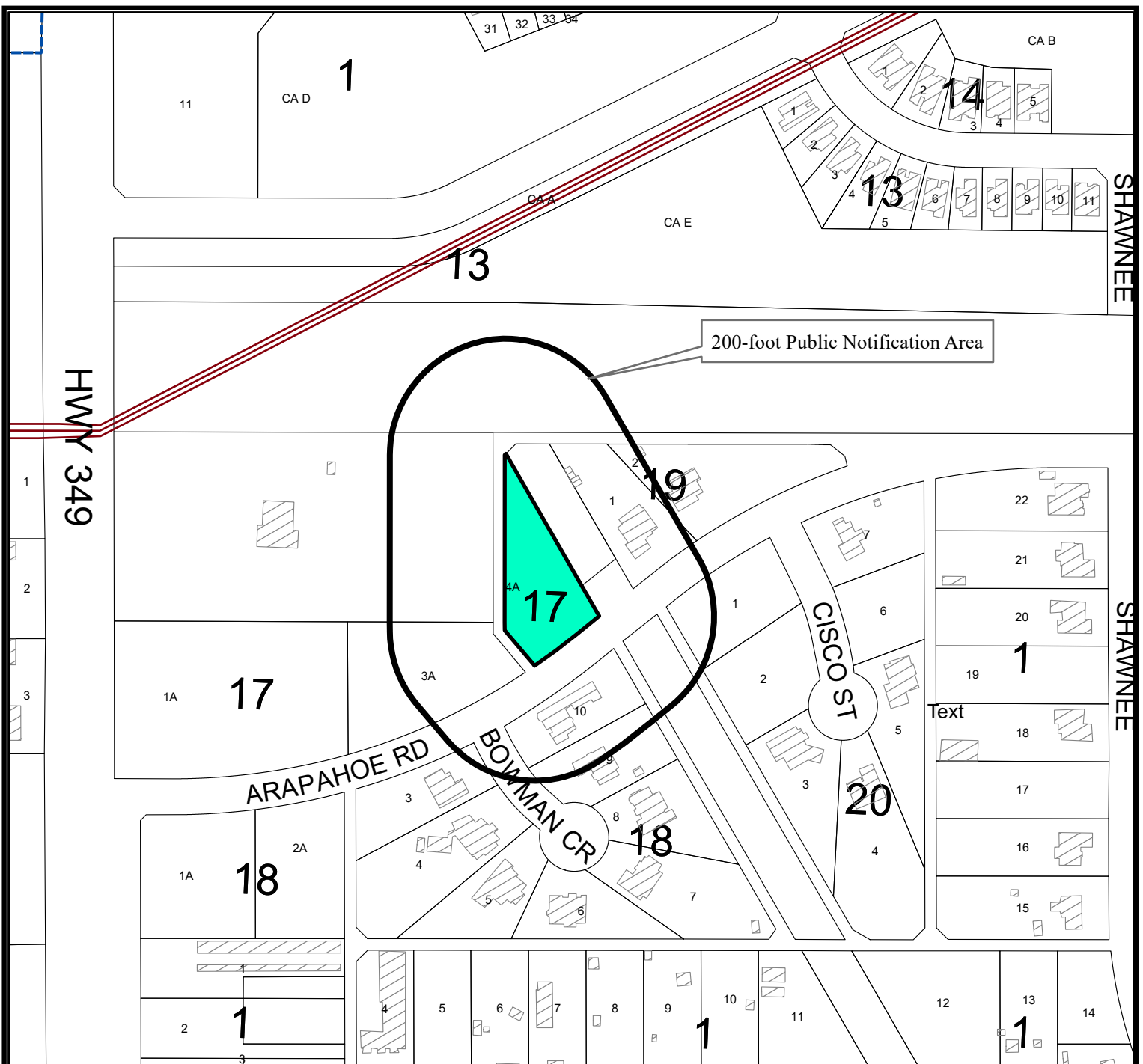
DALIA SALINAS
My Notary ID # 128541568
Expires March 9, 2023


 NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # <u>1956</u>	
Received By: <u>ES</u>	Date: <u>JUN 23 2020</u>

BY:

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



LOCATION MAP

Z-20-0187

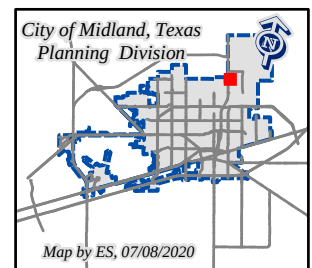
Scale: 1" = 250'

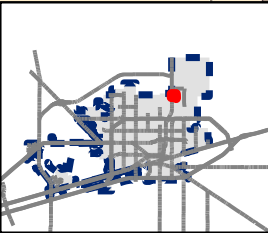
Consider a request by Vicente Carrasco for a Zone Change from AE, Agricultural Estates District and PD, Planned District for an Industrial District, to SF-1, Single Family Dwelling District, on Lot 4A, Block 17, 349 Ranch Estates, Section 18, City and County of Midland, Texas.

Generally located on the north side of Arapahoe Road, approximately 830 feet east of N. SH 349
(Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





ORDINANCE NO. 8543

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.0-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND LOTS 1, 2 & 3, BLOCK 17, 349 RANCH ESTATES, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, AND LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR AN INDUSTRIAL DISTRICT; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; INCLUDING SAID PROPERTIES WITHIN THE FIRE DISTRICT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned AE, Agriculture Estate District, and LR-2, Local Retail District, and it shall be used as a PD, Planned District for an Industrial District, subject to the special conditions and restrictions hereinafter set out, said

property being described as follows:

All of Lots 1, 2 & 3, Block 17, 349 Ranch Estates, Section 3, City and County of Midland, Texas; and a 7.0-acre tract of land out of Section 11, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, and being more specifically described by metes and bounds in Exhibit "A", which is attached and incorporated herein for all purposes.

SECTION TWO. That the use and development of this property shall adhere to LR-2, Local Retail District standards, except for the following special conditions and restrictions:

1. This property may also be developed with indoor contractors shops and screened storage yards, warehouse/office combinations, a cabinet shop, welding shop, and paint shops with paint mixing. Covered self-storage facilities are also permitted.
2. No construction or development of said property shall occur prior to the approval of a site plan or site plans in the same manner as a zone change.
3. A minimum 50-foot front yard building setback shall be provided on the west side of N. Big Spring Street and such setback shall be shown on a site plan in accordance with condition 2 above.

SECTION THREE. That the Fire District be amended so as to add the following described premises within the Fire District, to-wit:

Lots 1, 2 & 3, Block 17, 349 Ranch Estates, Section 3, City and County of Midland, Texas; and a 7.0-acre tract of land out of Section 11, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, and being more specifically described in Section One hereof.

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

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

SECTION SIX. If any section, subsection, sentence, clause or phrase of this

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 26th day of June, A.D., 2007; and passed to second reading on motion of Council member Morgan, seconded by Council member Hailey, by the following vote:

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

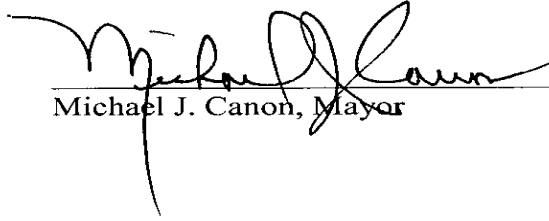
Council members voting "NAY": **None**

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Morgan, seconded by Council member Perry, on the 10th day of July, A.D., 2007, at a regular meeting of the City Council:

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

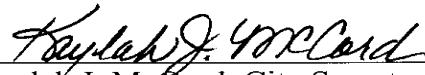
Council members voting "NAY": **None**

PASSED AND APPROVED THIS 10th day of July, A.D., 2007.



Michael J. Canon, Mayor

ATTEST:

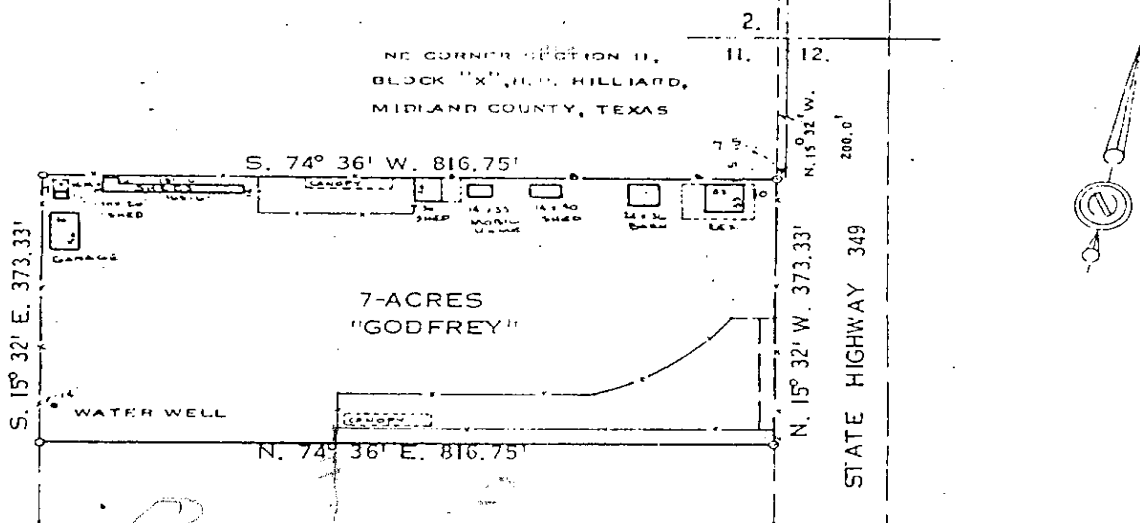


Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:



Keith Stretcher, City Attorney



FIELD NOTE DESCRIPTION OF THE SURVEY OF A 7.00 ACRE TRACT OF LAND OUT OF THE NE/4 OF SECTION II, BLOCK "X", H. P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS, AND BEING DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" REINF. BAR SET FOR THE NE CORNER OF THIS TRACT IN A FENCE LINE IN THE WEST LINE OF STATE HIGHWAY 349, FROM WHICH THE NE CORNER OF SAID SECTION II BEARS N. 74° 36' E. 7.5 FEET AND N. 15° 32' W. 200.0 FEET;

THENCE S. 74° 36' W. 816.75 FEET ALONG A FENCE LINE AND ALONG THE SOUTH LINE OF THE MIDLAND HUMANE SOCIETY 3.75 ACRE TRACT TO A 1/2" REINF. BAR SET FOR THE NW CORNER OF THIS TRACT IN A FENCE LINE;

THENCE S. 15° 32' E. 373.33 FEET ALONG SAID FENCE LINE TO A 1/2" REINF. BAR SET FOR THE SW CORNER OF THIS TRACT IN A FENCE LINE;

THENCE N. 74° 36' E. 816.75 FEET ALONG SAID FENCE LINE TO A 1/2" REINF. BAR SET FOR THE SE CORNER OF THIS TRACT IN SAID WEST LINE OF STATE HIGHWAY 349;

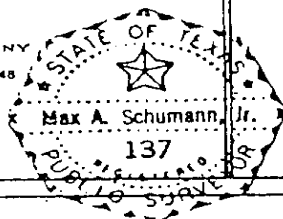
THENCE N. 15° 32' W. 373.33 FEET ALONG SAID WEST LINE OF STATE HIGHWAY 349 TO THE PLACE OF BEGINNING.

THIS IS TO CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION ON THE GROUND AND THAT THIS PLAT IS A CORRECT REPRESENTATION THEREOF.

THIS 22ND DAY OF MAY, 1981

MAX A. SCHUMANN JR.
REG. PUBLIC SURVEYOR

SCHUMANN ENGINEERING COMPANY
BOX 504 AREA CODE 915 - 684 - 5548
MIDLAND, TEXAS 79702



SURVEY PLAT

7.00 ACRES OF LAND OUT OF THE NE/4 OF SECTION II, BLOCK "X",
H. P. HILLIARD SURVEY,
MIDLAND COUNTY, TEXAS

SCALE: 1" = 200'

JOB NO.
43,710





Case Number: 2-07-021

CITY OF MIDLAND
Planning Division

APPLICATION TO CHANGE ZONING CLASSIFICATION

CLIFF Chalmers + Louis Dannam 432-528-2201
Applicant Name Contact #s

Address Zip Code
Barth Hetch Kiss + Louis Dannam 432-620-0100
Property Owner Name Contact #s
1701 Community Ln. 79781
Address Zip Code

Representative Name Contact #s

Address Zip Code

Street address and Legal Description of property (complete Lot, Block, and Subdivision, or if unplatted, attach a Metes and Bounds description with surveyor's seal). Describe by tracts if more than one zoning district is requested:

LOTS 1, 2, and 3, Block 17, 349 Ranch Estates, Sec. 3
and a 7.0 acre tract out of the NE 1/4, Block X, HP Hilliard Survey

PRESENT ZONE: AE REQUESTED ZONE: PD
(List by tracts if more than one district is requested)

Reason for Zone Change or PD Amendment: _____

Present Use of Property: _____

Proposed Use of Property: _____

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

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

Will a Specific Use Permit with Term for alcoholic beverages sales be needed: ____ Yes ____ No

APPLICATION FEES:

- Single, standard zone change: **\$400**. Multiple, standard zone change: add **\$100** per district.
- Single PD, Planned District zone change: **\$550**. Multiple PD proposal: add **\$100** per district.
80% of fee will be refunded if no P&Z public hearing is called; if no City Council public hearing is called, then 30% of fee will be refunded.
- If a Traffic Impact Analysis is required, a fee of up to \$500.00 will be assessed.

SITE PLAN SUBMITTALS (if applicable):

16 copies of the PD site plan: _____
Site Plan on a CD in .pdf and .jpg format: _____

SIGNATURE (by property owner only - authorized agent must sign affidavit below)

Property Owner (signature): Bart Hetchkiss Date: 5-6-07

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

STATE of TEXAS
COUNTY OF MIDLAND

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

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

Authorized Agent (signature)

Subscribed and sworn to before me, this 7th day of MAY, 2007, to certify which
witness my hand and _____ office.



Dann Fowler
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
Rec'd By: <u>CW</u>	Date: <u>5/19/07</u>
Assigned: <u>SW DC</u>	
For: <u>P+Z</u>	On: <u>6/4/07</u>

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

PLANNING AND ZONING COMMISSION

June 4, 2007

CASE: Z-07-021

REQUEST: Hold a public hearing and consider approval of a zone change from AE, Agriculture Estate District and from LR-2, Local Retail District to PD, Planned District for an Industrial District.

APPLICANT/OWNER: Cliff Chalmers and Louis Dunnam.

LEGAL DESCRIPTION: A 7.0 acre tract of land out of Section 11, Block "X" H.P. Hilliard Survey, and on Lots 1-3, Block 17, 349 Ranch Estates, City and County of Midland, Texas.

LOCATION: Both sides of N. Big Spring Street near Arapahoe.

CURRENT ZONING: AE, Agriculture Estate District and LR-2, Local Retail District.

ASSOCIATED CASE: N/A.

DETAILS OF REQUEST:

1. The property being requested for rezoning is located on both sides of N. Big Spring Street. A 7.0 acre tract is located on the west side and three vacant, but platted lots are located on the east side. The western tract is zoned AE, Agriculture Estate District. The eastern land is zoned LR-2 District and AE.
2. There are differences in the style of development on each side of Big Spring Street in this location. The east side is zoned LR-2 and has both older and new retail development. A north-south alley separates the neighborhood residences from the retail buildings. This is an ideal zoning boundary. The 7.0 acre tract on the west side of Big Spring Street was developed in the 1950's as a polo ground with accompanying horse stables. These stables are still in existence and are in reasonable condition. Adjacent to this acreage is a pet cemetery to the north and two residences to the south. Both

the pet cemetery and the residences have been present for decades. To the west of the 7.0 acre tract is the Midland Country Club. Recently, Patriot Oil drilled several wells on the Country Club land. One of these wells is located immediately west of the tract and is within 200 feet. Access to the residences is provided through a driveway located near the southern boundary of the 7.0 acre tract.

