

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION
PACKET**

**February 5, 2024 - 3:30 PM
Council Chambers – City Hall**



Notice is hereby given that a public meeting will be held by the Planning and Zoning Commission of the City of Midland, in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at or following the time specified, to consider the following:

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

CONSENT ITEMS

2. Motion approving the Planning and Zoning Commission meeting minutes for January 16, 2024.
3. Motion approving a Final Plat of Harmony School Addition, Section 1, being a plat of a 30.96-acre tract of land located in Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located north of East Loop 250, approximately 115 feet east of Meadowside Street.) **(DISTRICT 1) (DEVELOPMENT SERVICES)**
4. Motion approving a Final Plat of Mockingbird Ridge, Section 5, being a plat of a 33.04-acre tract of land situated in Section 18, Block 38, T-1-S, A-734, T&P RY. Co. Survey, City and County of Midland, Texas. (Generally located north of Blazing Saddle Boulevard, approximately 640 feet east of Purtils Creek Drive.) **(DISTRICT 1) (DEVELOPMENT SERVICES)**
5. Motion approving a Final Plat of Northwest Passage, Section 2, being a plat of a 31.401-acre tract of land out of Section 35, Block 40, T-1-S T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the west side of State Highway 158, approximately 1,001 feet north of State Highway 191.) **(DISTRICT 4) (DEVELOPMENT SERVICES)**
6. Motion approving a Final Plat of Johnson & Moran Addition, Section 8, being a replat of Lot 1, Block 6, Johnson & Moran Addition, Section 6, City and County of Midland, Texas.

(Generally located northwest of the intersection of Andrews Highway and West Cuthbert Avenue.) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

PUBLIC HEARINGS

The Planning and Zoning Commission will hold public hearings on the following items:

7. Consider a request by G2K Development Partners for a zone change from LI, Light Industrial District, to BP, Business Park District, for a 6.15-acre tract of land out of the northwest quarter of Section 36, Block 39, T-1-S, T&P RR, Co. Survey, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of East Front Street and North Adams Street.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
8. Consider a request by Archie Williams Jr. for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District, on Lot 6, Block 14, Greenwood Addition, Sections 3, 4, and 5, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of East Washington and South Clay Street.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
9. Consider a request by GF Elite Real Estate Holdings for a zone change from SF-2, Single-Family Dwelling District, in part, and RR, Regional Retail District, in part, to RR, Regional Retail District, for a 2.61-acre tract of land situated in Section 33, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of West Wall Street, approximately 48 feet south of West Circle Drive.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

MISCELLANEOUS

Jeffrey S. Fisher
Planning Division Manager
Department of Development Services

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

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION
MINUTES**

January 16, 2024

Council Chambers – City Hall



The Planning and Zoning Commission convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:30pm, January 16, 2024.

Commissioners present: Brennan Berry, Lucy Sisniega, John Burkholder, Emily Holeva, Abraham Bejil, Steven Villela

Commissioners absent: Adrian Carrasco, Sallie Vega, Joshua Sparks

Staff members present: Diana E. Geerts, Landon Ochoa, Alexis M. Martinez, Andrew Meyers, Daniel Humbert, Elizabeth Triggs

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

CONSENT ITEMS

2. Motion approving the Planning and Zoning Commission meeting minutes for January 2, 2024.
3. Motion approving a Final Plat of Redneck Retreat, Section 5, being a 10.00-acre tract of land out of Section 15, Block 38, T-2-S, T&P R.R. Co. Survey, Midland County, Texas (Generally located on the southeast corner of Farm-to-Market Road 715 and East County Road 130.) **(EXTRATERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES)**
4. Motion approving a Final Plat of Palermo Crest Addition, Section 2, being a replat of Lot 2, Block 1, Palermo Crest Addition, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Wayside Drive and Gist Avenue.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
5. Motion approving a Final Plat of Ranchland Addition, Section 2, being a replat of Lots 16-

18, Block 2, Ranchland Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Franklin Avenue and Kelly Street.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

6. Motion approving a Final Plat of Grassland Estate West, Section 12, being a plat of a 19.2636-acre tract of land located in Sections 35 & 36, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas. (Generally located immediately north of Homeland Drive, approximately 250 feet north of Castlewood Drive.) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Abraham Bejil moved to approve this request; seconded by Emily Holeva.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Holeva, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Carrasco, Vega, Sparks

Steven Villela moved to approve; seconded by John Burkholder.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Holeva, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Carrasco, Vega, Sparks

PUBLIC HEARINGS

The Planning and Zoning Commission will hold public hearings on the following items:

7. Consider a request by Fierce Property Investments, LLC for a Zone Change from, PD, Planned Development District for a Shopping Center to RR, Regional Retail District on Lot 1, Block 1, TSC Development, City and County of Midland, Texas. (Generally located on the west side of N. State Highway 349, approximately 380 feet north of Tejas.) **(DISTRICT 1) (DEVELOPMENT SERVICES)**

Steven Villela moved to approve this request; seconded by Emily Holeva.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Holeva, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Carrasco, Vega, Sparks

8. Consider a request by Robert Graham for a zone change from AE, Agricultural Estate District, to SF-1, Single Family Dwelling District, for a 5.53-acre tract of land located out of Section 36, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas. (Generally located approximately 300 feet northeast of Homeland Drive, and approximately 520 feet south of Wadley Avenue.) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Steven Villela moved to approve this request; seconded by John Burkholder.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Holeva, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Carrasco, Vega, Sparks

MISCELLANEOUS

9. Motion approving, with staff's recommended conditions, a proposed Preliminary Plat of Original Town, Section 26, being a replat of Lots 1 through 24 and a 0.138-acre portion of previously vacated alley right-of-way, Block 97, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of S. Main Street and E. Indiana Avenue.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Steven Villela moved to approve this request; seconded by Abraham Bejil.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Holeva, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Carrasco, Vega, Sparks

10. Motion approving a request for a 30-Day Extension request for a proposed Final Plat of Shenandoah Ridge, Section 3, being a 17.84-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Co. Survey, City of Midland, Midland and Martin Counties, Texas. (Generally located on the east side of Black Butte, approximately 110 feet north of Inselberg Street) **(DISTRICT 1) (DEVELOPMENT SERVICES)**

Steven Villela moved to approve this request; seconded by John Burkholder.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Holeva, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Carrasco, Vega, Sparks

11. Motion approving, with staff's recommended conditions, a proposed Preliminary Plat of MIDCO LEB, being a replat of a 53.71-acre tract of land out of Lot 1, Block 1, Parsley Addition, Midland County, Texas. (Generally located on the northwest corner of the intersection of Farm to Market Road 715 and East County Road 120) **(EXTRATERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES)**

Abraham Bejil moved to approve this request; seconded by John Burkholder.

The motion passed by the following vote:

AYE: Berry, Sisniega, Burkholder, Holeva, Bejil, Villela

NAY: None
ABSTAIN: None
ABSENT: Carrasco, Vega, Sparks

With no further items or business to come before the Commission, Chair Sisniega adjourned the meeting at 4:07pm

Lucy Sisniega, Chair

Date

Landon Ochoa, Senior Planner

Date



Planning and Zoning Commission

Approved for Agenda:
Landon Ochoa

MEETING DATE: February 5, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving a Final Plat of Harmony School Addition, Section 1, being a plat of a 30.96-acre tract of land located in Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located north of East Loop 250, approximately 115 feet east of Meadowside Street.) (DISTRICT 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

AE, Agricultural Estate District, in part, and SF-1, Single-Family Dwelling District

Preliminary Plat Approval:

The applicant, LCA, is requesting to plat a 30.96-acre tract for the future development of a school.

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 City departments for review.

Below are the departments' comments.

Engineering: (Approved)

IMPACT FEES: Okay as shown. [For the Applicant's information only.]

ROW: Okay as shown.[For the Applicant's information only.]

PAVING: LOOP 250 Frontage Road is TxDOT facility, built and maintained by TxDOT, no improvements required. [For the Applicant's information only.]

WATER: Deferral request for water improvements were administratively approved. [For the Applicant's information only.]

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

PRO RATA: None. [For the Applicant's information only.]

SEWER: 6" sewer exists in alley, okay as is. No public wastewater improvements required. [For the Applicant's information only.]

DRAINAGE: Drainage report is approved for platting purposes. [For Applicant's Information Only.]

EASEMENTS: Show existing and proposed. [For Applicant's Information Only.]

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.]

No objections to plat. [For the Applicant's information only.]

Fire: (Approved)

All future development shall meet the requirements of IFC 2015 ed. and local ordinances.

Oil and Gas: (Approved)

Plugged & Abandoned Well Hofferkamp D No. 2 identified and noted. No construction/building permits allowed on top of this P&A well. No Oil and Gas Issues. Informational: 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. Please note if oil & gas wells are not identified or left off plat, this could prevent receiving city permits for structures. Any plugged and abandoned (P&A) well would need to be identified.

Building Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

GIS: (Approved)

No comments.

Planning: (Approved with Conditions)

Staff recommends approval of the Final Plat of Harmony School Addition, Section 1, subject to Condition A.

Condition(s):

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number:

Case Number:

SUB-23-0675
P-24-1893

Proposed Subdivision Plat Name: Harmony School Addition, Section 1

Legal Description (attached sealed Metes and Bounds): Being a 30.96-Acre tract of land located in Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

Property Owner Harmony Public Schools Attn: Nihat Bayhan, Deputy
Printed Name: Superintendent

Phone (713) 343-3333
Email nbayhan@harmonytx.gov

Address 9321 W. Sam Houston Parkway S

City Houston

State TX

Zip 77099

Developer (if different than Owner)
Printed Name: Gignac Architects

Phone (361) 884-2661
Email nickgignac@gignac-associates.com

Address 416 Starr

City Corpus Chrisit

State TX

Zip 78401

Representative (if acting as Agent, see affidavit on page 2)
Firm: Landgraf, Crutcher & Associates
Printed Name: LCA

Phone (432) 332-5058
Email

Address 521 N. Texas Avenue

City Odessa

State TX

Zip 79761

Current Zoning: AE

Reason for Platting: Development of a School Site

Plat Information

Total Acreage: 30.96

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

Number of Residential Lots:

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Date: 01/08/24

Property Owner (printed): NIHAT BAYHAN

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Levi Bryand who, being by me duly sworn, upon oath says: That (s)he is authorized by Harmony Public Schools, 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 5 day of January, 20 24, to certify which witness my hand and seal of office.



Zsanette Mitchell

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY

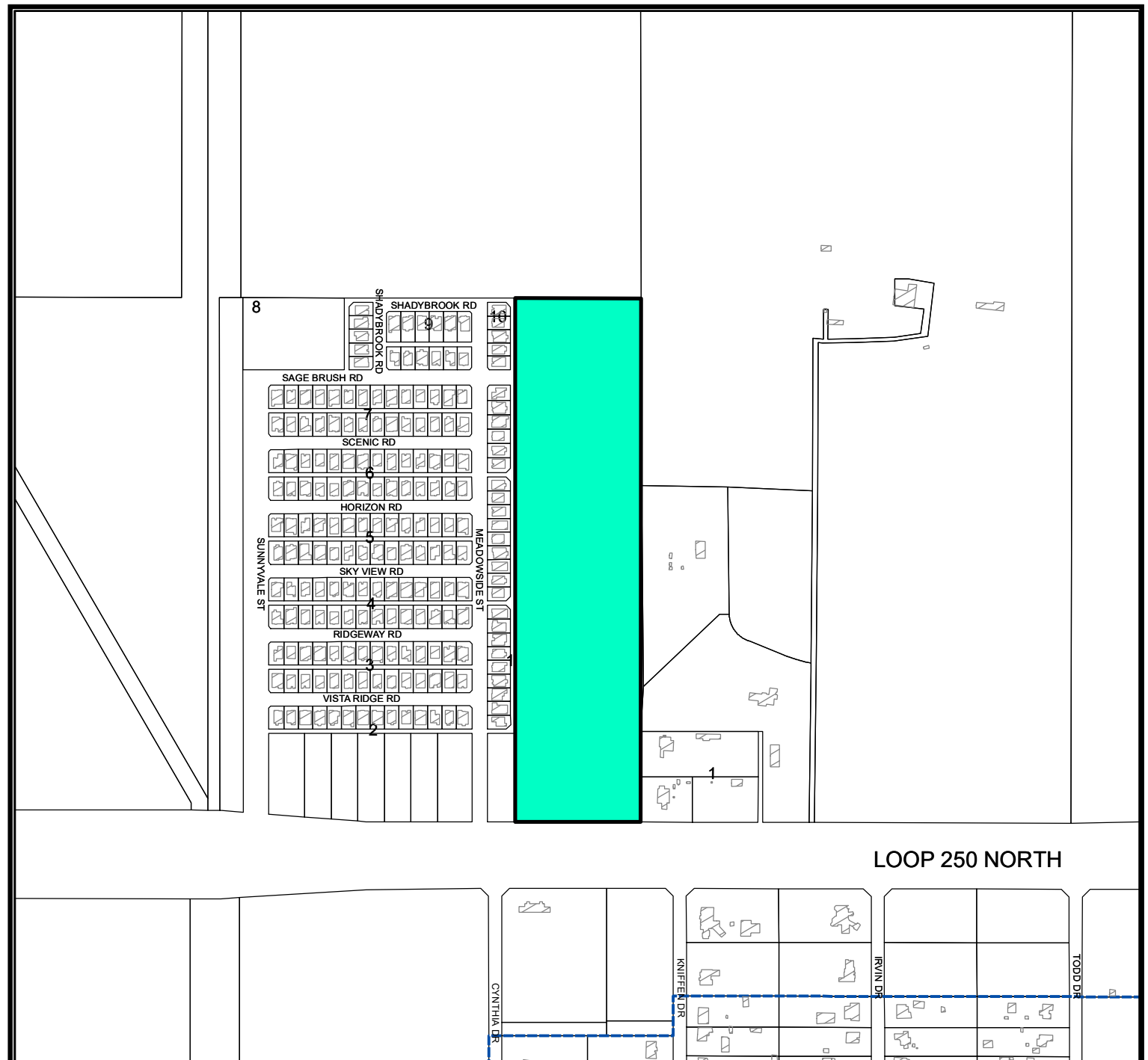
☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☒ Mylar	☒ 1 Copy of Plat (11x17)	☒ Public Improvements
☒ Application Fee	☒ Title Opinion	☒ Recording Fee
Check # <u>41868</u>	☒ Tax Certificates	Check # <u>41951</u>

Received By: *[Signature]*

Date:

JAN 10 2024

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



LOCATION MAP

SUB-23-0675

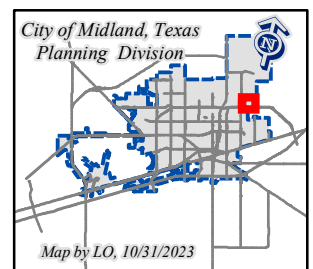
Scale: 1" = 7,790'

Proposed Plat of Harmony School Addition, Section 1, being a 30.96-acre tract of land located in Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located north of East Loop 250, approximately 115-feet east of Meadowside Street (DISTRICT 1)

LEGEND

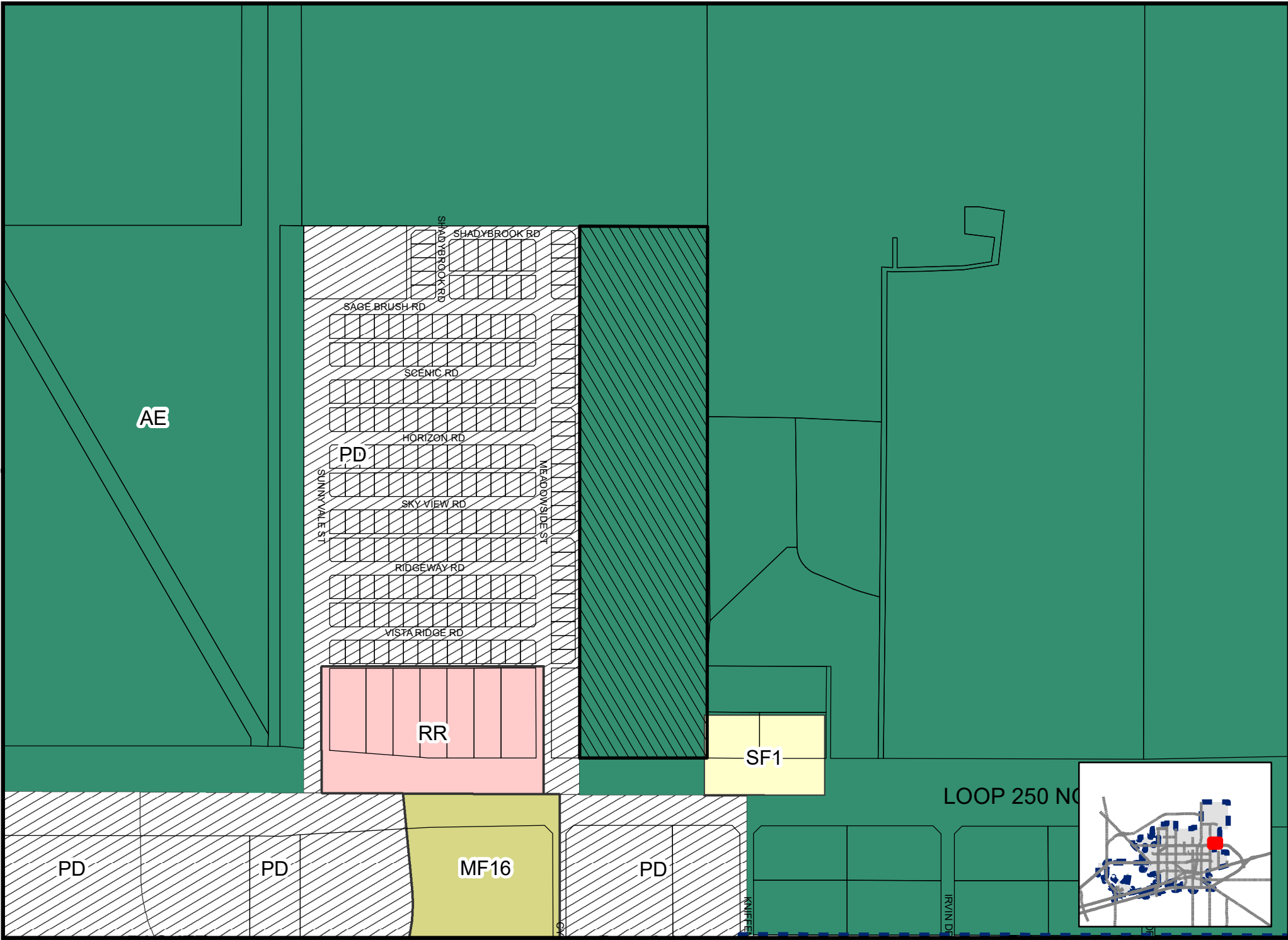
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT. NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.

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





Planning and Zoning Commission

Approved for Agenda:
Landon Ochoa

MEETING DATE: February 5, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner
Landon Ochoa, Senior Planner

SUBJECT: Motion approving a Final Plat of Mockingbird Ridge, Section 5, being a plat of a 33.04-acre tract of land situated in Section 18, Block 38, T-1-S, A-734, T&P RY. Co. Survey, City and County of Midland, Texas. (Generally located north of Blazing Saddle Boulevard, approximately 640 feet east of Purdis Creek Drive.) (DISTRICT 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

PD, Planned Development District (Ordinance 10405) for housing development.

Preliminary Plat Approval:

The applicant, Maverick Engineering, is requesting to plat a 258.87-acre tract of land, situated in Section 18, Block 38, T-1-S, A-734, T&P RY. CO. Survey, City of Midland, Midland County, Texas.

The applicant is platting to allow for the development of multi-use site including single family housing, townhomes, cottage housing, retail, and greenspace/detention. On October 3, 2022, the Planning and Zoning Commission approved a preliminary plat for 317.56 acres. The applicant has platted the property in phases with phase 5 being the final plat of the project. Phase 1 was approved at the July 10, 2023 Planning & Zoning Commission Meeting.

Final Plat Requirements:

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

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

Below are the departments' comments.

Engineering: (Approved)

IMPACT FEES: Okay as shown. [For the Applicant's information only.]

ROW: Okay as shown. [For the Applicant's information only.]

PAVING: Financial security has been provided for the timing of the paving improvements [For the Applicant's information only]

WATER: Financial security has been provided for the timing of the water improvements [For the Applicant's information only]

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

PRO RATA: None.

SEWER: Financial security has been provided for the timing of the sewer improvements [For the Applicant's information only]

DRAINAGE: Drainage study has been approved for platting purposes. [For the Applicant's information only]

EASEMENTS: Show existing and proposed. [For Applicant's Information Only.]

SIDEWALKS: Financial security has been provided for the timing of the sidewalk improvements [For the Applicant's information only]

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.]

No objections to plat. [For the Applicant's information only.]

Fire: (Approved)

All future development shall meet the requirements of IFC 2015 ed. and local ordinances.

Oil and Gas: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat. The Plugged and Abandoned (P&A) well Stimson Burley #18 #2- API 329-31184 is identified. Includes language- No construction is allowed on top of Plugged and Abandoned wells.

Building Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application

GIS: (Approved)

Steve's comments: Please change High Country Ct to High Country Circle.

Planning: (Approved)

The Planning & Zoning Commission approved the final plat Mockingbird Ridge, Section 1 on July 10, 2023 and Sections 2 & 3 on September 5, 2023. Section 4 was approved on December 18, 2023. [Informational]

Staff recommends approval of the Final Plat of Mockingbird Ridge, Section 5, subject to Condition A.

Condition(s):

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

of Midland County, Texas.

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: Mockingbird Ridge, Section 5

Legal Description (attached sealed Metes and Bounds): Being a 33.04-Acre Tract of Land, Situated in Section 18, Block 38, T-1-S, A-734, T&P RY. Co. Survey, City of Midland, Midland County, Texas

Property Owner

Printed Name: Betenbough Homes LLC

Phone (432) 262-0999

Email
phuckaba@maverick-eng.com

Address 6305 82nd ST

City Lubbock

State TX

Zip 79424

Developer (if different than Owner)

Printed Name:

Phone ()
Email

Address

City

State

Zip

Representative (if acting as Agent, see affidavit on page 2)Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999

Email
phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: PD

Reason for Platting: ownership purposes**Plat Information**

Total Acreage: 33.04

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

Number of Lots: 107

Number of Multi-Family Dwelling Units:

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00
For plats that exceed 24" \$81.00
For related documents, \$26.00 for first page, \$4.00 for each additional page.

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

Property Owner (signature): <u>Abram Fuentes</u>	Date: <u>1/9/24</u>
Property Owner (printed): <u>Abram Fuentes</u>	

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

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

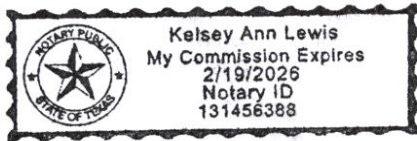
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L Mellen who, being by me duly sworn, upon oath says: That (s)he is authorized by Belenbough Homes, 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 January, 2024, to certify which witness my hand and seal of office.

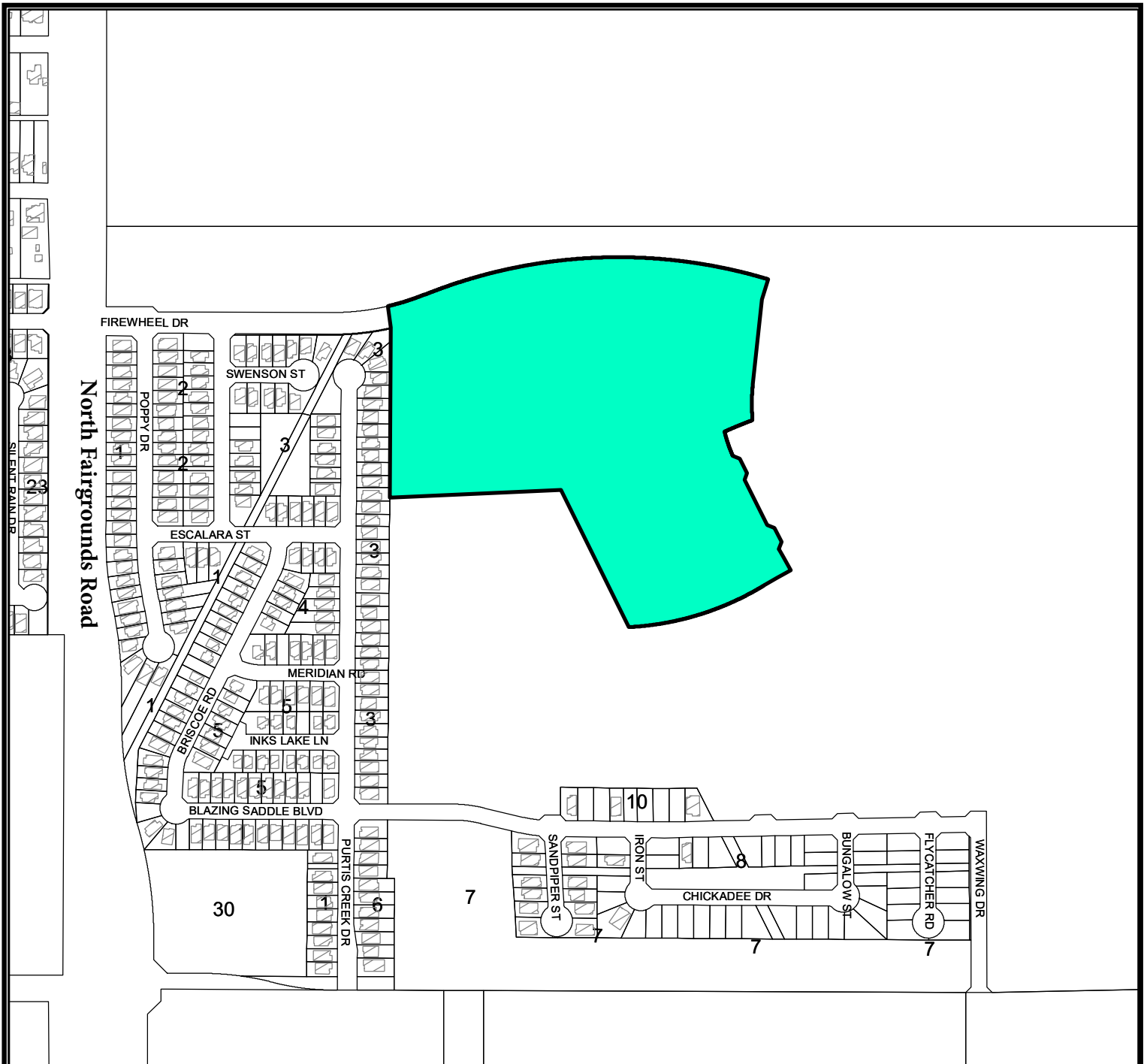


Kelsey Ann Lewis
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☒ Mylar	☒ 1 Copy of Plat (11x17)	☒ CADD File
☒ Application Fee	☒ Title Opinion	☒ Public Improvement
Check # <u>4622</u>	☒ Tax Certificates	☒ Recording Fee
Received By: <u>[Signature]</u>	Date: <u>JAN 10 2024</u>	Check # <u>4623</u>

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



LOCATION MAP

SUB-23-0326

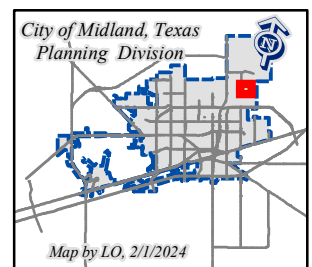
Scale: 1" = 542'

Final Plat of Mockingbird Ridge, Section 5, being a Plat of a 33.04-acre tract of land situated in Section 18, Block 38, T-1-S, A-734, T&P RY. Co. Survey, City and County of Midland, Texas.

