

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

**June 6, 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/83229893366?pwd=NEdicFdKQjJaWERJYVI5cW5XZ3pZUT09>

Passcode: 348337

Or One tap mobile :

U S : + 1 3 4 6 2 4 8 7 7 9 9 , , 8 3 2 2 9 8 9 3 3 6 6 # , , , , * 3 4 8 3 3 7 # o r
+12532158782,,83229893366#,,,*,348337#

Or Telephone:

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

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

Webinar ID: 832 2989 3366

Passcode: 348337

International numbers available: <https://us02web.zoom.us/j/83229893366?pwd=NEdicFdKQjJaWERJYVI5cW5XZ3pZUT09>

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 May 2, 2022.

3. Motion approving the Planning and Zoning Commission Meeting minutes for May 16, 2022.
4. Motion approving a Final Plat of Lindsay Acres, Section 11, being a replat of a 1.494-acre tract of land out of the west half of Tract 5, Lindsay Acres, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of W. Montgomery Avenue and Moran Street-Council District 2) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

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

5. Motion approving a request by Julio Lozoya for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption in a Nightclub, on a 3,210-square foot portion of Lot 33C, Block 3, Briarwood Addition, Section 16, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 428-feet west of N. Midland Drive - Council District 1) (DEVELOPMENT SERVICES)
6. Motion approving a request by Joshua Hernandez for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption in a Bar, on a 4,399-square foot portion of Lot 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of N. Garfield Street and W. Loop 250 North - Council District 1) (DEVELOPMENT SERVICES)
7. Motion approving a request by Garner Gonzales for a Specific Use Designation without Term, for an Accessory Dwelling Unit, on a 0.41-acre portion of Lot 3, Ashlin Place, Section 2, City and County of Midland, Texas. (Generally located on the south side of Live Oak Drive, approximately 233-feet south of Scharbauer Drive - Council District 3) (DEVELOPMENT SERVICES)
8. Motion approving a request by David Powlen for a zone change from PD, Planned Development District for a Shopping Center to Amended PD, Planned Development District for a Shopping Center on Lot 2, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of N. Loop 250 W. and Wadley Avenue - Council District 4) (DEVELOPMENT SERVICES)
9. Motion approving a request by Frank Mendoza for a zone change from SF-1, Single-Family Dwelling District to BP, I-20 Business Park District on a 3.570 -acres tract of land out of Section 9, Block 39, T-2-S, RR. Co. Survey, Midland County, Texas. (Generally located on the south side of West County Road 110, approximately 150-ft east of South County Road 1205 - District 2) (DEVELOPMENT SERVICES)
10. Motion approving with staff's recommended condition a proposed Preliminary Plat of Daybreak Estates, Section 7, being a replat of Lot 1, Block 23, Daybreak Estates, Section 6, City of Midland, Midland County, Texas. (Generally located on the northeast corner of the intersection of Silent Rain Dr. and Lumina Dr. (Council District 1) (DEVELOPMENT SERVICES)

MISCELLANEOUS

11. Motion approving with staff's recommended conditions a proposed Preliminary Plat of Plunk Addition, Section 11, being a plat of the 0.69-acre tract of land out of Section 1, Block 39, T-2-S, T. & P. R.R. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Garden City Highway & 270 feet west of Allen St. – Council District 2) (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
May 2, 2022
Council Chambers – City Hall**



The City Council convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:30 p.m., May 02, 2022.

Commissioners present: Karmen Bryant, Dianne Williams, Lucy Sisniega, Zachary Deck, Emily Holeva, Adrian Carrasco

Commissioners absent: Stacy Grosse, Beverly Dillow, Chase Gardaphe

Staff members present: Elizabeth Shaughnessy, Cole Furqueron, Paul Rodriguez, 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.)

Commissioner Sisniega opened the public comment period at 3:31 p.m. With no one wishing to speak, the public comment period was closed at 3:32 p.m.

CONSENT ITEMS

Commissioner Williams moved to approve; seconded by Commissioner Carrasco.

The motion passed by the following vote: 6 to 0

AYE: Sisniega, Williams, Bryant, Holeva, Deck, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Grosse, Dillow, Gardaphe

2. Motion approving the Planning and Zoning Commission Meeting minutes for April 18, 2022.

PUBLIC HEARINGS

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

3. Motion approving with staff's recommended conditions a proposed Preliminary Plat of Lindsay Acres, Section 11, being a replat of a 1.494-acre tract of land out of the west half of Tract 5, and a 0.14-acre tract of land out of the west half of Tract 6, Lindsay Acres Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of W. Montgomery Avenue and Moran Street - District 2)

Senior Planner Kelly Martinez gave an overview of the project. With no letters of objection received, staff recommended approval.

The public hearing was opened at 3:36 p.m.

The applicant was present but deferred to staff.

The public hearing was closed at 3:37 p.m.

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

The motion passed by the following vote: 6 to 0

AYE: Sisniega, Williams, Bryant, Holeva, Deck, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

MISCELLANEOUS

4. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Greenwood Addition, Section 15 being a re-plat of Lots 4 and 5, Block 42, Greenwood Addition Third, Fourth and Fifth Sections, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Webster Street and Cloverdale Road – Council District 2)

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

The motion passed by the following vote: 6 to 0

AYE: Sisniega, Williams, Bryant, Holeva, Deck, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

5. 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)

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

The motion passed by the following vote: 6 to 0

AYE: Sisniega, Williams, Bryant, Holeva, Deck, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

6. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of 349 Ranch Estates, Section 24 being a replat of Lots 11-14, Block 2, 349 Ranch Estates, Lots 24-27, 30 and 31, Block 2, 349 Ranch Estates, Section 2, and Lot 28A, Block 2, 349 Ranch Estates, Section 14, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of North State Highway 349 and Pueblo Street – District 1)

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

The motion passed by the following vote: 6 to 0

AYE: Sisniega, Williams, Bryant, Holeva, Deck, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

7. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Greathouse Addition, Section 19, being a replat of Lots 30F and 30G, Block 5, Greathouse Addition, Section 17, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Briarwood Avenue and Spence Drive - District 1)

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

The motion passed by the following vote: 6 to 0

AYE: Sisniega, Williams, Bryant, Holeva, Deck, Carrasco

NAY: None

ABSTAIN: None

ABSENT: Grosse, Gardaphe

8. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Empire Heights, Section 3, being a plat of 3.00-acres 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 Bryant moved to approve this request; seconded by Commissioner Holeva.

The motion passed by the following vote: 6 to 0
AYE: Sisniega, Williams, Bryant, Holeva, Deck, Carrasco
NAY: None
ABSTAIN: None
ABSENT: Grosse, Gardaphe

9. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Voltagrid Addition, being a plat of a 1.8-acre tract of land out of Section 17 and 7.2-acre tract of land out of Section 20, Block 40, T-2-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located 2,800 feet east of S Farm to Market Rd 1788 & 2,100 feet south of W I-20 Frontage Road - Extraterritorial Jurisdiction)

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

The motion passed by the following vote: 6 to 0
AYE: Sisniega, Williams, Bryant, Holeva, Deck, Carrasco
NAY: None
ABSTAIN: None
ABSENT: Grosse, Gardaphe

10. Motion to approve with staff's recommended conditions, a proposed Preliminary Plat of Veteran Development, Section 3, being a 6.70-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 910-feet south of West County Road 120 - Extraterritorial Jurisdiction)

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

The motion passed by the following vote: 6 to 0
AYE: Sisniega, Williams, Bryant, Holeva, Deck, Carrasco
NAY: None
ABSTAIN: None
ABSENT: Grosse, Gardaphe

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 3:51 p.m.

Lucy Sisniega, Chairman

Date

Elizabeth Shaughnessy, Planning Division Manager
Department of Development Services

Date

Meeting was adjourned to another date due to lack of quorum

CONSENT ITEMS

2. Motion approving the Planning and Zoning Commission Meeting minutes for May 2, 2022.
Item moved to June 6, 2022 meeting.
3. Motion approving a Final Plat of Stonebridge Addition, Section 4, being a 49.512-acre tract of land out Section 1, Block X, H.P. Hilliard Survey, City of Midland, Midland County, Texas. Generally located on the northeast corner of the intersection of Loop 250 North and Lamesa Road - (Council District 1)
Approved (Due to Chapter 2: Plats & Subdivisions; Section 11-2-3(H)6(b)).
4. Motion approving a Final Plat of Lone Star Trails II, Section 13, being a plat of a 14.53-acre tract of land located in Section 7, Block 38, T-1-S, T&P, R.R. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Occidental Parkway, approximately 1, 335 feet east of Carriage Road District 1)
Approved (Due to Chapter 2: Plats & Subdivisions; Section 11-2-3(H)6(b)).
5. Motion approving a Final 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 District 2)
Approved (Due to Chapter 2: Plats & Subdivisions; Section 11-2-3(H)6(b)).

PUBLIC HEARINGS

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

6. Motion approving a request by Joshua Hernandez for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption in a Bar, on a 4,399-square foot portion of Lot 1, Block 8, Polo Park Add, Sec 3, City and County of Midland, TX. (Generally located on the northeast corner of the intersection of N. Garfield St and W. Loop 250 N - Council District 1)
Item moved to June 6, 2022 meeting.
7. Motion approving a request by David Powlen for a zone change from PD, Planned Development District for a Shopping Center to Amended PD, Planned Development District for a Shopping Center on Lot 2, Block 2, Grandridge Park Add, Sec 1, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of N. Loop 250 W. and Wadley Ave - District 4)
Item moved to June 6, 2022 meeting.
8. Consider a request by Frank Mendoza for a zone change from SF-1, Single-Family Dwelling District to BP, Business Park District on a 3.570 -acres tract of land out of Section 9, Block 39, T-2-S, RR. Co. Survey, Midland County, Texas. (Generally located on the south side of West County Road 110, approximately 150-ft east of South County Road 1205 - District 2)
Item moved to June 6, 2022 meeting.

MISCELLANEOUS

9. Motion approving with staff's recommended conditions a proposed Preliminary Plat of Hawk View Addition, Section 5 being a replat of Lots 18 and 19, Block 1, and Lot 11, Block 2, Hawk View Addition, Lots 29A, 29B, 30, and 31, Block 1, and Lots 1A, 8B, 12A, and 15C, Block 2, Hawk View Addition, Section 4, all out of Midland County, Texas. Generally located on the northwest corner of the intersection of S. County Road 1270 and W. County Road 150 - (Extraterritorial Jurisdiction)
Approved (Due to Chapter 2: Plats & Subdivisions; Section 11-2-3(H)6(b)).

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: June 06, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving a Final Plat of Lindsay Acres, Section 11, being a replat of a 1.494-acre tract of land out of the west half of Tract 5, Lindsay Acres, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of W. Montgomery Avenue and Moran Street-Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

SF-1, Single Family Dwelling District

Preliminary Plat Approval:

The applicant, Schumann Engineering, is proposing to replat a 1.494-acre tract of land out of the west half of Tract 5, Lindsay Acres Addition, City and County of Midland, Texas, into eleven (11) lots. The preliminary plat was approved by the Planning and Zoning Commission on May 2, 2022.

Final Plat Requirements:

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

Departmental Review:

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

Below are the departments' comments.

Engineering: Approved

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

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

PAVING: Paving requirements were administratively deferred on 03/01/2022. [For the Applicant's information only.]

WATER: Water requirements were administratively deferred on 03/01/2022. Be mindful that any utility service cuts into Montgomery pavement require the developer to repave a whole block length of Montgomery per City Code Sect. 9-1-1(I). [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 Applicant's Information Only.]

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

SEWER: Wastewater requirements were administratively deferred on 03/01/2022. The section of wastewater main on private property is not allowed to be tapped for public use. [For the Applicant's information only.]

DRAINAGE: Drainage study Approved by City of Midland. [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.]

Fire: Approved

No additional comments.

Oil and Gas: Approved

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

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

No comments

Planning: Approved

All staff departments' comments have been satisfied.

Staff recommends approval of the Final Plat of Lindsay Acres, Section 11 subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number: 34B-19-0239
Case Number: P-22-1337

Proposed Subdivision Plat Name: Lindsay Acres Section 11

Legal Description (attached sealed Metes and Bounds): BEING A REPLAT OF A 1.494 ACRE TRACT OF LAND OUT OF THE WEST/2 OF TRACT 5, AND THE 0.140 ACRE TRACT OF LAND OUT OF THE WEST/2 OF TRACT 6, LINDSAY ACRES, AN ADDITION TO THE CITY OF MIDLAND, AS PER PLAT OF RECORD IN VOLUME 101, PAGE 85, DEED RECORDS, CITY AND COUNTY OF MIDLAND, TEXAS.

Property Owner

Printed Name: Greek Solutions - Jarrett Vamvakidis

Phone (817)528-8653

Email jarrett@gelcg.com

Address 1206 STOREY AVE

City Midland

State TX

Zip 79701

Developer (if different than Owner) Printed Name:

Phone ()
Email

Address

City

State

Zip

Representative (if acting as Agent, see affidavit on page 2) Firm: 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 divide tract into lots.

Plat Information

Total Acreage: 1.49

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 11

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)
- 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'



MAY 18 2022

CF

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: 5/19/22

Property Owner (printed): Garrett Vamvakidis

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

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

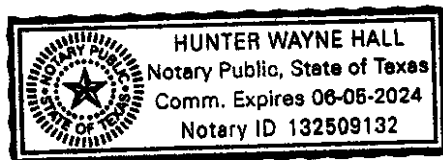
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Ed Aleman who, being by me duly sworn, upon oath says: That (s)he is authorized by Garrett Vamvakidis 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 18th day of May, 20 22 to certify which witness my hand and seal of office.



[Signature]
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 # 1825

☒ Tax Certificates

Check # 1824

Received By: W. F. Ferguson

Date: 5-18-22

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

BEING A REPLAT OF A 1.494 ACRE TRACT OF
LAND OUT OF THE WEST/2 OF TRACT 5,
LINDSAY ACRES, AN ADDITION TO THE CITY
OF MIDLAND, AS PER PLAT OF RECORD IN
VOLUME 101, PAGE 85, DEED RECORDS, CITY
AND COUNTY OF MIDLAND, TEXAS.

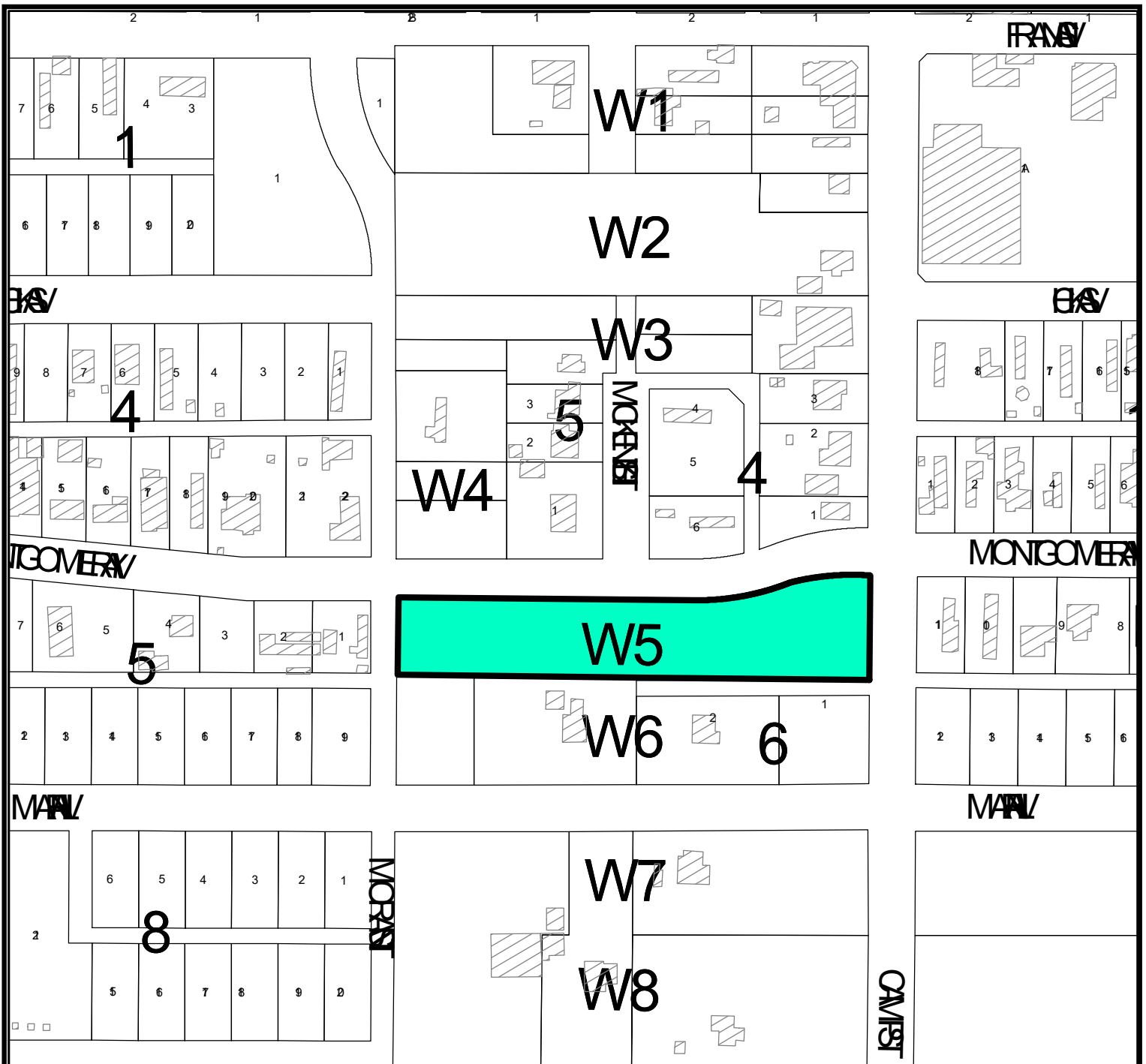
VICINITY MAP
NOT TO SCALE



CIVIL ENGINEERING - LAND SURVEYING
800 N. MARIENFELD STREET TEXAS FIRM No. F1880 - TEXAS FIRM No. 10149500
SUITE 100
MIDLAND, TEXAS 79701

LINDSAY ACRES, SECTION 11

LINDSAY ACRES, SECTION 14



LOCATION MAP

SUB-19-0239

Scale: 1" = 200'

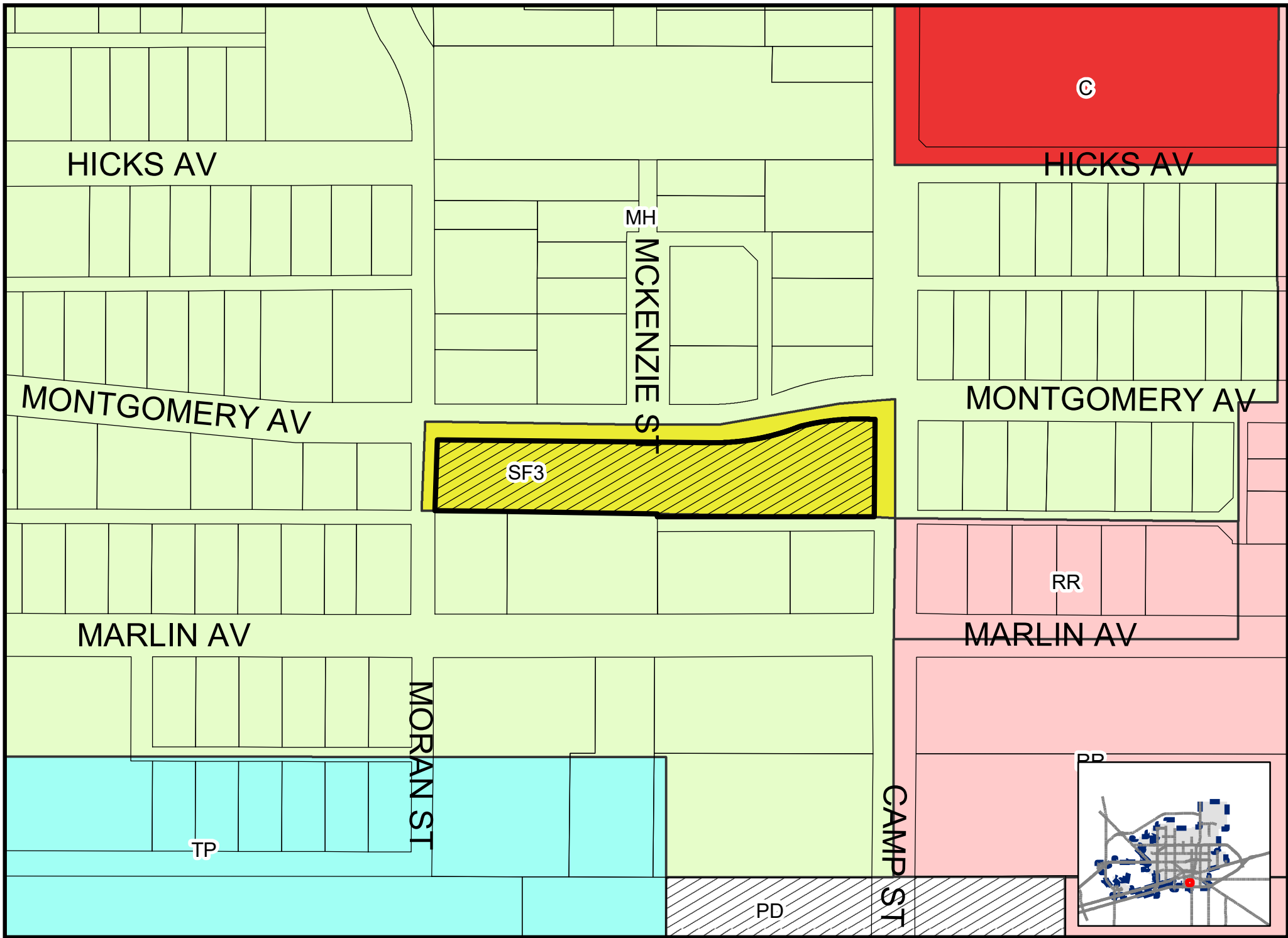
consider a request for a Final Plat of Lindsay Acres, Section 11, being a replat of a 1.494-acre tract of land out of the west half of Tract 5, Lindsay Acres, City and County of Midland, Texas.

(Generally located on the southeast corner of the intersection of W. Montgomery Avenue and Moran Street. Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS







Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: June 06, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving a request by Julio Lozoya for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption in a Nightclub, on a 3,210-square foot portion of Lot 33C, Block 3, Briarwood Addition, Section 16, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 428-feet west of N. Midland Drive - Council District 1)
(DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Julio Lozoya, is requesting a Specific Use Designation (SUD) for the sale of all alcoholic beverages, for on-premises consumption, in a nightclub, located at 4416 Briarwood Avenue, Suite 108.

Current Zoning:

PD, Planned Development District for a Shopping Center. (Ordinance 6332)

Surrounding Zoning and Land Use:

The properties to the north, east, and south are zoned PD, Planned Development District and the locations of vacant land, a gas station, and Walmart. The property to the west is zoned RR, Regional Retail District, and the location of Family Care Clinic.

Analysis:

The property is located at 4416 Briarwood Avenue, in a PD, Planned District for a Shopping Center, which is regulated by Ordinance No. 6332. This zoning district permits

the sale of all alcoholic beverages, for on-premises consumption, in a nightclub with the approval of a Specific Use Designation with Term. This property was previously occupied by Mr. Vapes, an E-Cig and Hookah Lounge, which had a Specific Use Designation (SUD) for on premises consumption in a lounge. However, the SUD expired back in January of 2022. Thus, requiring Y Knot to apply for a new SUD.

Y Knot is currently in operation. The floor plan attached hereto as "Exhibit A" illustrates that the establishment, will have a total square footage of 3,210 square feet, with an alcohol serviceable area of 2,587 square feet. The site currently has adequate parking, access, and internal circulation.

The proposed days and hours of operation including alcohol sales are the following:

Tuesday through Saturday from 6:00 p.m. to 2:00 a.m. (the following day)

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

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

There are no schools or churches within 300 feet of the property.

This request has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Engineering: (Approved)

No objections

Transportation: (Approved)

No objections.

Fire: (Approved)

No objections to zone change request.

Building Code: (Approved)

The SUD for Y Knot is acceptable. The property must adhere to the maximum occupant load of 253 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request follows the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4*, which is to “Encourage the development of places where Midland residents can gather and socialize to build connections.” (Tall City Tomorrow page 137) Y knot offers a new concept to the nightlife in the city. This modern space provides Midland residents with a unique social gathering experience.

Staff recommends approval of this Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a nightclub, subject to the following conditions A through G.

Conditions:

- A. That the alcohol serviceable area of the nightclub shall be limited to approximately 2,587 square feet, as shown in Exhibit “A”, which is attached hereto and incorporated herein for all purposes.**
- B. That the days and hours of alcoholic beverages sales and consumption shall be limited to:**

Tuesday through Saturday from 6:00 p.m. to 2:00 a.m. (the following day)
- C. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- D. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- E. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.**
- F. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.**
- G. That in accordance with Section 9.07.E.3 of the zoning ordinance, the nightclub shall be in operation within 120 days from the final adoption date of this ordinance.**

Letters of Objection:

As of June 1, 2022, staff has not received any letters of objection.

Attachments:

Application
Floor Plan (Exhibit A)
Site plan (Exhibit B)
Maps
Ordinance 6332



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

Project Number: SUB-22-0132
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>Julio Lozoya</u>		Phone (432) <u>710-3038</u> Email	
Address <u>4416 N Briarwood</u>	City <u>midland</u>	State <u>Texas</u>	Zip <u>79707</u>
Property Owner Printed Name: <u>The shops at Briarwood, LLC</u>		Phone (432) <u>682-4081</u> Email	
Address <u>4416 Briarwood</u>	City <u>midland</u>	State <u>Texas</u>	Zip <u>79707</u>
Representative (if different from Applicant or Property Owner) Firm: _____ Printed Name: _____		Phone () _____ Email	
Address	City	State	Zip
Street Address: <u>4416 N Briarwood</u>			
Business Name: <u>Y Knot Entertainment</u>			
Legal Description Lot: <u>33C</u> Block: <u>003</u> Subdivision: <u>Briarwood Section 1b</u>			
Current Zoning:			
Reason for Request: <u>to sell alcohol</u>			
Type of Business (<u>restaurant</u> , <u>bar</u> , lounge, <u>nightclub</u> , etc.):			
Proposed/Current Days and Hours of Operation: <u>Tuesday - Saturday 6pm - 2AM</u>			
Proposed Days and Hours of Alcohol Service: <u>Tuesday - Saturday 6pm - 2AM</u>			
Total Square Footage of Business: <u>3,000</u> Sq/Ft <u>3210</u>			
Square Footage of Alcohol Serviceable Area: <u>2,600</u> Sq/Ft <u>2587</u>			
Restroom Fixtures:	Men	Toilets/Urinals: <u>1</u> / <u>2</u>	Bathroom Sinks: <u>1</u>
	Women	Toilets: <u>2</u>	Bathroom Sinks: <u>2</u>

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

Applicant (signature): [Signature]

Date: 5/5/2022

Applicant (printed): Julio Lazoya

Property Owner (signature):

Date:

Property Owner (printed):

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

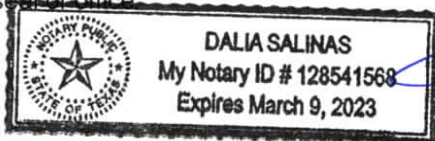
All materials, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

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

STATE OF TEXAS COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Julio Lazoya who, being by me duly sworn, upon oath says: That (s)he is authorized by Richard Samuel Hillman, 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.

Subscribed and sworn to before me, this 5th day of May, 2022, to certify which witness my hand and seal of office.



[Signature]
Notary Public

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Floor Plan

☒ Application Fee

☒ Site Plan

Check # 323

☒ Plans in Digital Format (PDF/JPEG)

Received By: KM

Date: 5/6/22

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



Briarwood Ave.

