



## PLANNING AND ZONING COMMISSION REGULAR AGENDA

**Tuesday, October 3, 2023**

Notice is hereby given that the Planning and Zoning Commission of the City of Big Spring, Texas will meet in Regular Session on Tuesday, October 3, 2023, at 5:30 PM at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas.

### **PLANNING AND ZONING COMMISSION MEETING ETIQUETTE**

Gentlemen are requested to remove their hats inside the City Council Chambers. As a courtesy to those in attendance, please place your cell phone on "Silent" or "Vibrate." Please, no talking during the meetings. Take all conversations outside so that others can hear.

Thank you!

### **Open Session**

1. Call to Order
2. Invocation

### **Public Hearings**

**Public Hearings** – The Council will take Input on Items Requiring Public Hearing Items **Prior** to any Action.

3. Z23-01: General Residential (GR) to Heavy Commercial (HC) zoning for 3.450 acres of Land in Section 32, Block 33, T-1-N, T&P RR. Co. Survey, Big Spring, Howard County, Texas. Generally located on W. Business 20 East of Old State Highway 80

### **Consent Items**

4. Approval of the minutes from the Planning & Zoning Meeting on 08/29/2023.

### **Old Business**

**New Business**

5. Consideration and approval of the zone change Z23-01, from General Residential (GR) to Heavy Commercial (HC) zoning for 3.450 acres of Land in Section 32, Block 33, T-1-N, T&P RR. Co. Survey, Big Spring, Howard County, Texas. Generally located on W. Business 20 East of Old State Highway 80.

**Commissioners Input**

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building, located outside 310 Nolan Street. Given by order of the Planning and Zoning and Posted on Friday, June 18, 2021 at \_\_\_\_\_ p.m. in accordance with Title 5, Texas Government Code and Chapter 551.

In addition, this agenda and supporting documents are posted on the City of Big Spring's Website, [www.mybigspring.com](http://www.mybigspring.com), in accordance with legal requirements.

\_\_\_\_\_  
Angela Brown, Public Works Coordinator

PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT ANGELA BROWN AT 264-2501 or [abrown@mybigspring.com](mailto:abrown@mybigspring.com). REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 72 HOURS IN ADVANCE OF THE MEETING TIME.



## Memo

Meeting Date: October 3, 2023

To: Planning and Zoning Commission

From: Shane Bowles, Public Works Director

Subject: Z23-01; request to amend the zoning of 3.28 acres from GR, General Residential into HC, Heavy Commercial.

Location: W. 3<sup>rd</sup> Street at Old West Highway 80

Contact: Shane Bowles, Public Works Director, 432-264-2501

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### **Analysis:**

This property is vacant. The applicant is planning to construct an electrical substation in the future; this is an allowed use in the HC District; a similar use exists across 3<sup>rd</sup> Street toward the southwest. The acreage is approximately 3.28 and this is the remaining portion of residential zoning at this location; the surrounding zoning is HC, Heavy Commercial. All uses surrounding the land are of a heavy commercial character and future residential development is not anticipated.

Staff recommends approval of the requested zone change. No letters of objection were received.

Attachments: Map of the location and surrounding area





### Important Information Regarding Zone Change Requests

1. An application for a zone change on a property may only be made by the owner of that property and/or an authorized representative of the property owner. An authorized representative shall present a notarized affidavit from the property owner. If the subject property is owned by the City of Big Spring, the Director of Public works or designee may apply for the zone change on behalf of the City.
2. No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity not allowed by present zoning cannot occur before City Council's final approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
3. Approved zone changes are applied to the specified property, not the property owner.
4. The Planning & Zoning Commission makes recommendations to City Council. If the Planning & Zoning Commission recommends approval of a zone change request, the case must still go before City Council for final action
5. If a zone change request is granted by City Council, and the property meets the requirements of the City's Subdivision Ordinance, permits for building, construction, and/or utility connection may be obtained by the City's Permits Department.
6. Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between residential and non-residential zoning districts. These requirements are outline in the City of Big Spring's Zoning Ordinance. It is the applicant's benefit to ensure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
7. The Planning Department will notify, in writing, owners of property within 200 feet of the subject property of the zone change request.
8. If a proposed zone change has been recommended for disapproval by the Planning & Zoning Commission, or if a protest against such proposed change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more of the land area contained in the 200 foot notification boundary, then such amendment shall not become effective except by a 3/4ths vote of the City Council.
9. The applicant or an authorized representative should attend public hearings pertaining to the request and be prepared to present the case and answer any relevant questions from the Planning & Zoning Commission or City Council members.

