

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

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION
PACKET
July 6, 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/81352039965>

Or One tap mobile :

US: +13462487799,,81352039965# or +16699006833,,81352039965#

Or Telephone:

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

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

Webinar ID: 813 5203 9965

International numbers available: <https://us02web.zoom.us/j/81352039965>

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

June 21, 2021.

3. Consider a proposed Final Plat of Original Town, Section 20, being a replat of the middle 50 feet of the northeast quarter of Block 74, Original Town, City and County of Midland, Texas. (Generally located on the west side of S. Jefferson Street, approximately 70 feet south of E. Wall Street. Council District 2) (DEVELOPMENT SERVICES)
4. Consider a proposed Final Plat of TSC Development, being a plat of a 9.92-acres tract of land located in Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of N. State Highway 349 and Tejas. Council District 1) (DEVELOPMENT SERVICES)
5. Consider a proposed Final Plat of Riverbend Addition, Section 2, being a plat of a 0.989-acre tract of land located in Section 31, Block 38, T-1-S. T&P RR Co. Survey, City and County of Midland, Texas. (Generally located southeast of the intersection of Maple Avenue and North Fairgrounds Road. Council District 2) (DEVELOPMENT SERVICES)
6. Consider a proposed Preliminary Plat of Original Town, Section 23, being a replat of Lot 1, Block 79, Original Town, and a 0.032-acre portion of previously vacated East Missouri Avenue right-of-way located adjacent to said lot, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of E. Missouri Avenue and S. Mineola Street. Council District 2) (DEVELOPMENT SERVICES)
7. Consider a proposed Preliminary Plat of Toppel Addition, being a plat of a 6.89-acres tract of land located in Section 16, Block 40, T-2-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the south side of West Interstate 20, approximately 1,430 feet east of South County Road 1270. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

8. Hold a public hearing and consider a proposed Final Plat of The Vineyard Addition, Section 9, being a residential replat of Lots 1, 3, and 4, Block 4, The Vineyard Addition, Section 7, City and County of Midland, Texas. (Generally located on northwest corner of the intersection of Sandstone Drive and Sherwood Drive. Council District 1) (DEVELOPMENT SERVICES)
9. Hold a public hearing and consider a request by SRP Properties, LLP for a Zone Change from AE, Agricultural Estate District to SF-3, Single Family Dwelling District on the northern 0.43 acres portion of Lot 14, Block 1, 349 Ranch Estates, City and County of Midland, Texas. (Generally located on the west side of Shawnee, approximately 175-feet north of Tejas. Council District 1) (DEVELOPMENT SERVICES)
10. Hold a public hearing and consider a request by CBOCS Texas, LLC for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on Lot 8A, Block 27, Wydeewood Estates, Section 29, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of N. Loop 250 West Frontage Road and Preston Drive. Council District 4)(DEVELOPMENT

SERVICES)

11. Hold a public hearing and consider a request by Safe Place of the Permian Basin, for a zone change from SF-1, Single-Family Dwelling District to PD, Planned Development District for an Office Center and Housing Development, on the north half of Tracts 12, 13, and 14, Hillcrest Acres; and Lot 2, Block 3, Hillcrest Acres, Section 10; City and County of Midland, Texas. (Generally located on the south side of Andrews Highway, approximately 170 feet east of Woodcrest Drive. Council District 4) (DEVELOPMENT SERVICES)
12. Hold a public hearing and consider a request by Christopher Sean Elphick for a Specific Use Designation without Term for a Mobile Food Vendor Park, on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of North Big Spring Street and West 250 Loop North. Council District 3) (DEVELOPMENT SERVICES)
13. Hold a public hearing and consider a request by Christopher Sean Elphick for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a mobile food vendor park, on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of North Big Spring Street and West 250 Loop North. Council District 3) (DEVELOPMENT SERVICES)
14. Hold a public hearing and consider a request by Jose Chavez for a zone change from LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lot 2, Block 3, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of N. Madison Street, approximately 97-feet south of South Street. Council District 2) (DEVELOPMENT SERVICES)

MISCELLANEOUS

Cristina Odenborg Burns
Planning Division Manager
Department of Development Services

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



CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION MINUTES
June 21, 2021
Council Chambers – City Hall

The City Council convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:31p.m. on June 21, 2021.

Commissioners present: Karmen Bryant, Reggie Lawrence, Dianne Williams, Lucy Sisniega, Zachary Deck, Emily Holeva

Commissioners absent: Stacy Grosse, Chase Gardaphe

Staff members present: Charles Harrington, Cristina Odenborg Burns, Elizabeth Shaughnessy, Valerie Sherman, Dalia Salinas, Kelly Martinez

OPENING ITEMS

1. Pledge of Allegiance

CONSENT ITEMS

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

The motion passed by the following vote: 6 to 0

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

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

2. Consider a motion approving the Planning and Zoning Commission meeting minutes for June 7, 2021.
3. Consider a reinstatement of an approved Preliminary Plat of West 191 Industrial Park, Section 6, being a plat of a 33.95-acres tract of land located in Section 31, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the north side of State Highway 191, approximately 171-feet east of North Farm-to-Market Road 1788. Council District 4 and ETJ, Extraterritorial Jurisdiction)
4. Consider a proposed Final Plat of West 191 Industrial Park, Section 6, being a plat of a 33.95-acres tract of land located in Section 31, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the north side of State Highway 191, approximately 171-feet east of North Farm-to-Market Road 1788. Council District 4 and Extraterritorial Jurisdiction)
5. Consider a proposed Preliminary Plat of Awbrey Addition, being a plat of a 2.019-acres tract of land located in the NE/4 of Section 9, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of W. Sunglo, approximately 623 feet east of Acapulco Lane/S. County Road 1205. Council District 2)
6. Consider a proposed Final Plat of Moody Addition, Section 13, being a replat of Lots 7 and 8, Block 26, Moody Addition, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of N. Lee Street and E. Wall Street. Council District 2)
7. Consider a proposed Final Plat of Petroplex Addition, being a plat of a 10.00-acres tract of land located in Section 18, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the south side of West County Road 127, approximately 815 feet east of South County Road 1290. Extraterritorial Jurisdiction).

PUBLIC HEARINGS

8. Hold a public hearing and consider a proposed Preliminary Plat of Melody Acres, Section 15, being a residential replat of a 2.814-acres portion of Lot 5A, Block 1, Melody Acres, Section 10, City and County of Midland,

Texas. (Generally located on the north side of Meadowlark Lane, approximately 826-feet east of Oriole Drive. Council District 1)

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

The public hearing was opened at 3:34 p.m.

The applicant was not present.

The public hearing was closed at 3:35 p.m.

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

The motion passed by the following vote: 6 to 0

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

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

9. Hold a public hearing and consider a request by Alamo Heights Homes, LLC for a Zone Change from MF-16, Multiple-Family Dwelling District to SF-3, Single Family Dwelling District on Lots 1 and 2, Block 37, West End Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Indiana Avenue and South E Street. Council District 3)

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

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

The applicant was present but deferred to staff.

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

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

The motion passed by the following vote: 6 to 0

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

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

10. Hold a public hearing and consider a proposed Preliminary Plat of 349 Ranch Estates, Section 23, being a residential replat of the north 0.43-acres portion of Lot 14, Block 1, 349 Ranch Estates, City and County of Midland, Texas (Generally located on the west side of Shawnee, approximately 175-feet north of Tejas. Council District 1)

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

Commissioner Williams asked if the surrounding homes are zoned AE Lots. Senior Planner Elizabeth Shaughnessy explained that many of them are AE; however, they do not meet the 2 acres requirement. Others are zoned SF-3.

Commissioner Lawrence asked when the last time an AE zone was moved down to lower zoning. Planning Manager Cristina Odenborg Burns stated that we had a similar application about a year ago.

Commissioner Lawrence also asked for clarification of the zoning map. Staff deferred to the applicant for clarification.

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

The applicant, Paladin Huckaba with Maverick Engineering, spoke on behalf of the applicant. He gave a summary of the project and answered the question and concerns of the commissioners.

Commissioner Lawrence asked if given approval will there be properties that would do not match with what the city has on record. Planning Manager Cristina Odenborg Burns confirmed that what the applicant provided does not match the city's records but the city records are not 100% accurate or up to date. She insured that at the final plat they will be required to provide a title opinion with the metes and bounds so that it will all match before finalizing. Mr. Huckaba also clarified the differences in the boundaries and explained that the GIS mapping can often not be correct. Mrs. Burns confirmed what Mr. Huckaba stated about the GIS map being incorrect.

Commissioner Williams asked why the rezoning wasn't done before the platting. Mrs. Burns explained that in order to meet the time clock the applicant was allowed to plat first and then rezone.

Director of Development Services Charles Harrington addressed the commissioner to answer some of their questions and concerns.

Commissioner Williams asked if the intent is to correct these lots as they come or all at once.

Mr. Harrington explained that because the process is quite involved, the department is doing the zone changes as they come.

The public hearing was closed at 3:54 p.m.

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

The motion passed by the following vote: 6 to 0

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

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

11. Hold a public hearing and consider a request by D. R. Horton, Inc. for the initial zoning of a 131.190-acres tract of land located in Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of State Highway 158, approximately 1,001 feet north of State Highway 191. Extraterritorial Jurisdiction)

Senior Planner Valerie Sherman gave an overview of the project. With one letter of objection received, staff recommended approval.

The public hearing was opened at 3:57 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 3:57 p.m.

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

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

12. Hold a public hearing and consider a request by Collin and Jayme Tadlock for a zone change from MF-16, Multi-Family Dwelling District to RR, Regional Retail District on a 2.50-acres tract of land located in Section 30, Block 38, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of N. Fairgrounds Road, approximately 1,582-feet south of E. Loop 250 North. 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 4:02 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 4:02 p.m.

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

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

MISCELLANEOUS

With no further items or business to come before the Commission, Chairman Lawrence adjourned the meeting at 4:03 p.m.

Reggie Lawrence, Chairman

Date

Cristina Odenborg Burns, Planning Division Manager
Department of Development Services

Date



Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Valerie A. Sherman, Senior Planner

SUBJECT: Consider a proposed Final Plat of Original Town, Section 20, being a replat of the middle 50 feet of the northeast quarter of Block 74, Original Town, City and County of Midland, Texas. (Generally located on the west side of S. Jefferson Street, approximately 70 feet south of E. Wall Street. Council District 2)
(DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

SF-3, Single-Family Dwelling District.

Preliminary Plat Approval:

The property owner, Imelda Costilla, is proposing to replat the middle 50 feet of the northeast quarter of Block 74, Original Town, City and County of Midland, Texas into one (1) lot to build a residence. The preliminary plat was approved at the May 17, 2021 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 Original Town, Section 20, has been circulated to all City departments for their review. The comments are below.

Engineering: (Approved)

IMPACT FEES: Ok as shown.

ROW: ROW ok as shown.

PAVING: Existing Wall St. and S. Jefferson St are paved to City Standards. No public improvements are required.

WATER: Existing 6-inch water main on alleyway. No public improvements required.

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

PRO RATA: None.

SEWER: Existing 6-inch sewer main on alleyway. No public improvements required.

DRAINAGE: Drainage study not required for development into single-family residences. Development considered in-fill.

EASEMENTS: okay as shown.

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)

No additional comments.

Code Compliance: (Approved)

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

Building: (Approved)

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

Planning: (Approved)

Staff recommends approval of the Final Plat of Original Town, Section 20, subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Map

BEING A REPLAT OF THE MIDDLE 50.00 FEET OF
LOT 1, OUT OF THE NORTHEAST QUARTER OF
BLOCK 74,
ORIGINAL TOWN, IN
THE CITY AND COUNTY OF MIDLAND TEXAS

COUNTY OF MIDLAND

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

WITNESS MY HAND AT MIDLAND, TEXAS, THIS _____ DAY OF _____, 20____.

STATE OF TEXAS:
COUNTY OF MIDLAND:

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

IMELDA COSTILLA CHAVEZ
729 N. CLAY STREET
MIDLAND, TX 79701
jscostilla@yahoo.com



CIVIL ENGINEERING - LAND SURVEYING
 EET TEXAS FIRM No. F1880 - TEXAS FIRM No. 1014950

Office (432) 684-5548

ORIGINAL TOWN SECTION 20

PACKET
Page 3.11
July 6, 2021



Final Plan Application

Project Number: SUB-21-0393
Case Number: P-21-1118

Proposed Subdivision Plat Name: Original Town Section 20

Legal Description (attached sealed Metes and Bounds): BEING A REPLAT OF THE MIDDLE 50.00 FEET OF LOT 1, OUT OF THE NORTHEAST QUARTER OF BLOCK 74, ORIGINAL TOWN, IN THE CITY AND COUNTY OF MIDLAND TEXAS.

Property Owner

Printed Name: Imelda Costilla

Phone 432-894-5431

Email jcostilla@yahoo.com

Address 729 N Clay St

City Midland

State TX

Zip 79701

Developer (if different than
Owner) Printed Name:

Phone ()
Email

Address

City

State

Zip

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

Phone (432) 684-5548

Email
ealeman@schumannonline.net

Address 800 N. Marienfeld Suite 100

City Midland

State TX

Zip 79701

Current Zoning:

Reason for Platting: Home Construction

Plat Information

Total Acreage: 0.16

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 1

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

[Handwritten Signature]

Date: 6-16-21

Property Owner (printed): Imelda Costilla

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.

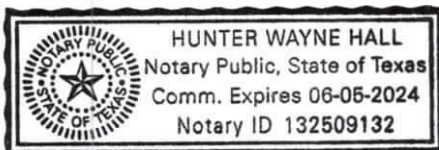
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Ed Aleman who, being by me duly sworn, upon oath says: That (s)he is authorized by Imelda Costilla, 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.

[Handwritten Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 16th day of June, 20 21, to certify which witness my hand and seal of office.

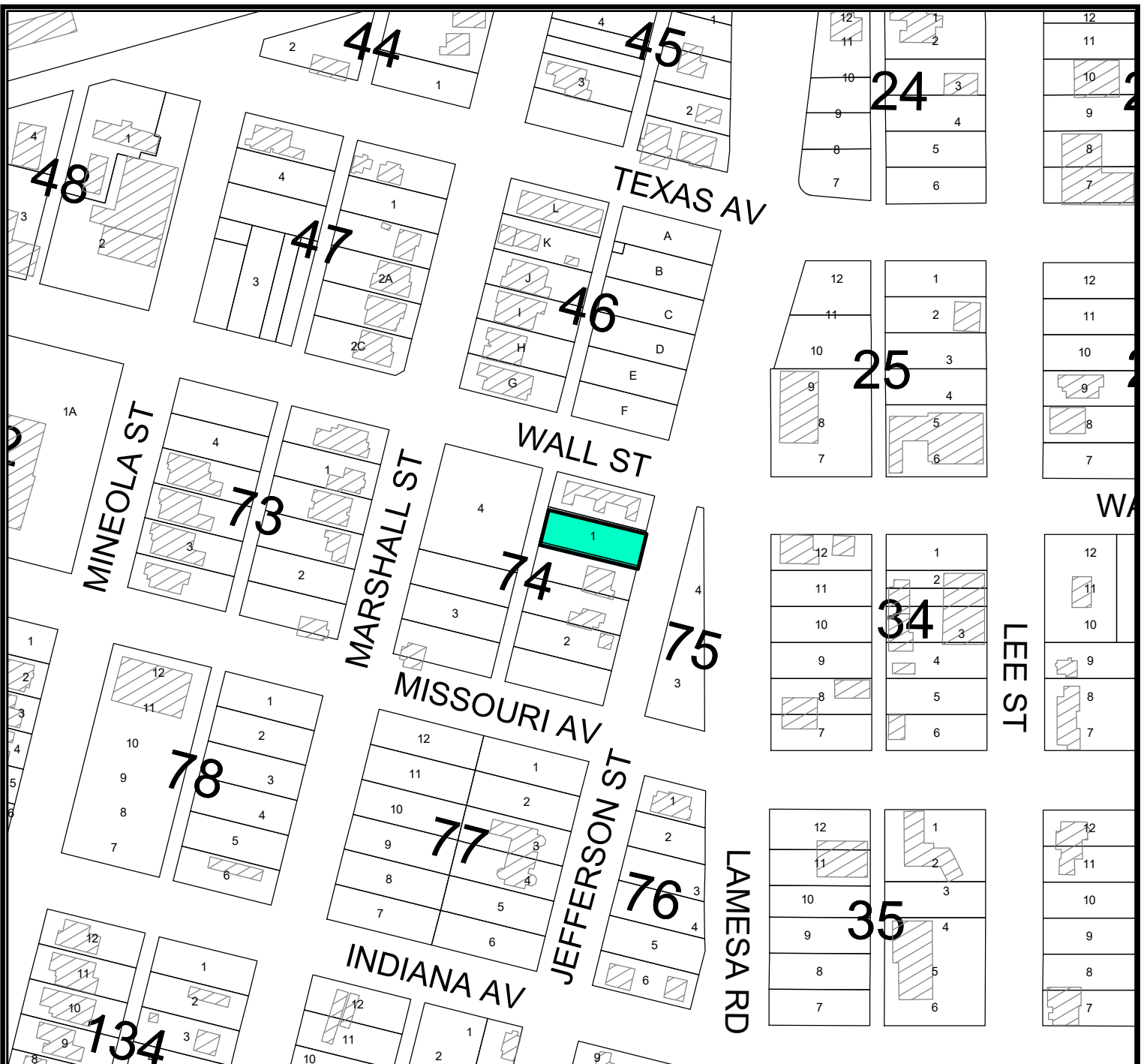


[Handwritten Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

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

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



LOCATION MAP

SUB-21-0393

Scale: 1" = 200'

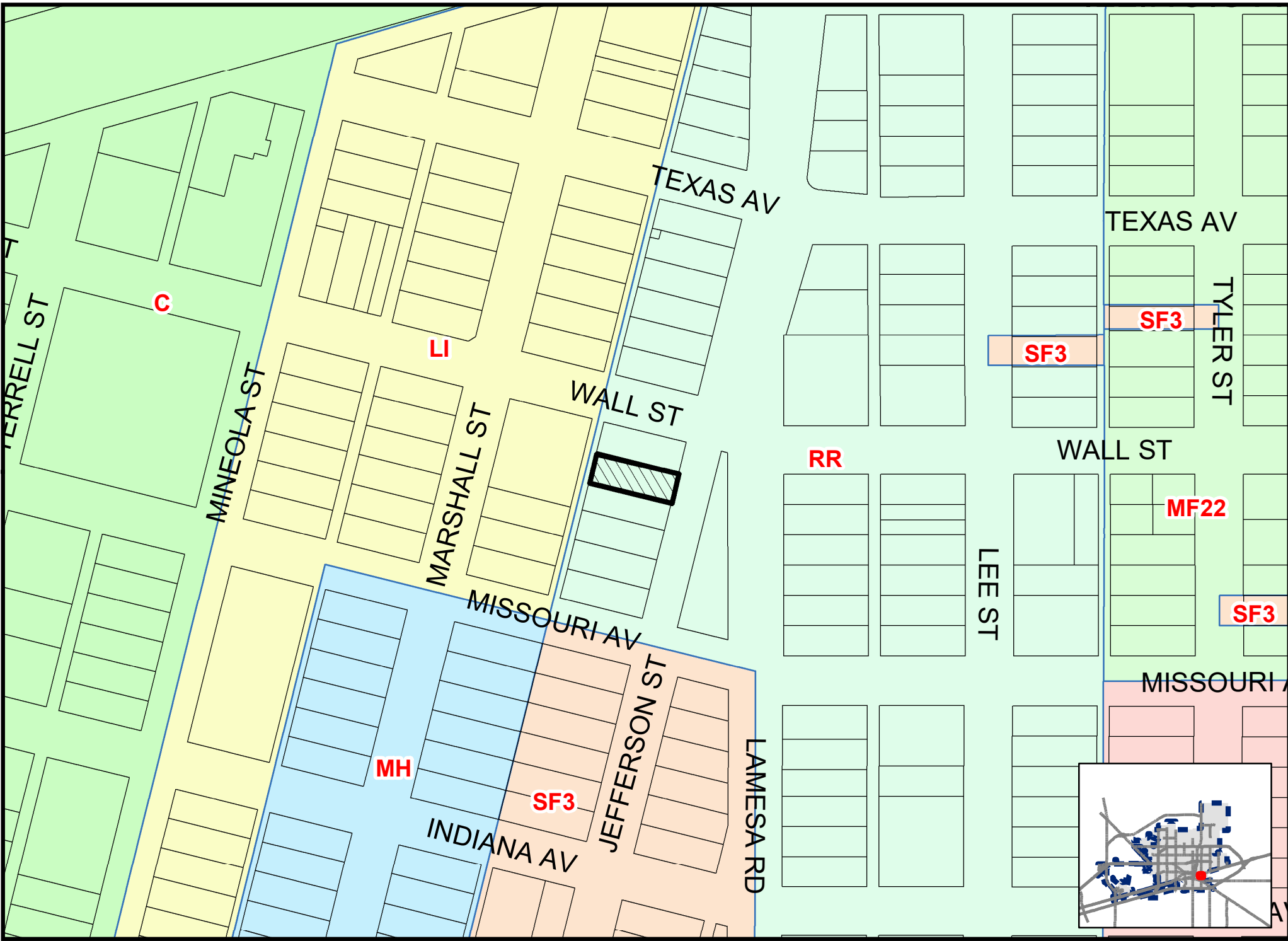
Proposed plat of Original Town, Section 20, being a replat of the middle 50 feet of the northeast quarter of Block 74, Original Town, City and County of Midland, Texas.

