

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

**March 21, 2022 - 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 and via videoconference. A quorum of the Planning and Zoning Commission intends to be physically present at the aforementioned location.

VIDEOCONFERENCE INFORMATION

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81891656525>

Or One tap mobile :

US: +13462487799,,81891656525# or +16699006833,,81891656525#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

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

Webinar ID: 818 9165 6525

International numbers available: <https://us02web.zoom.us/j/81891656525>

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 March 7, 2022.
3. Motion approving a Final Plat of Buffalo OFS Addition, being a plat of an 8.56-acre tract of land out of Section 14, Block 38, T-2-S, RY Co. Survey, Midland County, Texas. (Generally located on the south side of South County Road 1161, approximately 1, 079-feet east of South County Road 1165 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

4. Motion approving a Final Plat of Rock Iron Addition, being a plat of 1.001-acre tract of land out of Section 30, Block 40, T-2-S, RR. Co Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of West County Road 145 and South Farm to Market Road 1788 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)
5. Motion approving a Final Plat of Southern Addition, Section 25, being a replat of Lots 10, 11, and 12, Block 182, Southern Addition, City and County of Midland, Texas. (Generally located on the southeast intersection of the corner of W Florida Avenue and S. Marienfeld - Council District 2) (DEVELOPMENT SERVICES)
6. Motion approving a Final Plat of Original Town, Section 24, being a replat of Lots 1-6, Block 23, Original Town Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Weatherford Street and E Ohio Avenue - Council District 2) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

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

7. Motion approving a Final Plat of Mockingbird Heights, Section 15, being a replat of Lots 12 and the E/2 of Lot 13, Block 1, Mockingbird Heights, Section 2, City and County of Midland, Texas. (Generally located on the south side of Tanforan Avenue, approximately 110-feet to the west of Rockwood Drive - Council District 2) (DEVELOPMENT SERVICES)
8. Motion approving with staff's recommended conditions a proposed Preliminary Plat of Park Avenue Heights, Section 3, being a residential replat of Lots 19 & 20, Block 64, Park Avenue Heights, Section 2, City and County of Midland Texas. (Generally located on the northeast corner of the intersection of Bunche Street & E. California Ave - Council District 2) (DEVELOPMENT SERVICES)
9. Motion approving a request by Louis Clay for a Zone Change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 3, Block 6, Eastover Addition, Third Extension, City and County of Midland, Texas. (Generally located on the west side of N. Calhoun Street, approximately 112-feet south of Illinois Avenue - Council District 2) (DEVELOPMENT SERVICES)

MISCELLANEOUS

10. Motion approving with staff's recommended conditions a proposed Preliminary Plat of Claydesta Plaza Section 6, being a re-plat of the remainder of Lot 1, Block 14, Claydesta Plaza, Section 2, and a plat of a 48.017 acres tract of land located in Section 14, Block 39, T-I-S, T&P RR CO Survey, City and County of Midland, Texas. (Generally located on the north side of Smith Road, approximately 485-feet north of Veterans Airpark Lane. Council District 3) (DEVELOPMENT SERVICES)
11. Motion approving with staff's recommended conditions a proposed Preliminary Plat of Sundial East, Section 2, being a 2.25-acre tract of land out of 280.272 acres located in Section 27, Block 38, T-1-S, T&P, RR Co. Survey, Midland County, Texas. (Generally

located on the south side of East County Road 60, approximately 270-feet west of North County Road 1135 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Elizabeth Shaughnessy
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
March 7, 2022
Council Chambers – City Hall**

The Planning & Zoning Commission convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:30 p.m., March 07, 2022.

Commissioners present: Dianne Williams, Karmen Bryant, Zachary Deck, Adrian Carrasco, Beverly Dillow
Commissioners absent: Stacy Grosse, Lucy Sisniega, Chase Gardaphe
Staff members present: Elizabeth Shaughnessy, Justin Smith, Cole Furqueron, Paul Rodriguez, Dalia Salinas, James Reber

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.) The public comment period was opened at 3:32 p.m. With no one wishing to speak, the public comment period was closed at 3:33 p.m.

CONSENT ITEMS

Commissioner Bryant moved to approve the Consent items 2-4; seconded by Commissioner Carrasco.

The motion passed by the following vote:

AYE: Bryant, Dillow, Williams, Deck, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Grosse, Sisniega, Gardaphe, Holeva

2. Motion approving the Planning and Zoning Commission Meeting minutes for February 14, 2022.
3. Motion approving a Final Plat of Wilshire Park Addition, Section 25, being a replat of Lots 1-13, Block 91, and Lot 1, Block 92, Wilshire Park Addition, and a previously vacated portion of Leisure Drive adjacent to said blocks, City and County of Midland, TX (Generally located on the southeast corner of the intersection of Thomason Drive and Monty Drive. Council District 4)
4. Motion approving a Final Plat of Wilshire Park Addition, Section 26, being a replat of Lots 1-28 and the west 28-feet of Lot 29, including a previously vacated 20-foot alley, and a previously vacated 0.57-acre portion of Blue Haven Ct Right-of-Way, Block 168, Wilshire Park Add, Sec 11, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of Graceland Dr. and S. Loop 250 W. Council District 1)

PUBLIC HEARINGS

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

5. Motion approving a request by Brianna Garcia for a zone change from PD, Planned Development District for an Office Center to Amended PD, Planned Development District for an Office Center on Lot 1 and the East 6 feet of Lot 2, Block 2, Scottsdale Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Gulf Avenue and Midland Drive. Council District 4)

Planner Justin Smith gave an overview of the project. With 1 letter of objection received containing 10 signatures, staff recommended approval.

The public hearing was opened at 3:40 p.m.

The applicant, Brianna Garcia, 4401 Gulf Ave, Midland, TX, addressed the commission and was open for

questions.

Resident Jim Digg, 4407 Gulf Ave, Midland, TX, spoke in opposition to this project due to the increase in traffic a business would bring the street.

Resident Anthony Sullivan, 4405 Gulf, Midland, TX spoke in opposition to this project due to the increase in traffic.

The public hearing was closed at 3:47 p.m.

Commissioner Carrasco asked if the access point could be moved. Staff had to defer to the traffic engineers for this question.

Commissioner Carrasco asked the applicant how many rooms the salon would rent out. The applicant stated they planned to rent out 4 to 5 rooms.

Commissioner Carrasco moved to approve this request; seconded by Commissioner Bryant.

The motion passed by the following vote: 4 to 1

AYE: Williams, Deck, Carrasco, Dillow

NAY: Bryant

ABSTAIN: None

ABSENT: Grosse, Sisniega, Gardaphe

6. Motion approving a request by Midland Visions 2000 for a zone change from C, Commercial District to TH, Townhouse Dwelling District on a 0.882-acre tract of land out of Lots 4 & 5, Block 42, Greenwood Addition, Section 3, 4, and 5, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of S. Webster Street and Cloverdale Road Council District 2)

Planner Justin Smith gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:54 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 3:54 p.m.

Commissioner Bryant moved to approve this request; seconded by Commissioner Deck.

The motion passed by the following vote: 5 to 0

AYE: Williams, Bryant, Deck, Carrasco, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Sisniega, Gardaphe

7. Motion approving a request by Aide Villareal, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, on a 2,400 square portion of Lot 1 & 0.06-acre of the Northern portion of Lot 2, Block 205, Southern Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of S. Big Spring St and W Dakota Ave. Council District 2).

Planner Paul Rodriguez gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:59 p.m.

The applicant was not present.

The public hearing was closed at 3:59 p.m.

Commissioner Carrasco moved to approve this request; seconded by Commissioner Bryant.

The motion passed by the following vote: 5 to 0
AYE: Williams, Bryant, Deck, Carrasco, Dillow
NAY: None
ABSTAIN: None
ABSENT: Grosse, Sisniega, Gardaphe

8. Motion approving a request by Juan Hernandez, d/b/a El Jimador Bar and Grill for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lots 7 through 9, Block 183, Southern Addition, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of S. Big Spring Street and W. Dakota Avenue Council District 2)

Planner Paul Rodriguez gave an overview of the project. With no letters of objection received, staff recommended approval.

Commissioner Williams asked if the only thing changing was the hours.

Commissioner Carrasco asked what the current hours are.

The public hearing was opened at 4:06 p.m.

The applicant was present but deferred to staff.

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

The applicant, Juan Hernandez, addressed the commission and was open for questions.

Commissioner Carrasco asked if the applicant could stay consistent with the serviceable hours of the near by restaurants. Mr. Hernandez stated that he would be willing to do that.

Commissioner Carrasco moved to approve this request with the amended serviceable hours of: Wednesday to Saturday from 10 am to 2 am and Sundays to Tuesday 10 am to 11 pm.; seconded by Commissioner Bryant.

The motion passed by the following vote: 4 to 1
AYE: Williams, Bryant, Deck, Carrasco
NAY: Dillow
ABSTAIN: None
ABSENT: Grosse, Sisniega, Gardaphe

9. Motion approving a request by Deborah Shannon, d/b/a Chuy's Opco, Inc. for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, 8,126 square foot portion of Lot 6, Block 44, Fairmont Park Addition, Section 25, City and County of Midland, Texas. (Generally located on the east side of W. Loop 250 North, approximately 1,200 feet west of N. Midland Dr. Council District 1)

Planner Intern James Reber gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 4:16 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 4:17 p.m.

Commissioner Deck moved to approve this request; seconded by Commissioner Bryant.

The motion passed by the following vote: 5 to 0
AYE: Williams, Bryant, Deck, Carrasco, Dillow
NAY: None
ABSTAIN: None
ABSENT: Grosse, Sisniega, Gardaphe

MISCELLANEOUS

10. Motion approving with staff's recommended conditions, a proposed Final Plat of Hillcrest Acres, Section 15, being a residential replat of a 1.00-acre portion of tracts 26, and 27, Hillcrest Acres Addition, City and County of Midland, Texas (Generally located on the south side of Cuthbert Avenue, approximately 815-feet east of Woodcrest Drive. Council District 4)

Commissioner Carrasco moved to approve this request; seconded by Commissioner Bryant.

The motion passed by the following vote: 5 to 0
AYE: Williams, Bryant, Deck, Carrasco, Dillow
NAY: None
ABSTAIN: None
ABSENT: Grosse, Sisniega, Gardaphe

11. Motion approving with staff's recommended conditions, a proposed Final Plat Mockingbird Heights, Section 15, being a replat of Lot 12 and the E/2 of Lot 13, Block 1, Mockingbird Heights, Section 2, City and County of Midland, Texas. (Generally located on the on the south side of Tanforan Avenue, approximately 110 feet to the west of Rockwood Drive. Council District 2)

Commissioner Carrasco moved to approve this request; seconded by Commissioner Bryant.

The motion passed by the following vote: 5 to 0
AYE: Williams, Bryant, Deck, Carrasco, Dillow
NAY: None
ABSTAIN: None
ABSENT: Grosse, Sisniega, Gardaphe

12. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Kelview Heights, Section 12, being a replat of Lots 6 & 7, Block 9, Kelview Heights, an addition to the City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Loma Drive and W. Pine Avenue Council District 3)

Commissioner Bryant moved to approve this request; seconded by Commissioner Deck.

The motion passed by the following vote: 5 to 0
AYE: Williams, Bryant, Deck, Carrasco, Dillow
NAY: None
ABSTAIN: None
ABSENT: Grosse, Sisniega, Gardaphe

13. Motion approving with staff's recommended conditions a preliminary plat of Hannah Addition Section 4 being a 10-acre tract of land out of Block 40, Section 13, T-2-S, RR. Co. Survey, Midland County, Texas. (Generally located on the east side of South County Road 1232, approximately 3, 216-feet south of South County Road 1230. Extraterritorial Jurisdiction)

Commissioner Carrasco moved to approve this request; seconded by Commissioner Deck.

The motion passed by the following vote: 5 to 0
AYE: Williams, Bryant, Deck, Carrasco, Dillow
NAY: None
ABSTAIN: None
ABSENT: Grosse, Sisniega, Gardaphe

14. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Empire Heights, Section 3, being a plat of 3.0-acre tract of land out of Section 47, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the west side of South County Road 1123, approximately 500-feet west of East County Road 94. Extraterritorial Jurisdiction)

Commissioner Carrasco moved to approve this request; seconded by Commissioner Bryant.

The motion passed by the following vote: 5 to 0
AYE: Williams, Bryant, Deck, Carrasco, Dillow
NAY: None

ABSTAIN: None

ABSENT: Grosse, Sisniega, Gardaphe

15. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Veteran Development, Section 2, being a 6.00-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the east side of Antelope Trail, approximately 130-feet south of W. County Road 120. Extraterritorial Jurisdiction).

commissioner Bryant moved to approve this request; seconded by Commissioner Carrasco.

The motion passed by the following vote: 5 to 0

AYE: Williams, Bryant, Deck, Carrasco, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Sisniega, Gardaphe

With no further items or business to come before the Commission, Vice Chairman Williams adjourned the meeting at 4:34 p.m.

Lucy Sisniega, Chairman

Date

Elizabeth Shaughnessy, Planning Division Manager
Department of Development Services

Date



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaugnessy

MEETING DATE: March 21, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving a Final Plat of Buffalo OFS Addition, being a plat of an 8.56-acre tract of land out of Section 14, Block 38, T-2-S, RY Co. Survey, Midland County, Texas. (Generally located on the south side of South County Road 1161, approximately 1, 079-feet east of South County Road 1165 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

ETJ, Extraterritorial Jurisdiction

Preliminary Plat Approval:

The applicant, Maverick Engineering, is requesting to plat an 8.56-acre tract of land out of Section 14, Block 38, T-2-S, RR Co. Survey, Midland County, Texas. for ownership purposes.

The preliminary plat was approved on December 20th, 2021.

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.

Departmental Review:

Engineering: Approved

IMPACT FEES: Plat is located outside of service areas. [For the Applicant's information only.]

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

PAVING: Pavement requirements were administratively approved on 03/10/2022 [For the Applicant's information only.]

WATER: Water requirements were administratively approved on 03/10/2022 [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: Wastewater requirements were administratively approved on 03/10/2022 [For the Applicant's information only.]

For areas not served by wastewater that are platting for a septic permit.

Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (A) Areas served by public water systems shall have lots of at least ½ acre.

Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (B) Areas NOT served by public water systems shall have lots of at least 1 acre.

DRAINAGE: Drainage study approved for platting on 12/13/2021. [For the Applicant's information only.]

EASEMENTS: Show existing and proposed. [For the Applicant's information only.]

SIDEWALKS: Sidewalk requirements were administratively approved on 03/10/2022 [For the Applicant's information only.]

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

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

Fire: Approved

No objections.

Oil and Gas: Approved

Not in the City limits- no oil or gas jurisdiction.

Code Administration: Approved

ETJ, no jurisdiction.

GIS: Approved

No comments.

Midland County: Approved

Ensure driveway permits if any new driveways are going to be installed.

Planning: Approved

All staff departments' comments have been satisfied.

Staff recommends approval once all comments have been met of the Final Plat of Buffalo OFS Addition subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number:

Case Number:

SUB-21-0468
P-22-1286**Proposed Subdivision Plat Name:** Buffalo OFS Addition**Legal Description (attached sealed Metes and Bounds):** Being a Plat of an 8.56 Acre Tract of Land out of Section 14, Block 38, T-2-S, T&P Railway Co. Survey, Midland County, Texas**Property Owner**

Printed Name: Buffalo Oilfield Holdings LLC

Phone ()
Email

Address 3809 S CR 1161

City Midland

State TX

Zip 79706

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: ETJ**Reason for Platting:** Ownership Purposes**Plat Information**

Total Acreage: 8.56

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

Number of Lots: 1

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):

Lance Gilbert

Date: 2/24/22

Property Owner (printed):

Lance Gilbert

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.

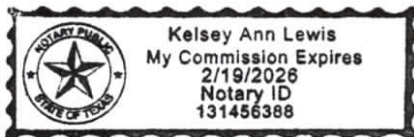
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

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 Buffalo Oilfield Holdings, 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 24th day of February, 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

☒ Mylar

☒ Application Fee

Check # 3084

Received By: KM

☒ 1 Copy of Dimensioned Plat

☒ 1 Copy of Plat (11x17)

☒ Title Opinion

☒ Tax Certificates

☒ Plat in Digital Format (PDF/JPEG)

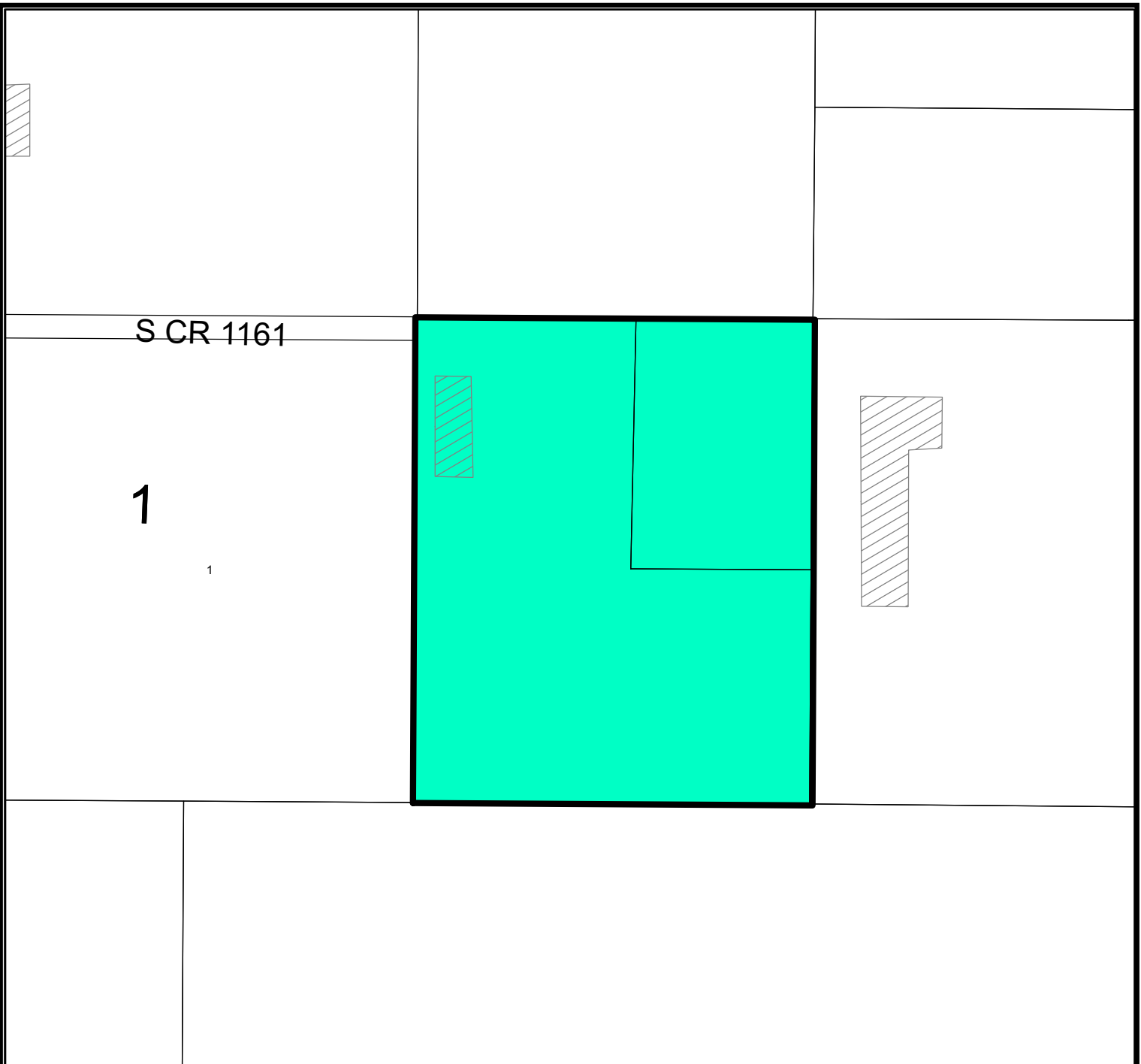
☒ CADD File

☐ Public Improvement

☒ Recording Fee

Date: 2/24/22

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



LOCATION MAP

SUB-21-0468

Scale: 1" = 200'

Request by Chuy's Opco, Inc. for a Specific Use Designation with Term for on-premises consumption, in a 8,126 square foot portion of Lot 6, Block 44, Fairmont Park Addition, Section 25, City and County of Midland, Texas.

Generally located on the east side of W. Loop 250 North, approximately 1,200 feet west of N. Midland Dr. (Council District)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

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



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: March 21, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving a Final Plat of Rock Iron Addition, being a plat of 1.001-acre tract of land out of Section 30, Block 40, T-2-S, RR. Co Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of West County Road 145 and South Farm to Market Road 1788. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

ETJ, Extraterritorial Jurisdiction

Preliminary Plat Approval:

The applicant, Watson Professional Group, is requesting to plat a 1.001-acre tract of land out of Section 30, Block 40, T-2-S, RR. Co Survey, Midland County, Texas to obtain septic permits.

The preliminary plat was approved at the planning and commission meeting of December 6, 2021.

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.

Departmental Review:

Engineering: Approved

IMPACT FEES: Plat located outside of city limits. No impact fees.

ROW: Okay as shown.

PAVING: FM 1788 is a TxDOT facility, built and maintained by TxDOT, no improvements required.

WATER: Water requirements were administratively approved on 11/08/2021

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: Wastewater requirements were administratively approved on 11/08/2021

If an on-site facility is going to be proposed for this site, be mindful of the following requirements:

Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (A) Areas served by public water systems shall have lots of at least ½ acre.

Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (B) Areas NOT served by public water systems shall have lots of at least 1 acre.

DRAINAGE: Show compliance with Rock Iron Addition Drainage Study, prepared by Watson Professional Group Inc and approved by City on 10/29/2021.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Sidewalk requirements were administratively approved on 11/08/2021

DIMENSION: * * *

OTHER: TxDOT comments, "No access should be developed/allowed to FM 1788. Access for this lot should be to CR 145 or coordinated with the driveway to the south. Any request for access to FM 1788 will need to be coordinated with TxDOT."