BIG SPRING WEST - AIR PARK  
138 KV TAP LINE  
TRACT NO. 1-1  
WA: 96T80000

2427  
**DEED**

DR-5171

**Date:** April 16, 1996

**Grantor:**

JUNE ANN MOORE, HARROL G. JONES and JOYCE JONES WEAVER, married but not joined herein by their spouses for the reason said property is their separate property and does not constitute any part of their homestead.

**Grantor's Address:**

JUNE ANN MOORE  
105 Royal Oak  
Austin, TX 78734

HARROL G. JONES  
1504 Dayton  
Big Spring, TX 79720

JOYCE JONES WEAVER  
434 Westover  
Big Spring, TX 79720

**Grantee:**

TEXAS UTILITIES ELECTRIC COMPANY

**Grantee's Address:**

1601 Bryan St. EP 34-140, Dallas, Texas 75201

**Consideration:**

Ten Dollars and other good and valuable consideration paid to Grantors by Grantees in hand paid, receipt and sufficiency of which is acknowledged.

**Property:**

All that certain parcel and piece of land out of and a part of Section 32, Block 33, T-1-N, T&P Ry. CO. Survey, Howard County, Texas described by metes and bounds on Exhibit "A" attached to and by this reference made a part of this Deed.

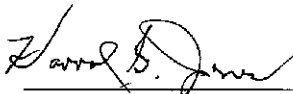
**Reservations and Exceptions:**

Drainage Easement recorded in Volume 226, page 1, Deed Records of Howard County, Texas.

Grantor's, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee's the property, together with all and singular the right and appurtenances thereto in any wise, belonging, to have and to hold it to Grantee's, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor's hereby binds Grantor's and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

When the context requires, singular nouns and pronouns include the plural.

  
\_\_\_\_\_  
JUNE ANN MOORE

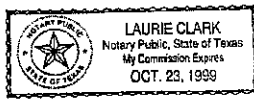
  
\_\_\_\_\_  
HARROL G. JONES

  
\_\_\_\_\_  
JOYCE JONES WEAVER

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

The foregoing instrument was acknowledged before me on the 18<sup>th</sup> day of April, 1996 by JUNE ANN MOORE.



*Laurie Clark*  
\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF HOWARD §

The foregoing instrument was acknowledged before me on the 17<sup>th</sup> day of April, 1996 by HARROL G. JONES.



*Rave Anne Willis*  
\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF HOWARD §

The foregoing instrument was acknowledged before me on the 19<sup>th</sup> day of April, 1996 by JOYCE JONES WEAVER.



*Jana Sparks*  
\_\_\_\_\_  
Notary Public, State of Texas

**EXHIBIT "A"**  
**ATTACHED TO DEED FROM JUNE ANN MOORE,**  
**HARROL G. JONES and JOYCE JONES WEAVER TO**  
**TEXAS UTILITIES ELECTRIC COMPANY DATED MARCH 29, 1996.**

FIELD NOTES OF A 3.450 ACRE TRACT OF LAND OUT OF SECTION 32, BLOCK 33, T-1-N, T & P RY CO. SURVEY, HOWARD COUNTY, TEXAS.

BEGINNING at a point in the west boundary line of a certain 1.28 acre tract of land conveyed to Texas Electric Service Company by deed recorded in Volume 252, Page 383, Howard County Deed Records, the northeast corner of a certain 2.95 acre tract of land conveyed to Texas Electric Service Company by deed recorded in Volume 252, Page 399, Howard County Deed Records, the southeast corner of a certain parcel of land described by Warranty Deed recorded in Volume 704, Page 545, Howard County Deed Records, for the southeast corner of this tract, in Section 32, Block 33, T-1-N, T & P Ry. Co. Survey, Howard County, Texas, from which point of beginning the southwest corner of said Section 32 bears S 20°54'W, 1383.43 feet and S 14°26'E, 559.5 feet;

