Effective March 16, 2020, Governor Greg Abbott authorized the temporary suspension of certain statutory provisions of the Texas Open Meetings Act. This meeting of the City Council 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 coronavirus (COVID-19).

CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
May 11, 2021 - 10:00 AM
300 North Loraine
Midland, Texas
Council Chamber - City Hall

Videoconference Information

Please click this URL to join. https://zoom.us/j/95949818698?pwd=ZXF1dGJHa0tlR3lybGZxY201aXR2UT09

Passcode: 746224

Or One tap mobile:

+13462487799,,95949818698# US (Houston)

+12532158782,,95949818698# US (Tacoma)

Or join by phone:

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

US: +1 346 248 7799 or +1 253 215 8782 or +1 669 900 9128 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 959 4981 8698

International numbers available: https://zoom.us/u/adOlzUoGa4

The City Council may discuss, consider, and take action on any item listed on this agenda.

OPENING ITEMS

1. Invocation – Pastor Bob Pase, Grace Lutheran Church

2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

    a. Proclamation to Encompass Health Rehabilitation Hospital for National Nurses Week.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:

   a. BRIEFING SESSION MEETING OF APRIL 27, 2021

   b. REGULAR MEETING OF APRIL 27, 2021

   c. SPECIAL MEETING OF MAY 4, 2021

5. 051-2021 – MOTION AUTHORIZING AN INTERLOCAL AGREEMENT FOR COOPERATIVE PURCHASING SERVICES WITH THE REGION 8 EDUCATION SERVICE CENTER THROUGH A PROGRAM KNOWN AS THE INTERLOCAL PURCHASING SYSTEM (TIPS) PROGRAM (GENERAL SERVICES)

6. 2021-056 – RESOLUTION APPROVING A CONTRACT WITH PARAGON ROOFING, INC., THROUGH THE INTERLOCAL PURCHASING SYSTEM, FOR THE PURCHASE AND INSTALLATION OF STANDING SEAM METAL ROOFING AT FIRE STATION 10 FOR A TOTAL COST OF $164,953.25; AND APPROPRIATING FUNDS FOR SAID CONTRACT (GENERAL SERVICES)

7. 2021-057 – RESOLUTION APPROVING THE PURCHASE OF TWO (2) FORD F-150 4X4 CREW CAB TRUCKS AND ONE (1) FORD F-250 4X4 CREW CAB TRUCK FROM CHASTANG FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR A TOTAL COST OF $239,882.00 (GENERAL SERVICES)

8. 052-2021 – MOTION ACCEPTING FUNDS FROM THE 2021 TEXAS "J"- REGIONAL ADVISORY COUNCIL GRANT (DISTRICT: NONE) (FIRE)

SECOND READINGS

9. 10175 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.53-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 4, FREELAND ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST GOLF COURSE ROAD AND ELKINS ROAD); 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 (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 27, 2021)

10. 10176 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.494-ACRE TRACT OF LAND OUT OF THE WEST HALF OF TRACT 5, AND A 0.14-ACRE TRACT OF LAND OUT OF THE WEST HALF OF TRACT 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MH, MANUFACTURED HOUSING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING

DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MONTGOMERY AVENUE AND MORAN STREET); 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 (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 27, 2021)

11. 10177 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 2, WALLACE HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 290 FEET EAST OF NORTH LOOP 250 WEST); 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 (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 27, 2021)

12. 10178 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 7 AND 8, BLOCK 5, GREENWOOD ADDITION, FIRST SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH CALHOUN STREET AND EAST KENTUCKY AVENUE); 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 (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 27, 2021)

13. 10179 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE SOUTH 50 FEET OF THE NORTHWEST QUARTER (ALSO KNOWN AS LOT 10), BLOCK 4, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH TERRELL STREET, APPROXIMATELY 150 FEET NORTH OF EAST KANSAS AVENUE); 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 (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 27, 2021)

14. 10180 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE NORTH 50 FEET OF LOT 2, BLOCK 11, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH FORT WORTH STREET, APPROXIMATELY 100 FEET NORTH OF EAST OHIO AVENUE); 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 (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 27, 2021)

15. 10181 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 5 AND 6, BLOCK 118, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH WEATHERFORD STREET, APPROXIMATELY 122 FEET SOUTH OF EAST WASHINGTON AVENUE); 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 (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 27, 2021)

16. 10182 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 14, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH TERRELL STREET AND EAST OHIO AVENUE); 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 (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 27, 2021)

17. 10183 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6, BLOCK 44, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH LEE STREET AND EAST KENTUCKY AVENUE); 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 (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 27, 2021)

18. 10184 – AN ORDINANCE ADOPTING AN ACCESS MANAGEMENT POLICY AND AMENDING TITLE IX, “PUBLIC WAYS AND PROPERTY”, CHAPTER 4, “SIDEWALKS, DRIVEWAYS AND CURBING”, OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REVISE THE SPECIFICATIONS CONTAINED THEREIN AND TO INCORPORATE THE ACCESS MANAGEMENT POLICY; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF JUNE 1, 2021; AND ORDERING PUBLICATION (ENGINEERING SERVICES) (FIRST READING HELD APRIL 27, 2021)

PUBLIC HEARINGS

The City Council will hold public hearings on the following items:

19. 10185 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.92-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK

X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH STATE HIGHWAY 349 AND TEJAS); 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 (DEVELOPMENT SERVICES)

20. 10186 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 10,250-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

21. 10187 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 27.05-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF OCCIDENTAL PARKWAY, APPROXIMATELY 1,335 FEET EAST OF CARRIAGE ROAD); 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 (DEVELOPMENT SERVICES)

22. 2021-058 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL, COOK-OFF AND CONCERT EVENT ON LOT 1A, BLOCK 54, LOT 1A, BLOCK 55, A 0.26-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY ADJACENT TO LOT 1A, BLOCK 55, AND A 0.54-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY AND A 0.43-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY, BOTH ADJACENT TO BLOCKS 54 AND 55, ALL OUT OF ORIGINAL TOWN ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH COLORADO STREET) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DEVELOPMENT SERVICES)

PUBLIC COMMENT

23. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City

Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

EXECUTIVE SESSION

24. Pursuant to Texas Government Code § 551.101, the City Council will hold an Executive Session, which is closed to the public, to discuss the following matters as permitted under the following sections of the Texas Government Code:

    a. Section 551.071, Consultation with the City Attorney

    a.1. Discuss matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code

Respectfully Submitted,

Robert Patrick
City Manager

MEETING ASSISTANCE INFORMATION: The Midland City Hall and Council Chamber are wheelchair accessible. If you need special assistance to participate in this meeting, please contact the City Secretary's Office at (432) 685-7430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

MIDLAND CITY COUNCIL
BRIEFING SESSION
MINUTES
April 27, 2021

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 9:45 AM, April 27, 2021.

Council Members present:	Patrick Payton, Spencer Robnett, Michael Trost, Scott Dufford, John Norman, Jack Ladd, Lori Blong
Council Members absent:	None
Staff members present:	Interim City Manager Robert Patrick, City Attorney John Ohnemiller, Assistant City Manager Morris Williams

The meeting was called to order at 9:45 a.m.

1. Receive an update from Elaine Magruder regarding the I-20 Wildlife Preserve.

Elaine Magruder of the I-20 Wildlife Preserve provided a brief history of the preserve noting that with the assistance of the Texas State Parks & Wildlife grant they have completed the first two phases of their plan. She explained all the programs that they currently run and reviewed grants they have received. The preserve would like permission from the City to go to a membership prior to completion of their third phase. It was noted that this was an informational update and an action item would come back to Council in the future for their approval.

All the business at hand having been completed, the meeting adjourned at 9:58 a.m.

PASSED AND APPROVED May 11, 2021.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary

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MIDLAND CITY COUNCIL
MINUTES
April 27, 2021

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 27, 2021.

Council Members present:	Patrick Payton, Spencer Robnett, Michael Trost, Scott Dufford, John Norman, Jack Ladd, Lori Blong
Council Members absent:	None
Staff members present:	City Attorney John Ohnemiller, Interim City Manager Robert Patrick, Assistant City Manager Morris Williams

The meeting was called to order at 10:01 a.m.

OPENING ITEMS

1. Invocation

2. Pledge of Allegiance

Mayor Payton announced that Agenda Items 21 and 22 would be heard first.

CONSENT AGENDA

Mayor Payton reconvened the meeting in Regular Session at 11:31 a.m. with all Council Members present.

Michael Trost moved to approve the Consent Agenda, excluding items 8, 9, 12, 16; seconded by Jack Ladd.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: None

3. MOTION APPROVING THE FOLLOWING MINUTES:

3a. CITY COUNCIL BRIEFING MEETING OF APRIL 13, 2021

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3b. REGULAR CITY COUNCIL MEETING OF APRIL 13, 2021

4. 2021-047 – RESOLUTION AWARDING A CONTRACT FOR THE COMPASS – FORT WORTH AVENUE PAVING PROJECT TO CD KING CONSTRUCTION, DOING BUSINESS AS JD KING CONSTRUCTION, OF SEMINOLE, TEXAS, AT A TOTAL COST OF $271,927.73; AND AUTHORIZING PAYMENT (GENERAL SERVICES)

5. 2021-048 – RESOLUTION AWARDING A CONTRACT FOR HEALTH BENEFIT CONSULTING SERVICES TO MCGRIFF INSURANCE SERVICES, INC. OF ADDISON, TEXAS, AT A TOTAL COST OF $150,000.00; AND AUTHORIZING PAYMENT (GENERAL SERVICES)

6. 2021-049 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR THE DESIGN OF THE WATER AND SEWER REPLACEMENT ALONG FLORIDA AVENUE (GARDEN CITY HIGHWAY) BETWEEN BIG SPRING STREET AND IH-20 FOR THE UTILITIES DEPARTMENT FOR A COST OF $390,000.00; APPROVING $76,000.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS (GENERAL SERVICES)

7. 2021-050 – RESOLUTION AWARDING A CONTRACT FOR THE SUNGLO STREET PAVING BOND PROJECT TO REECE ALBERT, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF $1,285,572.60; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (GENERAL SERVICES)

10. 2021-052 – RESOLUTION OF THE CITY OF MIDLAND, TEXAS, FINDING THAT THE APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY, LLC (“ONCOR”) FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY’S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY ONCOR; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO SEND COPIES OF THIS RESOLUTION TO ONCOR AND LEGAL COUNSEL (CITY MANAGER)

11. 2021-053 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO DIAMONDBACK E&P LLC (“OPERATOR”) TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 1,345 FEET NORTH OF BRIARWOOD AVENUE AND BETWEEN 1,684 FEET AND 1,775 FEET EAST OF AVALON DRIVE); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DEVELOPMENT SERVICES)

13. 047-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE

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BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTEX L.L.C.; REGARDING CITY OWNED PROPERTY DESCRIBED AS SECTION 12, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)

14. 048-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND WPX ENERGY PERMIAN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 3, 6, 7 AND 12, BLOCK C-24, AND SECTION 26, BLOCK C-23, WINKLER AND LOVING COUNTIES, TEXAS (UTILITIES)

15. 049-2021 – MOTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIDLAND AND GREENWOOD ISD FOR THE DISCHARGE OF WASTEWATER INTO THE CITY OF MIDLAND WASTEWATER COLLECTION SYSTEM (UTILITIES)

The following item(s) were pulled from consent agenda and considered individually.

8. 2021-051 – RESOLUTION AWARDING A CONTRACT FOR THE SINCLAIR AVENUE MILL & INLAY PAVING BOND PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF $638,348.85; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (GENERAL SERVICES)

Council Member Blong reported she spoke with Manor Park and they will be significantly impacted with ingress and egress as well as other businesses in the area. Engineering Services Director Jose Ortiz reported he spoke with the contractor emphasizing the main entrance for Manor Park is in that area and their need to have continuous access. Council Member Blong asked for staff to reach out to Manor Park.

Lori Blong moved to approve Resolution No. 2021-051; seconded by Spencer Robnett.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: None

9. 046-2021 – MOTION APPOINTING ROBERT PATRICK AS CITY MANAGER OF THE CITY OF MIDLAND; AND AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT (CITY ATTORNEY)

Council Member Robnett stated he is in full support of Mr. Patrick and is looking forward to his continued work noting he has done a great job for the City. Council Member Ladd noted that Mr. Patrick has led the City through a tough year and he has all the confidence in the world in him.

Council Member Norman expressed appreciation for Mr. Patrick's willingness to help in any area and he has his full support. City Manager Robert Patrick thanked Council noting he

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has a strong bench with Legal, City Secretary, the City Manager's office and all department heads. Council Member Trost thanked him for all he has done. Council Member Blong was thankful he kept the City between the ditches in a difficult year. Mayor Payton thanked him for all he has done in the last year stating he felt Mr. Patrick was brilliant.

Spencer Robnett moved to approve Motion No. 046-2021; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: None

12. 2021-054 – RESOLUTION AUTHORIZING ADDITIONAL FUNDING IN THE AMOUNT OF $280,000.00 FOR THE CITY OF MIDLAND BUSINESS MICRO-GRANT ASSISTANCE PROGRAM (DEVELOPMENT SERVICES)

Council Member Robnett asked for an update noting there were a lot of applicants for this program. He wanted assurance that the funds were going to people that need them. Development Services Director Chuck Harrington reported that Midland College is very good at putting the applications together and getting the detailed information that the City needs. Isaac spends a lot of hours reviewing them.

Michael Trost moved to approve Resolution No. 2021-054; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Payton, Trost, Dufford, Norman, Ladd, Blong
NAY: Robnett
ABSTAIN: None
ABSENT: None

Council Member Trost noted he spoke with CDBG Manager Isaac Garnett yesterday and this money is for those that had already been approved but there was not enough money left in the program. Council Member Ladd added that he has had many people reach out to him sharing how much this money has helped them.

Council Member Norman also had people thanking him noting this money has kept them afloat. This is a great program that has been different than the others and should be used as a model for the future.

16. 050-2021 – MOTION AUTHORIZING THE EXECUTION OF A MUNICIPAL WATER AGREEMENT WITH THE UNIVERSITY OF TEXAS SYSTEM BOARD OF REGENTS FOR THE CITY OF MIDLAND'S PURCHASE AND USE OF WATER PRODUCED FROM THE PAUL DAVIS WELL FIELD (UTILITIES)

Council Member Blong asked for an explanation. Utilities Director Carl Craigo reported this is for City of Midland emergency water. We don't currently use it, but if T-Bar or the water plant have issues, this water can be used to keep the pressure up. Our previous contract with University Lands was not the best because University Lands thought we were

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using the water source for the mining industry. This time we explained that the mining industry's use of the water is just enough use to maintain the wells in the system and it keeps the water available for the City's emergency use. He clarified that University Lands went back to their pricing from 1960.

Lori Blong moved to approve Resolution No. 050-2021; seconded by Jack Ladd.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

Mayor Payton left the meeting at 11:44 a.m.

SECOND READINGS

17. 10165 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR A 0.91-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 966 FEET WEST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (DEFERRED FROM MARCH 23, 2021) (FIRST READING HELD APRIL 13, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10165.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10165; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Trost, Dufford, Norman, Blong
NAY: Robnett, Ladd
ABSTAIN: None
ABSENT: Payton

18. 10170 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE SOUTH 50 FEET OF THE NORTHWEST QUARTER AND THE NORTH 50 FEET OF THE SOUTHWEST QUARTER OF BLOCK 19, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH TERRELL STREET, APPROXIMATELY 143 FEET SOUTH OF EAST KANSAS AVENUE); CONTAINING A CUMULATIVE CLAUSE;

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CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 13, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10170.

Lori Blong moved to approve the second and final reading of Ordinance No.10170; seconded by Jack Ladd.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

19. 10171 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 8, BLOCK 4, REPLAT OF WINDWOOD PARK, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LR, LOCAL RETAIL DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH MAIN STREET AND ELM AVENUE); 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 (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 13, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10171.

Lori Blong moved to approve the second and final reading of Ordinance No. 10171; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

20. 10172 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR THE NORTH HALF OF LOT 11 AND ALL OF LOT 12, BLOCK 187, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST FLORIDA AVENUE AND SOUTH BAIRD STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 13, 2021)

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Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10172.

Lori Blong moved to approve the second and final reading of Ordinance No. 10172; seconded by Scott Dufford.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

PUBLIC HEARINGS

The City Council will hold public hearings on the following items:

21. 10173 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 21.91-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 21, GRASSLAND ESTATES, SECTION 16, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 266 FEET EAST OF THE INTERSECTION OF HOMELAND DRIVE AND APPROXIMATELY 258 FEET EAST OF HOMESTEAD BOULEVARD); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10173.

Development Services Director Chuck Harrington gave a brief overview of the item noting that 21 and 22 were associated public hearings. This is a 22-acre tract of land that is part of the Nueva Vista Golf Course that was left out in a window pane. The City has been asked to annex this portion into the City limits. The second item is an ordinance establishing the initial zoning as Agricultural Estates which is very limited to what it can be used for. He clarified that AE is the same zoning as the rest of the golf course. Council Member Dufford noted that right now, this area is in a window pane with no zoning. He asked if trailer homes could be put on that section of land. Mr. Harrington confirmed it could if it is not brought into the City. When asked what AE could be used for Mr. Harrington reported it is residential with a minimum of two-acre lots.

Council Member Blong read a statement noting the issue was discussed last Thursday at a meeting where close to 30 people signed up to have a conversation with the developer. She doesn't feel like adequate time has been given to have those conversations and she intends to defer this item to allow time to have a fruitful dialogue with the developer. She asked Council for their support in deferring the item following public comments.

Mayor Payton opened the public hearing at 10:12 a.m.

Amy Stretcher Burkes, 6408 Homestead Boulevard reported she has gotten objection letters from 90% of the neighbors. She agreed you can't tell an owner they are not allowed to sell their land. She supports limited government and doesn't believe the government should help in constant zone changes that will help the seller at the expense of

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the surrounding neighbors. This would be a simple transfer of wealth and the City Council would have a direct hand. She asked Council to protect and represent the neighborhood.

Levi Harris, 2512 Castlewood, noted if this plan proceeds it will be a lot of residential lots and no schools. He grew up in an area that had the same issue and he had to go to school out of his area. He asked Council to ensure that the developer considers education and provides more seats.

Kim Helm, 6508 Homestead, noted when this proposal began to rezone, the feedback she heard was not to waste her time or breath as the City Council would side with the developer. This is an established neighborhood with an established golf course and many were charged additional money to buy next to a golf course. It requires government intervention to rezone. She felt the decision has already been made. She asked that the owner be made to play by the same rules as the neighborhood. Government intervention should not be in favor of an out-of-towner over the residents of the neighborhood. She was brought up to be conscious of doing no harm to others and asked Council to do them no harm.

Becky Hise, 2105 Windrift, reported the golf course is on a wetland and a needs assessment needs to be done before any developer can move forward. She would like the area protected for the wildlife that lives there. If they start changing the drainage it will encroach on the animals that live there. Lee Hise, reported he is a former tax assessor and felt it was likely that property values of the area would decline.

Charles Nelson, 5616 Grassland Boulevard, owns a roofing company in Midland which has afforded him a lot of benefits. He has always wanted to live in the best and be around the best and when he chose a home he wanted to live in the best area. There is no better place than Grasslands and he does not want anything to change that. Building small houses and low income housing will be taking the best away from him.

Jerry Nevans, 5705 Heartland Court, noted the property may be unzoned now but it appears this is the first step. This Council's intentions may be good, but it could be in the mixture if a new group comes in.

Cindy Smith, 6412 Homestead, she and her husband Ken own one of the 23 homes behind the golf course. She believes the Mayor and Council have an obligation to take care of the existing homeowners. The golf course owner has a right to sell, but not to the detriment of the existing homeowners. She felt this item should be tabled until further review.

Josh Winkles & Autumn Winkles, 5601 Ridgemont, distributed a book of ideas of how the golf course land could be used noting that Herman Park in Houston was being encroached by developers and in risk of being developed. A group of citizens banned together to make it what it is today. She felt the golf course would make a great hike and bike park and could turn Midland into an outdoor recreational asset. The zoning is the first step to lose Nueva Vista and without it the west side would be lacking green space. The City should protect and improve this asset by voting against annexation. The residents do not want to see this piece of land developed.

Alka & Minish Kumar, 2608 Homeland Drive, reported they came from India in 2002 and are now proud to be West Texans. They have put their life savings into this house. The

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developer is ready to change the zoning from AE to SF1. He is ready to defend his property. Alka added that the developer would have to redo the drainage of Jal Draw to make this a subdivision and the homeowners in that area will lose value in their homes while the developer will gain much.

Kerri Payne, 2704 Homeland, is a real estate agent. The property values in her neighborhood have increased to $235/square foot. She sells properties to relocation buyers and felt that taking away the golf course was a huge mistake. If homes were developed behind them they would not be able to get what they purchased the property for 1.5 years ago. It will also lower the values of the entire neighborhood. They paid a higher premium for their home because it is on the golf course. She is all for building as many homes as you can in Midland because she benefits as an agent, but not in this tract because it would decrease her property value.

Johnathon Burkes is an orthopedic surgeon. He paid a premium for his home because of the location. He doesn't see how he would not lose value if the property were developed which means the City will lose value. He asked Council to consider taxpaying residents over a developer. He doesn't think limited government is the problem in this situation, but a developer maximizing his profit contingent on changing the zoning. This is government making a decision on who wins and who loses.

Eric West, 1700 West Wall, clarified that today is for the annexation of a triangle and the initial zoning to match the rest of the golf course. There are additional things to come and everyone will have an opportunity to speak at future hearings as well as Planning & Zoning. No matter what happens later, the City needs to eliminate this window pane and it needs to come into the City and be zoned appropriately. They have not hidden that there will be a future step. Annexing the property allows the City to control the zoning. He asked that this item not be deferred because there is still time before the second reading two weeks from now.

James Gerety, 6404 Homestead Boulevard, owns a property adjacent to the Golf Course and is President of Grasslands Estate. He applauded Council Member Blong for requesting a deferment. Intially Parkhill brought this as SF1 to Planning & Zoning and they fought to stop that so then they changed it to AE to be in line with the the golf course. The net result is they want to build single family homes. The stakes are high and there is a lot of investment in the community. Many have built their dream homes and now they see a major change proposed that could impact their valuations and quality of life outside their back fences. This item requires a lot more conversation and transparency on the part of the developer. There has been a lot of speculation, gossip and miscommunication, and there needs to be time to look at the end result. He supports Ms. Blong's request for deferment to allow for time to understand the value and quality of life. There are a lot of voting residents on the west side of Midland that will watch how Council approaches this. This might be the right green space that the City should invest in.

There being no one else wishing to speak, the public hearing was closed at 10:51 a.m.

Council Member Dufford reported that Hogan Park Golf Course gets subsidized by the City from $250,000 to $750,000. Odessa spends about $1 million on their golf course every year. The idea that the City will buy and maintain Nueva Vista as a golf course is probably

not going to happen. What could happen is that the Council could make this all go away, but in two years it could come back up and future Councils may not be as willing to protect the neighborhood.

Council Member Robnett reported he would not support a deferral today, but as for the other issues, it would remain to be seen.

Mayor Payton thanked all who came to speak. The only thing he took offense to is the inferences made about Council having already made a decision. He assured everyone that was not true and wanted to defend the Council from that assumption. He also thanked those who came with ideas.

Lori Blong moved to defer the first of two readings of Ordinance No. 10173 and Ordinance No. 10174; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Payton, Trost, Dufford, Norman, Ladd, Blong
NAY: Robnett
ABSTAIN: None
ABSENT: None

22. 10174 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 21.91-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 21, GRASSLAND ESTATES, SECTION 16, MIDLAND COUNTY, TEXAS, AS AN AE, AGRICULTURAL ESTATE DISTRICT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 266 FEET EAST OF THE INTERSECTION OF HOMELAND DRIVE AND APPROXIMATELY 258 FEET EAST OF HOMESTEAD BOULEVARD; 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 (DEVELOPMENT SERVICES)

Lori Blong moved to defer the first of two readings of Ordinance No. 10173 and Ordinance No. 10174; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Payton, Trost, Dufford, Norman, Ladd, Blong
NAY: Robnett
ABSTAIN: None
ABSENT: None

Mayor Payton announced that Executive Session would be heard next.

23. 10175 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.53-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 4, FREELAND ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST GOLF COURSE ROAD AND ELKINS ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A

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MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10175.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting to rezone. The current zoning is AE and they wish to rezone to CE which reduces the minimum lot size from two acres to one acre. They plan to develop nine residential lots. This item was reviewed by staff and approved by Planning & Zoning on April 5th. No letters of objection were received. Staff recommends approval.

Mayor Pro Tem Robnett opened the public hearing at 11:59 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve the first of two readings of Ordinance No. 10175; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

24. 10176 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.494-ACRE TRACT OF LAND OUT OF THE WEST HALF OF TRACT 5, AND A 0.14-ACRE TRACT OF LAND OUT OF THE WEST HALF OF TRACT 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MH, MANUFACTURED HOUSING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MONTGOMERY AVENUE AND MORAN STREET); 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 (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10176.

Council Member Trost asked what was being developed. Development Services Director Chuck Harrington reported that the applicant is building a single family home and they can not do that in their current zoning.

Mayor Pro Tem Robnett opened the public hearing at 12:00 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10176; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None

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ABSTAIN: None
ABSENT: Payton

25. 10177 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 2, WALLACE HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 290 FEET EAST OF NORTH LOOP 250 WEST); 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 (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10177.

Development Services Director Chuck Harrington reported the applicant, Manor Park, is requesting to amend their site plan. They want to enlarge the lots on Sinclair of their previously approved development.

Mayor Pro Tem Robnett opened the public hearing at 12:02 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Michael Trost moved to approve the first of two readings of Ordinance No. 10177; seconded by Scott Dufford.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

26. 10178 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 7 AND 8, BLOCK 5, GREENWOOD ADDITION, FIRST SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH CALHOUN STREET AND EAST KENTUCKY AVENUE); 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 (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10178.

Mayor Pro Tem Robnett opened the public hearing at 12:03 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10178; seconded by Lori Blong.

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The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

27. 10179 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE SOUTH 50 FEET OF THE NORTHWEST QUARTER (ALSO KNOWN AS LOT 10), BLOCK 4, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH TERRELL STREET, APPROXIMATELY 150 FEET NORTH OF EAST KANSAS AVENUE); 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 (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10179.

Mayor Pro Tem Robnett opened the public hearing at 12:04 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Rebecca Gonzales, 308 Terrell, was sent by her father who owns the property to find out what is going on.

Development Services Director Chuck Harrington gave a brief overview noting the applicant is requesting a zone change from multi family to single family to construct a single family home.

There being no one else wishing to speak, the public hearing was closed at 12:05 p.m.

Lori Blong moved to approve the first of two readings of Ordinance No. 10179; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

28. 10180 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE NORTH 50 FEET OF LOT 2, BLOCK 11, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH FORT WORTH STREET, APPROXIMATELY 100 FEET NORTH OF EAST OHIO AVENUE); 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 (DEVELOPMENT SERVICES)

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Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10180.

Mayor Pro Tem Robnett opened the public hearing at 12:06 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10180; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

29. 10181 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 5 AND 6, BLOCK 118, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH WEATHERFORD STREET, APPROXIMATELY 122 FEET SOUTH OF EAST WASHINGTON AVENUE); 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 (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10181.

Michael Trost moved to approve the first of two readings of Ordinance No. 10181; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

Mayor Pro Tem Robnett opened the public hearing at 12:07 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

30. 10182 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 14, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH TERRELL STREET AND EAST OHIO AVENUE); 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 (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10182.

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Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request to change the zoning in order to construct a single family residence. The property is currently zoned light industrial. It has been reviewed by all staff with no objection and approved by Planning & Zoning. No letters of objection were received and staff recommends approval.

Mayor Pro Tem Robnett opened the public hearing at 12:09 p.m.

Angelita Baesa reported that the property in the area is all commercial and if that property is turned to residential it could affect the price of her property. She also found out if she wants to build a business they will have to put a concrete fence all around the property which will cost them a lot of money. The property is all commercial and if this is changed to residential it will effect the price on her property. When asked what type of business is currently there, Ms. Baesa reported there is not a business there. She just inherited the property about 10 years ago. She stated there is commercial property all around this property.

Development Services Director Chuck Harrington noted that when retail is built next to existing residential, it is a requirement to have a screening wall to separate the activities.

Rosalinda Acosta, via Zoom, reported she is building a garage on the large piece of land in front of her house that is already on the property. She also stated that every property on her street including Ms. Baeza's has a home on the property.

Council Member Trost asked if the requirement to build a fence could be waived. Mr. Harrington said it could not be done now, but she could bring it in at the time she is ready to build a business and they could grant a special exception to be approved by Council.

Ms. Baeza said she would be okay if the neighbor is willing to pay for her fence but she would still object if the price on her property goes down. Council Member Robnett clarified that Council is unable to act on the fence but the zoning needed to be changed to allow her neighbor to build a garage.

There being no one else wishing to speak, the public hearing was closed at 12:21 p.m.

John Norman moved to approve the first of two readings of Ordinance No. 10182; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

31. 10183 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6, BLOCK 44, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH LEE STREET AND EAST KENTUCKY AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY

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CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10183.

Mayor Pro Tem Robnett opened the public hearing at 12:22 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve the first of two readings of Ordinance No. 10183; seconded by Jack Ladd.

The motion passed by the following vote:
AYE: Robnett, Trost, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton, Dufford

MISCELLANEOUS

32. 2021-055 – DISCUSSION AND CONSIDERATION OF ALL MATTERS INCIDENT AND RELATED TO APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, INCLUDING THE ADOPTION OF A RESOLUTION PERTAINING THERETO (FINANCE)

Finance Director Mark Mason reviewed the items covered by this certificate of obligation, reviewed the time table and reviewed the current market conditions.

Council Member Ladd asked if this will affect our current bond rating. Mr. Mason reported the City has a very good bond rating and he does not expect this to have an impact. When asked how our debt compares to other similar cities like Odessa, Abilene and Lubbock, he reported we are a little higher than some, but there are an awful lot of things we need to do. We look at our valuation and the City can support this debt; we are in a good place. As discussed at the retreat, if we issue debt every other year, it won't have much of an impact as long as we continue to improve the City and increase the valuation.

John Norman moved to approve Resolution No. 2021-055; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

33. 10184 – AN ORDINANCE ADOPTING AN ACCESS MANAGEMENT POLICY AND AMENDING TITLE IX, "PUBLIC WAYS AND PROPERTY", CHAPTER 4, "SIDEWALKS, DRIVEWAYS AND CURBING", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REVISE THE SPECIFICATIONS CONTAINED THEREIN AND TO INCORPORATE THE ACCESS MANAGEMENT POLICY; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN

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EFFECTIVE DATE OF JUNE 1, 2021; AND ORDERING PUBLICATION (ENGINEERING SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10184.

Traffic Engineer Mike Pacelli gave a brief overview of the item noting this is an Access Management Policy update of driveway standards. It was last done 30 years ago. Seventeen years ago the City requested permission from the State to handle driveway access on state highways. We were granted permission but were required to revise our driveway standards. This new revision adds things like right turn and left turn lanes and use of signals. It addresses turn restrictions. This is another tool in our box and puts in writing for the first time the reference back to require following State standards. It also establishes a procedure for an appeal that wasn't previously clearly defined.

Council Member Blong noted that a few months ago we established a development advisory committee to develop a design manual. Some of the people on that committee have reached out to her wanting to know why this did not go through that committee first. Therefore, she is not supporting this item right now. Mr. Pacelli reported this process was started before the design development manual was authorized or funded. They are bringing this now because they are receiving pushback from TxDOT to clarify the relationship for State highways. Information like this will be included in the manual.

Council Member Dufford noted this is filling in a lot of gaps and stopping the confusion while we are working on some new guidelines.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10184; seconded by Jack Ladd.

The motion passed by the following vote:
AYE: Robnett, Dufford, Norman, Ladd
NAY: Trost, Blong
ABSTAIN: None
ABSENT: Payton

PUBLIC COMMENT

34. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

Barbara Yarborough reported that South Elemtary is having a career day. They will be observing social distancing and would like to shut down a few streets on that day. Mayor Pro Tem Robnett asked Development Services Director Chuck Harrington to get with Ms. Yarborough to help her get access to what she needs.

EXECUTIVE SESSION

Mayor Payton recessed the meeting to go to Executive Session at 11:05 a.m.

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35. Pursuant to Texas Government Code § 551.101, the City Council will hold an Executive Session, which is closed to the public, to discuss the following matters as permitted under the following sections of the Texas Government Code:

a. Section 551.087, Deliberate Economic Development Negotiations

a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives

Executive Session concluded at 11:27 a.m. (Consent Agenda was heard next.)

All the business at hand having been completed, the meeting adjourned at 12:39 p.m.

PASSED AND APPROVED May 11, 2021.

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Patrick Payton, Mayor

ATTEST:

_____

Amy M. Turner, City Secretary

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CITY OF MIDLAND, TEXAS
MIDLAND CITY COUNCIL
SPECIAL MINUTES
May 4, 2021

The City Council convened in **Special** Session in the Bush Convention Center, Midland, Texas, at 11:00 AM, Tuesday, May 4, 2021.

Council Members present:	Patrick Payton, Michael Trost, John Norman, Jack Ladd, Lori Blong
Council Members absent:	Spencer Robnett, Scott Dufford
Staff members present:	City Manager Robert Patrick, Deputy City Manager Morris Williams, Assistant City Manager Tina Jauz, City Secretary Amy Turner, Police Chief Seth Herman, Administrative Services Director Mark Widmann, Oil & Gas Coordinator Ron Jenkins, General Services Director Regina Stephenson, Finance Director Mark Mason, Fire Chief Charles Blumenauer, Airports Director Justine Ruff, Presiding Judge Tim Meek, Utilities Director Carl Craigo, Assistant to the City Manager Marcia Bentley-German

The meeting was called to order at 11:00 a.m

SPECIAL SESSION

1. Attend the Midland Chamber of Commerce 2021 State of Midland luncheon.

All the business at hand having been completed, the meeting adjourned at 12:50 p.m.

PASSED AND APPROVED May 11, 2021.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary

DRAFT

City Council Meeting

Item Number: 5

Meeting Date: May 11, 2021

To: City Council / City Manager

From: Erika Martinez, Manager, Purchasing

Subject: Motion authorizing an interlocal agreement for cooperative purchasing services with the Region 8 Education Service Center through a program known as The Interlocal Purchasing System (TIPS) Program. (GENERAL SERVICES)

Purpose:

Approval of a motion authorizing an interlocal agreement for cooperative purchasing services with the Region 8 Education Service Center through a program known as The Interlocal Purchasing System (TIPS) Program.

Recommended City Council Action:

Approve

Fiscal Impact:

Funding is not required.

Discussion:

Please consider approval of a motion authorizing the City of Midland to participate in the Region 8 Education Service Center through a program known as The Interlocal Purchasing System (TIPS) Program. Texas Local Government Code 271.102 provides that a local government may participate in a cooperative purchasing program with a local cooperative organization of the state of Texas or another state. The purpose of the TIPS Program shall be to improve procurement process efficiencies and assist in achieving best value and potential economies by increasing buying power for the City.

Therefore, please consider approval of a motion authorizing an interlocal agreement for cooperative purchasing services with the Region 8 Education Service Center through a program

known as The Interlocal Purchasing System (TIPS) Program.

City Manager's Office

AN INTERLOCAL AGREEMENT
Between Region 8 Education Service Center and a
TEXAS PUBLIC ENTITY OR LOCAL GOVERNMENT
(School, College, University, State, City, County, or Other Political Subdivision)

City of Midland, Texas _____-_____
TEXAS PUBLIC ENTITY NAME — Control Number (TIPS will Assign)
Schools enter County-District Number

Region 8 Education Service Center — 225 - 950
Pittsburg, Texas — County-District Number

Texas Education Code §8.002 permits regional education service centers, at the direction of the Commissioner of Education, to provide services to assist school districts, colleges and universities in improving student performance and increasing the efficiency and effectiveness of school, college and university operations. Authority for an Interlocal agreement to provide such services is granted under Texas Government Code § 791 *et seq* as amended. Cooperative Purchasing Services under this agreement are extended to all Texas State, City or County Government Agencies, or any other legally eligible Local Government Entity as defined in the Texas Government Code § 791.003.

This Interlocal Agreement (hereinafter the "Agreement") is effective May 12, 2021 and shall be automatically renewed unless either party gives sixty (60) days prior written notice of non-renewal. This Agreement may be terminated without cause by either party upon (60) days prior written notice, or may also be determined for cause at any time upon written notice stating the reason for and effective date of such terminations and after giving the affected party a thirty (30) day period to cure any breach.

Statement of Services to be Performed:
Region 8 Education Service Center, by this Agreement, agrees to provide cooperative purchasing services to the above-named public entity through a Program known as The Interlocal Purchasing System (TIPS) Program.

The purpose of the TIPS Program shall be to improve procurement process efficiencies and assist in achieving best value for participating School District, University, College, Community College, City, County or Other Public Agencies through cooperative purchasing.

Roles of the TIPS Purchasing Cooperative:
- Provide for the organizational structure of the program.
- Provide staff for efficient operation of the program.
- Promote marketing of the TIPS Program.
- Coordinate the Competitively Bid Process for all Vendor Awarded Contracts.
- Provide members with procedures for placing orders through TIPS PO System.
- Maintain filing system for Due Diligence Documentation.
- Collect fees from vendors to support the costs of operations of TIPS.

Role of the Public Entity:
- Commit to participate in the program by an authorized signature on membership forms.
- Designate a Primary Contact and Secondary Contact for entity.

- Commit to purchase products and services from TIPS Vendors when in the best interest of the entity.
- Submit Purchase Orders and/or Vendor Contracts through the TIPS PO System by emailing the pdf document to tipspo@tips-usa.com.
- Accept shipments of products ordered from Awarded Vendors.
- Process Payments to Awarded Vendors in a timely manner.

General Provisions:

The Parties agree to comply fully with all applicable federal, state, and local statutes, ordinances, rules, and regulations in connection with the programs contemplated under this Agreement. This Agreement is subject to all applicable present and future valid laws governing such programs.

This Agreement shall be governed by the law of the State of Texas and venue shall be in Midland County, Texas.

This Agreement contains the entire agreement of the Parties hereto with respect to the matters covered by its terms, and it may not be modified in any manner without the express written consent of the Parties.

If any term(s) or provision(s) of this Agreement are held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect.

The Parties to this Agreement expressly acknowledge and agree that all monies paid pursuant to this Agreement shall be paid from legally appropriated and budgeted available funds for the current fiscal year of each such entity.

No jointly owned property shall be created by this agreement and, therefore, no provision to dispose of jointly held property is required.

Before any party may resort to litigation, any claims, disputes or other matters in question between the Parties to this Agreement shall be submitted to nonbinding mediation. The site of the mediation shall be in Midland County, Texas or a site mutually agreed by the parties. The selection of the mediator shall be mutually agreed. The cost of mediation shall be shared equally. No Party to this Agreement waives or relinquishes any immunity or defense on behalf of themselves, their directors, officers, employees, and agents as a result of its execution of this Agreement and performance of the functions and obligations described herein.

No Party to this Agreement waives or relinquishes any immunity or defense on behalf of themselves, their directors, officers, employees, and agents as a result of its execution of this Agreement and performance of the functions and obligations described herein.

This Agreement may be negotiated and transmitted between the Parties by electronic means and the terms and conditions agreed to are binding upon the Parties.

Authorization:

Region 8 Education Service Center and The Interlocal Purchasing System (TIPS) Program have entered

into an Agreement to provide cooperative purchasing opportunities to public agencies.
This Agreement was approved by the governing boards of the respective parties at meetings that were posted and held in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551. (If required by the entity.)

The individuals signing below are authorized to do so by the respective parties to this Agreement.

Member Entity:

City of Midland, Texas

Entity or District Name

By: _____
Authorized Signature

Print Name: Robert Patrick

Title: City Manager

_____
Date

Purchasing Cooperative Lead Agency:

Region 8 Education Service Center

By: _____
Authorized Signature

Dr. David Fitts
Title: Executive Director Region 8 ESC

_____
Date

Public Entity Contact Information

Erika Martinez
Primary Purchasing Person Name

300 North Loraine Street
Street Address

Midland, TX 79701
City, State Zip

432-685-7980
Telephone Number

432-685-0523
Fax Number

emunoz@midlandtexas.gov
Primary Person Email Address

Liz Sanchez
Secondary Person Name

lzsanchez@midlandtexas.gov
Secondary Person Email Address

The state of Texas requires an Interlocal Agreement be approved by the respective entities governing board. You may email completed Interlocal Agreement to tips@tips-usa.com.

City Council Meeting

Item Number: 6

Meeting Date: May 11, 2021

To: City Council / City Manager

From: Erika Martinez, Manager, Purchasing

Subject: RESOLUTION APPROVING A CONTRACT WITH PARAGON ROOFING, INC., THROUGH THE INTERLOCAL PURCHASING SYSTEM, FOR THE PURCHASE AND INSTALLATION OF STANDING SEAM METAL ROOFING AT FIRE STATION 10 FOR A TOTAL COST OF $164,953.25; AND APPROPRIATING FUNDS FOR SAID CONTRACT (GENERAL SERVICES)

Purpose:

Approval of resolution awarding a contract to Paragon Roofing, Inc. through The Interlocal Purchasing System (TIPS) for labor and materials for installation of 13,745 square feet of mechanically seamed standing seam metal roofing material at Fire Station 10 for a cost of $164,953.25.

Recommended City Council Action:

Approve

Fiscal Impact:

Funding is available in the General Fund Operating Budget and is hereby appropriated and transferred into Fund 005 to a Project for the purpose identified. Insurance Claim reimbursements will be deposited upon receipt into General Fund revenues to offset expenses.

Discussion:

Staff recommends awarding a contract to Paragon Roofing, Inc to replace the roof at Fire Station 10 located at 4501 Sinclair Avenue. Paragon Roofing, Inc. has been awarded a contract through The Interlocal Purchasing System (TIPS) Program. We are members of the TIPS Program cooperative and Subchapter F, Section 271.102 of the Local Government Code provides that a local government may participate in a cooperative purchasing program and that purchasing

goods or services under Subchapter F satisfies any state law requiring the local government to seek competitive bids for those purchases. Please refer to the memo from Regina Stephenson, General Services Director, for further discussion concerning this procurement.

Therefore, please consider a resolution awarding a contract to Paragon Roofing, Inc. of Dallas, Texas through The Interlocal Purchasing System (TIPS) for labor and materials for installation of 13,745 square feet of mechanically seamed standing seam metal roofing material at Fire Station 10 for a cost of $164,953.25.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING A CONTRACT WITH PARAGON ROOFING, INC., THROUGH THE INTERLOCAL PURCHASING SYSTEM, FOR THE PURCHASE AND INSTALLATION OF STANDING SEAM METAL ROOFING AT FIRE STATION 10 FOR A TOTAL COST OF $164,953.25; AND APPROPRIATING FUNDS FOR SAID CONTRACT

WHEREAS, The Interlocal Purchasing System is a program in which the City participates on purchases in accordance with Tex. Loc. Gov't Code § 271.102; and

WHEREAS, Paragon Roofing, Inc., has submitted a total proposed cost to the City of $164,953.25 for the purchase and installation of standing seam metal roofing at Fire Station 10, through The Interlocal Purchasing System; and

WHEREAS, the Council finds the price proposed by Paragon Roofing, Inc., for the purchase and installation of standing seam metal roofing at Fire Station 10 to be fair and reasonable; and

WHEREAS, the City Council finds it to be in the public interest to approve a contract with Paragon Roofing, Inc., for the purchase and installation of Standing seam metal roofing at Fire Station 10 through The Interlocal Purchasing System; and

WHEREAS, the City Council finds it to be in the public interest to appropriate funds for said contract;

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

SECTION ONE. That the City Manager and City Secretary are hereby authorized and directed to execute and attest, respectively, on behalf of the City of Midland, a contract for the purchase and installation of standing seam metal roofing at Fire Station 10, through The Interlocal Purchasing System, for a total cost of $164,953.25. Said contract being attached hereto as Exhibit A and incorporated herein for all purposes.

SECTION TWO. That the sum of $164,953.25 is available in the General Fund Operating Budget and is hereby appropriated and transferred into a project account for the

above-referenced contract.

SECTION THREE. That the City Comptroller is hereby authorized and directed to pay Paragon Roofing, Inc., for the purchase and installation of Standing seam metal roofing at Fire Station 10 from funds available in the above-referenced project account upon proper receipt of invoices or statements approved by the City Manager.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2021, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Regina Stephenson, General Services Director

APPROVED AS TO FORM ONLY:

_____
John Ohnemiller, City Attorney

INTEROFFICE MEMORANDUM

TO: Morris Williams, Assistant City Manager

FROM: Regina Stephenson, General Services Director

SUBJECT: Requisition 21003112 - Roof Replacement for Fire Station 10

DATE: April 28, 2021

The roofs on Fire Station 6 and Fire Station 10 were damaged by hail approximately 2 years ago. The Texas Municipal League Intergovernmental Risk Pool (TMLIRP) prepared a detailed assessment and proposal for Fire Station 10. We have not received the final assessment for Fire Station 6.

TMLIRP's findings are that the current Fire Station 10 roof is a RheinZink Standing Seam Panel roof which is a soft product and is sensitive to temperature drops below 50 degrees and can crack when being manipulated. The current RheinZink roof is susceptible to damage from foot traffic, installation damage and hail due to the product's soft nature. TMLIRP's vetted TIPS (The Interlocal Purchasing System) proposal to replace the roof with the current RheinZink product is $260,988.75.

According to the assessment, TMLIRP's recommendation is to replace the damaged roof on Fire Station 10 with a Berridge Standing Seam Metal (Double-Lock) 24-Gauge metal roof. This type of roof provides excellent waterproofing while also providing wind uplift resistance and resistance to hail damage. According to TMLIRP this would be the best value long term for the City. The cost for this roofing system is $164,953.25.

The majority of the cost for the roof replacement will be recovered from TMLIPR when the work is completed.

The City also received estimates from 2 different contractors to replace the roof on Fire Station 10 and those estimates are $227,867.74 and $170,096.14.

Therefore, please consider awarding the execution of a contract for labor and materials for installation of 13,745 square feet of mechanically seamed standing seam metal roofing material at Fire Station 10 located at 4501 Sinclair to Paragon Roofing, Inc. of Dallas, Texas through The Interlocal Purchasing System (TIPS) for a cost of $164,953.25.

THE CITY OF MIDLAND

CONTRACT

Contract No. 21003112

THIS CONTRACT, effective the 12th day of May, 2021, by and between the City of Midland, hereinafter referred to as "CITY", and Paragon Roofing, Inc., hereinafter referred to as "COMPANY", is made for the following considerations:

1. **Cost:** Total Proposal: $ 164,953.25 DOLLARS

2. **Scope of Work:** COMPANY shall perform all work described for Roof replacement for Fire Station 10 located at 4501 Sinclair Avenue, Midland, Texas in the following documents, attached hereto and incorporated herein by reference for all legal purposes.

EXHIBIT A1..... Proposal
EXHIBIT A..... 4T Specifications for Roof Replacement
EXHIBIT B.....Vetting Sheet TIPS II Recon
EXHIBIT C..... Bonding instructions for Public Works Contract of $50,000 and more
EXHIBIT D..... Wage Scale

3. **City:** The words "CITY's Representative" or "representative" shall mean Regina Stephenson or the designee under whose supervision these contract documents, including the plans and specifications, were prepared, or who may inspect work performed under this Contract; or such other representative, supervisor, or inspector as may be authorized by CITY to act in any particular capacity under this Contract.

4. **City's Representative:** CITY's Representative may make periodic visits to the site to observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents. CITY's representative will not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the work, nor will such representative be responsible for the construction means, methods, techniques, sequences or procedures, or the safety precautions incident thereto. CITY's representative will not be responsible for COMPANY's failure to perform the work in accordance with the contract.

5. **Company:** Unless otherwise stipulated, COMPANY shall provide and pay for all materials,

supplies, machinery, equipment, tools, superintendence, labor, insurance, and all water, light, power, fuel, transportation and all other facilities necessary for the execution and completion of the work covered by the contract documents. Unless otherwise specified, all materials shall be new, and both workmanship and materials shall be of a good quality. COMPANY shall, if required, furnish satisfactory evidence as to the kind and quality of materials.

5.1. COMPANY shall, at its expense, obtain all permits and licenses necessary for the performance of this contract and pay all fees and taxes required by law, and comply with all laws, ordinances, rules and regulations governing COMPANY's performance of the contract, including all environmental laws and regulations, whether state or federal.

5.2. All work shall be done and all materials furnished in strict conformity with the contract and specifications.

6. **Minor Work Not Mentioned:** All minor detail of the work not specifically mentioned in the Specifications but obviously necessary for the proper completion of the work, such as the proper connection of new work to old, shall be considered as incidental to and a part of the work for which the prices are named in the contract. COMPANY will not be entitled to any additional compensation therefor unless specifically stated otherwise. Otherwise the term "extra work" as used in this contract shall mean and include all work that may be required by CITY to be done by COMPANY to accomplish any alteration or addition to the work as shown on the Specifications.

6.1. COMPANY shall perform all extra work under the direction of CITY's Representative when presented with a written work order signed by CITY's Representative, subject, however, to the right of the COMPANY to require written confirmation of such extra work order by CITY. Payment for extra work shall be as agreed in the work order.

7. **Safety:** COMPANY shall at all times exercise reasonable precaution for the safety of employees and others on or near the work and shall comply with all applicable provisions of federal, state and municipal laws. All machinery and equipment and other physical hazards shall be guarded in accordance with federal, state or municipal laws or regulations.

8. **INDEMNITY: COMPANY SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND CITY AND ALL OF CITY'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, ACCIDENTAL DEATH, LOSSES, PROPERTY DAMAGE AND EXPENSES OF ANY CHARACTER WHATSOEVER, INCLUDING ATTORNEY'S FEES, BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES**

OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, ON ACCOUNT OF ANY NEGLIGENT ACT OF COMPANY, THEIR AGENTS OR EMPLOYEES, OR ANY SUBCONTRACTOR, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS CONTRACT, AND COMPANY WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST CITY OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES, INCLUDING ATTORNEY'S FEES. THE OBLIGATIONS CONTAINED IN THIS SECTION 8 SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.

8.1. **COMPANY SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND CITY AND ALL OF CITY'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, ACCIDENTAL DEATH, PROPERTY DAMAGE, LOSSES, AND EXPENSES OF ANY CHARACTER WHATSOEVER INCLUDING ATTORNEY'S FEES, BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, ON ACCOUNT OF ANY NEGLIGENT ACT OF CITY, CITY'S OFFICERS, AGENTS AND EMPLOYEES, WHETHER SUCH NEGLIGENT ACT WAS THE SOLE PROXIMATE CAUSE OF THE INJURY OR DAMAGE OR A PROXIMATE CAUSE JOINTLY AND CONCURRENTLY WITH COMPANY OR COMPANY'S EMPLOYEES, AGENTS OR SUBCONTRACTORS NEGLIGENCE IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS CONTRACT, AND COMPANY WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST CITY OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES, INCLUDING ATTORNEY'S FEES. THE OBLIGATIONS CONTAINED IN THIS SECTION 8.1 SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.**

8.2. **COMPANY AGREES THAT IT WILL INDEMNIFY AND SAVE CITY HARMLESS FROM ALL CLAIMS GROWING OUT OF ANY DEMANDS OF SUBCONTRACTORS, LABORERS, WORKMEN, MECHANICS, MATERIALMEN, AND FURNISHERS OF MACHINERY AND PARTS THEREOF, EQUIPMENT, POWER TOOLS AND ALL SUPPLIES, INCURRED IN THE FURTHERANCE OF THE PERFORMANCE OF THIS CONTRACT. WHEN CITY SO DESIRES, COMPANY SHALL FURNISH SATISFACTORY EVIDENCE THAT ALL OBLIGATIONS OF THE NATURE HEREINABOVE DESIGNATED HAVE BEEN PAID, DISCHARGED OR WAIVED. COMPANY, ITS SURETIES AND**

INSURANCE CARRIERS SHALL DEFEND, INDEMNIFY AND SAVE HARMLESS CITY AND ALL OF ITS OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, OR CLAIMS OF ANY CHARACTER WHATSOEVER, BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, ARISING FROM ANY ACT OF COMPANY OR ANY SUBCONTRACTOR, THEIR AGENTS OR EMPLOYEES, IN THE EXECUTION AND SUPERVISION OF THIS CONTRACT, AND WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST CITY OR ANY OF ITS OFFICERS, AGENTS, OR EMPLOYEES INCLUDING ATTORNEY'S FEES. THE OBLIGATIONS CONTAINED IN THIS SECTION 8.2 SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.

9. **Start of Work:** COMPANY shall commence work no later than ten (10) days after receipt of the execution of this document or other written release to proceed and shall complete such work no later than 90 calendar days after release to proceed.

10. **Clean Up:** COMPANY shall promptly remove from CITY's premises all materials condemned by CITY's Representative on account of failure to conform to the contract, whether actually incorporated in the work or not, and COMPANY shall at its own expense promptly replace such condemned materials with other materials conforming to the requirements of the contract. COMPANY shall also bear the expense of restoring all work of other contractors damaged by any such removal or replacement. If COMPANY does not remove and replace any such condemned materials within a reasonable time after a written notice by CITY, CITY may remove and replace such at COMPANY's expense.

11. **Warranty:** Neither the final payment nor any provision in this contract shall relieve COMPANY of responsibility for faulty materials or workmanship, and he shall remedy any defects due thereto and pay for any damage to other work resulting therefrom, which shall appear within a period of one (1) year from the date of substantial completion. CITY shall give notice of observed defects with reasonable promptness.

12. **Remedy:** CITY may, on account of subsequently discovered evidence, withhold whole or part of any payment to such extent as may be necessary to protect itself from loss on account of:

12.1. Defective work not remedied; or

12.2. Claims filed or reasonable evidence indicating possible filing of claims; or

12.3. Failure of COMPANY to make payments promptly to subcontractors or for material or labor which CITY may pay as an agent for the COMPANY; or

12.4. Damages to another contractor or subcontractor.

When the above grounds to withhold payment are removed, or COMPANY provides a surety bond satisfactory to CITY, which will protect CITY in the amount withheld, payment may be released.

13. **Funding Out:** In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable in any fiscal period for contract payments due under the contract, then this contract shall terminate on the last day of the fiscal period for which full appropriations were made, without penalty or expense to CITY of any kind whatsoever.

14. **Wage Scale:** COMPANY agrees to pay all workmen in his employ no less than the generally prevailing wage rate for employees of similar category in the Permian Basin Area, as is depicted in the wage rate scale attached hereto as EXHIBIT D, and incorporated herein by reference for all legal purposes.

14.1. If applicable, the Davis-Bacon Act, 29 CFR 5.5, and any related acts or regulations are hereby incorporated by reference and made a part of this Contract, and all terms and requirements under said laws, by such incorporation, are made terms and requirements of this Contract, to which the parties to this Contract have agreed to be bound.

15. **Prompt Pay Act:** CITY and COMPANY agree that Texas Government Code, Chapter 2251, Payment for Goods and Services (the "Prompt Pay Act") does not waive governmental immunity.

16. **Payment:** After all work is completed by COMPANY, including all Change Orders altering the original scope and amount of said contract are completed, and CITY has inspected and approved that the work is completed and in compliance with the contract and all subsequent Change Orders, CITY shall thereafter issue payment to COMPANY in the amount of the contract and all Change Orders. CITY shall be the final judge of when the work is completed by COMPANY. CITY, in its sole discretion, shall determine if the work under the contract and under any Change Orders has been done to CITY's requirements. CITY may make periodic payments to COMPANY, however such periodic payments may only be made pursuant to this paragraph, and only after all work and all Change Orders are completed by COMPANY and approved by CITY. For contracts exceeding $25,000 and construction time exceeds ninety days, requests for progress payments may be made to the extent of the materials and labor completed at the end of each month. Upon approval by the Owner's Representative the request and invoice shall be forwarded for payment less 5% retainage. The total of these payments shall not exceed 95% of the total contract amount.

17. **No Third Party Beneficiary:** CITY's approval of this contract does not create a third party beneficiary. There is no third party beneficiary to this contract. No person or entity who is not a party to

this contract shall have any third party beneficiary or other rights hereunder.

18. WAIVER OF ATTORNEY FEES: BY EXECUTING THIS CONTRACT, COMPANY AGREES TO WAIVE AND DOES HEREBY KNOWINGLY, CONCLUSIVELY, VOLUNTARILY AND INTENTIONALLY WAIVE ANY CLAIM IT HAS OR MAY HAVE IN THE FUTURE AGAINST CITY REGARDING THE AWARD OR ATTORNEY'S FEES, WHICH ARE IN ANY WAY RELATED TO THIS CONTRACT, OR THE CONSTRUCTION, INTERPRETATION OR BREACH OF THIS CONTRACT. COMPANY SPECIFICALLY AGREES THAT IF COMPANY BRINGS OR COMMENCES ANY LEGAL ACTION OR PROCEEDING RELATED TO THIS CONTRACT, THE CONSTRUCTION, INTERPRETATION, VALIDITY OR BREACH OF THIS CONTRACT, INCLUDING, BUT NOT LIMITED TO, ANY ACTION PURSUANT TO THE PROVISIONS OF THE TEXAS UNIFORM DECLARATORY JUDGMENTS ACT (TEXAS CIVIL PRACTICE AND REMEDIES CODE SECTION 37.001, ET SEQ., AS AMENDED), OR CHAPTER 271 OF THE TEXAS LOCAL GOVERNMENT CODE, COMPANY AGREES TO ABANDON, WAIVE AND RELINQUISH ANY AND ALL RIGHTS TO THE RECOVERY OF ATTORNEY'S FEES TO WHICH COMPANY MIGHT OTHERWISE BE ENTITLED.

COMPANY AGREES THAT THIS IS THE VOLUNTARY AND INTENTIONAL RELINQUISHMENT AND ABANDONMENT OF A PRESENTLY-EXISTING KNOWN RIGHT. COMPANY ACKNOWLEDGES THAT IT UNDERSTANDS ALL TERMS AND CONDITIONS OF THIS CONTRACT. COMPANY FURTHER ACKNOWLEDGES AND AGREES THAT THERE WAS AND IS NO DISPARITY OF BARGAINING POWER BETWEEN CITY AND COMPANY. THIS SECTION SHALL NOT BE CONSTRUED OR INTERPRETED AS A WAIVER OR GOVERNMENTAL IMMUNITY AND SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.

COMPANY IS RELYING ON ITS OWN JUDGMENT. COMPANY HAD THE OPPORTUNITY TO DISCUSS THIS CONTRACT WITH COMPETENT LEGAL COUNSEL PRIOR TO ITS EXECUTION. THE OBLIGATIONS CONTAINED IN THIS SECTION 18 SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.

19. **Governmental Immunity:** By executing this contract CITY is not waiving its right of governmental immunity. CITY is retaining its immunity from suit. CITY is not granting consent to be sued by legislative resolution or action.

THERE IS NO WAIVER OF GOVERNMENTAL IMMUNITY.

20. **Insurance:**

COMPANY shall at all times during the term of this Contract maintain and keep in full force and effect insurance in the following types and minimum amounts with companies authorized to do business in the State of Texas:

Commercial General Liability (including Contractual liability):	
-Personal Injury:	$1,000,000.00 per person
	$1,000,000.00 per occurrence
-Property Damage:	$500,000.00 per occurrence
Business Automobile Liability:	$250,000.00 combined single limit - Personal Injury and Property Damage
Workers' Compensation:	Statutory limits
Employers' Liability:	$500,000.00 per accident or occurrence

The Commercial General Liability shall be on a per project aggregate, including completed operations, and shall be on a claims-occurred basis. This insurance shall name CITY as an additional insured and waive subrogation in favor of CITY.

The Business Automobile Liability insurance provided by COMPANY shall cover any auto for bodily injury and property damage, including owned vehicles, hired and non-city vehicles, and employee non-ownership, and the amount of such policy shall be a minimum of $250,000.00 covering any vehicle used for the execution of the work that is the subject of this Contract. This insurance shall name CITY as an additional insured and waive subrogation in favor of CITY.

The Workers' Compensation coverage provided by COMPANY shall inure to the benefit of employees injured during the course and scope of their employment by COMPANY pursuant to this Contract. The Workers' Compensation shall waive all rights of subrogation in favor of CITY.

All insurance required pursuant to this Contract shall provide for a waiver of subrogation in favor of CITY. All insurance required pursuant to this Contract, except for Workers' Compensation Insurance, shall name CITY as an additional insured on a claims occurred basis. CITY shall be provided the notice by COMPANY's insurance provider not later than thirty (30) days prior to any reduction or termination of such coverage.

COMPANY shall contractually require all contractors, subcontractors, and sub-subcontractors that work on any portion of the work that is the subject of this Contract to obtain insurance coverage that meets or exceeds the policy requirements and minimum amounts specified herein. All contractors, subcontractors, and sub-subcontractors shall obtain insurance policies that provide blanket waivers of subrogation in favor of the City of Midland and policies that name the City of Midland as an additional insured on a claims occurred basis (except workers' compensation).

The parties agree that, prior to the execution of the Contract, COMPANY shall provide one or more certificates of insurance specifically stating that these requirements have been met and subject to the approval of CITY. CITY shall not be required to provide any insurance whatsoever pursuant to this Contract.

COMPANY certifies that the certificate of insurance provided as required herein complies with the requirements of Chapter 1811 of the Texas Insurance Code. COMPANY shall not use an unapproved certificate of insurance or insert inappropriate language on a certificate. Compliance with state law is the sole responsibility of COMPANY.

21. **Assignment**: COMPANY shall not, either directly or indirectly, assign all or any part of this Contract or any interest, right or privilege herein, without the prior written consent of CITY. The issue on whether or not to grant consent to an assignment is in the sole discretion of CITY.

22. **RELEASE: NOTWITHSTANDING ANY OTHER PROVISION CONTAINED HEREIN, COMPANY HEREBY RELEASES, ACQUITS, RELINQUISHES AND FOREVER DISCHARGES CITY AND CITY'S COUNCIL MEMBERS, EMPLOYEES, AND OFFICERS FROM ANY AND ALL DEMANDS, CLAIMS, DAMAGES OR CAUSES OF ACTION OF ANY KIND WHATSOEVER THAT COMPANY HAS OR MIGHT HAVE IN THE FUTURE, INCLUDING, BUT NOT LIMITED TO, BREACH OF CONTRACT, QUANTUM MERUIT, CLAIMS UNDER THE DUE PROCESS AND TAKINGS CLAUSES OF THE TEXAS AND UNITED STATES CONSTITUTIONS, TORT CLAIMS, OR CITY'S NEGLIGENCE. THE OBLIGATIONS CONTAINED IN THIS SECTION SHALL SURVIVE THE TERMINATION OF THIS CONTRACT**.

23. **Governing Law and Venue:** This contract shall be governed by the laws of the State of Texas. All performance and payment made pursuant to this contract shall be deemed to have occurred in Midland County, Texas. The obligations and undertakings of each of the parties to this Agreement shall be deemed to have occurred in Midland County, Texas. Exclusive venue for any claims, suits or any other action arising from or connected in any way to this contract or the performance of this contract shall be in Midland County, Texas.

24. **Independent Contractor:** COMPANY shall perform all work and services described herein as an independent contractor and not as an officer, agent, servant, or employee of CITY. COMPANY shall have exclusive control of, and the exclusive right to control the details of the services and work to be performed hereunder, and all persons performing the same. COMPANY shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors and the doctrine

of respondeat superior shall not apply as between CITY and COMPANY, its officers, agents, employees, contractors and subcontractors. Nothing in this Contract shall be construed as creating a partnership or joint enterprise between CITY and COMPANY. No person performing any of the work and services described hereunder by COMPANY shall be considered an officer, agent, servant or employee of CITY. Further, it is specifically understood and agreed that nothing in this contract is intended or construed as creating a "Community of Pecuniary Interest" or an "Equal Right of Control" which would give rise to vicarious liability.

COMPANY shall be an independent contractor under this Contract and shall assume all of the rights, obligations and liabilities, applicable to it as such independent contractor hereunder. CITY does not have the power to direct the order in which the work is done. CITY shall not have the right to control the means, methods or details of COMPANY's work. COMPANY shall assume exclusive responsibility for the work. COMPANY is entirely free to do the work in its own way.

25. **Notice of Alleged Breach; Statutory Prerequisites:** As a condition precedent to filing suit for alleged damages incurred by an alleged breach of an express or implied provision of this Contract, COMPANY or its legal representative, shall give the City Manager, or any other reasonable official of CITY, notice in writing (consisting of one (1) original and seven (7) copies of notice attached to a copy of this Contract) of such damages, duly verified, within one hundred twenty (120) days after the same has been sustained. The discovery rule does not apply to the giving of this notice. The notice shall include when, where and how the damages occurred, the apparent extent thereof, the amount of damages sustained, the amount for which COMPANY shall settle, the physical and mailing addresses of COMPANY at the time and date the claim was presented and the physical and mailing addresses of COMPANY for the six (6) months immediately preceding the occurrence of such damages, and the names and addresses of the witnesses upon whom COMPANY relies to establish its claim; and a failure to provide such written notification within the time and manner provided herein shall exonerate, excuse and except CITY from any liability whatsoever. CITY is under no obligation to provide notice to COMPANY that COMPANY's notice is insufficient. CITY reserves the right to request additional information regarding the claim. Said additional information shall be supplied within thirty (30) days after receipt of notice.

The statutory prerequisites outlined herein constitute jurisdictional requirements pursuant to Section 271.154 of the Texas Local Government Code and Section 311.034 of the Texas Government Code. Notwithstanding any other provision to the contrary, COMPANY's failure to comply with the requirements of this Section shall perpetually bar COMPANY's claim for damages under Chapter 271 of the Texas Local Government Code, and Section 311.034 of the Texas Government Code, regardless if

CITY has actual or constructive notice or knowledge of said claim or alleged damages. COMPANY agrees that the requirements of this entire Contract are reasonable. The provisions and obligations of this Section shall survive the termination of this Contract.

26. **Consideration:** The terms of this Contract are supported by good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties named herein.

27. **Termination At Will:** CITY may terminate this Contract at will for no or any reason upon giving at least one hundred eighty (180) days written notice to COMPANY. The parties to this Contract understand and agree that it is in CITY's sole discretion to cancel the Contract during the term of the Contract without penalty to CITY. COMPANY has no expectation and has received no guarantees that this Contract will not be terminated before the end of the Contract term. The parties have bargained for the flexibility of terminating this Contract upon tender of the requisite notice at any time during the term of the Contract. All work and services under the Contract shall be suspended upon termination of the Contract becoming effective.

28. **Compliance:** COMPANY agrees that it shall comply with Texas Government Code Section 2252.908, *et seq.*, as amended. COMPANY agrees that it shall comply with Texas Local Government Code Section 176.006, *et seq.*, as amended.

29. To the extent that Section 2271.002 of the Texas Government Code applies to this Contract, COMPANY hereby verifies that COMPANY does not boycott Israel and will not boycott Israel during the term of this Contract. If Section 2271.002 of the Texas Government Code does not apply to this Contract, such verification is not required, and COMPANY shall be deemed to have not made such verification.

30. **Records Retention and Production of Information.** To the extent that this Contract constitutes a contract described by Section 552.371 of the Texas Government Code, COMPANY shall: (i) preserve all contracting information related to this Contract as provided by the records retention requirements applicable to CITY for the duration of this Contract; (ii) promptly provide to CITY any contracting information related to the Contract that is in the custody or possession of COMPANY on request of CITY; and (iii) on completion of the Contract, either: (a) provide at no cost to CITY all contracting information related to the Contract that is in the custody or possession of COMPANY; or (b) preserve the contracting information related to the Contract as provided by the records retention requirements applicable to CITY.

31. **Public Information.** To the extent that this Contract is a contract described by Section 552.371 of the Texas Government Code, COMPANY agrees as follows in accordance with Section 552.372(b) of

the Texas Government Code: The requirements of Subchapter J, Chapter 552, Government Code, may apply to this Contract, and COMPANY agrees that the contract can be terminated if COMPANY knowingly or intentionally fails to comply with a requirement of that subchapter.

32. **Conflict of Terms.** If a conflict of terms or language exists between: (i) any of the provisions of this Contract and (ii) any of the provisions contained in any exhibit(s) attached to this Contract, precedence shall be given to the provisions of this Contract. For the avoidance of any doubt, the provisions contained in this Contract shall supersede any and all conflicting provisions contained in any exhibit(s) attached hereto. Furthermore, the parties acknowledge and agree that any provision contained in an exhibit(s) attached to this Contract that imposes an additional express or implied obligation on CITY is hereby made void and of no force or effect. CITY's sole and exclusive obligations under this Contract are contained in the provisions of this Professional Services Contract that precede the signature page(s), which evidences the parties' execution.

EXECUTED IN DUPLICATE the day and year first above mentioned.

THE CITY OF MIDLAND, TEXAS

By: _____
Robert Patrick, City Manager

ATTEST

_____
Amy M. Turner, City Secretary

APPROVED ONLY AS TO FORM

_____
John Ohnemiller, City Attorney

COMPANY:

By: _____

Name:_____

Title: _____

STATE OF _____ §
§
COUNTY OF_____ §

BEFORE ME, the undersigned authority, on this ____ day of _____, 20____ personally appeared, _____, an officer of Paragon Roofing, Inc., known to me to be the person and official whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same as the act and deed of said corporation, 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 _____, 20____.

_____
Notary Public, State of _____

PARAGON ROOFING INC.

EXHIBIT "A1"

"Pattern of Excellence" since 1989

April 29th, 2021

City of Midland
Fire Station
4501 Sinclair Ave
Midland, Texas

THE INTERLOCAL PURCHASING SYSTEM

ROOFING PROPOSAL

We are pleased to submit this proposal for the roofing at the Fire Station for the City of Midland through Paragon Roofing Inc. TIPS contract number 200201. This proposal includes both labor and materials for the installation of 13,745 square feet of mechanically seamed standing seam replacement as outline in the attached vetting sheet

WORK INCLUDES

1. See attached specifications labeled ***"Exhibit A" – 4T Specifications for roof replacement.***
2. See attached TIPS vetting sheet labeled ***"Exhibit B"*** for specific quantities, building locations and pricing
3. Includes performance payment bond

PROJECT TERMS AND CONDITIONS

1. Contractor shall carry Worker's Compensation and General Liability Insurance.
2. Contractor shall coordinate all schedules and work hours with the Owner or the designated representative. Standard work hours shall apply to this project. Only one mobilizations is included to complete the entire scope of work
3. Once work commences, Contractor shall proceed diligently to final completion.
4. Payment Schedule shall be as follows with all invoices due upon receipt:

   A. Contractor to submit invoices for those units/TMLIRP ID# as completed and audited on or before the 25th of each month. Payment less 10% retainage by the 10th of the following month

COMMERCIAL
MULTI-FAMILY
RESIDENTIAL

1601 N. Walton Walker Blvd.
Dallas, TX 75211
o. 214.630.6377 | f. 214.630.6677

paragonroofinginc.com

City of Midland
Page Two
April 29th, 2021

5. Price is good for delivery of materials for 45 days from the date of this proposal.

TOTAL VALUE OF ROOFING WORK AS OUTLINED ABOVE:

	$ 164,953.25
Tax 8.25%	$ N/A
Total:	**$ 164,953.25**

***NOTE:**

1. Deteriorated/damaged metal framing to be replaced at $6.00 per LF
2. Deteriorated/damaged metal trusses to be replaced at $15.00 per LF

ACCEPTANCE

If accepted the city will need to simply issue a Purchase Order to Paragon Roofing, Inc. by email Quentan@paragonroofinginc.com using the city's normal procedure.

Should you have any questions or concerns please contact our office at the number listed below.

Mr. Quentan Tobolka
VP of Steep Slope & Multi Family Sales
m. 214.336.0316

ACCEPTED:

Company: _____

Printed Name: _____

Authorized Signature: _____

Title: _____

Date: _____

COMMERCIAL
MULTI-FAMILY
RESIDENTIAL

1601 N. Walton Walker Blvd.
Dallas, TX 75211
o. 214.630.6377 | f. 214.630.6677

paragonroofinginc.com

EXHIBIT "A"

CITY OF MIDLAND
FIRE STATION

Site Guidelines / Scope of Work / Specifications

SCOTT FRANKLIN

SITE GUIDELINES / SCOPE OF WORK:

1. Contractor Proposal Form: Contractor to submit response on Proposal response form. No other forms will be accepted.

2. Pre-Construction Meeting: Prior to the execution contractor will attend a Pre-Construction meeting (Contractor Project Manager, Superintendent, Manufacture Representative, Owner and Consultant) to review execution, scheduling, and general guidelines for the project. Contractor will submit submittals (PDF, Application Guidelines, Field Drawings, Warranties, Guaranties) prior to the Pre-Construction meeting for all required products and MSDS sheets. Contractor to provide a Project Contact Sheet with names, cell phones and email for all personnel to be involved with scope of work. (Project Manager, Site Project Manager, Crew Superintendent and Office Contact) Contractor should submit a soft copy of these documents no later than 10 days prior to this meeting.

3. **Site/ Project Manager:** Contractor to provide and maintain a minimum of one (1) non-working Project Manager to oversee operations, safety compliance and coordination with site personnel. Project Manager will report to Owner/Site Representative a minimum of once each morning and once each afternoon to assure site personnel are advised on all areas that construction activity will be taking place, coordination of any lifting activities and verify any areas of possible moisture entry from prior night or day.

4. **First Responder Facility:** Contractor to include all required / necessary accommodations to assure that facility remains operational, no debris left on or near emergency vehicles and all other accommodations to assure emergency vehicles and personnel have clear entry and exit of the facility.

5. **Project Team Contact Sheet**: Contractor to provide an emergency contact sheet with email and cell phone contact numbers for all key personnel. Contractor to bring to Pre-Construction meeting.

6. **Staging area:** Contractor will maintain a single designated staging area. Based on city approval. All material storage, equipment storage is required to be kept at staging unless in use. All breaks, Lunches, and safety meetings to be held in staging area at all times. Unless authorized and identified with the Pre-Construction minutes. Contractor will stage equipment, material, and Company/ Crew vehicles in the assigned staging area location. Contractor will conduct safety meetings, lunch and breaks in the staging area. Contractor will maintain a Porta John and wash area within the area. Staging area should be marked with safety cones and caution tape to help prevent accidental access by the public.

7. **Demolition and debris:** Contractor will include all required debris control and removal of all demolition, wrappers and other. If required Contractor will utilize waste removal company currently under contract with the city. Any and all receptacle bins must remain covered at all times when not being loaded to protect from any wind-blown debris.

8. **Storage:** Contractor is responsible for assuring that all material is secure on the roof and ground. All trash and debris should be bagged on a regular basis. Site should be free of wind-blown wrappers, trash, or debris. Contractor will maintain surrounding grounds with no debris, wrappers, water bottles etc. Contractor will bag all debris unless using a Skytrac and box for debris. At no time may contractor throw or discharge any materials or debris from roof.

9. **Signage**: Contractor will post one sign at the **staging area** identifying the site is an active construction site. Signage should include Company name, Office contact (Phone and Email) Site Project Manager name and phone number.

10. **Ground Protection**: Contractor will mark with cones on the ground whenever working within 10' of the perimeter over doors, exits and vehicle garage doors.

11. **Rain & Weather**: Contractor will have personnel on site or within 15-30 min. from the job site 7 days a week and including Holidays until substantially complete. At any time that the building is exposed to weather (Rain, Wind or Other) Contractor will meet Owner representative to assure all water tie offs are in place and to assure there is no moisture entry into the building. Contractor is responsible for keeping the building in a watertight condition from start of construction until complete. If crew or personnel dispatch for holidays or weekends contractor is required to maintain a minimum of two personnel 15-mile radius to respond, should it rain and to daily inspect of staging area, inspection of roof loaded material and to inspect all water tie offs a minimum of twice daily on non-workdays. Contractor to provide on his proposal the maximum number of crew days expected. (excludes rain / wind days)

12. **Site Safety**: Contractor will adhere to all safety requirements while performing work on the site. This will include but not limited to the following:

    a) Compliance with all OSHA requirements -See attached OSHA Bulletin-Roofing

    b) Compliance with all City requirements

    c) **Staging Area:** Contractor will maintain a clean and orderly staging area throughout execution. Staging area will include a porta john and be clearly marked with cones and caution tape. The area is to be clearly marked to avoid any accidental entry by the public. Contractor will maintain all crew trucks, lifting equipment, ext. in this area.

    d) **Lifting Equipment**: Lifting Equipment will always be stored in staging if not being used. Contractor will protect all parking lot surfaces with plywood to prevent any dripping of hydraulic oil or other. Contractor will chain the wheel to the axle when not in use. Contractor will provide a copy of the key or passcode to equipment. Contractor will avoid creating ruts or damage to the surrounding areas, buildings and/or land scape. Any signs of leaking or significant issues with Hydraulic equipment contractor will immediately switch out equipment and do so without interruption to the work. Contractor to flag all below grade sprinklers and other before traversing over sidewalks and/ or landscape.

e) **Fire Extinguisher**: Contractor will always maintain a fire Extinguisher in the staging area and at the roof where any gas filled generators are in use.

f) **Fall Protection**: Contractor will install all required warning lines and fall protection as required throughout the execution of the work to protect the public and city personnel while on site performing repairs.

g) **Building Access:** Contractor will provide their own access to and from the roof. Contractor crew is to refrain from entry, interior roof hatch or exit of the building. Only the Project Manager and Crew Superintendent shall access or traffic the building but only with an approved City escort. Contractor to provide proper notice and schedule thru facility contact.

h) Contractor will install safety cones along sidewalk leading up to all primary entrances and exits that are to remain open during repairs / construction.

i) Contractor will comply with all required work hours and special designated days by the city. Contractor should include and anticipate any costs associated with overtime and night or weekend work to complete this project. No change orders for overtime, weekend or night work will be permitted.

j) Contractor and crew will comply with all Covid-19 rules and procedures while on site performing work.

k) Contractor and crew will refrain from any smoking on site. Contractor, Crew and Contractor vehicles will refrain from any drug or illegal substances on person or use while performing work. No alcohol or other on site whether containers are empty or full. This includes person and/or vehicles.

13. **Crew Safety Vests:** All Contractor personnel on site will wear safety vest to allow ease of identification for building personnel and public. Contractor Crew Superintendent and Project Manager will wear a different colored safety vest for ease of identification of Owner Personnel and the Public.

6. **Permit Fee(s):** Contractor will include any Permit costs and will include any administration cost for submitting and/for filing for a permit. Should a permit be required the contractor will include all costs for submitting for permit and any cost to collect the permit and post the permit at the appropriate locations.

7. **Safety Spotter:** Contractor will provide spotter personnel at the front and rear of any lifting equipment when equipment is be moved outside of staging area to assure that no public property or personnel can be damaged or hurt during operation. Contractor will also utilize a spotter any time the crew may be working within 10’-15’ of the perimeter of the roof. Should the contractor be required to expose the roof to below to occupant or public. (i.e., Skylights) Contractor will coordinate with City with City contact for coordination of the Area being exposed. Any such type of area should also be marked with cones to prevent the public from accidently walking into this area.

8. **Access:** Contractor will provide their own exterior access to the building. All access points are to be removed when contractor is not on site or construction activity is not in process. Anyone accessing thru the building must comply with all COVID-19 and CDC Guidelines. Contractor personnel will perform temperature checks each day and document each crew member result.

9. **Electrical Power:** Contractor will supply all the contractor required power for operation of equipment. Contractor is not allowed at any time to use Owner's water, electrical receptacle or other in execution of this scope of work. Operation of generators will be kept away from any air intake or other type that would draw exhaust into the building. Contractor will keep all generators in a place to minimize noise to the occupants.

