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

CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION
PACKET
August 16, 2021 - 3:30 PM
Council Chambers – City Hall

Notice is hereby given that a public meeting will be held by the Planning and Zoning Commission of the City of Midland, in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, and via videoconference using the following information:

VIDEOCONFERENCE INFORMATION

Please click the link below to join the webinar:
https://us02web.zoom.us/j/89573594860
Or One tap mobile :
US: +13462487799,,89573594860# or +12532158782,,89573594860#
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 +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799
Webinar ID: 895 7359 4860
International numbers available: https://us02web.zoom.us/u/kcyYET5WZZ

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 August 2, 2021

3. Consider a proposed preliminary plat of Cycles Addition, Section 3, being a re-plat of Lot 1A, Block 1, Cycles Addition, Section 2, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Tradewinds Boulevard and West Business Interstate 20. Council District 4) (DEVELOPMENT SERVICES)

4. Consider a proposed Preliminary plat of Midkiff Industrial Center, Section 27, being a plat of a 0.629-acre tract of land located in the SE/4 of Section 5, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of West Stokes Avenue, approximately 390 feet west of South Midkiff Road. (Council District 2) (DEVELOPMENT SERVICES)

5. Consider a proposed Preliminary Plat of Crestview Heights, Section 5 being a replat of the north 14.92-feet of Lot 19, and all of Lots 20, 21, and 22, Block 26, Crestview Heights Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of W. Illinois avenue and N. Midkiff Road. Council District 2) (DEVELOPMENT SERVICES)

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

PUBLIC HEARINGS

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

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

9. Hold a public hearing and consider a request by Leyda Medina for a Zone Change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 16, Block 2, Eastover Addition, Section 2, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Jesse Street and East Illinois Avenue. Council District 2) (DEVELOPMENT SERVICES)

10. Hold a public hearing and consider a request by Barbara French, for a zone change from TH, Townhouse (Attached) Dwelling District in part; SF-2, Single-Family Dwelling District in part; SF-3, Single-Family Dwelling District in part; MF-16, Multiple-Family Dwelling District

in part; and PD, Planned District for a Housing Development in part; to RR, Regional Retail District, on Lot 1, Block 1, Ruckus Addition, City and County of Midland, Texas. (Generally located on the east side of Fairgrounds Road, approximately 1,899-feet south of E. Loop 250 North. Council District 2) (DEVELOPMENT SERVICES)

11. Hold a public hearing and consider a request by Barbara French for a Specific Use Designation without Term for a Kennel, on Lot 1, Block 1, Ruckus Addition, City and County of Midland, Texas. (Generally located on the east side of Fairgrounds Road, approximately 1,899-feet south of E. Loop 250 North. Council District 2) (DEVELOPMENT SERVICES)

12. Hold a public hearing and consider a request by Guadalupe Zarate for a zone change from MF-22, Multi-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 5, Block 39, Greenwood Addition, City and County of Midland, Texas. (Generally located on the west side of S. Benton Street, approximately 162 feet north of E. California Avenue. (Council District 2) (DEVELOPMENT SERVICES)

13. Hold a public hearing and consider a request by Lee Sanchez, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a cocktail lounge, on a 1,081 square foot portion of all Block 64, Original Town, City and County of Midland, Texas. (Generally located on the southwest corner of W. Wall Street and S. Colorado Street. Council District 2) (DEVELOPMENT SERVICES) (DEVELOPMENT SERVICES)

14. Hold a public hearing and consider a request by Hook and Reel Midland LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 4,774 square foot portion of Lot 1, Block 1, Mesa Verde, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Neely Avenue and N. Midland Drive. Council District 4) (DEVELOPMENT SERVICES)

15. Hold a public hearing and consider a request by Jorge Chavez for a zone change from C, Commercial District to SF-3, Single-Family Dwelling District on Lot 5, Block 8, Greenwood Addition, Section 2, City and County of Midland, Texas. (Generally located on the west side of S. Stonewall Street, approximately 90-feet north of Kentucky Avenue. Council District 2) (DEVELOPMENT SERVICES)

MISCELLANEOUS

Elizabeth Shaughnessy
Planning Division Manager
Department of Development Services

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

CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION MINUTES
August 2, 2021
Council Chambers – City Hall

The Planning & Zoning Commission convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:30 p.m., August 02, 2021.

Commissioners present:	Karmen Bryant, Reggie Lawrence, Dianne Williams, Lucy Sisniega, Chase Gardaphe, Zachary Deck, Emily Holeva
Commissioners absent:	Stacy Grosse
Staff members present:	Elizabeth Shaughnessy, Joseph Marynak, Charles Harrington, Valerie Sherman, Dalia Salinas, Kelly Martinez

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

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

CONSENT ITEMS

Commissioner Gardaphe moved to approve; seconded by Commissioner Williams.

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

2. Consider a motion approving the Planning and Zoning Commission meeting minutes for July 19, 2021.

3. Consider a proposed Preliminary Plat of Southwest Crossing, Section 14, being an 8.134-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co. Survey, County of Midland, TX. (Generally located on the southwest corner of the intersection of W. County Rd 123 and S. County Rd 1235. Extraterritorial Jurisdiction)

4. Consider a proposed Preliminary Plat of Southwest Crossing, Section 15, being a plat of a 3.3-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co Survey, County of Midland, Texas. (Generally located on the south side of W. County Rd 122, approximately 800 ft west of S. County Rd 1235. Extraterritorial Jurisdiction)

5. Consider a proposed Preliminary Plat of Southwest Crossing, Section 16, being a plat of a 24.186-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co Survey, County of Midland, Texas. (Generally located on the northwest corner of the intersection of West County Road 122 and South County Road 1235. Extraterritorial Jurisdiction)

6. Consider a proposed Preliminary Plat of Southwest Crossing, Section 17, being a plat of a 9.563-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas. (Generally located at the southeast corner of the intersection of S. County Rd 1235 and W. County Rd 123. Extraterritorial Jurisdiction)

7. Consider a proposed Preliminary Plat of Patriot Leap, being a plat of a 19.929-acre tract of land located in Section 20, Block 39, T-2-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the north side of West County Road 140, approximately 1,246 feet west of South County Road 1210. Extraterritorial Jurisdiction)

PUBLIC HEARINGS

8. Hold a public hearing and consider a proposed Preliminary Plat of Hillcrest Acres, Section 15, being a residential replat of a 19.67-acre portion of tracts 22, 23, 24, 25, 26, 27, and 28, Hillcrest Acres Addition, City and County of Midland, Texas (Generally located on the south side of Princeton Avenue, approximately 824-feet west of N. Midland Drive. Council District 4)

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

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

   The applicant was present but deferred to staff and was available for questions.

   Resident Douglas Page, 605 W. Estes, Midland, Texas, addressed the commission with questions and concerns in regard to the ownership of the property and where the alleys are located.

   Andrew Mellon, Maverick Engineering, gave a summary of the project and addressed Mr. Page's questions.

   Commissioner Williams asked how many lots are proposed. Mr. Mellon confirmed that there will be 90 lots.

   Planning Manager Elizabeth Shaughnessy also addressed Mr. Page's concerns.

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

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

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

9. Hold a public hearing and consider a proposed Preliminary Plat of Country Sky Addition, Section 27, being a residential replat of the northern 2.19 acres of Lot 2, Block 4, Country Sky Addition, Section 3, and a plat of a 2.32 acre tract of land located in Section 26, 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 Tumbleweed Trail. Council District 4)

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

   The public hearing was opened at 3:46 p.m.

   The applicant was present but deferred to staff.

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

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

   The motion passed by the following vote: 6 to, 1 Abstention
   AYE: Bryant, Lawrence, Williams, Gardaphe, Deck, Holeva
   NAY: None
   ABSTAIN: Sisniega
   ABSENT: Grosse

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

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

    The public hearing was opened at 3:50 p.m.

    The applicant presents but deferred to staff.

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

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

The motion passed by the following vote: 6 to 0, 1 Abstention
AYE: Lawrence, Williams, Sisniega, Gardaphe, Deck, Holeva
NAY: None
ABSTAIN: Bryant
ABSENT: Grosse

11. Hold a public hearing and consider a request by Manor Park, Inc. for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a community center/restaurant, on Lot 2, Block 2, Wallace Heights Addition, Section 9, City and County of Midland, Texas. (Generally located on the south side of Sinclair Avenue, approximately 290 feet east of N. Loop 250 West. Council District 4)

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

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

    The applicant was present but deferred to staff.

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

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

    The motion passed by the following vote: 6 to 0, 1 Abstention
    AYE: Lawrence, Williams, Sisniega, Gardaphe, Deck, Holeva
    NAY: None
    ABSTAIN: Bryant
    ABSENT: Grosse

12. Hold a public hearing and consider a request by Bertha Ramirez for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 4,977 square foot portion of Lot 1, Block 11, Westridge Park Addition, Section 27 City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Deauville Road and Tradewinds Boulevard. Council District 4)

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

    Commissioner Lawrence asked for clarification on the purpose of the application. Planner Joseph Marynak explained that the 2 conditions being amended are the hours of operation and the security requirements.
    The public hearing was opened at 4:00 p.m.

    The applicant, Bianca Ramirez, was present. She gave a summary of her project and answered the commissioner questions on the hours.

    Charles Harrington, Director of Development Services, addressed the commissions to explain the requirements for alcohol beverage sales.

    Commissioner Deck asked if the layout of the building was changing. Mrs. Ramirez explained that it will be keeping the same layout.

    The public hearing was closed at 4:07 p.m.

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

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

13. Hold a public hearing and consider a request by Aaron Burrell for a zone change from BP, I-20 Business Park District, in part; RR, Regional Retail District, in part; and LI, Light Industrial District in part, to BP, I-20

Business Park on a 15-acre tract of land located in Section 12, Block 40, T-2-S, T&P RR Co. City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Lote Bush Drive and West Interstate 20. Council District 2)

Item #13 Removed from Agenda.

14. Hold a public hearing and consider a request by Jose Chavez for a zone change from LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lot 3, Block 3, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of N. Madison Street, approximately 146-feet south of South Street. Council District 2)

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

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

    The applicant was not present.

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

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

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

MISCELLANEOUS

With no further business to come before the Commission, Chairman Lawrence adjourned the meeting at 4:12 p.m.

Reggie Lawrence, Chairman Date

Elizabeth Shaughnessy, Planning Division Manager Date
Department of Development Services

Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: August 16, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Cole Furqueron, Senior Planner

SUBJECT: Consider a proposed Preliminary plat of Cycles Addition, Section 3, being a re-plat of Lot 1A, Block 1, Cycles Addition, Section 2, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Tradewinds Boulevard and West Business Interstate 20. Council District 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, John Cowan & Associates, Inc., is requesting to re-plat the property located at 5800 W Highway 80 into two (2) lots for the purpose of development.

Current Zoning:

RR, Regional Retail District, in part; and PD, Planned Development District for a Shopping Center, in part.

Departmental Review:

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

BUILDING CODE: (Approved)

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

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Impact fee statement okay as shown.

ROW: ROW okay as shown.

PAVING: HWY 80 is TxDOT ROW and will be maintained by them and Tradewinds is already paved to City of Midland Standards. No paving improvements required.

WATER: Developer to install a 16" public water main along the platted frontage as far as is needed to connect water service to the building.

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

PRO RATA: None.

SEWER: If the developer installs the 16" public water main as agreed upon, the City will defer the installation of the public sewer line. This will require the formal submission of a deferral request.

DRAINAGE: Drainage report required.

EASEMENTS: Easements okay as shown.

SIDEWALKS: Required with building permit or request a deferral.

DIMENSION: * * *

OTHER: * * *

TRAFFIC: (Approved)

TxDOT comment, “Some of this area is already developed. No additional access should be allowed to the BI 20 frontage road. If there is a change in use of the existing development, access to those properties should be reevaluated. Post development drainage/runoff should not exceed pre-development conditions.”

Street lighting is required along public street frontages.

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

FIRE: (Approved)

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

CODE COMPLIANCE: (Approved)

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

GIS:

Remove the "L 1" underneath the eastern direction call (N30-12-24W).

PLANNING:

Verify Legal Description. Our records show the correct legal description should be "a replat of Lot 1A, Block 1, Cycles Addition, Section 2 City and County of Midland, Texas."

Add Block No. 1, and remove label 1A and information below it.

Provide Owner's name and address on plat. Must match City records and the Midland Central Appraisal District Records. It appears that this tract is still under the ownership of Midland Powersports. Include them in the owner's certificate or provide a warranty deed showing TJH Management as the sole owner of the entire proposed plat.

On the owners certificate, the company name is TJC management. Please make this consistent with the rest of the plat.

The Chairman under the certificate of approval should be Reggie Lawrence

Staff recommends approval of the preliminary plat of Cycles Addition, Section 3 subject to conditions A through D.

Conditions:

A. That the technical items listed above are addressed.

B. That a drainage report is approved.

C. That all public improvements listed above are adequately met.

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

Attachments:

Proposed Preliminary Plat
Application
Maps

MIDLAND Planning Division

Preliminary Plat Application

Project Number: SUB-21-0439
Case Number: P-21-1143

Proposed Subdivision Plat Name: Re-plat of Cycles Addition, Section 3

Legal Description (attached sealed Metes and Bounds): 12.177 acres being part of Section 1, Block 40, Township 2 South, T&P R..R. Co. Survey, Abstract No. 263 and being all of Lot 1A of the Cycles Addition, Section 2, Midland County, Texas

Property Owner Printed Name: TJH Management LLC		Phone ( ) Email	
Address 5800 W. Highway 80	City Midland	State TX	Zip 79706

Developer *(if different than Owner)* Printed Name: GBT Realty - Greg Glaser		Phone ( ) Email gglaser@gbtrealty.com	
Address 9010 Overlook Blvd	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 ( ) Email pcornett@jcowaninc.com	
Address 10147 CR 135	City Flint	State TX	Zip 75762

Current Zoning: PD-Planned Development

Reason for Platting: Commercial Development

Plat Information	Total Acreage:	12.177
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ■ Commercial ☐ Extraterritorial Jurisdiction (ETJ)		
Number of Lots: 2	Number of Multi-family Dwelling Units: 0	

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

Provisions

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

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

Property Owner (signature): [signature] Date: 7/13/2021

Property Owner (printed) : TJH Management LLC

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
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 ☑ 1 Copy of Dimensioned Plat ☑ Plat in Digital Format (PDF/JPEG)

☑ Application Fee ☐ 1 Copy of Plat (11x17)

Check # 024923

RECEIVED
JUL 21 2021
BY:

Received By: [signature] Date:

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

NOTES:

1. BEARINGS ARE ORIENTED TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS CENTRAL ZONE 4203, SURVEY FEET.

2. PROPERTY ZONED: PD-PLANNED DEVELOPMENT DISTRICT.

3. 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.

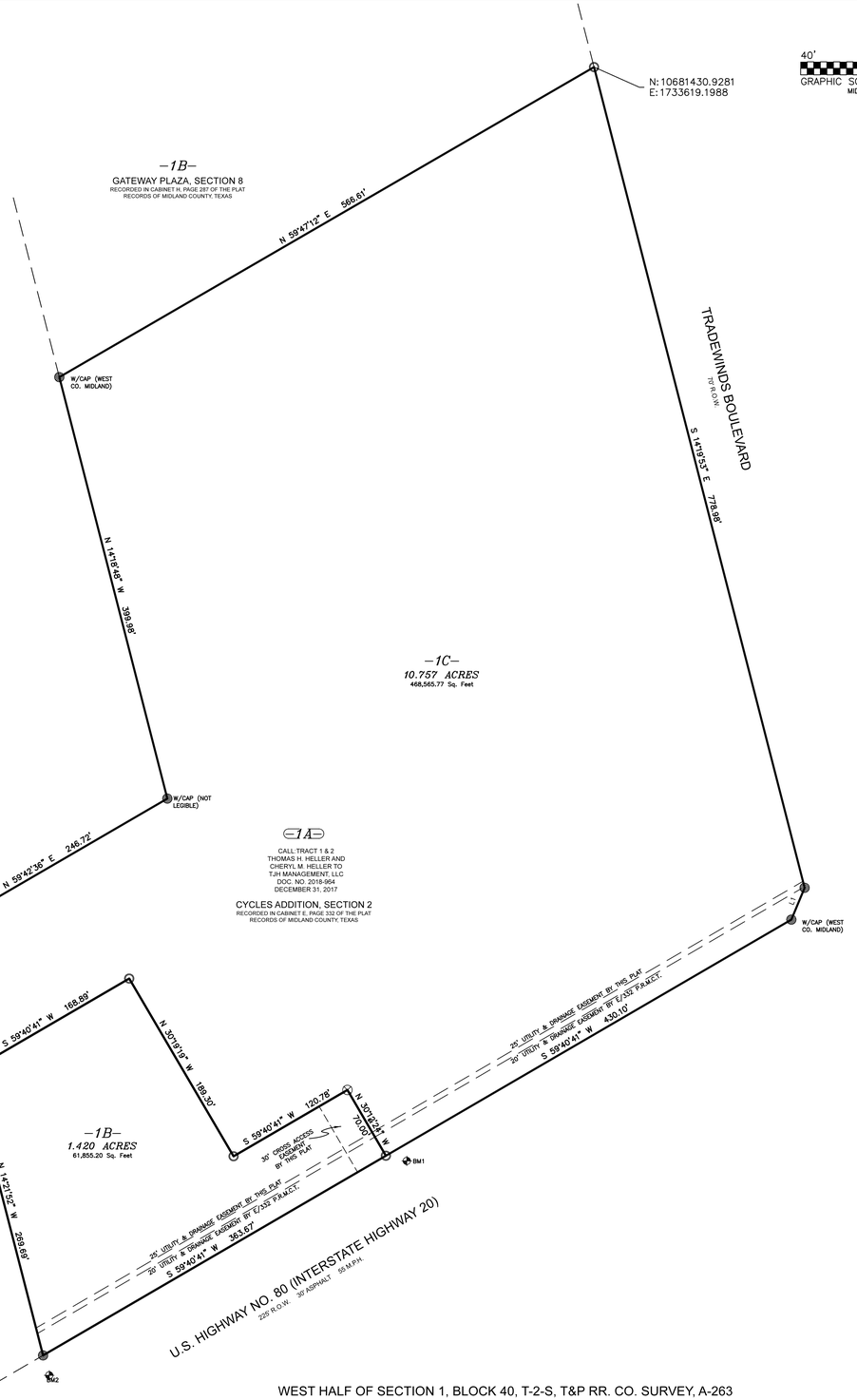
4. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THESE LOT(S) MAY BE DEVELOPED AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.

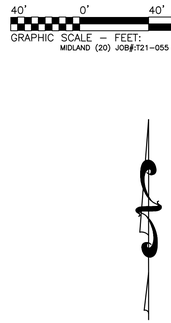
5. THE SUBJECT TRACT LIES IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NO. 48329C0184F WITH A REVISED DATE OF SEPTEMBER 16, 2005, COUNTY OF MIDLAND, TEXAS.

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

LEGEND

●	1/2" IR FOUND (SURVEYOR)
○	1/2" IR SET W/CAP "J.COWAN & ASSOC."
⊗	SET X MARK
	BENCHMARK
— E —	BURIED ELECTRIC
— P —	POWER LINE
PWR	POWERPOLE
	GUY WIRE
— C —	COMMUNICATION CABLE
CB	UNDERGROUND CABLE MARKER
CB	CABLE PEDESTAL
— W —	WATER LINE
WM	WATER METER
	HYDRANT
	WATER VALVE
— SS —	SANITARY SEWER LINE
SS	SEWER MANHOLE
POB	POINT OF BEGINNING
RCP	REINFORCED CONC PIPE
CMP	CORRUGATED METAL PIPE
ROW	RIGHT-OF-WAY
MPH	MILES PER HOUR
PRMCT	PLAT RECORDS MIDLAND COUNTY TEXAS





LINE	BEARING	DISTANCE
L1	S 22°33'26" W	31.69'

40' 0' 40' 80' 120'
GRAPHIC SCALE – FEET: 1"=40'
MIDLAND (20) JOB#:T21-055 RE:T21-056

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

All that certain lot, tract, or parcel of land, being all of Lot 1A, of the Cycles Addition, Section 2, as shown by plat of same recorded in Cabinet E, Page 332 of the Plat Records of Midland County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That TJH Management, LLC do hereby adopt this plat designating the hereinabove described property as Cycles Addition, Section 3, an addition to the City of Midland, Texas, and, hereby dedicate to the public use forever the streets, alleys and easements shown thereon.

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

TJC Management, LLC

By: _____
Thomas Jason Heller, President
5800 W. Hwy 80, Midland, Tx 79706
hellerace@gmail.com
432-349-3190

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF MIDLAND

This plat was acknowledged before me on _____.

By: _____
Thomas Jason Heller

_____
Notary Public, State of Texas

CERTIFICATE OF APPROVAL

For approval by the commission:

This is to certify that the above and foregoing plat of Cycles Addition, Section 3 was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

_____ day of _____, 2021.

Signed: _____
Joshua Sparks, Chairman

Signed: _____
Elizabeth Shaughnessy, Secretary

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

UTILITY COMPANIES CERTIFICATE

_____
Atmos Energy

_____
Oncor Electic

_____
Grande Communications

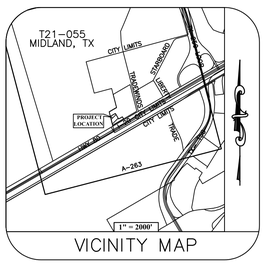
_____
AT&T Telephone Company

_____
Suddenlink Communications

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____



VICINITY MAP

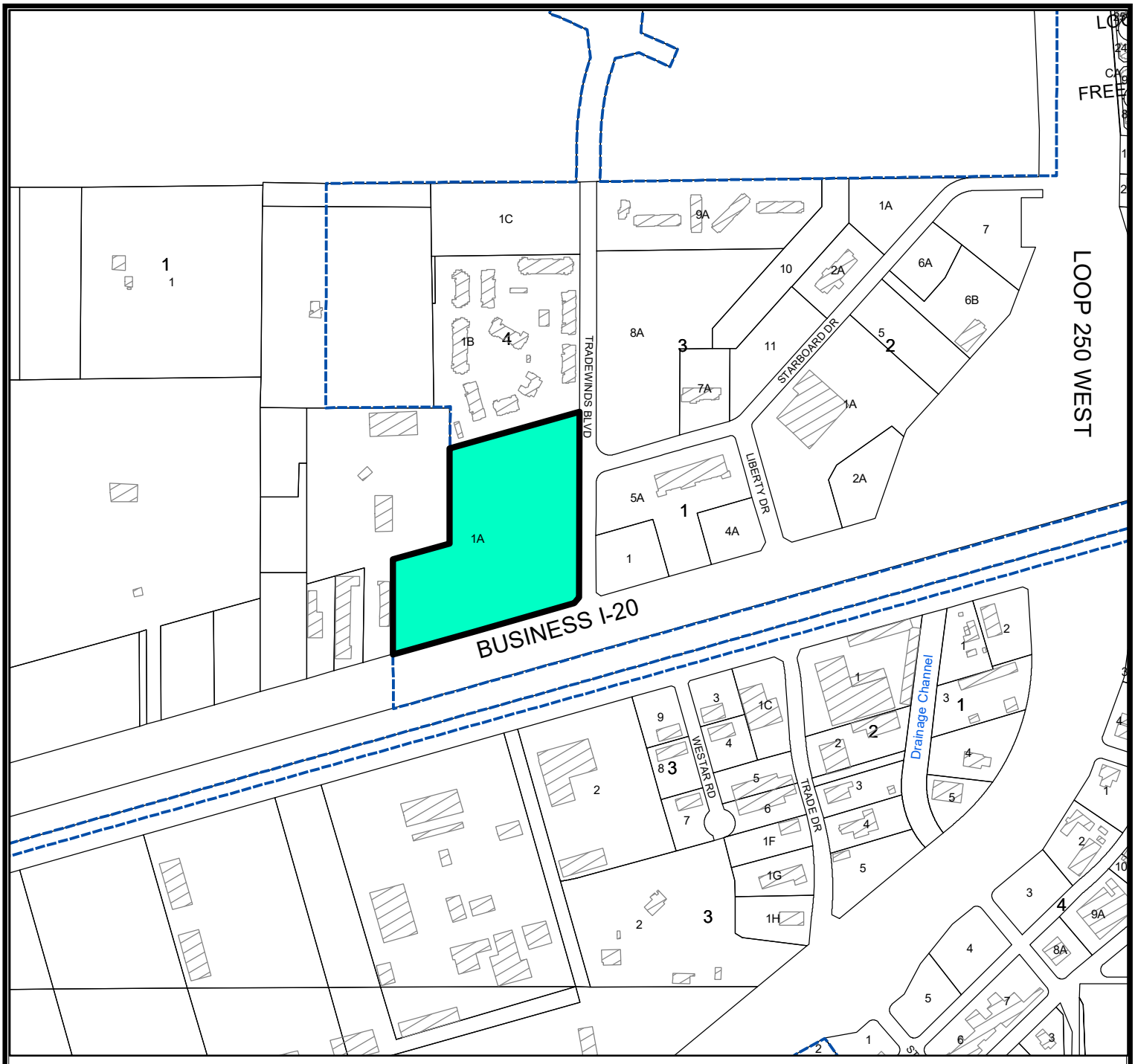
WEST HALF OF SECTION 1, BLOCK 40, T-2-S, T&P RR. CO. SURVEY, A-263

PRELIMINARY PLAT
CYCLES ADDITION, SECTION 3
Being a Replat of Lot 1A, Block 1, Cycles Addition, Section 2, an addition to the City of Midland, part of Section 1, Block 40, Township 2 South of the Texas Pacific Railway Company Survey, Abstract No. 263, City and County of Midland, Texas

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

RECORD TITLE OWNER:
TJH MANAGEMENT, LLC
5800 W. HWY 80
MIDLAND, TX 79706
432-520-2080

APPLICANT / SURVEYOR:
JOHN COWAN & ASSOCIATES INC.
10147 CR 135
FLINT, TX 75762
903-581-2238



LOCATION MAP

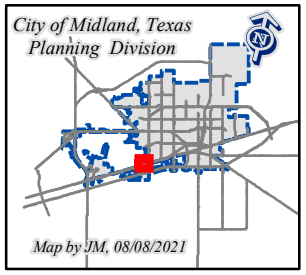
SUB-21-0439 **Scale: 1" = 600'**

Proposed plat of Cycles Addition, Section 3, being a re-plat of Lot 1A, Block 1, Cycles Addition, Section 2, City and County of Midland, Texas.

Generally located on the northwest corner of the intersection of Tradewinds Boulevard and West Business Interstate 20. (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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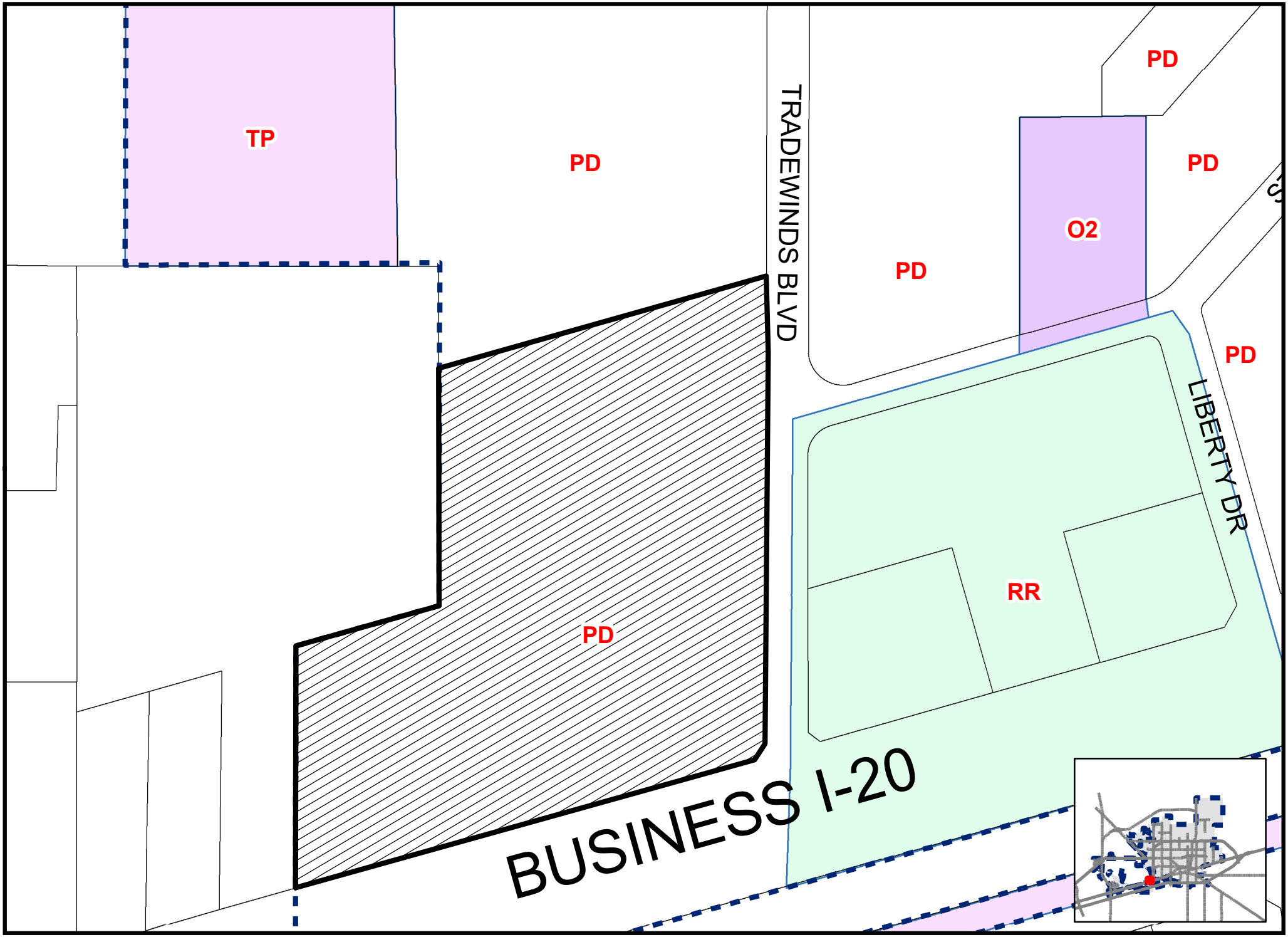
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By JM, 08/09/2021

PACKET

SKB-21-0439

Scale: 1" = 200'

ZONING MAP

August 16, 2021

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Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: August 16, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Cole Furqueron, Senior Planner

SUBJECT: Consider a proposed Preliminary plat of Midkiff Industrial Center, Section 27, being a plat of a 0.629-acre tract of land located in the SE/4 of Section 5, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of West Stokes Avenue, approximately 390 feet west of South Midkiff Road. (Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, SKG Engineering, LLC., is requesting to plat a 0.629-acre tract of land located in the SE/4 of Section 5, Block 39, T-2-S, T&P RR Co., into one (1) lot for the purposes of subdividing a property.