THENCE N 74°46'56"W, along the north boundary line of said 2.95 acre tract of land, 455.29 feet to a point in the east boundary line of 4th Street (Old Bankhead Highway) for the northwest corner of said 2.95 acre tract of land and southwest corner of this tract;

THENCE N 21°37'19"E, along the east boundary line of 4th Street, 32.89 feet to a point of deflection to the right in the south boundary line of Interstate Highway Business 20 for an exterior corner of this tract;

THENCE N 47°31'24"E, along the south boundary line of Interstate Highway Business 20, 222.64 feet to a point on curve for an exterior corner of this tract;

THENCE northeasterly with a curve to the right, delta angle = 6°16'55", radius = 1850.08 feet, chord bearing = N61°21'38"E, chord distance = 202.74 feet, a distance on curve of 202.84 feet to a point for an exterior corner of this tract;

THENCE N 71°39'28"E, 97.12 feet to a point on curve for an interior corner of this tract;

THENCE northeasterly with curve to the right, delta angle = 4°10'51", radius = 1840.08 feet, chord bearing = N 69°19'07"E, chord distance = 134.24 feet, a distance on curve of 134.27 feet to a point for an exterior corner of this tract;

THENCE N 71°24'32"E, 59.19 feet to a point for the northwest corner of said 1.28 acres of land and this tract;

THENCE S 20°54'W, along the west boundary line of said 1.28 acre tract of land, 529.27 feet to the place of beginning and containing 3.450 acres of land.

2427  
FILED

96 MAY -6 PM 1:17

MARGARET RAY  
COUNTY CLERK, HOWARD COUNTY

BY DEPUTY *Pat Underwood*  
*4/22*

*done*  
9:00  
5:00  
1:00  
15:00

THE STATE OF TEXAS  
COUNTY OF HOWARD

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR  
USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR  
OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

I hereby certify that this instrument was FILED on the date and at the time  
stamped hereon by me and was duly RECORDED in the Records of Howard  
County, Texas, in the Volume and Page as noted hereon by me.



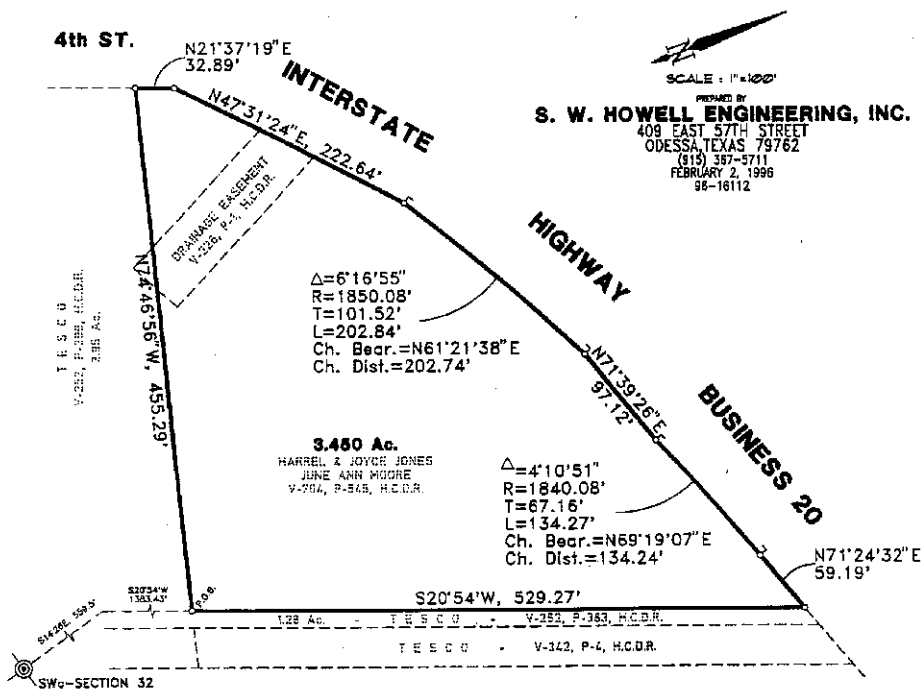
*Margaret Ray*  
MARGARET RAY, COUNTY CLERK  
HOWARD COUNTY, TEXAS