10. **Reconnect/ Disconnect:** Contractor is not authorized or allowed to disconnect any Mechanical units on the building. If for any reason the contractor feels it is necessary to disconnect a mechanical unit this must be approved in advance and scheduled with the Owner. It is expected that there will be some units which require disconnect / reconnect. All mechanical penetrations are to be flashed with ATR hub or Curbed type flashing. No pitch pans.

11. **Background Information**: Contractor will supply all required background information required to comply with Brazos City requirements and the Brazos City Sheriff's office.

12. **Insurance**: Contractor will submit proof of insurance (Certificate of Insurance) showing coverage that meets or exceeds all city requirements. All Insurance will be kept in good standing throughout execution of work. Any deviation could be reason for the City to terminate the contract.

13. **Exterior ladder / Stairs**: Contractor will include in their proposal and provide their own exterior access to the building. All exterior ladder access is to be properly secured when in use and removed during any times the crew is not on scene.

14. **Warranty Signage**: Contractor will post a fixed steel embossed sign at the Hatch access or wall or in location of the City choosing to notify anyone who access the roof the Date Installed, Manufacture, Contractor name and phone number, Manufacture warranty period (start and expiration), Warranty number and the assembly that was installed.

15. **Occupant Notification**: Contractor to post 8 ½ x 11" Notification at access / entry doors and exits notifying public and occupant of work currently active on at this site.

16. **Treated Wood**: Any and all wood installation or replacement shall be "Treated" to prevent moisture and decay and be compatible will roof membrane and accessories.

CLOSEOUT DOCUMENTS & PAYMENT PROCESSING

Contractor will submit a single and final invoice upon completion of the repairs for **the Fire Station** to include the following:

1. **Contractor Warranty:** Contractor will provide the Contractor 5-year workmanship warranty for all work performed.
2. **Final Inspection** 4T Partnership will schedule an inspection with the Contractor and the Owner/City to perform a walk through and inspection of the completed Roof assembly and all areas included in the contractor's scope of work. 4T Partnership will forward minutes and documentation of any items in need of correction or repair. Any punch items will be corrected during inspection or can be performed, and contractor can submit photos showing corrective action.
3. **Contractor Invoice** – Contractor will submit a Final invoice with confirmation of completion of all punch list items and reference RFP II and building name with address.
4. **Manufacture "No Dollar Limit Guaranty** – Contractor will submit a copy and provide the Owner with an original of the required 20-year NDL Guaranty. The Guaranty should reference the Correct Owner / Member Name, Building Address and include execution by the Manufacture appropriate representative.
5. **"Conditional" Lien Release**- Contractor will submit a "Conditional Lien: Release with closeout documents including separate releases for any listed sub-contractors.
6. **Performance & Payment Bond**- Contractor will submit a copy of the Payment & Performance bond.
7. **Punch List Items Documentation**- Contractor will provide any necessary punch list / corrective action list and documentation showing each correction if required after the final inspection.

DELIVERY, STORAGE, AND HANDLING

- Store all materials in compliance with Manufacture requirements to avoid water damage and store rolled goods on end. Comply with manufacturer's recommendations for job-site storage and protection. If necessary, cover with lose tap or plastic and allow to breath.
- Contractor will adhere to all requirements regarding stagging location, site management and occupant safety to assure that both Contractor(s) crew and public / City personnel and the public are protected at all times.
- Contractor will supply a duplicate key or Code to operate all equipment being stored on site to facilitate (if necessary) moving this equipment if required by first responders.
- Contractor / Crew will prevent any blowing debris throughout the execution of the work. All material will be properly secured. Any material roof loaded must be tied or secured when not performing repairs on site. All debris will be bagged and placed in a receptacle or dump trailer.
- Contractor will at no time while positioned on the roof load material or equipment from ridge to eave over entrance and exits of the buildings.
- Contractor will not overload or otherwise damage the integrity of the building. Any damage to the building will be the responsibility of the contractor.

JOB CONDITIONS

- The Contractor preparing a proposal in response to this acknowledges that all work is to be performed while current activities within these buildings continue or proceed. Contractor will take and include all associated costs for signage, caution tape and safety cones to assure the tenant and public are protected from harm. **This is a first responder building.**
- Proceed with installation work only after substrate is prepared, clean, smooth, and dry.
- Proceed with installation work only when weather conditions allow. Follow primary manufacturer's recommendations during application throughout.
- Contractor agrees to schedule work on individual building / Roof area only after verification that the City does not have any pre-schedule events and/or conflicts without penalty or cost to the City. All stage moves *(to alternate deck areas are to be communicated and coordinated with the City)*
- **Scheduling Updates/City communication**: Contractor Project Manager will advise the Member each day on the prior days weather forecast. Each day that the forecast includes a greater than 30% (for that window of time) chance of rain and/or Winds forecast to be in excess of 15-20 mph the contractor will have the option to schedule a "no-work" weather delay day. Contractor shall keep a daily record of all work and rain days throughout until completion.
- Contractor is at all times required to maintain a watertight condition on all buildings being repair / under construction. Contractor and his Insurance Company will be responsible for any damage to the interior and/or exterior) caused due to negligence on the contractor's part. The contractor agrees to keep all buildings in a watertight condition until such time that the Building / Scope of work has been substantially completed and closeout documents submitted.
- COVID-19 / Pandemic: Contractor will adhere to all guidelines, procedures and policies regarding the City's official and published requirements concerning Covid-19 and PPE and include in his/her proposal all necessary costs to comply.

End of Site Guidelines / Scope of Work

SECTION 07 41 13 - METAL ROOF PANELS

PART 1 - GENERAL

1.1 SCOPE: The Midland Fire Station, located at 1500 West Wall Street, Midland, Texas 79701 request contractors provide a new standing seam metal roof for their fire station. The scope of work will include the installation of a Stand Seam Metal roof assembly, including the accessories and the installation of a High Temp Peel N Stick membrane under the standing seam metal roof assembly.

1.2 During the installation the contractor shall take the necessary step to maintain the landscape, the debris and removal at the end of each day fasteners, nails, and scrap materials to be placed in the dumpsters or hauled from the project, daily.

1.3 Contact: Communication will be between the designated contact person and the roofing contractor. The Midland Fire Department shall designate the name, title, email and phone contact information at the time of bid award.

1.4 SECTION INCLUDES

A. Trapezoidal-rib, seamed joint, standing seam metal roof panels, with related metal trim and accessories and provide for a High Temp Peel N Stick membrane below the standing seam metal roof assembly..

1.5 RELATED REQUIREMENTS

A. Division 01 Section "Sustainable Design Requirements" for related LEED® general requirements.

B. Division 05 Section "Steel Decking" for continuous metal decking supporting metal panels.

C. Division 05 Section "Cold-Formed Metal Trusses" for cold-formed metal trusses supporting metal panels.

D. Division 06 Section "Sheathing" for sheathing substrate for metal roof panels.

E. Division 07 Section Thermal Insulation for thermal insulation installed under metal panels.

F. Division 07 Section "Air Barriers" for air barriers within roof assembly and adjacent to roof assembly.

G. Division 07 Section "Metal Wall Panels" for factory-formed metal wall [and soffit] panels.

H. Division 07 Section "Sheet Metal Flashing and Trim" for formed sheet metal copings, flashings, reglets, and roof drainage items in addition to items specified in this Section.

I. Division 07 Section "Manufactured Roof Specialties" for manufactured copings, reglets, and roof drainage items in addition to items specified in this Section.

J. Division 07 Section "Joint Sealants" for field-applied Joint Sealants.

1.6 REFERENCES

A. American Architectural Manufacturer's Association (AAMA): www.aamanet.org:

1. AAMA 621 - Voluntary Specifications for High Performance Organic Coatings on Coil Coated Architectural Hot Dipped Galvanized (HDG) & Zinc-Aluminum Coated Steel Substrates.
2. AAMA 809.2 - Voluntary Specification Non-Drying Sealants.

B. American Society of Civil Engineers (ASCE): www.asce.org/codes-standards:

1. ASCE 7 - Minimum Design Loads for Buildings and Other Structures.

C. ASTM International (ASTM): www.astm.org:

1. ASTM A 653 - Specification for Steel Sheet, Zinc-Coated (Galvanized) or Zinc-Iron Alloy-Coated (Galvannealed) by the Hot-Dip Process.
2. ASTM A 755 - Specification for Steel Sheet, Metallic Coated by the Hot-Dip Process and Pre-painted by the Coil-Coating Process for Exterior Exposed Building Products.
3. ASTM A 792/A 792M - Standard Specification for Steel Sheet, 55 % Aluminum-Zinc Alloy-Coated by the Hot-Dip Process.
4. ASTM A 980 - Standard Specification for Steel, Sheet, Carbon, Ultra High Strength Cold Rolled.
5. ASTM C 645 - Specification for Nonstructural Steel Framing Members.
6. ASTM C 920 - Specification for Elastomeric Joint Sealants.
7. ASTM D 1003 - Standard Test Method for Haze and Luminous Transmittance of Transparent Plastics.
8. ASTM D 2244 - Test Method for Calculation of Color Differences from Instrumentally Measured Color Coordinates.
9. ASTM D 4214 - Test Methods for Evaluating Degree of Chalking of Exterior Paint Films.
10. ASTM E 1514 - Standard Specification for Structural Standing Seam Steel Roof Panel Systems.
11. ASTM E 1592 - Standard Test Method for Structural Performance of Sheet Metal Roof and Siding Systems by Uniform Static Air Pressure Difference.
12. ASTM E 1646 - Standard Test Method for Water Penetration of Exterior Metal Roof Panel Systems by Uniform Static Air Pressure Difference.

13. ASTM E 1680 - Standard Test Method for Rate of Air Leakage Through Exterior Metal Roof Panel Systems.
14. ASTM E 1980 - Practice for Calculating Solar Reflectance Index of Horizontal and Low-Sloped Opaque Surfaces.

D. Cool Roof Rating Council (CRRC®): www.coolroofs.org/productratingprogram.html:

1. CRRC-1-2008 - CRRC Product Rating Program.

E. FM Global (FM): www.fmglobal.com:

1. ANSI/FM 4471 - Approval Standard for Class 1 Panel Roofs.

F. International Accreditation Service (IAS):

1. **IAS AC 472** - Accreditation Criteria for Inspection Programs for Manufacturers of Metal Building Systems, Part B.

G. Underwriters Laboratories, Inc. (UL): www.ul.com:

1. UL 580 - Tests for Uplift Resistance of Roof Assemblies

H. US Environmental Protection Agency: www.energystar.gov/index.cfm:

1. ENERGY STAR® Reflective Roof Products.

I. US Green Building Council (USGBC): www.usgbc.org:

1. LEED - Leadership in Energy and Environmental Design (LEED) Green Building Rating Systems.

1.7 ADMINISTRATIVE REQUIREMENTS

A. Preinstallation Meeting: Prior to erection of framing, conduct preinstallation meeting at site attended by owner, architect, manufacturer's technical representative, inspection agency and related trade contractors.

1. Coordinate building framing in relation to metal panel system.
2. Coordinate openings and penetrations of metal panel system.
3. Coordinate work of Division 07 Sections "Roof Specialties" and "Roof Accessories" and openings and penetrations and manufacturer's accessories with installation of metal panels.

1.8 QUALITY ASSURANCE

A. Manufacturer/Source: Provide metal roof panel assembly and accessories from a single manufacturer providing fixed-base roll forming, and accredited under IAS AC 472 Part B.

B. Manufacturer Qualifications: Approved manufacturer listed in this Section with minimum five years experience in manufacture of similar products in successful use in similar applications.

1. Approval of Comparable Products: Submit the following in accordance with project substitution requirements, within time allowed for substitution review:

   a. Product data, including certified independent test data indicating compliance with requirements.
   b. Samples of each component.
   c. Sample submittal from similar project.
   d. Project references: Minimum of five installations not less than five years old, with owner and architect contact information.
   e. Sample warranty.
   f. IAS AC 472 certificate.

2. Substitutions following award of contract are not allowed except as stipulated in Division 01 General Requirements.
3. Approved manufacturers must meet separate requirements of Submittals Article.

C. Installer Qualifications: Experienced installer [certified by metal panel manufacturer] with minimum of five years experience with successfully completed projects of a similar nature and scope.

1. Installer's Field Supervisor: Experienced mechanic [certified by metal panel manufacturer] supervising work on site whenever work is underway.

D. **Buy American Compliance**: Materials provided under work of this Section shall comply with the following requirements:

1. Buy American Act of 1933 BAA-41 U.S.C §§ 10a – 10d.
2. Buy American provisions of Section 1605 of the American Recovery and Reinvestment Act of 2009 (ARRA).

1.9 ACTION SUBMITTALS

A. Product Data: Manufacturer’s data sheets for specified products.

B. LEED Submittals:

1. Credit SS 7.2 Heat Island Effect - Roof: Product data indicating compliance with solar reflectance index requirement.
2. Credit MR 4 Recycled Content: Product data indicating the following:

   a. Material costs for each product having recycled content.

b. Percentages by weight of post-consumer and pre-consumer recycled content for each item.
c. Total weight of products provided.

C. Shop Drawings: Show layouts of metal panels. Include details of each condition of installation, panel profiles, and attachment to building. Provide details at a minimum scale 1 ½" per foot of edge conditions, joints, fastener and sealant placement, flashings, openings, penetrations, roof accessories, lightning arresting equipment, and special details. Make distinctions between factory and field assembled work.

1. Indicate points of supporting structure that must coordinate with metal panel system installation.
2. Include data indicating compliance with performance requirements.
3. Include structural data indicating compliance with requirements of authorities having jurisdiction.

D. Samples for Initial Selection: For each exposed product specified including sealants. Provide representative color charts of manufacturer's full range of colors.

E. Samples for Verification: Provide 12" (305 mm-) long section of each metal panel profile. Provide color chip verifying color selection.

1.10 INFORMATIONAL SUBMITTALS

A. Product Test Reports: Indicating compliance of products with requirements, witnessed by a professional engineer.

B. Qualification Information: For installer's firm and field supervisor.

C. IAS Accreditation Certificate: Indicating that manufacturer is accredited under provisions of IAS AC 472.

D. **Buy American Certification**: Manufacturers' letters of compliance acceptable to authorities having jurisdiction, indicating that products comply with requirements.

E. **Florida State Building Code Certificate**.

F. Manufacturer's Warranty: Sample copy of manufacturer's standard warranty.

1.11 CLOSEOUT SUBMITTALS

A. Maintenance data.

B. Manufacturer's Warranty: Executed copy of manufacturer's standard warranty.

1.12 DELIVERY, STORAGE, AND HANDLING

A. Protect products of metal panel system during shipping, handling, and storage to prevent staining, denting, deterioration of components or other damage. Protect panels and trim bundles during shipping.

1. Deliver, unload, store, and erect metal panel system and accessory items without misshaping panels or exposing panels to surface damage from weather or construction operations.
2. Store in accordance with manufacturer's written instructions. Provide wood collars for stacking and handling in the field.

1.13 COORDINATION

A. Coordinate sizes, profiles, and locations of roof curbs and other roof-mounted equipment and roof penetrations, based upon sizes of actual selected equipment.

1.14 WARRANTY

A. Special Manufacturer's Warranty: On manufacturer's standard form, in which manufacturer agrees to repair or replace metal panel assemblies that fail in materials and workmanship within one year from date of Substantial Completion.

B. **Special Weathertightness Warranty**: Single Source NO DOLLAR LIMIT warranty; initiated on the manufacturer's standard form, in which manufacturer agrees to repair or replace metal panel assemblies that fail to remain weathertight, including leaks, without monetary limitation 20 years from date of Substantial Completion.

C. Special Panel Finish Warranty: On manufacturer's standard form, in which manufacturer agrees to repair or replace metal panels that evidence deterioration of factory-applied finish within 30 years from date of Substantial Completion, including:

1. Fluoropolymer Two-Coat System:

a. Color fading in excess of 5 Hunter units per ASTM D 2244.
b. Chalking in excess of No. 8 rating per ASTM D 4214.
c. Failure of adhesion, peeling, checking, or cracking.

2. Modified Silicone-Polyester Two-Coat System:

a. Color fading in excess of 5 units per ASTM D 2244, for vertical applications.

b. Color fading in excess of7Hunter units per ASTM D 2244, for non-vertical applications.
c. Chalking in excess of No. 8 rating per ASTM D 4214, for vertical applications.

d. Chalking in excess of No. 6 rating per ASTM D 4214, for non-vertical applications.
e. Failure of adhesion, peeling, checking, or cracking.

PART 2 - PRODUCTS

2.1 MANUFACTURER

A. Basis of Design Manufacturer: **EXCEPTIONAL Metals' Metal Roof and Wall Systems, Division of Duro-Last®, Inc. Exceptional Metals, Saginaw, (800) 248-0280** Email: info@EXCEPTIONALMETALS.com; Web: www.exceptionalmetals.com.

1. Provide basis of design product**[**, or comparable product approved by architect prior to bid**]**.

2.2 PERFORMANCE REQUIREMENTS

A. General: Provide metal roof panel system meeting performance requirements as determined by application of specified tests by a qualified testing facility on manufacturer's standard assemblies.

B. Recycled Content: For Steel Products: Postconsumer recycled content plus one-half of preconsumer recycled content not less than 25 percent.

C. Radiative Property Performance:

1. **Solar Reflectance Index**: Minimum 78 for roof slopes of 2:12 or less and 29 for roof slopes greater than 2:12 under medium wind conditions, per ASTM E 1980.
2. **ENERGY STAR Qualified**: Listed on USDoE ENERGY STAR Roof Products Qualified Product List.
3. **Energy Performance**: Listed in CRRC Rated Product Directory, with minimum properties as required by applicable Energy efficiency or High-Performance Green Building standard.

D. System Performance: Comply with ASTM E 1514 and requirements of this Section.

E. Structural Performance: Provide metal panel assemblies capable of withstanding the effects of indicated loads and stresses within limits and under conditions indicated:

1. Wind Loads: Determine loads based on uniform pressure, importance factor, exposure category, and basic wind speed indicated on drawings.

a. Wind Uplift Testing: Certify capacity of metal panels by actual testing of proposed assembly per ASTM E 1592.

2. Snow Loads: 20 lbf/sq.
3. Deflection Limits: Withstand inward and outward wind-load design pressures in accordance with applicable building code with maximum deflection of [1/120] [1/180] [1/240] of the span with no evidence of failure.
4. Seismic Performance: Comply with ASCE 7, Section 9, "Earthquake Loads."

F. Wind Uplift Resistance: Comply with UL 580 for wind-uplift class UL-90.

G. **FM Approvals Listing**: Comply with FM Approvals 4471 as part of a panel roofing system, and that are listed in FM Approvals' "RoofNav" for Class 1 construction. Identify materials with FM Approvals markings.

1. Fire/Windstorm Classification: Class 1A-90.
2. Hail Resistance Rating: SH.

H. Air Infiltration, ASTM E 1680: Maximum 0.07 cfm/sq. ft. (0.36 L/s per sq. m) at static-air-pressure difference of 6.24 lbf/sq. ft. (300 Pa).

I. Water Penetration Static Pressure, ASTM E 1646: No uncontrolled water penetration at a static pressure of 12 lbf/sq. ft. (575 Pa).

J. Thermal Movements: Allow for thermal movements from variations in both ambient and internal temperatures. Accommodate movement of support structure caused by thermal expansion and contraction. Allow for deflection and design for thermal stresses caused by temperature differences from one side of the panel to the other.

2.3 METAL ROOF PANELS

A. Mechanically Seamed, Concealed Fastener, Trapezoidal Seam Metal Roof Panels: Structural metal roof panel consisting of formed metal sheet with raised trapezoidal ribs at panel edges, installed by lapping and mechanically interconnecting edges of adjacent panels, and attaching panels to supports using concealed clips and fasteners in a weathertight installation.

1. Basis of Design: **EM Double-Lok®,** www.ExceptionalMetals.com
2. **Aluminum-Zinc Alloy-Coated Steel Sheet**: ASTM A 792/A 792M, structural quality, Grade 50, Coating Class AZ50 (Grade 340, Coating Class AZM150), pre-painted by the coil-coating process per ASTM A 755/A 755M.
3. **Aluminum-Zinc Alloy-Coated Steel Sheet**: ASTM A 792/A 792M, structural quality, Grade 50, Coating Class AZ55 (Grade 340, Coating Class AZM165) unpainted Galvalume Plus coating.

a. Nominal Thickness: 24-gauge coated thickness.
b. Panel Surface Smooth with minor ribs in pan with striations in pan.
c. Exterior Finish: [Fluoropolymer two-coat metallic color system]
d. Color: As indicated by architect from manufacturer's standard colors

4. Panel Width: **[**24” (610 mm)**]**.
5. Panel Seam Height: 3” (76 mm).
6. Joint Type: Double folded.

2.4 METAL ROOF PANEL ACCESSORIES

A. General: Provide complete metal roof panel assembly incorporating trim, copings, fasciae, gutters and downspouts, and miscellaneous flashings, in **[**manufacturer's standard profiles**] [**profiles as indicated**]**. Provide required fasteners, closure strips, splice plates, support plates, and sealants as indicated in manufacturer's written instructions.

B. Flashing and Trim: Match material, thickness, and finish of metal panel face sheet.

C. Two Piece Floating Clips: ASTM C 645, with ASTM A 653/A 653M, G90 (Z180) hot-dip galvanized zinc coating, configured for concealment in panel joints, and identical to clips utilized in tests demonstrating compliance with performance requirements.

D. Panel Fasteners: Self-tapping screws and other acceptable corrosion-resistant fasteners recommended by roof panel manufacturer. Where exposed fasteners cannot be avoided, supply fasteners with EPDM or neoprene gaskets, and heads matching color of metal panels by means of factory-applied coating.

E. Joint Sealers: Manufacturer's standard or recommended liquid and preformed sealers and tapes, and as follows:

1. Factory-Applied Seam Sealant: Manufacturer's standard hot-melt type.
2. Tape Sealers: Manufacturer's standard non-curing butyl tape, AAMA 809.2.

F. **Steel Sheet Miscellaneous Framing Components**: ASTM C 645, with ASTM A 653/A 653M, G60 (Z180) hot-dip galvanized zinc coating.

G. **Light Transmitting Panel**: Manufacturer's standard UV-resistant translucent panel, 24” (610 mm) wide, white, with haze value of not less than 90 percent when measured per ASTM D 1003.

H. **Roof Accessories**: Approved by metal roof panel manufacturer. Refer to Section 07 72 00 "Roof Accessories" for requirements for roof accessories.

I. **Snow Guards**: Approved by metal roof panel manufacturer. Refer to Section 07 72 53 "Snow Guards" for requirements for snow guards attached to metal roof panels.

J. **High Temp Peel N Stick**: The Peel N Stick membrane shall consist of a high temperature polymer capable of withstanding heat loads of up to 240 degree F and have a nominal 40 mil thickness. The material must meet the appropriate guidelines set forth by the metal roof manufacturers requirements for exposure, side lap overlap and end lap overlap. The surface of the membrane shall not consist of

granulated material and shall be capable of walkability during construction without attaching to the roofing contractor shoe.

2.5 FABRICATION

A. General: Provide factory fabricated and finished metal panels and accessories meeting performance requirements, indicated profiles, and structural requirements.

B. Fabricate metal panel joints configured to accept factory-applied sealant providing weathertight seal and preventing metal-to-metal contact and minimizing noise resulting from thermal movement.

C. Form panels in continuous lengths for full length of detailed runs, except where otherwise indicated on approved shop drawings.

D. Sheet Metal Flashing and Trim: Fabricate flashing and trim to comply with manufacturer's written instructions, approved shop drawings, and project drawings. Form from materials matching metal panel substrate and finish.

2.6 FINISHES

A. Finishes General: Prepare, pretreat, and apply coating to exposed metal surfaces to comply with coating and resin manufacturers' written instructions.

.

B. Fluoropolymer Two-Coat System: 0.2 – 0.3 mil primer with 0.7 - 0.8 mil 70 percent PVDF fluoropolymer color coat, AAMA 621**[**, meeting solar reflectance index requirements**]**.

1. Basis of Design: **EXCEPTIONAL Metals, Signature® 300**.

PART 3 - EXECUTION

3.1 EXAMINATION

A. Examine metal panel system substrate and supports with installer present. Inspect for erection tolerances and other conditions that would adversely affect installation of metal panel installation.

1. Inspect metal panel support substrate to determine if support components are installed as indicated on approved shop drawings. Confirm presence of acceptable supports at recommended spacing to match installation requirements of metal panels.
2. Panel Support Tolerances: Confirm that panel supports are within tolerances acceptable to metal panel system manufacturer but not greater than the following:

a. ¼” (6 mm) in 20 foot (6.1 m) in any direction.
b. 3/8” (9 mm) over any single roof plane.

B. Correct out-of-tolerance work and other deficient conditions prior to proceeding with insulated metal roof panel system installation.

3.2 PREPARATION

A. **Miscellaneous Supports**: Install subframing, girts, furring, and other miscellaneous panel support members according to ASTM C 754 and manufacturer's written instructions.

B. Flashings: Provide flashings as required to complete metal roof panel system. Install in accordance with Section 07 62 00 "Sheet Metal Flashing and Trim" and approved shop drawings.

3.3 METAL PANEL INSTALLATION

A. Mechanically-Seamed, Trapezoidal Standing Seam Metal Roof Panels: Install weathertight metal panel system in accordance with manufacturer's written instructions, approved shop drawings, and project drawings. Install metal roof panels in orientation, sizes, and locations indicated, free of waves, warps, buckles, fastening stresses, and distortions. Anchor panels and other components securely in place. Provide for thermal and structural movement.

B. Attach panels to supports using clips, screws, fasteners, and sealants recommended by manufacturer and indicated on approved shop drawings.

1. Fasten metal panels to supports with concealed clips at each location indicated on approved shop drawings, with spacing and fasteners recommended by manufacturer.
2. Seamed Joint: Crimp standing seams with manufacturer-approved, motorized seamer tool so clip, metal roof panel, and factory-applied sealant are completely engaged.
3. Provide weatherproof jacks for pipe and conduit penetrating metal panels of types recommended by manufacturer.
4. Dissimilar Materials: Where elements of metal panel system will come into contact with dissimilar materials, treat faces and edges in contact with dissimilar materials as recommended by manufacturer.

3.4 ACCESSORY INSTALLATION

A. General: Install metal panel trim, flashing, and accessories using recommended fasteners and joint sealers, with positive anchorage to building, and with weather tight mounting. Provide for thermal expansion. Coordinate installation with flashings and other components.

1. Install components required for a complete metal panel assembly, including trim, copings, flashings, sealants, closure strips, and similar items.
2. Comply with details of assemblies utilized to establish compliance with performance requirements and manufacturer's written installation instructions.
3. Provide concealed fasteners except where noted on approved shop drawings.
4. Set units true to line and level as indicated. Install work with laps, joints, and seams that will be permanently weather resistant.

B. Joint Sealers: Install joint sealers where indicated and where required for weathertight performance of metal panel assemblies, in accordance with manufacturer's written instructions.

1. Prepare joints and apply sealants per requirements of Division 07 Section "Joint Sealants."

3.5 FIELD QUALITY CONTROL

A. Testing Agency: Owner may engage an independent testing and inspecting agency acceptable to architect to perform field tests and inspections and to prepare test reports.

3.6 CLEANING AND PROTECTION

A. Remove temporary protective films immediately in accordance with metal roof panel manufacturer's instructions. Clean finished surfaces as recommended by metal roof panel manufacturer.

B. Replace damaged panels and accessories that cannot be repaired to the satisfaction of the architect.

END OF SECTION

TMLIRP	TIPS VETTING SHEET-ROOFING	TIPS II-RECON CONSTRUCTION /	Claim Manager: Lisa Kutch				02.05.21

City of Midland
Fire Station

Exhibit B

VETTING SHEET TIPS II-RECON

TML ID	BLDG/UNIT #	Physical Address Adjuster Scope of Work	TMLIRP BEST Program 4T PARTNERSHIP LLC Scope of Work	UNITS S.F./L.F./EACH	UNIT QTY TOTAL	TIPS II _RECON CONST. VETTED PROPOSAL	ADJUSTMENT vs TIPS DELTA
#311	Fire Station	4501 Sinclair Ave. Midland Texas					
		Project Mgmt.	**Full time PM**				
		R&R Metal Standing Seam		s.f.	13745	$ 144,900.00	
		R&R Underlayment/Peel-n-stick		s.f.	13745	incl.	
		R&R Ridge Cap		l.f.	175.17	incl.	
		R&R Plumbing stack flashings		each	10	incl.	
		R&R "GreenHeck" Vent/Replace with New		each	2	$ 900.00	
		Remove Gooseneck / Replace with new		each	1	$ 550.00	
		R&R Rake Metal (8" face)		l.f.	192	$ 1,400.00	
	Front Elevation	R&R Fascia Metal (8" face)		l.f.	226	$ 2,000.00	
	Front Elevation	R&R Gutter / Downspout - Halfround		l.f.	10	$ 150.00	
	Right Elevation	R&R Fascia Metal (8")		l.f.	163	$ 1,300.00	
	Right Elevation	R&R Gutter / Downspout - Halfround		l.f.	4	$ 150.00	
	Rear Elevation	R&R Aluminum metal sill and jambs of window-custom		l.f.	77	$ 1,800.00	
	Left Elevation	R&R Fascia 8" Face		l.f.	182	$ 1,800.00	
	DEMO	Remove and dispose of debris		each	4	incl.	
		Weather Tightness Warranty 20 years					
		5 Year Contractor Gauranty					
		Paint all flashings					
	Note	Gutter Canales				$ 2,900.00	
	Note	Sill and Jamb Metal repair				incl.	
	Building Total					$ -	

EXECUTIVE SUMMARY:			TIPS BASE PROPOSAL	DELTA
BASE PROPOSAL	Upgrade from 26-gauge to 24 gauge	TOTAL	$ 157,850.00	$ -
TIPS FEE	TIPS FEE		$ 3,157.00	
BOND FEE	P&P BOND		$ 3,946.25	
TAX	EXCLUDE		EXCLUDED	
TOTAL PROPOSAL+BOND+TIPS			$ 164,953.25	
WARRANTY / GUARANTY:				
Manufacture Warranty		Weather Tightness	20-year	
Contractor Warranty		Contractor	5-Year	
UNIT PRICES:				
R&R PLYWOOD		S.F.	$ -	
R&R FASCIA-wood		L.F.	$ -	
ALTERNATE / UPGRADES:				

CONTRACTOR NOTES:

Cost to include all material, lobor,bond,warranties to perform work

Proposal to be good for 90 days

EXCLUSIONS / COMMENTS: Pricing does not include replacement or detach and rest of windows and sill and jam metal repair. Due to mvolitility in metal prices this pricing is only valid until May 15th. Purchase order needs to be placed by May 15th to lock pricing

EXHIBIT C

Bonding Requirements

The successful bidder shall be required to furnish a Performance & Payment Bond* for bids in excess of $50,000.00, in an amount equal to one hundred percent (100%) of the total contract price, such bond to be executed in five (5) original counterparts by a Corporate Surety authorized to do business in the State of Texas and acceptable to the City of Midland. All bonds must be executed on forms contained in these contract documents. The form of agreement which the successful bidder, as contractor, will be required to execute is also included herewith. The form of agreement and the form of the bonds should be carefully examined by the bidder.

A certified check, cashier's check, bank money order, or irrevocable letter of credit issued by a bank satisfactory to the City, or a bidder's bond on the form provided, in the amount of five percent (5%) of the largest possible lump sum bid submitted, payable without recourse to the City, must accompany the bidder's proposal, as a guaranty that the bidder will enter a contract and execute the required payment bond and guaranty in the forms provided within fifteen (15) days after notice of award of contract to him. Bids or proposals without the required bid guaranty will not be considered. All bid sureties and payment bonds shall name the City of Midland as Obligee.

*A cash security such as a cashier's check or irrevocable letter of credit issued by a bank satisfactory to the City for 100 % of the contract amount may be supplied in lieu of the Performance and Payment Bonds. The check will be returned un-cashed upon satisfactory completion of the work and evidence of payment of all obligations due for the contract.

PAYMENT BOND

THE STATE OF TEXAS §

COUNTY OF MIDLAND § SURETY NO _____

KNOW ALL MEN BY THESE PRESENTS, THAT _____ of the City of _____ of the County of _____ and State of Texas as Principal, and _____, as Surety, are held and firmly bound unto the City of Midland, Texas, as Obligee, in the amount of _____ DOLLARS ($ _____) for the payment whereof the said Principal and Surety bind themselves, their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has entered into a certain written contract with the Obligee, dated the _____ day of _____, 20__, for the furnishing of materials, equipment to perform all labor and work necessary for _____, hereof as fully and to the same extent as if copied at length herein.

NOW, THEREFORE, the condition of the obligation is that if the said Principal shall pay all claimants supplying labor and material to him or a subcontractor in the prosecution of the work provided for in said contract, then this obligation shall be null and void; otherwise, it is to remain in full force and effect.

Surety, for value received, stipulates and agrees that no change, extension of time alteration or addition to the terms of the contract, or to the work performed there under, or the plans, specifications of drawings accompanying the same, or any assignment of the contract as may be provided for in the instructions to bidders, shall in anywise affect its obligation on this Bond, and it does waive notice of any such change, extension of

time, alteration or addition to the terms of the contract, assignment thereof, or to the work to be performed there under.

IN WITNESS WHEREOF the said Principal and Surety have signed and sealed this instrument, this _____ day of _____ , 20__ .

_____	_____
Principal	Surety
By _____	By _____
Address _____	Address _____
_____	_____
_____	_____

APPROVED AS TO FORM:

_____

City Attorney

NOTE: Attach Power of Attorney

PERFORMANCE BOND

THE STATE OF TEXAS §

COUNTY OF MIDLAND § SURETY NO _____

KNOW ALL MEN BY THESE PRESENTS, THAT _____ (Hereinafter called the Principal[s]), as Principal(s), and _____ (Hereinafter called the Surety), as Surety, are held and firmly bound unto the City of Midland, Texas a home rule municipal corporation of Midland County, Texas, (hereinafter called the Obligee), in the amount of _____ DOLLARS ($ _____) for the payment whereof the said Principal and surety bind themselves, and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has entered into a certain written contract with the Obligee, dated the _____day of _____ , 20___ , for the furnishing of materials and equipment to perform all labor and work necessary for the construction of _____ , specifically including in the scope of this work and bond, the additional maintenance guaranty provisions set forth in the contract conditions, which contract is hereby referred to and made a part hereof as fully and to the same extent as if copies at length herein, as well as the Principal's primary obligation to perform according to plans and specifications.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall faithfully perform the work in accordance with the plans, specifications, instructions to bidder, general and special conditions and other contract documents, including any addendum thereto, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED further that if any legal action be filed upon this Bond venue shall lie in Midland County, State of Texas.

Surety, for value received, stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract, or to the work performed thereunder, or the plans, specifications or drawings accompanying the same, or any assignment of the contract as may be provided for in the instructions to bidders, shall in anywise affect its obligation on this Bond, and it does waive notice of any such change, extension of time, alteration or addition to the terms of the contract, assignment thereof, or the work to be performed thereunder.

IN WITNESS WHEREOF, the said Principal and surety do sign and seal this instrument, this _____ day of _____ , 20___.

_____	_____
Principal	Surety
By _____	By _____
Address _____	Address _____
_____	_____
_____	_____

APPROVED AS TO FORM:

_____

City Attorney

NOTE: Attach Power of Attorney

EXHIBIT D – BUILDING WAGE RATES rev 01-01-21

General Decision Number: TX20210261 01/01/2021

Superseded General Decision Number: TX20200261

State: Texas

Construction Type: Building

County: Midland County in Texas.

BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

Note: Under Executive Order (EO) 13658, an hourly minimum wage of $10.95 for calendar year 2021 applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least $10.95 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2021. If this contract is covered by the EO and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must pay workers in that classification at least the wage rate determined through the conformance process set forth in 29 CFR 5.5(a)(1)(ii) (or the EO minimum wage rate, if it is higher than the conformed wage rate). The EO minimum wage rate will be adjusted annually. Please note that this EO applies to the above-mentioned types of contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but it does not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60). Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Modification Number	Publication Date
0	01/01/2021

BOIL0074-003 01/01/2017

	Rates	Fringes
BOILERMAKER	$ 28.00	22.35

ENGI0178-005 06/01/2020

	Rates	Fringes
POWER EQUIPMENT OPERATOR		
(1) Tower Crane	$ 32.85	13.10
(2) Cranes with Pile Driving or Caisson Attachment and Hydraulic Crane 60 tons and above	$ 28.75	10.60
(3) Hydraulic cranes 59 Tons and under	$ 32.35	13.10

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* IRON0084-011 06/01/2020

	Rates	Fringes
IRONWORKER, ORNAMENTAL	$ 25.26	7.13

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* PLUM0404-001 09/01/2020

	Rates	Fringes
PLUMBER	$ 26.05	8.81

SUTX2014-037 07/21/2014

	Rates	Fringes
BRICKLAYER	$ 20.00	0.00
CARPENTER	$ 13.82	0.00
CEMENT MASON/CONCRETE FINISHER	$ 13.76	0.00
ELECTRICIAN	$ 23.18	6.31
INSULATOR - MECHANICAL (Duct, Pipe & Mechanical System Insulation)	$ 19.77	7.13
IRONWORKER, REINFORCING	$ 12.27	0.00

IRONWORKER, STRUCTURAL	$ 22.16	5.26
LABORER: Common or General	$ 11.80	0.00
LABORER: Mason Tender - Brick	$ 11.38	0.00
LABORER: Mason Tender - Cement/Concrete	$ 10.58	0.00
LABORER: Pipelayer	$ 12.49	2.13
LABORER: Roof Tearoff	$ 11.28	0.00
OPERATOR: Backhoe/Excavator/Trackhoe	$ 14.25	0.00
OPERATOR: Bobcat/Skid Steer/Skid Loader	$ 13.93	0.00
OPERATOR: Bulldozer	$ 18.29	1.31
OPERATOR: Drill	$ 16.22	0.34
OPERATOR: Forklift	$ 14.83	0.00
OPERATOR: Grader/Blade	$ 13.37	0.00
OPERATOR: Loader	$ 13.55	0.94
OPERATOR: Mechanic	$ 17.52	3.33
OPERATOR: Paver (Asphalt, Aggregate, and Concrete)	$ 16.03	0.00
OPERATOR: Roller	$ 12.70	0.00
PAINTER (Brush, Roller, and Spray)	$ 15.00	0.73
PIPEFITTER	$ 25.80	8.55
ROOFER	$ 14.75	0.00
SHEET METAL WORKER (HVAC Duct Installation Only)	$ 22.73	7.52
SHEET METAL WORKER, Excludes HVAC Duct Installation	$ 19.50	0.00

TILE FINISHER.....$ 11.22 0.00

TILE SETTER.....$ 14.74 0.00

TRUCK DRIVER: Dump Truck.....$ 12.39 1.18

TRUCK DRIVER: Flatbed Truck.....$ 19.65 8.57

TRUCK DRIVER: Semi-Trailer Truck.....$ 12.50 0.00

TRUCK DRIVER: Water Truck.....$ 12.00 4.11

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts. Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses

(29CFR 5.5 (a) (1) (ii)).

RESOLUTION NO. _____

RESOLUTION APPROVING A CONTRACT WITH PARAGON ROOFING, INC., THROUGH THE INTERLOCAL PURCHASING SYSTEM, FOR THE PURCHASE AND INSTALLATION OF STANDING SEAM METAL ROOFING AT FIRE STATION 10 FOR A TOTAL COST OF $164,953.25; AND APPROPRIATING FUNDS FOR SAID CONTRACT

WHEREAS, The Interlocal Purchasing System is a program in which the City participates on purchases in accordance with Tex. Loc. Gov't Code § 271.102; and

WHEREAS, Paragon Roofing, Inc., has submitted a total proposed cost to the City of $164,953.25 for the purchase and installation of standing seam metal roofing at Fire Station 10, through The Interlocal Purchasing System; and

WHEREAS, the Council finds the price proposed by Paragon Roofing, Inc., for the purchase and installation of standing seam metal roofing at Fire Station 10 to be fair and reasonable; and

WHEREAS, the City Council finds it to be in the public interest to approve a contract with Paragon Roofing, Inc., for the purchase and installation of Standing seam metal roofing at Fire Station 10 through The Interlocal Purchasing System; and

WHEREAS, the City Council finds it to be in the public interest to appropriate funds for said contract;

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

SECTION ONE. That the City Manager and City Secretary are hereby authorized and directed to execute and attest, respectively, on behalf of the City of Midland, a contract for the purchase and installation of standing seam metal roofing at Fire Station 10, through The Interlocal Purchasing System, for a total cost of $164,953.25. Said contract being attached hereto as Exhibit A and incorporated herein for all purposes.

SECTION TWO. That the sum of $164,953.25 is available in the General Fund Operating Budget and is hereby appropriated and transferred into a project account for the

above-referenced contract.

SECTION THREE. That the City Comptroller is hereby authorized and directed to pay Paragon Roofing, Inc., for the purchase and installation of Standing seam metal roofing at Fire Station 10 from funds available in the above-referenced project account upon proper receipt of invoices or statements approved by the City Manager.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2021, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Regina Stephenson, General Services Director

APPROVED AS TO FORM ONLY:

_____
John Ohnemiller, City Attorney

City Council Meeting

Item Number: 7

Meeting Date: May 11, 2021

To: City Council / City Manager

From: Erika Martinez, Manager, Purchasing

Subject: RESOLUTION APPROVING THE PURCHASE OF TWO (2) FORD F-150 4X4 CREW CAB TRUCKS AND ONE (1) FORD F-250 4X4 CREW CAB TRUCK FROM CHASTANG FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR A TOTAL COST OF $239,882.00 (GENERAL SERVICES)

Purpose:

Approval for resolution approving the purchase of two (2) F-150 4x4 crew cabs and one (1) F-250 4x4 crew cab.

Recommended City Council Action:

Approve

Fiscal Impact:

Funding available from the Garage Fund Operating Budget.

Discussion:

Staff is recommending the purchase of two (2) F-150 4x4 crew cabs and one (1) F-250 4x4 crew cab for the Fire Department. These vehicles are available on the Houston-Galveston Area Council (HGACBuy). We are members of this cooperative and Subchapter F, Section 271.102 of the Local Government Code provides that a local government may participate in a cooperative purchasing program and that purchasing goods or services under Subchapter F satisfies any state law requiring the local government to seek competitive bids for those purchases. These vehicles are replacements to the fleet. The Fire Department elected not to replace unit 6506 therefore the total FY2021 available budget for this equipment is $252,100.00. Please see the attached memos from Manuel Salinas, Garage Superintendent and Fire Chief Blumenauer, for additional information.

Therefore, please consider a resolution approving the purchase of two (2) F-150 4x4 crew cabs and one (1) F-250 4x4 crew cab from Chastang Ford of Houston, Texas through the Houston-Galveston Area Council (HGACBuy) for a total cost of $239,882.00.

City Manager's Office

Fleet Services Division

INTEROFFICE MEMORANDUM

TO: **Regina Stephenson**

FROM: **Manuel Eloy Salinas**

SUBJECT: **HGAC contract AM10-20 for (2) two Rapid Response Vehicles & (1) one Command Vehicle**

DATE: 04/29/21

Fleet services is requesting the purchase of (2) ½ ton crew cab 4x4 pickups equipped with camper tops as quick response units that will be replacements for (2) two older units that have gone beyond their useful life. Budgeted amount for FY21 is $119,400 for (2) two pickups. Purchase amount will be $150,000 for (2) ½ ton crew cab 4x4 pickups equipped with camper tops.

Fleet services is requesting the purchase of (1) one ¾ ton crew cab 4x4 pickup command vehicle that will be a replacement for a unit that has gone beyond its useful life. Budgeted amount for FY21 is $61,500 for (1) one ¾ ton crew cab 4x4 pickup. Purchasing amount will be $89,882 for (1) one ¾ ton crew cab 4x4 pickup.

Sincerely,

Manuel Eloy Salinas

Interoffice Memorandum

Date: **04/30/2021**

To: **Regina Stephenson**

From: **Fire Chief Charles Blumenauer**

Subject: **Administrative Vehicle Purchase**

Midland Fire Department's Fire Marshal division needs to replace two of their oldest fleet pieces. In this process, we are upgrading their vehicles to have more storage space for investigation equipment plus the ability to respond to fires and as certified Law Enforcement officers when needed.

We are also replacing an older Assistant Chief vehicle with a command specification pickup. The Assistant Chief of Admin responds to significant events. This vehicle can be used as a backup command vehicle when one of the Battalion Chief vehicles is out of service for any reason.

This purchase was budgeted for this year.

Charles Blumenauer

Fire Chief

RESOLUTION NO. _____

RESOLUTION APPROVING THE PURCHASE OF TWO (2) FORD F-150 4X4 CREW CAB TRUCKS AND ONE (1) FORD F-250 4X4 CREW CAB TRUCK FROM CHASTANG FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR A TOTAL COST OF $239,882.00

WHEREAS, the Houston-Galveston Area Council ("H-GAC") is a cooperative purchasing agency with which the City participates with on purchases through a cooperative purchasing program in accordance with TEX. LOC. GOV'T CODE § 271.102; and

WHEREAS, Chastang Ford, of Houston, Texas, has submitted a total proposed cost to the City of $239,882.00 for the purchase of two (2) Ford F-150 crew cab trucks and one (1) Ford F-250 crew cab truck through H-GAC, as shown on the quotes attached hereto as Exhibit A and Exhibit B, which are incorporated herein for all purposes; and

WHEREAS, the Council finds the price proposed by Chastang Ford for said trucks to be fair and reasonable; and

WHEREAS, the City Council finds it to be in the public interest to purchase said trucks from Chastang Ford through H-GAC for a total cost of $239,882.00;

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

SECTION ONE. That the City Manager is hereby authorized and directed to purchase two (2) Ford F-150 crew cab trucks and one (1) Ford F-250 crew cab truck from Chastang Ford at a total cost of $239,882.00.

SECTION TWO. That the City Comptroller is hereby authorized and directed to pay for said fire squad trucks from funds available in the Garage Fund Operating Budget upon proper receipt of invoices or statements approved by the City Manager.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2021, by

the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Regina Stephenson, General Services Director

APPROVED AS TO FORM ONLY:

_____
John Ohnemiller, City Attorney

HGACBuy	CONTRACT PRICING WORKSHEET For MOTOR VEHICLES Only	Contract No.:	AM10-20	Date Prepared:	4/28/2021

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	CITY OF MIDLAND FD	Contractor:	CHASTANG FORD
Contact Person:		Prepared By:	ED MILLER
Phone:		Phone:	713-678-5007
Fax:		Fax:	713-678-5001
Email:		Email:	emiller@chastangford.com

Product Code:	AM20JC01	Description:	2021 FORD F150 RAPID RESPONSE

A. Product Item Base Unit Price Per Contractor's H-GAC Contract: $47,987.00

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
WWG176WB - CREW CAB UBGRADE	$3,995.00		
F4H - 4WD UPGRADE	3295		
64D- ALUMINUM WHEELS	1545		
653A - XLT UPGRADE	4295		
472- 2KW GENERATOR	995		
PACKAGE 302A	5730		
		Subtotal From Additional Sheet(s):	
		Subtotal B:	$19,855.00

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
INCLUDES METRO EQUIPMENT	INCL	FLOOR PLAN INTEREST	1008
RANCH HAND REPLACEMENT BUMPER	2155	Subtotal From Additional Sheet(s):	
ARE CAMPER TOP	3995	Subtotal C:	$7,158.00

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). **For this transaction the percentage is:** **11%**

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	2	X Subtotal of A + B + C:	$75,000.00	=	Subtotal D:	$150,000.00

E. H-GAC Order Processing Charge (Amount Per Current Policy) Subtotal E: $0.00

F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Description	Cost	Description	Cost
		Subtotal F:	0

Delivery Date:	TBD	G. Total Purchase Price (D+E+F):	$150,000.00

HGACBuy THE SMART PURCHASING SOLUTION

QUOTE DETAIL

Quote Number	161454-0
Printed Date	04/28/2021
Ordered Date	10/09/2020
Page	1

Corporate
1745 Parana Dr
Houston TX 77080-7115
(713) 692-0911 Phone
(713) 692-1591 Fax

Mansfield
625 S Wisteria St Ste 121
Mansfield TX 76063-2528
(817) 467-0911 Phone
(817) 375-1775 Fax

South Houston
514 Michigan St
South Houston TX 77587-3221
(713) 475-2411 Phone
(713) 475-2428 Fax

Bill to: CHASTANG FORD
6200 N LOOP EAST
HOUSTON, TX 77026

Ship to: MIDLAND 21 FMO (2 UNITS)
HOUSTON, TX 77026

Attn:

Cust Code	Ordered By	Salesman	Job/Rel#	Customer PO
BAY004	DAVID STACY	HOUSE ACCOUNT		

Entered By	FOB	Ship Via	Terms
FRED GARNER	DESTINATION	METRO	NET 20 DAYS

LOC	OC	Quantity Ord	Shp	B/O	U/M	Item #	Description
02	CV	2	2	0	EA	MET-BT-CHASSIS	2021 F-150 4X4 SUPER CREW CAB 6.5' BOX 157" WB XLT V8 RACE RED, 5.0 GAS
02	CV	2	2	0	EA	MET-CHASSIS HANDLING FEE	HANDLING FEE FOR NEW CHASSIS
02	CV	1	1	0	EA	HGAC APPARATUS FEE	HGAC APPARATUS FEE
02	CV	2	2	0	EA	SL-90503	SURVIVOR FLASHLIGHT LED ORANGE AC / DC CHARGERS HIGH/LOW/STROBE SWITCHES SUPER HIGH FLUX LED 80 LUMENS
02	CV	2	2	0	EA	MET-BT-HD ELECTRICAL	HEAVY DUTY ELECTRICAL SYSTEM
						**** KIT COMPONENTS ****	
		2	2	0	EA	MET-BT-ELECTRICAL	WIRING AND ELECTRICAL
		2	2	0	EA	PJP-404-1231-032	SOLENOID, TROMBETTA
		2	2	0	ea	RAM-X100CB185	CIRCUIT BREAKER 100AMP
		2	2	0	ea	RAM-XP52-247	POLLAK 10 GANG TERMINAL
		2	2	0	ea	RAM-XP52-412	12 GANG FUSE BLOCK POLLACK
02	CV	2	2	0	EA	MET-BT-BUMPER RPLMT	RANCH HAND BLACK STEEL FRONT PUSH BUMPER GUARD INSTALLED
						**** KIT COMPONENTS ****	
		2	2	0	EA	MET-BT-BUMPER RPLMT PARTS	RANCH HAND BLACK STEEL
02	CV	2	2	0	EA	MET-BT-CENTER CONSOLE	CENTER CONSOLE WITH MAP BOX CUP HOLDERS & ARM RESTS
						**** KIT COMPONENTS ****	
		2	2	0	EA	ACE-INN200-1100-1	MARKER LIGHT AMBER/AMBER
		2	2	0	EA	MET-BT-CONSOLE WIRING	ALL WIRING, FUSES, CONNECTORS
		2	2	0	EA	PLX-CUSTOM CONSOLE	POLY CONSOLE
		2	2	0	EA	TST-2001403	NINE POSITION ROCKER SWITCH

Continued on next page....

QUOTE DETAIL

Quote Number	161454-0
Printed Date	04/28/2021
Ordered Date	10/09/2020
Page	2

Corporate
1745 Parana Dr
Houston TX 77080-7115
(713) 692-0911 Phone
(713) 692-1591 Fax

Mansfield
625 S Wisteria St Ste 121
Mansfield TX 76063-2528
(817) 467-0911 Phone
(817) 375-1775 Fax

South Houston
514 Michigan St
South Houston TX 77587-3221
(713) 475-2411 Phone
(713) 475-2428 Fax

Bill to: CHASTANG FORD
6200 N LOOP EAST
HOUSTON, TX 77026

Ship to: MIDLAND 21 FMO (2 UNITS)
HOUSTON, TX 77026

Attn:

Cust Code	Ordered By	Salesman	Job/Rel#	Customer PO
BAY004	DAVID STACY	HOUSE ACCOUNT		

Entered By	FOB	Ship Via	Terms
FRED GARNER	DESTINATION	METRO	NET 20 DAYS

LOC	OC	Quantity Ord	Shp	B/O	U/M	Item #	Description
		2	2	0	EA	WES-1011B	BLUESEA 12V POWER OUTLET
		2	2	0	EA	WES-1016B	BLUESEA 12V USB POWER OUTLET
02	CV	2	2	0	EA	MET-BT-MDT MOUNT	MDT INSTALLATION OF TELESCOPIC POST & SLIDE ARM (TOUGHBOOK NOT INCLUDED)
						**** KIT COMPONENTS ****	
		2	2	0	EA	CDW-180437	MDT BASE MOUNTING COMPONENT
		2	2	0	EA	CDW-1808546	HAVIS C-HDM 204- MOUNTING
		2	2	0	EA	CDW-3084767	MDT LOCKING SLIDE ARM
02	CV	2	2	0	EA	MET-BT-LED WARNING LIGHT	EMERGENCY WARNING LIGHT PKG ALL ASSOCIATED WIRING/LABOR
						**** KIT COMPONENTS ****	
		2	2	0	EA	MET-BT-OPT LED WARNING	
		2	2	0	EA	MET-BT-WARNING LIGHT WIRING	EMERGENCY LIGHTING WIRING
		2	2	0	EA	WHE-295HFSC9	SIREN SELF CONTAINED 200 WATT
		2	2	0	EA	WHE-IZ33UFZ	INNER EDGE LOW-PROFILE 6-LED
		2	2	0	EA	WHE-SA315P	100W SPEAKER, PLASTIC
		2	2	0	EA	WHE-SAK1	UNIVERSAL MOUNTING BRACKET
		16	16	0	EA	WHE-M6RC	M6 SERIES LINEAR SUPER-LED
		16	16	0	EA	WHE-M6FC	M6 SERIES CHROME FLANGE KIT
02	CV	4	4	0	EA	ONS-73060	60" LED LIGHT/ACCESS SERIES MOUNTED INSIDE CAMPER TOP
02	CV	2	2	0	EA	ONS-73048-UH-S	48" LED LIGHT/ACCESS SERIES UNDER CABINET BEZEL W/ SWITCH MOUNTED UNDERSIDE OF CAMPER LID
							** NOTES **
							INSTALLATION INSTRUCTIONS
							INSTALL ON REAR CAMPER LIFT UP DOOR
							ACTIVATE WITH DOOR OPEN
							USE "P" CLAMPS TO INSTALL LIGHT, NOT PLASTIC CLAMP

Continued on next page....

QUOTE DETAIL

Quote Number	161454-0
Printed Date	04/28/2021
Ordered Date	10/09/2020
Page	3

Corporate
1745 Parana Dr
Houston TX 77080-7115
(713) 692-0911 Phone
(713) 692-1591 Fax

Mansfield
625 S Wisteria St Ste 121
Mansfield TX 76063-2528
(817) 467-0911 Phone
(817) 375-1775 Fax

South Houston
514 Michigan St
South Houston TX 77587-3221
(713) 475-2411 Phone
(713) 475-2428 Fax

Bill to: CHASTANG FORD
6200 N LOOP EAST
HOUSTON, TX 77026

Ship to: MIDLAND 21 FMO (2 UNITS)
HOUSTON, TX 77026

Attn:

Cust Code	Ordered By	Salesman	Job/Rel#	Customer PO
BAY004	DAVID STACY	HOUSE ACCOUNT		

Entered By	FOB	Ship Via	Terms
FRED GARNER	DESTINATION	METRO	NET 20 DAYS

LOC	OC	Quantity Ord	Shp	B/O	U/M	Item #	Description
02	CV	2	2	0	EA	EXT-EB-1572	72" EXTENDOBED STEEL FRAME ASSEMBLY WITH FULL EXTENSION LOCK & SHORT SIDE RAIL 48" W x 72" L
02	CV	2	2	0	EA	MET-MISC-EQUIPMENT	CUSTOM ALUMINUM TRAY MOUNTED ONTO EXTENDOBED SLIDE
02	CV	100	100	0	EA	TPC-1212	TURTLE TILE 12" X 12" BLACK
02	CV	2	2	0	EA	MET-MISC-EQUIPMENT	A.R.E. CAMPER TOP PER FD SPEC INCLUDES INSTALLATION
							** NOTES **
							CUSTOMER ORDER MATCH PAINT ON CHASSIS TWO (2) SIDE LIFT UP DOORS, ONE (1) EACH SIDE ONE (1) SPLIT LIFT UP DOOR REAR SO TAILGATE REMAINS
02	CV	2	2	0	EA	MET-BT-LETTERING	LETTERING AND STRIPING DIAMOND GRADE PER FIRE DEPT SPEC
02	CV	2	2	0	EA	MET-BT-RADIO INSTALL	INSTALLATION OF MOBILE RADIO (RADIO NOT INCLUDED)
							**** KIT COMPONENTS ****
		2	2	0	EA	BEA-HLN9073	HANG UP CLIP FOR MIC
		2	2	0	EA	MET-BT-RADIO INSTALL PARTS	MISCELLANEOUS SUPPLIES
02	CV	2	2	0	EA	MET-BT-ANTENNA	ANTENNA ASSEMBLY PER CUSTOMER REQUIREMENTS
							**** KIT COMPONENTS ****
		2	2	0	EA	MET-BT-ANTENNA PARTS	WIRE TIES, CONNECTORS,

HGACBuy	CONTRACT PRICING WORKSHEET For MOTOR VEHICLES Only	Contract No.:	AM10-20	Date Prepared:	4/28/2021

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	CITY OF MIDLAND FD	Contractor:	CHASTANG FORD
Contact Person:		Prepared By:	ED MILLER
Phone:		Phone:	713-678-5007
Fax:		Fax:	713-678-5001
Email:		Email:	emiller@chastangford.com

Product Code:	AM20JC22	Description:	2022 FORD F250 COMMAND VEHICLE

A. Product Item Base Unit Price Per Contractor's H-GAC Contract: $81,687.00

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
WWG176WB - CREW CAB UBGRADE	$3,995.00		
99N - 7.3L V8	2045		
4WD UPGRADE	INCL		
66S - UPFITTER SWITCHES	INCL		
67B - 397 AMP ALTERNATOR	INCL		
CAMPER PKG	INCL		
86M - DUAL BATTERY	INCL		
5TH WHEEL GOOSENECK PKG	INCL		
DUAL BATTERIES	INCL		
110V/400W OUTLET	175		
TRAILER BRAKE CONTROLLER	INCL	**Subtotal From Additional Sheet(s):**	
		Subtotal B:	$6,215.00

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
INCLUDES METRO EQUIPMENT	INCL	FLOOR PLAN INTEREST	980
TOMMY GATE AND HEADACHE RACK	INCL	**Subtotal From Additional Sheet(s):**	
		Subtotal C:	$980.00

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). **For this transaction the percentage is:** **1%**

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	1	X Subtotal of A + B + C:	$88,882.00	=	Subtotal D:	$88,882.00

E. H-GAC Order Processing Charge (Amount Per Current Policy) **Subtotal E:** $1,000.00

F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Description	Cost	Description	Cost
			Subtotal F: 0

Delivery Date:	TBD	G. Total Purchase Price (D+E+F):	$89,882.00

HGACBuy THE SMART PURCHASING SOLUTION

QUOTE DETAIL

Quote Number	170170-0
Printed Date	04/28/2021
Ordered Date	04/20/2021
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Corporate
1745 Parana Dr
Houston TX 77080-7115
(713) 692-0911 Phone
(713) 692-1591 Fax

Mansfield
625 S Wisteria St Ste 121
Mansfield TX 76063-2528
(817) 467-0911 Phone
(817) 375-1775 Fax

South Houston
514 Michigan St
South Houston TX 77587-3221
(713) 475-2411 Phone
(713) 475-2428 Fax

Bill to: CHASTANG FORD
6200 N LOOP EAST
HOUSTON, TX 77026

Ship to: MIDLAND F-250
6200 N LOOP EAST
HOUSTON, TX 77026

Attn: ED MILLER

Cust Code	Ordered By	Salesman	Job/Rel#	Customer PO
BAY004	ED MILLER	HOUSE ACCOUNT		

Entered By	FOB	Ship Via	Terms
FRED GARNER	DESTINATION	METRO	NET 20 DAYS

LOC	OC	Quantity Ord	Shp	B/O	U/M	Item #	Description
02	CV	1	1	0	EA	MET-BT-CHASSIS	2022 F-250 4X4 SD CREW CAB 8' BOX 176" WB SRW XL GAS, RACE RED TOMMY GATE LIFTGATE 1300LB HEADACHE RACK
02	CV	1	1	0	EA	MET-CHASSIS HANDLING FEE	HANDLING FEE FOR NEW CHASSIS
02	CV	1	1	0	EA	MET-BT-BUMPER RPLMT	BLACK STEEL FRONT PUSH BUMPER INSTALLED
						**** KIT COMPONENTS ****	
		1	1	0	EA	MET-BT-BUMPER RPLMT PARTS	RANCH HAND BLACK STEEL
02	CV	1	1	0	EA	MET-BT-HD ELECTRICAL	HEAVY DUTY ELECTRICAL SYSTEM
						**** KIT COMPONENTS ****	
		1	1	0	EA	MET-BT-ELECTRICAL	WIRING AND ELECTRICAL
		1	1	0	EA	PJP-404-1231-032	SOLENOID, TROMBETTA
		1	1	0	ea	RAM-X100CB185	CIRCUIT BREAKER 100AMP
		1	1	0	ea	RAM-XP52-247	POLLAK 10 GANG TERMINAL
		1	1	0	ea	RAM-XP52-412	12 GANG FUSE BLOCK POLLACK
02	CV	1	1	0	EA	MET-BT-LED WARNING LIGHT	EMERGENCY WARNING LIGHT PKG ALL ASSOCIATED WIRING/LABOR
						**** KIT COMPONENTS ****	
		1	1	0	EA	MET-BT-OPT LED WARNING	
		1	1	0	EA	MET-BT-WARNING LIGHT WIRING	EMERGENCY LIGHTING WIRING
		1	1	0	EA	WHE-295HFSC9	SIREN SELF CONTAINED 200 WATT
		1	1	0	EA	WHE-IX2RRRR	LIBERTY II SUPER LED
		2	2	0	EA	WHE-SA315P	100W SPEAKER, PLASTIC
		2	2	0	EA	WHE-SAK1	UNIVERSAL MOUNTING BRACKET
		4	4	0	EA	WHE-M6RC	M6 SERIES LINEAR SUPER-LED
		4	4	0	EA	WHE-M6FC	M6 SERIES CHROME FLANGE KIT
02	CV	1	1	0	EA	MET-BT-CENTER CONSOLE	CENTER CONSOLE WITH MAP BOX CUP HOLDERS & ARM RESTS

Continued on next page....

QUOTE DETAIL

Quote Number	170170-0
Printed Date	04/28/2021
Ordered Date	04/20/2021
Page	2

Corporate
1745 Parana Dr
Houston TX 77080-7115
(713) 692-0911 Phone
(713) 692-1591 Fax

Mansfield
625 S Wisteria St Ste 121
Mansfield TX 76063-2528
(817) 467-0911 Phone
(817) 375-1775 Fax

South Houston
514 Michigan St
South Houston TX 77587-3221
(713) 475-2411 Phone
(713) 475-2428 Fax

Bill to: CHASTANG FORD
6200 N LOOP EAST
HOUSTON, TX 77026

Ship to: MIDLAND F-250
6200 N LOOP EAST
HOUSTON, TX 77026

Attn: ED MILLER

Cust Code	Ordered By	Salesman	Job/Rel#	Customer PO
BAY004	ED MILLER	HOUSE ACCOUNT		

Entered By	FOB	Ship Via	Terms
FRED GARNER	DESTINATION	METRO	NET 20 DAYS

LOC	OC	Quantity Ord	Shp	B/O	U/M	Item #	Description
						**** KIT COMPONENTS ****	
		1	1	0	EA	ACE-INN200-1100-1	MARKER LIGHT AMBER/AMBER
		1	1	0	EA	MET-BT-CONSOLE WIRING	ALL WIRING, FUSES, CONNECTORS
		1	1	0	EA	PLX-CUSTOM CONSOLE	POLY CONSOLE
		1	1	0	EA	TST-2001403	NINE POSITION ROCKER SWITCH
		1	1	0	EA	WES-1011B	BLUESEA 12V POWER OUTLET
		1	1	0	EA	WES-1016B	BLUESEA 12V USB POWER OUTLET
02	CV	1	1	0	EA	MET-BT-KUSSMAUL	KUSSMAUL AUTO CHARGE SYSTEM AUTO CHARGE KIT INCLUDES INSTALLATION
						**** KIT COMPONENTS ****	
		1	1	0	EA	KUS-52-40-1106	AUTO CHARGE 1200 SUPER KIT
		1	1	0	EA	MET-BT-KUSSMAUL WIRING	KUSSMAUL AUTO CHARGE WIRING
		1	1	0	EA	KUS-091-96-12	LOAD MANAGER 1H
02	CV	1	1	0	EA	MET-BT-LETTERING	LETTERING AND STRIPING DIAMOND GRADE PER FIRE DEPT SPEC
02	CV	1	1	0	EA	MET-MISC-EQUIPMENT	RKI CROSS BOX STEEL BLACK 30"
02	CV	2	2	0	EA	MET-MISC-EQUIPMENT	MOTOROLA MOBILE RADIO
02	CV	1	1	0	EA	MET-LABOR 1	LABOR TO COMPLETE JOB

HGACBuy	CONTRACT PRICING WORKSHEET For MOTOR VEHICLES Only	Contract No.:	AM10-20	Date Prepared:	4/28/2021

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	CITY OF MIDLAND FD	Contractor:	CHASTANG FORD
Contact Person:		Prepared By:	ED MILLER
Phone:		Phone:	713-678-5007
Fax:		Fax:	713-678-5001
Email:		Email:	emiller@chastangford.com

Product Code:	AM20JC01	Description:	2021 FORD F150 RAPID RESPONSE

A. Product Item Base Unit Price Per Contractor's H-GAC Contract: $47,987.00

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
WWG176WB - CREW CAB UBGRADE	$3,995.00		
F4H - 4WD UPGRADE	3295		
64D- ALUMINUM WHEELS	1545		
653A - XLT UPGRADE	4295		
472- 2KW GENERATOR	995		
PACKAGE 302A	5730		
		Subtotal From Additional Sheet(s):	
		Subtotal B:	$19,855.00

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
INCLUDES METRO EQUIPMENT	INCL	FLOOR PLAN INTEREST	1008
RANCH HAND REPLACEMENT BUMPER	2155	Subtotal From Additional Sheet(s):	
ARE CAMPER TOP	3995	Subtotal C:	$7,158.00

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). **For this transaction the percentage is:** **11%**

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	2	X Subtotal of A + B + C:	$75,000.00	=	Subtotal D:	$150,000.00

E. H-GAC Order Processing Charge (Amount Per Current Policy) Subtotal E: $0.00

F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Description	Cost	Description	Cost
			Subtotal F: 0

Delivery Date:	TBD	G. Total Purchase Price (D+E+F):	$150,000.00

HGACBuy THE SMART PURCHASING SOLUTION

QUOTE DETAIL

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Corporate
1745 Parana Dr
Houston TX 77080-7115
(713) 692-0911 Phone
(713) 692-1591 Fax

Mansfield
625 S Wisteria St Ste 121
Mansfield TX 76063-2528
(817) 467-0911 Phone
(817) 375-1775 Fax

South Houston
514 Michigan St
South Houston TX 77587-3221
(713) 475-2411 Phone
(713) 475-2428 Fax

Bill to: CHASTANG FORD
6200 N LOOP EAST
HOUSTON, TX 77026

Ship to: MIDLAND 21 FMO (2 UNITS)
HOUSTON, TX 77026

Attn:

Cust Code	Ordered By	Salesman	Job/Rel#	Customer PO
BAY004	DAVID STACY	HOUSE ACCOUNT		

Entered By	FOB	Ship Via	Terms
FRED GARNER	DESTINATION	METRO	NET 20 DAYS

LOC	OC	Quantity Ord	Shp	B/O	U/M	Item #	Description
02	CV	2	2	0	EA	MET-BT-CHASSIS	2021 F-150 4X4 SUPER CREW CAB 6.5' BOX 157" WB XLT V8 RACE RED, 5.0 GAS
02	CV	2	2	0	EA	MET-CHASSIS HANDLING FEE	HANDLING FEE FOR NEW CHASSIS
02	CV	1	1	0	EA	HGAC APPARATUS FEE	HGAC APPARATUS FEE
02	CV	2	2	0	EA	SL-90503	SURVIVOR FLASHLIGHT LED ORANGE AC / DC CHARGERS HIGH/LOW/STROBE SWITCHES SUPER HIGH FLUX LED 80 LUMENS
02	CV	2	2	0	EA	MET-BT-HD ELECTRICAL	HEAVY DUTY ELECTRICAL SYSTEM
						**** KIT COMPONENTS ****	
		2	2	0	EA	MET-BT-ELECTRICAL	WIRING AND ELECTRICAL
		2	2	0	EA	PJP-404-1231-032	SOLENOID, TROMBETTA
		2	2	0	ea	RAM-X100CB185	CIRCUIT BREAKER 100AMP
		2	2	0	ea	RAM-XP52-247	POLLAK 10 GANG TERMINAL
		2	2	0	ea	RAM-XP52-412	12 GANG FUSE BLOCK POLLACK
02	CV	2	2	0	EA	MET-BT-BUMPER RPLMT	RANCH HAND BLACK STEEL FRONT PUSH BUMPER GUARD INSTALLED
						**** KIT COMPONENTS ****	
		2	2	0	EA	MET-BT-BUMPER RPLMT PARTS	RANCH HAND BLACK STEEL
02	CV	2	2	0	EA	MET-BT-CENTER CONSOLE	CENTER CONSOLE WITH MAP BOX CUP HOLDERS & ARM RESTS
						**** KIT COMPONENTS ****	
		2	2	0	EA	ACE-INN200-1100-1	MARKER LIGHT AMBER/AMBER
		2	2	0	EA	MET-BT-CONSOLE WIRING	ALL WIRING, FUSES, CONNECTORS
		2	2	0	EA	PLX-CUSTOM CONSOLE	POLY CONSOLE
		2	2	0	EA	TST-2001403	NINE POSITION ROCKER SWITCH

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Corporate
1745 Parana Dr
Houston TX 77080-7115
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(713) 692-1591 Fax

Mansfield
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Mansfield TX 76063-2528
(817) 467-0911 Phone
(817) 375-1775 Fax

South Houston
514 Michigan St
South Houston TX 77587-3221
(713) 475-2411 Phone
(713) 475-2428 Fax

Bill to: CHASTANG FORD
6200 N LOOP EAST
HOUSTON, TX 77026

Ship to: MIDLAND 21 FMO (2 UNITS)
HOUSTON, TX 77026

Attn:

Cust Code	Ordered By	Salesman	Job/Rel#	Customer PO
BAY004	DAVID STACY	HOUSE ACCOUNT		

Entered By	FOB	Ship Via	Terms
FRED GARNER	DESTINATION	METRO	NET 20 DAYS

LOC	OC	Quantity Ord	Shp	B/O	U/M	Item #	Description
		2	2	0	EA	WES-1011B	BLUESEA 12V POWER OUTLET
		2	2	0	EA	WES-1016B	BLUESEA 12V USB POWER OUTLET
02	CV	2	2	0	EA	MET-BT-MDT MOUNT	MDT INSTALLATION OF TELESCOPIC POST & SLIDE ARM (TOUGHBOOK NOT INCLUDED)
						**** KIT COMPONENTS ****	
		2	2	0	EA	CDW-180437	MDT BASE MOUNTING COMPONENT
		2	2	0	EA	CDW-1808546	HAVIS C-HDM 204- MOUNTING
		2	2	0	EA	CDW-3084767	MDT LOCKING SLIDE ARM
02	CV	2	2	0	EA	MET-BT-LED WARNING LIGHT	EMERGENCY WARNING LIGHT PKG ALL ASSOCIATED WIRING/LABOR
						**** KIT COMPONENTS ****	
		2	2	0	EA	MET-BT-OPT LED WARNING	
		2	2	0	EA	MET-BT-WARNING LIGHT WIRING	EMERGENCY LIGHTING WIRING
		2	2	0	EA	WHE-295HFSC9	SIREN SELF CONTAINED 200 WATT
		2	2	0	EA	WHE-IZ33UFZ	INNER EDGE LOW-PROFILE 6-LED
		2	2	0	EA	WHE-SA315P	100W SPEAKER, PLASTIC
		2	2	0	EA	WHE-SAK1	UNIVERSAL MOUNTING BRACKET
		16	16	0	EA	WHE-M6RC	M6 SERIES LINEAR SUPER-LED
		16	16	0	EA	WHE-M6FC	M6 SERIES CHROME FLANGE KIT
02	CV	4	4	0	EA	ONS-73060	60" LED LIGHT/ACCESS SERIES MOUNTED INSIDE CAMPER TOP
02	CV	2	2	0	EA	ONS-73048-UH-S	48" LED LIGHT/ACCESS SERIES UNDER CABINET BEZEL W/ SWITCH MOUNTED UNDERSIDE OF CAMPER LID
							** NOTES **
							INSTALLATION INSTRUCTIONS
							INSTALL ON REAR CAMPER LIFT UP DOOR
							ACTIVATE WITH DOOR OPEN
							USE "P" CLAMPS TO INSTALL LIGHT, NOT PLASTIC CLAMP

Continued on next page....

QUOTE DETAIL

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Corporate
1745 Parana Dr
Houston TX 77080-7115
(713) 692-0911 Phone
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Mansfield
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Mansfield TX 76063-2528
(817) 467-0911 Phone
(817) 375-1775 Fax

South Houston
514 Michigan St
South Houston TX 77587-3221
(713) 475-2411 Phone
(713) 475-2428 Fax

Bill to: CHASTANG FORD
6200 N LOOP EAST
HOUSTON, TX 77026

Ship to: MIDLAND 21 FMO (2 UNITS)
HOUSTON, TX 77026

Attn:

Cust Code	Ordered By	Salesman	Job/Rel#	Customer PO
BAY004	DAVID STACY	HOUSE ACCOUNT		

Entered By	FOB	Ship Via	Terms
FRED GARNER	DESTINATION	METRO	NET 20 DAYS

LOC	OC	Quantity Ord	Shp	B/O	U/M	Item #	Description
02	CV	2	2	0	EA	EXT-EB-1572	72" EXTENDOBED STEEL FRAME ASSEMBLY WITH FULL EXTENSION LOCK & SHORT SIDE RAIL 48" W x 72" L
02	CV	2	2	0	EA	MET-MISC-EQUIPMENT	CUSTOM ALUMINUM TRAY MOUNTED ONTO EXTENDOBED SLIDE
02	CV	100	100	0	EA	TPC-1212	TURTLE TILE 12" X 12" BLACK
02	CV	2	2	0	EA	MET-MISC-EQUIPMENT	A.R.E. CAMPER TOP PER FD SPEC INCLUDES INSTALLATION
							** NOTES **
							CUSTOMER ORDER MATCH PAINT ON CHASSIS TWO (2) SIDE LIFT UP DOORS, ONE (1) EACH SIDE ONE (1) SPLIT LIFT UP DOOR REAR SO TAILGATE REMAINS
02	CV	2	2	0	EA	MET-BT-LETTERING	LETTERING AND STRIPING DIAMOND GRADE PER FIRE DEPT SPEC
02	CV	2	2	0	EA	MET-BT-RADIO INSTALL	INSTALLATION OF MOBILE RADIO (RADIO NOT INCLUDED)
							**** KIT COMPONENTS ****
		2	2	0	EA	BEA-HLN9073	HANG UP CLIP FOR MIC
		2	2	0	EA	MET-BT-RADIO INSTALL PARTS	MISCELLANEOUS SUPPLIES
02	CV	2	2	0	EA	MET-BT-ANTENNA	ANTENNA ASSEMBLY PER CUSTOMER REQUIREMENTS
							**** KIT COMPONENTS ****
		2	2	0	EA	MET-BT-ANTENNA PARTS	WIRE TIES, CONNECTORS,

HGACBuy	CONTRACT PRICING WORKSHEET For MOTOR VEHICLES Only	Contract No.:	AM10-20	Date Prepared:	4/28/2021

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	CITY OF MIDLAND FD	Contractor:	CHASTANG FORD
Contact Person:		Prepared By:	ED MILLER
Phone:		Phone:	713-678-5007
Fax:		Fax:	713-678-5001
Email:		Email:	emiller@chastangford.com

Product Code:	AM20JC22	Description:	2022 FORD F250 COMMAND VEHICLE

A. Product Item Base Unit Price Per Contractor's H-GAC Contract: $81,687.00

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
WWG176WB - CREW CAB UBGRADE	$3,995.00		
99N - 7.3L V8	2045		
4WD UPGRADE	INCL		
66S - UPFITTER SWITCHES	INCL		
67B - 397 AMP ALTERNATOR	INCL		
CAMPER PKG	INCL		
86M - DUAL BATTERY	INCL		
5TH WHEEL GOOSENECK PKG	INCL		
DUAL BATTERIES	INCL		
110V/400W OUTLET	175		
TRAILER BRAKE CONTROLLER	INCL	**Subtotal From Additional Sheet(s):**	
		Subtotal B:	$6,215.00

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
INCLUDES METRO EQUIPMENT	INCL	FLOOR PLAN INTEREST	980
TOMMY GATE AND HEADACHE RACK	INCL	**Subtotal From Additional Sheet(s):**	
		Subtotal C:	$980.00

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). **For this transaction the percentage is:** **1%**

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	1	X Subtotal of A + B + C:	$88,882.00	=	Subtotal D:	$88,882.00

E. H-GAC Order Processing Charge (Amount Per Current Policy) **Subtotal E:** $1,000.00

F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Description	Cost	Description	Cost
		Subtotal F:	0

Delivery Date:	TBD	G. Total Purchase Price (D+E+F):	$89,882.00

HGACBuy THE SMART PURCHASING SOLUTION

QUOTE DETAIL

Quote Number	170170-0
Printed Date	04/28/2021
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Corporate
1745 Parana Dr
Houston TX 77080-7115
(713) 692-0911 Phone
(713) 692-1591 Fax

Mansfield
625 S Wisteria St Ste 121
Mansfield TX 76063-2528
(817) 467-0911 Phone
(817) 375-1775 Fax

South Houston
514 Michigan St
South Houston TX 77587-3221
(713) 475-2411 Phone
(713) 475-2428 Fax

Bill to: CHASTANG FORD
6200 N LOOP EAST
HOUSTON, TX 77026

Ship to: MIDLAND F-250
6200 N LOOP EAST
HOUSTON, TX 77026

Attn: ED MILLER

Cust Code	Ordered By	Salesman	Job/Rel#	Customer PO
BAY004	ED MILLER	HOUSE ACCOUNT		

Entered By	FOB	Ship Via	Terms
FRED GARNER	DESTINATION	METRO	NET 20 DAYS

LOC	OC	Quantity Ord	Shp	B/O	U/M	Item #	Description
02	CV	1	1	0	EA	MET-BT-CHASSIS	2022 F-250 4X4 SD CREW CAB 8' BOX 176" WB SRW XL GAS, RACE RED TOMMY GATE LIFTGATE 1300LB HEADACHE RACK
02	CV	1	1	0	EA	MET-CHASSIS HANDLING FEE	HANDLING FEE FOR NEW CHASSIS
02	CV	1	1	0	EA	MET-BT-BUMPER RPLMT	BLACK STEEL FRONT PUSH BUMPER INSTALLED
						**** KIT COMPONENTS ****	
		1	1	0	EA	MET-BT-BUMPER RPLMT PARTS	RANCH HAND BLACK STEEL
02	CV	1	1	0	EA	MET-BT-HD ELECTRICAL	HEAVY DUTY ELECTRICAL SYSTEM
						**** KIT COMPONENTS ****	
		1	1	0	EA	MET-BT-ELECTRICAL	WIRING AND ELECTRICAL
		1	1	0	EA	PJP-404-1231-032	SOLENOID, TROMBETTA
		1	1	0	ea	RAM-X100CB185	CIRCUIT BREAKER 100AMP
		1	1	0	ea	RAM-XP52-247	POLLAK 10 GANG TERMINAL
		1	1	0	ea	RAM-XP52-412	12 GANG FUSE BLOCK POLLACK
02	CV	1	1	0	EA	MET-BT-LED WARNING LIGHT	EMERGENCY WARNING LIGHT PKG ALL ASSOCIATED WIRING/LABOR
						**** KIT COMPONENTS ****	
		1	1	0	EA	MET-BT-OPT LED WARNING	
		1	1	0	EA	MET-BT-WARNING LIGHT WIRING	EMERGENCY LIGHTING WIRING
		1	1	0	EA	WHE-295HFSC9	SIREN SELF CONTAINED 200 WATT
		1	1	0	EA	WHE-IX2RRRR	LIBERTY II SUPER LED
		2	2	0	EA	WHE-SA315P	100W SPEAKER, PLASTIC
		2	2	0	EA	WHE-SAK1	UNIVERSAL MOUNTING BRACKET
		4	4	0	EA	WHE-M6RC	M6 SERIES LINEAR SUPER-LED
		4	4	0	EA	WHE-M6FC	M6 SERIES CHROME FLANGE KIT
02	CV	1	1	0	EA	MET-BT-CENTER CONSOLE	CENTER CONSOLE WITH MAP BOX CUP HOLDERS & ARM RESTS

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QUOTE DETAIL

Quote Number	170170-0
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Corporate
1745 Parana Dr
Houston TX 77080-7115
(713) 692-0911 Phone
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Mansfield TX 76063-2528
(817) 467-0911 Phone
(817) 375-1775 Fax

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514 Michigan St
South Houston TX 77587-3221
(713) 475-2411 Phone
(713) 475-2428 Fax

Bill to: CHASTANG FORD
6200 N LOOP EAST
HOUSTON, TX 77026

Ship to: MIDLAND F-250
6200 N LOOP EAST
HOUSTON, TX 77026

Attn: ED MILLER

Cust Code	Ordered By	Salesman	Job/Rel#	Customer PO
BAY004	ED MILLER	HOUSE ACCOUNT		

Entered By	FOB	Ship Via	Terms
FRED GARNER	DESTINATION	METRO	NET 20 DAYS

LOC	OC	Quantity Ord	Shp	B/O	U/M	Item #	Description
						**** KIT COMPONENTS ****	
		1	1	0	EA	ACE-INN200-1100-1	MARKER LIGHT AMBER/AMBER
		1	1	0	EA	MET-BT-CONSOLE WIRING	ALL WIRING, FUSES, CONNECTORS
		1	1	0	EA	PLX-CUSTOM CONSOLE	POLY CONSOLE
		1	1	0	EA	TST-2001403	NINE POSITION ROCKER SWITCH
		1	1	0	EA	WES-1011B	BLUESEA 12V POWER OUTLET
		1	1	0	EA	WES-1016B	BLUESEA 12V USB POWER OUTLET
02	CV	1	1	0	EA	MET-BT-KUSSMAUL	KUSSMAUL AUTO CHARGE SYSTEM AUTO CHARGE KIT INCLUDES INSTALLATION
						**** KIT COMPONENTS ****	
		1	1	0	EA	KUS-52-40-1106	AUTO CHARGE 1200 SUPER KIT
		1	1	0	EA	MET-BT-KUSSMAUL WIRING	KUSSMAUL AUTO CHARGE WIRING
		1	1	0	EA	KUS-091-96-12	LOAD MANAGER 1H
02	CV	1	1	0	EA	MET-BT-LETTERING	LETTERING AND STRIPING DIAMOND GRADE PER FIRE DEPT SPEC
02	CV	1	1	0	EA	MET-MISC-EQUIPMENT	RKI CROSS BOX STEEL BLACK 30"
02	CV	2	2	0	EA	MET-MISC-EQUIPMENT	MOTOROLA MOBILE RADIO
02	CV	1	1	0	EA	MET-LABOR 1	LABOR TO COMPLETE JOB

City Council Meeting

Item Number: 8

Meeting Date: May 11, 2021

To: City Council / City Manager

From: Charles Blumenauer, Fire Chief

Subject: Motion accepting funds from the 2021 Texas "J"- Regional Advisory Council Grant (FIRE)

Purpose:

The Texas EMS/Trauma funds are established to encourage participation in trauma reporting from 911 agencies. The Midland Fire Department has participated in the JRAC reporting program since it was established. The monies accepted would fund training and equipment in the EMS program.