Transportation: Approved

TxDOT comments, "No access should be developed/allowed to FM 1788. Access for this lot should be to CR 145 or coordinated with the driveway to the south. Any request for access to FM 1788 will need to be coordinated with TxDOT."

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.]

Fire: Approved

No objections; ETJ.

Oil and Gas: Approved

Not in the City limits- no oil or gas jurisdiction.

Code Administration: Approved

ETJ. No Jurisdiction.

GIS: Approved

No comments.

Midland County: Approved

Driveway permits would go through TxDot if tying into FM 1788.

Planning: Approved

All staff departments' comments have been satisfied.

Staff recommends approval once all comments have been met of the Final Plat of Rock Iron Addition subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number: Sub-21-0460
Case Number: P-22-1292

Proposed Subdivision Plat Name: Rock Iron Addition

Legal Description (attached sealed Metes and Bounds): Being a 1.001-Acre Tract of Land out out of Section 30, Block 40, T-2-S, RR Co. Survey, Midland County, Texas

Property Owner Printed Name: <u>Jesus Felipe Montoya Jr</u>		Phone (432) <u>425-9883</u> Email <u>jmontoya@rockirontransport.com</u>	
Address <u>6100 S. FM 1788</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79706</u>

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

Representative (if acting as Agent, see affidavit on page 2) Firm: <u>Watson Professional Group Inc</u> Printed Name: <u>Peter Watson</u>		Phone (432) <u>520 9200</u> Email <u>pwatson@wpg-us.com</u>	
Address <u>9915 SCR 1213</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79706</u>

Current Zoning: ETJ
Reason for Platting: Septic Permit

Plat Information	Total Acreage: <u>1.001</u>
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☒ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: <u>1</u>	Number of Multi-Family Dwelling Units:

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

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): Jesus Felipe Montoya Jr

Date: 7-14-22

Property Owner (printed): Jesus Felipe Montoya Jr

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

Peter Watson

Before me, the undersigned authority, on this day personally appeared _____ who, being by me duly sworn, upon oath says: That (s)he is authorized by Jesus Felipe Montoya Jr, 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 3 day of March, 20 22, to certify which witness my hand and seal of office.



Ashlee Danielle Crouch

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY		
☐ Property Owner Authorization	☐ 1 Copy of Dimensioned Plat	☐ Plat in Digital Format (PDF/JPEG)
☐ Mylar	☐ 1 Copy of Plat (11x17)	☐ Public Improvements
☐ Application Fee	☐ Title Opinion	☐ Recording Fee
Check # _____	☐ Tax Certificates	Check # _____
Received By: _____		Date: _____


 MAR 04 2022
 BY: JS

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

BEING A 1.001-ACRE TRACT OF LAND OUT OF SECTION 30, BLOCK 40, T-2-S, R.R. CO.
SURVEY, MIDLAND COUNTY, TEXAS.

THE STATE OF TEXAS
COUNTY OF MIDLAND

Whereas, JESUS FELIPE MONTOYA JR is the record owner of a 1.0 acre tract of land, being out of the Northeast part of the Southeast quarter of Section 30, Block 40, T & P RR CO. Survey, Midland County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, JESUS FELIPE MONTOYA JR, do hereby adopt this plat designating the herein above described property as "ROCK IRON", an addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys and easements shown hereon, for the purpose and consideration herein expressed, and an easement of ingress and egress for trash location, and location and maintenance of trash containers, 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.

JESUS FELIPE MONTOYA JR Date

ACKNOWLEDGEMENT
STATE OF TEXAS }
COUNTY OF MIDLAND }

Before me, the undersigned authority, on this day personally appeared JESUS FELIPE MONTOYA JR, 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 considerations therein expressed.

Given under my hand and seal of office this the _____ day of _____, 2022, A.D.

Notary Public in and for the State of Texas

Printed name of Notary _____
My commission expires: _____

UTILITY COMPANY'S CERTIFICATE

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

ATMOS ENERGY
BY: _____

AT&T
BY: _____

SUDDENLINK COMMUNICATION
BY: _____

GRANDE COMMUNICATION
BY: _____

ONCOR ELECTRIC DELIVERY
BY: _____

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

VICINITY MAP
NOT TO SCALE

PROJECT SITE

LEGEND

●	IRON ROD FOUND (R/R) SPIKE NAIL (SN)
○	IRON ROD W/ CAP SET
●	CONC. MONUMENT W/ BRASS CAP
●	FENCE CORNER POST (FNC)
●	CONC. R-W-M MARKER FOUND
■	POWER POLE
—	OVERHEAD ELEC. LINE
—	DOWN GUY
—X—	WIRE FENCE
—	PIPELINE
—	SEWER LINE
TYP.	TYPICAL
C/L	CENTERLINE
T-L	OVERHEAD ELECTRIC TRANSMISSION LINE
(R/R)-G/C	RECORDS CALL
D.R.M.-C	DEEP RECORDS MIDLAND COUNTY, TEXAS
D.R.M.-G	DEEP RECORDS MIDLAND COUNTY, TEXAS

CERTIFICATE OF APPROVAL
STATE OF TEXAS }}
COUNTY OF MIDLAND }}

This is to certify that the above and foregoing plat of "ROCK IRON" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this the ____ day of _____, 2022, A.D.

LUCY SISNIEGA, CHAIRMAN

ELIZABETH SHAUGHNESSY, SECRETARY

SURVEYOR'S CERTIFICATE

THE UNDERSIGNED DOES 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 THE LICENSED SURVEYOR'S PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

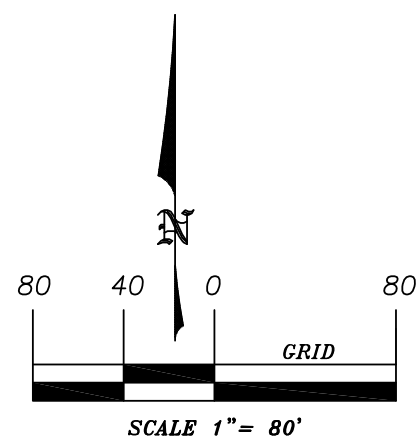
DATED: FEBUARY 07, 2022

W.D. WATSON
REGISTERED PROFESSIONAL LAND SURVEYOR
#1989

NOTE:

1. BEARINGS, DISTANCES AND ACREAGE SHOWN HEREON ARE NAD83, LAMBERT GRID COORDINATES AND CONFORM TO THE TEXAS COORDINATE SYSTEM, "TEXAS CENTRAL ZONE".
2. 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.
3. 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.
4. ACCORDING TO FEMA MIDLAND COUNTY IS A "MAPPED" COUNTY, BUT ONLY CERTAIN FEDERAL FLOOD INSURANCE RATE MAP PANELS ARE AVAILABLE. THE SUBJECT TRACT DESCRIBED HEREON IS LOCATED IN ZONE X AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD BOUNDARY MAP, PANELS NO. 48329C0200F AND WITH A REVISED DATE OF 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. ACCESS SPACING AND LOCATIONS WILL BE REQUIRED TO ADHERE TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) 'ACCESS MANAGEMENT STANDARDS' ALONG THE STATE HIGHWAY. CONTACT TXDOT FOR ADDITIONAL INFORMATION AND PERMITTING.

OWNER: JESUS FELIPE MONTOYA JR
6100 SOUTH FM 1788
MIDLAND, TX 79706



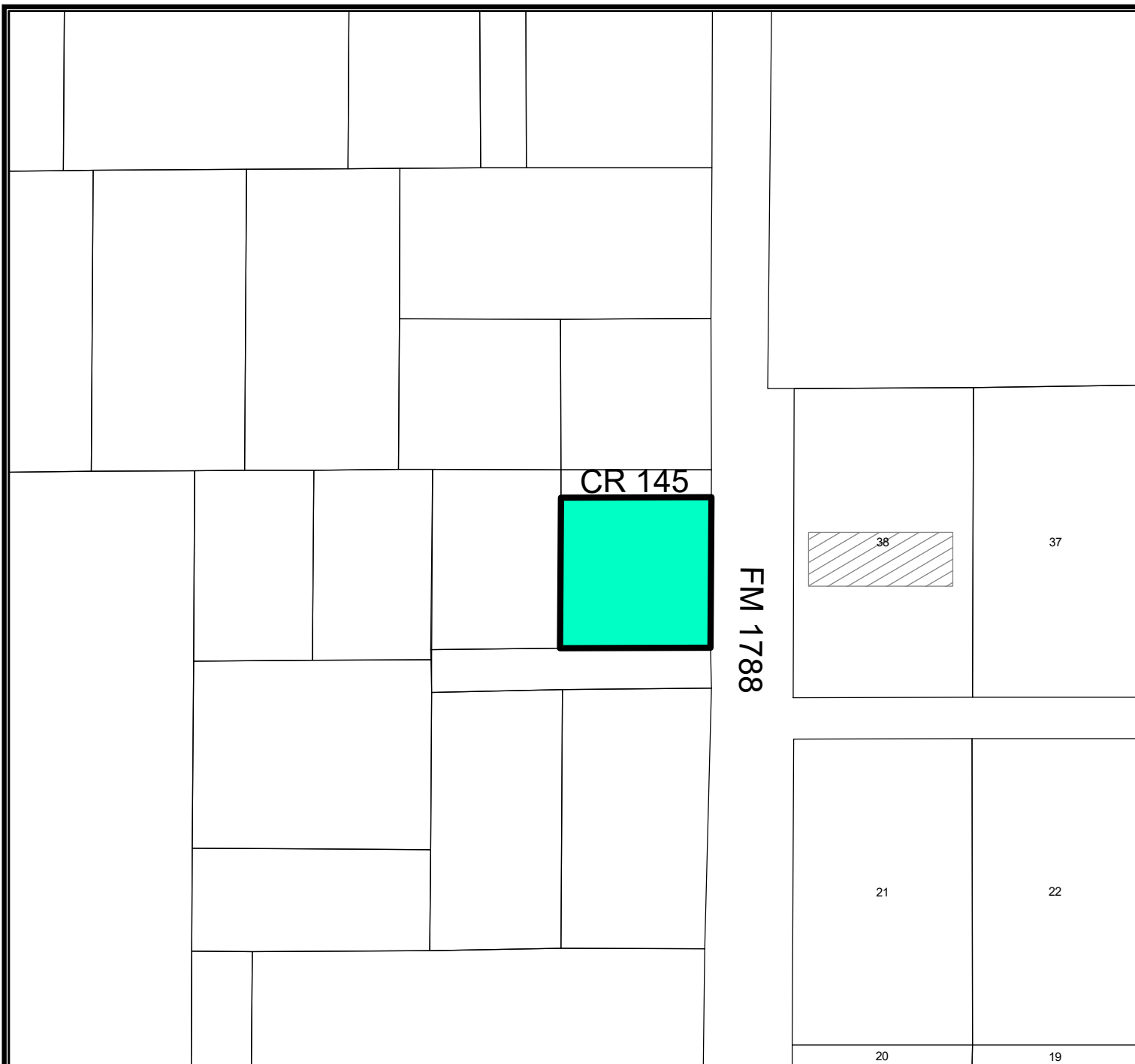
Watson Professional Group Inc

CONSULTING ENGINEERS, LAND SURVEYORS & PLANNERS

JOB NO.: 21-1075-00 DRAFT AJ REV. 0
FILE: T:MIDLAND/BLOCK 40 T-2-S.dwg

P.O. DRAWER 11186
MIDLAND, TEXAS 79702
(432) 520-9200
FAX (432) 520-9212
FIRM#10146900





LOCATION MAP

SUB-21-0460

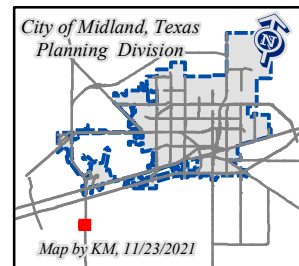
Scale: 1" = 200'

Proposed plat of Rock Iron Addition, being a 1.001-acre tract of land out of Section 30, Block 40, T-2-S, RR Co. Survey, Midland County, Texas.

Generally located on the southwest corner of the intersection of West County Road 145 and South Farm to Market Road 1788. (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:
Elizabeth Shaughnessy

MEETING DATE: March 22, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Cole Furqueron, Senior Planner

SUBJECT: Motion approving a Final Plat of Southern Addition, Section 25, being a replat of Lots 10, 11, and 12, Block 182, Southern Addition, City and County of Midland, Texas. (Generally located on the southeast intersection of the corner of W Florida Avenue and S. Marienfeld - Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

The property is currently zoned C, Commercial District.

Preliminary Plat Approval:

The applicant, Aaron Burrell, is requesting a re-plat of Lots 10, 11, and 12, Block 182, Southern Addition, City and County of Midland, Texas, to replat into one (1) lot.

The preliminary plat was approved at the planning and commission meeting of December 6, 2021.

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

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.

Departmental Review:

BUILDING INSPECTION: (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.

FIRE: (Approved)

Any new development must meet all requirements of IFC 2015 ed. and local ordinances.

CODE COMPLIANCE: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat. Please note if oil & gas wells are not identified or left off of plat, this could prevent receiving city permits for structures. Any plugged and abandoned well would need to be identified.

Engineering: (Approved)

IMPACT FEES: Note has been included on the face of the plat.

ROW: ROW along Florida Ave. and Marienfeld St. are okay as shown.

PAVING: Florida Ave. and Marienfeld St. roadway okay as is. No public paving improvements required.

WATER: 8" water exists in Marienfeld St. west of tract, okay as is. No public water improvements required.

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: 6" sewer exists in alley east of tract, okay as is. No public wastewater improvements required.

DRAINAGE: Existing site is partially developed and considered in-fill; If proposing to re-develop site drainage can be reviewed with building permit.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

SURVEYING: (Approved)

No comments.

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.

No objections to plat.

Planning: (Approved)

All departments' comments have been satisfied.

Staff recommends approval once all comments have been met of the Final Plat of Southern Addition, Section 25 subject to condition A.

Conditions:

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

Attachments:

Application
Proposed Final Plat
Maps



Final Plat Application

Project Number: SUB-21-0456
Case Number: P-22-1287

Proposed Subdivision Plat Name: Southern Addition, Section 25

Legal Description (attached sealed Metes and Bounds): Being a replat of lots 10, 11, & 12, Block 182, Southern Addition, city & county of Midland, Texas.

Property Owner Printed Name: <u>George Sosa</u>		Phone (432) 262-5763	
Address <u>1206 Story Avenue</u>		City <u>Midland</u>	State <u>T.X</u> Zip <u>79701</u>

Developer (if different than Owner) Printed Name: <u>NONE</u>		Phone ()	
Address		City	State Zip

Representative (if acting as Agent, see affidavit on page 2) Firm: <u>Aaron Burrell Land Surveyors, LLC</u>		Phone (432) 848-4439	
Printed Name: <u>Aaron Burrell</u>		Email <u>aaron@abssurveyors.com</u>	
Address <u>415 W. Wall ST. Suite 204</u>		City <u>Midland</u>	State <u>T.X</u> Zip <u>79701</u>

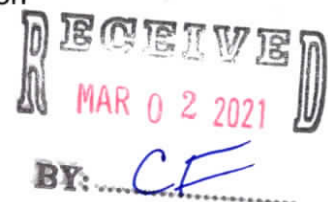
Current Zoning: <u>Zone C commercial District</u>
Reason for Platting: <u>combine three lots into single lot.</u>

Plat Information	Total Acreage: <u>0.482</u>
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: <u>1</u>	Number of Multi-Family Dwelling Units: <u>0</u>

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): George O. Sosa Date: 11/23/21

Property Owner (printed): George O. Sosa

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.

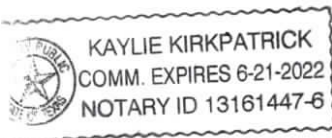
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Aaron S. Burrell who, being by me duly sworn, upon oath says: That (s)he is authorized by George Sosa, 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.

A. Burrell
Authorized Agent (signature)

Subscribed and sworn to before me, this 10 day of November, 20 21, to certify which witness my hand and seal of office.



Kaylie Kirkpatrick
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

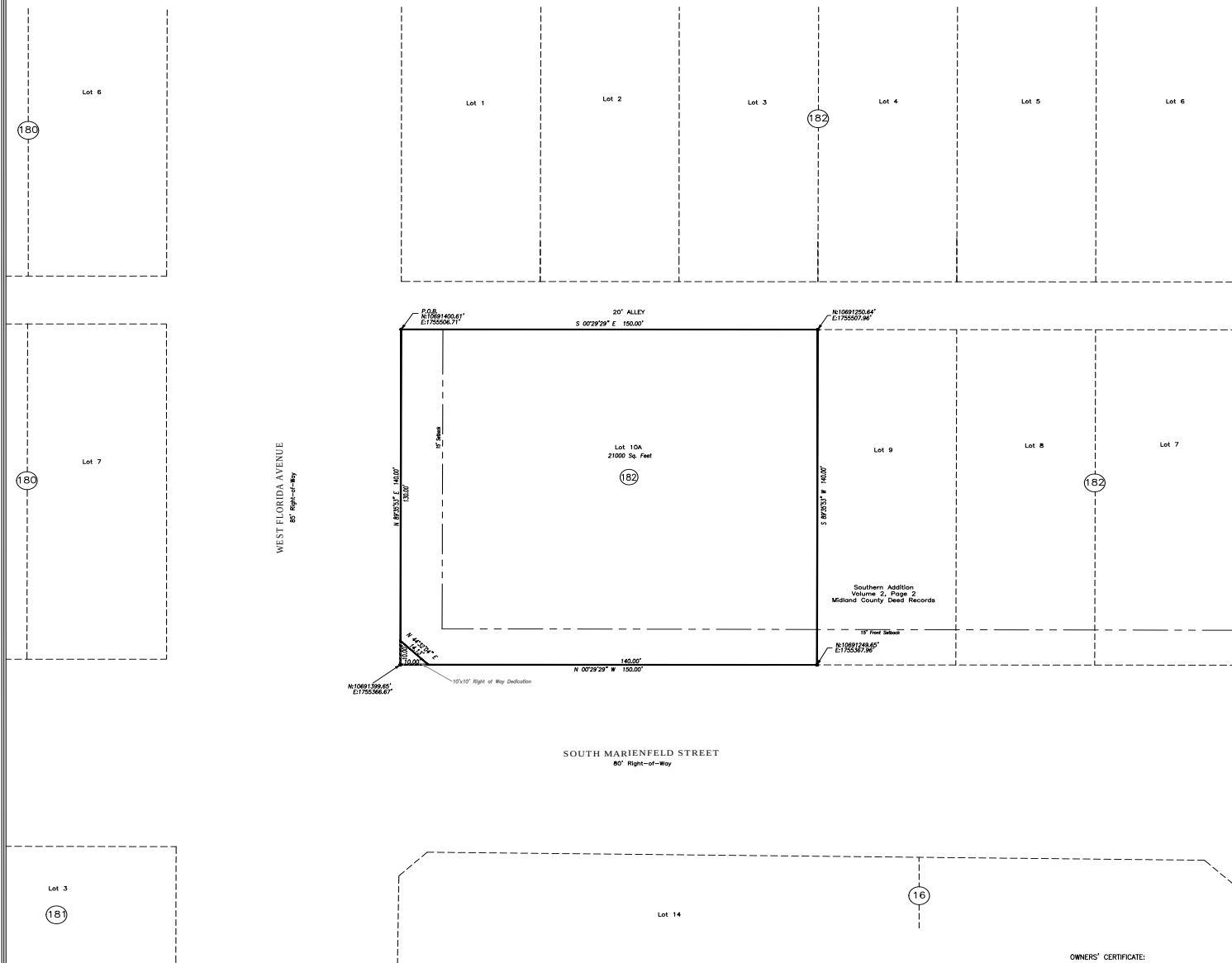
FOR OFFICE USE ONLY

- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☒ Mylar | ☒ 1 Copy of Plat (11x17) | ☒ CADD File |
| ☒ Application Fee | ☒ Title Opinion | ☒ Public Improvement |
| Check # <u>4442</u> | ☒ Tax Certificates | ☒ Recording Fee |
| | | Check # <u>1193</u> |

Received By: File of [unclear] Date: 3-1-22

PACKET

SOUTHERN ADDITION, SECTION 25
Being a Replat of Lots 10, 11, & 12, Block 182,
Southern Addition, City & County of Midland, Texas.



CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "SOUTHERN ADDITION, SECTION 25" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, on this _____ day of _____, 2021.

SIGNED: _____

PRINT: _____
Chairman

ATTEST: _____

PRINT: _____
Secretary

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____
ATMOS ENERGY PRINT NAME

SIGNED: _____
ONCOR ELECTRIC DELIVERY PRINT NAME

SIGNED: _____
AT&T TEXAS PRINT NAME

SIGNED: _____
SUDDENLINK COMMUNICATIONS PRINT NAME

SIGNED: _____
GRANDE COMMUNICATIONS PRINT NAME

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. A BLANKET EASEMENT OF INGRESS AND EGRESS WILL BE GRANTED FOR SPANISH TRAILS STATION SECTION 3 TO THE CITY OF MIDLAND FOR GARBAGE AND TRASH COLLECTION AND LOCATION AND MAINTENANCE OF TRASH STRUCTURES. SAVE AND EXCEPT THOSE AREAS OCCUPIED BY A BUILDING OF STRUCTURE. SAID EASEMENT IS CONDITIONED SUCH THAT EXACT LOCATION OF SAID CONTAINERS AND THE EASEMENTS IN CONNECTION THEREWITH HAVE BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.

4. BEARING & COORDINATES SHOWN ON THIS SURVEY ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM, NAD 1983, CENTRAL ZONE (CONS).

5. THIS PROPERTY IS IN ZONE X AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS GRAPHICALLY SCALED ONTO FEMA MAP NO. 48329C0202F, DATED SEPTEMBER 16, 2005, PREPARED FOR MIDLAND COUNTY, TEXAS.