3. The applicants have expressed a desire to develop facilities that would serve the needs of contractors in the northern part of the City. Due to the rapid growth and construction in the north and west part of the city, they believe that a properly located facility would meet the needs of many building trades contractors. This would typically include room for indoor storage of materials such as electrical equipment, plumbing, roofing, insulation materials, etc. A small office and daily routing of fleet vehicles from a screened yard is also envisioned. The applicants have stated that the vehicle parking would be screened from public view by buildings and fences when they develop a site plan for the Commission and Council's review.
4. Staff has reviewed this proposal for rezoning. As pointed out earlier, there are differences between the development patterns on each side of N. Big Spring. The potential for residential development on the west side is limited by the oil well to the west and the pet cemetery to the north. These uses are not likely to be discontinued. The east side has developed with non-residential uses already so the proposed use would blend in more readily. The applicants have been advised that site plan approval involving public hearings will be required prior to any development. They have been made aware that the land they are proposing to rezone is located at a gateway into the City. Accordingly, when a site plan is prepared for review it should include proper architectural design and building materials that would suit the area's scale and pattern. In addition, a plat must be prepared for the western land prior to issuance of any building permit.

STAFF RECOMMENDATION:

We recommend approval of this request for a Planned District for an Industrial District, subject to the following conditions:

- A. Use of this property shall conform to the LR-2, Local Retail District use and development standards except as follows:
- B. These properties may also be developed with indoor contractors shops and screened storage yards, warehouse/office combinations, a cabinet shop, welding shop, and paint shops with paint mixing. Covered self-storage facilities are also permitted.

- C. No construction or development of said property shall occur prior to the approval of a site plan or site plans in the same manner as a zone change.
- D. A minimum 50' front yard building setback shall be provided on the west side of N. Big Spring Street and such setback shall be shown on a site plan in accordance with condition C. above.



Cameron Walker, AICP
Planning Division Manager
Department of Development Services

Attachments:

Application
Maps



City Council Agenda

26

Approved for Agenda:
M Johnston
City Manager's Office

MEETING DATE: June 26, 2007

TO: CITY COUNCIL/CITY MANAGER

FROM: Cameron Walker, Planning Division Manager

SUBJECT: Z-07-021; Consider approval of a zone change to PD, Planned District for an Industrial District.

Purpose:

At 11:09 AM, hold a public hearing and consider an ordinance on a request by Clifford Chalmers and Louis Dunnam for a zone change from AE, Agriculture Estate District and from LR-2, Local Retail District to PD, Planned District for an Industrial District.

Recommended City Council Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Fiscal Impact:

New business location(s) along N. Big Spring Street.

Discussion:

The property being requested for rezoning is located on both sides of N. Big Spring Street near Arapahoe. A 7.0 acre tract is located on the west side and three vacant, but platted lots are located on the east side. The western tract is zoned AE, Agriculture Estate District.

The eastern land is zoned LR-2 District and AE. There are differences in the style of development on each side of Big Spring Street in this area. The east side has both older and new retail development. A north-south alley separates the neighborhood residences from the retail buildings. The 7.0 acre tract on the west side of Big Spring Street was developed in the 1950's as a polo ground with accompanying horse stables. These stables are still in existence and are in reasonable condition. Adjacent to this acreage is a pet cemetery to the north and two residences to the south. Both the pet cemetery and the residences have been present for decades. To the west of the 7.0 acre tract is the Midland Country Club. Recently, Patriot Oil drilled several wells on the Country Club land. One of these wells is located immediately west of the subject tract and is within 200 feet. Access to the residences is provided through a driveway located near the southern boundary of the 7.0 acre tract.

The applicants have expressed a desire to develop facilities that would serve the needs of contractors in the northern part of the City. Due to the rapid growth and construction in the north and west part of the city, they believe that a properly located facility would meet the needs of many building trade contractors. The eventual construction would typically include room for indoor storage of materials such as electrical equipment, plumbing, roofing, insulation materials, etc. A small office and daily routing of fleet vehicles from a screened yard is also envisioned. The applicants have stated that the vehicle parking would be screened from public view by buildings and fences when they develop a site plan for the Commission and Council's review.

In our opinion, the potential for residential development on the west side is limited by the oil well to the west and the pet cemetery to the north. These uses are not likely to be discontinued. The east side has developed with non-residential uses already so the proposed use would blend in readily. The applicants have been advised that site plan approval involving public hearings will be required prior to any development. They have been made aware that the land they are proposing to rezone is located at a gateway into the City. Accordingly, when a site plan is prepared for review it should include proper architectural design and building materials that would suit the area's scale and pattern. In addition, a plat must be prepared for the western land prior to issuance of any building permit.

Attachments: Application, maps.

CDS

July 20, 2020











Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 20, 2020

TO: PLANNING AND ZONING COMMISSION

FROM: Glenda Arroyo-Cruz, Planner

SUBJECT: Hold a public hearing and consider a request by Labonita LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant on a 6,811 square foot portion of Lots 3 through 9, Block 138, Replat of Blocks 137 and 138, Wilshire Park, City and County of Midland, Texas. (Generally located on the south side of West Illinois Avenue, approximately 160-feet west of North Midland Drive. Council District 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

☐ Approve ☐ Deny ☒ Directional/Informational

Current Zoning:

LR, Local Retail District.

Departmental Review:

Surrounding Zoning and Land Use:

The property to the north is zoned RR, Regional Retail District and the location of a self-service car wash. The property to the east is zoned RR, Regional Retail District and the location of a gas station. The properties to the south and west are zoned SF-2, Single-Family Dwelling District and the location of residential homes.

Analysis:

Jorge Ramos, a representative for Labonita LLC, is requesting approval of a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant at 4411 West Illinois, Suite B1. The property is zoned LR,

Local Retail District, which allows the sale of all alcoholic beverages, for on premises consumption, in a restaurant with the approval of a Specific Use Designation.

The property previously functioned as a restaurant named Casa Lopez under Ordinance No. 7139. The new restaurant will be named Macarena's and is not currently in operation. There are no internal or external modifications being proposed for the establishment and the use of the facility will remain as a restaurant.

The floor plan attached hereto as Exhibit A, illustrates two dining areas and a bar located towards the back of the restaurant. The total square footage of the establishment is approximately 6,811 square feet, with an approximate area of 4,193 square feet being dedicated for the sale of alcoholic beverages.

The proposed hours of operations for the restaurant are as followed:

**Monday through Thursday from 6:00 a.m. to 10:00 p.m.,
Friday through Saturday from 6:00 a.m. to 11:00 p.m.,
Sunday from 11:00 a.m. to 10:00 p.m.**

The applicant is requesting alcohol service as the following:

Monday through Sunday from 11:00 a.m. to 11:00 p.m.

The existing Specific Use Designation failed to be renewed within the two (2) year period; therefore, the existing Ordinance for the property is nullified. With the expired Specific Use Designation and new ownership of the establishment, the process of obtaining a new Specific Use Designation would be required.

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 is a church, The Potter's House Christian Fellowship Church, approximately 130-feet east of the proposed restaurant located in the same shopping center. The applicant has provided a letter from the church. It states their awareness of the sale of alcoholic beverages within such proximity and does not contest the application.

Per Sec. 109. 33 of the Texas Alcoholic Beverage Code,

(e) The governing board of a city or town that has enacted a regulation under Subsection (a) of this section may also allow variances to the regulation if the commissioners court of the governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license of permit, does not serve its intended purpose, is not effective or necessary, or for any other reason

the court or governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

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

Building: (Approved)

The SUD for Macarena's is acceptable provided that no major changes have taken place including increased sizing of the dining/seating area or increases to the building footprint. The property must adhere to the current maximum occupant load of 279 for the serviceable alcohol areas. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Engineering: (Approved)

No objections.

Transportation: (Approved)

No objections.

Fire: (Approved)

No Objections.

Planning:

This request does not meet the requirement set forth per the City Midland Code. 5.4.4. –*Prohibited place of business*. If approved, staff recommends that it shall be subject to Conditions A through F.

Conditions:

- A. That the serviceable area of the restaurant shall be limited to approximately 4,193 square feet as shown in Exhibits “A and B”, which is attached hereto and incorporated herein for all purposes.**
- B. That the days and hours of alcoholic beverages sales and consumption shall be limited to:**
 - Sunday through Monday, from 11:00 a.m. to 11:00 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 in accordance with Section 9.07.E. 3 of the City Code, the establishment shall receive a certificate of occupancy within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of July 15, 2020, staff has not received any letters of objection.

Attachments:

Floor Plan (Exhibit A)

Site Plan (Exhibit B)

Application

Maps

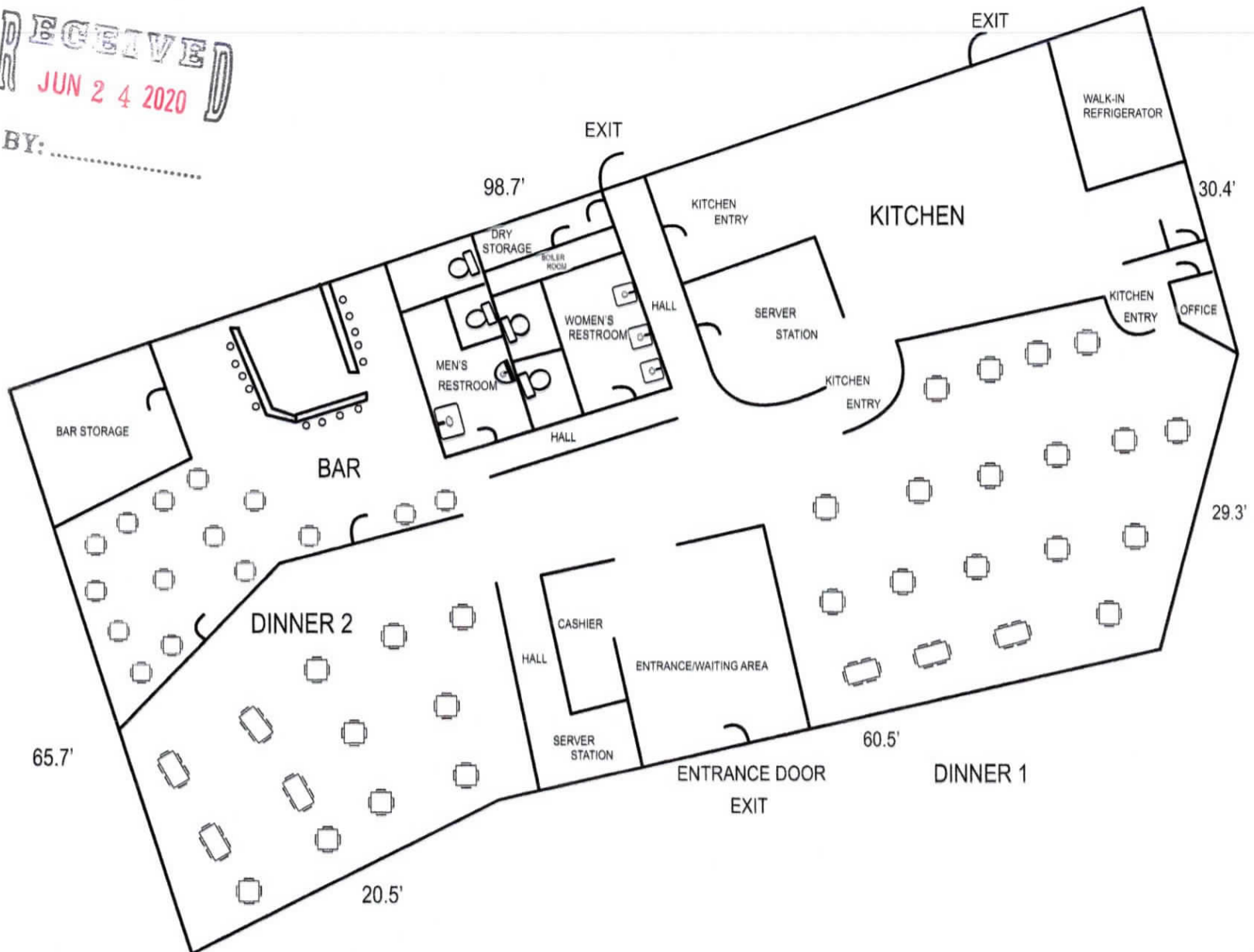
Ordinance No. 7139

Letter from Neighboring Church

Section 109.33 of the Texas Alcoholic Beverage Code

RECEIVED
JUN 24 2020

BY:



MACARENA'S

TOTAL SQUARE FOOT: 6811sq ft
PACKET

.....

JUN 24 2020



Q - DENOTES PER N/A
Q - DENOTES 1/8" HIGH RISE
R - DENOTES PROPERTY LINE
Q - DENOTES RAILROAD SPUR

OTC. With reference to the U.S.D.H.U.D. Federal Insurance Administration Flood Hazard Boundary Map for Midland County, Texas, Community Panel 480477--0004-B, revised November 28, 1978, this property is not located in a Special Flood Hazard Area Zone A. The above map may not include 1 Special Flood Hazard Areas and after a more detailed study the Flood Hazard Areas may be modified and other areas added. Localized flooding may occur someday due to adjacent changes drainage patterns.

RONALD J. EIDSON	TEXAS P.L.S. No. 1883
MACON McDONALD	TEXAS P.L.S. No. 4398
GARY G. EIDSON	TEXAS P.L.S. No. 4735



JOHN WEST & ASSOCIATES
PACKET
MIDLAND, TEXAS

July 20, 2020



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

Project Number:

SUD-20-0079

Case Number:

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

Printed Name: Labonita LLC---Jorge Ramos

Phone (806) 274-1469

Email jr9118223@gmail.com

Address 4405 N Garfield St

City Midland

State Tx

Zip 79705

Property Owner

Printed Name: Cruz G. Lopez

Phone (432) 557-7827

Email

Address 1 Beltfield Ct

City midland

State Tx

Zip 79705

Representative (if different from Applicant or Property Owner)

Firm:

Printed Name:

Phone ()

Email

Address

City

State

Zip

Street Address: 4411 W ILLINOIS, Suite B1

Business Name: Macarena's Delicious Mexican Dishes & Bar

Legal Description

Lot: Block: Subdivision:

Current Zoning:

Reason for Request: We want to provide drinks to our customers. It has been a Mexican food Restaurant for 15 years serving alcohol.

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

Proposed/Current Days and Hours of Operation: Mon-Thurs 6am-10pm
FRI, SAT-6am-11pm, SUN-11am-10pm

Proposed Days and Hours of Alcohol Service: 11am-close
Monday-Sunday

Total Square Footage of Business: 6811

Square Footage of Alcohol Serviceable Area: 4,193

Restroom Fixtures:

Men

Toilets/Urinals: 2 / 1

Bathroom Sinks: 1

Women

Toilets: 2

Bathroom Sinks: 3

REGISTER
JUN 24 2020

BY:

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

Applicant (signature):

Date: 6-16-2020

Applicant (printed): Jorge V. Ramos

Property Owner (signature):

Date: 6-16-2020

Property Owner (printed): Cruz G. Lopez

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.

