

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

AGENDA FOR PLANNING AND ZONING  
COMMISSION  
June 01, 2020 – 3:30 PM  
City Hall

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

**Videoconference Information**

Join Zoom Meeting: <https://zoom.us/j/5025640077>  
Meeting ID: 502 564 0077

One tap mobile:  
+13462487799,,5025640077#  
+16699006833,,5025640077#

Dial any of the following numbers:

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

Meeting ID: 502 564 0077

Find your local number: <https://zoom.us/u/adEOeT8q0P>

Public comment will be allowed in person, via the above conference call number above, or in the “Chat” function in the video conference option.

The Planning and Zoning Commission of the City of Midland shall meet at or following the above-specified time to consider the following:

**Opening Item**

1. Pledge of Allegiance

**Announcements**

**Public Comment**

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

**Consent Items**

3. Consider a motion approving the following minutes:
  - a. Planning & Zoning Commission Meeting Minutes for May 18, 2020.
4. Consider a proposed Final Plat of Riverbend Addition being a 23.19-acre tract of land located in the SW/4 of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Fairgrounds Road, approximately 769-feet south of E. Pecan Avenue. Council District 2)

**Public Hearings**

5. Hold a public hearing and consider a request by Tyler West for a Zone Change from O-1, Office District to PD, Planned Development District for a Housing Development, on Lot 1, Block 1, Roper Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Briarwood Avenue and North County Road 1250. Council District 4)

**Miscellaneous**

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Cristina Odenborg Burns  
Planning Division Manager  
Department of Development Services

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

**PLANNING AND ZONING MINUTES**  
**May 18, 2020**  
**3:30 p.m.**

The Planning and Zoning Commission convened in regular session in the Midland City Hall Council Chamber, 300 North Loraine, Midland, Texas, on, May 18, 2020.

Commissioners present: Chase Gardaphe, Josh Sparks, Kevin Wilton, Dianne Williams, Warren Ivey, Reggie Lawrence, and Karmen Bryant.

Alternate Commissioners present: None.

Commissioners absent: None.

Staff members present: Development Services Director Chuck Harrington, Planning Division Manager Cristina Odenborg Burns, Senior Planner Elizabeth Shaughnessy, Senior Planner Taslima Khandaker, Planner Glenda Arroyo-Cruz, and Administrative Clerk Dalia Salinas.

Chairman Sparks called the meeting to order at 3:31 p.m.

**Opening Item**

1. Pledge of Allegiance

**Announcements**

Planning Manager Cristina Odenborg Burns announced the departure of Senior Planner Taslima Khandaker. Her last day with the City of Midland will be May 29, 2020.

**Public Comment**

2. Receive comments from members of the public who desire to address the Planning and Zoning Commission regarding items on the present agenda for which public hearings will not be held.

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

**Consent Items**

Commissioner Gardaphe moved to approve Consent Items, excluding items # 4 & 7; seconded by Commissioner Lawrence.

The motion carried by the following vote: AYE: Wilton, Williams, Ivey, Gardaphe, Sparks, Lawrence, Bryant. NAY: None. ABSTAIN: None. ABSENT: None.

3. Approved a motion approving the following minutes:
4. Approved a proposed Final Plat of Ortloff Addition, Section 7, being a re-plat of Lots 3 and 4, Block 1, Ortloff Addition, Section 5, City and County of Midland, Texas. (Generally located on the west side of Westcliff Drive, approximately 291 feet south of Andrews Highway. Council District 4)

Commissioner Lawrence moved to approve Consent Item # 4; seconded by Commissioner Bryant.

The motion carried by the following vote: AYE: Wilton, Ivey, Gardaphe, Sparks, Lawrence, and Bryant. NAY: None. ABSTAIN: Williams. ABSENT: None.

5. Approved a proposed Final Plat of Lilly Heights, Section 12, being a replat of Lots 3 and 4, Block 6, Lilly Heights, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Andrews Highway and Tarleton Street. Council District 4)
6. Approved a proposed Preliminary Plat of JLCL Addition, being a plat of a 5.700-acre tract of land located in the NW/4 of Section 15, Block 39, T-2-S, T&P, RR. Co. Survey, Midland County, Texas. (Generally located on the west side of South County Road 1198, approximately 732-feet south of West

County Road 120. Extraterritorial Jurisdiction)

7. Denied a proposed Preliminary Plat of Saddleback Estates Addition, being a plat of a 72.256-acre tract of land located in the northeast quarter of Section 46, Block 38, T-1-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of S. County Road 1130 and E. County Road 95. Extraterritorial Jurisdiction)

Commissioner Ivey asked why staff would approve this proposed plat without requiring changes to the existing road.

Planning Division Manager Cristina Odenborg Burns explained that staff recommended approval because the applicant met all the requirements for a subdivision in the ETJ. Mrs. Burns went on to explain that it can be requested of the applicant, but it cannot be made a requirement.

The representative, Paladin Huckaba with Maverick Engineering, gave more information in regards to the project and explained that the owner chose to go with a private road instead of a public road because it was the owner's preference.

Commissioner Ivey expressed that although he understands the owners' rights, he believes that it is in the public's best interest to extend Rawhide to the east and the west.

Mr. Huckaba readdressed the commission again to explain that the Maverick Engineering would be happy to discuss with the applicant any possibilities of a concession on their part.

Commissioner Lawrence asked staff if the properties on the south portion have any right-away or setbacks for road to go through. Mrs. Burns confirmed that no; there currently are not any roads.

Commissioner Lawrence stated that he sees the reasoning of both sides. He asked what would be the processes for the applicant if the commission denies the application.

Planning Division Manager explained what the process would be if the commission denies the application.

Mr. Huckaba stated again that Maverick Engineering would be willing to bring to the table the discussion between the county and the applicant the possibility of dedicating the right-away.

Commissioner Ivey stated that neither he nor the commission are requesting that the right-away be dedicated; he is just stating that it be left unused.

Commissioner Ivey moved to Deny Consent Item, #7; seconded by Commissioner Williams.

The motion carried by the following vote: AYE: Wilton, Williams, Ivey, Sparks, and Bryant. NAY: Gardaphe and Lawrence. ABSTAIN: None. ABSENT: None.

## Public Hearings

8. Hold a public hearing and consider a request by KW Commercial Investment Advisors, for a zone change from AE, Agriculture Estate District, and PD, Planning District for a Housing Development, to C, Commercial District, on a 5-acre portion of Lot 2, Block 2, and a 0.87 acre portion of "Reserved" tract, all out of Green Hill Terrace, and a 0.55 acre portion of previously vacated Holiday Hill Rd right-of-way, adjacent to said lot, City and County of Midland, Texas. (Generally located on the east side of Holiday Hill Rd, approximately 345 ft north of Mockingbird Lane. Council District 1)

Planner Elizabeth Shaughnessy gave an overview of the project. With 36 letters of objection received, and 12 being within the 200 foot buffer, staff recommended denial.

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

The applicant, John Owens 1021 Quaker Ave, Lubbock TX, was present. He spoke on behalf of the project and was open to questions.

Business owner, David Poster 10805 Miami Ave, Lubbock TX, spoke on behalf of the project. He explained that he understands the concerns of the residents, but he believes that the self-storage facility is in the neighborhoods best interest because it would provide a great buffer.

Resident Troy Hunt, 4414 N. Midkiff, spoke in favor of the project.

Resident Rodney Roberts, 4515 Bent Trail, spoke in favor of the project.

Resident Dustin Jones, 4915 Tattenham, spoke in opposition of the project due to disruptions the introduction of commercial property will create in the area.

Resident Nancy Peterson, 4916 Tattenham Corner, spoke in opposition to the project due to unpleasant aesthetic.

The applicant readdressed the commission and answered some of the questions and concerns mentioned by the residents.

The public hearing was closed at 4:44 p.m.

Commissioner Lawrence stated that although he does agree that the property may end up being commercial in the future, he does understand the concerns of the residents and can side more with their views.

Commissioner Sparks asked Mr. Jones to restate his comment in regards to the Tall City Tomorrow Plan. Mr. Jones restated that he believes that keeping with the Tall City Tomorrow Plan the property should be used for a parks.

Commissioner Gardaphe stated that right now we are deciding on a zone change, the site plan will come later.

Commissioner Sparks suggested to the commission and staff the possibilities of approving with added restrictions. He asked staff what would be the process for reapplication.

Planning Division Manager Cristina Odenborg Burns explained that a new application would be required, but they would not be made to pay a new fee.

