

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

**July 18, 2022 - 3:30 PM
Council Chambers – City Hall**



Notice is hereby given that a public meeting will be held by the Planning and Zoning Commission of the City of Midland, in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas and via videoconference. A quorum of the Planning and Zoning Commission intends to be physically present at the aforementioned location.

VIDEOCONFERENCE INFORMATION

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81604357187>

Or One tap mobile :

US: +13462487799,,81604357187# or +16694449171,,81604357187#

Or Telephone:

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

US: +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1 646 931 3860 or +1 929 436 2866 or +1 301 715 8592

Webinar ID: 816 0435 7187

Passcode: 464045

International numbers available: <https://us02web.zoom.us/j/81604357187>

OPENING ITEMS

1. Pledge of Allegiance

PUBLIC COMMENT

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

CONSENT ITEMS

2. Motion approving the Planning and Zoning Commission Meeting minutes for July 5, 2022.
3. Motion approving a Final Plat of Sundial East, Section 2, being a plat of a 2.25-acre tract of land out of 280.27 acres located in Section 27, Block 38, T-1-S, T&P RR. Co. Survey,

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

4. Motion approving a Final Plat of OMG Addition, Section 8, being a plat of a 5.583-acre tract of land out of the SW/4 of Section 24, Block 39, T-2-S, T&P, RR Co. Survey, Midland County, Texas. Generally located on the north side of East County Road 140, approximately 1,100-feet west of South County Road 1175. (Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)
5. Motion approving a Final Plat of Lindsay Acres, Section 12, being a replat of the west 0.16 acres out of Lot 9, Block E5, Lindsay Acres, City and County of Midland Texas. (Generally located on the south side of Montgomery Ave., approximately 155- feet east of Camp Street - Council District 2) (DEVELOPMENT SERVICES)

PUBLIC HEARINGS

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

6. Motion approving a request by George and Mary Barton for the initial zoning of a 2.27-acre tract of land out of a 10.00-acre tract of land located in the Northwest Quarter of Section 22, Block 40 T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of Dumfries Road, approximately 3,590-feet north of Hwy 158 – Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)
7. Motion approving a request by Newton Engineering, PC for a zone change from PD, Planned Development District for a Recreation Center in part and MF-16, Multiple-Family Dwelling District in part to LR, Local Retail District, out of Lot 1, Block 1, Bush Tennis Center, and Lot 4, Block 1, Cross Pointe Addition, Section 2, City and County of Midland, Texas. City and County of Midland, Texas. Generally located on the north side of Briarwood Street, approximately 2,000-feet west of Holiday Hill. -Council District 4) (DEVELOPMENT SERVICES)

MISCELLANEOUS

8. Motion approving with staff's recommended conditions a Preliminary Plat of Galindo Addition, Section 1 being a 7.532 -acres tract of land out of S.W/4 of Section 21, Block 39, T-2-S, T & P RR Co Survey, County of Midland, Texas. Generally located on the northeast corner of the intersection of County Road 1210 and County Road 140 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Elizabeth Shaughnessy
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.

**CITY OF MIDLAND, TEXAS
PLANNING AND ZONING COMMISSION MINUTES
July 5, 2022
Council Chambers – City Hall**



The City Council convened in regular session in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas, at 3:30 p.m., July 05, 2022.

Commissioners present: Lucy Sisniega, Dianne Williams, Emily Holeva, Beverly Dillow
Commissioners absent: Stacy Grosse, Karmen Bryant, Chase Gardaphe, Zachary Deck, Adrian Carrasco
Staff members present: Charles Harrington, Elizabeth Shaughnessy, Kelly Martinez, Cole Furqueron, Paul Rodriguez, Dalia Salinas, James Reber, Landon Ochoa

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 agenda for which public hearings will not be held. (Please limit comments to three minutes or less.)

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

CONSENT ITEMS

Commissioner Williams moved to approve; seconded by Commissioner Holeva.

The motion passed by the following vote: 4 to 0

AYE: Sisniega, Williams, Holeva, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Bryant, Gardaphe, Deck, Carrasco

2. Motion approving the Planning and Zoning Commission Meeting minutes for June 21, 2022.
3. Motion approving a Final Plat of McCoy Addition, Section 2, being a replat of Lot 1, Block 1, McCoy Additions, and a 6.548-acre tract of land out Section 33, Block 39, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas. (Generally located on the south side of W. Kentucky Avenue, approximately 330-feet east of Bankhead Highway- Council District 2)
4. Motion approving a Final Plat of Northwestern Addition, Section 18, being a plat of a 3.920-acre tract of land out of the NE/4 of Section 5, Block X, HP Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Cardinal Ln, approximately 1,700 ft west of North Midkiff Rd - Council District 1)
5. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Empire Heights, Section 3, being a plat of 3.00-acres out of Section 47, Block 38, T-1-S, T&P RR. CO. Survey, Midland County, Texas. (Generally located on the west side of South County Road 1123, approximately 500-feet west of East County Road 94 - Extraterritorial Jurisdiction)

PUBLIC HEARINGS

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

6. Motion approving a request by Sonny Aguilar for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a Lounge, on Lots 2 and 3, Block 27, Original Town, City and County of Midland, Texas. (Generally located on the west side of N. Colorado Street, approximately 66-feet south of Ohio Avenue - Council District 2)

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

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

The applicant was present but deferred to staff.

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

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

The motion passed by the following vote: 4 to 0

AYE: Sisniega, Williams, Holeva, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Bryant, Gardaphe, Deck, Carrasco

7. Motion approving a request by James Griffis for a Zone Change from SF-1, Single-Family Dwelling District in part, and SF-2, Single-family Dwelling District in part to PD, Planned Development District for Office Center on Lots 1, 2, 3, 10, 11, & 12, Block 13 and Lots 1 & 2, Block 14, Langford Weathered Addition, City and County of Midland, Texas. (Generally located to the east of the intersection of N. "A" Street and Elk Avenue – Council District 3)

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

Commissioner Williams asked why this was the second time this item has been presented, staff explained that changes were made to the original application.

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

The applicant was not present.

The public hearing was closed at 3:41 p.m.

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

The motion passed by the following vote: 4 to 0

AYE: Sisniega, Williams, Holeva, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Bryant, Gardaphe, Deck, Carrasco

8. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Northwestern Addition, Section 19, being a replat of a 10.81-acre tract of land out of Lot 2, Block 1, Northwestern Addition, City and County of Midland, Texas. (Generally located on the south side of Mockingbird Lane, approximately 1,703-feet east of N. Midland Drive - Council District 1)

Planner James Reber gave an overview of the project. With 1 letter of objection received, staff recommended approval.

The public hearing was opened at 3:42 p.m.

The applicant was present but deferred to staff.

Commissioner Williams referenced the objection stated on the objection letter received, she asked if the issue with the flood was resolved. Staff explained that it has been addressed.

The public hearing was closed 3:44 p.m.

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

The motion passed by the following vote: 4 to 0
AYE: Sisniega, Williams, Holeva, Dillow
NAY: None
ABSTAIN: None
ABSENT: Grosse, Bryant, Gardaphe, Deck, Carrasco

9. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of West Midland Addition, Section 2, being a 1.37-acre tract of land situated in and being portions of Lots 1, 2, 3, and 4, Block 4, West Midland Addition, an addition to the City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of N. "F" Street and W. Illinois Avenue - Council District 3)

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

Commissioner Williams asked about the condition B listed on the staff report. Staff explained that the applicant has until the final plat to address that requirement.

Commissioner Sisniega asked what the current zoning is.

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

The applicant present but deferred to staff.

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

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

The motion passed by the following vote: 4 to 0
AYE: Sisniega, Williams, Holeva, Dillow
NAY: None
ABSTAIN: None
ABSENT: Grosse, Bryant, Gardaphe, Deck, Carrasco

10. Motion approving with staff's recommended conditions, a proposed Preliminary Plat of Grafaland, Section 7, being a replat of Lot 1, Block 23, Grafaland Second Section, and Tract A, the west 11/15th Lot 6, and all of Lot 7, Block 14, North Park Hill Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of East Broadway St and Bedford Drive - Council District 3)

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

The public hearing was opened at 3:50 p.m.

The applicant was not present.

The public hearing was closed at 3:50 p.m.

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

The motion passed by the following vote: 4 to 0
AYE: Sisniega, Williams, Holeva, Dillow
NAY: None
ABSTAIN: None
ABSENT: Grosse, Bryant, Gardaphe, Deck, Carrasco

11. Motion approving a request by David Laabs for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on a 0.16-acre tract of land out of the southeast quarter of Block 21, Homestead Addition, City and County of Midland, Texas. (Generally located on the west side of N. Mineola Street, approximately 92-feet north of E. Michigan Avenue - Council District 2)

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

The public hearing was opened at 3:53 p.m.

The applicant was not present

The public hearing was closed at 3:53 p.m.

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

The motion passed by the following vote: 4 to 0

AYE: Sisniega, Williams, Holeva, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Bryant, Gardaphe, Deck, Carrasco

MISCELLANEOUS

12. Motion to approve with staff's recommended conditions, a proposed Preliminary Plat of Southern Addition, Section 26, being a replat of Lots 5, 6, and 7, Block 194, Southern Addition, City and County of Midland Texas. (Generally located on the southeast corner of the intersection of E. Florida Avenue and S. Jefferson Street - Council District 2)

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

The motion passed by the following vote: 4 to 0

AYE: Sisniega, Williams, Holeva, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Bryant, Gardaphe, Deck, Carrasco

13. Motion approving a request by LCA Inc. for a Master Sign Plan on Lot 2, Block 1, TSC Development, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of N. State Highway 349 and Tejas - Council District 1)

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

The motion passed by the following vote: 4 to 0

AYE: Sisniega, Williams, Holeva, Dillow

NAY: None

ABSTAIN: None

ABSENT: Grosse, Bryant, Gardaphe, Deck, Carrasco

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

Lucy Sisniega, Chairman

Date

Elizabeth Shaughnessy, Planning Division Manager
Department of Development Services

Date



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 18, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving a Final Plat of Sundial East, Section 2, being a plat of a 2.25-acre tract of land out of 280.27 acres located in Section 27, Block 38, T-1-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the north side of East County Road 60, approximately 270-feet west of North County Road 1135. (Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

Extraterritorial Jurisdiction

Preliminary Plat Approval:

The applicant, Schumann Engineering, is requesting to plat a 2.25-acre tract of land out of 280.272 acres located in Section 27, Block 38, T-1-S, T&P, RR Co. Survey, Midland County, Texas to obtain septic permits. The preliminary plat was approved at the May 2, 2022, Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

Departmental Review:

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

Below are the departments' comments.

Engineering: Approved

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

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

PAVING: Paving requirements were administratively approved on 07/12/2022. [For the Applicant's information only.]

WATER: Water improvements were administratively approved on 07/12/2022. [For Applicant's Information Only.]

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

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

SEWER: Sewer improvements were administratively approved on 07/12/2022. [For Applicant's Information Only.]

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

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

SIDEWALKS: Sidewalk improvements were administratively approved on 07/12/2022. [For Applicant's Information Only.]

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

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

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

Fire: Approved

This development is in the ETJ, it is recommended that Future development shall meet the requirements of IFC 2015 ed. and local ordinances.

Oil and Gas: Approved

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

Code Administration: Approved

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

GIS: Approved

No comments.

Planning: Approved

No Comments.

Staff recommends approval of the Final Plat of Sundial East, Section 2 subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number:

30B-21-0463

Case Number:

P-22-1371

Proposed Subdivision Plat Name: **SUNDIAL EAST, SECTION 2**

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

Property Owner

Printed Name: **NORTHEAST MIDLAND COUNTY VFD**

Phone **(432) 553-6057**

Email **justin_lang82@outlook.com**

Address **3810 North County Road 1130**

City **Midland**

State **TX**

Zip **79705**

Developer (if different than Owner) Printed Name:

Phone ()

Email

Address

City

State

Zip

Representative (if acting as Agent, see affidavit on page 2) Firm: **Schumann Engineering Co., Inc.**

Printed Name: **Eduardo L. Aleman**

Phone **(432) 684-5548**

Email

ealeman@schumannonline.net

Address **800 N. Marienfeld Suite 100**

City **Midland**

State **TX**

Zip **79701**

Current Zoning:

Reason for Platting: **To obtain Septic permit**

Plat Information

Total Acreage: **2.25**

Type: ☐ Single-Family Residential

☐ Multi-Family Residential

☐ Commercial

☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: **1**

Number of Multi-Family Dwelling Units:

Submittal 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'

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): Jack Czelada

Date: 6/28/2022

Property Owner (printed): NORTHEAST MIDLAND COUNTY VFD

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

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

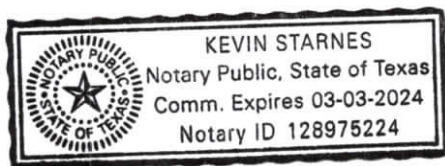
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Eduardo J. Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 28th day of June, 20 22, to certify which witness my hand and seal of office.



Kevin Starnes
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

FOR OFFICE USE ONLY		
☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☒ Mylar	☒ 1 Copy of Plat (11x17)	☐ Public Improvements
☒ Application Fee	☒ Title Opinion	☒ Recording Fee
Check # <u>1856</u>	☒ Tax Certificates	Check # <u>1857</u>
Received By: <u>KM</u>		Date:

JUN 29 2022

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

SUNDIAL EAST, SECTION 2

STATE OF TEXAS
COUNTY OF MIDLAND

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

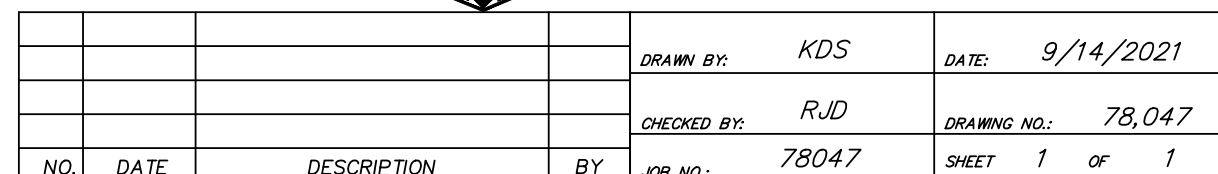
NORTHEAST MIDLAND COUNTY VOLUNTEER FIRE DEPARTMENT KOONCE STATION

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20_____, NORTHEAST MIDLAND COUNTY VOLUNTEER FIRE DEPARTMENT KOONCE STATION

NOTES:

-
- VICINITY MAP
NOT TO SCALE

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



PACKET
 Page 3.14
 July 18, 2022



- GRAPHIC SCALE
- 0 100' 200'
- (IN FEET)
- 1 inch = 100 ft.

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SUNDIAL EAST, SECTION 2, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS _____ DAY OF _____, 2022.