Generally located on the west side of S. Jefferson Street, approximately 70 feet south of E. Wall Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Valerie A. Sherman, Senior Planner

SUBJECT: Consider a proposed Final Plat of TSC Development, being a plat of a 9.92-acres tract of land located in Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of N. State Highway 349 and Tejas. Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

PD, Planned Development District for a Shopping Center, with an underlying zoning of RR, Regional Retail District.

Preliminary Plat Approval:

The property owners, Christopher Lewis and Rita Gurgevich, are proposing to plat a 9.92-acres tract of land located in Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, into four (4) lots to develop a shopping center. The preliminary plat was approved at the May 17, 2021 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 TSC Development, 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 okay as shown.

PAVING: HWY 349 is a TxDOT roadway and will be maintained by them. No paving improvements required.

WATER: Plans for public utilities will be submitted during the Commercial Review phase.

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

PRO RATA: None.

SEWER: Sewer existing in HWY 349. No public wastewater improvements are required.

DRAINAGE: Drainage Report approved by City of Midland on 6/22/2021.

EASEMENTS: Okay as shown.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

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

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

No objections to plat.

Fire: (Approved)

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

Code Compliance: (Approved)

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

Building: (Approved)

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

Planning: (Approved)

All department's comments must be addressed as a condition of Final Plat approval.

Staff recommends approval of the Final Plat of TSC Development, subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Map



Final Plat Application

Project Number:

Case Number:

SUB-21-0411
P-21-1108

Proposed Subdivision Plat Name: TSC Development

Legal Description (attached sealed Metes and Bounds): Being a 9.92 acre tract located in Section 11 Block "X". H.P. Hillard Survey Midland County, Texas.

Property Owner

Printed Name: Christopher Lewis And Rita Gurgevich

Phone ()
Email N/A

Address 6401 N. Hwy 349

City Midland

State TX

Zip 79705

Developer (if different than Owner)

Printed Name: Texas NH Management LLC Attn: Mendy Shapiro

Phone ()
Email N/A

Address 3119 Quentin Road

City Brooklyn

State NY

Zip 11234

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

Firm: Landgraf, Crutcher & Associates

Printed Name: LCA

Phone (432) 332-5058
Email

Address 521 N. Texas Avenue

City Odessa

State TX

Zip 79761

Current Zoning: AE (Case submitted to rezone to PD for a shopping center)

Reason for Platting: Ownership purposes, future building permits will be required

Plat Information

Total Acreage: 9.92

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

Number of Residential Lots:

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Date:

Property Owner (printed):

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared George E. Thornley who, being by me duly sworn, upon oath says: That (s)he is authorized by Christopher and Rita Gurgevich, 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.

George E. Thornley
Authorized Agent (signature)

Subscribed and sworn to before me, this 2nd day of June, 20 21, to certify which witness my hand and seal of office.



Melanie Martinez
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY		
☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☒ Mylar	☐ 1 Copy of Plat (11x17)	☐ Public Improvements
☒ Application Fee	☒ Title Opinion	☒ Recording Fee
Check # <u>39146</u>	☒ Tax Certificates	Check # <u>39147</u>
Received By: <u>Joseph Margulies</u>		Date: _____

RECEIVED
JUN 02 2021
 BY: [Signature]

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



LOCATION MAP

SUB-21-0411

Scale: 1" = 200'

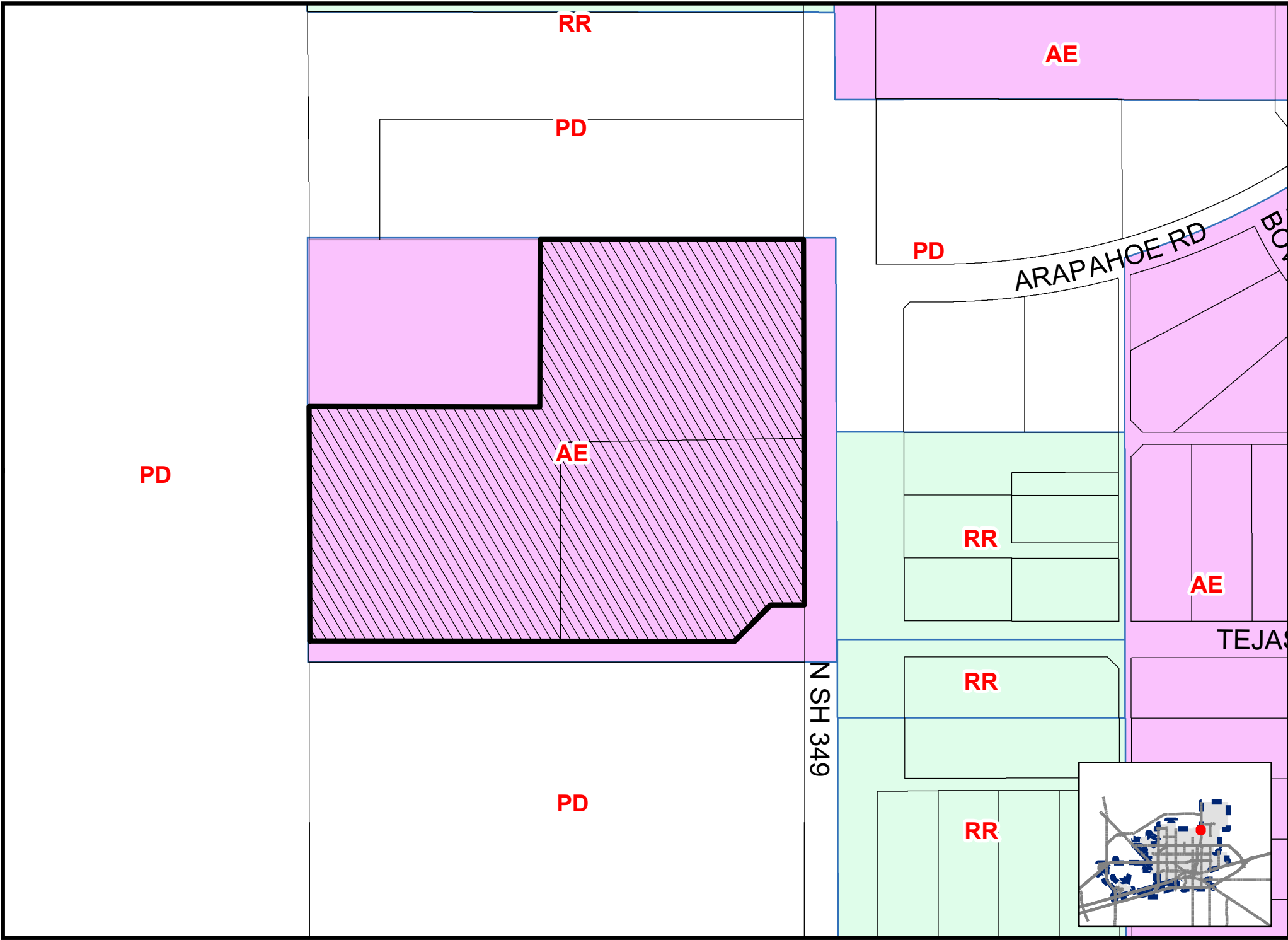
Proposed plat of TSC Development, Section 1, being a replat of a 9.92-acres tract of land located in Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

Generally located on the northwest corner of the intersection of N. State Highway 349 and Tejas. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Joseph Marynak, Planner

SUBJECT: Consider a proposed Final Plat of Riverbend Addition, Section 2, being a plat of a 0.989-acre tract of land located in Section 31, Block 38, T-1-S. T&P RR Co. Survey, City and County of Midland Texas. (Generally located southeast of the intersection of Maple Avenue and North Fairgrounds Road. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

LR, Local Retail District.

Preliminary Plat Approval:

This Preliminary Plat was approved at the May 17, 2021 Planning and Zoning Commission meeting.

Final Plat Requirements:

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

Departmental Review:

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

Below are the departments' comments.

BUILDING CODE: (Approved)

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

ENGINEERING: (Approved)

IMPACT FEES: Impact Fee Statement okay as shown.

ROW: ROW okay as shown

PAVING: Fairgrounds Road is currently paved to City standards. No public paving improvements required.

WATER: Water existing in Fairgrounds Road. 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 1, 2019 - Fire hydrants shall be spaced no more than 400' apart, color coded rings shall be installed on the fire hydrant to indicate flow rate per NFPA (less than 500gpm RED, 500-999gpm YELLOW, 1000-1499gpm GREEN, Greater than 1500GPM BLUE)

PRO RATA: None

SEWER: Sewer existing in Fairgrounds Road. No public wastewater improvements required.

DRAINAGE: Drainage report approved by the City of Midland.

EASEMENTS: Okay as shown.

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)

No additional comments.

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:

No comments

Staff recommends approval of the final plat of Riverbend Addition, Section 2, subject to condition A.

Conditions:

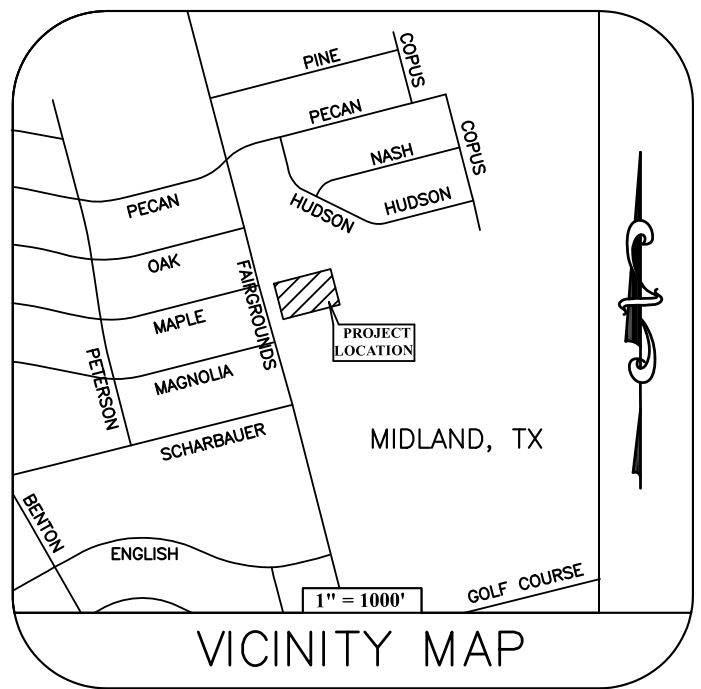
A. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Final Plat
Application
Maps

GENERAL NOTES:

1. BEARINGS ARE ORIENTED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, SURVEY FEET.
2. SITE ELEVATION DATUM IS NAVD 88
3. THE SUBJECT TRACT LIES IN PARTIALLY ZONE "X" (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN AND ZONE "X" (SHADED), AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD, PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NO. 48329C0093F WITH A REVISED DATE OF SEPTEMBER 16, 2005, COUNTY OF MIDLAND, TEXAS.
4. 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.
5. 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.
6. THE CONTRACTOR(S) SHALL BE RESPONSIBLE FOR CONFIRMING THE LOCATION (HORIZONTAL & VERTICAL) OF ANY BURIED CABLES, CONDUITS, PIPES, AND STRUCTURES (STORM SEWER, SANITARY SEWER AND WATER). THE CONTRACTOR(S) SHALL BE RESPONSIBLE FOR CONFIRMING THE LOCATION (HORIZONTAL & VERTICAL) OF GAS, TELEVISION, TELEPHONE AND OTHER UTILITY EASEMENTS WHICH IMPACT THE CONSTRUCTION SITE. THE CONTRACTOR(S) SHALL NOTIFY THE OWNER IF ANY DISCREPANCIES ARE FOUND BETWEEN THE ACTUAL CONDITIONS AND THE DATA CONTAINED IN THE CONSTRUCTION PLANS. ANY COSTS INCURRED AS A RESULT OF NOT VERIFYING THE ACTUAL LOCATION (HORIZONTAL & VERTICAL) OF SAID CABLES, CONDUITS, PIPES AND STRUCTURES SHALL BE BORNE BY THE CONTRACTOR(S).
7. ADEQUATE RESEARCH TO DETERMINE THE LOCATION OF INTENDED BOUNDARY LINES WAS MADE. IN ACCORDANCE WITH THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, GENERAL RULES AND PRACTICES, SECTION 863.16 (C), RESEARCH TO SUPPORT THE DELINEATION OF EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIVE COVENANTS WAS NOT PERFORMED. THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.
8. 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.
- 10.f. RIGHT-OF-WAY DEED EXECUTED BY W. H. NEEB TO SOUTH PLAINS PIPE LINE COMPANY, DATED AUGUST 31, 1938, AND RECORDED IN VOLUME 42, PAGE 144, DEED RECORDS OF MIDLAND COUNTY, TEXAS, IS A BLANKET EASEMENT AND DOES AFFECT THIS TRACT.
- 10.g. RIGHT-OF-WAY EXECUTED BY W. H. NEEB TO MAGNOLIA PIPE LINE COMPANY, DATED NOVEMBER 27, 1940, AND RECORDED IN VOLUME 67, PAGE 509, DEED RECORDS OF MIDLAND COUNTY, TEXAS, IS A BLANKET EASEMENT AND DOES AFFECT THIS TRACT.
- 10.m. RIGHT-OF-WAY EXECUTED BY JOHN B. HARVARD AND WIFE, LILLIE HARVARD TO MAGNOLIA PIPE LINE CO FILED FOR RECORD DECEMBER 18, 1964, AND RECORDED IN VOLUME 439, PAGE 198, DEED RECORDS OF MIDLAND COUNTY, TEXAS, IS A BLANKET EASEMENT AND DOES AFFECT THIS TRACT.
- 10.p. RIGHT-OF-WAY EXECUTED BY N. J. BELL TO T&P RR COMPANY SURVEY, DATED JULY 20, 1977, IN VOLUME 624, PAGE 694, DEED RECORDS OF MIDLAND COUNTY, TEXAS, IS A BLANKET EASEMENT AND DOES AFFECT THIS TRACT.
- 10.q. RIGHT-OF-WAY EXECUTED BY NEWTON JOSEPH BELL AND WIFE, JO NELL BELL TO MOBIL PIPE LINE COMPANY, DATED JUNE 26, 1991, IN VOLUME 1088, PAGE 172, DEED RECORDS OF MIDLAND COUNTY, TEXAS, IS A BLANKET EASEMENT AND DOES AFFECT THIS TRACT.



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

CALL: BLOCK 1
NASH PHILLIPS AND
CLYDE CORLIS, JR. TO
GALLILEE MISSIONARY BAPTIST CHURCH
VOLUME 60R, PAGE 274
MARCH 30, 1976

BLOCK 1

COLONIAL HILLS, SECTION 1
RECORDED IN VOLUME 204, PAGE 599 OF THE PLAT
RECORDS OF MIDLAND COUNTY, TEXAS

**-1-
BLOCK 1**
0.989 ACRES
43,063 Sq. Feet

0.321 ACRES
DEDICATED TO THE PUBLIC
BY THIS PLAT

CALL: 1.310 ACRES
CHASE W. GARDAPHE 2012 TRUST TO
DOLLAR MERCHANT FUND III, LLC
DOC. NO. 2021-00009323
MARCH 28, 2021

RESIDUE OF 119.47 ACRES
SAVE & EXCEPT 1.28 ACRES, 3.23 ACRES,
6.59 ACRES, 0.52 ACRES, AND 0.52 ACRES
PROFESSIONAL LAZER GRAPHIX, LTD TO
CHASE W. GARDAPHE 2012 TRUST
DOC. NO. 2014-16387
JULY 18, 2014

ZONE "X"
UNSHADED

ZONE "X"
SHADED

ZONE "AE"

UTILITY COMPANIES CERTIFICATE

Atmos Energy	AT&T Telephone Company
Oncor Electric	Suddenlink Communications
Grande Communications	

LEGEND

- 1/2" IR FOUND (SURVEYOR)
- 1/2" IR SET
- W/CAP MARKED
- J. COWAN & ASSOC.
- BENCHMARK

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

Whereas, Dollar Merchant Fund III, LLC is the sole owners of all that certain lot, tract, or parcel of land, being a Proposed plat of Riverbend Addition, Section 2, being a plat of a 1.310-acre tract of land located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Dollar Merchant Fund III, LLC does hereby adopt this plat designating the hereinabove described property as Lot 1, Block 1, Riverbend Addition, Section 2, 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 _____, 20 ____.

Dollar Merchant Fund III, LLC

BY: _____
NAME: George Tomlin
TITLE: President

ACKNOWLEDGMENT

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

This plat was acknowledged before me on _____.

By: George Tomlin

Notary Public, State of Tennessee

CERTIFICATE OF APPROVAL

For approval by the commission:

This is to certify that the above and foregoing plat of the Lot 1, Block 1, Riverbend Addition, Section 2 was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

_____ day of _____, 20 ____.

Signed: _____
Reggie Lawrence, Chairman

Signed: _____
Cristina Odenborg Burns, 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

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____
DATE: _____ PAGE _____

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

OWNER:
Dollar Merchant Fund III, LLC
9010 OVERLOOK BLVD.
BRENTWOOD, TN 37027
(615) 370-0670

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

40' 0' 40' 80' 120'
GRAPHIC SCALE — FEET: 1"=40'
MIDLAND (FAIRGROUNDS) JOB#-T20-251 RE:T20-252

FINAL PLAT

Riverbend Addition, Section 2

Being a plat of a 0.989 tract of land located in
Section 31, Block 38, T-1-S, T&P R.R.
Co. Survey, Abstract 25,
City and County of Midland



Final Plat Application

Project Number: SUB-21-0391

Case Number: P-21-1072 P-21-1112**Proposed Subdivision Plat Name:** Riverbend Addition, Section 2**Legal Description (attached sealed Metes and Bounds):** Riverbend Addition, Section 2, Being Part of the Southwest quarter of Section 31. Block 38, T-1-S, T&P R.R. Co. Survey, Abstract No. 25, City and County of Midland, Texas**Property Owner**

Printed Name: Midland (Fairgrounds) DTP, LLC - Geren Moor

Phone (615) 370-0670

Email gglaser@gbtrealty.com

Address 9010 Overlook Blvd.

City Brentwood

State TN

Zip 37027

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: John Cowan & Associates, Inc.

