

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

**March 18, 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 FOLLOWING MINUTES:
 - 2a. REGULAR SESSION OF FEBRUARY 20, 2024
 - 2b. REGULAR SESSION OF MARCH 4, 2024
3. Motion approving a Final Plat of Lindsay Acres, Section 13, being a replat of the west half of the west 608-feet of the north 134.4-feet of Tract 6, Lindsay Acres Addition, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Marlin Avenue and Moran Street.) (DISTRICT 2) (DEVELOPMENT SERVICES) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
4. Motion approving a Final Plat of Midland Memorial Hospital, Section 3, being a replat of Lot 1A, Block 1, Midland Memorial Hospital, Section 2, Lot 16, Block 4, Highland Park Addition, Block 11, Highland Park Addition, a 0.42-acre portion of North N Street right-of-way between West Illinois Avenue and West Ohio Avenue, and a 0.13-acre portion of alley right-of-way within Block 11, Highland Park Addition, City and County of Midland, Texas. (Generally located at the northeast corner of Andrews Highway and West Illinois Avenue.) (DISTRICT 3) (DEVELOPMENT SERVICES) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

5. Motion approving a Final Plat of Mockingbird Ridge, Section 6, being a plat of a 14.43-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 east of Firewheel Road, approximately 1,000 feet north of Blazing Saddle Boulevard.) (DISTRICT 1) (DEVELOPMENT SERVICES)
(DISTRICT 1) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

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

6. Consider a request by Waystone Brewing LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a brewpub, on a 2,034 square foot portion of Lot 1-H, Block 5, Colony Place, Section 5, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of W Wadley Avenue and N. Garfield Street.) **(DISTRICT 3) (DEVELOPMENT SERVICES)**
7. Hold a public hearing and consider a motion approving with staff's recommended conditions, a proposed Preliminary Plat of Haley Heights Addition, being a Replat of a 0.42-acre portion of Lot 2, Block 30, Haley Heights Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of South McKenzie Street and West Francis Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
8. Hold a public hearing to consider a request by Providencia Restaurant, for a Specific Use Designation with Term for the sale of Alcoholic Beverage Sales for On-Premises Consumption in a Restaurant on a 6,261 square foot portion of Lot 3A, Block 3, Mayfield Place, Section 8, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North Midkiff Road and Mockingbird Lane) **(DISTRICT 1) (DEVELOPMENT SERVICES)**

MISCELLANEOUS

9. Motion approving with staff's recommended conditions a Preliminary Plat of Parkway South Addition, Section 4, being a replat of Lot 1, Block 2, Parkway South Addition, Section 2, an 8.0-acre tract of land and a 0.429-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Co. Survey, in part, and a replat of Lot 1, Block 2, Parkway South Addition, Section 2, City and County of Midland, Texas. (Generally located at the southwest corner of the intersection of South Lamesa Road and East Gist Avenue.) (District 2) (DEVELOPMENT SERVICES) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
10. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of West Terminal Addition, Section 11 being a 5.42-acre tract of land out of southwest/4 of located in Section 1, Block 41, T-2-S, RR Co. Survey, Midland County, Texas. (Generally located on the south side of West County Road 100, approximately 1,360 feet east of South County Road 1295.) (EXTRATERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

11. Motion approving, with staff's recommended conditions, a Preliminary Plat of Westridge Park Addition, Section 55, being a plat of a 28.97-acre tract of land out of the northwest quarter of Section 48, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Tradewinds Boulevard and Leisure Drive.)
(DISTRICT 1) (DEVELOPMENT SERVICES) **(DISTRICT 1) (DEVELOPMENT SERVICES)**

Xavier Bauguess
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
February 20, 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 , February 20, 2024.

Commissioners present: Brennan Berry, Lucy Sisniega, John Burkholder, Abraham Bejil, Steven Villela, Joshua Sparks

Commissioners absent: Emily Holeva, Adrian Carrasco, Sallie Vega

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

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 February 5, 2024.

Abraham Bejil moved to approve; seconded by John Burkholder.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco, Vega

3. Motion approving a Final Plat of Adobe Meadows, Section 9, being a replat of Lot 1, Block 1, and a 0.159-acre portion of previously vacated adjacent Rope Street right-of-way, all out of Adobe Meadows, Section 8, City and County of Midland, Texas. (Generally located at the northeast corner of North State Highway 349 and East Mockingbird Lane.) (DISTRICT 1)

(DEVELOPMENT SERVICES) (DISTRICT 1) (DEVELOPMENT SERVICES)

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

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco, Vega

4. Motion approving a Final Plat of Urbandale Addition, Section 3, being a replat of the east 31 feet of Lot 15 and all of Lot 16, Block 1, A Replat of All of Tracts 1, 7, 9, 10 and the East Half of 8, Urbandale Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of H Street and Princeton Avenue.) **(DISTRICT 3) (DEVELOPMENT SERVICES) (DISTRICT 3) (DEVELOPMENT SERVICES)**

Abraham Bejil moved to approve; seconded by John Burkholder.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco, Vega

5. Motion approving a Final Plat of Tanglewood Addition, Section 9, being a replat of Lots 8 and 9, Tanglewood Addition, Section 8 and Lots 6 and 7, Block 4, Tanglewood Addition, Section 4, City and County of Midland, Texas. (Generally located west of North Lamesa Road, approximately 815-feet north of East Wadley Avenue.) **(DISTRICT 2) (DEVELOPMENT SERVICES) (DISTRICT 2) (DEVELOPMENT SERVICES)**

Abraham Bejil moved to approve; seconded by John Burkholder.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco, Vega

6. Motion approving a Final Plat of Avalon Addition, Section 5, being a replat of Lots 12, 13, and the west 49.6-feet of Lot 14, Avalon Addition, a replat of Lot 11, Block 2, Lots 11 and 12 of Blocks 3-7, and Lots 1-11, Block 8, City and County of Midland, Texas. (Generally located south of Winfield Road, approximately 140-feet east of North L Street.) **(DISTRICT 3) (DEVELOPMENT SERVICES) (DISTRICT 3) (DEVELOPMENT SERVICES)**

Abraham Bejil moved to approve; seconded by John Burkholder.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco, Vega

7. Motion approving a Final Plat of Redneck Retreat, Section 3, being a 11.08-acre tract of land out of Section 15, Block 38, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of East County Road 130, approximately 1881-feet east of F.M. 715.) (Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Abraham Bejil moved to approve; seconded by John Burkholder.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco, Vega

PUBLIC HEARINGS

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

8. Consider a request by Waystone Brewing LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a brewpub, on a 1,674 square foot portion of Lot 1-H, Block 5, Colony Place, Section 5, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of W Wadley Avenue and N. Garfield Street.) (District 3) (DEVELOPMENT SERVICES) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

Senior Planner Diana Geerts gave an overview of the project. No letters of objection were received; staff recommend approval.

The public hearing was opened at 3:39pm

There was no one wishing to speak on this item.

The public hearing was closed at 3:40pm.

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

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco, Vega

MISCELLANEOUS

9. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Proposed plat of Ranchero Park, Section 8, being a 4.057-acre tract of land out of the

southwest quarter of Section 4, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. Generally located on the south side of W. Interstate 20 Service Road, approximately 215 feet east of S. Midkiff Road. **(DISTRICT 2) (DEVELOPMENT SERVICES)**

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

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco, Vega

10. Motion approving with staff's recommended conditions a Preliminary Plat of Original Town, Section 27 being a replat of Lots 10, 11 & 12, Block 82, Original Town, City and County of Midland, Texas. (Generally located at the northwest corner of the intersection of East Indiana Avenue and South Fort Worth Street.) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

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

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco, Vega

11. Motion approving, with staff's recommended conditions a Proposed Preliminary Plat of Westridge Park Addition, Section 54, being a Replat of a 4.33-acre tract of land out of Lot 4A, Block 5, Westridge Park Addition, Section 53, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Deauville Boulevard and North Loop 250 West.) (District 4) **(DEVELOPMENT SERVICES) (DISTRICT 4) (DEVELOPMENT SERVICES)**

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

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco, Vega

12. Motion approving with staff's recommended conditions a Preliminary Plat of Warren Addition, being a plat of a 2.99-acre tract of land out of Section 18, Block 40, T-2-S, T&P RY. Co. Survey, City and County of Midland, Texas. (Generally located on the north side of West County Road 127, approximately 700-feet west of South Farm to Market Road 1788.) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

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

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Holeva, Carrasco, Vega

13. Motion approving, with staff's recommended conditions, a Preliminary Plat of Pavilion Park Addition, Section 15, being a replat of a 90.60-acre tract of land out of Lot 8, Block 2, Pavilion Park Addition, Section 7, and a plat of a 10-acre tract of land out of Section 1, Block X H.P. Hillard Survey, City and County Midland County Texas. (Generally located on the north side of Solomon Lane, approximately 1,155 feet west of North Fairgrounds Road.) (DISTRICT 1) (DEVELOPMENT SERVICES) **(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, Bejil, Villela, Sparks

NAY: None

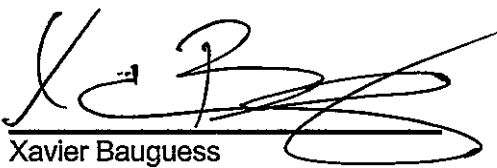
ABSTAIN: None

ABSENT: Holeva, Carrasco, Vega

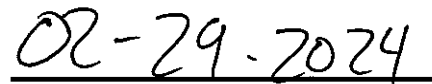
With no further items or business to come before the Commission, Chair Sisniega adjourned the meeting at

Lucy Sisniega, Chair

Date

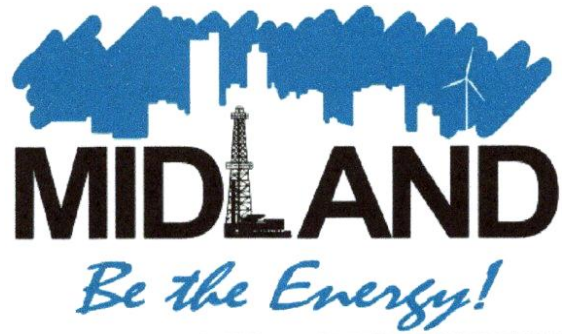


Xavier Bauguess
Planning Division Manager
Department of Development Services



Date

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION
MINUTES
March 4, 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 , March 04, 2024.

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

Commissioners absent: Sallie Vega

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

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 with staff's recommended conditions a Final Plat of Redneck Retreat, Section 6, being a 20.00-acre tract of land, out of Section 15, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the north side of East County Road 140, approximately 1,570 feet west of South County Road 1160) **(DISTRICT: NONE)**
(DEVELOPMENT SERVICES)

Abraham Bejil moved to approve this request; seconded by Adrian Carrasco.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

3. Motion approving a Final Plat of Garden Twenty Addition, Section 5, being a 7.84-acre tract

of land located in Section 6, Block 38, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Interstate 20 East, approximately 360 feet east of South Fairgrounds Road) **(DISTRICT 2) (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, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

4. Motion approving a Final Plat of Grasslands Estates, Section 25, being a replat of Lot 1, Block 11, Grassland Estates, Section 7, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Crowley Boulevard and West Wadley Avenue.) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Abraham Bejil moved to approve this request; seconded by Adrian Carrasco.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

5. Hold a public hearing and consider a motion approving a proposed Final Plat of Carrollwood Addition, Section 3 being a plat of 34.50-acre tract of land out of Section 24, Block 40, T-2-S, T & T, RR Co Survey, Midland County, Texas. (Generally located on the west side of South County Road 1232, approximately 3,430 feet north of West County Road 140.) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve this request; seconded by Emily Holeva.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

PUBLIC HEARINGS

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

6. Consider a request by Scott Bowden for a zone change from AE, Agricultural Estate District to SF-2, Single Family Dwelling District on a 20.91-acre tract of land out of Lot 8, Block 2, Pavilion Park Addition, Section 7, and a 10.00-acre tract of land out of Section 1, Block X H.P. Hillard Survey, City and County of Midland, Texas. (Generally located on the north side of Solomon Lane, approximately 900 feet east of Trenwood Drive) **(DISTRICT 1) (DEVELOPMENT SERVICES)**

Planner Daniel Humbert gave an overview of this item. No letters of objection were received; staff recommend approval.

The public hearing was open at 3:50pm.

Applicant Larry Walker, clarified the four wells surrounding the area and the green space being addressed.

The public hearing was closed at 3:56pm.

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

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

7. Consider a request by PubWT, LLC for a Specific Use Designation with Term for the Sale of all alcoholic beverages for on premises consumption in a Restaurant on a 3,094-square foot portion of Lot 3A, Block 3, Mayfield Place Addition, Section 8, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North Midkiff Road and Mockingbird Lane.) **(DISTRICT 1) (DEVELOPMENT SERVICES)**

Senior Planner Landon Ochoa, gave an overview on this project. No letters of objection were received; staff recommend approval.

The public hearing was opened at 3:58pm.

There was no one wishing to speak on this item.

The public hearing was closed at 4:00pm.

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

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

8. Consider a request by Schumann Surveying, for a zone change from O-1, Office District, to TH, Townhouse District, for Lots 4, 5, and 6, Block 1, Cowden Addition, City and County of Midland, Texas. (Generally located at the northwest corner of the intersection of George Avenue and Bryant Street) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Planner Andrew Meyers gave an overview on this project. No letters of objection were received; staff recommend approval.

The public hearing was open at 4:01pm.

There was no one wishing to speak on this item.

The public hearing was closed at 4:02pm.

Adrian Carrasco moved to approve this request; seconded by Emily Holeva.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

9. Hold a public hearing to consider a request by Juji's Kitchen, LLC, for a Specific Use Designation with Term for the sale of Alcoholic Beverage Sales for On-Premises Consumption in a Restaurant on a 8,076-square foot portion of Lot 1, Block 2, Claydesta Plaza Addition, City and County of Midland, Texas. (Generally located at the northwest corner of the intersection of West Wadley Avenue and North Big Spring Street.) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

Planner Andrew Meyers gave an overview of this project. No letter of objection were received; staff recommend approval.

The public hearing was open at 4:04pm.

Applicant Desiree Terry, clarified the owner was ok with the use of this permit.

The public hearing was closed at 4:06pm.

Adrian Carrasco moved to approve this request; seconded by John Burkholder.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

MISCELLANEOUS

10. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Rieta Proctor Addition, being a 12.60-acre tract of land located in the north half of the southeast quarter of Section 15, Block 38, T-2-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the west side of South County Road 1160, approximately 470-feet south of East County Road 130) **(DISTRICT: NONE) (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, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

11. Motion approving a Preliminary Plat of Hines Addition, Section 5, being a replat of the east 100 feet of Lot 1, Block 10, Hines Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of Rhode Island Avenue and S. N Street) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Adrian Carrasco moved to approve this request; seconded by Emily Holeva.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

12. Proposed Preliminary Plat of Melody Acres, Section 19, being a replat of the north/2 of Lot 7, Block 1, Melody Acres Addition, and Lots 8A, 9A, and 10B, Block 1, Melody Acres, Section 13, and the East 340 feet of Lot 5A, Block 1, Melody Acres, Section 10, City and County of Midland, Texas. (Generally located at the southwest corner of North Midland Drive and Mockingbird Lane.) **(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, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

13. Proposed Preliminary Plat of East Midland Addition, Section 23, being a Replat of the east 129 feet of the west 279 feet of Block 93, East Midland Addition, Section, City and County of Midland, Texas. (Generally located on the south side of Orchard Lane, approximately 150 feet west of N. Benton Street.) **(DISTRICT 2) (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, Carrasco, Bejil, Villela

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

14. Motion approving with staff's recommended conditions a Preliminary Plat of College Heights Addition, Section 9, being a plat of a 1.562-acre tract of land out of Section 33, Block 39, T-1-S, T&P RY. CO. Survey, in part, and a replat of the west 185 feet of Lot 5, Block E, Garrett Place Addition, the west 200 feet of the north 540 feet of Block 7, College

Heights Addition, City and County of Midland, Texas. (Generally located on the south side of West Wall Street, approximately 450-feet east of Bankhead Highway.) **(DISTRICT 2)**
(DEVELOPMENT SERVICES)

Adrian Carrasco moved to approve this request; seconded by Emily Holeva.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Vega, Sparks

With no further items or business to come before the Commission, Chairwoman
Sisniega adjourned the meeting at

Lucy Sisniega, Chairwoman

Date



Xavier Bauguess, Planning Division Manager
Department of Development Services



Date



Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: March 18, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving a Final Plat of Lindsay Acres, Section 13, being a replat of the west half of the west 608-feet of the north 134.4-feet of Tract 6, Lindsay Acres Addition, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Marlin Avenue and Moran Street.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

MH, Manufactured Housing District

Preliminary Plat Approval:

Schumann Engineering, on behalf of Danial & Priscilla Lira, is requesting to replat the west half of the west 608-feet of the north 134.4-feet of Tract 6, Lindsay Acres Addition, City and County of Midland, Texas., to divide one tract of land into 5 lots.

The Planning & Zoning Commission approved the preliminary plat on November 21, 2022.

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

ROW: Refer to Transportation's comments, if any. [For Applicant's Information Only.]

PAVING: Andrews Hwy is is TxDOT facility, built and maintained by TxDOT, no improvements required. [For Applicant's Information Only.]

WATER: 12" Waterline exists on W Illinois Ave., on W. Tennessee Ave. and through easements within the property.

An 8" waterline exists in North N Street, a okay as is. No public paving 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: 8" exists in easements through property, 10" wastewater line in Ohio Ave., and 12" wastewater lines along North N Street, and N Garfield. No public wastewater improvements required. [For Applicant's Information Only.]

DRAINAGE: Existing site is developed; If proposing to re-develop site drainage can be reviewed with building permit. [For Applicant's Information Only.]

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

SIDEWALKS: Required with building permit. [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 objection.

Oil and Gas: (Approved)

No Oil & 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)

No comments.

Planning: (Approved with Conditions)

Staff recommends approval of the Final Plat of Lindsay Acres, Section 13, 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
Location Map
Zoning Map
Aerial

LINDSAY ACRES

SECTION 13

A REPLAT OF THE WEST 608.00 FEET OF THE NORTH 134.4 FEET
OF TRACT 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF
MIDLAND, TEXAS.

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS, I AM THE RECORD OWNER(S) OF A 0.94 ACRE TRACT OF LAND OUT OF THE WEST 608.00 FEET OF THE NORTH 134.4 FEET OF TRACT 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

FIELD NOTE DESCRIPTION OF A 0.94 ACRE TRACT OF LAND, OUT OF THE EAST PART OF SECTION 3, BLOCK 39, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS, SAID 0.94 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT (N:10687513.78, E:1754630.35) A REINFORCED BAR SET IN THE NORTH RIGHT OF WAY OF MARLIN STREET AND THE EAST RIGHT OF WAY OF MORAN STREET FOR THE SOUTHWEST CORNER OF TRACT SIX OF THE REPLAT OF LINDSAY ACRES AS RECORDED IN VOLUME 93, PAGE 34, DEED RECORDS OF MIDLAND COUNTY, TEXAS, ALSO BEING THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 135°30'07" WEST, 134.40 FEET TO A REINFORCED BAR SET FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE NORTH 76°06'51" EAST, 304.00 FEET TO A REINFORCED BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 135°30'07" EAST, 134.40 FEET TO A REINFORCED BAR SET IN THE NORTH RIGHT OF WAY OF MARLIN STREET FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 76°06'51" WEST, 304.00 FEET TO THE PLACE OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS LINDSAY ACRES SECTION 13, AN ADDITION TO THE CITY OF MIDLAND, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS ____ DAY OF ____, 2024.

DANIEL LIRA

WITNESS MY HAND AT MIDLAND, TEXAS, THIS ____ DAY OF ____, 2024.

PRISCILLA LIRA

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF ____, 2024, BY DANIEL LIRA.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF ____, 2024, BY PRISCILLA LIRA.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

OWNER:

DANIEL LIRA, & PRISCILLA LIRA
607 MARLIN STREET,
MIDLAND, TX 79701

LEGEND:

○ MONUMENT AS DESCRIBED
— PROPERTY LINE
- - - - - ADJOINING PROPERTIES



THAT I, R.J. DAUM, 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.



R.J. DAUM
TEXAS RPLS 4826

NO.	DATE	DESCRIPTION	BY	DRAWN BY:	DATE:
2	08/26/2023	PRELIMINARY PLAT	JD	JD	08/26/2023
				CHECKED BY:	PROJECT NO.:
				ED/RJ	78786
				JOB NO.:	SHEET: 1 OF 1
				78,786	

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO. ____ CABINET ____
DATE ____ PAGE ____



SCHUMANN
ENGINEERING CO.
A LATERAL LAND COMPANY
100 N. WAREFIELD ST., #100
MIDLAND, TEXAS 79701

TELEPHONE: 409-554-1111
FAX: 409-554-1112
WWW.SCHUMANN-ENGINEERING.COM

LINDSAY ACRES, SECTION 13

WEST MONTGOMERY AVENUE

LINDSAY ACRES
SECTION 11

⑥

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

N76°06'51"E 304.00'

27.30'

SAN SEW MH

20' ALLEY ROW DEDICATION,
0.14 ACRES

SAN SEW MH

MORAN STREET
(30 FOOT RIGHT-OF-WAY)

N13°53'07"W 134.40'

10' X 10'
CORNER CLIP

P.O.B.
GRID N:10687513.78
GRID E:1754630.35
LAT:N31°58'41.68"
LONG:W102°04'49.60"

LOT 14
0.14 ACRES

LOT 15
0.13 ACRES

LOT 16
0.13 ACRES

LOT 17
0.26 ACRES

LOT 18
0.13 ACRES

N58°53'44"W 14.14'

45.00'

55.00'

50.00'

50.00'

99.00'

50.00'

50.00'

S76°06'53"W 304.00'

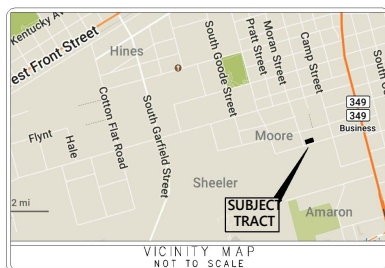
MARLIN STREET
(60 FOOT RIGHT-OF-WAY)

20 FOOT ACRES EASEMENT AS PER LINDSAY ACRES SECTION 4
RECORDED IN CAB. D PLS. 67

LOT 1

⑥

LINDSAY ACRES
SECTION 4



THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES:

SIGNED: ONCOR ELECTRIC DELIVER COMPANY

SIGNED: AT&T TEXAS

SIGNED: ATMOS ENERGY

SIGNED: OPTIMUM

SIGNED: ASTOUND

PACKET

NOTES:

- BEARINGS, DISTANCES AND ACREAGE SHOWN ARE BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
- MONUMENTS ARE 1/2 INCH REINFORCING BAR SET WITH YELLOW PLASTIC CAP STAMPED "SCHUMANN ENGINEERING" UNLESS OTHERWISE NOTED.
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- 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 OF FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
- THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) ANY LOT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- THIS PROPERTY IS IN FEMA'S FLOOD INSURANCE RATE MAP NO. 48329C0202, EFFECTIVE DATE, SEPTEMBER 16, 2005, ALL OF TRACT IS IN ZONE "X" AND NOT IN A SPECIAL FLOOD HAZARD AREA.
- IF CITY NEEDS ROW FROM MORAN STREET IN THE FUTURE, OWNER HAS TO GIVE THE ROW AND APPLY FOR SPECIAL EXEMPTION TO MEET THE MINIMUM LOT AND SET BACK REQUIREMENTS.

Page 3.18

LINDSAY ACRES, SECTION 13



Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: Lindsay Acres, Section **14 13**

Legal Description (attached sealed Metes and Bounds): A REPLAT OF THE WEST 608.00 FEET OF THE NORTH 134.4 FEET OF TRACT 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS.

Property Owner Printed Name: Daniel & Friscilla Lira		Phone (432) 528-5902	
Address 1001 Marlin Street.		Email georgesosa3@yahoo.com	
City Midland	State TX	Zip 79701	

Developer (if different than Owner) Printed Name:		Phone ()	
Address		Email	
City	State	Zip	

Representative (if acting as Agent, see affidavit on page 2) Firm: Schumann Engineering		Phone (432) 684-5548	
Printed Name: Eduardo L. Aleman		Email ealeman@schumannonline.net	
Address 800 N. Marienfeld, Suite 100	City Midland	State TX	Zip 79701

Current Zoning:

Reason for Platting:

Plat Information	Total Acreage: 0.94
Type: ☒ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: 5	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: 2/7/2024

Property Owner (printed): Daniel & Priscilla Lira

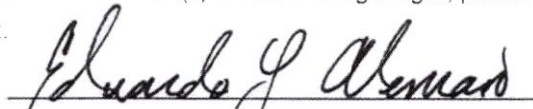
The Final Plat shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Subdivision Code of Ordinances of the City of Midland and when such required items for the application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

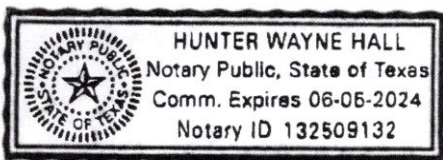
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Ed Aleman who, being by me duly sworn, upon oath says: That (s)he is authorized by Daniel & Priscilla, 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 7th day of February, 20 24, to certify which witness my hand and seal of office.





NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Mylar

☒ Application Fee

Check # Paid Online

☒ 1 Copy of Dimensioned Plat

☒ 1 Copy of Plat (11x17)

☒ Title Opinion

☒ Tax Certificates

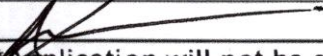
☒ Plat in Digital Format (PDF/JPEG)

☒ CADD File

☒ Public Improvement

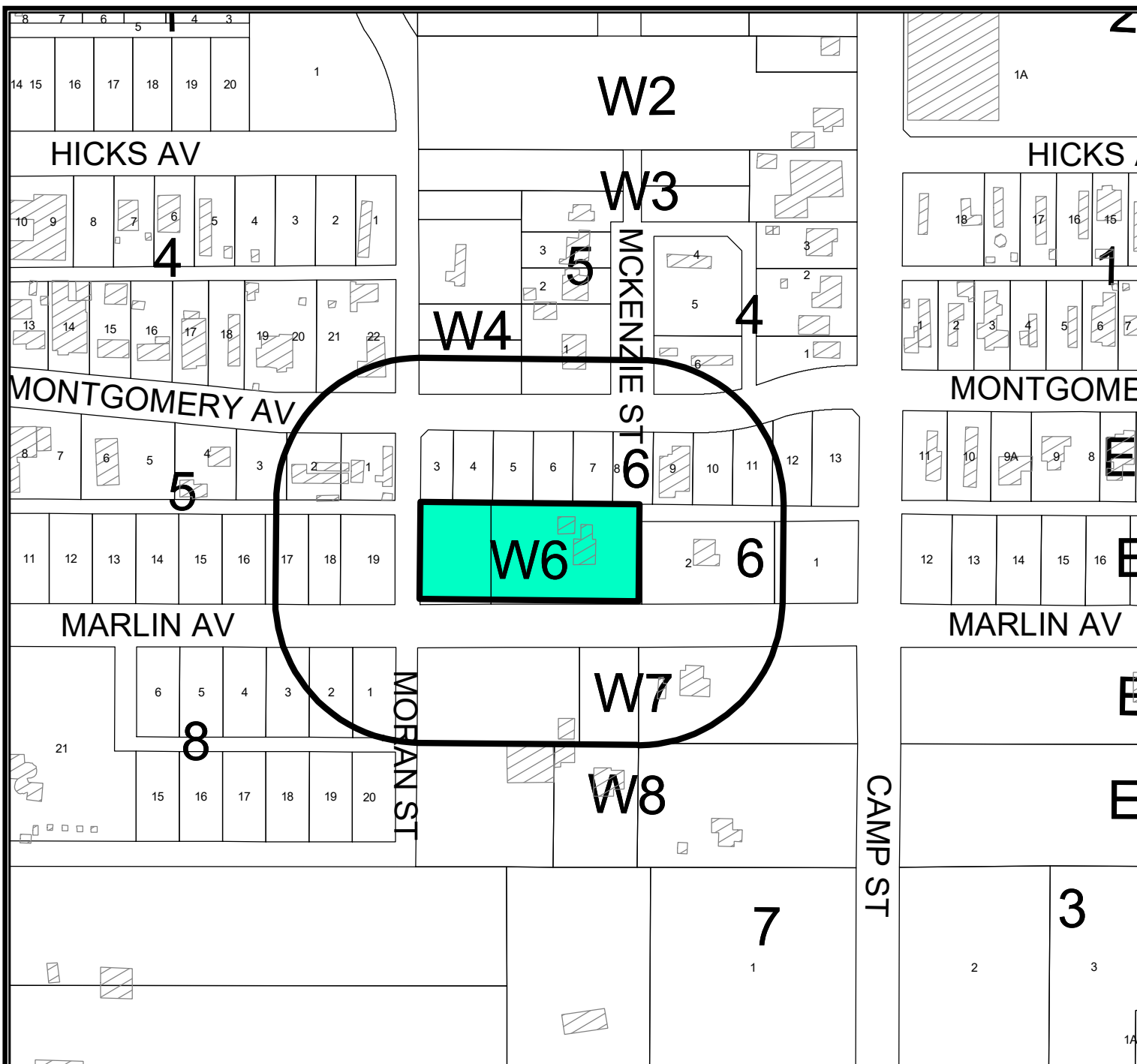
☒ Recording Fee

Check # 1163

Received By: 

Date: FEB 21 2024

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



LOCATION MAP

SUB-22-0515

Scale: 1" = 200'

Plat of Lindsey Acres, Section 13, being a replat of the of the west half of the west 608-feet of the north 134.4-feet of Tract 6, Lindsay Acres Addition, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of Marlin Avenue and Moran Street. (Council District 2).

LEGEND

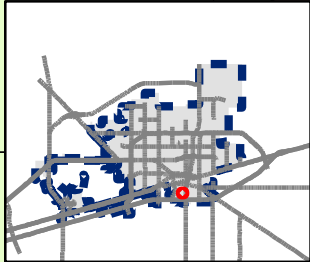
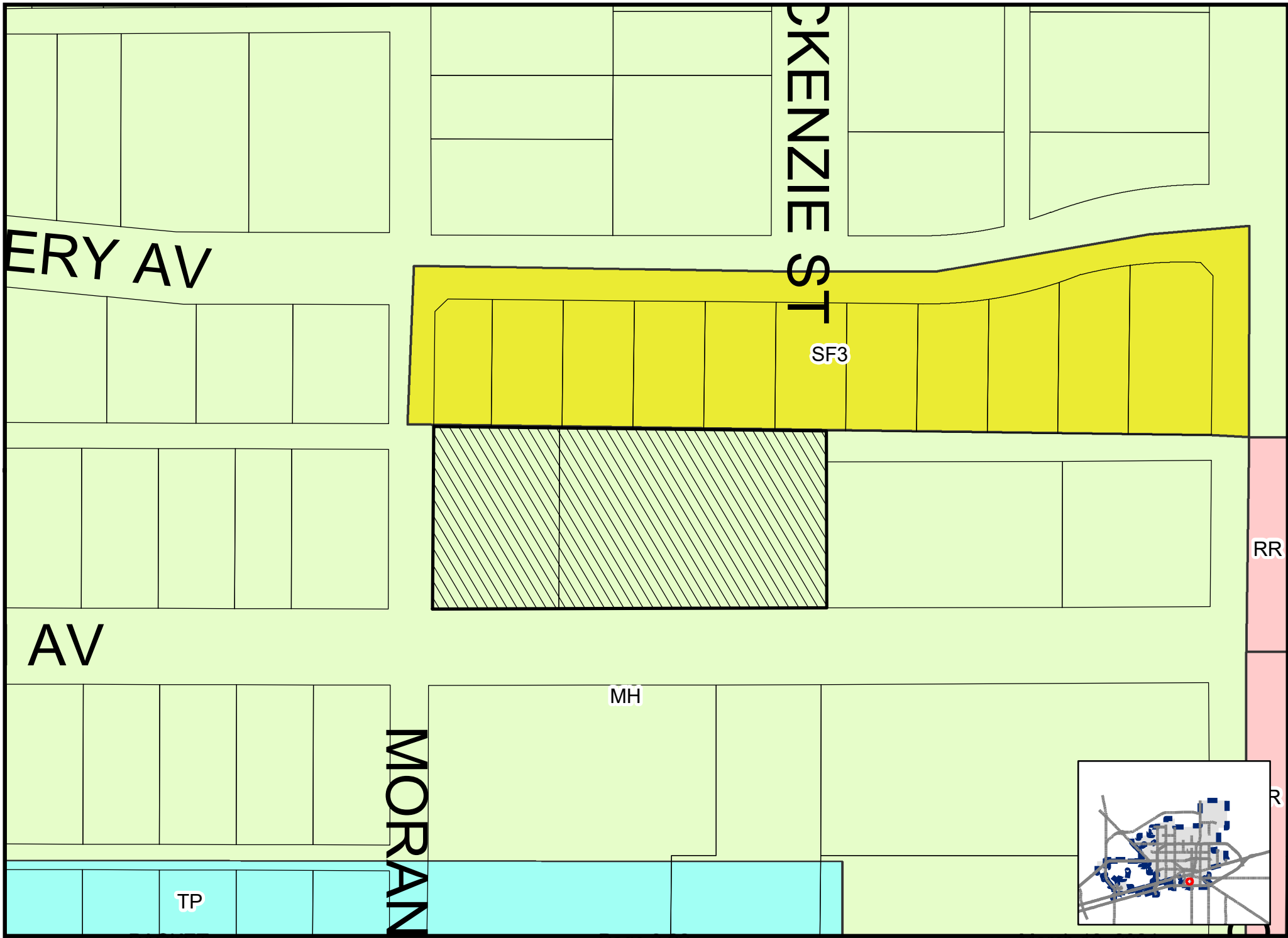
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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





MCKENZIE ST

GOMERY AV

ARLIN AV

MORAN ST

CAMP





Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: March 18, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving a Final Plat of Midland Memorial Hospital, Section 3, being a replat of Lot 1A, Block 1, Midland Memorial Hospital, Section 2, Lot 16, Block 4, Highland Park Addition, Block 11, Highland Park Addition, a 0.42-acre portion of North N Street right-of-way between West Illinois Avenue and West Ohio Avenue, and a 0.13-acre portion of alley right-of-way within Block 11, Highland Park Addition, City and County of Midland, Texas. (Generally located at the northeast corner of Andrews Highway and West Illinois Avenue.) (DISTRICT 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

PD, Planned Development District for a Medical Center (Ordinance No. 10457)

Preliminary Plat Approval:

Newton Engineering, PC, on behalf of Midland County Hospital District, is requesting to replat two lots, a block, an alley, and the portion of North N Street between West Illinois Avenue and West Ohio Avenue for the future development of medical offices.

The Planning & Zoning Commission recommended approval of the preliminary plat on September 5, 2023.

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

ROW: Refer to Transportation's comments, if any. [For Applicant's Information Only.]

PAVING: Andrews Hwy is is TxDOT facility, built and maintained by TxDOT, no improvements required. [For Applicant's Information Only.]

WATER: 12" Waterline exists on W Illinois Ave., on W. Tennessee Ave. and through easements within the property.

An 8" waterline exists in North N Street, a a okay as is. No public paving 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: 8" exists in easements through property, 10" wastewater line in Ohio Ave., and 12" wastewater lines along North N Street, and N Garfield. No public wastewater improvements required. [For Applicant's Information Only.]

DRAINAGE: Existing site is developed; If proposing to re-develop site drainage can be reviewed with building permit. [For Applicant's Information Only.]

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

SIDEWALKS: Required with building permit. [For Applicant's Information Only.]

DIMENSION: * * *

OTHER:

Transportation: (Received)

(No comment entered)

Fire: (Approved)

No comments.

Oil and Gas: (Approved)

No Oil & 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)

No comments.

Planning: (Approved with Conditions)

The request for portion of N Street and the alley of Block 11 was approved by City Council on November 14, 2023. The request to rezone the property to include block 11 into the existing PD was approved on December 12, 2023. [Informational]

Staff recommends approval of the Final Plat of Midland Memorial Hospital, Section 3, 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
Location Map
Zoning Map
Aerial



Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: Midland Memorial Hospital, Section 3**Legal Description (attached sealed Metes and Bounds):** _____

Being a Replat of Lot 1A, Block 1, Midland Memorial Hospital, Section 2; Lot 16, Block 4, Highland Park Addition; Block 11, Highland Park Addition; a 0.42-acre portion of vacated North N Street right-of-way between West Illinois Avenue and West Ohio Avenue; and a 0.13-acre portion of vacated alley right-of-way within Block 11, Highland Park Addition, City and County of Midland, Texas

Property Owner

Printed Name: Midland County Hospital District

Phone (432) 221-4877

Email
stephen.bowerman@midlandhealth.com

Address 2200 W. Illinois Avenue

City Midland

State TX

Zip 79701

Developer (if different than Owner)

Printed Name: _____

Phone () _____

Email _____

Address _____

City _____

State _____

Zip _____

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

Firm: Newton Engineering, PC

Printed Name: Kyle L. Newton, P.E.

Phone (432) 935-0707

Email
kyle@newtoncivil.com

Address 4501A Santa Rosa Drive

City Midland

State TX

Zip 79707

Current Zoning: PD**Reason for Platting:** Combine land owned by Midland Memorial Hospital into a single lot**Plat Information**

Total Acreage: 23.93 acres

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

Number of Lots: 1

Number of Multi-Family Dwelling Units: 0

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')

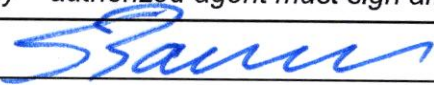
For plats 18" to 24" \$61.00

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:

2/19/24

Property Owner (printed): Stephen Bowerman, President/Chief Executive Officer

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.

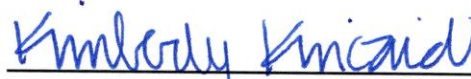
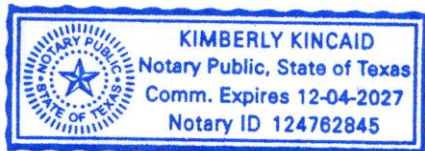
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Stephen Bowerman who, being by me duly sworn, upon oath says: That (s)he is authorized by Midland County Hospital District, 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 19th day of February, 2024, to certify which witness my hand and seal of office.



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

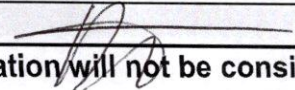
☐ Public Improvement

Check # 1577

☐ Tax Certificates

☐ Recording Fee

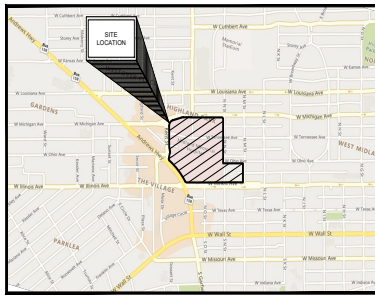
Check # 1578

Received By: 

Date:

FEB 20 2024

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



LOCATION MAP
N.T.S.

MIDLAND MEMORIAL HOSPITAL, SECTION 3

BEING A REPLAT OF LOT 1A, BLOCK 1, MIDLAND MEMORIAL HOSPITAL, SECTION 2;

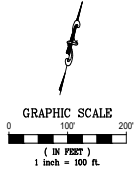
LOT 16, BLOCK 4, HIGHLAND PARK ADDITION;

BLOCK 11, HIGHLAND PARK ADDITION;

A 0.42 ACRE PORTION OF VACATED NORTH N STREET RIGHT-OF-WAY BETWEEN WEST ILLINOIS AVENUE AND WEST OHIO AVENUE;
AND A 0.13 ACRE PORTION OF VACATED RIGHT-OF-WAY WITHIN BLOCK 11, HIGHLAND PARK ADDITION,
CITY AND COUNTY OF MIDLAND, TEXAS

LEGEND

- FOUND 1/2" IR W/ CAP "PLS 1974" UNLESS OTHERWISE NOTED
- BOUNDARY LINE
- - - ADJACENT PROPERTY
- - - EASEMENT
- ▨ RIGHT-OF-WAY (ROW) VACATION



OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, MIDLAND COUNTY HOSPITAL DISTRICT, IS THE RECORD OWNER OF ALL OF THAT CERTAIN LAND SHOWN ON THIS PLAT AND DESIGNATED AS MIDLAND MEMORIAL HOSPITAL, SECTION 3, BEING A REPLAT OF LOT 1A, BLOCK 1, MIDLAND MEMORIAL HOSPITAL, SECTION 2; LOT 16, BLOCK 4, HIGHLAND PARK ADDITION; BLOCK 11, HIGHLAND PARK ADDITION; A 0.42 ACRE PORTION OF VACATED NORTH N STREET RIGHT-OF-WAY BETWEEN WEST ILLINOIS AVENUE AND WEST OHIO AVENUE; AND A 0.13 ACRE PORTION OF VACATED ALLEY RIGHT-OF-WAY WITHIN BLOCK 11, HIGHLAND PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED HEREON.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, STEPHEN BOWERMAN, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS MIDLAND MEMORIAL HOSPITAL, SECTION 3 AND HEREBY DEDICATE TO THE PUBLIC USE FOREVER OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS OUR HANDS AT MIDLAND, TEXAS, THIS _____ DAY OF _____, 2024.

MIDLAND COUNTY HOSPITAL DISTRICT
STEPHEN BOWERMAN, PRESIDENT/CHIEF EXECUTIVE OFFICER

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF MIDLAND

THIS PLAT WAS ACKNOWLEDGED BEFORE ME ON _____, 2024 BY STEPHEN BOWERMAN.

NOTARY PUBLIC, STATE OF TEXAS

NOTES

- SELLING A PORTION OF THIS ADDITION BY METERS AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- BEARINGS/DISTANCES/COORDINATES REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, WITH A COMBINED GRID FACTOR OF 0.99997786 AND THEIR ANGLE OF 40°45'32".
- THE AREA SHOWN ON THIS PLAT IS IN FLOOD ZONE X ACCORDING TO FIRM MAP NUMBER 48020C001F DATED 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 INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
- THE 0.42 ACRE PORTION OF NORTH N STREET RIGHT-OF-WAY AND THE 0.13 ACRE PORTION OF ALLEY RIGHT-OF-WAY WAS VACATED AS PER ORDINANCE NO. 10452 PASSED AND APPROVED ON NOVEMBER 14TH, 2023 AND SIGNED BY THE MAYOR, AS PER THE ORDINANCE, THE VACATED 0.42 ACRE PORTION OF NORTH N STREET RIGHT-OF-WAY WAS RETAINED AS A NON-EXCLUSIVE UTILITY EASEMENT.

OWNER:
MIDLAND COUNTY HOSPITAL DISTRICT
2200 W. ILLINOIS AVENUE
MIDLAND, TEXAS 79701

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO. _____
DATE _____

CERTIFICATE OF APPROVAL: FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF MIDLAND MEMORIAL HOSPITAL, SECTION 3, WAS APPROVED BY PROPER ACTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS, ON THIS

____ DAY OF _____, 2024.

Lucy Stanlego, Chairman

Xavier Bauguess, Secretary

SURVEYOR'S CERTIFICATE:

THAT I, DOW E KELLY, 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 WERE FOUND PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

Page 4.30

REGISTERED PROFESSIONAL SURVEYOR



NEWTON ENGINEERING, PC
4501A Santa Rosa Dr. P.O. Box 5707
Midland, Texas 79707 F-10194509 Odessa, Texas 79761
(409) 730-0100 (432) 933-0707

March 18, 2024

DATE: JANUARY 2024

SCALE: 1"=100'

FINAL PLAT

PROJECT NUMBER
23-ME06261

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

Signed: _____
Onor Electric Delivery Company

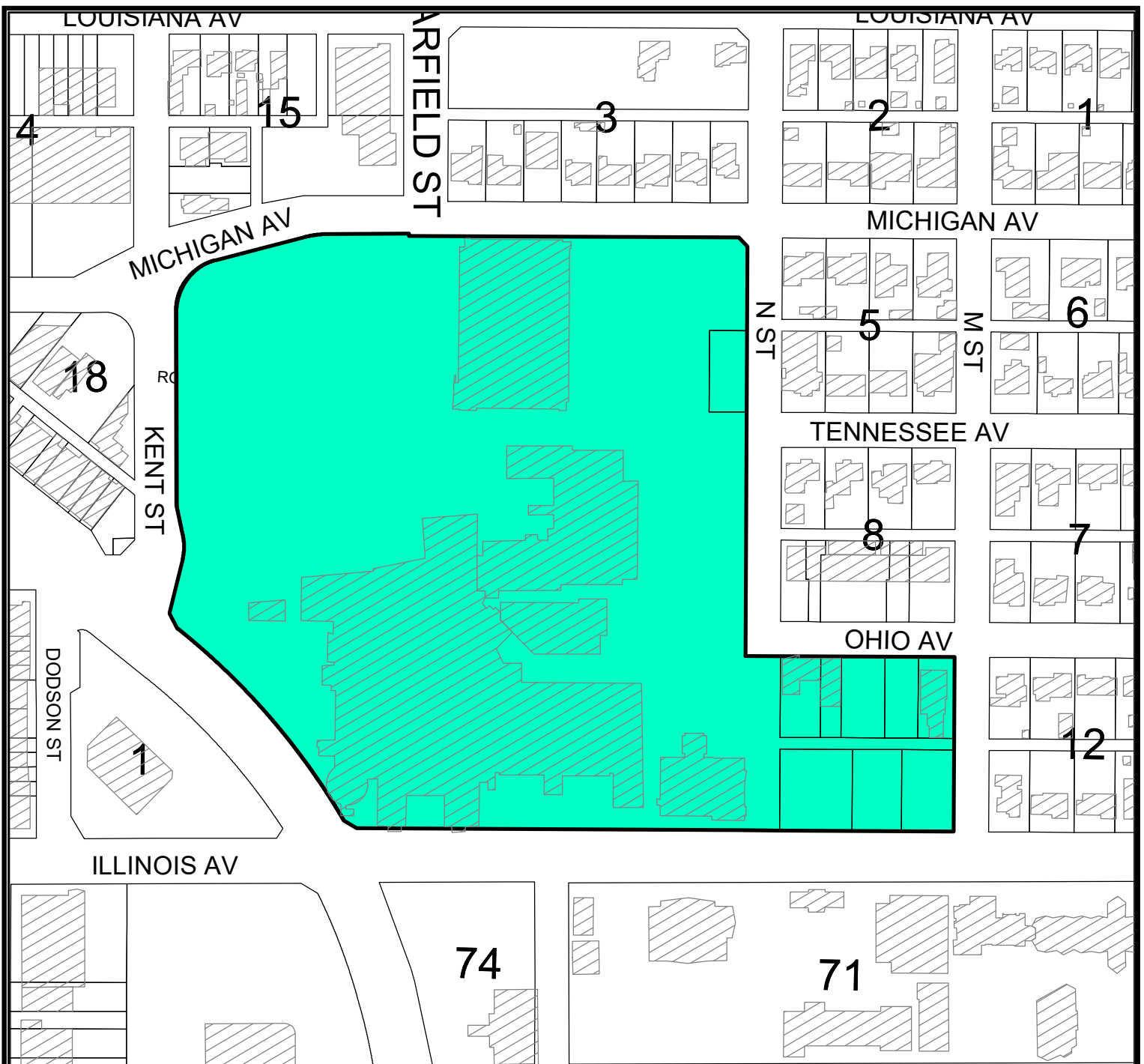
Signed: _____
Optimum

Signed: _____
A & T

Signed: _____
Astound Broadband

Signed: _____
Atmos Energy

PACKET



Location Map

P-24-1921

Scale: 1" = 248'

Plat of Midland Memorial Hospital, Section 3, being a replat of Lot 1A, Block 1, Midland Memorial Hospital, Section 2, Lot 16, Block 4, Highland Park Addition, Block 11, Highland Park Addition, a 0.42-acre portion of North N Street right-of way between West Illinois Avenue and West Ohio Avenue, and a 0.13-acre portion of alley right-of-way within Block 11, Highland Park Addition, City and County of Midland, Texas.

Generally located at the northeast corner of Andrews Highway and West Illinois Avenue. (Council District 3)

LEGEND

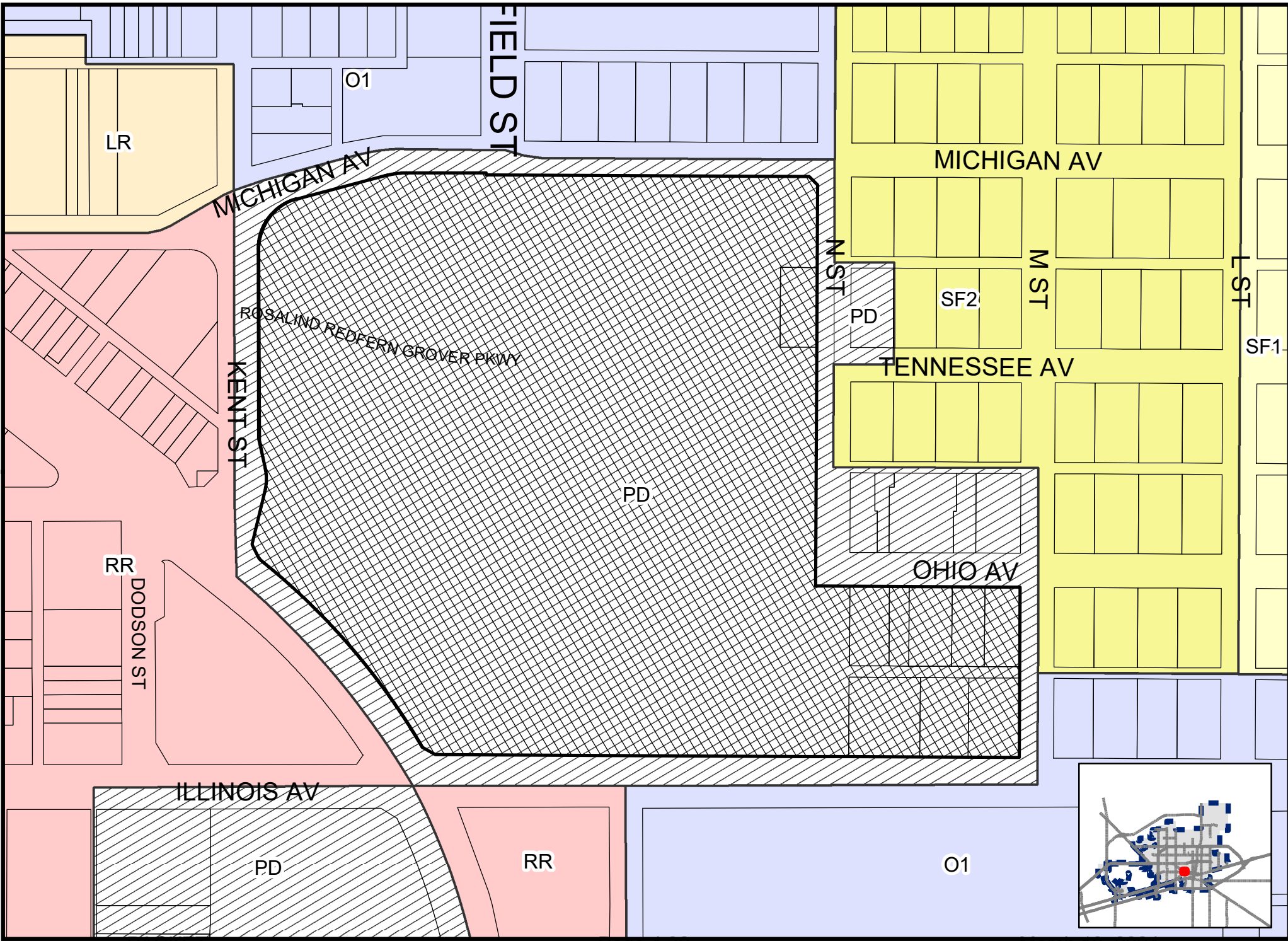
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS

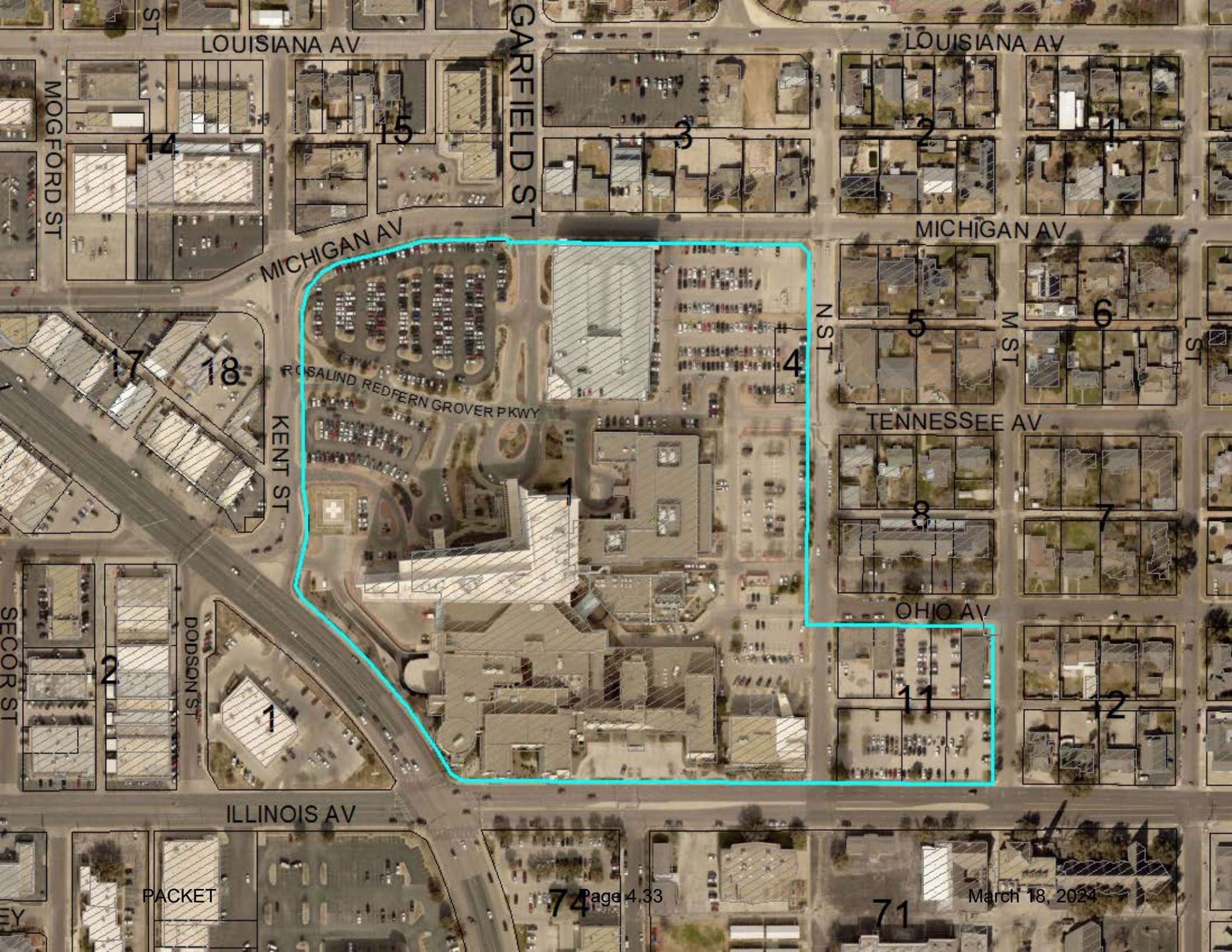


©THE CITY OF MIDLAND - 2021

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

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





ORDINANCE NO. 10452

AN ORDINANCE VACATING AND ABANDONING A 0.42-ACRE PORTION OF NORTH N STREET RIGHT-OF-WAY AND A 0.13-ACRE PORTION OF ALLEY RIGHT-OF-WAY, EACH LOCATED ADJACENT TO OR WITHIN BLOCK 11, HIGHLAND PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF THE INTERSECTION OF NORTH N STREET AND WEST ILLINOIS AVENUE); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$75,592.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

WHEREAS, it has been determined by the Midland City Council that a 0.42-acre portion of North N Street right-of way and a 0.13-acre portion of alley right-of-way, each located adjacent to or within Block 11, Highland Park Addition, City and County of Midland, Texas, as described in Exhibits "A" and "B" attached hereto and made a part hereof for all legal purposes (the "Property"), are no longer needed for public use; and

WHEREAS, Section 272.001 of the Texas Local Government Code provides that a political subdivision may not convey, sell, or exchange its interest in land without observing notice and bid requirements, unless the conveyance is to one or more abutting property owners; and

WHEREAS, an application for vacating the Property has been received by the City from the abutting property owner; and

WHEREAS, the Assistant City Manager has appraised the value of the City's property interest in the Property at \$75,592.00, as shown in Exhibit "C" attached hereto and incorporated herein by reference; and

WHEREAS, the Council finds it to be in the public interest to abandon and vacate the Property;

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

SECTION ONE. That the Property is hereby vacated and abandoned for all public

purposes. Provided, however, that the City is hereby abandoning only the public interest in the Property, and this ordinance in no way affects any private easement or access easement which abutting property owners may have in the Property.

SECTION TWO. That this ordinance shall not be effective until:

- A. the City of Midland has received from the abutting property owner(s) the sum of \$75,592.00; and
- B. a replat of the Property is approved by the City of Midland and filed and recorded with the County Clerk of Midland County, Texas.

SECTION THREE. That the City herein retains an accessible nonexclusive utility easement across, through, over, under, on and along the aforementioned 0.42-acre portion of North N Street right-of way included in the Property until all entities that were using said portion of the Property for utility purposes as of the date of approval of this ordinance have abandoned their uses of the Property.