Midland



Yknot Entertainment, LLC
4416 Briarwood Ave.
Local # 108
Midland, TX
79707

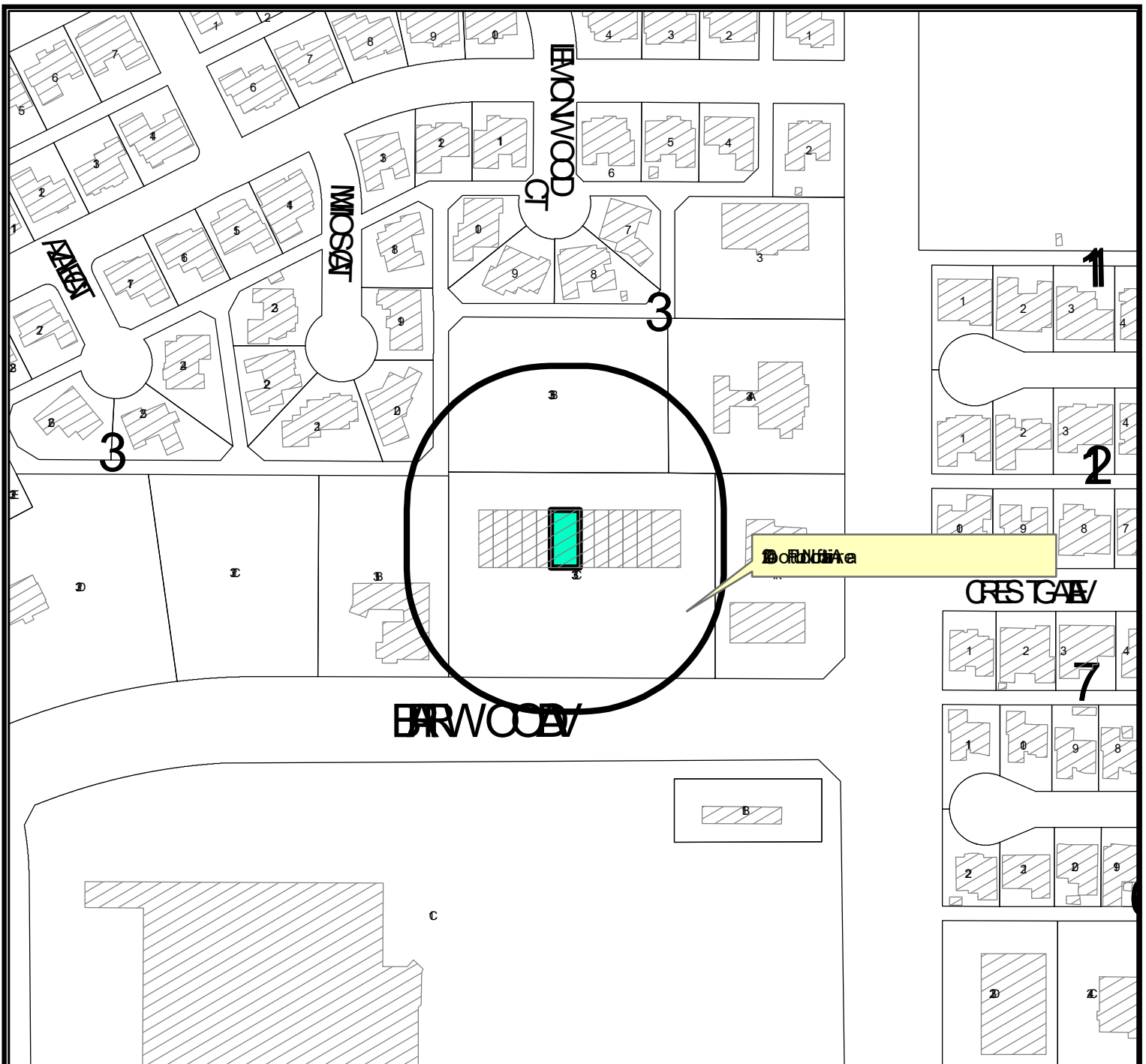


LOZOYA GENERAL CONTRACTORS

[illegible]

G.F. Elite
Y Knot Bar&Grill
Localization

Project number	
Date	Jun-10-21
Drawn by	Fernando Leal M
Checked by	Fly
A101	
Scale	



LOCATION MAP

SUD-22-0132

Scale: 1" = 200'

Consider a request by Julio Lozoya, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a nightclub, on a 3,210 square foot portion of Lot 33C, Block 3, Briarwood Addition, Section 16, City and County of Midland, Texas.

Generally located on the north side of Briarwood Avenue, approximately 428-feet west of N. Midland Drive. (Council District 1)

LEGEND

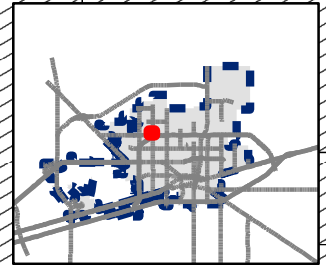
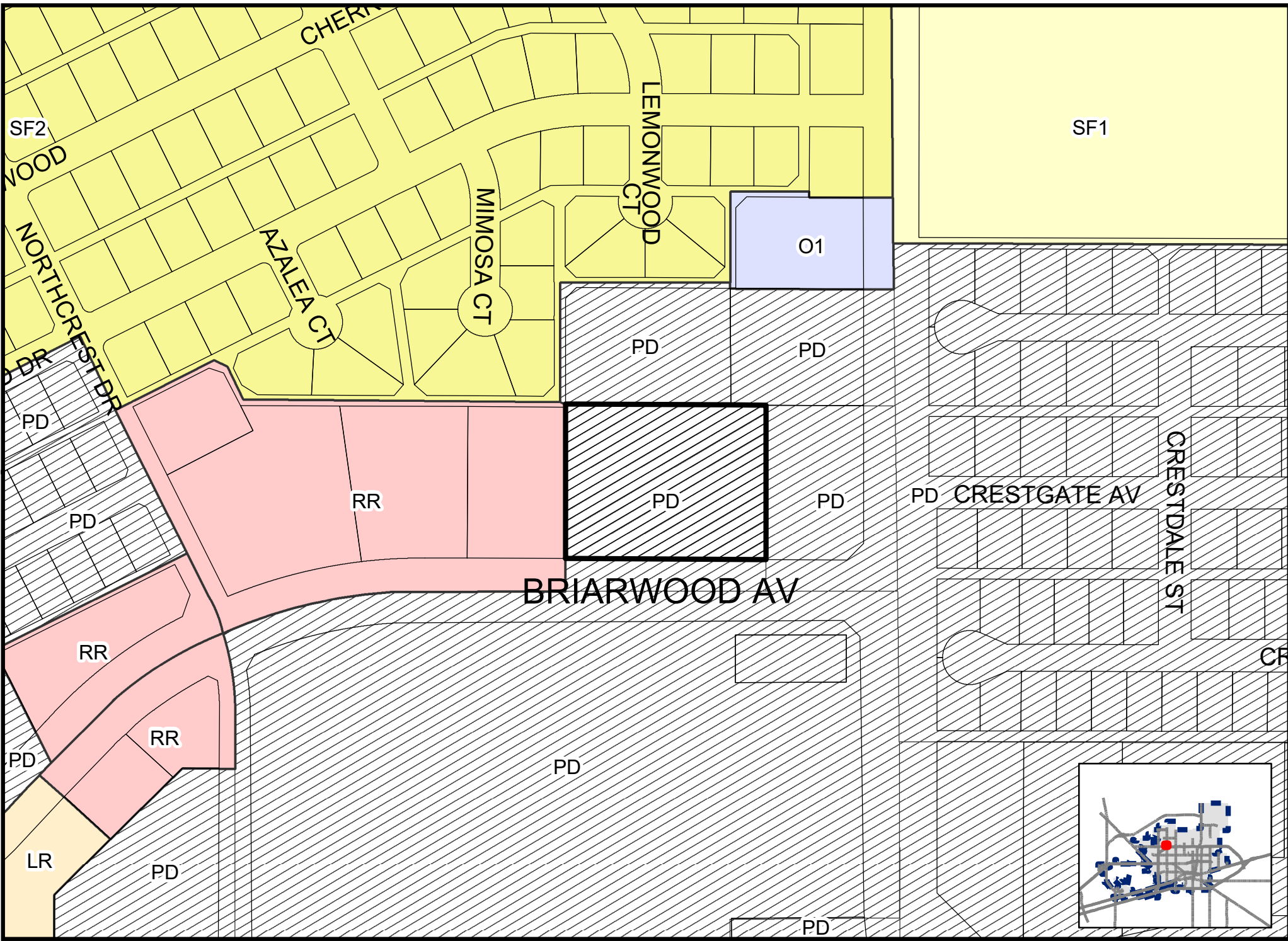
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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











ORDINANCE NO. 6332

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 "PLANNED DISTRICT" FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED "PLANNED DISTRICT" FOR A SHOPPING CENTER; 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; ADDING THE PROPERTY DESCRIBED IN SECTION ONE HEREOF TO THE FIRE DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF ONE THOUSAND DOLLARS (\$1,000.00); 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 One, 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 "Planned District" for a Shopping Center, and it shall be used as an Amended "Planned District" for a Shopping Center, subject to the special conditions and restrictions hereinafter set out.

Said property is described as follows:

A 28.08 acre tract of land in Section 6, Block X, H. P. Hilliard Survey, Midland County, Texas, being more fully described by metes and bounds as follows:

Beginning at a point in said Section 6, for the most southerly SE corner of this tract, from which the SE corner of said Section 6 bears S. 15° 04' 13" E., 35.00 feet and N. 74° 55' 47" E., 95.23 feet;

Thence N. 29° 49' 07" E., 49.54 feet to a point for the most easterly SE corner of this tract;

Thence N. 15° 17' 34" W., 24.90 feet to a point for an interior corner of this tract;

Thence N. 29° 49' 07" E., 21.17 feet to a point in the western boundary of Midland Drive, for an exterior corner of this tract;

Thence N. 15° 17' 34" W., 935.00 feet along the western boundary of Midland Drive, to a point for the NE corner of this tract;

Thence S. 74° 55' 47" W., 1,195.00 feet to a point for the most northerly NW corner of this tract;

Thence S. 30° 15' 16" W., 254.01 feet to a point for the most westerly NW corner of this tract;

Thence S. 59° 44' 44" E., 114.31 feet to a point of curvature of this tract;

Thence along the curved boundary of this tract, Delta Angle = 44° 40' 31" right, Radius = 462.40 feet, Tangent Length = 190.00 feet, and an Arc Length of 360.55 feet to a point of tangency this tract;

Thence S. 15° 04' 13" E., 425.00 feet to a point for the SW corner of this tract;

Thence N. 74° 55' 47" E., 1,115.50 feet to the place of beginning and containing 28.08 acres of land.

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

1. That the use and development of the property shall conform to all regulations applicable to an "LR-2", Local Retail District.
2. That the maximum floor area ratio applicable to all buildings and portions of buildings except those used for vehicle parking shall be .25:1.

SECTION THREE. That the Fire District be amended so as to add thereto the premises described in Section One hereof and the Building Inspector is authorized and directed to add to the Fire District Map said premises.

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

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

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

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

SECTION EIGHT. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by 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 December, A.D., 1983; and passed to second reading on motion of Councilman Sloan, seconded by Councilman Godfrey, by the following vote:

Councilmen voting "AYE": Sloan, Godfrey, Hatfield,
Davidson, Marcum and Akins

Councilmen voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Councilman Godfrey, seconded by Councilman Sloan, on the 10th day of January, A.D., 1984, at a regular meeting of the City Council:

Councilmen voting "AYE": Godfrey, Sloan, Marcum,
Hatfield, Akins and Davidson

Councilmen voting "NAY": None

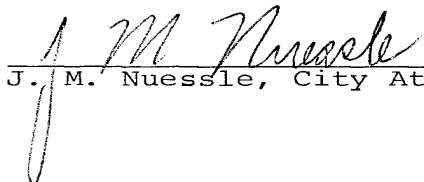
PASSED AND APPROVED THIS 10th day of January, A.D., 1984.


G. Thane Akins, Mayor

ATTEST:


J. W. McCullough, City Secretary

APPROVED AS TO FORM:


J. M. Nuessle, City Attorney



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: May 16, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving a request by Joshua Hernandez for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption in a Bar, on a 4,399-square foot portion of Lot 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of N. Garfield Street and W. Loop 250 North - Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Joshua Hernandez, is requesting a Specific Use Designation (SUD) for the sale of all alcoholic beverages, for on-premises consumption, in a bar, located at 4610 N. Garfield Street, Suite C3.

Current Zoning:

PD, Planned Development District for a Shopping Center. (Ordinance 7771)

Surrounding Zoning and Land Use:

The properties to north are zoned O-1, Office District, and PD, Planned District for a Housing Development, and are the locations of Quality Suites and Polo Park Retirement Center. The properties to the east are zoned SF-2, Single- Family Dwelling District, and PD, Planned District for a Shopping Center, and the location of single-family houses and Extra Space Storage. The property to the south is zoned SF-1, Single Family Dwelling District, and the location of the Midland Airpark. The properties to the west across Garfield Street are zoned LR, Local Retail District and PD, Planned District for a Shopping Center, and the residences, Fairfield Inn & Suites by Marriot Midland, and Talbots.

Analysis:

The property is located at 4610 N. Garfield Street, Suite C3, in a PD, Planned District for a Shopping Center, which is regulated by Ordinance No. 7771. This zoning district permits the sale of all alcoholic beverages, for on-premises consumption, in a bar with the approval of a Specific Use Designation with Term.

The bar is currently not in operation and does not have a specific use designation for the sale of all alcoholic beverages. The floor plan attached hereto as "Exhibit A" illustrates that the establishment, will have a total square footage of 4,399 square feet, with an alcohol serviceable area of 3,200 square feet. The site currently has adequate parking, access, and internal circulation.

The proposed days and hours of operation including alcohol sales are the following:

Monday through Sunday from 11:00 a.m. to 2:00 a.m. (the following day)

Furthermore, there are six other existing Specific Use Designation (SUD) for on premises consumption of alcohol in this shopping center, two for a bar (The Blue Door and The Ox) and four for a restaurant (Tkilaz Mexican Restaurant, Labrado, Sapporo Ramen & Grill, and Brew Street Brew and Food).

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

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

There are no schools or churches within 300 feet of the property using the front door to door distance measurement.

Department Review:

This request has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Engineering: (Approved)

No objections

Transportation: (Approved)

No objections.

Fire: (Approved)

No objections

Building Code: (Approved)

The SUD for Element 14 is acceptable. The property must adhere to the maximum occupant load of 78 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request follows the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, which is to* “Encourage the development of places where Midland residents can gather and socialize to build connections.” (Tall City Tomorrow page 137) Element 14 is an establishment that will provide Midland residents with a unique social gathering experience.

Staff recommends approval of this Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, subject to the following conditions A through G.

Conditions:

- A. That the alcohol serviceable area of the bar shall be limited to approximately 3,200 square feet, as shown in Exhibit “A”, which is attached hereto and incorporated herein for all purposes.**
- B. That the days and hours of alcoholic beverages sales and consumption shall be limited to:**
 - Monday through Sunday from 11:00 a.m. to 2:00 a.m. (the following day)***
- C. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- D. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- E. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.**
- F. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.**

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

Letters of Objection:

As of May 11, 2022, staff has not received any letters of objection.

Attachments:

Application
Floor Plan (Exhibit A)
Site Plan (Exhibit B)
Maps
Ordinance 7771



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

Project Number:

Case Number:

340-22-0131

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

Printed Name: Joshua Hernandez

Phone (432) 528-9692

Email c14.Josh@gmail.com

Address

1412 Mockingbird Lane

City

Midland

State

TX

Zip

79705

Property Owner

Printed Name: See Attached Woodcrest LP

Phone ()

Email 817 927-0050

Address

3113 Sunnyside Drive

City

Ft Worth

State

TX

Zip

76109

Representative (if different from Applicant or Property Owner)

Firm:

Printed Name:

Phone ()

Email

Address

City

State

Zip

Street Address: 4610 N. Garfield Street #C.3

Business Name: Element 14

Legal Description

Lot: 10

Block: 8

Subdivision:

Polo Park Sec. 3

Current Zoning:

Reason for Request: Applying for a Mixed Beverage Permit

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

Proposed/Current Days and Hours of Operation: Monday - Sunday

Proposed Days and Hours of Alcohol Service: 11:00 AM - 12:00 AM to 2 AM

Total Square Footage of Business: 4,399

Square Footage of Alcohol Serviceable Area: 3,200

Restroom Fixtures:

Men

Toilets/Urinals:

1 / 1

Bathroom Sinks: /

Women

Toilets:

1

Bathroom Sinks: /

APR 13 2022

BY: DR

Submittal and Fees

Items to be submitted with this application form:

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

Signatures

Applicant (signature):

Date: 4-12-22

Applicant (printed):

Joshua Hernandez

Property Owner (signature):

Date: 4.14.22

Property Owner (printed):

James A. Ryffel

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

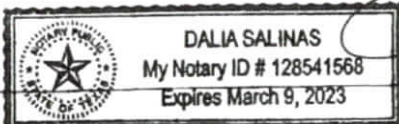
All materials, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

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

**STATE OF TEXAS
COUNTY OF MIDLAND**

Before me, the undersigned authority, on this day personally appeared Joshua Hernandez who, being by me duly sworn, upon oath says: That (s)he is authorized by James A. Ryffel, 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.

Subscribed and sworn to before me, this 13th day of April, 2022, to certify which witness my hand and seal of office.



Notary Public

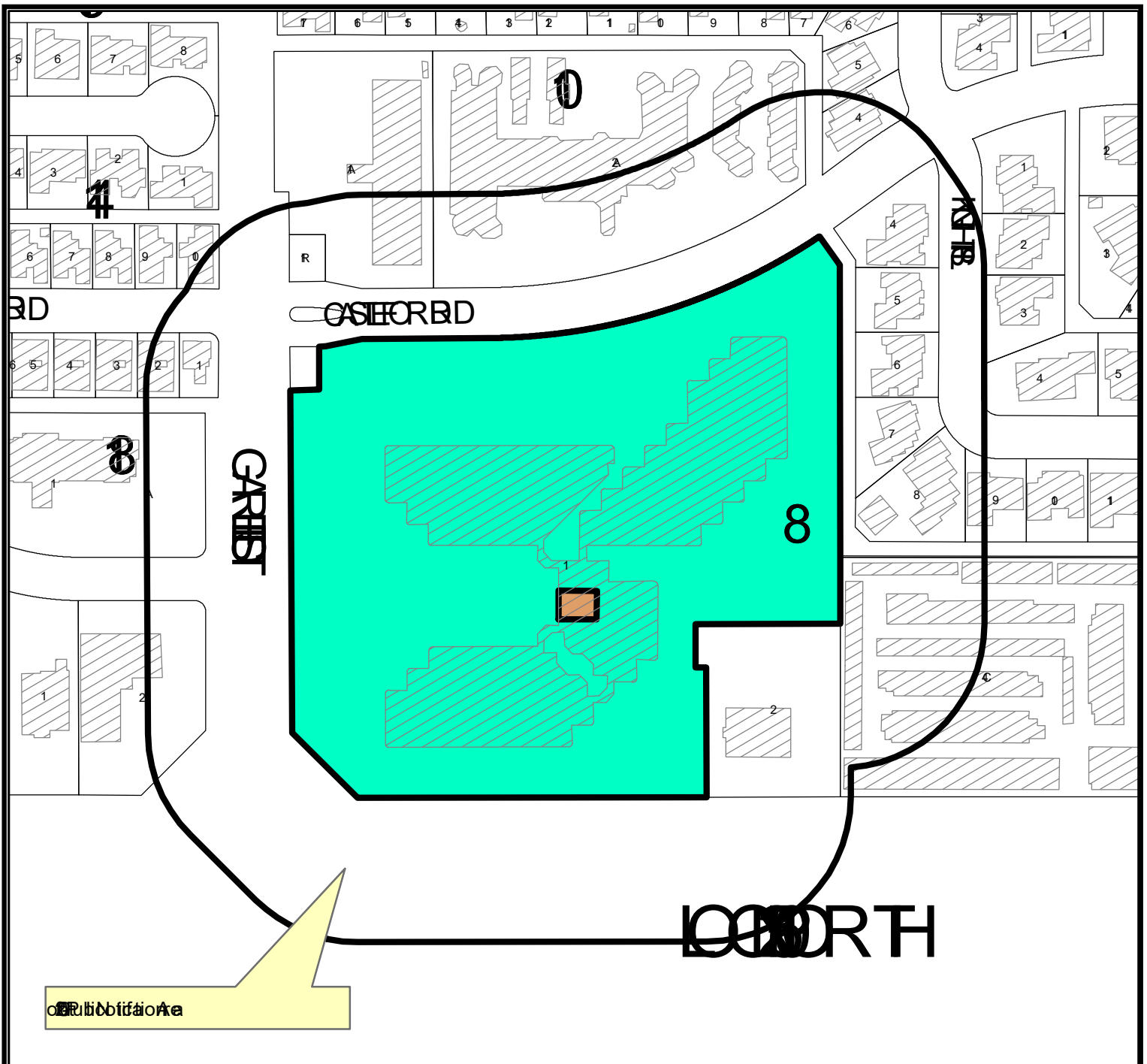
FOR OFFICE USE ONLY☒ Property Owner Authorization☒ Dimensioned Floor Plan☒ Application Fee☐ Site PlanCheck # 1154☐ Plans in Digital Format (PDF/JPEG)

Received By: _____

Date: _____

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





LOCATION MAP

SUD-22-0131

Scale: 1" = 200'

Consider a request by Joshua Hernandez, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a bar, on Lots 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of N. Garfield Street and W. Loop 250 North. (Council District 1)

LEGEND

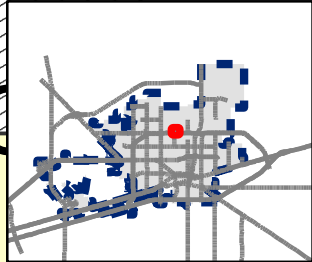
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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









ORDINANCE NO. 7771

AN ORDINANCE AMENDING ORDINANCE NO. 7324, WHICH ADOPTED A SITE PLAN FOR A "PLANNED DISTRICT" FOR A SHOPPING CENTER SO AS TO ADOPT AN AMENDED SITE PLAN; 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 amending the site plan for a "Planned District" for a Shopping Center by amending Ordinance No. 7324; and

WHEREAS, after a full and fair public hearing at which all parties in interest were offered an opportunity to be heard, all pursuant to law, the Council finds it to be in the public interest to amend the site plan adopted by Ordinance No. 7324;

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

SECTION ONE. That the "Planned District" site plan adopted for the property described in Section One of

Ordinance No. 7324, specifically Lot 1, Block 8, Polo Park, Section III, City and County of Midland, Texas, shall be amended in its entirety as set forth in Exhibit "A", attached hereto and incorporated herein by reference subject to the following conditions:

- A. That the maximum sign area for all free standing signs for this development not exceed 640 square feet.
- B. That no future free standing sign associated with this development be allowed on the Loop 250 frontage.
- C. That the Site Plan (Exhibits A & B) be adhered to in regard to the locations and types of signs proposed for this development.

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 8th day of September, A.D., 1998; and passed to second reading on motion of Council member Brooks, seconded by Council member Cuevas, by the following vote:

Council members voting "AYE":	Brooks, Cuevas, Wood, Brown, Burns, Simpson and Washburn
-------------------------------	--

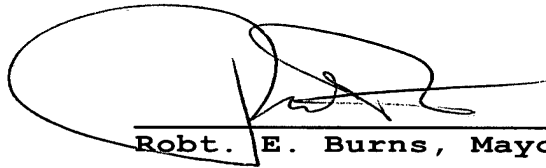
Council members voting "NAY":	None
-------------------------------	------

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Brooks, seconded by Council member Cuevas, on the 22nd day of September, A.D., 1998, at a regular meeting of the City Council:

Council members voting "AYE":	Brooks, Cuevas, Wood, Brown, Burns, Simpson and Washburn
-------------------------------	--

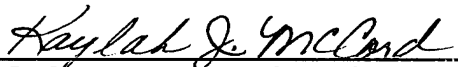
Council members voting "NAY":	None
-------------------------------	------

PASSED AND APPROVED THIS 22nd day of September,
A.D., 1998.



Robt. E. Burns, Mayor

ATTEST:



Kaylah J. McCord, City Secretary

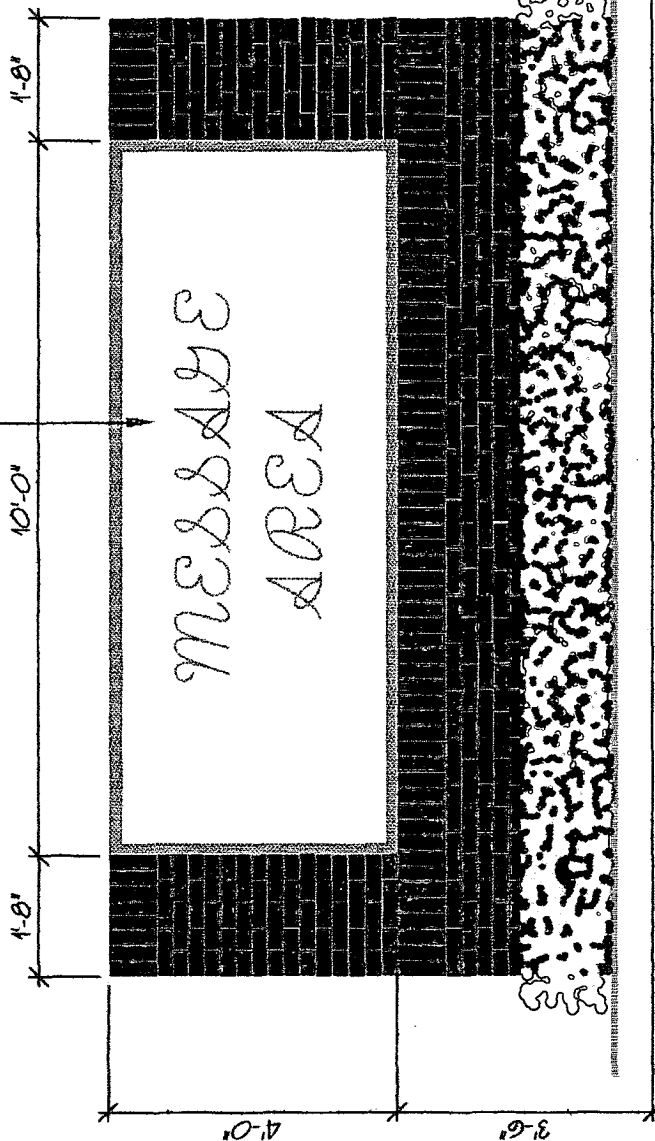
APPROVED AS TO FORM:



Keith Stretcher, City Attorney

ord\planning\plndist\Z-98-022 Red Oak

COLORED OR WHITE BACKGROUND
WITH BACK LITE BOX &
CONTRASTING MESSAGE.



RECEIVED

AUG 25 1998

PLANNING & DEVELOPMENT
CITY OF MIDLAND



VANDERGRIFF GROUP
ARCHITECTS • PLANNERS
92 N. 835 STREET, SUITE 200 • MIDLAND, TEXAS 79701
MEMBER AMERICAN INSTITUTE OF ARCHITECTS

8-11-98

MONUMENT SIGN PROPOSAL

COLOHADE SHOPPING CENTER
MIDLAND, TEXAS

EXHIBIT B

CASE NO. Z-98-022



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: June 06, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving a request by Garner Gonzales for a Specific Use Designation without Term, for an Accessory Dwelling Unit, on a 0.41-acre portion of Lot 3, Ashlin Place, Section 2, City and County of Midland, Texas. (Generally located on the south side of Live Oak Drive, approximately 233-feet south of Scharbauer Drive - Council District 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

SF-1, Single Family Dwelling District

Details of Request:

The applicant, Garner Gonzales, is requesting a Specific Use Designation, without Term, for an accessory dwelling unit at 2 Live Oak Drive.

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are zoned 1F-2, One Family Dwelling District, and the location of residential homes.

Analysis:

The applicant, Garner Gonzales, is requesting a Specific Use Designation, without Term, for an accessory dwelling unit to build a pool/guest house. Per City of Midland Zoning Ordinance, Section 4.03, Use Chart, an accessory dwelling unit is permitted in this zoning district upon approval of a specific use designation.

The floor plan attached hereto as Exhibit “C” shows a two-story structure with two beds, two baths, and a gym. The pool house is approximately 1,319 square-feet, which includes a 182 square foot cantilevered patio.

The Accessory Dwelling Unit needs to comply with the standards as listed in Section 4.09 Accessory Building and Uses, Section C of the Zoning Ordinances.

C. Accessory Dwelling Units and Use Limitations

- a. Accessory Dwelling Units shall not be leased or rented.
- b. The living area of an Accessory Dwelling Unit shall not exceed 1,000 square feet or 30 percent of the area of the principal residence, whichever is less.
- c. Only one Accessory Dwelling Unit shall be allowed on any individual tract of land.
- d. A mobile home, travel trailer, or recreational vehicle shall not be used as a detached Accessory Dwelling Unit.
- e. The total number of people, who live on the property, including the principal residence and the Accessory Dwelling Unit, shall not exceed that of a “Family” as defined in the Zoning Ordinance.

Additionally, a special exception for the maximum living area allowed for an Accessory Dwelling Unit was approved on April 26, 2022, by City Council.

This proposed project has been circulated to and reviewed by respective City departments and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objections.

Building: (Approved)

Must maintain at least 5 foot from any other structure including the swimming pool.

Engineering: (Approved with Conditions)

A floodplain compliance pre-construction certificate has already been provided and a floodplain determination and permit has already been issued for this proposed structure. A final elevation certificate based off of finish construction must be provided once construction is complete or before a C.O. can be issued.

Transportation: (Approved)

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

Planning:

This request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision*, Principle 4, "Land use policies and regulations should support diverse housing choices." (Tall City Tomorrow, Page 58). This allows for the property owner to provide an attractive space for their family to enjoy.

Staff recommends approval of this Specific Use Designation, without term, for an accessory dwelling unit, subject to conditions A through E.

Conditions:

- A. That the use and development of this structure as an accessory dwelling unit shall significantly conform to the site plan attached hereto, as Exhibit B.**
- B. That the living area of the accessory dwelling unit shall not exceed 1,137 square feet as shown in "Exhibit C."**
- C. That the Unit shall not be leased or rented as a separate dwelling unit and shall not be used for any commercial purpose.**
- D. That the applicant shall secure a Certificate of Occupancy to ensure that the conditions of this permit are satisfied.**
- E. That the City Secretary is hereby authorized and directed to file a certified copy of this ordinance in the Official Records of Midland County, Texas, as notice to any subsequent purchaser of the Property that the Unit shall not be leased or rented as a separate dwelling unit and shall not be used for any commercial purposes.**

Letters of Objection:

As of June 1, 2022, Staff has received no letters of objection

Attachments:

Property Survey (Exhibit A)
Site Plan (Exhibit B)
Floor Plan (Exhibit C)
Application
Maps



**Specific Use Designation
Application (Non-Alcohol)**

Case Number:

^{wo}
540-22-0027

Ord. Number:

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

Printed Name: Garner Gonzales

Phone (432) 967-0699
Email

Address PO Box 125

City Midland

State TX

Zip 79702

Property Owner

Printed Name: Aron Marquez

Phone (432) 770-8624
Email

Address 2 Live Oak Dr.

City Midland

State TX

Zip 79705

Representative (if different from Applicant or Property Owner)

Firm: Gonzales Contractors, LLC

Printed Name: Henry Gonzales

Phone (432) 967-0059
Email

Address PO Box 125

City Midland

State TX

Zip 79702

Type of Permit:

For Office Use Only

☐ with Term ☐ without Term

Is there any Code Enforcement action pending on property? ☐ Yes ☐ No

Street Address: 2 Live Oak Dr., Midland, TX 79705

Legal Description

Lot: 0021 Block: 000 Subdivision: Ashlin Place Addn.