Printed Name: Philip Cornett

Phone (903) 581-2238

Email

pcornett@jcowaninc.com

Address 10147 CR 135

City Flint

State TX

Zip 75762

Current Zoning: Zone X**Reason for Platting:** Property to be used for commercial development.**Plat Information**

Total Acreage:

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

Number of Lots: 1

Number of Multi-Family Dwelling Units:

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Date: 05/18/2021

Property Owner (printed) : Midland (Fairgrounds) DTP, LLC c/o Geren Moor

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ 1 Copy of Dimensioned Plat

☒ Plat in Digital Format (PDF/JPEG)

☐ Mylar

☒ 1 Copy of Plat (11x17)

☐ CADD File

☒ Application Fee

☒ Title Opinion

☐ Public Improvement

Check # 024653

☐ Tax Certificates *Not included*

☒ Recording Fee

Check # 024654

Received By: *Joseph A. [Signature]*

Date:

RECEIVED
JUN 07 2021

BY: *[Signature]*

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



LOCATION MAP

SUB-21-0391

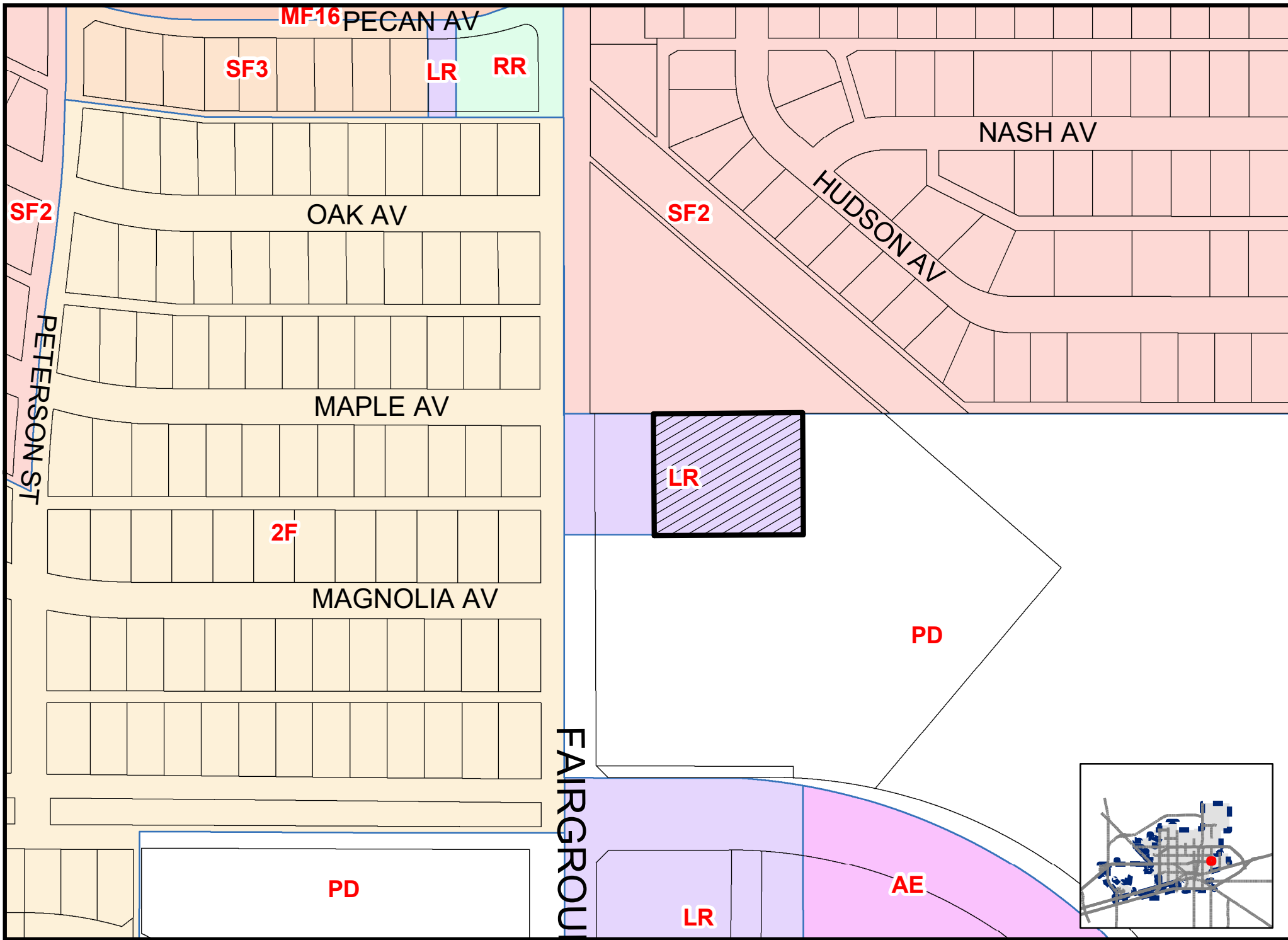
Scale: 1" = 250'

Proposed plat of Riverbend Addition, Section 2, being a plat of a 0.989-acre tract of land located in Section 31, Block 38, T-1-S. T&P RR Co. Survey, City and County of Midland Texas. Generally located southeast of the intersection of Maple Avenue and North Fairgrounds Road. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for
Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Planner

SUBJECT: Consider a proposed Preliminary Plat of Original Town, Section 23, being a replat of Lot 1, Block 79, Original Town, and a 0.032-acre portion of previously vacated East Missouri Avenue right-of-way located adjacent to said lot, City and County of Midland, TX. (Generally located on the southwest corner of the intersection of E. Missouri Avenue and S. Mineola Street. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Maverick Engineering is requesting to replat Lot 1, Block 79, Original Town, and a 0.032-acre portion of previously vacated East Missouri Avenue right-of-way located adjacent to said lot, City and County of Midland, Texas for ownership purposes.

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)

Show vacation ordinance number for vacated right-of-way.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Impact fee statement okay as shown

ROW: ROW okay as shown

PAVING: Mineola paved to City Standards. No improvements required on Mineola. Missouri is not paved to city standards and is a caliche road. Pave Missouri to City Standards along the platted frontage or request a deferral.

WATER: 12-inch water line existing in Mineola. 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 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: 6-inch sewer existing in the alley on the West side of the property. No public wastewater improvements required.

DRAINAGE: No drainage report required.

EASEMENTS: Show existing and proposed.

SIDEWALKS: required with building permit or request a deferral.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

No objections to plat.

FIRE: (Approved)

Future development shall meet the requirements of IFC 2015ed. and locally adopted 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:

This plat should be drawn to a scale of 1"= 200 feet.

Final plat cannot be completed until the vacation is approved.

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

Conditions:

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

Attachments:

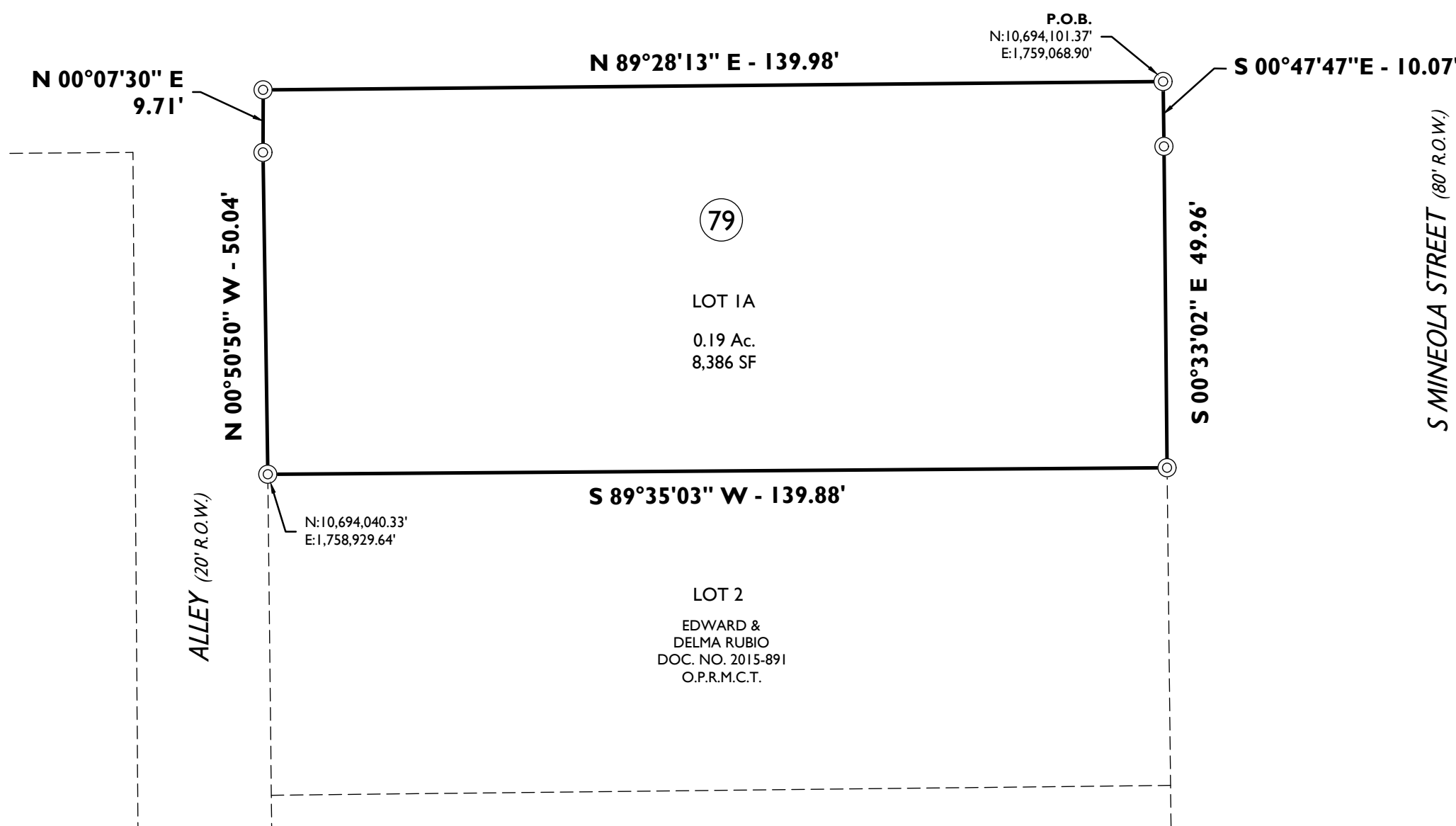
Proposed Preliminary Plat
Application
Maps

PRELIMINARY PLAT

ORIGINAL TOWN ADDITION, SECTION 23

REPLAT OF LOT 1, BLOCK 79, ORIGINAL TOWN ADDITION,
AND A .032 ACRE VACATED PORTION OF EAST MISSOURI AVENUE,
CITY AND COUNTY OF MIDLAND, TEXAS

E MISSOURI AVENUE (70' R.O.W.)



FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S N.F.I.P. FLOOD INSURANCE RATE MAP #48329C0202F, DATED SEPTEMBER 16, 2005, THIS PROPERTY IS WITHIN THE UNSHADED PORTION OF ZONE "X", DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

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

DEVELOPMENT NOTES

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- BASIS OF BEARINGS, COORDINATES AND DISTANCES ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FOOT.
- THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:
(1) THE REPRESENTED LOT IS REPLATTED FOR SUBDIVISION INTO MORE THAN ONE LOT OR :
(2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- 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 INCREASED.

UTILITY COMPANIES CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY
BY: _____

AT&T
BY: _____

SUDDENLINK COMMUNICATION
BY: _____

GRANDE COMMUNICATION
BY: _____

ONCOR ELECTRIC DELIVERY
BY: _____

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS BILL RODRIGUEZ, is the record owner of a tract of land situated in Section 35, Block 39, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

WITNESS my hand at _____, M.,

the _____ day of _____, 2021.

By: BILL RODRIGUEZ

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 BILL RODRIGUEZ, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he was acting as owner, and that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated. Given under my hand and seal of office this

the _____ day of _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

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

_____ day of _____, 2021.

REGGIE LAWRENCE, CHAIRMAN

CRISTINA ODENBORG BURNS, SECRETARY

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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

GREGORY W. SHOULTS, Registered Professional Land Surveyor
Maverick Engineering (TX) #194514
1909 W. Wall Street, Suite, K
Midland, TX 79701

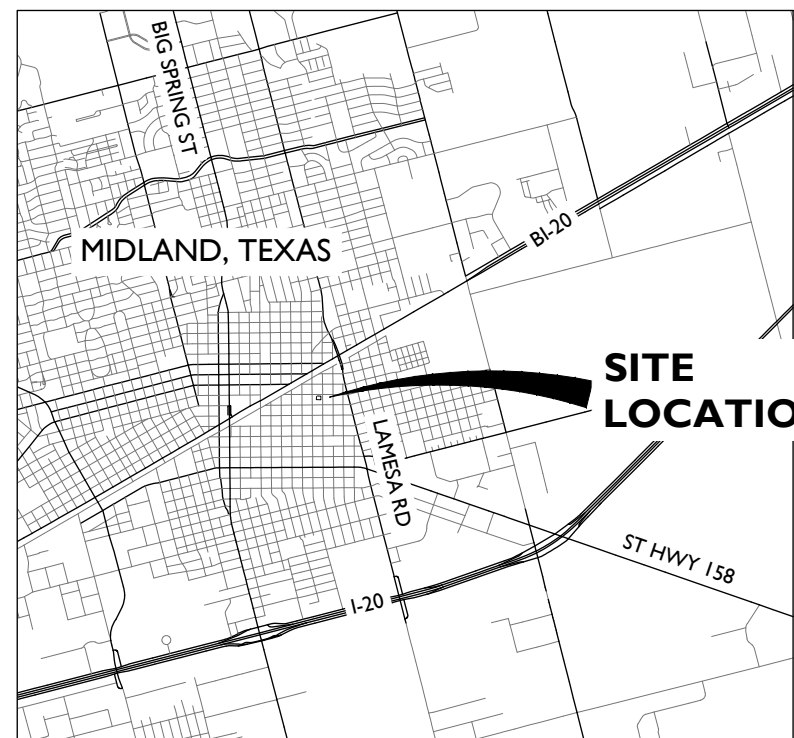
PROPERTY OWNER

EVERADO (BILL) RODRIGUEZ
200 MINEOLA
MIDLAND, TEXAS 79701
DEED INSTRUMENT #

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

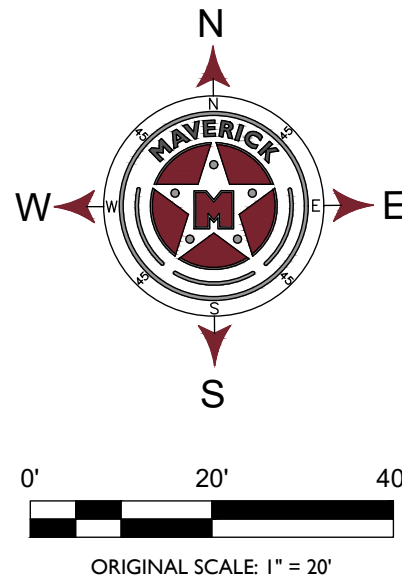
NO. _____ CABINET _____

DATE _____ PAGE _____



VICINITY MAP

N.T.S.



LEGEND

- ⊙ DENOTES 1/2" IR w/SCHUMANN CAP FOUND
- _____ DENOTES BOUNDARY LINE
- DENOTES EXISTING PROPERTY LINE



MAVERICK
ENGINEERING / SURVEY / WATER RESOURCES

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

ORIGINAL TOWN ADDITION,
SECTION 23



Preliminary Plat Application

Project Number:

SUB-21-0418

Case Number:

P-21-1113

Proposed Subdivision Plat Name: Original Town, Section 23

Legal Description (attached sealed Metes and Bounds): Replat of Lot 1, Block 79, Original Town Addition, and a .032 Acre Vacated Portion of East Missouri Avenue, City and County of Midland, Texas

Property Owner

Printed Name: Everado (Bill) Rodriguez

Phone (432) 262-0999

Email

Address 200 Mineola

City Midland

State TX

Zip 79701

Developer (if different than Owner)

Printed Name:

Phone (432) 262-0999

Email

Address

City

State

Zip

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

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999

Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: C

Reason for Platting: Ownership Purposes

Plat Information

Total Acreage: .032

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

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

Provisions

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

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

Property Owner (signature):

Date: _____

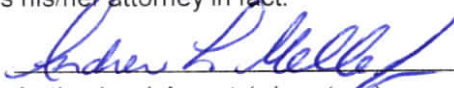
Property Owner (printed) : Everado (Bill) Rodriguez

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 Andrew L Mellen who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or is authorized by Everado Rodriguez 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 8th day of June, 2021, to certify which witness my hand and seal of office.




NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

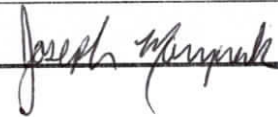
☒ Copy of Dimensioned Plat

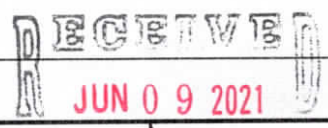
☒ Plat in Digital Format (PDF/JPEG)

☒ Application Fee

☒ 1 Copy of Plat (11x17)

Check # 3452

Received By: 

Date: 

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

Preliminary Plat Application

2

Revised 07/01/19

PACKET

Page 6.40

July 6, 2021



LOCATION MAP

SUB-21-0418

Scale: 1" = 200'

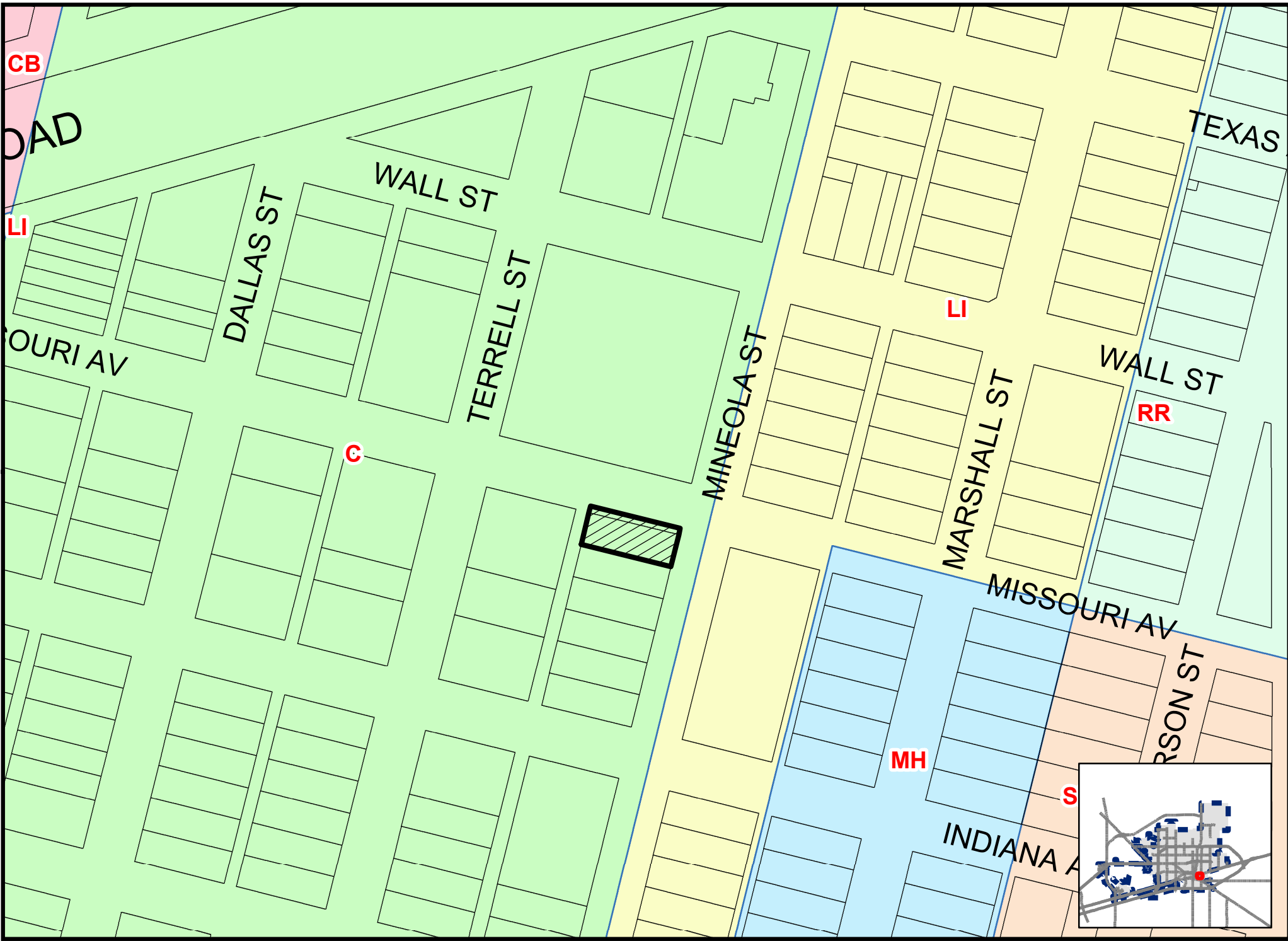
Proposed plat of Original Town, Section 23, being a replat of Lot 1, Block 79, Original Town, and a 0.032-acre vacated portion of East Missouri Avenue, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of E. Missouri Avenue and S. Mineola Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for
Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Planner

SUBJECT: Consider a proposed Preliminary Plat of Toppel Addition, being a plat of a 6.89-acre tract of land located in Section 16, Block 40, T-2-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the south side of West Interstate 20, approximately 1,430 feet east of South County Road 1270. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Piper Surveying Co., Inc., is requesting to plat a 6.89-acre tract of land located in Section 16, Block 40, T-2-S, T&P, RR Co. Survey, Midland County, Texas, into three (3) lots for septic permits and addresses.

Current Zoning:

ETJ, Extraterritorial Jurisdiction

Departmental Review:

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

BUILDING CODE: (Approved)

ETJ, no jurisdiction

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Impact Fee statement okay as shown.