SECTION FOUR. That upon the City's receipt of the sum set forth in Section Two hereof, the City Secretary is hereby authorized and directed to file a certified copy of this ordinance with the County Clerk of Midland County, Texas, for purposes of recording in the Official Records of Midland County, Texas.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 24th day of October, A.D., 2023; and passed to second reading on motion of Council member Dufford, 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 Stretcher Burkes, on the 14th day of November, A.D., 2023, at a regular

meeting of the City Council:

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

Council members voting "NAY": None

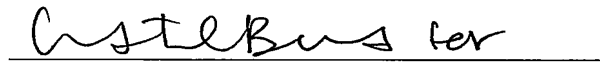
PASSED AND APPROVED THIS 14th day of November, A.D., 2023.


Lori Merritt Blong, Mayor

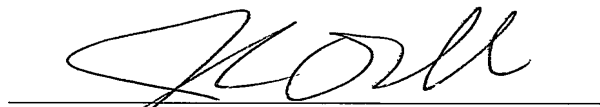
ATTEST:


Marcia Bentley-German, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:


Rolandrea Russell, Interim Director of Development Services

APPROVED ONLY AS TO FORM:


John Ohnemiller, City Attorney



NEWTON ENGINEERING, PC

4501A Santa Rosa Dr.
Midland, Texas 79707
(432) 770-0499

F-13856
F-10194809

2481 E. 2nd St.
Odessa, Texas 79761
(432) 935-0707

"EXHIBIT A"
LEGAL DESCRIPTION FOR A
24,166 SQUARE FEET TRACT
LOCATED IN SECTION 27, BLOCK 39, T-1-S, T&P R.R. CO. SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS

BOUNDARY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" Iron rod with cap "RPLS 1974" found in the south right-of-way line of West Ohio Avenue and the east right-of-way line of North "N" Street, being the northwest corner of the Block 11, Highland Park Addition, as recorded in Cabinet C, Page 96, Midland County Plat Records and the most northerly northeast corner of this tract;

THENCE S 14°11'53" E along the east right-of-way line of said North "N" Street and the west line of said Block 11, a distance of 139.77 feet to a Mag nail with washer "RPLS 1974" found at the southwest corner of the North Half of said Block 11 and an ell corner of this tract;

THENCE N 75°48'07" E along the south line of said North Half of said Block 11, a distance of 299.83 feet to the southeast corner of said North Half of said Block 11 and the most easterly northeast corner of this tract;

THENCE S 14°11'53" E along the west right-of-way line of said North "M" Street, a distance of 20.07 feet to a ½" Iron rod with cap "RPLS 1974" found at the northeast corner of the South Half of said Block 11, being the most easterly southeast corner of this tract;

THENCE S 75°48'07" W along the north line of said South Half of said Block 11, a distance of 299.83 feet to a ½" Iron rod found in the east right-of-way line of said North "N" Street, being the northwest corner of said South Half of said Block 11 and an ell corner of this tract;

THENCE S 14°11'53" E along the east right-of-way line of said North "N" Street and the west line of said South Half of said Block 11, a distance of 139.84 feet to a ½" Iron rod with cap "RPLS 1974" found in the north right-of-way line of West Illinois Avenue, being the southwest corner of said South Half of said Block 11 and the most southerly southeast corner of this tract;

THENCE S 75°35'46" W along the north right-of-way line of said West Illinois Avenue, a distance of 75.15 feet to a ½" Iron rod found in the southwest cutback corner of said North "N" Street, being the most southerly southeast corner of Lot 1A, Block 1, Midland Memorial Hospital, Section 2, as recorded in Cabinet I, Page 53, Midland County Plat Records and the southwest corner of this tract;



NEWTON ENGINEERING, PC

4501A Santa Rosa Dr.
Midland, Texas 79707
(432) 770-0499

F-13856
F-10194809

2481 E. 2nd St.
Odessa, Texas 79761
(432) 935-0707

THENCE N 30°41'58" E along said cutback, a distance of 21.25 feet to the most easterly southeast corner of said Lot 1A, being a point of deflection of this tract;

THENCE N 14°11'53" W along the west right of way line of said North "N" Street and the east line of said Lot 1A, a distance of 284.90 feet to the northwest corner of this tract, and being in a projection of the south right-of-way line of said West Ohio Avenue;

THENCE N 75°48'07" E along the south right-of-way line of said West Ohio Avenue, a distance of 60.15 feet to the Point of Beginning, containing 24,166 surface square feet of land.

Bearings and distances are relative to the Texas State Plane Coordinate System, 1983 NAD, Central Zone, with a combined Grid Factor of 0.999901786 and a Theta Angle of -00°54'32".

Exhibit 'B' accompanies this description.

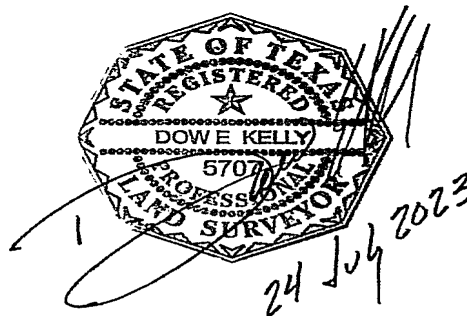
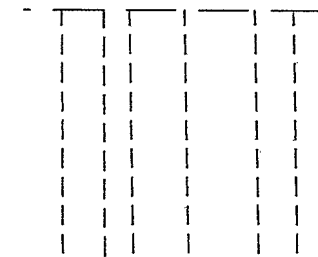


EXHIBIT "B"
SURVEY OF

**A 18,148 SQUARE FOOT VACATION OF NORTH 'N' STREET RIGHT-OF-WAY
AND A 6,018 SQUARE FOOT VACATION OF ALLEY RIGHT-OF-WAY**
IN HIGHLAND PARK ADDITION, AS RECORDED IN CABINET C, PAGE 96, MIDLAND COUNTY PLAT RECORDS,
LOCATED IN SECTION 27, BLOCK 39, T-1-S, T&P RR. CO. SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS.



GRAPHIC SCALE



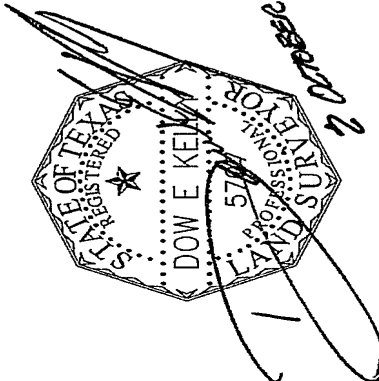
(IN FEET)

ORIGINAL PLOTTED AT A SCALE OF 1"=60'
ON 8.5" X 14" PAPER

HEAVY PLOTTED LINES INDICATE LIMITS OF SURVEY.

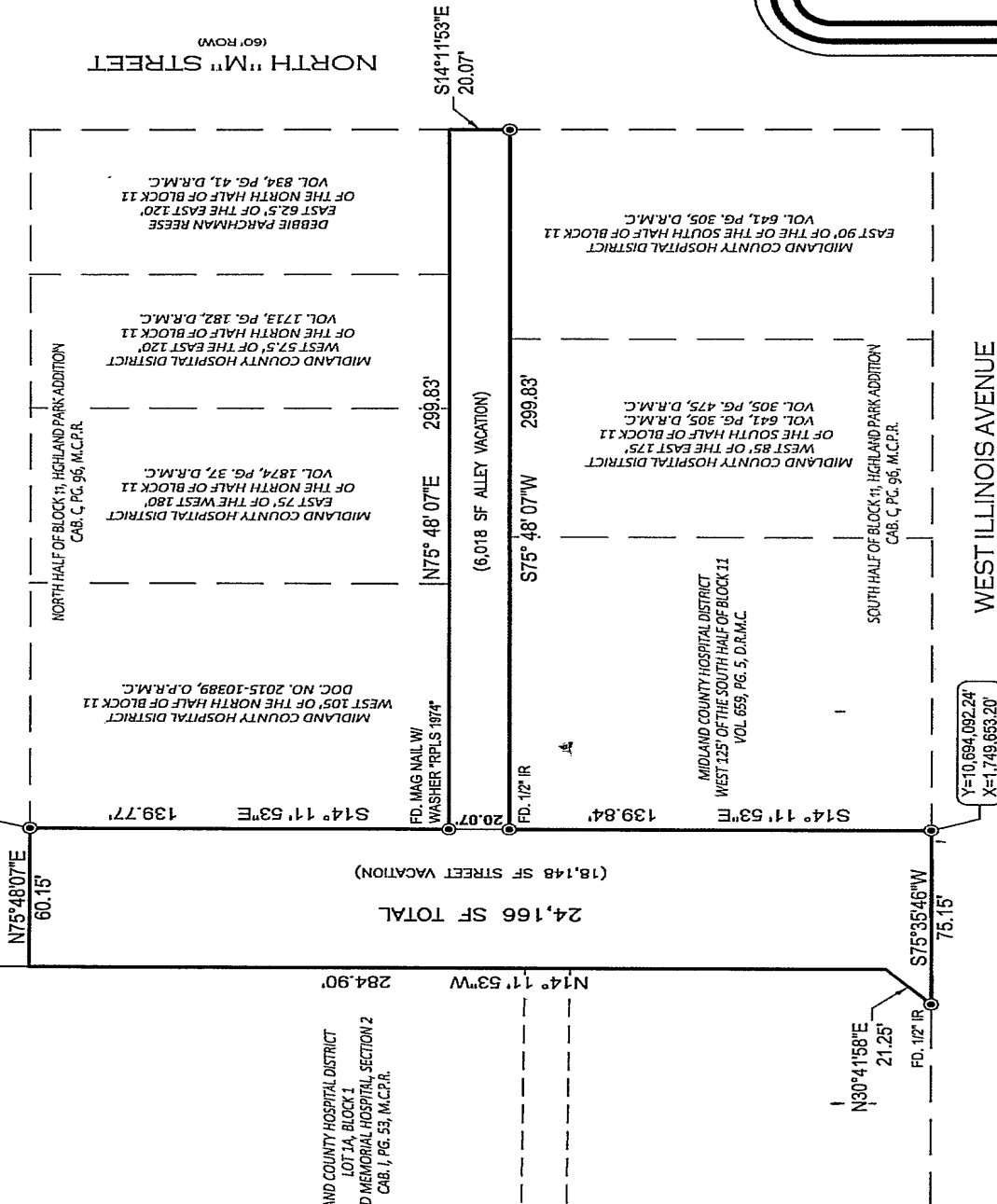
BEARINGS AND DISTANCES ARE RELATIVE TO THE TEXAS STATE
PLANE COORDINATE SYSTEM, 1983 NAD, CENTRAL ZONE. COMBINED
GRID FACTOR OR 0.999907786 AND A THETA ANGLE OF -00°54'32".

EXHIBIT "A" ACCOMPANIES THIS EXHIBIT.



WEST OHIO AVENUE
(60' ROW)

P.O.B.
Y=10,694,382.77
X=1,749,579.70



NEWTON ENGINEERING, PC

4501A Santa Rosa Dr.
Midland, Texas 79707
(432) 770-0499
F-13856 F-10194809
2481 E. 2nd St.
Odessa, Texas 79761
(432) 935-0707

Prepared For: MIDLAND COUNTY HOSPITAL DISTRICT

Job No. 22-ME12291



Office of the City Manager

October 16, 2023

Midland City Council
City of Midland, Texas

RE: Request for vacation of a 0.42-acre portion of North N Street right-of way and a 0.13-acre portion of alley right-of-way, each located adjacent to or within Block 11, Highland Park Addition, City and County of Midland, Texas, City and County of Midland, Texas

Dear Members of the City Council:

The above-referenced property has been appraised in accordance with Chapter 272 of the Texas Local Government Code. The fair market value of the property is \$75,592.00. Upon the City's receipt of this sum from the adjoining property owner(s), the ordinance vacating and abandoning the City's interest in the property may be recorded in the Midland County Clerk's office.

Very truly yours,

Jose Ortiz
Assistant City Manager

EXHIBIT "C"

300 N. Loraine, Midland, TX 79701 • 432-685-7202 • Fax 432-685-1600



APPROVED

10452



City Council Meeting

Item Number: 34
Meeting Date: October 24, 2023, November 14, 2023
To: City Council / City Manager
From: Landon Ochoa, Senior Planner
Subject: AN ORDINANCE VACATING AND ABANDONING A 0.42-ACRE PORTION OF NORTH N STREET RIGHT-OF WAY AND A 0.13-ACRE PORTION OF ALLEY RIGHT-OF-WAY, EACH LOCATED ADJACENT TO OR WITHIN BLOCK 11, HIGHLAND PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF THE INTERSECTION OF NORTH N STREET AND WEST ILLINOIS AVENUE); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$75,592.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 3) (DEVELOPMENT SERVICES)

Purpose:

Midland Memorial Hospital is requesting to vacate a 0.42-acre portion of North N Street right-of way between West Illinois Avenue and West Ohio Avenue, and a 0.13-acre portion of alley right-of-way within Block 11, Highland Park addition, City and County of Midland, Texas for the development of medical office buildings.

Recommended City Council Action:

Approve

Fiscal Impact:

The 2023 appraised value of the right-of-way is \$4.00 per square foot, for a total value of \$75,592.

Discussion:

The approximated area that will be vacated is 30,184 square feet (0.55-acres).

PACKET

34.1

November 14, 2023

PACKET

Page 4.41

March 18, 2024

This request is associated with the plat of Midland Memorial Hospital, Section 3. This plat is currently in the preliminary phase and was approved by the Planning & Zoning Commission on September 5, 2023.

This request is also associated with a zone change request which was on the October 16, 2023 Planning and Zoning Commission meeting.

This request has been circulated and reviewed by all pertinent City departments and franchise utility companies. Their comments, conditions, and requests are as follows:

Code Compliance: (Approved)

No oil and gas issues.

Building Code: (Approved)

No issues.

Engineering: (Approved)

No objections to vacation. Applicant shall be responsible for relocating any utilities, if existing, or providing easements as needed.

Fire: (Approved)

No objection to vacation request.

Transportation: (Approved)

No objections to vacation. Applicant shall be responsible for relocating any utilities, if existing, or providing easements as needed.

GIS: (Approved)

No comments.

AT&T: (Approved)

We have cable on North N St. and down the alley requesting vacation. Whoever is wanting it vacated would need to pay to have all cables relocate.

Atmos: (Approved)

Atmos Energy currently has facilities located within the above-described alley and street Right of Way proposed to be vacated. Atmos would have no objection to this vacation if a utility easement is maintained for the portion of N Street planned for vacation. Our gas facilities in the alley right of way can be retired and relocated. Any relocation costs would be passed on to

the property owner or entity requesting the vacate.

Astound: (Approved with Conditions)

Astound has stated that they have utilities in the in the area. They are fine with the vacation as long as the applicant pays for the relocation of utilities and a utility easement for the portion of North N Street is kept.

Oncor: (Approved)

Oncor has both Overhead and Underground facilities in the area identified. We will work with our internal partners to provide a cost to relocate the Oncor facilities to vacate the area.

Altice USA: (Approved)

Optimum does have coax aerial plant in the alley described on your map. There are a few businesses north of that alley, we cannot vacate & terminate their services. We have been in touch with the hospital P.O.C. concerning this vacate & they are aware of this issue. We will work on a quote & redesign for us to vacate & relocate our plant at their cost.

Planning:

Pertinent City departments and franchise utility companies have reviewed this vacation request and have approved the request.

Therefore, staff recommends approval of this vacation subject to conditions A through C.

Conditions:

- A. That the value of the property shall be \$75,592.**
- B. That an accessible nonexclusive utility easement is retained in the 0.42-acre portion of N Street.**
- C. That a replat of the subject property is approved by the City of Midland and filed and recorded with the County Clerk of Midland County.**

Letters of Objection:

As of October 13, staff has not received any letters of objection to this request.

Attachments:

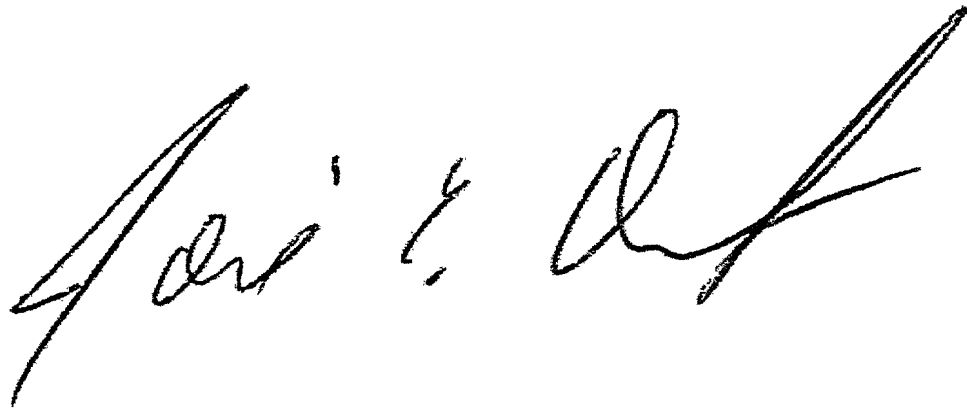
Metes & Bounds (Exhibit A)

Vacation Survey (Exhibit B)

Application

Maps

Responses from Franchise Utility Companies

A handwritten signature in black ink, appearing to read "David L. Smith". The signature is fluid and cursive, with a long horizontal stroke at the end.

City Manager's Office



NEWTON ENGINEERING, PC

4501A Santa Rosa Dr.
Midland, Texas 79707
(432) 770-0499

F-13856
F-10194809

2481 E. 2nd St.
Odessa, Texas 79761
(432) 935-0707

"EXHIBIT A"
LEGAL DESCRIPTION FOR A
24,166 SQUARE FEET TRACT
LOCATED IN SECTION 27, BLOCK 39, T-1-S, T&P R.R. CO. SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS

BOUNDARY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" Iron rod with cap "RPLS 1974" found in the south right-of-way line of West Ohio Avenue and the east right-of-way line of North "N" Street, being the northwest corner of the Block 11, Highland Park Addition, as recorded in Cabinet C, Page 96, Midland County Plat Records and the most northerly northeast corner of this tract;

THENCE S 14°11'53" E along the east right-of-way line of said North "N" Street and the west line of said Block 11, a distance of 139.77 feet to a Mag nail with washer "RPLS 1974" found at the southwest corner of the North Half of said Block 11 and an ell corner of this tract;

THENCE N 75°48'07" E along the south line of said North Half of said Block 11, a distance of 299.83 feet to the southeast corner of said North Half of said Block 11 and the most easterly northeast corner of this tract;

THENCE S 14°11'53" E along the west right-of-way line of said North "M" Street, a distance of 20.07 feet to a ½" Iron rod with cap "RPLS 1974" found at the northeast corner of the South Half of said Block 11, being the most easterly southeast corner of this tract;

THENCE S 75°48'07" W along the north line of said South Half of said Block 11, a distance of 299.83 feet to a ½" Iron rod found in the east right-of-way line of said North "N" Street, being the northwest corner of said South Half of said Block 11 and an ell corner of this tract;

THENCE S 14°11'53" E along the east right-of-way line of said North "N" Street and the west line of said South Half of said Block 11, a distance of 139.84 feet to a ½" Iron rod with cap "RPLS 1974" found in the north right-of-way line of West Illinois Avenue, being the southwest corner of said South Half of said Block 11 and the most southerly southeast corner of this tract;

THENCE S 75°35'46" W along the north right-of-way line of said West Illinois Avenue, a distance of 75.15 feet to a ½" Iron rod found in the southwest cutback corner of said North "N" Street, being the most southerly southeast corner of Lot 1A, Block 1, Midland Memorial Hospital, Section 2, as recorded in Cabinet I, Page 53, Midland County Plat Records and the southwest corner of this tract;



NEWTON ENGINEERING, PC

4501A Santa Rosa Dr.
Midland, Texas 79707
(432) 770-0499

F-13856
F-10194809

2481 E. 2nd St.
Odessa, Texas 79761
(432) 935-0707

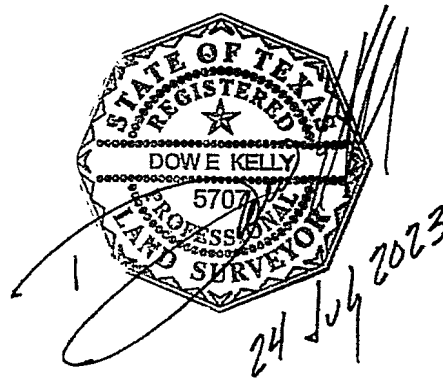
THENCE N 30°41'58" E along said cutback, a distance of 21.25 feet to the most easterly southeast corner of said Lot 1A, being a point of deflection of this tract;

THENCE N 14°11'53" W along the west right of way line of said North "N" Street and the east line of said Lot 1A, a distance of 284.90 feet to the northwest corner of this tract, and being in a projection of the south right-of-way line of said West Ohio Avenue;

THENCE N 75°48'07" E along the south right-of-way line of said West Ohio Avenue, a distance of 60.15 feet to the Point of Beginning, containing 24,166 surface square feet of land.

Bearings and distances are relative to the Texas State Plane Coordinate System, 1983 NAD, Central Zone, with a combined Grid Factor of 0.999901786 and a Theta Angle of -00°54'32".

Exhibit 'B' accompanies this description.



PACKET

34.9

November 14, 2023

Page 2 of 2

PACKET

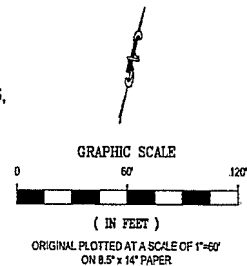
Page 4.46

March 18, 2024

FD: 1/2" IR W/ CAP "RPLS 1974" UNLESS OTHERWISE NOTED

EXHIBIT "B"
SURVEY OF

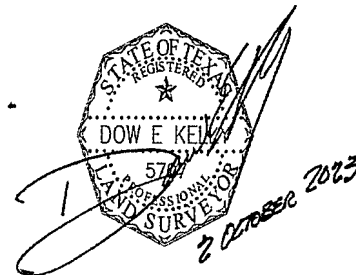
A 18,148 SQUARE FOOT VACATION OF NORTH 'N' STREET RIGHT-OF-WAY
AND A 6,018 SQUARE FOOT VACATION OF ALLEY RIGHT-OF-WAY
IN HIGHLAND PARK ADDITION, AS RECORDED IN CABINET C, PAGE 96, MIDLAND COUNTY PLAT RECORDS,
LOCATED IN SECTION 27, BLOCK 39, T-1-S, T&P RR. CO. SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS.



HEAVY PLOTTED LINES INDICATE LIMITS OF SURVEY.

BEARINGS AND DISTANCES ARE RELATIVE TO THE TEXAS STATE
PLANE COORDINATE SYSTEM, 1983 NAD, CENTRAL ZONE, COMBINED
GRID FACTOR OR 0.999901786 AND A THETA ANGLE OF -00°54'32".

EXHIBIT "A" ACCOMPANIES THIS EXHIBIT.



NEWTON ENGINEERING, PC

4501A Santa Rosa Dr. F-13856 2481 E. 2nd St.
Odessa, Texas 79761
(432) 770-0433 (432) 935-0707

November 14, 2023

Prepared For: MIDLAND COUNTY HOSPITAL DISTRICT

Job No: 22-ME12291



Office of the City Manager

October 16, 2023

Midland City Council
City of Midland, Texas

RE: Request for vacation of a 0.42-acre portion of North N Street right-of way and a 0.13-acre portion of alley right-of-way, each located adjacent to or within Block 11, Highland Park Addition, City and County of Midland, Texas, City and County of Midland, Texas

Dear Members of the City Council:

The above-referenced property has been appraised in accordance with Chapter 272 of the Texas Local Government Code. The fair market value of the property is \$75,592.00. Upon the City's receipt of this sum from the adjoining property owner(s), the ordinance vacating and abandoning the City's interest in the property may be recorded in the Midland County Clerk's office.

Very truly yours,

Jose Ortiz
Assistant City Manager

PACKET

34.11

EXHIBIT "C"
November 14, 2023

300 N. Lorraine, Midland TX 79701 • 432-685-1202 • FAX 432-685-1600

PACKET

Page 4.48

March 18, 2024



**Vacate Right-of-Way/Public Utility
Easement/Land/Street Application**

Project Number: _____

Case Number: V-23-0054

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

Printed Name: Midland Memorial Hospital

Phone ()
Email

Address 400 Rosalind Redfern Grover Parkway

City Midland

State TX

Zip 79701

Application is hereby made to the City Council to vacate the following:

- ☒ Right-of-Way
- ☐ Public Utility Easement
- ☐ Land
- ☐ Street

Description of Address: North "N" Street from W. Ohio Ave to W. Illinois Ave and 20' alley located in Block 11 of Highland Park Addition.

Reason for Request: Right of way abandonment will facilitate development of new office building for Midland Memorial Hospital.

Reasons, in applicant's opinion, why the requested vacation will not adversely affect the public welfare or will contribute to it in a positive way: Vacating this portion of North "N" Street will have minimal impact on traffic patterns. An easement will be granted as per replat for the existing utilities in North "N" Street to allow them to remain in place.

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Sealed metes and bounds description of the property to be vacated (included on the map) and total square feet of vacation. Include ownership, legal and deed information for adjacent property owners
- Digital Copies of Survey (PDF/JPEG)

Utility Company Approval

Clearance is needed from the following utility companies:

- City of Midland
- Atmos Energy
- Oncor Electric
- AT&T
- Suddenlink Cable TV Co.
- Grande Communications

The City will route the request to these companies, but it is the applicant's responsibility to ensure clearance has been obtained to resolve any issues that may arise.

PACKET

34.12

November 14, 2023

PACKET

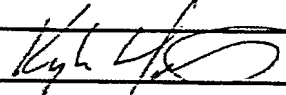
Page 4.49

March 18, 2024

Policies

1. If the vacation request involves only a portion of a section right-of-way, such that approval would not affect the public's ability to travel along said right-of-way, then the request will be scheduled for consideration by the City Council. No public hearing will be needed.
2. If the vacation request involves an entire section of right-of-way, such that approval would cause the public to lose all rights to use it, then the following procedures apply:
 - a. Nearby land owners who have a reasonable expectation to use said right-of-way, as determined by the Transportation Division, must first agree to the proposed vacation. It is the applicant's responsibility to obtain a letter of concurrence signed by the affected landowners.
 - b. If all letters are received indicating that the affected landowners agree to the request, then a public hearing before the City Council will be scheduled. The Planning Division will mail public notice of the hearing to landowners within 400 feet of the affected right-of-way.
 - c. If a request is approved, the right-of-way shall be divided into two equal parts, with each half becoming the property of the respective abutting owner. If the applicant desires to own the entire width, he or she must negotiate with the opposite landowner.

Signatures

Applicant (signature):  Date: 8/7/2023

Affected Property Owners:

Signature:  Print: Debbie P. Reese Date: 8/4/2023

Signature: _____ Print: _____ Date: _____

Signature: _____ Print: _____ Date: _____

Signature: _____ Print: _____ Date: _____

The Vacation of right-of-way/public utility easement/land/street 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.

FOR OFFICE USE ONLY

☒ 1 FOLDED Copy of Survey ☒ Survey in Digital Format (PDF/JPEG)

☒ Application Fee

Check # paid

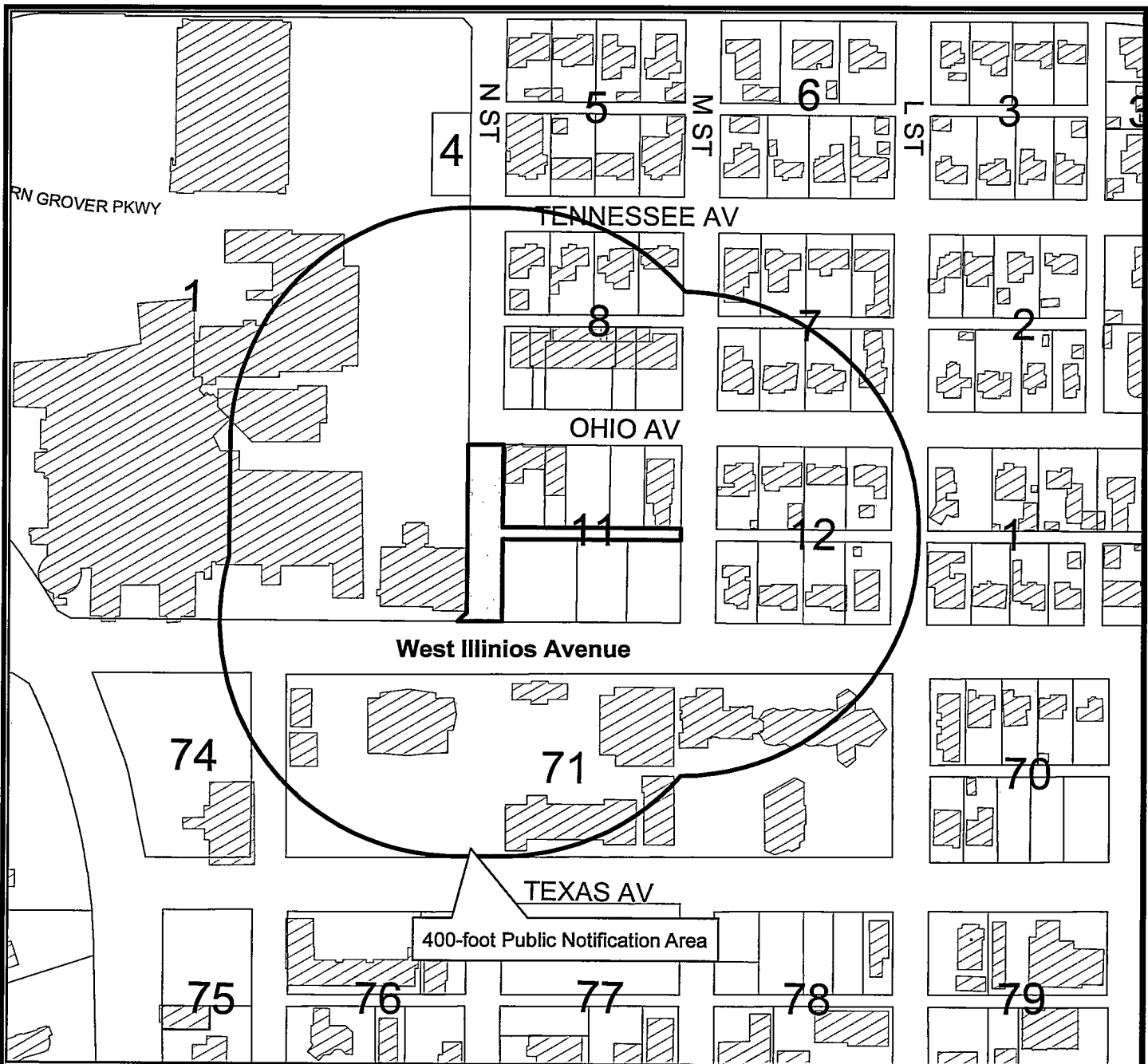
Received By:  Date: SEP 07 2023

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

PACKET
Vacation Application

34.13
2

November 14, 2023
Revised 07/02/19



LOCATION MAP

V-23-0054

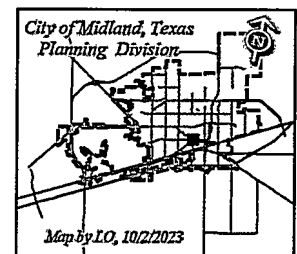
Scale: 1" = 2,951'

Consider a request for a vacation by Midland Memorial Hospital of a 0.42-acre portion of North N Street right-of way between West Illinois Avenue and West Ohio Avenue, and a 0.13-acre portion of alley right-of-way within Block 11, Highland Park Addition, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of North N Street and West Illinois Avenue (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- ▨ PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY OR IS IT DESIGNED TO BE USED AS A 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.

November 14, 2023



NEWTON ENGINEERING, PC

4501A Santa Rosa Dr.
Midland, Texas 79707
(432) 770-0499

F-13856
F-10194809

2481 E. 2nd St.
Odessa, Texas 79761
(432) 935-0707

"EXHIBIT A"
LEGAL DESCRIPTION FOR A
24,166 SQUARE FEET TRACT
LOCATED IN SECTION 27, BLOCK 39, T-1-S, T&P R.R. CO. SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS

BOUNDARY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" Iron rod with cap "RPLS 1974" found in the south right-of-way line of West Ohio Avenue and the east right-of-way line of North "N" Street, being the northwest corner of the Block 11, Highland Park Addition, as recorded in Cabinet C, Page 96, Midland County Plat Records and the most northerly northeast corner of this tract;

THENCE S 14°11'53" E along the east right-of-way line of said North "N" Street and the west line of said Block 11, a distance of 139.77 feet to a Mag nail with washer "RPLS 1974" found at the southwest corner of the North Half of said Block 11 and an ell corner of this tract;

THENCE N 75°48'07" E along the south line of said North Half of said Block 11, a distance of 299.83 feet to the southeast corner of said North Half of said Block 11 and the most easterly northeast corner of this tract;

THENCE S 14°11'53" E along the west right-of-way line of said North "M" Street, a distance of 20.07 feet to a ½" Iron rod with cap "RPLS 1974" found at the northeast corner of the South Half of said Block 11, being the most easterly southeast corner of this tract;

THENCE S 75°48'07" W along the north line of said South Half of said Block 11, a distance of 299.83 feet to a ½" Iron rod found in the east right-of-way line of said North "N" Street, being the northwest corner of said South Half of said Block 11 and an ell corner of this tract;

THENCE S 14°11'53" E along the east right-of-way line of said North "N" Street and the west line of said South Half of said Block 11, a distance of 139.84 feet to a ½" Iron rod with cap "RPLS 1974" found in the north right-of-way line of West Illinois Avenue, being the southwest corner of said South Half of said Block 11 and the most southerly southeast corner of this tract;

THENCE S 75°35'46" W along the north right-of-way line of said West Illinois Avenue, a distance of 75.15 feet to a ½" Iron rod found in the southwest cutback corner of said North "N" Street, being the most southerly southeast corner of Lot 1A, Block 1, Midland Memorial Hospital, Section 2, as recorded in Cabinet I, Page 53, Midland County Plat Records and the southwest corner of this tract;



NEWTON ENGINEERING, PC

4501A Santa Rosa Dr.
Midland, Texas 79707
(432) 770-0499

F-13856
F-10194809

2481 E. 2nd St.
Odessa, Texas 79761
(432) 935-0707

THENCE N 30°41'58" E along said cutback, a distance of 21.25 feet to the most easterly southeast corner of said Lot 1A, being a point of deflection of this tract;

THENCE N 14°11'53" W along the west right of way line of said North "N" Street and the east line of said Lot 1A, a distance of 284.90 feet to the northwest corner of this tract, and being in a projection of the south right-of-way line of said West Ohio Avenue;

THENCE N 75°48'07" E along the south right-of-way line of said West Ohio Avenue, a distance of 60.15 feet to the Point of Beginning, containing 24,166 surface square feet of land.

Bearings and distances are relative to the Texas State Plane Coordinate System, 1983 NAD, Central Zone, with a combined Grid Factor of 0.999901786 and a Theta Angle of -00°54'32".

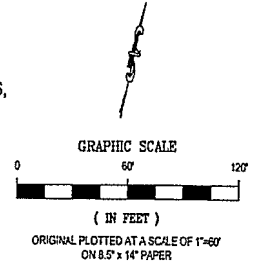
Exhibit 'B' accompanies this description.



FD. 1/2" IR W/ CAP "RPLS 1974" UNLESS OTHERWISE NOTED

EXHIBIT "B"
SURVEY OF

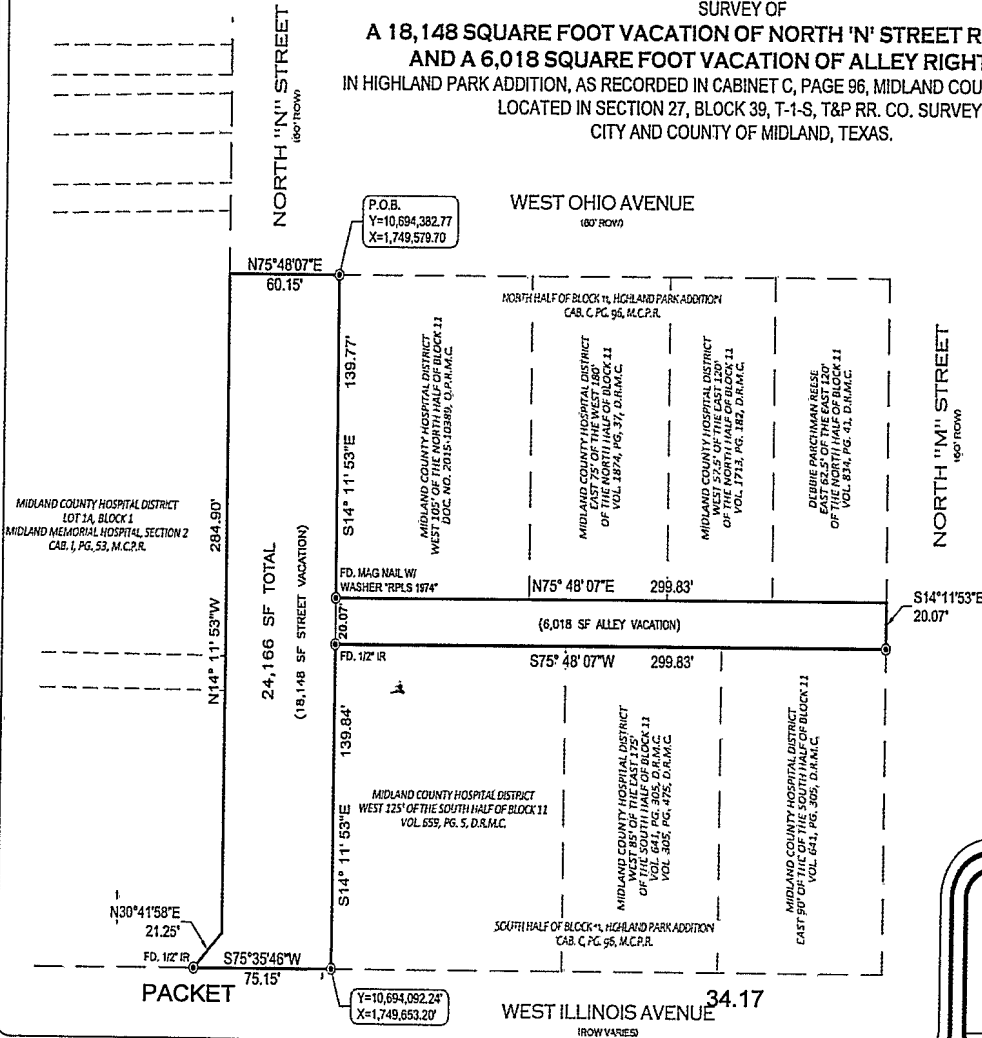
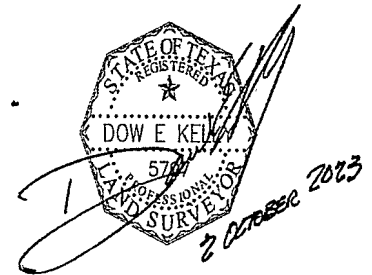
A 18,148 SQUARE FOOT VACATION OF NORTH 'N' STREET RIGHT-OF-WAY
AND A 6,018 SQUARE FOOT VACATION OF ALLEY RIGHT-OF-WAY
IN HIGHLAND PARK ADDITION, AS RECORDED IN CABINET C, PAGE 96, MIDLAND COUNTY PLAT RECORDS,
LOCATED IN SECTION 27, BLOCK 39, T-1-S, T&P RR. CO. SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS.



HEAVY PLOTTED LINES INDICATE LIMITS OF SURVEY.

BEARINGS AND DISTANCES ARE RELATIVE TO THE TEXAS STATE
PLANE COORDINATE SYSTEM, 1983 MAD, CENTRAL ZONE. CONVENED
GRID FACTOR OR 0.999901736 AND A THETA ANGLE OF -40° 54' 32".

EXHIBIT "A" ACCOMPANIES THIS EXHIBIT.



NEWTON ENGINEERING, PC

4501A Santa Rosa Dr.

F-13556

2481 E. 2nd St.

Odessa, Texas 79761

(432) 935-0707

Prepared For: MIDLAND COUNTY HOSPITAL DISTRICT

Job No: 22-ME12291



PACKET

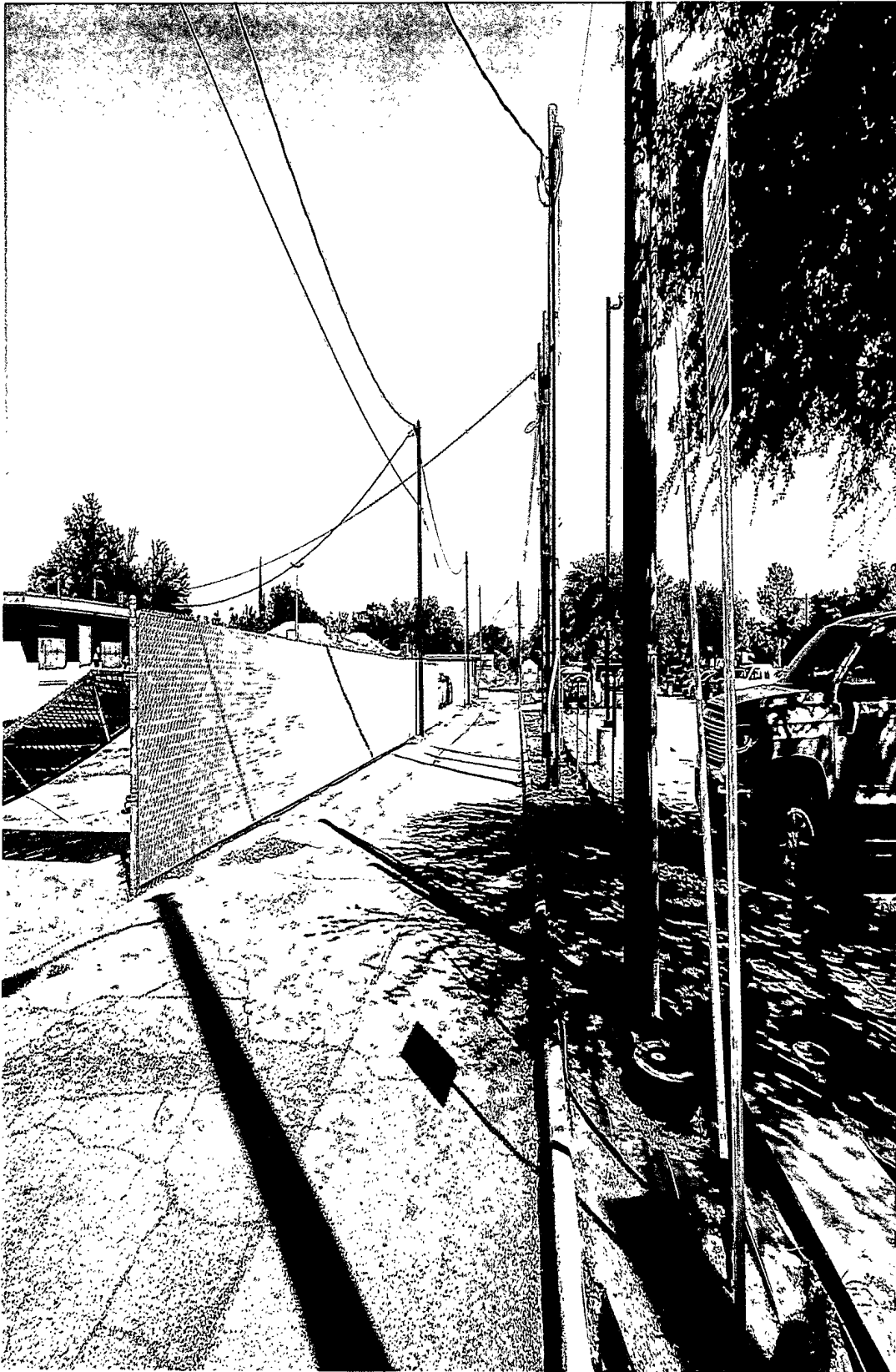
34.18

November 14, 2023

PACKET

Page 4.55

March 18, 2024



PACKET

34.19

November 14, 2023

PACKET

Page 4.56

March 18, 2024



PACKET

34.20

November 14, 2023

PACKET

Page 4.57

March 18, 2024



PACKET

34.21

November 14, 2023

PACKET

Page 4.58

March 18, 2024

Landon J. Ochoa

From: LReyna@midcad.org
Sent: Tuesday, October 10, 2023 11:05 AM
To: Landon J. Ochoa
Cc: Jeffrey S. Fisher
Subject: Re: Vacation Valuations

Importance: High



Hi Landon,

This is the last one! Let me know if you need anything else!

To map use R 24832

North "N" St: 72592 sq ft X \$4.00 = \$75,592
Alley: 6018 sa ft X \$4.00 + 24,072

Sincerely,

Lisa Reyna, RPA
Assistant Chief Appraiser
Midland Central Appraisal District
4631 Andrews Hwy
Midland, TX 79703
Phone (432) 699-4991
Fax (432) 689-7185

From: "Landon J. Ochoa" <ljochoa@midlandtexas.gov>
To: Lisa Reyna <lreyna@midcad.org>
Cc: "Jeffrey S. Fisher" <jsfisher@midlandtexas.gov>
Date: 10/09/2023 05:15 PM
Subject: Vacation Valuations

Good afternoon, Lisa.

I would like to follow up with you regarding the valuations of properties associated with three vacation requests. We will need these valuations by Thursday at the latest if we are to take the requests to the October 24 City Council meeting. Thank you.

Respectfully,

Landon Ochoa
Senior Planner

PACKET

34.22
1

November 14, 2023

Planning Division
Development Services
O. 432-685-7405
ljochoa@midlandtexas.gov



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

CAUTION: This email originated from outside your organization — exercise caution when opening attachments or clicking links, especially from unknown senders.

PACKET

34.23
2

November 14, 2023

PACKET

Page 4.60

March 18, 2024



ATMOS ENERGY

West Texas Division
P.O. Box 1111,
Midland, Texas 79702

City of Midland
Landon Ochoa
Planning Division
Development Services
300 N. Loraine
Midland, Texas 79701

October 9, 2023

Re: Case Name: Midland Memorial
Case Number: V-23-0054

Mr. Ochoa,

Atmos Energy currently has facilities located within the above-described alley and street Right of Way proposed to be vacated. Atmos would have no objection to this vacation if a utility easement is maintained for the portion of N Street planned for vacation. Our gas facilities in the alley right of way can be retired and relocated. Any relocation costs would be passed on to the property owner or entity requesting the vacate.
Please let me know if you have any further questions.

Sincerely,

A handwritten signature in black ink that reads "Mark Lieb".

Mark Lieb
Project Specialist
Atmos Energy/Permian Basin
432-967-0370 cell
mark.lieb@atmosenergy.com

PACKET

34.24

November 14, 2023

PACKET

Page 4.61

March 18, 2024

Landon J. Ochoa

From: Luis Montez <Luis.Montez@AlticeUSA.com>
Sent: Tuesday, October 3, 2023 11:40 AM
To: Landon J. Ochoa
Cc: Eron Zapata; Raymond Revilla; Lorenzo Reyes; Vanessa Chavarria
Subject: RE: External E-mail - V-23-0054, Midland Memorial Hospital Vacation (Altice)



Mr. Ochoa,
Optimum does have coax aerial plant in the alley described on your map.
There are a few businesses north of that alley, we cannot vacate & terminate their services.
I have been in touch with the hospital P.O.C. concerning this vacate & they are aware of this issue.
I will work on a quote & redesign, for us to vacate & relocate our plant at their cost.
They are not planning to start anything until next year.

From: Landon J. Ochoa <ljochoa@midlandtexas.gov>
Sent: Tuesday, October 3, 2023 11:10 AM
To: Luis Montez <Luis.Montez@AlticeUSA.com>
Subject: External E-mail - V-23-0054, Midland Memorial Hospital Vacation (Altice)

[External Email]

Caution: This email originated outside of Altice USA. Please do not click links or attachments unless you recognize the sender and know the content is safe.

Good morning, Luiz.

Please see the attached letter and supporting documents and provide comments by October 10, 2023 as this request will be going to the October 24 City Council meeting.

Respectfully,

Landon Ochoa
Senior Planner
Planning Division
Development Services
O. 432-685-7405
ljochoa@midlandtexas.gov



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

Caution: This email originated outside of Altice USA. Please do not click links or attachments unless you recognize the sender and know the content is safe.

The information transmitted in this email and any of its attachments is intended only for the person or entity to which it is addressed and may contain information concerning Altice USA and/or its affiliates and subsidiaries that is proprietary, privileged, confidential and/or subject to copyright. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient(s) is prohibited and may be unlawful. If you received this in error, please contact the sender immediately and delete and destroy the communication and all of the attachments you have received and all copies thereof.

CAUTION: This email originated from outside your organization — exercise caution when opening attachments or clicking links, especially from unknown senders.

Landon J. Ochoa

From: Ruben Guerra <ruben.guerra@astound.com>
Sent: Friday, October 13, 2023 2:22 PM
To: Landon J. Ochoa
Subject: Re: V-23-0054, Midland Memorial Hospital Vacation (Grande)

Follow Up Flag: Follow up
Flag Status: Flagged



Yes

Thank You
Ruben Guerra
Construction Coordinator
O: 432-272-3088
C: 432-653-9369
Ruben.Guerra@astound.com
Astound Business Solutions
Powered by RCN | Grande | Wave
astound.com

On Fri, Oct 13, 2023 at 11:35 AM Landon J. Ochoa <ljochoa@midlandtexas.gov> wrote:

But you would still be okay with the vacation as long as they pay to do it, right?

From: Ruben Guerra <ruben.guerra@astound.com>
Sent: Friday, October 13, 2023 11:26 AM
To: Landon J. Ochoa <ljochoa@midlandtexas.gov>
Subject: Re: V-23-0054, Midland Memorial Hospital Vacation (Grande)

I know this section will have to go underground cause I drove it out, this project will be costed high.

Thank You

Ruben Guerra

PACKET

34.27
1

November 14, 2023

PACKET

Page 4.64

March 18, 2024

Construction Coordinator

O: 432-272-3088

C: 432-653-9369

Ruben.Guerra@astound.com

Astound Business Solutions

Powered by RCN | Grande | Wave

astound.com

On Fri, Oct 13, 2023 at 11:11 AM Landon J. Ochoa <ljochoa@midlandtexas.gov> wrote:

Ruben,

Are you okay with this vacation as well if the applicant pays for the relocation?

From: Ruben Guerra <ruben.guerra@astound.com>

Sent: Tuesday, October 3, 2023 1:38 PM

To: Landon J. Ochoa <ljochoa@midlandtexas.gov>

Subject: Re: V-23-0054, Midland Memorial Hospital Vacation (Grande)

Yes we do have utilities located in this section as well. I would have to ask who will be the responsible party for the relocation of our utilities.

On Tue, Oct 3, 2023 at 11:13 AM Landon J. Ochoa <ljochoa@midlandtexas.gov> wrote:

Good morning, Ruben.

Please see the attached letter and supporting documents and provide comments by October 10, 2023 as this request will be going to the October 24 City Council meeting.

Respectfully,

Landon Ochoa

Senior Planner

Planning Division

Development Services

O. 432-685-7405

ljchoa@midlandtexas.gov



[300 N. Loraine](#) | P.O. Box 1152 | Midland, TX 79702

CAUTION: This email originated from outside your organization — exercise caution when opening attachments or clicking links, especially from unknown senders.

CAUTION: This email originated from outside your organization — exercise caution when opening attachments or clicking links, especially from unknown senders.

CAUTION: This email originated from outside your organization — exercise caution when opening attachments or clicking links, especially from unknown senders.

Landon J. Ochoa

From: UNDERWOOD, JERRY D <ju1659@att.com>
Sent: Tuesday, October 3, 2023 11:01 AM
To: Landon J. Ochoa
Cc: DODSON, KRISTOPHER
Subject: RE: V-23-0054, Midland Memorial Hospital Vacation (AT&T)



Good morning,

We have cable on North N St and down the alley requesting vacation. Whoever is wanting it vacated would need to pay to have all cables relocate.

Thanks
Jerry

Thanks,
Jerry

From: Landon J. Ochoa <ljochoa@midlandtexas.gov>
Sent: Tuesday, October 3, 2023 10:54 AM
To: UNDERWOOD, JERRY D <ju1659@att.com>
Subject: V-23-0054, Midland Memorial Hospital Vacation (AT&T)

Good morning, Jerry.

Please see the attached letter and supporting documents and provide comments by October 10, 2023 as this request will be going to the October 24 City Council meeting. Thank you!

Respectfully,

Landon Ochoa
Senior Planner
Planning Division
Development Services
O. 432-685-7405
ljochoa@midlandtexas.gov



PACKET

34.30
1

November 14, 2023

PACKET

Page 4.67

March 18, 2024



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

CAUTION: This email originated from outside your organization — exercise caution when opening attachments or clicking links, especially from unknown senders.

PACKET

34.31₂

November 14, 2023

PACKET

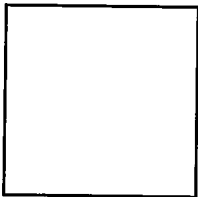
Page 4.68

March 18, 2024

Landon J. Ochoa

From: Landon J. Ochoa
Sent: Sunday, October 15, 2023 6:49 PM
To: Landon J. Ochoa
Subject: FW: V-23-0054, Midland Memorial Hospital Vacation (Oncor)

From: Molina, Sergio <Sergio.Molina@oncor.com>
Sent: Wednesday, October 11, 2023 8:12 PM
To: Landon J. Ochoa <ljochoa@midlandtexas.gov>; Arguello, Martin <Martin.Arguello@oncor.com>
Subject: RE: V-23-0054, Midland Memorial Hospital Vacation (Oncor)



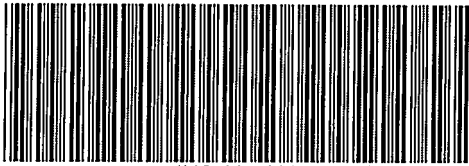
Landon,

Oncor has both Overhead and Underground facilities in the area identified. We will work with our internal partners to provide a cost to relocate the Oncor facilities to vacate the area.

Regards,

Sergio Molina, P.E.
Oncor | NCM Manager WTX
Cell: 214.970.4143

My Manager: Hannah Hamilton
Cell: 432.894.4601 email: Hannah.Hamilton@oncor.com



VG-66-2023-27530

Midland County
Alison Haley
Midland County Clerk

Instrument Number: 27530

Real Property Recordings

Recorded On: November 16, 2023 03:07 PM

Number of Pages: 9

" Examined and Charged as Follows: "

Total Recording: \$54.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

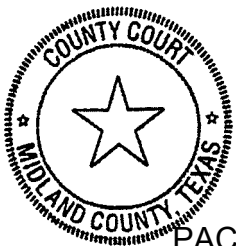
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 27530
Receipt Number: 20231116000123
Recorded Date/Time: November 16, 2023 03:07 PM
User: Abarrane C
Station: cc10297

Record and Return To:

CITY OF MIDLAND
300 N LORAIN STE 300
ATTN: VANESSA MAGALLANES
MIDLAND TX 79701



STATE OF TEXAS
Midland County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time
printed hereon, and was duly recorded in the Official Records of Midland County, Texas

Alison Haley
Midland County Clerk
Midland County, TX

Alison Haley
March 18, 2024

CERTIFICATION

THE STATE OF TEXAS

COUNTY OF MIDLAND

I, **Marcia Bentley-German, City Governance Officer/ City Secretary** of the City of Midland, Midland County, Texas, do hereby certify that the following is a true and correct copy of an Ordinance styled:

ORDINANCE NO. 10452

AN ORDINANCE VACATING AND ABANDONING A 0.42-ACRE PORTION OF NORTH N STREET RIGHT-OF WAY AND A 0.13-ACRE PORTION OF ALLEY RIGHT-OF-WAY, EACH LOCATED ADJACENT TO OR WITHIN BLOCK 11, HIGHLAND PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF THE INTERSECTION OF NORTH N STREET AND WEST ILLINOIS AVENUE); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$75,592.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD OCTOBER 24, 2023)

which was duly passed and approved at a regular meeting of the City Council of said City on the **14th** day of **November 2023** showing those present, the motions made, and votes taken in connection with said Ordinance.

THIS certification makes no representation regarding possible modification or repeal of said Ordinance, which may have taken place since its adoption.

WITNESS my hand and seal of said City this the **16th** day of **November 2023**.



Marcia Bentley-German,
City Governance Officer/ City Secretary

SEAL:



ORDINANCE NO. 10452

AN ORDINANCE VACATING AND ABANDONING A 0.42-ACRE PORTION OF NORTH N STREET RIGHT-OF-WAY AND A 0.13-ACRE PORTION OF ALLEY RIGHT-OF-WAY, EACH LOCATED ADJACENT TO OR WITHIN BLOCK 11, HIGHLAND PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF THE INTERSECTION OF NORTH N STREET AND WEST ILLINOIS AVENUE); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$75,592.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

WHEREAS, it has been determined by the Midland City Council that a 0.42-acre portion of North N Street right-of way and a 0.13-acre portion of alley right-of-way, each located adjacent to or within Block 11, Highland Park Addition, City and County of Midland, Texas, as described in Exhibits "A" and "B" attached hereto and made a part hereof for all legal purposes (the "Property"), are no longer needed for public use; and

WHEREAS, Section 272.001 of the Texas Local Government Code provides that a political subdivision may not convey, sell, or exchange its interest in land without observing notice and bid requirements, unless the conveyance is to one or more abutting property owners; and

WHEREAS, an application for vacating the Property has been received by the City from the abutting property owner; and

WHEREAS, the Assistant City Manager has appraised the value of the City's property interest in the Property at \$75,592.00, as shown in Exhibit "C" attached hereto and incorporated herein by reference; and

WHEREAS, the Council finds it to be in the public interest to abandon and vacate the Property;

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

SECTION ONE. That the Property is hereby vacated and abandoned for all public

purposes. Provided, however, that the City is hereby abandoning only the public interest in the Property, and this ordinance in no way affects any private easement or access easement which abutting property owners may have in the Property.

