



# City Council Meeting

**Item Number:** 17  
**Meeting Date:** March 23, 2021  
**To:** City Council / City Manager  
**From:** Joseph Marynak, Planner  
**Subject:** 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)

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**Purpose:**

The applicant, Landon Torres is requesting a Specific Use Designation without Term for Automobile or other Motorized Vehicle Sales and Services on the property located at 3402 W Loop 250 North in order to open a new and used car dealership.

**Recommended City Council Action:**

Approve

**Fiscal Impact:**

Processing this request does not require any City funds.

**Discussion:****Current Zoning:**

RR, Regional Retail District

**Surrounding Zoning and Land Use:**

The property to the north is zoned SF-3, Single Family Dwelling District, and the location of vacant land. The properties to the east and west are zoned RR, Regional Retail District and the locations of a mini storage facility and a garden, respectively. The property to the south is zoned PD, Planned District for a Shopping Center, and the location of Midland Park Mall.

**Analysis:**

The property is located in the RR, Regional Retail District, which allows for the use of an Automobile or other Motorized Vehicle Sales and Service with the approval of a Specific Use Designation.

The property at 3402 West Loop 250 North is currently the site of vacant buildings. The applicant is proposing to remodel the existing buildings and redevelop the site into a dealership and service center for new and used automobiles. The combined area of the two buildings is approximately 7,700 square feet. The proposed site plan (Exhibit A) shows that there will be seven parking spaces in the front for display or customer parking. Additional parking will be provided in the rear of the property. The western building will be used for sales and delivery while the eastern building will be used for an indoor showroom and service center. The proposed hours of operations are the following:

Monday through Friday, from 8:00 a.m. to 6:00 p.m.

Per the zoning ordinance, a specific use designation without term is required for Automobile or other Motorized Vehicle Sales and Service within the RR, Regional Retail District.

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

**6. Automobile or Other Motorized Vehicle Sales and Service Standards**

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

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

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

As indicated on the site plan, there are approximately 7,700 square feet of floor area between the two buildings. This would require 20 parking spaces; the applicant is proposing 27 spaces.

**Fire: (Approved)**

No objections.

**Engineering: (Approved)**

No objections.

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 partially within Zone AH, which is a Special Flood Hazard Area subject to inundation by the 1% annual chance flood.

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.

**Transportation: (Approved with Conditions)**

With any significant changes to the site, 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.

**Building Code: (Approved)**

No objections.

**Planning:**

The majority of neighboring properties are developed in to retail and other commercial businesses. Therefore, development of this property into an automobile sales and service center would fit with the general character of the area. If building permits are required for this project, there is also an opportunity to beautify this site by bringing it up to the current standards of the City's Landscaping Regulations.

This request was recommended for denial by a three (3) to three (3) vote at the March 1, 2021 Planning and Zoning Commission meeting.

This request meets all requirements; therefore, staff recommends approval of the request of the Specific Use Designation without Term for Automobile Sales and Service, subject to Condition A through E.

**Conditions:**

A. That the use and development of the property shall significantly conform to the site plan (Exhibit A).

B. That the use of the Automobile Sales and Service shall conform to the standards as outlined in Section 4.04.A.6, of the Zoning Ordinance.

C. That the days and hours of operation of the Automobile or other Motorized Vehicle Sales and Service shall be limited to:

Monday through Friday, from 8:00 a.m. to 6:00 p.m.

D. That the off-street parking and loading shall conform to the standards as outlined in section 6.02.E of the Zoning Ordinance.

E. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the Automobile Sales and Service to ensure that the conditions of this permit are satisfied.

**Letters of Objection:**

As of March 17, 2021, staff has received two (2) letters of objection which constitute 28.6 percent of the 200-foot notification area. Since the objections exceed 20 percent of the notification area, a three-fourths vote is required by the City Council for this request to be approved.

**Attachments:**

Metes and Bounds (Exhibit A)  
Site Plan (Exhibit B)  
Application  
Maps

Letter of Objections  
Objection Map

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City Manager's Office