Current Zoning:

C, Commercial District

Departmental Review:

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

BUILDING CODE: (Approved)

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

SURVEYOR: (Approved)

Check the shown coordinate values to make sure they are compatible with city of midland GIS (state plane).

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Okay as shown.

ROW: See transportations comment. Clarify the dedication on plat for future reference.

PAVING: Existing Stokes Ave paved to City Standards. No public improvements required.

WATER: None existing. Construct to City standards along entire platted frontage, serving all lots with looped system. Plan set and OPC has been submitted and are under review. Deferral of these public improvements will be required to go to council.

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

PRO RATA: NONE

SEWER: None existing. Construct to City standards along entire platted frontage, serving all lots within the subdivision and to adjacent lot lines along exterior roadways. Plan set and OPC has been submitted and are under review. Deferral of these public improvements will be required to go to council.

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

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

TRAFFIC: (Approved with Conditions)

Sketch Plat comment, "Provide this project’s share of a 60 ft total right-of-way." Clarify the dedication on plat for future reference.

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

FIRE: (Approved)

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

CODE COMPLIANCE: (Approved)

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

HEALTH

Yes, the health department will review application from the 1 existing lot and structure of Midkiff Industrial Center, Section 27, PLAT OF A .62 ACRE TRACT OF SECTION 27, the lot is .62 acre to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

PLANNING:

Verify northings and eastings. Coordinates appear to be shifted approximately 7 feet northeast.

Staff recommends approval of the preliminary plat of Midkiff Industrial Center, Section 27 subject to conditions A through C.

Conditions:

A. That the technical items listed above are addressed.

B. That all public improvements listed above are adequately met.

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

Attachments:

Proposed Preliminary Plat
Application
Maps

RECEIVED
JUL 14 2021
BY:

MIDLAND
Planning Division

Preliminary Plat Application

Project Number: SUB-21-0419
Case Number: P-21-1140

Proposed Subdivision Plat Name: MIDKIFF INDUSTRIAL CENTER, SECTION 27, BLOCK 15

Legal Description (attached sealed Metes and Bounds): 0.629 ACRES OF LAND OUT OF THE SE/4 OF SECTION NO. 5 BLOCK 39, T-2-S, T. & P. R.R. CO. SURVEY, MIDLAND COUNTY, TEXAS AND ALSO BEING THAT CERTAIN 0.65 ACRE TRACT DESCRIBED AND RECORDED IN VOLUME 1427, PAGE 67, PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS.

Property Owner Printed Name: CLARABBY HOLDINGS, LLC		Phone (432) 288-3903 Email	
Address 1608 SEABOARD AVE.	City MIDLAND	State TX	Zip 79705

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

Representative *(if acting as Agent, see affidavit on page 2)* Firm: SKG ENGINEERING, LLC Printed Name: RUSSELL T. GULLY, R.P.L.S.		Phone (325-655-1288 Email EG@SKGE.COM	
Address 706 SOUTH ABE STREET	City SAN ANGELO	State TX	Zip 76903

Current Zoning: C - COMMERCIAL DISTRICT

Reason for Platting: TO CREATE LEGAL DIVISION OF LAND IN ACCORDANCE WITH CITY REGULATIONS

Plat Information	Total Acreage:	0.629
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ■ Commercial ☐ Extraterritorial Jurisdiction (ETJ)		
Number of Lots: 1	Number of Multi-family Dwelling Units:	

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

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

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

Provisions

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

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

Property Owner (signature): _____ Date: 10/27/2020

Property Owner (printed) : ADAM CUNYUS/ CLARABBY HOLDINGS

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

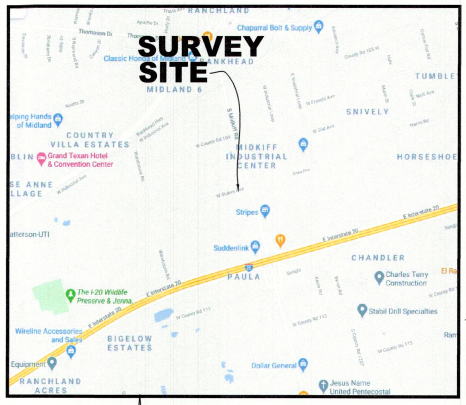
Subscribed and sworn to before me, this_____day of_____, 20 _, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

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

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

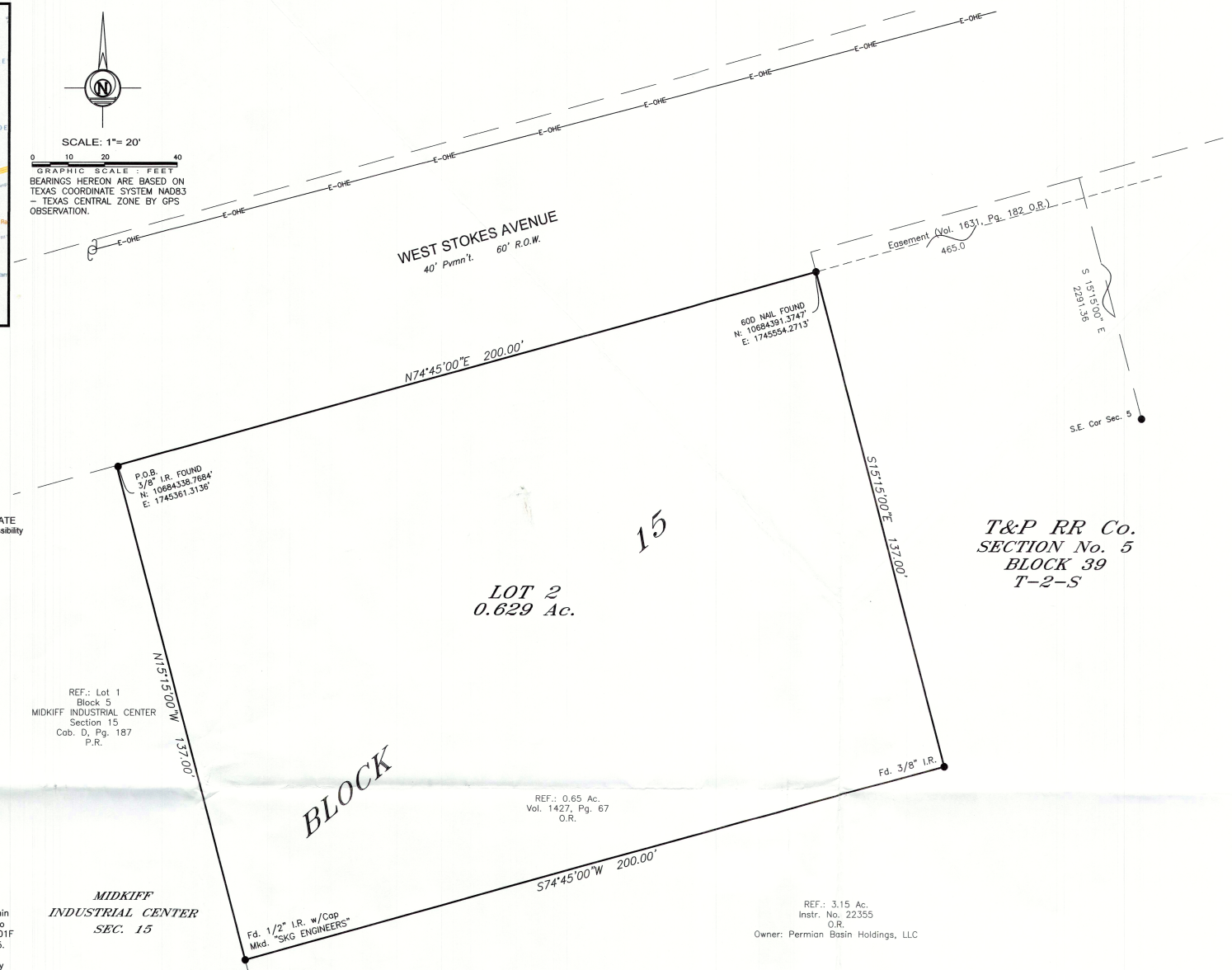


VICINITY MAP
NOT TO SCALE

SCALE: 1"= 20'

GRAPHIC SCALE : FEET (0, 10, 20, 40)

BEARINGS HEREON ARE BASED ON TEXAS COORDINATE SYSTEM NAD83 – TEXAS CENTRAL ZONE BY GPS OBSERVATION.



LEGEND:

- ● Found ½" Iron Pipe or Rod (unless otherwise noted)
- ○ Set ½" Iron Rod with Cap
- PROPERTY LINE
- EASEMENT
- I.R. IRON ROD

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of Midkiff Industrial Center, was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

_____ day of _____, 2021.

_____
CHAIRMAN

_____
SECRETARY

STATE OF TEXAS
COUNTY OF _____
This instrument was acknowledged before me on _____
by Adam C. Cunyus in the capacity shown.

_____
Notary Public, State of Texas

UTILITY COMPANYS CERTIFICATE

This plat has been checked for accessibility of utilities.

_____
ATMOS ENERGY
By:_____

_____
AT&T
By:_____

_____
SUDDENLINK
By:_____

_____
GRANDE COMMUNICATIONS
By:_____

_____
ONCOR ELECTRIC DELIVERY
By:_____

ACKNOWLEDGEMENT/DEDICATION

We, CLARABBY HOLDINGS LLC, do hereby adopt this plat as the subdivision of our property and dedicate for the use of the public that portion of W. Stokes Ave. shown hereon.

_____
Adam C. Cunyus
Authorized Representative

This Plat is Filed for Record in Cabinet ___, Page ____ as Inst. No. _____ Plat Records of Midland County, Texas. Date _____

FLOOD ZONE

This property lies entirely within Flood Zone(s) 'X' according to FEMA Map Number 48329C0201F & 48329C0203F, 09/16/2005.

This 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 manmade or natural causes. This statement shall not create liability on the part of SKG Engineering, LLC.

SKG ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1288
FAX: 325.657.8189
FIRM No.: 10102400
www.skge.com

MIDKIFF INDUSTRIAL CENTER

SECTION 27

Midland County, Texas.

OWNER/DEVELOPER: CLARABBY HOLDINGS LLC

DESCRIPTION : Being a plat of a 0.629 acre tract of land located in the SE/4 of Section No. 5, Block 39, T-2-S, T. & P. R.R. Co. Survey, City and County of Midland, Texas and also being that certain 0.65 acre tract described and recorded in Volume 1427, Page 67, Public Records of Midland County, Texas.

DEVELOPMENT NOTES

1. Selling a portion of this addition by metes and bounds may be a violation of City ordinance and State law and subject to fines and withholding of utilities and building permits.
2. Approval of a site plan by City of Midland may be required before the development of any lot and before a building permit may be obtained.
3. Bearings/distances/coordinates to the Texas State Plane Coordinate System, Texas Central Zone, NAD83.

PROPERTY OWNER:

CLARABBY HOLDINGS LLC
PO BOX 50910
MIDLAND, TX 79710

DRAINAGE NOTE:

Comply with the existing drainage analysis titled 3315 Stokes Avenue Drainage Study, sealed by Russell T. Gully, P.E., and approved by the City of Midland on XX/XX/2021, or any revisions, corrections, amendments, or replacements of this drainage analysis that are approved by the City of Midland.

IMPACT FEES:

Initial Impact Fees will be assessed during the final platting process. Implementation and collection of impact fees will take place during the building permit process. Additional impact fees or increases in fees may not be assessed against the tract unless the number of service units to be developed on the tract increases.

SURVEYOR'S CERTIFICATE

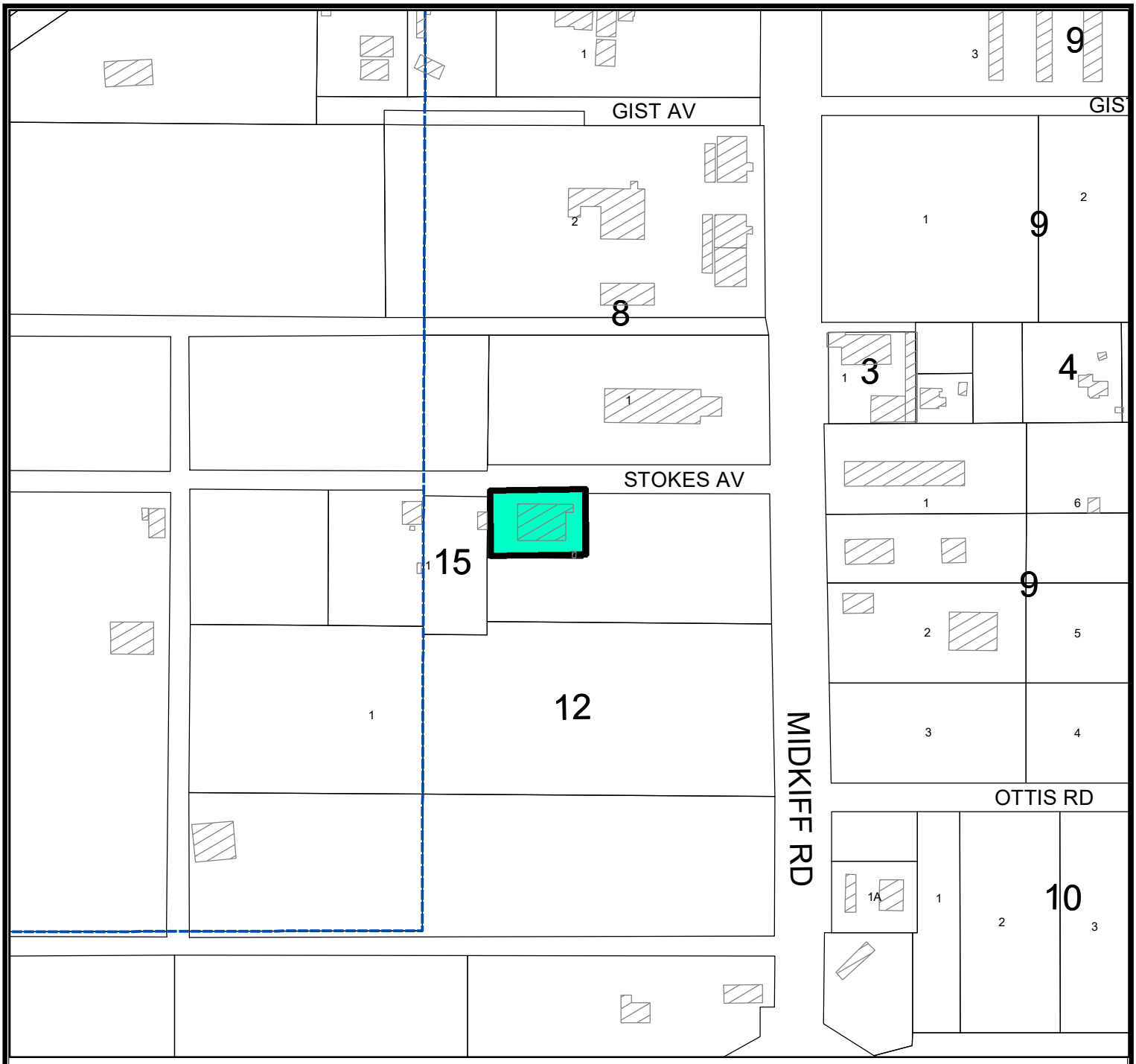
Know all men by these presents: that I, Russell T. Gully RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown hereon were properly placed, under my supervision, in accordance with the rules for land subdivision by the City of Midland.

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

RUSSELL T. GULLY, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR # 5636
SKG ENGINEERING, LLC
TX FIRM No. 10102400
706 S. ABE ST.
SAN ANGELO, TEXAS 76903

MIDKIFF INDUSTRIAL CENTER

20-S-1403



LOCATION MAP

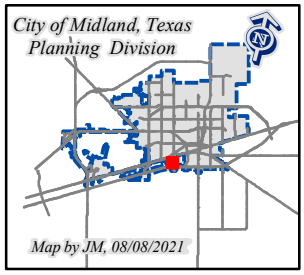
SUB-21-0419 **Scale: 1" = 300'**

Proposed plat of Midkiff Industrial Center, Section 27, being a plat of a 0.629-acre tract of land located in the SE/4 of Section 5, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located on the south side of West Stokes Avenue, approximately 390 feet west of South Midkiff Road. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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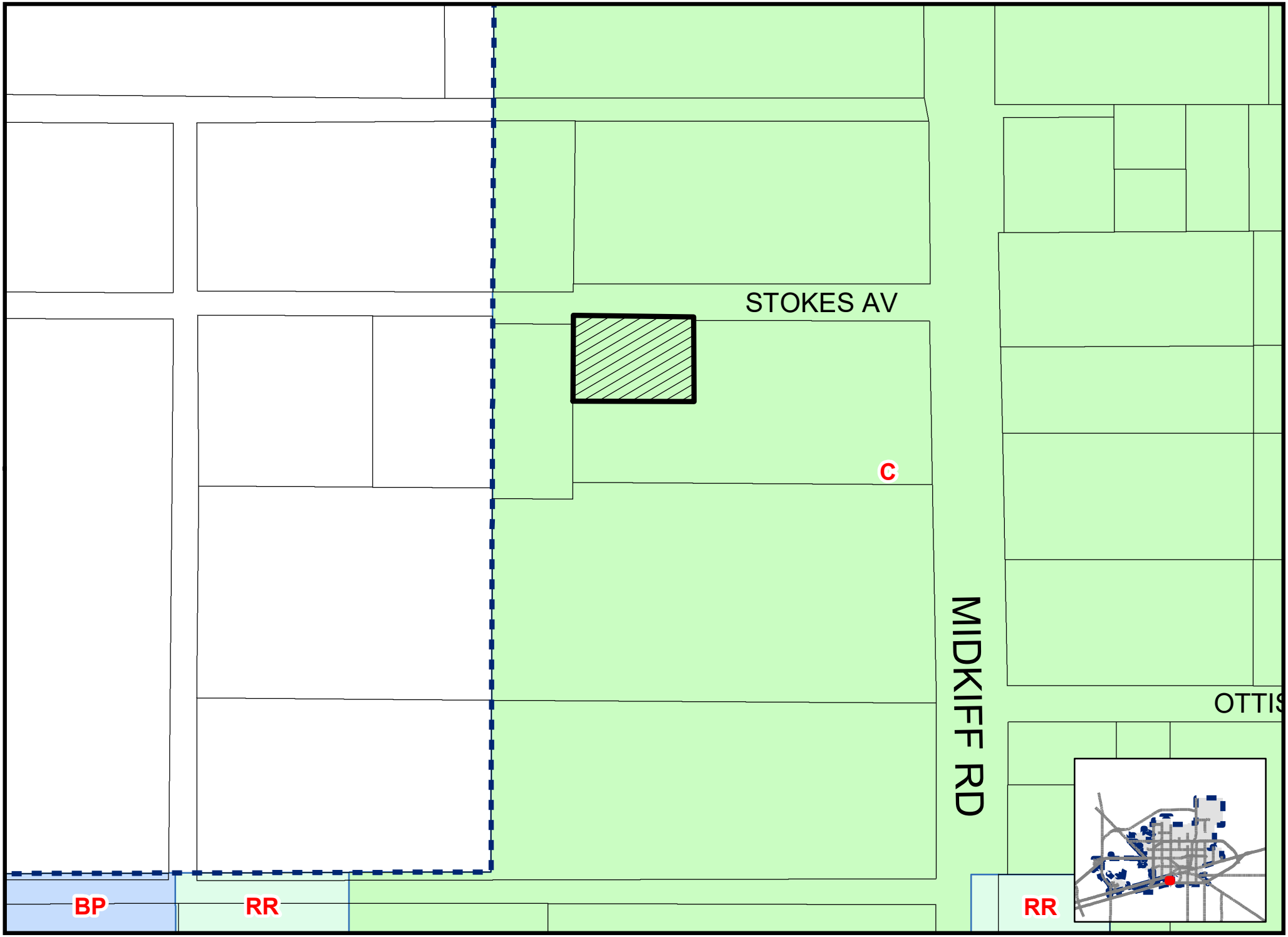

Map By JM, 05/19/2021

PACKET

SKB-21-0419

Scale: 1" = 200'

ZONING MAP

August 16, 2021

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Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: August 16, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Kelly Martinez, Planner

SUBJECT: Consider a proposed Preliminary Plat of Crestview Heights, Section 5 being a replat of the north 14.92-feet of Lot 19, and all of Lots 20, 21, and 22, Block 26, Crestview Heights Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of W. Illinois avenue and N. Midkiff Road. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Newton Engineering, PC, is requesting to replat the north 14.92-feet of Lot 19, and all of Lots 20, 21, and 22, Block 26, Crestview Heights Addition, City and County of Midland, Texas for future development.

Current Zoning:

LR, Local Retail District

Departmental Review:

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

BUILDING CODE: (Approved)

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

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

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

ROW: ROW widths along Midkiff and Illinois are fine as shown.

PAVING: Midkiff Rd. and Illinois Ave. roadway are okay as is. No public paving improvements required.

WATER: 12” water exists in Midkiff Rd. west of tract; 30” and 6” water exist in Illinois Ave. north of tract, okay as is. No public water improvements required.

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

PRO RATA: None.

SEWER: 10” sewer exists in Midkiff Rd. west of tract, 6” sewer exists in Illinois Ave. north of tract, 8” sewer exists in alley all are okay as is. No public wastewater improvements required.

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

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

No objections to plat.

FIRE: (Approved)

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

CODE COMPLIANCE: (Approved)

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

PLANNING:

The legal description should be “being a re-plat of the north 14.92 feet of Lot 19, and all of Lots 20, 21, and 22, Block 26, Crestview Heights Addition, City and County of Midland, Texas.”

The lot number should be 20A.

Verify acreage, proposed coordinates create a 1-acre tract of land.

The owner’s certificate and acknowledgment should indicate the same owner as the owner information on the face of the plat.

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

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

Conditions:

A. That the technical items listed above are addressed.

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

Attachments:

Proposed Preliminary Plat (Exhibit A)
Maps
Application

MIDLAND
Planning Division

Preliminary Plat Application

Project Number: SUB-21-0435
Case Number: P-21-1144

Proposed Subdivision Plat Name: CRESTVIEW HEIGHTS ADDITION SECTION 5

Legal Description (attached sealed Metes and Bounds): SEE ATTACHED

Property Owner Printed Name: SWEET COMMERCIAL PROPERTIES, LLC		Phone (432) 788-7530 Email	
Address: 606 North Weatherford	City: MIDLAND	State: TX	Zip: 79701

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

Representative *(if acting as Agent, see affidavit on page 2)* Firm: NEWTON ENGINEERING, PC Printed Name:		Phone (432) 770-0499 Email JOHN@NEWTONCIVIL.COM	
Address: 4501A SANTA ROSA DR.,	City: MIDLAND	State: TX	Zip: 79707

Current Zoning: LR-LOCAL RETAIL

Reason for Platting: TO DEVELOP

Plat Information	Total Acreage: 0.53 ACRES

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

Number of Lots: 1 | Number of Multi-family Dwelling Units: 0

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

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

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

Provisions

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

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

Property Owner (signature): _____ Date: 7-21-21

Property Owner (printed) : JAMES GORETY, SWEET COMMERCIAL PROPERTIES LLC

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
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 ☑ 1 Copy of Dimensioned Plat ☑ Plat in Digital Format (PDF/JPEG)

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

Check # ~~credit card~~ 1055

RECEIVED JUL 26 2021

Received By: Joseph Wampler Date:

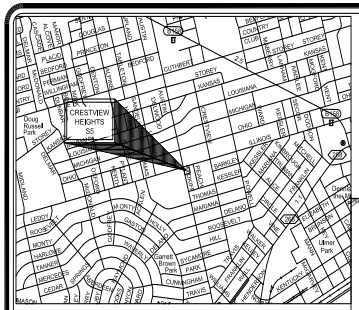
BY: .....

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

PRELIMINARY PLAT

CRESTVIEW HEIGHTS ADDITION, SECTION 5

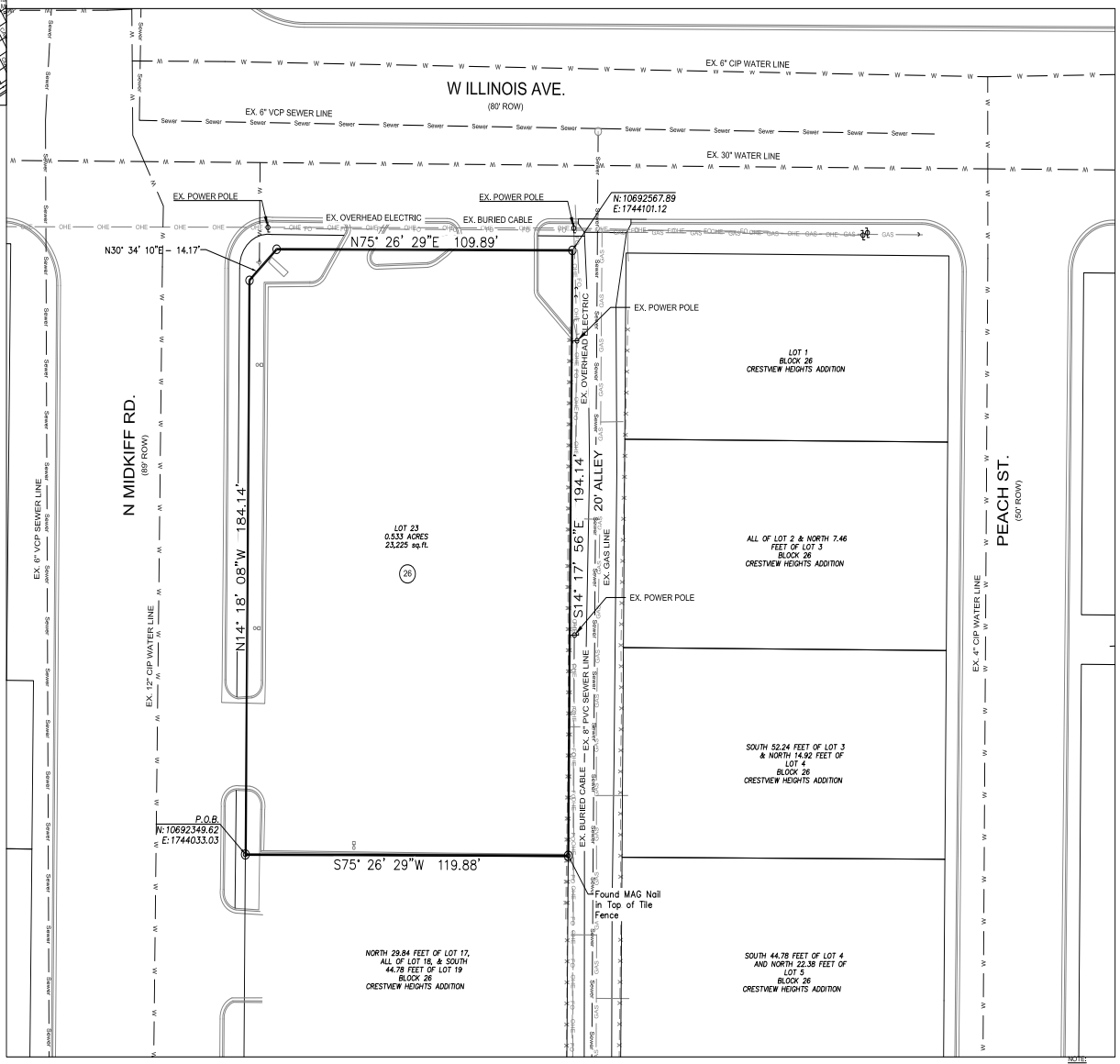
BEING A REPLAT OF THE NORTH 14.92 FEET OF LOT 19 AND ALL OF LOTS 20, 21, AND 22, BLOCK 26, CRESTVIEW HEIGHTS ADDITION AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS



LOCATION MAP
N.T.S.

LEGEND
= SET 1/2" IRON ROD WITH PLASTIC CAP MARKED "PLS 1974" UNLESS NOTED OTHERWISE
= FOUND 1/2" IRON ROD UNLESS NOTED OTHERWISE

GRAPHIC SCALE
20 0 20 40
(IN FEET)
1 INCH = 20 FT.



OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, SWEET COMMERCIAL PROPERTIES, LLC, is the record owner of the north 14.92 feet of Lot 19 and all of Lots 20, 21, and 22, Block 26, Crestview Heights Addition, an addition to the City of Midland, as per plat recorded in Cabinet "D", Page 249, Plat Records, Midland County, Texas and being more particularly shown hereon:

Now, therefore, know all men by these present:

That I, JAMES C. GERETY, do hereby adopt this plat designating the hereinabove described property as CRESTVIEW HEIGHTS ADDITION, SECTION 5, an addition to the City of Midland, Texas, and hereby dedicate to the public use forever of the streets and easements shown hereon.

WITNESS my hand at Midland, Texas, this the _____day of _____, 2021

_____
SWEET COMMERCIAL PROPERTIES, LLC
JAMES C. GERETY, MANAGING MEMBER

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF MIDLAND

This plat was acknowledged before me on _____, 2021 by JAMES C. GERETY.

_____
Notary Public, State of Texas

OWNER:

SWEET COMMERCIAL PROPERTIES, LLC
4519 N GARFIELD ST, STE. 17
MIDLAND, TEXAS 79705

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO._____CABINET_____

DATE_____PAGE_____

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

Signed: _____ *Oncor Electric Delivery Company*

Signed: _____ *Suddenlink*

Signed: _____ *A. T. & T.*

Signed: _____ *Grande Communications*

Signed: _____ *Atmos Energy*

SURVEYOR'S CERTIFICATE

THAT I, J. STAN PIPER, 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.

_____
J. STAN PIPER, R.P.L.S. #1974
PIPER SURVEYING COMPANY, INC.; P.O. BOX 50432; MIDLAND, TEXAS 79711
(432) 684-5200

CERTIFICATE OF APPROVAL:
For approval by the Commission:

This is to certify that the above and foregoing plat of CRESTVIEW HEIGHTS ADDITION, SECTION 5 was approved by proper action of the Planning and Zoning Commission of the City of Midland, Texas. on this _____ day of _____, 2021.

Signed: _____ *Reggie Lawrence, Chairman*

Signed: _____ *Cristina Odenborg Burns, Secretary*

NOTE:
1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.