SECTION TWO. That this ordinance shall not be effective until:

- A. the City of Midland has received from the abutting property owner(s) the sum of \$75,592.00; and
- B. a replat of the Property is approved by the City of Midland and filed and recorded with the County Clerk of Midland County, Texas.

SECTION THREE. That the City herein retains an accessible nonexclusive utility easement across, through, over, under, on and along the aforementioned 0.42-acre portion of North N Street right-of way included in the Property until all entities that were using said portion of the Property for utility purposes as of the date of approval of this ordinance have abandoned their uses of the Property.

SECTION FOUR. That upon the City's receipt of the sum set forth in Section Two hereof, the City Secretary is hereby authorized and directed to file a certified copy of this ordinance with the County Clerk of Midland County, Texas, for purposes of recording in the Official Records of Midland County, Texas.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 24th day of October, A.D., 2023; and passed to second reading on motion of Council member Dufford, 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 Stretcher Burkes, on the 14th day of November, A.D., 2023, at a regular

meeting of the City Council:

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

Council members voting "NAY": None

PASSED AND APPROVED THIS 14th day of November, A.D., 2023.


Lori Merritt Blong, Mayor

ATTEST:


Marcia Bentley-German, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:


Rolandrea Russell, Interim Director of Development Services

APPROVED ONLY AS TO FORM:


John Ohnemiller, City Attorney



NEWTON ENGINEERING, PC

4501A Santa Rosa Dr.
Midland, Texas 79707
(432) 770-0499

F-13856
F-10194809

2481 E. 2nd St
Odessa, Texas 79761
(432) 936-0707

"EXHIBIT A"
LEGAL DESCRIPTION FOR A
24,166 SQUARE FEET TRACT
LOCATED IN SECTION 27, BLOCK 39, T-1-S, T&P R.R. CO. SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS

BOUNDARY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" Iron rod with cap "RPLS 1974" found in the south right-of-way line of West Ohio Avenue and the east right-of-way line of North "N" Street, being the northwest corner of the Block 11, Highland Park Addition, as recorded in Cabinet C, Page 96, Midland County Plat Records and the most northerly northeast corner of this tract;

THENCE S 14°11'53" E along the east right-of-way line of said North "N" Street and the west line of said Block 11, a distance of 139.77 feet to a Mag nail with washer "RPLS 1974" found at the southwest corner of the North Half of said Block 11 and an ell corner of this tract;

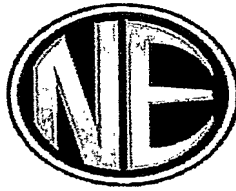
THENCE N 75°48'07" E along the south line of said North Half of said Block 11, a distance of 299.83 feet to the southeast corner of said North Half of said Block 11 and the most easterly northeast corner of this tract;

THENCE S 14°11'53" E along the west right-of-way line of said North "M" Street, a distance of 20.07 feet to a ½" Iron rod with cap "RPLS 1974" found at the northeast corner of the South Half of said Block 11, being the most easterly southeast corner of this tract;

THENCE S 75°48'07" W along the north line of said South Half of said Block 11, a distance of 299.83 feet to a ½" Iron rod found in the east right-of-way line of said North "N" Street, being the northwest corner of said South Half of said Block 11 and an ell corner of this tract;

THENCE S 14°11'53" E along the east right-of-way line of said North "N" Street and the west line of said South Half of said Block 11, a distance of 139.84 feet to a ½" Iron rod with cap "RPLS 1974" found in the north right-of-way line of West Illinois Avenue, being the southwest corner of said South Half of said Block 11 and the most southerly southeast corner of this tract;

THENCE S 75°35'46" W along the north right-of-way line of said West Illinois Avenue, a distance of 75.15 feet to a ½" Iron rod found in the southwest cutback corner of said North "N" Street, being the most southerly southeast corner of Lot 1A, Block 1, Midland Memorial Hospital, Section 2, as recorded in Cabinet I, Page 53, Midland County Plat Records and the southwest corner of this tract;



NEWTON ENGINEERING, PC

4501A Santa Rosa Dr.
Midland, Texas 79707
(432) 770-0499

F-13856
F-10194809

2481 E. 2nd St.
Odessa, Texas 79761
(432) 935-0707

THENCE N 30°41'58" E along said cutback, a distance of 21.25 feet to the most easterly southeast corner of said Lot 1A, being a point of deflection of this tract;

THENCE N 14°11'53" W along the west right of way line of said North "N" Street and the east line of said Lot 1A, a distance of 284.90 feet to the northwest corner of this tract, and being in a projection of the south right-of-way line of said West Ohio Avenue;

THENCE N 75°48'07" E along the south right-of-way line of said West Ohio Avenue, a distance of 60.15 feet to the Point of Beginning, containing 24,166 surface square feet of land.

Bearings and distances are relative to the Texas State Plane Coordinate System, 1983 NAD, Central Zone, with a combined Grid Factor of 0.999901786 and a Theta Angle of -00°54'32".

Exhibit 'B' accompanies this description.



© FD. 1/2" IR W/ CAP "RPLS 1974" UNLESS OTHERWISE NOTED

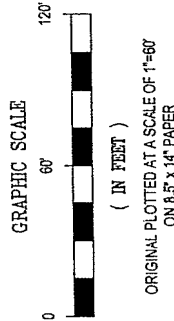
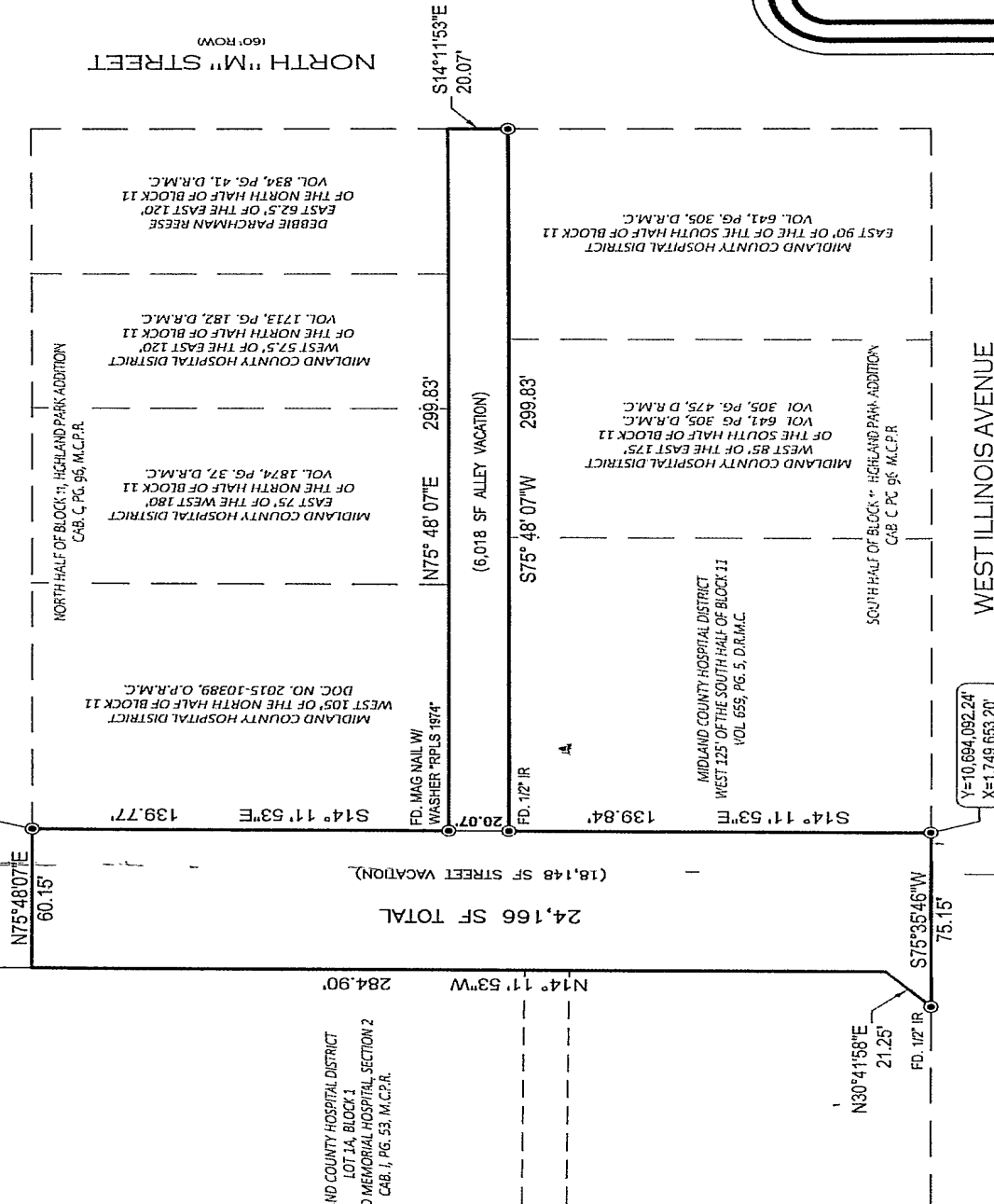
NORTH "N" STREET
(60' ROW)

EXHIBIT "B"
SURVEY OF

**A 18,148 SQUARE FOOT VACATION OF NORTH 'N' STREET RIGHT-OF-WAY
AND A 6,018 SQUARE FOOT VACATION OF ALLEY RIGHT-OF-WAY**
IN HIGHLAND PARK ADDITION, AS RECORDED IN CABINET C, PAGE 96, MIDLAND COUNTY PLAT RECORDS,
LOCATED IN SECTION 27, BLOCK 39, T-1-S, T&P RR. CO. SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS.

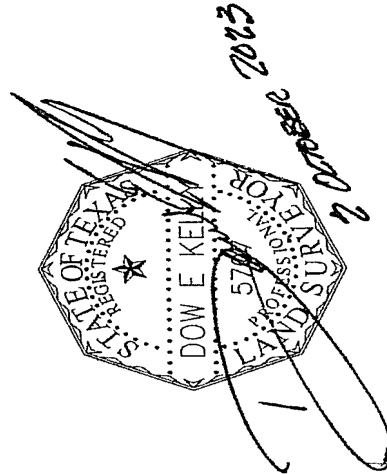
WEST OHIO AVENUE
(60' ROW)

P.O.B.
Y=10,694,382.77
X=1,749,576.70



HEAVY PLOTTED LINES INDICATE LIMITS OF SURVEY
BEARINGS AND DISTANCES ARE RELATIVE TO THE TEXAS STATE
PLANE COORDINATE SYSTEM, 1983 NAD, CENTRAL ZONE, COMBINED
GRID FACTOR OR 0.999907788 AND A THETA ANGLE OF -00°54'32\"/>

MIDLAND COUNTY HOSPITAL DISTRICT
LOT 1A, BLOCK 1
MIDLAND MEMORIAL HOSPITAL SECTION 2
CAB. I, PG. 53, M.C.P.R.



NEWTON ENGINEERING, PC

4501A Santa Rosa Dr
Midland, Texas 79707
F-13856 F-10194809
(432) 935-0707 (432) 770-0499



Office of the City Manager

October 16, 2023

Midland City Council
City of Midland, Texas

RE: Request for vacation of a 0.42-acre portion of North N Street right-of way and a 0.13-acre portion of alley right-of-way, each located adjacent to or within Block 11, Highland Park Addition, City and County of Midland, Texas, City and County of Midland, Texas

Dear Members of the City Council:

The above-referenced property has been appraised in accordance with Chapter 272 of the Texas Local Government Code. The fair market value of the property is \$75,592.00. Upon the City's receipt of this sum from the adjoining property owner(s), the ordinance vacating and abandoning the City's interest in the property may be recorded in the Midland County Clerk's office.

Very truly yours,

Jose Ortiz
Assistant City Manager

EXHIBIT "C"

City of Midland - 2023-2024 - 10/16/23

ORDINANCE NO. 10457

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 23.93-ACRE TRACT OF LAND OUT OF SECTION 27, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A MEDICAL CENTER AND HOSPITAL, IN PART, AND O-1, OFFICE DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A MEDICAL CENTER AND HOSPITAL (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF KENT STREET AND WEST MICHIGAN AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning a 23.93-acre tract of land out of Section 27, Block 39, 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 Medical Center and Hospital 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 Medical Center and Hospital, in part, and O-1, Office District, in part, to PD, Planned Development District for a Medical Center and Hospital.

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 O-2, Office District.

SECTION THREE. That a site plan, which is attached hereto as Exhibit "A/B" and incorporated herein for all purposes, is hereby adopted, and the use and development of the Property shall be subject to the following conditions and restrictions:

- A. That the Property shall significantly conform to the site plan attached hereto as Exhibit "B".
- B. That the parking shown in Exhibit "B" shall be considered illustrative. The minimum number of off-street parking spaces shall be determined by Section 11-1-6.02 of the City Code.
- C. That Ordinance No. 8738 is hereby repealed.

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 14th day of November, A.D., 2023; and passed to second reading on motion of Council member Stretcher Burkes, seconded by Council member Ladd, by the following vote:

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

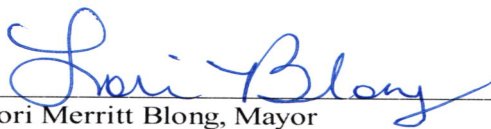
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Poole, seconded by Council member Ladd, on the 12th day of December, A.D., 2023, at a regular meeting of the City Council:

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

Council members voting "NAY": None

PASSED AND APPROVED THIS 12th day of December, A.D., 2023.


Lori Merritt Blong, Mayor

ATTEST:


Marcia Bentley-German, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

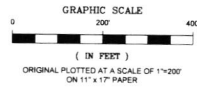

Cristina Burns, Director of Development Services

APPROVED ONLY AS TO FORM:

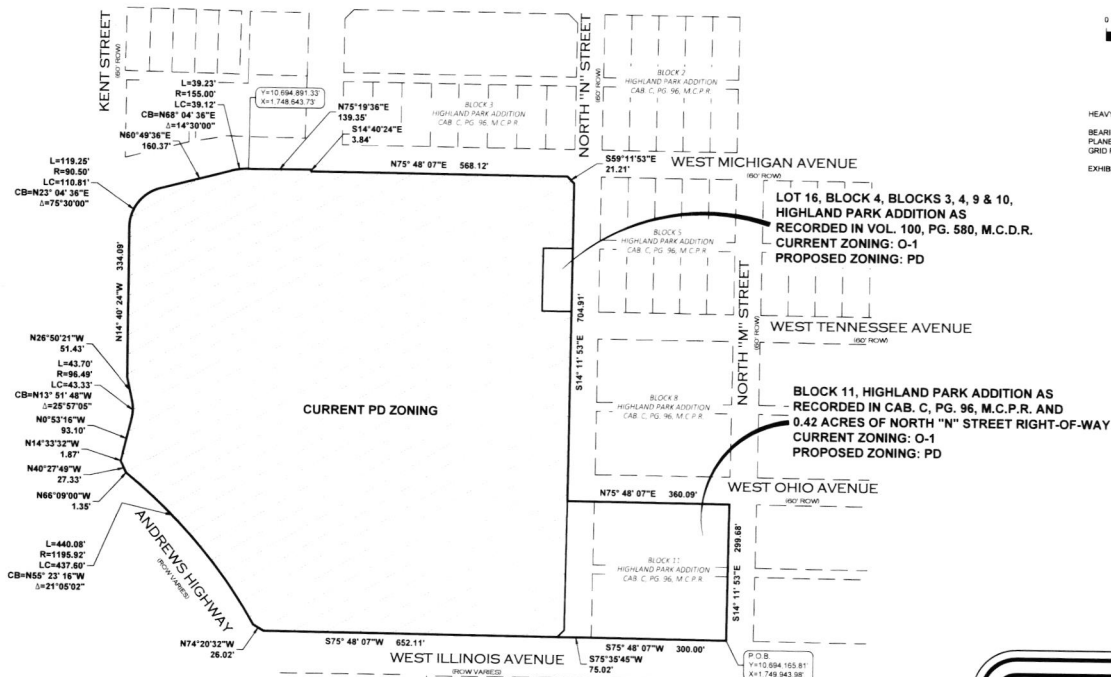

John Ohnemiller, City Attorney



ZONING EXHIBIT OF
A 23.93 ACRE TRACT
 LOCATED IN SECTION 27, BLOCK 39, T-1-S, T&P RR. CO. SURVEY,
 CITY AND COUNTY OF MIDLAND, TEXAS.

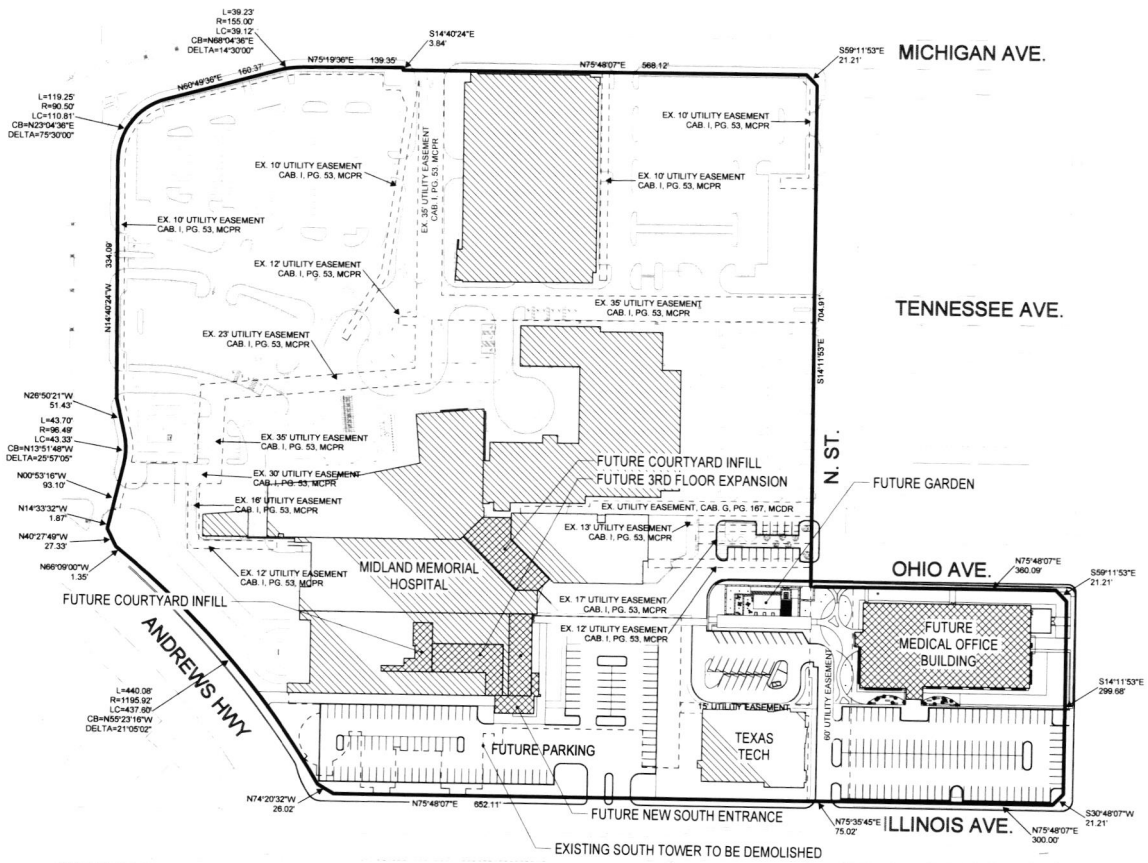


HEAVY PLOTTED LINES INDICATE LIMITS OF SURVEY.
 BEARINGS AND DISTANCES ARE RELATIVE TO THE TEXAS STATE
 PLANE COORDINATE SYSTEM: 1983 NAD, CENTRAL ZONE, COMBINED
 GRID FACTOR OF 0.999901786 AND A THETA ANGLE OF -00°54'32".
 EXHIBIT "A" ACCOMPANIES THIS EXHIBIT.



NEWTON ENGINEERING, PC
 4501A Santa Rosa Dr. F-13856 2481 E. 2nd St.
 Midland, Texas 79707 F-10194809 Odessa, Texas 79761
 (432) 770-0499 (432) 935-0707

Prepared For: MIDLAND COUNTY HOSPITAL DISTRICT Job No: 22-ME12291



1 MASTER PLAN
SCALE: 1" = 80'-0"

MIDLAND MEMORIAL HEALTH
MASTER PLAN
AUGUST 2023
EXHIBIT "B"





City Council Meeting

Item Number: 32

Meeting Date: November 14, 2023, December 12, 2023

To: City Council / City Manager

From: Landon Ochoa, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 23.93-ACRE TRACT OF LAND OUT OF SECTION 27, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A MEDICAL CENTER AND HOSPITAL, IN PART, AND O-1, OFFICE DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A MEDICAL CENTER AND HOSPITAL (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF KENT STREET AND WEST MICHIGAN AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 3) (DEVELOPMENT SERVICES)

Purpose:

The applicants, Midland County Hospital District and Debbie Parchman Reese, are requesting a Zone Change from PD, Planned Development District for a Medical Center (Ordinance No. 8738), in part, and O-1, Office District, in part, to PD, Planned Development District for a Medical Center and Hospital, to expand the PD boundary, expand the existing hospital, and construct a new medical office building with new parking.

Recommended City Council Action:

Approve

Fiscal Impact:

No City funds would be required for this project.

Current Zoning:

PD, Planned District for a Medical Center (Ordinance No. 8738), in part, and O-1, Office District, in part.

Surrounding Zoning and Land Use:

The properties to the north are zoned O-1, Office District, and the location of medical and professional offices. The properties to the east are zoned O-1, Office District, SF-2, Single-Family Dwelling District, and PD, Planned District for a Transition District and the location of offices and residences. The properties to the south are zoned O-1, Office District and RR, Regional Retail District, and the location of a school and a pharmacy. The properties to the west are zoned RR, Regional Retail, and the location of various businesses.

Analysis:

The applicants, Midland County Hospital District and Debbie Parchman Reese are requesting approval of a Zone Change to expand the boundaries of the Planned District, expansion and modification of the existing hospital, and construction of a new medical office building and parking. A request to vacate a portion of North N Street and the alley shown in Exhibit A has been submitted to the City and was approved in its first reading on October 24, 2023. The Preliminary Plat was approved at the May 15, 2023, Planning and Zoning Commission meeting.

The existing Planned District has an underlying base zoning of O-2, Office District. The proposed zone change for the expansion of the boundaries of the Planned District will retain O-2, Office District as the underlying base zoning.

The submitted site plan illustrates the proposed infill of the courtyards and expansion of the third floor of the existing hospital campus, a future garden, a new office building, and additional parking. The south tower will eventually be demolished.

This proposed Zone Change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objection.

Building 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.

Engineering: (Approved)

No objections to zone change. [For 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 Applicant's Information Only.]

Code Compliance: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.] No objection to zone change. [For the Applicant's information only.]

Planning:

This request is consistent with the Tall City Tomorrow Comprehensive Plan, Goal #2 of Chapter 7-Tall City Central District Plan, which aims to "Create a 'cultural core' in Downtown Midland that is a living, working, and entertainment destination." The development of medical offices in this area would help advance the Central District towards this goal as it would improve the City's medical services and create employment opportunities.

The Planning and Zoning Commission recommended approval of this request on October 16, 2023.

Therefore, staff recommends approval of this Zone Change from PD, Planned Development District for a Medical Center (Ordinance No. 8738), in part, and O-1, Office District, in part to PD, Planned Development District for a Medical Center and Hospital with a base zoning of O-2, Office District subject to conditions A through D.

Conditions:

- A. That the Property shall significantly conform to the site plan attached hereto as Exhibit "B".**
- B. That this property shall be subject to the regulations of the O-2, Office District, except as otherwise stated below.**
- C. That the parking shown on Exhibit "B" shall be considered illustrative, with the minimum number of parking spaces required determined by Section 11-1-6.02 of the City Code.**

D. That Ordinance 8738 shall be repealed.

Letters of Objection:

As of November 2, 2023, staff has received no letters of objection for this request.

Attachments:

Application
Survey (Exhibit A)
Site Plan (Exhibit B)
Renderings (Illustrative Only)
Maps

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 23.93-ACRE TRACT OF LAND OUT OF SECTION 27, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A MEDICAL CENTER AND HOSPITAL, IN PART, AND O-1, OFFICE DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A MEDICAL CENTER AND HOSPITAL (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF KENT STREET AND WEST MICHIGAN AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning a 23.93-acre tract of land out of Section 27, Block 39, 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 Medical Center and Hospital 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 Medical Center and Hospital, in part, and O-1, Office District, in part, to PD, Planned Development District for a Medical Center and Hospital.

PACKET

32.5

December 12, 2023

PACKET

Page 4.90

March 18, 2024

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 O-2, Office District.

SECTION THREE. That a site plan, which is attached hereto as Exhibit “A/B” and incorporated herein for all purposes, is hereby adopted, and the use and development of the Property shall be subject to the following conditions and restrictions:

- A. That the Property shall significantly conform to the site plan attached hereto as Exhibit “B”.
- B. That the parking shown in Exhibit “B” shall be considered illustrative. The minimum number of off-street parking spaces shall be determined by Section 11-1-6.02 of the City Code.
- C. That Ordinance No. 8738 is hereby repealed.

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

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

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

SECTION SEVEN. The penalty for violation of this ordinance shall be in

accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars (\$2,000.00).

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2023; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting “AYE”:

Council members voting “NAY”:

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

Council members voting “AYE”:

Council members voting “NAY”:

PASSED AND APPROVED THIS _____ day of _____, A.D., 2023.

Lori Merritt Blong, Mayor

ATTEST:

Marcia Bentley-German, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

Cristina Burns, Director of Development Services

APPROVED ONLY AS TO FORM:

John Ohnemiller, City Attorney

ZONING EXHIBIT OF
A 23.93 ACRE TRACT
 LOCATED IN SECTION 27, BLOCK 39, T-1-S, T&P RR. CO. SURVEY,
 CITY AND COUNTY OF MIDLAND, TEXAS.

GRAPHIC SCALE



(IN FEET)

ORIGINAL PLOTTED AT A SCALE OF 1"=200'
 ON 11" x 17" PAPER

HEAVY PLOTTED LINES INDICATE LIMITS OF SURVEY.

BEARINGS AND DISTANCES ARE RELATIVE TO THE TEXAS STATE
 PLANE COORDINATE SYSTEM 1983 NAD, CENTRAL ZONE, COMBINED
 GRID FACTOR OR 0.999901786 AND A THETA ANGLE OF -00°54'32".

EXHIBIT "A" ACCOMPANIES THIS EXHIBIT.

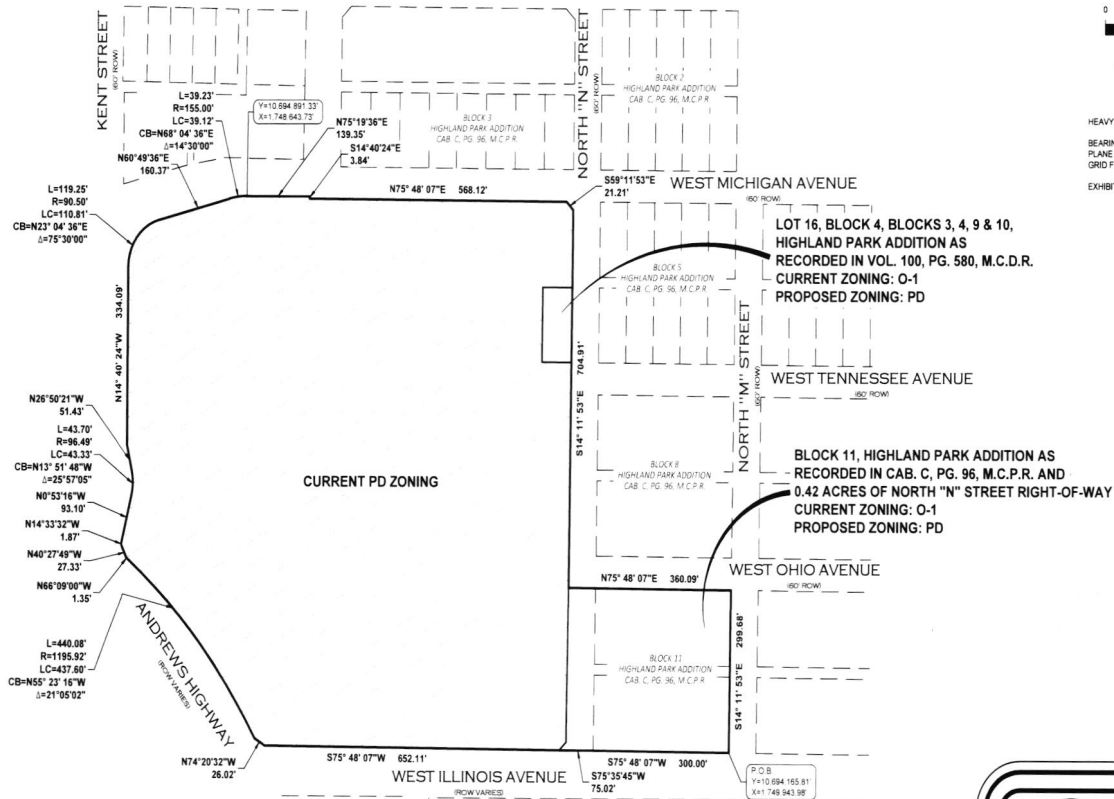


EXHIBIT "A"



NEWTON ENGINEERING, PC

December 12, 2023

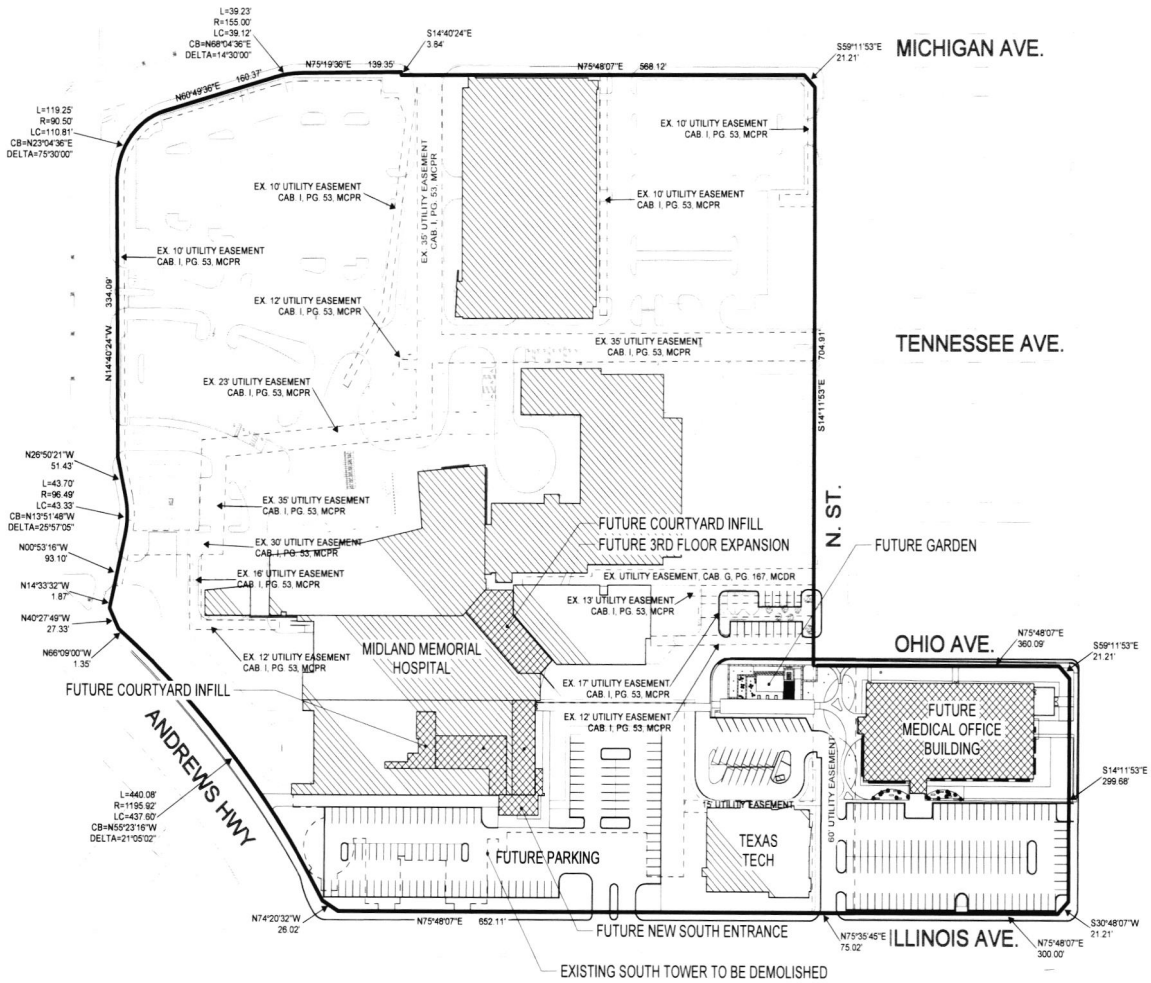
Midland, Texas 79701
 (432) 770-0499

F-10194809

Odessa, Texas 79761
 (432) 935-0707

Prepared For: MIDLAND COUNTY HOSPITAL DISTRICT

Job No: 22-ME12291



1 MASTER PLAN
SCALE: 1" = 90' 0"

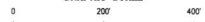
MIDLAND MEMORIAL HEALTH
MASTER PLAN
AUGUST 2023
EXHIBIT "B"

December 12, 2023

jsa
architects

ZONING EXHIBIT OF
A 23.93 ACRE TRACT
 LOCATED IN SECTION 27, BLOCK 39, T-1-S, T&P RR. CO. SURVEY,
 CITY AND COUNTY OF MIDLAND, TEXAS.

GRAPHIC SCALE



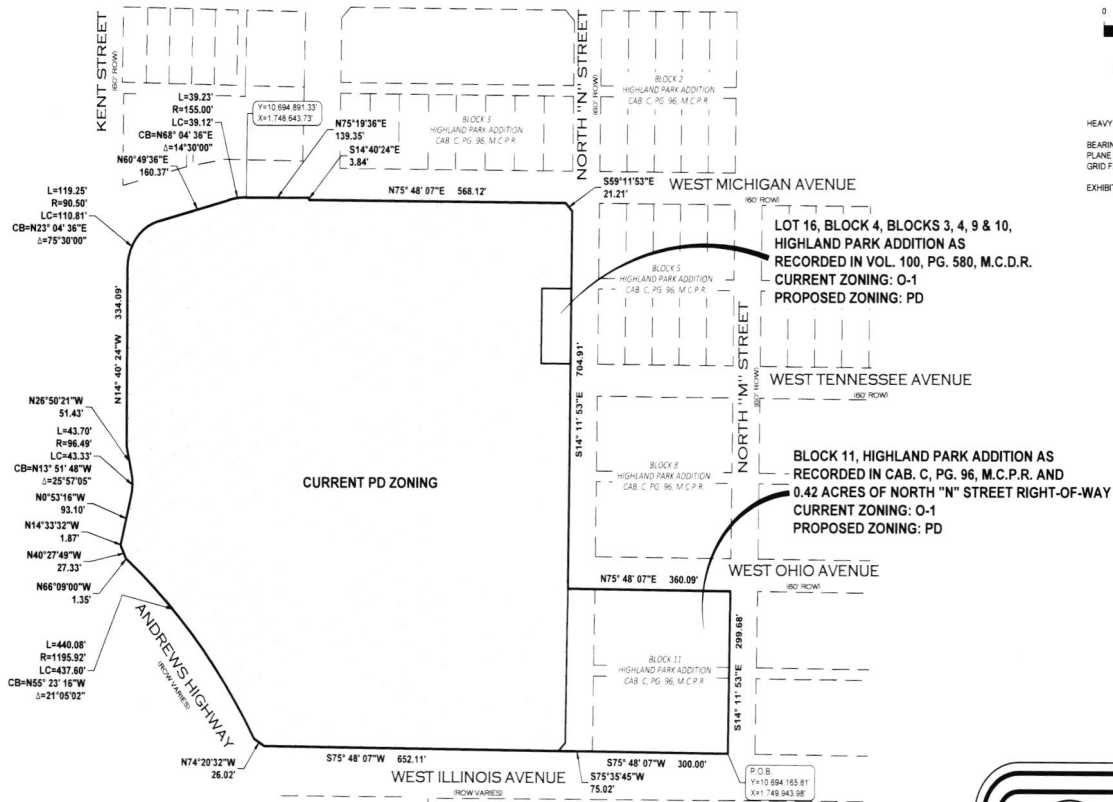
(IN FEET)

ORIGINAL PLOTTED AT A SCALE OF 1"=200'
 ON 11" x 17" PAPER

HEAVY PLOTTED LINES INDICATE LIMITS OF SURVEY.

BEARINGS AND DISTANCES ARE RELATIVE TO THE TEXAS STATE
 PLANE COORDINATE SYSTEM 1983 NAD, CENTRAL ZONE, COMBINED
 GRID FACTOR OR 0.999921786 AND A THETA ANGLE OF -00°54'32".

EXHIBIT "A" ACCOMPANIES THIS EXHIBIT.



PACKET

32.11



NEWTON ENGINEERING, PC
 December 12, 2023

Midland, Texas 79701 F-10104509 2481 E. 2nd St.
 Odessa, Texas 79761 (432) 770-0499 (432) 935-0707

Prepared For: MIDLAND COUNTY HOSPITAL DISTRICT

Job No: 22-ME12291







PACKET

32.15

December 12, 2023



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

Project Number: _____

Case Number: Z-23-0392

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: Midland County Hospital District		Phone () Email	
Address 2200 W. Illinois Avenue	City Midland	State Tx	Zip 79701

Property Owner Printed Name: Same as applicant		Phone () Email	
Address	City	State	Zip

Representative (if different from Applicant or Property Owner) Firm: <u>Newton Engineering, PC</u> Printed Name: <u>Kyle L. Newton, PE, SIT</u>		Phone (432) 935-0707 Email <u>kyle@newtoncivil.com</u>	
Address 4501A Santa Rosa Drive	City Midland	State Tx	Zip 79707

Street Address: See Attachment 'A'	
Legal Description See Attachment 'A'	
Lot:	Block: Subdivision:

Current Zoning: O1	Proposed Zone: PD (List by tracts if more than one district is requested)
---------------------------	--

Reason for Zone Change Request: As directed by planning department to make zoning consistent with the main hospital campus.

Present Use of Property: Parking

Proposed Use of Property: Parking/New Professional Office Building

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

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

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

32.16

December 12, 2023

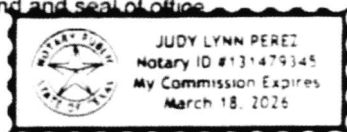
Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature) <u>[Signature]</u>	Date <u>8/10/23</u>
Applicant (printed) <u>Stephen B. [Signature]</u> (President/CEO - Midland Memorial Hospital)	
Property Owner (signature) <u>[Signature]</u>	Date <u>8/10/23</u>
Property Owner (printed) <u>Stephen B. [Signature]</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	

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Kyle Newton who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or authorized by Midland County Hospital District 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 21 day of August, 2023, 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>1563</u>	
Received By <u>[Signature]</u>	Date <u>SEP 0 2023</u>

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

Special Exception Application
PACKET

2
32.17

Revised 12/6/16
December 12, 2023

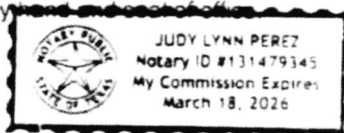
Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature) <u>[Signature]</u>	Date <u>5/10/2023</u>
Applicant (printed) <u>Debra P. Reese</u>	
Property Owner (signature) <u>[Signature]</u>	Date <u>5/10/2023</u>
Property Owner (printed) <u>Debra P. Reese</u>	
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	

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Kyle Newton who, being by me duly sworn, upon oath says That (s)he is the owner of _____ or authorized by Debra P. Reese, 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 21 day of August, 2023, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC MIDLAND COUNTY TEXAS

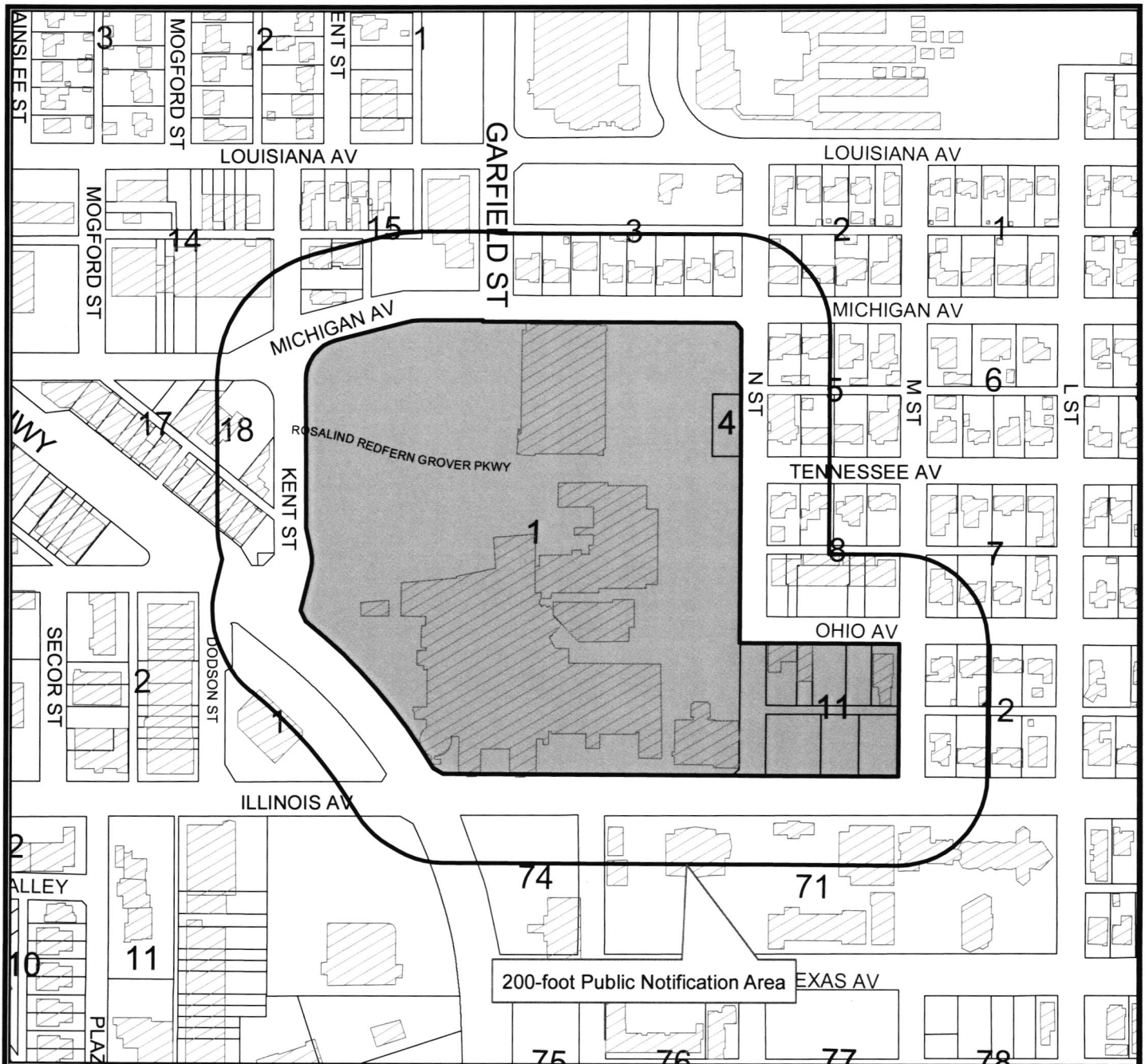
FOR OFFICE USE ONLY	
☐ Property Owner Authorization	☐ Dimensioned Site Plan
☐ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # <u>1563</u>	
Received By: <u>[Signature]</u>	Date <u>SEP 05 2023</u>

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

PACKET Special Exception Application

32.18

December 12, 2023



LOCATION MAP

Z-23-0342

Scale: 1" = 3,895'

Consider a request by Midland County Hospital District and Debbie Reese for a Zone Change from, PD, Planned Development District for a Medical Center and Hospital, in part, and O-1, Office District, in part, to PD, Planned Development District for a Medical Center and Hospital on a 23.93-acre tract of land out of Section 27, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located on the southeast corner of Kent Street and West Michigan Avenue. (Council District 3)

PACKET

32.19

LEGEND

- CITY LIMITS
- ▭ PARCEL
- ▨ PRIVATE BLDGS

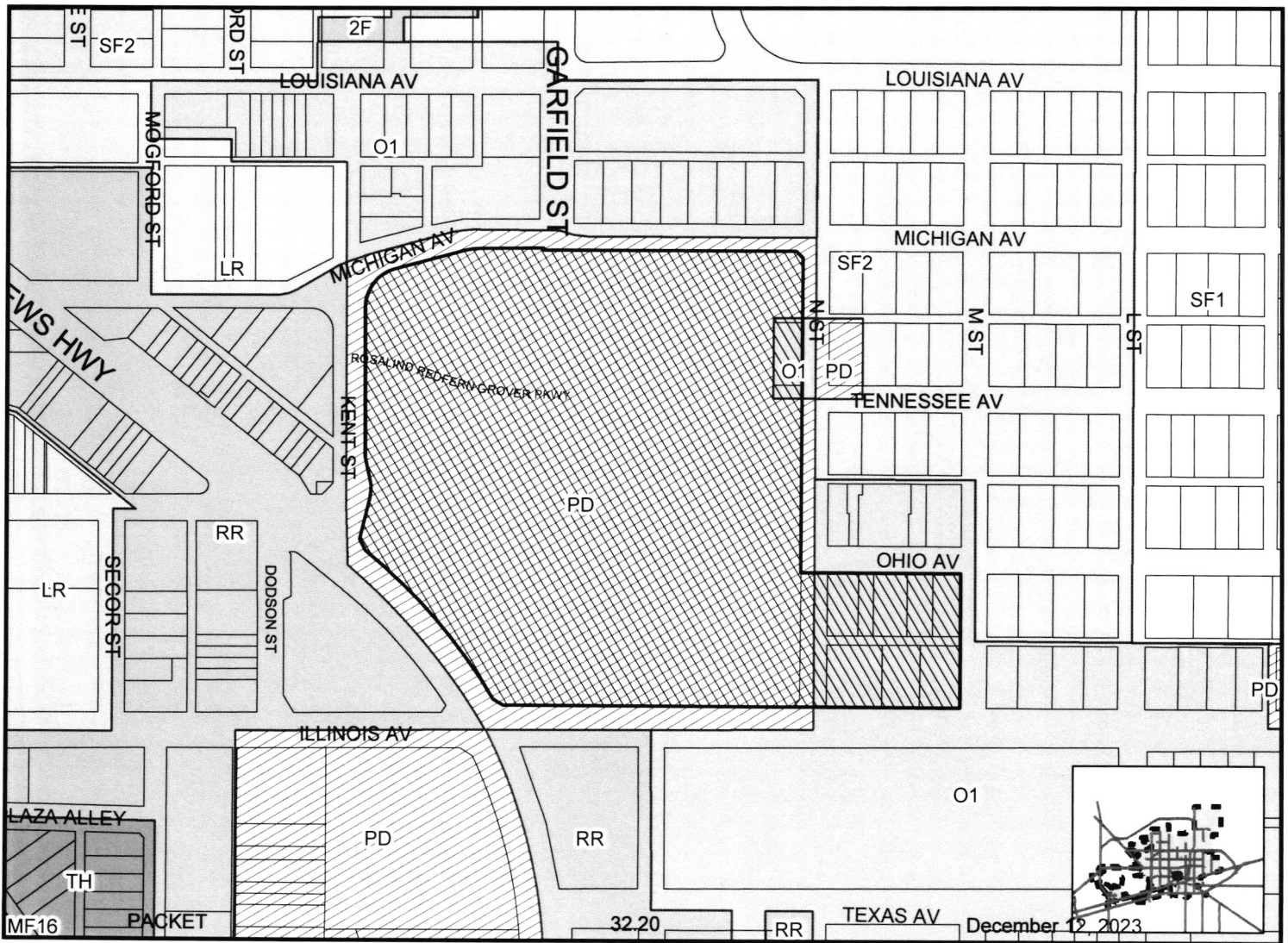


©THE CITY OF MIDLAND - 2021

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

December 12, 2023



Map By L.O. 9/28/2023

Z-23-0342

Scale: 1" = 3,233'

ZONING MAP



© THE CITY OF MIDLAND - 2021. THIS ZONING MAP IS A REPRESENTATION OF THE CITY'S ZONING REGULATIONS. IT IS NOT A LEGAL INSTRUMENT. THE CITY OF MIDLAND DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY LOSS OR DAMAGE, INCLUDING ATTORNEY'S FEES, ARISING FROM THE USE OF THIS ZONING MAP.



PACKET

32.21

December 12, 2023

PACKET

Page 4.106

March 18, 2024



PACKET

32.22

December 12, 2023

PACKET

Page 4.107

March 18, 2024



PACKET

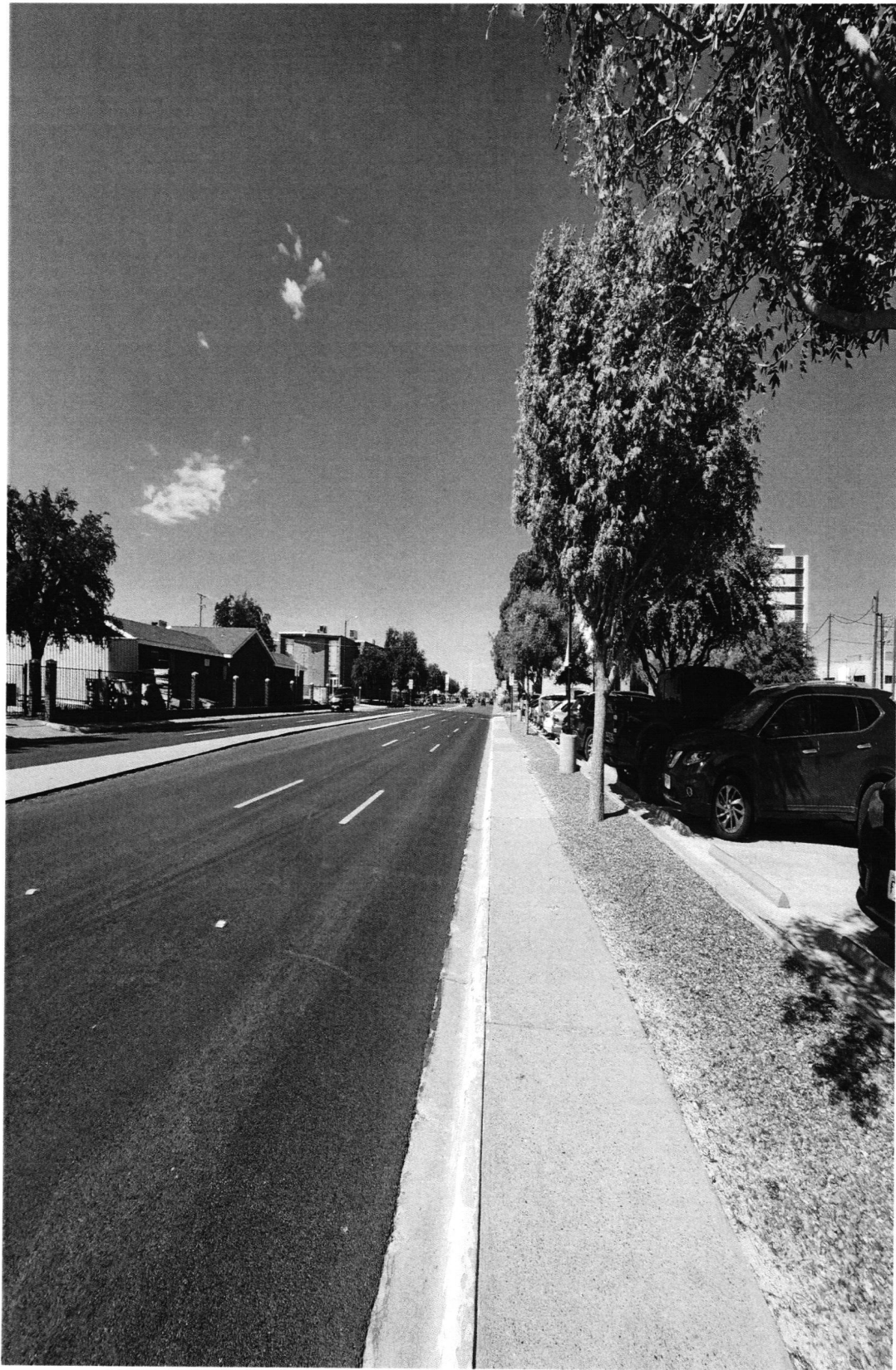
32.23

December 12, 2023

PACKET

Page 4.108

March 18, 2024



PACKET

32.24

December 12, 2023

PACKET

Page 4.109

March 18, 2024

ORDINANCE NO. 8738

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 25.06-ACRE TRACT OF LAND LOCATED IN SECTIONS 27 AND 28, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, IN PART, PD, PLANNED DISTRICT FOR AN OFFICE CENTER, IN PART, PD, PLANNED DISTRICT FOR A MEDICAL AND HOSPITAL DISTRICT, IN PART, AND LR-2, LOCAL RETAIL DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A MEDICAL AND HOSPITAL DISTRICT (GENERALLY LOCATED NORTH OF WEST ILLINOIS AVENUE AND SOUTH OF WEST MICHIGAN AVENUE AND EAST OF ANDREWS HIGHWAY AND KENT STREET AND WEST OF NORTH "N" STREET); SAID TRACT WILL INCLUDE 2.77-ACRES OF VACATED STREET AND ALLEY RIGHTS-OF-WAY (GENERALLY DESCRIBED AS GARFIELD STREET FROM MICHIGAN AVENUE TO OHIO AVENUE; OHIO AVENUE FROM GARFIELD STREET TO ANDREWS HIGHWAY; TENNESSEE AVENUE FROM "N" STREET TO GARFIELD STREET; THE EAST-WEST ALLEY IN BLOCK 4, HIGHLAND PARK ADDITION; AND THE NORTH-SOUTH ALLEY IN BLOCKS 15 AND 16, GARDENS ADDITION) PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN, AND EXPRESSLY REPEALING ORDINANCE NOS. 5261 AND 5576; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter and the State law with reference to the creation of "Planned Districts" under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by the

PACKET

32.25

December 12, 2023

PACKET

Page 4.110

March 18, 2024

PLANNING AND ZONING COMMISSION

June 1, 2009

CASE: Z-09-007.

REQUEST: Consider a request for a zone change from LR-2, Local Retail District; O-1, Office District; PD, Planned District for an Office Center; and PD, Planned District for a Medical Center and Hospital to PD, Planned District for a Medical Center and Hospital (including a heliport).

APPLICANT/OWNER: Midland County Hospital District.

LEGAL DESCRIPTION: All of Midland Memorial Hospital, Section 1; Lots 1 – 15, Block 4, and the Memorial Hospital Tract, Highland Park Addition; Lots 1 – 8 and Lots 12 - 15, Block 16, Lot 13 and 14, and the remainders of Lot 12 & 15, Block 15, A Sub-Division of Blocks 15 & 16 Gardens Addition; the 2.339-acre remainder of Block 31, The Gardens Addition; a 0.546-acre tract of land out of Section 27, Block 39, T-1-S, T & P RR Co. Survey; and 2.77-acres of vacated street and alley rights-of-way, City and County of Midland, Texas.

LOCATION: Generally bound by W. Illinois Avenue, Andrews Highway, Kent Street, W. Michigan Avenue and "N" Street.

ASSOCIATED CASE: P-08-089, Midland Memorial Hospital, Section 2.

DETAILS OF REQUEST:

1. Midland citizens recently approved a bond to finance the expansion of Midland Memorial Hospital. The land occupied by the existing hospital is zoned Planned District for a Medical Center and Hospital. The expansion area includes land that is zoned O-1 District, Planned District for an Office Center and LR-2 District. Since a detailed development plan has been prepared, they have elected to request a zone change that would place all of their land within a single zoning ordinance. This will aid in the administration of the zoning. The application includes exhibits illustrating a plan view and three elevation views. Another exhibit shows a potential landscaping plan, but it is included only for illustrative purposes. This new facility will also include a landing area for medical helicopters. Also scheduled on the June 1st agenda is an application to replat all of their property into a single lot.

PACKET

32.26

December 12, 2023

PACKET

Page 4.111

March 18, 2024

ANALYSIS:

2. Exhibit A illustrates all of the land the District has acquired and the existing hospital building. The principal additions include a medical tower with an initial height of seven stories, but with a potential of 10 stories; a parking garage with up to five stories; additional surface parking; and a heliport. The proposed expansion requires the vacation of several portions of right-of-way, including Garfield Street, Tennessee Avenue and two alleys. Southbound traffic on Garfield Street is planned to be routed westward along Michigan Avenue, where it can continue westward or southward on Kent Street, to Andrews Highway. The associated plat will dedicate additional right-of-way for Michigan and Kent to accommodate the rerouted traffic. The staff has reviewed the associated traffic pattern, and we are satisfied that this plan will maintain safe and efficient traffic flow around the hospital. The Fire Marshal's office reviewed the initial site plan, and recommended several changes to enhance accessibility to the building in the event of fire and rescue services are needed. The attached site plan includes those recommended changes.

The seven-story patient tower will abut north side of the existing hospital, thereby joining the two structures into a single building. The new tower will also connect to the existing medical building at the southeast corner of Garfield Street and Tennessee. Exhibit A indicates that three additional stories may be added to the tower at some future date. An existing service entrance on Kent Street will be maintained. Just north of the service entrance is the heliport. The Zoning Code lists a specific use permit for a heliport, but since the rezoning is to a planned district, the same level of review can occur. Section 13-4 of the City Code includes a list of definitions and regulations pertaining to heliports. Of the four types of heliports defined, the "helistop-limited use" definition best describes the proposed heliport. This section of the Code is very technical, and establishes requirements for the minimum clear area, approach angles, fueling and fire safety. It also requires approval by the Airport Planning Board and the Director of Aviation. We recommend that the design, construction and operation conform to all regulations of the City Code and the Federal Aviation Administration.