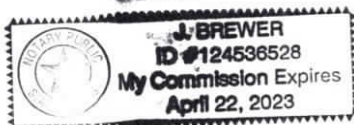
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Jorge Ramos who, being by me duly sworn, upon oath says: That ~~s~~he is authorized by Cruz Lopez, 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 16 day of June, 2020, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Floor Plan

☒ Application Fee

☒ Site Plan

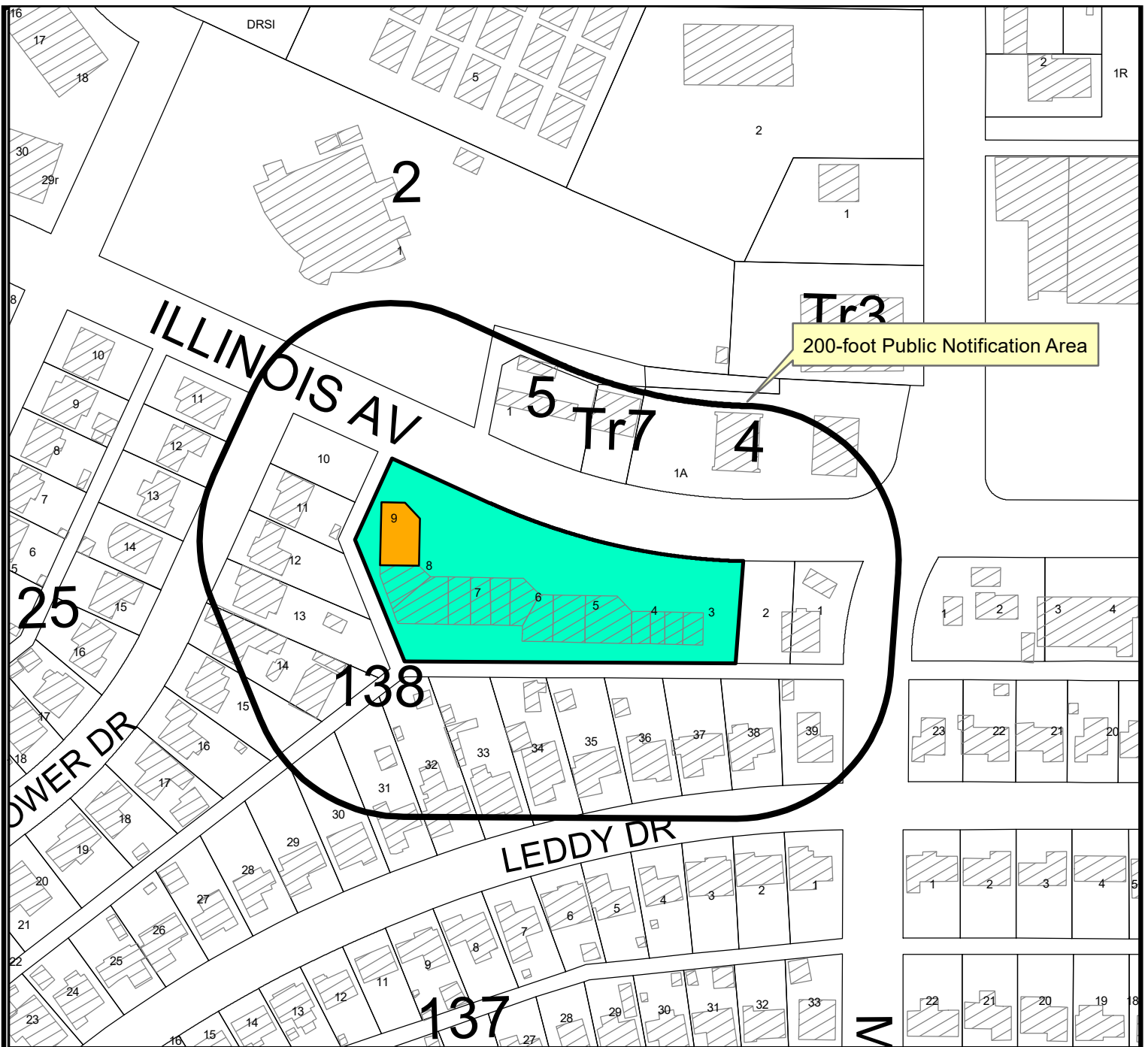
Check # CASH-1300

☒ Plans in Digital Format (PDF/JPEG)

Received By: GAC

Date: JUN 24 2020

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



LOCATION MAP

SUD-20-0079

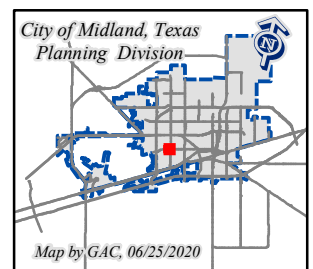
Scale: 1" = 400'

Consider a request by Labonita LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant on a 6,811 square foot portion of Lots 3 through 9, Block 138, Replat of Blocks 137 and 138, Wilshire Park, City and County of Midland, Texas.

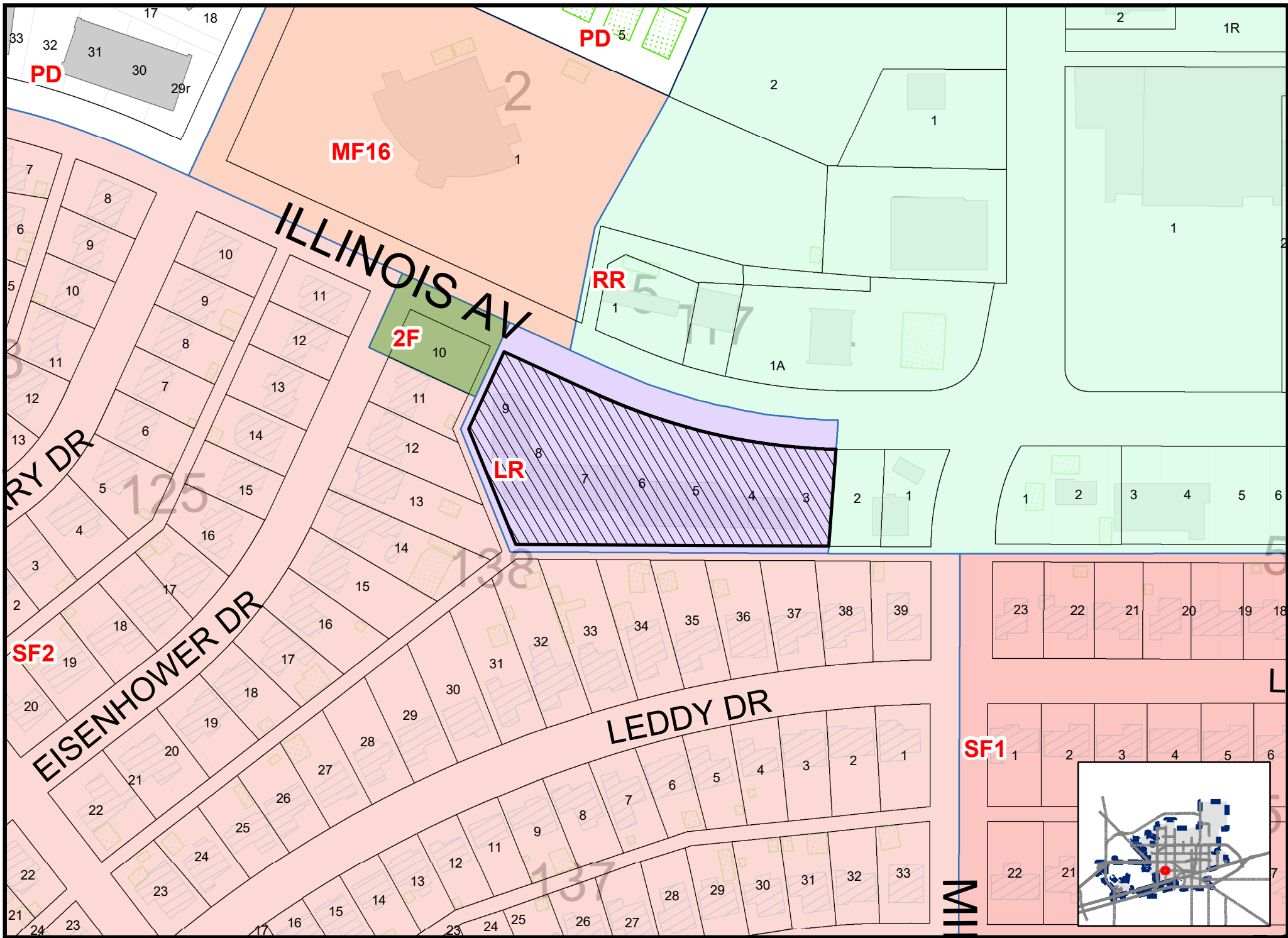
Generally located on the south side of West Illinois Avenue, approximately 160-feet west of North Midland Drive. (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2019
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.



AN ORDINANCE REPEALING ORDINANCE NO. 6495; CHANGING THE ZONING USE CLASSIFICATION OF CERTAIN PROPERTIES DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED "LR-1", LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN A RESTAURANT; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter and the State law with reference to the granting of specific use permits under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by repealing Ordinance No. 6495 which granted a Specific Use Permit for the sale of all alcoholic beverages for on-premises consumption in a restaurant and granting a Specific Use Permit for the sale of all alcoholic beverages for on-premises consumption in a restaurant, set out hereinafter, on the property described in Section One hereof;

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned "LR-1", Local Retail District, to wit:

Lots 3 through 9, Block 138, Wilshire Park Addition to the City of Midland, Midland County, Texas;

is hereby changed to permit same to be used under a Specific Use Permit for the sale of all alcoholic beverages for on-premises consumption in a restaurant, together with the uses permitted in an "LR-1", Local Retail District, subject to the following conditions:

1. That the use and development of this tract as a restaurant selling alcoholic beverages shall conform in all respects to the site plan attached hereto as Exhibit "A" and made a part hereof for all legal purposes.

2. That the sale and consumption of alcoholic beverages shall be limited to the portion of the building shown on Exhibit "A", that the maximum gross area of the restaurant shall not exceed 4,720 square feet, and that the maximum seating capacity shall not exceed 140 persons.

3. That the days and hours of alcoholic beverage sales shall be from 11:00 a.m. - 12:00 midnight on Monday through Thursday; from 11:00 a.m. - 2:00 a.m. of the next succeeding day on Friday and Saturday; and from 12:00 noon through 12:00 midnight on Sunday, on each day that such sales are otherwise permitted by law.

4. That the use and operation of this restaurant shall comply with all of the laws of the State of Texas and the regulations pertaining to the sale and consumption of alcoholic beverages specified in the Midland City Code.

5. That a business sign or signs may be displayed outside the restaurant indicating the business name, "Gili's Restaurante Y Cantina".

SECTION THREE. That Ordinance No. 6495 is hereby expressly repealed.

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 26th day of November, A.D., 1991; and passed to second reading on motion of Council member Devenport, seconded by Council member Sipes, by the following vote:

Council members voting "AYE":	Devenport, Sipes, DeV Vaughn, Castro, Faircloth, Thomas and Johnston
-------------------------------	--

Council members voting "NAY":	None
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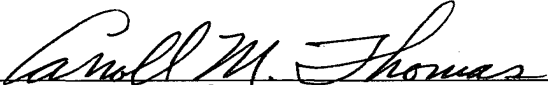
The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Castro, seconded by Council member Johnston, on the 17th day of December, A.D., 1991, at a regular meeting of

the City Council:

Council members voting "AYE": Castro, Johnston, DeVaughn,
Faircloth, Thomas, Devenport
and Sipes

Council members voting "NAY": None

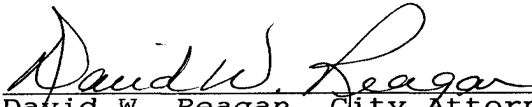
PASSED AND APPROVED THIS 17th day of December, A.D.,
1991.


Carroll M. Thomas, Mayor

ATTEST:


B. C. Clanton, City Secretary

APPROVED AS TO FORM:


David W. Reagan, City Attorney

ORD\GILIS.SUP

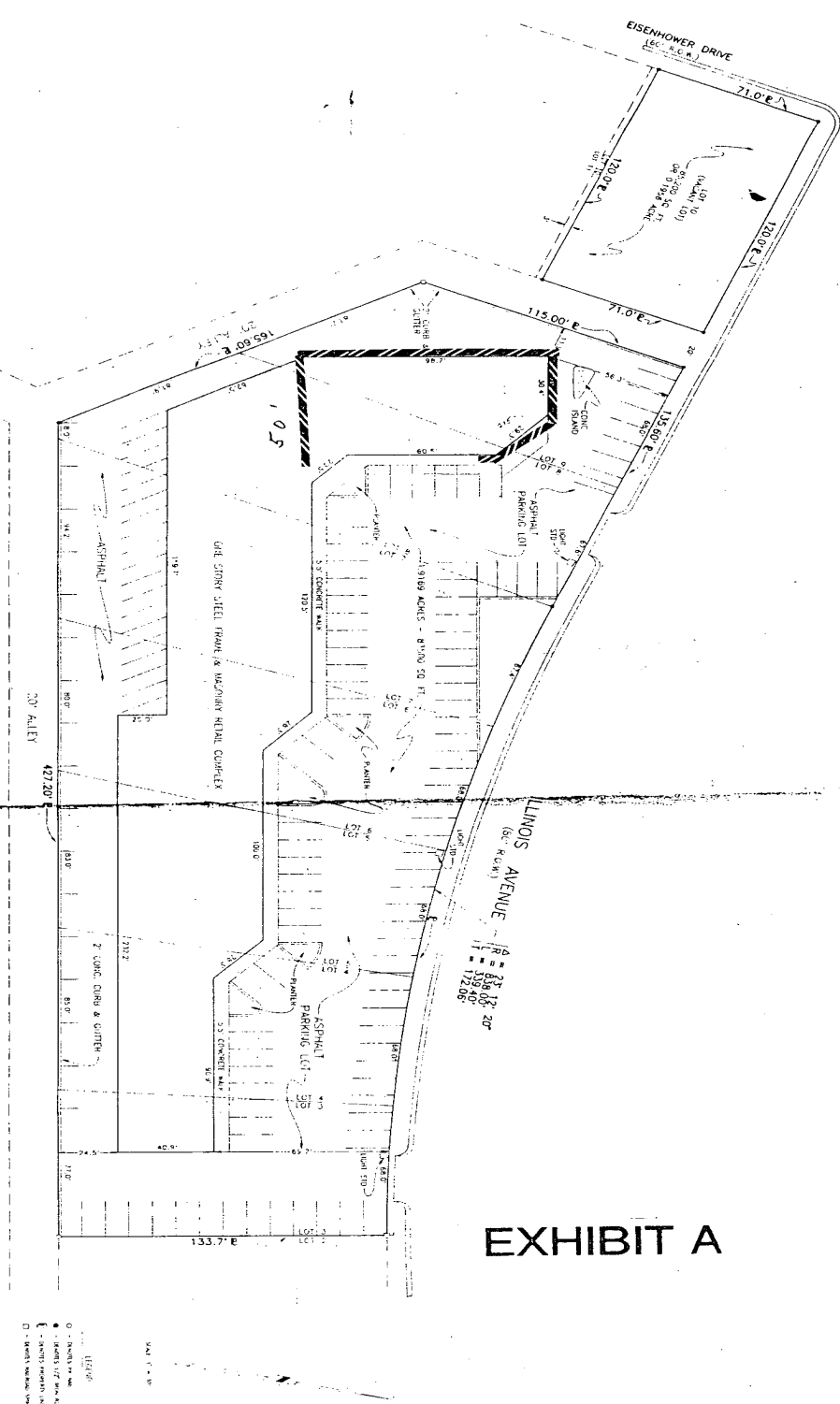


EXHIBIT A

SURVEY PLAT FOR CRUZ GUAYDO LOPEZ DBA LOPEZ PROPERTIES TO THE DEEDHOLDERS, ISSUING TITLE DEEDS, UNDEVELOPED AND ADJACENT ABSTRACT FOR PAUSE NO. OF 57062C CITY:

This is to certify that on the date, September 2, 1991, a careful and accurate survey was made under my direction and supervision of the ground of the property located at 4411 W. Linds Avenue, in Madison, Texas, described as follows: Lots 2, 3, 4, 5, 6, 7, 8, 9, and all of lot 10 except the south 3/4 of that third, Block 125, within Tract, an addition to the City of Madison, Texas, according to the report recorded in Map Exhibit B on page 172 of the Plat Records of Madison County, Texas:

CLERK: TRACT # 60136C

NOTE: This plat was prepared by the U.S.P. Fish, Forest Inquiries Administration Flood Hazard Boundary Map for Madison County, Texas, Community Map, 480477-C14-B, dated November 25, 1978. This property is not located in a Special Flood Hazard Area Zone 1. The above, made, may, not, include, or Special Flood Hazard Areas and other a more detailed study, the Flood Hazard Areas may be modified and other areas added. Accurately showing may occur someday due to adjacent changes in drainage patterns.

The plat herein is a true, correct and accurate representation of the property as determined by survey, the lines and corners are as shown, all improvements being within the boundaries of the property, as both from property lines, the distance indicated and that the distances to the nearest intersecting street or road is as shown on said plat. There are no encroachments, conflicts or prior claims, except as shown. Dated this 15th day of September, 1991.

JOHN WEST & ASSOCIATES
HOUSTON, TEXAS

John West
RONALD J. EDDY, TEXAS P.L.S. No. 1852
JACOB MCGRATH, TEXAS P.L.S. No. 4294
CARY C. EDDY, TEXAS P.L.S. No. 4735



June 19, 2020

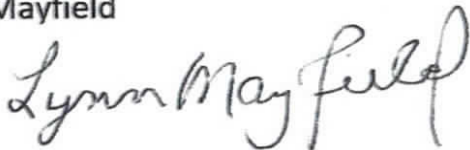
JUN 24 2020

To Whom it may concern.