Current Zoning:

Maximum Floor Area:

Maximum Occupancy:

Proposed hours and days of use or operation: _____

Reason for request: Pool House Project - Accessory Building

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: _____

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan showing
 - Parking (if applicable)
 - Building Footprint
- Digital Copies of Site Plan (PDF/JPEG)

Signatures	
Applicant (signature) <u>[Signature]</u>	Date <u>04/27/22</u>
Applicant (printed) <u>Garner Gonzales</u>	
Property Owner (signature) <u>[Signature]</u>	Date <u>4/28/22</u>
Property Owner (printed) <u>Aron Marquez</u>	

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

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

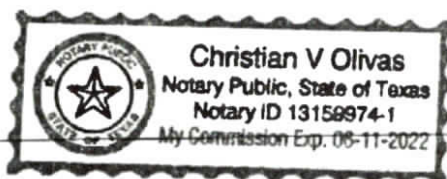
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority on this day personally appeared GARNER Gonzales who, being by me duly sworn, upon oath says That (s)he is authorized by ARON MARQUEZ the owner of the above described property, to fully represent him/her in this application and that (s)he has 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 2nd day of May, 2022, to certify which witness my hand and seal of office

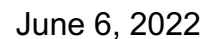


Christian V. Olivas
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☐ Application Fee <u>Missing</u>	☐ Site Plan in Digital Format (PDF/JPEG) <u>Missing</u> <i>using ones from other case</i>
Check # <u>CC</u>	
Received By: <u>KM</u>	Date

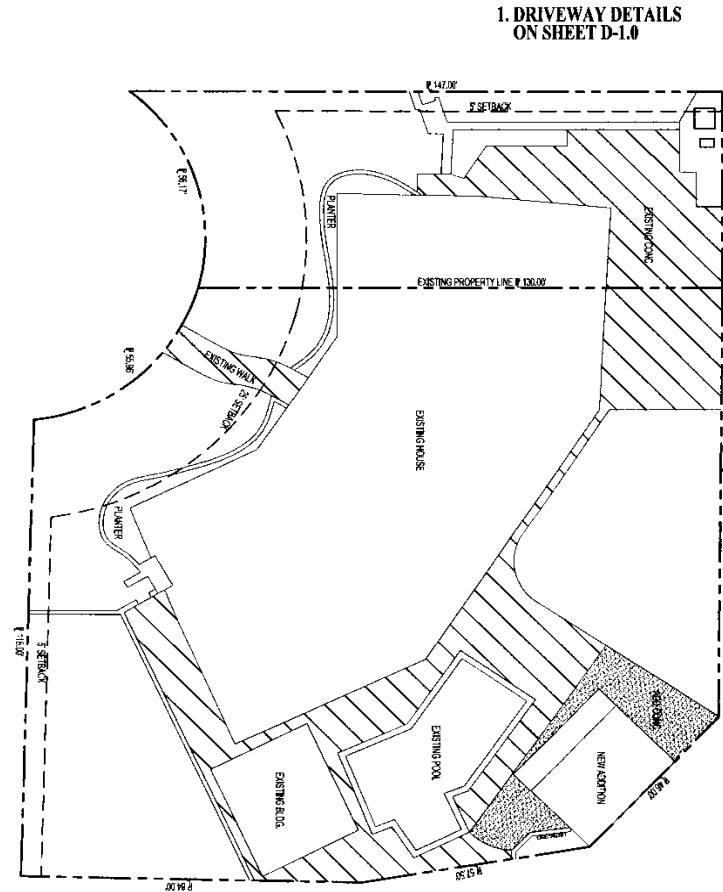
RECEIVED
MAY 05 2022

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





A SITE PLAN
C-1.0 SCALE: 1/16" = 1'-0"



B SITE PLAN
C-1.0 SCALE: 1/32" = 1'-0"



PRELIMINARY - NOT FOR CONSTRUCTION
THESE DOCUMENTS ARE INTERIM REVIEW AND ARE NOT INTENDED FOR CONSTRUCTION AND/OR PERMIT PURPOSES.

**2 LIVE OAK DR.
MIDLAND, TEXAS
LOT 0021, BLOCK 000
ASHLIN PLACE ADDN.**

PRELIMINARY PLANS	DATE	BY	REVISION
1	01/20/22		



Chad Walters
432-352-0788
chad@midland-dci.com
www.midland-dci.com

PROJECT NUMBER: 222200	
DRAWN BY: CCM	
CHECKED BY: CCM	

C-1.0

PACKET
Page 7.61
June 6, 2022

THESE DOCUMENTS ARE INTERIM REVIEW AND
ARE NOT INTENDED FOR CONSTRUCTION
AND/OR PERMIT PURPOSES.

1	PRELIMINARY PLANS	012622Z
		
NO	Fewer than	See



PROJECT NUMBER: 202200	
DRAWN BY	CON
CHECKED BY	CON

A-2.0

© 2004 WILSON JONES PCL, LLC

We warrant represented by these plans are completed and are subject to complete protection on an "as-is" basis. Distribution and use of these plans (including any and all amendments or updates, data and other materials) of this design will require the licensee to complete design/development and/or to provide for further work. Any alterations, additions, deletions or changes to the plans after the last printing are completed

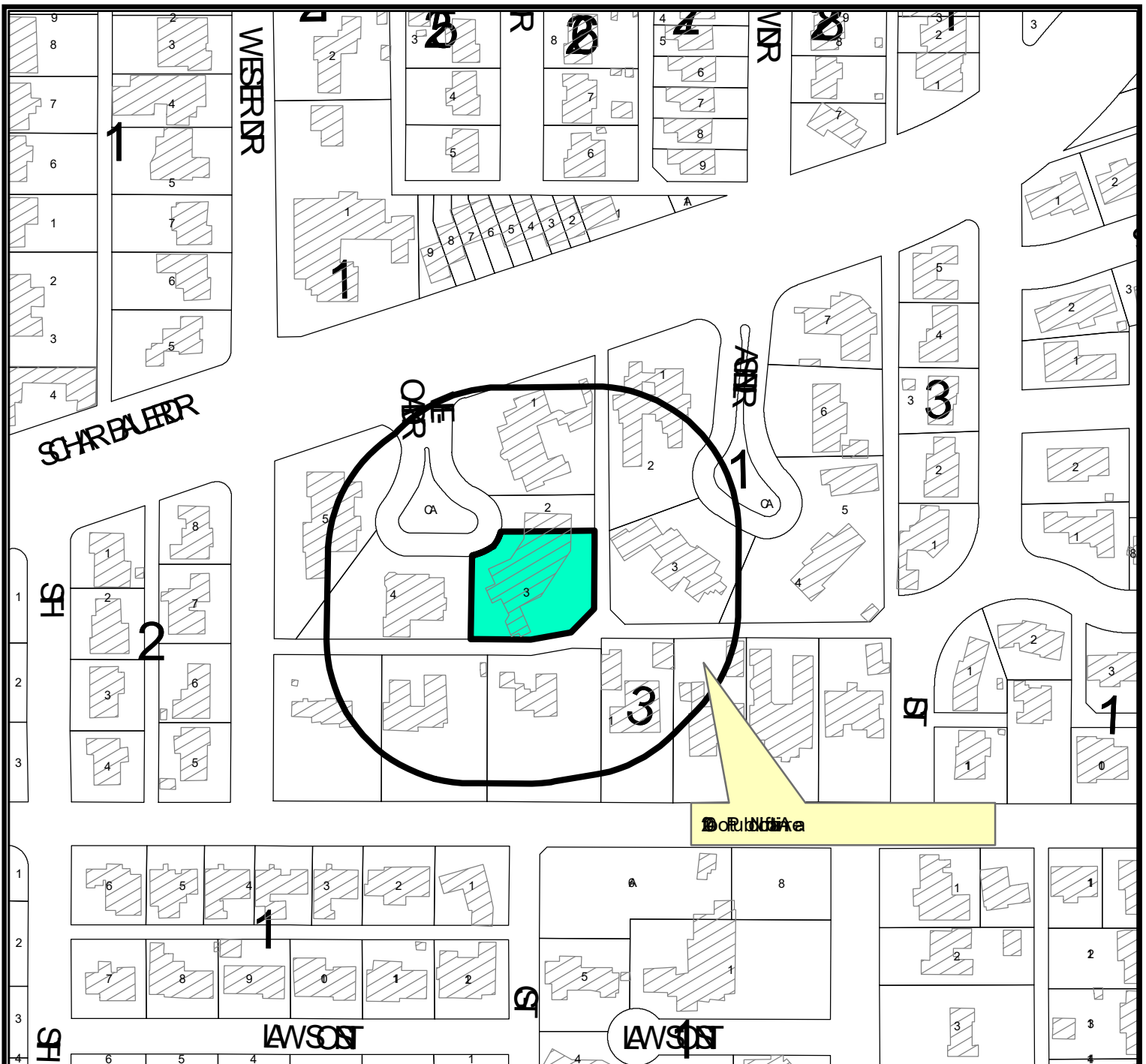


SQUARE FOOTAGE'S OVER BRICK
SQUARE FOOTAGE'S ARE CALCULATED WITH
5.5" BRICK POCKET AND MAY VARY
DEPENDING ON EXTERIOR MATERIAL

1ST FLOOR LIVABLE.....	617	SQ. FT.
2ND FLOOR LIVABLE.....	520	SQ. FT.
TOTAL LIVABLE.....	1,137	SQ. FT.
CANTILEVELED PATIO	182	SQ. FT.
TOTAL	1,319	SQ. FT.



PACKET
Page 7.62
June 6, 2022



LOCATION MAP

SUDwo-22-0027

Scale: 1" = 200'

Consider a request by Garner Gonzales for a Specific Use Designation, without term, for an Accessory Dwelling Unit on a 0.41-acre portion of Lot 3, Ashlin Place, Section 2, City and County of Midland, Texas.

(Generally located on the south side of Live Oak Drive, approximately 233-feet south of W. Scharbauer Drive. Council District 3)

LEGEND

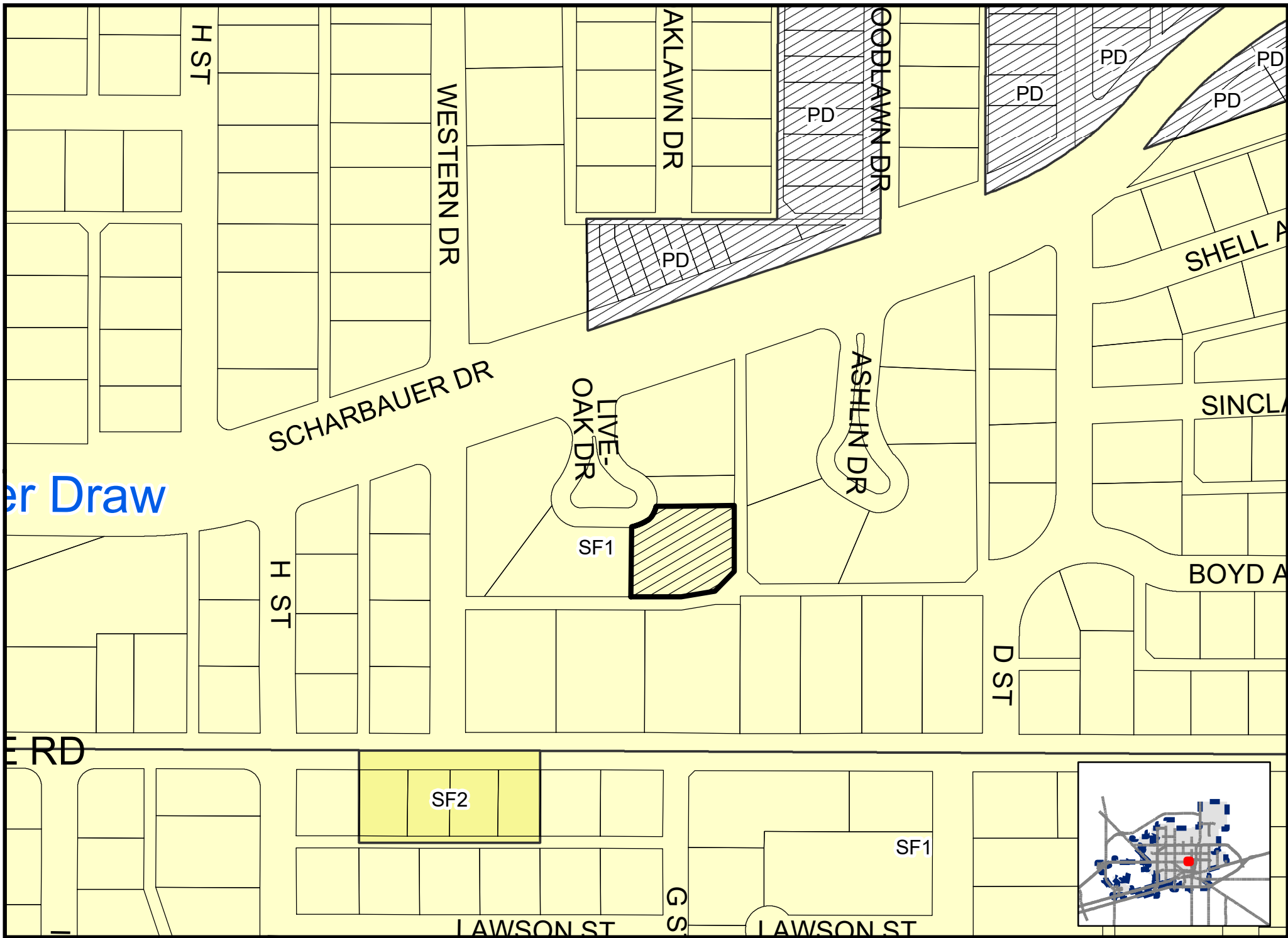
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©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: June 6, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Cole Furqueron, Senior Planner

SUBJECT: Motion approving a request by David Powlen for a zone change from PD, Planned Development District for a Shopping Center to Amended PD, Planned Development District for a Shopping Center on Lot 2, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of N. Loop 250 W. and Wadley Avenue - District 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Purpose:

The applicant, David Powlen, is requesting a zone change from PD, Planned Development District for a Shopping Center to Amended PD, Planned Development District for Shopping Center on Lot 2, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas for an addition of a garden center.

Current Zoning:

PD, Planned Development District for a Shopping Center

Surrounding Zoning and Land Use:

The properties to the north is zoned PD, Planned development District and the location of a shopping center and SF-1 Single-family Dwelling and the location of C.J. Kelly Park. The property to the east is zoned RR, Regional Retail District, and the location of a shopping center. The property to the south, is zoned PD, Planned Development District, and the location of office buildings. The property the west is zoned PD, Planned Development District, and the location of a housing development.

Analysis:

The applicant, David Powlen, is requesting a zone change from PD, Planned

Development District of a Shopping Center to Amended PD, Planned Development District of a Shopping Center, for the expansion of their Garden Center located at 3315 N. Loop 250 W. Midland TX.

The site plan provided, hereto shown as Exhibit A, illustrates the proposed addition that will be located on the southwest side of the existing Garden Center building. The proposed new design will be approximately 19,237 square feet. Although 99 parking spaces were removed, they are still exceeding the parking requirements by 229 spaces, providing a total of 709 parking spaces.

The applicant will be required to adhere to the site plan review standards outline within the City of Midland Zoning Ordinance Section 5.05: - Nonresidential Zoning District Dimensional Regulations Chart as well as Chapter 9, Landscape Regulations for future landscaping.

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 the 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 and 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 Applicant's information only.]

Planning:

The request fits with the Tall City Tomorrow Comprehensive Plan, Chapter 3-Land Use Vision. The land use map indicates that this area shall be used for RC, Regional Commercial developments. These areas are designed to be utilized by major community and regional commercial developments that are both large in scale and have high traffic impact. The reason for this proposed zone change is to allow for alterations to the previously adopted Site Plan, which could not be changed without an amendment to the PD. Additionally, the Garden Center expansion will not change the overall use of the property and will have minimal impact on traffic in the area.

Therefore, staff recommends approval of this zone change from PD, Planned Development District for a Shopping Center, to Amended PD, Planned Development District for a Shopping Center to conditions A through G.

Conditions:

- A. That the development of this property shall significantly conform to the site plan and elevations attached hereto and incorporated herein as Exhibits "A".**
- B. In addition to the uses allowed in an "RR", Regional Retail District, the property may be used for outdoor commercial amusements such as driving ranges, skating rinks, or miniature golf.**
- C. All landscaping shall be irrigated with an automatic sprinkler system, and be maintained in a healthy, growing condition.**
- D. That the use and development of this property shall conform to the regulations and the RR, Regional Retail District, except as stated below.**
- E. That a 26-foot fire lane shall be striped in the outdoor storage area and kept clear at all times.**
- F. That the gates to the outdoor storage area shall have emergency overrides for emergency services.**
- G. That the covered outdoor storage area shall be fire sprinkled.**

Letters of Objection:

Staff has not received any letters of objection as of June 1, 2022.

Attachments:

Application
Site Plan (Exhibit A)
Maps
Exhibit



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

Project Number: 2-22-0293

Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: David Powlen, Little Diversified Architectural Consulting		Phone (704) 561-3472 Email david.powlen@littleonline.com	
Address 615 S. College Street, Suite 1600	City Charlotte	State NC	Zip 28202

Property Owner Printed Name: Lowe's #63 (Lowe's Home Centers, LLC)		Phone (704) 632-5849 Email Tom.cross@lowes.com	
Address 1000 Lowe's Boulevard	City Mooresville	State NC	Zip 28117

Representative (if different from Applicant or Property Owner) Firm: <u>howe's</u> Printed Name: <u>Thomas M. Cross</u>		Phone <u>(704) 632-5849</u> Email <u>tom.cross@howes.com</u>	
Address <u>1000 howes Blvd</u>	City <u>Mooresville</u>	State <u>NC</u>	Zip <u>28117</u>

Street Address: 3315 N. Loop 250 W		
Legal Description Lot: 0020 Block: 002 Subdivision: 41500		

Current Zoning: PD	Proposed Zone: PD (List by tracts if more than one district is requested)
Reason for Zone Change Request: <u>No change</u>	
Present Use of Property: <u>Retail</u>	
Proposed Use of Property: <u>Retail</u>	
How would this zone change affect the public health, safety and welfare? <u>No change</u>	
Describe how conditions affecting the property have changed since present zoning designation: <u>No change</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)	RECEIVED APR 21 2022 BY: <u>CF</u>
--	---

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

Applicant (signature):

Date:

Applicant (printed):

Property Owner (signature):

Date:

Property Owner (printed):

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

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

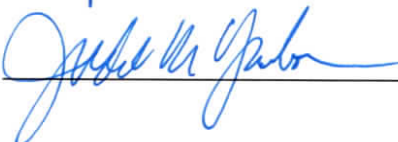
Before me, the undersigned authority, on this day personally appear _____ who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right,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



Authorized Agent (signature)

Subscribed and sworn to before me, this 19th day of April, 2022, to certify which witness my hand and seal of office.

JUDITH M. YARBOROUGH
NOTARY PUBLIC
Iredell County
North Carolina
My Commission Expires July 4, 2026



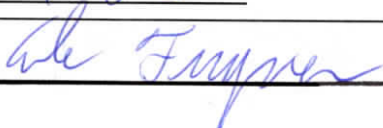
NOTARY PUBLIC

FOR OFFICE USE ONLY☒ Property Owner Authorization☒ Dimensioned Site Plan☒ Application Fee☒ Plans in Digital Format (PDF/JPEG)

Check #

184062

Received By:



Date:

4-21-22

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

PACKET

Page 8.74

June 6, 2022

LOWES #0063 - MIDLAND

3315 N. LOOP 250 W
MIDLAND, TX 79707

INDEX OF DRAWINGS

- C000
C100
C200
C300
C301
C400
C500
- COVER SHEET
EXISTING CONDITIONS
DEMOLITION PLAN
LAYOUT AND MATERIALS PLAN
SITE ENLARGEMENTS
GRADING AND DRAINAGE PLAN
SITE DETAILS
- A5.2
- PLAN, SECTIONS & DETAILS
GARDEN CENTER (FOR REFERENCE)

PROJECT TEAM

OWNER
LOWE'S HOME CENTERS, LLC
1000 LOWE'S BLVD
MOORESVILLE, NC 28117-8520
(704)-758-1000

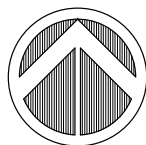
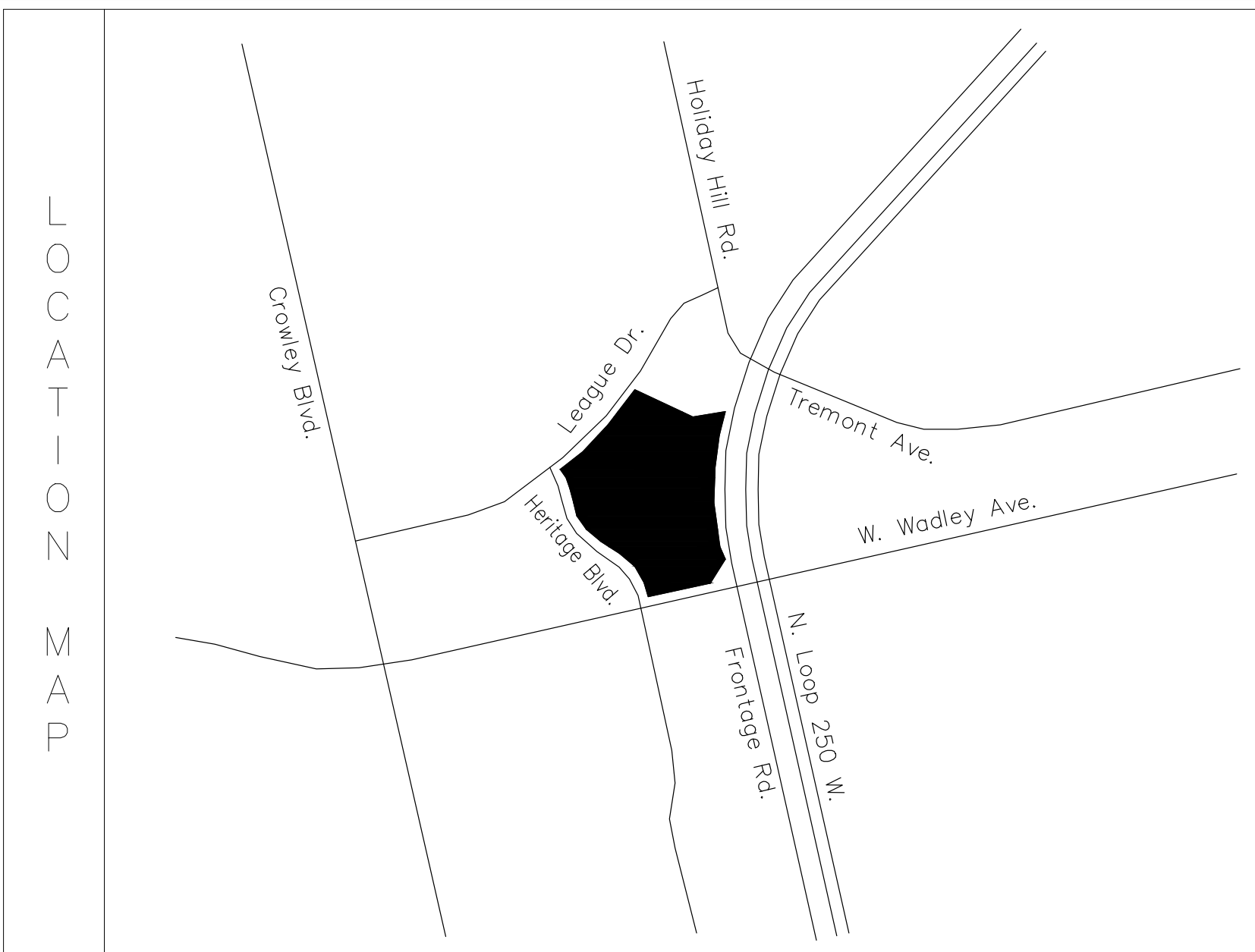
LAND PLANNING
LITTLE DIVERSIFIED ARCHITECTURAL CONSULTING
615 SOUTH COLLEGE STREET, SUITE 1600
CHARLOTTE, NORTH CAROLINA 28202
(704)-525-6350

ARCHITECT
LITTLE DIVERSIFIED ARCHITECTURAL CONSULTING
615 SOUTH COLLEGE STREET, SUITE 1600
CHARLOTTE, NORTH CAROLINA 28202
(704)-525-6350

SURVEYOR
FREELAND-CLINKSCALES & ASSOCIATES INC. OF NC
201 2ND AVE EAST
HENDERSONVILLE, NC 28792
(828)697-6539

SITE INFORMATION

VICINITY MAP



NOT TO SCALE

REVISIONS	
PRE-BID SET DATE	POST-BID SET ISSUE DATE

LITTLE
DIVERSIFIED ARCHITECTURAL CONSULTING

615 S COLLEGE ST, SUITE 1600 Charlotte, NC 28202
T: 704.525.6350 F: 704.561.8700

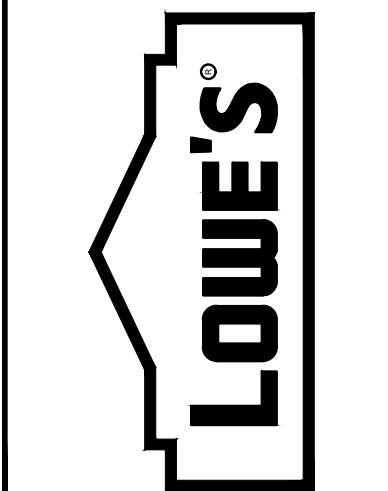
This drawing and the design shown are the property of Little Diversified Architectural Consulting. The reproduction, copying or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.

© Little, 2022



LOWE'S HOME CENTERS, LLC
1000 LOWE'S BOULEVARD
MOORESVILLE, NC 28117
704.758.1000 (PH.)

THIS DRAWING IS THE PROPERTY OF LOWE'S HOME CENTERS, LLC. ANY USE OR REPRODUCTION IN WHOLE OR IN PART IS PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF LOWE'S HOME CENTERS, LLC. COPYRIGHT ©2022 ALL RIGHTS RESERVED.



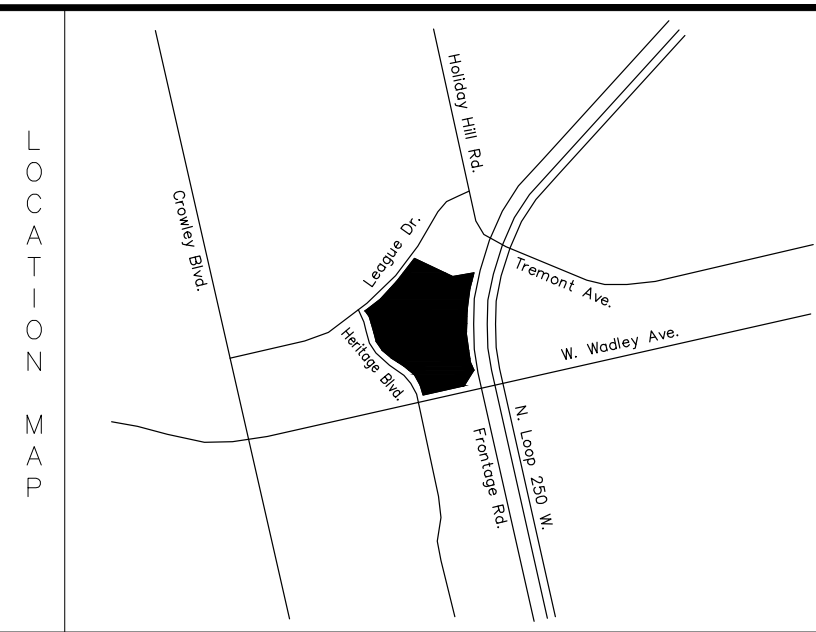
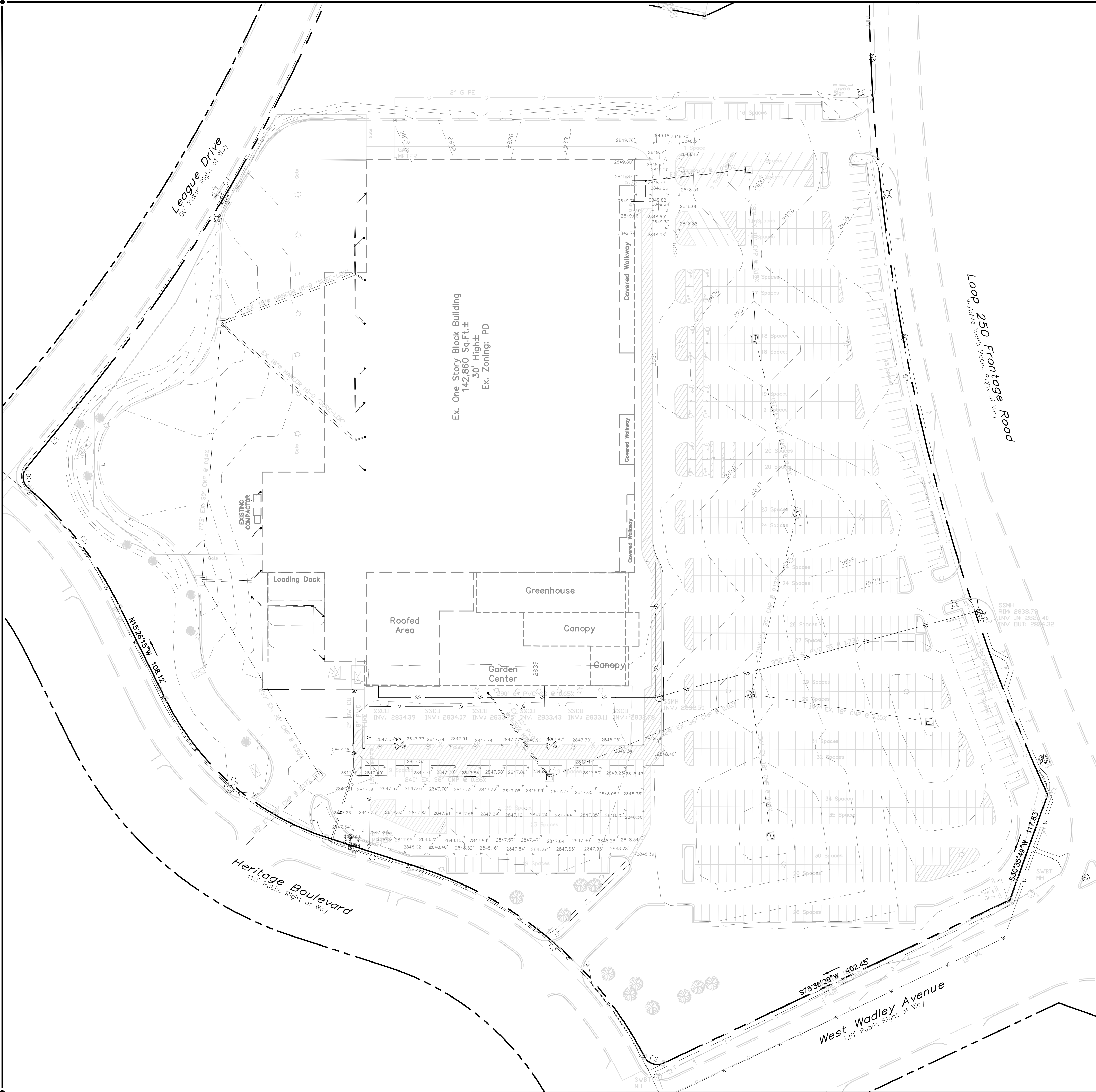
COVER
LOWE'S #0063 - MIDLAND
3315 N. LOOP 250 W
MIDLAND, TEXAS 79707

FOR REVIEW

PLANNING ISSUE
DATE: 04/13/22
DRAWING NUMBER:

C000

ORIGINAL
SECOND
FINAL



REVISIONS

DATE	DESCRIPTION

LITTLE

DIVERSIFIED ARCHITECTURAL CONSULTING

815 S COLLEGE ST, SUITE 1000 Charlotte, NC 28202

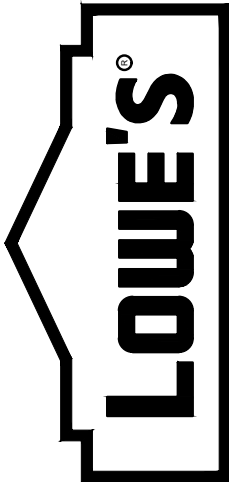
T: 704.525.6350 F: 704.561.8700

This drawing and the design shown are the property of Little Diversified Architectural Consulting. The reproduction, copying or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.