The applicant has submitted a 34-page parking analysis from an engineering firm that specializes in parking studies. Midland's Zoning Code currently states that one parking space is needed for every three hospital beds. The staff is convinced that this standard is out of date, and does not provide sufficient parking to meet today's requirements. Hospitals are very labor intensive, and require more parking than our Code specifies. Many cities require between 1.5 and 2 spaces for each bed. Because of the services offered in a modern hospital, parking based on a patient bed count does not provide an accurate account of required parking. The parking study provided

by the applicant goes into great detail regarding current parking availability and anticipated parking demand. This engineering firm conducted a parking study on Wednesday, January 14th, 2009. On this day, the peak parking demand occurred at 11:00 a.m. when 990 vehicles were parked in the existing 1,217 available spaces (including 181 on-street spaces). The occupancy level was 81.3 percent (a surplus of 138 spaces). The report states that from a practical standpoint, a 90 percent occupancy for patient and visitor parking and 95 percent occupancy for employee parking are considered effectively full. The report states that by 2012, when the project would be complete, there would be a parking space deficit of 440 spaces due to the added floor area; a displacement of 122 existing spaces due to the expansion; and an addition of 115 new surface spaces. Therefore, there will be a need for 447 additional spaces. The three-level parking garage will add 456 spaces, and it can be increased to a maximum of five levels. In summary, we are satisfied that the parking demand will be met with the additional surface and multi-level parking proposed with this plan.

3. Exhibits B and C illustrate the different elevation views of the proposed patient tower. The principal exterior building material will be glazing. Additionally, architectural metal panels and EIFS will be used. The maximum building height for the first phase will be 126 feet, with a maximum height of 174 feet for the second phase. Exhibit D shows elevations of the parking structure. Exterior building materials include concrete, glass and architectural metal panels. The staff is satisfied that the architectural elements and building materials will result in an attractive centerpiece for Midland's principal hospital. Exhibit E is a rendered landscape plan. This exhibit is for illustrative use only. A detailed landscape plan will be reviewed through the building permit process.

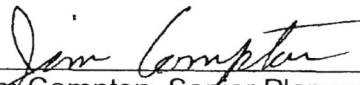
STAFF RECOMMENDATION:

We recommend approval of this request for a zone change on the above-described property to PD, Planned District for a Medical Center and Hospital, subject to the following conditions:

- A. This property shall be subject to the regulations of the O-2. Office District.
- B. That the development of this property for a hospital shall conform to the conditions shown on Exhibits A, B, C and D in all respects, except as otherwise stated below.
- C. A Certificate of Occupancy shall not be issued for the hospital tower until the three-story parking garage is completed.

- D. The design and operation of the heliport shall comply with all regulations established by the City of Midland and the FAA. It shall only be used in association with the normal operation of the hospital.
- E. The parking plan shown on Exhibit A shall be considered illustrative, with the minimum number of spaces required determined through the building permit process.
- F. Ordinances 5261 and 5576 shall be repealed.



Cameron Walker, AICP
Planning Division Manager
Department of Development Services

Jim Compton, Senior Planner
Department of Development Services

Attachments:

Application
Maps
Exhibits A, B, C, D and E

Case Number: 2-09-007

CITY OF MIDLAND
Planning Division

APPLICATION TO CHANGE ZONING CLASSIFICATION

Midland County Hospital District 432-685-4222
Applicant Name Contact #s
2200 W. Illinois Midland, Texas 79701
Address Zip Code

(Same as Applicant)
Property Owner Name Contact #s
Address Zip Code

Parkhill, Smith & Cooper, Inc. (432) 697-1447
Representative Name Contact #s
1700 W. Wall, Ste 100, Midland, Texas 79701
Address Zip Code

Street address and Legal Description of property (complete Lot, Block, and Subdivision, or if unplatted, attach a Metes and Bounds description with surveyor's seal). Describe by tracts if more than one zoning district is requested: Being a 21.56 ac Replat of Midland Memorial Hospital Section 1, Lots 1-15, Block 4 and the Remainder of Blocks 9 & 10, Highland Park Addition, and Lots 1-8, 12-15, Block 16, Lots 12-15, Block 15, and the Remainder of Block 31, Gardens Addition, to the City of Midland, Texas

PRESENT ZONE: PDMC, PDOC, LR2, 01 REQUESTED ZONE: PDMC
(List by tracts if more than one district is requested)

Reason for Zone Change or PD Amendment: Preparation for construction of a new patient tower, parking garage, and site improvements

Present Use of Property: Hospital Campus

Proposed Use of Property: Hospital Campus

How will zone change affect the public health, safety and welfare? It will improve safety for pedestrians at hospital and the basic welfare of the community

Describe how conditions affecting the property have changed since present zoning designation:
Proposal for a new patient tower.

Will a Specific Use Permit with Term for alcoholic beverages sales be needed: Yes X No

PACKET

32.30

December 12, 2023

APPLICATION FEES:

- Single, standard zone change: **\$400**. Multiple, standard zone change: add **\$100** per district.
- Single PD, Planned District zone change: **\$550**. Multiple PD proposal: add **\$100** per district.
80% of fee will be refunded if no P&Z public hearing is called; if no City Council public hearing is called, then 30% of fee will be refunded.
- If a Traffic Impact Analysis is required, a fee of up to \$500.00 will be assessed.

SITE PLAN SUBMITTALS (if applicable):

16 copies of the PD site plan: X
Site Plan on a CD in .pdf and .jpg format: X

SIGNATURE (by property owner only - authorized agent must sign affidavit below)

Property Owner (signature): _____ Date: _____

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

STATE of TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Eric L. West, P.E.
who, being by me duly sworn, upon oath says: That (s)he is authorized by Midland County Hospital
District 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.

Eric L. West
Authorized Agent (signature)

Subscribed and sworn to before me, this 3rd day of April, 20 09, to certify which
witness my hand and seal of office.

Sheri Mullins
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
Rec'd By: <u>JC</u>	Date: <u>4/28/09</u>
Assigned: <u>JC</u>	
For: <u>P&Z</u>	On: <u>6/1/09</u>

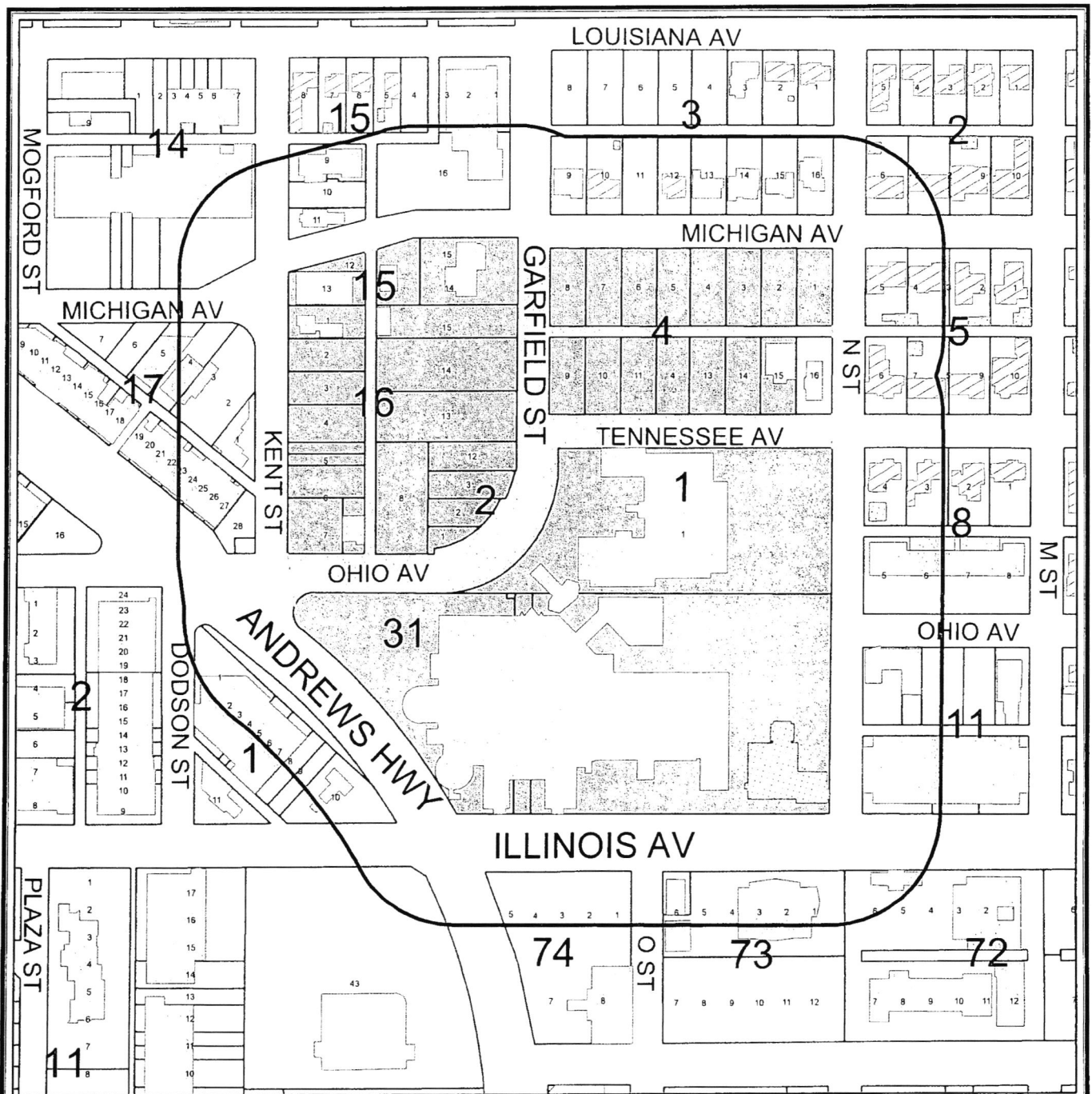


****Application will not be considered for scheduling until reviewed by a planner.****

PACKET

32.31

December 12, 2023



Consider a zone change from LR-2, Local Retail District on Lots 1-8 and Lot 12 Block 16, and Lot 13 and the remainder of Lot 12, Block 15, A Sub-Division of Blocks 15 & 16 Gardens Addition; and Lots 1 - 3, Block 2, Midland Memorial Hospital, Section 1; from O-1, Office District on Lots 1 - 15, Block 4, Highland Park Addition; Lots 13 - 15, Block 16 and Lot 14 and the remainder of Lot 15, Block 15, A Sub-Division of Blocks 15 & 16 Gardens Addition; from PD, Planned District for an Office Center on Lot 1, Block 1, Midland Memorial Hospital, Section 1; from PD, Planned District for Medical Center and Hospital on the Memorial Hospital Tract, Highland Park Addition; the 2.339-acre remainder of Block 31, The Gardens Addition; and a 0.546-acre tract of land out of Section 39, T-1-S, T & P RR Co. Survey, 2.77-acres of vacated street and alley rights-of-way, City and County of Midland, Texas, to a PD, Planned District for a Medical Center and Hospital.

PROPERTY OWNER NOTIFICATION MAP

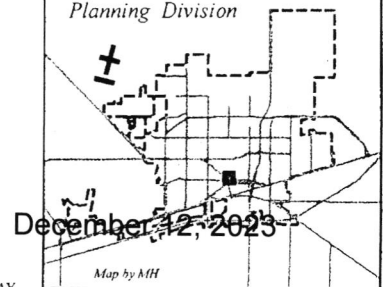
Z - 09 - 007

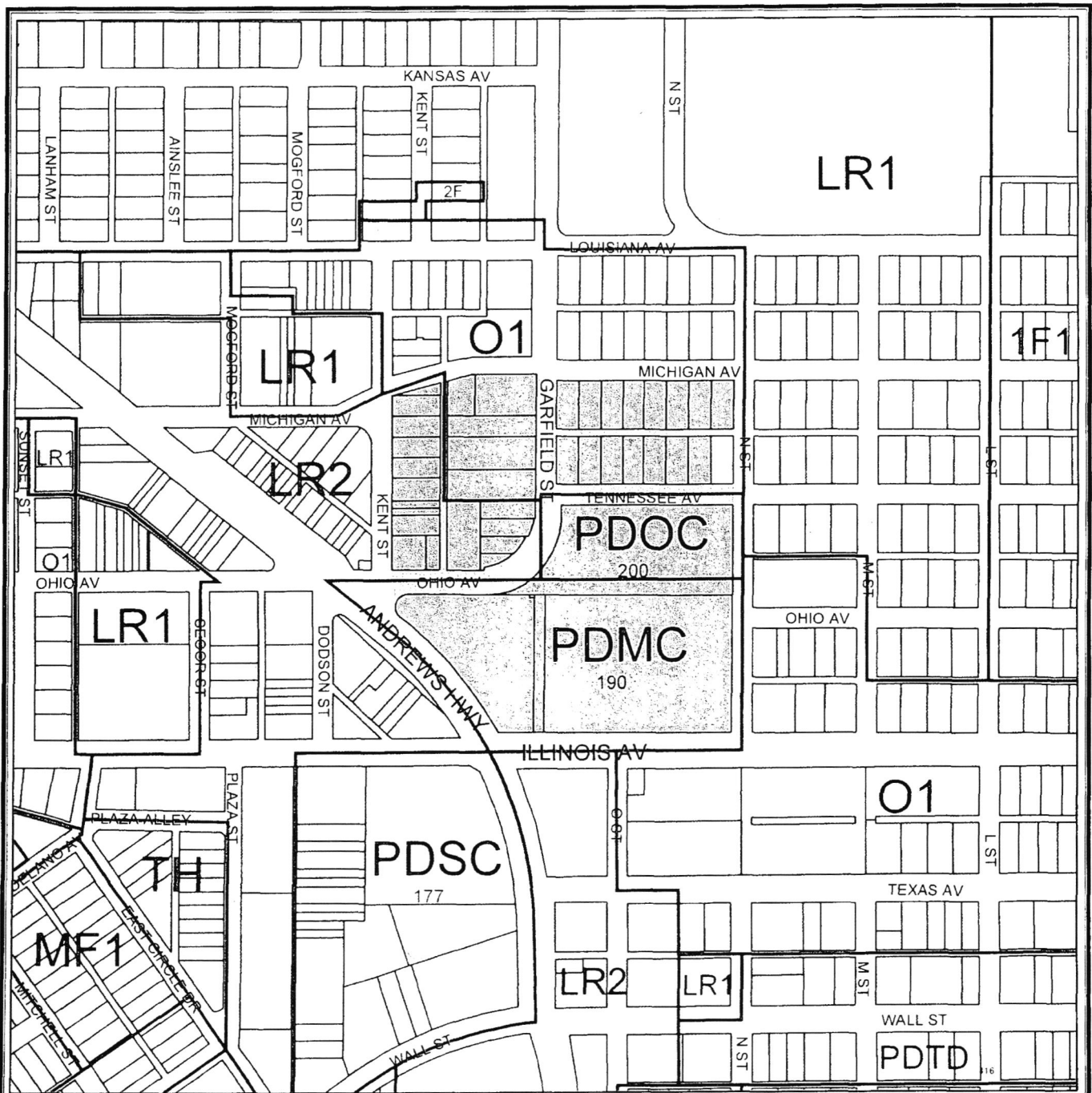
Scale: 1" = 250'

LEGEND

- - - CITY LIMITS
- 200 FT LEGAL NOTICE LIMIT
- PARCEL
- PUBLIC BLDGS
- PRIVATE BLDGS
- ACCESSORY BLDGS
- VACATED RIGHTS-OF-WAY

City of Midland, Texas
Planning Division





ZONING MAP

Consider a zone change from LR-2, Local Retail District on Lots 1-8 and Lot 12 Block 16, and Lot 13 and the remainder of Lot 12, Block 15, A Sub-Division of Blocks 15 & 16 Gardens Addition; and Lots 1 - 3, Block 2, Midland Memorial Hospital, Section 1, from O-1, Office District on Lots 1 - 15, Block 4, Highland Park Addition; Lots 13 - 15, Block 16 and Lot 14 and the remainder of Lot 15, Block 15, A Sub-Division of Blocks 15 & 16 Gardens Addition; from PD, Planned District for an Office Center on Lot 1, Block 1, Midland Memorial Hospital, Section 1; from PD, Planned District for Medical Center and Hospital on the Memorial Hospital Tract, Highland Park Addition; the 2.339-acre remainder of Block 31, The Gardens Addition; and a 0.546-acre tract of land out of Section 1, Block 39, T-1-S, T & P RR Co. Survey; and 2.77-acres of vacated street and alley rights-of-way, City and County of Midland, Texas, to a PD, Planned District for a Medical Center and Hospital.

Z - 09 - 007

LEGEND

Scale: 1" = 400'



ZONING



PARCELS

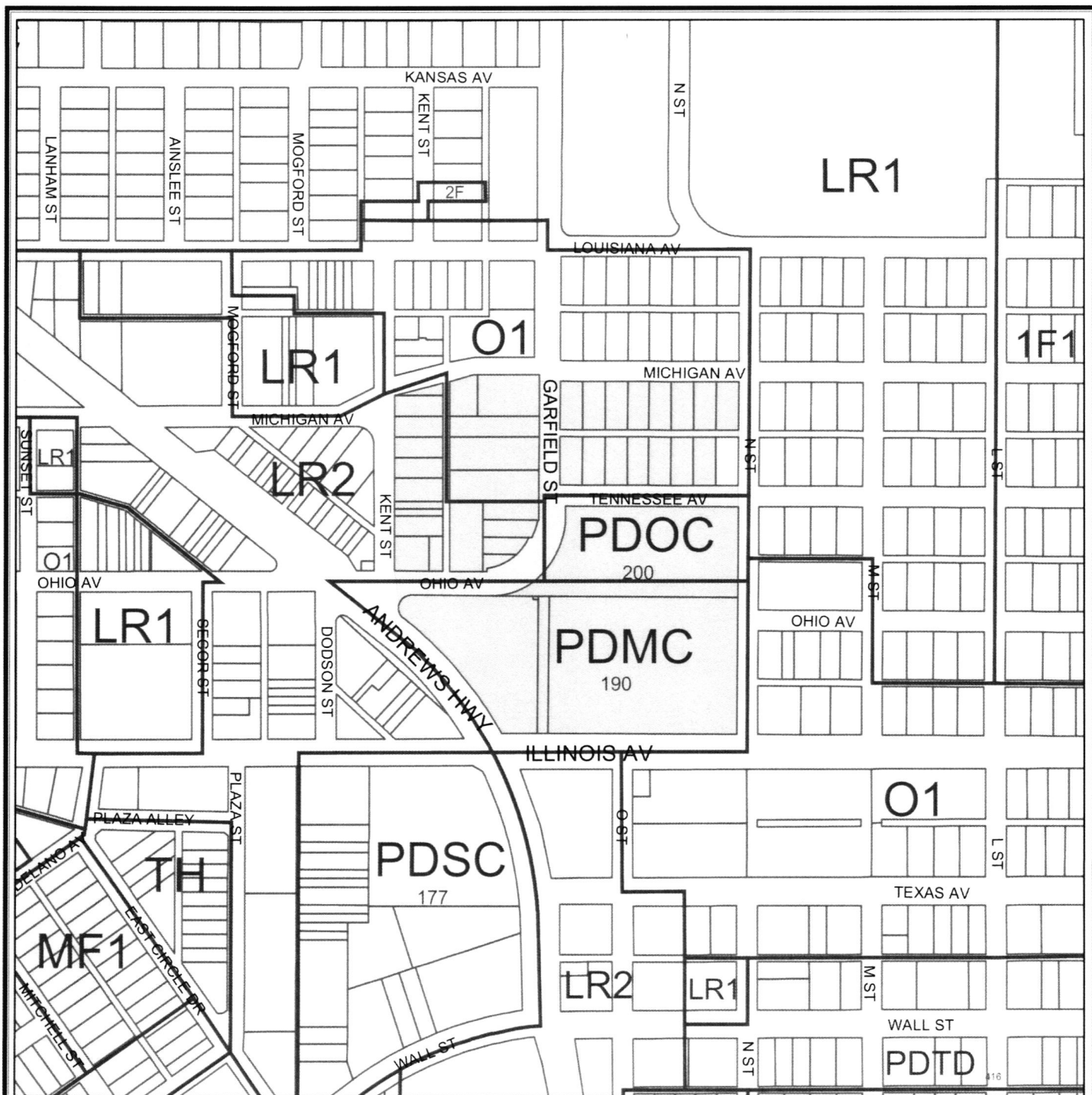
VACATED RIGHTS-OF-WAY

ZONING DISTRICTS:

FD FUTURE DEVELOPMENT
PD PLANNED DISTRICT
AE AGRICULTURE ESTATE
CE COUNTRY ESTATE
1F1, 1F2, 1F3 ONE-FAMILY DWELLING
TH MOBILE HOME DWELLING
TH TOWNHOUSE DWELLING
2F TWO-FAMILY DWELLING
MF1, MF2 MULTIPLE FAMILY DWELLING

BP BUSINESS PARK
P PARKING
O1, O2 OFFICE
NS NEIGHBORHOOD SERVICE
LR1, LR2, LR3 LOCAL RETAIL
IP, IP1, IP2, IP3 INDUSTRIAL PARK
LI LIGHT INDUSTRY
HI HEAVY INDUSTRY

BP BUSINESS PARK
P PARKING
O1, O2 OFFICE
NS NEIGHBORHOOD SERVICE
LR1, LR2, LR3 LOCAL RETAIL
IP, IP1, IP2, IP3 INDUSTRIAL PARK
LI LIGHT INDUSTRY
HI HEAVY INDUSTRY



ZONING MAP

Consider a zone change from LR-2, Local Retail District on Lots 1-8 and Lot 12 Block 16, and Lot 13 and the remainder of Lot 12, Block 15, A Sub-Division of Blocks 15 & 16 Gardens Addition; and Lots 1 - 3, Block 2, Midland Memorial Hospital, Section 1; from O-1, Office District on Lots 1 - 15, Block 4, Highland Park Addition; Lots 13 - 15, Block 16 and Lot 14 and the remainder of Lot 15, Block 15, A Sub-Division of Blocks 15 & 16 Gardens Addition; from PD, Planned District for an Office Center on Lot 1, Block 1, Midland Memorial Hospital, Section 1; from PD, Planned District for Medical Center and Hospital on the Memorial Hospital Tract, Highland Park Addition; the 2.339-acre remainder of Block 31, The Gardens Addition; and a 0.546-acre tract of land out of Section 25, Block 27, T-I-S, T & P RR Co. Survey; and 2.77-acres of vacated street and alley rights-of-way. City and County of Midland, Texas, to a PD, Planned District for a Medical Center and Hospital.

Z - 09 - 007

LEGEND

Scale: 1" = 400'



ZONING



PARCELS



VACATED RIGHTS-OF-WAY

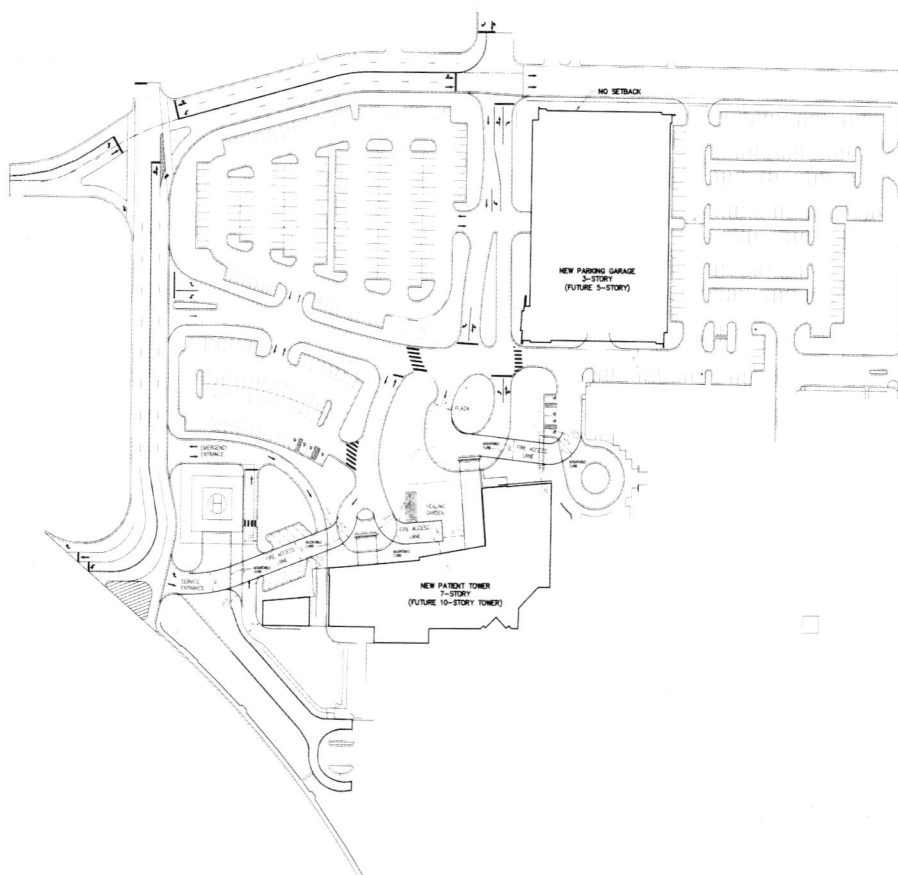
ZONING DISTRICTS:

FD FUTURE DEVELOPMENT
PD PLANNED DISTRICT
AE AGRICULTURE ESTATE
CE COUNTRY ESTATE
1F1, 1F2, 1F3 ONE-FAMILY DWELLING
TH MOBILE HOME DWELLING
TH TOWNHOUSE DWELLING
2F TWO-FAMILY DWELLING
MF1, MF2 MULTIPLE FAMILY DWELLING

BP BUSINESS PARK
P PARKING
O1, O2 OFFICE
NS NEIGHBORHOOD SERVICE
LR1, LR2, LR3 LOCAL RETAIL
IP, IP1, IP2, IP3 INDUSTRIAL PARK
LI LIGHT INDUSTRY
HI HEAVY INDUSTRY

BP BUSINESS PARK
P PARKING
O1, O2 OFFICE
NS NEIGHBORHOOD SERVICE
LR1, LR2, LR3 LOCAL RETAIL
IP, IP1, IP2, IP3 INDUSTRIAL PARK
LI LIGHT INDUSTRY
HI HEAVY INDUSTRY





PACKET

32.35

December 12, 2023

A1 SITE LAYOUT

PERKINS
+ WILL

1000 North Orange Street
Suite 1000
Orange, CA 92667
714.952.2200
perkinswill.com

MIDLAND
MEMORIAL
HOSPITAL
EXPANSION

MMH

2200 W. Illinois Ave. Midland,
Texas 79701

L.A. FUESS PARTNERS, INC.
10000 Wilshire Blvd.
Suite 200
Beverly Hills, CA 90210
310.274.1100
lafuess.com

CORD PARTNERS
10000 Wilshire Blvd.
Suite 200
Beverly Hills, CA 90210
310.274.1100
cordpartners.com

Paykel Smith & Cooper, Inc.
1100 West 10th Street
Midland, TX 79701
409.487.1000
paykel-smith.com

ADAMS
10000 Wilshire Blvd.
Suite 200
Beverly Hills, CA 90210
310.274.1100
adams.com



0' 10' 20' 30' 40' 50'

Sheet Information	
Date	Project Date: 12/12/23
Job Number	2300000000
Drawn	100
Checked	100
Approved	100
Total	

SITE LAYOUT

Sheet

Ex01

Copyright © 2023 Perkins + Will





MIDLAND MEMORIAL HOSPITAL
 MIDLAND, TEXAS

LANDSCAPE PLAN

PERKINS
 + WILL
 TalleyAssociates
 PSC

Planned District Medical Center (PD-MC)
MIDLAND MEMORIAL HOSPITAL

Legal Description of a 25.06 Acre Zoning Tract Located in Sections 27 and 28,
Block 39, T-1-S, T. & P. RR. Co. Survey, City of Midland, Midland County, Texas

Boundary being further described by metes and bounds as follows:

BEGINNING at (N= 10,693,882.94' E= 1,749,081.08') the Southeast corner of Section 28 and the Southwest corner of Section 27, Block 39, T-1-S, based on the legal descriptions recorded in Volume 395, Page 37, Deed Records of Midland County, Texas, being a point on the South boundary line of this tract;

THENCE S75°48'07"W with the South line of said Section 28 within West Illinois Avenue, a distance of 158.84 feet to the intersection with the centerline of State Highway No. 158 being the most Southerly Southwest corner of this tract;

THENCE along the centerline of Andrews Highway or State Highway No. 158 being a 100 foot wide ROW recorded in Volume 55, Page 1, Deed Records, around a curve to the left in a Northwesterly direction with a radius of 1145.92 feet, a delta angle of 23°55'54", an arc length of 478.64 feet, and a chord length of 475.16 feet, which bears N53°57'57"W to a point of tangency of this tract and said State Highway No. 158;

THENCE N65°50'18"W with the centerline of said State Highway No. 158, a distance of 206.24 feet to the intersection with the centerline of West Ohio Avenue, being a 72 foot wide street comprised of the original 60 foot ROW dedicated by the Gardens Addition in Cabinet "D" Page 172, Plat Records of Midland County and a 12 foot strip dedicated in Volume 395, Page 37, Deed Records of Midland County, the most Westerly corner of this tract;

THENCE N75°19'36"E with the said centerline of said West Ohio Street a distance of 149.00 feet to the intersection with the centerline of Kent Street dedicated by plat of a Subdivision of Blocks 15 and 16, as recorded in Cabinet "C", Page 131, Plat Records of Midland County and an interior corner of this tract;

THENCE N14°40'24"W with the said centerline of said Kent Street, a distance of 558.33 feet to the intersection with centerline of West Michigan Avenue, as dedicated in Volume 470, Page 328, Page 329, and Page 331, Deed Records of Midland County and the Northwest corner of this tract;

THENCE N60°57'35"E with the said centerline of West Michigan Avenue based on the center of the existing curb and gutter, a distance of 287.29 feet to a point of deflection in said West Michigan Avenue;

THENCE N74°50'00"E continuing with the centerline of West Michigan Avenue, a distance of 198.81 feet to the intersection with the centerline of Garfield Street and near the common line of said Sections 27 and 28, being an exterior corner of said tract;

THENCE S14°25'34"E with the said centerline of Garfield Street, a distance of 17.67 feet to the intersection with centerline of West Michigan Avenue based on the plats of Highland Park as recorded in Volume 90, Page 45, and Volume 100, Page 580, Deed Records of Midland County, being an interior corner of this tract;

THENCE N75°48'07"E with said centerline of said West Michigan Avenue, a distance of 579.58 feet to the intersection with the centerline of North "N" Street based on the said plat of Highland Park and the Northeast corner of this tract;

THENCE S14°11'53"E with the centerline of said North "N" Street, a distance of 179.93 feet to an exterior corner of this tract;

THENCE S75°48'07"W with the centerline of an existing alley, a distance of 94.99 feet to an interior corner of this tract;

THENCE S14°11'53"E at 10.00 feet pass the Northwest corner of Lot 16, Block 4, Highland Park Addition, as recorded in said Volume 100, Page 580, Deed Records of Midland County, continuing with the West line of said Lot 16, and at 149.94 feet pass the Southwest corner of said Lot 16, continuing for a total distance of 179.93 feet to the intersection with the centerline of Tennessee Avenue based on the said plats of Highland Park and an interior corner of this tract;

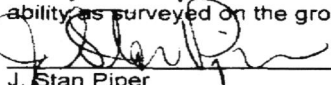
THENCE N75°48'07"E with the centerline of said Tennessee Avenue, a distance of 94.99 feet to the intersection with the said centerline of North "N" Street and an exterior corner of this tract;

THENCE S14°11'53"E with the centerline of said North "N" Street a distance of 752.19 feet to a point on the South boundary line of said Section 27 and the Southeast corner of this tract;

THENCE S75°48'07"W with the South boundary line of said Section 27 within the ROW of West Illinois Avenue, a distance of 575.99 feet to the Place of Beginning, containing an area of 25.06 Acres or 1,091,489 square feet.

Bearings, distances, and coordinates are relative to the Texas State Plane Coordinate System, NAD 1983/86, Central Zone, with a combine grid factor of 0.9998995, and a theta angle equal to -0°54'48.39" at U.S.C. & G. station "MIDLAND" with published values of Y= 10,690,154.70 and X= 1,746,696.78 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 is true and correct to the best of my knowledge and ability as surveyed on the ground on various dates to June 16, 2009.


J. Stan Piper
Registered Professional Land Surveyor #1974

Prepared for:
Parkhill, Smith, and Cooper, Inc.
5214 Thomason Drive
Midland, TX 79703

PIPER SURVEYING COMPANY, BOX 360432, MIDLAND, TX 79711-1432 501-482-7820
December 12, 2020

Exhibit "D"

creation of a Planned District for a Medical and Hospital District, as set out hereinafter and subject to the conditions and restrictions set out hereinafter;

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

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned O-1, Office District, in part, PD, Planned District for an Office Center, in part, PD, Planned District for a Medical and Hospital District, in part, and LR-2, Local Retail District, in part, and it shall be used as an Planned District for a Hospital District, subject to the special conditions and restrictions hereinafter set out, said property being described as follows:

A 25.06-acre tract of land located in Sections 27 and 28, Block 39, 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 "D", which is attached hereto and incorporated herein.

SECTION TWO. That said property shall be subject to the following special conditions and restrictions:

1. That this property shall be subject to the regulations of the O-2, Office District, except as otherwise stated below.
2. That the development of this property for a hospital shall conform in all respects to the conditions shown on the site plan which attached hereto and incorporated herein as Exhibits "A", "B and "C".
3. That a Certificate of Occupancy shall not be issued for the hospital tower until the three-level parking garage is completed.
4. That the parking plan shown on Exhibit "A" shall be considered illustrative; the minimum number of required parking spaces shall be determined through the building permit process.
5. That the area indicated on Exhibit "A" for a heliport shall be considered as only showing the general location, and shall not be considered approval of a heliport as defined in Section 13-4 of the Midland City Code; no heliport shall be allowed until a specific use permit allowing such use is approved by the City Council.
6. That Ordinance Nos. 5261 and 5576 are hereby repealed.

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

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 23rd day of June, A.D., 2009; and passed to second reading on motion of Council member Trost, seconded by Council member Dufford, by the following vote:

Council members voting "AYE": Trost, Dufford, Morales,
Morgan, Perry, Hailey
and James

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 Trost, seconded by Council member Hailey, on the 25th day of August, A.D., 2009, at a regular meeting of the City Council:

Council members voting "AYE": **Trost, Hailey, Morales,
Perry, Dufford and James**

Council members voting "NAY": **None**

PASSED AND APPROVED THIS 25th day of August, A.D., 2009.



W. Wesley Perry, Mayor

ATTEST:



Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:



Keith Stretcher, City Attorney

Planned District Medical Center (PD-MC)
MIDLAND MEMORIAL HOSPITAL

Legal Description of a 25.06 Acre Zoning Tract Located in Sections 27 and 28,
Block 39, T-1-S, T. & P. RR. Co. Survey, City of Midland, Midland County, Texas

Boundary being further described by metes and bounds as follows:

BEGINNING at (N= 10,693,882.94' E= 1,749,081.08') the Southeast corner of Section 28 and the Southwest corner of Section 27, Block 39, T-1-S, based on the legal descriptions recorded in Volume 395, Page 37, Deed Records of Midland County, Texas, being a point on the South boundary line of this tract;

THENCE S75°48'07"W with the South line of said Section 28 within West Illinois Avenue, a distance of 158.84 feet to the intersection with the centerline of State Highway No. 158 being the most Southerly Southwest corner of this tract;

THENCE along the centerline of Andrews Highway or State Highway No. 158 being a 100 foot wide ROW recorded in Volume 55, Page 1, Deed Records, around a curve to the left in a Northwesterly direction with a radius of 1145.92 feet, a delta angle of 23°55'54", an arc length of 478.64 feet, and a chord length of 475.16 feet, which bears N53°57'57"W to a point of tangency of this tract and said State Highway No. 158;

THENCE N65°50'18"W with the centerline of said State Highway No. 158, a distance of 206.24 feet to the intersection with the centerline of West Ohio Avenue, being a 72 foot wide street comprised of the original 60 foot ROW dedicated by the Gardens Addition in Cabinet "D" Page 172, Plat Records of Midland County and a 12 foot strip dedicated in Volume 395, Page 37, Deed Records of Midland County, the most Westerly corner of this tract;

THENCE N75°19'36"E with the said centerline of said West Ohio Street a distance of 149.00 feet to the intersection with the centerline of Kent Street dedicated by plat of a Subdivision of Blocks 15 and 16, as recorded in Cabinet "C", Page 131, Plat Records of Midland County and an interior corner of this tract;

THENCE N14°40'24"W with the said centerline of said Kent Street, a distance of 558.33 feet to the intersection with centerline of West Michigan Avenue, as dedicated in Volume 470, Page 328, Page 329, and Page 331, Deed Records of Midland County and the Northwest corner of this tract;

THENCE N60°57'35"E with the said centerline of West Michigan Avenue based on the center of the existing curb and gutter, a distance of 287.29 feet to a point of deflection in said West Michigan Avenue;

THENCE N74°50'00"E continuing with the centerline of West Michigan Avenue, a distance of 198.81 feet to the intersection with the centerline of Garfield Street and near the common line of said Sections 27 and 28, being an exterior corner of said tract;

THENCE S14°25'34"E with the said centerline of Garfield Street, a distance of 17.67 feet to the intersection with centerline of West Michigan Avenue based on the plats of Highland Park as recorded in Volume 90, Page 45, and Volume 100, Page 580, Deed Records of Midland County, being an interior corner of this tract;

THENCE N75°48'07"E with said centerline of said West Michigan Avenue, a distance of 579.58 feet to the intersection with the centerline of North "N" Street based on the said plat of Highland Park and the Northeast corner of this tract;

THENCE S14°11'53"E with the centerline of said North "N" Street, a distance of 179.93 feet to an exterior corner of this tract;

THENCE S75°48'07"W with the centerline of an existing alley, a distance of 94.99 feet to an interior corner of this tract;

THENCE S14°11'53"E at 10.00 feet pass the Northwest corner of Lot 16, Block 4, Highland Park Addition, as recorded in said Volume 100, Page 580, Deed Records of Midland County, continuing with the West line of said Lot 16, and at 149.94 feet pass the Southwest corner of said Lot 16, continuing for a total distance of 179.93 feet to the intersection with the centerline of Tennessee Avenue based on the said plats of Highland Parkland an interior corner of this tract;

THENCE N75°48'07"E with the centerline of said Tennessee Avenue, a distance of 94.99 feet to the intersection with the said centerline of North "N" Street and an exterior corner of this tract;

THENCE S14°11'53"E with the centerline of said North "N" Street a distance of 752.19 feet to a point on the South boundary line of said Section 27 and the Southeast corner of this tract;

THENCE S75°48'07"W with the South boundary line of said Section 27 within the ROW of West Illinois Avenue, a distance of 575.99 feet to the Place of Beginning, containing an area of 25.06 Acres or 1,091,489 square feet.

Bearings, distances, and coordinates are relative to the Texas State Plane Coordinate System, NAD 1983/86, Central Zone, with a combine grid factor of 0.9998995, and a theta angle equal to -0°54'48.39" at U.S.C. & G. station "MIDLAND" with published values of Y= 10,690,154.70 and X= 1,746,696.78 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 is true and correct to the best of my knowledge and ability as surveyed on the ground on various dates to June 16, 2009.

J. Stan Piper
Registered Professional Land Surveyor #1974

Prepared for:
Parkhill, Smith, and Cooper, Inc.
5214 Thomason Drive
Midland, TX 79703

PIPER SURVEYING COMPANY, BOX 320432, MIDLAND, TX 79711-1332 711-1332-507230
December 12, 2023

Exhibit "D"



City Council Agenda

27

Approved for Agenda:
CSharp
City Manager's Office

MEETING DATE: June 23, 2009

TO: CITY COUNCIL/CITY MANAGER

FROM: Cameron Walker, Planning Division Manager

SUBJECT: Z-09-007, Zone Change

Purpose:

Hold a public hearing at 11:12 a.m. and consider an ordinance on a request by Midland Memorial Hospital District for a zone change from PD, Planned District for a Medical Center and Hospital, LR-2 District, O-1 District and Planned District for an Office Center to PD, Planned District for a Medical Center and Hospital.

Recommended City Council Action

☒ Approve

☐ Deny

☐ Direction/Informational

Fiscal Impact:

N/A

Discussion:

Midland Memorial Hospital District was recently successful in passing a bond issue to allow expansion of the hospital. The District has applied for a zone change that would consolidate the entire campus in a single zoning ordinance. The application includes site plans, Exhibits A, B and C.

Exhibit A illustrates the location of a proposed seven-story tower, but includes the option for ten stories. Also shown is a three-level parking structure that could be increased to five levels. Additional surface parking is proposed, as well as a heliport to accommodate medical helicopters. To reduce traffic through the campus, portions of Garfield Street, Tennessee and Ohio Avenues and two alleys must be vacated. A separate application to vacate these rights-of-way must also be approved. Exhibits B and C are renderings of the completed hospital and landscaping plan. Principle exterior materials include glazing, EIFS and architectural metal panels.

This development is subject to the City's landscaping ordinance, and a detailed landscaping plan must be approved before a building permit can be issued.

PACKET

32.43

December 12, 2023

PACKET

Page 4.128

March 18, 2024

The heliport will eliminate the need to use Memorial Stadium for emergency helicopter landings. Heliports can be allowed by approval of a specific use permit. Section 13-4 of the City Code contains regulations applicable to heliports. Our report to the Planning Commission stated that we hoped to include approval of a heliport as part of the planned district zoning. However, heliport regulations are complex, and require approval from the FAA as well as the Airport Board and the Director of Airports. The Director, Marv Esterly, indicates that some of Midland's regulations appear to be inconsistent with the City Code, and local Code amendments may be needed. In order to prevent delays in rezoning, the applicant has agreed to delete the heliport from this application, other than to show a general location. At some future date, the Hospital District will apply for a separate specific use permit for a heliport. We agree with this proposal, and the attached ordinance includes this condition.

The Planning Commission voted unanimously to support this request. Some opposition was voiced regarding the vacation of streets and the potential of increased traffic on a portion of Tennessee Avenue. We concur with the Commission's recommendation for approval.

Attachments:

Exhibits A, B, C

**Planning and Zoning Commission Meeting
Minutes from June 1, 2009**

Z-09-007 - Hold a public hearing and consider a request by Midland County Hospital District for a *zone change* from LR-2, Local Retail District on Lots 1-8 and Lot 12, Block 16 and Lot 13 and the remainder of Lot 12, Block 15, a Sub-Division of Block 15 & 16 Gardens Addition; and Lots 1-3, Block 2, Midland Memorial Hospital, Section 1; from O-1, Office District on Lots 1-15, Block 4, Highland Park Addition; Lots 13-15, Block 16 and Lot 14 and the remainder of Lot 15, Block 15, A Sub-Division of Block 15 & 16 Garden Addition; from PD, Planned District for an Office Center on Lot 1, Block 1, Midland Memorial Hospital, Section 1; from PD, Planned District for Medical Center and Hospital on the Memorial Hospital Tract, Highland Park Addition; the 2.339-acre remainder of Block 31, T-1-S, T&P RR Co. Survey; and 2.77-acres of vacated street and alley rights-of way, City and County of Midland, Texas, to a PD, Planned District for a Medical Center and Hospital.

Chairman Bergman asked if the applicant was present.

Mr. Eric West with Parkhill, Smith, & Cooper, spoke on behalf of the applicant. He stated that Midland County Hospital District submitted a proposed site plan for the Midland Memorial Tower project. This site plan noted 2 new structures: (1) a 7-story patient tower, and (2) a 3-story parking garage along with a medical helipad. An extensive parking study was done along with a traffic analysis. The primary concern is minimizing thru traffic within the Hospital campus.

Mr. Compton presented the staff report. He explained that the Midland Memorial Hospital is expanding. The expansion area includes land that is zoned O-1 District, Planned District for an Office Center and LR-2 District. Since a detailed development plan has been prepared, the Hospital elected to request a zone change that would place all of their land within a single zoning ordinance. Staff recommended approval of the request for a zone change to PD, Planned District for a Medical Center and Hospital, subject to Conditions A - F.

Chairman Bergman opened the Public Hearing.

Ms. Mary Collier, Executive Director of Gifts of Hope and Hope House, spoke in support of the Hospital expansion and new zoning request.

Chairman Bergman asked if there was anyone opposed or needed additional information.

Ms. Virginia Estes, 2000/2002 W. Tennessee, protested that the parking garage would empty out onto Tennessee. She was told that Tennessee was going to be terminated on the east side at "N" Street and asked if there could be a cul-de-sac or some sort of blockage of traffic on the east side of Tennessee.

Cindy Klatt, 408 N. Pecos, had a house on Louisiana. She wishes the City would not close any streets.

Mr. West stated that the proposed site plan for the Hospital Tower is the most adequate and efficient location site for this construction. The hospital was trying to eliminate thru campus traffic that Tennessee was generating.

Chairman Bergman closed the Public Hearing.

Chairman Bergman called for a motion.

Mr. Carney made a motion for approval of the request subject to Conditions A - F. Mr. Wilton seconded the motion and the motion passed unanimously.



Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: March 18, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving a Final Plat of Mockingbird Ridge, Section 6, being a plat of a 14.43-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 east of Firewheel Road, approximately 1,000 feet north of Blazing Saddle Boulevard.) (DISTRICT 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

PD, Planned Development District (Ordinances 10344 & 10405) for housing development, in part, and SF-1, Single-Family Dwelling District, in part.

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 recommended approval of a preliminary plat for 317.56 acres. On October 11, 2022, City Council approved the preliminary plat of 317.56 acres. On April 17, 2023, the Planning & Zoning Commission recommended approval of the new preliminary plat of 258.17 acres. On May 9, 2023, the City Council approved the new preliminary plat of 258.17 acres.

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)

* * * Updated on 3/5/2024 * * *

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 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 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. No structure shall be built over an abandoned well.

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)

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. Section 5 was approved on February 5, 2024. [Informational]

Staff recommends approval of the Final Plat of Mockingbird Ridge, Section 6, 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
Location Map
Zoning Map
Aerial



Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: Mockingbird Ridge, Section 6

Legal Description (attached sealed Metes and Bounds): Being a 14.43-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: ronnie@betenbough.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: SF2, SF1

Reason for Platting: ownership purposes

Plat Information

Total Acreage: 14.43

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

Number of Lots: 48

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" \$61.00For plats that exceed 24" \$81.00For 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):

DocuSigned by:

Abe Fuentez

Date: 2/21/2024

Property Owner (printed):

EAE9B1510B01483... Abe Fuentez

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.

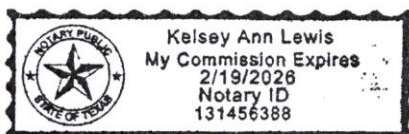
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

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 Betenbaugh Homes 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.

Andrew L Mellen
Authorized Agent (signature)

Subscribed and sworn to before me, this 21st day of February, 20 24, 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 ImprovementCheck # 4703☒ Tax Certificates☒ Recording FeeCheck # 4704

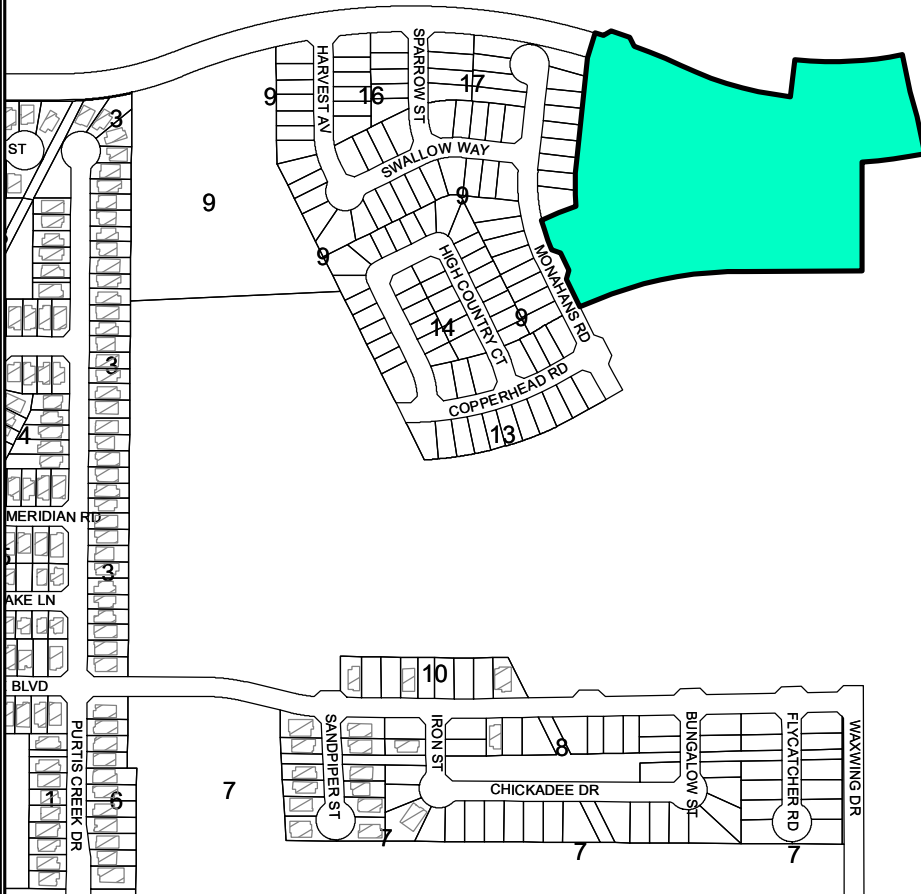
Received By:

Jordan Quesada

Date:

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

FEB 21 2024



Location Map

P-24-1926

Scale: 1" = 587'

Final Plat of Mockingbird Ridge, Section 6, being a plat of a 14.43-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 east of Firewheel Road, approximately 1,000 feet north of Blazing Saddle Boulevard. (Council District 1)

LEGEND

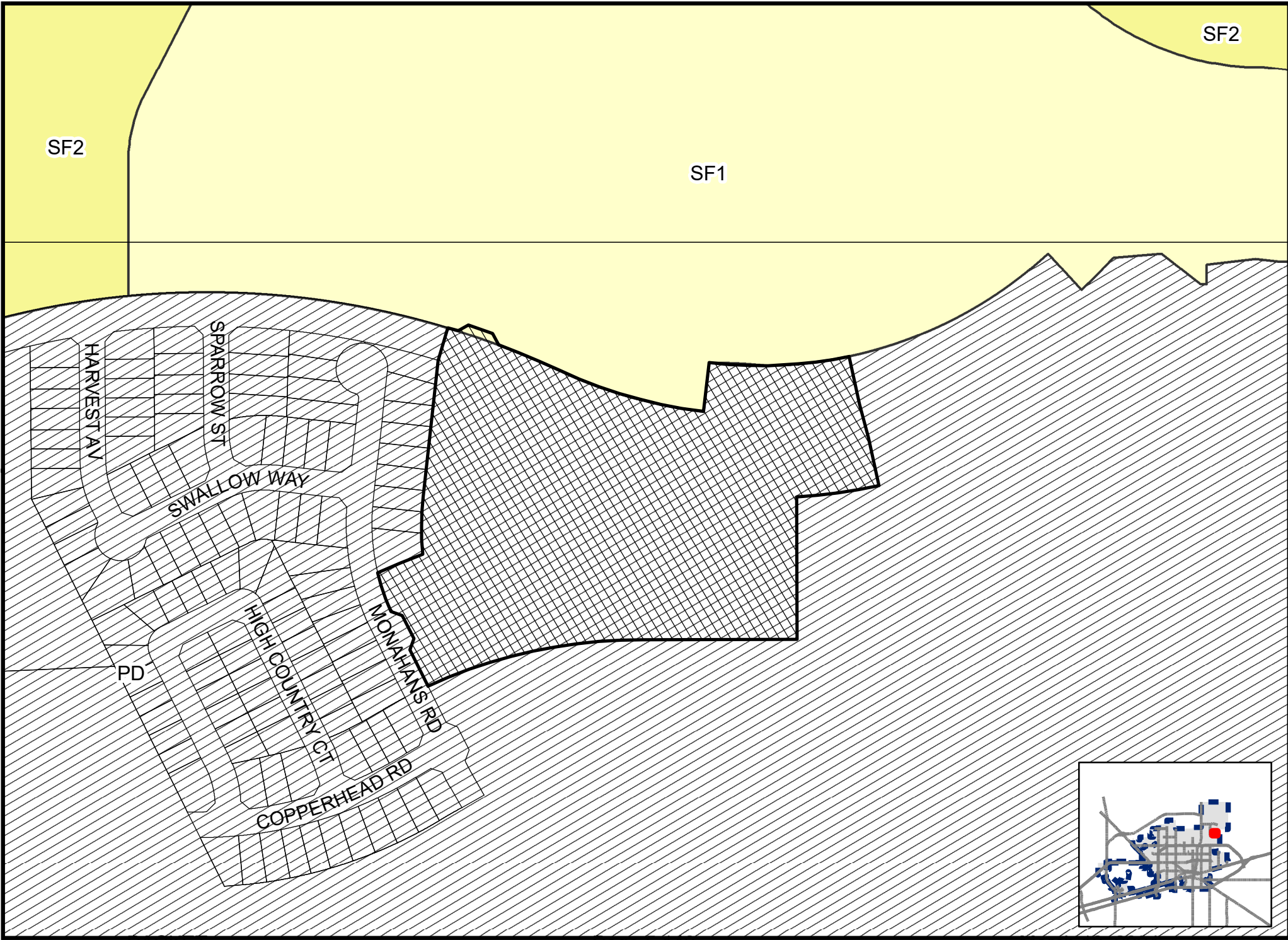
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS

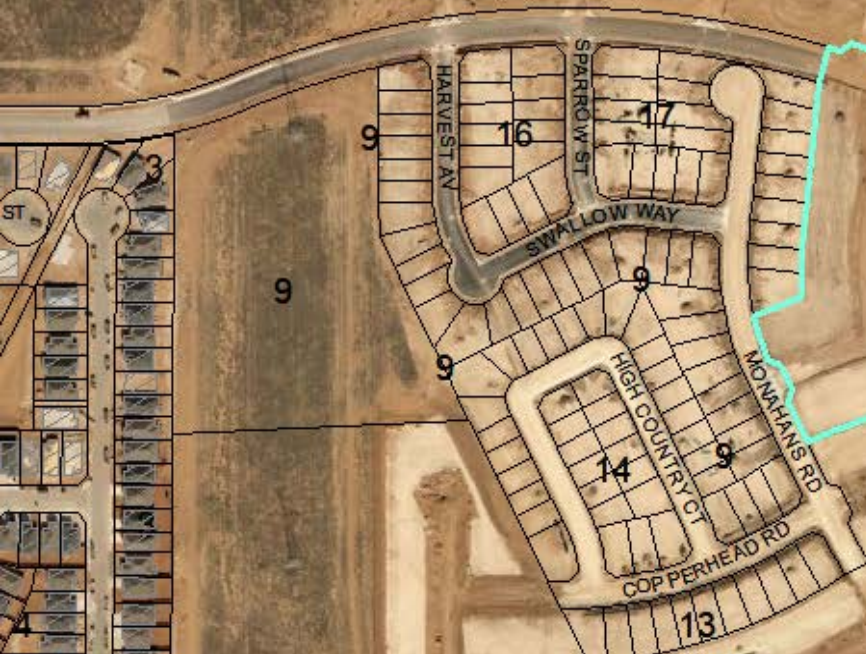
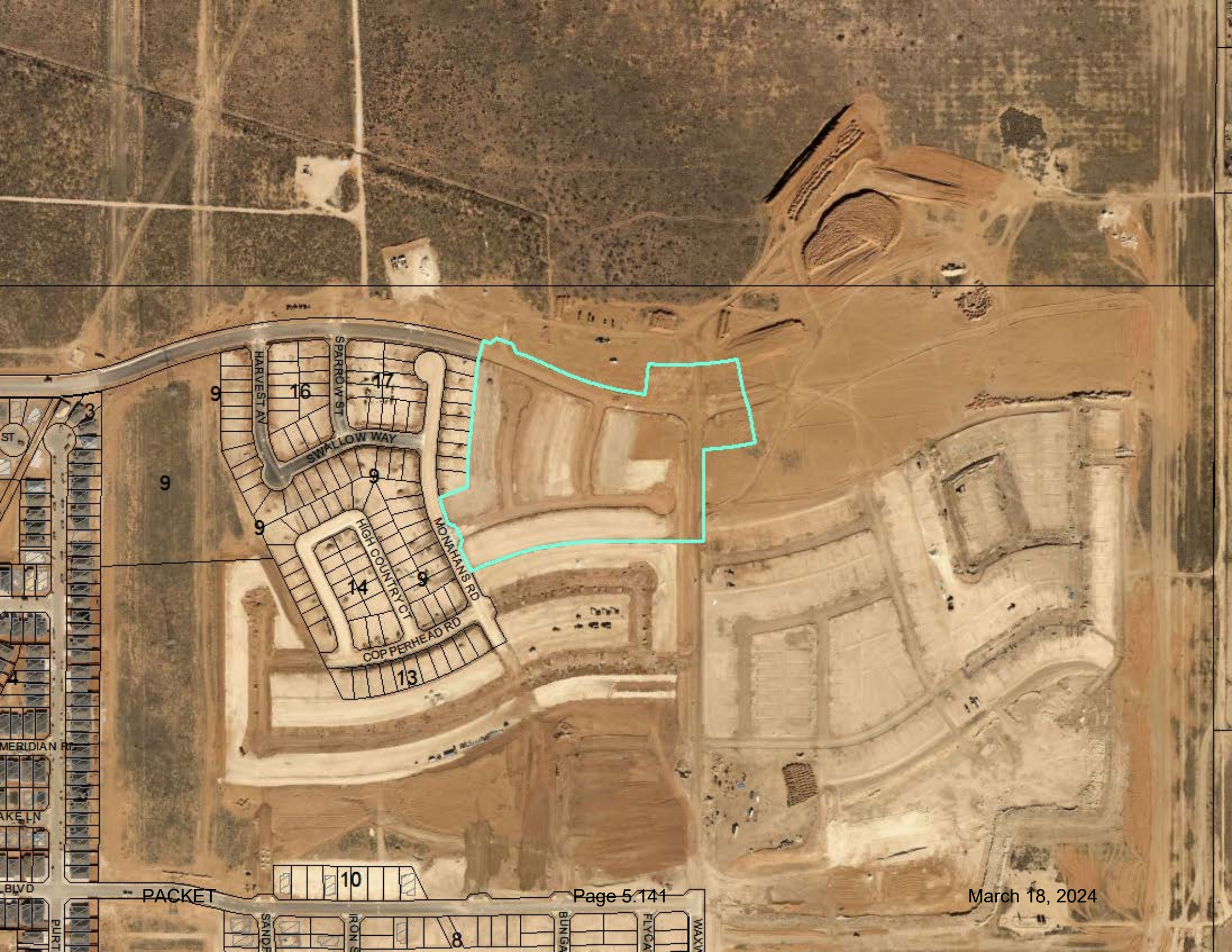


©THE CITY OF MIDLAND - 2021

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

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





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,

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



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, MF⁵16 & RR to PDHD.wpd

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;

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 (θ) 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.