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

4. THE AREA SHOWN ON THIS PLAT IS IN FLOOD ZONE X ACCORDING TO FIRM MAP NUMBER 48329C0201F DATED SEPTEMBER 16, 2005.

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

CRESTVIEW HEIGHTS SECTION 5

SCALE: 1" = 20'	DRAWN BY: CBD
DATE: JUNE 2021	FILE NAME:

NEWTON ENGINEERING, PC
F-13886
4501-A Santa Rosa Dr.
Midland, Texas 79707
(432)770-0499

PRELIMINARY PLAT | PROJECT NUMBER 21-MED6081

LOCATION MAP

SUB-21-0435 **Scale: 1" = 200'**

Proposed plat of Crestview Heights Addition, Section 5, being a re-plat of the north 14.92 feet of Lot 19, and all of Lots 20, 21, and 22, Block 26, Crestview Heights Addition, City and County of Midland, Texas.

Generally located at the southeast corner of the intersection of North Midkiff Road and West Illinois Avenue. (Council District 2)

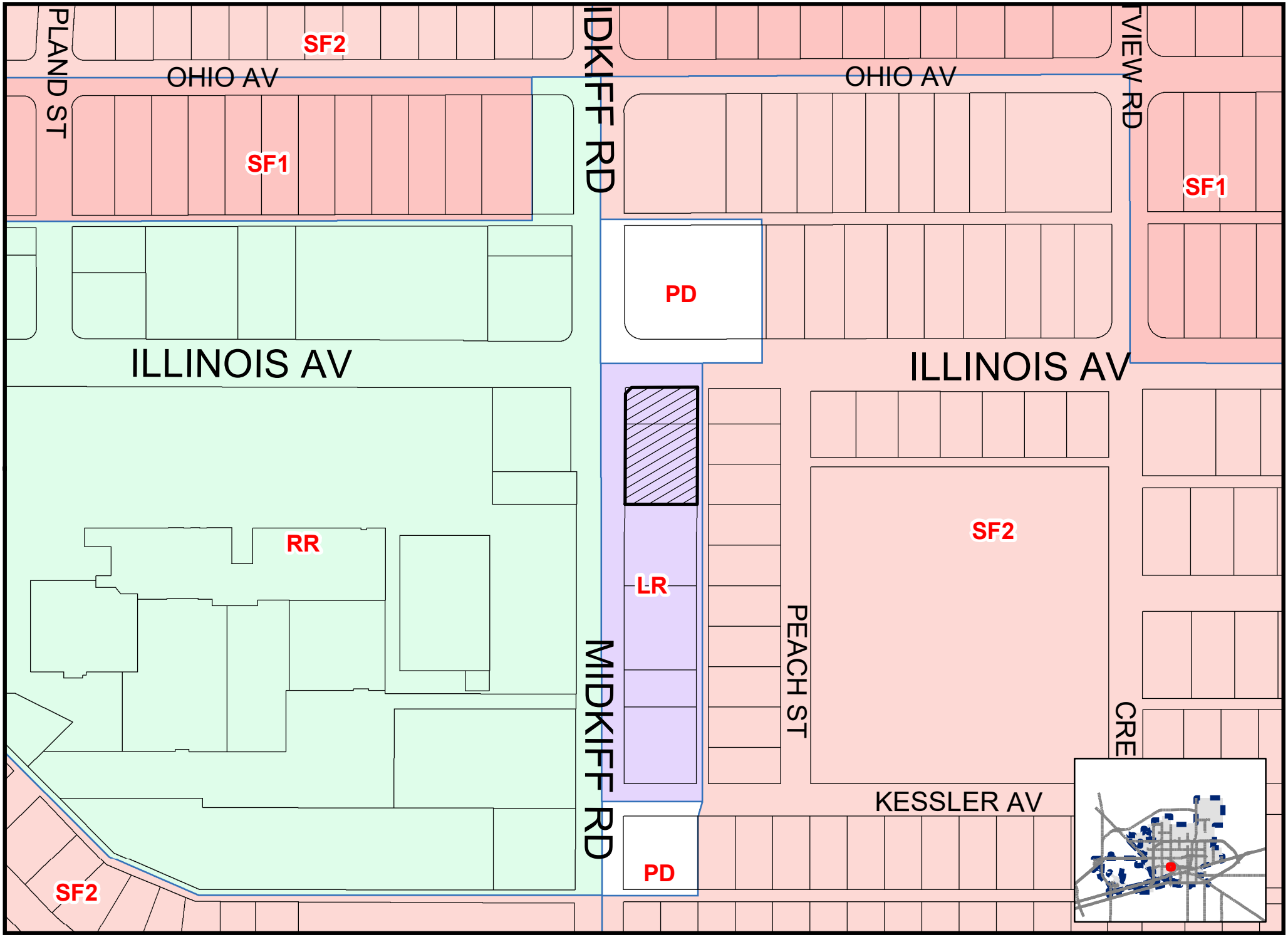
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS

©THE CITY OF MIDLAND - 2021

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

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



Map By KM, 08/09/2021 PACKET SKB-21-0435 **Scale: 1" = 200'** **ZONING MAP** Page 5.3 August 16, 2021

© THE CITY OF MIDLAND - 2021: THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN ASCERTAINING THE PRECISE LOCATION OF FEATURES. DECISIONS SHOULD NOT BE MADE SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: August 16, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Kelly Martinez, Planner

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

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

ETJ, Extraterritorial Jurisdiction

Preliminary Plat Approval:

The applicant, Watson Professional Group Inc., is requesting to replat Tract 16, Shenandoah Bar M Ranch, Midland County, Texas for ownership purposes. The preliminary plat was approved at the July 19th Planning and Zoning Commission meeting.

Final Plat Requirements:

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

Departmental Review:

The proposed Final Plat of Shenandoah Bar M Ranch, Section 2, has been circulated to all City departments for their review.

The comments are below.

Engineering: (Approved)

IMPACT FEES: Impact fee statement okay as shown.

ROW: ROW dedication okay as shown.

PAVING: Administratively Deferred approval email sent by Cole Furqueron on 7/12/21.

WATER: Administratively Deferred approval email sent by Cole Furqueron on 7/12/21.

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

PRO RATA: None

SEWER: Administratively Deferred approval email sent by Cole Furqueron on 7/12/21.

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

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

No objections to plat.

Fire: (Approved)

No comments

Code Compliance: (Approved)

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

Building: (Approved)

ETJ, no jurisdiction

Midland County:

Access to Lot 1 would have to be from either CR 59 or shared access easement from Lot 2 off of CR 1123.

Planning: (Approved)

Staff recommends approval of the Final Plat of Shenandoah Bar M Ranch, Section 2 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 (Exhibit A)
Application
Maps

MIDLAND
Planning Division

Final Plat Application

Project Number: SUB-21-0032
Case Number: P-21-1149

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

Legal Description (attached sealed Metes and Bounds):
Being a replat of Tract 16, Shenandoah Bar M Ranch, Midland County, Texas

Property Owner Printed Name: Damon and Patricia Tipping		Phone 817-271-9542 Email d.tipping@sbcglobal.net	
Address 6701 E CR 59	City Midland	State TX	Zip 79705

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

Representative *(if acting as Agent, see affidavit on page 2)* Firm: Watson Professional Group Printed Name: Ashlee Johnson		Phone (432) 520-92200 Email ajohnson@wpg-us.com	
Address PO Drawer 11186	City Midland	State TX	Zip 79702

Current Zoning: ETJ

Reason for Platting: ownership/real estate

Plat Information	Total Acreage: 2.081
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ■ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: 2	Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

☐ Applicant would like a reproduction made for their records

☐ Applicant does not want a reproduction/will make their own

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" $61.00

For plats that exceed 24" $81.00

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

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

Property Owner (signature): Patricia Tipping Date: 07/21/2021

Property Owner (printed): Patricia Tipping

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

Ashlee Johnson
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 28 day of July, 2021, to certify which witness my hand and seal of office.

NOTARY PUBLIC STATE OF TEXAS
Ashlee Danielle Crouch
My Commission Expires
03/16/2024
ID No. 132406546

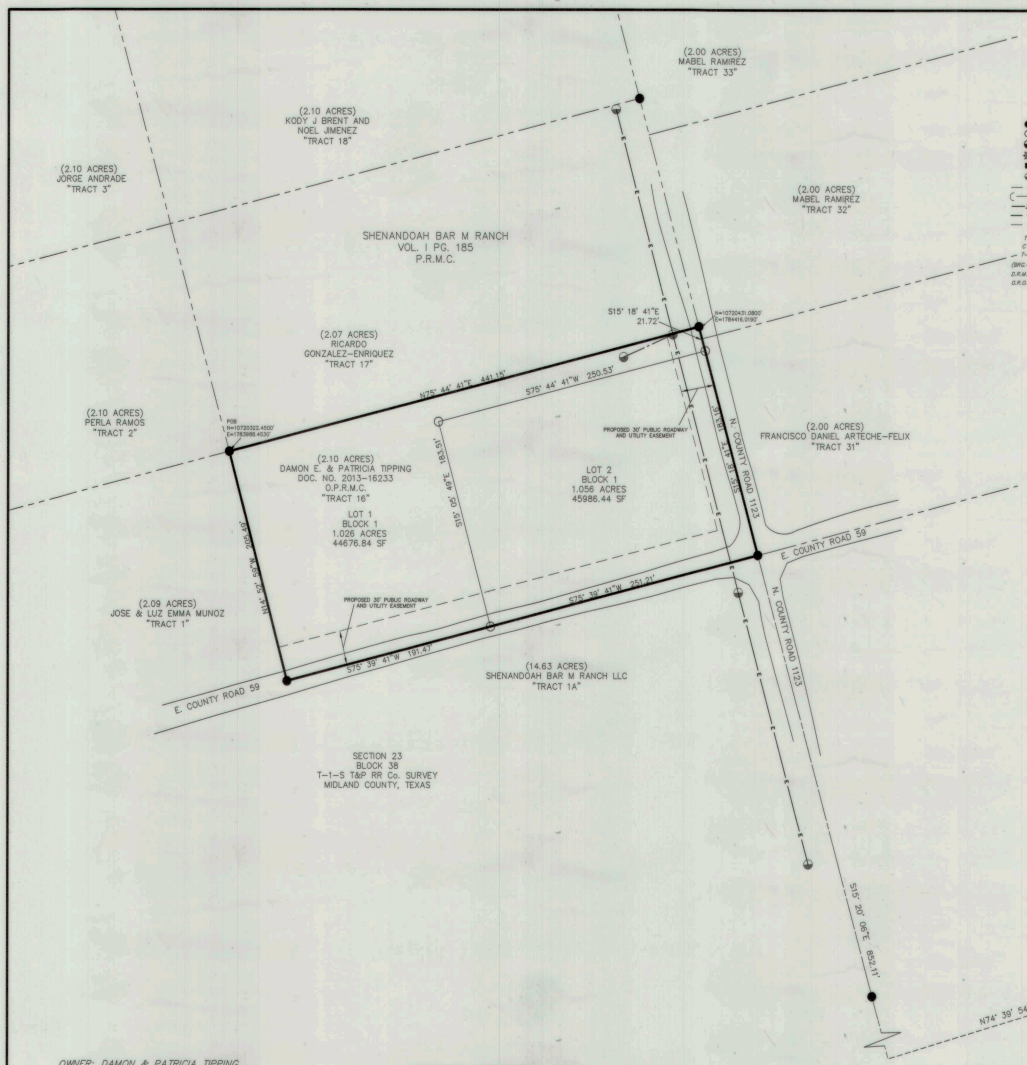
Ashlee Danielle Crouch
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

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

SHENANDOAH BAR M RANCH, SECTION 2

BEING A REPLAT OF TRACT 1A, SHENANDOAH BAR M RANCH,
MIDLAND COUNTY, TEXAS.



LEGEND

IRON ROD FOUND (IR)/SPIKE NAIL (SN)
IRON ROD W/ CAP SET
CONC. MONUMENT W/ BRASS CAP
FENCE CORNER POST (FNC)
CONC. P-O-W MARKER FOUND
POWER POLE
OVERHEAD ELEC. LINE
DOWN GUY
WIRE FENCE
PIPELINE
SEWER LINE
TYP. TYPICAL
C/L CENTERLINE
T-LINE OVERHEAD ELECTRIC TRANSMISSION LINE
(BRG.-DIST.) RECORD CALL
D.R.M.C. DEED RECORDS MIDLAND COUNTY, TEXAS
O.R.M.C. OFFICIAL RECORDS MIDLAND COUNTY, TEXAS

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

Whereas, DAMON & PATRICIA TIPPING are the record owner of a 2.081 acre tract of land, being out of Section 23, Block 38, T-1-S, T & P RR CO. Survey, Midland County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WE, DAMON & PATRICIA TIPPING, do hereby adopt this plat designating the herein above described property as "SHENANDOAH BAR M RANCH, SECTION 2", an addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys and easements shown hereon, for the purpose and consideration herein expressed, and an easement of ingress and egress for trash location, and location and maintenance of trash containers, and condition said easement that no construction shall commence on said lot or lots until the exact location of said containers therewith have been selected and approved by the Director of Utilities.

DAMON TIPPING — 7/26/21 Date

PATRICIA TIPPING — 7/26/21 DATE

CERTIFICATE OF APPROVAL
STATE OF TEXAS }{
COUNTY OF MIDLAND }{

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

REGGIE LAWRENCE, CHAIRMAN

ELIZABETH SHAUGHNESSY, SECRETARY

ACKNOWLEDGEMENT
STATE OF TEXAS }{
COUNTY OF MIDLAND }{

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

Given under my hand and seal of office this the 26 day of July 2021, A.D.

Christopher M Connolly
Notary Public in and for the State of Texas

Christopher M. Connolly
Printed Name of Notary
My Commission Expires

Christopher M Connolly
My Commission Expires
06/24/2024
ID No 126186420

Mark Lisk — MARK LISK
ATMOS ENERGY

Luis Montez
SUDDENLINK COMMUNICATION
BY: Luis Montez

Jerry Underwood
AT&T
BY:

Pablo Villa-Martinez
ONCOR ELECTRIC DELIVERY
BY: Pablo Villa-Martinez

Ana Escamilla
GRANDE COMMUNICATIONS
BY: Ana Escamilla

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

SURVEYOR'S CERTIFICATE

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY LOCATED UNDER THE LICENSED SURVEYOR'S PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

DATED: JULY 20, 2021

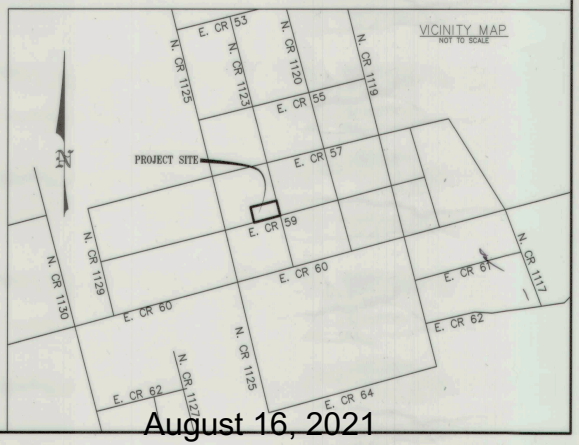
W.D. WATSON
REGISTERED PROFESSIONAL LAND SURVEYOR
#1989

STATE OF TEXAS — W.D. Watson, Jr. — 1989 — REGISTERED PROFESSIONAL LAND SURVEYOR

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

80 40 0 80
GRID
SCALE 1"= 80'

VICINITY MAP
NOT TO SCALE

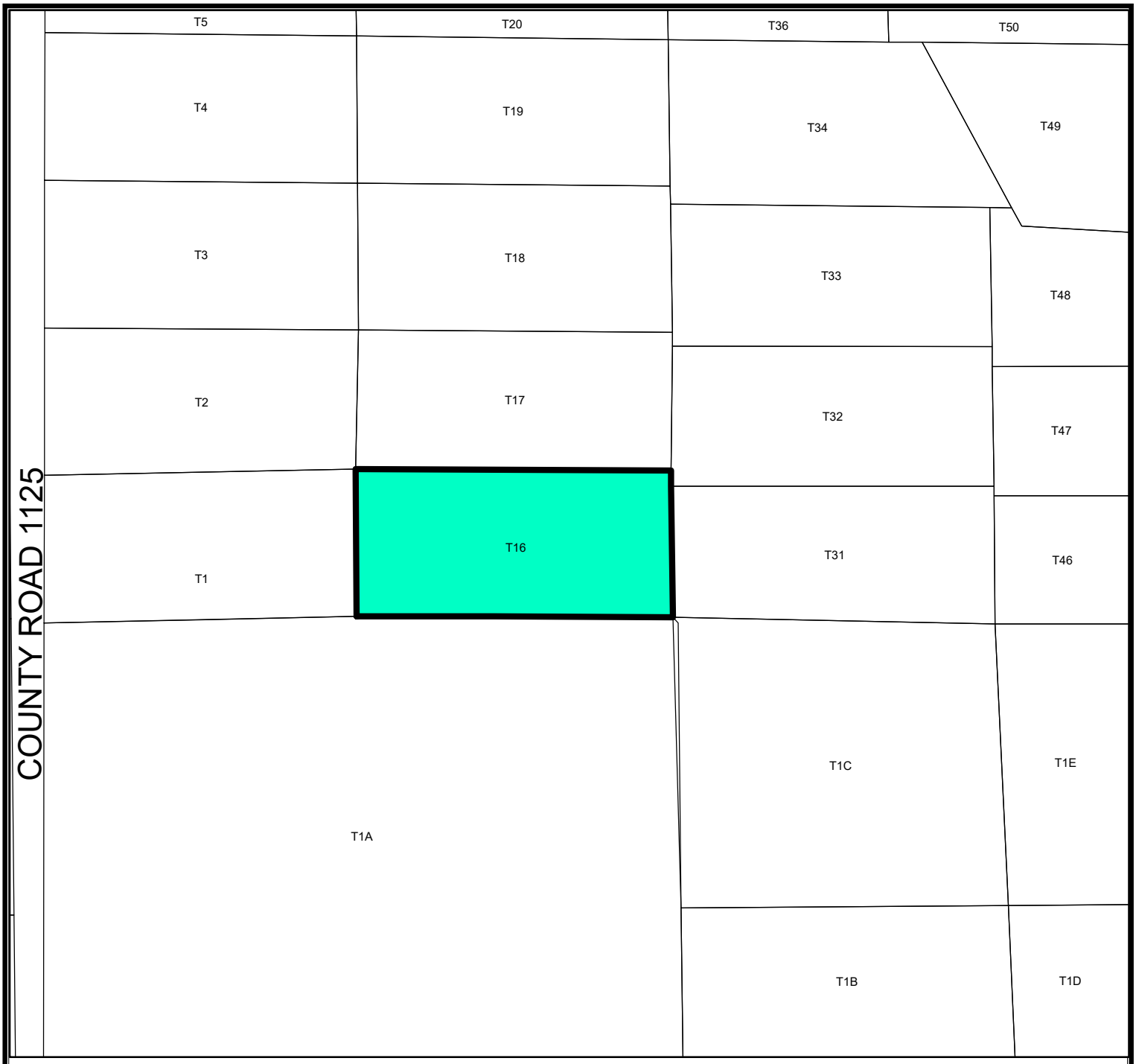


NOTE:

1. BEARINGS, DISTANCES AND ACREAGE SHOWN HEREON ARE NAD83, LAMBERT GRID COORDINATES AND CONFORM TO THE TEXAS COORDINATE SYSTEM, "TEXAS CENTRAL ZONE".
1a. LOT 1 CANNOT OBTAIN A DRIVEWAY PERMIT ON NORTH COUNTY ROAD 1123.
2. 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.
3. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
4. ACCORDING TO FEMA MIDLAND COUNTY IS A "MAPPED" COUNTY, BUT ONLY CERTAIN FEDERAL FLOOD INSURANCE RATE MAP PANELS ARE AVAILABLE. THE SUBJECT TRACT DESCRIBED HEREON IS LOCATED IN ZONE X AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD BOUNDARY MAP, PANELS NO. 48329C0125F AND WITH A REVISED DATE OF SEPTEMBER 16, 2005.
5. INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.

Watson Professional Group Inc
CONSULTING ENGINEERS, LAND SURVEYORS & PLANNERS
P.O. DRAWER 11186
MIDLAND, TEXAS 79702
(432) 520-9200
FAX (432) 520-9212
FIRM#10146900

JOB NO.: 21-1016-00 DRAFT AJ REV. 0
FILE: T:MIDLAND/TITLE SURVEYS/ 6701 E CR 59



LOCATION MAP

SUB-21-0432 **Scale: 1" = 200'**

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

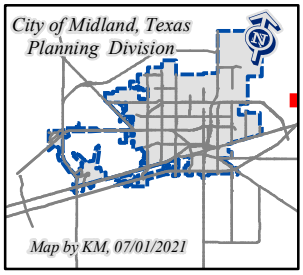
Generally located northwest of the intersection of N. County Road 1123 and E. County Road 59. (Extraterritorial Jurisdiction)

L E G E N D

CITY LIMITS

PARCEL

PRIVATE BLDGS



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaugnessy

MEETING DATE: August 16, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Elizabeth Shaughnessy, Planning Division Manager

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

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Christopher Sean Elphick., is requesting a Specific Use Designation without Term for a proposed mobile food vendor park located at 4401 North Big Spring Street.

Current Zoning:

RR, Regional Retail District

Surrounding Zoning and Land Use:

The property north is zoned PD, Planned Development District for a Recreation Center and the location of MISD softball fields. The property to the east is zoned RR, Regional Retail District and the location of a shopping center. The property to the south is zoned PD, Planned Development District for an Office Center and the location of vacant land. The property to the west is zoned 2F, Two-Family Dwelling District and the location of the Midland Executive Airpark.

Analysis:

The property is located in the RR, Regional Retail District. This zoning district permits the use of a Mobile Food Vendor Park with the approval of a Specific Use Designation without Term.

The site is located at 4401 N Big Spring St. The proposed mobile food vendor park will consist of the existing shack, parking for ten (10) mobile food vendors, an open space for seating, a bar, and a stage. Upon completion of construction, the site will have adequate parking and restroom facilities to support a Mobile Food Vendor Park of this size. The proposed hours of operation are the following:

Monday through Sunday, 11:00 a.m. to 12:00 a.m. (midnight)

The Mobile Food Vender Park Services will need to comply with the standards as listed in Section 4.04.A.14 of the Zoning Ordinances.

14. Mobile Food Vendor Park Standards

A Mobile Food Vendor Park shall meet the following requirements:

A. A Mobile Food Vendor Park is allowed by Specific Use Designation, according to the permitted Use Chart.

B. A Mobile Food Vendor Park shall be considered a primary use on a property and therefore is subject to all development standards applicable to the zoning of the property, including off-street parking requirements.

C. All Mobile Food Vendor Parks shall be on legally platted lots.

D. All Mobile Food Vendor Parks shall require a Certificate of Occupancy.

E. All Mobile Food Vendor Parks shall comply with all applicable regulations of the Midland Health Department, adopted building codes, International Fire Code, these standards, and all other applicable federal, state, and local laws.

F. All Mobile Food Vendors shall be removed from the Mobile Food Vendor Park upon closing of the park. If a commissary is provided on-site and the Mobile Food Vendor is approved to operate within the site's commissary, then the Mobile Food Vendor will not have to be removed from the site each day.

G. On-site Manager: There must be a designated manager of the site that is responsible for the orderly organization of Mobile Food Vendors, the cleanliness of the site, and the site's compliance with all rules and regulations during business hours.

H. Restrooms: Permanent restroom facilities shall be provided according to the adopted International Building Code.

I. Mobile Food Vendor Parks may be standalone establishments or may be located on a property with other permanent uses (i.e. retail establishments). These properties shall accommodate all required development standards for all primary uses.

J. Mobile Food Vendors shall not be parked on unimproved surfaces and at a minimum be parked on compacted gravel base.

K. One on premise sign is permitted at the entrance(s) identifying the Mobile Food Vendor Park subject to the sign regulations for the applicable zoning district. Each Mobile Food Vendor may have attached signage.

L. Mobile Food Vendor Parks adjacent to single-family zoned or used property (not including a mixed-use structure), shall provide appropriate screening.

M. No Temporary Land Use Permits that allow for Mobile Food Vendors shall be permitted within Mobile Food Vendor Parks.

N. All Mobile Food Vendor Parks not located in the CB, Central Business District shall provide off-street parking. Off-street parking may be provided by way of shared or joint off-site parking arrangements within 1,000 feet of the park.

O. Mobile Food Vendor Park owners are encouraged to provide for an aesthetically-pleasing environment which includes shade and seating elements in addition to pervious groundcover.

P. All Mobile Food Vendor Parks shall comply with the noise regulations in City Code Section 6-6-13,14, 15, & 16.

Q. Vehicular drive-through service of food and/or beverages shall not be permitted.

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

Fire: (Approved with Conditions)

Perimeter road must have 20' of clearance to provide access for emergency vehicles to food trucks.

Engineering: (Approved)

No objection.

Transportation: (Approved)

No objection to zone change.

Building Code: (Approved)

No objections. Any and all sanitary facilities being provided at the site must be reasonably maintained and easily located by the public. Trailers shall be tied down or have wheel chocks to keep them from moving/rolling during possible adverse weather. Extension cords and/or water lines that pose a possible trip hazard shall be covered or located so that they pose no safety issues.

Planning:

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4,* "Encourage the development of places where Midland residents can gather and socialize to build connections" (Tall City Tomorrow page 137). The Tailgate will create a vibrant atmosphere where residents can feel relaxed and enjoy alcoholic beverages with their food while supporting many local small businesses.

This request meets all requirements; therefore, staff recommends approval of the request of the Specific Use Designation without Term for a Mobile Food Vendor Park, subject to Condition A through J.

Conditions:

A. **That the Mobile Food Vendor Park shall significantly conform to the Site Plan (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 applicant shall obtain a Certificate of Occupancy prior to the commencement of the operation of the Mobile Food Vendor Park to ensure that the conditions of this permit are satisfied.**

E. **That the sale and on-premises consumption of alcoholic beverages shall be prohibited unless a Specific Use Designation for sale and on-premises consumption of alcoholic beverages is approved.**

F. **That the days and hours of operation shall be limited to:**

Monday through Sunday, from 11:00 a.m. to 12:00 a.m.

G. **That signage will be placed at the driveway which prohibits a left turn on to North Big Spring Street.**

H. **That a 20 foot wide fire lane will be provided around the food trucks.**

I. **That the development of the Mobile Food Vendor Park shall comply with the standards listed in Section 4.04.A14 of the Zoning Ordinance.**

J. **That Christopher Sean Elphick shall be designated as the on-site manager of the Mobile Food Vendor Park and ensure that these conditions are met.**

Letters of Objection:

As of August 12, 2021, staff has not received any letters of objection.

Attachments:

Application
Site Plan (Exhibit A)
Maps

MIDLAND Planning Division

Specific Use Designation Application (Non-Alcohol)

Case Number: SUDw0-21-0022

Ord. Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Christopher Sean Elphick		Phone (432) 553-920 Email sean.elphick@yahoo.com	
Address 3209 Cimmaron Ave	City Midland	State TX	Zip 79705

Property Owner Printed Name: John Elphick		Phone (432) 553-9250 Email	
Address 500 W. Illinois Ste 200	City Midland	State TX	Zip 79705

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

Type of Permit: Food Truck Park	*For Office Use Only* ☐ with Term ☐without Term
Is there any Code Enforcement action pending on property? ☐ Yes ☐ No	

Street Address: 4401 N Big Spring St. Midland, TX 79705

Legal Description
Lot: Block: Subdivision:

Current Zoning:

Maximum Floor Area:	**Maximum Occupancy:**

Proposed hours and days of use or operation: mon-sun 11am-12am

Reason for request: Opening Food Park

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: Food Park will add to the quality of life in Midland

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: 6/9/21
Applicant (printed): Sean Elphick	
Property Owner (signature):	Date:
Property Owner (printed) :	

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Christopher Elphick who, being by me duly sworn, upon oath says: That (s)he is authorized by Self-owner, 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 9th day of June, 2021, 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	☐ Site Plan in Digital Format (PDF/JPEG)
Check #_____	
Received By:	Date:

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

EXHIBIT 'A'

OCCUPANCY: **400 PEOPLE**

GAME AREA: 2,590 SQFT
* 1 PERSON PER 50SQFT
* **52 PEROPLE**

FIXED SEATING: 8,499 SQFT
* 24" OF BENCH SEATING = 1 PERSON
* 6' PICNIC TABLE = 6 PEOPLE
* 58 PICNIC TABLES
* **348 PEOPLE**

SEATING:
* FIXED SEATING A1: 3,720 SQFT
* FIXED SEATING A2: 2,160 SQFT
* FIXED SEATING A3: 1,850 SQFT
* FIXED SEATING A4: 769 SQFT
* GAME AREA SEATING: 2,590 SQFT
* *TOTAL FIXED SEATING AREA:* ***11,089 SQFT***

RESTROOMS:
* 2 EXISTING RESTROOMS
* 4 NEW RESTROOMS

PARKING LOT:
* SPACES: 10'X22'
* DRIVES: 30' WIDE
* **NUMBER OF SPACES:100**

ALCOHOL SERVICEABLE AREA

EXISTING BUILDING

A PRELIM. SITE PLAN
100 PARKING SPACES, 4 H.C. SPACES N. T. S.