© Little, 2022

LOWE'S HOME CENTERS, LLC
1000 LOWE'S BOULEVARD
MOORESVILLE, NC 28117
704.758.1000 (PH.)

THIS DRAWING IS THE PROPERTY OF LOWE'S HOME CENTERS, LLC. ANY USE OR REPRODUCTION IN WHOLE OR IN PART IS PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF LOWE'S HOME CENTERS, LLC. COPYRIGHT 2022 ALL RIGHTS RESERVED.



EXISTING CONDITIONS PLAN

LOWE'S #0063 - MIDLAND
3315 N. LOOP 250 W
MIDLAND, TEXAS 79707

FOR REVIEW

PLANNING ISSUE 04/13/22

DRAWING NUMBER:

C100

PACKET
Page 8.76
June 6, 2022

THIS PLAN IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THIS PLAN IS PREPARED BY OTHERS. LITTLE DIVERSIFIED ARCHITECTURAL CONSULTING IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS FROM THIS SURVEY.

CAUTION!!!

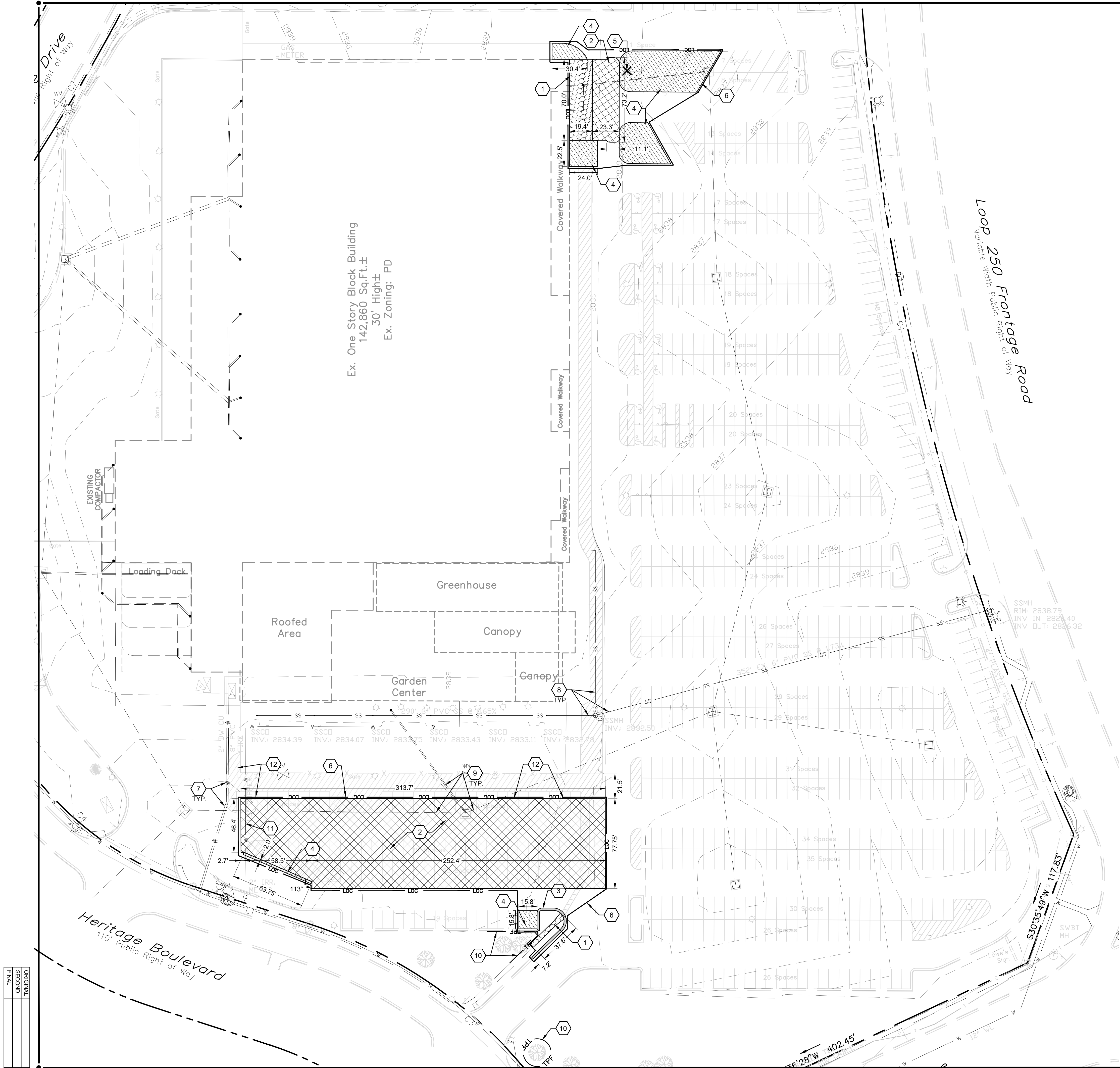
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESS OR IMPLIED AS TO THE COMPLETENESS OF ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.



GRAPHIC SCALE



1" = 50'-0"



Ex. One Story Block Building
142,860 Sq.Ft.±
30' High±
Ex. Zoning: PD

DEMOLITION NOTES

- PARTIAL BOUNDARY AND TOPOGRAPHICAL SURVEY INFORMATION IS TAKEN FROM A SURVEY BY FREELAND-CLINKSCALES & ASSOCIATES INC. OF NC, 201 2ND AVE EAST, HENDERSONVILLE, NC 28792 (828)697-6539 AND ENTITLED "PLAT OF BOUNDARY SURVEY LOWE'S HOME IMPROVEMENT 3315 NORTH LOOP 250 WEST, MIDLAND, MIDLAND COUNTY, TEXAS" AND ORIGINAL DESIGN DRAWINGS BY ASG INCORPORATED, DATED 07-12-1995.
- THE CONTRACTOR SHALL NOTIFY A PRIVATE UTILITY LOCATOR SERVICE AND RESEARCH EXISTING DRAWINGS AND OTHER DOCUMENTATION PRIOR TO BEGINNING CONSTRUCTION. ANY BELOW GRADE APPURTENANCES NOT CHARTED BY THE SURVEYOR ARE TO BE REPORTED TO THE DESIGNER OF RECORD. ALL REPAIRS/REPLACEMENTS MUST BE APPROVED BY DESIGNER OF RECORD.
- THE UTILITIES AND THE LOCATION SHOWN ON THE PLANS REPRESENT THE DESIGNER'S UNDERSTANDING OF EXISTING UTILITIES LOCATED WITHIN THE LIMITS OF CONSTRUCTION. PRIOR TO ANY EXCAVATION, CONTRACTOR IS TO FIELD VERIFY THE LOCATION, DEPTH, AND EXISTENCE OF ALL UTILITIES (ELECTRICAL, MECHANICAL, WATER, TELEPHONE, GAS, STORM, ETC.) WITH THE OWNER AND/OR THE APPROPRIATE UTILITY COMPANY. THE OMISSION OF, NONEXISTENCE OF, OR INCLUSION OF UTILITY LOCATIONS ON THE PLANS IS NOT TO BE CONSIDERED AS ABSOLUTE. DAMAGED UTILITIES SHALL BE REPAIRED/REPLACED AT THE CONTRACTOR'S EXPENSE. CONTRACTOR TO COORDINATE ANY FIELD CONDITIONS THAT MAY REVISE THE DESIGN WITH THE DESIGNER OF RECORD PRIOR TO PROCEEDING.
- CONTRACTOR SHALL MAINTAIN WATER, SEWER, ELECTRICAL AND OTHER UTILITY SERVICE TO EXISTING BUILDING AT ALL TIMES. CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES FROM DAMAGE DURING CONSTRUCTION. THE DESIGNER OF RECORD SHALL BE NOTIFIED OF ALL UNDERGROUND UTILITIES EXPOSED DURING CONSTRUCTION OR THOSE LEFT WITH LESS THAN ACCEPTABLE EARTH COVER. THE DESIGNER OF RECORD SHALL DETERMINE THE RESOLUTION OF THE UTILITY AND DETERMINE IF A CHANGE ORDER IS REQUIRED OR THE CONTRACTOR IS RESPONSIBLE FOR ALL COSTS INVOLVED.
- INSTALL ALL EROSION CONTROL MEASURES PRIOR TO BEGINNING CONSTRUCTION.
- INSTALL INLET PROTECTION AS NOTED ON EROSION CONTROL PLANS AT ALL EXISTING STORM DRAINAGE STRUCTURES ADJACENT TO OR DOWNSTREAM OF DEMOLITION AREAS TO PREVENT FLOW OF SEDIMENT AND DEBRIS INTO EXISTING STORM DRAINAGE SYSTEMS.
- NO SOIL DISTURBANCE, SOIL COMPACTION, CONSTRUCTION MATERIALS, OR CONSTRUCTION TRAFFIC IS ALLOWED BEYOND THE LIMITS OF CONSTRUCTION SHOWN.
- TREE PROTECTION BARRICADES MUST BE INSTALLED PRIOR TO ANY GRADING, DEMOLITION, OR CONSTRUCTION AND SHALL NOT BE REMOVED UNTIL PROJECT IS COMPLETED.
- ALL EXISTING TREES AND SHRUBS SHALL REMAIN AND BE PROTECTED.

DEMOLITION LEGEND

- SAWCUT AND REMOVE EXISTING CONCRETE
- SAWCUT AND REMOVE EXISTING ASPHALT
- SAWCUT AND REMOVE EXISTING CURB AND GUTTER
- EXISTING PAVEMENT TO BE CLEANED IN PREPARATION FOR SEAL COATING
- EXISTING LIGHT POLE AND UNDERGROUND ELECTRICAL SERVICE TO BE REMOVED.
- LIMITS OF CONSTRUCTION (0.85 AC.).
- EXISTING DOMESTIC AND FIRE WATER LINE TO REMAIN AND BE PROTECTED DURING CONSTRUCTION. COORDINATE WITH UTILITY PLANS.
- EXISTING SANITARY SEWER LINE TO REMAIN AND BE PROTECTED DURING CONSTRUCTION - COORDINATE WITH UTILITY PLANS.
- EXISTING STORM PIPES AND STRUCTURES TO REMAIN AND BE PROTECTED DURING CONSTRUCTION - COORDINATE WITH GRADING PLANS.
- PROPOSED TREE PROTECTION FENCE - SEE DETAIL 11/C500
- VERIFY LOCATION & DEPTH OF EXISTING IRRIGATION LINE AND RELOCATE AS NECESSARY IF LOCATION CONFLICTS WITH PROPOSED WALL.
- EXISTING CONCRETE TO REMAIN AND BE PROTECTED.



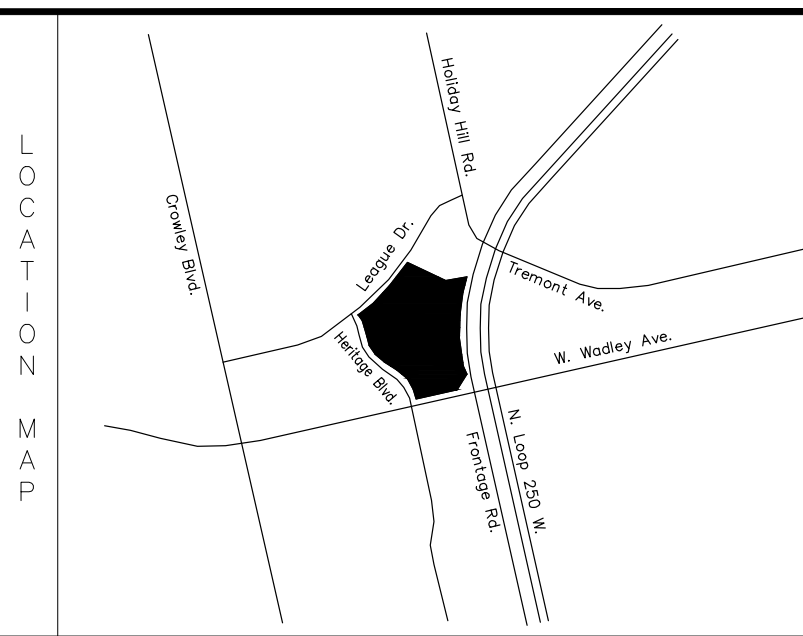
CAUTION!!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESS OR IMPLIED AS TO THE COMPLETENESS OF ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

GRAPHIC SCALE



1" = 40'-0"



REVISIONS	
DATE	DESCRIPTION

LITTLE
DIVERSIFIED ARCHITECTURAL CONSULTING

85 S COLLEGE ST, SUITE 1000 Charlotte, NC 28202
T: 704.525.6350 F: 704.561.8700

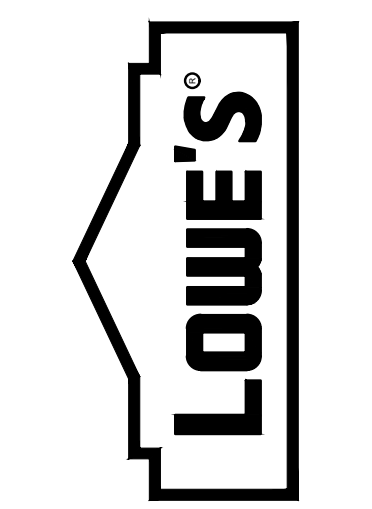
This drawing and the design shown are the property of Little Diversified Architectural Consulting. The reproduction, copying or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.

© Little, 2022



LOWE'S HOME CENTERS, LLC
1000 LOWE'S BOULEVARD
MOORESVILLE, NC 28117
704.758.1000 (PH.)

THIS DRAWING IS THE PROPERTY OF LOWE'S HOME CENTERS, LLC. ANY USE OR REPRODUCTION IN WHOLE OR IN PART IS PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF LOWE'S HOME CENTERS, LLC. COPYRIGHT © 2022 ALL RIGHTS RESERVED.



DEMOLITION PLAN

FOR REVIEW

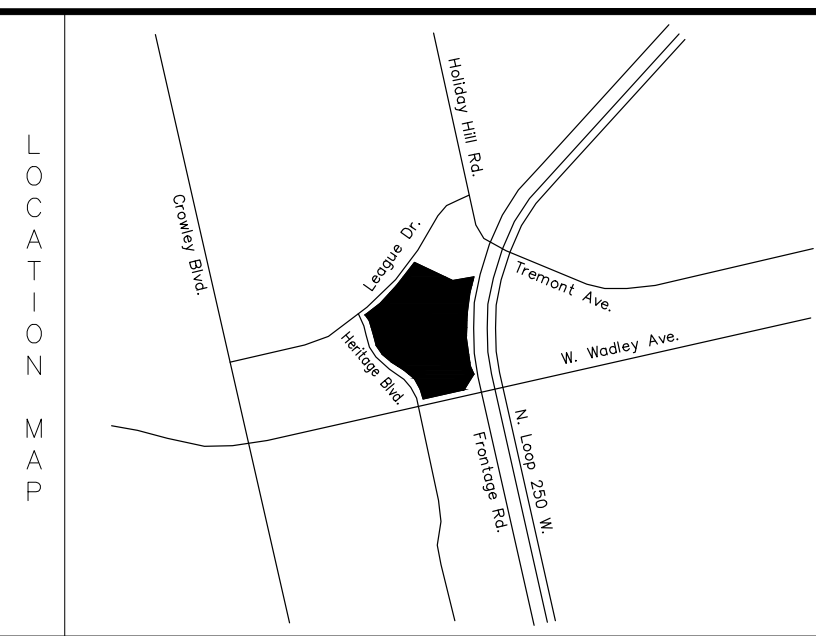
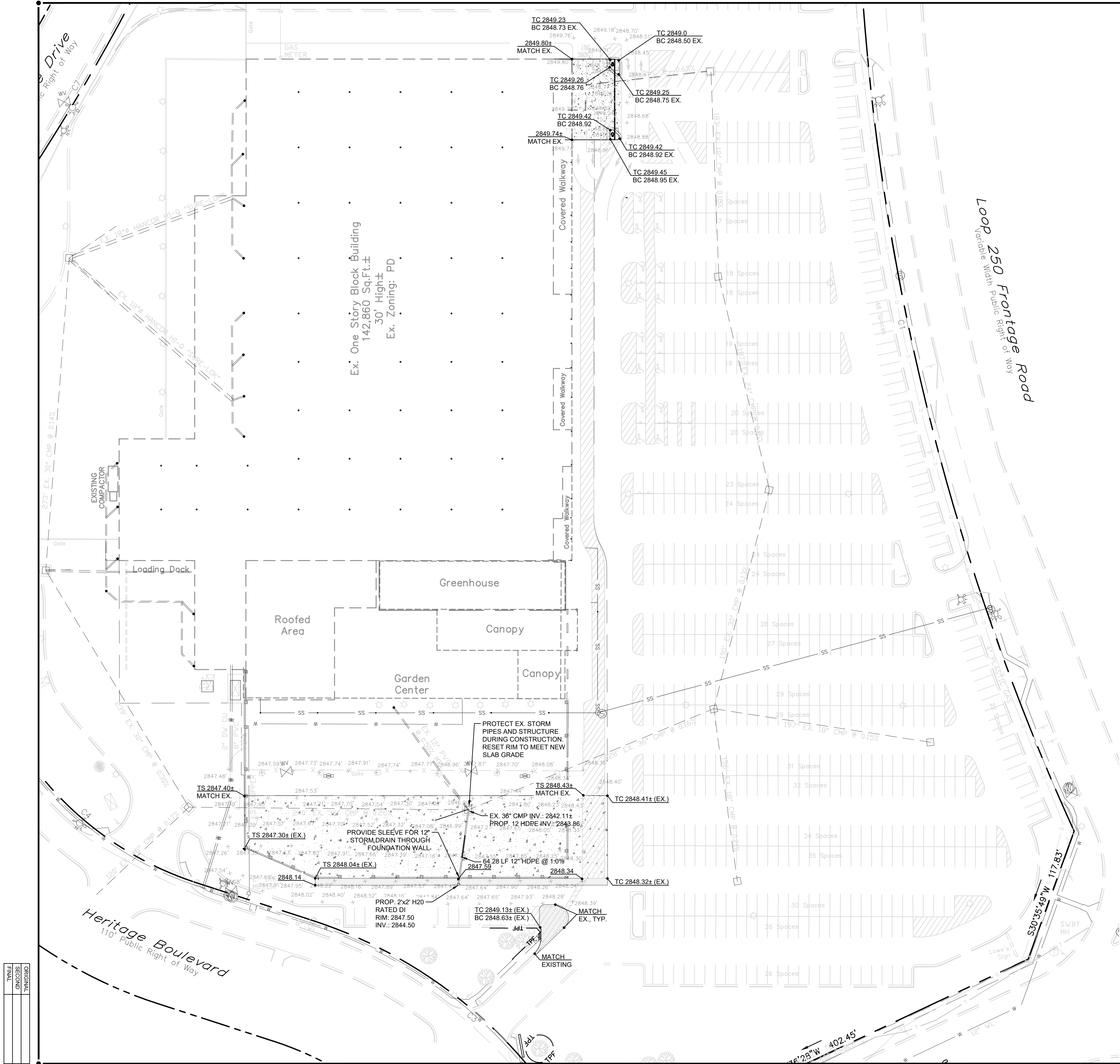
PLANNING ISSUE 04/13/22
DATE:
DRAWING NUMBER:

C200

LOWE'S #0063 - MIDLAND
3315 N. LOOP 250 W
MIDLAND, TEXAS 79707

PROJECT No. 21-1725-03 DRAWN BY: CHECKED BY:

PACKET
Page 8 of 8
June 6, 2022



GRADING NOTES

- VERIFY ALL EXISTING GRADES AND REPORT ANY DISCREPANCIES TO DESIGNER OF RECORD.
- ALL NEW CONTOURS AND SPOT ELEVATIONS ARE SHOWN AS FINISHED GRADES. THE GRADING CONTRACTOR MUST MAKE ALLOWANCES FOR THICKNESS OF PAVING SECTIONS, CONCRETE SLABS, ETC.
- THE ENTIRE SITE WITHIN THE LIMITS OF CONSTRUCTION SHALL BE GRADED TO DRAIN FREELY. ALL DISTURBED AREAS SHALL BE FINE GRADED AND SEEDED TO ESTABLISH A PERMANENT LAWN, WHETHER INSIDE OR OUTSIDE THE LIMITS OF CONSTRUCTION.
- NO SLOPES SHALL BE GRADED STEEPER THAN 3:1, UNLESS INDICATED OTHERWISE.
- APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. ANY GRADING BEYOND THE PROPERTY LINE INDICATED ON THE CONSTRUCTION DOCUMENTS IS A VIOLATION AND IS SUBJECT TO A FINE. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED PROPERTY OWNERS.
- NO SLOPES SHALL BE GRADED STEEPER THAN 3:1, UNLESS INDICATED OTHERWISE.
- APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. ANY GRADING BEYOND THE PROPERTY LINE INDICATED ON THE CONSTRUCTION DOCUMENTS IS A VIOLATION AND IS SUBJECT TO A FINE. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED PROPERTY OWNERS.
- ANY UNSUITABLE MATERIAL ON SITE IS TO BE QUANTIFIED BY A GEOTECHNICAL ENGINEER PRIOR TO REMOVING. CONTRACTOR MUST NOTIFY OWNER OR OWNER'S REPRESENTATIVE IF UNSUITABLE MATERIAL IS ENCOUNTERED.
- CONTRACTOR MUST COORDINATE ALL DRAINAGE STRUCTURE GRATES SHOWN WITH FIELD CONDITIONS TO ENSURE THAT GRATES ARE FLUSH WITH FINISHED GRADE.
- IF UNDERGROUND ROOF DRAINS ARE ENCOUNTERED OR IF EXISTING ROOF DRAINS INTERFERE WITH APPROVED DESIGN, NOTIFY DESIGNER OF RECORD.
- 90 DAYS PRIOR TO OBTAINING A CERTIFICATE OF OCCUPANCY, THE CONTRACTOR IS TO PROVIDE DESIGNER OF RECORD WITH A PDF AND AUTOCAD AS-BUILT SURVEY (SEALED BY REGISTERED SURVEYOR) OF ALL STORMWATER CONTROL AND MANAGEMENT DEVICES SHOWING THE FIELD LOCATION, SIZE, DEPTH, AND PLANTED VEGETATION OF ALL MEASURES AND DEVICES AS INSTALLED. SURVEY TO INCLUDE ALL STORM INVERTS, OUTLET CONTROL WEIRS & ORIFICE DIAMETER, ORIFICE SIZE AND BMP CONTOURS AND SPILLWAY ELEVATION & DIMENSIONS TO SUBMIT AS A CONDITION OF STORMWATER APPROVAL.
- A 24" VERTICAL SEPARATION MUST BE PROVIDED BETWEEN STORM SEWER AND SANITARY SEWER PIPES UNLESS OTHERWISE NOTED.
- BENCHMARK LOCATIONS AND ELEVATIONS ARE TO BE VERIFIED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- UPON COMPLETION OF CONSTRUCTION OPERATIONS AND PRIOR TO USE OF FACILITIES, THE CONTRACTOR IS TO FULLY FLUSH ALL SUBSURFACE STORMWATER CONDUITS USING FIRE HOSES OR OTHER WATER SOURCES OF EQUIVALENT MAGNITUDE. THE CONTRACTOR SHALL TAKE CARE NOT TO DAMAGE ANY OF THE SITE DURING THIS PROCEDURE.

ACCESSIBILITY NOTES

- AMERICANS WITH DISABILITIES ACT (ADA) REGULATIONS MANDATE A MAXIMUM OF 2% SLOPE IN ANY DIRECTION IN ACCESSIBLE PARKING SPACES AND ACCESS AISLES.
- ADA REGULATIONS MANDATE REQUIRED EGRESS SIDEWALKS FROM PARKING TO THE BUILDING ENTRANCE AND PUBLIC RIGHT OF WAY CANNOT EXCEED 2% CROSS SLOPE AND 5% RUNNING SLOPE.
- ALL GRADES IN THESE AREAS WILL BE VERIFIED BY DESIGNER OF RECORD (USING A 2" DIGITAL LEVEL) PRIOR TO FINAL APPROVAL.



CAUTION!!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESS OR IMPLIED AS TO THE COMPLETENESS OF ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

GRAPHIC SCALE



1" = 40'-0"

REVISIONS	
DATE	DESCRIPTION

LITTLE
DIVERSIFIED ARCHITECTURAL CONSULTING

895 S. COLLEGE ST., SUITE 1000 CHARLOTTE, NC 28202
T: 704.525.6350 F: 704.561.8700

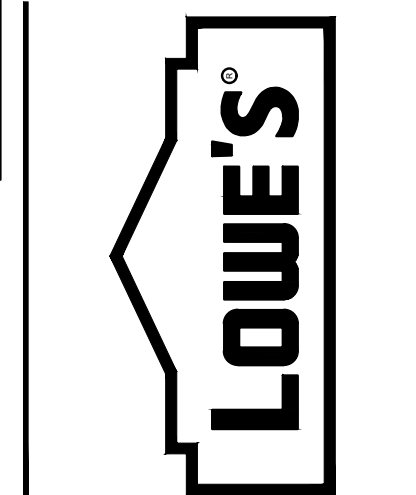
This drawing and the design shown are the property of Little Diversified Architectural Consulting. The reproduction, copying or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.

© Little, 2022



LOWE'S HOME CENTERS, LLC
1000 LOWE'S BOULEVARD
MOORESVILLE, NC 28117
704.758.1000 (PH.)

THIS DRAWING IS THE PROPERTY OF LOWE'S HOME CENTERS, LLC. ANY USE OR REPRODUCTION IN WHOLE OR IN PART IS PROHIBITED WITHOUT THE EXPRESS WRITTEN CONSENT OF LOWE'S HOME CENTERS, LLC. COPYRIGHT © 2022 ALL RIGHTS RESERVED.