By *Pat Underwood*, Deputy

RECORDED: May 13, 1996 at 9:45AM

Deed RECORDS, Volume 734, Page 200-203

**PROPOSED RIGHT-OF-WAY FEE ACQUISITION  
OF 3.450 ACRES OF LAND IN SECTION 32,  
BLOCK 33, T-1-N, T & P RY. CO. SURVEY,  
BIG SPRING, HOWARD COUNTY, TEXAS**



SCALE: 1"=100'  
PREPARED BY  
**S. W. HOWELL ENGINEERING, INC.**  
408 EAST 57TH STREET  
ODESSA, TEXAS 79762  
(817) 387-5711  
FEBRUARY 2, 1996  
96-16112

**FIELD NOTES OF A 3.450 ACRE TRACT OF LAND OUT OF SECTION 32, BLOCK 33, T-1-N, T & P RY. CO. SURVEY, HOWARD COUNTY, TEXAS.**

**BEGINNING** at a point in the west boundary line of a certain 1.28 acre tract of land conveyed to Texas Electric Service Company by deed recorded in Volume 252, Page 383, Howard County Deed Records, the northeast corner of a certain 2.95 acre tract of land conveyed to Texas Electric Service Company by deed recorded in Volume 252, Page 398, Howard County Deed Records, the southeast corner of a certain parcel of land described by Warranty Deed recorded in Volume 704, Page 545, Howard County Deed Records, for the southeast corner of this tract, in Section 32, Block 33, T-1-N, T & P Ry. Co. Survey, Howard County, Texas, from which point of beginning the southwest corner of said Section 32 bears S20°54'W, 1383.43 feet and S14°26'E, 559.5 feet;

**THENCE** N74°46'56"W, along the north boundary line of said 2.95 acre tract of land, 455.29 feet to a point in the east boundary line of 4th Street (Old Bankhead Highway) for the northwest corner of said 2.95 acre tract of land and southwest corner of this tract;

**THENCE** N21°37'19"E, along the east boundary line of 4th Street, 32.89 feet to a point of deflection to the right in the south boundary line of Interstate Highway Business 20 for an exterior corner of this tract;

**THENCE** N47°31'24"E, along the south boundary line of Interstate Highway Business 20, 222.64 feet to a point on curve for an exterior corner of this tract;

**THENCE** northeasterly with a curve to the right, delta angle = 6°16'55", radius = 1850.08 feet, chord bearing = N61°21'38"E, chord distance = 202.74 feet, a distance on curve of 202.84 feet to a point for an exterior corner of this tract;

**THENCE** N71°39'26"E, 97.12 feet to a point on curve for an interior corner of this tract;

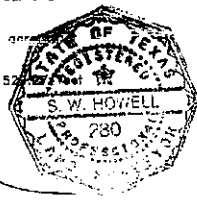
**THENCE** northeasterly with curve to the right, delta angle = 4°10'51", radius = 1840.08 feet, chord bearing = N69°19'07"E, chord distance = 134.24 feet, a distance on curve of 134.27 feet to a point for an exterior corner of this tract;