PREPARED BY:
JM DRAFTING & DESIGN
Email: jmertink@gmail.com Cell: (432) 425-5297

NEW SITE PLAN FOR:
THE TAILGATE
4401 E BIG SPRING ST
MIDLAND TEXAS

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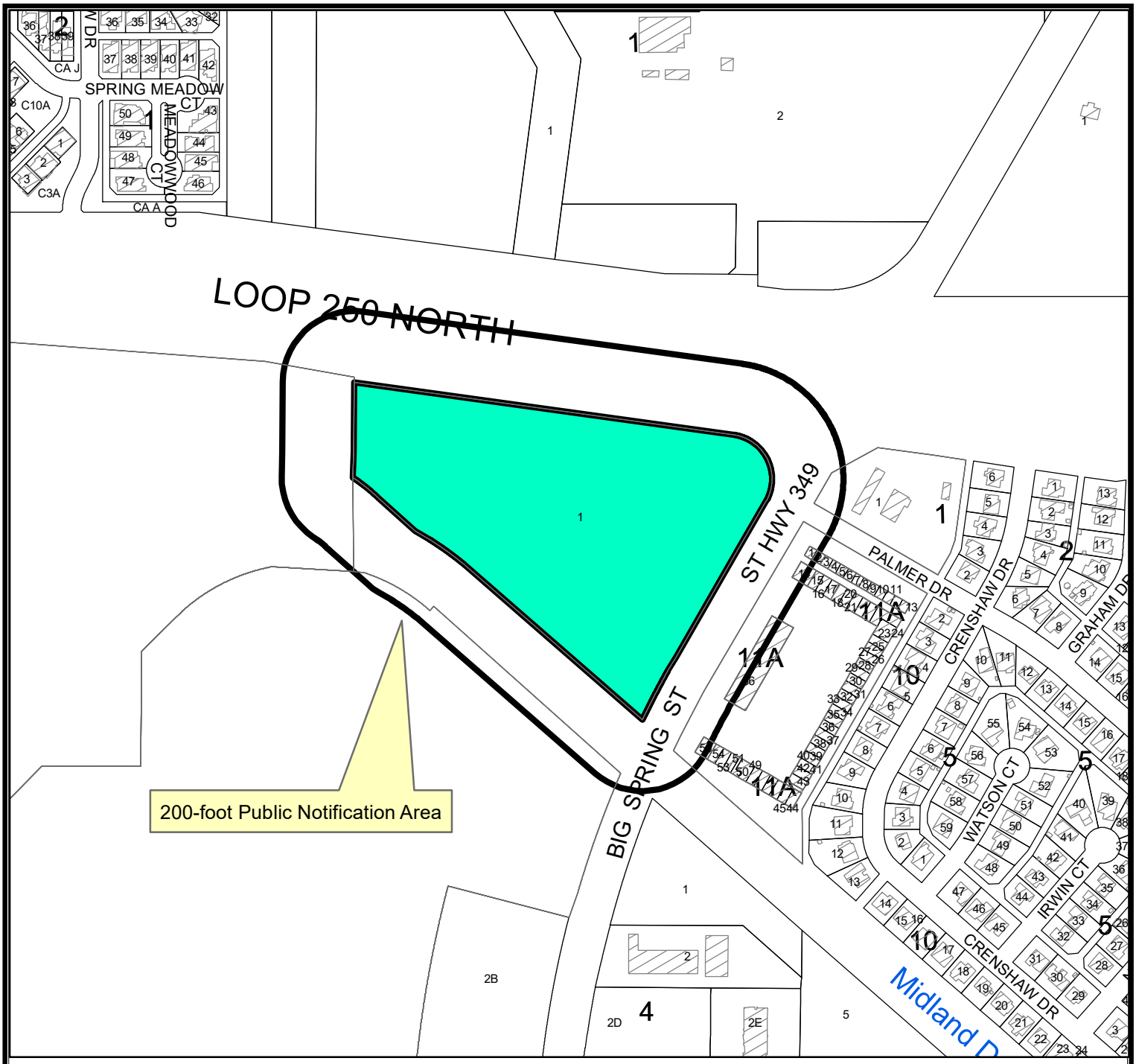
DATE:
AUG. 02, 2021
DWG2021/SEANELPHIC/THETAILGATE-A1
JOB # JM21072



LOCATION MAP

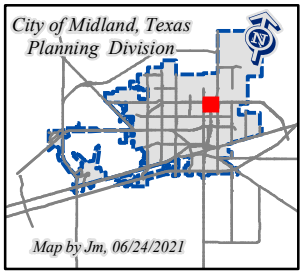
SUDwo-21-0022 **Scale: 1" = 400'**

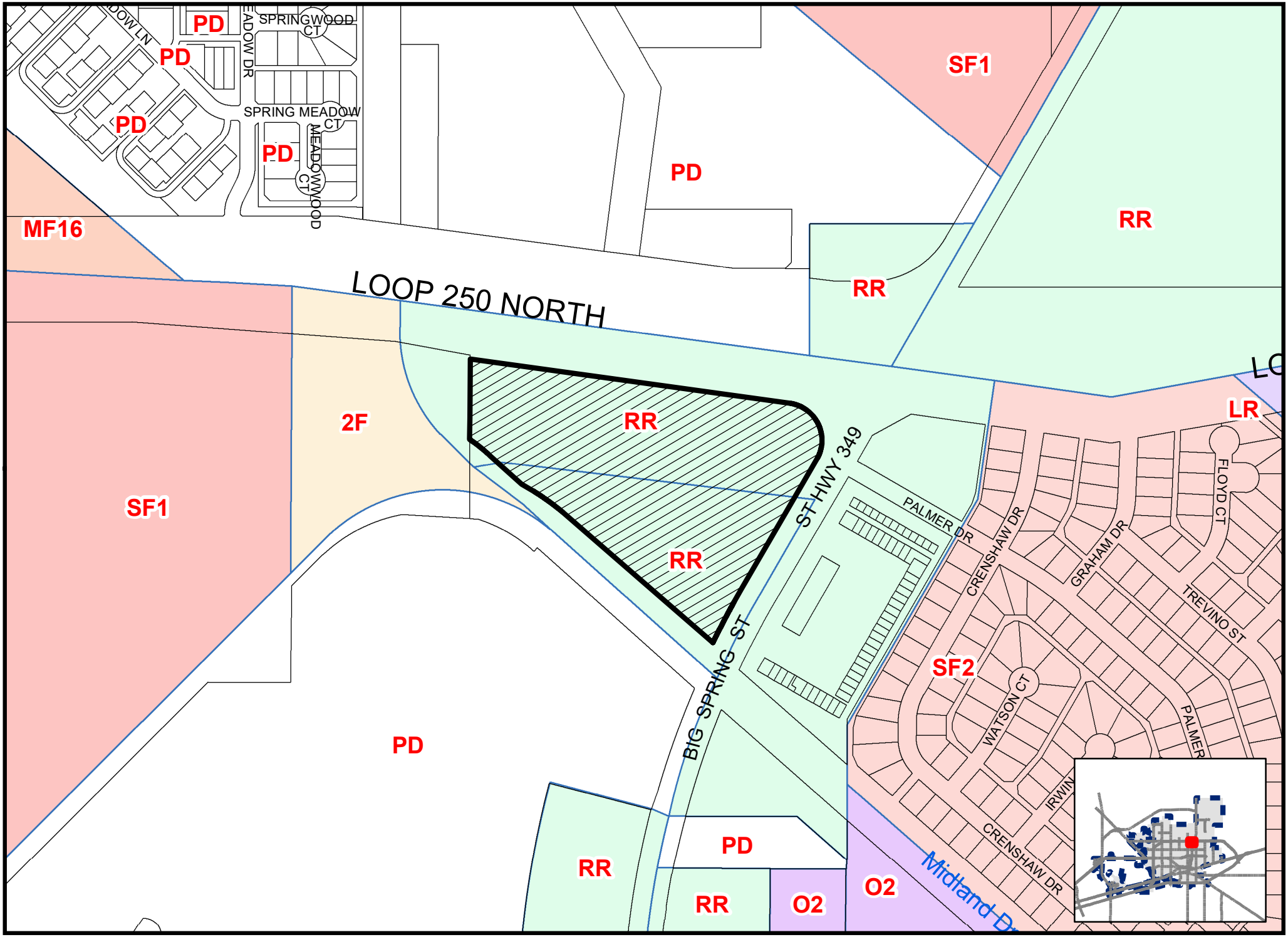
Consider a request by Christopher Sean Elphick for a Specific Use Designation without term for a Mobile Food Vendor Park on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of North Big Spring Street and West 250 Loop North. (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Map By JM, 06/29/2021

PACKET

SKETwo-21-0022

Scale: 1" = 400'

ZONING MAP

August 16, 2021

© 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 PERFORMING ANY OPERATIONS SOLELY ON THE INFORMATION CONTAINED HEREIN.THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

HAYASHI
JAPANESE HIBACHI & SUSHI

SOUTHBOUND
TRUCKS MUST
USE LOOP 250

Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaugnessy

MEETING DATE: August 16, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Elizabeth Shaughnessy, Planning Division Manager

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

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Christopher Sean Elphick, is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a proposed mobile food vendor park located at 4401 North Big Spring Street.

Current Zoning:

RR, Regional Retail District.

Surrounding Zoning and Land Use:

The property north is zoned PD, Planned Development District for a Recreation Center and the location of MISD softball fields. The property to the east is zoned RR, Regional Retail District and the location of a shopping center. The property to the south is zoned PD, Planned Development District for an Office Center and the location of vacant land. The property to the west is zoned 2F, Two-Family Dwelling District and the location of the Midland Executive Airpark.

Analysis:

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

The site is located at 4401 N Big Spring St, and has an expired Specific Use Designation for the sale and on premises consumption of alcoholic beverages. The serviceable area of the mobile food vendor park will have a maximum area of 11,089 square feet. The site will have adequate parking and restroom facilities upon completion of construction. The applicant is requesting alcohol service hours as the following:

Monday through Sunday, 11:00 a.m. to 12:00 a.m. (midnight)

The proposed hours of operation are the same.

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)

Road must have 20' clear path around food truck to provide for a fire lane and access for emergency vehicles.

Engineering: (Approved)

No objection.

Transportation: (Approved)

Driveway on Big Spring St to be signed to prohibit left turn out as per original driveway approval.

No objection to zone change.

Building Code: (Approved)

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

Planning:

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

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

Conditions:

A. **That the serviceable area shall be limited to approximately 11,089 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 12:00 a.m.

F. **That signage will be placed at the driveway which prohibits a left turn on to North Big Spring Street.**

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

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

I. **That a 20 foot wide fire lane shall be provided around the food trucks.**

Letters of Objection:

As of August 12, 2021, staff has received two letters of objection.

Attachments:

Application
Site Plan
Maps

MIDLAND
Planning Division

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

Project Number: SUP-21-0105

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Christopher Sean Elphick		Phone (432) 553-9250 Email sean_elphick@yahoo.com	
Address 3209 Cimmaron Ave	City Midland	State TX	Zip 79705
Property Owner Printed Name: John Elphick		Phone (432) 553-9253 Email jelphick@scirealty.com	
Address 500 W. Illinois Ste 200	City Midland	State TX	Zip 79701
Representative *(if different from Applicant or Property Owner)* Firm: Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 4401 N Big Spring St. Midland, TX 79705

Business Name: The Tailgate

Legal Description
Lot: Block: 39 T 1S Subdivision:

Current Zoning:

Reason for Request: Expired SUP / expanding seating / adding Bar

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: Food Truck Park

Proposed/Current Days and Hours of Operation: Mon - Sun 11am - 12am

Proposed Days and Hours of Alcohol Service: Mon - Sun 11am - 12am

Total Square Footage of Business:

Square Footage of Alcohol Serviceable Area: 7,362.5 sqft

Restroom Fixtures:	*Men*	**Toilets/Urinals:** 1 / 1	**Bathroom Sinks:** 1
	Women	**Toilets:** 1	**Bathroom Sinks:** 1

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: 6/9/21
Applicant (printed): Christopher Sean Elphick	
Property Owner (signature):	Date: 6/9/21
Property Owner (printed) :	

The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

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

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

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

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

EXHIBIT 'A'

OCCUPANCY: **400 PEOPLE**

GAME AREA: 2,590 SQFT
* 1 PERSON PER 50SQFT
* **52 PEROPLE**

FIXED SEATING: 8,499 SQFT
* 24" OF BENCH SEATING = 1 PERSON
* 6' PICNIC TABLE = 6 PEOPLE
* 58 PICNIC TABLES
* **348 PEOPLE**

SEATING:
* FIXED SEATING A1: 3,720 SQFT
* FIXED SEATING A2: 2,160 SQFT
* FIXED SEATING A3: 1,850 SQFT
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* GAME AREA SEATING: 2,590 SQFT
* *TOTAL FIXED SEATING AREA:* ***11,089 SQFT***

RESTROOMS:
* 2 EXISTING RESTROOMS
* 4 NEW RESTROOMS

PARKING LOT:
* SPACES: 10'X22'
* DRIVES: 30' WIDE
* **NUMBER OF SPACES:100**

ALCOHOL SERVICEABLE AREA

EXISTING BUILDING

A PRELIM. SITE PLAN
100 PARKING SPACES, 4 H.C. SPACES N. T. S.

PREPARED BY:
JM DRAFTING & DESIGN
Email: jmertink@gmail.com Cell: (432) 425-5297
NEW SITE PLAN FOR:
THE TAILGATE
4401 N BIG SPRING ST
MIDLAND TEXAS

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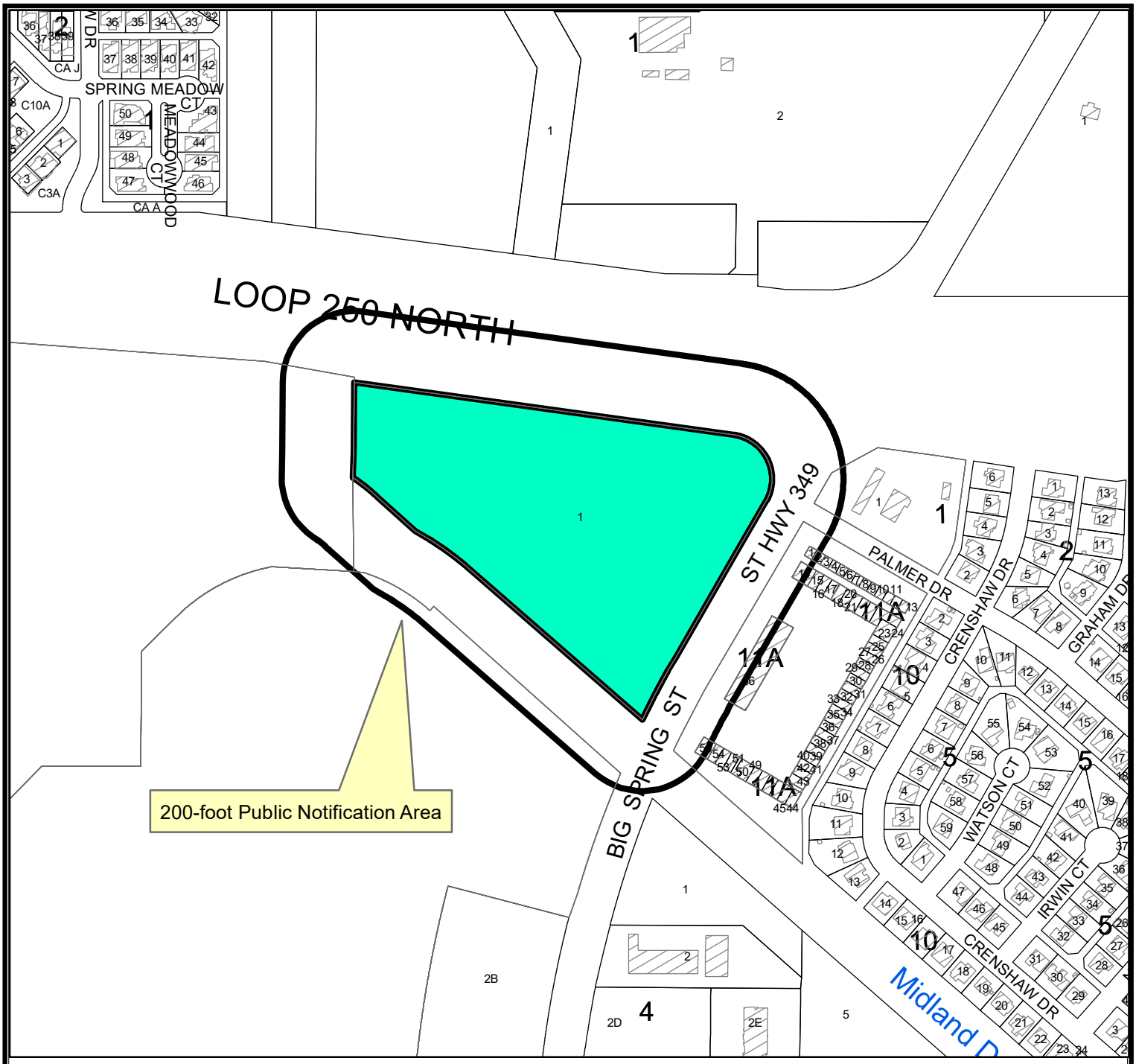
DATE:
AUG. 02, 2021
DWG2021/SEANELPHIC/THETAILGATE-A1
JOB # JM21072



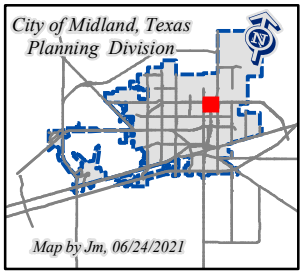
LOCATION MAP

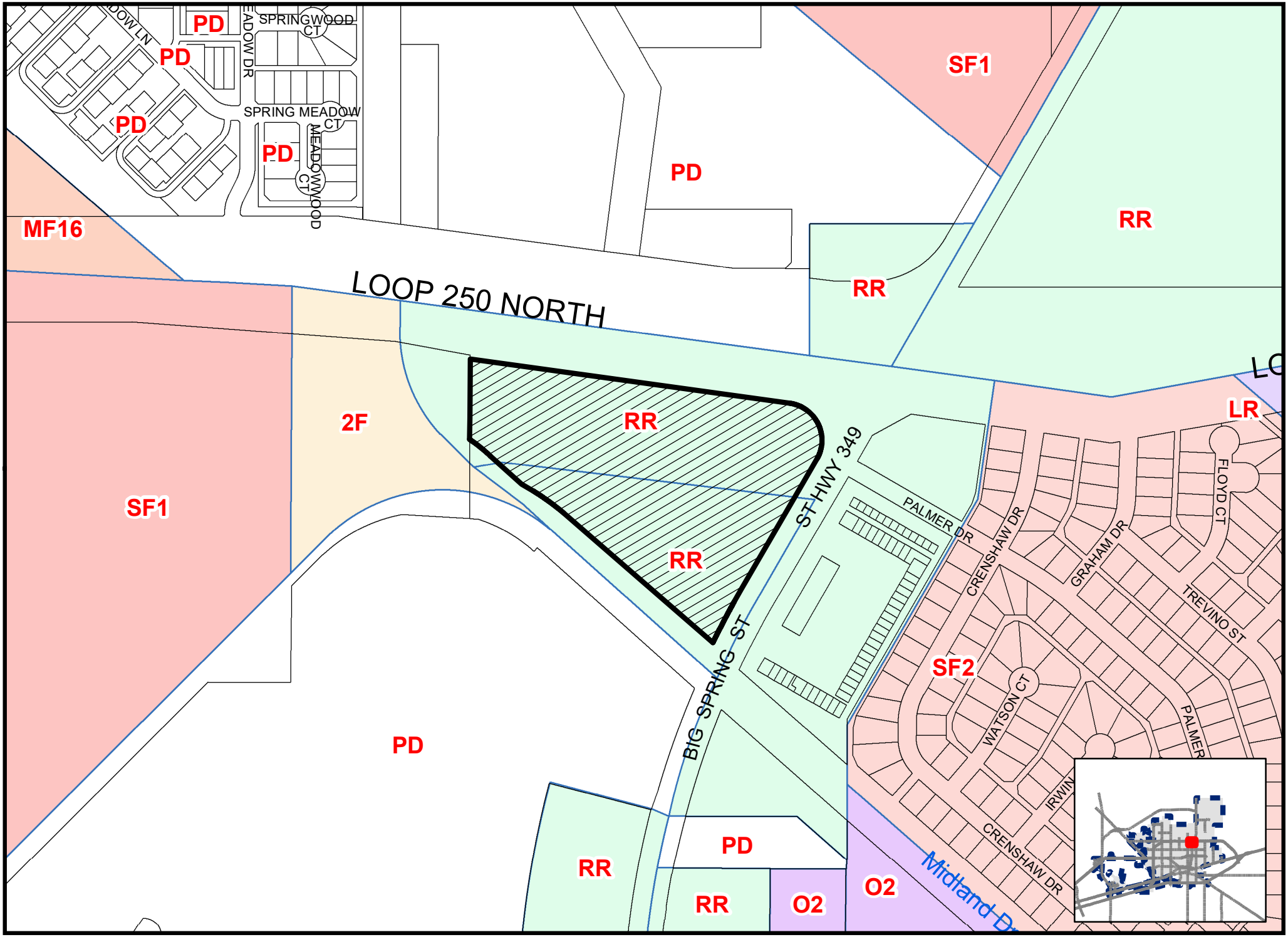
SUD-21-0105 **Scale: 1" = 400'**

Consider a request by Christopher Sean Elphick for a Specific Use Designation with term for the sale of all alcoholic beverages for on premises consumption in a Mobile Food Vendor Park on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas.
Generally located on the southwest corner of the intersection of North Big Spring Street and West 250 Loop North. (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Map By JM, 06/29/2021

PACKET

SKD-21-0105

Scale: 1" = 400'

ZONING MAP

August 16, 2021

© 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 PERFORMING DETERMINATIONS SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

HAYASHI
JAPANESE HIBACHI & SUSHI

SOUTHBOUND
TRUCKS MUST
USE LOOP 250
ENTRANCE

MIDLAND
Planning Division

CALTAM LP
4400 N BIG SPRING ST STE C-24
MIDLAND TX 79705-4623

PUBLIC NOTICE

The **City Council** of the City of Midland, Texas, will hold a public hearing at **10:00 a.m.** on **Tuesday, August 24, 2021** in the Council Chamber, City Hall, 300 N. Loraine Street, Midland, TX 79702 and via videoconference, on a request by **Christopher Sean Elphick,** for a **Specific Use Designation with Term** on the following described property:

LEGAL DESCRIPTION: Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas.

LOCATION: Generally located on the southwest corner of the intersection of North Big Spring Street and West 250 Loop North. (Council District 3)

CURRENT ZONING: RR, Regional Retail District

SPECIFIC USE: For the sale of all alcoholic beverages for on-premises consumption, at a Mobile Food Vendor Park.

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:
Please see additional letter

Required Information:
Tammy Alvis — Property Owner's Signature
Tammy Alvis — Printed Name
4400 N Big Spring Suite C-24, Midland, TX 7970 — Property Address (No P. O. Boxes)

If any further information is desired, please contact the Planning Division at (432) 685-7400. Si ud. desea más información en Español sobre esta cuestión, llame al : (432) 685-7400.

Notices Mailed: 6
Date Mailed: August 6, 2021
Case Number: SUD-21-0105
Case Name: The Tailgate
JM Planner's Initials

Elizabeth Shaughnessy
Planning Division Manager
Department of Development Services

The meeting facility is accessible to disabled persons. A wheelchair entry ramp is located at the southeast entrance to City Hall. A parking space designated for use by disabled persons is available near the southeast entrance doors. Any disabled person needing special accommodations or hearing impaired persons wishing to have an interpreter should request services through the Administrative Services Department at least 48 hours prior to the scheduled meeting by contacting Compliance Coordinator for the City of Midland, at (432) 685-7251. If communication via TDD is required, please call 1-800-735-2989.
Videoconference information can be found by longing on to www.midlandtexas.gov/967/PrimeGov-Meetings.

www.MidlandTexas.gov
Planning Division ▪ 300 N. Loraine, Midland TX 79702 ▪ 432-685-7400

Mission Square objects to the sale of alcohol until midnight, how is he going to control how much his customers drink. Do all the food trucks serve alcohol or does just one? We all need to be held accountable for what takes place in our establishment especially when it comes to the sale of alcohol. How is he going to control if someone brings their own beer/liquor, it sounds like this is going to be an outside bar where people can come and go without going thru a door or gate to make sure they are capable of driving home or the next party. We already have a bar in our parking lot which on any given night bar patrons litter our parking lot with beer bottles and vomit, they back into our building and do burn outs in our parking lot. This behavior greatly concerns us. What we don't want to happen is when the party ends at midnight they come across the street to Rockin Rodeo and continue to party and end up killing someone on the way home. We have been drug into numerous law suits because the bar overserves their customers and they end up hurting themselves or someone else on the way home. We do not own the building Rockin Rodeo is occupying we just share the parking lot with them.
Thank you for your consideration,

Tammy Alvin

Tammy Alvin
Mission Square Shopping Center

Andrews man awarded $5.5M

Daniel Rawls filed a lawsuit against La Fogata Mexican Grill

By Caitlin Randle
CRANDLE@MRT.COM

An Andrews man was awarded $5.5 million on July 27 after he filed a civil suit against La Fogata Mexican Grill, claiming the restaurant and bar was negligent when they overserved him alcohol, which he alleges later caused him to be injured in an altercation with another customer.

Daniel Rawls filed a lawsuit through his attorney, Odessa-based Lane Haygood, on May 17 regarding an incident at the 708 E. Broadway St. restaurant (in Andrews) that occurred in May of 2019, according to court records.

Rawls was awarded a total of $5.5 million for five claims, including premises liability, negligence and damages arising from foreseeable criminal conduct. The Andrews County 109th District Court ruled in Rawls' favor in a default judgment, meaning the owner of La Fogata did not respond to the suit or attend the hearing. The court did not rule on whether Rawls' claims were true.

After drinking at La Fogata on May 21, 2019, Rawls was in an altercation with another customer, Robert Henrickson, in the parking lot of the restaurant, according to a copy of the lawsuit. Rawls alleges he sustained a head injury during the argument with Henrickson, who had also been drinking heavily.

The lawsuit states La Fogata, its owner Lourdes Galindo and an unknown bartender are responsible for the injury because they allowed the two men to drink excessively and leave the

Suit continues on A4

SUIT

From page A1

restaurant together. The restaurant was also negligent by not calling an ambulance after Rawls was injured, according to the suit.

The bartender, identified in the suit as John and/or Jane Doe, was not adequately trained by Galindo to detect when patrons had been overserved, according to the suit. Rawls also alleges that Galindo failed to ensure the parking lot didn't include obstacles "that would pose a tripping or falling hazard to intoxicated patrons."

Rawls sustained a "serious and debilitating" head injury after he was assaulted by Henrickson and fell over "an uneven parking lot," according to the suit.

La Fogata has 30 days to file a notice of appeal if they intend to seek a new trial, according to the Texas Rules of Appellate Procedure. Rawls allegedly has a history of excessive drinking. Andrews jail records show he was arrested twice, in February 2019 and May of this year, on charges of public intoxication.

From: Joseph Marynak
To: Elizabeth Shaughnessy
Subject: FW: The Tailgate
Date: Thursday, August 12, 2021 2:58:50 PM

From: Callie Stevens <callieshouses@gmail.com>
Sent: Thursday, August 12, 2021 12:15 PM
To: Joseph Marynak <jmarynak@midlandtexas.gov>
Subject: The Tailgate

Mr. Marynak,

I am one of the owners of Mission Square Shopping Center.
We are directly across Big Spring street from the proposed
The Tailgate outdoor venue.
I do not feel allowing food and alcohol sales until 12 am is good for the location.

Several reasons why:

1. Who will regulate the sale of alcohol at The Tailgate versus patrons just bringing their own alcohol? Will there be security checking cars as they enter?

2. Will there only be one vendor selling alcohol?
If not, who will be held accountable if someone is overserved?
We have been sued multiple times because drunks pass the accountability off to the bar owner.
We just own the property, not the bar.

3. What will the stage be used for? Concerts will disturb our surrounding neighborhood.

4. We already have issues with our parking lot filling with Rockin Rodeo patrons after hours.
They make a mess, speed around , and cause damage to our buildings. This will bring more people into our parking lot who have been drinking once The Tailgate closes.
As the property owner, I should not have to assume liability from across the street.

5. With the shortage of police officers in our city, issuing yet ANOTHER late hour permit for alcohol sales is irresponsible and unsafe for our citizens.

Please let me know you have received .
I have a few recommendations that may be agreeable.

--
Callie Stevens
Owner-Mission Square
Broker
Jan Melton & Associates
Office: 432-682-0000

Cell: 432-967-1059

CAUTION: This email originated from outside your organization — exercise caution when opening attachments or clicking links, especially from unknown senders.

Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaugnessy

MEETING DATE: August 16, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Joseph Marynak, Planner

SUBJECT: Hold a public hearing and consider a request by Leyda Medina for a Zone Change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 16, Block 2, Eastover Addition, Section 2, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Jesse Street and East Illinois Avenue. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Leyda Medina**,** is requesting a Zone Change from MF-22, Multiple Family Dwelling District to SF-3 Single Family Dwelling District at 214 Jesse Street, to construct a single family residence.

Current Zoning:

MF-22, Multiple Family Dwelling District

Surrounding Zoning and Land Use:

The property to the north is zoned LI, Light Industrial District and the location of an oil well. The properties to the east, south, and west are also zoned MF22, Multiple Family Dwelling District and the location of vacant land and a single family residence, respectively.

Analysis:

The applicant is requesting this zone change for the purposes of constructing a single family home. The property does not meet the minimum lot size requirements for the SF-3, Single Family Dwelling District, however; a special exception for the minimum lot dimensions was approved by the City Council on August 10, 2021.

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

Fire: (Approved)

No objections

Building: (Approved)

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

Engineering: (Approved)

No objection to zone change.

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

Code: (Approved)

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

Transportation: (Approved)

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

No objection to zone change.

Planning:

Under the previous zoning code, the current zoning district would have allowed for the construction of single family homes, which allowed for the proliferation of their construction in this area. Under the new Zoning Ordinance adopted in 2019, construction of single family homes was restricted to single-family dwelling districts.

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, “Future Land Use Map” as it designates this area for Urban Residential Medium, a classification which calls for single family detached housing. As the surrounding lots consist of vacant lots and residences, this zone change will follow the existing characteristics of the surrounding neighborhood and provide additional housing for residents of the City of Midland.

Therefore, staff recommends approval of this zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District, subject to condition A.

Conditions:

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

Letters of Objection:

Staff has not received any letters of objection as of August 12, 2021.