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

OWNER:

GEORGE SOSA
1206 STORY AVENUE
MIDLAND, TEXAS 79701
(432)262-5763

OWNERS' CERTIFICATE:

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, I, GEORGE SOSA as the recorded owner of Lot 10, Lot 11, and Lot 12, Block 182, Southern Addition, recorded in Volume 2, Page 2, Midland County Deed Records, County Of Midland, Texas, and more particularly shown hereon:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, GEORGE SOSA, do hereby adopt this plat designating the herein above described property as "SOUTHERN ADDITION, SECTION 25" an Addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon.

WITNESS our hands at Midland, Texas, this the _____ day of _____, 2021.

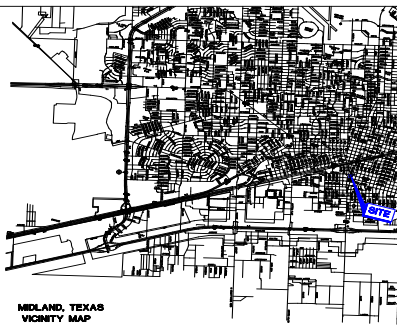
GEORGE SOSA

ACKNOWLEDGMENT
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 GEORGE SOSA, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act as owner, and that he executed the same as the act for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



**MIDLAND, TEXAS
VICINITY MAP**

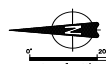
LEGEND
• 1/4" = 1' Iron Rod W/ Cap marked "ASH 5689"

Professional Land Surveying & Mapping
Aaron Burrell Land Surveyors, LLC
410 W. Wall St., Suite 404
Midland, Texas 79701
432-848-4499
aaronburrell.com
P.O. Box 85041
Midland, Texas 79708
TXPLS Firm No. 101942107
Page 1 of 1
201-0600-01

THAT I, AARON S. BURRELL, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, 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



AARON SCOTT BURRELL TX RPLS 5689



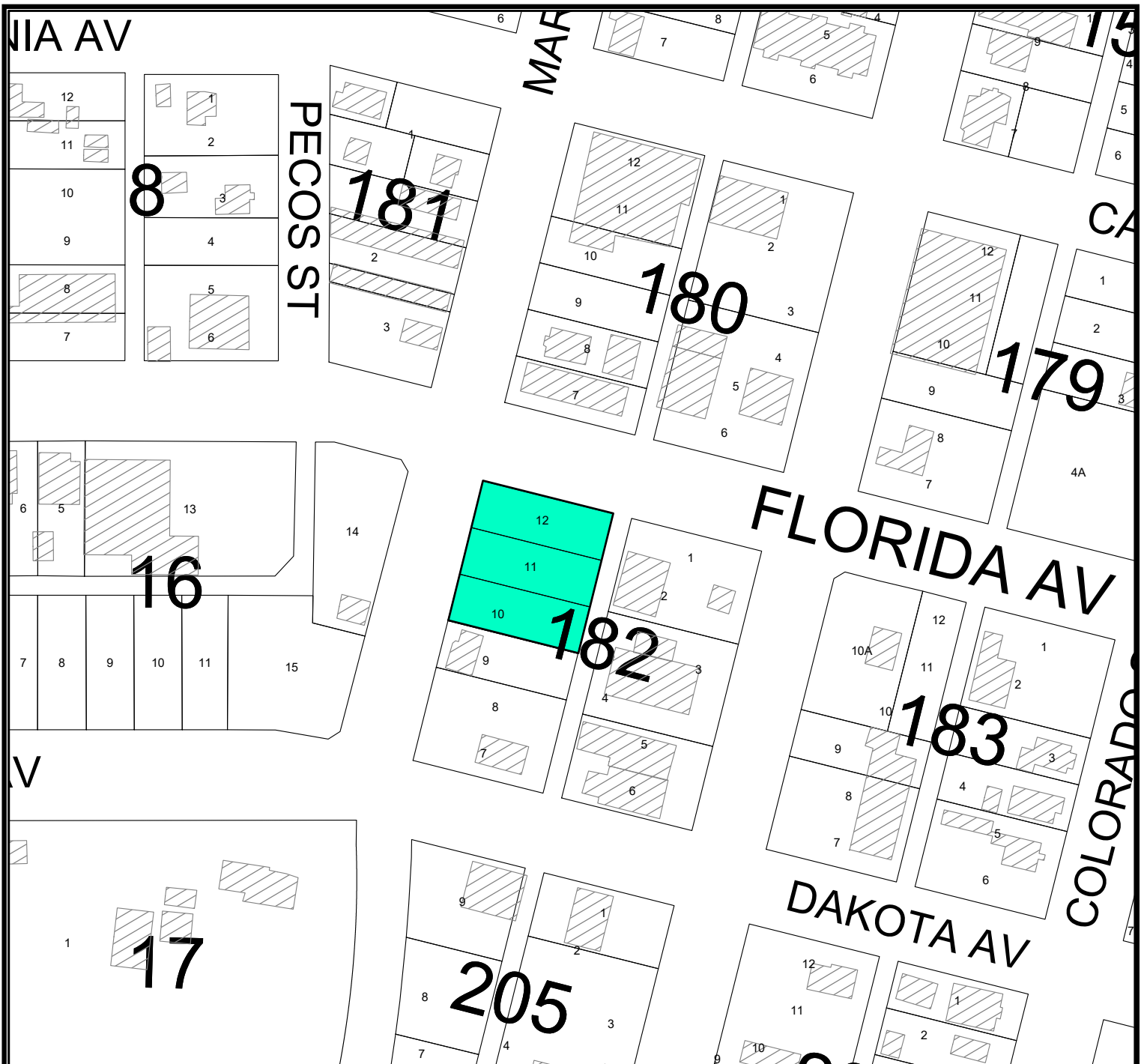
Scale 1" = 20'

PACKET November 2021

Page 5.29

March 24, 2021 FINAL PLAT
SOUTHERN ADDITION, SECTION 25

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



LOCATION MAP

SUB-21-0456

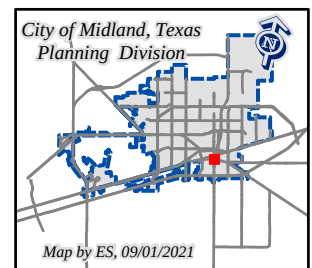
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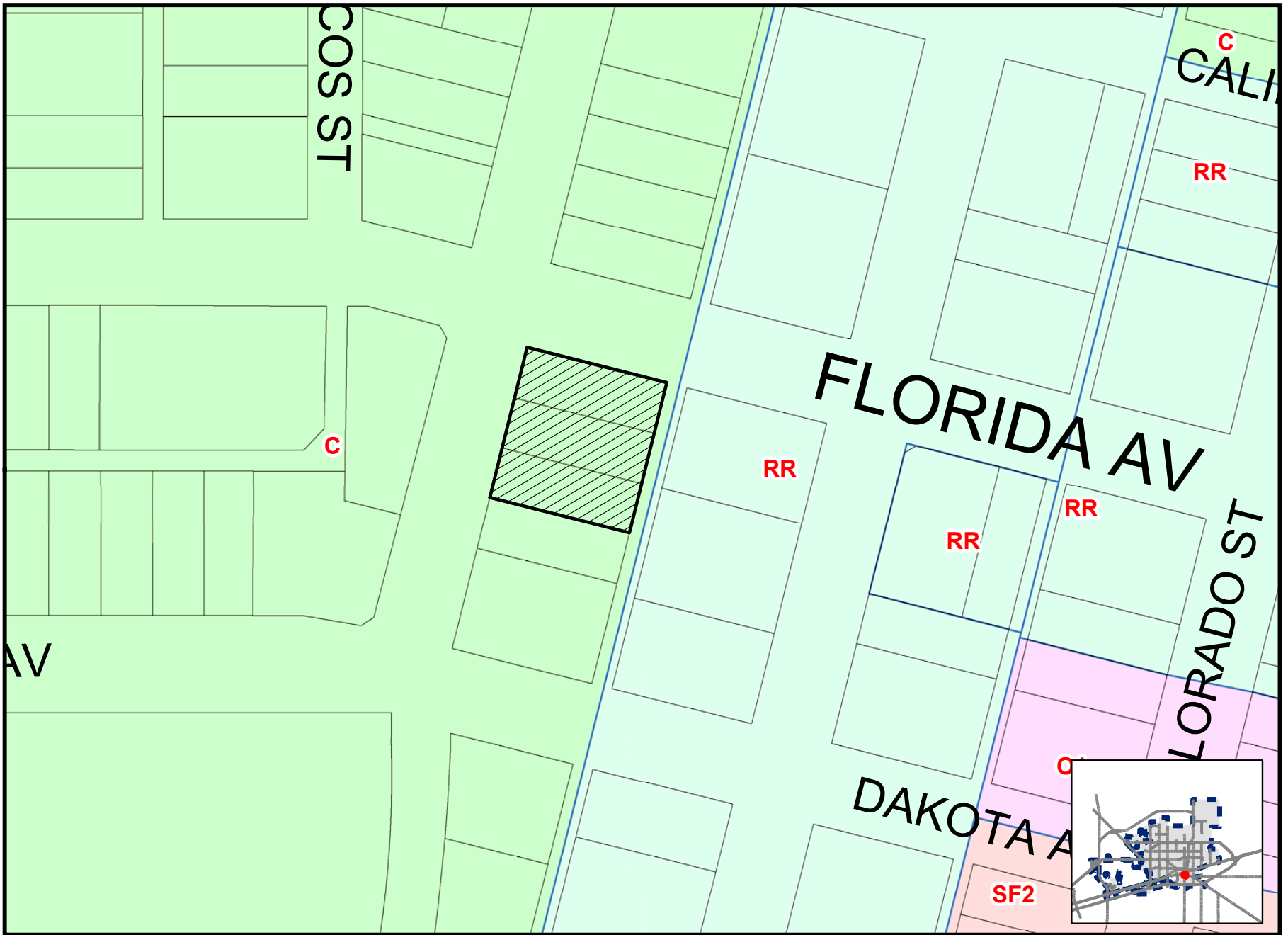
Proposed plat of Southern Addition, Section 24, being a replat of Lots 10, 11, and 12, Block 182, Southern Addition, City and County of Midland, Texas.

Generally located on the southeast intersection of the corner of W Florida Avenue and S. Marienfeld. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: March 21, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Justin Smith, Planner

SUBJECT: Motion approving a Final plat of Original Town, Section 24, being a replat of Lots 1-6, Block 23, Original Town Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Weatherford Street and E Ohio Avenue - Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

The property is currently zoned C, Commercial District.

Preliminary Plat Approval:

The applicant, Maverick Engineering, is requesting a re-plat of Lots 1-6, Block 23, Original Town Addition, City and County of Midland, Texas, is seeking to plat the property into one (1) lot and for ownership purposes.

This plat qualified for short form procedure and no preliminary plat was needed.

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.

This proposed Final Plat of Original Town, Section 24 has been circulated to all city departments for their review.

Below are the departments' 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.

FIRE: (Approved)

Any new development must meet all requirements of IFC 2015 ed. and local ordinances.

CODE COMPLIANCE: (Approved)

No Oil or Gas issues.

Engineering: (Approved)

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

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

PAVING: Ohio Ave okay as is. Weatherford St okay as is. Illinois Ave okay as is. No public paving improvements required. [For the Applicant's information only.]

WATER: 6" water exists in alley West of tract, okay as is. 8" water exists in N Weatherford St, okay as is. 12" water exists in E Illinois Ave, 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 alley West of tract, okay as is. 10" sewer exists in E Ohio Ave, okay as is. No public wastewater improvements required. [For the Applicant's information only.] DRAINAGE: Existing site is developed: If proposing to re-develop site drainage can be reviewed with building permit. [For the Applicant's information only.]

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

SIDEWALKS: Required with building permit. [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.]

Planning: (Approved)

All staff departments' comments have been satisfied.

Staff recommends approval of the Final Plat of Original Town Addition, Section 24 subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number:

Case Number:

SUB-21-0478
P-22-1289

Proposed Subdivision Plat Name: Original Town, Section 24

Legal Description (attached sealed Metes and Bounds): Being a Re-Plat of Lots 1-6, Block 23,
Original Town Addition, City and County of Midland, Texas**Property Owner**

Printed Name: Stacking Stones LLC

Phone ()

Email

Address 6709 Elkins Rd

City Midland

State TX

Zip 79705

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: C

Reason for Platting: Ownership Purposes

Plat Information

Total Acreage: 0.97

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

Number of Lots: 1

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' ✓

RECEIVED
MAR 01 2022

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): [Signature] Date: 3-1-22
Property Owner (printed): Patrick A Brown

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.

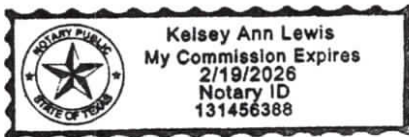
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

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 Stacking Stones LLC, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 1st day of March, 2022, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

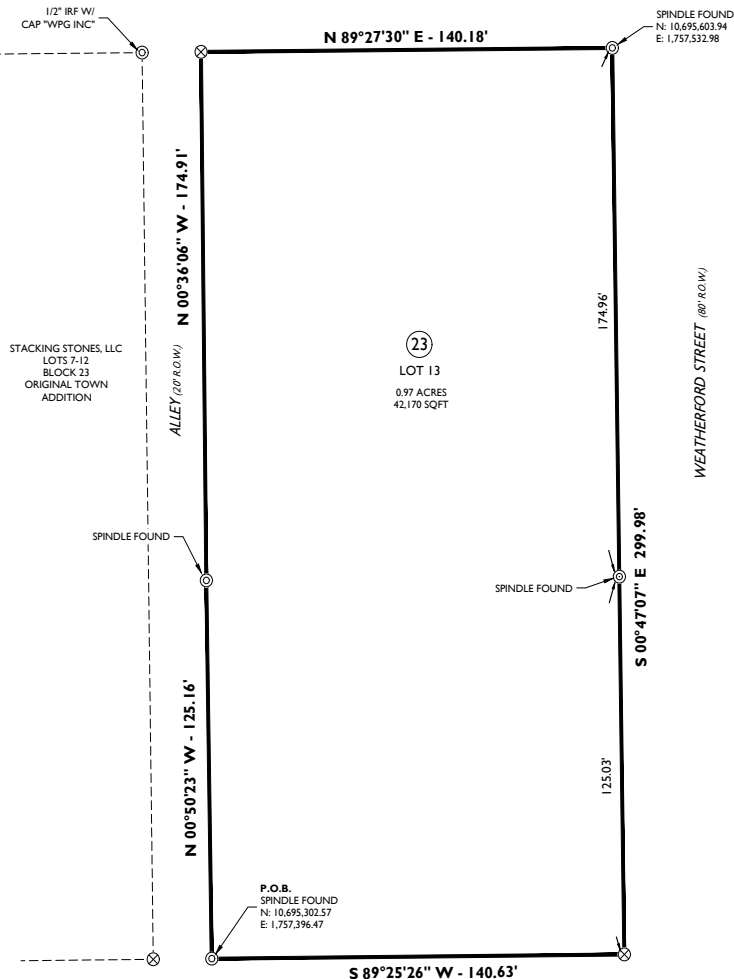
☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☒ Mylar	☒ 1 Copy of Plat (11x17)	☐ CADD File
☒ Application Fee	☐ Title Opinion	☐ Public Improvement
Check # <u>3684</u>	☒ Tax Certificates	☐ Recording Fee
Received By: <u>[Signature]</u>		Check # <u>3685</u>
		Date: <u>01/2022</u>

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

ORIGINAL TOWN SECTION 24

BEING A RE-PLAT OF LOTS 1-6, BLOCK 23
ORIGINAL TOWN ADDITION
CITY AND COUNTY OF MIDLAND, TEXAS

E OHIO AVENUE (80' R.O.W.)



STACKING STONES, LLC
LOTS 7-12
BLOCK 23
ORIGINAL TOWN
ADDITION

ALLEY (80' R.O.W.)

WEATHERFORD STREET (80' R.O.W.)

S 89°25'26\"

E ILLINOIS AVENUE (80' R.O.W.)

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS STACKING STONES, LLC, is the record owner of a tract of land situated in Section 35, Block 39, T-I-S,
T&P Railway Co. Survey, City and County of Midland, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That STACKING STONES, LLC, being the owner of the land shown on this plat designated as ORIGINAL TOWN
ADDITION, SECTION 24, 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 collection, utility facility access and
maintenance, 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 has been selected
and approved by the Director of Utilities.

WITNESS my hand at _____, M.,
the _____ day of _____, 2022.

By: _____

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 STACKING STONES, LLC, known to me to be the person whose name is subscribed
to the foregoing instrument, and acknowledged to me that he was acting as owner, 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 _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of ORIGINAL TOWN ADDITION, SECTION 24,
was approved by proper action of the City Planning and Zoning Commission of the City of Midland,
Texas on this:

_____ day of _____, 2022.

LUCY SISNIEGA, CHAIRMAN

ELIZABETH SHAUGHNESSY, SECRETARY

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY
BY: _____

AT&T
BY: _____

SUDDEENLINK COMMUNICATION
BY: _____

GRANDE COMMUNICATION
BY: _____

ONCOR ELECTRIC DELIVERY
BY: _____

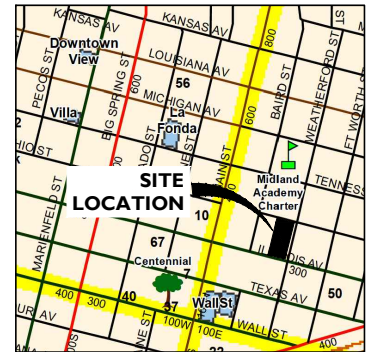
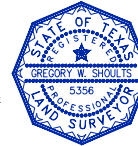
SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, GREGORY W. SHOULTS, 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.

GREGORY W. SHOULTS RPLS#5356
Maverick Engineering, (TX Firm #10194514)
1909 W. Wall Street, Suite K
Midland, TX 79701

JANUARY 1, 2022

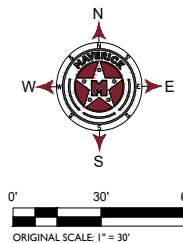


VICINITY MAP

N.T.S.

LEGEND

- ⊙ DENOTES FOUND MONUMENT AS NOTED
- ⊗ DENOTES CHISELED "X"
- P.R.M.C.T. DENOTES OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
- D.R.M.C.T. DENOTES DEED RECORDS, MIDLAND CO., TX
- P.R.M.C.T. DENOTES PLAT RECORDS, MIDLAND CO., TX
- DENOTES BOUNDARY LINE
- - - - - DENOTES ADJACENT LOTS
- · - · - · - DENOTES EXISTING EASEMENT LINE



DEVELOPMENT NOTES

- 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 WITH-HOLDING 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.
- BASIS OF BEARINGS, COORDINATES AND DISTANCES ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983 - U.S. SURVEY FOOT
- THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:
(1) THE REPRESENTED LOT IS REPLATTED FOR SUBDIVISION INTO MORE THAN ONE LOT OR:
(2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
- 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 INCREASED.

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S N.F.I.P. FLOOD INSURANCE RATE MAP #48329C0089F, DATED SEPTEMBER 16, 2005, THIS PROPERTY IS WITHIN THE UNSHADED PORTION OF ZONE "X", DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF MAVERICK ENGINEERING.

PROPERTY OWNER

STACKING STONES, LLC
6709 ELKINS RD.
MIDLAND, TX 79705
DEED INSTRUMENT #2021-18669



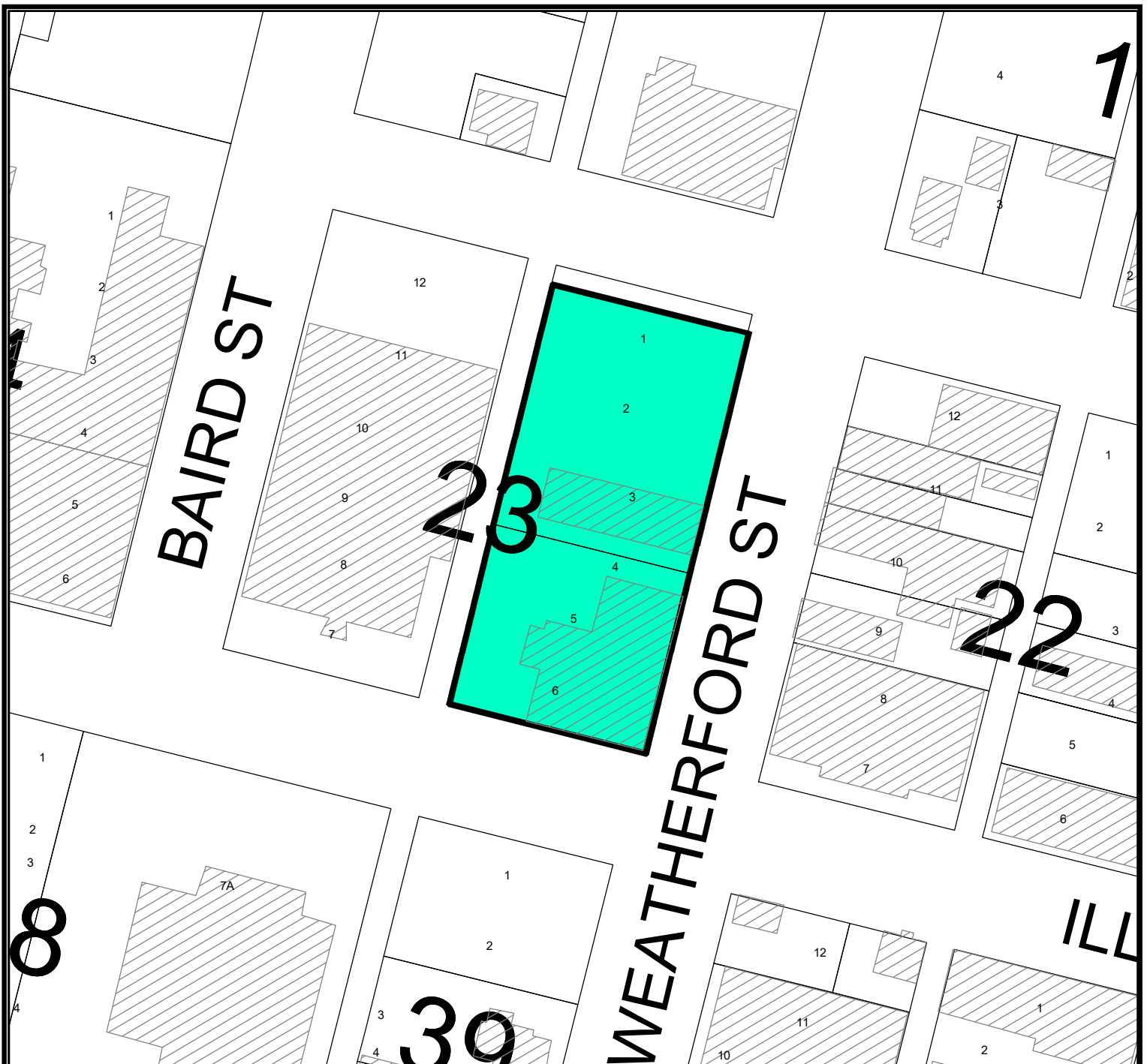
MAVERICK
ENGINEERING / SURVEY / WATER RESOURCES
1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: 10194514
Tel: (432) 262-0999 Fax: (432) 262-0989
www.Maverick-Eng.com

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____

**ORIGINAL TOWN
SECTION 24**
March 21, 2022



LOCATION MAP

SUB-21-1245

Scale: 1" = 1200'

Proposed Plat of Original Town Addition, Section 24, being a replat of Lots 1-6, Block 23, Original Town Addition to the City and County of Midland, Texas.