**THENCE** N71°24'32"E, 59.19 feet to a point for the northwest corner of said 1.28 acre tract of land and this tract;

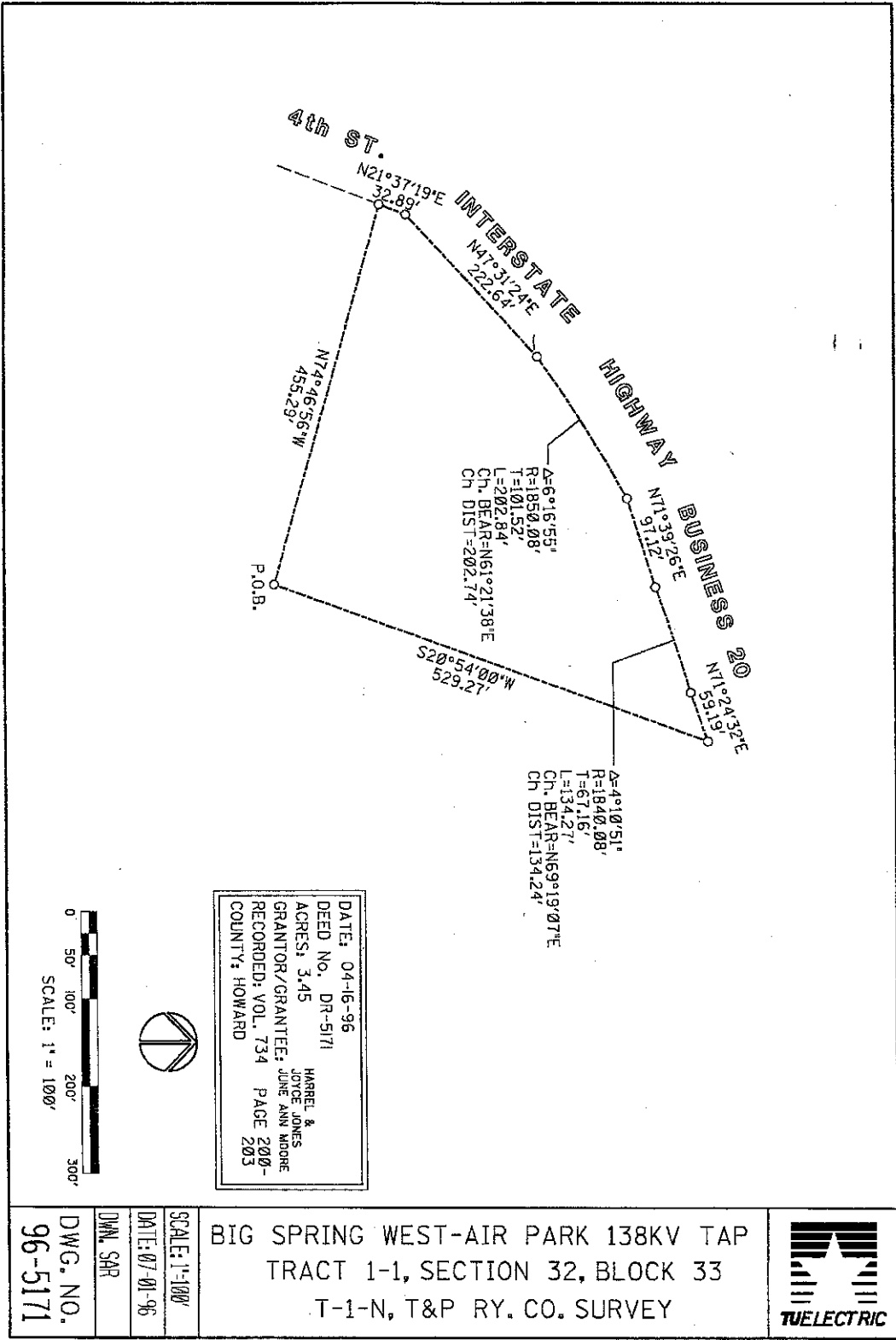
**THENCE** S20°54'W, along the west boundary line of said 1.28 acre tract of land, 529.27 feet to the place of beginning and containing 3.450 acres of land.

February 1, 1996  
96-16112  
Revised: March 18, 1996  
Revised: March 29, 1996

**S. W. HOWELL ENGINEERING, INC.**  
*S. W. Howell*  
S. W. Howell, RPLS No. 280



DR-5171



Oncor Onemile Switching Station

**LETTER OF AUTHORIZATION**

To the City of Big Spring, Texas

Authority is hereby granted to Travis Yanker, PE  
(individual to represent you)

3803 Parkwood Blvd, Suite 800      Frisco      TX      75034      214-937-3937  
Address                                      City                                      State                                      Zip                                      Telephone

to file in my/our behalf for Request for a Zoning Change in the City of Big Spring.

Exception on the following described property:

(Address) No address listed

(Legal Description) 3.45 Acres of Land in Section 32, Block 33, T-1-N, T & P RY. Co. Survey, Big Spring, Texas

The Authority is granted for the following specific request:

(Nature of Appeal) Straight Zoning Change of the Property per Recommendation of the  
City

The undersigned is the property owner of the above described property.

The Authorization will remain in force until revoked by written notice.