PACKET

20.1

October 25, 2022

PACKET

Page 5.151

March 18, 2024

APPROVED



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.

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				4			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);

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

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:

- 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.**

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

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;

PACKET

20.13

October 25, 2022

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;

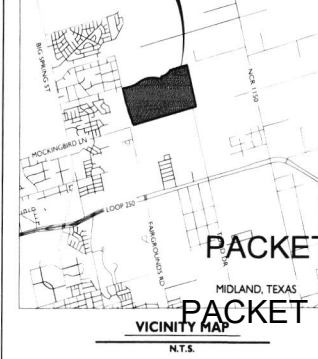
THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 105.99 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION RIGHT, FOR AN EXTERIOR CORNER HEREOF;

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.



- DEVELOPMENT NOTES**
- 1. GENERAL: SITE PLAN IS FOR A PROPOSED 174 LOT RESIDENTIAL SUBDIVISION WITH 1 LOT DESIGNATED COMMERCIAL, 4 PROPOSED DEDICATED STORMWATER DETENTION BASINS SITUATED WITHIN A NETWORK OF MAINTAINED COMMON AREA GREEN SPACES ALL BEING OUT OF A 177.56 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. THE PROPOSED DEVELOPMENT AREA CURRENTLY SHOWS EXISTING ZONES OF MH 18, TH 32, SF 3, AND RR.
 - 2. DEVELOPMENT: THE DEVELOPMENT WILL CONSIST OF PRIMARILY SINGLE FAMILY RESIDENTIAL DETACHED LOTS OF MIXED CLASSIFICATION, SINGLE FAMILY ATTACHED TOWNHOMES, AND ONE COMMERCIAL LOT. SEE INCLUDED LOT CLASS TABULATION FOR THE OVERALL LOT MAKEUP.
 - 3. SETBACKS: PROPOSED SETBACKS FOR THE RESIDENTIAL COMPONENT OF THE SUBDIVISION ARE AS FOLLOWS: FRONT 20'; CORNER SIDE 10'; SIDE 5'; CORNER SIDE 10'; REAR 10'. SETBACKS ON CALLED COMMERCIAL LOT WILL CONFORM TO THE 40' REGIONAL RETAIL SERVICE REQUIREMENTS.
 - 4. BUILDING HEIGHT: NO STRUCTURE SHALL EXCEED 42' IN HEIGHT OR 3 STORIES WITHIN THE SUBDIVISION.
 - 5. ACCESS: THE SITE IS PLANNED TO HAVE 14 EVENTUAL ACCESS POINTS: TWO TO THE NORTH ACCESSING HARRISBORO ROAD AND TODD DRIVE, AND TWO TO THE SOUTH ACCESSING MOCKINGBIRD LINE. ALL ACCESS POINTS ARE PLANNED FOR BOTH INGRESS AND EGRESS.
 - 6. EASEMENTS: OUTSIDE OF EXISTING EASEMENT ESTATE ON THE PARENT TRACT, THE FOLLOWING EASEMENTS ARE PLANNED TO SERVICE THE DEVELOPMENT:
 - 6.1 IF GENERAL UTILITY EASEMENT ALONG THE FRONTAGE OF ALL LOTS
 - 6.2 DEDICATED STORMWATER DRAINAGE BASINS WITHIN COMMON AREAS 1, 4, 5, 6, & 7
 - 6.3 DEDICATED DRAINAGE CONVEYANCE EASEMENTS VIA COMMON AREAS 2, 3, 4, 5, & 6
 - 7. UTILITIES: PUBLIC UTILITIES WILL SERVICE THE DEVELOPMENT FROM THE EXISTING ADJACENT INFRASTRUCTURE AND EXTENDED ON AND OFFSITE INFRASTRUCTURE PROPOSED AS A REQUIRED COMPONENT OF THIS DEVELOPMENT. NEW WATER AND SEWER TAPS WILL BE REQUIRED.
 - 8. REFUSE TRASH COLLECTION WILL BE IN COMPLIANCE WITH THE CITY OF MIDLAND REQUIREMENTS, COLLECTED BY THE CITY OF MIDLAND UTILIZING SIDE LOADING TRUCKS.
 - 9. DRAINAGE: TOWN WATER RUNOFF WILL BE DETAINED SO AS NOT TO INCREASE EXISTING PEAK RUNOFF IN COMPLIANCE WITH THE APPROVED DRAINAGE REPORT TO BE FILED WITH THE APPROVED PRELIMINARY PLAN.

LEGEND

⊙	DENOTES 12" (3" MIN) BORN ROAD W/ WIND PLASTIC CAP MARKED "MAVERICK FIRM 10191451"
⊙	DENOTES FOUND MONUMENT AS NOTED
⊙	DENOTES POINT OF CURVATURE/INTERSECTION
⊙	DENOTES MAG. NAIL FOUND
---	DENOTES EXISTING ADJACENT PROPERTY LINES
---	DENOTES EASEMENT LINE
---	DENOTES SECTION LINE
---	DENOTES OFFICIAL PUBLIC RECORD, MIDLAND CO., TX
---	DENOTES OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
---	DENOTES CEDAR HEDGE EASEMENTS ON T-1-S
---	DENOTES SECTION MAKEUP

PRM.C.T.
OPM.C.T.
DRM.C.T.
D.M.C.T.

LOT CLASS TABULATION

Product Class	1	2	3	4	5	6	7	8	9	Percent of Total
Core	45'	49	17	15	23	30	31	19		19.9%
	50'	89	22	45	69	82	115	63		54.6%
	75'			46			2	23		4.3%
	80'									7.3%
Reserve	75'			5	3		1			1.0%
	80'			6						1.1%
										9.2%
Cottages					62		29			2.8%
Townhome 30' Lots	14									
PHASE TOTAL	138	53	69	58	179	112	38	169	308	100%
OVERALL TOTAL										

MOCKINGBIRD RIDGE
PDHD SITE PLAN

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

October 25, 2022

MAVERICK
ENGINEERING / LAND SURVEYING
1909 West Wall Street, Suite "X"
Midland, Texas 79701
ENGINEER FIRM # F-15089
SURVEY FIRM # S-109454
PHONE: (409) 699-9999 Fax: (409) 763-0999
www.Maverick-Eng.com

EXHIBIT "B"

Page 5.161

SHEET 1 OF 5



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

Project Number 2-22-0299
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

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

Applicant (signature): Chris Berry Date: 7-18-2022

Applicant (printed): Chris Berry

Property Owner (signature): See Applicant Date:

Property Owner (printed):

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

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

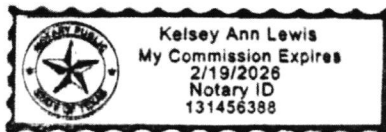
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L. Miller who, being by me duly sworn, upon oath says: That (s)he is authorized by Blenborough 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. Miller
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.



Kelsey Ann Lewis

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Site Plan

☒ Application Fee

☒ Plans in Digital Format (PDF/JPEG)

Check # 3818

Received By: KM

Date: 20 2022

PACKET

2017

October 25, 2022

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

Special Exception Application

2

Revised 12/6/16

PACKET

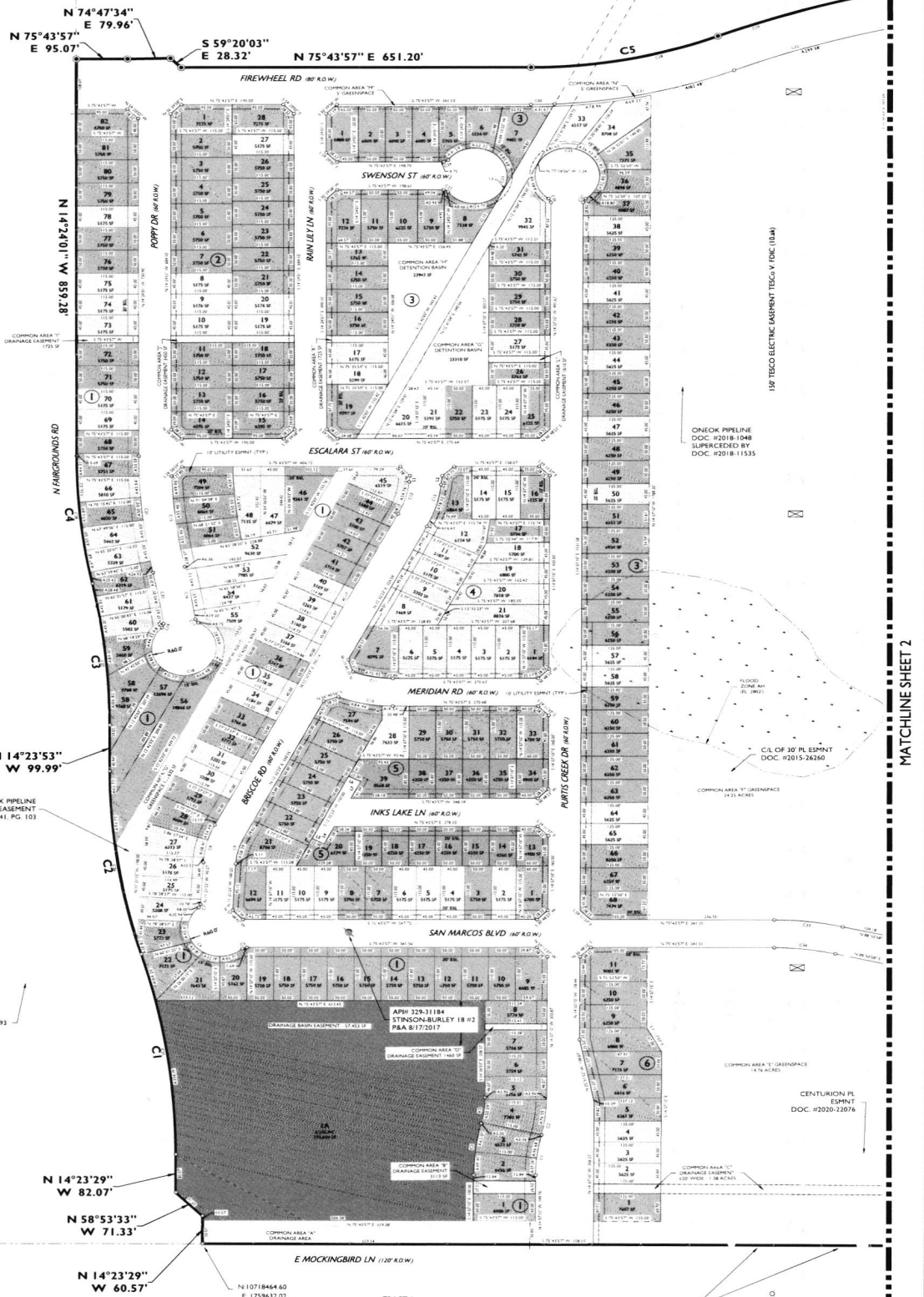
Page 5.163

March 18, 2024

MOCKINGBIRD RIDGE

DETAIL SHEET #1

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



MATCHLINE SHEET 2

PACKET
MAVERICK
ENGINEERING / SURVEY / WATER RESOURCES
1909 West Wild Street, Suite "K"
Midland, Texas 79701
ENGINEER FROM H. F. 15089
SURVEY FROM H. 101841-1
Tel: (432) 342-0799 Fax: (432) 342-0989
www.maverick-eng.com

20.18

October 25, 2022

TEXAS ELECTRIC UTILITY CO.
VOLUME 1
D.M.C.T.

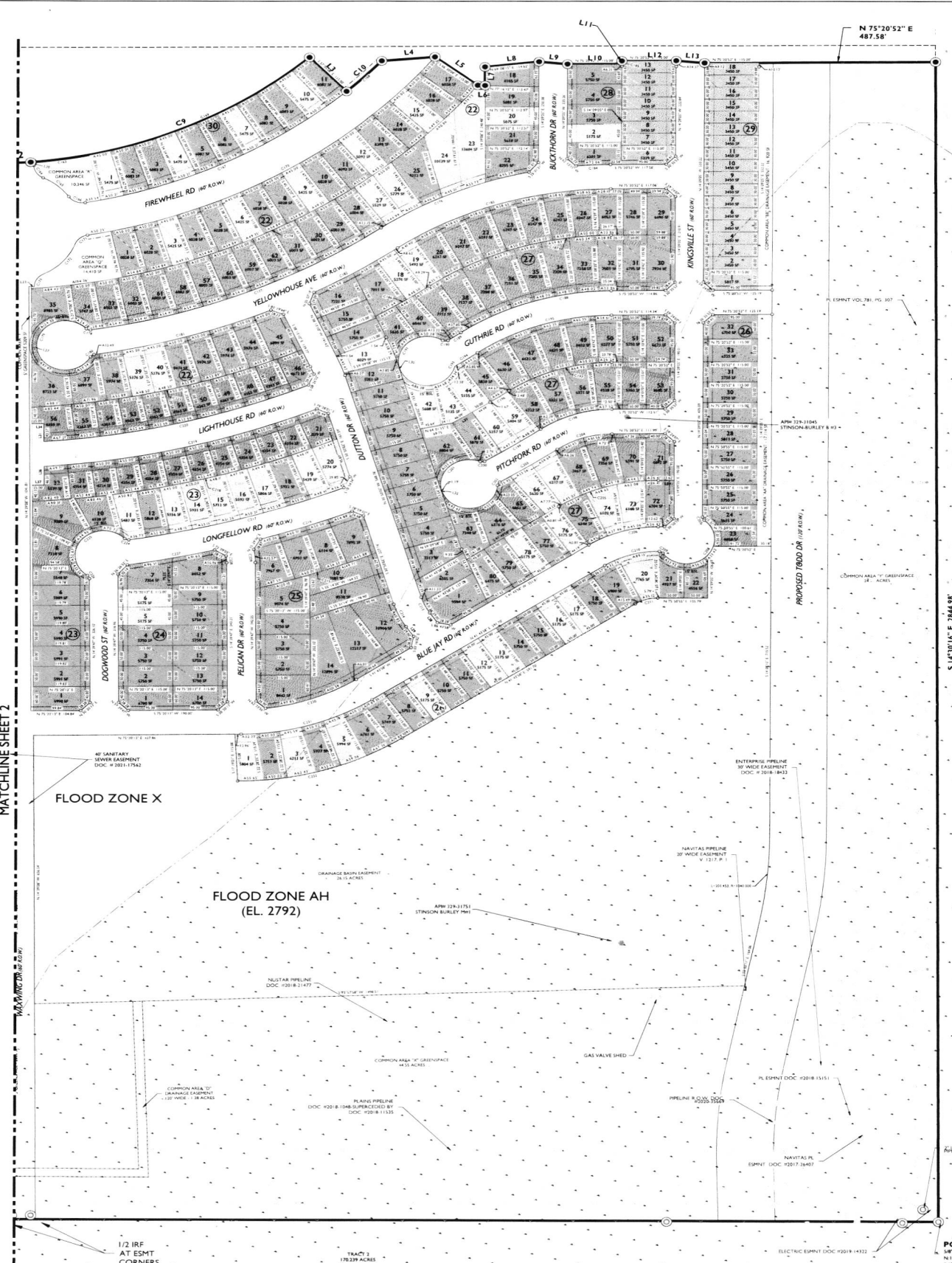
SHEET 2 OF 5

PACKET

Page 5.164

March 18, 2024

MATCHLINE SHEET 2



FLOOD ZONE X

FLOOD ZONE AH
(EL. 2792)

MOCKINGBIRD RIDGE

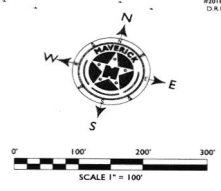
20.20

DETAIL SHEET #3

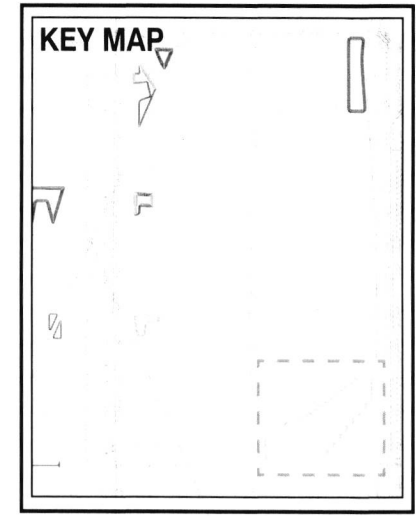
October 25, 2022

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

MAVERACK
ENGINEERING / SURVEY / WATER RESOURCES
1809 West Vase Street, Suite "C"
Midland, Texas 79701
ENGINEER FROM: P. L. SHER
SURVEY: FROM: P. L. SHER
Tel: (432) 342-0999 Fax: (432) 342-0999
www.maverack-engineering.com



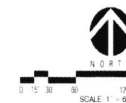
- 48' FRONT WIDTH - CORE
- 50' FRONT WIDTH - CORE
- 50' FRONT WIDTH - COTTAGE
- 50' FRONT WIDTH - RESERVE
- 60' FRONT WIDTH - RESERVE
- 75' FRONT WIDTH - RESERVE
- 85' FRONT WIDTH - RESERVE

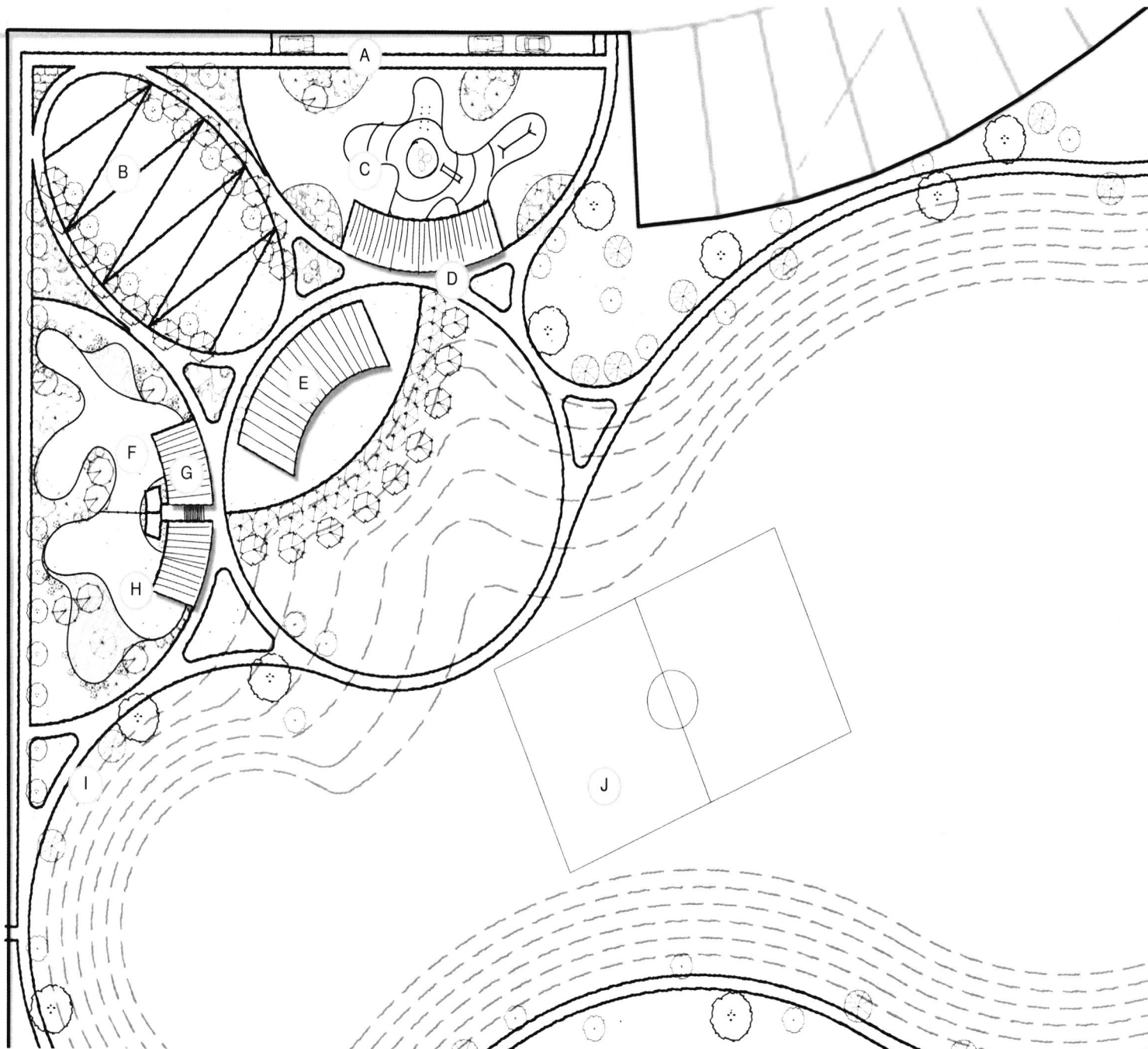


SCALE: NOT TO SCALE

LEGEND

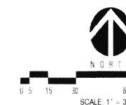
- A ACTIVITY LAWN
- B PLAYGROUND + PAVILLION
- C DOG PARK + PAVILLIONS
- D EVENT PAVILLION
- E SPORTS FIELD
- F TRAIL SYSTEM



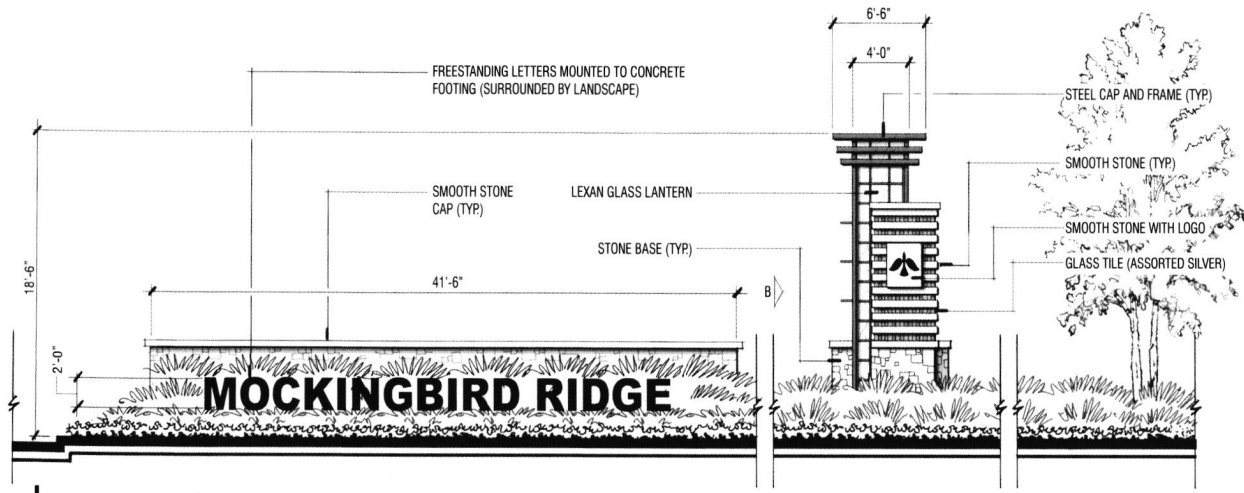


LEGEND

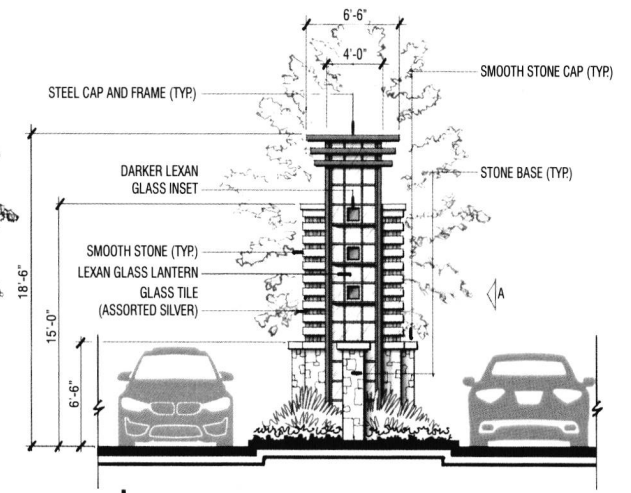
- A ON STREET PARKING
- B ACTIVITY LAWN WITH FESTOON LIGHTING
- C "THE NEST" ALL AGES PLAYGROUND
- D SHADE & PICNIC PAVILLION
- E ACTIVITY PAVILLION
- F SMALL DOG PARK
- G DOG PARK ENTRY WITH COVERED SEATING AREAS
- I TRAIL SYSTEM
- J SPORTS FIELD



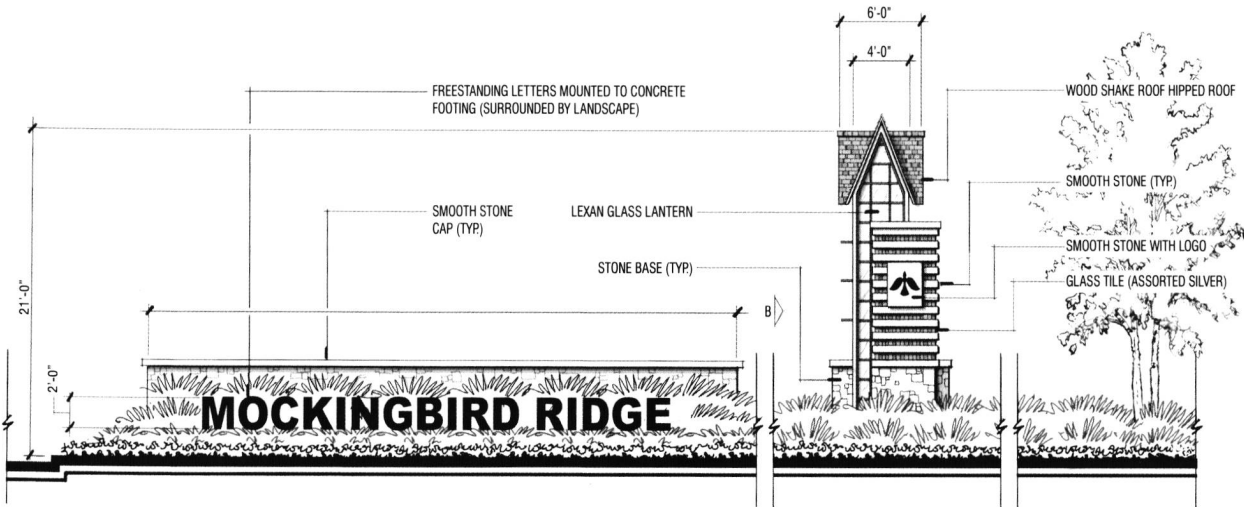




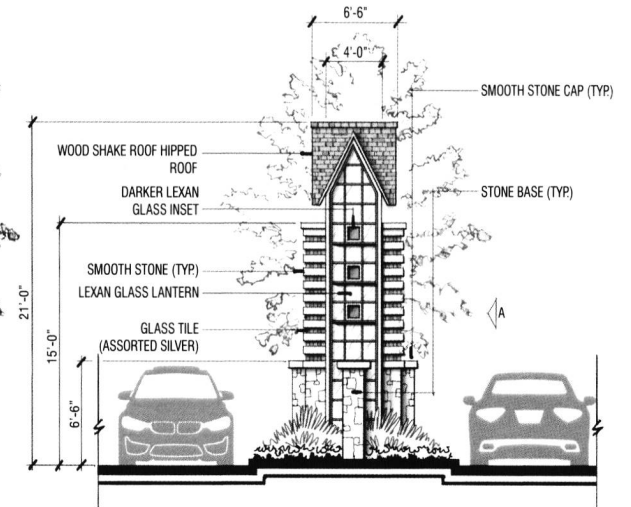
A OPTION 2 (SIDE ELEVATION)
SCALE: 1/4" = 1'-0"



B OPTION 2 (FRONT ELEVATION)
SCALE: 1/4" = 1'-0"



A OPTION 1 (SIDE ELEVATION)
SCALE: 1/4" = 1'-0"



B OPTION 1 (FRONT ELEVATION)
SCALE: 1/4" = 1'-0"

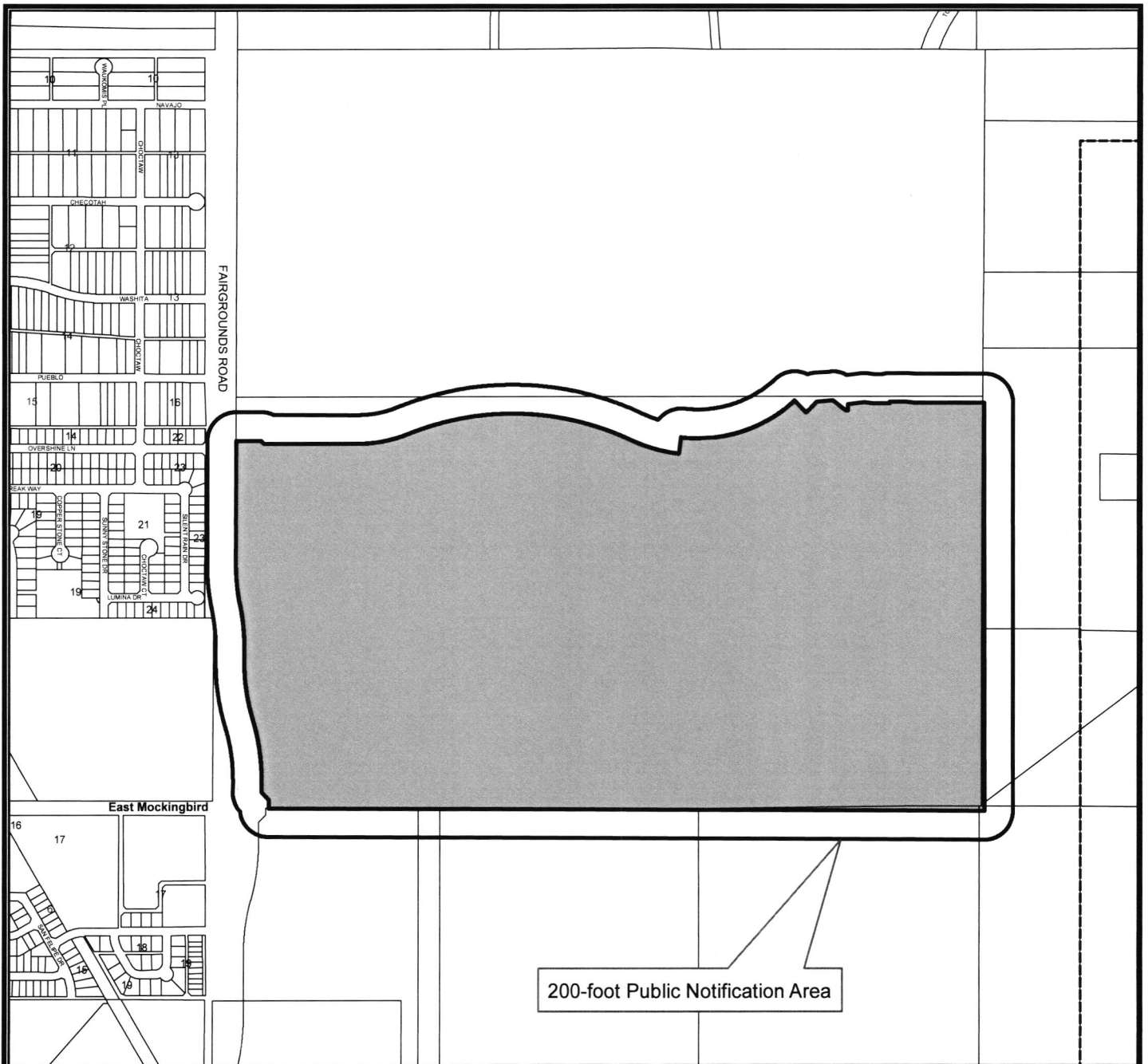
Renderings of Cottage Homes:

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



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





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.

PACKET

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

20.26

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS

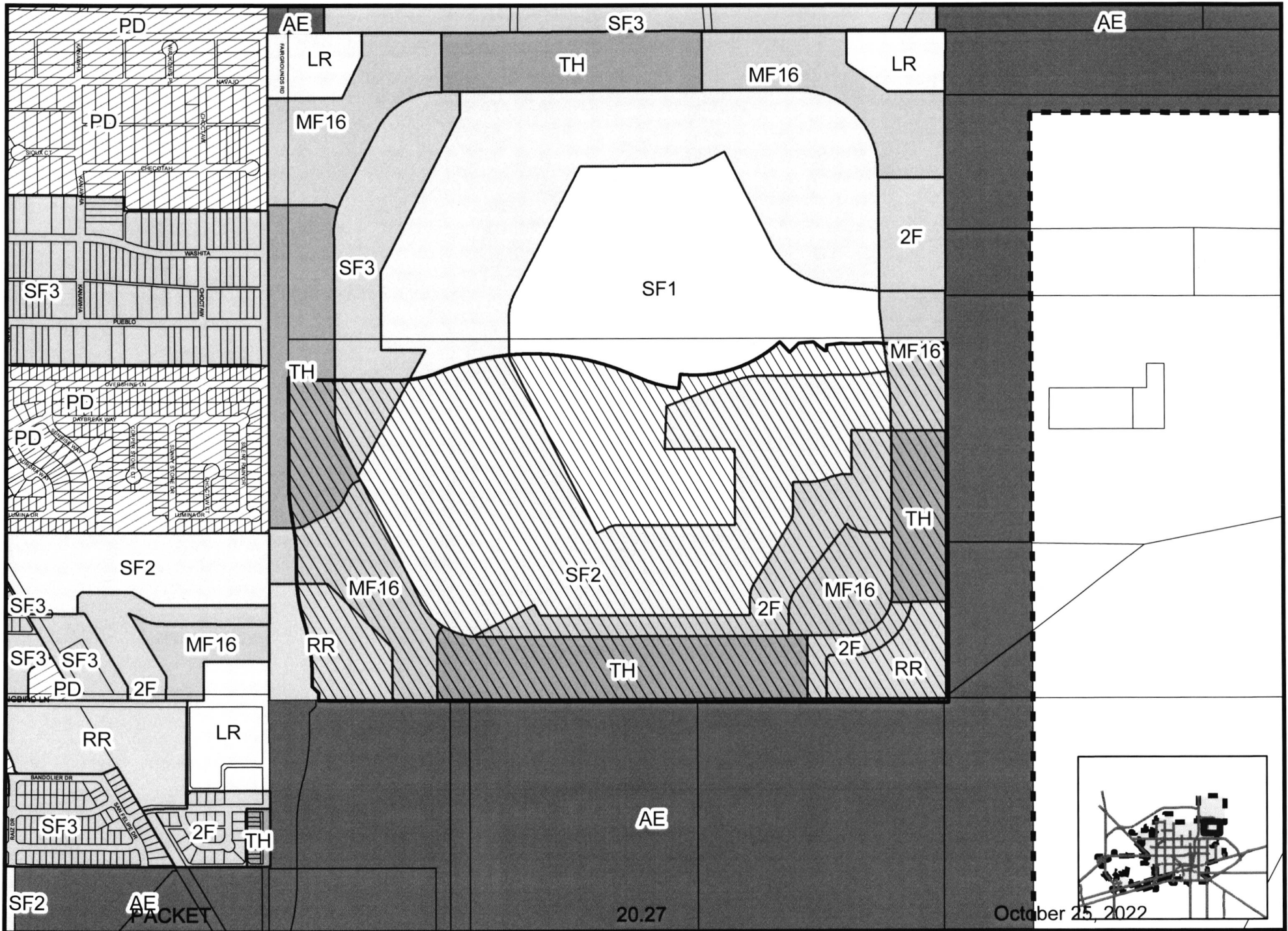


©THE CITY OF MIDLAND - 2021

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

October 25, 2022





PACKET

20.28

October 25, 2022

PACKET

Page 5.174

March 18, 2024



PACKET

20.29

October 25, 2022

PACKET

Page 5.175

March 18, 2024



PACKET

20.30

October 25, 2022

PACKET

Page 5.176

March 18, 2024



PACKET

20.31

October 25, 2022

PACKET

Page 5.177

March 18, 2024

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

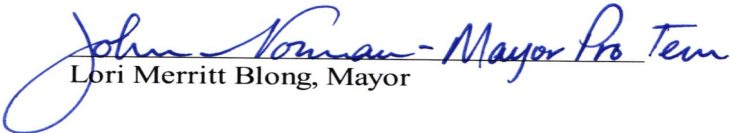
Council members voting "NAY": None

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

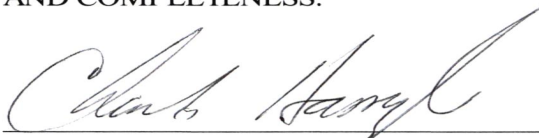
PASSED AND APPROVED THIS 23rd day of May, A.D., 2023.


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:

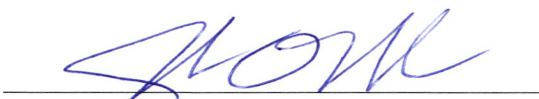

John Ohnemiller, City Attorney



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

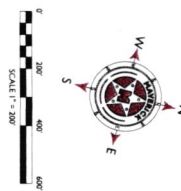
Gregory W. Shoults

www.maverick-eng.com

Texas RPLS - No. 5356

Maverick Engineering (FIRM - No. 10194514)





NOTES:
1. THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDING.
2. THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER.
3. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
4. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

- 10' MOUNT HEIGHT - C&M
- 10' MOUNT HEIGHT - C&M
- 10' MOUNT HEIGHT - C&M
- 10' MOUNT HEIGHT - C&M
- 10' MOUNT HEIGHT - C&M
- 10' MOUNT HEIGHT - C&M
- 10' MOUNT HEIGHT - C&M
- 10' MOUNT HEIGHT - C&M

NOTES:
1. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDING.
2. THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER.
3. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
4. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

NOTES:
1. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDING.
2. THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER.
3. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
4. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

NOTES:
1. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDING.
2. THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER.
3. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
4. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

NOTES:
1. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDING.
2. THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER.
3. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
4. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.



DEVELOPMENT NOTES:
1. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDING.
2. THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER.
3. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
4. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

LEGEND:
1. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDING.
2. THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER.
3. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
4. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

Lot Class	Area (sq. ft.)	Area (ac.)	Percentage of Total
1	100,000	2.28	10.0%
2	200,000	4.57	20.0%
3	300,000	6.86	30.0%
4	400,000	9.14	40.0%
5	500,000	11.43	50.0%
6	600,000	13.71	60.0%
7	700,000	16.00	70.0%
8	800,000	18.29	80.0%
9	900,000	20.57	90.0%
10	1,000,000	22.86	100.0%

MOCKINGBIRD RIDGE
PDHD SITE PLAN
BEING A 258.87 ACRE TRACT OF LAND, SITUATED IN SECTION 18, BLOCK 38, T-1-S, A-7-34, T&P RY. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS



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.

PACKET

19.2

May 23, 2023

PACKET

Page 5.187

March 18, 2024

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)

PACKET

19.13

May 23, 2023

PACKET

Page 5.191

March 18, 2024

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.

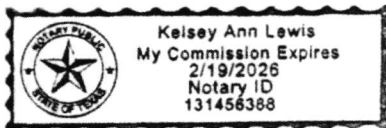
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

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.

Andrew L. Mellen
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.



Kelsey Ann Lewis
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 pending until reviewed by May 23, 2023

Special Exception Application

2

Revised 12/6/16

PACKET

Page 5.192

March 18, 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;

PACKET

19.15

May 23, 2023

PACKET

Page 5.193

March 18, 2024

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)



PACKET

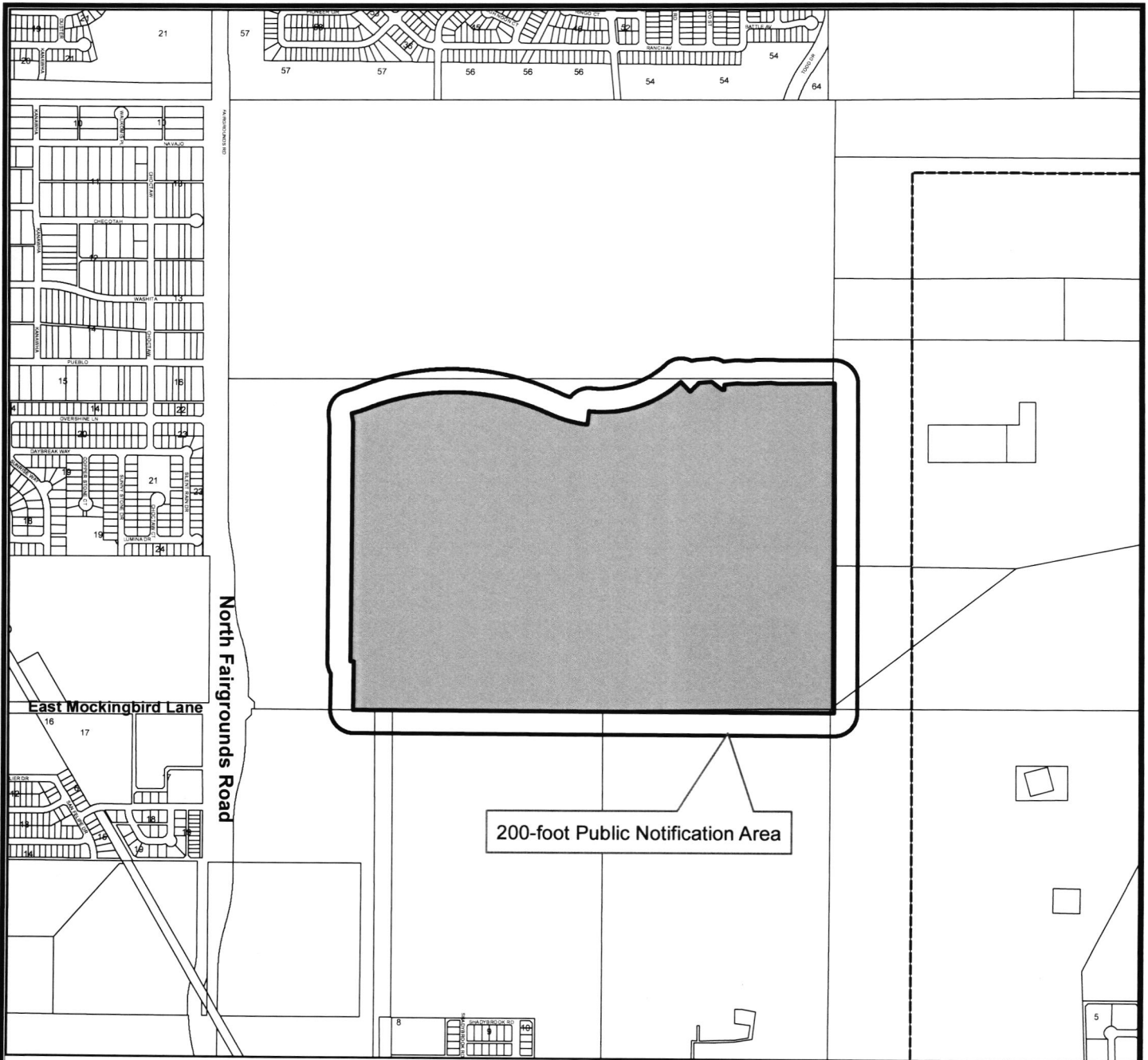
19.16

May 23, 2023

PACKET

Page 5.194

March 18, 2024



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.



PACKET

19.20

May 23, 2023

PACKET

Page 5.198

March 18, 2024



PACKET

19.21

May 23, 2023

PACKET

Page 5.199

March 18, 2024



PACKET

19.22

May 23, 2023

PACKET

Page 5.200

March 18, 2024



PACKET

19.23

May 23, 2023

PACKET

Page 5.201

March 18, 2024

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 (DUPLICATE) 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,

PACKET

19.24

May 23, 2023

PACKET

Page 5.202

March 18, 2024

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.

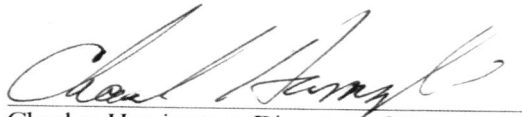


Patrick N. Payton, Mayor

ATTEST:


Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:



Charles Harrington, Director of Development Services

PACKET

19.28

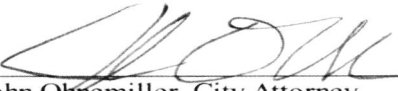
May 23, 2023

PACKET

Page 5.206

March 18, 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, MI⁵6 & RR to PDHD.wpd

PACKET

19.29

May 23, 2023

PACKET

Page 5.207

March 18, 2024

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;

PACKET

19.30

May 23, 2023

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;

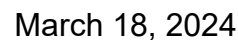
THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 105.99 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION RIGHT, FOR AN EXTERIOR CORNER HEREOF;

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.

PACKET
PACKET

20.1
19.33

October 25, 2022
May 23, 2023



PACKET

19.34

May 23, 2023

PACKET

Page 5.212

March 18, 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.

PACKET

20.2

October 25, 2022

PACKET

19.35

May 23, 2023

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);

PACKET
PACKET

20.3
19.36

October 25, 2022
May 23, 2023

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

PACKET
PACKET

20.4
19.37

October 25, 2022
May 23, 2023

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:

PACKET	20.5	October 25, 2022
PACKET	19.38	May 23, 2023

- 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.**

PACKET	20.6	October 25, 2022
PACKET	19.39	May 23, 2023

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.

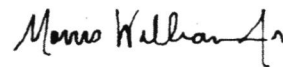
F. That the signs on the property shall conform to the regulations set in Title XI, Chapter 7a.

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

PACKET
PACKET

20.7
19.40

October 25, 2022
May 23, 2023

PACKET

Page 5.218

March 18, 2024

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;

PACKET

20.13

October 25, 2022

PACKET

19.41

May 23, 2023

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

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

November 25, 2022
 May 20, 2023
 Haverick
 CIVIL ENGINEERING / LAND SURVEYING
 100 West Wal Street, Suite "A"
 Madison, Texas 77102
 PHONE: 281.461.1000 FAX: 281.461.1001

EXHIBIT "B"

[illegible]

20.15
19.43

§
DENOTES SECTION NUMBER

LEGEND

- [illegible]

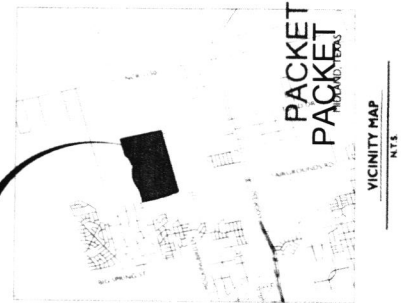
DEVELOPMENT NOTES

- [illegible]

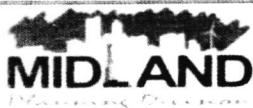
DIMENSIONAL NOTES

36. ALL INTERIOR ROAD RIGHT-OF-WAYS TO THIS DEVELOPMENT ARE AND WILL BE
CUT ON LOTS AND A NEW RADIAL TIE-IN WITH ROAD 1 IS REQUESTED ON THE
RIGHT-OF-WAY WITH ROUNDABOUT
37. ALL SIDEWAYS WILL BE 3 IN WIDTH ALONG ALL PUBLIC RIGHT-OF-WAYS
38. ALL CORNER CUTS ARE 20 FEET (7.62 M) UNLESS OTHERWISE NOTED

10



413



**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.	

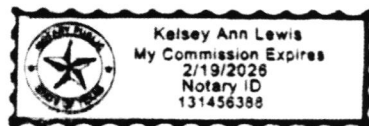
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below

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

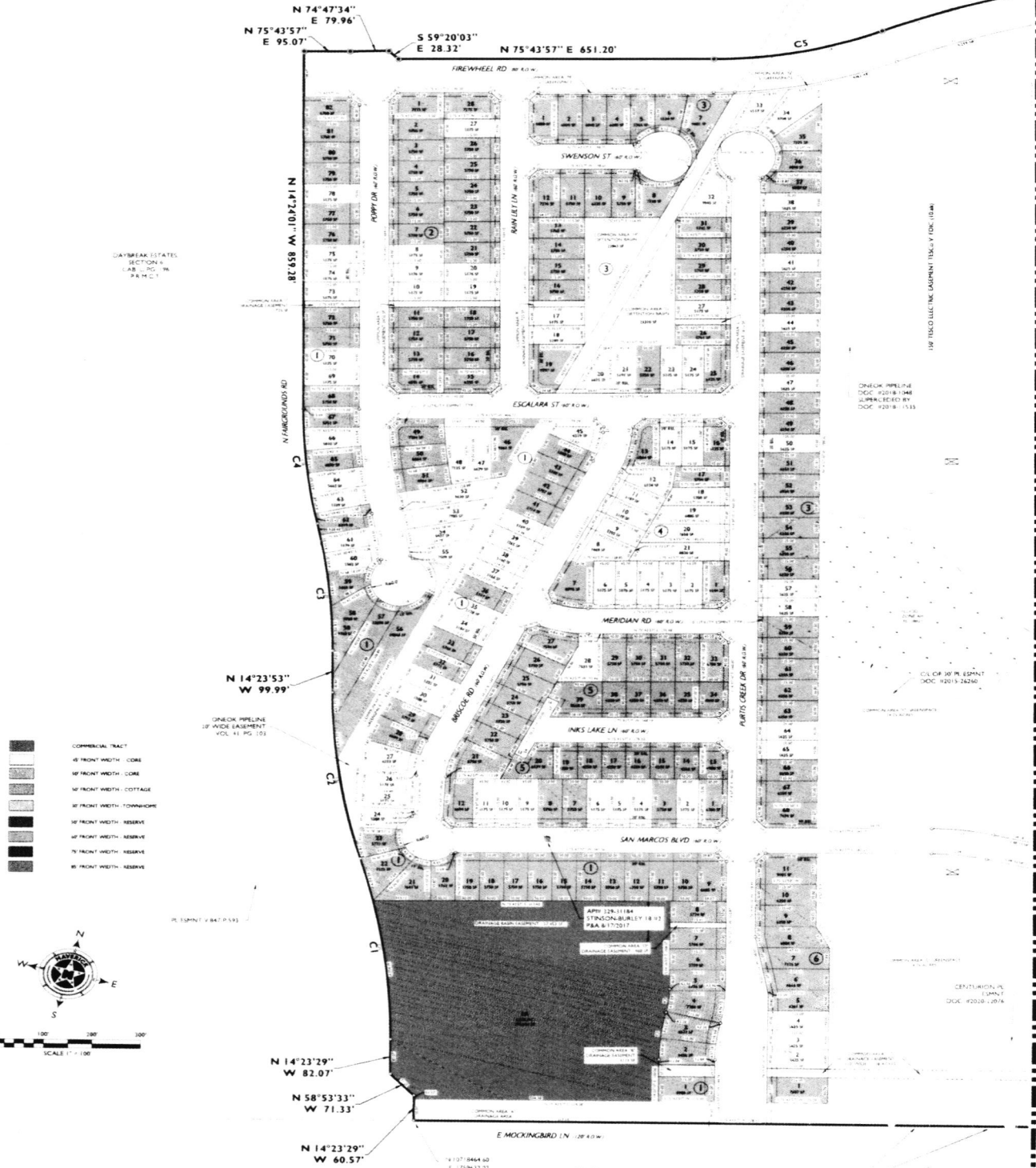
20.17
19.45
2

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



PACKET
MAVERICK
ENGINEERING & SURVEY
10000 W. 10TH ST. SUITE 100
MIDLAND, TEXAS 79701
TEL: (409) 342-0000 FAX: (409) 342-0001
www.maverickeng.com

20.18

19.46

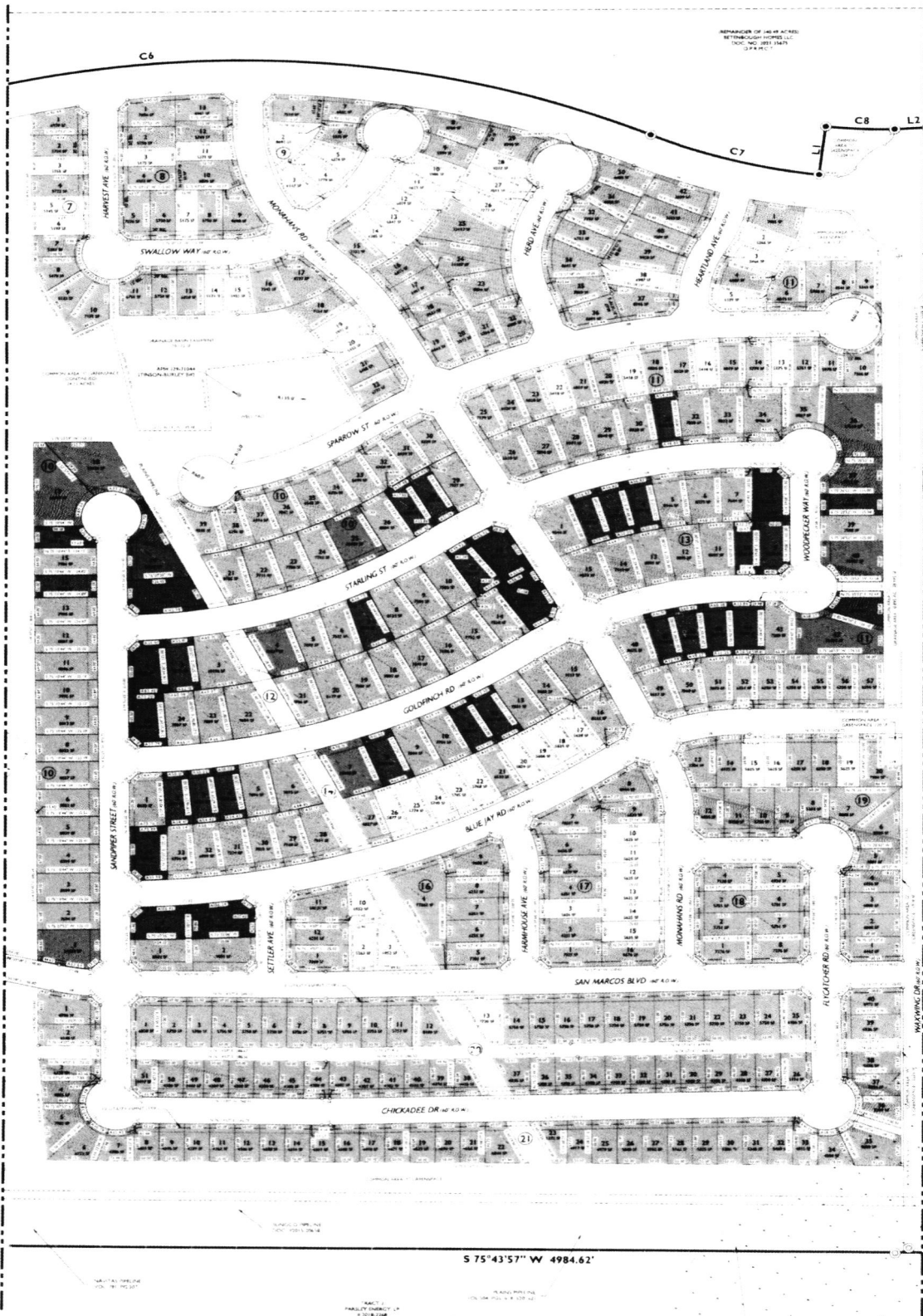
October 25, 2022

May 23, 2023

SHEET 2 OF 5

MATCHLINE SHEET 1

MATCHLINE SHEET 3



MOCKINGBIRD RIDGE

20.19 DETAIL SHEET #2

BEING A 37.56 ACRE TRACT OF LAND, SITUATED IN SECTION 18, BLOCK 38, T-1-S, A-734, T&P RY. CO. SURVEY, COUNTY OF MIDLAND, TEXAS

October 25, 2022

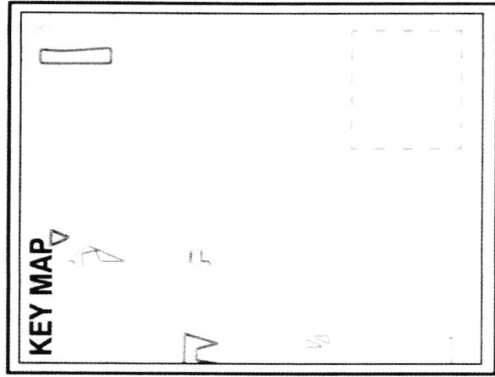
May 23, 2023

SHEET 3 OF 5



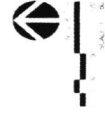
MAVERICK
ENGINEERING, SURVEY, WATER RESOURCES
PACKET

- 40 FRONT WEAIR - COBE
- 30 FRONT WEAIR - COBE
- 20 FRONT WEAIR - COBE
- 10 FRONT WEAIR - COBE
- 00 FRONT WEAIR - COBE
- 40 FRONT WEAIR - RESERVE
- 30 FRONT WEAIR - RESERVE
- 20 FRONT WEAIR - RESERVE
- 10 FRONT WEAIR - RESERVE
- 00 FRONT WEAIR - RESERVE



LEGEND

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



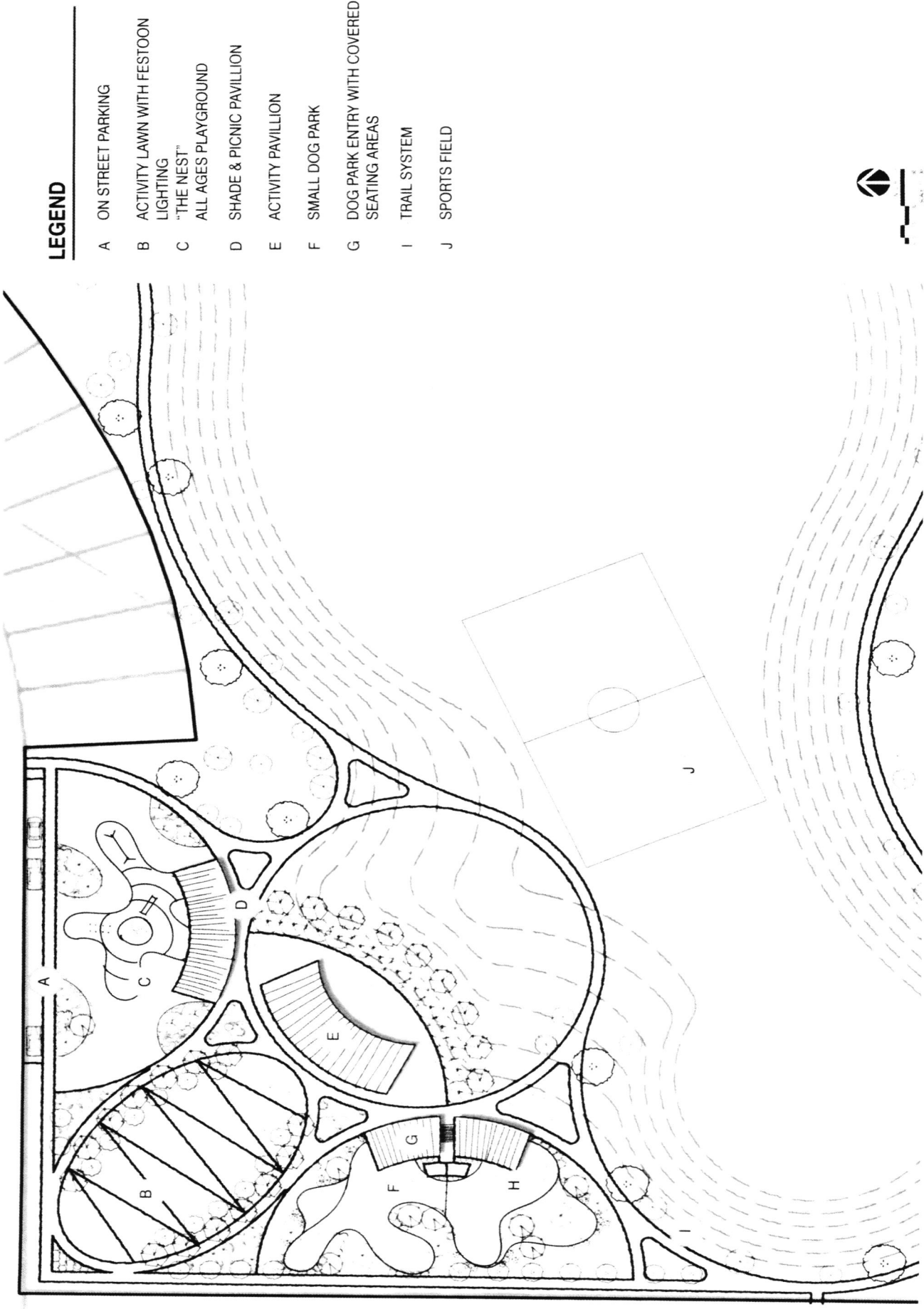
20.21
19.49

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.