(Generally located north of Blazing Saddle Boulevard, approximately 640 feet east of Puritis Creek Drive.)
(DISTRICT 1)

LEGEND

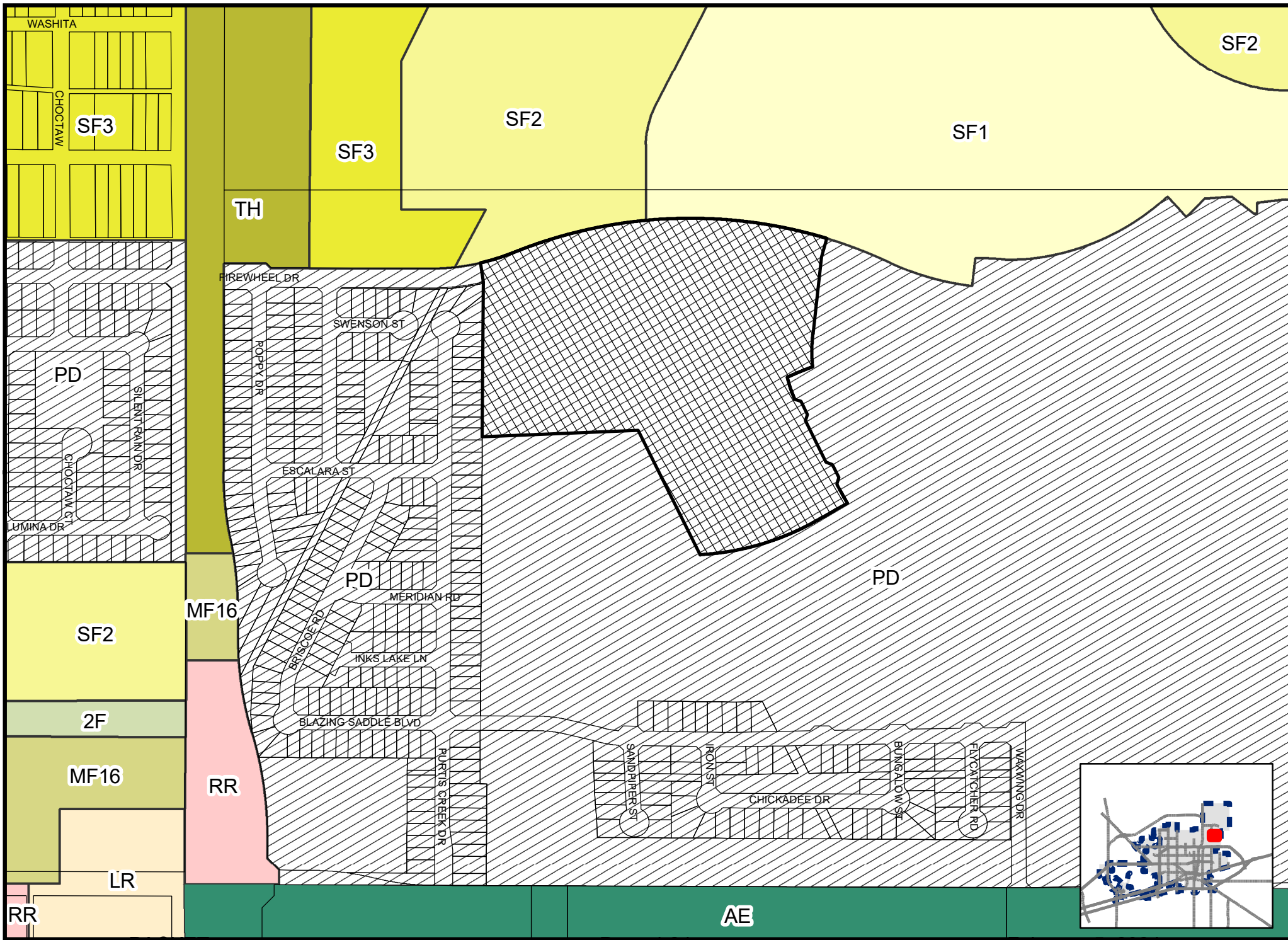
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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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.



ORDINANCE NO. 10405

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 258.87-ACRE TRACT OF LAND OUT OF SECTION 18, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR HOUSING DEVELOPMENT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST MOCKINGBIRD LANE, APPROXIMATELY 900 FEET EAST OF NORTH FAIRGROUNDS 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 258.87-acre tract of land out of Section 18, 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 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 SF-3, Single-Family Dwelling 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, including the minimum dimensions of lots contained therein, 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 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 9th day of May, A.D., 2023; and passed to second reading on motion of Council member Poole, seconded by Council member Corrales, by the following vote:

Council members voting "AYE": Stretcher Burkes, Corrales, Poole, Blong, Dufford, Ladd, Norman

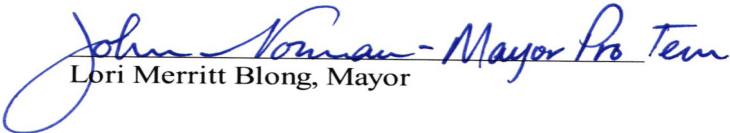
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Ladd, seconded by Council member Dufford, on the 23rd day of May, A.D., 2023, at a regular meeting of the City Council:

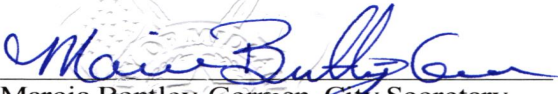
Council members voting "AYE": Stretcher Burkes, Corrales, Poole, Blong, Dufford, Ladd, Norman

Council members voting "NAY": None

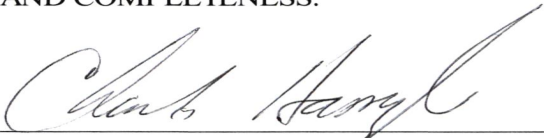
PASSED AND APPROVED THIS 23rd day of May, A.D., 2023.


Lori Merritt Blong, Mayor

ATTEST:


Marcia Bentley-German, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:


Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

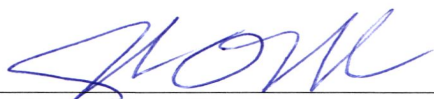

John Ohnemiller, City Attorney



EXHIBIT "A"

MAVERICK

ENGINEERING - SURVEY - WATER RESOURCES

1909 West Wall Street, Suite K - Midland, TX 79701
Tel: 432.262.0999 - Fax: 432.262.0989 - maverick-eng.com
ENGINEER FIRM #: F-15089 | SURVEY FIRM #: 10194514



FIELD NOTE DESCRIPTION OF A 258.87 ACRE TRACT OF LAND, SITUATED IN SECTION 18, BLOCK 38, TOWNSHIP 1 SOUTH, ABSTRACT NUMBER 734, GLO FILE NUMBER 66103, TEXAS and PACIFIC RAILWAY COMPANY SURVEY, MIDLAND COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 340.49 TRACT DESCRIBED IN DOCUMENT NUMBER 2021-35675 OF THE OFFICIAL PUBLIC RECORDS OF SAID MIDLAND COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT N.(Y):10719693.07, E.(X):1764462.90, A FIVE EIGHTHS INCH IRON ROD FOUND IN THE NORTH LINE OF SECTION 20, SAME BLOCK, FOR THE SOUTH COMMON CORNER OF SECTION 17, SAME BLOCK AND SAID SECTION 18, FROM WHICH A SIX INCH STEEL FENCE POST CALLED THE NORTHWEST CORNER OF A CALLED 244.4 ACRE TRACT AS DESCRIBED IN DOCUMENT NUMBER 2017-34694, OF SAID OFFICIAL PUBLIC RECORDS, BEARS N.63°31'14"W., 44.34 FEET, AND A 2 INCH IRON PIPE CALLED THE SOUTHWEST CORNER OF A CALLED 316.39 ACRE TRACT IN DOCUMENT NUMBER 2011-8666 OF SAID OFFICIAL PUBLIC RECORDS BEARS N.82°07'34"W., 36.64 FEET, AND BEING THE SOUTHEAST CORNER HEREOF;

THENCE S.75°43'57"W., ALONG THE LINE COMMON TO SAID SECTIONS 20 AND 18, AT 75.80 FEET PASSING NEAR A ONE HALF INCH IRON ROD AT OR NEAR THE NORTH COMMON CORNER OF SAID SECTION 20 AND SECTION 19, SAME BLOCK, CONTINUING ALONG SAID COMMON LINE, AT 572.95 FEET PASSING NEAR A ONE HALF INCH IRON ROD AT THE NORTH COMMON CORNER OF TRACTS 2 AND 3 AS DESCRIBED IN DOCUMENT NUMBER 2018-20726, OF SAID OFFICIAL PUBLIC RECORDS, AT 1981.61 FEET PASSING A ONE HALF INCH IRON ROD AT THE NORTH COMMON CORNER OF SAID TRACT 2 AND A CALLED "TRACT 3" IN DOCUMENT NUMBER 2018-2268, OF SAID OFFICIAL PUBLIC RECORDS, AT 3801.97 FEET PASSING A COPPERWELD ROD WITH CAP AT THE NORTHWEST CORNER OF SAID TRACT 3, BEING THE NORTHEAST CORNER OF A TRACT CALLED 12.3 ACRES IN VOLUME 867 ON PAGE 35 OF THE DEED RECORDS OF SAID MIDLAND COUNTY, AT 3951.98 FEET PASSING A COPPERWELD ROD WITH CAP AT THE NORTHWEST CORNER OF SAID CALLED 12.3 ACRE TRACT, BEING THE NORTHEAST CORNER OF A CALLED TRACT 1, IN SAID DOCUMENT NUMBER 2018-2268, IN ALL 4132.38 FEET TO A ONE HALF INCH IRON ROD WITH A RED PLASTIC CAP MARKED "MAVERICK FIRM#10194514" (RPC) SET FOR THE SOUTHWEST CORNER HEREOF;

THENCE N.14°07'10"W., 419.64 FEET TO AN "RPC" SET FOR AN INTERIOR CORNER HEREOF;

THENCE S.75°52'50"W., 28.10 FEET TO AN "RPC" SET FOR AN EXTERIOR CORNER HEREOF;

THENCE N. N.14°07'10"W., 2069.30 FEET TO AN "RPC" SET FOR AN INTERIOR CORNER HEREOF;

THENCE N.22°36'06"W., 80.28 FEET TO A POINT OF DEFLECTION RIGHT AND A POINT OF CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 920.00 FEET AND A CHORD BEARING AND DISTANCE OF N.57°59'24"E., 142.96 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 143.11 FEET TO AN "RPC" SET AT THE POINT OF REVERSE CURVATURE FOR A CURVE TO THE RIGHT HAVING A RADIUS OF 1950.00 FEET AND A CHORD BEARING AND DISTANCE OF N.77°01'32"E., 1554.60 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONVEX TO THIS TRACT, 1599.03 FEET TO AN "RPC" SET AT THE POINT OF REVERSE CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 1110.00 FEET AND A CHORD BEARING AND DISTANCE OF S.88°33'08"E., 349.94 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 351.41 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION LEFT;

THENCE N.07°37'18"W., 115.00 FEET TO A POINT OF INTERSECTION AT THE POINT OF CURVATURE ON A CURVE TO THE NORTHEAST, HAVING A RADIUS OF 995.00 FEET AND A CHORD BEARING AND DISTANCE OF N.78°25'37"E., 137.13 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 137.24 FEET TO AN "RPC" SET AT THE POINT OF TANGENCY;

THENCE N.72°23'25"E., 72.42 FEET TO AN "RPC" SET AT THE POINT OF CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 995.00 FEET AND A CHORD BEARING AND DISTANCE OF N.51°36'34"E., 637.86 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 649.32 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION RIGHT;

THENCE S.57°05'08"E., 115 FEET TO A POINT OF INTERSECTION AT THE POINT OF CURVATURE ON A CURVE TO THE NORTHEAST, HAVING A RADIUS OF 1110.00 FEET AND A CHORD BEARING AND DISTANCE OF N.30°10'44"E., 105.95 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 105.99 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION RIGHT, FOR AN EXTERIOR CORNER HEREOF;

THENCE THE FOLLOWING 11 COURSES AND DISTANCES, ALL TO AN "RPC" FOR ANGLE POINTS IN THE BOUNDARY HEREOF;

1. N.70°45'27"E., 112.51 FEET;
2. S.66°30'04"E., 115.00 FEET;
3. N.77°16'15"E., 15.51 FEET;
4. N.14°39'08"W., 46.14 FEET;
5. N.69°08'15"E., 114.62 FEET;
6. N.81°18'37"E., 60.27 FEET;
7. N.75°20'52"E., 115.00 FEET;
8. N.14°25'02"W., 7.06 FEET;
9. N.75°20'52"E., 115.00 FEET;
10. N.80°51'01"E., 60.26 FEET;

11. N.75°20'52"E., 487.58 FEET TO AN "RPC" SET ON THE WEST LINE OF A CALLED 632.79 ACRE TRACT, DESCRIBED IN DOCUMENT NUMBER 2011-8666 OF SAID DEED RECORDS, ON THE LINE COMMON TO SAID SECTIONS 17 AND 18, FOR THE NORTHWEST CORNER HEREOF;

THENCE S.14°30'16"E., ALONG THE COMMON LINE OF SAID SECTIONS 17 AND 18, AT 1623.59 FEET PASSING A ONE HALF INCH IRON ROD FOR THE NORTHWEST CORNER OF A CALLED 22.368 ACRE TRACT IN DOCUMENT NUMBER 2014-5886 OF SAID OFFICIAL PUBLIC RECORDS, BEARING S.75°32'01"W., 15.87 FEET, AT 2815.90 FEET PASSING SAID 6 INCH STEEL FENCE POST BEARING S.75°29'44"W., 33.47 FEET, IN ALL 2844.98 FEET TO THE **POINT OF BEGINNING**, CONTAINING 258.87 ACRES OF LAND.

BASIS OF BEARING, DISTANCE, COORDINATES AND AREA ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FOOT, HAVING A CONVERGENCE ANGLE (theta) OF -0°53'04.89" AND A COMBINED SCALE FACTOR OF 0.999925027 AT THE POINT OF BEGINNING.


MARCH 20, 2023

Gregory W. Shoults

www.maverick-eng.com

Texas RPLS - No. 5356

Maverick Engineering (FIRM - No. 10194514)





7. LOCATION OF BURNED UTILITIES AND PIPELINE, IF ANY, IS APPROPRIATE BASED ON THE LOCATION OF THE CITY OF CHICAGO AND LOCAL ROAD NETWORK. PROVIDE A MAP OF THE CITY OF CHICAGO AND LOCAL ROAD NETWORK, INDICATING THE LOCATION OF THE BURNED UTILITIES AND PIPELINE, IF ANY, AND THE LOCATION OF THE CITY OF CHICAGO AND LOCAL ROAD NETWORK. PROVIDE A MAP OF THE CITY OF CHICAGO AND LOCAL ROAD NETWORK, INDICATING THE LOCATION OF THE BURNED UTILITIES AND PIPELINE, IF ANY, AND THE LOCATION OF THE CITY OF CHICAGO AND LOCAL ROAD NETWORK.
8. THIS IS A PRELIMINARY PLANNING DOCUMENT AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
9. PROVIDE RECOMMENDED AND PROPOSED (OR FOR PLANNING PURPOSES) AND MAY BE SUBJECT TO CHANGE.

GREENSPACE NOIES

- ALL INTERIOR ROADS RIGHT-OF-WAYS TO THIS DEVELOPMENT ARE 60' C/LR OF SACS AND A 60' RADIUS (TWO-WHEEL ROAD IS A PROPOSED BRANCH-OF-WAY WITH NO CROWNOUT)
- ALL SIDEWALKS WILL BE 5' IN WIDTH ALONG ALL PUBLIC RIGHT-OF-WAYS
- ALL CORNER CUTS ARE 10' RAD (17°) UNLESS OTHERWISE NOTED

S 75°52'50" W 28.10' —

- [illegible]

[illegible][illegible]

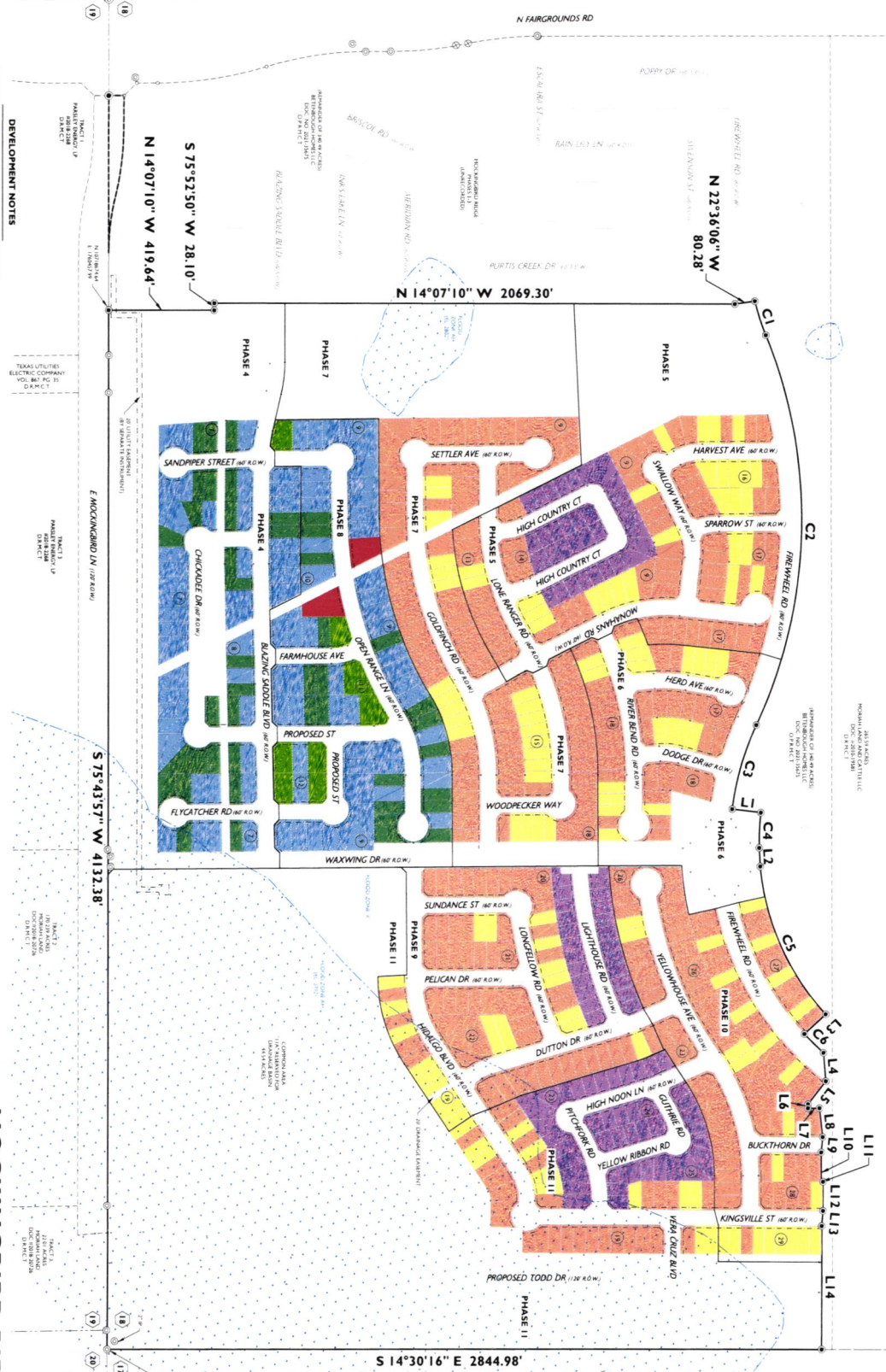
MAVERICK
CIVIL ENGINEERING / LAND SURVEYING

11009 West Vail Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM # F-15089
SURVEY FIRM # 10194514
Tel: (432) 262-0799 Fax: (432) 262-0789
www.Maverick-Eng.com

MOCKINGBIRD RIDGE
PDHD SITE PLAN
BEING A 258.87 ACRE TRACT OF LAND, SITUATED IN SECTION 18, BLOCK 38, T-1-S, A-734, T&P BY CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

MAVERICK
CIVIL ENGINEERING & LAND SURVEYING

PACKET





City Council Meeting

Item Number: 19
Meeting Date: May 9, 2023, May 23, 2023
To: City Council / City Manager
From: Landon Ochoa, Planner
Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 258.87-ACRE TRACT OF LAND OUT OF SECTION 18, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR HOUSING DEVELOPMENT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST MOCKINGBIRD LANE, APPROXIMATELY 900 FEET EAST OF NORTH FAIRGROUNDS 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 (DISTRICT 1) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Maverick Engineering, is requesting a Zone Change from PD, Planned Development District for Housing Development (Ordinance No. 10344) to an amended PD, Planned Development District for Housing Development to modify the lot sizes of proposed housing development and revise the previously approved preliminary plat. This is because Betenbough is changing up their product line due to the change in the market.

Recommended City Council Action:

Approve

Fiscal Impact:

None.

Discussion:

Current Zoning:

PD, Planned Development District for Housing Development (Ordinance No. 10344)

Surrounding Zoning and Land Use:

The property to the north is zoned SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and LR, Local Retail District, in part. The property to the east and south is zoned AE, Agricultural Estate District. The properties to the west are zoned MF-16, Multiple-Family Dwelling District, in part, and RR, Regional Retail District in part.

Analysis:

The applicant, Betenbough Homes, is requesting approval of a Zone Change for the development of a multi-use site, including a mix of residential and greenspace uses. This proposed subdivision will have a total of six hundred ninety-five (695) residential lots, approximately 102.42-acres of greenspace/detention pond that is composed of common areas and drainage ponds.

The applicant is proposing this section of the development to be executed in eight phases (4-11). Phases 1-3 are remaining the same from the first zone change related to this project and are not included in this request.

Product Class		Smallest Lot	Smallest Lot Depth	Phase #								Percent of Total
		Area SF	LF	4	5	6	7	8	9	10	11	
Core	30-45'	4236	85'		27	18	23		20	24	12	17.8%
	30-50'	4404	86'		59	33	86		55	70	27	46.6%
Reserve	40-50'	5750	95'	26				19				6.5%
	40-60'	6250	90'	42				52				13.5%
	75'	9387	125'					8				1.2%
	80'	11811	130'									0.1%
Cottages	30-50'	4173	81'		33				23		42	14.1%
PHASE TOTAL				68	119	51	103	81	98	94	81	100%
OVERALL TOTAL												

These lots will have an underlying zoning of SF-3, Single Family Dwelling District but with the following amendments. The minimum dimensions are as follows:

Core Product Class: 448 lots

1. Minimum lot width - 30 feet.
2. Minimum lot depth - 85 feet
3. Minimum lot area - 4,200 square feet.

Reserve Product Class: 149 lots

1. Minimum lot width - 40 feet.

2. Minimum lot depth - 90 feet
3. Minimum lot area - 5,700 square feet.

Cottages Product Class: 98 lots

1. Minimum lot width - 30 feet.
2. Minimum lot depth - 81 feet
3. Minimum lot area - 4,100 square feet.

The previous request had only nine phases compared to the current request which contains phases 4-11. The previous lot counts for each product class in phases 4-9 for the first zone change request are as follows:

Core: 510
Reserve: 112
Cottages: 85

The appropriate setbacks and maximum height of future development will comply with the regulations as described in Section 5.04 Residential Zoning District Dimensional Regulations chart. Not all the proposed lots meet the minimum lot depth, minimum lot width, and minimum lot area requirements of the SF-3 Single-Family Dwelling District. However, the new PD Ordinance will allow reduced depth, width, and areas as outlined above.

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 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved with Conditions)

No objection to zone change. [For the Applicant's information only.] 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. [For the Applicant's information only.] Our staff has examined the FEMA flood map and it appears that several property lies entirely within Zone AH, which is a Special Flood Hazard Area subject to inundation by the 1% annual chance flood. [For the Applicant's information only.] If a LOMR is not proposed to remove these properties from 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. [For the Applicant's information only.]

Code: (Approved)

Phase 6 page 2 – (High Country Ct.) the Stinson-Burley B #2 API 329-31044 is identified but missing the 135 ft radius as previously requested for a non-City permitted well. Previous preliminary plat had it included correctly. Noted it will be Plugged and Abandoned (No building permits inside 135 ft. radius till P&A completed). Phase 11 Page 3- the non-city permitted Stimson Burley #1M API 329-31751 is identified with radius but needs to be identified as a 135 ft radius as required. Previous preliminary plat had it correctly. Noted to be P&A well (No building permits inside 135 ft. radius till P&A). Phase 11, page 3 -the non-City permitted Stimson Burley B #3 API 32--31045 is identified on plat with radius but needs to be identified as a 135 ft. radius as required. Previous preliminary plat had it correctly. Noted to be P&A well. No building permits are allowed in the 135 ft radius of existing well until it is actually P&A with a W-3 permit per RRC. In addition, the City permitted Endeavor operated Willow Lakes 19 #191 (located south of Mockingbird Lane) is identified with a 500 ft. radius that is located below Mockingbird Lane. Any occupied residential/commercial building permits inside the 500 ft. radius will require a variance to a permitted well from the City Council. For information: Please note if oil & gas wells are not identified or left off plat, this could prevent receiving city permits for structures.

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. [For the Applicant's information only.] No objection to zone change. [For the Applicant's information only.]

Planning:

The area is classified as Urban Residential-Low, in part, which calls for restrictive land use, emphasizing single-family detached development. The area is also classified as Urban Medium which calls for a mix of complementary uses, including single-family housing, multi-family housing, schools, mid-sized parks and churches, commercial and mixed use. The plan also calls for a parkway that would run through the property which is identified on the site plan. All of these uses are compatible with the Low and Medium designations.

The Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, "Development Policy Areas" labels this area as part of the "Current Development Area" which seeks to address the compatibility of uses, "specifically between different housing intensities," As shown in the proposed site plan, the applicant is planning to create a gradual transition from existing housing developments at the western edge of the property in question which is consistent with this statement.

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 for smaller lot homes. This proposal works in compliance since the development will be introducing a neighborhood with a mix of housing intensities to include smaller townhouse-sized lots as well as larger single-family lots. Additionally, Principle 8 of the Chapter 3 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 proposing to develop more specifically delineated park space and trails in the development which will help give the residents a diversity of recreation allowing for a more balanced feel.

Principle 5 of Chapter 3 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.” The applicant is proposing to include a park, greenspace, and trails all of which will contribute to creating a sense of place for new residents.

The Planning & Zoning Commission recommended approval of this request April 17, 2023.

Staff recommends approval of this request subject to conditions A through C.

Conditions:

- A. That the Property, including the minimum dimensions of lots contained therein, 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 all signage shall conform to the regulations set forth in Title XI, Chapter 7a of the City Code.**

Letters of Objection:

As of May 8, 2023, staff has received no letters of objection for this request.

Attachments:

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

City Manager's Office



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

Project Number 2-23-0326

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Betenbough Homes</u>		Phone () Email	
Address <u>6305 82nd St</u>	City <u>Lubbock</u>	State <u>TX</u>	Zip <u>79424</u>

Property Owner Printed Name: <u>See Applicant</u>		Phone () Email	
Address	City	State	Zip

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

Street Address: <u>NA County Rd 40</u>
Legal Description Lot: _____ Block: <u>38 T-1-S</u> Subdivision: _____

Current Zoning: In Part: <u>SF3, TH, SF2, MF16, SF1, 2F, RR</u>	Proposed Zone: <u>PDHD</u> (List by tracts if more than one district is requested)
--	--

Reason for Zone Change Request: To advance the proposed housing development associated with this request

Present Use of Property: vacant

Proposed Use of Property: residential

How would this zone change affect the public health, safety and welfare? This development will contribute to the housing inventory of the City of Midland, adding needed options to the housing makeup of the community

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

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)

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19.13

May 23, 2023

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

Applicant (signature):

Date:

3/21/23

Applicant (printed):

RONNIE WALLACE

Property Owner (signature): See Applicant

Date:

3/21/23

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.