Commissioner Williams asked for staff to explain the difference between the RR zoning and Commercial zoning. Planning Division Manager Cristina Odenborg Burns explained that commercial allows for more intense uses and RR is for more for big box stores and chain restaurants.

Commissioner Williams also asked which one allows for a broader use. Mrs. Burns explained that the commercial zoning allows for broader uses.

Commissioner Williams stated that she believes that with so many factors going on it is not the right time to make a zone change for this area.

Mr. Owens stated that the requested the commercial zone change application was submitted due to the recommendation of the city staff. He stated that he would have preferred to submit for a Planned District (PD) but was told that was not allowed.

Commissioner Sparks explained that the city is trying to get away from PDs. But sometimes going with a planned district is the better option.

Resident Nancy Peterson readdressed the commission to again express the desires of the neighborhood.

Commissioner Gardaphe suggested the commission table any further conversation and address the motion and the second motion to deny.

Commissioner Lawrence moved to deny a request by KW Commercial Investment Advisors, for a zone change from AE, Agriculture Estate District, and PD, Planning District for a Housing Development, to C, Commercial District, on a 5-acre portion of Lot 2, Block 2, and a 0.87 acre portion of the "Reserved" tract, all out of Green Hill Terrace, and a 0.55 acre portion of previously vacated Holiday Hill Road right-of-way, adjacent to said lot, City and County of Midland, Texas. (Generally located on the east side of Holiday Hill Road, approximately 345 feet north of Mockingbird Lane. Council District 1); seconded by Commissioner Gardaphe.

The motion carried by the following vote: AYE: Wilton, Williams, Ivey, Gardaphe, Sparks,

Lawrence, and Bryant. NAY: None. ABSTAIN: None. ABSENT: None.

9. Hold a public hearing and consider a proposed Final Plat of Quail Ridge Addition, Section 8, being a residential re-plat of a 7.858 acre portion of Lot 1, Block 1, Quail Ridge Addition, and a 0.004 acre portion of previously vacated Beachwood Street right-of-way, out of Quail Ridge Addition, Section 2, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Beachwood Street and Chukar Lane. Council District 2)

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

The public hearing was opened at 5:16 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 5:17 p.m.

Commissioner Williams moved to approve a proposed Final Plat of Quail Ridge Addition, Section 8, being a residential re-plat of a 7.858 acre portion of Lot 1, Block 1, Quail Ridge Addition, and a 0.004 acre portion of previously vacated Beachwood Street right-of-way, out of Quail Ridge Addition, Section 2, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Beachwood Street and Chukar Lane. Council District 2); seconded by Commissioner Lawrence.

The motion carried by the following vote: AYE: Wilton, Williams, Ivey, Gardaphe, Sparks, Lawrence, and Bryant. NAY: None. ABSTAIN: None. ABSENT: None.

10. Hold a public hearing and consider a proposed Preliminary Plat of Sheeler Addition, Section 9, being a residential re-plat of Lots 7 and 8, Block 2, Sheeler Addition, City and County of Midland, Texas. (Generally located on the west side of South K Street, approximately 146-feet north of W. Griffin Avenue. Council District 2)

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

The public hearing opened at 5:19 p.m.

The applicant was not present.

The public hearing closed at 5:19 p.m.

Commissioner Gardaphe moved to approve a proposed Preliminary Plat of Sheeler Addition, Section 9, being a residential re-plat of Lots 7 and 8, Block 2, Sheeler Addition, City and County of Midland, Texas. (Generally located on the west side of South K Street, approximately 146-feet north of W. Griffin Avenue. Council District 2); seconded by Commissioner Lawrence.

The motion carried by the following vote: AYE: Wilton, Williams, Ivey, Gardaphe, Sparks, Lawrence, and Bryant. NAY: None. ABSTAIN: None. ABSENT: None.

### Miscellaneous

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 5:21 p.m.

\_\_\_\_\_  
Josh Sparks, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cristina Odenborg Burns, Planning Division Manager  
Development Services Department

\_\_\_\_\_  
Date



# Planning and Zoning Commission

Approved for Agenda:  
Cristina Odenborg

**MEETING DATE:** June 1, 2020

**TO:** PLANNING AND ZONING COMMISSION

**FROM:** Taslima Khandaker, Senior Planner

**SUBJECT:** Consider a proposed Final Plat of Riverbend Addition being a 23.19-acre tract of land located in SW/4 of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Fairgrounds Road, approximately 769-feet south of E. Pecan Avenue. Council District 2)

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## Recommended Planning and Zoning Commission Action:

**Approve**       **Deny**       **Direction/Informational**

## Details of Request:

The applicant, Newton Engineering, is proposing to plat a 23.19-acre property into one (1) lot to create a subdivision for apartment housing development.

## Current Zoning:

AE, Agriculture Estate District; LR, Local Retail District; and PD, Planned District for a Housing Development (Ordinance No. 9851).

## Preliminary Plat Approval:

The Preliminary Plat was approved at the November 19, 2018 Planning and Zoning Commission.

## Final Plat Requirements:

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

The final plat attached hereto has been circulated to all pertinent City departments and their comments, conditions, and requirements are as follows:

**BUILDING CODE: (Approved)**

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

**ENGINEERING: (Approved with Conditions)**

\*\*\* Comments updated - 5/29/2020 UTL And PVNG Plans are approved. Digital copy of bond has been provided and a hard copy is on its way to the office. \*\*\*

\*\*\* Denied - 5/22/2020 UTL and PVNG plans are approved. No final inspection requested. Impact fee note needs to be added. Drainage easement width 35' not 30'. \*\*\*

\*\*\* Denied - 5/27/2020 UTL and PVNG plans are approved. No final inspection requested. Drainage easement width 35' not 30'. \*\*\*

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

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

ROW: Okay as shown.

PAVING: Plans approved, but not accepted.

WATER: Plans approved, but not accepted.

FIRE HYDRANTS: Plans approved, but not accepted. Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 14, 2020 - Fire hydrants shall be spaced no more than 500' apart, Pressure Indicator Rings are to be installed and will require the developers/contractors to pay for the flow test.

PRO RATA: None.

SEWER: Plans approved, but not accepted.

DRAINAGE: Drainage study approved.

EASEMENTS: The drainage easement is to be 35' wide as called out in the approved plans.

SIDEWALKS: Sidewalks required on collector/arterial roadways, along common areas and ADA ramps required at corners before public infrastructure is accepted.

OTHER:

- A. All public infrastructure improvements and plat to comply with City of Midland – Engineering Services, Fire Department & Utilities Policy Statement – City Standards & Development Requirements. (Found on-line at: <http://www.midlandtexas.gov/DocumentCenter/View/2625>)
- B. New City standard details can be found on-line at: <http://www.midlandtexas.gov/DocumentCenter/View/4278/City-of-Midland-Standard-Details>.

**TRANSPORTATION: (Approved)**

STREET NAME AND TRAFFIC CONTROL SIGN FEE – No fee expected with this plat. Street lighting is required along improved public street frontages.

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

**FIRE: (Approved)**

No additional comments.

**CODE COMPLIANCE: (Approved)**

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

**SURVEYOR: (Approved)**

Check distance along east line of plat.

**PLANNING: (Approved with Conditions)**

Provide the following:

2 Mylar copies

Title Opinion

New recording check

No public improvement guarantee received.