SIGNED: _____
CHAIRMAN LUCY SISNIEGA

ATTEST: _____
SECRETARY ELIZABETH SHAUGHNESSY

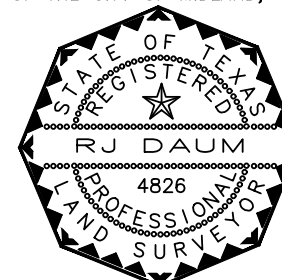
OWNER:

NORTHEAST MIDLAND
COUNTY VOLUNTEER
FIRE DEPARTMENT
KOONCE STATION

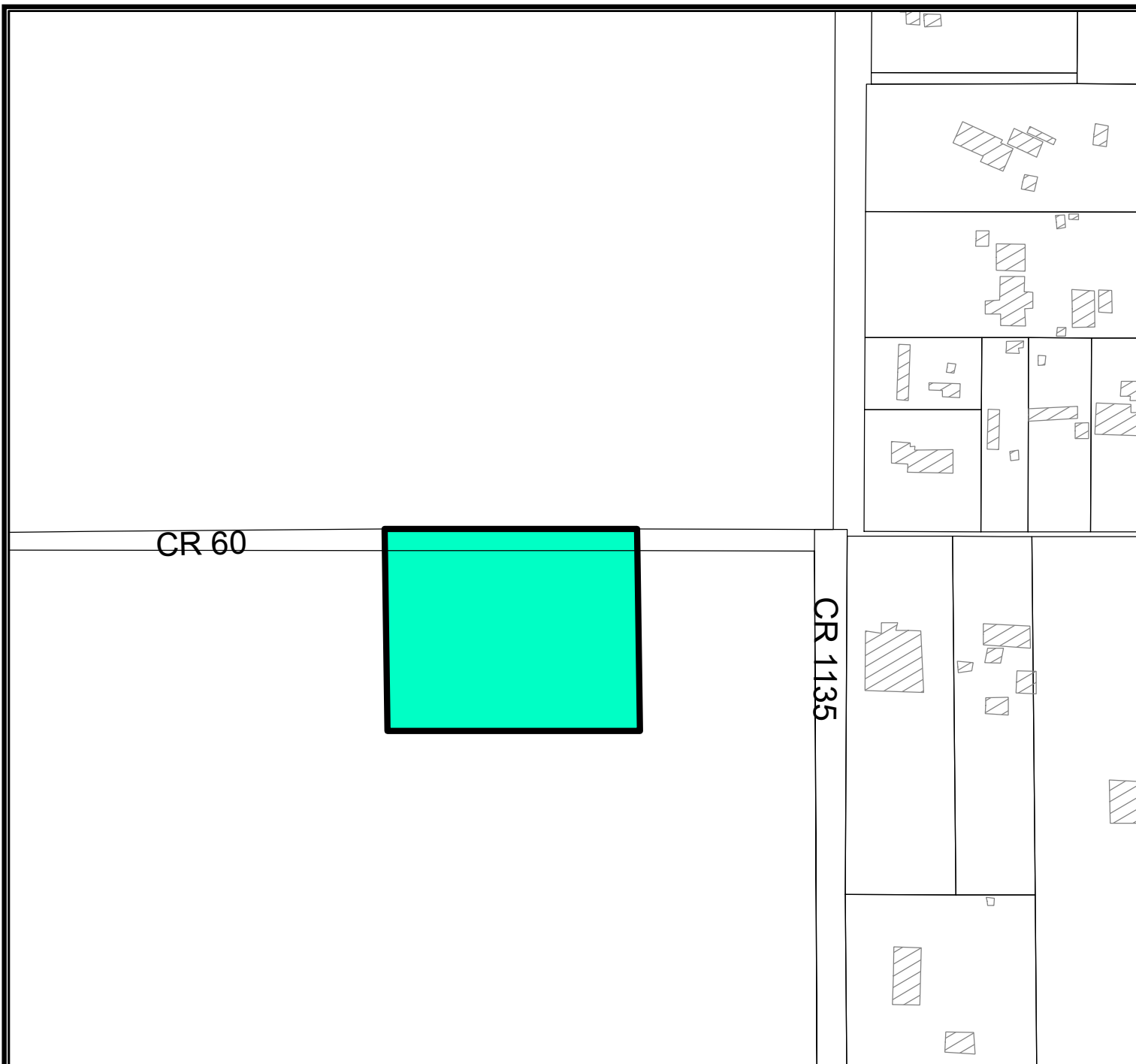
3810 North County
Road 1130

MIDLAND, TX 79705
(432)-553-6057
nevfd1213@outlook.com
justin_lang82@outlook.com

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



LOCATION MAP

SUB-21-0463

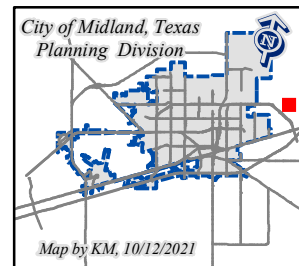
Scale: 1" = 200'

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

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

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

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



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 18, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Kelly Martinez, Senior Planner

SUBJECT: Motion approving a Final Plat of OMG Addition, Section 8, being a plat of a 5.583-acre tract of land out of the SW/4 of Section 24, Block 39, T-2-S, T&P, RR Co. Survey, Midland County, Texas. Generally located on the north side of East County Road 140, approximately 1,100-feet west of South County Road 1175. (Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Current Zoning:

Extraterritorial Jurisdiction

Preliminary Plat Approval:

The applicant, Schumann Engineering is requesting to plat a 5.583-acre tract of land located in Section 24, Block 39, T-2-S, T&P, RR Co. Survey, Midland County, Texas to divide tracts into four lots and obtain septic permits. The preliminary plat was approved at the June 21, 2022, Planning and Zoning Commission Meeting.

Final Plat Requirements:

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

Departmental Review:

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

Below are the departments' comments.

Engineering: Approved

IMPACT FEES: Property is not located within the service area for impact fees therefore they do not apply. [For Applicant's Information Only.]

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

PAVING: Paving, water, wastewater, and sidewalk Improvements deferred by Motion 088-2015 by Council for OMG Addition, 10/20/2015 [For Applicant's Information Only.]

WATER: Paving, water, wastewater, and sidewalk Improvements deferred by Motion 088-2015 by Council for OMG Addition, 10/20/2015 [For Applicant's Information Only.]

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

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

SEWER: Paving, water, wastewater, and sidewalk Improvements deferred by Motion 088-2015 by Council for OMG Addition, 10/20/2015 [For Applicant's Information Only.]

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: Compliance to OMG Addition Drainage Report, prepared by West Company is shown on the plat face. [For Applicant's Information Only.]

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

SIDEWALKS: Paving, water, wastewater, and sidewalk Improvements deferred by Motion 088-2015 by Council for OMG Addition, 10/20/2015 [For Applicant's Information Only.]

DIMENSION: * * *

OTHER: * * *

Transportation: Approved

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

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

Fire: Approved

This development is in the ETJ, it is recommended that Future development shall meet the requirements of IFC 2015 ed. and local ordinances.

Oil and Gas: Approved

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

Code Administration: Approved

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

GIS: Approved

No comments.

Planning: Approved

All staff departments' comments have been satisfied.

Staff recommends approval of the Final Plat of OMG Addition, Section 8 subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Maps



Final Plat Application

Project Number:

Case Number:

SUB-21-0438
P. 22-1370Proposed Subdivision Plat Name: **OMG ADDITION SECTION 8**

Legal Description (attached sealed Metes and Bounds): **BEING A PLAT OF 5.583 ACRES OUT OF THE SW/4 OF SECTION 24, BLOCK 39, T-2-S, T&P RR CO SURVEY, MIDLAND COUNTY, TEXAS.**

Property Owner
Printed Name: **Javier Valles**

Phone **(432) 230-8040**Email **javiertvalles@gmail.com**Address **4413 Verde Glen Court**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: **Schumann Engineering Co., Inc.**

Phone (**432**) **684-5548**

Email

Printed Name: **Eduardo L. Aleman****ealeman@schumannonline.net**Address **800 N. Marienfeld Suite 100**City **Midland**State **TX**Zip **79701**

Current Zoning:

Reason for Platting: **to divide tracts into 4 lots and obtain septic permits.**

Plat Information

Total Acreage: **5.583**Type: ☐ Single-Family Residential☐ Multi-Family Residential☐ Commercial☐ Extraterritorial Jurisdiction (ETJ)Number of Lots: **4**

Number of Multi-Family Dwelling Units:

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

Items to be submitted with this application form:

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

Mylar Reproductions

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

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

Recording Fee (Payable to 'Midland County Clerk')

For plats 18" to 24" \$61.00

For plats that exceed 24" \$81.00

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

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

Property Owner (signature): Maria L. Valles Date: 6-29-22

Property Owner (printed): Maria L. Valles

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

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

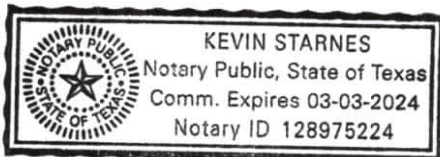
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Eduardo Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 29th day of June, 2022, to certify which witness my hand and seal of office.



Kevin Starnes
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ 1 Copy of Dimensioned Plat	☒ Plat in Digital Format (PDF/JPEG)
☒ Mylar	☒ 1 Copy of Plat (11x17)	☐ Public Improvements
☒ Application Fee	☒ Title Opinion	☒ Recording Fee
Check # <u>1850</u>	☒ Tax Certificates	Check # <u>1859</u>

Received By:

Date:

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):

Javier Valles

Date:

6-28-22

Property Owner (printed):

Javier Valles

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

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

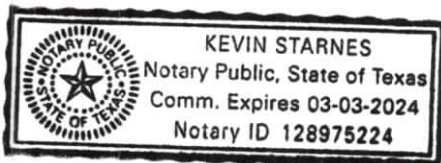
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

Ed Alejandro Aleman
Authorized Agent (signature)

Subscribed and sworn to before me, this 28th day of June, 20 22, to certify which witness my hand and seal of office.

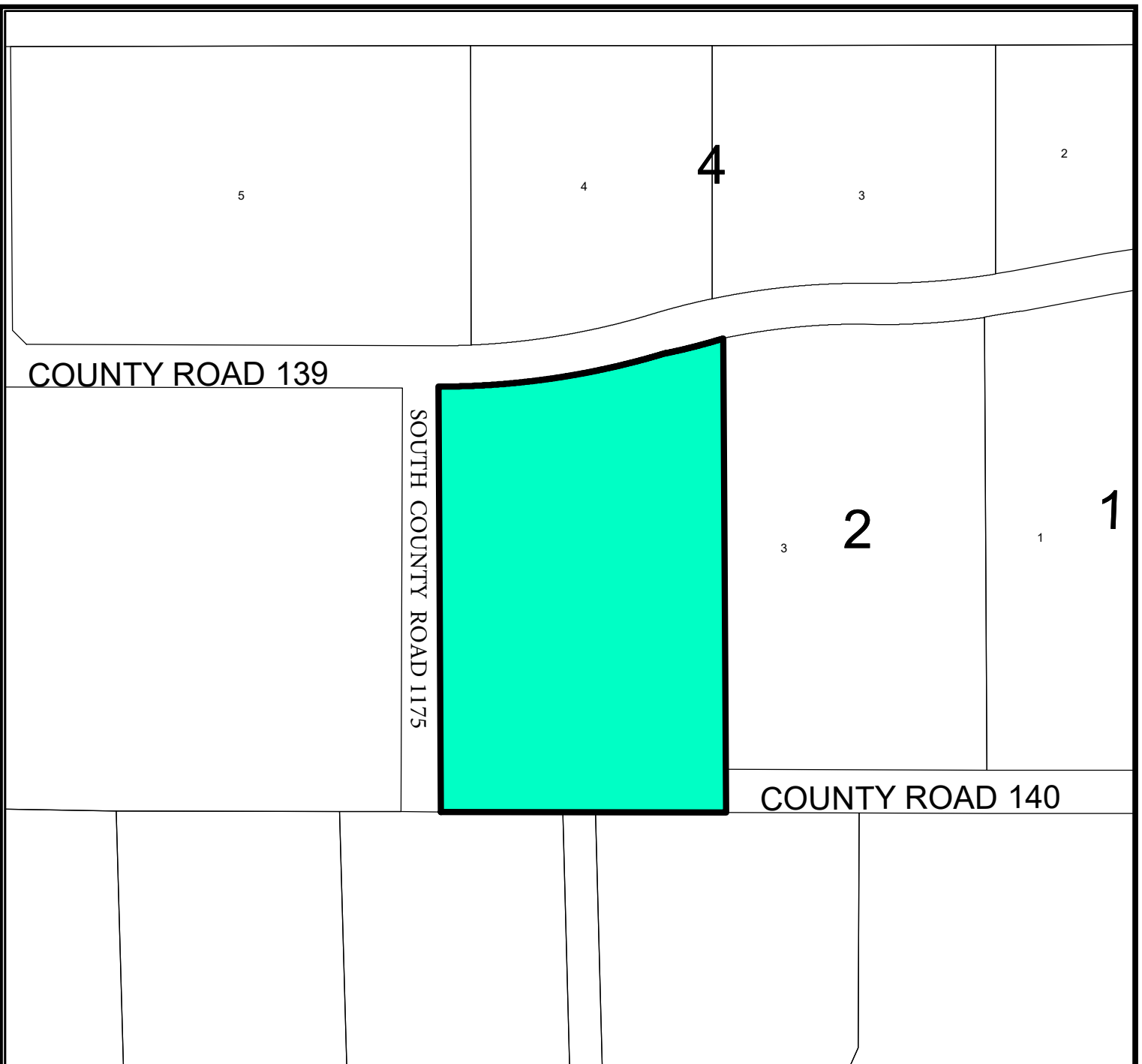


Kevin Starnes
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

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

BEING A PLAT OF A 5.583 ACRES OUT
OF
THE SW/4 OF SECTION 24,
BLOCK 39, T-2-S,
T&P RR CO SURVEY,
MIDLAND COUNTY, TEXAS

PACKET
Page 4.22
July 18, 2022



LOCATION MAP

SUB-21-0438

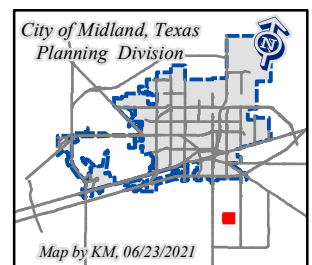
Scale: 1" = 200'

Proposed plat of OMG Addition, Section 8 being a plat of a 5.583-acre tract of land out of the South Part of Section 24, Block 39, T-2-S, T&P, RR Co. Survey, Midland County, Texas.

Generally located on north side of East County Road 140, approximately 1,100-feet west of South County Road 1175. (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaugnessy

MEETING DATE: July 18, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Paul Rodriguez, Planner

SUBJECT: Motion approving a Final Plat of Lindsay Acres, Section 12, being a replat of the west 0.16 acres out of Lot 9, Block E5, Lindsay Acres, City and County of Midland Texas. (Generally located on the south side of Montgomery Ave., approximately 155- feet east of Camp Street - Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

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

Preliminary Plat Approval:

The applicant, Aaron Burrell, is proposing to replat the west 0.16 acres out of Lot 9, Block E5, Lindsay Acres, City and County of Midland Texas. The preliminary plat was approved at the April 18, 2022, Planning & Zoning Commission Meeting.

Final Plat Requirements:

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

Departmental Review:

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

ENGINEERING: (Approved)

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

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

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

WATER: 6" water exists in W Montgomery Avenue, 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. [For the Applicant's information only.]

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

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

DRAINAGE: Drainage study not required for development into single family residences. Development considered infill.

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

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

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

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

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

FIRE: (Approved)

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

CODE COMPLIANCE: (Approved)

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

CODE ADMINISTRATION: (Approved)

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

GIS: (Approved)

No comments.

PLANNING: (Approved)

All staff's comments have been satisfied.

Staff recommends approval of the Final Plat of Lindsay Acres, Section 12 subject to condition A.