GRADING AND DRAINAGE PLAN

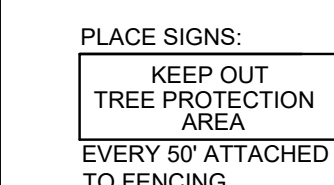
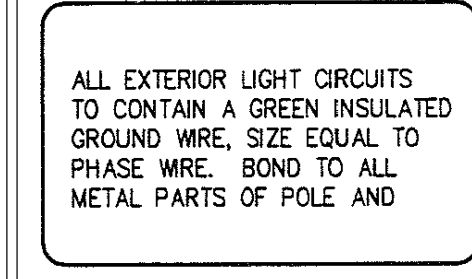
LOWE'S #0063 - MIDLAND
3315 N. LOOP 250 W
MIDLAND, TEXAS 79707

FOR REVIEW

PLANNING ISSUE DATE: 04/13/22
DRAWING NUMBER:

C400

PROJECT No. 21-1725-03 DRAWN BY: CHECKED BY: DATE: 04/13/22



1. ALL TREES AND SHRUBS TO BE PROTECTED AND PRESERVED SHALL BE PER DETAIL.
2. TREES AND SHRUBS TO BE PROTECTED AND PRESERVED SHALL BE IDENTIFIED ON THE TRUNK WITH WHITE PAINTED LETTERS.
3. TO PREVENT ROOT DAMAGE, STOP, STORAGE, SUPPLIES, EQUIPMENT OR ANY OTHER MATERIAL SHALL NOT BE PLACED OR STORED WITHIN THE Drip LINE OR WITHIN 15' OF A TREE OR SHRUB TRUNK, WHICHEVER IS GREATER.
4. TREES AND SHRUB ROOTS SHALL NOT BE CUT UNLESS CUTTING IS UNAVOIDABLE.
5. TRENCHES SHALL BE HAND DUG WITHIN THE Drip LINE IN AREAS WHERE ROOTS TWO INCHES IN DIAMETER AND GREATER ARE PRESENT, OR WHEN IN CLOSE PROXIMITY TO LOW BRANCHING TREES. WHENEVER POSSIBLE, TRENCHES SHALL BE NO MORE THAN 12 INCHES DEEP, AND SHALL BE OPENED OR BORED UNDER AND SHALL BE COVERED TO PREVENT DEHYDRATION.
6. WHEN ROOT CUTTING IS UNAVOIDABLE, A CLEAN SHARP CUT SHALL BE MADE TO AVOID SHREDDING OR SMASHING. ROOT CUTS SHOULD BE MADE BY A LATERAL ROOT, WHENEVER POSSIBLE. ROOTS SHOULD BE CUT BETWEEN LATE FALL AND BUD OPENING, WHEN ROOT ENERGY SUPPLIES ARE HIGH AND CONDITIONS ARE LEAST FAVORABLE FOR DISEASE CAUSING AGENTS. EXPOSED ROOTS SHALL BE COVERED IMMEDIATELY TO PREVENT DEHYDRATION. ROOTS SHALL BE COVERED WITH SOIL, OR BURLAP AND KILN DRIED MULCH.
7. WATERING OF PROTECTED TREES IN WHICH ROOTS WERE CUT SHALL BE PROVIDED BY THE CONTRACTOR.
8. AUGER TUNNELING RATHER THAN TRENCHING SHOULD BE USED FOR UTILITY PLACEMENT WITHIN THE Drip LINE.
9. FILL MATERIAL SHALL SURROUND ANY TREE OR SHRUB WHOS OUTER Drip LINE EDGE IS WITHIN 20 FEET OF ANY CONSTRUCTION ACTIVITIES, FENCING MATERIAL SHALL BE BRIGHT, CONTRASTING COLOR, DURABLE AND A MINIMUM OF FOUR FEET IN HEIGHT.
10. ALL FILL MATERIAL SHALL BE PLACED AT LEAST 10 Drip LINE OR 15 FEET FROM TREE TRUNK, WHICHEVER IS GREATER, AND MAINTAINED IN AN UPRIGHT POSITION THROUGHOUT THE DURATION OF CONSTRUCTION ACTIVITIES.
11. ANY GRADE CHANGES (SUCH AS THE REMOVAL OF TOPSOIL, OR ADDITION OF FILL MATERIAL) WITHIN THE Drip LINE SHOULD BE PROVIDED FOR.
12. TREES IN AREAS OF REMOVAL OR RETAINMENT ARE TO BE REMOVED IF ACCEPTABLE ONLY WHEN CONSTRUCTION PRIOR TO GRADE CHANGE.



NOT TO SCALE

NOT TO SCALE

- A. ALL DETECTABLE WARNING DEVICES USED IN NEW CONSTRUCTION SHALL BE OF A RIGID PRECAST OR EMBEDDED PRODUCT APPROVED BY THE DESIGNER OF RECORD. RETRO FIT MATS WILL ONLY BE ALLOWED ON EXISTING RAMPS WITH PRIOR APPROVAL OF THE CITY ENGINEER FOR MATERIAL TYPE AND INSTALLATION (I.E. RESURFACING).
- B. RAMP AND DETECTABLE WARNING AREA SHALL BE A MIN. OF 4'-0" IN WIDTH, BUT NOT LESS THAN THE WIDTH OF SIDEWALK LEADING TO BACK OF RAMP.
- C. DETECTABLE WARNING SURFACES SHALL EXTEND 2'-0" MIN. IN THE DIRECTION OF PEDESTRIAN TRAVEL.
- D. DETECTABLE WARNING AREA CAN BE PLACED SQUARE WHERE USED IN A CURB RADIUS.
- E. THE ROWS OF TRUNCATED DOMES IN DETECTABLE WARNING SURFACES SHOULD BE ALIGNED PERPENDICULAR TO THE GRADE BREAK BETWEEN THE RAMP RUN AND THE STREET. WHERE DETECTABLE WARNING SURFACES ARE PROVIDED ON A SURFACE WITH A SLOPE THAT IS LESS THAN 5%, DOME ORIENTATION IS LESS CRITICAL.
- F. DETECTABLE WARNING AREA SHALL CONTRAST VISUALLY WITH ADJACENT GUTTER, STREET OR HIGHWAY, OR PEDESTRIAN ACCESS ROUTE SURFACE; EITHER LIGHT-ON-DARK OR DARK-ON-LIGHT.
- G. IF PAVERS ARE TO BE USED, PAVERS SHOULD BE MINIMUM 8000 PSI CONCRETE WITH A 2" MIN. THICKNESS, SET ON A THIN-SET MORTAR ON TOP OF 4" THICK 3600 PSI CONCRETE BASE.
- H. MATS ARE TO BE RIGID WITH TURNED-DOWN EDGES EMBEDDED IN CONCRETE TO ELIMINATE TRIP HAZARD.

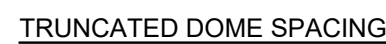
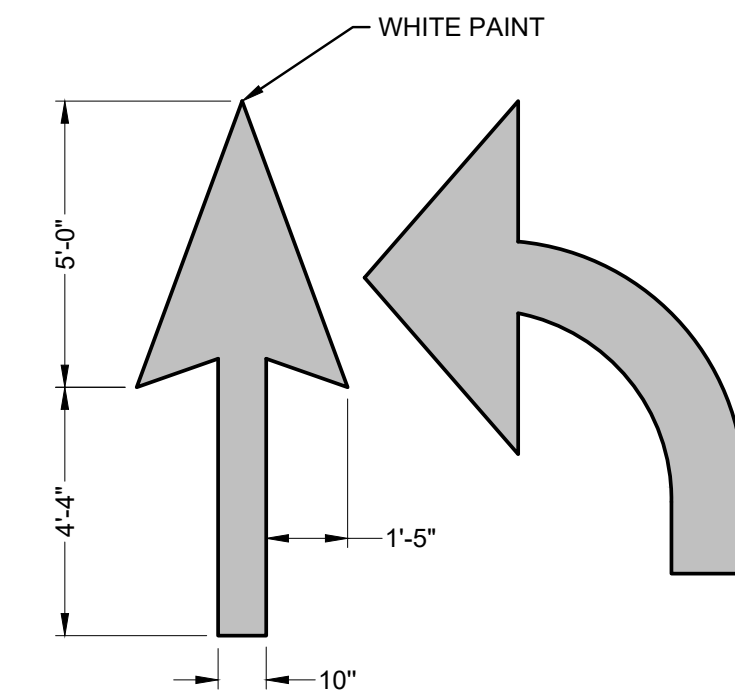
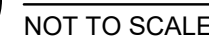
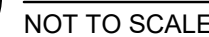


Diagram illustrating the cross-section detail of a sidewalk and gutter. The sidewalk is 12" wide, made of concrete, and features a 1" MIN. CONTROL JOINT WITH $\frac{3}{8}$ " TOOLED RADIUS, TYP. The gutter is 12" wide, made of asphalt, and is FLUSH with the sidewalk. The gutter depth is 6". The sidewalk slope is EQUAL TO CURB & GUTTER WIDTH, with a SLOPE NOT TO EXCEED 1.5% IN ANY DIRECTION. A note indicates: SIDEWALK - SEE LAYOUT PLAN FOR DIMENSIONS.



NOT TO SCALE



NOT TO SCALE

NOT TO SCALE

A. UNLESS NOTED OTHERWISE, ALL CONCRETE SHALL ATTAIN A MIN. COMPRESSIVE STRENGTH OF 3000 PSI AT 28 DAYS.

B. AGGREGATES SHALL BE NATURAL SAND AND ROCK CONFORMING TO ASTM C33.

C. CEMENT SHALL BE PORTLAND CEMENT CONFORMING TO ASTM C-150, TYPE I OR II, LOW ALKALI OR AS REQUIRED TO SATISFY SITE SOIL CONDITIONS AS DETERMINED BY THE PROJECT SOILS ENGINEER.

D. WATER SHALL BE POTABLE, CLEAN AND FREE FROM INJURIOUS AMOUNTS OF OIL, ACIDS, ALKALIS, SALTS, ORGANIC MATERIALS, OR OTHER SUBSTANCES THAT MAY BE DELETERIOUS TO CONCRETE OR REINFORCEMENT.

E. ADMIXTURES TO BE USED IN CONCRETE SHALL BE SUBJECT TO PRIOR APPROVAL BY THE ENGINEER.

F. MAX. PERMISSIBLE WATER-CEMENT RATIOS FOR CONCRETE WHEN STRENGTH DATA FROM TESTS ARE NOT AVAILABLE SHALL CONFORM TO TABLE 4.5 OF ACI STANDARD 318-71 OR BASED ON SULFATE CONTENT OF THE SITE SOILS, AS DETERMINED BY THE SOILS ENGINEER. THE LOWER WATER-CEMENT RATIO SHALL GOVERN.

G. CONCRETE SHALL BE CURED WHILE IN A MOIST CONDITION FOR AT LEAST THE FIRST 7 DAYS AFTER PLACEMENT. METHODS FOR ACCELERATED CURING SHALL HAVE PRIOR APPROVAL OF THE ENGINEER.

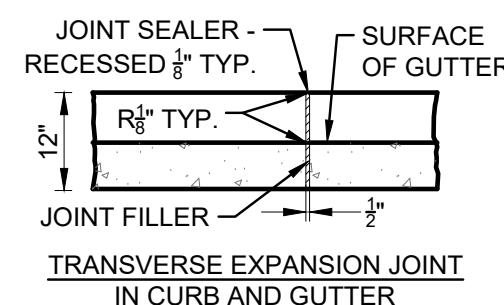
H. THE FOLLOWING MINIMUM CLEAR DISTANCES BETWEEN REINFORCING STEEL AND FACE OF CONCRETE SHALL BE MAINTAINED UNLESS NOTED OTHERWISE:

SLABS ON GRADE.....	CENTER OF SLAB
CONCRETE BELOW GRADE, FORMED.....	2"
CONCRETE BELOW GRADE, UNFORMED (POURED AGAINST EARTH).....	3"
CONCRETE EXPOSED TO WEATHER.....	1-1/2"

NOT TO SCALE

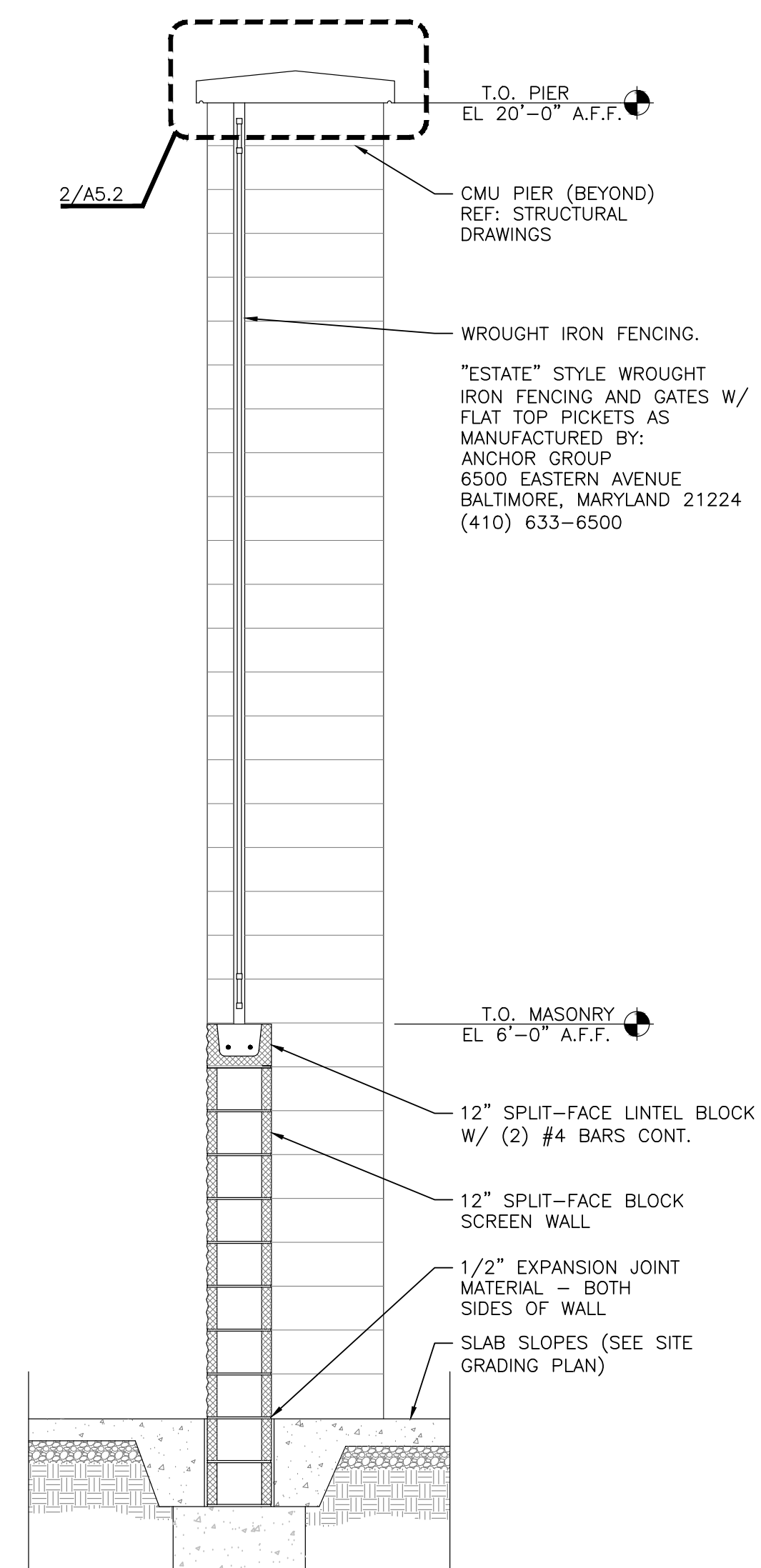
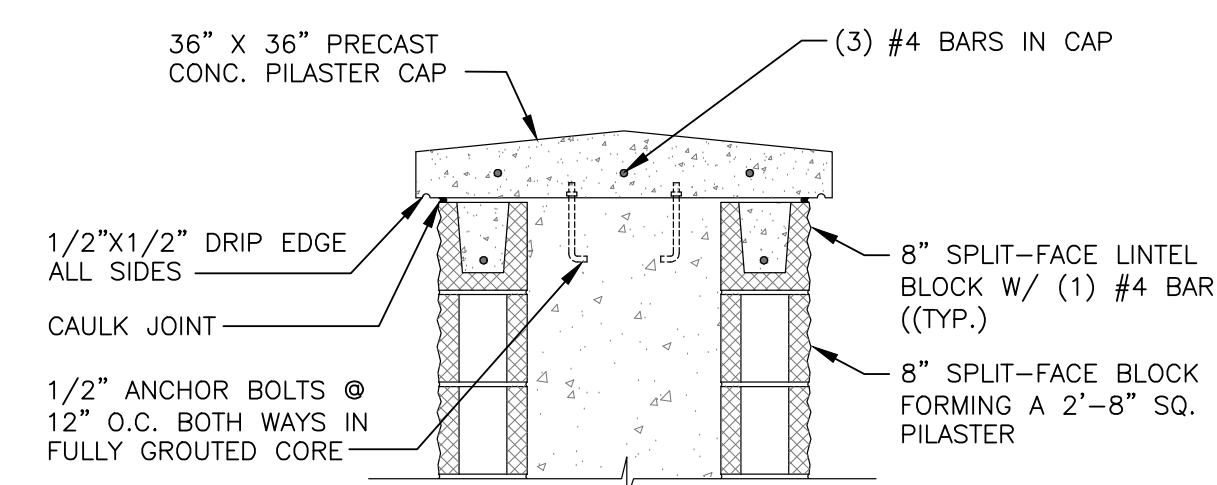
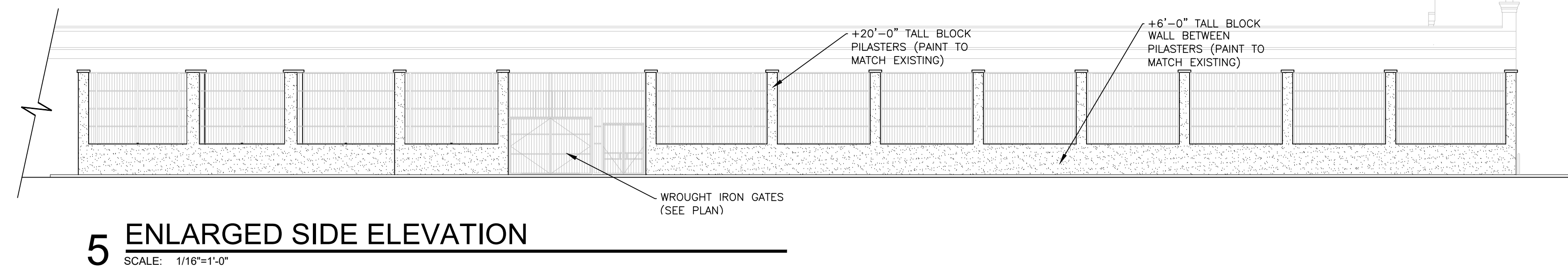
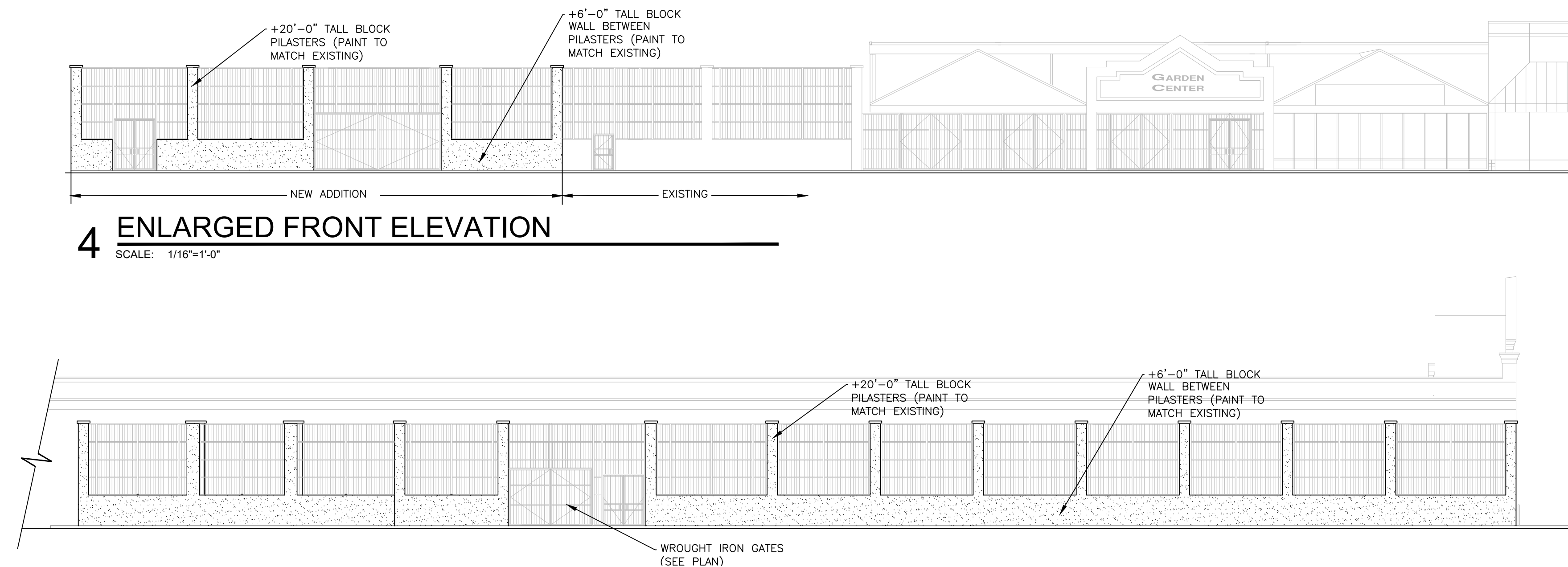
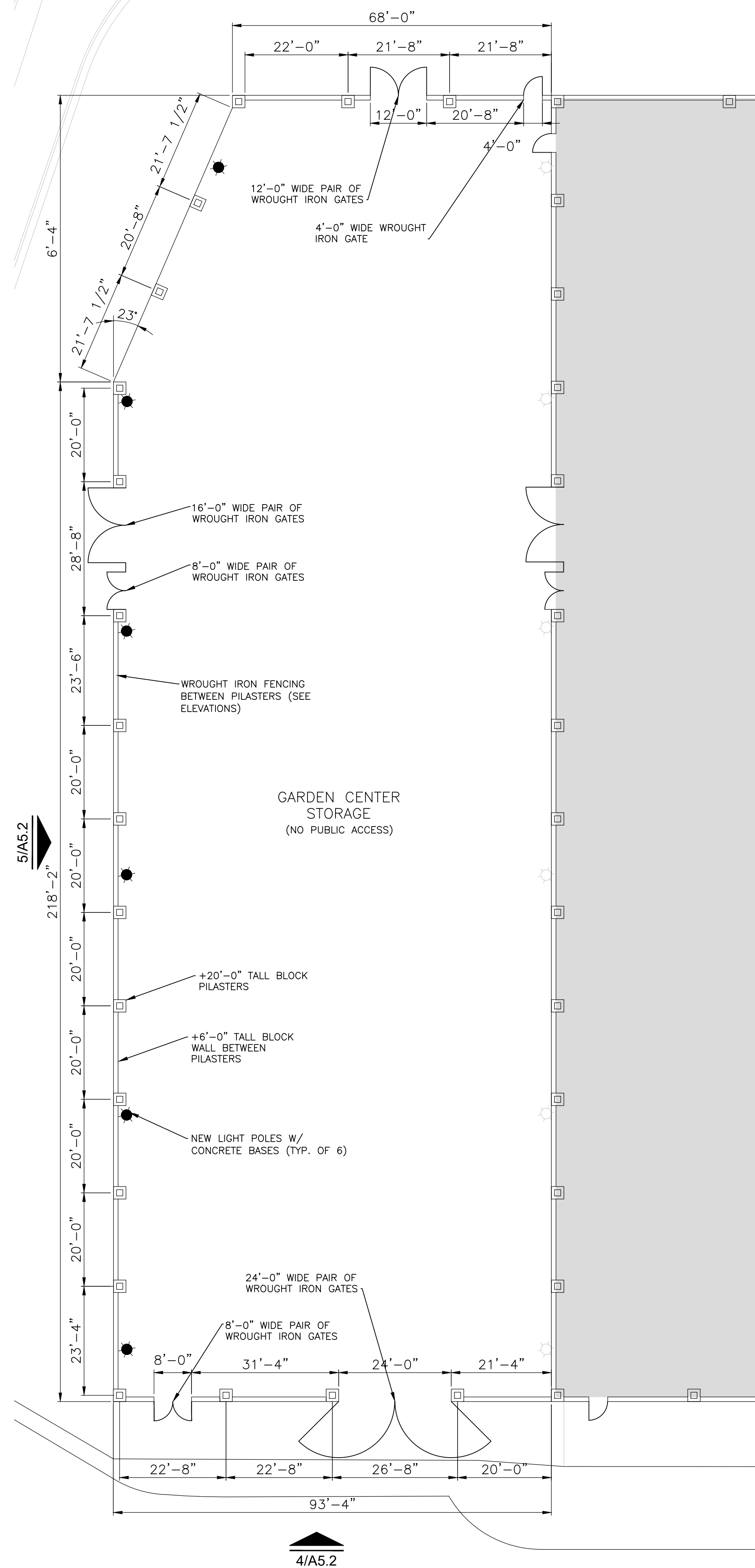
(6) PRINTED
NOT TO SCALE

- A. CONTRACTION JOINTS SHALL BE SPACED AT 10'-0" INTERVALS EXCEPT THAT A 15'-0" SPACING MAY BE USED WHEN A MACHINE IS USED OR WHEN SATISFACTORY SUPPORT FOR THE FACE OF THE FORM CAN BE OBTAINED WITHOUT THE USE OF TEMPLATES AT 10'-0" INTERVALS. JOINT SPACING MAY BE ALTERED BY THE ENGINEER TO PREVENT UNCONTROLLED CRACKING.
- B. CONTRACTION JOINTS MAY BE INSTALLED BY THE USE OF TEMPLATES OR FORMED BY OTHER APPROVED METHODS. WHERE SUCH JOINTS ARE NOT FORMED BY TEMPLATES, A MINIMUM DEPTH OF 1½" SHALL BE OBTAINED.
- C. ALL CONTRACTION JOINTS SHALL BE FILLED WITH JOINT SEALER.
- D. EXPANSION JOINTS SHALL BE SPACED AT 90'-0" INTERVALS AND ADJACENT TO ALL RIGID OBJECTS.
- E. JOINTS SHALL MATCH LOCATIONS WITH JOINT IN ABUTTING SIDEWALK.
- F. CONCRETE SHALL BE 3600 PSI IN 28 DAYS.
- G. TOP 6" OF SUBGRADE BENEATH CURB AND GUTTER SHALL BE COMPACTED TO 100% STANDARD PROCTOR DENSITY.



NOT TO SCALE

PACKET
 Page 8.81
 June 6, 2022

[illegible]

© Little 2022

LOWE'S HOME CENTERS, LLC
1000 LOWE'S BOULEVARD
MOORESVILLE, NC 28117
704.758.1000 (PH.)

THIS DRAWING IS THE PROPERTY OF LOWE'S HOME CENTERS, LLC. ANY USE OR REPRODUCTION IN WHOLE OR PART IS PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF LOWE'S HOME CENTERS, LLC. COPYRIGHT 2020 ALL RIGHTS RESERVED



PLAN, SECTIONS & DETAILS -

LOWE'S #0063 - MIDLAND

3315 N. LOOP 250 W
MIDLAND, TEXAS 797

PROJECT No: 121.17282.00	DRAWN BY:	CHECKED BY:
--------------------------	-----------	-------------

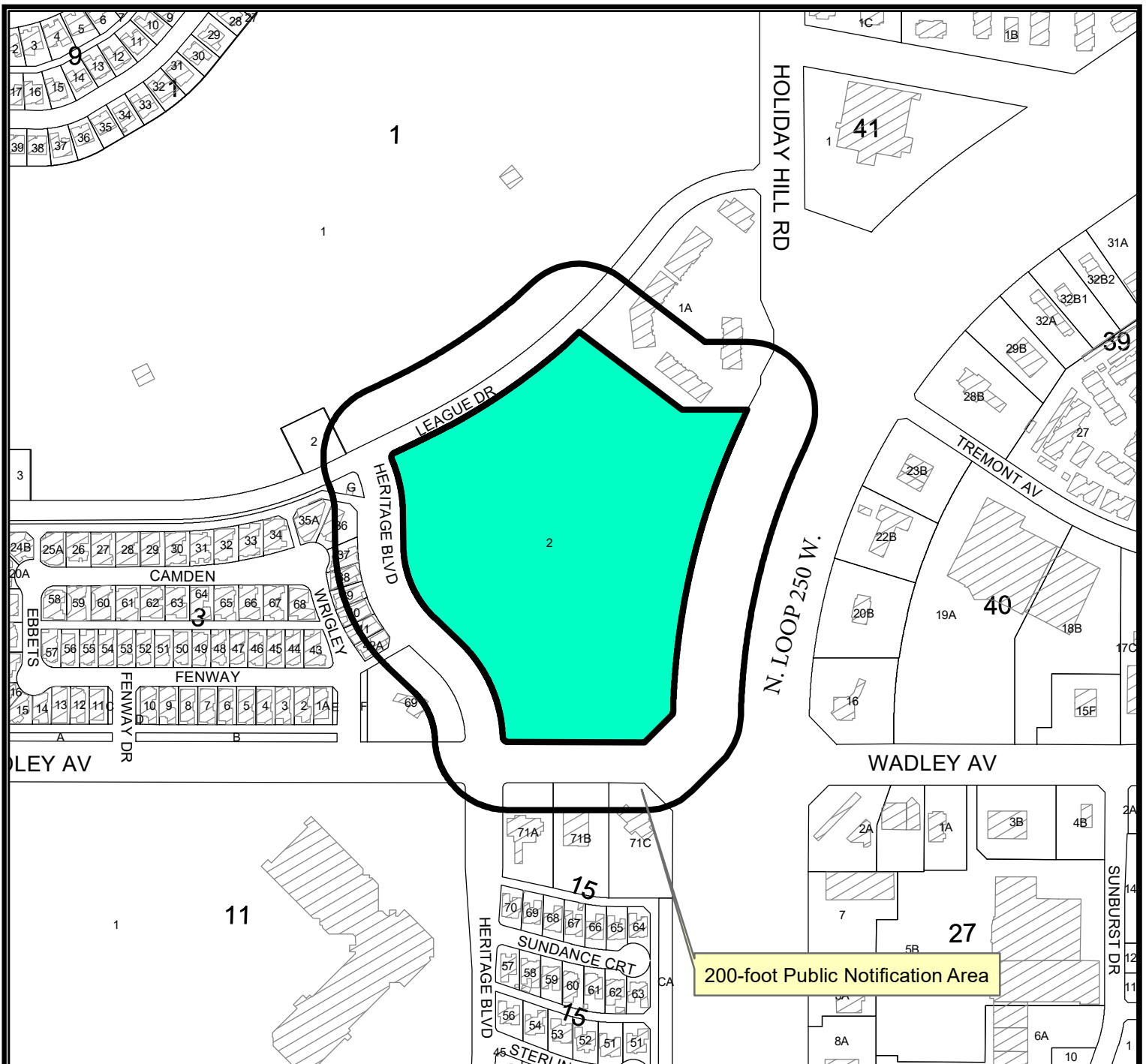
FOR REVIEW

PLANNING ISSUE	04/07/22
----------------	----------

DRAWING NUMBER:

A5.2

PACKET
Page 8.82
June 6, 2022



LOCATION MAP

SUD-22-0126

Scale: 1" = 200'

Request by David Powlen, for a Zone Change From a PD, Planned Development District for a Shopping Center to an Amended PD, Planned Development District for a Shopping Center on Lot 2, Block 2, Grandridge Park Addition, Section 1, City and County of Midland Texas. Generally located on the northwest corner fo the intersection of N. Loop 250 W. and Wadley Avenue- (Council District 4)