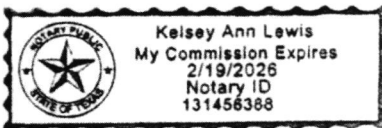
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

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 Bettenbaugh Homes, 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 21st day of March, 2023, 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 # 4105

BY:

Received By: James Reba

Date:

3/22/23

~~PACKET~~ Application will not be considered for 19.14 scheduling until reviewed by May 23, 2023

Special Exception Application

2

Revised 12/6/16

PACKET

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February 5, 2024



FIELD NOTE DESCRIPTION OF A 258.87 ACRE TRACT OF LAND, SITUATED IN SECTION 18, BLOCK 38, TOWNSHIP 1 SOUTH, ABSTRACT NUMBER 734, GLO FILE NUMBER 66103, TEXAS and PACIFIC RAILWAY COMPANY SURVEY, MIDLAND COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 340.49 TRACT DESCRIBED IN DOCUMENT NUMBER 2021-35675 OF THE OFFICIAL PUBLIC RECORDS OF SAID MIDLAND COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT N.(Y):10719693.07, E.(X):1764462.90, A FIVE EIGHTHS INCH IRON ROD FOUND IN THE NORTH LINE OF SECTION 20, SAME BLOCK, FOR THE SOUTH COMMON CORNER OF SECTION 17, SAME BLOCK AND SAID SECTION 18, FROM WHICH A SIX INCH STEEL FENCE POST CALLED THE NORTHWEST CORNER OF A CALLED 244.4 ACRE TRACT AS DESCRIBED IN DOCUMENT NUMBER 2017-34694, OF SAID OFFICIAL PUBLIC RECORDS, BEARS N.63°31'14"W., 44.34 FEET, AND A 2 INCH IRON PIPE CALLED THE SOUTHWEST CORNER OF A CALLED 316.39 ACRE TRACT IN DOCUMENT NUMBER 2011-8666 OF SAID OFFICIAL PUBLIC RECORDS BEARS N.82°07'34"W., 36.64 FEET, AND BEING THE SOUTHEAST CORNER HEREOF;

THENCE S.75°43'57"W., ALONG THE LINE COMMON TO SAID SECTIONS 20 AND 18, AT 75.80 FEET PASSING NEAR A ONE HALF INCH IRON ROD AT OR NEAR THE NORTH COMMON CORNER OF SAID SECTION 20 AND SECTION 19, SAME BLOCK, CONTINUING ALONG SAID COMMON LINE, AT 572.95 FEET PASSING NEAR A ONE HALF INCH IRON ROD AT THE NORTH COMMON CORNER OF TRACTS 2 AND 3 AS DESCRIBED IN DOCUMENT NUMBER 2018-20726, OF SAID OFFICIAL PUBLIC RECORDS, AT 1981.61 FEET PASSING A ONE HALF INCH IRON ROD AT THE NORTH COMMON CORNER OF SAID TRACT 2 AND A CALLED "TRACT 3" IN DOCUMENT NUMBER 2018-2268, OF SAID OFFICIAL PUBLIC RECORDS, AT 3801.97 FEET PASSING A COPPERWELD ROD WITH CAP AT THE NORTHWEST CORNER OF SAID TRACT 3, BEING THE NORTHEAST CORNER OF A TRACT CALLED 12.3 ACRES IN VOLUME 867 ON PAGE 35 OF THE DEED RECORDS OF SAID MIDLAND COUNTY, AT 3951.98 FEET PASSING A COPPERWELD ROD WITH CAP AT THE NORTHWEST CORNER OF SAID CALLED 12.3 ACRE TRACT, BEING THE NORTHEAST CORNER OF A CALLED TRACT 1, IN SAID DOCUMENT NUMBER 2018-2268, IN ALL 4132.38 FEET TO A ONE HALF INCH IRON ROD WITH A RED PLASTIC CAP MARKED "MAVERICK FIRM#10194514" (RPC) SET FOR THE SOUTHWEST CORNER HEREOF;

THENCE N.14°07'10"W., 419.64 FEET TO AN "RPC" SET FOR AN INTERIOR CORNER HEREOF;

THENCE S.75°52'50"W., 28.10 FEET TO AN "RPC" SET FOR AN EXTERIOR CORNER HEREOF;

THENCE N. N.14°07'10"W., 2069.30 FEET TO AN "RPC" SET FOR AN INTERIOR CORNER HEREOF;

THENCE N.22°36'06"W., 80.28 FEET TO A POINT OF DEFLECTION RIGHT AND A POINT OF CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 920.00 FEET AND A CHORD BEARING AND DISTANCE OF N.57°59'24"E., 142.96 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 143.11 FEET TO AN "RPC" SET AT THE POINT OF REVERSE CURVATURE FOR A CURVE TO THE RIGHT HAVING A RADIUS OF 1950.00 FEET AND A CHORD BEARING AND DISTANCE OF N.77°01'32"E., 1554.60 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONVEX TO THIS TRACT, 1599.03 FEET TO AN "RPC" SET AT THE POINT OF REVERSE CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 1110.00 FEET AND A CHORD BEARING AND DISTANCE OF S.88°33'08"E., 349.94 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 351.41 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION LEFT;

THENCE N.07°37'18"W., 115.00 FEET TO A POINT OF INTERSECTION AT THE POINT OF CURVATURE ON A CURVE TO THE NORTHEAST, HAVING A RADIUS OF 995.00 FEET AND A CHORD BEARING AND DISTANCE OF N.78°25'37"E., 137.13 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 137.24 FEET TO AN "RPC" SET AT THE POINT OF TANGENCY;

THENCE N.72°23'25"E., 72.42 FEET TO AN "RPC" SET AT THE POINT OF CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 995.00 FEET AND A CHORD BEARING AND DISTANCE OF N.51°36'34"E., 637.86 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 649.32 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION RIGHT;

THENCE S.57°05'08"E., 115 FEET TO A POINT OF INTERSECTION AT THE POINT OF CURVATURE ON A CURVE TO THE NORTHEAST, HAVING A RADIUS OF 1110.00 FEET AND A CHORD BEARING AND DISTANCE OF N.30°10'44"E., 105.95 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 105.99 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION RIGHT, FOR AN EXTERIOR CORNER HEREOF;

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THENCE THE FOLLOWING 11 COURSES AND DISTANCES, ALL TO AN "RPC" FOR ANGLE POINTS IN THE BOUNDARY HEREOF;

1. N.70°45'27"E., 112.51 FEET;
2. S.66°30'04"E., 115.00 FEET;
3. N.77°16'15"E., 15.51 FEET;
4. N.14°39'08"W., 46.14 FEET;
5. N.69°08'15"E., 114.62 FEET;
6. N.81°18'37"E., 60.27 FEET;
7. N.75°20'52"E., 115.00 FEET;
8. N.14°25'02"W., 7.06 FEET;
9. N.75°20'52"E., 115.00 FEET;
10. N.80°51'01"E., 60.26 FEET;

11. N.75°20'52"E., 487.58 FEET TO AN "RPC" SET ON THE WEST LINE OF A CALLED 632.79 ACRE TRACT, DESCRIBED IN DOCUMENT NUMBER 2011-8666 OF SAID DEED RECORDS, ON THE LINE COMMON TO SAID SECTIONS 17 AND 18, FOR THE NORTHWEST CORNER HEREOF;

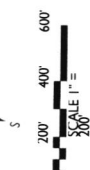
THENCE S.14°30'16"E., ALONG THE COMMON LINE OF SAID SECTIONS 17 AND 18, AT 1623.59 FEET PASSING A ONE HALF INCH IRON ROD FOR THE NORTHWEST CORNER OF A CALLED 22.368 ACRE TRACT IN DOCUMENT NUMBER 2014-5886 OF SAID OFFICIAL PUBLIC RECORDS, BEARING S.75°32'01"W., 15.87 FEET, AT 2815.90 FEET PASSING SAID 6 INCH STEEL FENCE POST BEARING S.75°29'44"W., 33.47 FEET, IN ALL 2844.98 FEET TO THE **POINT OF BEGINNING**, CONTAINING 258.87 ACRES OF LAND.

BASIS OF BEARING, DISTANCE, COORDINATES AND AREA ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FOOT, HAVING A CONVERGENCE ANGLE (theta) OF -0°53'04.89" AND A COMBINED SCALE FACTOR OF 0.999925027 AT THE POINT OF BEGINNING.


MARCH 20, 2023

Gregory W. Shoults
www.maverick-eng.com
Texas RPLS - No. 5356
Maverick Engineering (FIRM - No. 10194514)



[illegible]

45" FRONT WIDTH - CORE
50" FRONT WIDTH - CORE
50" FRONT WIDTH - COTTAGE
50" FRONT WIDTH - RESERVE
60" FRONT WIDTH
70" FRONT WIDTH - RESERVE
85" FRONT WIDTH

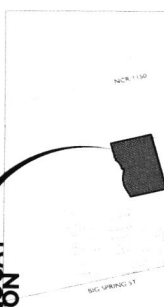
NOTE LOCATION OF BURIED UTILITIES AND PIPELINES, AND A RECORD OF THE LATEST SURVEYING SIGNAGE, CITY OF MISSOURI AND MISSOURI DEPARTMENT OF TRANSPORTATION. EVIDENCE OF ANY ONE CALL/1 SITE MARKINGS AT THE TIME OF THIS SURVEY. THIS SURVEY IS CONDUCTED FOR THE PURPOSES OF IDENTIFYING AND DOCUMENTING ANY AND ALL BURIED UTILITIES AND PIPELINES. THIS SURVEY IS NOT A SUBSTITUTE FOR ANY OTHER SURVEYING OR PLANNING PURPOSES AND MAY BE USED FOR ANY OTHER PURPOSES.

**DIMENSIONAL
NOTES**

- ALL INTERIOR ROAD RIGHT-OF-WAYS TO THIS DEVELOPMENT ARE 60' WIDE. ALL DEVELOPMENTS ARE 60' RADII. FIREWHEEL ROAD RIGHT-OF-WAY IS 60' WIDE. ALL DEVELOPMENTS WILL BE BOUND ABOUT 10' FROM THE RIGHT-OF-WAY. ALL CORNER CUTS ARE 20'20' (WIDE) UNLESS OTHERWISE NOTED.

- GREENSPACE NOTES**
- DEVELOPMENT CONTAINS 2,587 ACRES OF WHICH 107.42 ACRES ARE ELIGIBLE FOR DEVELOPED GREENSPACE FOR A TOTAL PERCENTAGE OF 38.5%.

**SIT
LOCAT**



PACKET
MIDLAND,
TEXAS

VICINITY
MAR.T.

DEVELOPMENT NOTES

- [illegible]

LEGE

- [illegible]

[illegible]

9.17

RECORDS, MIDLAND CO., TX
DENOTES DEED RECORDS,
MIDLAND CO., TX
DENOTES SECTION NUMBER

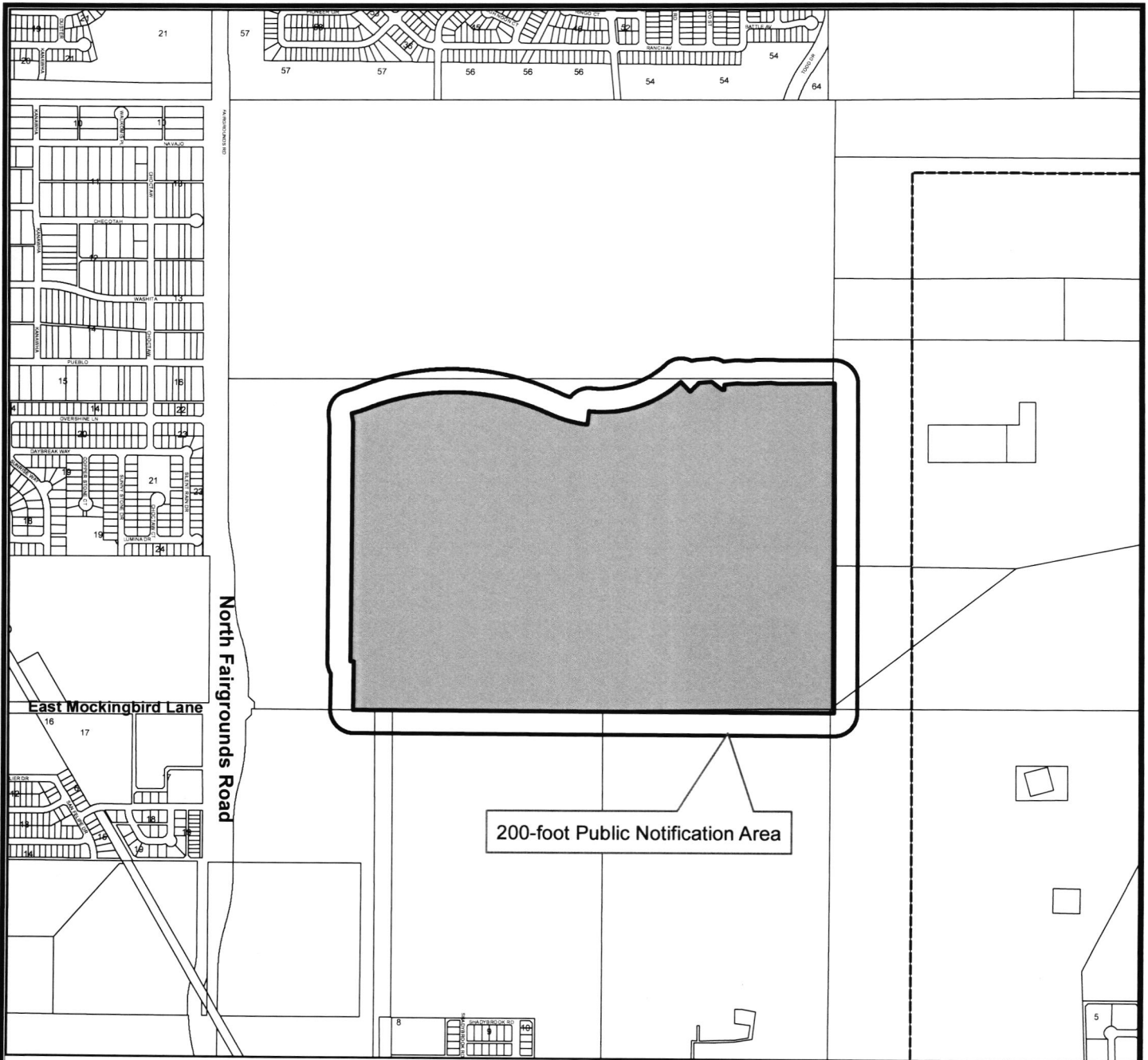
MOCKINGBIRD RIDGE
PDHD SITE
BEING A 28.6 ACRE TRACT OF
LAND SITUATED IN
SECTION 18, BLOCK 38, T-1-S,
A-734, T&P RY. CO.
SURVEY CITY AND COUNTY
OF MIDLAND, TEXAS.



May 23, 2023

7970
ENGINEER FIRM #: F-15089
SURVEY FIRM #:

0194514
Tel: (432) 262-0999 Fax: (432) 262-0989
www.Maverick-Eng.com



LOCATION MAP

Z-23-0326

Scale: 1" = 14,899'

Consider a request by Betenbough Homes for a zone change from, PD, Planned Development District for Housing Development to PD, Planned Development District for Housing Development out of a 258.87-acre tract of land, in Section 18, Block 38, T-I-S, A-734, T&P RY. CO. Survey, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of North Fairgrounds and East Mockingbird Road. (Council District 1)

19.18

LEGEND

- - CITY LIMITS
- ▭ PARCEL
- ▨ PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

May 23, 2023

THIS DATA IS NOT A SUBSTITUTION FOR A PROFESSIONAL ENGINEER'S DESIGN OR FOR A PROFESSIONAL ENGINEER'S 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.



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ORDINANCE NO. 10344

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 317.56-ACRE TRACT OF LAND OUT OF SECTION 18, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-2, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT, IN PART, 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT, IN PART, MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND RR, REGIONAL RETAIL DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH FAIRGROUNDS AND EAST MOCKINGBIRD 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 317.56-acre tract of land out of Section 18, 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-1, Single-Family Dwelling District, in part,

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May 23, 2023

SF-2, Single-Family Dwelling District, in part, SF-3, Single-Family Dwelling District, in part, TH, Townhouse (Attached) Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, MF-16, Multiple-Family Dwelling District, in part, and RR, Regional Retail District, in part to PD, Planned Development District for a Housing Development.

SECTION TWO. That the base zoning districts to which the use and development of the Property shall conform, except as modified by Section Three of this ordinance, are as follows:

- A. For the portions of the Property identified as "COMMERCIAL TRACT" in Exhibit "B", which is attached hereto and incorporated herein for all purposes, LR, Local Retail District;
- B. For the portions of the Property identified as "45' FRONT WIDTH - CORE", "50' FRONT WIDTH - CORE", "50' FRONT WIDTH - COTTAGE", "50' FRONT WIDTH - RESERVE", "60' FRONT WIDTH - RESERVE", "75' FRONT WIDTH - RESERVE" and "80' FRONT WIDTH - RESERVE" in Exhibit "B", SF-3, Single-Family Dwelling District; and
- C. For the portions of the Property identified as "30' FRONT WIDTH - TOWNHOME" in Exhibit "B", TH, Townhouse (Attached) Dwelling 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 each lot identified as "50' FRONT WIDTH - COTTAGE" in Exhibit "B" shall have:
 - 1. A minimum lot width of 50 feet;
 - 2. A minimum lot depth of 77 feet; and
 - 3. A minimum lot area of 4,200 square feet.
- C. That each lot identified as "45' FRONT WIDTH - CORE" in Exhibit "B" shall have a minimum lot width of 45 feet.
- D. That each lot identified as "30' FRONT WIDTH - TOWNHOME" in Exhibit "B" shall be allowed to have a one-car garage; provided, however, that each lot shall have two additional off-street parking spaces.

- E. That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.
- F. 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 11th day of October, A.D., 2022; and passed to second reading

on motion of Council member Ladd, seconded by Council member Poole, by the following vote:

Council members voting "AYE": Corrales, Poole, Blong, Payton, Dufford, Ladd, Norman

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 Poole, seconded by Council member Dufford, on the 25th day of October, A.D., 2022, at a regular meeting of the City Council:

Council members voting "AYE": Corrales, Poole, Blong, Payton, Dufford, Norman

Council members voting "NAY": None

PASSED AND APPROVED THIS 25th day of October, A.D., 2022.

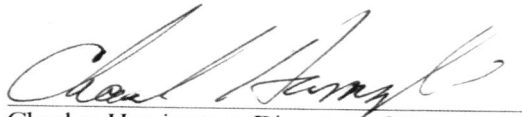


Patrick N. Payton, Mayor

ATTEST:


Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:



Charles Harrington, Director of Development Services

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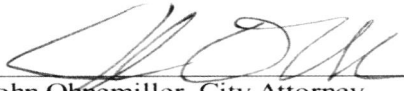
May 23, 2023

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February 5, 2024

APPROVED ONLY AS TO FORM:


John Ohnemiller, City Attorney

S: Ordinances Planning Zone Chng 2022 Z-22-0299 SF-1, SF-2, SF-3, TH, 2F, MI⁵ 6 & RR to PDHD.wpd

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EXHIBIT "A"

STATE OF TEXAS §
COUNTY OF MIDLAND §

SECTION 18, BLOCK 38, TOWNSHIP 1 SOUTH, TEXAS and PACIFIC RAILWAY COMPANY SURVEY MIDLAND COUNTY, TEXAS.

FIELD NOTE DESCRIPTION OF A 317.56 ACRE TRACT OF LAND, SITUATED IN SECTION 18, BLOCK 38, TOWNSHIP 1 SOUTH, ABSTRACT NUMBER 734, GLO FILE NUMBER 66103, TEXAS and PACIFIC RAILWAY COMPANY SURVEY, MIDLAND COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 340.49 TRACT DESCRIBED IN DOCUMENT NUMBER 2021-35675 OF THE OFFICIAL PUBLIC RECORDS OF SAID MIDLAND COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT N.(Y):10719693.07, E.(X):1764462.90, A FIVE EIGHTHS INCH IRON ROD FOUND IN THE NORTH LINE OF SECTION 20, SAME BLOCK, FOR THE SOUTH COMMON CORNER OF SECTION 17, SAME BLOCK AND SAID SECTION 18, FROM WHICH A SIX INCH STEEL FENCE POST CALLED THE NORTHWEST CORNER OF A CALLED 244.4 ACRE TRACT AS DESCRIBED IN DOCUMENT NUMBER 2017-34694, OF SAID OFFICIAL PUBLIC RECORDS, BEARS N.63°31'14"W., 44.34 FEET, AND A 2 INCH IRON PIPE CALLED THE SOUTHWEST CORNER OF A CALLED 316.39 ACRE TRACT IN DOCUMENT NUMBER 2011-8666 OF SAID OFFICIAL PUBLIC RECORDS BEARS N.82°07'34"W., 36.64 FEET, AND BEING THE SOUTHEAST CORNER HEREOF;

THENCE S.75°43'57"W., ALONG THE LINE COMMON TO SAID SECTIONS 20 AND 18, AT 75.80 FEET PASSING NEAR A ONE HALF INCH IRON ROD AT OR NEAR THE NORTH COMMON CORNER OF SAID SECTION 20 AND SECTION 19, SAME BLOCK, CONTINUING ALONG SAID COMMON LINE, AT 572.95 FEET PASSING NEAR A ONE HALF INCH IRON ROD AT THE NORTH COMMON CORNER OF TRACTS 2 AND 3 AS DESCRIBED IN DOCUMENT NUMBER 2018-20726, OF SAID OFFICIAL PUBLIC RECORDS, AT 1981.61 FEET PASSING A ONE HALF INCH IRON ROD AT THE NORTH COMMON CORNER OF SAID TRACT 2 AND A CALLED "TRACT 3" IN DOCUMENT NUMBER 2018-2268, OF SAID OFFICIAL PUBLIC RECORDS, AT 3801.97 FEET PASSING A COPPERWELD ROD WITH CAP AT THE NORTHWEST CORNER OF SAID TRACT 3, BEING THE NORTHEAST CORNER OF A TRACT CALLED 12.3 ACRES IN VOLUME 867 ON PAGE 35 OF THE DEED RECORDS OF SAID MIDLAND COUNTY, AT 3951.98 FEET PASSING A COPPERWELD ROD WITH CAP AT THE NORTHWEST CORNER OF SAID CALLED 12.3 ACRE TRACT, BEING THE NORTHEAST CORNER OF A CALLED TRACT 1, IN SAID DOCUMENT NUMBER 2018-2268, IN ALL 4984.62 FEET TO A ONE HALF INCH IRON ROD WITH A RED PLASTIC CAP MARKED "MAVERICK FIRM#10194514" (RPC) SET AT THE SOUTHEAST CORNER OF A CALLED 22.96 ACRE TRACT, DESCRIBED IN DOCUMENT NUMBER 2019-3532 OF SAID OFFICIAL PUBLIC RECORDS, FROM WHICH A ONE HALF INCH IRON ROD WITH A GREEN PLASTIC CAP MARKED "ASB 5689" BEARS S.75°43'57"W., 388.28 FEET AND A ONE HALF INCH IRON ROD WITH A RED PLASTIC CAP MARKED "PSC RPLS 6453" BEARS S.75°08'25"W., 392.12, FOR THE SOUTHWEST CORNER HEREOF;

THENCE THE FOLLOWING NINE COURSES AND DISTANCES ALONG THE EAST LINE OF SAID CALLED 22.96 ACRE TRACT FOR THE WEST LINE HEREOF;

1. N.14°23'29"W., 60.57 FEET TO A POINT;
2. N.58°53'33"W., 71.33 FEET TO A POINT;
3. N.14°23'29"W., 82.07 FEET TO THE POINT OF CURVATURE FOR A CURVE TO THE LEFT;
4. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1490.00 FEET WITH A CHORD BEARING AND DISTANCE OF N.22°49'41"W., 436.87 FEET, AN ARC DISTANCE OF 438.35 FEET TO THE POINT OF REVERSE CURVATURE;
5. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1360.00 FEET WITH A CHORD BEARING AND DISTANCE OF N.22°49'41"W., 398.75 FEET, AN ARC DISTANCE OF 400.19 FEET TO A MAG NAIL FOUND THE POINT OF TANGENCY;
6. N.14°23'53"W., 99.99 FEET TO A MAG NAIL FOUND AT THE POINT OF CURVATURE FOR A CURVE TO THE LEFT;
7. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1500.00 FEET WITH A CHORD BEARING AND DISTANCE OF N.20°18'24"W., 308.82 FEET, AN ARC DISTANCE OF 309.37 FEET TO A MAG NAIL FOUND AT THE POINT OF REVERSE CURVATURE;
8. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1350.00 FEET WITH A CHORD BEARING AND DISTANCE OF N.20°18'24"W., 277.95 FEET, AN ARC DISTANCE OF 278.44 FEET TO A MAG NAIL FOUND THE POINT OF TANGENCY;
9. N.14°24'01"W., 859.28 FEET TO AN "RPC" SET IN SAID EAST LINE FOR THE NORTHWEST CORNER HEREOF;

THENCE N.75°43'57"E., 95.07 FEET TO AN "RPC" SET FOR AN EXTERIOR CORNER HEREOF;

THENCE N.74°47'34"E., 79.96 FEET TO AN "RPC" SET FOR AN EXTERIOR CORNER HEREOF;

THENCE S.59°20'03"E., 28.32 FEET TO AN "RPC" SET FOR AN INTERIOR CORNER HEREOF;

THENCE N.75°43'57"E., 651.20 FEET TO AN "RPC" SET AT THE POINT OF CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 920.00 FEET AND A CHORD BEARING AND DISTANCE OF N.64°37'59"E., 354.21 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 356.44 FEET TO AN "RPC" SET AT THE POINT OF REVERSE CURVATURE FOR A CURVE TO THE RIGHT HAVING A RADIUS OF 1950.00 FEET AND A CHORD BEARING AND DISTANCE OF N.77°01'32"E., 1554.60 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONVEX TO THIS TRACT, 1599.03 FEET TO AN "RPC" SET AT THE POINT OF REVERSE CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 1110.00 FEET AND A CHORD BEARING AND DISTANCE OF S.88°33'08"E., 349.94 FEET;

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THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 351.41 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION LEFT;

THENCE N.07°37'18"W., 115.00 FEET TO A POINT OF INTERSECTION AT THE POINT OF CURVATURE ON A CURVE TO THE NORTHEAST, HAVING A RADIUS OF 995.00 FEET AND A CHORD BEARING AND DISTANCE OF N.78°25'37"E., 137.13 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 137.24 FEET TO AN "RPC" SET AT THE POINT OF TANGENCY;

THENCE N.72°23'25"E., 72.42 FEET TO AN "RPC" SET AT THE POINT OF CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 995.00 FEET AND A CHORD BEARING AND DISTANCE OF N.51°36'34"E., 637.86 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 649.32 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION RIGHT;

THENCE S.57°05'08"E., 115 FEET TO A POINT OF INTERSECTION AT THE POINT OF CURVATURE ON A CURVE TO THE NORTHEAST, HAVING A RADIUS OF 1110.00 FEET AND A CHORD BEARING AND DISTANCE OF N.30°10'44"E., 105.95 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 105.99 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION RIGHT, FOR AN EXTERIOR CORNER HEREOF;

THENCE THE FOLLOWING 11 COURSES AND DISTANCES, ALL TO AN "RPC" FOR ANGLE POINTS IN THE BOUNDARY HEREOF;

1. N.70°45'27"E., 112.51 FEET;
2. S.66°30'04"E., 115.00 FEET;
3. N.77°16'15"E., 15.51 FEET;
4. N.14°39'08"W., 46.14 FEET;
5. N.69°08'15"E., 114.62 FEET;
6. N.81°18'37"E., 60.27 FEET;
7. N.75°20'52"E., 115.00 FEET;
8. N.14°25'02"W., 7.06 FEET;
9. N.75°20'52"E., 115.00 FEET;
10. N.80°51'01"E., 60.26 FEET;
11. N.75°20'52"E., 487.58 FEET TO AN "RPC" SET ON THE WEST LINE OF A CALLED 632.79 ACRE TRACT, DESCRIBED IN DOCUMENT NUMBER 2011-8666 OF SAID DEED RECORDS, ON THE LINE COMMON TO SAID SECTIONS 17 AND 18, FOR THE NORTHWEST CORNER HEREOF;

THENCE S.14°30'16"E., ALONG THE COMMON LINE OF SAID SECTIONS 17 AND 18, AT 1623.59 FEET PASSING A ONE HALF INCH IRON ROD FOR THE NORTHWEST CORNER OF A CALLED 22.368 ACRE TRACT IN DOCUMENT NUMBER 2014-5886 OF SAID OFFICIAL PUBLIC RECORDS, BEARING S.75°32'01"W., 15.87 FEET, AT 2815.90 FEET PASSING SAID 6 INCH STEEL FENCE POST BEARING S.75°29'44"W., 33.47 FEET, IN ALL 2844.98 FEET TO THE **POINT OF BEGINNING**, CONTAINING 317.56 ACRES OF LAND.