We understand that the restaurant next door to our church building is applying for a liquor license and intends to sell liquor. While our beliefs and practices do not encourage the use of liquor, we do not contest your application with the city and hope that all applicable laws and expectations of the "TABC" will be complied with should you be issued a license.

For the Elders,

Lynn Mayfield

A handwritten signature in cursive script that reads "Lynn Mayfield". The signature is written in dark ink and is positioned below the printed name.

Westside Church of Christ
4410 W Illinois
Midland Tx 79703.

Sec. 109.22. DELIVERY OF HOME-PRODUCED WINE, ALE, MALT LIQUOR, OR BEER FOR CERTAIN PURPOSES. (a) This section applies only to a person who is authorized under Section 109.21(a) to produce wine, ale, malt liquor, or beer.

(b) For the purpose of participating in an organized tasting, evaluation, competition, or literary review, a person to whom this section applies may deliver wine, ale, malt liquor, or beer produced and manufactured by the person to locations that are not licensed under this code for the purpose of submitting those products to an evaluation at an organized tasting competition that is closed to the general public or by a reviewer whose reviews are published if:

(1) no charge of any kind is made for the wine, ale, malt liquor, or beer, for its delivery, or for attendance at the event; and

(2) the commission consents in writing to the delivery.

(c) Nothing in this section shall be construed to authorize an increase in the quantity of wine, ale, malt liquor, or beer authorized to be produced by a person under the authority of Section 109.21(a) of this code.

SUBCHAPTER C. LOCAL REGULATION OF ALCOHOLIC BEVERAGES

Sec. 109.31. MUNICIPAL REGULATION OF LIQUOR. A city by charter may prohibit the sale of liquor in all or part of the residential sections of the city.

Sec. 109.32. MUNICIPAL AND COUNTY REGULATION OF BEER. (a) An incorporated city or town by charter or ordinance may:

(1) prohibit the sale of beer in a residential area; and

(2) regulate the sale of beer and prescribe the hours when it may be sold, except the city or town may not permit the sale of beer when its sale is prohibited by this code.

(b) In a county that has only one incorporated city or town that has a majority of the population of the county, according to the most recent federal census, and where the city or town has shortened the hours of sale for beer on Sundays by a valid charter amendment or ordinance before January 1, 1957, the commissioners court may enter an order prohibiting the sale of beer on Sundays during the hours it is prohibited in the city or town. The order may apply to all or part of the area of the county located outside the city or town. The commissioners court may not adopt the order unless it first publishes notice for four consecutive weeks in a newspaper of general circulation in the county published in the county or a nearby county.

(c) In exercising the authority granted by this section, the city, town, or county may distinguish between retailers selling beer for on-premises consumption and retailers, manufacturers, or distributors who do not sell beer for on-premises consumption.

Sec. 109.33. SALES NEAR SCHOOL, CHURCH, OR HOSPITAL. (a) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within:

(1) 300 feet of a church, public or private school, or public hospital;

(2) 1,000 feet of a public school, if the commissioners court or the governing body receives a request from the board of trustees of a school district under Section 38.007, Education Code [*Refer to Appendix for this citation*]; or

(3) 1,000 feet of a private school if the commissioners court or the governing body receives a request from the governing body of the private school.

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

(1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

(2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(c) Every applicant for an original alcoholic beverage license or permit for a location with a door by which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public or private school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public or private school before filing the application with the commission. A copy of the notice must be submitted to the commission with the application. This subsection does not apply to a permit or license covering a premise where minors are prohibited from entering the premises under Section 109.53.

(d) As to any dealer who held a license or permit on September 1, 1983, in a location where a regulation under this section was in effect on that date, for purposes of Subsection (a), but not Subsection (c), of this section, the measurement of the distance between the place of business of the dealer and a public or private school shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

(e) The commissioners court of a county or the governing board of a city or town that has enacted a regulation under Subsection (a) of this section may also allow variances to the regulation if the commissioners court or governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the court or governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

(f) Subsections (a)(2) and (3) do not apply to the holder of:

(1) a retail on-premises consumption permit or license if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;

(2) a retail off-premises consumption permit or license if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or

(3) a wholesaler's, distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in Chapter 102.

(f-1) Subsections (a)(2) and (3) do not apply to a performing arts facility leased to a nonprofit organization under a policy adopted under Section 11.179, Education Code.

(g) Subsection (a)(3) does not apply to the holder of:

(1) a license or permit issued under Chapter 27, 31, or 72 who is operating on the premises of a private school; or

(2) a license or permit covering a premise where minors are prohibited from entering under Section 109.53 and that is located within 1,000 feet of a private school.

(h) Subsection (a)(1) does not apply to the holder of:

(1) a license or permit who also holds a food and beverage certificate covering a premise that is located within 300 feet of a private school; or

(2) a license or permit covering a premise where minors are prohibited from entering under Section 109.53 and that is located within 300 feet of a private school.

(i) In this section, "private school" means a private school, including a parochial school, that:

(1) offers a course of instruction for students in one or more grades from kindergarten through grade 12; and

(2) has more than 100 students enrolled and attending courses at a single location.













Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 20, 2020

TO: PLANNING AND ZONING COMMISSION

FROM: Glenda Arroyo-Cruz, Planner

SUBJECT: Hold a public hearing and consider a request by Zakery Davis for a Specific Use Designation without Term for Automobile or other Motorized Vehicle Sales and Services on Lots 1 and 2, Block 3, Hines Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Florida Avenue and South Garfield Street. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

C, Commercial District.

Departmental Review:

Analysis:

The applicant is requesting a Specific Use Designation without Term for Automobile or Other Motorized Vehicle Sales and Services at 2203 West Florida Avenue. The property is partially vacant, with an existing building.

The floor area of the building is approximately 2,000 square feet, with 1,000 square feet being used for storage. The proposed site plan, hereto shown as Exhibit A, shows the cars for sale will be within a fenced area located along South Garfield Street. Parking will be located along West Florida Avenue, with additional parking within the fenced area.

The proposed hours of the business are:

Monday through Saturday from 11:00 a.m. through 7:00 p.m.

Per the zoning ordinance, a specific use designation without term is required for Automobile or other Motorized Vehicle Sales and Services within the C, Commercial District zoning.

The Automobile or Other Motorized Vehicle Sales and Services will need to comply with the standards as listed in Section 4.04.A.6 of the Zoning Ordinance.

6. Automobile or Other Motorized Vehicle Sales and Service Standards

- a. Allowed by Specific Use Designation, according to the permitted Use Chart.
- b. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.
- c. No intermittent or flashing lights shall be permitted.
- d. Luminaries shall be mounted at a height not to exceed 30 feet as measured vertically from the horizontal surface of the nearest parking pavement.
- e. All building façades shall be constructed with the same masonry materials that meet the masonry regulations for the zoning district in which the property is located.
- f. No exterior auditory devices shall be permitted.

Additionally, parking requirements for The Automobile or Other Motorized Vehicle Sales and Services will need to comply with the standards as listed in Section 6.02. Off-street Parking and Loading requirements of the Zoning Ordinance. The required parking spaces for this proposed use should be calculated as followed:

One space for each 400 square feet of Floor Area, minimum of five spaces.

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

Building: (Approved with Conditions)

Parking lot must be striped with spaces properly sized and the number of required spaces must be installed according to the City of Midland zoning code.

Engineering: (Approved)

No objection to zone change.

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

Transportation: (Approved)

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

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

No objection to zone change.

Fire: (Approved)

No objection.

Code Compliance: (Approved)

No comments.

Planning:

This request meets all requirements of a Specific Use Designation without term for Automobile or other Motorized Vehicle Sales and Services; therefore, staff recommends approval of the Specific Use Designation without Term for Automobile or other Motorized Vehicle Sales and Services, subject to conditions A through D.

Conditions:

- A. That the use and development of this property shall significantly conform to the site plan, which is attached hereto as Exhibit "A" and incorporated herein.**
- B. That the days and hours of operation of the Automobile or other Motorized Vehicle Sales and Services shall be limited to the following:**
 - Monday through Saturday, from 11:00 a.m. through 7:00 p.m.**
- C. That the use of the Automobile or other Motorized Vehicle Sales and Services shall conform to the standards as outlined in Section 4.04.6 of the Zoning Ordinance.**
- D. That the Off-Street Parking and Loading Requirements shall conform to the standards as outlined in Section 6.02.E of the Zoning Ordinance.**

Letters of Objection:

As of July 15, 2020, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Application
Maps



Specific Use Designation Application (Non-Alcohol)

Project Number:

Sub No/20-0018

Case Number:

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

Printed Name: Zakery Davis

Phone (432.)2358299

Email Zjdavis@westliberty.edu

Address 5926 wagner

City Midland

State Tx

Zip 79706

Property Owner

Partnership LTD

Printed Name: Bosfam 1 [REDACTED]

Phone (432) 685 5233

Email

Address 2205 w industrial

City Midland

State Tx

Zip 79701

Representative (if different from Applicant or Property Owner)

Firm:

Printed Name:

Phone ()

Email

Address

City

State

Zip

Type of Permit:

Vehicle sales

For Office Use Only

☐ with Term☐ without TermIs there any Code Enforcement action pending on property? ☐ Yes ☒ No**Street Address:**

2203 w florida ave midland texas 79701

Legal Description

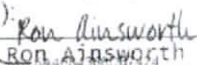
Lot: 12 Block: 3 Subdivision: Hines Addition

Current Zoning: Commercial**Maximum Floor Area:** 3716 sq ft (1500 sq ft max)**Maximum Occupancy:****Proposed hours and days of use or operation:** 5-6 days a week 9 am - 8 pm at the maximum**Reason for request:** Required by ordinance in property.**Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience:**

This property is surrounded by businesses there are no homes within sight. Also I have ample parking. Furthermore a car dealership with 10 cars is not going to produce excess traffic

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)

Signatures	
Applicant (signature): 	Date: 4/28/2020
Applicant (printed): Zakery Davis	
Property Owner (signature): 	Date: 4/29/2020
Property Owner (printed): Ron Ainsworth	
The Specific Use Designation shall be considered officially received in the Planning office <u>only</u> when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received. All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☐ Site Plan in Digital Format (PDF/JPEG)
Check # <u>Money Order 19-095903494</u>	BY: _____
Received By: 	Date: <u>0702 2 2 AM</u>

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

FRONT ST

FLORDIA AV

NEW JERSEY AV

RHODE ISLAND AV

GARFIELD ST

LOCATION MAP

SUDwo-20-0018

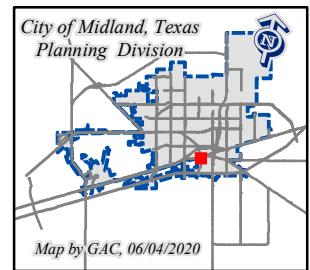
Scale: 1" = 400'

Consider a request by Zakery Davis for a Specific Use Designation without Term for Automobile or other Motorized Vehicle Sales and Services on a Lots 1 and 2, Block 3, Hines Addition, City and County of Midland, Texas.

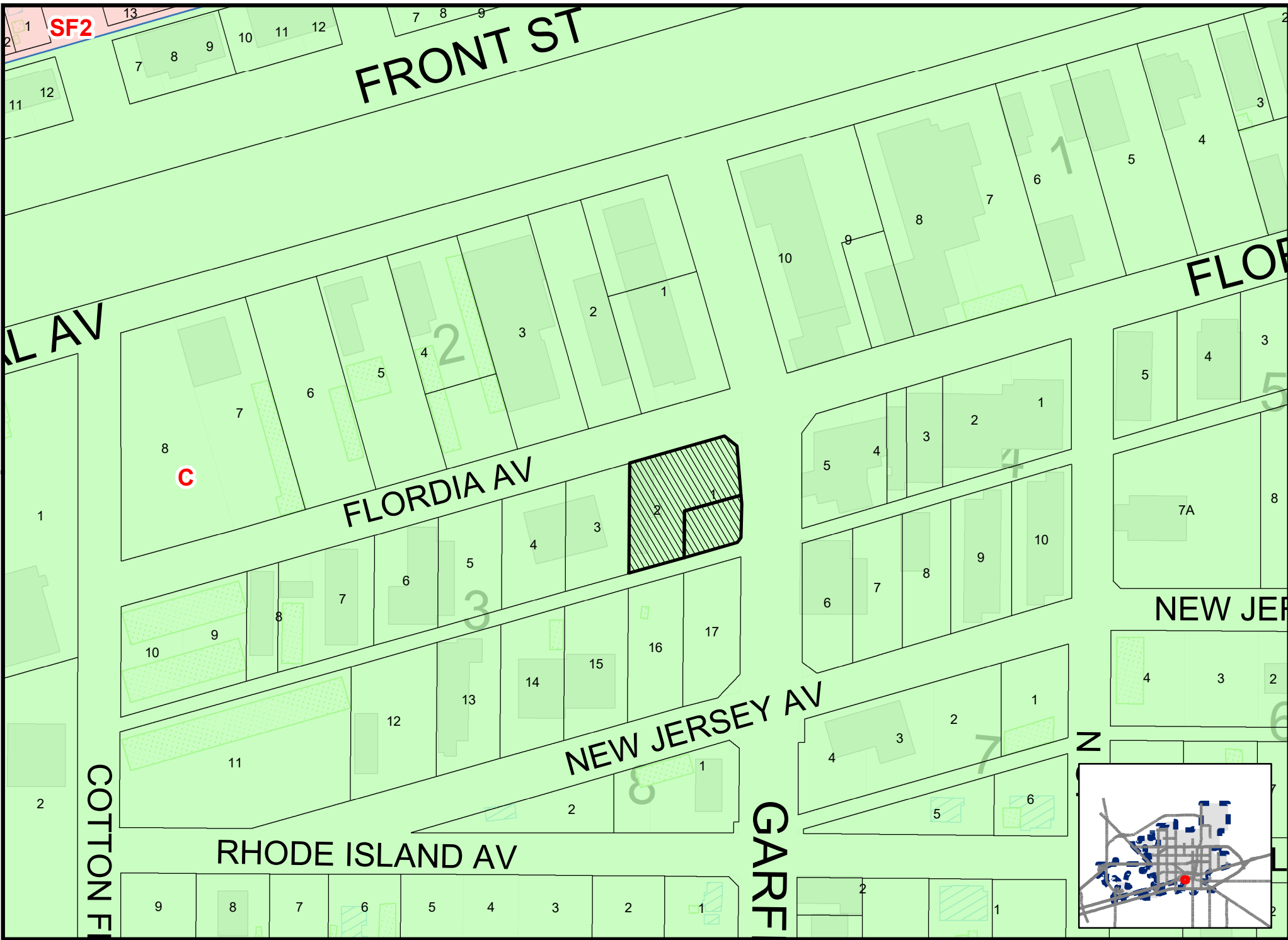
(Generally located on the southwest corner of the intersection of West Florida Avenue and South Garfield Street. Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS



©THE CITY OF MIDLAND - 2019
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.













Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 20, 2020

TO: PLANNING AND ZONING COMMISSION

FROM: Joseph Marynak

SUBJECT: Hold a public hearing and consider a request by Aimee Valenzuela, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 2,233 square foot portion of Lot 23B, Block 40, Fairmont Park Addition, Section 39, City and County of Midland, Texas.
(Generally located on the southeast corner of the intersection of North Loop 250 West and Tremont Avenue. Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

RR, Regional Retail District.

Departmental Review:

Surrounding Zoning and Land Use:

The properties to the north and west are zoned PD, Planed Development Districts for Shopping Centers, and are the locations of a bank and a shopping center, respectively. The properties to the south and east are zoned RR, Regional Retail District and the locations of a car wash and a shopping center, respectively.

Analysis:

This property is located in the RR, Regional Retail District, which allows for the sale and on-premises consumption of alcoholic beverages with the approval of a specific use designation with term.

The site is located at 3322 North Loop 250 West, and does not currently have a Specific Use Designation for the sale and on premises consumption of alcoholic beverages. The

site currently has adequate parking and restroom facilities. The proposed hours of operation are:

Monday through Friday from 7:00 a.m. to 10:00 p.m.
Saturday through Sunday from 8:00 a.m. to 10:00 p.m.

The applicant is requesting alcohol service hours as the following:

Monday through Saturday 10:00 a.m. to 10:00 p.m.
Sunday from 12:00 p.m. (noon) to 10:00 p.m.