LEGEND

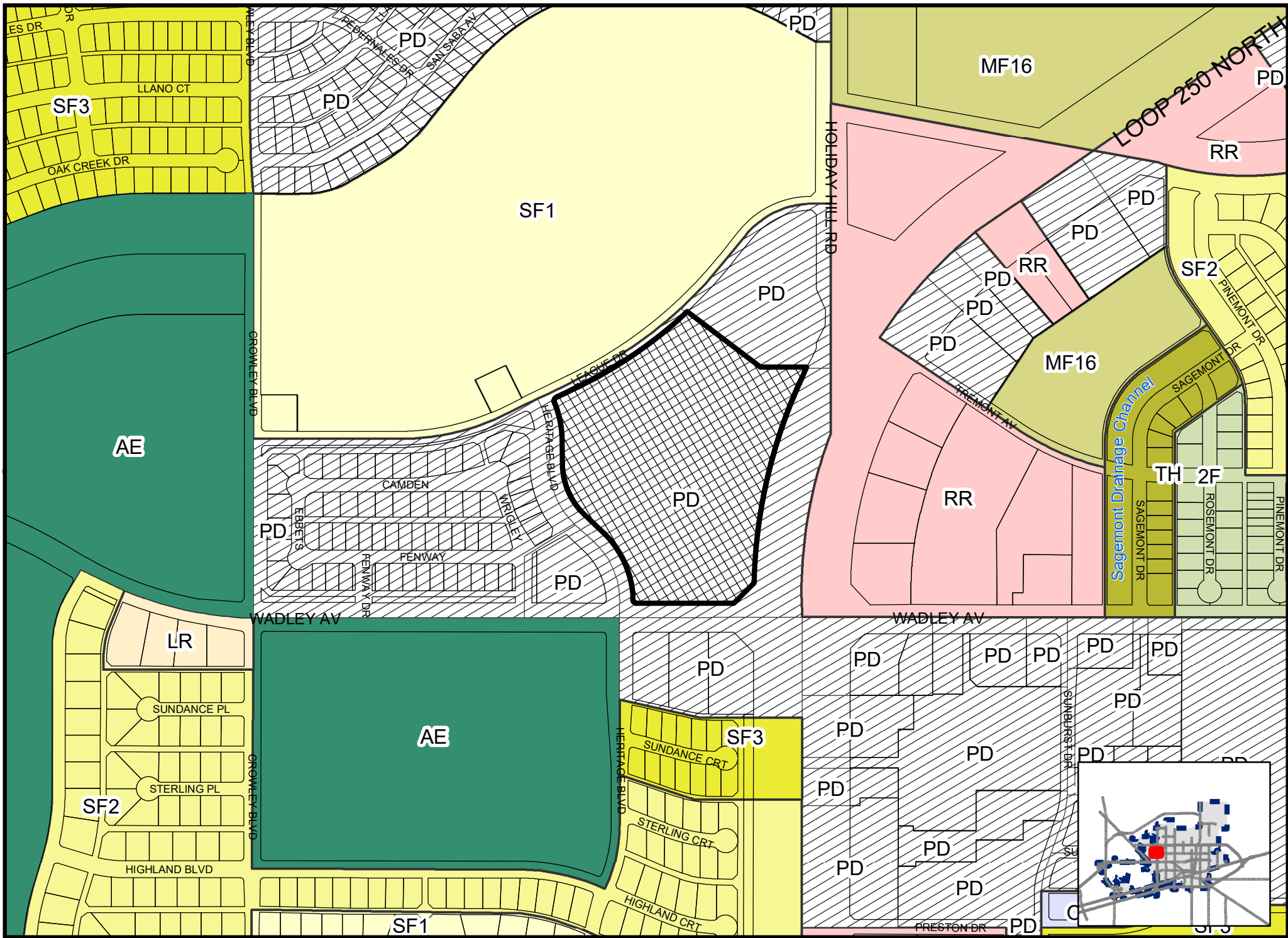
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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













ORDINANCE NO. 9333

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF NORTH LOOP 250 WEST AND WEST WADLEY AVENUE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT 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 an Amended 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 PD, Planned District for a Shopping Center, and it shall be used as an Amended Planned District, subject to the special conditions and restrictions hereinafter set out, said property being described as follows:

Case Number:

Z-14-042

CITY OF MIDLAND
Planning Division

APPLICATION TO AMEND A PLANNED DISTRICT

Applicant: LOWE'S HOME CENTERS, LLC

Address: 3315 N LOOP 250 W

Street Address

MIDLAND

TX

City

State

79707

(Phone/e-mail)

Zip Code

Property Owner: LOWE'S HOME CENTERS, LLC

Address: 1605 CURTIS BRIDGE ROAD

Street Address

WILKESBORO, NC

City

State

28697

(Phone/e-mail)

Zip Code

Street address and Legal Description of Planned District (complete Lot, Block, and Subdivision Name description below, or, if not in a recorded plat, attach a sealed Metes and Bounds Description:

LOT 2, BLOCK 2 GRANDRIDGE PARK ADDITION SECTION 1

Current PD Classification: PLANNED DISTRICT FOR A SHOPPING CENTER

Requested PD Classification:

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

Reason for amendment request: TO ALLOW STORAGE OF PRODUCT IN STRATEGIC LOCATIONS AROUND THE BUILDING

Describe how conditions affecting the property have changed since it was designated its present zone: ENTRANCE VESTIBULES WERE ADDED IN APRIL 2001
GARDEN CENTER WAS EXPANDED IN SEPTEMBER 2009

Will a Specific Use Permit with Term for alcoholic beverage sales be needed? Yes ☒ No

FEES:

Single, Planned District amendment: \$550 Multiple, PD proposal: add \$75 per district.

SUBMITTALS:

16 copies of the PD site plan (FOLDED): ✓

Site Plan in digital format .pdf and .jpg: ✓

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

Property Owner (signature): [Signature] Date: 8/14/2014

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.

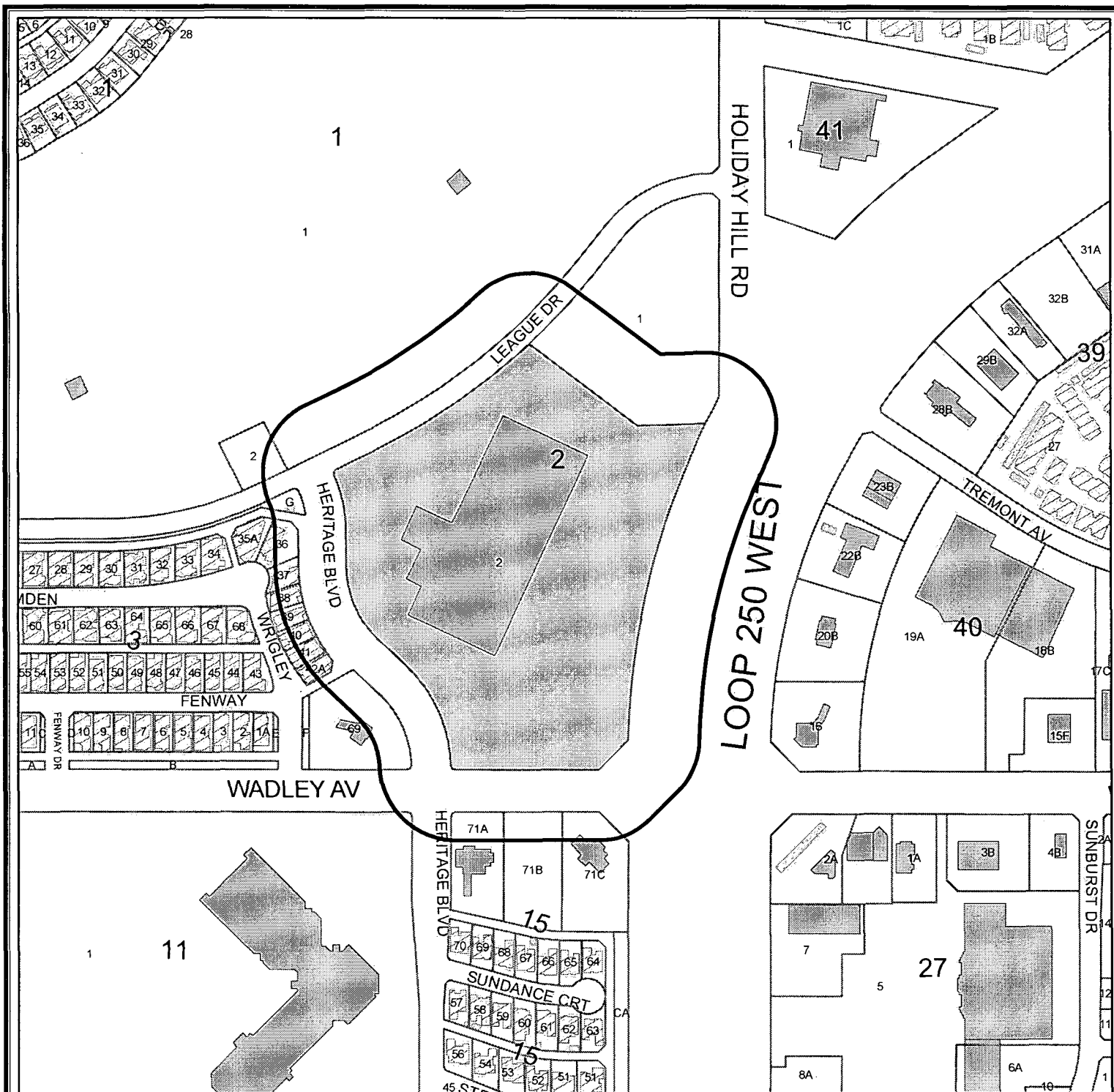
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
Rec'd By: <u>✓</u>	Date: <u>8/15/14</u>
Assigned: <u>KC</u>	
For: <u>P+2</u>	On: <u>9/15/14</u>

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

Amended PD App-2011.doc

Revised 5/2/11



LOCATION MAP

Z - 14 - 042

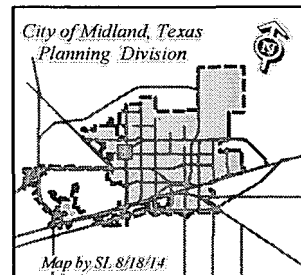
Scale: 1" = 400'

Consider a request for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District for a Shopping Center, on Lot 2, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas.

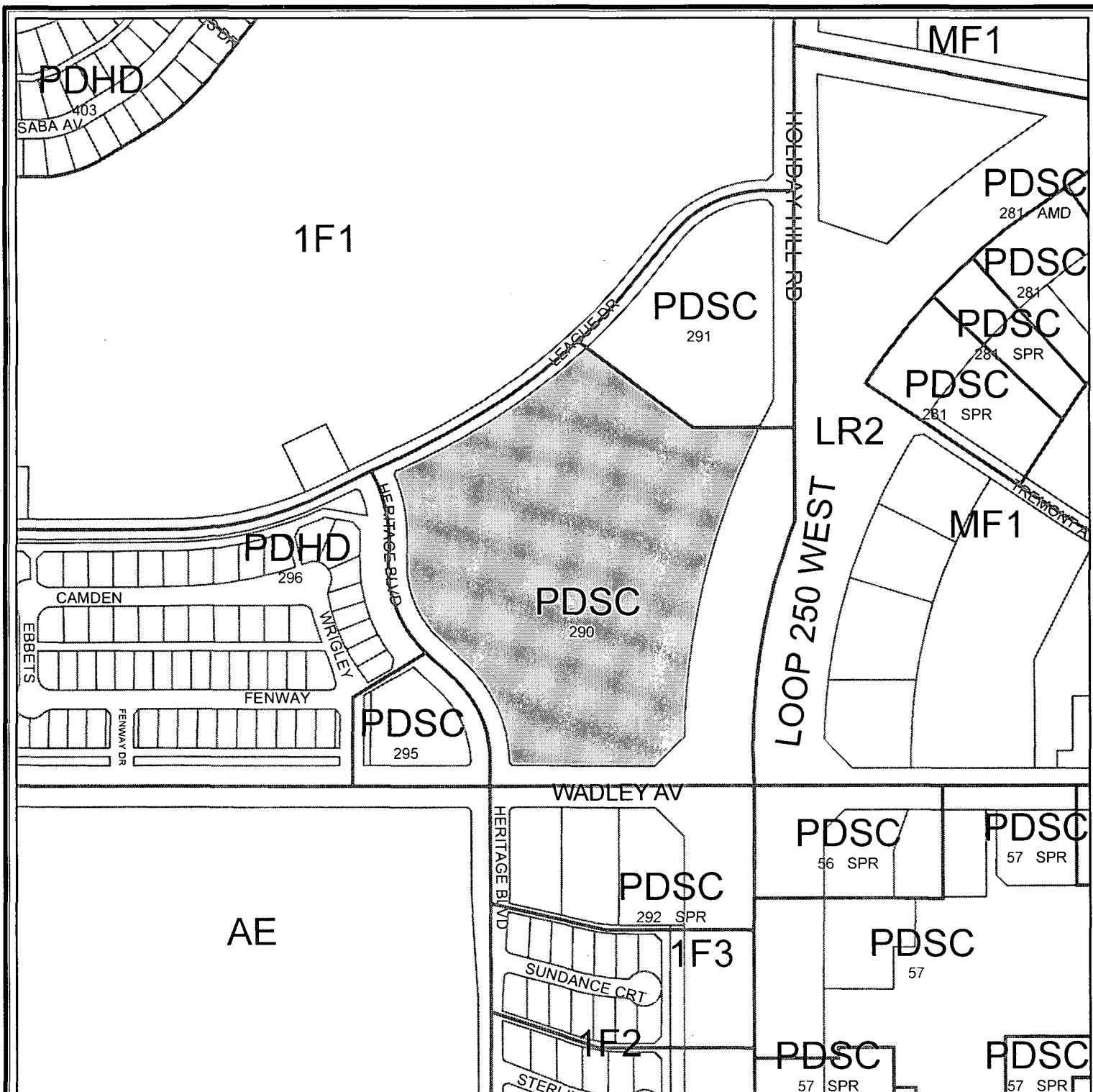
Generally located northwest of the intersection of W. Loop 250 West and W. Wadley Avenue.
(Council-District-4)

LEGEND

- CITY LIMITS
- 200 FT. LEGAL NOTICE LIMIT
- PARCEL
- PROPOSED AREA
- PUBLIC BLDGS
- PRIVATE BLDGS
- ACCESSORY BLDGS



©THE CITY OF MIDLAND 2014
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA. WHILE THIS DATA IS MADE AVAILABLE TO THE PUBLIC, IT WAS CREATED FOR INTERNAL USE BY THE CITY OF MIDLAND WHICH MAKES NO CLAIM AS TO ITS ACCURACY OR COMPLETENESS. THIS DATA IS NOT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING, GRANTING, OR OBTAINING A PERMIT. SOLELY ON THE INFORMATION CONTAINED HEREIN.



ZONING MAP

Map by SL 8/18/14

Z - 14 - 042

Scale: 1" = 400'

Consider a request for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District for a Shopping Center, on Lot 2, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas.

Generally located northwest of the intersection of W. Loop 250 West and W. Wadley Avenue.
(Council-District-4)

LEGEND



ZONING

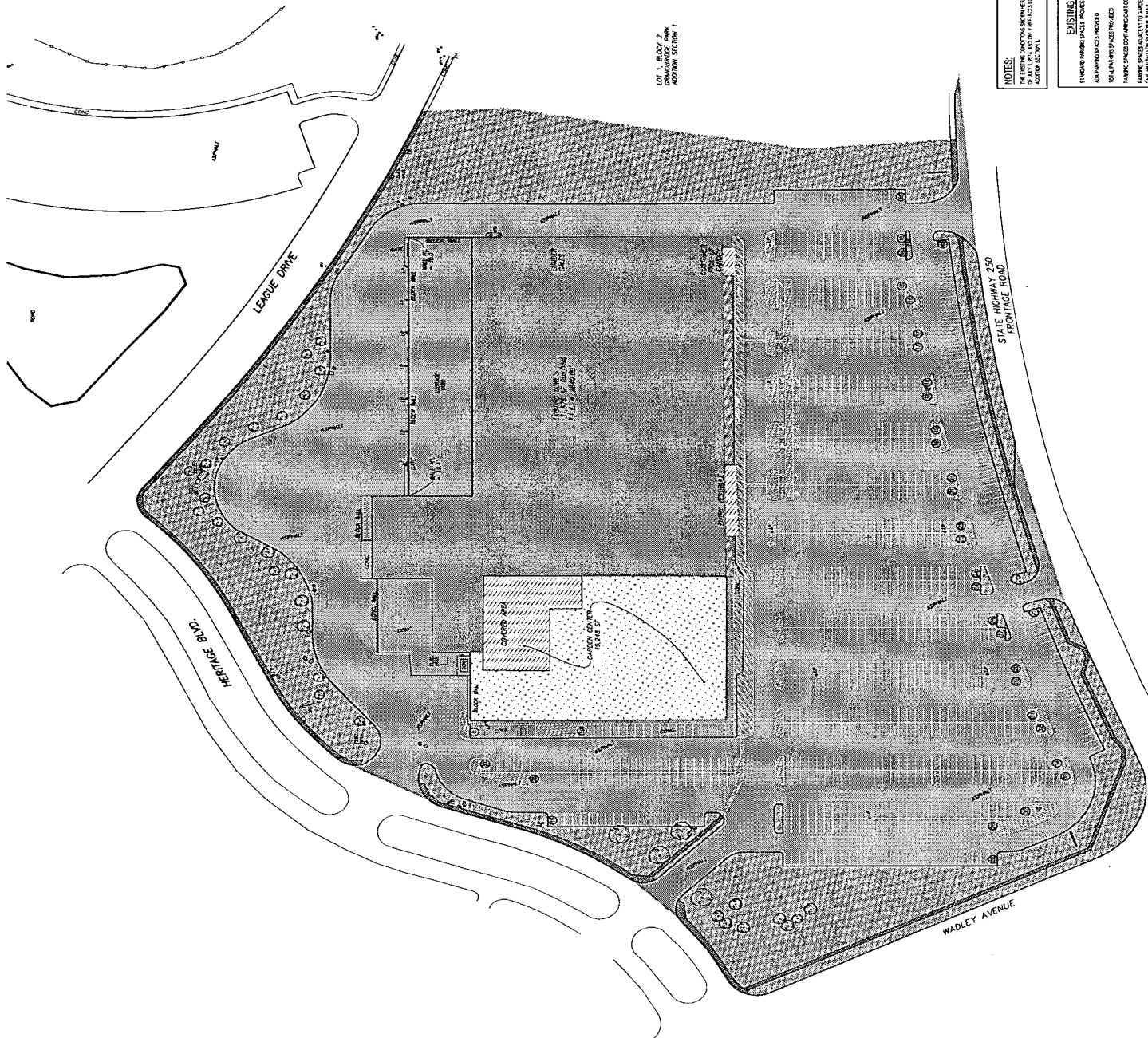


PARCELS

ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, 02	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR1, LR2, LR3	LOCAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP, JP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

© THE CITY OF MIDLAND 2013. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DISCREPANCIES BASED UPON THE USE OF THIS DATA. WHILE THIS DATA IS MADE AVAILABLE TO THE PUBLIC, IT WAS CREATED FOR INTERNAL USE BY THE CITY OF MIDLAND WHICH MAKES NO CLAIM AS TO ITS ACCURACY OR COMPLETENESS. THIS DATA IS NOT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING, CITING, OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.



NOTES:	EXISTING PARKING DATA										
THE ABOVE CALCULATIONS INDICATE THAT THE EXISTING CAPACITY OF THE 45,000 SQ. FT. LOT IS 100 VEHICLES. THE 100,000 SQ. FT. LOT IS 200 VEHICLES. THE 150,000 SQ. FT. LOT IS 300 VEHICLES.	<table border="1"> <tr> <td>STANDARD PARKING SPACES - FOOTPRINTS</td> <td>64 SPACES</td> </tr> <tr> <td>SOFT PARKING SPACES PROVIDED</td> <td>48 SPACES</td> </tr> <tr> <td>TOTAL PARKING SPACES PROVIDED</td> <td>112 SPACES</td> </tr> <tr> <td>PARKING SPACES EXISTING ON THE 150,000 SQ. FT. LOT</td> <td>118 SPACES</td> </tr> <tr> <td>EXISTING TOTAL PARKING SPACES</td> <td>230 SPACES</td> </tr> </table>	STANDARD PARKING SPACES - FOOTPRINTS	64 SPACES	SOFT PARKING SPACES PROVIDED	48 SPACES	TOTAL PARKING SPACES PROVIDED	112 SPACES	PARKING SPACES EXISTING ON THE 150,000 SQ. FT. LOT	118 SPACES	EXISTING TOTAL PARKING SPACES	230 SPACES
STANDARD PARKING SPACES - FOOTPRINTS	64 SPACES										
SOFT PARKING SPACES PROVIDED	48 SPACES										
TOTAL PARKING SPACES PROVIDED	112 SPACES										
PARKING SPACES EXISTING ON THE 150,000 SQ. FT. LOT	118 SPACES										
EXISTING TOTAL PARKING SPACES	230 SPACES										

Lot 2, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas.

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

1. That City of Midland Ordinance No. 7463 shall remain in full force and effect except as otherwise stated below.
2. That the use and development of this property shall conform to the regulations of the LR-2, Local Retail District, except as otherwise stated below.
3. That the development shall significantly conform to the conditions shown on Exhibits "A" and "B", which are attached hereto and incorporated herein.
4. That a 26 foot fire lane shall be striped in the outdoor storage area and kept clear at all times.
5. That the gates to the outdoor storage area shall have emergency overrides for emergency services.
6. That the covered outdoor storage area shall be fire sprinkled.

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

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

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 7th day of October, A.D., 2014; and passed to second reading on motion of Council member Lacy, seconded by Council member Hotchkiss, by the following vote:

Council members voting "AYE": Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett

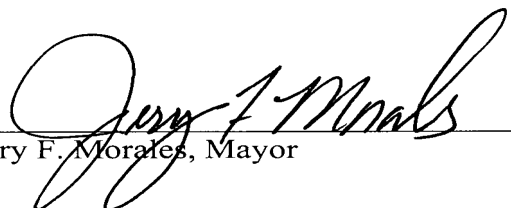
Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Lacy, seconded by Council member Sparks, on the 21st day of October, A.D., 2014, at a regular meeting of the City Council:

Council members voting "AYE": Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett

Council members voting "NAY": None

PASSED AND APPROVED THIS 21st day of October, A.D., 2014.



Jerry F. Morales, Mayor

ATTEST:



Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

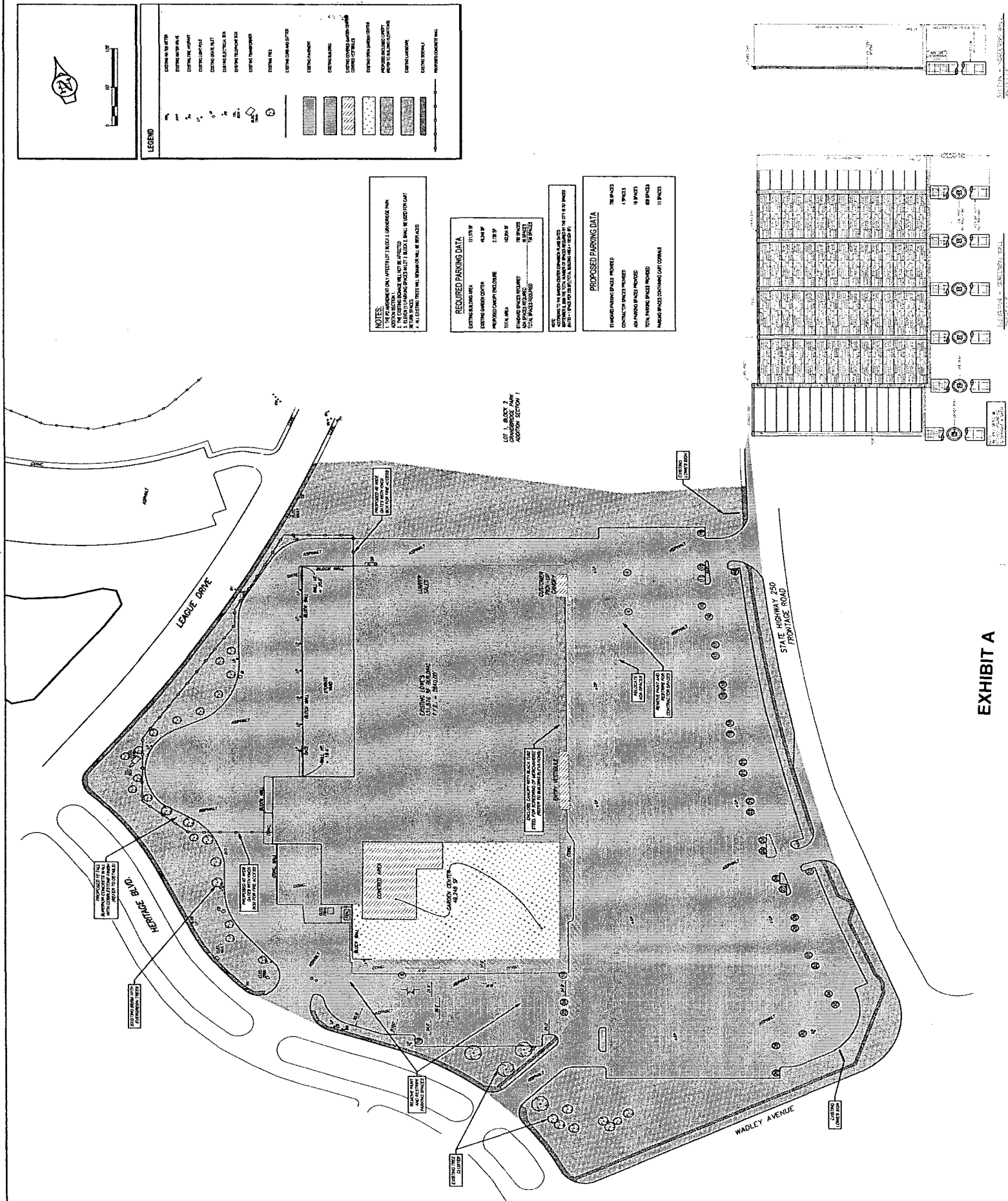


Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:



Keith Stretcher, City Attorney





City Council Agenda

Approved for Agenda:
FSalvato
 City Manager's Office

MEETING DATE: October 21, 2014

TO: CITY COUNCIL/CITY MANAGER

FROM: Robert Baronti, Jr., AICP, Planning Division Manager

SUBJECT: Consider an ordinance on second reading on a request by Lowe's Home Centers, LLC for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on Lot 2, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas. (Generally located northwest of the intersection of N. Loop 250 West and W. Wadley Avenue) – District 4.

Purpose:

Consider an ordinance on second reading on a request by Lowe's Home Centers, LLC for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

There is no cost to the City to process this application.

Discussion:

The property is currently zoned PD, Planned District for a Shopping Center. The Lowe's at this location has a need for additional outdoor storage and as such has chosen to pursue changing their site plan in order to incorporate a large screened outside storage area at the back of the property. A small screened storage area will be added to the front of the property as well. The fence is proposed to be 15 feet in height. A gate with overrides for Emergency Services will be provided at both ends, and a 26 foot striped fire lane will be provided and kept clear at all times. No product storage will be permitted to be visible above the fence. The proposed covered area will also need to be fire sprinkled. City Council approved this request on first reading on October 7, 2014. This ordinance is now ready to be considered for second and final reading.

PLANNING AND ZONING COMMISSION

September 15, 2014

CASE: Z-14-042, Lowe's Home Centers, LLC

REQUEST: Hold a public hearing and consider a request for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District.

APPLICANT/OWNER: Lowe's Home Centers, LLC

LEGAL DESCRIPTION: Lot 2, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas.

LOCATION: Generally located northwest of the intersection of W. Loop 250 West and W. Wadley Avenue.

CURRENT ZONING: PD, Planned District for a Shopping Center.

DETAILS OF REQUEST:

1. The property is currently zoned PD, Planned District for a Shopping Center. The Lowe's at this location has a need for additional outdoor storage and as such has chosen to pursue changing their site plan in order to incorporate a large screened outside storage area at the back of the property. A small screened storage area will be added to the front of the property as well.

SURROUNDING ZONING AND LAND USE:

2. This property is located northwest of the intersection of W. Wadley Avenue and N. Loop 250 West. The property is bounded on the west by a PD, Planned District for a Housing Development. To the south is a PD, Planned District for a Shopping Center. To the northwest is a 1F-1, One-Family Dwelling District that is a park. To the north is a PDSC that will be a shopping center.

ANALYSIS:

3. The applicant's proposed site plan adds a large outdoor storage area behind a screening fence to the rear of the property. Exhibit A shows the proposed site plan as well as the elevation for the screening fence. The fence will be 15 feet in height. A gate with overrides for Emergency Services will be provided at both ends, and a 26 foot striped fire lane will be provided and kept clear at all times. No product storage will be permitted to be visible above the fence. Exhibit B shows the front elevation of the building including the screened area for storage on the front of the building. The proposed covered area will also need to be fire sprinkled. Exhibit C shows the current conditions for reference.

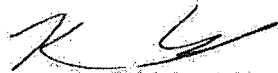
STAFF RECOMMENDATION:

Staff recommends approval of this request for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District subject to the following conditions:

- A. That ordinance 7463 will remain in effect except for the conditions stated below.
- B. That the use and development of this property shall conform to the regulations of the LR-2, Local Retail District, except as stated below:
- C. That the development shall significantly conform to the attached Exhibits A and B.
- D. That a 26 foot Fire Lane shall be striped in the proposed outdoor storage area and kept clear at all times
- E. That the gates to the outdoor storage area shall have emergency overrides (Knox Box) for Emergency Services.
- F. That the proposed covered outdoor storage area shall be Fire Sprinkled.