Recommended City Council Action:

Approve

Fiscal Impact:

The Fiscal Year 2021 JRAC grant is being given in two identical checks due to JRAC receiving pass through COVID funds. Each check is in the amount of $16,262 and is hereby accepted and directed to be deposited into the Fund 076

Discussion:

These funds are allocated through the State EMS/Trauma fund, distributed through local regional advisory councils based on 911 participation and regional guidance. These monies will be used for training, equipment, and supplies in the Midland Fire Department EMS system.

City Manager's Office

City Council Meeting

Item Number: 9

Meeting Date: April 27, 2021

To: City Council / City Manager

From: Elizabeth Shaughnessy, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.53-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 4, FREELAND ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST GOLF COURSE ROAD AND ELKINS ROAD); 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Aaron Burrell Land Surveyors, LLC is proposing to replat one (1) lot into (9) nine lots.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Surrounding Zoning and Land Use:

The properties to the north are zoned AE, Agricultural Estate District and CE, Country Estate District. The properties to the east, south and west are zoned AE, Agricultural Estate District.

Discussion:

The applicant, Aaron Burrell Land Surveyors is requesting approval of a zone change for the replat of one (1) lot into (9) nine residential lots. The current zoning of this property is AE, Agricultural Estate District, which requires a minimum lot area of 2 acres. With this zone change, the developer will be able to plat 8 lots with an area of 1 acre each and 1 lot with a 1.53 acre with complies with the minimum lot area of CE, Country Estate District.

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:

The Planning and Zoning Commission recommended approval of this request at the April 5, 2021 meeting.

Staff recommends approval of the zone change from AE, Agricultural Estate District to CE, Country Estate District, subject to condition A.

Conditions:

A. **That the use and development of this property shall conform to the regulations of the CE, Country Estate District.**

Letters of Objection:

As of April 23, 2021, staff has not received any letters of objection.

Attachments:

Application
Site Plan (Exhibit A)
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.53-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 4, FREELAND ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST GOLF COURSE ROAD AND ELKINS ROAD); 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, the City Code, and State law, 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 rezoning a 9.53-acre tract of land out of Lot 1, Block 4, Freeland Addition, Section 6, City and County of Midland, Texas, said tract being more specifically described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein (the "Property"), to CE, Country Estate District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from AE, Agricultural Estate District to CE, Country Estate District.

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

SECTION THREE. The provisions of this ordinance are to be cumulative of all

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular

meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

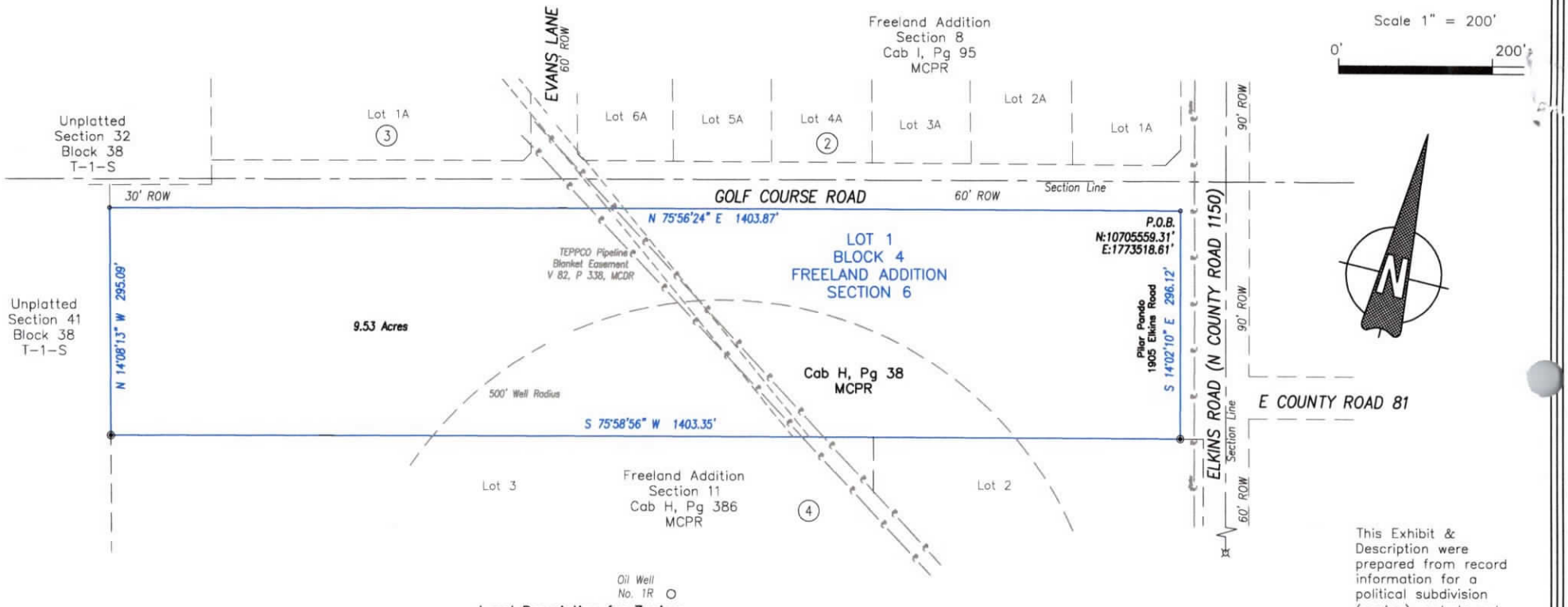


EXHIBIT "A"
ZONING EXHIBIT

BEING 9.53 ACRES, ALL OF LOT 1, BLOCK 4, FREELAND ADDITION, SECTION 6, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS.

Legal Description for Zoning:

Lot 1, Block 4, Freeland Addition, Section 6 recorded in Cabinet H Page 38, Midland County Plat Records, and located in the City of Midland, Midland County, Texas.

Boundary more fully described by metes and bounds as follows:

Beginning at (N:10705559.31',E:1773518.61') a point in the south right of way line of Golf Course Road and the west right of way line of Elkins Road at the northeast corner of said Lot 1, Block 4, Freeland Addition, Section 6, being the northeast corner of this tract;

Thence South 14°02'10" East with the east line of said Lot 1 and the west right of way line of said Elkins Road, a distance of 296.12 feet to a point at the northeast corner of Lot 2, Block 9, Freeland Addition, Section 11 recorded in Cabinet H Page 386, Midland County Plat Records, for the southeast corner of said Lot 1, being the southeast corner of this tract;

Thence South 75°58'56" West with the south line of said Lot 1 and the north line of said Lot 2, passing the northwest corner of said Lot 2 and the northeast corner Lot 3, said Block 4, Freeland Addition, Section 11, continuing with the south line of said Lot 1 and the north line of said Lot 3 for a total distance of 1403.35 feet to a point at the northwest corner of said Lot 3 for the southwest corner of said Lot 1, being the southwest corner of this tract;

Thence North 14°08'13" West with the west line of said Lot 1, a distance of 295.09 feet to a point in the south right of way line of said Golf Course Road at the northwest corner of said Lot 1, being the northwest corner of this tract;

Thence North 75°56'24" East with the north line of said Lot 1 and the south right of way line of said Golf Course Road, a distance of 1403.87 feet to a to the Point of Beginning.

Containing 9.53 acres of land.

Bearings, distances, and coordinates are relative to the Texas Coordinate System, NAD 83, Central Zone (CORS).

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

This Exhibit & Description were prepared from record information for a political subdivision (zoning) and do not represent an actual on the ground survey.

11 March 2021

STATE OF TEXAS
REGISTERED
AARON SCOTT BURRELL
5689
PROFESSIONAL
LAND SURVEYOR

Aaron S. Burrell
Registered Professional Land Surveyor
Texas No. 5689

AARON BURRELL LAND SURVEYORS, LLC.

Professional Land Surveying & Mapping
Aaron Burrell Land Surveyors, LLC
TBPLS Firm No. 10194217
415 W. Wall St., Suite 204, Midland, Texas 79701 — P.O. Box 81041, Midland, Texas 79708
432-848-4439
www.asbsurveyors.com

MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: _____

Case Number: Z-21-0229

Applicant *(if acting as Agent, see affidavit on page 2)*
Printed Name: Aaron Burrell
Phone (432) 848-4439
Email aaron@casbsurveyors.com
Address 415 W. Wall ST. #204 | City Midland | State TX | Zip 79701

Property Owner
Printed Name: Pilar Pando / Carlos Martinez Sanz
Phone (432) 210-6968
Email
Address 1905 Elkins Rd | City Midland | State TX | Zip 79705

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

Street Address: 1905 Elkins Rd

Legal Description
Lot: Block: Subdivision: Freeland Addition, Section 13 being a replat of Lot 1, Block 4, Freeland Addition, Section 6, Midland, County, Texas.

Current Zoning:

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

Reason for Zone Change Request: _____

Present Use of Property: _____

Proposed Use of Property: _____

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

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

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

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

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): Pilar Pando	Date: 1-21-21
Property Owner (printed) : Pilar Pando	Carlos Saenz

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

A Burrell
Authorized Agent (*signature*)

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

Kaylie Kirkpatrick

KAYLIE KIRKPATRICK
COMM. EXPIRES 6-21-2022
NOTARY ID 13161447-6

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

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

Check # 1077

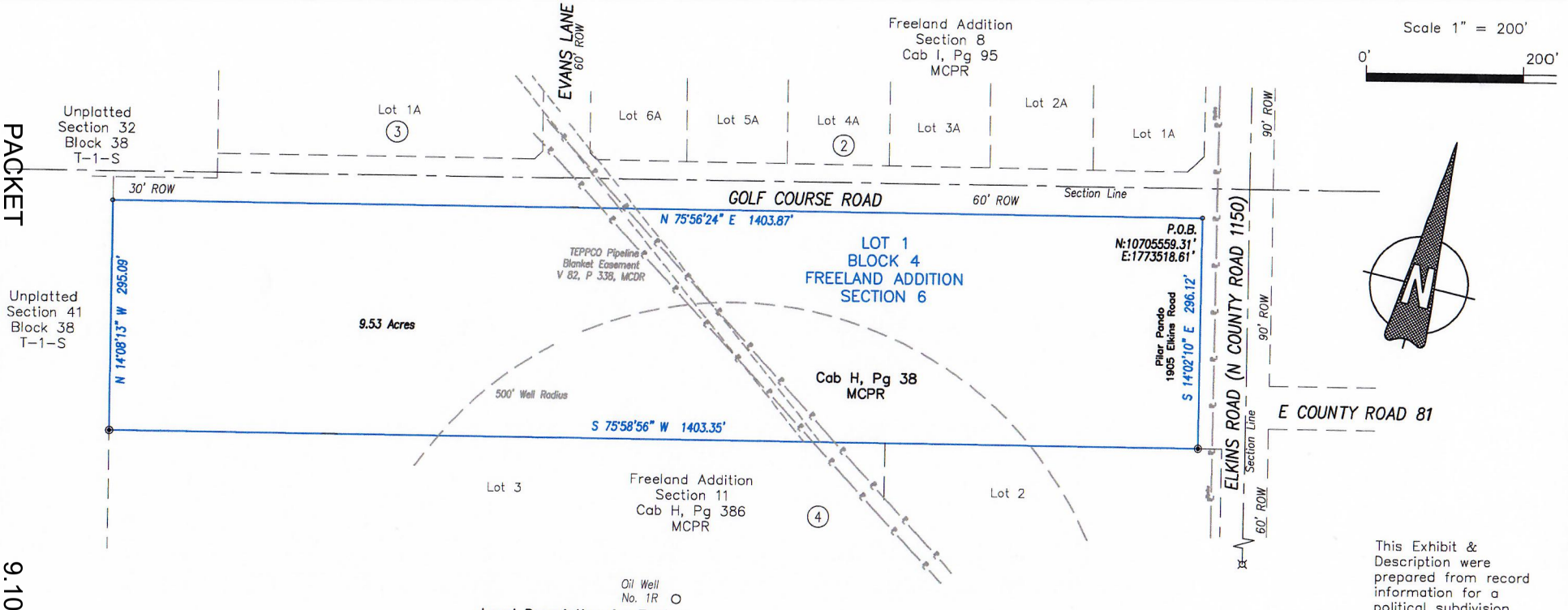
Received By: Joseph Maynard

Date: RECEIVED MAR 12 2021

BY: JM

PACKET 9.9 May 11, 2021

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



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Containing 9.53 acres of land.

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11 March 2021

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AARON SCOTT BURRELL
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PROFESSIONAL
LAND SURVEYOR

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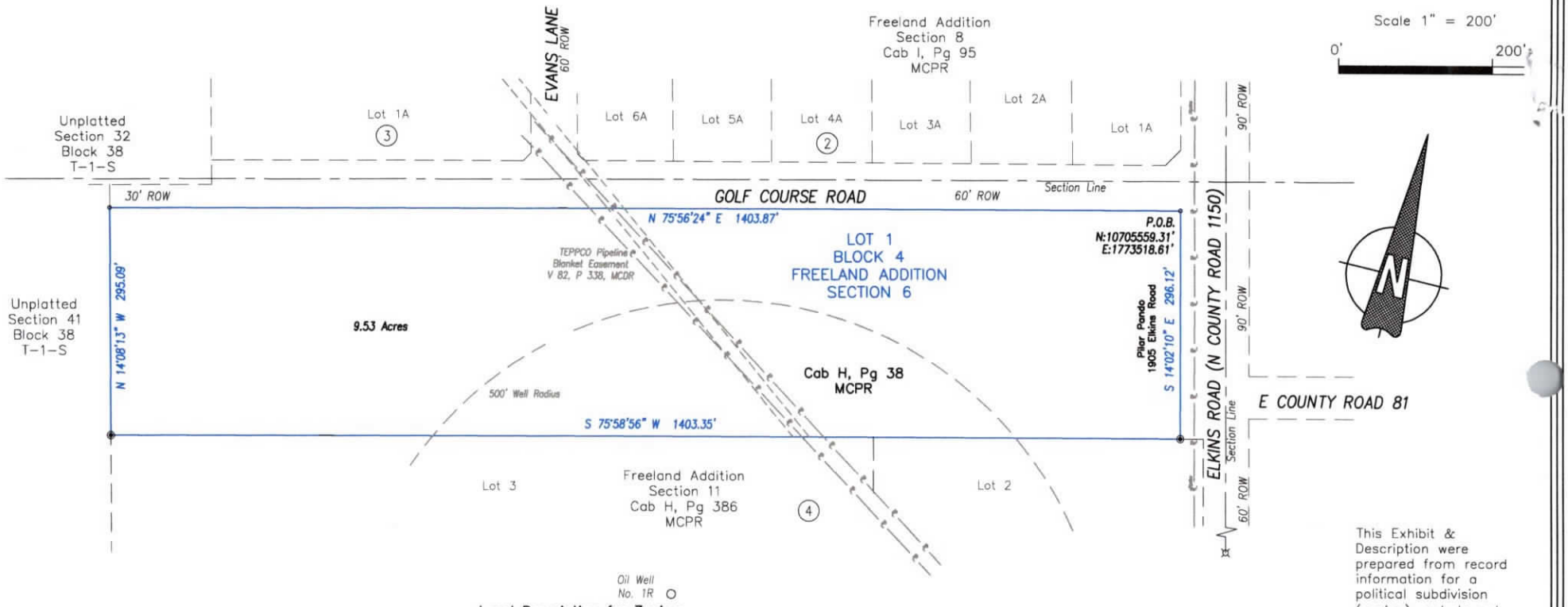

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11 March 2021

STATE OF TEXAS
REGISTERED
AARON SCOTT BURRELL
5689
PROFESSIONAL
LAND SURVEYOR

Aaron S. Burrell
Registered Professional Land Surveyor
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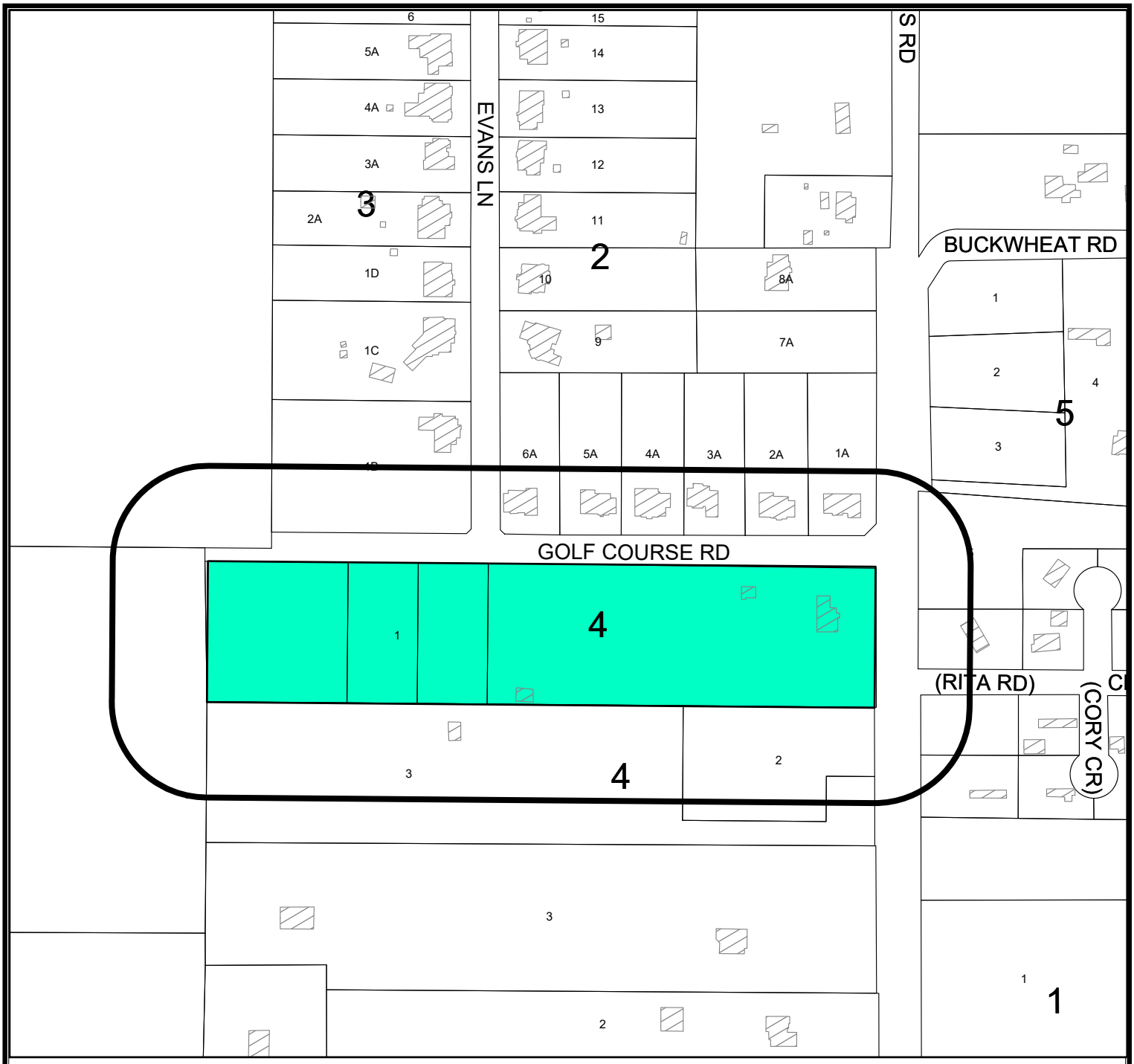


LOCATION MAP

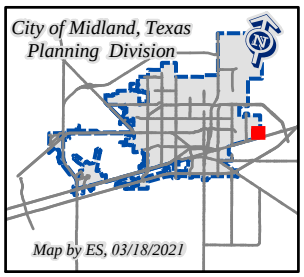
Z-21-0229 **Scale: 1" = 250'**

Consider a request by Aaron Burrell Land Surveyors, LLC for a Zone Change from AE, Agricultural Estate District to CE, Country Estate District on a 9.53 acre tract of Lot 1, Block 4, Freeland Addition, Section 6, City and County Of Midland, Texas.

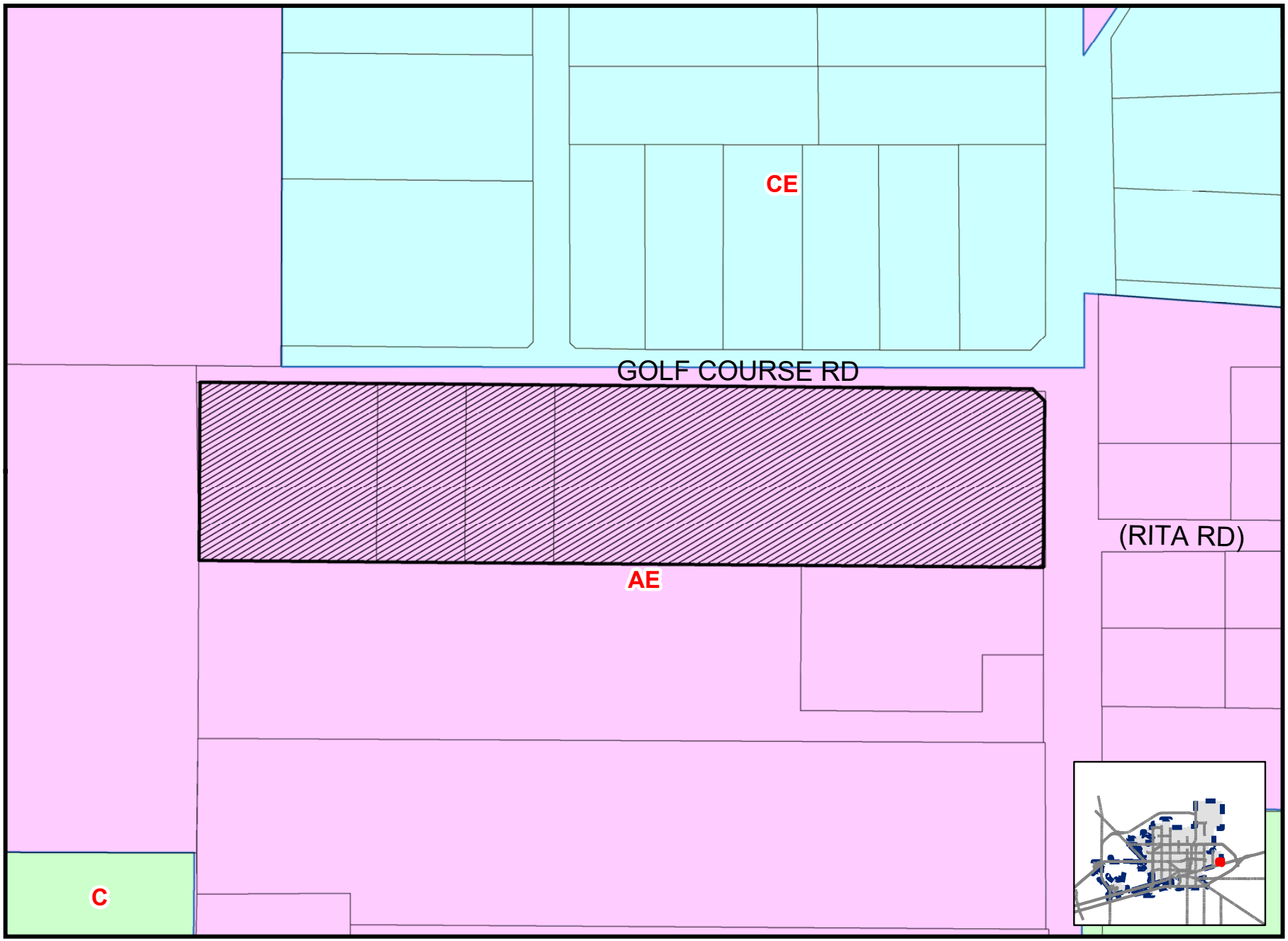
Generally located at the southwest corner of the intersection of East Golf Course Road and Elkins Road (Council District 2).

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



May 11, 2021



Map By ES, 03/18/2021

Z-21-0229

Scale: 1" = 200'

ZONING MAP









City Council Meeting

Item Number: 10

Meeting Date: April 27, 2021

To: City Council / City Manager

From: Valerie A. Sherman, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.494-ACRE TRACT OF LAND OUT OF THE WEST HALF OF TRACT 5, AND A 0.14-ACRE TRACT OF LAND OUT OF THE WEST HALF OF TRACT 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MH, MANUFACTURED HOUSING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MONTGOMERY AVENUE AND MORAN STREET); 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Daniel Lira, is requesting a zone change from MH, Manufactured Housing District to SF-3, Single-Family Dwelling District, to meet minimum width of lots.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Discussion:

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are zoned MH, Manufactured Housing District.

Analysis:

The applicant is requesting this zone change to construct single-family homes on the property. The lot dimensions satisfy the minimum requirements for the SF-3, Single-Family Dwelling District.

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

Fire: (Approved)

No objections.

Building: (Approved)

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

Engineering: (Approved)

No objection to zone change.

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

Code: (Approved)

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

Transportation: (Approved)

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

No objection to zone change.

Planning:

This proposed development fits with Chapter 3, An Integrated Land Use Vision, “Future Land Use Map” of the Tall City Tomorrow comprehensive plan as this area is called for Urban Residential Medium Neighborhood. This designation calls for a mix of housing types, including

single-family detached, single-family attached and townhouse uses, along with civic uses. Additionally, the prevailing land uses in this area are mostly residential.

This request has been recommended for approval by a unanimous vote at the April 5, 2021 Planning and Zoning Commission meeting.

Staff recommends approval of this zone change from MH, Manufactured Housing District to SF-3, Single-Family Dwelling District, subject to condition A.

Condition:

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

Letters of Objection:

Staff has not received any objections as of April 23, 2021.

Attachments:

Metes and Bounds (Exhibit A)
Application
Maps

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.494-ACRE TRACT OF LAND OUT OF THE WEST HALF OF TRACT 5, AND A 0.14-ACRE TRACT OF LAND OUT OF THE WEST HALF OF TRACT 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MH, MANUFACTURED HOUSING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MONTGOMERY AVENUE AND MORAN STREET); 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, the City Code, and State law, 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 rezoning a 1.494-acre tract of land out of the west half of Tract 5, and a 0.14-acre tract of land out of the west half of Tract 6, Lindsay Acres Addition, City and County of Midland, Texas, said tract being more specifically described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein (the "Property") to SF-3, Single-Family Dwelling District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from MH, Manufactured Housing District to SF-3, Single-Family Dwelling District.

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

used herein.

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

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

following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

FIELD NOTE DESCRIPTION OF THE SURVEY OF A 1.494 ACRE TRACT OF LAND OUT OF THE WEST/2 OF TRACT 5, AND THE 0.14 ACRE TRACT OF LAND OUT OF THE WEST/2 OF TRACT 6, LINDSAY ACRES, AN ADDITION TO THE CITY OF MIDLAND, AS PER PLAT OF RECORD IN VOLUME 101, PAGE 85, DEED RECORDS, MIDLAND COUNTY, TEXAS, SAID TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT, A 1/2" REINF BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT AT THE INTERSECTION OF THE NORTH LINE OF A 20 FOOT ALLEY, BEING THE NORTHEAST CORNER OF BLOCK 6, LINDSAY ACRES SECTION 4, WITH THE WEST RIGHT OF WAY LINE OF CAMP STREET;

THENCE SOUTH 76°06'53" WEST 304.01 FEET TO A 1/2" REINF BAR FOUND FOR CORNER OF THIS TRACT OF LAND;

THENCE SOUTH 13°53'06" EAST 20.00 FEET TO A 1/2" REINF BAR SET FOR A CORNER OF THIS TRACT;

THENCE SOUTH 76°06'53" WEST 304.01.01 FEET TO A 1/2" REINF BAR MARKED "RPLS 4170" FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT IN THE EAST RIGHT OF WAY LINE OF MORAN STREET;

THENCE NORTH 13°53'07" WEST 120.00 FEET TO A 1/2" REINF BAR SET FOR THE NORTHWEST CORNER OF THIS TRACT AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF MORAN STREET WITH THE SOUTH RIGHT OF WAY LINE OF WEST MONTGOMERY AVENUE;

THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF WEST MONTGOMERY AVENUE AS FOLLOWS: NORTH 76°06'53" EAST 381.36 FEET TO A 1/2" REINF BAR SET AT THE "PC" OF A CURVE TO THE LEFT; 126.44 FEET ALONG SAID CURVE TO THE LEFT (CURVE DATA AS FOLLOWS: RADIUS=325.00'; DELTA=22°17'24"; CHORD=N64°58'11"E 125.64 FEET) TO A 1/2" REINF BAR SET AT A CURVE TO THE RIGHT; 104.32 FEET ALONG SAID CURVE TO THE RIGHT (CURVE DATA AS FOLLOWS: RADIUS=325.00'; DELTA=18°23'29"; CHORD=N70°31'29"E 103.88')TO A 1/2" REINF BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF WEST MONTGOMERY AVENUE WITH THE WEST RIGHT OF WAY LINE OF CAMP STREET;

THENCE SOUTH 13°53'07" EAST 134.40 FEET ALONG THE WEST RIGHT OF WAY LINE OF CAMP STREET TO THE PLACE OF BEGINNING.

MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: _____

Case Number: Z-21-0223

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

Property Owner Printed Name: Daniel Lira		Phone (325) 716-3868 Email	
Address 607 Marlin Av.	City Midland	State TX	Zip 79701

Representative *(if different from Applicant or Property Owner)* Firm: Schumann Engineering Printed Name: Eduardo L. Aleman		Phone (432) 254-0327 Email ealeman@schumannonline.net	
Address 800 N. Marienfeld Suite 100	City Midland	State TX	Zip 79701

Street Address:

Legal Description
Lot: Block: Subdivision: Lindsay Acres

Current Zoning: MH

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

Reason for Zone Change Request: To meet minimum widths of lots

Present Use of Property: N/A Vacant lot

Proposed Use of Property: Residential

How would this zone change affect the public health, safety and welfare? it won't

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

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

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

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): [signature]	Date: 2-23-21
Applicant (printed): Daniel Lira	
Property Owner (signature):	Date:
Property Owner (printed) :	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

[signature]
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 23rd day of February, 2021, to certify which witness my hand and seal of office.

HUNTER WAYNE HALL
Notary Public, State of Texas
Comm. Expires 06-05-2024
Notary ID 132509132

[signature]

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

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

Check # 1448

Received By: Joseph Marquak

Date:

RECEIVED
FEB 23 2021
BY: [signature]

PACKET 10.9 May 11, 2021

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

FIELD NOTE DESCRIPTION OF THE SURVEY OF A 1.494 ACRE TRACT OF LAND OUT OF THE WEST/2 OF TRACT 5, AND THE 0.14 ACRE TRACT OF LAND OUT OF THE WEST/2 OF TRACT 6, LINDSAY ACRES, AN ADDITION TO THE CITY OF MIDLAND, AS PER PLAT OF RECORD IN VOLUME 101, PAGE 85, DEED RECORDS, MIDLAND COUNTY, TEXAS, SAID TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT, A 1/2" REINF BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT AT THE INTERSECTION OF THE NORTH LINE OF A 20 FOOT ALLEY, BEING THE NORTHEAST CORNER OF BLOCK 6, LINDSAY ACRES SECTION 4, WITH THE WEST RIGHT OF WAY LINE OF CAMP STREET;

THENCE SOUTH 76°06'53" WEST 304.01 FEET TO A 1/2" REINF BAR FOUND FOR CORNER OF THIS TRACT OF LAND;

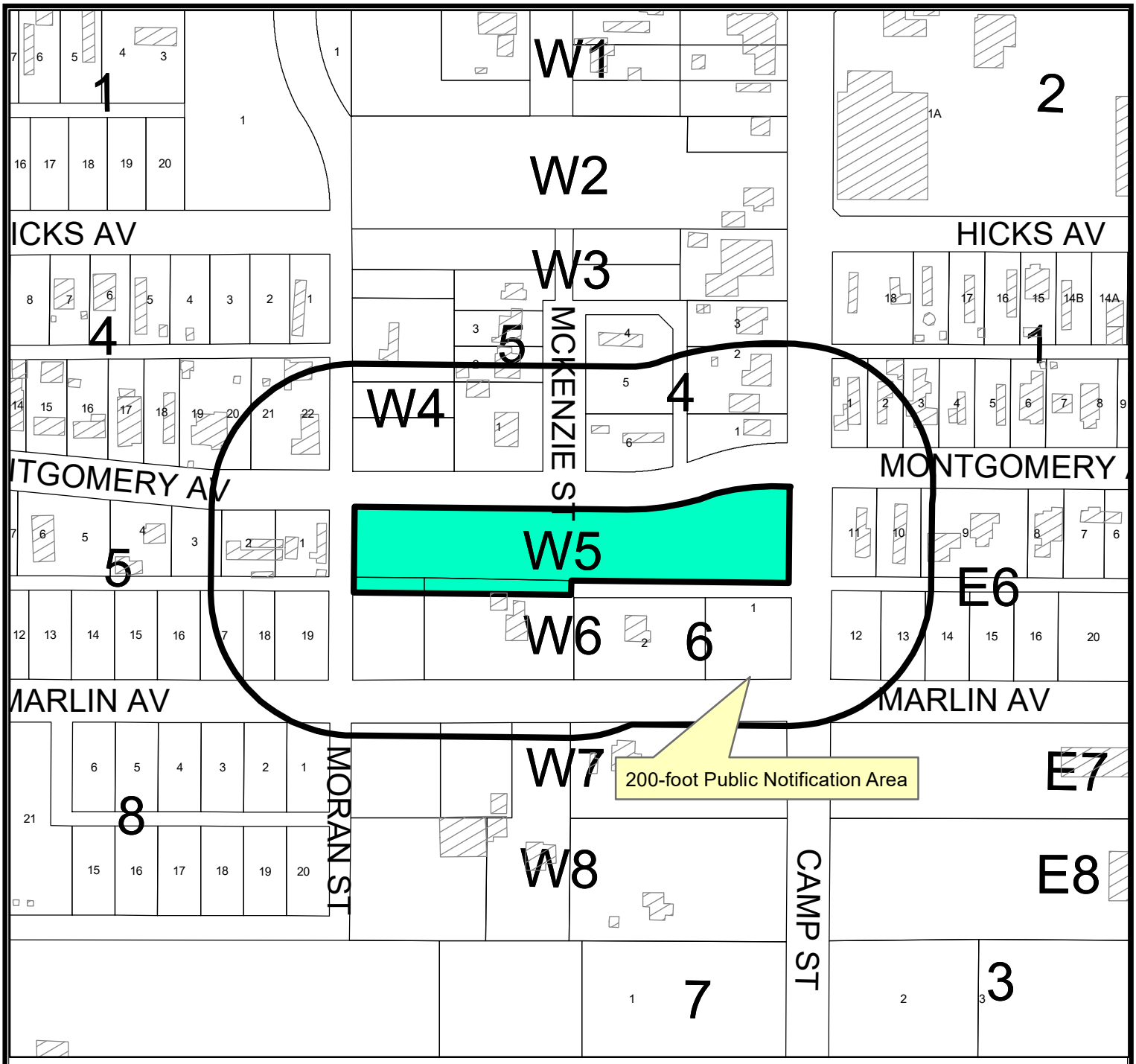
THENCE SOUTH 13°53'06" EAST 20.00 FEET TO A 1/2" REINF BAR SET FOR A CORNER OF THIS TRACT;

THENCE SOUTH 76°06'53" WEST 304.01.01 FEET TO A 1/2" REINF BAR MARKED "RPLS 4170" FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT IN THE EAST RIGHT OF WAY LINE OF MORAN STREET;

THENCE NORTH 13°53'07" WEST 120.00 FEET TO A 1/2" REINF BAR SET FOR THE NORTHWEST CORNER OF THIS TRACT AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF MORAN STREET WITH THE SOUTH RIGHT OF WAY LINE OF WEST MONTGOMERY AVENUE;

THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF WEST MONTGOMERY AVENUE AS FOLLOWS: NORTH 76°06'53" EAST 381.36 FEET TO A 1/2" REINF BAR SET AT THE "PC" OF A CURVE TO THE LEFT; 126.44 FEET ALONG SAID CURVE TO THE LEFT (CURVE DATA AS FOLLOWS: RADIUS=325.00'; DELTA=22°17'24"; CHORD=N64°58'11"E 125.64 FEET) TO A 1/2" REINF BAR SET AT A CURVE TO THE RIGHT; 104.32 FEET ALONG SAID CURVE TO THE RIGHT (CURVE DATA AS FOLLOWS: RADIUS=325.00'; DELTA=18°23'29"; CHORD=N70°31'29"E 103.88')TO A 1/2" REINF BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF WEST MONTGOMERY AVENUE WITH THE WEST RIGHT OF WAY LINE OF CAMP STREET;

THENCE SOUTH 13°53'07" EAST 134.40 FEET ALONG THE WEST RIGHT OF WAY LINE OF CAMP STREET TO THE PLACE OF BEGINNING.



LOCATION MAP

Z-21-0223 **Scale: 1" = 200'**

Consider a request by Daniel Lira, for a zone change from MH, Manufactured Housing District to SF-3, Single-Family Dwelling District on a 1.494-acre tract of land out of the west half of Tract 5, and a 0.14-acre tract of land out of the west half of Tract 6, Lindsay Acres Addition, City and County of Midland, Texas.

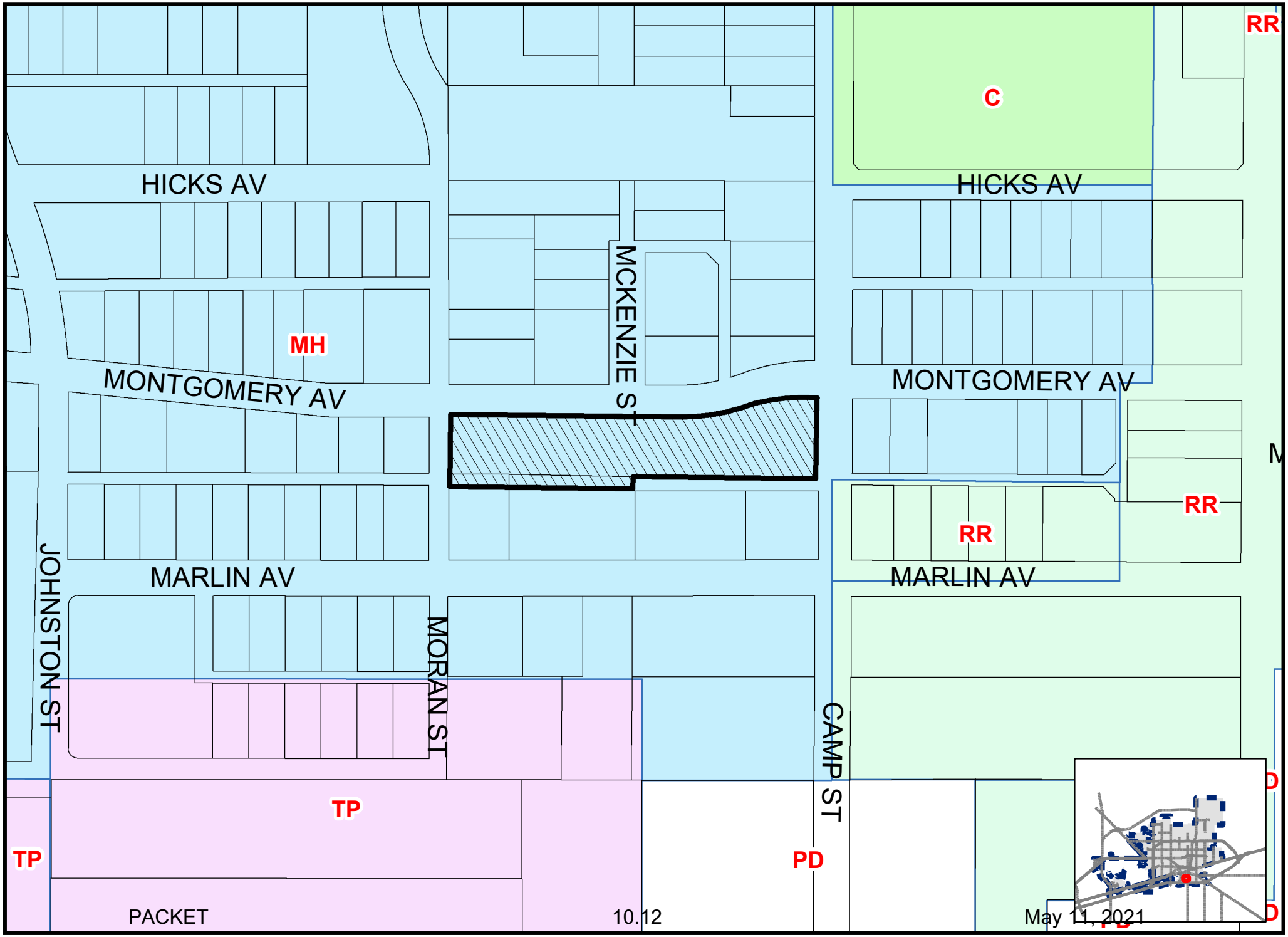
Generally located on the southeast corner of the intersection of Montgomery Avenue and Moran Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



May 11, 2021



Map By VAS, 3/16/2021

Z-21-0223

Scale: 1" = 200'

ZONING MAP

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


MONTGOMERY



City Council Meeting

Item Number: 11

Meeting Date: April 27, 2021

To: City Council / City Manager

From: Valerie A. Sherman, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 2, WALLACE HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 290 FEET EAST OF NORTH LOOP 250 WEST); 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Manor Park, Inc., is requesting to amend their site plan to modify the building area site along Sinclair Avenue and Andrews Highway frontage. The property is located at 5323 Sinclair Avenue and is the location of Manor Park South.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Discussion:

Surrounding Zoning and Land Use:

The property to the north is zoned PD, Planned District for a Housing Development. The properties to the east are zoned SF-1, Single-Family Dwelling District and O1, Office District. The properties to the south across Andrews Highway are zoned RR, Regional Retail District, and LR Local Retail District. The properties to the west are zoned RR, Regional Retail District and PD, Planned District for a Transitional District.

Analysis:

The site plan, attached hereto as Exhibit A, shows a modification of the lot area for Building Sites #63 through # 67 along Sinclair Avenue, from 36 feet to 75 feet to make seven lots; and to modify the lot area for Building Sites #11 through # 15 along Andrews Highway, from 35 feet to 75 feet to make five lots. No additional changes or modifications of the property are being proposed.

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

Fire: (Approved)

No objections.

Building: (Approved)

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

Engineering: (Approved)

No objection to zone change.

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

Code: (Approved)

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

Transportation: (Approved)

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

No objection to zone change.

Planning:

Per the Future Land Use map, this location is designated as Urban Medium; which calls for a mix of housing types including single-family housings, multi-family housing, commercial, and mixed-use; therefore, this zone change complies with the Future Land Use plan.

This request has been recommended for approval by a unanimous vote at the April 5, 2021 Planning and Zoning Commission meeting.

Staff recommends approval of the zone change from a PD, Planned District for a Housing Development to amended PD, Planned Development District for a Housing Development, subject to conditions A and E.

Conditions:

A. **That the use and development of this property shall conform to the regulations of the MF-16, Multiple Family Dwelling District.**

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 minimum number of required parking spaces shall be shown on Exhibit "A.**

E. **That the fencing shall significantly conform to Exhibit "A.**

Letters of Objection:

Staff has not received any objections as of April 23, 2021.

Attachments:

Site Plan (Exhibit A)
Application
Maps
Ordinance No. 9586

Robert Patrick

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 2, WALLACE HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 290 FEET EAST OF NORTH LOOP 250 WEST); 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, the City Code, and State law, 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 rezoning Lot 2, Block 2, Wallace Heights Addition, Section 9, City and County of Midland, Texas (the "Property") to an amended PD, Planned Development District for a Housing Development and adopting a site plan therefor, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from PD, Planned Development District for a Housing Development to an amended PD, Planned Development District for a Housing Development.

SECTION TWO. That the base zoning district to which the use and development of the Property shall conform, except as modified by Section Three of this ordinance, is the MF-16, Multiple-Family Dwelling District.

SECTION THREE. That a site plan, which is attached hereto as Exhibit "A" and incorporated herein for all purposes, is hereby adopted, and the use and development of the Property shall be subject to the following conditions and restrictions:

A. That the Property shall significantly conform to the site plan attached hereto as Exhibit "A".

B. That the landscaping shown in Exhibit "A" shall be considered illustrative. The landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.

C. That the minimum number of required parking spaces shall be as shown in Exhibit "A".

D. That the fencing shall significantly conform to Exhibit "A".

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

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

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

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

SECTION EIGHT. The City Secretary is hereby authorized and directed to publish

the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

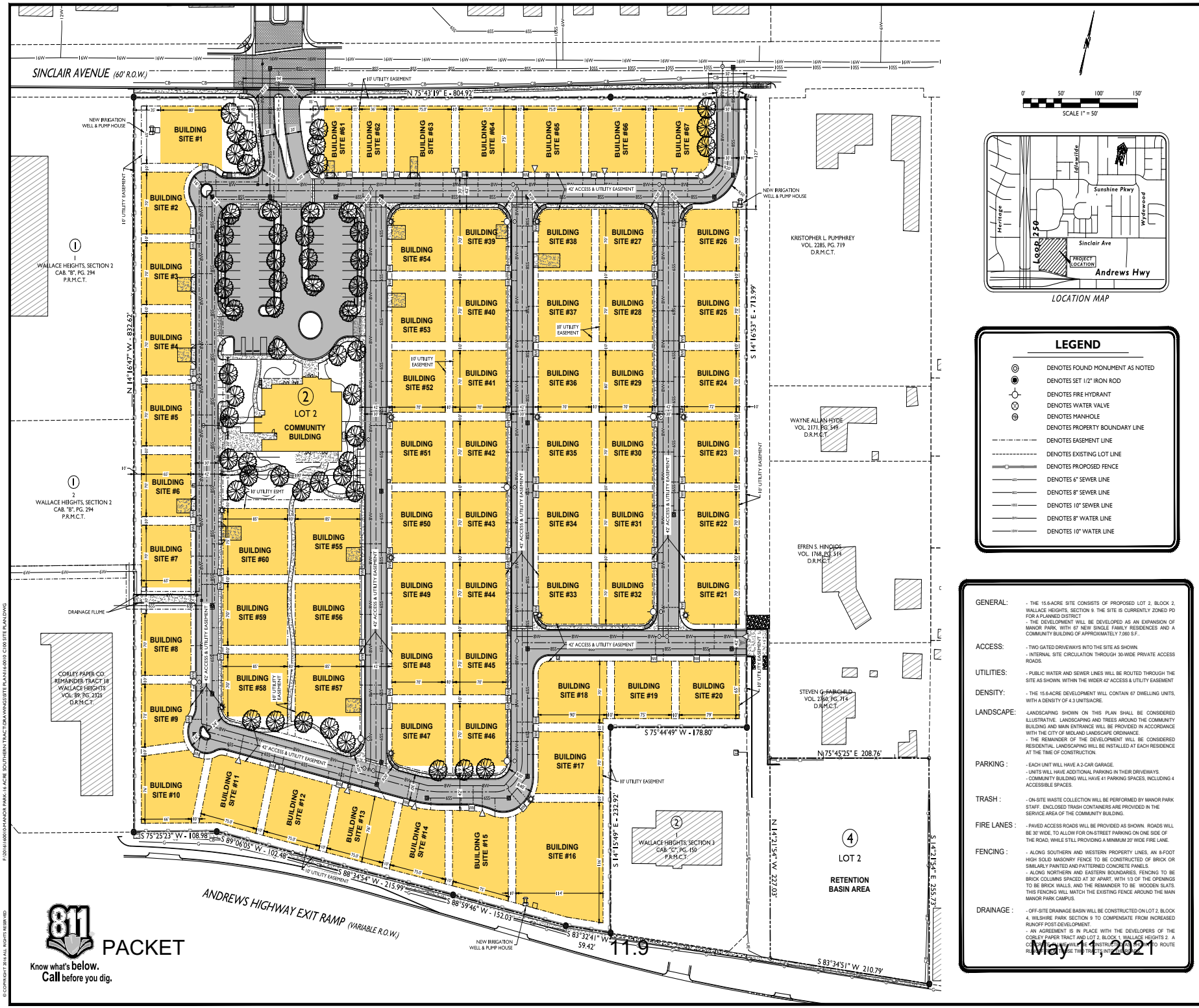
APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

Exhibit A



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

LOCATION MAP

LEGEND

- DENOTES FOUND MONUMENT AS NOTED
- DENOTES SET 1/2" IRON ROD
- DENOTES FIRE HYDRANT
- DENOTES WATER VALVE
- DENOTES MANHOLE
- DENOTES PROPERTY BOUNDARY LINE
- DENOTES EASEMENT LINE
- DENOTES EXISTING LOT LINE
- DENOTES PROPOSED FENCE
- DENOTES 6" SEWER LINE
- DENOTES 8" SEWER LINE
- DENOTES 10" SEWER LINE
- DENOTES 8" WATER LINE
- DENOTES 10" WATER LINE

GENERAL: - THE 15.6-ACRE SITE CONSISTS OF PROPOSED LOT 2, BLOCK 2, WALLACE HEIGHTS, SECTION 9. THE SITE IS CURRENTLY ZONED PD FOR A PLANNED DISTRICT.
- THE DEVELOPMENT WILL BE DEVELOPED AS AN EXPANSION OF MANOR PARK, WITH 67 NEW SINGLE FAMILY RESIDENCES AND A COMMUNITY BUILDING OF APPROXIMATELY 7,000 S.F..

ACCESS: - TWO GATED DRIVEWAYS INTO THE SITE AS SHOWN.
- INTERNAL SITE CIRCULATION THROUGH 30-WIDE PRIVATE ACCESS ROADS.

UTILITIES: - PUBLIC WATER AND SEWER LINES WILL BE ROUTED THROUGH THE SITE AS SHOWN. WITHIN THE WIDER 42' ACCESS & UTILITY EASEMENT

DENSITY: - THE 15.6-ACRE DEVELOPMENT WILL CONTAIN 67 DWELLING UNITS, WITH A DENSITY OF 4.3 UNITS/ACRE.

LANDSCAPE: -LANDSCAPING SHOWN ON THIS PLAN SHALL BE CONSIDERED ILLUSTRATIVE. LANDSCAPING AND TREES AROUND THE COMMUNITY BUILDING AND MAIN ENTRANCE WILL BE PROVIDED IN ACCORDANCE WITH THE CITY OF MIDLAND LANDSCAPE ORDINANCE.
- THE REMAINDER OF THE DEVELOPMENT WILL BE CONSIDERED RESIDENTIAL. LANDSCAPING WILL BE INSTALLED AT EACH RESIDENCE AT THE TIME OF CONSTRUCTION.

PARKING : - EACH UNIT WILL HAVE A 2-CAR GARAGE.
- UNITS WILL HAVE ADDITIONAL PARKING IN THEIR DRIVEWAYS.
- COMMUNITY BUILDING WILL HAVE 41 PARKING SPACES, INCLUDING 4 ACCESSIBLE SPACES.

TRASH : - ON-SITE WASTE COLLECTION WILL BE PERFORMED BY MANOR PARK STAFF. ENCLOSED TRASH CONTAINERS ARE PROVIDED IN THE SERVICE AREA OF THE COMMUNITY BUILDING.

FIRE LANES : - PAVED ACCESS ROADS WILL BE PROVIDED AS SHOWN. ROADS WILL BE 30' WIDE, TO ALLOW FOR ON-STREET PARKING ON ONE SIDE OF THE ROAD, WHILE STILL PROVIDING A MINIMUM 20' WIDE FIRE LANE.

FENCING : - ALONG SOUTHERN AND WESTERN PROPERTY LINES, AN 8-FOOT HIGH SOLID MASONRY FENCE TO BE CONSTRUCTED OF BRICK OR SIMILARLY PAINTED AND PATTERNED CONCRETE PANELS.
- ALONG NORTHERN AND EASTERN BOUNDARIES, FENCING TO BE BRICK COLUMNS SPACED AT 30' APART, WITH 1/3 OF THE OPENINGS TO BE BRICK WALLS, AND THE REMAINDER TO BE WOODEN SLATS. THIS FENCING WILL MATCH THE EXISTING FENCE AROUND THE MAIN MANOR PARK CAMPUS.

DRAINAGE : - OFF-SITE DRAINAGE BASIN WILL BE CONSTRUCTED ON LOT 2, BLOCK 4, WILSHIRE PARK SECTION 9 TO COMPENSATE FROM INCREASED RUNOFF POST-DEVELOPMENT.
- AN AGREEMENT IS IN PLACE WITH THE DEVELOPERS OF THE CORLEY PAPER TRACT AND LOT 2, BLOCK 1, WALLACE HEIGHTS 2. A DRAINAGE EASEMENT WILL BE ESTABLISHED AT THE TIME OF PLATTING TO ROUTE RUNOFF FROM THE TWO TRACTS INTO [illegible]

811 Know what's below. Call before you dig.

PACKET 11.9 May 11, 2021

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F:\2016\160010\MANOR PARK-16 ACRE SOUTHERN TRACT\DRAWINGS\SITE PLAN\160010 C100 SITE PLAN.DWG

MAVERICK ENGINEERING
1909 West Wall Street, Suite "K"
Midland, Texas 79701
Tel: (432) 262-0993 Fax: (432) 262-0989
www.Maverick-Eng.com
TBPE#: F-15089

REVISIONS	BY	APPR.	DATE
03242021 EXPANDED SITES			

DRAWN BY: CB
CHECKED BY: PRH
APPROVED BY: PRH
DATE: 03242021
JOB: 160010

SITE PLAN
MANOR PARK SOUTH
LOT 2, BLOCK 2, WALLACE HEIGHTS, SECTION 9
CITY AND COUNTY OF MIDLAND, TEXAS

SHEET C100 OF 01

MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: _____

Case Number: Z-21-0222

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Manor Park, Inc.		Phone ( ) Email	
Address 2208 N. Loop 250 West	City Midland	State TX	Zip 79707

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

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

Street Address: 5323 Sinclair Avenue

Legal Description
Lot: 2 Block: 2 Subdivision: Wallace Heights Addition, Section 9

Current Zoning: PD-HD

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

Reason for Zone Change Request: Modify area of building sites along Sinclair Ave. & Andrews Hwy frontages

Present Use of Property: Under-development (senior & assisted housing)

Proposed Use of Property: Senior & assisted housing

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

Describe how conditions affecting the property have changed since present zoning designation: No change. Project under construction.

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): Manor Park, Inc.	
Property Owner (signature): Alan Hale	Date: 2-24-21
Property Owner (printed) : ALAN HALE	

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, PE who, being by me duly sworn, upon oath says: That (s)he is authorized by Manor Park, Inc., 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 24th day of February, 2021, to certify which witness my hand and seal of office.

Kelsey Ann Stine

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

NOTARY PUBLIC STATE OF TEXAS
Kelsey Ann Stine
My Commission Expires
02/19/2022
ID No. 131456388

FOR OFFICE USE ONLY

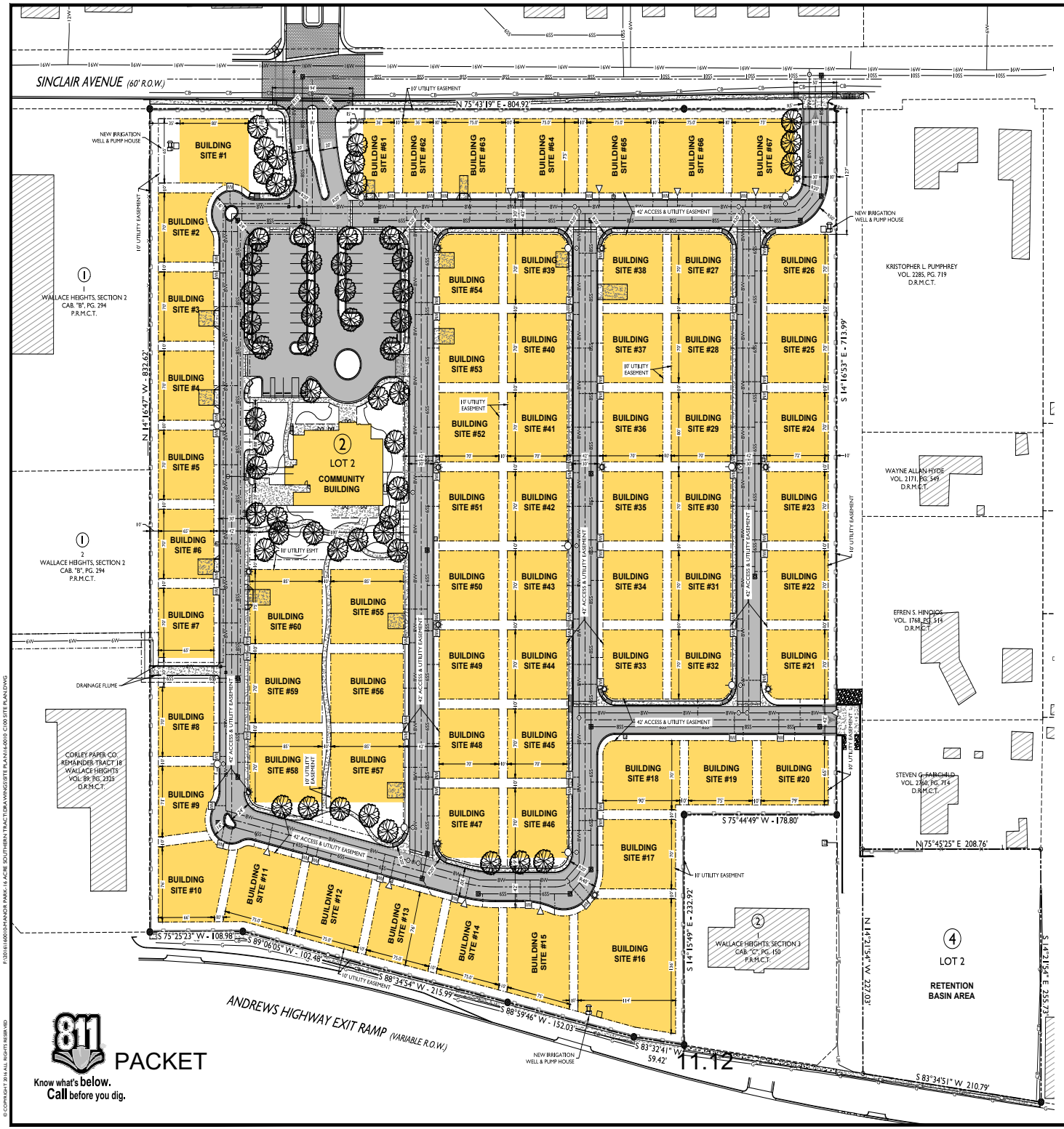
- ☑ Property Owner Authorization
- ☑ Dimensioned Site Plan
- ☑ Application Fee
- ☑ Plans in Digital Format (PDF/JPEG)

Check # 3353

Received By: Joseph Manyak Date:

RECEIVED
FEB 24 2021
BY:

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



LEGEND

- DENOTES FOUND MONUMENT AS NOTED
- DENOTES SET 1/2" IRON ROD
- DENOTES FIRE HYDRANT
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- DENOTES 10" SEWER LINE
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- DENOTES 10" WATER LINE

GENERAL: - THE 15.6-ACRE SITE CONSISTS OF PROPOSED LOT 2, BLOCK 2, WALLACE HEIGHTS, SECTION 9. THE SITE IS CURRENTLY ZONED PD FOR A PLANNED DISTRICT
- THE DEVELOPMENT WILL BE DEVELOPED AS AN EXPANSION OF MANOR PARK, WITH 67 NEW SINGLE FAMILY RESIDENCES AND A COMMUNITY BUILDING OF APPROXIMATELY 7,000 S.F..

ACCESS: - TWO GATED DRIVEWAYS INTO THE SITE AS SHOWN.
- INTERNAL SITE CIRCULATION THROUGH 30-WIDE PRIVATE ACCESS ROADS.

UTILITIES: - PUBLIC WATER AND SEWER LINES WILL BE ROUTED THROUGH THE SITE AS SHOWN. WITHIN THE WIDER 42' ACCESS & UTILITY EASEMENT

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DRAINAGE : - OFF-SITE DRAINAGE BASIN WILL BE CONSTRUCTED ON LOT 2, BLOCK 4, WILSHIRE PARK SECTION 9 TO COMPENSATE FROM INCREASED RUNOFF POST-DEVELOPMENT.
- AN AGREEMENT IS IN PLACE WITH THE DEVELOPERS OF THE CORLEY PAPER TRACT AND LOT 2, BLOCK 1, WALLACE HEIGHTS 2. A DRAINAGE EASEMENT WILL BE ESTABLISHED ACROSS LOT 2 TO ROUTE RUNOFF FROM THE TWO TRACTS INTO THE RETENTION BASIN.

811 Know what's below. Call before you dig.

PACKET 11.12

May 11, 2021

MAVERICK ENGINEERING
1909 West Wall Street, Suite "K"
Midland, Texas 79701
Tel: (432) 262-0993 Fax: (432) 262-0989
www.Maverick-Eng.com
TBPE#: F-15089

REVISIONS	BY	APPR.	DATE
03242021 EXPANDED SITES			

DRAWN BY: CB
CHECKED BY: PRH
APPROVED BY: PRH
DATE: 03242021
JOB: 164010

SITE PLAN

MANOR PARK SOUTH
LOT 2, BLOCK 2, WALLACE HEIGHTS, SECTION 9
CITY AND COUNTY OF MIDLAND, TEXAS

SHEET C100 OF 01

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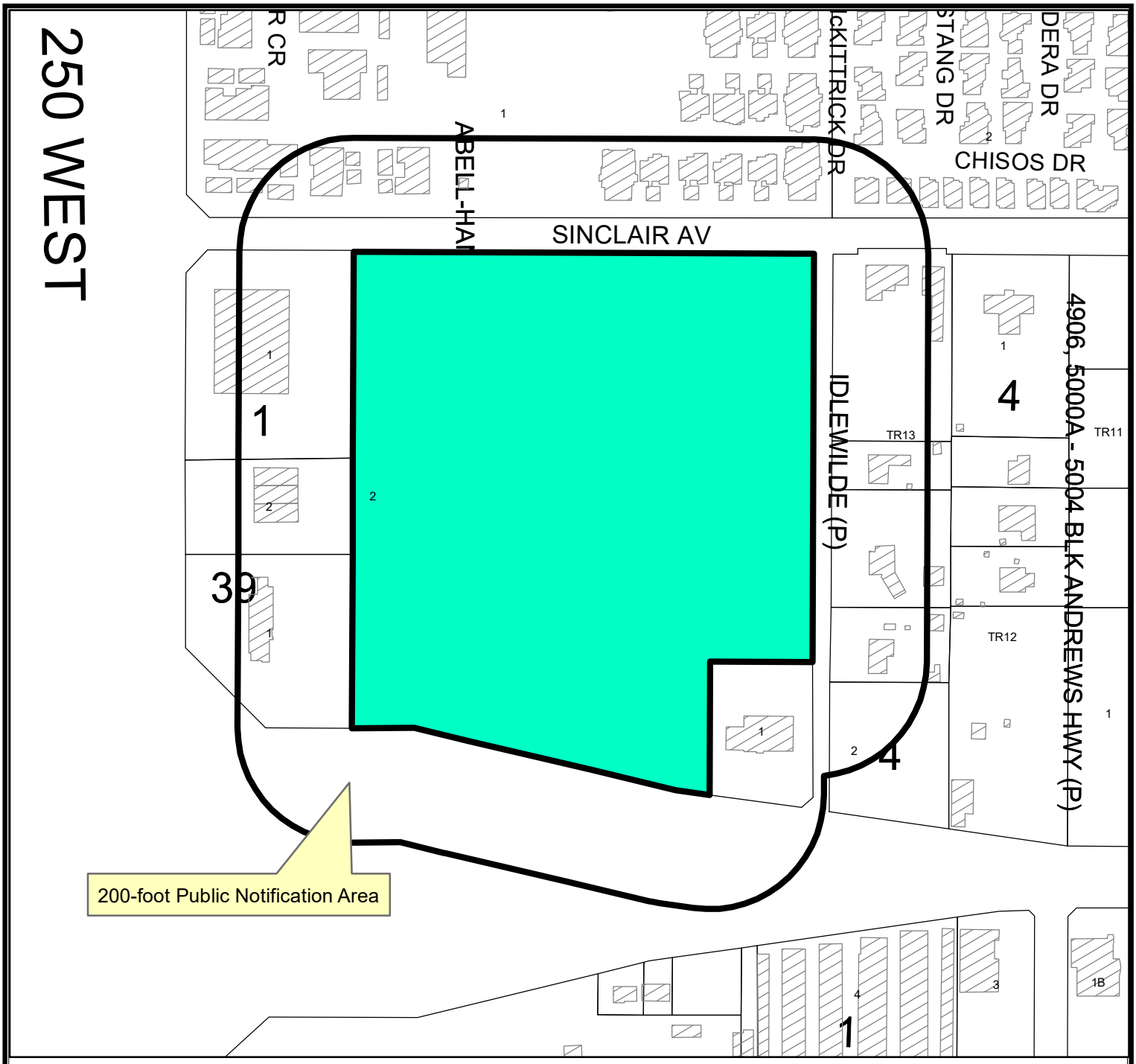
F:\2016\164010\MANOR PARK-16 ACRE SOUTHERN TRACT\DRAWINGS\SITE PLAN\164010 C100 SITE PLAN.DWG



LOCATION MAP

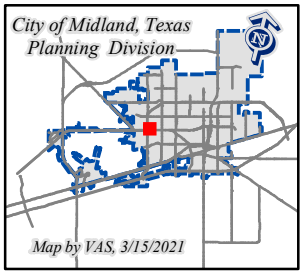
Z-21-0222 **Scale: 1" = 250'**

Consider a request by Manor Park, Inc., for a zone change from PD, Planned District for a Housing Development to Amended PD, Planned Development District for a Housing Development on Lot 2, Block 2, Wallace Heights Addition, Section 9, City and County of Midland, Texas.

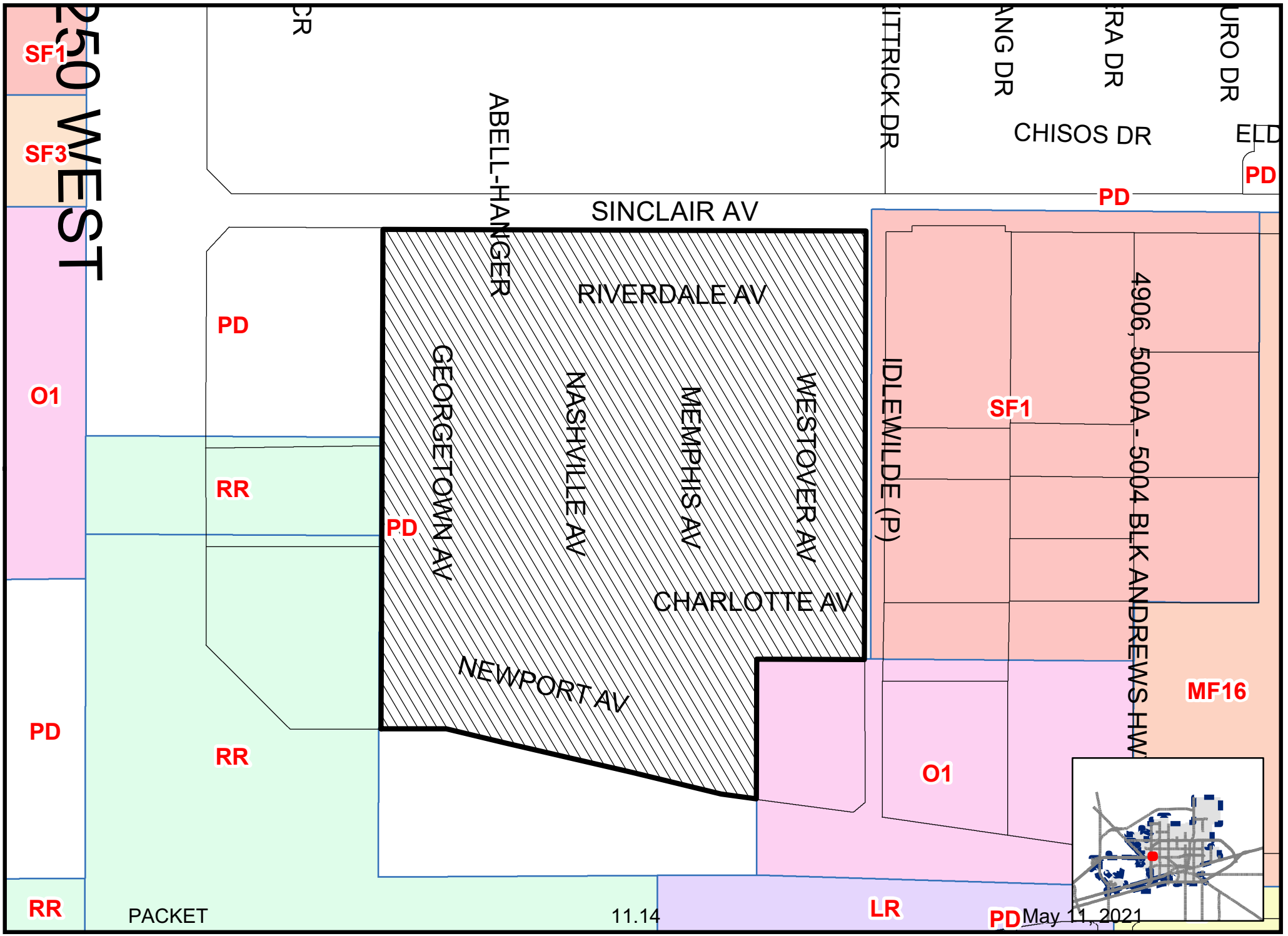
Generally located on the south side of Sinclair Avenue, approximately 290 feet east of N. Loop 250 West. (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



May 11, 2021



Map By VAS, 3/15/2021

Z-21-0222

Scale: 1" = 200'

ZONING MAP

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ORDINANCE NO. 9586

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING TRACTS 14, 15, 16, AND 17, WALLACE HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, MF-2, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND TH, TOWNHOUSE DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 290 FEET EAST OF NORTH LOOP 250 WEST); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, MF-2, Multiple-Family Dwelling District, in part, and TH, Townhouse Dwelling District, in part,

and it shall be used as a PD, Planned District for a Housing Development, said property being described as follows:

Tracts 14, 15, 16, and 17, Wallace Heights Addition, City and County of Midland, Texas.

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

A. That the use and development of the property shall conform to the regulations of the MF-1, Multiple-Family Dwelling District, except as otherwise stated below.

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

C. That the landscaping of the property shall significantly conform to the landscape notes in Exhibit "A".

D. That the internal landscaping of the property may be installed in phases as construction progresses.

E. That the fencing shall significantly conform to Exhibit "A"

F. That there shall be no fewer parking spaces on the property than the number of parking spaces shown in Exhibit "A".

G. That all lighting shall significantly conform to the standards set forth in the City Code.

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

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

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of

Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 26th day of July, A.D., 2016; and passed to second reading on motion of Council member Love, seconded by Council member Lacy, by the following vote:

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

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Hotchkiss, seconded by Council member Lacy, on the 9th day of August, A.D., 2016, at a regular meeting of the City Council:

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

Council members voting "NAY": None

PASSED AND APPROVED THIS 9th day of August, A.D., 2016.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary

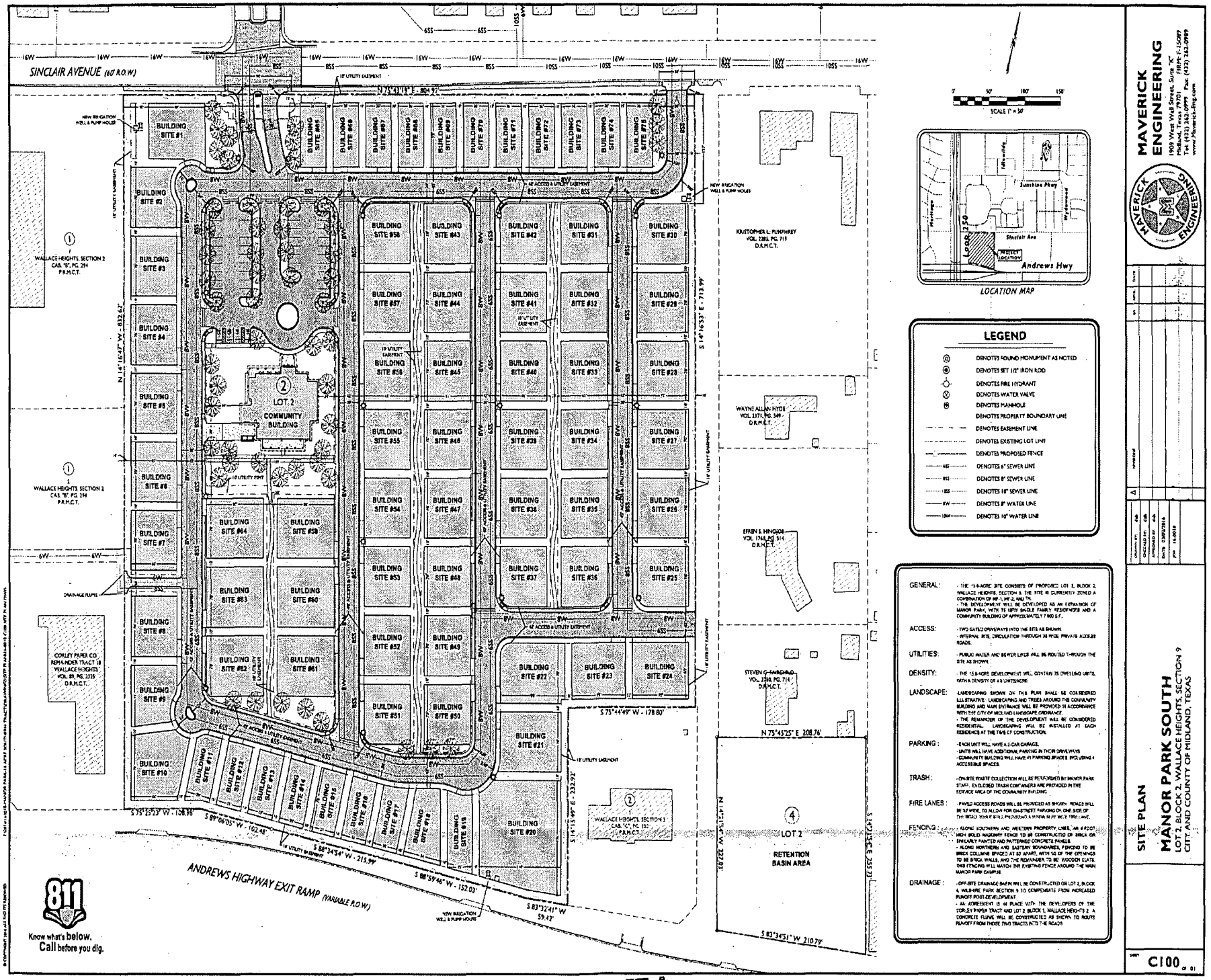
APPROVED AS TO CONTENT
AND COMPLETENESS:

Frank Salvato, Assistant City Manager

Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

John Ohnemiller, City Attorney



SCALE 1" = 50'

LOCATION MAP

LEGEND

- DENOTES FOUND MONUMENT AS NOTED
- DENOTES SET 1/2" IRON ROD
- DENOTES FIRE HYDRANT
- DENOTES WATER VALVE
- DENOTES MANHOLE
- DENOTES PROPERTY BOUNDARY LINE
- DENOTES EASEMENT LINE
- DENOTES EXISTING LOT LINE
- DENOTES PROPOSED FENCE
- 8"SS — DENOTES 8" SEWER LINE
- 8"SS — DENOTES 8" SEWER LINE
- 10"SS — DENOTES 10" SEWER LINE
- 8"W — DENOTES 8" WATER LINE
- 10"W — DENOTES 10" WATER LINE

GENERAL: - THE 15.8-ACRE SITE CONSISTS OF (PROPOSED LOT 2, BLOCK 2, WALLACE HEIGHTS, SECTION 3. THE SITE IS CURRENTLY ZONED A COMBINATION OF MF-1, MF-2, AND TH.
- THE DEVELOPMENT WILL BE DEVELOPED AS AN EXPANSION OF MANOR PARK, WITH 75 NEW SINGLE FAMILY RESIDENCES AND A COMMUNITY BUILDING OF APPROXIMATELY 7,900 S.F.