ROW: Okay as shown

PAVING: I-20 is a TxDOT controlled ROW and will be maintained by them. No public paving improvements required.

WATER: No water existing. Install public water line along the entire platted frontage or request a deferral.

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

PRO RATA: None

SEWER: No sewer existing. Install public wastewater line along the entire platted frontage or request a deferral.

DRAINAGE: Drainage Report required.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved with Conditions)

TxDOT comments, "This is already a developed area with an access to the IH 20 frontage road. No additional access should be allowed to the IH 20 frontage road."

Sketch Plat comment, "Add a note on the plat stating "Access spacing and locations will be required to adhere to the Texas Department of Transportation (TxDOT) 'Access Management Standards' along the state highway. Contact TxDOT for additional information and permitting."

FIRE: (Approved)

No comments

CODE COMPLIANCE: (Approved)

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

GIS:

I have the following comments:

- POB looks to be off by 5-6 Feet



PLANNING:

This plat should be drawn to a scale of 1"= 200 feet.

Please verify the point of beginning. It seems as though it is off about 6 feet.

Under Certificate of Approval, add the name of the chairman, Reggie Lawrence, and the name of the secretary, Cristina Odenborg Burns.

Under Utility Certificate, Grande Communications is duplicated.

Staff supports approval of the preliminary plat of Toppel Addition, subject to conditions A through D.

Conditions:

- A. That the technical items listed above are addressed.
- B. That a drainage study is approved
- C. That all public improvements required are addressed.

- 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
Maps
Application

INTERSTATE HIGHWAY 20
(300' Wide Right-of-Way)

INTERSTATE HIGHWAY 20 FRONTAGE ROAD
(Two Way Asphalt Paved Road)

PRELIMINARY PLAT

TOPPEL ADDITION

BEING A PLAT OF A 6.89 ACRE TRACT
LOCATED IN SECTION 16, BLOCK 40,
T-2-S, T.&P. RR. CO. SURVEY,
MIDLAND COUNTY, TEXAS

PARAGON ERP MIDLAND LLC
4.59 Acre Tract
Document No. 2014-23230, O.P.R.M.C.

PROPOSED LOT 1
130680 S.F.
3.00 ACRES

PARAGON ERP MIDLAND LLC
3.44 Acre Tract
Document No. 2014-2643, O.P.R.M.C.

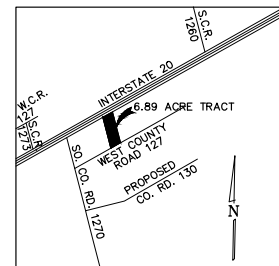
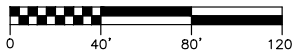
PARAGON ERP MIDLAND LLC
4.59 Acre Tract
Document No. 2014-23230, O.P.R.M.C.

LOT 2
84619 S.F.
1.943 ACRES

LOT 3
84617 S.F.
1.943 ACRES

PARAGON ERP MIDLAND LLC
3.44 Acre Tract
Document No. 2014-23230, O.P.R.M.C.

GRAPHIC SCALE IN FEET



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

- Selling a portion of this addition by metes and bounds may be a violation of city ordinance and state law and subject to fines and withholding of utilities and building permits.
- Approval of a site plan by the City of Midland may be required before these lot(s) may be developed and before a building permit may be obtained.
- 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.
- Based on the U.S. Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map, Community Number 481239, Sheet Number 48329c0200 F, with an effective date of December 6, 1999 and revised September 16, 2005, the surveyed property is not located in a special flood hazard area according to the map. The flood zone classification for the surveyed property is Zone X.
- Any person who desires to erect a new structure or rebuild, replace, or enlarge an existing structure or establish a new use or substantially change an existing use in A02-4 must apply for and receive a permit. A permit shall be granted unless the new structure or the new use would be a height hazard or a prohibited land use as set forth in Sections 11-11-B11-11-9, and Table 1 of this Chapter or would otherwise violate this Chapter. Applications for permits shall be submitted to and issued by the administrative agency.

OWNER'S CERTIFICATES

STATE OF TEXAS
COUNTY OF MIDLAND:

WHEREAS, HALDIS TOPPEL, is the record owner of the 6.89 Acre Tract situated in Section 16, Block 40, T-2-S, T&P RR Co. Survey, County of Midland, Texas and more particularly described hereon.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, HALDIS TOPPEL, do hereby adopt this plat designating the hereinabove described property as TOPPEL ADDITION, to the City of Midland, Texas, and I do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon.

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

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

Oncor Electric Delivery Service PRINT NAME

Grande Communications PRINT NAME

AT&T Texas PRINT NAME

Atmos Energy PRINT NAME

SuddenLink Communications PRINT NAME

Grande Communications PRINT NAME

HALDIS TOPPEL OWNER

STATE OF TEXAS :
COUNTY OF MIDLAND :

This instrument was acknowledged before me on _____, 2021
by HALDIS TOPPEL.

Notary Public Signature

CERTIFICATE OF APPROVAL

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

CHAIRMAN PRINT NAME

STATE PLANE COORDINATE NOTE

Bearings, distances, and coordinates are relative to the Texas State Plane Coordinate System, NAD 1983/86, Central Zone, with a combined grid factor of 0.9998771, and a theta angle equal to -0°56'45" at USCGS Station "SCAR 2" (E= 10,673,326.76' and E= 1,726,840.19') based on the City of Midland Control Survey. Distances shown are Grid U.S. Survey Feet multiplied by 1.0001229 to obtain horizontal surface distances.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS

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.

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

J. Stan Piper, R.P.L.S., #1974
Piper Surveying Company, Inc., P.O. Box 60432;
Midland, Texas 79711 (432) 550-7810
(Fax) 10155200

PREPARED FOR/OWNER:

HALDIS TOPPEL
625 Enchanted Way
Pacific Palisades, CA 90272
(310)663-1076

PREPARED BY:

PIPER SURVEYING CO., INC.
FIRM NO. 10155200
P.O. Box 60432
Midland, TX 79711

Contact:
J. STAN PIPER, RPLS #1974
(432)550-7810

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____

PACKET

Page 7.47

July 6, 2021

TOPPEL ADDITION



Preliminary Plat Application

Project Number:

Sub-21-0430

Case Number:

P-21-1121

Proposed Subdivision Plat Name: TOPPEL ADDITION

Legal Description (attached sealed Metes and Bounds): BEING A PLAT OF A 6.89 ACRE TRACT LOCATED IN SECTION 16, BLOCK 40, T-2-S, T.&P. RR. CO. SURVEY, MIDLAND COUNTY, TEXAS

Property Owner

Printed Name:

HALDIS TOPPEL

Phone (310) 663-1076

Email

Address

625 ENCHANTED WAY

City

PACIFIC PALISADES

State

CA

Zip

90272

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: PIPER SURVEYING COMPANY, INC.

Printed Name: J. STAN PIPER

Phone (432) 550-7810

Email

stan@pipersurveying.com

Address

P.O. BOX 60432

City

MIDLAND

State

TX

Zip

79711

Current Zoning: N/A

Reason for Platting: BUILDING PERMITS

Plat Information

Total Acreage:

6.89 Acres

Type:

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

Number of Lots: 3

Number of Multi-family Dwelling Units: N/A

Submittal and Fees

Items to be submitted with this application form:

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

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

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

Provisions

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

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

Property Owner (signature): _____

Date: _____

Property Owner (printed) : _____

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.

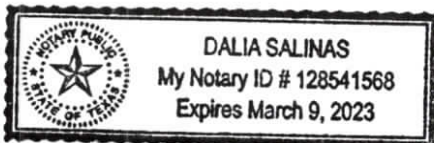
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared John S. Piper who, being by me duly sworn, upon oath says: That (s)he is the owner of Haldis Toppel or is authorized by same 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.

John S. Piper
Authorized Agent (signature)

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



Dalia Salinas
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 # 24260

Received By: Km

Date: 6/17/21

RECEIVED
JUN 17 2021
BY: Km

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

INTERSTATE 20



COUNTY ROAD 127

LOCATION MAP

SUB-21-0430

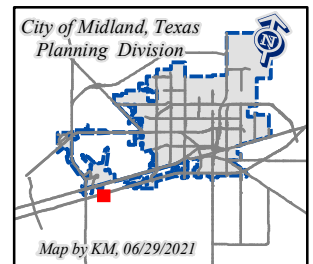
Scale: 1" = 200'

Proposed plat of Toppel Addition, being a plat of a 6.89-acre tract of land located in Section 16, Block 40, T-2-S, T&P, RR Co. Survey, Midland County, Texas.

Generally located on the south side of West Interstate 20, approximately 1,430 feet east of South County Road 1270. (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Cristina Odenborg Burns, Planning Division Manager

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

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

SF-1, Single Family Dwelling District.

Details of Request:

The property owner, Vineyard Reserve, LLC, is proposing to replat Lots 1, 3, and 4, Block 4, The Vineyard Addition, Section 7. This is considered a residential replat, which requires a public hearing.

Preliminary Plat Approval:

This plat qualified for the short form procedure.

Final Plat Requirements:

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

Departmental Review:

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.

ENGINEERING: (Approved with conditions)

IMPACT FEES: Provide the following general note on the plat face:

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.

ROW: Okay as shown

PAVING: Sandstone Drive, Sherwood Drive, Fall Creek okay as is, no public paving improvements required.

WATER: 12" water exists in Sherwood Street along the south frontage of tract, 12" water existing in Sandstone Drive along the east frontage of tract, and 8" water exists in Fall Creek along the north frontage of tract, okay as is. No public water improvements required. Water pressure and volume studies are required for all developments over 5 acres, serving 20 residences or more or multi-family sites, per Policy Statement.

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: 8" sewer exists in Sandstone Drive along half of the east frontage of the tract and 8" sewer exists in Fall Creek along the north frontage of the tract, okay as is. No public wastewater improvements required. Sewer capacity studies are required for all developments over 5 acres, serving 20 residences or more or multi-family sites, per Policy Statement.

DRAINAGE: Drainage study was approved on 09/29/2020.

EASEMENTS: Okay as shown

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)

No additional comments.

CODE COMPLIANCE: (Approved)

Wells identified and appropriately 135 ft. radius included and variances previously approved on August 28, 2012 allowing up to the minimum of 135 ft. for all permitted wells located in Section 1, 12, 13 of blk 40. All non-permitted wells are also 135 ft. radius.

PLANNING:

Label a point of beginning (POB).

Remove the utility company signature for Sharyland Utilities.

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

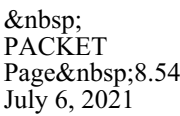
Staff recommends approval of the final plat of The Vineyard Addition, Section 9, subject to conditions A.

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
Maps
Application





Final Plat Application

Project Number:

Case Number:

Sub-17-0230
P-21-1115**Proposed Subdivision Plat Name:** Vineyards Addition Section 7**Legal Description (attached sealed Metes and Bounds):** Being a replat of Lot 1, Lot 3 and Lot 4, Block 4, the Vineyard Addition Section 7, recorded in Cabinet L, Page 100-101, Plat Records of Midland County, Texas**Property Owner**

Printed Name: Vineyard Reserve, LLC

Phone (432) 687-1777

Email
chuckh@forl.com

Address 6101 Holiday Hill Rd

City Midland

State TX Zip 79707

Developer (if different than Owner)

Printed Name:

Phone ()
Email

Address

City

State

Zip

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

Firm: Westwood Professional Services

Printed Name: Daniel Cicconi

Phone (210) 265-8300

Email

daniel.cicconi@westwoodps.com

Address 1718 Dry Creek Way, Suite 110

City San Antonio

State TX Zip 78259

Current Zoning:**Reason for Platting:** Replatting of Section 7**Plat Information**

Total Acreage: 35.722

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

Number of Lots: 5

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): Charles F. Hodges, Jr.

Date: 5/27/2021

Property Owner (printed): Charles F. Hodges, Jr.

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☐ Mylar

☒ Application Fee

Check # Credit Card

Received By: Emanuela

☐ 1 Copy of Dimensioned Plat

☒ 1 Copy of Plat (11x17)

☐ Title Opinion

☒ Tax Certificates

☒ Plat in Digital Format (PDF/JPEG)

☐ CADD File

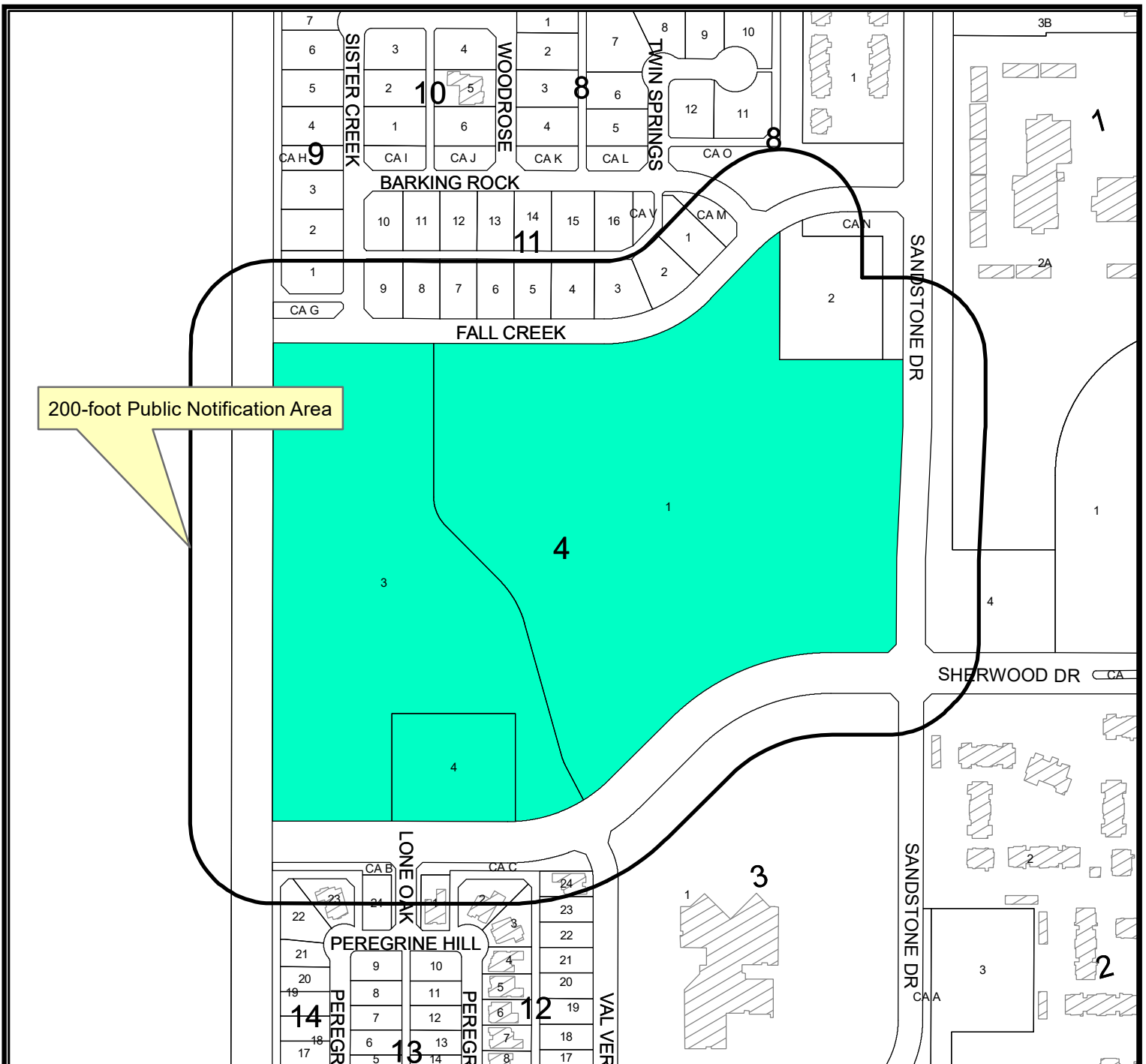
☐ Public Improvement

☐ Recording Fee

Check # _____

Date: _____

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



LOCATION MAP

P-21-1115

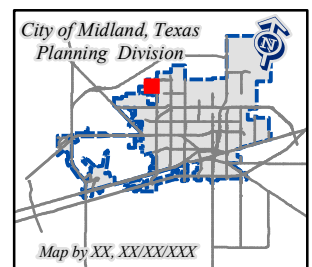
Scale: 1" = 200'

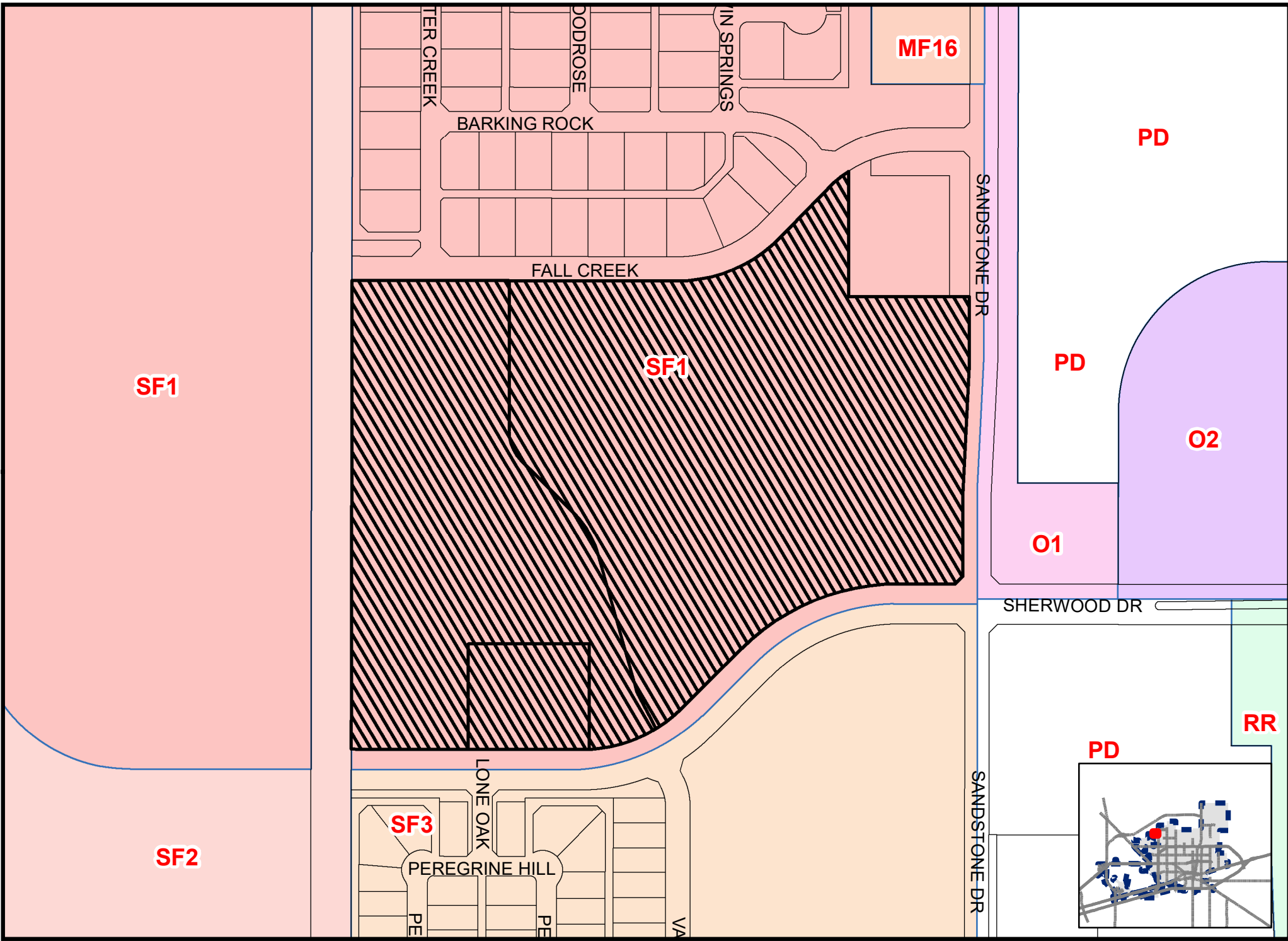
Proposed plat of The Vineyard Addition, Section 9, being a replat of Lots 1, 3, and 4, Block 4, The Vineyard Addition, Section 7, City and County of Midland, Texas.

Generally located on northwest corner of the intersection of Sandstone Drive and Sherwood Drive. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS















Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Elizabeth Shaughnessy, Senior Planner

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

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, SRP Properties, LLP, is proposing to replat the lot to construct a residence. However, the proposed lot would not meet the minimum lot requirements of the AE, Agricultural Estate District.

Current Zoning:

AE, Agricultural Estate District.