BASIS OF BEARING, DISTANCE, COORDINATES AND AREA ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FOOT, HAVING A CONVERGENCE ANGLE (theta) OF -0°53'04.89" AND A COMBINED SCALE FACTOR OF 0.999925027 AT THE POINT OF BEGINNING.





APPROVED

10344



City Council Meeting

Item Number: 20
Meeting Date: October 11, 2022
To: City Council / City Manager
From: Landon Ochoa, Planner
Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 317.56-ACRE TRACT OF LAND OUT OF SECTION 18, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-2, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT, IN PART, 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT, IN PART, MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND RR, REGIONAL RETAIL DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH FAIRGROUNDS AND EAST MOCKINGBIRD 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 (DISTRICT 1) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Maverick Engineering, is requesting a zone change from SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and RR, Regional Retail District, in part, to PD, Planned Development District for Housing Development to allow for the development of multi-use site including single family housing, townhomes, cottage housing, retail, and greenspace/detention.

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February 5, 2024

Recommended City Council Action:

Approve

Fiscal Impact:

This project will not require any City funds.

Current Zoning:

SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and RR, Regional Retail District, in part.

Surrounding Zoning and Land Use:

The property to the north is zoned SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and LR, Local Retail District, in part. The property to east and south is zoned AE, Agricultural Estate District. The properties to the west are zoned SF-3 Single-Family-Dwelling District, in part, PD, Planned Development District for Housing Development, in part, SF-2, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, MF-16, Multiple-Family Dwelling District, in part, LR, Local Retail District.

Analysis:

The applicant, Maverick Engineering, who is representing Betenbough, is requesting approval of a zone change for the development of a multi-use site, including a mix of residential, commercial, and greenspace uses. This proposed subdivision will have a total of nine hundred and twenty-four (924) residential lots, one approximately 6.235-acre local retail lot, and approximately 72.91 acres of greenspace/detention pond that is composed of parks, trails, common areas, and drainage ponds.

The current zoning is SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and RR, Regional Retail District, in part, and the location of vacant lots. The proposed development will consist of a variety of uses but will predominantly be a residential development. The proposed residential districts include, SF, Single Family Dwelling District lots, and TH, Townhouse (Attached) Dwelling District lots. The applicant is also proposing to provide a local retail zoning area along the northeast corner of the intersection of E. Mockingbird Lane and N. Fairgrounds Road. Throughout the proposed development is a greenspace/detention that will be a new concept to Midlander's.

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The applicant is proposing the development to be executed in nine (9) phases. The lots width will vary from either 45, 50, 60, 75, or 85 feet and the minimum depth would be 77 feet. The properties that fall in the minimum lot depth is less than 1%. Below is a chart with the lot class tabulation, representing them by phases and percentage by lot widths.

LOT CLASS TABULATION

Product Class		Phases									Percent of Total
		1	2	3	4	5	6	7	8	9	
Core	45'	49	17		15	23	30		31	19	19.9%
	50'	89	22		43	89	82		115	63	54.4%
Reserve	50'			14				12			4.3%
	60'			44		2		21			7.3%
	75'			5		3		1			1.0%
	85'			6				6			1.1%
Cottages						62			23		9.2%
Townhome 30' Lots			14							26	2.8%
PHASE TOTAL		138	53	69	58	179	112	38	169	108	100%
OVERALL TOTAL		924									

The site plan introduces a new housing prototype called Cottages. These homes will have an underlying zoning of SF-3, Single Family Dwelling District but with the following amendments.

1. A minimum lot Width shall be 50 feet;
2. A minimum lot Depth be 77 feet; and
3. A minimum lot Area shall be 4,200 square feet

The site plan also introduces a new housing prototype called Core, that split into two front widths. These homes will have an underlying zoning of SF-3, Single Family Dwelling District. However, the 45' Front Width Core will have an underlying zoning of SF-3, Single Family Dwelling District but with the following amendment.

1. A minimum lot Width shall be 45 feet.

Furthermore, the site plan also shows housing prototype called Townhomes. These homes will have an underlying zoning of TH, Townhouse Dwelling but with the following amendments.

1. A one-car garage, provided, that each lot shall have two additional off-street parking.

As mentioned before this development will consist of a variety of uses but will predominantly be a residential development. The proposed residential districts include:

- 687 - Core (SF-3, Single Family Dwelling District lots);
- 112 - Reserve (SF-3, Single Family Dwelling District lots);
- 26 - Townhomes (TH, Townhouse Dwelling District lots);
- 99 - Cottages (SF-3, Single Dwelling District lots);

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The proposed density for each district is as followed:

- Core (SF-3): 4.56 units per acre
- Cottage (SF-3): 6.6 units per acre
- Townhouse (TH-Attached): 8.3 units per acre
- Reserve (SF-3): 3.9 units per acre

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. The proposed lots meet or exceed these requirements.

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 comments.

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 versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objection to zone change. [For the Applicant's information only.]

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. [For the Applicant's information only.]

Code: (Approved)

Phase I, page1 -The Plugged and Abandoned well Stimson Burley #18 #2- API 329-31184 is identified being in the street. Phase 6 page 2 – the Stinson-Burley B #2 API 329-31044 is identified with a 135 ft radius as requested for a non-City permitted well. Phase I Page 3- the non-city permitted Stimson Burley #1M API 329-31751 has the required 135 ft. Phase 8, page 3 -the non-City permitted Stimson Burley B #3 API 32--31045 is identified on plat with the required 135 ft. radius and noted to be P&A well. No building permits are allowed in the 135 ft radius of existing well until it is P&A. In addition, the City permitted Endeavor operated Willow Lakes 19 #191 (located south of Mockingbird Lane) is identified with a 500 ft. radius that is located below Mockingbird Lane. The occupied residential/commercial building permits inside the 500 ft. radius will require a variance to the permitted well from the City Council. The variance request would need to be made thru the Building Official. Informational: Please note

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if oil & gas wells are not identified or left off plat, this could prevent receiving city permits for structures.

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. [For the Applicant's information only.] No objection to zone change. [For the Applicant's information only.]

Planning:

This request is not in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, "Future Land Use Map". However, the area is classified as Urban Residential-Low, in part, which calls for restrictive land use, emphasizing single-family detached development. The area is also classified as Urban Medium which calls for a mix of complementary uses, including single-family housings, multi-family housing, schools, mid-sized parks and churches, commercial and mixed use. The plan also calls for a parkway that would run through the property which is identified on the site plan.

The Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, "Development Policy Areas" labels this area as part of the "Current Development Area" which seeks to address the compatibility of uses, "specifically between different housing intensities," As shown in the proposed site plan, the applicant is planning to create a gradual transition from existing housing developments at the western edge of the property in question.

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. This proposal works in compliance since the development will be introducing a neighborhood with a mix of housing intensities to include smaller townhouse sized lots as well as larger single-family lots. Additionally, Principle 8 of the Chapter 3 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 proposing to develop more specifically delineated park space and trails in the development which will help give the residents a diversity of recreation allowing for a more balance feel.

Principle 5 of Chapter 3 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." The applicant is proposing to include a park, greenspace, and trails all of which will contribute to creating a sense of place for new residents.

This request was recommended for approval at the August 15, 2022, Planning and Zoning Commission Meeting.

The base zoning districts to which the use and development of the Property shall conform, except as modified by conditions listed below, are as follows:

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- A. That the portions of the Property identified as "Commercial" in Exhibit A, LR, Local Retail District;**
- B. That the portions of the Property identified as "Core" in Exhibit A, SF-3, Single-Family Dwelling District;**
- C. That the portions of the Property identified as "Cottages" in Exhibit A, SF-3, Single-Family Dwelling District;**
- D. That the portions of the Property identified as "Townhomes" in Exhibit A, TH, Townhouse Dwelling District;**
- E. That the portions of the Property identified as "Reserve" in Exhibit A, SF-3, Single-Family Dwelling District;**

If this Zone Change from SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and RR, Regional Retail District, in part, to PD, Planned Development District for Housing Development, is approved, staff recommends that it should be subject to conditions A through F.

Conditions:

- A. That the Property shall significantly conform to the site plan attached hereto as Exhibit "A & B".**
- B. That each lot identified as Exhibit "A" as "Cottage" is subject to the following conditions and regulation:**
 - 1. The minimum lot Width shall be 50 feet.**
 - 2. The minimum lot Depth be 77 feet.**
 - 3. The minimum lot Area shall be 4,200 square feet**
- C. That each lot identified as Exhibit "A" as "45' Front Width - Core" is subject to the following condition and regulation:**
 - 1. The minimum lot Width shall be 45 feet.**
- D. That each lot identified as Exhibit "A" as "Townhomes" is subject to the following condition and regulation:**
 - 1. A one-car garage and off-street parking for two vehicles.**

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E. That the landscaping shown in Exhibit "A" shall be considered illustrative.
The landscape shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.

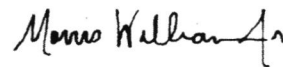
F. That the signs on the property shall conform to the regulations set in Title XI, Chapter 7a.

Letters of Objection:

Staff has not received any letters of objection as of September 29, 2022.

Attachments:

Application
Sit Plan (Exhibit A)
Metes and Bounds (Exhibit B)
Detail Site Plan 1
Detail Site Plan 2
Detail Site Plan 3
Open Space Concept
Entry Concept
Rendering of Cottage Homes
Maps



City Manager's Office

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EXHIBIT "A"

STATE OF TEXAS §
COUNTY OF MIDLAND §

SECTION 18, BLOCK 38, TOWNSHIP 1 SOUTH, TEXAS and PACIFIC RAILWAY COMPANY SURVEY MIDLAND COUNTY, TEXAS.

FIELD NOTE DESCRIPTION OF A 317.56 ACRE TRACT OF LAND, SITUATED IN SECTION 18, BLOCK 38, TOWNSHIP 1 SOUTH, ABSTRACT NUMBER 734, GLO FILE NUMBER 66103, TEXAS and PACIFIC RAILWAY COMPANY SURVEY, MIDLAND COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 340.49 TRACT DESCRIBED IN DOCUMENT NUMBER 2021-35675 OF THE OFFICIAL PUBLIC RECORDS OF SAID MIDLAND COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT N.(Y):10719693.07, E.(X):1764462.90, A FIVE EIGHTHS INCH IRON ROD FOUND IN THE NORTH LINE OF SECTION 20, SAME BLOCK, FOR THE SOUTH COMMON CORNER OF SECTION 17, SAME BLOCK AND SAID SECTION 18, FROM WHICH A SIX INCH STEEL FENCE POST CALLED THE NORTHWEST CORNER OF A CALLED 244.4 ACRE TRACT AS DESCRIBED IN DOCUMENT NUMBER 2017-34694, OF SAID OFFICIAL PUBLIC RECORDS, BEARS N.63°31'14"W., 44.34 FEET, AND A 2 INCH IRON PIPE CALLED THE SOUTHWEST CORNER OF A CALLED 316.39 ACRE TRACT IN DOCUMENT NUMBER 2011-8666 OF SAID OFFICIAL PUBLIC RECORDS BEARS N 82°07'34"W., 36.64 FEET, AND BEING THE SOUTHEAST CORNER HEREOF;

THENCE S.75°43'57"W., ALONG THE LINE COMMON TO SAID SECTIONS 20 AND 18, AT 75.80 FEET PASSING NEAR A ONE HALF INCH IRON ROD AT OR NEAR THE NORTH COMMON CORNER OF SAID SECTION 20 AND SECTION 19, SAME BLOCK, CONTINUING ALONG SAID COMMON LINE, AT 572.95 FEET PASSING NEAR A ONE HALF INCH IRON ROD AT THE NORTH COMMON CORNER OF TRACTS 2 AND 3 AS DESCRIBED IN DOCUMENT NUMBER 2018-20726, OF SAID OFFICIAL PUBLIC RECORDS, AT 1981.61 FEET PASSING A ONE HALF INCH IRON ROD AT THE NORTH COMMON CORNER OF SAID TRACT 2 AND A CALLED "TRACT 3" IN DOCUMENT NUMBER 2018-2268, OF SAID OFFICIAL PUBLIC RECORDS, AT 3801.97 FEET PASSING A COPPERWELD ROD WITH CAP AT THE NORTHWEST CORNER OF SAID TRACT 3, BEING THE NORTHEAST CORNER OF A TRACT CALLED 12.3 ACRES IN VOLUME 867 ON PAGE 35 OF THE DEED RECORDS OF SAID MIDLAND COUNTY, AT 3951.98 FEET PASSING A COPPERWELD ROD WITH CAP AT THE NORTHWEST CORNER OF SAID CALLED 12.3 ACRE TRACT, BEING THE NORTHEAST CORNER OF A CALLED TRACT 1, IN SAID DOCUMENT NUMBER 2018-2268, IN ALL 4984.62 FEET TO A ONE HALF INCH IRON ROD WITH A RED PLASTIC CAP MARKED "MAVERICK FIRM#10194514" (RPC) SET AT THE SOUTHEAST CORNER OF A CALLED 22.96 ACRE TRACT, DESCRIBED IN DOCUMENT NUMBER 2019-3532 OF SAID OFFICIAL PUBLIC RECORDS, FROM WHICH A ONE HALF INCH IRON ROD WITH A GREEN PLASTIC CAP MARKED "ASB 5689" BEARS S.75°43'57"W., 388.28 FEET AND A ONE HALF INCH IRON ROD WITH A RED PLASTIC CAP MARKED "PSC RPLS 6453" BEARS S.75°08'25"W., 392.12, FOR THE SOUTHWEST CORNER HEREOF;

THENCE THE FOLLOWING NINE COURSES AND DISTANCES ALONG THE EAST LINE OF SAID CALLED 22.96 ACRE TRACT FOR THE WEST LINE HEREOF;

1. N.14°23'29"W., 60.57 FEET TO A POINT;
2. N.58°53'33"W., 71.33 FEET TO A POINT;
3. N.14°23'29"W., 82.07 FEET TO THE POINT OF CURVATURE FOR A CURVE TO THE LEFT;
4. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1490.00 FEET WITH A CHORD BEARING AND DISTANCE OF N.22°49'41"W., 436.87 FEET, AN ARC DISTANCE OF 438.35 FEET TO THE POINT OF REVERSE CURVATURE;
5. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1360.00 FEET WITH A CHORD BEARING AND DISTANCE OF N.22°49'41"W., 398.75 FEET, AN ARC DISTANCE OF 400.19 FEET TO A MAG NAIL FOUND THE POINT OF TANGENCY;
6. N.14°23'53"W., 99.99 FEET TO A MAG NAIL FOUND AT THE POINT OF CURVATURE FOR A CURVE TO THE LEFT;
7. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1500.00 FEET WITH A CHORD BEARING AND DISTANCE OF N.20°18'24"W., 308.82 FEET, AN ARC DISTANCE OF 309.37 FEET TO A MAG NAIL FOUND AT THE POINT OF REVERSE CURVATURE;
8. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1350.00 FEET WITH A CHORD BEARING AND DISTANCE OF N.20°18'24"W., 277.95 FEET, AN ARC DISTANCE OF 278.44 FEET TO A MAG NAIL FOUND THE POINT OF TANGENCY;
9. N.14°24'01"W., 859.28 FEET TO AN "RPC" SET IN SAID EAST LINE FOR THE NORTHWEST CORNER HEREOF;

THENCE N.75°43'57"E., 95.07 FEET TO AN "RPC" SET FOR AN EXTERIOR CORNER HEREOF;

THENCE N.74°47'34"E., 79.96 FEET TO AN "RPC" SET FOR AN EXTERIOR CORNER HEREOF;

THENCE S.59°20'03"E., 28.32 FEET TO AN "RPC" SET FOR AN INTERIOR CORNER HEREOF;

THENCE N.75°43'57"E., 651.20 FEET TO AN "RPC" SET AT THE POINT OF CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 920.00 FEET AND A CHORD BEARING AND DISTANCE OF N.64°37'59"E., 354.21 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 356.44 FEET TO AN "RPC" SET AT THE POINT OF REVERSE CURVATURE FOR A CURVE TO THE RIGHT HAVING A RADIUS OF 1950.00 FEET AND A CHORD BEARING AND DISTANCE OF N.77°01'32"E., 1554.60 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONVEX TO THIS TRACT, 1599.03 FEET TO AN "RPC" SET AT THE POINT OF REVERSE CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 1110.00 FEET AND A CHORD BEARING AND DISTANCE OF S.88°33'08"E., 349.94 FEET;

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THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 351.41 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION LEFT;

THENCE N.07°37'18"W., 115.00 FEET TO A POINT OF INTERSECTION AT THE POINT OF CURVATURE ON A CURVE TO THE NORTHEAST, HAVING A RADIUS OF 995.00 FEET AND A CHORD BEARING AND DISTANCE OF N.78°25'37"E., 137.13 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 137.24 FEET TO AN "RPC" SET AT THE POINT OF TANGENCY;

THENCE N.72°23'25"E., 72.42 FEET TO AN "RPC" SET AT THE POINT OF CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 995.00 FEET AND A CHORD BEARING AND DISTANCE OF N.51°36'34"E., 637.86 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 649.32 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION RIGHT;

THENCE S.57°05'08"E., 115 FEET TO A POINT OF INTERSECTION AT THE POINT OF CURVATURE ON A CURVE TO THE NORTHEAST, HAVING A RADIUS OF 1110.00 FEET AND A CHORD BEARING AND DISTANCE OF N.30°10'44"E., 105.95 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 105.99 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION RIGHT, FOR AN EXTERIOR CORNER HEREOF;

THENCE THE FOLLOWING 11 COURSES AND DISTANCES, ALL TO AN "RPC" FOR ANGLE POINTS IN THE BOUNDARY HEREOF;

1. N.70°45'27"E., 112.51 FEET;
2. S.66°30'04"E., 115.00 FEET;
3. N.77°16'15"E., 15.51 FEET;
4. N.14°39'08"W., 46.14 FEET;
5. N.69°08'15"E., 114.62 FEET;
6. N.81°18'37"E., 60.27 FEET;
7. N.75°20'52"E., 115.00 FEET;
8. N.14°25'02"W., 7.06 FEET;
9. N.75°20'52"E., 115.00 FEET;
10. N.80°51'01"E., 60.26 FEET;
11. N.75°20'52"E., 487.58 FEET TO AN "RPC" SET ON THE WEST LINE OF A CALLED 632.79 ACRE TRACT, DESCRIBED IN DOCUMENT NUMBER 2011-8666 OF SAID DEED RECORDS, ON THE LINE COMMON TO SAID SECTIONS 17 AND 18, FOR THE NORTHWEST CORNER HEREOF;

THENCE S.14°30'16"E., ALONG THE COMMON LINE OF SAID SECTIONS 17 AND 18, AT 1623.59 FEET PASSING A ONE HALF INCH IRON ROD FOR THE NORTHWEST CORNER OF A CALLED 22.368 ACRE TRACT IN DOCUMENT NUMBER 2014-5886 OF SAID OFFICIAL PUBLIC RECORDS, BEARING S.75°32'01"W., 15.87 FEET, AT 2815.90 FEET PASSING SAID 6 INCH STEEL FENCE POST BEARING S.75°29'44"W., 33.47 FEET, IN ALL 2844.98 FEET TO THE **POINT OF BEGINNING**, CONTAINING 317.56 ACRES OF LAND.

BASIS OF BEARING, DISTANCE, COORDINATES AND AREA ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FOOT, HAVING A CONVERGENCE ANGLE (theta) OF -0°53'04.89" AND A COMBINED SCALE FACTOR OF 0.999925027 AT THE POINT OF BEGINNING.

PACKET
PACKET

20.14
19.42

October 25, 2022
May 23, 2023

100 Summary

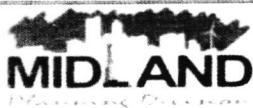
b

ge 4.68

P

ET

February 5, 2024



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

Project Number 2-23-0299

Case Number _____

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

Printed Name Betenbough Homes

Phone ()

Email _____

Address _____

City _____

State _____

Zip _____

Property Owner

Printed Name See Applicant

Phone ()

Email _____

Address _____

City _____

State _____

Zip _____

Representative (if different from Applicant or Property Owner)

Firm Maverick Engineering

Printed Name Paladin Huckaba

Phone (432) 262-0999

Email _____

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Street Address: NA County Rd 40

Legal Description

Lot _____ Block: 38 T-1-S Subdivision _____

Current Zoning: In Part: SF3, TH, SF2, MF16, SF1, 2F, RR

Proposed Zone: PDHD

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

Reason for Zone Change Request: To advance the proposed housing development associated with this request

Present Use of Property: vacant

Proposed Use of Property: residential

How would this zone change affect the public health, safety and welfare? This development will contribute to the housing inventory of the City of Midland, adding needed options to the housing makeup of the community

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

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)

PACKET

20.16

October 25, 2022

PACKET

19.44

May 23, 2023

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature) <u>[Signature]</u>	Date <u>7-18-2021</u>
Applicant (printed) <u>Chris Berry</u>	
Property Owner (signature) <u>See Applicant</u>	Date
Property Owner (printed) _____	
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 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.	

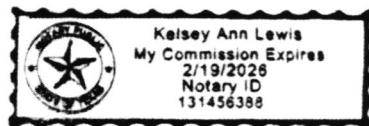
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L. Miller who, being by me duly sworn, upon oath says: That (s)he is authorized by Belenbough Homes 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 20th day of July, 2022, to certify which witness my hand and seal of office



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # <u>3818</u>	
Received By <u>KM</u>	Date

PACKET
PACKET
Special Exception Application

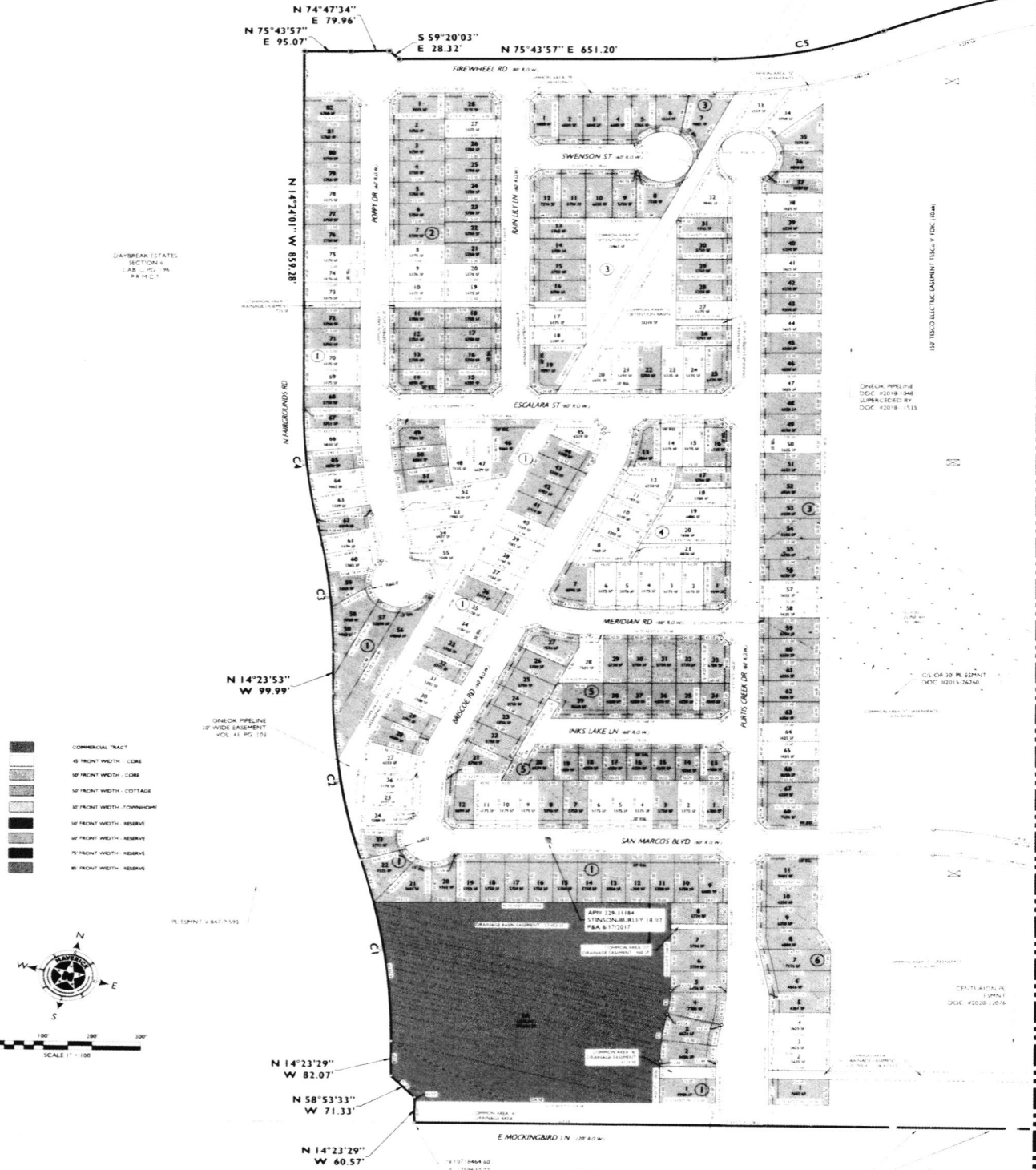
20.17
19.45
2

Application will not be considered for scheduling until reviewed by a planner.
October 25, 2022
May 23, 2023
Revised 12/6/16

MOCKINGBIRD RIDGE

DETAIL SHEET #1

BEING A 317.56 ACRE TRACT OF LAND, SITUATED IN SECTION 18, BLOCK 38, T-1-S, A-734, T&P RY. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS



MATCHLINE SHEET 2

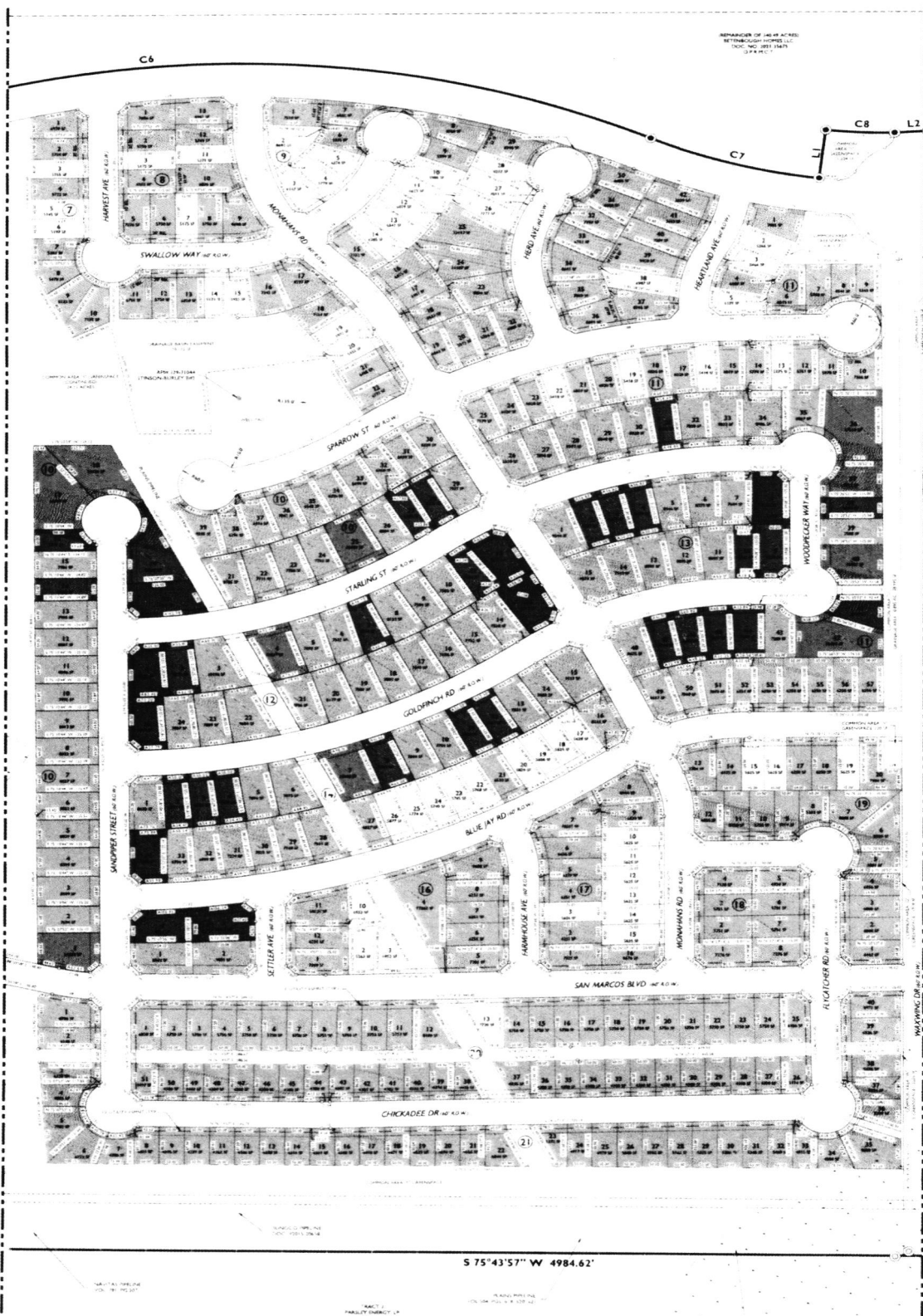


20.18
19.46

October 25, 2022
May 23, 2023

MATCHLINE SHEET 1

MATCHLINE SHEET 3



S 75°43'57" W 4984.62'

MOCKINGBIRD RIDGE

20.19 DETAIL SHEET #2

BEING A 377.56 ACRE TRACT OF LAND, SITUATED IN SECTION 18, BLOCK 38, T-1-S, A-734, T&P RY. CO. SURVEY, C19-47, COUNTY OF MIDLAND, TEXAS

October 25, 2022

May 23, 2023

SCALE 1" = 100'

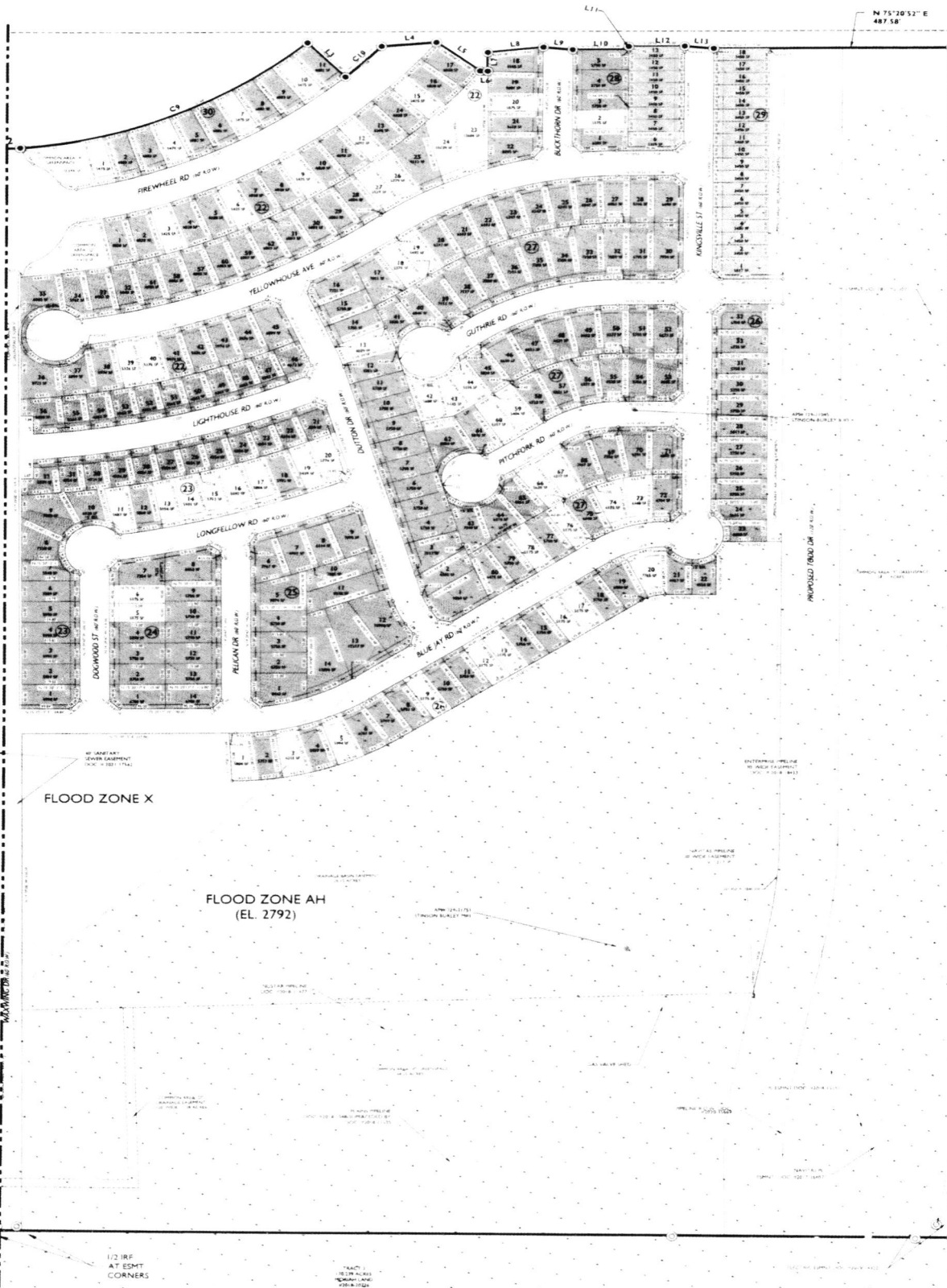
SHEET 3 OF 5



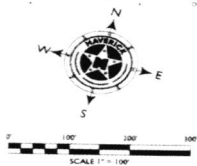
MAVERICK
ENGINEERING, SURVEY, WATER RESOURCES
PACKET

- 40' FRONT WIDTH - CORNER
- 50' FRONT WIDTH - CORNER
- 50' FRONT WIDTH - CUL-DE-SAC
- 50' FRONT WIDTH - TOWNHOME
- 50' FRONT WIDTH - RESERVE
- 75' FRONT WIDTH - RESERVE
- 80' FRONT WIDTH - RESERVE

MATCHLINE SHEET 2



MAVERACK
ENGINEERING, SURVEY & CONSTRUCTION
1400 West 10th Street, Suite 100
Midland, Texas 79701
731-422-1000
www.maverack.com



MOCKINGBIRD RIDGE

20.20 ACRES
DETAIL SHEET #3

BEING A 31.756 ACRE TRACT OF LAND, SITUATED IN
SECTION 18, BLOCK 38, T-1-S, A-734, T&P RY. CO.
SURVEY, MIDLAND COUNTY OF MIDLAND, TEXAS

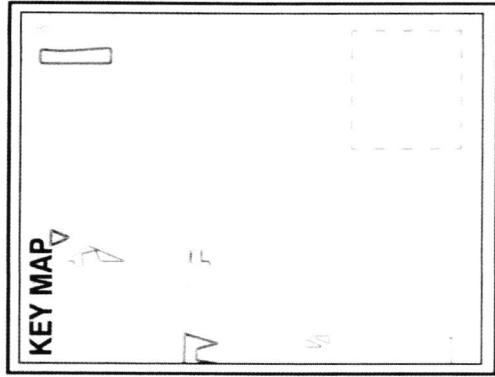
[Pattern]	45' FRONT WIDTH - CORSE
[Pattern]	50' FRONT WIDTH - CORSE
[Pattern]	50' FRONT WIDTH - CUSTAGE
[Pattern]	50' FRONT WIDTH - RESERVE
[Pattern]	50' FRONT WIDTH - RESERVE
[Pattern]	50' FRONT WIDTH - RESERVE

October 25, 2022

May 23, 2023

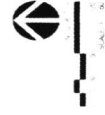
POB
1/2 1/2 1/2 1/2
1/2 1/2 1/2 1/2
1/2 1/2 1/2 1/2

SHEET 4 OF 5



LEGEND

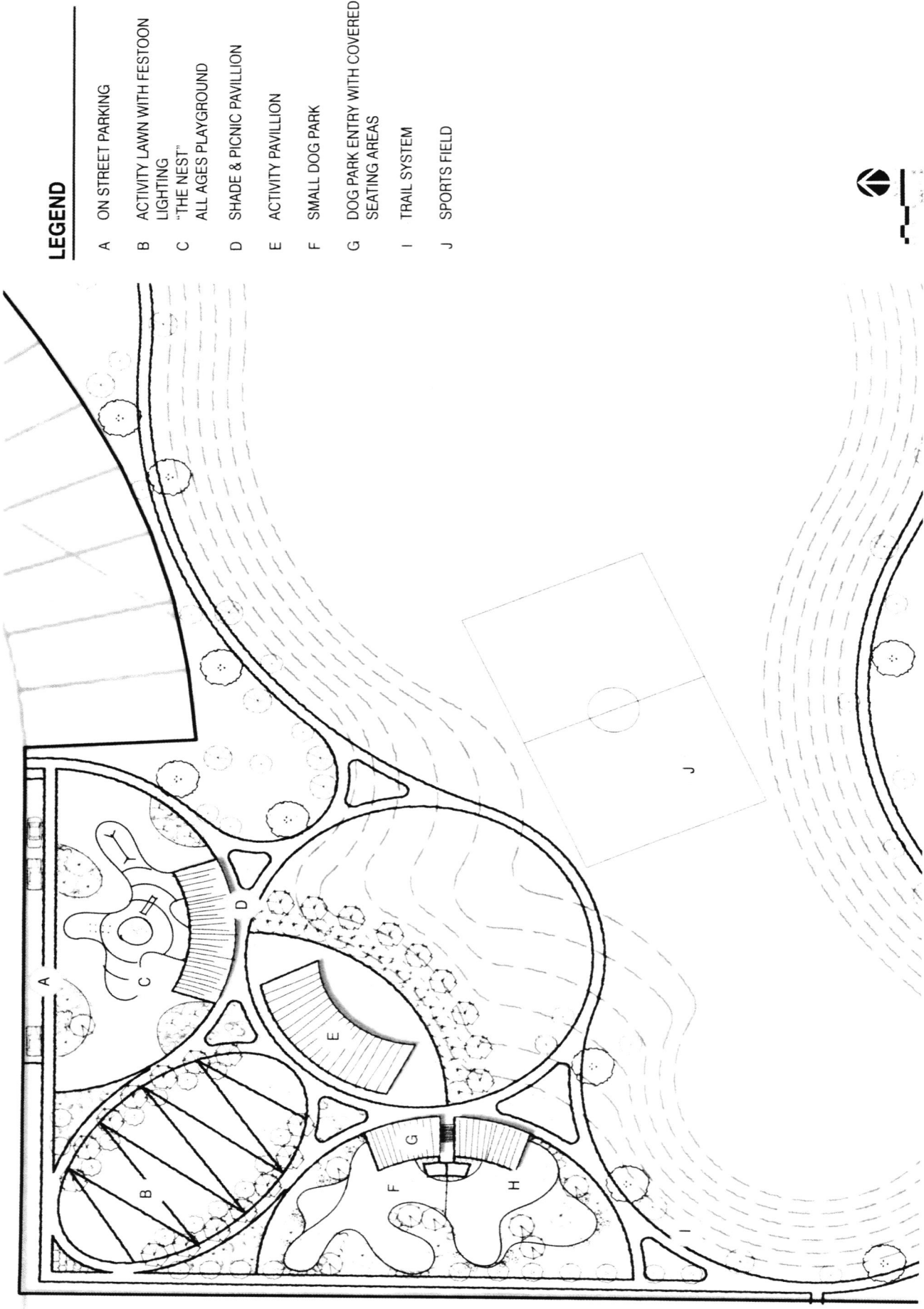
- A ACTIVITY LAWN
- B PLAYGROUND + PAVILLION
- C DOG PARK + PAVILLIONS
- D EVENT PAVILLION
- E SPORTS FIELD
- F TRAIL SYSTEM



20.21
19.49

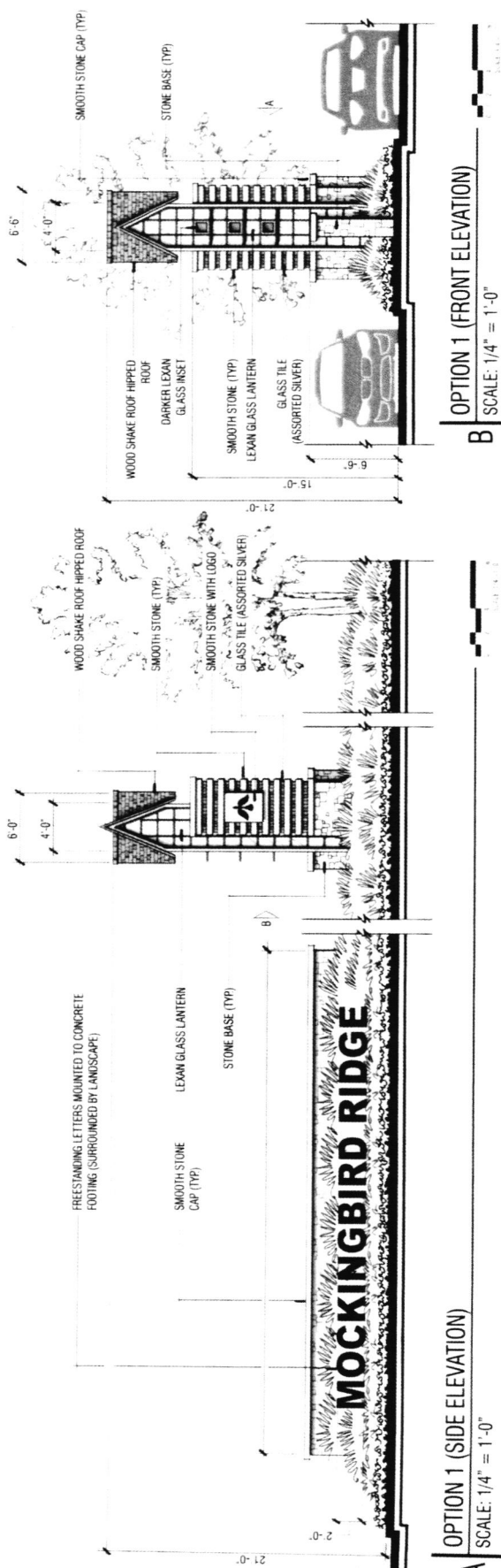
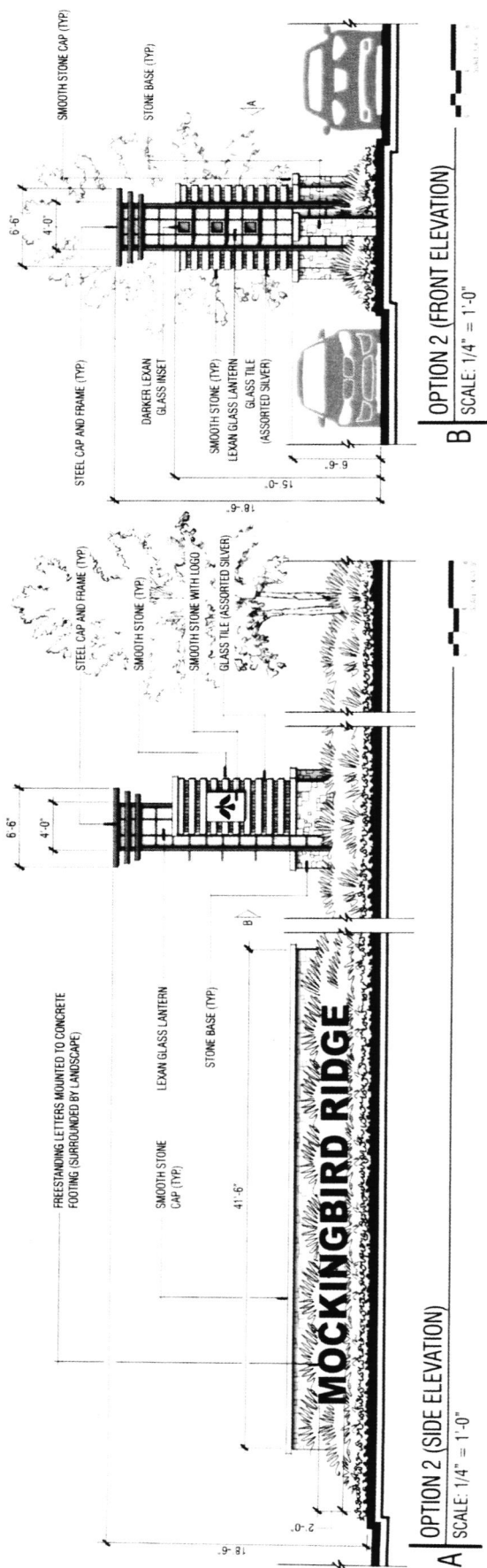
October 25, 2022
May 23, 2023
THE DRAWING IS CONCEPTUAL. THE INFORMATION SHOWN IS BASED ON THE BEST INFORMATION AVAILABLE AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
Kimley»Horn
6/28/2022

PACKET
MOCKINGBIRD RIDGE
MIDLAND, TX
OPEN SPACE CONCEPT



LEGEND

- A ON STREET PARKING
- B ACTIVITY LAWN WITH FESTOON LIGHTING
- C "THE NEST" ALL AGES PLAYGROUND
- D SHADE & PICNIC PAVILLION
- E ACTIVITY PAVILLION
- F SMALL DOG PARK
- G DOG PARK ENTRY WITH COVERED SEATING AREAS
- H TRAIL SYSTEM
- I SPORTS FIELD
- J



COMMUNITY ENTRY SCHEMATIC DESIGN MOCKINGBIRD RIDGE

20.24
19.52

THIS DRAWING IS CONCEPTUAL. THE INFORMATION SHOWN IS BASED ON THE BEST INFORMATION AVAILABLE AND IS SUBJECT TO CHANGE WITHOUT NOTICE.

October 25, 2022
May 23, 2022
Kearney & Horn

FEBRUARY 15, 2022

Renderings of Cottage Homes:

The April Plan: 3/2 w 1,109 SQ FT



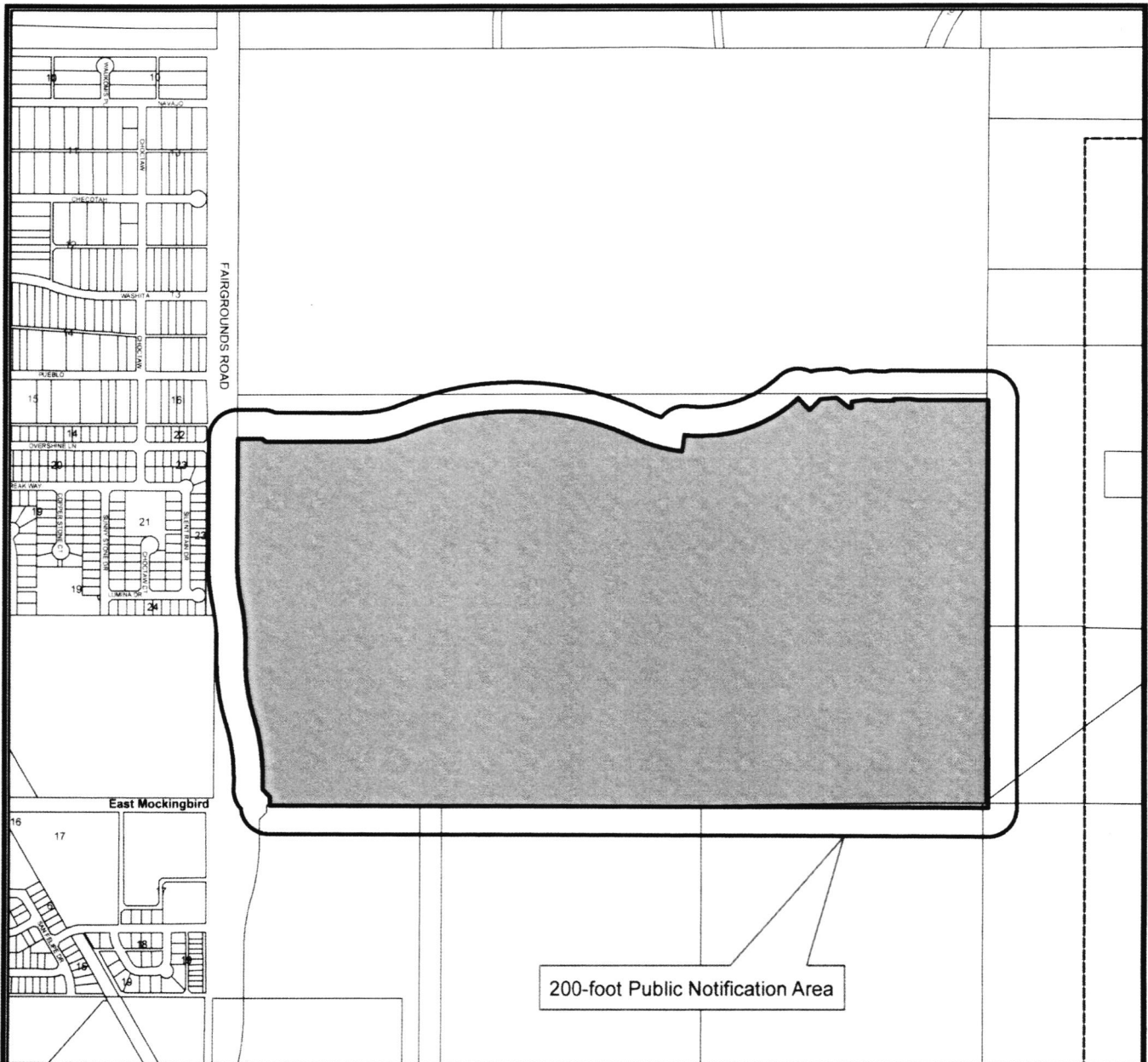
The Annabeth Plan: 3/2 w 1,231 SQ FT



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20.25
19.53

October 25, 2022
May 23, 2023



LOCATION MAP

Z-22-0299

Scale: 1" = 12,044'

Consider a request by Maverick Engineering for a zone change from, SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and RR, Regional Retail District, in part, to PD, Planned Development District for Housing Development out of a 317.56-acre tract of land, in Section 18, Block 38, T-I-S, A-734, T&P RY. CO. Survey, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of North Fairgrounds and East Mockingbird Road. (Council District 1)

LEGEND

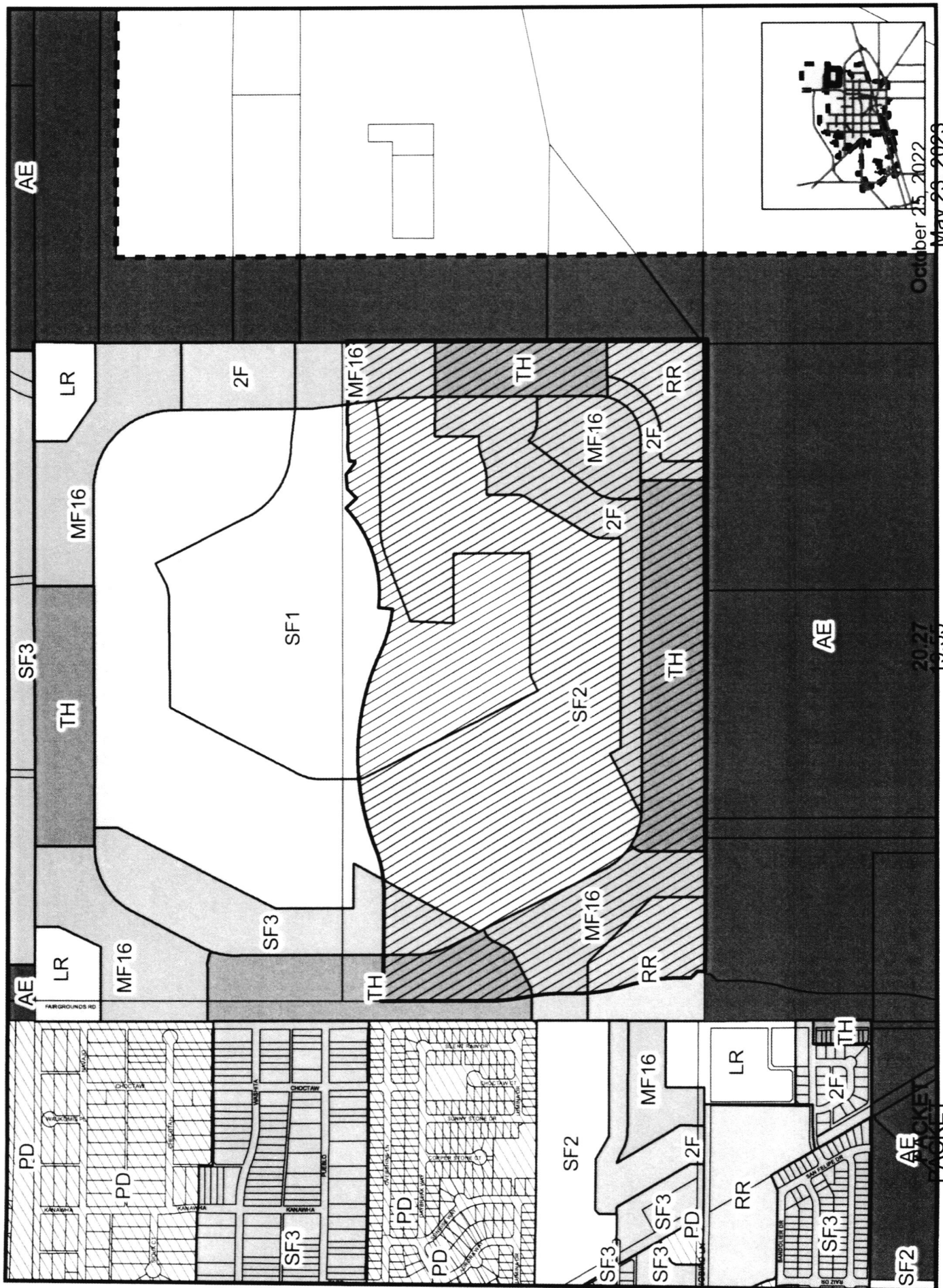
- - - CITY LIMITS
- ▭ PARCEL
- ▭ PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

October 25, 2022

May 23, 2023





PACKET
PACKET

20.28
19.56

October 25, 2022
May 23, 2023



PACKET
PACKET

20.29
19.57

October 25, 2022
May 23, 2023

PACKET

Page 4.82

February 5, 2024



PACKET
PACKET

20.30
19.58

October 25, 2022
May 23, 2023

PACKET

Page 4.83

February 5, 2024



PACKET

20.31

October 25, 2022

PACKET

19.59

May 23, 2023

PACKET

Page 4.84

February 5, 2024

#10405



Planning and Zoning Commission

Approved for Agenda:
Landon Ochoa

MEETING DATE: February 5, 2024

TO: Planning and Zoning Commission

FROM: Andrew Meyers, Planner

SUBJECT: Motion approving a Final Plat of Northwest Passage, Section 2, being a plat of a 27.637-acre tract of land out of Section 35, Block 40, T-1-S T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the west side of State Highway 158, approximately 1,001 feet north of State Highway 191.) (DISTRICT 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

SF-3, Single Family Dwelling District.

Preliminary Plat Approval:

The property owner, DR Horton, is proposing to plat a 117.035-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, into five hundred and seventy-three (573) lots for a residential subdivision.