Robert Baronti, Jr., AICP
Planning Division Manager
Department of Development Services



Kevin Crosby, Senior Planner
Department of Development Services

Attachments:

Application
Maps
Exhibits A – B
Illustrative Exhibit C



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: June 6, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Paul Rodriguez, Planner

SUBJECT: Motion approving a request by Frank Mendoza for a zone change from SF-1, Single-Family Dwelling District to BP, I-20 Business Park District on a 3.570 -acres tract of land out of Section 9, Block 39, T-2-S, RR. Co. Survey, Midland County, Texas. (Generally located on the south side of West County Road 110, approximately 150-ft east of South County Road 1205 - District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 Approve X Deny Directional/Informational

Purpose:

The applicant, Frank Mendoza, is requesting to rezone the property located at 2605 West County Road 110 to allow for the development of a truck yard and a facility.

Current Zoning:

SF-1, Single Family Dwelling District

Surrounding Zoning and Land Use:

The properties to the north are zoned BP, I-20 Business Park District and are the locations of Highway I-20 and vacant land. The properties to the east are zoned, SF-1, Single-Family Dwelling District, and are the locations of single-family dwellings. The properties to the south are in the ETJ, Extraterritorial Jurisdiction, and the location of commercial businesses. The properties to the west are zoned SF-1, Single-Family Dwelling District, and are the locations of a commercial business.

Analysis:

The property located at 2605 West County Road is currently in the process of replating a lot into two. One lot will keep an existing house that is on the lot, while the other parcel

will become a vacant lot. The applicant is requesting a zone change from SF-1, Single-Family Dwelling District to BP, I-20 Business Park District for the purposes creating a truck yard and facility. While the property meets the minimum lot requirements in the BP, I-20 Business Park District, it is inconsistent with the character of the area. The majority of the existing homes around the area are single-family homes. In addition, the surrounding area is zoned SF-1. Single Family Dwelling District which does not allow vacant land to be developed as commercial or industrial uses. Due to the established neighborhood if this zone change is allowed it would be considered spot zoning.

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

Departmental Review:

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 objections 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.]

Oil & Gas Review: (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.

GIS: (Approved)

No comments.

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: (Denied)

The proposed development falls under a mix of circumstances surrounding the comprehensive plan. In some regards, the proposed development will propagate the goals and ideas of the plan, but in others, it stands in stark opposition. This request is a mixed bag when it comes to compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision.

The Tall City of Tomorrow Comprehensive Plan, Chapter 3, An Integrated Land Use Vision, "Development Policy Areas" labels this area as part of the 'Southside'. In where it is defined as a scattered development area that represents a mixture of residential and light industrial. Its goal is to represent a well-established long-term plan, minimum building standards that assist improving life safety in the area and create a more consistent land use pattern. This development will not be consistent to the established neighborhood pattern.

This proposed development fits with the Tall City Tomorrow Comprehensive Plan, Chapter 3, An Integrated Land Use Vision, Future Land Use Map as this area calls for Business Park I-20. This designation calls for development area along the I-20 corridor where special consideration should be given to the image travelers have as they pass through Midland. This area would include sites suitable for industrial and business development adjacent to railroad and interstate access, important to the economic development of the region. However, by allowing this proposed development of a Truck Yard and Facility, it would represent a misfit of its already existing housing development and it would not represent that holistic development that incorporates retail and office uses that our travelers on I-20 would be able to benefit from.

Therefore, staff recommends denial of this zone change from SF-1, Single-Family Dwelling District to BP, I-20 Business Park District, however if approved; staff recommends that it should be subject to condition A.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the BP, I-20 Business Park District.**

Letters of Objection:

Staff has received one (1) letter of objection as of June 1, 2022.

Attachments:

Application

Maps
Plat



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

Project Number: 2-22-0292
Case Number: _____

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: Frank H Mendoza		Phone () Email	
Address 4606 W Illinois Ave	City Midland	State TX	Zip 79703

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

Representative (if different from Applicant or Property Owner) Firm: <u>Maverick Engineering</u> Printed Name: <u>Paladin Huckaba</u>		Phone (432) 262.0999 Email <u>phuckaba@maverick-eng.com</u>	
Address 1909 W wall st ste k	City midland	State tx	Zip 79701

Street Address: 2605 W CR 110

Legal Description

Lot: 2 Block: 1 Subdivision: (Proposed) Stallion Park Addition

Current Zoning: SF1	Proposed Zone: BP (List by tracts if more than one district is requested)
Reason for Zone Change Request: <u>Change zoning to conform with adjacent BP zoning and proposed use for a trucking yard.</u>	

Present Use of Property: Vacant

Proposed Use of Property: Trucking yard and facility

How would this zone change affect the public health, safety and welfare? _____
Advance development of currently vacant property within the City of Midland

Describe how conditions affecting the property have changed since present zoning designation: Increased industrial and commercial development adjacent/proximate this location.

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)

RECEIVED
APR 08 2022
BY: CF

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

Applicant (signature): [Signature]

Date: 04/07/22

Applicant (printed): FRANK MENDOZA

Property Owner (signature): [Signature]

Date: 04/07/22

Property Owner (printed): _____

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

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

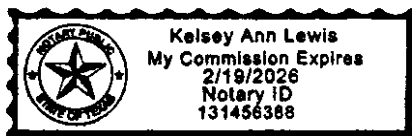
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L. Mellen who, being by me duly sworn, upon oath says: That (s)he is authorized by Frank H. Mendoza, 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 8th day of April, 2022, to certify which witness my hand and seal of office.



[Signature]

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Dimensioned Site Plan

☒ Application Fee

☒ Plans in Digital Format (PDF/JPEG)

Check # 3710

Received By: [Signature]

Date: 4-8-22

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



FIELD NOTE DESCRIPTION OF A 3.57 ACRE TRACT OF LAND

FIELD NOTE DESCRIPTION OF A 3.57 ACRE TRACT OF LAND, BEING FULLY AND COMPLETELY DESCRIBED AS LOT 2, BLOCK 1, STALLION PARK ADDITION, BEING A PROPOSED SUBDIVISION SITUATED IN SECTION 9, BLOCK 39, TOWNSHIP 2 SOUTH, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND BEING PORTIONS OF THE THREE TRACTS OF LAND AS DESCRIBED IN DOCUMENT NUMBER 24248, IN VOLUME 2764 ON PAGE 575, OF THE OFFICIAL PUBLIC RECORDS (OPR) OF SAID MIDLAND COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT N.(y):10682783.73, E.(x):1750349.65, A FIVE EIGHTHS INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF A CALLED 2.0 ACRE TRACT, DESCRIBED IN DOCUMENT NUMBER 19766 IN VOLUME 1825 ON PAGE 82 OF SAID "OPR", FROM WHICH A ONE HALF INCH IRON ROD WITH A RED PLASTIC CAP MARKED "MAVERICK FIRM #10194514" (RPC) FOUND FOR THE NORTHEAST CORNER OF SAID SECTION 9 BEARS N.14°41'57"W., 477.42 FEET AND N.75°33'02"E., 1525.28 FEET AND BEING THE SOUTHEAST CORNER HEREOF;

THENCE S.75°19'03"W., ALONG THE NORTH LINE OF SAID CALLED 2.0 ACRE TRACT, AT 208.23 FEET, PASSING A FIVE EIGHTHS INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID CALLED 2.0 ACRE TRACT, AT 415.66 FEET PASSING A CALLED 100d NAIL FOR THE NORTHWEST CORNER OF A CALLED 2.0 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 2021-486 OF SAID "OPR", IN ALL 476.93 FEET TO AN "RPC" SET FOR THE SOUTHEAST CORNER OF A CALLED 1.43 ACRE TRACT, DESCRIBED IN DOCUMENT NUMBER 25531 IN VOLUME 2950 ON PAGE 866, OF SAID "OPR" FOR THE SOUTHWEST CORNER HEREOF;

THENCE N.14°41'57"W., ALONG THE EAST LINE OF SAID CALLED 1.43 ACRE TRACT, 94.75 FEET TO AN "RPC" SET FOR THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, THIS SUBDIVISION FOR THE WEST NORTHWEST CORNER HEREOF;

THENCE N.75°19'03"E., ALONG THE SOUTH LINE OF SAID LOT 1, 135.00 FEET TO AN "RPC" SET FOR THE SOUTHEAST CORNER OF SAID LOT 1 AND BEING AN INTERIOR CORNER HEREOF;

THENCE N.14°41'57"W., ALONG THE EAST LINE OF SAID CALLED LOT 1, 322.67 FEET TO AN "RPC" SET IN THE SOUTH RIGHT-OF-WAY LINE OF A CALLED 60 FOOT WIDE STREET (SUNGLO) FOR THE NORTH NORTHWEST CORNER HEREOF;

THENCE N.75°19'03"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, 341.93 FEET TO AN "RPC" SET FOR THE NORTHWEST CORNER OF A CALLED TWO ACRE TRACT OF LAND, DESCRIBED IN DOCUMENT NUMBER 10267 IN VOLUME 710 ON PAGE 406 OF THE DEED RECORDS OF SAID MIDLAND COUNTY, FOR THE NORTHEAST CORNER HEREOF;

THENCE S.14°41'57"E., ALONG THE WEST LINE OF SAID CALLED TWO ACRE TRACT, 417.42 FEET TO THE **POINT OF BEGINNING**, CONTAINING 3.57 ACRES OF LAND.

March 29, 2022

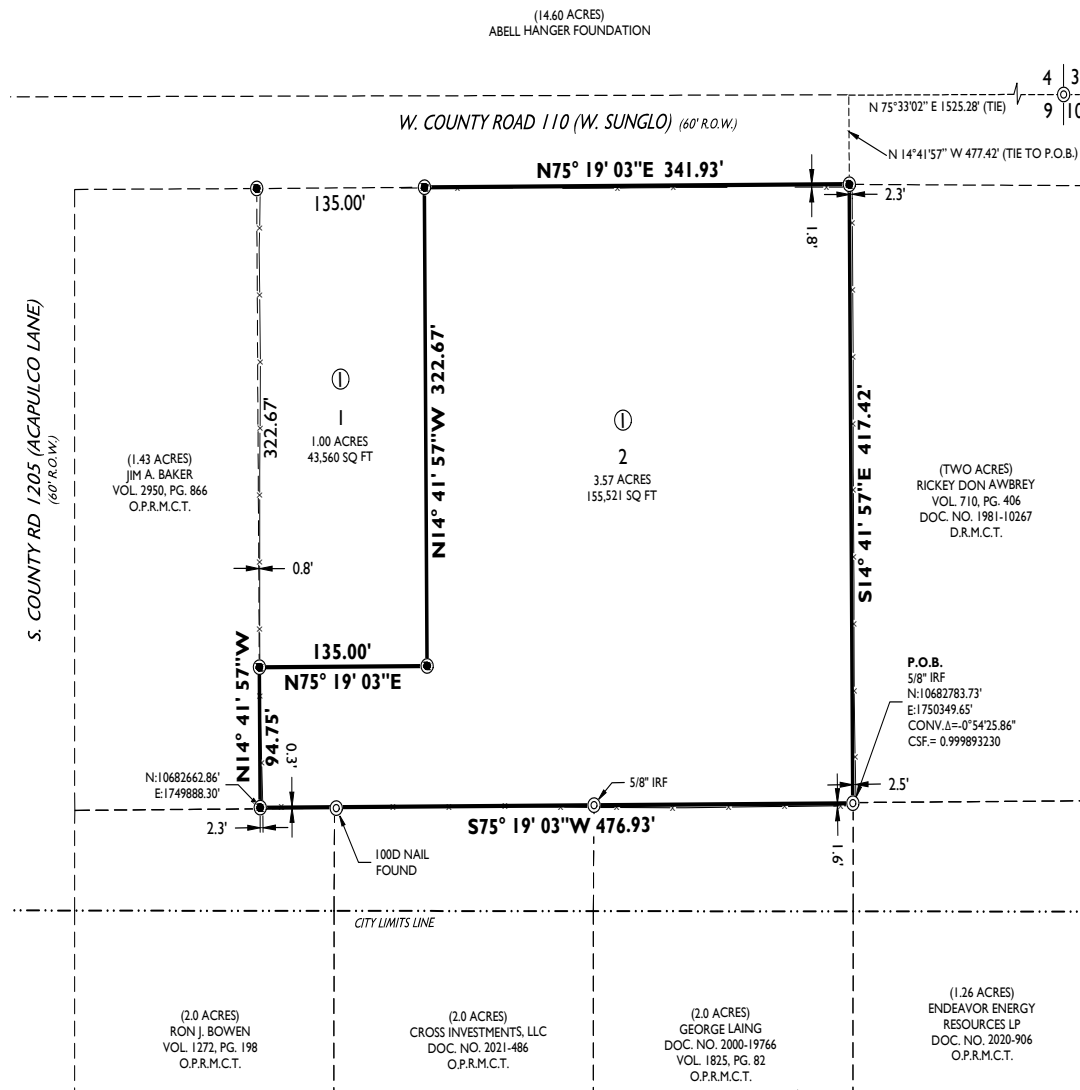
Gregory W. Shoults

www.maverick-eng.com

Texas RPLS - No. 5356

Maverick Engineering (FIRM – No. 10194514)





FIELD NOTE DESCRIPTION OF A 3.57 ACRE TRACT OF LAND, BEING FULLY AND COMPLETELY DESCRIBED AS LOT 2, BLOCK 1, STALLION PARK ADDITION, BEING A PROPOSED SUBDIVISION SITUATED IN SECTION 9, BLOCK 39, TOWNSHIP 2 SOUTH, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND BEING PORTIONS OF THE THREE TRACTS OF LAND AS DESCRIBED IN DOCUMENT NUMBER 24248, IN VOLUME 2764 ON PAGE 575, OF THE OFFICIAL PUBLIC RECORDS (OPR) OF SAID MIDLAND COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT N. (y): 10682783.73, E. (x): 1750349.65, A FIVE EIGHTHS INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF A CALLED 2.0 ACRE TRACT, DESCRIBED IN DOCUMENT NUMBER 19766 IN VOLUME 1825 ON PAGE 82 OF SAID "OPR", FROM WHICH A ONE HALF INCH IRON ROD WITH A RED PLASTIC CAP MARKED "MAVERICK FIRM #10194514" (RPC) FOUND FOR THE NORTHEAST CORNER OF SAID SECTION 9 BEARS N. 14° 41' 57" W., 477.42 FEET AND N. 75° 33' 02" E., 1525.28 FEET AND BEING THE SOUTHEAST CORNER HEREOF;

THENCE S. 75° 19' 03" W., ALONG THE NORTH LINE OF SAID CALLED 2.0 ACRE TRACT, AT 208.23 FEET, PASSING A FIVE EIGHTHS INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID CALLED 2.0 ACRE TRACT, AT 415.66 FEET PASSING A CALLED 1000' NAIL FOR THE NORTHWEST CORNER OF A CALLED 2.0 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 2021-486 OF SAID "OPR", IN ALL 476.93 FEET TO AN "RPC" SET FOR THE SOUTHWEST CORNER OF A CALLED 1.43 ACRE TRACT, DESCRIBED IN DOCUMENT NUMBER 25331 IN VOLUME 2950 ON PAGE 866, OF SAID "OPR" FOR THE SOUTHWEST CORNER HEREOF;

THENCE N. 14° 41' 57" W., ALONG THE EAST LINE OF SAID CALLED 1.43 ACRE TRACT, 94.75 FEET TO AN "RPC" SET FOR THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, THIS SUBDIVISION FOR THE WEST NORTHWEST CORNER HEREOF;

THENCE N. 75° 19' 03" E., ALONG THE SOUTH LINE OF SAID LOT 1, 135.00 FEET TO AN "RPC" SET FOR THE SOUTHEAST CORNER OF SAID LOT 1 AND BEING AN INTERIOR CORNER HEREOF;

THENCE N. 14° 41' 57" W., ALONG THE EAST LINE OF SAID CALLED LOT 1, 322.67 FEET TO AN "RPC" SET IN THE SOUTH RIGHT-OF-WAY LINE OF A CALLED 60 FOOT WIDE STREET (SUNGLO) FOR THE NORTH NORTHWEST CORNER HEREOF;

THENCE N. 75° 19' 03" E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, 341.93 FEET TO AN "RPC" SET FOR THE NORTHWEST CORNER OF A CALLED TWO ACRE TRACT OF LAND, DESCRIBED IN DOCUMENT NUMBER 10267 IN VOLUME 710 ON PAGE 406 OF THE DEED RECORDS OF SAID MIDLAND COUNTY, FOR THE NORTHEAST CORNER HEREOF;

THENCE S. 14° 41' 57" E., ALONG THE WEST LINE OF SAID CALLED TWO ACRE TRACT, 417.42 FEET TO THE POINT OF BEGINNING, CONTAINING 3.57 ACRES OF LAND.

LEGEND

●	DENOTES SET 1/2-INCH IRON ROD WIRED PLASTIC CAP MARKED "MAVERICK FIRM #10194514"
⊙	DENOTES FOUND MONUMENT AS NOTED
—	DENOTES BOUNDARY LINE
- - -	DENOTES EXISTING LOTS
- X -	DENOTES EXISTING FENCE
O.P.R.M.C.T.	OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
D.R.M.C.T.	DEED RECORDS, MIDLAND CO., TX
P.R.M.C.T.	PLAT RECORDS, MIDLAND CO., TX

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE SURVEY INFORMATION FOUND ON THIS PLAT WAS DERIVED FROM FIELD NOTES AND/OR ELECTRONIC DATA OF AN ACTUAL ON-THE-GROUND SURVEY MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND NO WARRANTY IS MADE OR INTENDED FOR THE LOCATION OF ANY OR ALL EASEMENTS THAT MAY EXIST WITHIN THE BOUNDS OF THIS SURVEY.

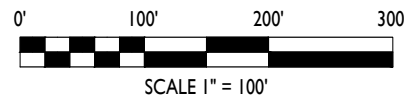
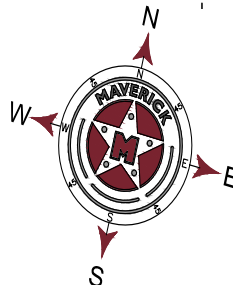
Gregory W. Shoults
GREGORY W. SHOULTS R.P.L.S.#5356

REVISED: MARCH 29, 2022
FEBRUARY 2, 2022
DATE



MAVERICK
CIVIL ENGINEERING / LAND SURVEYING

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



BEARING BASIS

BASIS OF BEARING, COORDINATES, DISTANCE AND ACREAGE ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE, NAD 83 WITH A CONVERGENCE ANGLE (theta) OF -0° 54' 25.86" WITH A CSF OF 0.999893230 AT THE POINT OF BEGINNING.

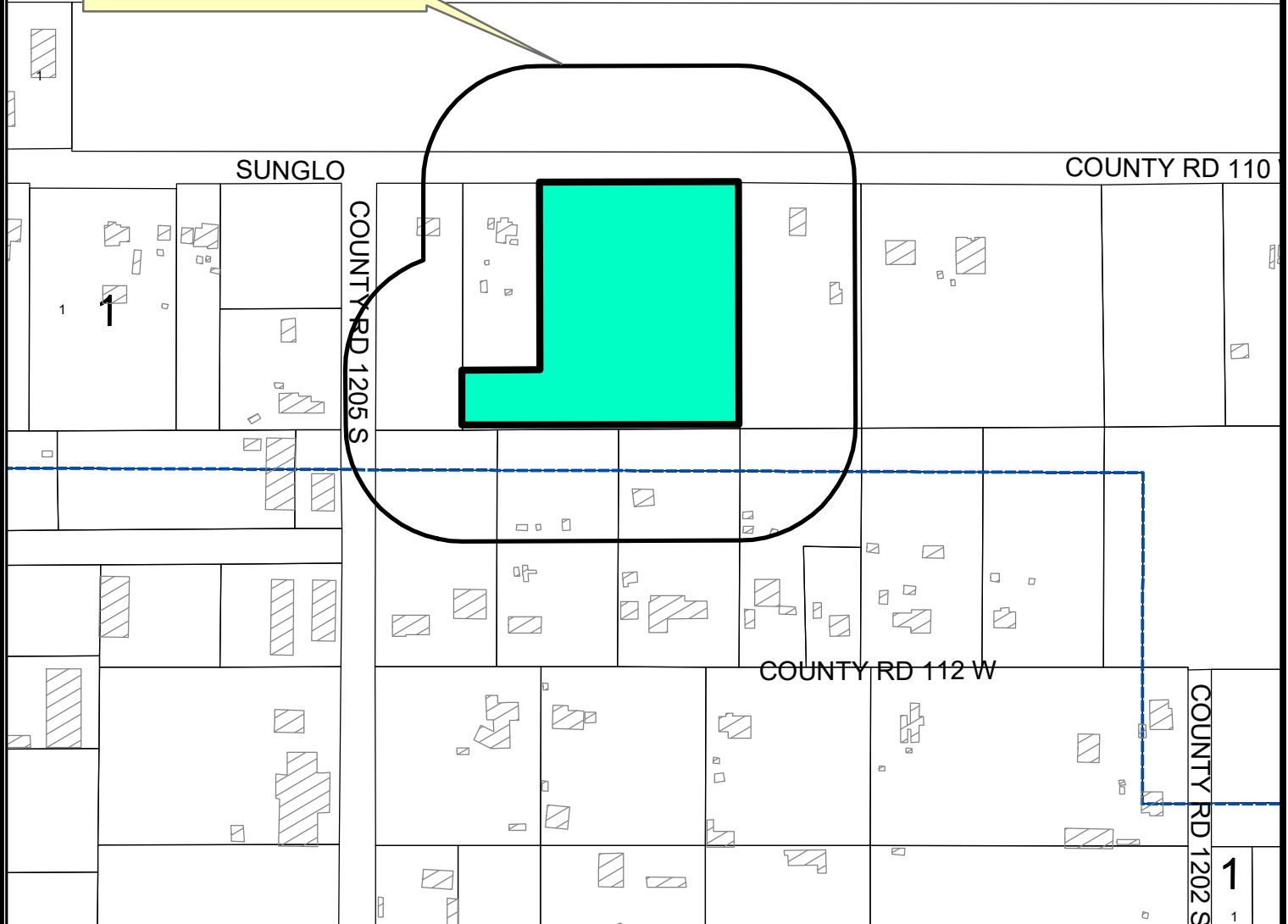
BOUNDARY SURVEY

A 3.57 ACRE TRACT OF LAND, BEING FULLY AND COMPLETELY DESCRIBED AS LOT 2, BLOCK 1, STALLION PARK ADDITION, BEING A PROPOSED SUBDIVISION SITUATED IN SECTION 9, BLOCK 39, TOWNSHIP 2 SOUTH, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

June 6, 2022

INTERSTATE HWY

200-foot Public Notification Area



LOCATION MAP

Z-22-0292

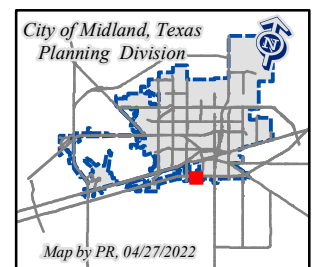
Scale: 1" = 200'

Consider a request by Frank Mendoza for a zone change from SF-1, Single-Family Dwelling District to BP, I-20 Business Park District on a 3.570 -acres tract of land out of Section 9, Block 39, T-2-S, RR. Co. Survey, Midland County, Texas.

Generally located on the south side of West County Road 110, approximately 150-ft east of South County Road 1205. (Council District 2)

LEGEND

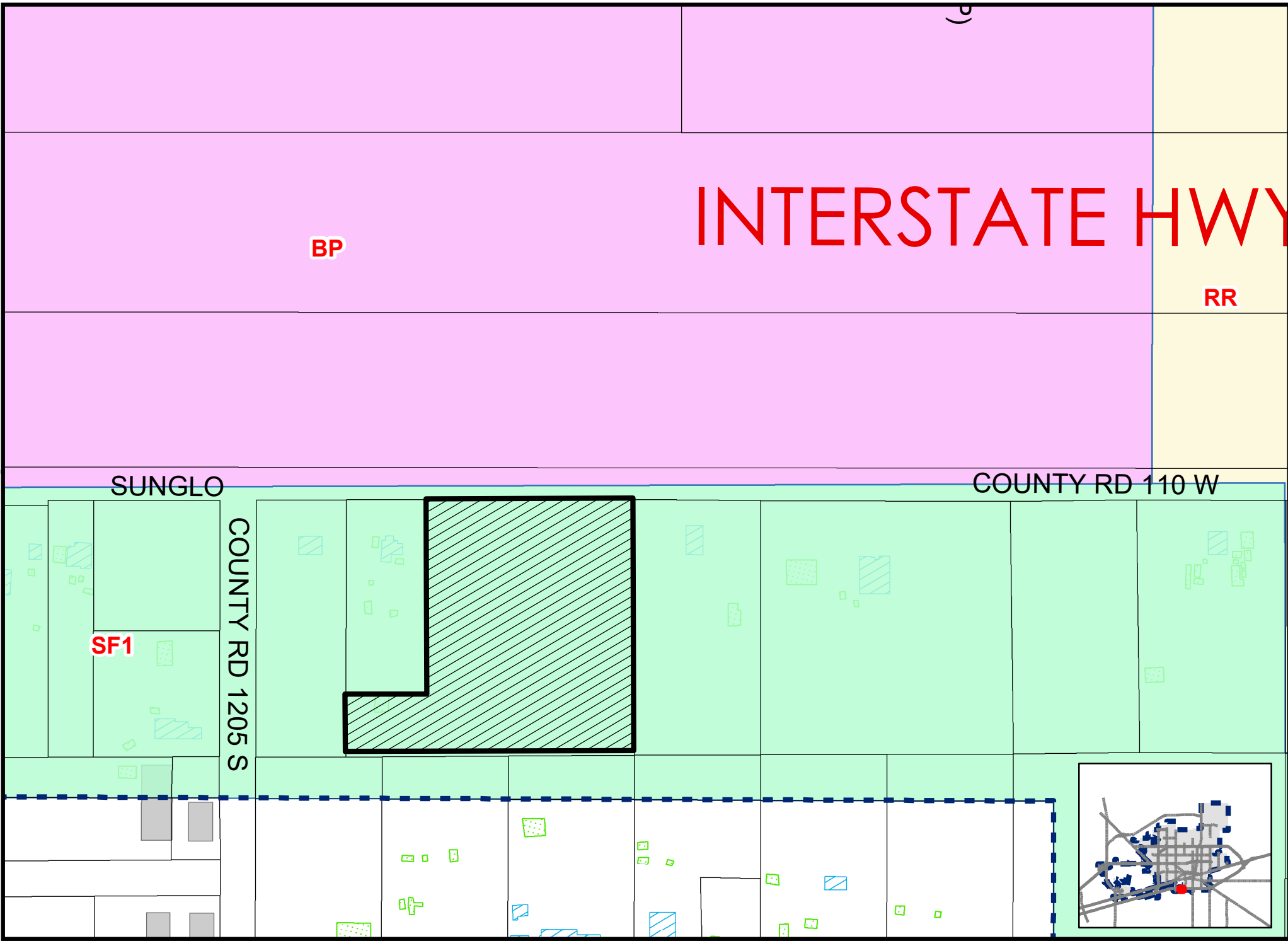
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©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.













BAKER JIM A
2609 W COUNTY ROAD 110
MIDLAND TX 79706-3701

BY:

RECEIVED
MAY 12 2022

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, May 16, 2022**, in the Council Chambers, City Hall, 300 N. Loraine, Midland, Texas 79701 and via videoconference, on a request by **Frank Mendoza** for approval of a **Zone Change** on the following described property:

LEGAL DESCRIPTION: A 3.570 -acres tract of land out of Section 9, Block 39, T-2-S, RR. Co. Survey, City and County of Midland, Texas.

LOCATION: Generally located on the south side of W Sunglo, approximately 150-ft east of South County Road 1205. (Council District 2)

PROPOSED ZONING: From: SF-1, Single Family Dwelling District

To: BP, Business Park District

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:

noise, to many people, dirt

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 ud. desea más información en Español sobre esta cuestión, llame al : 685-7400.

Notices Mailed: 8

Date Mailed: May 6, 2022

Case Number: Z-22-0292

Case Name: 2605 Sunglo Street

PR 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.

Videoconference information will be available by accessing the meeting agenda at <https://www.midlandtexas.gov/967/primegov-meeting>

www.MidlandTexas.gov

Planning Division • 300 N. Loraine, Midland TX 79702 • 432-685-7400



Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: June 06, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: James Reber, Planner

SUBJECT: Motion approving with staff's recommended condition a proposed Preliminary Plat of Daybreak Estates, Section 7, being a replat of Lot 1, Block 23, Daybreak Estates, Section 6, City of Midland, Midland County, Texas. (Generally located on the northeast corner of the intersection of Silent Rain Dr. and Lumina Dr. (Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Details of Request:

The applicant, Maverick Engineering, is requesting to replat of Lot 1, Block 23, Daybreak Estates, Section 6, City of Midland, Midland County, Texas for ownership purpose. This is a residential replat; therefore, a public hearing is required.

Current Zoning:

PD, Planned Development District for Housing Development. (Ord. No. 9954)

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 with Conditions)

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

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

PAVING: Silent Rain Dr. okay as is. Lumina Dr. okay as is. No public paving improvements required. [For Applicant's Information Only.]

WATER: 8" water exists in Silent Rain Dr. west of tract, okay as is. 8" water exists in Lumina Dr. south of tract, okay as is. No public water improvements required. [For Applicant's Information Only.]

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

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

SEWER: 8" sewer exists in Silent Rain Dr. west of tract, okay as is. 10" sewer exists in Lumina Dr. south of tract, okay as is. No public wastewater improvements required. [For Applicant's Information Only.]

DRAINAGE: Show compliance with Daybreak Estates Drainage Study prepared by Maverick Engineering and approved by the City on 09/17/2017. [Reference City Code Sect. 11-2-3(D)8]

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

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

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

FIRE: (Approved)

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.

GIS: (Approved)

No comments.

PLANNING: (Approved with Conditions)

If you want to keep the 15' front yard setback, please add it to final plat. Otherwise, it will default to SF-3 ordinance setback of 20'. [For the Applicant's information only.]