Generally located on the southwest side on the intersection of Weatherford Street and E Ohio Avenue. (Council District 2)

LEGEND

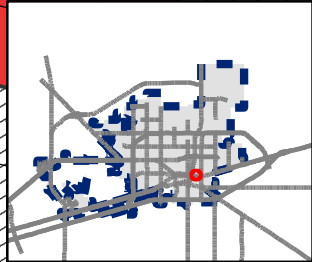
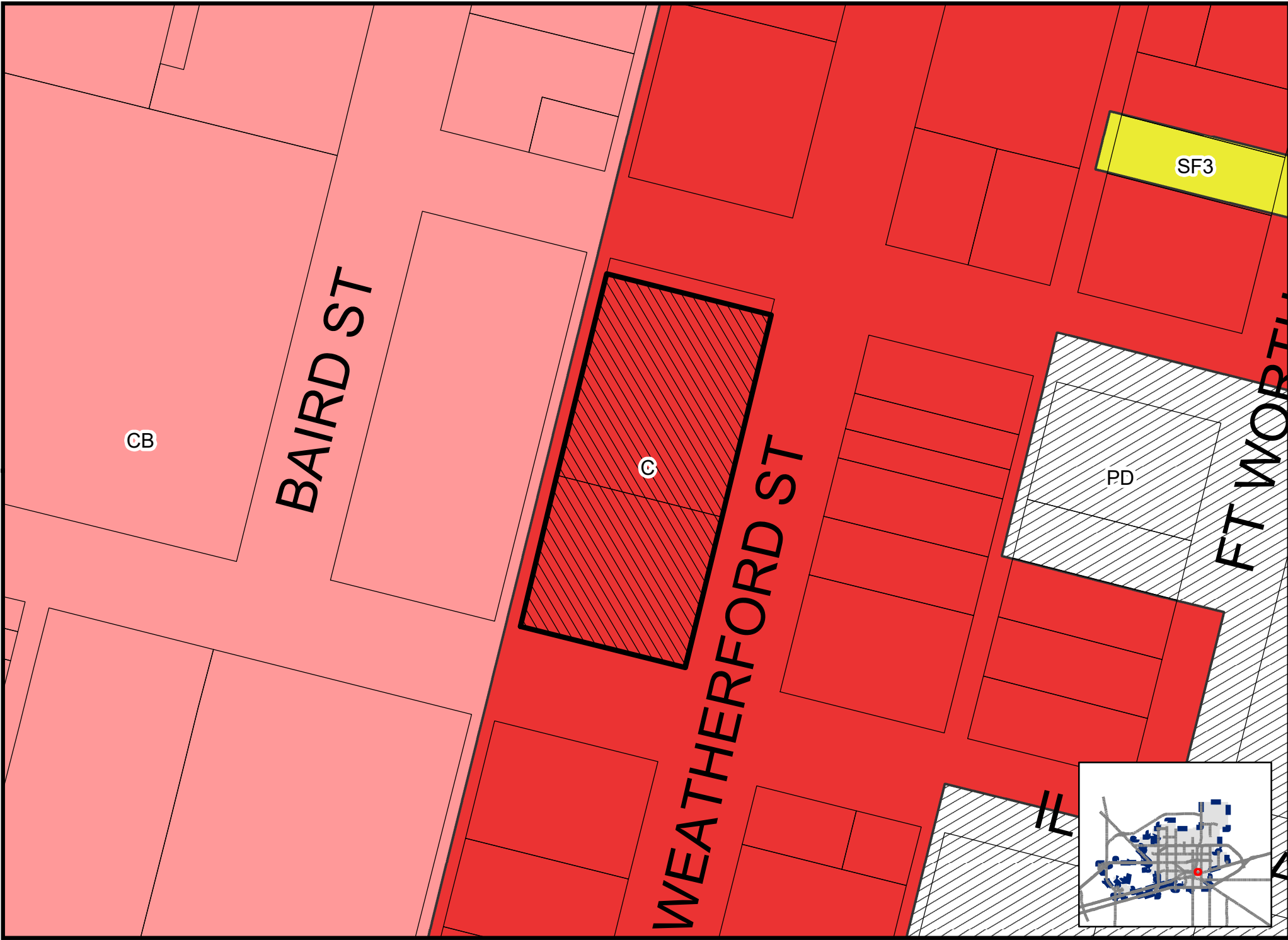
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©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:
Elizabeth Shaughnessy

MEETING DATE:

March 21, 2022

TO:

PLANNING AND ZONING COMMISSION

FROM:

Cole Furqueron, Senior Planner

SUBJECT:

Motion approving a Final Plat Mockingbird Heights, Section 15, being a replat of Lot 12 and the E/2 of Lot 13, Block 1, Mockingbird Heights, Section 2, City and County of Midland, Texas. (Generally located on the on the south side of Tanforan Avenue, approximately 110 feet to the west of Rockwood Drive. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X **Approve** **Deny** **Directional/Informational**

Details of Request:

The applicant, Newton Engineering, PC is requesting to replat Lot 12 and the E/2 of Lot 13, Block 1, Mockingbird Heights, Section 2, City and County of Midland, Texas to divide one lot into two separate lots for building residential housing. The 2 lots in question do meet the minimum lot width requirement of 80 feet for an SF-1 Zoning. The lots will be 85 feet in width after being divided. This is a residential replat; therefore, a public hearing is required per Midland City Code 11-2-7 (A).

Current Zoning:

PD, Planned Development District for a Housing Development (Ordinance 7109). It has an underlining zoning of SF-1, Single, Family Dwelling District.

Preliminary Plat Approval:

A public hearing will held during the public hearing of the Final Plat during the March 21, 2022 Planning and Zoning Commission meeting.

Final Plat Requirements:

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

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

Departmental Review:

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, 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)

IMPACT FEES: Impact fees okay as shown. [For the Applicant's information only.]

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

PAVING: Tanforan Avenue okay as is. [For the Applicant's information only.]

WATER: 12" water exists in Tanforan Ave Street, 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 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.]

SIDEWALKS: Required with building permit. [For the Applicant's information only.]

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

STREET NAME AND TRAFFIC CONTROL SIGN FEE – No fee expected with this plat.
[For the Applicant's information only.]

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)

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

CODE COMPLIANCE: (Approved)

No Oil and Gas issues.

PLANNING:

All departments' comments have been satisfied.

Staff recommends approval of the Final plat of Mockingbird Heights, Section 15, subject to condition A.

Letters of Objection:

Staff has received four letters of objection as of March 16, 2022.

Conditions:

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

Attachments:

Application
Proposed Final Plat
Maps
Objection Letters
Ordinance 7109



Final Plat Application

Project Number:

Case Number:

Sub-21-0472
D-22-1277**Proposed Subdivision Plat Name:** Mockingbird Heights, Section 15**Legal Description (attached sealed Metes and Bounds):** See attached**Property Owner**

Printed Name: M Jackson Construction 1, Ltd.

Phone (432 559-5128

Email
chase@newtoncivil.com

Address 3209 Caldera Blvd.

City Midland

State TX

Zip 79705

Developer (if different than Owner)

Printed Name: Same as owner

Phone (432 559-5128

Email
chase@newtoncivil.com

Address

City

State

Zip

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

Firm: Newton Engineering, PC

Printed Name: Chase Dunnam

Phone (432 559-5128

Email
chase@newtoncivil.com

Address 4501A Santa Rosa Dr.

City Midland

State TX

Zip 79707

Current Zoning: PD, Ordinance 7109. Underlying zoning is SF-1**Reason for Platting:** Divide one lot into two lots.**Plat Information**

Total Acreage: 0.569

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

Number of Lots: 2

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'

RECEIVED
FEB 15 2022

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): Mike Jackson Date: 2-11-22

Property Owner (printed): Mike Jackson

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.

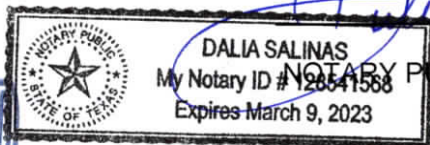
STATE OF TEXAS
 COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Chase Dunnam who, being by me duly sworn, upon oath says: That (s)he is authorized by Mike Jackson, 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 15th day of February, 20 22, to certify which witness my hand and seal of office.

RECEIVED
 FEB 15 2022

**FOR OFFICE USE ONLY**

- | | | |
|--|--|---|
| ☒ Property Owner Authorization | ☒ 1 Copy of Dimensioned Plat | ☒ Plat in Digital Format (PDF/JPEG) |
| ☒ Mylar | ☒ 1 Copy of Plat (11x17) | ☐ CADD File |
| ☒ Application Fee | ☒ Title Opinion | ☐ Public Improvement |
| Check # <u>cc</u> | ☒ Tax Certificates | ☒ Recording Fee <u>163</u> |
| | | Check # <u>215100</u> |

Received By: _____

Date: 2/15/22

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

FINAL PLAT
MOCKINGBIRD HEIGHTS, SECTION 15
BEING A REPLAT OF ALL OF LOT 12 AND THE E/2 OF LOT 13, BLOCK 1,
MOCKINGBIRD HEIGHTS, SECTION 2,
CITY AND COUNTY OF MIDLAND, TEXAS

LEGEND

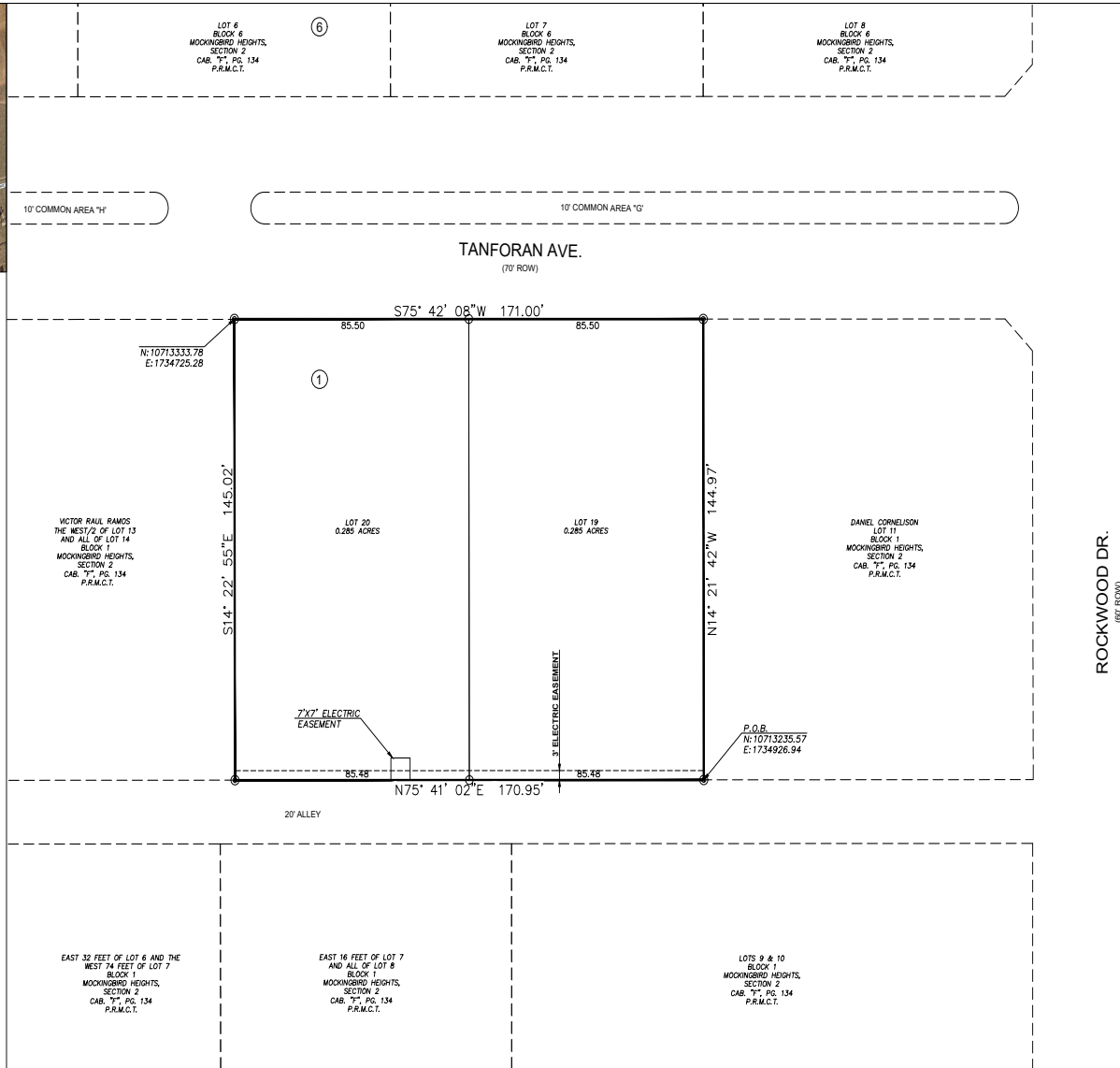
- = SET 1/2" IRON ROD WITH PLASTIC
CAP MARKED "P.L.S. 4170" UNLESS
NOTED OTHERWISE
⊙ = FOUND 1/2" IRON ROD
UNLESS NOTED OTHERWISE

GRAPHIC SCALE

(IN FEET)
1 INCH = 20 FT.



LOCATION MAP
N.T.S.



OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, M. JACKSON CONSTRUCTION 1, LTD., is the record owner of all of Lot 12 and the E/2 of Lot 13, Block 1, Mockingbird Heights, Section 2, as addition to the City of Midland, Texas, as per plat recorded in Cabinet "Y", Page 134, Plat Records, Midland County, Texas and being more particularly shown hereon.

Now, therefore, know all men by these presents:

That I, MIKE JACKSON, do hereby adopt this plat designating the hereinabove described property as MOCKINGBIRD HEIGHTS, SECTION 15, as addition to the City of Midland, Texas, and hereby dedicate to the public use forever of the streets and easements shown hereon.

WITNESS my hand at Midland, Texas, this _____ day of _____, 2022

M. JACKSON CONSTRUCTION 1, LTD.
MIKE JACKSON, PRESIDENT

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF MIDLAND

This plat was acknowledged before me on _____, 2022 by MIKE JACKSON.

Notary Public, State of Texas

OWNER:

M. JACKSON CONSTRUCTION 1, LTD.
3209 CALDERA BLVD.
MIDLAND, TEXAS 79705

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

CERTIFICATE OF APPROVAL:
For approval by the Commission:

This is to certify that the above and foregoing plat of MOCKINGBIRD HEIGHTS, SECTION 15 was approved by proper action of the Planning and Zoning Commission of the City of Midland, Texas, on this _____ day of _____, 2022.

Signed: Lucy Sienega, Chairman

Signed: Elizabeth Shaughnessy, Secretary

SURVEYOR'S CERTIFICATE:

Know all Men by these Presents:
That I, Bruce R. Pennel, 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 and County of Midland, Texas.

Bruce R. Pennel, R.P.L.S. No. 4170

DATE



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

Signed: Oncor Electric Delivery Company

Signed: Suddenlink

Signed: A. T. & T.

Signed: Grande Communications

Signed: Atmos Energy

PACKET

Page 7.45

- NOTE:
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.
4. THE AREA SHOWN ON THIS PLAT IS IN FLOOD ZONE X ACCORDING TO FIRM MAP NUMBER 48320C0077 DATED SEPTEMBER 18, 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 SERVICES UNIT OR THE NUMBER OF INCREASES IN FEES ARE GREATER THAN THE NUMBER OF SERVICES UNIT OR THE NUMBER OF INCREASES IN FEES.

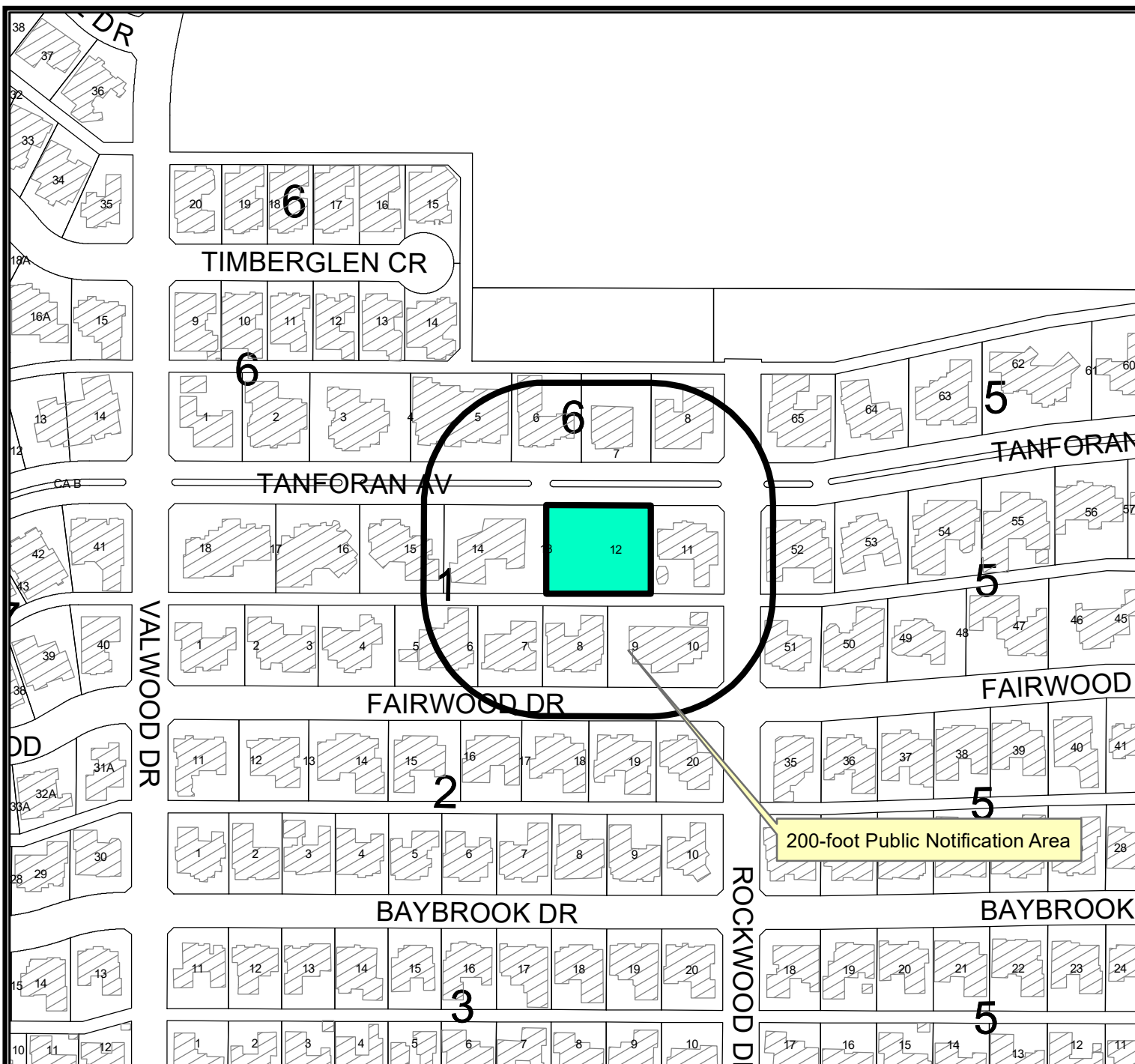
NO. _____
DATE _____

MOCKINGBIRD HEIGHTS, SECTION 15
SCALE: 1" = 20' DRAWN BY: CSD
DATE: FEBRUARY 2022 FILE NAME:



FINAL PLAT PROJECT NUMBER 21-ME11031

March 21, 2022



LOCATION MAP

SUB-21-0472

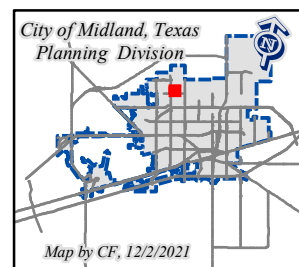
Scale: 1" = 200'

Proposed Plat of Mockingbird Heights, Section 15, being a replat of Lot 12 and the E/2 of Lot 13, Mockingbird Heights, Section 15, City and County of Midland, Texas.