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 City departments for review.

Below are the departments' comments.

Engineering: Approved

IMPACT FEES: Okay as shown. [For the Applicant's information only.]

ROW: Okay as shown. [For the Applicant's information only.]

PAVING: A final walk-through has been conducted and only minor punch list are pending before acceptance of public infrastructure. [For the Applicant's information only]

WATER: A final walk-through has been conducted and only minor punch list are pending before acceptance of public infrastructure. [For the Applicant's information only]

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

PRO RATA: None.

SEWER: A final walk-through has been conducted and only minor punch list are pending before acceptance of public infrastructure. [For the Applicant's information only]

DRAINAGE: Drainage study has been approved for platting purposes. [For the Applicant's information only]

EASEMENTS: Show existing and proposed. [For Applicant's Information Only.]

SIDEWALKS: A final walk-through has been conducted and only minor punch list are pending before acceptance of public infrastructure. [For the Applicant's information only]

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.]

No objections to plat. [For the Applicant's information only.]

Fire: Approved

All future development shall meet the requirements of IFC 2015 ed. and local ordinances.

Oil and Gas: Approved

No Oil & Gas Issues. 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. . The Plugged and Abandoned JOHNNIE #1 permitted 2-13-1986 is identified. In addition, plat notes identify - **No construction is allowed on top of Plugged and Abandoned wells. Housing permits will not be allowed to be issued for houses on top of Abandoned Wells.**

Code Administration: 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, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

GIS: Approved

No Comments.

Planning: Approved

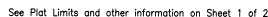
Staff recommends approval of the Final Plat of Northwest Passage, Section 2, subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Point	Northings	Eastings	Description
1	634068.585	172552.389	POINT OF CENTERLINE
2	634068.371	172552.389	POINT OF INTERSECTION ON CENTER
3	6340641.744	1740068.158	POINT OF INTERSECTION ON CENTER
4	6340452.194	1742183.819	POINT OF CURVATURE ON CENTERLINE
5	6340452.359	1742183.819	POINT OF INTERSECTION ON CENTER
6	6340678.140	1743545.425	POINT OF TANGENCY ON CENTERLINE
7	6340678.140	1743545.424	POINT OF INTERSECTION ON CENTER
8	6340678.118	1743545.425	POINT OF TANGENCY ON CENTER
9	6343754.200	1743545.239	POINT OF INTERSECTION ON CENTER
10	6343744.682	1743545.234	POINT OF CENTERLINE
11	6343744.682	1743545.234	POINT OF INTERSECTION ON CENTER
12	6343824.102	1743545.102	POINT OF INTERSECTION ON CENTER
13	634068.1267	172731.0052	POINT OF CENTERLINE
14	634068.175	172731.005	POINT OF INTERSECTION ON CENTER
15	634068.175	172730.187	POINT OF CURVATURE ON CENTERLINE
16	6340338.676	173097.1867	POINT OF TANGENCY ON CENTERLINE
17	6340338.676	173097.1868	POINT OF TANGENCY ON CENTER
18	6340338.651	173097.3457	POINT OF TANGENCY ON CENTERLINE
19	6340338.319	173097.345	POINT OF TANGENCY ON CENTERLINE

Relative to the existing drainage easement: 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 warrants and agrees for itself, its legal representatives, successors and/or assigns, that no building, 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.

**NORTHWEST PASSAGE
SECTION 2**

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. 1/2" ROD RAIL WITH PLASTIC CAP WILL BE SET AT EACH CORNER AFTER CONSTRUCTION IS COMPLETED.
3. DECLARATION OF RESTRICTIVE COVENANTS REGARDING THIS DEVELOPMENT FILED OF RECORD IN INSTRUMENT NO. 20_____, DATE ____/____/20____, MIDLAND COUNTY, TEXAS.
4. INITIAL IMPACT FEES WILL BE COLLECTED DURING THE FINAL PLANNING 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.

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

Based on the U.S. Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map, Community Number 481239, Map Numbers 48329C0220F, 48329C0066F, and 48329C0064F, Panels 064, 68 and 220 of 525, dated September 16, 2005, the surveyed property is not located in a Special Flood Hazard Area. According to the map, the current flood zone classification for the surveyed property is Zone X.

Chairman - Lucy Sisniega Secretary - Elizabeth Shaughnessy

Bearings, distances and coordinates are relative to the Texas State Plane Coordinate System (Central Zone 1983 NAD), with a combined grid factor of 0.999897192 for mean project datum. The theta angle is equal to $-00^{\circ}56'45''$ at a 1/2-inch iron rod with a plastic cap marked "PSC CONTROL", with measured values of $N=10,693,732.38$ and $E=1,727,308.48$ in U.S. Survey Feet.

That I, Samuel Wyatt, a Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Midland, Texas.

Samuel Wyatt, R.P.L.S. #6453

NORTHWEST
PASSAGE
SECTION 2

Darkhill

Parkhill.com

TBPELS FIRM REGISTRATION NO. 1019409



Final Plat Application

Project Number: SUB-21-0416
Case Number: _____

Proposed Subdivision Plat Name: Northwest Passage, Section 2

Legal Description (attached sealed Metes and Bounds): Being a plat of a 27.637 acre tract in Section 35, Block 40, T-1-S, T. & P. Railroad Survey, City and County of Midland, Texas.

Property Owner

Printed Name: DR Horton - Texas, LTD

Phone (817) 236 0800

Email glen.howard@drhorton.com

Address 6751 N Freeway

City Fort Worth

State TX

Zip 76131

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Parkhill

Printed Name: Josh Wallender

(Proj. # 4559.21)

Phone (432) 697-1447

Email

jwallender@parkhill.com

Address 1700 West Wall, Suite 100

City Midland

State Texas

Zip 79701

Current Zoning: SF-3

Reason for Platting: Platting for future development

Plat Information

Total Acreage: 27.637 Ac.

Type: ☒ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 136

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Date: 12-18-23

Property Owner (printed): BENJAMIN M. CLARK

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

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

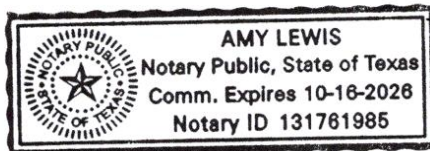
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Josh Wallender who, being by me duly sworn, upon oath says: That (s)he is authorized by DR. Horton - Texas LTD, 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 20 day of December, 20 23, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

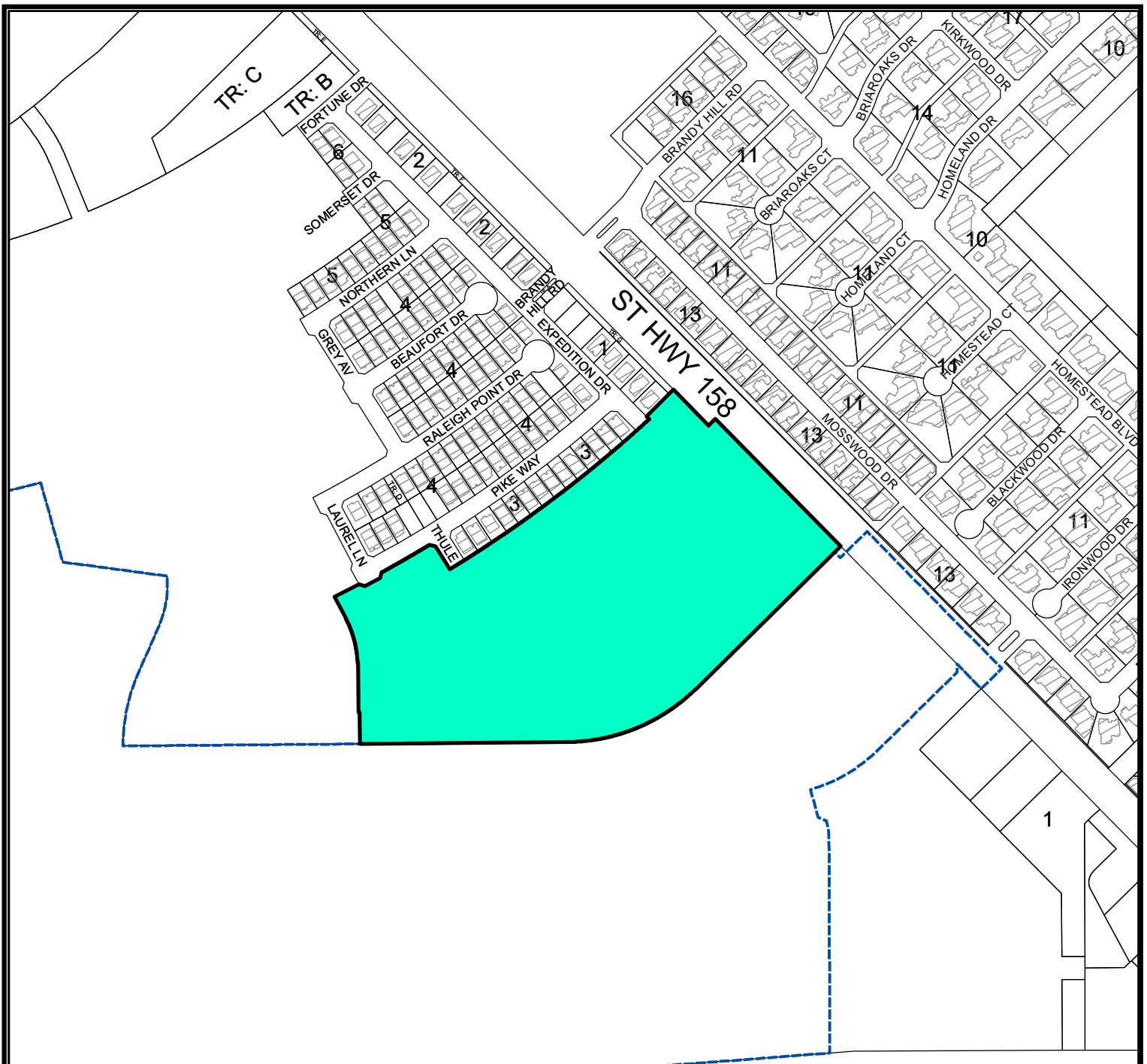
FOR OFFICE USE ONLY

- | | | |
|---|---|--|
| ☐ Property Owner Authorization | ☐ 1 Copy of Dimensioned Plat | ☐ Plat in Digital Format (PDF/JPEG) |
| ☐ Mylar | ☐ 1 Copy of Plat (11x17) | ☐ CADD File |
| ☐ Application Fee | ☐ Title Opinion | ☐ Public Improvement |
| Check # <u>Invoice</u> | ☐ Tax Certificates | ☐ Recording Fee <u>0015 99</u> |

Received By: [Signature]

Date: 1-10-24

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



LOCATION MAP

SUB-21-0416

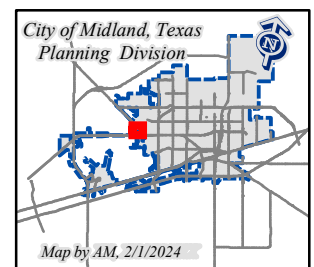
Scale: 1" = 500'

Proposed Final Plat of Northwest Passage, Section 1, being a plat of a 31.401-acre tract of land out of Section 35, Block 40, T-1-S T&P RR Co. Survey, City and County of Midland, Texas.

(Generally located on the west side of State Highway 158, approximately 1,001 feet north of State Highway 191) (District 4) (DEVELOPMENT SERVICES)

LEGEND

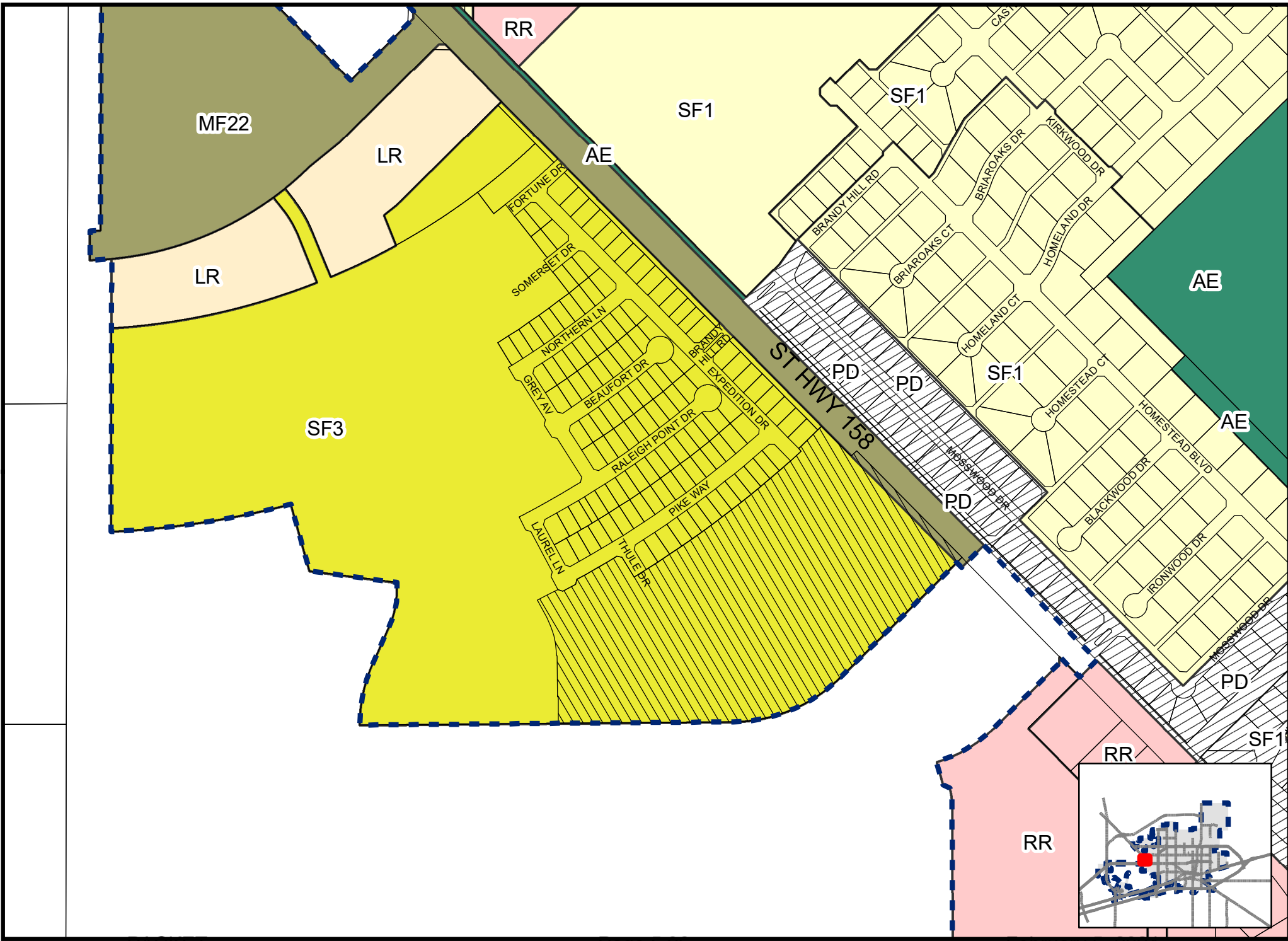
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT. NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.

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





Planning and Zoning Commission

Approved for Agenda:
Landon Ochoa

MEETING DATE: February 5, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Motion approving a Final Plat of Johnson & Moran Addition, Section 8, being a replat of Lot 1, Block 6, Johnson & Moran Addition, Section 6, City and County of Midland, Texas. (Generally located northwest of the intersection of Andrews Highway and West Cuthbert Avenue.) (DISTRICT 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

RR, Regional Retail District.

Preliminary Plat Approval:

The preliminary plat was approved at the December 4, 2023, Planning and Zoning Commission meeting. Landgraf, Crutcher & Associates is requesting to replat one lot into two for ownership purposes in the case of future building permits being required. The proposed subdivision will have two (2) lots with a total acreage of 2.442.

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 City departments for review.

Below are the departments' comments.

Engineering: (Approved)

IMPACT FEES: Okay as shown. [For Applicant's Information Only.]

ROW: Okay as shown. [For Applicant's Information Only.]

PAVING: Cuthbert roadway okay as is. Andrews Frontage road is TxDOT facility, built and maintained by TxDOT, no improvements required. [For Applicant's Information Only.]

WATER: 6" water exists in Cuthbert, okay as is. 24" water exists in Andrews, okay as is. No public water improvements required. [For Applicant's Information Only.]

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

PRO RATA: None. [For Applicant's Information Only.]

SEWER: 6" sewer exists in Cuthbert, okay as is. No public wastewater improvements required. [For Applicant's Information Only.]

DRAINAGE: Drainage report has been approved for platting purposes. [For Applicant's Information Only.]

EASEMENTS: Show existing and proposed. [For Applicant's Information Only.]

DIMENSION: * * *

OTHER: * * *

Transportation: (Approved)

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.] No objections to plat. [For the Applicant's information only.]

Fire: (Approved)

No comments.

Oil and Gas: (Approved)

No Oil and Gas issues.

Building Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

GIS: (Approved with Conditions)

The easement needs calls, not just the distances. There are too many curves. We need enough info to be able to draw it in.

Planning: (Approved)

Staff recommends approval of the Final Plat of Johnson & Moran Addition, Section 8, subject to Condition A.

Condition(s):

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

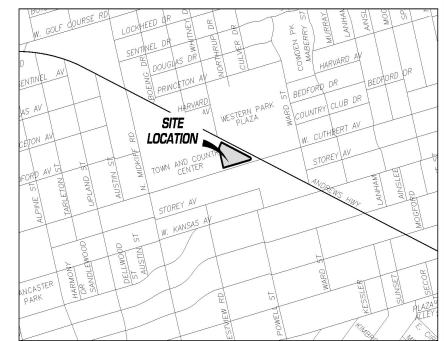
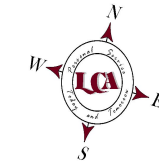
Attachments:

Proposed Final Plat
Application
Maps

JOHNSON & MORAN ADDITION, SECTION 8

BEING A REPLAT OF LOT 1, BLOCK 6,
JOHNSON & MORAN ADDITION, SECTION 6
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	141°33'39"	20.00'	49.41'	37.77'	S 04°58'31" W
C2	51°35'11"	40.00'	36.01'	34.81'	N 49°59'48" E



VICINITY MAP

SCALE: N.T.S.

STATE OF TEXAS &
COUNTY OF MIDLAND §

BEING A REPLAT OF LOT 1, BLOCK 6, JOHNSON & MORAN ADDITION, SECTION 6, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET L, PAGE 56, (DOC. NO. 3018-1620), PLAT RECORDS, MIDLAND COUNTY, TEXAS, AND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 28, BLOCK 39, T-1-S, T. & P. RAILROAD COMPANY SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METED AND BOUNDS AS FOLLOWS:

BEGINNING AT (N) 10,695.50, E. 1744.50(21) A 1/2 INCH IRON ROD SET WITH CAP MARKED "LCA ODESSA TX" (CONTROL MONUMENT) BEING A REPLACEMENT OF A SPIKE NAIL, WITH WASHER FOUND FROM A PREVIOUS SURVEY IN THE NORTH LINE OF WEST CUTHBERT AVENUE A 70 FOOT PUBLIC RIGHT OF WAY AS SHOWN OF THE RECORDED PLAT OF SAID JOHNSON & MORAN ADDITION SECTION 6, FOR THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 6, SAME BEING THE SOUTHEAST CORNER OF LOT 2 BLOCK 8, TOWN & COUNTRY ANNEX, SECTION 3, RECORDED IN CABINET B, PAGE 393, OF THE MIDLAND COUNTY, PLAT RECORDS:

THENCE N 14°16'45" W, A DISTANCE OF 390.84 FEET (CALLED N 14°17'30" W, 390.77') ON THE RECORDED PLAT OF SAID JOHNSON & MORAN ADDITION SECTION 6 TO A SPIKE NAIL FOUND (CONTROL MONUMENT) FOR AN ANGLE POINT TO THE RIGHT;

THENCE N 31°07'52" E, (CALLED N 31°15'11" E), A DISTANCE OF 12.61 (CALLED 12°24'24") TO A SPIKE NAIL FOUND FOR THE NORTH CORNER OF THIS PROPERTY IN THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 15N, A 100 FOOT PUBLIC RIGHT OF WAY RECORDED IN VOLUME 54, PAGE 634, OF THE MIDLAND COUNTY DEED RECORDS;

THENCE S 65°48'32" E, (CALLED S 65°52'47" E), WITH THE SOUTH LINE OF SAID STATE HIGHWAY 15N, A DISTANCE OF 539.93 FEET (CALLED 539.59') TO A 1/2 INCH IRON ROD SET FOR THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, DELTA ANGLE OF 141°33'39", CHORD BEARING AND DISTANCE OF S 04°58'31" W, 37.77 FEET;

THENCE ALONG SAID CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 49.41 FEET TO A 1/2 INCH IRON ROD FOUND (CONTROL MONUMENT) IN THE NORTH LINE OF SAID WEST CUTHBERT AVENUE FOR A POINT TANGENCY;

THENCE S 75°44'40" W, A DISTANCE OF 470.31 FEET (CALLED S 75°40'12" W, 470.67') WITH THE NORTH LINE OF SAID WEST CUTHBERT AVENUE TO THE PLACE OF BEGINNING, CONTAINING 2.442 ACRES OF LAND.

BEARINGS, DISTANCES AND COORDINATES ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM, 1983 NAD, CENTRAL ZONE, BASED ON THE CITY OF MIDLAND GPS CONTROL MONUMENT "GARWA" (Y=10,704,111.49 AND X=1,746,412.52) WITH A TRIANGLE ANGLE OF -00°54'51.425" WITH A COMBINED GRID FACTOR OF 0.999907078 AS PUBLISHED IN US SURVEY FEET.

CERTIFICATE OF APPROVAL

For approval by the Commission:

This is to certify that the above and foregoing Plat of Johnson & Moran Addition, Section 8 was approved by the Planning and Zoning Commission of the City of Midland, Texas.

SIGN: _____
D: CHAIRMAN OF PLANNING & ZONING COMMISSION
LUCY SISNIEGA

SIGN: _____
D: SECRETARY OF PLANNING & ZONING COMMISSION
CRISTINA O. BURNS

THE UTILITY

has been checked for accessibility of utilities.

AT&T TELEPHONE COMPANY

ONCOR ELECTRIC

ASTOUND BROADBAND

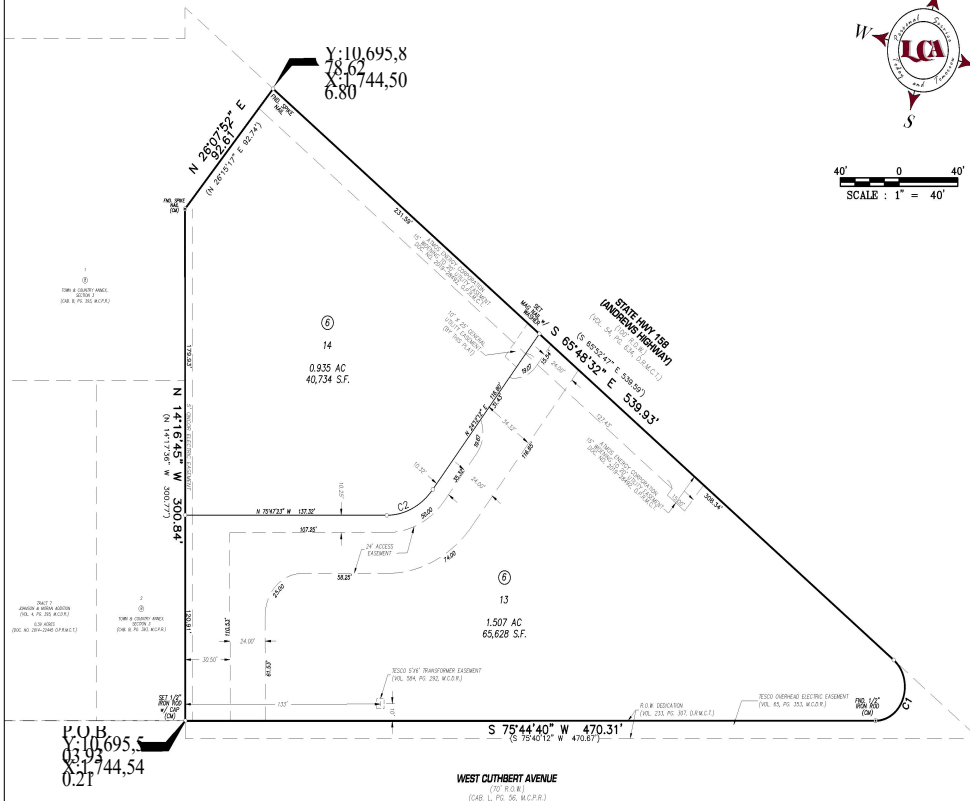
AT&T TELEPHONE COMPANY

OPTIM UM

JOHNSON & MORAN ADDITION, SECTION 8



ENTRUSTED SURVEYING AND SURVEYING
521 North Texas, Odessa Tx. 79761 F-001363 F-10034800
Phone # (432) 332-5038 E-Mail: ka@kandessa.com



GENERAL NOTES

- Approval of a site plan by the City of Midland may be required before this lot may be developed and before a building permit is issued for this addition.
- Building permit and this addition may be a violation of city ordinance and state law subject to fines and penalties and building permits to the Texas Coordinate System, 1983 NAD, Central Zone, based on the City of Midland GPS Control Monument "GARWA" (Y=10,704,111.49 and X=1,746,412.52) with a combined grid factor of 0.999907078 as published in US Survey Feet unless otherwise noted.
- The property lies in Zone 1 (Outside the 500-year flood zone) per the FEMA/FIRM Panel 48320C0088F and 48320C0101F revised September 16, 2005.
- 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 increase in fees may not be addressed against the tract unless the number of service units to be developed on the tract increases.

PACKET

0 FEET WHEN NOT ADJACENT TO RESIDENTIAL DISTRICT.
REAR 10 FEET WITH NO ALLEY ACCESS: 10 FEET WHERE NO ALLEY JOINS THE REAR LOT LINE.
BUILDING HEIGHT REQUIRED BY ZONING - 36 FEET / 4 STORIES

LEGEND

- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING SEWER MANHOLE
- EXISTING SEWER CLEAN OUT
- EXISTING POWER POLE
- EXISTING GUY ANCHOR
- EXISTING GAS RISER
- EXISTING PIPELINE MARKER
- FOUND 1/2" I.R. W/CAP "LCA ODESSA TX" UNLESS OTHERWISE NOTED
- SET 1/2" I.R. W/CAP UNLESS OTHERWISE NOTED
- CONTROL MONUMENT



Final Plat Application

Project Number:

SUB-23-0684

Case Number:

Proposed Subdivision Plat Name: Johnson & Moran Addition Section 8**Legal Description (attached sealed Metes and Bounds):** Being a Replat of Lot 1, Block 6
Johnson & Moran Addition Section 6, City of Midland, Midland County, Texas.**Property Owner**

Printed Name: Halle Properties, LLC

Phone (480) 606-6000

Email

Address 20225 N. Scottsdale Road

City Scottsdale

State AZ

Zip 85255

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Landgraf, Crutcher & Associates

Printed Name: LCA

Phone (432) 332-5058

Email

Address 521 N. Texas Avenue

City Odessa

State TX

Zip 79761

Current Zoning: RR**Reason for Platting:** Owner would like to split the property into two lots for ownership purposes,
future building permits may be required**Plat Information**

Total Acreage: 2.442

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

Number of Residential Lots: 0

Number of Multi-Family Dwelling Units:

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature):

Date: 12-19-2023

Property Owner (printed): MATTHEW JOHNSON

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

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

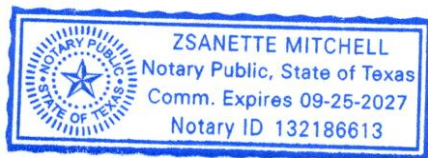
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Levi Bryand who, being by me duly sworn, upon oath says: That (s)he is authorized by Halle Properties, 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.

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 9 day of January, 20 24, to certify which witness my hand and seal of office.