**HEALTH:**

Yes, the health department will review application from the 1 proposed lot of Riverbend Addition, PLAT OF A 23.19 ACRE TRACT OF LAND OUT OF THE SECTION 31, BLOCK 38,T-1-S, T. & P. RR. CO. SURVEY the lot is 23.19 acre property owner must

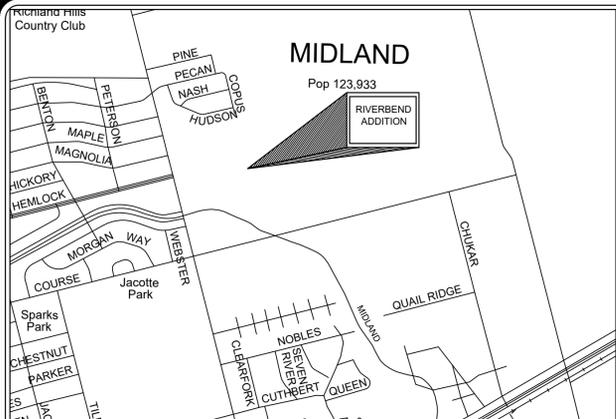
contact the pipeline company to get the setback to their pipeline before any excavation can occur to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

**Conditions:**

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

**Attachments:**

Proposed Final Plat  
Maps  
Application



VICINITY MAP  
NTS

Parcel Line Table

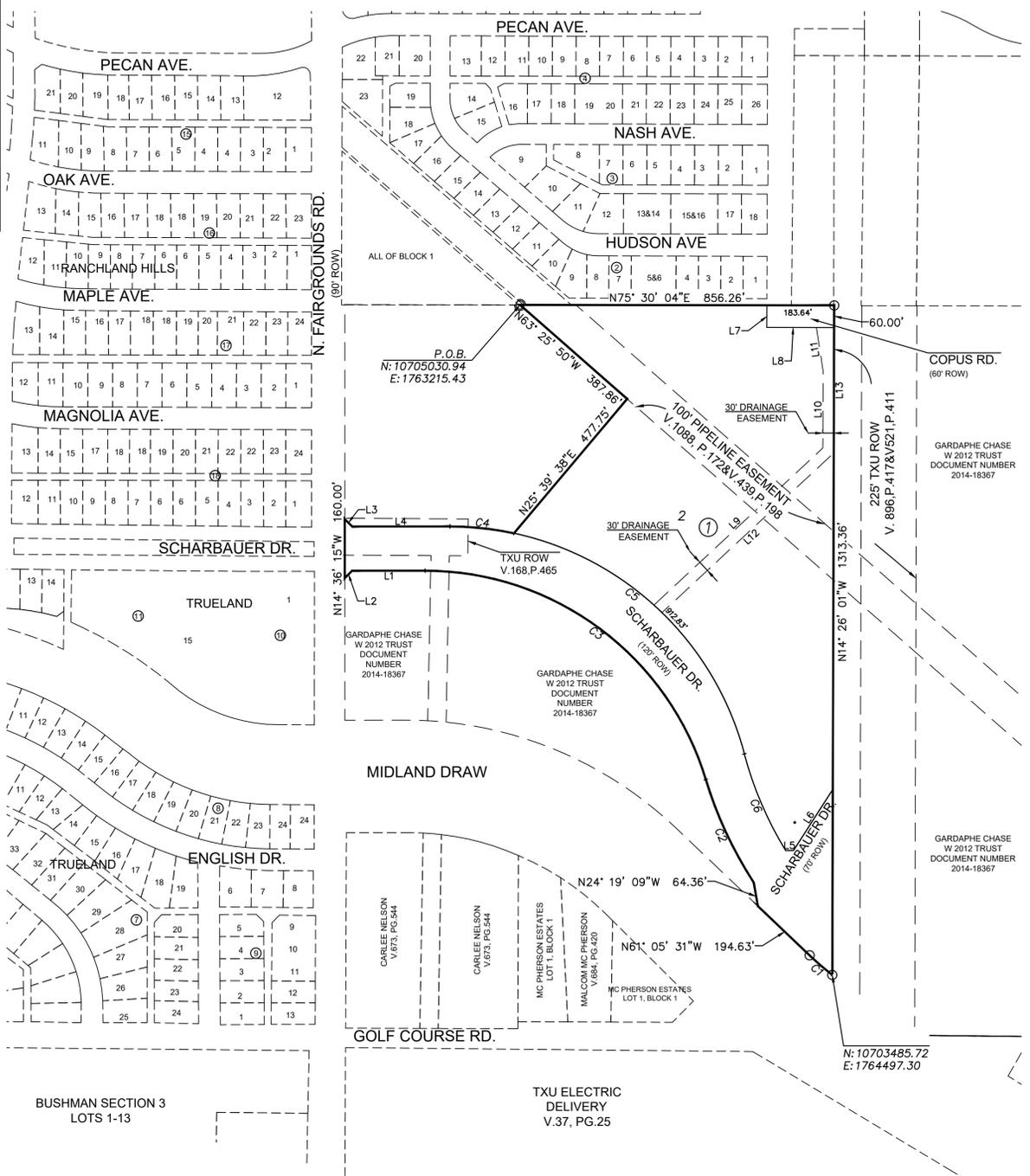
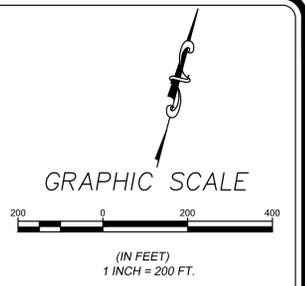
Line #	Length	Direction
L1	198.64'	S75° 23' 45"W
L2	28.28'	S30° 23' 45"W
L3	28.28'	S59° 36' 15"E
L4	266.54'	N75° 23' 45"E
L5	21.51'	N75° 43' 42"E
L6	197.33'	N18° 15' 28"E
L7	60.00'	S14° 26' 41"E
L8	183.63'	N75° 30' 04"E
L9	627.49'	N32° 36' 54"E
L10	210.18'	N14° 26' 01"W
L11	118.33'	N23° 24' 40"W
L12	638.37'	N32° 36' 54"E
L13	340.18'	N14° 26' 03"W

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	81.51'	834.45'	5.60'	N63° 53' 25"W	81.47'
C2	310.08'	1100.00'	16.15'	N39° 38' 58"W	309.06'
C3	1019.70'	800.00'	73.03'	N68° 05' 21"W	952.06'
C4	175.50'	830.00'	12.11'	N81° 27' 11"E	175.17'
C5	1088.33'	830.00'	75.13'	S67° 02' 24"E	1012.02'
C6	286.33'	980.00'	16.74'	S37° 50' 46"E	285.32'

Final Plat  
**RIVERBEND ADDITION**  
BEING A 23.19 ACRES TRACT OF LAND OUT OF SECTION 31,  
BLOCK 38, T-1-S, T&P RR CO SURVEY,  
CITY AND COUNTY OF MIDLAND, TEXAS

LEGEND  
 ○ 1/2" Iron rod found  
 ○ 1/2" Iron rod set



OWNER'S CERTIFICATE  
 STATE OF TEXAS  
 COUNTY OF MIDLAND  
 WHEREAS, CHASE W. GARDAPHE 2012 TRUST and ONCOR ELECTRIC DELIVERY COMPANY, are the record owners of that certain tract or parcel of land situated in Section 31, Block 38, T-1-S, Texas and Pacific Railroad Survey, Midland County, Texas and being 23.19 acres out of a called 119.47 acre tract as described in deed and recorded in Document Number 2014-18367, Official Public Records of Midland County, Texas and being more particularly described as shown hereon:  
 NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:  
 That we, Chase W. Gardaphe and Jill L. Alvarez, do hereby adopt this plat designating the hereinabove described property as RIVERBEND ADDITION, an addition to the City of Midland, Texas, and hereby dedicate to the public use forever of the streets and easements shown hereon.  
 WITNESS our hands at Midland, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.  
 Chase W. Gardaphe, Trustee  
 Jill L. Alvarez  
 Chase W. Gardaphe 2012 Trust  
 Transmission Manager

ACKNOWLEDGEMENT  
 STATE OF TEXAS  
 COUNTY OF MIDLAND  
 This plat was acknowledged before me on \_\_\_\_\_, 2020 by CHASE W. GARDAPHE.  
 Notary Public, State of Texas

ACKNOWLEDGEMENT  
 STATE OF TEXAS  
 COUNTY OF MIDLAND  
 This plat was acknowledged before me on \_\_\_\_\_, 2020 by JILL L. ALVAREZ.  
 Notary Public, State of Texas