ACCESS: - TWO GATED DRIVEWAYS INTO THE SITE AS SHOWN.
- INTERNAL SITE CIRCULATION THROUGH 30 WIDE PRIVATE ACCESS ROADS.

UTILITIES: - PUBLIC WATER AND SEWER LINES WILL BE ROUTED THROUGH THE SITE AS SHOWN.

DENSITY: - THE 15.8-ACRE DEVELOPMENT WILL CONTAIN 75 DWELLING UNITS, WITH A DENSITY OF 4.8 UNITS/ACRE.

LANDSCAPE: - LANDSCAPING SHOWN ON THIS PLAN SHALL BE CONSIDERED ILLUSTRATIVE. LANDSCAPING AND TREES AROUND THE COMMUNITY BUILDING AND MAIN ENTRANCE WILL BE PROVIDED IN ACCORDANCE WITH THE CITY OF MCKINNEY LANDSCAPE ORDINANCE.
- THE REMAINDER OF THE DEVELOPMENT WILL BE CONSIDERED RESIDENTIAL. LANDSCAPING WILL BE INSTALLED AT EACH RESIDENCE AT THE TIME OF CONSTRUCTION.

PARKING: - EACH UNIT WILL HAVE A 2-CAR GARAGE.
- UNITS WILL HAVE ADDITIONAL PARKING IN THEIR DRIVEWAYS.
- COMMUNITY BUILDING WILL HAVE 41 PARKING SPACES, INCLUDING 4 ACCESSIBLE SPACES.

TRASH: - ON-SITE WASTE COLLECTION WILL BE PERFORMED BY MANOR PARK STAFF. ENCLOSED TRASH CONTAINERS ARE PROVIDED IN THE SERVICE AREA OF THE COMMUNITY BUILDING.

FIRE LANES: - PAVED ACCESS ROADS WILL BE PROVIDED AS SHOWN. ROADS WILL BE 30' WIDE, TO ALLOW FOR DISTRICT PARKING ON ONE SIDE OF THE ROAD, WHILE STILL PROVIDING A MINIMUM 24' WIDE FIRE LANE.

FENCING: - ALONG SOUTHERN AND WESTERN PROPERTY LINES, AN 8 FOOT HIGH SOLID MASONRY FENCE TO BE CONSTRUCTED OF BRICK OR EXCLUSIVELY PAINTED AND PATTERNED CONCRETE PANELS.
- ALONG NORTHERN AND EASTERN BOUNDARIES, FENCING TO BE BRICK COLUMNS SPACED AT 32' APART, WITH 90 OF THE OPENINGS TO BE BRICK WALLS, AND THE REMAINDER TO BE WOODEN GATES. THIS FENCING WILL MATCH THE EXISTING FENCE AROUND THE MAIN MANOR PARK CAMPUS.

DRAINAGE: - OFF-SITE DRAINAGE BASIN WILL BE CONSTRUCTED ON LOT 2, BLOCK 4, WILSHIRE PARK SECTION 9 TO COMPENSATE FROM INCREASED RUNOFF POST-DEVELOPMENT.
- AN AGREEMENT IS IN PLACE WITH THE DEVELOPERS OF THE CORLEY PAPER TRACT AND LOT 2, BLOCK 1, WALLACE HEIGHTS 2. A CONCRETE FLUME WILL BE CONSTRUCTED AS SHOWN, TO ROUTE RUNOFF FROM THOSE TWO TRACTS INTO THE ROAD.

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EXHIBIT A

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

NO.	REVISION	DATE
1		
2		
3		
4		

DESIGNED BY: AB
DRAWN BY: AB
CHECKED BY: AB
APPROVED BY: AB
DATE: 03/02/2021
JOB #: 19-0019

SITE PLAN
MANOR PARK SOUTH
LOT 2, BLOCK 2, WALLACE HEIGHTS, SECTION 9
CITY AND COUNTY OF MIDLAND, TEXAS

SHEET C100 OF 01

9586

City Council Agenda

APPROVED

Approved for Agenda:
fsalvato
City Manager's Office

MEETING DATE: August 9, 2016

TO: City Council / City Manager

FROM: Geoff Solomonson, Planner

SUBJECT: Consider an ordinance on second reading on a request by Manor Park for a Zone Change from 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, to PD, Planned District for a Housing Development, on Tracts 14, 15, 16, and 17, Wallace Heights Addition, City and County of Midland, Texas. (Generally located on Sinclair Avenue, approximately 290-feet east of N. Loop 250 West. – Council District 4)

Purpose:

Consider an ordinance on second reading on a request by Manor Park for a Zone Change from 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, to PD, Planned District for a Housing Development, to allow for a future expansion of the Manor Park Retirement Community.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

No City funds are required to process this request.

Discussion:

Current Zoning:

1F-1, One-Family Dwelling District, in part, MF-1, Multiple Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple Family Dwelling District, in part.

Surrounding Zoning and Land Use:

The property is located near the intersection of N. Loop 250 West and Andrews Highway and is currently undeveloped. The zoning to the north, across Sinclair Avenue, is a PD, Planned District for a Housing Development (Ordinance No. 8126), with an underlying zoning of MF-1, Multiple-Family Dwelling District, and is the location of Manor Park Retirement Community. The properties to the east are zoned 1F-1, One-Family Dwelling District, and O1, Office District, and contain single-family residences within the 1F-1, One-Family Dwelling District, and an office building within the O1, Office District.

To the south are properties zoned LR-1, Local Retail District, and LR-2, Local Retail District, which are mainly undeveloped with a few single-family residences. Zoning to the west is LR-2, Local Retail District, in part, and a PD, Planned District for a Transition District (Ordinance No. 6739). Tracker Boat Center is located in the PD, Planned District for a Transition District.

Analysis:

The parcels proposed for rezoning were originally platted as Wallace Heights Addition in 1946, with the intent of 1F-1, One-Family Dwelling District, for single-family residential. In 1980, the properties were rezoned to MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, by Ordinance No. 5613.

PD, Planned District for a Housing Development, with an underlying zoning of MF-1, Multiple-Family Dwelling District, is an appropriate application of a zone change to match the current Manor Park Retirement Community campus, as the expansion is a large housing development. This Zone Change is in process along with the re-platting of the property as Wallace Heights, Section 9.

Exhibit A, provided by the applicant, shows the proposed site plan for an expansion of the Manor Park Retirement Community. Seventy Five (75) building sites are proposed as an expansion to the south from the adjacent Manor Park Retirement Community campus. Each site can have up to 2 units for a maximum density of 4.8 dwelling units per acre. The PD, Planned District for a Housing Development, with an underlying zoning of MF-1, Multiple-Family Dwelling District, allows for a maximum of 16 dwelling units per acre according to the Midland City Zoning Ordinance Chapter 11-1-6, Zoning district classification; use and development regulations.

This proposed development would generate approximately 15 morning peak hour (7 a.m. to 9 a.m.) trips and 20 evening peak hour (4 p.m. to 6 p.m.) trips based on Senior Adult Housing from the Trip Generation Manual by the Institute of Transportation Engineers.

Landscaping on the site meets Midland City Zoning Ordinance Chapter 11-9, Landscape Regulations of 1 tree per 30 feet of street frontage and 1 tree per 15 parking spaces.
Landscaping around the community building and main entrance will be provided in accordance with the City of Midland Landscape Ordinance. The remainder of the landscaping of the development will be considered residential and will be installed at each residence at the time of construction.

The site will have a primary access point and another emergency access point with gates both along Sinclair Avenue.

Staff recommends approval of a Zone Change from 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, to PD, Planned District for a Housing Development, subject to conditions A through G.

Conditions:

A. That the use and development of this property shall significantly conform to the regulations of the MF-1, Multiple-Family Dwelling District, except as otherwise stated below.

B. That the use and development of the property shall significantly conform to the attached site plan, Exhibit "A."

C. That the landscaping shall significantly conform to the Exhibit "A" Landscaping Notes.

D. That the landscaping internal to the site may be installed in phases as construction progresses.

E. That the fencing shall significantly conform to Exhibit "A."

F. That the minimum number of required parking spaces shall be shown on Exhibit "A."

G. That all lighting shall significantly conform to the standards set forth in the Midland City Code.

Letters of Objection:

As of July 22, 2016, staff has received no letters of objection.

Attachments:

Application
Maps
Proposed Site Plan (Exhibit A)
Ordinance No. 8126

Case Number: Z-16-0016

MIDLAND
Planning Division

APPLICATION TO CHANGE ZONING CLASSIFICATION

I. APPLICATION

Applicant:

Manor Park Inc, Alan Hale, Executive Director (Name) | 432-689-9898 (Phone)

2208 N Loop 250 West, Midland, TX 79707 (Address) | ahale@manorparkinc.org (Email)

Property Owner:

_____ (Name) | _____ (Phone)

_____ (Address) | _____ (Email)

Representative (*please see affidavit on page 2*):

Andrew Hobby, P.E. - Maverick Engineering (Name) | 432-262-0999 (Phone)

1909 West Wall St. Ste K, Midland, TX 79701 (Address) | ahobby@maverick-eng.com (Email)

Street address: _____

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

Tracts 17, 16, 15, and the North 4 Acres of Tract 14, Wallace Heights Addition, City and County of Midland, Texas.

Present Zone: MF-1, MF-2, TH Proposed Zone: PD-HD

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

Reason for Zone Change Request: Development of site for future phase of Manor Park.

Present Use of Property: Undeveloped

Proposed Use of Property: Senior housing community

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

NA

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

NA

II. APPLICATION FEES:

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

Total: $ 550.00

III. SITE PLAN SUBMITTALS *(if applicable)*:

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

VI. Signature

Property Owner (signature): _____ Date: _____

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

STATE of TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew Hobby who, being by me duly sworn, upon oath says: That (s)he is authorized by Alan Hale, 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)

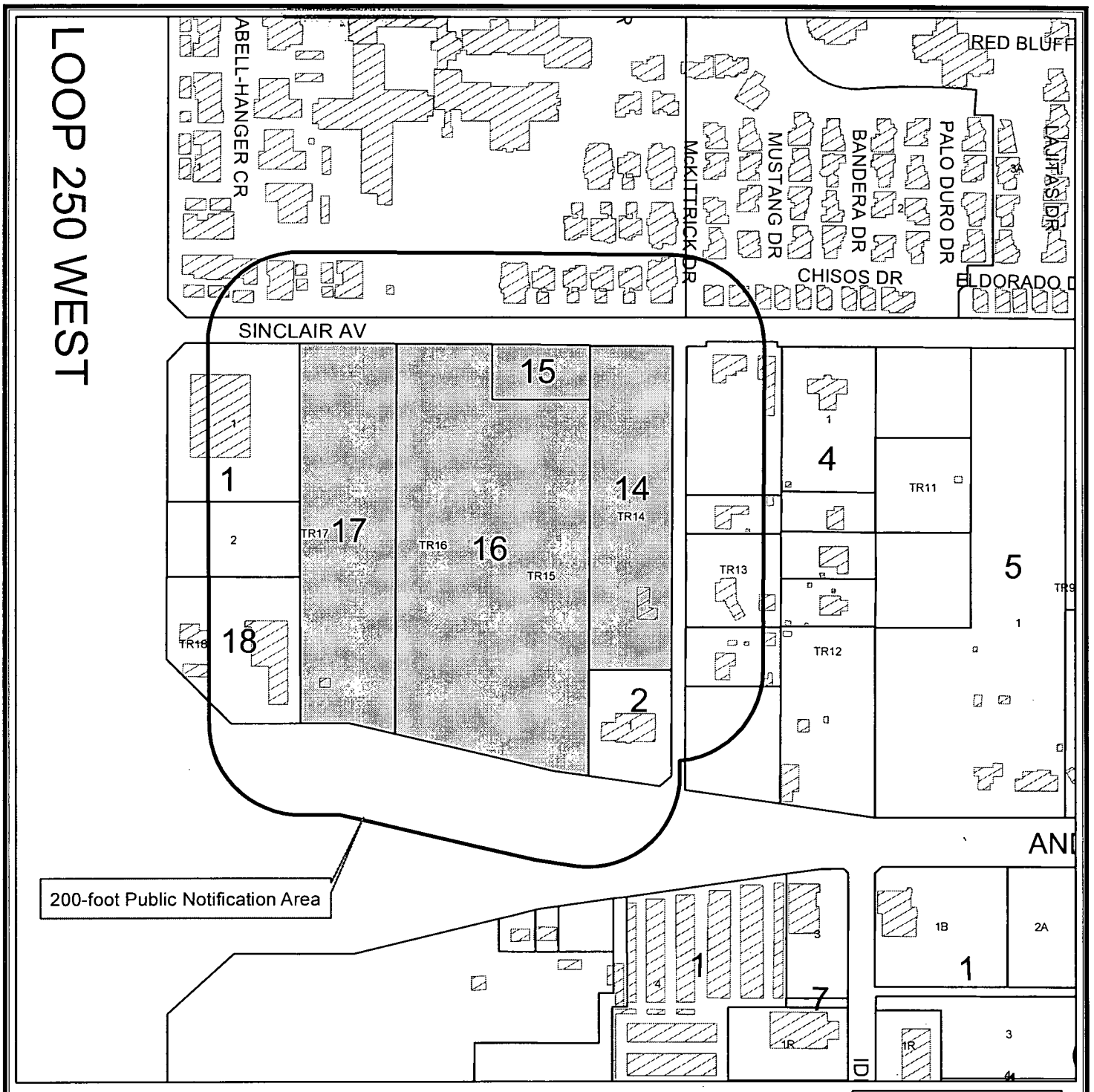
Subscribed and sworn to before me, this 10th day of June, 20 16, to certify which witness my hand and seal of office.

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

PALADIN HUCKABA
Notary Public, State of Texas
Comm. Expires 08-26-2019
Notary ID 13034715-0

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



LOCATION MAP

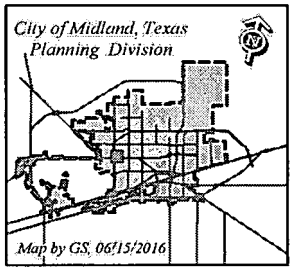
Z - 16 - 0016 **Scale: 1" = 300'**

Consider a request for a Zone Change from 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, to PD, Planned Development for a Housing Development on Tracts 14, 15, 16, and 17, Wallace Heights Addition, City and County of Midland, Texas.

Generally located on Sinclair Avenue approximately 290-feet east of N. Loop 250 W. (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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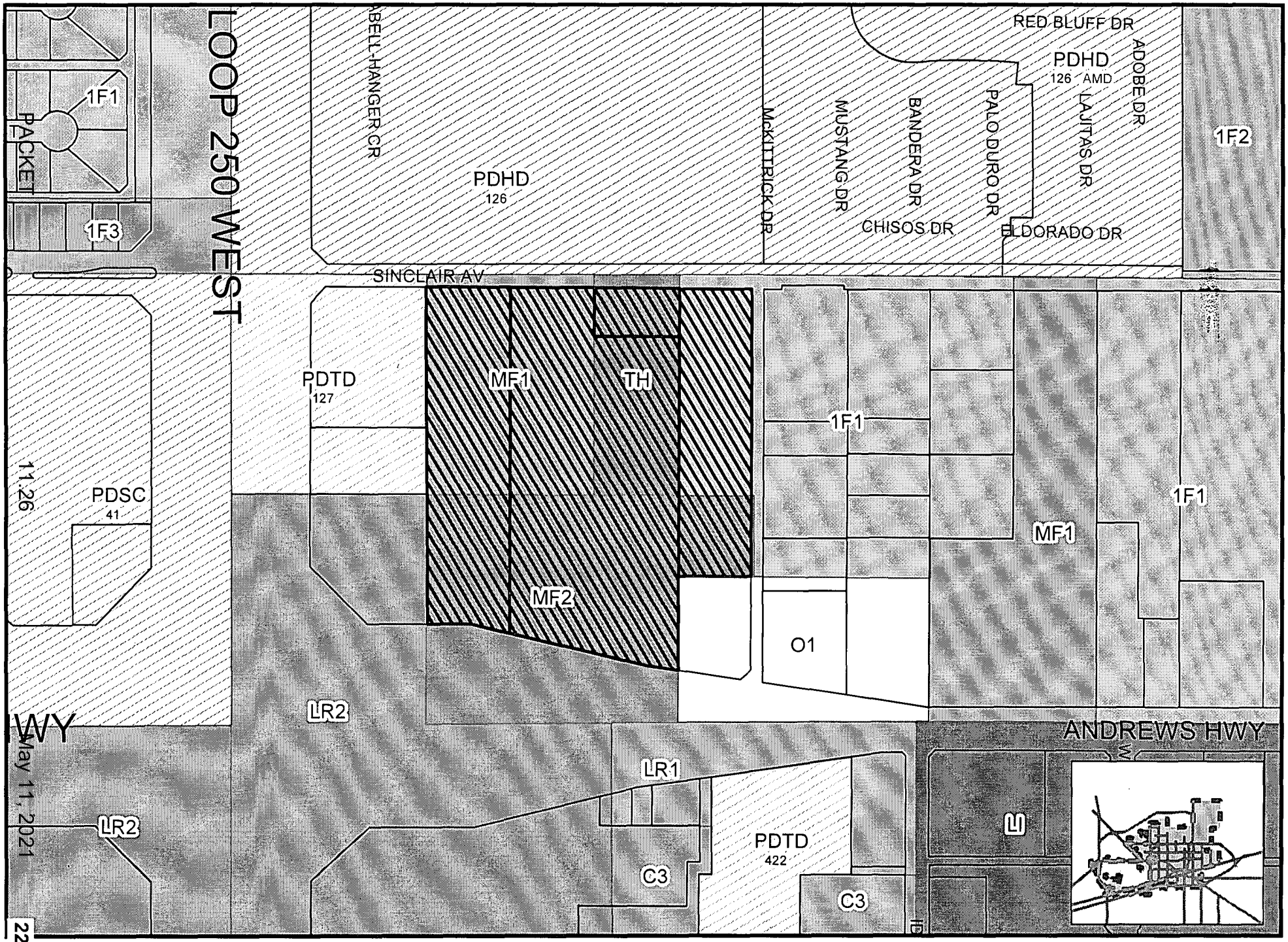

Map By GS, 06/15/2016

Z - 16 - 0016

Scale: 1" = 300'

ZONING MAP

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ORDINANCE NO. 8126

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 1, TRINITY TOWERS MANOR, SECTION 1; AND A 25.71-ACRE TRACT OUT OF SECTION 19, BLOCK 39, T-1-S, T & P RAILROAD COMPANY SURVEY, MIDLAND COUNTY, TEXAS WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT AND 1F-3, ONE-FAMILY DWELLING DISTRICT TO BE USED AS PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; AND EXPRESSLY REPEALING ORDINANCE NO. 6213; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned PD, Planned District for a Housing Development and 1F-3, One-Family Dwelling District, and it shall be used as a PD, Planned District for a Housing Development, subject to the special conditions and

restrictions hereinafter set out, said property being described as follows:

Lot 1, Block 1, Trinity Towers Manor, Section 1; and a 25.71-acre tract out of Section 19, Block 39, T-1-S, T & P Railroad Company Survey, Midland County, Texas. (As further described on the attached metes and bounds description, Exhibit "A", incorporated herein by reference.)

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

A. That the use and development of this property shall conform to the regulations of the MF-1, Multiple-Family Dwelling District, except as otherwise stated below.

B. That the use and development of this property shall conform to the conditions shown on the attached site plan, Exhibit "B", in all respects.

C. That the maximum building height for Lot 1, Block 1, Trinity Towers Manor, Section 1 shall not exceed 65 feet or four stories. The maximum building height for Lot 2, Block 2 shall be 80 feet, or five stories.

D. That the indicated six-foot tall screening fence around the east 25 acres of this property may be installed in phases. The landscaping indicated along Sinclair Avenue may also be installed in phases, concurrently with the fence construction.

E. That the landscaping internal to the site may be installed in phases as construction progresses, provided that a minimum of 15 percent of each developing area is landscaped, and that the total landscaping once all construction is complete is 15 percent. All landscaping shall be irrigated with an automatic sprinkler system, and shall be maintained in a healthy, growing condition.

F. That the minimum number of required parking spaces shall be as shown on Exhibit "B."

G. That all fixtures for security lighting within the eastern 25 acres shall not be mounted higher than 20 feet above natural grade.

H. That Ordinance 6213 is repealed.

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

SECTION FOUR. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that

covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict, and Ordinance no. 6213 is hereby expressly repealed..

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 27th day of August, A.D., 2002; and passed to second reading on motion of Council member Simpson, seconded by Council member Bradford, by the following vote:

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

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Simpson, seconded by Council member Dufford, on the 10th day of September, A.D., 2002, at a regular

meeting of the City Council:

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

Council members voting "NAY": None

PASSED AND APPROVED THIS 10th day of September, A.D., 2002.

Michael J. Canon, Mayor

ATTEST:

Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:

Keith Stretcher, City Attorney

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF MIDLAND

DOC 23786 VOL 2077 PG 755

ZONING FOR TRINTY TOWER MANOR, SECTION 2

LEGAL DESCRIPTION FOR A 25.71 ACRE TRACT LOCATED IN SECTION 19, BLOCK 39, T-1-S, T. & P. RR. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

Boundary being further described by metes and bounds as follows:

BEGINNING at the Southwest corner of this tract in the center of Sinclair Avenue, from whence a 5/8" iron rod found, as set by the City of Midland, Engineering Department, at the Southeast corner of Lot 1, Block 1, Trinity Tower Manor, as recorded in Cabinet D, Page 76, Plat Records of Midland County, Texas and the Northwest corner of said 0.271 Acre right of way dedication in Volume 1185, Page 543, bears N15°15'02"W, a distance of 34.18 feet, also from said point of beginning, the Southwest corner of said Section 19, Block 39, T-1-S, based on calls of the 10.0 Acre Tract recorded in Volume 961, Page 1, bears S74°45'W, a distance of 1202.3 feet and S15°15'E, a distance of 1113.00 feet;

THENCE N15°15'02"W with and projections of the East line of said Lot 1, Block 1, and the West boundary line of said 10.0 Acre tract, at 1062.94 feet pass the Northwest corner of said 10.0 Acre Tract, continuing for a total distance of 1072.94 feet to the Northwest corner of this tract in the center of an existing alley, from whence a ½" iron rod found at the Northeast corner of said Lot 1, Block 1, bears N15°15'02"W a distance of 472.87 feet;

THENCE N74°48'58"E with the center of an existing alley, a distance of 1044.56 feet to the Northeast corner of this tract, from whence the Northeast corner of a 5.0 Acre Tract as described in Volume 649, Page 288, Deed Records bears S15°11'17"E, a distance of 10.00 feet;

THENCE S15°11'17"E with and projections of the West boundary line of Wydewood Estates, Section 4, as recorded in Cabinet C, Page 47, Plat Records of Midland County, at 1042.64 feet pass a 5/8" iron rod found at the Northeast corner of said 0.058 Acre dedicated for right of way as described in Volume 1221, Page 485, Official Records of Midland County, continuing for a total distance of 1072.70 feet to the Southeast corner of this tract, in the center of Sinclair Avenue;

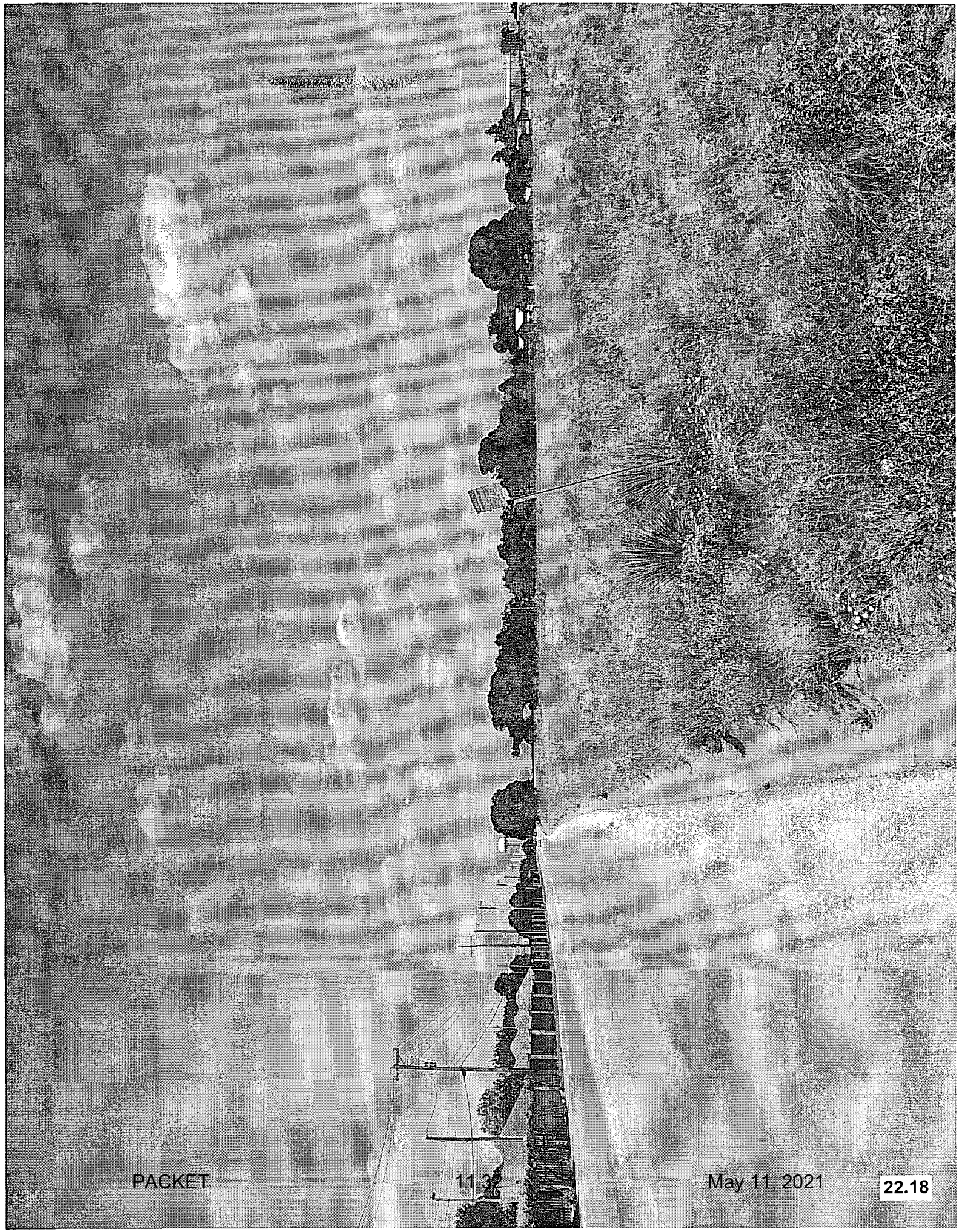
THENCE S74° 48'10"W with the center of Sinclair Avenue, a distance 1043.40 feet to the Place of Beginning.

I, J. Stan Piper, Professional Land Surveyor, do hereby certify that this legal description is based on an actual survey made by me or under my supervision, and that the same is true and correct to the best of my knowledge and belief as surveyed on the ground at various dates through June 5, 2002.

J. Stan Piper
Professional Land Surveyor

Prepared for:
Parkhill, Smith, and Cooper, Inc.
Attn.: Mr. Jay Edwards
5214 Thomason
Midland, TX 79703
(915) 697-1447

PIPER SURVEYING CO., BOX 60432, MIDLAND, TX 79711, (915) 550-7810



699-3413
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City Council Meeting

Item Number: 12

Meeting Date: April 27, 2021

To: City Council / City Manager

From: Joseph Marynak, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 7 AND 8, BLOCK 5, GREENWOOD ADDITION, FIRST SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH CALHOUN STREET AND EAST KENTUCKY AVENUE); 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Chad Walters, is requesting a Zone Change from MF-22, Multiple-Family Dwelling District to 2F, Two-Family Dwelling District at 311 S Calhoun in order to re-plat 2 lots into one for the remodeling of an existing duplex.

Recommended City Council Action:

Approve

Fiscal Impact:

This request does not require any City funds.

Discussion:

Current Zoning:

MF-22, Multiple-Family Dwelling District

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are also zoned MF22, Multiple Family Dwelling District and the location of single family residences.

Analysis:

The applicant is requesting this zone change for the purposes of remodeling an existing duplex. The property meets the minimum lot size requirements for the 2F, Two-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 objection.

Building: (Approved)

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

Engineering: (Approved)

No objection to zone change.

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

Code: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

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

No objection to zone change.

Planning:

Under the previous zoning code, the current zoning district would have allowed for the construction of this two family home as well as single family homes despite this area being zoned for multiple-family housing. Under the new Zoning Ordinance adopted in 2019, construction of single family homes and duplexes was restricted their respective zoning districts.

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, “Future Land Use Map” as it designates this area for Urban Residential-Medium, a classification which calls for a mix of residential uses including multiple-family and single-family. As this property lies on a large corner lot, it is a great candidate to integrate a two family dwelling unit into this largely single family area without causing a drastic increase in the intensity of uses.

This request was recommended for approval at the April 19, 2021 Planning and Zoning Commission meeting.

Staff recommends approval of this zone change from MF-22, Multiple Family Dwelling District to 2F, Two-Family Dwelling District, subject to condition A.

Conditions:

A. That the use and development of this property shall conform to the regulations of the 2F, Two-Family Dwelling District.

Letters of Objection:

Staff has not received any letters of objection as of April 14, 2021.

Attachments:

Proposed Plat of Greenwood Addition, Section 14
Application
Maps

Robert Patrick

City Manager’s Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 7 AND 8, BLOCK 5, GREENWOOD ADDITION, FIRST SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH CALHOUN STREET AND EAST KENTUCKY AVENUE); 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, the City Code, and State law, 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 rezoning Lots 7 and 8, Block 5, Greenwood Addition, First Section, City and County of Midland, Texas (the "Property") to 2F, Two-Family Dwelling (Duplex) District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from MF-22, Multiple-Family Dwelling District to 2F, Two-Family Dwelling (Duplex) District.

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

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances

inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: _____

Case Number: Z-21-0233

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Chad Walters		Phone (432) 352-0788 Email chad@midland-dci.com	
Address 407 N Big Spring, Suite 204	City Midland	State TX	Zip 79701

Property Owner Printed Name: Oliver & Thompson COmpanies		Phone (325) 207-3974 Email rangersrvmidland@gmail.com	
Address	City Midland	State TX	Zip 79701

Representative *(if different from Applicant or Property Owner)* Firm: Midland DCI, LLC Printed Name: Chad Walters		Phone (432) 352-0788 Email chad@midland-dci.com	
Address 407 N Big Spring, Suite 204	City Midland	State TX	Zip 79701

Street Address: 311 S Calhoun

Legal Description
Lot: 7A Block: 5 Subdivision: Greenwood Addition, Section 11

Current Zoning: MF-22	**Proposed Zone:** 2F *(List by tracts if more than one district is requested)*

Reason for Zone Change Request: While working on Remodel, we re-platted property. New lot does not meet standards for current zone, and we would like to rezone to 2F to keep and use existing duplex. Re: email from Joseph Marynak to Stephen Marcum P.E. on 3-19-21.

Present Use of Property: Existing Duplex

Proposed Use of Property: Remodeling Existing Dueplex

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

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

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) Chad Walters	Date 3-24-21
Applicant (printed) Chad Walters	
Property Owner (signature) Tyler Thompson	Date 1-19-2021
Property Owner (printed) Oliver & Thompson Companies	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Tyler Thompson, who, being by me duly sworn upon oath says: That (s)he is the owner of 311 S Calhoun or authorized by Oliver & Thompson Companies 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.

Tyler Thompson.
Authorized Agent (*signature*)

Subscribed and sworn to before me this 9 day of January 2021 to certify which witness my hand and seal of office.

PAUL BERNAL
Notary Public, State of Texas
Comm. Expires 11-15-2022
Notary ID 13175988-1

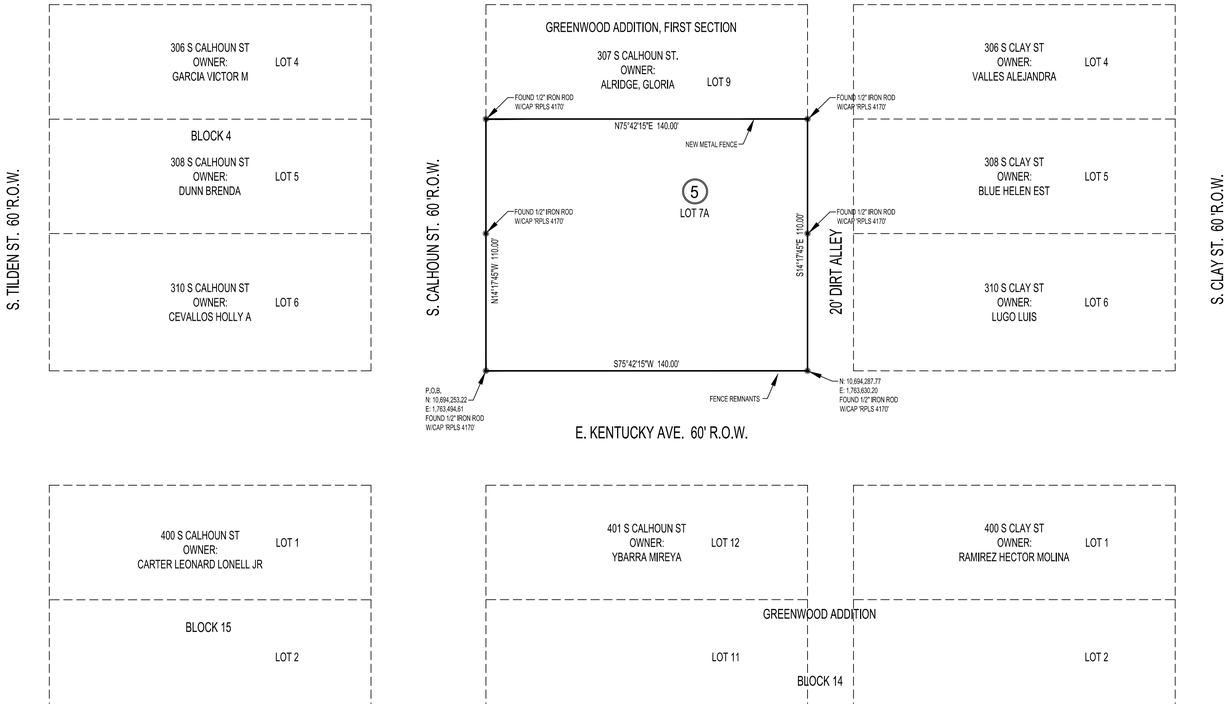
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

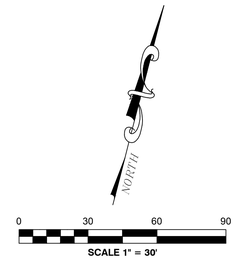
FOR OFFICE USE ONLY	
☐ Property Owner Authorization	☐ Dimensioned Site Plan
☐ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check #	
Received By	Date:

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

GREENWOOD ADDITION, SECTION 14

BEING A RE-PLAT OF LOTS 7 & 8, BLOCK 5,
GREENWOOD ADDITION, FIRST SECTION, CITY & COUNTY OF MIDLAND, TEXAS.







VICINITY MAP
N.T.S.

UTILITY COMPANY'S 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: _____

CERTIFICATE OF APPROVAL

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

the___ day of_____ 2021.

_____
CHAIRMAN, REGGIE LAWRENCE

_____
SECRETARY, CRISTINA ODENBORG BURNS

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS OLIVER & THOMPSON COMPANIES, LLC, is the record owner of a tract of land described herein as a Re-plat of Lots 7 & 8, Block 5, Greenwood Addition, First Section, City & County of Midland, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____, being the owner of the aforementioned land shown on this plat designated as a portion of GREENWOOD ADDITION, SECTION 14, an Addition to Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, and easements shown thereon.

WITNESS my hand at Midland, Texas, this

the_____day of _____, 2021.

_____
By: _____

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, _____ 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

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. BEARINGS/DISTANCES/COORDINATES TO THE TEXAS STATE PLANE COORDINATES SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1988.
4. THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) THE 0.353 ACRE TRACT IS RE-PLATTED OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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

_____
Marcus L. Hostas, R.P.L.S.
Registration Number - 5643

STATE OF TEXAS · REGISTERED · MARCUS L. HOSTAS · 5643 · PROFESSIONAL LAND SURVEYOR

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

OWNER:
OLIVER AND THOMPSON COMPANIES, LLC
3809 CRESTRIDGE DRIVE
MIDLAND, TX 79707

NOTES:
ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, TEXAS, INCORPORATED AREA, COMMUNITY MAP NO. 48329 C0206F, DATED SEPTEMBER 16TH, 2005, THIS PROPERTY IS SITUATED WITHIN ZONE X, WHICH IS NOT A SPECIAL FLOOD HAZARD AREA, AKA DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

LEGEND

- DENOTES FOUND 1/2" IRON ROD W/CAP "RPLS 4170"
- DENOTES UTILITY POWER POLE
- DENOTES PLAT BOUNDARY LINE
- DENOTES ADJACENT LOT LINE
- DENOTES OVERHEAD ELECTRIC LINE
- DENOTES FENCE LINE

Skyline CIVIL GROUP
Skyline Civil Group, LLC • 3323 N. Midland Drive, STE. 113-166 • Midland, Texas 79707
TX FIRM: 17171 • Tel: (432) 685-1226 • www.skylinecivilgroup.com

PERCHERON
professional
services, L L C
203 WEST WALL STREET #724
MIDLAND, TEXAS 79701
(432) 688-2588
TEXAS SURVEYING FIRM LICENSE:
NO. 110194314

GREENWOOD ADDITION, SECTION 14



LOCATION MAP

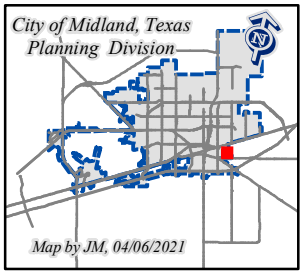
Z-21-0233 **Scale: 1" = 200'**

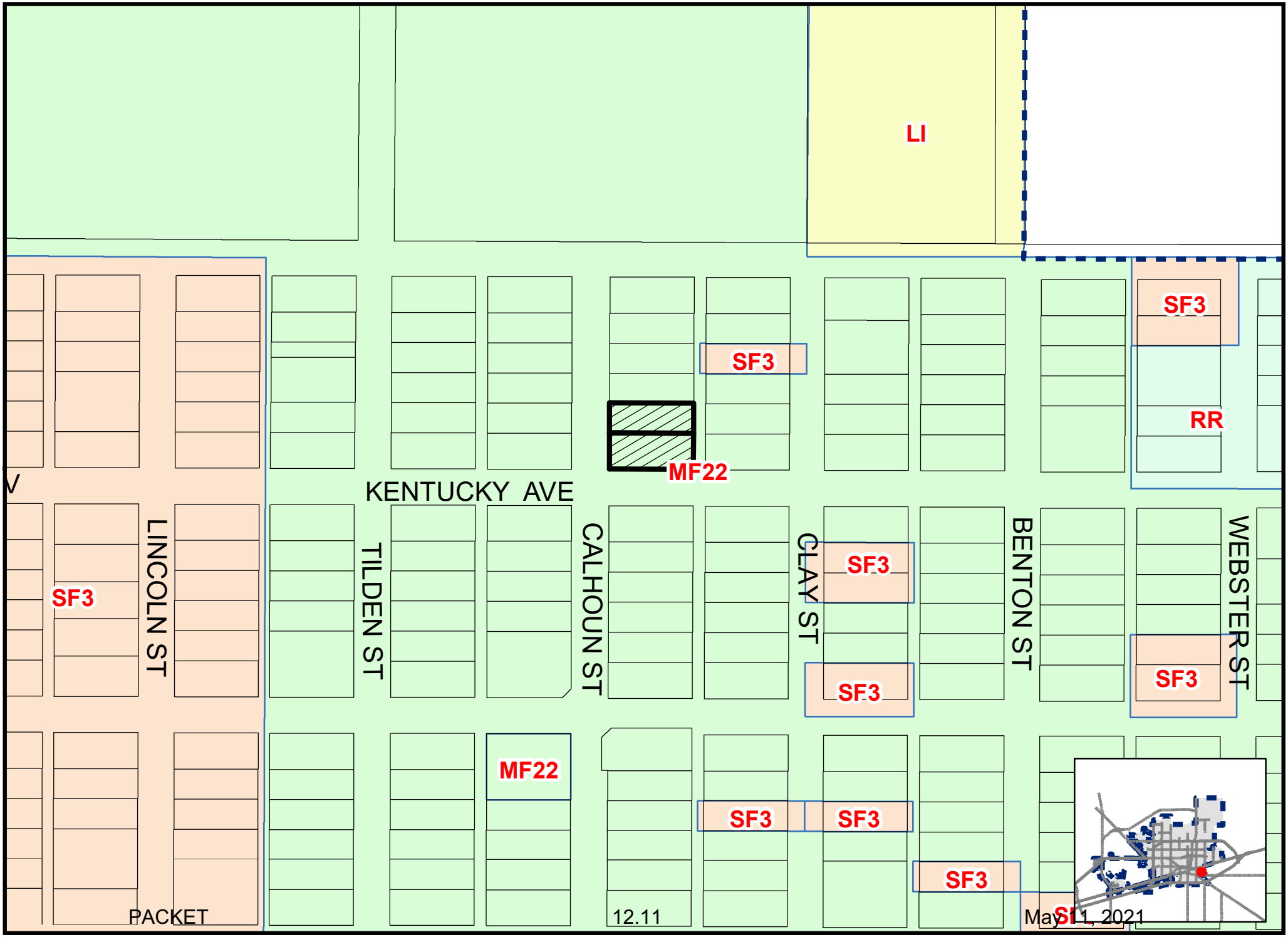
Hold a public hearing and consider a request by Chad Walters for a zone change from MF-22, Multiple-Family Dwelling District to 2F, Two-Family Dwelling District on Lots 7 and 8, Block 5, Greenwood Addition, First Section, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of South Calhoun Street and East Kentucky Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Map By JM, 04/13/2021

Z-21-0233

Scale: 1" = 200'

ZONING MAP

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









City Council Meeting

Item Number: 13

Meeting Date: April 27, 2021

To: City Council / City Manager

From: Joseph Marynak, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE SOUTH 50 FEET OF THE NORTHWEST QUARTER (ALSO KNOWN AS LOT 10), BLOCK 4, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH TERRELL STREET, APPROXIMATELY 150 FEET NORTH OF EAST KANSAS AVENUE); 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Roy Avila, is requesting a Zone Change from MF-22, Multiple-Family Dwelling District to SF-3 Single-Family Dwelling District at 806 North Terrell Street, to construct a single family residence.

Recommended City Council Action:

Approve

Fiscal Impact:

This request does not require any City funds.

Discussion:

Current Zoning:

MF-22, Multiple-Family Dwelling District

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are also zoned MF22, Multiple Family Dwelling District and the location of vacant land and single family residences, respectively.

Analysis:

The applicant is requesting this zone change for the purposes of constructing a single family 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. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Engineering: (Approved)

No 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 and Gas issues.

Transportation: (Approved)

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

No objection to zone change.

Planning:

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

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, “Future Land Use Map” as it designates this area for Urban Medium, a classification which calls for a mix of residential and non-residential uses. As this property lies one block west of North Lamesa Road, it will serve well as a transition area between the non-residential uses on the arterial and the residential uses on the local streets.

This request was recommended for approval at the April 5, 2021 Planning and Zoning Commission meeting.

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

Conditions:

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

Letters of Objection:

Staff has not received any letters of objection as of April 21, 2021.

Attachments:

Application
Maps

Robert Pattnd

City Manager’s Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE SOUTH 50 FEET OF THE NORTHWEST QUARTER (ALSO KNOWN AS LOT 10), BLOCK 4, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH TERRELL STREET, APPROXIMATELY 150 FEET NORTH OF EAST KANSAS AVENUE); 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, the City Code, and State law, 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 rezoning the south 50 feet of the northwest quarter (also known as Lot 10), Block 4, Homestead Addition, City and County of Midland, Texas (the "Property") to SF-3, Single-Family Dwelling District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District.

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

SECTION THREE. The provisions of this ordinance are to be cumulative of all

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular

meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: _____

Case Number: Z-21-0220

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Roy Avila		Phone (432) 352-2967 Email aaRoofing64@Gmail.com	
Address 3625 E Hwy 158	City Midland	State Tx.	Zip 79706

Property Owner Printed Name: Roy Avila / JNR Homes		Phone ( ) Email Same	
Address 3625 E Hwy 158	City Midland	State Tx.	Zip 79706

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

Street Address: 806 N Terrell

Legal Description
Lot: S. 50 Block: #004 Subdivision: NW/4. ADDN

Current Zoning:	**Proposed Zone:** SF-3 *(List by tracts if more than one district is requested)*

Reason for Zone Change Request: Single Home

Present Use of Property: Vacant

Proposed Use of Property: New Single Home

How would this zone change affect the public health, safety and welfare? None

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

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

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

Street
806 N. Terrell
Curb
30'
Drive way
21'
18'
43'
54'
5' Set Back
200'
5' Set Back
40'
Alley
50'

INVOICE

BILLING CONTACT
Roy Avila
JNR HOMES & CONSTRUCTION
3625 E Hwy 158
Midland, TX 79706

INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
00068042	03/11/2021	03/21/2021	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
Z-21-0226	Zone Change - Standard	$500.00
	SUB TOTAL	$500.00

TOTAL	$500.00

City of Midland
Code
300 N Loraine St
P.O. Box 1152
Midland, TX 79701
432-685-7100
Welcome

21040919-0001 Shadonna 03/11/2021 11:05AM

INVOICE
Avila, Roy (JNR HOMES & CONSTRUCTION) 500.00
2021 Item: 00068042
Zone Change - Standard
- Adjustable

Subtotal 500.00
Total 500.00

CHECK 500.00
Check Number009100

Change due 0.00

Paid by: Avila, Roy (JNR HOMES & CONSTRUCTION)

Thank you for your payment!

City of Midland COPY
DUPLICATE RECEIPT

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

Remit to:
City of Midland
PO Box 1152
Midland, TX 79702

Customer Name	INVOICE NUMNER	INVOICE DATE
JNR HOMES & CONSTRUCTION	00068042	03/11/2021
	DUE DATE	AMOUNT DUE
	03/11/2021	$ 500.00
		AMOUNT ENCLOSED

Bill to:
Roy Avila
JNR HOMES & CONSTRUCTION
3625 E Hwy 158
Midland, TX 79706

Payment Method: Check ☐ Money Order ☐

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

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

Contact: Building Permits: 432-685-7390 Code Enforcement: 432-685-7410

9100

A & A Roofing & Construction
3625 E. Hwy. 158 PH. (432) 570-0508
Midland, Texas 79706

88-1287/1163

DATE 3/11/2021

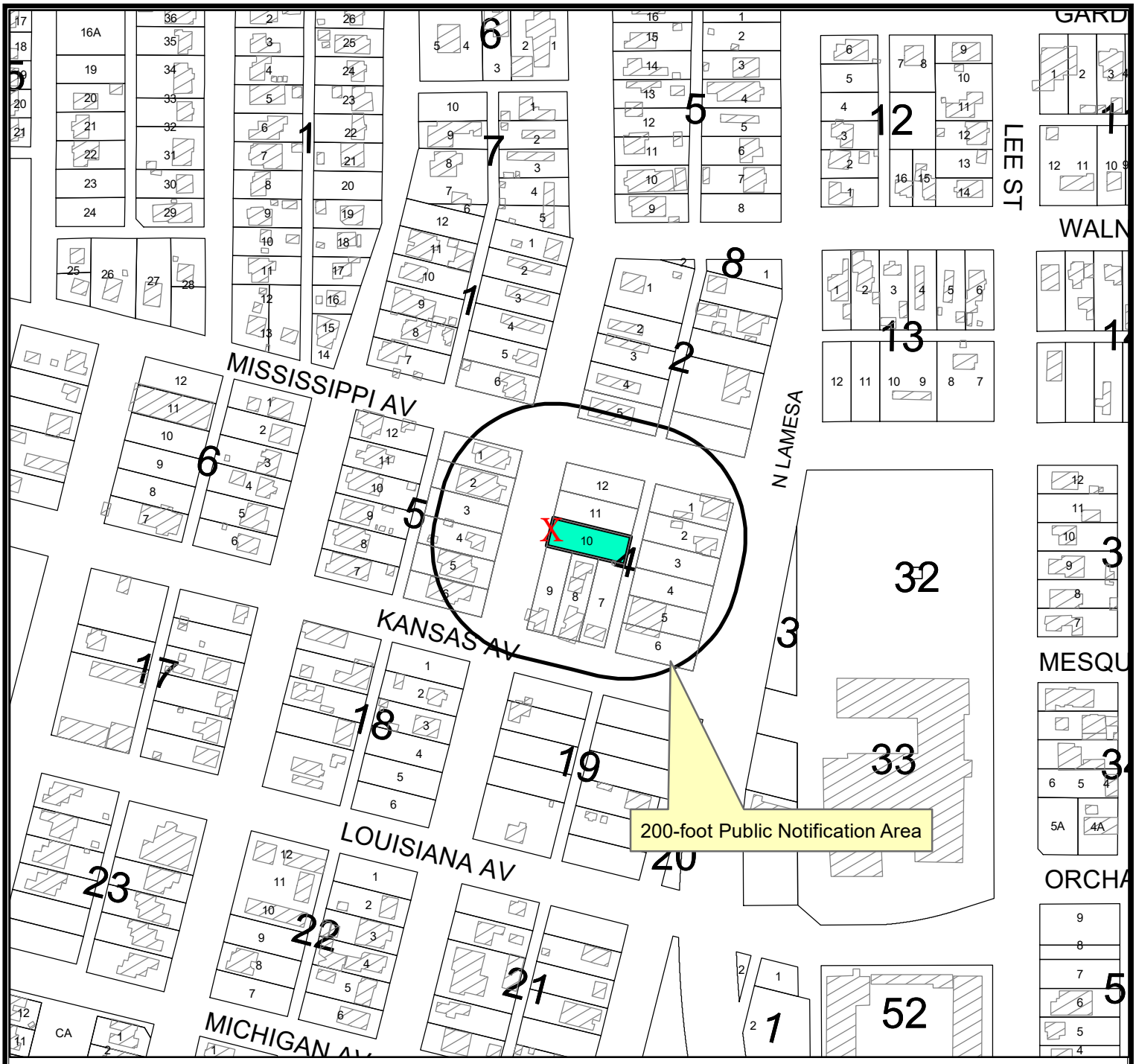
PAY TO THE ORDER OF City of Midland $ 500 00

Five Hundred 3 00 DOLLARS

Community NationalBank
P.O. Box 3903 Midland, Texas 79702 432.262.1600

FOR Zone

⑈009100⑈ ⑆116312873⑆ 1 092851⑈



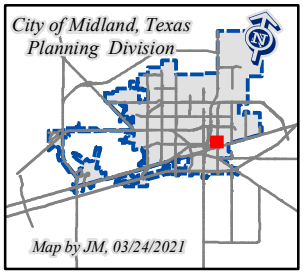
LOCATION MAP

Z-21-0226 **Scale: 1" = 250'**

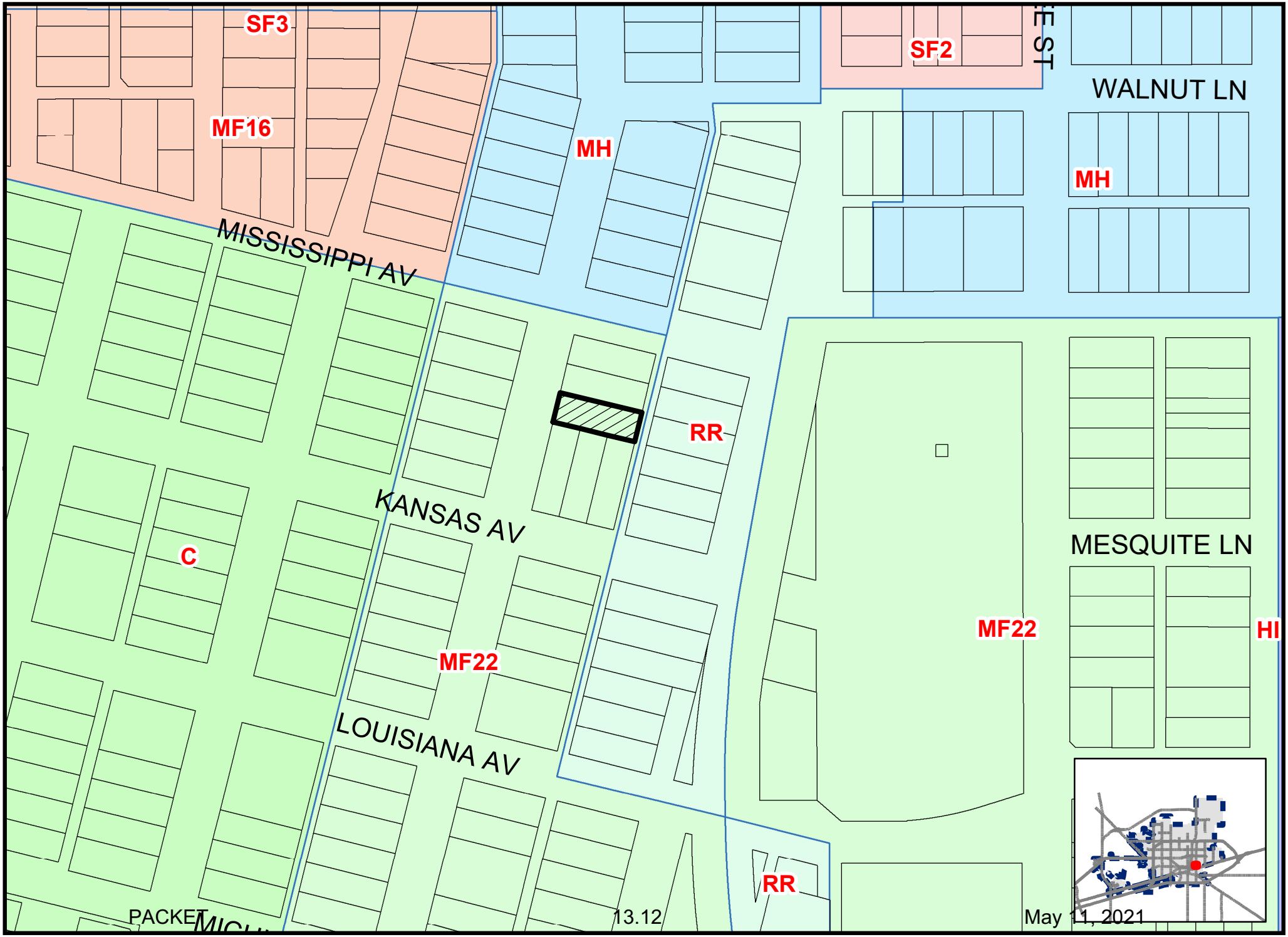
Consider a request by Roy Avila for a a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Singla Family Dwelling District on the south 50 feet of the northwest quarter, also known as Lot 10, Block 4, Homestead Addition, City and County of Midland, Texas.
Generally locted on the east side of North Terrell Street approximately 150 feet north of East Kansas Avenue (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



May 11, 2021



Map By JM, 03/30/2021

Z-21-0226

Scale: 1" = 200'

ZONING MAP

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









City Council Meeting

Item Number: 14

Meeting Date: April 27, 2021

To: City Council / City Manager

From: Joseph Marynak,

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE NORTH 50 FEET OF LOT 2, BLOCK 11, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH FORT WORTH STREET, APPROXIMATELY 100 FEET NORTH OF EAST OHIO AVENUE); 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Ruedas Homes, Inc., is requesting a zone change from C, Commercial District to SF-3, Single-Family dwelling district at 405 North Fort Worth Street to construct a single family home.

Recommended City Council Action:

Approve

Fiscal Impact:

Processing this request does not require any City funds.

Discussion:

Current Zoning:

C, Commercial District

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are also zoned C, Commercial District and the locations of single family homes, a commercial business and vacant land, respectively.

Analysis:

The applicant is requesting this zone change for the purposes of constructing a single family home. The applicant is currently in the process of having the property re-platted to align with the tax parcel of the property. The re-platted lot will meet the minimum lot size requirements for the SF-3, Single Family Dwelling District.

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

Fire: (Approved)

No objections

Building: (Approved)

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

Engineering: (Approved)

No objection to zone change.

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

Code: (Approved)

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

Transportation: (Approved)

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

No objection to zone change.

Planning:

Under the previous zoning code, the current zoning district would have allowed for the construction of single family homes, which allowed for the proliferation of their construction in this area. Under the new Zoning Ordinance adopted in 2019, construction of single family homes was restricted to single-family dwelling districts. This property lies on a block that serves as a transition from non-residential uses to the west and south and the residential areas to the north and east.

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, a classification which calls for a mix of uses that include single-family and commercial development.

This request was recommended for approval at the April 5, 2020 Planning and Zoning Commission meeting.

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

Conditions:

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

Letters of Objection:

Staff has not received any letters of objection as of April 21, 2021.

Attachments:

Proposed plat of Original Town Section 21
Application
Maps

Robert Patrick

City Manager’s Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE NORTH 50 FEET OF LOT 2, BLOCK 11, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH FORT WORTH STREET, APPROXIMATELY 100 FEET NORTH OF EAST OHIO AVENUE); 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, the City Code, and State law, 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 rezoning the north 50 feet of Lot 2, Block 11, Original Town Addition, City and County of Midland, Texas (the "Property") to SF-3, Single-Family Dwelling District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from C, Commercial District to SF-3, Single-Family Dwelling District.

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

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances

inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-21-0221

Case Number:

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

Property Owner Printed Name: Ruedas Homes, Inc.		Phone ( ) Email	
Address PO Box 51104	City Midland	State TX	Zip 79710

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. Suite, K	City Midland	State TX	Zip 79701

Street Address: 405 N. Fort Worth

Legal Description North 50' of the SE/4 Block 11, Original Town Addition (re-plat in progress)
Lot: Block: Subdivision:

Current Zoning: C

Proposed Zone: SF-3
(List by tracts if more than one district is requested)

Reason for Zone Change Request: Allow for the construction of a single family residence in conformance with much of the current and historical uses in this area.

Present Use of Property: Vacant

Proposed Use of Property: Single family home

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): Yadira Ruedas	Date: 2-8-21
Applicant (printed): Yadira Ruedas	
Property Owner (signature):	Date:
Property Owner (printed) :	

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

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

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 Ruedas Homes, Inc., 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 February, 2021, to certify which witness my hand and seal of office.

Kelsey Ann Stine
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

NOTARY PUBLIC STATE OF TEXAS
Kelsey Ann Stine
My Commission Expires
02/19/2022
ID No. 131456388

FOR OFFICE USE ONLY

☑ Property Owner Authorization ☐ Dimensioned Site Plan

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

Check # 3347

Received By: Joseph Mongiello Date:

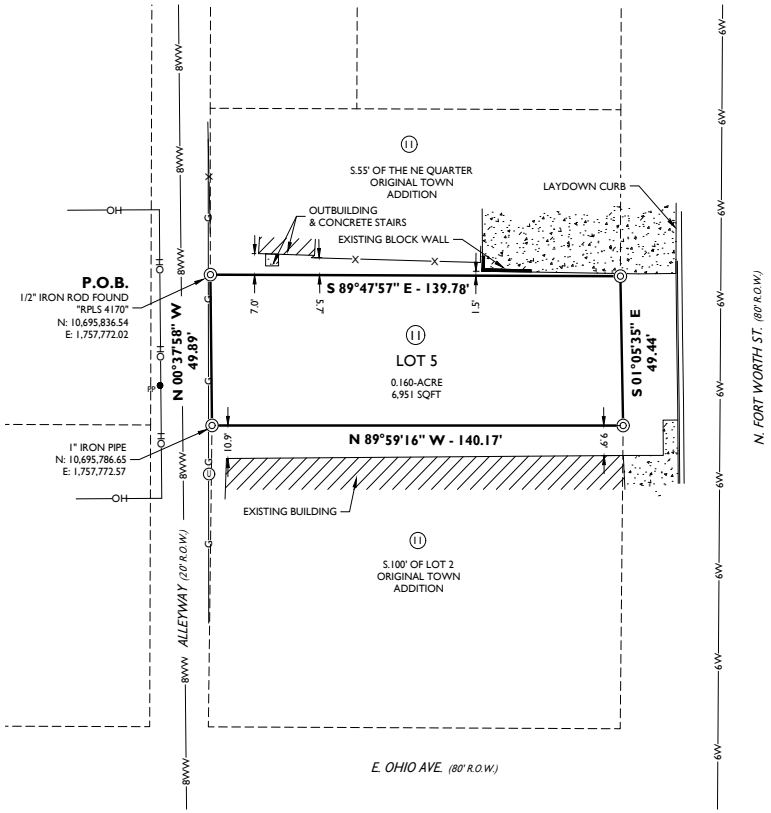
RECEIVED
FEB 23 2021
BY:

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

SKETCH PLAT

ORIGINAL TOWN, SECTION 22

BEING A RE-PLAT OF THE NORTH 50 FEET OF THE SOUTHEAST QUARTER BLOCK 11, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS



FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S N.F.I.P. FLOOD INSURANCE RATE MAP #48329C0089F, 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.

PROPERTY OWNER

RUEDAS HOMES, INC.
PO BOX 51104
MIDLAND, TX 79710-1104
DEED INSTRUMENT # 2020-23237

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

PACKET

NO. _____ *CABINET* _____

DATE _____ *PAGE* _____

DEVELOPMENT NOTES

1. *SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.*
2. *APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.*
3. *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.*
4. *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.
5. *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.*

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDALND

WHEREAS RUEDAS HOMES, INC. , 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 RUEDAS HOMES, INC. , being the owner of the land shown on this plat designated as ORIGINAL TOWN, SECTION 22, 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:

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 RUEDAS HOMES, INC., 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, SECTION 22, 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 actual and accurate survey of the land and that the corner monuments shown thereon were properly located under my personal supervision, in accordance with the Platting Rules and Regulations of the City of Midland, Texas.

PRELIMINARY - THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE

_____
GREGORY W. SHOULTS RPLS#5355
Maverick Engineering (TX Firm #10194514)
1909 W. Wall Street, Suite, K
Midland, TX 79701

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

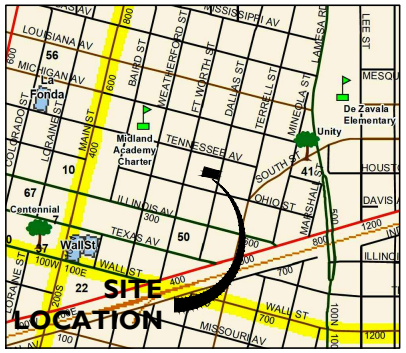
_____
ATMOS ENERGY
BY: _____

_____
AT&T
BY: _____

_____
SUDDENLINK COMMUNICATION
BY: _____

_____
GRANDE COMMUNICATION
BY: _____

_____
ONCOR ELECTRIC DELIVERY
BY: _____



VICINITY MAP

N.T.S.



SCALE 1" = 30'

LEGEND

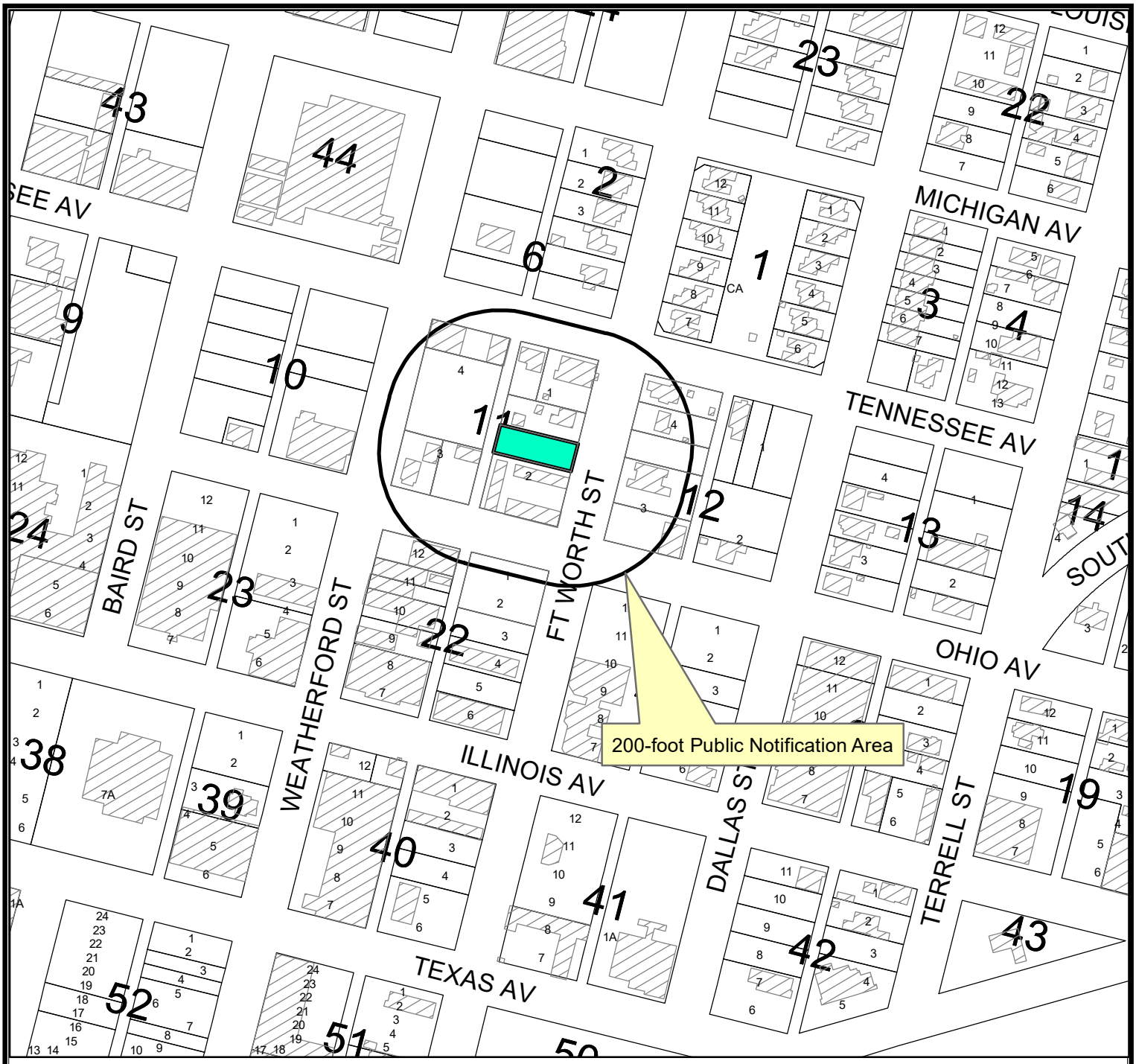
◎	DENOTES FOUND 1/2" IRON ROD UNLESS NOTED
PP●	DENOTES EXISTING POWER POLE
Ⓤ	DENOTES EXISTING UTILITY MARKER
O.P.R.M.C.T.	DENOTES OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
D.R.M.C.T.	DENOTES DEED RECORDS, MIDLAND CO., TX
P.R.M.C.T.	DENOTES PLAT RECORDS, MIDLAND CO., TX
———	DENOTES BOUNDARY LINE
- - - - - -	DENOTES EXISTING LOTS
———X———	DENOTES EXISTING FENCE
———G———	DENOTES EXISTING GAS LINE
———OH———	DENOTES EXISTING OVERHEAD ELECTRIC LINE
———8WW———	DENOTES EXISTING 8" WASTEWATER
———6W———	DENOTES EXISTING 6" WATER MAIN
	DENOTES CONCRETE
	DENOTES BUILDING

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

May 11, 2021

ORIGINAL TOWN, SECTION 22

Drawing: F:\2020\2020170\RUEDAS HOMES-405 N FORT WORTH\DRAWINGS\PLAT\20170 - SKETCH PLAT D.WG Last Saved By: Pakalin on 1/7/2021



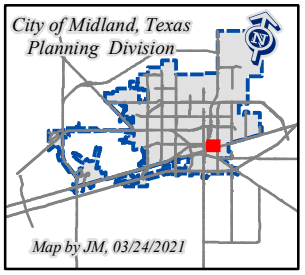
LOCATION MAP

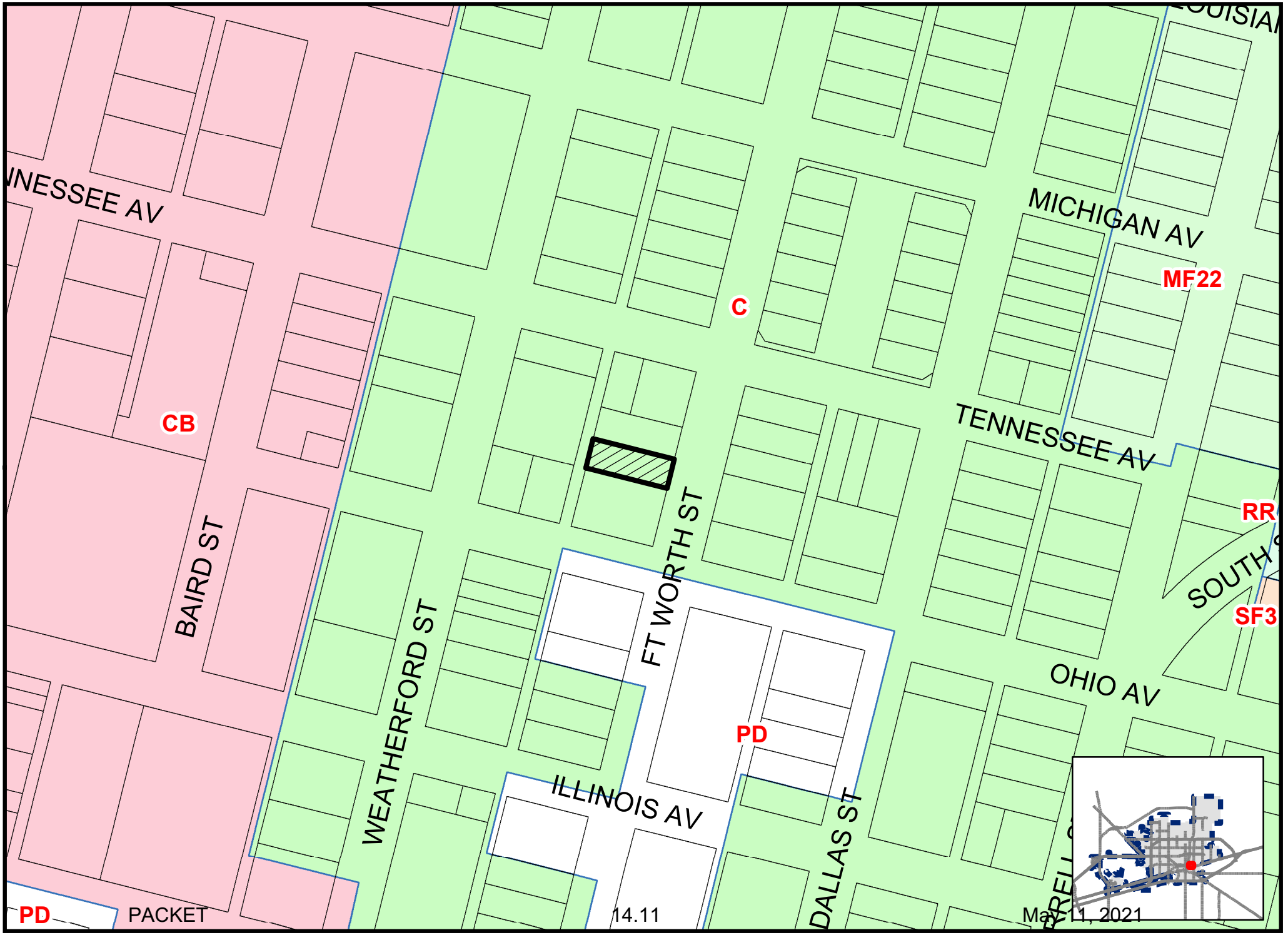
Z-21-0221 **Scale: 1" = 250'**

Consider a request by Ruedas Homes, Inc. for a Zone Change from C Commercial District, to SF-3, Single-Family Dwelling District on the north 50 feet of Lot 2, Block 11, Original Town Addition, City and County of Midland, Texas.
Generally located on the west side of North Fort Worth Street approximately 100 feet north of East Ohio Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Map By JM, 03/30/2021

Z-21-0221

Scale: 1" = 200'

ZONING MAP

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2214





City Council Meeting

Item Number: 15

Meeting Date: April 27, 2021

To: City Council / City Manager

From: Kelly Martinez, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 5 AND 6, BLOCK 118, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH WEATHERFORD STREET, APPROXIMATELY 122 FEET SOUTH OF EAST WASHINGTON AVENUE); 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Ruedas Homes, Inc. is requesting a zone change from LI, Light Industrial District to SF-3, Single Family Dwelling District at 504 S. Weatherford Street, to construct a single family residence.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Surrounding Land and Uses:

The properties to the west, north, and east are zoned LI, Light Industrial District, and the locations of single family residences and an automobile body shop. The properties to the south are zoned C, Commercial District, and SF-3, Single-Family Dwelling District, and the locations

of single family residences.

Discussion:

The applicant is requesting this zone change to construct a single-family residence at the property. The property is currently vacant and in the process of being replatted. Therefore, the property will meet the minimum lot size requirements for SF-3, Single Family Dwelling District.

Per the previous zoning ordinance, single-family detached dwellings were allowed in the LI, Light Industrial District. As of July 1, 2019, the new zoning ordinance does not allow the use of single-family detached dwellings within the LI, Light Industrial District.

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

Fire: (Approved)

No objections.

Building: (Approved)

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

Engineering: (Approve)

No objections to zoning/zone change.

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

Code: (Approved)

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

Transportation: (Approved)

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

No objection to zone change.

Planning:

This proposed development fits with Chapter 3, An Integrated Land Use Vision, “Future Land Use Map” of the Tall City Tomorrow comprehensive plan as this area is called for Urban Medium Neighborhood Center. This designation calls for a mix of housing types, including single-family and townhomes, along with a mix of traditional neighborhood business. Additionally, the prevailing land uses in this area are mostly residential.

This request has been recommended for approval by a unanimous vote at the April 5, 2021 Planning and Zoning Commission meeting.

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

Condition:

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

Letters of Objection:

Staff has not received any objections as of April 21, 2021.

Attachments:

Application
Site Plan (Exhibit A)
Maps

Robert Patrick

City Manager’s Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 5 AND 6, BLOCK 118, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH WEATHERFORD STREET, APPROXIMATELY 122 FEET SOUTH OF EAST WASHINGTON AVENUE); 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, the City Code, and State law, 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 rezoning Lots 5 and 6, Block 118, Southern Addition, City and County of Midland, Texas (the "Property") to SF-3, Single-Family Dwelling District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from LI, Light Industrial District to SF-3, Single-Family Dwelling District.

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

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances

inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

Site Plan (Exhibit A)



MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: Z-21-0225

Case Number:

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

Property Owner Printed Name: Ruedas Homes, Inc.		Phone ( ) Email	
Address PO Box 51104	City Midland	State TX	Zip 79710-1104

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. Suite K	City Midland	State TX	Zip 79701

Street Address: 504 S. Weatherford

Legal Description
Lot: 5 & 6 Block: 118 Subdivision: Southern Addition

Current Zoning: LI

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

Reason for Zone Change Request: Allow for the construction of a single family residence in conformance with surrounding existing uses.

Present Use of Property: Vacant

Proposed Use of Property: Single family home

How would this zone change affect the public health, safety and welfare? No adverse affect. Improve the neighborhood with new construction

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

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

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

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): Yadira Ruedas	Date: 3/3/21
Property Owner (printed) : Yadira Ruedas, Ruedas Homes, Inc.	

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, PE who, being by me duly sworn, upon oath says: That (s)he is authorized by Ruedas Homes, Inc., 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 3rd day of March, 20 21, to certify which witness my hand and seal of office.

Kelsey Ann Stine
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

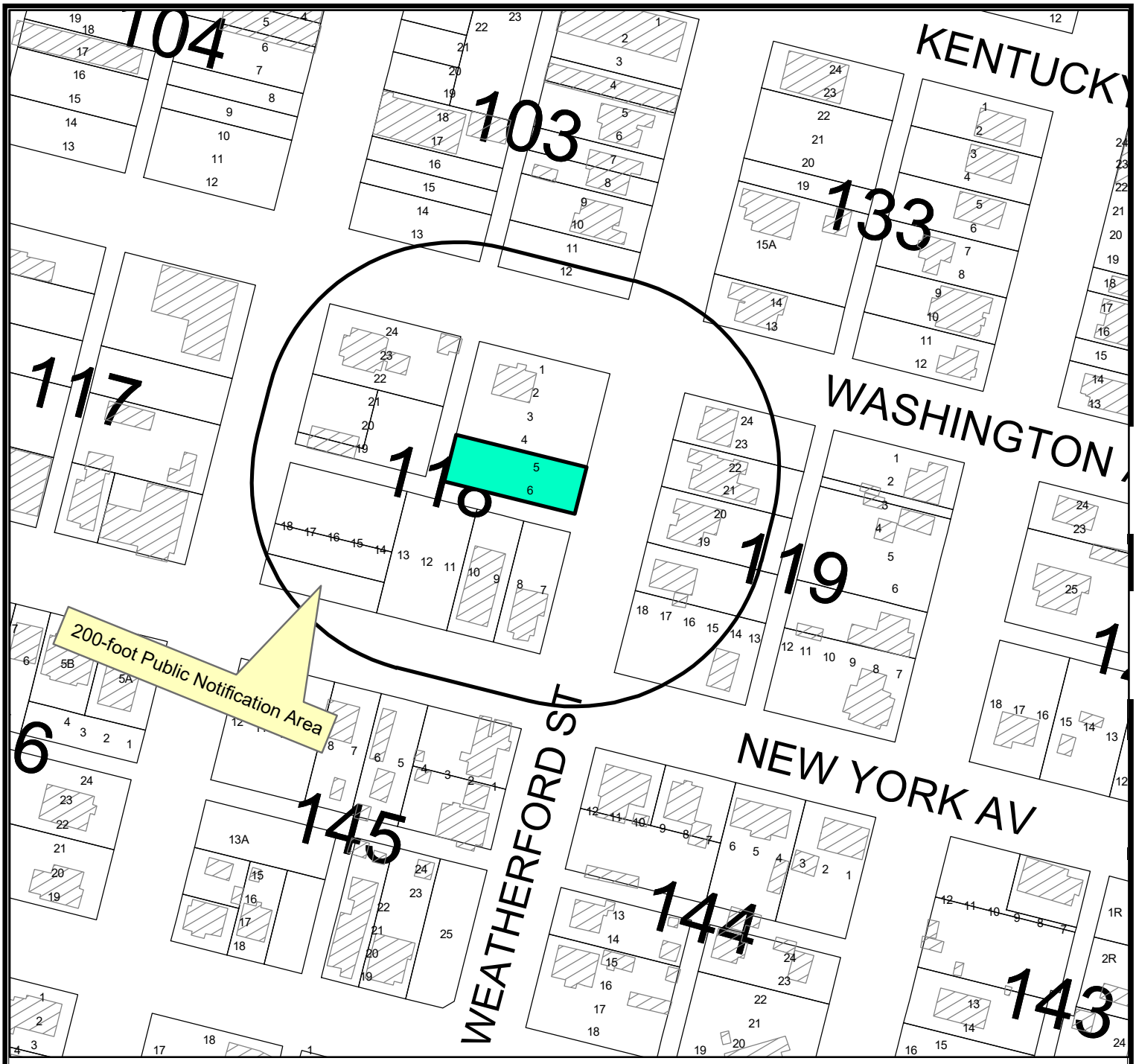
NOTARY PUBLIC STATE OF TEXAS
Kelsey Ann Stine
My Commission Expires
02/19/2022
ID No. 131456388

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☐ Dimensioned Site Plan
☑ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # 3357	
Received By: Joseph Maryuk	Date: MAR 0 3 2021

BY:

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



LOCATION MAP

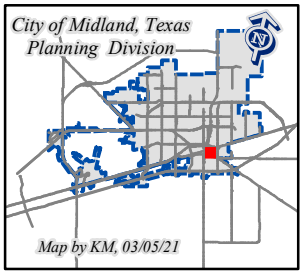
Z-21-0225 **Scale: 1" = 200'**

Consider a request by Ruedas Homes, Inc. for a zone change from LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lots 5 and 6, Block 118, Southern Addition, City and County of Midland, Texas.