The sale and on-premises consumption of alcoholic beverages will be limited to a 1,303-square foot portion of the restaurant, which includes the dining area.

Per Midland City Code 5.4.4. –Prohibited place of business

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

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

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

Fire: (Approved)

No objections.

Engineering: (Approved)

No objections.

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.

Building Code: (Approved)

The SUD for La Jaiba is acceptable provided that no major changes have taken place

including increased sizing of the dining/seating area or increases to the building footprint. The property must adhere to the maximum occupant load that was provided with the original building permit and submittal documents. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, "Encourage the development of places where Midland residents can gather and socialize to build connections." (Tall City Tomorrow page 137) La Jaiba will create a vibrant atmosphere where residents can feel relaxed and enjoy drinks with their meals

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

Conditions:

A. That the serviceable area of the restaurant shall be limited to approximately 1,303 square feet as shown in Exhibits "A and B", which is attached hereto and incorporated herein for all purposes.

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

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

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

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

Monday through Saturday 10:00 a.m. to 10:00 p.m.

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

F. That in accordance with Section 9.07.E. 3 of the City Code, the establishment shall receive a certificate of occupancy within 120 days from the final adoption date of this ordinance.

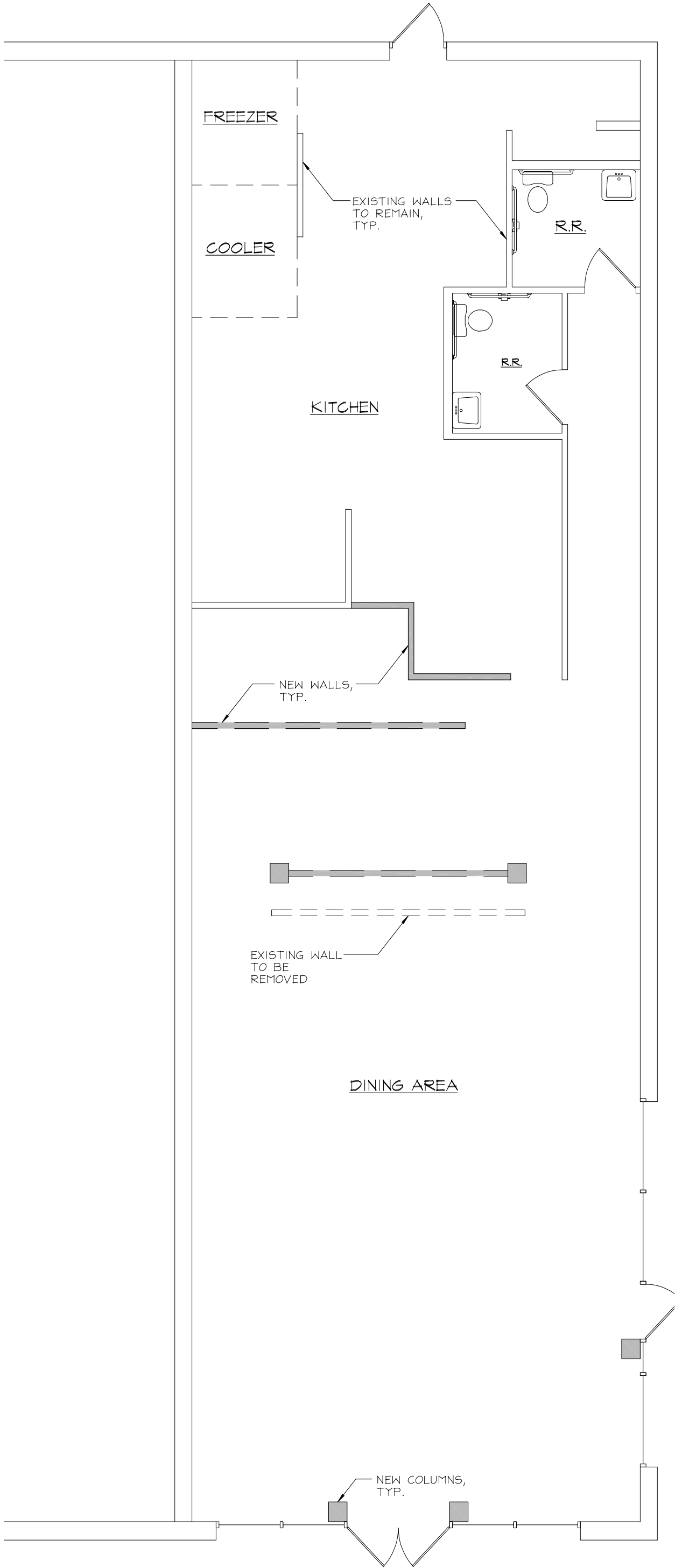
Letters of Objection:

As of July 15, 2020, staff has not received any letters of objection.

Attachments:

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

[illegible]



A FLOOR PLAN
SCALE 3/16" = 1'-0"

DATE: MAY 29, 2020
DWG#2020/ALEXUEZADA.LAVA-AI
JOB # JM20051

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COPYRIGHT, J.M. DRAFTING & DESIGN
IS APPLICABLE TO DERIVATIVE PLANS
AND PROVIDES FOR SPECIFIC
CIVIL AND CRIMINAL UNAUTHORIZED
REPRODUCTION IN ANY FORM IS
STRICTLY PROHIBITED AND FORBIDDEN

PREPARED BY:
M DRAFTING & DESIGN
NEW BUILDING FOR:
LA JALVA 3322 N LOOP 250 W
MIDLAND SUITE C TEXAS



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

Project Number: SUD-20-0080
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: Alex Quezada		Phone (432) 770-6605 Email alexquezada2552@gmail.com	
Address 5216 Tremont Apt. 505	City Midland	State TX	Zip 79707

Property Owner Printed Name: RAAS Texas Ventures, LLC		Phone (972) 465-8400 Email allison@realspacetexas.com	
Address 3990 East Side Avenue	City Dallas	State TX	Zip 75226

Representative (if different from Applicant or Property Owner) Firm: Aimee Valenzuela LLC Printed Name: Aimee Valenzuela		Phone (432) 694-7000 Email aimee@avllc.org	
Address 1401 N. Garfield St.	City Midland	State TX	Zip 79701

Street Address: 3322 North Loop 250 West, Suite 300	
Business Name: La Jaiba, LLC/Trade Name: La Jaiba -Mexican Grill & Seafood	
Legal Description Lot: 23B Block: 40 Subdivision: Fairmont Park Addition Section 39	
Current Zoning: RR, Regional Retail District	
Reason for Request: <u>Opening new bar and restaurant, TABC license requires city secretary seal</u>	

Type of Business (restaurant, bar, lounge, nightclub, etc.): restaurant	
Proposed/Current Days and Hours of Operation: <u>Monday - Friday 7:00 a.m. to 10:00 p.m.</u> <u>Saturday - Sunday 8:00 a.m. to 10:00 p.m.</u>	
Proposed Days and Hours of Alcohol Service: <u>Monday - Saturday 10:00 a.m. to 10:00 p.m.</u> <u>Sunday 12:00 p.m. to 10:00 p.m.</u>	
Total Square Footage of Business: 2233 sq ft.	
Square Footage of Alcohol Serviceable Area:	
Restroom Fixtures: 1 Men	Toilets/Urinals: 1 toilet for men
1 Women	Toilets: 1 toilet for women
	Bathroom Sinks: 1 for men
	Bathroom Sinks: 1 for women

RECEIVED
JUN 24 2020

BY:

RECEIVED
JUN 24 2020

BY:

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

Applicant (signature):	Date: 6/24/2020
Applicant (printed): Alejandro Quezada	
Property Owner (signature):	Date: 6-24-20
Property Owner (printed): Jason Morahan	

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.

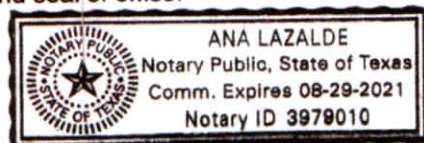
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

Subscribed and sworn to before me, this 24th day of June, 2020, to certify which witness my hand and seal of office.



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☐ Dimensioned Floor Plan
☒ Application Fee	☐ Site Plan
Check # <u>179</u>	☒ Plans in Digital Format (PDF/JPEG)
Received By: <u>DL</u>	Date: <u>JUN 24 2020</u>

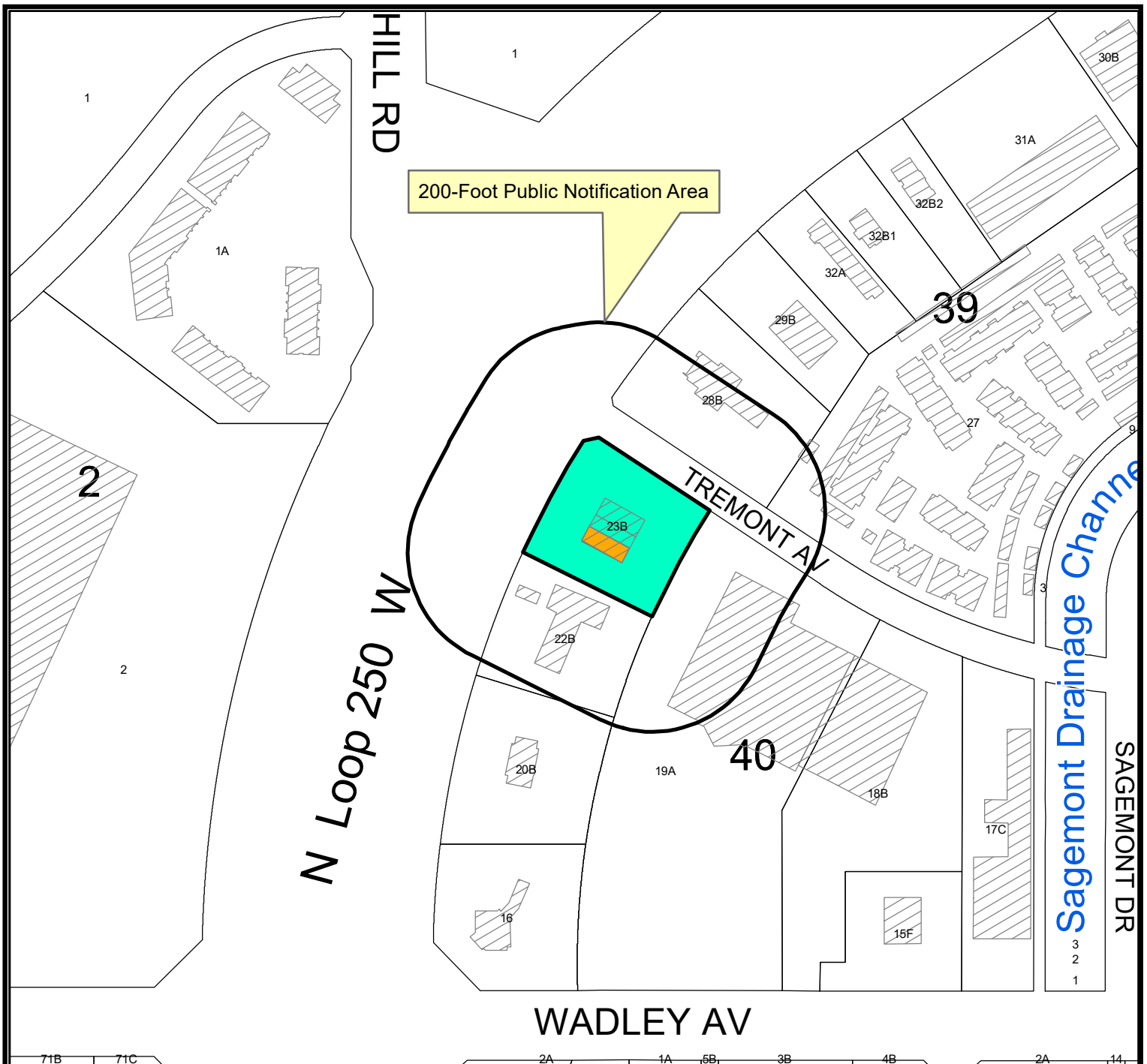
BY: DL

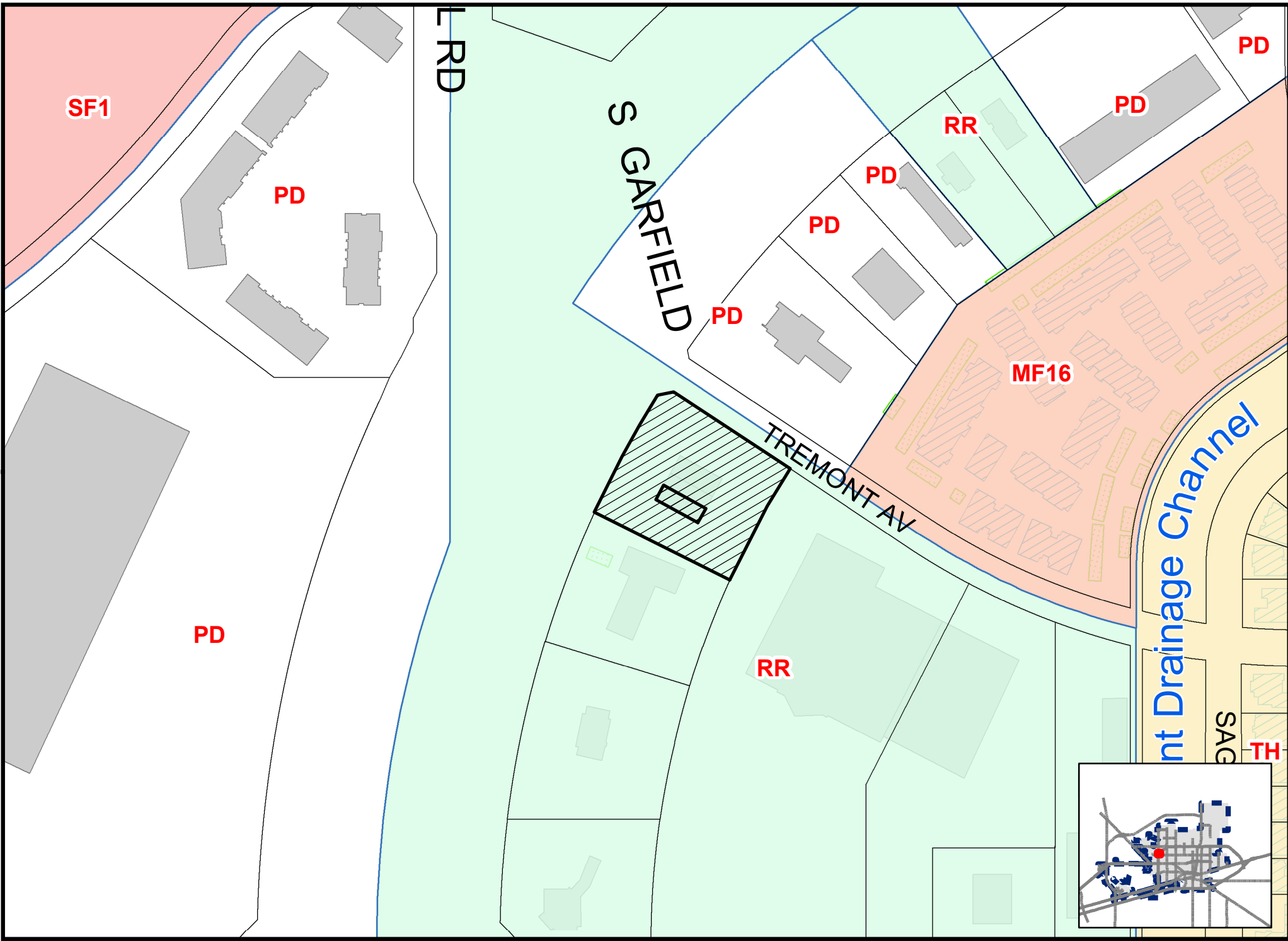
****Application will not be considered for scheduling until reviewed by a planner.****

SUD Alcoholic Beverages Application

3

Revised 07/02/19















Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 20, 2020

TO: PLANNING AND ZONING COMMISSION

FROM: Joseph Marynak, Planner

SUBJECT: Hold a public hearing and consider a request by Newton Engineering, PC for a zone change from PD, Planned Development District for a Transition District to Amended PD, Planned Development District for a Transition District, on Lots 1A and 5, Block 1, Rolling Green Acres Addition, Section 3, City and County of Midland, Texas. (Generally located on the north side of East State Highway 80, approximately 245 feet west of Todd Drive. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

PD, Planned Development District for a Transition District. (Ordinance No. 9590)

Departmental Review:

Surrounding Zoning and Land Use:

The properties to the north and west are zoned AE, Agricultural Estates District and the locations of a residence and vacant land, respectively. The property to the east is zoned PD, Planned Development District for a Transition District and the location of a Dollar General. The property to the south is located outside of City limits and the location of a pump jack.