- NOTE:
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
  - APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
  - THIS PROPERTY LIES WITHIN FLOOD ZONE AE ACCORDING TO THE FEMA FLOOD FIRM MAP NUMBER 48329C0093F.
  - THE MAINTENANCE OF ANY STORMWATER FACILITY IN THIS EASEMENT IS THE RESPONSIBILITY OF THE PROPERTY OWNER. PROPERTY OWNER AGREES TO MAINTAIN THE FACILITY IN WORKING ORDER, WITH INSPECTIONS AND CORRECTIVE ACTION MADE AT LEAST ANNUALLY. REPORTS OF SUCH INSPECTIONS AND MAINTENANCE SHALL BE KEPT FOR INSPECTION BY THE CITY OF MIDLAND STORMWATER ADMINISTRATOR ON REQUEST, OR MAY BE FORWARDED TO THE CITY ENGINEER'S OFFICE.
  - THE CITY OF MIDLAND SHALL HAVE THE RIGHT TO MITIGATE DEFICIENCIES IN THE FUNCTION OF THE STORMWATER FACILITY, AND TO BE REIMBURSED BY THE PROPERTY OWNER, IF THE CITY FINDS IT NECESSARY FOR PUBLIC HEALTH AND SAFETY.
  - THE CITY OF MIDLAND AND ITS EMPLOYEES, CONTRACTORS, AGENTS, SUCCESSORS, AND ASSIGNS, SHALL HAVE THE FREE AND UNINTERRUPTED RIGHT OF PASSAGE IN, ON, UPON, OVER, UNDER, ACROSS, ALONG AND THROUGH THE PROPERTY DESCRIBED HEREIN FOR THE PURPOSE OF ESTABLISHING, LAYING, CONSTRUCTING, RECONSTRUCTING, INSTALLING, REALIGNING, MODIFYING, REPLACING, IMPROVING, ALTERING, OPERATING, MAINTAINING, ACCESSING, INSPECTING, REPAIRING, RELOCATING AND REMOVING SAID FACILITIES, INCLUDING BUT NOT LIMITED TO, THE RIGHT TO CUT AND TRIM BUSHES AND TREES, TOGETHER WITH THE RIGHT OF INGRESS, EGRESS AND REGRESS FOR SUCH PURPOSES IN, ON, UPON, OVER, UNDER, ACROSS, ALONG AND THROUGH THE PROPERTY DESCRIBED HEREIN.
  - DEVELOPER MAY NOT USE ANY PART OF THE PROPERTY DESCRIBED HEREIN IF SUCH USE WILL DAMAGE, DESTROY, INJURE, AND/OR UNDULY INTERFERE WITH THE CITY OF MIDLAND'S USE OF THE PROPERTY. DEVELOPER EXPRESSLY COVENANTS AND AGREES FOR ITSELF, ITS LEGAL REPRESENTATIVES, SUCCESSORS AND/OR ASSIGNS, THAT NO BUILDINGS, ROADWAYS, OR CURBS AND GUTTERS OF ANY KIND WILL BE PLACED ON THE PROPERTY DESCRIBED HEREIN. WRITTEN PERMISSION FOR ABOVE GROUND APPURTENANCES MUST BE OBTAINED FROM THE CITY OF MIDLAND, PRIOR TO INSTALLATION.
  - BEARINGS/DISTANCES/COORDINATES TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
  - INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.

OWNER:  
 CHASE GARDAPHE  
 1320 N. FAIRGROUNDS  
 MIDLAND, TEXAS 79705  
 (432)895-6998

PLAT FILED FOR RECORD  
 MIDLAND COUNTY, TEXAS

NO. \_\_\_\_\_ CABINET \_\_\_\_\_  
 DATE \_\_\_\_\_ PAGE \_\_\_\_\_

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

Signed: \_\_\_\_\_  
 Oncor Electric Delivery Company  
 Signed: \_\_\_\_\_  
 Suddenlink  
 Signed: \_\_\_\_\_  
 A. T. & T.  
 Signed: \_\_\_\_\_  
 Grande Communications  
 Signed: \_\_\_\_\_  
 Atmos Energy

SURVEYOR'S CERTIFICATE:  
 That I, Charles P. Rutherford, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown were found properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Midland, Texas.



Charles P. Rutherford, R.P.L.S. No. 1977  
 DATE \_\_\_\_\_

CERTIFICATE OF APPROVAL:  
 For approval by the Commission:

This is to certify that the above and foregoing plat of RIVERBEND ADDITION was approved by proper action of the Planning and Zoning Commission of the City of Midland, Texas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Signed: \_\_\_\_\_  
 Josh Sparks, Chairman  
 Signed: \_\_\_\_\_  
 Cristina Odenberg Burns, Secretary

**RIVERBEND ADDITION**  
 SCALE: 1" = 200'  
 DRAWN BY: JMN  
 DATE: May 2020  
 FILE NAME:  
  
 NEWTON ENGINEERING, PC  
 F-13856  
 3209 Caldera Blvd.  
 Midland, Texas 79705  
 (432)770-0499  
 PROJECT NUMBER  
 14-ME0050



# Final Plat Application

Project Number: \_\_\_\_\_

Case Number: \_\_\_\_\_

**Proposed Subdivision Plat Name:** Riverbend Addition**Legal Description (attached sealed Metes and Bounds):** See attached**Property Owner**

Printed Name: Chase W. Gardaphe 2012 Trust

Phone ( 432 ) 695-6998

Email chase.stonegate@gmail.com

Address PO Box 50188

City Midland

State TX

Zip 79710

**Developer (if different than Owner)**

Printed Name: same as owner

Phone ( )

Email

Address

City

State

Zip

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

Firm: Newton Engineering, PC

Printed Name: John M. Newton

Phone ( 432 ) 218-3766

Email john@newtoncivil.com

Address 3209 Caldera Blvd.

City Midland

State TX

Zip 79705

**Current Zoning:** PDHD-Multi Family**Reason for Platting:** To create a subdivision for apartment housing development**Plat Information**

Total Acreage: 40.85 acres

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

Number of Lots: 1

Number of Multi-Family Dwelling Units: 300

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

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



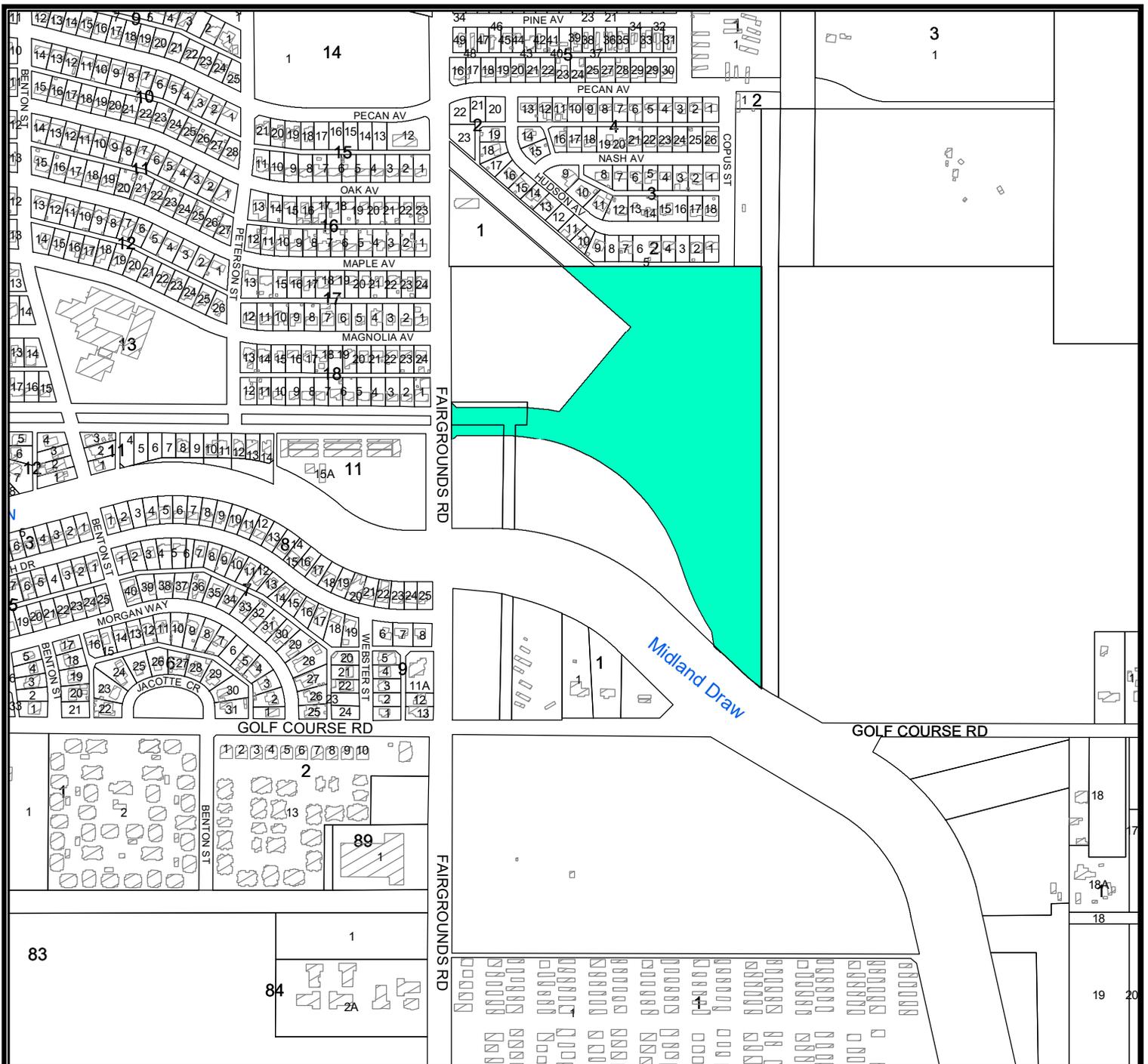
**FOR OFFICE USE ONLY**

- |                                                       |                                                     |                                                            |
|-------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Property Owner Authorization | <input type="checkbox"/> 1 Copy of Dimensioned Plat | <input type="checkbox"/> Plat in Digital Format (PDF/JPEG) |
| <input type="checkbox"/> Mylar                        | <input type="checkbox"/> 1 Copy of Plat (11x17)     | <input type="checkbox"/> Public Improvements               |
| <input type="checkbox"/> Application Fee              | <input type="checkbox"/> Title Opinion              | <input type="checkbox"/> Recording Fee                     |
| Check # _____                                         | <input type="checkbox"/> Tax Certificates           | Check # _____                                              |