Generally located on the south side of Tanforan Avenue, approximately 110 feet to the west of Rockwood Dr - (Council District 2)

LEGEND

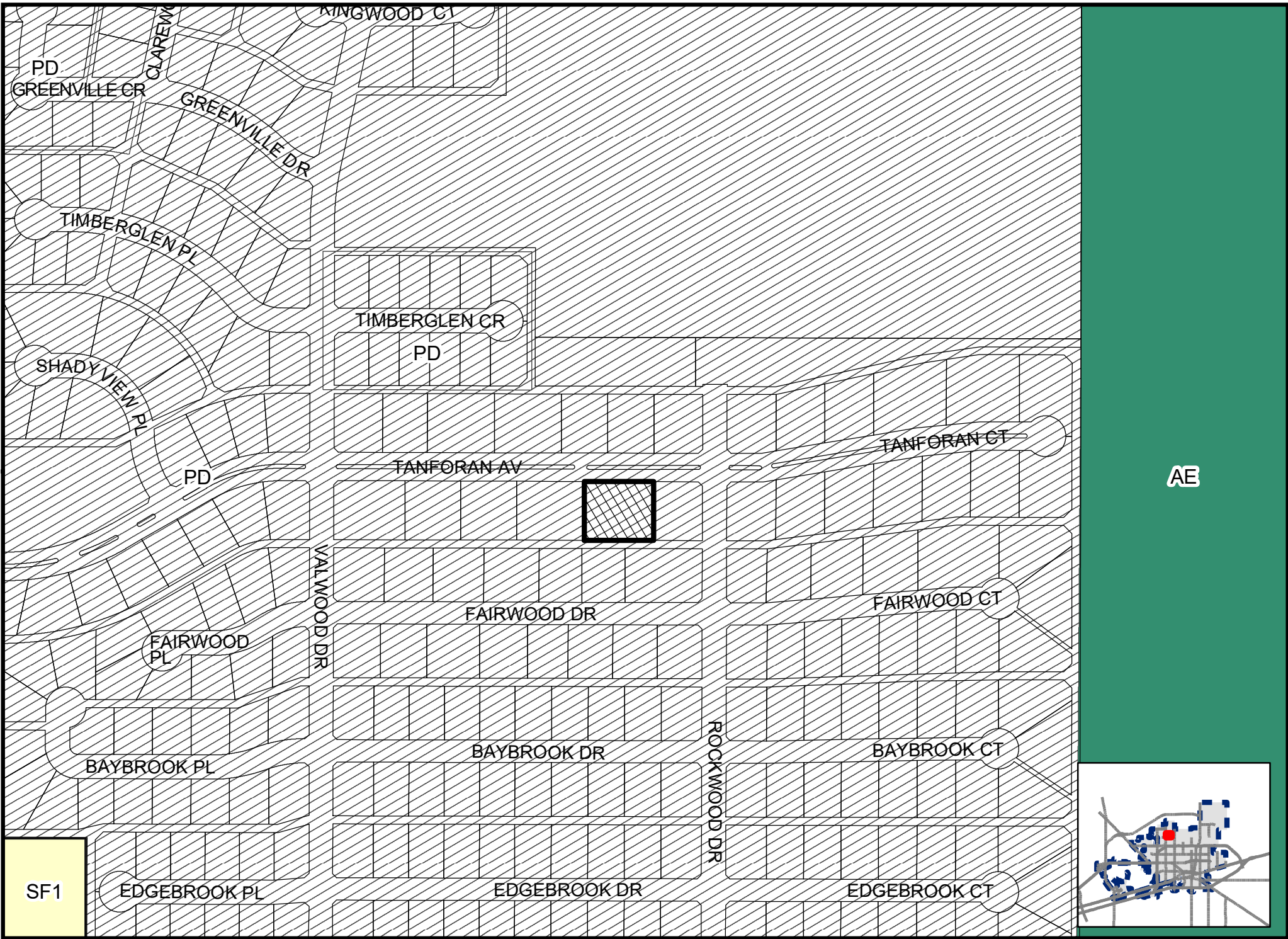
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©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.











ORDINANCE NO. 7109

AN ORDINANCE AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE PROPERTY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED "AE", AGRICULTURE-ESTATE DISTRICT, TO BE USED AS A "PLANNED DISTRICT" FOR A HOUSING DEVELOPMENT; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; PROVIDING THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE ORDINANCES AND OTHER SPECIFICATIONS SET OUT AND REFERRED TO HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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 creation of the "Planned District" 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 "AE", Agriculture-Estate District, and it shall be used as a "Planned District" for a Housing Development, subject to the special conditions and restrictions hereinafter set out:

Said property is described as follows:

A 178.08 acre tract of land out of the southwest part of Section 8, Block "X", H. P. Hilliard Survey, Midland County, Texas, and more particularly described as follows:

Beginning at a point in the northern boundary of Mockingbird Lane in Section 8, Block "X", H. P. Hilliard Survey, Midland County, Texas, for the most southerly southwest corner of this tract, from which the southwest corner of said Section 8 bears

S. 15° 14' 22" E., 40.0 feet and S. 74° 51' 28" W., 360.0 feet;

Thence N. 15° 14' 22" W., 310.0 feet to a point for an angle corner this tract;

Thence S. 74° 51' 28" W., 315.0 feet to a point in the eastern boundary of Midland Drive, for the most westerly southwest corner of this tract;

Thence N. 15° 14' 22" W., along the eastern boundary of Midland Drive, 2,490.01 feet to a point for the northwest corner this tract;

Thence N. 74° 51' 28" E., 1,700.0 feet to a point for an angle corner this tract;

Thence N. 51° 22' 14" E., 602.2 feet to a point for an angle corner this tract;

Thence N. 74° 51' 28" E., 220.0 feet to a point for the most northerly northeast corner this tract;

Thence S. 15° 14' 22" E. 240.0 feet to a point for an angle corner this tract;

Thence N. 74° 51' 28" E. 290.0 feet to a point for the most easterly northeast corner this tract;

Thence S. 15° 14' 22" E., 2800.0 feet to a point in the northern boundary of Mockingbird Lane for the southeast corner this tract;

Thence S. 74° 51' 28" W., along the northern boundary of Mockingbird Lane, 2,447.7 feet to the place of beginning and containing 178.08 acres of land, more or less.

SECTION TWO. That the property described in Section One hereof shall be subject to the following special conditions and restrictions:

1. That the use and development of this property shall be subject to the use and development regulations of the 1F-1, One-Family Dwelling District, except as stated below or as otherwise indicated on the attached site plan, Exhibit "A".
2. The indicated screening fence as shown on Exhibit "A", shall be constructed within the common area along the full length of the south and west sides of this property, except at street intersections, and shall be between 6.5 feet and 7.5 feet in height, except that the height will be reduced at street intersections as shown on the site plan to conform to City Codes regarding sight triangle clearance. The fence shall be constructed of masonry, consisting of a fired clay brick only, and shall expressly exclude concrete masonry units (CMA) or stucco finish. The entire fence shall be of the same color and texture brick, including pilasters. The course pattern for the fence shall not be a stacked course, except that the pilasters may use a stacked course.
3. That the development of the common areas are subject to the conditions indicated on the site plan (Exhibit "A") in all respects. Additionally, landscaping within the public right-of-way shall consist only of turfgrass and ground covers; all trees and shrubs shall be planted within common areas established by the associated

plat(s); and the spacing of slash pine clusters along the linear common area be a maximum of 50 feet. The minimum size of plant materials at the time of planting shall be as indicated on the Site Plan.

4. That the development of the common areas and adjacent street rights-of-way as required herein shall be considered to be subdivision development improvements and shall be guaranteed and constructed in the manner of all other subdivision development improvements, but shall in any event be completed prior to occupancy of and the issuing of a Certificate of Occupancy for any lot abutting said common area.
5. That all landscaped common areas and the area of public rights-of-way between those common areas and the near street curbs on Midland Drive and Mockingbird Lane be irrigated by an automatic sprinkler system and maintained in a healthy growing condition. Further, the plant materials shall be trimmed as needed to conform to City codes regarding landscaping in and adjacent to public rights-of-way for safe sight triangle areas.
6. That, prior to any development within this Planned District, a subdivision plat, substantially conforming to this Planned District, permitting at the developer's option lots backing toward common areas and fences along Midland Drive and Mockingbird Lane, as specified herein, and including covenants which establish a property owners' association which shall own all common areas and be responsible for maintaining the screening fence and plant materials in the common areas and adjoining public rights-of-way shall be approved by the City.

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 1-2-1 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 law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 13th day of August, A.D., 1991; and passed to second reading on motion of Council member Faircloth, seconded by Council member Johnston, by the following vote:

Council members voting "AYE": Faircloth, Johnston, DeVaughn, Castro, Thomas, Devenport and Sipes

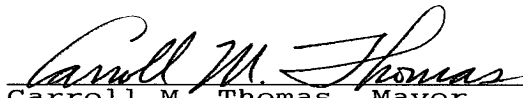
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Faircloth, seconded by Council member Johnston, on the 27th day of August, A.D., 1991, at a regular meeting of the City Council:

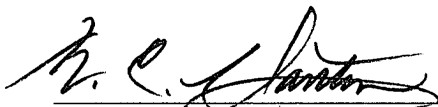
Council members voting "AYE": Faircloth, Johnston, DeVaughn, Castro, Thomas, Devenport and Sipes

Council members voting "NAY": None

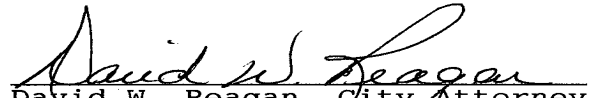
PASSED AND APPROVED THIS 27th day of August, A.D., 1991.


Carroll M. Thomas, Mayor

ATTEST:


B. C. Clanton, City Secretary

APPROVED AS TO FORM:


David W. Reagan, City Attorney

Ord\AE.PD



RECEIVED
MAR 17 2021

BY:

RAMOS VICTOR RAUL
4011 TANFORAN AV
MIDLAND TX 79707

PUBLIC NOTICE

The Planning and Zoning Commission, of the City of Midland, Texas, will hold a public hearing at 3:30 p.m. on **Monday, March 21, 2022**, in the Council Chamber, City Hall, 300 N. Loraine, Midland, TX 79702 and via videoconference on a request by **Newton Engineering** for approval of a **Residential Replat** on the following described property:

LEGAL DESCRIPTION: Being a replat of Lot 12 and the E/2 of Lot 13, Block 1, Mockingbird Heights, Section 2, City and County of Midland, Texas.

LOCATION: Generally located on the on the south side of Tanforan Avenue, approximately 110 feet to the west of Rockwood Drive – (Council District 2)

Not to be considered a part of the Public Notice: 1) See reverse side for location map; 2) In order to be considered as an official objection to this request a response **must be submitted by mail or delivered in writing** to the Planning Division at the address listed above. An official objection may be filed by completing this notice and returning it to the address listed above

I object to this request ☒ Comments: _____

Required Information:

Property Owner's Signature

VICTOR R. RAMOS MD 4011 Tanforan Ave

Printed Name

Property Address (No P.O. Boxes)

If any further information is desired, please contact the Planning Division at 685-7400. Si usted desea más información en Español sobre este caso, llame al: 685-7400.

Notices Mailed: 15

Date Mailed: 3/11/2022

Case Number: SUB-21-0472

Case Name: Mockingbird Heights, Section 15

CF: Planner's Initials

Elizabeth Shaughnessy

Planning Division Manager

Department of Development Services

The meeting facility is accessible to disabled persons. A wheelchair entry ramp is located at the southeast entrance to City Hall. A parking space designated for use by disabled persons is available near the southeast entrance doors. Any disabled person needing special accommodations or hearing impaired persons wishing to have an interpreter should request services through the Administrative Services Department at least 48 hours prior to the scheduled meeting by contacting Compliance Coordinator for the City of Midland, at (432) 685-7251. If communication via TDD is required, please call 1-800-735-2989. The videoconference information can be found on the City's website: <http://www.midlandtexas.gov/967/primegov-meetings>.



RECEIVED
MAR 17 2021

BY:

PUBLIC NOTICE

ALEXANDER CHASE
3930 FAIRWOOD CT
MIDLAND TX 79707

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I object to this request ☒ Comments: SMALLER LOT WILL DEVALUE PROPERTIES AROUND

Required Information:

Alexander Chase
Property Owner's Signature

Alexander Chase
Printed Name

3930 FAIRWOOD CT
Property Address (No P. O. Boxes)

If any further information is desired, please contact the Planning Division at 685-7400. Si usted desea más información en Español sobre este caso, llame al: 685-7400.

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Department of Development Services

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JOHNSON DENNIS &
4100 TANFORAN AV
MIDLAND TX 79707

PUBLIC NOTICE

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I object to this request ☒ Comments: *Putting two small homes on this tract will diminish the value of existing homes on Tanforan Avenue.*

Required Information:

<i>Dennis R. Johnson</i>	<i>Dennis R. Johnson</i>	<i>4100 Tanforan Ave</i>
Property Owner's Signature	Printed Name	Property Address (No P. O. Boxes)

If any further information is desired, please contact the Planning Division at 685-7400. Si usted desea más información en Español sobre este caso, llame al: 685-7400.

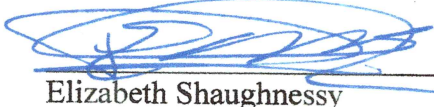
Notices Mailed: 15

Date Mailed: 3/11/2022

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Elizabeth Shaughnessy
Planning Division Manager
Department of Development Services

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RECEIVED
MAR 14 2021

BY:

PUBLIC NOTICE

GRAHAM RICK E
4012 FAIRWOOD DR
MIDLAND TX 79707-1429

The Planning and Zoning Commission, of the City of Midland, Texas, will hold a public hearing at 3:30 p.m. on **Monday, March 21, 2022**, in the Council Chamber, City Hall, 300 N. Loraine, Midland, TX 79702 and via videoconference on a request by **Newton Engineering** for approval of a **Residential Replat** on the following described property:

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I object to this request ☒ Comments: Platted as a single home lot !!!

Required Information:

Property Owner's Signature

Printed Name

Property Address (No P. O. Boxes)

If any further information is desired, please contact the Planning Division at 685-7400. Si usted desea más información en Español sobre este caso, llame al: 685-7400.

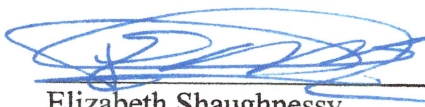
Notices Mailed: 15

Date Mailed: 3/11/2022

Case Number: SUB-21-0472

Case Name: Mockingbird Heights, Section 15

CF: Planner's Initials


Elizabeth Shaughnessy
Planning Division Manager
Department of Development Services

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This replat will lower home values here



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: March 21, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Paul Rodriguez, Planner

SUBJECT: Motion approving with staff's recommended conditions a proposed Preliminary Plat of Park Avenue Heights, Section 3, being a residential replat of Lots 19 & 20, Block 64, Park Avenue Heights, Section 2, City and County of Midland Texas. (Generally located on the northeast corner of the intersection of Bunche Street & E. California Avenue (Council District 2))

Recommended Planning and Zoning Commission Action:

☒ Approve ☐ Deny ☐ Direction/Informational

Details of Request:

The property owner, Marc D. Colvin, is proposing to replat Lots 19 & 20, Block 64, Park Avenue Heights Addition Sections 2, City and County of Midland, Texas, into (1) lot.

This is a residential replat; therefore, a public hearing is required (Midland City Code 11-2-7 (A)).

Current Zoning:

The property is zoned SF-3, Single-Family Dwelling District.

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

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Provide the following note on the plat face: Initial Impact Fees will be assessed during the final platting process. Implementation and collection of impact fees

will take place during the 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. [For the Applicant's information only.]

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

PAVING: Both South Bunche Street and East California Avenue to be paved by the City of Midland as part of a City project. No public paving improvements required. [For the Applicant's information only.]

WATER: 6" water exists in South Bunche Street west of tract, okay as is. 12" water exists in East California Avenue north of tract, 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 alley east of tract, 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.]

SIDEWALKS: Required with building permit. [For the Applicant's information only.]

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved with Conditions)

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)

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

CODE COMPLIANCE: (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 of plat, this could prevent receiving city permits for structures. Any plugged and abandoned well would need to be identified.

CODE ADMINISTRATION: (Approved)

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

GIS: (Approved with conditions)

Lot 20 also says Lot-19-R. The R usually means remainder. However, the lot is 20 and not 19. On other plats after a replat, they usually rename to lot 19A and 20A. Midland City Code 11-2-3(D)4(h).

SURVEYOR: (Approved)

No comments.

PLANNING: (Approved with Conditions)

This property was currently re-zoned SF-3, Single-Family Dwelling District (Ordinance 10278) at the City Council meeting of January 11, 2022.

Staff recommends approval of the Preliminary Plat of Park Avenue Heights, Section 3 subject to conditions A and B.

Conditions:

- A. Approval of this preliminary plat is conditioned upon the commission approval after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard. See Midland City Code 11-2-7(A)2(B).
- B. Approval of this preliminary plat is conditioned upon it containing the correct lot numbers." Midland City Code § 11-2-3(D)4(h).

Attachments:

Proposed Preliminary Plat
Application
Map



Preliminary Plat Application

Project Number: SUB-22-0483

Case Number: 1-22-1284

Proposed Subdivision Plat Name: PARK AVENUE HEIGHTS, SECTION 3

Legal Description (attached sealed Metes and Bounds): See attached Metes & Bounds

Property Owner

Printed Name: Marc D. Colvin

Phone (281) 235-5794

Email Marc363b@hotmail.com

Address 6504 Acorn Court

City Pearland

State Texas

Zip 77584

Developer (if different than Owner)

Printed Name:

Phone ()

Email

Address

City

State

Zip

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

Firm: Dunaway Associates, LLC

Printed Name: Steve Glosup

Phone (817) 632-4718

Email

srg@dunaway.com

Address 4000 N. Big Spring Street, Suite 101

City Midland

State Texas

Zip 79705

Current Zoning: Zoned MF-22, Multi-Family District

Reason for Platting: Combining Lots 19 & 20, Block 64, Park Avenue Heights into One Lot

Plat Information

Total Acreage:

0.277 Acre

Type: ☐ Single-Family Residential

☒ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: Two

Number of Multi-Family Dwelling Units: None

Submittal and Fees

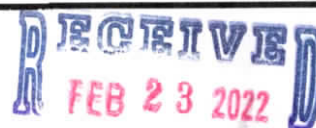
Items to be submitted with this application form:

- 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



Paul Rodriguez

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):

Marc Colvin

Date:

2/16/22

Property Owner (printed):

MARC COLVIN

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.

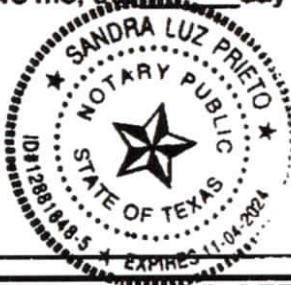
STATE OF TEXAS

COUNTY OF MIDLAND

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

Authorized Agent (signature)

Subscribed and sworn to before me, this 16 day of February, 2022, to certify which witness my hand and seal of office.



Sandra Luz Prieto

TARRANT
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 # 056261

Received By:

Paul Rodriguez

Date:

2/23/22

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

Preliminary Plat Application

2

FEB 23 2022

Revised 07/01/19

PACKET

Page 8.66

March 21, 2022



VICINITY MAP
NOT TO SCALE

OWNER/DEVELOPER

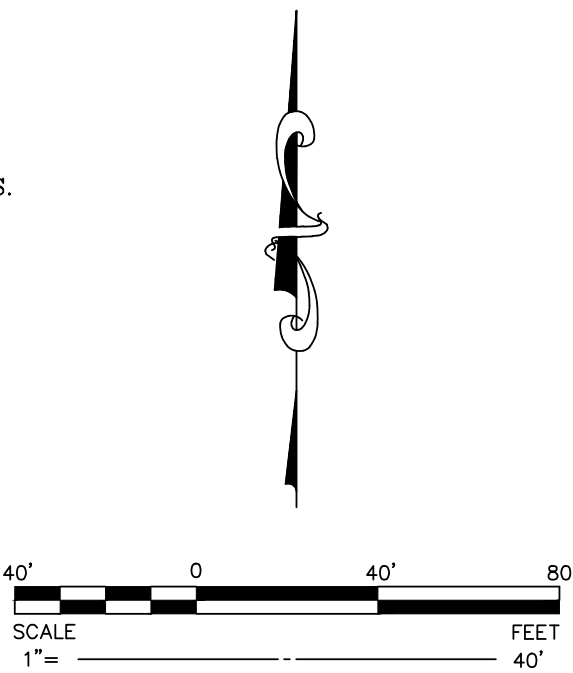
MARC D. COLVIN
6504 ACORN COURT
PEARLAND, TEXAS 77584
CONTACT: MARC D. COLVIN
EMAIL: Marc363b@hotmail.com

PARK AVENUE HEIGHTS
SECTION 3

BEING A REPLAT OF LOTS 19 AND 20, BLOCK 64, PARK AVENUE
HEIGHTS (SECOND SECTION)
CITY AND COUNTY OF MIDLAND, TEXAS

SURVEYOR

DUNAWAY ASSOCIATES, L.L.C.
550 BAILEY AVENUE, SUITE 400
FT. WORTH, TEXAS 76107
(817) 335-1121 (PHONE)
CONTACT: STEPHEN GLOSUP, R.P.L.S.
EMAIL: SRG@dunaway.com



UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY Print Name:

ONCOR ELECTRIC DELIVERY Print Name:

SUDDENLINK Print Name:

GRANDE COMMUNICATIONS Print Name:

AT&T-TEXAS Print Name:

OWNER'S CERTIFICATE

STATE OF TEXAS, COUNTY OF MIDLAND:

WHEREAS Marc D. Colvin, is the record owner of Lots 19 & 20, Block 64, Park Avenue Heights, Second Section, an Addition to the City and County of Midland, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, Marc D. Colvin, do hereby adopt this plat designating the herein above described property as Park Avenue Heights, Section 3, to the City of Midland, Texas, and we do hereby dedicate to the public use forever the streets, alleys, and easements shown hereon.

WITNESS my hand a Midland, Texas, this the _____ day of _____ 2022.