Analysis:

The applicant is requesting this zone change to develop a miniature golf course and arcade. Per the Planned Development District, regulated by Ordinance No. 9590, the use of this property as a miniature golf course is permitted; however, prior to any development or issuance of any building permit, a site plan must be submitted and

approved in the same manner prescribed for a zone change. The applicant is amending the Planned Development District to adopt the site plan (Exhibit A).

As indicated on the site plan, the eastern lot of this property will be used as a miniature golf course. The western lot will have various uses including a 3,000 square foot arcade, a 750 square foot golf building, and a splash pad located just north of the those buildings. Potential future developments are also noted on this site plan, and they include an outdoor amphitheater at the far north end of the western lot and five shade structures for picnic areas along the western boundary. The site plan shows 121 parking spaces. Per 6.02.E Parking Space Schedule: Nonresidential Uses Applicable to All Districts of the zoning ordinance:

A commercial outdoor amusement uses require 2 spaces per three seats on amusement rides, or 10 spaces per ride, sports court, batting cage facility, or attraction with no specific or defined facility.

A golf course use requires a minimum of 30 spaces.

A recreational, private, or commercial area or building (other than listed) use requires 1 space for each 400 square feet of floor area with a minimum of five spaces.

The site also meets all required setback regulations.

This proposed zone change 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 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Engineering: (Approved)

No objections to zoning/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 issues.

Transportation: (Approved)

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

No objection to zone change.

Planning:

This proposed development fits with Chapter 3, An Integrated Land Use Vision, Future Land Use Map of the Tall City Tomorrow comprehensive plan as this area is called for Urban High. This district calls for “regional attractors” and focuses on improving “economic performance and opportunities for social interaction.” The miniature golf course and arcade would create a local attraction for people to visit and enjoy themselves while also bringing economic activity to a region that is predominantly vacant.

Therefore, staff recommends approval of this zone change subject to conditions A through D.

Conditions:

A. That the use and development of this property shall conform to the regulations of the LR, Local Retail District, except as stated below.

B. That the property shall significantly conform to the site plan, attached hereto and incorporated as Exhibit A.

C. That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.

D. That Ordinance No. 9590 shall remain in effect.

Letters of Objection:

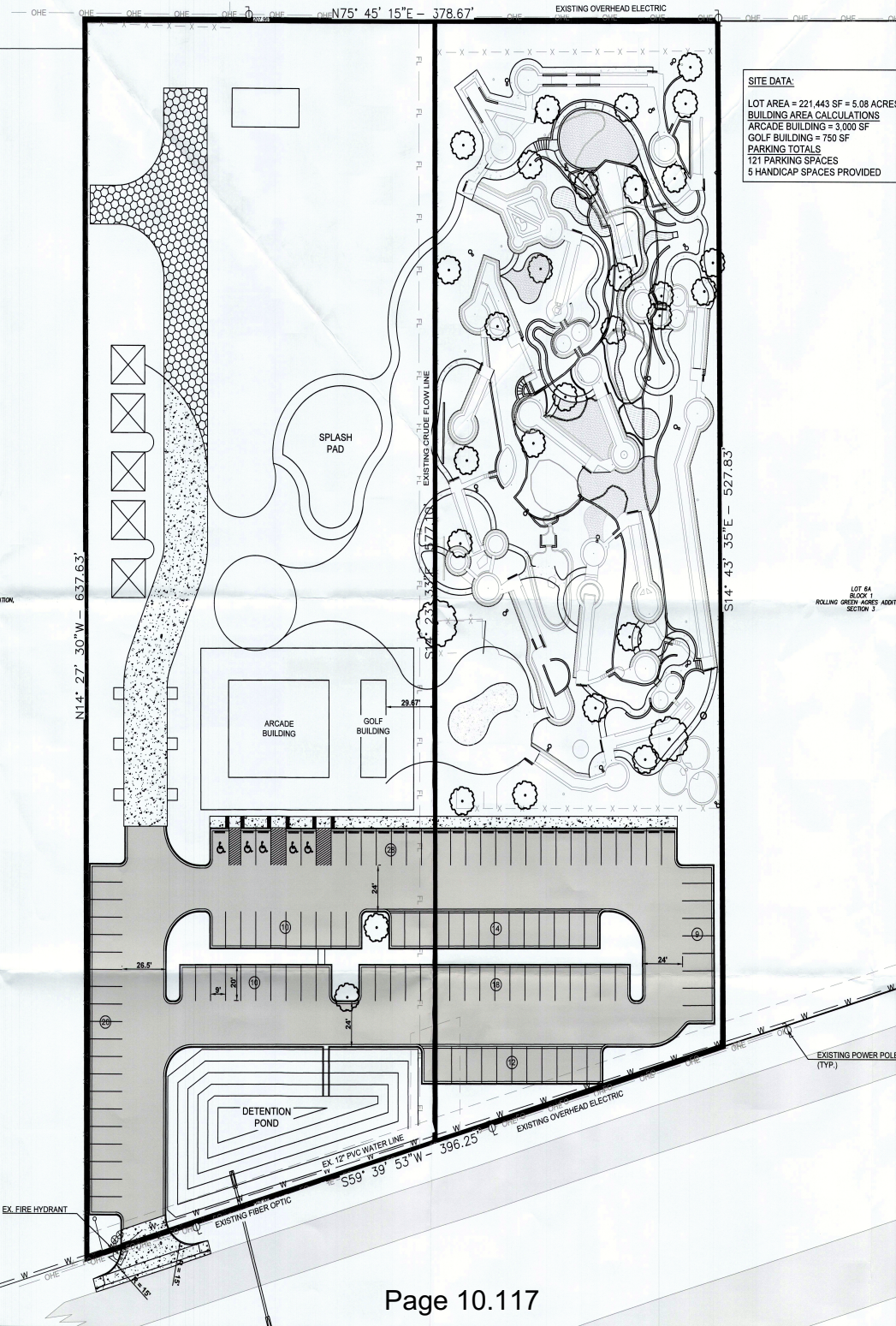
Staff has not received any letters of objection as of July 15, 2020.

Attachments:

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

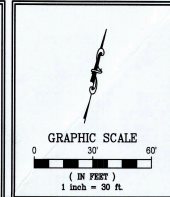
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JUN 19 2020

BY:



SITE DATA:
 LOT AREA = 221,443 SF = 5.08 ACRES
 BUILDING AREA CALCULATIONS
 ARCADE BUILDING = 3,000 SF
 GOLF BUILDING = 750 SF
 PARKING TOTALS
 121 PARKING SPACES
 5 HANDICAP SPACES PROVIDED

LEGEND	
	EXISTING ASPHALT
	EXISTING WATER
	EXISTING OVERHEAD ELECTRIC
	EXISTING CRUDE FLOW LINE
	EXISTING FIBER OPTIC
	EXISTING FENCE
	PROPOSED ASPHALT
	PROPOSED EZ ROLL PAVERS
	PROPOSED CONCRETE



NEWTON ENGINEERING, P.C.
 3209 Calavera Blvd #205
 Midland, TX 79706
 (432) 770-0489
 (432) 832-2727

**GREEN ACRES MINI GOLF
 MIDLAND, TX**

PLANNED DEVELOPMENT SITE PLAN

Project No. 20-ME02101	Sheet:
Date: JUN 2020	CBD
Drawn By: JMN	101
Checked By:	
Scale:	

PACKET

NO. REVISION DATE
 July 20, 2020



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

Project Number: 2-20-0186
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: Green Acres Golf, LLC		Phone () Email	
Address PO Box 52268	City Midland	State TX	Zip 79710

Property Owner Printed Name: Same as Applicant		Phone () Email	
Address	City	State	Zip

Representative (if different from Applicant or Property Owner) Firm: <u>Newton Engineering, PC</u> Printed Name: Chase Dunnam		Phone (432) 559-5128 Email chase@newtoncivil.com	
Address 3209 Caldera Blvd.	City Midland	State TX	Zip 79705

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

Current Zoning: PD	Proposed Zone: PD (List by tracts if more than one district is requested)
---------------------------	---

Reason for Zone Change Request: Site Plan Update

Present Use of Property: Miniature golf course and residence.

Proposed Use of Property: Miniature golf course/arcade.

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

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

Submittal and Fees

Items to be submitted with this application form:

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

RECEIVED
JUN 19 2020

BY:

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>Jeffrey T. Beard</u>	Date: <u>6/17/2020</u>
Applicant (printed): <u>Jeffrey T. Beard</u>	
Property Owner (signature): <u>Jeffrey T. Beard</u>	Date: <u>6/17/2020</u>
Property Owner (printed): <u>Jeffrey T. Beard</u>	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in 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)

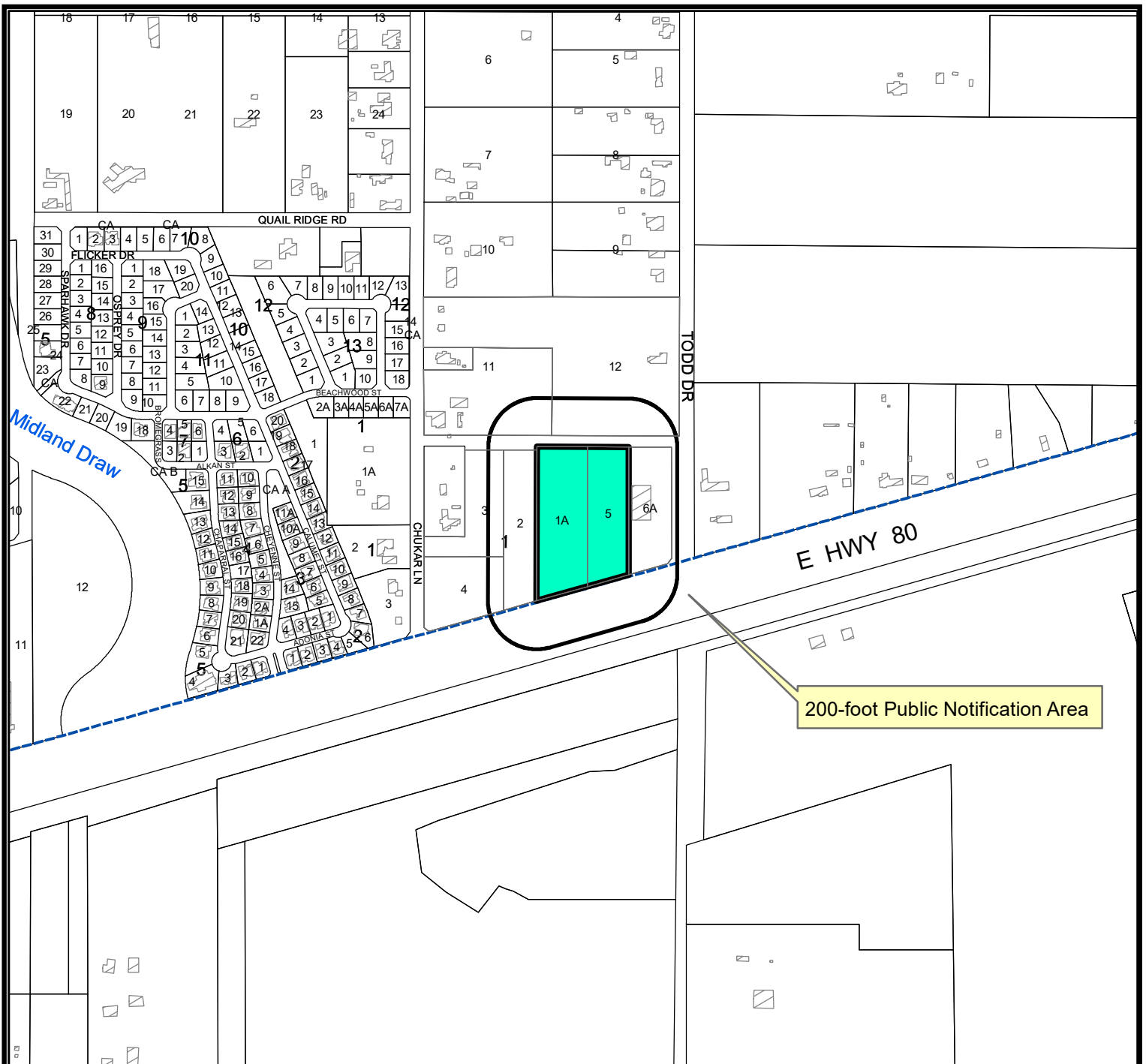
Subscribed and sworn to before me, this _____ day of _____, 20____, to certify which witness my hand and seal of office.

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # <u>22</u>	
Received By: <u>[Signature]</u>	Date: <u>JUN 19 2020</u>

BY:

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



LOCATION MAP

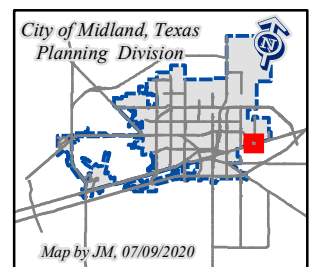
Z-20-0186

Scale: 1" = 400'

Consider a request by Newton Engineering, PC, for a zone change from PD, Planned Development for a transition district to Amended PD, Planned Development District for a Transition District, on Lots 1A and 5, Block 1, Rolling Green Acres Addition, Section 3, City and County of Midland, Texas. Generally located on the north side of East State Highway 80, approximately 245 feet west of Todd Drive. (Council District 2)

LEGEND

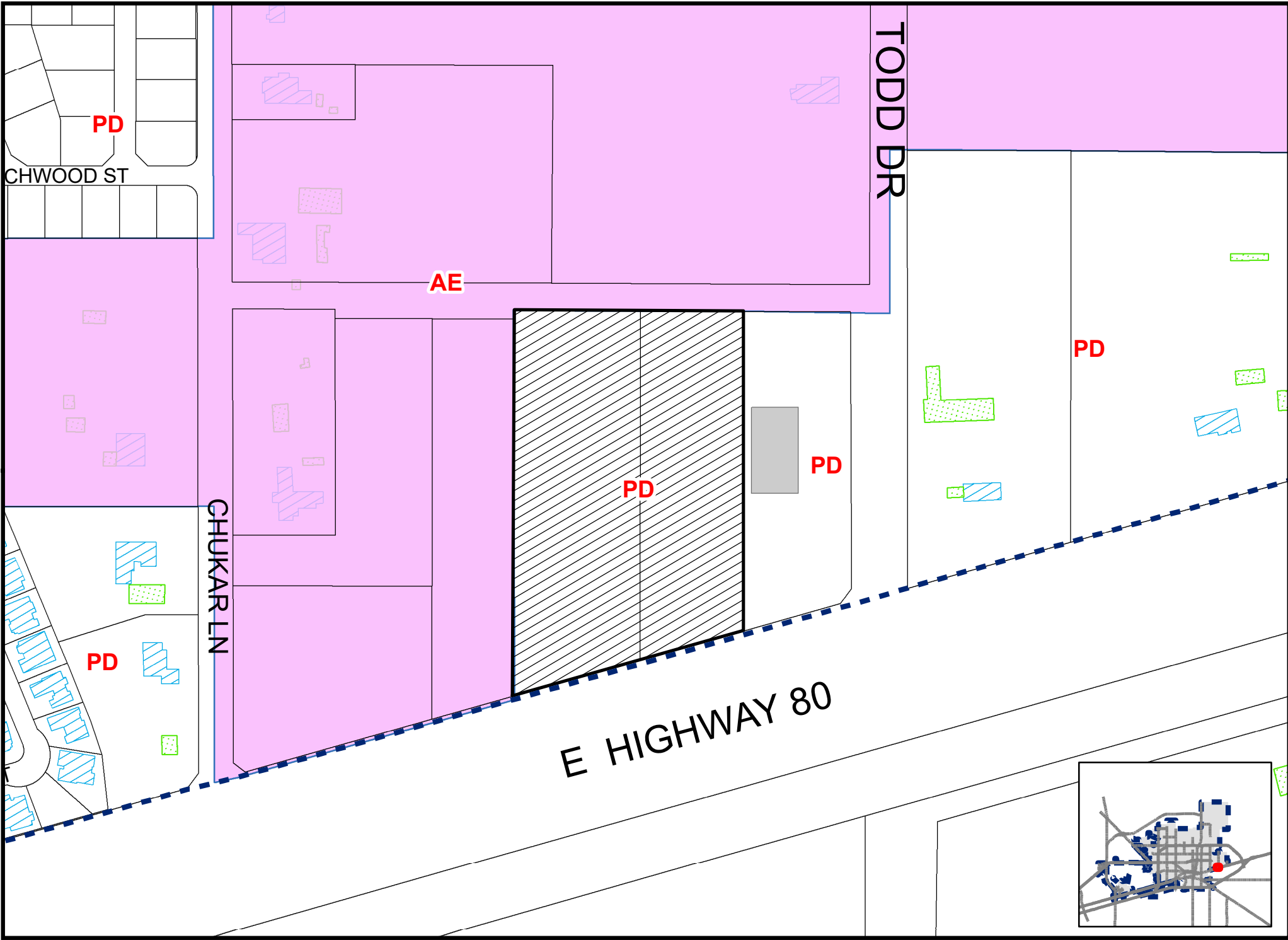
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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