Attachments:

Application
Site Plan
Maps

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-21-0248

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)*		Phone (432) 214-1453 Email l.arroyo4@yahoo.com	
Printed Name: Leyda Medina			
Address 1200 e pennsylvania ave	City midland	State tx	Zip 79701

Property Owner		Phone (432) 214-1453 Email l.arroyo4@yahoo.com	
Printed Name: Leyda Medina			
Address 1200 e pennsylvania ave	City midland	State tx	Zip 79701

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

Street Address: (Jesse st) lot #16 block 2. eastover second addition

Legal Description
Lot: 16 Block: 2 Subdivision:

Current Zoning: MF22

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

Reason for Zone Change Request: to build a house

Present Use of Property: Vacant lot (nothing there just land)

Proposed Use of Property: home

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

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

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

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

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): Leyda Medina	Date: 6/18/21
Applicant (printed): Leyda Medina	
Property Owner (signature): Leyda Medina	Date: 6/18/21
Property Owner (printed) : Leyda Medina	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization ☐ Dimensioned Site Plan

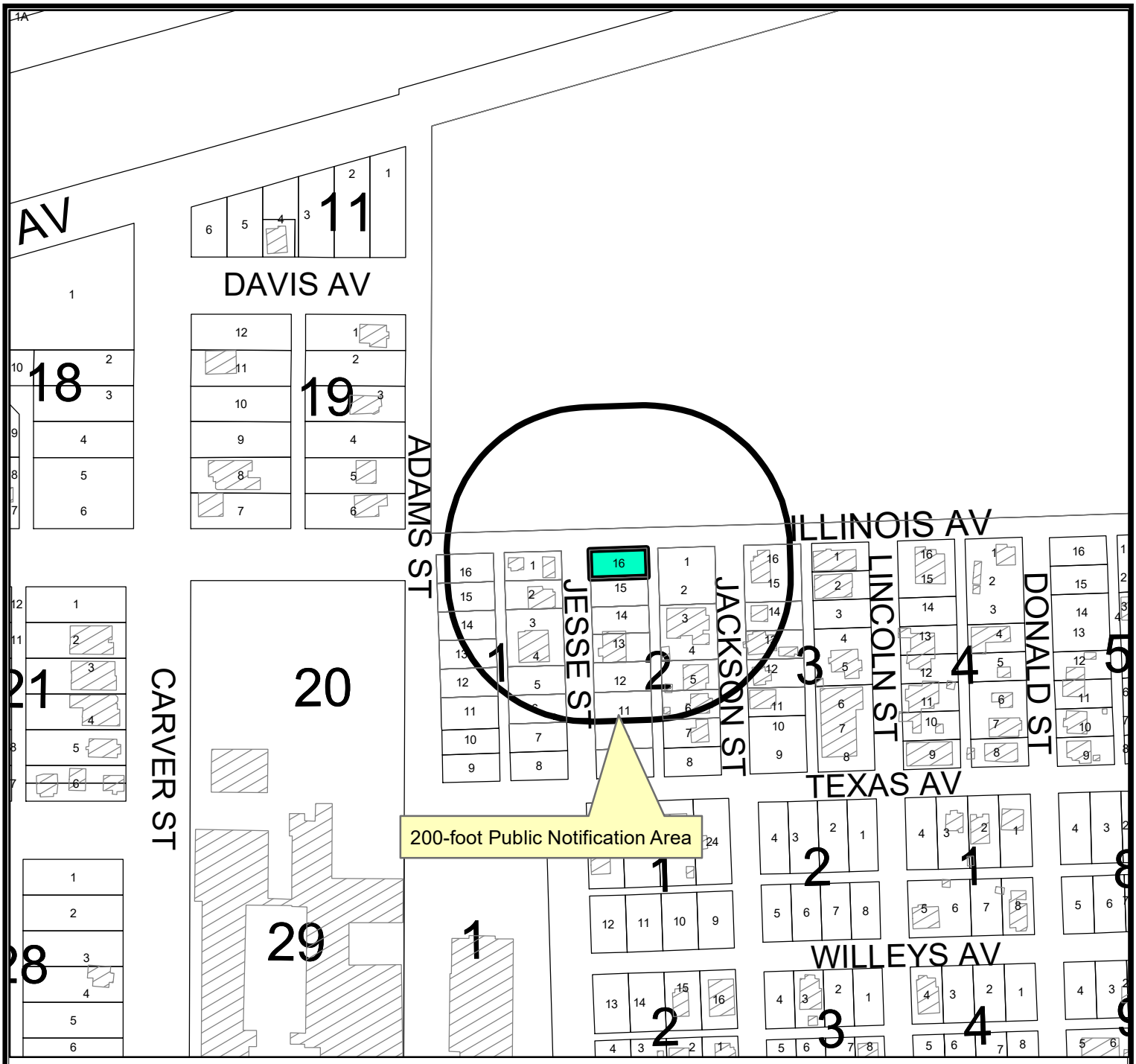
☑ Application Fee ☐ Plans in Digital Format (PDF/JPEG)

Check # Credit Card

Received By: Joseph Marquez Date: JUN 25 2021 BY:

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

Site Plan – 214 Jesse St



LOCATION MAP

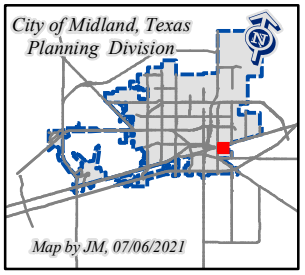
Z-21-0248 **Scale: 1" = 200'**

A request by Leyda Medina for a zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling Districton Lot 16, Block 2, Eastover Addition, Section 2, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of Jesse Street and East Illinois Avenue. (Council District 2)

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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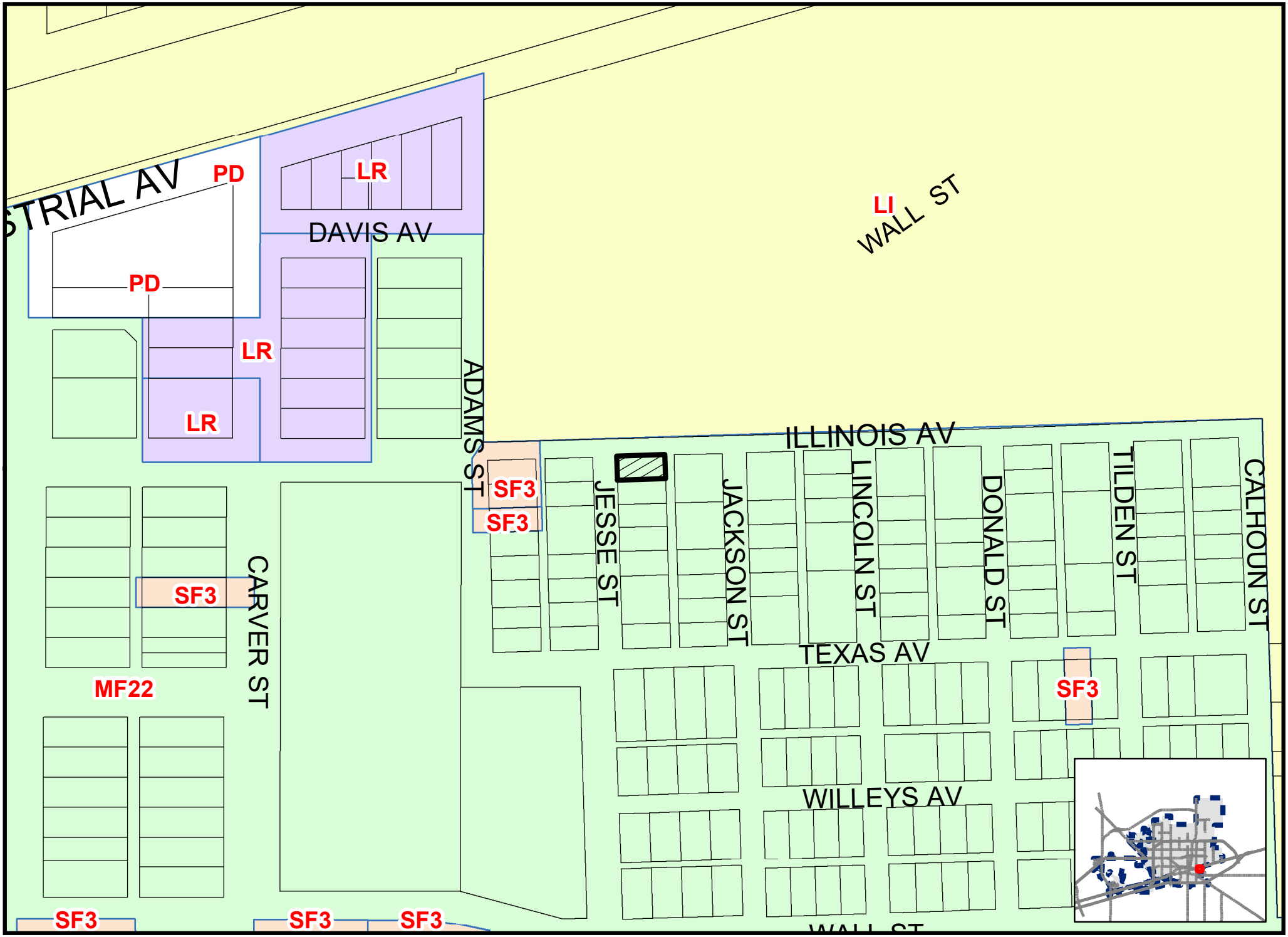

Map By JM, 07/13/2021

PACKET

Scale: 1" = 200'

ZONING MAP

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E Illinois Ave
STOP

211

Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaugnessy

MEETING DATE: **August 16, 2021**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Valerie A. Sherman, Senior Planner**

SUBJECT: **Hold a public hearing and consider a request by Barbara French, for a zone change from TH, Townhouse (Attached) Dwelling District in part; SF-2, Single-Family Dwelling District in part; SF-3, Single-Family Dwelling District in part; MF-16, Multiple-Family Dwelling District in part; and PD, Planned District for a Housing Development in part; to RR, Regional Retail District, on Lot 1, Block 1, Ruckus Addition, City and County of Midland, Texas. (Generally located on the east side of Fairgrounds Road, approximately 1,899-feet south of E. Loop 250 North. Council District 2) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Barbara French, is requesting a zone change from TH, Townhouse (Attached) Dwelling District in part; SF-2, Single-Family Dwelling District in part; SF-3, Single-Family Dwelling District in part; MF-16, Multiple-Family Dwelling District in part; and PD, Planned District for a Housing Development in part; to RR, Regional Retail District, in order to obtain a Specific Use Designation Permit Without Term, to allow for future development of the Lone Star Animal Sanctuary facilities.

Current Zoning:

TH, Townhouse (Attached) Dwelling District in part; SF-2, Single-Family Dwelling District in part; SF-3, Single-Family Dwelling District in part; MF-16, Multiple-Family Dwelling District in part; and PD, Planned District for a Housing Development in part.

Departmental Review:

Surrounding Zoning and Land Use:

The properties to the north are zoned MF-16, Multiple-Family Dwelling District, and the

location of a residence, and PD, Planned District for a Housing Development, and the location of vacant land. The property to the east is zoned SF-2, Single-Family Dwelling District, and the location of vacant land. The properties to the south are zoned SF-2, Single-Family Dwelling District, and MF-16, Multiple-Family Dwelling District, and the location of vacant land. The property to the west across N. Fairgrounds Road is zoned SF-1, Single-Family Dwelling District, and the location of a golf course.

Analysis:

The applicant, Barbara French, is requesting a zone change to RR, Regional Retail District, in order to obtain a permit, to allow for future development of Lone Star Animal Sanctuary facilities. A kennel is allowed in the RR, Regional Retail District with a Specific Use Designation Permit, according to the Midland City code (11-1-1-(B)-19).

Per the previous zoning ordinance, kennels were allowed within this zoning district with an approved SUD without term. As of July 1, 2019, the new zoning ordinance does not allow the use of kennels within the TH, Townhouse (Attached) Dwelling District in part; SF-2, Single-Family Dwelling District in part; SF-3, Single-Family Dwelling District in part; MF-16, Multiple-Family Dwelling District in part; and PD, Planned District for a Housing Development in part. Changing the zoning of this property to RR, Single Regional Retail District, will bring this lot into conformance with the current zoning ordinance and allow for the future expansion.

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

Building: (Approved)

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

Engineering: (Approved)

No objection to zone change
Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Transportation: (Approved)

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

No objection to zone change.

Fire: (Approved)

No objections to zone change.

Oil and Gas: (Approved)

No oil and gas issues.

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 Low. This designation calls for a mix of relatively low-density housing and easily accessed neighborhood commercial services. Compatibility will be achieved through gradual increases of intensity transitioning from one land use to another. Therefore, the future expansion of Lone Star Sanctuary for animals at this location is in conformance with the recommendations of the Tall City Tomorrow plan as it provides for the integration of uses.

Staff recommends approval of the zone change from TH, Townhouse (Attached) Dwelling District in part; SF-2, Single-Family Dwelling District in part; SF-3, Single-Family Dwelling District in part; MF-16, Multiple-Family Dwelling District in part; and PD, Planned District for a Housing Development in part; to RR, Regional Retail District, subject to condition A.

Conditions:

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

Letters of Objection:

As of August 11, 2021, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Application
Maps

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: Z-21-0250

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Barbara French		Phone (432) 352-8287 Email lssfa4200@gmail.com	
Address 5512 Carmel Ct	City Midland	State TX	Zip 79707

Property Owner Printed Name: Dolores L. McCall		Phone (432) 682-5662 Email doloresmccall@dlmccall.com	
Address 2608 W Dengar	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: 4200 N Fairgrounds Road

Legal Description
Lot: Block: Subdivision: Ruckus Addition

Current Zoning: None

Proposed Zone: Regional Retail
(List by tracts if more than one district is requested)

Reason for Zone Change Request: To build and improve facilities at Lone Star Sanctuary for Animals, a no-kill animal shelter for dogs and cats.

Present Use of Property: _____

Proposed Use of Property: To house and care for Midland's homeless animals until they can be placed in permanent loving homes.

How would this zone change affect the public health, safety and welfare? Would enable Lone Star to provide adequate housing and facilities for their staff and animals, and help relieve the burden of Midland Animal Control.

Describe how conditions affecting the property have changed since present zoning designation: No change. Property is undeveloped.

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

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

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): Barbara French	Date: 7-6-21
Applicant (printed): BARBARA FRENCH	
Property Owner (signature): Dolores L. McCall	Date: 7-6-21
Property Owner (printed) : DOLORES L. McCALL	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear BARBARA FRENCH who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or authorized by Dolores L. McCall, 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.

Barbara French
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 6th day of July, 2021, to certify which witness my hand and seal of office.

Walter Chandler Tate
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

NOTARY PUBLIC STATE OF TEXAS
Walter Chandler Tate
My Commission Expires
01/30/2023
ID No. 131872990

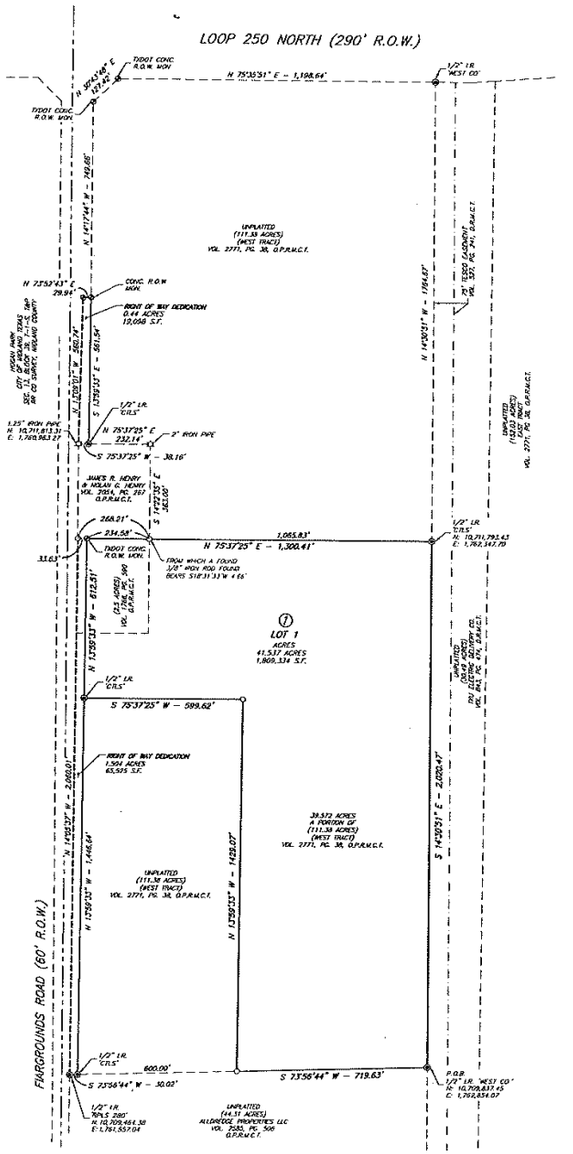
FOR OFFICE USE ONLY

☑ Property Owner Authorization	☐ Dimensioned Site Plan N/A
☑ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # 4395	
Received By: Joseph Maynard	Date: RECEIVED JUL 14 2021 BY:

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

RUCKUS ADDITION

BEING A 41.537 ACRE TRACT OUT OF OF THE WEST/2 OF SECTION 30, BLOCK 38, T-1-S, T&P RAILROAD COMPANY SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS.



200 100 0 200

SCALE 1" = 200'

GRID

BEARINGS, DISTANCES, COORDINATES AND ACREAGE SHOWN HEREON ARE GRID, NAD83(2011/CORS96), TEXAS CENTRAL ZONE (4203), US FEET.

LEGEND

⊕	FOUND IRON ROD AS NOTED
○	FOUND IRON PIPE AS NOTED
⊗	FOUND TXDOT CONCRETE R.O.W. MONUMENT
○	1/2 INCH IRON REBAR W/ PLASTIC CAP MARKED "JFW FIRM #100133-00"
	PROPERTY BOUNDARY LINE
	NEW LOT LINE
	EXISTING EASEMENT LINE
	TRACT LOT LINE
	SECTION LINE
O.P.R.M.C.T.	OFFICIAL PUBLIC RECORDS MIDLAND COUNTY TEXAS
D.R.M.C.T.	DEED RECORDS MIDLAND COUNTY TEXAS
(ACRES/TRACT)	RECORD CALL

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS I, Dolores L. McCall, am the record owner of a 39.572 acre tract of land situated in the W/2 of Section 30, Block 38, T-1-S, T&P Railroad Company Survey, County of Midland.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, DOLORES L. MCCALL, being the owner of the land shown on this plat designated as RUCKUS ADDITION, an Addition to the City of Midland, Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, alleys, and easements shown hereon, and do hereby give an easement of ingress and egress to the City of Midland for garbage and trash collection, and location and maintenance of street lighting and access thereto, and condition said easement that no construction shall commence on said lot or lots until the exact location of said conductors therewith have been selected and approved by the Director of Utilities.

WITNESS my hand at Midland, Texas, this

the 31st day of March, 2016.

By: DOLORES L. MCCALL

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

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

the 31st day of March, 2016.

NOTARY PUBLIC, STATE OF TEXAS

PALADIN MCCABA
Notary Public, State of Texas
Comm. Expires 06-26-2019
Notary ID 130341158

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS Lone Star Sanctuary for Animals, Inc., the record owner of a 2.5 acre tract of land situated in the W/2 of Section 30, Block 38, T-1-S, T&P Railroad Company Survey, County of Midland.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, DOLORES L. MCCALL, being the authorized representative of Lone Star Sanctuary for Animals, Inc. of the land shown on this plat designated as RUCKUS ADDITION, an Addition to the City of Midland, Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, alleys, and easements shown hereon, and do hereby give an easement of ingress and egress to the City of Midland for garbage and trash collection, and location and maintenance of street lighting and access thereto, and condition said easement that no construction shall commence on said lot or lots until the exact location of said conductors therewith have been selected and approved by the Director of Utilities.

WITNESS my hand at Midland, Texas, this

the 31st day of March, 2016.

By: DOLORES L. MCCALL, AUTHORIZED REPRESENTATIVE LONE STAR SANCTUARY FOR ANIMALS, INC.

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

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

the 31st day of March, 2016.

NOTARY PUBLIC, STATE OF TEXAS

PALADIN MCCABA
Notary Public, State of Texas
Comm. Expires 06-26-2019
Notary ID 130341158

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

	MARK Lietz
	Marlea Auchando
	Luis Mendez
	Eric Bullock
	MIKE TODE
	Jeffrey D. Henderson

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "RUCKUS ADDITION", was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this 19th day of October, 2016.

JAKE WOLF, CHAIRMAN

JESSICA CARPENTER, SECRETARY

NOTES:
1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. BEARINGS, DISTANCES AND ACREAGE SHOWN HEREON ARE NAD83 (CORS96), LAMBERT GRID AND CONFORM TO THE TEXAS COORDINATE SYSTEM, "TEXAS CENTRAL ZONE". UTILIZING NGS GEOID SOLUTION, COMBINED SCALE FACTOR = 0.99988439.

STATE OF TEXAS
PHILLIP J. SUBLETT
6455
REGISTERED PROFESSIONAL LAND SURVEYOR

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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

Phillip J. Sublett, R.P.L.S.
Registration Number - 6455

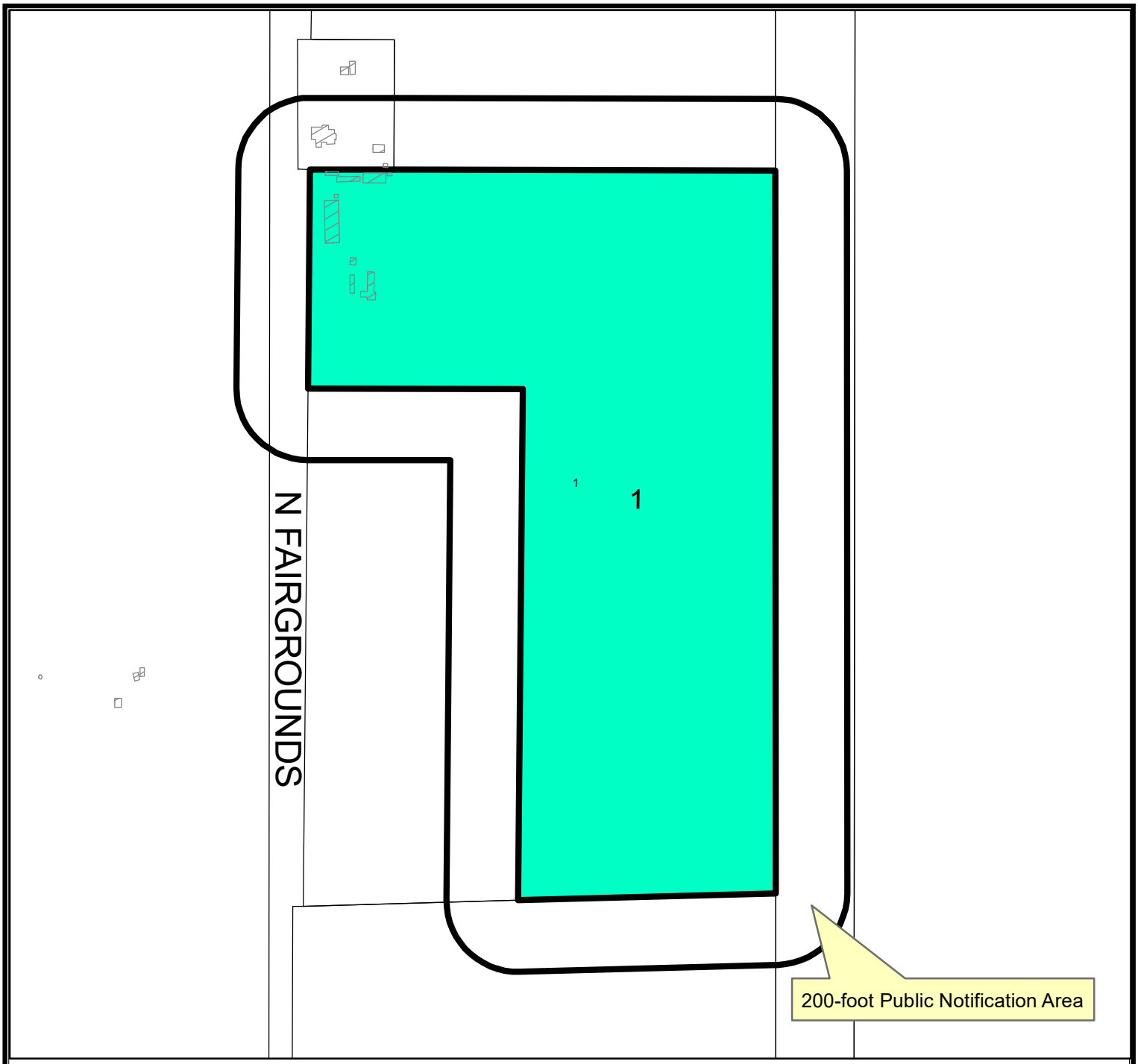
PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO. 201613309 CABINET J
DATE 5-12-2016 PAGE 132

John F. Watson & Company
LAND & DEVELOPMENT SERVICES
PROFESSIONAL LAND SURVEYORS
1901 N. Lamesa, Suite 220 ph. (432) 520-2400
Midland, Texas 79701 fax (432) 520-2494
TBPLS Filed 10115100 www.watsonland.com

Your Future Is Responsible Development

JOB NO.: 13-02052 FIELD BOOK 277/17
DRAFT REV.

RUCKUS ADDITION



LOCATION MAP

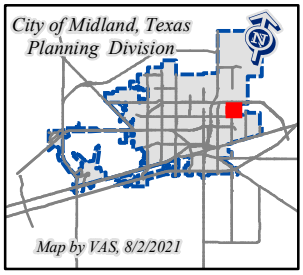
Z-21-0250 **Scale: 1" = 400'**

Consider a request by Barbara French for a zone change from TH, Townhouse (Attached) Dwelling District in part; SF-2, Single-Family Dwelling District in part; SF-3, Single-Family Dwelling District in part; MF-16, Multiple-Family Dwelling District in part; and PD, Planned District for a Housing Development in part; to RR, Regional Retail District, on Lot 1, Block 1, Ruckus Addition, City and County of Midland, Texas.

Generally located on the east side of Fairgrounds Road, approximately 1,899-feet south of E. Loop 250 North. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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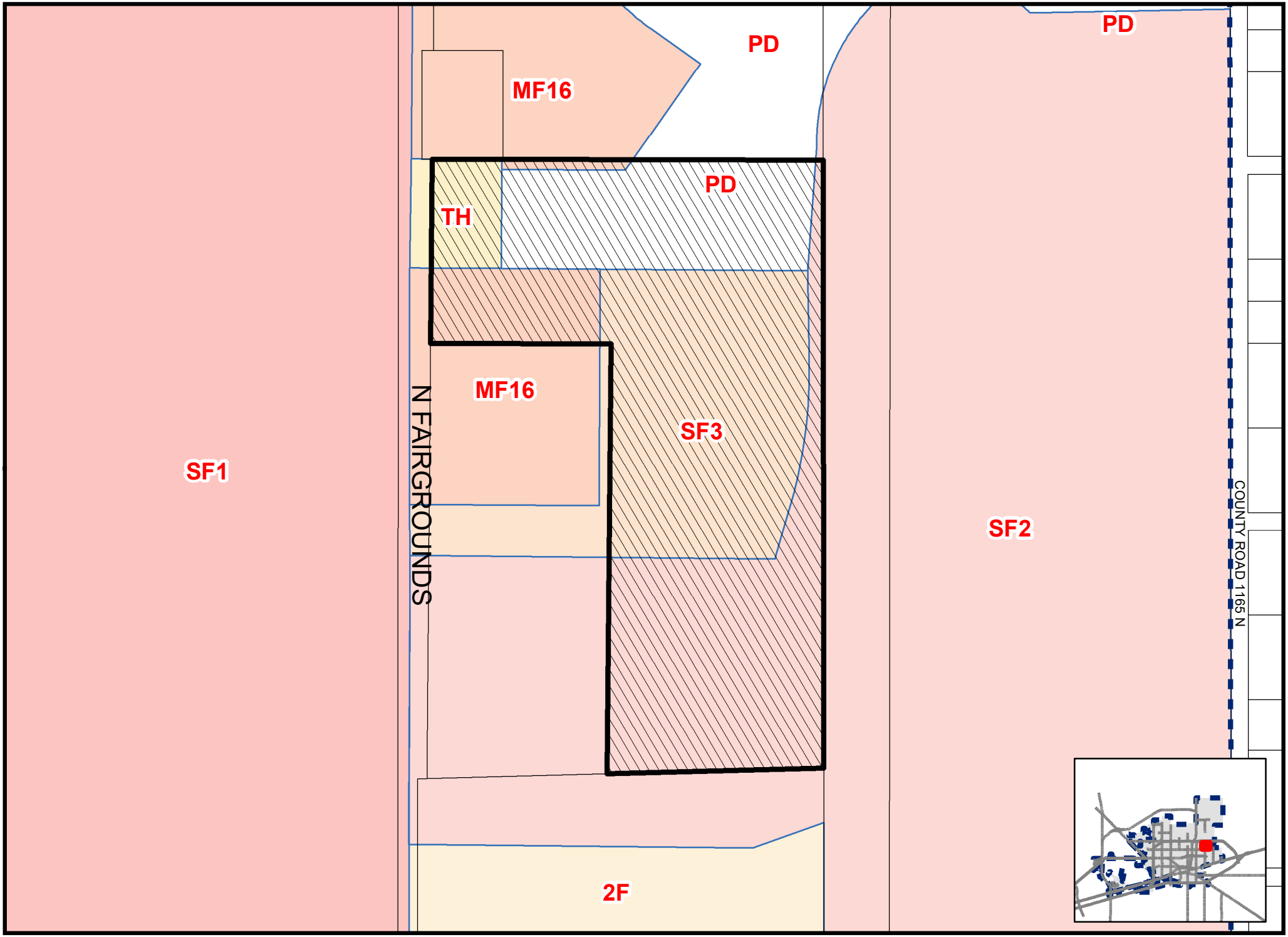


Map By VAS, 8/2/2021 PACKET-0250 **Scale: 1" = 200'** **ZONING MAP** Page 096 August 16, 2021

WARNING

Lone Star Sanctuary For Animals
"Saving and Changing Lives"
4200 North Fairgrounds Road
(432) 563-7287

Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: **August 16, 2021**

TO: **Planning and Zoning Commission**

FROM: **Valerie A. Sherman, Senior Planner**

SUBJECT: **Hold a public hearing and consider a request by Barbara French for a Specific Use Designation without Term for a Kennel, on Lot 1, Block 1, Ruckus Addition, City and County of Midland, Texas. (Generally located on the east side of Fairgrounds Road, approximately 1,899-feet south of E. Loop 250 North. Council District 2)**

Recommended Planning and Zoning Commission Action:

☒ Approve ☐ Deny ☐ Direction/Informational

Details of Request:

The applicant, Barbara French, is requesting a Specific Use Designation without Term for a Kennel located at 4200 N. Fairgrounds Road.

Current Zoning:

TH, Townhouse (Attached) Dwelling District in part; SF-2, Single-Family Dwelling District in part; SF-3, Single-Family Dwelling District in part; MF-16, Multiple-Family Dwelling District in part; and PD, Planned District for a Housing Development in part.

This property is in the process of being rezoned to RR, Regional Retail District. Per City of Midland Zoning Land Use Regulations, Kennels are permitted by a Specific Use Designation permit in the RR, Regional Retail District.

Surrounding Zoning and Land Use:

The properties to the north are zoned MF-16, Multiple-Family Dwelling District, and the location of a residence, and PD, Planned District for a Housing Development, and the location of vacant land. The property to the east is zoned SF-2, Single-Family Dwelling District, and the location of vacant land. The properties to the south are zoned SF-2, Single-Family Dwelling District, and MF-16, Multiple-Family Dwelling District, and the location of vacant land. The property to the west across N. Fairgrounds Road is zoned

SF-1, Single-Family Dwelling District, and the location of a golf course.

Analysis:

The applicant, Barbara French, is requesting a Specific Use Destination without Term, for the Lone Star Animal Sanctuary, located at 4200 N. Fairgrounds Road.