Conditions:

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

Attachments:

Proposed Final Plat
Application
Map



Final Plat Application

Project Number:

Case Number:

SUB-22-0493
P-22-1368

Proposed Subdivision Plat Name: Lindsay Acres, Section 12

Legal Description (attached sealed Metes and Bounds): Being a Replat of The West 0.16 Acres of Lot 9, Block E-5, Lindsay Acres, City & County of Midland, Texas

Property Owner

Printed Name: GZS Development, LLC

Phone (432) 212-3096
Email

Address

City

State

Zip

P.O. Box 2110
MidlandTX
79702**Developer (if different than Owner)**

Printed Name:

Phone ()
Email

Address

City

State

Zip

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

Firm: Aaron Burrell Land Surveyors LLC

Phone (432) 848-4439
Email

Printed Name: Aaron Burrell

aaron@asbsurveyors.com

Address

City

State

Zip

415 W. Wall St #204
MidlandTX
79701**Current Zoning:**

Reason for Platting: Building Permits

Plat Information

Total Acreage: 0.16 acres

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

Number of Lots: 1

Number of Multi-Family Dwelling Units: 0

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

- ✓ 2 FOLDED Copies of Dimensioned Plat
- ✓ 2 Signed Mylar (or more if applicant does not request a signed reproduction)
- ✓ 1 Extra Copy (11x17)
- ✓ Digital Files (JPEG & PDF)
- ✓ 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: 4.26.22

Property Owner (printed): GZS Development LLC.

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

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

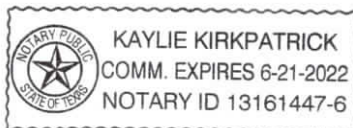
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

[Signature]
Authorized Agent (signature)

Subscribed and sworn to before me, this 26 day of April, 2022, to certify which witness my hand and seal of office.



Kaylie Kirkpatrick
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization

☒ Mylar

☒ Application Fee

Check # 6442 0441

☒ 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 # 6442 0442

Received By: [Signature]

Date:

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

LINDSAY ACRES, SECTION 12
Being a Replat of The West 0.16 Acres of
Lot 9, Block E-5, Lindsay Acres,
City & County of Midland, Texas.

Lindsay Acres,
Section 3,
Caddo Co., Pgs. 35
MCPR

Lot 2

④

Lot 1

Lot 1

Lot 2

Lot 3

Lot 4

Lot 5

Lot 6

Lot 7

W. MONTGOMERY AVENUE
60' Right-of-Way
Power Rightway

CAMP STREET
60' Right-of-Way

Tract 5

Lot 11

Lot 10

Lot 9A

0.160 Acres / 6,967 Sq. Feet

Remainder of Lot 9
and the W/25' of Lot 8

E/50'
Lot 8

Lot 7

Lindsay Acres,
Cabinet 6, Page 86
Midland County Plat Records

N:10687857.09'
E:1755618.58'

S 75°33'14" W 56.03'

20' ALLEY

Lindsay Acres,
Section 4,
Caddo Co., Pgs. 67
MCPR

Lot 1

⑥

Lot 12

Lot 13

Lot 14

⑤

Lot 15

Lot 16

Lot 17

NOTES:

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

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

3. A BLANKET EASEMENT OF INGRESS AND EGRESS WILL BE GRANTED FOR GRANDDAD ADDITION, SECTION 1 TO THE CITY OF MIDLAND FOR GARBAGE AND TRASH COLLECTION AND LOCATION AND MAINTENANCE OF TRASH STRUCTURES, SAVE AND EXCEPT THOSE AREAS OCCUPIED BY A BUILDING OF STRUCTURE, SAID EASEMENT IS CONDITIONED SUCH THAT EXACT LOCATION OF SAID CONTAINERS AND THE EASEMENTS IN CONNECTION THEREWITH HAVE BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.

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

5. THIS PROPERTY IS IN ZONE X AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS GRAPHICALLY SCALED ONTO FEMA MAP NO. 4832020202F, DATED SEPTEMBER 16, 2005, PREPARED FOR MIDLAND COUNTY, TEXAS.

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

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "LINDSAY ACRES, SECTION 12" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, on this _____ day of _____, 2022.

SIGNED: _____
Chairman
LUIS SORIEGA

ATTEST: _____
Secretary
ELIZABETH SHAUGHNESSY

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____ PRINT NAME _____
ATMOS ENERGY

SIGNED: _____ PRINT NAME _____
ONCOR ELECTRIC DELIVERY

SIGNED: _____ PRINT NAME _____
AT&T TEXAS

SIGNED: _____ PRINT NAME _____
SUDDENLINK COMMUNICATIONS

SIGNED: _____ PRINT NAME _____
GRANDE COMMUNICATIONS

OWNERS' CERTIFICATE:

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, I, GZS DEVELOPMENT LLC as the recorded owner of a 0.160 Acre Tract of land recorded in Document Number 2021-12703, Midland County Official Plat Records, County Of Midland, Texas, and more particularly shown hereon:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, GZS DEVELOPMENT LLC, do hereby adopt this plat designating the herein above described property as "LINDSAY ACRES, SECTION 12" on Addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon.

WITNESS our hands at Midland, Texas, this the _____ day of _____, 2022.

GZS DEVELOPMENT LLC

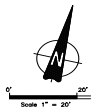
ACKNOWLEDGMENT
THE STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared GZS DEVELOPMENT LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of owner, and that he executed the same as the act for the purpose and consideration therein expressed and in the capacity therein stated.

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

LEGEND:
to Set 1/2" Iron Rod
to Iron marked "MS 5689"

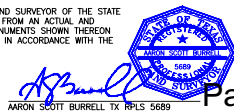


OWNER:
GZS DEVELOPMENT LLC
P.O. BOX 2110
MIDLAND, TEXAS 79702
(432)212-3096

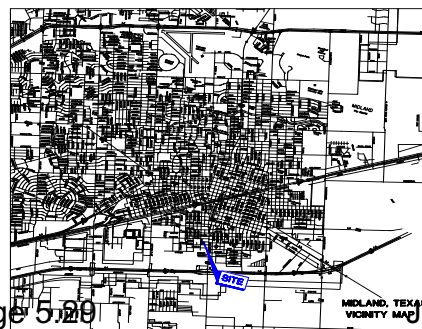
Professional Land Surveying & Mapping
Aaron Burrell Land Surveyors, LLC
415 W. Wall St., Suite 404
Midland, Texas 79701
432-448-4439
aaron@burrellsurvey.com
MIDLAND, TEXAS 79701
TXPLS Firm No. 16942407

Page 1 of 1
201-0000-01

PACKET

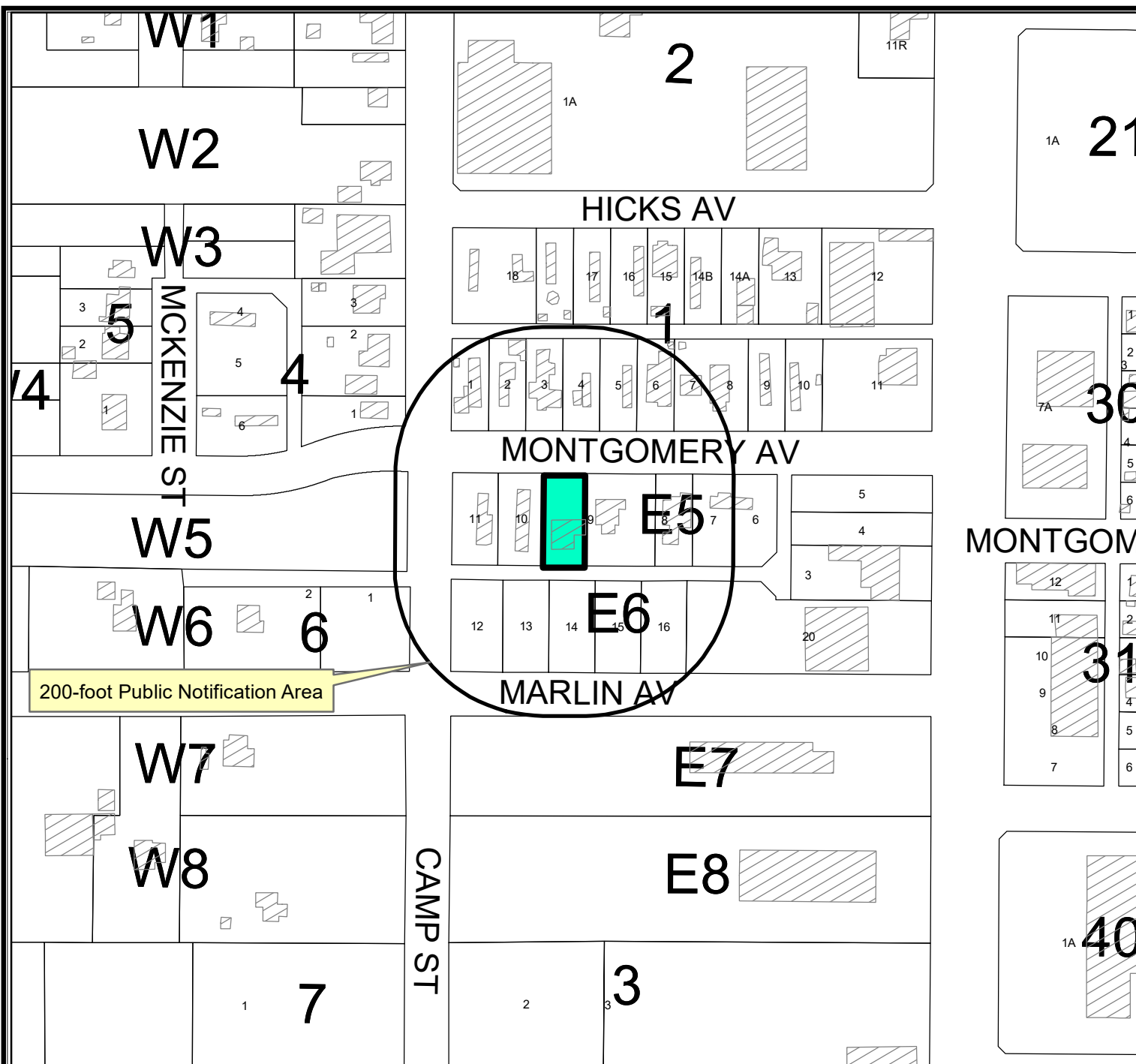


Page 5 of 29



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

FINAL PLAT
LINDSAY ACRES, SECTION 12
July 18, 2022



LOCATION MAP

SUB-22-0493

Scale: 1" = 200'

Proposed plat of Lindsay Acres, Section 12, being a re-plot of the west 0.16 acre out of Lot 9, Block E-5, Lindsay Acres, City and County of Midland, Texas.

Generally located on the south side of Montgomery Ave, approximately 155-feet east of Camp St. (Council District 2).

LEGEND

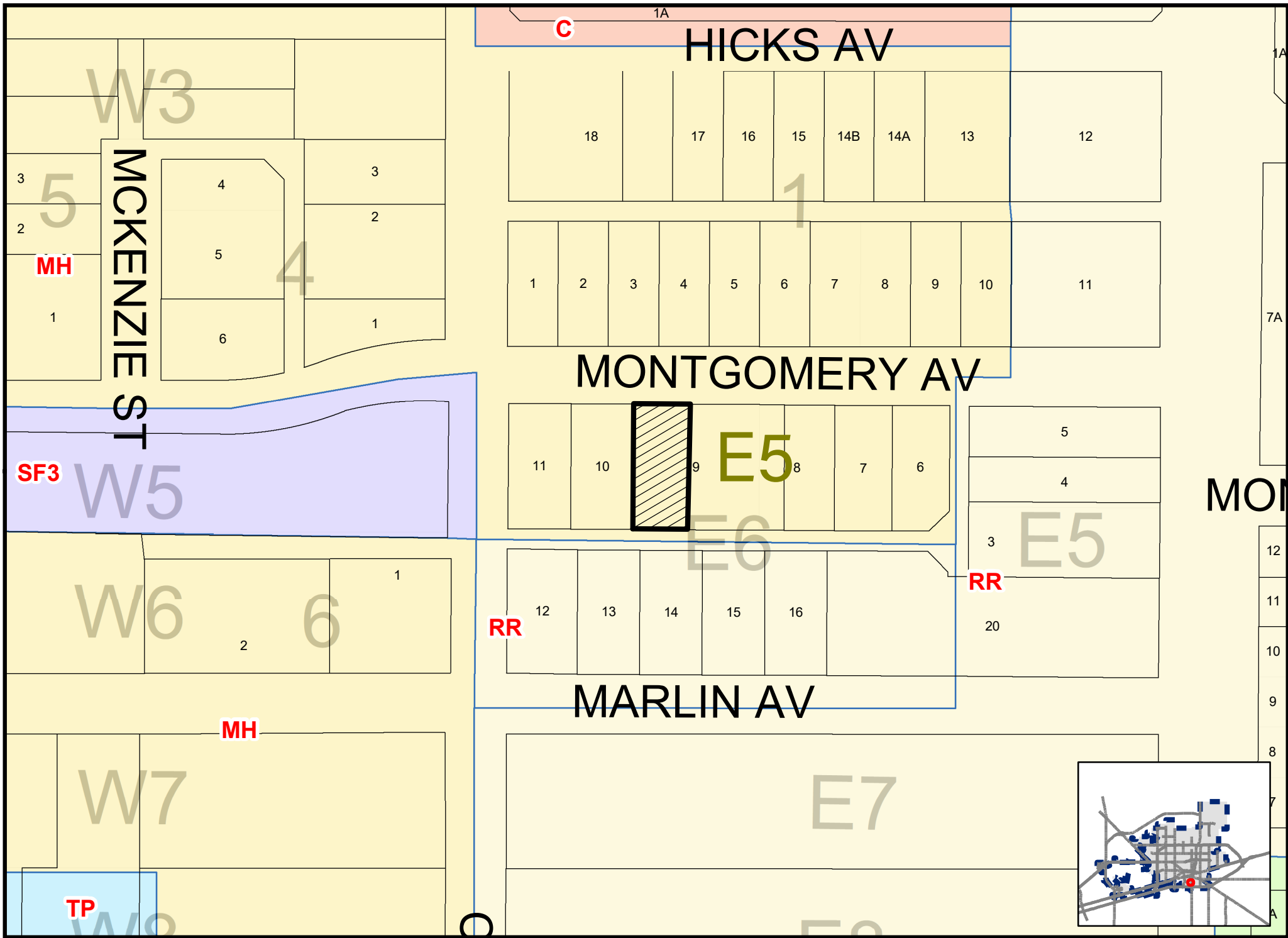
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021

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

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





Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 18, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Cole Furqueron, Senior Planner

SUBJECT: Motion approving a request by George and Mary Barton for the initial zoning of a 2.27-acre tract of land out of a 10.00-acre tract of land located in the Northwest Quarter of Section 22, Block 40 T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of Dumfries Road, approximately 3,590-feet north of Hwy 158 – Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

☒ Approve ☐ Deny ☐ Direction/Informational

Details of Request:

The applicants, George and Mary Barton, are requesting the initial zoning of a 2.27-acre tract of land out of a 10.00-acre tract of land located in the Northwest Quarter of Section 22, Block 40 T-1-S, T&P RR Co. Survey, Midland County, Texas, located on the east side of Dumfries Road, approximately 3,590-feet north of Hwy 158 which is currently being annexed to be AE, Agricultural Estates District.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

Surrounding Zoning and Land Use:

The Properties to the North, East and West are all in the ETJ and are the locations of oilfield tank batteries and utility sheds respectively. The Property to the South is zoned AE, Agricultural Estates District, and the location of a single-family home.

Analysis:

The applicants, George and Mary Barton, are requesting for the initial zoning of the land to be annexed to be AE, Agricultural Estates District in order to utilize City of Midland utilities for a house that is currently on the lot.

The site is currently in the process of being annexed into City Limits as well as in the process of being platted.

The proposed site plan attached hereto as Exhibit A, illustrates two (2) buildings consisting of a single-family house and a detached garage, as well as an 8-foot diameter water tank. The total square footage of both the buildings combined is about 4,187 square feet.

This case has been circulated to and reviewed by all pertinent City departments for internal review and has received no objections. Their comments are as follows.

Engineering: (Approved)

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

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

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

Fire: (Approved)

No comments.

Code Administration: (Approved)

ETJ, no jurisdiction

Oil and Gas: (Approved)

Not in the City limits- no oil or gas jurisdiction. If being annexed the following information would apply. Informational No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat. Please note if oil & gas wells are not identified or left off of plat, this could prevent receiving city permits for structures.

GIS: (Approved)

No Objections.

Planning: (Approved)

The Future Land Use Map in the Tall City Tomorrow Comprehensive Plan calls for Urban Residential-Large Lot utilization in this area, which emphasizes Single-family housing and open spaces on large parcels of land.

As this proposed initial zoning conforms to the Tall City Tomorrow Comprehensive Plan, staff recommends approval of this initial zoning of AE, Agricultural Estates District subject to condition A.

Conditions:

- A. That the use and development of this property (Exhibit A) shall conform to the regulations of the AE, Agricultural Estates District.**

Letters of Objection:

As of July 13, 2022, staff has received no letters of objections to this request.

Attachments:

Petition (Exhibit A)
Aerial View
Application
Maps



**Annexation/Initial Zoning
Application**

Project Number

Case Number:

A-22-0030.
2-22-0289

Applicant (if acting as Agent, see affidavit on page 2) Printed Name: <u>George and Mary Beth Barton</u>		Phone (432) 528-6909 Email: <u>artbartgran@yahoo.com</u>	
Address: <u>5500 N.C. Rd 1260</u>	City: <u>Midland</u>	State: <u>TX</u>	Zip: <u>79707</u>

Property Owner Printed Name: <u>George and Mary Beth Barton</u>		Phone () Email: <u>Same</u>	
Address:	City:	State:	Zip:

Representative (if different from Applicant or Property Owner) Firm: _____ Printed Name: <u>Susan McHughes</u>		Phone (432) 352-4196 Email: <u>susan.mchughes@yahoo.com</u>	
Address: <u>5500 N.C. Rd 1260</u>	City: <u>Midland</u>	State: <u>TX</u>	Zip: <u>79707</u>

Street Address: <u>5500 N.C. Rd 1260</u>		
Legal Description Lot: _____ Block: _____ Subdivision: _____		

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

Reason for Annexation/Zone Change Request: <u>Future desire for water access</u>

Present Use of Property: <u>Residential & Agricultural</u>

Proposed Use of Property: <u>Residential & Agricultural</u>
--

How would this annexation/zone change affect the public health, safety and welfare? <u>no impact</u>

Describe how this annexation/zone change will affect adjacent properties: <u>no impact</u>

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

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>Mary Beth Barton</u>	Date: <u>3/20/22</u>
Applicant (printed): <u>Mary Beth Barton</u> <u>McBarton</u>	
Property Owner (signature): <u>Mary Beth Barton</u>	Date: <u>3/20/22</u>
Property Owner (printed): <u>Mary Beth Barton</u> <u>McBarton</u>	
The Annexation/Initial Zoning shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.	
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

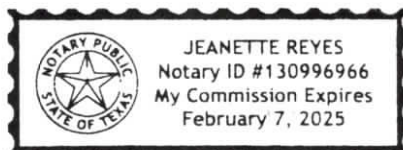
If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

[Signature]
Authorized Agent (Signature)

Subscribed and sworn to before me, this 21st day of March, 2022, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization ☒ Application Fee Check # <u>CC</u>	☒ Metes and Bounds (Sealed by Surveyor) <u>missing</u> ☒ Files in Digital Format (PDF/JPEG) ☒ Petition
Received By: <u>KM</u>	Date: <u>MAR 21 2022</u>

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

PETITION FOR ANNEXATION

Dear City of Midland:

As current owner of the tract(s) of land described in Exhibit(s) A (the "Property"), said Exhibit(s) being attached hereto and incorporated herein, Mary Beth Barton and Gay Barton ("Owner") submits this petition for annexation and hereby requests that the Property be added to and annexed to the City of Midland.

Susan McHughes

Signature of Owner or Owner's Authorized Representative

Susan McHughes

Printed Name

Representative

Title

THE STATE OF Texas §

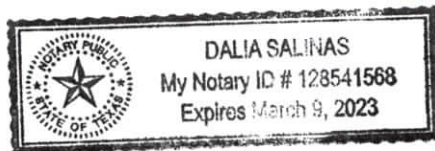
COUNTY OF Midland §

This instrument was acknowledged before me on the 21st day of March, 2022 by Susan McHughes in the capacity herein stated.

MY COMMISSION EXPIRES

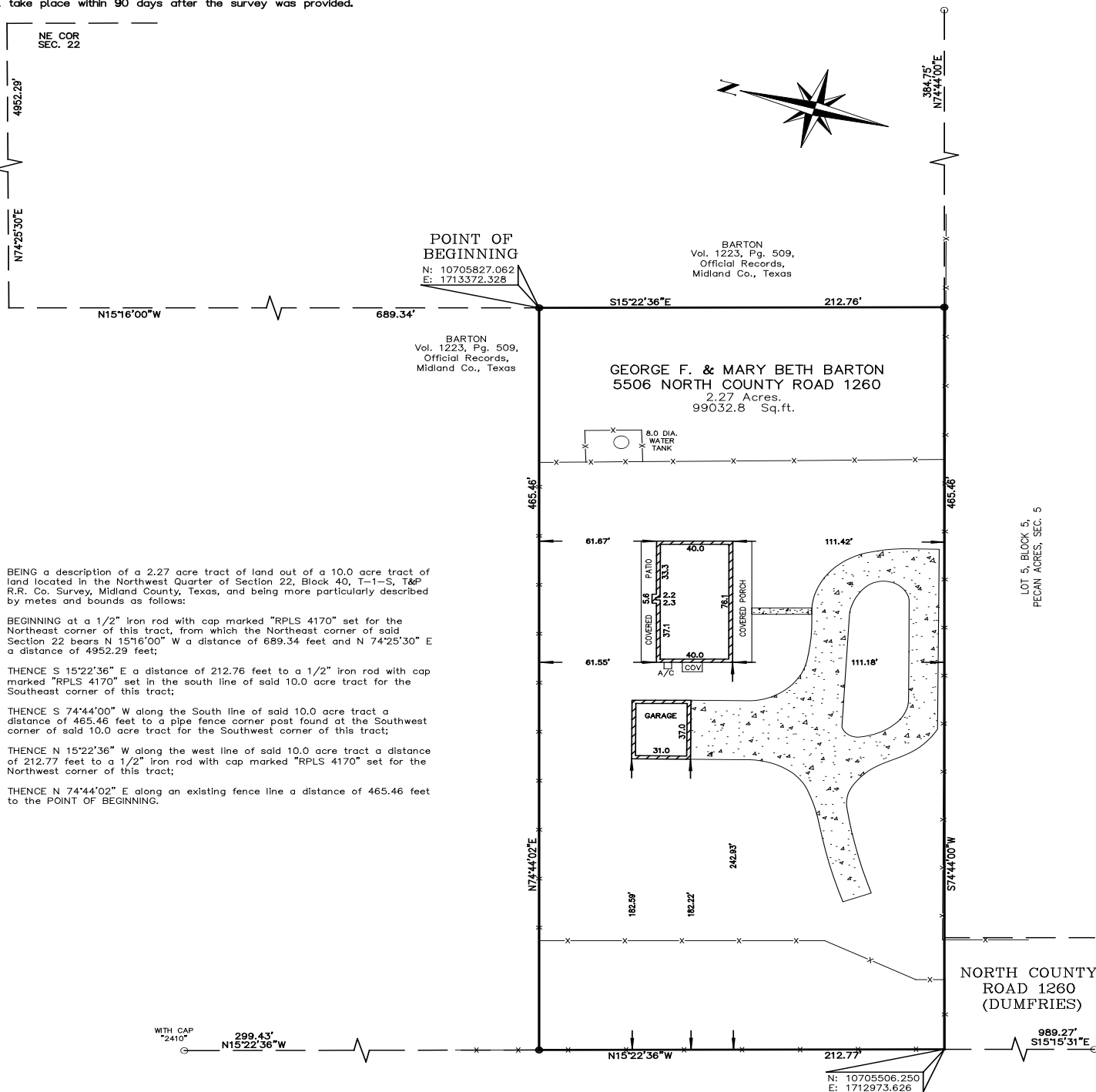
3.9.23

Dalia Salinas
Notary Public, State of Texas



* COPYRIGHT 2011.

This survey plat is being provided solely for the use of: George F. & Mary Beth Barton Abstract & Title Co., and that no license has been created, express or implied, to copy the survey plat except as is necessary in conjunction with the original transaction dated April 12, 2011, which shall take place within 90 days after the survey was provided.



Census Tract: 101.12

This tract is in Flood Zone "X" as shown on the Flood Insurance Rate Map, Dated September 16, 2005 provided by the Federal Emergency Management Agency Flood Map Number: 48329C0064 F

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way, except as shown hereon, and that said property has access to and from a dedicated roadway.

Dated this the 12th day of April 2011.

Bruce R. Pennell
Registered Professional Land Surveyor No. 4170
Date: 04/12/11 UPDATED TO ADD NORTHINGS AND EASTINGS 04/13/2022

IF SURVEYORS SIGNATURE IS NOT SIGNED IN RED INK, THIS IS NOT AN ORIGINAL DOCUMENT

PENNELL & MARLOWE LAND SURVEYORS, INC.

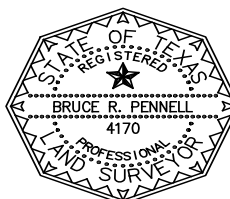
PROFESSIONAL LAND SURVEYING

P.O. BOX 51622, MIDLAND, TEXAS 79710

VOICE:(432)570-6256 FAX:(432)682-3262 MOBILE:(432)528-1027

ABSTRACT OFFICE: N/A G.F. #: N/A COMMITMENT EFFECTIVE DATE: N/A

CAD FILE: BRP3167B DATA FILE: NCR1260 DRAWN BY: MARCY N. BOOK/PAGE: 1/

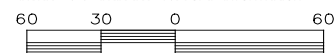


LEGEND

- Set 1/2" I.R. W/Cap "RPLS 4170"
- Fnd. 1/2" I.R.

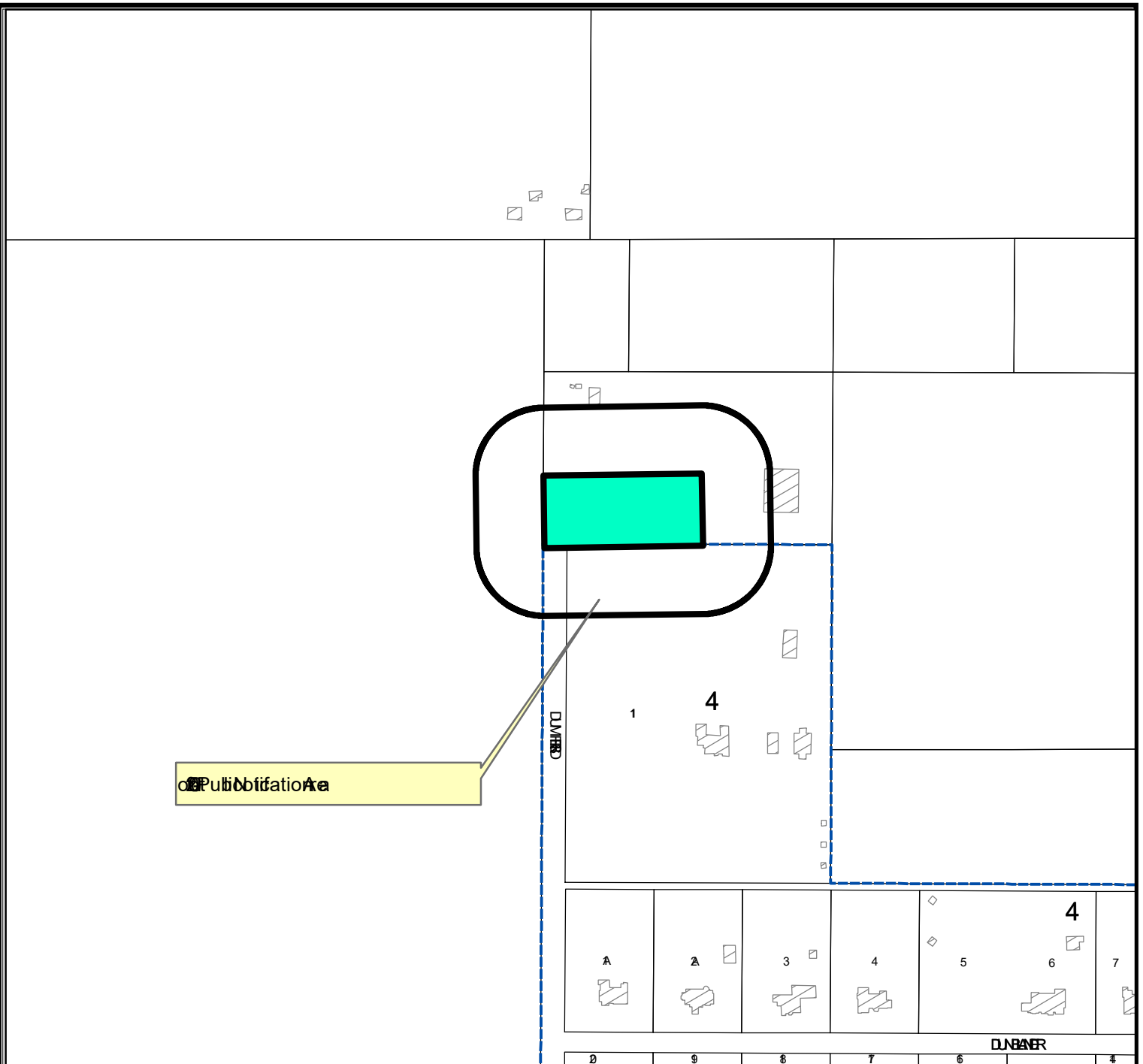
Basis of Bearings:
SOUTH Line of this Lot

Bearings and Distances Shown
Inside () Indicate Record Information



SCALE: 1" = 60'





LOCATION MAP

Z-22-0289

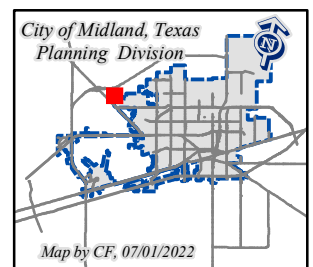
Scale: 1" = 200'

A request by George and Mary Barton, for the Initial zoning to AE, Agricultural Estates District of a 2.27-acre tract of land out of a 10.00-acre tract of land located in the NW/4 of Section 22, Block 40 T-1-S, T&P RR Co. Survey, Midland County, Texas

Generally located on the east side of Dumfries Road, approximately 3,590-feet north of Hwy 158 – (Extraterritorial Jurisdiction)

LEGEND

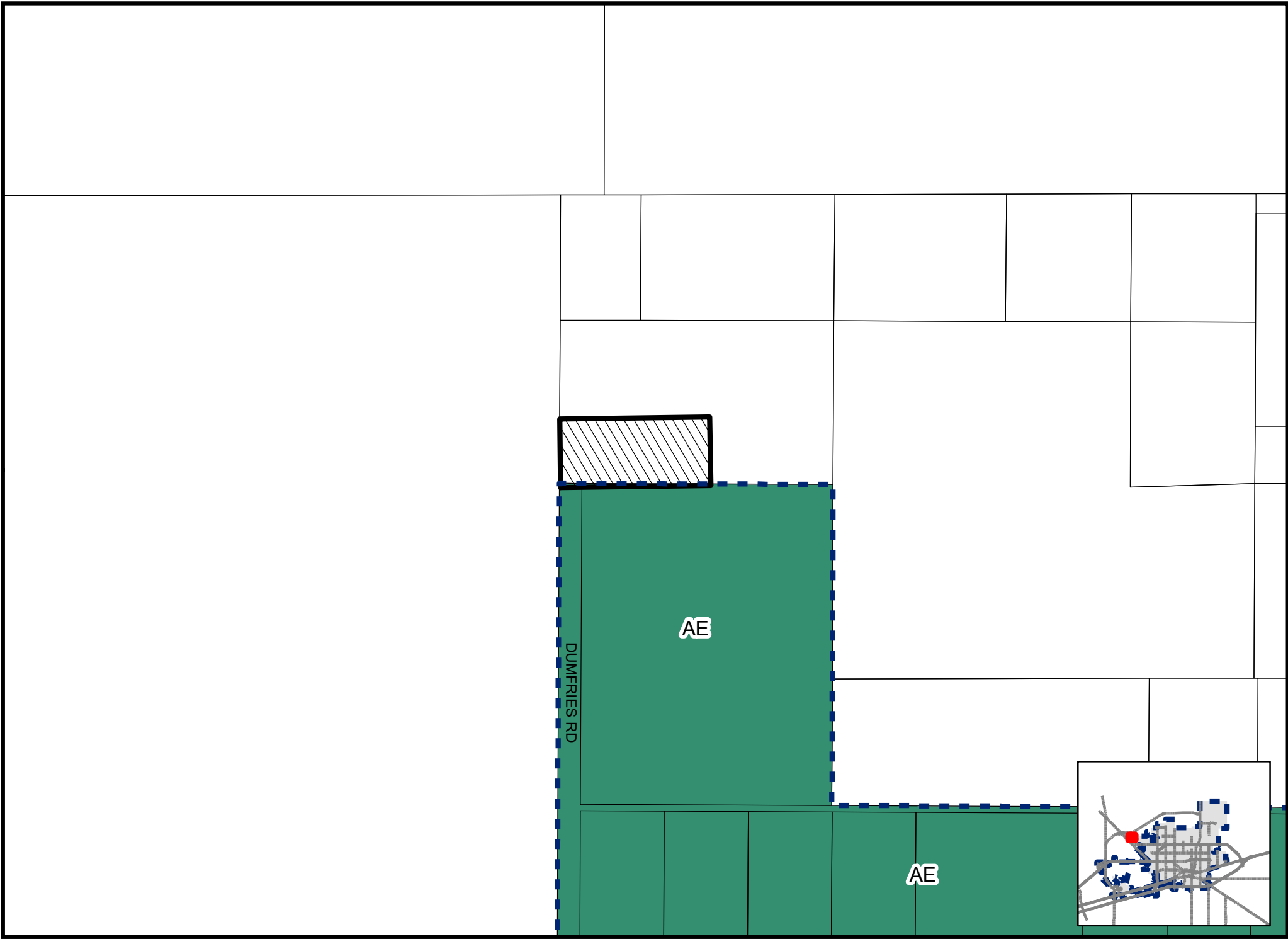
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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













Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 18, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: Landon Ochoa, Planner

SUBJECT: Motion approving a request by Newton Engineering, PC for a zone change from PD, Planned Development District for a Recreation Center in part and MF-16, Multiple-Family Dwelling District in part to LR, Local Retail District, out of Lot 1, Block 1, Bush Tennis Center, and Lot 4, Block 1, Cross Pointe Addition, Section 2, City and County of Midland, Texas. City and County of Midland, Texas. Generally located on the north side of Briarwood Street, approximately 2,000-feet west of Holiday Hill. -Council District 4) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

 X Approve Deny Directional/Informational

Purpose:

The applicant, Newton Engineering, PC, is requesting a zone change from PD, Planned Development District for a Recreation Center in part and MF-16, Multiple-Family Dwelling District in part to LR, Local Retail District located at 5700 Briarwood for future development.

Current Zoning:

PD, Planned Development District for a Recreation Center in part and MF-16, Multiple-Family Dwelling District in part.

Surrounding Zoning and Land Use:

The properties to the north are zoned LR, Local Retail District. The property to the east is zoned MF-16, Multiple-Family Dwelling District. The property to the south is zoned PD, Planned Development District for a Housing Development. The Properties to the west are zoned ETJ, Extraterritorial Jurisdiction, and the location of vacant land.

Analysis:

The applicant, Newton Engineering, PC, is requesting a zone change from PD, Planned Development District for a Recreation Center in part and MF-16, Multiple-Family Dwelling District in part to LR, Local Retail District located at 5700 Briarwood for future development. The property meets the minimum lot size requirements for the LR, Local Retail District. The applicant will be required to adhere to the site plan review standards outline within the City of Midland Zoning Ordinance Section 5.05; Non-residential Zoning District Dimensional Regulation Chart as well as Chapter 9, Landscape Regulations for future landscaping.

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

Fire: (Approved)

No objections

Building: (Approved)

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

Engineering: (Approved)

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

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For Applicant's Information Only.]

Code: (Approved)

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

Transportation: (Approved)

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

Planning:

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 Medium, which calls for a mix of housing types, neighborhood and community commercial, office, and service uses.

Therefore, staff recommends approval of this zone change from PD, Planned Development District for a Recreation Center in part and MF-16, Multiple-Family Dwelling District in part to LR, Local Retail District, subject to condition A.

Conditions:

- A. That the use and development of this property shall conform to the regulations of the LR, Local Retail District.**

Letters of Objection:

Staff has not received any letters of objection as of July 13, 2022.

Attachments:

Application
Site Plan (Exhibit A)
Maps
Ordinance No. 8848



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

Project Number: 2-22-0296

Case Number: _____

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

Printed Name: Newton Engineering, PC

Phone (432) 770-0499

Email john@newtoncivil.com

Address 4501A Santa Rosa Dr.

City Midland

State TX

Zip 79707

Property Owner Midland Tennis Center, Inc

Printed Name:

Phone ()

Email tim@bushtenniscenter.org

Address PO Box 4914

City Midland

State TX

Zip 79704

Representative (if different from Applicant or Property Owner)

Firm: Newton Engineering, PC

Printed Name: John M. Newton

Phone (432) 770-0499

Email john@newtoncivil.com

Address 4501A Santa Rosa Dr.

City Midland

State TX

Zip 79707

Street Address: 5700 Briarwood Dr.

Legal Description

Lot: 1&4 Block: 1 Subdivision: Bush Tennis Center & Cross Pointe Addition Section 2

Current Zoning:

PD and MF16

Proposed Zone: LR

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

Reason for Zone Change Request: To conform to development.

Present Use of Property: Tennis Facility

Proposed Use of Property: Tennis Facility and Performance Center

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

It will enhance by facilitating outdoor fitness activities.

Describe how conditions affecting the property have changed since present zoning designation: The zoning code has be rewritten.

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
JUN 22 2022

CF

Signature (by property owner only – authorized agent must sign affidavit below)	
Applicant (signature): <u>[Signature]</u>	Date: <u>6-21-22</u>
Applicant (printed): John M. Newton	
Property Owner (signature): <u>[Signature]</u>	Date: <u>6-1-22</u>
Property Owner (printed): <u>Timothy M. Stallard</u>	
The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office <u>only</u> when it has been submitted in <u>full compliance</u> with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received. All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.	

STATE OF TEXAS
COUNTY OF MIDLAND

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

[Signature]
Authorized Agent (signature)

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

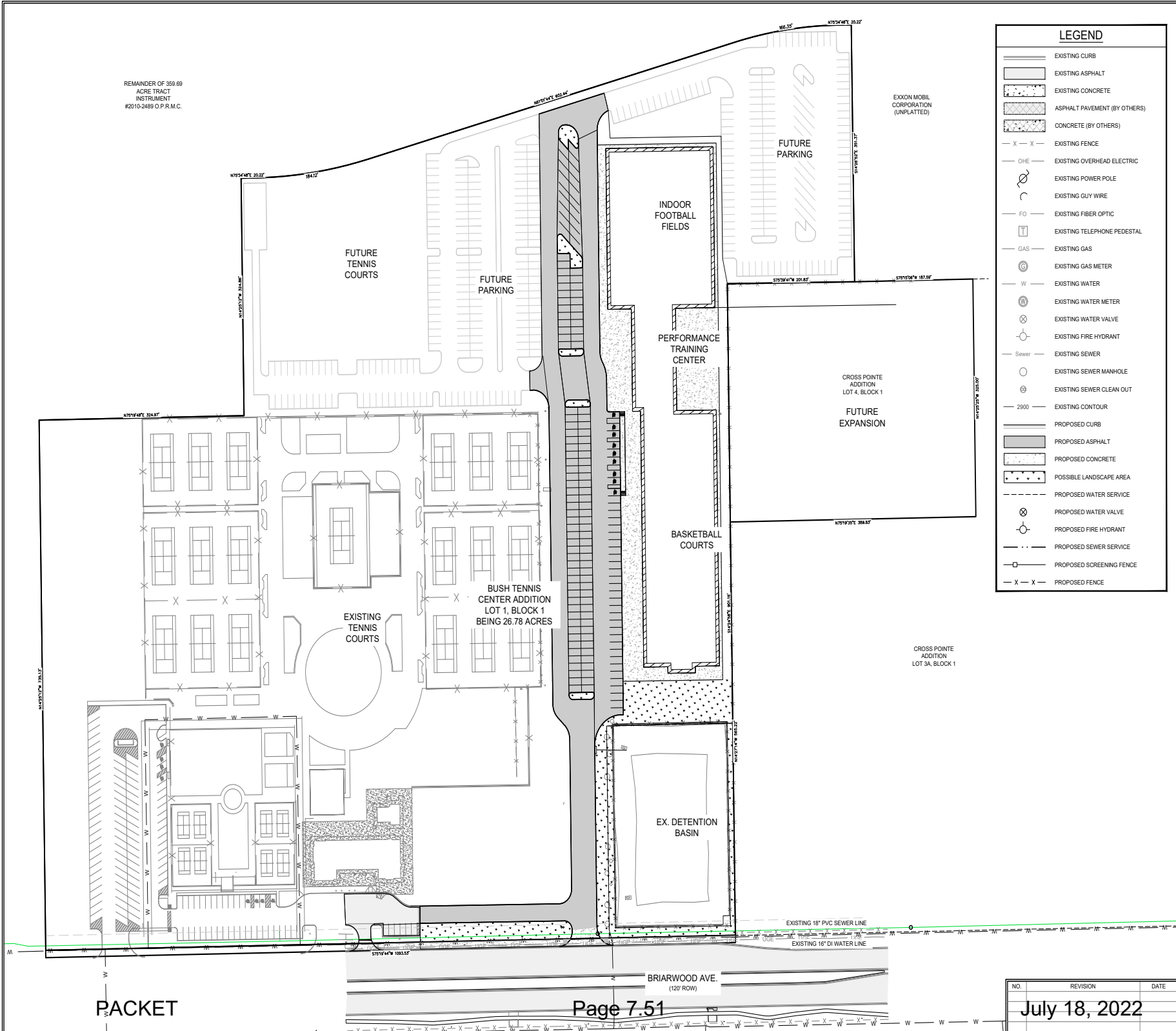


TYLER M. PENDLETON
My Notary ID # 126594666
Expires July 18, 2024

[Signature]
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # <u>1276</u>	
Received By: <u>[Signature]</u>	Date: <u>6-22-22</u>

REMAINDER OF 359.69
ACRE TRACT
INSTRUMENT
#2010-2489 O.P.R.M.C.



LEGEND

- EXISTING CURB
- EXISTING ASPHALT
- EXISTING CONCRETE
- ASPHALT PAVEMENT (BY OTHERS)
- CONCRETE (BY OTHERS)
- X - X - EXISTING FENCE
- OHE - EXISTING OVERHEAD ELECTRIC
- EXISTING POWER POLE
- EXISTING GUY WIRE
- FO - EXISTING FIBER OPTIC
- T - EXISTING TELEPHONE PEDESTAL
- GAS - EXISTING GAS
- G - EXISTING GAS METER
- W - EXISTING WATER
- W - EXISTING WATER METER
- W - EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- Sewer - EXISTING SEWER
- O - EXISTING SEWER MANHOLE
- G - EXISTING SEWER CLEAN OUT
- 2900 - EXISTING CONTOUR
- PROPOSED CURB
- PROPOSED ASPHALT
- PROPOSED CONCRETE
- POSSIBLE LANDSCAPE AREA
- PROPOSED WATER SERVICE
- PROPOSED WATER VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED SEWER SERVICE
- PROPOSED SCREENING FENCE
- X - X - PROPOSED FENCE



GRAPHIC SCALE
0 60' 120'
1 inch = 60 ft.

NEWTON ENGINEERING, P.C.
(IN TEXAS)
2500 E. 8th St.
4801A Santa Rosa St.
P.O. Box 110588
Dallas, TX 75211
(432) 935-0707
(432) 770-0499



BUSH TENNIS CENTER
MIDLAND, TX

MASTER PLAN

PACKET

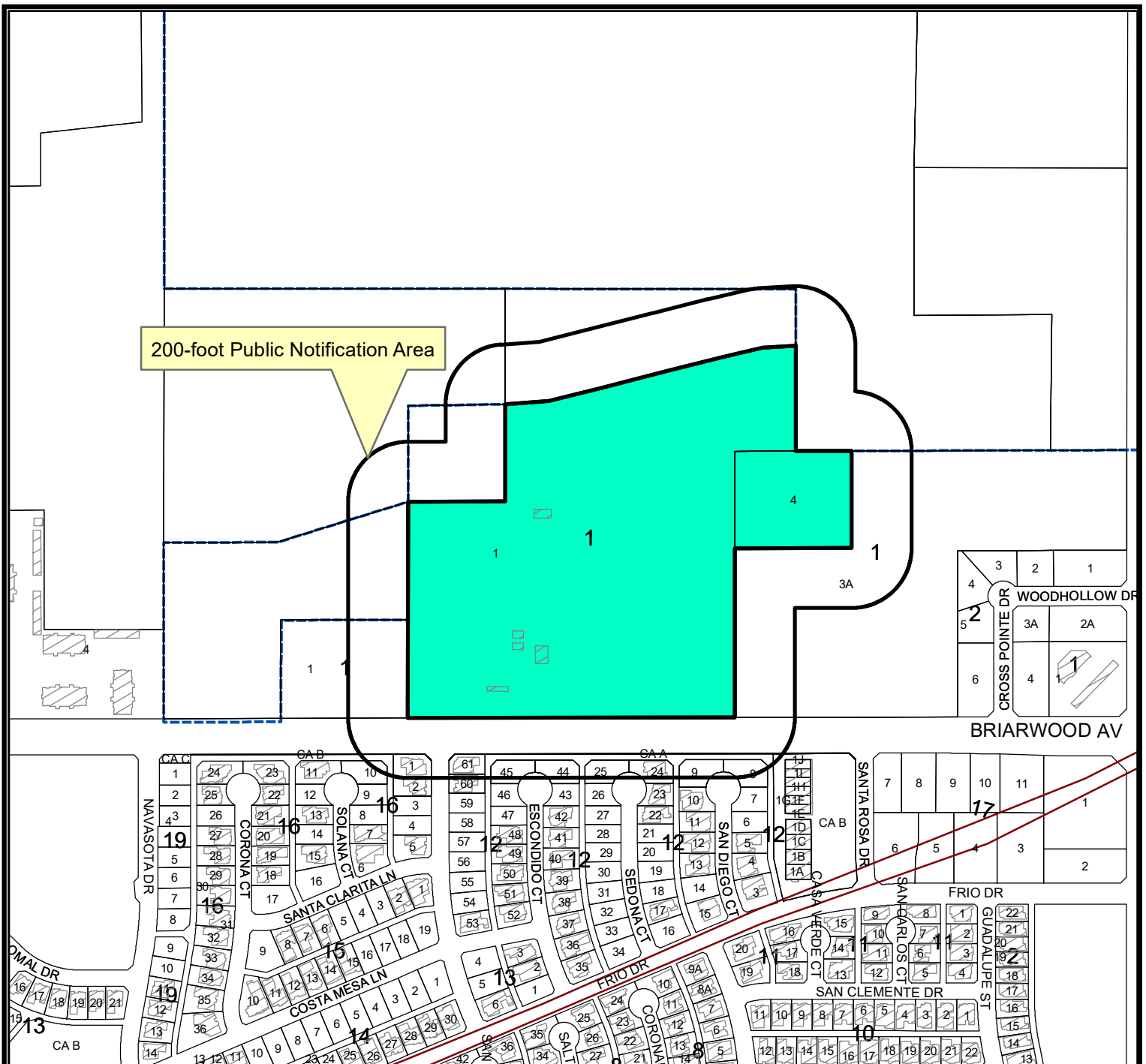
Page 7.51

NO.	REVISION	DATE
1	22-ME02041	APRIL 2022
2	Drawn By:	JUN
3	Checked By:	
4	Scale:	

July 18, 2022

Project No.	22-ME02041	Sheet:
Date:	APRIL 2022	
Drawn By:	JUN	
Checked By:		
Scale:		

04



LOCATION MAP

Z-22-0296

Scale: 1" = 5,781'

Consider a request by Newton Engineering, PC for a zone change from PD, Planned Development District for a Recreation Center in part and MF-16, Multiple-Family Dwelling District in part, to LR, Local Retail District, out of Lot 1, Block 1, Bush Tennis Center, and Lot 4, Block 1, Cross Pointe Addition, Section 2, City and County of Midland, Texas.

Generally located on the north side of Briarwood Street, approximately 2,000-feet west of Holiday Hill. (Council District 4)

LEGEND

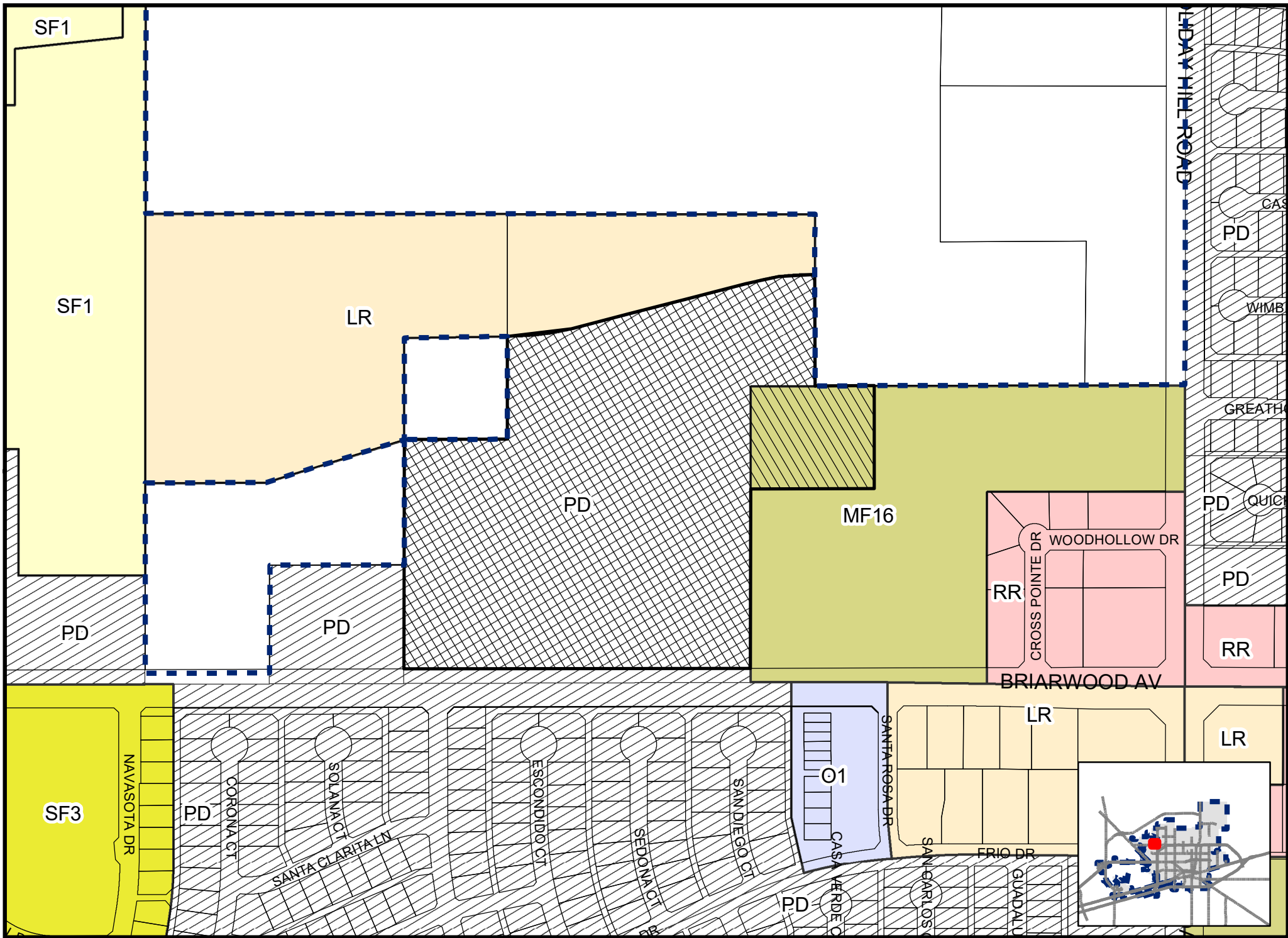
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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













ORDINANCE NO. 8848

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 27.04-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A RECREATION CENTER (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 1,300 FEET WEST OF HOLIDAY HILL ROAD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned FD, Future Development District, and it shall be used as a Planned District for a Recreation Center, subject to the special conditions and restrictions hereinafter set out, said property being

described as follows:

A 27.04-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, said tract being more specifically described by metes and bounds in Exhibit "B", which is attached hereto and incorporated herein for all purposes.

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

1. That this property shall be subject to the regulations of the 1F-1, One-Family Dwelling District, except as otherwise stated below.
2. That the development of the property shall conform to the site plan which is attached hereto and incorporated herein as Exhibit "A".
3. That this property may be developed with tennis courts and associated facilities.
4. That food vending and limited retail may be conducted only as incidental to the recreational use of this property and only within areas designated by the site plan.
5. That the structure labeled on the site plan as "Classroom/Fitness" shall be completed within one (1) year of the issuance of the building permit for its construction.
6. That the placement of the industrialized structures labeled on the site plan as "Locker Room Buildings" shall be removed within seventy-two (72) months of the issuance of a building permit for the construction of the building labeled on the site plan as "Classroom/Fitness".
7. That the development of the structure labeled on the site plan as "Future Dressing/Pro Shop/Offices" shall be subject to future site plan review in the same manner as a zone change.
8. That all business signs shall conform to the requirements of the City of Midland's Sign Code.
9. That this property shall be platted before a building permit is issued.
10. That full cut-off lighting fixtures shall be utilized.

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

SECTION FOUR. The provisions of this ordinance are to be cumulative of all other

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

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

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

SECTION SEVEN. The Interim 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 26th day of October, A.D., 2010; and passed to second reading on motion of Council member Trost, seconded by Council member Morales, by the following vote:

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

Council members voting "NAY": None

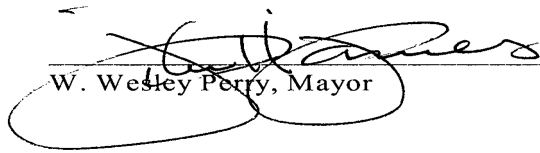
The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Morales, seconded by Council member Trost, on the 16th day of November, A.D., 2010, at a regular

meeting of the City Council:

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

Council members voting "NAY": None

PASSED AND APPROVED THIS 16th day of November, A.D., 2010.


W. Wesley Perry, Mayor **Mayor pro tem for**

ATTEST:


Amy M. Turner, Interim City Secretary

APPROVED AS TO FORM:


Keith Stretcher, City Attorney

32



City Council Agenda

Ordinance-Zoning-2010
Plan. 8848

Approved for Agenda:
CSharp
City Manager's Office

MEETING DATE: October 26, 2010

TO: CITY COUNCIL/CITY MANAGER

FROM: Cameron Walker, Planning Division Manager

SUBJECT: Z-10-018, LCA / Midland Tennis Center

Purpose:

Hold a public hearing at 10:36 a.m. and consider a request for a zone change from FD, Future Development District to PD, Planned District for a Recreation Center on a 27.04-Acre tract of land out of Section 24, Block 40, T-1-S, T & P RR CO. Survey, City and County of Midland, Texas.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

N/A

Discussion:

The Midland Tennis Center Inc. owns the property on the north side of Briarwood Avenue, just west of Holiday Hill Road. They are planning to construct an athletic facility which will serve as a hub for local and regional tennis events. This property has recently been annexed into the city limits and requires a zone change.

This facility falls under the classification of a "community-sponsored recreation center" and requires a 1F-1, One Family Dwelling District or less restrictive district. It will be a phased project and will feature practice courts, covered and uncovered full-size courts, classrooms, offices, fitness, limited retail (athletic equipment and apparel), storage, and food vending. Because of the diversity of the proposed use of this property and the phased nature of this project, staff is recommending the creation of a Planned District.

Because this project will be completed in phases, special consideration must be given as to how the sequential development of this property will affect the overall growth of the Briarwood Avenue Corridor.

Two key elements in this consideration include the structures labeled in Exhibit A as "Future Dressing/Pro Shop/Offices" and those labeled as "Locker Room Buildings." Presently, the Future Dressing/Pro Shop/Offices have not been **designed** and are planned as part of Phase 2. As this structure will be highly visible from Briarwood Avenue, staff recommends that future site plan approval be obtained for the **general** architecture prior to construction. Additionally, the applicant plans for the Locker Room Buildings to initially be Industrialized Structures. As the Midland Tennis Center reaches **their** long term goals, they plan to replace these buildings with permanent structures. **Planned** Districts typically include permanent buildings, but the Midland Tennis Center is **not** prepared at this time to design and construct these buildings. Therefore, staff recommends that these structures be permitted for a limited amount of time not exceeding six years.

As also illustrated in the attached site plan, ingress and egress **will** occur along Briarwood Avenue. This facility will exceed the City's Landscape Requirements and parking will be sufficient. The building materials used will include masonry and **masonry** wall veneer and on-site trash receptacles will be screened with building materials **consistent** with those used throughout the facility.

The Planning and Zoning Commission approved this request **unanimously** on October 4th, 2010.

Attachments: Application, Maps, Exhibit A - Site Plan

Planning and Zoning Commission Meeting
Minutes from October 4, 2010

Z-10-018 - Continue consideration of a *zone change* on a request by **Landgraf, Crutcher and Associates / Midland Tennis Center** from FD, Future Development District, to PD, Planned District for a Recreation Center on a 27.04-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the north side of Briarwood Avenue, approximately 1.300 feet west of Holiday Hill Road.)

Gary Vandergriff, principal of the Vandergriff Group Architects, presented the site plans on behalf of the Midland Tennis Center. Recognizing this location as a gateway into the City, he was careful to include design elements and landscaping to ensure an attractive, sustainable development. The group would seek a building permit upon completion of the site plan approval process. Brandon Melland, Planner, presented the staff report. City staff and the applicant worked extensively since this item first came before the Commission on September 7, 2010. A partnership with the Midland Independent School District tennis program has been developed. The staff recommends that the indicated temporary buildings be allowed for no longer than 72 months. The staff supports the amended site plans, subject to Conditions A-I in the Staff Recommendation.

A brief discussion occurred regarding the nature of exterior building materials and phasing of construction.

Vice-Chairman Ferguson called for a motion. Galen Gatten moved for approval, second by Kevin Wilton. The motion passed unanimously.

PLANNING AND ZONING COMMISSION

October 4, 2010

CASE: Z-10-018; LCA / Midland Tennis Center

REQUEST: Hold a public hearing and consider a request for a zone change from FD, Future Development District to PD, Planned District for a Recreation Center.

APPLICANT: LCA Engineering

OWNER: Midland Tennis Center, Inc

LEGAL DESCRIPTION: A 27.04-acre tract of land out of Section 24, Block 40, T-1-S, T & P RR Co. Survey, City and County of Midland, Texas.

LOCATION: Generally located on the north side of Briarwood Avenue, approximately 1,300 feet west of Holiday Hill Road.

CURRENT ZONING: FD, Future Development District

DETAILS OF REQUEST:

1. The Henry Foundation owns the property on the north side of Briarwood Avenue, just west of Holiday Hill Road. They are planning to construct an athletic facility which will serve as a hub for local and regional tennis events. This property has recently been annexed into the city limits and requires a zone change at this time.

SURROUNDING ZONING AND LAND USE:

2. The area to the east of Holiday Hill Road is developed primarily with residential uses. The land at the intersection of Holiday Hill Road and Briarwood Avenue is

zoned for retail but remains undeveloped. All land immediately surrounding this property is undeveloped and is zoned FD, Future Development District. There are two permitted, undrilled oil well sites located immediately adjacent to the northwest and northeast of this property. Staff has informed the owner and their representatives of the applicability of Ordinance #8769 (Oil & Gas Well Ordinance, 2009) with this development.

ANALYSIS:

3. This facility falls under the classification of a "community-sponsored recreation center" as listed in the Zoning Code which requires a 1F-1, One Family Dwelling District or less restrictive district. It is planned to be completed in two phases and is planned to consist of 14 practice courts, 45 uncovered full-size courts, 8 covered full-size courts, and 1 central court surrounded by spectator seating. Enclosed structures for classrooms, offices, fitness, limited retail (athletic equipment and apparel), storage, and food vending are also planned. In this case, because of the diversity of the proposed use of this property and surrounding areas, staff recommends the creation of a Planned District.
4. The Site Plan labeled Exhibit A is a Master Plan for the long-term development of this facility which is to be completed as funds are made available through public and private partnerships. At present, funds are available to complete Phase 1 indicated on the Site Plan. Therefore, special consideration must be given by the Planning Staff as to how the sequential development of this property will affect the overall growth of the Briarwood Lane Corridor. Staff has worked extensively with the applicant and their development team to create provisions for a Planned District which is not only compatible with their business plans but that will also compliment the future growth of this corridor.
5. Two key components to the creation of this Planned District include the consideration of the structure labeled in Exhibit A as "Future Dressing/Pro Shop/Offices" and those labeled as "Locker Room Buildings." At present, the Future Dressing/Pro Shop/Offices have not been designed and are planned as part of Phase 2. As this structure will be highly visible from Briarwood Lane, staff recommends that future site plan approval be obtained for the general architecture of this structure once that information is available. Additionally, the applicant plans for the Locker Room Buildings to initially be Industrialized Structures. As the Midland Tennis Center reaches their long term goals, they plan to replace these buildings with permanent structures. As Planned Districts typically adopt permanent buildings solutions for reasons already discussed, staff recommends that these structures be permitted for a limited amount of time.

6. As illustrated in the attached site plan, ingress and egress will occur along Briarwood Avenue. This facility will exceed the City's Landscape Requirements with a variety of landscaping that includes turf grass, trees, xeriscaping, and native vegetation. The building materials indicated in Exhibit A include masonry and masonry wall veneer and comply with the Site Plan Review Standards of the Zoning Code. Sufficient parking will be provided with approximately 350 standard parking spaces, 11 bus parking spaces, and 13 handicapped parking spaces. The facility will be fenced with a chain-link that is standard in tennis facilities. All on-site trash receptacles will be screened with building materials consistent with those used within the facility.

STAFF RECOMMENDATION:

We recommend approval of this request for a zone change from FD, Future Development to PD, Planned District for a Recreation Center, subject to the following conditions:

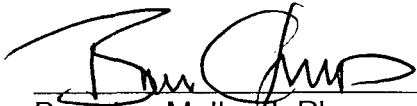
- A. That this property shall be subject to the regulations of the 1F-1, One Family Dwelling District, except as otherwise stated below.
- B. This property may be developed with tennis courts and associated facilities.
- C. That food vending and limited retail may be conducted only as incidental to the recreational use of this property and only within the areas designated by the site plan.
- D. That the development of the property shall conform to the site plan attached as Exhibit A.
- E. That the structure labeled in Exhibit A as "Classroom/Fitness" shall be completed within a year of the issuance of a building permit for its construction.
- F. That the placement of the Industrialized Structures labeled in Exhibit A as "Locker Room Buildings" shall be removed within 72 months of the issuance of a building permit for the construction of the building labeled in Exhibit A as "Classroom/Fitness".
- G. That the development of the structure labeled in Exhibit A as "Future Dressing/Pro Shop/Offices" shall be subject to future site plan review.

H. All business signs shall conform to the requirements of the Sign Code.

I. This property must be platted before a building permit is issued.



Cameron Walker, AICP
Planning Division Manager
Department of Development Services



Brandon Melland, Planner
Department of Development Services

Attachments:

Application
Maps
Site Plan

Case Number: Z-10-018

CITY OF MIDLAND
Planning Division

APPLICATION TO CHANGE ZONING CLASSIFICATION

LCA 432-332-5058
Applicant Name Contact #'s

521 N. Texas Odessa, Texas 79761
Address Zip Code

Midland Tennis Center INC
Property Owner Name Contact #'s

3525 Andrews Highway, Midland, Texas 79703
Address Zip Code

LCA 432-332-5058
Representative Name Contact #'s

521 N. Texas Odessa, Texas 79761
Address Zip Code

Street address and Legal Description of property (complete Lot, Block, and Subdivision Name description below, or, if not in a recorded plat, attach a Metes and Bounds Description. Describe by tracts if more than one zoning district is requested): Being 27.04 acre tract of land located in section 24, Block 40, T-1-S, T&P Railroad Company Survey Midland County, Texas

Reason for requesting a zone change: For use as a tennis facility

PRESENT ZONE: FD REQUESTED ZONE: PD - RC
(List by tracts if more than one zoning district is requested)

Present Use of Property: Pasture

Proposed Use of Property: Recreational

How will zone change affect the public health, safety and welfare? Will provide better use of property

Describe how conditions affecting the property have changed since it was designated its present zone: Residential Expansion, Annexation into the City

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

APPLICATION FEES:

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

SITE PLAN SUBMITTALS (if applicable):

16 copies of the PD site plan: _____ x _____
Site plan on CD in .pdf and .jpg format: _____ x _____

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

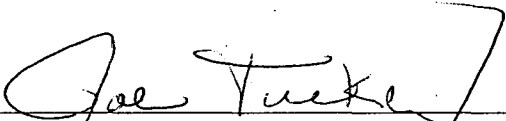
Property Owner (signature): _____ Date: _____

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

State of Texas §
County of Midland §

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

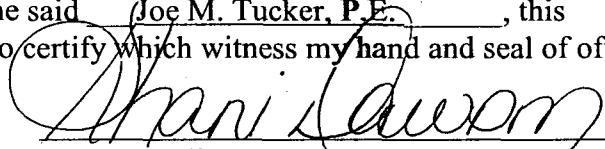
Joe M. Tucker, P.E. who, being by me duly sworn, upon oath says: That (S)he is authorized by Grassland Estates West Development Company, LLC, the owner of the above described property, to fully represent him/her in this application and that (S)he has the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.



Joe M. Tucker, P.E.

Subscribed and sworn to before me, by the said Joe M. Tucker, P.E., this
19 day of August, 2010, to certify which witness my hand and seal of office.

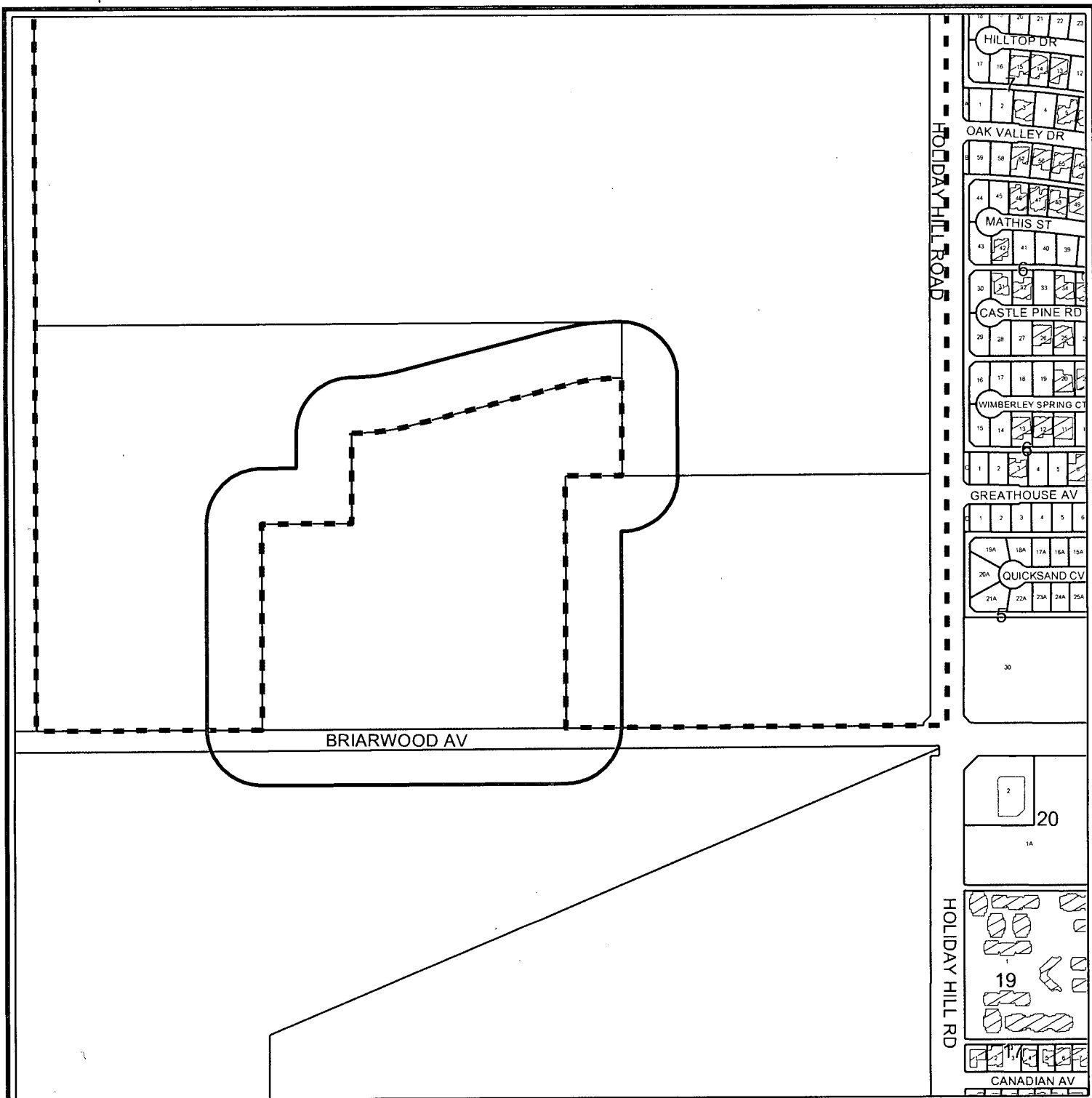
FOR OFFICE USE ONLY	
Rec'd By: <u>BGM</u>	Date: <u>08/21/10</u>
Assigned: <u>BGM</u>	
For: <u>P+Z</u>	On: <u>09/20/10</u>



Notary Public, Ector County, Texas



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



PROPERTY OWNER NOTIFICATION MAP

Z - 10 - 018

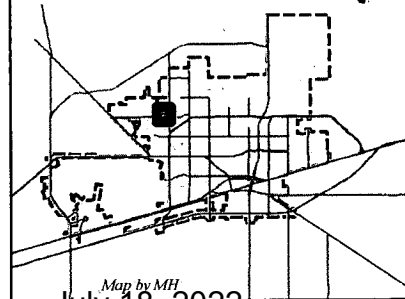
Scale: 1" = 500'

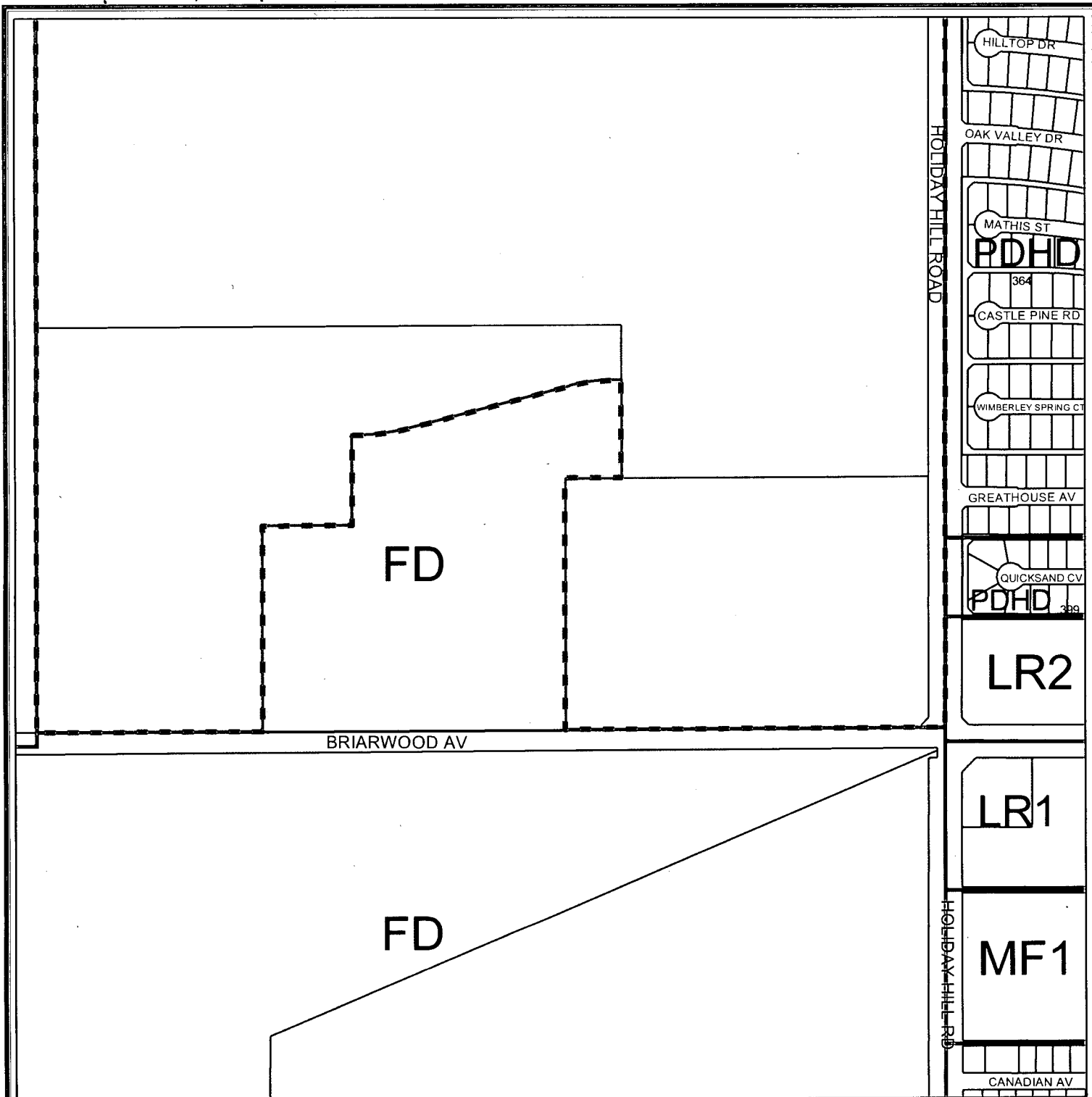
Consider a request for a zone change from FD, Future Development District, to PD, Planned District for a Recreation Center on a 27.04-acre tract of land out of Section 24, Block 40, T-1-S, T & P RR Co. Survey, Midland County, Texas.

LEGEND

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

City of Midland, Texas
Planning Division





ZONING MAP

Z - 10 - 018

Scale: 1" = 400'

Consider a request for a zone change from FD, Future Development District, to PD, Planned District for a Recreation Center on a 27.04-acre tract of land out of Section 24, Block 40, T-1-S, T & P RR Co. Survey, Midland County, Texas.

LEGEND

ZONING

CITY PARCELS

CITY LIMITS

COUNTY PARCELS

ZONING DISTRICTS:

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

BP
P
01, 02
NS
LR1, LR2, LR3
C1, C2, C3
IP, JP1, IP2, IP3
LI
HI

BUSINESS PARK
PARKING
OFFICE
NEIGHBORHOOD SERVICE
LOCAL RETAIL
COMMERCIAL
INDUSTRIAL PARK
LIGHT INDUSTRY
HEAVY INDUSTRY





Planning and Zoning Commission

Approved for
Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 18, 2022

TO: PLANNING AND ZONING COMMISSION

FROM: James Reber, Planner

SUBJECT: Motion approving with staff's recommended conditions a Preliminary Plat of Galindo Addition, Section 1 being a 7.532 -acres tract of land out of S.W/4 of Section 21, Block 39, T-2-S, T & P RR Co Survey, County of Midland, Texas. Generally located on the northeast corner of the intersection of County Road 1210 and County Road 140 - Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

_____ Approve X Deny _____ Directional/Informational

Details of Request:

The applicant, Aaron Burrell Land Surveyors, LLC, is seeking to plat a 7.532 –acres tract of land out of S.W/4 of Section 21, Block 39, T-2-S, T & P RR Co Survey, County of Midland, Texas. The applicant is seeking to plat the property for the purposes of acquiring a septic permit.

Current Zoning:

ETJ, Extraterritorial Jurisdiction.

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

Departmental Review:

BUILDING: (Approved)

No objections. All septic systems are permitted and regulated by the City of Midland Health Department.

ENGINEERING: (Denied)

* * * DENIED per Midland City Code Sect. 11-2-3(D)8. An approved drainage report is required. * * *

IMPACT FEES: Property is outside of designated service areas. [For applicant's information only.]

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

PAVING: CR 1210 is sub-standard, construct to City Standards for entire platted frontage or request a deferral. CR 140 is sub-standard, construct to City Standards for entire platted frontage or request a deferral. [Reference City Code Sect. 11-2-3(G)2]

WATER: None existing. Construct water to City standards along entire platted frontage, or request a deferral based on location in the South Midland Utility District. [Reference City Code Sect. 11-2-3(G)2]

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

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

SEWER: None existing. Construct wastewater to City standards along entire platted frontage or request a deferral. If platting for a septic permit, please see requirements: Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (A) Areas served by public water systems shall have lots of at least ½ acre. Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (B) Areas NOT served by public water systems shall have lots of at least 1 acre. [Reference City Code Sect. 11-2-3(G)2]

DRAINAGE: Drainage report is required during preliminary stage of the platting process. Provide a drainage report or show compliance with an existing drainage report if there is one that already encompasses this area. [Reference City Code Sect. 11-2-3(D)8]

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

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

DIMENSION: * * *

OTHER: * * *

FIRE: (Approved)

No comments

TRANSPORTATION: (Approved)

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

SURVEYOR: (Approved)

No comments.

CODE: (Approved)

Not in City limits- no oil or gas jurisdiction.

PLANNING: (Approved with Conditions)

Rename plat to Galindo Addition. [Informational]

There is currently a house and a business on the lot. If they are trying to obtain septic permits, they will need to divide the lot into two. With a minimum on one acre per lot. If so, internal lots should be solid and correct the lot numbers. [For the Applicant's information only.]

Each lot only receives one septic permit. If two septic permits are wanted then two lots are required. [Informational]

Midland County Appraisal District shows that it is a tract of land of 8.8 acres. Please provide verification of correct acres. [Informational]

Staff recommends denial of the Preliminary Plat of Galindo Addition, Section 1 provided however, that if it is approved, staff recommends that it should be subject to conditions A and B:

Conditions:

- A. Approval of this preliminary plat is conditioned upon the approval of the preliminary drainage plan by the City Engineer. [Midland City Code 11-2-3(D)8(a)]**
- B. Approval of this preliminary plat is subject to the final plat completion of the infrastructure, which needs to be installed and accepted by the City prior to final platting or have an approved deferral. [Midland City Code 11-2-3(G)]**

Attachments:

Application
Proposed Preliminary Plat
Maps



Preliminary Plat Application

Project Number: 34B-22-0494
Case Number: D-22-1301

Proposed Subdivision Plat Name: Galindo Addition Sect. 1

Legal Description (attached sealed Metes and Bounds): Being a 7.532 acre tract of land in the southwest quarter of Section 21, Block 39, T-2-S, T+P RR CO Survey, Midland County, Texas

Property Owner Printed Name: <u>Rogelio Galindo</u>		Phone <u>(432) 556-0285</u>	
Address <u>5309 S. County Rd 1210 Midland</u>		Email <u>rgalindo1977@gmail.com</u>	
City <u>Midland</u>	State <u>TX</u>	Zip <u>79706</u>	

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

Representative (if acting as Agent, see affidavit on page 2) Firm: <u>Acron Burrell Land Surveyors LLC</u>		Phone <u>(432) 848-4439</u>	
Printed Name: <u>Acron Burrell</u>		Email <u>acron@acronsurveyors.com</u>	
Address <u>415 W. Wall St #204</u>	City <u>Midland</u>	State <u>TX</u>	Zip <u>79701</u>

Current Zoning: _____

Reason for Platting: Septic Permit

Plat Information	Total Acreage: <u>7.532</u>
Type: ☒ Single-Family Residential ☐ Multi-Family Residential	
☐ Commercial ☒ Extraterritorial Jurisdiction (ETJ)	
Number of Lots: <u>1</u>	Number of Multi-family Dwelling Units: <u>0</u>

Submittal 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: 3-23-22

Property Owner (printed): Rogelio Galindo

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

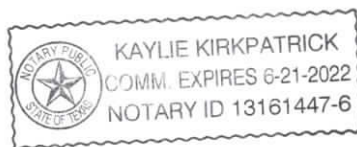
All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

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

A Burrell
Authorized Agent (signature)

Subscribed and sworn to before me, this 23 day of March, 2022, to certify which witness my hand and seal of office.



Kaylie Kirkpatrick
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization

☐ 1 Copy of Dimensioned Plat

☐ Plat in Digital Format (PDF/JPEG)

☐ Application Fee

☐ 1 Copy of Plat (11x17)

Check # _____

Received By: _____

Date: JUNE 22 2022

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

Preliminary Plat Application

2

Revised 07/01/19

GALINDO ADDITION, SECTION 1
Being a 7.547 Acre Tract of Land in the
Southwest Quarter of Section 21, Block 39, T-2-S,
T&P RR Co Survey, Midland County, Texas.

Remainder of
250 Ac. Tract
Document No.
2012-13742
MCOPIR

80' Right-of-Way
S COUNTY ROAD 1210 (MIDKIFF ROAD)
CL ROW - Section Line

Grant Record

N 75°30'30" E 288.52'

288.52'

N:10666086.19'
E:1750560.33'

Metes & Bounds Description for a 7.547 Acre Tract of Land in the Southwest Quarter of Section 21, Block 39, T-2-S, T&P RR Co Survey, Midland County, Texas.

Boundary more fully described as follows:

Beginning at (N:10666086.19', E:1750560.33') a 1/2" iron rod set in the existing north right of way line of W County Road 140 and the existing east right of way line of S County Road 1210 for the southwest corner of this tract, whence a RR Spike found at the southwest corner of said Section 21 bears South 14°25'43" East, a distance of 40.00 feet and South 75°31'52" West, a distance of 40.00 feet;

Thence North 14°25'43" West with the existing east right of way line of said S County Road 1210, a distance of 1139.07 feet to a 1/2" iron rod set at the southwest corner of the remainder of a 250 acre tract recorded in Document No. 2012-13742, Official Public Records, for the northwest corner of this tract;

Thence North 75°30'30" East with the south line of said remainder of 250 acre tract, a distance of 288.52 feet to a 1/2" iron rod found at the northeast corner of a 8.57 acre tract recorded in Document No. 2013-13742, Official Public Records, for the northeast corner of this tract;

Thence South 14°26'13" East with the west line of said 8.57 acre tract, a distance of 1139.19 feet to a 1/2" iron rod set in the existing north right of way line for the southeast corner of this tract;

Thence South 75°31'52" West with the existing north right of way line of said W County Road 140, a distance of 288.69 feet to a to the Point of Beginning.

Containing 7.547 acres of land.

Bearings, Distances, and Coordinates are based on the Texas Coordinate System, NAD 1983, Central Zone (CORS).

OWNERS' CERTIFICATE:

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS, I, ROGELIO GALINDO as the recorded owner of a 7.547 Acre Tract of land recorded in Document Number 2013-13744, Midland County Official Plat Records, County Of Midland, Texas, and more particularly shown hereon:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, I, ROGELIO GALINDO, do hereby adopt this plat designating the herein above described property as "GALINDO ADDITION, SECTION 1" an Addition to the City of Midland, Midland County, Texas, and do hereby dedicate to the public use forever the streets, alleys, and easements shown thereon.

WITNESS our hands at Midland, Texas,
this _____ day of _____, 2022.

ROGELIO GALINDO

ACKNOWLEDGMENT
THE STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared ROGELIO GALINDO, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he was the act as owner, and that he executed the same as the act for the purpose and consideration therein expressed and in the capacity therein stated.

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

9.74 Ac. Tract
Document No.
2013-13991
MCOPIR

UTILITY COMPANY'S CERTIFICATE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: ATMOS ENERGY PRINT NAME
SIGNED: ONCOR ELECTRIC DELIVERY PRINT NAME
SIGNED: AT&T TEXAS PRINT NAME
SIGNED: SUDDENLINK COMMUNICATIONS PRINT NAME
SIGNED: GRANDE COMMUNICATIONS PRINT NAME

SW/4
Section 21
Block 39
T-2-S
T&P RR Co Survey
Vol. 278 Pg. 122
MCOPIR

8.57 Ac. Tract
Document No.
2013-13742
MCOPIR

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.
3. A BLANKET EASEMENT OF INGRESS AND EGRESS WILL BE GRANTED FOR GALINDO ADDITION, SECTION 1 TO THE CITY OF MIDLAND FOR GARBAGE AND TRASH COLLECTION AND LOCATION AND MAINTENANCE OF TRASH STRUCTURES, SAID AND EXCEPT THOSE AREAS OCCUPIED BY A BUILDING OF STRUCTURE, SAID EASEMENT IS CONDITIONED SUCH THAT EXACT LOCATION OF SAID CONTAINERS AND THE EASEMENTS IN CONNECTION THEREWITH HAVE BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.
4. BEARING & COORDINATES SHOWN ON THIS SURVEY ARE RELATIVE TO THE TEXAS COORDINATE SYSTEM, NAD 1983, CENTRAL ZONE (CORS).
5. THIS PROPERTY IS IN ZONE X AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS GRAPHICALLY SCALED ONTO FEMA MAP NO. 48320C008P, DATED SEPTEMBER 16, 2005, PREPARED FOR MIDLAND COUNTY, TEXAS.
6. INITIAL IMPACT FEES WILL BE ASSESSED DURING THE FINAL PLATING 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.

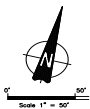
CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing plat of "GALINDO ADDITION, SECTION 1" was approved by proper action of the City Planning and Zoning Commission of the City of Midland, on this _____ day of _____, 2022.

SIGNED: _____
Chairman
LUCY SINIEGA

ATTEST: _____
Secretary
ELIZABETH SHAUGHNESSY

- LEGEND**
- 1/2" Iron Rod
 - 1/2" Iron Rod
 - Set 1/2" Iron Rod
 - u/cap marked "XSB 5689"
 - Power Pole
 - Sign
 - ⊕ Telephone Pole
 - ⊖ Electric Meter
 - Fence
 - Overhead Powerline



OWNER:
ROGELIO GALINDO
5309 S COUNTY ROAD 1210
MIDLAND, TEXAS 79706
(432)556-0285

Professional Land Surveying & Mapping

Aaron Burrell Land Surveyors, LLC

415 W. Wall St., Suite 400
Midland, Texas 79701

432-548-4439
aaronburrell.com

P.O. Box 84041
Midland, Texas 79708

TRPLS Form No. 509-02-07

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



AARON SCOTT BURRELL TX RPLS 5689



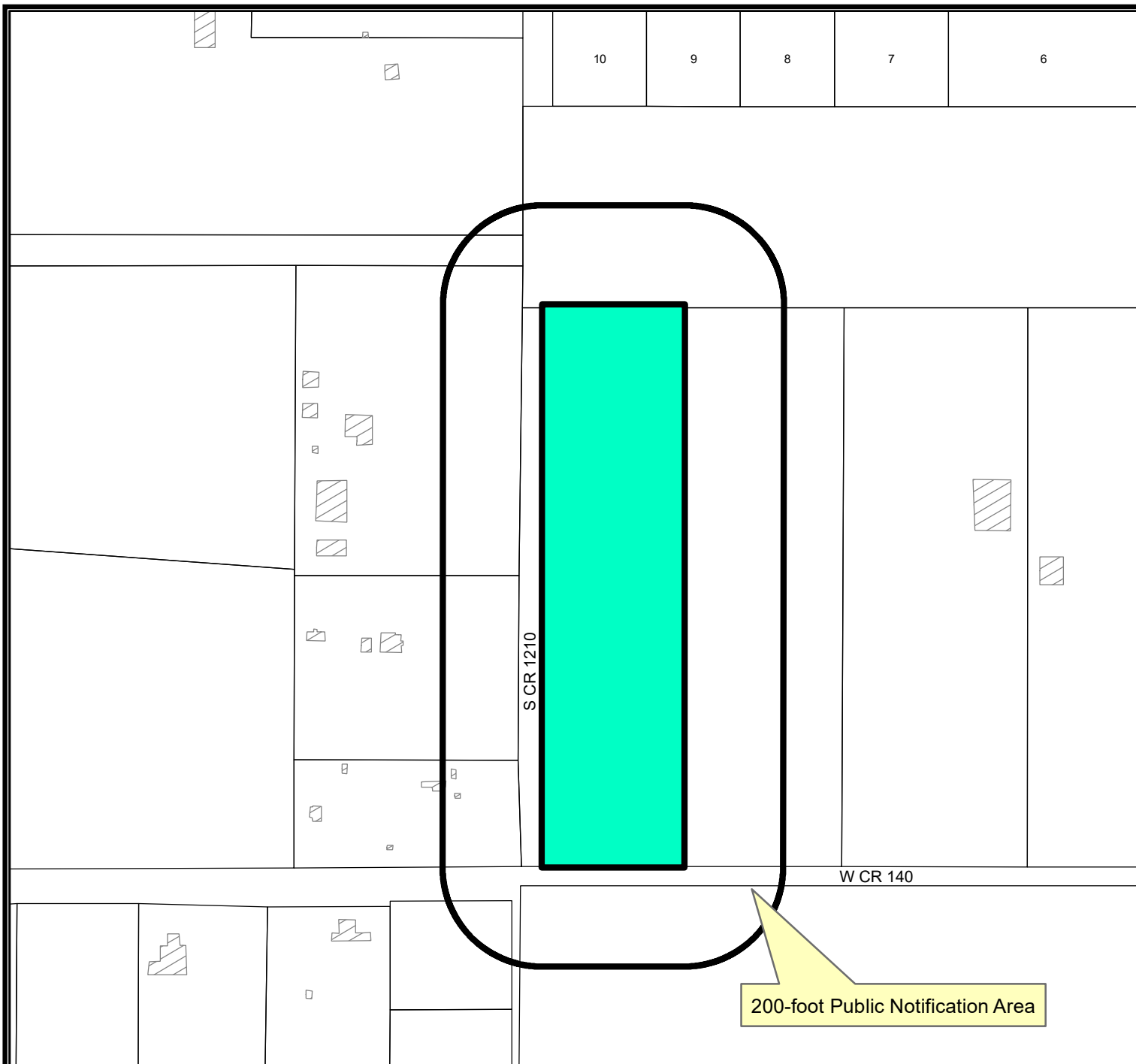
MIDLAND, TEXAS
VICINITY MAP

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

PACKET July 2022

Page 8.81

July 18, 2022 FINAL PLAT
GALINDO ADDITION, SECTION 1



LOCATION MAP

SUB-22-0494

Scale: 1" = 3500'

Proposed plat of Galindo Addition, Section 1 being a 7.532 -acres tract of land out of S.W./4 of Section 21, Block 39, T-2-S, T & P RR Co Survey, County of Midland, Texas.

Generally located on the northeast corner of the intersection of County Road 1210 and County Road 140. (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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

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