ORDINANCE NO. 9590

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

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

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

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

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

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

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

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

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

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

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

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

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

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

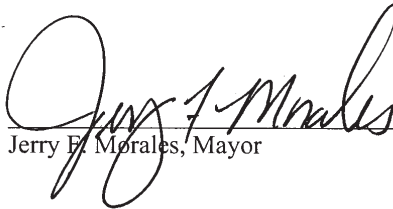
Council members voting "NAY": None

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

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

Council members voting "NAY": None

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

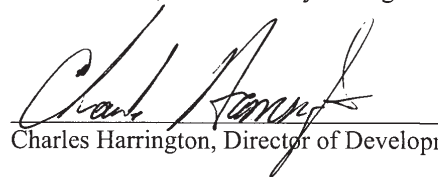

Jerry E. Morales, Mayor

ATTEST:

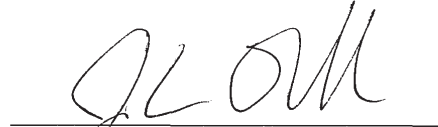

Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:


Frank Salvato, Assistant City Manager


Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:


John O'Brien, City Attorney

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

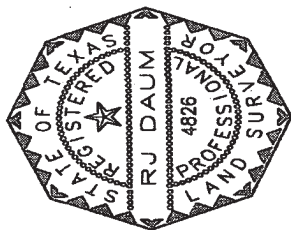
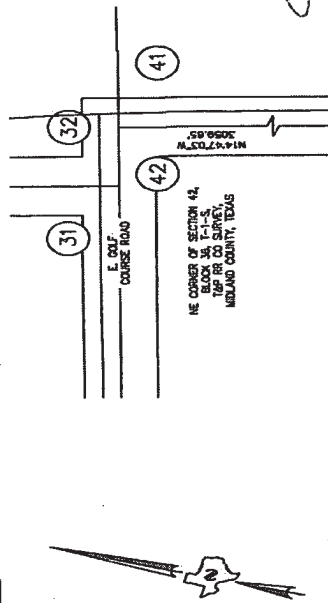
BEGINNING AT A POINT FOR THE SOUTHEAST CORNER OF THIS TRACT AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF TODD DRIVE WITH THE NORTH RIGHT OF WAY LINE OF BUSINESS 120 SERVICE ROAD, FROM WHICH THE NORTHEAST CORNER OF SIAD SECTION 42 BEARS NORTH 14°47'03" WEST 3059.65 FEET;

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

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

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

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



DATED THIS 10TH DAY OF MAY, 2016.

[Signature]

RJ DAUM
TEXAS RPLS 4826

SURVEY

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

T&P RR CO SURVEY,

MIDLAND COUNTY, TEXAS

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

SCHUMANN ENGINEERING CO., INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
REGISTERED PROFESSIONAL CIVIL ENGINEERS
Civil Engineering ~ Land Surveying
TEXAS FIRM No. F1980 TEXAS FIRM No. 10149500
408 N. PECOS STREET - P. O. BOX 504
MIDLAND, TEXAS 79702-0504
Office (432) 684-5548
Fax (432) 684-6973



City Council Agenda

APPROVED

Approved for Agenda:
fsalvato
City Manager's Office

MEETING DATE: September 13, 2016

TO: City Council / City Manager

FROM: Kierra Williams, Planner

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

Purpose:

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

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

No City funds are required to process this request.

Discussion:

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

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

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

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

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

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

Conditions:

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

Letters of Objection:

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

Attachments:

Application

Maps

Metes and Bounds (Exhibit A)



APPLICATION TO CHANGE ZONING CLASSIFICATION

I. APPLICATION

Applicant:

JOHNNY REYES

432-978-3346

(Name)

(Phone)

1722 E OAK ST

ZREYES@YAHOO.COM

(Address)

(Email)

Property Owner:

SAME AS ABOVE

(Name)

(Phone)

(Address)

(Email)

Representative (please see affidavit on page 2):

Schumann Engineering Co, Inc.

432-684-5548

(Name)

(Phone)

408 N. Pecos St., Midland, TX 79701

ben@schumannonline.net

(Address)

(Email)

Street address:

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

See attached metes and bounds

Present Zone: **AE**

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

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

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

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

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

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

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

no effect

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

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

II. APPLICATION FEES:

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

Total: \$ _____

III. SITE PLAN SUBMITTALS (if applicable):

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

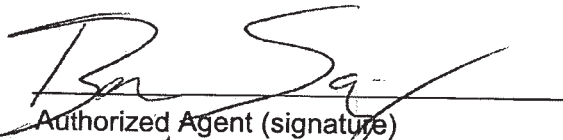
VI. Signature

Property Owner (signature): _____ Date: _____

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

STATE of TEXAS
COUNTY OF MIDLAND

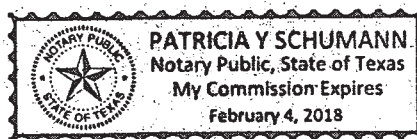
Before me, the undersigned authority, on this day personally appeared BEN SANCHEZ who, being by me duly sworn, upon oath says: That (s)he is authorized by JOHNNY REYES, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power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


Authorized Agent (signature)

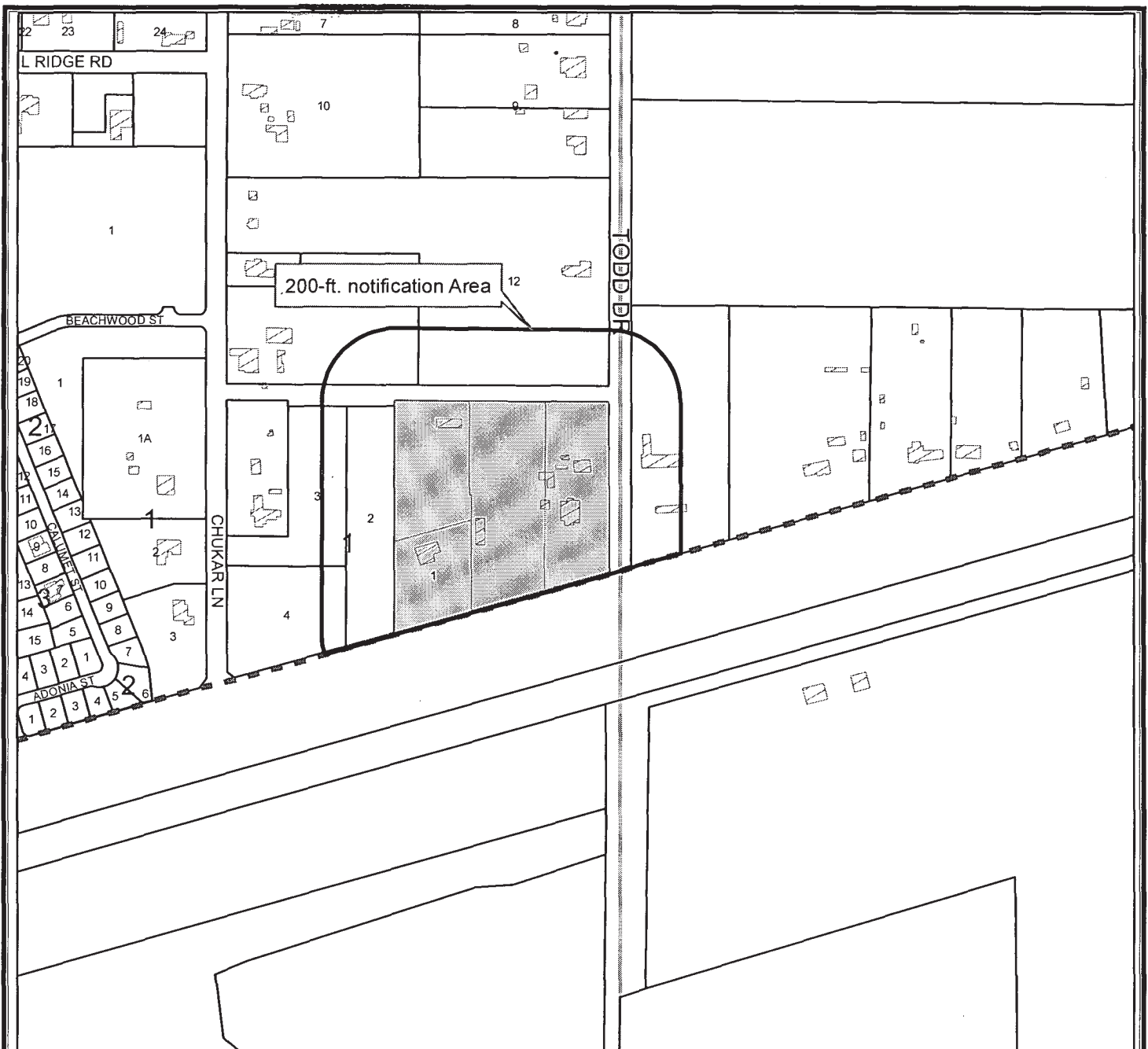
Subscribed and sworn to before me, this 1ST day of July, 2016, to certify which witness my hand and seal of office.


NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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



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



LOCATION MAP

Z-16-0018

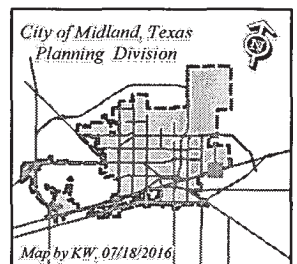
Scale: 1" = 400'

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

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

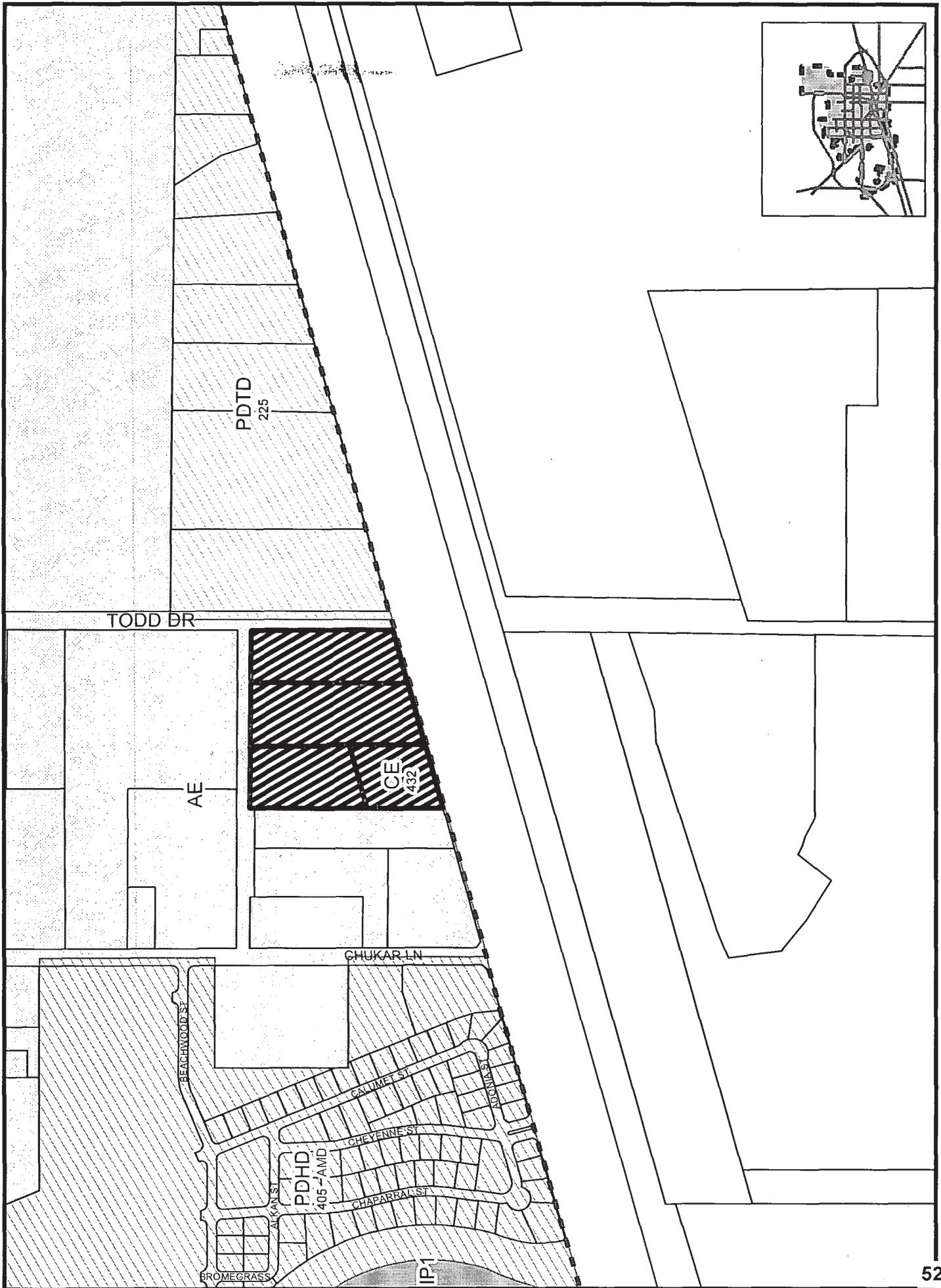
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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52.11



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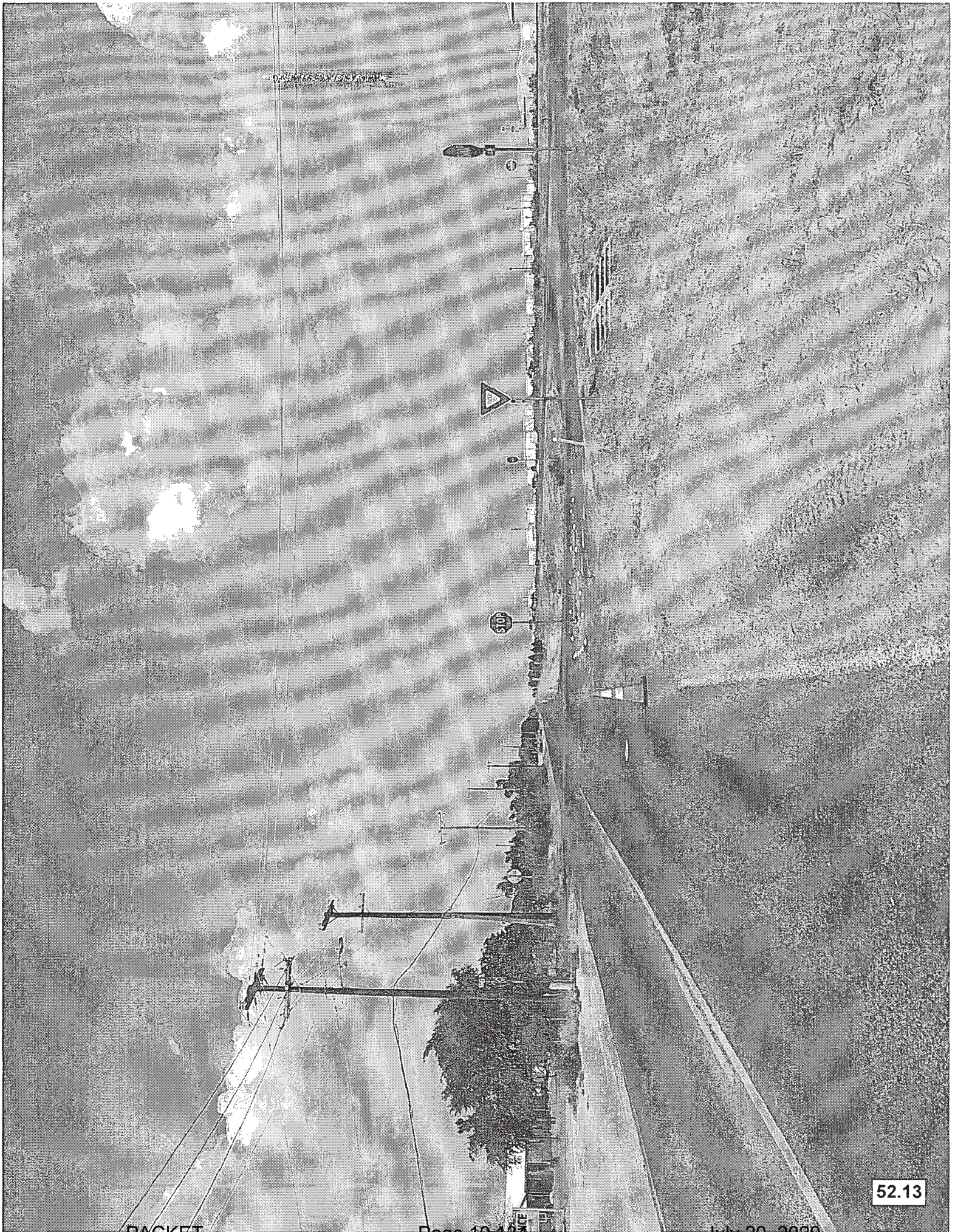