Surrounding Zoning and Land Use:

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

Analysis:

The applicant, SRP Properties, LLP, is requesting approval of a zone change to be able to replat the lot to construct a residence. The current zoning of this property is AE, Agricultural Estate District, which requires a minimum lot area of 2 acres. With this zone change of SF-3 Single Family Dwelling District, the developer will be able to replat the

lot with an area of 18,829 square feet for the lot.

The appropriate setbacks and maximum height of future development must meet the regulations as described in Section 5.04 Residential Zoning District Dimensional Regulations chart.

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

Engineering: (Approved)

No objection to zone change.

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

Fire: (Approved)

No objections.

Building: (Approved)

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

Code Compliance: (Approved with Conditions)

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:

Staff recommends approval of the zone change from AE, Agricultural Estate 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:

As of June 30, 2021, staff has not received any letters of objection.

Attachments:

Application
Maps
Proposed Plat



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

Project Number: 2-21-0243
Case Number: _____

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

Printed Name: Maverick Engineering

Phone (432) 262-20999

Email
phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Property Owner

Printed Name: SRP Properties LLP

Phone ()

Email

Address 5316 Bella Place

City Midland

State TX

Zip 79705

Representative (if different from Applicant or Property Owner)

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999

Email
phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Street Address: NA

Legal Description

Lot: 14 Block: 1 Subdivision: 349 Ranch Estates

Current Zoning: AE

Proposed Zone: SF3

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

Reason for Zone Change Request: Construction of Residence

Present Use of Property: Vacant

Proposed Use of Property: Construction of Residence

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

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

Submittal and Fees

Items to be submitted with this application form:

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

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

Applicant (signature):

Date: 6/7/2021

Applicant (printed): Paladin Huckaba - Maverick Engineering

Property Owner (signature):

Date: 6/7/2021

Property Owner (printed): Casey Jones - SRP Properties LLP

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.

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

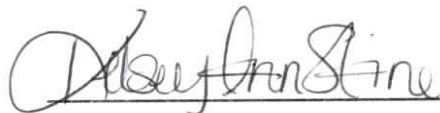
STATE OF TEXAS
COUNTY OF MIDLAND

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


Authorized Agent (signature)

Subscribed and sworn to before me, this 7th day of June, 2021, 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)

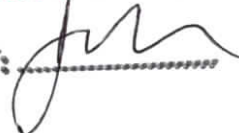
> not required

Check # 3451

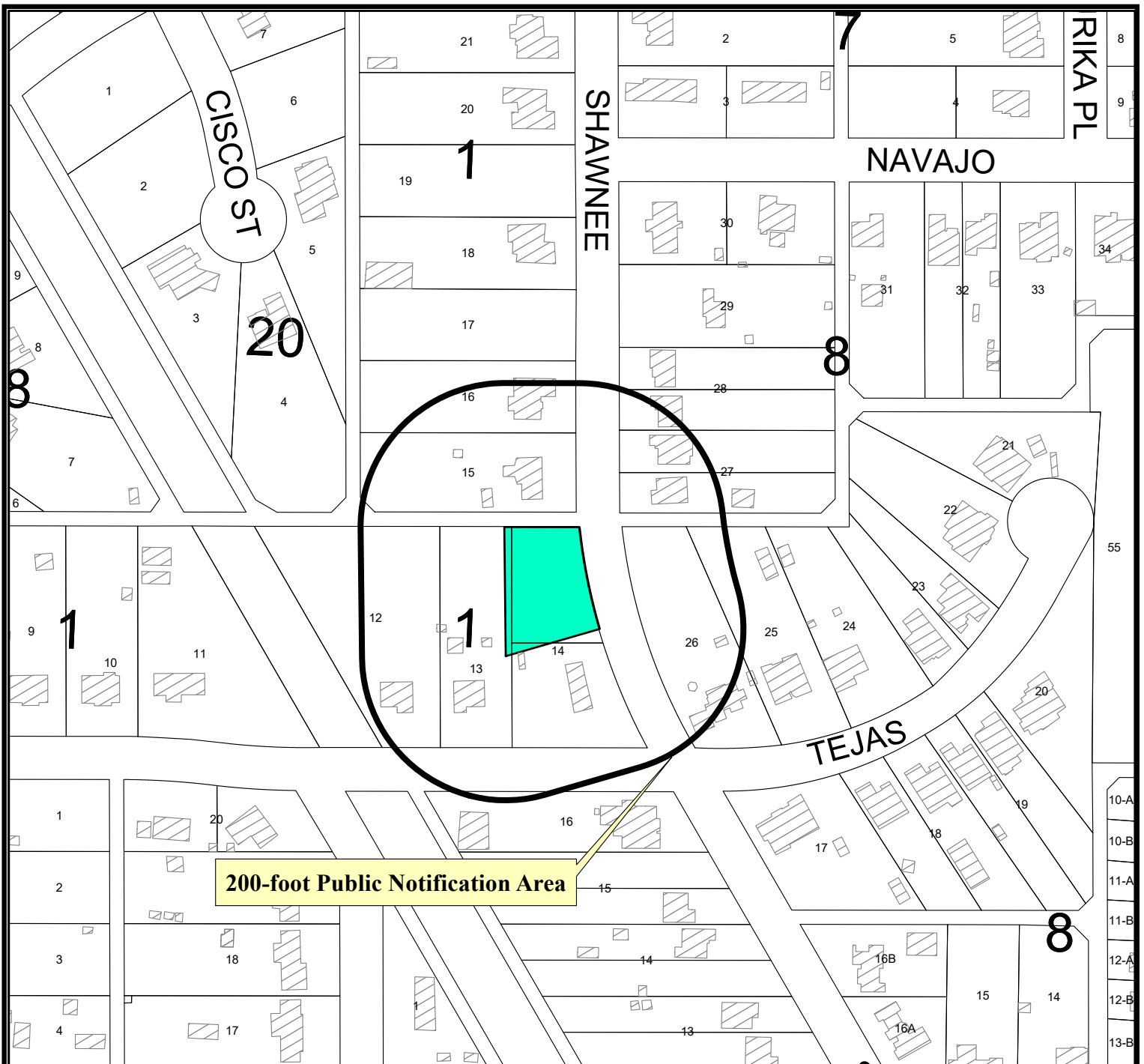
Received By:

Date:

RECEIVED
JUN 07 2021

BY: 

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



LOCATION MAP

Z-21-0243

Scale: 1" = 250'

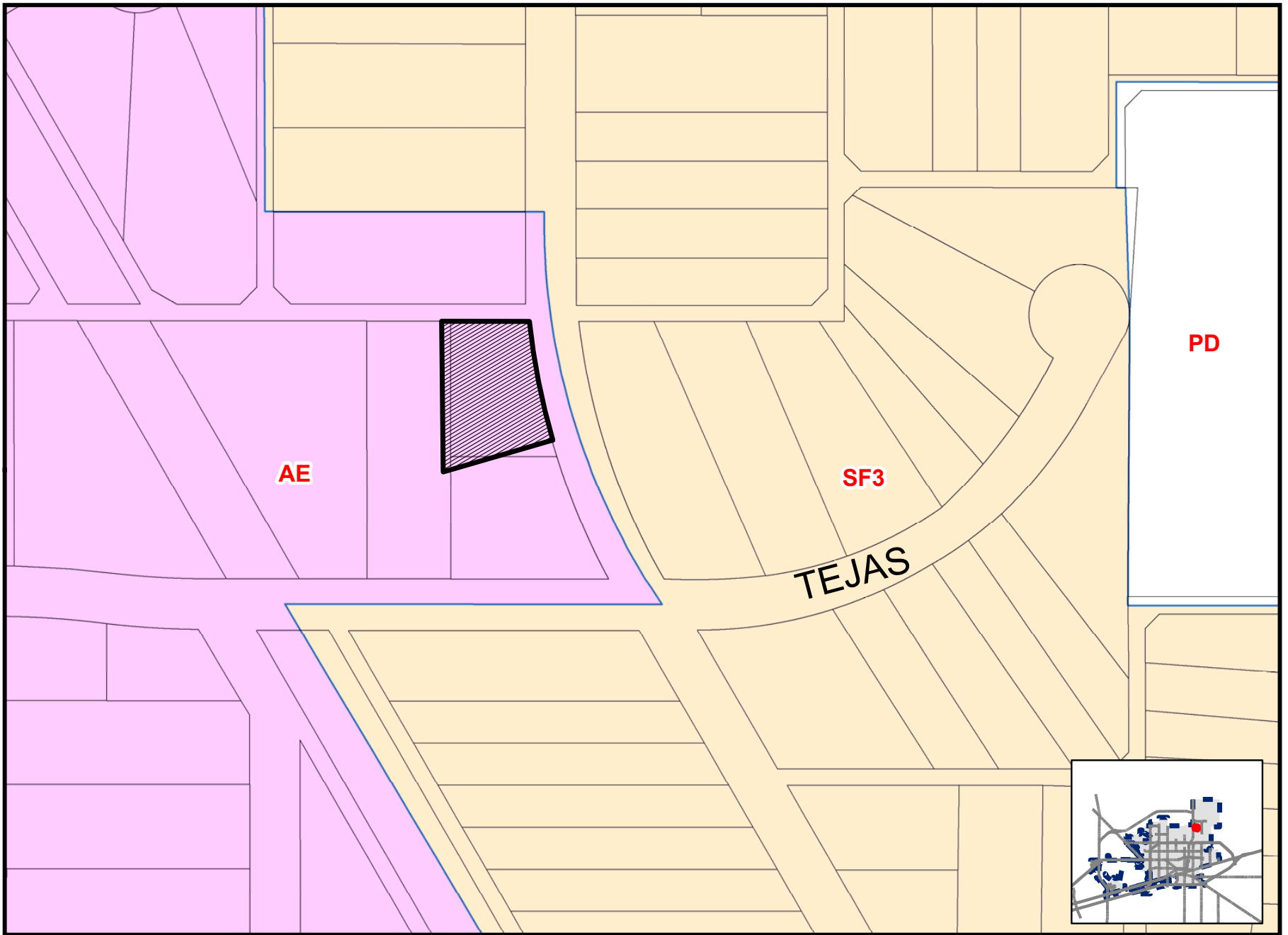
Consider a request by SRP Properties, LLP for a zone change from AE, Agricultural Estate District to SF-3, Single Family Dwelling District on the northern 0.43 Acres portion of Lot 14, Block 1, 349 Ranch Estates, City and County of Midland, Texas

Generally located on the west side of Shawnee, approximately 175-feet north of Tejas. Council District 1

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS















Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Valerie A. Sherman, Senior Planner

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

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant for Cracker Barrel at 3108 N. Loop 250 West, Midland, Texas 79707.

Current Zoning:

PD, Planned District for a Shopping Center.

Surrounding Zoning and Land Use:

The property is located at 3108 N. Loop 250 West, in a PD, Planned District for a Shopping Center. The properties to the north and east are zoned PD, Planned Development District for a Shopping Center, and the location of retail establishments. The property to the south is zoned RR, Regional Retail District, and the location of a Rooms to Go Furniture Store. The property to the west, across N. Loop 250 West, is zoned SF-2, Single-Family Dwelling District, and the location of residences.

Analysis:

CBOCS Texas, LLC is requesting a Specific Use Designation for the Cracker Barrel, located at 3108 N. Loop 250 West, to be able to sell all alcoholic beverages for on premises consumption, within a restaurant. The property is zoned PD, Planned District for a Shopping Center, with an underlying zoning of RR, Regional Retail District, which allows the consumption of alcoholic beverages with the approval of a Specific Use Designation.

The restaurant is currently in operation. The floor plan attached hereto as "Exhibit A" illustrates that the establishment, will have a total square footage of 10,101 square feet, with an alcohol serviceable area of 6,196 square feet.

The proposed site plan provides adequate access and internal circulation.

The restaurant has the following hours of operation:

**Sunday through Thursday from 7:00 a.m. to 9:00 p.m.
Friday and Saturday from 7:00 a.m. to 10:00 p.m.**

The restaurant is proposing the following hours of alcohol service:

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

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

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

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

Departmental Review:

Engineering: (Approved)

No objection.

Building Code: (Approved)

The SUD for Cracker Barrel is acceptable. The maximum occupant load for the alcohol serviceable area is 413. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Fire: (Approved)

No objections.

Transportation: (Approved)

No objection to zone change.

Code Administration: (Approved)

No comments.

Planning:

This 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).

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

Conditions:

A. That the serviceable area of the restaurant shall be limited to approximately 6,196 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.

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

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

Letters of Objection:

As of June 30, 2021, staff has not received any letters of objections.

Attachments:

Floor Plan (Exhibit A)
Application
Maps
Ordinance No. 8226



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

Project Number:

SWD-21-0106

Case Number:

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

Printed Name: CBOCS Texas, LLC

Phone (615) 443-4444

Email
alcohollicensing@crackerbarrel.com

Address 307 Hartmann Drive, Attn: Legal

City Lebanon

State TN

Zip 37087

Property Owner

Printed Name: CB.MTX LLC

Phone (239) 961-1832

Email
ronald@demilt.com

Address 4468 Brynwood Dr.

City Naples

State FL

Zip 34119

Representative (if different from Applicant or Property Owner)

Firm: BrackinSchwartz PLLC

Printed Name: Catherine Chamblee

Phone (512) 549-8906

Email catherine@txliquorlaw.com

Address 511 W 7th St.

City Austin

State TX

Zip 78701

Street Address: 3108 W Loop 250 N, Midland, TX 79705**Business Name:** Cracker Barrel Old Country Store #637**Legal Description**

Lot: 08A Block: 027 Subdivision: Wydeewood Estates, Sec. 29

Current Zoning: PD**Reason for Request:** add beer and wine sales for on- and off-premise consumption to location**Type of Business (restaurant, bar, lounge, nightclub, etc.):** restaurant**Proposed/Current Days and Hours of Operation:** 7:00 am - 9:00 pm Sun-Thurs; 7:00 am - 10:00 pm Friday - Saturday**Proposed Days and Hours of Alcohol Service:** 7:00 am - 9:00 pm Sun-Thurs; 7:00 am - 10:00 pm Friday - Saturday**Total Square Footage of Business:** 10,101 sq ft**Square Footage of Alcohol Serviceable Area:** 6,196 sq ft**Restroom Fixtures:** Men

Toilets/Urinals: 2 / 2

Bathroom Sinks: 2

Women

Toilets: 4

Bathroom Sinks: 2

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

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

Signatures

DocuSigned by:	
Applicant (signature): <u>Jeff Wilson</u>	Date: <u>5/24/2021</u>
Applicant (printed):	
Property Owner (signature): <u>Ronald Milt</u>	Date: <u>5/18/2021</u>
Property Owner (printed): <u>CB MTX LLC (Ronald De Milt)</u>	
The Specific Use Permit with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received. All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

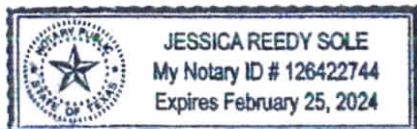
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Catherine Chamblee, who, being by me duly sworn, upon oath says: That (s)he is authorized by CB.MTX 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.

Catherine Chamblee
Authorized Agent (signature)

Subscribed and sworn to before me, this 7th day of June, 2021, to certify which witness my hand and seal of office



Jessica Reedy Sole
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Floor Plan
☒ Application Fee	☒ Site Plan
Check # <u>4929</u>	☐ Plans in Digital Format (PDF/JPEG)
Received By: <u>[Signature]</u>	Date: <u>JUN 10 2021</u>

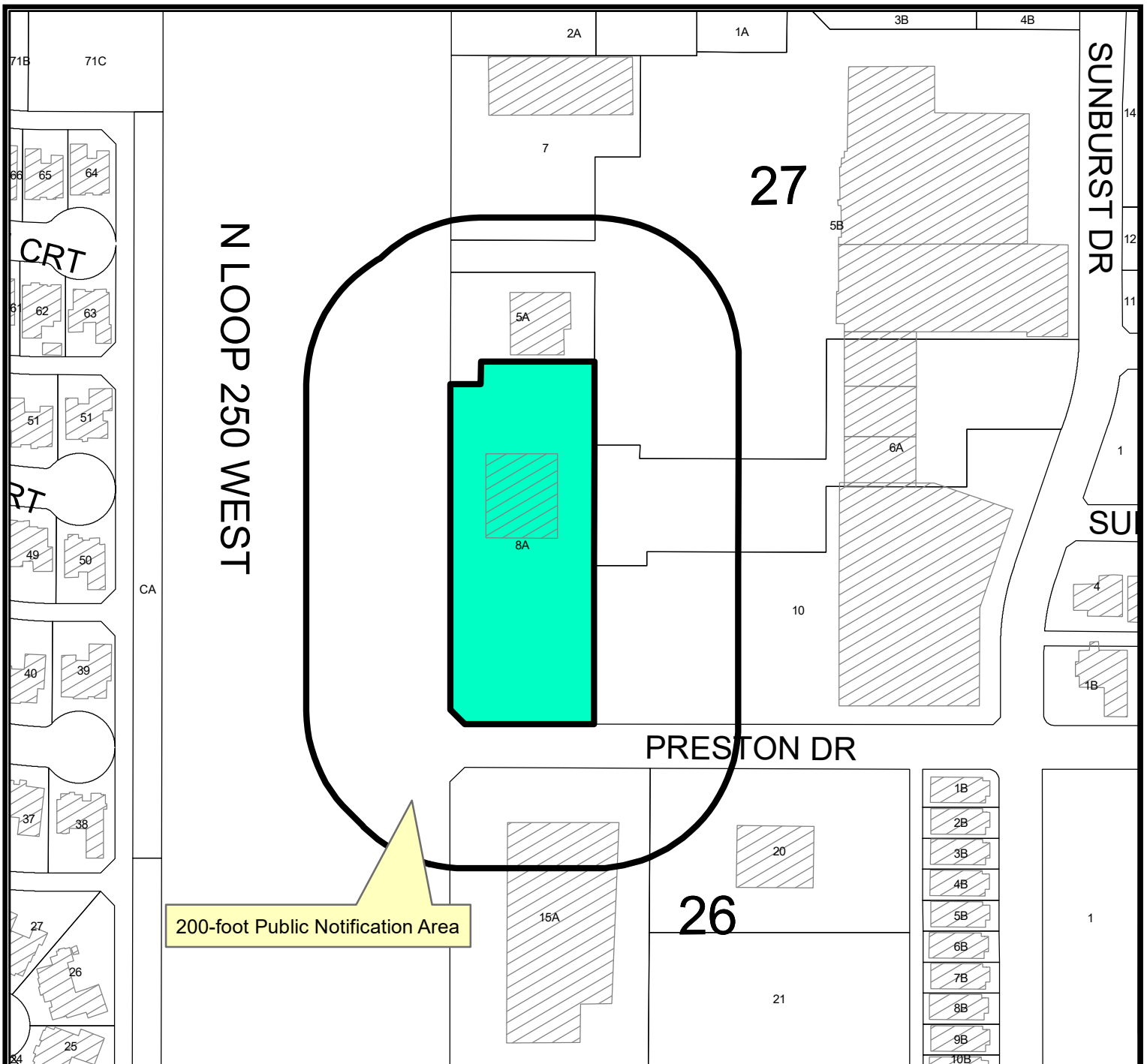
BY:

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

SUP Alcoholic Beverages Application

3

Revised 12/6/16



LOCATION MAP

SUD-21-0106

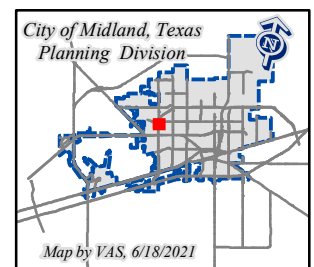
Scale: 1" = 200'

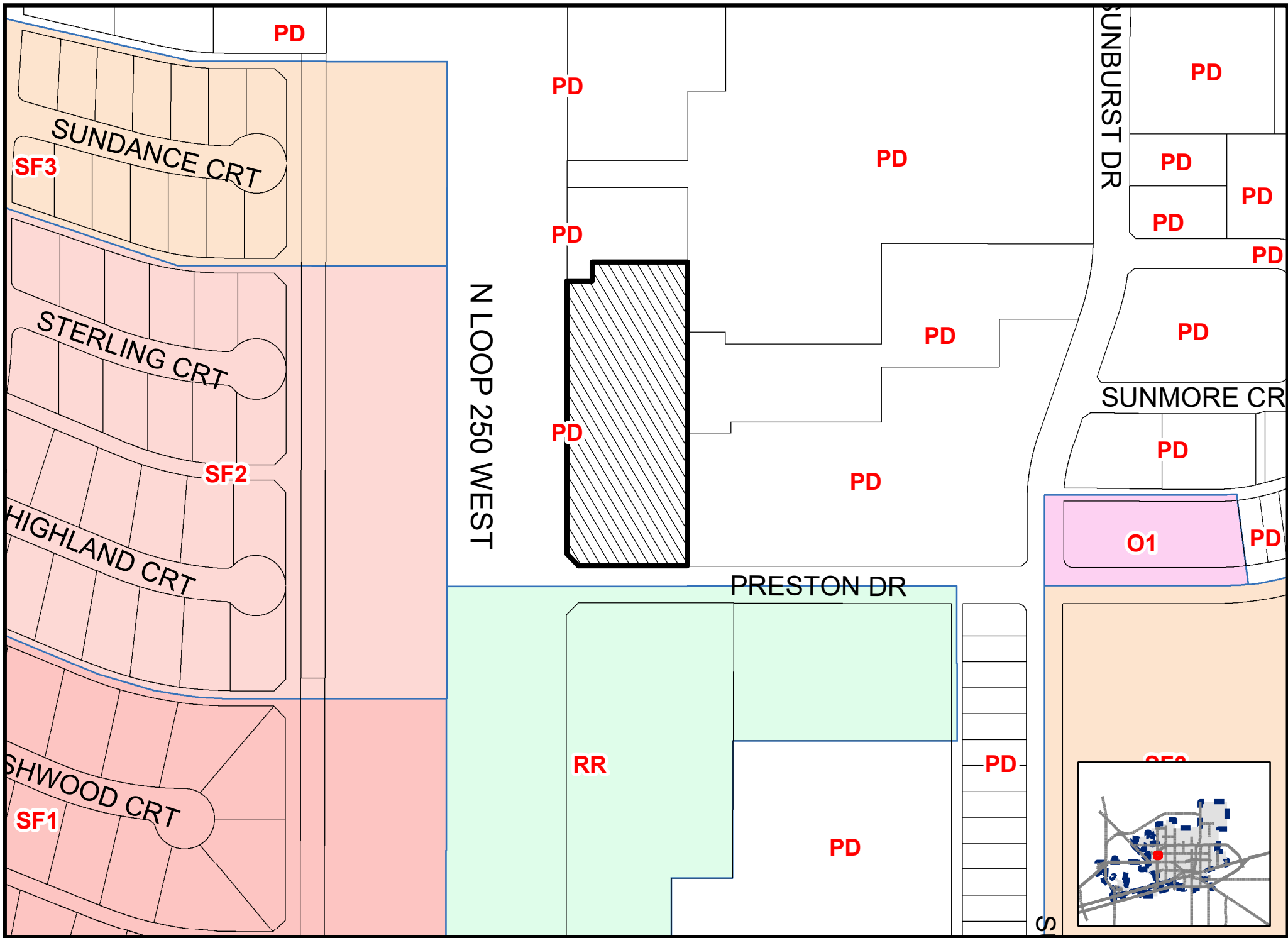
Consider a request by CBOCS Texas, LLC for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on Lot 8A, Block 27, Wyndwood Estates, Section 29, City and County of Midland, Texas.