Received By: \_\_\_\_\_

Date: \_\_\_\_\_

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



# LOCATION MAP

**PR-00014-2015**

**Scale: 1" = 250'**

Consider a proposed Final Plat of Riverbend Addition being a 23.19-acre tract of land located in SW/4 of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located on the east side of Fairgrounds Road, approximately 769-foot south of E. Pecan Avenue. Council District 2.

## LEGEND

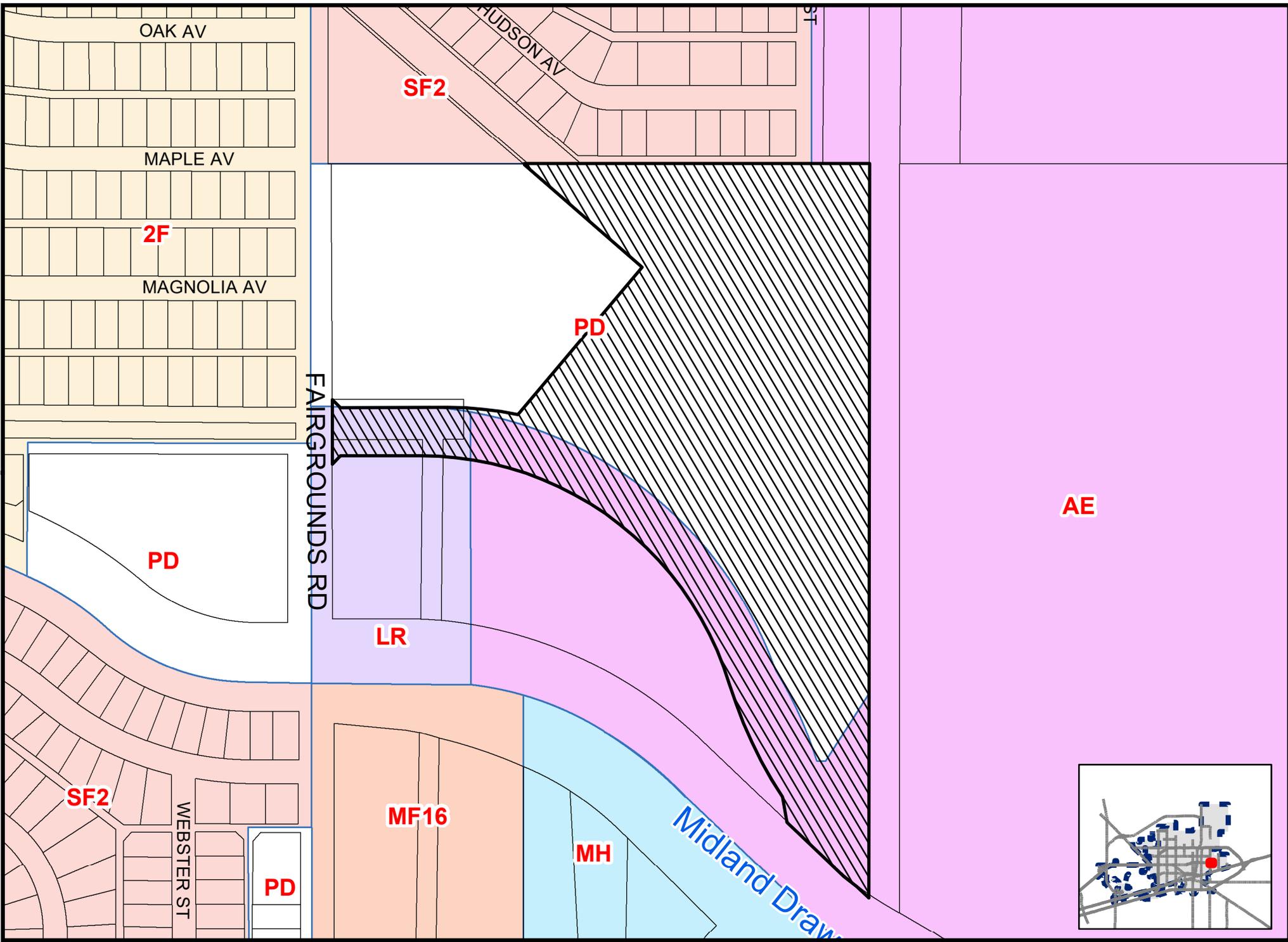
-  CITY LIMITS
-  PARCEL
-  PRIVATE BLDGS



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





# Planning and Zoning Commission

Approved for  
Agenda:  
Cristina Odenborg

**MEETING DATE:** June 1, 2020

**TO:** PLANNING AND ZONING COMMISSION

**FROM:** Taslima Khandaker, Senior Planner

**SUBJECT:** Hold a public hearing and consider a request by Tyler West for a Zone Change from O-1, Office District to PD, Planned Development District for a Housing Development, on Lot 1, Block 1, Roper Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Briarwood Avenue and North County Road 1250. Council District 4)

---

## Recommended Planning and Zoning Commission Action:

Approve       Deny       Direction/Informational

## Details of Request:

The applicant, Tyler West, is requesting a Zone Change from O-1, Office District, to PD, Planned Development District for a Housing Development at 7401 Briarwood Avenue to allow for a residence, nonprofit office and retail space, and short-term housing.

## Current Zoning:

O-1, Office District.

## Surrounding Zoning and Land Use:

The properties to the north are zoned RR, Regional Retail District, and AE, Agricultural Estate District, and the locations of vacant land. The properties to the east are zoned AE, Agricultural Estate District, and the location of Midland Independent School District's bus barn. The properties to the south and west are located outside of the city limits within the extraterritorial jurisdiction, and the locations of metal buildings and vacant land, respectively.

## **Analysis:**

The applicant, Tyler West, is requesting to rezone the property located at 7401 Briarwood Avenue to allow for a residence, nonprofit office and retail space, and short-term housing. The short-term housing will be utilized for social workers and families in crisis. The property is currently platted.

In addition to the existing residence, which already has 1,209 square feet of office and retail space being used by The Attic Foster Closet, the site plan attached hereto as Exhibit "A" shows six (6) tiny homes. The first tiny home will be a one (1) bedroom and one (1) bathroom home that will house a family of four (4). All future tiny homes proposed on the lot will be one (1) bedroom and one (1) bathroom units and approximately 300 to 500 square feet in size. The proposed homes will generally house 1 to 2 people. This property currently has about 6 to 10 parking spaces for the existing nonprofit office and retail space. At least one parking space will be required to be provided for each tiny home. The applicant will have to amend the site plan for any future development.

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 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 with Conditions)**

Fostering Restoration Z-20-0179

There is an Oil and Gas permitted well that needs to be identified on the plat. The well is the Bus Barn #2602 and is currently operated by COG Operating. In addition, a minimum 135' radius and a 500' radius needs to be included to identify the area that will need future variance.

Any occupied residential/commercial permits inside the 500 ft. radius would require a variance to the permitted well from the City Council. A variance would have to be presented to the City Council by the City Building Official. The request would be best if it included a letter of endorsement/support to approved requested distance from the Operator. The needed information/example for variance request would be provided from the City Building Official. Access to well is shown as an ingress/egress. Developer will want to visit with operator to identify exact location of flow lines and electrical lines.

**Transportation: (Approved)**

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

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:**

As listed in our Tall City Tomorrow Section 3.24. PD, Planned Development District, the purpose of the PD, Planned Development District is to create innovative concepts in land utilization or diversification. This means the property can encompass residential, commercial, light industrial, public or recreational uses.