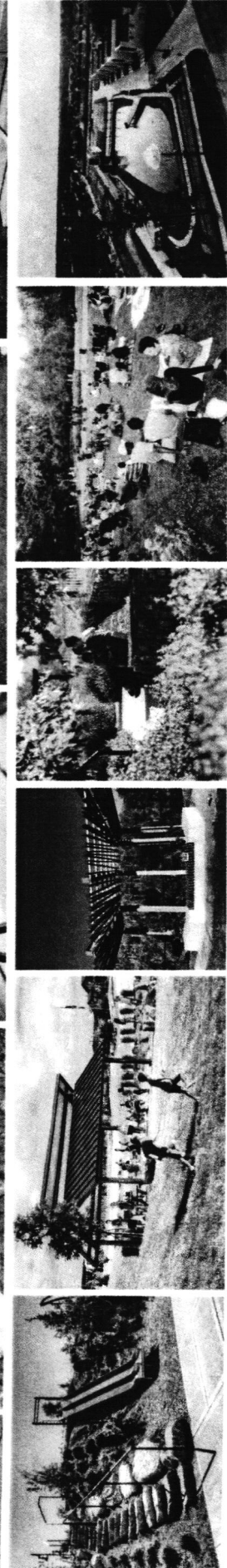
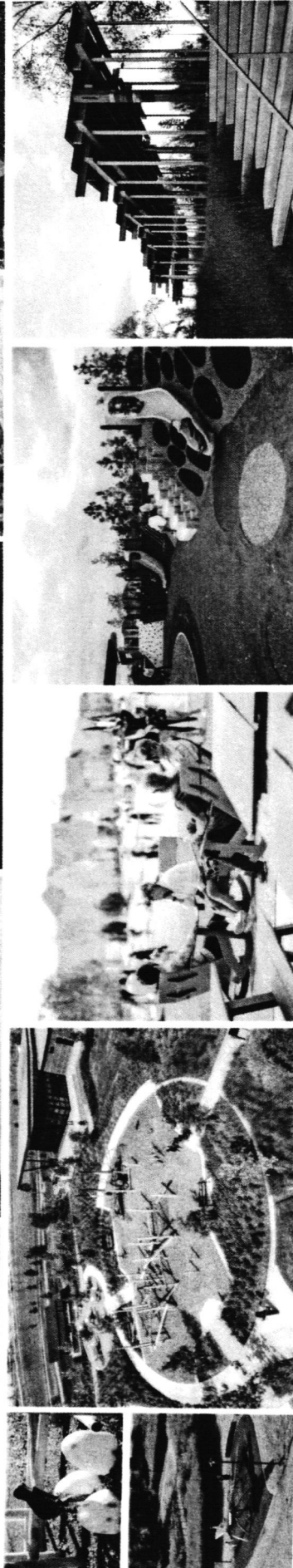
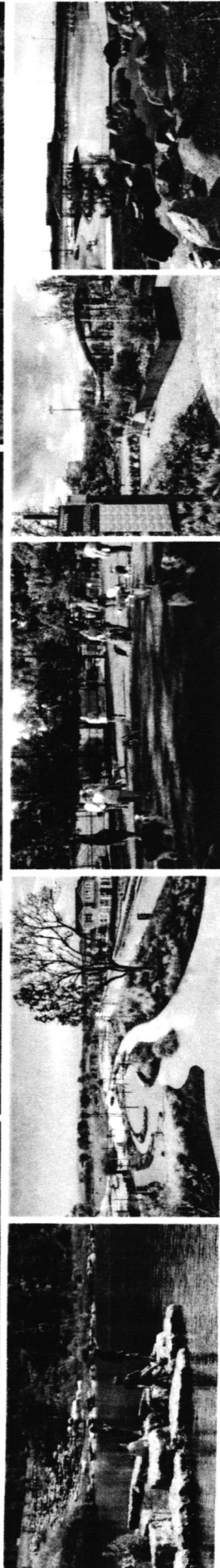
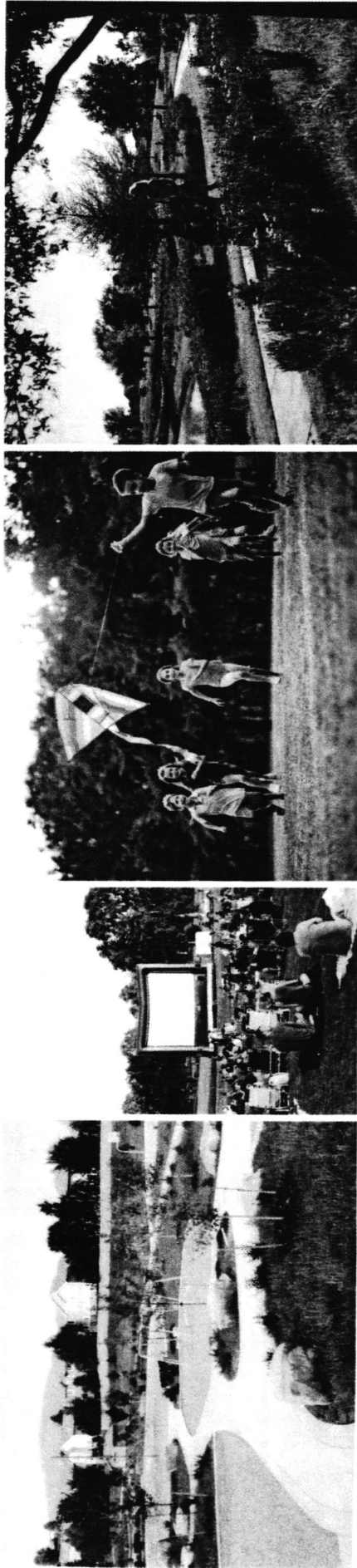
Kimley»Horn
6/28/2022

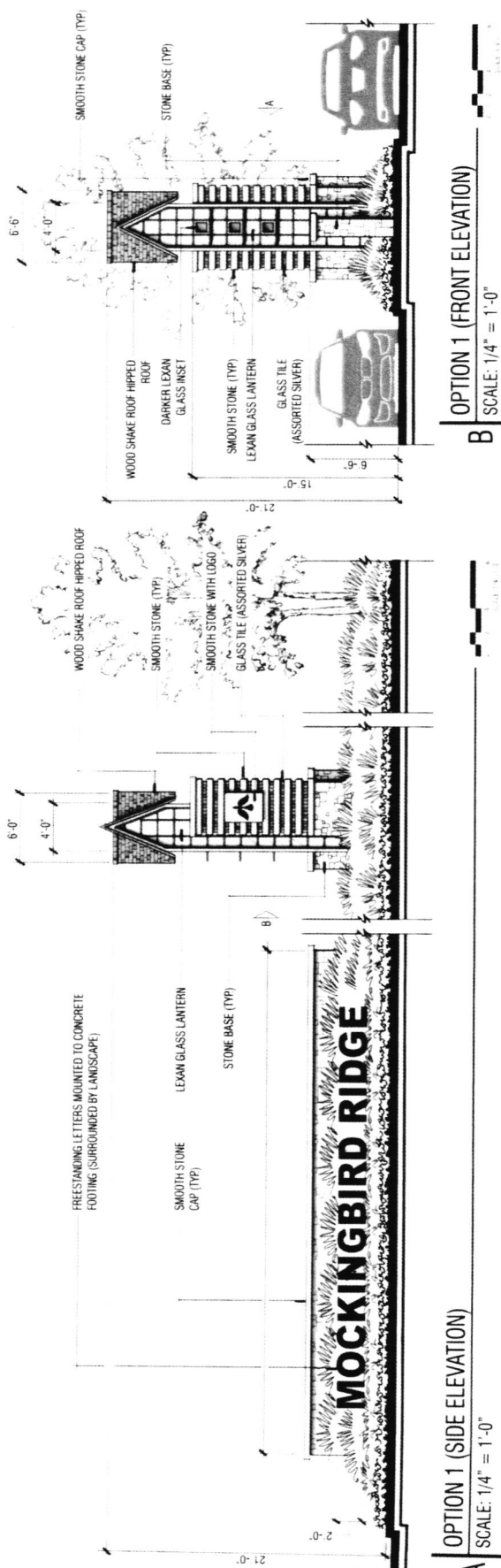
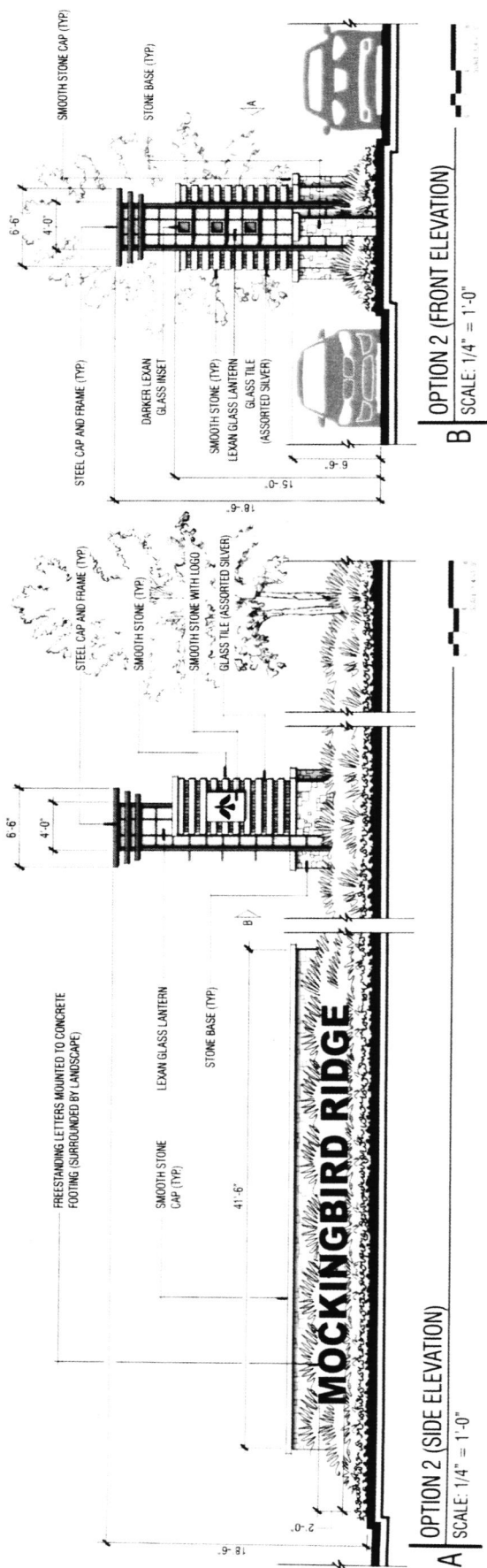
PACKET
MOCKINGBIRD RIDGE
MIDLAND, TX
OPEN SPACE CONCEPT



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



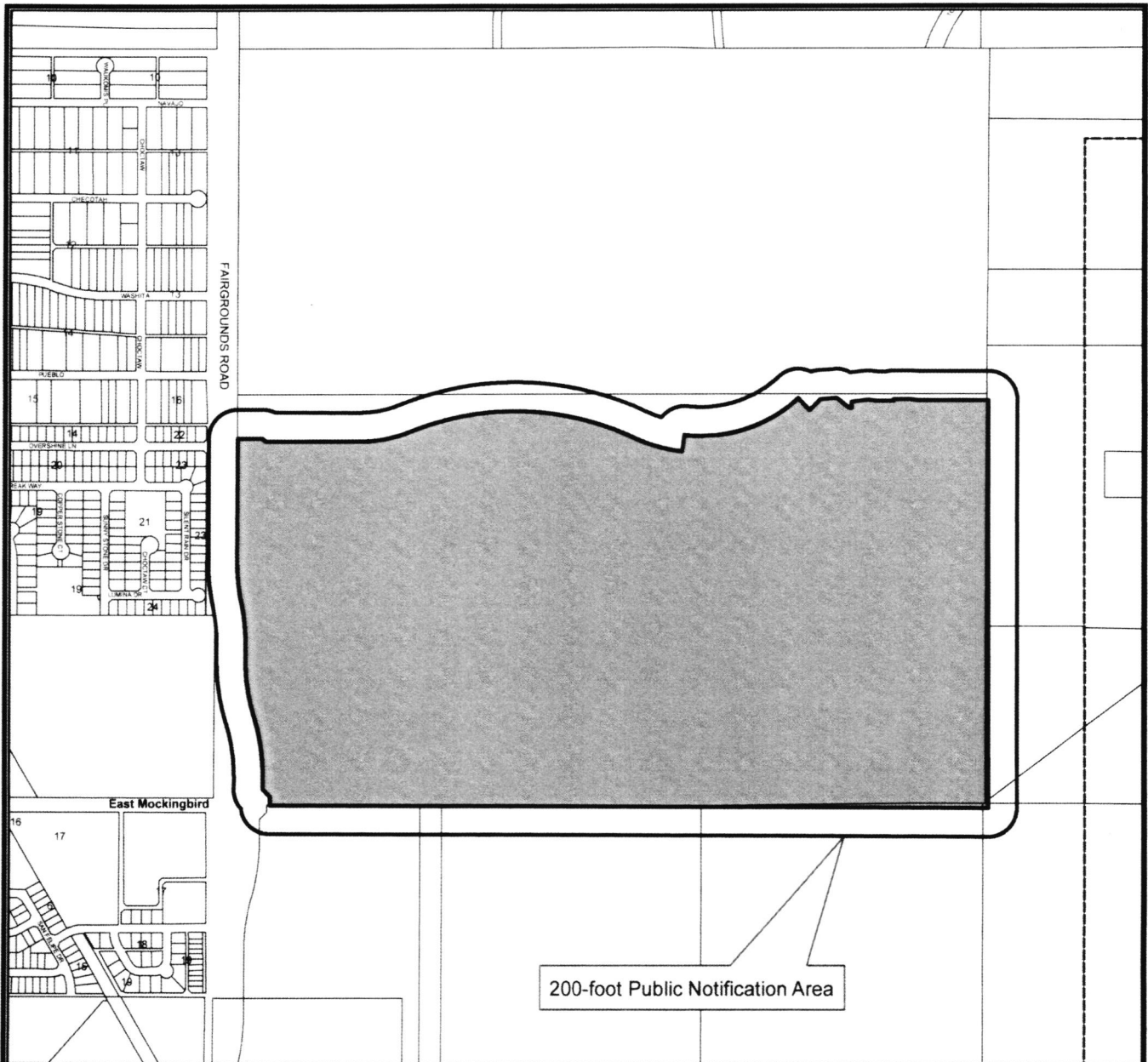
The Annabeth Plan: 3/2 w 1,231 SQ FT



PACKET
PACKET

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 Road and East Mockingbird Road. (Council District 1)

LEGEND

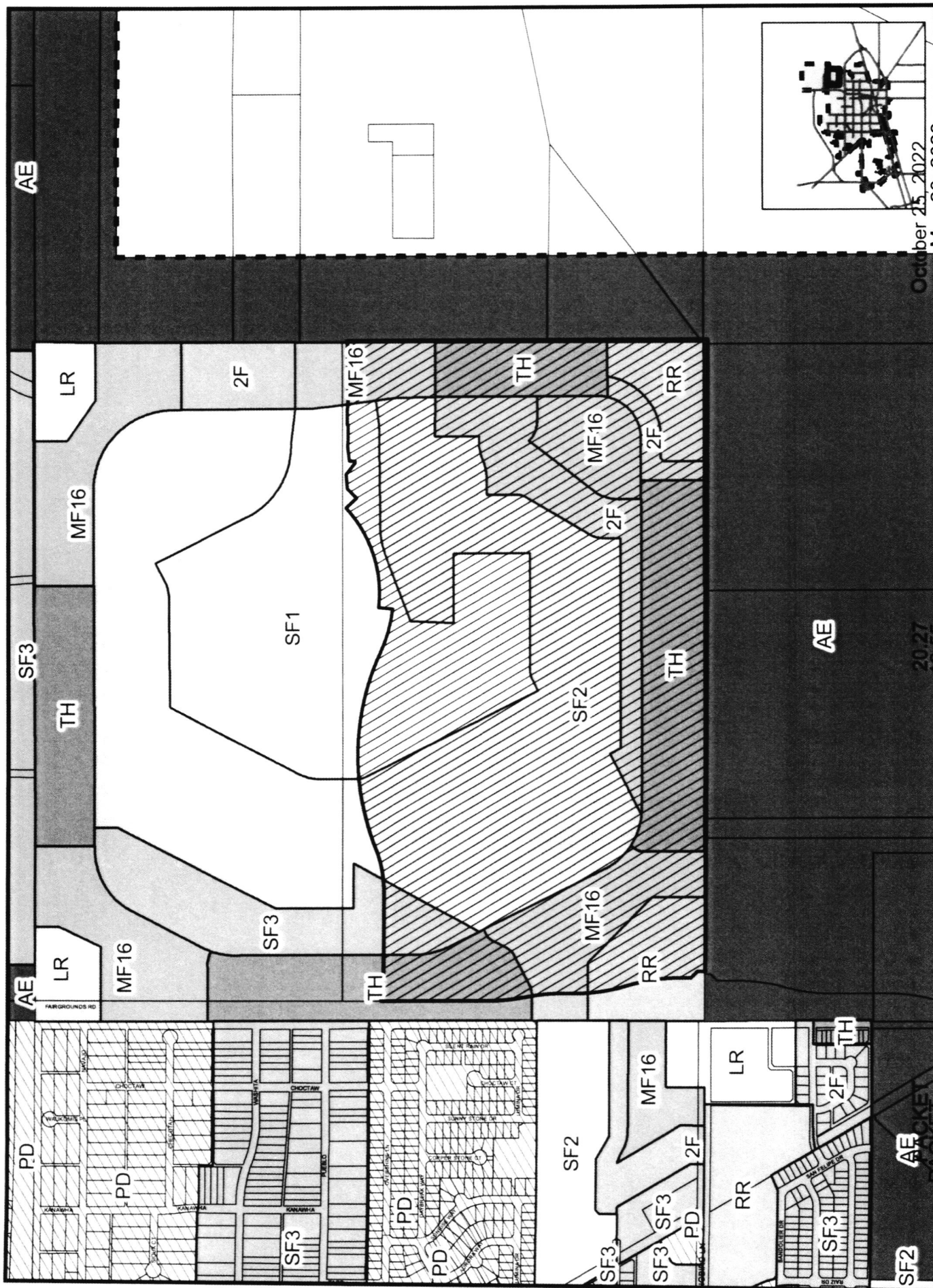
- - - CITY LIMITS
- ▭ PARCEL
- ▭ PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

October 25, 2022

May 23, 2023



© THE CITY OF MIDLAND 2021. THE INFORMATION IN THIS DOCUMENT IS PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE CITY OF MIDLAND DOES NOT WARRANT THAT THE INFORMATION IN THIS DOCUMENT IS ACCURATE, COMPLETE, OR UP-TO-DATE. THE CITY OF MIDLAND SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DOCUMENT.



Scale: 1" = 11,434'

Z-22-0299

Map By L.O. 7/29/2022



PACKET
PACKET

20.28
19.56

October 25, 2022
May 23, 2023

PACKET

Page 5.234

March 18, 2024



PACKET
PACKET

20.29
19.57

October 25, 2022
May 23, 2023

PACKET

Page 5.235

March 18, 2024



PACKET
PACKET

20.30
19.58

October 25, 2022
May 23, 2023

PACKET

Page 5.236

March 18, 2024



PACKET

20.31

October 25, 2022

PACKET

19.59

May 23, 2023

PACKET

Page 5.237

March 18, 2024

#10405



Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: March 18, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Diana Geerts, Senior Planner

SUBJECT: Consider a request by Waystone Brewing LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a brewpub, on a 2,034 square foot portion of Lot 1-H, Block 5, Colony Place, Section 5, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of W Wadley Avenue and N. Garfield Street.) (DISTRICT 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Waystone Brewing LLC, is requesting a Specific Use Designation (SUD) with Term for Alcoholic Beverages Sales for On-Premises Consumption in a brewpub located at 2101 W. Wadley Ave.

Current Zoning:

RR, Regional Retail District

Surrounding Zoning and Land Use:

The properties to the north are zoned MF-16, Multiple-Family Dwelling District, and RR, Regional Retail District, and is the location of an apartment complex and a shopping center. The properties to the east are zoned SF-1, Single-Family Dwelling District, and MF-22, Multiple-Family Dwelling District and is the location of single-family houses and the racquet club, respectively. The properties to the south are zoned SF-1, Single-Family Dwelling District and O-1, Office District, and is the location of single-family houses and office buildings. The properties to the west are zoned PD, Planned District for a Shopping and Office Center and SF-1, Single-Family Dwelling District, and is the location of office buildings and single-family houses, respectively.

Analysis:

The property is zoned RR, Regional Retail District. The RR zoning allows for the sales of Alcoholic Beverages for On-Premises Consumption in a Restaurant with the approval of an SUD. The total area of the brewpub, The Waystone, is 2,034-square feet and the proposed alcohol serviceable area is 1,417-square feet. They are proposing to amend their existing SUD to extend the hours and days of alcohol service.

The current SUD allows for alcohol sales Thursday and Friday from 5:00 p.m. to 10:00 p.m. and Saturday from 9:00 a.m. to 10:00 p.m.

The applicant is now requesting the following days and hours for alcohol sales and consumption:

Monday through Sunday from 10 a.m. to 11 p.m.

Per Midland City Code, Section 5-4-4, Prohibited Places of Business:

The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public-school, public-school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

There are no churches or public schools, athletic stadiums or public hospitals within 300 feet of the property.

This project has been circulated to all City departments for review. Below are the department comments.

Departmental Review:

Fire: (Approved)

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

Engineering: (Approved)

No objections.

Transportation: (Approved)

No objections.

Building Code: (Approved)

No objections.

Planning: (Approved with Conditions)

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4*, which is to “Encourage the development of places where Midland residents can gather and socialize to build connections.” The Waystone is a destination where Midland residents will gather and socialize.

This request meets all requirements; therefore, staff recommends approval of the request of the Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a brewpub, subject to Condition A through F.

Conditions:

A. That the serviceable area of the establishment shall be limited to approximately 1,417 square feet as shown in Exhibit “A”.

B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

C. That the permitted hours of the sale of alcoholic beverages sales and consumption shall be limited to:

Monday through Sunday from 10 a.m. to 11 p.m.

D. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.

E. That the establishment shall meet all requirements of the Fire Department and Code Administration.

F. That in accordance with Section 9.07.E.3 of the zoning ordinance, the restaurant shall be in operation within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of March 13, 2024, staff has not received any letters of objection.

Attachments:

Application
Floor Plan (Exhibit A)
Site Plan (Exhibit B)
Location Map
Zoning Map
Site Photos



Specific Use Designation with
Term for the Sale of Alcoholic
Beverages for On-Premises
Consumption

Project Number: _____

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Waystone Brewing LLC</u>		Phone (432) 770 2322 Email: <u>Waystonebrew@gmail.com</u>	
Address: <u>3525 Andrews Hwy</u>	City: <u>Midland</u>	State: <u>TX</u>	Zip: <u>79703</u>

Property Owner Printed Name: <u>Plaza Oaks BPRE Investors LLC</u>		Phone (310) 993-2381 Email: <u>ArizonaRetailShawn@gmail.com</u>	
Address: <u>1539 Sawtelle Blvd, ste 9</u>	City: <u>Los Angeles</u>	State: <u>CA</u>	Zip: <u>90025</u>

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

Street Address: 2101 W Wadley Ave, suite 27, Midland, TX 79705

Business Name: The Waystone

Legal Description
Lot: 1C-5 Block: 005 Subdivision: Colony Place

Current Zoning: RR, Regional Retail District

Reason for Request: Amend my current SUD to add additional days, we host private groups and would like to serve on other days

Type of Business (restaurant, bar, lounge, nightclub, etc.): Board Game Cafe / Brewpub

Proposed/Current Days and Hours of Operation: M/Tu/W/Th/F/Sa/Su 10am - 11pm

Proposed Days and Hours of Alcohol Service: M/Tu/W/Th/F/Sa/Su 10am - 11pm

Total Square Footage of Business: 1674

Square Footage of Alcohol Serviceable Area: 1120

Restroom Fixtures:	Men	Toilets/Urinals:	<u>1</u> <u>1</u> <u>1</u>	Bathroom Sinks:	<u>1</u>
	Women	Toilets:	<u>1</u>	Bathroom Sinks:	<u>1</u>

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
 - Seating
 - Exits
 - Restrooms
 - Kitchen (if applicable)
 - Total Square Footage
 - Serviceable Square Footage
- Dimensioned Site Plan showing:
 - Parking
 - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

Signatures

Applicant (signature): [Signature] Date: Jan 12 2024

Applicant (printed): Edward Morehouse

Property Owner (signature): [Signature] Date: 1/12/24

Property Owner (printed): Shaun Krasowski

The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

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

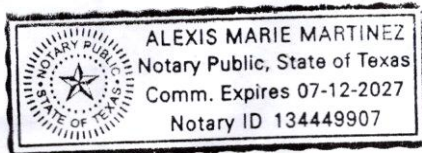
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared The Waystone who, being by me duly sworn, upon oath says: That (s)he is authorized by Edward Morehouse, 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 22nd day of January, 20 24, to certify which witness my hand and seal of office.

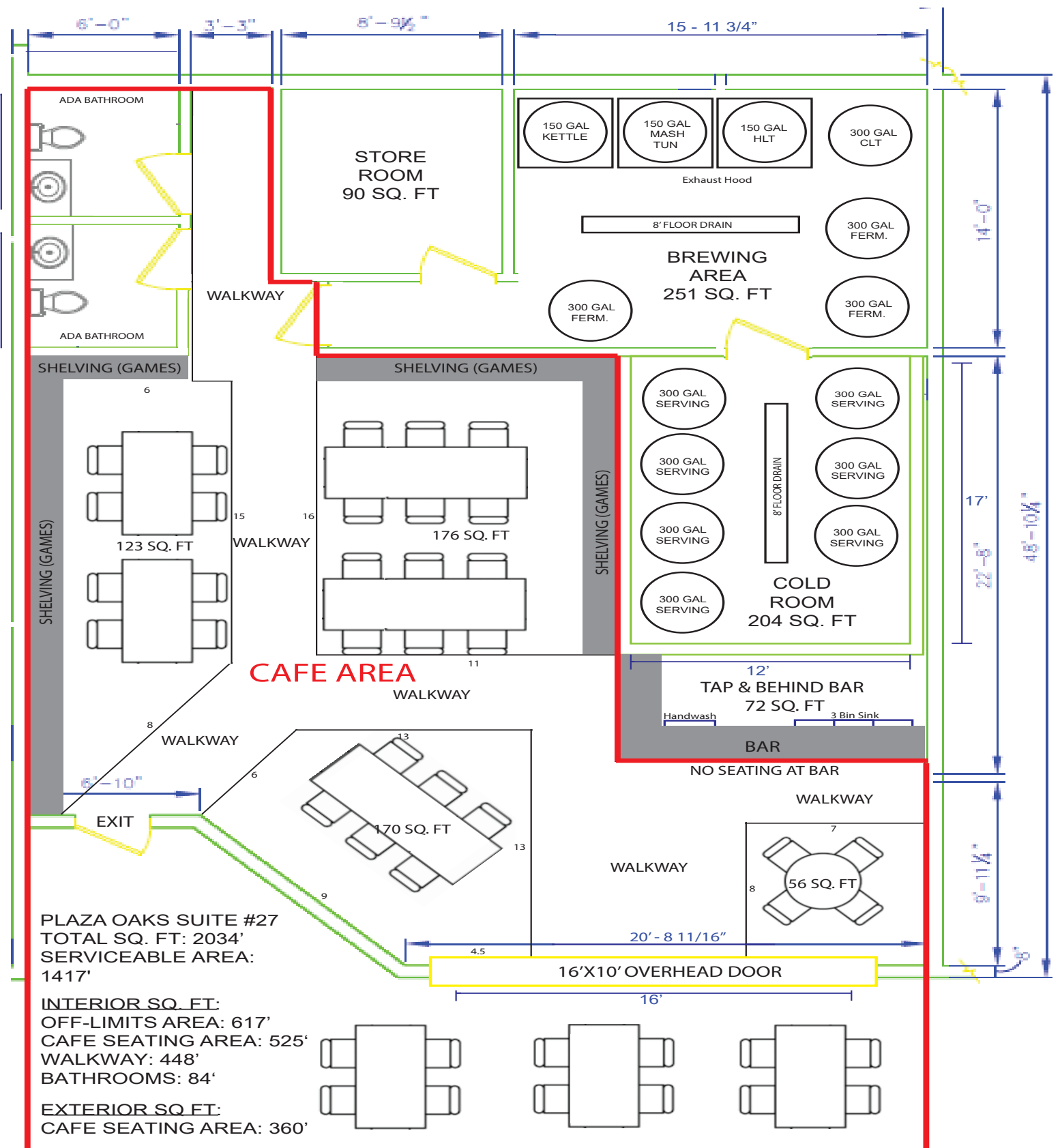


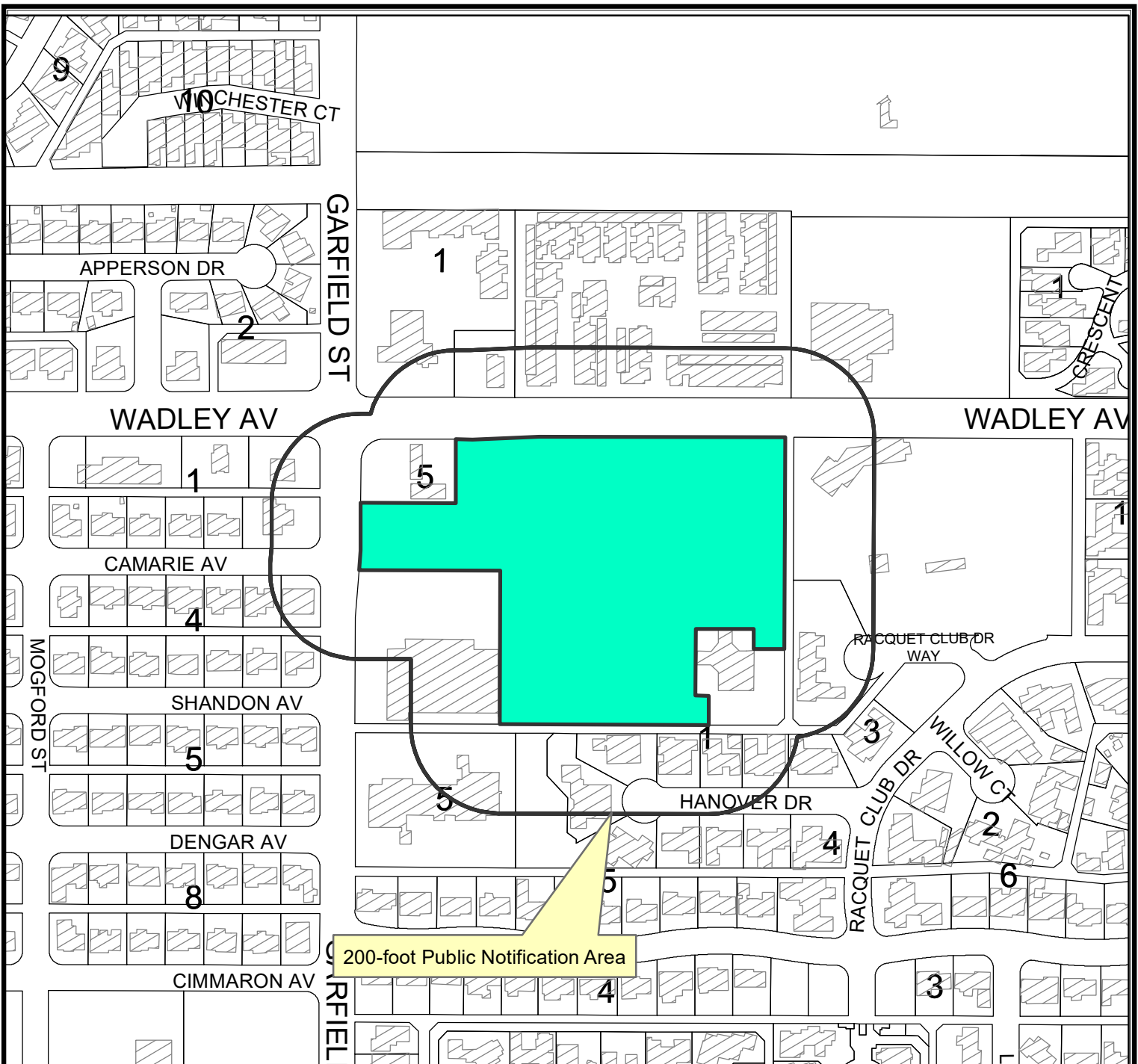
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☐ Dimensioned Floor Plan
☒ Application Fee	☒ Site Plan
Check # _____	☐ Plans in Digital Format (PDF/JPEG)
Received By: <u>DG1</u>	Date: _____

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





LOCATION MAP

SUD-24-0172

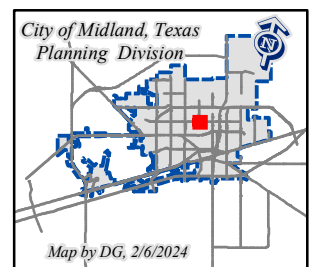
Scale: 1" = 200'

Consider a request by Waystone Brewing LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a brewpub, on a 2,034 square foot portion of Lot 1-H, Block 5, Colony Place, Section 5, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of W Wadley Avenue and N. Garfield Street. (Council District 3)

LEGEND

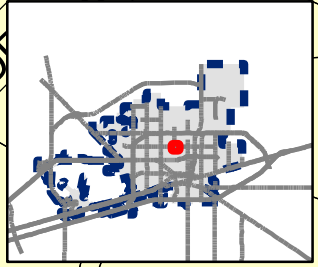
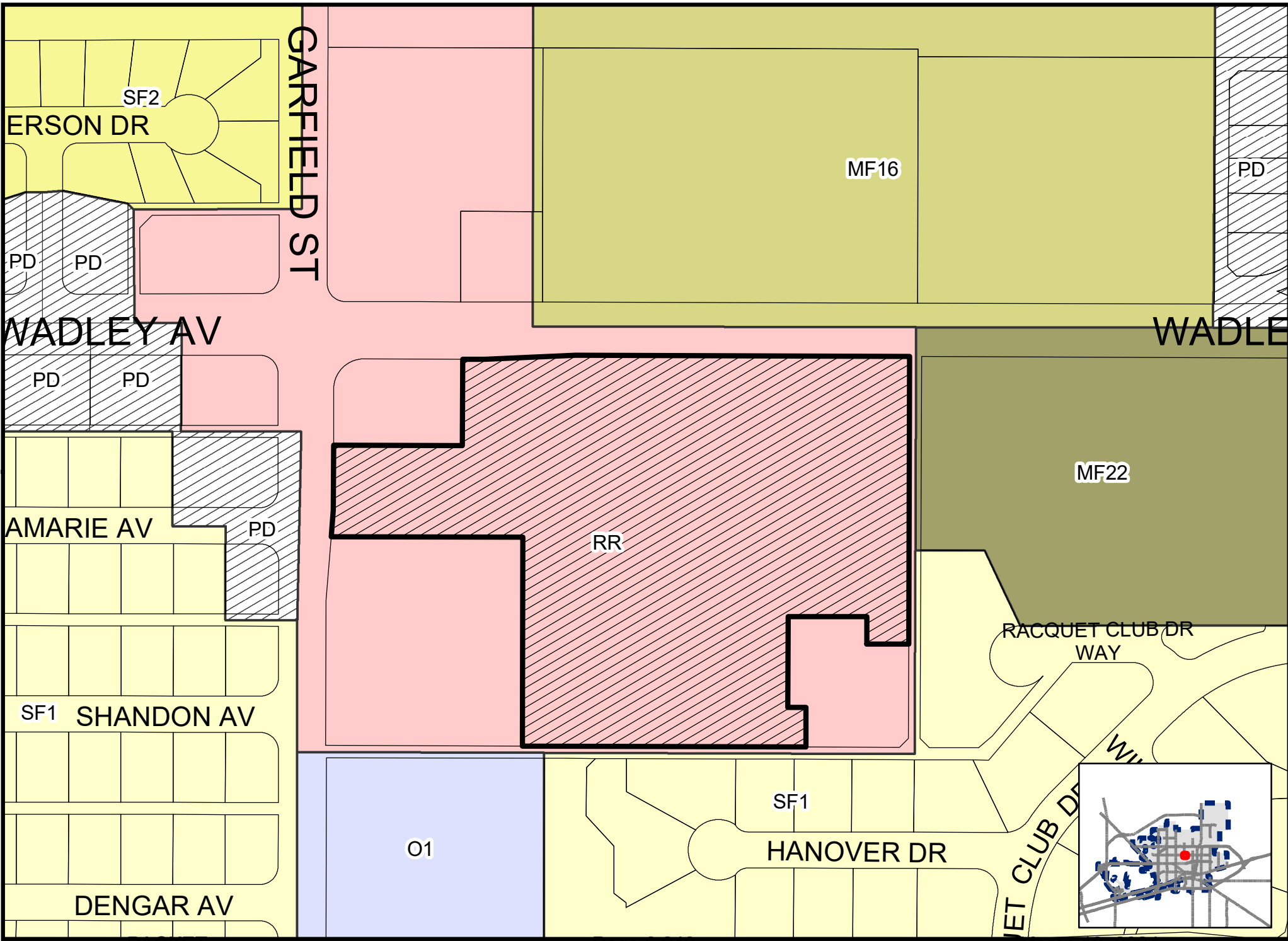
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



PACKET

SUD-24-0172

Scale: 1" = 200'

Page 6.248

ZONING MAP



March 18, 2024

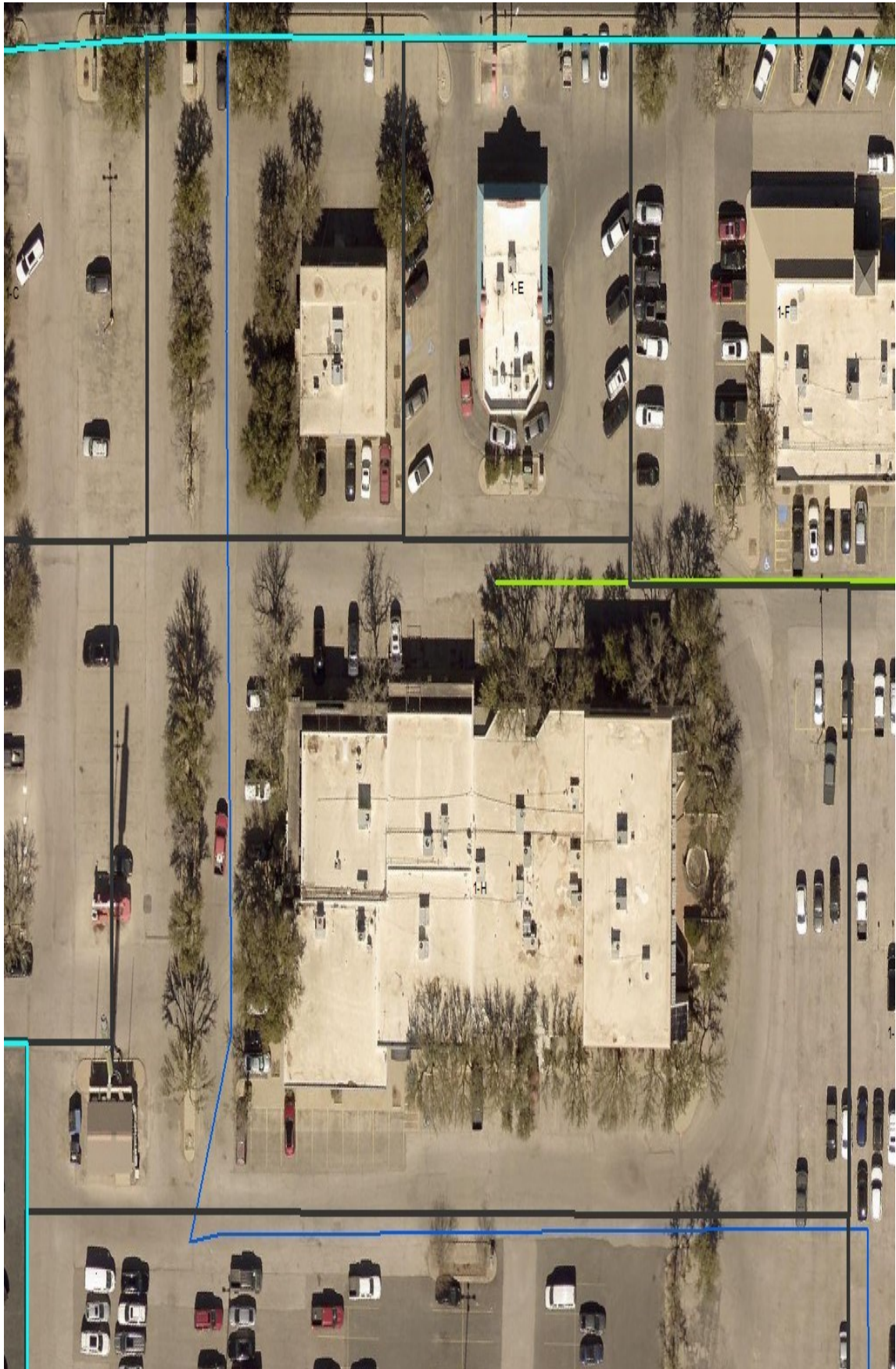
© THE CITY OF MIDLAND - 2021: THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.













Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: March 18, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Hold a public hearing and consider a motion approving with staff's recommended conditions, a proposed Preliminary Plat of Haley Heights Addition, being a Replat of a 0.42-acre portion of Lot 2, Block 30, Haley Heights Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of South McKenzie Street and West Francis Avenue.) (DISTRICT 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

Pennell Land Surveying, LLC on behalf of Carl Englestad, is requesting to replat a 0.42-acre property located at 1503 S McKenzie Street. The applicant will be replatting one (1) lot into three (3) for manufactured housing. This case is a residential replat and therefore requires a public hearing. The lot widths were approved by Council on December 12, 2023, by City Council (Ordinance 10460).

Current Zoning:

MH, Manufactured Housing District.

This request has been routed to all respective departments for internal review. The comments are below.

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.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

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

ROW: Okay as shown. PAVING: McKenzie roadway okay as is. Francis roadway is not built to City Standards, construct to City Alley standards for entire platted frontage or request deferral. [Reference City Code Sect. 11-2-4(A) 2(a)]

WATER: 4" water exists in McKenzie, okay as is. 12" water exists in Francis, okay as is. No public water improvements required. [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 Francis, okay as is. 6" sewer exists in alley, okay as is. No public wastewater improvements required. [For the Applicant's information only.]

DRAINAGE: Drainage study not required for development into single family residences. Development considered infill. [For the Applicant's information only.]

EASEMENTS: Show existing and proposed. [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 and Gas issues.

GIS: (Approved)

No comments.

PLANNING: (Approved with Conditions)

Show existing water lines with pipe sizes and locations indicated (to the west and south).

Show existing sewer lines with pipe sizes and locations indicated (to the east and south).

Staff recommends approval of the Preliminary Plat of Haley Heights Addition, subject to condition A.

Conditions:

- A. Approval of this preliminary plat is subject to the Final plat including 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:

Application
Preliminary Plat
Maps



Preliminary Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: HALEY HEIGHTS, SECTION 7

Legal Description (attached sealed Metes and Bounds): REAPLT OF 0.42 ACRES IN LOT 2, BLOCK 30,
HALEY HEIGHTS ADDITION (METES AND BOUNDS ATTACHED)

Property Owner

Printed Name: **CARL ENGLESTAD**

Phone (432) 664.2355
Email CARLENGLESTAD@gmail.com

Address **371 SAVANNAH HILL**

City **ROCKWALL**

State **TX**

Zip **75032**

Developer (if different than Owner)

Printed Name: _____

Phone ()
Email _____

Address _____

City _____

State _____

Zip _____

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

Firm: PENNEL LAND SURVEYING, LLC

Printed Name: **DURYN HENINGTON**

Phone (432) 770-0600
Email dhenington.

PennellSurvey@gmail.com

Address **2030 W. CUTHBERT, STE. 4**

City **MIDLAND**

State **TX**

Zip **79701**

Current Zoning: _____

Reason for Platting: DIVIDE FOR INDIVISUAL RESIDENTIAL LOTS

Plat Information

Total Acreage: **0.42**

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: **3**

Number of Multi-family Dwelling Units: _____

Submittal and Fees

Items to be submitted with this application form:

- 1 FOLDED Copy of Dimensioned Plat
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF)
- Application Fee – Payable to the 'City of Midland'

Request for a Development Agreement

Do you expect to request a development agreement with the City? ☐ Yes ☐ No

If yes, contact the City Engineer at (432) 685-7286

Provisions

A plat application will not be considered filed pursuant to Section 212.009 of the Texas Local Government Code until all required documents and fees have been submitted and **all of the terms and conditions of the Subdivision Ordinance, including all necessary studies, plans and supporting information are accepted and approved**, or the applicant has filed a waiver request for sections from which the plat deviates. Once a plat meets the requirements to be considered filed with the City, the application will be placed on the Planning and Zoning Commission agenda for consideration under the time requirements set out in Section 212.009.

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

Property Owner (signature):

Date: 2/20/2024

Property Owner (printed): CARL Englestad

The Preliminary 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.

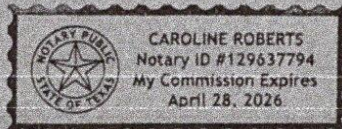
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared CARL Englestad who, being by me duly sworn, upon oath says: That (s)he is the owner of 1503 McKENZIE ST or is authorized by CARL Englestad 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) / owner

Subscribed and sworn to before me, this 20 day of February, 2024 to certify which witness my hand and seal of office.



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS
Rockwell

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ 1 Copy of Dimensioned Plat

☒ Plat in Digital Format (PDF/JPEG)

☒ Application Fee

☒ 1 Copy of Plat (11x17)

Check # PAID online

Received By: [Signature]

Date: FEB 21 2024

BY:

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

Preliminary Plat Application

2

Revised 07/01/19



VICINITY MAP
(NOT TO SCALE)

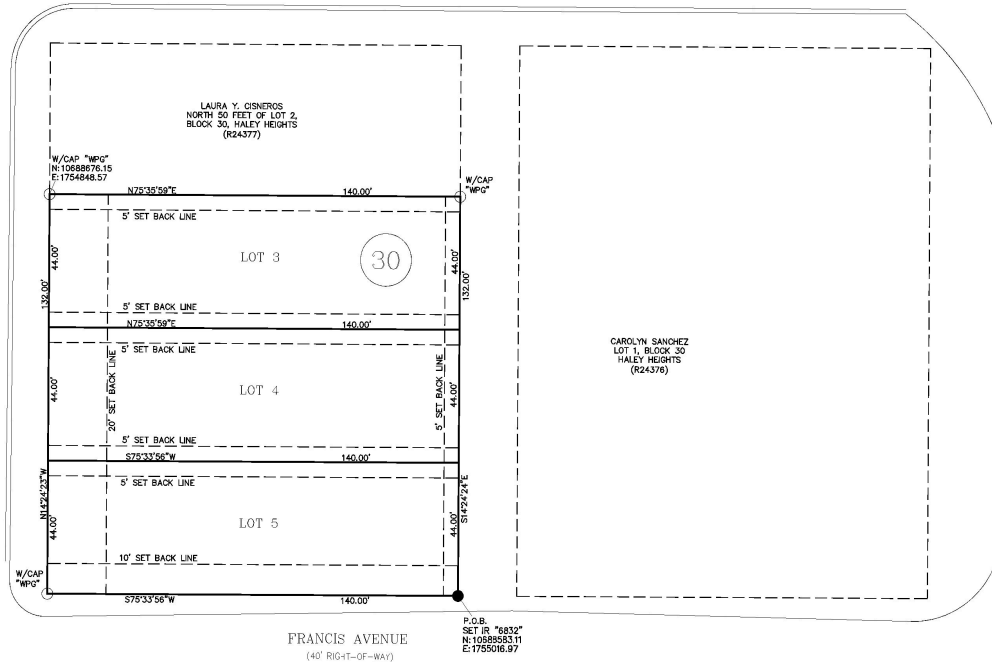
PRELIMINARY PLAT HALEY HEIGHTS, SECTION 7

BEING A RE-PLAT 0.42 ACRES IN LOT 2, BLOCK 30,
HALEY HEIGHTS ADDITION,
AN ADDITION TO THE CITY OF MIDLAND,
MIDLAND COUNTY, TEXAS,

NOTICE:

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- COORDINATES, BEARINGS, DISTANCES AND AREAS SHOWN HEREON ARE LAMBERT GRID AND CONFORM TO THE "TEXAS COORDINATE SYSTEM", TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM 1983.
- WITH REFERENCE TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, MAP NO. 48329C0202 F, EFFECTIVE DATE: 09/16/15, THIS SURVEYOR HAS DETERMINED THAT PART OF THIS PROPERTY IS LOCATED IN ZONE "X" WITH THE 100 YEAR FLOODPLAIN. THIS DETERMINATION SHALL NOT CREATE A LIABILITY UPON SAID SURVEYOR.
- PROPOSED WATER, SANITARY SEWER, AND STORM WATER PIPELINES WITH CULVERTS BRIDGES, AND OTHER APPURTENANCES OR STRUCTURES SHOWN (ONE-LINE PLANS), ARE REQUIRED BEFORE PRELIMINARY PLAT APPROVAL.

S. MCKENZIE STREET
(60' RIGHT-OF-WAY)



LEGEND
Set 1/2" L.R.
W/Cap "RPLS 6832"
Fnd. 1/2" L.R.

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY Print Name:

OPTIMUM Print Name:

AT&T-TEXAS Print Name:

ONCOR ELECTRIC DELIVERY Print Name:

ASTOUND Print Name:

IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE PRIOR TO THE PERMITTING PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, CARL ENGLESTAD, is the record owner of THE SOUTH 132 FEET OF LOT 2, BLOCK 30, HALEY HEIGHTS ADDITION, An addition to the City of Midland, Midland County, Texas, according to the plat recorded in Plat Cabinet D, Page 215, of the Plat Records of Midland County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, CARL ENGLESTAD, being the owner of the land shown on this plat designated as HALEY HEIGHTS, SECTION 7, an Addition to the City of Midland, Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon, and do hereby give an easement of ingress and egress to the City of Midland for garbage and trash collection, and location and maintenance of trash containers and access thereto, and condition said easement that no construction shall commence on said lot or lots until the exact location of said containers therewith have been selected and approved by the Director of Utilities.

WITNESS my hand at _____, this the _____ day of _____, 2024.

By: CARL ENGLESTAD OWNER

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, CARL ENGLESTAD, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he was acting as the authorized agent, and that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated. Given under my hand and seal of office this

the _____ day of _____, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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

DURYN HENNINGTON, R.P.L.S. 6832
2030 W. CUTHBERT, STE. 4
MIDLAND, TX 79701
432.570.6256

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "HALEY HEIGHTS, SECTION 7" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

the _____ day of _____, 2024.

LUCY SISNEGA, CHAIRMAN

XAVIER BAUGUCESS, SECRETARY

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE: _____ PAGE _____

OWNER:
CARL ENGLESTAD
371 SAVANNAH HILL
ROCKWALL, TX 75032
432-664-2355

FEBRUARY 2024

PENNELL LAND SURVEYING
PROFESSIONAL LAND SURVEYING
P.O. BOX 51622, MIDLAND, TEXAS 79710

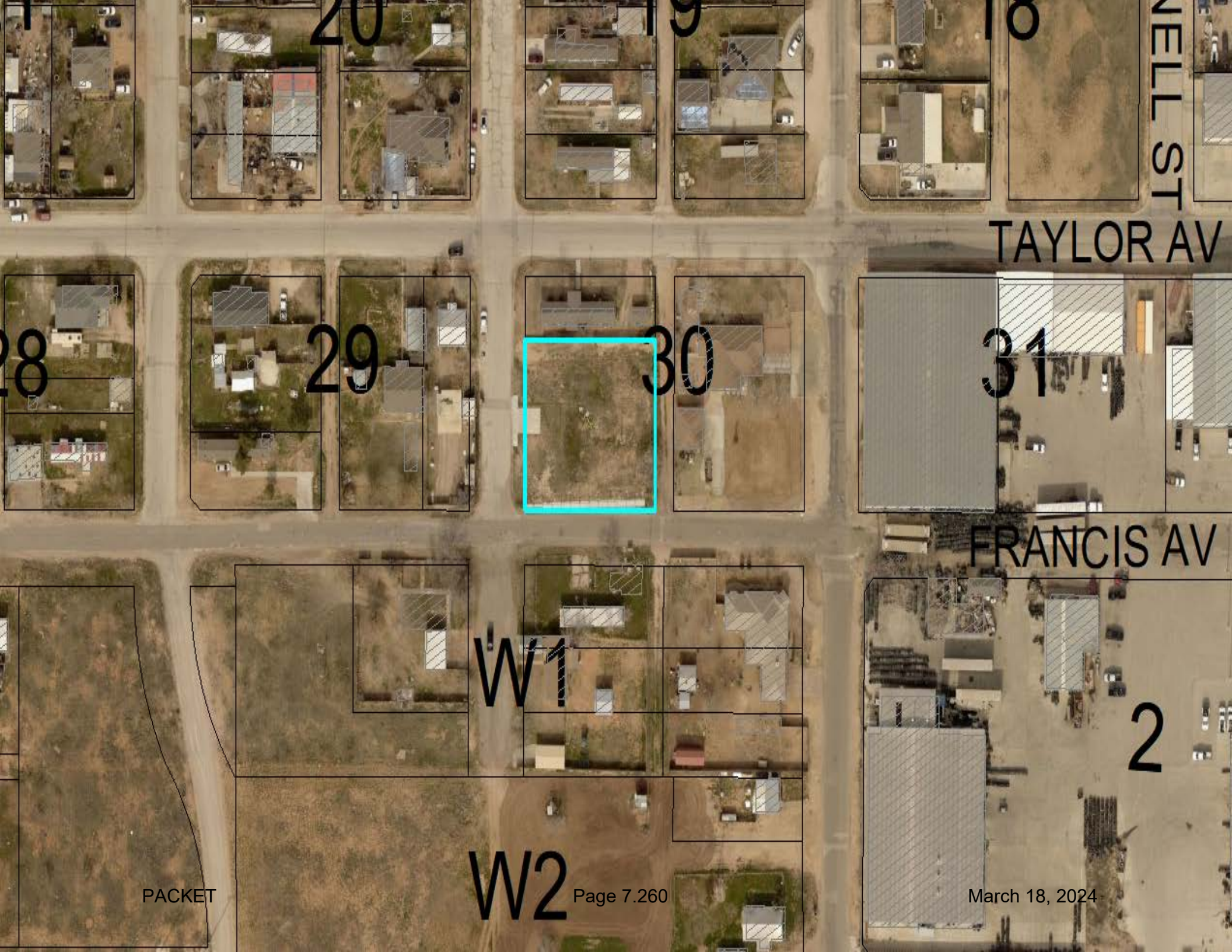
VOICE: (432) 570-6256
brucepennell@yahoo.com

FIRM No: 10193979

HALEY HEIGHTS,
SECTION 7

PACKET

Page 7 of 55



MELL ST

TAYLOR AV

FRANCIS AV

PACKET

Page 7.260

March 18, 2024



Location Map

SUB-23-0665

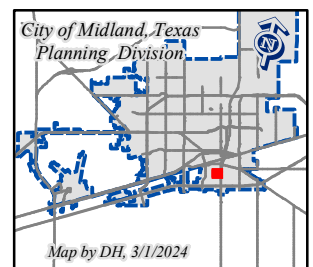
Scale: 1" = 105'

Proposed Plat of Haley Heights Addition, being a Replat of a 0.42-acre portion of Lot 2, Block 30, Haley Heights Addition, City and County of Midland, Texas.