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

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





ORDINANCE NO. 8226

AN ORDINANCE AMENDING ORDINANCE NO. 7491, WHICH CREATED A "PLANNED DISTRICT" FOR A SHOPPING CENTER SO AS TO ADOPT AN AMENDED SITE PLAN; REMOVING THE PROPERTY DESCRIBED IN SECTION TWO HEREOF FROM THE FIRE DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter and the State law with reference to the creation of "Planned Districts" under the zoning ordinance regulations and zoning map, have given the requisite notices by United States Mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof; the Governing Body finds that the public health, safety and general welfare will be best served by amending the "Planned District" for a Shopping Center created by Ordinance No. 7491; and

WHEREAS, after a full and fair public hearing at which all parties in interest were offered an opportunity to be heard, all pursuant to law, the Council finds it to be in the public interest to amend the site plan adopted by Ordinance No. 7491;

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

SECTION ONE. That the "Planned District" site plan adopted for the property described in Section One of Ordinance No. 7491, shall be amended in its entirety as set forth in Exhibit "B", attached hereto and incorporated herein by reference and subject to the following special conditions:

- A. Development of this property shall conform to the attached site plans, Exhibits "A", "B" and "C", in all respects, except as otherwise stated below.
- B. All building sites shown on Exhibit "A", except for Kohl's, shall be subject to future site plan review.
- C. All outdoor lighting shall conform to the City of Midland policy to use full

cut-off fixtures.

- D. The developer of this property shall be required to install a traffic signal at the intersection of Sunburst Drive and Wadley Avenue prior to the issuance of a Certificate of Occupancy in excess of 50,000 square feet of retail floor area.
- E. The parking shown on the site plan is illustrative. The minimum number of required parking spaces shall be determined through the building permit process.
- F. The landscaping shown on Exhibit "C" shall be installed adjacent to each platted lot as development occurs. However, the landscaping on the west side of Sunburst Drive shall be installed along the entire length of this street with the initial development of any building adjacent to it.
- G. The location and design of the driveway on the Loop 250 service road must receive prior approval by the Texas Department of Transportation.
- H. A private reciprocal access easement must be established among all lots shown on Exhibit "A" prior to the issuance of the first Certificate of Occupancy.
- I. The developer shall be required to reconstruct Sunburst Drive from Wadley Avenue to the south end of the southernmost driveway on this street, to City standards, as a condition of final plat approval.
- J. That the fence shown along Sunburst and Preston Drives shall be a minimum height of six feet, and shall be constructed of Mission Stone, as shown on the site plans. The entire fence shall be constructed with the construction of the first building within 100 feet of either street.
- K. All business signs shall conform to the City of Midland Sign Code.

SECTION TWO. That the property described below shall be removed from the fire district and the building official is authorized and directed to remove the property from the fire district map.

A 20.160 acre tract of land out of Section 19, Block 39, T-1-S, T&P RR Company Survey, Midland County, Texas, as more full described in metes and bounds description attached hereto and incorporated herein as Exhibit "D".

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

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 23rd day of March, A.D., 2004; and passed to second reading on motion of Council member Morgan, seconded by Council member Simpson, by the following vote:

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

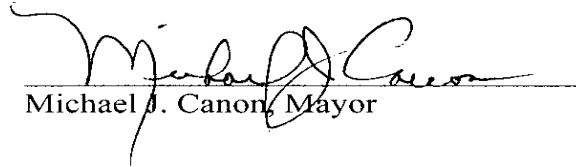
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Simpson, seconded by Council member Dufford, on the 13th day of April, A.D., 2004, at a regular meeting of the City Council:

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

Council members voting "NAY": None

PASSED AND APPROVED THIS 13th day of April, A.D., 2004.


Michael J. Canon, Mayor

ATTEST:


Kaylah J. McCord, Interim City Secretary

APPROVED AS TO FORM:


Keith Stretcher, City Attorney



City Council Agenda

Approved for Agenda:
MJohnston
City Manager's Office

MEETING DATE: March 23, 2004

TO: CITY COUNCIL/CITY MANAGER

FROM: Cameron Walker, Planning Division Manager

SUBJECT: Planned District Site Plan Approval

Purpose:

Hold a public hearing at 11:09 AM and consider an Ordinance on a request by Gulf Coast Commercial Management Inc. for a proposed Planned District Site Plan

Recommended City Council Action:

☒ Approve

☐ Deny

☐ Direction/Informational

Fiscal Impact: N/A

Discussion:

Kohl's Department Store wishes to construct a 96,000 square-foot retail store on a portion of a 20-acre tract. The property is zoned Planned District for a Shopping Center, subject to LR-2 District regulations and approval of a site plan prior to development. The applicant has submitted three site plans, Exhibits A, B and C, to satisfy the site plan approval requirement. The Planning and Zoning Commission recommended unanimous approval, with minor amendments, and no one spoke in opposition during the public hearing. Exhibit A is the "plan view" of the entire retail tract, and Exhibit B illustrates the elevation views of only the Kohl's building. Exhibit A will serve as the site plan illustrating the overall "plan" view of the entire shopping center. Exhibit B only represents the elevation views for Kohl's. Therefore, all sites other than Kohl's will be subject to future site plan review prior to development.

This retail site is bounded on all sides by public streets. This condition greatly increases the difficulty in designing the shopping center. Exhibit A indicates that in addition to Kohl's, five other retail stores would back toward Sunburst Drive, with four separate loading docks. A future expansion of the Kohl's building would extend it to within 15 feet of Sunburst Drive. A six-foot tall solid fence, constructed of Mission Stone, is proposed to screen the rear of these buildings. Additionally, junipers are proposed to be planted on 20-foot centers between the fence and the property line to soften the appearance. Three other retail sites are also shown on Exhibit A, for a total of nine sites.

Access is proposed from all four adjoining streets. TxDOT has approved the location of the single driveway on the Loop 250 service road. Another 45-foot wide driveway is planned from Wadley Avenue. There are two driveways on Sunburst Drive. These driveways will be used exclusively by delivery trucks, and not by customers. The northern driveway is designed for one-way northbound egress only. Sunburst Drive is not a designated truck route, and is not constructed to withstand the weight of heavy trucks. Consequently, the applicant has agreed to reconstruct Sunburst Drive from Wadley Avenue to the southernmost driveway. This requirement will be monitored through the associated platting process. The two driveways on Preston Drive will not be used for truck traffic. The planned district also requires the developer to install a traffic signal at the intersection of Wadley Avenue and Sunburst Drive.

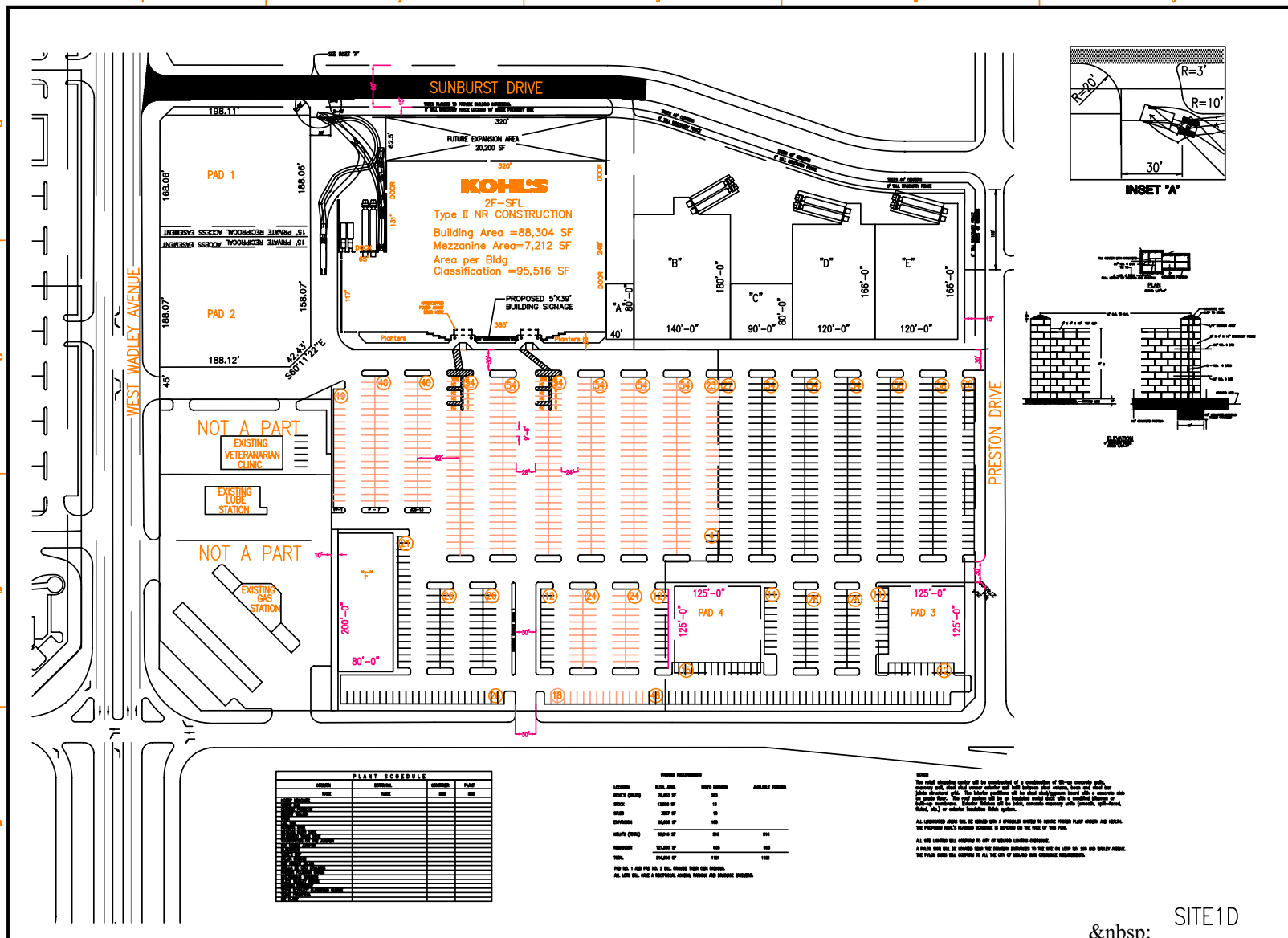
Exhibit B illustrates the elevation views of the Kohl' building. The maximum height is 25.5 feet, with a seven-foot parapet. The front of the building, facing Loop 250, will be constructed from a combination of brick veneer, stucco and glass. The brick veneer wraps around a portion of the southern side of the building. The remaining sides would be constructed of tilt-up concrete walls painted with a textured finish. These materials should result in an attractive structure compatible with recent development along Loop 250.

All business signs are proposed to comply with the Sign Code. A note on the site plan states that outdoor lighting will conform to the City's policy of utilizing full cut-off fixtures to avoid light pollution. Private reciprocal access easements across all lots is also required by the planned district. Exhibit C illustrates a landscaping plan, with a revised plant material list. All landscaping would be irrigated. No opposition was expressed before the Planning and Zoning Commission. In conclusion, we find that this site plan conforms to the conditions established by the original planned district ordinance and with City development policies. We concur with the Planning Commission's recommendation for approval, subject to the conditions contained in the attached ordinance.

CDS

Attachments:

February 17, 2004 Planning Commission Staff Report and minutes.
Exhibits A, B and C.
Proposed Ordinance



SCHWERDT
DESIGN GROUP, INC.
ARCHITECTURAL DESIGN
1000 N. WADSWORTH AVE. SUITE 100
MIDLAND, TEXAS 79701
PHONE: 409.709.1111
FAX: 409.709.1112
WWW.SCHWERDTDESIGN.COM

SITE PLANNING FOR:
MIDLAND

DATE _____ **YEAR** _____

PROJECT NUMBER
031078

SHEET NUMBER
C-100











Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Valerie A. Sherman, Senior Planner

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

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

SF-1, Single-Family Dwelling District.

Surrounding Zoning and Land Use:

The properties to the north across Andrews Highway are zoned SF-1, Single-Family Dwelling District and the location of residences, and O-1, Office District, and the location of a vacant lot. The property to the east is zoned SF-1, Single-Family Dwelling District and the location of a residence. The properties to the south are zoned SF-1, Single-Family Dwelling District and the location of residences. The properties to the west are zoned PD, Planned District for an Office Center and the location of the Midland Central Appraisal District, and LI, Light Industrial District, and the location of a vacant lot.

Analysis:

The applicant is requesting this zone change to PD, Planned Development District for an Office Center and Housing Development, to develop Safe Place of Midland's campus.

The proposed site plan (Exhibit A) shows approximately 49,600 square feet of buildings, including for administration, childcare, a future activity center, and twenty-four (24) individual living units, for victims of domestic violence. Seventy (70) parking spaces are proposed throughout the campus.

Departmental Review:

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 with Conditions)

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

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

No objection to zone change.

Fire: (Approved)

No objections.

Oil and Gas: (Approved)

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

Planning:

Staff recommends approval of the zone change from SF-1, Single-Family Dwelling District to PD, Planned Development District for an Office Center and Housing Development, subject to conditions A through D.

Conditions:

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

B. That this property shall conform to the site plan, which is attached hereto and incorporated herein as Exhibit A.

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

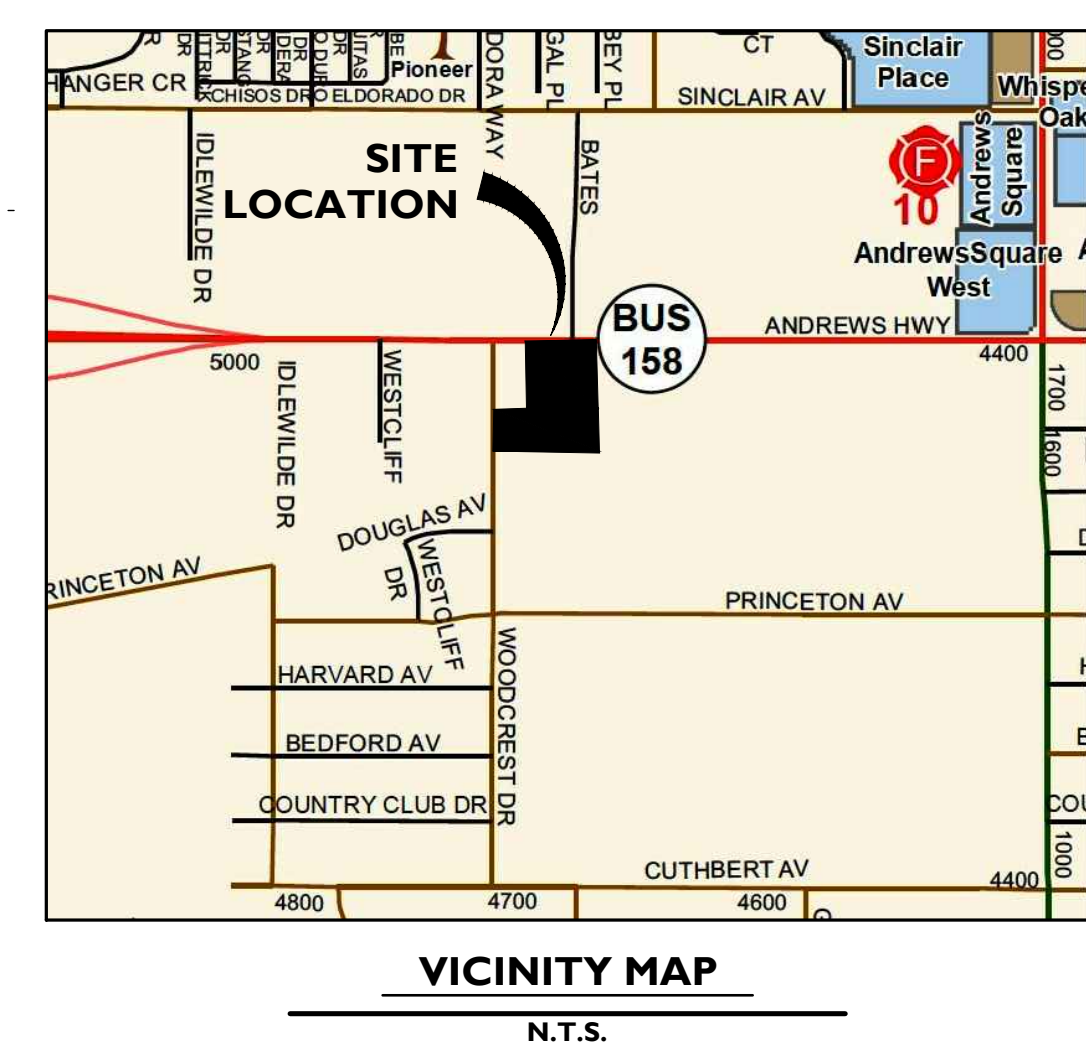
D. That the signage for this property shall conform to the regulations set forth in Title XI, Chapter 7a. of the City Code.