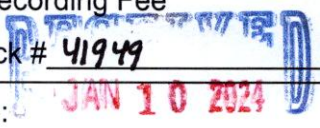
Zsannette Mitchell
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

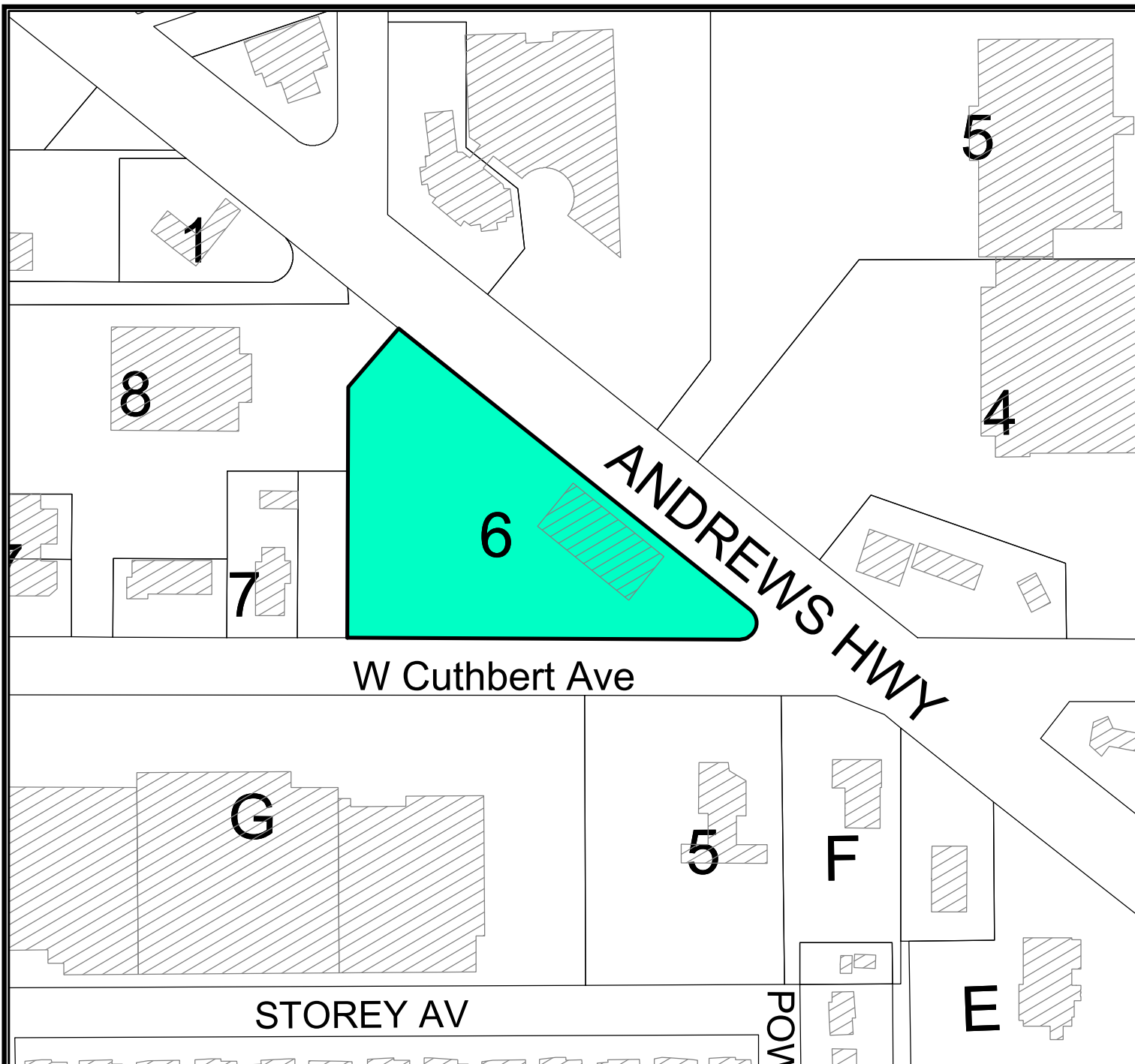
FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☒ Mylar	☒ 1 Copy of Plat (11x17)	☒ Public Improvements
☒ Application Fee	☒ Title Opinion	☒ Recording Fee
Check # <u>41900</u>	☒ Tax Certificates	Check # <u>41949</u>

Received By: 

Date: 

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



LOCATION MAP

SUB-23-1839

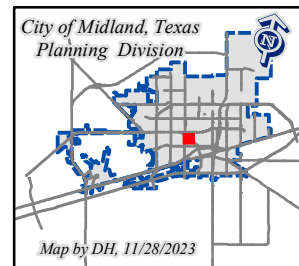
Scale: 1" = 173'

Proposed plat of Johnson & Moran Addition, Section 8, being a replat of Lot 1, Block 6, Johnson & Moran Addition, Section 6, City and County of Midland, Texas.

Generally located northwest of the intersection of Andrews Highway and West Cuthbert Avenue. (District 3)

LEGEND

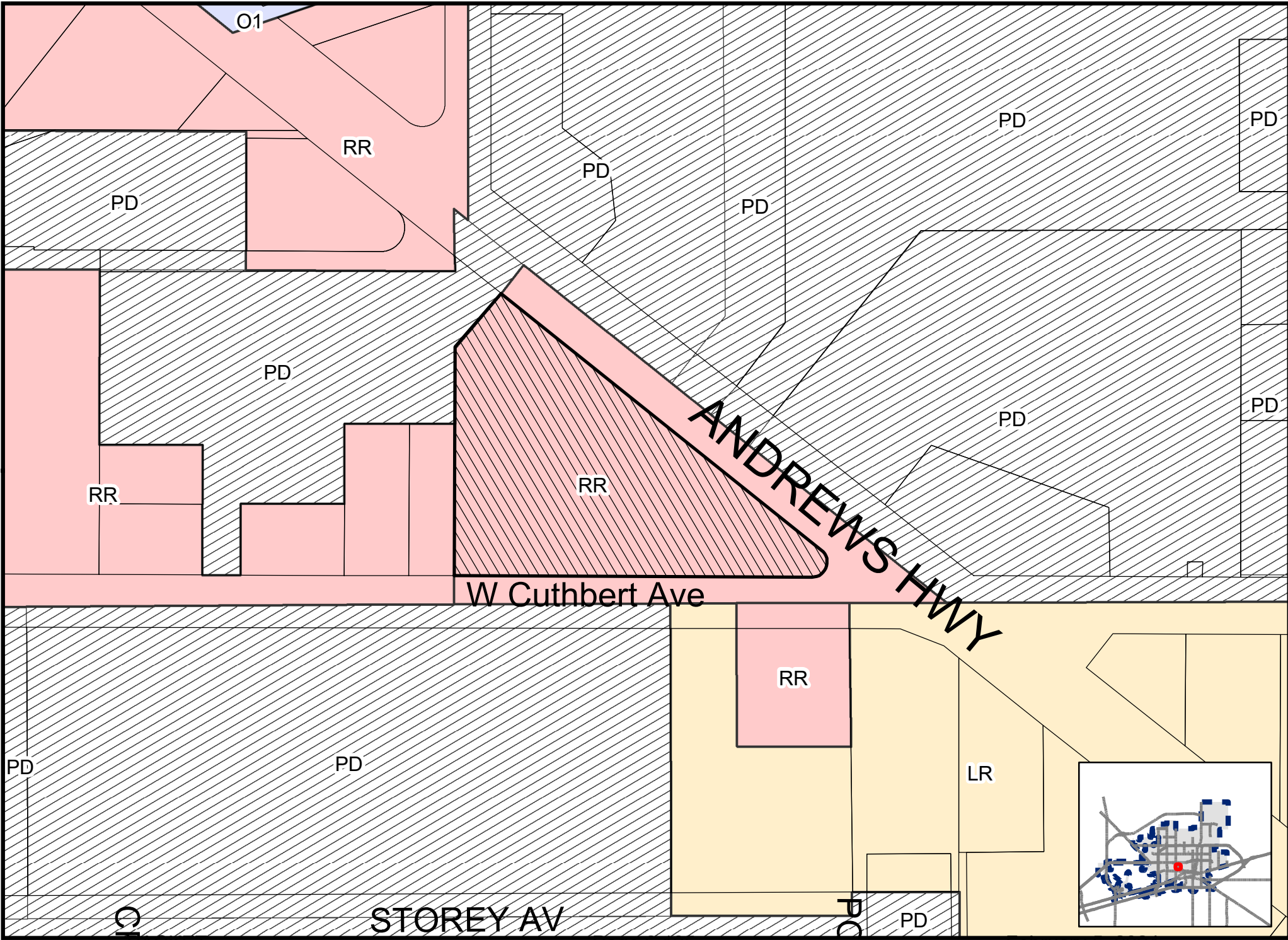
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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



PACKET

STOREY AV

Page 6.105



PD

February 5, 2024





Planning and Zoning Commission

Approved for Agenda:
Landon Ochoa

MEETING DATE: February 5, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Diana Geerts, Senior Planner

SUBJECT: Consider a request by G2K Development Partners for a zone change from LI, Light Industrial District, to BP, Business Park District, for a 6.15-acre tract of land out of the northwest quarter of Section 36, Block 39, T-1-S, T&P RR, Co. Survey, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of East Front Street and North Adams Street.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Purpose:

The applicant, G2K Development Partners, is requesting a zone change from LI, Light Industrial District, to BP, Business Park District for the property located at 1511 E. Front Street to allow for retail and other future development.

Current Zoning:

LI, Light Industrial District.

Surrounding Zoning and Land Use:

The properties to the north, east and west are industrial shops and zoned LI, Light Industrial District. The area on the northwest corner of the property is zoned HI, Heavy Industrial District, and used as an industrial shop.

Analysis:

The applicant is proposing to utilize the property for the construction of a Dollar Tree. The property is currently zoned LI, Light Industrial District, and is the location of a vacant lot.

The applicant wants to change the zoning to BP, Business Park District, to allow them to use the property for retail and other future developments.

A Dollar Tree would fall under the use of Retail Stores and Shops. While LI, Light Industrial District does not allow retail shops, the business park zoning district does. Changing this to BP, Business Park District, would permit the desired use.

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 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objections to zoning 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

Oil and Gas: (Approved)

No Oil & Gas well concerns.

Informational: 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. Please note if oil & gas wells are not identified or left off plat, this could prevent receiving city permits for structures. Any plugged and abandoned (P&A) well would need to be identified. No structure shall be built over an abandoned well.

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 request fits with the Tall City Tomorrow Comprehensive Plan, Chapter 3 - Land Use Vision. The land use map indicates that the property is designated (ER) Employment Reserve Area. In accordance with the Tall City Tomorrow Comprehensive Plan, business development is consistent with the (ER). The property is surrounded by industrial buildings and retail stores further down the street at both ends of Front Street.

Therefore, staff recommends approval of this zone change from LI, Light Industrial District to BP, Business Park District. subject to condition A.

Condition:

- A. That the use and development of the property shall conform to the regulations of the BP, Business Park District.**

Letters of Objection:

As of February 5, 2024, staff has received no letters of objection for this request.

Attachments:

Application
Metes & Bounds (Exhibit A)
Maps



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

Project Number: _____

Case Number: Z-23-0356

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

Printed Name: _____

Phone (423) 790-5880

Email _____

Address _____

City _____

State _____

Zip _____

Property Owner

Printed Name: Martin C Meissner Living Trust

Phone () _____

Email _____

Address 724 W Louisiana Ave

City Midland

State TX

Zip 797071

Representative (if different from Applicant or Property Owner)

Firm: G2K Development Partners

Printed Name: Ronnye Kettler

Phone (832) 330-6003

Email _____

Ronnye.Kettler@g2kpartners.com

Address 33300 Egypt Lane, Suite D200

City Magnolia

State TX

Zip 77354

Street Address: 1511 E Front St

Legal Description

Lot: _____

Block: _____

Subdivision: _____

Current Zoning:

LI (Light Industrial)

Proposed Zone: BP (Business Park)

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

Reason for Zone Change Request: Rezoning to allow retail and other supporting uses of the nearby industrial properties. Specifically Dollar Tree on eastern most portion.

Present Use of Property: Vacant

Proposed Use of Property: Retail and other future development

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

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

Market for new light industrial uses is diminished. Commercial uses supporting the surrounding areas are desired. Similar uses have developed along E Front St.

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): Ivan M. Meissner

Date: 12/18/2023

Applicant (printed): Ivan M. Meissner

Property Owner (signature): Ivan M. Meissner

Date: 12/18/2023

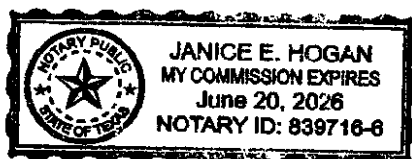
Property Owner (printed): Ivan M. Meissner

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 Ivan M. Meissner, being by me duly sworn, upon oath says: That (s)he is the owner of 1511 E Front or authorized by Martin C. Meissner Living Trust, 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.



Ivan M. Meissner
Authorized Agent (signature)

Subscribed and sworn to before me, this 18th day of December, 2023, to certify which witness my hand and seal of office.

Janice Hogan
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.****

**LEGAL DESCRIPTION OF A 6.15 ACRE TRACT, previously described in
Volume 1841, Page 3, O.P.R.M.C., LOCATED IN SECTION 36, BLOCK 39,
T-1-S, T.&P. RR. CO. SURVEY, MIDLAND COUNTY, TEXAS**

Boundary being further described by metes and bounds as follows:

BEGINNING at (N= 10,696,986.27' E= 1,762,077.59') a 1/2" iron rod with a plastic cap marked "PLS 1974" previously set at the Southeast corner of this tract and a previously surveyed 1.072 Acre Tract, from whence the Southeast corner of 0.509 Acre Tract recorded in Volume 520, Page 61, Deed Records of Midland County and the Southwest corner of Nueva La Jolla, 4th Section, recorded in Cabinet H, Page 285, Plat Records of Midland County bears N59°42'59"E, a distance of 103.46 feet, also from said beginning point the unmarked Northeast corner of said Section 36, bears diagonally N71°22'44"E, a distance of 2595.56 feet;

THENCE S59°42'59"W with the claimed North ROW line of Business I-20 based on TxDOT construction plans of US 80 dated in 1953, a distance of 23.51 feet to a broken ROW marker found at a point of deflection;

THENCE S61°07'05"W with the said claimed ROW line, at 161.71 pass a 1/2" iron rod with a plastic cap marked "PLS 1974" found at the Southwest corner of a 1.072 Acre Tract previously surveyed continuing for a total distance of 171.39 feet to a TXDOT brass cap in a concrete ROW marker found at a point of deflection of this tract;

THENCE S61°07'49"W with said claimed ROW line, a distance of 427.45 feet to the base of a disturbed ROW marker found at a point of deflection in the South line of this tract;

THENCE S61°00'30"W with the said claimed ROW line, a distance of 196.42 feet a 1/2" iron rod with a plastic cap marked "PLS 1974" set in the East line of South Adams Street at the Southwest corner of this tract from whence the base of a disturbed ROW marker bears S61°00'30"W, a distance of 35.91 feet;

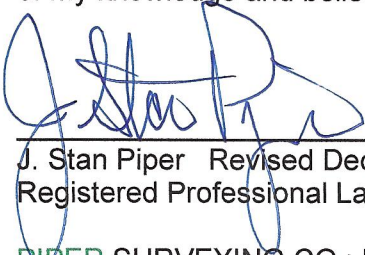
THENCE N14°27'27"W with the West line of this said tract being the East line of said South Adams Street, distance of 441.34 feet to a 1/2" iron rod with a plastic cap marked "PLS 1974" set at the Northwest corner of this tract,

THENCE N75°35'45" E with the South side of South Street and the North line of this said tract, at 608.69 feet pass a 1/2" iron rod with a plastic cap marked "PLS 1974" previously set at the Northwest corner of said 1.072 Acre Tract, continuing for a total distance of 788.72 feet to a 1/2" iron rod with a plastic cap marked "PLS 1974" previously set at the Northeast corner of this tract and said 1.072 Acre Tract;

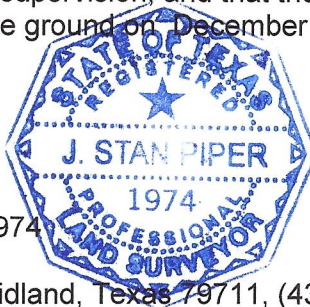
THENCE S15°25'59"E with the West line of said 0.509 Acre Tract, a distance of 235.85 feet to the Place of Beginning, having an area of 268,035 square feet or 6.15 acres of land.

Bearings, distances, and coordinates are relative to the Texas State Plane Coordinate System, NAD 1983/86, Central Zone, with a combine grid factor of 0.999901875, and a theta angle equal to -0°53'33.701" at City of Midland GPS station "PARK" with published values of Y= 10696,413.57 and X= 1,759,286.52 in U.S. Survey Feet.

I, J. Stan Piper, Registered 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 are true and correct to the best of my knowledge and belief as surveyed on the ground on December 21, 2023.

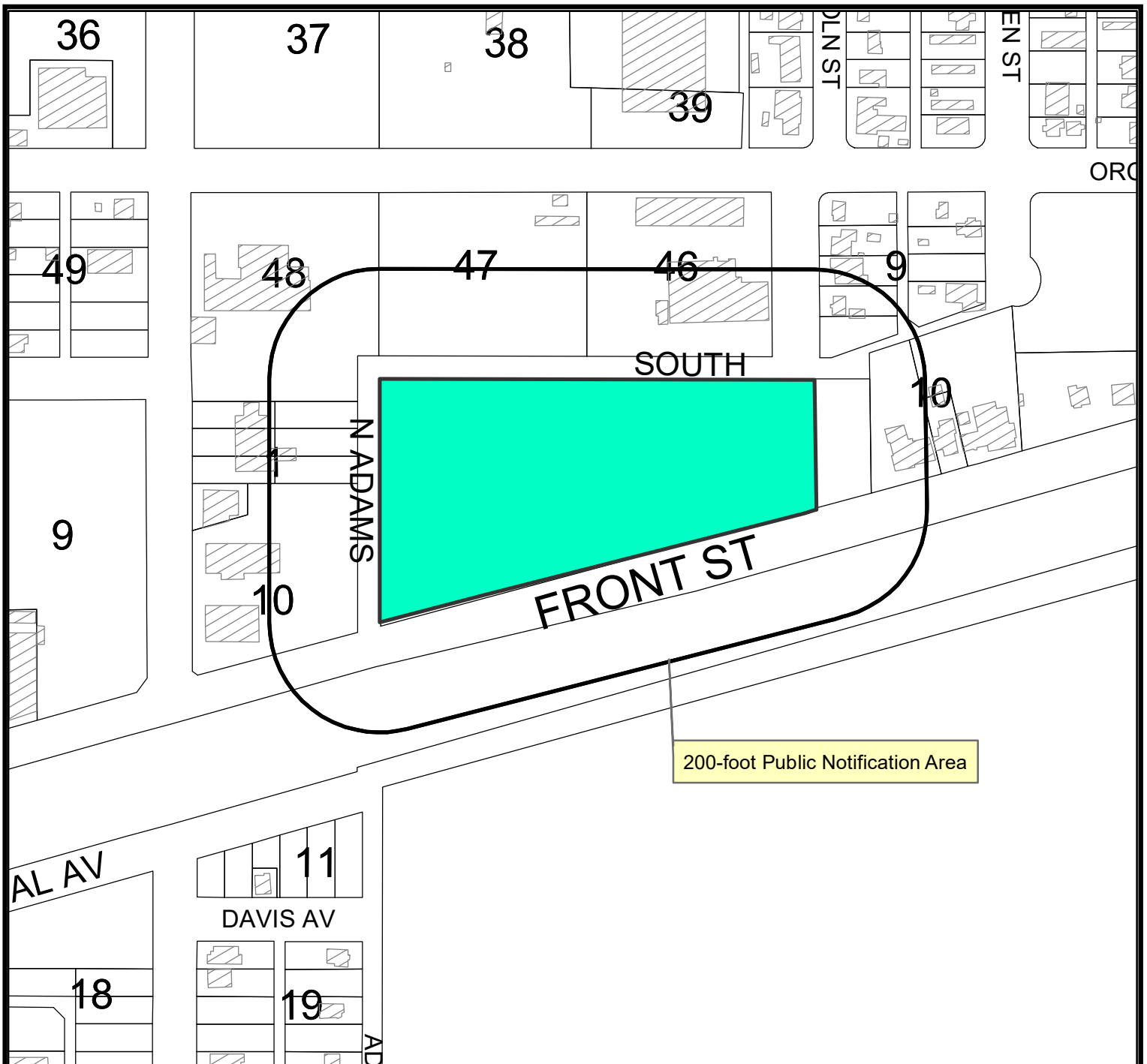


J. Stan Piper Revised December 22, 2023
Registered Professional Land Surveyor No. 1974



Prepared for:
G2K Development Partners
333000 Egypt Lane, Suite D-200
Magnolia, Texas 77354

PIPER SURVEYING CO.; P.O. Box 60432; Midland, Texas 79711, (432)550-7810 Firm No. 10155200



200-foot Public Notification Area

LOCATION MAP

Z-23-0356

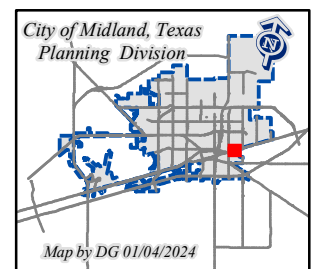
Scale: 1" = 200'

Consider a request by G2K Development Partners, for a zone change from LI, Light Industrial District to BP, Business Park District, for a 6.15-acre tract of land out of Section 36, Block 39, T-1-S, T&P RR, Co. Survey, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of East Front Street and North Adams Street. (Council District 2)

LEGEND

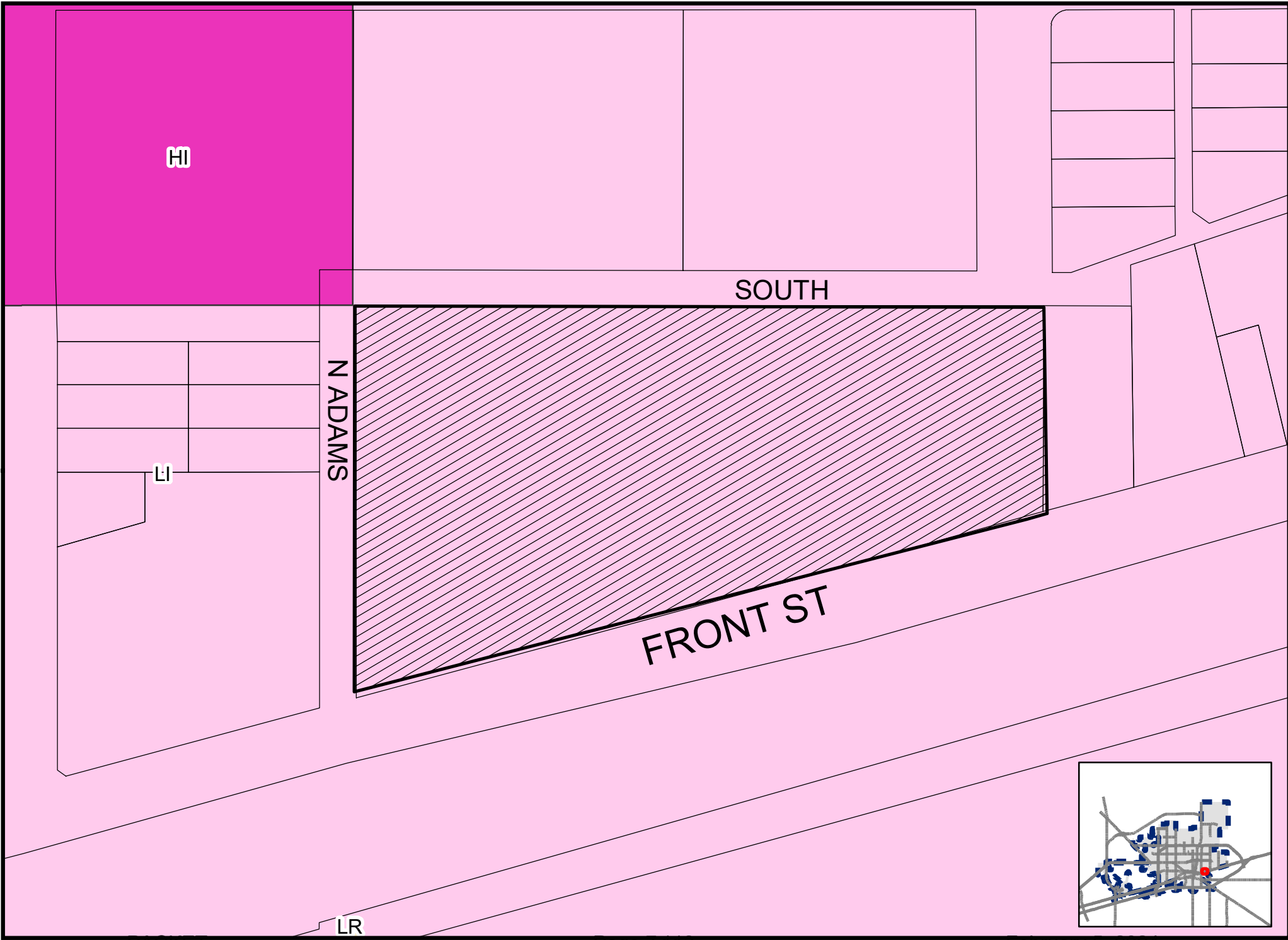
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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



PACKET

LR

Page 7.113

February 5, 2024













Planning and Zoning Commission

Approved for Agenda:
Landon Ochoa

MEETING DATE: February 05, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Diana Geerts, Senior Planner

SUBJECT: Consider a request by Archie Williams Jr. for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District, on Lot 6, Block 14, Greenwood Addition, Sections 3, 4, and 5, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of East Washington and South Clay Street.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Purpose:

The applicant, Archie Williams Jr., is requesting a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District for the development of a single-family home.

Current Zoning:

MF-22, Multiple-Family Dwelling District.

Surrounding Zoning and Land Use:

The properties to the north, west and south are single family homes and zoned MF-22, Multiple-Family Dwelling District. The property to the east is zoned SF-3, Single-Family Dwelling District, and used as a single-family residence.

Analysis:

The property is located at 410 S. Clay Street and the applicant is proposing to utilize the property to build a single-family home. The property is currently zoned MF-22, Multiple-Family Dwelling District, and is the location of a vacant lot. The applicant wants to change

the zoning to SF-3, Single-Family Dwelling District, to allow for single-family development. Per the previous zoning ordinance, single-family homes were allowed within this zoning district. The new zoning ordinance, adopted on July 1, 2019, does not allow the use of single-family homes within an MF-22, Multiple-Family Dwelling District. Based on this and that the surrounding area is predominantly single-family residential, staff is in support of the zone change to SF-3, Single-Family Dwelling District which allows single-family homes.

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 comments.

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, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objections to zoning 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

Oil and Gas: (Approved)

No Oil & 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:

The property is located within a residential neighborhood with adjacent properties also containing single-family homes. This request fits with the Tall City Tomorrow Comprehensive Plan, Chapter 3-Land Use Vision, which designates the property Urban Residential-Medium (UR-M), which calls for a mix of housing types, including single-family detached, single-family attached and townhouse uses. The UR-M designation

also supports Single-Family Dwelling District zoning which is consistent with the SF-3 zoning immediately to the east.

Therefore, 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.

Condition A:

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:

As of February 5, 2024, staff has received no letters of objection for this request.