Generally located northeast of the intersection of South McKenzie Street and West Francis Avenue. (Council District 2)

LEGEND

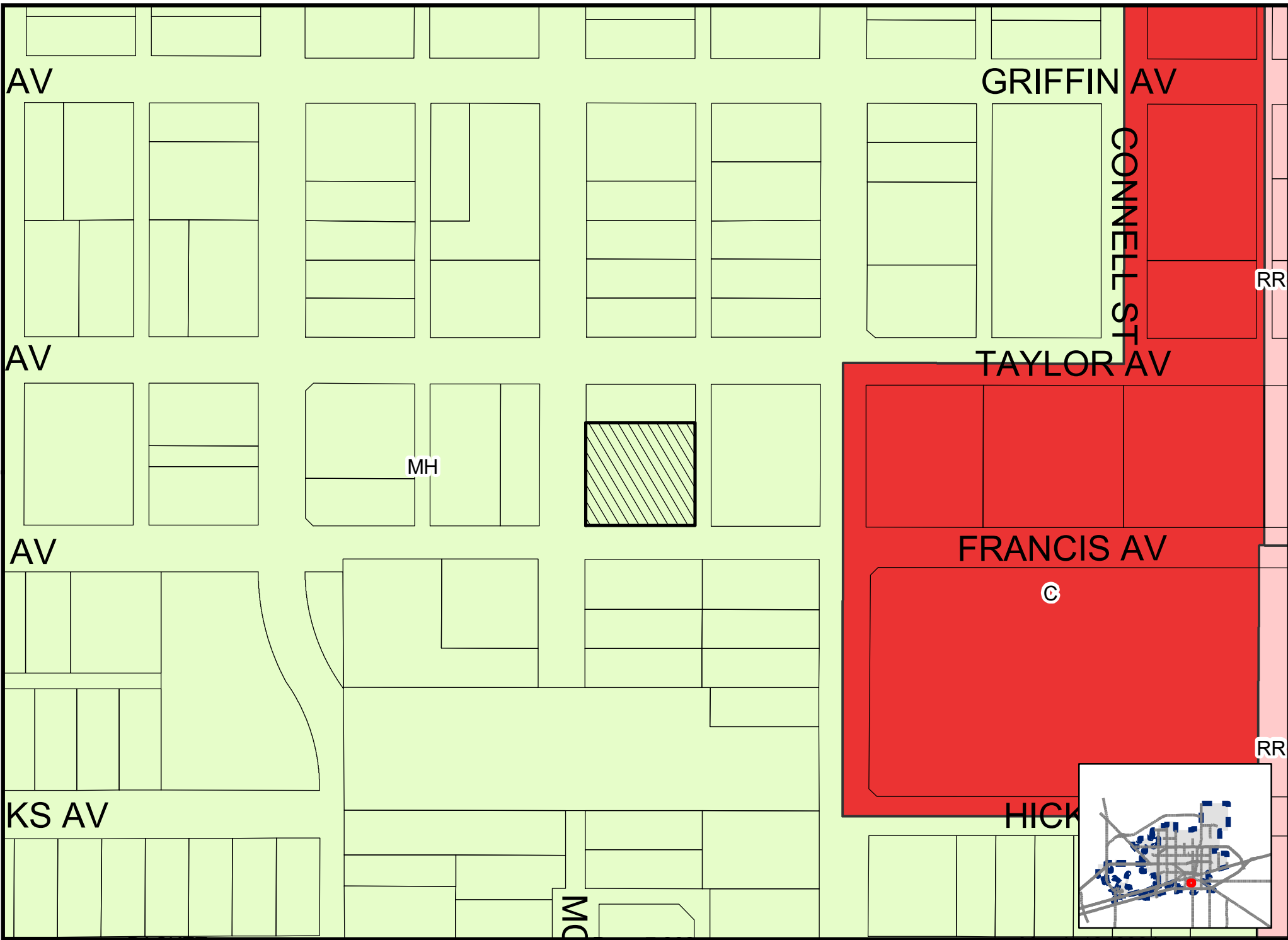
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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





Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: March 18, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Andrew Meyers, Planner

SUBJECT: Hold a public hearing to consider a request by Providencia Restaurant, for a Specific Use Designation with Term for the sale of Alcoholic Beverage Sales for On-Premises Consumption in a Restaurant on a 6,261 square foot portion of Lot 3A, Block 3, Mayfield Place, Section 8, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North Midkiff Road and Mockingbird Lane) (DISTRICT 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The applicant, Providencia Restaurant, is requesting Specific Use Designation with Term to allow the sales of Alcoholic Beverages for On-Premise Consumption, at 3200 Mockingbird Lane, Building 5.

Current Zoning:

RR, Regional Retail District.

Surrounding Zoning and Land Use:

This property is currently zoned RR, Regional Retail. The parcel to the north is zoned PD, Planned Development District for a Housing Development. The parcels to the east are zoned O-1, Office District. The parcels to the south are zoned PD, Planned Development District for a Housing Development. The parcels to the west are zoned RR, Regional Retail.

Analysis:

Providencia Restaurant is a new restaurant that will be coming to Midland. The total area of the restaurant will be 6,261-square feet, with an alcohol serviceable area of 5,042-square feet, which includes 2,226-square feet inside the restaurant, and 2,816-square feet on an outdoor service area. The attached site plan and floor plans are illustrative of the restaurant.

This property is zoned RR, Regional Retail District. The RR district permits the sales of Alcoholic Beverages for On-Premises Consumption in a Restaurant with the approval of an SUD, Specific Use Designation.

The proposed hours of operation:

Monday through Sunday from 11 a.m. to 10 p.m.

The proposed hours of alcohol service:

Monday through Sunday from 11 a.m. to 10 p.m.

Per Midland City Code, Section 5-4-4, Prohibited Places of Business:

The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public-school, public-school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

There are no churches, private schools, public schools, public school grounds, athletic stadium, public hospital within 300 feet measurement along the property lines of the street fronts, and from the front door in a direct line across intersection where they occur within this site.

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4*, which is to “Encourage the development of places where Midland residents can gather and socialize to build connections.” Providencia Restaurant is a destination where Midland residents will gather and socialize.

This project has been circulated to all City departments for review. Below are the department comments.

Engineering: (Approved)

No objection. [For Applicant’s Information Only.]

Transportation: (Approved)

No objections. [For the Applicant’s information only.]

Building Code: (Approved)

The SUD for The Providencia Restaurant is acceptable. The property must adhere to the maximum occupant load of 336 persons for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Fire: (Approved)

No objections

Planning: (Approved)

No objections.

This request meets all requirements; therefore, staff recommends approval of the request of the Specific Use Designation with Term for Sales of all Alcoholic Beverages for On-Premises Use.

Conditions:

- A. That the serviceable area of the establishment shall be limited to approximately 6,261 square feet as shown in Exhibit "A".**
- B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- C. That the permitted hours of the sale of alcoholic beverages sales and consumption shall be limited to:**

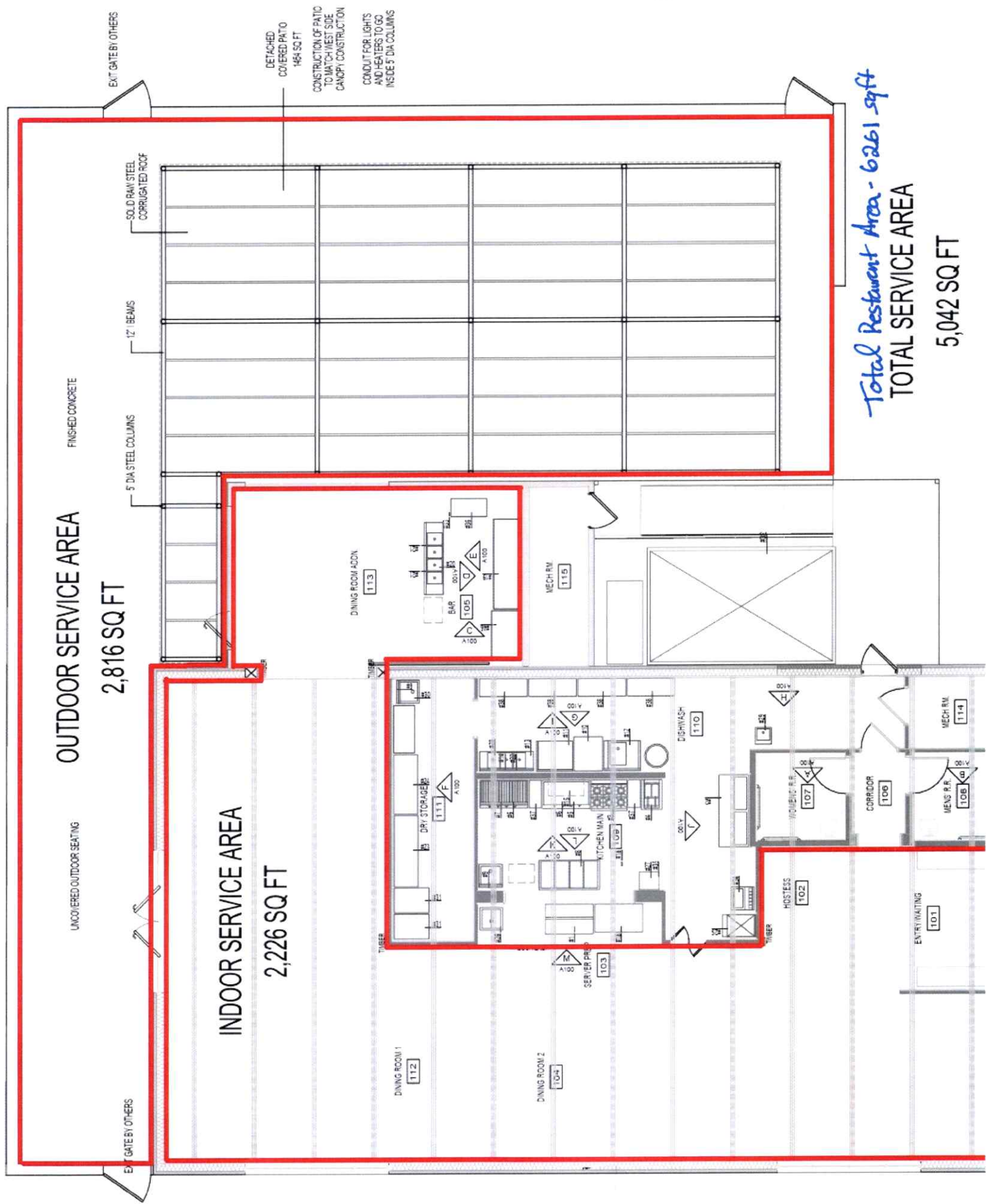
Monday through Sunday from 11 a.m. to 10 p.m.
- D. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.**
- E. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- F. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.**
- G. That in accordance with Section 9.07.E.3 of the zoning ordinance, the restaurant shall be in operation within 120 days from the final adoption date of this ordinance.**

Letters of Objection:

As of February 28th, 2024, staff has not received any letters of objection.

Attachments:

Floor Plan (Exhibit A)
Application
Maps
Aerial Photo
Site Photos



Total Restaurant Area - 6261 sqft
TOTAL SERVICE AREA
5,042 SQ FT



Specific Use Designation with
Term for the Sale of Alcoholic
Beverages for On-Premises
Consumption

Project Number: _____

Case Number: _____

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

Printed Name: Brian Olenjack

Phone (817) 881.5200

Email
brian@providencia-restaurant.com

Address 1200 woodbridge Ct

City Willow park

State Tx

Zip 76087

Property Owner

Printed Name:

Summit Center LLC
Kurtis Frymire

JKF

Phone (432) 682-9800

Email
kfrymire@summitpetroleumllc.com

Address 3200 Mockingbird Lane, Building 1

City Midland

State Tx

Zip 79705-2855

Representative (if different from Applicant or Property Owner)

Firm: _____

Printed Name: Brian Olenjack

Phone ()
Email

Address

City

State

Zip

Street Address: 3200 Mockingbird Lane, Building 5, Midland, Tx. 79705-2855

Business Name: Providencia Restaurant

Legal Description

Lot: 3A

Block: 3

Subdivision: Mayfield Place Addition, Section 8

Current Zoning: Regional Retail

Reason for Request: We are building a restaurant at this location.

Type of Business (restaurant, bar, lounge, nightclub, etc.): Restaurant

Proposed/Current Days and Hours of Operation: _____

Open 7 days a week. Hours of operations will be 11:00 am until 10:00 pm.

Proposed Days and Hours of Alcohol Service: _____

Open 7 days a week. Hours of operations will be 11:00 am until 10:00 pm.

Total Square Footage of Business: ~~3300~~ 3,445 + 2816 = 6261

BS 2/26/24

Square Footage of Alcohol Serviceable Area: 5042

Restroom Fixtures:

Men

Toilets/Urinals: 1

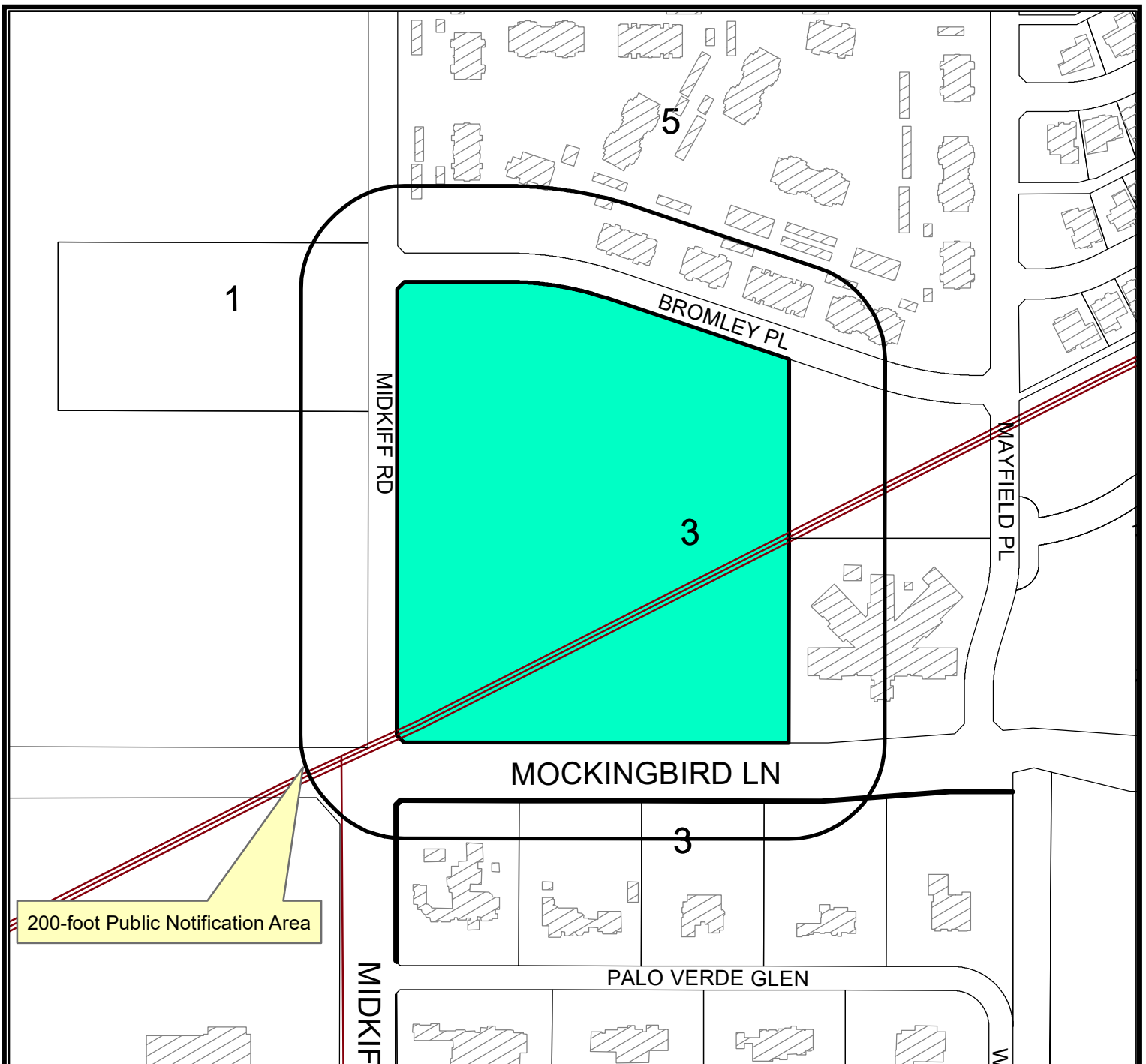
/ 1

Bathroom Sinks: 1

Women

Toilets: 1

Bathroom Sinks: 1



Location Map

SUD-24-0175

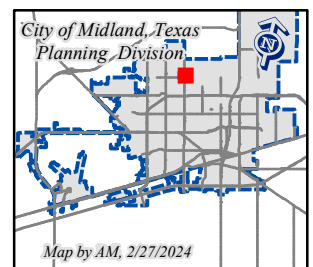
Scale: 1" = 300'

Consider a request by Providencia Restaurant for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages for on premises consumption in a restaurant on a 6,261 square foot portion of Lot 3A, Block 3, Mayfield Place, Section 8 City and County of Midland, Texas.

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

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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

AE

RR

AE

MIDKIFF RD

RR

BROMLEY PL

MOCKINGBIRD LN

PD

PD

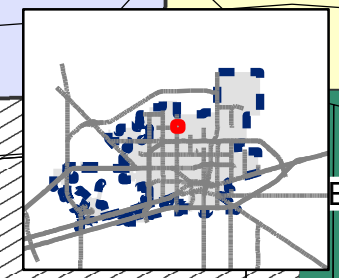
O1

O1

MAYFIELD PL

SF1

PD



PACKET

Page 8.270

March 18, 2024

Map By AM, 2/27/2024

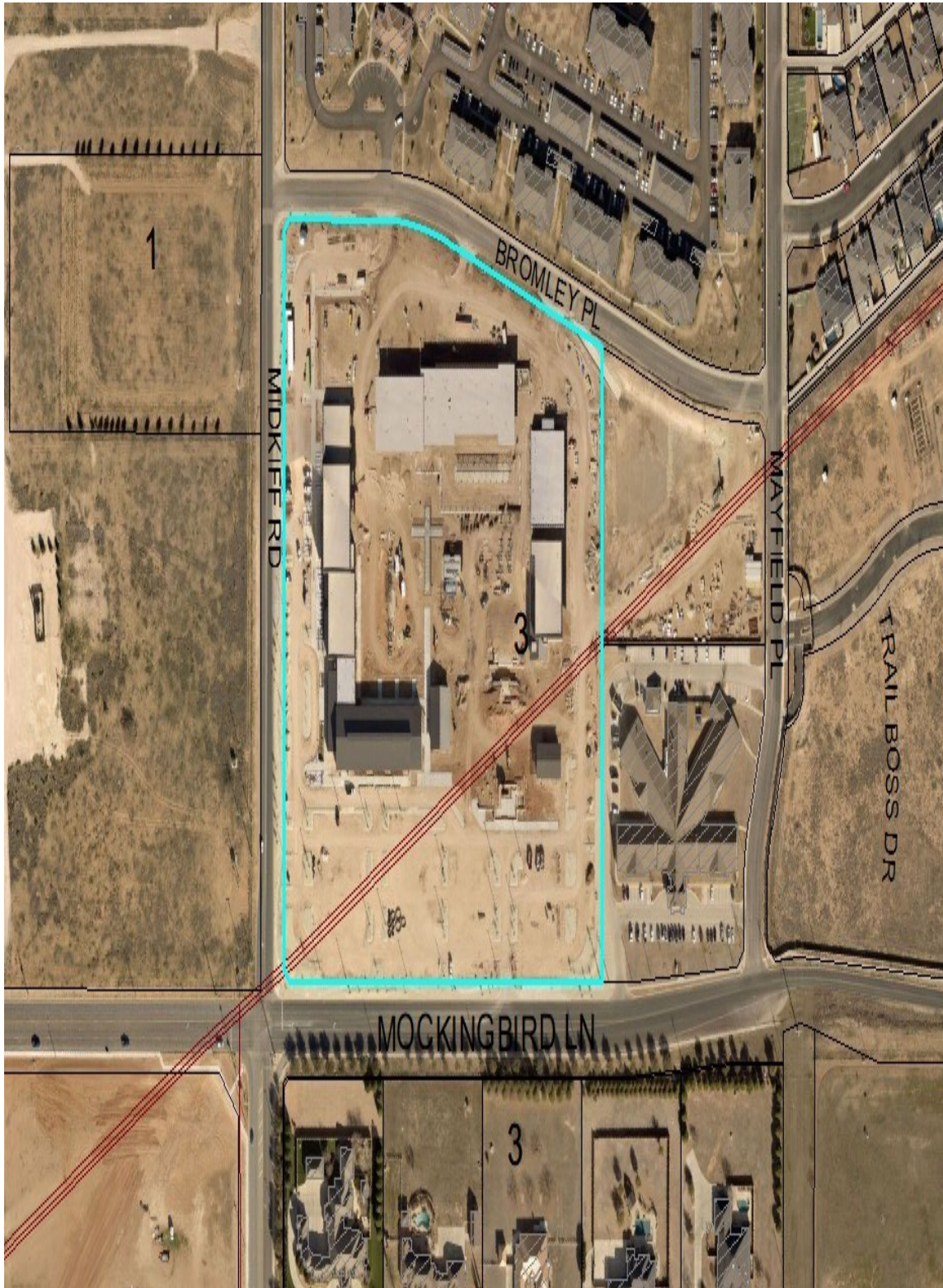
SUD-24-0175

Scale: 1" = 175'

ZONING MAP



© THE CITY OF MIDLAND - 2021: THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.













Planning and Zoning Commission

Approved for Agenda:
Xavier Bauguess

MEETING DATE: March 18, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Diana Geerts, Senior Planner

SUBJECT: Motion approving with staff's recommended conditions a Preliminary Plat of Parkway South Addition, Section 4, being a replat of Lot 1, Block 2, Parkway South Addition, Section 2, an 8.0-acre tract of land and a 0.429-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Co. Survey, in part, and a replat of Lot 1, Block 2, Parkway South Addition, Section 2, City and County of Midland, Texas. (Generally located at the southwest corner of the intersection of South Lamesa Road and East Gist Avenue.) (District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

Newton Engineering, on behalf of Midland Independent School District, is requesting to replat the property located at 1900 S. Lamesa Road. Being Lot 1, Block 2, Parkway South Addition, Section 2, an 8.0-acre tract of land and a 0.429-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Co. Survey, in part, and a replat of Lot 1, Block 2, Parkway South Addition, Section 2, City and County of Midland, Texas.

Current Zoning:

SF-1, Single-Family Dwelling District

Departmental Review:

This request has been routed to all respective departments for internal review. The comments are below.

BUILDING CODE: (Approved)

No issues. All future structures must adhere to the .2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC No issues. 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.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

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

ROW: Refer to transportation's comments, if any. [For the Applicant's information only.]

PAVING: Lamesa roadway okay as is. Gist roadway okay as is. Terrell roadway okay as is. No public paving improvements required. [For the Applicant's information only.]

WATER: 12" water exists in S Lamesa, okay as is. 12" water exists in E Gist, okay as is. 6" water exists in S Terrell, okay as is. No public water improvements required. [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: 15" sewer exists in S Terrell, okay as is. 15" sewer exists in E Gist, okay as is. 8" sewer exists in S Lamesa, okay as is. No public wastewater improvements required. [For the Applicant's information only.]

DRAINAGE: Drainage letter 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 & Gas issues.

GIS: (Approved)

Should legal description say "an 8.429 acre tract" instead of two separate tracts?

GIS: (Approved)

We do not have any comments on this plat.

PLANNING: (Approved with Conditions)

This plat is larger than 25 acres, which will require City Council approval.

This property is zoned SF-1, Single-Family Dwelling District. This is considered a residential replat and will require a public hearing at the preliminary plat phase. [Midland City Code 11-2-7(A)2(b)]

Please change the Secretary's name to Xavier Bauguess.

Staff recommends approval of the Preliminary Plat of Parkway South Addition, Section 4, subject to conditions A and B.

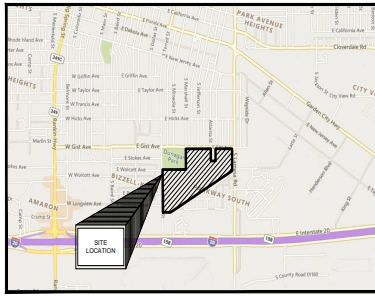
Conditions:

- A. Approval of this preliminary plat is subject to the Final plat including 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.**
- B. Approval by the City Council shall be required prior to consideration of a final plat by the commission on which any preliminary plat which: Is ten**

hectares (25 acres) or more in area and is located in any survey section (approximately one square mile) which does not contain a publicly owned site or sites intended for both a public school and park, or public site reservation. [Midland City Code 11-2-3(D)11(a)6].

Attachments:

Proposed Preliminary Plat
Application
Maps



LOCATION MAP
N.T.S.

PARKWAY SOUTH ADDITION, SECTION 4

BEING A REPLAT OF LOT 1, BLOCK 2, PARKWAY SOUTH ADDITION, SECTION 2,
AN 8.0 ACRE TRACT AND A 0.429 ACRE TRACT,
LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR. CO. SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS

LEGEND

- 1/2" IRON ROD FOUND WITH CAP
- 1/2" IRON ROD SET WITH CAP SET WHERE POSSIBLE
- BOUNDARY LINE
- - - ADJACENT PROPERTY

GRAPHIC SCALE
0 100' 200'
(IN FEET)
1 inch = 100 ft.

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, MIDLAND INDEPENDENT SCHOOL DISTRICT IS THE RECORD OWNER OF ALL OF THAT CERTAIN LAND SHOWN ON THIS PLAT AND DESIGNATED AS PARKWAY SOUTH ADDITION, SECTION 4, BEING A REPLAT OF LOT 1, BLOCK 2, PARKWAY SOUTH ADDITION, SECTION 2, AN 8.0 ACRE TRACT AND A 0.429 ACRE TRACT LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED HEREON.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, CORTNEY SMITH, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS PARKWAY SOUTH ADDITION, SECTION 4 AND HEREBY DEDICATE TO THE PUBLIC USE FOREVER OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS OUR HANDS AT MIDLAND, TEXAS, THIS ____ DAY OF ____, 2024.

MIDLAND INDEPENDENT SCHOOL DISTRICT

CORTNEY SMITH, CHIEF OF FACILITIES AND OPERATIONS

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF MIDLAND

THIS PLAT WAS ACKNOWLEDGED BEFORE ME ON ____, 2024 BY CORTNEY SMITH.

NOTARY PUBLIC, STATE OF TEXAS

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. BEARINGS/DISTANCES/COORDINATES REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, WITH A CORNERED GRID FACTOR OF 0.9999997 AND A THETA ANGLE OF -00°53'27".
4. THE AREA SHOWN ON THIS PLAT IS IN FLOOD ZONE X ACCORDING TO FIRM MAP NUMBER 48329C0200F DATED SEPTEMBER 16, 2005 AND FIRM MAP NUMBER 48329C0200F DATED SEPTEMBER 16, 2005.
5. 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.
6. A BLANKET EASEMENT OF INGRESS AND EGRESS FOR GARBAGE AND TRASH COLLECTION PURPOSES IS HEREBY GRANTED.

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

Signed: _____
Onor Electric Delivery Company

Signed: _____
Optimum

Signed: _____
A. T. & T.

Signed: _____
Astound Broadband

Signed: _____
Altice Energy

CERTIFICATE OF APPROVAL: FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF PARKWAY SOUTH ADDITION, SECTION 4, WAS APPROVED BY PROPER ACTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS, ON THIS ____ DAY OF ____, 2024.

Signed: _____
Lucy Stanaga, Chairman

Signed: _____
Xavier Bouquess, Secretary

SURVEYOR'S CERTIFICATE:

THAT I, DOW E KELLY, 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 WERE FOUND PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

REGISTERED PROFESSIONAL SURVEYOR



NEWTON ENGINEERING, PC
4511A Santa Rosa Dr. P-13855 2481 E. 2nd St.
Midland, Texas 79707 F-10194509 Odessa, Texas 79761
(409) 726-0000 (432) 933-0707

March 18, 2024
DATE: FEBRUARY 2024

PRELIMINARY PLAT

PROJECT NUMBER
23-ME12191

PACKET

Page 9.280



Preliminary Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: Parkway South Addition, Section 4Legal Description (attached sealed Metes and Bounds): _____
_____**Property Owner**Printed Name: Midland Independent School DistrictPhone (432) 240-1008Email cortney.smith@midlandisd.netAddress 605 W. Missouri AvenueCity MidlandState TexasZip 79701**Developer (if different than Owner)**

Printed Name: _____

Phone () _____

Email _____

Address _____

City _____

State _____

Zip _____

Representative (if acting as Agent, see affidavit on page 2)Firm: Newton Engineering, PCPrinted Name: Kyle L. Newton, PEPhone (432) 935-0707

Email _____

kyle@newtoncivil.comAddress 4501A Santa Rosa DriveCity MidlandState TexasZip 79707Current Zoning: SF-1Reason for Platting: Create a single lot for development purposes.**Plat Information**

Total Acreage: _____

44.75 acType: ☐ Single-Family Residential☐ Multi-Family Residential☒ Commercial☐ Extraterritorial Jurisdiction (ETJ)Number of Lots: 1

Number of Multi-family Dwelling Units: _____

Submittal and Fees

Items to be submitted with this application form:

- 1 FOLDED Copy of Dimensioned Plat
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF)
- Application Fee – Payable to the 'City of Midland'

Request for a Development AgreementDo you expect to request a development agreement with the City? ☐ Yes ☒ No

If yes, contact the City Engineer at (432) 685-7286



Provisions

A plat application will not be considered filed pursuant to Section 212.009 of the Texas Local Government Code until all required documents and fees have been submitted and ***all of the terms and conditions of the Subdivision Ordinance, including all necessary studies, plans and supporting information are accepted and approved***, or the applicant has filed a waiver request for sections from which the plat deviates. Once a plat meets the requirements to be considered filed with the City, the application will be placed on the Planning and Zoning Commission agenda for consideration under the time requirements set out in Section 212.009.

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

Property Owner (signature):



Date: 2/19/2024

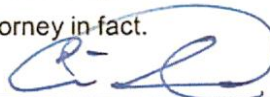
Property Owner (printed): Cortney Smith (Chief of Facilities and Operations)

The Preliminary 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.

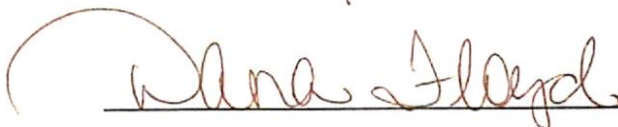
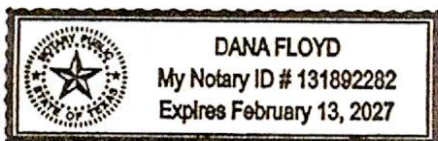
STATE OF TEXAS COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Cortney Smith who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or is authorized by Midland Independent School Distr 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 19th day of February, 2024, to certify which witness my hand and seal of office.



NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ 1 Copy of Dimensioned Plat

☐ Plat in Digital Format (PDF/JPEG)

☒ Application Fee

☒ 1 Copy of Plat (11x17)

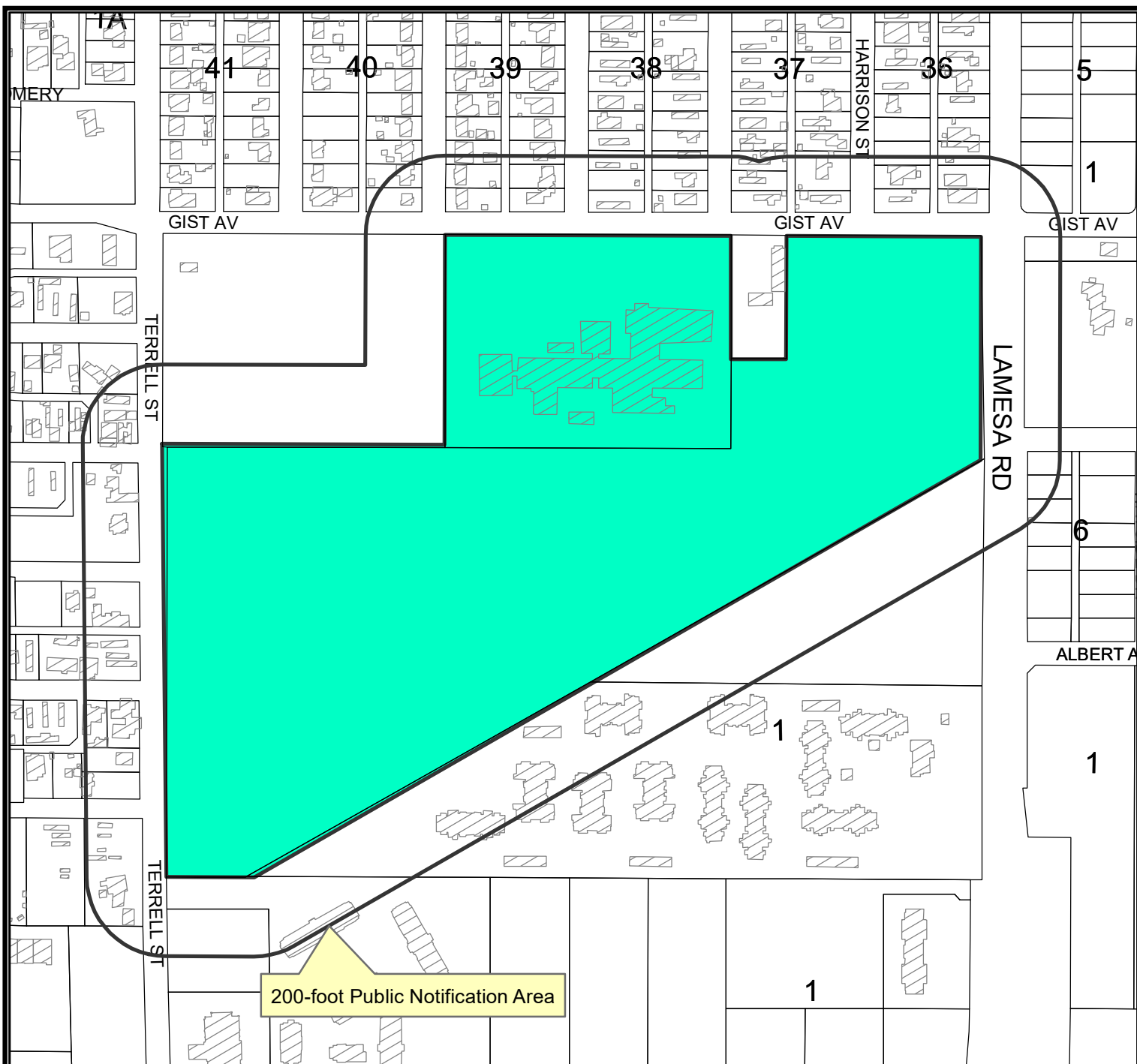
Check # 1579

Received By: 

Date: 2/20/24



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



LOCATION MAP

SUB-23-0710

Scale: 1" = 360'

Proposed plat of Parkway South Addition, Section 4, being a Replat of Lot 1, Block 2, Parkway South Addition, Section 2, an 8.0-acre tract of land and a 0.429-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of South Lamesa Road and East Gist Avenue. (District 2)

LEGEND

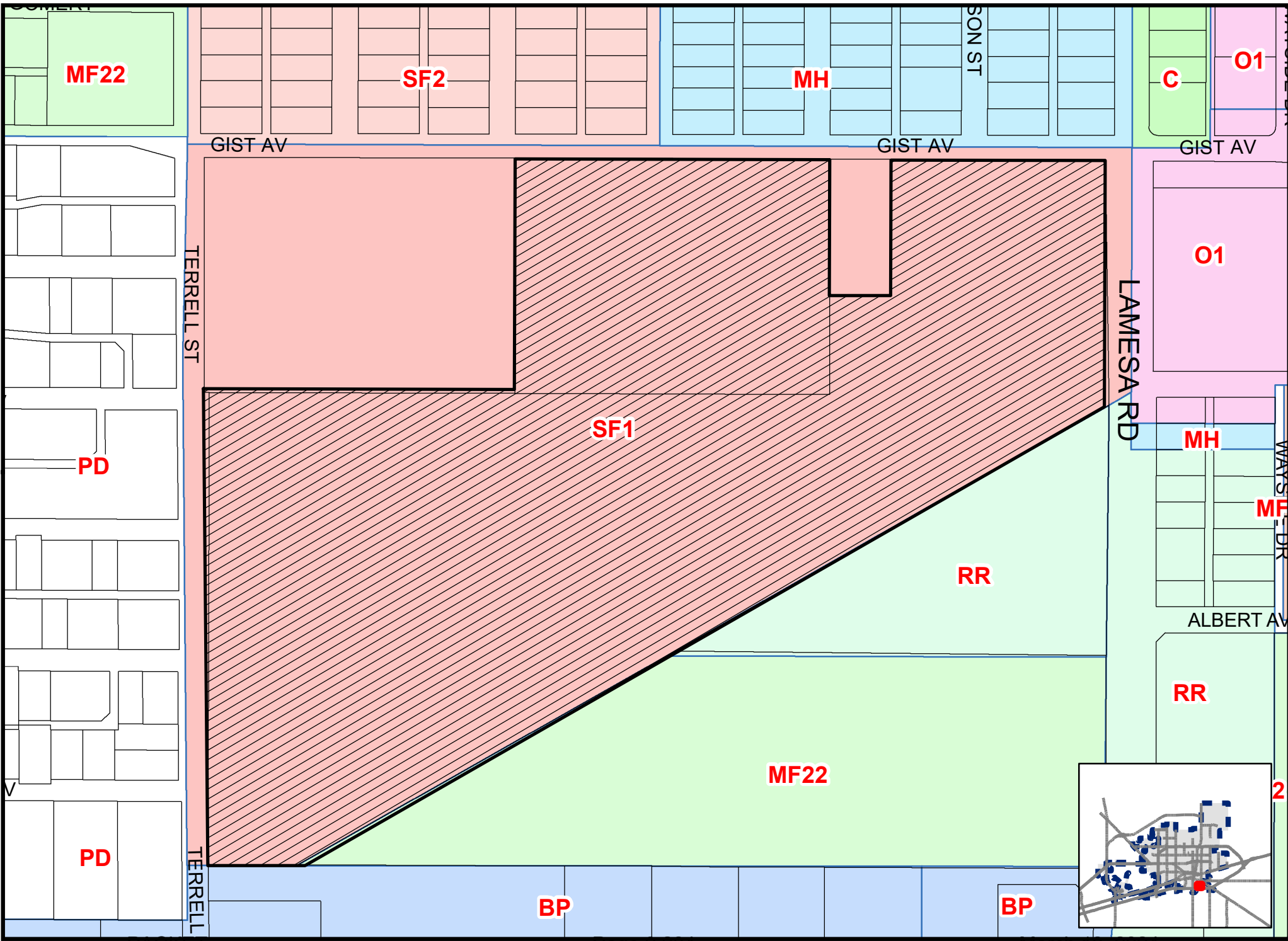
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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





Planning and Zoning Commission

Approved for
Agenda:
Xavier Bauguess

MEETING DATE: March 18, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Daniel Humbert, Planner

SUBJECT: Motion approving with staff's recommended conditions, a proposed Preliminary Plat of West Terminal Addition, Section 11 being a 5.42-acre tract of land out of southwest/4 of located in Section 1, Block 41, T-2-S, RR Co. Survey, Midland County, Texas. (Generally located on the south side of West County Road 100, approximately 1,360 feet east of South County Road 1295.) (EXTRATERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X **Approve** **Deny** **Directional/Informational**

Details of Request:

Landgraf, Crutcher & Associates, on behalf of Sonic Connectors LTD, is requesting to plat a property located at 11915 West County Road 100. The applicant is platting to develop the property as future building permits may be required. The proposed subdivision will have one (1) lot with a total acreage of 5.42.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

This request has been routed to all respective departments for internal review. The comments are below.

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.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: There are no impact fees associated with this plat. Plat outside designated service areas. [For Applicant's Information Only.]

ROW: Revert to Transportation's comments. [For Applicant's Information Only.]

PAVING: WCR 100 is sub-standard, construct to City Standards for entire platted frontage or request a deferral. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

WATER: None existing. Construct water to City standards along entire platted frontage, or request a deferral. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

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: None existing. Construct wastewater to City standards along entire platted frontage, or request a deferral. [Reference Midland City Code Sect. 11-2-3(G)1 & 11-2-4(A)2(a)]

DRAINAGE: Drainage report is required during preliminary stage of the platting process.

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

SIDEWALKS: Required at building permit. However, subdivision located in county so request a deferral. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

TRANSPORTATION: (Approved)

Sketch plat comments not addressed, "Provide this project's share of a 120 ft total right-of-way (60 ft half-street right-of-way) on WCR 100. [Reference City Code Section 11-2-5(C)2.]"

FIRE: (Approved)

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

ordinances.

OIL AND GAS: (Approved)

Not in the City limits- no oil or gas jurisdiction.

GIS: (Approved)

Metes and bounds and calls on plat do not match. Directionality describing C2 in metes and bounds is incorrect. (currently shows S86-42-53E but should be N86-42-53E) (curve table for C2 is correct but not in metes and bounds) Section number can be 10. Lot can be 15 and block is 7.

PUBLIC WORKS: (Approved)

The vicinity map needs to be zoomed into the property and surrounding area for location purposes.

Change dates on signature lines

Fix notary paragraph

Change the City Signature line name.

CRMWD: (Approved)

No comments.

HEALTH DEPARTMENT: (Approved)

Yes, the health department will review application from the 1 proposed lot of West Terminal Addition Section 11, BEING A 5.4 ACRE TRACT, SECTION 1 BLOCK 41 T-2-S, T&P RR CO. SURVEY MIDLAND COUNTY TEXAS, the lot is 5.4 acres, to ensure the proposed plans for the existing structures on the application and for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

PLANNING: (Approved)

Make location map more accurate.

Change year to 2024 both times under Owners Certificate.

Change year to 2024 under Certificate of Approval.

Change Secretary to Xavier Bauguess.

Correct spelling of Beings to Bearings in Note 1.

Staff recommends approval of the Preliminary Plat of West Terminal Addition, Section 11, subject to condition A.

Conditions:

- A. Approval of this preliminary plat is subject to the Final plat including 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:

Application
Preliminary Plat
Maps



Preliminary Plat Application

Project Number:

SUB-23-0693

Case Number:

Proposed Subdivision Plat Name: West Terminal Addition Section 11

Legal Description (attached sealed Metes and Bounds): Being a 5.42 acre tract of land located in Section 1, Block 41 T-2-S Midland County, Texas

Property Owner

Printed Name: Sonic Connectors. LTD

Phone (432) 563-5511

Email

Address 12001 West County Road 125

City Odessa

State TX

Zip 79765

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 lca@lcaodessa.com

Address 521 N. Texas Avenue

City Odessa

State TX

Zip 79761

Current Zoning:

Reason for Platting: To develop the property, future building permits may be required.

Plat Information

Total Acreage: 5.42

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

Number of Residential Lots: 0

Number of Multi-Family Dwelling Units: 0

Submittal and Fees

Items to be submitted with this application form:

- 1 FOLDED Copy of Dimensioned Plat
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF)
- Application Fee – Payable to the 'City of Midland'

Request for a Development Agreement

Do you expect to request a development agreement with the City? ☐ Yes ☐ No

If yes, contact the City Engineer at (432) 685-7286

Provisions

A plat application will not be considered filed pursuant to Section 212.009 of the Texas Local Government Code until all required documents and fees have been submitted and ***all of the terms and conditions of the Subdivision Ordinance, including all necessary studies, plans and supporting information are accepted and approved***, or the applicant has filed a waiver request for sections from which the plat deviates. Once a plat meets the requirements to be considered filed with the City, the application will be placed on the Planning and Zoning Commission agenda for consideration under the time requirements set out in Section 212.009.

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

Property Owner (signature):

Date:

Property Owner (printed):

The Preliminary 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.

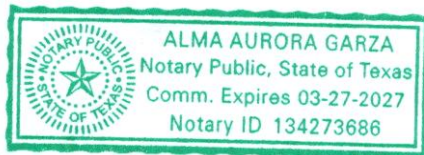
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared George Thornley who, being by me duly sworn, upon oath says: That (s)he is authorized by Sonic Connectors, 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.

Authorized Agent (signature)

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



Alma Aurora Garza
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☒ Application Fee | ☒ 1 Copy of Plat (11x17) | |

Check # 42034

Received By:

Date:

RECEIVED
FEB 21 2024

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

PRELIMINARY PLAT

WEST TERMINAL ADDITION, SECTION 11

BEING A 5.42 ACRE TRACT LOCATED IN SECTION 1,
BLOCK 41, T-2-S T&P RR CO. SURVEY
MIDLAND COUNTY, TEXAS

LEGAL DESCRIPTION
OF A 5.42-ACRE TRACT
LOCATED IN SECTION 1, BLOCK 41, T-2-S
T&P RR CO. SURVEY
MIDLAND COUNTY, TEXAS

BEING A 5.42-ACRE TRACT LOCATED IN THE REMAINDER OF THAT CERTAIN 2,394.70
ACRE TRACT AS DESCRIBED VOLUME 247, PAGE 294 OF THE DEED RECORDS OF
MIDLAND COUNTY, TEXAS IN SECTION 1, BLOCK 41, T-2-S, T&P RR CO. SURVEY,
MIDLAND COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES
AND BOUNDS AS FOLLOWS:

BEGINNING AT (Y=10,674,074.96' AND X=1,702,837.30') A 1/2" IRON ROD WITH CAP
MARKED "LCA ODESSA TX" FOUND AT THE SOUTHEAST CORNER OF LOT 7, BLOCK 7,
WEST TERMINAL ADDITION, SECTION 2 AS DESCRIBED IN CABINET 1, PAGE 10 OF
THE MIDLAND COUNTY PLAT RECORDS, WHENCE A 1/2" IRON ROD WITH CAP MARKED
"HOWELL 4631" BEARS NORTH 62° WEST, 0.6 FEET AND A 1/2" IRON ROD WITH CAP
MARKED "HOWELL 4631" (CONTROL MONUMENT) FOUND AT THE COMMON
SOUTHWEST CORNER OF SAID LOT 7 AND THE SOUTHWEST CORNER OF LOT 7 OF
SAID BLOCK 7 BEARS SOUTH 75°42'49" WEST, A DISTANCE OF 363.73 FEET.

THENCE NORTH 14°57'29" WEST WITH THE EAST LINE OF SAID LOT 7, A DISTANCE OF
376.19 FEET TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" FOUND AT THE
NORTHEAST CORNER OF SAID LOT 7 IN THE CURVED SOUTH RIGHT-OF-WAY LINE OF
WEST COUNTY ROAD 100, A 60-FOOT PUBLIC RIGHT-OF-WAY, WHENCE A 1/2" IRON
ROD WITH CAP MARKED "HOWELL 4631" (CONTROL MONUMENT) FOUND AT THE POINT
OF TANGENCY BEARS A CHORD OF SOUTH 73°29'24" WEST, A DISTANCE OF
254.56 FEET.

THENCE ALONG SAID CURVE TO THE LEFT IN A NORTHEASTERLY DIRECTION,
HAVING A RADIUS LENGTH OF 2,060.94 FEET, A DELTA ANGLE OF 82°50'11", AN ARC
LENGTH OF 105.64 FEET, A CHORD LENGTH OF 105.63 FEET BEARING SOUTH 69°23'53"
EAST TO A 1/2" IRON ROD WITH CAP MARKED "HOWELL 4631" FOUND AT THE POINT OF
TANGENCY OF THE SOUTH RIGHT-OF-WAY OF SAID WEST COUNTY ROAD 100.

THENCE NORTH 69°59'27" EAST WITH THE SOUTH RIGHT-OF-WAY OF SAID WEST
COUNTY ROAD 100, A DISTANCE OF 172.02 FEET TO A 1/2" IRON ROD WITH CAP
MARKED "HOWELL 4631" FOUND AT THE POINT OF CURVATURE OF A CURVE TO THE
RIGHT.

THENCE ALONG SAID CURVE TO THE RIGHT IN A SOUTHEASTERLY DIRECTION,
HAVING A RADIUS LENGTH OF 365.77 FEET, A DELTA ANGLE OF 79°23'51", AN ARC
LENGTH OF 251.73 FEET, A CHORD LENGTH OF 246.80 FEET BEARING SOUTH 80°42'33"
EAST TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" FOUND AT THE POINT
OF TANGENCY OF THE SOUTH RIGHT-OF-WAY OF SAID WEST COUNTY ROAD 100.

THENCE SOUTH 73°38'45" EAST WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID WEST
COUNTY ROAD 100, A DISTANCE OF 15.48 FEET TO A 1/2" IRON ROD WITH CAP MARKED
"LCA ODESSA TX" FOUND AT A CUT-BACK CORNER.

THENCE SOUTH 28°49'20" EAST WITH SAID CUT-BACK, A DISTANCE OF 28.33 FEET TO
A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" FOUND AT A CUT-BACK
CORNER IN THE WESTERN RIGHT-OF-WAY OF A FUTURE 120-FOOT ROAD.

THENCE SOUTH 14°59'28" WEST WITH THE WESTERN LINE OF SAID 120-FOOT
RIGHT-OF-WAY, A DISTANCE OF 518.18 FEET TO A 1/2" IRON ROD WITH CAP MARKED
"LCA ODESSA TX" FOUND AT A POINT OF CURVATURE OF A CURVE TO THE RIGHT.

THENCE ALONG SAID CURVE TO THE RIGHT IN A SOUTHWESTERLY DIRECTION,
HAVING A RADIUS LENGTH OF 10,000.00 FEET, A DELTA ANGLE OF 90°49'09", AN ARC
LENGTH OF 100.11 FEET, A CHORD LENGTH OF 100.07 FEET BEARING SOUTH 18°57'39"
WEST TO A 1/2" IRON ROD WITH CAP MARKED "LCA ODESSA TX" FOUND AT THE
SOUTHEAST CORNER OF THIS TRACT, WHENCE A 1/2" IRON PIPE FOUND AT THE
NORTHEAST CORNER OF SAID SECTION 11 BEARS NORTH 75°54'54" EAST, A DISTANCE
OF 1,292.09 FEET AND NORTH 14°59'28" WEST, A DISTANCE OF 2,151.15 FEET.

THENCE SOUTH 75°02'49" WEST, A DISTANCE OF 213.80 FEET TO THE POINT OF
THE BEGINNING CONTAINING 5.42 SURFACE ACRES

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That, SONIC CONNECTORS, LTD., do hereby adopt this plat designating the
herein described property as, an addition to Midland County, Texas, and do hereby
dedicate to the public use forever the street, alley and easements shown thereon for
the purpose and consideration therein expressed, and an easement of gross and
ingress for trash collection, and location and maintenance of trash containers, and as a
condition of said easement that no construction shall commence on the said lot or lots
until the exact location of said containers there with have been selected and approved
by the Director of Utilities.

WITNESS our hands at Midland, Texas this ____ day of _____, 2023.

SONIC CONNECTORS LTD
OWNER

THE STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, a Notary Public in and for the State of
Texas, on this day personally appeared XXXXXX, known to me to be the person whose
name is subscribed to the foregoing instrument, and acknowledged to me that he executed
the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this ____ day of _____, 2023.

My commission expires _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PACKET

CERTIFICATE OF APPROVAL

For approval by the Commission:

This is to certify that the above and foregoing Plat of WEST TERMINAL
ADDITION, SECTION 11, was approved by proper action of the City Planning
and Zoning Commission of the City of Midland, Texas

on this ____ day of _____, 2023.

SIGNED:

CHAIRMAN OF PLANNING & ZONING COMMISSION
LUCY SINEGUA

SIGNED:

SECRETARY OF PLANNING & ZONING COMMISSION
CRISTINA BURNS

THE UTILITY COMPANIES CERTIFICATE

This plat has been checked for accessibility of utilities

ATMOS ENERGY

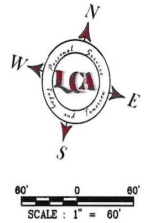
AT&T TELEPHONE COMPANY

ONCOR ELECTRIC

OPTIMUM

ASTOUND BROADBAND

Page 10.291



LEGEND

* FOUND 1/2" I.R. W/CAP "LCA ODESSA
TX" UNLESS OTHERWISE NOTED
○ SET 1/2" I.R. W/CAP
UNLESS OTHERWISE NOTED
M.C.P.R. MIDLAND COUNTY PLAT
RECORDS
O.P.R.M.C.T. OFFICIAL PUBLIC RECORDS
MIDLAND COUNTY TEXAS

CURVE TABLE					
Curve #	DELTA	RADIUS	LENGTH	CH. BEARING	CH. DIST.
C1	82°50'11"	2,060.94'	105.64'	N 69°23'53" E	105.63'
C2	39°23'58"	365.77'	251.73'	N 80°42'33" E	246.80'
C3	90°49'09"	10,000.00'	100.11'	S 18°57'39" W	100.07'

GENERAL NOTES

- BEINGS, DISTANCES AND COORDINATES ARE
RELATIVE TO THE TEXAS COORDINATE SYSTEM, 1983
NAD, CENTRAL ZONE, BASED ON THE CITY OF
ODESSA GPS CONTROL MONUMENT "ODM"
(Y=10,662,407.78' AND X=1,685,263.80') WITH A THETA
ANGLE OF 0°40'09"33" AND A COMBINED GRID FACTOR
OF 0.9987006. ELEVATIONS ARE BASED UPON NAVD 88
- SELLING A PORTION OF THIS ADDITION BY METES
AND BOUNDS MAY BE A VIOLATION OF CITY
ORDINANCE AND STATE LAW SUBJECT TO FINES AND
WITHHOLDING OF UTILITIES AND BUILDING
PERMITS
- PROPERTY LIES IN ZONE X PER FEMA/FIRM MAPS
48329C175F AND 48329C200F, REVISED SEPTEMBER 16,
2005.
- MIDLAND COUNTY SHALL NOT BE RESPONSIBLE FOR
MAINTENANCE OF PRIVATE STREETS, DRIVES,
EMERGENCY ACCESS EASEMENTS, RECREATION
AREAS, AND OPEN SPACES. AND THE OWNERS SHALL
BE RESPONSIBLE FOR THE MAINTENANCE OF
PRIVATE STREETS, DRIVES, EMERGENCY ACCESS
EASEMENTS, RECREATION AREAS, AND OPEN SPACES,
AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE
HARMLESS MIDLAND COUNTY FROM ALL CLAIMS,
DAMAGES, AND LOSSES, ARISING OUT OF OR
RESULTING FROM THE PERFORMANCE OF THE
OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS
PARAGRAPH.
- "APPROVAL OF A SITE PLAN BY THE CITY OF
MIDLAND MAY BE REQUIRED BEFORE THESE LOTS
MAY BE DEVELOPED AND BEFORE A BUILDING
PERMIT MAY BE OBTAINED."

SURVEYOR'S CERTIFICATE
KNOW ALL MEN BY THESE PRESENTS:

That I, John F. Landgraf, a Registered Professional Land Surveyor of the State of
Texas, do hereby certify that this plat was prepared from an actual and accurate survey
of the land and that the corner monuments shown thereon were properly placed under
my personal supervision, in accordance with the subdivision regulations of the
City of Midland, Texas.