The Lone Star Animal Sanctuary is a non-profit animal rescue organization which provides short and long-term living quarters and care for rescued dogs and cats, as well as adoption services for the community. It is anticipating a future expansion, however, the current zoning districts on the property would not support a Kennel. The property is currently in the process of being rezoned to RR, Regional Retail District, to comply with the Midland City code (11-1-1-(B)-19), in where kennels are permitted by a specific use permit in the RR, Regional Retail District, or less restrictive districts. The floor plan provided, attached hereto as Exhibit A, shows the proposed overall square footage of Lone Star Animal Sanctuary.

All dogs and cats must be in compliance with Section 6-2-7 of the City code before they may be boarded at the Kennel. The applicant will also be responsible for properly maintaining the kennel, providing food, and properly disposing the pet waste.

This proposed project 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.

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)

No objection.

Oil and Gas: (Approved)

No comments.

Animal Services:

The site plans indicate dog and cat areas but do not specify capacity. What is the current dog and cat capacity and what is the proposed capacity after expansion? Also, how many parking spaces are available for off street parking?

Prior to this item going to Council, Animal Services would like to schedule an inspection of the current facility.

Response from Barbara French with the Lone Star Animal Sanctuary:

> The current capacity for cats is 25-40 (max), and dogs is 65-100 (max). Ms. French anticipates those numbers doubling as they expand facilities in the future.
>
> There are currently 22 off-street parking spaces.
>
> Animal Services will perform an inspection of the facility on Monday, August 16, 2021, at 1:30 p.m.

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 Low. This designation calls for a mix of relatively low-density housing and easily accessed neighborhood commercial services. Compatibility will be achieved through gradual increases of intensity transitioning from one land use to another. This allows for the property owner to continue to provide services for a non-profit animal rescue organization for Midlander's.

This request meets all requirements of a specific use permit without term for a Kennel; therefore, staff recommends approval of the Specific Use Designation without Term for a kennel, subject to Conditions A through F.

Conditions:

A. That the use and development of this property as a kennel shall significantly conform to the site plan, which is attached hereto as Exhibit "A" and incorporated herein.

B. That all animals may be boarded 24 hours per day, seven days per week, 365 days per year.

C. That all pet waste generated on the premises shall be properly disposed of in a pet waste disposal system.

D. **That the owner of the property shall confirm that each dog on the property is being kept, harbored or maintained in compliance with Section 6-2-7 of the City Code. The owner of the property shall not accept a dog for boarding on the property, or allow a dog to be accepted for boarding on the property, without first confirming that keeping, harboring or maintaining the dog will be in compliance with Section 6-2-7 of the City Code.**

E. **That all necessary permits, inspections and approvals shall be obtained from the Building Official and the Fire Marshal prior to occupancy under the terms of this ordinance.**

F. **That the City Manager, in the City Manager's sole discretion, or the City Council, in the City Council's sole discretion, may revoke this permit if the owner of the property fails to comply with any provision of this ordinance.**

Letters of Objection:

As of August 11, 2021, staff has not received any letters of objections.

Attachments:

Site Plan (Exhibit A)
Application
Maps

MIDLAND
Planning Division

Specific Use Designation Application (Non-Alcohol)

Case Number: _____

Ord. Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Barbara French		Phone (432) 352-8287 Email lssfa4200@gmail.com	
Address 5512 Carmel Ct	City Midland	State TX	Zip 79707

Property Owner Printed Name: Dolores McCall		Phone (432) 683-5662 Email doloresmccall@dlmccall.com	
Address 2608 W Dengar	City Midland	State TX	Zip 79705

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

Type of Permit:	*For Office Use Only* ☐ with Term ☒ without Term

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

Street Address: 4200 N Fairgrounds Road, Midland, TX 79705

Legal Description
Lot: Block: Subdivision: Ruckus Addition

Current Zoning:

Maximum Floor Area:	**Maximum Occupancy:**

Proposed hours and days of use or operation: 8 a.m. til 5 p.m. 7 days per week.

Reason for request: In conjunction with rezoning application (Regional Retail), to build and improve facilities at Lone Star Sanctuary for Animals.

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: Lone Star Sanctuary has been in operation at this location for 22 years and it strives to improve the community through rescuing homeless dogs and cats and educating the community about proper animal care.

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): Barbara French	Date: 7-21-2021
Applicant (printed): Barbara French	
Property Owner (signature): Dolores McCall	Date: 7-21-2021
Property Owner (printed): Dolores McCall	

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared BARBARA FRENCH who, being by me duly sworn, upon oath says: That (s)he is authorized by Dolores McCall, 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.

Barbara French
Authorized Agent (*signature*)

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

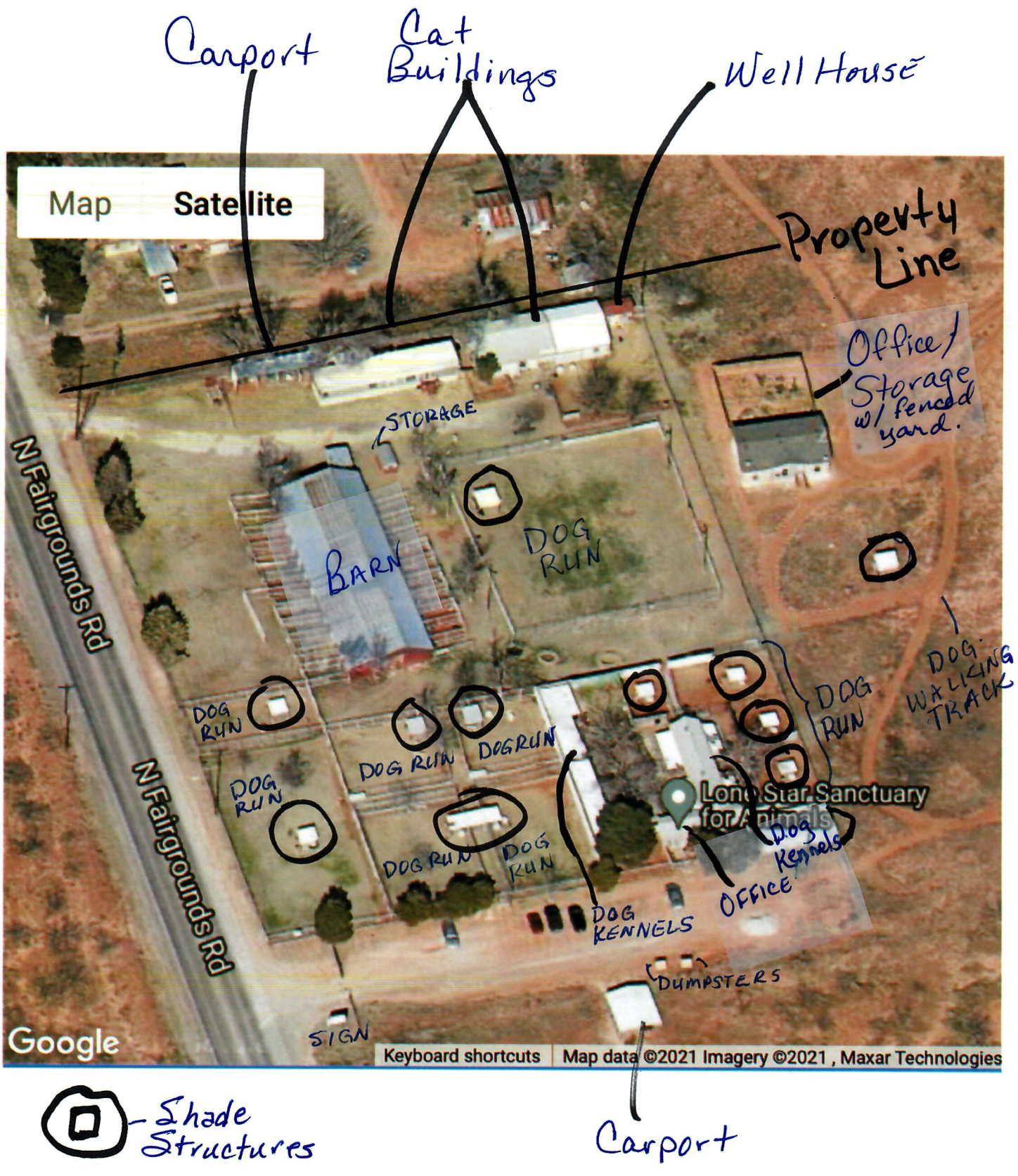
NOTARY PUBLIC STATE OF TEXAS
Walter Chandler Tate
My Commission Expires
01/30/2023
ID No. 131872990

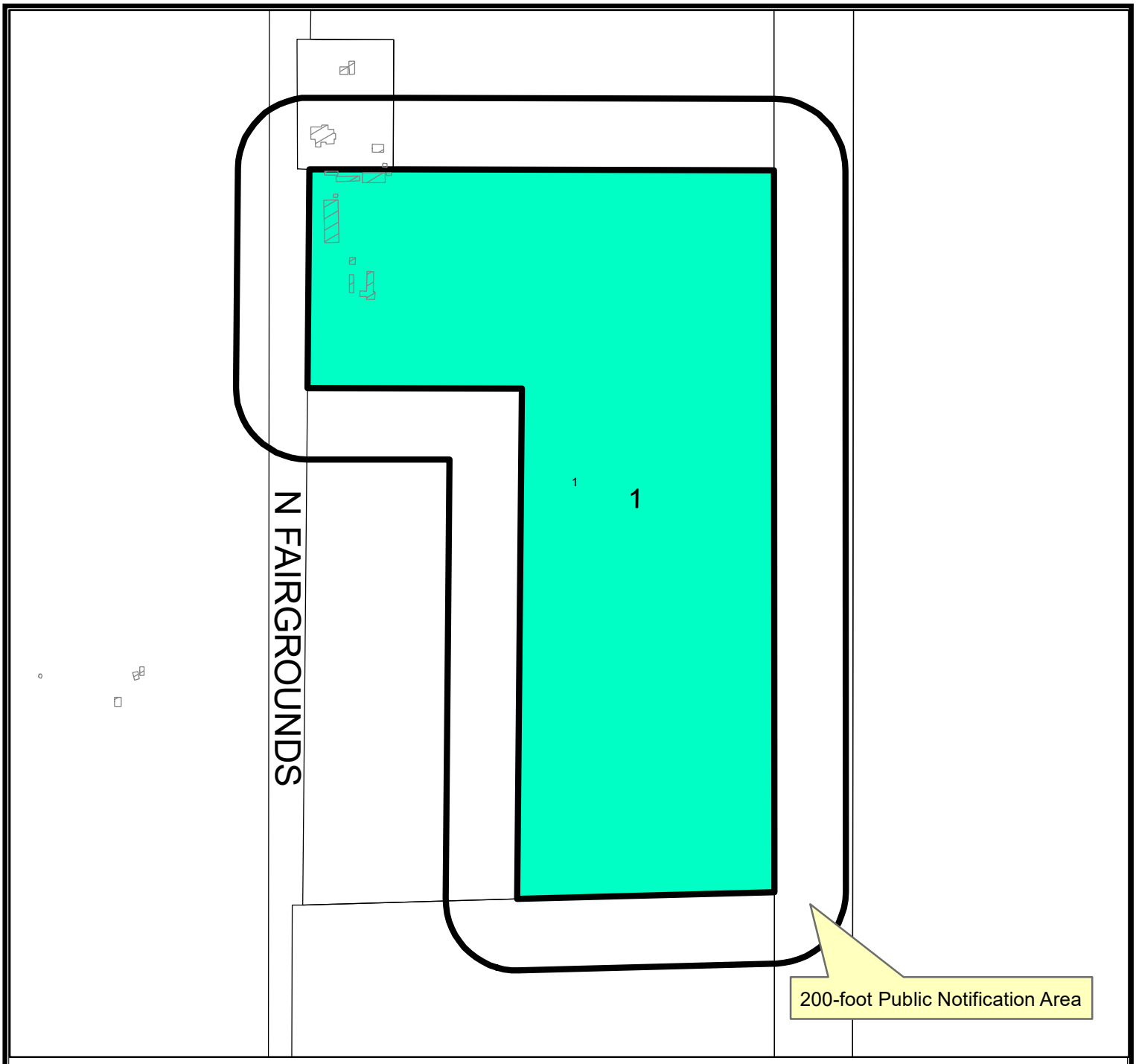
Walter Chandler Tate
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

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

Lonestar Sanctuary for Animals
Vacant
N FAIRGROUNDS
SHANKS
CYNTHIA
<Null>


Carport
Cat Buildings
Well House
Map
Satellite
Property Line
Office/ Storage w/ fenced yard.
STORAGE
BARN
DOG RUN
N Fairgrounds Rd
N Fairgrounds Rd
DOG RUN
DOG RUN
DOGRUN
DOG RUN
DOG RUN
DOG RUN
DOG RUN
DOG WALKING TRACK
Lone Star Sanctuary for Animals
Dog Kennels
OFFICE
DOG KENNELS
DUMPSTERS
SIGN
Google
Keyboard shortcuts
Map data ©2021 Imagery ©2021 , Maxar Technologies
Shade Structures
Carport



LOCATION MAP

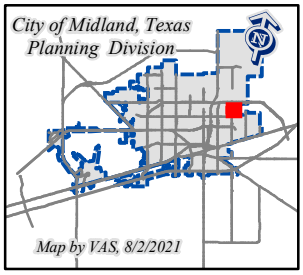
SUDwo-21-0023 **Scale: 1" = 400'**

Consider a request by Barbara French for a Specific Use Destination, without term, to allow for the construction of future animal sanctuary facilities, on Lot 1, Block 1, Ruckus Addition, City and County of Midland, Texas.

Generally located on the east side of Fairgrounds Road, approximately 1,899-feet south of E. Loop 250 North. (Council District 2)

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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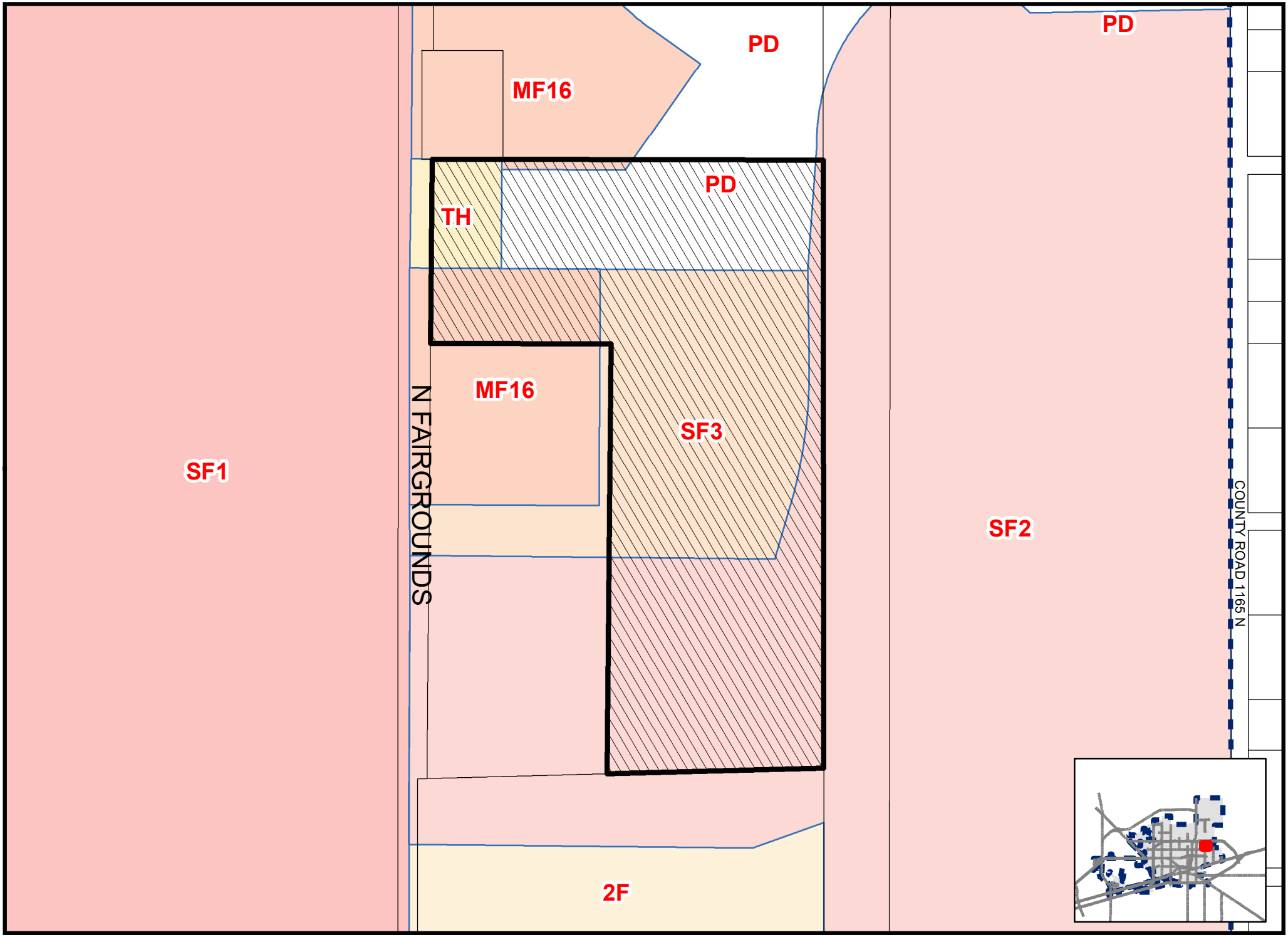
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By VAS, 8/2/2021 PACKET **SKETwo-21-0023** **Scale: 1" = 200'** **ZONING MAP** Page 11.107 August 16, 2021

WARNING

Lone Star Sanctuary For Animals
"Saving and Changing Lives"
4200 North Fairgrounds Road
(432) 563-7287

Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaugnessy

MEETING DATE: **August 16, 2021**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Valerie A. Sherman, Senior Planner**

SUBJECT: **Hold a public hearing and consider a request by Guadalupe Zarate for a zone change from MF-22, Multi-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 5, Block 39, Greenwood Addition, City and County of Midland, Texas. (Generally located on the west side of S. Benton Street, approximately 162 feet north of E. California Avenue. (Council District 2) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Guadalupe Zarate, is requesting a zone change from MF-22, Multiple-family dwelling District, to SF-3, Single-Family Dwelling District, for the construction of a new single-family residence.

Current Zoning:

MF-22, Multi-Family Dwelling District.

Departmental Review:

Surrounding Zoning and Land Use:

The property to the north is zoned SF-3, Single-Family Dwelling District, and the location of a vacant lot. The properties to the east, south, and west are zoned MF-22, Multiple-Family Dwelling District, and the location of a single-family residence and vacant land, respectively.

Analysis:

The property is located at 708 South Benton Street and is currently vacant. The applicant, Guadalupe Zarate, is requesting this zone change to allow for the construction of a single-family residence on the property. The current zoning of this property is MF-22, Multiple-Family Dwelling District. Per the previous zoning ordinance, single-family detached dwellings were

allowed within this zoning district. As of July 1, 2019, the new zoning ordinance does not allow the use of single-family detached dwellings within the MF-22, Multiple-Family Dwelling District. The property meets the minimum lot size requirements for the SF-3, Single Family Dwelling District.

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

Fire: (Approved)

No comments.

Building: (Approved)

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

Engineering: (Approved)

No objection to zone change.

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

Code: (Approved)

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

Transportation: (Approved)

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

No objection to zone change.

Planning:

This proposed development fits with Chapter 3, An Integrated Land Use Vision, Future Land Use Map of the Tall City Tomorrow comprehensive plan as this area calls for Urban Medium uses. This designation serves to connect commercial, office, and mixed-use areas with residential uses. Therefore, the construction of single family housing at this location is in conformance with the recommendations of the Tall City Tomorrow plan as it provides for the integration of uses. It would also support the existing neighborhood characteristics and uses of the area.

Staff recommends approval of this zone change from MF-22, Multiple-Family Dwelling District, to SF-3, Single-Family Dwelling District, subject to condition A.

Condition:

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

Letters of Objection:

Staff has not received any letters of objection as of August 11, 2021.

Attachments:

Site Plan (Exhibit A)
Application
Maps

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-21-0253

Case Number:

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

Property Owner Printed Name: Guadalupe Zarate		Phone (432) 349-0746 Email zarate66@gmail	
Address 4102 Amistad Dr.	City Midland	State TX	Zip 79707

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

Street Address: 708 S. Benton

Legal Description
Lot: 50 Block: 39 Subdivision: Greenwood Addn.

Current Zoning: MF22

Proposed Zone: SF3
(List by tracts if more than one district is requested)

Reason for Zone Change Request: Residential build

Present Use of Property: Vacant

Proposed Use of Property: New Family home

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

Describe how conditions affecting the property have changed since present zoning designation: residential not allowed in MF22

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
JUL 19 2021
BY: DK

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): Guadalupe Zamora	Date: 7-19-21
Property Owner (printed) :	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

- ☒ Property Owner Authorization
- ☒ Application Fee
- ☐ Dimensioned Site Plan
- ☐ Plans in Digital Format (PDF/JPEG)

Check # 2123

Received By:

Date: RECEIVED JUL 19 2021

BY: .....

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

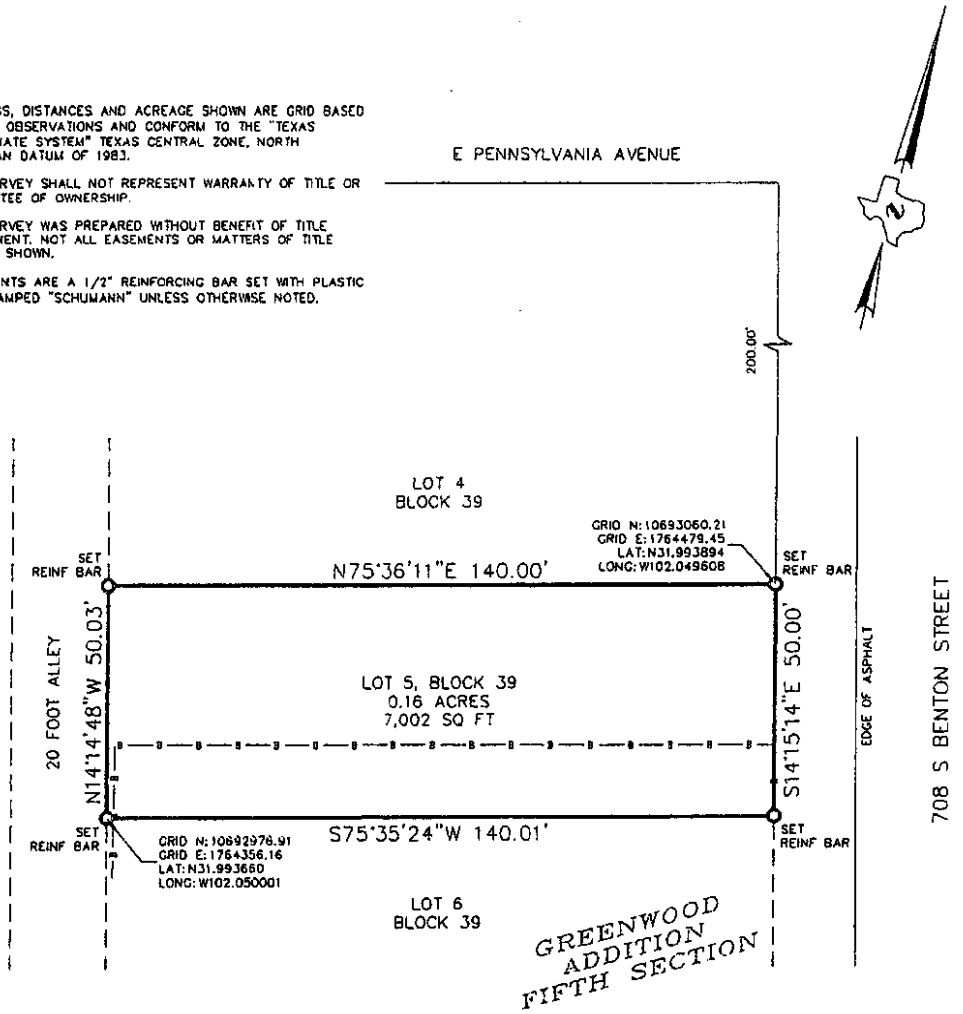
NOTES:

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

THIS SURVEY SHALL NOT REPRESENT WARRANTY OF TITLE OR GUARANTEE OF OWNERSHIP.

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

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



Surveyor Certification

TO THE LIENHOLDERS, MARIA L CUETO DE FLORES

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

DATED THIS 9TH DAY OF SEPTEMBER, 2020

RJ DAUM
TEXAS RPLS 4828

SCHUMANN
ENGINEERING CO.
A LATERAL LAND COMPANY
CIVIL ENGINEERING - LAND SURVEYING
TEXAS FIRM No. F1880 - TEXAS FIRM No. 10149500
600 N. MARIENFELD STREET SUITE 100
MIDLAND, TEXAS 79701
Office (432) 684-5548

SURVEY

LOT 5

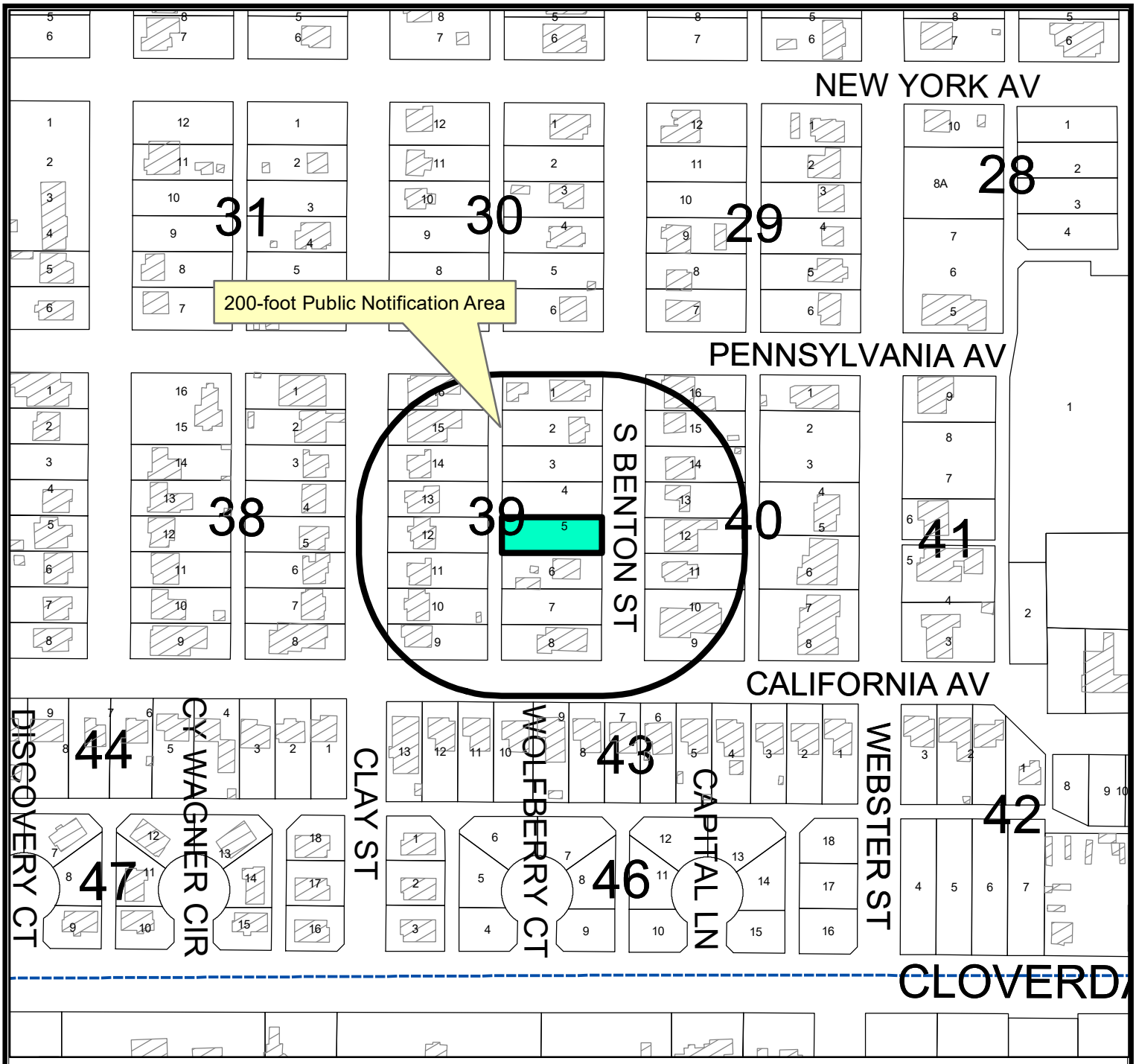
BLOCK 39

GREENWOOD ADDITION

AN ADDITION TO THE CITY OF MIDLAND, AS PER DEED OF RECORD IN VOLUME 180, PAGE 187, DEED RECORDS, MIDLAND COUNTY, TEXAS

SCALE: 1" = 30'

PROJECT: 77640
JOB NO.: 77640



LOCATION MAP

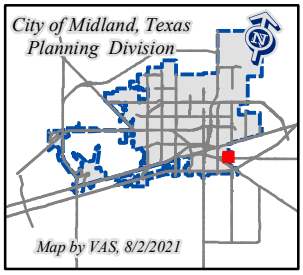
Z-21-0253 **Scale: 1" = 200'**

Consider a request by Guadalupe Zarate for a zone change from MF-22, Multiple-Family Dwelling District, to SF-3, Single-Family Dwelling District on Lot 5, Block 39, Greenwood Addition, City and County of Midland, Texas.