Attachments:

Application
Metes & Bounds (Exhibit A)
Maps



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

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2)		Phone (432) 889 7437	
Printed Name: <u>Archie Williams Jr</u>		Email: <u>ArchieWilliams2004@yahoo.com</u>	
Address: <u>PO Box 52162</u>	City: <u>MIDLAND</u>	State: <u>TX</u>	Zip: <u>79710</u>

Property Owner		Phone (432) 889 7437	
Printed Name: <u>ALW INTEREST LLC</u>		Email: <u>ArchieWilliams2004@yahoo.com</u>	
Address: <u>PO Box 52162</u>	City: <u>MIDLAND</u>	State: <u>TX</u>	Zip: <u>79710</u>

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

Street Address: <u>410 S CLAY</u>		
Legal Description		
Lot: <u>006</u>	Block: <u>014</u>	Subdivision: <u>GREENWOOD</u>

Current Zoning: <u>MF22</u>	Proposed Zone: <u>SF3</u> (List by tracts if more than one district is requested)
------------------------------------	---

Reason for Zone Change Request: <u>The City of Midland has RESTRICTED MF22 DUE TO THE LOT SIZE.</u>
--

Present Use of Property: <u>NOT IN USE (VACANT LOT)</u>
--

Proposed Use of Property: <u>SINGLE FAMILY HOME</u>
--

How would this zone change affect the public health, safety and welfare? <u>IT WOULD NOT</u>

Describe how conditions affecting the property have changed since present zoning designation: <u>CITY OF MIDLAND IS NO LONGER LETTING CONTRACTORS BUILD TWO RESIDENTIAL HOMES ON ONE LOT.</u>
--

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): <u>Archie Williams Jr</u>	Date: <u>1/9/24</u>
Applicant (printed): <u>Archie Williams Jr</u>	
Property Owner (signature): <u>Archie Williams Jr</u>	Date: <u>1/9/24</u>
Property Owner (printed): <u>Archie Williams Jr</u>	
<i>The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.</i> <i>All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.</i>	

STATE OF TEXAS
COUNTY OF MIDLAND

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

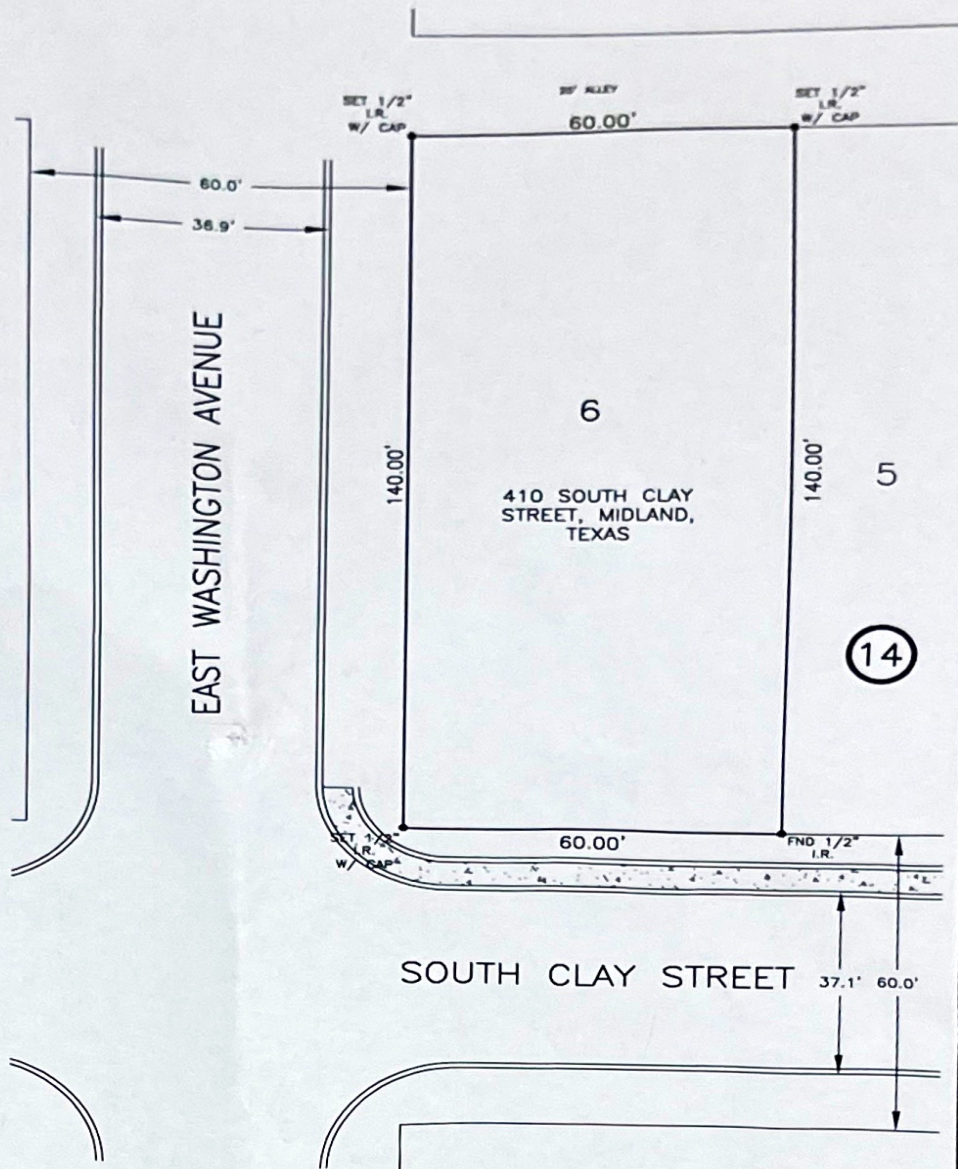
Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☐ Property Owner Authorization ☐ Application Fee Check # <u>waived</u>	☒ Dimensioned Site Plan ☐ Plans in Digital Format (PDF/JPEG)
Received By: <u>[Signature]</u>	Date: <u>1 11 24</u>

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

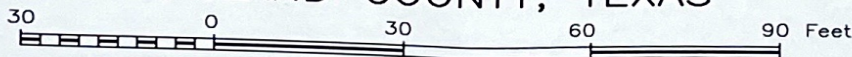


THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT NOR WAS THIS PARCEL ABSTRACTED FOR EASEMENTS OF RECORD AND/OR RIGHTS OF WAY. BRADSHAW AND ASSOCIATES, INC. (FIRM # 10122900/10122901) AND THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR, MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREIN PERTAINING TO EASEMENTS, RESERVATIONS, SET-BACK LINES, AGREEMENTS, RIGHTS-OF-WAY OR OTHER SIMILAR MATTERS OTHER THAN THOSE SHOWN UPON THIS SURVEY. THE UNDERSIGNED SURVEYOR HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR ANY TITLES, DEEDS, RESERVATIONS, EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS OR OTHER SIMILAR MATTERS, OTHER THAN WHAT IS READILY IDENTIFIABLE THROUGH THE COUNTY GIS MAPS, RAILROAD COMMISSION GIS MAPS, AND GENERAL LAND OFFICE GIS MAPS. THE USE OF THESE GIS MAPS IS BY NO MEANS TO BE CONSTRUED AS A PROPER OR THOROUGH INVESTIGATION OF THE PUBLIC RECORDS, AS WOULD BE ACCOMPLISHED BY AN ABSTRACT OF TITLE, AND/OR OPINION OF TITLE BY AN ATTORNEY AT LAW.

BRADSHAW AND ASSOCIATES, INC. (FIRM # 10122900/10122901) AND THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR ALSO MAKE NO REPRESENTATION AS TO THE STATUS OF TITLE TO THE PROPERTY DESCRIBED HEREIN.

PLAT OF

LOT 6, BLOCK 14,
GREENWOOD ADDITION THIRD, FOURTH & FIFTH SECTIONS
AN ADDITION TO THE THE CITY OF MIDLAND,
MIDLAND COUNTY, TEXAS



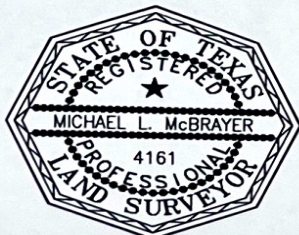
SURVEY PLAT FOR: LIZ LAZCANO

THIS SURVEY PLAT IS PROVIDED SOLELY FOR THIS TRANSACTION

PLAT IS COPYRIGHTED AND SHALL NOT BE USED FOR ANY OTHER TRANSACTION.

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE EASEMENTS OR RIGHTS OF WAY, EXCEPT AS SHOWN HEREON, AND THIS SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY AS SHOWN.

Michael L. McBrayer
REGISTERED PROFESSIONAL LAND SURVEYOR



FILED IN PLAT CABINET B, PAGE 56, PLAT RECORDS, MIDLAND COUNTY, TEXAS.

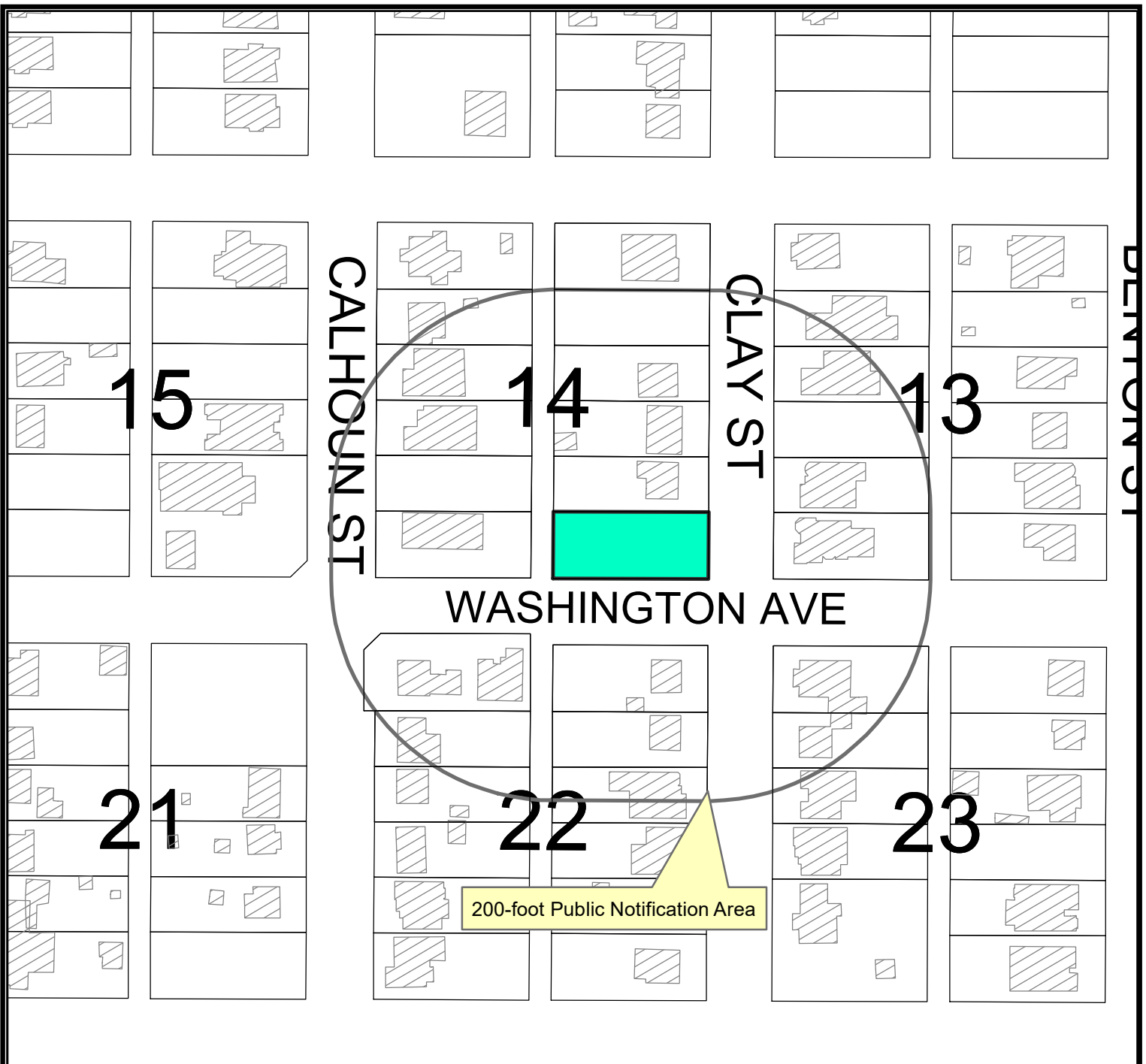
THIS PROPERTY LIES WITHIN ZONE "X" AS SHOWN BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION MAP COMMUNITY PANEL 48329C0206 F DATED SEPTEMBER 16, 2005.

Stored: 21011110

BRADSHAW AND ASSOCIATES, INC.
CONSULTING ENGINEERS
REGISTERED PROFESSIONAL LAND SURVEYORS

FIRM # 10122900/10122901
4400 N. BIG SPRING SUITE A-8
MIDLAND, TEXAS 79705
(432) 682-4400 FAX (432) 682-7997

	Drawn	Chkd	Surveyed
By	WET	MLM	BB/DP
Date	02-02-2021	02-03-2021	01-27-2021



LOCATION MAP

Z-24-0360

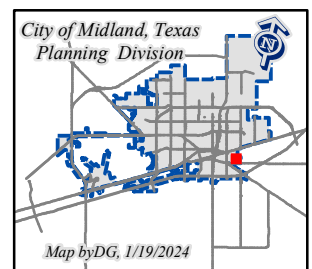
Scale: 1" = 200'

Consider a request by Archie Williams Jr., for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District, on Lot 6, Block 14, Greenwood Addition, Sections 3, 4, and 5, City and County of Midland, Texas.

Generally located on the northwest corner of the intersection of East Washington and South Clay Street. (District 2)

LEGEND

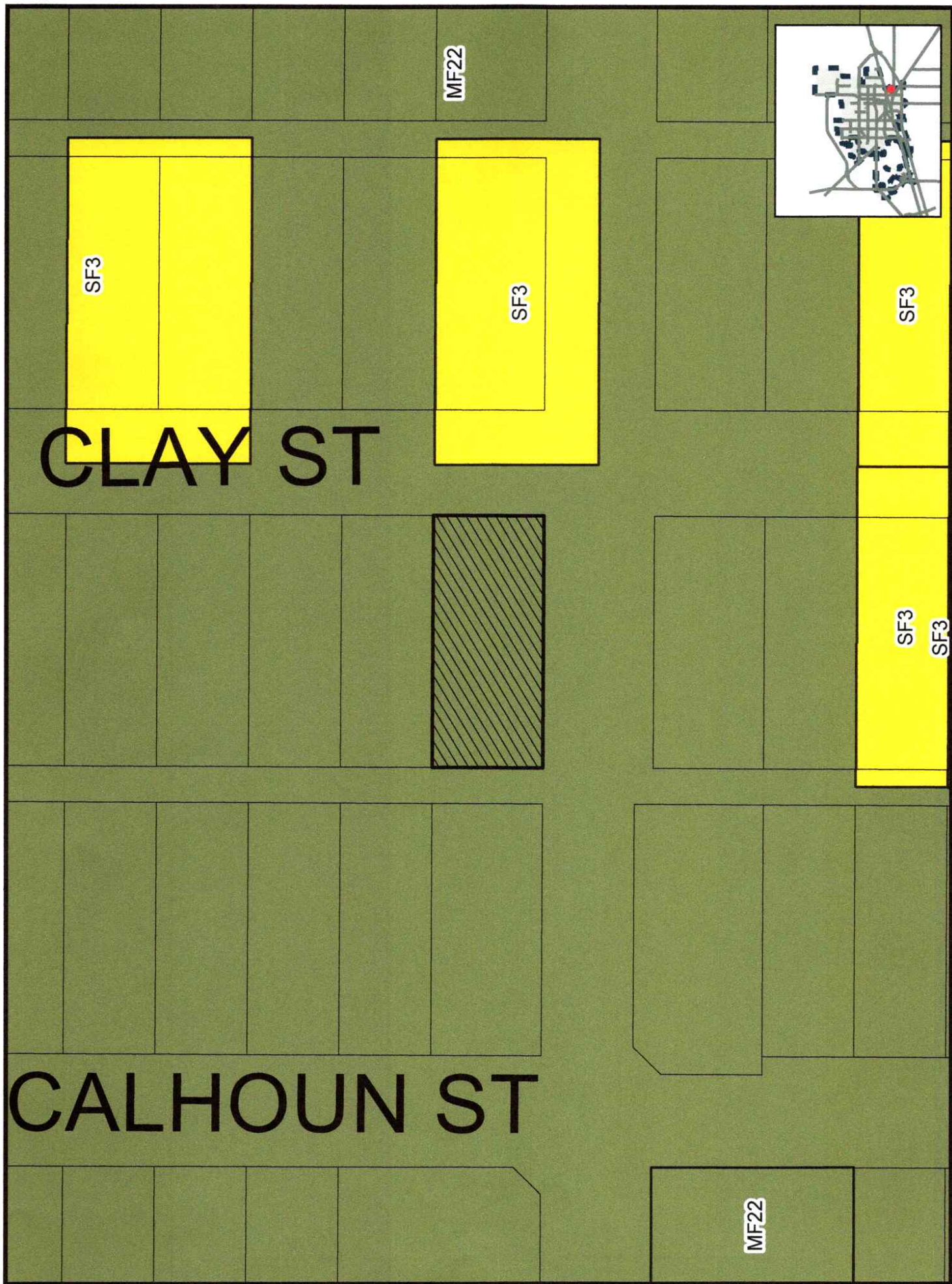
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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ZONING MAP

Scale: 1" = 200'

Z-24-0360

Map By DG, 1/22/2024











Planning and Zoning Commission

Approved for Agenda:
Landon Ochoa

MEETING DATE: February 05, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Diana Geerts, Senior Planner

SUBJECT: Consider a request by GF Elite Real Estate Holdings, for a zone change from SF-2, Single-Family Dwelling District, in part, and RR, Regional Retail District, in part, to RR, Regional Retail District, for a 2.61-acre tract of land situated in Section 33, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of West Wall Street, approximately 48 feet south of West Circle Drive.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Purpose:

The applicant, GF Elite Real Estate Holdings, is requesting a zone change from SF-2, Single-Family Dwelling District, in part, and RR, Regional Retail District, in part, to RR, Regional Retail District for the property located at 2903 W. Wall Street to update the overall zoning classification on site so that it is not split by two different districts.

Current Zoning:

RR, Regional Retail District, in part, SF-2, Single-Family Dwelling District, in part.

Surrounding Zoning and Land Use:

The properties to the north, east and west are commercial buildings and zoned RR, Regional Retail District. The area to the south of the property is zoned SF, Single-Family Dwelling District, and used as a shop.

Analysis:

The applicant is presently utilizing the property for commercial buildings and office use. The property is currently split by two zoning districts which are zoned RR, Regional Retail District, and SF-2, Single-Family Dwelling District. The applicant wants to change the zoning to RR, Regional Retail District, to update the overall zoning of the parcel so that it is no longer split by two different districts. No other changes are being proposed or changes to the property.

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 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, oil and gas considerations, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objections to zoning 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

Oil and Gas: (Approved)

No Oil & Gas well 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:

The request fits with the Tall City Tomorrow Comprehensive Plan, Chapter 3 - Land Use Vision. The land use map indicates that the property is designated Special Study Area and there are no policies for this area at this time. However, the use of the property is

consistent with the surrounding development being that it will be used for offices and commercial use.

Therefore, staff recommends approval of this request, subject to condition A.

Condition A:

That the use and development of the property shall conform to the regulations of the RR, Regional Retail District.

Letters of Objection:

As of February 5, 2024, staff has received no letters of objection for this request.

Attachments:

Application
Metes & Bounds (Exhibit A)
Maps



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

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page

2) Printed Name: GF Elite Real Estate Holdings

Phone (432) 262-0999

Email
phuckaba@maverick-eng.com

Address 2903 W Wall St

City Midland

State TX

Zip 79701

Property Owner

Printed Name: see applicant

Phone ()

Email

Address

City

State

Zip

Representative (if different from Applicant or Property Owner)

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432-262)-0999

Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Street Address: 2903 W Wall St

Legal Description

Lot: W.200 of N.540 Block: 7

Subdivision: College Heights

Current Zoning:

SF2, RR

Proposed Zone: RR

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

Reason for Zone Change Request: To update the overall zoning conditions on Site so that it is not split by districts

Present Use of Property: Commercial & Offices

Proposed Use of Property: No proposed changes

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

No affect to public welfare

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

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): <u>[Signature]</u>	Date: <u>1/8/2024</u>
Applicant (printed): <u>FILIBERTO LOZAYA G</u>	
Property Owner (signature): see applicant	Date: <u>1/8/2024</u>
Property Owner (printed): <u>FILIBERTO LOZAYA G (GF-ELITE PROPERTIES)</u>	
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. 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.	

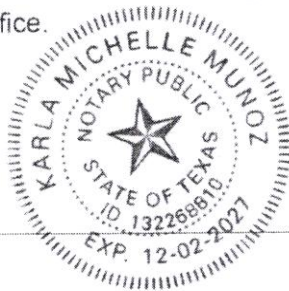
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Filiberto Lozaya who, being by me duly sworn, upon oath says: That (s)he is authorized by GF Elite Real Estate, 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 8 day of January, 20 24, to certify which witness my hand and seal of office.



Karla Munoz
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan (Metes + Bounds)
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # <u>4624</u>	
Received By: <u>[Signature]</u>	Date: <u>JAN 10 2024</u>

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



FIELD NOTE DESCRIPTION OF A 2.61 ACRE TRACT OF LAND SITUATED IN SECTION 33, BLOCK 39, TOWNSHIP ONE SOUTH, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY, MIDLAND COUNTY, TEXAS, AND BEING THE AGGREGATE OF THOSE TWO TRACTS DESCRIBED AS PARCEL 1 AND PARCEL 2 IN A WARRANTY DEED WITH VENDORS LIEN FILED AS DOCUMENT NUMBER 2018-8152, OFFICIAL PUBLIC RECORDS OF SAID MIDLAND COUNTY (OPR), SAME BEING DESCRIBED AS LOT 5, SAVE AND EXCEPT THE EAST 280 FEET THEREOF, BLOCK E, GARRETT PLACE, ACCORDING TO THE PLAT OF RECORD FILED IN CABINET C, ON PAGE 120, DEED RECORDS OF SAID MIDLAND COUNTY (DR), AND AS THE WEST 200 FEET OF THE NORTH 540 FEET OF BLOCK 7, COLLEGE HEIGHTS ADDITION TO MIDLAND, ACCORDING TO THE PLAT OF RECORD FILED IN VOLUME 17, PAGE 616, OF SAID "DR", REPECTIVELY, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS FOR REFERENCE PURPOSES ONLY AS FOLLOWS;

BEGINNING AT N(y):10690187.64, E(x):1747375.04, A ONE HALF INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER HEREOF;

THENCE N.30°38'02"W., 530.93 FEET TO A POINT IN THE SOUTHEAST LINE OF WEST WALL STREET RIGHT-OF-WAY, FOR THE NORTHWEST CORNER HEREOF;

THENCE N.41°15'25"E., ALONG SAID WEST WALL STREET, 213.12 FEET TO A POINT FOR THE NORTHEAST CORNER HEREOF;

THENCE S.30°22'39"E., 599.60 FEET TO A POINT FOR THE SOUTHEAST CORNER HEREOF;

THENCE S.60°03'29"W., 199.90 FEET TO THE **POINT OF BEGINNING**, CONTAINING 2.61 ACRES, OR 113,703 SQUARE FEET OF LAND.

SURVEY NOTES:

1. BASIS OF BEARING, COORDINATES, DISTANCE AND ACREAGE ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE (4203), NAD 83, U.S. SURVEY FOOT.
2. THIS DESCRIPTION IS PROVIDED FOR THE PURPOSE OF ADVANCING A REQUEST TO RE-ZONE THE ABOVE-DESCRIBED TRACT ONLY AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY.



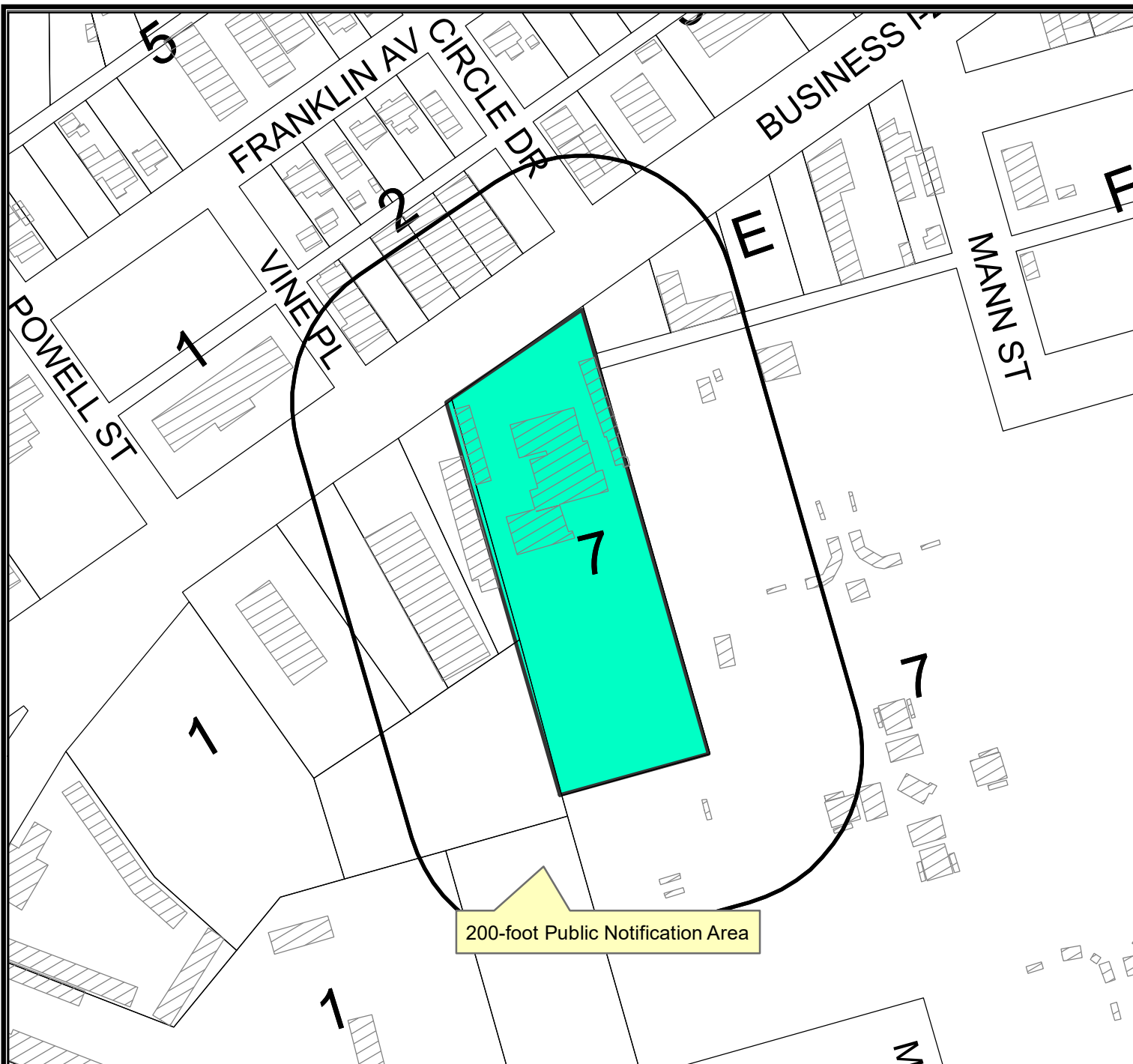
PALADIN R. HUCKABA

www.maverick-eng.com

TEXAS RPLS - No. 7027

MAVERICK ENGINEERING (FIRM – No. 10194514)

JANUARY 4, 2023



LOCATION MAP

Z-24-0359

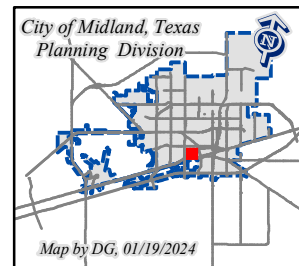
Scale: 1" = 200'

Consider a request by GF Elite Real Estate Holdings, for a zone change from SF-2, Single-Family Dwelling District, in part, and RR, Regional Retail District, in part, to RR, Regional Retail District, for a 2.61-acre tract of land situated in Section 33, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located on the south side of West Wall Street, approximately 48 feet south of West Circle Drive. (District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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