Letters of Objection:

As of June 30, 2021, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Application
Maps



- **GENERAL:** SITE PLAN IS FOR A PROPOSED PLANNED DISTRICT FOR VICTIMS OF DOMESTIC VIOLENCE AND INCLUDES OFFICE SPACE, CONFERENCE SPACES, SHELTER, SUPPORT SPACES ALONG WITH TEMPORARY TRANSIENT HOUSING ALL WITHIN AN EVENTUAL : 4.6960 INCLUDING FUTURE ACTIVITY BUILDING AND DOUBLING THE SIZE OF THE CHILDCARE BUILDING SQUARE FEET OF NEW BUILDING CONSTRUCTION ALL LOCATED ON TRACTS 11-14, AND BLOCK 2, HILLCREST ACRES AND HILLCREST ACRES, SECTION 10 RESPECTIVELY, AND AS EXHIBITED BY THE PENDING PRELIMINARY RE-PLAT KNOWN AS HILLCREST ACRES, SECTION 14, CITY & COUNTY OF MIDLAND, TEXAS. THE SITE IS LOCATED AT THE INTERSECTION OF ANDREWS HIGHWAY AND WOODCREST DRIVE IN WEST MIDLAND. THE DEVELOPMENT IS CURRENTLY ZONED SF-1 FOR A SINGLE FAMILY DISTRICT AND IS PROPOSED FOR A PD, WITH AN "OFFICE DISTRICT 1" (O-1) UNDERLYING.
- **DEVELOPMENT:** THE DEVELOPMENT WILL INITIALLY CONSIST OF EIGHT NEW STRUCTURES AS SHOWN AND A FUTURE PHASE WHICH WILL INCLUDE A PROPOSED ADDITION TO THE CHILDCARE FACILITIES AND NEW CAMPUS ACTIVITY CENTER.
- **BUILDING HEIGHT:** THE STRUCTURE IS PLANNED TO BE MULTIPLE STRUCTURES ORIENTED IN A CAMPUS LAYOUT INTENDED FOR OFFICE USE AND HOUSING VICTIMS OF DOMESTIC VIOLENCE. ALL BUILDING HEIGHTS PROPOSED NOT TO EXCEED 25' (TWENTY FIVE FEET) IN MAXIMUM HEIGHT. BUILDING SETBACK REQUIREMENTS AS SHOWN, 15' (FIFTEEN) FRONT AND 5' (FIVE) SIDE YARD SETBACKS.
- **ACCESS:** THE SITE IS PLANNED FOR THREE (3) ACCESS POINTS. ONE TO THE NORTH ACCESSING ANDREWS HIGHWAY, AND TWO TO THE SOUTH ACCESSING A PROPOSED BACKAGE ROAD IN AN EXISTING PUBLIC RIGHT-OF-WAY. ALL ACCESS POINTS ARE PLANNED FOR BOTH INGRESS AND EGRESS. THE FOLLOWING EASEMENTS ARE PLANNED TO GRANT ACCESS: UTILITY ACCESS EASEMENT, BLANKET CARBAGE COLLECTION & FACILITIES MAINTENANCE EASEMENT, PEDESTRIAN ACCESS EASEMENTS.
- **FIRE ACCESS:** ACCESS FOR FIRE TRUCKS WILL BE ALONG THE PROVIDED 20' FIRELANE CORRIDOR.
- **PARKING:** ON-SITE PARKING WILL BE PROVIDED WITH 70 STANDARD PARKING SPACES, AND AN ADDITIONAL 4 ACCESSIBLE PARKING SPACES.
- **TRASH:** TRASH ENCLOSURES WILL BE IN COMPLIANCE WITH THE CITY OF MIDLAND REQUIREMENTS. ON-SITE TRASH COLLECTION WILL BE COLLECTED BY THE CITY OF MIDLAND UTILIZING SIDE LOADING TRUCKS.
- **UTILITIES:** PUBLIC UTILITIES ARE NOT PRESENT. NEW WATER & SEWER SERVICE TAPS WILL BE REQUIRED.
- **DRAINAGE:** STORM WATER RUNOFF WILL BE DETAINEED SO AS NOT TO INCREASE EXISTING PEAK RUNOFF WITHIN BASINS OR PROPOSED.

- LANDSCAPING ELEMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATIVE PURPOSES ONLY, AND DOES NOT NECESSARILY REFLECT THE FINAL DESIGN LANDSCAPING.
- THE LANDSCAPE PLAN THAT WILL BE SUBMITTED FOR CITY APPROVAL WILL BE IN COMPLIANCE WITH CITY STANDARDS.

- DIMENSIONS SHOWN ARE TYPICALLY TO BACK OF CURB UNLESS NOTED OTHERWISE.
- SIDEWALKS WILL BE 5 FT. IN WIDTH UNLESS NOTED OTHERWISE.

COMMUNITY NUMBER	PANEL NUMBERS	SUFFIX	DATE OF FIRM	ZONE	BASE FLOOD ELEVATION
48329	182 & 069	F	09/16/2005	X	N/A



**MAVERICK
ENGINEERING**

1909 West Wall Street, Suite "K"
Midland, Texas 79701
Tel: (432) 262-0999 Fax: (432) 262-0989
www.Maverick-Eng.com

DRAWN BY:		PRH	REVISIONS		BY	DATE
CHECKED BY:		ADH	06/03/2021 COURTYARD UPDATE			
APPROVED BY:		ALM	06/21/2021 CALLOUTS			
DATE:		05/26/2021				
JOB:		200136				

PD ZONING SITE PLAN
SAFE PLACE OF MIDLAND

**PRELIMINARY
REVIEW:**

THESE PLANS ARE FOR THE PURPOSES OF
INTERIM/PRELIMINARY REVIEW. THEY
SHALL NOT BE USED FOR THE PURPOSES
OF CONSTRUCTION.

SHEET **SP-01** OF 01



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

Project Number: 2-21-0244
Case Number: _____

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

Property Owner Printed Name: Safe Place of the Permian Basin		Phone (432) 522-7202 Email cwayland@safeplacenow.com	
Address PO Box 11331	City Midland	State TX	Zip 79702

Representative (if different from Applicant or Property Owner) Firm: Maverick Engineering Printed Name: Paladin Huckaba		Phone (432) 262-0999 Email phuckaba@maverick-eng.com	
Address 1909 W Wall St Ste K	City Midland	State TX	Zip 79701

Street Address: 4629, 4625, 4623, 4613 Andrews Hwy	
Legal Description Lot: _____ Block: _____ Subdivision: Hillcrest Acres	

Current Zoning: SF1	Proposed Zone: PD (O-1 underlying) (List by tracts if more than one district is requested)
Reason for Zone Change Request: Support the development of vacant acreage to expand the community service mission of Safe Place of Midland with new admin building, childcare, and shelter housing.	
Present Use of Property: Vacant	
Proposed Use of Property: Shelter housing, childcare, administration building with offices	
How would this zone change affect the public health, safety and welfare? Will contribute to the ability of Safe Place to expand it's mission and assistance to the community for those in need	
Describe how conditions affecting the property have changed since present zoning designation: No known change	

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

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

Applicant (signature):

Date:

Applicant (printed):

Property Owner (signature): Carole Wayland

Date: 6/8/21

Property Owner (printed): Carole Wayland

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.

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

Andrew L. Mellen
Authorized Agent (signature)

Subscribed and sworn to before me, this 9th day of June, 20 21, to certify which witness my hand and seal of office.



Kelsey Ann Stine
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Site Plan

☒ Application Fee

☒ Plans in Digital Format (PDF/JPEG)

Check # 3445

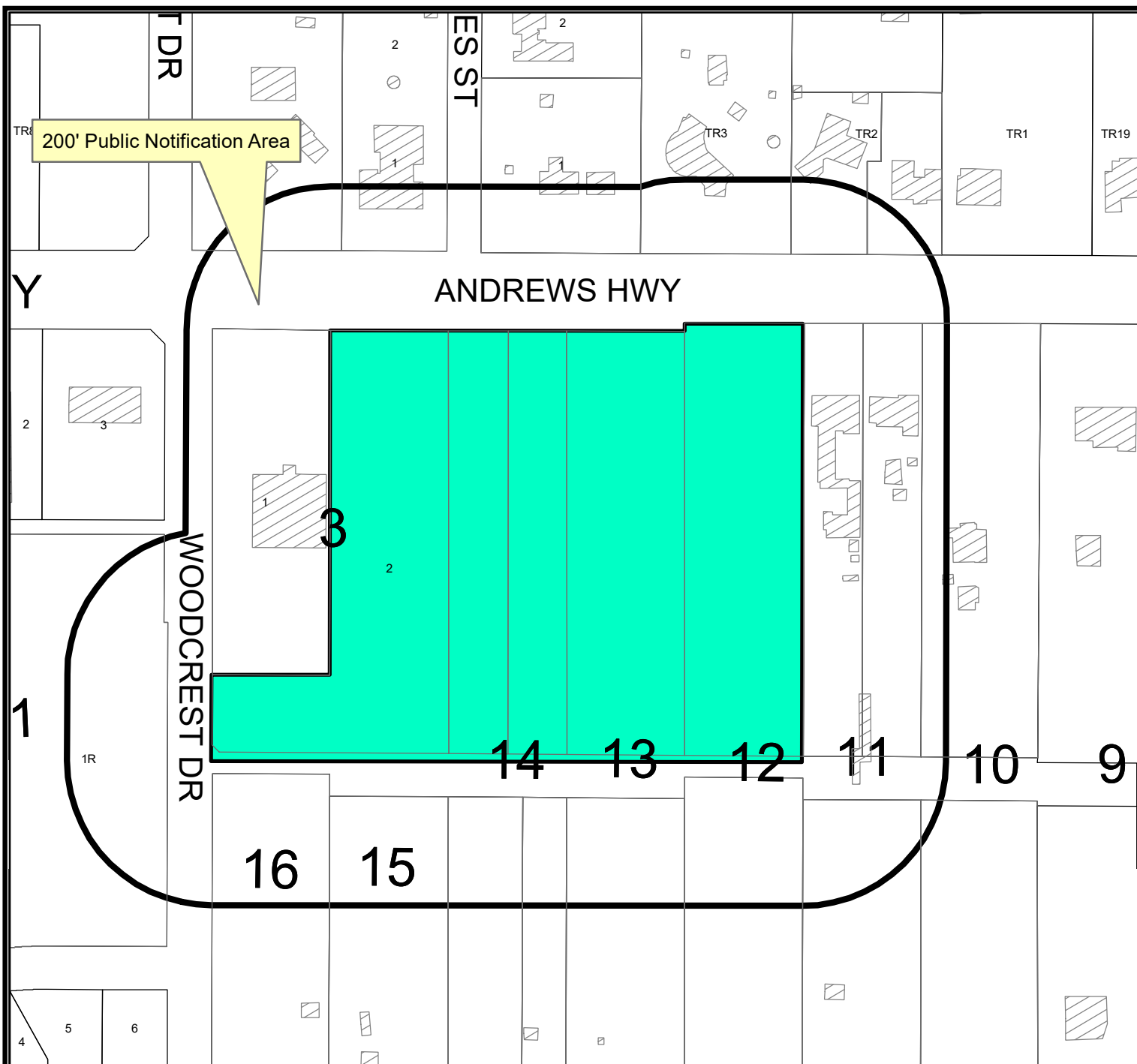
Received By: Joseph Mammola

Date:

RECEIVED
JUN 09 2021

BY: [Signature]

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



LOCATION MAP

Z-21-0244

Scale: 1" = 200'

Consider a request by Safe Place of the Permian Basin for a zone change from SF-1, Single-Family Dwelling District, to PD Planned Development District for an Office Center and Housing Development, on the north half of Tracts 12, 13, and 14, Hillcrest Acres; and Lot 2, Block 3, Hillcrest Acres, Section 10; City and County of Midland, Texas.

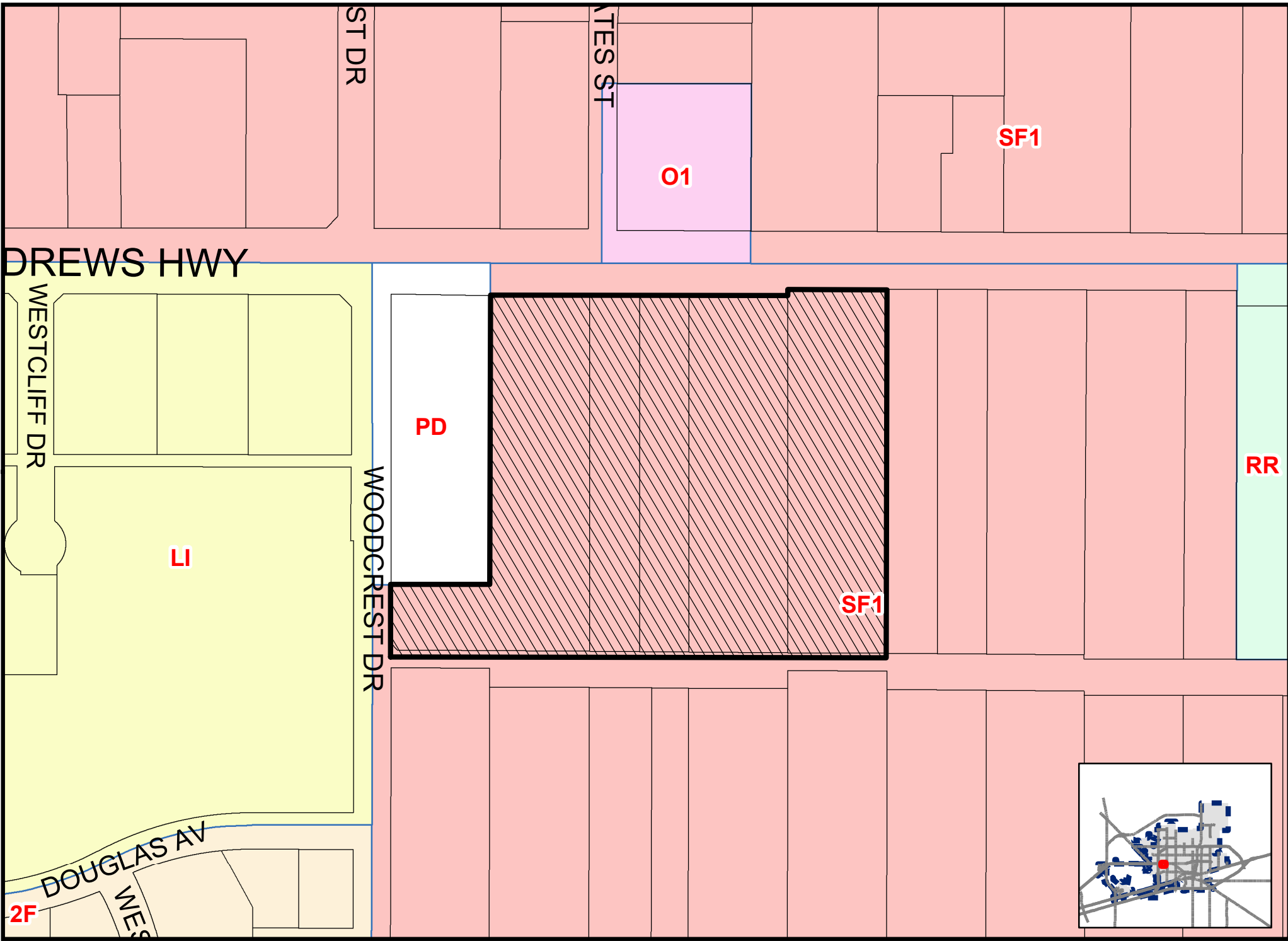
Generally located on the south side of Andrews Highway, approximately 170 feet east of Woodcrest Drive. (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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













Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Joseph Marynak, Planner

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

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 Street. 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 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 Vendor 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.

Departmental Review:

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 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.

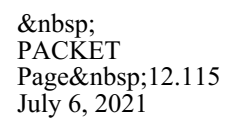
J. That Christopher Sean Elphick shall be designated as the on-site manager of the Mobile Food Vendor Park and ensure that these conditions are met.

Letters of Objection:

As of June 30, 2021, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Application
Maps





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

Case Number: SUDwo-21-0022
Ord. Number: _____

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

Property Owner Printed Name: <u>John Elphick</u>		Phone <u>(432) 553-9250</u> Email _____	
Address <u>500 W. Illinois St 200</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79705</u>

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

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

Street Address: <u>4401 N Big Spring St. Midland, TX 79705</u>		
Legal Description Lot: _____	Block: _____	Subdivision: _____

Current Zoning: _____	
Maximum Floor Area: _____	Maximum Occupancy: _____
Proposed hours and days of use or operation: <u>MON-SUN 11am-12am</u>	
Reason for request: <u>Opening Food Park</u>	
Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: <u>Food Park will add to the quality of life in Midland</u>	

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:

Applicant (printed):

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.

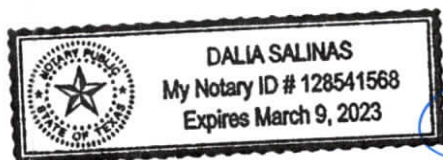
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

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, 20 21, to certify which witness my hand and seal of office.



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

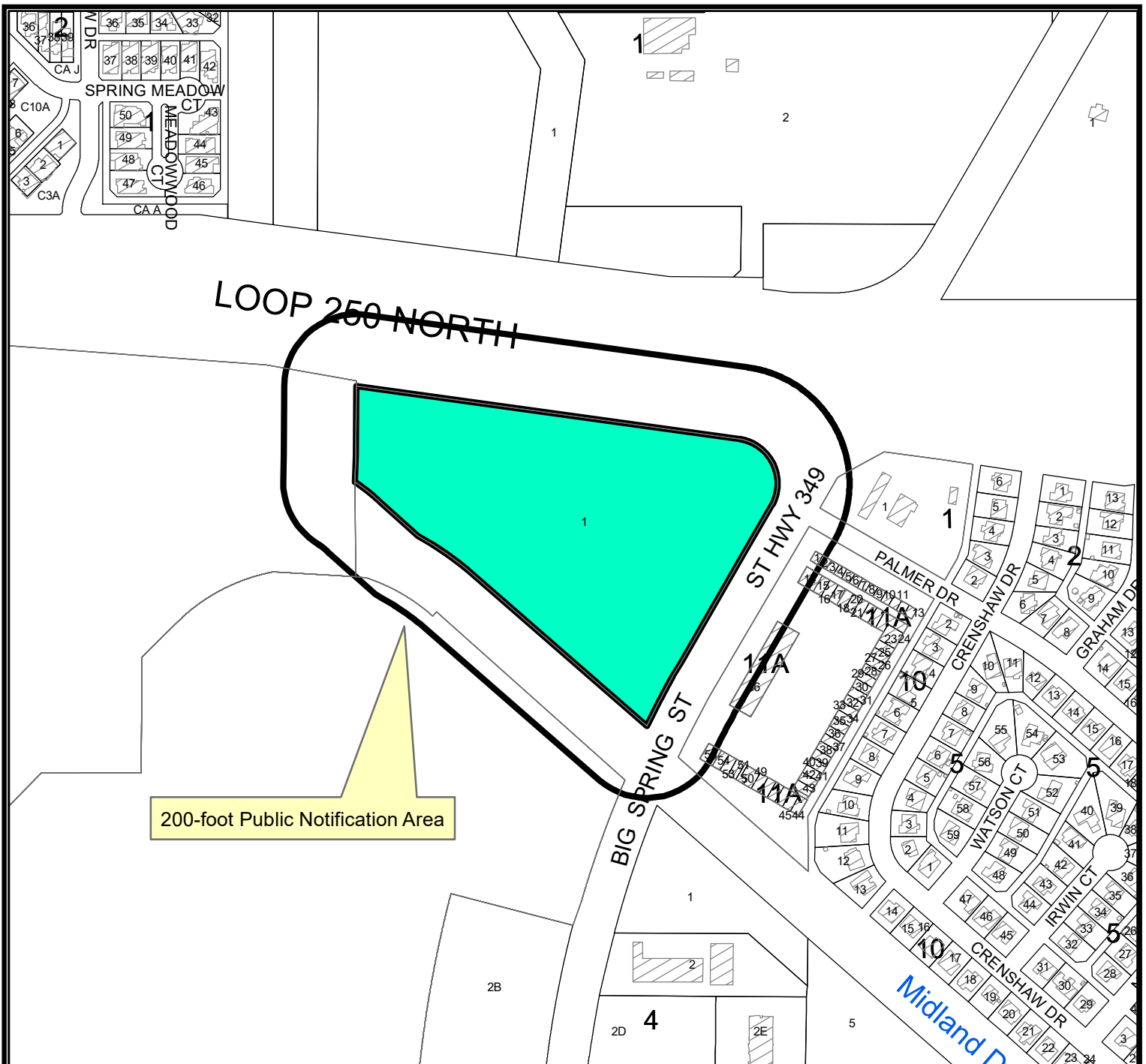
FOR OFFICE USE ONLY☐ Property Owner Authorization☐ Dimensioned Site Plan☐ Application Fee☐ Site Plan in Digital Format (PDF/JPEG)

Check # _____

Received By: _____

Date: _____

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



LOCATION MAP

SUDwo-21-0022

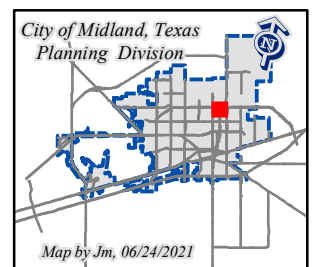
Scale: 1" = 400'