Generally located on the west side of S. Benton Street, approximately 162 feet north of E. California Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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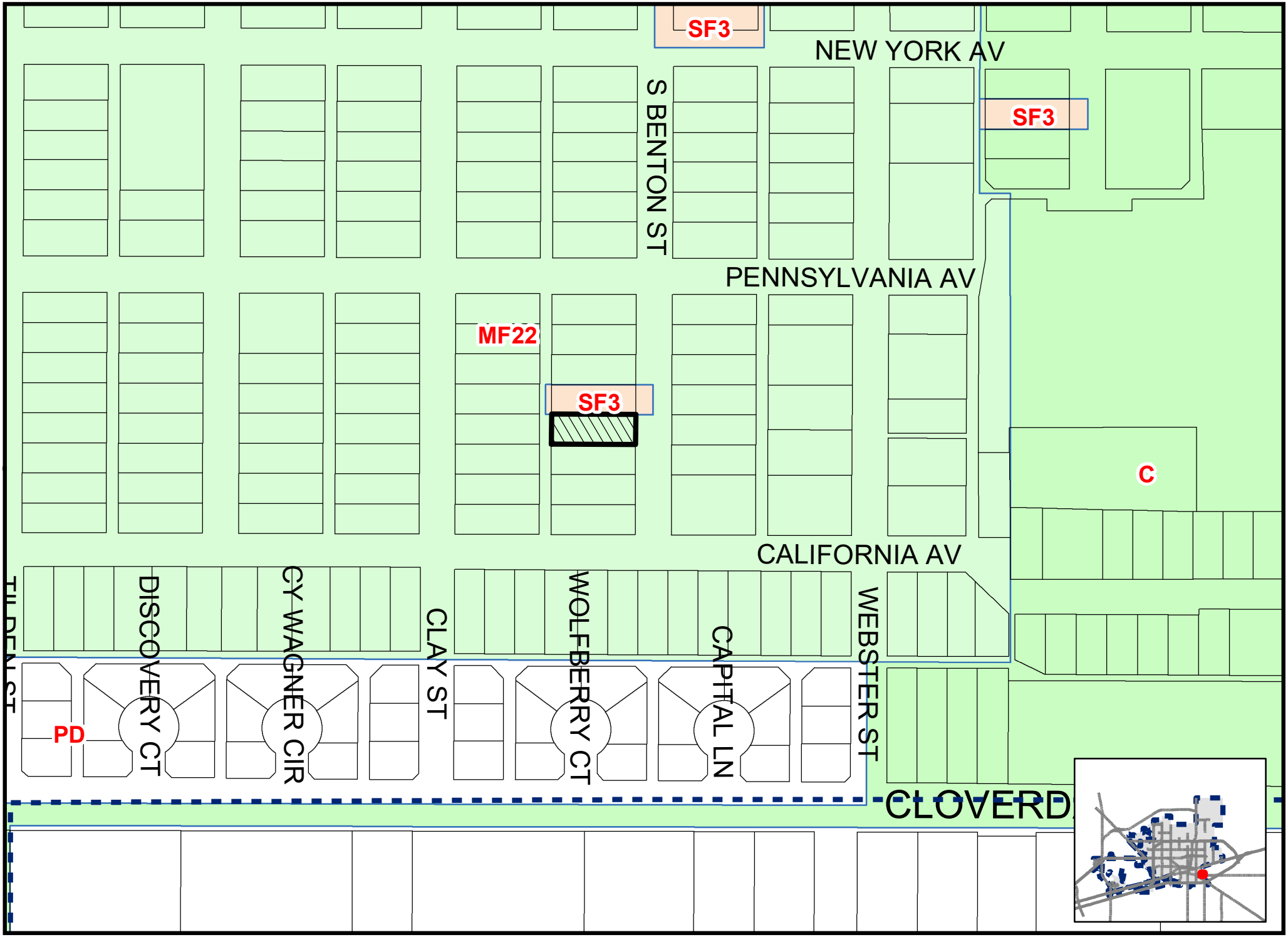
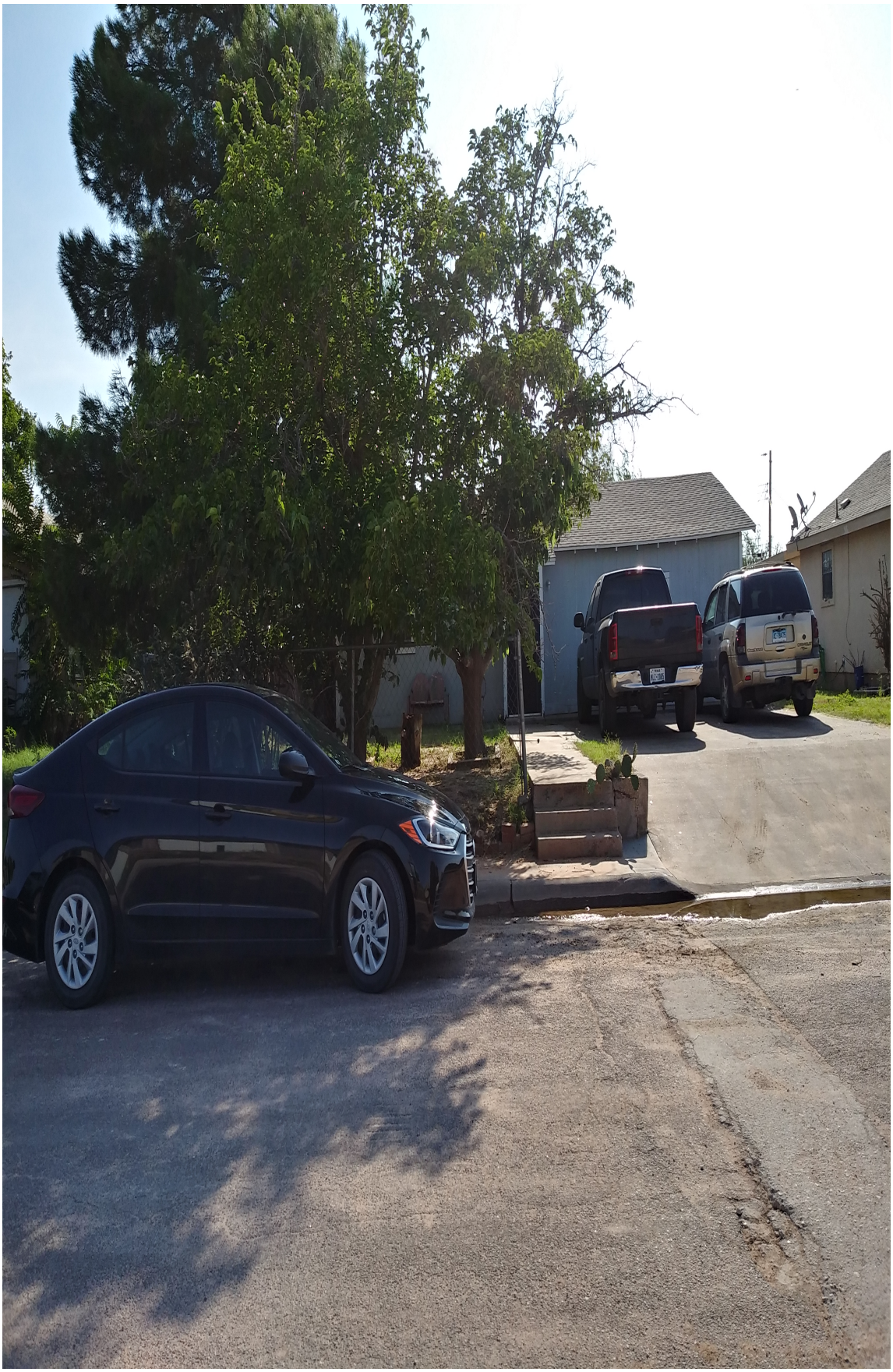


Map By VAS, 8/2/2021 PACKET Scale: 1" = 200' **ZONING MAP** August 16, 2021

CONTRACT PENDING
Robin Martin
432-853-5452
HKD-2951



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: August 16, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Kelly Martinez, Planner

SUBJECT: Hold a public hearing and consider a request by Lee Sanchez, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a cocktail lounge, on a 1,081 square foot portion of all Block 64, Original Town, City and County of Midland, Texas. (Generally located on the southwest corner of W. Wall Street and S. Colorado Street. Council District 2) (DEVELOPMENT SERVICES) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

CB, Central Business District

Details of Request:

The applicant, Lee Sanchez, is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a cocktail lounge located in the basement of 303 W. Wall Street.

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are all zoned CB, Central Business District and the locations of office buildings.

Analysis:

The applicant, Lee Sanchez, is requesting a Specific Use Designation to be able to sell all alcoholic beverages for on premises consumption, within a cocktail lounge. The property is zoned CB, Central Business District, which allows for the sale and on-

premises consumption of alcoholic beverages with the approval of a Specific Use Designation.

SIP Haus is currently not in operation and does not have a specific use designation for the sale of all alcoholic beverages. The floor plan attached hereto as “Exhibit A” illustrates that the establishment will have a total square footage of 1,081 square feet, with an alcohol serviceable area of 850 square feet.

The proposed hours of operation are:

Monday through Sunday from 8:00 a.m. to 12:00 a.m. (midnight)

The applicant is requesting alcohol service hours as the following:

Monday through Sunday from 11:00 a.m. to 12:00 a.m. (midnight)

Per Midland City Code 5.4.4. –Prohibited place of business

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

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

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

Fire: (Approved)

No objections.

Engineering: (Approved)

No objections.

Transportation: (Approved)

No objection to zone change.

Building Code: (Approved)

No objection. Previous occupancy for the BOA Basement Cafe amounts to 46. If any construction is to occur, apply for the necessary permits.

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) SIP Haus will create a vibrant atmosphere where residents can socialize and enjoy alcoholic beverages.

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 cocktail lounge, subject to Conditions A through G.

Conditions:

A. **That the alcohol serviceable area of the cocktail lounge shall be limited to approximately 850 square feet as shown in Exhibits "A", which is attached hereto and incorporated herein for all purposes.**

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

Monday through Sunday from 11:00 a.m. to 12:00 a.m. (midnight)

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

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

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

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

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

Letters of Objection:

As of August 11, 2020, staff has not received any letters of objection.

Attachments:

Application
Floor Plan (Exhibit A)
Maps

MIDLAND Planning Division

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

Project Number: SUD-21-0112

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Lee Sanchez		Phone (432) 853-5659 Email Lee@Sculpt-Haus.com	
Address: 5105 King Richards Row	City: Midland	State: TX	Zip: 79707
Property Owner Printed Name: Franklin Mountain Permian II LP Jamil Gallagher		Phone (915) 504-7087 Email Jgallagher@FMMEP.com	
Address: 201 E Main St 1615	City: El Paso	State: TX	Zip: 79901
Representative *(if different from Applicant or Property Owner)* Firm: Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 303 W Wall ST 90 (Basement) Midland TX 79701

Business Name: Sip Haus LLC

Legal Description
Lot: 13-18 Block: 64 Subdivision:

Current Zoning: Commercial

Reason for Request: Cocktail Lounge / TABC licensurse

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: Cocktail Lounge

Proposed/Current Days and Hours of Operation: ~~Tuesday~~ Monday - Sunday 8a - Midnight

Proposed Days and Hours of Alcohol Service: Tues - Sunday 4pm - 12am ~~Saturday/Sunday 12pm - 5pm~~ Mon-Sun 11am - midnight ↑updated hours

Total Square Footage of Business: 1081

Square Footage of Alcohol Serviceable Area: 850

Restroom Fixtures: *Men*	**Toilets/Urinals:** 1/0	**Bathroom Sinks:**	
Women	**Toilets:**	**Bathroom Sinks:**	

1 unisex restroom ADA Compliant - 1 sink 1 toilet in common area.

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: 7/1/2021
Applicant (printed): Lee Sanchez	DocuSigned by:	
Property Owner (signature):	Jamie Gallagher 5227DE9206CC43D...	Date: 7/1/2021
Property Owner (printed): Jamie Gallagher		

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 Lee Sanchez who, being by me duly sworn, upon oath says: That (s)he is authorized by Jamie Gallagher 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, 2021, to certify which witness my hand and seal of office.

PIPPI G ESPINOZA
Notary ID #130125755
My Commission Expires
February 20, 2023

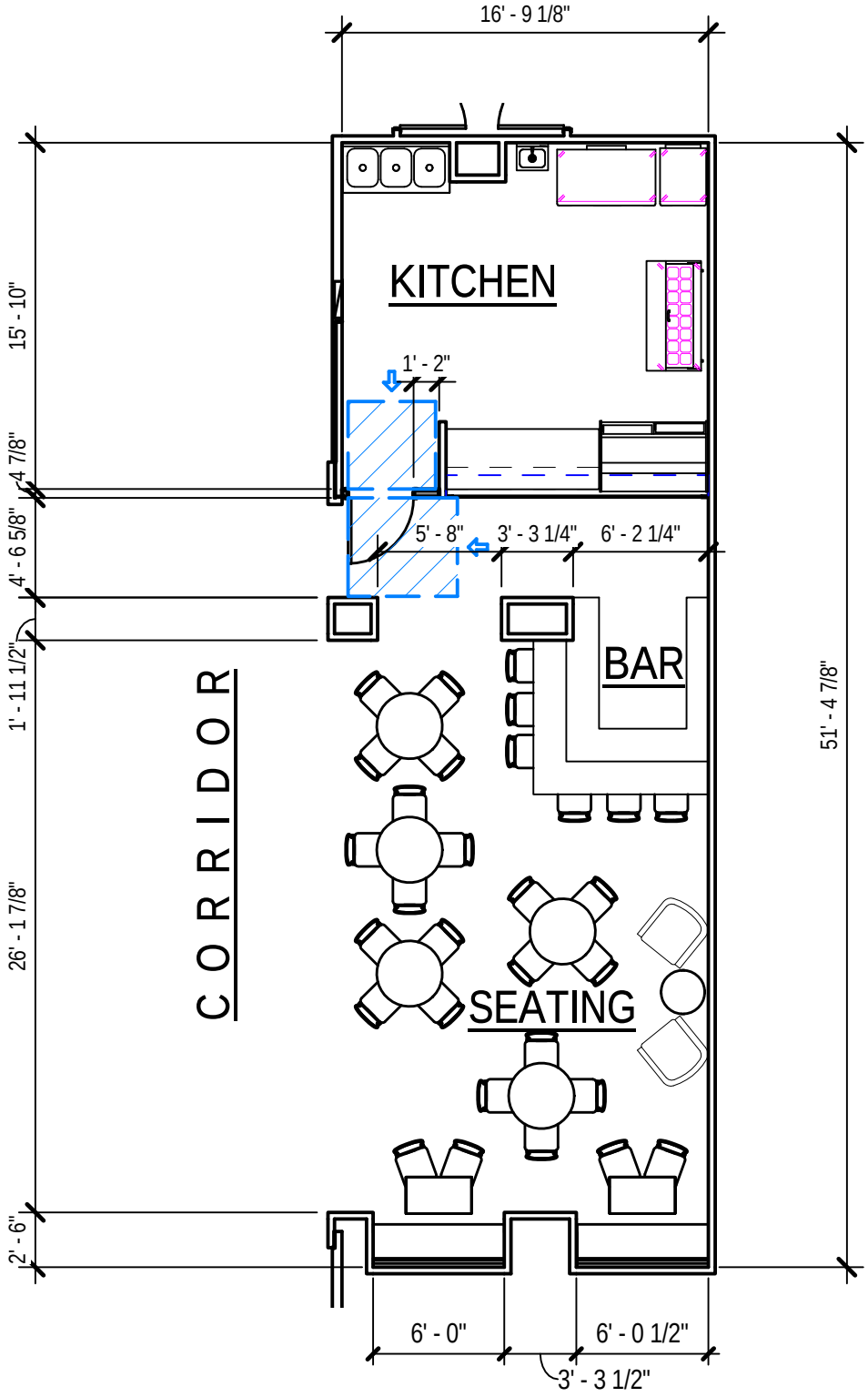
Pippi G. Espinoza

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 # Credit Card	☑ Plans in Digital Format (PDF/JPEG)
Received By: Emailed	Date: 7/29/21

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



FLOOR PLAN - BASEMENT CAFE

1/8" = 1'-0"

VANDERGRIFF GROUP

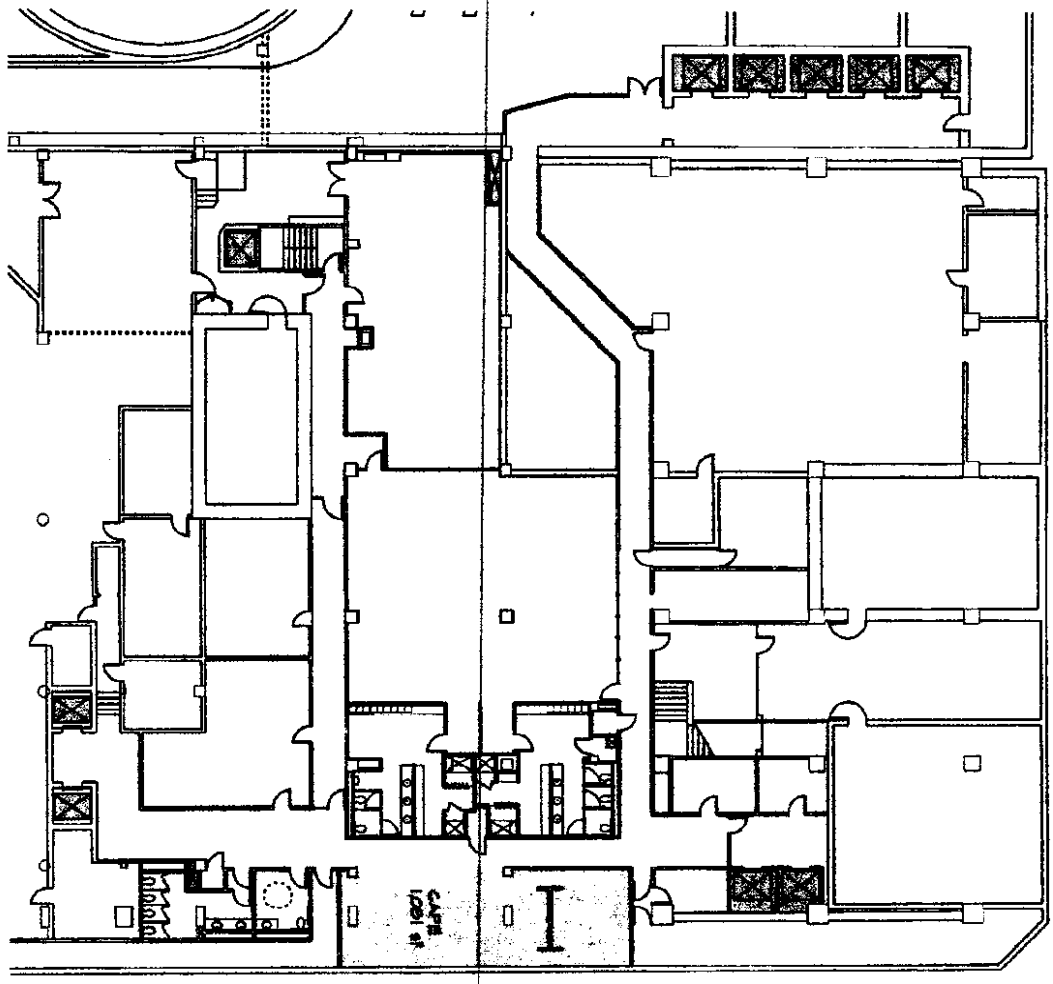
ARCHITECTS • PC

312 N. BIG SPRING SUITE 100 (432)687-0781 MIDLAND, TEXAS

© Copyright 2021 Vandergriff Group Architects PC

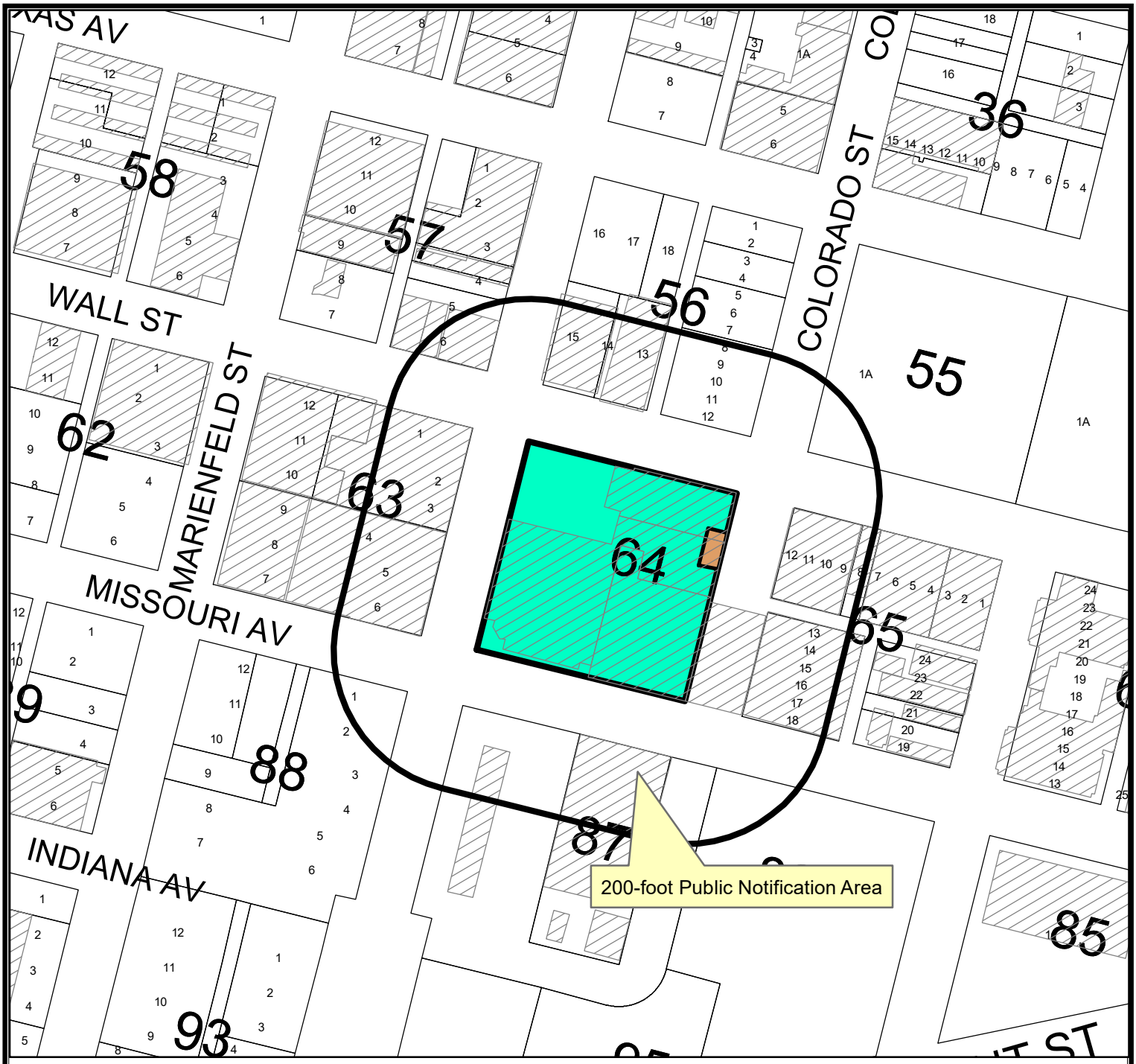
Restroom location

LOWER LEVEL FLOOR PLAN



Restroom

BOA LL | BANK OF AMERICA LOWER LEVEL PLAN SCALE: 1/32" = 1'-0" | 14107 | BOA MIDLAND AQUISITION | EDMONDS International USA



LOCATION MAP

SUD-21-0112 **Scale: 1" = 200'**

Consider a request by Lee Sanchez for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a cocktail lounge, on a 1,081 square foot portion of all Block 64, Original Town, City and County of Midland, Texas.

Generally located on the southwest corner of W. Wall Street and S. Colorado Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS

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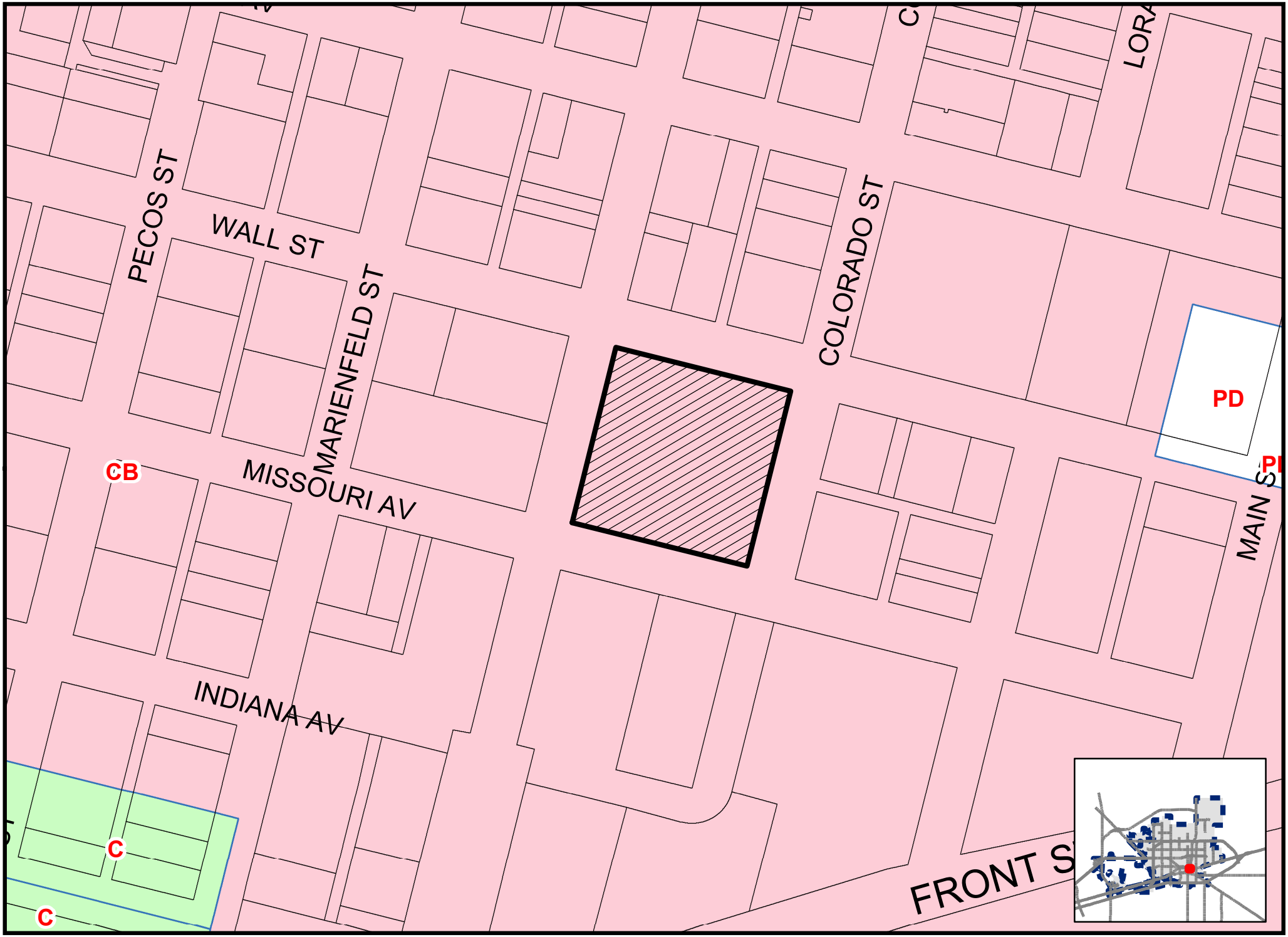
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.

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



Map By KM, 08/03/2021

PACKET

SKD-21-0112

Scale: 1" = 200'

ZONING MAP

August 16, 2021

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COLORADO ST
CENTENNIAL PARK

MIDLAND
CHAMBER
OF COMMERCE
303 WEST WALL

Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: August 16, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Kelly Martinez, Planner

SUBJECT: Hold a public hearing and consider a request by Hook and Reel Midland LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 4,774 square foot portion of Lot 1, Block 1, Mesa Verde, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Neely Avenue and N. Midland Drive. Council District 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

RR, Regional Retail District

Surrounding Zoning and Land Use:

The properties to the north are zoned RR, Regional Retail District and MF-16, Multi-Family Dwelling District and the locations of an apartment complex, a car wash, and a liquor store. The property to the east is zoned MF-16, Multi-Family Dwelling District and the location of an apartment complex. The properties to the south and west are zoned SF-2, Single-Family Dwelling District and the location of residential homes.

Analysis:

Hook and Reel Midland LLC is requesting a Specific Use Designation to be able to sell all alcoholic beverages for on premises consumption, within a restaurant. The property is zoned RR, Regional Retail District, which allows for the sale and on-premises consumption of alcoholic beverages with the approval of a Specific Use Designation.

Hook and Reel Cajun Seafood and Bar is currently not in operation and does not have a specific use designation for the sale of all alcoholic beverages. The floor plan attached hereto as “Exhibit A” illustrates that the establishment will have a total square footage of 4,744 square feet, with an alcohol serviceable area of 3,600 square feet.

The proposed hours of operation are:

Monday through Sunday from 11:00 a.m. to 9:00 p.m.

The applicant is requesting alcohol service hours as the following:

Monday through Friday from 11:00 a.m. to 9:00 p.m., and
Saturday through Sunday from 12:00 p.m. (noon) to 5:00 p.m.

Per Midland City Code 5.4.4. –Prohibited place of business

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

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

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

Fire: (Approved)

No objections.

Engineering: (Approved)

No objection.

Transportation: (Approved)

No objection to zone change

Building Code: (Approved)

The SUD for Hook and Reel is acceptable. The property must adhere to the current maximum occupant load of 240. 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) Hook and Reel Cajun Seafood and Bar is an establishment that promotes a positive environment where Midland residents can gather and socialize.

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 G.

Conditions:

A. **That the alcohol serviceable area of the restaurant shall be limited to approximately 3,600 square feet as shown in Exhibits "A", which is attached hereto and incorporated herein for all purposes.**

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

   Monday through Friday from 11:00 a.m. to 9:00 p.m.
   Saturday through Sunday from 12:00 p.m. (noon) to 5:00 p.m.

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

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

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

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

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

Letters of Objection:

As of August 11, 2020, staff has not received any letters of objection.

Attachments:

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

MIDLAND
Planning Division

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

Project Number: _____

Case Number: SUD-21-0111

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Hook and Reel Midland LLC		Phone (432 312-7210 Email LSingh@Ad.com	
Address 2215 N Midland Dr. ste 2A	City Midland	State TX	Zip 79707
Property Owner Printed Name: Gordon Mesa Verde, LLC		Phone (832) 900-2270 Email INFO@gordonpartners.com	
Address c/o Gordon Partners 4900 Woodway Dr #1125	City Houston	State TX	Zip 77056
Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name: Xu Shen		Phone (214 799-9838 Email Bangni@ymail.com	
Address 2037 Camelot Dr.	City Allen	State TX	Zip 75013

Street Address: 2215 N Midland Dr. #2A, Midland TX 79707

Business Name: Hook and Reel Cajun Seafood and Bar

Legal Description
Lot: 1 Block: 1 Subdivision: Mesa Verde

Current Zoning: RR Regional Retail

Reason for Request: to sell alcohol

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

Proposed/Current Days and Hours of Operation:
M - Su 11:00 am - 9:00 pm

Proposed Days and Hours of Alcohol Service:
M - F. 11:00 am - 9:00 pm. Sat Sun 12:00 - 5:00 pm

Total Square Footage of Business: 4,774 square feet

Square Footage of Alcohol Serviceable Area: 3600 square feet

Restroom Fixtures:	*Men*	**Toilets/Urinals:**	1	**Bathroom Sinks:**	1
	Women	**Toilets:**	1	**Bathroom Sinks:**	1

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: 7/12/2021
Applicant (printed): Hook and Rod Midland LLC	
Property Owner (signature):	Date: 7/12/2021
Property Owner (printed): Gordon/Mesa Verde, LLC	

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 XING LIN who, being by me duly sworn, upon oath says: That (s)he is authorized by Gordon Mesa Verde, 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 13 day of July, 20 21, to certify which witness my hand and seal of office.