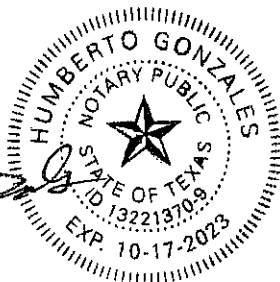
Owner – Original Signature: Seth Sampson

Owner – Print Name: Seth Sampson

Address: 777 Main St. Ft. Worth, TX

Telephone: 672 378 8636

Humberto Gonzalez  
Notary Seal



Date: 8/30/23



STATE OF TEXAS :  
COUNTY OF HOWARD :  
CITY OF BIG SPRING :

The Planning and Zoning Commission of the City of Big Spring, Texas, met in a REGULAR Session in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 PM, August 29, 2023, with the following board members:

DALE AVANT	CHAIR
TERRY MCDANIEL	CO-CHAIR
KELLY HARRIS	MEMBER
KEVAN SCHOOLER	MEMBER
TJ STEWART	MEMBER

Same and constituting a quorum, for which four board members must be present; and the following were in person;

DALE AVANT	CHAIR
TERRY MCDANIEL	CO-CHAIR
KEVAN SCHOOLER	MEMBER
KELLEY HARRIS	MEMBER
T.J. STEWART	MEMBER

Open Session

Call to Order

On 8/29/2023 at 5:30 Chairperson Avant called the P&Z meeting to order. Member Harris was absent.

Public Hearings

Public Hearing to consider a change to the City’s Zoning Regulation Article 6, District Regulations, Section 6-6 Districts and Permitted uses, Residential Districts, regarding lot coverage.

**MOTION WAS MADE BY Member Stewart to, seconded by Member Schooler to open the Public Hearing to consider a change to the City’s Zoning Regulation Article 6, District Regulations, Section 6-6 Districts and Permitted uses,**

**Residential Districts, regarding lot coverage. .**

**YEAS: 4** **0**  
**NAYS: 0** **0**

We had no public comments.

Consent Items

Approval of the Planning & Zoning Meeting minutes that was held on 07/20/2023.  
**MOTION WAS MADE BY Member McDaniel, seconded by Member Stewart to Approve the Planning & Zoning Meeting minutes that was held on 07/20/2023 as written.**

**YEAS:4** **0**  
**NAYS: 0** **0**  
**MOTION**

Old Business

Approval of the plat of Finch Addition, being a replant of Block 5, Lots 1-6, The Earles Addition, and Block 11, Cedar Crest Addition, An Addition to the City of Big Spring, Howard County, Texas

**MOTION WAS MADE BY Chair Avant, seconded by Member Schooler to Approve the plat of Finch Addition, being a replant of Block 5, Lots 1-6, The Earles Addition, and Block 11, Cedar Crest Addition, An Addition to the City of Big Spring, Howard County, Texas .**

**YEAS: 4** **0**  
**NAYS: 0** **0**  
**MOTION PASSED**

New Business

Discussion and possible approval to consider a change to the City’s Zoning Regulation Article 6, District Regulations, Section 6-6 Districts and Permitted uses, Residential Districts, regarding lot coverage.

**MOTION WAS MADE BY Member Stewart, seconded by Member Schooler to open the discussion and possible approval to consider a change to the City’s Zoning Regulation Article 6, District Regulations, Section 6-6 Districts and Permitted uses, Residential Districts, regarding lot coverage..**

**YEAS: 4** **0**  
**NAYS: 0** **0**  
**MOTION**

**MOTION WAS MADE BY Member Schooler, seconded by Member McDaniel to**

approve the changes to the City's Zoning Regulation Article 6, District Regulations, Section 6-6 Districts and Permitted uses, Residential Districts, regarding lot coverage..

**YEAS: 4**  
**NAYS: 0**

**0**  
**0**

**MOTION PASSED**

A motion to approve the Finch Addition Plat was made by Member Schooler  
Seconded by Member McDaniel  
Vote was 4 ayes 0 nays

Discussion about members that have expired or renewed.  
Shane Bowles spoke about members terms expiring.

Commissioners Input

Adjourn

**MOTION WAS MADE BY Chair Avant, seconded by Member Schooler to Adjourn.**

**YEAS: 4**  
**NAYS: 0**

**0**  
**0**

**MOTION**

\_\_\_\_\_  
Chair Dale Avant

ATTEST:

\_\_\_\_\_  
Angela Brown, Public Works Coordinator