The Future Land Use plan designates this area as Urban-Medium (U-M), which allows for single-family homes, offices, and retail, encouraging a mix of complementary uses, which creates a smooth transition from lower to higher intensity uses.

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 4, Housing & Neighborhoods, Goal 3, "Provide adequate housing opportunities for the diverse needs of Midland's population." (Tall City Tomorrow, Page 10). This request will aid in Midland housing needs by providing affordable and adequate housing for a community in need. This request also promotes various land uses.

Staff recommends approval of this zone change from O-1, Office District to a PD, Planned Development District for a Housing Development, subject to conditions A through E.

**Conditions:**

- A. That the use and development shall conform to the regulations of the MF-16, Multiple Family Housing District, except as stated below.**
- B. That this property shall significantly conform to the site plan, attached hereto and incorporated herein, as Exhibit A.**
- C. That uses allowed in the O-1, Office District and LR, Local Retail District shall also be permitted.**
- D. That at least one (1) parking space shall be provided for each tiny home.**
- E. That the Landscape Plan shall be considered illustrative. Landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City code.**

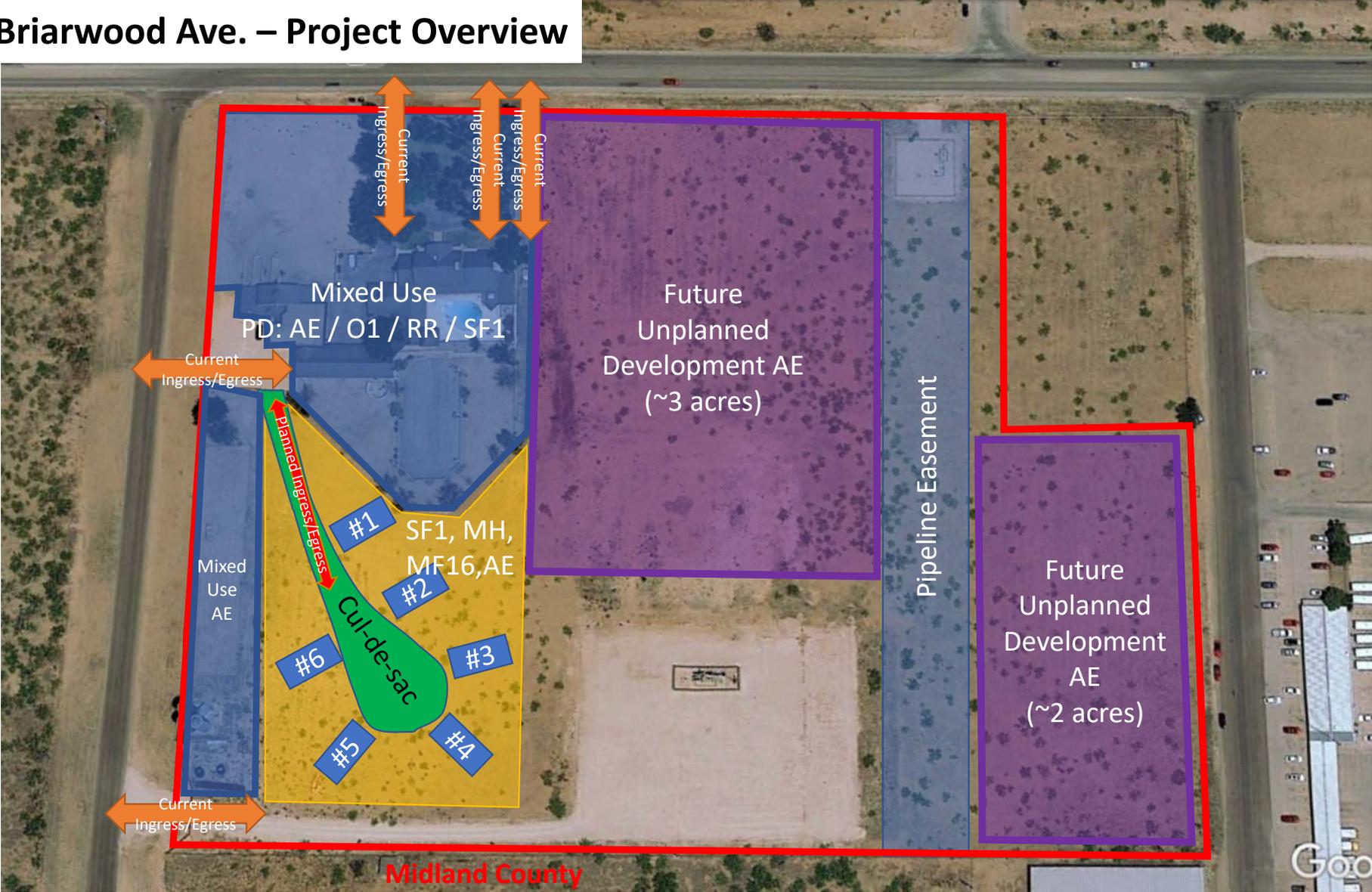
**Letters of Objection:**

Staff has not received any letters of objections as of May 27, 2020.

**Attachments:**

Site Plan (Exhibit A)  
Fostering Restoration Information  
Application  
Maps

# 7401 Briarwood Ave. – Project Overview



# 7401 Briarwood Ave. – West to East Slope



# 7401 Briarwood Ave. – North to South Slope



Concho Lease Road

# 7401 Briarwood Ave. – Planned Road Slope





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

Project Number: \_\_\_\_\_

Case Number: \_\_\_\_\_

<b>Applicant</b> <i>(if acting as Agent, see affidavit on page 2)</i> Printed Name: Tyler and Bonnie West		Phone ( 432 ) 664-5658 Email tyler@fosteringrestoration.com	
Address 7401 Briarwood Ave.	City Midland	State TX	Zip 79707

<b>Property Owner</b> Printed Name: Tyler and Bonnie West		Phone ( 432 ) 664-5658 Email tyler@fosteringrestoration.com	
Address 7401 Briarwood Ave.	City Midland	State TX	Zip 79707

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

**Street Address:** 7401 Briarwood Avenue

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**Legal Description**  
Lot: ONE Block: ONE Subdivision: ROPER ADDITION

<b>Current Zoning:</b> O1	<b>Proposed Zone:</b> Planned Development <i>(List by tracts if more than one district is requested)</i>
---------------------------	-------------------------------------------------------------------------------------------------------------

**Reason for Zone Change Request:** The property has many functions - residential, office, retail, short-term housing. The proposed change would allow for further development to add additional housing.

**Present Use of Property:** Residence - Nonprofit Office - Nonprofit Retail Space

**Proposed Use of Property:** Residence - Nonprofit Office - Nonprofit Retail Space - Short Term Housing

**How would this zone change affect the public health, safety and welfare?** The proposed zone change would greatly benefit the public health, safety and welfare. Short term, low cost housing will be utilized for social workers and/or families in crisis. By aiding these individuals, our community will greatly benefit

**Describe how conditions affecting the property have changed since present zoning designation:** At the change in zoning systems, the property was used by a church for their offices. Prior to our ownership it was used as residential/non-profit/retail. The current plan is to continue using a portion of the property as residential, with additional use as retail, short-term housing, and office space.

**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)

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

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)