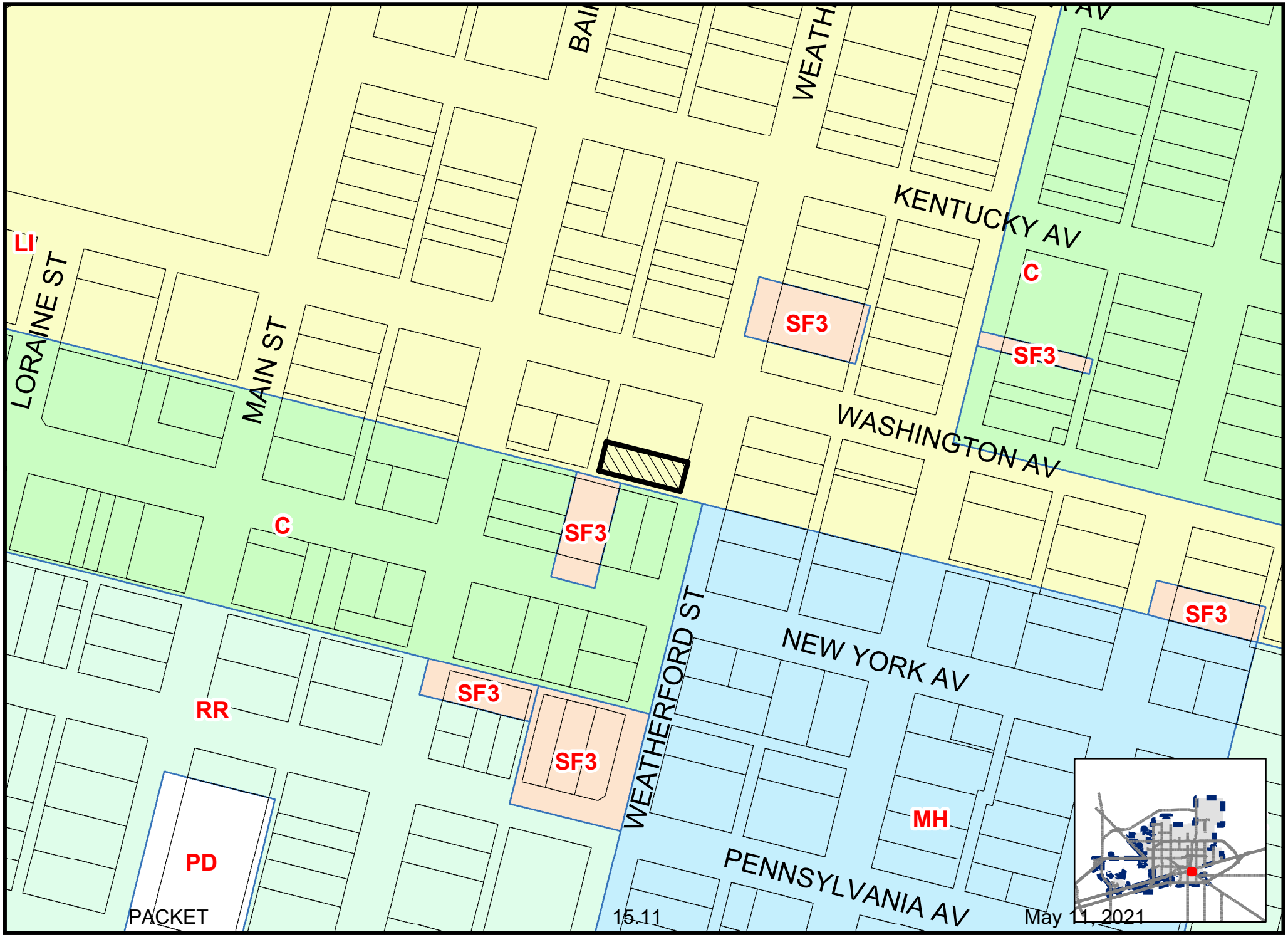
Generally located on the west side of S. Weatherford Street, approximately 122-feet south of E. Washington Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



May 11, 2021



Map By KM, 3/15/2021

Z-21-0225

Scale: 1" = 200'

ZONING MAP

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

STOP

505
RAM

City Council Meeting

Item Number: 16

Meeting Date: April 27, 2021

To: City Council / City Manager

From: Kelly Martinez, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 14, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH TERRELL STREET AND EAST OHIO AVENUE); 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Rosalinda Acosta is requesting to rezone the property located at 404 N. Terrell Street to comply with residential regulations for future developments.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Surrounding Land and Uses:

The property to the north across South Street is zoned C, Commercial District, and the location of a barber shop. The properties to the east are zoned C, Commercial and SF3, Single Family District, and the locations of single family residences. The property to the south across Ohio Avenue is zoned C, Commercial District, and the location of a single family residence. The property to the west across Terrell Street is zoned C, Commercial District, and the location of

an automobile body shop.

Discussion:

The property is located at 404 N. Terrell Street and is currently being used as a residential home. The applicant is requesting this zone change to conform to single-family dwelling district. Per the previous zoning ordinance, single-family detached dwellings were allowed within this zoning district. As of July 1, 2019, the new zoning ordinance does not allow the use of single-family detached dwellings within the C, Commercial District.

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

Fire: (Approved)

No objections.

Building: (Approved)

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

Engineering: (Approved)

No objections to zoning/zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. Code: (Approved) No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. nonpermitted well radius of location on plat.

Transportation: (Approved)

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

No objection to zone change.

Planning:

This proposed development fits with Chapter 3, An Integrated Land Use Vision, “Future Land Use Map” of the Tall City Tomorrow comprehensive plan as this area is called for Special Study Area. This area remains undecided for future land uses. However, this property supports

the existing neighborhood characteristics and uses of the area.

This request has been recommended for approval by a unanimous vote at the April 5, 2021 Planning and Zoning Commission meeting.

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

Condition:

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

Letters of Objection:

Staff has received one letter of objection as of April 21, 2021.

Attachments:

Application
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 14, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH TERRELL STREET AND EAST OHIO AVENUE); 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, the City Code, and State law, 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 rezoning Lot 3, Block 14, Original Town Addition, City and County of Midland, Texas (the "Property") to SF-3, Single-Family Dwelling District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from C, Commercial District to SF-3, Single-Family Dwelling District.

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

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances

inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-21-0224

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Rosalinda Acosta		Phone (432) 978-8177 Email Counbull@gmail.com	
Address 404 N Terrell	City Midland	State TX	Zip 79701

Property Owner Printed Name: Rosalinda Acosta		Phone (432) 978-8177 Email Counbull@gmail.com	
Address 404 N Terrell	City Midland	State TX	Zip 79701

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

Street Address: 404 N Terrell

Legal Description R000035049
Lot: 35 Block: 014 Subdivision: Original Town

Current Zoning: Commercial

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

Reason for Zone Change Request: Used as residential property.

Present Use of Property: residential

Proposed Use of Property: residential

How would this zone change affect the public health, safety and welfare?
It would not. Residential homes on south and east of my home.

Describe how conditions affecting the property have changed since present zoning designation: Used as residence since built.

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: 2/11/2021
Applicant (printed): Rosalinda Acosta	
Property Owner (signature):	Date: 2/11/2021
Property Owner (printed) : Rosalinda Acosta	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

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

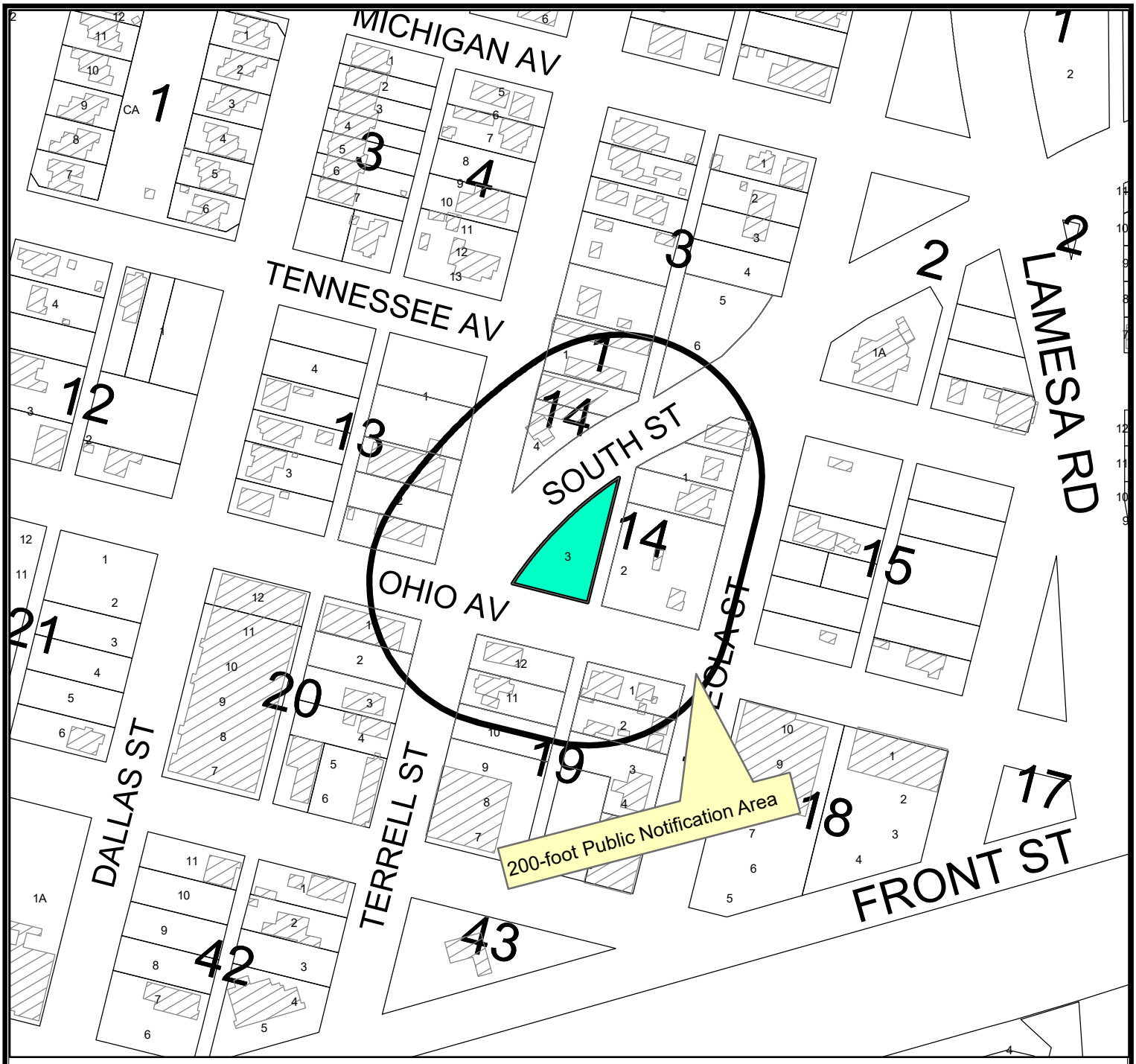
_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization
☑ Application Fee
Check # 6952
☐ Dimensioned Site Plan
☐ Plans in Digital Format (PDF/JPEG)

Received By: Joseph Marquez
Date: RECEIVED FEB 23 2021 BY:

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



LOCATION MAP

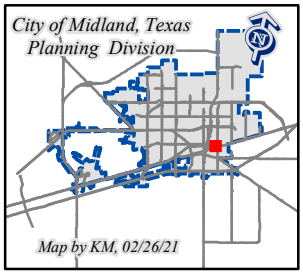
Z-21-0224 **Scale: 1" = 200'**

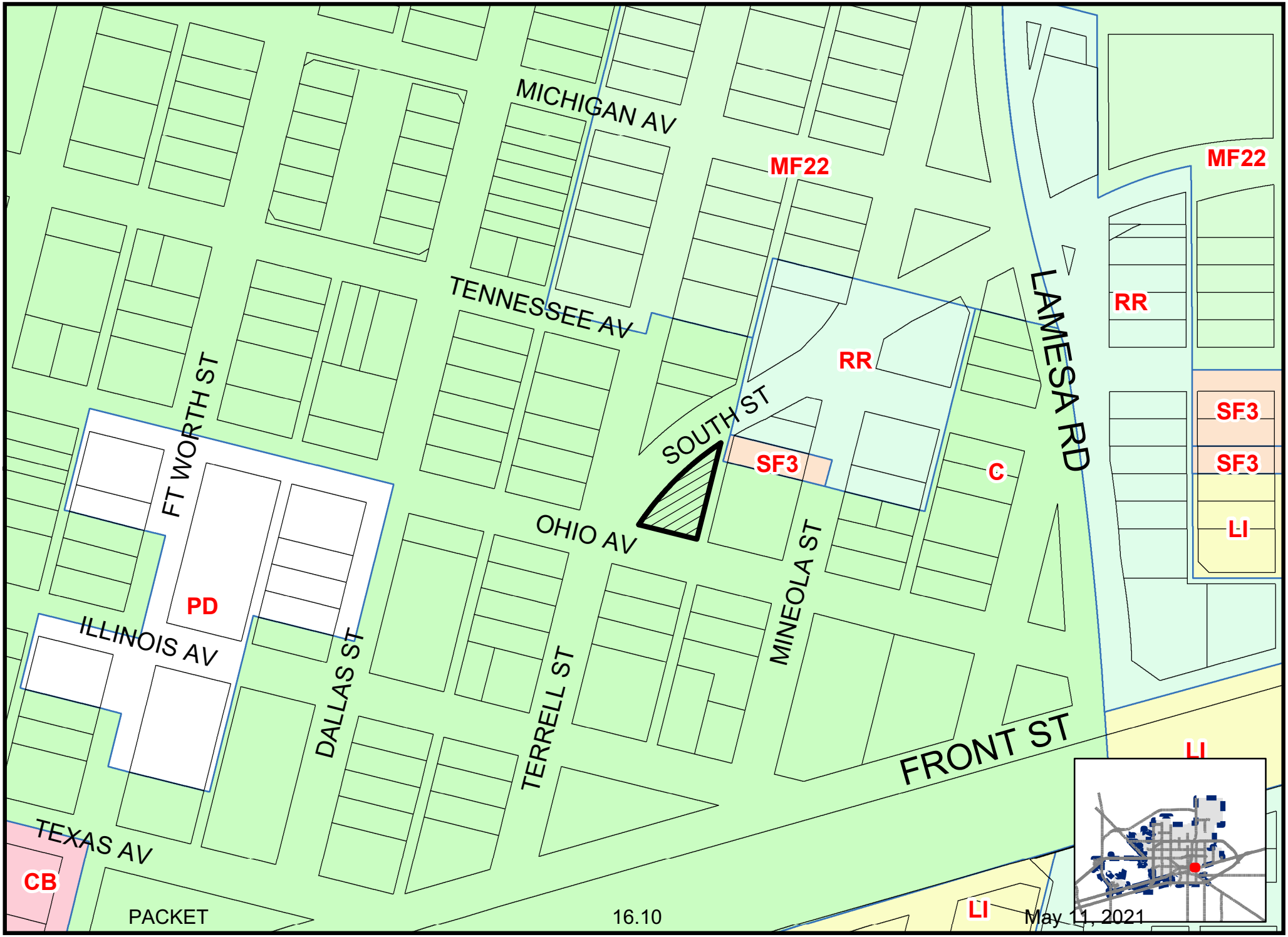
Consider a request by Rosalinda Acosta for a zone change from C, Commercial District to SF-3, Single-Family Dwelling District on the residue of Lot 3, Block 14, Original Town, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of N. Terrell Street and E. Ohio Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Map By KM, 3/2/2021

Z-21-0224

Scale: 1" = 200'

ZONING MAP

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








PAINT & BODY
SHOP

City Council Meeting

Item Number: 17

Meeting Date: April 27, 2021

To: City Council / City Manager

From: Kelly Martinez, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6, BLOCK 44, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH LEE STREET AND EAST KENTUCKY AVENUE); 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, KEA Builders, LLC is requesting to rezone the property located at 310 S. Lee Street, to construct a new home.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Discussion:

Surrounding Land and Uses:

The properties to the north, east, and west are zoned RR, Regional Retail District, and are the locations of residential homes and vacant lots. The property to the south across E. Kentucky Avenue is zoned MF22, Multi-Family Dwelling District, and the location of a residential home.

Analysis:

The property is located at 310 S. Lee Street and is currently vacant. The applicant is requesting this zone change to construct a single-family home at the property.

Per the previous zoning ordinance, single-family detached dwellings were allowed within this zoning district. As of July 1, 2019, the new zoning ordinance does not allow the use of single-family detached dwellings within the RR, Regional Retail District.

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

Fire: (Approved)

No objections.

Building: (Approved)

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

Engineering: (Approved)

No objections to zoning/zone change.

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

Code: (Approved)

No Oil and Gas issues

Transportation: (Approved)

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

No objection to zone change.

Planning:

This proposed development fits with chapter 3, An Integrated Land Use Vision, “Future Land Use Map” of the Tall City Tomorrow comprehensive plan as this area is called for Urban Residential-Medium. This designation calls for a mix of housing types, including single-family and townhomes. As the surrounding lots consist of vacant lots and residences, this zone change will follow the existing characteristics of the surrounding neighborhood and provide additional housing for residents of the City of Midland.

This request has been recommended for approval by a unanimous vote at the April 5, 2021 Planning and Zoning Commission meeting.

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

Condition:

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

Letters of Objection:

Staff has not received any objections as of April 21, 2021.

Attachments:

Application
Site Plan (Exhibit A)
Maps

Robert Patrick

City Manager’s Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6, BLOCK 44, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH LEE STREET AND EAST KENTUCKY AVENUE); 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, the City Code, and State law, 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 rezoning Lot 6, Block 44, Moody Addition, City and County of Midland, Texas (the "Property") to SF-3, Single-Family Dwelling District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from RR, Regional Retail District to SF-3, Single-Family Dwelling District.

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

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances

inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

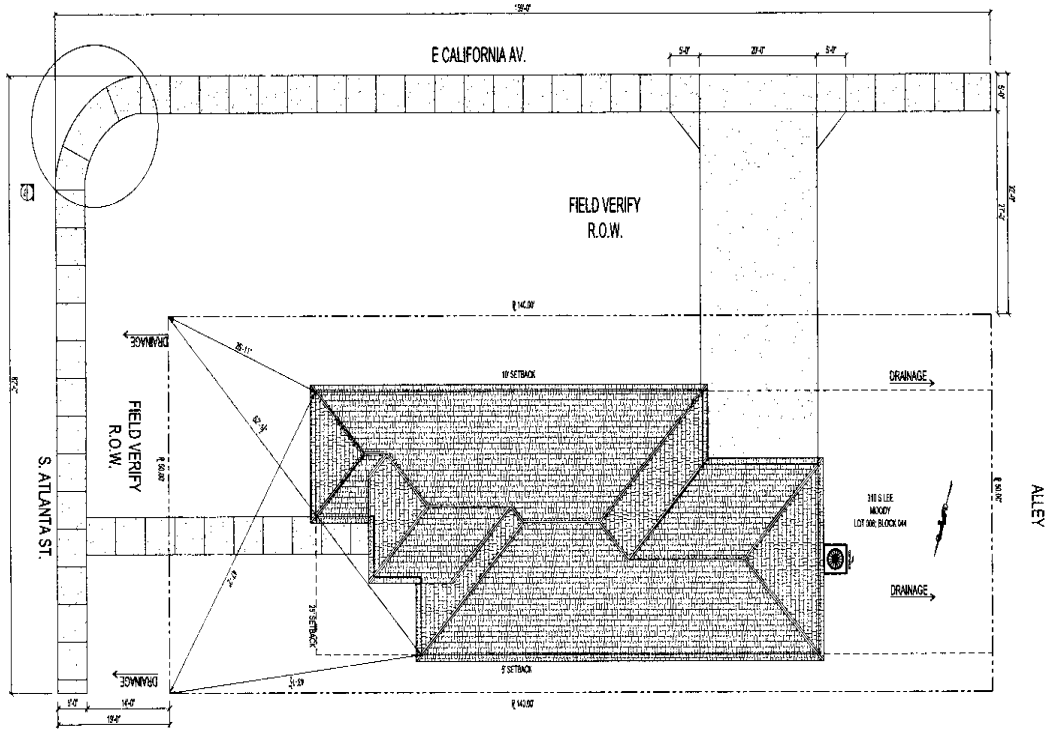
_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney



A C-1.0 SITE PLAN
SCALE: 1/8" = 1'-0"

1. DRIVEWAY DETAILS ON SHEET D-1.0

KEA
310 S LEE
MIDLAND, TEXAS
LOT 006, BLOCK 044
MOODY

May 11, 2021

1	FINAL PLANS	04/03/20
No.	Revision/Issue	Date

17.7

CHAD WALTERS
432-352-0788
CHAD@MIDLAND-DCI.COM
WWW.MIDLAND-DCI.COM

PROJECT NUMBER: 20182J	
DRAWN BY:	DCI
CHECKED BY:	CW

PACKET

C-1.0

© 2019 MIDLAND DCI, LLC

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-21-0230

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Kea Builders LLC		Phone ( ) Email	
Address 713 W. Indiana	City Midland	State Ty	Zip 79701

Property Owner Printed Name: Kea Builders LLC		Phone ( ) Email	
Address 310 S. Lee St	City midland	State Ty	Zip 79701

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

Street Address: 310 S. Lee St.

Legal Description
Lot: Block: Subdivision:

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

Reason for Zone Change Request:

Present Use of Property: New construction

Proposed Use of Property:

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

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

Submittal and Fees

Items to be submitted with this application form:

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

RECEIVED
MAR 15 2021
BY:

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): Merced Rico	Date: 3-15-21
Applicant (printed): merced Rico	
Property Owner (signature): Merced Rico	Date: 3-15-21
Property Owner (printed) : merced Rico	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

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

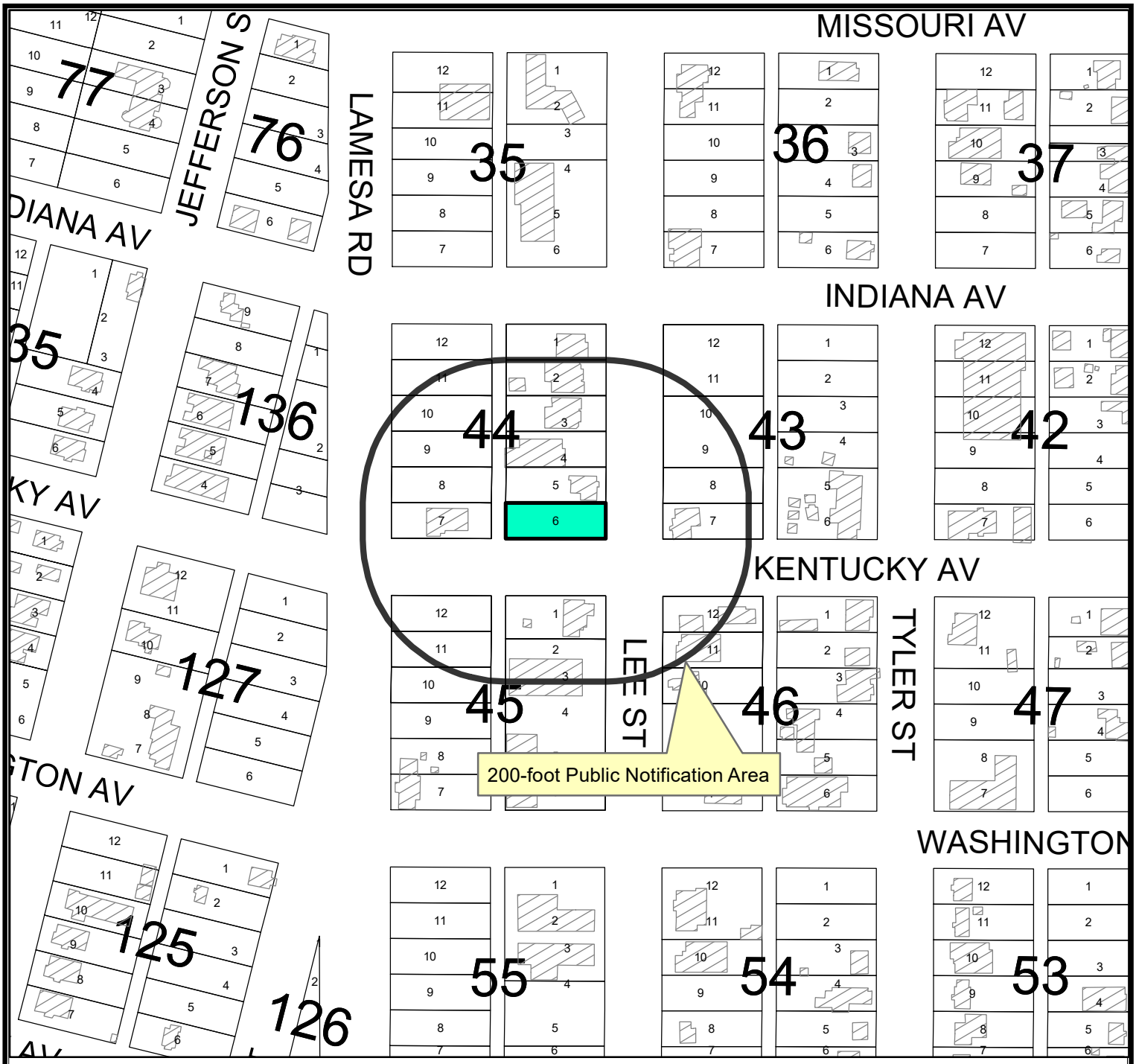
_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☐ Plans in Digital Format (PDF/JPEG) get from Lily
Check # CC	
Received By: KM	Date:

RECEIVED
MAR 15 2021
BY: .....

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



LOCATION MAP

Z-21-0230 **Scale: 1" = 200'**

Consider a request by KEA Builders, LLC for a zone change from RR, Regional Retail District to SF-3, Single-Family Dwelling District on Lot 6, Block 44, Moody Addition, City and County of Midland, Texas.

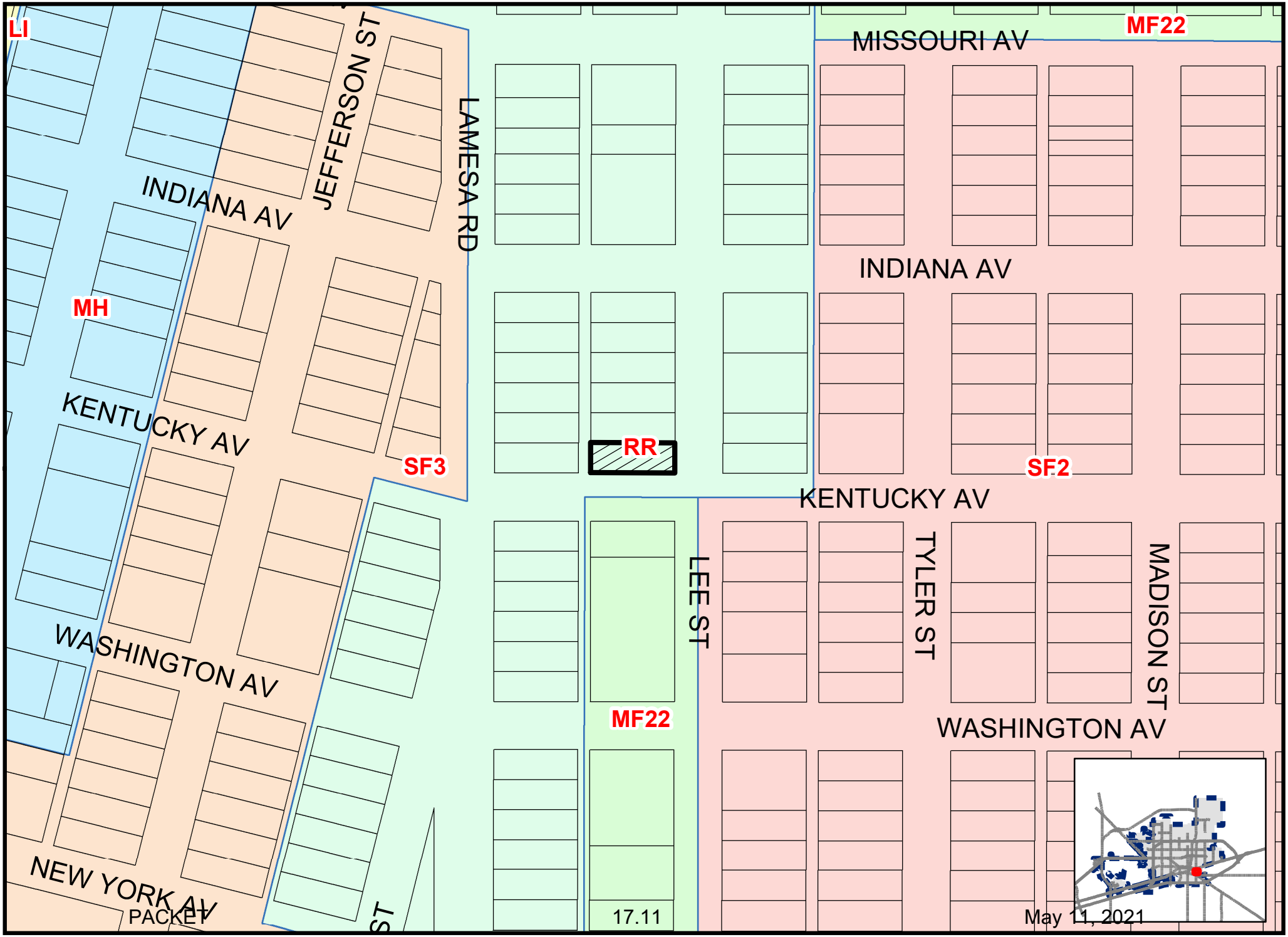
Generally located on the northwest corner of the intersection of S. Lee Street and E. Kentucky Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



May 11, 2021



Map By KM, 3/16/2021

Z-21-0230

Scale: 1" = 200'

ZONING MAP

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

SIERRA

City Council Meeting

Item Number: 18

Meeting Date: April 27, 2021

To: City Council / City Manager

From: Michael Pacelli, City Traffic Engineer

Subject: AN ORDINANCE ADOPTING AN ACCESS MANAGEMENT POLICY AND AMENDING TITLE IX, "PUBLIC WAYS AND PROPERTY", CHAPTER 4, "SIDEWALKS, DRIVEWAYS AND CURBING", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REVISE THE SPECIFICATIONS CONTAINED THEREIN AND TO INCORPORATE THE ACCESS MANAGEMENT POLICY; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF JUNE 1, 2021; AND ORDERING PUBLICATION (ENGINEERING SERVICES)

Purpose:

To adopt an Access Management Policy intended to manage vehicular access to the public roadway network from developed land in the City of Midland in a manner that provides reasonable access for residents and business owners, while also preserving the mobility, safety and capacity of the roadway network.

Recommended City Council Action:

Approve

Fiscal Impact:

There is no direct fiscal impact to the City.

Discussion:

The proposed Access Management Policy specifically replaces a portion of the existing City Code (Section 9-4) regarding driveway access and related engineering design standards. The Policy incorporates and updates existing driveway standards, establishes new requirements for some items not covered in the current Code, formalizes requirements for access to state highways, documents the existing access approval process (no changes), establishes conditions for deviations below minimum standards, and defines an appeals process.

The Policy is intended to manage access to public roadways in a way that provides reasonable access for residents and business owners, while also preserving the mobility, safety and capacity of the roadway network. This requires a balance of needs between business and property owners that desire easy customer access, and the travelling public that desires safe and efficient roadways for moving traffic throughout the City. The primary goal of adopting this Policy is to resolve potential safety and operational issues early, while new development is still in the planning and design stages.

It must be emphasized that this Policy only addresses requests made by developers or property owners for new or modified access to public roadways. The addition of any raised medians, turn restrictions, or similar access changes that may be considered by the City independent of such an access request must always be coordinated with the owners of any developed properties that would be impacted, either individually or through a broader public input process. This Policy does not provide authorization for any access management changes to be implemented without such advance coordination.

City Council was briefed on this Policy on June 23, 2020.

Staff recommends approval.

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AN ACCESS MANAGEMENT POLICY AND AMENDING TITLE IX, "PUBLIC WAYS AND PROPERTY", CHAPTER 4, "SIDEWALKS, DRIVEWAYS AND CURBING", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REVISE THE SPECIFICATIONS CONTAINED THEREIN AND TO INCORPORATE THE ACCESS MANAGEMENT POLICY; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF JUNE 1, 2021; AND ORDERING PUBLICATION

WHEREAS, the City Council finds it to be in the public interest to adopt an access management policy and amend Title IX, "Public Ways and Property", Chapter 4, "Sidewalks, Driveways and Curbing," of the City Code of Midland, Texas, so as to revise the specifications contained therein and to incorporate the access management policy;

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

SECTION ONE. That Exhibit "A", which is attached hereto and incorporated herein for all purposes, is hereby adopted as the City of Midland's access management policy.

SECTION TWO. That the Midland City Code Title IX, "Public Ways and Property", Chapter 4, "Sidewalks, Driveways and Curbing," of the City Code of Midland, Texas, is hereby amended and shall read in its entirety as follows:

9-4-1. Permits and specifications.

It shall be unlawful for any person to construct, reconstruct, alter, repair, remove or replace any sidewalk, driveway or curbing on any public property within the City without holding a valid permit from the City for said work, approved by the Director of Engineering Services of the City, or said Director's designee, and all such persons shall construct, reconstruct, alter, repair, remove or replace such sidewalk, driveway or curbing under the direction and supervision of the Director of Engineering Services and in accordance with plans and specifications provided by or approved by the Director of Engineering Services, which plans and specifications shall conform to the following requirements, except as otherwise provided:

(A) The locations where sidewalks shall be constructed and the required widths shall be as follows:

1. *Arterial streets.* Along arterial streets as defined by Title XI, Chapter 2, of the Midland City Code: Within the street right-of-way and

adjacent and parallel to the boundary of the said right-of-way, except as otherwise provided herein.

2. *Other streets.* Along all streets other than arterial streets: Abutting the outside edge of the street curb, except as otherwise provided herein.

3. *Exceptions.* The following exceptions shall apply to the locations specified in paragraphs 1 and 2 above:

   (a) *No street curb.* Where a standard street curb does not exist, the sidewalk shall be located as specified in paragraph 1 above, regardless of the street classification.

   (b) *Narrow parkway.* Where a standard street curb exists, and the width of the parkway, which is the area between the outside edge of said curb and the boundary of the street right-of-way, is equal to or less than 6½ feet, the sidewalk shall be located abutting the outside edge of the curb.

   (c) *Existing sidewalks.* In those cases where sidewalks exist along one side of a street within the block, new sidewalks shall then be constructed in line with those existing sidewalks.

   (d) *Street beautification.* On Wall Street, between "A" Street and Andrews Highway, in order to protect and accommodate the trees planted as part of an environmental beautification program, the Director of Engineering Services may, when he deems it necessary, permit the sidewalk to be constructed adjacent to the right-of-way line, sometimes referred to as the property line, regardless of other requirements specified herein.

   (e) *City parks.* The provisions of this subsection shall not apply to sidewalks constructed within City parks except to the extent that the outer edge of the sidewalk shall not be constructed or located at any point more than ten feet from the right-of-way line, sometimes referred to as the property line.

   (f) *Existing utilities.* The Director of Engineering Services may, when he deems necessary, permit the sidewalk to be located with the outer edge abutting upon and parallel with the curbline when he determines that one or more public utility lines were constructed in a location to accommodate a sidewalk in a different location from that specified herein, but which would have conformed to the Code requirements in effect at the time said utilities were installed.

   (g) *Developer's option.* A developer of a subdivision may elect to locate the sidewalks along all streets other than arterial streets, within his subdivision, as required for arterial streets by showing

the sidewalks on the appropriate construction plans submitted to the City.

4. *Required width.* When a sidewalk is located along an arterial street, or along any other street and abutting or within 1½ feet of the street curb or pavement edge, the minimum required width shall be six feet. A sidewalk otherwise located within the right-of-way of a street shall have a minimum required width of five feet. Adjacent to business properties, where a building is constructed on the street right-of-way line and the distance from the street curb or pavement edge to the street right-of-way line is ten feet or less, the sidewalk shall be continuous and unbroken from the street curb or pavement edge to the right-of-way line.

(B) *Materials.* All sidewalks shall be constructed of concrete, asphaltic concrete, brick, exposed aggregate concrete, tile, stone, or terrazzo.

(C) *Thickness.* All sidewalks shall be constructed to a minimum thickness of four inches. Alley and driveway approaches, as well as pedestrian ramps at intersections, shall have a minimum thickness of six inches.

(D) *Slope.* All sidewalks shall be constructed with a maximum fall of one-fourth inch per foot toward the street pavement unless otherwise established by the Director of Engineering Services, depending upon local grade conditions. Pedestrian ramps shall have a maximum slope of one inch per foot (8.3 percent).

(E) *Joints.* Transverse expansion joints one-half inch in thickness, and extending the full width of the concrete slab, shall be provided at intervals not more than 30 feet apart. These joints must be the full depth of the concrete and shall be well filled with a satisfactory filler approved by the Director of Engineering Services.

(F) *Surface finish.* The finish on the surface of the concrete sidewalks shall be monolithic with the slab and shall be such that it does not present a hazardous condition when dry. The marking of the top of the sidewalk slab must be done with a specially devised marking tool. The transverse marking must cut through at least one-half the depth of the slab and shall be spaced so that the distance between each of these transverse markings is equal to the width of the sidewalk. The marking shall be done after the slab has set sufficiently so that the concrete will not flow. The exposed edges of all concrete shall be neatly finished with a special edging tool. The contractor shall employ adequate measures to protect work from the action of the sun, cold and wind until the same has thoroughly hardened and set.

(G) *Width variation.* In case it is necessary to construct a sidewalk wider or narrower than the above requirements, upon a showing to the Director of Engineering Services that such special construction is necessary and at the same time the sidewalk affords adequate and safe facilities for pedestrian

traffic, then the Director of Engineering Services may approve a permit for the construction of such narrower or wider sidewalk, as the case may be.

(H) *Mailbox locations.* If a mailbox is installed within a sidewalk adjacent to the curb, the device may occupy only one foot of the sidewalk width, directly behind the curb, and a minimum of three feet of passable width of sidewalk must remain unobstructed. The mailbox and its support may not present or be a hazard to the passage of a vehicle.

(I) *Accessibility.* All work described in this Chapter shall be performed in accordance with applicable laws, rules and regulations regarding accessibility for persons with disabilities.

(J) *Traffic control.* It shall be the responsibility of a person performing work described in this Chapter to ensure that pedestrian and vehicular traffic is properly protected in and around the work area through the use of temporary traffic control signs, barricades, and other devices appropriate to the scope and nature of the work. A traffic control plan shall be submitted to and approved by the Director of Engineering Services or said Director's designee prior to the placement of traffic control devices in public right-of-way.

9-4-2. Permit Fee.

A fee in accordance with the Fee Schedule approved by the City Council, as may be amended, shall be paid before a permit can be secured under the provisions of this Chapter, which shall partially cover the costs to the City for processing and reviewing the permit application and making the necessary inspections of the work.

9-4-3. Notice to water, sewer, light and gas companies.

It shall be the duty of any owner, agent or contractor, before construction, reconstruction, repairing or moving of any sidewalk, driveway or curbing along and abutting on the property of such owner or over which such agent has control or in front of which such contractor intends to make such construction, repairing or moving, to notify in writing the water, sewer and light and gas companies of any such intention to construct, reconstruct, repair or remove such sidewalk, driveway or curbing, within a reasonable time before such work shall begin, in order that all water, gas, light and sewer pipes and connections may be properly placed before the sidewalk, driveway or curbing is constructed or repaired.

9-4-4. Gutters to be kept open.

Any person constructing, reconstructing, repairing or removing any sidewalk, driveway or curbing shall, during the time that such work of construction, reconstruction, repairing or moving is going on, keep all gutters open so as not to interfere with their drainage and shall remove from the work, or from in or about such work, upon completion of the work, all building material or other accumulation of debris that may be in and around such sidewalk, driveway and curbing by reason of the construction, reconstruction, repairing or moving of the same.

9-4-5. Driveway location, width and permit requirements.

(A) *Definitions.* For purposes of this Section:

1. *Access management policy* means the access management policy that has been adopted by the City Council, as may be amended.

2. *Arterial street* means a street designated as a state highway by the highway department or street designated as a primary or secondary arterial on the most recent major street plan or thoroughfare plan adopted by the City Council.

2. *Commercial driveway* means any driveway not serving a one- or two-family residence.

3. *Corner of an intersection* means the intersection of the projected line of the face of the existing or proposed curbs abutting the property.

4. *Curb cut* means the area between the points where the curb is removed or omitted, including any flares or radii.

5. *Driveway center* means the centerline of the driveway perpendicular to the street, measured at the property line.

6. *Full movement driveway* means a driveway where turns out of or into the property are allowed in both directions.

7. *Highway department* means the Texas Department of Transportation or its successor department or agency.

8. *Other street* means any street not defined as an arterial street; provided, however, that an alley is excluded from this definition.

9. *Plat restriction* means any driveway restriction on an existing plat.

10. *Property corner* means the intersection of the projected line of the property line parallel to the adjacent streets. This may or may not be an actual property corner on a plat.

11. *Right in, right out movement driveway* means a driveway where turning movements are restricted so only a right turn into the property or a right turn out of the property is allowed.

12. *Site plan* means a scaled plan of the property showing in detail property lines, curbline or edge of adjacent streets, alleys, off-street parking, buildings or structures including vehicular access doorways or docks on the lot, and all existing and proposed curb cuts.

(B) *Permit required.* A driveway permit shall be obtained from the Development Services Department before any person removes, alters, or constructs any curb, approach or gutter on any public property. A site plan must be submitted and

approved by the Director of Engineering Services or his authorized representative before a driveway permit will be issued.

(C) *Construction standards.* All driveways and curb cuts shall be constructed in accordance with design standards and specifications prepared by the Engineering Services Department.

(D) *Access design standards.* Access to property shall conform to the access management policy.

(E) *Appeals.* A property owner contesting any disapproval or interpretation or application of any regulation of this Section directly or by delegation of authority shall have the right to appeal such ruling or decision in accordance with the appeal procedures set out in the access management policy.

9-4-6. Conformance to established grade.

It shall be the duty of the owner of any lot or any real estate of any kind within the limits of the City, in front of or along which a sidewalk, driveway or curbing is to be constructed, reconstructed, repaired or moved, to conform to the sidewalk abutting upon such property, and lying between such property line and the property curbline in such street, to the grade established by the City, by cutting down or filling up the same, as may be necessary, so as to conform to such grade, and the owner shall pay all costs and expenses of the same.

9-4-7. Changing grade.

The City hereby expressly reserves the right, when putting down a permanent street pavement, either by original construction or reconstruction, to change or alter the lines or grades of the street, when in the opinion of the Council such change is necessary for the proper pavement or drainage of the street, and without liability on the part of the City by reason of such change. In the event that a sidewalk, driveway or curbing, the line or grade of which is changed, is in good condition and does not, in the opinion of the Council, require entire reconstruction, the owner thereof shall be given 30 days' notice to remove the curbing, or to break the sidewalk or driveway back to a point fixed by the Director of Engineering Services, and to remove the broken portion and reconstruct such portion to the line and grade determined by the Director of Engineering Services, at the cost of the abutting owner. In the event the owner shall fail or refuse to obey the order of the Council, he shall be guilty of a misdemeanor and the Council shall have the right to have such breaking and reconstructing to the grade of the sidewalk, driveway or curbing done by the paving contractor, or other person, at the expense of the abutting owner.

9-4-8. Curb construction when driveway abandoned.

Whenever any curb is removed, or when no curb has been constructed in order to provide a driveway, and the use of such driveway is at any time abandoned and not used for ingress and egress to the abutting property, it shall be the duty of the property owner of such abutting property to restore or construct the proper and necessary curb according to the plans and specifications furnished such person by the Director of Engineering Services. Any person allowing any of the conditions, as above set forth in this Section, to continue after 30

days' notice from the Director of Engineering Services shall be guilty of allowing a public nuisance to continue.

9-4-9. Repairs.

It shall be the duty of the owner of any property abutting upon any defective, unsafe or hazardous sidewalk, parkway, driveway or curb to repair the same at his own cost and expense. It shall be the duty of the Director of Engineering Services of the City, if in his opinion any sidewalk is defective, unsafe or hazardous, to inform the owner of the property abutting upon such sidewalk to make the necessary repairs to the sidewalk within 30 days of the date of his notice. Such repairs are to be made in accordance with plans and specifications submitted to the property owner by the Director of Engineering Services.

9-4-10. Bond.

Any person desiring to construct, reconstruct, repair or remove any sidewalk, driveway, or curbing within the public rights-of-way within the limits of the City shall, before entering upon such work, file with the Building Official a bond in favor of the City, in the penal sum of $10,000.00, which bond shall be approved by the City Attorney as to form, conditioned that all sidewalks, driveways, or curbing which are to be constructed, reconstructed, repaired, or removed by such person during the time for which the bond is written shall be done and completed in accordance with all the provisions of this Code relating thereto. That bond shall be further conditioned that the quality of materials used in the construction of all such sidewalks, driveways, or curbing shall be such as is prescribed by this Code and shall withstand the ordinary wear and tear of traffic without deterioration for a term of two years from the completion thereof. That bond shall further be conditioned that the City shall be saved free and harmless for any and all losses, damages, judgments or decrees that the City may sustain or be subjected to, directly or indirectly, by reason of any faulty construction, reconstruction, repair, or removing of such sidewalks, driveways, or curbing, or any work connected therewith, or for the failure of such obligor, his agents or employees to guard and light properly all openings and obstructions that may be made or placed in the street or where the work is to be done during the time of construction. The bond shall further be conditioned that the obligor upon the completion of each sidewalk, driveway, or curbing shall remove all building materials and accumulation of debris from the street in which any such edifice is built when such matter is arising through or connected with such construction. The City Attorney is authorized to bring suit in the name of the City against the obligor and surety of such bond upon default of its terms.

9-4-11. Establishing grade.

In those cases where the street, curb, and gutter have not been constructed in place when application is made for a permit as provided in Section 9-4-1 of this Chapter, the City Engineer shall establish the location and grade of such street, curb and gutter. Excavation shall be done to line and grade as established by the City engineer and all excess excavated material shall be removed from the right-of-way dedicated to street purposes. Before placement of concrete, the subgrade shall be wetted and tamped to secure a firm foundation.

No excavation shall be done, no construction shall be commenced, and no material shall be placed for any such work in any public street or public place until a permit for such

work has been obtained from the Director of Engineering Services, nor until stakes or lines and grades for such work have been given by the City Engineer. Contractors or other persons in charge of such work will be required to protect both line and grade stakes; and after same have been set, any errors in lines or grades caused by the stakes having been raised, lowered or otherwise changed or lost will be charged against the contractor or other person in charge of such work, and he shall be required to correct such mistakes at his own cost and expense.

SECTION THREE. That the provisions of any ordinance which are 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. That 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. That 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.

SECTION SIX. That this ordinance shall become effective on June 1, 2021.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council

member _____, on the _____ day of _____, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Jose Ortiz, Engineering Services Director

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

ACCESS MANAGEMENT POLICY

June 2021

City of Midland
Engineering Services Department
Traffic Operations Division
300 N. Loraine
Midland, Texas 79701

EXHIBIT "A"

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1 Introduction

1.1 Purpose of Policy

This Policy is intended to manage vehicular access to the public roadway network from developed land in the City of Midland in a manner that provides reasonable access for residents and business owners, while also preserving the mobility, safety and capacity of the roadway network. The standards and practices included in this Policy are based on past city ordinances, as well as state and national engineering standards and access management guidelines.

1.2 What is Access Management

As per the Transportation Research Board's *Access Management Manual* [1]:

> *Access management is the coordinated planning, regulation, and design of access between roadways and land development. It encompasses a range of methods that promote the efficient and safe movement of people and goods by reducing conflicts on the roadway system and at its interface with other modes of travel.*

Some key components of access management include:

- Designing access points to minimize conflicts at site entries,
- Using median treatments to reduce interactions between left-turning vehicles and through traffic,
- Providing left-turn and right-turn lanes to separate slower moving turning vehicles from through traffic,
- Locating traffic signals to provide for improved signal coordination and efficient traffic progression, and
- Restricting driveways near traffic signals to reduce intersection crashes.

1.3 Benefits of Access Management

Sound access management creates benefits in safety, traffic operations, economics, land use, and the environment, as described in the following paragraphs.

1.3.1 Safety

There are two main components of access management that improve the safety of the roadway corridor on which they are applied: access density and turn lanes/medians.

One goal of this Policy, and most access management programs, is to reduce the number of access points on a roadway through improved site layouts, relocation of access to lower classification streets, and consolidation of the number of access points. Numerous studies have shown that crash rates on roadways increase as the density of access points increases. This is illustrated in Table 1 below.

[1] *Access Management Manual, Second Edition*. Transportation Research Board of the National Academies, Washington, D.C., 2014.

Table 1. Representative Crash Rates by Access Density and Median Type [2]

Total Access Points Per Mile	Crash Rate (crashes per million vehicle-miles travelled)		
	Undivided	TWLTL†	Non-traversable Median
≤ 20	3.8	3.4	2.9
20.01 – 40	7.3	5.9	5.1
40.01 – 60	9.4	7.9	6.8
> 60	10.6	9.2	8.2

† *Two-way left turn lane*

The use of turn lanes and medians is also a major component of access management. Studies conducted nationwide over many decades have consistently shown that undivided roadways without turn lanes have the highest crash rates. The addition of a two-way left turn lane (TWLTL) to separate left-turn traffic from through traffic helps to improve the safety of the corridor, but does not address the conflicts with turning vehicles. As shown in Figure 1, a full access driveway has nearly twice as many potential points of conflict as a driveway that allows three of the four movements, but restricts the left-turn out of the site. Overall, left turn movements (entering and exiting) account for three-quarters of all driveway related crashes. The addition of a non-traversable (raised) center median to limit these conflicts, when designed to reasonably redirect turning movements to more appropriate locations, results in the lowest overall crash rate.

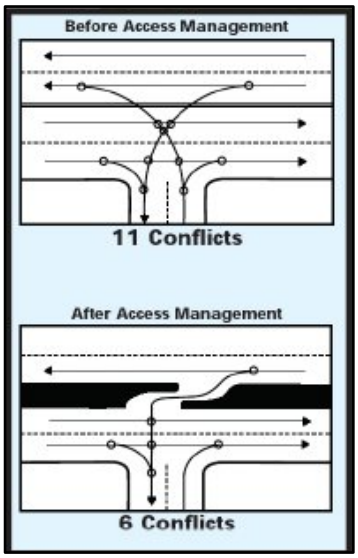

Figure 1.
Conflict Points at a Driveway

1.3.2 Traffic Operations

Increases in the number of access points and traffic signals along a corridor result in lower travel speeds, longer travel times, and increased overall delay. A summary of the reduction in free-flow travel speeds along roadway corridors due to a higher density of access points compiled from national studies is shown in Table 2 below.

Table 2. Access Points and Free-Flow Speed [3]

Access Points per Mile	Reduction in Free-Flow Speed (mph)
0	0.0
10	2.5
20	5.0
30	7.5
≥ 40	10.0

[2] *Access Management Manual, Second Edition*. Transportation Research Board of the National Academies, Washington, D.C., 2014.
[3] *Access Management Manual, Second Edition*. Transportation Research Board of the National Academies, Washington, D.C., 2014.

1.3.3 Economics

Although some business owners have pre-conceived notions that *any* restrictions to site access will be harmful to their business, this is not supported by extensive before-and-after studies that have been done with median installation and access management projects around the country. The Federal Highway Administration states:

> *Studies of the business impacts of access management projects in Florida, Iowa, Minnesota, Kansas and Texas have consistently found that most businesses continue to do well when the project is completed. These results are particularly true for destination businesses. However, most drive-by oriented businesses are not unduly affected either.*[4]

In related studies:

> *"Before and after" studies of businesses in Florida, Iowa, Minnesota, and Texas along highways where access has been managed found that the vast majority of businesses do as well or better after the access management projects are completed. The turnover rate (the proportion of businesses that close or move out each year) of businesses in Iowa and Minnesota was studied along newly access-managed corridors and was similar to or lower than that of the surrounding area.*[5]

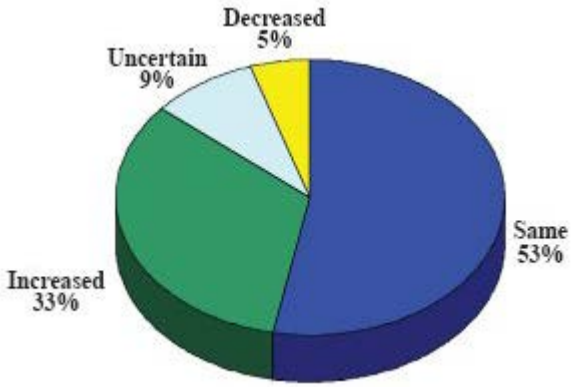

Figure 2. Business Owners' Reported Before-vs-After Sales Comparison [6]

Another economic concern of property owners regarding access management is the potential impact on property values. In general, most studies on this subject have found that property values are more a function of location and the local economy, rather than changes to access. Studies have repeatedly shown that most property values are unchanged following a new access management project, or that property values have increased. Although there may be some minor inconvenience associated with certain types of access restrictions, this is more than offset by the improved mobility and traffic flow in the corridor, as well as reduced crash rates and driver stress in trying negotiate difficult and potentially dangerous left-turns to enter or exit businesses during peak periods.

[4] *Safe Access is Good for Business*, Federal Highway Administration, Pub. FHWA-HOP-06-107, Aug. 2006.
[5] *Safe Access is Good for Business*, Federal Highway Administration, Pub. FHWA-HOP-06-107, Aug. 2006.
[6] *Safe Access is Good for Business*, Federal Highway Administration, Pub. FHWA-HOP-06-107, Aug. 2006.

1.3.4 Land Use

A well-regulated access management program promotes more coordinated development along a corridor, with the potential for improved compatibility between adjacent land uses. In this manner, interconnected uses can feed off the customer traffic generated by adjacent businesses.

Reducing the number of driveways and locating them in safer locations also enhances aesthetics and presents a more pleasing, customer-friendly image of the development. The Urban Land Institute's *Shopping Center Development Handbook* states that "poorly designed entrances and exits not only present a traffic hazard but also cause congestion that can create a negative image of the center".[7]

1.3.5 Environment

Reductions in delay and travel time along corridors with well-managed access also mean less congestion, less idling of vehicles, and reduced fuel consumption and emissions.

1.4 Applicability of Policy

This Policy regulates vehicular access to all public roadways and alleys within the City of Midland, including city streets, state highways, and federal interstates. Vehicular access includes connections to public roadways from other public roadways, private roadways, alleys, and all types of residential and commercial driveways.

The City does not directly regulate access to private roadways, although other building, zoning or fire code issues may exist.

1.5 Conflicts and Revisions

While efforts have been made to ensure that this Policy does not conflict with city codes, zoning regulations, subdivision policies, engineering design standards, or other city, county, or state planning and design regulations or documents, there may be occasions where discrepancies between these policies exist. In such cases, the most recently adopted policy should apply.

2 Roadway Classification and Jurisdiction

2.1 Functional Classification

Roadways are generally classified by the function that they are intended to serve, and access design standards vary depending on these classifications.

- **Highways** – State highways provide for regional traffic circulation and are designed for high speeds and heavy volumes. These highways are typically limited access, with restrictions on the locations of driveways to adjacent properties, in order to preserve the safety and efficiency of traffic flow. Examples include Interstate 20, Loop 250 and SH 191.
- **Arterials** – These larger streets are meant to provide connections for traffic moving within the city, and typically move higher volumes of traffic at higher speeds, while also providing reasonable access to adjacent properties. Examples include smaller state highways such as Andrews Highway and Big Spring Street, as well as city roads like Midkiff Road and Wadley Avenue.

[7] *Access Management Manual, Second Edition*. Transportation Research Board of the National Academies, Washington, D.C., 2014.

- **Collectors** – Medium-sized streets are meant to provide access for traffic in and out of neighborhoods, linking local streets with the surrounding arterial network. Collectors may be designed in various sizes, some with homes or businesses fronting directly on them, and some with more restricted access. Neely Avenue and Carver Street are examples in Midland.
- **Locals** – Local streets are the lowest classification of street and provide the highest level of access, with numerous driveways and on-street parking. The vast majority of streets in Midland are local streets.
- **Alleys** – Alleys provide local property access, service access (e.g., trash collection), and utility access (e.g., water, sewer, electric, telephone, etc.) to adjacent properties. There are relatively few restrictions on vehicular access to alleys, except as noted in Section 3.3.

Highways, arterials, and select collectors are illustrated on the City of Midland Thoroughfare Plan, which is a Council-adopted plan for existing and planned roadways within the city limits, as well as in the extra-territorial jurisdiction (ETJ).

Designs for the planned cross-sections (i.e., right-of-way width, number of lanes, width of pavement, etc.) of each class of roadway are shown in the latest Standard Details as published by the Engineering Services Department.

2.2 Agency Jurisdiction

Most roadways within the city limits are owned and operated by the City of Midland.

Most highways and some arterials within the city limits are owned by the State of Texas and operated by the Texas Department of Transportation (TxDOT). All roadways operated by TxDOT are generically referred to as “state highways”, regardless of the actual functional classification of the roadway. As per the Council-adopted *Municipal Maintenance Agreement* between the City and TxDOT, the City has permitting authority for access on all state highways within the city limits. City staff is the primary contact for such access and works in coordination with TxDOT during the review and approval process for access on state highways.

State highways are identified by state highway numbers, such as I-20, SH 191, FM 1788, BS 349, etc. Federal interstates (i.e., I-20), including the associated ramps and service roads, are operated by TxDOT and are considered to be state highways for the purpose of this Policy. Non-limited access state highways typically also have street names within the city limits, such as Andrews Highway, Big Spring Street, Cloverdale Road, etc. Since access design standards can vary significantly between city streets and state highways, it is important to verify the jurisdiction prior to designing access. Maps identifying state highways are available on the City’s website.

3 Access Design Standards

3.1 Residential Access (Single- and Two-Family Lots)

Residential access consists of driveways that serve single-family or two-family (duplex) dwellings. Other residential uses with three or more connected units, such as townhomes and apartments, are considered to be commercial for the purpose of this Policy.

3.1.1 Residential Driveway Spacing Requirements

Residential access spacing requirements are measured from the corner of an intersection to the nearest edge of the curb cut when measuring from an adjacent street intersection, or between the nearest edges of the curb cuts for adjacent alleys or driveways.

Figure 3. Residential Driveway Measurements

Direct vehicular access from a residential use to an arterial street or highway is prohibited, except as described in Section 4.4 of this Policy. Some neighborhoods may also have additional restrictions on access to other streets as described on their subdivision plat.

Driveways must be located such that the spacing criteria in all three of the tables below are satisfied.

Table 3 lists the minimum distance for curb cut placement from an adjacent intersection.

Table 3. Residential Driveway Curb Cut Distance from Intersection

Intersection Type	Distance for Curb Cut Placement (from corner of intersection)
Arterial Street / Other Street	Not Allowed / 60 ft
Other Street / Other Street	40 ft / 40 ft
Cul-de-sac† / Other Street	20 ft / 40 ft

†*On blocks where cul-de-sac streets end and traffic from the cul-de-sac street is regulated at the intersection by a stop sign.*

Table 4 lists the minimum distance for curb cut placement from an adjacent property line.

Table 4. Residential Driveway Curb Cut Distance from Property Line

Type of Property Line	Distance for Curb Cut Placement (from property line)
Property Line with Adjacent Parcel ‡	5 ft
Property Line with Alley Right-of-Way	10 ft

‡ *Unless a notarized letter signed by both property owners is submitted with the permit application and site plan documenting that both owners have no objection to the driveway placement, or a development plan for a group of residential properties is approved by the Planning and Zoning Commission or City Council.*

In some cases, two adjacent lots are proposed to have driveways that are closer to their common property line than the distance needed to allow for construction of the necessary pedestrian ramps and landings between the driveways. In such cases, it is permissible for the nearest edge of the throat of each driveway to be located at 5 ft from the property line, and for the pedestrian ramps and landings to be omitted on that side. Therefore, each driveway still has a pedestrian ramp on the outside, but the section between the driveways consists of a continuous laydown curb and sidewalk, 10 ft in length, with no ramps needed.

Table 5 lists the minimum distance between curb cuts for multiple driveways along one street located on the same parcel, or on lots which are developed as one single- or two-family dwelling. This includes circle driveways and similar types of connected driveways, as well as multiple independent driveways serving one property. If multiple driveways serving one property are to be located on different streets, then each street frontage is reviewed independently.

Table 5. Multiple Residential Driveway Curb Cut Spacing

Minimum Distance between Curb Cuts	
For Multiple Driveways (serving the same parcel or dwelling)	20 ft
For Driveways on Adjacent Parcels (serving separate parcels or dwellings)	None (See Table 4)

3.1.2 Residential Driveway Construction Details

Residential driveways shall be constructed in accordance with the appropriate standards in the latest edition of the Standard Details as published by the Engineering Services Department.

Driveways on streets with existing curb, or with new curb being constructed as part of the same project, shall include pedestrian ramps on both sides of the driveway approach. Ramps are required regardless of whether sidewalk is existing or planned in order to accommodate future sidewalk construction. Driveways on streets with no existing curb, and no curb planned as part of the same project, may omit the pedestrian ramps and shall include flares instead.

Driveways on streets with mountable (or roll-over) curb do not typically need to include flares or pedestrian ramps. However, all other design and spacing standards still apply.

3.1.3 Residential Driveway Width

The curb cut is measured as the distance between the outside edges of the vertical curb that must be removed to construct the driveway, including any required flares or pedestrian ramps. In most cases, the ramp length is five feet, so two ramps typically add ten feet to the length of the curb cut, and the remaining distance is the width of the throat.

The minimum width of a residential driveway throat shall be 10 feet.

In order to allow for improved access to the larger multi-bay garages that are becoming more common in modern homes, the maximum width of a residential driveway is directly tied to the size of the garage it serves, if the garage faces the street that the driveway is on and is within 75 ft of the curb.

The throat of the driveway may not exceed the width described in Table 6 below. These values are calculated as 12 feet per garage bay, plus an additional 12 feet for an adjacent parking pad when the garage has four or fewer bays. So the maximum widths range from 24 feet to 60 feet.

Table 6. Residential Driveway Throat Width

Number of Garage Bays	Maximum Driveway Throat Width
No Garage	24 ft
1 bay	24 ft
2 bays	36 ft
3 bays	48 ft
4 or more bays	60 ft

3.2 Commercial Access

Commercial access consists of all vehicular access connections except those described as residential (single- or two-family dwellings). This includes all other forms of driveways, as well as alleys, private streets, and public streets.

3.2.1 Commercial Access Spacing Requirements

Access spacing requirements are measured as shown in Figure 4. Spacing related to driveways is measured from the nearest edge of the throat of the driveway to the nearest edge of the throat of the adjacent driveway, or to the curb or edge of pavement of the adjacent roadway. Spacing between public roadways, signalized intersections, or median openings, is measured between the centerlines. For commercial access, all measurements are always made from the projected extension of the curb or edge of pavement; not from the radius or curb cut.

Figure 4. Spacing Requirement Measurements

New driveways, streets, median openings, or traffic signals must be located such that the spacing criteria described Table 7 below are satisfied. Alleys are treated as driveways for the purpose of this Policy.

Note that meeting minimum access spacing requirements generally means that some form of access is permissible at that location, but does not guarantee that a driveway or street can be permitted full access turning movements at that location. See Section 3.2.2 for additional information.

A roundabout intersection shall generally be treated the same as a standard intersection as per Table 7, but such cases must be carefully assessed due to the unique geometric design features associated with approaches to roundabouts. Higher driveway spacing values may be required in these cases, as determined by the City Traffic Engineer or designee.

Table 7. Minimum Street and Access Spacing

Street Type	Typical Speed Limit (mph)	Typical No. of Travel Lanes	Driveway to Driveway Spacing	Intersection to Driveway Spacing	Signalized Intersection Spacing	Street to Street Spacing	Median Opening Spacing
Freeway Service Road	45-55	2 to 3	Per the latest edition of TxDOT's *Access Management Manual.*				
State Highway	40-55	4 to 6	Per the latest edition of TxDOT's *Access Management Manual.*				
Arterial	40-55	4 to 6	150 ft	150 ft (typ.) 500 ft ‡	1,320 ft	660 ft	500 ft
Collector	30-40	2 to 4	60 ft	60 ft	See Note†	270 ft	See Note†
Local	25-30	2	40 ft	60 ft	See Note†	130 ft	See Note†
Limited Access Parkway ◊	45-50	4 to 6	425 ft	425 ft	Pre-determined at roadway design.		

† *NOTE: These situations occur infrequently and must be designed on a project-specific basis.*

‡ *NOTE: New development of full access driveways or street intersections shall not be permitted on arterials within 500 ft of a freeway service road intersection unless it is determined by the City Traffic Engineer or designee that no other reasonable access to the property is possible, including potential joint or cross access arrangements, and that the access does not create unreasonable safety or operational problems.*

◊ *NOTE: Fairgrounds Rd north of Loop 250 is planned and designed as a Limited Access Parkway with special access management provisions.*

In addition to the above requirements, commercial driveways must also be located at least 10 feet from the nearest property line with an adjacent parcel or alley right-of-way, as measured from the nearest edge of the curb cut. This requirement applies only to driveways that will exclusively serve one property and is waived if shared access is existing or planned and is documented with an easement.

3.2.2 Commercial Access Turn Restrictions

There are four potential turning movements that are considered when designing commercial access: right turns entering and existing, and left turns entering and exiting. As noted previously, left turn movements account for about 75% of all driveway related crashes, so restricting and/or redirecting those movements is a particularly beneficial access management technique with regard to safety.

Regardless of whether any turn movements are restricted or not, minimum access spacing standards still apply because all turning movements, including rights, create some amount of disruption and risk on the roadway. Turn restrictions may be necessary even for some access points that meet minimum access spacing standards. However, the use of a turn restriction may allow for an access point to be permitted that would otherwise not be allowed or might otherwise create unreasonable safety or operational concerns.

- **Full Access** means that there are no physical or regulatory restrictions on the four primary turning movements.

- **Three-Quarter Access**, also referred to as a hooded left, typically has a physical median or barrier on the roadway that restricts the left turn exiting the site, while allowing left turns in, as well as both right turns. See Figure 5.
- **Half Access**, also referred to as right-in/right-out, typically has a physical median or barrier on the roadway that restricts all left turn movements.

Figure 5. Examples of Hooded Left (3/4 Access) Median Designs [8]

Experience has shown that a physical median or barrier on the roadway is needed in most cases to implement any form of left turn restriction. Construction of a splitter island on the driveway, sometimes called a "porkchop" island, to try to restrict turning movements may provide the benefit of visually reinforcing the intended movement to the driver, but has been shown to be largely ineffective at physically stopping those deliberately making unpermitted left turns. Motorists can easily drive around the island or enter or exit on the wrong side of the island when making left turns. The use of regulatory signs, alone or in combination with a splitter island, is also largely ineffective. Therefore, raised medians or barriers on the roadway are typically needed in order to limit conflicting turn movements.

The use of a hooded left may be considered under select conditions, even if the median opening spacing standard cannot be satisfied. Median opening spacing refers to full access median openings. A more restricted opening may be permitted on a case-by-case basis as long as it does not interfere with other turn lanes for existing or planned intersections or driveways, and if the access does not create unreasonable safety or operational concerns. It shall be the responsibility of the City Traffic Engineer or designee to make all such determinations, and to coordinate with TxDOT and seek written concurrence for locations on state highways.

It is emphasized that this Policy only addresses requests made by developers or property owners for new or modified access to public roadways. The addition of any raised medians, turn restrictions, or similar access changes that may be considered by the City independent of such an access request must always be coordinated with the owners of any developed properties that would be impacted, either individually or through a broader public input process. Nothing stated in this Policy should be taken as authorization for any access management changes to be implemented without such advance coordination.

[8] *Roadway Design Manual*, Texas Department of Transportation, April 2018.

3.2.3 Auxiliary Turn Lanes

The construction of auxiliary lanes for left or right turns may be required for commercial access points in accordance with Tables 8 and 9 below.

Table 8. Auxiliary Left-Turn Lane Requirements

Road / Median Type	Left Turn Lane
Any Road with Raised Median	Required if Left-Turn Permitted
Any Road with TWLTL †	Existing / No Change Required
Local Street, Undivided	No Turn Lane Required
Collector Street, Undivided	No Turn Lane Required
Arterial, Undivided	See Note ‡
State Highway, Undivided	Per TxDOT *Roadway Design Manual*, Table 3-11

† *Two-way left turn lane*

‡ *NOTE: Most arterials under the jurisdiction of the City have existing raised median or TWLTL. For locations that do not, the addition of a left turn lane may be required based on vehicle speeds, roadway volumes, and projected site traffic volumes, at the discretion of the City Traffic Engineer or designee.*

Table 9. Auxiliary Right-Turn Lane Requirements

Road Type / Characteristics	Right Turn Lane
Local Street	No Turn Lane Required
Collector Street, ≤ 3 Travel Lanes	No Turn Lane Required
Collector Street, ≥ 4 Travel Lanes	See Note †
Arterial, Speed Limit ≤ 40 MPH	See Note †
Arterial, Speed Limit > 40 MPH	Required if Right Turn Volume > 60 veh/hr ‡
State Highway, Speed Limit ≤ 45 MPH	Required if Right Turn Volume > 60 veh/hr ‡
State Highway, Speed Limit > 45 MPH	Required if Right Turn Volume > 50 veh/hr

† *NOTE: Required only for very high traffic generating sites at the discretion of the City Traffic Engineer or designee.*

‡ *NOTE: Requirement may be waived based on roadway geometry, density of other access points, vehicle speeds, roadway volumes, and projected site traffic volumes, at the discretion of the City Traffic Engineer or designee.*

3.2.4 Commercial Shared Access

Shared Access refers to cases where adjacent properties with unrelated development share the use of one or more common access points. Such properties are typically under different ownership, but they could simply be individual businesses on separate parcels with a common owner.

There are two types of shared access most often seen in commercial development:

- **Joint Access** refers to a single access point that is typically located on the common property line between two adjacent parcels. This access serves both parcels and usually requires a small easement on each parcel to ensure that neither property owner can obstruct the use of the common area needed for the joint access.

- **Cross Access** refers to an access point that is located on one parcel but can be used by traffic related to another parcel by allowing that traffic to cross through all or part of the property using an internal private roadway or parking drive aisle.

The use of either form of shared access is a very effective means of providing reasonable access for development of small to medium-sized sites while still limiting the number of access points needed on the public roadway network. Shared access also allows customers to circulate internally between different businesses without the need to repeatedly re-enter and exit the roadway.

Shared access is most commonly introduced when land is being platted or re-platted for new development and establishment of the needed easements can be readily handled within the platting process. Developers should expect that the City will require shared access easements with platting even if the physical construction of such access is not immediately feasible, as having such easements on the plat allows for connections to adjacent development in the future.

The addition of shared access to existing sites is also highly encouraged, although cooperation between adjacent property owners is needed to produce the best outcome for both sites.

3.2.5 Alternate Commercial Access Locations

It should be noted that access management standards along major roadways are often applied more stringently to corner parcels, or to parcels that have frontage on other, lower classification roadways.

As described elsewhere in this Policy, the City's goal is to allow reasonable access for business owners while balancing against the safety and operational needs of the roadway network. When direct frontage or cross access to a side street or backage road behind a property allows for site traffic to circulate to and from a business without the need for as much direct access on a major roadway, this is often the most reasonable compromise between the competing needs of the business owner and the travelling public.

When selecting or designing commercial sites, developers are strongly encouraged to look for opportunities for alternate access to lower classification roadways, which then allow their customers indirect access to the main roads in a safer manner.

3.2.6 Commercial Driveway Construction Details

Commercial driveways shall be constructed in accordance with the appropriate standards in the latest edition of the Standard Details as published by the Engineering Services Department.

Driveways on streets with existing curb, or with new curb being constructed as part of the same project, shall include pedestrian ramps on both sides of the driveway approach. Ramps are required regardless of whether sidewalk is existing or planned in order to accommodate future sidewalk construction. Driveways on streets with no existing curb, and no curb planned as part of the same project, may omit the pedestrian ramps and shall include flares instead.

Driveways on streets with mountable (or roll-over) curb do not typically need to include flares or pedestrian ramps. However, all other design and spacing standards still apply.

3.2.7 Commercial Driveway Geometric Design

Throat Width – When driveways are too narrow, entering drivers must slow excessively to make their turn into the site, creating delays for traffic behind them and increasing the potential for rear-end crashes. Conversely, when driveways are too wide, drivers may tend to cross the driveway at an angle or drive on the wrong side of opposing traffic, creating additional conflicts.

The throat width is typically measured between the ends of the curb radii on the side farthest from the roadway. If the driveway cross-section is continuously varying and there is no obvious uniform-width throat to measure, then it shall be taken as the maximum width of the driveway where it crosses the right-of-way line.

The width of the throat of a commercial driveway shall be no less than 16 feet and no greater than 40 feet, except that a maximum width of 45 feet is permitted in accordance with TxDOT standards if the access is located on a state highway. If the driveway is forecast to serve at least 50% large truck or bus traffic, then a maximum width of 60 ft may be permitted at the discretion of the City Traffic Engineer or designee.

Median Divided Driveways – The construction of a physical median between entering and exiting traffic on a driveway is permitted at the option of the developer. If the median is less than 30 feet wide, measured between outside curb faces or edges of pavement, then the entry/exit pair shall be treated as one access point. For medians that are 30 ft or wider, each side shall be considered a separate access point for the purpose of this Policy.

If a median-divided driveway is used, the maximum width of the throat of each side shall be no less than 16 feet and no greater than 24 feet.

Throat Length – If the driveway throat is too short, then drivers entering the site may need to slow significantly or stop to wait for other vehicles in order to turn into an internal drive aisle or parking space, causing delays and conflicts with other vehicles on the roadway behind them. Also, a short driveway throat may not leave adequate room for queuing of exiting vehicles, causing additional on-site traffic congestion and encouraging drivers to take unnecessary risks to enter the roadway quickly. A short throat to a parking space creates additional safety concerns because drivers must back out into the driveway while other vehicles may be trying to enter from the roadway.

The throat length is measured as the distance from the roadway face-of-curb or edge of pavement on the exiting side of the driveway to the projection of the interior curb or edge of pavement for the nearest drive aisle or parking space which conflicts with traffic on either side of the driveway.

The minimum length of the throat of a commercial driveway shall be as shown in Table 10, although longer throats are strongly encouraged whenever the site layout allows.

Table 10. Minimum Commercial Driveway Length

Street Type	Minimum Driveway Throat Length
Local Street	20 ft
Collector Street (posted speed limit of 35 MPH or less)	30 ft
Collector Street (posted speed limit of 40 MPH or higher)	50 ft
Arterial Street or State Highway	50 ft
Any access directly served by a traffic signal (existing or planned)	As recommended by a traffic impact study (100 ft minimum)

Curb Radii – The curb radii on a commercial driveway shall be no less than 5 feet and no greater than 60 feet, with the following recommendations:

- Curb radii less than 10 feet are discouraged except in cases of very small, low traffic sites.
- Curb radii greater than 30 ft are discouraged on local and collector streets.

3.2.8 Access Involving Traffic Signals

Due to the unique issues associated with traffic signal operations, some special conditions apply to any access that proposes the new installation or modification of a traffic signal, as listed below. For the purpose of this Policy, modification of an existing signal refers to operational changes that impact traffic capacity or delay, such as the addition of new movements or signal phases. Physical changes to the infrastructure are typically not considered to be modifications requiring study, although approved engineering plans will be required for the work.

A traffic impact study must be prepared and submitted by a qualified professional engineer, licensed in Texas. For a new signal, the study must document that the location meets warrants as per the *Texas Manual on Uniform Traffic Control Devices* (TMUTCD). For signals that are either new or modified, the study must provide a capacity analysis to demonstrate that there will be no degradation in the Level of Service (LOS) in the peak hour periods below the existing LOS, or LOS 'C', whichever is lower. Such analysis must be provided for the subject intersection(s), the nearest adjacent intersection(s) along the major roadway, and any other intersections as determined necessary by the City Traffic Engineer or designee. The study must also consider the effect of signal spacing on queuing and progression along coordinated corridors.

For locations on state highways, the traffic impact study must also be approved by TxDOT. It shall be the responsibility of the City Traffic Engineer or designee to coordinate with TxDOT and seek concurrence.

For a new traffic signal to be approved, all approaches to the intersection must be constructed in accordance with either City or TxDOT standards for public streets. Typical commercial driveway approaches may not be signalized. Also, any approach to a proposed traffic signal must be designed to provide the minimum throat length and number of lanes as recommended by the traffic study. In no case,

however, may an access be signalized that has less than 100 feet of throat or less than two approach lanes (typically a left-turn and thru/right).

3.2.9 Drive-Thru / In-Vehicle Operations

The City of Midland Zoning Ordinance (Section 6, Table 7) states: "Site plans for all uses that will include drive-thru operations or in-vehicle services must be approved by the Planning Division Manager and the Engineering Services Director, or their respective designees." Specific numbers of vehicles that must be accommodated in the queue prior to the service point are not identified in the ordinance because experience has shown that the actual demand varies significantly with each site, not just by the type of use, but also by the individual brand and/or operator of the business.

Therefore, prior to approval of any site plan for drive-thru or in-vehicle service type uses, including approval of the driveway access related to that use, it must be determined that the proposed design provides reasonable on-site vehicle queuing and circulation as compared to other similar uses in Midland or the surrounding region. It must also be determined that the site plan has been designed such that, if the anticipated queuing has been underestimated and the vehicle storage area overflows during peak periods, that such overflow will occur in the safest and least disruptive manner that is reasonably possible. This means that queue overflow will be contained within the site to the greatest extent possible, and if driveways to public roads are impacted, such impacts will be limited to local or minor collector streets only. Queue overflow onto arterials or state highways must be avoided at all times due to the significant safety and operational impacts associated with such occurrences.

These determinations shall be the responsibility of the City Traffic Engineer or designee, reporting to the Engineering Services Director, as per the Zoning Ordinance.

3.3 Alleys

Permissible access to alleys is not fully addressed in this Policy, but is described in greater detail in City Code Section 11-2-5.

Restrictions are generally more stringent for lots for which an application for final plat was filed with the City after June 30, 1994. For those lots, the alley must be improved to city standards, including paving, and meet various other conditions for access to be allowed. If the lot was platted prior to that date, residential access is generally permitted without restriction in most cases.

Vehicular access from a commercial use is only allowed if an alley has been improved to city standards, regardless of when it was platted. Such access connections shall have a permanent opening of not more than 25 feet per separately owned parcel (as per City Code Section 4-1-4).

For cases meeting the conditions as described in City Code, construction of a driveway connection to an alley does not require a permit if no substantive work is to be performed in the city right-of-way. If grading, paving, curb removal, or other work is required in the city right-of-way to build such a driveway, then the standard permitting process as described in Section 4 of this Policy shall apply.

All persons constructing access connections to city right-of-way, or otherwise working in city right-of-way, are responsible for adhering to all applicable codes and regulations. Therefore, it is best practice to contact the City to verify if a permit is needed before starting any work.

4 Access Permitting Process

4.1 Approval Requirements

Permitting by the City of Midland is required for all vehicular access regulated under this Policy.

Access approval is granted only for a specific site, with the specific scope and type of land use proposed when the permit application is submitted.

If the land use for which access was previously approved is permanently closed, or if the site is abandoned, then the approval of access automatically terminates. Access points which have been abandoned must be removed in accordance with City Code Section 9-4-8.

If the scope or type of land use is substantively changed, or if the size or nature of the site layout changes significantly, then approval of access automatically terminates, and a new approval must be obtained. There are some cases where the existing access may be re-approved and may remain in place after a review of the new or modified land use. However, there is no assumed right to "grandfathering in" any existing access.

4.2 Pre-Development Review

Formal access approval can be issued by the City only through the building or driveway permit process described below. However, the City encourages residents, business owners, and developers to coordinate with city staff early in the site selection or design process to determine what will be acceptable for access, and to seek input on possible alternative access scenarios that may be considered. Early consideration of access issues can save time and money for all parties involved.

Although strongly encouraged, all pre-development reviews are informational only, and an approved permit is the only official authorization from the City regarding access. Applicants are advised to keep documentation of any communication with city staff regarding access to assist in future discussions.

4.3 Permitting Process

Vehicular access to any public roadway under this Policy is formally authorized only through the building or driveway permit process, administered by the Development Services Department.

Building permit applications that include site plans, civil engineering plans, or similar drawings showing the details and dimensions of the proposed access also serve as the application for access approval. Following review, the approved building permit drawing set (displaying an Engineering Services Department approval stamp) serves as the City's driveway permit. No separate permit document is issued.

If no building permit application is needed for other site or civil work, then a standalone driveway permit application can also be made through Development Services. The approved driveway permit drawing(s) (displaying an Engineering Services Department approval stamp) serves as the City's driveway permit. No separate permit document is issued.

4.4 Nonconforming Sites and Deviations from Standards

As stated in the Introduction, the goal of this Policy is to preserve the mobility, safety and capacity of the roadway network, but also to provide reasonable access for residents and business owners. The City of Midland encourages infill development and the redevelopment of older, dilapidated, or underutilized

properties. In areas that are already substantially developed, it is often not possible to meet the minimum access spacing and other design requirements described in this Policy in order to allow such infill or redevelopment activity.

In such cases, the City Traffic Engineer or designee shall have the authority to approve specific cases that do not meet the minimum standards described herein, with the following conditions:

- No other reasonable access to the property is possible, including potential joint or cross access arrangements.
- Any deviation approved below minimum design standards shall be the minimum such deviation needed to allow for reasonable site access because of the nonconforming conditions on neighboring properties and/or the existing roadway.
- The access does not create unreasonable safety or operational problems as determined by the City Traffic Engineer or designee.
- Any deviations are approved only for that specific access point for that site and land use and should not be assumed to be acceptable in any other case.
- Any deviations below minimum standards on a state highway must have written concurrence from TxDOT prior to approval by the City. It shall be the responsibility of the City Traffic Engineer or designee to coordinate with TxDOT staff to review the site issues and seek concurrence prior to issuing any approvals. If TxDOT staff and the City Traffic Engineer or designee do not concur on the proposed deviation(s), access that fails to meet minimum standards shall not be permitted.

4.5 Appeals Process

If a driveway or building permit application is denied because the City Traffic Engineer or designee has determined that minimum access design standards have not been satisfied, and if the applicant is unable or unwilling to reach an agreement with the City Traffic Engineer or designee regarding acceptable alternative access, the applicant has the right to appeal the permit denial to the City Council.

In order to appeal a permit denial to the City Council, the applicant must submit a written request for an appeal within 30 days following receipt of notice of denial, and shall clearly document those hardships which make it impossible or impractical to meet the minimum access design standards required by City Code and/or Council-adopted interagency agreements. Staff will review the appeal request and coordinate with the applicant to schedule the item for a future Council agenda.

Notwithstanding any provision of this Section to the contrary, if the permit denial relates to an access location on a state highway, then written concurrence from TxDOT is required in order for the City Council to reverse the denial and grant the permit, in accordance with the Council-adopted *Municipal Maintenance Agreement*.

5 Contact Information

For additional information or to discuss an access issue with City staff, contact the City of Midland Traffic Operations Division by phone at 432-685-7287, or visit the City's website at www.midlandtexas.gov to locate the latest staff email addresses.

ACCESS MANAGEMENT POLICY

June 2021

City of Midland
Engineering Services Department
Traffic Operations Division
300 N. Loraine
Midland, Texas 79701

PACKET 18.32 May 11, 2021
EXHIBIT 'A'

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1 Introduction

1.1 Purpose of Policy

This Policy is intended to manage vehicular access to the public roadway network from developed land in the City of Midland in a manner that provides reasonable access for residents and business owners, while also preserving the mobility, safety and capacity of the roadway network. The standards and practices included in this Policy are based on past city ordinances, as well as state and national engineering standards and access management guidelines.

1.2 What is Access Management

As per the Transportation Research Board's *Access Management Manual* [1]:

> *Access management is the coordinated planning, regulation, and design of access between roadways and land development. It encompasses a range of methods that promote the efficient and safe movement of people and goods by reducing conflicts on the roadway system and at its interface with other modes of travel.*

Some key components of access management include:

- Designing access points to minimize conflicts at site entries,
- Using median treatments to reduce interactions between left-turning vehicles and through traffic,
- Providing left-turn and right-turn lanes to separate slower moving turning vehicles from through traffic,
- Locating traffic signals to provide for improved signal coordination and efficient traffic progression, and
- Restricting driveways near traffic signals to reduce intersection crashes.

1.3 Benefits of Access Management

Sound access management creates benefits in safety, traffic operations, economics, land use, and the environment, as described in the following paragraphs.

1.3.1 Safety

There are two main components of access management that improve the safety of the roadway corridor on which they are applied: access density and turn lanes/medians.

One goal of this Policy, and most access management programs, is to reduce the number of access points on a roadway through improved site layouts, relocation of access to lower classification streets, and consolidation of the number of access points. Numerous studies have shown that crash rates on roadways increase as the density of access points increases. This is illustrated in Table 1 below.

[1] *Access Management Manual, Second Edition*. Transportation Research Board of the National Academies, Washington, D.C., 2014.

Table 1. Representative Crash Rates by Access Density and Median Type [2]

Total Access Points Per Mile	Crash Rate (crashes per million vehicle-miles travelled)		
	Undivided	TWLTL†	Non-traversable Median
≤ 20	3.8	3.4	2.9
20.01 – 40	7.3	5.9	5.1
40.01 – 60	9.4	7.9	6.8
> 60	10.6	9.2	8.2

† *Two-way left turn lane*

The use of turn lanes and medians is also a major component of access management. Studies conducted nationwide over many decades have consistently shown that undivided roadways without turn lanes have the highest crash rates. The addition of a two-way left turn lane (TWLTL) to separate left-turn traffic from through traffic helps to improve the safety of the corridor, but does not address the conflicts with turning vehicles. As shown in Figure 1, a full access driveway has nearly twice as many potential points of conflict as a driveway that allows three of the four movements, but restricts the left-turn out of the site. Overall, left turn movements (entering and exiting) account for three-quarters of all driveway related crashes. The addition of a non-traversable (raised) center median to limit these conflicts, when designed to reasonably redirect turning movements to more appropriate locations, results in the lowest overall crash rate.

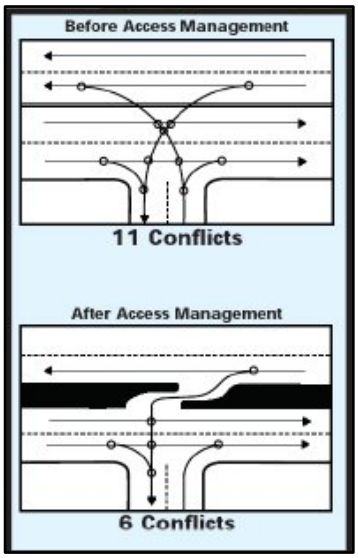

Figure 1.
Conflict Points at a Driveway

1.3.2 Traffic Operations

Increases in the number of access points and traffic signals along a corridor result in lower travel speeds, longer travel times, and increased overall delay. A summary of the reduction in free-flow travel speeds along roadway corridors due to a higher density of access points compiled from national studies is shown in Table 2 below.

Table 2. Access Points and Free-Flow Speed [3]

Access Points per Mile	Reduction in Free-Flow Speed (mph)
0	0.0
10	2.5
20	5.0
30	7.5
≥ 40	10.0

[2] *Access Management Manual, Second Edition*. Transportation Research Board of the National Academies, Washington, D.C., 2014.
[3] *Access Management Manual, Second Edition*. Transportation Research Board of the National Academies, Washington, D.C., 2014.

1.3.3 Economics

Although some business owners have pre-conceived notions that *any* restrictions to site access will be harmful to their business, this is not supported by extensive before-and-after studies that have been done with median installation and access management projects around the country. The Federal Highway Administration states:

> *Studies of the business impacts of access management projects in Florida, Iowa, Minnesota, Kansas and Texas have consistently found that most businesses continue to do well when the project is completed. These results are particularly true for destination businesses. However, most drive-by oriented businesses are not unduly affected either.*[4]

In related studies:

> *"Before and after" studies of businesses in Florida, Iowa, Minnesota, and Texas along highways where access has been managed found that the vast majority of businesses do as well or better after the access management projects are completed. The turnover rate (the proportion of businesses that close or move out each year) of businesses in Iowa and Minnesota was studied along newly access-managed corridors and was similar to or lower than that of the surrounding area.*[5]

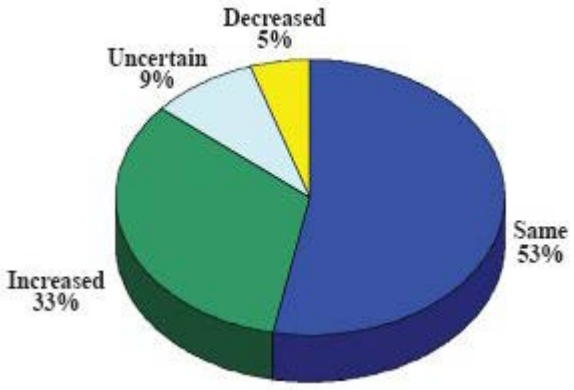

Figure 2. Business Owners' Reported Before-vs-After Sales Comparison [6]

Another economic concern of property owners regarding access management is the potential impact on property values. In general, most studies on this subject have found that property values are more a function of location and the local economy, rather than changes to access. Studies have repeatedly shown that most property values are unchanged following a new access management project, or that property values have increased. Although there may be some minor inconvenience associated with certain types of access restrictions, this is more than offset by the improved mobility and traffic flow in the corridor, as well as reduced crash rates and driver stress in trying negotiate difficult and potentially dangerous left-turns to enter or exit businesses during peak periods.

[4] *Safe Access is Good for Business*, Federal Highway Administration, Pub. FHWA-HOP-06-107, Aug. 2006.
[5] *Safe Access is Good for Business*, Federal Highway Administration, Pub. FHWA-HOP-06-107, Aug. 2006.
[6] *Safe Access is Good for Business*, Federal Highway Administration, Pub. FHWA-HOP-06-107, Aug. 2006.

1.3.4 Land Use

A well-regulated access management program promotes more coordinated development along a corridor, with the potential for improved compatibility between adjacent land uses. In this manner, interconnected uses can feed off the customer traffic generated by adjacent businesses.

Reducing the number of driveways and locating them in safer locations also enhances aesthetics and presents a more pleasing, customer-friendly image of the development. The Urban Land Institute's *Shopping Center Development Handbook* states that "poorly designed entrances and exits not only present a traffic hazard but also cause congestion that can create a negative image of the center".[7]

1.3.5 Environment

Reductions in delay and travel time along corridors with well-managed access also mean less congestion, less idling of vehicles, and reduced fuel consumption and emissions.

1.4 Applicability of Policy

This Policy regulates vehicular access to all public roadways and alleys within the City of Midland, including city streets, state highways, and federal interstates. Vehicular access includes connections to public roadways from other public roadways, private roadways, alleys, and all types of residential and commercial driveways.

The City does not directly regulate access to private roadways, although other building, zoning or fire code issues may exist.

1.5 Conflicts and Revisions

While efforts have been made to ensure that this Policy does not conflict with city codes, zoning regulations, subdivision policies, engineering design standards, or other city, county, or state planning and design regulations or documents, there may be occasions where discrepancies between these policies exist. In such cases, the most recently adopted policy should apply.

2 Roadway Classification and Jurisdiction

2.1 Functional Classification

Roadways are generally classified by the function that they are intended to serve, and access design standards vary depending on these classifications.

- **Highways** – State highways provide for regional traffic circulation and are designed for high speeds and heavy volumes. These highways are typically limited access, with restrictions on the locations of driveways to adjacent properties, in order to preserve the safety and efficiency of traffic flow. Examples include Interstate 20, Loop 250 and SH 191.
- **Arterials** – These larger streets are meant to provide connections for traffic moving within the city, and typically move higher volumes of traffic at higher speeds, while also providing reasonable access to adjacent properties. Examples include smaller state highways such as Andrews Highway and Big Spring Street, as well as city roads like Midkiff Road and Wadley Avenue.

[7] *Access Management Manual, Second Edition*. Transportation Research Board of the National Academies, Washington, D.C., 2014.

- **Collectors** – Medium-sized streets are meant to provide access for traffic in and out of neighborhoods, linking local streets with the surrounding arterial network. Collectors may be designed in various sizes, some with homes or businesses fronting directly on them, and some with more restricted access. Neely Avenue and Carver Street are examples in Midland.
- **Locals** – Local streets are the lowest classification of street and provide the highest level of access, with numerous driveways and on-street parking. The vast majority of streets in Midland are local streets.
- **Alleys** – Alleys provide local property access, service access (e.g., trash collection), and utility access (e.g., water, sewer, electric, telephone, etc.) to adjacent properties. There are relatively few restrictions on vehicular access to alleys, except as noted in Section 3.3.

Highways, arterials, and select collectors are illustrated on the City of Midland Thoroughfare Plan, which is a Council-adopted plan for existing and planned roadways within the city limits, as well as in the extra-territorial jurisdiction (ETJ).

Designs for the planned cross-sections (i.e., right-of-way width, number of lanes, width of pavement, etc.) of each class of roadway are shown in the latest Standard Details as published by the Engineering Services Department.

2.2 Agency Jurisdiction

Most roadways within the city limits are owned and operated by the City of Midland.

Most highways and some arterials within the city limits are owned by the State of Texas and operated by the Texas Department of Transportation (TxDOT). All roadways operated by TxDOT are generically referred to as “state highways”, regardless of the actual functional classification of the roadway. As per the Council-adopted *Municipal Maintenance Agreement* between the City and TxDOT, the City has permitting authority for access on all state highways within the city limits. City staff is the primary contact for such access and works in coordination with TxDOT during the review and approval process for access on state highways.

State highways are identified by state highway numbers, such as I-20, SH 191, FM 1788, BS 349, etc. Federal interstates (i.e., I-20), including the associated ramps and service roads, are operated by TxDOT and are considered to be state highways for the purpose of this Policy. Non-limited access state highways typically also have street names within the city limits, such as Andrews Highway, Big Spring Street, Cloverdale Road, etc. Since access design standards can vary significantly between city streets and state highways, it is important to verify the jurisdiction prior to designing access. Maps identifying state highways are available on the City’s website.

3 Access Design Standards

3.1 Residential Access (Single- and Two-Family Lots)

Residential access consists of driveways that serve single-family or two-family (duplex) dwellings. Other residential uses with three or more connected units, such as townhomes and apartments, are considered to be commercial for the purpose of this Policy.

3.1.1 Residential Driveway Spacing Requirements

Residential access spacing requirements are measured from the corner of an intersection to the nearest edge of the curb cut when measuring from an adjacent street intersection, or between the nearest edges of the curb cuts for adjacent alleys or driveways.

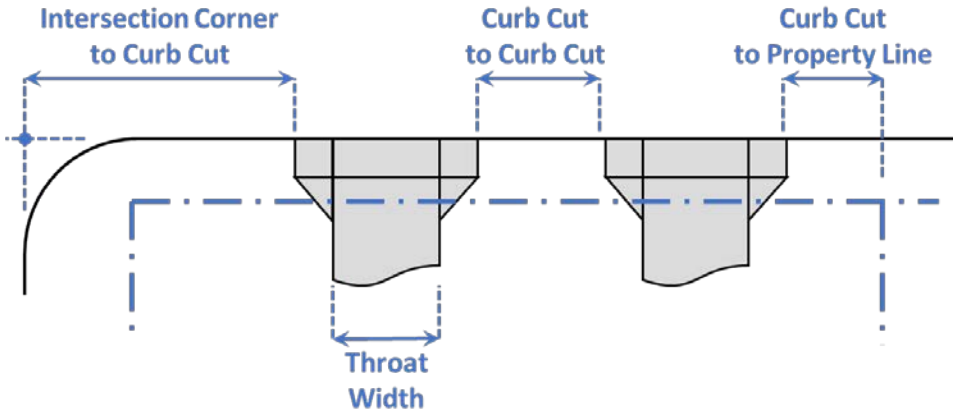

Figure 3. Residential Driveway Measurements

Direct vehicular access from a residential use to an arterial street or highway is prohibited, except as described in Section 4.4 of this Policy. Some neighborhoods may also have additional restrictions on access to other streets as described on their subdivision plat.

Driveways must be located such that the spacing criteria in all three of the tables below are satisfied.

Table 3 lists the minimum distance for curb cut placement from an adjacent intersection.

Table 3. Residential Driveway Curb Cut Distance from Intersection

Intersection Type	Distance for Curb Cut Placement (from corner of intersection)
Arterial Street / Other Street	Not Allowed / 60 ft
Other Street / Other Street	40 ft / 40 ft
Cul-de-sac† / Other Street	20 ft / 40 ft

†On blocks where cul-de-sac streets end and traffic from the cul-de-sac street is regulated at the intersection by a stop sign.

Table 4 lists the minimum distance for curb cut placement from an adjacent property line.

Table 4. Residential Driveway Curb Cut Distance from Property Line

Type of Property Line	Distance for Curb Cut Placement (from property line)
Property Line with Adjacent Parcel ‡	5 ft
Property Line with Alley Right-of-Way	10 ft

‡ *Unless a notarized letter signed by both property owners is submitted with the permit application and site plan documenting that both owners have no objection to the driveway placement, or a development plan for a group of residential properties is approved by the Planning and Zoning Commission or City Council.*

In some cases, two adjacent lots are proposed to have driveways that are closer to their common property line than the distance needed to allow for construction of the necessary pedestrian ramps and landings between the driveways. In such cases, it is permissible for the nearest edge of the throat of each driveway to be located at 5 ft from the property line, and for the pedestrian ramps and landings to be omitted on that side. Therefore, each driveway still has a pedestrian ramp on the outside, but the section between the driveways consists of a continuous laydown curb and sidewalk, 10 ft in length, with no ramps needed.

Table 5 lists the minimum distance between curb cuts for multiple driveways along one street located on the same parcel, or on lots which are developed as one single- or two-family dwelling. This includes circle driveways and similar types of connected driveways, as well as multiple independent driveways serving one property. If multiple driveways serving one property are to be located on different streets, then each street frontage is reviewed independently.

Table 5. Multiple Residential Driveway Curb Cut Spacing

Minimum Distance between Curb Cuts	
For Multiple Driveways (serving the same parcel or dwelling)	20 ft
For Driveways on Adjacent Parcels (serving separate parcels or dwellings)	None (See Table 4)

3.1.2 Residential Driveway Construction Details

Residential driveways shall be constructed in accordance with the appropriate standards in the latest edition of the Standard Details as published by the Engineering Services Department.

Driveways on streets with existing curb, or with new curb being constructed as part of the same project, shall include pedestrian ramps on both sides of the driveway approach. Ramps are required regardless of whether sidewalk is existing or planned in order to accommodate future sidewalk construction. Driveways on streets with no existing curb, and no curb planned as part of the same project, may omit the pedestrian ramps and shall include flares instead.

Driveways on streets with mountable (or roll-over) curb do not typically need to include flares or pedestrian ramps. However, all other design and spacing standards still apply.

3.1.3 Residential Driveway Width

The curb cut is measured as the distance between the outside edges of the vertical curb that must be removed to construct the driveway, including any required flares or pedestrian ramps. In most cases, the ramp length is five feet, so two ramps typically add ten feet to the length of the curb cut, and the remaining distance is the width of the throat.

The minimum width of a residential driveway throat shall be 10 feet.

In order to allow for improved access to the larger multi-bay garages that are becoming more common in modern homes, the maximum width of a residential driveway is directly tied to the size of the garage it serves, if the garage faces the street that the driveway is on and is within 75 ft of the curb.

The throat of the driveway may not exceed the width described in Table 6 below. These values are calculated as 12 feet per garage bay, plus an additional 12 feet for an adjacent parking pad when the garage has four or fewer bays. So the maximum widths range from 24 feet to 60 feet.

Table 6. Residential Driveway Throat Width

Number of Garage Bays	Maximum Driveway Throat Width
No Garage	24 ft
1 bay	24 ft
2 bays	36 ft
3 bays	48 ft
4 or more bays	60 ft

3.2 Commercial Access

Commercial access consists of all vehicular access connections except those described as residential (single- or two-family dwellings). This includes all other forms of driveways, as well as alleys, private streets, and public streets.

3.2.1 Commercial Access Spacing Requirements

Access spacing requirements are measured as shown in Figure 4. Spacing related to driveways is measured from the nearest edge of the throat of the driveway to the nearest edge of the throat of the adjacent driveway, or to the curb or edge of pavement of the adjacent roadway. Spacing between public roadways, signalized intersections, or median openings, is measured between the centerlines. For commercial access, all measurements are always made from the projected extension of the curb or edge of pavement; not from the radius or curb cut.

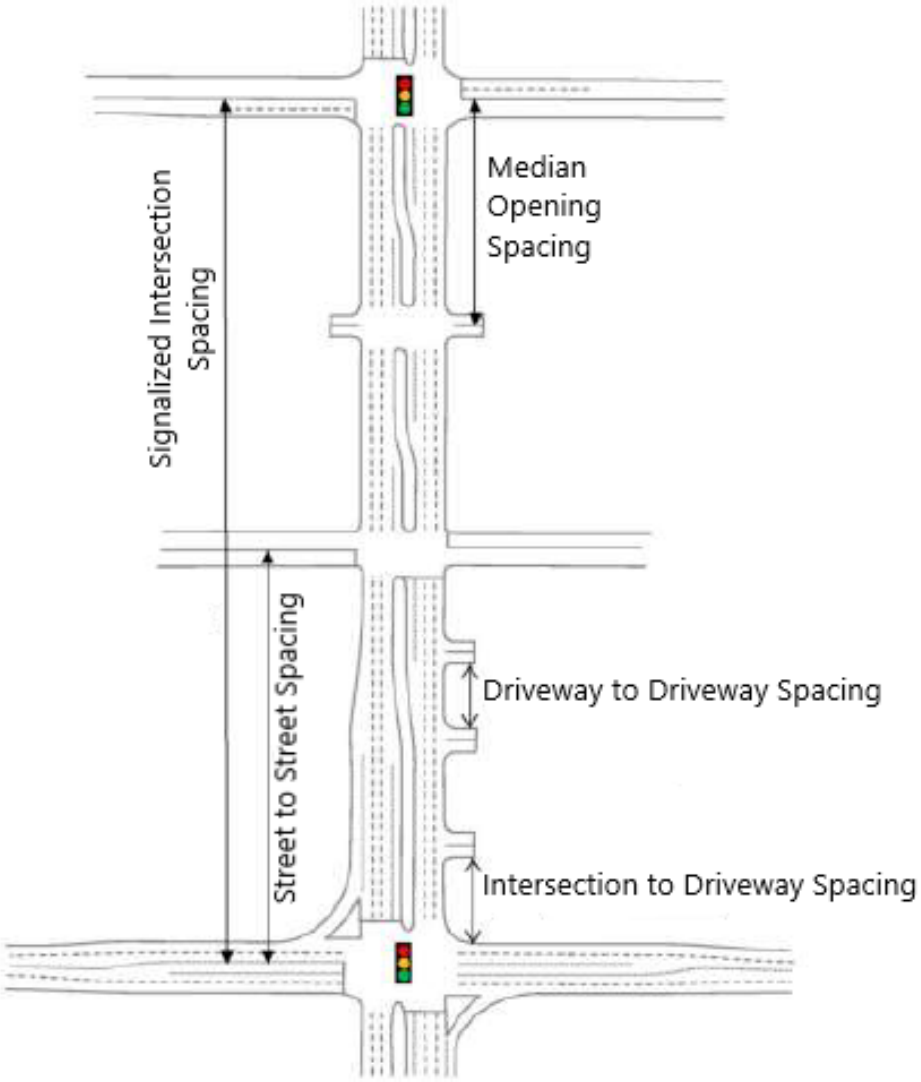

Figure 4. Spacing Requirement Measurements

New driveways, streets, median openings, or traffic signals must be located such that the spacing criteria described Table 7 below are satisfied. Alleys are treated as driveways for the purpose of this Policy.

Note that meeting minimum access spacing requirements generally means that some form of access is permissible at that location, but does not guarantee that a driveway or street can be permitted full access turning movements at that location. See Section 3.2.2 for additional information.

A roundabout intersection shall generally be treated the same as a standard intersection as per Table 7, but such cases must be carefully assessed due to the unique geometric design features associated with approaches to roundabouts. Higher driveway spacing values may be required in these cases, as determined by the City Traffic Engineer or designee.

Table 7. Minimum Street and Access Spacing

Street Type	Typical Speed Limit (mph)	Typical No. of Travel Lanes	Driveway to Driveway Spacing	Intersection to Driveway Spacing	Signalized Intersection Spacing	Street to Street Spacing	Median Opening Spacing
Freeway Service Road	45-55	2 to 3	Per the latest edition of TxDOT's *Access Management Manual.*				
State Highway	40-55	4 to 6	Per the latest edition of TxDOT's *Access Management Manual.*				
Arterial	40-55	4 to 6	150 ft	150 ft (typ.) 500 ft ‡	1,320 ft	660 ft	500 ft
Collector	30-40	2 to 4	60 ft	60 ft	See Note†	270 ft	See Note†
Local	25-30	2	40 ft	60 ft	See Note†	130 ft	See Note†
Limited Access Parkway ◊	45-50	4 to 6	425 ft	425 ft	Pre-determined at roadway design.		

† *NOTE: These situations occur infrequently and must be designed on a project-specific basis.*

‡ *NOTE: New development of full access driveways or street intersections shall not be permitted on arterials within 500 ft of a freeway service road intersection unless it is determined by the City Traffic Engineer or designee that no other reasonable access to the property is possible, including potential joint or cross access arrangements, and that the access does not create unreasonable safety or operational problems.*

◊ *NOTE: Fairgrounds Rd north of Loop 250 is planned and designed as a Limited Access Parkway with special access management provisions.*

In addition to the above requirements, commercial driveways must also be located at least 10 feet from the nearest property line with an adjacent parcel or alley right-of-way, as measured from the nearest edge of the curb cut. This requirement applies only to driveways that will exclusively serve one property and is waived if shared access is existing or planned and is documented with an easement.

3.2.2 Commercial Access Turn Restrictions

There are four potential turning movements that are considered when designing commercial access: right turns entering and existing, and left turns entering and exiting. As noted previously, left turn movements account for about 75% of all driveway related crashes, so restricting and/or redirecting those movements is a particularly beneficial access management technique with regard to safety.

Regardless of whether any turn movements are restricted or not, minimum access spacing standards still apply because all turning movements, including rights, create some amount of disruption and risk on the roadway. Turn restrictions may be necessary even for some access points that meet minimum access spacing standards. However, the use of a turn restriction may allow for an access point to be permitted that would otherwise not be allowed or might otherwise create unreasonable safety or operational concerns.

- **Full Access** means that there are no physical or regulatory restrictions on the four primary turning movements.

- **Three-Quarter Access**, also referred to as a hooded left, typically has a physical median or barrier on the roadway that restricts the left turn exiting the site, while allowing left turns in, as well as both right turns. See Figure 5.
- **Half Access**, also referred to as right-in/right-out, typically has a physical median or barrier on the roadway that restricts all left turn movements.

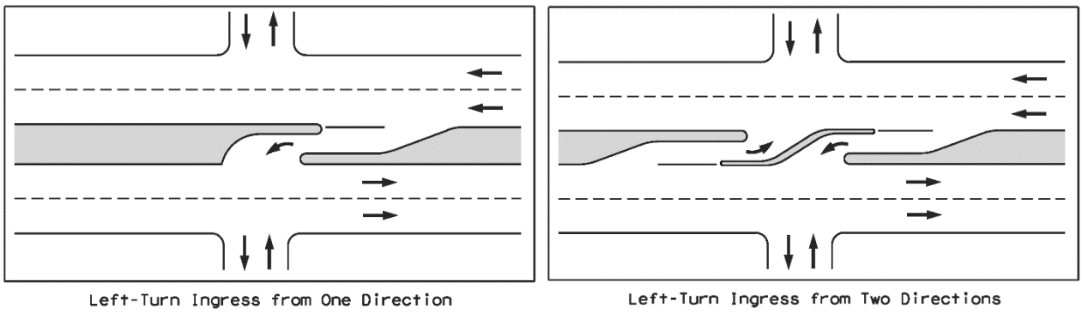

Figure 5. Examples of Hooded Left (3/4 Access) Median Designs [8]

Experience has shown that a physical median or barrier on the roadway is needed in most cases to implement any form of left turn restriction. Construction of a splitter island on the driveway, sometimes called a "porkchop" island, to try to restrict turning movements may provide the benefit of visually reinforcing the intended movement to the driver, but has been shown to be largely ineffective at physically stopping those deliberately making unpermitted left turns. Motorists can easily drive around the island or enter or exit on the wrong side of the island when making left turns. The use of regulatory signs, alone or in combination with a splitter island, is also largely ineffective. Therefore, raised medians or barriers on the roadway are typically needed in order to limit conflicting turn movements.

The use of a hooded left may be considered under select conditions, even if the median opening spacing standard cannot be satisfied. Median opening spacing refers to full access median openings. A more restricted opening may be permitted on a case-by-case basis as long as it does not interfere with other turn lanes for existing or planned intersections or driveways, and if the access does not create unreasonable safety or operational concerns. It shall be the responsibility of the City Traffic Engineer or designee to make all such determinations, and to coordinate with TxDOT and seek written concurrence for locations on state highways.

It is emphasized that this Policy only addresses requests made by developers or property owners for new or modified access to public roadways. The addition of any raised medians, turn restrictions, or similar access changes that may be considered by the City independent of such an access request must always be coordinated with the owners of any developed properties that would be impacted, either individually or through a broader public input process. Nothing stated in this Policy should be taken as authorization for any access management changes to be implemented without such advance coordination.

[8] *Roadway Design Manual*, Texas Department of Transportation, April 2018.

3.2.3 Auxiliary Turn Lanes

The construction of auxiliary lanes for left or right turns may be required for commercial access points in accordance with Tables 8 and 9 below.

Table 8. Auxiliary Left-Turn Lane Requirements

Road / Median Type	Left Turn Lane
Any Road with Raised Median	Required if Left-Turn Permitted
Any Road with TWLTL †	Existing / No Change Required
Local Street, Undivided	No Turn Lane Required
Collector Street, Undivided	No Turn Lane Required
Arterial, Undivided	See Note ‡
State Highway, Undivided	Per TxDOT *Roadway Design Manual*, Table 3-11

† *Two-way left turn lane*

‡ *NOTE: Most arterials under the jurisdiction of the City have existing raised median or TWLTL. For locations that do not, the addition of a left turn lane may be required based on vehicle speeds, roadway volumes, and projected site traffic volumes, at the discretion of the City Traffic Engineer or designee.*

Table 9. Auxiliary Right-Turn Lane Requirements

Road Type / Characteristics	Right Turn Lane
Local Street	No Turn Lane Required
Collector Street, ≤ 3 Travel Lanes	No Turn Lane Required
Collector Street, ≥ 4 Travel Lanes	See Note †
Arterial, Speed Limit ≤ 40 MPH	See Note †
Arterial, Speed Limit > 40 MPH	Required if Right Turn Volume > 60 veh/hr ‡
State Highway, Speed Limit ≤ 45 MPH	Required if Right Turn Volume > 60 veh/hr ‡
State Highway, Speed Limit > 45 MPH	Required if Right Turn Volume > 50 veh/hr

† *NOTE: Required only for very high traffic generating sites at the discretion of the City Traffic Engineer or designee.*

‡ *NOTE: Requirement may be waived based on roadway geometry, density of other access points, vehicle speeds, roadway volumes, and projected site traffic volumes, at the discretion of the City Traffic Engineer or designee.*

3.2.4 Commercial Shared Access

Shared Access refers to cases where adjacent properties with unrelated development share the use of one or more common access points. Such properties are typically under different ownership, but they could simply be individual businesses on separate parcels with a common owner.

There are two types of shared access most often seen in commercial development:

- **Joint Access** refers to a single access point that is typically located on the common property line between two adjacent parcels. This access serves both parcels and usually requires a small easement on each parcel to ensure that neither property owner can obstruct the use of the common area needed for the joint access.

- **Cross Access** refers to an access point that is located on one parcel but can be used by traffic related to another parcel by allowing that traffic to cross through all or part of the property using an internal private roadway or parking drive aisle.

The use of either form of shared access is a very effective means of providing reasonable access for development of small to medium-sized sites while still limiting the number of access points needed on the public roadway network. Shared access also allows customers to circulate internally between different businesses without the need to repeatedly re-enter and exit the roadway.

Shared access is most commonly introduced when land is being platted or re-platted for new development and establishment of the needed easements can be readily handled within the platting process. Developers should expect that the City will require shared access easements with platting even if the physical construction of such access is not immediately feasible, as having such easements on the plat allows for connections to adjacent development in the future.

The addition of shared access to existing sites is also highly encouraged, although cooperation between adjacent property owners is needed to produce the best outcome for both sites.

3.2.5 Alternate Commercial Access Locations

It should be noted that access management standards along major roadways are often applied more stringently to corner parcels, or to parcels that have frontage on other, lower classification roadways.

As described elsewhere in this Policy, the City's goal is to allow reasonable access for business owners while balancing against the safety and operational needs of the roadway network. When direct frontage or cross access to a side street or backage road behind a property allows for site traffic to circulate to and from a business without the need for as much direct access on a major roadway, this is often the most reasonable compromise between the competing needs of the business owner and the travelling public.

When selecting or designing commercial sites, developers are strongly encouraged to look for opportunities for alternate access to lower classification roadways, which then allow their customers indirect access to the main roads in a safer manner.

3.2.6 Commercial Driveway Construction Details

Commercial driveways shall be constructed in accordance with the appropriate standards in the latest edition of the Standard Details as published by the Engineering Services Department.

Driveways on streets with existing curb, or with new curb being constructed as part of the same project, shall include pedestrian ramps on both sides of the driveway approach. Ramps are required regardless of whether sidewalk is existing or planned in order to accommodate future sidewalk construction. Driveways on streets with no existing curb, and no curb planned as part of the same project, may omit the pedestrian ramps and shall include flares instead.

Driveways on streets with mountable (or roll-over) curb do not typically need to include flares or pedestrian ramps. However, all other design and spacing standards still apply.

3.2.7 Commercial Driveway Geometric Design

Throat Width – When driveways are too narrow, entering drivers must slow excessively to make their turn into the site, creating delays for traffic behind them and increasing the potential for rear-end crashes. Conversely, when driveways are too wide, drivers may tend to cross the driveway at an angle or drive on the wrong side of opposing traffic, creating additional conflicts.

The throat width is typically measured between the ends of the curb radii on the side farthest from the roadway. If the driveway cross-section is continuously varying and there is no obvious uniform-width throat to measure, then it shall be taken as the maximum width of the driveway where it crosses the right-of-way line.

The width of the throat of a commercial driveway shall be no less than 16 feet and no greater than 40 feet, except that a maximum width of 45 feet is permitted in accordance with TxDOT standards if the access is located on a state highway. If the driveway is forecast to serve at least 50% large truck or bus traffic, then a maximum width of 60 ft may be permitted at the discretion of the City Traffic Engineer or designee.

Median Divided Driveways – The construction of a physical median between entering and exiting traffic on a driveway is permitted at the option of the developer. If the median is less than 30 feet wide, measured between outside curb faces or edges of pavement, then the entry/exit pair shall be treated as one access point. For medians that are 30 ft or wider, each side shall be considered a separate access point for the purpose of this Policy.

If a median-divided driveway is used, the maximum width of the throat of each side shall be no less than 16 feet and no greater than 24 feet.

Throat Length – If the driveway throat is too short, then drivers entering the site may need to slow significantly or stop to wait for other vehicles in order to turn into an internal drive aisle or parking space, causing delays and conflicts with other vehicles on the roadway behind them. Also, a short driveway throat may not leave adequate room for queuing of exiting vehicles, causing additional on-site traffic congestion and encouraging drivers to take unnecessary risks to enter the roadway quickly. A short throat to a parking space creates additional safety concerns because drivers must back out into the driveway while other vehicles may be trying to enter from the roadway.

The throat length is measured as the distance from the roadway face-of-curb or edge of pavement on the exiting side of the driveway to the projection of the interior curb or edge of pavement for the nearest drive aisle or parking space which conflicts with traffic on either side of the driveway.

The minimum length of the throat of a commercial driveway shall be as shown in Table 10, although longer throats are strongly encouraged whenever the site layout allows.

Table 10. Minimum Commercial Driveway Length

Street Type	Minimum Driveway Throat Length
Local Street	20 ft
Collector Street (posted speed limit of 35 MPH or less)	30 ft
Collector Street (posted speed limit of 40 MPH or higher)	50 ft
Arterial Street or State Highway	50 ft
Any access directly served by a traffic signal (existing or planned)	As recommended by a traffic impact study (100 ft minimum)

Curb Radii – The curb radii on a commercial driveway shall be no less than 5 feet and no greater than 60 feet, with the following recommendations:

- Curb radii less than 10 feet are discouraged except in cases of very small, low traffic sites.
- Curb radii greater than 30 ft are discouraged on local and collector streets.

3.2.8 Access Involving Traffic Signals

Due to the unique issues associated with traffic signal operations, some special conditions apply to any access that proposes the new installation or modification of a traffic signal, as listed below. For the purpose of this Policy, modification of an existing signal refers to operational changes that impact traffic capacity or delay, such as the addition of new movements or signal phases. Physical changes to the infrastructure are typically not considered to be modifications requiring study, although approved engineering plans will be required for the work.

A traffic impact study must be prepared and submitted by a qualified professional engineer, licensed in Texas. For a new signal, the study must document that the location meets warrants as per the *Texas Manual on Uniform Traffic Control Devices* (TMUTCD). For signals that are either new or modified, the study must provide a capacity analysis to demonstrate that there will be no degradation in the Level of Service (LOS) in the peak hour periods below the existing LOS, or LOS 'C', whichever is lower. Such analysis must be provided for the subject intersection(s), the nearest adjacent intersection(s) along the major roadway, and any other intersections as determined necessary by the City Traffic Engineer or designee. The study must also consider the effect of signal spacing on queuing and progression along coordinated corridors.

For locations on state highways, the traffic impact study must also be approved by TxDOT. It shall be the responsibility of the City Traffic Engineer or designee to coordinate with TxDOT and seek concurrence.

For a new traffic signal to be approved, all approaches to the intersection must be constructed in accordance with either City or TxDOT standards for public streets. Typical commercial driveway approaches may not be signalized. Also, any approach to a proposed traffic signal must be designed to provide the minimum throat length and number of lanes as recommended by the traffic study. In no case,

however, may an access be signalized that has less than 100 feet of throat or less than two approach lanes (typically a left-turn and thru/right).

3.2.9 Drive-Thru / In-Vehicle Operations

The City of Midland Zoning Ordinance (Section 6, Table 7) states: "Site plans for all uses that will include drive-thru operations or in-vehicle services must be approved by the Planning Division Manager and the Engineering Services Director, or their respective designees." Specific numbers of vehicles that must be accommodated in the queue prior to the service point are not identified in the ordinance because experience has shown that the actual demand varies significantly with each site, not just by the type of use, but also by the individual brand and/or operator of the business.

Therefore, prior to approval of any site plan for drive-thru or in-vehicle service type uses, including approval of the driveway access related to that use, it must be determined that the proposed design provides reasonable on-site vehicle queuing and circulation as compared to other similar uses in Midland or the surrounding region. It must also be determined that the site plan has been designed such that, if the anticipated queuing has been underestimated and the vehicle storage area overflows during peak periods, that such overflow will occur in the safest and least disruptive manner that is reasonably possible. This means that queue overflow will be contained within the site to the greatest extent possible, and if driveways to public roads are impacted, such impacts will be limited to local or minor collector streets only. Queue overflow onto arterials or state highways must be avoided at all times due to the significant safety and operational impacts associated with such occurrences.

These determinations shall be the responsibility of the City Traffic Engineer or designee, reporting to the Engineering Services Director, as per the Zoning Ordinance.

3.3 Alleys

Permissible access to alleys is not fully addressed in this Policy, but is described in greater detail in City Code Section 11-2-5.

Restrictions are generally more stringent for lots for which an application for final plat was filed with the City after June 30, 1994. For those lots, the alley must be improved to city standards, including paving, and meet various other conditions for access to be allowed. If the lot was platted prior to that date, residential access is generally permitted without restriction in most cases.

Vehicular access from a commercial use is only allowed if an alley has been improved to city standards, regardless of when it was platted. Such access connections shall have a permanent opening of not more than 25 feet per separately owned parcel (as per City Code Section 4-1-4).

For cases meeting the conditions as described in City Code, construction of a driveway connection to an alley does not require a permit if no substantive work is to be performed in the city right-of-way. If grading, paving, curb removal, or other work is required in the city right-of-way to build such a driveway, then the standard permitting process as described in Section 4 of this Policy shall apply.

All persons constructing access connections to city right-of-way, or otherwise working in city right-of-way, are responsible for adhering to all applicable codes and regulations. Therefore, it is best practice to contact the City to verify if a permit is needed before starting any work.

4 Access Permitting Process

4.1 Approval Requirements

Permitting by the City of Midland is required for all vehicular access regulated under this Policy.

Access approval is granted only for a specific site, with the specific scope and type of land use proposed when the permit application is submitted.

If the land use for which access was previously approved is permanently closed, or if the site is abandoned, then the approval of access automatically terminates. Access points which have been abandoned must be removed in accordance with City Code Section 9-4-8.

If the scope or type of land use is substantively changed, or if the size or nature of the site layout changes significantly, then approval of access automatically terminates, and a new approval must be obtained. There are some cases where the existing access may be re-approved and may remain in place after a review of the new or modified land use. However, there is no assumed right to "grandfathering in" any existing access.

4.2 Pre-Development Review

Formal access approval can be issued by the City only through the building or driveway permit process described below. However, the City encourages residents, business owners, and developers to coordinate with city staff early in the site selection or design process to determine what will be acceptable for access, and to seek input on possible alternative access scenarios that may be considered. Early consideration of access issues can save time and money for all parties involved.

Although strongly encouraged, all pre-development reviews are informational only, and an approved permit is the only official authorization from the City regarding access. Applicants are advised to keep documentation of any communication with city staff regarding access to assist in future discussions.

4.3 Permitting Process

Vehicular access to any public roadway under this Policy is formally authorized only through the building or driveway permit process, administered by the Development Services Department.

Building permit applications that include site plans, civil engineering plans, or similar drawings showing the details and dimensions of the proposed access also serve as the application for access approval. Following review, the approved building permit drawing set (displaying an Engineering Services Department approval stamp) serves as the City's driveway permit. No separate permit document is issued.

If no building permit application is needed for other site or civil work, then a standalone driveway permit application can also be made through Development Services. The approved driveway permit drawing(s) (displaying an Engineering Services Department approval stamp) serves as the City's driveway permit. No separate permit document is issued.

4.4 Nonconforming Sites and Deviations from Standards

As stated in the Introduction, the goal of this Policy is to preserve the mobility, safety and capacity of the roadway network, but also to provide reasonable access for residents and business owners. The City of Midland encourages infill development and the redevelopment of older, dilapidated, or underutilized

properties. In areas that are already substantially developed, it is often not possible to meet the minimum access spacing and other design requirements described in this Policy in order to allow such infill or redevelopment activity.

In such cases, the City Traffic Engineer or designee shall have the authority to approve specific cases that do not meet the minimum standards described herein, with the following conditions:

- No other reasonable access to the property is possible, including potential joint or cross access arrangements.
- Any deviation approved below minimum design standards shall be the minimum such deviation needed to allow for reasonable site access because of the nonconforming conditions on neighboring properties and/or the existing roadway.
- The access does not create unreasonable safety or operational problems as determined by the City Traffic Engineer or designee.
- Any deviations are approved only for that specific access point for that site and land use and should not be assumed to be acceptable in any other case.
- Any deviations below minimum standards on a state highway must have written concurrence from TxDOT prior to approval by the City. It shall be the responsibility of the City Traffic Engineer or designee to coordinate with TxDOT staff to review the site issues and seek concurrence prior to issuing any approvals. If TxDOT staff and the City Traffic Engineer or designee do not concur on the proposed deviation(s), access that fails to meet minimum standards shall not be permitted.

4.5 Appeals Process

If a driveway or building permit application is denied because the City Traffic Engineer or designee has determined that minimum access design standards have not been satisfied, and if the applicant is unable or unwilling to reach an agreement with the City Traffic Engineer or designee regarding acceptable alternative access, the applicant has the right to appeal the permit denial to the City Council.

In order to appeal a permit denial to the City Council, the applicant must submit a written request for an appeal within 30 days following receipt of notice of denial, and shall clearly document those hardships which make it impossible or impractical to meet the minimum access design standards required by City Code and/or Council-adopted interagency agreements. Staff will review the appeal request and coordinate with the applicant to schedule the item for a future Council agenda.

Notwithstanding any provision of this Section to the contrary, if the permit denial relates to an access location on a state highway, then written concurrence from TxDOT is required in order for the City Council to reverse the denial and grant the permit, in accordance with the Council-adopted *Municipal Maintenance Agreement*.

5 Contact Information

For additional information or to discuss an access issue with City staff, contact the City of Midland Traffic Operations Division by phone at 432-685-7287, or visit the City's website at www.midlandtexas.gov to locate the latest staff email addresses.

City Council Meeting

Item Number: 19

Meeting Date: May 11, 2021

To: City Council / City Manager

From: Valerie A. Sherman, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.92-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH STATE HIGHWAY 349 AND TEJAS); 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Landgraf, Crutcher & Associates, is requesting this zone change form AE, Agricultural Estates District to PD, Planned Development District for a shopping center to develop a shopping center.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Discussion:

Surrounding Zoning and Land Use:

The property to the north is zoned PD, Planned District for an Industrial District and the location

of a business park. The properties to the east across N. State Highway 349, are zoned PD, Planned District for an Industrial District and the location of a storage facility, and RR, Regional Retail District, and the location of vacant lots. The property to the south is zoned PD, Planned District for a Housing Development and the location of a residence. The properties to the west are zoned AE, Agricultural Estate District and the location of a residence, and PD, Planned Development District for a Recreation Center and the location of a golf course.

Analysis:

The applicant is requesting this zone change form AE, Agricultural Estates District to PD, Planned Development District for a Shopping Center with an underlying zoning district of RR, Regional Retail District, to develop a shopping center.

Per the Zoning Ordinance, a Shopping Center is permitted in the RR, Regional Retail District.

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

Fire: (Approved)

No objections.

Building: (Approved)

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

Engineering: (Approved)

No objection to zone change.

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

Our staff has examined the FEMA flood map and it appears that this property lies entirely within Zone AH, which is a Special Flood Hazard Area subject to inundation by the 1% annual chance flood. Compensatory excavation will be required within floodplain for any fill being placed within the floodplain.

An elevation certificate based off of construction drawings will be required to get a building permit to show compliance to the 1 foot of freeboard above the base flood elevation for residential structures. An elevation certificate based off of finish construction will be required for the Certificate of Occupancy.

Code: (Approved)

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

Transportation: (Approved)

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.

Planning:

Per the Future Land Use map, this location is designated as Urban Residential; which calls for single-family detached development, and civic uses are generally allowed with special permission for higher intensity uses; therefore, this zone change complies with the Future Land Use plan.

This request has been recommended for approval by a unanimous vote at the April 19, 2021 Planning and Zoning Commission meeting.

Staff recommends approval of the zone change from AE, Agricultural Estate District to amended PD, Planned Development District for a Shopping Center, subject to conditions A through F.

Conditions:

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

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

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

D. **That the minimum number of required parking spaces shall be shown on Exhibit "B”.**

E. **That the fencing shall significantly conform to Exhibit “B”.**

F. 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:

Staff has not received any objections as of April 28, 2021.

Attachments:

Metes and Bounds (Exhibit A)
Site Plan (Exhibit B)
Application
Maps

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.92-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH STATE HIGHWAY 349 AND TEJAS); 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, the City Code, and State law, 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 rezoning a 9.92-acre tract of land out of Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, said tract being more specifically described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein (the "Property") to PD, Planned Development District for a Shopping Center and adopting a site plan therefor, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from AE, Agricultural Estate District to PD, Planned Development District for a Shopping Center.

SECTION TWO. That the base zoning district to which the use and development of the Property shall conform, except as modified by Section Three of this ordinance, is the

RR, Regional Retail District.

SECTION THREE. That a site plan, which is attached hereto as Exhibit "B" and incorporated herein for all purposes, is hereby adopted, and the use and development of the Property shall be subject to the following conditions and restrictions:

A. That the Property shall significantly conform to the site plan attached hereto as Exhibit "B".

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

C. That the minimum number of required parking spaces shall be as shown in Exhibit "B".

D. That the fencing shall significantly conform to Exhibit "B".

E. That all signage shall conform to the regulations set forth in Title XI, Chapter 7a of the City Code.

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

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

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

SECTION SEVEN. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code

of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

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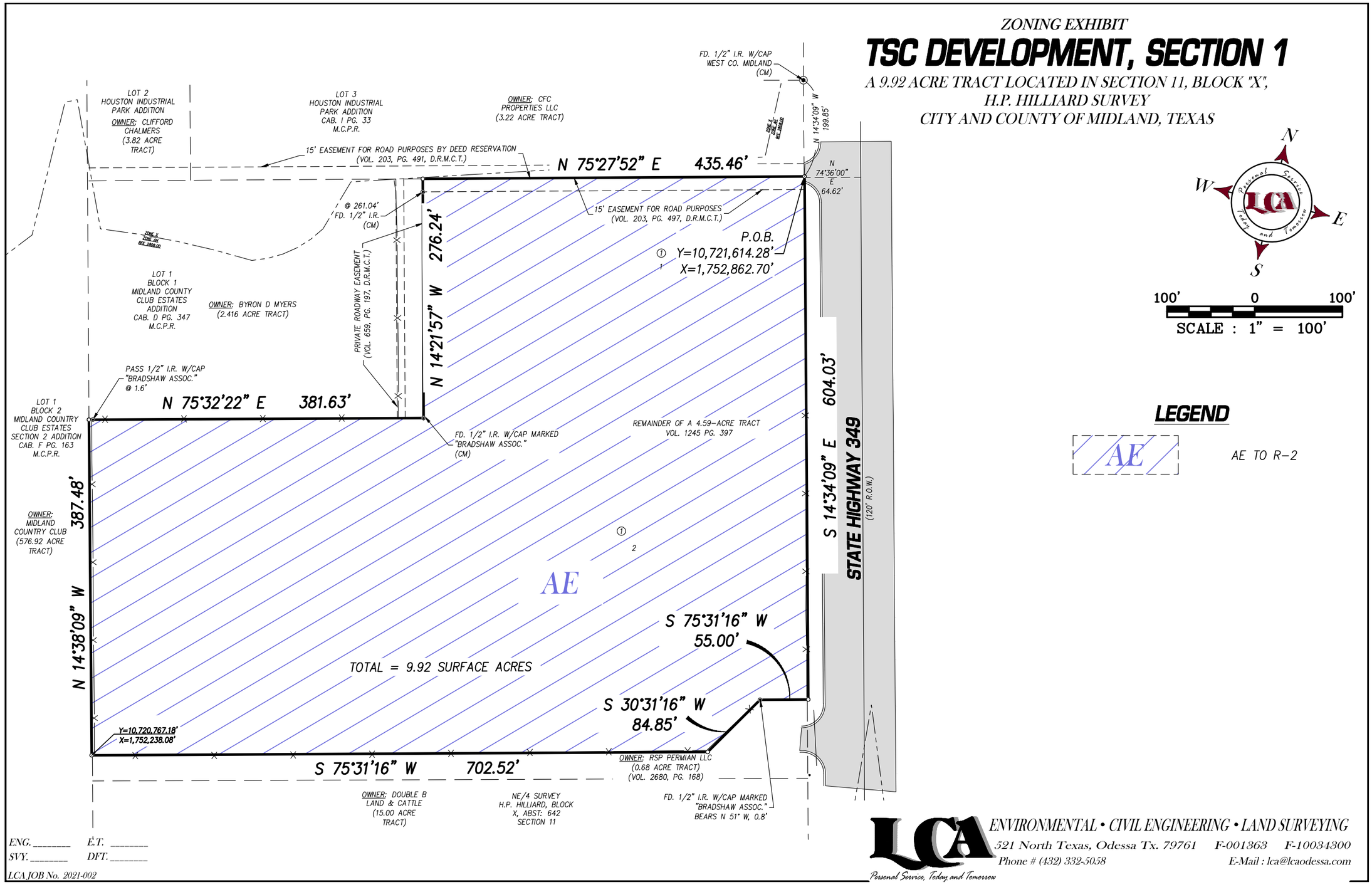
ZONING EXHIBIT

TSC DEVELOPMENT, SECTION 1

A 9.92 ACRE TRACT LOCATED IN SECTION 11, BLOCK "X",
H.P. HILLIARD SURVEY
CITY AND COUNTY OF MIDLAND, TEXAS



LEGEND

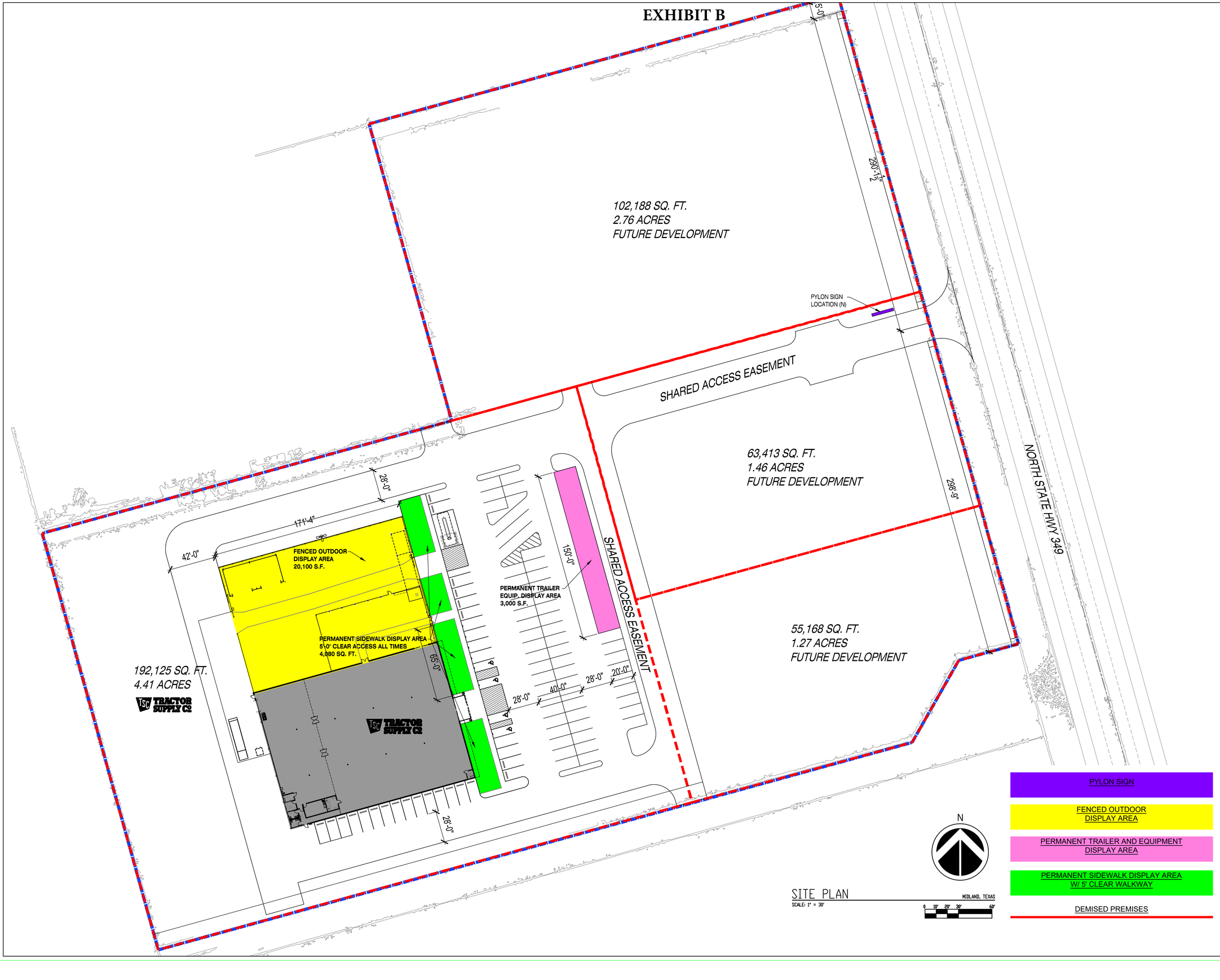
AE — AE TO R-2

ENG. _____ E.T. _____
SVY. _____ DFT. _____

LCA JOB No. 2021-002

LCA ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING
521 North Texas, Odessa Tx. 79761 F-001363 F-10034300
Phone # (432) 332-5058 E-Mail : lca@lcaodessa.com
Personal Service, Today and Tomorrow

EXHIBIT B



PYLON SIGN

FENCED OUTDOOR DISPLAY AREA

PERMANENT TRAILER AND EQUIPMENT DISPLAY AREA

PERMANENT SIDEWALK DISPLAY AREA W/ 5' CLEAR WALKWAY

DEMISED PREMISES

N

SITE PLAN

SCALE: 1" = 30'

MIDLAND, TEXAS

0 10' 20' 30' 60'

COROLLA CAPITAL PARTNERS, LLC
2208 FOWLER AVE.
JONESBORO, AR 72401

Tractor Supply Company
Midland, Texas

REVISIONS

PROJECT DATA

DATE: 03.23.2021

JOB NUMBER: 20036

SHEET TITLE: SITE PLAN

SHEET NUMBER:

SITE

LCA Job # 21-002

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: _____

Case Number: Z-21-0232

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

Property Owner Printed Name: **Christopher Lewis Gurgevich**		Phone (N/A) Email N/A	
Address: **6401 N. Hwy 349**	City: **Midland**	State: **TX**	Zip: **79705**

Representative *(if different from Applicant or Property Owner)* Firm: ***Landgraf, Crutcher & Associates*** Printed Name: **LCA**		Phone (**432**) **332-5058** Email lca@lcaodessa.com	
Address **521 N. Texas Avenue**	City **Odessa**	State **TX**	Zip **79761**

Street Address: 6401 N. Hwy 349

Legal Description
Lot: **Prop. 1** Block: **Prop. 1** Subdivision: **Proposed TSC DEVELOPMENT, SECTION 1**

Current Zoning: Agricultural Estates District (AE)	**Proposed Zone: Planned Development (PD)** *(List by tracts if more than one district is requested)*

Reason for Zone Change Request: To comply with a shopping center zoning requirements

Present Use of Property: residential and partially vacant

Proposed Use of Property: Shopping center

How would this zone change affect the public health, safety and welfare?
Traffic may increase in this area

Describe how conditions affecting the property have changed since present zoning designation. Not known

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):	Date:
Property Owner (printed) :	

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

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

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 Texas NH Management 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.

George E. Thornley
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 24 day of March, 20 21, to certify which witness my hand and seal of office.

NOTARY PUBLIC • STATE OF TEXAS
Melanie Martinez
My Commission Expires
12/09/2022
ID No. 130046270

Melanie Martinez
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # 38967	
Received By: KM	Date: 3/24/21

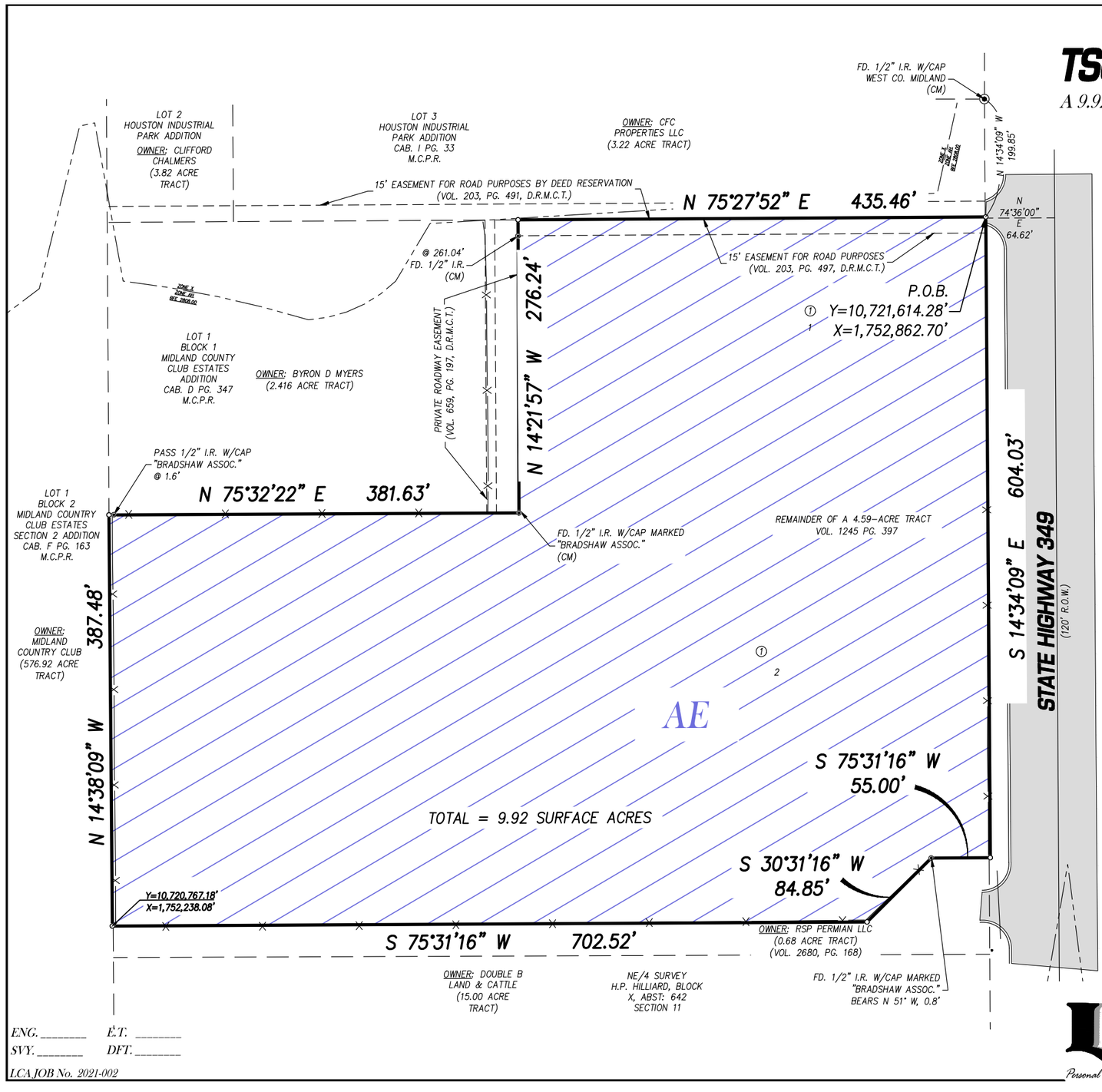
Application will not be considered for scheduling until reviewed by staff.

E:\2021\2021-002\Dwg\Drafting\Exhibit\2021-002 Zoning Exhibit.dwg, 3/24/2021 2:14:11 PM, AutoCAD PDF (General Documentation).pc3

ZONING EXHIBIT

TSC DEVELOPMENT, SECTION 1

A 9.92 ACRE TRACT LOCATED IN SECTION 11, BLOCK "X",
H.P. HILLIARD SURVEY
CITY AND COUNTY OF MIDLAND, TEXAS



LEGEND

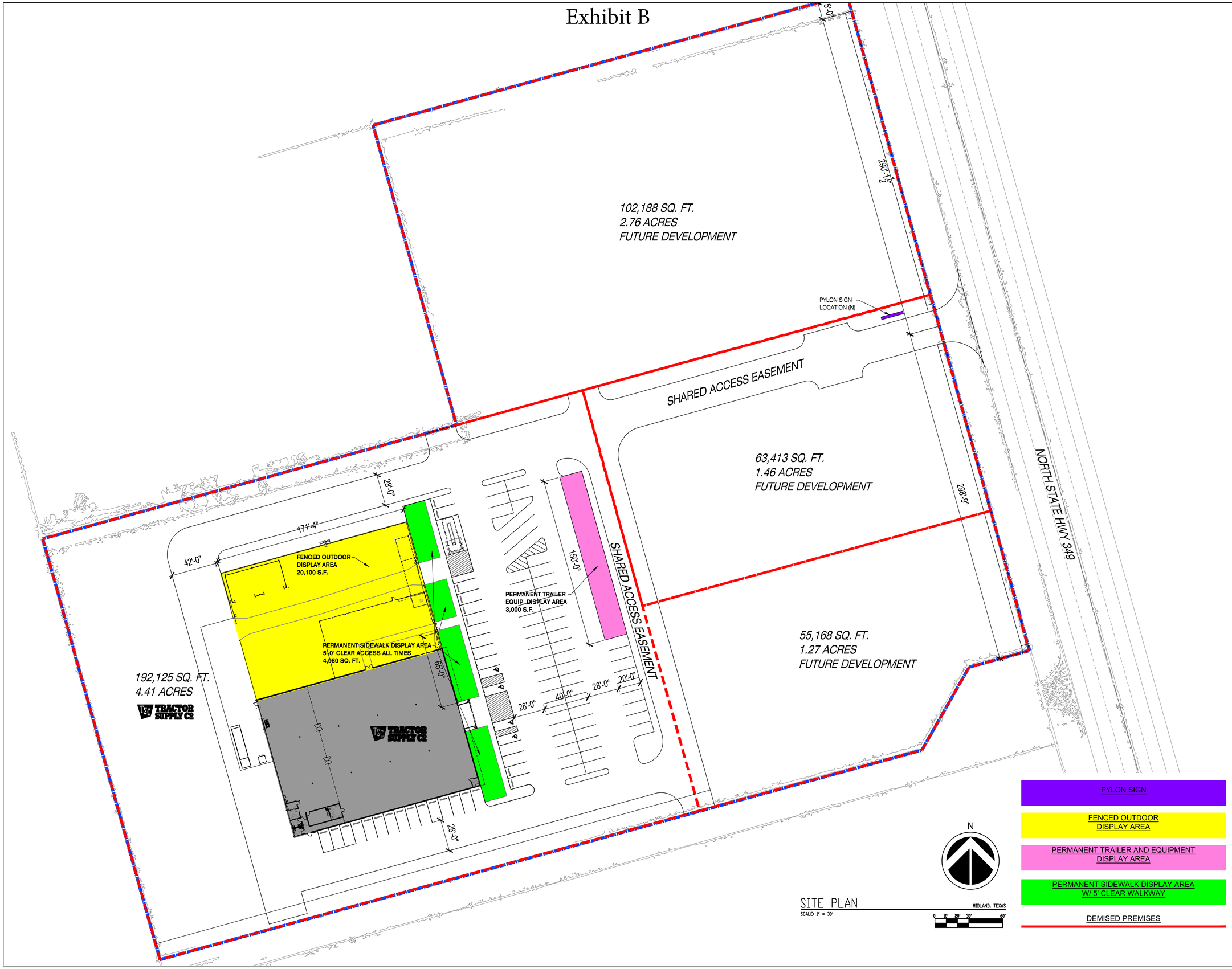
AE — AE TO R-2

ENG. _____ E.T. _____
SVY. _____ DFT. _____

LCA JOB No. 2021-002

LCA ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING
521 North Texas, Odessa Tx. 79761 F-001363 F-10034300
Phone # (432) 332-5058 E-Mail : lca@lcaodessa.com
Personal Service, Today and Tomorrow

Exhibit B



SITE PLAN
SCALE: 1" = 30'

N

MIDLAND, TEXAS
0 10' 20' 30' 60'

PYLON SIGN

FENCED OUTDOOR DISPLAY AREA

PERMANENT TRAILER AND EQUIPMENT DISPLAY AREA

PERMANENT SIDEWALK DISPLAY AREA W/ 5' CLEAR WALKWAY

DEMISED PREMISES

COROLLA CAPITAL PARTNERS, LLC
2208 FOWLER AVE.
JONESBORO, AR 72401

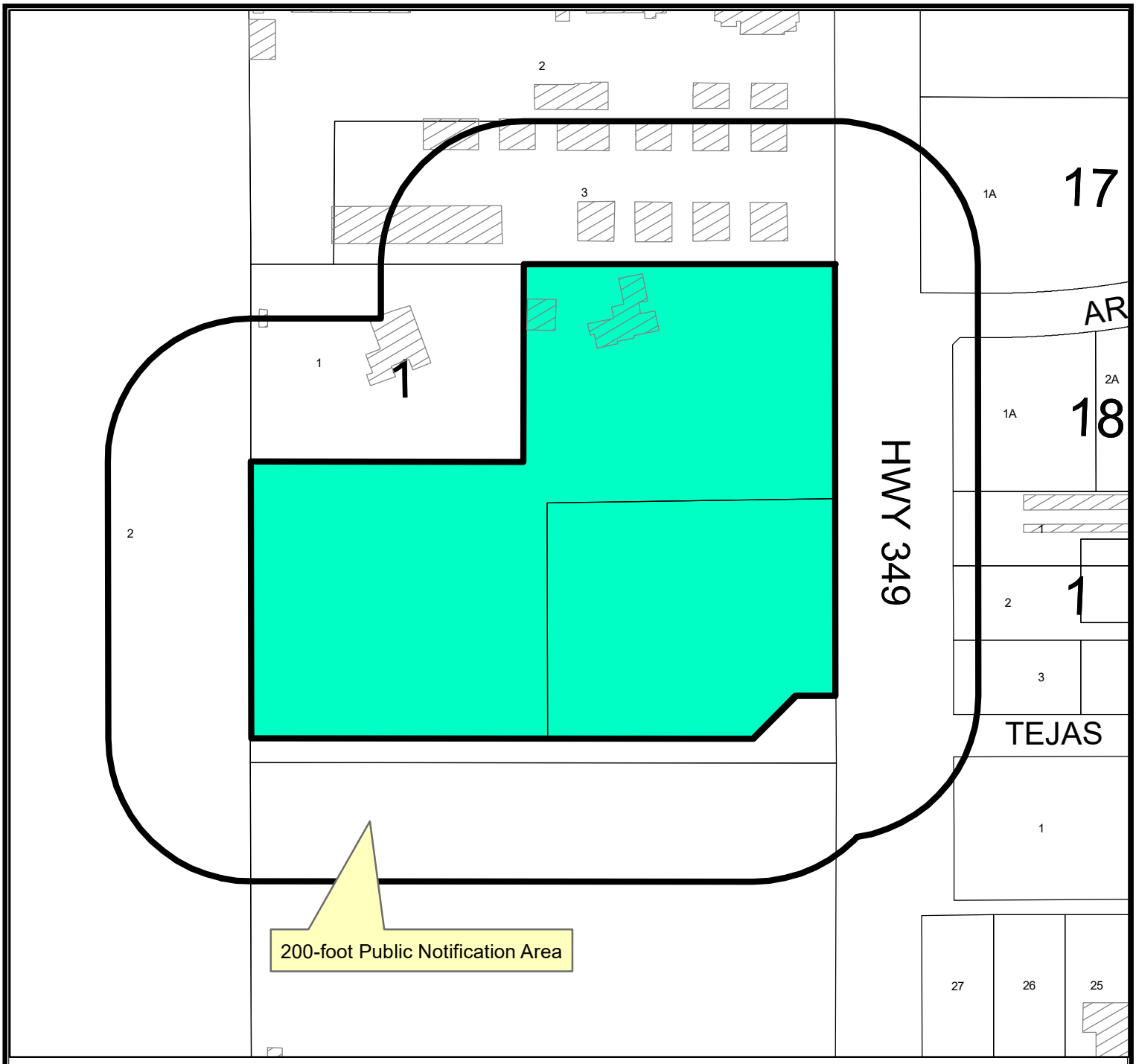
Tractor Supply Company
Midland, Texas

REVISIONS

PROJECT DATA

DATE: 03.23.2021
JOB NUMBER: 20036
SHEET TITLE: SITE PLAN
SHEET NUMBER:

SITE



LOCATION MAP

Z-21-0232 **Scale: 1" = 200'**

Consider a request by Landgraf, Crutcher & Associates, for a zone change from AE, Agricultural Estates District, to PD, Planned Development District for a Shopping Center, on a 9.92-acres tract of land out of Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

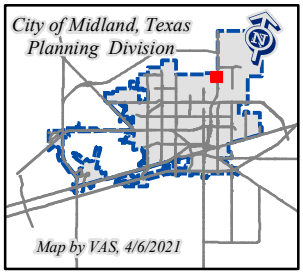
Generally located on the northwest corner of the intersection of N. State Highway 349 and Tejas. (Council District 1)

LEGEND

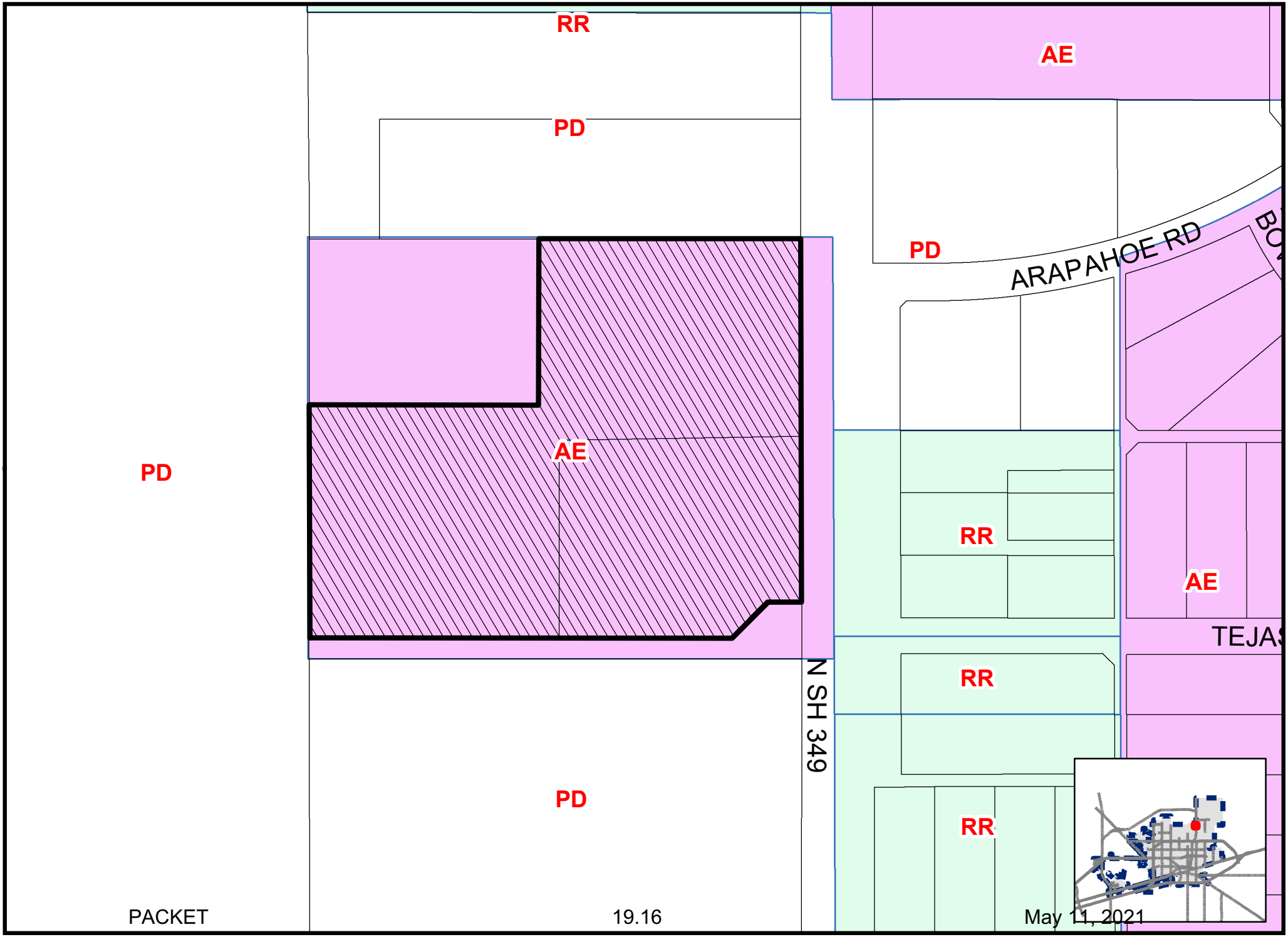
CITY LIMITS

PARCEL

PRIVATE BLDGS



May 11, 2021



Map By VAS, 4/11/2021

Z-21-0232

Scale: 1" = 200'

ZONING MAP

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











City Council Meeting

Item Number: 20

Meeting Date: May 11, 2021

To: City Council / City Manager

From: Kelly Martinez, Planner

Subject: **AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 10,250-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)**

Purpose:

The applicant, Gomca Family Restaurant, LLC, is requesting to amend the Specific Use Designation with Term (SUD) for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant located at 4610 Garfield Street, Suite C1.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Current Zoning:

PD, Planned District for a Shopping Center. (Ordinance 7771**)**

Surrounding Zoning and Land Use:

The properties to north are zoned O-1, Office District, and PD, Planned District for a Housing Development, and are the locations of Quality Suites and Polo Park Retirement Center. The properties to the east are zoned SF-2, Single- Family Dwelling District, and PD, Planned District for a Shopping Center, and the location of single-family houses and Extra Space Storage. The property to the south is zoned SF-1, Single Family Dwelling District, and the location of the Midland Airpark. The properties to the west across Garfield Street are zoned LR, Local Retail District and PD, Planned District for a Shopping Center, and the locations of Fairfield Inn & Suites by Marriot Midland and Talbots.

Discussion:

The property is located at 4610 N. Garfield Street, Suite C1, in a PD, Planned District for a Shopping Center, which is regulated by Ordinance No. 7771. This zoning district permits the sale of all alcoholic beverages, for on-premises consumption, in a restaurant with the approval of a Specific Use Designation.

The restaurant, Tkilaz Mexican Restaurant Bar and Grill currently has a Specific Use Permit (Ordinance No. 9835) for the sale of alcoholic beverages for on-premises consumption. The alcohol serviceable area includes a maximum floor area of 10,250 square feet. Currently, the allowed days and hours of alcoholic beverage sales is the following:

Monday through Saturday from 11:00 a.m. to 12:00 a.m. (midnight); and
Sunday from 12:00 p.m. to 11:00 p.m.

The applicant is requesting to amend their alcohol service hours to the following:

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

Engineering: (Approved)

No objections.

Fire: (Approved)

No objections.

Transportation: (Approved)

No objection to zone change.

Code Administration: (Approved)

The SUD for Tkilaz is acceptable. The property must adhere to the current maximum occupant load of 306. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 2, “Identify partnerships to produce neighborhood and commercial centers that are attractive, functional, and of high quality.” (Tall City Tomorrow page 137) Tkilaz Mexican Restaurant Bar and Grill is an establishment that promotes a positive environment where Midland residents can gather and socialize.

This request was recommended for approval at the April 19, 2021 Planning and Zoning Commission Meeting.

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 establishment shall be limited to approximately 10, 250-square feet, as shown in Exhibit A.

B. That the permitted hours of the sale of alcoholic beverages shall be limited to:

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

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

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

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

Letters of Objection:

As of May 5, 2021, staff has not received any letters of objections.

Attachments:

Application
Floor Plan (Exhibit A)
Maps
Ordinance 7771, 9835

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 10,250-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by granting a Specific Use Designation With Term for a 10,250-square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas (the "Property"), as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to grant the Property a Specific Use Designation With Term for the sale of all alcoholic beverages in a restaurant (the "Establishment") for on-premises consumption, together with the uses permitted in the present PD, Planned Development District for a Shopping Center.

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

A. That the serviceable area of the Establishment shall be limited to approximately 10,250 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.

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

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

Monday through Friday from 11:00 a.m. to 11:00 p.m.; and
Saturday and Sunday from 10:00 a.m. to 11:00 p.m.

D. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

E. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.

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

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

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

SECTION SIX. The City Secretary is hereby authorized and directed to publish the

descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

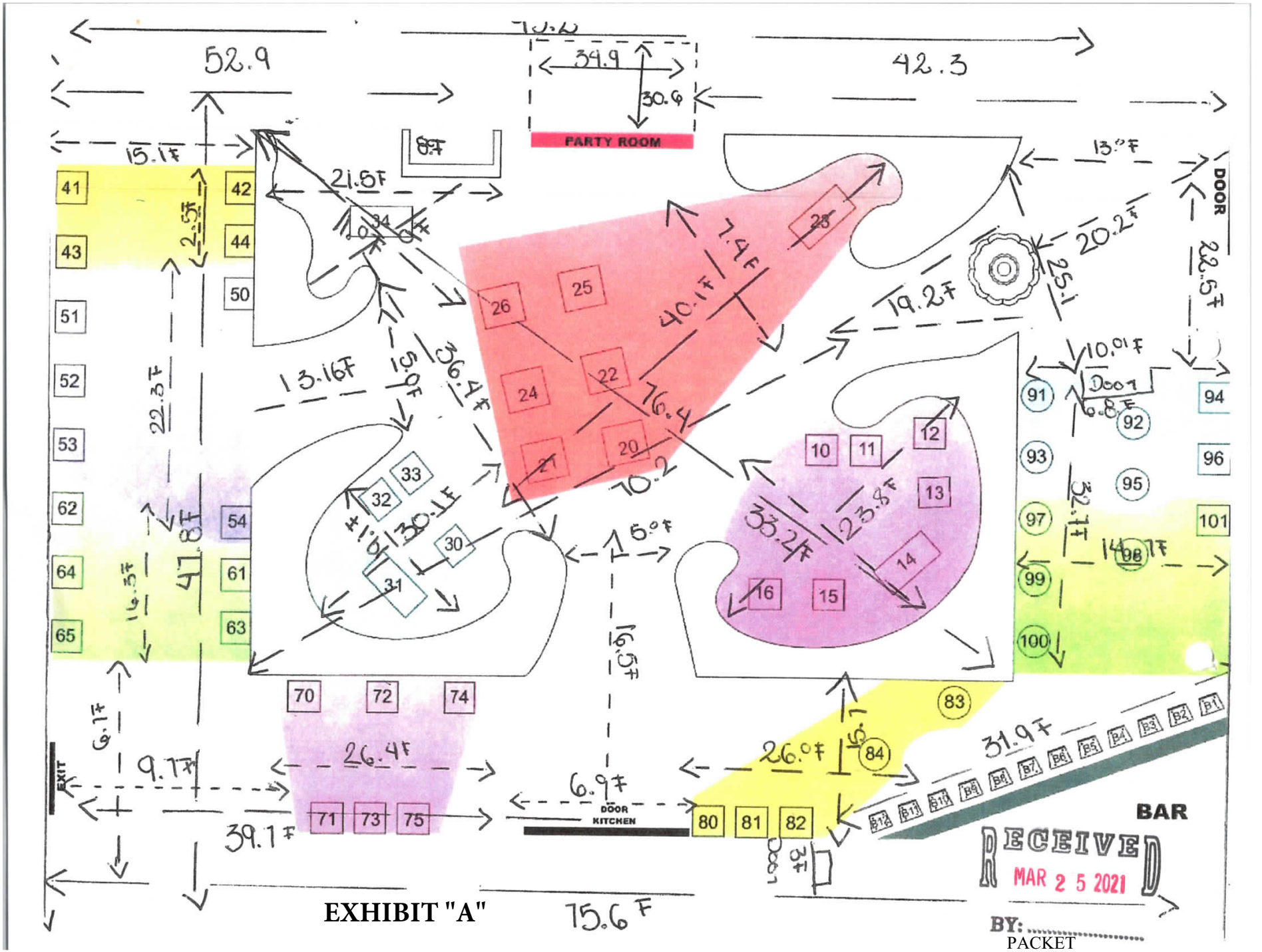

52.9
39.9
30.9
42.3
PARTY ROOM
DOOR
EXIT
DOOR
KITCHEN
BAR
RECEIVED
MAR 2 5 2021
BY:

EXHIBIT "A"

MIDLAND
Planning Division

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

Project Number:
Case Number: SUP-21-0098

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Gomca Family Restaurants LLC		Phone (432) 247 5455 Email fragok13@hotmail.com	
Address 4610 N Garfield st, ste C1	City Midland	State Tx	Zip 79705
Property Owner Printed Name: Colonnade @ Polo Park LP		Phone (817) 927 0050 Email	
Address 3113 S University Dr #600	City Fort Worth	State Tx	Zip 76109
Representative *(if different from Applicant or Property Owner)* Firm: Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 4610 N Garfield st, ste C1

Business Name: Gomca Family Restaurants, LLC.

Legal Description
Lot: 1 Block: 8 Subdivision: Polo Park

Current Zoning: PDSC

Reason for Request: Change of hours

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

Proposed/Current Days and Hours of Operation: Mon - Wed 11 am - 10 pm
Thu - Frid 11am-11 pm Sat 10 am - 11 pm Sun 10 am - 10pm

Proposed Days and Hours of Alcohol Service:

Total Square Footage of Business:

Square Footage of Alcohol Serviceable Area:

Restroom Fixtures:	*Men*	**Toilets/Urinals:**	1 / 3	**Bathroom Sinks:**	2
	Women	**Toilets:**	3	**Bathroom Sinks:**	2

RECEIVED
MAR 25 2021
BY: .....

Submittal and Fees

Items to be submitted with this application form:

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

Signatures	
Applicant (signature):	Date: 03-25-2021
Applicant (printed): Francisco Gomez Castellanos	
Property Owner (signature):	Date:
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~~ Tarrant

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

Authorized Agent (*signature*)

sworn to before me, this 25 day of March, 2021, to certify which witness hand and seal of office.

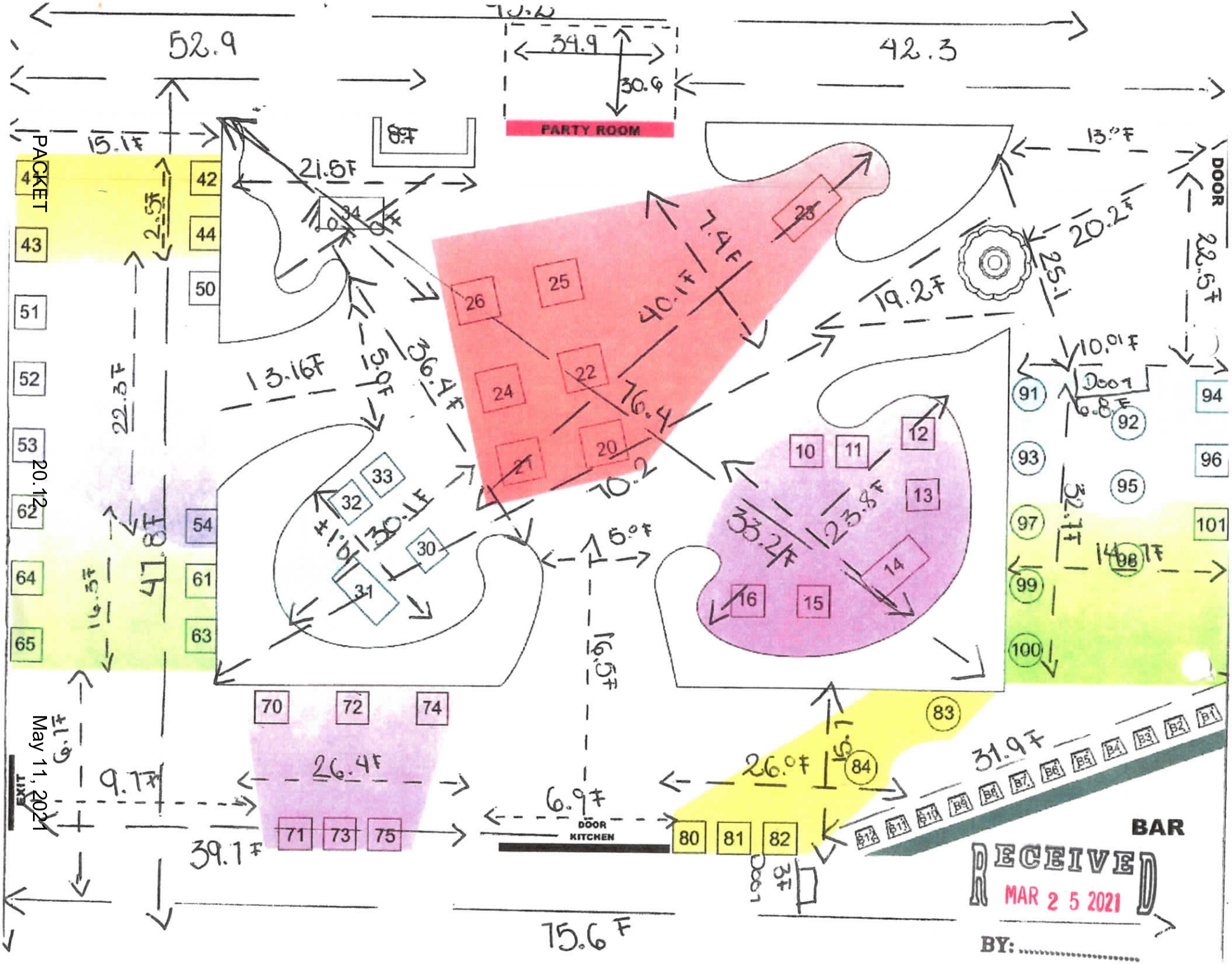
TERESA JO MANIRE
Notary Public
STATE OF TEXAS
ID#4210288
My Comm. Jan. 31, 2022

NOTARY PUBLIC, ~~MIDLAND COUNTY~~, TEXAS
Tarrant County

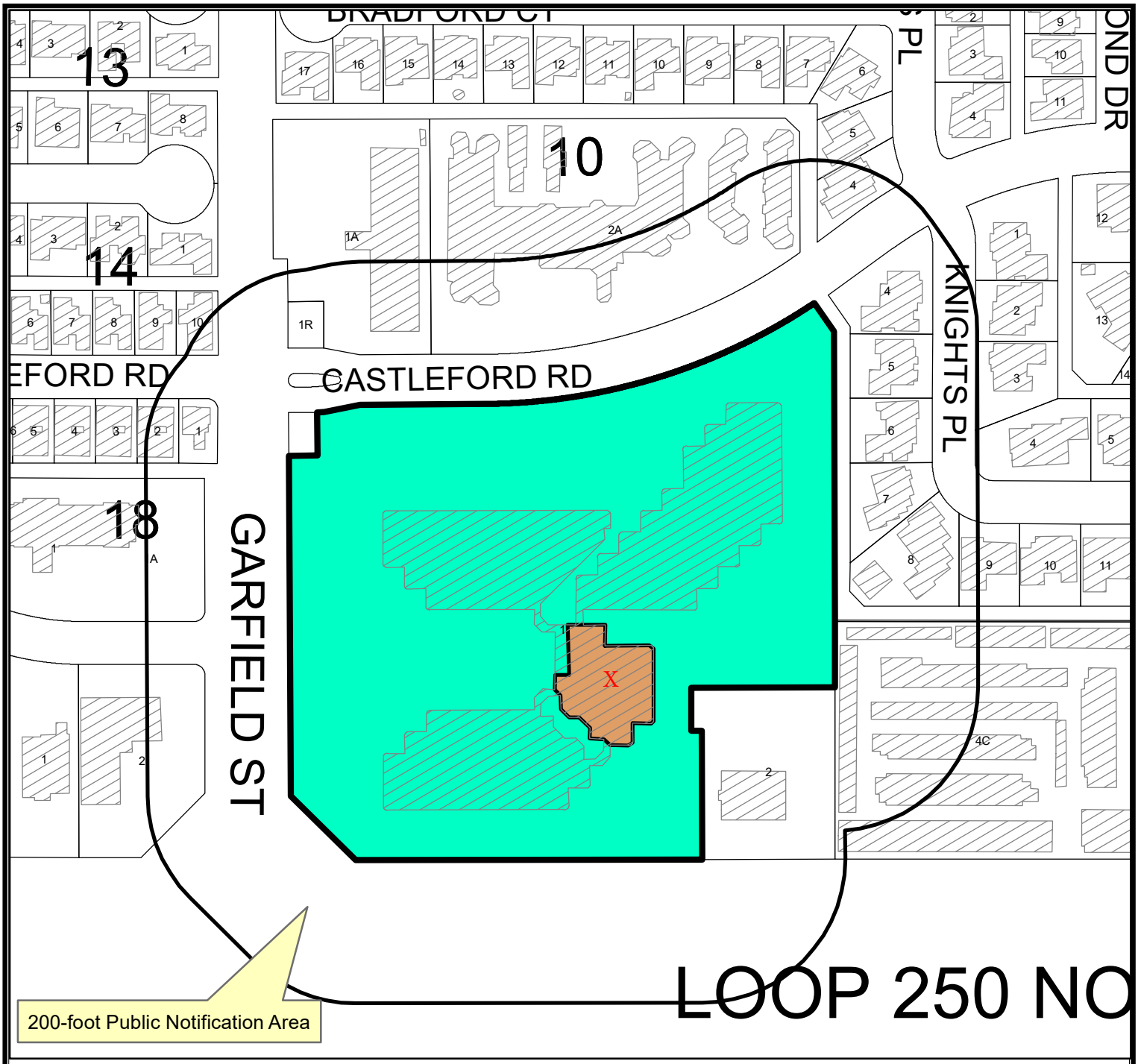
RECEIVED
MAR 25 2021

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

BY: .....



PACKET 20.12 May 11, 2021



LOCATION MAP

SUD-21-0098 **Scale: 1" = 200'**

Consider a request by Gomca Family Restaurant for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 10,250 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas.

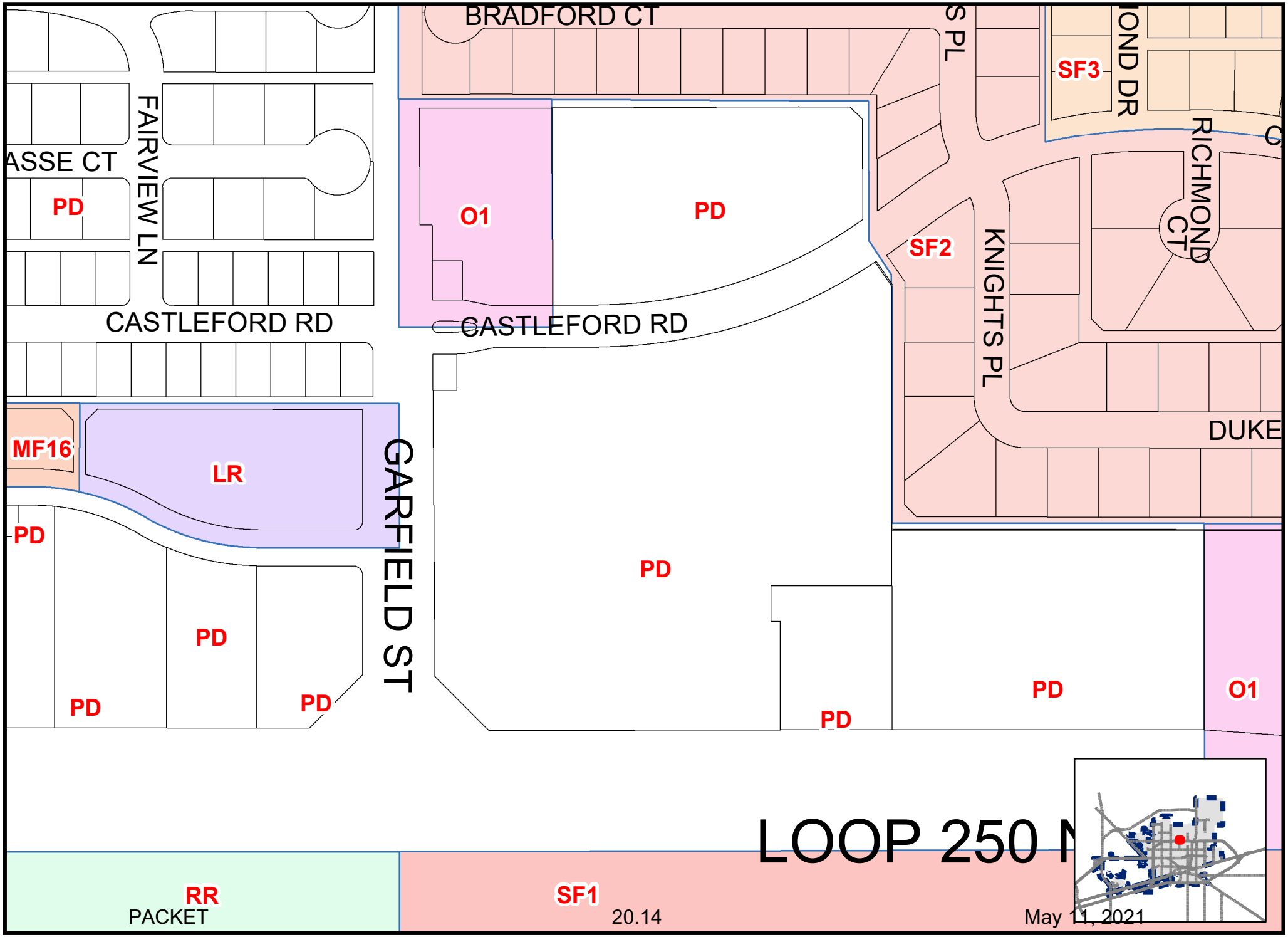
Generally located on the northeast corner of the intersection of N. Garfield St. and W. Loop 250 North. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



May 11, 2021



Map By KM, 4/08/2021

SUD-21-0098

Scale: 1" = 200'

ZONING MAP

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

IKIGAZ
MEXICAN RESTAURANT BAR & GRILL
"House of the famous Cantaritos & Caudos"

chili's

reset
SALON
& SPA
SILVERADO
TEXAS
MZR•159

ORDINANCE NO. 9835

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 10,250-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned PD, Planned District for a Shopping Center, to-wit:

> A 10,250-square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term

for the sale of all alcoholic beverages for on-premises consumption in a restaurant (the "Establishment"), together with the uses permitted in the present PD, Planned District for a Shopping Center.

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

A. That the location of the Establishment shall conform to the site plan, which is attached hereto as Exhibit "A" and incorporated herein.

B. That the area of the Establishment shall be limited to 10,250 contiguous square feet as shown in the floor plan, which is attached hereto as Exhibit "B" and incorporated herein.

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

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

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

Monday through Saturday from 11:00 a.m. to 12:00 a.m. (midnight); and Sunday from 12:00 p.m. (noon) to 11:00 p.m.

F. That the Establishment shall meet all requirements of the Fire Department and the Code Administration Division.

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 October, A.D., 2018; and passed to second reading on motion of Council member Love, seconded by Council member Robnett, by the following vote:

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

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Lacy, seconded by Council member Robnett, on the 6th day of November, A.D., 2018, at a regular meeting of the City Council:

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

Council members voting "NAY": None

PASSED AND APPROVED THIS 6th day of November, A.D., 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

Frank Salvato, Assistant City Manager

Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

John Ohnemiller, City Attorney

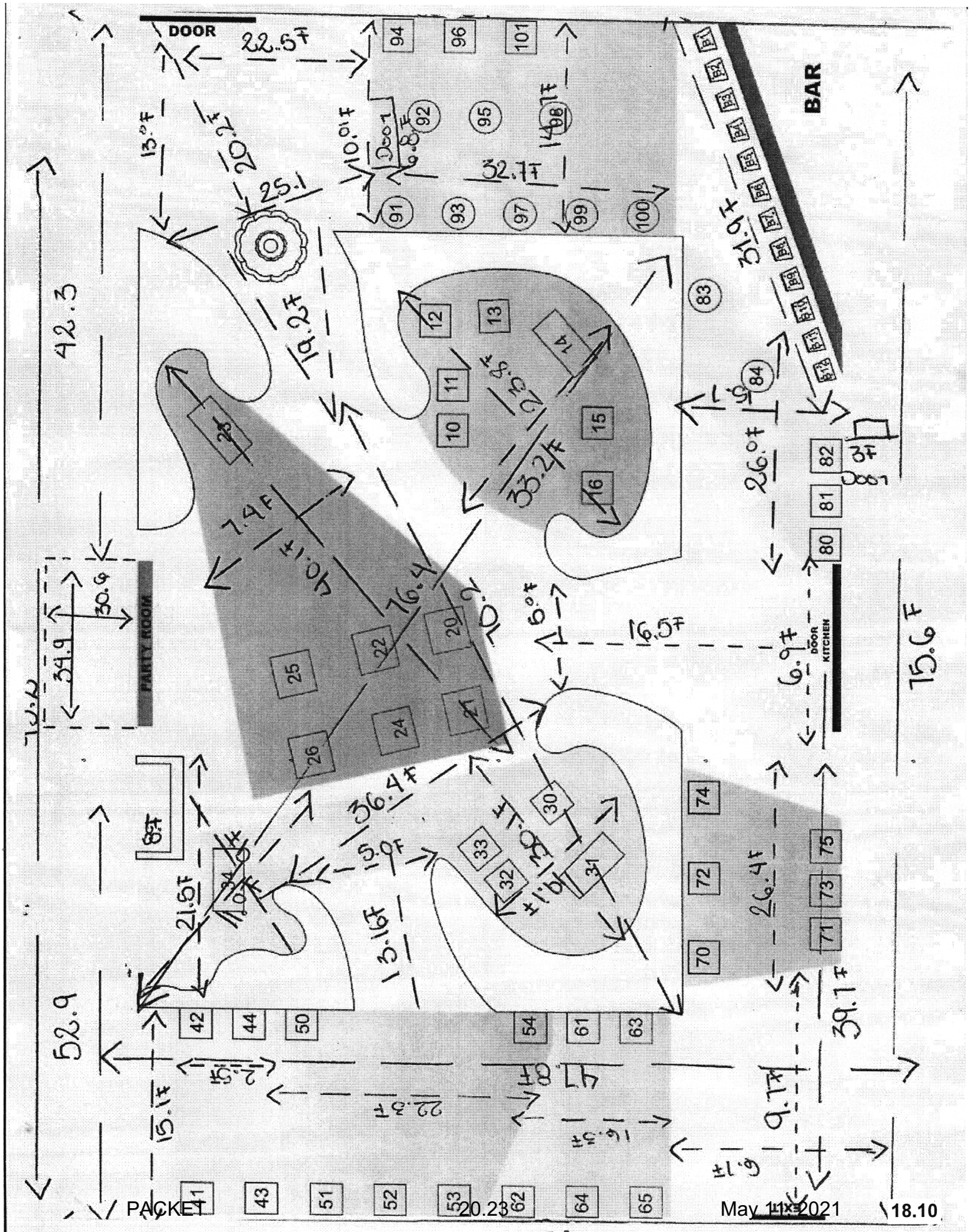

DOOR
BAR
PARTY ROOM
DOOR KITCHEN
22.5F
13.0F
20.2F
25.1
10.0F
32.7F
14.7F
31.9F
42.3
19.2F
23.8F
33.2F
7.4F
40.1F
76.4
70.2
5.0F
16.5F
26.0F
6.9F
15.6F
30.6
34.9
36.4F
5.0F
21.5F
13.16F
26.4F
39.1F
52.9
47.8F
22.3F
15.1F
16.3F
9.1F
6.1F
Door
Door
Door

EXHIBIT A

Parking

Web AppBuilder for ArcGIS

September 24, 20



Parcel

School Property

City Limit

Street Centerline_En...

Arterial; Collector

Resid,; County Rd; Frontage; Park

Interstate; State Highway

Lease Road; Misc

1:820

0 0.004 0.008 0.016 Miles

RECEIVED

SEP 2 4 2018

CITY OF MIDLAND
PLANNING DIVISION OFFICE

EXHIBIT A

9835

APPROVED

City Council Agenda

Approved for Agenda:

fsalvato

City Manager's Office

MEETING DATE: **November 6, 2018**

TO: **City Council / City Manager**

FROM: **Rolandrea Russell, Senior Planner**

SUBJECT: **Consider an ordinance on second reading on a request by Tkilaz Mexican Restaurant Bar and Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 10,250 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North Garfield Street and West Loop 250 North. Council District 1)**

Purpose:

The applicant, Tkilaz Mexican Restaurant Bar, is requesting a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 10,250 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas.

Recommended City Council Action:

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The property located at 4610 North Garfield Street, Suite C-1, is currently zoned PD, Planned District for a Shopping Center with the underlying zoning of LR-2, Local Retail District, which permits the sale of alcoholic beverages, with the approval of a Specific Use Permit.

The property is a part of an existing shopping center that was rezoned from a 1F-1, One-Family Dwelling District to PD, Planned District for a Shopping Center (Ordinance No. 5864) on November 24, 1981, with the condition that no building permit shall be issued unless a detailed site plan was reviewed and approved by the Planning and Zoning Commission and City Council. Since the establishment of the PD, Planned District for a Shopping Center, at this location the site plan and ordinance have been amended several times with the final amendment being approved on September 22, 1998 (Ordinance No. 7771).

The floor plan provided, attached hereto as Exhibit B, shows the proposed alcohol serviceable area will have a total square footage of 10,250 square feet, including the dining area, party room, and bar area. The breakdown of the square footage of the proposed alcohol serviceable areas are as follows;

- Dining area = 7,750 square feet
- Bar area = 1,550 square feet
- Party Room = 950 square feet

The applicant is now requesting the following alcohol serviceable hours.

Monday through Saturday, from 11:00 a.m. to 12:00 a.m. (midnight)
Sunday, from 12:00 p.m. (noon) to 11:00 p.m.

The proposed operating hours for the restaurant are;

Monday through Wednesday, from 11:00 a.m. to 10:00 p.m.
Thursday through Friday, from 11:00 a.m. to 11:00pm.
Saturday, from 9:00 a.m. to 11:00 p.m.
Sunday, from 9:00 a.m. to 10:00 p.m.

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

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.

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

Engineering: Approved

No objection.

Transportation: Approved

No Comments

Fire: Approved

No comments.

Code Administration: Approved

Occupant load has been calculated to be a maximum of 359 persons.

Planning:

This request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 2,* "Identify partnerships to produce neighborhood and commercial centers that are attractive, functional, and of high quality." (Tall City Tomorrow page 137) Tall City Brewing Company is an establishment that promotes a positive environment where Midland residents can gather and socialize.

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

Conditions:

A. **That the establishment shall not exceed 10,250 contiguous square feet in area as shown in Exhibit "B", which is attached hereto and incorporated herein.**

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

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

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

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

Monday through Saturday, from 11:00 a.m. to 12:00 a.m. (midnight)
Sunday, from 12:00 p.m. (noon) to 11:00 p.m.

Letters of Objection:

As of October 12, 2018, staff has received no letters of objection to this request.

Attachments:

Site Plan (Exhibit A)
Floor Plan (Exhibit B)
Ordinance Nos. 5864 and 7771
Application
Maps

MIDLAND Planning Division

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

Project Number: SUP-18-0025

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Francisco Gomez Thiaz Mexican Restaurant bar and Grill		Phone (432) 312-7870 Email Mely12.hotmail.com	
Address: 4610 N. Garfield st/10 Marshall ct.	City: Midland	State: Tx	Zip: 79705

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

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

Street Address: 4610 N Garfield St Suite C-1

Business Name: Thiaz Mexican Restaurant bar and Grill

Legal Description
Lot: Block: Subdivision:

Current Zoning:

Reason for Request: _____

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

Proposed/Current Days and Hours of Operation: Monday to Thursday 11am to 22pm Friday and Saturday 11:00am to 23:00pm

Proposed Days and Hours of Alcohol Service: ALL days Mon-Fri 11:00 - 22:00 11:00-23:00 Fri-Sat

Total Square Footage of Business:

Square Footage of Alcohol Serviceable Area:

Restroom Fixtures:	1 *Men*	**Toilets/Urinals:**	1 / 3	**Bathroom Sinks:**	2
	1 *Women*	**Toilets:**	3	**Bathroom Sinks:**	2

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CITY OF MIDLAND
PLANNING DIVISION OFFICE

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

Applicant (signature): [signature]	Date: 09/21/2018
Applicant (printed): Francisco Gomez	
Property Owner (signature):	Date:
Property Owner (printed) : _____	

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

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

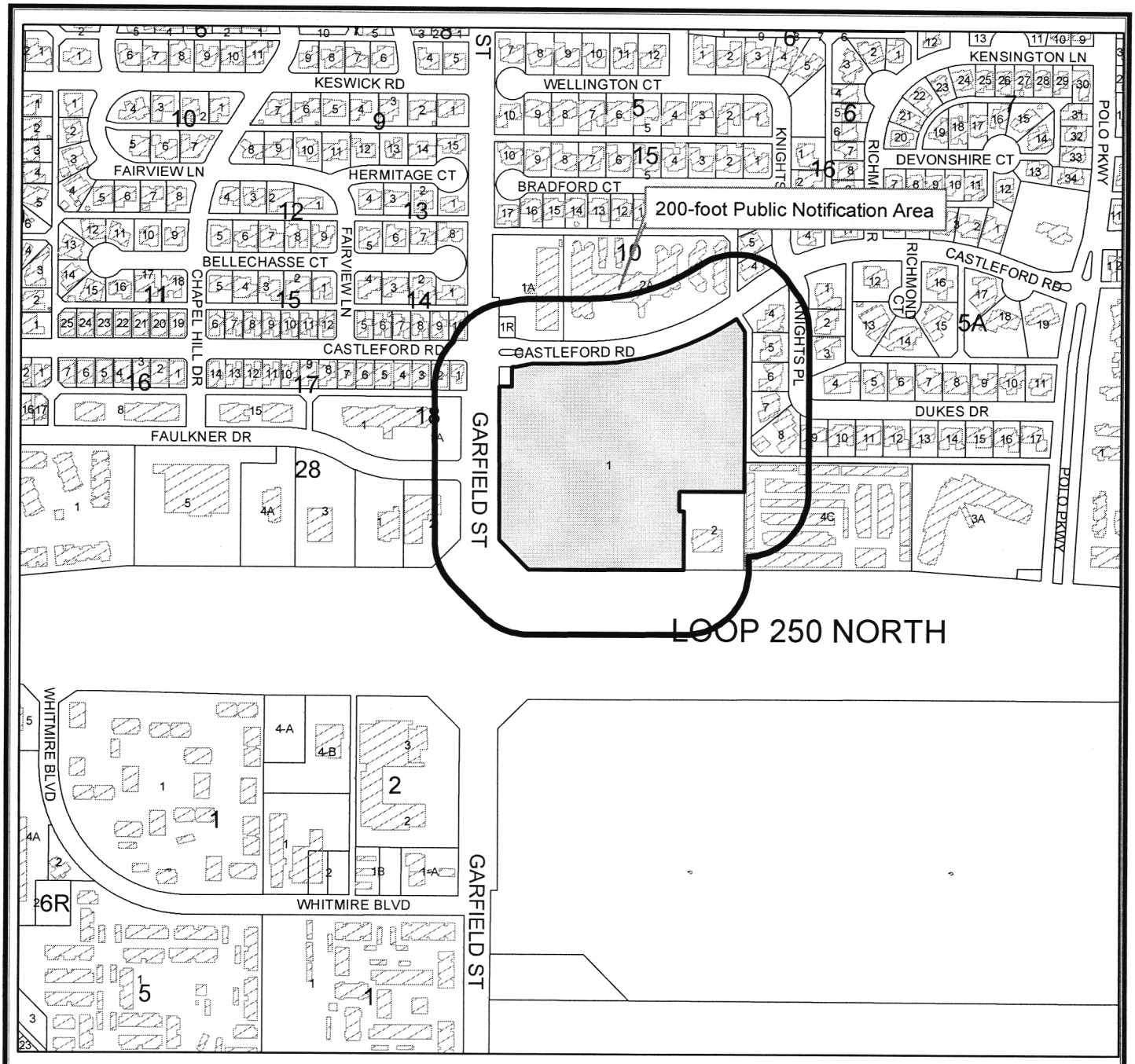
_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

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

CITY OF MIDLAND
PLANNING DIVISION OFFICE
SEP 24 2018
RECEIVED

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



LOCATION MAP

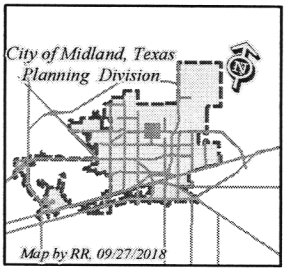
SUP-18-0025 **Scale: 1" = 3000'**

Consider a request for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 10, 250 square foot portion Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of North Garfield Street and West Loop 250 North, Council District 1

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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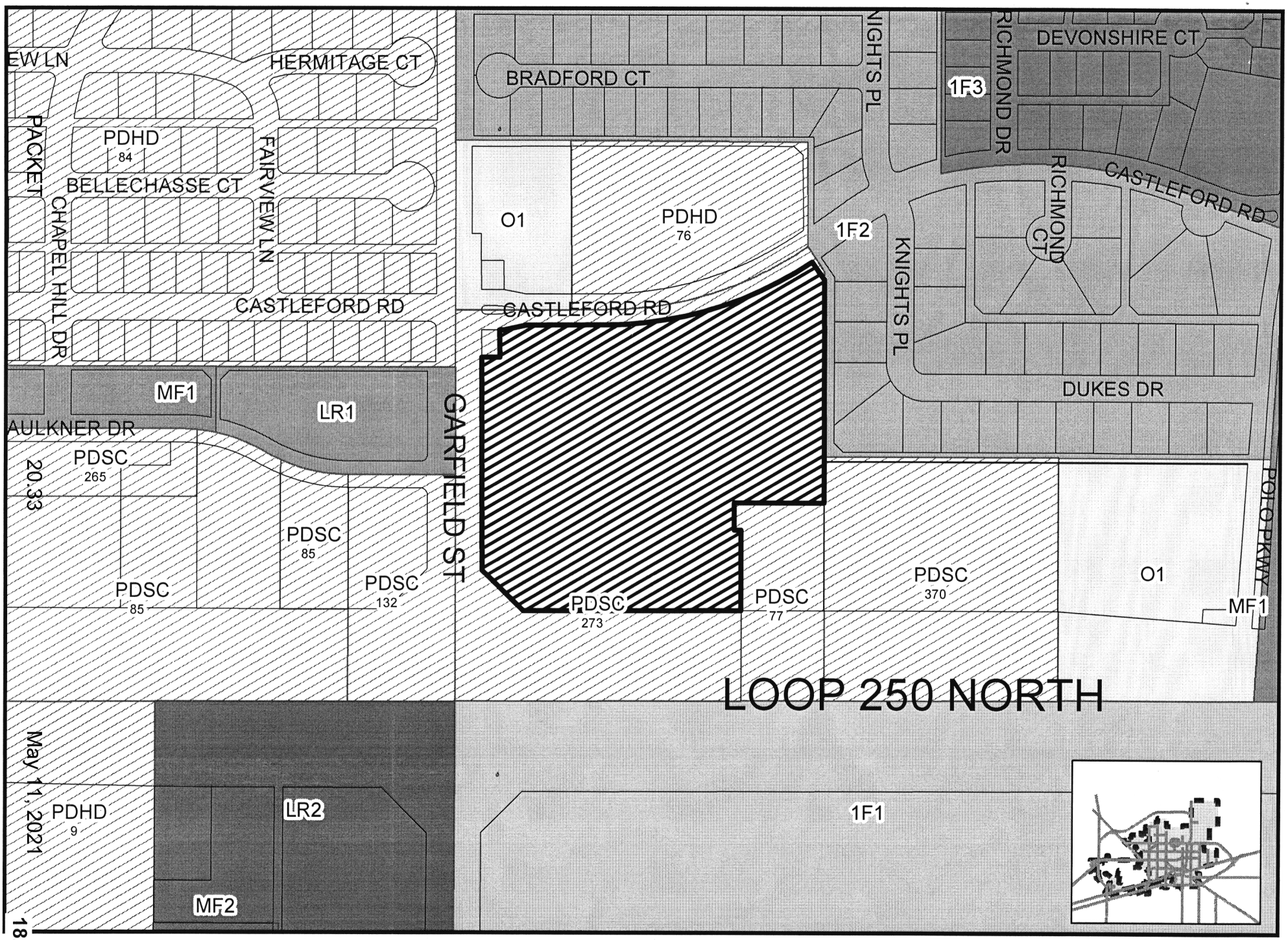
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA



tp By RR, 09/27/2018

SUP-18-0025

Scale: 1" = 2500'

ZONING MAP

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PR

#39

ORDINANCE NO. 5864

AN ORDINANCE AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE PROPERTY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED "1F-1", ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A "PLANNED DISTRICT" FOR A SHOPPING CENTER; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; PROVIDING THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE SITE PLAN, ORDINANCES AND OTHER SPECIFICATIONS SET OUT AND REFERRED TO HEREIN; ADDING THE PROPERTY DESCRIBED IN SECTION ONE HEREOF TO THE FIRE DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

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

WHEREAS, the Council, by Ordinance No. 4531, created a Fire District within the City limits of Midland, Texas, and adopted a Fire District Map, appropriately shaded; and

WHEREAS, because of the less restrictive zoning being established for the property involved in Section One hereof, the Council finds it to be in the public interest to amend the Fire District so as to add said premises thereto;

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

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Tesas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned "1F-1", One-Family Dwelling District, and it shall be used as a "Planned

District" for a Shopping Center, subject to the special conditions and restrictions hereinafter set out.

Said property is described as follows:

A 12.088 acre tract of land out of the SW/4 of Section 3, Block "X", H. P. Hilliard Survey, Midland County, Texas, and being a part of a tract formerly referred to as "St. Ann's Catholic Church Property", and being more particularly described by metes and bounds as follows:

Commencing at the SW corner of said Section 3, and the centerline of North Garfield Street;

Thence N. 15° 20' 52" W., a distance of 311.69 feet along the centerline of North Garfield Street, to a point for reference;

Thence N. 74° 47' 55" E., a distance of 150.00 feet to a point on the north right-of-way line of State Highway Loop 250, said point being the Point of Beginning;

Thence N. 60° 13' 52" W., a distance of 127.54 feet along the NE cut-back for said North Garfield Street to a point on the easterly right-of-way line of North Garfield Street;

Thence N. 15° 20' 52" W., along the easterly right-of-way line of North Garfield Street, a distance of 572.00 feet to a point for a corner;

Thence N. 74° 39' 08" E., a distance of 263.25 feet to the beginning of a curve to the left, having a central angle of 34° 29' 44", and a radius of 800.00 feet;

Thence along the arc of said curve a distance of 481.65 feet to a point for a corner at the end of said curve;

Thence S. 49° 50' 36" E., a distance of 82.41 feet to a point for a corner;

Thence S. 15° 06' 52" E., a distance of 737.85 feet to a point on the north right-of-way line of the aforementioned State High-Way Loop 250;

Thence S. 74° 53' 08" W., along the north right-of-way of said State Highway Loop 250, a distance of 670.00 feet to the Point of Beginning and containing 12.088 acres of land, more or less.

SECTION TWO. That the property described in Section One hereof shall be subject to the following special conditions and restrictions:

A. That the development and use of the property shall conform to all regulations applicable to an "LR-2", Local Retail District, except as specified otherwise on the attached site plan or in this ordinance.

B. That no building permit shall be issued for any construction on any part of the property involved herein until a detailed site plan for that part of the development thereof has

been reviewed by the Planning and Zoning Commission and reviewed and approved by the City Council, all in accordance with the procedure applicable to a zoning change. Each such detailed site plan, upon final approval, shall automatically become a part of this ordinance and be placed on file in the office of the City Secretary, identified by the number of this ordinance and date adopted.

SECTION THREE. That the Fire District be amended so as to add thereto the premises described in Section One hereof and the Building Inspector is authorized and directed to add to the Fire District Map said premises.

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

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

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

SECTION SEVEN. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance, together with the general penalty provision contained in Section

1-3-1 of the City Code of Midland, Texas, in the manner and for the length of time prescribed by law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 10th day of November, A.D., 1981; and passed to second reading on motion of Councilman Marcum, seconded by Councilman Hatfield, by the following vote:

Councilmen voting "AYE": Marcum, Hatfield, Davidson, Akins and Thomas

Councilmen voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Councilman Marcum, seconded by Councilman Thomas, on the 24th day of November, A.D., 1981, at a regular meeting of the City Council:

Councilmen voting "AYE": Marcum, Thomas, Davidson, Akins and Hatfield

Councilmen voting "NAY": None

PASSED AND APPROVED THIS 24th day of November, A.D., 1981.

G. Thane Akins, Mayor

ATTEST:

J. W. McCullough, City Secretary

APPROVED AS TO FORM:

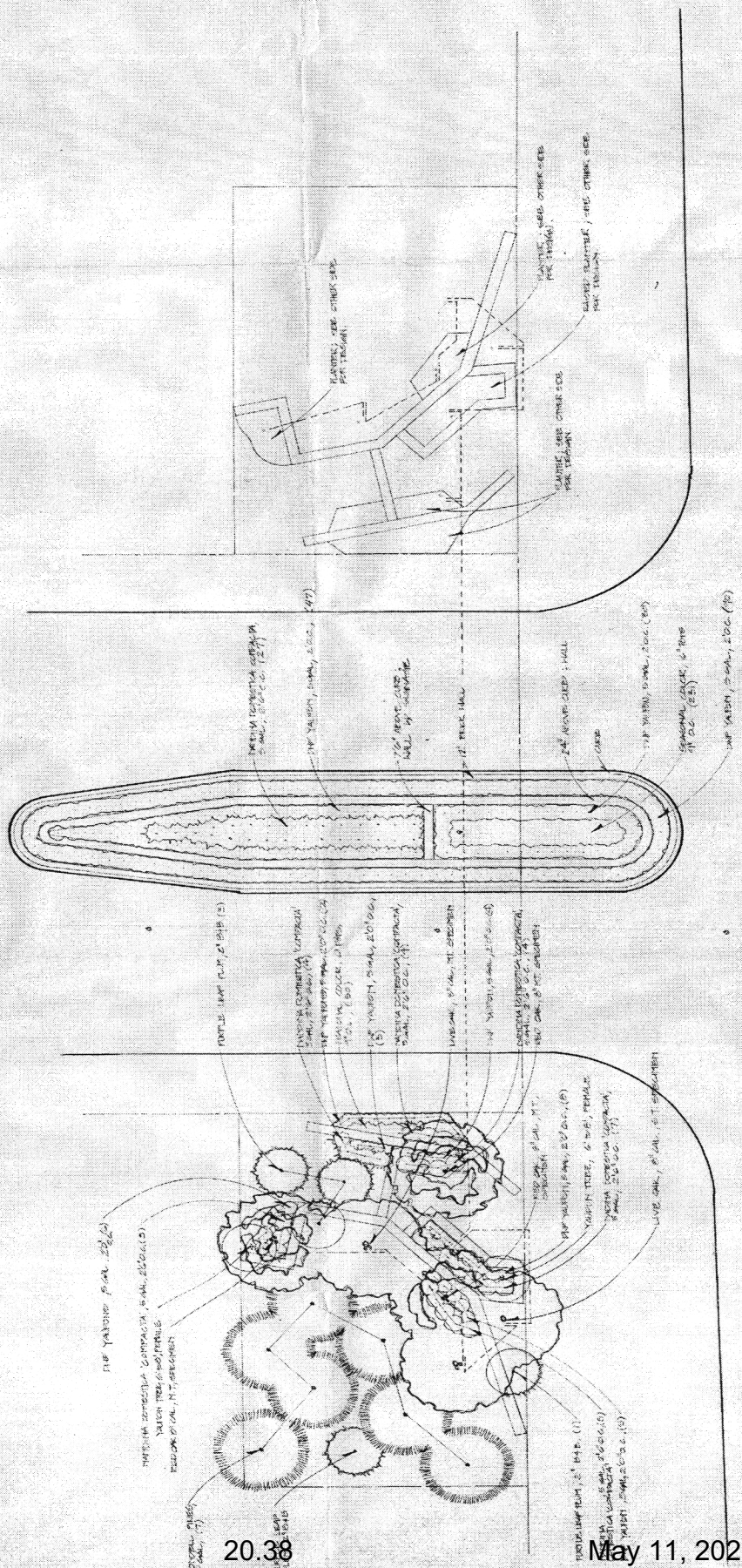
J. M. Nuessle, City Attorney

POLO PARK
MIDLAND, TEXAS

DATE: 1/10/83
SCALE: 1/8" = 1'0"

CASTLEFORD RD ENTRY
LANDSCAPE AND WALL PLAN

BLUE HERON DESIGNS, INC.



ORDINANCE NO. 7771

AN ORDINANCE AMENDING ORDINANCE NO. 7324, WHICH ADOPTED A SITE PLAN FOR A "PLANNED DISTRICT" FOR A SHOPPING CENTER SO AS TO ADOPT AN AMENDED SITE PLAN; 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 site plan for a "Planned District" for a Shopping Center by amending Ordinance No. 7324; 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. 7324;

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. 7324, specifically Lot 1, Block 8, Polo Park, Section III, City and County of Midland, Texas, shall be amended in its entirety as set forth in Exhibit "A", attached hereto and incorporated herein by reference subject to the following conditions:

A. That the maximum sign area for all free standing signs for this development not exceed 640 square feet.

B. That no future free standing sign associated with this development be allowed on the Loop 250 frontage.

C. That the Site Plan (Exhibits A & B) be adhered to in regard to the locations and types of signs proposed for this development.

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 8th day of September, A.D., 1998; and passed to second reading on motion of Council member Brooks, seconded by Council member Cuevas, by the following vote:

Council members voting "AYE": Brooks, Cuevas, Wood, Brown, Burns, Simpson and Washburn

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 Brooks, seconded by Council member Cuevas, on the 22nd day of September, A.D., 1998, at a regular meeting of the City Council:

Council members voting "AYE": Brooks, Cuevas, Wood, Brown, Burns, Simpson and Washburn

Council members voting "NAY": None

PASSED AND APPROVED THIS 22nd day of September, A.D., 1998.

Robt. E. Burns, Mayor

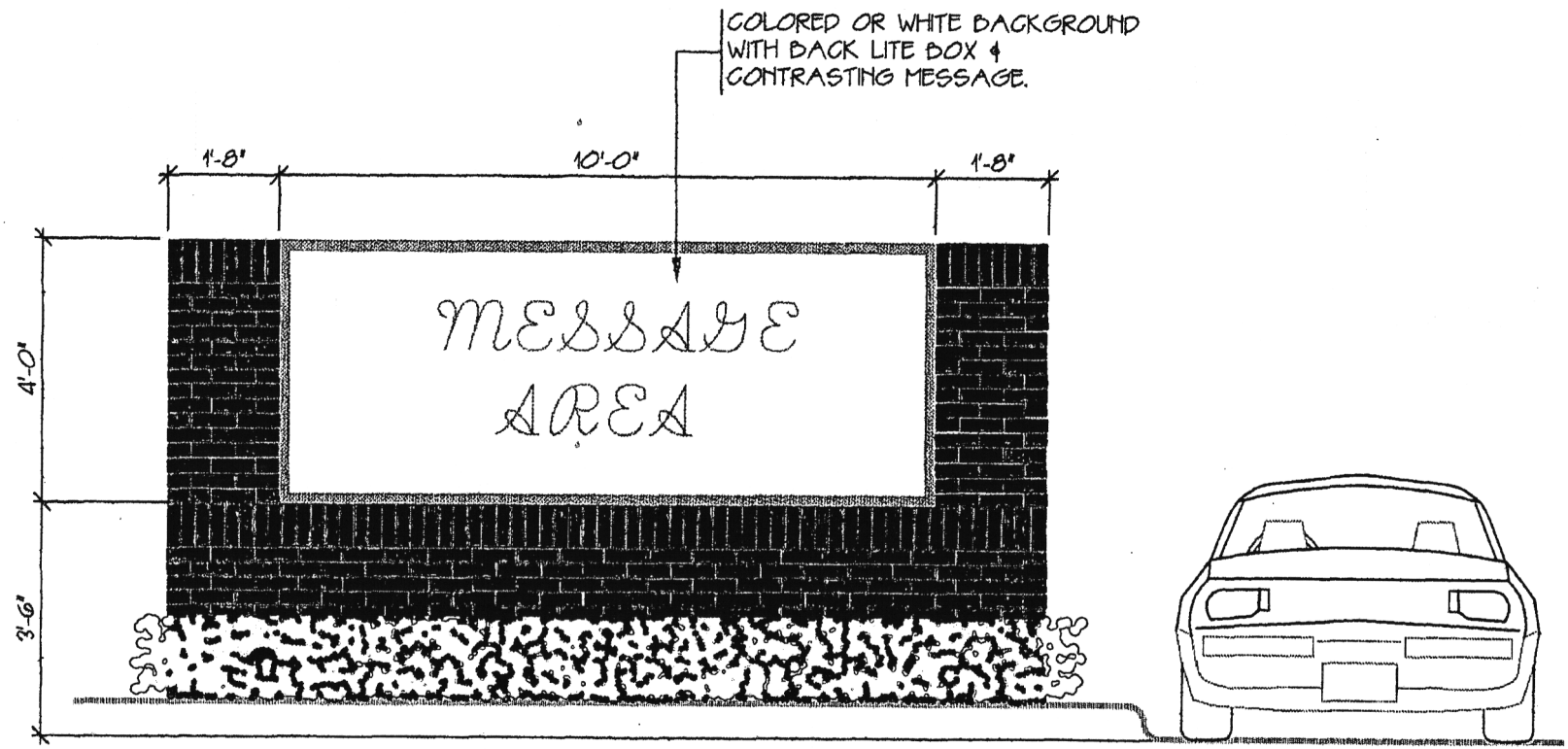
ATTEST:

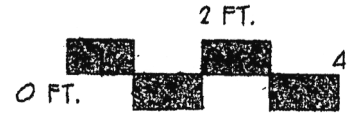
Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:

Keith Stretcher, City Attorney

ord\planning\plndist\Z-98-022 Red Oak





RECEIVED
AUG 2 5 1998
PLANNING & DEVELOPMENT
CITY OF MIDLAND

MONUMENT SIGN PROPOSAL

COLONADE SHOPPING CENTER
MIDLAND, TEXAS

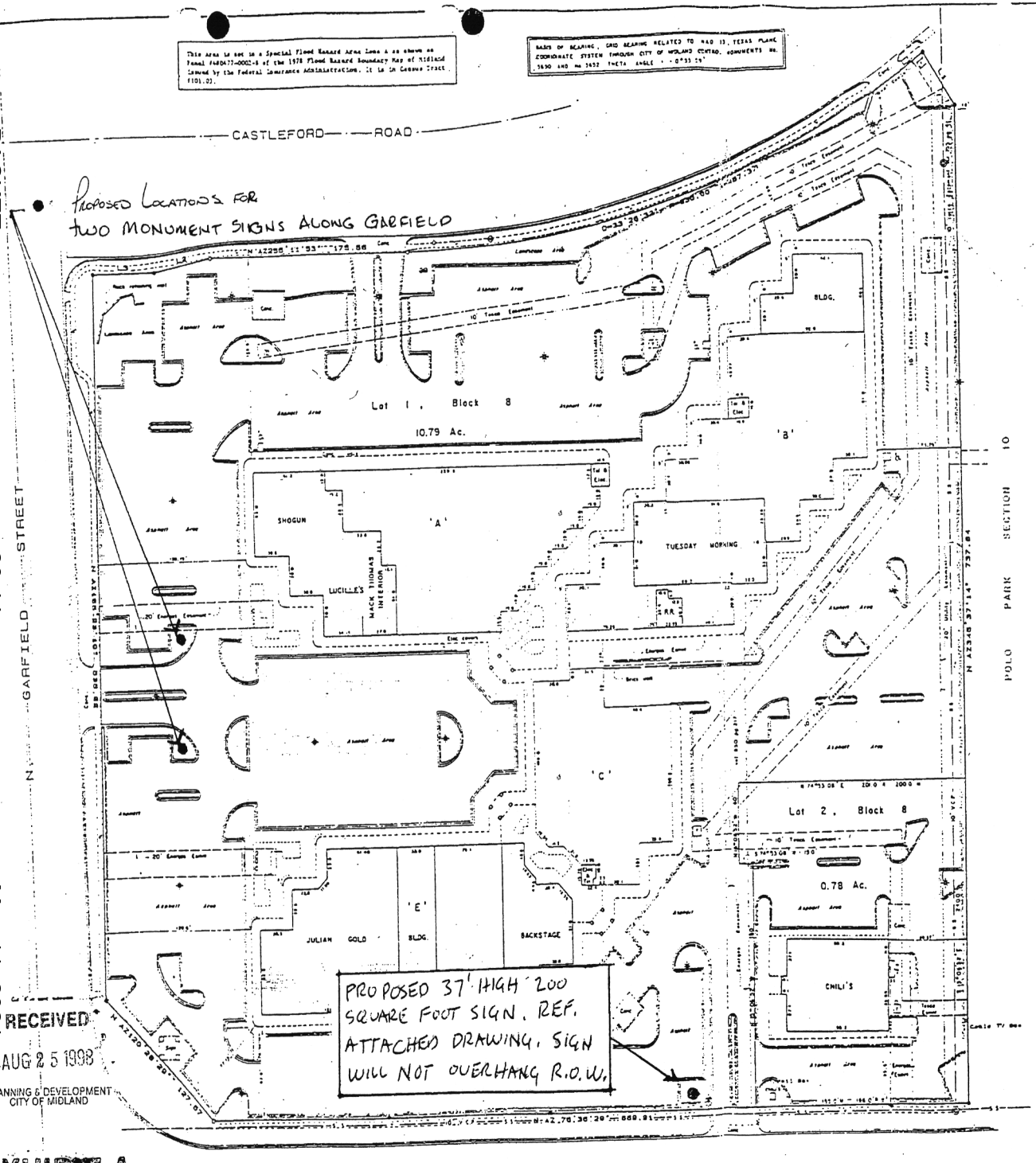
VANDERGRIFF GROUP
ARCHITECTS • PLANNERS
312 N. BIG SPRING, SUITE 100 (915) 687-0781 MIDLAND, TEXAS
MEMBER AMERICAN INSTITUTE OF ARCHITECTS

8-11-98

EXHIBIT B CASE NO. Z-98-022

This Area is not in a Special Flood Hazard Area Zone A as shown on Panel F480477-0002-8 of the 1978 Flood Hazard Boundary Map of Midland issued by the Federal Insurance Administration. It is in Census Tract F101.03.

BASIS OF BEARING, GRID BEARING RELATED TO NAD 83, TEXAS PLANE COORDINATE SYSTEM THROUGH CITY OF MIDLAND CONTROL MONUMENTS No. 3650 AND No 3652 THETA ANGLE = -0°33'29"



No.	Direction	Length
1	N AZ310°48'02"	47.87
2	N AZ244°19'33"	50.95
3	N AZ255°11'53"	49.98

LEGEND

- Fed. 1/2" iron rod.
- Set 1/2" iron rod.
- SWBT / Tel. vault
- SWBT Manhole
- Sanitary Sewer Manhole
- Hardware rams
- Concrete curb
- Concrete walk / walls
- Texas Transformer box
- Gas Meters
- SWBT Telephone pedestal
- Texas Electric meters
- Cable T.V. pedestal
- Texas Pedestal
- Power pole w/ guy wire
- Light pole
- Water meter
- Traffic sign

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (the "Surveyor") hereby certifies that (a) this plat of survey and the property description set forth hereon are true and correct and were prepared from an actual on-the-ground survey of the real property (the "Property") shown hereon; (b) such survey was conducted by the Surveyor or under his supervision; (c) all monuments shown hereon actually exist and the location, size and type of material thereof are correctly shown; (d) except as shown hereon, there are no encroachments onto the Property or protusion therefrom, there are no improvements on the Property, there are no visible easements or right-of-way on the Property, and there are no visible discrepancies, conflicts, shortages in area, or boundary line conflicts; (e) the size, location and type of improvements are as shown hereon, and all are located within the boundaries of the Property and set back from the Property lines the distance indicated; (f) the distance from the nearest intersecting street or road is shown; (g) the Property has access to and from a public roadway; (h) all recorded easements have been correctly platted hereon; and (i) the boundaries, dimensions and other details shown hereon are true and correct.

The Surveyor expressly understands and agrees that (a) this certificate is made for the benefit of Federal Deposit Insurance Corporation as _____ ("FDIC") and for the benefit of Chicago Title Insurance Company ("Title Company") to issue a policy of title insurance insuring the validity and priority of such deed of trust lien; (b) both FDIC and Title Company are entitled to rely on this plat of survey as being true and accurate in all respects and upon this certificate as being true and accurate.

Executed this 21st day of March, 1991.

John Wallis

Registered Professional Land Surveyor No. 2522

CASE NO. Z-98-022

Receivership Name: First Gibraltar
Asset Number: 7602-000008-00-1
Asset Name: Colonnade @ Polo Park
Property Description: NEC Garfield & Loop 250
John Wallis Tax ID#: 75-1928020

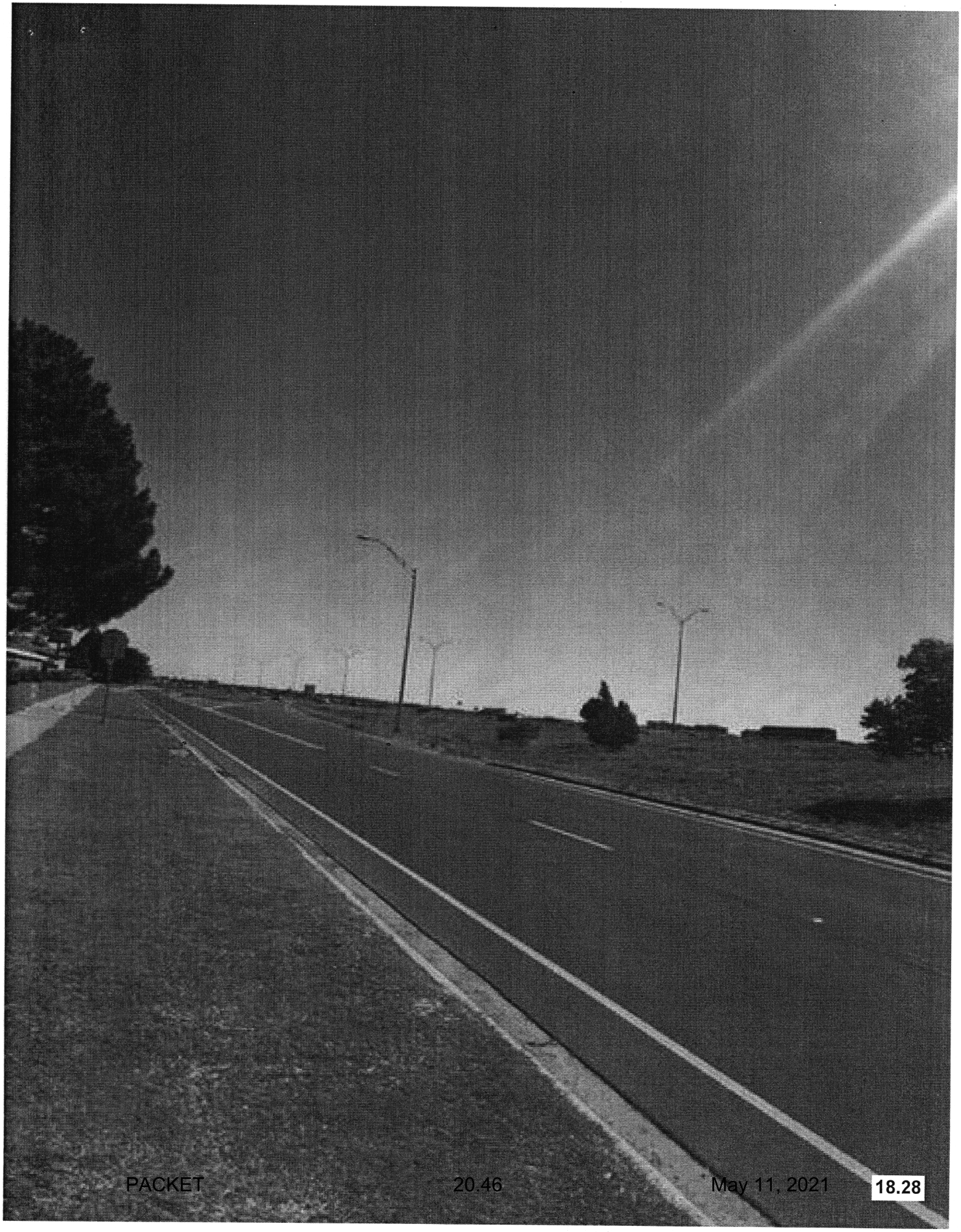
Survey Plat of Lots 1 and 2, Block 8, POLO PARK - SECTION III, an Addition to the City of Midland, Midland County, Texas; Plat Cab. C, Pg 170

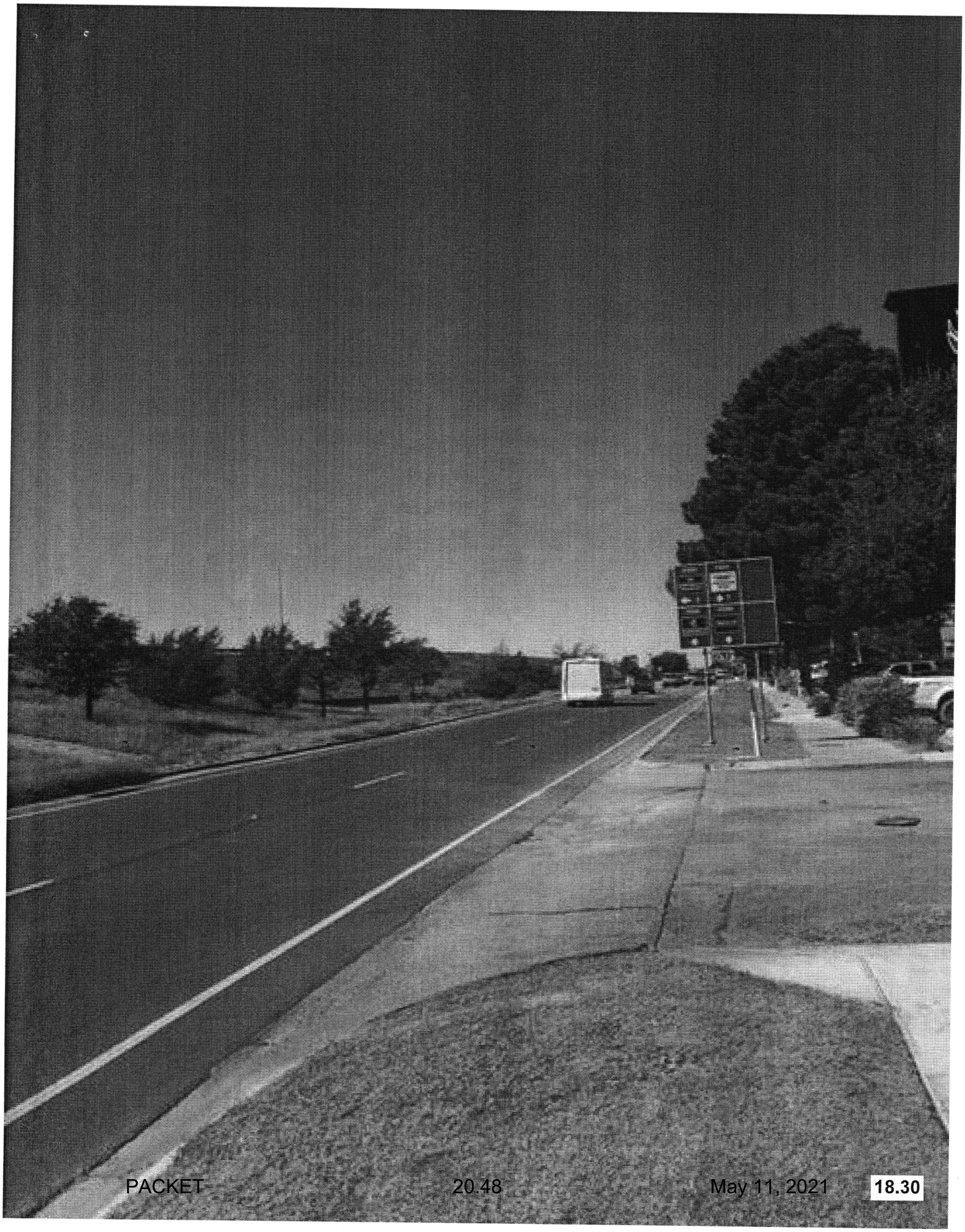
WALLIS LAND SURVEYORS

Drawing Number: D-03-20-S1

RECEIVED
AUG 25 1998
PLANNING & DEVELOPMENT
CITY OF MIDLAND

EXHIBIT A





ORDINANCE NO. 9835

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 10,250-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned PD, Planned District for a Shopping Center, to-wit:

> A 10,250-square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term

for the sale of all alcoholic beverages for on-premises consumption in a restaurant (the "Establishment"), together with the uses permitted in the present PD, Planned District for a Shopping Center.

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

A. That the location of the Establishment shall conform to the site plan, which is attached hereto as Exhibit "A" and incorporated herein.

B. That the area of the Establishment shall be limited to 10,250 contiguous square feet as shown in the floor plan, which is attached hereto as Exhibit "B" and incorporated herein.

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

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

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

Monday through Saturday from 11:00 a.m. to 12:00 a.m. (midnight); and Sunday from 12:00 p.m. (noon) to 11:00 p.m.

F. That the Establishment shall meet all requirements of the Fire Department and the Code Administration Division.

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 October, A.D., 2018; and passed to second reading on motion of Council member Love, seconded by Council member Robnett, by the following vote:

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

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Lacy, seconded by Council member Robnett, on the 6th day of November, A.D., 2018, at a regular meeting of the City Council:

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

Council members voting "NAY": None

PASSED AND APPROVED THIS 6th day of November, A.D., 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary

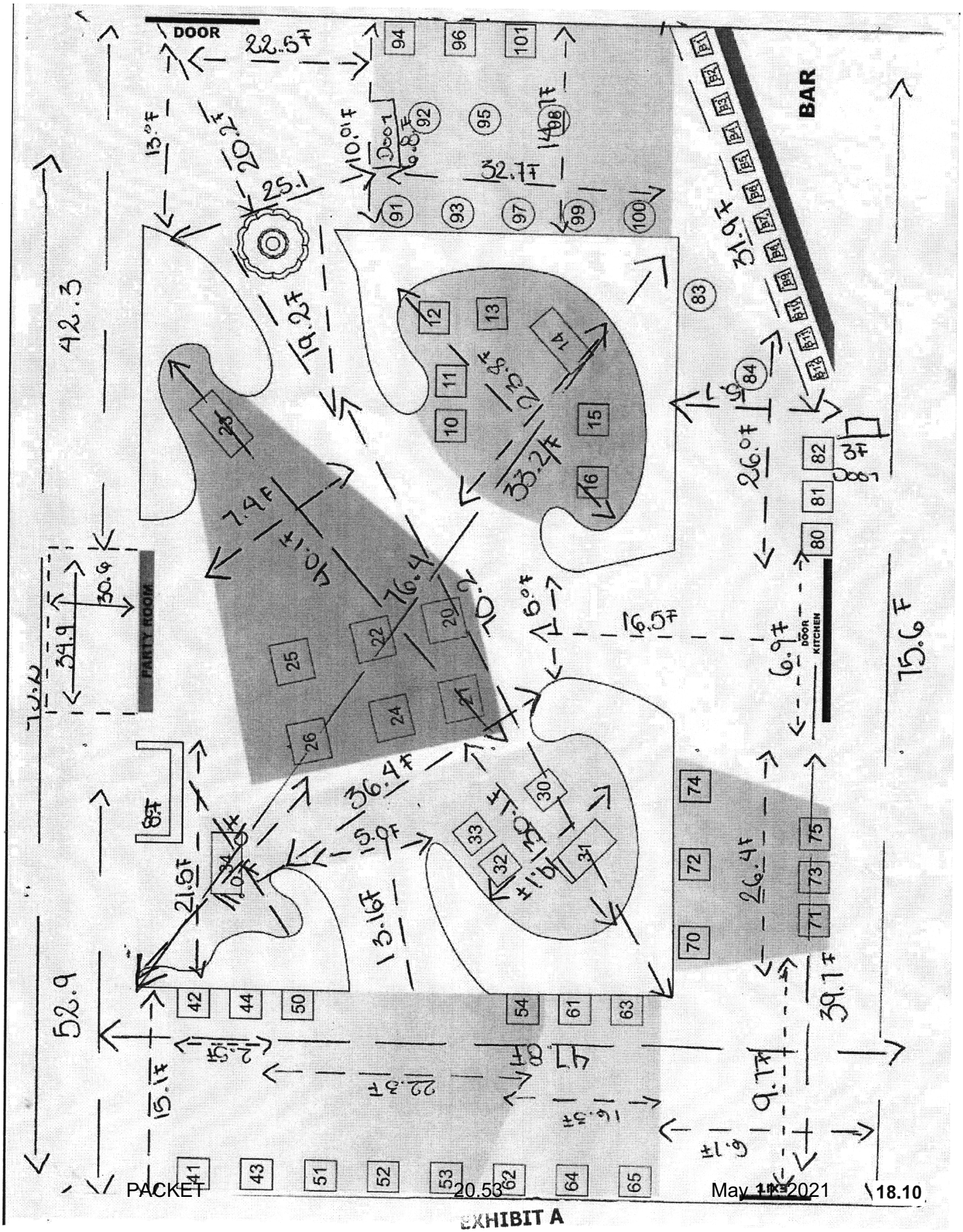
APPROVED AS TO CONTENT
AND COMPLETENESS:

Frank Salvato, Assistant City Manager

Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

John Ohnemiller, City Attorney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BAR
PARTY ROOM
KITCHEN
DOOR
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52.9
22.5F
20.2F
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7.4F
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76.4
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36.4F
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13.16F
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22.3F
15.1F
16.3F
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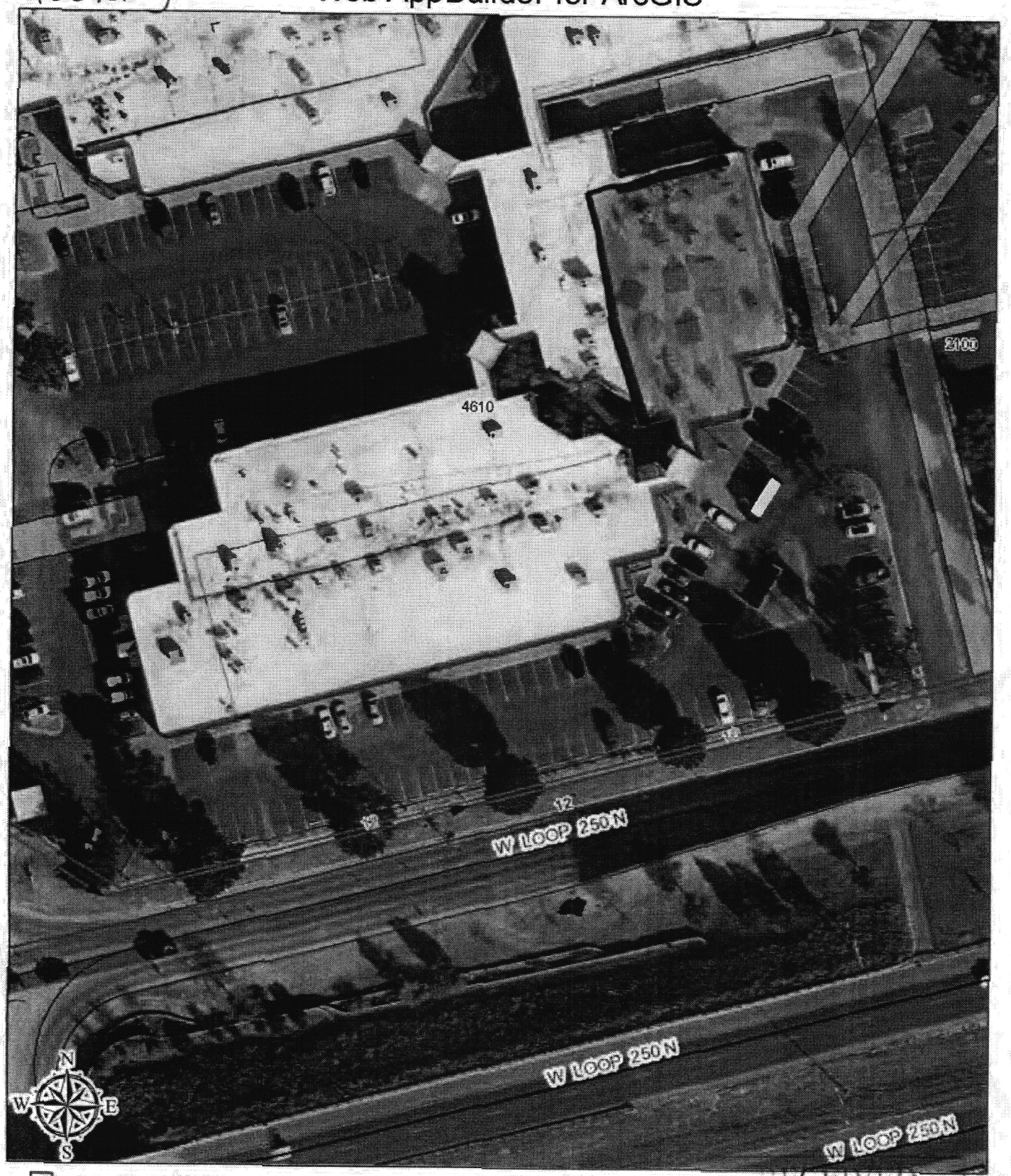
EXHIBIT A

Parking



Parcel
School Property
City Limit

Street Centerline_En...
Arterial; Collector
Resid.; County Rd; Frontage; Park
Interstate; State Highway
Lease Road; Misc

1:820
0 0.004 0.008 0.016 Miles

RECEIVED
SEP 2 4 2018
CITY OF MIDLAND
PLANNING DIVISION OFFICE

ORDINANCE NO. 7771

AN ORDINANCE AMENDING ORDINANCE NO. 7324, WHICH ADOPTED A SITE PLAN FOR A "PLANNED DISTRICT" FOR A SHOPPING CENTER SO AS TO ADOPT AN AMENDED SITE PLAN; 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 site plan for a "Planned District" for a Shopping Center by amending Ordinance No. 7324; 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. 7324;

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. 7324, specifically Lot 1, Block 8, Polo Park, Section III, City and County of Midland, Texas, shall be amended in its entirety as set forth in Exhibit "A", attached hereto and incorporated herein by reference subject to the following conditions:

A. That the maximum sign area for all free standing signs for this development not exceed 640 square feet.

B. That no future free standing sign associated with this development be allowed on the Loop 250 frontage.

C. That the Site Plan (Exhibits A & B) be adhered to in regard to the locations and types of signs proposed for this development.

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 8th day of September, A.D., 1998; and passed to second reading on motion of Council member Brooks, seconded by Council member Cuevas, by the following vote:

Council members voting "AYE": Brooks, Cuevas, Wood, Brown, Burns, Simpson and Washburn

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 Brooks, seconded by Council member Cuevas, on the 22nd day of September, A.D., 1998, at a regular meeting of the City Council:

Council members voting "AYE": Brooks, Cuevas, Wood, Brown, Burns, Simpson and Washburn

Council members voting "NAY": None

PASSED AND APPROVED THIS 22nd **day of** September **,**

A.D., 1998.

Robt. E. Burns, Mayor

ATTEST:

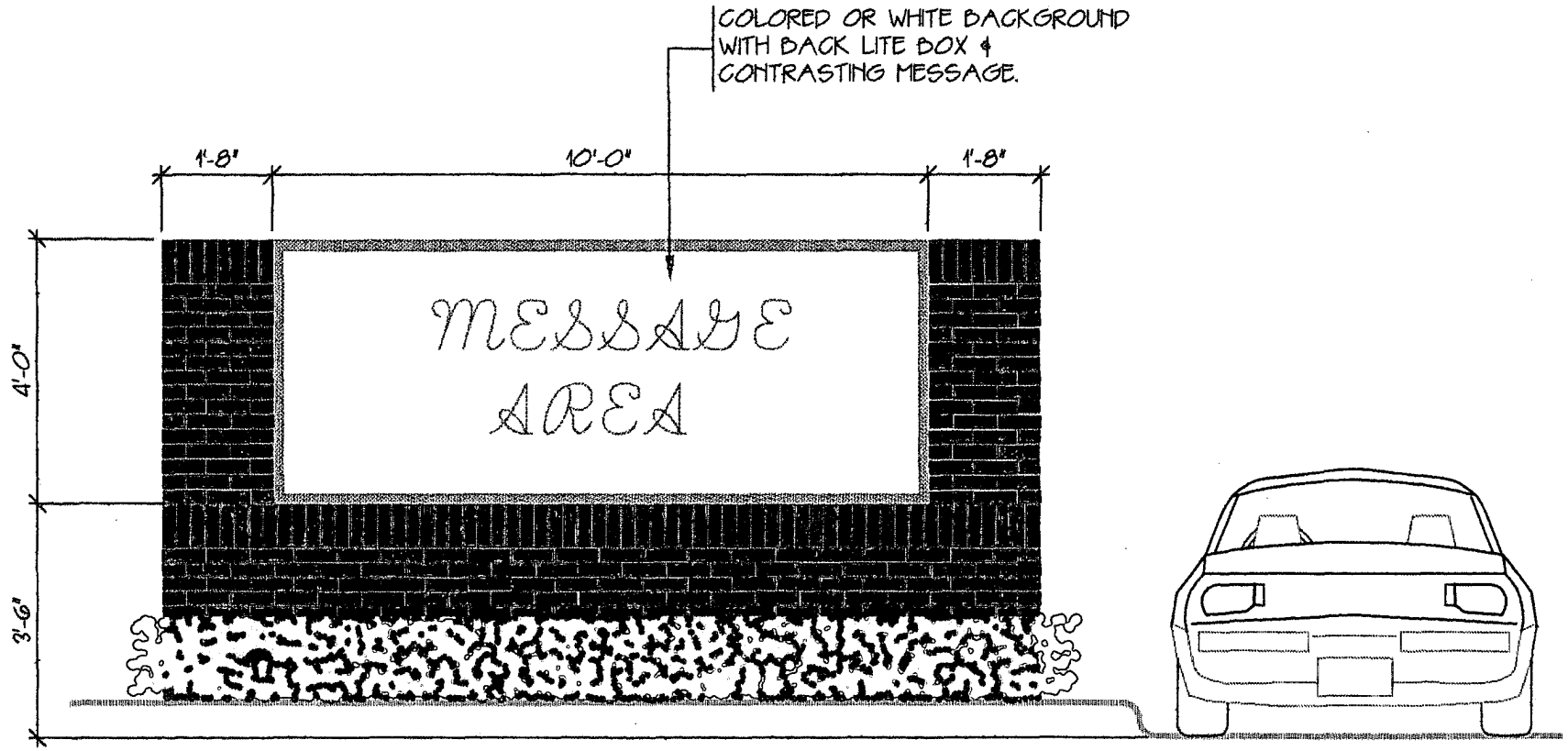
Kaylah J. McCord

Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:

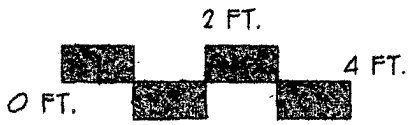
Keith Stretcher, City Attorney

ord\planning\plndist\Z-98-022 Red Oak



MONUMENT SIGN PROPOSAL

COLONADE SHOPPING CENTER
MIDLAND, TEXAS



RECEIVED
AUG 25 1998
PLANNING & DEVELOPMENT
CITY OF MIDLAND

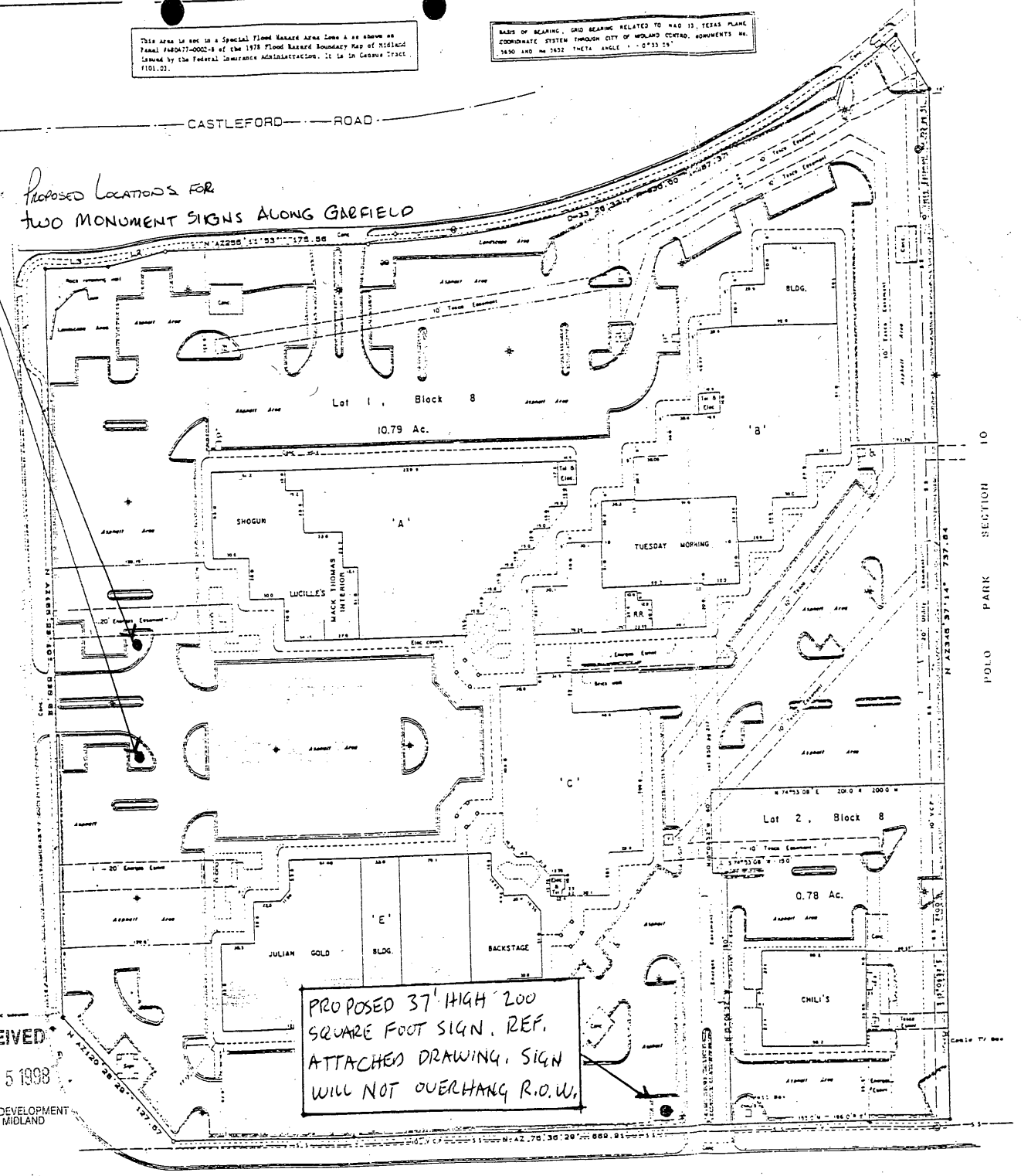
VANDERGRIFF GROUP
ARCHITECTS • PLANNERS
312 N. BIG SPRING, SUITE 100 (915) 687-0781 MIDLAND, TEXAS
MEMBER AMERICAN INSTITUTE OF ARCHITECTS

8-11-98

EXHIBIT B CASE NO. Z-98-022

This Area is not in a Special Flood Hazard Area Zone A as shown on Panel #480477-0002-8 of the 1978 Flood Hazard Boundary Map of Midland issued by the Federal Insurance Administration. It is in Census Tract #101.03.

BASIS OF BEARING, GRID BEARING RELATED TO NAD 83, TEXAS PLANE COORDINATE SYSTEM THROUGH CITY OF MIDLAND CONTROL MONUMENTS No. 3650 AND No 3652 THETA ANGLE = -0°33'29"



No.	Direction	Length
1	N AZ310°48'02"	47.87
2	N AZ244°19'33"	50.95
3	N AZ255°11'53"	49.98

LEGEND

- Fed. 1/2" iron rod.
- Set 1/2" iron rod.
- SWBT / Tel. vault
- SWBT Manhole
- Sanitary Sewer Manhole
- Handicap ramp
- Concrete curb
- Concrete walk / width
- Texas Transformer box
- Gas Meters
- SWBT Telephone pedestal
- Texas Electric meters
- Cable T.V. pedestal
- Texas Pedestal
- Power pole w/ guy wire
- Light pole
- Water meter
- Traffic sign

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (the "Surveyor") hereby certifies that (a) this plat of survey and the property description set forth hereon are true and correct and were prepared from an actual on-the-ground survey of the real property (the "Property") shown hereon; (b) such survey was conducted by the Surveyor or under his supervision; (c) all monuments shown hereon actually exist and the location, size and type of material thereof are correctly shown; (d) except as shown hereon, there are no encroachments onto the Property or protusion therefrom, there are no improvements on the Property, there are no visible easements or right-of-way on the Property, and there are no visible discrepancies, conflicts, shortages in area, or boundary line conflicts; (e) the size, location and type of improvements are as shown hereon, and all are located within the boundaries of the Property and set back from the Property lines the distance indicated; (f) the distance from the nearest intersecting street or road is shown; (g) the Property has access to and from a public roadway; (h) all recorded easements have been correctly plotted hereon; and (i) the boundaries, dimensions and other details shown hereon are true and correct.

The Surveyor expressly understands and agrees that (a) this certificate is made for the benefit of Federal Deposit Insurance Corporation as _____ ("FDIC") and for the benefit of Chicago Title Insurance Company ("Title Company") to issue a policy of title insurance insuring the validity and priority of such deed of trust lien; (b) both FDIC and Title Company are entitled to rely on this plat of survey as being true and accurate in all respects and upon this certificate as being true and accurate.

Executed this 21st day of March, 1991.

John Wallis

Registered Professional Land Surveyor No. 2522

STATE OF TEXAS REGISTERED JOHN WALLIS 2522 PROFESSIONAL LAND SURVEYOR

CASE NO. Z-98-022

Receivership Name: First Gibralter
Asset Number: 7602-003008-00-1
Asset Name: Colonnade @ Polo Park
Property Description: NEC Garfield & Loop 250
John Wallis Tax ID#: 75-1928020

Survey Plat of Lots 1 and 2, Block 8, POLO PARK - SECTION III, an addition to the City of Midland, Midland County, Texas; Plat Cab. C, Pg 170

WALLIS LAND SURVEYORS
P.O. Box 4111
Midland, Texas 79704-4111
(915) 687-6790

Scale: 1"=40'
Date: 3-20-91
Drawing Number: D-03-20-91

PACKET

20.60

May 11, 2021

RECEIVED
AUG 25 1998
PLANNING & DEVELOPMENT
CITY OF MIDLAND

EXHIBIT A

City Council Meeting

Item Number: 21

Meeting Date: May 11, 2021

To: City Council / City Manager

From: Elizabeth Shaughnessy, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 27.05-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF OCCIDENTAL PARKWAY, APPROXIMATELY 1,335 FEET EAST OF CARRIAGE ROAD); 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Betenbough Homes is requesting approval of a zone change to allow for the development of smaller, more affordable homes.

Recommended City Council Action:

Deny

Fiscal Impact:

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

Surrounding Zoning and Land Use:

The properties to the north and east are zoned AE, Agricultural Estate District, and the location of vacant land; The property to the south is zoned SF-3, Single Family Dwelling District, and the location of vacant land. The property to the west is zoned PD, Planned Development District and

the location of vacant land.

Discussion:

The applicant, Betenbough Homes, is requesting approval of a zone change for the development of smaller, more affordable homes. This proposed subdivision will have a total of one hundred and twenty-one (121) residential lots and one (1) common area. The current zoning of this property is SF-3, Single-Family Dwelling District, which requires a minimum lot area of 5,500 square feet; interior lots to measure 50'x100' and corner lots to measure 55'x100'. In addition, a maximum lot area allowed coverage of 65%.

With this zone change, the developer will be able to plat 78 lots with widths ranging from 37.14 - 45 feet, and depths ranging from 65 – 85 feet. The lot areas will range from 4,145 to 5,192 square feet, with a majority of the lots with a square footage of 4,250. The breakdown that the developer has provided as average lot sizes are as followed:

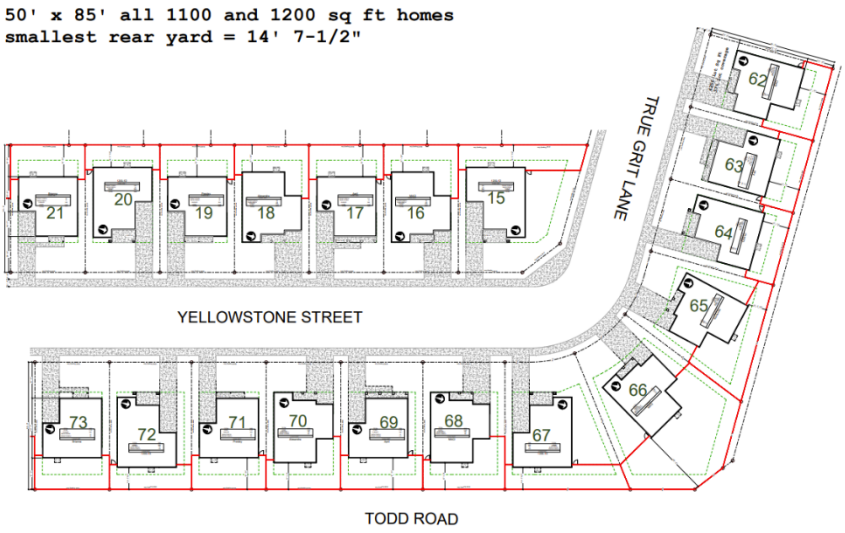
- 50' x 85' = 57 (approx. 4,250 sqft)
- 45' x 115' = 21 (approx. 5,175 sqft)
- 50' x 115' = 42 (approx. 5,750 sqft)

In addition, the developer has provided some data in retrospect to the smaller rear yard dimensions (14' 7-1/2").

Chart 1

Lot Size	Least Lot Ft^2	Product	Smallest Rear Yard Depth	Avg Lot Coverage
50' x 85'	4145	1100 – 1200 Ft^2	14' 7-1/2"	38%
45' x 115'	5175	1300 - 1600 Ft^2	25'	39%
50' x 115'	5500	1300 – 2000 Ft^2	25'	44%

And a diagram laying out some of the smallest rear yards.



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. For an SF-3, Single Family Dwelling District the minimum front yard setback is of 20'; minimum interior lot side yard setback is of 5' and corner lot yard setback is of 10'; and a minimum rear yard lot seatback where no alley adjoins the rear lot line is 10' for a 1-story structure.

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

Code Compliance: (Approved)

No Oil or Gas wells or tank battery identified within 500 ft. permitted well radius or in the 135 ft.

non-permitted well radius of location on plat.

Transportation: (Approved with Conditions)

Street layout may need to be adjusted as per discussion with the Applicant's engineer regarding the plat.

Provide 20 ft x 20 ft intersection corner clips at property corners adjacent to all public street intersections, including at Todd Dr.

No objection to zoning variances.

Planning:

This request overall does not comply with the Tall City Tomorrow Comprehensive Plan.
The proposed development does satisfy one aspect of the comprehensive plan, however they ignore several others which are equally if not more important.

Principle 4 of Chapter 3 of the Tall City Tomorrow Plan seeks to increase the diversity of the housing stock in Midland specifically including the need of smaller lot homes. Principle 5 of the same chapter, however, requests planning for community amenities such as parks and open space to support “community activity, personal interaction a sense of place, and ultimately a sense of ownership in the community.” Additionally, Principle 8 of the same chapter requests that land use policies and regulations support the creation of more balanced neighborhoods, which include “a variety of housing options, access to open space, and contain activity centers such as parks…” The applicant is not proposing to provide recreation amenities throughout the subdivision, meaning that the yards of these properties will serve this purpose for residents. With the reduced lot sizes, each property would have approximately 30% smaller yards when compared to the same size house placed on a standard SF-3 sized lot. This is a significant reduction in open space for the residents, especially due to the lack of proposed community amenities in this subdivision.

Chapter 9 of the Tall City Tomorrow Plan also seeks to keep us aware of the need for parks and recreational development as Midland continues to expand. Goal 1 of Chapter 9 seeks to provide park facilities accessible to the growing population, nothing that “Midland’s historic trend has been to focus on the need for housing and commercial needs during growth periods without the consideration of additional open space needs.” Allowing this development to continue as it is planned would fall directly into this trend and make it difficult to supply this community with the needed recreation amenities in the future. Chapter 9 also highlights that creating park space in the area outside of Loop 250 should be a priority as developments continue. Ignoring this opportunity to create park space.

In conclusion, this project does not represent a true planned district as it lacks an overall scheme of a diverse mix use of residential development and no appreciable amenities for the planned district. In addition, due to the reduced lot size, lot coverage would be increased compared to putting the small house on an appropriately sized SF-3 lot.

Therefore, staff recommends denial of the Zone Change from SF-3, Single Family Dwelling District to PD, Planned Development District for a Housing Development. However, if is approved, staff recommends that it should be subject to conditions A through D.

Conditions:

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

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

C. **That the minimum lot width shall be 37.14 feet.**

D. **That the minimum lot area shall be 4,145 square feet.**

Letters of Objection:

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

Attachments:

Application
Site Plan (Exhibit A)
Diagram (Exhibit B)
Letter of Developer
Maps

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 27.05-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF OCCIDENTAL PARKWAY, APPROXIMATELY 1,335 FEET EAST OF CARRIAGE ROAD); 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, the City Code, and State law, 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 rezoning a 27.05-acre tract of land out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, said tract being more specifically described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein (the "Property") to PD, Planned Development District for a Housing Development and adopting a site plan therefor, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from SF-3, Single-Family Dwelling District to PD, Planned Development District for a Housing Development.

SECTION TWO. That the base zoning district to which the use and development of the Property shall conform, except as modified by Section Three of this ordinance, is the

SF-3, Single-Family Dwelling District.

SECTION THREE. That a site plan, which is attached hereto as Exhibit "A" and incorporated herein for all purposes, is hereby adopted, and the use and development of the Property shall be subject to the following conditions and restrictions:

A. That the Property shall significantly conform to the site plan attached hereto as Exhibit "A".

B. That the minimum lot width shall be 37.14 feet.

C. That the minimum lot area shall be 4,145 square feet.

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

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

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

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

SECTION EIGHT. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed

by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

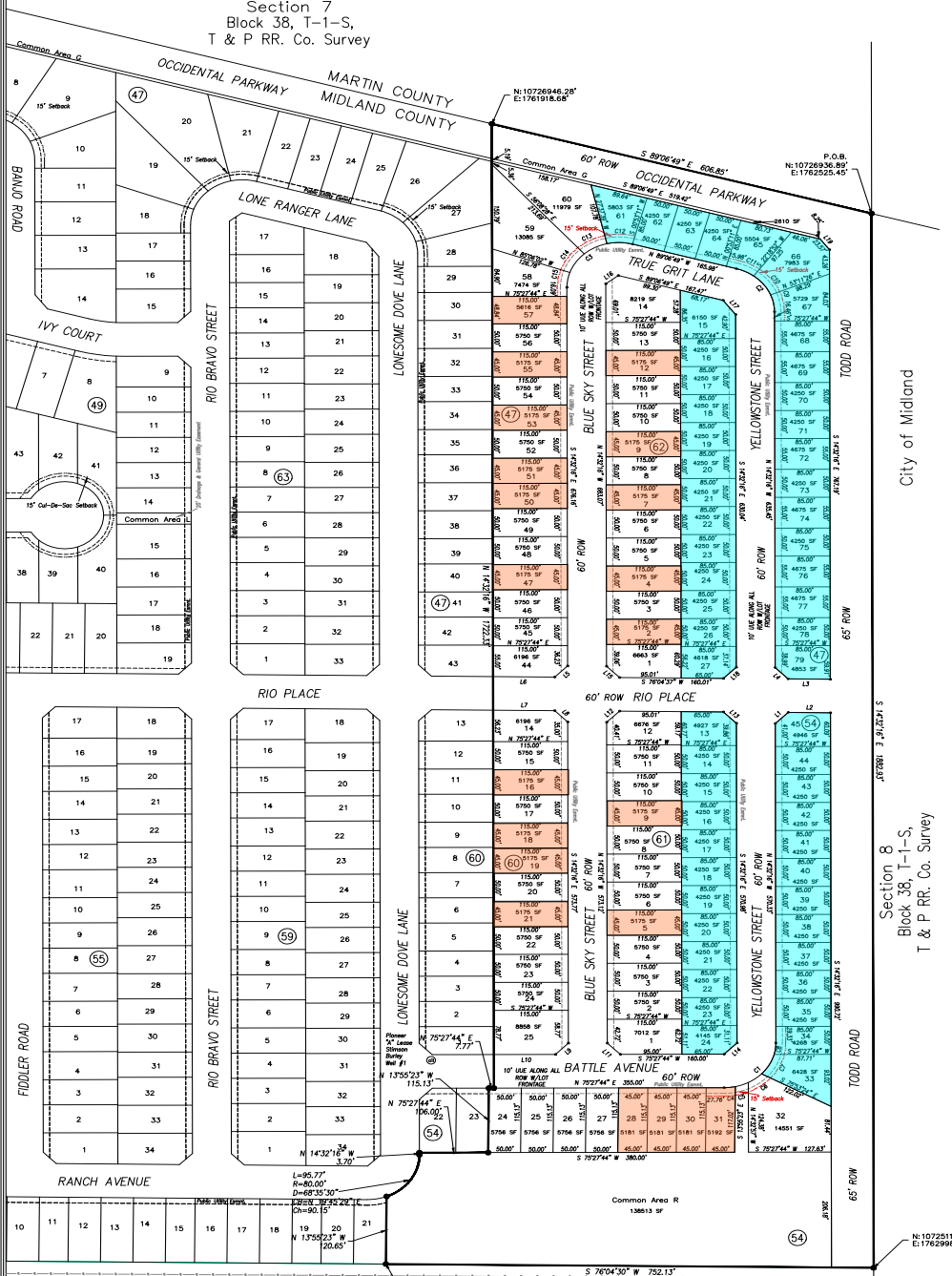
APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

LONE STAR TRAILS II, SECTION 13

BEING A 27.05 ACRE TRACT OF LAND IN SECTION 7, BLOCK 38, T-1-S, T. & P. RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS



Legal Description for Lone Star Trails II, Section 13.

Being a 27.05 Acre Tract of Land in a 354.08 Acre Tract recorded in Document No. 2017-36824, Official Public Records, located in Section 7, Block 38, T-1-S, T&P RR Co Survey, City of Midland, Midland County, Texas.

Boundary more fully described by metes and bounds as follows:

Beginning at (N:10726936.89', E:1762525.45') a ½" iron rod found in the north line of said 354.08 acre tract, the Midland-Martin County Line, the east line of said Section 7, and the west line of Section 8, said Block 38, T-1-S, for the northeast corner of this tract, whence a ½" iron rod found at the southeast corner of said Section 7 bears South 14°32'16" East, a distance of 2182.80 feet;

Thence South 14°32'16" East with the east line of said Section 7 and the west line of said Section 8, a distance of 1882.93 feet to a ½" iron rod found for the southeast corner of this tract;

Thence through said 354.08 acre tract the following nine (9) courses and distances:

1. South 76°04'30" West, a distance of 752.13 feet to a ½" iron rod found for the southwest corner of this tract;
2. North 13°55'23" West, a distance of 120.65 feet to a ½" iron rod found for a point of curvature in the west line of this tract;
3. With a curve to the left in a northeasterly direction, said curve having a radius length of 80.00 feet, an arc length of 95.77 feet, a delta angle of 68°35'30", and a chord length of 90.15 feet bearing North 19°45'29" East to a ½" iron rod found for a point of tangency in the west line of this tract;
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5. North 75°27'44" East, a distance of 106.00 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
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7. North 75°27'44" East, a distance of 7.77 feet to a ½" iron rod found for a point of deflection in the west line of this tract;
8. North 14°32'16" West, a distance of 1722.33 feet to a ½" iron rod found in the north line of said 354.08 acre tract and the Midland-Martin County Line for the northwest corner of this tract;

Thence South 89°06'49" East, with the north line of said 354.08 acre tract and the Midland-Martin County Line, a distance of 606.85 feet to a to the Point of Beginning.

Containing 27.05 surface acres of land.

Bearings, distances, and coordinates are based on the Texas Coordinate System, NAD 1983, Central Zone (CORS).

Betenbough PD

50' X 85' = 57
45' X 115' = 21
50' X 115' = 42

Total: 120

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
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C4	80.00'	17.46'	17.42'	N 69°11'54" E	12°30'40"
C5	80.00'	21.45'	21.39'	N 55°19'08" E	15°21'50"
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C8	80.00'	20.91'	20.85'	N 07°03'04" E	14°58'29"
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C13	80.00'	39.81'	39.40'	S 48°06'57" W	28°30'50"
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L19	S 51°49'33" E	51.82'

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.

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LSTS-13 Prelim

Scale 1" = 100'

LEGEND
● Fd ½" Iron Rod
○ Set ½" Iron Rod
------ Utility Easement

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____ ATMOS ENERGY PRINT NAME

SIGNED: _____ ONCOR ELECTRIC DELIVERY PRINT NAME

SIGNED: _____ AT&T TEXAS PRINT NAME

SIGNED: _____ SUDDENLINK COMMUNICATIONS PRINT NAME

SIGNED: _____ GRANDE COMMUNICATIONS PRINT NAME

PACKET 21.10

OWNERS' CERTIFICATE:

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, I, _____, Agent of Betenbough Homes Inc. as the recorded owner of a 27.05 Acre Tract of land, out of a 354.08 Acre Tract of Land, as recorded in Instrument No. 2017-36824, Official Public Records, Midland County, Texas, located in Section 7, Block 38, T-1-S, T. & P. RR. Co. Survey, Midland County, Texas, and more particularly shown and described hereon:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, _____, Agent of Betenbough Homes Inc., do hereby adopt this plat designating the herein above described property as "LONE STAR TRAILS II, SECTION 13" an Addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon.

WITNESS our hands at Midland, Texas, this the_____day of_____, 2021.

_____
By: _____
Agent of Betenbough Homes Inc.

ACKNOWLEDGMENT
THE STATE OF TEXAS
COUNTY OF MIDLAND

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

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

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "LONE STAR TRAILS II, SECTION 13" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, on this_____day of _____, 2021.

SIGNED:_____

PRINT:_____
Chairman

ATTEST:_____

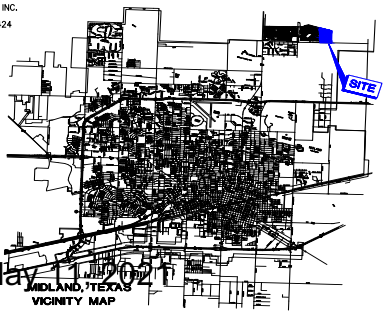
PRINT:_____
Secretary

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

23 March 2021
DATE

AARON SCOTT BURRELL TX RPLS 5689

OWNER:
BETENBOUGH HOMES INC.
6305 82nd STREET
LUBBOCK, TEXAS 79424
806-797-9494



PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO._____CABINET_____
DATE_____PAGE_____

May 11, 2021

PRELIMINARY PLAT
LONE STAR TRAILS II, SECTION 13

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-21-0231

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)*			
Printed Name: Ronnie Wallace, Betenbough Homes		Phone (806) 412 - 6611 Email Ronniew@betenbough.com	
Address 6305 82nd Street	City Lubbock	State Texas	Zip 79424

Property Owner			
Printed Name: Betenbough Homes		Phone (806) 412 - 6611 Email Ronniew@betenbough.com	
Address 6305 82nd Street	City Lubbock	State Texas	Zip 79424

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

Street Address: See Attached Site Plan

Legal Description
Lot: See Attached Plat Block: See Attached Plat Subdivision: 27.32 Acre Tract In Section 7, Block 38, T-1-S, T. & P. RR. Co. Survey, City and County of Midland, Texas (Lone Star Trails)

Current Zoning: **SF-3**

Proposed Zone: **PD (Planned District)**
(List by tracts if more than one district is requested)

Reason for Zone Change Request Request to build affordable, smaller homes on lots less than 5,500 Total Square Feet and therefore requesting PD (Planned District) Zone designation. (See attached Site Plan)

Present Use of Property: Vacant

Proposed Use of Property: Single Family Homes

How would this zone change affect the public health, safety and welfare?
Our smaller homes provide an additional, affordable option for new homeowners in Midland.

Describe how conditions affecting the property have changed since present zoning designation: We want to meet the needs of future homebuyers in Midland.

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: March 24th, 2021
Applicant (printed): Ronnie Wallace, Land Planner, Betenbough Homes	
Property Owner (signature): Ronnie Wallace (on behalf of Betenbough Homes)	Date: March 24th, 2021
Property Owner (printed) : Ronnie Wallace, Land Planner, Betenbough Homes	

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

_____
Authorized Agent (*signature*)

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

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

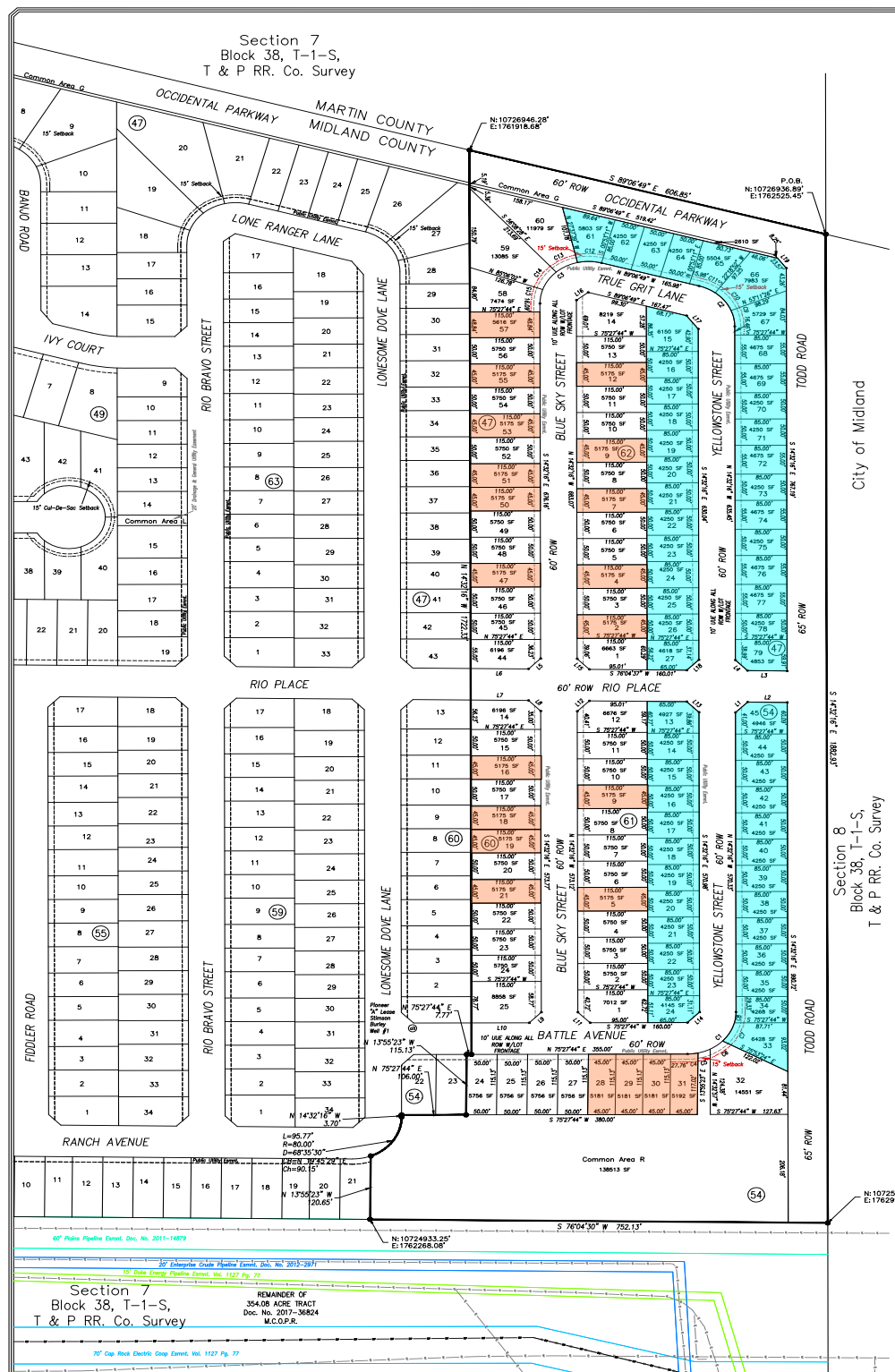
FOR OFFICE USE ONLY

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

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

LONE STAR TRAILS II, SECTION 13

BEING A 27.05 ACRE TRACT OF LAND IN SECTION 7, BLOCK 38, T-1-S, T. & P. RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS



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L20-13 Prelim

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PACKET 21.13

Scale 1" = 100'

LEGEND
● Fd ½" Iron Rod
○ Set ½" Iron Rod
------ Utility Easement

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COUNTY OF MIDLAND

WHEREAS, I, _____, Agent of Betenbough Homes Inc. as the recorded owner of a 27.05 Acre Tract of land, out of a 354.08 Acre Tract of Land, as recorded in Instrument No. 2017-36824, Official Public Records, Midland County, Texas, located in Section 7, Block 38, T-1-S, T. & P. RR. Co. Survey, Midland County, Texas, and more particularly shown and described hereon:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, _____, Agent of Betenbough Homes Inc., do hereby adopt this plat designating the herein above described property as "LONE STAR TRAILS II, SECTION 13" an Addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon.

WITNESS our hands at Midland, Texas, this the_____day of_____, 2021.

_____
By: _____
Agent of Betenbough Homes Inc.

ACKNOWLEDGMENT
THE STATE OF TEXAS
COUNTY OF MIDLAND

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

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

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "LONE STAR TRAILS II, SECTION 13" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, on this_____day of _____, 2021.

SIGNED:_____
PRINT:_____
Chairman

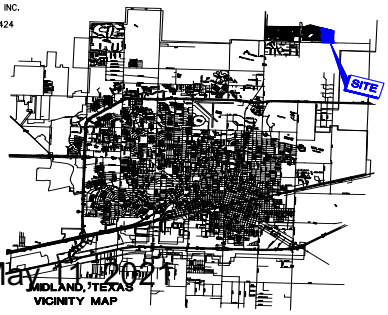
ATTEST:_____
PRINT:_____
Secretary

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

23 March 2021
DATE

AARON SCOTT BURRELL TX RPLS 5689

OWNER:
BETENBOUGH HOMES INC.
6305 82nd STREET
LUBBOCK, TEXAS 79424
806-797-9494

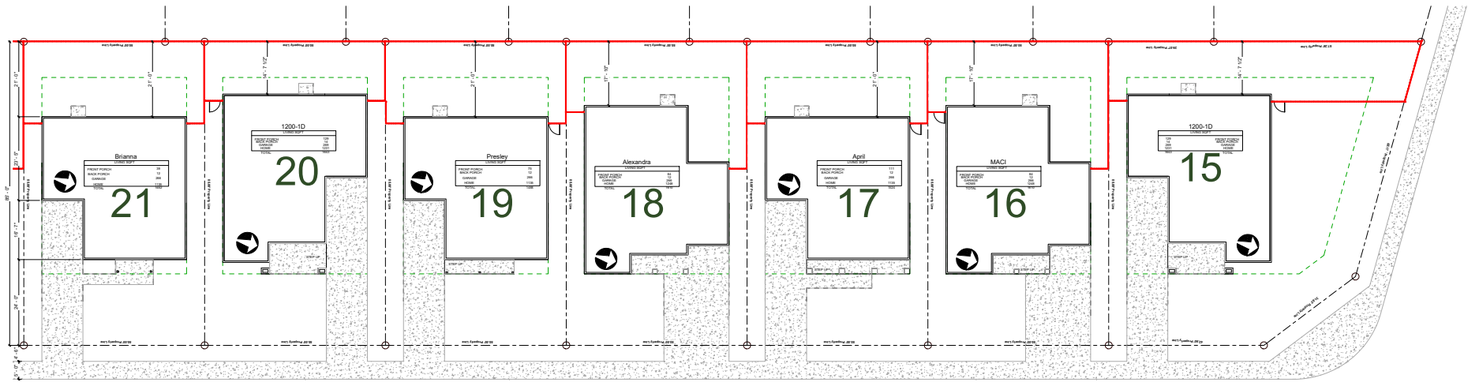


PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO._____CABINET_____
DATE_____PAGE_____

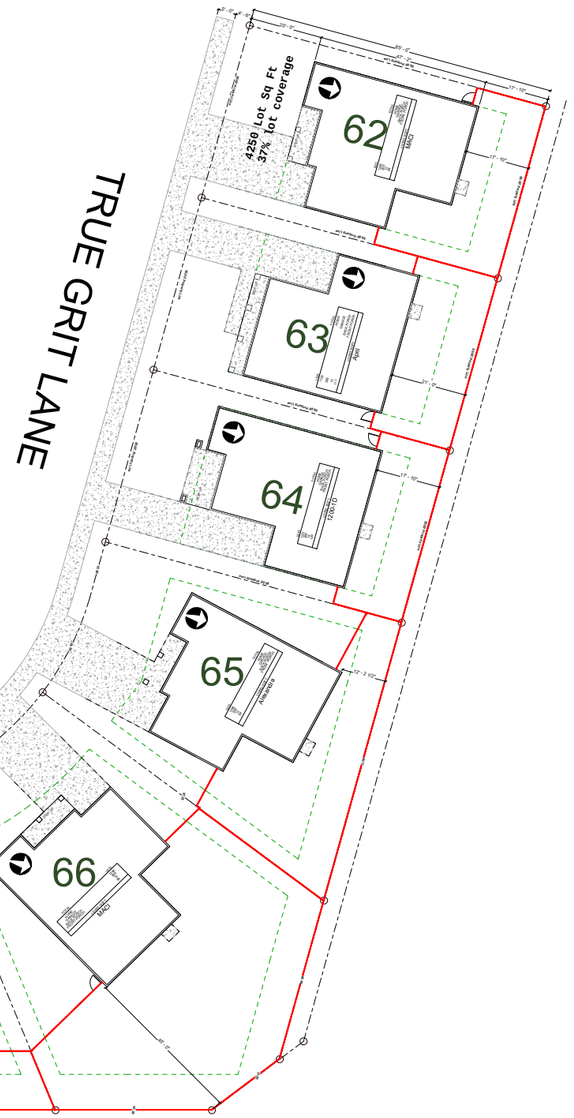
May 11, 2021

PRELIMINARY PLAT
LONE STAR TRAILS II, SECTION 13

50' x 85' all 1100 and 1200 sq ft homes
smallest rear yard = 14' 7-1/2"



YELLOWSTONE STREET



TODD ROAD

BETENBOUGH B·H HOMES®

To whom it may concern,

Over the years we have worked closely with the planning department. We are currently seeking a zone change request for our last portion of LST II which buffers the future Todd rd. Within this Planned District request, we have a couple of different types of homesites. (see table) We feel that this is market has a true need for this more affordable product. Over the past year, only 37 homes sold, were above 2,050 $Ft^{2.}$ with the top spot at 1,350 Ft^2. We are aware that this smaller lot size is outside the norms of the current zoning code. We feel although it is a smaller lot size, it is proportional to the standard 50' x 115' lots. The smallest rear yard dimension is 14' 7-1/2" with most at 17' or 21'. This equates to a little bit smaller lot coverage than our standard lots (see chart). It is for these reasons we are asking staff to help support this request for a true mixed use of SFR in this PD. We have also attached a few exhibits to help give a visual of how homes (1100 and 1200 Ft^2) would be laid out on a site plan.

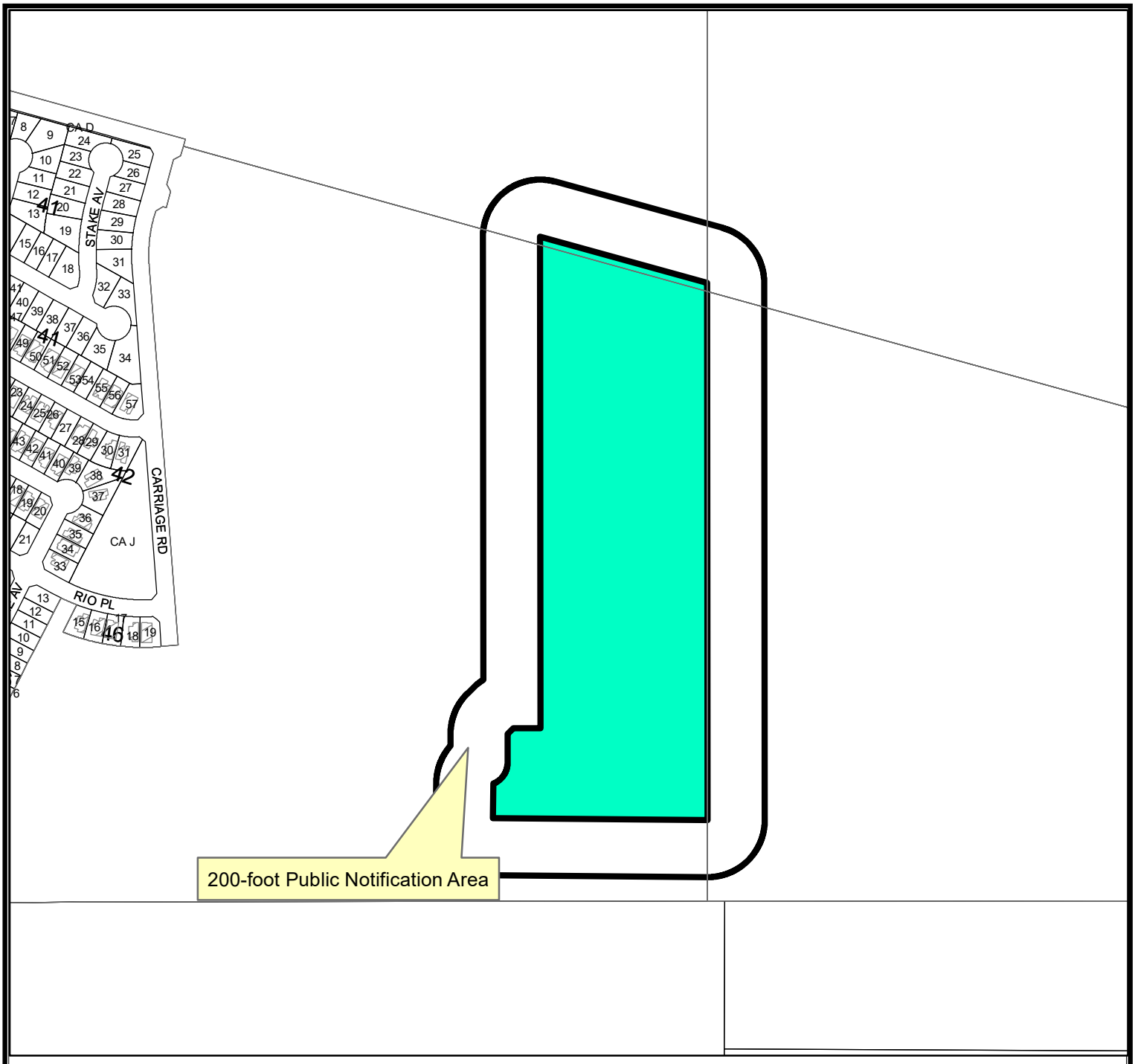
Lot Size	Least Lot Ft^2	Product	Smallest Rear Yard Depth	Avg Lot Coverage
50' x 85'	4145	1100 – 1200 Ft^2	14' 7-1/2"	38%
45' x 115'	5175	1300 - 1600 Ft^2	25'	39%
50' x 115'	5500	1300 – 2000 Ft^2	25'	44%

Sincerely

Chris Berry

Chris Berry
Land Planning Manager

LUBBOCK | MIDLAND | ODESSA | AMARILLO | BETENBOUGH.COM



LOCATION MAP

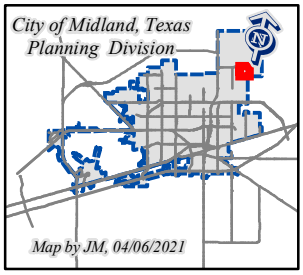
Z-21-0231 **Scale: 1" = 500'**

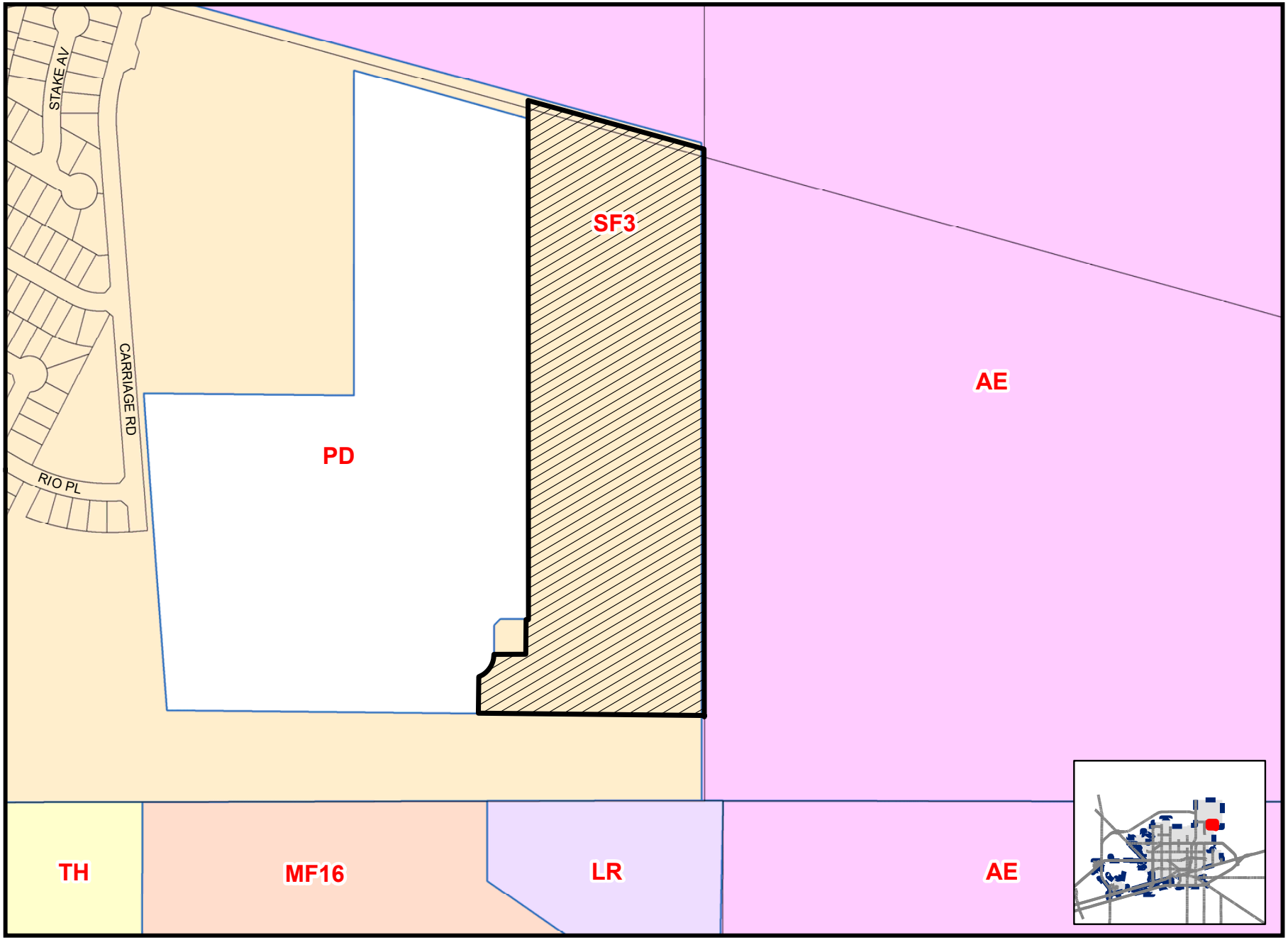
Consider a request by Betenbough Homes for a Zone Change from SF-3, Single Family Dwelling District to PD, Planned Development District for a Housing Development on a 27.05-acre tract of land located in Section 7, Block 38, T-1-S, T&P, R.R. Co. Survey, City and County of Midland, Texas.

Generally located on the south side of Occidental Parkway, approximately 1, 335- feet east of Carriage Road..(Council District 1)

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Map By ES, 04/06/2021

Z-21-0231

Scale: 1" = 400'

ZONING MAP

NOR IS IT DESIGNED
INFORMATION CONTAINED
THE USE OF THIS DATA.









City Council Meeting

Item Number: 22

Meeting Date: May 11, 2021

To: City Council / City Manager

From: Valerie Sherman,

Subject: RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL, COOK-OFF AND CONCERT EVENT ON LOT 1A, BLOCK 54, LOT 1A, BLOCK 55, A 0.26-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY ADJACENT TO LOT 1A, BLOCK 55, AND A 0.54-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY AND A 0.43-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY, BOTH ADJACENT TO BLOCKS 54 AND 55, ALL OUT OF ORIGINAL TOWN ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH COLORADO STREET) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DEVELOPMENT SERVICES)

Purpose:

Hold a public hearing and consider a resolution on a request by Adrian Carrasco with the Midland Hispanic Chamber of Commerce for a Temporary Land Use Permit for a festival, cook off and concert.

Recommended City Council Action:

Approve

Fiscal Impact:

No City funds are required to process this request.

Discussion:

Adrian Carrasco is requesting a Temporary Land Use Permit to hold a Mex-Tex Family Fiesta Event at Centennial Park, between W. Texas Avenue and W. Wall Street, as shown on the site plan (Exhibit A). The proposed date and time of the event is Saturday, June 12, 2021, from 12:00 p.m. to 12:00 a.m. (midnight) of the following day.

The applicant is requesting to close the following streets for the event: W. Texas Avenue, between N. Colorado Street and N. Main Street; W. Wall Street, between N. Colorado Street and N. Main Street; and N. Colorado Street, between W. Texas Avenue and W. Wall Street. Setup will begin on Friday, June 11, 2021 at 2:00 p.m.; the event will be on Saturday, June 12, 2021 from 12:00 p.m.(noon) to 12:00 a.m. (midnight) of the following day; and the event will be torn down by 4:00 p.m on Sunday, June 13.

This event will consist of food, alcohol sales, kid zone, vendors, and live music. The proposed location for the stage is at the east side of Centennial Park at the Stage Pavilion. A viewing area with chairs is proposed on the lawn to the west of the Stage Pavilion. Entry gates are proposed at the northeast corner of Centennial Park on W. Texas Avenue and at the southeast corner of Centennial Park on W. Wall Street. The event will also have vendors, which will be located on W. Texas Avenue, W. Wall Street, and N. Colorado Street. The sale and on-premises consumption of alcoholic beverages is proposed. A minimum of nine (9) restrooms will be provided for public use, and fifteen (15) peace officers will be on duty at all times during the event.

This request has been circulated and reviewed by all pertinent City departments, and their comments, conditions, and requests are stated below:

Building: (Approved)

No objections. Sanitary facilities must be maintained and easily located by the public. All tents, canopies, and booths must be erected according to manufacturer's instruction as well as being capable of withstanding adverse weather such as high winds.

Code: (Approved)

No Oil and Gas issues.

Engineering: (Approved with Conditions)

Comply with Temporary Traffic Control Procedure Update, dated March 24, 2017 and found on-line at: http://www.midlandtexas.gov/DocumentCenter/View/3225.

Otherwise, no objection.

Fire: (Approved)

All mobile food vendors must have current City of Midland Inspections.

Temporary fencing may not block access to fire department connections for building fire suppression systems.

Transportation: (Approved)

Road closure dates/times to match approvals as per the Special Event Permit.
A Temporary Traffic Control Plan must be submitted by a qualified barricade company and approved by Engineering Services prior to the event or activity. The event organizer shall be responsible for coordinating with businesses or property owners whose access will be impacted.

Planning:

This temporary land use permit for a Mex-Tex Family Fiesta Event, is in compliance with Goal #2 of Chapter 7 of the Tall City Tomorrow Comprehensive Plan, which is to "create a 'cultural core' in Downtown Midland that is a living, working, and entertainment destination," as it provides an event that citizens and visitors of Midland can attend.

Staff recommends approval of this temporary land use permit, subject to conditions A through K.

Conditions:

A. That the operation of a Mex-Tex Family Fiesta Event shall conform to the attached Site Plan (Exhibit A).

B. Mex-Tex Family Fiesta shall be limited to:

Friday, June 11, 2021, 2:00 pm to Saturday, June 12, 2021, 12:00 pm (noon) (Set up)
Saturday, June 12, 2021, 12:00 pm (noon) to 12:00 am (midnight) (Event)
Sunday, June 13, 2021, from 12:00 am (midnight) to 4:00 pm (Take down)

C. That the following uses are specifically permitted:

1. **That music shall be allowed during all operating hours of the event.**

2. **That the sale and on-premises consumption of alcoholic beverages shall be allowed during all operating hours and shall be in compliance with state and local laws.**

D. That a minimum of nine (9) restrooms shall be provided.

E. That a minimum of Fifteen (15) certified peace officers shall be provided as security guards during all operating hours of the Event and during the hour immediately following the conclusion of the Event.

F. That the Event shall comply with all requirements of the Fire Code, and the applicant shall call for an inspection by the Fire Marshal prior to commencing operation of the Event.

G. That the applicant shall obtain approval from the Transportation Division of a Traffic Control Plan for the temporary closures of W. Texas Avenue and W. Wall Street between N. Colorado Street and N. Main Street, and N. Colorado Street between W. Texas Avenue and W. Wall Street prior to the event, and the event shall be operated in accordance with said traffic control plan.

H. That event-related equipment, materials, and traffic control devices:

1. **May be placed on Centennial Park, as well as W. Texas Avenue and W. Wall Street between N. Colorado and N. Main Street, and N. Colorado Street between W. Texas Avenue and W. Wall Street in accordance with the approved traffic control plan beginning at 2:00 p.m. on Friday, June 11, 2021.**

2. **Shall be completely removed from W. Texas Avenue, W. Wall Street, and N. Colorado Street no later than 4:00 p.m. on Sunday, June 13, 2021.**

I. That the applicant shall obtain approval from the Solid Waste Department for a refuse collection and clean-up plan prior to the Event.

J. That the Code Administration Division and the Planning Division shall be notified no later than 48 hours preceding the beginning of operations.

K. That Adrian Carrasco, the representative of Midland Hispanic Chamber of Commerce, shall be responsible for ensuring that the conditions of this permit are observed.

Letters of Objection:

As of May 7, 2021, staff has not received any letters of objection..

Attachments:

Application
Site Plan (Exhibit A)
Maps

City Manager's Office

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL, COOK-OFF AND CONCERT EVENT ON LOT 1A, BLOCK 54, LOT 1A, BLOCK 55, A 0.26-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY ADJACENT TO LOT 1A, BLOCK 55, AND A 0.54-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY AND A 0.43-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY, BOTH ADJACENT TO BLOCKS 54 AND 55, ALL OUT OF ORIGINAL TOWN ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH COLORADO STREET) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS

WHEREAS, pursuant to Section 11-1-4.05 of the City Code of Midland, Texas, Midland Hispanic Chamber of Commerce (the "Applicant") has applied for authorization to temporarily use Lot 1A, Block 54, Lot 1A, Block 55, a 0.26-acre portion of North Colorado Street right-of-way adjacent to Lot 1A, Block 55, and a 0.54-acre portion of West Texas Avenue right-of-way and a 0.43-acre portion of West Wall Street right-of-way, both adjacent to Blocks 54 and 55, all out of Original Town Addition, Section 14, City and County of Midland, Texas (the "Property") for a festival, cook-off, and concert event (the "Event"); and

WHEREAS, the Council finds and determines that such temporary use shall be allowed;

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

SECTION ONE. That the Applicant is hereby authorized by the City Council to temporarily use the Property for the Event subject to the following conditions and restrictions:

A. That the operation of the Event shall conform to the site plan, which is attached hereto and incorporated herein as Exhibit "A".

B. That the operation of the Event shall be limited to Saturday, June 12, 2021, from 12:00 p.m. (noon) to 12:00 a.m. (midnight).

C. That set-up and take-down of Event-related equipment, materials, and traffic

control devices shall be limited to the following days and hours:

1. Set-up: From 2:00 p.m. on Friday, June 11, 2021, to 12:00 p.m. (noon) on Saturday, June 12, 2021.

2. Take-down: Sunday, June 13, 2021, from 12:00 a.m. (midnight) to 4:00 p.m.

D. That the following uses are specifically permitted:

1. Music shall be allowed during all operating hours of the Event.

2. The sale and on-premises consumption of alcoholic beverages shall be allowed during all operating hours of the Event in compliance with state and local laws.

E. That a minimum of nine (9) restrooms shall be provided during all operating hours of the Event.

F. That a minimum of fifteen (15) certified peace officers shall be provided as security guards during all operating hours of the Event and during the hour immediately following the conclusion of the Event.

G. That the Event shall be operated in compliance with all requirements of the Fire Code. The Applicant shall call for an inspection by the Fire Marshal prior to commencing operation of the Event.

H. That the Applicant shall obtain approval from the Transportation Division of a traffic control plan for the temporary closures of the portions of rights-of-way on which the Event will be operated, and the Event shall be operated in accordance with said traffic control plan.

I. That Event-related equipment, materials, and traffic control devices:

1. May be placed on the Property beginning at 2:00 p.m. on Friday, June 11, 2021; provided, however, that the placement of equipment, materials, and traffic control devices on rights-of-way shall be in accordance with the approved traffic control plan; and

2. Shall be completely removed from the Property no later than no later than 4:00 p.m. on Sunday, June 13, 2021.

J. That the Applicant shall obtain approval from the Solid Waste Department for a refuse collection and clean-up plan prior to operation of the Event.

K. That the Code Administration Division and the Planning Division shall be notified no later than 48 hours preceding operation of the Event.

L. That Adrian Carrasco, a representative of the Applicant, shall be responsible for ensuring that the conditions herein are observed and satisfied.

SECTION TWO. That the City Council reserves at all times the full right and power

to revoke said temporary use for violation of any of its terms or any misrepresentations contained in the application, after a hearing of which the holder of said temporary use has been given at least one (1) day notice.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2021, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Robert Patrick, City Manager

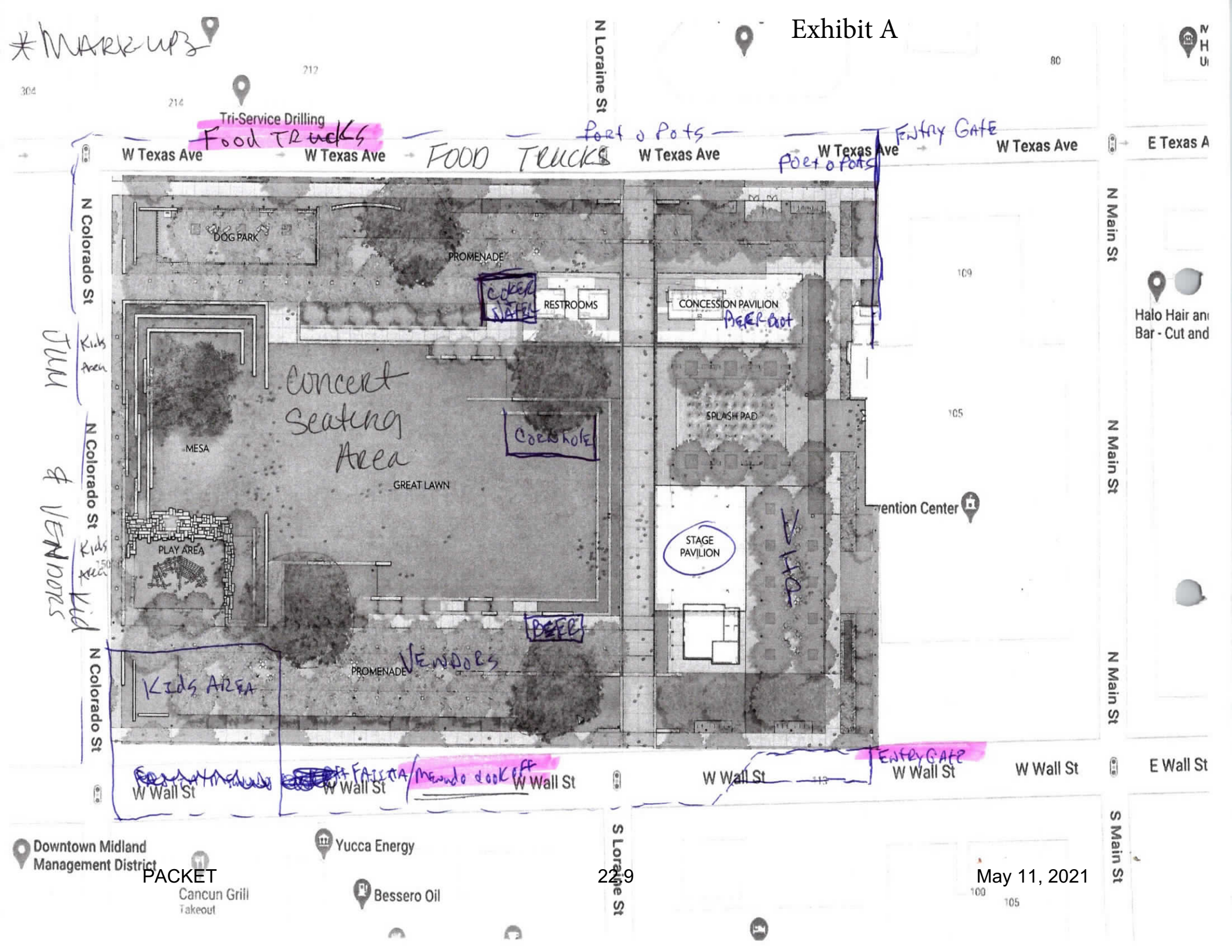
APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

Exhibit A



*MARK UPS
Tri-Service Drilling
Food TRucks
FOOD TRUCKS
Port o Pots
Entry Gate
Port o Pots
W Texas Ave
E Texas A
N Loraine St
N Colorado St
N Main St
S Loraine St
S Main St
W Wall St
E Wall St
DOG PARK
PROMENADE
COKER WATER
RESTROOMS
CONCESSION PAVILION
BEER BOOT
Halo Hair and Bar - Cut and
JUM
Kids Area
Concert Seating Area
CORNHOLE
SPLASH PAD
MESA
GREAT LAWN
STAGE PAVILION
VIP
PLAY AREA
Kids Area
Kid
& VENDORS
BEER
PROMENADE
VENDORS
KIDS AREA
FAJITA/Menudo cook off
Entry Gate
Downtown Midland Management District
Yucca Energy
Cancun Grill
Takeout
Bessero Oil


Blackbeard Operating
Midland County History Museum
Unassuming space for...
Tri-Service Drilling
W Texas Ave
W Texas Ave
.54 A.
W Texas Ave
W Texas Ave
W Texas Ave
E Texas Ave
N Loraine St
N Colorado St
N Main St
DOG PARK
PROMENADE
RESTROOMS
CONCESSION PAVILION
SPLASH PAD
MESA
GREAT LAWN
STAGE PAVILION
PLAY AREA
PROMENADE
Convention Center
Bourbon Street DC
Halo Hair and Beauty Bar - Cut and Color...
Wall Street Lofts Luxury Apartmer
.26
.43 AC
W Wall St
W Wall St
W Wall St
W Wall St
W Wall St
W Wall St
E Wall St
E Wall St
S Loraine St
S Main St
Downtown Midland Management District
Yucca Energy
Cancun Grill
Takeout
Bessero Oil

MIDLAND Planning Division

Temporary Land Use Application

Project Number: TLU-21-0086

Case Number: _____

Event Name: Mex-Tex Family Fiesta

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Ruth Reinado		Phone (432) 704-5533 Email r.reinado@midlandhcc.com	
Address 208 S. Marienfeld St.	City Midland	State Texas	Zip 79701

Property Owner Printed Name: MDPC		Phone (432) 687-8200 Email stephanie@centennialparkmidland.org	
Address 200 W. Wall St	City Midland	State Texas	Zip 79701

Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name: Stephanie Martin		Phone (432) 687-8200 Email stephanie@centennialparkmidland.org	
Address 200 W. Wall St	City Midland	State Texas	Zip 79701

Street Address: Centennial Park (200 W. Wall St, Midland, Texas, 79701)

Legal Description
Lot: Block: Subdivision:

Current Zoning: | **Type of Temporary Use Requested:**

Description of Event: Festival, Cook Off & Concert

Duration of Temporary Use: June 12-13, 2021
If event lasts for more than (1) day and is located within any residential district or is located within 1,000 feet of any residential district, then a public hearing is required.

Proposed Days and Hours: Set Up - 06/12/2021@ 06:00 to 06/13/2021 @ 03:00

Will alcoholic beverages be sold? ■ Yes ☐ No
If yes, you must comply with all Texas Alcoholic Beverage Commission (TABC) regulations for the event.

Are you requesting the temporary closure of any streets? ■ Yes ☐ No
If yes, you must:

A. Complete the "**Special Event and Street Closure Application**", available from the Planning Division (4th Floor, City Hall), as well as submit a "**Traffic Control Plan**" to the Transportation Division (5th Floor, City Hall).
B. Provide the City with a **general liability insurance certificate**, naming the **City** as an **Additional Insured**, in the amount of one million dollars ($1,000,000) for the term of the closure.

RECEIVED
APR 05 2021
BY: .....

Number of Peace Offices Provided: TBD *Contact the Midland Police Department to schedule off-duty police officers.*			
Type of Music (*carnival, live, etc.*): Live Music			
Showmobile (*portable stage*) **Requested:** ☐ Yes ■ No		Days & Hours: Set Up - 06/12/2021@ 06:00 to 06/13/2021 @ 03:00	
Number of Restroom Fixtures Provided:	*Men*	**Toilets/Urinals:** 3 / 2	**Bathroom Sinks:** 2
	Women	**Toilets:** 3	**Bathroom Sinks:** 2
	Unisex	**Toilets:** 3	**Bathroom Sinks:** 2

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Damage Deposit
- Clean-Up Deposit
- 1 FOLDED Copy of Site Plan*
- Digital Copies of Site Plan (PDF/JPEG)

**Should show existing buildings, parking, access arrangements, surrounding streets, activity areas, areas of alcoholic beverage sales, proposed street closures, etc.*

Signatures

Applicant (signature):	Date: 4/5/21
Applicant (printed): Adrian Carrasco	
Property Owner (signature):	Date: 4/5/21
Property Owner (printed): Stephanie Martin	
Representative (signature):	Date:
Representative (printed) :	

The Temporary Land Use Permit 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.

RECEIVED
APR 0 5 2021
BY: .....

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

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 Stephanie Martin who, being by me duly sworn, upon oath says: That (s)he is authorized by Midland Downtown Park Conservancy, 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 05 day of April, 2021, to certify which witness my hand and seal of office.

JADYN WALKER
Notary Public
STATE OF TEXAS
NOTARY ID # 13159462-0
My Comm. Expires 06-06-2022

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

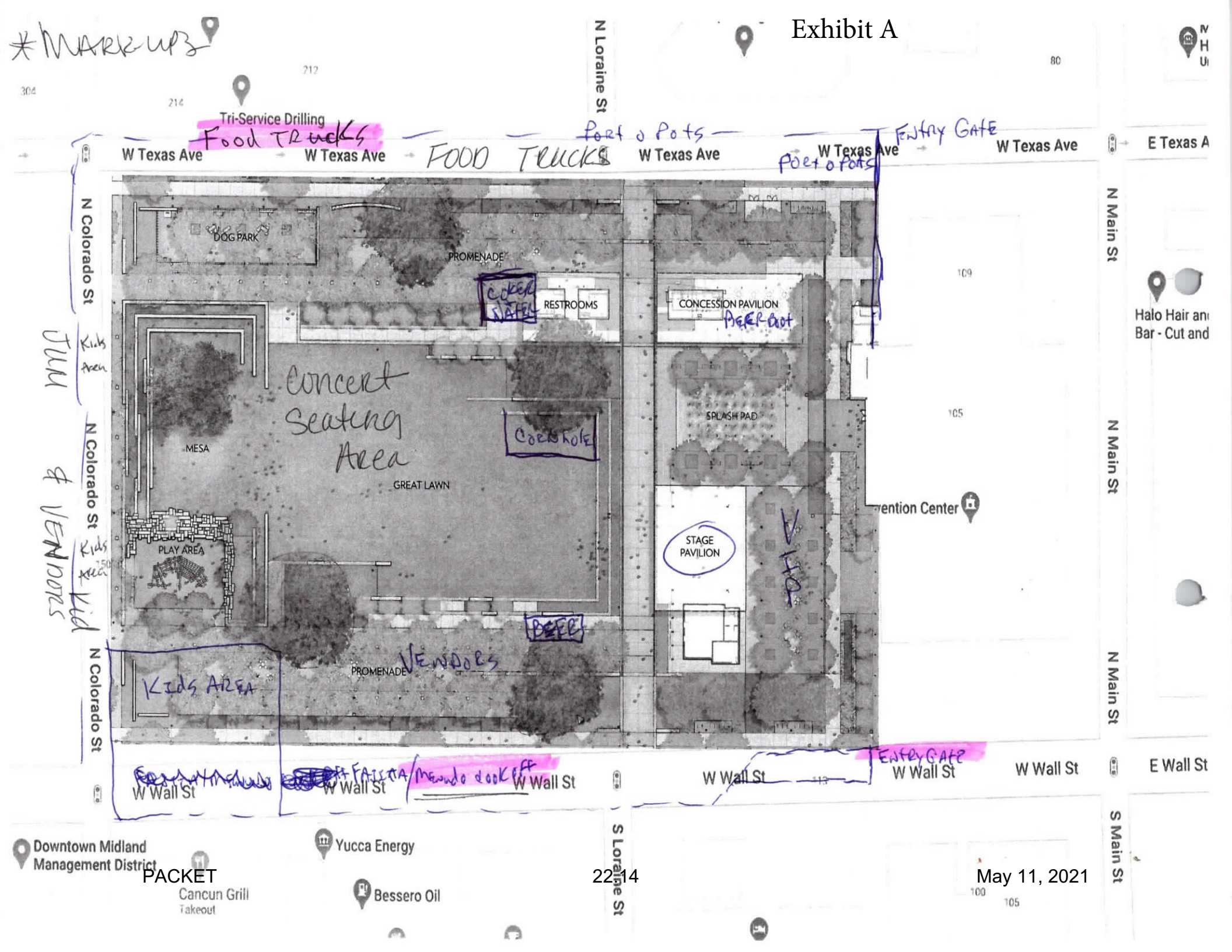
FOR OFFICE USE ONLY

☐ Property Owner Authorization	☐ Liability Insurance (Street Closure)
☐ Dimensioned Site Plan	☐ Traffic Control Plan (Street Closure)
☐ Plans in Digital Format (PDF/JPEG)	☐ Clean-Up Deposit
☐ Application Fee	Check #_____
Check #_____	☐ Damage Deposit
☐ Administrative Approval	Check #_____
Received By:	Date:

RECEIVED
APR 05 2021
BY: .....

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

Exhibit A



*MARK UPS
Tri-Service Drilling
Food TRucks
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Port o Pots
Entry Gate
W Texas Ave
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N Loraine St
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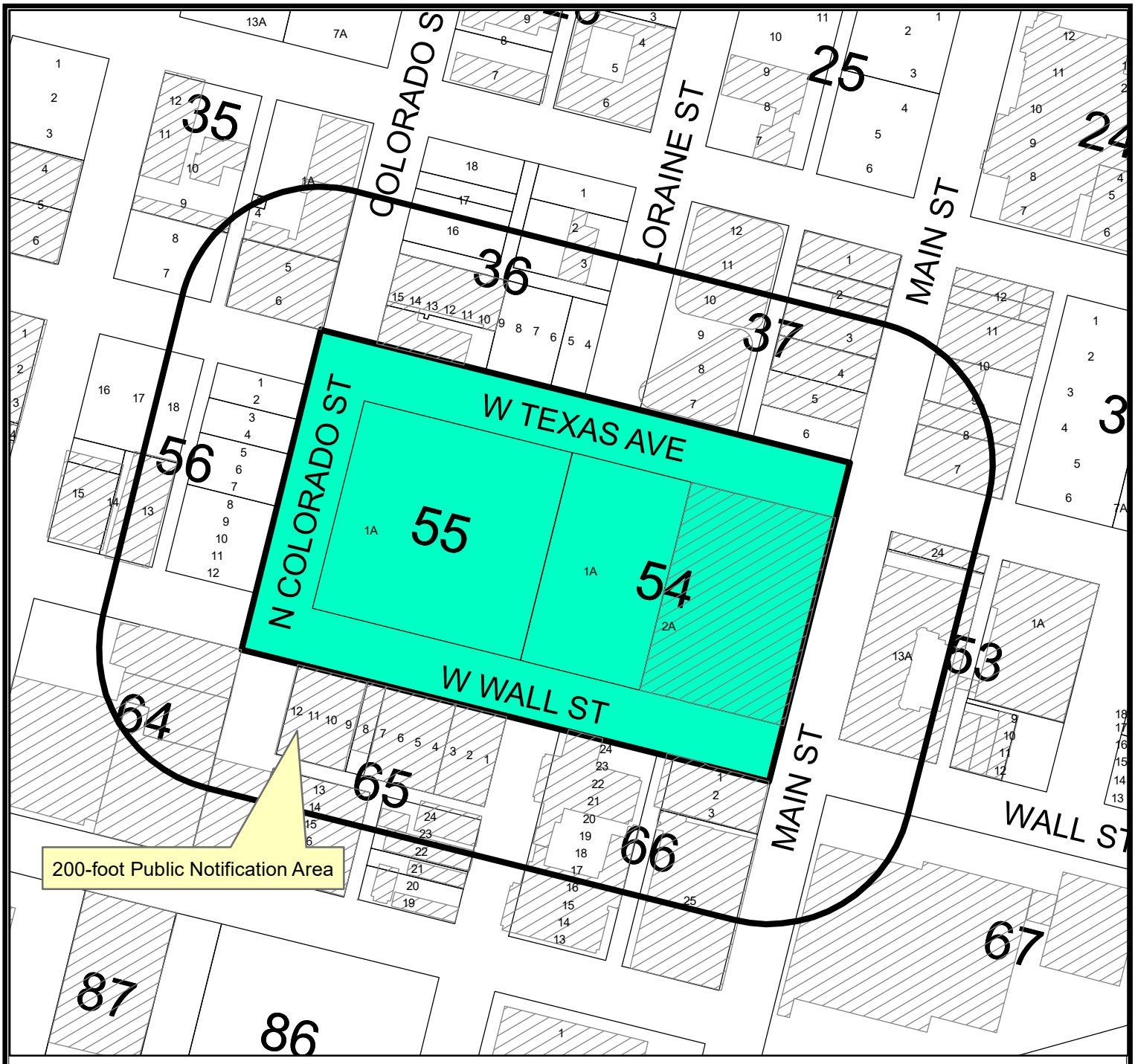
S Loraine St
W Wall St
E Wall St
DOG PARK
PROMENADE
RESTROOMS
CONCESSION PAVILION
BEER BOOT
COKER WATER
Concert Seating Area
CORNHOLE
SPLASH PAD
MESA
GREAT LAWN
PLAY AREA
STAGE PAVILION
VIP
BEER
VENDORS
KIDS AREA
Kids Area
JUM
& VENDORS
Halo Hair and Bar - Cut and
Convention Center
Downtown Midland Management District
Yucca Energy
Cancun Grill
Takeout
Bessero Oil
FAJITA/Menudo cook off


Fivecoat Law, PLC
Blackbeard Operating
Midland County History Museum
Unassuming space for...
Tri-Service Drilling
304
214
212
80
W Texas Ave
W Texas Ave
.54 A.
W Texas Ave
W Texas Ave
W Texas Ave
E Texas Ave
N Loraine St
N Colorado St
N Main St
DOG PARK
PROMENADE
RESTROOMS
CONCESSION PAVILION
109
Bourbon Street DC
Temporarily clos
Halo Hair and Beauty
Bar - Cut and Color...
.26
SPLASH PAD
105
MESA
GREAT LAWN
Convention Center
Wall Street Lofts
Luxury Apartmer
STAGE
PAVILION
150
PLAY AREA
PROMENADE
Wall Str
W Wall St
W Wall St
W Wall St
W Wall St
113
W Wall St
W Wall St
E Wall St
E Wall St
.43 AC
Downtown Midland
Management District
Yucca Energy
Cancun Grill
Takeout
Bessero Oil
S Loraine St
S Main St
100
105



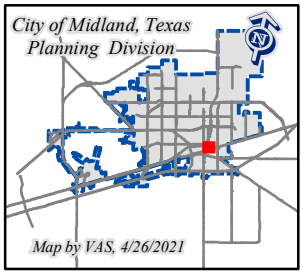
LOCATION MAP

TLU-21-0086 **Scale: 1" = 200'**

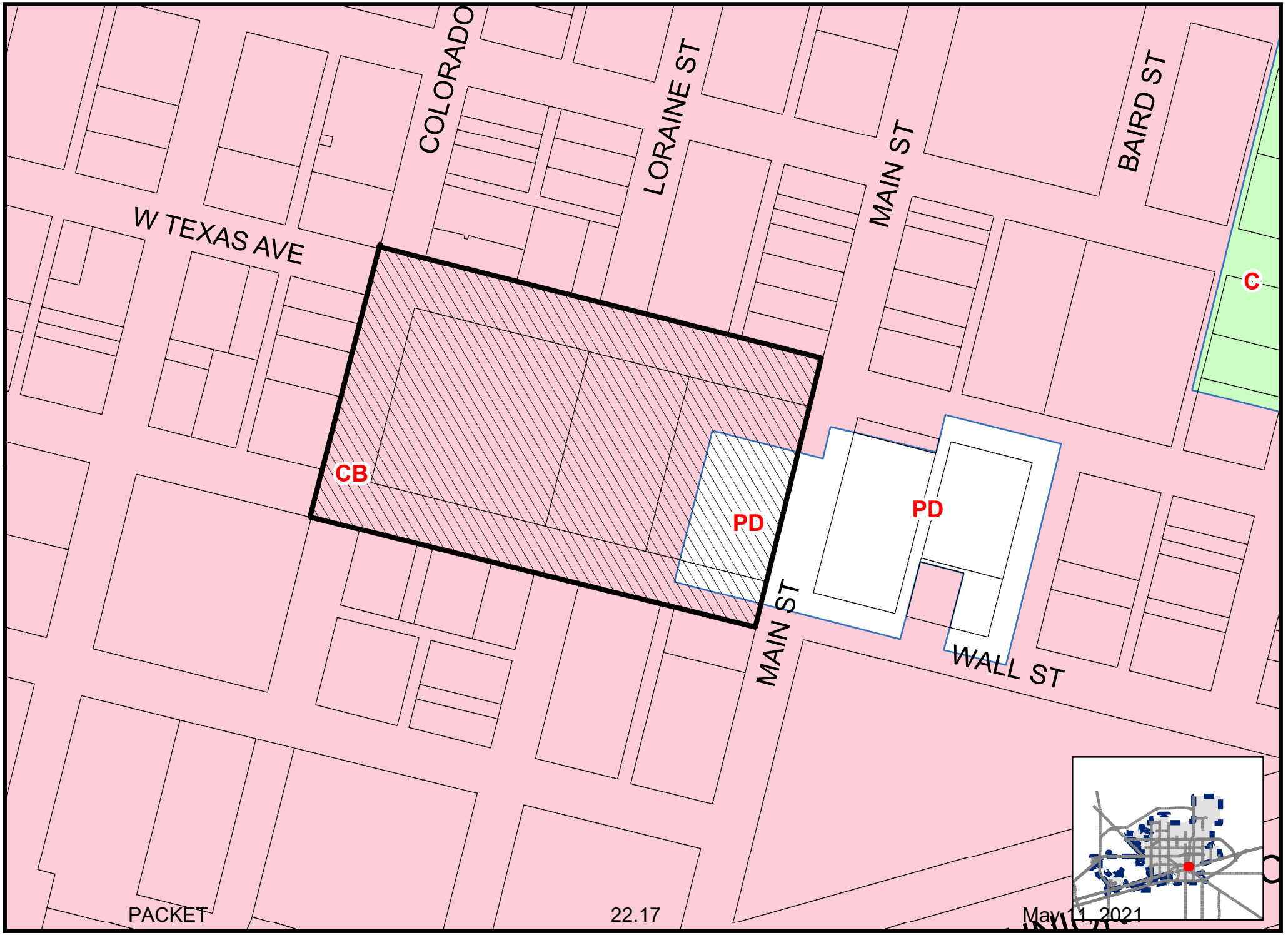
Consider a request for a Temporary Land Use Permit for a Festival, Cook-Off, and Concert Event on Lot 1A, Block 55, Lot 1A, Block 54, a 0.26 acre portion of the N Colorado Street right-of-way adjacent to Lot 1A, Block 55, a 0.54 acre portion of the W. Texas Avenue right-of-way, and a 0.43 acre portion of the W. Wall Street right-of-way, both adjacent to Block 54 and 55, all out of Original Town Addition, Section 14, City and County of Midland, Texas.
(Generally located on the southeast corner of the intersection of W. Texas Avenue and N. Colorado Street-Centennial Park. Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



May 11, 2021



Map By VAS, 4/26/2021

TLU-21-0086

Scale: 1" = 200'

ZONING MAP

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EMERGENCY