Owner: Marc D. Colvin

STATE OF TEXAS, COUNTY OF MIDLAND:

This instrument was acknowledged before me on _____, 2022,

by _____

Notary Public Signature



PROPERTY DESCRIPTION

BEING a tract of land situated in Section 36, Block 39, Township 1 South, T. & P. RR. Co. Survey, J.M. Moody Survey, Abstract No. 1, City of Midland, Midland County, Texas, being all of Lots 19 and 20, Block 64, Park Avenue Heights (Second Section), a subdivision of the south 645.5 feet of Blocks 1 & 2, Homestead Acres of Moody's Second Addition, an Addition to the City of Midland according to the plat recorded in Cabinet B, Slide 114, Plat Records, Midland County, Texas, and being all of that certain tract of land described by deed to Marc D. Colvin, recorded in Document Number 2013-27310, Deed Records, Midland County, Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the south right-of-way line of East California Avenue (a 60' width right-of-way) the west line of a 20' alley as shown on said Park Avenue Heights (Second Section), the northeast corner of said Lot 20, Park Avenue Heights (Second Section), from which found 1/2" iron rod with orange cap stamped "BRADSHAW" bears South 51°29'54" East, a distance of 0.23 feet;

THENCE South 13°9'41" East, with the east line of said Lots 20 and 19 and the west line of said 20' alley, a distance of 110.00 feet to a found 1/2" iron rod for the southeast corner of said Lot 19;

THENCE South 75°6'19" West, departing the east line of said Lot 19 and the west line of said 20' alley, with the south line of said Lot 19, a distance of 110.00 feet to a found 1/2" iron rod the southwest corner of said Lot 19, the east right-of-way line of South Bunchee Street (a 60' width right-of-way);

THENCE North 03°9'41" West, departing the south line of said Lot 19, with the east right-of-way line of said South Bunchee Street and the west lines of said Lots 19 and 20, a distance of 110.00 feet to a found 1/2" iron rod in the south right-of-way line of said East California Avenue;

THENCE North 75°6'19" East, departing the east right-of-way line of said South Bunchee Street, the west line of said Lot 20, with the south right-of-way line of said East California Avenue, a distance of 110.00 feet to the POINT OF BEGINNING and containing a calculated area of 12,099 square feet or 0.277 acre of land.

CERTIFICATION:

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this map is an accurate representation of an actual survey made on the ground under my direction and supervision in the month of December, 2021.

Stephen R. Glosup, RPLS
Registered Professional Land Surveyor
srg@dunaway.com
Texas Registration No. 5570

Date

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.

NOTES:

- The basis of the bearings shown hereon is the Texas State Plane Coordinate System of 1983, Central Zone, (NAD 83). All bearings and distances shown hereon are NAD 83 Surface values using a scale factor of 0.999899.
- 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.
- Any utility company, developer or other entity installing, repairing, maintaining or relocating a utility line or permanent improvement within utility easements must restore the premises as nearly as possible to its original condition following any such work at its sole expense.
- 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.
- = found 1/2-inch iron rod unless otherwise noted.

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of Park Avenue Heights Section 3, was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas, on this the _____ day of _____ 2022.

LUCY SISNIEGA, CHAIRMAN

ELIZABETH SHAUGHNESSY, SECRETARY

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____

DATE: DECEMBER 16, 2021

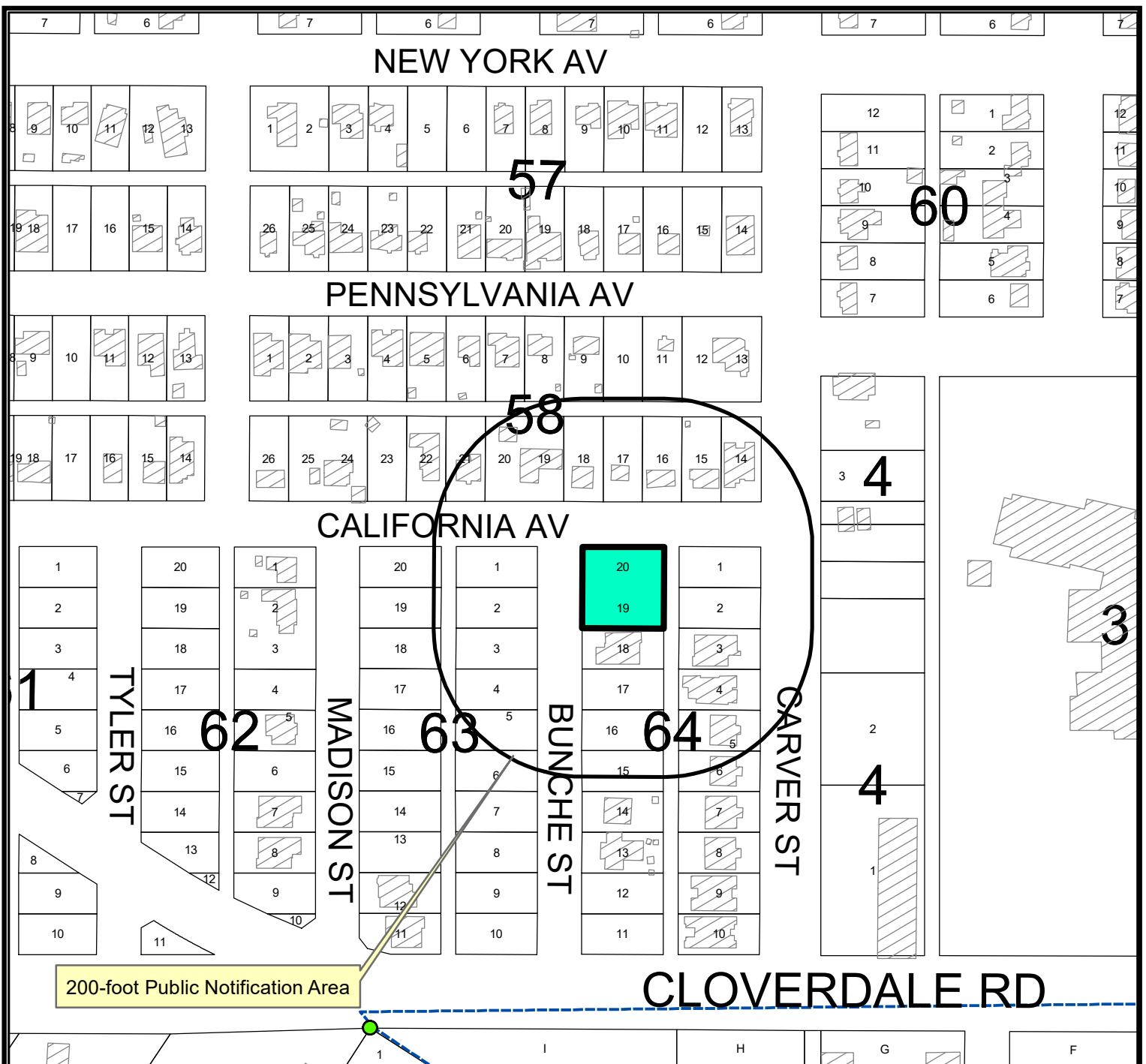
JOB NO. B008007.001



550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107

Tel: 817.335.1121

TEXAS REGISTERED SURVEYING FIRM NO. 10098100



LOCATION MAP

SUB-22-0483

Scale: 1" = 200'

Proposed plat of Park Avenue Heights Section 3, being a residential replat of Lots 19 & 20, Block 64, Park Avenue Heights, Section 2, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of Bunche Street & E. California Ave. (Council District 2)

LEGEND

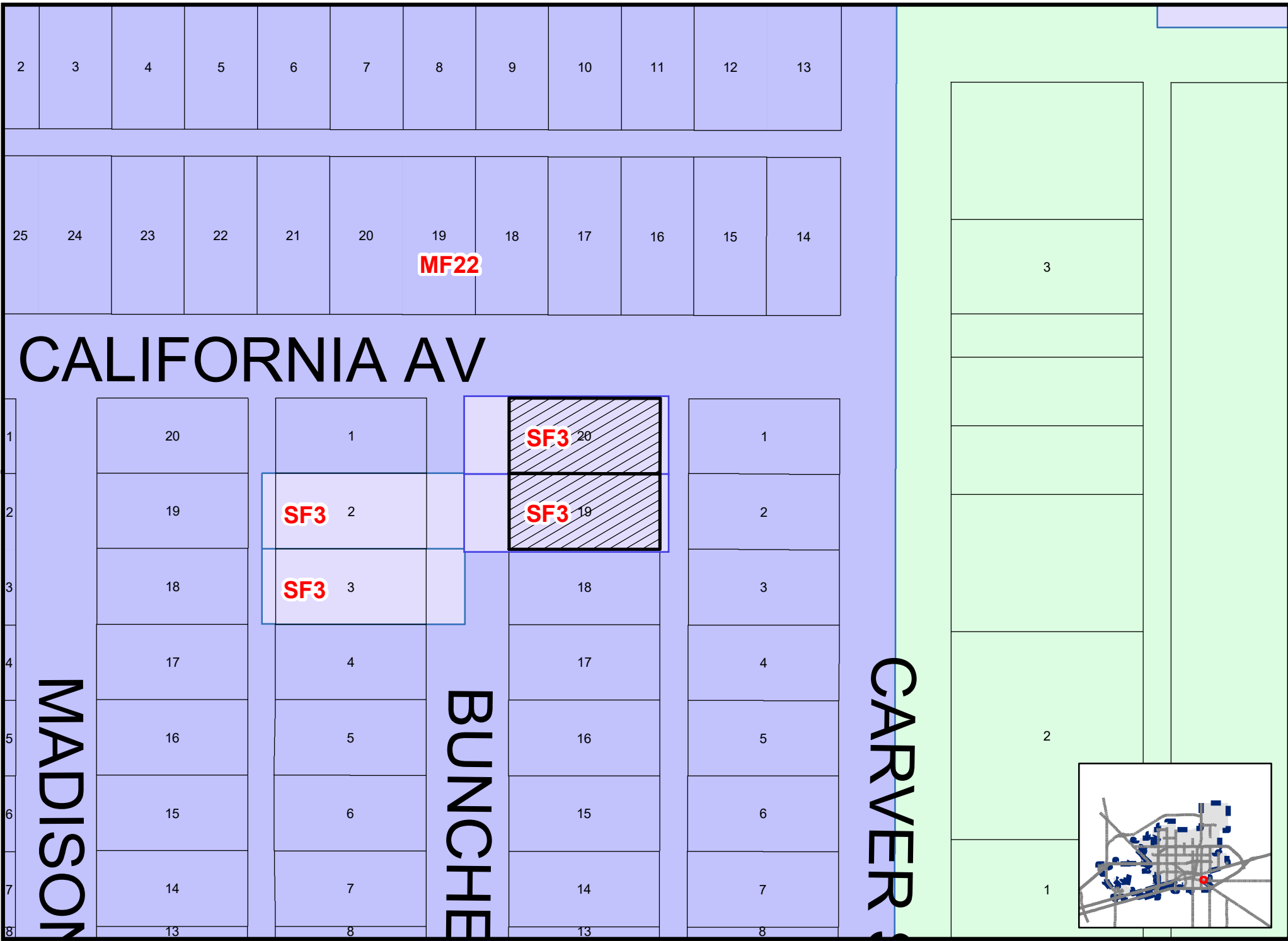
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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













Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: March 21, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Paul Rodriguez, Planner

SUBJECT: Consider a request by Louis Clay for a zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District on Lot 3, Block 6, Eastover Addition, Third Extension, City and County of Midland, Texas. (Generally located on the west side of N. Calhoun Street, approximately 112-feet south of Illinois Avenue - Council District 2. (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

MF-22, Multiple Family District

Surrounding Zoning and Land Use:

The properties to the north, south, east, and west are zoned MF-22, Multiple Family Dwelling District, and are the locations of single family residences and vacant land, respectively.

Analysis:

The applicant is requesting this zone change for the purposes of constructing a single-family home. The lot dimensions satisfy the minimum requirements for the SF-3, Single Family Dwelling District zoning.

Under the previous zoning ordinance, the current zoning district would have allowed for construction of single-family homes, which allowed for the proliferation of their construction in this area. Under the new zoning ordinance adopted in 2019, the construction of single-family detached dwellings was restricted to single family dwelling districts.

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)

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)

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 of plat, this could prevent receiving city permits for structures. Any plugged and abandoned well would need to be identified.

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 (Approved):

This lot has been platted and zoned in a way that prohibits development, therefore, the City has inadvertently forced this property and others around it to remain vacant under the current zoning ordinance. During the initial adoption period of the new zoning ordinance, there were several lots in this area that were re-zoned to SF-3, single family dwelling district that fell into this same issue. Additionally, the area has dispersed single family housing that was developed before the new zoning ordinance took effect, therefore, developing this property as a single-family home would fit with the character of the neighborhood. This property is currently working through the process of getting a special exception (E-22-0068) due to the fact that the lot dimensions are smaller than the required dimensions for the SF-3 zone.

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3, An Integrated Land Use Vision, "Future Land Use Map" as it designates this area for Urban Residential, a classification which calls for single family detached housing.

Staff recommends approval of this zone change from MF-22, Multiple Family Dwelling District to SF-3, Single-Family Dwelling District, subject to condition A.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the SF-3, Single-Family Dwelling District.**

Letters of Objection:

Staff has not received any letters of objection as of March 18, 2022.

Attachments:

Application
Maps
Plat



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

Project Number: 2-21-0275
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Louis Clay</u>		Phone (432) <u>631-2909</u> Email <u>Talkcityboss@yahoo.com</u>	
Address <u>1215 Lynn</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79705</u>

Property Owner Printed Name: <u>Louis Clay</u>		Phone () _____ Email _____	
Address <u>1215 Lynn</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79705</u>

Representative (if different from Applicant or Property Owner) Firm: <u>N/A</u> Printed Name: _____		Phone (432) <u>697-1447</u> Email _____	
Address _____	City _____	State _____	Zip _____

Street Address: <u>311 N. Calhoun</u>			
Legal Description SEE ATTACHED METES AND BOUNDS Lot: <u>003</u> Block: <u>006</u> Subdivision: <u>Eastover Third Ext</u>			

Current Zoning: <u>multi family</u>	Proposed Zone: <u>SF</u> (List by tracts if more than one district is requested)
Reason for Zone Change Request: <u>To be build a single family home</u>	
Present Use of Property: <u>Vacant</u>	
Proposed Use of Property: <u>Single Family Home</u>	
How would this zone change affect the public health, safety and welfare? <u>None</u>	
Describe how conditions affecting the property have changed since present zoning designation: <u>Not allowed to build a single family home</u>	

Submittal and Fees Items to be submitted with this application form: • Application Fee – Payable to the 'City of Midland' • Dimensioned Site Plan • Digital Copies of Site Plan (PDF/JPEG)

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>Louis Clay</u>	Date: <u>11-30-2021</u>
Applicant (printed): <u>Louis Clay</u>	
Property Owner (signature): <u>Louis Clay</u>	Date: <u>11-30-2021</u>
Property Owner (printed): <u>Louis Clay</u>	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received. All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

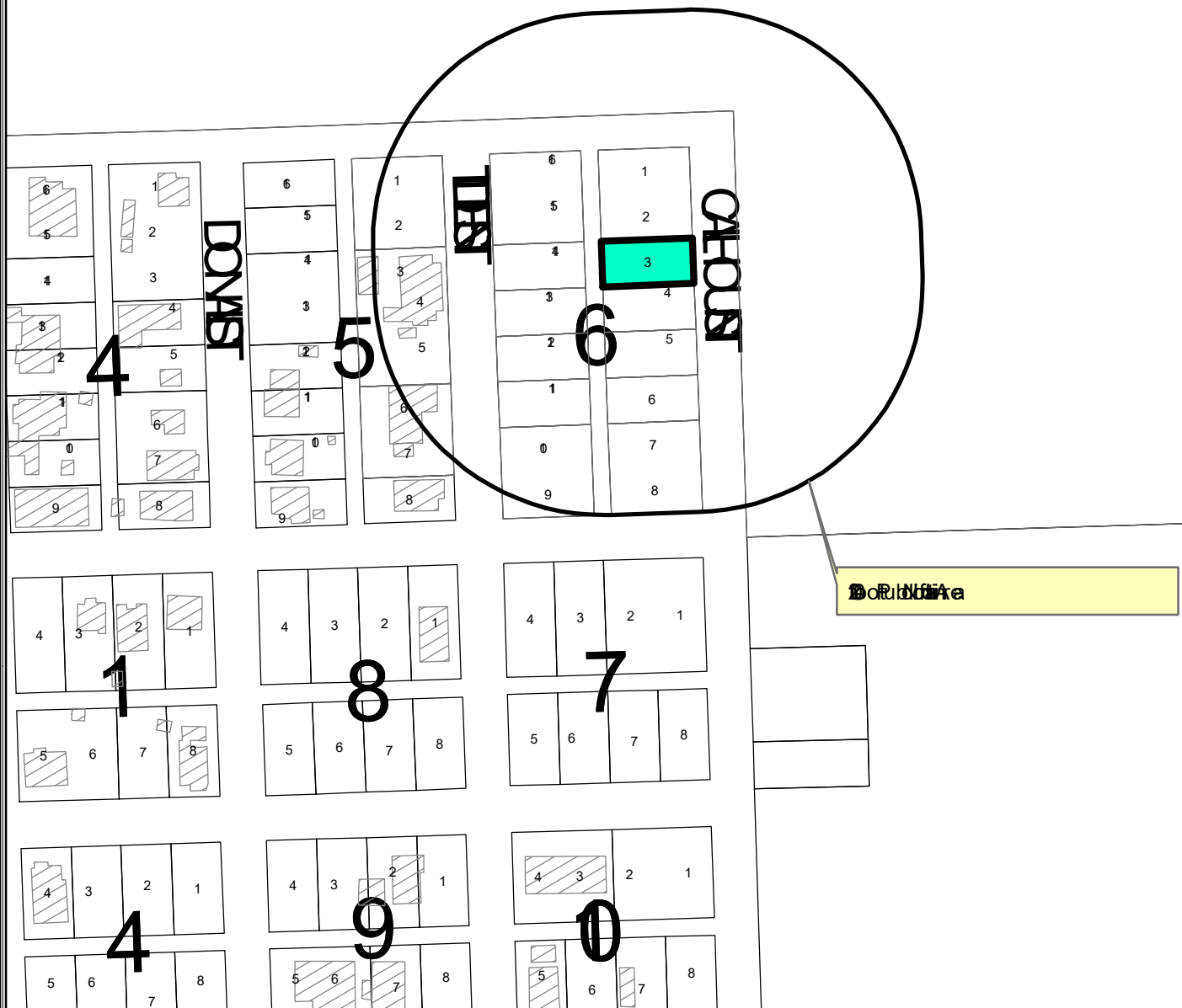
Authorized Agent (signature)

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

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # <u>1556</u>	
Received By: <u>[Signature]</u>	Date: <u>12-1-21</u>

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



LOCATION MAP

Z-21-0275

Scale: 1" = 200'

Consider a request by Louis Clay for a zone change from MF-22, Multi-Family Dwelling District to SF-3, Single Family Dwelling District Lot 3, Block 6, Eastover Addition Third Extension Midland, City and County of Midland, Texas.

Generally located on the west side of N. Calhoun Street, approximately 112-feet south of E. Illinois Ave. Council District 2)

LEGEND

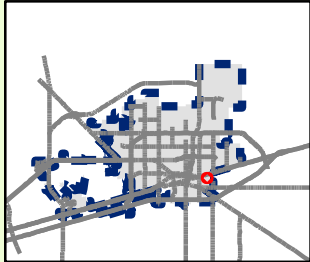
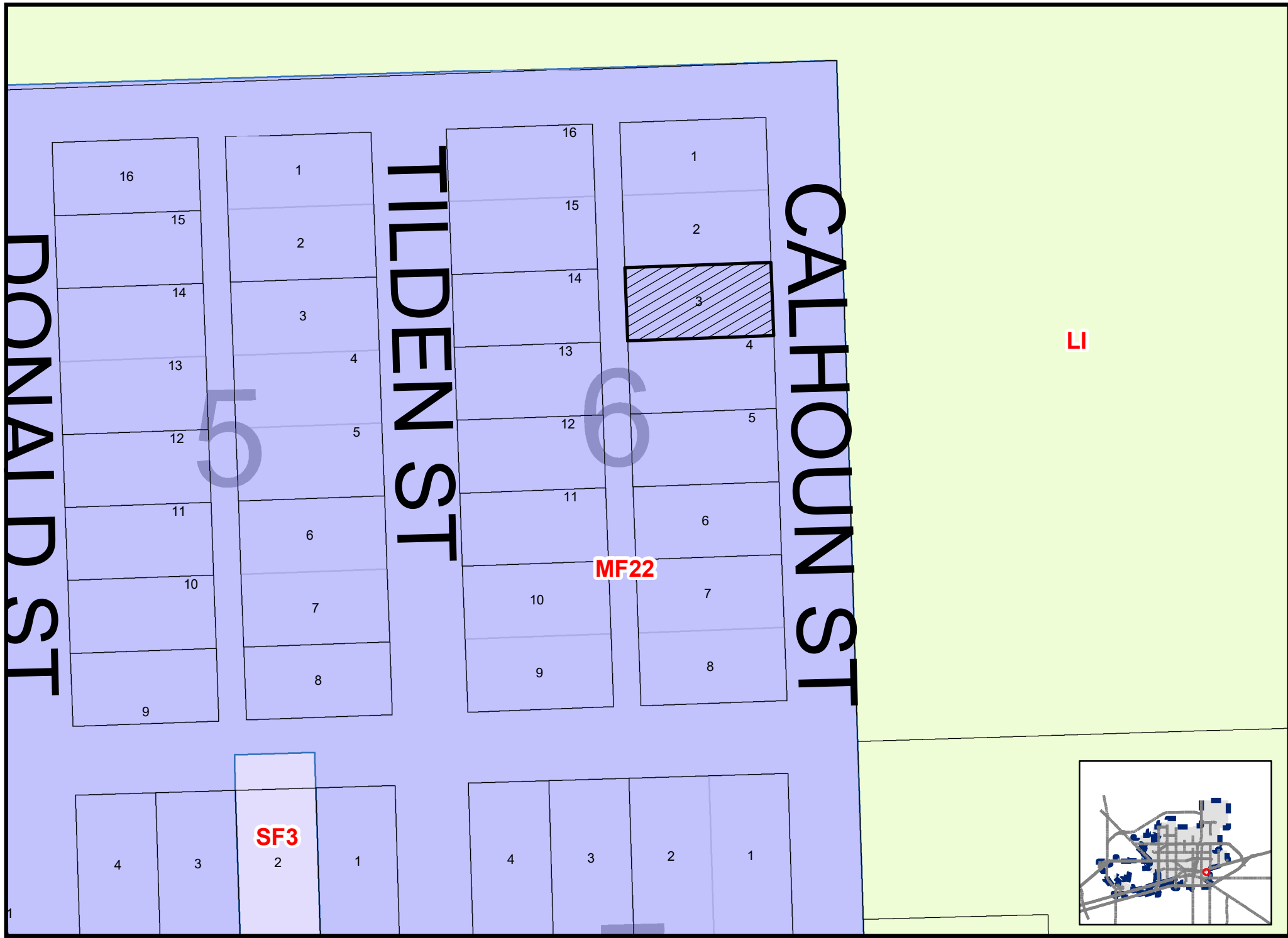
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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













Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: March 21, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Elizabeth Shaughnessy. Planning Division Manager

SUBJECT: Motion approving with staff's recommended conditions a proposed Preliminary Plat of Claydesta Plaza Section 6, being a re-plat of the remainder of Lot 1, Block 14, Claydesta Plaza, Section 2, and a plat of a 48.017 acres tract of land located in Section 14, Block 39, T-I-S, T&P RR CO Survey, City and County of Midland, Texas. (Generally located on the north side of Smith Road, approximately 485-feet north of Veterans Airpark Lane. Council District 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 Approve X Deny Directional/Informational

Details of Request:

The applicant, Maverick Engineering, is proposing to replat of the remainder of Lot 1, Block 14, Claydesta Plaza, Section 2, and a plat of a 48.017 acres tract of land located in Section 14, Block 39, T-I-S, T&P RR CO Survey, City and County of Midland, Texas into eight (8) lots for ownership purposes.