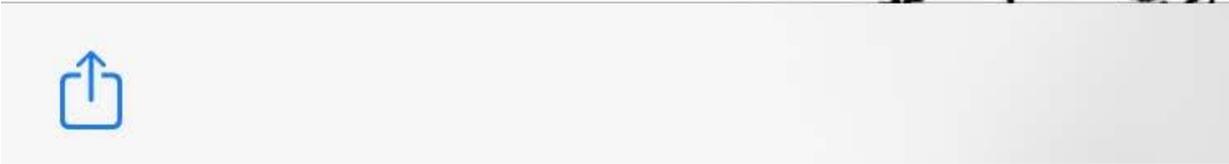
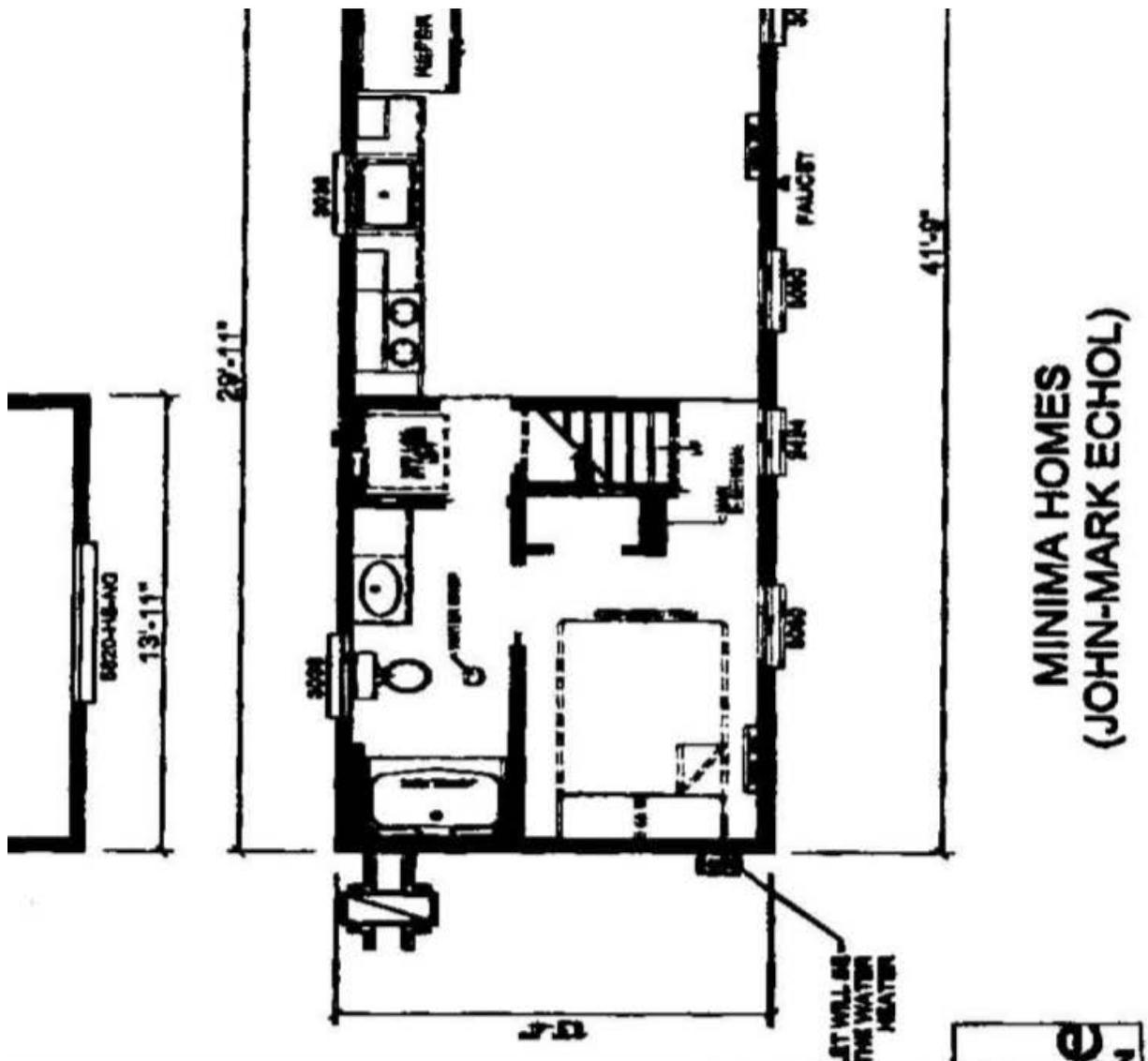
Subscribed and sworn to before me, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

<b>FOR OFFICE USE ONLY</b>	
<input type="checkbox"/> Property Owner Authorization	<input type="checkbox"/> Dimensioned Site Plan
<input type="checkbox"/> Application Fee	<input type="checkbox"/> Plans in Digital Format (PDF/JPEG)
Check # _____	
Received By:	Date:

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





On Apr 28, 2020, at 4:12 PM, Cristina Burns <[coburns@midlandtexas.gov](mailto:coburns@midlandtexas.gov)> wrote:

Hi, Mr. West,

Chuck forwarded your application and site plan for my review, and I have a couple of questions. Are any other buildings, in addition to the tiny homes, being proposed? Also, could you please provide more information on the proposed tiny homes (how many bedrooms, how many people will stay in each, etc.) and provide the floor area of the house being used for office and retail? Finally, how many parking spaces does the property currently have and how many additional parking spaces are proposed for the development?

Thank you,

**Cristina Odenborg Burns, AICP, CPM, PCED**

Planning Division Manager

Development Services

O: (432) 685-7902 | C: (432) 260-5362

[<image006.png>](#)

300 N. Loraine Street | P.O. Box 1152 | Midland, TX 79702

---

**From:** Tyler West <[tyler@fosteringrestoration.com](mailto:tyler@fosteringrestoration.com)>  
**Sent:** Tuesday, April 28, 2020 9:54 AM  
**To:** Charles Harrington <[charrington@midlandtexas.gov](mailto:charrington@midlandtexas.gov)>  
**Subject:** RE: Briarwood - Fostering Restoration

Chuck,

Take a look at the attached application and associated maps. Will this suffice for the Dimensioned Site Plan?

Tyler

---

**From:** Charles Harrington <[charrington@midlandtexas.gov](mailto:charrington@midlandtexas.gov)>  
**Sent:** Monday, April 27, 2020 3:28 PM  
**To:** Tyler West <[tyler@fosteringrestoration.com](mailto:tyler@fosteringrestoration.com)>  
**Subject:** RE: Briarwood - Fostering Restoration

Tyler,

It looks good. In the blanks with a question mark, they are pretty easy. The first is the Zoning Request. That is a PD or Planned Development. The second question revolves around the reason for the zone change. Here you need to state that you want to have a mixed use development.

As to the question regarding representation, it is not a requirement to have one. You can represent yourself. A lot of applicants reside out of town and use their engineer to represent them.

**Charles Harrington**

*Director of Development Services* | City of Midland

O. 432-685-7442

[<image007.png>](#)

[<image008.png>](#) [<image009.png>](#) [<image010.png>](#)

300 N. Loraine | P.O. Box 1152 | Midland, TX 79702

ATTENTION ELECTED OFFICIALS:

A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

---

**From:** Tyler West <[tyler@fosteringrestoration.com](mailto:tyler@fosteringrestoration.com)>  
**Sent:** Monday, April 27, 2020 3:20 PM  
**To:** Charles Harrington <[charrington@midlandtexas.gov](mailto:charrington@midlandtexas.gov)>  
**Subject:** RE: Briarwood - Fostering Restoration

Chuck,

I have taken a first pass through the Zone Change Application. It seems the form is not too cumbersome. See the attached. I left '???' in a few places that I would appreciate your input on when you have a moment.

Additionally, should I look into a 'Representative'?

Tyler  
432-664-5658

---

**From:** Charles Harrington <[charrington@midlandtexas.gov](mailto:charrington@midlandtexas.gov)>  
**Sent:** Monday, April 27, 2020 2:46 PM  
**To:** Tyler West <[tyler@fosteringrestoration.com](mailto:tyler@fosteringrestoration.com)>; Robert Patrick <[rpatrick@midlandtexas.gov](mailto:rpatrick@midlandtexas.gov)>  
**Cc:** Lori Blong <[lblong@midlandtexas.gov](mailto:lblong@midlandtexas.gov)>; [brendajstice@gmail.com](mailto:brendajstice@gmail.com); Bonnie West <[bonnie@fosteringrestoration.com](mailto:bonnie@fosteringrestoration.com)>  
**Subject:** RE: Briarwood - Fostering Restoration

It would be the Zone Change Application. A PD is considered a zone change.

**Charles Harrington**

*Director of Development Services | City of Midland*  
O. 432-685-7442

<[image007.png](#)>

<[image008.png](#)> <[image009.png](#)> <[image010.png](#)>

300 N. Loraine | P.O. Box 1152 | Midland, TX 79702

ATTENTION ELECTED OFFICIALS:

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---

**From:** Tyler West <[tyler@fosteringrestoration.com](mailto:tyler@fosteringrestoration.com)>  
**Sent:** Monday, April 27, 2020 2:40 PM  
**To:** Robert Patrick <[rpatrick@midlandtexas.gov](mailto:rpatrick@midlandtexas.gov)>; Charles Harrington <[charrington@midlandtexas.gov](mailto:charrington@midlandtexas.gov)>  
**Cc:** Lori Blong <[lblong@midlandtexas.gov](mailto:lblong@midlandtexas.gov)>; [brendajstice@gmail.com](mailto:brendajstice@gmail.com); Bonnie West <[bonnie@fosteringrestoration.com](mailto:bonnie@fosteringrestoration.com)>  
**Subject:** Briarwood - Fostering Restoration

Robert and Chuck – Thanks for your time today. For next steps, I've gone to the P&Z Planning page. Which application should I start working through? I included a screenshot below of the options I found.