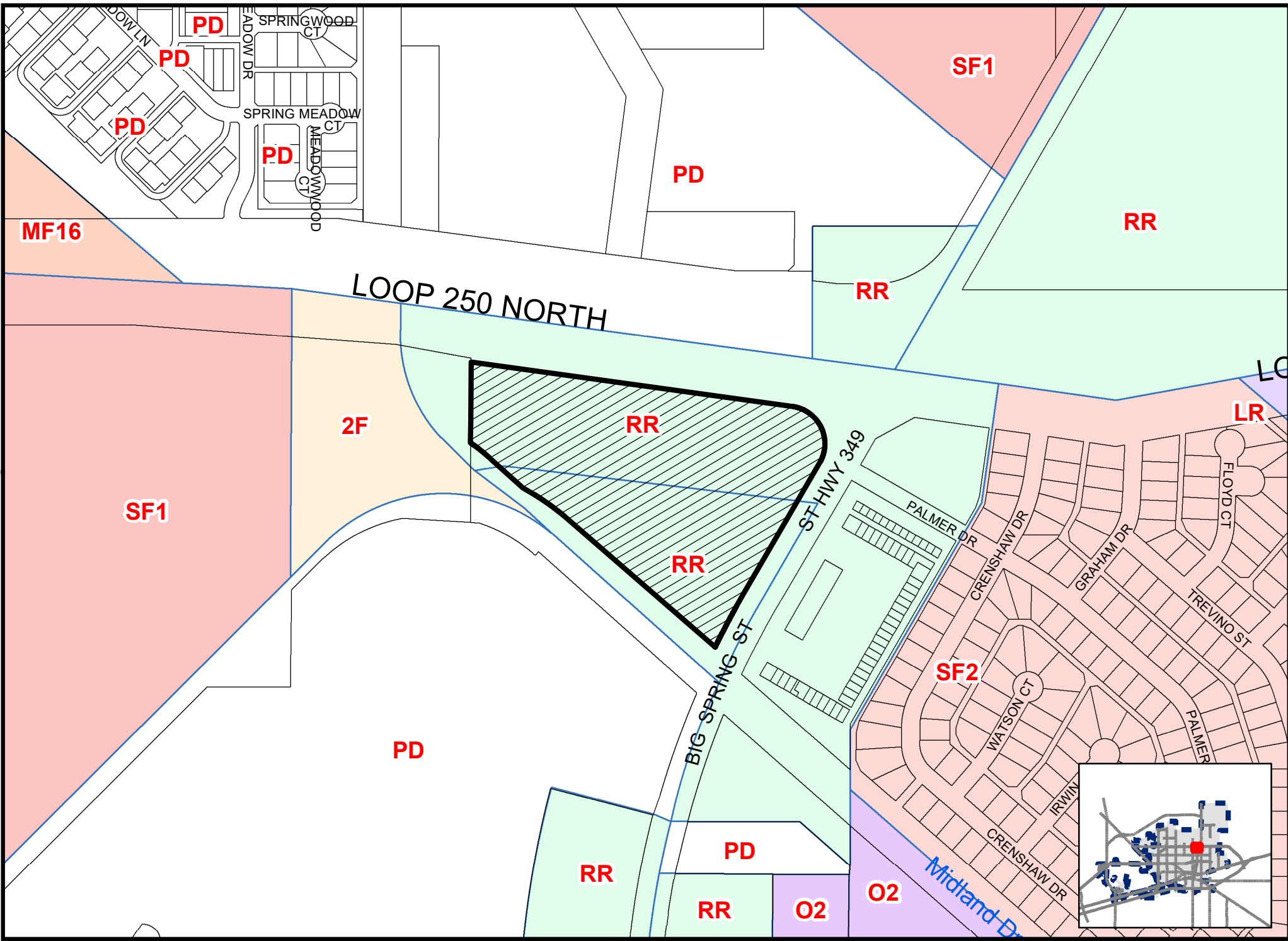
Consider a request by Christopher Sean Elphick for a Specific Use Designation without term for a Mobile Food Vendor Park on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas.

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















Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Joseph Marynak, Planner

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:

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

Current Zoning:

RR, Regional Retail District

Surrounding Zoning and Land Use:

The property to the 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 7,362 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.

Departmental Review:

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

Fire: (Approved with Conditions)

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 with Conditions)

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 7,362 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 June 30, 2021, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Application
Maps





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

Project Number: SUD-21-D105
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Christopher Sean Elphick</u>		Phone (432) <u>553-9250</u> Email: <u>sean.elphick@yahoo.com</u>	
Address: <u>3209 Cimmaron Ave</u>	City: <u>Midland</u>	State: <u>TX</u>	Zip: <u>79705</u>

Property Owner Printed Name: <u>John Elphick</u>		Phone (432) <u>553-9253</u> Email: <u>jelphick@scirealty.com</u>	
Address: <u>500 W. Illinois Ste 200</u>	City: <u>Midland</u>	State: <u>TX</u>	Zip: <u>79701</u>

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

Street Address: <u>4401 N Big Spring St. Midland, TX 79705</u>	
Business Name: <u>The Tailgate</u>	
Legal Description Lot: _____ Block: <u>39T15</u> Subdivision: _____	
Current Zoning: _____	
Reason for Request: <u>Expired SUD / expanding seating / adding Bar</u>	

Type of Business (restaurant, bar, lounge, nightclub, etc.): <u>Food Truck Park</u>			
Proposed/Current Days and Hours of Operation: <u>Mon - Sun 11am - 12am</u>			
Proposed Days and Hours of Alcohol Service: <u>Mon - Sun 11am - 12am</u>			
Total Square Footage of Business: _____			
Square Footage of Alcohol Serviceable Area: <u>7,362.5 sqft</u>			
Restroom Fixtures:	Men	Toilets/Urinals: <u>1 / 1</u>	Bathroom Sinks: <u>1</u>
	Women	Toilets: <u>1</u>	Bathroom Sinks: <u>1</u>

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

Applicant (signature):

Date: 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

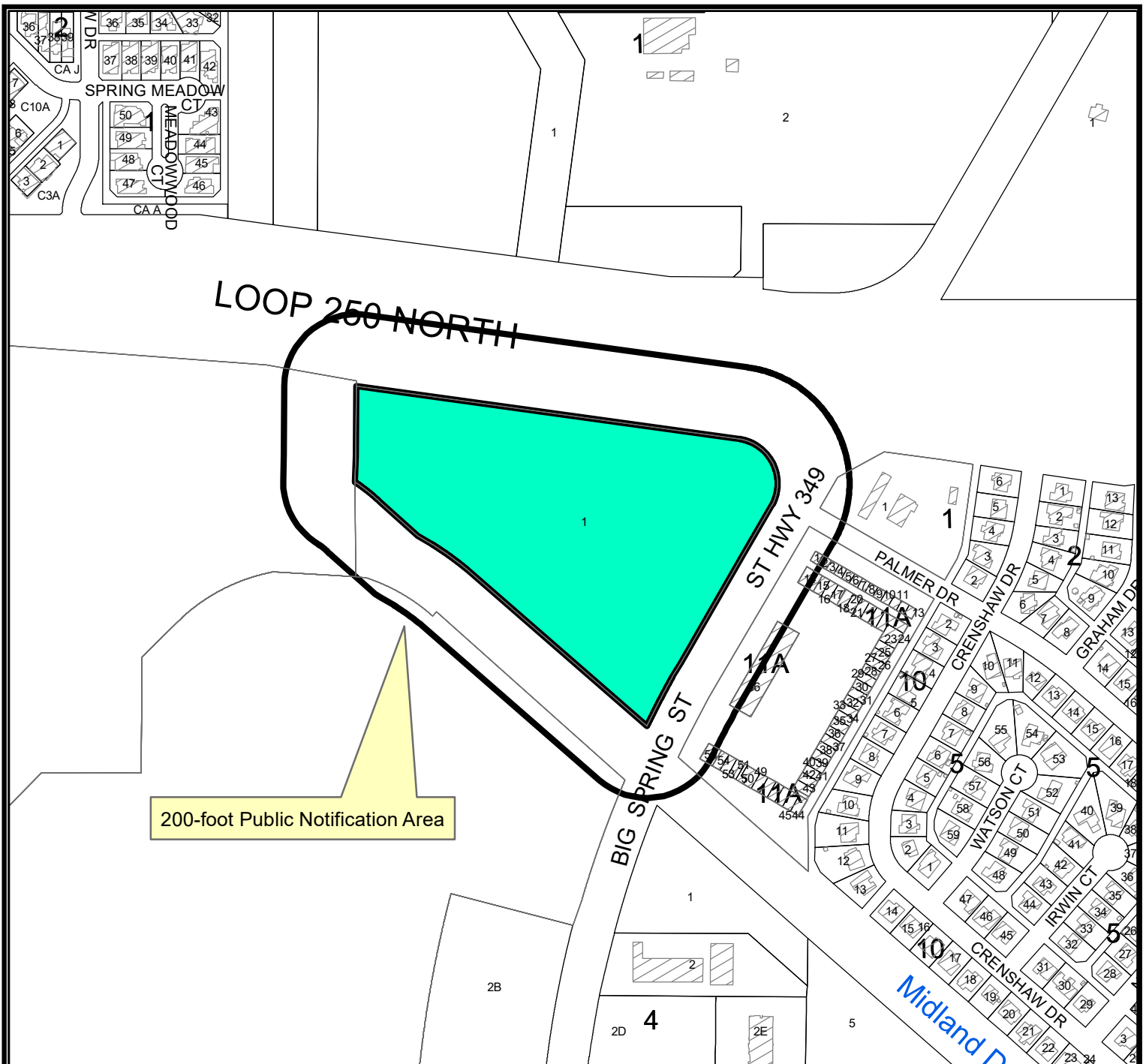
Check # Credit Card

☐ Plans in Digital Format (PDF/JPEG)

Received By: _____

Date: _____

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



LOCATION MAP

SUD-21-0105

Scale: 1" = 400'

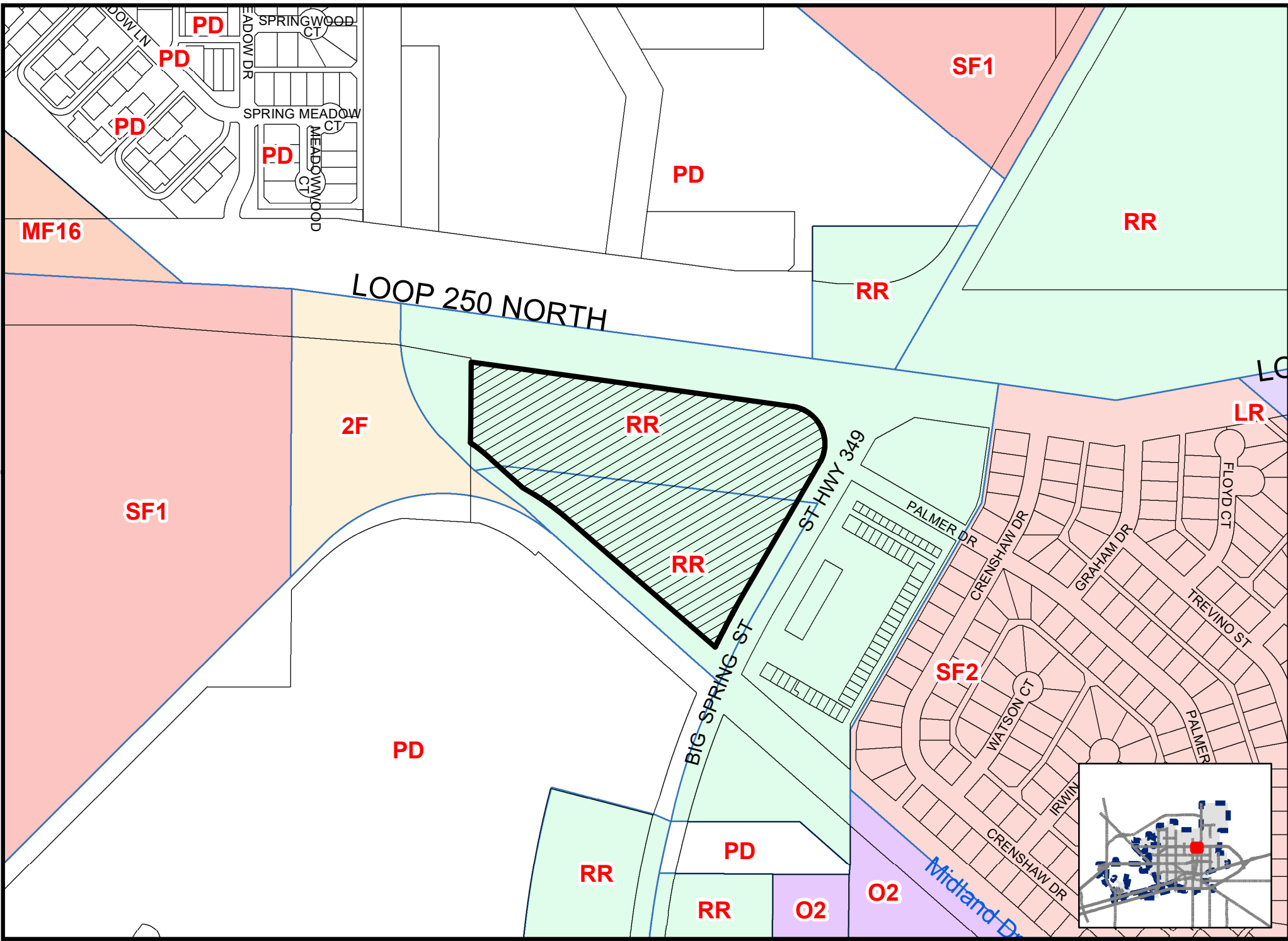
Consider a request by Christopher Sean Elphick for a Specific Use Designation with term for the sale of all alcoholic beverages for on premises consumption in a Mobile Food Vendor Park on Lot 1, Block 1, Claydesta Plaza North, Section 4, City and County of Midland, Texas.

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















Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Planner

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

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

LI, Light Industrial District

Purpose:

The applicant, Jose Chavez is requesting to rezone the property located at 509 N. Madison Street to allow for the construction of a residential home.

Surrounding Zoning and Land Use:

The property to the north is zoned SF-3, Single-Family Dwelling District, and is the location of a single-family home. The properties to the east, south, and west are zoned LI, Light Industrial District, and are the locations of the City's fuel station, vacant land, and a residential home.

Analysis:

The applicant is requesting to rezone the property from LI, Light Industrial District to SF-3, Single-Family Dwelling District, to allow for the construction of a residential home. The 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. A demolition permit will be required for the removal of existing structure. 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 medium. This designation calls for a mix of uses that include single-family and commercial development.

Therefore, staff recommends approval of this zone change from LI, Light Industrial 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 June 30, 2021.

Attachments:

Application
Maps



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

Project Number: 2-21-0242
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Jose Chavez</u>		Phone (575) <u>694-3413</u> Email: <u>ferre-chavez@ymail.com</u>	
Address: <u>1206 E Pennsylvania</u>	City: <u>Midland</u>	State: <u>TX</u>	Zip: <u>79701</u>

Property Owner Printed Name: <u>Jose Chavez</u>		Phone (575) <u>694-3413</u> Email: <u>ferre-chavez@ymail.com</u>	
Address: <u>1206 E Pennsylvania</u>	City: <u>Midland</u>	State: <u>TX</u>	Zip: <u>79701</u>

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

Street Address: <u>509 N Madison</u>		
Legal Description Lot: <u>2</u> Block: <u>3</u> Subdivision: <u>Moody Addition</u>		

Current Zoning: <u>LI</u>	Proposed Zone: <u>SF3</u> (List by tracts if more than one district is requested)
----------------------------------	---

Reason for Zone Change Request: _____ <u>New build</u>
--

Present Use of Property: _____ <u>Vacant</u>
--

Proposed Use of Property: _____ <u>Residential</u>
--

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

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)

RECEIVED
JUN 02 2021

BY:

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): <u>Jose Chavez</u>	Date: <u>6-2-21</u>
Property Owner (printed): <u>Jose Chavez</u>	
<i>The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.</i> <i>All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.</i>	

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)

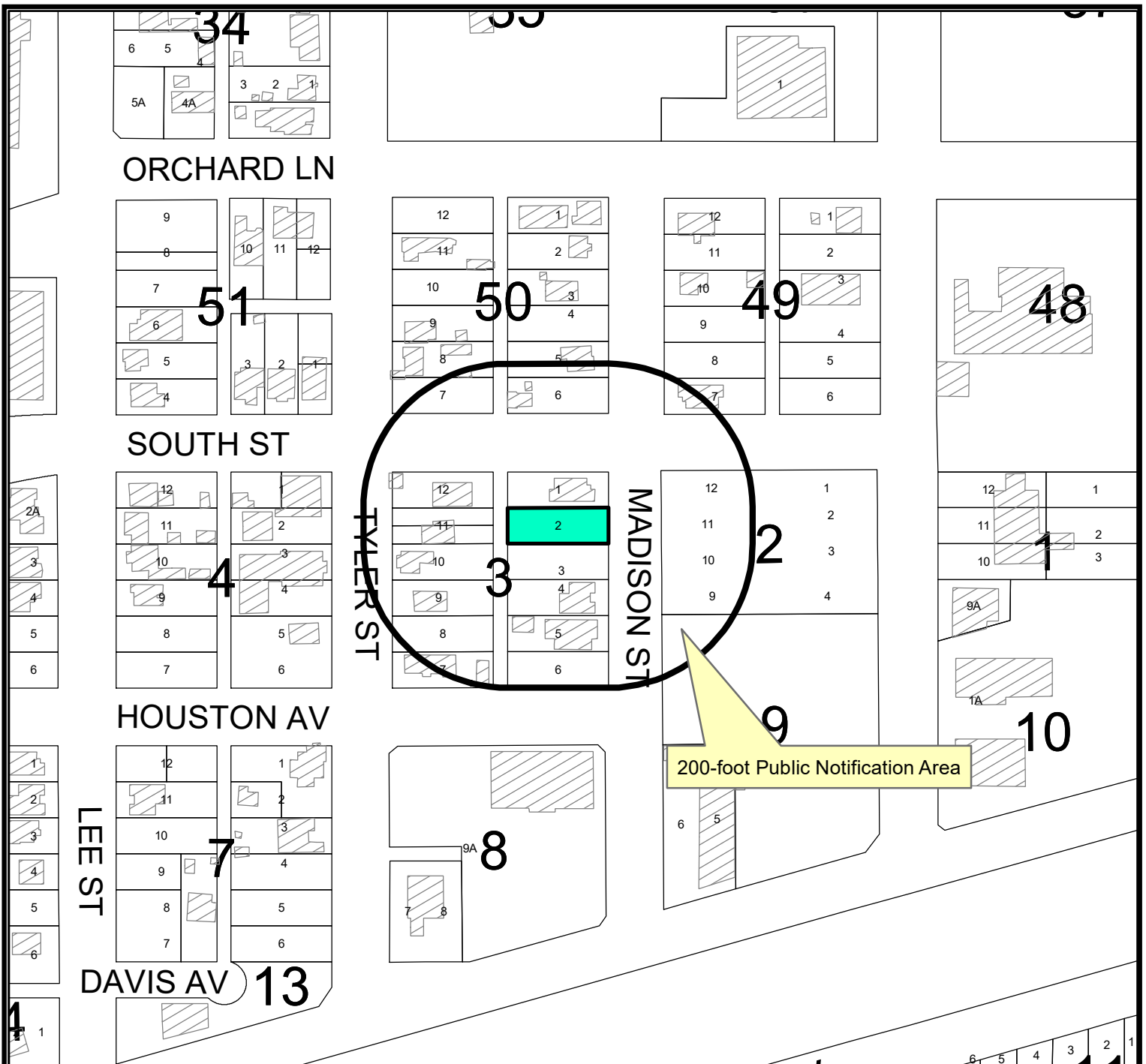
Subscribed and sworn to before me, this _____ day of _____, 20____, to certify which witness my hand and seal of office.

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization ☒ Application Fee Check # <u>CC</u>	☐ Dimensioned Site Plan ☐ Plans in Digital Format (PDF/JPEG) RECEIVED JUN 02 2021
Received By: <u>DR</u>	Date: _____

BY:

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



LOCATION MAP

Z-21-0242

Scale: 1" = 200'

Consider a request by Jose Chavez for a zone change from LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lot 2, Block 3, Moody Addition, City and County of Midland, Texas.

Generally located on the west side of N. Madison Street, approximately 97-feet south of South Street.
(Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS

