Effective March 16, 2020, Governor Gregg Abbott authorized the temporary suspension of certain statutory provisions of the Texas Open Meetings Act. This Meeting of the Planning and Zoning Commission of the City of Midland is being held pursuant to such authorization and will limit face-to-face interactions for the purpose of slowing the spread of the Corona Virus (COVID19).

CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION
AGENDA
July 6, 2020 - 3:30 PM
300 North Loraine
Midland, Texas
Council Chamber - 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 using the following information:

Videoconference Information

Please click the link below to join the webinar:
https://us02web.zoom.us/j/85330444498

Or iPhone one-tap :
US: +13462487799,,85330444498# or +12532158782,,85330444498#
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 +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799
Webinar ID: 853 3044 4498
International numbers available: https://us02web.zoom.us/u/kksLHhQNY

The Planning and Zoning Commission of the City of Midland shall meet at or following the above-specified time to consider the following:

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

CONSENT ITEMS

2. Consider a motion approving the following minutes:
   a. Planning and Zoning Commission Meeting Minutes for June 15, 2020

3. Consider a proposed Preliminary Plat of Grassland Estates West, Section 13, being a plat of a 25.3859 - acres tract of land located in Section 35, Block 40, T-1-S, T&P RR Co Survey, City and County of Midland, Texas. (Generally located on the west side of W. State Highway 158, approximately 1,631 - feet north of Brandy Hill Road. Council District 4) (DEVELOPMENT SERVICES)

4. Consider a proposed Final Plat of Johnson & Moran Addition, Section 7, being a replat of Lots 1 and 2, Block A-1, Resubdivision of Tracts A & The East Half of B, Johnson & Moran Addition, City and County of Midland Texas. (Generally located on the southwest corner of the intersection of West Cuthbert Avenue and North Garfield Street. Council District 3) (DEVELOPMENT SERVICES)

5. Consider a proposed Final Plat of Los Patios, Section 6, being an 8.47-acres tract of land located in Section 25, Block 40, T-1-S, T&P RR. Co. Survey City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Briarwood Avenue and Holiday Hill Road. Council District 4) (DEVELOPMENT SERVICES)

6. Consider a proposed Final Plat of Lost Mountain Addition, Section 5, being a re-plat of Lot 5, Block 2, Lost Mountain Addition, Section 3, City and County of Midland, Texas. (Generally located on the north side of Passage Way, approximately 1,725-feet east of Midkiff Road. Council District 1) (DEVELOPMENT SERVICES)

7. Consider a proposed Final Plat of Sunridge Ranch Estates, Section 7, being a re-plat of Lots 6 and 7, Block 5, Sunridge Ranch Estates, Section 3, Midland County, Texas. (Generally located on the north side of West County Road 44, approximately 1,221-feet west of North County Road 1246. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

8. Consider a proposed Preliminary Plat of Rusty Arrow Addition, being a plat of a 4.001-acres tract of land located in the southwest quarter of Section 16, Block 38, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the south side of E. County Road 136, approximately 336 feet west of S. County Road 1157. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

9. Hold a public hearing and consider a proposed Final Plat of Country Sky Addition, Section 26, being a residential replat of Lot 6F, Block 2, Country Sky Addition, Section 21, City and County of Midland, Texas. (Generally located on the west side of Roadrunner Trail, approximately 625 feet south of Briarwood Avenue. Council District 4) (DEVELOPMENT SERVICES)

10. Hold a public hearing and consider a request by James Tynes Jr. for a Specific Use Designation with Term, for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 2,508 square foot portion of Lot 2B, Block 52, Belmont

Addition, Section 21, City and County of Midland, Texas. (Generally located on the north side of West Longview Avenue, approximately 290 feet east of Belmont Street. Council District 2) (DEVELOPMENT SERVICES)

11. Hold a public hearing and consider a request by Rosa R. Ramirez for a Specific Use Designation with Term for a Child Care: Day Care Center on Lots 7 & 8, Block 11A, Highland Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Parker Avenue and N. Main Street. Council District 2) (DEVELOPMENT SERVICES)

12. Hold a public hearing and consider a request by Jamie Alvarado Lopez for a zone change from SF-3, Single-Family Dwelling District to 2F, Two-Family Dwelling (Duplex) District on Lot 1, Block 43, South Park Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of East Hicks Avenue and South Dallas Street. Council District 2) (DEVELOPMENT SERVICES)

13. Hold a public hearing and consider a request by Slam-Dunk Food #2, LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, on Lot 26, Block 5, North Park Addition, Section 18, City and County of Midland, Texas. (Generally located on the west side of Whitman Drive, approximately 165-feet north of West Loop 250 North. Council District 1) (DEVELOPMENT SERVICES)

14. Hold a public hearing and consider a proposed Preliminary Plat of Southern Addition, Section 18, being a residential re-plat of Lots 15 through 18, Block 133, Southern Addition, City and County of Midland, Texas. (Generally located on the east side of South Weatherford Street, approximately 80-feet north of East Washington Avenue. Council District 2) (DEVELOPMENT SERVICES)

15. Hold a public hearing and consider a request by Jorge Chavez for a zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District on Lot 3, Block 5, Greenwood Addition, City and County of Midland, Texas. (Generally located on the west side of South Clay Street, approximately 110 feet south of East Indiana Avenue. Council District 2) (DEVELOPMENT SERVICES)

16. Hold a public hearing and consider a request by Jorge Chavez for a zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District on Lot 10, Block 23, Greenwood Addition, Third, Fourth, and Fifth Sections, City and County of Midland, Texas. (Generally located on the east side of South Clay Street, approximately 110 feet south of East Washington Avenue. Council District 2)

MISCELLANEOUS

Cristina Odenborg Burns
Planning Division Manager

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.

PLANNING AND ZONING MINUTES
June 15, 2020
3:30 p.m.

The Planning and Zoning Commission convened in regular session in the Midland City Hall Council Chamber, 300 North Loraine, Midland, Texas, on, June 15, 2020.

Commissioners present: Chase Gardaphe, Josh Sparks, Kevin Wilton, Warren Ivey, and Karmen Bryant.

Alternate Commissioners present: None.

Commissioners absent: Diane Williams and Reggie Lawrence.

Staff members present: Development Services Director Chuck Harrington, Planning Division Manager Cristina Odenborg Burns, Senior Planner Elizabeth Shaughnessy, Planner Joseph Marynak, and Administrative Clerk Dalia Salinas.

Chairman Sparks called the meeting to order at 3:31 p.m.

Opening Item

1. Pledge of Allegiance

Announcements

Public Comment

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

The public comment period was opened at 3:32 pm. With no one wishing to speak, the public comment period was closed at 3:34 p.m.

Consent Items

Commissioner Gardaphe moved to approve the Consent Items; seconded by Commissioner Ivey.

The motion carried by the following vote: AYE: Wilton, Ivey, Gardaphe, Sparks, and Bryant. NAY: None. ABSTAIN: None. ABSENT: Williams and Lawrence.

3. Approved a motion approving the following minutes:

   a. Planning & Zoning Commission Meeting Minutes for June 1, 2020.

4. Approved a proposed Preliminary Plat of Homestead Addition, Section 19, being a Re-Plat of Block 50, Homestead Addition, including a previously vacated 0.15-acre portion of alley right-of-way and a previously vacated 0.20-acre portion of right-of-way adjacent to said block, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of W. Illinois Avenue and N. A Street. Council District 3)

5. Approved a proposed Preliminary Plat of Skyway Addition, being a plat of a 23.363-acre tract of land located in the E/2 of Section 37, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of North FM 1788 and State Highway 191. Extraterritorial Jurisdiction)

6. Approved a proposed Preliminary Plat of West Terminal Addition, Section 10, being a replat of Lots 9 and 11, Block 5, West Terminal Addition, Section 4, Midland County, Texas. (Generally located on the north side of West County Road 100, approximately 605-feet east of South County Road 1295. Extraterritorial Jurisdiction)

7. Approved a proposed Final Plat of Lann Addition, being a plat of a 2.410-acre tract of land located in of the SW/4 of Section 23, Block 38, T-1-S, T&P, RR. Co. Survey, Midland County, Texas. (Generally

located on the south side of East County Road 57, approximately 769-feet west of North County Road 1125. Extraterritorial Jurisdiction)

8. Approved a proposed Final Plat of Lindsay Acres, Section 10, being a re-plat of Lot 17, re-plat of Tracts 5 and 6, Lindsay Acres, and Lot 19, Lindsay Acres, Section 9, City and County of Midland, Texas. (Generally located on northwest corner of the intersection of Marlin Avenue and Rankin Highway. Council District 2)

9. Approved a proposed Preliminary Plat of Hannah Addition, Section 3, being a plat of a 15-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 west side of South County Road 1230, approximately 2,660 feet south of West County Road 120. Extraterritorial Jurisdiction)

10. Approved a proposed Preliminary Plat of Midtex 1 Addition, being a plat of a 15.000-acre tract of land located in Section 13, Block 40, T-2-S, T&P RR Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of S. County Road 1235 and W. County Road 123. Extraterritorial Jurisdiction)

11. Approved a proposed Preliminary Plat of Parsely Addition Section 2, being a plat of a 30.42-acre tract of land located in the South Half of the Southeast Quarter of Section 12, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of FM 715, approximately 1367-feet north of East County Road 120. Extraterritorial Jurisdiction)

Public Hearings

12. Hold a public hearing and consider a proposed Preliminary Plat of Moody Addition, Section 12, being a residential re-plat of Lot 3, less the south 10-feet, Block 26, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of North Tyler Street, approximately 100-feet south of East Texas Avenue. Council District 2)

    Planning Manager Cristina Odenborg Burns gave an overview of the project. With no letters of objection received, staff recommended approval.

    The public hearing was opened at 3:38 p.m.

    The applicant was present but deferred to staff.

    Resident Cynthia Bass Pate, 3620 Jasmine St. Denver, CO 80207, spoke in opposition of the project because she believed she was the owner of the property and has future plans for building on the lot in question.

    Planning Manager Cristina Odenborg Burns clarified that the property in question is owned by Mrs. Elsa Marquez.

    Commissioner Sparks explained to Mrs. Pate, using the map, which was her property and which was the property in question.

    The public hearing was closed at 3:45 p.m.

    Commissioner Gardaphe moved to approve a proposed Preliminary Plat of Moody Addition, Section 12, being a residential re-plat of Lot 3, less the south 10-feet, Block 26, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of North Tyler Street, approximately 100-feet south of East Texas Avenue. Council District 2); seconded by Commissioner Bryant.

    The motion carried by the following vote: AYE: Wilton, Ivey, Gardaphe, Sparks, and Bryant. NAY: None. ABSTAIN: None. ABSENT: Williams and Lawrence.

13. Hold a public hearing and consider a request by Jose Alfredo Zarate Mendez for a Zone Change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 2, Block 8, Eastover Addition, Third Extension, City and County of Midland, Texas. (Generally located on the south side of East Texas Avenue, approximately 50 feet west of North Tilden Street. Council District 2)

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

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

The applicant was not present.

The public hearing was closed at 3:48 p.m.

Commissioner Wilton moved to approve a request by Jose Alfredo Zarate Mendez for a Zone Change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 2, Block 8, Eastover Addition, Third Extension, City and County of Midland, Texas. (Generally located on the south side of East Texas Avenue, approximately 50 feet west of North Tilden Street. Council District 2); seconded by Commissioner Bryant.

The motion carried by the following vote: AYE: Wilton, Ivey, Gardaphe, Sparks, and Bryant. NAY: None. ABSTAIN: None. ABSENT: Williams and Lawrence.

14. Hold a public hearing and consider a request by Ramona Ruiz, for a zone change from LI, Light Industrial District to RR, Regional Retail District on the west half of Lot 1, Block 4, Moody Addition, City and County of Midland, Texas. (Generally located on the south side of South Street, approximately 95 feet west of North Tyler Street. Council District 2)

Planner Joseph Marynak gave an overview of the project. With no letters of objection received, staff recommended denial.

Commissioner Wilton asked if parking was an issue for this project. Planner Joseph Marynak explained that parking is part of the reason why staff is recommending denial. He also explained what is required by the city code. Commissioner Wilton asked the number of parking spaces that would be required. Planner Joseph Marynak explained that the parking lot number would be determined by the occupancy of the building.

Commissioner Wilton commented that the image provided is poor quality and if it should be required that better images are submitted.

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

The applicant Ramona Ruiz, 511 N Tyler, spoke on behalf of the project. With the help of Mr. Eleasar Cisneros as her translator. Mr. Cisneros explained that Mrs. Ruiz and the adjoining businesses would be willing to share parking. Mrs. Ruiz explained that through her efforts the property has already been cleaned, which has helped the appearance of the neighborhood.

Commissioner Ivey asked the applicant if the property they are trying to rezone is on the back portion of the Martinez Bakery building and if Mrs. Ruiz is also the owner of the bakery. Mr. Cisneros explained that it is located behind the bakery, but the applicant is not the owner of the bakery. The bakery is owned by a church.

Commissioner Wilton asked the applicant to verify, on the map, which the property Mrs. Ruiz owns. Mr. Cisneros pointed out the exact location on the map.

Commissioner Wilton also asked staff to explain what the applicant is applying for and who the actual owner is. Planning Manager Cristina Odenborg Burns explained that the applicant, Mrs. Ruiz, is the owner and she is currently applying for a zone change. Mrs. Ruiz further explained that the main issue with the property is that it was sold by metes and bounds.

Commissioner Sparks asked if the area was rezoned from Light Industrial. Planning Manager Cristina Odenborg Burns explained that the zoning did not actually change; the uses that are allowed in a Light industrial area are what change with the new code.

Mr. Cisneros explained that the previous owners sold the property to Mrs. Ruiz not knowing that the property had been rezoned by the new code. Planning Manager explained that it wasn't not the zoning that changed by the allowed uses.

Business owner Samuel Baeza spoke in favor of the project. He explained that he is also trying to open a shop next to the property in question. He is waiting for the results of Mrs. Ruiz's application in order to pursue his own zone change application.

Commissioner Sparks stated that it looks like the surrounding areas that have recently developed are only single family homes. He asked if there are any other businesses nearby. Mr. Baeza explained that there is a Dollar General and a gas station in the area.

Commissioner Ivey asked if Mr. Baeza owns the bakery and the property south of it. Mr. Baeza explained that he is co-owner of the bakery and the property to the south.

Resident Rose Jasso, 145 N. 5th Street #215, Monte Bello, Ca, addressed the commission with a question in regards to the effects of this zone change to her nearby property.

Commissioner Sparks explained that this zone change would have no bearing on her property.

The public hearing was closed at 4:23 p.m.

Commissioner Ivey asked staff if the zoning were to be changed would the metes and bounds be another obstacle for Mrs. Ruiz to move forward. Planning Manager Cristina Odenborg Burns explained that it would not meet the code requirements and would require a special exception approval from the City Council.

Commissioner Wilton asked what the minimum lot requirements was. Staff and Commissioner Sparks explained that the minimum lot requirement is 8000 sq. feet.

Commissioner Ivey moved to approve a request by Ramona Ruiz, for a zone change from LI, Light Industrial District to RR, Regional Retail District on the west half of Lot 1, Block 4, Moody Addition, City and County of Midland, Texas. (Generally located on the south side of South Street, approximately 95 feet west of North Tyler Street. Council District 2); seconded by Commissioner Gardaphe.

Commissioner Gardaphe and Commissioner Sparks commended the applicant and the business owners who spoke in favor of the project for their attempts and commitments to improve the aesthetics and livelihood of the neighborhood.

The motion carried by the following vote: AYE: Wilton, Ivey, Gardaphe, Sparks, and Bryant. NAY: None. ABSTAIN: None. ABSENT: Williams and Lawrence.

Miscellaneous

With no further items or business to come before the Commission, Chairman Sparks adjourned the meeting at 4:29 p.m.

_____ _____

Josh Sparks, Chairman Date

_____ _____

Cristina Odenborg Burns, Planning Division Manager Date
Development Services Department

Planning and Zoning Commission

Approved for Agenda:

MEETING DATE: **July 6, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Elizabeth Shaughnessy, Senior Planner**

SUBJECT: **Consider a proposed Preliminary Plat of Grassland Estates West, Section 13, being a plat of a 25.3859 - acres tract of land located in Section 35, Block 40, T-1-S, T&P RR Co Survey, City and County of Midland, Texas. (Generally located on the west side of W. State Highway 158, approximately 1,631 - feet north of Brandy Hill Road. Council District 4)**

Recommended Planning and Zoning Commission Action:

☒ **Approve** ☐ **Deny** ☐ **Direction/Informational**

Details of Request:

The applicant, Cumberland & Western Resources, LLC, is proposing to plat a 25.3859 - acres tract of land located in Section 35, Block 40, T-1-S, T&P RR Co Survey, City and County of Midland, Texas, into one (1) lot for a multi-family development.

Current Zoning:

MF-22, Multi-Family Dwelling District.

ENGINEERING: (Approved)

IMPACT FEES: Ok as shown

ROW: Ok as shown

PAVING: State Highway 158 is a TxDOT facility, built and maintained by TxDOT, improvements required. Proposed Wadley Avenue will need to be paved following City Standards for entire platted frontage or request a deferral. Deferral request can only be approved/denied as item on Council Agenda. Securities/Deposits/OPC's may be required.

WATER: Existing 30" Water Main along State Highway 158. None existing on future extension of Wadley Ave. Construct water to City Standards along entire platted frontage or request a deferral. Deferral request can only be approved/denied as item on Council Agenda. Securities/Deposits/OPC's may be required.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 1, 2019 - Fire hydrants shall be spaced no more than 400' apart, hydrant top or bonnet shall be color coded per

NFPA (less than 500gpm RED, 500-999gpm YELLOW, 1000-1499gpm GREEN, Greater than 1500GPM BLUE)

PRO RATA: NONE

SEWER: None existing. Construct wastewater to City Standards along entire platted frontage or request a deferral. Deferral request can only be approved/denied as item on Council Agenda. Sewer capacity studies are required for all developments over 5 acres, serving 20 residences or more or multi-family sites, per Policy Statement. Securities/Deposits/OPC's may be required.

DRAINAGE: Drainage study is currently under review.

EASEMENTS: Ok as shown.

SIDEWALKS: Required with building permit.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

Depending on the nature and scale of the proposed development, a Traffic Impact Analysis MAY be required prior to approval of construction drawings.

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review.

No objections to plat.

FIRE: (Approved)

All future development is required to comply with IFC 2015 ed. and all city amendments and ordinances.

CODE COMPLIANCE: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat.

CODE ADMINISTATION: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

SURVEYOR: (Approved)

No comments.

COLORADO RIVER MUNICIPAL WATER DISTRICT:

See attachment.

PLANNING:

Provide the property owners information on the plat.

Provide the northing and easting coordinate for the point of beginning (POB).

Provide Utility Company's Certificate for At&t, Suddenlink, and Grande.

Provide distance and direction information for the proposed drainage easement.

Provide the missing curve information for the boundary line located in the south west corner of the plat.

Our records show the City of Midland water main easement adjacent to Goldsmith Highway is 20 feet not 40 feet. Verify easement width.

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

Conditions:

A. That the technical items listed above are addressed.

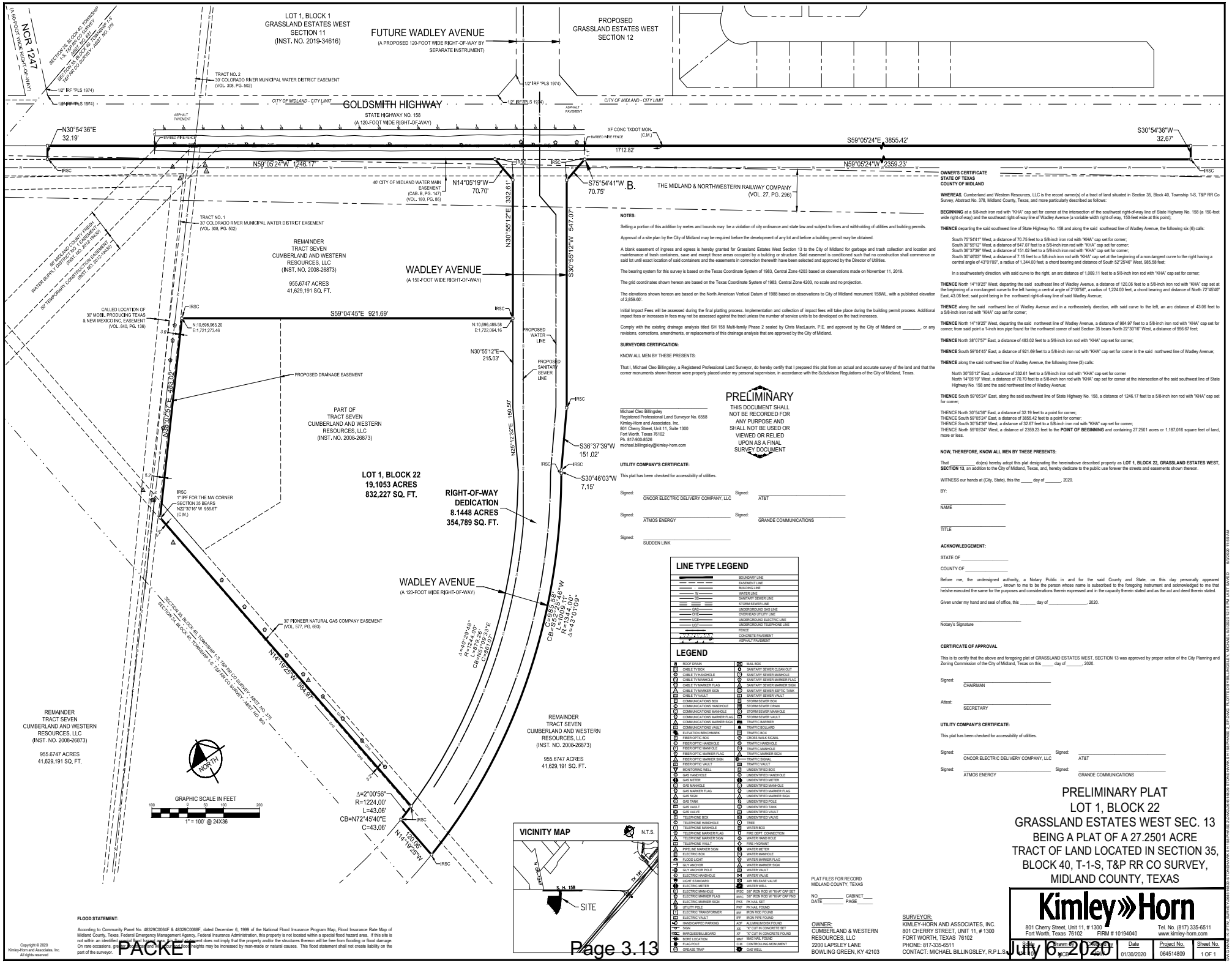
B. That the required public improvements are adequately met.

C. That a drainage study is approved.

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

Attachments:

Proposed Preliminary Plat
Application
Map



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.

A blank easement of ingress and egress is hereby granted for Grassland Estates West Section 13 to the City of Midland for garbage and trash collection and location and maintenance of trash containers, save and except those areas occupied by a building or structure. Said easement is conditioned such that no construction shall commence on said lot until exact location of said containers and the easements in connection therewith have been selected and approved by the Director of Utilities.

The bearing system for this survey is based on the Texas Coordinate System of 1983, Central Zone 4203 based on observations made on November 11, 2019.

The grid coordinates shown hereon are based on the Texas Coordinate System of 1983, Central Zone 4203, no scale and no projection.

The elevations shown hereon are based on the North American Vertical Datum of 1988 based on observations to City of Midland monument 158WL, with a published elevation of 2,859.60'.

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

Comply with the existing drainage analysis titled SH 158 Multi-family Phase 2 sealed by Chris MacLaurin, P.E. and approved by the City of Midland on _____, or any revisions, corrections, amendments, or replacements of this drainage analysis that are approved by the City of Midland.

SURVEYORS CERTIFICATION:

KNOW ALL MEN BY THESE PRESENTS:

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

Michael Cleo Billingsley
Registered Professional Land Surveyor No. 6558
Kimley-Horn and Associates, Inc.
801 Cherry Street, Unit 11, Suite 1300
Fort Worth, Texas 76102
Ph. 817-900-8526
michael.billingsley@kimley-horn.com

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

UTILITY COMPANY'S CERTIFICATE:

This plat has been checked for accessibility of utilities.

Signed: _____ ONCOR ELECTRIC DELIVERY COMPANY, LLC
Signed: _____ AT&T
Signed: _____ ATMOS ENERGY
Signed: _____ GRANDE COMMUNICATIONS
Signed: _____ SUDDEN LINK

LINE TYPE LEGEND

	BOUNDARY LINE
	EASEMENT LINE
	BUILDING LINE
W	WATER LINE
SS	SANITARY SEWER LINE
	STORM SEWER LINE
GAS	UNDERGROUND GAS LINE
OHE	OVERHEAD UTILITY LINE
UGE	UNDERGROUND ELECTRIC LINE
UCT	UNDERGROUND TELEPHONE LINE
	FENCE
	CONCRETE PAVEMENT
	ASPHALT PAVEMENT

LEGEND

	ROOF DRAIN		MAIL BOX
	CABLE TV BOX		SANITARY SEWER CLEAN OUT
	CABLE TV HANDHOLE		SANITARY SEWER MANHOLE
	CABLE TV MANHOLE		SANITARY SEWER MARKER FLAG
	CABLE TV MARKER FLAG		SANITARY SEWER MARKER SIGN
	CABLE TV MARKER SIGN		SANITARY SEWER SEPTIC TANK
	CABLE TV VAULT		SANITARY SEWER VAULT
	COMMUNICATIONS BOX		STORM SEWER BOX
	COMMUNICATIONS HANDHOLE		STORM SEWER DRAIN
	COMMUNICATIONS MANHOLE		STORM SEWER MANHOLE
	COMMUNICATIONS MARKER FLAG		STORM SEWER VAULT
	COMMUNICATIONS MARKER SIGN		TRAFFIC BARRIER
	COMMUNICATIONS VAULT		TRAFFIC BOLLARD
	ELEVATION BENCHMARK		TRAFFIC BOX
	FIBER OPTIC BOX		CROSS WALK SIGNAL
	FIBER OPTIC HANDHOLE		TRAFFIC HANDHOLE
	FIBER OPTIC MANHOLE		TRAFFIC MANHOLE
	FIBER OPTIC MARKER FLAG		TRAFFIC MARKER SIGN
	FIBER OPTIC MARKER SIGN		TRAFFIC SIGNAL
	FIBER OPTIC VAULT		TRAFFIC VAULT
	MONITORING WELL		UNIDENTIFIED BOX
	GAS HANDHOLE		UNIDENTIFIED HANDHOLE
	GAS METER		UNIDENTIFIED METER
	GAS MANHOLE		UNIDENTIFIED MANHOLE
	GAS MARKER FLAG		UNIDENTIFIED MARKER FLAG
	GAS SIGN		UNIDENTIFIED MARKER SIGN
	GAS TANK		UNIDENTIFIED POLE
	GAS VAULT		UNIDENTIFIED TANK
	GAS VALVE		UNIDENTIFIED VAULT
	TELEPHONE BOX		UNIDENTIFIED VALVE
	TELEPHONE HANDHOLE		TREE
	TELEPHONE MANHOLE		WATER BOX
	TELEPHONE MARKER FLAG		FIRE DEPT. CONNECTION
	TELEPHONE MARKER SIGN		WATER HAND HOLE
	TELEPHONE VAULT		FIRE HYDRANT
	PIPELINE MARKER SIGN		WATER METER
	ELECTRIC BOX		WATER MANHOLE
	FLOOD LIGHT		WATER MARKER FLAG
	GUY ANCHOR		WATER MARKER SIGN
	GUY ANCHOR POLE		WATER VAULT
	ELECTRIC HANDHOLE		WATER VALVE
	LIGHT STANDARD		AIR RELEASE VALVE
	ELECTRIC METER		WATER WELL
	ELECTRIC MANHOLE	IRSC	5/8" IRON ROD W/ "KHA" CAP SET
	ELECTRIC MARKER FLAG	IRFC	5/8" IRON ROD W/ "KHA" CAP FND
	ELECTRIC MARKER SIGN	PKS	PK NAIL SET
	UTILITY POLE	PKF	PK NAIL FOUND
	ELECTRIC TRANSFORMER	IRF	IRON ROD FOUND
	ELECTRIC VAULT	IPF	IRON PIPE FOUND
	HANDICAPPED PARKING	ADF	ALUMINUM DISK FOUND
	SIGN	XS	"X" CUT IN CONCRETE SET
	MARQUEE/BILLBOARD	XF	"X" CUT IN CONCRETE FOUND
	BORE LOCATION	MNF	MAG NAIL FOUND
	FLAG POLE	C.M.	CONTROLLING MONUMENT
	GREASE TRAP		GAS WELL

OWNER'S CERTIFICATE
STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, Cumberland and Western Resources, LLC is the record owner(s) of a tract of land situated in Section 35, Block 40, Township 1-S, T&P RR Co Survey, Abstract No. 378, Midland County, Texas, and more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with "KHA" cap set for corner at the intersection of the southwest right-of-way line of State Highway No. 158 (a 150-foot wide right-of-way) and the southeast right-of-way line of Wadley Avenue (a variable width right-of-way, 150-feet wide at this point);

THENCE departing the said southwest line of State Highway No. 158 and along the said southeast line of Wadley Avenue, the following six (6) calls:

South 75°54'41" West, a distance of 70.75 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
South 30°55'12" West, a distance of 547.07 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
South 36°37'39" West, a distance of 151.02 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
South 30°46'03" West, a distance of 7.15 feet to a 5/8-inch iron rod with "KHA" cap set at the beginning of a non-tangent curve to the right having a central angle of 43°01'09", a radius of 1,344.00 feet, a chord bearing and distance of South 52°25'46" West, 985.58 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 1,009.11 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE North 14°19'25" West, departing the said southeast line of Wadley Avenue, a distance of 120.06 feet to a 5/8-inch iron rod with "KHA" cap set at the beginning of a non-tangent curve to the left having a central angle of 2°00'56", a radius of 1,224.00 feet, a chord bearing and distance of North 72°45'40" East, 43.06 feet; said point being in the northwest right-of-way line of said Wadley Avenue;

THENCE along the said northwest line of Wadley Avenue and in a northeasterly direction, with said curve to the left, an arc distance of 43.06 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE North 14°19'25" West, departing the said northwest line of Wadley Avenue, a distance of 984.97 feet to a 5/8-inch iron rod with "KHA" cap set for corner; from said point a 1-inch iron pipe found for the northwest corner of said Section 35 bears North 22°30'16" West, a distance of 956.67 feet;

THENCE North 38°07'57" East, a distance of 483.02 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE South 59°04'45" East, a distance of 921.69 feet to a 5/8-inch iron rod with "KHA" cap set for corner in the said northwest line of Wadley Avenue;

THENCE along the said northwest line of Wadley Avenue, the following three (3) calls:

North 30°55'12" East, a distance of 332.61 feet to a 5/8-inch iron rod with "KHA" cap set for corner
North 14°05'19" West, a distance of 70.70 feet to a 5/8-inch iron rod with "KHA" cap set for corner at the intersection of the said southwest line of State Highway No. 158 and the said northwest line of Wadley Avenue;

THENCE South 59°05'24" East, along the said southwest line of State Highway No. 158, a distance of 1246.17 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE North 30°54'36" East, a distance of 32.19 feet to a point for corner;
THENCE South 59°05'24" East, a distance of 3855.42 feet to a point for corner;
THENCE South 30°54'36" West, a distance of 32.67 feet to a 5/8-inch iron rod with "KHA" cap set for corner;
THENCE North 59°05'24" West, a distance of 2359.23 feet to the **POINT OF BEGINNING** and containing 27.2501 acres or 1,187,016 square feet of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____ do(es) hereby adopt this plat designating the hereinabove described property as **LOT 1, BLOCK 22, GRASSLAND ESTATES WEST, SECTION 13**, an addition to the City of Midland, Texas, and, hereby dedicate to the public use forever the streets and easements shown thereon.

WITNESS our hands at (City, State), this the _____ day of _____, 2020.

BY:

_____
NAME

_____
TITLE

ACKNOWLEDGEMENT:

STATE OF _____

COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

Given under my hand and seal of office, this _____ day of _____, 2020.

_____
Notary's Signature

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of GRASSLAND ESTATES WEST, SECTION 13 was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this _____ day of _____, 2020.

Signed: _____ CHAIRMAN
Attest: _____ SECRETARY

UTILITY COMPANY'S CERTIFICATE:

This plat has been checked for accessibility of utilities.

Signed: _____ ONCOR ELECTRIC DELIVERY COMPANY, LLC
Signed: _____ AT&T
Signed: _____ ATMOS ENERGY
Signed: _____ GRANDE COMMUNICATIONS

PLAT FILES FOR RECORD
MIDLAND COUNTY, TEXAS

NO._____ CABINET____
DATE _____ PAGE_____

OWNER:
CUMBERLAND & WESTERN
RESOURCES, LLC
2200 LAPSLEY LANE
BOWLING GREEN, KY 42103

SURVEYOR:
KIMLEY-HORN AND ASSOCIATES, INC.
801 CHERRY STREET, UNIT 11, # 1300
FORT WORTH, TEXAS 76102
PHONE: 817-335-6511
CONTACT: MICHAEL BILLINGSLEY, R.P.L.S.

FLOOD STATEMENT:

According to Community Panel No. 48329C0064F & 48329C0068F, dated December 6, 1999 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Midland County, Texas, Federal Emergency Management Agency, Federal Administration, this property is not located within a special flood hazard area. If this site is not within an identified special flood hazard area, 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 occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

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Kimley-Horn and Associates, Inc.
All rights reserved

PRELIMINARY PLAT
LOT 1, BLOCK 22
GRASSLAND ESTATES WEST SEC. 13
BEING A PLAT OF A 27.2501 ACRE TRACT OF LAND LOCATED IN SECTION 35, BLOCK 40, T-1-S, T&P RR CO SURVEY, MIDLAND COUNTY, TEXAS

Kimley»Horn
801 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102
Tel. No. (817) 335-6511
FIRM # 10194040
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1"=100'	MCB	JCC	01/30/2020	064514809	1 OF 1

PACKET
Page 3.13
July 6 2020

MIDLAND Planning Division

Preliminary Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: Grassland Estates West Section 13

Legal Description (attached sealed Metes and Bounds): attached

Property Owner Printed Name: Cumberland & Western Resources, LLC		Phone (941) 488-4422 Email Greg@Bettertonlaw.com	
Address 2300 Lapsley Ln.	City Bowling Green	State KY	Zip 42103
Developer *(if different than Owner)* Printed Name: Stonehawk Capital Partners, LLC		Phone (714) 686-7242 Email bhopkins@ stonehawk capitol.com	
Address 2722 Routh Street	City Dallas	State TX	Zip 75201
Representative *(if acting as Agent, see affidavit on page 2)* Firm: Rendall Sikes, PLLC Printed Name:		Phone (432) 704-5450 Email rrendall@rendallsikes.com	
Address 6 Desta Drive, Suite 1000	City Midland	State TX	Zip 79705

Current Zoning: MF-2

Reason for Platting: Required for Building Permit

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

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

Provisions

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

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

Property Owner (signature):	Date:

Property Owner (printed) : _____

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Robert V. Rendall who, being by me duly sworn, upon oath says: That (s)he is authorized by Cumberland & Western Resources, 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 8th day of May, 20 20, to certify which witness my hand and seal of office.

CLAUDIA CANTU
Notary Public, State of Texas
Comm. Expires 12-09-2021
Notary ID 129647113

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

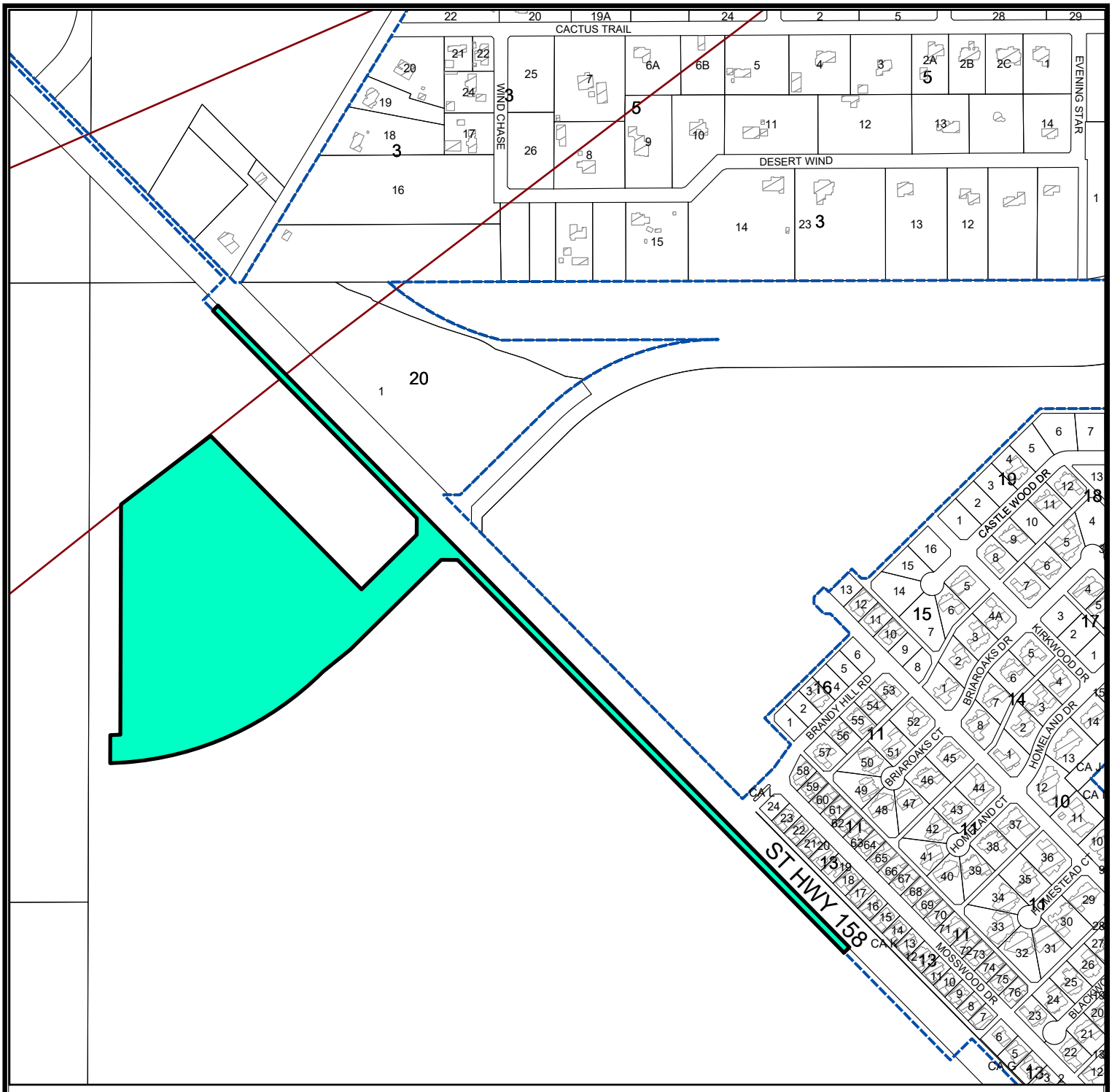
FOR OFFICE USE ONLY

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

Check # _____

Received By:	Date:

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



LOCATION MAP

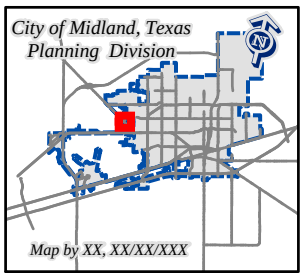
SUB-20-0851 **Scale: 1" = 600'**

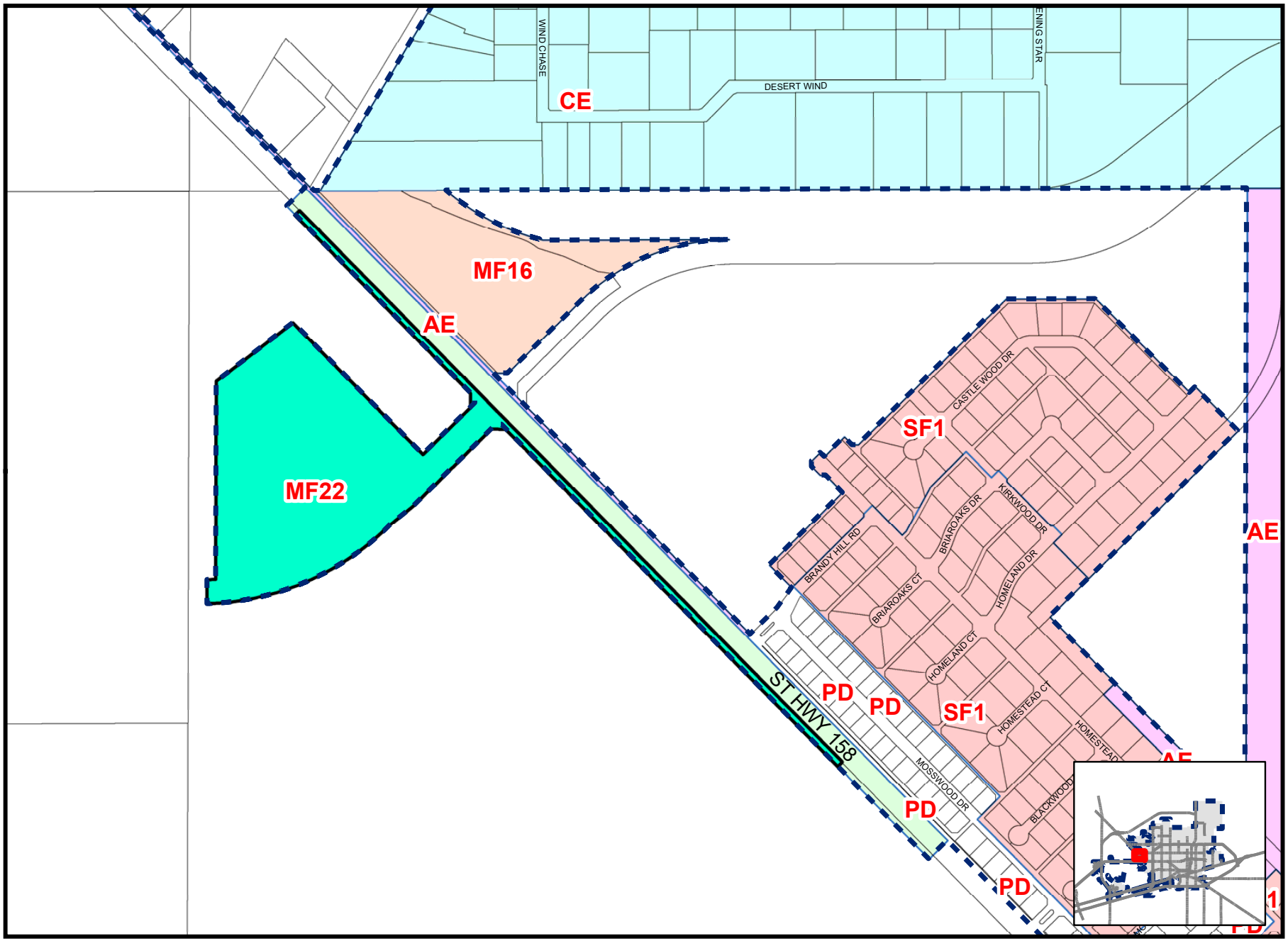
Consider a proposed plat of Grassland estates West, Section 13, being a plat of a 25.3859 - acres tract of land located in Section 35, Block 40, T-1-S, T&P RR Co Survey, City and County of Midland, Texas.

Generally located on the west side of W. State Highway 158, approximately 1,631 - feet north of Brandy Hill Road. (Council District 4)

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Map By ES, 6/26/2020

SUB-20-0851

Scale: 1" = 600'

ZONING MAP

Planning and Zoning Commission

MEETING DATE: **July 6, 2020**

TO: **Planning and Zoning Commission**

FROM: **Elizabeth Shaughnessy, Senior Planner**

SUBJECT: **Consider a Proposed Final Plat of Johnson & Moran Addition, Section 7, being a replat of Lots 1 and 2, Block A-1, Resubdivision of Tracts A & The East Half of B, Johnson & Moran Addition, City and County of Midland Texas. (Generally located on the southwest corner of the intersection of West Cuthbert Avenue and North Garfield Street. Council District 3)**

Recommended Planning and Zoning Commission Action:

☒ Approve ☐ Deny ☐ Direction/Informational

Details of Request:

The applicant, the City of Midland, is proposing to replat 2303 W. Cuthbert Avenue and 2301 West Cuthbert Avenue, into one (1) lot to dedicate right-of-way for the development of a traffic circle.

Current Zoning:

SF-2, Single Family Housing District.

Preliminary Plat Approval:

The preliminary plat was approved at the May 4, 2020 Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

The Final Plat attached hereto has been circulated to all City departments for review.

ENGINEERING: (Approved)

IMPACT FEES: No impact fees will be assessed.

ROW: ROW okay as shown.

PAVING: Cuthbert and Garfield are already paved to City standards. No paving improvements required.

WATER: Water existing in Cuthbert and Garfield. no water improvements required.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 1, 2019 - Fire hydrants shall be spaced no more than 400' apart, color coded rings shall be installed on the fire hydrant to indicate flow rate per NFPA (less than 500gpm RED, 500-999gpm YELLOW, 1000-1499gpm GREEN, Greater than 1500GPM BLUE)

PRO RATA: None.

SEWER: Sewer existing in the alley to the south of the property. No wastewater improvements required.

DRAINAGE: No drainage report required.

EASEMENTS: Okay as shown.

SIDEWALKS: Required with building permit.

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.

No objections to plat.

CODE ADMINISTRATION: (Approved)

CODE COMPLIANCE: (Approved)

No Oil and Gas issues.

FIRE: (Approved)

No additional comments.

PLANNING:

All departments' comments have been satisfied.

Conditions:

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

Attachments:

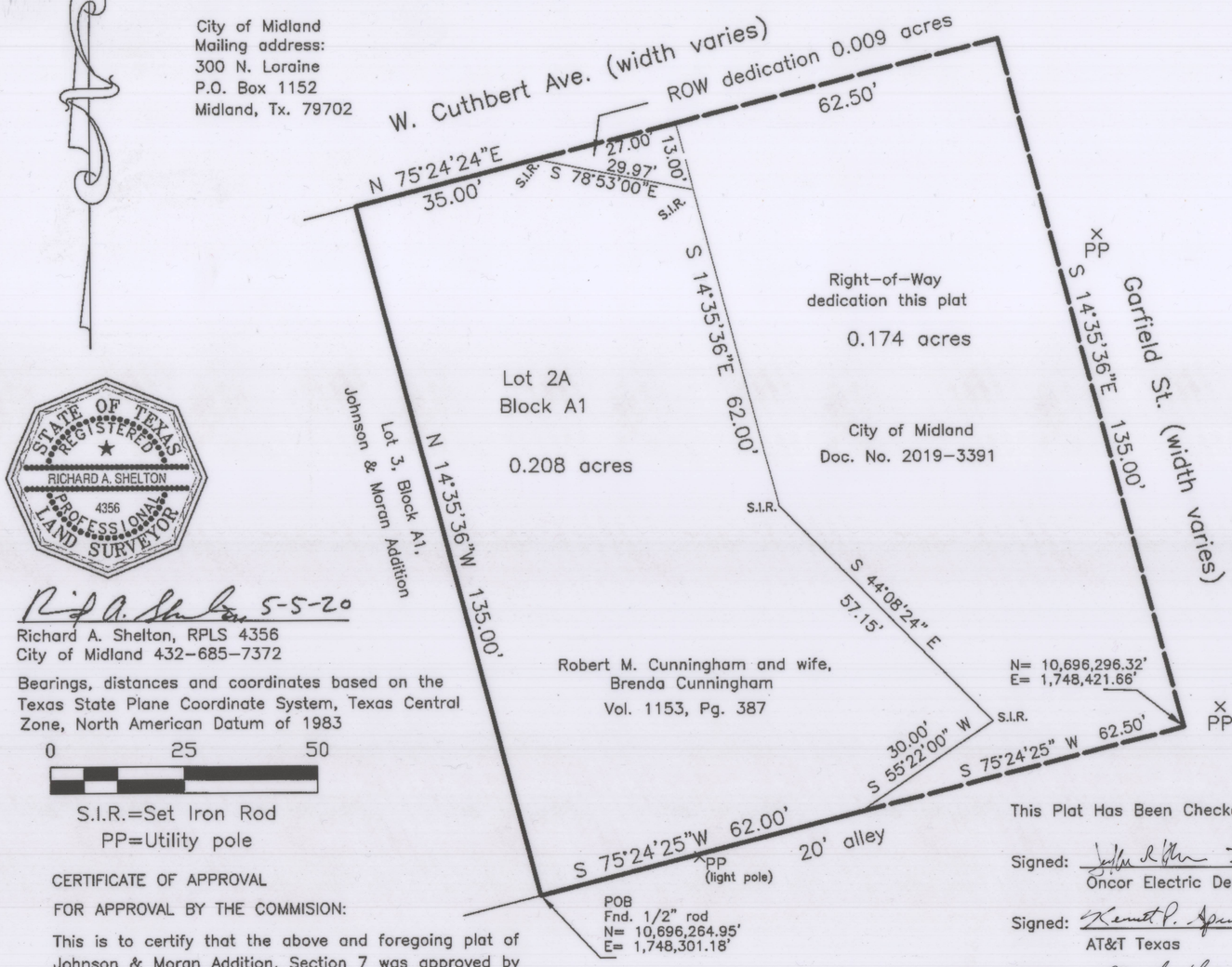
Proposed Final Plat
Application
Maps

Johnson & Moran Addition
Section 7

Being a replat of Lots 1 and 2, Block A1, Johnson & Moran Addition, City and County of Midland, Texas

Robert M. Cunningham and wife,
Brenda Cunningham
Mailing address:
2 East Windsor Hills Circle
Conroe, Texas 77384

City of Midland
Mailing address:
300 N. Loraine
P.O. Box 1152
Midland, Tx. 79702



STATE OF TEXAS
REGISTERED
RICHARD A. SHELTON
4356
PROFESSIONAL
LAND SURVEYOR

5-5-20

Richard A. Shelton, RPLS 4356
City of Midland 432-685-7372

Bearings, distances and coordinates based on the Texas State Plane Coordinate System, Texas Central Zone, North American Datum of 1983

0 25 50

S.I.R.=Set Iron Rod
PP=Utility pole

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE COMMISION:

This is to certify that the above and foregoing plat of Johnson & Moran Addition, Section 7 was approved by proper action of the City Planning and Zoning Commisssion of the City of Midland, on this ____ day of _____, 2020.

Signed: _____
Chairman Josh Sparks

Attest: _____
Secretary Cristina Odenborg Burns

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO._____CABINET____
DATE_____PAGE_____

Owners

State of Texas
County of Midland

Whereas, We are the record owner of Lot 2, Block A-1, of the Resubdivision of Tracts "A" & the East half of "B", Johnson & Moran Addition as shown in Vol. 122, Pg. 283.

Now, Therefore, Know all men by these presents:

That we do hereby adopt this plat designating the hereinabove described property as Johnson & Moran Addition, Section 7, an addition to the City of Midland, and do hereby dedicate to the public use forever the streets and alley shown hereon.

Witness my hand at Midland, Texas, This 6 day of May .2020.

Robert M. Cunningham — Brenda Cunningham

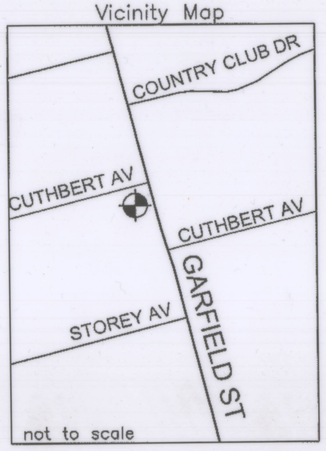
State of Texas
County of ~~Midland~~ MONTGOMERY

This instrument was acknowledged before me on this 6th day of May,2020, Robert M. Cunningham and wife Brenda Cunningham.

Notary Public
~~Midland~~ County, Texas
MONTGOMERY

KIMBERLY NICHOLSON
Notary Public, State of Texas
Comm. Expires 09-27-2023
Notary ID 132190010

Vicinity Map



State of Texas
County of Midland

Whereas, The City of Midland is the record owner of Lot 1, Block A-1, of the Resubdivision of Tracts "A" & the East half of "B", Johnson & Moran Addition as shown in Vol. 122, Pg. 283.

Now, Therefore, Know all men by these presents:

That the City of Midland does adopt this plat designating the hereinabove described property as Johnson & Moran Addition, Section 7, an addition to the City of Midland, and do hereby dedicate to the public use forever the streets and alley shown hereon.

Witness my hand at Midland, Texas, This____day of _____.2020.

_____
Courtney Sharp, City Manager

State of Texas
County of Midland:

This instrument was acknowledged before me on this____day of _____,2020, Courtney Sharp

_____
Notary Public
Midland County, Texas

This Plat Has Been Checked For Accessibility Of Utilities

Signed: _____ Jeffrey R. Henderson
Oncor Electric Delivery Company

Signed: _____ KENNETH P. SPENCER
AT&T Texas

Signed: _____ MARK LIEB
Atmos Energy

Signed: _____ Luis Montez
Suddenlink Communications

Signed: _____ Bill Bentley
Grande Communications

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 these lot(s) may be developed and before a building permit may be obtained."

MIDLAND
Planning Division

Final Plat Application

Project Number: SUB-20-0032
Case Number: P-20-0877

Proposed Subdivision Plat Name: Johnson and Moran Addition, Section 7

Legal Description (attached sealed Metes and Bounds): Lots 1 and 2, Block A1, Johnson and Moran Addition, City and County of Midland, Texas

Property Owner Printed Name: Robert M. Cunningham and Brenda Cunningham		Phone ( ) N/A Email	
Address 2 East Windsor Hills Circle	City Conroe	State TX	Zip 77384

Developer *(if different than Owner)* Printed Name: City of Midland		Phone (432) 685-7287 Email	
Address 300 N. Loraine	City Midland	State TX	Zip 79702

Representative *(if acting as Agent, see affidavit on page 2)* Firm: City of Midland Printed Name: Michael Pacelli, City Traffic Engineer		Phone ( ) Email	
Address (same as above)	City	State	Zip

Current Zoning: SF-2

Reason for Platting: Dedication of ROW for roadway improvement project

Plat Information	Total Acreage: 0.382 ac
Type: ☒ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: 1	Number of Multi-Family Dwelling Units: N/A

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

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

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

Property Owner (signature): [signature] Date: 5/16/2020

Property Owner (printed) : Robert M. Cunningham

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~~ montgomery

Before me, the undersigned authority, on this day personally appeared ~~ROBERT M. CUNNINGHAM~~ 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.

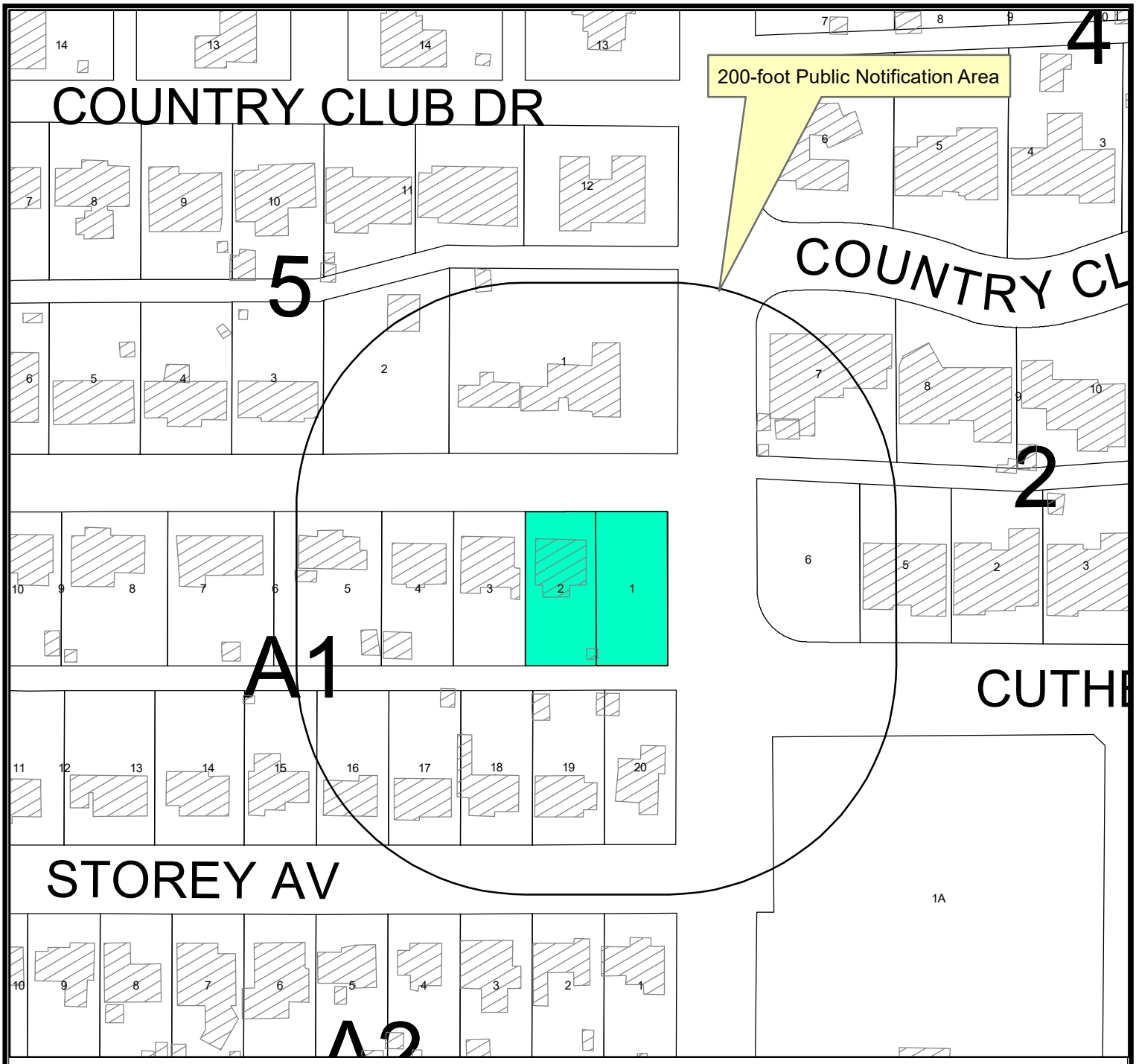
_____
NOTARY PUBLIC, ~~MIDLAND~~ COUNTY, TEXAS
MONTGOMERY

FOR OFFICE USE ONLY

- ☑ Property Owner Authorization
- ☑ Mylar
- ☐ Application Fee
- Check # waived
- ☐ 1 Copy of Dimensioned Plat
- ☐ 1 Copy of Plat (11x17)
- ☐ Title Opinion
- ☐ Tax Certificates
- ☐ Plat in Digital Format (PDF/JPEG)
- ☐ CADD File
- ☐ Public Improvement
- ☑ Recording Fee
- Check # 333243
- Received By: [signature]
- Date: RECEIVED JUN 18 2020 BY: .....

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

Revised 7/01/19



LOCATION MAP

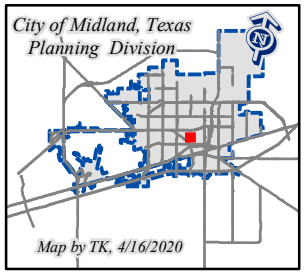
SUB-20-0330 **Scale: 1" = 250'**

Proposed plat of Johnson & Moran Addition, Section 7, being a replat of Lots 1 and 2, Block A-1, Resubdivision of Tracts A & The East Half of B, Johnson & Moran Addition, City and County of Midland Texas.

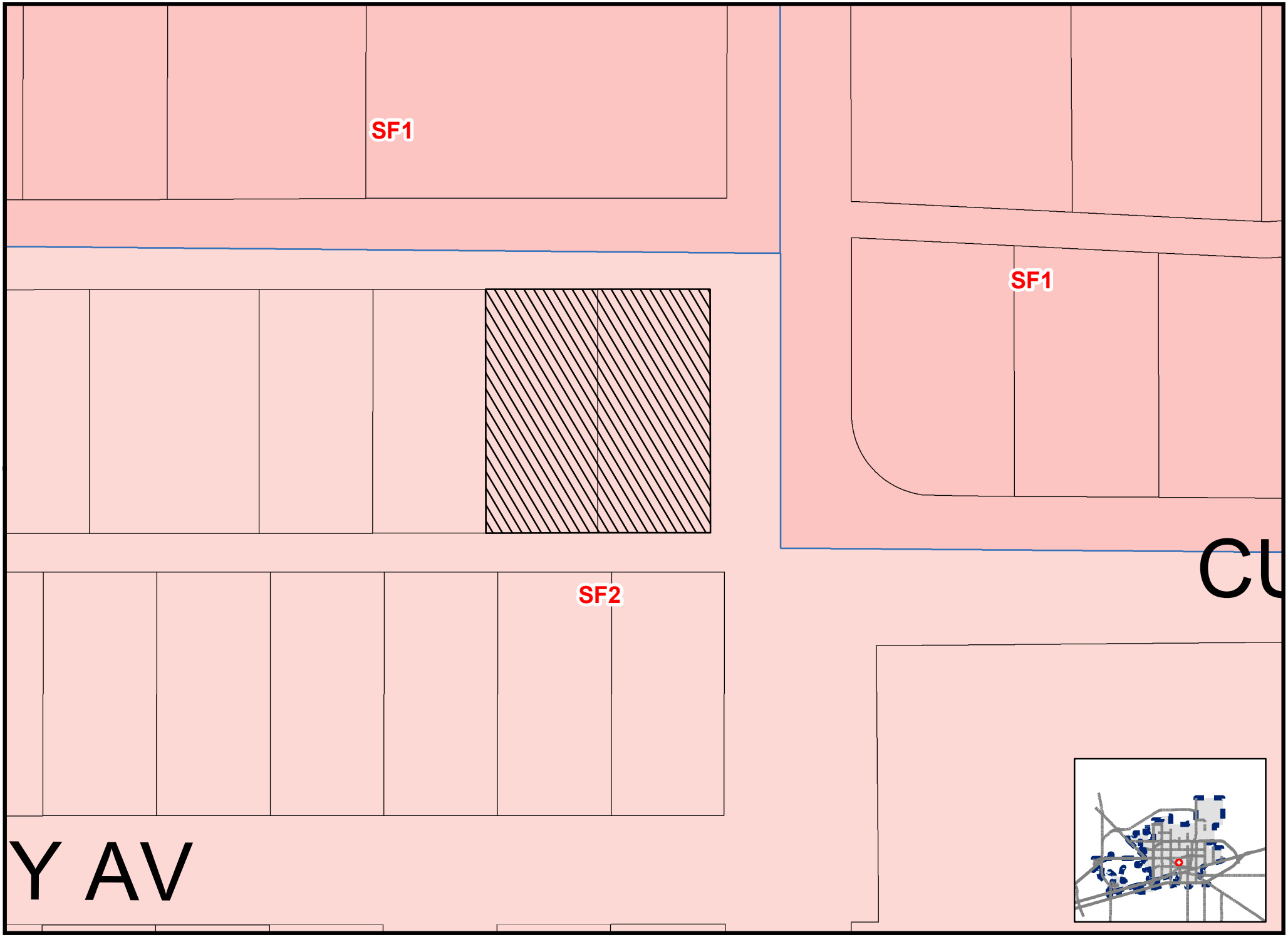
Generally located on the southwest corner of the intersection of West Cuthbert Avenue and North Garfield Street. (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020
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.



Map By TK, 04/16/2020

PACKET

SKB-20-0330

Scale: 1" = 200'

ZONING MAP

July 6, 2020

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Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **July 06, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Glenda Arroyo-Cruz, Planner**

SUBJECT: **Consider a proposed Final Plat of Los Patios, Section 6, being an 8.47-acres tract of land located in Section 25, Block 40, T-1-S, T&P RR. Co. Survey City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Briarwood Avenue and Holiday Hill Road. Council District 4) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

__X__ **Approve** _____ **Deny** _____ **Directional/Informational**

Current Zoning:

LR, Local Retail District.

Preliminary Plat Approval:

The applicant, Parkhill, Smith and Cooper, is proposing to plat an 8.47-acres tract of land located in Section 25, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland Texas, located on the southwest corner of the intersection of Briarwood Avenue and Holiday Hill Road into eleven (11) lots. The preliminary plat was approved at the September 3, 2019 Planning and Zoning Commission meeting.

Final Plat Requirements:

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

This proposed Final Plat of Los Patio, Section 6 has been circulated to all city departments for their review.

Departmental Review:

Engineering: (Approved)

APPR: LOC accepted 7/1/20.

***Denied: Public water and wastewater improvements not approved. Letter of Credit will be accepted per discussion with Jose Ortiz. ***

ROW: In town and on corner request 20'X20' Corner Clip or 10' x 10' Corner Clip to be dedicated for sight triangle and ADA ramp construction. In town then we need ROW based on street classification – see Code & Standard Details.

PAVING: Briarwood Ave, Holiday Hill Rd, Frio Dr., and Santa Rosa Dr. roadway okay as is. No public paving improvements required.

WATER: 8" water exists in Guadaluape Street S of tract & Santa Rosa Dr. W of tract , okay as is. Public water improvements required.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 1, 2019 - Fire hydrants shall be spaced no more than 400' apart, hydrant top or bonnet shall be color coded per NFPA (less than 500gpm RED, 500-999gpm YELLOW, 1000-1499gpm GREEN, Greater than 1500GPM BLUE)

PRO RATA: Bush Tennis Center, Section 2 Per Resolution 2014-063 - Briarwood Phase I widening, $211/LF required. $211/LF x 797.08 LF = $168,183.88. Paid.

SEWER: 8" sewer exists in alley S of tract, okay as is. Public wastewater improvements required.

DRAINAGE: Drainage study approved.

EASEMENTS: Show existing and proposed. Easement for CRWMD utility only has constant width of 69'. Add additional easements for access to lots across Briarwood.

SIDEWALKS: Sidewalks required on collector/arterial roadways, along common areas and ADA ramps required at corners before public infrastructure is accepted.

DIMENSION: * * *

OTHER: All public infrastructure improvements and plat to comply with City of Midland – Engineering Services, Fire Department & Utilities Policy Statement – City Standards & Development Requirements. (Found on-line at: http://www.midlandtexas.gov/DocumentCenter/View/2625)

New City standard details can be found on-line at:
http://www.midlandtexas.gov/DocumentCenter/View/4278/City-of-Midland-Standard-Details.

Transportation: (Approved)

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review.

No objections to plat.

Fire: (Approved)

No additional comments- All future development is required to comply with IFC 2015 ed. and adopted codes.

Code Compliance: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat.

Building Inspection: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Planning:

All departments' comments must be addressed as a condition of Final plat approval.

Conditions:

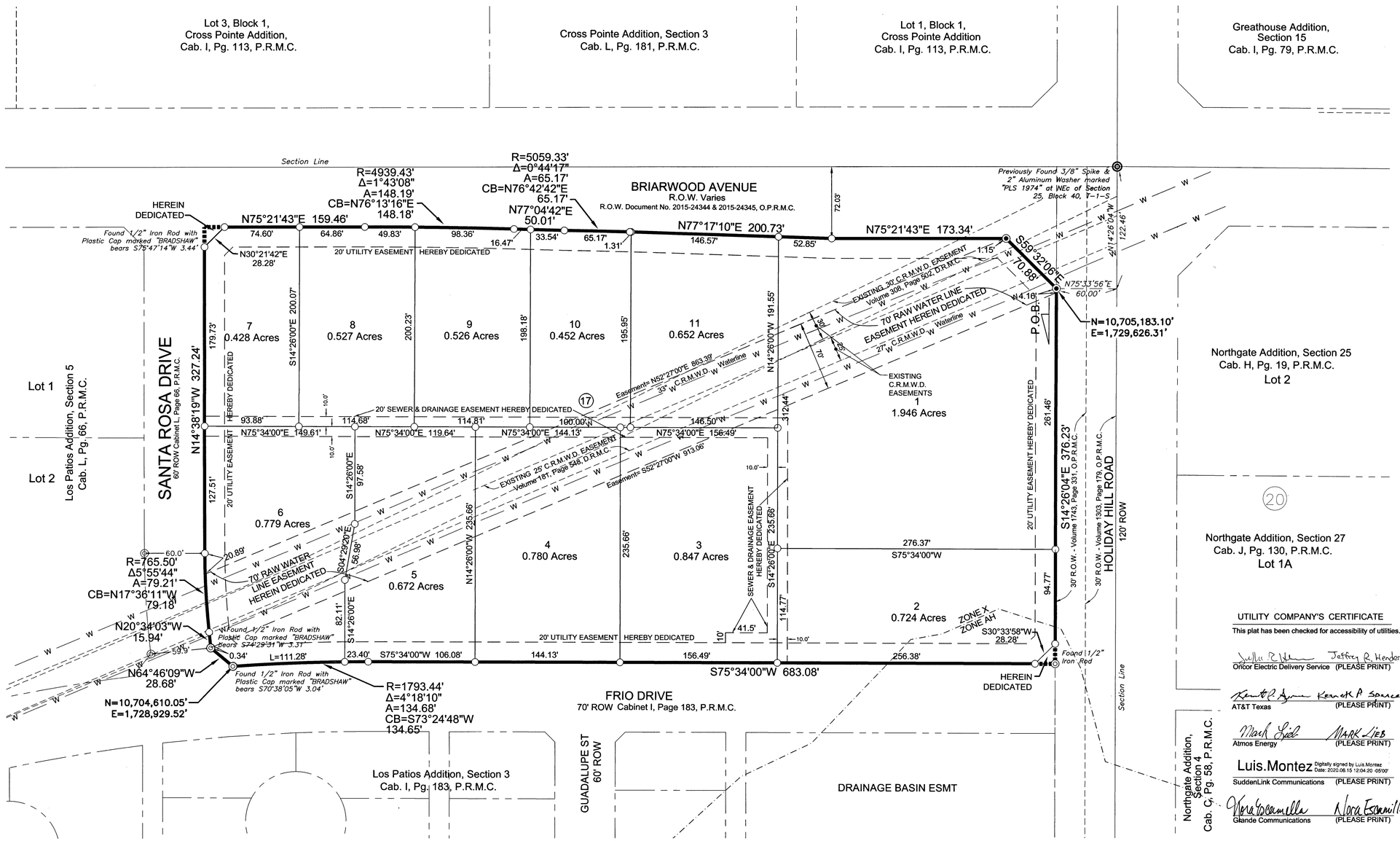
A. That all plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland.

Attachments:

Proposed Final Plat
Application
Map

LOS PATIOS ADDITION SECTION 6

Being a Plat of a 8.342 Acre Tract as described in Document No. 2019-21076, O.P.R.M.C. as a 8.375 Acre Tract within Section 25, Block 40, T-1-S, T. & P. Ry. Survey, City and County of Midland, Texas.



NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. A BLANKET EASEMENT OF INGRESS AND EGRESS IS HEREBY GRANTED FOR LOS PATIOS, SECTION 6 TO THE CITY OF MIDLAND FOR GARBAGE AND TRASH COLLECTION AND LOCATION AND MAINTENANCE OF TRASH CONTAINERS, SAVE AND EXCEPT THOSE AREAS OCCUPIED BY A BUILDING OR STRUCTURE. SAID EASEMENT IS CONDITIONED SUCH THAT NO CONSTRUCTION SHALL COMMENCE ON SAID LOT UNTIL EXACT LOCATION OF SAID CONTAINERS AND THE EASEMENTS IN CONNECTION THEREWITH HAVE BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.
4. THERE IS A RECIPROCAL RIGHT OF ACCESS AND PARKING BETWEEN LOTS 1-11, BLOCK 17 IN ALL LOCATIONS EXCEPT WHERE OTHERWISE OBSTRUCTED BY A BUILDING. NO PHYSICAL BARRIERS WILL BE ERECTED THAT WOULD RESTRICT VEHICULAR TRAFFIC BETWEEN LOTS.
5. INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS. IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.
6. **DRAINAGE EASEMENT NOTE:**
   a. RELATIVE TO THE DRAINAGE EASEMENT: THE MAINTENANCE OF ANY STORMWATER FACILITY IN THIS EASEMENT IS THE RESPONSIBILITY OF THE PROPERTY OWNER. PROPERTY OWNER AGREES TO MAINTAIN THE FACILITY IN WORKING ORDER, WITH INSPECTIONS AND CORRECTIVE ACTION MADE AT LEAST ANNUALLY. REPORTS OF SUCH INSPECTIONS AND MAINTENANCE SHALL BE KEPT FOR INSPECTION BY THE CITY OF MIDLAND STORMWATER ADMINISTRATOR ON REQUEST, OR MAY BE FORWARDED TO THE CITY ENGINEER'S OFFICE.
   b. RELATIVE TO THE DRAINAGE EASEMENT: THE CITY OF MIDLAND SHALL HAVE THE RIGHT TO MITIGATE DEFICIENCIES IN THE FUNCTION OF THE STORMWATER FACILITY, AND TO BE REIMBURSED BY THE PROPERTY OWNER, IF THE CITY FINDS IT NECESSARY FOR PUBLIC HEALTH AND SAFETY.
   c. RELATIVE TO THE DRAINAGE EASEMENT: THE CITY OF MIDLAND AND ITS EMPLOYEES, CONTRACTORS, AGENTS, SUCCESSORS, AND ASSIGNS, SHALL HAVE THE FREE AND UNINTERRUPTED RIGHT OF PASSAGE IN, ON, UPON, OVER, UNDER, ACROSS, ALONG AND THROUGH THE PROPERTY DESCRIBED HEREIN FOR THE PURPOSE OF ESTABLISHING, LAYING, CONSTRUCTING, RECONSTRUCTING, INSTALLING, REALIGNING, MODIFYING, REPLACING, IMPROVING, ALTERING, OPERATING, MAINTAINING, ACCESSING, INSPECTING, REPAIRING, RELOCATING AND REMOVING SAID FACILITIES, INCLUDING BUT NOT LIMITED TO, THE RIGHT TO CUT AND TRIM BUSHES AND TREES, TOGETHER WITH THE RIGHT OF INGRESS, EGRESS AND REGRESS FOR SUCH PURPOSES IN, ON, UPON, OVER, UNDER, ACROSS, ALONG AND THROUGH THE PROPERTY DESCRIBED HEREIN.
   d. RELATIVE TO THE DRAINAGE EASEMENT: DEVELOPER MAY NOT USE ANY PART OF THE PROPERTY DESCRIBED HEREIN IF SUCH USE WILL DAMAGE, DESTROY, INJURE, AND/OR UNDULY INTERFERE WITH THE CITY OF MIDLAND'S USE OF THE PROPERTY. DEVELOPER EXPRESSLY COVENANTS AND AGREES FOR ITSELF, ITS LEGAL REPRESENTATIVES, SUCCESSORS AND/OR ASSIGNS, THAT NO BUILDING, ROADWAYS, OR CURBS AND GUTTERS OF ANY KIND WILL BE PLACED ON THE PROPERTY DESCRIBED HEREIN. WRITTEN PERMISSION FOR ABOVE GROUND APPURTENANCES MUST BE OBTAINED FROM THE CITY OF MIDLAND, PRIOR TO INSTALLATION.

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

Oncor Electric Delivery Service — Jeffrey R. Henderson (PLEASE PRINT)

AT&T Texas — Kenneth P. Spencer (PLEASE PRINT)

Atmos Energy — MARK LIES (PLEASE PRINT)

SuddenLink Communications — Luis.Montez Digitally signed by Luis.Montez Date: 2020.06.15 12:04:20 -05'00' (PLEASE PRINT)

Grande Communications — Nora Escamilla (PLEASE PRINT)

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS

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

J. Stan Piper, R.P.L.S. #1974 — 6/10/2020 Date
Piper Surveying Company, Inc.; P.O. Box 60432; Midland, Texas 79711
FIRM #10155200

STATE OF TEXAS J. STAN PIPER REGISTERED PROFESSIONAL LAND SURVEYOR

SPECIAL STATE PLANE COORDINATE NOTE

Bearings, distances and coordinates are relative to the Texas State Plane Coordinate System (Central Zone 1983 NAD) , with a combined grid factor of 0.9998958 for mean project datum. The theta angle is equal to -00°54'48.39" at USC&GS station "Midland", with published values of N=10,690,154.70 and E=1,746,696.78 in U.S. Survey Feet.

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF TARANT

WHEREAS, BASIN PEDIATRIC DENTISTRY, PLLC is the record owner of a 8.342 Acre Tract described in Document No. 2019-21076, O.P.R.M.C. as a 8.375 Acre Tract within Section 25, Block 40, T-1-S, T. & P. Ry. Survey, City and County of Midland, Texas and more particularly described, shown on the plat hereon.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS :

That we, BASIN PEDIATRIC DENTISTRY, PLLC do hereby adopt this plat designating the herein above described property as LOS PATIOS ADDITION, SECTION 10 to the City and County of Midland, Texas, and we do hereby dedicate to the public use forever the streets, and easements shown thereon.

WITNESS our hands at Midland, Texas, this the 15th day of June 2020.

By: _____ OWNER — ZACHARY ELLIS

STATE OF TEXAS :
COUNTY OF TARANT :

This instrument was acknowledged before me on June 15, 2020 by Zachary Ellis on behalf of BASIN PEDIATRIC DENTISTRY, PLLC.

BRIANNE GARCIA NOTARY PUBLIC 10 #1287133-7 STATE OF TEXAS EXP. 01/26/2024

Brianne Garcia
Notary Public Signature

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of LOS PATIOS ADDITION, SECTION 6 was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas, on this the _____ day of _____ 2020.

Chairman - PLEASE SIGN _____ PLEASE PRINT

Secretary - PLEASE SIGN _____ PLEASE PRINT

FLOOD ZONE INFORMATION

Based on the U.S. Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map, Community Number 480477, Sheet Number 48329C0068 F, with an effective date of December 6, 1999 and revised September 16, 2005. Part of the surveyed property has a flood zone classifications of Zone AH which is located in a special flood hazard area subject to inundation by the 1% annual chance flood and part has a Zone X as shown on plat which is not located in a special flood hazard area according to the map.

LEGEND

- Proposed Plat Limits
- Existing Easement (See plat for details)
- Easements Herein Dedicated (See plat for details)
- Proposed Lot Line
- ○ Set 1/2" Iron Rod with Plastic Cap marked "PLS 1974" Unless Noted Otherwise
- ◉ Found 1/2" Iron Rod with Plastic Cap marked "BRADSHAW" Unless Noted Otherwise
- ◎ Found 1/2" Iron Rod with Plastic Cap marked "RPLS 1977" Unless Noted Otherwise

OWNER:
BASIN PEDIATRIC DENTISTRY, PLLC
6608 HOMESTEAD BLVD
MIDLAND, TEXAS 79707
Contact:
ZACHARY ELLIS (210) 225-2214

ENGINEER:
PARKHILL, SMITH & COOPER, INC.
1700 W. WALL STREET
MIDLAND, TEXAS 79701
Contact:
JOSHUA WALLENDER (432) 697-1447

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

PARKHILL SMITH & COOPER
1700 W. WALL STREET
MIDLAND, TEXAS 79711
432.697.1447

PACKET
Page 5.29
July 6, 2020

MIDLAND Planning Division

Final Plat Application

Project Number: SUB-19-0235
Case Number: P-20-0876

Proposed Subdivision Plat Name: LOS PATIOS SECTION 6

Legal Description (attached sealed Metes and Bounds): BEING A PLAT OF 8.47 ACRES OUT OF SECTION 25, BLOCK 40, T-1-S OF CITY AND COUNTY OF MIDLAND, TEXAS

Property Owner Printed Name: Basin Pediatric Dentistry, PLLC		Phone (210)225 - 2214 Email ellisdds@gmail.com	
Address 6608 Homestead BLVD	City Midland	State Texas	Zip 79707

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

Representative *(if acting as Agent, see affidavit on page 2)* Firm: Parkhill, Smith, & Cooper Printed Name: Josh Wallender (PSC Job # 01.9524.19 - PLAT)		Phone (432) 697-1447 Email jwallender@team-psc.com	
Address 1700 West Wall, Suite 100	City Midland	State Texas	Zip 79701

Current Zoning: LR

Reason for Platting: MIXED USE DEVELOPMENT

Plat Information	Total Acreage: 8.47 AC.
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Residential Lots:	Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

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

☐ Applicant would like a reproduction made for their records

☒ Applicant does not want a reproduction/will make their own 2 EXTRA PROVIDED

Recording Fee (Payable to 'Midland County Clerk')
For plats 18" to 24" $61.00
For plats that exceed 24" $81.00
For related documents, $26.00 for first page, $4.00 for each additional page.

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

Property Owner (signature): | Date: **6/12/2020**

Property Owner (printed) : **Zachary Ellis**

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 SHELBY FREEMAN who, being by me duly sworn, upon oath says: That (s)he is authorized by WEST TEXAS FOOD BANK, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

Shelby Freeman
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 15th day of June, 2020, to certify which witness my hand and seal of office.

BRIANNE GARCIA - ID 12886753-7 NOTARY PUBLIC STATE OF TEXAS EXP. 01/26/2024

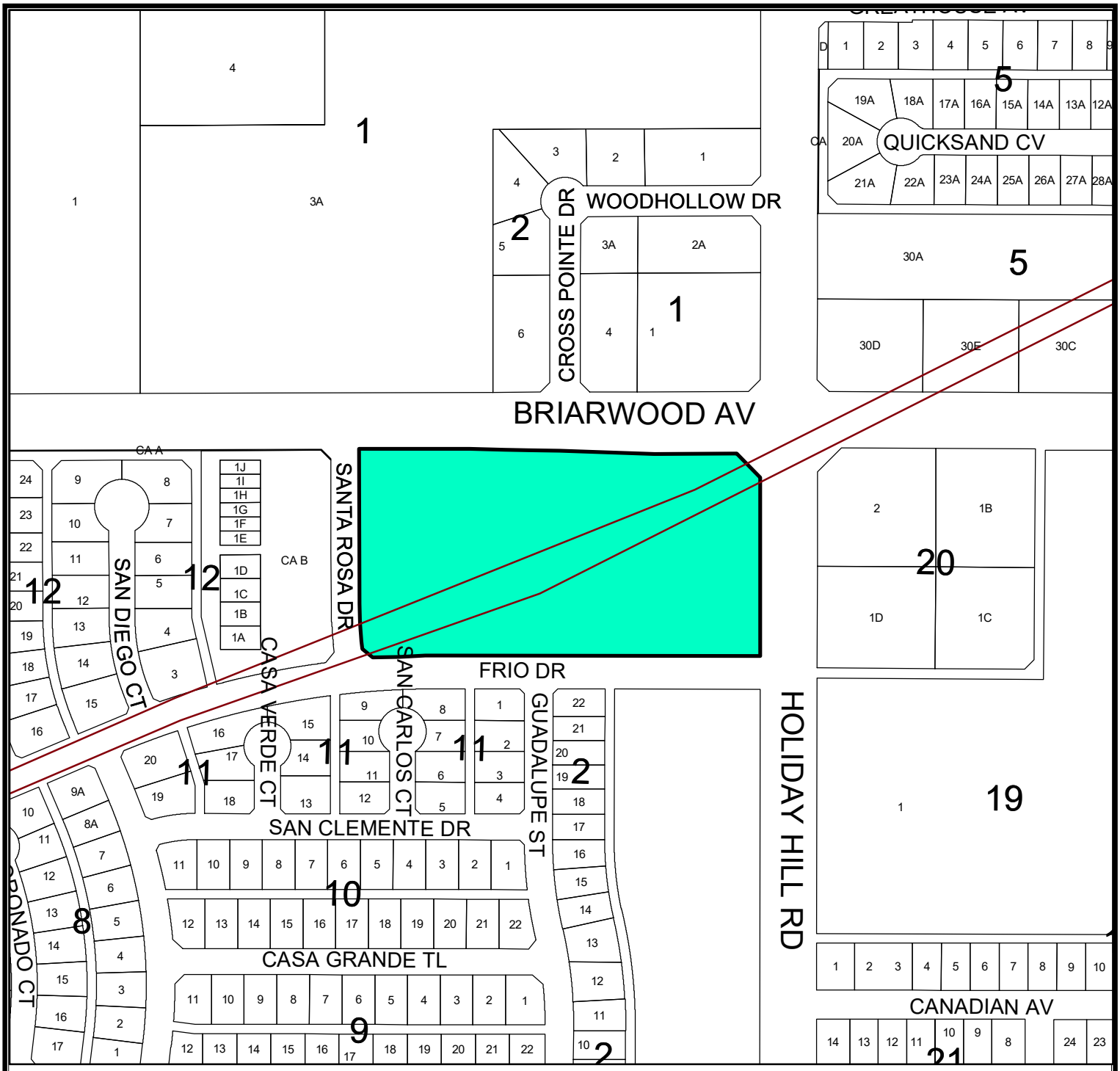
Brianne Garcia
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

****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 # 1449	☑ Tax Certificates	Check # 1450
Received By:		Date: JUN 15 2020

BY: .....

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



LOCATION MAP

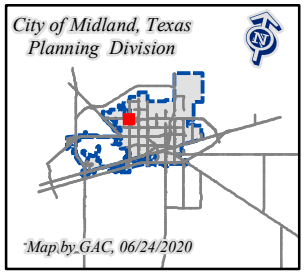
SUB-19-0235 **Scale: 1" = 400'**

Consider a proposed Plat of Los Patios, Section 6, being an 8.47-acre tract out of Section 25, Block 40, T-1-S, T&P RR. Co. Survey City and County of Midland, Texas.

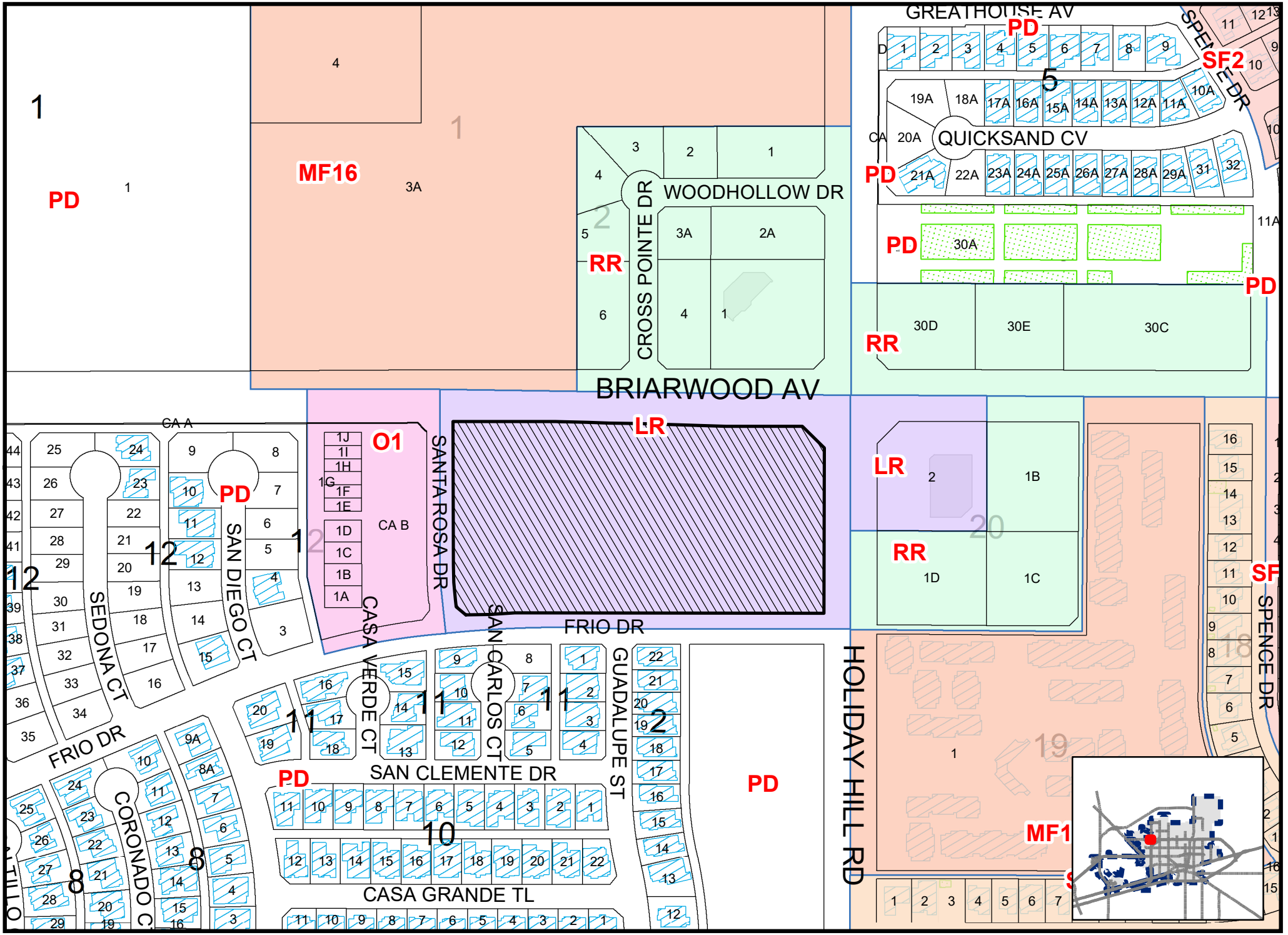
(Generally located on the southwest corner of Briarwood Avenue and Holiday Hill Road. Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020
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.



Map By GAC, 06/24/2020 PACKET SKB-19-0235 Scale: 1" = 200' **ZONING MAP** Page 5.34 July 6, 2020

© THE CITY OF MIDLAND - 2020: THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR DECISION-MAKING. RELY ONLY 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:
Cristina Odenborg Burns

MEETING DATE: July 06, 2020

TO: **PLANNING AND ZONING COMMISSION**

FROM: Glenda Arroyo-Cruz, Planner

SUBJECT: Consider a proposed Final Plat of Lost Mountain Addition, Section 5, being a re-plat of Lot 5, Block 2, Lost Mountain Addition, Section 3, City and County of Midland, Texas. (Generally located on the north side of Passage Way, approximately 1,725-feet east of Midkiff Road. Council District 1) (DEVELOPMENT SERVICES) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

__X__ **Approve** _____ **Deny** _____ **Directional/Informational**

Current Zoning:

AE, Agricultural Estate District.

Preliminary Plat Approval:

The applicant, West Company, is proposing a residential re-plat of Lot 5, Block 2, Lost Mountain Addition, Section 3, City and County of Midland, Texas, into two (2) lots for future development. The preliminary plat was approved at the September 16, 2019 Planning and Zoning Commission meeting.

Final Plat Requirements:

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

This proposed Final Plat of Lost Mountain, Section 5 has been circulated to all city departments for their review.

Departmental Review:

Engineering: (Approved)

ROW: In town then we need ROW based on street classification – see Code & Standard Details.
PAVING: Passage Way roadway is not built to City Standards, construct to City standards for entire platted frontage. (if not existing or if strip paved without curb and gutter.) Deferral Approved.

WATER: None existing. Construct to City standards along entire platted frontage, serving all lots with looped system. Water pressure and volume studies are required for all developments over 5 acres, serving 20 residences or more or multi-family sites, per Policy Statement. Deferral Approved.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 1, 2019 - Fire hydrants shall be spaced no more than 400' apart, hydrant top or bonnet shall be color coded per NFPA (less than 500gpm RED, 500-999gpm YELLOW, 1000-1499gpm GREEN, Greater than 1500GPM BLUE)

PRO RATA: Phase II NW Sewer Outfall with $433.00 /acre, $433 x 11.28 acre = $4884.24. ORD 8515. Paid.

SEWER: None existing. Construct to City standards along entire platted frontage, serving all lots within the subdivision and to adjacent lot lines along exterior roadways. Sewer capacity studies are required for all developments over 5 acres, serving 20 residences or more or multi-family sites, per Policy Statement. Deferral Approved.

DRAINAGE: Drainage study approved.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

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.

No objections to plat.

Fire: (Approved)

No additional comments.

Code Compliance: (Approved)

The permitted oil and gas well- Chaps #4, operated by Parsley Energy, identified with a 135 ft. radius on the plat. This well has a variance that allows building permits within the 500 ft. radius up to 135 ft.

Building Inspection: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Planning:

All departments' comments must be addressed as a condition of Final plat approval.

Conditions:

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

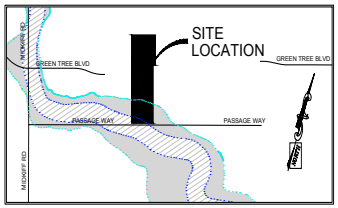
Attachments:

Proposed Final Plat
Application
Maps

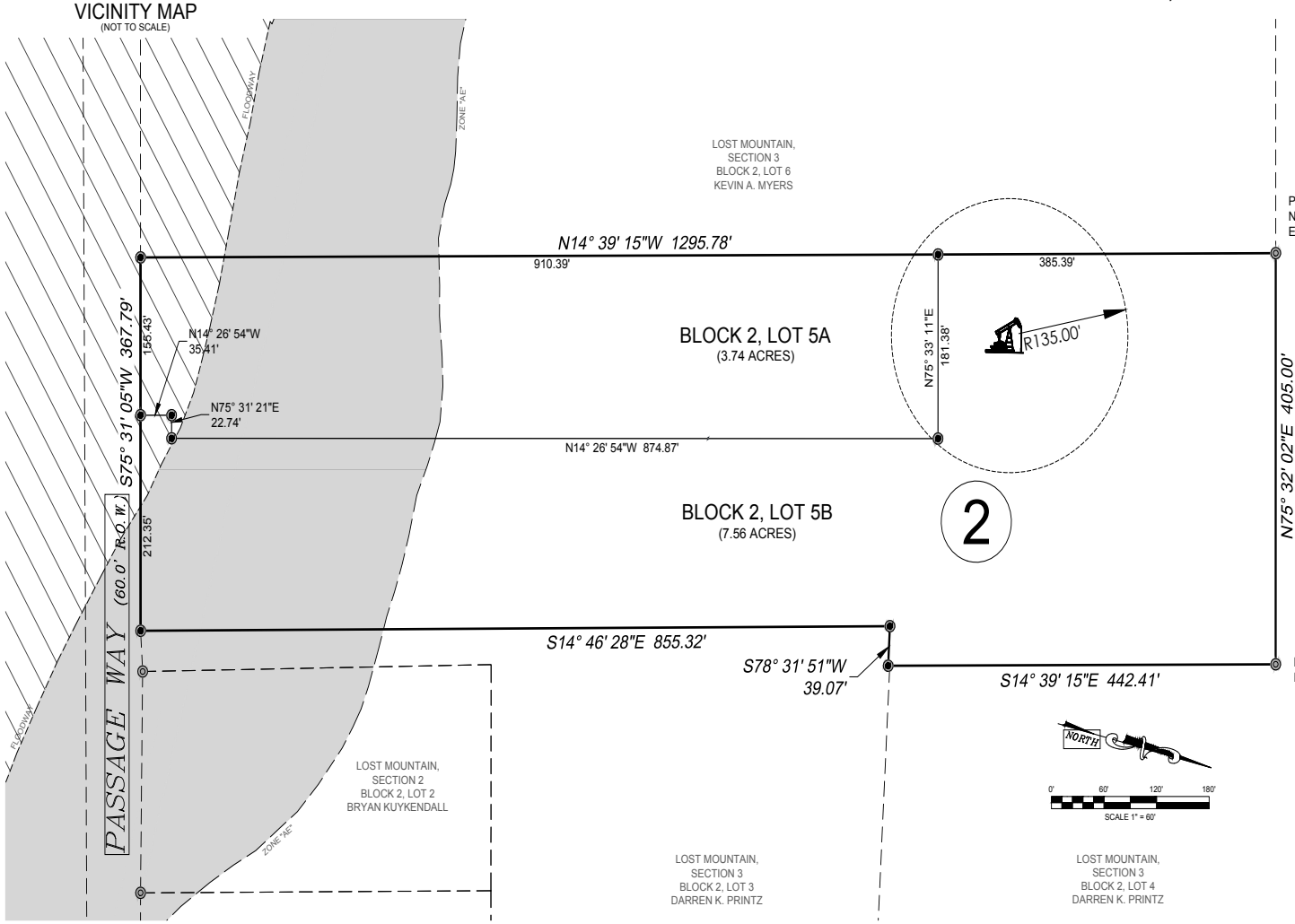
FINAL PLAT

LOST MOUNTAIN, SECTION 5

BEING A REPLAT OF 11.28 - ACRE TRACT OF LAND SITUATED IN LOST MOUNTAIN SECTION 3, LOT 5 , BLOCK 2, LOCATED IN SECTION 9, BLOCK X, H.P. HILLIARD SURVEY CITY & COUNTY OF MIDLAND, TEXAS



VICINITY MAP
(NOT TO SCALE)



NOTICE:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. COORDINATES, BEARINGS, DISTANCES AND AREAS SHOWN HEREON ARE LAMBERT GRID AND CONFORM TO THE "TEXAS COORDINATE SYSTEM", TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM 1983.
4. WITH REFERENCE TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR MIDLAND COUNTY, MAP NO. 48329C0067F & NO. 48329C0059F, EFFECTIVE DATE: 09/16/05, THIS SURVEYOR HAS DETERMINED THAT PART OF THIS PROPERTY IS LOCATED IN ZONE "AE" WITHIN THE 100 YEAR FLOODPLAIN. THIS DETERMINATION DOES NOT CREATE A LIABILITY UPON SAID SURVEYOR.

LEGEND

- DENOTES SET ½" IRON ROD w/ RED PLASTIC CAP MARKED "WEST CO. MIDLAND"
- DENOTES FOUND MONUMENT AS NOTED
- DENOTES BOUNDARY LINE
- DENOTES LOT LINES
- DENOTES ADJACENT DEED OR PROPERTY LINE
- DENOTES PUMP JACK
- DENOTES FLOODWAY BOUNDARY
- DENOTES ZONE AE BOUNDARY
- DENOTES FLOODWAY
- DENOTES ZONE AE

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

ATMOS ENERGY	Print Name:
ONCOR ELECTRIC DELIVERY	Print Name:
SUDDENLINK	Print Name:
GRANDE COMMUNICATIONS	Print Name:
AT&T–TEXAS	Print Name:

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, BRYAN KUYKENDALL is the record owner of a tract of land situated in LOST MOUNTAIN SECTION 3, LOT 5 , BLOCK 2, LOCATED IN SECTION 9, BLOCK X, H.P. HILLIARD SURVEY MIDLAND, COUNTY OF MIDLAND, TEXAS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, BRYAN KUYKENDALL, being the owner of the land shown on this plat designated as LOST MOUNTAIN, SECTION 5, an Addition to the City of Midland, Midland County, Texas and whose name is subscribed hereto, do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon; and do hereby give an easement of ingress and egress to the City of Midland for garbage and trash collection, and location and maintenance of trash containers and access thereto, and condition said easement that no construction shall commence on said lot or lots until the exact location of said containers therewith have been selected and approved by the Director of Utilities.
WITNESS my hand at Midland, Texas, this

the _____ day of _____, 2020.

By: BRYAN KUYKENDALL

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, BRYAN KUYKENDALL, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he was acting as the authorized agent of BRYAN KUYKENDALL, 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 _____, 2020.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Kerry M. Hoefner, 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.

PRELIMINARY: THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

KERRY M. HOEFNER, RPLS 4562
2713 CANTRELL ST.
IRVING, TEXAS 75062
214.714.2340

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "LOST MOUTNAIN, SECTION 5", was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this

the ____ day of _____ 2020.

JOSH SPARKS, CHAIRMAN

CRISTINA ODENBORG BURNS, SECRETARY

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____,

DATE: _____ PAGE _____.

OWNER:
BRYAN KUYKENDALL
4400 Coyote Trail
MIDLAND, TEXAS 79707

WEST COMPANY
SURVEYORS - ENGINEERS - PLANNERS ,
ENGINEER REGISTRATION: FIRM 2184
SURVEYOR REGISTRATION: FIRM 100682-00
110 W. LOUISIANA AVE., SUITE 110,
MIDLAND, TEXAS 79701
(432) 687-0865 - FAX (432) 687-0868

JANUARY 2020

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D:\CIVIL DRAWINGS\2019\2019-0300\PLATS\FINAL PLAT\2019-0300-FINAL PLAT.DWG

MIDLAND Planning Division

Final Plat Application

Project Number: SUB-19-0237

Case Number: P-20-0875

Proposed Subdivision Plat Name: LOST MOUNTAIN, SECTION 5

Legal Description (attached sealed Metes and Bounds): Being a replat of 11.28-acre tract of land situated in Lost Mountain, Section 3, Lot 5, Block 2, located in Section 9, Block X, H.P. Hilliard Survey, Midland, County of Midland, Texas

Property Owner Printed Name: Bryan Kuykendall		Phone:(432)349.3327 Email: BCK@grandecom.net	
Address 4400 Coyote Trail	City Midland	State TX	Zip 79707

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

Representative *(if acting as Agent, see affidavit on page 2)* Firm: West Company of Midland – Larry Walker Printed Name:		Phone (432)687-0865 Email: Lwalker@team-west.com	
Address 110 W Louisiana Ave., Ste. 110	City Midland	State TX	Zip 79701

Current Zoning:

Reason for Platting: Future Development

Plat Information	Total Acreage:
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: 2	Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

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

☐ Applicant would like a reproduction made for their records

☐ Applicant does not want a reproduction/will make their own

Recording Fee (Payable to 'Midland County Clerk')

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

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

Property Owner (signature):	Date:

Property Owner (printed) :_____

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 Larry Walker who, being by me duly sworn, upon oath says: That (s)he is authorized by Bryan Kuykendall, 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 12th day of June, 2020, to certify which witness my hand and seal of office.

KAREN S WHITE
My Notary ID # 130032445
Expires November 20, 2022

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

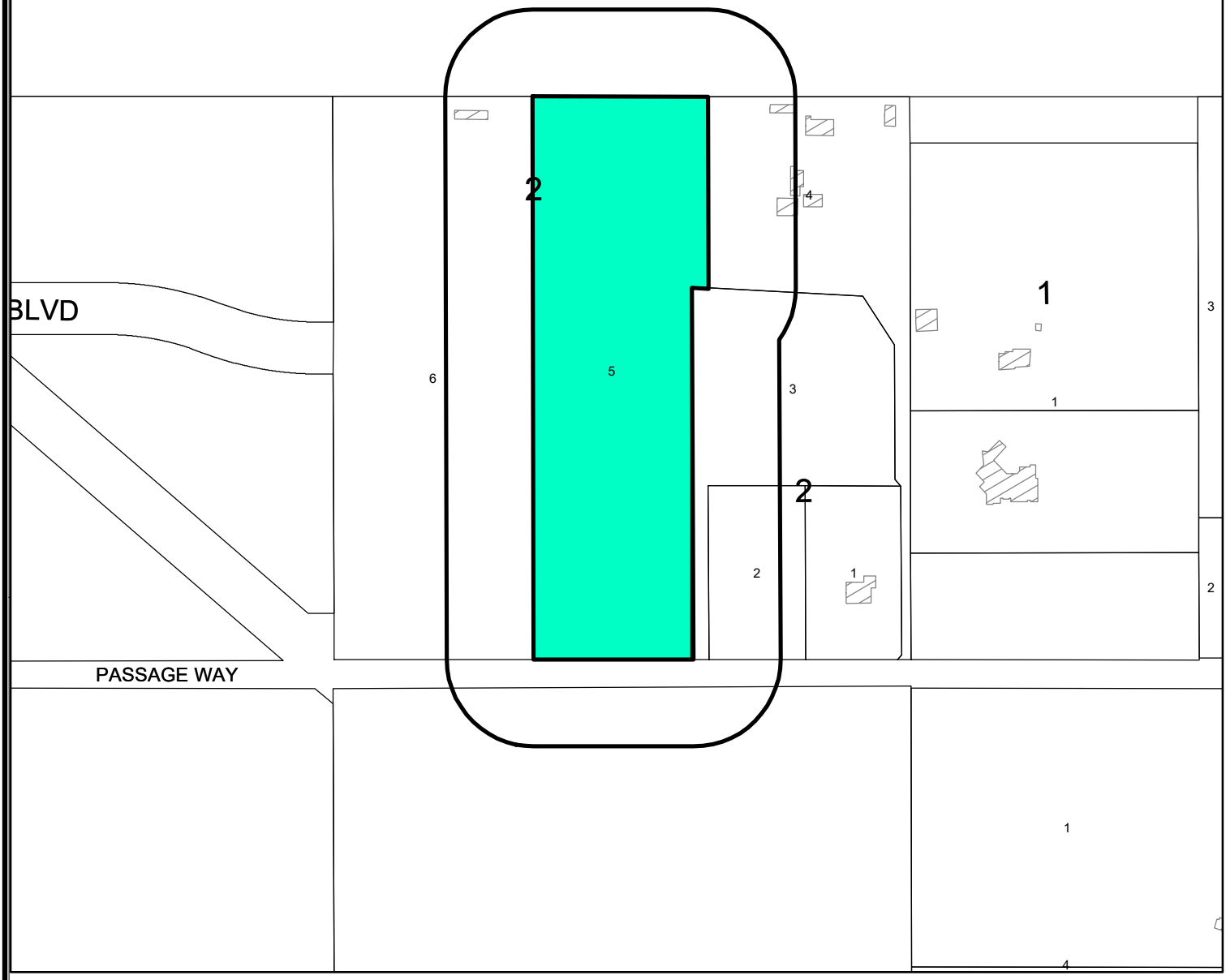
****Application will not be considered for scheduling until reviewed by a planner.****

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 25582
Check # 25587	☑ Tax Certificates	Check # 25582
Received By: JM		Date: JUN 1 2 2020

RECEIVED

BY: JM

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



LOCATION MAP

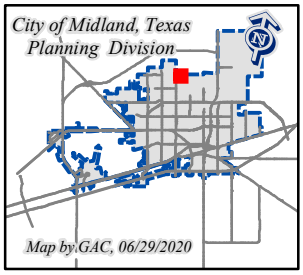
SUB-19-0227 **Scale: 1" = 400'**

Consider a proposed Plat of Lost Mountain Addition, Section 5, being a residential re-plat of Lot 5, Block 2, Lost Mountain Addition, Section 3, City and County of Midland, Texas.

(Generally located on the north side of Passage Way, approximately 1,725-feet east of Midkiff Road. Council District 1)

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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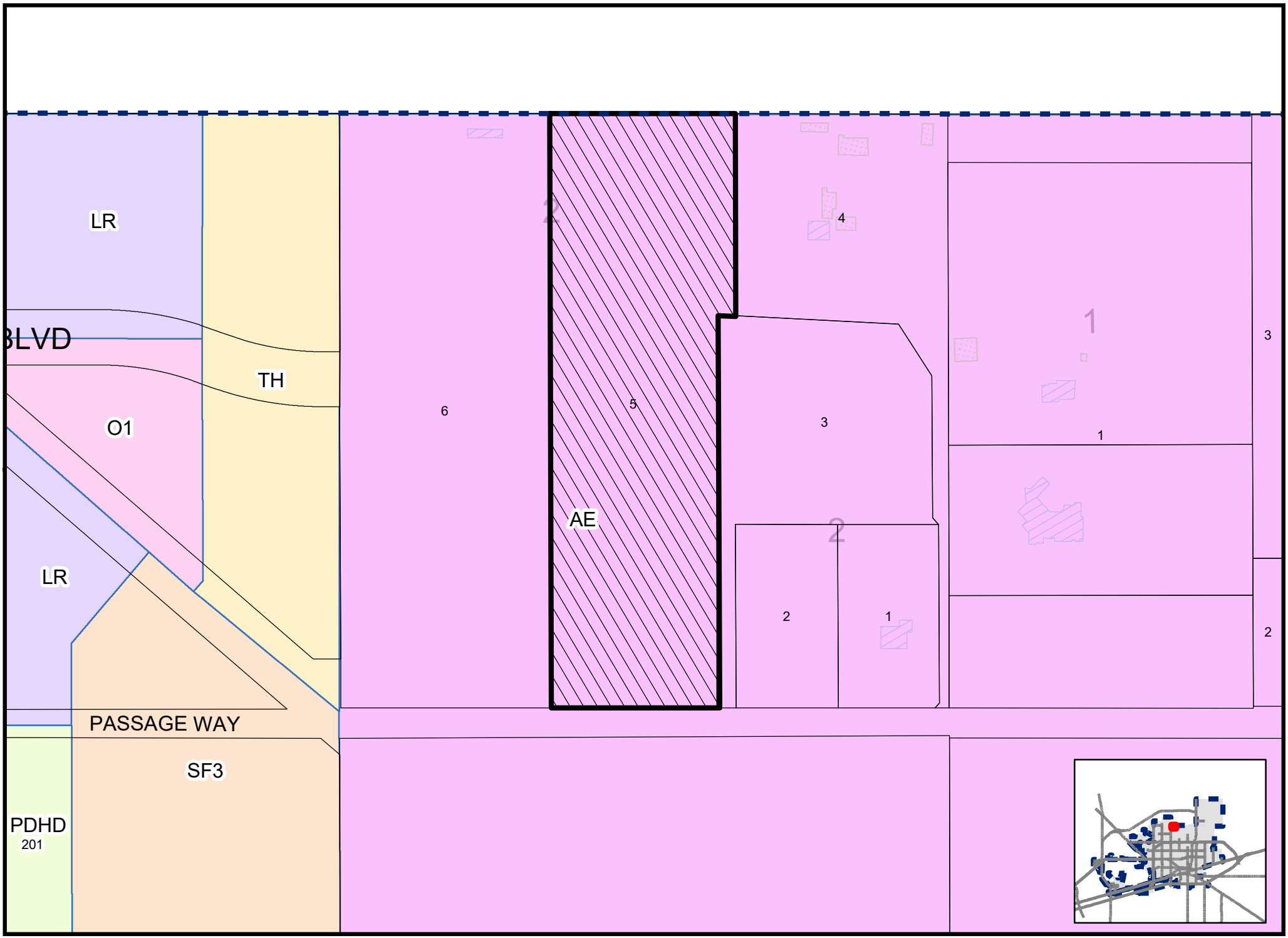
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By GAC, 06/29/2020 PACKET SKET-19-0227 Scale: 1" = 200' ZONING MAP Page 6.43 July 6, 2020

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Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2020

TO: **PLANNING AND ZONING COMMISSION**

FROM: Glenda Arroyo-Cruz, Planner

SUBJECT: Consider a proposed Final Plat of Sunridge Ranch Estates, Section 7, being a re-plat of Lots 6 and 7, Block 5, Sunridge Ranch Estates, Section 3, Midland County, Texas. (Generally located on the north side of West County Road 44, approximately 1,221-feet west of North County Road 1246. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

__X__ **Approve** _____ **Deny** _____ **Directional/Informational**

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Preliminary Plat Approval:

The applicant, Schumann Engineering, is proposing to re-plat of Lots 6 and 7, Block 5, Sunridge Ranch Estates, Section 3, Midland County, Texas, into one (1) lot for ownership purposes. The preliminary plat was approved at the February 18, 2020 Planning and Zoning Commission meeting.

Final Plat Requirements:

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

This proposed Final Plat of Sunridge Ranch Estates, Section 7 has been circulated to all city departments for their review.

Departmental Review:

Engineering: (Approved)

IMPACT FEES: Impact fee note has been included on the face of the plat.

ROW: Right-of-way for west County Road 44 is okay as shown.

PAVING: Administratively Deferred 4/20/20.

WATER: Administratively Deferred 4/20/20.

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

PRO RATA: None.

SEWER: Administratively Deferred 4/20/20.

DRAINAGE: Existing site is developed; if proposing to re-develop site or change impervious area drainage can be reviewed during building permit. If needed an existing drainage report exists for Sunridge Ranch Estates, Section 3 by West Company of Midland, Inc. published August 6, 2006.

EASEMENTS: 20' easement labeled on mylar.

SIDEWALKS: Administratively Deferred 4/20/20.

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.

No objections to plat.

Fire: (Approved)

No additional comments.

Code Compliance: (Approved)

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

Building Inspection: (Approved)

ETJ, no jurisdiction.

Midland County

See attached.

Planning:

All departments' comments must be addressed as a condition of Final plat approval.

Conditions:

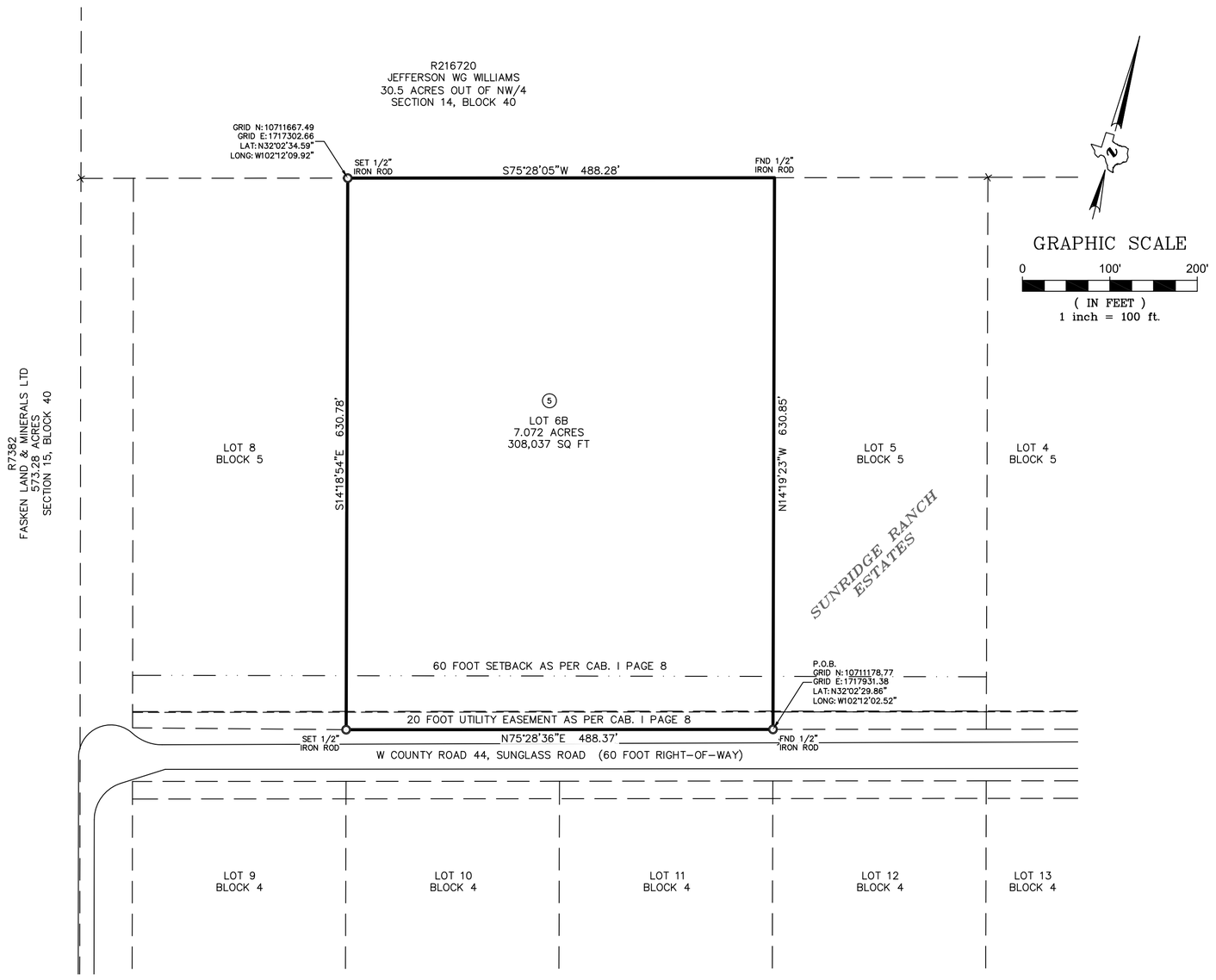
A. That all plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland.

Attachments:

Proposed Final Plat
Application
Map
Midland County Comments

SUNRIDGE RANCH ESTATES
SECTION 7

BEING A RE-PLAT OF LOTS 6 AND 7,
BLOCK 5,
SUNRIDGE RANCH ESTATES,
SECTION 3,
MIDLAND COUNTY, TEXAS



GRAPHIC SCALE

0 100' 200'

(IN FEET)

1 inch = 100 ft.

STATE OF TEXAS

COUNTY OF MIDLAND

WHEREAS, I AM THE RECORD OWNER OF LOTS 6 AND 7, BLOCK 5, SUNRIDGE RANCH ESTATES, SECTION 3, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS SUNRIDGE RANCH ESTATES, SECTION 7, AN ADDITION TO THE COUNTY OF MIDLAND, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

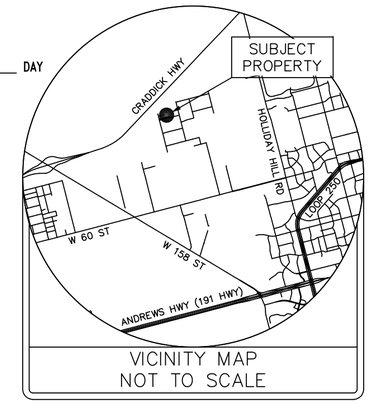
WITNESS MY HAND AT MIDLAND, TEXAS, THIS _____ DAY OF _____, 20____.

_____
JAMES E. ROARK

STATE OF TEXAS:
COUNTY OF MIDLAND:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20____. JAMES E. ROARK.

_____
NOTARY PUBLIC
MIDLAND COUNTY, TEXAS



VICINITY MAP
NOT TO SCALE

OWNERS:

JAMES E. ROARK
6324 HAYWOOD
MIDLAND, TX 79707
(432) 618-1050

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.

3. BEARINGS, DISTANCES AND ACREAGE SHOWN ARE GRID BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.

4. THIS SURVEY SHALL NOT REPRESENT WARRANTY OF TITLE OR GUARANTEE OF OWNERSHIP.

5. THIS SURVEY WAS PREPARED WITH BENEFIT OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT No. 304967, WITH AN EFFECTIVE DATE OF APRIL 2, 2019. EASEMENTS OR MATTERS OF TITLE ARE SHOWN.

6. IN THE ETJ (EXTRA TERRITORIAL JURISDICTION) OF THE CITY OF MIDLAND, NO 911 ADDRESS OR SEPTIC PERMIT WILL BE ISSUED WITHOUT THE LAND BEING PLATTED ACCORDING TO THE CURRENT CITY OF MIDLAND SUBDIVISION ORDINANCE, AS REVISED SEPTEMBER 23, 2014.

7. MONUMENTS ARE A 1/2" REINFORCING BAR SET WITH PLASTIC CAP STAMPED "SCHUMANN" UNLESS OTHERWISE NOTED.

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

SYMBOLS LEGEND

PROPERTY CORNER	WIRE FENCE	WATER WELL
POWER POLE	RETIRED BREAKER BOX	LOT LINES
OVERHEAD ELECTRIC	PROPERTY LINE	TELEPHONE PEDESTAL
GAS METER	GAS RISER	SEWER MANHOLE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____
ONCOR ELECTRIC DELIVERY COMPANY

SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
SUDDENLINK COMMUNICATIONS

SIGNED: _____
GRANDE COMMUNICATIONS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SUNRIDGE RANCH ESTATES, SECTION 7, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS _____ DAY OF _____, 20_____.

SIGNED: _____
CHAIRMAN JOSH SPARKS

ATTEST: _____
SECRETARY CRISTINA ODENBORG BURNS

THAT I, RJ DAUM. A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

_____
RJ DAUM
TEXAS RPLS 4826

STATE OF TEXAS
REGISTERED
RJ DAUM
4826
PROFESSIONAL
LAND SURVEYOR

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO._____CABINET_____
DATE_____PAGE_____

NO.	DATE	DESCRIPTION	BY

DRAWN BY: KDS/AAC
DATE: 9/24/19
CHECKED BY: RJD
DRAWING NO.: 76,861
JOB NO.: 76861
SHEET 1 OF 1

SCHUMANN
ENGINEERING CO.
A LATERAL LAND COMPANY
CIVIL ENGINEERING - LAND SURVEYING
800 N. MARIENFELD STREET
SUITE 100
MIDLAND, TEXAS 79701
TEXAS FIRM No. F1880 - TEXAS FIRM No. 10149500
Office (432) 684-5548
Fax (432) 684-6973

SUNRIDGE RANCH ESTATES, SECTION 7

SUNRIDGE RANCH ESTATES, SECTION 7

MIDLAND
Planning Division

Final Plat Application

Project Number: SUB-19-0290
Case Number: F-20-0818

Proposed Subdivision Plat Name: *Sunridge Ranch Estates Section 7*

Legal Description (attached sealed Metes and Bounds): *Being a re-plat of Lots 6 & 7, Block 5, Sunridge Ranch Estates, Section 3, Midland County, Texas*

Property Owner Printed Name: *James Roark*		Phone *(432) 618-1050* Email *jr@jmrservices.com*	
Address *6324 Haywood*	City *Midland*	State *TX*	Zip *797047*

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 combine Lots 6 & 7 into one lot.*

Plat Information	Total Acreage:
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Lots:	Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

- 2 FOLDED Copies of Dimensioned Plat
- 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'

BY: .....

MAR 05 2020

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): James S Roark Date: 1-14-19

Property Owner (printed) : James ROARK

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 _____ 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 5 day of March, 20 20, to certify which witness my hand and seal of office.

DALIA SALINAS
My Notary ID # 128541568
Expires March 9, 2023

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ 1 Copy of Dimensioned Plat	☑ Plat in Digital Format (PDF/JPEG)
☐ Mylar	☑ 1 Copy of Plat (11x17)	☐ CADD File
☑ Application Fee	☑ Title Opinion	☑ Public Improvement
Check # 1394	☑ Tax Certificates	☐ Recording Fee
		Check # 1397
Received By: gac		Date: MAR 0 5 2020

RECEIVED

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

By: .....

LOCATION MAP

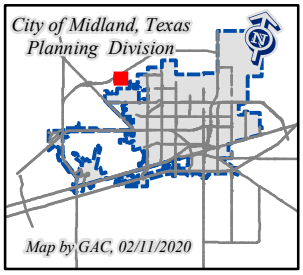
SUB-19-0290 **Scale: 1" = 400'**

Proposed plat of Sunridge Ranch Estates, Section 7, being a re-plat of Lots 6 and 7, Block 5, Sunridge Ranch Estates, Section 3, Midland County, Texas.

Generally located on the north side of West County Road 44, approximately 1,221-feet west of North County Road 1246. (Extraterritorial Jurisdiction)

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

March 17, 2020

City of Midland
Development Services
ATTN: Glenda Arroyo-Cruz, Planner
300 N. Loraine Street
Midland, Texas 79702

RE: Proposed Sunridge Estates, Section 7 / W CR 44
Lots 6 and 7, Block 5, Sunridge Ranch Estates, Section 3
(Sketch Plat P-19-07013 reviewed 11/1/19)
(Preliminary Plat P-20-0788 reviewed 1/24/20)
Midland Appraisal District - Account numbers 205569 and 205570
http://iswdataclient.azurewebsites.net/webPropertyMap.aspx?dbkey=midlandcad&stype=name&sdata=Roark&id=R000205569&time=201911011023059

Owner: James Roark

Surveyor/Engineer: Schumann Engineering Co.

Ms. Cruz –

On behalf of Midland County, Dunaway provides this review letter of the above project. Feel free to contact me if you need clarification or further information.

PROPERTY INFORMATION

The 7.072-acre site is situated in a tract of land (noted above) located on the north side of W CR 44. This property is located outside the city limits of the City of Midland. In accordance with development regulations applicable to property located within the City extra-territorial jurisdiction (ETJ) and with the adopted County Subdivision Regulations, the applicant has submitted a final plat application with the City of Midland which has been distributed to the County for review.

COUNTY SUBDIVISION REGULATIONS

The final plat has been reviewed for conformity with the adopted County Subdivision Regulations. The following outlines revisions and/or additional information and procedures necessary to continue review and consideration of the proposed development:

Supplemental information is provided in the attached document (Attachment A).

Sketch plat comments were provided on November 1, 2019. Preliminary Plat comments were provided on January 24, 2020. Comments below which have been addressed are struck-through. New information and/or revisions may be a cause for new and/or additional comments.

ARTICLE I PLATS

1. ~~Show existing topography. (Section 1.15)~~
2. ~~Note which corner is the "POB" (Point of Beginning) for applicable lot corner.~~
3. ~~Provide a copy of all restrictions or restrictive convent, if applicable. (Section 1.18)~~
4. ~~Add the following note to the face of the plat if drives/streets/easements are to continue to be privately owned and maintained.~~

~~*"MIDLAND COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES; AND, THE OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES, AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS MIDLAND COUNTY FROM ALL CLAIMS, DAMAGES, AND LOSSES ARISING OUT OF OR RESULTING FROM THE PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS PARAGRAPH."*~~

- ~~Adding the above statement to the plat is acknowledgment by the owner/developer that the private roads, drives, and/or easements will be maintained by the property owner(s).~~
- ~~Alternative: Approval of plat by both the City and the County is required if the owner/developer desires for the streets/drives/easements to be accepted by and maintained by the County. Contact County Roads and Bridges Division for minimum standards and construction requirements for County roads.~~

5. In addition, to the comments above, please add the following information on the revised sketch plat and/or on the preliminary/final plat:
   a. Provide executed owner's certificate with submittal of final plat. (Section 1.04)
   ~~b. Provide evidence that this plat was prepared with an actual ground survey. (Section 1.07)~~
   ~~c. The names must not duplicate another name within the County or another municipality. The names should also not be similar in spelling or in pronunciation. Confirm name with County Office of Emergency Management.~~
   ~~d. Label elevation of lowest floor for any proposed structure or substantially improved structures. (Section 1.12)~~
   e. ~~Provide clarification with Preliminary Plat submittal - Are nonresidential structures planned? Will they be flood proofed? Are there existing structures on site? If yes, do they meet~~ required setbacks?

ARTICLE IX LOTS

~~1.~~ Show the building setback lines on the face of the plat. (Section 9.2) Label and dimension the dashed lines along the frontage. ~~Are there existing structures on site? If yes, do they meet required setbacks?~~

If you have any questions, please contact me at jreiner@dunawayassociates.com or call me at 817-335-1121.

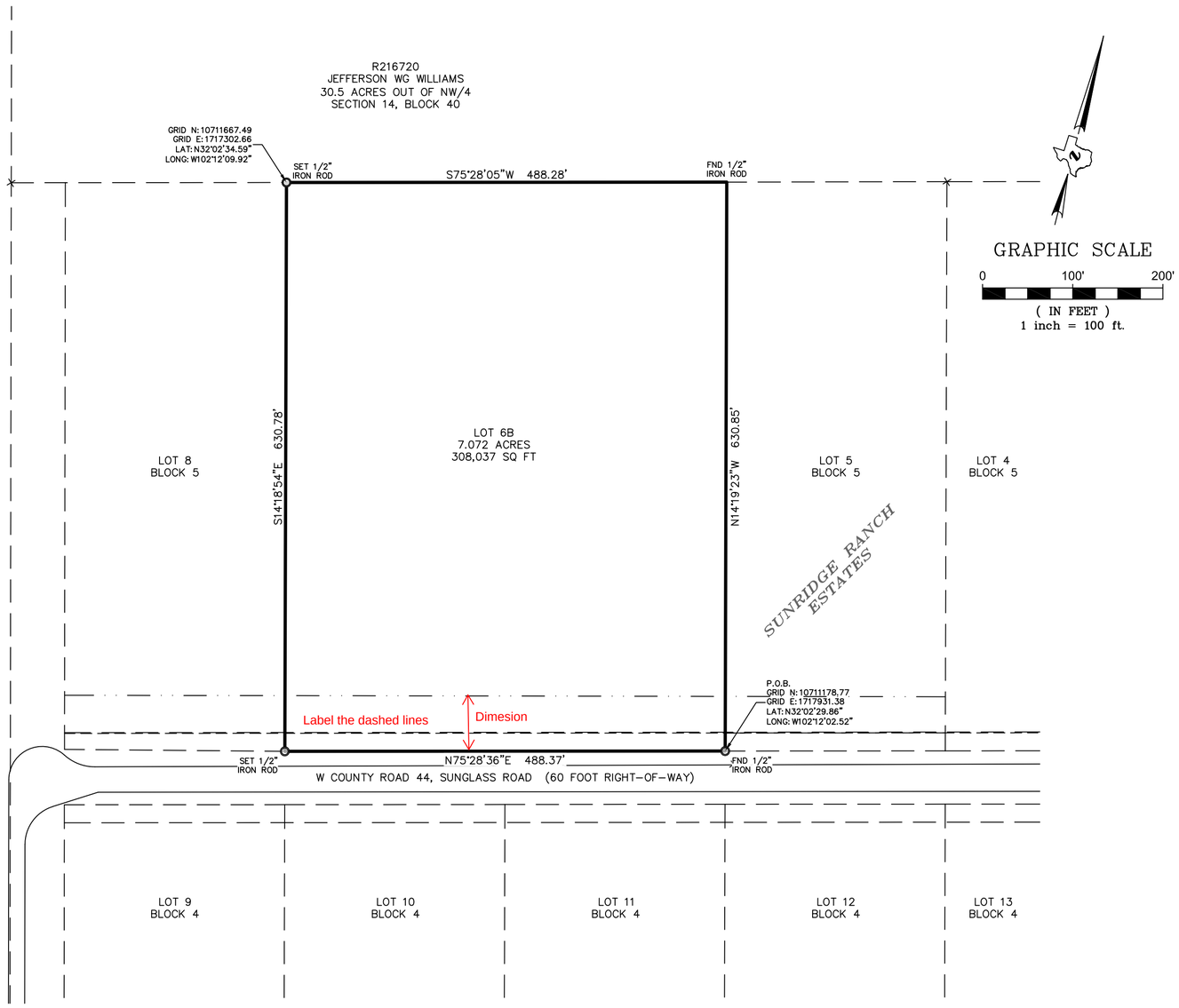
Submitted for your consideration,

Jenifer Reiner AICP, CNU-A

Cc: Tim Hair, PLA, ASLA
Jason Kelliher, PE
Jessica Schuttler, PE
Jenny Hilton, Midland County

SUNRIDGE RANCH ESTATES
SECTION 7

BEING A RE-PLAT OF LOTS 6 AND 7,
BLOCK 5,
SUNRIDGE RANCH ESTATES,
SECTION 3,
MIDLAND COUNTY, TEXAS



GRAPHIC SCALE

0 100' 200'

(IN FEET)
1 inch = 100 ft.

STATE OF TEXAS

COUNTY OF MIDLAND

WHEREAS, I AM THE RECORD OWNER OF LOTS 6 AND 7, BLOCK 5, SUNRIDGE RANCH ESTATES, SECTION 3, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS SUNRIDGE RANCH ESTATES, SECTION 7, AN ADDITION TO THE COUNTY OF MIDLAND, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

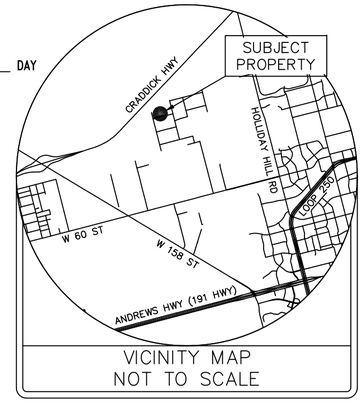
WITNESS MY HAND AT MIDLAND, TEXAS, THIS _____ DAY OF _____, 20____.

_____
JAMES E. ROARK

STATE OF TEXAS:
COUNTY OF MIDLAND:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20____. JAMES E. ROARK.

_____
NOTARY PUBLIC
MIDLAND COUNTY, TEXAS



VICINITY MAP
NOT TO SCALE

OWNERS:

JAMES E. ROARK
6324 HAYWOOD
MIDLAND, TX 79707
(432) 618-1050

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.

3. BEARINGS, DISTANCES AND ACREAGE SHOWN ARE GRID BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.

4. THIS SURVEY SHALL NOT REPRESENT WARRANTY OF TITLE OR GUARANTEE OF OWNERSHIP.

5. THIS SURVEY WAS PREPARED WITH BENEFIT OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT No. 304967, WITH AN EFFECTIVE DATE OF APRIL 2, 2019. EASEMENTS OR MATTERS OF TITLE ARE SHOWN.

6. IN THE ETJ (EXTRA TERRITORIAL JURISDICTION) OF THE CITY OF MIDLAND, NO 911 ADDRESS OR SEPTIC PERMIT WILL BE ISSUED WITHOUT THE LAND BEING PLATTED ACCORDING TO THE CURRENT CITY OF MIDLAND SUBDIVISION ORDINANCE, AS REVISED SEPTEMBER 23, 2014.

7. MONUMENTS ARE A 1/2" REINFORCING BAR SET WITH PLASTIC CAP STAMPED "SCHUMANN" UNLESS OTHERWISE NOTED.

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

SYMBOLS LEGEND

PROPERTY CORNER	WIRE FENCE	WATER WELL
POWER POLE	RETIRED BREAKER BOX	LOT LINES
OVERHEAD ELECTRIC	PROPERTY LINE	TELEPHONE PEDESTAL
GAS METER	GAS RISER	SEWER MANHOLE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____
ONCOR ELECTRIC DELIVERY COMPANY

SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
SUDDENLINK COMMUNICATIONS

SIGNED: _____
GRANDE COMMUNICATIONS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SUNRIDGE RANCH ESTATES, SECTION 7, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS _____ DAY OF _____, 20_____.

SIGNED: _____
CHAIRMAN JOSH SPARKS

ATTEST: _____
SECRETARY CRISTINA ODENBORG BURNS

THAT I, RJ DAUM. A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

_____
RJ DAUM
TEXAS RPLS 4826

STATE OF TEXAS
REGISTERED
RJ DAUM
4826
PROFESSIONAL
LAND SURVEYOR

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO._____CABINET_____
DATE_____PAGE_____

NO.	DATE	DESCRIPTION	BY

DRAWN BY: KDS/AAC
CHECKED BY: RJD
JOB NO.: 76861
DATE: 9/24/19
DRAWING NO.: 76,861
SHEET 1 OF 1

SCHUMANN ENGINEERING CO.
A LATERAL LAND COMPANY
CIVIL ENGINEERING - LAND SURVEYING
800 N. MARIENFELD STREET
SUITE 100
MIDLAND, TEXAS 79701
TEXAS FIRM No. F1880 - TEXAS FIRM No. 10149500
Office (432) 684-5548
Fax (432) 684-6973

SUNRIDGE RANCH ESTATES, SECTION 7

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **July 06, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Joseph Marynak, Planner**

SUBJECT: **Consider a proposed Preliminary Plat of Rusty Arrow Addition, being a plat of a 4.001-acre tract of land located in the southwest quarter of Section 16, Block 38, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the south side of E. County Road 136, approximately 336 feet west of S. County Road 1157. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

__X__ **Approve** _____ **Deny** _____ **Directional/Informational**

Details of Request:

The applicant, Schumann Engineering, is requesting to plat a 4.001-acre tract of land into three (3) lots to divide the property and obtain septic permits.

Current Zoning:

Extraterritorial Jurisdiction

Departmental Review:

BUILDING CODE: (Approved)

ETJ, no jurisdiction

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

*** Spoke with representative from Schumann Engineering and they are in the process of

preparing the deferral letter and drainage study.

IMPACT FEES: Note regarding Impact Fees not required on this plat.

ROW: ROW easement of 30 ft. dedicated by plat is fine as shown as long as 60 ft. of ROW is maintained for East County Road 136.

PAVING: County Road 136 is sub-standard, construct to current County Standards for entire platted frontage or request a deferral.

WATER: None existing on three of the four lots, there is an existing well on Lot 3. Construct water to City standards along entire platted frontage, or request a deferral based on located in the South Midland Utility District.

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

PRO RATA: None.

SEWER: None existing. Construct wastewater to City standards along entire platted frontage, or request a deferral. For areas not served by wastewater that are platting for a septic permit.

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

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

DRAINAGE: Drainage Study Required.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required at building permit. However, subdivision located in county so request a deferral.

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

No objections.

FIRE: (Approved)

No comments

CODE COMPLIANCE: (Approved)

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

HEALTH:

Yes, the health department will review applications from the 3 proposed lots of Rusty Arrow Addition, PLAT OF A 4 ACRE TRACT OF LAND OUT OF THE SOUTHWEST ¼ OF SECTION 16, BLOCK 38,T-2-S, T. & P. RR. CO. SURVEY lot 1 is 2 acre lot 2 is 1 acre lot 3 is 1 acre to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

MIDLAND COUNTY:

ARTICLE III STREET CONSTRUCTION

1. All streets or roads must have a right-of-way of at least 60 feet in width. (Section 3.03)

2. Coordinate with County Road & Bridge Department on road standards.

ARTICLE IV ACCESS DRIVEWAYS TO COUNTY ROADS

To connect to E CR 136, the private road will require a driveway permit from County Road and Bridge Department. https://www.co.midland.tx.us/Faq.aspx?QID=93

ARTICLE V DRAINAGE

Compliance with drainage regulations found in Article V will be required as part of the driveway permit and any grading of the site. Coordinate with Andrew Avis (Director of Public Works) and County Road and Bridge Department prior to commencement of any grading.

ARTICLE VI PERMITS AND CERTIFICATIONS

Floodplain permit is required if any development is planned in the floodplain. Application must be made to Midland County Floodplain Administrator and/or the City Floodplain Administrator for a floodplain permit at the same time a plat is submitted, prior to any site grading, or issuance of a building permit. (Section 6.01)

ARTICLE VIII AUTHORIZATION PROCEDURES

To receive plat approval by the Commissioners Court, owner/developer or owner's agent must schedule a meeting with the Midland County Commissioner with precinct jurisdiction over the proposed subdivision. (Section 8.01)

To initiate, contact Robin Donnelly, Precinct 2 Commissioner (rdonnelly@mcounty.com) and Andrew Avis, Director of Public Works (aavis@mcounty.com).

ARTICLE IX LOTS

1. With the subtraction of the private road, Lot 2 does not meet the minimum requirement of one acre. The minimum lot size for subdivision of single-family dwellings utilizing individual on-site sewage facilities (OSSF) shall be one acre. (Section 9.1)

2. Show the building setback lines (25 ft) on the face of the plat. (Section 9.2) It appears that there are several structures on the site which will not meet the required front yard setback and may go over the proposed lot line. Show existing structures and revise lot layout to accommodate the existing structures and meet setbacks.

3. Lots 1 and 3 do not meet the required street frontage for their sizes. Lots shall have minimum road frontage as indicated by the following table (Section 9.3):

Lot Size	Minimum Frontage*
Less than one (1) acre or in cul-de-sac:	80 feet
Greater than or equal to one (1) acre but less than two (2) acres:	**120 feet**
Greater than or equal to two (2) acres but less than five (5) acres:	**200 feet**
Greater than or equal to five (5) acres:	275 feet

If you have any questions, please contact the supervising planner, Chance LeBlanc, AICP, at cleblanc@dunawayassociates.com or call him at 817-335-1121.

PLANNING:

Verify northings and eastings. The property appears to extend approximately ten (10) feet further south than indicated on the plat.

Property owner information must match what is on record at the Midland Central Appraisal District. It appears the eastern property is owned by a separate party. Provide a warranty deed or title opinion to verify ownership.

The planning department supports approval of the preliminary plat subject to conditions A through D.

Conditions:

A. That a drainage study is approved.

B. That all public improvements above are addressed.

C. That the technical items listed above are addressed.

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

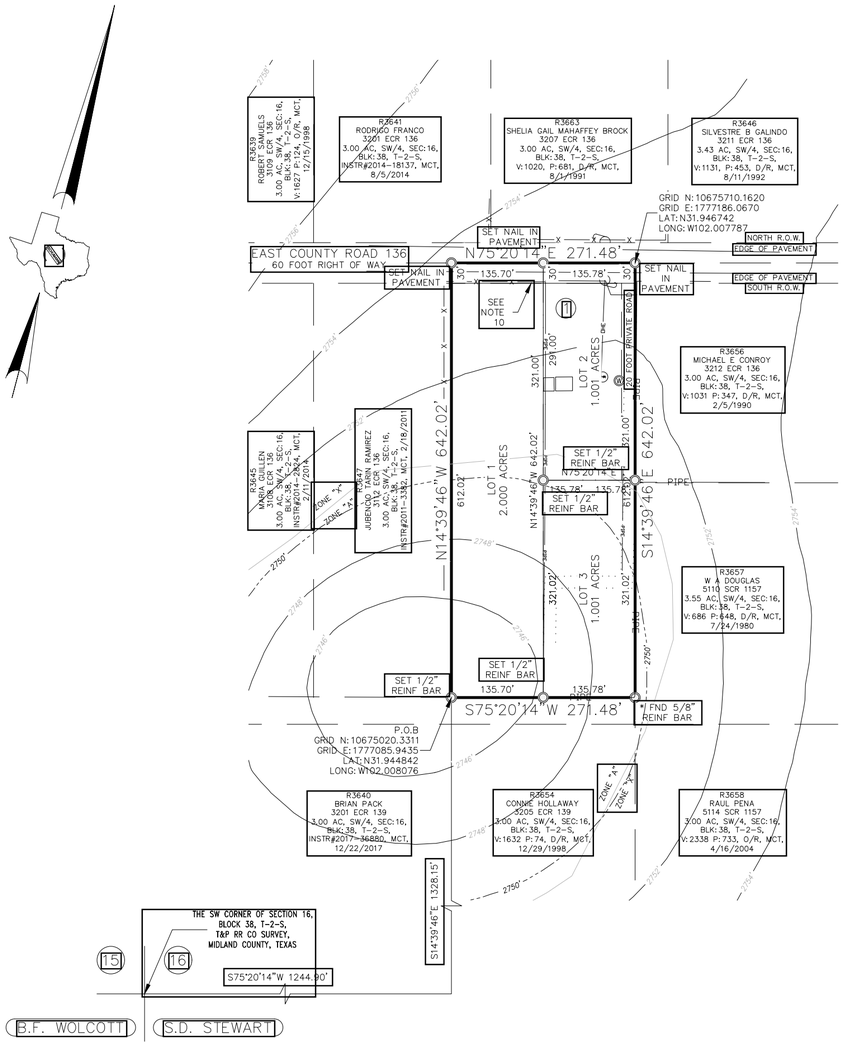
Attachments:

Proposed Preliminary Plat
Maps
Application

PRELIMINARY PLAT

RUSTY ARROW ADDITION

BEING A PLAT OF 4.001 ACRES OUT OF
THE SW/4 OF SECTION 16,
BLOCK 38, T-2-S,
T&P RR CO SURVEY,
MIDLAND COUNTY, TEXAS



NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.

3. BEARINGS, DISTANCES AND ACREAGE SHOWN ARE GRID BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.

4. THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) THE 4.00 ACRE TRACT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN FOUR TRACTS OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.

5. THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD MAP 48329C-0209F OF SEPTEMBER 16, 2005, SHOWS THIS PROPERTY IS BETWEEN ZONE "A" AND ZONE "X".

6. THIS PROPERTY LIES WITHIN THE ETJ (EXTRA TERRITORIAL JURISDICTION) OF THE CITY OF MIDLAND, NO 911 ADDRESS OR SEPTIC PERMIT WILL BE ISSUED WITHOUT THE LAND BEING PLATTED ACCORDING TO THE CURRENT CITY OF MIDLAND SUBDIVISION ORDINANCE, AS REVISED SEPTEMBER 23, 2014.

7. * ASTERISK DENOTES CONTROLLING MONUMENT

8. MONUMENTS ARE A 1/2" REINFORCING BAR SET WITH PLASTIC CAP STAMPED "SCHUMANN" UNLESS OTHERWISE NOTED.

9. MIDLAND COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES; AND, THE OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES, AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS MIDLAND COUNTY FROM ALL CLAIMS, DAMAGES, AND LOSSES ARISING OUT OF OR RESULTING FROM THE PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS PARAGRAPH.

10. THIRTY (30) FOOT COUNTY ROAD RIGHT OF WAY EASEMENT BY PLAT AS SHOWN.

STATE OF TEXAS

COUNTY OF MIDLAND

WHEREAS, I AM THE RECORD OWNER OF A TRACT OF LAND SITUATED IN THE SW/4 OF SECTION 16, BLOCK 38, T-2-S, T&P RR CO SURVEY, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

WITNESS MY HAND AT MIDLAND, TEXAS, THIS _____ DAY OF _____, 20_____ .

EFRAIN M. GUERRERO

GABRIELA GUERRERO

STATE OF TEXAS:
COUNTY OF MIDLAND:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20_____, EFRAIN M GUERRERO.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

STATE OF TEXAS:
COUNTY OF MIDLAND:

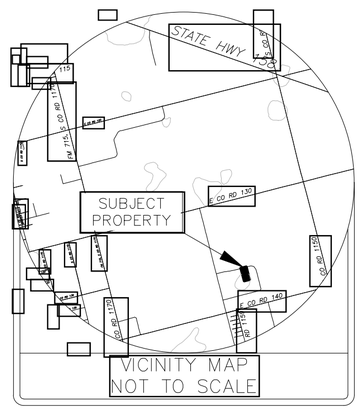
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20_____, GABRIELA GUERRERO.

NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

OWNERS:

EFRAIN M GUERRERO
3802 FM 715
MIDLAND TX 79706
(432) 661-5601
gmerino-20@yahoo.com.mx

GABRIELA GUERRERO
3802 FM 715
MIDLAND TX 79706
(432) 661-5601
gmerino-20@yahoo.com.mx



SYMBOLS LEGEND

PROPERTY CORNER	WIRE FENCE	WATER WELL
POWER POLE	RETIRED BREAKER BOX	LOT LINES
OHE OVERHEAD ELECTRIC	PROPERTY LINE	TELEPHONE PEDESTAL
GM GAS METER	GAS RISER	SEWER MANHOLE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____ ONCOR ELECTRIC DELIVERY COMPANY

SIGNED: _____ AT&T TEXAS

SIGNED: _____ ATMOS ENERGY

SIGNED: _____ SUDDENLINK COMMUNICATIONS

SIGNED: _____ GRANDE COMMUNICATIONS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF RUSTY ARROW ADDITION, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS _____ DAY OF _____, 2020.

SIGNED: _____ CHAIRMAN JOSH SPARKS

ATTEST: _____ SECRETARY CRISTINA ODENBORG BURNS

GRAPHIC SCALE
0 150' 300'
(IN FEET)
1 inch = 150 ft.

THAT I, RJ DAUM. A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MIDLAND, TEXAS.

RJ DAUM
TEXAS RPLS 4826

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

NO.	DATE	DESCRIPTION	BY
2	6/9/20	CHANGED CONFIGURATION	KDS
1	5/20/20	PRELIMINARY PLAT	KDS

DRAWN BY: KDS | DATE: 2/28/2020
CHECKED BY: RJD | DRAWING NO.: 77265EG
JOB NO.: 77,265 | SHEET 1 OF 1

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

RUSTY ARROW ADDITION

MIDLAND
Planning Division

Preliminary Plat Application

Project Number: SUB-20-0335
Case Number: P-20-088

Proposed Subdivision Plat Name: *Rusty Arrow Addition*

Legal Description (attached sealed Metes and Bounds): *Being a plat of 4.001 acres out of the SW/4 of Section 16, Block 38, T-2-S, T&P RR Co Survey, Midland County, Texas.*

Property Owner Printed Name: *Efrain Guerrero*		Phone *(432) 661-5601* Email: *gmerino_20@yahoo.com*	
Address *3802 FM 715*	City *Midland*	State *TX*	Zip *79706*
Developer *(if different than Owner)* Printed Name:		Phone ( ) Email	
Address	City	State	Zip
Representative *(if acting as Agent, see affidavit on page 2)* Firm: *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: *asdfdsasdf asdf asdf f*

Plat Information	Total Acreage: *4.001*
Type: ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: 3	Number of Multi-Family Dwelling Units:

Submittal and Fees
Items to be submitted with this application form:

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

Request for a Development Agreement
Do you expect to request a development agreement with the City? ☐ Yes ☐ No
If yes, contact the City Engineer at (432) 685-7286

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

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

Property Owner (signature): Efguerrero Date: 6-5-2020

Property Owner (printed) : Efrain Guerrero

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared _____ 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 5th day of June, 2020, to certify which witness my hand and seal of office.

KEVIN STARNES
Notary Public, State of Texas
Comm. Expires 03-03-2024
Notary ID 128975224

_____
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 # 1412

RECEIVED
JUN 11 2020

Received By: Date: BY:

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

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): [signature] Date: 06/05/2020

Property Owner (printed) : Gabriela Guerrero

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.

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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 5th day of June, 2020, to certify which witness my hand and seal of office.

KEVIN STARNES
Notary Public, State of Texas
Comm. Expires 08-03-2024

[signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

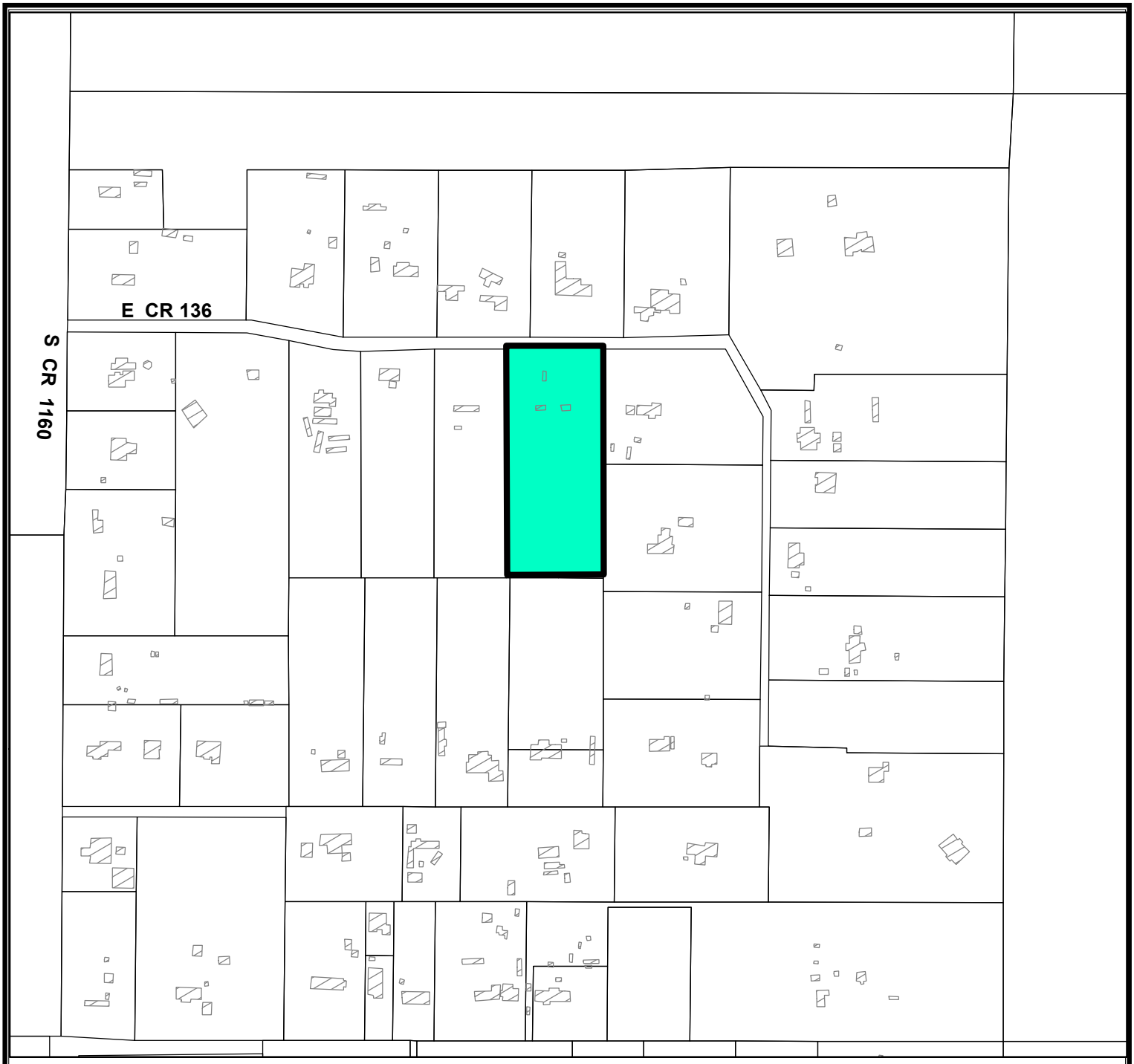
☐ Property Owner Authorization ☐ 1 Copy of Dimensioned Plat ☐ Plat in Digital Format (PDF/JPEG)

☐ Application Fee ☐ 1 Copy of Plat (11x17)

Check #_____

Received By: Date:

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



LOCATION MAP

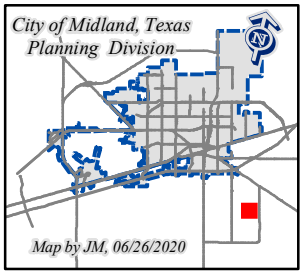
P-20-0873 **Scale: 1" = 400'**

Proposed plat of Rusty Arrow Addition, being a plat of a 4.001-acre tract of land located in the southwest quarter of Section 16, Block 38, T-2-S, T&P RR. Co. Survey, Midland County, Texas.

Generally located on the south side of E. County Road 136, approximately 336 feet west of S. County Road 1157. (Extraterritorial Jurisdiction)

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

Planning and Zoning Commission

MEETING DATE: **July 6, 2020**

TO: **Planning and Zoning Commission**

FROM: **Elizabeth Shaughnessy, Senior Planner**

SUBJECT: **Hold a public hearing and consider a proposed Final Plat of Country Sky Addition, Section 26, being a residential replat of Lot 6F, Block 2, Country Sky Addition, Section 21, City and County of Midland, Texas. (Generally located on the west side of Roadrunner Trail, approximately 625 feet south of Briarwood Avenue. Council District 4)**

Recommended Planning and Zoning Commission Action:

☒ Approve ☐ Deny ☐ Direction/Informational

Current Zoning:

CE, Country Estates District.

Preliminary Plat Approval:

The applicant's property is located at 4409 Roadrunner Trail. The applicant is requesting to re-plat the property into (3) three lots for ownership purposes. This application is being processed using the short form procedure at the request of the applicant.

Final Plat Requirements:

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

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

Below are the departments' comments.

Code Compliance: (Approved)

Plat identifies the permitted wells identified with proper buffers and notes a variance would be required for building permits.

Fire: (Approved)

Fire hydrants shall be provided every 600' to provide fire protection water to sites.

Building Code: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Transportation: (Approved)

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review.

No objections to plat.

Engineering: (Approved)

IMPACT FEES: Impact Fee Note has been incorporated on the face of the plat.

ROW: ROW is fine as shown.

PAVING: 059-2020-Motion Deferral Approved by Council on 6/9/20.

WATER: 8” water exists in Roadrunner Tr. east of tract, okay as is. No public water improvements required.

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

PRO RATA: None.

SEWER: 059-2020-Motion Deferral Approved by Council on 6/9/20.

DRAINAGE: Drainage study not required for development into single family residences.
Development will be considered in-fill. If this development is not going to be for single family residences a drainage study may be required.

EASEMENTS: Show existing and proposed.

SIDEWALKS: 059-2020-Motion Deferral Approved by Council on 6/9/20.

DIMENSION: * * *

OTHER: * * *

Planning:

This property is considered as a residential re-plat; therefore, a public hearing is required.

Provide a new Title Opinion. The existing Title Opinion is passed the 90-day period.

Conditions:

A. That the technical items listed above are addressed.

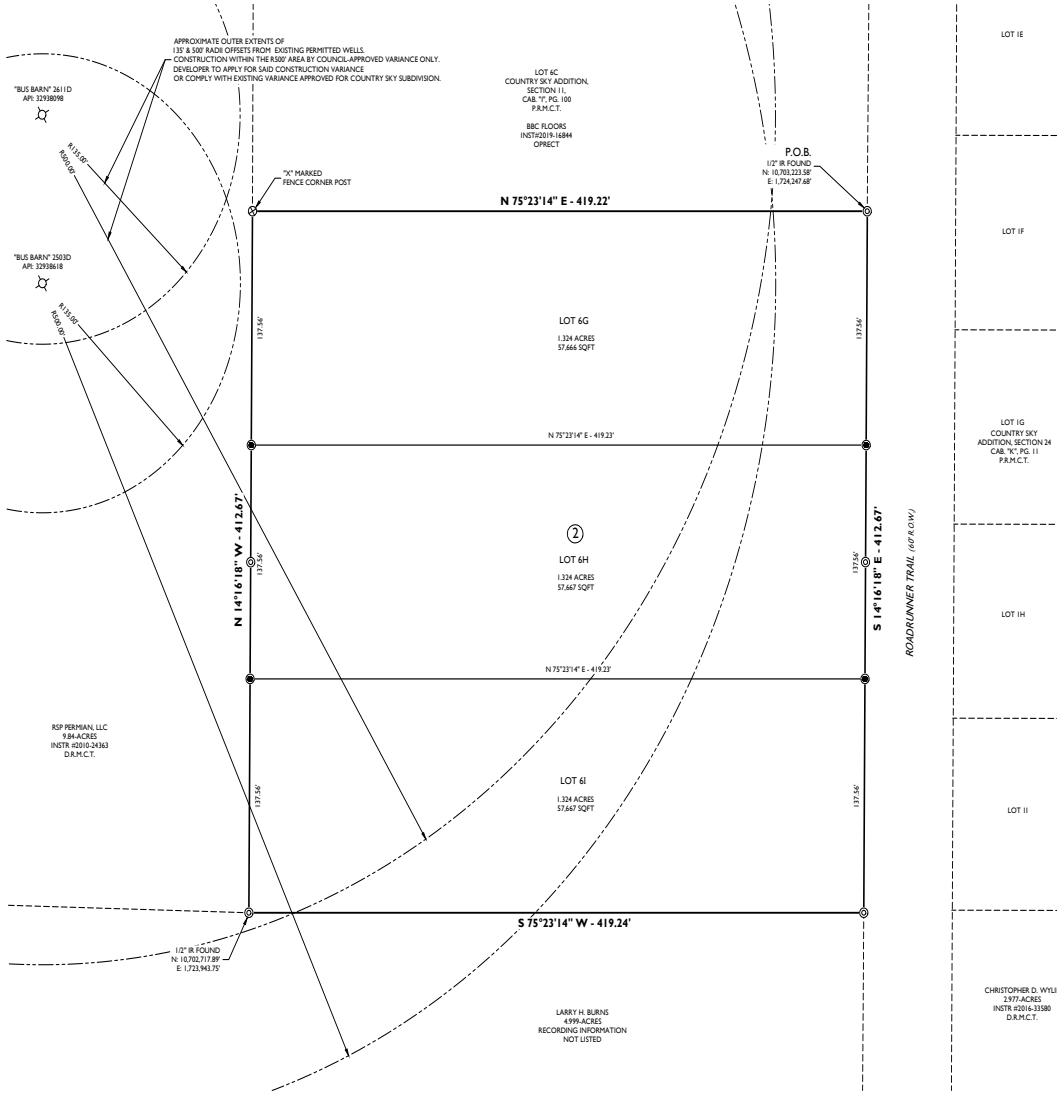
B. All plat comments, conditions, and requirements must be satisfied by all pertinent City departments before filling for recording with the County Clerk of Midland County, Texas.

Attachments:

Proposed Final Plat
Application
Maps

COUNTRY SKY ADDITION, SECTION 26

BEING A RE-PLAT OF LOT 6F, BLOCK 2, COUNTRY SKY ADDITION, SECTION 21,
CITY AND COUNTY OF MIDLAND, TEXAS



PROPERTY OWNER

SANCHEZ DIAMOND HOMES CONSTRUCTION, INC.
5417 SECRETARIAT STREET
MIDLAND, TX 79705
INSTR# 2020-3448

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

DATE _____ PAGE _____

DEVELOPMENT NOTES

1. *SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.*
2. *APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.*
3. *BEARINGS/DISTANCES/COORDINATES ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.*
4. *THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:*
   (1) THE REPRESENTED LOTS ARE REPLATTED FOR SUBDIVISION INTO MORE THAN ONE LOT OR :
   (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
5. *IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATTING PROCESS, IMPLEMENTATION AND COLLECTION OF IMPACT FEES WILL TAKE PLACE DURING THE BUILDING PERMIT PROCESS. ADDITIONAL IMPACT FEES OR INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASED.*

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S N.F.I.P. FLOOD INSURANCE RATE MAP #48329C0068F, DATED SEPTEMBER 16, 2005, THIS PROPERTY IS WITHIN THE UNSHADED PORTION OF ZONE "X", DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

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

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS SANCHEZ DIAMOND HOMES CONSTRUCTION INC., IS THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 26, BLOCK 40, T.-I.-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT SANCHEZ DIAMOND HOMES CONSTRUCTION INC., BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS COUNTRY SKY ADDITION, SECTION 26, 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 _____ 2020.

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 _____ 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 _____, 2020.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF COUNTRY SKY ADDITION, SECTION 26, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS ON THIS

_____ DAY OF _____ 2020.

JOSH SPARKS, CHAIRMAN

CRISTINA ODENBORG BURNS, SECRETARY

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, PAUL WILSON, 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.

PAUL WILSON RPLS#6135
MAVERICK ENGINEERING (TX FIRM #10194514)
1909 W. WALL STREET, SUITE, K
MIDLAND, TX 79701

13 APRIL 2020

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

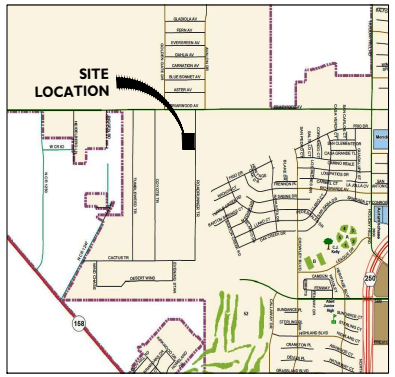
ATMOS ENERGY
BY: _____

AT&T
BY: _____

SUDDENLINK COMMUNICATION
BY: _____

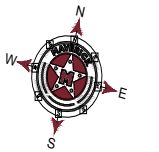
GRANDE COMMUNICATION
BY: _____

ONCOR ELECTRIC DELIVERY
BY: _____



VICINITY MAP

N.T.S.



SCALE 1" = 40'

LEGEND

◎	DENOTES FOUND MONUMENT AS NOTED
⊗	DENOTES SAW CUT "X"
⌘	DENOTES EXISTING OIL WELL
O.R.M.C.T.	DENOTES OFFICIAL RECORDS, MIDLAND CO., TX
D.R.M.C.T.	DENOTES DEED RECORDS, MIDLAND CO., TX
P.R.M.C.T.	DENOTES PLAT RECORDS, MIDLAND CO., TX
———	DENOTES BOUNDARY LINE
———	DENOTES EXISTING EASEMENT LINE
———	DENOTES PROPOSED EASEMENT LINE
———	DENOTES WELL PAD OFFSET

MAVERICK
ENGINEERING / SURVEY / WATER RESOURCES

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

COUNTRY SKY ADDITION, SECTION 26

MIDLAND
Planning Division

Final Plat Application

Project Number: _____

Case Number: _____

Proposed Subdivision Plat Name: Country Sky Addition, Section 26

Legal Description (attached sealed Metes and Bounds): Being a Re-Plat of Lot 6F, Block 2, Country Sky Addition, Section 21, City and County of Midland, Texas

Property Owner Printed Name: Sanchez Diamond Homes Construction Inc		Phone ( ) Email	
Address 5417 Secretariat Street	City Midland	State TX	Zip 79705

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

Representative *(if acting as Agent, see affidavit on page 2)* Firm: Maverick Engineering Printed Name: Paladin Huckaba		Phone (432) 262.0999 Email phuckaba @maverick-eng.com	
Address 1909 W Wall St Ste K	City Midland	State TX	Zip 79701

Current Zoning: CE

Reason for Platting: Ownership Purposes

Plat Information	Total Acreage: 3.972
Type: ☒ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Extraterritorial Jurisdiction (ETJ) or ☐ City Limits	
Number of Lots: 3	Number of Multi-Family Dwelling Units: 0

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

Items to be submitted with this application form:

- 2 FOLDED Copies of Dimensioned Plat & 1 Extra Copy of 11X17
- 2 Signed Mylar (or more if applicant does not request a signed reproduction
- Autocad File Submitted
- 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'

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

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): Elia Sanchez Date: 4/17/2020

Property Owner (printed) : Elia Sanchez

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.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew Miller who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or is authorized by Elia Sanchez, 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.

Andrew L. Miller
Authorized Agent (*signature*)

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

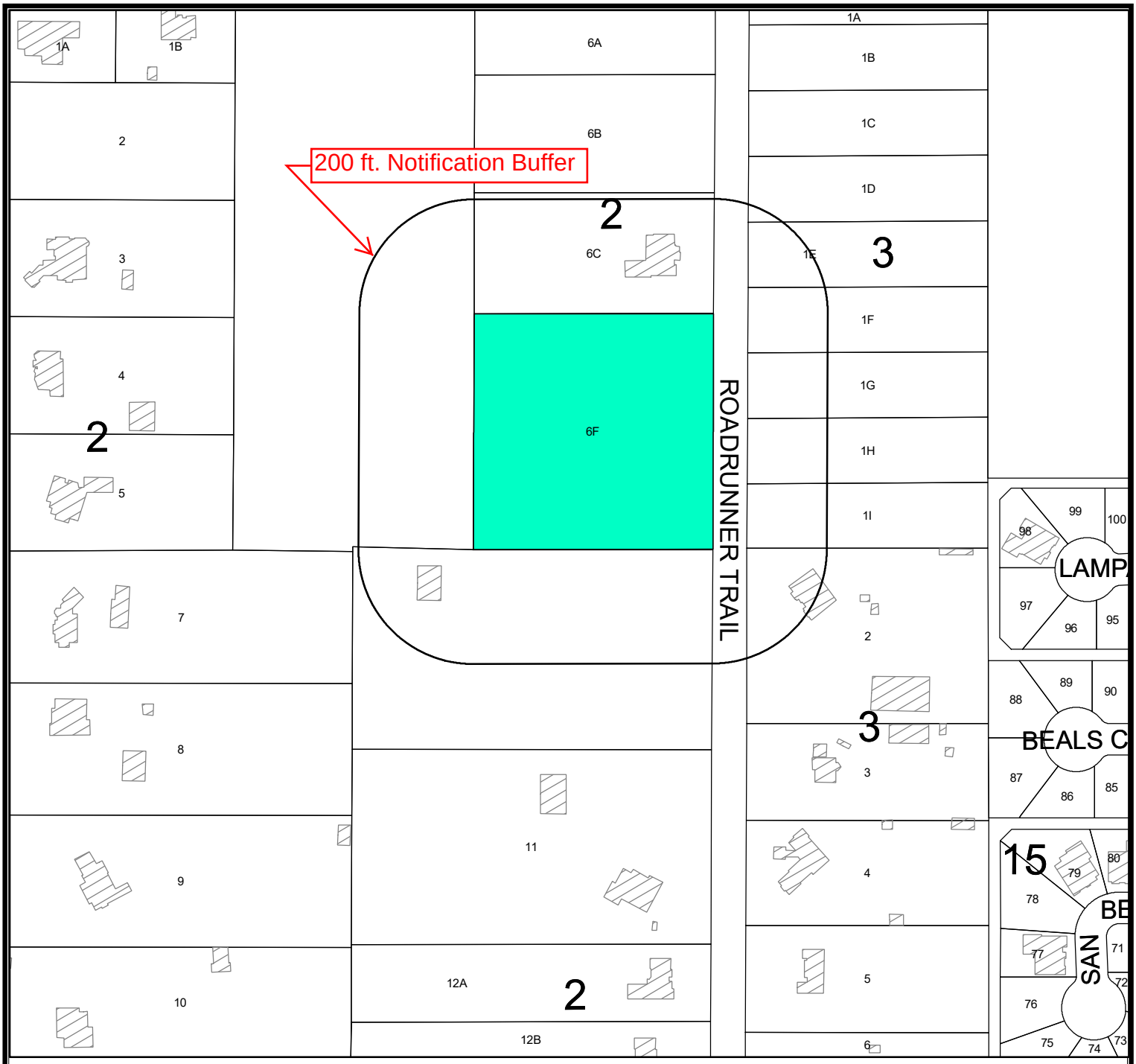
Kelsey Ann Stine
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

NOTARY PUBLIC STATE OF TEXAS
Kelsey Ann Stine
My Commission Expires
02/19/2022
ID No. 131456388

FOR OFFICE USE ONLY

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

PACKET
Page 9.69
July 6, 2020



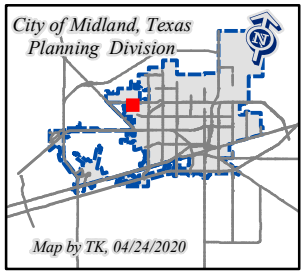
LOCATION MAP

SUB-20-0322 **Scale: 1" = 250'**

Proposed Plat of Country Sky Addition, Section 26, being a residential replat of Lot 6F, Block 2, Country Sky Addition, Section 21, City and County of Midland, Texas. (Generally located on the west side of Roadrunner Trail, approximately 625 feet south of Briarwood Avenue. Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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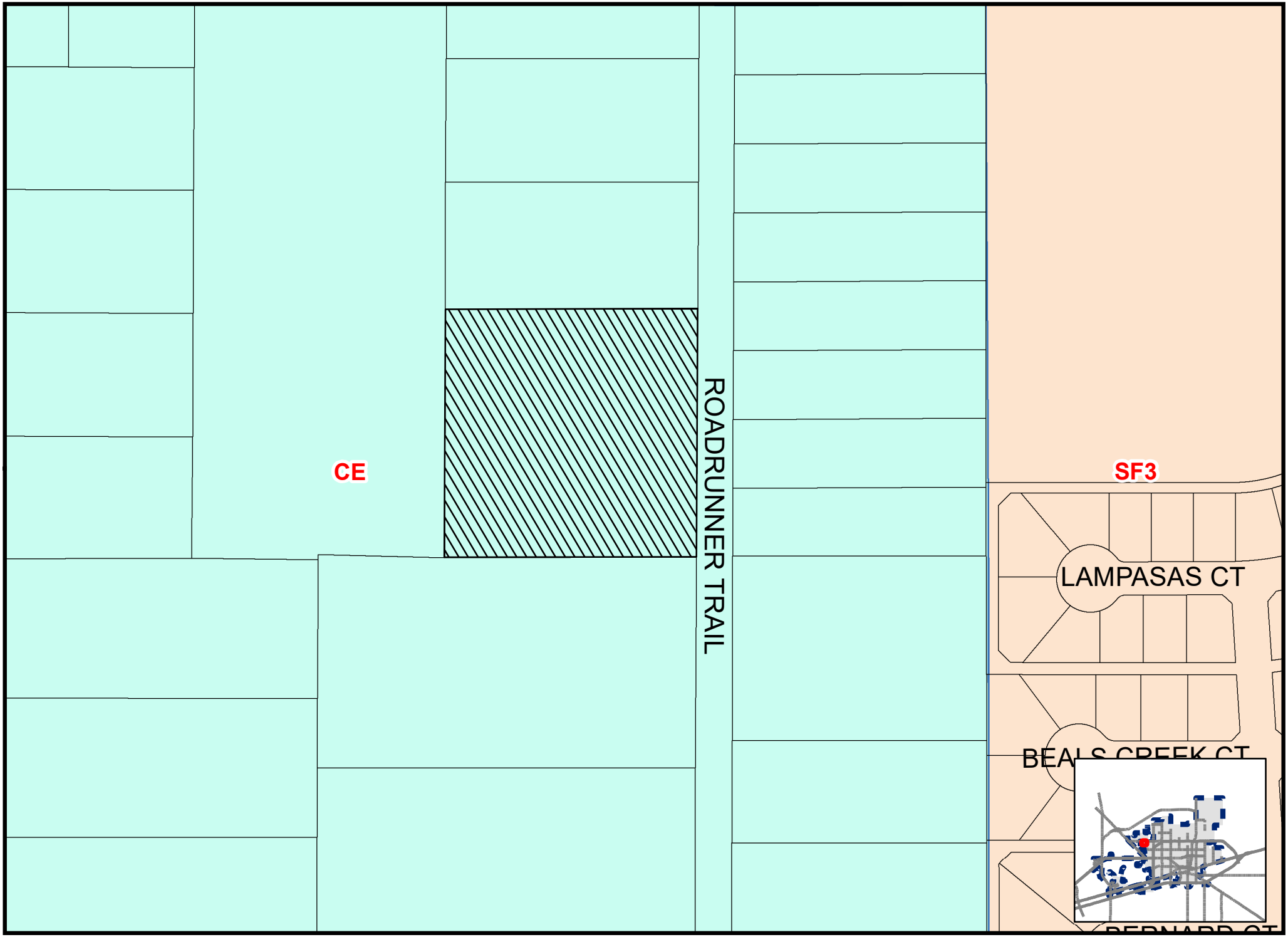

Map By TK, 04/24/2020

PACKET

SUB-20-0322

Scale: 1" = 200'

ZONING MAP

July 6, 2020

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Planning and Zoning Commission

Approved for Agenda:

MEETING DATE: **July 6, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Elizabeth Shaughnessy, Senior Planner**

SUBJECT: **Hold a public hearing and consider a request by James Tynes Jr. for a Specific Use Designation with term, for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 2,508 square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas. (Generally located on the north side of West Longview Avenue, approximately 290 feet east of Belmont Street. Council District 2)**

Recommended Planning and Zoning Commission Action:

☒ **Approve** ☐ **Deny** ☐ **Direction/Informational**

Details of Request:

The applicant, James Tynes Jr., is requesting a Specific Use Designation, with term, for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, at 210 West Longview Avenue, Suite G.

Current Zoning:

RR, Regional Retail District.

Surrounding Zoning and Land Use:

The properties located to the north are zoned O-1, Office District and SF-1, Single-Family Dwelling District and are the locations of Single Family residences and Templo Pacto de Alabanza y Amistad. The property to the east is zoned PD, Planned Development District for a Shopping Center and is the location of a Microtel by Wyndham. The property to the south is zone PD, Planned Development District for a Shopping Center and is the location of a Wal-Mart. The properties to the west are zoned PD, Planned Development District for a

Shopping Center and RR, Regional Retail District and are the locations of a credit union, Advanced Auto Parts, and Discount Tire, respectively.

Analysis:

Jemes Tynes Jr. is requesting a Specific Use Designation for the property located at 210 West Longview Avenue, Suite G, to sell all alcoholic beverages for on premise consumption, within a restaurant. The property is zoned RR, Regional Retail District, which allows the consumption of alcoholic beverages with the approval of a Specific Use Designation.

Sweet Pot is currently not in operation. The floor plan attached hereto as “Exhibit A” illustrates that the establishment will have one dining area and a bar. The total square footage of the establishment is 2,508 square feet with an alcohol serviceable area of 1,472 square feet.

The proposed hours of operation and alcohol serviceable hours of Sweet Pot Restaurant are as stated:

Sunday through Thursday from 10:00 AM to 10:00 PM
Friday and Saturday from 10:00 AM to 12:00 AM (Midnight)

There is one active Specific Use Designation with Term for the sale of alcoholic beverages in the same shopping center for Wing-stop. (Ordinance No. 9450)

Per Midland City Code 5.4.4. –Prohibited place of business

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

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

This request 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)

No objections.

Engineering: (Approved)

No objection to zone change.

Transportation: (Approved)

No objection to zone change.

Planning:

This request is in compliance with the *Tall City Tomorrow Comprehensive plan, Chapter 6 Character Plan - Goal 4, "Encourage the development of places where Midland residents can gather and socialize to build connections"* (Tall City tomorrow, page 137). Sweet Pot Restaurant is proposing a local restaurant that will give the citizens of Midland a new location to socialize.

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

Conditions:

A. **That the serviceable area of the restaurant shall be limited to approximately 1,472 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:**

    Sunday through Thursday from 10:00 AM to 10:00 PM
    Friday through Saturday from 10:00 AM to 12:00 AM (Midnight)

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 in accordance with Section 9.07.E.3 of the Zoning Code, the establishment shall receive a certificate of occupancy within 120 days from the final adoption date of this ordinance.

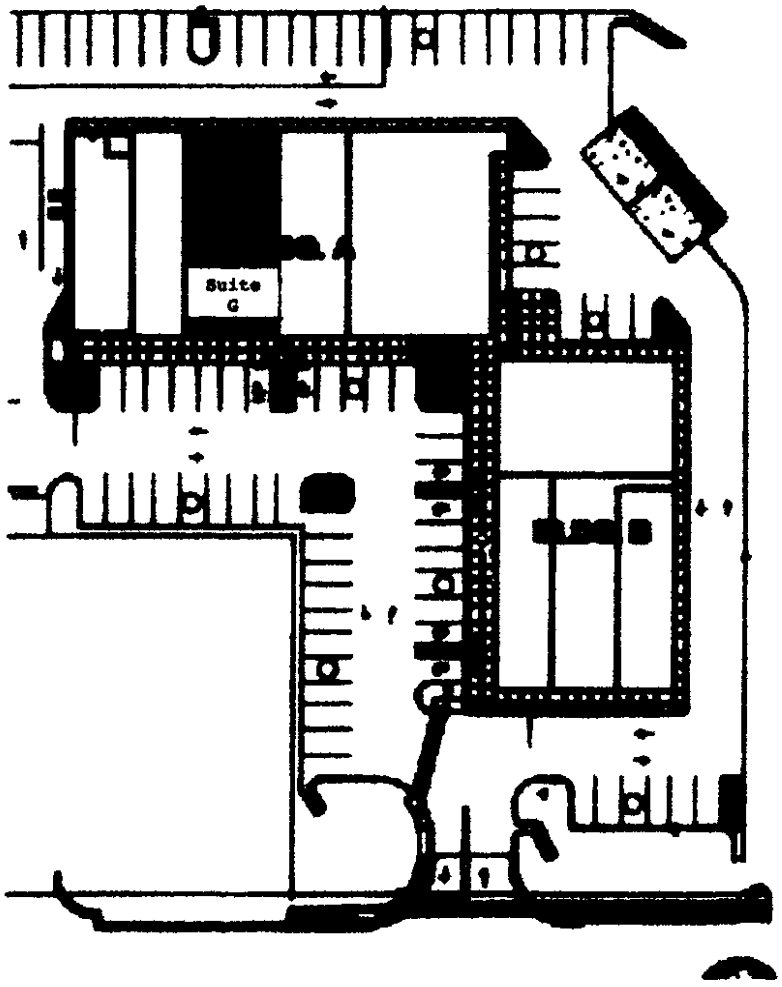
Letters of Objection:

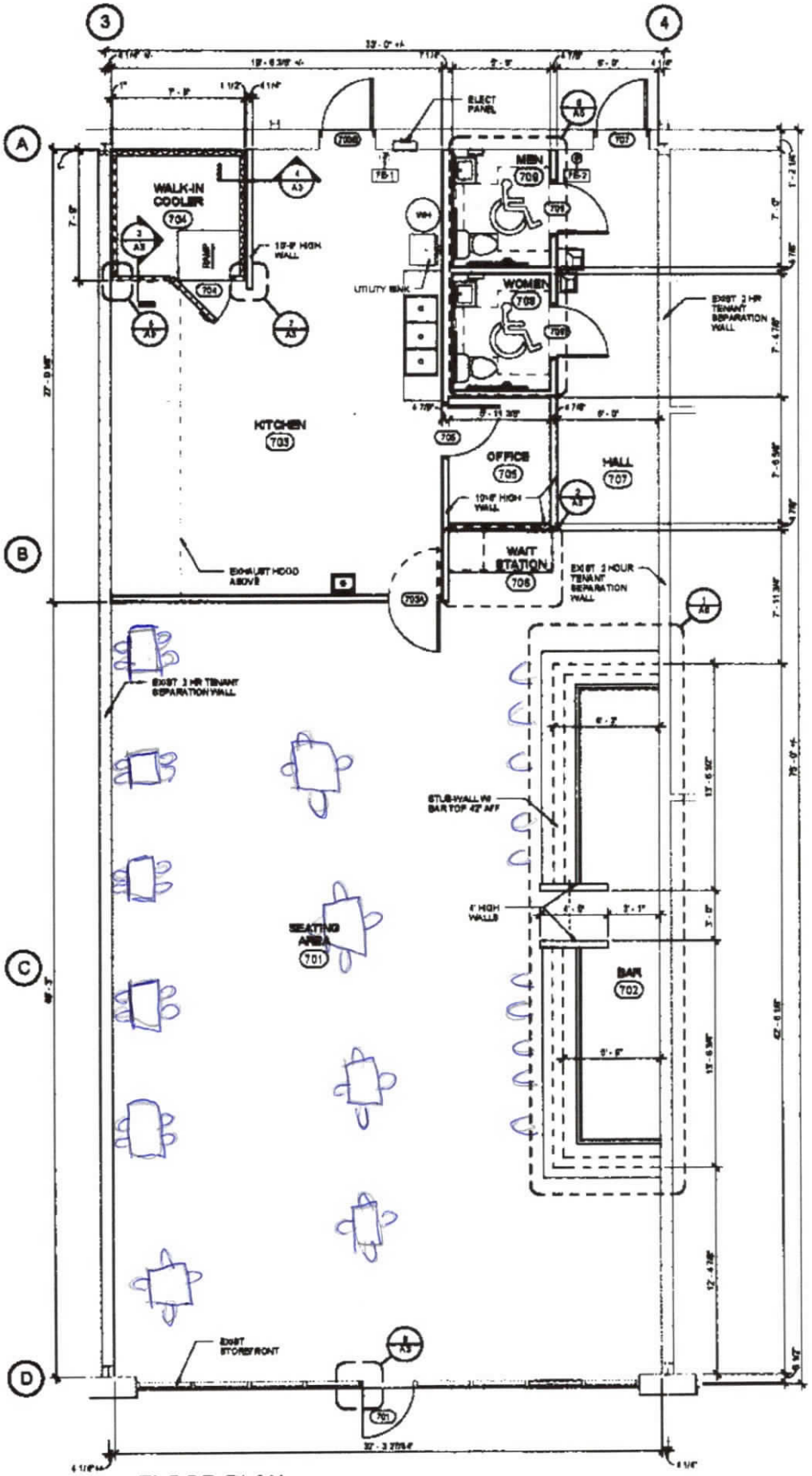
As of July 1, 2020, staff has not received any letters of objection.

Attachments:

Site Plan and Floor Plan (Exhibit A)
Application
Maps
Ordinance No. 9450

EXHIBIT A
MIDLAND CROSSING SHOPPING CENTER





1 FLOOR PLAN

1/4" = 1'-0"

MIDLAND
Planning Division

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

Project Number: SUD-200716

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: JAMES TYNES JR		Phone (701) 3397151 Email JAMESTYNES2624@GMAIL.COM	
Address 4700 POLO PARKWAY APT 147	City MIDLAND	State TX	Zip 79705
Property Owner Printed Name: JAMES TYNES JR		Phone ( ) Email	
Address 210 W. LONGVIEW AVE SUITE G	City MIDLAND	State TEXAS	Zip 79701
Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 210 W. LONGVIEW AVE

Business Name: SWEET POT LLC

Legal Description
Lot: G Block: Subdivision:

Current Zoning:

Reason for Request: LIQUOR PERMIT

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

Proposed/Current Days and Hours of Operation: MONDAY - SUNDAY 10 AM - 10PM

Proposed Days and Hours of Alcohol Service: MONDAY - SUNDAY 10 AM - 2 AM

Total Square Footage of Business:

Square Footage of Alcohol Serviceable Area:

Restroom Fixtures: *Men*	**Toilets/Urinals:** 1	**Bathroom Sinks:** 1
Women	**Toilets:** 1	**Bathroom Sinks:** 1

RECEIVED
JUN 04 2020
BY: .....

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)

RECEIVED
JUN 0 4 2020

Signatures	BY: .....
Applicant (signature):	Date: 5/29/2020
Applicant (printed): James T Yates Jr	
Property Owner (signature):	Date: 5/29/2020
Property Owner (printed) : James T Yates Jr	

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

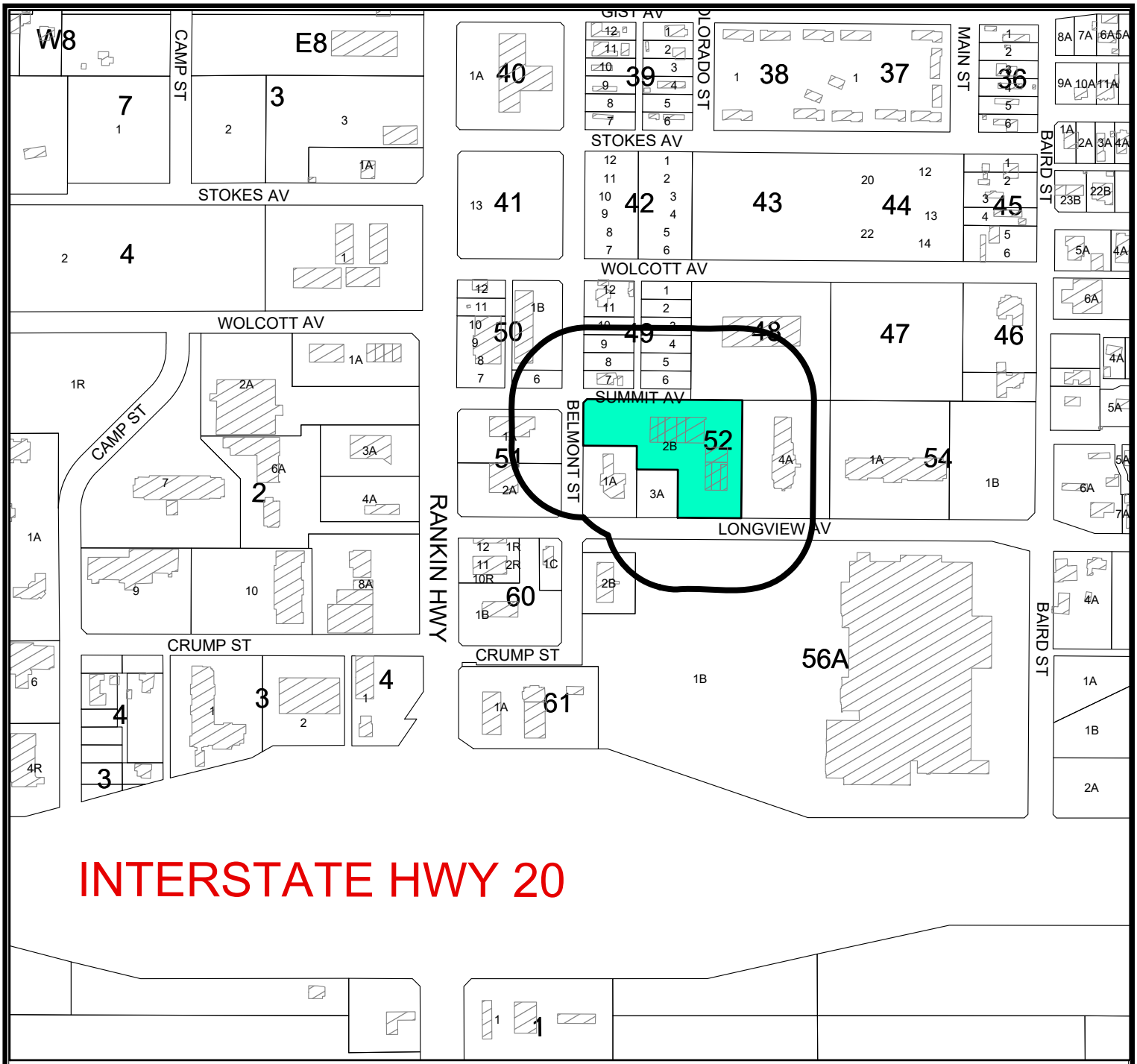
_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

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

RECEIVED
JUN 04 2020
BY: .....

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



LOCATION MAP

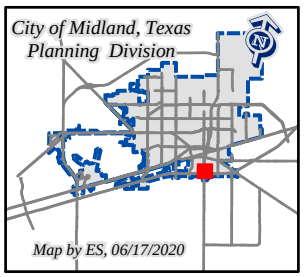
SUD-20-0076 **Scale: 1" = 400'**

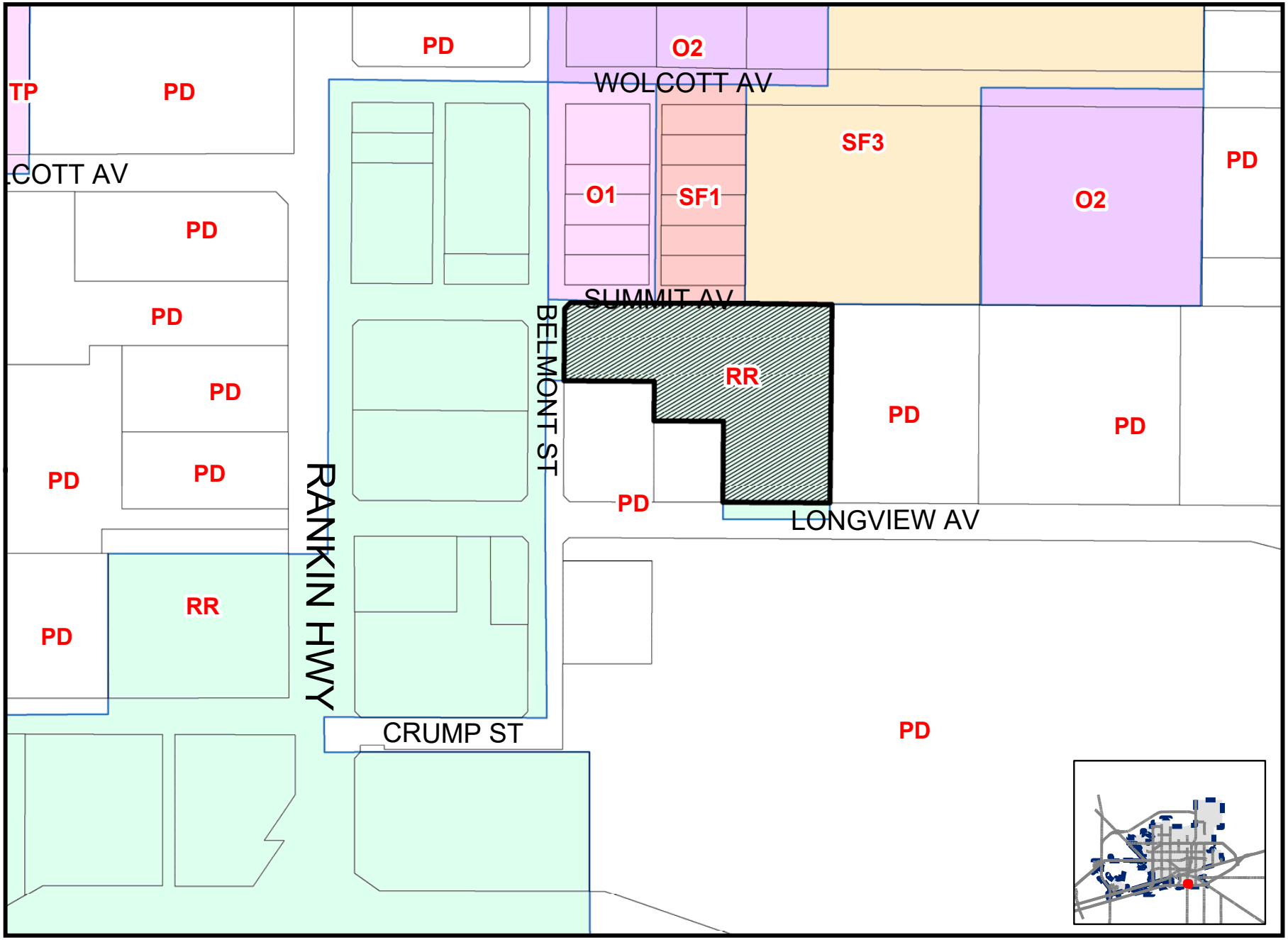
Consider a request by James Tynes Jr. for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 2,508 square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas.

Generally located on the north side of West Longview Avenue, approximately 290 feet east of Belmont Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Map By ES, 6/17/2020

SUD-20-0076

Scale: 1" = 200'

ZONING MAP

NO TRUCK PARKING
AT&T
LAVENDER NAILS & SPA

FOR
SALE
SPACE AVAILABLE
MIDLAND
CROSSING
Contact Jeff Farmer
901-300-3585
Walmart

SONIC

ORDINANCE NO. 9450

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 1,920-SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 270 FEET EAST OF BELMONT STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED 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, Texas, in compliance with the City Charter and the State law with reference to the granting of specific use permits under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording 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 of the City of Midland finds that the public convenience will be best served by the granting of a Specific Use Permit With Term, set out hereinafter, on the property described in Section One hereof;

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned LR-2, Local Retail District, to-wit:

> A 1,920-square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term

for the sale of all alcoholic beverages for on-premises consumption in a restaurant, together with the uses permitted in the present LR-2, Local Retail District.

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

A. That the serviceable area of the restaurant shall be limited to approximately 1,920 contiguous square feet as shown in the site plan, which is attached hereto as Exhibit "A" and incorporated herein.

B. That the maximum number of seats shall be limited to 54.

C. That a building permit shall be obtained, and the restaurant shall meet all requirements of the Fire Department and the Code Administration Division.

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

E. That the days and hours of alcoholic beverage sales and consumption shall be limited to:

1. Sunday through Thursday from 11:00 a.m. to 11:00 p.m.; and

2. Friday and Saturday from 11:00 a.m. to 12:00 a.m. (midnight).

F. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on-premise consumption to ensure that the conditions of this permit are satisfied.

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

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

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

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

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 9th day of June, A.D., 2015; and passed to second reading on motion of Council member Lacy, seconded by Council member Robnett, by the following vote:

Council members voting "AYE": Hotchkiss, 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 Love, seconded by Council member Hotchkiss, on the 23rd day of June, A.D., 2015, 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 23rd day of June, A.D., 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary

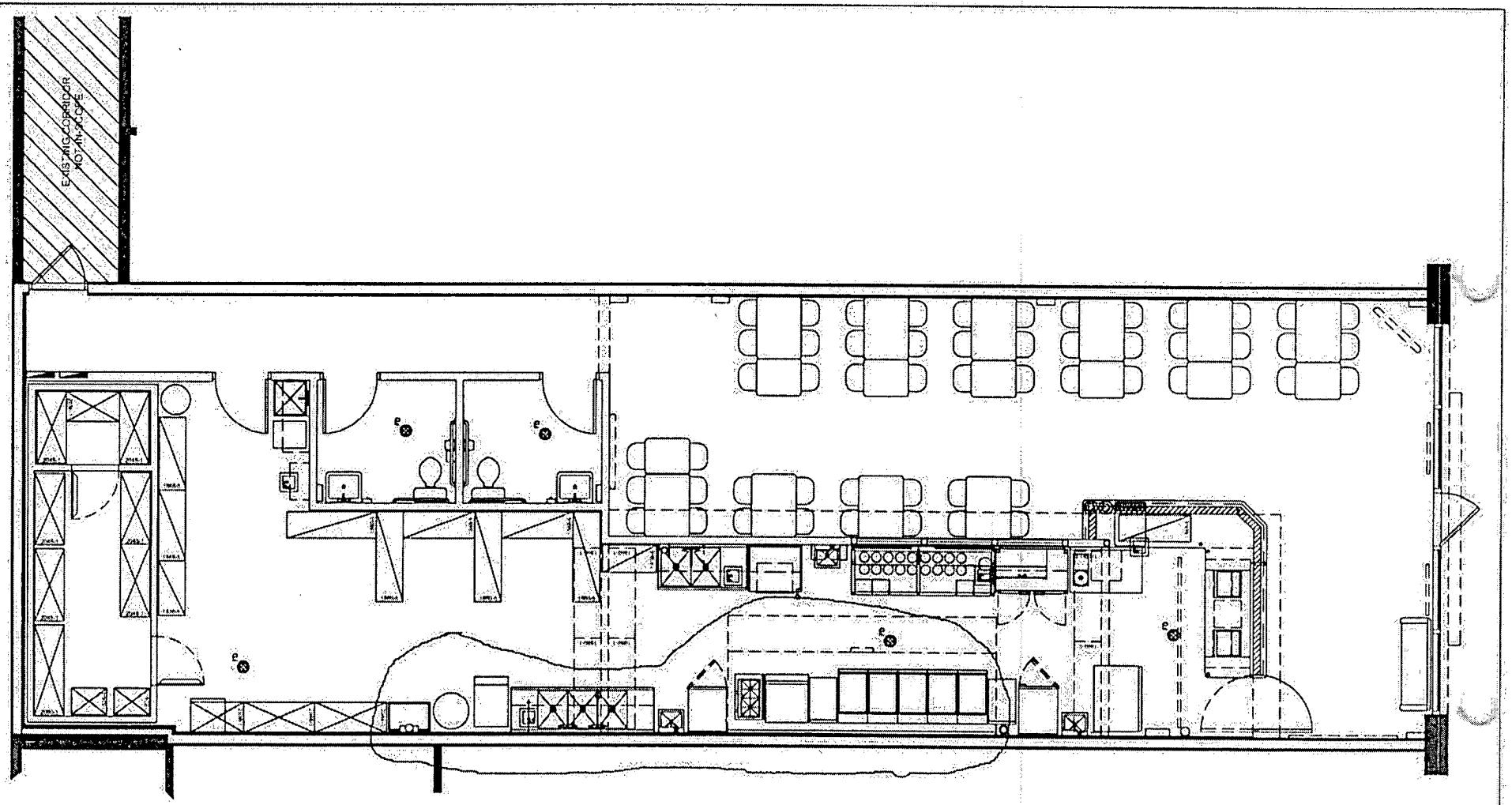
APPROVED AS TO CONTENT
AND COMPLETENESS:

Frank Salvato, Assistant City Manager

Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

John Ohnemiller, City Attorney



PROJECT DATA:

OVERALL NET LEASE (USABLE) AREA:	1,920 SQ. FT. (NET USABLE SPACE)
SALES, COOKING, PREP & JANITOR AREAS:	878 SQ. FT. @ 1/200 (GROSS) = 5 OCCUPANTS
SEATING AREA:	634 SQ. FT. @ 1/15 = 43 OCCUPANTS
ORDER (STANDING) AREA:	60 SQ. FT. @ 1/5 = 12 OCCUPANTS
PASSAGE, MEN & WOMEN RESTROOM AREAS:	282 SQ. FT. (ACCESSORY USE, NOT APPLICABLE)
SEATING ANALYSIS:	54 TOTAL SEATS
TOTAL OCCUPANT LOAD:	60 OCCUPANTS

GL #P007

PROJECT LOCATION:

MIDLAND, TX

DRAWING NAME:

SCHEMATIC EQUIPMENT PLAN

ISSUE DATE: 09/27/2014

EXHIBIT A

Ord # 9450

APPROVED

Approved for Agenda:
fsalvato
City Manager's Office

City Council Agenda

MEETING DATE: June 23, 2015

TO: CITY COUNCIL/CITY MANAGER

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

SUBJECT: **Consider an ordinance on second reading on a request by Longview Wingpartners, LLC for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 1,920-square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas. (Generally located on the north side of W. Longview Avenue, approximately 270-feet east of Belmont Street. – District 2)**

Purpose:

Consider an ordinance on second reading on a request by Longview Wingpartners, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The applicant is requesting a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, for a new restaurant, Wing Stop.

This restaurant is located at 210 W. Longview Avenue, Suite C, in a new retail center. The property is zoned LR-2, Local Retail District. To the north of the property is zoned O-1, Office District, 1F-1, One Family Dwelling District, and 1F-3, One-Family Dwelling District, and the locations of a residence, a vacant lot, and a church, respectively. To the east is zoned PD, Planned District for a Shopping Center, with an underlying zoning of LR-2, Local

Retail District, and the location of a hotel. To the south is zoned PD, Planned District for a Shopping Center, with an underlying zoning of LR-2, Local Retail District, and the location of Wal-Mart. To the west is zoned PD, Planned District for a Shopping Center, with an underlying zoning of LR-2, Local Retail District, and LR-2, Local Retail District, and the locations of a credit union and a Discount Tire, respectively.

The restaurant will have a floor area of 1,920 square feet. The applicant is requesting a maximum seating capacity of 54 seats. There are no schools or churches located within 300-feet of this site. The applicant is requesting service hours for alcohol sales as follows:

Sunday - Thursday: 11:00 a.m. – 11:00 p.m.

Friday and Saturday: 11:00 a.m. – midnight.

This area located near Rankin Highway and Interstate 20 has seen significant retail growth since the construction of the Wal-Mart. Because of this, staff sees that this request to sell alcohol for on-premises consumption in this restaurant is reasonable for this location.

City Council voted to approve this ordinance on first reading on June 9, 2015. This ordinance is now ready for consideration on second and final reading.

Letters of Objection:

Staff has received no letters of objection.

Case Number S-15001

CITY OF MIDLAND
Planning Division

SPECIFIC USE PERMIT APPLICATION

Longview Wingpartners, LLC — 817-675-4269
Applicant Name — Contact Phone #s

210 W Longview Ave., Suite C, Midland, Tx 79701
Address — Zip Code

E-Mail address: wingedout@yahoo.com and ehernandez@geraldfranklinagency.com

Midland Crossing LLC — 901-300-3585
Property Owner Name — Contact Phone #s

5101 Wheelis Dr Ste 310 Memphis, TN 38117
Address — Zip Code

E-Mail address: jeff@whiteoakdevelopment.net

Operator (if different from Applicant or Property Owner) — Contact Phone #s

Address — Zip Code

Type of Permit: BG/FB

SUP with Term: / Yes ___ No
(For Office Use)

If Billboard: n/a
Static ___ Electronic ___
Latitude: ___ Longitude: ___ (decimal degrees, 5 decimal accuracy)
Projection: ___

Street address and Legal Description of property on which SUP is desired (complete Lot, Block, and Subdivision, or if unplatted, attach a Metes and Bounds description with surveyor's seal.)
210 W Longview Ave., Suite C, Midland

Current Zoning: ___

Maximum Floor Area: 1920 sqft Max. Occupancy: 60

Proposed hours and days of use or operation: SUN-THUR 11am - 11pm
FRI-SAT 11am - midnight

Reason for request: for convenience of customers

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: All servers will have TABC seller/server certification. Also our sales are not driven by beer or wine it is driven by our food product. Our beer sales are estimated to be 1% of our total sales.

REQUIRED SUBMITTALS

1. Application fee: **$300.** (80% of fee will be refunded if no P&Z public hearing is called; if no City Council public hearing is called, then 30% of fee will be refunded.)
2. Site plan – 16 copies (FOLDED)
3. On a CD in .pdf and .jpg format

SIGNATURES:

Applicant: _____ Date: 4/7/2015

Property Owner: _____ Date: 4/7/2015

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~~ Fort Bend

Before me, the undersigned authority, on this day personally appeared Donna R. Braun who, being by me duly sworn, upon oath says: That (s)he is authorized by Jeff Farmer, 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 08th day of April, 2015 to certify which witness my hand and seal of office.

Anju Chugh

NOTARY PUBLIC, ~~MIDLAND~~ COUNTY, TEXAS
Fort Bend

FOR OFFICE USE ONLY
Rec'd By: KC Date: 4/27/15
Assigned: CO
For: P&Z On: 5/11/15

ANJU B. CHUGH
Notary Public, State of Texas
My Commission Expires
September 12, 2017

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

PLANNING AND ZONING COMMISSION

May 11, 2015

CASE: S-15-011, Longview Wingpartners, LLC.

REQUEST: Hold a public hearing and consider a request for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant.

APPLICANT: Longview Wingpartners, LLC.

OWNER: Midland Crossing, LLC.

LEGAL DESCRIPTION: On a 1,920-square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas.

LOCATION: Generally located on the north side of W. Longview Avenue, approximately 270-feet east of Belmont Street.

CURRENT ZONING: LR-2, Local Retail District.

DETAILS OF REQUEST:

The applicant is requesting a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, for a new restaurant, Wing Stop.

SURROUNDING ZONING AND LAND USE:

This restaurant will be located at 210 W. Longview Avenue, Suite C, in a new retail center. The property is zoned LR-2, Local Retail District. To the north of the property is zoned O-1, Office District, 1F-1, One Family Dwelling District, and 1F-3, One-Family Dwelling District, and the locations of a residence, a vacant lot, and a church, respectively. To the east is zoned PD, Planned District for a Shopping Center, with an underlying zoning of LR-2, Local Retail District, and the location of a hotel. To the south is zoned PD, Planned District for a Shopping Center, with an underlying zoning of LR-2, Local Retail District, and the location of Wal-Mart. To the west is zoned PD, Planned District for a Shopping Center, with an underlying zoning of LR-2, Local Retail District, and LR-2, Local Retail District, and the locations of a credit union and a Discount Tire, respectively.

ANALYSIS:

The restaurant will have a floor area of 1,920 square feet. The applicant is requesting a maximum seating capacity of 54 seats. There are no schools or churches located within 300-feet of this site. The applicant is requesting service hours for alcohol sales as follows:

Sunday - Thursday: 11:00 a.m. – 11:00 p.m.

Friday and Saturday: 11:00 a.m. – midnight.

This area located near Rankin Highway and Interstate 20 has seen significant retail growth since the construction of the Wal-Mart. Because of this, staff sees that this request to sell alcohol for on-premises consumption in this restaurant is reasonable for this location.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, subject to the following conditions:

A. **That the serviceable area of the restaurant shall be limited to approximately 1,920 square feet, as shown in Exhibit A.**

B. **That the maximum number of seats shall be limited to 54 seats.**

C. **That a building permit is obtained, and that the restaurant meets all requirements of the Fire Department and the Code Administration Division.**

D. **That the sale of alcoholic beverages for on-premises consumption shall comply with state and local laws.**

E. **That the permitted hours of the sale of alcoholic beverages be limited to:**

   a. **Sunday - Thursday: 11:00 a.m. – 11:00 p.m.**

   b. **Friday and Saturday: 11:00 a.m. – midnight.**

F. **That the applicant shall obtain a Certificate of Occupancy prior to the commencement of on-premises alcohol consumption to ensure that the conditions of this permit are satisfied.**

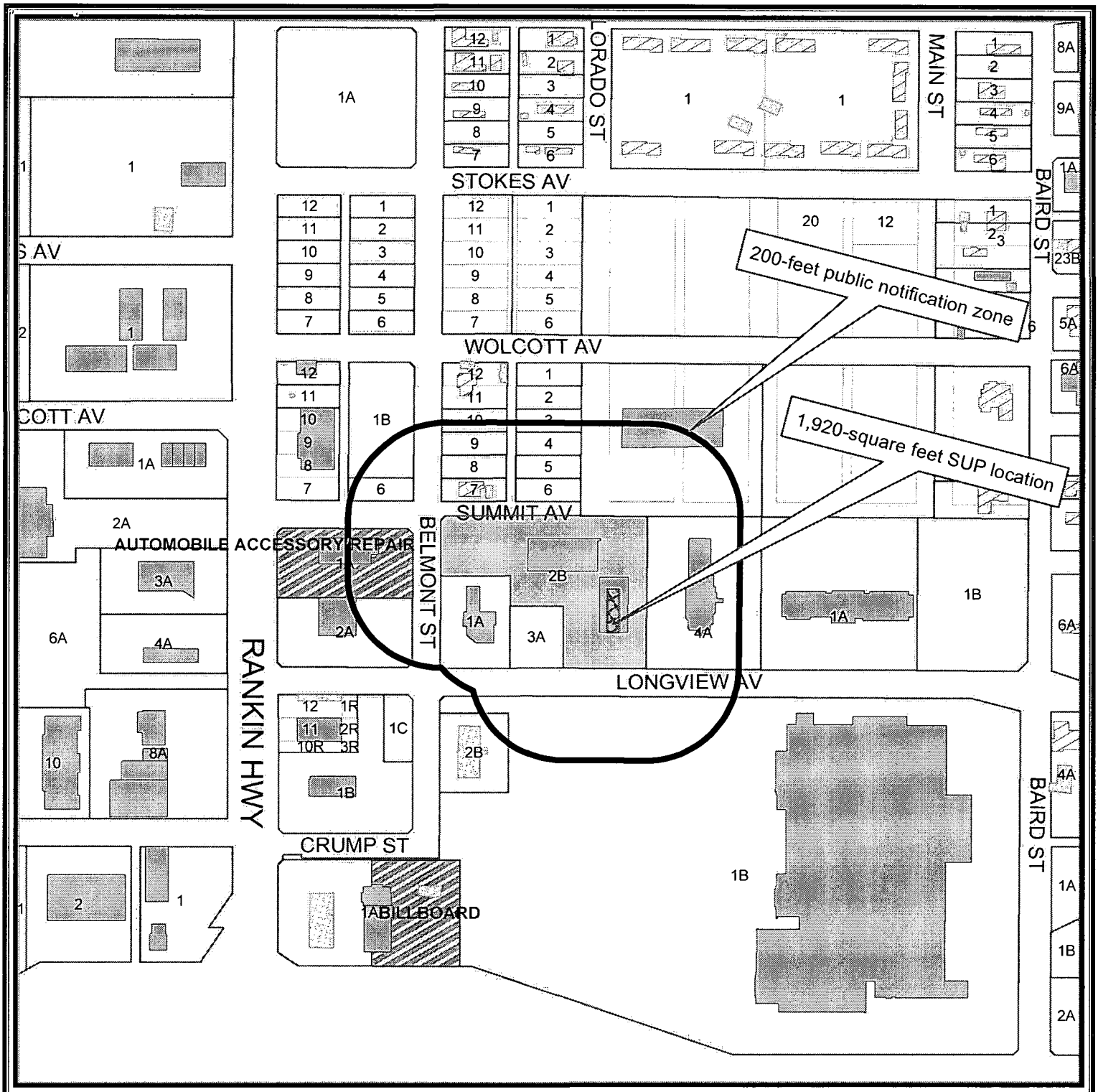
Site Plan (Exhibit A)

Cristina Odenborg
Senior Planner
Department of Development Services

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

Attachments:

Application
Maps



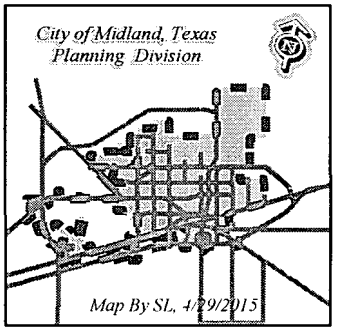
LOCATION MAP

S - 15 - 011 **Scale: 1" = 300'**

Consider a request for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 1,920 square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas.. (Council District 2)

LEGEND

- CITY LIMITS
- 200-FEET PUBLIC NOTIFICATION ZONE
- CITY PARCEL
- SUBJECT AREA
- PUBLIC BLDGS
- PRIVATE BLDGS
- ACCESSORY BLDGS
- EXISTING S.U.P



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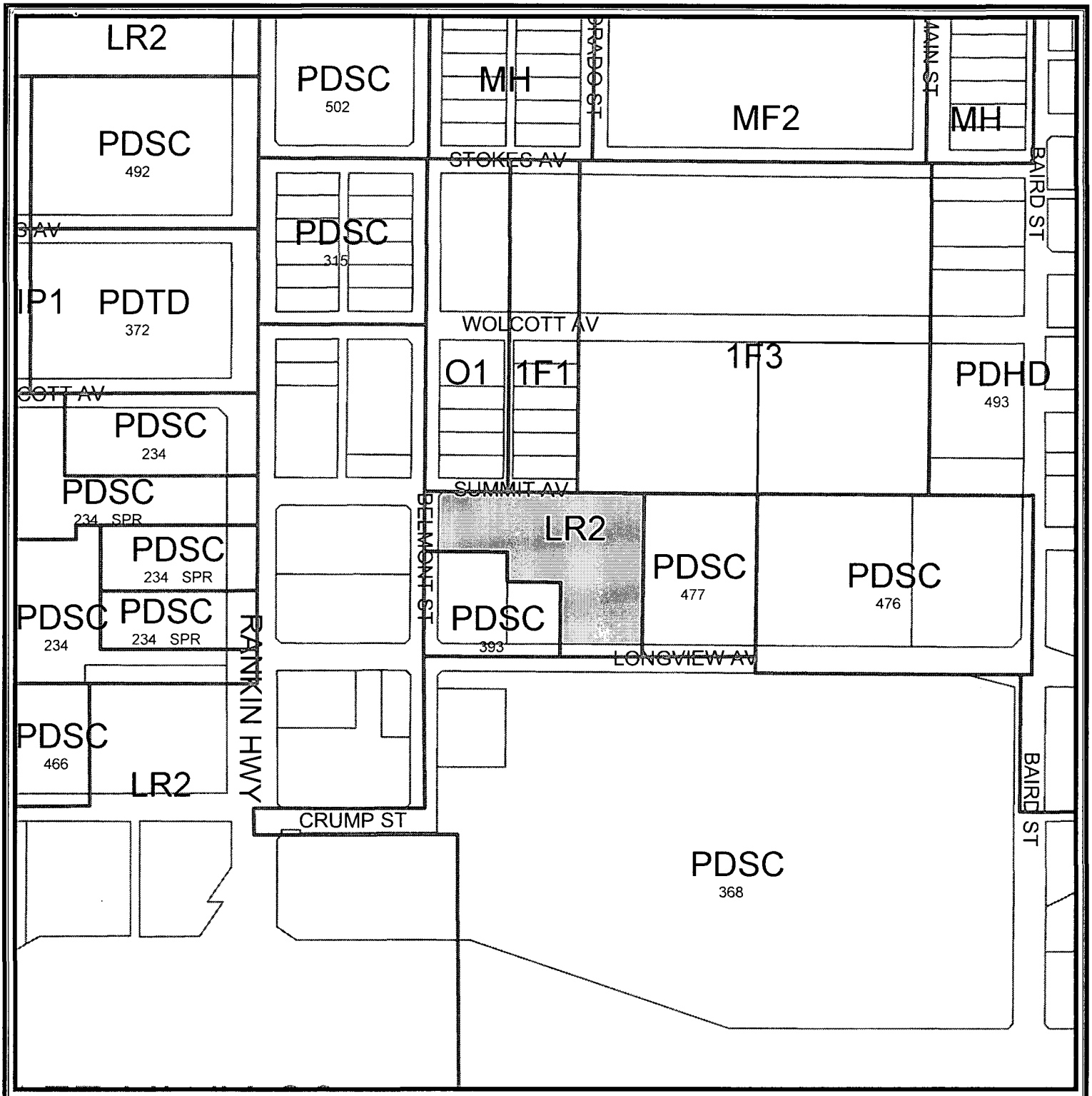

ZONING MAP

Map By SL, 4/29/2015

S - 15 - 011 **Scale: 1" = 300'**

Consider a request for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 1,920 square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas.. (Council District 2)

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 ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

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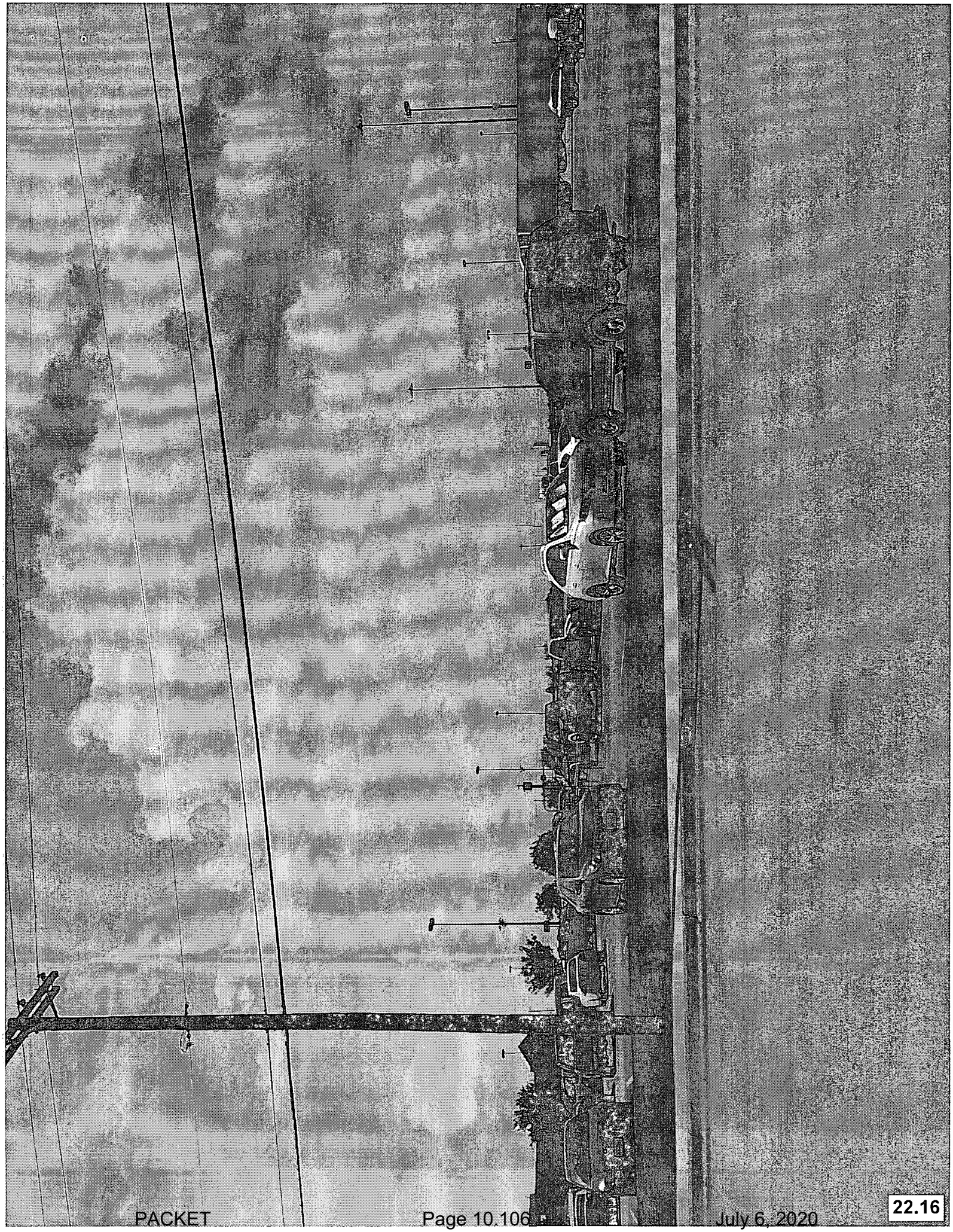
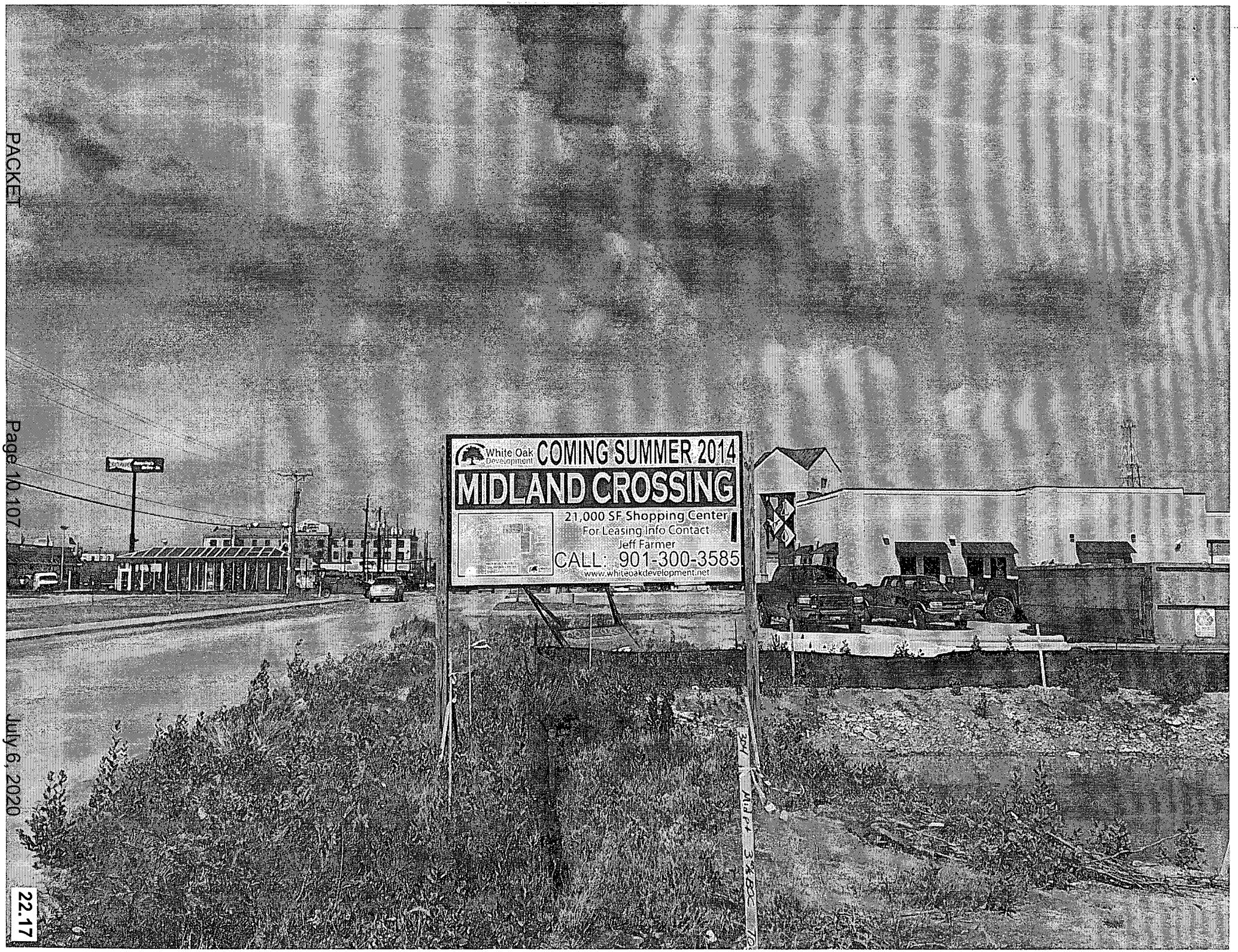



White Oak Development
COMING SUMMER 2014
MIDLAND CROSSING
21,000 SF Shopping Center
For Leasing Info Contact
Jeff Farmer
CALL: 901-300-3585
www.whiteoakdevelopment.net

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg

MEETING DATE: **July 6, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Elizabeth Shaughnessy, Senior Planner**

SUBJECT: **Hold a public hearing and consider a request by Rosa R. Ramirez, for a Specific Use Designation with Term for a Child Care: Day Care Center, on Lots 7 & 8, Block 11A, Highland Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Parker Avenue and N. Main Street. Council District 2)**

Recommended Planning and Zoning Commission Action:

☒ **Approve** ☐ **Deny** ☐ **Direction/Informational**

Details of Request:

The applicant, Rosa R. Ramirez, is requesting a Specific Use Designation with Term for a Child Care: Day Care Center to develop Mrs. Rosa's Learning Center, at 101 W. Parker Avenue.

Current Zoning:

SF-2, Single-Family Dwelling District.

Surrounding Zoning and Land Use:

The property is located at 101 West Parker Avenue, in a SF-2, Single-Family Dwelling District. The property to the north, east, south, and west are also zoned SF-2, Single-Family District and the location of residential houses.

Analysis:

The property is currently located in a SF-2, Single-Family District, which permits a Specific Use Designation with Term for a Child Care: Day Care Center. The applicant, Rosa R. Ramirez, has provided a site plan which shows 2,400 square feet of floor area for the Learning Center. The building to the north of the learning center will be the multipurpose center which will include an office and gym, totaling a square footage of 3,100.

Per the City of Midland Zoning Ordinance, Section 9.07 Specific Use Designation (SUD's)

> *F. Specific Use Designation "With Term" – Uses and Baseline Standards Specific Use Designations with term may be approved for the following types of uses and subject to, but not limited to, the specified restrictions, in the following districts.*
>
> 6. Child-Care: Day-Care Center Uses a. See Section 4.03 Use Chart to determine if a Specific Use Designation is required a given district

Per 4.03 use chart of the zoning code, Child Care: Day Care Center is an allowed use in the SF-2, Single Family Dwelling District with a specific use designation with term.

The proposed hours of operation are:

Monday through Friday from 7:00 a.m. to 6:00 p.m.

This project has been circulated and reviewed by all pertinent City departments for internal review their comments are as follows:

Engineering: (Approved)

No objection.

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.

Fire: (Approved)

No objections to zone change.

The learning center will require a fire inspection before opening.

Transportation: (Approved with Conditions)

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.

Due to traffic safety concerns, no pick-up/drop-off activity may occur in the right-of-way along Main St.

No objection to zone change.

Code Administration: (Approved with Conditions)

No Objections.

Planning:

This request meets all requirements; therefore, staff recommends approval of the Specific Use Designation with Term for a Child Care: Day Care Center, subject to Conditions A through E.

Conditions:

A. **That the operation of the Child Care: Day Care Center shall confirm to the attached site plan and floor plans incorporated herein as Exhibits A and B.**

B. **That all necessary permits, inspections, and approvals required by the City of Midland and the State of Texas shall be obtained prior to commencing operation of the Child Care: Day Care Center.**

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 days and hours of operation shall be limited to the following**

Monday through Friday from 7:00 a.m. to 6:00 p.m.

Letters of Objection:

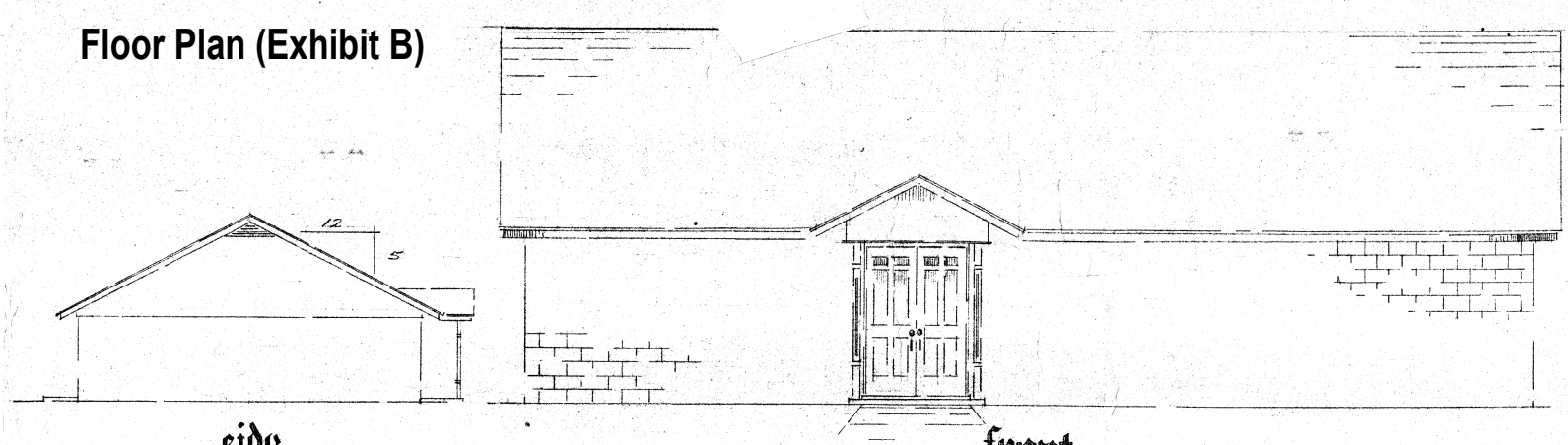
As of July 1, 2020, staff has not received any letters of objections.

Attachments:

Site Plan (Exhibit A)
Floor Plans (Exhibit B)
Application
Map

Site Plan (Exhibit A)

Floor Plan (Exhibit B)

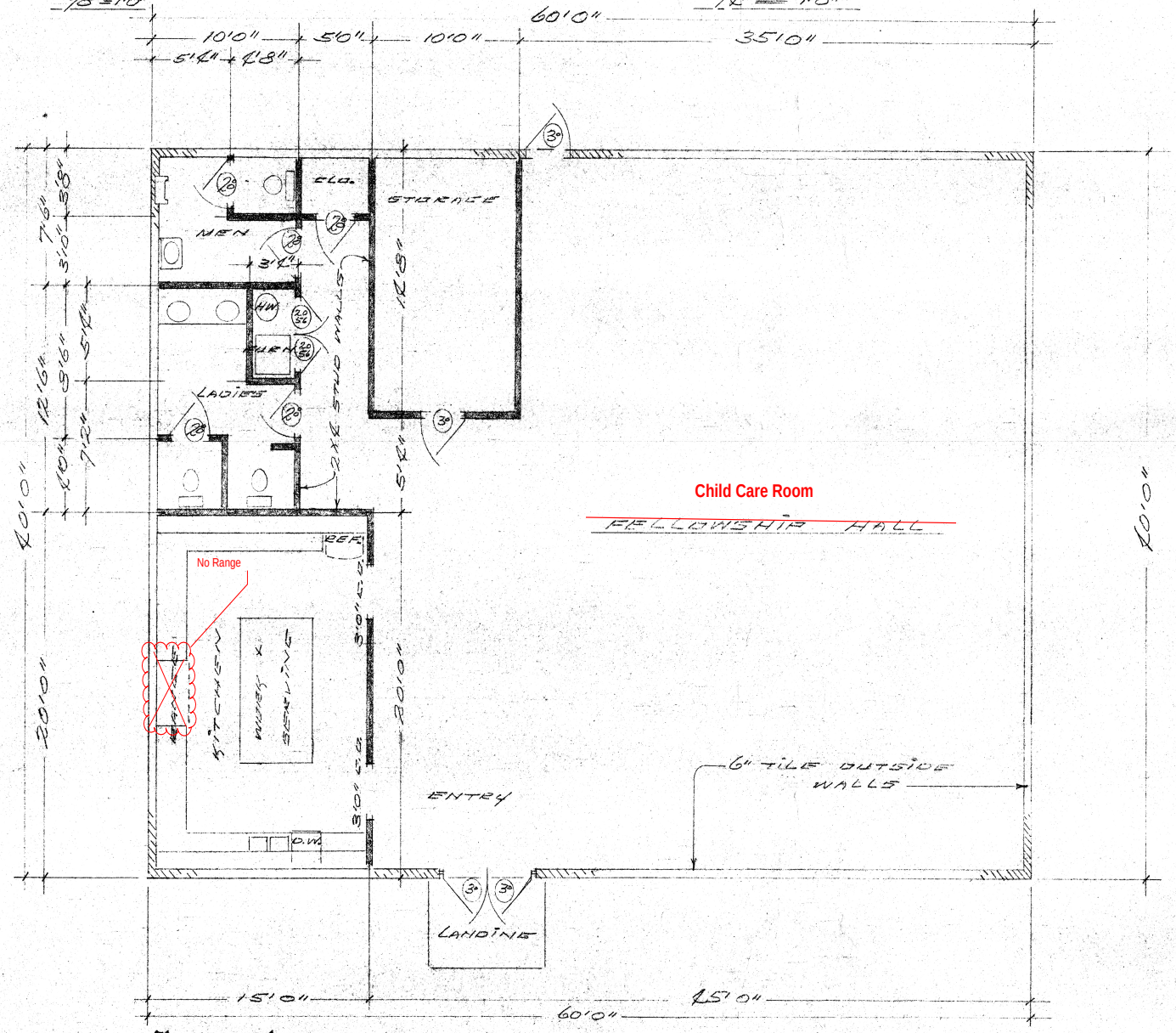


side

1/8"=1'0"

front

1/4"=1'0"



floor plan

1/4"=1'0"

PROPOSED FELLOWSHIP BUILDING FOR

MAIN STREET CHURCH OF CHRIST

ROY WHITE MINISTER

W. D. LADD DESIGNER

MIDLAND
Planning Division

Specific Use Designation Application (Non-Alcohol)

Case Number: SUD-20-0015

Ord. Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: ~~Mario B. Ramirez~~ Rosa R. Ramirez		Phone (~~432~~) ~~557-4570~~ Email Rosarramirez64@gmail.com	
Address 1408 N. Lorraine	City Midland	State ~~TX~~	Zip 79701
Property Owner Printed Name: Rosa & Mario Ramirez 432 557-4570		Phone (432) 813-7673 Email Rosarramirez64@gmail.com	
Address 1408 N. Lorraine	City Midland	State ~~TX~~	Zip 79701
Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Type of Permit: Specific Use Designation

For Office Use Only
☑ with Term ☐ without Term

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

Street Address: 101 W. Parker

Legal Description
Lot: 7 & 8 Block: Subdivision:

Current Zoning: SF2

Maximum Floor Area: **Maximum Occupancy:**

Proposed hours and days of use or operation: Mrs. Rosa's Learning Center Monday - Fri 7:00am 5:00pm

Reason for request: Open a Learning Center. 3 and 4 yr. old children. Mrs. Rosa's Learning Center

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: It's going to be a professional work place to provide care for young learners. and a well qualified work place.

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): Rosa R. Ra	Date: 6 · 1 · 2020
Applicant (printed): Rosar Ramirez	
Property Owner (signature): Mario Ramirez	Date: 6-1-2020
Property Owner (printed) : Mario Ramirez	

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

_____
Authorized Agent (*signature*)

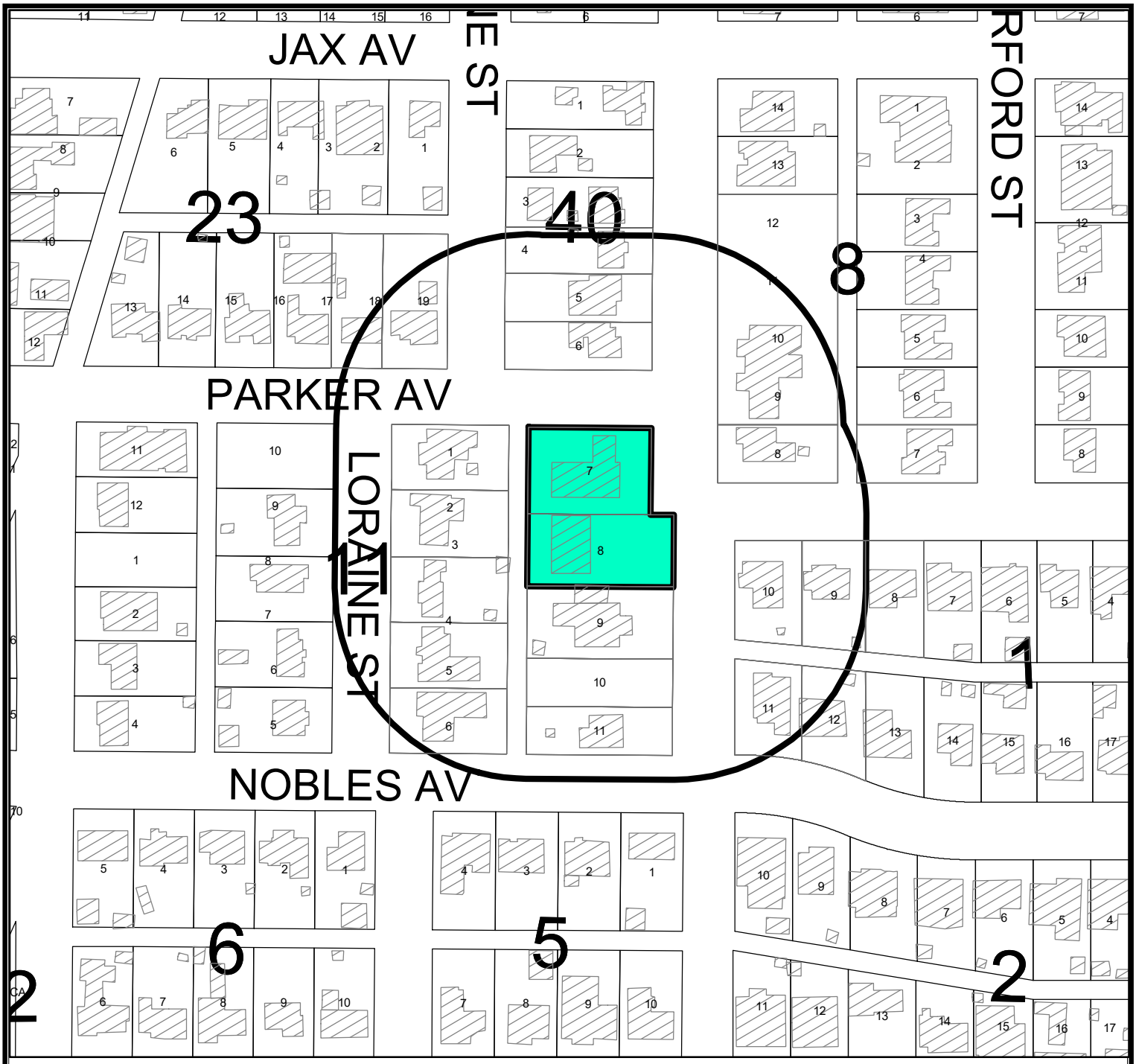
Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan Will send plan w/dimensions
☐ ~~Application Fee~~ Visa card	☐ Site Plan in Digital Format (PDF/JPEG)
Check #_____	
Received By: gac	Date: JUN 0 1 2020
	BY: .....

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



LOCATION MAP

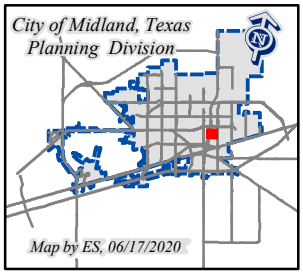
SUD-20-0075 **Scale: 1" = 150'**

Consider a request by Rosa R Ramirez for a Specific Use Designation with Term, for a Child Care: Day Care Center on Lots 7 & 8, Block 11A, Highland Addition, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of W. Parker Avenue and N. Main Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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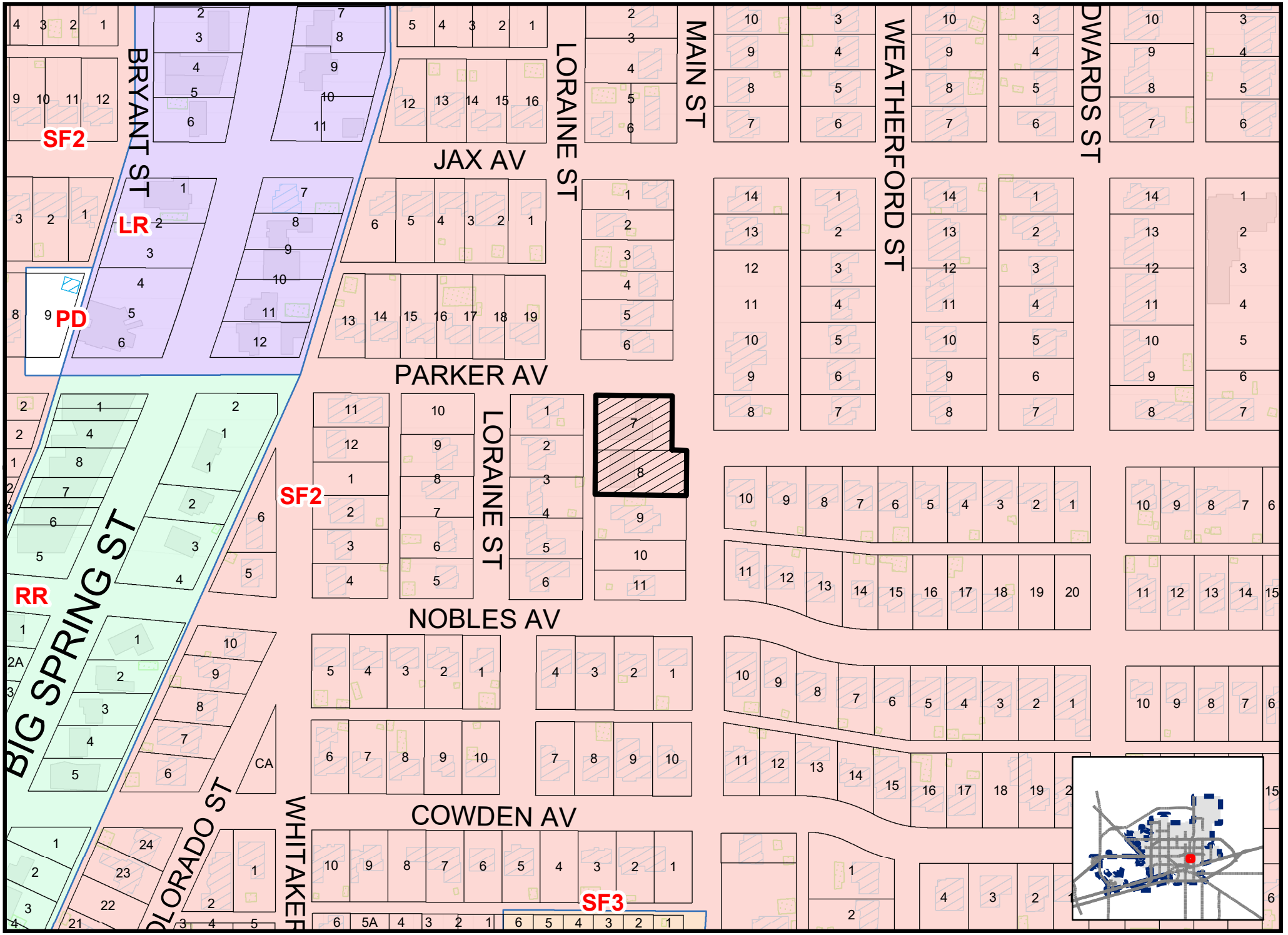

Map By ES, 06/17/2020

PACKET

SKD-20-0075

Scale: 1" = 200'

ZONING MAP

July 6, 2020

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Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2020

TO: **PLANNING AND ZONING COMMISSION**

FROM: Glenda Arroyo-Cruz, Planner

SUBJECT: Hold a public hearing and consider a request by Jamie Alvarado Lopez for a zone change from SF-3, Single-Family Dwelling District to 2F, Two-Family Dwelling (Duplex) District on Lot 1, Block 43, South Park Addition, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of East Hicks Avenue and South Dallas Street. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

_____ **Approve** ___X___ **Deny** _____ **Directional/Informational**

Detail of Request:

The applicant, Jaime Alvarado Lopez, is requesting approval of a zone change for the development of a duplex.

Current Zoning:

SF-3, Single-Family Dwelling District.

Surrounding Zoning and Land Use:

The properties to the north are zoned SF-2, Single-Family Dwelling District, and the location of residential homes. The properties to the east, south and west are zoned MF-22, Multiple-Family Dwelling district and the location of a residential home, manufactured housing, and vacant land, respectively.

Analysis:

The property is located at 418 East Hicks Avenue and is currently vacant. The applicant is proposing the development of a Two-Family dwelling (duplex). The current zoning of this property was recently changed from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on January 28, 2020.

The property does not meet the minimum lot requirements for the 2F, Two-Family Dwelling District since the minimum lot width required for a corner lot is 75-feet. The lot width of this property is 65.95-feet. The appropriate setbacks and maximum height must also be met as described in the 2F, Two-Family (Duplex) Dwelling District Dimensional Regulations chart.

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

Engineering: (Approved)

No objection to zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Fire: (Approved)

No objection.

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Code Compliance: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Planning:

Per the Future Land Use map, this location is designated as Urban Residential. Potential zoning for this area includes single family dwelling districts; therefore, this zone change is not in compliance with the Future Land Use plan.

Staff recommends denial of this request for approval of a zone change; however if approved, staff recommends that it shall be subject to condition A.

Conditions:

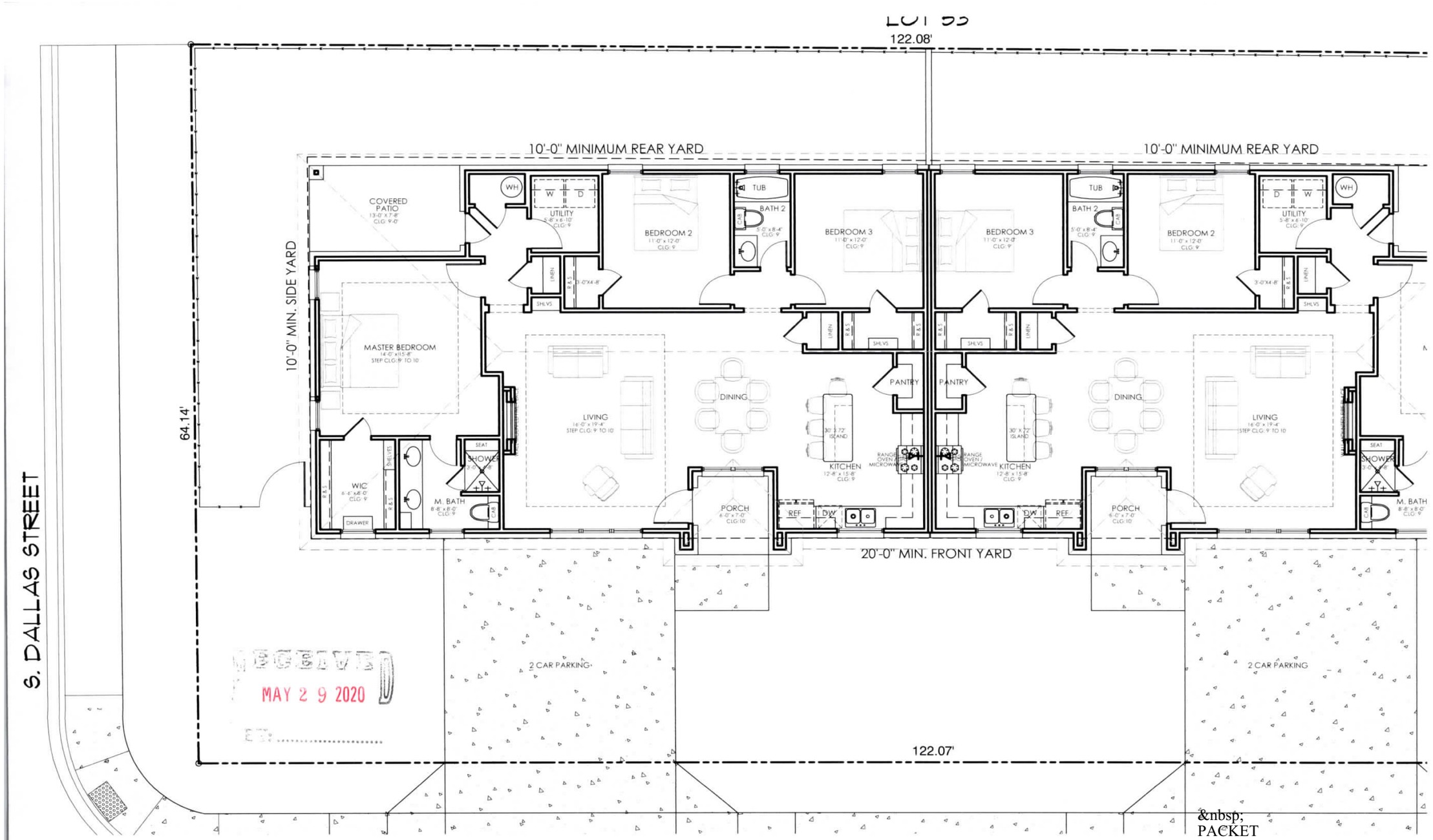
A. **That the use and development of this property shall conform to the regulations of the 2F, Two-Family Dwelling (Duplex) District.**

Letters of Objection:

As of July 1, 2020, staff has not received any letters of objection.

Attachments:

Application
Proposed Plans
Maps


LOT 55
122.08'
10'-0" MINIMUM REAR YARD
10'-0" MINIMUM REAR YARD
10'-0" MIN. SIDE YARD
64.14'
S. DALLAS STREET
COVERED PATIO
13'-0" X 7'-8"
CLG: 9'-0"
MASTER BEDROOM
14'-0" x 15'-8"
STEP CLG: 9' TO 10'
WIC
6'-6" x 8'-0"
CLG: 9'
DRAWER
SHELVES
M. BATH
8'-8" x 8'-0"
CLG: 9'
SEAT
SHOWER
LIVING
16'-0" x 19'-4"
STEP CLG: 9' TO 10'
DINING
KITCHEN
12'-8" x 15'-8"
CLG: 9'
30" X 72" ISLAND
RANGE
OVEN / MICROWAVE
PANTRY
PORCH
6'-0" x 7'-0"
CLG: 10'
REF
DW
UTILITY
5'-8" x 6'-10"
CLG: 9'
W
D
WH
BEDROOM 2
11'-0" x 12'-0"
CLG: 9'
BEDROOM 3
11'-0" x 12'-0"
CLG: 9'
BATH 2
5'-0" x 8'-4"
CLG: 9'
TUB
CAB
LINEN
R & S
3'-0" X 4'-8"
SHLVS
20'-0" MIN. FRONT YARD
2 CAR PARKING
2 CAR PARKING
122.07'
RECEIVED
MAY 2 9 2020
BY:

1 418 HICKS. FRONT ELEVATION
DATE: 9-3-2019

RECEIVED
MAY 29 2020

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-20-0184

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Jaime Alvarado Lopez		Phone (432) 349 4281 Email Alvarado_lopez9@yahoo.com	
Address 404 S Jefferson	City Midland	State TX	Zip 79701

Property Owner Printed Name: Jaime Alvarado Lopez		Phone ( ) Email	
Address 404 S Jefferson	City Midland	State TX	Zip 79701

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

Street Address: 418 E Hicks

Legal Description
Lot: 1 Block: 43 Subdivision: South Park

Current Zoning: SF 3

Proposed Zone: 2F
(List by tracts if more than one district is requested)

Reason for Zone Change Request: Proposed building on site plan.

Present Use of Property: N/A

Proposed Use of Property: Two family dwelling

How would this zone change affect the public health, safety and welfare? Will change in a positive way for area around.

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

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
MAY 29 2020
BY: .....

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date: 5/28/2020
Applicant (printed): Jaime Alvarado Lopez	
Property Owner (signature):	Date: 5/28/2020
Property Owner (printed) : Jaime Alvarado Lopez	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

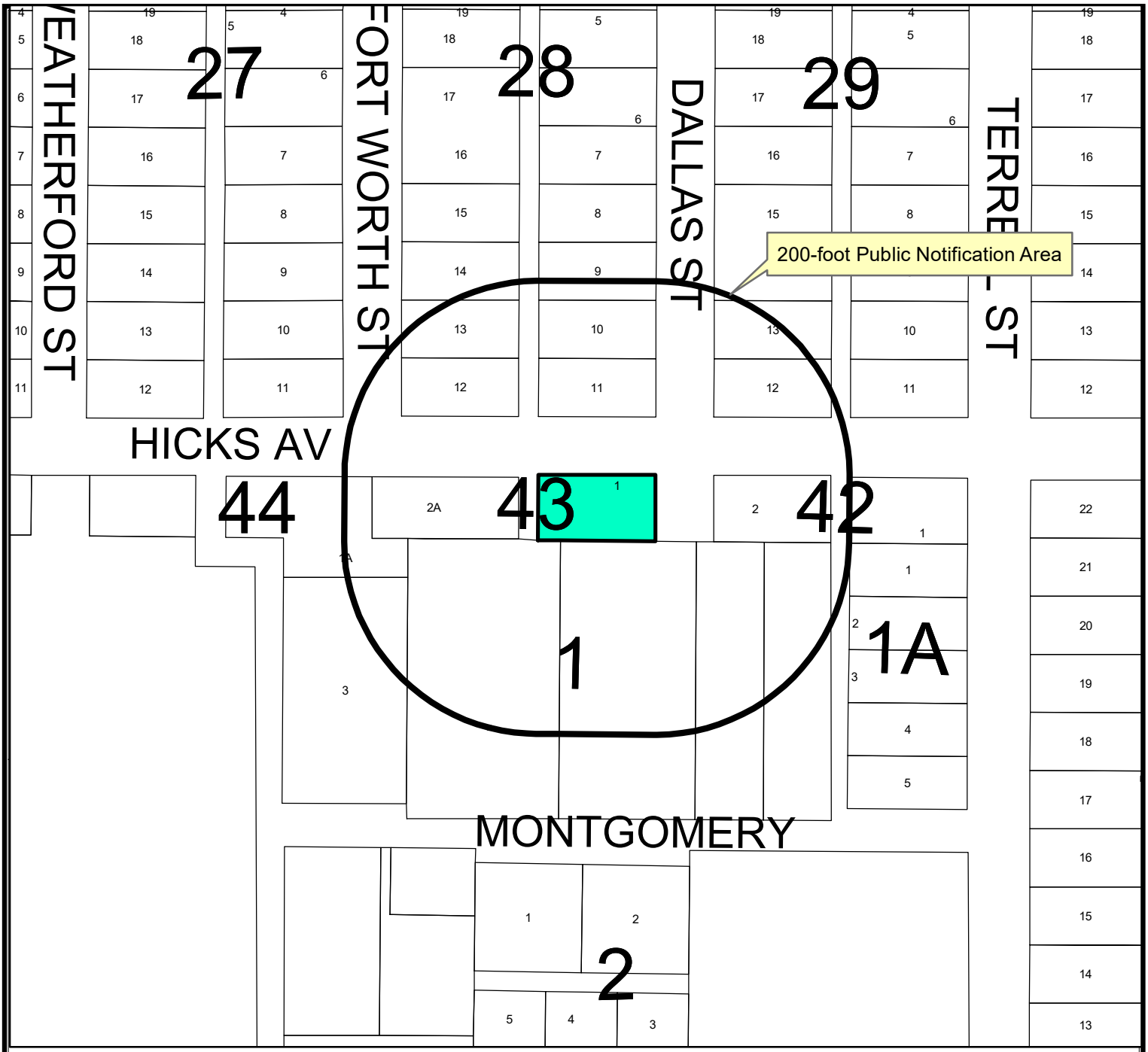
Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☐ Plans in Digital Format (PDF/JPEG) yes
Check #_____	
Received By:	Date:

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



LOCATION MAP

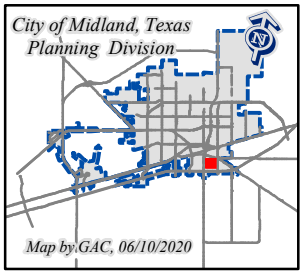
Z-20-0184 **Scale: 1" = 400'**

Consider a request by Jamie Alvarado Lopez for a zone change from SF-3, Single-Family Dwelling District to 2F, Two-Family Dwelling (Duplex) District on Lot 1, Block 43, South Park Addition, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of East Hicks Avenue and South Dallas Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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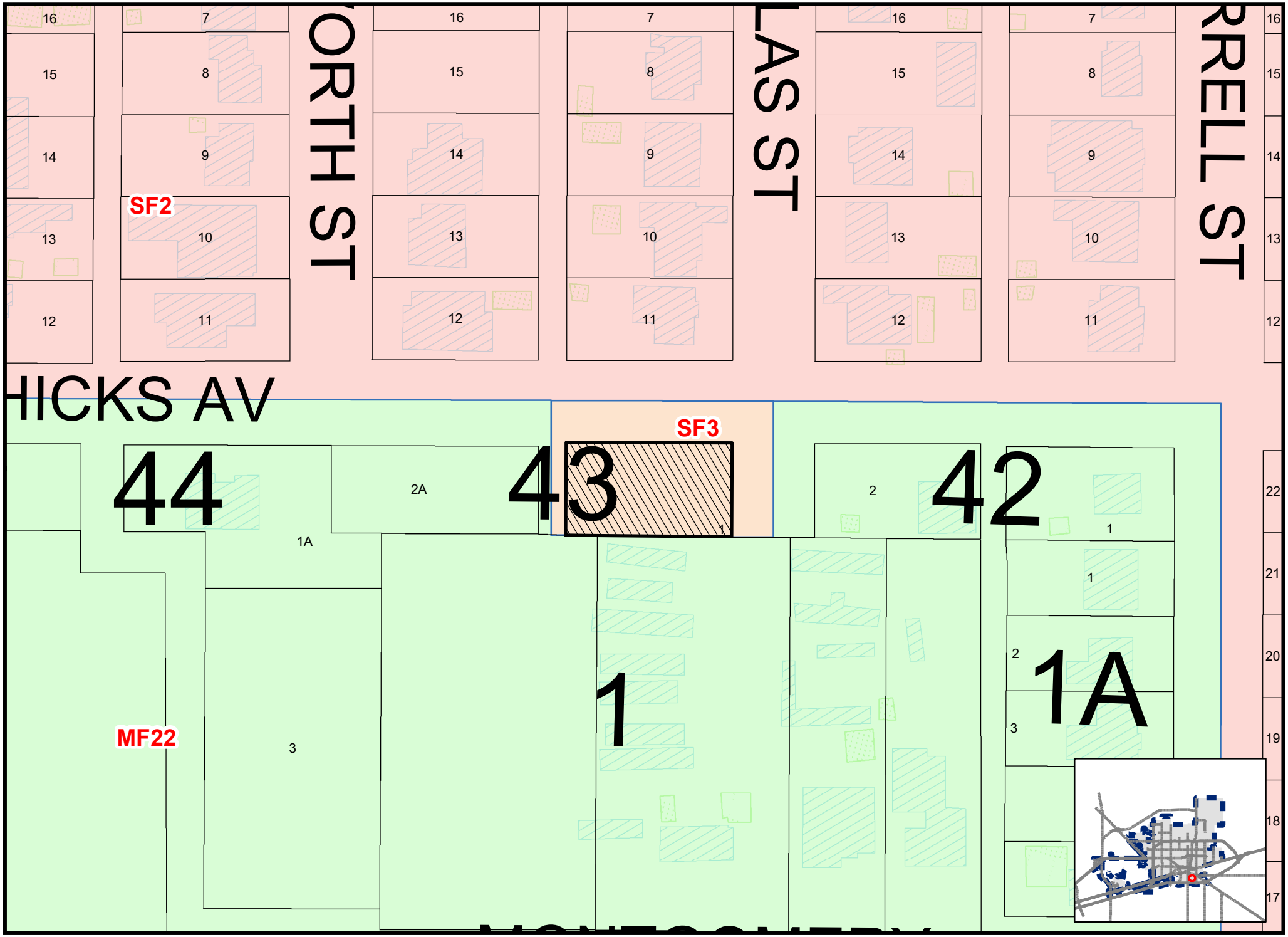

Map By GAC, 06/29/2020 PACKET 21-20-0184 **Scale: 1" = 200'** **ZONING MAP** Page 12.30 July 6, 2020

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Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2020

TO: **PLANNING AND ZONING COMMISSION**

FROM: Glenda Arroyo-Cruz, Planner

SUBJECT: Hold a public hearing and consider a request by Slam-Dunk Food #2, LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, on Lot 26, Block 5, North Park Addition, Section 18, City and County of Midland, Texas. (Generally located on the west side of Whitman Drive, approximately 165-feet north of West Loop 250 North. Council District 1) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

__X__ **Approve** _____ **Deny** _____ **Directional/Informational**

Details of Request

The applicant, Slam-Dunk Food # 2, LLC is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant at 4605 Whitman Drive.

Current Zoning:

RR, Regional Retail District.

Surrounding Zoning and Land Use:

The property to the north is zoned PD, Planned District for a Housing Development and the location of an apartment complex. The property to the east is zoned PD, Planned District for a Shopping Center and the location of a furniture shopping center. The properties to the south and west are zoned RR, Regional Retail District and the location of vacant land and a retail shopping center, respectively.

Analysis:

Alex Cade Underwood, a representative of Slam-Dunk Food #2, LLC, is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a

restaurant at 4605 Whitman Drive. The property is currently under construction and the future site for Walk On's Sports Bistreaux. The property is located in a RR, Regional Retail District which allows the sale of all alcoholic beverages, for on premises consumption, in a restaurant with the approval of a Specific Use Designation.

The proposed site plan hereto shown as Exhibit A, illustrates proper access throughout the site. A total of 132 parking spaces are being provided for the restaurant. The building is approximately 9,904 square feet with an approximate area of 6,728 square feet being dedicated to the sale of alcohol, including a covered beer garden and a covered porch.

The proposed hours of operation for the restaurant are as stated:

Sunday through Thursday, from 11:00 a.m. to 11:00 p.m.,
Friday through Saturday, from 11:00 a.m. to 12:00 a.m. (Midnight)

The applicant is requesting the same hours for alcohol service

Per Midland City Code 5.4.4. –Prohibited place of business

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

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

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

Building: (Approved)

No objections pending the building is properly permitted and completes all inspections.

Engineering: (Approved)

No objections.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Fire: (Approved)

No objections.

Planning:

This request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6 Character Plan - Goal 4, "Encourage the development of places where Midland residents can gather and socialize to build connections."* (Tall City tomorrow, page 137) Walk On's Sports Bistreaux will offer a new dining experience within Midland and attract customers to the adjacent retail centers.

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

Conditions:

A. That the serviceable area of the restaurant shall be limited to approximately 6,728 square feet as shown in Exhibits "A and B", 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:

Sunday through Thursday, from 11:00 a.m. to 11:00 p.m.,
Friday through Saturday, from 11:00 a.m. to 12:00 a.m. (Midnight)

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 in accordance with Section 9.07.E. 3 of the City Code, the establishment shall receive a certificate of occupancy within 120 days from the final adoption date of this ordinance.

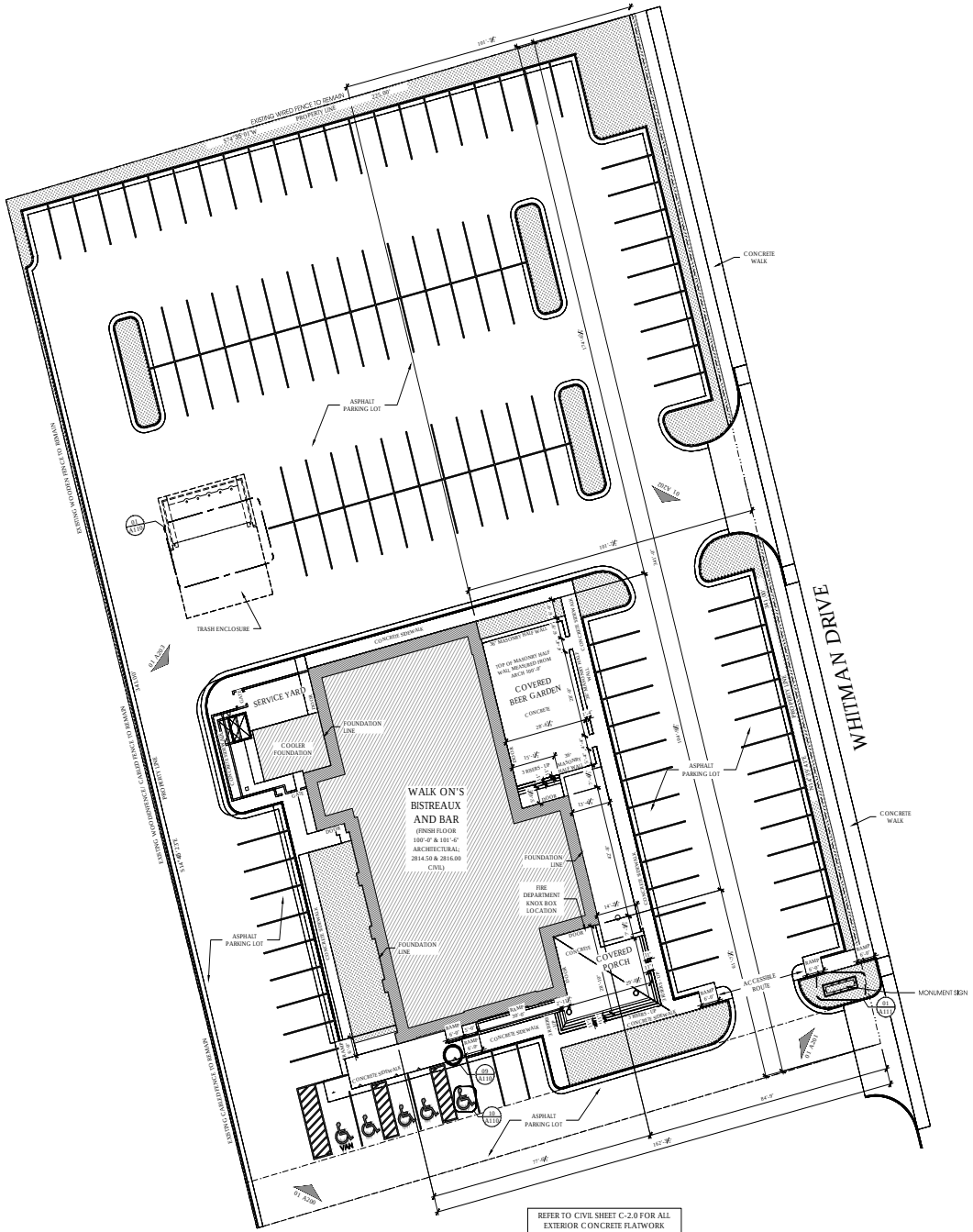
Letters of Objection:

As of July 1, 2020, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)

Floor Plan (Exhibit B)
Application
Maps



ARCHITECTURAL SITE PLAN
SCALE 1/16" = 1'-0"

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ARCHITECTURE & PLANNING
2315 50TH ST. Suite A
Lubbock, TX 79412
806-702-8969
www.wcadesignstudio.com

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WALK ONS BISTREAUX & BAR

LOOP 250 & WHITMAN .
MIDLAND, TEXAS 79705

REVISIONS

02/04/2019
DATE

PROJECT NUMBER
2018-4007

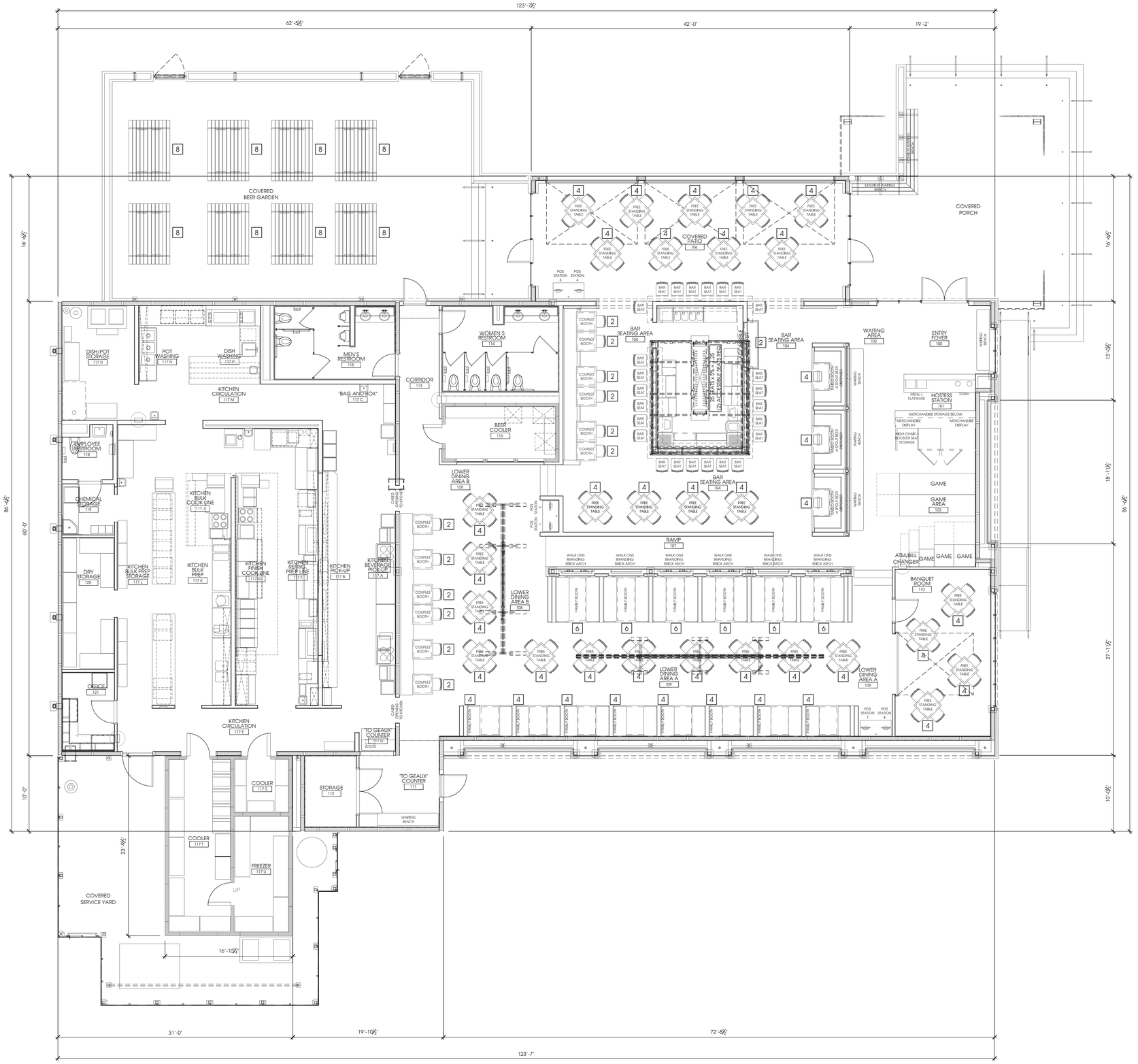
A105
SHEET NUMBER

2018-4007-A105 TABC REVIEW SITE PLAN

PHASE 4

THE DESIGNS REPRESENTED BY THESE PLANS ARE SUBJECT TO COPYRIGHT PROTECTION AS AN "ARCHITECTURAL WORK" UNDER 17 U.S.C. SECT. 102 KNOWN AS THE ARCHITECTURAL WORKS PROTECTION ACT OF 1990. UNAUTHORIZED USE OF THESE PLANS DISCLOSING FORM AND ARRANGEMENT OF SPACES, DATA AND OTHER ASPECTS OF THE DESIGN WILL SUBJECT THE INFRINGER TO DAMAGES AND/OR INJUNCTION AS PROVIDED BY FEDERAL LAW.

P:\2018\4000-COMM-NW\2018-4007 WALK-ONS BISTREAUX & BAR\WALK ONS BISTREAUX & BAR SHEETS\30X42 COMMERCIAL\100 SERIES\2018-4007-A105 TABC REVIEW SITE PLAN.DWG



1 TABC REVIEW PLAN

SCALE 3/16" = 1'-0"

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WALK ONS BISTREAUX & BAR

LOOP 250 & WHITMAN .
MIDLAND, TEXAS 79705

PHASE 4

2018-4007-A106 TABC REVIEW PLAN

REVISIONS

02/04/2019
DATE

PROJECT NUMBER
2018-4007

A106
SHEET NUMBER

THE DESIGNS REPRESENTED BY THESE PLANS ARE SUBJECT TO COPYRIGHT PROTECTION AS AN "ARCHITECTURAL WORK" UNDER 17 U.S.C. SECT. 102 KNOWN AS THE ARCHITECTURAL WORKS PROTECTION ACT OF 1990. UNAUTHORIZED USE OF THESE PLANS (INCLUDING FORM AND ARRANGEMENT OF SPACE), DATA AND OTHER ASPECTS OF THE DESIGN WILL SUBJECT THE INFRINGER TO DAMAGES AND/OR JUDICIAL ACTION AS PROVIDED BY FEDERAL LAW.

P:\2018\4000-COMM-NW\2018-4007 WALK-ONS BISTREAUX & BAR\WALK ONS BISTREAUX & BAR\SHEETS\30X42 COMMERCIAL\100 SERIES\2018-4007-A106 TABC REVIEW PLAN.DWG

PACKET
Page 13.140
July 6, 2020

MIDLAND
Planning Division

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

Project Number: SUP-20-0077

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Slam-Dunk Food #2, LLC (VP: Alan Cade Underwood)		Phone (806) 789-0408 Email cade@underwoodcotton.com	
Address 1414 Avenue J	City Lubbock	State TX	Zip 79401

Property Owner Printed Name: Underwood West Texas Properties, LLC (Managing Member: Alan H. Underwood)		Phone (806) 470-7318 Email Alan@underwoodcotton.com	
Address 1320 Texas Avenue	City Lubbock	State TX	Zip 79401

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

Street Address: 4605 Whitman Drive, Midland, Texas 79705

Business Name: Slam-Dunk Food #2, LLC dba Walk On's Sports Bistreaux

Legal Description
Lot: SW/4 Section 4 Block: Block X Subdivision: H.P. Hilliard Survey, Abstract No. 13, City of Midland, Midland County, Texas

Current Zoning: PDSC

Reason for Request: Opening a new restaurant

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

Proposed/Current Days and Hours of Operation: Sun-Thurs: 11am - 11pm; Fri-Sat: 11am - 12am

Proposed Days and Hours of Alcohol Service: Sun-Thurs: 11am - 11pm; Fri-Sat: 11am - 12am

Total Square Footage of Business: 9,904 sf.

Square Footage of Alcohol Serviceable Area: 6,728 sf.

Restroom Fixtures:			
Men	**Toilets/Urinals:** 2 / 2	**Bathroom Sinks:** 2
Women	**Toilets:** 4	**Bathroom Sinks:** 2

RECEIVED
JUN 0 9 2020
BY: .....

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)

RECEIVED
JUN 09 2020
BY: .....

Signatures

Applicant (signature):	Date: 6/9/20
Applicant (printed): Alan Cade Underwood, Vice President of Slam-Dunk Food #2, LLC	
Property Owner (signature):	Date: 6/9/20
Property Owner (printed) : Alan H. Underwood, Managing Member of Underwood West Texas Properties, LLC	

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Alan Cade Underwood who, being by me duly sworn, upon oath says: That (s)he is authorized by Alan H. Underwood, 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.

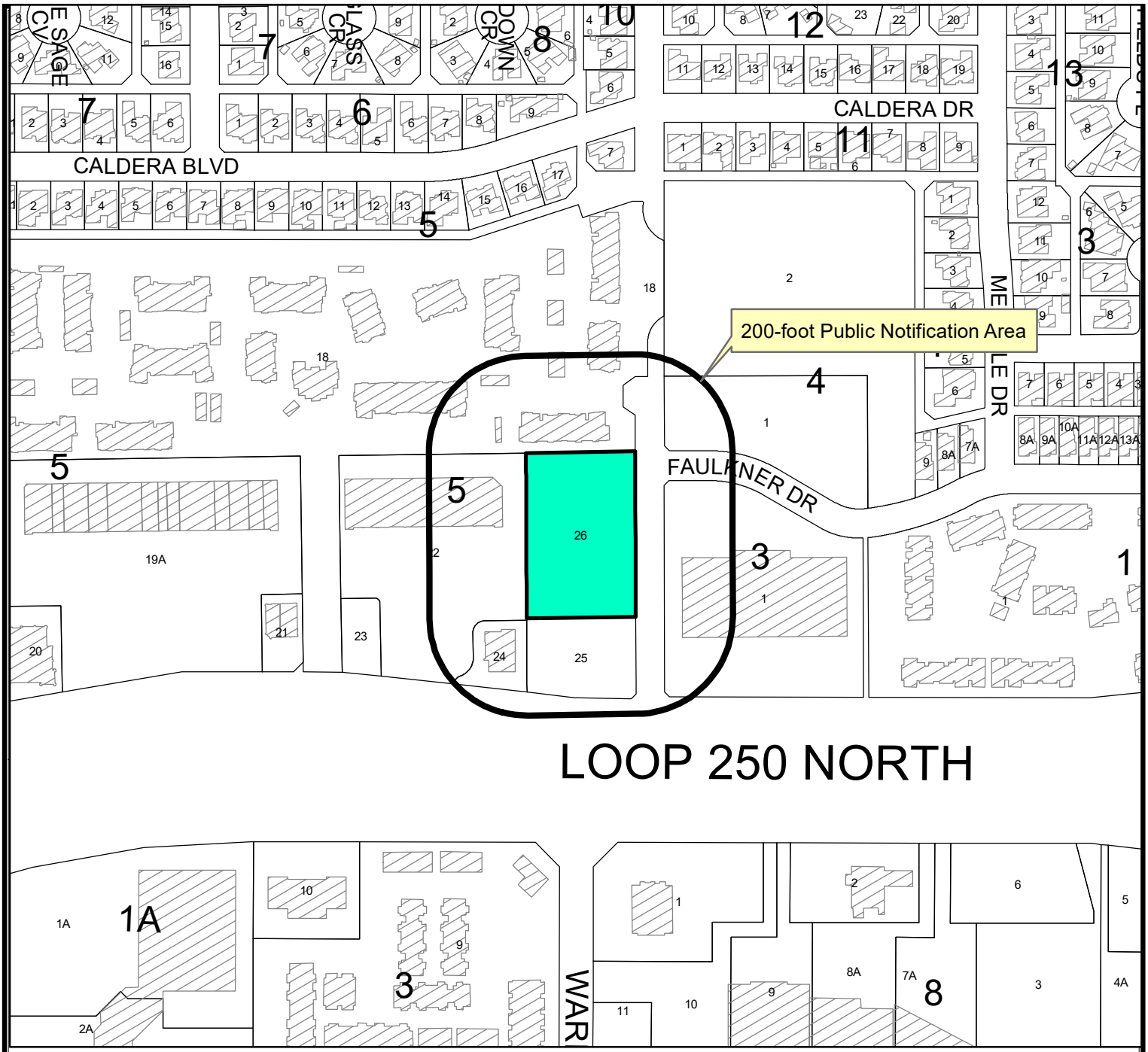
_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Floor Plan
☒ Application Fee	☒ Site Plan
Check # 1007	☒ Plans in Digital Format (PDF/JPEG)
Received By: DM	Date: DM

RECEIVED
JUN 09 2020
BY: DM

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



LOCATION MAP

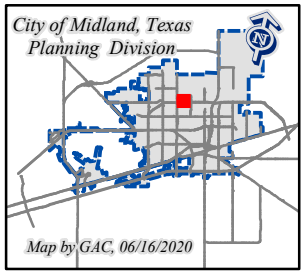
SUD-20-0077 **Scale: 1" = 400'**

Consider a request by Slam-Dunk Food #2, LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, on Lot 26, Block 5, North Park Addition, Section 18 , City and County of Midland, Texas.

(Generally located on the west side of Whitman Drive, approximately 165-feet north of West Loop 250 North. Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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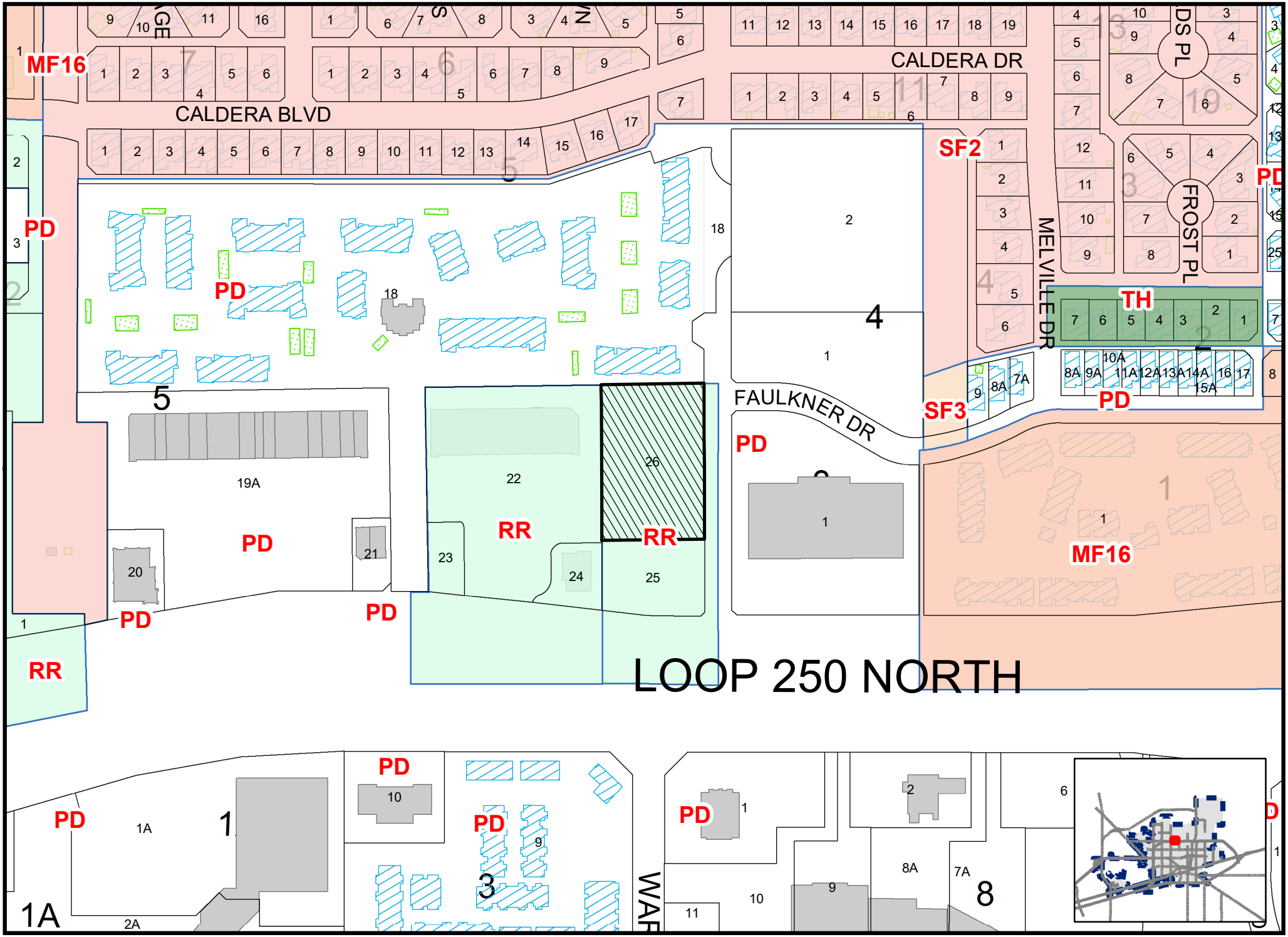

Map By GAC, 06/16/2020 PACKET SUB-20-0077 Scale: 1" = 200' ZONING MAP Page 13 of 45 July 6, 2020

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FURNITURE ROW

RAM

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: July 06, 2020

TO: **PLANNING AND ZONING COMMISSION**

FROM: Glenda Arroyo-Cruz, Planner

SUBJECT: Hold a public hearing and consider a proposed Preliminary Plat of Southern Addition, Section 18, being a residential re-plat of Lots 15 through 18, Block 133, Southern Addition, City and County of Midland, Texas. (Generally located on the east side of South Weatherford Street, approximately 80-feet north of East Washington Avenue. Council District 2) (DEVELOPMENT SERVICES) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

__X__ **Approve** _____ **Deny** _____ **Directional/Informational**

Details of Request:

The applicant, Delta Land Surveying, is proposing to re-plat Lots 15 through 18, Block 133, Southern Addition, City and County of Midland, Texas, into one (1) lot to obtain a permit to build a house.

Current Zoning:

SF-3, Single-Family Dwelling District, and LI, Light Industrial District.

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

Departmental Review:

Engineering: (Approved)

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

ROW: ROW fine as shown.

PAVING: South Weatherford roadway okay as is. (If existing paved street with curb and gutter). No public paving improvements required.

WATER: Our records show existing 8” water in South Weatherford Street west of tract, okay as is. No public water improvements required.

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 1, 2019 - Fire hydrants shall be spaced no more than 500' apart, hydrant top or bonnet shall be color coded per NFPA (less than 500gpm RED, 500-999gpm YELLOW, 1000-1499gpm GREEN, Greater than 1500GPM BLUE)

PRO RATA: None.

SEWER: 6” sewer exist in alley east of tract, okay as is. No public wastewater improvements required.

DRAINAGE: Drainage study not required at this time. A drainage study may be required if impervious area is changed.

EASEMENTS: Show existing and proposed.

SIDEWALKS: Required with building permit.

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.

No objections to plat.

Fire: (Approved)

No comments.

Code Compliance: (Approved)

No Oil and Gas issues.

Surveyor: (Approved)

Bearing shown on the north line does not reflect calculated bearing from coordinates.

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

GIS:

The plat is missing the section number on the title. They should also include the block number on the exhibit, not just on the description under the title.

Planning: (Approved with Conditions)

The following technical items need to be addressed:

The title of the subdivision should be labeled separately, followed by the legal description of the property:

Southern Addition, Section 18
"Being a replat of Lots 15 through 18, Block 133, Southern Addition, City and County of Midland, Texas."

Include and circle the block number.

Remove *"original lot line"* prior to final plat.

Label Point of Beginning in conjunction with one of the Northing/Easting coordinates.

The Midland Central Appraisal District lists Irma Dominguez as the property owner for Lots 17 and 18. Include name on plat as owner or provide warranty deed or transfer of ownership.

Show existing water and sewer lines, and other above or belowground utilities within and adjacent to the plat, with pipe sized and locations indicated.

Include the following notes:

- **Note**: "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."

- **Note**: "Approval of a site plan by the City of Midland may be required before these lot(s) may be developed and before a building permit may be obtained."

- **Note**: "Bearings/distances/coordinates to the Texas State Plane Coordinate System, Texas Central Zone, North Datum of 1983."

All department's comments must be addressed as a condition of final plat approval.

Staff recommends approval subject to conditions A and B.

Conditions:

A. That the technical items are addressed.

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

Attachments:

Proposed Preliminary Plat
Application
Maps

PRELIMINARY: THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

THIS DOCUMENT IS RELEASED FOR REVIEW PURPOSES ONLY.

RELEASE DATE: DECEMBER 18, 2019

SURVEYOR: DELTA LAND SURVEYING, LLC
CONTACT: JNELSON@DELTALBK.COM
PHONE: 806-701-5707

SOUTHERN ADDITION,

SECTION 18 BEING A RE-PLAT OF LOTS 15-18, BLOCK 133, SOUTHERN ADDITION TO THE CITY AND COUNTY OF MIDLAND, TEXAS

◎	FD. 1/2" IRON ROD WITH YELLOW CAP MARKED RPLS 4170
□	FD. 1/2" IRON ROD
P.O.B.	POINT OF BEGINNING
INST. NO.	INSTRUMENT NUMBER
CM	CONTROLLING MONUMENT

0 50 100

FEMA Note:

Flood Statement: According to FEMA's N.F.I.P. flood insurance rate map #48329C0202F, dated December 6, 1999, the subject tract is not in a flood zone.

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 created liability on the part of Delta Land Surveying, LLC.

General Notes:

Record documents other than those shown may affect this tract.

Monuments indicated as found by this survey are not "physical monuments of record dignity" unless so noted.

Found monuments are accepted by this surveyor as controlling evidence due to substantial agreement with record documents unless otherwise noted.

Only those copies which bear an original ink impression seal or embossed seal and signature will be considered a "valid" copy. Delta Land Surveying, LLC, will not be responsible for the content of anything other than a valid copy of this survey.

Survey Notes:

Lot 15-A contains 0.3214 acres (14,000.0 sq. ft.) within the plat limits.

Bearings are based on the West line of Lots 13 through 18, Block 133, Southern Addition being previously recognized as N-S.

Distances are actual surface distances.

According to Midland central Appraisal District, Irma Dominguez is the current owner of Lots 17 and 18, Block 133, Southern Addition.

Metes and Bounds Description on a 0.3214 acre (14,000.0 Sq. Ft.) tract of land being the same trct of land as Lots 15 through 18, Block 133, Southern Addition to the City of Midland, Midland County, Texas, and being more particularly described as follows:

Beginning at a found 1/2" iron rod with yellow cap marked RPLS 4170 in the East Right of Way line of South Weatherford Street for the Northwest corner of Lot 14, Block 133, said Southern Addition and for the Southwest corner of this tract;

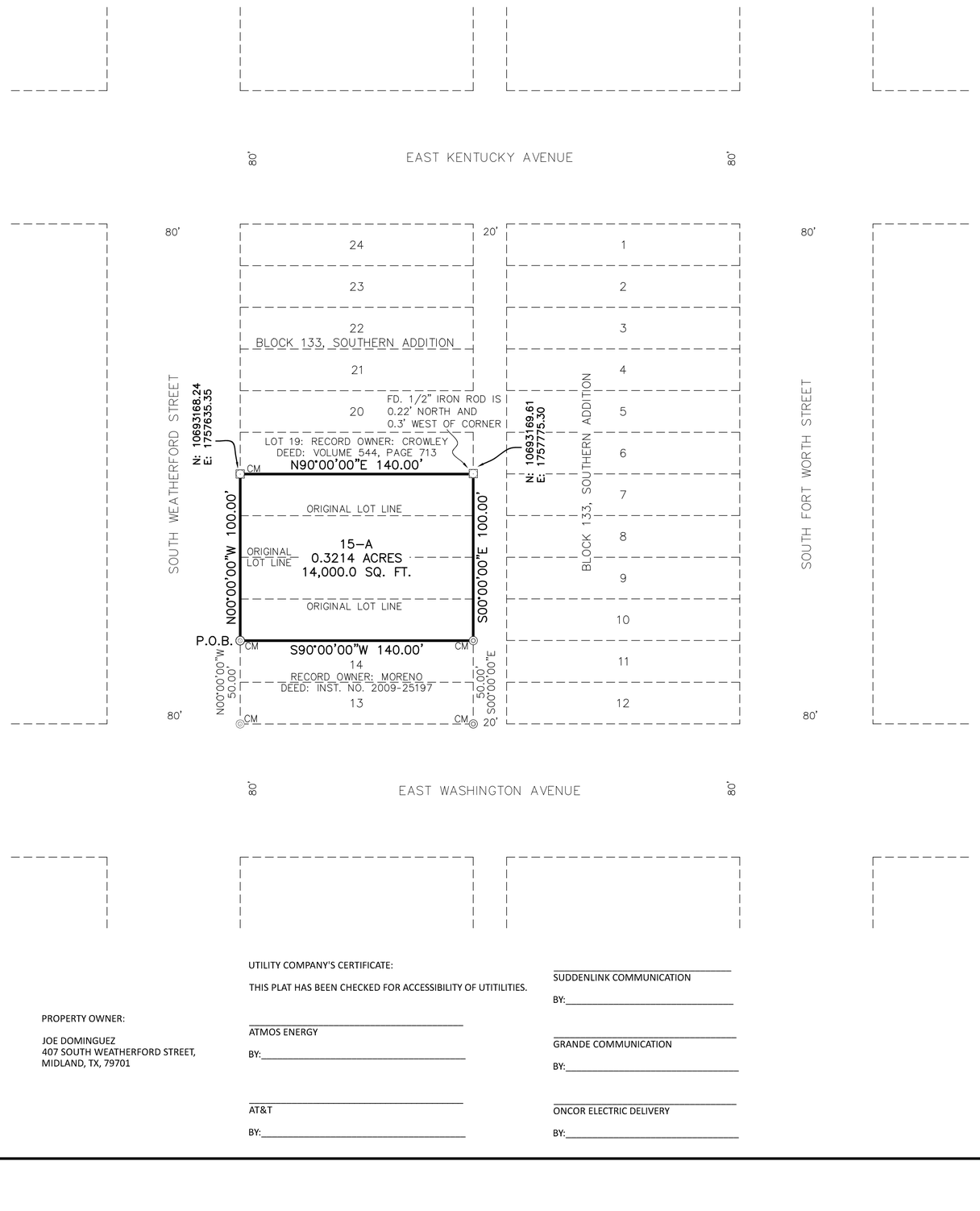
Thence North, with the East Right of Way line of said South Weatherford Street, 100.00 feet to a found 1/2" iron rod for the Southwest corner of Lot 19, Block 133, said Southern Addition and for the Northwest corner of this tract;

Thence East, with the South line of said Lot 19, a distance of 140.00 feet to a found 1/2" iron rod in the West line of a 20 foot alley for the Southeast corner of said Lot 19 and for the Northeast corner of this tract;

Thence South, with the West line of said alley, 100.00 feet to a found 1/2" iron rod with yellow cap marked RPLS 4170 for the Northeast corner of said Lot 14 and for the Southeast corner of this tract;

Thence West, with the North line of said Lot 14, a distance of 140.00 feet to the Point of Beginning.

VICINITY MAP (NOT TO SCALE)



PROPERTY OWNER:

JOE DOMINGUEZ
407 SOUTH WEATHERFORD STREET,
MIDLAND, TX, 79701

UTILITY COMPANY'S CERTIFICATE:

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTITILITIES.

_____
ATMOS ENERGY
BY:_____

_____
AT&T
BY:_____

_____
SUDDENLINK COMMUNICATION
BY:_____

_____
GRANDE COMMUNICATION
BY:_____

_____
ONCOR ELECTRIC DELIVERY
BY:_____

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

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS Joe Dominguez is the record owner of a tract of land situated in Block 133, Southern Addition to the City of Midland, Midland County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS.

That, Joe Dominguez, being the owner of the land shown on thies plat designated as Lot 15-A, a Replat of Lots 15 through 18, Block 133, Southern 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.

WITNESS my hand on _____ - _____.

the _____ day of _____, 2020.

_____

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 _____, known to me to be the person whose name is subscribed to the foregoing instrument, and expressed, and in the capacity therein stated. Given under my hand and seal of office

the _____ , day of _____ , 2020.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of Lot 15-A, A REPLAT OF LOTS 15 THROUGH 18, BLOCK 133, SOUTHERN ADDITION, was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas, on this

_____ , day of _____, 2020.

_____
JOSH SPARKS, CHAIRMAN

_____
CRISTINA ODENBORG BURNS, SECRETARY

SURVEYOR'S CERTIFICATE

I, Adam N. Light, Registered Professional Land Surveyor of the State of Texas, do hereby certify that this plat and description was prepared from an actual survey of the land and that the corner monuments shown thereon were properly located under my personal supervision, in accordance with the Subidivison Regulations of the City of Midland, Texas.

_____
Adam N. Light
Registered Professional Land Surveyor No. 6684
Survey Date: January 21, 2020
Delta Land Surveying Project No. 19268

DELTA LAND SURVEYING, LLC
TBPLS # 10194496
3307 82ND STREET, STE. J
LUBBOCK, TX 79423
806-701-5707
WWW.DELTALBK.COM

MIDLAND
Planning Division

Preliminary Plat Application

Project Number: SUB-20-0310
Case Number: P-20-0870

Proposed Subdivision Plat Name: SOUTHERN ADDITION

Legal Description (attached sealed Metes and Bounds): SEE ATTACHED FIELD NOTES

Property Owner Printed Name: JOE DOMINGUEZ		Phone (432) 631-9174 Email irmagonzales35@yahoo.com	
Address 407 S. WEATHERFORD STREET	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: DELTA LAND SURVEYING Printed Name: JOEY NELSON		Phone (806) 701-5707 Email jnelson@deltalbk.com	
Address 3307 82ND STREET, SUITE J	City LUBBOCK	State TX	Zip 79423

Current Zoning: RECENTLY CHANGED TO RESIDENTIAL

Reason for Platting: NEW HOUSE ON 4 LOTS. COMBINING TO CREATE 1 LOT.

Plat Information	Total Acreage: 0.3214
Type: ☑ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: 1	Number of Multi-Family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

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

Request for a Development Agreement

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

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

Provisions

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

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

Property Owner (~~signature~~ printed): AUTHORIZED AGENT: TIMOTHY BARRY	Date: 6/2/2020
Property Owner (~~printed~~ signature): T. B	

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

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared TIMOTHY BARRY who, being by me duly sworn, upon oath says: That (s)he is authorized by JOE DOMINGUEZ, 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.

T. B
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 2ND day of JUNE, 20 20, to certify which witness my hand and seal of office.

JOEY NELSON
Notary Public, State of Texas
Comm. Expires 11-27-2023
Notary ID 132267009

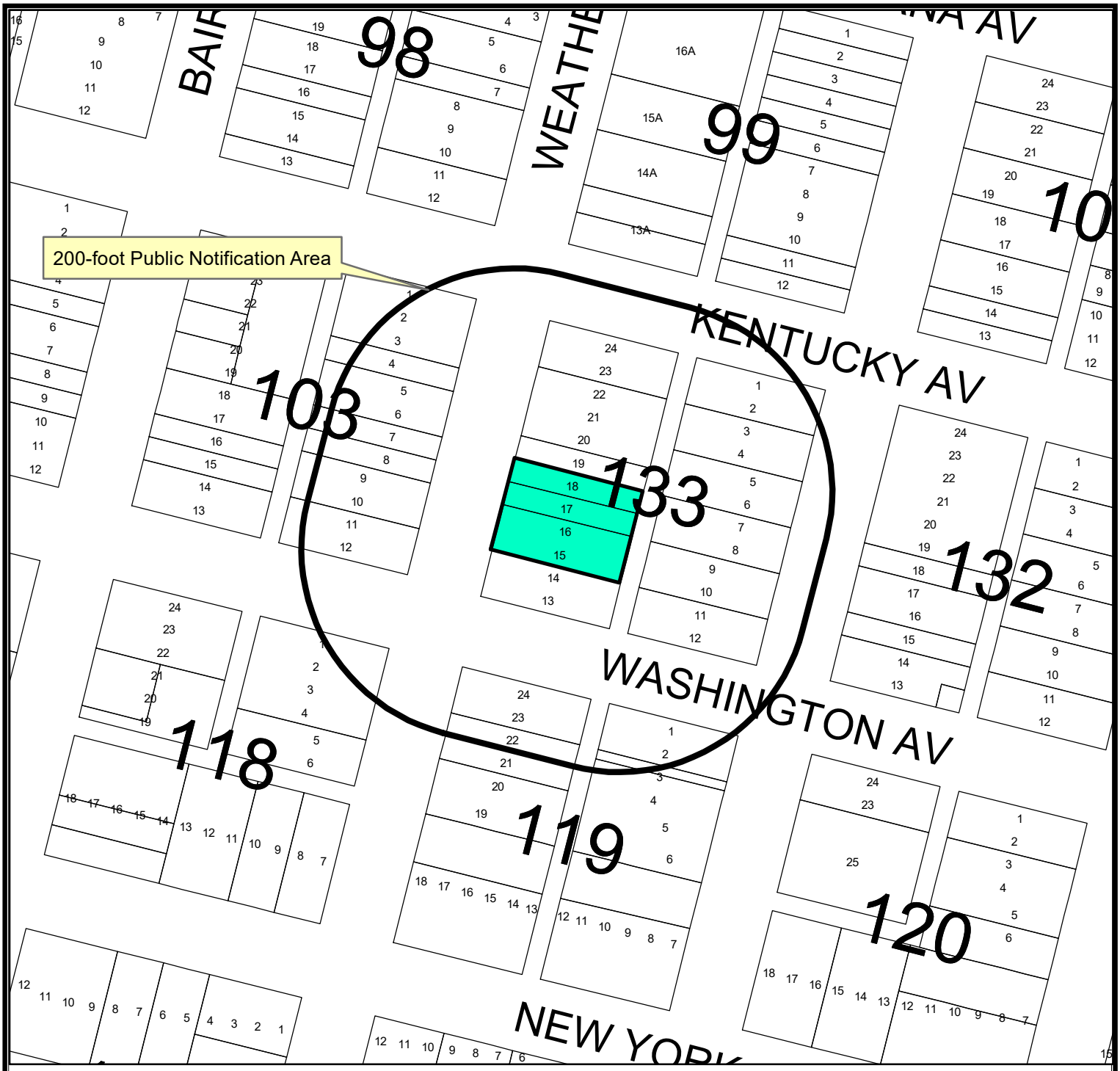
NOTARY PUBLIC, ~~MIDLAND~~ LUBBOCK COUNTY, TEXAS

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 # 2309		
Received By:	Date:	RECEIVED JUN 08 2020

BY: .....

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



LOCATION MAP

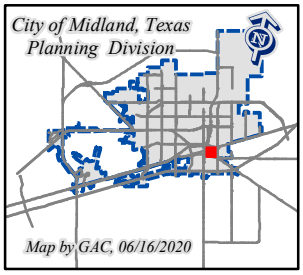
SUB-20-0310 **Scale: 1" = 400'**

Proposed plat of Southern Addition, Section 18, being a replat of Lots 15 through 18, Block 133, Southern Addition, City and County of Midland, Texas.

Generally located on the east side of South Weatherford Street, approximately 80-feet north of East Washington Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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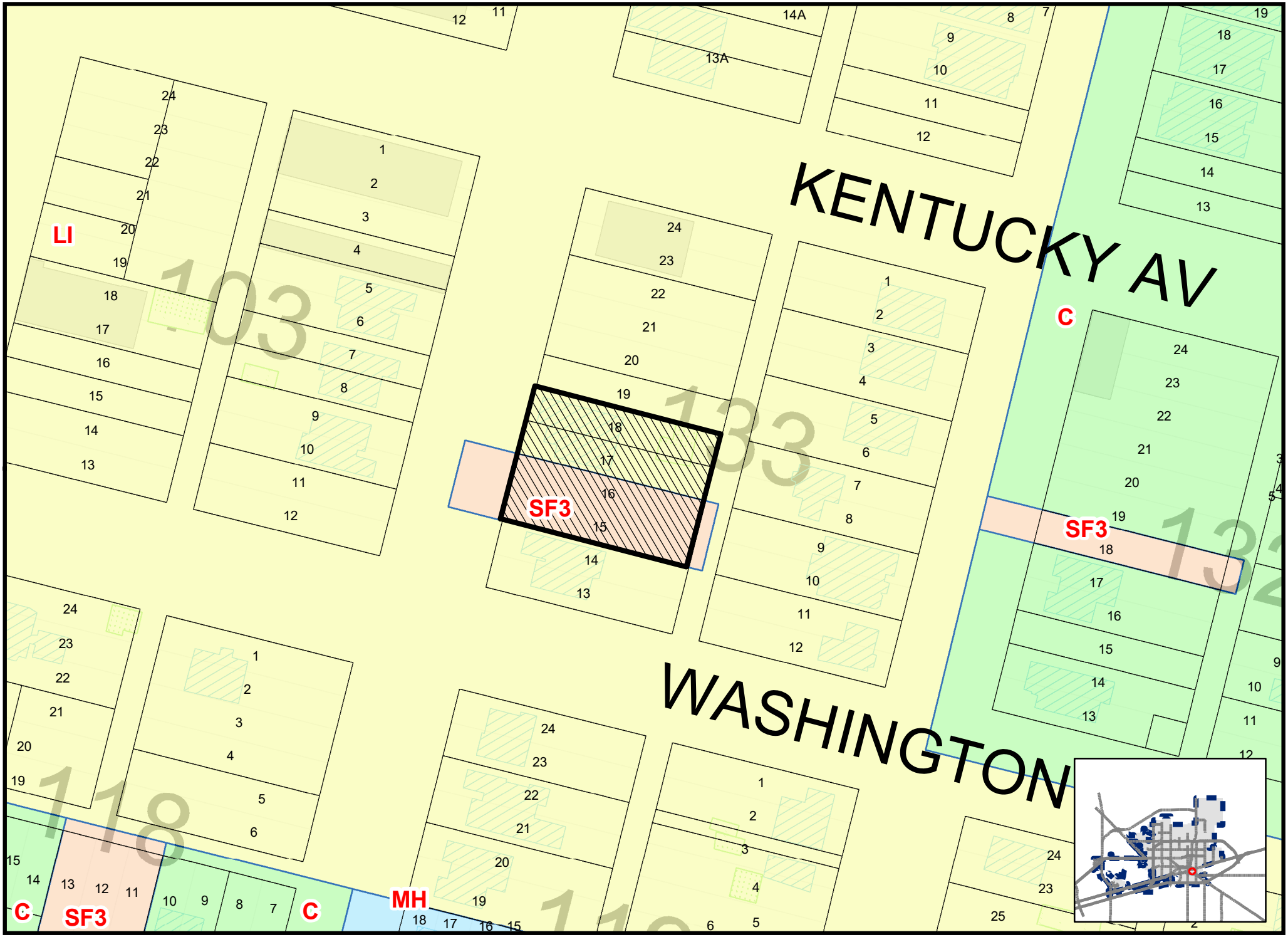

Map By GAC, 06/16/2020 PACKET **SKB-20-0310** **Scale: 1" = 200'** **ZONING MAP** Page 14 of 58 July 6, 2020

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Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **July 06, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Joseph Marynak, Planner**

SUBJECT: **Hold a public hearing and consider a request by Jorge Chavez for a zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District on Lot 3, Block 5, Greenwood Addition, City and County of Midland, Texas. (Generally located on the west side of South Clay Street, approximately 110 feet south of East Indiana Avenue. Council District 2) (DEVELOPMENT SERVICES)**

Recommended Planning and Zoning Commission Action:

__X__ **Approve** _____ **Deny** _____ **Directional/Informational**

Purpose:

The applicant, **Jorge Chavez,** is requesting a Zone Change from MF-22, Multiple Family Dwelling District to SF-3 Single Family Dwelling District at 304 South Clay Street for the construction of a single family home.

Current Zoning:

MF-22, Multiple Family District.

Surrounding Zoning and Land Use:

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

Analysis:

The applicant is requesting this zone change for the purpose of constructing a single-family home. Under the previous zoning code, the current zoning district would have allowed for construction of single-family homes, which allowed for the proliferation of their construction in this area. Under the new Zoning Code adopted in 2019, residential uses

became more specified to single family zoning district. The lot dimensions satisfy the minimum requirements for the SF-3 zoning district

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 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Engineering: (Approved)

No objections to zone change.

Code: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

No objection to zone change.

Planning:

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

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

Conditions:

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

Letters of Objection:

Staff has not received any letters of objection as of July 1, 2020.

Attachments:

Application
Maps
Warranty Deed

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: Z-20-0183

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Jorge Chavez		Phone (432) 889-7005 Email 575-694-3413 terre_chavez@ymail.com	
Address 1611 N. Lamesa Rd.	City Midland	State TX	Zip 79701

Property Owner Printed Name: Jorge Chavez		Phone (432) 889-7005 Email 575-694-3413 terre_chavez@ymail.com	
Address	City	State	Zip

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

Street Address: 304 S. Clay St. Midland TX 79701

Legal Description
Lot: Block: Subdivision:

Current Zoning: MF 12

Proposed Zone: SF3
(List by tracts if more than one district is requested)

Reason for Zone Change Request:

Present Use of Property: Vacant

Proposed Use of Property: New house

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

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

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
MAY 29 2020

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): Jorge Chavez	Date: 05-29-2020
Applicant (printed): Jorge Chavez	
Property Owner (signature): Jorge Chavez	Date: 05-29-2020
Property Owner (printed) : Jorge Chavez	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☑ Plans in Digital Format (PDF/JPEG)
Check # Visa	
Received By: JAC	Date: RECEIVED MAY 29 2020
	BY: .....

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

304 S. clay

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY OR DRIVERS LICENSE NUMBER.

WARRANTY DEED

THE STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF MIDLAND §

STC - ~~#182~~ 4611183

That **JOSE CONSTRUCTION** whether one or more hereinafter referred to as "Grantor") for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00), and other valuable consideration, to Grantor cash in hand paid, the receipt of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto **JORGE CHAVEZ DBA JC CHAVEZ CONSTRUCTION** whether one or more, hereinafter referred to as "Grantee"), whose mailing address **1610 LAMESA RD., MIDLAND, TX 79701** all that certain lot, tract or parcel of land situated in **MIDLAND** County, Texas, and described as follows, to wit:

Lot 3, Block 5, Greenwood Addition, an addition to the City of Midland, Midland County, Texas, according to the map or plat thereof of record in Cabinet B, Page 54, Plat Records, Midland County, Texas being the same property described in deed of record in Volume 1775, Page 526, Official Records, Midland County, Texas.

SAVE AND EXCEPT all oil, gas and other minerals in, on and under said land as reserved by prior grantors; and SUBJECT TO all oil and gas leases, easements, rights-of-way, and covenants and restrictions of record in the Office of the County Clerk of **MIDLAND** County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the Grantee, Grantee's heirs, executors, administrators, successors and assigns forever, and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and assigns, to Warrant and Forever Defend, all and singular the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

EFFECTIVE AS OF 2nd DAY OF **APRIL, 2020**

JOSE CONSTRUCTION

JOSE CHAVEZ, OWNER

THE STATE OF **TEXAS** §
§
COUNTY OF **MIDLAND** §

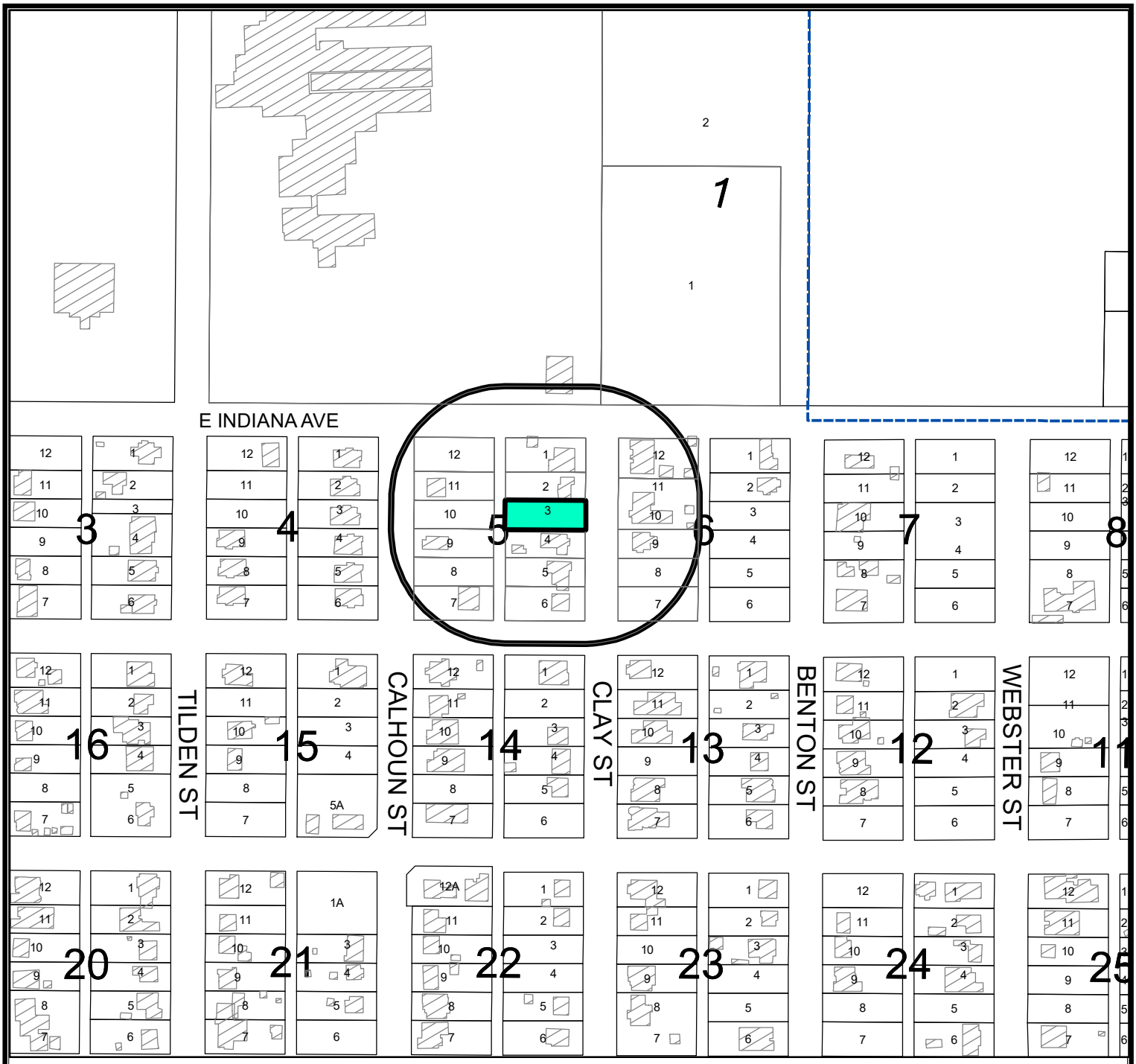
This instrument was acknowledged before me this 2nd day of APRIL, 2020 by **JOSE CHAVEZ.**

(SEAL)

IRMA V QUIROZ
NOTARY PUBLIC
ID# 10659398
State of Texas
Comm. Exp. 10-09-2020

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

RECEIVED
MAY 29 2020
BY: .....



LOCATION MAP

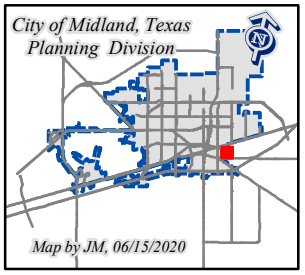
Z-20-0183 **Scale: 1" = 250'**

Consider a request by Jorge Chavez for a zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District on Lot 3, Block 5, Greenwood Addition, City and County of Midland, Texas.

Generally located on the west side of South Clay Street, approximately 110 feet south of East Indiana Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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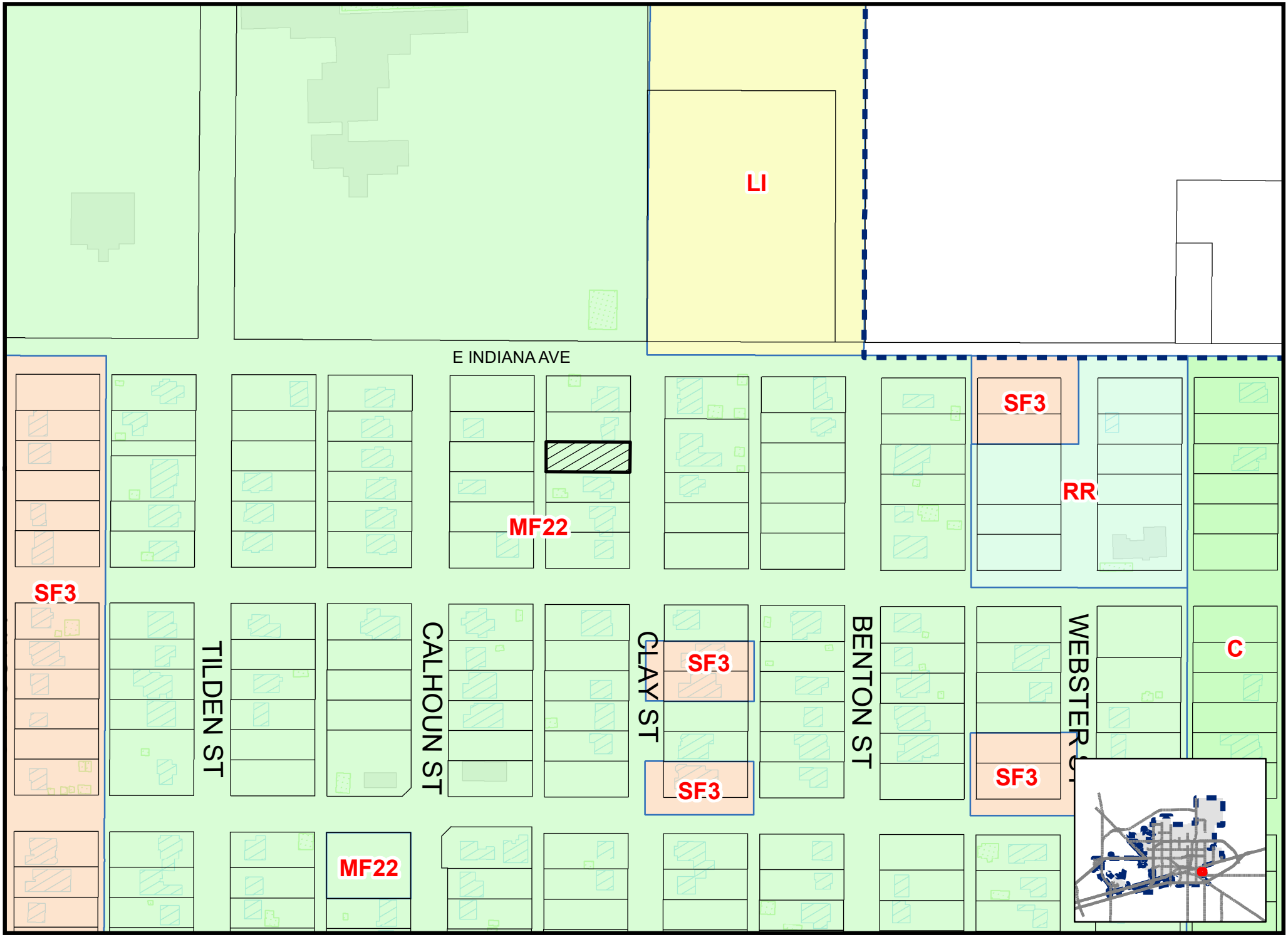

Map By JM, 06/15/2020 PACKET **Z-20-0183** **Scale: 1" = 200'** **ZONING MAP** Page 16 of 70 July 6, 2020

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305

Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: **July 06, 2020**

TO: **PLANNING AND ZONING COMMISSION**

FROM: **Joseph Marynak, Planner**

SUBJECT: **Hold a public hearing and consider a request by Jorge Chavez for a zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District on Lot 10, Block 23, Greenwood Addition, Third, Fourth, and Fifth Sections, City and County of Midland, Texas. (Generally located on the east side of South Clay Street, approximately 110 feet south of East Washington Avenue. Council District 2)**

Recommended Planning and Zoning Commission Action:

__X__ **Approve** _____ **Deny** _____ **Directional/Informational**

Purpose:

The applicant, **Jorge Chavez,** is requesting a Zone Change from MF-22, Multiple Family Dwelling District to SF-3 Single Family Dwelling District at 505 S Clay Street, for construction of a single-family home.

Current Zoning:

MF-22, Multiple Family Dwelling District

Surrounding Zoning and Land Use:

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

Analysis:

The applicant is requesting this zone change for the purpose of constructing a single-family home. Under the previous zoning code, the current zoning district would have allowed for construction of single-family homes, which allowed for the proliferation of their construction in this area. Under the new Zoning Code adopted in 2019, residential uses became more specified to single family zoning district. The lot dimensions satisfy the minimum requirements for the SF-3 zoning district.

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 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Engineering: (Approved)

No objections to zone change.

Code: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

No objection to zone change.

Planning:

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

This request was approved at the June 15, 2020 Planning and Zoning Commission meeting.

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

Conditions:

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

Letters of Objection:

Staff has not received any letters of objection as of July 1, 2020.

Attachments:

Application
Maps
Warranty Deed

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-20-0182

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Jorge Chavez		Phone (432) 889-7005 575-694-3413 Email terre_chavez@ymail.com	
Address 1611 N. Lamesa Rd. Midland	City Midland	State TX	Zip 79701

Property Owner Printed Name: Jorge Chavez		Phone (432) 889-7005 575-694-3413 Email terre_chavez@ymail.com	
Address	City	State	Zip

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

Street Address: 505 S. Clay St Midland TX 79701

Legal Description
Lot: Block: Subdivision:

Current Zoning: MF 22	**Proposed Zone:** SF3 *(List by tracts if more than one district is requested)*

Reason for Zone Change Request:

Present Use of Property: Vacant

Proposed Use of Property: New house

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

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

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
MAY 29 2020
BY: .....

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): Jorgelchavez	Date: 05-29-2020
Applicant (printed): Jorge Chavez	
Property Owner (signature): Jorgelchavez	Date: 05-29-2020
Property Owner (printed) : Jorge Chavez	

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

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

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

- ☑ Property Owner Authorization
- ☑ Application Fee
- Check # Visa
- ☑ Dimensioned Site Plan
- ☑ Plans in Digital Format (PDF/JPEG)
- Received By: gac
- Date: MAY 29 2020

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

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

WARRANTY DEED

THE STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF MIDLAND §

STC - 69294

That **G AND G MIDESSA INVESTMENTS, LLC** (whether one or more hereinafter referred to as "Grantor") for and in consideration of $10.00 and other good and valuable consideration, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL, and CONVEY unto **JORGE CHAVEZ DBA JC CHAVEZ CONSTRUCTION** (whether one or more, hereinafter referred to as "Grantee"), whose mailing address is **1611 N. LAMESA RD., MIDLAND, TX 79701** all of that certain lot, tract or parcel of land situated in Midland County, Texas, and described as follows, to-wit:

Lot 10, Block 23, Greenwood Addition, an addition to the City of Midland, Midland County, Texas, according to the map or plat thereof of record in Cabinet B, Page 54, Plat Records, Midland County, Texas.

SAVE AND EXCEPT For Grantor and Grantor's heirs, successors, and assigns forever, there is a reservation of all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

SUBJECT TO and all oil and gas leases, easements, rights-of-way, and covenants and restrictions of record in the Office of the County Clerk of Midland County, Texas.

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Dated: 4/2/2020

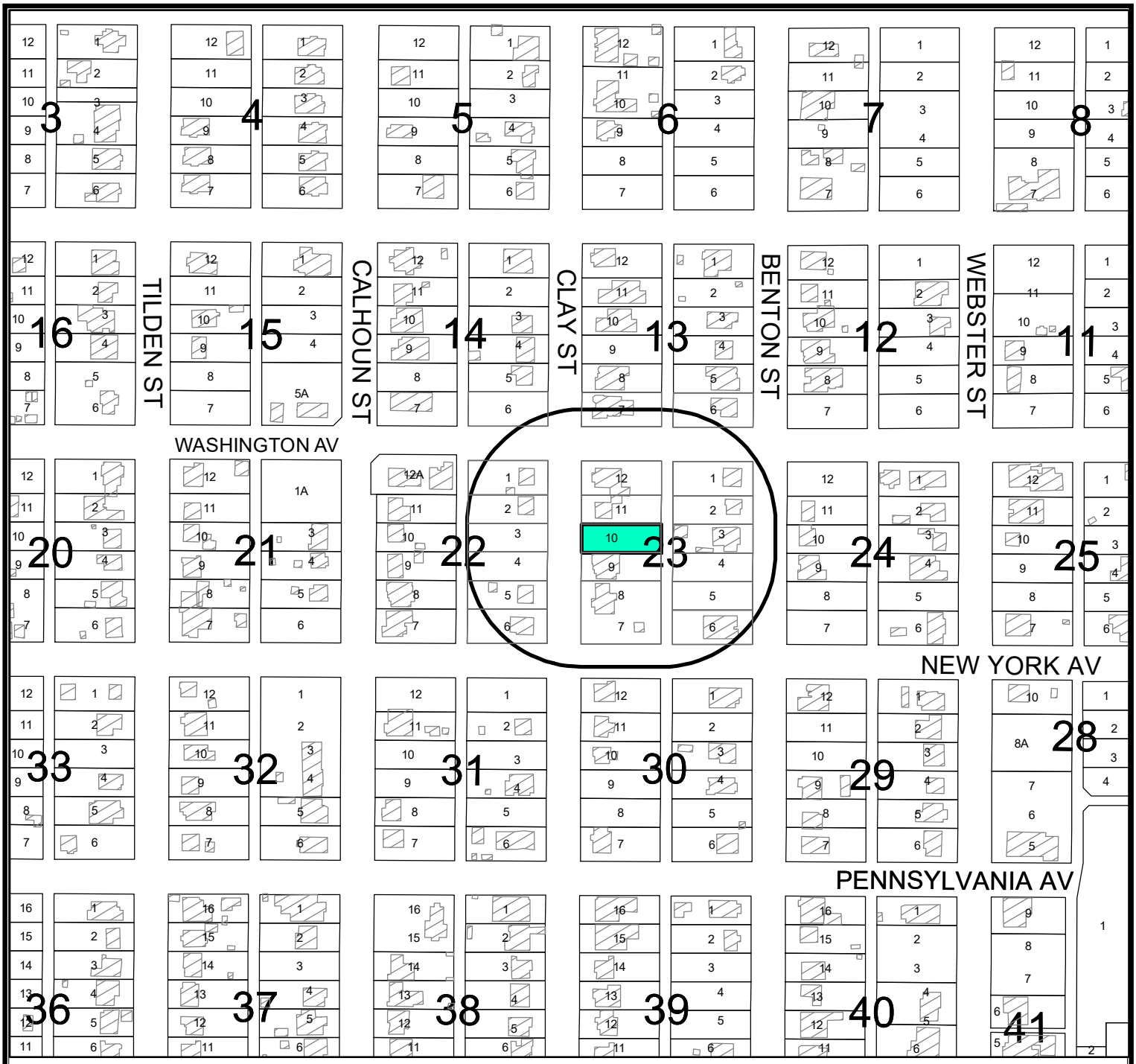
G AND G MIDESSA INVESTMENTS, LLC

BY: JOEL AMOS GORDON,
MANAGING MEMBER

Booker T. Green

BY: BOOKER T. GREEN,

RECEIVED
MAY 29 2020
BY: .....



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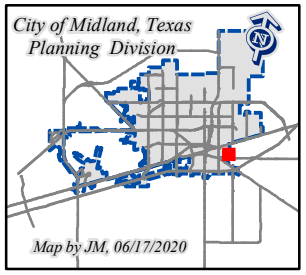

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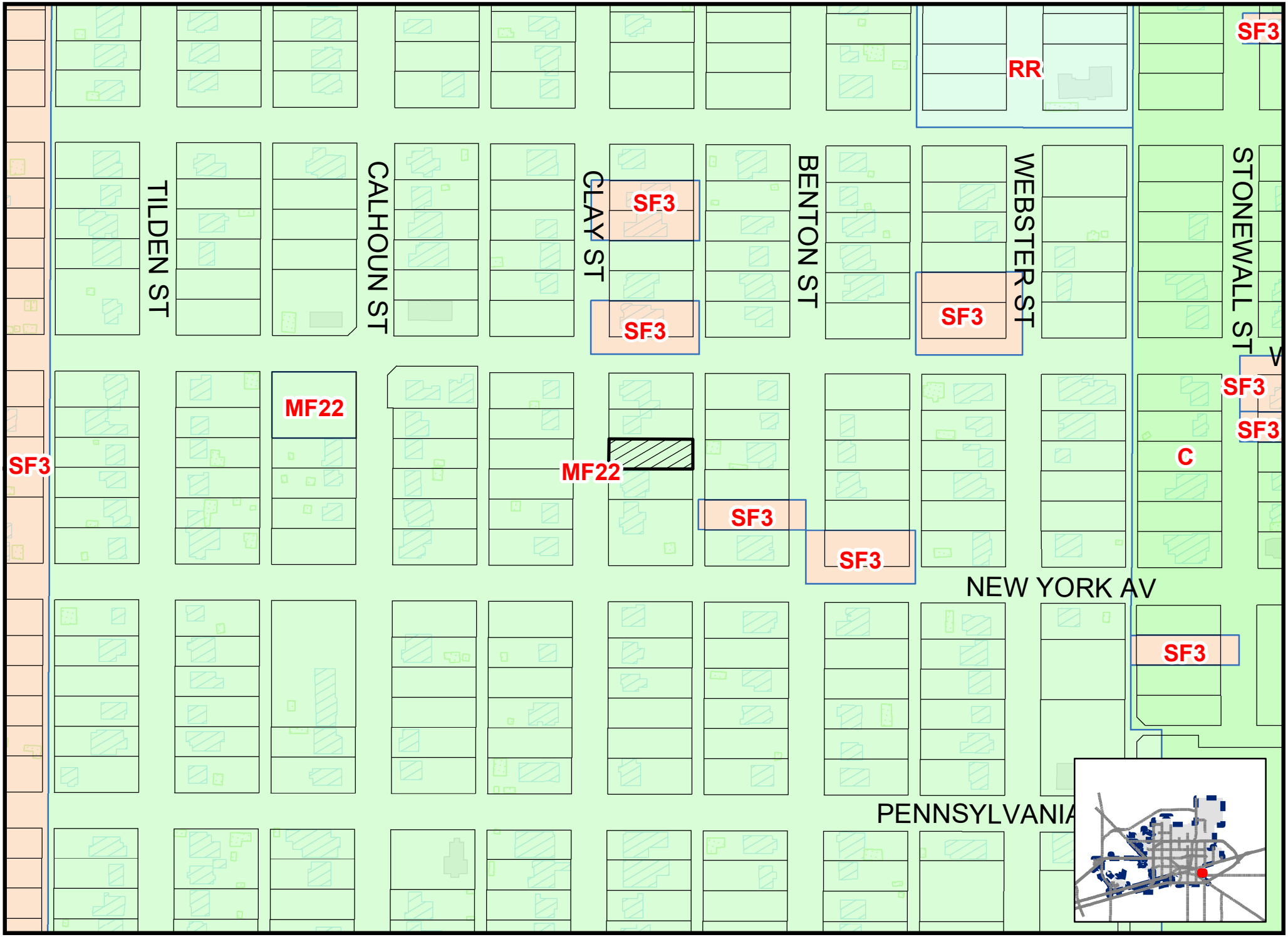

Map By JM, 06/17/2020

PACKET

Scale: 1" = 200'

ZONING MAP

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