Lori – Thanks for taking our call last week and organizing today's meeting.

We look forward to working through this with each of you.

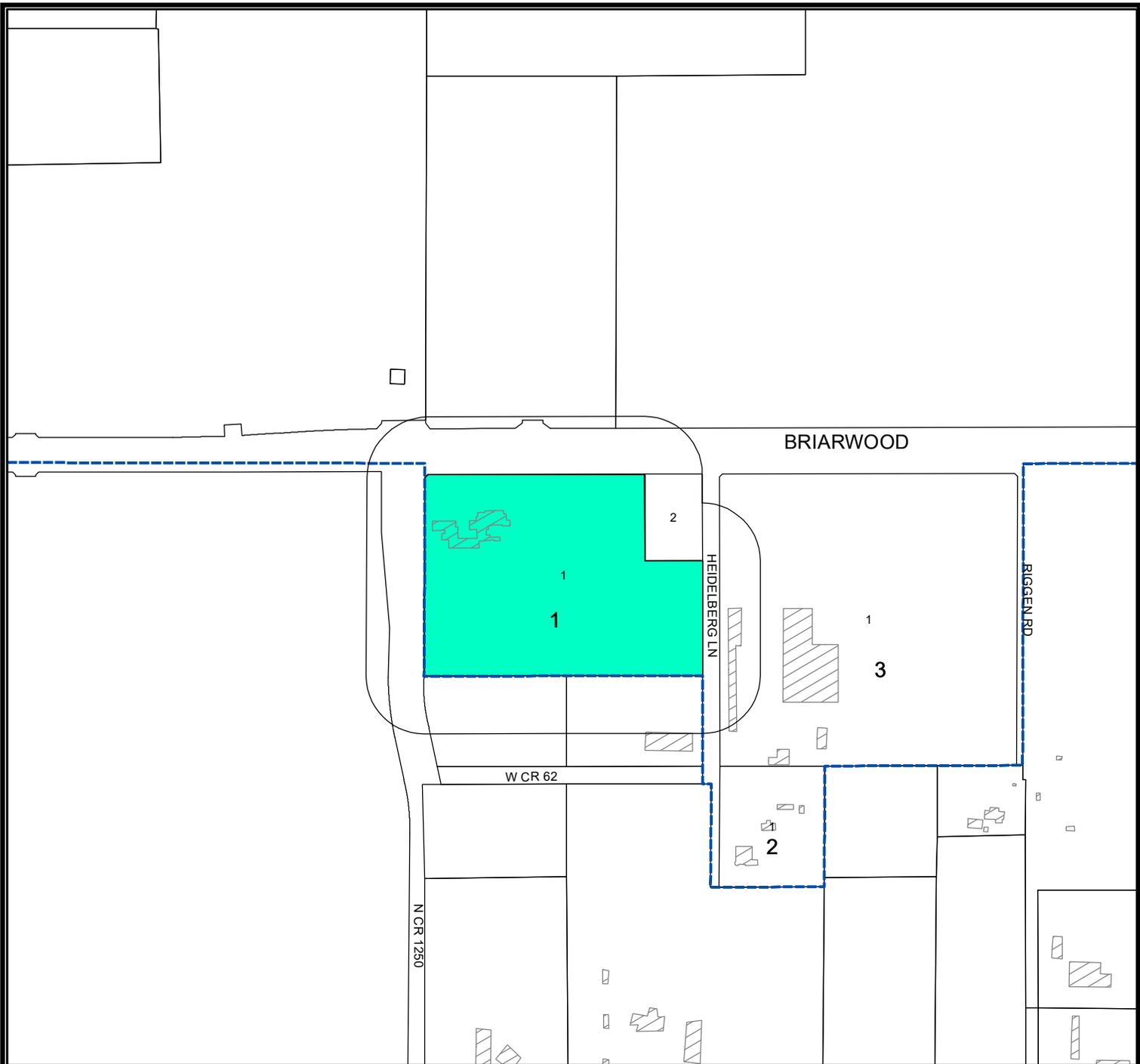
<[image011.jpg](#)>

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## LOCATION MAP

**Z-20-0179**

**Scale: 1" = 250'**

Consider a request by Tyler West, for a zone change from O-1, Office District to PD, Planned Development District for a Mixed-Use District, on Lot 1, Block 1, Roper Addition, City and County of Midland, Texas.

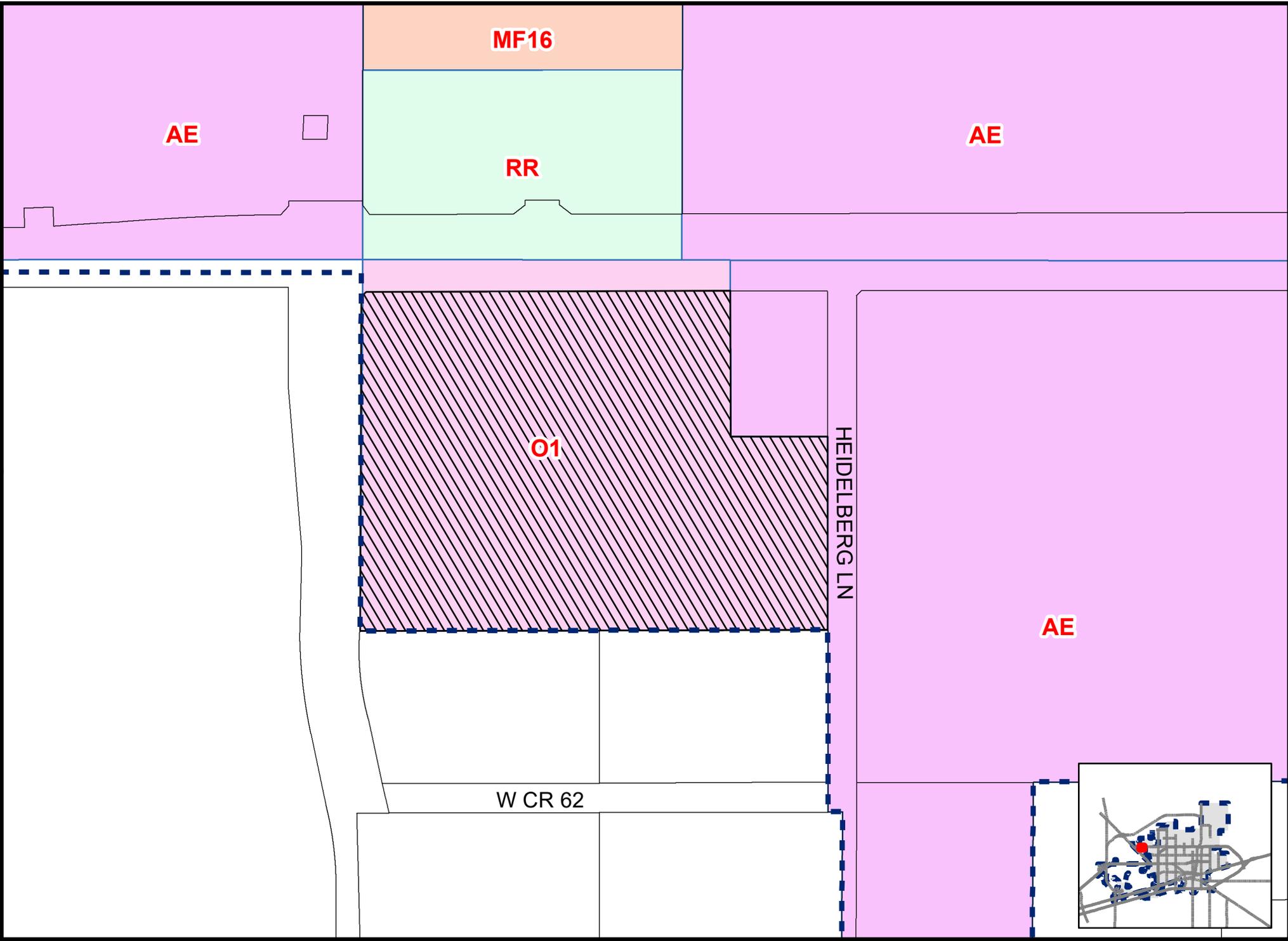
Generally located on the southeast corner of the intersection of Briarwood Avenue and North County Road 1250. (Council District 4).

### LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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HALLO INC  
30043  
30051



Randy's Road