ZONING MAP

Scale: 1" = 400'

Z-16-0018

ap By KTW, 7/21/2016





52.14



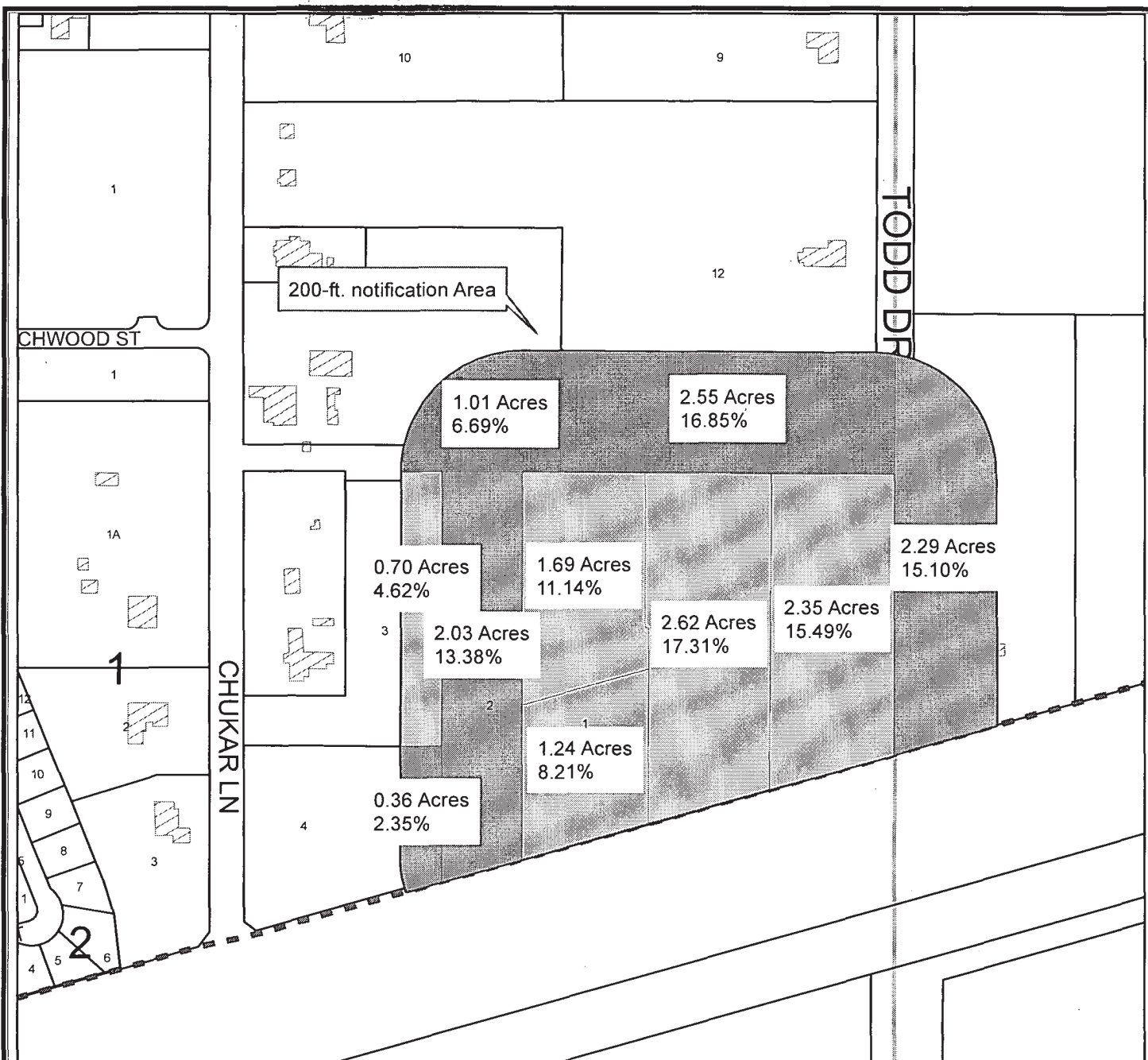
52.15



Johnny Reyes Zone Change Z-16-0018

Objection Table

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



JOHNNY REYES OBJECTION MAP

Z-16-0018

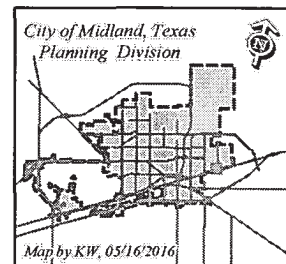
Scale: 1" = 400'

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

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

LEGEND

- CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS



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ANY DECISIONS BASED UPON THE USE OF THIS DATA.

52.18



PUBLIC NOTICE

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

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

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

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

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

I object to this request ☒ Comments:

This will take away from our quiet neighborhood

Required Information:

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

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

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

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

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

52.19



PUBLIC NOTICE

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

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

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

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

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I object to this request ☒ Comments:

Required Information

[Signature] *Rachelle Taylor* *Rachelle Taylor*
2512 E. GOLF COURSE RD
Property Owner's Signature Printed Name Property Address (No P. O. Boxes)

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

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

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

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52.20



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I object to this request ☒ Comments:

Reduced Information:

Property Owner's Signature

Jackie Taylor
Jouce Taylor

Printed Name

1213 Chukar Lane 79701

Property Address (No P. O. Boxes)

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Notices Mailed: 6

Date Mailed: July 22, 2016

Case Number: Z-16-0018

Case Name: Johnny Reyes

KW Planner's Initials

Jessica Carpenter
Jessica Carpenter
Planning Division Manager
Department of Development Services

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52.21



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

Required Information:

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

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

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

Jessica Carpenter
Jessica Carpenter
Planning Division Manager
Department of Development Services

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52.22



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I object to this request ☒ Comments:

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

Required Information:

[Signature]
Property Owner's Signature

Justin Berdes
Printed Name

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

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

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

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

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52.23



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I object to this request ☒ Comments:

TO MUCH ADDED TRAFFIC & CRIME

Required Information:

Paul Perry
Property Owner's Signature

PAUL PERRY
Printed Name

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

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

Notices Mailed: 6

Date Mailed: July 22, 2016

Case Number: Z-16-0018

Case Name: Johnny Reyes

KW Planner's Initials

Jessica Carpenter
Jessica Carpenter

Planning Division Manager
Department of Development Services

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I object to this request. YES Comments:

I do not want the added traffic.

Required Information:

Property Owner's Signature

Printed Name

Property Address (No P. O. Boxes)

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Notices Mailed: 6

Date Mailed: July 22, 2016

Case Number: Z-16-0018

Case Name: Johnny Reyes

KW Planner's Initials

Jessica Carpenter

Planning Division Manager

Department of Development Services

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

52.25

July 20, 2020

Page 10.147

PACKET



PUBLIC NOTICE

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

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

Property Owner's Signature: *JOHNNY REYES* Printed Name: *JOHNNY REYES* Property Address (No P. O. Boxes): *1203 TODD RD*

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

Notices Mailed: 6

Date Mailed: July 22, 2016

Case Number: Z-16-0018

Case Name: Johnny Reyes

KW Planner's Initials

Planning Division Manager
Department of Development Services

Jessica Carpenter

Jessica Carpenter

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



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I object to this request ☒ Comments:

This is no business district!

Required Information:

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

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

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

Jessica Carpenter
Jessica Carpenter
Planning Division Manager
Department of Development Services

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

52.27

MIDLAND
Planning Division

KETTER ROBERT J
1101 TODD DR
MIDLAND TX 79706-4348

7/25/16

PUBLIC NOTICE

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

Required Information:

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

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KW Planner's Initials

Jessica Carpenter
Jessica Carpenter
Planning Division Manager
Department of Development Services

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52.28



DAVIS HAROLD E
1002 CHUKAR LN
MIDLAND TX 79706 4327

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I object to this request ☒ Comments:

Required Information:

Harold Davis
Property Owner's Signature

Harold Davis
Printed Name

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

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

Notices Mailed: 6
Date Mailed: July 22, 2016
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Case Name: Johnny Reyes
KW Planner's Initials

Jessica Carpenter
Jessica Carpenter
Planning Division Manager
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52.29











Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 20, 2020

TO: PLANNING AND ZONING COMMISSION

FROM: Joseph Marynak

SUBJECT: Hold a public hearing and consider a request by Zhiguan Yu for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant on a 1,700 square foot portion of Lot 18, Block 1, Providence Park, Section 2, City and County of Midland, Texas (Generally located on the west side of North Midkiff Road, approximately 150 feet north of West Wadley Avenue. Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

RR, Regional Retail District.

Departmental Review:

Surrounding Zoning and Land Use:

The properties to the north and west are zoned SF-2, Single Family Dwelling District and the locations of single-family houses. The properties to the east and south are zoned RR, Regional Retail District and PD, Planned Development District for a Shopping Center, respectively, and the locations of a shopping center and a grocery store.

Analysis:

This property is located in the RR, Regional Retail District, which allows for the sale and on-premises consumption of alcoholic beverages with the approval of a specific use designation with term.

The site is located at 3303 North Midkiff Road, Suite #129, and does not currently have a Specific Use Designation for sale and on premises consumption of alcoholic beverages. The site currently has adequate parking and restroom facilities. The proposed hours of operation are the following:

Monday through Sunday from 11:00 a.m. to 10:00 p.m.

The applicant is requesting the same hours for alcohol service. The sale and on-premises consumption of alcoholic beverages will be limited to a 940-square foot portion of the restaurant, which includes the dining area.

Per Midland City Code 5.4.4. –Prohibited place of business

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

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

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

Fire: (Approved)

No objections.

Engineering: (Approved)

No objections.

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.

Building Code: (Approved)

The SUD for Korean Oppa is acceptable provided that no major changes have taken place including increased sizing of the dining/seating area or increases to the building footprint.

The property must adhere to the current maximum occupant load of 55 persons. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, "Encourage the development of places where Midland residents can gather and socialize to build connections." (Tall City Tomorrow page 137) Korean Oppa will create a vibrant atmosphere where residents can feel relaxed and enjoy drinks with their meals

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

Conditions:

A. That the serviceable area of the restaurant shall be limited to approximately 940 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.

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

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

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

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

Monday through Sunday from 11:00 a.m. to 10:00 p.m.

F. That in accordance with Section 9.07.E. 3 of the City Code, the establishment shall receive a certificate of occupancy within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of July 15, 2020, staff has not received any letters of objection.

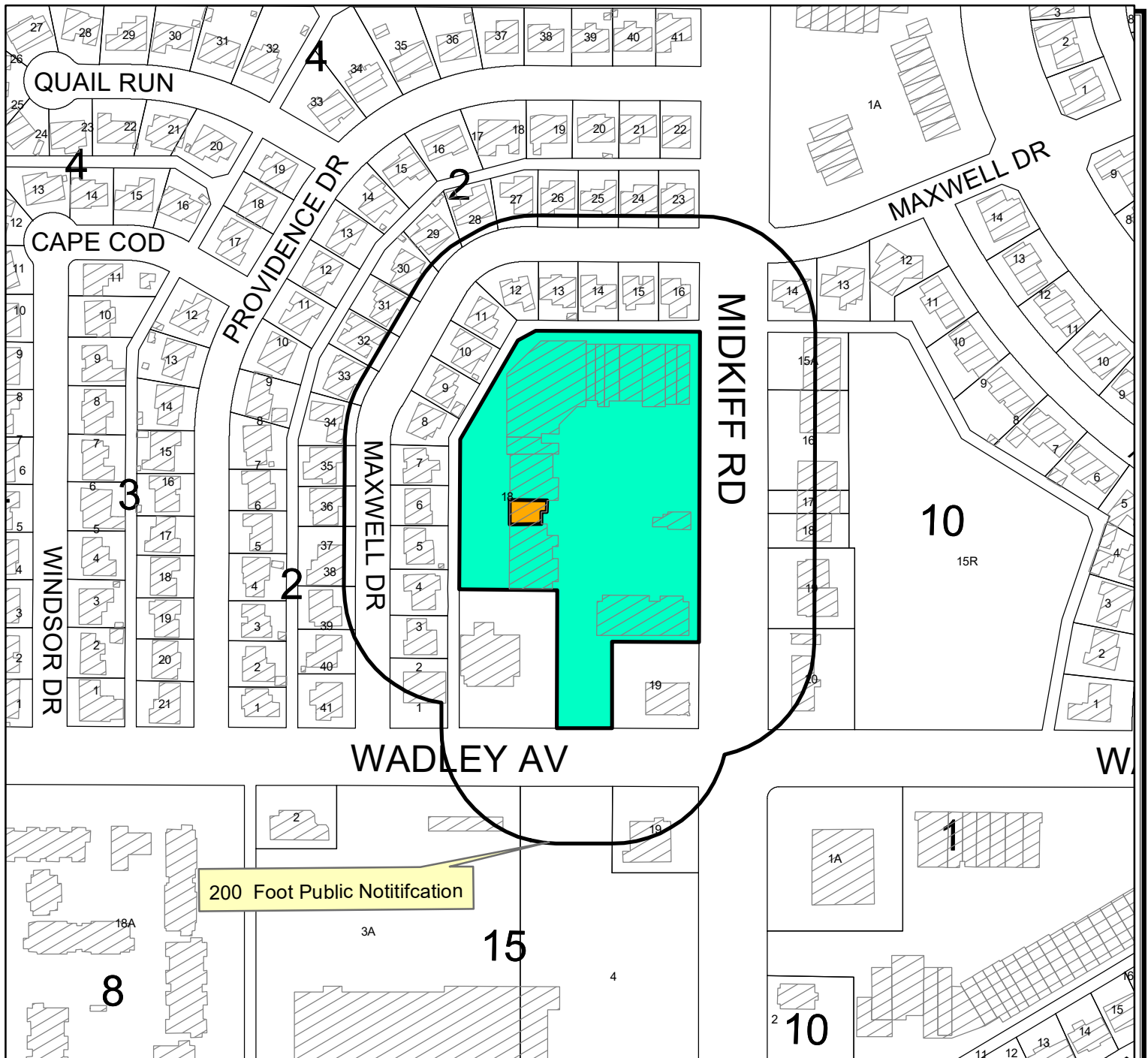
Attachments:

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

Maps



JUN 23 2020



LOCATION MAP

SUD-20-0078

Scale: 1" = 250'

Consider a request by Zhiguan Yu for a Specific Use Designation with Term for the Sale of all alcoholic beverages for on-premises consumption in a restaurant on a 1,700 square foot portion of Lot 18, Block 1, Providence Park Addition, Section 2, City and OCounty of Midland, Texas.

Generally located on the west side of North Midkiff Road, approximately 150 feet north of West Wadley Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

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