Current Zoning:

PD, Planned Development District for an Office Center.

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

Departmental Review:

ENGINEERING: (Denied)

* * * Denied per Midland City Code Sect. 11-2-4(A) 2(a):

“Public improvements required. Except when waived or deferred by the Council, subdivision development improvements conforming to adopted city standards shall be provided by the developer for any subdivision, or portion thereof, within the City and within its extraterritorial jurisdiction. Said improvements shall be completed prior to the approval of a final plat by the City or shall be completed according to a development agreement and ensured by a security as specified herein.” * * *

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

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

PAVING: Utilities need to be extended throughout the proposed R.O.W. Plans have not been submitted or approved. No infrastructure has been accepted. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

WATER: Utilities need to be extended throughout the proposed R.O.W., serving all lots with looped system. Plans have not been submitted or approved. No infrastructure has been accepted. [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 the Applicant's information only.]

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

SEWER: Utilities need to be extended throughout the proposed R.O.W, serving all lots within the subdivision and to adjacent lot lines along exterior roadways. Plans have not been submitted or approved. No infrastructure has been accepted. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

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

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

SIDEWALKS: Sidewalks required on collector/arterial roadways, along common areas and ADA ramps required at corners before public infrastructure is accepted. [Reference City Code Section 11-2-3(G)1 & 11-2-4(A)2(a)]

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)

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

CODE COMPLIANCE: (Denied)

The Oil or Gas wells identified with 500 ft. permitted well radius and the 135 ft. radius are not correct. The two wells to be identified are incorrect and have not filed application for city permits. Currently there are, two well permits (11-16-21) on the West pad being the Knight H 140UH and Chaparral H110UH. These two need to be on the plat.

Currently no permits on the East pad but have received 8 applications for Knight 110 MIPA Unit H110WB, Knight 115 MIPA Unit H115LS, Knight 115 MIPA Unit H115WA, Knight 120 MIPA Unit H120WB, Knight 125 MIPA Unit H125WA, Knight MIPA 130 Unit H130LS, Knight MIPA 130 Unit H130WB, Knight MIPA 135 Unit H135WA. These would most likely receive permits July 26 or August 9, 2022.

CODE ADMINISTRATION: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, 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.

HEALTH DEPARTMENT:

Yes, the health department will review application from the 3 proposed lot of Sun Country Addition, Section 2, RE-PLAT OF A SUN COUNTRY ACRE IN SECTION 38, BLOCK 38, T-1-S, T. & P. RR. CO. SURVEY the lot 1 is 2 acre lot also lot 1 has an existing RV park operating in this lot, lot 2 is 1.6 acre, lot 3 is 1.1 acres, any septic system must meet the setbacks set by the pipeline companies that run through this property and any commercial septic systems must be installed by a Texas licensed OSSF installer, to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

PLANNING:

This property is zoned PD, Planned District for Office Center and regulated by ordinance No.5695.

This proposed plat is greater than 25 acres, which qualifies it to be approved by City Council. "Approval by the Council shall be required prior to consideration of a final plat by the commission for 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 therefor.;" Midland City Code § 11-2-3(D)11(a)6

All department's comments must be addressed as a condition of final plat approval subject to the following conditions.

Staff recommends denial of the Preliminary Plat of Claydesta Plaza North, Section 6, provided however, that if it is approved, staff recommends that it should be subject to conditions A and B.

Conditions:

- A. Approval of this preliminary plat is conditioned upon public improvements being completed prior to the approval of a final plat by the City or with an exception when waived or deferred by the Council. [Midland City Code 11-2-3(G)1 & 11-2-4(A)2(a)]
- 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 therefor; Midland City Code 11-2-3(D)11(a)6.

Attachments:

Proposed Preliminary Plat
Application
Map



Preliminary Plat Application

Project Number:

Case Number:

SUB-21-0392
P-22-1288

Proposed Subdivision Plat Name: Claydesta Plaza North, Section 6

Legal Description (attached sealed Metes and Bounds): Being a Re-Plat of the Remainder of Lot 1, Block 14, Claydesta Plaza, Section 2, Lot 2B, Block 14, Claydesta Plaza, Section 14 and a 47.744 Acre Tract of Land Located in Section 14, Block 39, T-1-S, T&P RY Co. Survey, City and County of Midland, Texas

Property Owner City of Midland Printed Name: Midland Northtown Development LLC		Phone () Email	
Address 6 Desta Drive Ste 5725	City Midland	State TX	Zip 79705

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

Representative (if acting as Agent, see affidavit on page 2) Firm: <u>Maverick Engineering</u> Printed Name: Paladin Huckaba		Phone (432) 262-0999 Email phuckaba@maverick-eng.com	
Address 1909 W Wall St Ste K	City Midland	State TX	Zip 79701

Current Zoning: PD

Reason for Platting: Ownership Purposes

Plat Information	Total Acreage: 48.012 52.56
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: 8	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'

FEB 16 2022

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):

Mitch Malouf

Date: 2-16-2022

Property Owner (printed):

Mitch Malouf

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 Mitch Malouf, 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 16th day of February, 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	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☒ Mylar	☒ 1 Copy of Plat (11x17)	☒ CADD File
☒ Application Fee	☒ Title Opinion	☐ Public Improvement
Check # <u>3682</u>	☒ Tax Certificates	☐ Recording Fee
Received By: <u>ES</u>		Check # <u>3688 / 3683</u>

Date: 2/16/22

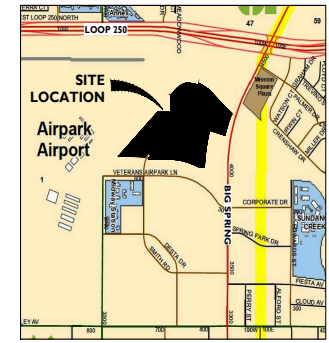
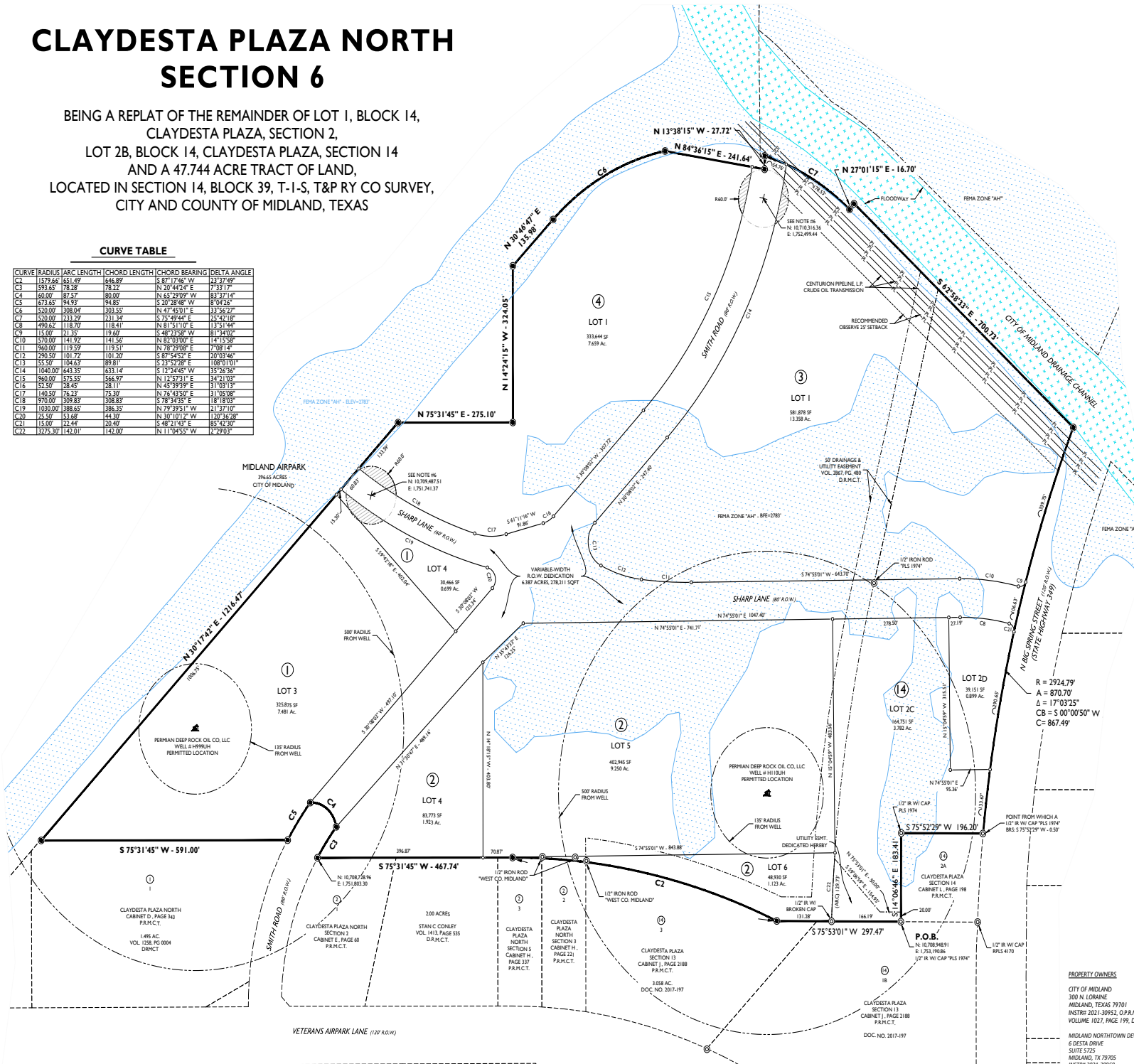
****Application will not be considered for scheduling until reviewed by a planner.****

CLAYDESTA PLAZA NORTH SECTION 6

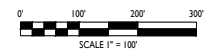
BEING A REPLAT OF THE REMAINDER OF LOT 1, BLOCK 14,
CLAYDESTA PLAZA, SECTION 2,
LOT 2B, BLOCK 14, CLAYDESTA PLAZA, SECTION 14
AND A 47.744 ACRE TRACT OF LAND,
LOCATED IN SECTION 14, BLOCK 39, T-I-S, T&P RY CO SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1579.66	151.49	146.89	S 87°17'45" W	12°37'49"
C2	591.65	78.38	78.27	N 20°44'24" E	7°33'17"
C3	40.07	87.57	80.00	N 65°29'09" W	81°37'14"
C4	913.55	144.93	144.85	S 30°28'48" W	8°09'25"
C5	520.00	308.04	303.55	N 4°45'01" E	33°56'23"
C6	520.00	233.29	221.34	S 75°49'44" E	75°42'18"
C7	490.02	118.20	118.41	N 81°51'10" E	13°51'44"
C8	15.00	21.35	19.60	S 48°23'58" W	81°34'03"
C9	570.00	141.92	141.56	N 82°03'00" E	14°15'58"
C10	360.00	119.29	119.51	N 78°29'08" E	7°08'14"
C11	290.50	101.72	101.30	S 87°54'52" E	20°03'46"
C12	55.50	104.63	89.81	S 23°52'28" E	108°01'01"
C13	1040.00	143.35	143.14	S 12°44'45" W	35°36'36"
C14	860.00	175.55	166.97	N 12°57'31" E	34°21'03"
C15	52.50	28.45	28.11	N 45°29'39" E	31°03'13"
C16	140.50	76.73	75.30	N 74°53'01" E	31°05'00"
C17	970.00	309.83	308.83	S 78°34'35" E	18°18'03"
C18	1030.00	388.65	386.35	N 79°39'51" W	21°37'10"
C19	55.50	13.68	14.20	N 30°10'12" W	120°36'58"
C20	15.00	22.44	20.40	S 48°21'43" E	85°42'30"
C21	3275.30	142.01	142.00	N 11°04'55" W	12°29'03"



VICINITY MAP
N.T.S.



NOTES

1. BASE OF BEARINGS, COORDINATES, GRID ACRES, AND DISTANCES IS A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE (430), NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET WITH A CONVERGENCE ANGLE (F-BEAR) OF 0°54'11.31" AND A CORRECTED SCALE FACTOR OF 0.9991554 TAKEN AT THE POINT OF BEGINNING.
2. 1/2 IN IRON ROD WITH RED PLASTIC CAP MARKED "MAVERICK FIRM #10194514", SET AT ALL CORNERS UNLESS OTHERWISE SPECIFIED.

LEGEND

- DENOTES SET 1/2-INCH IRON ROD W/ RED PLASTIC CAP MARKED "MAVERICK FIRM #10194514"
- DENOTES FOUND MONUMENT AS NOTED
- DENOTES INTERIOR LOT CORNERS SET 1/2" IRON W/ CAP MARKED "BRS #10194514"
- ▲ DENOTES PUMP JACK
- DENOTES BOUNDARY LINE
- DENOTES EXISTING LOTS
- DENOTES EXISTING EASEMENT LINE
- DENOTES EXISTING PIPELINES
- DENOTES PROPOSED SETBACK LINE



MAVERICK
ENGINEERING & SURVEY / WATER RESOURCES
1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM # E-15089
SURVEY FIRM # S-10194514
Tel: (409) 362-0999 Fax: (409) 362-0999
www.Maverick-Eng.com

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____
DATE _____ PAGE _____

PROPERTY OWNERS

CITY OF MIDLAND
300 N. LORANE
MIDLAND, TEXAS 79701
INSTR# 2021-30952, O.P.A.M.C.T.
VOLUME 1027, PAGE 199, D.R.M.C.T.

MIDLAND NORTH TOWN DEVELOPMENT, LLC
6 DUSTY DRIVE
SUITE 5725
MIDLAND, TX 79705
INSTR# 2021-30960
INSTR# 2007-16845, O.P.A.M.C.T.

**CLAYDESTA PLAZA NORTH
SECTION 6**

SHEET 1 OF 2

CLAYDESTA PLAZA NORTH, SECTION 6

BEING A REPLAT OF THE REMAINDER OF LOT 1, BLOCK 14, CLAYDESTA PLAZA, SECTION 2,
LOT 2B, BLOCK 14, CLAYDESTA PLAZA, SECTION 14 AND A 47.744 ACRE TRACT OF LAND, LOCATED IN
SECTION 14, BLOCK 39, T-I-S, T&P RY CO SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS THE CITY OF MIDLAND, IS THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 14, BLOCK 39, T-I-S, T&P RY CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT THE CITY OF MIDLAND, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS LOTS 3 & 4, BLOCK 1; LOTS 4, 5 & 6, BLOCK 2; LOT 1, BLOCK 3, AND LOT 1, BLOCK 4, CLAYDESTA PLAZA NORTH, SECTION 6, 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 COLLECTION, UTILITY FACILITY ACCESS AND MAINTENANCE, 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 HAS BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.

WITNESS MY HAND AT _____, M.,

THE _____ DAY OF _____, 2022.

BY: _____, CITY OF MIDLAND

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 _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS OWNER, 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 _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, GREGORY W. SHOULTS, 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.


GREGORY W. SHOULTS, RLS #5356
MAVERICK ENGINEERING (TX FIRM #10194514)
1909 W. WALL STREET, SUITE, K
MIDLAND, TX 79701



DEVELOPMENT 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. BASIS OF BEARINGS, COORDINATES AND DISTANCES ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET.
4. THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:
(1) THE REPRESENTED LOTS ARE REPLATTED FOR SUBDIVISION INTO MORE THAN ONE LOT OR;
(2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
5. 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 INCREASED.
6. DENOTES CENTER PIVOT POINT FOR A TEMPORARY 60° TURNAROUND EASEMENT DEDICATED HEREBY. EASEMENT TO BE ABANDONED BY EXTENSION OF PUBLIC RIGHT-OF-WAY.
7. THE PROPERTIES SHOWN LIE JUST EAST OF THE CITY OF MIDLAND MUNICIPAL AIRPORT. DEVELOPMENT MAY BE REGULATED BY FEDERAL AVIATION ADMINISTRATION (FAA) SPECIFICATIONS FOR BUILDING CONSTRUCTION. OWNER TO COORDINATE WITH FAA PRIOR TO CONSTRUCTION.
8. PURPOSE OF LOT 6, BLOCK 2, THIS INSTRUMENT IS FOR STORMWATER DRAINAGE MANAGEMENT OR AS OTHERWISE DICTATED BY THE CITY OF MIDLAND.

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS MIDLAND NORTH TOWN DEVELOPMENT, LLC, IS THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 14, BLOCK 39, T-I-S, T&P RY CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT MIDLAND NORTH TOWN DEVELOPMENT, LLC, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS LOT 2C AND 2D, BLOCK 14, CLAYDESTA PLAZA NORTH, SECTION 6, 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 COLLECTION, UTILITY FACILITY ACCESS AND MAINTENANCE, 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 HAS BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.

WITNESS MY HAND AT _____, M.,

THE _____ DAY OF _____, 2022.

BY: _____, MIDLAND NORTH TOWN DEVELOPMENT, LLC

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 _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS OWNER, 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 _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF CLAYDESTA PLAZA NORTH, SECTION 6, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS ON THIS

_____ DAY OF _____, 2022.

LUCY SISNEGA, CHAIRMAN

ELIZABETH SHAUGHNESSY, SECRETARY

FEMA NOTE

FLOOD STATEMENT: AS SCALED FROM FEMA'S N.F.P. FLOOD INSURANCE RATE MAP #48329C0087, DATED SEPTEMBER 16, 2005, PORTIONS OF THIS PROPERTY ARE WITHIN THE UNSHADED PORTION OF ZONE "X", DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AND PORTIONS ARE IN ZONE "AH", DESIGNATED AS "AREAS SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD," WITH A BASE FLOOD ELEVATION DETERMINED AND REFLECTED AS SHOWN.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF MAVERICK ENGINEERING.

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY

BY: _____

AT&T

BY: _____

SUDDENLINK COMMUNICATION

BY: _____

GRANDE COMMUNICATION

BY: _____

ONCOR ELECTRIC DELIVERY

BY: _____

PROPERTY OWNERS

CITY OF MIDLAND
300 N. LORRAINE
MIDLAND, TEXAS 79701
INSTR# 2021-30952, O.P.R.M.C.T.
VOLUME 1027, PAGE 199, D.R.M.C.T.