The planning department recommends approval with staff recommended conditions of the Preliminary Plat of Daybreak Estates, Section 7 subject to condition A.

Conditions:

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

Attachments:

Application
Proposed Preliminary Plat (Exhibit A)
Maps



Preliminary Plat Application

Project Number:

SUB-22-0510

Case Number:

P-22-1336

Proposed Subdivision Plat Name: Daybreak Estates, Section 7

Legal Description (attached sealed Metes and Bounds): Being a Replat of Lot 1, Block 23, Daybreak Estates, Section 6, an Addition to the City of Midland, Midland County, Texas

Property Owner

Printed Name:

Daybreak Development LLC

Phone (432) 262-0999

Email

Address 7311 Fox River Ridge

City Odessa

State TX

Zip 79768

Developer (if different than Owner)

Printed Name:

Phone (432) 262-0999

Email

Address

City

State

Zip

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

Firm: Maverick Engineering

Printed Name: Paladin Huckaba

Phone (432) 262-0999

Email

phuckaba@maverick-eng.com

Address 1909 W Wall St Ste K

City Midland

State TX

Zip 79701

Current Zoning: PD

Reason for Platting: ownership purposes

Plat Information

Total Acreage:

0.166

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'

RECEIVED
MAY 11 2022

DR

Request for a Development AgreementDo you expect to request a development agreement with the City? ☐ Yes ☒ No

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

Provisions

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

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

Property Owner (signature): _____

Date: _____

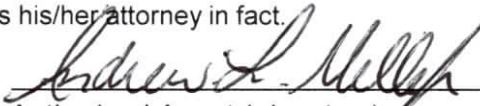
Property Owner (printed) : _____

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

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

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 the owner of _____ or is authorized by Daybreak Development 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.


Authorized Agent (signature)

Subscribed and sworn to before me, this 10th day of May, 20 22, to certify which witness my hand and seal of office.




NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

- | | | |
|---|---|--|
| ☐ Property Owner Authorization | ☐ 1 Copy of Dimensioned Plat | ☐ Plat in Digital Format (PDF/JPEG) |
| ☐ Application Fee | ☐ 1 Copy of Plat (11x17) | |

Check # _____

Received By: _____

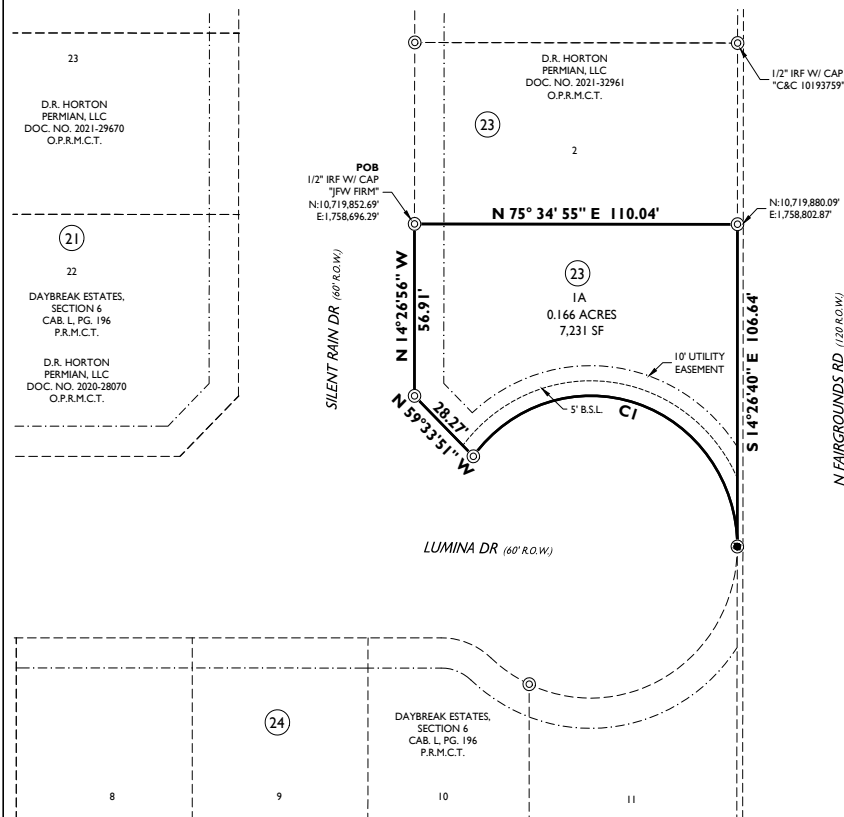
Date: _____

RECEIVED
MAY 11 2022

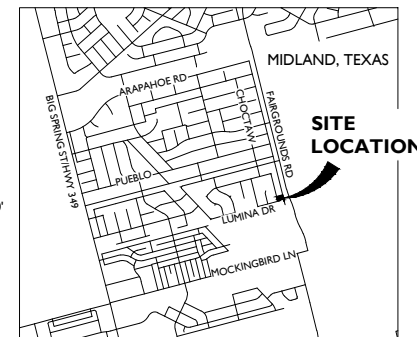
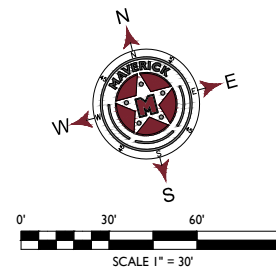
****Application will not be considered for scheduling until reviewed by a planner.****

PRELIMINARY PLAT DAYBREAK ESTATES, SECTION 7

BEING A REPLAT OF LOT 1, BLOCK 23, DAYBREAK ESTATES, SECTION 6, AN
ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS.



LEGEND	
●	DENOTES SET 1/2" IRF W/ CAP MARKED "MAVERICK FIRM #10194514" UNLESS OTHERWISE NOTED
○	DENOTES 1/2" IRON ROD FOUND
—	DENOTES BOUNDARY LINE
- - -	DENOTES BUILDING SETBACK LINE
- - -	DENOTES EXISTING LOTS
- - -	DENOTES EXISTING EASEMENT LINE
—	DENOTES OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
—	DENOTES DEED RECORDS, MIDLAND CO., TX
—	DENOTES PLAT RECORDS, MIDLAND CO., TX



VICINITY MAP

N.T.S.

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS DAYBREAK DEVELOPMENT, LLC, IS THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 12,
BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT DAYBREAK DEVELOPMENT, LLC, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS
DAYBREAK ESTATES, SECTION 7, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND WHOSE
NAME IS SUBSCRIBED HERETO, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEYS, AND
EASEMENTS SHOWN THEREON; AND DO HEREBY GIVE AN EASEMENT OF INGRESS AND EGRESS TO THE CITY OF
MIDLAND FOR GARBAGE 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: DAYBREAK DEVELOPMENT, LLC, DAVID MARTIN

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 DAVID MARTIN, 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 DAYBREAK ESTATES, SECTION 7, 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

PROPERTY OWNER

DAYBREAK DEVELOPMENT, LLC
7311 FOX RIVER RIDGE
ODESSA, TX 79768

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____



MAVERICK
CIVIL ENGINEERING / LAND SURVEYING

1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: 10194514
Tel: (432) 362-0991 Fax: (432) 362-0989
www.Maverick-Eng.com

DAYBREAK ESTATES,
SECTION 7

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S N.F.I.P. FLOOD INSURANCE RATE MAP #48329C0100F, DATED
SEPTEMBER 16, 2003 (AS REVISED IN FEMA LOMR CASE NO. 19-06-2755P ISSUED JUNE 1, 2020), 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.

SURVEY NOTES

- BASIS OF BEARING, COORDINATES, DISTANCE AND ACREAGE ARE A LAMBERT CONICAL PROJECTION OF
THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE, NAD 83, U.S. SURVEY FOOT.
- SEE DOCUMENTS OR ELECTRONIC DATA FILED IN THE OFFICE OF MAVERICK ENGINEERING FOR
COMPLETE RECONSTRUCTION OF THIS SURVEY.
- LOCATION OF BURIED UTILITIES AND PIPELINES, IF ANY, IS APPROXIMATE BASED UPON OBSERVED
EXISTING SIGNAGE, CITY OF MIDLAND GIS AND VISUAL EVIDENCE, OR BY ONE-CALL 811 SITE MARKINGS
AT THE TIME OF THIS SURVEY. DUE CARE IS RECOMMENDED: CALL 1-800-DIG-TESS FOR LOCATES PRIOR
TO ANY CONSTRUCTION OR EXCAVATION.
- THIS IS A PROVISIONAL PRELIMINARY PLAT, THIS IS NOT TO BE RECORDED OR USED FOR CONSTRUCTION
PURPOSES. SET MONUMENTS SHOWN HEREON ARE ALSO PRELIMINARY AND SHALL ONLY BE PLACED IN
ACCORDANCE WITH A FINAL SURVEY SEALED BY THE SURVEYOR OF RECORD.

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
CI	124.76'	50.00'	94.82'	N 86° 06' 22" W	142° 57' 49"

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 WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY
LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
- 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.
- THIS PLAT ADHERES TO THE REGULATIONS ASSOCIATED WITH PD ORDINANCE NO. 9954

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

PRELIMINARY - THIS
DOCUMENT SHALL NOT BE
RECORDED FOR ANY
PURPOSE

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

ATMOS ENERGY

BY: _____

AT&T

BY: _____

SUDDENLINK COMMUNICATION

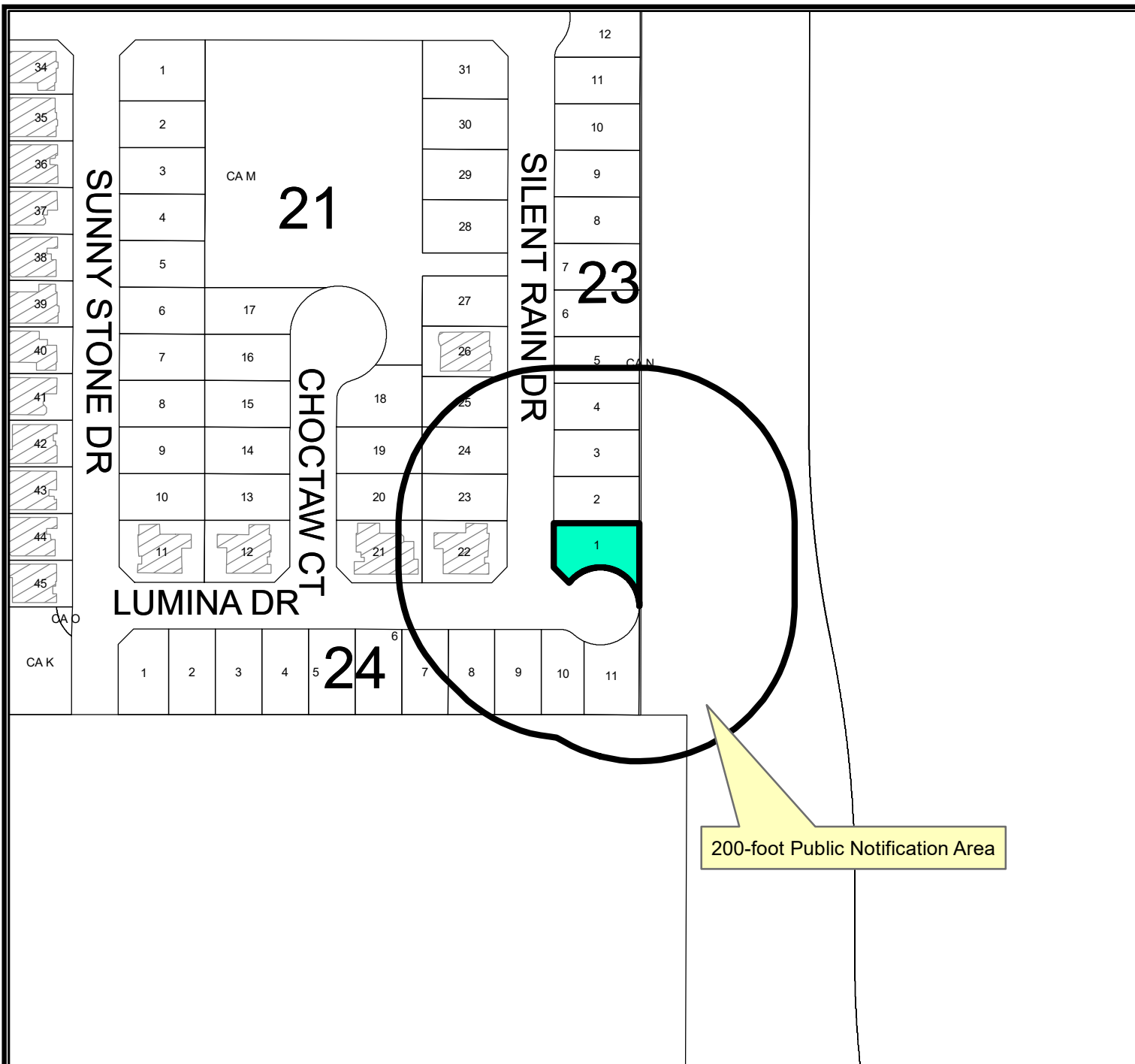
BY: _____

GRANDE COMMUNICATION

BY: _____

ONCOR ELECTRIC DELIVERY

BY: _____



LOCATION MAP

SUB-22-0510

Scale: 1" = 200'

Proposed plat of Daybreak Estates, Section 7, being a replat of Lot 1, Block 23, Daybreak Estates, Section 6, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of Silent Rain Drive and Lumina Drive. (Council District 1)

LEGEND

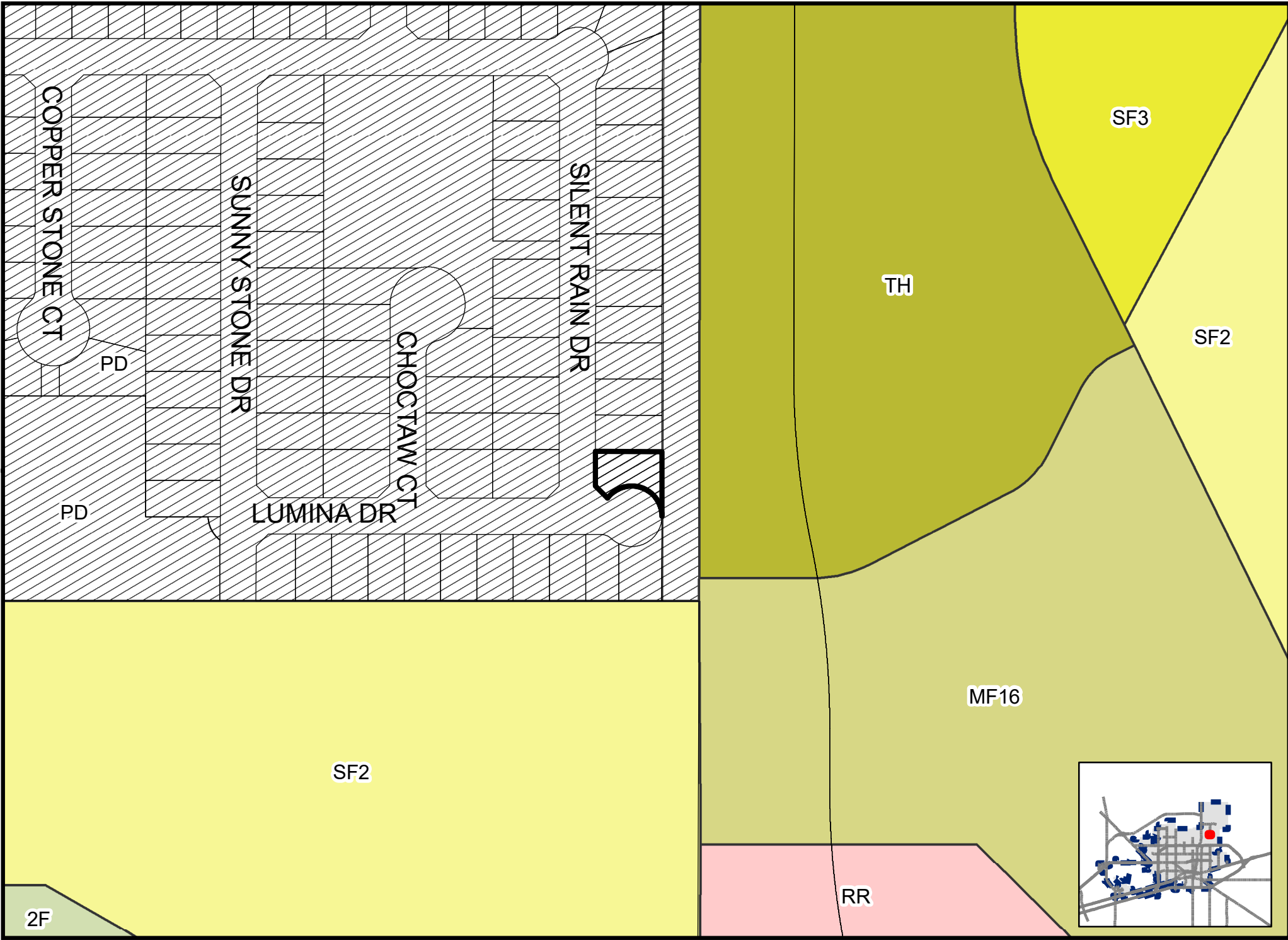
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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















Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: June 06, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Paul Rodriguez, Planner

SUBJECT: Motion approving with staff's recommended conditions a proposed Preliminary Plat of Plunk Addition, Section 11, being a plat of the 0.69-acre tract of land out of Section 1, Block 39, T-2-S, T. & P. R.R. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of Garden City Highway & 270 feet west of Allen St. (Council District 2).

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Details of Request:

The property applicant, Marcus Hostas, is proposing to plat a 0.69-acre tract of land out of Section 1, Block 39, T-2-S, T. & P. R.R. Co. Survey, City and County of Midland, Texas.

Current Zoning:

C, Commercial District.

Departmental Review:

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

ENGINEERING: (Approved with Conditions)

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

ROW: Refer to transportation's comments for R.O.W. [For the Applicant's information only.]

PAVING: Garden City Highway is TxDOT facility, built and maintained by TxDOT, no

improvements required.

WATER: 6" water exists in Garden City Highway, okay as is. [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: None existing. Construct wastewater to City standards along entire platted frontage or request a deferral. [Reference City Code Section 11-2-4(A) 2(a)]

DRAINAGE: No Drainage Report required at this time. Existing site is developed; if proposing to re-develop site drainage can be reviewed with building permit. [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)

TxDOT comments, "Site already has an existing access. No additional access to SH 158 should be accommodated."

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)

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

CODE COMPLIANCE: (Approved)

No Oil and Gas issues.

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)

Allen road is a private road.

SURVEYOR: (Approved)

No comments.

Health Department: (Approved)

Yes, the health department will review application from the 1 proposed lot of PLUNK ADDITION SECTION 11, PLAT OF A .69 ACRE TRACT OF LAND IN SECTION 1, BLOCK 39, T-2-S, T. & P. RR. CO. SURVEY the lot is .69 acre to ensure the proposed plans for the existing structure 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.

Colorado River Municipal Water District: (Approved)

We do not have any comments on this plat.

PLANNING: (Approved)

Provide Acreage/Square Footage of lot. [For the Applicant's information only.]

Staff recommends approval of this Preliminary Plat of Plunk Addition, Section 11, subject to condition A:

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 11-2-4(A)2(a).

Attachments:

Application
Proposed Preliminary Plat
Map



Preliminary Plat Application

Project Number:

Case Number:

SUB-22-0496
P-22-1335**Proposed Subdivision Plat Name:** Plunk Addition, Section 11**Legal Description (attached sealed Metes and Bounds):** 0.69 Acres in Section 1, Block 39,
T. & P. RR. Co. Survey,**Property Owner**

Printed Name: JESUS R. SOLIS AND GUADALUPE R. HERNANDEZ

Phone 4322358111

Email

Address 1400 Garden City Highway

City Midland

State TX

Zip 79701

Developer (if different than Owner)

Printed Name:

Phone 4322358111

Email

Address

City

State

Zip

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

Firm: HPF Consultants

Printed Name: Marcus Hostas

Phone 4322358111

Email

Address 3106 N. Big Spring, Street

City Midland

State TX

Zip 79705

Current Zoning:**Reason for Platting:** New Construction**Plat Information**

Total Acreage:

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

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

MAY 11 2022

BY:

June 6, 2022

Provisions

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

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

Property Owner (signature): _____

Date: _____

Property Owner (printed) : _____

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

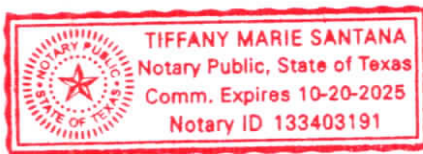
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared MARCUS Hostas 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.

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 20th day of April, 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)

☒ Application Fee

☒ 1 Copy of Plat (11x17)

Check # 2262

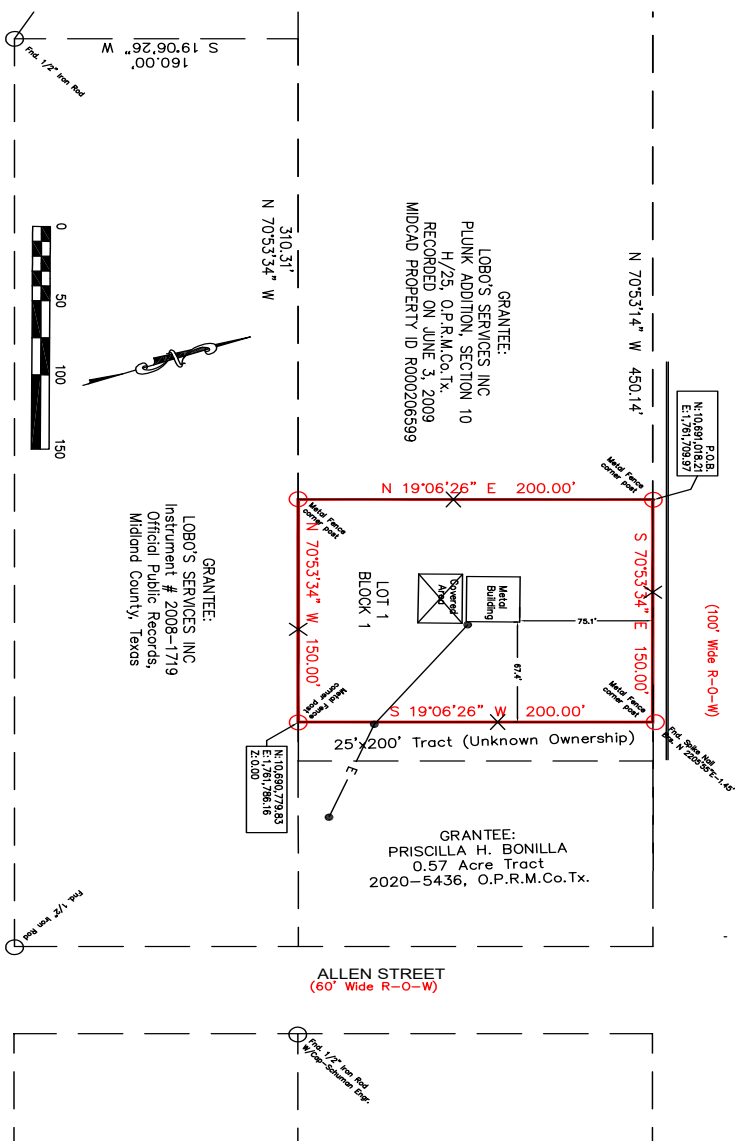
Received By: [Signature]

Date: 5-11-22

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

BEING A PLAT OF THE 0.69 ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39,
T-2-S, T. & P. R.R. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

AREA MAP
NOT TO SCALE



OWNERS CERTIFICATE:
THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS JESUS R. SOLIS AND GUALDALUPE R. HERNANDEZ ARE THE RECORD OWNERS OF A TRACT OF LAND DESCRIBED HEREIN AS A 0.69 ACRE TRACT SITUATED IN SECTION 11, BLOCK 39, I-7-2-S, I. & P. R.T. CO. SURVEY, MIDLAND COUNTY, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT ESTIS R. SOLIS AND GUADALUPE R. HERNANDEZ, BEING THE OWNERS OF THE ABOVEMENTIONED LAND SHOWN ON THIS PLAT DESIGNATED AS PLANK ADDITION, SECTION 11, MIDLAND COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, AND EASEMENTS, SHOWN HEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS

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, JESSIE R. SOUTS AND CYNTHIA R.
HERNANDEZ, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE
FORDING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS THE
THIRD PARTY, AND IN THE CAPACITY THENIN STATED. GIVEN UNDER MY HAND
AND SEAL OF OFFICE THIS _____
THE _____ DAY OF _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS.

FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE FOREGOING PLAT OF "PLUNK ADDITION, SECTION 11" WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS ON THIS

THE _____ DAY OF _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS.

CHAIRMAN LUCY SISNIEGA

SECRETARY **ELIZABETH SHAUGHNESSY**

CONSULTANTS, INC.

MIDLAND COUNTY, TEXAS

DATE PAGE

SURVEYORS CERTIFICATE:

THAT I, MARCUS L. PETERSON, LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAT WAS PREPARED FROM AN ACTUAL SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS LOCATED UNDER MY PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF HOUSTON, TEXAS.

WITNESSED MY HAND AND SEAL OF OFFICE, AT HOUSTON, TEXAS, THIS 26th DAY OF APRIL, 2013.

MARCUS L. PETERSON, SURVEYOR
 REG. NO. 10421
 EXPIRATION DATE: 04/26/2015

ATMOS ENERGY
BY: _____

ATT&T
BY: _____

SUDDENLINK COMMUNICATION
BY: _____

GRANDE COMMUNICATION
BY: _____

ONCOR ELECTRIC DELIVERY
BY: _____

OWNERS:

GUADALUPE R. HERNANDEZ
1400 Garden City Highway,
Midland, Texas 79701
432-296-9005
432-214-1268

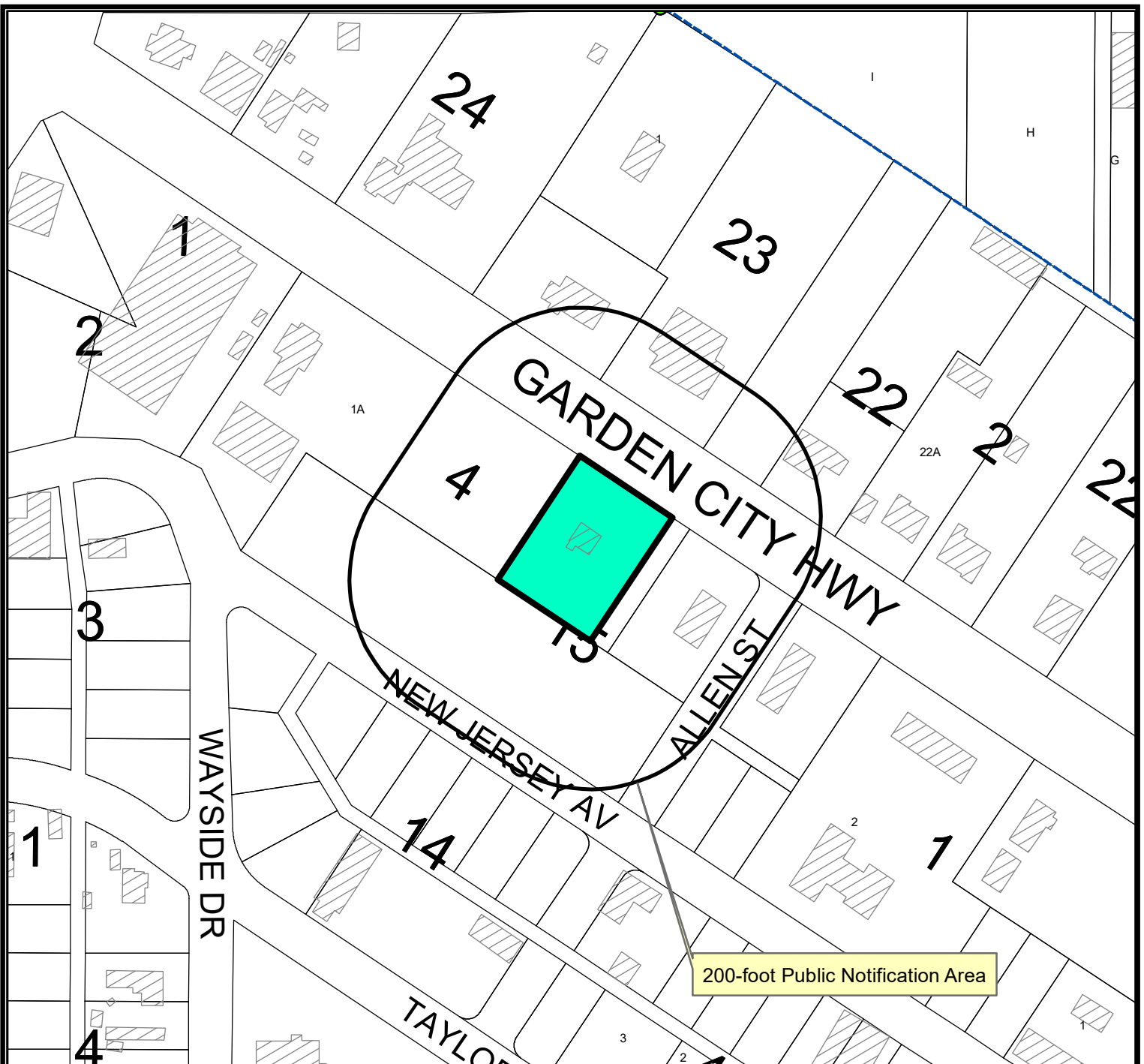
ENGINEERING AND DESIGN

TEXAS REGISTERED

3106 N. Big Spring Street
Midland, Texas

www.HPT-consultants.com

PACKET



LOCATION MAP

SUB-22-0496

Scale: 1" = 200'

Proposed plat of Plunk Addition, Section 11 being a plat of the 0.69 acres of Section 1, Block 39, T-2-S, T. & P. R.R. Co. Survey, City and County of Midland, Texas.

Generally located on the south side of Garden City Highway & 270 feet west of Allen St. (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.