MIRNA A. GRANADOS
Notary Public, State of Texas
Comm. Expires 04-07-2024
Notary ID 130610784

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

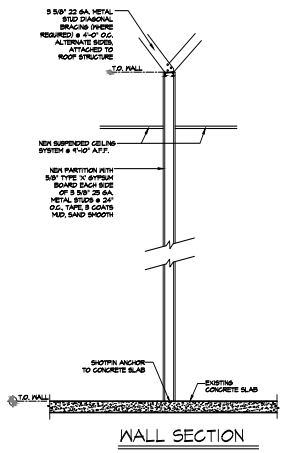
****Application will not be considered for scheduling until reviewed by a planner.****

FOR OFFICE USE ONLY	
☑ Property Owner Authorization	☑ Dimensioned Floor Plan
☑ Application Fee	☑ Site Plan
Check # 2176	☐ Plans in Digital Format (PDF/JPEG) ✓ missing will send later
Received By: KM	Date: JUL 13 2021

RECEIVED
BY: KM

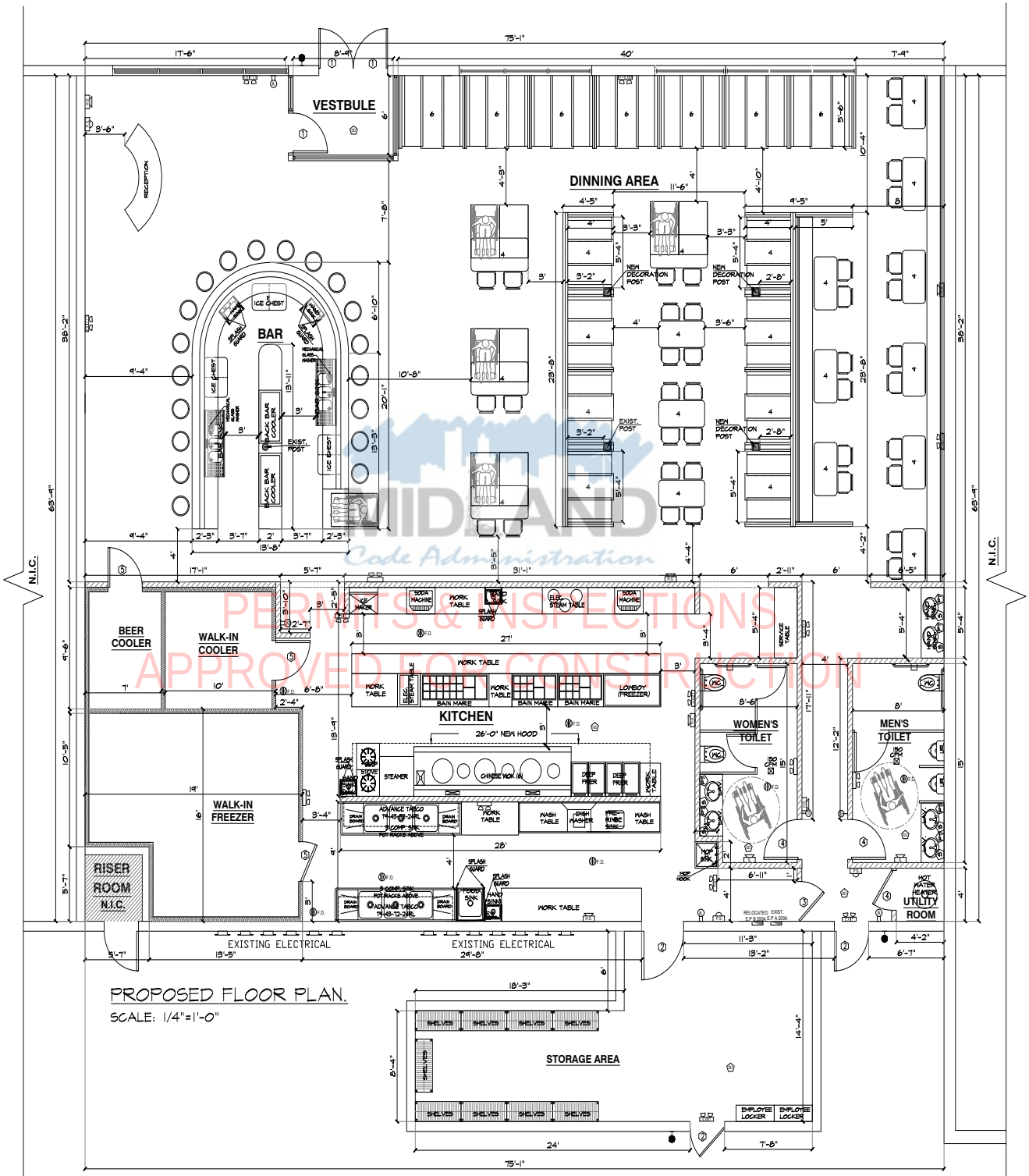
****Application will not be considered for scheduling until reviewed by a planner.****

LEGEND	
SYMBOL	DESCRIPTION
	EXISTING WALL OR PARTITION TO REMAIN
	NEW 1 HR. PARTITION UL. U404, 3 5/8" 25 GA. METAL STUDS @16" O.C. WITH 5/8" GYPSUM BOARD EACH SIDE TO 10'-0" A.F.F., TAPE, 3 COATS MUD, SAND SMOOTH, PAINT.
	EXISTING STOREFRONT TO REMAIN
	NEW PARTITION WITH 5/8" TYPE 'X' GYPSUM BOARD EACH SIDE OF 3 5/8" 25 GA. METAL STUDS @ 24" O.C.
	EXTERIOR DISCHARGE LIGHTING WITH BATTERY BACK-UP
	PORTABLE FIRE EXTINGUISHER, 10LB. TYPE K @48" A.F.F. MAX.
	ABC PORTABLE EXTINGUISHER, 10LB. @ 48" A.F.F. MAX.
	TACTILE SYMBOL
E.P.	ELECTRICAL PANEL
	EXIT SIGN WITH BATTERY BACKUP & EMERGENCY LIGHT, WIRE TO LOCAL LIGHTING CIRCUIT (EXISTING OR NEW)
	EMERGENCY LIGHT WITH BATTERY BACKUP, WIRE TO LOCAL LIGHTING CIRCUIT (EXISTING OR NEW)
HD	HEAT DETECTOR
SD	SMOKE DETECTOR
S	SOAP DISPENSER
P	RECESSED PAPER TOWEL DISPENSER & WASTE RECEPTACLE
F.D.	FLOOR DRAIN
F.S.	FIRE SUPPRESSION PULL STATION MOUNTED @ 44" A.F.F.
H.S.	HORN & STROBE
S	STROBE



WALL SECTION

SCALE: 1/2" = 1' - 0"



PROPOSED FLOOR PLAN.

SCALE: 1/4"=1'-0"

MIDLAND Code Administration
PERMITS & INSPECTIONS
APPROVED FOR CONSTRUCTION

Frank D. Mileto AIA
Architect-Professional Planner
14 BEAVER BROOK DRIVE
LONG VALLEY, N.J. 07853
TEL: (908) 876-9400
FAX: (908) 876-9455

JD DESIGN ASSOCIATES INC.
2 ALLEN STREET, SUITE 4H, N.Y 10002
TEL: (212) 966-7828 FAX: (646) 863-5112

These drawings shall be used for the specific project location indicated within the Title Block, and shall not BE USED AT ANY OTHER LOCATION.

PROJECT :

PROPOSED RESTAURANT

2215 MIDLAND DR
MIDLAND, TX 79707

DISTRICT	SECTION	BLOCK	LOT

PRO. NO. : 04921

DATE	4/2/2021
SCALE	AS NOTED
DRWN BY	D.J
CHKD BY	

FLOOR PLAN & DETAILS

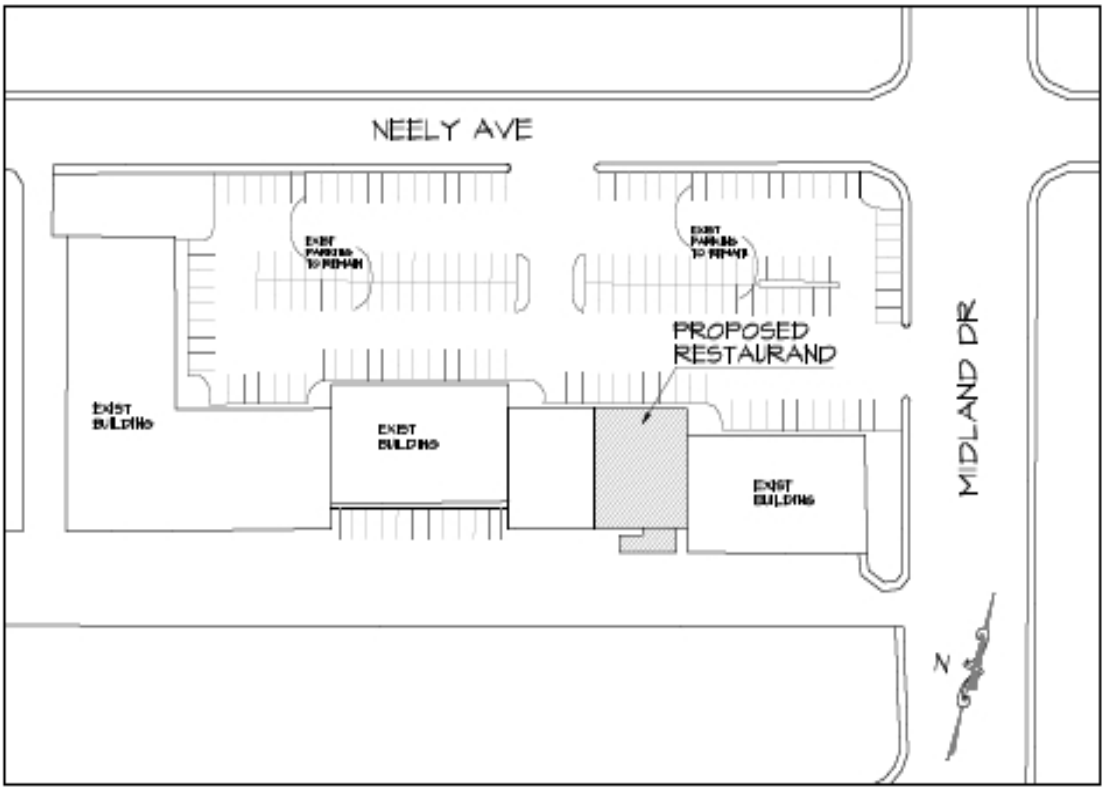
NO.	REVISIONS	DATE

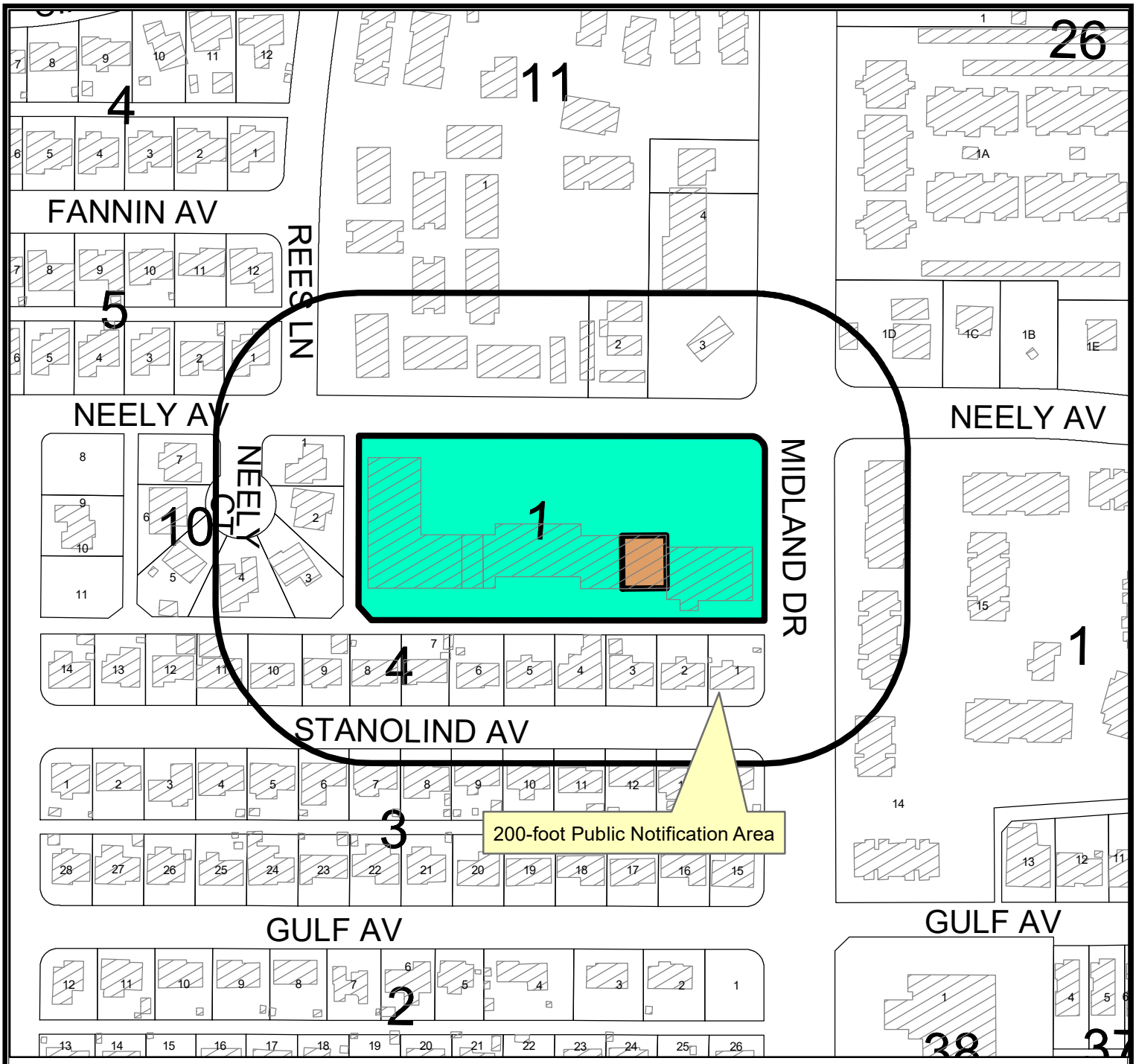
SEAL & SIGNATURE :

REGISTERED ARCHITECT FRANK D. MILETO 18782 STATE OF TEXAS

REF. NO. : JD-02221

DWG NO. : A-1-0


NEELY AVE
EXIST PARKING TO REMAIN
EXIST PARKING TO REMAIN
PROPOSED RESTAURAND
EXIST BUILDING
EXIST BUILDING
EXIST BUILDING
MIDLAND DR
N



LOCATION MAP

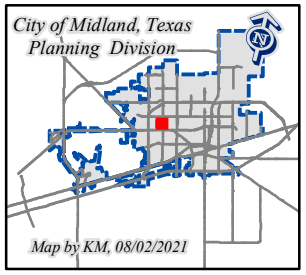
SUD-21-0111 **Scale: 1" = 200'**

Consider a request by Hook and Reel Midland LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 4,774 square foot portion of Lot 1, Block 1, Mesa Verde, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of Neely Avenue and N. Midland Drive. (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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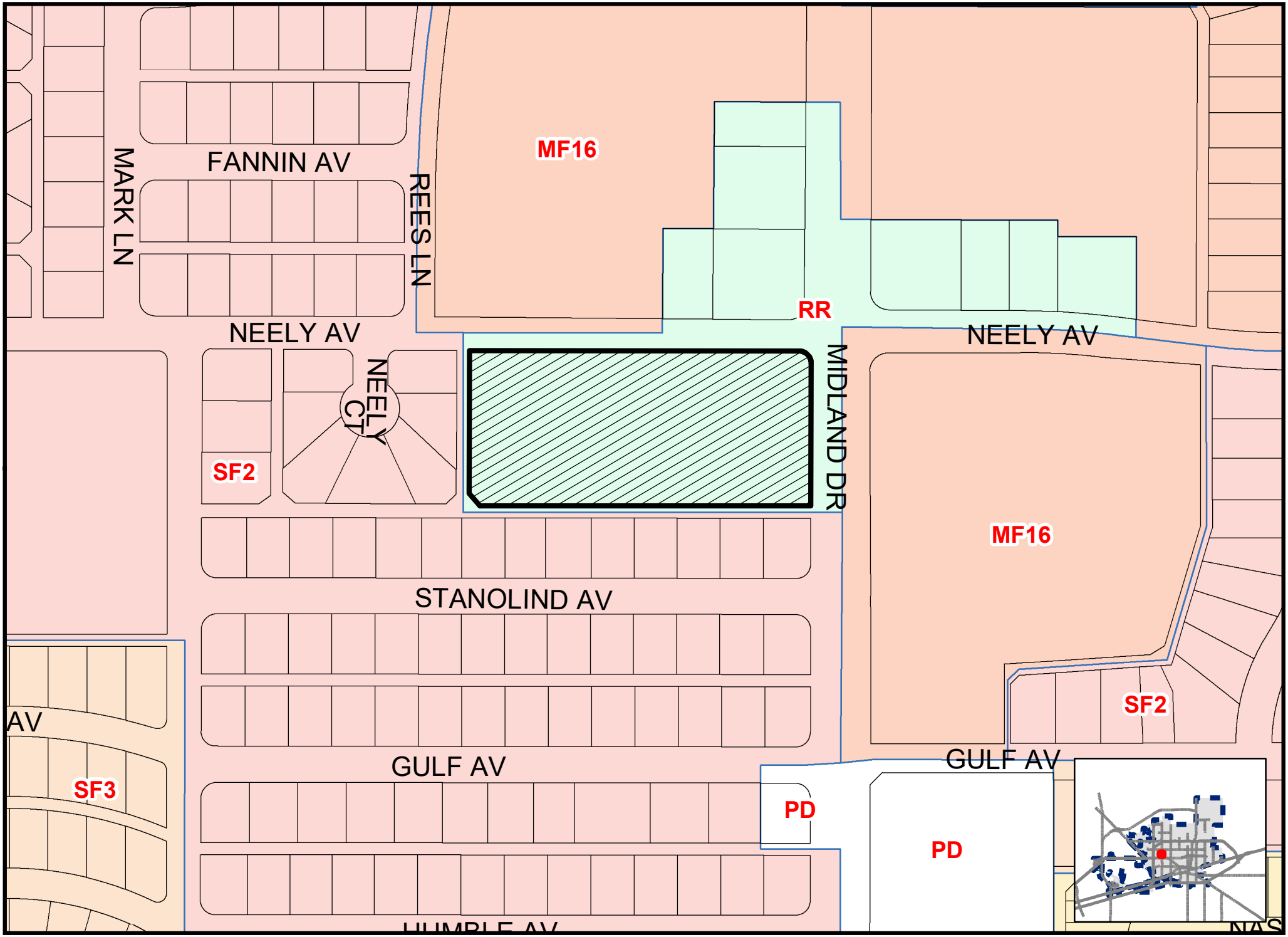

Map By KM, 07/26/2021 PACKET SKD-21-0111 Scale: 1" = 200' Page 14.147

ZONING MAP

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August 16, 2021

SHERWIN-WILLIAMS PAINTS

AVAILABLE
RESTAURANT SPACE
2,000 SF - 4,500 SF
(832) 937-5900
G
GORDON PARTNERS

SUPERCUTS
MASSAGE
NAILS & SPA

Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: August 16, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Kelly Martinez, Planner

SUBJECT: Hold a public hearing and consider a request by Jorge Chavez for a zone change from C, Commercial District to SF-3, Single-Family Dwelling District on Lot 5, Block 8, Greenwood Addition, Section 2, City and County of Midland, Texas. (Generally located on the west side of S. Stonewall Street, approximately 90-feet north of Kentucky Avenue. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

C, Commercial District

Purpose:

The applicant, Jorge Chavez is requesting to rezone the property located at 308 S. Stonewall Street to allow for the construction of a residential home.

Surrounding Zoning and Land Use:

The properties to the north, east, and south are zoned C, Commercial District, and the locations of vacant lots. The property to the west is zoned RR, Regional Retail District and the location of a vacant lot.

Analysis:

The applicant, Jorge Chavez, is requesting to rezone the property from C, Commercial District to SF-3, Single-Family Dwelling District, to allow for the construction of a residential home. Per the previous zoning code, the current zoning district would have allowed for the construction of single-family homes. Under the new zoning code adopted in 2019, residential uses became more specific to single-family zoning districts. This

property meets the minimum lot size requirements for the SF-3, Single-Family Dwelling District.

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

Fire: (Approved)

No objections.

Building: (Approved)

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

Engineering: (Approved)

No objection to zone change.

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

Code: (Approved)

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

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 request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, “Future Land Use Map” as it designates this area for urban residential-medium, a classification which calls for a mix of housing types, including single-family, two-family dwelling, and townhouse. This zone change will provide additional housing for residents of the City of Midland.

Therefore, staff recommends approval of this zone change from C, Commercial District to SF-3, Single-Family Dwelling District, subject to condition A.

Conditions:

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

Letters of Objection:

Staff has not received any letters of objection as of August 11, 2021.

Attachments:

Application
Maps

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-21-0251

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Jorge Chavez		Phone (432) 889-7005 Email jjorgecchavezz@gmail.com	
Address 714 N. Calhan St.	City Midland	State TX	Zip 79701

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

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

Street Address: 308 S. Stonewall

Legal Description
Lot: 5 Block: 8 Subdivision: Greenwood Add.

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

Reason for Zone Change Request: To residential

Present Use of Property: Vacant

Proposed Use of Property: New build

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

Describe how conditions affecting the property have changed since present zoning designation: None

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
JUL 14 2021
BY: .....

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): Jorge Chavez	Date: 07-14-2021
Property Owner (printed) :	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

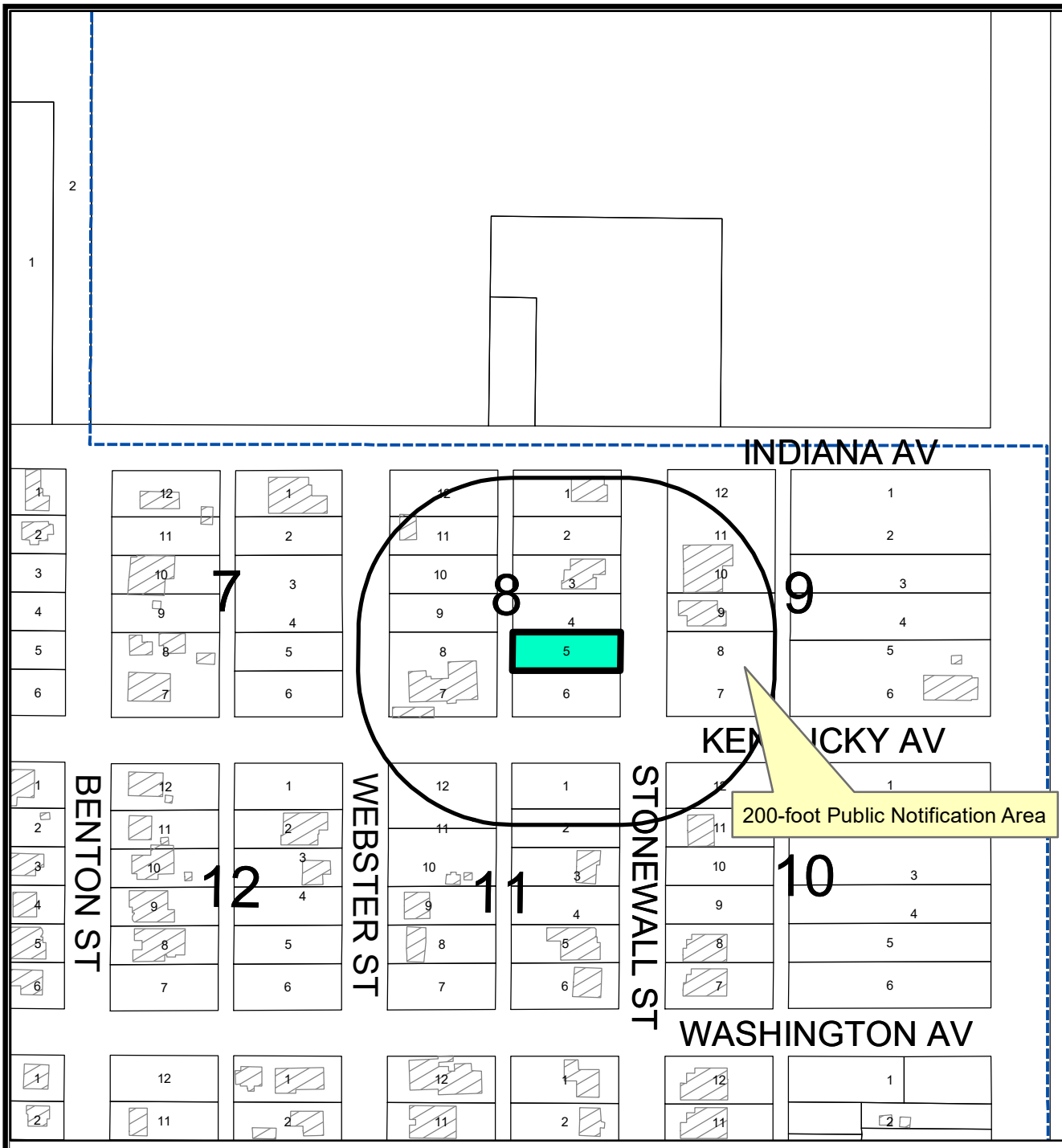
☑ Property Owner Authorization
☑ Application Fee
Check # #1473

☐ Dimensioned Site Plan
☐ Plans in Digital Format (PDF, JPEG)

RECEIVED
JUL 14 2021
BY:

Received By: _____ Date: _____

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



LOCATION MAP

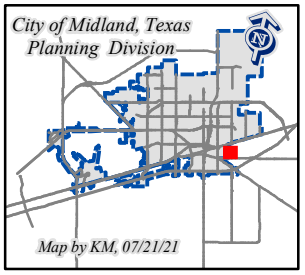
Z-21-0251 **Scale: 1" = 200'**

Consider a request by Jorge Chavez for a zone change from C, Commercial District to SF-3, Single-Family Dwelling District on Lot 5, Block 8, Greenwood Addition, Section 2, City and County of Midland, Texas.

Generally located on the west side of S. Stonewall Street, approximately 90-feet north of Kentucky Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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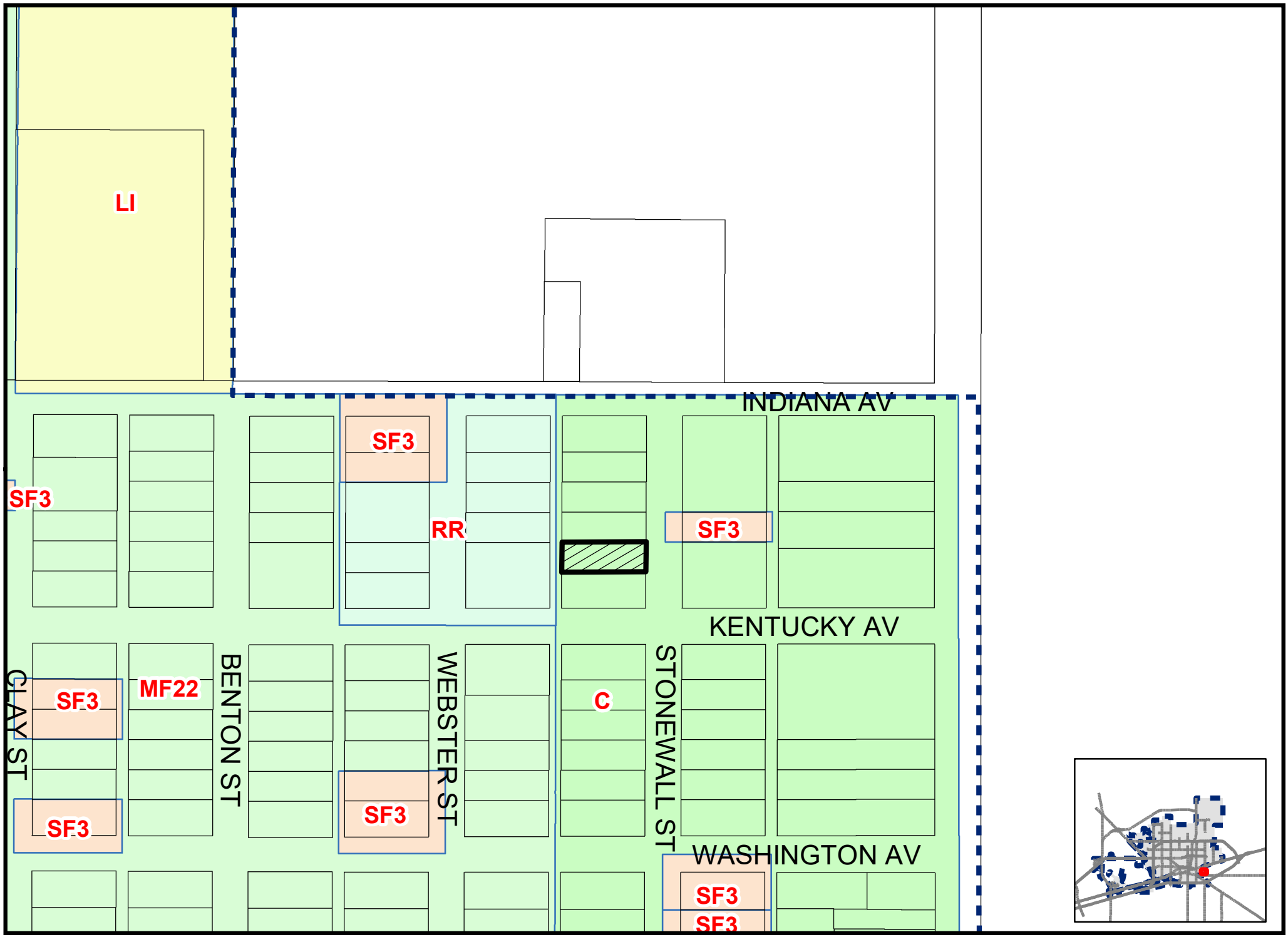

Map By KM, 07/21/2021

PACKET Z-21-0251

Scale: 1" = 200'

ZONING MAP

Page 15.158

Aug 16, 2021

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