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY
PURPOSE AND SHALL NOT BE USED FOR VENUE OF
RECORD UPON AS A FINAL SURVEY DOCUMENT.
JOHN F. LANDGRAF, R.L.S., #2410

OWNER: SONIC CONNECTORS, LTD.
12001 W. CO. RD. 125
ODESSA, TEXAS 79615
PHONE: (432-563-5511)

ENGINEER: LANDGRAF, CRUTCHER & ASSOC. INC.
521 NORTH TEXAS
ODESSA, TEXAS 79611-5131
PHONE: (432) 332-5058

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

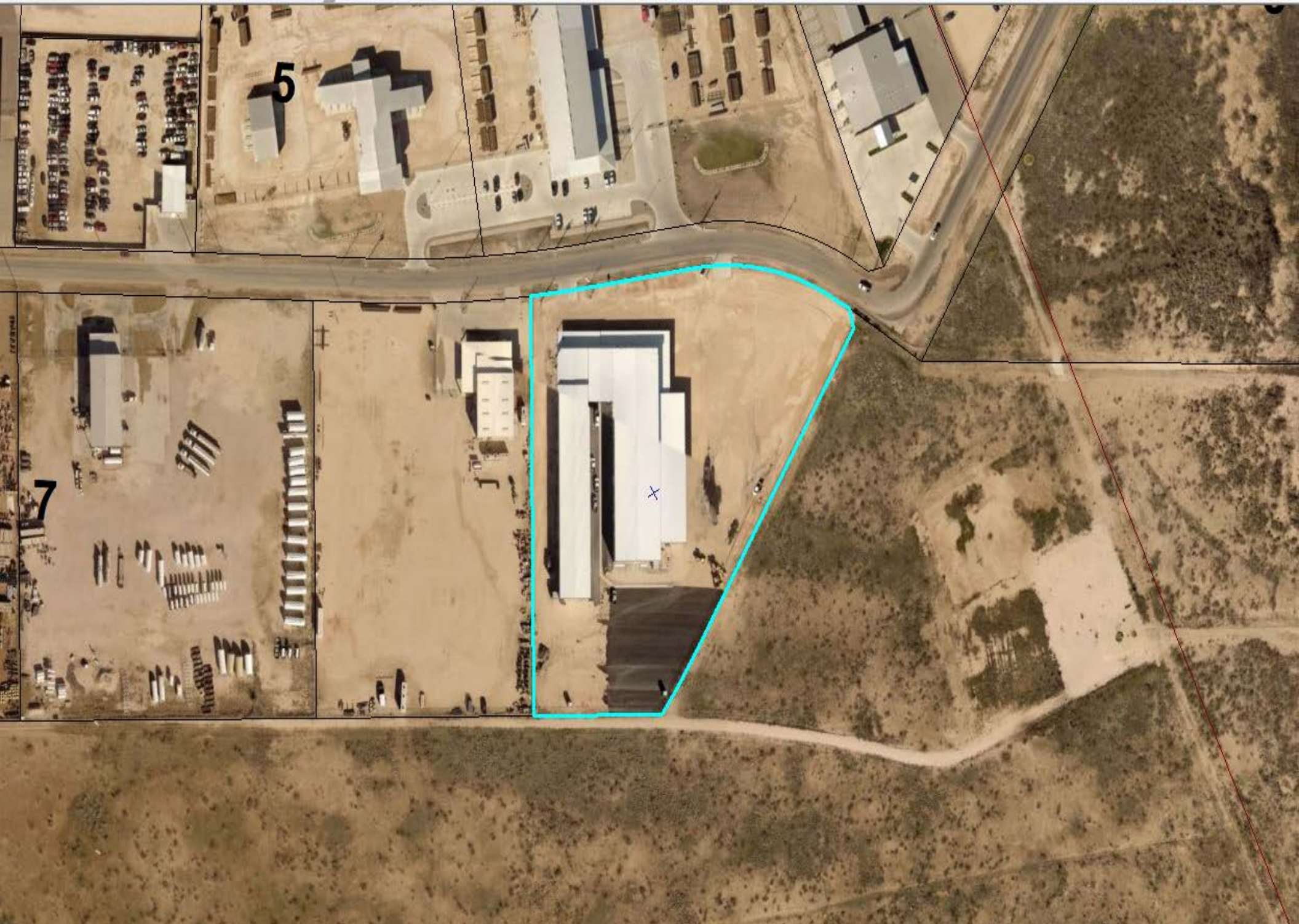
No. _____ CABINET _____

DATE _____ PAGE _____



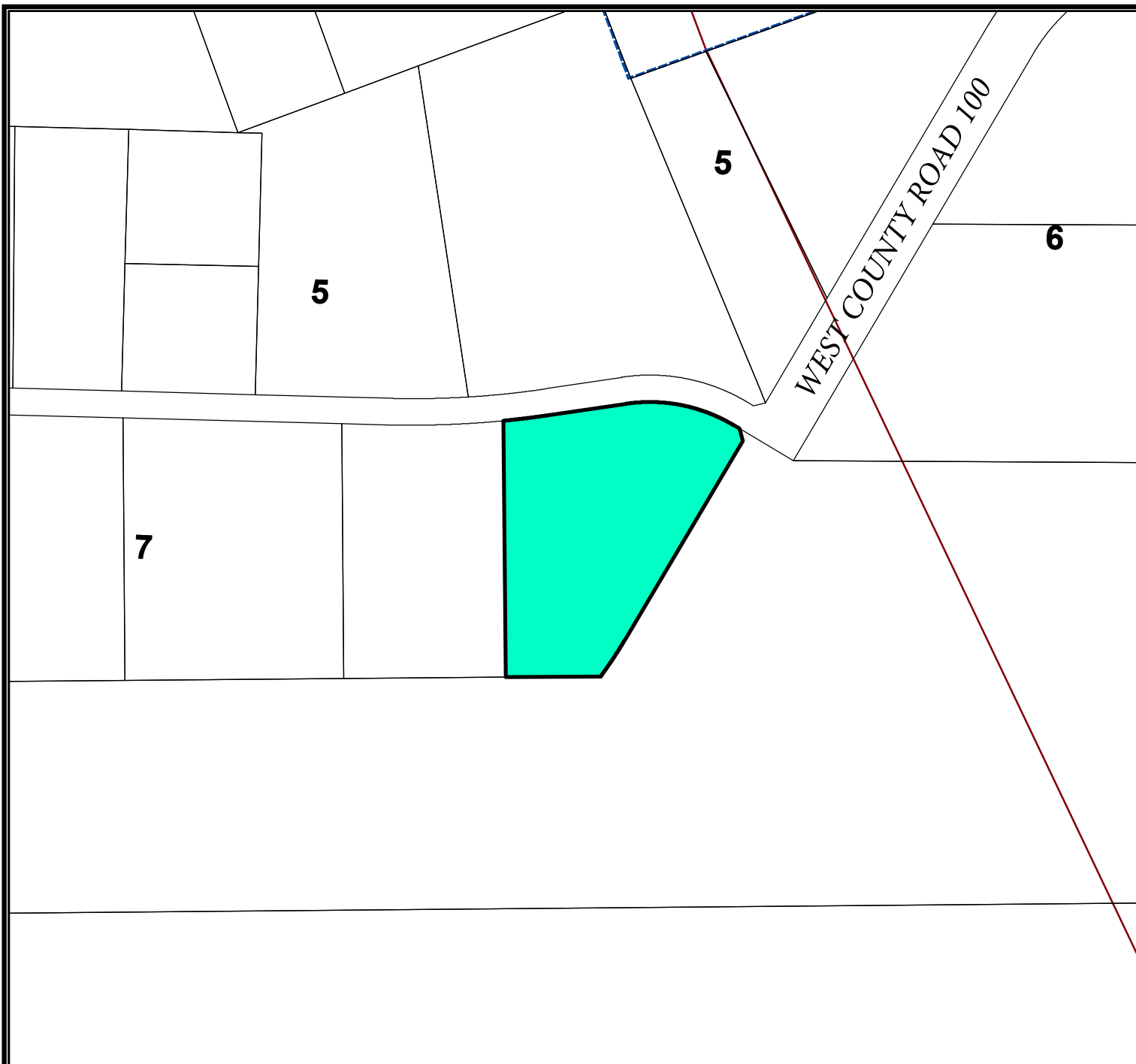
WEST TERMINAL ADDITION, SECTION 11

LCA ENGINEERING, CONSULTING AND SURVEYING
521 North Texas, Odessa Tx, 79761 F-001363 F-10034300
Phone: (432) 332-5058 E-Mail: lca@caodessa.com



5

7



Location Map

SUB-23-0693

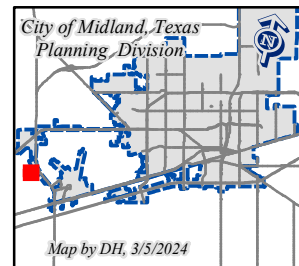
Scale: 1" = 324'

Proposed Plat of West Terminal Addition, Section 11 being a 5.42-acre tract of land out of southwest/4 of located in Section 1, Block 41, T-2-S, RR Co. Survey, Midland County, Texas.

Generally located on the south side of West County Road 100, approximately 1,360 feet east of South County Road 1295. (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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



Planning and Zoning Commission

Approved for
Agenda:
Xavier Bauguess

MEETING DATE: March 18, 2024

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Senior Planner

SUBJECT: Motion approving, with staff's recommended conditions, a Preliminary Plat of Westridge Park Addition, Section 55, being a plat of a 28.97-acre tract of land out of the northwest quarter of Section 48, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Tradewinds Boulevard and Leisure Drive.) (DISTRICT 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

Parkhill, on behalf of Westridge Village, LP, is requesting to plat a 28.97-acre tract of land out of the northwest quarter of Section 48, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas into two lots for future development.

Current Zoning:

PD, Planned District (Ordinance 9949)

This request has been routed to all respective departments for internal review. The comments are below.

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.

SURVEYOR: (Approved)

No comment.

ENGINEERING: (Approved with Conditions)

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

ROW: Leisure Dr. is labeled 60' ROW. Leisure Dr. is a 80' ROW . [For Applicant's Information Only.]

Provide 20 ft x 20 ft intersection corner clips at NW property corner. [Reference City Code Section 11-2-5(C)3(k).] 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.]

PAVING: Tradewinds Blvd. okay as is. No public paving improvements required. Leisure Dr. okay as is. No public paving improvements required. Loop 250 Frontage road is TxDOT facility, built and maintained by TxDOT, no improvements required. [For Applicant's Information Only.]

WATER: 12" water main line located south of the tract, a 16' water main line is located west of the tract, and a 12' waterline located along the east side of tract. No public water improvements required at this time [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: An 8" waste water line located south of the tract, a 12" & 8" waste water line located west of the tract, and an 8" waste water line to the north of the tract. No public sewer improvements required at this time. [For Applicant's Information Only.]

DRAINAGE: Drainage letter was approved for platting purposed[For Applicant's Information Only.]

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

SIDEWALKS: Required with building permit. [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)

No Oil and Gas issues.

GIS: (Approved)

No comments.

PLANNING: (Approved with Conditions)

Uncapitalize "Northwest" in the legal description. [Informational]

Approval by the Council will be required prior to consideration of a final plat by the commission for any preliminary plat that is ten hectares (25 acres) or more in area and involves any request for a variance from the regulations of this Chapter. [Midland City Code 11-2-3(D)11(a)(1)]

Staff recommends approval of the Preliminary Plat Westridge Park, Section 55, subject to conditions A and B.

Condition:

- A. Approval of this preliminary plat is subject to the Final plat including 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.**
- B. Approval by the City Council shall be required prior to consideration of a final plat by the Commission on which any preliminary plat is ten hectares (25 acres) or more in area and is located in any survey section (approximately one square mile) which does not contain a publicly owned site or sites intended for both a public school and park, or public site reservation therefor; Midland City Code 11-2-3(D)11(a)(6).**

Attachments:

Proposed Preliminary Plat
Application
Location Map
Zoning Map
Aerial

PRELIMINARY PLAT WESTRIDGE PARK ADDITION

SECTION 55

Being an 28.97-acre tract of land located in the Northwest quarter of RR, Section 49, Block 4, T. & P. of Midland, Texas

0 100' 200'

LEGEND

- Proposed Acre Limits
- Proposed Acre Lines
- Proposed Easements
- Existing Lot
- Existing Easements
- Existing Acre Line
- Existing Contours

NOTE

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW.
2. ANY IMPROVEMENTS WILL BE ACHIEVED BY THE CITY OF MIDLAND.
3. THE CITY OF MIDLAND MAY BE REQUIRED TO PROVIDE SERVICE TO THE ADDITION.
4. THE CITY OF MIDLAND MAY BE REQUIRED TO PROVIDE SERVICE TO THE ADDITION.
5. THE CITY OF MIDLAND MAY BE REQUIRED TO PROVIDE SERVICE TO THE ADDITION.
6. THE CITY OF MIDLAND MAY BE REQUIRED TO PROVIDE SERVICE TO THE ADDITION.
7. THE CITY OF MIDLAND MAY BE REQUIRED TO PROVIDE SERVICE TO THE ADDITION.
8. THE CITY OF MIDLAND MAY BE REQUIRED TO PROVIDE SERVICE TO THE ADDITION.

SURVEYOR'S

Franklin Leamons, 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.

Franklin Leamons,
R.P.L.S. #6889

SPECIAL STATE PLANE

Section 55 is located in the Northwest quarter of RR, Section 49, Block 4, T. & P. of Midland, Texas. The distances and areas are relative to the Texas State Plane Coordinate System (Central Zone 1983 NAD), with a combined scale factor of 0.99999260 and a theta angle equal to -0° 59' 33" at a 1/2-inch iron rod with a plastic cap marked "PSC CONTROL", said control point having the following coordinates: NORTHING = 10,686,977.94 and EASTING = 1,733,007.92 in U.S. Survey Feet.

INSURANCE: The Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map, Community Number 481229, Map Number 48329C01822, revised 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.

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND
WESTRIDGE VILLAGE, LP, is the record owner of 28.97 Acres of Land Located in Section 49, Block 40, T-1-S T&P RR Co. Survey, City and County of Midland, Texas and more.

THESE PRESENTS
That we, WESTRIDGE VILLAGE, LP, do hereby adopt this plat designating the herein above described property as WESTRIDGE PARK ADDITION, SECTION 55 to the City and County of Midland, Texas, and we do hereby dedicate to the public use of the City and County of Midland, Texas, on this day of _____, 2024.

By: Alan U. Feinsilver, President
Notary Public
Signature

UTILITY COMPANY'S

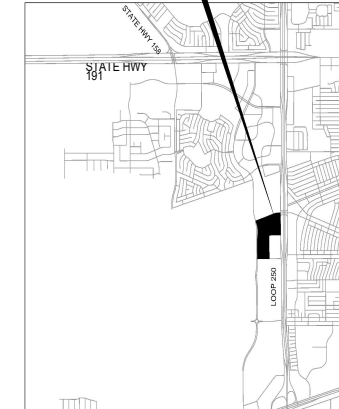
On or Electric Delivery Service (PLEASE PRINT)
AT&T Texas (PLEASE PRINT)
Atmos Energy (PLEASE PRINT)
Optimum (PLEASE PRINT)
Astound Broadband (PLEASE PRINT)

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of WESTRIDGE PARK ADDITION, SECTION 55 was approved by proper action of the City of Midland, Texas, on this day of _____, 2024.

Chairman: Lucy Sisreaga
Secretary: Xavier Bauguess

WESTRIDGE PARK ADDITION N 55



WESTRIDGE PARK ADDITION N 55

Parkhill

TBPES FIRM REGISTRATION
NO. 10194091



Preliminary Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: Westridge Park Addition Section 53**Legal Description (attached sealed Metes and Bounds):** Being an 28.97-acre tract of land located in the Northeast quarter of Section 48, Block 40, T-1-S, T.&P. RR.Co. Survey City and County of Midland, Texas**Property Owner**Printed Name: Westridge Village, LPPhone (713) 266-1101
EmailAddress 1885 Saint James PL St. #1100City HoustonState TXZip 77056**Developer (if different than Owner)**

Printed Name: _____

Phone ()
Email

Address _____

City _____

State _____

Zip _____

Representative (if acting as Agent, see affidavit on page 2)Firm: ParkhillPrinted Name: Josh WallenderPhone (432) 697-1447
EmailJWallender@Parkhill.comAddress 1700 W. Wall St. Ste. #100City MidlandState TXZip 79701**Current Zoning:** PD**Reason for Platting:** Future Development**Plat Information**

Total Acreage:

28.97 Ac.Type: ☐ Single-Family Residential☐ Multi-Family Residential☒ Commercial☐ Extraterritorial Jurisdiction (ETJ)Number of Lots: 2Number of Multi-family Dwelling Units: 0**Submittal and Fees****Items to be submitted with this application form:**

- 1 FOLDED Copy of Dimensioned Plat
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF)
- Application Fee – Payable to the 'City of Midland'

Request for a Development AgreementDo you expect to request a development agreement with the City? ☐ Yes ☐ No

If yes, contact the City Engineer at (432) 685-7286

Provisions

A plat application will not be considered filed pursuant to Section 212.009 of the Texas Local Government Code until all required documents and fees have been submitted and ***all of the terms and conditions of the Subdivision Ordinance, including all necessary studies, plans and supporting information are accepted and approved***, or the applicant has filed a waiver request for sections from which the plat deviates. Once a plat meets the requirements to be considered filed with the City, the application will be placed on the Planning and Zoning Commission agenda for consideration under the time requirements set out in Section 212.009.

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

Property Owner (signature): *Alan D Feinsilver* Date: 1/22/2024

Property Owner (printed): ALAN D FEINSILVER, GP

The Preliminary 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.

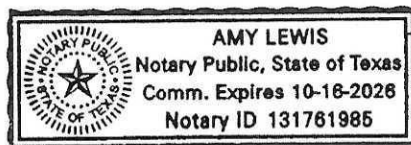
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Shelby Freeman
Authorized Agent (signature)

Subscribed and sworn to before me, this 22 day of January, 2024, to certify which witness my hand and seal of office.



Amy Lewis
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization ☐ 1 Copy of Dimensioned Plat ☐ Plat in Digital Format (PDF/JPEG)

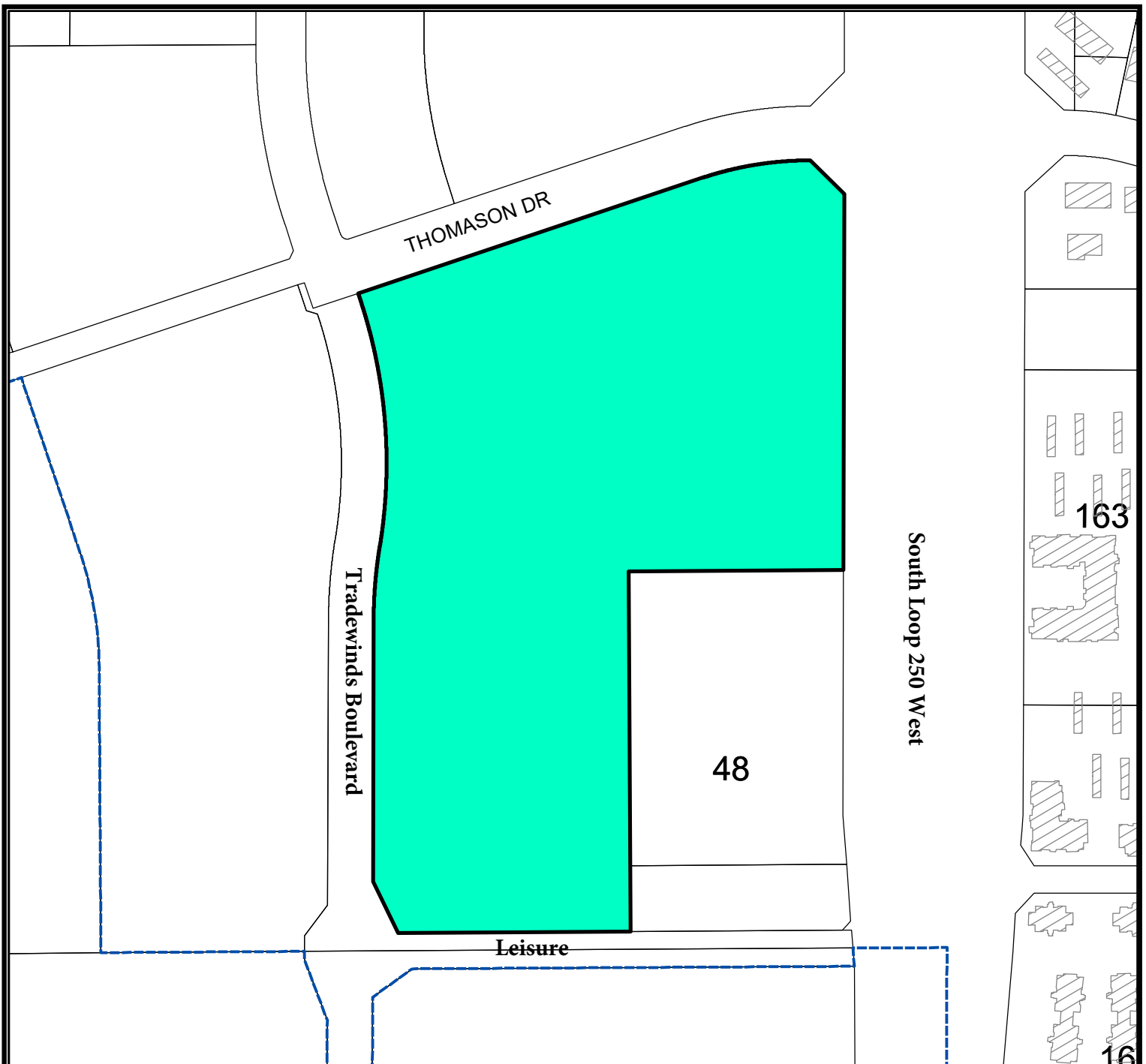
☐ Application Fee ☐ 1 Copy of Plat (11x17)

Check # _____

Received By: _____

Date: _____

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



LOCATION MAP

SUB-24-0715

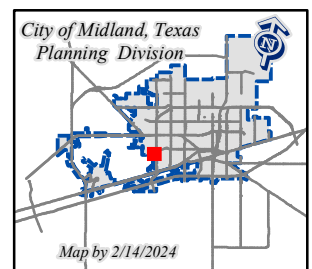
Scale: 1" = 318'

Proposed Plat of Westridge Park Addition, Section 55, being a plat of a 28.97-acre tract of land out of the northwest quarter of Section 48, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of Tradewinds Boulevard and Leisure Drive. (Council District 4)

LEGEND

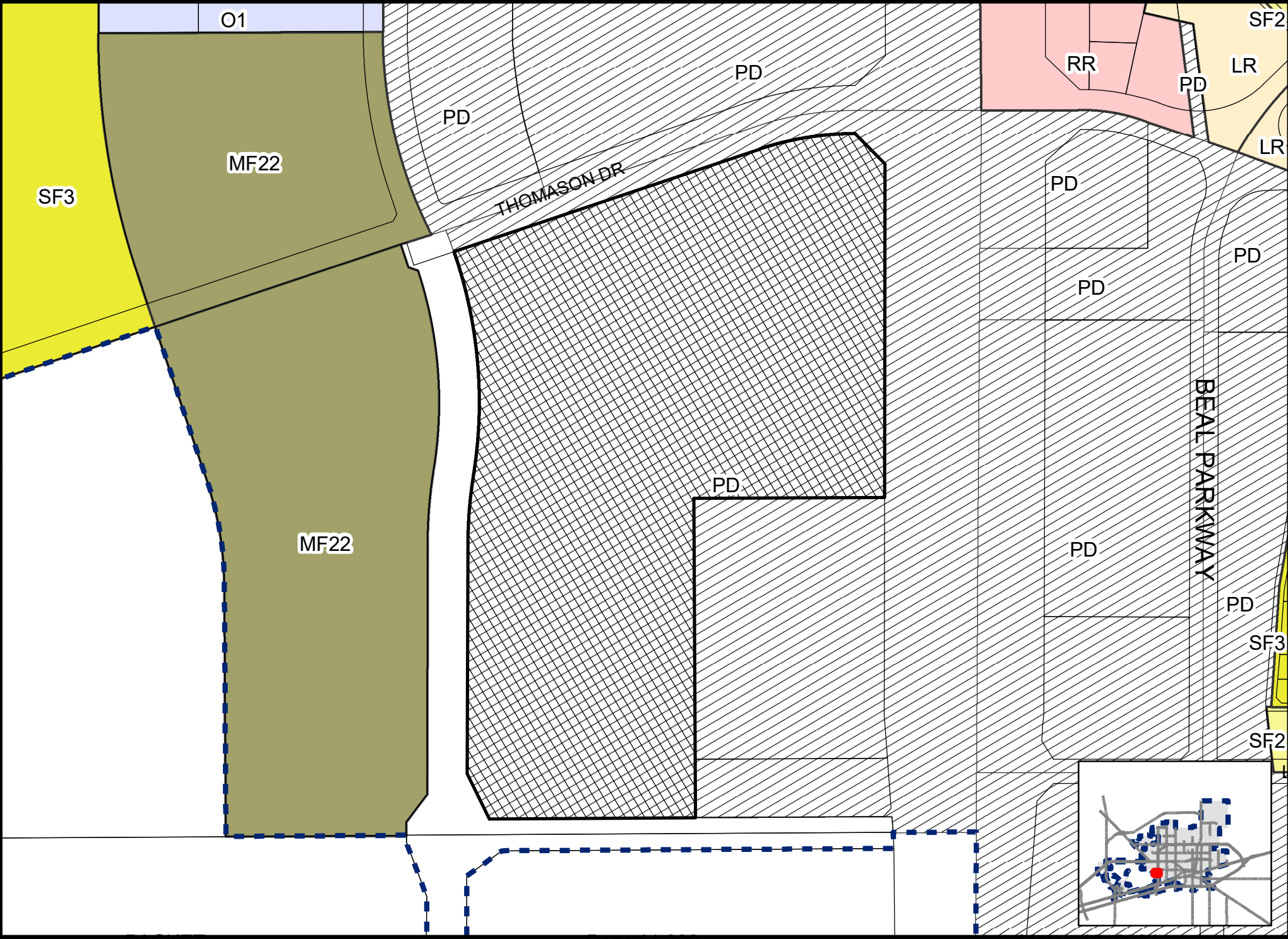
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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





THOMASON DR

BEAL PARKWAY

48

49

PACKET

Page 11.303

March 18, 2024

ORDINANCE NO. 9949

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 46.38-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A PD, PLANNED DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE; 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, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise of a hearing to be held before the City Council on July 9, 2019, to consider amendments to the zoning regulations and map establishing the zoning classification of the property described in Section One hereof as a PD, Planned District, as set out in Title XI, Chapter 1 of the City Code of Midland, Texas; and

WHEREAS, such a public hearing was held in the Council Chambers on July 9, 2019, as advertised; and

WHEREAS, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after considering among other things, the character of the property involved and the surrounding area and its peculiar suitability for particular uses; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality, the Council finds it to be in the best interest of the health, safety, morals and general welfare of the City of Midland to amend the zoning regulations accordingly;

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

SECTION ONE. That the zoning classification of the area indicated on Exhibit "A", attached hereto and incorporated herein by reference, is hereby established as a PD, Planned District.



City Council Agenda

#9949
Approved for Agenda:
mwilliams
City Manager's Office

MEETING DATE: 7/23/2019

TO: City Council / City Manager

FROM: Rolandrea Russell, Senior Planner

SUBJECT: Consider an ordinance on second reading on a request by Pontikes Development, LLC, for the initial zoning of a 46.38-acre tract of land located in Section 48, Block 40, T-1-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive.)

APPROVED

Purpose:

The applicant, Pontikes Development, LLC, is requesting for the initial zoning of a 46.38-acre tract of land located in Section 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas located on the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive that was recently annexed to PD, Planned District.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

This request does not have a significant financial impact to the City.

Current Zoning:

No Current Zoning

Surrounding Zoning and Land Use:

The properties to the north are zoned PD, Planned District for a Shopping Center (Ordinance No. 8227) and PD, Planned District for an Office Center (Ordinance Nos. 8227 and 8559). The properties to the east are zoned PD, Planned District for a Shopping Center (Ordinance No. 8219), and PD, Planned District for a Housing Development (Ordinance No. 9843) and the location of a gas station and undeveloped property. The

property to the west was recently annexed and zoned MF-2, Multiple-Family Dwelling District (Ordinance No. 9911). The property to the south is located in the ETJ, Extraterritorial Jurisdiction and the location of undeveloped property.

Analysis:

The applicant, Pontikes Development, LLC, is requesting for the initial zoning of annexed land to a Planned District for the development of a mixed-use development, including office space, retail and multi-family uses. The subject property is immediately east of a recently annexed 17.55-acre tract of land.

The site is currently in the process of being annexed into City Limits.

This case has been circulated to and reviewed by all pertinent City departments for internal review and has received no objections. Their comments are as follows.

Engineering: Approved with Conditions

No objection to zone change.

Developer participation towards the cost of a future traffic signal at Thomason and Tradewinds will be required.

Access points on Tradewinds must align with the pre-planned median break locations already under construction by the City. Coordinate with Engineering for the approved plans.

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.

Transportation: Approved with Conditions

Depending on the nature and scale of the proposed development, a Traffic Impact Analysis MAY be required prior to approval of construction drawings.

Developer participation towards the cost of a future traffic signal at Thomason and Tradewinds will be required.

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway. Minimum spacing on the service road must be at least 360 ft, so the southern driveway will have to be moved farther north while still remaining well south of the physical ramp gore. The northern driveway location appears to be acceptable as shown.

Both access points on the LP 250 service road will likely require right-turn deceleration lanes.

Access points on Tradewinds must align with the pre-planned median break locations already under construction by the City. Coordinate with Engineering for the approved plans.

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.

Fire:

Awaiting Comments.

Code Administration: Approved

No issues with zone change. Future structures must adhere to the International Building Code, local ordinances, and floodplain requirements if necessary.

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.

Planning:

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, policies that encourage development of prime sites remaining along the 250 Loop and mixed use developments with similar land use intensities along the arterial corridors" (Tall City Tomorrow, Page 63). This development will make full use of existing infrastructure, while also respecting the character of the surrounding neighborhood.

The Planning and Zoning Commission recommended this request for approval at the May 20, 2019 meeting.

The City Council approved this request at the July 9, 2019 meeting.

Staff recommends approval of this initial zoning of Planned District, subject to the following conditions:

Conditions:

- A. That the use and development of Westridge Village shall conform to the regulations of the O-2, Office District, except as stated below.**
- B. That the Planned District Site Layout Plan, which is attached hereto as Exhibit "B" and incorporated herein, shall be considered illustrative and shall only serve as a vision of Westridge Village.**
- C. That the proposed driveways and drive aisles shown in Exhibit "B" shall be considered preliminary and are subject to approval by the City Manager or his designee.**

D. That a Traffic Impact Analysis shall be required before the issuance of a building permit.

E. *Use regulations.* Land and buildings in the Westridge Village PD may be used for any of the following listed uses, but no land shall hereafter be used and no buildings erected, altered or converted which are arranged, designed or used for other than the following uses:

1. Any use permitted in the O-2 Office District, MF-2 Multiple Family Dwelling District, TH Townhouse Dwelling District, and LR-3 Local Retail District (with the exception of the prohibited uses listed below) is permitted within the aggregate limitations shown in the Program Density Table, which is attached hereto as Exhibit "C" and incorporated herein.

2. The following uses from the LR-3 Local Retail District will be prohibited, including:

- a. Mortuary or funeral home;
- b. Monument sales;
- c. Mobile home camping and travel trailer sales, rental and service;
- d. Motor homes sales, rental and service;
- e. Heavy truck (exceeding one-ton capacity) sales, rental and service;
- f. Scientific or research laboratories which comply with the noise and odor control standards of an IP-3 Industrial Park District;
- g. Pawnshops;
- h. Dancehalls; and
- i. Establishments primarily offering appliances, equipment, vehicles or other commodities for rent or lease (commonly referred to as "rent-all"). Vehicles licensed for use on public roadways may be stored and displayed outside without compliance with the screening provisions of the performance standards contained herein.

F. *Area regulations.* Except as hereinafter provided in this Section, no building shall be erected, altered or converted for dwelling purposes or any other main use permitted in this Westridge Village PD, unless such use complies with the following regulations.

1. The Westridge Village PD has no minimum or maximum Lot Area, Lot Width or Lot Depth or Front, Side, or Rear Yard requirements. Such requirements will be set forth on the approved comprehensive site plan applicable to each portion of Westridge Village.

G. *Height regulations.* No building shall be erected to exceed the limitations in height and stories as shown in the Program Density Table on Exhibit "C". "Building Height" shall be measured from the mean ground level elevation

immediately adjacent to the building to the rooftop, excluding any rooftop accessories, including without limitation, mechanical equipment and enclosing rooms, stair penthouses and building parapets not in excess of 8 feet in height.

H. **Floor Area.** Buildable area shall be limited by the Program Density Table on Exhibit "C". A maximum of 1,500,000 gross square feet of Floor Area may be constructed at Westridge Village.

I. **Parking:** Parking within Westridge Village shall be as set forth on Exhibit "C" for the various uses listed

J. **Outdoor Sign Standards:** A Master Sign Plan will provide a hierarchy of signage for Westridge Village typical of mixed-use neighborhood projects, including but not limited to project identification signage located on the perimeter of the property and/or within the surrounding right-of-way.

K. **Site Plan Requirement**

1. **Committee.** The Mayor of the City shall appoint a Westridge Village Site Plan Review Committee (the "Committee"). The Committee shall be composed of City staff, one or more members of the City Council, and one or more members of the Planning and Zoning Commission; provided, however, that the Committee shall not contain a quorum of the City Council or a quorum of the Planning and Zoning Commission.

2. **Review.** A separate comprehensive site plan for each area of Westridge Village shall be submitted to the City's Development Services Department for review by the Committee. The Committee may approve or deny a comprehensive site plan or request additional information about a comprehensive site plan. Each separate comprehensive site plan shall be reviewed and approved by the Committee as a condition precedent to the granting of a certificate of occupancy, as per Section 11-1-9(C) of the Code.

3. **Appeal.** Any person or entity aggrieved by the action of the Committee in the denial of a comprehensive site plan approval shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the City manager's Office, not later than 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed to the appellant. The decision of the City Council on such appeal shall be final and conclusive.

L. **General Traffic Regulations:** As long as the streets within Westridge Village remain private, no permits, other than appropriate permits for alcohol consumption, shall be required for any special events held on the streets.

M. **Function of this Ordinance.** This Ordinance functions as the exclusive land use and zoning regulatory document for Westridge Village. As development

proceeds, additional public hearings for zoning approvals are not required; however, site plan approval is required as set out in Section Two, paragraph (11) of this Ordinance. The provisions of the Code shall apply to Westridge Village except as expressly identified and referenced within this Ordinance.

Letters of Objection:

As of July 5, 2019, staff has received no letters of objection to this request.

Attachments:

Exhibit A, Metes & Bounds
Exhibit B, Illustrative Site Layout Plan
Exhibit C, Proposed Program Density Table
Application
Maps

**Annexation/Initial Zoning**

Project Number:

A-19-0014

Case Number:

2-19-0091**Applicant (if acting as Agent, see affidavit on page 2)**

Printed Name: Pontikes Development, LLC

Phone ()
Email

Address 1885 St. James Place, Suite 1100

City Houston

State TX

Zip 77056

Property Owner

Printed Name: SBC LP

Phone ()
Email

Address 1811 Heritage Blvd, Suite 100

City Midland

State TX

Zip 79707

Representative (if different from Applicant or Property Owner)

Firm: Parkhill, Smith, & Cooper

Printed Name: Josh Wallender (PSC Job # 01.6881.18)

Phone (432) 697-1447

Email
jwallender@team-psc.com

Address 1700 W. Wall Street, Suite 100

City Midland

State TX

Zip 79701

Street Address: Please See Attached Metes and Bounds**Legal Description**

Lot: Block: Subdivision:

Proposed Zone: PD - Please See Attached

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

Reason for Zone Change Request: Allow for Development of Lots**Present Use of Property:** Vacant Land**Proposed Use of Property:** Multiple Uses**How would this zone change affect the public health, safety and welfare?** This would improve the public, health, and welfare**Submittal and Fees****Items to be submitted with this application form:**

- Application Fee – Payable to the 'City of Midland'
- Metes and Bounds Description
- Survey Map
- Dimensioned Site Plan (If applicable)
- Digital Copies of Documents(PDF/JPEG)

RECEIVED

APR 24 2019

CITY OF MIDLAND
PLANNING DIVISION OFFICE

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>Alan D. Silver</u>	Date: <u>7/24/19</u>
Applicant (printed): <u>ALAN D. SILVER</u>	
Property Owner (signature): <u>Shelly K Smith (President)</u>	Date: <u>4-24-19</u>
Property Owner (printed): <u>SBC, LP</u>	

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.

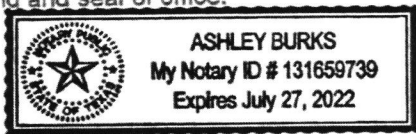
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 24th day of April, 2019, to certify which witness my hand and seal of office.



Ashley Burks
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>1333</u>	RECEIVED
Received By: <u>Rolandrea Russell</u>	
Date:	<u>APR 24 2019</u>

CITY OF MIDLAND
PLANNING DIVISION OFFICE

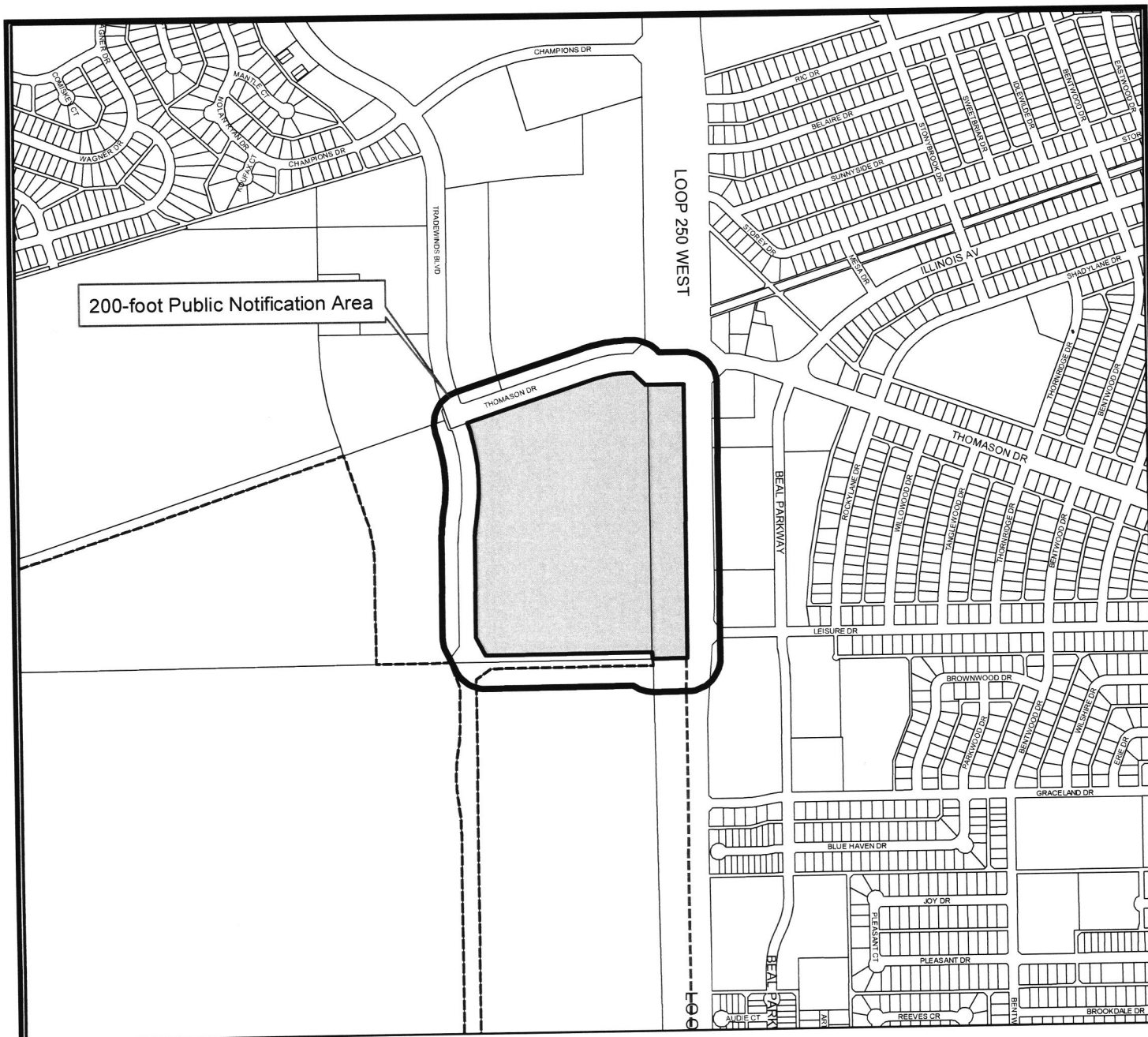
****Application will not be considered for scheduling until reviewed by a planner.****

Special Exception Application

2

Revised 12/6/16

19.17



LOCATION MAP

Z-19-0091

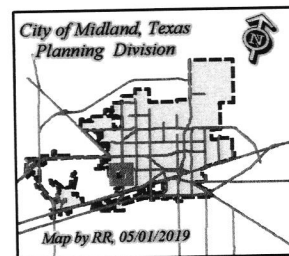
Scale: 1" = 500'

Consider a request for the Initial Zoning of a 46.38-acre tract of land located in Section 48, Block 40, T-1-S, T&P RR. Survey, Midland County, Texas.

Generally located on the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive.

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2019

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.

19.18



19.19

By RR, 05/01/2019

Z-19-0091

Scale: 1" = 500'

ZONING MAP



© THE CITY OF MIDLAND, 2019. THIS DATA IS NOT A SUBSTITUTE FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A "SMART" TOOL IN DETERMINING 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.

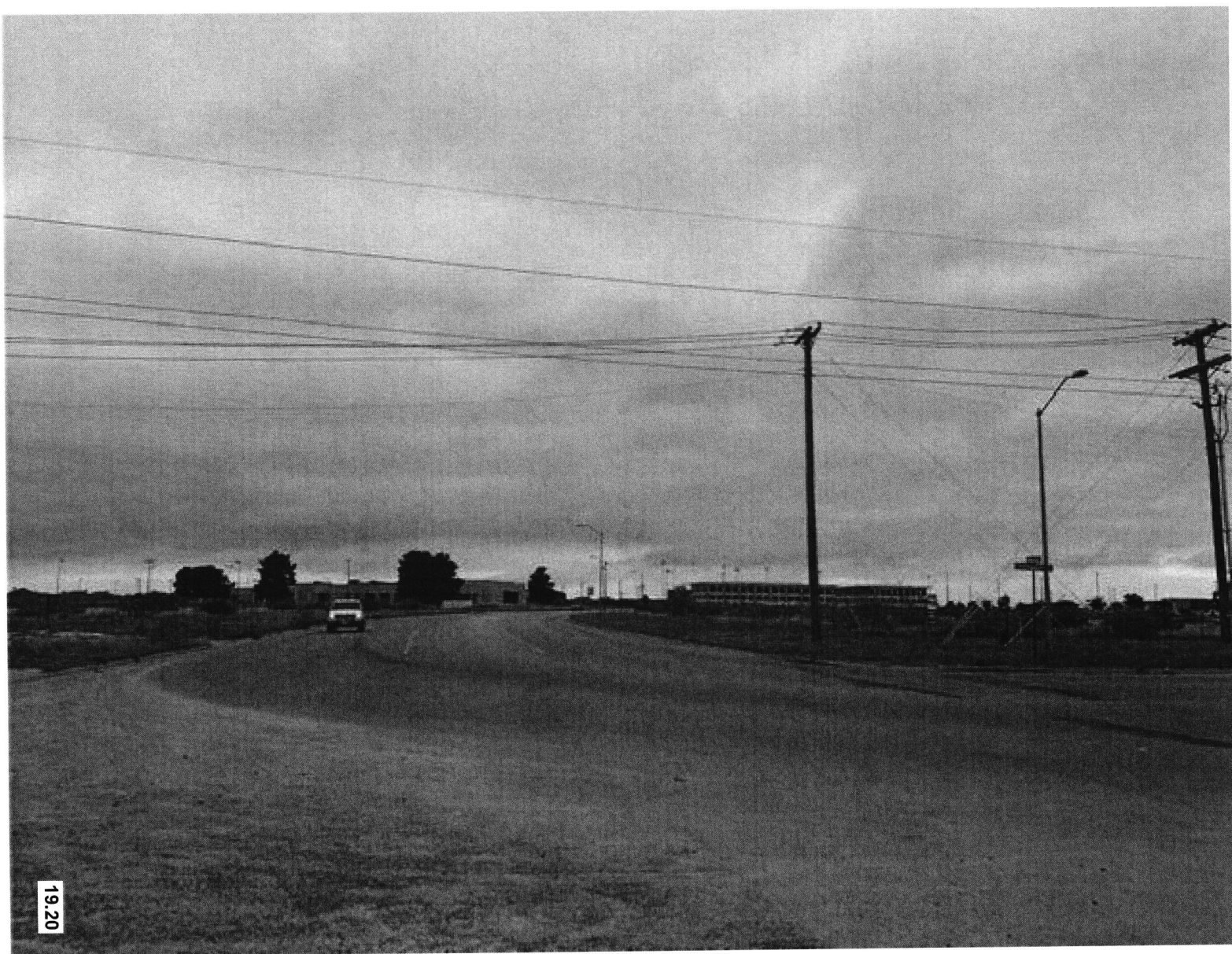
SECTION TWO. That the area indicated on Exhibit “A” (“Westridge Village” or the “Westridge Village PD”) shall be subject to the following special conditions and restrictions:

- A. That the use and development of Westridge Village shall conform to the regulations of the O-2, Office District, except as stated below.
- B. That the Planned District Site Layout Plan, which is attached hereto as Exhibit “B” and incorporated herein, shall be considered illustrative and shall only serve as a vision of Westridge Village.
- C. That the proposed driveways and drive aisles shown in Exhibit “B” shall be considered preliminary and are subject to approval by the City Manager or his designee.
- D. That a Traffic Impact Analysis shall be required before the issuance of a building permit.
- E. *Use regulations.* Land and buildings in the Westridge Village PD may be used for any of the following listed uses, but no land shall hereafter be used, and no buildings erected, altered or converted which are arranged, designed or used, for other than the following uses:

Any use permitted in the O-2, Office District, MF-2, Multiple-Family Dwelling District, TH, Townhouse Dwelling District, and LR-3, Local Retail District, with the exception of the prohibited uses listed below, is permitted within the aggregate limitations shown in the Program Density Table, which is attached hereto as Exhibit “C” and incorporated herein.

The following uses from the LR-3, Local Retail District, are prohibited, including:

- 1. Mortuary or funeral home;
- 2. Monument sales;
- 3. Mobile home camping and travel trailer sales, rental and service;
- 4. Motor homes sales, rental and service;
- 5. Heavy truck (exceeding one-ton capacity) sales, rental and service;
- 6. Scientific or research laboratories which comply with the noise and odor control standards of an IP-3, Industrial Park District;
- 7. Pawnshops;
- 8. Dancehalls; and







19.22





19.24

9. Establishments primarily offering appliances, equipment, vehicles or other commodities for rent or lease (commonly referred to as “rent-all”); however, vehicles licensed for use on public roadways may be stored and displayed outside without compliance with the screening provisions of the performance standards contained herein.
- F. *Area regulations.* Except as hereinafter provided in this Section, no building shall be erected, altered or converted for dwelling purposes or any other main use permitted in this Westridge Village PD unless such use complies with the following regulations:
- The Westridge Village PD has no minimum or maximum Lot Area, Lot Width or Lot Depth or Front, Side, or Rear Yard requirements. Such requirements shall be set forth on the approved comprehensive site plan applicable to each portion of Westridge Village.
- G. *Height regulations.* No building shall be erected to exceed the limitations in height and stories as shown in the Program Density Table on Exhibit “C”. “Building Height” shall be measured from the mean ground level elevation immediately adjacent to the building to the rooftop, excluding any rooftop accessories, including without limitation, mechanical equipment and enclosing rooms, stair penthouses and building parapets that do not exceed eight feet in height.
- H. *Floor area.* Buildable area shall be limited by the Program Density Table on Exhibit “C”. A maximum of 1,500,000 Gross Square Feet of Floor Area may be constructed at Westridge Village.
- I. *Parking.* Parking within Westridge Village shall be as set forth in Exhibit “C” for the various uses listed therein.
- J. *Outdoor sign standards.* A Master Sign Plan shall provide a hierarchy of signage for Westridge Village typical of mixed-use neighborhood projects, including but not limited to project identification signage located on the perimeter of the property and/or within the surrounding right-of-way.
- K. *Site plan requirement.*
1. *Committee.* The Mayor of the City shall appoint a Westridge Village Site Plan Review Committee (the “Committee”). The Committee shall be composed of City staff, one or more members of the City Council, and one or more members of the Planning and Zoning Commission; provided, however, that the Committee shall not contain a quorum of the City Council or a quorum of the Planning Zoning and Commission.
 2. *Review.* A separate comprehensive site plan for each area of Westridge Village shall be submitted to the City’s Development Services Department for review by the Committee. The Committee may approve or deny a comprehensive site plan or request additional information about a comprehensive site plan. Each separate comprehensive site plan shall be reviewed and approved by the Committee as a condition precedent to the granting of a certificate of

occupancy, as per Section 11-1-9(C) of the City Code.

3. *Appeal.* Any person or entity aggrieved by the action of the Committee in the denial of a comprehensive site plan approval shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the City Manager's Office, not later than 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The City Council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be mailed to the appellant. The decision of the City Council on such appeal shall be final and conclusive.

L. *General traffic regulations.* As long as the streets within Westridge Village remain private, no permits, other than appropriate permits for alcohol consumption, shall be required for any special events held on the streets.

M. *Function of this Ordinance.* This Ordinance functions as the exclusive land use and zoning regulatory document for Westridge Village. As development proceeds, additional public hearings for zoning approvals are not required; however, site plan approval is required as set out in Subsection K above. The provisions of the City Code shall apply to Westridge Village except as expressly identified and referenced within this Ordinance.

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 9th day of July, A.D., 2019; and passed to second reading on motion of Council member Lacy, seconded by Council member Robnett, by the following vote:

Council members voting "AYE": Trost, Hotchkiss, Love, Morales, Lacy, Robnett

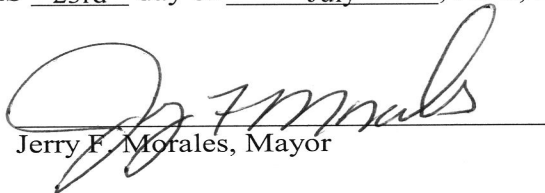
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Lacy, seconded by Council member Love, on the 23 day of July, A.D., 2019, at a regular meeting of the City Council:

Council members voting "AYE": Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett

Council members voting "NAY": None

PASSED AND APPROVED THIS 23rd day of July, A.D., 2019.


Jerry F. Morales, Mayor

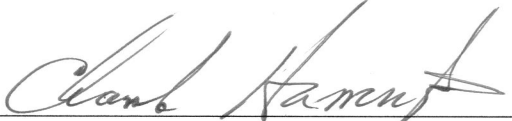
ATTEST:


Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:



Robert Patrick, Assistant City Manager



Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:



John Ohnemiller, City Attorney

**ANNEXATION TRACT
EXHIBIT A
LEGAL DESCRIPTION FOR A 46.38 ACRE TRACT
LOCATED IN NORTHEAST QUARTER OF SECTION 48,
BLOCK 40, T-1-S, T. & P. RR. Co. SURVEY, MIDLAND COUNTY, TEXAS**

Boundary being further described by metes and bounds as follows:

BEGINNING at (N= 10,688,952.08' E= 1,733,767.86') the Northeast corner of this tract and an exterior corner of the City of Midland City Limits boundary, from whence the Northeast corner of said Section 48, bears N75°38'52"E a distance of 93.21 feet and N14°21'08"W a distance of 998.90 feet;

THENCE S14°24'00"E with the West right-of-way line of old FM 1369 and said City Limits boundary, a distance of 1665.23 feet to the Southeast corner of this tract;

THENCE S75°09'57"W with the South line of said Northeast Quarter of Section 48, a distance of 207.83 feet to a 1/2" iron rod with a plastic cap marked "RPLS 4413" found at an exterior corner of this tract;

THENCE N18°45'12"W along a boundary line of said City Limits boundary, a distance of 39.68 feet to a 1/2" iron rod with a plastic cap marked "RPLS 4413" found at an interior corner of this tract and the Southeast corner of a 37.65 Acre Tract previously surveyed on September 20, 2014;

THENCE S75°09'57"W along a boundary line of said City Limits boundary and with the South line of said 37.65 Acre Tract, a distance of 1002.20 feet to a 1/2" iron rod with a plastic cap marked "RPLS 4413" previously found at the most Southerly cutback corner of this tract and said 37.65 Acre Tract;

THENCE N40°40'15"W with a cutback line of said Water and Sewer Line Easement and proposed Tradewinds Boulevard, a distance of 125.69 feet to a 1/2" iron rod with a plastic cap marked "RPLS 4413" found at an interior corner of said Water and Sewer Line Easement and the most Westerly Southwest corner of this tract and said 37.65 Acre Tract;

THENCE N14°19'54"W with an East boundary line of said Water and Sewer Line Easement proposed as Tradewinds Boulevard, a distance of 576.50 feet to a 1/2" iron rod with a plastic cap marked "RPLS 4413" found at a point of curvature of this tract and said 37.65 Acre Tract;

THENCE along an East boundary line of said Water and Sewer Line Easement proposed as Tradewinds Boulevard in a Northerly direction, with a curve to the right with a radius of 1049.89 feet, a delta angle of 9°03'20", an arc length of 165.94 feet, and a chord length of 165.77 feet, which bears N9°48'15"W, to a 1/2" iron rod with a plastic cap marked "RPLS 4413" found at point of reverse curvature of this tract and said 37.65 Acre Tract;

THENCE along a East boundary line of said Water and Sewer Line Easement in a Northerly direction with a reverse curve turning to the left with a radius of 1149.88 feet, a delta angle of 28°15'50", an arc length of 567.23 feet, and a chord length of 561.50 feet, which bears N19°24'29"W, to a 1/2" iron rod with a plastic cap marked "PLS 1974" set at the Northwest corner of this tract and said 37.65 Acre Tract;

THENCE N56°56'40"E with the South boundary line of said Thomason Drive, a distance of 801.99 feet to a 1/2" iron rod found at a point of curvature of said Thomason Drive and this tract and said 37.65 Acre Tract;

THENCE along a South boundary line of said Thomason Drive in an Easterly direction, with a curve to the right with a radius of 745.25 feet, a delta angle of 18°40'38", an arc length of 242.94 feet, and a chord length of 241.86 feet, which bears N66°16'59"E, to a 1/2" iron rod with a plastic cap marked "PLS 1974" set at a cutback corner of Thomason Drive and the most Northerly Northeast corner of this tract, from whence a bent 1/2" iron rod with plastic cap found bears S83°E, a distance of 0.26 feet;

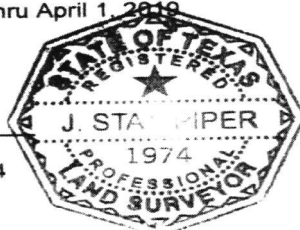
THENCE S59°34'19"E with the cutback of Thomason Drive, a distance of 105.89 feet to a 1/2" iron rod with a plastic cap marked "PLS 1974" set at the most Easterly Southeast cutback corner of Thomason Drive and Westridge Park Addition, Section 6 as recorded in Cabinet "F", Page 183, Plat Records of Midland County and the most Easterly Northeast cutback corner of this tract, from whence a 5/8" iron rod with plastic cap found bears S60°E, a distance of 0.25 feet;

THENCE N75°36'00"E along a boundary line of said City Limits boundary, a distance of 230.07 feet to the **PLACE OF BEGINNING**. Tract contains an area of 46.38 acres of land.

Bearings, distances, and coordinates are relative to the Texas State Plane Coordinate System, NAD 1983/86, Central Zone, with a combined grid factor of 0.9998958, and a theta angle equal to -0°54'48.39" at U.S.C. & G. station "MIDLAND" with published values of Y= 10,690,154.70 and X= 1,746,696.78 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 is true and correct to the best of my knowledge and ability as surveyed on the ground on various dates thru April 1, 2019.

J. Stan Piper
Registered Professional Land Surveyor #1974



Prepared for:
Parkhill, Smith & Cooper, Inc.
1700 W. Wall St., Suite 100
Midland, TX 79701

PIPER SURVEYING FIRM NO. 10155200; P.O. BOX 60432; MIDLAND, TX 79711; 432.550.7810
EXHIBIT A

19.13



Kirksey
ARCHITECTURE

Thomason at 250
Master Plan
Midland, Texas



19.14

EXHIBIT B

Westridge Village
Southwest Corner Loop 250
and Thomason

EXHIBIT "C"

PD Zoning - Program Density Table

Product Type	Maximum Criteria	Maximum GSF *	Maximum Height	Parking	
Retail/Restaurant	15,000 SF Per Acre	300,000	35 Feet	1/300 RSF Retail 8/1000 RSF Restaurant	
Office	Floor Area Ratio 1.2:1 Excluding Parking Garage	600,000	98 Feet	2.5/1000 RSF	
Hotel	Floor Area Ratio 1.2:1 Excluding Parking Garage	150,000	98 Feet	1/Per Key	
Apartments	50 Units Per Acre	900,000	56 Feet	1/Unit 1.5/Unit 2/Unit 2.5/Unit	Studio 1 Bedroom 2 Bedroom 3 Bedroom

* Overall Maximum GSF = 1,500,000 GSF (No combination of the above can exceed an overall 1,500,000 GSF)

Note: Gross Square Footage is calculated using Floor Area less square footage related to parking structures, loading dock areas, corridors, mezzaine space, balconies, vertical circulation, and utility rooms.

19.15

EXHIBIT C