MIDLAND NORTH TOWN DEVELOPMENT, LLC
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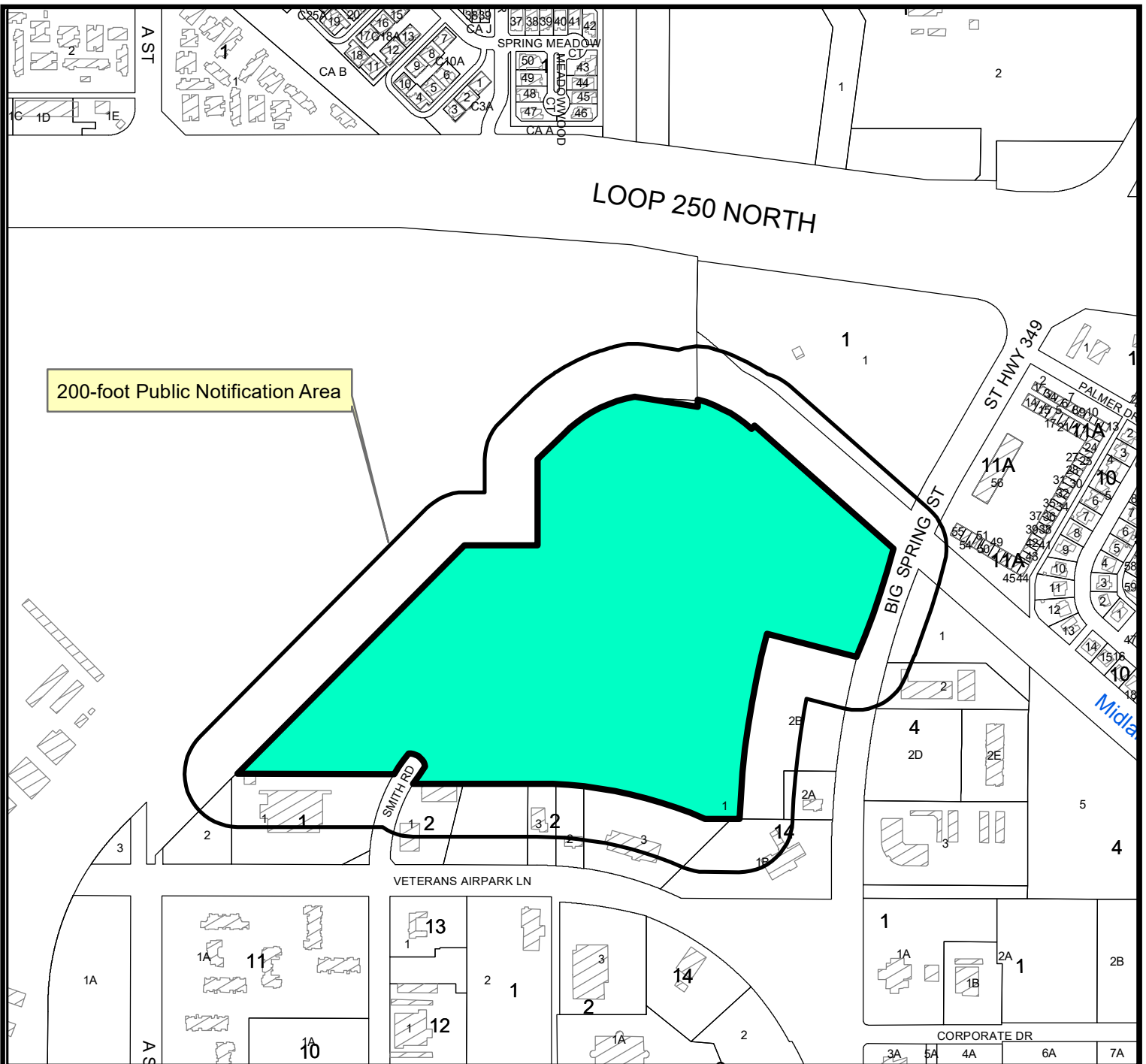
MAVERICK
ENGINEERING & SURVEY / WATER RESOURCES

1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: 10194514
Tel: (432) 262-0999 Fax: (432) 262-0989
www.Maverick-Eng.com

**CLAYDESTA PLAZA
NORTH, SECTION 6**

SHEET 2 OF 2

March 21, 2022



LOCATION MAP

SUB-21-0392

Scale: 1" = 200'

A proposed Preliminary Plat of Claydesta Plaza Section 6, being a re-plat of the remainder of Lot 1, Block 14, Claydesta Plaza, Section 2, and a plat of a 48.017 acres tract of land located in Section 14, Block 39, T-I-S, T&P RR CO Survey, City and County of Midland, Texas.

Generally located on the north side of Smith Road, approximately 485-feet north of Veterans Airpark Lane. Council District 3)

LEGEND

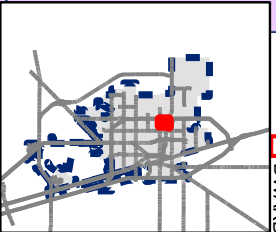
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©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.





Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: March 21, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving with staff's recommended conditions a proposed Preliminary Plat of Sundial East, Section 2, being a 2.25-acre tract of land out of 280.272 acres located in Section 27, Block 38, T-1-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the south side of East County Road 60, approximately 270-feet west of North County Road 1135 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 Approve X Deny Directional/Informational

Details of Request:

The applicant, Schumann Engineering, is requesting to plat a 2.25-acre tract of land out of 280.272 acres located in Section 27, Block 38, T-1-S, T&P, RR Co. Survey, Midland County, Texas to obtain septic permits.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Departmental Review:

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

BUILDING CODE: (Approved)

ETJ, no jurisdiction. All septic systems are permitted and regulated by the City of Midland Health Department.

SURVEYOR: (Approved)

Show state plane coordinates for two plat corners.

ENGINEERING: (Denied)

* * * Denied per Midland City Code Sect. 11-2-3(D)8: "Standards for approval. No preliminary plat shall be approved by the commission or by the Council unless the following standards have been met:

(a)A preliminary drainage plan has been approved by the City engineer. The city engineer may approve a preliminary drainage plan which does not include information in sufficient detail to determine whether public street, alley and drainage improvement plans which will be submitted later will conform to all usual standards, but the lack of such detailed information shall result in approval of the preliminary plat being conditioned as described in paragraph 13 below, whether such condition is or is not explicit in the commission or Council's action.

(b)The plat conforms to applicable zoning and other regulations.

(c)The plat meets all other requirements of these regulations, subject to approval of variances." * * *

IMPACT FEES: Parcel is outside of City limits; therefore, impact fees do not apply. [For the Applicant's information only.]

ROW: Provide this project's share of a 120 ft total right-of-way (60 ft half-street right-of-way) on major arterial road frontages. [Reference City Code Section 11-2-5(C)2.] 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: East County Road 60 is sub-standard, construct to City standards for entire platted frontage or request a deferral. [Reference City Code Sect. 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 Sect. 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 the Applicant's information only.]

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

SEWER: None existing. Construct wastewater to City standards along entire platted frontage or request a deferral. Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (A) Areas served by public water systems shall have lots of at least ½ acre. Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (B) Areas NOT

served by public water systems shall have lots of at least 1 acre.

DRAINAGE: Drainage report is required during preliminary stage of the platting process.

FEMA Firm data to be on plat face. [Reference City Code Sect. 11-2-3(D)8]

EASEMENTS: Show existing and proposed. [For the Applicant's information only.]

SIDEWALKS: Required at building permit. However, subdivision located in county so request a deferral. [Reference City Code Sect. 11-2-3(G)1 & 11-2-4(A)2(a)]

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Denied)

Provide this project's share of a 120 ft total right-of-way (60 ft half-street right-of-way) on major arterial road frontages. [Reference City Code Section 11-2-5(C)2.]

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.]

FIRE: (Approved)

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

CODE COMPLIANCE: (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 of plat, this could prevent receiving city permits for structures. Any plugged and abandoned well would need to be identified.

Midland County: (Approved with Conditions)

Ensure to get driveway permits when tying into CR 60. Need to reference that NCR 1135 is a private county road.

Health Department: (Approved)

Yes, the health department will review application from the 1 proposed lot of SUNDIAL EAST SECTION 2, PLAT OF A 2.25 ACRE TRACT OF LAND OUT OF 2800.27 ACRES LOCATED IN SECTION 27, BLOCK 38, T-1-S, T. & P. RR. CO. SURVEY the lot is 2.25 acre to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

GIS: (Denied)

No POB/coordinates provided.

PLANNING: (Approved with Conditions)

Under the owners' certificate, the acreage does not match the proposed acreage in the legal description. [For Applicant's Information Only]

Under the Certificate of Approval, change the year date to 2022. [For Applicant's Information Only]

Provide two northings and eastings and label one of them the point of beginning. [For Applicant's Information Only]

Under the Utilities Certificate, add Grande Communications. [Midland City Code 11-2-3(H)3(m)4]

According to the Midland Central Appraisal District, the property owner is Koonce L G. Provide a deed for proof of ownership. [Midland City Code 11-2-3(A)1(a)2]

Staff recommends denial of this preliminary plat for Sundial East, Section 2 subject to conditions A through E.

Conditions:

- A. Approval of this preliminary plat is conditioned upon the final plat containing a complete utility's certificate. [Midland City Code 11-2-3(H)3(m)4]
- B. Approval of this preliminary plat is subject to the final plat containing the accurate property owner. [Midland City Code 11-2-3(A)1(a)2]
- C. Approval of this preliminary plat is conditioned upon public improvements being completed prior to the approval of a final plat by the City or with an exception when waived or deferred by the Council. [Midland City Code 11-2-3(G)1 & 11-2-4(A)2(a)]
- D. Approval of this preliminary plat is conditioned upon a preliminary drainage plan is approved by the City Engineer. [Midland City Code 11-2-3(D)8]
- E. Approval of this preliminary plat is conditioned upon providing this project's share of a 120 ft total right-of-way (60 ft half-street right-of-way) on major arterial road frontages. [Midland City Code Section 11-2-5(C)2]

Attachments:

Proposed Preliminary Plat (Exhibit A)
Maps
Application



Preliminary Plat Application

Project Number: 84B-21-0463
Case Number: P-22-1283

Proposed Subdivision Plat Name: SUNDIAL EAST, SECTION 2

Legal Description (attached sealed Metes and Bounds): BEING A PLAT OF A 2.25 ACRE TRACT OF LAND OUT OF 280.27 ACRES LOCATED IN SECTION 27, BLOCK 38, T-1-S, T&P RR CO SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS.

Property Owner

Printed Name: NORTHEAST MIDLAND COUNTY VFD

Phone (432) 553-6057

Email justin_lang82@outlook.com

Address 3810 North County Road 1130

City Midland

State TX

Zip 79705

Developer (if different than Owner) Printed Name:

Phone ()
Email

Address

City

State

Zip

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

Firm: Schumann Engineering Co., Inc.

Printed Name: Eduardo L. Aleman

Phone (432) 684-5548

Email
ealeman@schumannonline.net

Address 800 N. Marienfeld Suite 100

City Midland

State TX

Zip 79701

Current Zoning:

Reason for Platting: To obtain Septic permits

Plat Information

Total Acreage: 2.25

Type: ☐ 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 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): Jack Czelada Date: 2/11/2022

Property Owner (printed): NORTHEAST MIDLAND COUNTY VFD

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.

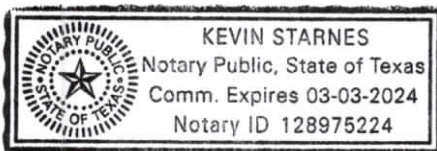
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Ed Aleman who, being by me duly sworn, upon oath says: That (s)he is authorized by NORTHEAST MIDLAND COUNTY VFD, 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.

Guillermo Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 11th day of February, 20 22, to certify which witness my hand and seal of office.



Kevin Starnes
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 # 1728

Received By: KM

Date:

FEB 23 2022

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

PRELIMINARY PLAN
SUNDIAL EAST, SECTION 2

BEING A PLAT OF A 2.25 ACRE TRACT OF
LAND OUT OF 280.27 ACRES LOCATED IN
SECTION 27,
BLOCK 38, T-1-S,
T&P RR CO SURVEY,
CITY AND COUNTY OF MIDLAND, TEXAS.

STATE OF TEXAS

COUNTY OF MIDLAND

WHEREAS, I AM THE RECORD OWNER OF A PLAT OF A 1.00 ACRE TRACT OF LAND OUT OF 280.272 ACRES LOCATED IN SECTION 27, BLOCK 38, T-1-S, T&P RR CO SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS CITY SUNDIAL EAST, SECTION 2, 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 _____, 20____.

Northeast Midland County VFD

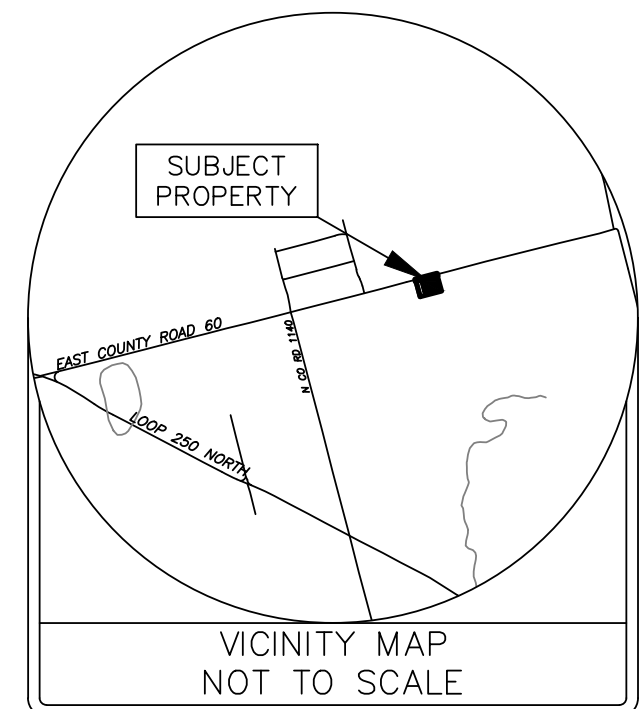
STATE OF TEXAS:
COUNTY OF MIDLAND:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20____, Northeast Midland County VFD

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

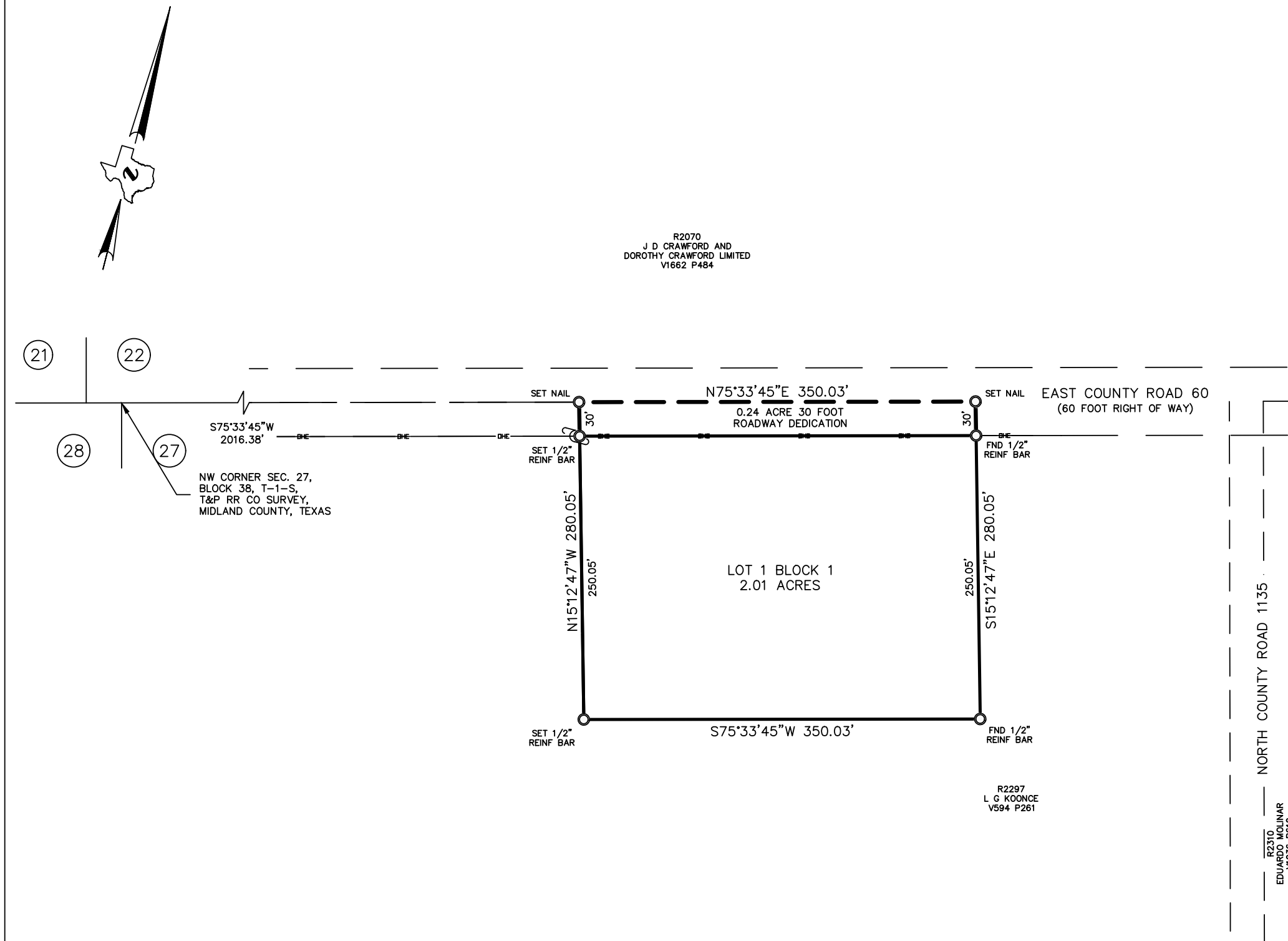
NOTES:

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 AND ACREAGE SHOWN ARE GRID BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
4. THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) THE 2.25 ACRE TRACT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
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 INCREASE OF FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
6. THIS PROPERTY LIES IN ZONES "A" AND "X" AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 48329-C0100F WITH THE EFFECTIVE DATE OF SEPTEMBER, 16, 2005.



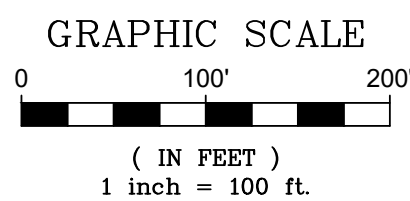
PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO. _____ CABINET _____
DATE _____ PAGE _____

SCHUMANN
ENGINEERING CO.
A LATERAL LAND COMPANY
CIVIL ENGINEERING - LAND SURVEYING
TEXAS FIRM No. F1880 - TEXAS FIRM No. 10149500
800 N. WARREN STREET SUITE 100 MIDLAND, TEXAS 79701 Office (432) 684-5548



LEGEND

- PROPERTY CORNER
- x— WIRE FENCE
- ⊙ WATER WELL
- ⊙ POWER POLE
- LOT LINES
- OVERHEAD ELECTRIC
- PROPERTY LINE
- ☐ TELEPHONE PEDESTAL
- ⊙ GAS METER
- ⊙ SEWER MANHOLE



THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____
ONCOR ELECTRIC DELIVERY COMPANY

SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
SUDDENLINK COMMUNICATIONS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SUNDIAL EAST, SECTION 2, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS _____ DAY OF _____, 2021.

SIGNED: _____
CHAIRMAN LUCY SISNIEGA

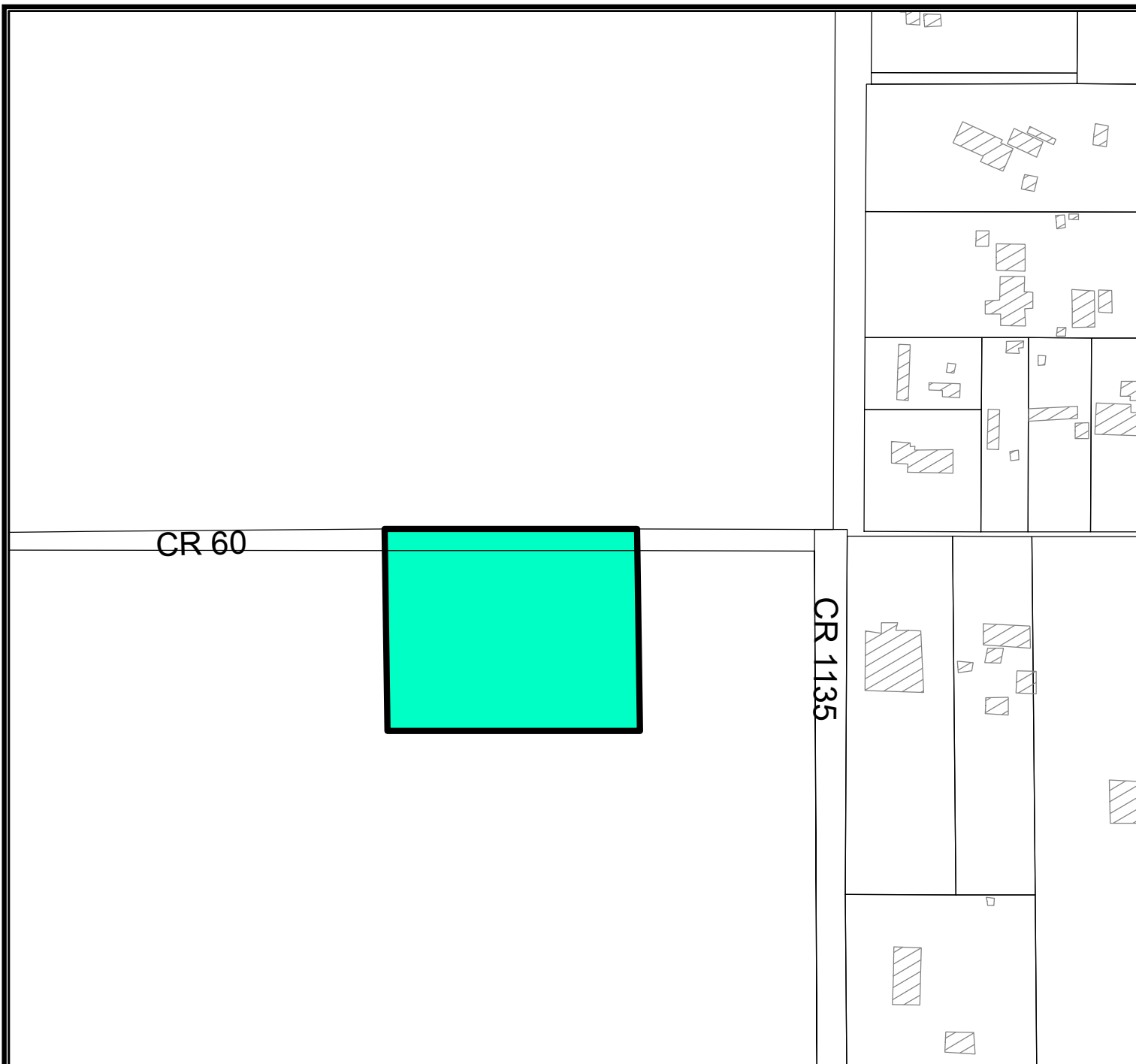
ATTEST: _____
SECRETARY ELIZABETH SHAUGHNESSY

THAT I, RJ 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.

RJ DAUM
TEXAS RPLS 4826

NO.	DATE	DESCRIPTION	BY	JOB NO.	78047	SHEET	1	OF	1
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SUNDIAL EAST, SECTION 2



LOCATION MAP

SUB-21-0463

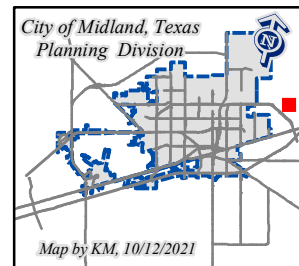
Scale: 1" = 200'

Proposed plat of Sundial East, Section 2, being a plat of a 2.25-acre tract of land out of 280.272 acres located in Section 27, Block 38, T-1-S, T&P, RR Co. Survey, Midland County, Texas.

Generally located on the north side of East County Road 60, approximately 270-feet west of North County Road 1135. (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

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